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(a) (4) revised	38250
(a) (26) added	40903
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200.80 (c) (1) and (2); (d) (2), (6) (ii), and (9) (ii) revised	40189
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240.17Ad-5 (e) added	62129
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404.1065 (b) and (c) removed	64889
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404.1082 Removed	64889
404.1083 Removed	64889
404.1084 Removed	64889
404.1085 Removed	64889
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416.705 Text revised and redesignated as (a); (b) added	39099
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5.47 Added	39100
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20.100 (c) (3) amended	19989
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73.1162 Added	52394
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73.1326 Added; eff. 8-15-77	36451
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73.1327 Added; eff. 8-15-77	36451
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73.1647 Added	33723
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73.1991 Added	37537
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73.2030 Added	36994
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73.2647 Added	33724
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101.17 (c) added	22033
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102.23 Added	36455
105 Effective date corrected to 7-1-79	*35152
105.85 (h) (2) (vii) revised	20296
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135.3 Effective date confirmed	35155	173.150 Heading corrected	56728
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135.10 Restored in part	35155	(a) (3) table revised	32229
Technical correction	37973	173.340 (a) (3) amended	†2872
135.20 (a), (c), and (e) (7) restored in part	35155	175.105 (c) table corrected	56728
Technical correction	37973	(c) (5) amended	59495
135.35 (a), (c), and (e) restored in part	35155	(c) (5) amended	†2873
Technical correction	37973	175.300 (b) (3) (xii) and (xiii) revised	18810
135.40 (a) through (d) restored; effective date confirmed	35155	(b) (3) (vii) (c) and (viii) (c) amended	21771
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135.140 (a) (1) and (2) stayed in part	35155	(b) (2) table amended	65150
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153 Revised	21290	Technical correction	61254
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444.540a Removed	58740	500.46 Added	33725
444.570 Removed	21276	(d) corrected	37975
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444.570c Removed	21276	Technical correction	31449
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446.581c Added	59066	502.19 Correctly cited	24254
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448.10a Revised	27229	509 Revised	52821
448.13 Revised	27229	510.413 Added	44226
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448.110a Removed	27230	510.515 (b) (29) added; (b) (39) removed; (c) table amended	18614
448.110b Removed	27230	510.600 (c) (1) and (2) amended	18060,
448.310a Removed	27230	18061, 19861, 21771, 25854, 29858, 31450, 36995, 40904, 41854, 54534, 56111, 63388, 63773	
448.310b Revised	27230	514.111 (a) (10) comment time extended	24254
448.310c Revised	27230	514.200 (b) and (c) redesignated as (c) and (d); new (b) added	†1941
448.313 Redesignated as 448.313b and revised; new 448.313 heading added	27231	520.100c Added	41855
448.313a Added	27231	520.182 (c) (1), (2), (3), and (4) amended; footnote added	65151
448.313b Redesignated from 448.313 and revised	27231	520.580 (c) (1) revised	33726
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448.510b Removed	27232	520.784 (c) (1) through (4) amended; footnote added	80140
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448.510f Removed	27234	(f) (2) (i) corrected	†1941
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448.513d Added	27236	520.1560b Added	19861
448.513e Added	27237	520.1720a (g) (2) revised; (h) removed	41855
448.513f Added	27237	Revised	44227
448.610 Removed	27238	520.1840 (c) (2) revised; (c) (3) added	41854
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450.24 (b) (4) (ii) amended	43063		
452.10 (b) (4) revised	38564		
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520.2150 (b) amended	36995	540.209 Added	†8
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522.784 (c) (1) through (4) amended; footnote added	60140	540.274f Removed	23150
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522.1044 Revised	†1942	540.281a Removed	23150
522.1066 Added	28535	540.380a (a) (1) amended	19861
522.1081 Revised	58167	540.815 Added	64343
522.1183 Revised	53955	540.881 Removed	23150
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522.1372 (b) amended	36995	544.170b (a) (1) and (4) (i) amended; (b) (2) and (3) revised	21277
Technical correction	40904	544.173a (a) (1) and (4) (iii) (a) (1), and (b) (1) (i) amended; (a) (4) (ii) (a) and (b), (iii) (b), and (b) (2) and (3) revised	21277
522.1662a (b) (3) (ii) (c) added	32229	544.173b (a) (1) amended; (a) (4) (ii) (b) and (iii) (b), and (b) revised	21277
(g) added	37544	544.173c (a) (1) and (b) (1) amended; (a) (2) introductory text and (3), and (b) (2), (3) and (4) revised	21278
522.1680 (b) amended	37544	544.173d (a) (1) amended; (a) (4) (ii) (a) and (b), and (b) (2) revised	21278
522.1698 Added	31450	544.173e (a) (1), and (4) (ii) (a) and (b), and (iii) (b), and (b) (1) (i) and (2) revised	21278
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522.2063 (c) (1) through (4) amended; footnote added	61258	544.274 (a) (4) (ii) (a) amended	21279
522.2150 (b) amended	36995	544.370a Revised	21279
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524.1301 (b) amended	36995	544.973b (b) (2) revised	21281
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526.1590 Added	38565	546.180h Added	54801
539.15 (Subpart A) Added	64342	(a) (3) (i) amended	61256
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540.103a (a) (1) and (b) (1) (ii) amended	49454		
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548.111 (a), (b) (1), (2), and (3) (ii) revised	27239	(e) (1) (iii) table corrected	36995
548.112a (a) (1) amended; (b) (1) introductory text and (b) (2) and (3) revised	27240	(e) (1) (iii) table amended	38587
548.112b (a) (3) (i) introductory text, (b) (2) and (3) revised	27240	(e) (1) table corrected	41856
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548.112c (b) (2) revised	27240	558.76 (c) revised; (e) (1) table amended; (e) (3) revised	18617
548.112d (a) (1) amended; (a) (4) (ii) (b) and (b) revised	27240	(e) (3) (iii) corrected	36995
Revised	38565	558.78 (e) (1) (i) and (ii) tables and (a) (1) amended	18061
(b) (1) (ii) and (c) (3) (i) (b) corrected	47192	(c) revised; (e) (3) (iii) and (iv) redesignated as (e) (3) (v) and (vii); new (e) (3) (iii), (iv) and (vi) added	18617
548.113 Heading, (a) (1) and (3) (ii) (a) and (b), (b) and (c) revised	27240	558.95 (e) (1) (viii) and (ix) added	20817
548.114 Heading, (a), (b), and (c) (1) and (3) revised	27240	558.120 (c) added	18617
548.212 Revised	27241	558.126 (e) introductory text revised	18617
548.310a Revised	27241	558.128 (e) (2) and (3) redesignated as (e) (3) and (4); (c) and new (e) (2) added; new (e) (3) amended	18617
548.310b Revised	27242	(e) (3) table 2 corrected	36995
548.313a Revised	27242	558.262 (c) added	18618
548.313b Heading revised; (a) introductory text, (a) (2) (i) and (b) amended	27243	558.274 (c) and (e) (2) added	18618
548.314a Heading and (a) revised	27243	558.311 (e) revised	37545
548.314b Heading, (a), (b), and (c) (1) revised	27243	(e) introductory text revised; table amended	61257
555.110a (c) (1) (ii) revised	29859	558.325 (f) (3) (x) added; (f) (1) revised	37545
(c) (1) (ii) corrected	35155	558.342 (e) introductory text revised	18618
555.110c (c) (2) revised	64622	Revised	28535
556.70 Revised	18614	558.355 (b) (7) revised	19144
556.347 Revised	61257	558.366 Added	56729
556.445 Added	56729	Footnote 1 corrected	†1942
556.450 Removed	18619	558.368 Removed	18619
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558.15 (g) (1) table amended	18060, 18061	558.430 (c) added	18618
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558.55 (c) revised; (e) (2) table amended	18615	(f) (2) (vii) removed	36995
(e) (2) (ii) table corrected	36995	558.465 (d) revised	21281
(e) (1) introductory text, (i) (b), and (ii) (b) revised	†4006	558.485 (d) (2) introductory text revised; (d) (5) added	56326
558.58 (c) added; (e) (1) introductory text revised and table amended	18616	558.530 (e) (4) (xvi) and (xvii) added	18618
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(b) (51) added	25855	620.35 (e) (3) revised	27582
(b) (11) revised	54802	630 Technical correction	29859
(b) (52) added	56111	630.66 (e) (3) revised	27582
558.630 (b) (3) revised	49454	630.75 (d) (2) revised	27582
558.680 (c) added; (e) (1) table amended	18618	(d) (1) (iv) revised; (d) (1) (v) added	56112
(e) (2) added	20817	630.86 (e) (3) revised	27582
(e) (1) (ii) corrected	36995	640.2 (e) (3) revised	59878
561.55 Added	18620	(f) (3) revised; eff. 5-15-78	†2147
Amended	†2629	640.4 (i) revised	59878
561.231 (a) amended	35156	640.7 (a) through (f) redesignated as (b) through (g); introductory text and new (f) revised; new (a) added; eff. 5-15-78	†2147
561.232 Added	45305	640.11 (a) revised	59878
561.233 (a) amended	29857	640.18 (a) revised; eff. 5-15-78	†2147
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561.253 (b) (1) and (2) removed; (a) (1) and (2) redesignated as (a) and (b); (c) redesignated as (e) and revised; (c) and (d) added	58739	640.25 (a) revised	59878
(a) (1) amended	†2630	640.26 (b) through (n) as (c) through (o); new (b) added; eff. 5-15-78	†2148
(a) (2) amended	†3359	640.30—640.35 (Subpart D) Added	59878
561.265 Added	53955	640.35 (b) through (r) redesignated as (c) through (s); new (b) added; eff. 5-15-78	†2148
561.282 Revised	22363	640.50 Revised	21774
561.371 Revised	23149	Technical correction	31450
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570.12 Added	44228	640.52 Revised	21774
570.30 Revised	55206	Technical correction	31450
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570.35 (c) (6) added	55207	Technical correction	31450
(c) (6) effective date corrected	62130	640.53 (c) revised	37546
570.38 (d) added	55207	(c) corrected	43063
(d) effective date corrected	62130	640.57 (b) through (o) redesignated as (c) through (p); new (b) added; eff. 5-15-78	†2148
571.115 Comment time extended	24254	640.80—640.86 (Subpart H) Added	27582
573.140 (b) revised	52397	Technical correction	29859
600.15 (a) amended	59877	640.82 (d) effective date extended to 2-28-78	44228
601.2 (a) amended	19993	640.90—640.96 (Subpart I) Added	27583
601.4 (b) corrected	19142	Technical correction	29859
601.5 (b) corrected	19143	640.92 (d) effective date extended to 2-28-78	44228
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221.63 Revised	28539
252.12 Revised	40904
256.11—256.21 (Subpart B)	
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261.4 (b) (3) and (d) (3) revised	43977

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1.21-1 (n) amended	64694
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1.62-1 (c) (16) added	54947
1.78-1 (a), (e) (1) and (f)	
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(f) corrected	32536
1.103-8 (a) (1) (i) amended	54285
1.165 Removed	63411
1.165-1 (e) revised	63411
1.165-7 (a) (1) amended	63411
1.165-11 (b) (2) and (3), (c),	
and (d) revised	63411
1.167(a)-12 (e) (2) and (3) re-	
vised	58934
1.367-1 Removed	65155
1.401 Removed	42320
1.401-0 Added	42320
1.401(a) Removed	42320

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1.401(b) Removed	42320	1.902-1 Revised	20125
1.404(a) Removed	42321	(a) (2) amended	30497
1.404(a)-8 Revised	42321	1.902-2 Removed	20129
1.404(b) Removed	42321	Redesignated from 1.902-4; (a), (b) and (c) amended; new (d) added	20130
1.404(c) Removed	42321	1.902-3 Removed	20129
1.404(d) Removed	42321	1.902-4 Redesignated as 1.902-2; (a) (b) and (c) amended; new (d) added	20130
1.404(e) Removed	42321	1.902-5 Removed	20130
1.406-1 Added	42321	1.904-1 (a) (1) and (b) (1) revised	30497
1.407-1 Added	42323	(a) (1) corrected	32538
1.410(a)-1—(a)-6 Added	47193	1.904-2 (a) revised	30497
1.410(a)-5 (c) correctly designated as (d)	57123	1.904-3 (e) revised	30497
1.410 (a)-6 Heading corrected	†2721	1.904-4 Heading, (a) (1), (d) (1), and (e) (2) (i) (b) revised; (a) (3), (4), and (5) redesignated as (a) (4), (5), and (6); new (a) (3) added; (e) (1) (iv) and (e) (2) (iii) amended	30497
1.410(b)-1 Added	47197	(d) (1) (i) (b), (ii) (b) and (iii) (b) corrected	32536
1.410(d)-1 Added	47198	1.904-5 Added	30499
1.411(a)-1 Added	42324	(b) (1) (i) (B), (ii) (A), (iii) (B), (iii) (C), (b) (1) (v) and (2) (ii) and (c) corrected	32536
1.411(a)-2 Added	42325	1.954-2 (d) (2) (ii) and (iii) and (e) (2) revised	34875
1.411(a)-3 Added	42325	1.960-1 (b) (4) and (h) amended	20130
1.411(a)-4 Added	42326	1.960-3 (a) amended	20130
1.411(a)-5 Added	42327	1.993 Removed	55454
1.411(a)-6 Added	42328	1.993-1—1.993-7 Technical correction	61595
1.411(a)-7 Added	42329	1.993-1 Added	55454
1.411(a)-8 Added	42333	(h) and (j) (2) corrected	60910
1.411(a)-9 Added	42333	1.993-2 Added	55459
1.411(b)-1 Added	42334	Correctly designated; (a) (5) corrected	60910
1.411(c)-1 Added	42338	1.993-3 Added	55461
1.411(d)-1 Added	42339	(g) incorrectly amended	55469
1.411(d)-2 Added	42339	(a) amended; (f) (1) revised; (g) redesignated as (i); new (g) and (h) added	57309
1.411(d)-3 Added	42340	(a) (7) correctly designated	60910
1.413-1 Added	42340	1.993-4 Added	55464
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1.535-3 (c) amended	64694		
1.585-1 Added; eff. 7-11-69	†3109		
1.585-2 Added; eff. 7-11-69	†3109		
1.585-3 Added; eff. 7-11-68	†3113		
1.585-4 Added; eff. 7-11-69	†3114		
1.612-3 (b) (3) revised	63841		
1.613-2 (c) (2) amended	24263		
1.613A-1—1.613A-7 Added	24264		
1.801-8 (g) amended	42341		
1.804-2 (d) (1) (iv) revised	64694		
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1.805-7 (b) (3) and (4) revised; (b) (5) added	42341		
(b) (4) revised; (c) and (d) removed	†1065		

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1.1561-2 Redesignated as 1.1561-2A and revised; new 1.1561-2 added	64695	7.367(c)-1 Added	65163
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1.1562-0 Added	64702	7.1023(h)-1 Added	39104
1.6012 (a) (6) added; historical note revised	57312	7.6041-1 (a) and (b) revised	33286
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1.6012-6 Added	57312	11.402(e) (4) (A) -1 Added	27882
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1.6031-1 (e) (1) (ii) amended	33726	11.412(c) (1)-1(b) Corrected	41856
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1.6107-1 Added	59967	20.6091-1 (a) (2) revised	33726
1.6109 Removed	59967	25.6001-1 (b) amended	58935
1.6109-2 Added	59967	25.6091-1 (b) amended	33726
1.6694-1 Added	59968	31.3121(k)-1 (c) (4) amended	17874
1.6694-2 Added	59969	31.3401(a)-1 (b) (8) (ii) (a) and (b) revised; (b) (8) (ii) (c) and (d) redesignated as (b) (8) (ii) (d) and (e); new (b) (8) (ii) (c) added	33728
1.6695-1 Added	59969	31.3401(a) (13)-1 (b) amended	33729
7.0 (a) amended; eff. 6-14-76—6-15-81	18276	31.3401(a) (14)-1 Revised	33730
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48.6091-1 (e) (1) and (2) revised	33727	301.6110 Redesignated as 301.6111	63412
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53.4943-3 (a), (b) (1), (2), (3), and (4) (i), (c) (2), (3), and (4) revised; (d) amended	34501	301.7701-2 Heading amended; (a) (5) and (h) removed	55612
53.4943-4 Revised	34503	301.7701-15 Redesignated as 301.7701-16 and revised; new 301.7701-15 added	59971
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		601.105 (b) (5) (vi) (f) amended	34280
		601.106 (d) (2) (i) and (g) (1) revised; (d) (1), (d) (2) (ii), (f) (5), and (f) (8) amended	46519
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		601.108 Heading revised; (a) amended	46519
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4.182 Revised	†1493	
5.7 (b) revised	54803	
5.14 (d) (3) revised	62132	
(d) (3), effective date corrected	†2394	
40.41 Revised	43626	

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94 Revised	55726	
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94.2 Revised	52791	
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94.4 (s), (v), (kk), (fff), (ggg), and (hhh), revised; (vvv), (www), (xxx), and (yyy) added	52792	
(uuu) added	52805	
95 Revised	55734	
95.3 (a)(4) revised	52793	
95.13 (b)(3) and (d)(4) (vi) and (vii), and (d)(5) and (6) added; (c)(3), (d)(2) (ii) and (iii), and (d)(4) introductory text, (d)(4) (i) and (v) revised	52794	
95.14 (a), (b), (1), (2), and (3) (ii) (E), and (c) revised; (b)(3) (ii) (G), (iii) (M) and (N) and (b)(3) (v) and (vi) added	52794	
95.16 Revised	52796	
95.18 Heading, (a), (d), and (e) revised	52796	
95.21 Revised	52796	
95.31 (c) revised	52797	
95.32 (d) and (e)(1) revised	52797	
95.33 (d)(2) (ii) and (iv) and (5) (i) (B), (ii) (C) and (D) revised; (d)(4) (viii) (D) and (f)(ii) (E) added	52798	
95.34 (c)(2), (f) and (g)(1) (i) revised; (i)(6) and (7) and (j)(6) added	52798	
95.35 (d) revised	52798	
95.38 (a)(1) revised	52798	
95.52 (a)(2) and (b)(3) added; (b)(1) and (2) revised	52798	
95.53 Heading, (b)(2) and (d) revised	52799	
95.54 Revised	52799	
96 Revised	55752	
96.14 Revised	52800	
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96.23 (b)(5) revised	52801	
96.27 (b) and (g) revised	52801	
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96.33 (c) revised	52801	
96.34 (a)(1) revised	52802	

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96.43 Revised	52802
97.500—97.525 (Subpart F) Added	62316
97.601—97.631 (Subpart G) Added	46730
97.701—97.721 (Subpart H) Added	46734
97.900—97.922 (Subpart J) Added	†2151
97.1000—97.1024 (Subpart K) Added	†2153
97b Added	61822
98 Revised	55760
98.6 (e)(1) and (2) revised	52802
98.12 (b), (c), (e)(2), (f)(2) and (5) introductory text, (i), (ii), and (iii), and (g)(6) revised	52803
98.14 Revised	52803
98.17 Revised	52804
98.22 (a) and (b)(3) revised	52804
98.24 (a) revised	52804
98.41 (a) revised	52804
99 Table of contents revised	33730
Revised	55774
99.42 (a)(1) (i) through (iv) revised; (a)(5) amended	52805
99.44 Revised	52805
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100.735—6 Added	59264
102.67 (b), (d), (g) and (i) revised	41117
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403.4 (b)(4) amended	59070
405.1 (a)(2) removed; (a)(1) redesignated as (a)	59070
405.3 Amended	59070
405.5 Revised	59070
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406.1 (b)(2) removed; (b)(1) redesignated as (b)	59070
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451.4 (f) revised	59071
451.6 (b) footnote 16 amended	59071
452.9 Amended	59071
452.38 (a-1) added; (b) revised	39105, 41280
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519.2 (f) revised	58745
519.4 (a) revised	58745
519.5 (b) revised	58745
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520 Special authority	64344
602.2 (a)(1), (2), and (3) and (b)(1) and (c)(1) revised; (a)(5) redesignated as (a)(4) and revised	57687
603.2 (a)(1) and (2), (b)(1), and (c)(1) revised	57688
615.2 (a)(1) through (4), (b)(1), (c)(1) and (2) revised; (a)(3) redesignated as (a)(4) and revised; new (a)(3) added	57689
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1904 Nomenclature changes	65165
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1904.3 Revised	65165
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1904.5 Revised	65165
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1904.20 (a) revised	65166
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1904 Appendix A removed	65166
1908 Revised	41389

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1910.401—1910.441 (Subpart T) Added	37668
1910.1000 Table Z-1 amended	†2600
1910.1044 Added	45544
(e)(1), (g) table, (k)(2) and Appendix B corrected	46540
1910.1045 Added	†2600
1911.12 (a) revised	65166
1911.18 (d) added	65166
1915.59 Added	37673
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1917.59 Added	37673
1918.99 Added	37673
1928.605 (e) revised	37674
1928.21 (b) amended	37674
(b) revised	38569
1951.24 (b)(1) revised	33731
1952.4 (a) revised	38568
1952.109 (f) and (g) added	34281
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1952.174 (o) added	37549
Heading revised; (p) added	41858
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1952.242 Revised	37548
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(h) added	45907
1952.254 (f), (g), and (h) revised	40195
1952.264 (d) added	57123
1952.294 Existing text designated as (a); (b) through (f) added	64627
1952.302 Revised	63422
1952.344 (d) added	45907
1952.380—1952.383 (Subpart FF) Added	43629
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1960.51—1960.56 Added	59499
1977.21 Revised	47345
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2520.102-2 Revised	37180
2520.102-3 Revised	37180
2520.102-4 Revised	37182
2520.103-1—2520.103-10 (Subpart C) Heading corrected	43630
2520.103-9 Heading corrected	43630
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2520.104-27 Revised	37184

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2520.104a-5 Revised	37186
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2520.104a-7 Redesignated from 2520.104a-5	60898
2520.104b-1 Revised	37186
2520.104b-2 Revised	37187
2520.104b-3 Revised	37188
2520.104b-4 Revised	37188
2550.404b-1 Added	54124
2550.407a-1—2550.407a-4 Added	47201
2550.407a-1 (b) introductory text and (b) (2) corrected	59842
2550.407d-5 Added	44388
2550.407d-6 Added	44388
2550.408b-3 Added	44385
(h) (2), (j), and (o) (2) corrected	45907
2550.408b-4 (a) corrected	36823
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TITLE 30—MINERAL RESOURCES

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11.3 (kk) added	65167
11.90 (b) footnote 4 revised	65167
11.110 (a) introductory text and (1) amended	65167
11.150 Table and footnote 7 revised	65167
11.160 (a) amended; (a-1) added	65167
11.162-1 (b) table revised	65167
11.203 (a) and (b) (3), (4), and (5) revised; (b) (6) and (7) added	65168
50 (Subchapter M) and part added	65535
50.1 Corrected	†1817
50.2 (d) corrected	†1817
50.12 Corrected	†1817
50.20-1 Heading corrected	†1817
50.20-6 (b) (2) and (7) corrected	†1817
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58 Removed	65540
75.1710-1 (a) (5) (ii) and (6) effective dates suspended	34876
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250.30 Revised	53958
250.34—250.34-4 Revised	†3883
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Chapter VI—Bureau of Mines, Department of the Interior

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Chapter VII—Office of Surface Mining Reclamation and Enforcement, Department of the Interior

700 Added	62675
700.5 Corrected	†2721
705 Added	56063
706 Added	56066
710 Added	62677
710.11 (c) (1) corrected	†2721
710.12 Corrected	†2721
715 Added	62680
715.13 (c) (10) and (d) (7) corrected	†2721
715.14 (i) corrected	†2721
715.15 (b) (8) corrected	†2721
715.17 (a) correctly designated; (a) introductory text and (e) (6) (iii) corrected; (j) (5) correctly removed	†2721
(e) (6) (iii) corrected	†3705
715.19 (e) (ii) corrected	†2722
716 Added	62691
716.7 (e) (5) and (g) (2) corrected	†2722
717 Added	62695
718 Added	62700
720 Added	62700
721 Added	62700

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722 Added	62701
722.11 Heading corrected	†2722
722.12 Heading corrected	†2722
723 Added	62702
725 Added	62704
740 Added	62706
740.11 (c) (1) (ii) corrected	†2722
740.16 (b) corrected	†2722
795 Added	62710
830 Added	62712
830.11 (a) (1) (i) corrected	†2722
837 Added	62714

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TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

2 Appendix A revised	35956
4.1 Amended	60741
8.21 (a) corrected; (b) (1) revised	36455



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8.52 (g) corrected	36455	36455
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10.2 (a) amended	38352	38352
10.4 (c) revised; (d) removed; (e) redesignated as (d)	38352	38352
10.5 (a) revised	38352	38352
10.6 (b) (2), (c), and (d) (1) removed; (b) (1) and (d) (2) redesignated as (b) and (c)	38352	38352
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10.10 Removed	38352	38352
10.21 Revised	38352	38352
10.22 (b) revised	38352	38352
10.26 Revised	38352	38352
10.30 Amended	38353	38353
10.31 Redesignated as 10.32; new 10.31 added	38353	38353
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10.65 (a) revised	38354	38354
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51.10—51.19 (Subpart B) Revised	47990	47990
51.20—51.31 (Subpart C) Revised	47990	47990
51.40—51.45 (Subpart D) Revised	48000	48000
51.100—51.108 (Subpart F) Revised	41860	41860
51.200—51.225 (Subpart G) Added	48002	48002
52 Revised	48547	48547
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128.10 Revised	63096	63096
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# Chapter II—Fiscal Service, Department of the Treasury

205 Revised	62927
214.2 Amended	54804
214.6 (b) introductory text, (1) and (3) revised; (b) (4) added	54804
215 Revised	33732
341.10 (b) correctly designated	57123
344 Revised	64846
346.1 (c) amended	37520
346.5 Revised	37520
346.8 (d) (2) footnote 1 redesignated as footnote 3; (b) (2) and (d) (2) footnote 3 amended	37520
346.9 (a) amended	37520
346.10 (a) and (b) amended	37520
346.12 Amended	37520
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# Chapter V—Office of Foreign Assets Control, Department of the Treasury

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# TITLE 32—NATIONAL DEFENSE

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1—39 (Subchapter A) 1976 ASPR adopted in CFR	39213
114 Added	54547
143 Revised	55209
166.11 Revised; eff. 9—30—77	†1617
191 Technical correction	42857

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209 Added; eff. 12—10—76	†4009
230 Revised	†1066
231 Revised	59973
242a.2 (e) introductory text revised	63775
242b Added	63775
276 Revised	59072
286b.11 Revised	39214
289 Revised	47555
Technical correction	48885
290 Revised	40434
290a.9 Added	35157
292a.22 Revised	†3275
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354 Added	33734
355 Added	36996
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# Chapter V—Department of the Army

505.9 Amended	†1338
581.2 (e) (7) amended; (h) (1) (ii) and (iii), and (h) (11) revised; (h) (12) added	35647
(h) (1) (ii) revised	55810
621.1 Revised	43799
621.2 Added	43800
621.3 Added	43801
621.4 Added	43803
650 Revised	65026
656 Added	56326
656.8 Heading, (b), (c) (5) and (d) (8) corrected	†1792
657 Added	55613

# Chapter VI—Department of the Navy

701.123 (m) added	35647
708 Revised	36434
Authority citation revised	48876
708.1 (d) and (f) amended	48876
706.2 Heading revised; tables amended	48876
Table amended	54948
706.3 Table amended	48876
707 Revised	61596
707.1 (c) revised	36251
721 Revised	43071
723.3 (e) (7) amended; eff. 11—28—77	†2170
723.11 (e) (1) amended; (e) (2) revised; eff. 11—28—77	†2170
724.321 Revised	59074
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763 Added	†3706

# Chapter VII—Department of the Air Force

806b.58 (m) revised	41409
816 Redesignated as aPrt 983	†1070
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861 Redesignated as Part 984	†1070
865.7 (d) added	†1619
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865.101 Amended	36450
865.103 (b) amended	36450
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865.109 (e) introductory text revised; (e) (3) redesignated as (e) (4) and revised; new (e) (3) added	36450
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983—984 (Subchapter S) Added	†1070
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784 Redesignated from Part 861	†1070

# Chapter XII—Defense Logistics Agency

1286 Revised	45908
1287 Added	37204
1288 Added	36997

# Chapter XIV—Renegotiation Board

1453.5 (b) (3) (ii) revised; (b) (2) and (3) note removed	†4014
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# Chapter XVIII—Defense Civil Preparedness Agency

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631 Sec. 15 amended	52400
633 Sec. 11 amended	52400
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TITLE 33—NAVIGATION AND NAVIGABLE WATERS

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(c) (25) introductory text and (i) through (iv), (20) (vi) through (xiii), (28) (v) through (viii), (29) introductory text and (i) and (ii) (B), (30) (iv), (v), (vi) (A) and (vii), (31) (i) (C), (D), and (E), and (v) (A) added	42224
(c) (35) (vi) revised	47556
(c) (35) (v) (A) added	53962
(c) (35) (i) (A) added	53963
(c) (35) (x) (A) and (37) (ii) (A) added	56113
(c) (25) (vii), (26) (xiv) (A), and (35) (xi) (A) added	56606
(C) (21) (ix) (B), (24) (v) (B) through (vii) (B), (x) (B), (26) (iv) (B), (viii) (B), (xiii) (B), (xvi) (A), (31) (xvi) (A) and (B), (xvii) (A), (32) (iii) (B), (35) (vi) (B), (ix) (A), (xii) (B), (xiv) (A), through (xvii) (A), (37) (i) (B), (iv) (A), (v) (A), and (39) (i) (A) through (iv) (A) added	†3277
(c) (35) (vii) (A) added	†3279
52.224 (a) (8) added	41122
(a) (1) (ii), (2) (v), (4) (ii) and (5) (ii) and (iv) through (ix), and (6) added	42225
(a) (9) (i) added	56606

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52.225 (b) (1) through (x), (c) (3) (v), (d) (1), (2), (4), and (5) revised; (c) (3) (vi) and (vii) removed	37977	42225
52.226 (b) added	42225	47556
(b) (9) (i) revised	47556	47557
(b) (9) (ii) revised	47557	40695
52.231 Reinstated	40695	42225
Revised	42225	47557
(a) (2) (ii) revised	47557	41122
52.234 (a) (4) added	41122	42226
(a) (2) (ii) added	42226	39664
52.236 Added	39664	41122
(b) (2) added	41122	42226
(b) revised	42226	41122
52.252 (b) (2) added	41122	42226
(b) revised	42226	41122
52.253 (b) (2) added	41122	42226
52.254 (a) (1) (ii) through (v) and (2) added	42226	42226
52.269 (b) (1) (i) and (ii) added	42226	42226
52.271 Added	42226	42226
52.272 Added	42226	42226
52.273 (a) (2) added	42226	41122
(a) (3) (ii) revised	41122	47557
(a) (3) (i) (A) added	47557	53962
(a) (1) (i) (A) added	53962	53963
(a) (5) (i) added	53963	56606
52.276 Added	56606	56606
52.277 Added	56606	56606
52.470 (c) (7) revised	56606	49812
52.520 (c) (17) added	49812	57125
52.676 (b) (6) added	57125	58173
52.720 (c) (12) added	58173	39665
52.770 (c) (12) revised; (c) (16) added	39665	34518
52.771 (c) revised	34518	34519
52.795 (b) added	34519	34519
52.920 (c) (11) added	34519	43361
52.931 (c) added	43361	43361
52.970 (c) (6) added	43361	37000
(c) (7) added	37000	37549
52.980 Added	37549	37549
52.1120 (c) (8) revised	37549	35834
(c) (6) revised	35834	42218
(c) (12) added	42218	44236
(c) (15) revised	44236	54417
Technical correction	54417	41070
52.1126 (e) revised	41070	35834
(f) added	35834	42218
(d) added	42218	44236
(d) revised	44236	41795
52.1131 (a) corrected	41795	37978
52.1224 (b) (5) added; eff. 10-6-77	37978	410
52.1234 (c) added; eff. 10-6-77	410	410
52.1382 (c) added	410	40697
52.1470 (c) (6) through (9) revised; (c) (11) added	40697	41342
(c) (10) added	41342	43278
52.1473 (a) amended; (c) removed	43278	41342
52.1474 (a) removed	41342	43278
52.1477 Removed	43278	41343
52.1484 Added	41343	41343
52.1486 Added	41343	41343
52.1487 Added	41343	41343
52.1620 (c) (9) added	41343	53963
52.1633 Removed	53963	53963
52.1670 (c) (33) added	53963	43079
(c) (34) added	43079	56607
(c) (35) added	56607	58520
(c) (36) added	58520	61453
52.1685 Removed	61453	58520
52.1686 Removed	58520	58520
52.1820 (c) (8) added	58520	37550
(c) (9) added	37550	55471
52.1830 Table amended	55471	37551
52.1920 (c) (8) added	37551	39389
(c) (9) added	39389	55472
(c) (10) added	55472	63782
52.1926 Removed	63782	39389
52.1931 Added	39389	63782
52.2054 Added	63782	54417
Technical correction	54417	41070
52.2233 (c) added	41070	36456
52.2270 (c) (14) added	36456	34518
(c) (13) added	34518	37380
52.2272 Revised	37380	37380
52.2275 Revised	37380	37380
52.2279 Amended	37380	37380
52.2283 (a), (b) (1), (2), (3) and (4), and (c) revised	37380	37380
52.2285 Revised	37380	37380
52.2286 Revised	37380	37381
52.2289 Revised	37381	37382
52.2291 Removed	37382	37383
52.2292 Removed	37383	37383
52.2294 Revised	37383	37383
52.2295 Removed	37383	37384
52.2296 Revised	37384	37384
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52.2420 (c) (13) and (14) added	37386	58406
52.2435 (h) added	58406	58406
52.2486 (q) added	58406	38355
52.2489 (i) added	38355	38355
52.2770 (c) (9) added	38355	44016
52.2780 (b) revised	44016	44016
55.570 (a) (1) (iii), (iv), (vi), and (vii) revised	44016	56608
55.1520 Removed	56608	41282
60 Authority citation revised	41282	41424

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60.4 (b) (FF) revised	37387	60.144 Authority citation added	41424
(b) (BB) revised	44545	60.150 Revised	37937, 58521
(b) (ZZ) added	46304	60.153 Authority citation added	41424
(b) (BBB) revised	62137	Revised	58521
(b) (Y) added; eff. 10-6-77	410	60.154 Authority citation added	41424
(b) (S) added	43361	60.160 Revised	37937
60 Appendix A amended	41495	60.165 Authority citation added	41424
60.7 Authority citation added	41424	(d) (2) revised	57125
60.8 Authority citation added	41424	60.166 Authority citation added	41424
(c) revised	57126	60.170 Revised	37937
60.9 Authority citation added	41424	60.175 Authority citation added	41424
60.10 Authority citation added	41424	60.176 Authority citation added	41424
60.11 Authority citation added	41424	60.180 Revised	37937
60.13 Authority citation added	41424	60.185 Authority citation added	41424
60.24 (g) authority citation added	41424	60.186 Authority citation added	41424
60.30-60.34 (Subpart C) Added	55797	60.190 Revised	37937
60.40 Revised	37936	60.194 Authority citation added	41424
60.42 (a) (2) revised	61537	60.195 Authority citation added	41424
60.45 (f) (4) (iii) and (iv) and (5) corrected; (f) (4) (v) revised	41122	60.200 Revised	37937
Authority citation added	41424	60.203 Authority citation added	41424
(g) (1) added	61537	60.204 Authority citation added	41424
60.46 Authority citation added	41424	60.210 Revised	37937
60.50 Revised	37936	60.213 Authority citation added	41424
60.53 Authority citation added	41424	60.214 Authority citation added	41424
60.54 Authority citation added	41424	60.220 Revised	37938
60.60 Revised	37936	60.223 Authority citation added	41424
60.63 Authority citation added	41424	60.224 Authority citation added	41424
60.64 Authority citation added	41424	60.230 Revised	37938
60.70 Revised	37936	60.233 Authority citation added	41424
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60.80 Revised	37936	60.243 Authority citation added	41424
60.84 Authority citation added	41424	60.244 Authority citation added	41424
60.85 Authority citation added	41424	60.250 Revised	37938
60.90 Revised	37936	(b) corrected	44812
60.93 Authority citation added	41424	60.253 Authority citation added	41424
60.100 Revised	37937	60.254 Authority citation added	41424
60.102 (a) (2) effective date corrected to 6-24-77	38178	60.260 Revised	37938
(a) (2) corrected	39389	60.264 Authority citation added	41424
60.105 (e) (1) effective date corrected to 6-24-77	38178	60.265 Authority citation added	41424
(e) (1) corrected	39389	60.266 Authority citation added	41424
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60.106 (e) effective date corrected to 6-24-77	38178	(b) corrected	44812
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60.110 Revised	37937	60.274 Authority citation added	41424
60.113 Authority citation added	41424	60.275 Authority citation added	41424
60.120 Revised	37937	60 Appendixes A through D authority citations added	41424
60.123 Authority citation added	41424	Appendix A amended	41755
60.130 Revised	37937	61 Authority citation revised	41424
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		(b) (BBB) revised	62137
		(b) (Y) added; eff. 10-6-77	410
		61.09 Authority citation added	41424

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61.10 Authority citation added...	41424	86.079-11 Added	45136
61.12 Authority citation added...	41424	86.079-21 Revised	45136
61.13 Authority citation added...	41424	86.079-22 Added	45136
61.14 Authority citation added...	41424	86.079-23 Added	45136
61.15 Authority citation added...	41424	86.079-24 Added	45137
61.16 Authority citation added...	41424	(e) (6) corrected	46927
61.24 Authority citation added...	41424	86.079-25 Added	45139
61.33 Authority citation added...	41424	86.079-26 Revised	45142
61.34 Authority citation added...	41424	86.079-27 Added	45144
61.43 Authority citation added...	41424	86.079-28 Added	45144
61.44 Authority citation added...	41424	86.079-29 Added	45145
61.53 Authority citation added...	41424	86.079-30 Revised	45146
61.54 Authority citation added...	41424	86.079-31 Added	45149
61.55 Authority citation added...	41424	86.079-32 Added	45149
61.67 Authority citation added...	41424	86.079-33 Added	45149
61.68 Authority citation added...	41424	86.079-34 Added	45149
61.69 Authority citation added...	41424	86.079-35 Revised	45149
61.70 Authority citation added...	41424	86.079-36 Added	45150
61.71 Authority citation added...	41424	86.079-37 Added	45150
61.104 (b) (S) added	†3361	86.079-38 Added	45151
61 Appendixes A and B authority citation added	41424	86.079-39 Added	45151
80.7 (a) and (a) (1) introductory texts and (a) (1) (i) amended; (a) (2) revised	45307	86.080-2 Added	45646
80.23 (b) (2) (viii) added	45307	86.080-10 Added	45151
85.001-85.076-35 (Subpart A) Removed	36457	86.080-11 Added	45152
85.101-85.176-1 (Subpart B) Removed	36457	86.080-24 Added	45152
85.201-85.276-35 (Subpart C) Removed	36457	Revised	45647
85.301-85.376-39 (Subpart D) Removed	36457	86.080-26 Added	45649
85.701-85.874-39 (Subpart H) Removed	36457	86.108-78 Revised	45651
85.801-85.874-39 (Subpart I) Removed	36457	86.108-79 Added	45651
85.901-85.974-39 (Subpart J) Removed	36457	86.113-78 (b) (2) and (3) amended; (b) (2) and (3) tables revised	45651
85.1504 (a) (1) revised	36456	86.113-79 (a) added	45651
85.1601 (a) (3) revised	36457	86.114-78 (a) (7) added	45652
85.1602 (a) (1) revised	36457	86.121-78 (b) (3) revised	45652
85.1606 Revised	36457	86.123-78 (b) (3) revised	45652
85.1608 (d) revised	36457	86.129-79 (a) table, (b), and (c) revised	45652
85.1802 (a) amended	36456	86.129-80 Added	45653
85.1803 (a) amended	36456	86.135-78 (h) added	45654
85 Appendixes I through VI removed	36457	86.136-78 (c) revised	45654
86.077-2 (a) revised	45135	86.137-78 (b) (1), (11), (13), (16) and (17) amended; (b) (7) revised	45655
86.078-3 (a) revised	45135	86.142-78 (f) revised; (p) added	45655
86.078-8 (a) (1) revised	40697	86.142-80 Added	45655
86.078-37 (b) (1) revised	45646	86.144-78 (d) (1), (2) and (3) amended; (a) and (d) (4) revised	45655
86.079-2 Amended	45135	86.301-79-86.347-79 (Subpart D) Added	45154
86.079-10 Added	45136	86.402-78 Amended	56737
(a) (2) (i) corrected	46927	86.413-78 (a) (2) revised	56737

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86.428-78 (f) revised	56737	136.3 Table 1 corrected; footnote 27 added	37205
86.432-78 (a) and (e) revised	56737	Table 1; technical correction	39977
86.436-78 (b) and (e) (2) revised	56737	140.4 (b) (1) added	43837
86.437-78 (b) (1) (ii) and (3) revised	56738	149 Revised	51578
86.440-78 (a) (2) (ii) revised	56738	162.30 Added	44171
86.442-78 (a) (1) revised	56738	180.2 (a) revised	40909
86.508-78 (c) revised	56738	180.209 (b) amended	†1796
86.513-78 (b) revised	56738	180.213a Revised	†1796
86.519-78 (a) (9) revised	56738	180.215 Revised	46304
86.535-78 (c) revised	56738	180.225 Revised	56113
86.537-78 (b) (6) through (21) redesignated as (b) (7) through (22); new (b) (6) added; (b) (3), (11), (13), and (18) revised	56738	Corrected	61259
86.540-78 (a) through (g) redesignated as (b) through (h); new (a) added	56739	Amended	64685
86.542-78 (f) revised; (o) added	56739	180.242 (a) table amended	44812
86.544-78 (c) and (d) (4) amended; (d) introductory text revised	56739	180.269 Amended	51580
86.777-1-86.777-15 (Subpart H) Heading revised	45171	180.275 Revised	56114
86.777-1 Revised	45171	180.287 Removed	†3709
86.879-5 Added	45171	180.319 Table amended	46305
86.879-6 Added	45171	180.332 Revised	62913
86.879-7 Added	45171	180.355 (a) amended	39978
86.879-8 Added	45172	180.356 Revised	40910
86.879-9 Added	45172	Correctly designated	46305
86.879-10 Added	45173	180.1001 (c) and (d) tables amended	35159
86.879-11 Added	45173	(c), (d), and (e) tables amended	40909
86.879-12 Added	45173	(d) table amended	47205
86.879-13 Added	45174	(c) and (e) tables amended	63783
86.879-14 Added	45174	180.1036-180.1038 Added	47205
86.977-1-86.977-15 (Subpart J) Heading revised	45174	180.1039 Added	61985
86.977-1 Revised	45174	Correctly designated	56114
120.5-120.11 Removed	56740	204.4 (b) amended	41635
120.12 Redesignated from 120.104 and (a) and (b) removed; (c) redesignated as (a)	56740	204.5-5 (c) and (d) revised	61454
120.21 Redesignated as 120.27 and introductory text removed	56740	204.5-6 (a) amended; (b) revised	61454
120.22 Removed	56740	204.5-7 Amended	41635
120.27 Redesignated from 120.21 and introductory text removed	56740	204.51 (k) amended	41635
120.104 Redesignated as 120.12 and (a) and (b) removed; (c) redesignated as (a)	56740	204.53 (a) (1) (iv) added	61455
120.115 Removed	56740	204.55-2 (f) amended	41635
133.103 (c) added	54665	(a) revised	61455
		204.55-4 (a) amended	41635
		204.55-8 (a) (4) introductory text amended; (a) (4) (iii) revised	61455
		204.55-11 (b) amended	61455
		204.56 (b) revised; (c) removed	61455
		204.57-1 (c) amended	41635
		(h) amended	61455
		204.57-5 (d) added	41635
		204.57-8 (a) and (b) revised; (c) and (d) redesignated as (d) and (e); new (c) added	61455
		204.57-9 (a) revised	61455
		204.58-1 (d) amended	41635
		204.58-2 (g) amended	41635
		204.58-3 (e) amended	41635
		(d) revised	61455
		204.59 (d) amended	61456

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205.5-2 (e) correctly designated; (a) introductory text revised; (f) added	61457	227.6 (c) (3) corrected	†1071
205.5-3 Removed	61457	227.27 (b) corrected	†1071
205.5-5 (c) and (d) revised	61457	228.11 (b) corrected	†1071
205.5-6 (a) amended; (b) revised	61457	228.12 (a) and (b) corrected	†1071
205.50—205.59 (Subpart B) Stayed in part until 2-21-78	59975	249 Added	†1903
Letter of interim warranty	60741	254 Added	58115
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Effective date stayed in part	†1796	Effective date corrected	64345
205.51 (a) (29) revised	61456	406.13 Revised	62372
(a) (3), (5), and (23) revised; (a) (8) and (9) amended	61458	Effective date corrected	64345
205.52 (c) amended	61456	413.11 (d) revised; (e), (f), and (g) added	35839
205.53 (a) (2) (ii) amended	61458	Comment time extended	48877
205.54-1 (b) (1) and (2) amended; (d) (4) revised	61456	413.14 Added	35839
205.54-2 (a) (1) (iii) introductory text revised; (a) (1) (iv), (2) (i), and (3) (i) amended	61456	Comment time extended	48877
205.55-1 (b) revised	61456	413.21 (d) revised; (e), (f), and (g) added	35840
205.55-2 (a) and (b) (1) revised	61458	Comment time extended	48877
205.55-4 (b) (4) (i) revised	61456	413.24 Added	35840
(b) (4) (ii) and (6) revised	61458	Comment time extended	48877
205.55-6 (a) revised	61458	413.41 (d) revised; (e), (f), and (g) added	35840
205.55-9 (a) amended	61458	Comment time extended	48877
205.55-11 (a) (3) (iii) revised	61456	413.44 Added	35840
(a) (3) introductory text amended; (a) (3) (v) removed; (b) added	61458	Comment time extended	48877
205.56 (a) (2) amended	61456	413.51 (d) revised; (e), (f), and (g) added	35841
(a) (1), (b), and (c) revised; (a) (3) added	61459	Comment time extended	48877
205.57-1 (a) and (e) (1) revised; (c) amended	61459	413.54 Added	35841
205.57-2 Heading and (e) revised	61459	Comment time extended	48877
205.57-5 (a) and (b) removed; (c) redesignated as new (a); new (a) introductory text amended; new (a) (3) (ii) and (5) revised	61459	413.61 (d) revised; (e), (f), and (g) added	35841
205.57-7 (d) revised	61460	Comment time extended	48877
205.57-8 (a) and (b) revised; (c) and (d) redesignated as (d) and (e); new (c) added	61460	413.64 Added	35841
205.57-9 (a) revised	61460	Comment time extended	48877
205.58-3 (d) (3) revised; (e) amended	61456	413.70—413.74 (Subpart G) Added	35842
205 Appendix I amended	61460	Comment time extended	48877
220.3 (d) corrected	†1071	413.80—413.84 (Subpart H) Added	35842
223 Revised	60703	Comment time extended	48877
		415.10 Amended	37299
		Comment time extended	58747
		415.14 Added	37299
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		415.20 Amended	37299
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		415.24 Added	37299
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		415.124 Added	37299
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		415.364 Added	37300
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415.384 Added	37300	600.101-78—600.113-78 (Subpart B) Added	45657
Comment time extended	58747	600.206-77 (c) (1) (i), (ii), and (iii) revised	45660
415.440 Amended	37300	600.206-79 Added	45660
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415.444 Added	37300	600.207-77 (d) (1) (i), (ii), and (iii) revised	45660
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415.470 Amended	37301	600.207-79 (a) (3) (iii) added	45661
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415.474 Added	37301	600.306-78 Added	37812
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415.530 Amended	37301	600.307-78 Added	37813
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415.534 Added	37301	600.309-78 Added	37813
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415.550 Amended	37301	600.309-80 Added	45661
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415.554 Added	37301	600.313-78 Added	45662
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416.126 Technical correction	40698	600.316-78 Added	45672
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419.14 Comment time extended	35159, 43837	600.501-78—600.512-78 (Subpart F) Added	45662
419.24 Comment time extended	35159, 43837	600.501-78—600.512-79 (Subpart F) Heading revised	45924
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56 Revised	60409
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57 Heading revised	†2878
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57.1601—57.1614 (Subpart Q) Removed	†2878
57.2401—57.2414 (Subpart Y) Added	60883
57.2601—57.2613 (Subpart AA) Removed	†2878
57.2801—57.2812 (Subpart CC) Removed	†2878
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449 Nomenclature changes	65117
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121a.541 Added	65083
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190.31—190.39	(Subpart C) Appendix removed	†2631
190.32a	(c), (e), and (f) revised; eff. 7-1-78 to 6-30-79	†3911
190.33	(b) (1) revised; eff. 7-1-78 to 6-30-79	†3911
190.35	(a) (2) revised; eff. 7-1-78 to 6-30-79	†3912
190.39	(a) (5) and (c) added; eff. 7-1-78 to 6-30-79	†3912
190.41—190.48	(Subpart D) Appendix removed	†2631
190.43	(b) (1) revised; eff. 7-1-78 to 6-30-79	†3912
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190.51	(Subpart E) Appendix removed	†2631
197	Added	†1785
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250.30	(d) (2) revised	54420
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74.601 (d) revised	†1949	
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74.750 Heading and (c) (1) revised; (d) redesignated as (e) and introductory text and (1) revised; new (d) added; (f) through (i) removed	†1951	
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Monday	Tuesday	Wednesday	Thursday	Friday
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Table of Effective Dates and Time Periods—January 1978

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.  
Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.  
In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)  
A new table will be published monthly in the first issue of each month. All January, February and March dates are in 1978.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
January 3	January 18	February 2	February 17	March 6	April 3
January 4	January 19	February 3	February 21	March 6	April 4
January 5	January 20	February 6	February 21	March 6	April 5
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January 9	January 24	February 8	February 23	March 10	April 10
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January 17	February 1	February 16	March 3	March 20	April 17
January 18	February 2	February 17	March 6	March 20	April 18
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January 23	February 7	February 22	March 9	March 24	April 24
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January 25	February 9	February 24	March 13	March 27	April 25
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January 31	February 15	March 2	March 17	April 3	May 1

AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS  
(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT	FSQS—Food Safety and Quality Service	NBS—National Bureau of Standards
AMS—Agricultural Marketing Service	FS—Forest Service	NFPCA—National Fire Prevention and Control Administration
ARS—Agricultural Research Service	PSA—Packers and Stockyards Administration	NOAA—National Oceanic and Atmospheric Administration
ASCS—Agricultural Stabilization and Conservation Service	RDS—Rural Development Service	NSA—National Shipping Authority
APHIS—Animal and Plant Health Inspection Service	REA—Rural Electrification Administration	NTIS—National Technical Information Service
CCC—Commodity Credit Corporation	RTB—Rural Telephone Bank	PTO—Patent and Trademark Office
CEA—Commodity Exchange Authority	SCS—Soil Conservation Service	USTS—United States Travel Service
CSRS—Cooperative State Research Service	COMMERCE—COMMERCE DEPARTMENT	DOD—DEFENSE DEPARTMENT
EMS—Export Marketing Service	Census—Census Bureau	AF—Air Force Department
ERS—Economic Research Service	DIBA—Domestic and International Business Administration	Army—Army Department
FmHA—Farmers Home Administration	EDA—Economic Development Administration	DCPA—Defense Civil Preparedness Agency
FCIC—Federal Crop Insurance Corporation	ITA—Industry and Trade Administration	DIA—Defense Intelligence Agency
FAS—Foreign Agricultural Service	MA—Maritime Administration	DLA—Defense Logistics Agency
FNS—Food and Nutrition Service	MBE—Minority Business Enterprise Office	



Engineers—Engineers Corps  
Navy—Navy Department

**DOE—ENERGY DEPARTMENT**

ERA—Economic Regulatory Administration  
EIA—Energy Information Administration  
ETO—Energy Technology Office  
FERC—Federal Energy Regulatory Commission

**HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration  
CDC—Center for Disease Control  
FDA—Food and Drug Administration  
HCFA—Health Care Financing Administration  
HDSO—Human Development Services Office  
HRA—Health Resources Administration  
HSA—Health Services Administration  
NIH—National Institutes of Health  
OE—Office of Education  
PHS—Public Health Service  
RSA—Rehabilitation Services Administration  
SSA—Social Security Administration

**HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT**

CARF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary  
CPD—Community Planning and Development, Office of Assistant Secretary  
FDAA—Federal Disaster Assistance Administration  
FHCO—Fair Housing and Equal Opportunity, Office of Assistant Secretary  
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing  
FIA—Federal Insurance Administration  
GNMA—Government National Mortgage Association  
ILSRO—Interstate Land Sales Registration Office  
NCA—New Communities Administration  
NCDC—New Community Development Corporation  
NVACP—Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

**INTERIOR—INTERIOR DEPARTMENT**

BPA—Bonneville Power Administration  
BIA—Bureau of Indian Affairs  
BLM—Bureau of Land Management  
FWS—Fish and Wildlife Service  
GS—Geological Survey  
MESA—Mining Enforcement and Safety Administration  
Mines—Mines Bureau  
NPS—National Park Service  
OHA—Office of Hearings and Appeals  
Reclamation—Reclamation Bureau  
SMRE—Surface Mining Reclamation and Enforcement Office

**JUSTICE—JUSTICE DEPARTMENT**

DEA—Drug Enforcement Administration  
INS—Immigration and Naturalization Service

LEAA—Law Enforcement Assistance Administration  
NIC—National Institute of Corrections

**LABOR—LABOR DEPARTMENT**

BLS—Bureau of Labor Statistics  
BRB—Benefits Review Board  
ESA—Employment Standards Administration  
ETA—Employment and Training Administration  
FCCPO—Federal Contract Compliance Programs Office  
LMSEO—Labor Management Standards Enforcement Office  
OSHA—Occupational Safety and Health Administration  
P&WBP—Pension and Welfare Benefit Programs  
W&H—Wage and Hour Division

**STATE—STATE DEPARTMENT**

AID—Agency for International Development  
FSGB—Foreign Service Grievance Board  
DOT—TRANSPORTATION DEPARTMENT  
CG—Coast Guard  
FAA—Federal Aviation Administration  
FHWA—Federal Highway Administration  
FRA—Federal Railroad Administration  
MTB—Materials Transportation Bureau  
NHTSA—National Highway Traffic Safety Administration  
OHMO—Office of Hazardous Materials Operations  
OPSO—Office of Pipeline Safety Operations  
SLS—Saint Lawrence Seaway Development Corporation  
UMTA—Urban Mass Transportation Administration

**TREASURY—TREASURY DEPARTMENT**

ATF—Alcohol, Tobacco and Firearms Bureau  
Customs—Customs Service  
Comptroller—Comptroller of the Currency  
ESO—Economic Stabilization Office (temporary)  
FS—Fiscal Service  
IRS—Internal Revenue Service  
Mint—Mint Bureau  
PDB—Public Debt Bureau  
RSO—Revenue Sharing Office

**INDEPENDENT AGENCIES**

ATBCB—Architectural and Transportation Barriers Compliance Board  
CAB—Civil Aeronautics Board  
CASB—Cost Accounting Standards Board  
CEQ—Council on Environmental Quality  
CFTC—Commodity Futures Trading Commission  
CITA—Textile Agreements Implementation Committee  
CPSC—Consumer Product Safety Commission  
CRC—Civil Rights Commission

CSA—Community Services Administration  
CSC—Civil Service Commission

CSC/FPRAC—Federal Prevailing Rate Advisory Committee  
EEOC—Equal Employment Opportunity Commission  
EXIMBANK—Export-Import Bank of the U.S.

EPA—Environmental Protection Agency  
ESSA—Endangered Species Scientific Authority  
ERDA—Energy Research and Development Administration

FCC—Federal Communications Commission  
FCSC—Foreign Claims Settlement Commission  
FDIC—Federal Deposit Insurance Corporation

FEA—Federal Energy Administration  
FEC—Federal Election Commission  
FHLBB—Federal Home Loan Bank Board

FPC—Federal Power Commission  
FRS—Federal Reserve System  
FTC—Federal Trade Commission  
GSA—General Services Administration

GSA/ADTS—Automated Data and Telecommunications Service  
GSA/FPA—Federal Preparedness Agency  
GSA/FSS—Federal Supply Service

GSA/NARS—National Archives and Records Service  
GSA/PBS—Public Buildings Service  
ICC—Interstate Commerce Commission

ICP—Interim Compliance Panel (Coal Mine Health and Safety)  
ITC—International Trade Commission  
LSC—Legal Services Corporation

NACEO—National Advisory Council on Economic Opportunity  
NASA—National Aeronautics and Space Administration  
NCUA—National Credit Union Administration

NFAH/NEA—National Endowment for the Arts  
NFAH/NEH—National Endowment for the Humanities  
NLRB—National Labor Relations Board

NRC—Nuclear Regulatory Commission  
NSF—National Science Foundation  
NTSB—National Transportation Safety Board

OFR—Office of the Federal Register  
OMB—Office of Management and Budget  
OPIC—Overseas Private Investment Corporation

PADC—Pennsylvania Avenue Development Corporation  
PRC—Postal Rate Commission  
PS—Postal Service

RB—Renegotiation Board  
RRB—Railroad Retirement Board  
ROAP—Reorganization, Office of Assistant to President

SBA—Small Business Administration  
SEC—Securities and Exchange Commission  
TVA—Tennessee Valley Authority

USIA—United States Information Agency  
VA—Veterans Administration  
WRC—Water Resources Council

**reminders**

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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Commerce/MA—Amendment of containerized cargo reporting requirement..... 60566; 11-28-77

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National Fire Prevention and Control Administration—Public safety officers; public safety awards..... 52402; 9-30-77

DOE—Energy conservation program for appliances; test procedures for air conditioners..... 60150; 11-25-77

DOT/CG—Bayou Terrebonne, La.; drawbridge operation regulations..... 61042; 12-1-77

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EPA—Portable air compressors; noise emission standards..... 2162; 1-14-76

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FEA—Lower tier crude oil produced in Calif.; reductions in entitlement obligations..... 62897; 12-14-77

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61047; 12-1-77

HEW/FDA—Foods for special dietary use; vitamin and mineral products; action on petitions for reconsideration of final rules..... 10292; 4-19-77

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Interior/Mines—Sales of helium by and rental of containers from Mines Bureau; revised fee schedule..... 59670; 11-18-77

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ICC—Designations to be shown tariffs and schedules, and assignment of alpha code carrier and agent designations..... 36346; 8-20-75

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DOT/CG—National Transportation Safety Board Casualty Investigations..... 61200; 12-1-77

NTSB—Marine Casualty Investigation..... 61204; 12-1-77

**List of Public Laws**

This is a continuing numerical listing of public bills which have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

H.R. 3199..... Pub. L. 95-217  
"Clean Water Act of 1977". (Dec. 27, 1977; 91 Stat. 1566). Price: \$1.00.

H.R. 6666..... Pub. L. 95-222  
"Legal Services Corporation Act Amendments of 1977". (Dec. 28, 1977; 91 Stat. 1619). Price: \$.60.

H.R. 7738..... Pub. L. 95-223  
With respect to the powers of the President in time of war or national emergency. (Dec. 28, 1977; 91 Stat. 1625). Price: \$.60.

H.R. 9794..... Pub. L. 95-219  
An act to bring the governing international fishery agreement with Mexico within the purview of the Fishery Conservation Zone Transition Act. (Dec. 28, 1977; 91 Stat. 1613). Price: \$.50.

H.J. Res. 674..... Pub. L. 95-221  
Joint resolution relative to the convening of the second session of the Ninety-fifth Congress, and for other purposes. (Dec. 28, 1977; 91 Stat. 1618). Price: \$.50.

S. 904..... Pub. L. 95-220  
"Federal Program Information Act". (Dec. 28, 1977; 91 Stat. 1615). Price: \$.50.

S. 1063..... Pub. L. 95-218  
An act to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the payment of certain revenue bonds issued by the Council of the District of Columbia. (Dec. 28, 1977; 91 Stat. 1612). Price: \$.50.

## rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## [ 1505-01 ]

## Title 1—General Provisions

## CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

## CFR CHECKLIST

## 1976/1977 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976 and 1977. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

For a Checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the Cumulative List of CFR Sections Affected, which is revised monthly.

The rate for subscription service to all revised volumes issued for 1977 is \$350 domestic, \$75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

## CFR Unit (Rev. as of Jan. 1, 1977):

Title	Price
1 [Reserved]	\$1.65
2 [Reserved]	3.00
3 [Reserved]	3.25
4 [Reserved]	4.70
5 [Reserved]	5.30
6 [Reserved]	4.20
7 Parts:	
0-45	5.30
46-51	4.20
52	5.20
53-209	5.80
210-699	6.10
700-749	4.10
750-899	1.80
900-944	4.25
945-980	2.40
981-999	2.50
1000-1059	4.25
1060-1119	4.40
1120-1199	3.20
1200-1499	4.20
1500-end	7.25
8 [Reserved]	2.60
9 [Reserved]	6.80
10 Parts:	
0-199	4.40
200-end	4.60
11 (Rev. 5/1/77)	2.30
12 Parts:	
1-299	7.40
300-end	7.30
13 [Reserved]	4.20
14 Parts:	
1-59	6.00
60-199	5.10
200-1199	6.20
1200-end	2.20
15 [Reserved]	5.35

Title	Price	Title	Price
16 Parts:		45 Parts:	
0-149	\$5.50	1-99	3.45
150-999	4.25	100-199	10.00
1000-end	3.00	200-499	3.15
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17 [Reserved]	6.75	46 Parts:	
18 Parts:		1-29	2.15
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150-end	4.00	41-69	4.00
19 [Reserved]	5.75	70-89	2.10
20 Parts:		90-109	1.95
01-399	3.25	110-139	1.90
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200-299	2.10	20-69	5.00
300-499	5.00	70-79	4.90
500-599	4.00	80-end	6.20
600-1299	3.50	48 [Reserved]	
1300-end	4.25	49 Parts:	
22 [Reserved]	4.50	1-99	2.05
23 [Reserved]	5.50	100-199 (Rev. 12/31/76)	6.50
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500-end	5.25	1200-1299	7.40
25 [Reserved]	4.50	1300-end	3.60
26 Parts:		50 [Reserved]	4.20
1 (\$1.0-1.169)	4.75		
1 (\$1.170-1.300)	4.00		
1 (\$1.301-1.400)	3.75		
1 (\$1.401-1.500)	4.00		
1 (\$1.501-1.640)	4.00		
1 (\$1.641-1.850)	4.35		
1 (\$1.851-1.1200)	5.25		
1 (\$1.1201-end)	6.75		
2-29	4.50		
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27 [Reserved]	7.00		

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40 Parts:	
50-59	5.75
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7	2.75
8	2.30
19-100	4.50
41 Chapters:	
101-end	5.75
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42 [Reserved]	5.95
43 Parts:	
1-999	3.10
1000-end	6.00
44 [Reserved]	

## [ 3410-05 ]

## Title 7—Agriculture

## CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

## SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

(Amdt. 7)

## PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco Acreage Allotment and Marketing Quota Regulations, 1973-74 and Subsequent Marketing Years

TRANSFER OF FLUE-CURED TOBACCO QUOTAS BY LEASE AND OTHER MISCELLANEOUS AMENDMENTS

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule deletes a restriction on leasing and transferring of quota after June 14 made unnecessary by the 80 percent planting provision mandated in Pub. L. 95-54 and implemented by Amendment 6 to this Part. A sentence inadvertently deleted by Amendment 6 is restored and other minor changes for correction and clarification are made.

EFFECTIVE DATE: January 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Maurice Reddick, Production Adjustment Division, Agricultural Stabiliza-



tion and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, 202-447-4695.

**SUPPLEMENTARY INFORMATION:** Since the changes provided in this rule are primarily clarifications and corrections to previous rules, and producers are making plans for leasing and transferring of quota for the 1978 crop, it is hereby determined that compliance with the notice of proposed rulemaking, public procedure, and 30-day effective date provisions of 5 U.S.C. is impracticable and contrary to the public interest.

Accordingly, 7 CFR Part 725 is amended as follows:

1. In § 725.72 paragraph (c)(3) is amended by revising paragraphs (ii) and (iv) to read as follows:

§ 725.72 Lease and transfer of tobacco marketing quotas.

(c) . . . .  
(3) . . . .

(ii) Not be made if the effective farm marketing quota on the lessor's farm exceeds 2,000 pounds unless the acreage of flue-cured tobacco planted on both the lessor's and lessee's farms during the current year was equal to at least 80 percent of the allotment in effect prior to June 15.

(iv) Not be made if the county committee determines that the producer on the lessor farm did not make reasonable and customary efforts to produce the effective farm marketing quota.

2. Section 725.94 is amended by revising paragraph (f) to read as follows:

§ 725.94 Penalties considered to be due from warehousemen, dealers, buyers and others excluding the producer.

(f) Marketings falsely identified by a person other than the producer of the tobacco. If any marketing of tobacco by a person other than the producer is identified by a marketing card other than the marketing card issued for the farm on which the tobacco was produced, and the source of production of the tobacco is unknown, such marketing shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The marketing quota penalty shall be paid by the person who marketed the tobacco.

§ 725.95 [Amended]

3. Section 725.95 is amended by deleting the last sentence in paragraph (b).

4. Section 725.98 is amended by adding a sentence at the end of paragraph (d) to read as follows:

§ 725.98 Producer's records and reports.

(d) False identification. . . .  
The requirements of this paragraph need not be applied if it is determined

by the State and county committees that the pounds in violation are very small when compared to the effective quota, and no adverse effect on the operations of the tobacco program in the area would result.

§ 725.102 [Amended]

5. Section 725.102 is amended by changing the references to "Director, Program Operations Division" in paragraphs (a) and (b) to read "Director, Production Adjustment Division".

(Sec. 301, 313, 314, 316, 317, 363, 372-375, 377 378 52 Stat. 38, as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65-68, as amended, 72 Stat. 995; sec. 401, 63 Stat. 1054, as amended, sec. 106, 122, 125, 70 Stat. 191, 195, 198, as amended, sec. 16(e), 76 Stat. 606; (7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372-1375, 1377, 1378, 1421, 1813, 1824, 1836) (16 U.S.C. 590p(c)).)

**NOTE.**—The Agricultural Stabilization and Conservation Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed at Washington, D.C. on December 28, 1977.

RAY FITZGERALD,  
Administrator, Agricultural  
Stabilization and Conserva-  
tion Service.

[FR Doc.77-37358 Filed 12-30-77;8:45 am]

## [ 3410-05 ]

### CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[Amdt. 1]

#### PART 1468—MOHAIR

##### Subpart—Payment Program for Mohair (1974-1977)

##### INCREASE IN SUPPORT PRICE FOR 1977 MARKETING YEAR

AGENCY: Commodity Credit Corporation, Department of Agriculture.

ACTION: Final rule.

**SUMMARY:** The purpose of this rule is to amend the regulations issued by Commodity Credit Corporation with respect to the payment program for mohair for the 1977 marketing year. This rule also announces the support price for mohair for the 1977 marketing year. The amendment is necessary because section 703 of the National Wool Act of 1954, as amended (7 U.S.C. 1782), was further amended by the Food and Agriculture Act of 1977. The amendment will increase the support price for mohair for the 1977 marketing year.

EFFECTIVE DATE: January 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerald Schiermeyer, Emergency and

Indemnity Payments Division, ASCS, USDA, 4702 South Building, P.O. Box 2415, Washington, D.C. 20013, telephone 202-447-4428.

### SUPPLEMENTARY INFORMATION:

The Agriculture and Consumer Protection Act of 1973 amended section 703 of the National Wool Act, as amended, to set the support price for mohair at 80.2 cents per pound, grease basis, for the 1974, 1975, 1976 and 1977 marketing years. However, the Food and Agriculture Act of 1977 further amended section 703 to change the support price for mohair for the 1977 marketing year to an amount which the Secretary of Agriculture determines is necessary to maintain approximately the same percentage of parity for mohair as for shorn wool. This amount must be within a range of 15 percent above or below the comparable percentage of parity at which wool is supported. Mohair will be supported at the minimum support price for the 1977 marketing year. On the basis of the estimated mohair prices for 1977, no incentive payments will be made for the 1977 marketing year even if mohair is supported at the maximum support level. Accordingly, it is found upon good cause that compliance with the notice of proposed rulemaking and public participation procedure is unnecessary, impracticable, and contrary to public interest.

#### FINAL RULE

In consideration of the foregoing, 7 CFR Part 1468 is amended as follows: Section 1468.3 is amended to read as follows:

§ 1468.3 Announcement of price support level.

In accordance with section 703 of the National Wool Act, as amended by the Agricultural Act of 1970 (Public Law 91-524), the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86), and the Food and Agriculture Act of 1977 (Public Law 95-113), the support price for mohair for each of the three marketing years 1974, 1975, and 1976, shall be 80.2 cents per pound, grease basis, and for the 1977 marketing year shall be set within a range of 15 percent above or 15 percent below the comparable percentage of parity at which shorn wool is supported. The minimum support price for mohair for the 1977 marketing year as calculated in accordance with section 703 is \$1.498 per pound, grease basis. This support price shall be the support level for mohair for the 1977 marketing year.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 702-708, Stat. 910-912, as amended (7 U.S.C. 1781-1787).)

Signed at Washington, D.C., on December 22, 1977.

RAY FITZGERALD,  
Executive Vice President,  
Commodity Credit Corporation.

[FR Doc.77-37359 Filed 12-30-77;8:45 am]

## [ 3410-05 ]

[Amdt. 4]

### PART 1472—WOOL

#### Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool) (1974-1977)

##### INCREASE IN SUPPORT PRICE FOR 1977 MARKETING YEAR

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

**SUMMARY:** The purpose of this rule is to amend the regulations issued by the Commodity Credit Corporation with respect to the payment program for shorn wool and unshorn lambs (pulled wool) for the 1977 marketing year. This rule also announces the support price for shorn wool for the 1977 marketing year. The amendment is necessary because Section 703 of the National Wool Act of 1954, as amended (7 U.S.C. 1782), was further amended by the Food and Agriculture Act of 1977. The amendment will increase the support price for shorn wool for the 1977 marketing year.

EFFECTIVE DATE: January 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerald Schiermeyer, Emergency and Indemnity Payments Division, ASCS, USDA, 4702 South Building, P.O. Box 2415, Washington, D.C. 20013, telephone 202-447-4428.

### SUPPLEMENTARY INFORMATION:

The Agriculture and Consumer Protection Act of 1973 amended section 703 of the National Wool Act of 1954, as amended, to set the support price for wool at 72 cents per pound for the 1974, 1975, 1976, and 1977 marketing years. However, the Food and Agriculture Act of 1977 further amended section 703 to change the support price for wool for the 1977 marketing year to 85 percent of the amount calculated according to a formula set forth in section 703.

Since there is no latitude for varying the support price for shorn wool for the 1977 marketing year, it is found upon good cause that compliance with the notice of proposed rulemaking and public participation procedure is unnecessary, impracticable and contrary to public interest.

#### FINAL RULE

In consideration of the foregoing, 7 CFR Part 1472 is amended as follows:

Section 1472.1403 is amended to read as follows:

§ 1472.1403 Announcement of price support level.

In accordance with section 703 of the National Wool Act of 1954, as amended by the Agricultural Act of 1970 (Public Law 91-524), the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86), and the Food and Agriculture Act of 1977 (Public Law 95-113), the support price for shorn wool for each of the three marketing years 1974, 1975,

and 1976, shall be 72 cents per pound, grease basis, and for the 1977 marketing year shall be 85 percent of the amount calculated according to the formula described in section 703 of the National Wool Act, as amended. The support price for shorn wool for the 1977 marketing year as calculated in accordance with section 703 is 99 cents per pound, grease basis.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 702-708, 68 Stat. 910-912, as amended (7 U.S.C. 1781-1787).)

Signed at Washington, D.C., on December 22, 1977.

RAY FITZGERALD,  
Executive Vice President,  
Commodity Credit Corporation.

[FR Doc.77-37360 Filed 12-30-77;8:45 am]

## [ 3410-37 ]

### CHAPTER XXVIII—FOOD SAFETY AND QUALITY SERVICE, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER G—PROCESS OF RENOVATED BUTTER

##### PART 2871—SANITARY INSPECTION OF PROCESS OR RENOVATED BUTTER

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Redesignation.

**SUMMARY:** Editorial change redesignating present Subchapter G, Chapter XXVIII, of Title 7 (See recodification at 42 FR 32514, June 27, 1977), as Subchapter D of that Chapter and Title. The numerical designation of Part 2871 is unaffected by this change.

EFFECTIVE DATE: January 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Ashley R. Gulich, Food Safety and Quality Service, U.S. Department of Agriculture, Room 3944, South Building, Washington, D.C. 20250, Phone 202-447-3506.

Accordingly, Subchapter G, Chapter XXVIII, of Title 7 is redesignated as follows:

Subchapter D—Process or Renovated Butter.

Done at Washington, D.C., on:  
ROBERT ANGELOTTI,  
Administrator, Food  
Safety and Quality Service.

[FR Doc.77-37409 Filed 12-30-77;8:45 am]

## [ 8025-01 ]

### Title 13—Business Credit and Assistance

#### CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 2, Amdt. 1]

##### PART 101—ADMINISTRATION

##### Office of Financing

AGENCY: Small Business Administration.

ACTION: Final rule.

**SUMMARY:** This rule clarifies the meaning of COC as used in describing the responsibilities of the Office of Financing. The language previously used has created confusion concerning the meaning of COC, and this amendment is intended to eliminate that confusion.

EFFECTIVE DATE: January 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Lee Waugh, Reports Management Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, 202-653-6703.

**SUPPLEMENTARY INFORMATION:** Because Part 101 consists of rules relating to the Agency's organization and procedures, notice of proposed rulemaking and public participation thereon as prescribed in 5 USC 553 is not required and this amendment to Part 101 is adopted without resort to those procedures.

Accordingly, 13 CFR 101 is amended as follows: Section 101.2-3 (a) is amended by deleting the sixth sentence thereof and substituting therefor the following sentence:

§ 101.2-3 Associate Administrator for Finance and Investment.

(a) Office of Financing. . . . Serves as a member of the Central Office Claims Review Committee and as an alternate member of the Size Appeals Board. . . .

Dated: December 22, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc.77-37408 Filed 12-30-77;8:45 am]

## [ 4910-13 ]

### Title 14—Aeronautics and Space

#### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-EA-80; Amdt. 39-3107]

##### PART 39—AIRWORTHINESS DIRECTIVES

##### Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This rule is applicable to Piper PA-31 type airplanes. It requires an inspection and alteration, if necessary, of the elevator bungee spring for proper tension. A review of the factory procedures disclosed the release of airplanes with incorrect elevator bungee tension, which could affect the elevator stick force gradient.

EFFECTIVE DATE: January 3, 1978.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corp., 820 East Bald Eagle Street, Lock Haven, Pa. 11745. A copy of the service bulletin is contained in the docket in the Office of Regional



Counsel, FAA, Eastern Region, Jamaica, N.Y.

#### FOR FURTHER INFORMATION CONTACT:

J. Maher, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-2875.

**SUPPLEMENTARY INFORMATION:** There had been reports after factory inspections of changes in tolerances of the bungee spring, link or mounting points which invalidated the continuance of a certain mounting hole for the bungee spring. An incorrect tension in the spring could affect the elevator stick force gradient. In view of the effect on air safety, notice and public procedure hereon are impractical and good cause exists for making the rule (AD) effective in less than 30 days.

#### DRAFTING INFORMATION

The principal authors of this document are J. Maher, Flight Standards Division, and Thomas C. Holloran, Esq., Office of the Regional Counsel.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

#### ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive as follows:

**PIPER.** Applies to Piper Models PA-3 and PA-31-325 Serial Nos. 31-7612001 through 31-7612080, 31-7612082 through 31-7612091, 31-7612096, 31-7612099, 31-7612101, 31-7612102, 31-7612104, 31-7612105, 31-7612107 and 31-7612108, PA-31-350 Serial Nos. 31-7652001 through 31-7652015, 31-7652017 through 31-7652162, and 31-7652164 through 31-7652170 certificated in all categories.

To prevent adverse stability or handling qualities due to incorrect tension in the elevator bungee, accomplish the following within the next 25 hours in service after the effective date of this Airworthiness Directive unless already accomplished.

(a) Inspect the elevator bungee spring for correct tension (30 lb.  $\pm$  1 lb. for Model PA-31 and 37 lb.  $\pm$  1, -0 for models PA-31-325 and PA-31-350).

(b) If the tension is not correct, before further flight alter the link in accordance with the "Instructions" section of Piper Service Bulletin No. 549 dated February 16, 1977, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the compliance time specified above.

**Effective Date:** This amendment is effective January 3, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); and 14 CFR 11.89.)

## RULES AND REGULATIONS

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on December 19, 1977.

LOUIS J. CARDINALI,  
Acting Director,  
Eastern Region.

[FR Doc. 77-37309 Filed 12-30-77; 8:45 am]

#### [4910-13]

[Docket Number 77-SO-71; Amdt. No. 39-3106]

#### PART 39—AIRWORTHINESS DIRECTIVES

**Piper Model PA-32R-300 Series Airplanes**  
AGENCY: Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment requires inspection, and replacement as necessary, of both left and right engine oil coolers on Piper Model PA-32R-300 airplanes. The FAA has found that the PA-32R-300 engine oil coolers may develop cracks resulting in loss of engine oil which may cause engine stoppage.

**DATES:** Effective date, January 4, 1978. Compliance date, prior to the next flight after the effective date of this A. D. and thereafter prior to the first flight of each day.

**ADDRESSES:** Copies of Piper Service Bulletin 586 may be obtained from Piper Aircraft Corp., 820 East Bald Eagle Street, Lockhaven, Pa. 17745. Copies of Piper Service Bulletin 586 are maintained in the A. D. Docket File and may be examined in Room 264, Federal Aviation Administration Southern Region, 3400 Whipple Street, East Point, Ga.

#### FOR FURTHER INFORMATION CONTACT:

Gil Carter, ASO-214, Propulsion Section, Engineering and Manufacturing Branch, Southern Region, P.O. Box 20636, Atlanta, Ga. 30320, telephone, 404-763-7435.

**SUPPLEMENTARY INFORMATION:** There have been reports of engine oil cooler cracks and subsequent loss of engine oil which could result in engine failure.

Since this condition is likely to exist or develop in other airplanes of the same type design, a situation exists that requires immediate adoption of this regulation. It is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

#### DRAFTING INFORMATION

The principal authors of this document are Gil Carter, Flight Standards Division, and Richard L. Faber, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

**PIPER AIRCRAFT CORPORATION.** Applies to Model PA-32R-300 serial numbers 32R-7880001 through 32R-7780436, 32R-7780438 through 32R-7780460, 32R-7780462 through 32R-7780548, 32R-7880001 through 32R-7880021, 32R-7880023 through 32R-780051, 32R-7880053, 32R-7880055 through 32R-7880058.

**Compliance:** Required prior to the next flight and prior to the first flight of each day. To prevent engine failure due to engine oil loss, accomplish the following:

(A) Gain access to the engine by removing the top engine cowl.  
(B) Check both the right and left engine oil coolers in the area of the oil hose assembly and fittings and in the area of the fluted portion at the oil cooler end tanks for cracks and oil leakage.

(1) If no oil leakage or cracks are found, make appropriate log book entry.

(2) If the oil cooler is determined to be leaking or contains a crack, have it removed and replaced. Refer to the appropriate Piper Service Manual for replacement instructions. Special caution is necessary during installation of the oil hoses to prevent damage to the replacement oil cooler.

(C) An alternate method of compliance must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

The checks in this A. D. may be accomplished by the pilot and appropriate log book entries made in accordance with FAR 91.173. Replacement must be accomplished by a person authorized by FAR 43.3.

Piper Service Bulletin 586 dated December 2, 1977, pertains to this subject.

This amendment becomes effective January 4, 1978, and was effective immediately upon receipt for all recipients of the airmail letter dated December 12, 1977, which contained this amendment.

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.89.)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on December 20, 1977.

PHILLIP M. SWATEK,  
Director,  
Southern Region.

[FR Doc. 77-37313 Filed 12-30-77; 8:45 am]

#### [4910-13]

[Docket No. 77-WE-16-AD; Amdt. 39-3105]

#### PART 39—AIRWORTHINESS DIRECTIVES

**McDonnell Douglas Model DC-8 Series Airplanes**

AGENCY: Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment amends an existing airworthiness directive (AD) applicable to McDonnell Douglas Model DC-8 Series airplanes by adding two additional part numbers of flap link support fittings which are exempt from the inspection requirements of this AD.

**DATES:** Effective January 4, 1978. Compliance schedule—as prescribed in body of AD.

**ADDRESSES:** Persons affected by this AD may obtain copies of McDonnell Douglas DC-8 Service Bulletin 27-260 by writing to: McDonnell Douglas Corp., 3855 Lakewood Boulevard, Long Beach, Calif. 90846. Attention: L. A. Eisenberg, CI-750, 54-60.

Also, a copy of the service bulletin may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independent Avenue SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

#### FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone 213-536-6351.

#### SUPPLEMENTARY INFORMATION:

This amendment amends Amendment 39-3079 (42 FR 59375), AD 77-23-06, which currently requires repetitive inspections of all 7075-T6 aluminum flap link support fittings on McDonnell Douglas Model DC-8 Series airplanes. To assist in determining whether fittings are 7075-T73 aluminum which does not require inspections, the AD lists the part numbers of 7075-T73 fittings. After issuing amendment 39-3079, the FAA has determined that two part numbers of 7075-T73 fittings were inadvertently omitted from the AD listing. Therefore, the FAA is amending amendment 39-3079 by adding P/N's 7760086-509 and 7760086-510 to the list in paragraph (a).

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

#### DRAFTING INFORMATION

The principal authors of this document are Everett W. Pittman, Aircraft Engineering Division, and F. C. Woodruff, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) Amendment 39-3079 (42 FR 59375), AD 77-23-06, is revised by adding the following part numbers to paragraph (a).

## RULES AND REGULATIONS

7760086-509  
7760086-510

This amendment becomes effective January 4, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, Calif., on December 19, 1977.

JAY R. ADSEN,  
Acting Director,  
FAA Western Region.

[FR Doc. 77-37307 Filed 12-30-77; 8:45 am]

#### [4910-13]

[Airspace Docket No. 77-SW-59]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

**Designation of Transition Area: Hereford, Tex.**

AGENCY: Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This designates a transition area at Hereford, Tex., to provide controlled airspace for aircraft executing instrument approach procedures to the Hereford Municipal Airport, using the newly established NDB located on the airport. Coincident with this action, the airport is changed from VFR to IFR.

#### FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

#### SUPPLEMENTARY INFORMATION:

##### HISTORY

On November 3, 1977, a notice of proposed rule making was published in the *Federal Register* (42 FR 57470) stating that the Federal Aviation Administration proposed to designate the Hereford, Tex., transition area. Interested persons were invited to participate in this rule-making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments received contained no objections. Except for editorial changes this amendment is that proposed in the notice.

##### THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) designates the Hereford,

Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Hereford Municipal Airport.

#### DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 G.m.t., March 23, 1978, as follows:

In Subpart G, 71.181 (42 FR 440), the following transition area is added:

##### HEREFORD, TEX.

That airspace extending upward from 700 feet above the surface within a 5 statute mile radius of Hereford Municipal Airport, Hereford, Tex. (latitude 34°51'30" N., longitude 102°19'25" W.), including an extension from the 5 statute mile radius area to 11.5 statute miles north of the NDB and 3.5 statute miles either side of the 019° bearing from the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

**NOTE.**—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on December 19, 1977.

PAUL J. BAKER,  
Acting Director, Southwest Region.

[FR Doc. 77-37308 Filed 12-30-77; 8:45 am]

#### [4910-13]

[Docket No. 77-SO-49]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

**Redesignation of Control Zone, Columbus, Miss.**

AGENCY: Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The Columbus, Miss., control zone presently operates from 0600 to 1800 hours local time Monday through Thursday; 0600 to 2000 hours local time Friday; 0900 to 1600 hours local time Saturday; 1000 to 1600 hours local time Sunday; and closed on Federal holidays.

The training mission has been increased and will require increased flight operations, including night flying for student pilots.

In order to provide protection for IFR operations at Columbus AFB, Miss., a full time control zone is required. This action



will redesignate the Columbus, Miss., control zone as a full time control zone.  
EFFECTIVE DATE: 0901 G.m.t., March 23, 1978.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7646.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on Thursday, November 3, 1977 (42 FR 57468), which proposed the redesignation of the Columbus, Miss., control zone to a full time control zone. No objections were received from this notice.

#### DRAFTING INFORMATION

The principal authors of this document are William F. Herring, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 G.m.t., March 23, 1978, as follows:

In Subpart F, § 71.171 (42 FR 355), the Columbus, Miss., control zone is amended as follows:

"\* \* \* This control zone is effective from 0600 to 1800 hours, local time, Monday through Thursday; 0600 to 2000 hours, local time, Friday; 0900 to 1600 hours, local time, Saturday; 1000 to 1600 hours, local time, Sunday; and closed on Federal holidays \* \* \*

is deleted.  
(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on December 20, 1977.

GEORGE R. LACAILLE,  
Acting Director,  
Southern Region.

[FR Doc. 77-37311 Filed 12-30-77; 8:45 am]

#### [4910-13]

[Airspace Docket No. 77-CE-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area—Cuba, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a transition area at Cuba, Mo., to provide controlled airspace for aircraft executing a new instrument approach procedure to the Cuba Municipal Airport which is based on a Non-directional Radio Beacon (NDB) navigational aid being installed at the airport.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION: The City of Cuba, Mo., is installing a Non-directional Radio Beacon (NDB) on the Cuba Municipal Airport. This navigational aid will provide new navigational guidance for aircraft utilizing this airport. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure adequate controlled airspace protection for aircraft executing the new instrument approach procedure at the Cuba Municipal Airport.

#### DRAFTING INFORMATION

The principal authors of this document are Dwaine E. Hiland, Operations, Procedures and Airspace Branch, Air Traffic Division and John L. Fitzgerald, Jr., Office of the Regional Counsel.

#### DISCUSSION OF COMMENTS

On pages 56342 and 56343 of the FEDERAL REGISTER dated October 25, 1977, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Cuba, Mo. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Accordingly, Subpart G, Section 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1977 (42 FR 440), is amended, effective 0901 G.m.t. March 23, 1978, by adding the following transition area:

CUBA, Mo.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cuba Municipal Airport (latitude 38°04'08" N, longitude 91°25'42" W); and within 3 miles each side of the 358° bearing from the Cuba Municipal Airport, extending from the 5-mile radius area to 8½ miles north of the airport; and 3 miles each side of 196° bearing from the Cuba Municipal Airport extending from the 5-mile radius area to 8½ miles south of the airport.

(Section 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 8(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on December 19, 1977.

JOHN E. SHAW,  
Acting Director, Central Region.

[FR Doc. 77-37312 Filed 12-30-77; 8:45 am]

#### [4910-13]

[Docket No. 14703; Amdt. No. 93-36]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Designation of Special Airport Traffic Area for Sabre U.S. Army Heliport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a special airport traffic area for the Sabre U.S. Army Heliport. The complex of adjacent military installations, consisting of Sabre, Campbell Army Air Field and restricted areas R-3702 and R-3703, has caused confusion to transient pilots and has imposed a considerable burden upon aircraft operating in the vicinity of those two airports. This amendment will increase safety by eliminating pilot uncertainty as to which of the two airport towers to contact, and it will provide for more efficient use of the navigable airspace by decreasing the distance transient aircraft must fly to avoid infringing on military airspace when crossing this area.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

C. M. Stratton, Air Traffic Rules Branch, Airspace and Air Traffic Rules Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3128.

SUPPLEMENTARY INFORMATION: This rule amends Part 93 of the Federal Aviation Regulations to establish a new Subpart N that designates a special airport traffic area for the Sabre U.S. Army Heliport (Sabre), located near Clarksville, Tenn.

#### HISTORY

This amendment is based upon a notice of proposed rulemaking (Notice No. 75-28) published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25219). Interested persons were afforded the opportunity to participate in the making of this amendment. Only one public comment was received; it favored adoption of the proposed rule.

#### THE RULE

The FAA has reviewed the airspace and flight safety requirements of the area in the vicinity of Sabre. On the basis of that review, the FAA concludes that the standard airport traffic area at Sabre unduly restricts the efficient use of the navigable airspace in that area.

Section 91.85(d) of the Federal Aviation Regulations (FAR) provides that unless a person is otherwise authorized or required by Air Traffic Control, he may not operate an aircraft within an airport traffic area except for the purpose of landing at, or taking off from, the airport within that area. Unless otherwise designated in Part 93, the standard airport traffic area for an airport with an operating control tower is defined in § 1.1 of Part 1 as that airspace within a horizontal radius of 5 statute miles from its geographical center and extending up to, but not including, an altitude of 3,000 feet above the airport. An airport is defined in FAR § 1.1 as an area of land or water that is used or intended to be used for the landing and takeoff of aircraft. Thus, heliports come within this definition and, consequently, airport traffic area rules and definitions are applicable to them.

Generally, heliports are situated on or adjacent to tower controlled airports serving fixed-wing aircraft which provide control tower services to both airplane and helicopter traffic. Normally, the airport traffic area of such heliports covers substantially the same airspace as the co-located or adjacent airport. However, Sabre is a part-time, tower-controlled heliport located approximately 4½ miles from its associated airfield, Campbell AAF, Ky. When Sabre is in operation, the airport traffic areas associated with each airport only slightly overlap each other. Also, operations in the vicinity of the airport traffic areas are further limited by two restricted areas, R-3702 and R-3703, that are associated with Campbell AAF and extend into portions of both airport traffic areas. This extended military complex imposes a substantial burden on transient air traffic operations and may derogate safety, especially when flight over or around either airport traffic area becomes impractical because of weather conditions. Frequently, pilots, unfamiliar with the areas and installations, are uncertain as to which of the two towers to contact to obtain permission to transit the airport traffic areas.

The FAA has consulted with Campbell AAF's Commander concerning the types of flight operations conducted in and around each of these airport traffic areas and any particular flight safety requirements. Based upon those discussions and the proximity of Campbell AAF and the two restricted areas to the heliport, the FAA is designating a special airport traffic area for Sabre. It consists of that airspace that extends to an altitude of 2,000 feet above the heliport's surface and within a 2-statute-mile radius of its geographical center. Sabre's special airport traffic area is expected to increase safety

through the elimination of pilot uncertainty as to which of the 2 airport towers to contact and to provide a more efficient use of navigable airspace by decreasing the distance transient operations must fly to avoid Sabre's current airport traffic area.

#### DRAFTING INFORMATION

The primary authors of this document are C. M. Stratton, Air Traffic Service, and Gloria Willingham, Office of the Chief Counsel.

#### ADOPTION OF THE AMENDMENT

Part 93 of the Federal Aviation Regulations is amended, effective February 3, 1978, by adding a new Subpart N, to read as follows:

Subpart N—Sabre U.S. Army Heliport (Tenn.) Airport Traffic Area

Sec.  
93.161 Applicability.  
93.163 Description of area.

Subpart N—Sabre U.S. Army Heliport (Tenn.) Airport Traffic Area

§ 93.161 Applicability.

This subpart prescribes the Sabre U.S. Army Heliport airport traffic area located in the vicinity of Clarksville, Tenn. It is effective during the hours that the Sabre Control Tower is operating.

§ 93.163 Description of area.

The Sabre U.S. Army Heliport airport traffic area is designated as that airspace extending from the surface up to but not including an altitude of 2,000 feet above the surface of the heliport and within a 2-statute-mile radius of the heliport's geographical center.

(Secs. 307 and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. §§ 1348 and 1354(a)); and § 6(c) of the Department of Transportation Act (49 U.S.C. § 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on December 22, 1977.

LANGHORNE BOND,  
Administrator.

[FR Doc. 77-37314 Filed 12-30-77; 8:45 am]

#### [3510-25]

Title 15—Commerce and Foreign Trade  
CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

Change in Chapter Heading

AGENCY: Industry and Trade Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule changes the heading of Chapter III of Title 15 from Domestic and International Business Administration to Industry and Trade Administration, in accordance with the new name of the organization designated under the reorganization effective

on December 4, 1977.<sup>1</sup> The content of Chapter III will remain substantially the same as before.

EFFECTIVE DATE: December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael C. Monroe, Office of Management and Systems, Industry and Trade Administration, Department of Commerce, Washington, D.C. 20230, 202-377-5436.

Accordingly, to implement the provisions of Department of Commerce Organization Order 10-3, which was effective December 4, 1977, Chapter III of Title 15 of the Code of Federal Regulations, presently titled "Domestic and International Business Administration," is changed to read as set forth above.

S. STANLEY KATZ,  
Acting Assistant Secretary  
for Industry and Trade.

[FR Doc. 77-37397 Filed 12-30-77; 8:45 am]

#### [3510-25]

PART 301—INSTRUMENTS AND APPARATUS FOR EDUCATIONAL AND SCIENTIFIC INSTITUTIONS

AGENCY: Industry and Trade Administration, Bureau of Trade Regulation, Department of Commerce.

ACTION: Rule; nomenclature changes and other editorial changes.

SUMMARY: As a result of the reorganization of the Domestic and International Business Administration and its redesignation as the Industry and Trade Administration as well as the creation of the Bureau of Trade Regulation, it is necessary to change certain organization orders and form and organizational designations. The authority section is also revised to correct an erroneous citation of statutory authority. Miscellaneous editorial changes are also made, including a change of the Customs Service address for submission of applications, due to an administrative change within Customs.

FOR FURTHER INFORMATION CONTACT:

Richard M. Seppa, 202-377-2925.

SUPPLEMENTARY INFORMATION: In FR Doc. 75-6944 appearing at page 12253 in the FEDERAL REGISTER of March 18, 1975, the following changes should be made:

1. Whenever they appear throughout, (a) "Domestic and International Business," "Domestic and International Business Administration," and "Resources and Trade," should be changed, respectively, to "Industry and Trade," "Industry and Trade Administration," and "Trade Regulation".  
(b) "DIB" (in form designations) should be changed to "ITA".

<sup>1</sup> Published at 42 FR 64721, December 28, 1977.



2. The authority section should be changed to read as follows: "Authority: Subsection 6(c), Pub. L. 89-551, 80 Stat. 897 (19 U.S.C. 1202)."

(3) In § 301.1(a) delete "by Department of Commerce Organization Order 10-3 of July 5, 1974" and "by Domestic and International Business Administration Organization and Function Order 44-1 effective November 17, 1972."

(4) In § 301.1(d) "Bureau of Customs" should be changed to "U.S. Customs Service."

(5) In § 301.3(a) "(formerly OIPF-768)" should be deleted. The last sentence of the same subsection beginning "For a period of . . ." and ending ". . . is not yet available." should also be deleted.

(6) In § 301.3(b) The Customs Service address should be changed to:

United States Customs Service, Entry Procedures and Penalties Division, Attention: Entry and Licensing Branch, Washington, D.C. 20229.

The notice, public rulemaking procedure and effective date requirements contained in 5 U.S.C. 553 are omitted as unnecessary because the changes are editorial in nature.

Dated: December 28, 1977.

STANLEY J. MARCUSS,  
Deputy Assistant Secretary for Trade Regulation.

ANTHONY M. SOLOMON,  
Acting Secretary.

[FR Doc.77-37403 Filed 12-30-77;8:45 am]

#### [ 4110-03 ]

##### Title 21—Food and Drugs

#### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

#### PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

##### Subpart B—Implantation or Injectable Dosage Forms

#### AMPICILLIN SODIUM FOR AQUEOUS INJECTION

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application (NADA) filed by Beecham Labs., providing for the safe and effective use of injectable ampicillin sodium for treatment of certain infections in horses.

EFFECTIVE DATE: January 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert A. Baldwin, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Beecham Labs., Division of Beecham, Inc., Bristol, Tenn. 37620, filed an NADA (55-084V) providing for intramuscular and intravenous administration of ampicillin sodium for treatment of upper respiratory, skin, and soft tissue infections in horses.

In accordance with the freedom of information regulations and § 514.11(e) (2) (ii) (21 CFR 514.11(e) (2) (ii)) of the animal drug regulations, a summary of safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, from 9 a.m. to 4 p.m., Monday through Friday, except on Federal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 345-347 (21 U.S.C. 360b (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 540 is amended by adding new § 540.209 to Subpart B, to read as follows:

§ 540.209 Ampicillin sodium for aqueous injection.

(a) *Requirements for certification.* The drug is sterile ampicillin packaged for dispensing. The requirements for certification are described in § 440.9a(a) of this chapter, except that the drug is labeled in accordance with requirements of paragraph (c) of this section and § 510.55 of this chapter.

(b) *Tests and methods of assay.* The tests and methods of assay for sterile ampicillin sodium are described in § 440.9a(b) of this chapter.

(c) *Conditions of marketing—(1) Specifications.* Complies with the requirements of paragraph (a) of this section. Each vial contains 3 grams of ampicillin which, when reconstituted according to directions, will provide a solution containing 300 milligrams of ampicillin per milliliter.

(2) *Sponsor.* See No. 000029 in § 510.600(c) of this chapter.

(3) *Conditions of use in horses—(i) Amount:* 3 milligrams per pound of body weight twice daily.

(ii) *Indications for use.* Treatment of respiratory tract infections (pneumonia and strangles) due to *Streptococcus* spp., *E. coli*, and *Proteus mirabilis*, and skin and soft tissue infections (abscesses and wounds) due to *Staphylococcus* spp., *Streptococcus* spp., *E. coli*, and *Proteus mirabilis*, when caused by susceptible organisms.

(iii) *Limitations.* The drug may be administered either intravenously or intramuscularly. Treatment should be continued 48 hours after all symptoms have subsided. If no response is seen in 4 to 5 days, reevaluate diagnosis. Not for use in horses or other animals which are raised for food production. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: January 3, 1978.

(Sec. 512 (i) and (n), 82 Stat. 347 (21 U.S.C. 360b (i) and (n)).)

Dated: December 22, 1977.

PHILIP D. CAZIER,  
Acting Associate Director  
Surveillance and Compliance.

[FR Doc.77-37326 Filed 12-30-77;8:45 am]

#### [ 3510-25 ]

#### Title 32A—National Defense, Appendix CHAPTER VI—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

##### Change in Chapter Heading

AGENCY: Industry and Trade Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule changes the heading of Chapter VI of Title 32A from Domestic and International Business Administration to Industry and Trade Administration, in accordance with the new name of the organization designated under the reorganization effective on December 4, 1977. The content of Chapter VI will remain substantially the same as before.

EFFECTIVE DATE: December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael C. Monroe, Office of Management and Systems, Industry and Trade Administration, Department of Commerce, Washington, D.C. 20230, 202-377-5436.

Accordingly, to implement the provisions of Department of Commerce Organization Order 10-3, which was effective December 4, 1977, Chapter VI of Title 32A of the Code of Federal Regulations, presently titled "Domestic and International Business Administration," is changed to read as set forth above.

S. STANLEY KATZ,  
Acting Assistant Secretary for Industry and Trade.

[FR Doc.77-37398 Filed 12-30-77;8:45 am]

#### [ 3510-03 ]

##### Title 46—Shipping

#### CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

##### SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

#### PART 280—LIMITATIONS ON THE AWARD AND PAYMENT OF OPERATING-DIFFERENTIAL SUBSIDY FOR LINER OPERATORS

##### Extension of Comment Period

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Extension of comment period.

SUMMARY: By notice published in the FEDERAL REGISTER on December 5, 1977

<sup>1</sup> Published at 42 FR 64721, Dec. 29, 1977.

(42 FR 61460) the Maritime Subsidy Board/Assistant Secretary of Commerce for Maritime Affairs adopted interim regulations, to become effective January 1, 1978, revising 46 CFR Part 280. Written comments were invited to be submitted by December 30, 1977. The revision establishes the criteria and procedures for determining where and how operating-differential subsidy (ODS) payable to an operator under an ODS contract will be reduced because the operator has carried civilian preference cargo at a premium rate. These regulations implement and clarify the Board's decision in Docket No. S-244, which has been contested and affirmed by final decision of the Federal Courts. A request has been received for an extension of time to submit comments, and is hereby granted until January 31, 1978.

DATE: Written comments are due on or before January 31, 1978.

ADDRESS: Submit (in triplicate) to Maritime Administration, Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:

James S. Dawson Secretary, Maritime Subsidy Board/Maritime Administration, Washington, D.C. 20230, telephone 202-277-2188.

Dated: December 28, 1977.

By Order of the Maritime Subsidy Board, Assistant Secretary for Maritime Affairs.

ROBERT J. PATTON, Jr.,  
Assistant Secretary,  
Maritime Subsidy Board.

[FR Doc.77-37303 Filed 12-30-77;8:45 am]

#### [ 3510-03 ]

##### SUBCHAPTER H—TRAINING

#### PART 310—MERCHANT MARINE TRAINING

Subpart A—Regulations and Minimum Standard for State Maritime Academies and Colleges

##### FINANCIAL ASSISTANCE LIMITS AND CONDITIONS

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: The purpose of this amendment to the regulations applicable to financial assistance for State Maritime Academies and Colleges is to make such regulations consistent with the provisions of amendments made to the Maritime Academy Act of 1958 (46 U.S.C. 1381-1388) by sections 4 and 5 of the "Maritime Appropriation Authorization Act for Fiscal Year 1978" (Pub. L. 95-173), enacted into law on November 12, 1977. These amendments increased the maximum annual maintenance and support payment to a State Maritime Academy or College from \$75,000 to \$100,000 per year as well as the annual subsistence payments to students at the academies from \$600 to \$1,200 per student per year.

Since Congress only appropriated additional funds for increasing the allowance payment, only the allowance payment will be increased effective with the date of enactment of the amendments. The grant payment will continue at the \$75,000 rate until Congress appropriates funds for the increase. This is a matter relating to public grants, which is exempt from required notice and opportunity for comments, pursuant to the provisions of 5 U.S.C. 553.

EFFECTIVE DATE: November 12, 1977.

FOR FURTHER INFORMATION CONTACT:

E. J. Bernhardt, Academies Program Officer, Office of Maritime Manpower, Maritime Administration, Department of Commerce, Washington, D.C. 20230, 202-377-2095.

46 CFR Part 310 is amended as follows:

1. Paragraph (a) of § 310.2 is revised to read as follows:

##### § 310.2 Federal assistance.

(a) The Assistant Secretary of Commerce for Maritime Affairs under the authority delegated to him by the Secretary of Commerce (Department of Commerce Order No. 10-8, section 3, effective July 5, 1973), may enter into agreements with the present or later established Maritime Academies or Colleges meeting the requirements of Pub. L. 85-672, the "Maritime Academy Act of 1958" (46 U.S.C. 1381-1388), to make annual payments to such Academies or Colleges for not in excess of 4 years in the case of each such agreement, to be used for the maintenance and support of such Academies or Colleges. Such payments for any year to any Maritime Academies or Colleges shall be an amount equal to the amount furnished to such Academies or Colleges for their maintenance and support by the State in which the Academy or College is located, except that such payment to any Academy or College for any year shall not exceed \$100,000, or \$25,000 if such Academy or College does not meet the requirements of Section 5(b) of the "Maritime Academy Act of 1958" (46 U.S.C. 1384(b)).

2. Paragraph (b) (2) of § 310.3 is revised to read as follows:

##### § 310.3 Schools and courses.

(b) . . . . .  
(2) As a condition to receiving payments of any amount allowable by the Act in excess of \$25,000 for any year, such School shall agree to admit to the school, students resident of other States to the extent of at least 10 percent of the School's student capacity. Such out-of-State students shall apply for admission and be otherwise qualified for such admission.

3. Article 1 and the first sentence of Article 2 of § 310.12 are revised, respectively, to read as follows:

##### § 310.12 Form of agreement.

Article 1.—*Assistance payments.* The Administration, subject to the provisions of Article 3, agrees to make annual payments to the School for not in excess of 4 years for schools having a 4-year course and not in excess of 3 years for schools having a 3-year course under this agreement to be used for the maintenance and support of the School. As a further condition to receiving such payment, the State shall appropriate each year for the purpose of maintenance and support of the School, an amount not less than that received from the Federal Government for such year for the same purpose. Such payments to the School for any year shall not exceed \$100,000, or \$25,000 if the School does not meet the requirements of Article 3(b) of this agreement.

Article 2.—*Subsistence payments.* The Administration, subject to Article 3, agrees to make payments to the Schools at a rate not in excess of \$1,200 per academic year for each student benefit allotment approved by the Administration pursuant to section 310.7(a) of this Part. . . . .

(Sec. 8, Maritime Academy Act of 1958 (46 U.S.C. 1387); Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91-469 (84 Stat. 1036); Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).)

(Catalog of Federal Domestic Assistance Program No. 11-506 State Marine Schools.)

Dated: December 27, 1977.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

ROBERT J. PATTON, Jr.,  
Assistant Secretary.

[FR Doc.77-37258 Filed 12-30-77;8:45 am]

#### [ 6560-01 ]

##### Title 40—Protection of Environment

#### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 838-3]

##### AIR POLLUTION

Delegation of Authority to the State of Minnesota for Prevention of Significant Deterioration; Inspections, Monitoring and Entry; Standards of Performance for New Stationary Sources; and National Emission Standards for Hazardous Air Pollutants

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The amendment below institutes an address change for the implementation of technical and administrative review and enforcement of Prevention of Significant Deterioration provisions; Inspections, Monitoring and Entry provisions; Standards of Performance for New Stationary Sources; and National Emission Standards for Hazardous Air Pollutants. The notice announcing the delegation of authority is published elsewhere in this issue of the FEDERAL REGISTER.



RULES AND REGULATIONS

**EFFECTIVE DATE:** October 6, 1977.

**ADDRESSES:** This amendment provides that all reports, requests, applications, and communications required for the delegated authority will no longer be sent to the U.S. Environmental Protection Agency, Region V Office, but will be sent instead to: Minnesota Pollution Control Agency, Division of Air Quality, 1935 West County Road B-2, Roseville, Minn. 55113.

**FOR FURTHER INFORMATION, CONTACT:**

Joel Morbito, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn St., Chicago, Ill. 60604, 312-353-2205.

**SUPPLEMENTARY INFORMATION:** The Regional Administrator finds good cause for forgoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegations which are granted by this administrative amendment were effective October 6, 1977, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations. This rulemaking is effective immediately and is issued under authority of sections 101, 110, 111, 112, 114, 160-169 of the Clean Air Act, as amended (42 U.S.C. 7401, 7410, 7411, 7412, 7414, 7470-79,

7491). Accordingly, 40 CFR Parts 52, 60 and 61 are amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**Subpart Y—Minnesota**

1. Section 52.1224 is amended by adding a new paragraph (b) (5) as follows:

§ 52.1224 General requirements.

(b) . . . . .

(5) Authority of the Regional Administrator to make available information and data was delegated to the Minnesota Pollution Control Agency effective October 6, 1977.

2. Section 52.1234 is amended by adding a new paragraph (c) as follows:

§ 52.1234 Significant deterioration of air quality.

(c) All applications and other information required pursuant to § 52.21 from sources located in the State of Minnesota shall be submitted to the Minnesota Pollution Control Agency, Division of Air Quality, 1935 West County Road B-2, Roseville, Minn. 55113.

**PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES**

**Subpart A—General Provisions**

1. Section 60.4 is amended by adding a new paragraph (b) (Y) as follows:

§ 60.4 Address.

(b) . . . . .

(Y) Minnesota Pollution Control Agency, Division of Air Quality, 1935 West County Road B-2, Roseville, Minn. 55113.

**PART 61—NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS**

**Subpart A—General Provisions**

1. Section 61.04 is amended by adding a new paragraph (b) (Y) as follows:

§ 61.04 Address.

(b) . . . . .

(Y) Minnesota Pollution Control Agency, Division of Air Quality, 1935 West County Road B-2, Roseville, Minn. 55113.

Dated: December 21, 1977.

GEORGE ALEXANDER,  
Regional Administrator.

[FR Doc. 77-37404 Filed 12-30-77; 8:45 am]

**Title 10—Energy**

**CHAPTER I—NUCLEAR REGULATORY COMMISSION**

**PART 9—PUBLIC RECORDS**

**Release of Transcripts of Closed Commission Meetings**

**Correction**

In FR Doc. 77-35286, appearing at page 62471 in the issue of Tuesday, December 13, 1977, between the words "Commission" and "upon" in the 10th line of § 9.108(c) insert the words, "not make such determinations immediately following any such closed meeting, the Secretary of the Commission".

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[ 3510-15 ]  
DEPARTMENT OF AGRICULTURE  
Rural Electrification Administration  
[ 7 CFR Part 1701 ]  
RURAL TELEPHONE PROGRAM

**Proposed Revisions of REA Specification PE-22 for Telephone Cable for Aerial and Underground Duct Applications, REA Specification PE-23 for Telephone Cables for Direct Burial, REA Specification PE-39 for Filled Telephone Cables and REA Specification PE-54 for Filled Buried Wire**

**AGENCY:** Rural Electrification Administration.

**ACTION:** Proposed rule.

**SUMMARY:** REA proposes to issue a File With for REA Bulletin 345-13 to announce an addendum to REA Specification PE-22 for Telephone Cable for Aerial and Underground Duct Applications, a File With for REA Bulletin 345-14 to announce an addendum to REA Specification PE-23 for Telephone Cables for Direct Burial, a File With for REA Bulletin 345-67 to announce an addendum to REA Specification PE-39 for Filled Telephone Cables and a File With for REA Bulletin 345-70 to announce an addendum to REA Specification PE-54 for Filled Buried Wire. These addendums are needed to revise the specifications to permit the use of continuous uniformity thickness monitoring equipment to take advantage of new technology for monitoring and controlling the uniformity of jacket thickness for wire and cable products. The effect of this action will be to potentially reduce cost while improving manufacturing control over jacket thickness uniformity. On issuance of the File Withs, Appendix A to Part 1701 will be modified accordingly.

**DATE:** Public comments must be received by REA no later than February 2, 1978.

**ADDRESS:** Persons interested in the revisions of REA Specifications PE-22, PE-23, PE-39 and PE-54 may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Warner T. Smith, Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-3827.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue a File With for REA Bulletins 345-13, 345-14, 345-67 and 345-70. Copies of the proposed addendums to REA Specifications PE-22, PE-23, PE-39 and PE-54 may be secured in person or by written request from the Director, Telephone Operations and Standards Division. The texts of the File Withs are as follows:

**FILE WITH REA BULLETIN 345-13**

REA Specification PE-22 for Telephone Cable for Aerial and Underground Duct Applications is being revised to permit the use of continuous uniformity thickness monitoring equipment to take advantage of new technology for monitoring and controlling the uniformity of jacket thickness. This equipment may be used in lieu of end sample measurements for determining jacket thickness compliance with the specification requirements for jacket thickness.

The use of a continuous uniformity thickness gauge as covered in the enclosed addendum to REA Specification PE-22, dated January 1978 becomes effective immediately.

Copies of the addendum will be furnished by REA upon request. Questions concerning the addendum may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3827.

**FILE WITH REA BULLETIN 345-14**

REA Specification PE-23 for Telephone Cables for Direct Burial is being revised to permit the use of continuous uniformity thickness monitoring equipment to take advantage of new technology for monitoring and controlling the uniformity of jacket thickness. This equipment may be used in lieu of end sample measurements for determining jacket thickness compliance with the specification requirements for jacket thickness.

The use of a continuous uniformity thickness gauge as covered in the enclosed addendum to REA Specification PE-23, dated January 1978 becomes effective immediately.

Copies of the addendum will be furnished by REA upon request. Questions concerning the addendum may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3827.

**FILE WITH REA BULLETIN 345-67**

REA Specification PE-39 for Filled Telephone Cables is being revised to permit the use of continuous uniformity thickness monitoring equipment to take advantage of new technology for monitoring and controlling the uniformity of jacket thickness. This equipment may be used in lieu of end sample measurements for determining jacket thickness compliance with the specification requirements for jacket thickness.

The use of a continuous uniformity thickness gauge as covered in the enclosed addendum to REA Specification PE-39 dated January 1978 becomes effective immediately.

Copies of the addendum will be furnished by REA upon request. Questions concerning the addendum may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3827.

**FILE WITH REA BULLETIN 345-70**

REA Specification PE-54 for Filled Buried Wire is being revised to permit the use of continuous uniformity thickness monitoring equipment to take advantage of new technology for monitoring and controlling the uniformity of jacket thickness. This equipment may be used in lieu of end sample measurements for determining jacket thickness compliance with the specification requirements for jacket thickness.

The use of a continuous uniformity thickness gauge as covered in the enclosed addendum to REA Specification PE-54 dated January 1978 becomes effective immediately.

Copies of the addendum will be furnished by REA upon request. Questions concerning the addendum may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3827.



## PROPOSED RULES

Washington, D.C. 20250, telephone number 202-447-3827.

Dated: December 27, 1977.

C. R. BALLARD,  
Assistant Administrator,  
Telephone.

[FR Doc. 77-37364 Filed 12-30-77; 8:45 am]

[3510-15]

[7 CFR Part 1701]

# **RURAL TELEPHONE PROGRAM**

Proposed Revision of REA Specification PE-7 for Parallel Conductor Drop Wire

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

**SUMMARY:** REA proposes to issue a File With for REA Bulletin 345-36 to announce a revision of REA Specification PE-7 for Parallel Conductor Drop Wire. This revision is needed to permit new methods of packaging the drop wire in order to take advantage of technical advances in the area of packaging. The effect of this action will be to permit new innovative methods of packaging to reduce cost and improve overall performance characteristics as related to packaging. On issuance of the File With for REA Bulletin 345-36, Appendix A to Part 1701 will be modified accordingly.

**DATE:** Public comments must be received by REA no later than February 2, 1978.

**ADDRESS:** Persons interested in the revision of REA Specification PE-7 may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Warner T. Smith, Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3827.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a File With for REA Bulletin 345-36. The text of the proposed File With REA Bulletin 345-36 is as follows:

FILE WITH REA BULLETIN 345-36

Presently, REA Specification PE-7 for Parallel Conductor Drop Wire requires a specific method of packaging the drop wire. This requirement has been found

to impose limitations on the development and use of new and innovative methods of packaging thus restricting the potential for reduced cost and improved performance related to packaging. Therefore, paragraph 14 of REA Specification PE-7 is being revised by adding the following sub-paragraph:

14.07 Other methods of packaging may be used if acceptable to REA. Please make the above change to REA Specification PE-7 with pen and ink which becomes effective immediately.

Copies of the File With will be furnished by REA upon request. Questions concerning the File With may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3827.

Dated: December 27, 1977.

C. R. BALLARD,  
Assistant Administrator,  
Telephone.

[FR Doc. 77-37385 Filed 12-30-77; 8:45 am]

[8025-01]

## **SMALL BUSINESS ADMINISTRATION**

[13 CFR Part 121]

### **SMALL BUSINESS SIZE STANDARDS**

Definition of Small Business for Purpose of SBA Loans and Procurement Assistance—Offshore Marine Services

ACTION: Proposed rule.

**SUMMARY:** This is a proposal to establish a size standard for small offshore marine services firms for the purpose of receiving Small Business Administration (SBA) financial and procurement assistance. This rule is necessary because of the changing nature of water transportation, especially as it relates to petroleum and gas development at sea. It is intended to result in the increased eligibility of offshore marine services firms for SBA assistance.

**COMMENT DATE:** Comments must be received by February 2, 1978.

**ADDRESS COMMENTS TO:** Director, Size Standards Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

**FOR FURTHER INFORMATION CONTACT:**

Harvey D. Bronstein, 202-653-6373.

**SUPPLEMENTARY INFORMATION:** In establishing size standards, the SBA usually does so on an industry-by-industry basis for the industries recognized in the Standard Industrial Classification Manual published by the Office of Management and Budget, Executive Office of the President. Offshore marine services, however, has not yet been recognized as an industry. As a result, under present SBA rules, such activities are classified as water transportation services with a

loan size standard of \$1.5 million and a procurement size standard of 500 employees (see 13 CFR 121.3-10(f)(1) and 121.3-8(f)(1)).

In the March 4, 1977, FEDERAL REGISTER (p. 12435) the SBA made a request for information on offshore marine services. Response to the request was poor, so the SBA has had to research this problem without the benefit of comments from interested parties.

This proposed rule change resulted from a suggestion forwarded by an offshore marine services concern in the industry, and the SBA's continued interest in encouraging small business opportunities in the search for new energy sources. The present size standard is a catchall for all general transportation and fails to differentiate among the various transportation industries.

Under the currently applicable loan size standard of \$1.5 million in annual receipts, we estimate that fewer than nine firms are eligible for financial assistance, of an estimated 64 U.S. based offshore companies. A \$5 million standard would enable fewer than 27; at \$10 million fewer than 40; and at \$15 million fewer than 48 companies, we estimate, would be eligible for financial assistance. These estimates are based on a survey in Offshore magazine, March 1976.

After review of the available data, it is our opinion that offshore marine services require its own size standard.

Accordingly, it is proposed to amend Part 121 of Chapter I, Title 13, of the Code of Federal Regulations by:

1. Renumbering paragraphs (u), (v), (w), (x), and (y) of § 121.3-2 as paragraphs (v), (w), (x), (y), and (z) respectively, and inserting new § 121.3-2(u) to read as follows:

§ 121.3-2 Definition of terms used in this part.

(u) "Offshore marine services" means firms furnishing to concerns engaged in offshore oil and/or natural gas exploration, drilling, production, or marine research, and such services as passenger and freight transportation, rig towing, anchor handling, and related logistical services, to and from the work site or at sea.

2. Revising § 121.3-8(f) by adding subparagraph (4) to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

(f) Transportation. . . .  
(4) As small if it is primarily engaged in the provision of offshore marine services as defined in Section 121.3-2(u) and its annual receipts do not exceed \$10 million.

3. Revision § 121.3-10(f) by adding subparagraph (5) to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

## PROPOSED RULES

(f) Transportation and warehousing. . . .

(5) As small if it is primarily engaged in the provision of offshore marine services as defined in Section 121.3-2(u) and its annual receipts do not exceed \$10 million.

Dated: December 22, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc. 77-37408 Filed 12-30-77; 8:45 am]

[4910-13]

## **DEPARTMENT OF TRANSPORTATION**

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 17522]

### **AIRWORTHINESS DIRECTIVES**

British Aircraft Corp. BAC 1-11 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule-making.

**SUMMARY:** This notice proposes to supersede airworthiness directive 68-26-04 applicable to British Aircraft Corporation BAC 1-11 400 Series airplanes to require inspection for cracks and replacement as necessary of certain nose gear sustaining rams. The proposed airworthiness directive (AD) is needed to detect cracking which could result in failure of the landing gear.

**DATES:** Comments must be received on or before February 17, 1978.

**ADDRESSES:** Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24) Docket No. 17522, 800 Independence Avenue SW., Washington, D.C. 20591.

The applicable service bulletin may be obtained from: British Aircraft Corporation, Inc., 399 Jefferson Davis Highway, Arlington, Va., 22202, telephone: 703-979-1400.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:**

D. C. Jacobsen, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513-38-30.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate

to the address specified above. All communications received on or before the closing date for comments, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

This notice proposes to supersede Amendment 39-697 (33 FR 18695), AD 68-26-04, which currently requires repetitive inspections and replacement as necessary of the nose gear sustaining ram on British Aircraft Corporation BAC 1-11 400 Series airplanes. After issuing Amendment 39-697, the FAA has determined that the modified sustaining rams which AD 68-26-04 lists as replacement parts also have experienced cracking in the same area as the original part. Therefore, the FAA is considering superseding Amendment 39-697 by a new AD which would require repetitive inspections of both the original part and the replacement part and provide for a new modification which, when embodied, would terminate the repetitive inspections.

#### **DRAFTING INFORMATION**

The principal authors of this document are F. J. Karnowski, Europe, Africa, and Middle East Region, H. Hellebrand and F. Kelley, Flight Standards Service, and P. Lynch, Office of the Chief Counsel.

#### **THE PROPOSED AMENDMENT**

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

**BRITISH AIRCRAFT CORPORATION.** Applies to Model BAC 1-11 400 Series airplanes.

Compliance is required as indicated.

To detect cracks in the nose landing gear sustaining ram P/N AK44 A103 or P/N AK44 A853, as applicable, accomplish the following:

(a) For airplanes on which nose landing gear sustaining ram P/ NAK44 A103 is installed, prior to accumulating 4500 landings on the ram or within 500 landings after the effective date of this AD, whichever occurs later, unless accomplished within the last 500 landings, and thereafter at intervals not to exceed 1000 landings from the last inspection, inspect in accordance with paragraph (c) of this AD.

(b) For airplanes on which nose gear sustaining ram P/N AK44 A853 is installed, prior to accumulating 4500 landings or within 500 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 1000 landings from the last inspection, inspect in accordance with paragraph (c) of this AD.

(c) Inspect nose landing gear sustaining ram, P/N AK44 A103 or AK44 A853, as applicable, for cracks using a permanent magnet and detection ink in accordance with the procedure outlined in sections 2.1.1 and 4.1

of British Aircraft Corporation Alert Service Bulletin No. 32-A-PM3509, issue 5, dated March 23, 1977, (service bulletin) or an FAA-approved equivalent.

(d) If during the inspection required by paragraph (c) of this AD, cracks are found which exceed 2½ inches in length around the circumference of the ram, before further flight, replace the ram P/N AK44 A103 or AK44 A853, with a serviceable part of the same part number or with P/N AK44 A987 in accordance with Modification PM5227, referred to in the service bulletin. If P/N AK44 A103 or AK44 A853 rams are used as replacements, inspect the replacement rams in accordance with paragraph (c) prior to accumulating 4500 landings on the part and thereafter at intervals not to exceed 1000 landings from the last inspection.

(e) If, during the inspection required by paragraph (c) of this AD, cracks are found which do not exceed 2½ inches in length around the circumference of the ram, such cracks may be blended out in accordance with and within the limitations of section 2.1.4 of the service bulletin or an FAA-approved equivalent. Sustaining rams reworked in this manner must be shot peened and re-protected in accordance with section 2.1.5 of the service bulletin and the ram must continue to be inspected in accordance with paragraph (c) of this AD at intervals not to exceed 1000 landings. If the cracks cannot be blended out within the specified material limitations, the ram must be replaced before further flight in accordance with paragraph (d) of this AD.

(f) The repetitive inspections of the nose gear sustaining ram as specified in this AD may be terminated upon embodiment of BAC Modification PM5227 which introduces ram P/N AK44 A987 or an FAA-approved equivalent.

(g) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, where the number of landings has not been recorded for the parts affected by this AD, the number of landings may be determined by dividing the number of flight hours time in service since installation of the part by the operator's fleet average time from takeoff to landing for the airplane type.

(Secs. 313(a), 801, and 803, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.85.)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on December 22, 1977.

J. A. FERRARESE,  
Acting Director,  
Flight Standards Service.

[FR Doc. 77-37315 Filed 12-30-77; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 77-WE-31-AD]

### **AIRWORTHINESS DIRECTIVES**

McDonnell Douglas DC-10 Series Airplanes; Extension of Comment Period  
AGENCY: Federal Aviation Administration (FAA), DOT.



**ACTION:** Notice extending comment period on notice of proposed rulemaking.

**SUMMARY:** This notice extends the time period in which comments may be submitted in response to a proposed airworthiness directive (AD), published in the *Federal Register* at 42 FR 53631. In response to a request for extension, the FAA has determined that an extension is needed to develop additional data regarding the source of the unsafe condition and to allow additional time for flight operations management personnel to comment.

**DATE:** Comments must be received on or before January 31, 1978.

**ADDRESSES:** Sent comments on the proposal in duplicate to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The applicable service bulletin may be obtained from: McDonnell Douglas Corp., 3855 Lakewood Boulevard, Long Beach, Calif. 90846, Attention: L. A. Eisenberg, CI-750, 54-60.

Also, a copy of this service bulletin may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

#### FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone 213-536-6351.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) was published in the *Federal Register* on October 3, 1977 (42 FR 53631). The proposed AD would require both of the following to be accomplished on DC-10 series airplanes: (1) the modification of the stall warning installation, and (2) the addition of a preflight stall warning check to the FAA Approved Airplane Flight Manual.

The Air Transport Association of America (ATA) submitted comments on behalf of airline operators of DC-10 airplanes, requesting an additional 30 days' comment period within which to explore the feasibility of an alternate modification procedure and to obtain a more precise expression of flight operations management judgment regarding the possible need for the proposed AD.

The ATA expressed that: The basic problem with the DC-10 stall warning system is the unreliability of the Sundstrand angle of attack sensor; there have been, to their knowledge, no rejected takeoffs from false stall warnings on DC-

10 airplanes equipped with Conrac angle of attack probes and if the angle of attack sensor is reliable, in their judgment, no unsafe condition exists, therefore, the proposed AD should not be adopted. The ATA also advised that they were not opposed, with certain conditions, to the issuance of an AD by the FAA Northwest Region requiring a modification of the Sundstrand angle of attack sensor (Northwest AD Docket No. 77-NW-24-AD; as published in the *Federal Register* on September 19, 1977 (42 FR 46929)). The Northwest proposed AD is intended to improve the reliability of the Sundstrand angle of attack sensor.

In addition, the ATA requested more time, if this proposed AD is adopted, to accomplish the requested modification, and again requested additional time to devise an alternate modification.

The FAA believes that there is a need for additional time for comments. The time is needed to allow the petitioner, the manufacturer, or the affected airlines to provide data to show the failure sources for the false stall warnings which have occurred at rotation (58 have been reported). This data is intended for use in determining if there is a need for this proposed AD (this action may not be necessary if it can be shown that the Sundstrand angle of attack sensor is the sole source of false stall warnings at take-off rotation). The FAA also agrees with the need to allow more time for flight operations management personnel to comment on the proposed AD.

The FAA does not agree that additional time should be granted for the purpose of developing alternate modifications. In the event the proposed AD is adopted, any desired alternate modification procedure may be handled within the existing provisions of the proposed AD.

#### DRAFTING INFORMATION

The principal authors of this document are Herbert G. Peters, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

#### EXTENSION OF COMMENT PERIOD

Accordingly, I find that the petitioner has shown substantive interest in the proposed rule, that good cause exists for the extension, and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.85), the time within which comments on NPRM, Docket No. 77-WE-31-AD, will be received is extended to January 31, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.)

**NOTE:**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, Calif., on December 21, 1977.

JAY R. ADSEN,  
Director,  
FAA Western Region.

[FR Doc.77-37316 Filed 12-30-77;8:45 am]

#### [ 6560-01 ]

### ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 52 ]

[FRL 837-8]

#### APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kentucky: Air Quality Maintenance Area Designation

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rulemaking.

**SUMMARY:** It is proposed to redesignate Henderson County as a portion of the Evansville-Henderson Interstate Air Quality Maintenance Area for total suspended particulates. The earlier designation was vacated by the U.S. Court of Appeals for the Sixth Circuit in *City of Henderson, Kentucky, et al. v. United States Environmental Protection Agency* because of procedural deficiencies.

**DATES:** Comments must be received on or before February 2, 1978.

**ADDRESSES:** Comments should be addressed to: John Eagles, 345 Courtland St. NE., Atlanta, Ga. 30308.

The hearing transcript and other information on which the designation is based is available at the addresses shown below:

U.S. Environmental Protection Agency, 345 Courtland St., NE., Atlanta, Ga., 30308.

Henderson County Courthouse, Henderson, Ky. 42420.

Public Information Reference Unit, U.S. Environmental Protection Agency, 401 Street SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:**

Contact John Eagles, 345 Courtland St. NE., Atlanta, Ga. 30303, or at 404-881-2864.

**SUPPLEMENTARY INFORMATION:** On May 31, 1972 (37 FR 10842), the Administrator of the Environmental Protection Agency published his initial approvals and disapprovals of State Implementation plans submitted pursuant to section 110 of the Clean Air Act, as amended in 1970.

Subsequently, the Administrator determined that, in order to maintain air quality standards, in addition to review of new and modified sources, a comprehensive growth analysis should be specifically required of the States in order to make the maintenance provisions of implementation plans fully acceptable.

40 CFR 51.12, as amended on June 18, 1973 (38 FR 15834), and subsequently

amended on May 8, 1974 (39 FR 16343), requires, in part, that State implementation plans identify by May 10, 1974, areas which may have the potential for exceeding any national standards within the next 10-year period as a consequence of current air quality and/or the projected growth rate of the area. By August 16, 1974, the Administrator was to publish, based upon the information submitted by the States, a list of potential problem areas which would be analyzed in more detail by the States. By June 18, 1975, the States were required to submit an analysis of the impact of air quality of projected growth in each potential problem area designated by the Administrator. Where NAAQS maintenance problems were identified by analysis, the States must also have submitted plans containing measures to ensure maintenance of national standards during the ensuing 10-year period.

On January 15, 1974, EPA issued to the States "Guidelines for Designation of Air Quality Maintenance Areas," which describes techniques for the States to use in identifying potential problem areas. Opportunity for public inspection of this document was announced in the *Federal Register* on February 25, 1974 (39 FR 7196). These guidelines specified that the States should consider, as a minimum, all Standard Metropolitan Statistical Areas (SMSAs).

All States were required, prior to the submission of identified areas, to conduct one or more public hearings on the identification and the technical supporting material. Notice of a public hearing was to be given at least 30 days prior to the date of such hearing by prominent advertisement of the date, time, and place of such hearing.

Because Kentucky did not submit Henderson County as a suggested AQMA, they held no hearing dealing with Henderson County. A hearing was held dealing with Vanderburgh County, but the court found that to be inadequate in its applicability to Henderson County. Because of the procedural deficiency, EPA's designation of Henderson County on April 29, 1975 (40 FR 41912) was vacated by the United States Court of Appeals for the Sixth Circuit in *City of Henderson, Ky. et al. v. United States Environmental Protection Agency* on April 18, 1977. In that decision, the United States Environmental Protection Agency was directed to hold a public hearing with appropriate notice prior to redesignating.

In order to correct this procedural deficiency, the Region IV Office of the Environmental Protection Agency held a hearing at the Henderson Community College in Henderson, Ky., on October 17, 1977, with the hearing record remaining open for 15 additional days in order to take additional statements. The hearing was advertised in newspapers in Henderson and in Evansville, Ind.

Comments received generally fell into two categories. Those favoring designation pointed to existing violations of ambient particulate standards and were desirous of whatever procedures would

alleviate the health effects associated with those violations. They interpreted the AQMA study as part of a process that could lead to attainment of standards.

Those opposed to designation interpreted it as an unknown factor which would lead to more stringent emission limits for industry, increased cost of electricity, and restrictions of new industrial growth in Henderson County.

After reviewing all pertinent data, including the material used in the original decision to designate, comments received during and subsequent to the October 17, 1977 hearing, and recent air quality data, it is now proposed to redesignate Henderson County as a portion of the Evansville-Henderson Interstate Air Quality Maintenance Area.

(Secs. 110, 301(a), Clean Air Act, as amended (42 U.S.C. 7410, 7601(a).)

Dated: December 16, 1977.

JOHN C. WHITE,  
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, Code of Federal Regulations, as follows:

#### Subpart S—Kentucky

Section 52.929(b) is amended by adding a subparagraph (2) as follows:

§ 52.929 Maintenance of national standards.

(b) . . . . .  
(2) Evansville Interstate Air Quality Maintenance Area (Kentucky Portion).  
(i) Pollutant for which the area is identified: Particulate matter.  
(ii) Geographical composition of area: Henderson County.

[FR Doc.77-37362 Filed 12-30-77;8:45 am]

#### [ 6560-01 ]

[ 40 CFR Part 180 ]

[FRL 837-3; PP6E 1815/P61]

#### PESTICIDE PROGRAMS

**Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Proposed Tolerances for the Pesticide Chemical O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) Phosphorothioate**

**AGENCY:** Office of Pesticide Programs, Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This notice proposes the establishment of a tolerance for residues of the insecticide O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate. The proposal was submitted by the Interregional Research Project No. 4. This amendment to the regulations would establish permissible levels for residues of the insecticide on kiwi fruit.

**DATE:** Comments must be received on or before February 2, 1978.

**ADDRESS COMMENTS TO:** Federal Register Section, Technical Services Di-

vision (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

#### FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA 202-755-2516.

**SUPPLEMENTARY INFORMATION:** Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, has submitted a pesticide petition (PP6E1815) to the EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of California. This petition requests that the Administrator propose that 40 CFR 180.153 be amended by the establishment of a tolerance for residues of the insecticide O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate in or on the raw agricultural commodity kiwi fruit at 0.75 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data submitted in the petition in support of the proposed tolerance included a two-year rat and dog-feeding study with no cholinesterase-inhibition no-effect levels (NEL), a two-year monkey-feeding study with a 1 ppm NEL, a three-generation rat reproduction study with a 4 ppm NEL, and a hen neurotoxicity study. The nature of the residue is adequately understood, and an adequate analytical method (thermionic emission gas chromatography specific for phosphorus) is available for enforcement purposes. Tolerances have previously been established (40 CFR 180.153) for residues of the subject insecticide on a variety of raw agricultural commodities ranging from 60 ppm to 0.1 ppm. There is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3).

Although a second oncogenicity study is lacking, it is concluded, based on the above data considered by the Agency and the insignificance of kiwi fruit in the diet, that the tolerance of 0.75 ppm established by amending 40 CFR 180.153 would protect the public health. Should valid information develop to show adverse effects from the insecticide, the petitioner has agreed not to contest a revocation of the tolerance by this Agency.

In addition, the negligible residue designation is to be removed from the existing tolerances because long-term feeding studies are now available.

It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before February 2, 1978, that this rulemaking

will be denied and financial assistance

manner in which a hearing is conducted

(a) "Presiding Officer" means the right to request interim or termination



proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must bear a notation indicating both the subject and the petition/document control number, "PP6E1815/P61". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Office of the Federal Register from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(e)).)

Dated: December 21, 1977.

HERBERT S. HARRISON,  
Acting Director,  
Registration Division.

It is proposed that Part 180, Subpart C, section 180.153 be revised in its entirety be editorially reformatting the section into an alphabetized columnar listing and alphabetically inserting the tolerance of 0.75 ppm on kiwi fruit, as follows:

**§ 180.153 0,0-Diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate; tolerances for residues.**

Tolerances are established for residues of the insecticide 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate in or on the following raw agricultural commodities:

Commodity:	Parts per million
Alfalfa, fresh	40
Alfalfa, hay	10
Almonds	0.5
Almonds, hulls	3
Apples	0.75
Apricots	0.75
Bananas (MMT 0.1 ppm shall be present in the pulp after peel is removed)	0.2
Bean forage	25
Bean hay	10
Beans, guar	0.1
Beans, guar, forage	0.1
Beans, lima	0.75
Beans, snap	0.75
Beets, roots	0.75
Beets, sugar, roots	0.75
Beets, sugar, tops	10
Beets, tops	0.75
Blackberries	0.75
Blueberries	0.75
Boysenberries	0.75
Broccoli	0.75
Brussels sprouts	0.75
Cabbage	0.75
Carrots	0.75
Cattle, fat (pre-s appl)	0.75
Cattle, mby (pre-s appl)	0.75
Cattle, meat (pre-s appl)	0.75
Cauliflower	0.75
Celery	0.75
Cherries	0.75
Citrus	0.75
Clover (fresh)	40
Clover, hay	10
Collards	0.75
Corn, forage	40
Corn (inc sweet k+CWR)	0.75

Cottonseed	0.2
Cowpeas	0.1
Cowpeas, forage	0.1
Cranberries	0.75
Cucumbers	0.75
Dandelions	0.75
Dewberries	0.75
Endive (escarole)	0.75
Figs	0.75
Filberts	0.5
Grapes	0.75
Grass (NMT 40 ppm shall remain 24 hours after appl)	60
Grass, hay	10
Hops	0.75
Kale	0.75
Kiwi fruit	0.75
Lespedeza	1
Lettuce	0.75
Loganberries	0.75
Melons	0.75
Mustard greens	0.75
Nectarines	0.75
Olives	1
Onions	0.75
Parsley	0.75
Parsnips	0.75
Peaches	0.75
Peanuts	0.75
Peanuts, forage	40
Peanuts, hay	10
Peanuts, hulls	10
Pears	0.75
Peavine hay	10
Peavines	25
Peas with pods (determined on peas after removing any shell present when marketed)	0.75
Pecans	0.5
Peppers	0.75
Pineapples	0.75
Pineapples, forage	40
Plums (fresh prunes)	0.75
Potatoes	0.1
Potatoes, sweet	0.1
Radishes	0.75
Raspberries	0.75
Sheep, fat (pre-s appl)	0.75
Sheep, mby (pre-s appl)	0.75
Sheep, meat (pre-s appl)	0.75
Sorghum, forage	10
Sorghum, grain	0.75
Soybeans	0.1
Soybeans, forage	0.1
Spinach	0.75
Squash, summer	0.75
Squash, winter	0.75
Strawberries	0.75
Sugarcane	0.75
Swiss chard	0.75
Tomatoes	0.75
Turnips, roots	0.75
Turnips, tops	0.75
Walnuts	0.5
Watercress	0.75

[FR Doc. 77-37320 Filed 12-30-77; 8:45 am]

#### [6820-35]

#### LEGAL SERVICES CORPORATION [45 CFR Part 1606] FINANCIAL ASSISTANCE AND DENIAL OF REFUNDING

##### Procedures Governing Termination

AGENCY: Legal Services Corporation.

ACTION: Proposed regulation.

SUMMARY: Section 1011 of the Legal Services Corporation Act requires the Corporation to establish procedures to ensure that no application for refunding

will be denied and financial assistance will not be terminated unless the recipient has been afforded an opportunity for a fair hearing. The Corporation previously specified procedures for denial of refunding in Part 1606 of its Regulations. Those procedures appear to be equally well suited to actions to terminate financial assistance. The version of Part 1606 previously published in proposed form has, therefore, been revised to include termination proceedings. The revision also reflects the proposed amendment to Section 1011 that, when requested, hearings conducted pursuant to its terms be presided over by a hearing officer who is not employed by the Corporation.

DATES: Comments must be received on or before February 2, 1978.

ADDRESS: Legal Services Corporation, 733 15th Street NW., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:

Stephen S. Walters, 202-376-5113.

**SUPPLEMENTARY INFORMATION:** There is little functional difference between a decision to deny refunding and a decision to terminate a recipient's grant or contract. Both are serious actions to be taken only if necessary to achieve the purpose of the Act. In the vast majority of cases, the Corporation will seek to ensure that service will continue to the community affected without regard to whether financial assistance has been terminated or refunding denied. The single difference between the two types of action is the equitable consideration that, having made a grant or contract with a particular recipient, the Corporation should not be permitted to terminate it on the basis of a policy that did not exist at the time the financial assistance was extended. That principle is reflected in section 1606.4 of the attached proposed regulation.

The second major revision of the regulation published previously reflects the amendment to the Act requiring that, when requested, hearings conducted pursuant to Section 1011(2) be presided over by an independent hearing examiner. Section 1606.8, as revised, goes beyond the Act by providing that the hearing officer shall always be a person who is independent and not an employee of the Corporation. The revision provides that the hearing examiner shall be appointed by the President, but contemplates that in most cases the hearing examiner will be a person selected by the recipient from a list prepared by the Corporation. If the recipient objects to all of the candidates on the list, the President may either overrule the objection and appoint one of the candidates as the hearing officer, or submit a new list to the recipient.

In order to prevent disruption and delay, any objections that the recipient has to the hearing examiner's qualifications of objectivity must be raised prior to the hearing or they are waived. Of course, a recipient may challenge the

manner in which a hearing is conducted and may obtain a new hearing if it can demonstrate that it was actually prejudiced by the hearing examiner's actions.

It is proposed to revise 45 CFR Part 1606 as follows:

Sec.	Purpose.
1606.1	Definitions.
1606.2	Grounds for denial of refunding.
1606.3	Grounds for termination.
1606.4	Preliminary determination.
1606.5	Informal conference.
1606.6	Initiation of proceedings.
1606.7	Presiding officer.
1606.8	Prehearing conference.
1606.9	Conduct of hearing.
1606.10	Obligations of the Corporation.
1606.11	Briefs and argument.
1606.12	Recommended decisions.
1606.13	Final decision.
1606.14	Time extension and waiver.
1606.15	Right to counsel.
1606.16	Reimbursement.
1606.17	Interim funding.
1606.18	Termination funding.
1606.19	Notice.

**AUTHORITY:** Sec. 1006(b) (1) and (3), 1007 (a) (1), 1007(a) (3), 1007(a) (9), 1007(d), 1008(e), 1011 (42 U.S.C. 2996e(b) (1) and (3), 2996f(a) (1), 2996f(a) (3), 2996f(a) (9), 2996f(d), 2996g(e), 2996j).

#### § 1606.1 Purpose.

By affording a recipient the opportunity for a timely, full, and fair hearing that will promote informed deliberation by the Corporation when there is reason to believe a grant or contract should be terminated or refunding denied, this Part seeks to avoid unnecessary disruption in the delivery of legal assistance to eligible clients.

#### § 1606.2 Definitions.

(a) "Termination" means a decision that financial assistance to a recipient will be permanently terminated in whole or in part prior to expiration of the recipient's current grant or contract.

(b) "Denial of refunding" means a decision that, after expiration of its current grant or contract, a recipient: (1) will not be provided with financial assistance; or

(2) Will have its annual level of financial support reduced to an extent that is not required by a reduction in the Corporation's appropriation that is apportioned among all recipients of the same class, and is either more than 10 percent or more than \$20,000 below the recipient's annual level of financial assistance under its current grant or contract; or

(3) Will be provided with financial assistance subject to a new condition or restriction that is not generally applicable to all recipients of the same class, and that would significantly reduce the ability of a recipient to maintain its current level of legal assistance to eligible clients.

(c) "Director of a recipient" means the person who has overall day-to-day responsibility for management of operations by the recipient.

(d) "President", as used in this Part, means the President (or acting President) of the Corporation, and not his designee.

(e) "Presiding Officer" means the person appointed by the President to recommend a final decision that a grant or contract should be continued or terminated, or that refunding should be granted or denied.

#### § 1606.3 Grounds for denial of refunding.

Refunding may be denied when: (a) Denial is required by law; or

(b) Denial is required by a Corporation policy that is generally applicable to all recipients of the same class; or

(c) There has been substantial failure by a recipient to comply with a provision of law, or a rule, regulation, or guideline issued by the Corporation, or a term or condition of a current or prior grant from or contract with the Corporation or a predecessor agency. In the absence of unusual circumstances, refunding shall not be denied for this cause unless the Corporation has given the recipient notice of such failure and an opportunity to take effective corrective action.

(d) There has been substantial failure by a recipient to provide high quality, economical, and effective legal assistance, as measured by generally accepted professional standards, the provisions of the Act, or a rule, regulation or guideline issued by the Corporation. In the absence of unusual circumstances, refunding shall not be denied for this cause unless the Corporation has given the recipient notice of such failure and an opportunity to take effective corrective action.

(e) Denial will implement a provision of the Act, or a Corporation policy, rule, regulation or guideline regarding economical or effective use of resources.

#### § 1606.4 Grounds for termination.

A grant or contract may be terminated on any of the grounds and under the circumstances stated in § 1606.3, except that termination shall not be based on a Corporation policy that was not in effect when the current grant was made or when the current contract was entered into.

#### § 1606.5 Preliminary determination.

(a) When there is reason to believe that a grant or contract should be terminated or that refunding should be denied, the Corporation shall serve a written preliminary determination upon the recipient, which shall state the grounds for the proposed action, and shall identify, with reasonable specificity, any facts or documents relied upon as justification for that action.

(b) The preliminary determination shall advise the recipient that it may, within ten days of receipt of the preliminary determination, make written request for: (1) A hearing under this Part, or

(2) An informal conference under § 1606.6 of this Part, with a subsequent right as there provided to request a hearing.

(c) The preliminary determination shall also advise the recipient of its

right to request interim or termination funding, as the case may be, under § 1606.18 or § 1606.19 of this Part.

(d) If the recipient advises the Corporation that it will not request review, or if it fails to request review within the time prescribed in § 1606.5(b) or § 1606.6, the preliminary determination shall become final.

#### § 1606.6 Informal conference.

On timely request by the recipient, the Corporation employee who made the preliminary determination shall promptly conduct an informal conference with the recipient at a time and place designated by the employee. The parties thereto shall exchange views, seek to narrow the issues, and explore the possibilities of settlement or compromise. At the conclusion of the conference, which may be adjourned for deliberation or consultation, the Corporation employee may, in writing, modify, withdraw, or affirm the preliminary determination. The recipient may, within five days thereafter, make written request for a hearing under § 1606.9 through § 1606.15 of this Part.

#### § 1606.7 Initiation of proceedings.

Within ten days of a request for a hearing made under § 1606.5(b) or § 1606.6, the Corporation shall notify a recipient in writing of: (a) The names of the three candidates to serve as the presiding officer, to be appointed pursuant to § 1606.8, and of the attorney who will represent the Corporation;

(b) The date, time and place scheduled for a prehearing conference, if any should be requested or ordered; and

(c) The date, time and place scheduled for the hearing.

#### § 1606.8 Presiding officer.

(a) The presiding officer shall be appointed by the President, and shall be a person who is familiar with legal services and supportive of the purposes of the Act, who is independent, and who is not an employee of the Corporation.

(b) Within five days of receipt of the notice required by § 1606.7, the recipient shall either designate in writing which of the three candidates named in the notice it desires to serve as the presiding officer, or submit a written statement of objections to the three candidates. A statement of objections shall discuss each of the candidates separately, and shall specify the particular facts or documents that the recipient contends support its objections.

(c) The President shall appoint the person designated by the recipient pursuant to § 1606.8(b) to be the presiding officer. If the recipient submits a statement of objections, the President shall either overrule the objections to one of the three candidates and appoint that person as the presiding officer, or submit the names of three different candidates for consideration by the recipient pursuant to § 1606.8(b). If the recipient fails to respond within the time and in the manner prescribed by § 1606.8(b), the



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President shall appoint a presiding officer from among the three candidates.

(d) No objection to the President's appointment of a presiding officer may be made unless presented in the manner prescribed in this section.

#### § 1606.9 Prehearing conference.

(a) A prehearing conference may be ordered by the presiding officer, and shall be ordered if requested by either the recipient or the Corporation. The matters to be considered at the conference shall include: (1) Proposals to define and narrow the issues;

(2) Efforts to stipulate the facts, in whole or in part;

(3) The probable number, identity, and order of presentation of exhibits and witnesses;

(4) On the agreement of the parties, the possibility of presenting the case on written submission or oral argument;

(5) The desirability of advance submission of some or all of the direct testimony in writing;

(6) Any necessary variation in the date, time and place of the hearing; and

(7) Such other matters as may be appropriate.

(b) In advance of the prehearing conference, the presiding officer may require a party to submit a written statement discussing any matter described in subparagraph (a). After the prehearing conference, the presiding officer may establish the procedures, consistent with this Part, to be followed at the hearing.

(c) The presiding officer may, at the prehearing conference or at any subsequent appropriate time prior to completion of the hearing, require the Corporation or the recipient, on sufficient notice, to produce a relevant document in its possession, to make a report not unduly burdensome to prepare, or to produce a person in its employ to testify, if any might offer a relevant and substantial addition to the accuracy or completeness of the record. With the consent of the presiding officer, a party may make a written submission before the hearing.

#### § 1606.10 Conduct of hearing.

(a) The hearing shall be scheduled to commence at the earliest appropriate date, ordinarily not later than 45 days after the notice required by § 1606.7, and, whenever practical, shall be held at a place convenient to the recipient and the community it serves. A hearing affecting more than one community or recipient shall be held in a single centrally located place unless the presiding officer determines that an additional hearing place is required.

(b) The presiding officer shall preside, conduct a full and fair hearing, avoid delay, maintain order, and insure that a record sufficient for full disclosure of the facts and issues is made. The hearing shall be open to the public unless, for good cause and in the interests of justice, the presiding officer shall determine otherwise.

(c) The presiding officer may allow any interested person or organization to participate in the hearing if such participation will not broaden the issues unduly or cause delay, and will aid in proper determination of the issues.

(1) A person or organization wishing to participate in a hearing shall request permission from the presiding officer, stating the reason for the request, and the nature of the evidence or argument to be offered; and shall notify the Corporation and the recipient of its request.

(2) The presiding officer shall notify the Corporation, the recipient, and the person or organization requesting participation whether the request has been granted, and in case of denial shall include a brief statement of the reasons therefor.

(3) The presiding officer may limit the scope or form of participation authorized under this paragraph.

(d) The Corporation and the recipient each may present its case by oral or documentary evidence, conduct examination and cross-examination of witnesses, examine any document submitted by another party, and submit rebuttal evidence.

(e) If a party fails, without good cause, to produce a person or document required under § 1606.9(c), the presiding officer may make an adverse finding on the fact or issue with respect to which production was required.

(f) Technical rules of evidence shall not apply. The presiding officer shall make any procedural or evidentiary ruling that may help to insure full disclosure of the facts, to maintain order, or to avoid delay. Irrelevant, immaterial, repetitious or unduly prejudicial matter may be excluded.

(g) Official notice may be taken of published policies, rules, regulations, guidelines and instructions of the Corporation, of any matter of which judicial notice may be taken in a federal court, or of any other matter whose existence, authenticity, or accuracy is not open to serious question.

(h) A record or summary of the hearing shall be made in a manner determined by the presiding officer, and shall be made available to a party upon payment of its cost.

#### § 1606.11 Obligations of the Corporation.

At a hearing under § 1606.10, (a) The Corporation shall have the obligation of proving, by a preponderance of the evidence, the existence of any disputed fact relied upon as justification for termination or denial of refunding on a ground described in paragraph (c) or (d) of § 1606.3; and

(b) On all other issues, the Corporation shall have the obligation of establishing a substantial basis for terminating the grant or contract or denying refunding.

#### § 1606.12 Briefs and argument.

(a) Within ten days after the close of the hearing, each party may, and, upon

request of the presiding officer, shall, submit to the presiding officer, with service upon all other parties, proposed findings of fact and argument on matters of law or policy.

(b) The presiding officer may direct or permit oral argument at the close of the hearing or after submission of briefs.

#### § 1606.13 Recommended decision.

(a) As soon as practicable after the hearing, and, normally within twenty days after its conclusion, the presiding officer shall issue a written recommended decision: (1) Continuing the recipient's current grant or contract, or granting refunding subject to any modification or condition that may be deemed necessary on the basis of information adduced at the hearing; or

(2) Terminating financial assistance to the recipient as of a particular date, or denying refunding.

(b) The recommended decision shall contain findings of the significant and relevant facts and shall state the reasons for the decision. Findings of fact shall be based solely on the evidence adduced at the hearing or on matters of which official notice was taken.

#### § 1606.14 Final decision.

(a) If neither the Corporation nor the recipient requests review by the President, a recommended decision shall become final ten days after receipt by a recipient.

(b) The recipient or the Corporation may seek review by the President of a recommended decision. A request shall be made in writing within ten days after receipt by the party of the recommended decision, and shall state in detail the reasons for seeking review.

(c) As soon as practicable after receipt of a request for review of a recommended decision, and normally within thirty days, the President may adopt, modify, or reverse the recommended decision, or direct further consideration of the matter. In the event of modification or reversal, the President's decision shall conform to the requirements of § 1606.13(b).

(d) A decision by the President shall become final upon receipt by a recipient.

#### § 1606.15 Time and extension and waiver.

(a) Any period of time provided in these rules may, upon good cause shown and determined, be extended: (1) By the person making the preliminary determination, prior to the time the presiding officer is designated;

(2) By the presiding officer, prior to the issuance of a recommended decision; or

(3) By the President at any time.

(b) Requests for extensions of time shall be considered in light of the overall objective that the procedures prescribed by this Part ordinarily shall be concluded within 90 days of the preliminary determination.

(c) Any other provision of these rules may be waived or modified: (1) By the presiding officer with the assent of the recipient and of counsel for the Corporation, or

(2) By the President upon good cause shown and determined.

#### § 1606.16 Right to counsel.

At a hearing under § 1606.10, the Corporation and the recipient each shall be entitled to be represented by counsel, or by another person. The attorney designated may be an employee, or may be outside counsel retained for the purpose, who may be compensated at the reasonable and customary rate for an attorney practicing in the vicinity of the attorney retained. Unless prior written approval is received from the Corporation, such fees shall not exceed the daily equivalent of the rate of level V of the Executive Schedule specified in Section 5316 of Title 5, United States Code.

#### § 1606.17 Reimbursement.

If the recipient's grant or contract is continued or refunding is granted after a preliminary determination has been issued under § 1606.5, a recipient, at the discretion of the President, may receive reimbursement by the Corporation, in whole or in part, for reasonable and actual expenses that were required in connection with proceedings under this Part.

#### § 1606.18 Interim funding.

Failure by the Corporation to meet a time requirement of this Part shall not entitle a recipient to continuation of its grant or contract or to refunding. Pending a final determination under this Part, the Corporation shall provide the recipient with interim funding necessary to maintain its current level of legal assistance activities under the Act.

#### § 1606.19 Termination funding.

After a final determination to terminate a recipient's grant or contract or to deny refunding, and without regard to whether a hearing has occurred, the Corporation may authorize temporary funding if necessary to enable a recipient to close or transfer current matters in a manner consistent with the recipient's professional responsibility to its present clients.

#### § 1606.20 Notice.

A notice required to be sent to a recipient under this Part shall be sent to the director of the recipient, and may be sent to the chairperson of its governing body.

THOMAS EHRLICH,  
President, Legal Services Corp.

[FR Doc. 77-37319 Filed 12-30-77; 8:45 am]

[ 6820-35 ]

[ 45 CFR Part 1623 ]

#### PROCEDURES GOVERNING SUSPENSION OF FINANCIAL ASSISTANCE

AGENCY: Legal Services Corporation.

ACTION: Proposed regulation.

SUMMARY: Section 1011 of the Legal Services Corporation Act requires that the Corporation establish procedures to ensure that financial assistance to a recipient will not be suspended without an opportunity for the recipient to show cause why the suspension should not occur. This Part responds to that requirement by specifying the circumstances in which suspension is authorized, and establishing procedures for the recipient to present its case in opposition to a proposed suspension.

DATES: Comments must be received on or before February 2, 1978.

ADDRESS: Legal Services Corporation, 733 15th Street, NW., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:

Stephen S. Walters, 202-376-5113.

SUPPLEMENTARY INFORMATION: At the outset, it should be emphasized that the suspension power is in many ways the most extreme sanction available to the Corporation in discharging its responsibilities under the Act. Financial assistance is continued during proceedings to deny applications for refunding and to terminate financial assistance, and in most instances the Corporation establishes a new grantee to provide service in the community affected. This is not the case with suspension. That power should, therefore, be used only as a last resort to correct serious deficiencies in a program where the recipient has refused to do so voluntarily.

In light of these considerations, this Part provides that financial assistance can be suspended only where a recipient is guilty of a substantial failure to comply with a provision of law, a Corporation rule, regulation, guideline, or a term or condition of its current grant, or has substantially failed to provide high quality, economical, and effective legal assistance. In those cases, suspension proceedings cannot be initiated unless the recipient has been informed of its failure and had a reasonable opportunity to correct it.

The second major restriction on the power to suspend financial assistance is that a particular suspension cannot be in effect for a total of more than 30 days. The Corporation employee who orders suspension may set the effective date of the suspension to coincide with the Corporation's schedule for making grant payments, and may rescind or modify the suspension at any time based on considerations such as the progress made toward compliance and the ability of the recipient to continue serving existing clients. After financial assistance has been suspended for a total of 30 days, however, the Corporation must initiate termination proceedings if it believes further action is necessary. The recipient may, of course, agree to an extension of the suspension instead, if it believes that compliance is imminent and

does not wish to suffer the expense and dislocation of termination proceedings.

It is proposed to amend 45 CFR chapter XVI by adding the following new Part 1623:

Sec.  
1623.1 Purpose.  
1623.2 Definition.  
1623.3 Grounds for suspension.  
1623.4 Suspension.  
1623.5 Time extension and waiver.  
1623.6 Interim funding.

AUTHORITY: Sec. 1006(b) (1) and (3), 1007 (a) (1), 1007 (a) (3), 1007 (a) (9), 1007 (d), 1008 (c) 1011 (42 U.S.C. 2996e(b) (1) and (3), 2996f (a) (1), 2996f (a) (3), 2996f (a) (9), 2996f (d), 2996g (c), 2996j).

#### § 1623.1 Purpose.

By providing procedures for prompt review that will ensure informed deliberation by the Corporation when there is reason to believe that financial assistance to a recipient should be suspended, this Part seeks to avoid unnecessary disruption in the delivery of legal assistance to eligible clients.

#### § 1623.2 Definition.

"Suspension" means any action temporarily suspending or curtailing financial assistance to a recipient in whole or in part prior to the expiration of the recipient's current grant from or contract with the Corporation.

#### § 1623.3 Grounds for suspension.

Financial assistance provided to a recipient may be suspended when:

(a) There has been substantial failure by a recipient to comply with a provision of law, or a rule, regulation, or guideline issued by the Corporation, or a team or condition of the recipient's current grant from or contract with the Corporation; or

(b) There has been substantial failure by a recipient to provide high quality, economical, and effective legal assistance, as measured by generally accepted professional standards, the provisions of the Act, or a rule, regulation, or guideline issued by the Corporation.

(c) In the absence of unusual circumstances, suspension shall not take place unless the Corporation has given the recipient notice of its failure and an opportunity to take effective corrective action.

#### § 1623.4 Suspension.

(a) When there is reason to believe that financial assistance to a recipient should be suspended, the Corporation shall serve a written preliminary determination on the recipient stating the grounds and effective date for the proposed suspension, and identifying, with reasonable specificity, any facts or documents relied upon as justification for the suspension. The preliminary determination shall also specify any corrective action that the recipient must take to avoid or end the suspension.

(b) The preliminary determination shall advise the recipient that it may, within five days of receipt of the preliminary determination, request an informal meeting with the Corporation at which it may attempt to show that the



proposed suspension should not become effective. The Corporation shall designate the place for such a meeting and shall set the time at least five days after the recipient's request is received. The preliminary determination shall also advise the recipient that, within ten days of its receipt of the preliminary determination and without regard to whether it requested an informal meeting, it may submit written materials in opposition to the proposed suspension.

(c) The Corporation shall consider any written materials submitted by the recipient in opposition to the proposed suspension and any oral presentation or written materials submitted by the recipient at the informal meeting, if one is requested. If after considering these materials the Corporation concludes that the recipient has failed to show that the suspension should not become effective, it may suspend financial assistance to the recipient in whole or in part and under such terms and conditions as it deems proper.

(d) Written notice of the suspension shall be promptly transmitted to the recipient, and the suspension shall become effective when the notice is received by the recipient or on such later date as is specified in the notice.

(e) The Corporation employee ordering suspension may at any time rescind or modify the terms of the suspension, and, on written notice to the recipient, reinstate the suspension without further proceedings under this Part. In no event shall the total time of suspension exceed thirty days, unless the Corporation and the recipient agree to a continuation of the suspension for an additional period of time and without further proceedings under this Part.

§ 1623.5 Time extension and waiver.

(a) Any period of time provided in this Part may, upon good cause shown and determined, be extended by the person issuing the preliminary determination under § 1623.4 or by the President.

(b) Requests for extensions of time shall be considered in light of the overall objective that the procedures prescribed by this Part ordinarily shall be concluded within 30 days of the preliminary determination.

(c) Any other provision of this Part may be waived or modified by agreement of the recipient and the Corporation, or by the President upon good cause shown and determined.

§ 1623.6 Interim funding.

Failure by the Corporation to meet a time requirement of this Part shall not entitle a recipient to continued funding. Pending the completion of suspension proceedings under this Part, the Corporation shall provide the recipient with interim funding necessary to maintain its current level or legal assistance activities under the Act.

THOMAS EHRLICH,  
President, Legal  
Services Corporation.

[FR Doc.77-37318 Filed 12-30-77; 8:45 am]

## [ 4910-22 ]

### DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[BMCS Docket No. MC-33, MC-47, and  
MC-69]

[ 49 CFR Parts 391 and 395 ]

### FEDERAL MOTOR CARRIER SAFETY REGULATIONS

Withdrawal of Notices of Proposed  
Rulemaking

AGENCY: Federal Highway Administration, DOT.

ACTION: Closing dockets.

SUMMARY: This notice will close the named dockets since the subject matter contained therein has been incorporated into more recent dockets by this agency.

EFFECTIVE DATE: January 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Gerald J. Davis, 202-426-9767, Regulations Division, Bureau of Motor Carrier Safety; or Mrs. Kathleen S. Markman, 202-426-0790, Office of Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are Monday through Friday from 7:45 a.m. to 4:15 p.m. EST.

**SUPPLEMENTARY INFORMATION:** The subject matter contained in BMCS Docket No. MC 33, Apprenticeship Program for Drivers Less Than 21 Years Old, published September 14, 1971, at 39 FR 18426, has been incorporated into BMCS Docket No. MC 74, Tractor-Trailer Driver Training Standard—Recommended Practice Phase, published June 14, 1976 in 41 FR 22584. The subject matter contained in BMCS Docket No. MC 47, Driver's Daily Logs: Use of 7-Day Log Form, published September 10, 1974, at 39 FR 32620, and BMCS Docket No. MC 69, Driver's 4-Day Log, published January 22, 1976, at 41 FR 3311, have been incorporated into BMCS Docket No. MC 69-2, Multi-Day Log, published April 4, 1977, at 42 FR 17891.

The following dockets are hereby closed:

BMCS Docket No. MC 33, Apprenticeship Program for Drivers Less Than 21 Years Old.

BMCS Docket No. MC 47, Drivers Daily Logs: Use of 7-Day Log Forms.

BMCS Docket No. MC 69, Driver's 4-Day Log.

(Authority: 49 U.S.C. 304, 49 U.S.C. 1655 and 49 CFR Parts 1 and 301.)

Issued on December 15, 1977.

KENNETH L. PIERSON,  
Acting Director, Bureau  
of Motor Carrier Safety.

[FR Doc.77-37367 Filed 12-30-77; 8:45 am]

## [ 4910-22 ]

[Docket No. MC-80, Notice No. 77-11]

[ 49 CFR Part 392 ]

### TOXIC GASES IN TRUCK CABS

AGENCY: Federal Highway Administration (FHWA).

ACTION: Advance notice of proposed rulemaking.

**SUMMARY:** The Department of Transportation, FHWA, has received a number of complaints and inquiries alleging that toxic gases concentrations found in truck cabs exist at levels high enough to be harmful to human health and well being. This Advance Notice is being issued to invite comments and request information relative to the extent of the problem and to inquire as to what regulations, if any, should be issued. All comments will be considered before any further rulemaking action is taken.

**DATES:** Comments are due on or before February 2, 1978.

**ADDRESS:** Submit comments (original and 2 copies) to: Director, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:**

Principal Program Contact: Gerald J. Davis, Chief, Driver Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590, 202-426-9767.

Principal Lawyer: Attorney Gerald M. Tierney, Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590, 202-426-0834.

**SUPPLEMENTARY INFORMATION:** In April 1973, the Federal Highway Administration (FHWA) began an initial investigation of toxic gases in truck cabs after having received complaints from truck drivers (employed by one motor carrier), and a union official. The drivers alleged that they were driving unsafe equipment, because of the harmful and hazardous fumes in their tractor cabs, in violation of the Federal Motor Carrier Safety Regulations (FMCSR).

The FHWA's investigation conducted on the subject carrier showed that exhaust gases entered through openings in the cab and were sucked in through an air conditioner drain hose located directly over the engine. It was noted that one driver employed by this carrier, had been hospitalized with a high concentration of carbon monoxide in his blood.

Although the carrier appeared to have taken corrective steps to alleviate the exhaust fume problem, it was decided that a FHWA observer should conduct road tests to measure the concentration of

carbon monoxide and nitrogen dioxide in the cabs.

Representative vehicles operated by that motor carrier were tested in June 1975. The results of this testing failed to disclose a persistent concentration of these gases in the tested truck cabs.

Complaints, continued to be received from drivers throughout the country. Accordingly, the FHWA contracted to conduct experimental research to measure the in-cab concentration of toxic gases over a variety of conditions and for a statistically significant, but worst-case cross section of the heavy duty diesel truck population.

It is important to note that vehicles were not chosen through complete random sampling. Some tractors were selected which drivers considered as "fumers" and others were chosen which had visible exhaust leaks. However, an attempt was made to include a representative sample of engines, exhaust systems, and cab configurations. Thus, the results reflected worst-case conditions.

Carbon monoxide, nitric oxide, and nitrogen dioxide were chosen for measurement during both idling and over-the-road conditions. These gases were selected from among the many components of exhaust, fuel and crankcase sources because of their known presence and toxicity.

Gas concentrations were used to predict the potential for adverse effects on the driver. A state-of-the-art data based was assembled from the literature and each test substance was reviewed for their toxicological and performance measurements. Finally the variables which affect toxic gas concentrations in cabs were identified.

Field testing results showed that several vehicles produced cab self-contamination concentrations of nitrogen dioxide sufficiently high to be of concern to drivers suffering from pre-existing heart or respiratory conditions. The proposed National Institute of Occupational Safety and Health (NIOSH), nitrogen dioxide ceiling value, of one part per million was commonly exceeded when the levels in the surrounding air were added to those levels found in the cab. Worst case nitrogen dioxide levels were found to be statistically correlated with the presence of exhaust leaks and the closed cab (windows, vents, wings) configuration. Tracer gas testing showed that cab floor openings served as a principal pathway for engine compartment gases.

Combined conditions of driving at high altitudes, driver smoking, elevated ambient levels of carbon monoxide, driver heart or circulatory problems, or vehicle self-contamination created carbon monoxide levels in the blood sufficient to cause health and performance problems. However, the majority of carbon monoxide found within diesel truck cabs was found not to come from self-

<sup>1</sup> Toxic Gases in heavy Duty Diesel Truck Cabs, Available from U.S. Department of Commerce, National Technical Information Service, Springfield, Va. 22151, Accession No. .... Paper copy price \$.....

contamination, but from sources other than the trucks themselves.

No statistically significant correlations with elevated cab concentration levels was found with vehicle configuration (Cab-over-engine versus Cab-behind-engine) except in the case of nitrogen which was found during idle testing. The strongest correlations turned out to be associated with those exhaust systems leaks which could be visibly observed.

The FMCSR currently prohibit the operation or dispatching of a vehicle in which carbon monoxide has been detected in its interior, in which an occupant has been affected by carbon monoxide, or when a mechanical condition of the vehicle is discovered which would be likely to produce a hazard to the occupants by reason of carbon monoxide.

The principal reasons for issuing this Advance Notice are: First, the need to reassess the requirements of this regulation dealing with carbon monoxide; second, to provide the interested public the opportunity to comment; third, to make drivers and operators aware of a potential health and safety risk. Although gas concentrations for these worst-case conditions seemed in most instances to be below NIOSH ceiling levels, the long term effects on drivers are not known.

Interested persons are invited to comment especially in regard to the following areas:

1. Should the regulation dealing with carbon monoxide be expanded to include other toxic gases such as nitric oxide and nitrogen dioxide?

2. Should the section also be broadened to include hydrocarbons?

3. Should the FHWA regulate the levels of these harmful gases as well as hydrocarbons found within truck cabs?

4. Should the FHWA test gasoline powered trucks under its jurisdiction, for harmful gas concentration levels?

5. If the FHWA should measure these toxic substances, what levels of concentration should be set as the maximum allowable?

6. Describe the most effective means for measuring gas concentration levels, if different from FHWA methods in the cited study.

7. Were the gas concentrations that were measured in the cited study sufficiently high to pose a threat to a significant portion of truck operators?

Those desiring to comment on this advance notice of proposed rulemaking are asked to submit in writing 3 copies of their views, data, and arguments. All communications received will be considered before any proposals for rulemaking action are undertaken.

All comments submitted will be available, both before and after the closing date, for examination by interested persons in the Docket Room of the Bureau of Motor Carrier Safety, Room 3402, 400 Seventh Street, SW., Washington, D.C. 20590. If it is determined to be in the public interest to proceed further after summarizing the comments and considering the available data and comments received in response to this Advance Notice, a Notice of Proposed Rulemaking will be issued.

(Authority: 49 U.S.C. § 304, 49 U.S.C. § 1655, 49 CFR 1.48 and 49 CFR 301.60.)

Issued on December 20, 1977.

ROBERT A. KAYE,  
Director, Bureau  
of Motor Carrier Safety.

[FR Doc.77-37370 Filed 12-30-77; 8:45 am]

## [ 4910-22 ]

[BMCS Docket No. MC-78; Notice No. 77-12]

[ 49 CFR Part 395 ]

### 100 MILE EXEMPTION—DRIVER'S LOGS

Extension of Comment Period

AGENCY: Federal Highway Administration, DOT.

ACTION: Extension of comment period.

**SUMMARY:** This notice is issued in response to a request filed by the Private Truck Council of America, Inc., to extend from December 30, 1977, to January 31, 1978, the closing date for comments. The comment period is hereby extended in order to provide interested parties additional time to analyze the proposal.

**DATE:** Comments must be received on or before January 31, 1978.

**ADDRESS:** Submit comments (original and 2 copies) to: Robert A. Kaye, Director, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:**

Principal Program Contact: Gerald J. Davis, Chief, Driver Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590, 202-426-9767.

Principal Lawyer: Attorney Gerald M. Tierney, Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590, 202-426-0824.

Issued on December 22, 1977.

ROBERT A. KAYE,  
Director,  
Bureau of Motor Carrier Safety.

[FR Doc.77-37368 Filed 12-30-77; 8:45 am]

## [ 3510-22 ]

### DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric  
Administration

[ 50 CFR Part 652 ]

### SURF CLAM AND OCEAN QUAHOG FISHERIES

Proposed Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Proposed regulations.



**SUMMARY:** The National Oceanic and Atmospheric Administration is publishing proposed regulations to implement the fishery management plan for surf clams and ocean quahogs in that portion of the northwest Atlantic Ocean over which the United States exercises exclusive fishery management authority (the FCZ). The fishery is conducted exclusively by United States fishermen.

**DATES:** Written comments may be submitted to the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, 3300 Whitehaven Parkway, NW., Washington, D.C. 20235 at any time prior to February 11, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Mass. 01930, telephone: 617-281-3600.

**SUPPLEMENTARY INFORMATION:** The Fishery Management Plan for the Surf Clam and Ocean Quahog Fisheries was prepared by the Mid-Atlantic Fishery Management Council under authority of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., as amended. The Secretary of Commerce approved that Plan on November 17, 1977. This Plan was implemented by emergency regulations on the date of its adoption because of the serious conservation needs of the surf clam resource. These proposed regulations are similar to the emergency regulations now in effect, but are more comprehensive in the following respects:

1. **Quarterly quotas.** The proposed regulations would divide the annual optimum yield of surf clams into quarterly increments, and allow for the future establishment of quarterly allocations of ocean quahogs. These regulations provide mechanisms by which under-fishing or over-fishing in any quarter can be properly adjusted in the next quarter. This would allow fishery managers to regulate the harvest with precision.

2. **Entry Moratorium.** Vessels presently in the fishery would be required to obtain a permit. Such permits would automatically be issued to each applying vessel which was in the fishery, was being constructed, or was being rigged for entering the fishery on or before November 17, 1977. These permits would pertain to the vessel, and would not be transferable if the vessel were transferred to a person not in the surf clam fishery. This moratorium on entry would remain in effect for a year. Most of the other provisions of the proposed regulations are similar to emergency regulations now in effect.

**NOTE.**—The appropriate Environmental Impact Statements have been filed with the President's Council on Environmental Quality. The Department of Commerce has determined that this document contains a major proposal requiring preparation of an Economic Impact Statement under Execu-

tive Orders 11821 and 11949, and OMB Circular A-107, and certifies that an Impact Statement has been prepared.

These regulations are promulgated under authority of section 305 of the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, 90 Stat. 354, 16 USC 1855.

Signed at Washington, D.C. this 28th Day of December, 1977.

ROBERT H. SCHONING,  
Acting Deputy Assistant  
Administrator for Fisheries.

It is proposed to revise 50 CFR Part 652 (42 FR 59948, November 22, 1977) as follows:

**PART 652—SURF CLAM AND OCEAN QUAHOG FISHERIES**

Sec. 652.1	Purpose.
652.2	Definitions.
652.3	Foreign fishing.
652.4	Restrictions.
652.5	Penalties.
652.6	Catch quotas.
652.7	Effort restriction.
652.8	Closed areas.
652.9	Vessel moratorium.
652.10	Vessel permits.
652.11	Vessel identification.
652.12	Facilitation of enforcement.
652.13	Reports and records.
652.14	Emergency regulations.
652.15	Other regulations.

**AUTHORITY:** Sec. 305, Fishery Conservation and Management Act of 1976, Pub. L. 94-265, 90 Stat. 354, 16 U.S.C. 1855.

**§ 652.1 Purpose.**

This section regulates fishing for surf clams (*Spisula solidissima*) or ocean quahogs (*Arctica islandica*) in that portion of the Atlantic Ocean in which the United States exercises fishery management authority.

**§ 652.2 Definitions.**

In addition to the definitions in the Act, and unless the context requires otherwise, the terms used in this Part 652 shall have the following meaning (some definitions in the Act have been repeated here to aid fishermen in understanding the regulations).

(a) **Act.** The Fishery Conservation and Management Act of 1976, as amended, Pub. L. 94-265, 16 U.S.C. 1801-1882.

(b) **Authorized Official.** (1) Any commissioned, warrant or petty officer of the Coast Guard;

(2) Any certified Enforcement or Special Agent of the National Marine Fisheries Service;

(3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary or the Commandant of the Coast Guard to enforce the provisions of the Act; or

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in subparagraph (1) of this paragraph.

(c) **BusHEL.** A standard unit of measure containing 1.88 cubic feet of surf clam or ocean quahogs in the shell.

(d) **Directed fishery.** With respect to any species, a fishery conducted for the purpose of catching that species.

(e) **Fish.** Finfish, mollusks (including surf clams and ocean quahogs), crustaceans, and all other forms of marine animal and plant life other than marine mammals, birds, and highly migratory species.

(f) **Fishery Conservation Zone (FCZ).** The zone contiguous to the territorial sea of the United States, the inner boundary of which is a line coterminous with the seaward boundary of each of the coastal States and the outer boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

(g) **Fishing.** (1) The catching, taking or harvesting of fish;

(2) The attempted catching, taking or harvesting of fish;

(3) Any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or

(4) Any operations at sea in support of, or in preparation for, any activity described in subparagraphs (1) through (3).

(5) The term "fishing" does not include any scientific research activity which is conducted by a scientific research vessel.

(h) **Fishing Vessel.** Any vessel, boat, ship or other craft which is used for, equipped to be used for, or of a type which is normally used for: (1) Fishing; or

(2) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation or processing.

(i) **Operator.** With respect to any vessel, means the master or other person in charge of that vessel.

(j) **Owner.** With respect to any vessel, means any person who owns that vessel, or any charterer, whether bareboat, time, or voyage; or any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function or operation of the vessel.

(k) **Person.** Any individual, corporation, partnership, association, or other entity.

(l) **Regional Director.** The Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Mass. 01930, telephone: 617-281-3600.

(m) **Secretary.** The Secretary of Commerce or a designee of the Secretary.

(n) **Vessel of the United States.** (1) A vessel documented or numbered by the Coast Guard under United States law; or

(2) A vessel, under five net tons, which is registered under the laws of any State.

**§ 652.3 Foreign fishing.**

Fishing for surf clams or ocean quahogs in the Fishery Conservation Zone

by any vessel other than a vessel of the United States is prohibited.

**§ 652.4 Restrictions.**

(a) No person shall catch and retain on board any surf clam or ocean quahog: (1) During closed season; or

(2) In closed areas as specified in these regulations; or

(3) On days of the week on which fishing for that species is not permitted.

(b) (1) Possession of surf clams or ocean quahogs, by any person aboard any fishing vessel engaging in those fisheries, in closed areas or more than 12 hours after a season closure announcement becomes effective pursuant to the provisions of § 652.6(c) shall be prima facie evidence that such clams or quahogs were taken in violation of the provisions of the Act and these regulations.

(2) Possession of surf clams, by any person aboard any fishing vessel engaging in the surf clam fishery, more than 12 hours after a weekly closure occurs under the provisions of § 652.7(a) shall be prima facie evidence that such surf clams were taken in violation of the Act and these regulations.

(c) No person shall possess, have custody of or control of, ship, transport, offer for sale, deliver for sale, sell, purchase, import, export or land, any surf clam, ocean quahog, or part thereof, which was taken in violation of the Act, these regulations, or any other regulations issued under the Act.

(d) No person engaging in the surf clam or ocean quahog fisheries as an owner or operator, or as a dealer, processor or buyer shall unload or cause to be unloaded, sell or buy, any surf clam or ocean quahog whether on land or at sea, without preparing and submitting the documents required by § 652.12.

(e) No person shall: (1) Refuse to permit an authorized officer to board a fishing vessel subject to such a person's control for purposes of conducting any search, no matter where that vessel may be situated, in connection with the enforcement of the Act, these regulations, or any other regulations issued under the Act.

(2) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any search or inspection described in subparagraph (1) of this paragraph;

(3) Resist a lawful arrest for any act prohibited by these regulations; or

(4) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by these regulations.

**§ 652.5 Penalties.**

Any person or vessel found to be in violation of these regulations shall be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act and pertinent regulations.

**§ 652.6 Catch quotas.**

Catch quotas for the period from (the effective date of these regulations) to

September 30, 1979, for vessels of the United States permitted to fish for surf clams or ocean quahogs are as follows:

	BusHels
Jan. 1, 1978 through Mar. 31, 1978...	350,000
Apr. 1, 1978 through June 30, 1978...	550,000
July 1, 1978 through Sept. 30, 1978...	550,000
Oct. 1, 1978 through Dec. 31, 1978...	350,000
Jan. 1, 1979 through Mar. 31, 1979...	350,000
Apr. 1, 1979 through June 30, 1979...	550,000
July 1, 1979 through Sept. 30, 1979...	550,000

<sup>1</sup> Would be pro-rated for remainder of quarter.

(1) If the actual catch of surf clams in any quarter falls more than 5,000 bushels short of the specified quarterly allocation, the Regional Director shall add the amount of the shortfall to the next succeeding quarterly allocation. If the actual catch of surf clams in any quarter exceeds the specified quarterly allocation, the Regional Director shall subtract the amount of the excess from the next succeeding quarterly allocation.

(2) The Assistant Administrator shall publish a notice in the FEDERAL REGISTER whenever he adjusts the quarterly allocation of surf clams under subparagraph (1) above.

(b) **Ocean Quahogs.**

	BusHels
Jan. 1, 1978 to Dec. 31, 1978.....	3,000,000
Jan. 1, 1979 to Sept. 30, 1979.....	2,250,000

<sup>1</sup> Would be pro-rated for remainder of 1978.

If necessary, the Regional Director may establish quarterly allocations for ocean quahogs, and, in that event, he shall publish a notice of such quarterly allocations in the FEDERAL REGISTER.

(c) **Closure.** If the Regional Director determines, (based on logbook reports, processor reports, vessel inspections, or other information) that the quota of surf clams or ocean quahogs for any time period indicated in § 652.6 will be exceeded, he shall publish a notice in the FEDERAL REGISTER stating his determination and stating a date and time for closure of the surf clam or ocean quahog fishery for the remainder of the time period. The Regional Director shall send notice of the action, by certified mail, to each surf clam or ocean quahog processor and to each surf clam or ocean quahog vessel owner or operator. No person shall fish for surf clams or ocean quahogs after the date and time specified in the notice for closure of that fishery.

**§ 652.7 Effort restriction.**

(a) **Surf clams.** (1) Fishing for surf clams shall be permitted only four days per week, from 12:01 a.m. Monday to 12 midnight Thursday, except as provided in subparagraphs (2) and (3) below. In this paragraph, "fishing" means the actual or attempted catching of fish, but not activities in preparation for fishing, such as traveling to the fishing grounds.

(2) When 50 percent of the quarterly allocation (as adjusted under § 652.6(a)) of surf clams has been caught, the Regional Director shall estimate whether the total catch of surf clams during that quarter will exceed the quarterly

allocation. If the Regional Director determines that the quarterly allocation probably will be exceeded, he may reduce the number of days per week during which fishing for surf clams is permitted during that quarter. If the Regional Director determines that the quarterly allocation probably will not be exceeded, he may increase the number of days per week during which fishing for surf clams is permitted during that quarter.

(3) If less than 25 percent of the quarterly allocation has been caught during the first 45 days of any quarter, the Regional Director may increase the number of days per week during which fishing for surf clams is permitted for that quarter if he determines that the reduced catch rate is not caused by a decline in abundance of stocks of surf clams.

(4) The Regional Director shall publish a notice in the FEDERAL REGISTER of any reduction or increase in days per week during which fishing for surf clams is permitted. The reduction or increase shall take effect immediately upon publication in the FEDERAL REGISTER. The Regional Director shall also send notice of the change by certified mail to each surf clam or ocean quahog processor in the fishery and to each surf clam or ocean quahog vessel owner or operator.

(b) **Ocean quahogs.** (1) Fishing for ocean quahogs shall be permitted seven days per week.

(2) When 50 percent of the allocation of ocean quahogs for any time period indicated in § 652.6(a) (2) above has been caught, the Regional Director shall estimate whether the total catch of ocean quahogs during the applicable time period will exceed the quota for that time period. If the Regional Director determines that the quota probably will be exceeded, he may reduce the number of days per week during which fishing for ocean quahogs is permitted during that time period.

(3) The Regional Director shall publish a notice in the FEDERAL REGISTER of any reduction in days per week during which fishing for ocean quahogs is permitted. The reduction shall take effect immediately upon publication in the FEDERAL REGISTER. The Regional Director shall also send notice of any reduction by certified mail to each surf clam or ocean quahog processor in the fishery and to each surf clam or ocean quahog vessel owner or operator.

**§ 652.8 Closed areas.**

(a) It shall be unlawful to fish for surf clams in any designated closed surf clam area.

(b) Areas may be closed to surf clam fishing upon a determination by the Regional Director (based on logbook entries, processors' reports, survey cruises, or other information) that the area contains surf clams of which:

(1) 60 percent or more are smaller than 4½ inches in size; and

(2) Not more than 15 percent are larger than 5½ inches in size. (Sizes shall be measured at the longest dimension of the surf clam.)



## PROPOSED RULES

(c) The Regional Director shall publish notice of any closed area in the FEDERAL REGISTER. The Regional Director shall send notice of the closed area, by certified mail, to each surf clam or ocean quahog processor and to each surf clam or ocean quahog vessel owner or operator.

## § 652.9 Vessel moratorium.

(a) There shall be a moratorium effective November 17, 1977 prohibiting the entry of additional vessels into the surf clam fishery. No vessel shall fish in the Fishery Conservation Zone for surf clams without a permit issued pursuant to § 652.10. A vessel is eligible for a surf clam permit if it meets any of the following criteria:

(1) The vessel has landed surf clams in the course of conducting a directed fishery for surf clams since November 18, 1976;

(2) The vessel was under construction for, or was being re-rigged for, use in the directed fishery for surf clams on November 17, 1977. For the purpose of this subparagraph, "under construction" means that laying of the keel had begun, and "being re-rigged" means to transform the vessel into one capable of fishing commercially for surf clams, i.e. physical alteration of the vessel or its gear had begun; or,

(3) The vessel is replacing a vessel of substantially similar harvesting capacity which involuntarily left the surf clam fishery during the moratorium, and both the entering and replaced vessels are owned by the same person.

(b) Any applicant denied a permit by the Regional Director, may appeal to the Assistant Administrator for an exception to the provisions of paragraph (a). This appeal may be based on any or all of the following grounds:

(1) Applicant believes denial was in error;

(2) Applicant was prevented by circumstances beyond his control from meeting relevant criteria;

(3) Applicant has new or additional information which might change the initial decision;

(4) Applicant can show that significant and unusual hardship will result from the denial.

(c) The appeal may be presented, at the option of the applicant, at a public hearing before a person appointed by the Assistant Administrator to hear the appeal.

(d) The decision of the Assistant Administrator shall be the final decision of the Department of Commerce.

(e) The moratorium shall remain in effect until November 16, 1978, unless the Secretary determines, after public hearings and consultation with the Mid-Atlantic, New England and South Atlantic Fishery Management Council, to terminate the moratorium at an earlier date.

## § 652.10 Vessel permits.

(a) A vessel owner or operator must obtain a permit in order to: (1) Conduct

a directed fishery for, or possess, surf clams or ocean quahogs within the FCZ; or

(2) Land any surf clams or ocean quahogs or part thereof caught within the Fishery Conservation Zone.

(b) Permit applications may be obtained by contacting the Regional Director in Gloucester, Massachusetts. The owner or operator may apply for a permit by submitting in duplicate an application form supplied by the Regional Director containing the following information: (1) Names, addresses and telephone numbers of the owner and operator;

(2) The name of the vessel;

(3) The vessel's United States Coast Guard documentation number or State license number;

(4) Engine and pump horsepower;

(5) Homeport of the vessel;

(6) Directed fishery or fisheries;

(7) Fish hold capacity (in "cages" or bushels);

(8) Dredge size;

(9) Amount of surf clams and ocean quahogs landed in the past year (in bushels, if applicable);

(10) Number of fishing trips in the past year; and

(11) Date of beginning of construction or re-rigging (if applicable).

(c) The Regional Director shall issue a permit for each eligible vessel for which an application is submitted. The eligibility of a vessel to fish for surf clams will be determined consistent with subsection § 652.9. There will be no fee for a new permit; a lost or mutilated permit will be replaced at a cost of \$25.

(d) A permit is valid only for the vessel for which it is issued. The permit must be carried, at all times, on board the vessel for which it is issued, and must be maintained in legible condition. The permit, the vessel, its gear and catch shall be subject to inspection by any authorized official.

(e) Except as provided in subparagraph (e) (2), a permit shall expire: (1) When the owner or operator retires the vessel from the fishery (it shall be a rebuttable presumption that failure to land any surf clams or ocean quahogs for 52 consecutive weeks shall constitute retirement from the fishery); or

(2) When the ownership of the vessel changes; however, the Assistant Administrator may authorize continuation of a vessel permit for the surf clam fishery, if he determines that expiration of the vessel permit would cause substantial economic hardship to a person who had been a participant in the surf clam fishery for at least one year immediately prior to November 17, 1977. Petitions for continuation of a permit must be addressed to the Assistant Administrator and contain sufficient evidence to support the claim of economic hardship.

## § 652.11 Vessel identification.

(a) Each fishing vessel 25 feet in length or greater subject to these regulations shall display its official number on

the starboard and port side of the deck-house or hull, and on an appropriate weather deck. Vessels under 25 feet in length do not need to display any number. The official number is that number issued by the U.S. Coast Guard associated with the documentation of the fishing vessel or the official number issued by a State or the U.S. Coast Guard for undocumented vessels.

(b) Such markings shall be at least eighteen (18) inches in height and be legibly painted in a contrasting color.

(c) The operator of each vessel shall: (1) Keep the required markings clearly legible and in good repair; and

(2) Insure that no part of the vessel, its rigging or its fishing gear obstructs the view of the markings from an enforcement vessel or aircraft.

(d) In lieu of (a) and (b) above, vessels licensed under New Jersey law may use the appropriate vessel identification markings established by that State.

## § 651.12 Facilitation of enforcement.

(a) The owner or operator of any vessel subject to these regulations shall immediately comply with instructions issued by authorized officers to facilitate boarding and inspection of the vessel for purposes of enforcing the Act and these regulations.

(b) Upon being approached by a Coast Guard cutter or aircraft, or other vessel or aircraft authorized to enforce the Act, the vessel shall be alert for signals conveying enforcement instructions. The following signals extracted from the International Code of Signals are among those which may be used: (1) "L" meaning "You should stop your vessel instantly;"

(2) "SQ3" meaning "You should stop or heave to; I am going to board you;" and

(3) "AA AA AA etc." which is the call to an unknown station; to which the signalled vessel should respond by illuminating the vessel identification required by § 652.11 above.

(c) A vessel signalled to stop or heave to for boarding shall: (1) Stop immediately and lay to or maneuver in such a way as to permit the authorized officer and his party to come aboard;

(2) Provide a ladder for the authorized officer and his party;

(3) When necessary to facilitate the boarding, provide a man rope, safety line and illumination for the ladder; and

(4) Take such other actions as necessary to ensure the safety of the authorized officer and his party and to facilitate the boarding.

## § 652.13 Reports and records.

(a) Dealers. (1) All persons who buy surf clams or ocean quahogs from vessels engaged in the surf clam or ocean quahog fishery shall provide to the Regional Director on a weekly basis the following information, on forms to be supplied by the Regional Director:

(i) Dates of purchases;

(ii) Number of bushels purchased, by species;

(iii) Name and permit number of the vessel from which surf clams or ocean quahogs are landed or received;

(iv) Price per bushel, by species; and

(v) Mailing address of dealer or processing plant.

(2) All persons purchasing or receiving any surf clams or ocean quahogs at sea for transport to any port of the United States must maintain and provide to the Regional Director on a weekly basis records identical to those required under subparagraph (a) (1) of this paragraph.

(b) Owners and Operators. (1) The owner or operator of a vessel landing surf clams or ocean quahogs must maintain an accurate log for each fishing trip, including:

(i) Name and permit number of vessel;

(ii) Total amount in bushels of each species taken;

## PROPOSED RULES

(iii) Date(s) caught;

(iv) Time at sea;

(v) Duration of fishing time;

(vi) Locality fished;

(vii) Crew size;

(viii) Crew share by percentage

(ix) Landing port;

(x) Date sold;

(xi) Price per bushel; and

(xii) Buyer.

(2) The owner or operator shall make the log available for inspection by an authorized official at any time during or after a trip.

(3) The owner or operator shall keep each logbook for one year after the date of the last entry in the log.

(4) The owner or operator shall submit weekly logbook reports to the Regional Director, on forms supplied by the Regional Director.

(5) The Assistant Administrator may revoke, modify or suspend the permit of

a vessel whose owner or operator falsifies or fails to submit the records and reports prescribed by this section, in accordance with the provisions of 50 C.F.R. 621.53-621.56.

## § 652.14 Emergency regulations.

The Secretary may issue emergency regulations, if and when needed, under Section 305(e) of the Act.

## § 652.15 Other regulations.

The Assistant Administrator may after consultation with the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils issue such regulations as may be necessary for conservation and management of the surf clam and ocean quahog fishery, if such regulations are consistent with the management objectives of the Surf-Clam and Ocean Quahog Fishery Management Plan.

[FR Doc.77-36865 Filed 12-30-77; 8:45 am]



notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6320-01]

CIVIL AERONAUTICS BOARD  
(Docket 31117)

CLUB MED, INC., FOREIGN AIR CARRIER  
PERMIT

Postponement of Hearing

Pursuant to agreement reached at the prehearing conference held on December 20, 1977, the public hearing in this proceeding heretofore assigned to be held on January 5, 1978 (42 FR 63653, December 19, 1977), is hereby postponed to January 24, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., December 27, 1977.

THOMAS P. SHEEHAN,  
Administrative Law Judge.

[FR Doc. 77-37371 Filed 12-30-77; 8:45 am]

[6320-01]

[Order 77-12-123; Docket 30332; Agreement CAB 26985]

INTERNATIONAL AIR TRANSPORT  
ASSOCIATION

Order

Issued under delegated authority December 22, 1977.

An agreement has been filed with the board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the board's economic regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the 45th meeting of the TC1 Specific Commodity Rates Board, the 18th meeting of the TC3 Specific Commodity Rates Board, and the 24th meeting of the Joint Specific Commodity Rates board, all held in Hollywood, Fla., during October, 1977, and has been assigned the above CAB agreement number.

With respect to air transportation as defined by the Act, the agreement proposes revisions to the specific commodity rates structures applicable in the Western Hemisphere, U.S.-Africa, North/Central Pacific, South Pacific,

and Intra-Pacific market areas. These revisions are outlined in the attachments hereto, and reflect reductions from otherwise applicable general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That Agreement CAB 26985 is approved, provided that: (a) Approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for

such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,  
Secretary.

ATTACHMENT I.—Agreement CAB 26985, 45th Meeting of TC1 Specific Commodity Rates Board

IATA commodity item No.	Specific commodity rate		Market
	Cents per kg.	Min. wt. kgs.	
Rates added under existing commodity descriptions			
2206.....	48.....	100.....	Port au Prince to Miami.
2222.....	100.....	500.....	Rio de Janeiro to Los Angeles
	100.....	500.....	Sao Paulo to Los Angeles.
*2415.....	114.....	1,000.....	La Paz to New York.
*4911.....	83.....	500.....	Panama City to San Juan.
1566.....	95.....	4,000.....	Salvador to New York.
0300.....	65.....	500.....	Cali to New York.
	60.....	500.....	Barranquilla to New York.
	91.....	500.....	Santiago to New York.
1421.....	72.....	200.....	Bogota to Los Angeles.
	70.....	200.....	Do.
2439.....	32.....	1,000.....	Mexico City to New York.
1565.....	48.....	1,000.....	Do.
2418.....	48.....	1,000.....	Do.
*4209.....	75.....	500.....	Seattle to Nassau.
	76.....	1,000.....	Sao Paulo to Miami
2215.....	163.....	500.....	Miami to Santiago.
Rates extended under existing commodity descriptions			
2201.....	61.....	300.....	Bogota to New York.
	61.....	300.....	Medellin to New York.
	61.....	300.....	Pereira to New York.
8370.....	180.....	100.....	Rio de Janeiro to Los Angeles.
	180.....	100.....	Sao Paulo to Los Angeles.
	185.....	100.....	Rio de Janeiro to San Francisco.
	185.....	100.....	Sao Paulo to San Francisco.
Rates increased under existing commodity descriptions			
1491.....	71.....	200.....	Miami to Bogota.
	79.....	200.....	Miami to Cali

ATTACHMENT I.—Agreement CAB 26985, 45th Meeting of TC1 Specific Commodity Rates Board—Continued

IATA commodity item No. <sup>1</sup>	Specific commodity rate		Market
	Cents per kg.	Min. wgt. kgs.	
Rates increased under existing commodity descriptions—Continued			
7000	51	200	Miami to Barranquilla.
	71	200	Miami to Bogota.
	79	200	Miami to Cali.
	51	200	Miami to Cartagena.
	71	200	Miami to Medellin.
	71	200	Miami to Pereira.
7101	51	200	Miami to Barranquilla.
	51	200	Do.
	71	200	Miami to Bogota.
	71	200	Miami to Cali.
	79	200	Miami to Cartagena.
	51	200	Do.
	71	200	Miami to Medellin.
	71	200	Miami to Pereira.
7400	51	200	Miami to Barranquilla.
	51	200	Miami to Bogota.
	71	200	Miami to Cali.
	79	200	Miami to Cartagena.
	51	200	Miami to Medellin.
	71	200	Miami to Pereira.
8209	51	200	Miami to Barranquilla.
	51	200	Miami to Bogota.
	71	200	Miami to Cali.
	79	200	Miami to Cartagena.
	51	200	Miami to Medellin.
	71	200	Miami to Pereira.
8300	51	200	Miami to Barranquilla.
	51	200	Miami to Bogota.
	71	200	Miami to Cali.
	79	200	Miami to Cartagena.
	51	200	Miami to Medellin.
	71	200	Miami to Pereira.
8550	51	200	Miami to Barranquilla.
	51	200	Miami to Bogota.
	71	200	Miami to Cali.
	79	200	Miami to Cartagena.
	51	200	Miami to Medellin.
	71	200	Miami to Pereira.
9007	51	200	Miami to Barranquilla.
	51	200	Miami to Bogota.
	71	200	Miami to Cali.
	79	200	Miami to Cartagena.
	51	200	Miami to Medellin.
	71	200	Miami to Pereira.
9202	51	200	Miami to Barranquilla.
	51	200	Miami to Bogota.
	71	200	Miami to Cali.
	79	200	Miami to Cartagena.
	51	200	Miami to Medellin.
	71	200	Miami to Pereira.
9601	51	200	Miami to Barranquilla.
	51	200	Miami to Bogota.
	71	200	Miami to Cali.
	79	200	Miami to Cartagena.
	51	200	Miami to Medellin.
	71	200	Miami to Pereira.
9994	51	200	Miami to Barranquilla.
	51	200	Miami to Bogota.
	71	200	Miami to Cali.
	79	200	Miami to Cartagena.
	51	200	Miami to Medellin.
	71	200	Miami to Pereira.

IATA commodity item No. <sup>1</sup>	Specific commodity rate		Market
	Cents per kg.	Min. wgt. kgs.	
Rates increased under existing commodity descriptions—Continued			
12199	81	200	Miami to Barranquilla.
	77	200	Miami to Bogota.
	81	200	Miami to Cali.
	81	200	Miami to Cartagena.
	74	200	Miami to Medellin.
	81	200	Miami to Pereira.
124	200	200	New York to Barranquilla.
137	200	200	New York to Bogota.
139	200	200	New York to Cali.
118	200	200	New York to Cartagena.
131	200	200	New York to Medellin.
139	200	200	New York to Pereira.
2206	51	200	Miami to Barranquilla.
	71	200	Miami to Bogota.
	79	200	Miami to Cali.
	51	200	Miami to Cartagena.
	71	200	Miami to Medellin.
	71	200	Miami to Pereira.
3300	51	200	Miami to Barranquilla.
	51	200	Miami to Bogota.
	79	200	Miami to Cali.
	51	200	Miami to Cartagena.
	71	200	Miami to Medellin.
	71	200	Miami to Pereira.
3991	51	200	Miami to Barranquilla.
	51	200	Miami to Bogota.
	71	200	Miami to Cali.
	79	200	Miami to Cartagena.
	51	200	Miami to Medellin.
	71	200	Miami to Pereira.
4010	51	200	Miami to Barranquilla.
	51	200	Miami to Bogota.
	71	200	Miami to Cali.
	79	200	Miami to Cartagena.
	51	200	Miami to Medellin.
	71	200	Miami to Pereira.
4123	51	200	Miami to Barranquilla.
	51	200	Miami to Bogota.
	71	200	Miami to Cali.
	79	200	Miami to Cartagena.
	51	200	Miami to Medellin.
	71	200	Miami to Pereira.
4181	51	200	Miami to Barranquilla.
	51	200	Miami to Bogota.
	71	200	Miami to Cali.
	79	200	Miami to Cartagena.
	51	200	Miami to Medellin.
	71	200	Miami to Pereira.
4209	46	500	Miami to Barranquilla.
	63	500	Miami to Bogota.
	70	500	Miami to Cali.
	46	500	Miami to Cartagena.
	63	500	Miami to Medellin.
	63	500	Miami to Pereira.
5299	51	200	Miami to Barranquilla.
	71	200	Miami to Bogota.
	79	200	Miami to Cali.
	51	200	Miami to Cartagena.
	71	200	Miami to Medellin.
	71	200	Miami to Pereira.
6002	51	200	Miami to Barranquilla.
	71	200	Miami to Bogota.
	79	200	Miami to Cali.
	51	200	Miami to Cartagena.
	71	200	Miami to Medellin.
	71	200	Miami to Pereira.

ATTACHMENT I.—Agreement CAB 26985, 45th Meeting of TC1 Specific Commodity Rates Board—Continued

Specific commodity rate				Market
IATA commodity item No.	Cents per kg.	Min. wt. kgs.		
Rates increased under existing commodity descriptions—Continued				
0300.....	74.....	100.....	Recife to Miami.	
0380.....	74.....	100.....	Recife to New York.	
1204.....	53.....	2,000.....	Recife to Miami.	
	76.....	500.....	Rio de Janeiro to Miami.	
	76.....	500.....	Rio de Janeiro to New York.	
1211.....	76.....	500.....	Sao Paulo to Miami.	
	76.....	500.....	Sao Paulo to New York.	
	87.....	500.....	Beilo Horizonte to Miami.	
	87.....	500.....	Beilo Horizonte to New York.	
	101.....	1,000.....	Porto Alegre to Los Angeles.	
	87.....	500.....	Porto Alegre to Miami.	
	87.....	500.....	Porto Alegre to New York.	
	101.....	1,000.....	Rio de Janeiro to Los Angeles.	
	87.....	500.....	Rio de Janeiro to Miami.	
	87.....	500.....	Rio de Janeiro to New York.	
	87.....	500.....	Salvador to Miami.	
	87.....	500.....	Salvador to New York.	
2196.....	101.....	1,000.....	Sao Paulo to Los Angeles.	
	87.....	500.....	Sao Paulo to Miami.	
	87.....	500.....	Sao Paulo to New York.	
	116.....	500.....	Rio de Janeiro to Los Angeles.	
	98.....	500.....	Rio de Janeiro to Miami.	
	98.....	500.....	Rio de Janeiro to New York.	
	116.....	500.....	Sao Paulo to Los Angeles.	
	98.....	500.....	Sao Paulo to Miami.	
	98.....	500.....	Sao Paulo to New York.	
2201.....	97.....	2,000.....	Rio de Janeiro to Los Angeles.	
	103.....	1,000.....	Rio de Janeiro to New York.	
	97.....	2,000.....	Salvador to New York.	
2222.....	97.....	2,000.....	Sao Paulo to Los Angeles.	
	80.....	500.....	Sao Paulo to New York.	
	81.....	500.....	Rio de Janeiro to Miami.	
	80.....	500.....	Rio de Janeiro to New York.	
	81.....	500.....	Sao Paulo to Miami.	
	81.....	500.....	Sao Paulo to New York.	
2410.....	118.....	500.....	Recife to New York.	
2420.....	87.....	500.....	Beilo Horizonte to Miami.	
	87.....	500.....	Beilo Horizonte to New York.	
	115.....	1,000.....	Porto Alegre to Los Angeles.	
	91.....	500.....	Porto Alegre to Miami.	
	91.....	500.....	Porto Alegre to New York.	
	87.....	500.....	Recife to Miami.	
	87.....	500.....	Recife to New York.	
	101.....	1,000.....	Rio de Janeiro to Los Angeles.	
	87.....	500.....	Rio de Janeiro to Miami.	
	87.....	500.....	Rio de Janeiro to New York.	
	87.....	500.....	Salvador to Miami.	
	87.....	500.....	Salvador to New York.	
	101.....	1,000.....	Sao Paulo to Los Angeles.	
	87.....	500.....	Sao Paulo to Miami.	
	87.....	500.....	Sao Paulo to New York.	
3101.....	109.....	200.....	Porto Alegre to Los Angeles.	
	101.....	200.....	Porto Alegre to Miami.	
	77.....	500.....	Do.	
	101.....	200.....	Porto Alegre to New York.	
	77.....	500.....	Do.	
	109.....	200.....	Rio de Janeiro to Los Angeles.	
	101.....	200.....	Rio de Janeiro to Miami.	
	77.....	500.....	Do.	
	101.....	200.....	Rio de Janeiro to New York.	
	77.....	500.....	Do.	
	109.....	200.....	Sao Paulo to Los Angeles.	
	101.....	200.....	Sao Paulo to Miami.	

Specific commodity rate				Market
IATA commodity item No.	Cents per kg.	Min. wt. kgs.		
Rates increased under existing commodity descriptions—Continued				
4211	Changed to Item 4205	74.....	500.....	Do.
4316		74.....	500.....	Sao Paulo to New York.
		80.....	500.....	Do.
		74.....	1,000.....	Sao Paulo to Miami.
		80.....	500.....	Rio de Janeiro to New York.
		74.....	1,000.....	Do.
		80.....	500.....	Sao Paulo to Miami.
		74.....	1,000.....	Do.
		80.....	500.....	Sao Paulo to New York.
4423		74.....	1,000.....	Do.
		80.....	500.....	Porto Alegre to Miami.
		80.....	500.....	Porto Alegre to New York.
		80.....	500.....	Rio de Janeiro to Miami.
		80.....	500.....	Rio de Janeiro to New York.
		80.....	500.....	Sao Paulo to Miami.
		80.....	500.....	Sao Paulo to New York.
4433		111.....	100.....	Recife to New York.
4492		113.....	500.....	Recife to New York.
5150		113.....	1,000.....	Rio de Janeiro to Miami.
		103.....	200.....	Do.
		80.....	1,000.....	Rio de Janeiro to New York.
		103.....	200.....	Do.
		80.....	1,000.....	Sao Paulo to Miami.
		103.....	200.....	Do.
		80.....	1,000.....	Sao Paulo to New York.
7400		82.....	500.....	Rio de Janeiro to Miami.
		82.....	500.....	Rio de Janeiro to New York.
		82.....	500.....	Sao Paulo to Miami.
7629		82.....	500.....	Sao Paulo to New York.
		87.....	500.....	Rio de Janeiro to Miami.
		87.....	500.....	Rio de Janeiro to New York.
		87.....	500.....	Sao Paulo to Miami.
8225		80.....	500.....	Sao Paulo to New York.
		80.....	1,000.....	Sao Paulo to Miami.
8232		80.....	500.....	Sao Paulo to New York.
		98.....	500.....	Porto Alegre to Miami.
		98.....	500.....	Porto Alegre to New York.
		97.....	500.....	Rio de Janeiro to Miami.
		97.....	500.....	Rio de Janeiro to New York.
		97.....	500.....	Sao Paulo to Miami.
		97.....	500.....	Sao Paulo to New York.
9516		124.....	200.....	Beilo Horizonte to Los Angeles.
		95.....	200.....	Beilo Horizonte to New York.
		121.....	100.....	Recife to Los Angeles.
		92.....	100.....	Recife to Miami.
		98.....	500.....	Recife to New York.

\*See applicable tariffs for complete commodity descriptions.

\*Expires September 30, 1979.

\*Expires December 31, 1978.

\*New Description.

\*Expires June 30, 1979.

\*Effective January 1, 1979.

\*Expires June 30, 1978.

\*Expires December 31, 1977.

\*All Rates in TC1 Rates 0024 under items 4203, 4204, 4206, 4208, 4211 and 4246 have been transferred to new item 4209 which is described in Attachment IV.

NOTE: Rates are subject to applicable currency conversion factors as shown in tariffs.

FEDERAL REGISTER, VOL. 43, NO. 1—TUESDAY, JANUARY 3, 1978

ATTACHMENT II.—Agreement CAB 26985, 24th Meeting of the Joint Specific Commodity Rates Board

Specific commodity rate				Market
IATA commodity item No.	Cents per kg.	Min. wt. kgs.		
Rates added under existing commodity descriptions				
0328.....	110.....	1,000.....	Dakar to New York.	
1082.....	285.....	500.....	New York to Monrovia.	
1410.....	195.....	500.....	Johannesburg to New York.	
1952.....	330.....	100.....	Do.	
	300.....	200.....	Do.	
*1982.....	234.....	100.....	Francistown to New York.	
2102.....	234.....	100.....	Libreville to New York.	
5851.....	318.....	100.....	Johannesburg to Miami.	
	318.....	1,000.....	Johannesburg to New York.	
*6227.....	153.....	1,000.....	Dar Es Salaam to New York.	
6605.....	300.....	1,000.....	New York to Addis Ababa.	
8373.....	280.....	500.....	Mauritius to New York.	
9512.....	325.....	100.....	Gaborne to New York.	
	325.....	100.....	Francistown to New York.	
	253.....	1,000.....	Johannesburg to New York.	
	253.....	1,000.....	Lusaka to New York.	
9516.....	250.....	100.....	Blantyre to New York.	
	245.....	1,000.....	Do.	
4309.....	285.....	300.....	Delhi to New York.	
4421.....	285.....	500.....	Do.	
4431.....	238.....	500.....	Bombay to New York.	
	238.....	500.....	Delhi to New York.	
4444.....	285.....	300.....	Do.	
9518.....	287.....	100.....	Dacca to New York.	
	233.....	500.....	Do.	
0006.....	63.....	500.....	Rarotonga to Honolulu.	
	241.....	300.....	Honolulu to Brisbane.	
	209.....	500.....	Do.	
	241.....	300.....	Honolulu to Sydney.	
	209.....	500.....	Do.	
0800.....	113.....	300.....	Papeete to Honolulu.	
4266.....	230.....	300.....	Honolulu to Auckland.	
Rates extended under existing commodity descriptions				
1951.....	350.....	100.....	Johannesburg to Miami.	
	350.....	100.....	Johannesburg to New York.	
0300.....	125.....	2,500.....	Perth to Honolulu.	
1400.....	128.....	500.....	Papeete to Los Angeles.	

\* See applicable tariffs for complete commodity descriptions.

\* Expires December 31, 1978.

\* Expires June 30, 1978.

\* Expires September 30, 1978.

\* Expires March 31, 1978.

NOTE: Rates are subject to applicable currency conversion factors as shown in tariffs.

\* Existing 1992 rates (as shown in Memorandum JT123 Rates 0071) are extended to expire December 31, 1978, except Johannesburg rates which expired September 30, 1977.)

\* Existing 6227 rates from Arusha are extended to expire December 31, 1978.)

NOTICES

NOTICES

ATTACHMENT III.—Agreement CAB 26985, 18th Meeting of TC-3 Specific Commodity Rates Board

Specific commodity rate			Market
IATA commodity item No.	Cents per kg.	Min. Wgt. Kgs.	
Rates added under existing commodity descriptions			
9557.....	351.....	100.....	Sydney to Guam.
	327.....	250.....	Do.
Rates extended under existing commodity descriptions			
1021.....	316.....	500.....	Sydney to Guam.
0400.....	69.....	250.....	Guam to Osaka.
	69.....	250.....	Guam to Tokyo.
1421.....	186.....	100.....	Singapore to Guam.
	134.....	100.....	Tokyo to Guam.

' See applicable tariffs for complete commodity descriptions.

' Expires December 31, 1978.

' Expires June 30, 1978.

NOTE.—Rates are subject to applicable currency conversion factors as shown in tariffs.

NOTE.—Item 0005 changed to Item 0006, with June 30, 1978, expiration date for following points: Guam to Okinawa; Hong Kong to Guam; and Manila to Guam.

ATTACHMENT IV.—*Agreement CAB 26985, Specific Commodity Descriptions*

2415.....	Footwear, shoes, and parts for manufacturing shoes
4011.....	Ball and/or roller bearings
8552.....	Water meters
4212.....	Automobile lamps
4209.....	Parts and accessories of surface vehicles and/or self-propelled agricultural machinery, excluding steamship and/or motorship parts
1952.....	Empty ostrich eggs
5851.....	Semi-precious stones
8373.....	Spectacles and/or sunglasses
4421.....	Record players and tapes recorders/players
4444.....	Transistor radios

ATTACHMENT IV.—Agreement CAB 26985, Specific Commodity Descriptions

2415.....	Footwear, shoes and parts for manufacturing shoes
4011.....	Ball and/or roller bearings
5851.....	Water meters
4212.....	Automobile lamps
4206.....	Parts and accessories of surface vehicles and/or self-propelled agricultural machinery, excluding steamship and/or motorship parts
1952.....	Empty ostrich eggs
5851.....	Semi-precious stones
8373.....	Spectacles and/or sunglasses
4421.....	Record players and tapes recorders/players
4444.....	Transistor radios

[FR Doc. 77-37372 Filed 12-30-77; 8:45 am]

[6320-01]

[Order 77-12-127; Docket 30332; Agreements C.A.B. 27039, C.A.B. 27040, C.A.B. 27049]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

Issued under delegated authority December 22, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Eco-

nomic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted by mail vote.

Agreement C.A.B. 27039 would amend the application of currency adjustment factors on certain specific commodity rates, from London/Dublin to Middle East points, to reflect recent changes in those rates. Agreement C.A.B. 27040 would rescind IATA Resolution 206, which provides for free or



reduced air ferry rates for vehicles accompanying cargo agents, within TC2 (Europe/Africa/Middle East). Agreement CAB 27049 would allow free transportation of human eyes and dehydrated corneas from various points (including the United States) to Kenya. We will approve those agreements which involve rates to/from United States points and rates which are combinable with rates to/from U.S. points, and thus have application in air transportation as defined by the Act.

Agreement IATA CAB No.	Title	Application
27049 .....	200c Transportation of Human Eyes and Dehydrated Corneas 1/2/3. (amending).	

2. It is not found that the following resolution, which has indirect application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

Agreement IATA CAB No.	Title	Application
27040 .....	003 Standard Recission Resolution .....	2 (Europe/Africa/Middle East).

3. It is not found that the following resolution affects air transportation within the meaning of the Act:

Agreement IATA CAB No.	Title	Application
27039 .....	022aa TC2 Adjustment Factors for Sales of Cargo Air Transportation 2. (amending).	

Accordingly, it is ordered, That:

- Agreements CAB 27049 and CAB 27040, described in finding paragraphs 1 and 2 above, be approved; and
- Jurisdiction be disclaimed with respect to Agreement CAB 27039, described in finding paragraph 3 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,  
Secretary.  
[FR Doc. 77-37373 Filed 12-30-77; 8:45am]

FEDERAL REGISTER, VOL. 43, NO. 1—TUESDAY, JANUARY 3, 1978

# [3510-22] DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration

DR. BRUCE R. MATE

**Issuance of a Permit To Take Marine Mammals**  
On October 27, 1977, notice was published in the FEDERAL REGISTER (42 FR 56631), that an application had been filed with the National Marine Fisheries Service by Dr. Bruce R. Mate, Oregon State University, Newport, Oregon, 97365, to take by capture and mark, tag, identify, and release one hundred and seventy-five (175) harbor seals (*Phoca vitulina richardii*) for scientific research.

Notice is hereby given on December 27, 1977, and as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407); the National Marine Fisheries Service issued a permit to Dr. Bruce R. Mate, to take the above-named species, subject to certain conditions set forth therein. The permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and  
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Wash. 98109.  
Dated: December 27, 1977.

WINFRED H. MEIBOHM,  
Associate Director, National  
Marine Fisheries Service.  
[FR Doc. 77-37349 Filed 12-30-77; 8:45 am]

## [3510-22]

DR. BRUCE MATE

**Notice of Receipt of Supplemental Application**  
Notice was given on August 4, 1976, that the National Marine Fisheries Service had issued a permit for scientific research as authorized by the Marine Mammal Protection Act of

## NOTICES

1972, to Dr. Bruce Mate, Oregon State University, Newport, Oreg. 97365, to take eighty (80) California sea lions (*Zalophus californianus*) and forty (40) Pacific harbor seals (*Phoca vitulina richardii*), in order to study the feeding habits of these species.

On December 6, 1977, Dr. Mate submitted a request to supplement his permit so as to allow for the harassment of Steller sea lions (*Eumetopias jubatus*) during the course of conducting the research activities on those species currently authorized by Permit No. 142.

Any accidental killing of Steller sea lions will be counted against the total number of harbor seals and California sea lions authorized to be killed under this Permit.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the requested supplement to the existing permit to the Marine Mammal Commission and its Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this supplement should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before February 2, 1978. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this supplement would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this notice in support of this supplement are summaries of those of the applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the supplement are available in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

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Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Wash. 98109.

Dated: December 22, 1977.

ROLAND FINCH,  
Acting Assistant Director, for  
Fisheries Management, National  
Marine Fisheries Service.  
[FR Doc. 77-37350 Filed 12-30-77; 8:45 am]

## [3510-22]

**PACIFIC FISHERY MANAGEMENT COUNCIL**  
Amendment to Public Meeting With Partially  
Closed Session

Notice is hereby given that the announcement pertaining to the Pacific Fishery Management Council's meeting published in the FEDERAL REGISTER, Vol. 42 No. 247, Friday, December 23, 1977, is amended to reflect that the Salmon Advisory Subpanel will also meet at this time. The Salmon Advisory Subpanel will meet in the Bay Room of the Bahia Motor Hotel, San Diego, Calif., convening at 9 a.m. and adjourning about 5 p.m. on January 12, 1978.

Dated: December 28, 1977.

WINFRED H. MEIBOHM,  
Associate Director, National  
Marine Fisheries Service.  
[FR Doc. 77-37375 Filed 12-30-77; 8:45 am]

## [3810-70]

### DEPARTMENT OF DEFENSE

Office of the Secretary of Defense  
DEFENSE SCIENCE BOARD TASK FORCE ON  
SSBN SECURITY

#### Advisory Committee Meeting

The Defense Science Board Task Force on SSBN Security will meet in closed session on January 23, 1978, in the Pentagon, Washington, D.C.

The mission of the Defense Science Board Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance to the Department of Defense in these areas.

The Task Force will provide an analysis of programmatic efforts to examine technologies that may threaten the security of our sea-based strategic deterrence if employed by hostile forces.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that ac-

cordingly this meeting will be closed to the public.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, Office of the Assistant  
Secretary of Defense  
(Comptroller).

DECEMBER 28, 1977.  
[FR Doc. 77-37366 Filed 12-30-77; 8:45 am]

## [3128-01]

### DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION  
Procedural Rules To Permit Interim Rates and  
Supplemental Proceedings

AGENCY: Department of Energy.

ACTION: Proposed revision and republication of procedural rules.

SUMMARY: The principal purpose of this notice is to inform the public that it is proposed to amend the procedures for public participation in general adjustments in power rates, 40 FR 34431 (August 15, 1975) to permit the Department of Energy to approve interim rates for power marketed by the Western Area Power Administration. The procedures will also be republished in their entirety and amended to incorporate the technical changes necessitated by the transfer of the power marketing function from the Bureau of Reclamation, Department of Interior to the Department of Energy.

DATES: Written comments are due by February 2, 1978. Requests to speak at public hearings are due January 16, 1978. Public hearings: Sacramento, Calif., January 31, 1978; Washington, D.C., February 3, 1978.

ADDRESSES: Requests to speak at the public hearings and/or ten copies of written comments by interested parties shall be submitted to:

Office of Federal Regulations Management, Box RB, Department of Energy, Room 2214, 2000 M Street NW., Washington, D.C. 20461.

Public hearings:

Room 2105, 2000 M Street NW., Washington, D.C. 20461.

Room 1140, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

FOR FURTHER INFORMATION CONTACT:

Richard K. Pelz, Office of the General Counsel, 12th and Pennsylvania Avenue NW., Room 3001, Washington, D.C. 20461; 202-566-9341.

Richard S. Ugelow, Office of the General Counsel, 12th and Pennsylvania Avenue NW., Room 6144, Washington, D.C. 20461; 202-566-9296.

SUPPLEMENTARY INFORMATION: This proposed amendment will apply

to public participation in general adjustments in power rates filed for power formerly marketed by the Bureau of Reclamation, Department of Interior, except with respect to the Falcon and Amistad Dams on the Rio Grande.

Pursuant to the Department of Energy Organization Act (the Act), Pub. L. 95-91, on October 1, 1977, responsibility for establishing power rates for power previously marketed by the Bureau Reclamation, Department of Interior, was vested in the Secretary of Energy. Pursuant to section 705 of the Act, the procedures promulgated by the Department of Interior and entitled Procedures for Public Participation in General Adjustments in Power Rates, 40 FR 34431 (August 15, 1975), remain in effect until they are superseded. The Department of Energy perceives the need to amend those procedures by adding a new section 10 thereto, to permit the approval of interim rates. The need for this amendment is illustrated by the pending proposed rate adjustment for the Central Valley project in California.

On September 13, 1977, the Department of Interior announced that it was proposing a rate increase for the Central Valley project. Interested persons were invited to participate in public forums and to submit written comments relative to the proposed Central Valley rate increase. Written comments were to be filed no later than December 16, 1977, and reply comments, if any, were to be filed by December 23, 1977, in Sacramento, Calif., or by December 28, 1977, in Washington, D.C. Certain customers have requested additional time within which to file their comments. In order to accommodate that request and to help to defray the continuing large operating deficits of the Central Valley project, which adversely affect the public interest, the Department of Energy, upon promulgation of this amendment, proposes to adopt interim rates for the Central Valley project, subject to retroactive refund of overpayments with interest. If the final rate adopted is greater than the interim rate it shall only be effective prospectively.

The proposed amendment confers authority upon the Administrator of the Economic Regulatory Administration to set an interim rate when he deems it necessary and appropriate. When the Administrator so acts, he will set forth his principal reasons, giving due consideration to any comments submitted by interested persons on the proposed rate adjustment. In those situations where the Administrator has adopted an interim rate, a supplemental public forum and comment period will be provided before a final rate is promulgated.

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The republished regulations in addition to adding a new section 10 and redesignating the former section 10 as section 11, also incorporate certain technical changes necessitated by the transfer of the power marketing function from the Department of Interior to DOE.

**Comment procedure.** Public hearings will be held in Sacramento, Calif., on January 31, 1978, and in Washington, D.C., on February 3, 1978. Each hearing will be continued if necessary. A transcript of the hearings will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Any person who has an interest in this proceeding or is a representative of a group or class of persons that has an interest in it, may make a written request for an opportunity to make an oral presentation at the hearings. Such a request can be mailed or hand delivered to: Office of Regulations Management, Box RB, Department of Energy, Room 2214, 2000 M Street NW., Washington, D.C. 20461, and must be received before 4:30 p.m. e.s.t., on January 16, 1978. The request shall state the name of the person making the request, identify the interest represented and if appropriate, state why he or she is a proper representative of a group or class of persons that has such an interest, give a concise summary of the proposed oral presentation; give a telephone number where the person may be contacted, and set forth the location at which it is desired to make the oral presentation. Each person selected to be heard will be so notified by DOE before 4:30 p.m. e.s.t., on January 25, 1978. DOE reserves the right to select the persons to be heard and to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited based on the number of persons requesting to be heard.

This will not be an adjudicative hearing, and there will be no cross-examination of persons presenting statements. A DOE official will be designated to preside at the hearing, and any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding official.

Interested persons who do not intend to participate in the hearings or who wish to submit additional information are invited to submit comments with respect to the subject matter set forth in this notice to:

Office of Regulations Management, Box RB, Room 2214, Department of Energy, 2000 M Street NW., Washington, D.C. 20461. Such written comments may be mailed or hand delivered and should be received by 4:30 p.m. e.s.t., February 2, 1977.

In consideration of the foregoing, it is proposed to amend the procedures for public participation in general adjustments in power rates, 40 FR 34431 (August 15, 1975) as set forth below.

Issued in Washington, D.C., December 28, 1977.

WILLIAM P. DAVIS,  
Deputy Director of  
Administration.

1. **Purpose and scope.** The purpose of these procedures is to afford interested members of the public a reasonable opportunity for meaningful participation in the development of general adjustments in power rates for power marketed by the Western Area Power Administration. It applies to general adjustments in the power rates for a project that are necessary to assure financial feasibility, but it does not apply to other rate actions that have a minor impact on financial feasibility, such as technical adjustments in rates, the adoption of special rates for limited purposes, the adoption of rates for use in connection with power pool operations, and the like.

2. **Statutory authority.** The establishment of rates by the Department of Energy for power marketed by the Western Area Power Administration is pursuant to the Department of Energy Organization Act of 1977, Pub. L. 95-91; the Reclamation Act of 1902, as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. § 485h(c); and the acts specifically applicable to the project in question. Consideration also is given to the statutes under which other power marketing agencies operate, particularly section 5 of the Flood Control Act of 1944, 16 U.S.C. § 825s, and the Bonneville Project Act, as amended, 16 U.S.C. § 832 et seq.

3. **Definitions.** As used herein—

(a) "Departmental" refers to all personnel and components of the Department of Energy.

(b) "Assistant Secretary" means the Assistant Secretary for Resource Applications of the Department of Energy or his designee.

(c) "Administrator" means the Administrator of the Economic Regulatory Administration of the Department of Energy or his designee.

4. **Tentative rates.** The Assistant Secretary or his designee will announce by the issuance of a press release that tentative adjusted rates for the project have been prepared and are under consideration. Notice also shall be published in the FEDERAL REGISTER.

The Department will mail to the power customers of the project and other interested persons information in writing concerning (1) the tentative rates, (2) the principal criteria used in developing the tentative rates, and (3) the schedule for public participation in the review of the tentative rates and in the development of the final rates.

5. **Consultation and comment period.** For a period ending ninety (90) days after the issuance of the press release, or fifteen (15) days after the close of the public comment forum described in section 7, below, whichever is later, all interested persons will have the opportunity to consult with, and obtain information from, Departmental representatives, to examine backup data, and to make suggestions for modification of the rates or criteria. At any time during this period, any person may file written comments with the Assistant Secretary for Resource Applications, U.S. Department of Energy, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 or as otherwise advised by public notice. Copies of all written comments will be available on request for a fee.

6. **Public information forums.** During the consultation and comment period, one or more public information forums will be held, during which Departmental representatives will explain the tentative rates and criteria, answer questions concerning them, and receive comments from interested persons. The forum will be conducted by a chairman who will be responsible for orderly procedure. Questions which cannot be answered by Departmental representatives at the forum will either be answered at a subsequent information forum, if one is held, or answered in writing at least fifteen (15) days before the public comment forum described in section 7, below. The number of such forums will depend upon the size of the power marketing area of the project, the number of power customers, and the degree of interest shown. A transcript of each forum will be made, and copies of the transcript, of all documents introduced, and of the written answers to questions will be available on request for a fee.

7. **Public comment forum.** Not less than sixty (60) days after the issuance of the press release, a public comment forum will be held for the primary purpose of permitting interested persons to submit written comments or make oral presentations of their views and comments. It will be conducted by a chairman who will be responsible for orderly procedure. Departmental representatives will be present, and they and the chairman may ask questions of the witnesses. Persons interested in speaking should submit a request to the Assistant Secretary for Resource

Applications, Department of Energy, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, or as otherwise advised by public notice, at least three (3) days before the forum so a witness list can be developed. The chairman may allow others to speak if time allows. A transcript of the forum will be made, and copies of the transcript and of all documents introduced will be available on request for a fee.

8. **Proposed decision on rate adjustment.** Following review of the information and comments gathered in the course of the proceedings described above, the Assistant Secretary will announce his proposed decision on the rate adjustment. The Assistant Secretary will issue an explanation of the principal factors leading to such decision.

9. **Review period.** Interested persons will be given at least thirty (30) days to submit comments in writing to the Administrator on the proposed decision.

10. **Interim rates and supplemental proceedings.** In the course of the review of a proposed rate submitted by the Assistant Secretary for Resource Applications pursuant to section 8, above, the Administrator of the Economic Regulatory Administration may determine that it is necessary and appropriate to adjust certain rates for an interim period prior to issuing the final decision contemplated by section 11, below. In such situations the Administrator may establish, for a certain interim period, the rates proposed by the Assistant Secretary. The Administrator will issue an explanation of the principal reasons, taking into consideration comments submitted by interested persons on the Assistant Secretary's proposal, for his decision and shall establish an effective date for the interim rates which shall be not less than sixty (60) days after his decision is published in the FEDERAL REGISTER. In any case wherein the Administrator establishes an interim rate, at least one supplemental public forum will be held and supplemental written comments, both in chief and in rebuttal, will be permitted. Appropriate notice of the supplemental proceedings shall be made in the FEDERAL REGISTER.

After these supplemental proceedings, the Assistant Secretary will propose a rate for the Administrator's review pursuant to section 8, above. Interested persons will be given at least thirty (30) days in which to submit written comments as contemplated by section 9, above. Thereafter, the Administrator shall issue the final decision as contemplated by section 11, below.

If the final rates as approved by the Administrator are lower than the interim rate, the over payment shall be refunded with simple interest at the

rate of 7 percent per annum. Higher rates shall be prospective only.

11. **Final decision on rate adjustment.** Following the Administrator's review of the further written comments, the Administrator will announce the final decision on the rate adjustment and the effective date of the adjusted rates. The Administrator will issue an explanation of the principal reasons therefor. The effective date shall be not less than sixty (60) days after the announcement.

[FR Doc. 77-36906 Filed 12-30-77; 8:45 am]

[6560-01]

## ENVIRONMENTAL PROTECTION AGENCY

(FRL 838-4)

### AIR POLLUTION CONTROL

Delegation of Authority to the State of  
Minnesota

The amendment below institutes authority for the implementation of technical and administrative review and enforcement of Prevention of Significant Deterioration (PSD) provisions; Inspections, Monitoring and Entry provisions; Standards of Performance for New Stationary Sources (NSPS); and National Emissions Standards for Hazardous Air Pollutants (NESHAPS). The U.S. Environmental Protection Agency (USEPA) has delegated to the State of Minnesota: (A) Authority over all sources in the State subject to review for the prevention of significant deterioration of air quality pursuant to part C, sections 160-169A of Title I of the Clean Air Act, as amended August 7, 1977, but only insofar as sections 160-169A serve to amend, effective August 7, 1977, the requirements promulgated in the July 1, 1976, edition of 40 CFR 52.01 and 52.21 under authority of section 110 of the Clean Air Act; (B) authority to review, administer and enforce throughout the State the requirements imposed by section 110(a) and 40 CFR 52.05 for PSD; by section 111(d) and 40 CFR 60.9 for NSPS; and section 112 and 40 CFR 61.5 for NESHAPS to make emission data available to the public which is provided to, or otherwise obtained by, the State pursuant to the review authority delegated by other provisions; (C) authority over all sources located in the State subject to NSPS provisions contained in the July 1, 1976, edition of 40 CFR 60, subpart D through subpart AA as amended in 42 FR 37936, and (D) authority over all sources located in the State subject to NESHAPS provisions contained in the July 1, 1976, edition of 40 CFR 61, subparts B, C, D, E, and F as amended in 41 FR 46561.

On June 27, 1977, Sandra S. Gardebring, Executive Director, Minneso-

ta Pollution Control Agency, submitted to the USEPA, Region V Office a request for Delegations of Authority.

After a thorough review of the request and information submitted, the Regional Administrator has determined that for the categories set forth in the following official letter to the Executive Director of the Minnesota Pollution Control Agency, delegation is appropriate, subject to the conditions set forth in detail in the following letter:

U.S. ENVIRONMENTAL PROTECTION AGENCY—  
REGION V, CHICAGO, ILL.

SEPTEMBER 20, 1977.

Certified Mail  
Return Receipt Requested

Ms. SANDRA S. GARDEBRING,  
Executive Director,  
Minnesota Pollution Control Agency,  
1935 West County Road B-2,  
Roseville, Minn. 55113.

DEAR MS. GARDEBRING: Thank you for your June 27, 1977, letter requesting that authority to review, administer, and enforce Clean Air Act sections 111, Standards of Performance for New Stationary Sources (NSPS); 112, National Emission Standards for Hazardous Air Pollutants (NESHAPS); 110, Prevention of Significant Deterioration (PSD); and 114, Inspections, Monitoring, and Entry, be delegated to the Minnesota Pollution Control Agency (MPCA). Region V staff has evaluated the procedures for new source review in the State of Minnesota and, as a result of this evaluation, we have determined that the MPCA has effective procedures for the implementation of the technical review and administration of NSPS, NESHAPS, PSD, and section 114 provisions. Also based on our evaluation, we feel that the MPCA has the capability for enforcement of the delegated authority for sections 111, 112, 110, and 114. Therefore, we hereby grant delegation of NSPS, NESHAPS, PSD, and 114 authority to the MPCA as follows:

#### A. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Authority over all sources located in the State of Minnesota subject to the standards of performance for new stationary sources promulgated in the July 1, 1976, edition of 40 CFR 60, subpart D through subpart AA, as amended in 42 FR 37936. The categories of new sources covered by this delegation are: fossil-fuel fired steam generators; incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary brass and bronze ingot production plants; iron and steel plants; sewage treatment plants; primary copper smelters; primary zinc smelters; primary lead smelters; primary aluminum reduction plants; phosphate fertilizer industry, wet process phosphoric acid plants; phosphate fertilizer industry, superphosphoric acid plants; phosphate fertilizer industry, diammonium phosphate plants; phosphate fertilizer industry, triple superphosphate plants; phosphate fertilizer industry, granular triple superphosphate storage facilities; coal production facilities; steel plants; electric arc furnaces.



# B. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Authority over all sources located in the State of Minnesota subject to the national emission standards for hazardous air pollutants promulgated in the July 1, 1976, edition of 40 CFR 61, subparts B, C, D, E, and F. These may be listed as national emission standards for asbestos, beryllium, mercury and vinyl chloride.

## C. PREVENTION OF SIGNIFICANT DETERIORATION

Authority over all sources located in the State of Minnesota subject to review for the prevention of significant deterioration of air quality pursuant to Part C, sections 160-169A of Title 1 of the Clean Air Act, as amended August 7, 1977, but only insofar as Sections 160-169A of the Act serve to amend, effective August 7, 1977, the requirements promulgated in the July 1, 1976, edition of 40 CFR 52.01 and 52.21 under authority of section 110 of the Clean Air Act.

These may be listed as the following new (or modified sources): fossil-fuel steam electric plants of more than 1000 million BTU per hour heat input; coal cleaning plants; kraft pulp mills, portland cement plants; primary zinc smelters; iron and steel mills; primary aluminum ore reduction plants; primary copper smelters; municipal incinerators capable of charging more than 250 tons of refuse per 24 hour day; sulfuric acid plants; petroleum refineries; lime plants; phosphate rock processing plants; by-product coke oven batteries; sulfur recovery plants; carbon black plants (furnace process); primary lead smelters; fuel conversion plants; ferroalloy production facilities commencing construction after October 6, 1975.

## D. INSPECTIONS, MONITORING, AND ENTRY

Authority to review, administer, and enforce throughout the State of Minnesota the requirements imposed by section 111(d) and 40 CFR 60.9 for NSPS; section 112 and 40 CFR 61.15 for NESHAPS and section 110(a) and 40 CFR 52.05 for PSD, to make emission data available to the public which is provided to, or otherwise obtained by, the State pursuant to the review authority delegated by other provisions contained in this letter.

This letter is based upon the following conditions: 1. Reports will be submitted to the United States Environmental Protection Agency (USEPA) by the MPCA. For PSD, the requirements of Part C, section 160-169A of Title 1 of the Clean Air Act, as amended on August 7, 1977, will apply, but only insofar as they are deemed to amend the requirements of 40 CFR 51.7 promulgated under authority of Section 110 of the Clean Air Act. For NSPS and NESHAPS, semi-annual reports which include information for sources which received approval to construct or begin operations during the period are to be submitted.

2. The MPCA and USEPA will develop a system of communications sufficient to guarantee a program that includes the items described below:

(a) Each agency is informed of the current compliance status of subject sources in the State of Minnesota.

(b) Prior USEPA concurrence is to be obtained on any matter involving the interpretation of sections 110-114, 120, 121, 123-129, 150, 160-169A, and 171-178 of the Clean Air Act and regulations contained in 40 CFR Parts 52, 60, and 61, insofar as these sections or regulations pertain to the imple-

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mentation, review, administration, or enforcement of the programs delegated above.

(c) Any NSPS, NESHAPS and PSD reviews (including requests for information and enforcement actions based thereon) already initiated by USEPA prior to this delegation shall be completed by USEPA.

(d) The MPCA is informed of the date of receipt by USEPA, of any and all completed applications for NSPS, NESHAPS and PSD review affecting a source owned or operated by the United States and located or to be located in the State and of the results of each such review conducted; and USEPA is informed of any MPCA reviews or actions which might affect any review conducted by USEPA.

3. The MPCA should develop a form for recording visible emission observations which meet the requirements of 40 CFR 50 Appendix A, Method 9. Forms to record handling of samples obtained through air monitoring should be developed and used by MPCA. Source tests conducted for sources covered by NSPS and NESHAPS regulations will be carried out utilizing the methods specified in 40 CFR Parts 60 and 61.

4. Upon approval of the Regional Administrator of Region V, the Executive Director of the MPCA may subdelegate the authority granted to implement and enforce the NSPS, NESHAPS and PSD provisions to local air pollution control authorities in Minnesota when such authorities have demonstrated that they have equivalent or more stringent programs in force.

5. The delegation to the State of Minnesota does not include the authority to implement and enforce NSPS, NESHAPS, or PSD regulations for sources owned or operated by the United States which are located in the State. This condition in no way relieves any Federal facility from meeting the requirements of 40 CFR Parts 52, 60, and 61.

6. Acceptance of this delegation of presently promulgated NSPS, NESHAPS, and PSD provisions does not obligate the MPCA to accept delegation of future standards not included in the MPCA's request of June 27, 1977.

7. The MPCA will at no time issue any interim permit, approve any compliance schedule, or issue any administrative order to weaken any presently effective NSPS, NESHAPS, or PSD provisions or grant any variance or waiver from compliance with appropriate NSPS. Should the MPCA grant any such permit, variance or waiver, approve any such schedule, or issue any such order, USEPA will consider the source receiving such relief to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to section 113 of the Clean Air Act. The granting of such relief by the MPCA shall constitute grounds for revocation of delegation by USEPA.

8. Enforcement of NSPS, NESHAPS, and PSD in the State of Minnesota will be the primary responsibility of the MPCA. The MPCA will enforce the presently effective provisions and regulations that pertain to each of these programs except in those cases where the rules of MPCA are more stringent. If the MPCA determines that such enforcement is not feasible and so notifies the USEPA, or where the MPCA acts in a manner inconsistent with the terms of this delegation, as noted, USEPA may exercise its concurrent enforcement authority pursuant to section 113 of the Clean Air Act with respect to sources within the State of Minnesota subject to NSPS, NESHAPS, and PSD provisions.

9. If the Regional Administrator determines that the MPCA procedures for implementing or enforcing NSPS, NESHAPS, or PSD provisions are inadequate or are not being effectively carried out, this delegation may be revoked in whole or part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to MPCA.

10. In order to satisfy section 114 of the Clean Air Act, and 40 CFR 60.9 and 40 CFR 61.15 as they apply to NSPS and NESHAPS, the MPCA has requested delegation of section 114. Once this delegation has been granted, the Minnesota state implementation plan section 52.1224 will have to be amended to reflect this change in public disclosure authority.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. This Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS, NESHAPS, and PSD provisions for sources located in the State of Minnesota should be submitted to the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minn. 55113. Any such reports which have been or may be received by USEPA, Region V, will be promptly transmitted to the MPCA.

Since this delegation is effective upon the date of this letter, there is no requirement that the MPCA notify USEPA of its acceptance. Unless USEPA receives written notice from MPCA of objections within 10 days of the receipt of this letter, the MPCA will be deemed to have accepted all of the terms of this delegation.

Sincerely yours,

GEORGE R. ALEXANDER, Jr.,  
Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified the Executive Director of the Minnesota Pollution Control Agency that authority to implement administrative and technical review and enforcement for Prevention of Significant Deterioration (PSD); Inspections, Monitoring, and Entry; Standards of Performance for New Stationary Sources (NSPS); and National Emission Standards for Hazardous Air Pollutants (NESHAPS) was delegated to the State of Minnesota.

Copies of the request for delegation of authority are available for public inspection at the U.S. Environmental Protection Agency, Region V Office, Air Programs Branch, 230 South Dearborn Street, Chicago, Ill. 60604.

Effective immediately, all reports required pursuant to the delegated PSD, NSPS, and NESHAPS authority should not be submitted to the Region V Office, but instead should be submitted to: Minnesota Pollution Control Agency, Division of Air Quality, 1935 West County Road B-2, Roseville, Minn. 55113.

Applications for PSD, NSPS, and NESHAPS reviews in processing at the time of their delegation shall be processed through to completion by the USEPA, Region V Office.

This notice is issued under the authority of sections 101, 110, 111, 112,

114, and 160-169 of the Clean Air Act, as amended, 42 U.S.C. 7401, 7410, 7411, 7412, 7414, 7470-79, 7491.

Dated: December 21, 1977.

GEORGE ALEXANDER,  
Regional Administrator.

[FR Doc. 77-37405 Filed 12-30-77; 8:45 am]

[1505-01]

[FRL 835-3; OPP-00066]

## FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT SCIENTIFIC ADVISORY PANEL

### Meeting

### Correction

In FR Doc. 77-36845, appearing at page 64733 in the issue of Wednesday, December 28, 1977, a paragraph "4." should follow "3." on page 64734, to read:

"4. Review of Final Regulations for Classification by Regulation of Certain Hazardous Pesticides for Restricted Uses."

[6712-01]

## FEDERAL COMMUNICATIONS COMMISSION

### OVERSEAS COMMUNICATIONS

#### Policy Statement

The Federal Communications Commission on December 23 issued its "Policy to Be Followed in Future Licensing of Facilities for Overseas Communications" (Report, Order and Third Statement of Policy and Guidelines in Docket No. 18875).

The document consists of 225 pages, including charts and graphs. Because of the cost of printing so voluminous a document, it will not be published in the FEDERAL REGISTER.

However, the FCC has prepared a limited number of copies, which are available upon request at its Public Information Office, Room 202, 1919 M Street NW., Washington, D.C. 20554.

The Commission statement said it had found no need for the construction of a new transatlantic cable facility (e.g., TAT-7) in the 1977-85 planning period. It made these other points:

That existing cable and satellite transmission facilities, augmented by the INTEL-SAT-V satellite and by effective use of available circuit multiplication technology that increases the voice capacity of communications facilities, should provide adequate capacity to meet currently forecast transatlantic traffic requirements between now and 1985.

That this combination of existing and programmed facilities, used together with effective network management and restoration plans to cope with occasional interruptions typical of both cable and satellite technologies, should provide high quality, reliable service throughout the period without the need for additional major construction.

That this combination of facilities should result in the lowest additional U.S. investment and operating costs for transatlantic communications facilities during this period, taking into account the full INTEL-SAT-V investment and operating costs properly allocatable to North Atlantic services and the additional U.S. investment and operating costs for circuit multiplication equipment.

That there was at present no apparent operational or economic justification for the installation of any new major transatlantic transmission facility and that the U.S. public interest would not be served by Commission adoption or acceptance of any plan that incorporated additional major facilities.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Secretary.

[FR Doc. 77-37363 Filed 12-30-77; 8:45 am]

[6730-01]

## FEDERAL MARITIME COMMISSION

### AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the field offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 23, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

## NOTICES

AGREEMENTS Nos. 161-33 and 10182-2.

FILING PARTY: Howard A. Levy, Attorney at Law, Suite 727, 17 Battery Place, New York, N.Y. 10004.

SUMMARY: Agreements Nos. 161-33, filed on behalf of the Gulf/United Kingdom Conference, and 10182-2, filed on behalf of the member lines of the EuroGulf Self-Policing Agreement, are identical in nature and provide for certain relatively minor changes in the rules for the processing and disposition of malpractices complaints, and are designed to improve the self-policing procedures in the agreements. In all other respects, the terms of the agreements remain unchanged.

AGREEMENT No. 9848-6.

FILING PARTY: Fred A. Wendt, Senior Vice President, Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, La. 70150.

SUMMARY: Agreement No. 9848-6, between Companhia Maritima Nacional, Companhia de Navegacao Lloyd Brasileiro, and Delta Steamship Lines, Inc., restates, in its entirety, the parties' basic cargo revenue pooling, sailing and equal access agreement in the southbound trade from United States Gulf ports to ports in Brazil within the Recife/Paranagua range, both inclusive. This restatement contains the following significant changes: (1) There will be separate accounting for container cargo and breakbulk cargo, however, pier-to-pier container movements are to be included in the breakbulk cargo accounting; (2) transshipment cargo moving within the scope of the agreement will be included in the pool accounting; (3) there will be an equal division of the revenues on a national flag basis; (4) pool periods have been shortened to six months; (5) new accounting and settlement procedures have been incorporated in the agreement; (6) a pool committee, made up of representatives of each party, will be established to oversee the operation of the agreement; and (7) the agreement will be effective from April 1, 1978, and continue in force through December 31, 1980.

AGREEMENTS Nos. 10140-5 and 10140-6.

FILING PARTY: Howard A. Levy, Esq., Attorney at Law, Suite 727, 17 Battery Place, New York, N.Y. 10004.

SUMMARY: Agreements Nos. 10140-5 and 10140-6 were filed on behalf of the Gulf/United Kingdom Conference and Seatrain International, S.A. Agreement No. 10140-5 provides for the posting of a \$25,000 financial guarantee of faithful performance of obligations by parties providing joint rail-water transportation. Agreement No.

## NOTICES

10140-6 provides for certain relatively

Maryland Port Administration. The

The information reviewed at this meeting

## NOTICES



10140-6 provides for certain relatively minor changes in the rules for the processing and disposition of malpractices complaints and are designed to improve the self-policing procedures in the agreement. In all other respects, the terms of the agreement remain unchanged.

#### AGREEMENT No. 10186-2.

**FILING PARTY:** Seymour H. Kligler, Esq., Brauner, Baron, Rosenzweig, Kligler & Sparber, Attorneys at Law, 120 Broadway, New York, N.Y. 10005.

**SUMMARY:** Basically, Agreement 10186, as amended, is an arrangement whereby the Korea Shipping Corp. (KSC) is authorized to charter a minimum of 200 forty-foot container slots to a maximum of 450 forty-foot container slots monthly aboard ships operated by the Orient Overseas Container Line, Inc. (OOCL), in the trades between the United States and Japan, Korea, Taiwan, Hong Kong, Thailand, the Philippines, Singapore, and Indonesia.

Agreement 10186-2 modifies paragraph A of Article 1 to provide:

The maximum amount of space which may be so let and hired during each year of this agreement, commencing on January 1, 1978, shall be the total container carrying capacity of the vessels owned by KSC and chartered to and operated by OOCL in the trades covered by this agreement multiplied by the number of round-trip voyages in the trades by such vessels during the year at a rate per Forty Foot Equivalent Units (herein "FEU") to be agreed upon by the parties periodically.

Also modified is the formula for determining the amount of dead freight due OOCL for spaces chartered by KSC but unused by either in any given calendar month.

#### AGREEMENT No. T-2550-A-1.

**FILING PARTY:** Mr. Tony Ryan, Manager, Regulatory Services, Sea-Land Service, Inc., P.O. Box 900, Edison, N.J. 08817.

**SUMMARY:** Agreement No. T-2550-A-1, which is between Sea-Land Service, Inc. (Sea-Land), the Puerto Rico Maritime Shipping Authority (PRMSA) and the Board of Commissioners of the Port of New Orleans (Port), modifies the parties' agreement providing for PRMSA's sublease of certain facilities at the France Road Container Terminal which Sea-Land now leases from the Port pursuant to Agreement No. T-2550, as amended. The purpose of Agreement No. T-2550-A-1 is to extend the term of the agreement from its present termination date of January 1, 1978, to a basis where it may be cancelled by either party upon 30 days' written notice to the other party.

#### AGREEMENT No. T-3030-1.

**FILING PARTY:** Mr. Gary E. Kocher, Director of Transportation,

Maryland Port Administration, The World Trade Center Baltimore, Baltimore, Md. 21202.

**SUMMARY:** Agreement No. T-3030-1, between the Maryland Port Administration (Port) and General Latex & Chemical Corp. (General), modifies the Parties' basic agreement which provides for the sublease of building space to General for the purpose of handling, storing and processing rubber, liquid latex, and other such products. The purpose of this amendment is to renew the lease for an additional term of three years with a corresponding adjustment in the rental payable to Port.

#### AGREEMENT No. T-3553.

**FILING PARTY:** Albert B. Dearden, Deputy Chief, Leases and Operating Agreements Division, The Port Authority of New York and New Jersey, One World Trade Center, New York, N.Y. 10048

**SUMMARY:** Agreement No. T-3553, between the Port Authority of New York and New Jersey (Port) and International Terminal Operating Co., Inc. (ITO), provides for the month-to-month lease of pier 7 at the Brooklyn-Port Authority Marine Terminal, New York, N.Y., for use by ITO as a public marine terminal facility. As compensation, ITO will pay the Port the greater of \$2 multiplied by revenue tons handled at the facility, or \$360,000 per annum, not to exceed a maximum annual payment of \$720,000. ITO shall be subject to all Port rules and regulations, including tariffs, and will have the exclusive right to collect wharfage and dockage from all vessels calling at the facility.

By order of the Federal Maritime Commission.

Dated: December 28, 1977.

FRANCIS C. HURNEY,  
Secretary.

(FR Doc. 77-37395 Filed 12-30-77; 8:45 am)

#### [6210-01]

##### FEDERAL RESERVE SYSTEM

##### FEDERAL OPEN MARKET COMMITTEE

##### Domestic Policy Directive of November 15, 1977

In accordance with section 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on November 15, 1977.

The Record of Policy Actions of the Committee for the meeting of November 15, 1977, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

The information reviewed at this meeting suggests that growth in real output of goods and services is picking up in the current quarter from the reduced pace in the third quarter. The dollar value of total retail sales, which had been unchanged in September, rose substantially in October. Industrial production and employment increased somewhat. The unemployment rate, at 7 percent, remained in the narrow range prevailing since April. The wholesale price index for all commodities rose sharply in October, as average prices of farm products and foods increased after having declined appreciably over the preceding 4 months. Prices of industrial commodities rose at about the average rate of the preceding 12 months. The index of average hourly earnings increased sharply in September and has advanced at a somewhat faster pace so far this year than it had on the average during 1976.

The trade-weighted value of the dollar against major foreign currencies has declined further since mid-October. In September the U.S. foreign trade deficit was reduced somewhat, in part as a result of temporary factors.

M-1 and M-2 increased substantially in October, but growth slowed sharply in early November. In October inflows to banks of the total of savings deposits and small-denomination time deposits fell off, but banks expanded the outstanding volume of large-denomination CD's substantially as credit demands strengthened. Inflows to nonbank thrift institutions slowed somewhat in October from the strong pace of the preceding 2 months. Following a substantial rise in member bank borrowings, Federal Reserve discount rates were increased from 5 1/2 to 6 percent in late October. Market interest rates have fluctuated moderately since mid-October and most recently have tended to decline.

At its meeting on October 18, 1977, the Committee agreed that growth of M-1, M-2, and M-3 within ranges of 4 to 6 1/2 percent, 8 1/2 to 9 percent, and 8 to 10 1/2 percent, respectively, from the third quarter of 1977 to the third quarter of 1978 appears to be consistent with these objectives. These ranges are subject to reconsideration at any time as conditions warrant.

At this time, the Committee seeks to maintain about the prevailing money market conditions during the period immediately ahead, provided that monetary aggregates appear to be growing at approximately the rates currently expected, which are believed to be on a path reasonably consistent with the longer-run ranges for monetary aggregates cited in the preceding paragraph. Specifically, the Committee seeks to maintain the weekly-average Federal funds rate at about the current level, so long as M-1 and M-2 appear to be growing over the November-December period at annual rates within ranges of 1 to 7 percent and 5 to 9 percent, respectively. If, giving approximately equal weight to M-1 and M-2, it appears that growth rates over the 2-month period are approaching or moving beyond the limits of the indicated ranges, the operational objective for the weekly-average

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster bank reserve and other financial conditions that will encourage continued economic expansion and help resist inflationary pressures, while contributing to a sustainable pattern of international transactions.

Federal funds rate shall be modified in an orderly fashion within a range of 6 1/4 to 6 3/4 percent.

If it appears during the period before the next meeting that the operating constraints specified above are proving to be significantly inconsistent, the Manager is promptly to notify the Chairman who will then decide whether the situation calls for supplementary instructions from the Committee.

By order of the Federal Open Market Committee, December 23, 1977.

ARTHUR L. BROIDA,  
Secretary.

(FR Doc. 77-37351 Filed 12-30-77; 8:45 am)

#### [6210-01]

##### KINCAID BANC AGENCY, INC.

##### Formation of Bank Holding Company

Kincaid Banc Agency, Inc., Kincaid, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 89.6 percent (less directors' qualifying shares) of the voting shares of The Bank of Kincaid, Kincaid, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 23, 1978.

Board of Governors of the Federal Reserve System, December 27, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
(FR Doc. 77-37352 Filed 12-30-77; 8:45)

#### [6210-01]

##### NATIONAL BANCSHARES CORP. OF TEXAS

##### Acquisition of Bank

National Bancshares Corporation of Texas, San Antonio, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares (less director's qualifying shares) of National Bank of Commerce, Kerrville, Tex., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 20, 1978.

serve System, Washington, D.C. 20551, to be received not later than January 24, 1978.

Board of Governors of the Federal Reserve System, December 27, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
(FR Doc. 77-37353 Filed 12-30-77; 8:45 am)

#### [6210-01]

##### OTTO BREMER FOUNDATION

##### Acquisition of Bank

Otto Bremer Foundation, St. Paul, Minn., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)), to acquire direct or indirect ownership, control, or power to vote 21.77 percent of the voting shares of Dakota Bankshares, Inc., Fargo, N. Dak. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 20, 1978.

Board of Governors of the Federal Reserve System, December 23, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
(FR Doc. 77-37354 Filed 12-30-77; 8:45 am)

#### [6210-01]

##### SANTA FE TRAIL BANC SHARES, INC.

##### Formation of Bank Holding Company

Santa Fe Trail Banc Shares, Inc., Hutchinson, Kans., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)), to become a bank holding company by acquiring 80 percent or more of the voting shares of The Haskell County State Bank, Sublette, Kans. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 20, 1978.

Board of Governors of the Federal Reserve System, December 23, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
(FR Doc. 77-37355 Filed 12-30-77; 8:45 am)

#### [6210-01]

##### SECURITY PACIFIC CORP.

Proposed Expansion of the Activities of Central Plains Insurance Co., Inc., and Central Plains Life Insurance Co., Inc.

Security Pacific Corp., Los Angeles, Calif., has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)), and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to expand the authority of Central Plains Insurance Co., Inc., Hutchinson, Kans., and Central Plains Life Insurance Co., Inc., Hutchinson, Kans., both subsidiaries of the Bankers Investment Co., Hutchinson, Kans., a wholly owned subsidiary of Security Pacific Corp. Notice of the application was published on dates between October 13, 1977, and October 15, 1977, in newspapers circulated in various cities in the State of California; on dates between October 14, 1977, and October 15, 1977, in newspapers circulated in various cities in the State of Oregon; on October 15, 1977, in the Arizona Republic and the Arizona Daily Star, newspapers circulated, respectively, in Phoenix, Ariz., and Tucson, Ariz., and, on October 22, 1977, in the Hutchinson News, a newspaper circulated in Reno County, Kans.

Applicant states that the authority of its indirectly held subsidiaries would be expanded to permit them to engage in the activities of acting as underwriter or reinsurer for credit life and credit accident and health insurance that is directly related to extensions of credit by Security Pacific Corp. and its subsidiaries in the States of California and Arizona. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interest persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing pro-



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poses to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 17, 1978.

Board of Governors of the Federal Reserve System, December 27, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 77-37356 Filed 12-30-77; 8:45 am]

[6210-01]

**TIRO BANCORPORATION, INC.**

Formation of Bank Holding Company

Tiro Bancorporation, Inc., St. Robert, Mo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 88 percent or more of the voting shares of First National Bank, St. Robert, Mo. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than January 20, 1978.

Board of Governors of the Federal Reserve System, December 23, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 77-37357 Filed 12-30-77; 8:45 am]

[4110-03]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Food and Drug Administration

**HEMORRHOIDAL PANEL**

Meeting Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Hemorrhoidal Panel meeting scheduled for January 7, 8, and 9, 1978, has been rescheduled for January 22, 23, and 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas DeCillis, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) announced in a notice published in the FEDERAL REGISTER of December 16, 1977 (42 FR 63467), meetings of FDA public advisory committees and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Notice is hereby given that the meeting of the Hemorrhoidal Panel scheduled for January 7, 8, and 9, 1978, has been changed to January 22, 23, and 24, 1978. The open committee discussion will begin at 9 a.m. on January 22, at the Holiday Inn, Wisconsin Avenue, Bethesda, Md. 20014, and the open public hearing will begin at 9 a.m. on January 23, in Conference

Committee name	Date, time, place	Type of meeting and contact person
1. Miscellaneous External Drug Products Panel.	Jan. 29 and 30; 9 a.m., Holiday Inn, Wisconsin Ave., Bethesda, Md., on Jan. 29; Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., on Jan. 30.	Open committee discussion Jan. 29, 9 a.m. to 4:30 p.m.; open public hearing Jan. 30, 9 a.m. to 10 a.m.; open committee discussion Jan. 30, 10 a.m. to 4:30 p.m.; Michael D. Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before January 25, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the

Committee name	Date, time, place	Type of meeting and contact person
2. Obstetrics and Gynecology, Advisory Committee.	Jan. 31, 9 a.m., Conference room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; A. T. Greig, Ph.D., (HFD-130), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3510.

Room B, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

Dated: December 27, 1977.

JOSEPH P. HILE,  
Associate Commissioner for Compliance.

[FR Doc. 77-37330 Filed 12-30-77; 8:45 am]

[4110-03]

Food and Drug Administration

**ADVISORY COMMITTEES**

Meetings

AGENCY: Food and Drug Administration

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

names and addresses of proposed participants, and an indication of the approximate time desired for the their presentation.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of obstetrics and gynecology.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the evaluation for Prostaglandins for mid trimester abortions; safety and efficacy of post partum estrogen therapy for breast engorgement; estradiol pellets for contraception (investigational new drug (IND) 13-628); and an intrauterine drug delivery system (IND 13-489).

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed meeting deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be

obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: December 27, 1977.

JOSEPH P. HILE,  
Associate Commissioner for Compliance.  
[FR Doc. 77-37331 Filed 12-30-77; 8:46 am]

[4110-84]

Health Services Administration

**INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES**

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following national advisory body scheduled to meet during the month of January 1978:

NAME: Interagency Committee on Emergency Medical Services.

DATE AND TIME: January 16, 1978, 9 a.m.

PLACE: Conference Rooms G & H, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857. Open for entire meeting.

PURPOSE: The Committee provides for the communication and exchange of information necessary to maintain the coordination and effectiveness among such Federal programs and activities and makes recommendations to the Secretary respecting the administration of grants and contracts under Title XII, including making regulations for the emergency medical services systems program.

AGENDA: Proposed agenda items for this meeting include: Review of the DHEW technical assistance program, discussion of congressional reports required of the Committee, and a discussion of communications as an EMS system component.

The meeting is open to the public for observation. Anyone wishing to attend, obtain the roster of members, minutes of meeting, or other relevant information should contact Mr. Lee Shuck, Division of Emergency Medical Services, Bureau of Medical Services, suite 320, 6525 Belcrest Road, Hyattsville, Md. 20782, telephone 301-436-6290. Public seating is limited to forty (40). Please contact at least 72 hours before the meeting.

Agenda items are subject to change as priorities dictate.

NOTE.—Time of public notice was reduced due to delayed mail deliveries during holiday season.

Dated: December 29, 1977.

WILLIAM H. ASPDEN, Jr.,  
Associate Administrator  
for Management.  
[FR Doc. 77-37411 Filed 12-30-77; 8:45 am]

[4310-84]

**DEPARTMENT OF THE INTERIOR**

Bureau of Land Management

**ENVIRONMENTAL IMPACT STATEMENT, PROPOSED NATIONAL RESOURCE LANDS MANAGEMENT ACT**

Notice of Availability, Correction.

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction, notice of availability.

SUMMARY: This deletes a notice of availability of a final environmental impact statement on a proposed National Resource Lands Management Act.

Notice is hereby given that on Monday, November 28, 1977, the Council on Environmental Quality erroneously reported the receipt of a final environmental statement for the proposed National Resource Lands Management Act. This report appeared in the FEDERAL REGISTER, Vol. 42, No. 228, page 60589. No such statement has been or will be prepared. The Federal Land Policy and Management Act of 1976, Pub. L. 94-579, for the establishment of a public land policy, was legislation originated by Congress and as such required no environmental statement.

ADDRESS: Director, Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Ms. Mary Crouter at the above address or telephone 202-343-7417.

Dated: December 27, 1977.

GEORGE L. TURCOTT,  
Acting Director.  
[FR Doc. 77-37305 Filed 12-30-77; 8:45 am]

[4310-31]

Geological Survey

**SAFETY AND POLLUTION-PREVENTION STANDARDS PROGRAM**

Notice is hereby given that the U.S. Geological Survey proposes to adopt certain generic Standards and their attendant certification procedures as part of the Survey's program to enhance the quality and reliability of safety and pollution-prevention equipment used in oil and gas operations, conducted under Federal leases, on

the Outer Continental Shelf (OCS), surface- and surface-safety valves Green American Society of Mechan-

17.11 as [T(C/P)]. Humane shipment

The applicant requests a permit to

[4310-55]



the Outer Continental Shelf (OCS). The standards and procedures were developed by the American National Standards Institute (ANSI) and the American Society of Mechanical Engineers (ASME). A notice of the intention to develop these standards was published in the *FEDERAL REGISTER*, Vol. 41, No. 214, Thursday, November 4, 1976, page 48582. ASME subsequently established a Safety and Pollution-Prevention Equipment (SPPE) Committee, with appropriate subcommittees, to develop the generic Standards for submission through ANSI.

The standards and procedures developed by ANSI and ASME are as follows:

1. ANSI/ASME OCS-1-1977 "Quality Assurance and Certification of Safety and Pollution-Prevention Equipment used in Offshore Oil and Gas Operations."

2. ANSI/ASME OCS-2-1977 "Accreditation of Testing Laboratories for Safety and Pollution-Prevention Equipment used in Offshore Oil and Gas Operations."

3. "ASME-Certification and Accreditation Procedures."

The generic standards are designed to be general in scope and dependent upon the technical requirements of the specific safety and pollution-prevention equipment design/performance standards. These specific equipment standards will be, or have been, developed by various standards writing groups.

It is the intention of the Geological Survey to require, by National OCS order, that safety and pollution-prevention equipment used in OCS oil and gas operations comply with specific design-performance standards which incorporate, by reference, the provisions of ANSI/ASME OCS-1-1977 and ANSI/ASME OCS-2-1977.

It is expected that, in the near future, two documents will be accepted as meeting the criteria for specific equipment standards. The documents are:

1. "API Specification for Subsurface Safety Valves" (API Spec 14A).

2. "API Specification for Wellhead Surface Safety Valves for Offshore Service" (API Spec 14D).

ASME Certification/Accreditation Survey teams will be available, upon request, to certify/accredit the manufacturers or assemblers and test laboratories for subsurface-safety valves (API-Spec-14A) and surface-safety valves (API-Spec-14D). The Survey teams will be available for plant or laboratory visits beginning in February 1978 for such valves that are used on the Federal OCS leases. A period of 1 year (through January 1979) will be allowed for manufacturers or assemblers and test laboratories to obtain certification/accreditation for subsurface- and surface-safety valves. Sub-

surface- and surface-safety valves manufactured or assembled and tested by certified and accredited firms will be required for use in production systems on OCS leases after July 1, 1979. Application of this program to other equipment must await development of the specific safety and pollution-prevention equipment (SPPE) standards.

Any standards writing organizations that have developed equipment Standards, suitable for inclusion in this program, are invited to submit them for consideration to the ASME Standards Committee. As noted above, the generic standards, ANSI/ASME OCS-1-1977 and ANSI/ASME OCS-2-1977, must be referenced within these specific equipment Standards in order to be adopted. The Geological Survey intends to monitor ASME's certification efforts and standards review.

Types of equipment for which Standards are desired include:

1. Subsurface-safety valves (API Spec 14A applies).
2. Surface-safety valves (API Spec 14D applies).
3. Valve actuators.
4. Pressure sensors: (a) High; (b) low; (c) high/low.
5. Level sensors: (a) High; (b) low; (c) high/low.
6. Temperature sensors: (a) High; (b) low; (c) high/low.
7. Emergency shutdown valves.
8. Relief valves.
9. Flow safety valves (check valves).
10. Shutdown valves.
11. Gas detectors.
12. Burn er-flame detectors.
13. Blowdown valves.
14. Blowout-preventers.
15. Drill-string-safety valves.
16. Kelly cocks.
17. Degassers.
18. Mud-pit-level indicators.
19. Mud-return indicators.
20. H<sub>2</sub>S detectors.

Interested persons are invited to submit written comments pertaining to the following:

1. Use of the ANSI/ASME Standards OCS-1-1977 and OCS-2-1977 and the ASME certification and accreditation procedures.

2. Suitability, addition, or deletion of equipment for which the standards are desired and the order of priority for their development.

Written comments should be directed to the Acting Chief, Conservation Division, U.S. Geological Survey, Mail Stop 600, National Center, Reston, Va. 22092, on or before (to be 30 days from date of publication). For further information, contact Richard B. Krah, Chief of the Branch of Marine Oil and Gas Operations, Conservation Division, U.S. Geological Survey, telephone 703-860-7531.

Copies of the generic Standards ANSI/ASME OCS-1-1977 and ANSI/ASME OCS-2-1977 and the certification and accreditation procedures may be obtained from Mr. Melvin R.

Green, American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

The primary author of this document is Mr. W. M. Barden, U.S. Geological Survey, P.O. Box 7944, Metairie, La. 70010, telephone 504-837-4720.

NOTE.—The Geological Survey has determined that this document does not contain a major proposal requiring the preparation of an inflation impact statement as dictated under Executive Order 11821 and under the Office of Management and Budget Circular A-107.

W. A. RADLINSKI,  
Acting Director.

[FR Doc. 77-37306 Filed 12-30-77; 8:45 am]

#### [4310-55]

##### Fish and Wildlife Service THREATENED SPECIES PERMIT Receipt of Application

Applicant: Jackie D. Baker, Route 1, Clarkton, Mo. 63837.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR Section 17.11 as [T (C/P)]. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1723. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 2, 1978. Please refer to the file number when submitting comments.

Dated: December 28, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Office, U.S. Fish and  
Wildlife Service.

[FR Doc. 77-37376 Filed 12-30-77; 8:45 am]

#### [4310-55]

##### THREATENED SPECIES PERMIT Receipt of Application

Applicant: James D. Gunderson, 29312 Spotted Bull Way, San Juan Capistrano, Calif. 92675.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR Section

17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1722. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 2, 1978. Please refer to the file number when submitting comments.

Dated: December 28, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Office, U.S. Fish and  
Wildlife Service.

[FR Doc. 77-37377 Filed 12-30-77; 8:45 am]

#### [4310-55]

##### THREATENED SPECIES PERMIT Receipt of Application

Applicant: Craig Hendee, 1624 Sunset Ridge Road, Glenview, Ill. 60025.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR Section 17.11 as [T (C/P)]. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1721. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 2, 1978. Please refer to the file number when submitting comments.

Dated: December 28, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Office, U.S. Fish and  
Wildlife Service.

[FR Doc. 77-37378 Filed 12-30-77; 8:45 am]

#### [4310-55]

##### ENDANGERED SPECIES PERMIT Receipt of Application

Applicant: Department of Wildlife and Fisheries Sciences, Keith A. Arnold, Ph.D., Texas A&M University, College Station.

#### [4310-55]

##### ENDANGERED SPECIES PERMIT Receipt of Application

Applicant: Texas A & M University, Dr. Neville P. Clarke, Acting Director, Texas Agricultural Experiment Station, College Station, Tex. 77843.

The applicant seeks permission to take Attwater's greater prairie chicken (*Tympanuchus cupido attwateri*) for the purpose of scientific research. The research will involve capturing, banding and/or tagging, attaching radio transmitters, and returning to the wild. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1690. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 2, 1978. Please refer to the file number when submitting comments.

Dated: December 28, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Office, U.S. Fish and  
Wildlife Service.

[FR Doc. 77-37381 Filed 12-30-77; 8:45 am]

#### [4310-55]

##### ENDANGERED SPECIES PERMIT Receipt of Application

Applicant: Greater Baton Rouge Zoo, George R. Felton, Jr., Director, Greenwood Park, P.O. Box 458, Baton Rouge, La. 70821.

The applicant seeks permission to purchase in interstate commerce, two male and two female black and white ruffed lemurs (*Lemur variegatus*) from the San Diego Zoo for the purpose of enhancement of propagation. Humane care and treatment during transport have been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WFO), Washington, D.C. 20240.

This application has been assigned file No. PRT 2-1672. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 2,

The applicant requests a permit to capture wintering bald eagles (*Haliaeetus leucocephalus*) in East Texas for the purpose of scientific research. Captured eagles will be banded, color-marked and/or radio-tagged and immediately released.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1716. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 2, 1978. Please refer to the file number when submitting comments.

Dated: December 28, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Office, U.S. Fish and  
Wildlife Service.

[FR Doc. 77-37379 Filed 12-30-77; 8:45 am]

#### [4310-55]

##### ENDANGERED SPECIES PERMIT Receipt of Application

Applicant: Carden-Johnson Circus Corp., Route No. 2, Box 80, Willard, Mo. 65781.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for the purpose of propagation, of tigers (*Panthera tigris*) listed in 50 CFR Section 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1434. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 2, 1978. Please refer to the file number when submitting comments.

Dated: December 28, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Office, U.S. Fish and  
Wildlife Service.

[FR Doc. 77-37380 Filed 12-30-77; 8:45 am]



1978. Please refer to the file number when submitting comments.

Dated: December 28, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Office, U.S. Fish and  
Wildlife Service.

[FR Doc. 77-37382 Filed 12-30-77; 8:45 am]

#### [4310-55]

##### ENDANGERED SPECIES PERMIT

###### Receipt of Application

Applicant: William G. Kennedy, Pyburn & Odom, Inc., P.O. Box 267, Baton Rouge, La. 70821

The applicant seeks a permit to collect limited numbers of Fat pocket-book pearly mussel's (*Potamilus capax*) from the St. Francis, White and Cache River basins in Missouri and Arkansas to establish the range and critical habitat of the species.

Documents and other information submitted with this application are available to the public during normal business hours in room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1733. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 2, 1978. Please refer to the file number when submitting comments.

Dated: December 28, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Office, U.S. Fish and  
Wildlife Service.

[FR Doc. 77-37383 Filed 12-30-77; 8:45 am]

#### [4310-55]

##### ENDANGERED SPECIES PERMIT

###### Receipt of Application

Applicant: Minnesota Zoological Garden, 12101 Jonny Cake Ridge Road, Apple Valley, Minn. 55124.

The applicant seeks a permit to import from England two male and six female Przewalski's horses (*Equus przewalskii*) which are the result of captive breeding. The purpose of the activity is to enhance the propagation of the species. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1734. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 2, 1978. Please refer to the file number when submitting comments.

Dated: December 28, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Office, U.S. Fish and  
Wildlife Service.

[FR Doc. 77-37384 Filed 12-30-77; 8:45 am]

#### [4310-55]

##### ENDANGERED SPECIES PERMIT

###### Receipt of Application

Applicant: Oklahoma City Zoo, Route 1, Box 1, Oklahoma City, Okla. 73111.

The applicant seeks a permit to import a pair of captive-bred maned wolves (*Chrysocyon brachyurus*) from Carl Hagenbeck's Tiergarten, Hamburg, West Germany, for the purpose of propagation for the enhancement of survival of the species. Humane care and treatment of the animals during shipment has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1717. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 2, 1978. Please refer to the file number when submitting comments.

Dated: December 28, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Office, U.S. Fish and  
Wildlife Service.

[FR Doc. 77-37385 Filed 12-30-77; 8:45 am]

#### [4310-55]

##### ENDANGERED SPECIES PERMIT

###### Receipt of Application

Applicant: Charles Sivelle, 41 West-cliff Drive, Dix Hills, N.Y. 11748.

The applicant requests a permit to export six pairs of white-eared pheasants (*Crossoptilon crossoptilon*) to Mr. Van Erdej of Belgium for the purpose of enhancement of propagation. These birds are the results of captive breeding. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1713. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 2, 1978. Please refer to the file number when submitting comments.

Dated: December 28, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Office, U.S. Fish and  
Wildlife Service.

[FR Doc. 77-37386 Filed 12-30-77; 8:45 am]

#### [4310-55]

##### ENDANGERED SPECIES PERMIT

###### Receipt of Application

Applicant: Charles Sivelle, 41 West-cliff Drive, Dix Hills, N.Y. 11748.

The applicant requests a permit to export one male and two female Palawan peacock pheasants (*Polyplectron emphanum*) to Edward Miller, Port Alberni, British Columbia, for the purpose of enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file No. PRT 2-1712. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 2, 1978. Please refer to the file number when submitting comments.

Dated: December 28, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Office, U.S. Fish and  
Wildlife Service.

[FR Doc. 77-37387 Filed 12-30-77; 8:45 am]

#### [4310-55]

##### ENDANGERED SPECIES PERMIT

###### Receipt of Application

Applicant: Smithsonian Institution, Dr. Richard W. Thorington, Jr., Natural History Building, room 390.

The applicant seeks a permit to import the bones of 12 mountain goril-

las (*Gorilla gorilla beringei*) for scientific research. These bones were found by Dian Fossey in the course of her studies of the gorilla in Rwanda.

Documents and other information submitted with this application are available to the public during normal business hours in room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file No. PRT 2-1670. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 2, 1978. Please refer to the file number when submitting comments.

Dated: December 28, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Office, U.S. Fish and  
Wildlife Service.

[FR Doc. 77-37388 Filed 12-30-77; 8:45 am]

#### [4310-55]

##### ENDANGERED SPECIES PERMIT

###### Receipt of Application

Applicant: Wayne C. Young, RD 1, Box 81, Nicholson, Pa. 18446.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of mammals listed in 50. CFR section 17.11 as [T (C/P)] for the purpose of propagation. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file No. PRT 2-1008. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 2, 1978. Please refer to the file number when submitting comments.

Dated: December 28, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Office, U.S. Fish and  
Wildlife Service.

[FR Doc. 77-37389 Filed 12-30-77; 8:45 am]

#### [4310-55]

##### ENDANGERED SPECIES PERMIT

###### Receipt of Application

Applicant: Zoological Society of Cincinnati, 3400 Vine Street, Cincinnati, Ohio 45220.

##### Adams County

Council, Pomona Hotel, Main and Moser Sts.  
New Meadows, Heigho, Col. E. M., House, ID 55.

##### Latah County

Moscow, Skattaboc Block, Main and 4th Sts.

##### Lemhi County

Salmon, Shoup Building, Center and Main Sts.

##### Nez Perce County

Lewiston, First Christian Church, 7th Ave. and 7th St.  
Lewiston, Nave Apartments, 600 8th St.

##### Payette County

Payette, Woodward Building, 23 8th St.

##### Twin Falls County

Twin Falls, Idaho Power Substation, Van Buren St. and Filer Ave.  
Twin Falls, Smith, C. Harvey, House, 255 4th Ave. E.

##### Washington County

Weiser, Haas, Bernard, House, 377 E. Main St.

##### INDIANA

##### Bartholomew County

Columbus, McEwen-Samuels/Marr House, 524 3rd St.

##### Marshall County

Bremen, Dietrich-Bowen House, 304 N. Center St.

##### IOWA

##### Johnson County

Iowa City, Old Post Office, 28 S. Linn St.

##### Linn County

Cedar Rapids, People's Savings Bank, 101 3rd Ave., SW.

##### NEVADA

##### Humboldt County

Sulphur vicinity, Applegate-Lassen Trail, trail extends from Rye Patch Reservoir NW to State line (also in Pershing and Washoe counties).

##### NEW JERSEY

##### Somerset County

Basking Ridge vicinity, Lord Stirling Manor Site, SE of Basking Ridge.

##### OHIO

##### Hamilton County

Cincinnati, College Hill Town Hall, Belmont and Larch.

##### Jackson County

Oak Hill, Oak Hill Welsh Congregational Church, 412 E. Main St.

##### Lake County

Madison Vicinity, Ladd's Tavern, 5466 S. Ridge Rd.  
Mentor, Lake Shore & Michigan Southern Railroad Depot and Freight House, 8445 Station St.

The applicant requests a permit to purchase in interstate commerce one pair of black and white ruffed lemurs (*Lemur variegatus*) from the San Diego Zoo for the purpose of enhancement of propagation. Animals were born at San Diego Zoo. Humane care and treatment during transport have been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file No. PRT 2-1665. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 2, 1978. Please refer to the file number when submitting comments.

Dated: December 28, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Office, U.S. Fish and  
Wildlife Service.

[FR Doc. 77-37390 Filed 12-30-77; 8:45 am]

#### [4310-70]

##### NATIONAL REGISTER OF HISTORIC PLACES

###### Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 23, 1977. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by January 13, 1978.

ROBERT RETTIG,  
Acting Keeper of the  
National Register.

##### CALIFORNIA

##### Tuolumne County

Lee Vining vicinity, Great Sierra Mine Historic Site, W of Lee Vining off CA 120.

##### GEORGIA

##### Bryan County

Richmond Hill vicinity, Richmond Hill Plantation, E of Richmond Hill.

##### IDAHO

##### Ada County

Boise vicinity, Barber Dam and Lumber Mill Historical Archeological Site, E of Boise.



## Lorain County

Lorain, Palace Theatre Building, Broadway and 6th St.

## Muskingum County

Roseville, Roseville High School, Stokeley and Perry Sts.

## RHODE ISLAND

## Newport County

Newport vicinity, Paradise School, E of Newport at Paradise and Prospect Aves.

## Providence County

Johnston vicinity, Ochee Spring Quarry, E of Johnston.  
Providence, Sprague, David, House, 263 Public St.

## TENNESSEE

## Sumner County

Gallatin vicinity, Cragfont, E of Gallatin off TN 25 (boundary revision).

## TEXAS

## Dallas County

Dallas, Magnolia Building, 108 S. Akard St.

## Galveston County

Galveston, Beissner, Henry, House, 2818 Ball Ave.

## Harris County

Seabrook vicinity, Armand Bayou Archeological District, NW of Seabrook.

## Hays County

San Marcos vicinity, Norman, Ruskin C., Site, N of San Marcos off TX 12.

## UTAH

## Juab County

Eureka and vicinity, Historic Resources Tintic Mining District, U.S. 6/50 (also in Utah County).

[FR Doc. 77-37374 Filed 12-30-77; 8:45 am]

## [4510-30]

## DEPARTMENT OF LABOR

## Employment and Training Administration

## PROPOSED JOB CORPS CENTER AT KITTRELL COLLEGE, KITTRELL, N.C.

## Determination of Negative Environmental Impact

AGENCY: Employment and Training Administration, Labor

ACTION: Notice-Finding of Negative Environmental Impact.

SUMMARY: The purpose of this notice is to announce a determination by the Department under the National Environmental Policy Act and 40 CFR Part 1500 that the establishment of a Job Corps center at the former Kittrell College location in Kittrell, N.C., does not constitute a major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION:

Contact, Raymond E. Young, Acting Director, Job Corps, Room 6100, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213, Telephone: 202-376-6995.

**SUPPLEMENTARY INFORMATION:** Title IV of the Comprehensive Employment and Training Act (CETA) of 1973, as amended, 29 U.S.C. § 911 *et seq.*, directs the Secretary of Labor to establish Job Corps centers to provide occupational training to disadvantaged youths ages 16 through 21. The Secretary has issued regulations published at 29 CFR Part 97a, implementing Title IV of CETA. Pursuant to his authority the Secretary is establishing a Job Corps center at the Kittrell College location.

Pursuant to 40 CFR Part 1500, the Department of Labor has conducted an environmental assessment as part of a site utilization study and has determined that preparation of an environmental impact statement is not required since the establishment of this Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR section 1500.6(c). The proposed Kittrell Job Corps Center will be a training center with residential, nonresidential and educational facilities for approximately 250 disadvantaged youth, men, and women, ages 16 through 21, who need and can benefit from intensive employment-related services. The function of the center and the staff of approximately 75 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The proposed use of the facility is intended for essentially the same purpose as used by the previous occupant, specifically, residential living and education.

The center will be a self-contained facility located approximately 30 miles northeast of Raleigh, N.C. The site proposed for use by Job Corps consists of approximately 50 acres of land containing 7 available buildings.

The facility is served by municipal water and has its own package sewage treatment plant. Tertiary treatment is required to be added to the treatment plant to conform to EPA requirements.

The proposed Job Corps center will be operated in compliance with the Job Corps Environmental Standards published at 29 CFR 97a.116, and with applicable Federal, State, and local regulations concerning environmental health.

The proposed Job Corps center will comply with the water quality and related standards of the State and local government, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C.

§ 1251 *et seq.*, with Executive Order 11752, and with regulations and guidelines of the United States Environmental Protection Agency.

The center installation will be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752 and 40 CFR Part 86.

Signed at Washington, D.C. this 19th day of December, 1977.

RAYMOND E. YOUNG,  
Director, Office of Job Corps and  
Young Adult Conservation  
Corps.

[FR Doc. 77-37276 Filed 12-30-77; 8:45 am]

## [4510-30]

## Employment and Training Administration

## DECISION ON STATE OF NEW HAMPSHIRE

## Tax Credits

The following decision of the Secretary of Labor, issued pursuant to section 3302(c)(3) of the Internal Revenue Code of 1954, 26 U.S.C. 3302(c)(3), is being published in the FEDERAL REGISTER so as to inform the public of decisions of the Secretary having a bearing upon the tax credits against the Federal unemployment tax which are available to taxpayers under the Federal Unemployment Tax Act, 26 U.S.C. 3301-3311. Under the following decision there will be no reduction in the tax credits for 1977 to taxpayers in New Hampshire.

Signed at Washington, D.C., December 28, 1977.

ERNEST G. GREEN,  
Assistant Secretary for  
Employment and Training.

## DECISION

In the matter of the question of whether the State of New Hampshire has fulfilled its commitments under an agreement with the Secretary of Labor as described in section 239 of the Trade Act of 1974.

After completion of proceedings in this matter, in accordance with the notice of hearing published in the FEDERAL REGISTER, the record and a recommended decision were certified to me for my consideration in reaching a decision.

The State of New Hampshire has now executed an agreement in which it agrees to resume performance under its agreement of July 11, 1975, immediately, and agrees to reimburse the United States for the costs of unemployment compensation properly payable from the New Hampshire unemployment fund.

The purpose of the Trade Act of 1974 are accomplished with the State of New Hampshire agreeing to resume performance and making assurances that it will comply with the provisions of the 1975 agreement, as amended.

I have concluded, therefore, that there is no need to continue the proceedings in this matter, and this matter is closed.

RAY MARSHALL,  
Secretary of Labor.

DECEMBER 16, 1977.

[FR Doc. 77-37407 Filed 12-30-77; 8:45 am]

## [7590-01]

## NUCLEAR REGULATORY COMMISSION

[Docket No. PRM-36-2]

## CARTER-WALLACE, INC.

## Filing of Petition for Rule Making

Notice is hereby given that Carter-Wallace, Inc., Half-Acre Road, Cranbury, N.J., by letter dated November 30, 1977, has filed with the Nuclear Regulatory Commission a petition for rule making.

The petitioner requests the Commission to amend § 36.21(b) of the Commission's regulation "Export and Import of Byproduct Material", 10 CFR Part 36. The petitioner proposes that the scope of the general license in § 36.21(b) be expanded to include, specifically, certain byproduct material as described in 10 CFR 32.71 contained in in-vitro diagnostic products intended for clinical or laboratory testing, and to include export to Southern Rhodesia, Poland, Rumania, and any foreign country or destination listed in § 36.50, Schedule A, except certain designated countries or destinations.

The petitioner states that in the majority of instances in-vitro diagnostic reagents containing byproduct material in the form of labeled organic or inorganic compounds will take the form of reagents intended for use in radioimmunoassay and radioreceptor assay and byproduct material in these types of products would not be inimical to the common defense and security of the United States. The petitioner states further that these products would serve to extend the scientific leadership that the United States has demonstrated in the area of medicine in an attempt to reduce pain and suffering; in this case through more accurate, more precise, and faster methods of diagnosis.

The amendment of § 36.21(b) proposed by the petitioner reads as follows, with the additional language proposed by the petitioner in italics:

§ 36.21 Export of certain byproduct material to countries other than Schedule A countries.

(a) \* \* \*

(b) A general license designated NRC-GL-MED is hereby issued authorizing any licensee of the Commission or of an Agreement State to export from the U.S. byproduct material covered by his license having an atomic number from 3 to 83, inclusive, to

Southern Rhodesia, Poland, Rumania, and any foreign country or destination listed in Section 36.50, Schedule A, except East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin); China, including Manchuria (and excluding Taiwan (Formosa)) (includes Inner Mongolia; and provinces of Tsinghai and Sinkiang; Tibet; the former Kwantung Leased Territory; the present Port Arthur Naval Base Area and Liaoning Province; North Korea; Viet-Nam, and Cuba to the extent that the byproduct material is contained in medicinal or pharmaceutical preparations or in devices, applicators or appliances designed for use in medical diagnosis or therapy, or as in-vitro diagnostic reagents for clinical or laboratory testing containing certain byproduct material in labeled organic or inorganic compounds as described in Section 32.71.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by March 6, 1978.

Dated at Washington, D.C. this 27th day of December 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 77-37341 Filed 12-30-77; 8:45]

## [7590-01]

[Docket No. 50-316]

## INDIANA AND MICHIGAN ELECTRIC CO.; INDIANA AND MICHIGAN POWER CO. (DONALD C. COOK NUCLEAR PLANT UNIT NO. 2)

## Issuance of a Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. DPR-74 to Indiana and Michigan Electric Co. and Indiana and Michigan Power Co. authorizing operation of the Donald C. Cook Nuclear Plant, Unit No. 2 at steady State reactor core power levels not in excess of 3391 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications. However, the facility is temporarily restricted from operating at full rated power until certain tests and other items noted in the license conditions are completed to the written satisfac-

tion of the Commission. The Donald C. Cook Nuclear Plant, Unit No. 2, is a pressurized water nuclear reactor located at the licensee's site in Berrien County, Mich.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The Commission has also made appropriate findings which are set forth in the license regarding the environmental impact associated with operation of the facility. The license also includes the condition that the license is subject to the outcome of the proceeding in *Natural Resources Defense Council v. NRC* (D.C. Circuit) (July 21, 1976), Nos. 71-1385 and 74-1586. The application for the license complies with the standards and requirements of the act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on March 25, 2009.

A copy of: (1) Facility Operating License No. DPR-74, complete with technical specifications (Appendices "A" and "B"); (2) the report of the Advisory Committee on Reactor Safeguards, dated December 13, 1977; (3) the Office of Nuclear Reactor Regulation's Safety Evaluation Report dated September 10, 1973 and Supplements 1 through 7 thereto (Supplement No. 7 relates solely to issuance of DPR-74); (4) the Final Safety Analysis Report and amendments thereto; (5) the licensee's Environmental Report dated February 1971 and supplements thereto; (6) the Draft Environmental Statement dated December 1972; (7) the Final Environmental Statement dated August 1973; and (8) Supplement No. 1 to the Final Environmental Statement, dated November 1977 (NUREG-0385) are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Mich. 49085.

A copy of the Safety Evaluation Report and Supplements 1 through 7, the Final Environmental Statement and the license may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management. Copies of Supplement No. 1 to the Final Environmental Statement (Document No. NUREG-0385) may be purchased, at current costs, from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

Dated at Bethesda, Md., this 23rd day of December, 1977.



For the Nuclear Regulatory Commission.

KARL KNIEL, CHIEF,  
Light Water Reactors, Branch  
No. 2, Division of Project Management.

[FR Doc. 77-37342 Filed 12-30-77; 8:45 am]

#### [7590-01]

##### INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

###### Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear powerplants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comment, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide, SG-QA5, "Management Control and Quality Assurance for Operation of Nuclear Powerplants," has been developed. The IAEA Working Group, consisting of Mr. S. A. Bernsen (Bechtel Power Corp.), United States of America; Mr. J. Burtheret, France; and Mr. H. Simons, United Kingdom developed the initial draft of this Safety Guide from an IAEA collation during a meeting on July 11-15, 1977. The Working Group draft of this Safety Guide was modified by the IAEA Technical Review Committee on Quality Assurance which met in October 1977, and we are soliciting public comments on this modified draft. Comments on this draft received by

February 24, 1978 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 22d day of December 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director, Office of  
Standards Development.

[FR Doc. 77-37346 Filed 12-30-77; 8:45 am]

#### [7590-01]

[Docket No. 50-289]

##### METROPOLITAN EDISON CO., ET AL.

###### Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Co., Jersey Central Power and Light Co., and Pennsylvania Electric Co. (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (TMI-1) located in Dauphin County, Pa. The amendment is effective as of its date of issuance.

The amendment authorizes modification of Spent Fuel Pool "B" at TMI-1, increasing its capacity from 174 fuel assemblies to 496 fuel assemblies, and revises the Technical Specifications appropriately.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER, on March 3, 1977 (42 FR 12935). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement is not warranted because there will be no significant environmental impact attributable to the action other than that

which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated December 1972.

For further details with respect to this action, see (1) the application for amendment dated February 3, 1977, as supplemented May 24 and July 21, 1977, (2) Amendment No. 34 to License No. DPR-50, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pa. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 19th day of December 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of Operating Reactors.

[FR Doc. 77-37343 Filed 12-30-77; 8:45 am]

#### [7590-01]

[Docket No. 50-277]

##### PHILADELPHIA ELECTRIC CO. ET AL.

###### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-44 issued to Philadelphia Electric Co., Public Service Electric and Gas Co., Delmarva Power and Light Co., and Atlantic City Electric Co., which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Unit No. 2. The amendment is effective as of its date of issuance.

The amendment reduces the Rod Block Monitor set point and reduces the fuel power/flow Minimum Critical Power Ratio.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 30, 1977, (2) Amendment No. 38 to License No. DPR-44, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of December 1977.

For The Nuclear Regulatory Commission.

DAVID M. VERRELLI,  
Acting Chief, Operating Reactors  
Branch No. 3, Division of Operating Reactors.

[FR Doc. 77-37344 Filed 12-30-77; 8:45 am]

#### [7590-01]

[NUREG-75/087]

##### REVISION TO THE STANDARD REVIEW PLAN

###### Notice of Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP), previously announced (FEDERAL REGISTER notice dated Dec. 8, 1977), the Nuclear Regulatory Commission's (NRC's), Office of Nuclear Reactor Regulation has published Revision No. 1 to Section No. 5.2.1.2 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Powerplants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70 including first-year supplements. Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for Revision No. 1 to Section No. 5.2.1.2 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 23d day of December 1977.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,  
Director, Division of Systems  
Safety, Office of Nuclear Reactor Regulation.

[FR Doc. 77-37347 Filed 12-30-77; 8:45 am]

#### [7590-01]

[NUREG-75/087]

##### REVISION TO THE STANDARD REVIEW PLAN

###### Notice of Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP), previously announced (FEDERAL REGISTER notice dated Dec. 8, 1977), the Nuclear Regulatory Commission's (NRC's), Office of Nuclear Reactor Regulation has published Revision No. 1 to section No. 5.2.1.1 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Powerplants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements.

Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for Revision No. 1 to section No. 5.2.1.1 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 23d day of December 1977.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,  
Director, Division of Systems  
Safety, Office of Nuclear Reactor Regulation.

[FR Doc. 77-37348 Filed 12-30-77; 8:45 am]

#### [7590-01]

[Docket No. 50-271]

##### VERMONT YANKEE NUCLEAR POWER CORP.

###### Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission), is considering issuance of an amendment to Facility Operating License No. DPR-28 issued to the Vermont Yankee Nuclear Power Corp. (the licensee), for operation of the Vermont Yankee Nuclear Power Station (the facility), located near Vernon, Vt.

In accordance with the licensee's request dated November 23, 1977, the amendment would reduce the control rod scram insertion time limits stated in the Technical Specifications. The reduced control rod scram insertion times result in less severe transient analysis consequences, and thus, would allow additional flexibility in facility operation by allowing a reduction in Minimum Critical Power Ratio limits.

By February 2, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and



section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to John A. Ritscher, Esq., Ropes & Gray, 225 Franklin Street, Boston, Mass. 02110, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the licensee's request dated November 23, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vt.

Dated at Bethesda, Md., this 23d day of December 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of Operating Reactors.

[FR Doc. 77-37340 Filed 12-30-77; 8:45 am]

#### [7590-01]

[Dockets Nos. 50-266 and 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission), has issued Amendments Nos. 31 and 35 to Facility

Operating Licenses Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Co., and Wisconsin Michigan Power Co., which revised Technical Specifications for operation of the Point Beach Nuclear Plant Units Nos. 1 and 2, located in the towns of Two Creeks, Manitowoc County, Wis. The amendments are effective as of the date of issuance.

These amendments consist of changes in the Technical Specifications that: (1) revise the pressurizer heatup rate limits, (2) revise the leak test requirements for certain sealed radioactive sources, and (3) modify the requirements for annual and monthly reports.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated September 19, October 11 (as amended by letter dated October 31), and October 27, 1977, (2) Amendment No. 31 to License No. DPR-24 (3) Amendment No. 35 to License No. DPR-27, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the University of Wisconsin, Stevens Point Library, Attention: Mr. Arthur M. Fish, Stevens Point, Wis. 54481. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23d day of December 1977.

For The Nuclear Regulatory Commission.

DAVID M. VERRELLI,  
Acting Chief, Operating Reactors  
Branch No. 3, Division of Operating Reactors.

[FR Doc. 77-37345 Filed 12-30-77; 8:45 am]

#### [3110-01]

#### OFFICE OF MANAGEMENT AND BUDGET

#### THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

#### Proposed OMB Circular on Federal Interaction With Voluntary Consensus Standards-Developing Bodies

DECEMBER 22, 1977.

The following notice is a proposed OMB circular which provides administrative guidance and direction to executive agencies in working with, and using the products of, voluntary consensus standards-developing bodies. The draft circular proposes three broad policy principles to govern Federal involvement in the development and use of procurement and regulatory standards. Specifically, it provides for:

(1) Federal agency reliance upon, and use of, voluntary consensus standards, whenever feasible and appropriate, as a means of reducing and eliminating redundant Federal efforts to develop and maintain in-house Government standards;

(2) Federal agency participation in, and support of, standards-development activities of voluntary organizations having approved procedures so that the current confusion and lack of uniformity among Federal agencies in this regard can be eliminated; and

(3) Coordination of Federal agency participation in voluntary standards-developing bodies so that the most effective use is made of Federal agency representatives and the views expressed by such representatives do not conflict with the views and interests of Federal agencies.

The draft circular provides guidelines with regard to each of these policy principles—primary among which is the requirement that, as a precondition to Federal participation, voluntary consensus standards-developing bodies must abide by appropriate procedures for ensuring due process. The proposed circular also assigns to the Secretary of Commerce the responsibility for directing and overseeing the implementation of the proposed policy.

A preliminary draft of the proposed OMB circular, based upon the work of an Interagency Committee on Standards Policy, was forwarded to executive departments and agencies for comment on November 30, 1976, and was subsequently published in the *FEDERAL REGISTER* for public comment. As a result, over 500 letters were received from members of Congress, agencies, business firms, and associations, public interest groups, State and local governments, and others. While most respondents favored the

proposed circular, some comments critical of the document were received. Many of these included suggested changes or additional provisions for consideration. Where feasible, these have been included and the preliminary draft of the circular has been extensively revised.

Comments on the draft circular are requested by February 17, 1978, and should be forwarded to:

Lester A. Fetting, Administrator for Federal Procurement Policy, Office of Management and Budget, Washington, D.C. 20503.

JAMES T. MCINTYRE, Jr.,  
Acting Director.

#### CIRCULAR NO. A-

To the heads of executive departments and establishments.

Subject: Interaction with voluntary consensus standards-developing bodies.

1. *Purpose.* This circular establishes policy to be followed by executive branch agencies in working with voluntary consensus standards-developing bodies to develop standards for materials, products, systems, services, processes, and practices. It also establishes policy to be followed by executive branch agencies in adopting and using such standards.

2. *Background.* The Federal Government purchases many products and services, and regulates many products and activities which affect health, safety, and the national economy. To aid in ensuring that these functions are effectively and responsibly discharged, the Federal Government must depend upon reliable standards for products, processes, and services. Many standards, appropriate or adaptable for these purposes, are developed and are available from certain private and public organizations, known as voluntary consensus standards-developing bodies. Federal participation in the voluntary standards-developing process will provide incentives and opportunities to establish standards that serve the total public need. In addition, Federal use of voluntary consensus standards, whenever practicable and appropriate, will reduce the cost of developing and using regulatory, as well as procurement standards and will, thereby, serve the public interest. Adoption of such standards, moreover, is consistent with, and in furtherance of, the Federal Government's general policy of using commercial products, whenever feasible, and of relying on the private enterprise system to supply Government needs for goods and services, as enunciated in OMB Circular A-76.

3. *Coverage.* This circular applies to all executive agency involvement in voluntary consensus standardization activities, both domestic and interna-

tional, but does not apply to United States participation in international standardization activities pursuant to treaties.

4. *Definitions.* As used in this circular:

(a) Executive agency (hereinafter referred to as agency) means an executive department, a military department, and an independent establishment within the meaning of sections 101, 102, and 104(1) of Title 5, United States Code, and also a wholly owned Government corporation within the meaning of section 101 of the Government Corporation Control Act (31 U.S.C. 846).

(b) Consensus, in the voluntary standards-development process, means substantial agreement, after a concerted effort to resolve objections. Agreement is reached by concerned interests according to the published procedures of a voluntary standards-development body and the judgment of official(s) duly appointed by a voluntary standards-developing body. Consensus implies more than the concept of a simple majority but not necessarily unanimity.

(c) Voluntary consensus standard means a prescribed set of rules, conditions, or requirements established by voluntary consensus standards-developing bodies, as defined in 4e, concerning definition of terms; classification of components; specification of materials, performance, design, or operations; delineation of procedures; or measurement of quantity and quality in describing materials, products, systems, services, or practices. The term does not include professional standards of personal conduct or the private standards of individual firms.

(d) Voluntary consensus standardization and standards-developing activities are the processes by which the rules, conditions, and requirements of voluntary consensus standards are developed.

(e) Voluntary consensus standards-developing bodies are broadly based, multimember, domestic and international groups, including nonprofit organizations, industry associations, and professional technical societies, which utilize the consensus method in the development of standards. These groups operate outside of the Federal Government and its agencies except that the Department of Commerce, under its procedures for the development of voluntary product standards (15 CFR Part 10), is regarded as a voluntary consensus standards-developing body for purposes of this circular.

(f) Cooperative testing means testing by interested parties to establish such things as accuracy, reproducibility, and reliability of standard test methods.

(g) Secretary means the Secretary of Commerce.

(h) Standards-Developing Committees are committees, subcommittees, working groups, or any subdivision thereof established by voluntary consensus standards-developing bodies for the purpose of developing, revising, or reviewing standards and which are bound by the procedure of those bodies.

5. *Policy.* It is the policy of the Federal Government, in both its procurement and regulatory roles, to:

(a) Rely on voluntary consensus standards, both domestic and international, whenever feasible and consistent with law and regulation pursuant to law;

(b) Participate in voluntary consensus standards-developing activities when such participation is in the public interest and is compatible with agencies' missions, authorities, priorities, and budget limitations;

(c) Coordinate agency participation in voluntary consensus standards-developing activities so that (1) the most effective use is made of participating Federal agency representatives, and (2) the views expressed by such personnel are in the public interest and, as a minimum, do not conflict with the interests and views of Federal agencies.

6. *Policy guidelines.* In implementing the policy established by this circular, agencies should recognize the positive contribution of standardization and related activities, such as product and compliance testing and certification. It also must be recognized, however, that these activities, if improperly conducted, could suppress free and fair competition, impede innovation and technical progress, exclude safer and less expensive products, or otherwise adversely affect trade, commerce, health, or safety. Full account shall be taken of the impact on the economy, applicable Federal laws, policies, and national objectives including, for example, laws and regulations relating to antitrust, national security, small business, product safety, environment, and conflicts of interest. In light of these considerations, the following policy guidelines are established to assist and govern implementation of the policy enunciated in paragraph 5, except that the provisions of paragraph 6c are not applicable to Federal participation in international organizations which develop and issue voluntary international standards.

(a) *Reliance on voluntary standards.* (1) Voluntary consensus standards will be adopted, in whole or in part, and will be used by Federal agencies in lieu of developing and using in-house standards when voluntary consensus standards will serve the agencies purposes and are consistent with applicable laws and regulations;

(2) Voluntary consensus standards will be assigned preference in procure-

ment actions in the absence of manda- extend to voting in standards-develop- appropriately balanced representation of

with the Secretary agency implementation of this circu- source of agency regulations imple-



ment actions in the absence of mandatory Federal standards unless use of such voluntary consensus standards would result in impaired functional performance, unnecessary overall cost to the Government or the Nation, anticompetitive effects, or other significant disadvantages;

(3) Voluntary consensus standards will be utilized in Federal regulatory applications after a careful evaluation of such standards assures their adoption and use to be in full accordance, with the agencies' statutory missions and responsibilities, and other applicable laws and regulations;

(4) Voluntary consensus standards which are adopted by Federal agencies will be cited, along with the dates of their issuance and source of availability, in appropriate publications, regulatory orders, and related in-house documents;

(5) Notwithstanding the foregoing, agencies will not be inhibited, if within their statutory authorities, from developing and using in-house standards in the event that voluntary standards-developing organizations cannot or do not develop a standard needed by, and acceptable to, these agencies or do not do so in a timely fashion. Nor shall the policies contained in this circular be construed to commit any agency to the use of a voluntary standard which, in its opinion, is inadequate, does not meet statutory criteria, or is otherwise inappropriate for the agency concerned.

(b) *Participation in voluntary consensus standards-developing bodies.*

(1) Participation by Federal agency representatives shall be authorized by appropriate agency officials but such participation, of itself, shall not connote agency agreement with, or endorsement of, decisions reached by voluntary standards-developing committees or of standards approved and published by voluntary consensus standards-developing bodies.

(2) For regulatory applications, participation by Federal agency representatives should be aimed at contributing to the development of voluntary standards which will minimize the need for development of mandatory Federal standards or, as a minimum, collecting technical and other information which will provide a basis for well-considered Federal regulatory actions.

(3) For procurement applications in which Federal requirements are consistent with those of the private sector, participation by Federal agency representatives should be aimed, principally, at contributing to the development of voluntary consensus standards which will eliminate the necessity for in-house development of Federal procurement standards.

(4) The form of participation by Federal agency representatives may

extend to voting in standards-developing and standards approving committees, if authorized by the head of the department or agency.

(5) Federal agency participants in voluntary consensus standards-developing committees will avoid dominating or exerting undue influence in such committees. The number of individual Federal agency participants on a given voluntary standards-developing committee shall be kept to the minimum required for effective presentation of the various program, technical, and other concerns of Federal agencies.

(6) The granting of Federal support to a voluntary consensus standards-developing committee shall be limited to that which is clearly in furtherance of an agency's missions and responsibilities. The amount of Federal support given shall be no greater than that of all non-Federal participants in that committee. The form of agency support may extend to:

(a) Direct financial support; e.g., grants, sustaining memberships, and contracts;

(b) Administrative support; e.g., travel cost, hosting of meetings, and secretarial functions;

(c) Technical support; e.g., cooperative testing for standards evaluation, and participation of agency personnel on standards committee activities; and

(d) Joint planning with the voluntary standards-developing sector to ensure a coordinated effort in resolving priority standardization problems.

(7) Participation by agencies should not extend to decisionmaking involvement in the policymaking process of voluntary standards-developing bodies on issues relative to the internal management of such bodies (e.g., election of officers, setting of membership fees), except in accordance with the policies and procedures established by the Secretary of Commerce.

(c) *Identification of voluntary consensus standards-developing bodies for Federal participation.* As a necessary precondition to Federal participation in voluntary consensus standards-developing bodies, such bodies must be identified and listed by the Secretary of Commerce as conducting their standards-developing activities in accordance with the following due process and other basic criteria:

(1) That adequate public notification of meetings and other standards-development activities is provided;

(2) That standards-development meetings are open to interested persons and that unreasonable restrictions on membership on standards-development committees by means of professional or technical qualifications, trade requirements, unreasonable fees, or other such restrictions are avoided;

(3) That standards-developing bodies make a good faith effort to achieve ap-

propriately balanced representation of all affected interests on their standards-developing committees. Such representation may include, for example, consumers; small business concerns; manufacturers; labor; suppliers; distributors; industrial, institutional and other users; environmental and conservation groups; and state and local procurement and code officials;

(4) That prompt and full consideration is given to the expressed views and interests of all interested persons;

(5) That adequate and impartial appeals mechanisms are in force for use by interested parties;

(6) That appropriate and complete records are maintained of formal discussions, decisions, standards, drafts, technical or other rationale for critical requirements of standards, meeting minutes and balloting results; and that such records are readily accessible to all interested persons on a timely basis;

(7) That literature published by standards-developing bodies specifically state that participation by Government officials in that organization does not constitute Government endorsement of that organization or the standards which it develops;

(8) That standards-developing bodies publish their operating procedures and make them available to all interested parties.

(9) The standards-developing bodies agree to utilize the Department of Commerce mediation and conciliation service, as described in paragraph 7a(6), in the resolution of procedural complaints by private sector parties, and to be bound by the results of that process, provided that appeals procedures of the voluntary consensus standards-developing bodies have been exhausted.

(10) That existing standards are periodically reviewed and revised, as necessary, and that access to the review process is granted to all interested persons;

(11) That preference is given to the use of performance criteria in standards development when such criteria may be used in lieu of design, materials, or construction criteria.

7. *Responsibilities.* (a) The Secretary of Commerce will: (1) Direct, coordinate, and oversee executive branch implementation of the policy in paragraph 5, in accordance with the policy guidelines in paragraph 6. The Secretary will establish within six months of the date of this circular, (a) an Interagency Committee on Standards Policy which the Secretary may call upon when needed to assist in implementing the policy contained herein and (b) written procedures to implement the provisions of this Circular. All executive branch agencies concerned with standardization activities will be represented on that Committee

and will cooperate with the Secretary, as requested, in carrying out tasks assigned to the Committee.

(2) Develop and maintain current a list of voluntary consensus standards-developing organizations which certify to the Secretary that they are in compliance with the due process and other basic criteria cited in paragraph 6(c), and which provide published evidence of such compliance. The Secretary will take prompt action on such applications and may take appropriate steps to determine whether such organizations are in fact conducting their activities in accordance with the aforesaid due process and other basic criteria. The Secretary may call upon the Department of Justice and the Federal Trade Commission for assistance in establishing specific provisions for the due process and other basic criteria in paragraph 6(c), and in evaluating adherence by voluntary standards-developing bodies to those provisions.

(3) Establish procedures by which the listing of a voluntary standards-developing body can be challenged by interested persons. To this end, the Secretary will establish procedures by which (a) such bodies can be removed from the list if a determination is made by the Secretary that they are operating, and after appropriate notice continue to so operate, without benefit of the due process and other basic criteria cited in paragraph 6(c), above, (b) Federal agencies will be notified of such removal for the purpose of ceasing their participation in such bodies, and (c) public notice will be provided of actions taken.

(4) Establish and maintain current, with the cooperation of Federal agencies, a central register of all voluntary standards-developing activities in which Federal agencies participate.

(5) Establish and maintain current, a consolidated listing, cross-referenced by subject, of standards developed by voluntary consensus standards-developing bodies and by Federal agencies. Such listing of standards developed by bodies other than Federal agencies shall not necessarily constitute Government endorsement thereof.

(6) Establish a program which shall make available a Department-sponsored mediation and conciliation service for the rapid resolution of procedural complaints by private sector parties against voluntary consensus standards-developing organizations. As a precondition to invoking that service, a complainant must seek relief from, and have exhausted all available sources of remedy within the affected voluntary standards-developing organizations. Such a service shall have, as one of its requirements, the consent of complainant and respondent to be bound by the results of that process.

(7) Report annually to the Office of Management and Budget concerning

agency implementation of this circular.

(b) The heads of executive agencies concerned with standards and standardization activities will:

(1) Implement the policy in paragraph 5 of this circular in accordance with the policy guidelines in paragraph 6 and the procedures to be established by the Secretary of Commerce, within 120 days of the issuance of those procedures.

(2) Establish appropriate procedures to insure that:

(a) Agency representatives refrain from participating in voluntary consensus standards-developing bodies which are not listed by the Secretary of Commerce as conducting themselves in accordance with the due process and other basic criteria cited in paragraph 6(c);

(b) Agency representatives to voluntary consensus standards-developing bodies are familiar with the due process and other basic criteria contained in paragraph 6(c), and that agency representatives who learn of an apparent infringement of the aforesaid criteria by a listed voluntary consensus standards-developing body register their questions and concerns with that body and with their agencies;

(c) The Secretary of Commerce is notified of such incidents of apparent noncompliance with the aforesaid due process and other basic criteria by a listed voluntary consensus standards-developing body.

(3) Establish appropriate procedures by which agency representatives participating in voluntary consensus standards-developing organizations will, to the extent possible, ascertain the views of the agency on matters of paramount interest and will, as a minimum, express views which are not inconsistent or in conflict with agency views.

(4) Endeavor, when two or more agencies participate in a given voluntary standards-developing organization, to coordinate the views of their respective agencies on matters of paramount importance so as to present a single, unified position reflective of the public interest. In instances where agreement is not reached by the affected agencies, a lead agency will be designated by the Secretary of Commerce and will be responsible for developing a unified position on the important matter at issue. In so doing, that designated lead agency will consider carefully the views of the other participating Federal agencies.

(5) Participate in the Interagency Committee on Standards Policy to be established by the Secretary of Commerce and will cooperate with the Secretary, as requested, in carrying out the assignments of that Committee.

(6) Consult with the Secretary of Commerce in the development and is-

suance of agency regulations implementing this Circular, and report annually to the Secretary on the status of agency interaction with voluntary consensus standards-developing bodies.

8. *Reporting requirements.* One year from the date of issuance of this circular, and each year thereafter, the Secretary of Commerce will submit to the Office of Management and Budget a report on the status of Federal interaction with voluntary consensus standards-developing bodies. As a minimum, the report will include the following information:

(a) Nature and extent of Federal agency participation in and support of voluntary consensus standards-developing bodies;

(b) Use by Federal agencies of new or revised voluntary standards, and the sources of such standards, for procurement as well as for regulatory purposes.

(c) A list of voluntary consensus standards-developing bodies which have been identified as complying with the due process and other basic criteria of this circular—and of such bodies which have been removed or have not been considered eligible for inclusion on the list due to noncompliance with the aforesaid due process and other basic criteria, and the nature of that noncompliance;

(d) Summary of the nature of procedural complaints against voluntary consensus standards-developing bodies in accordance with the program to be developed, and a summary of the disposition of such complaints; and

(e) Evaluation of the effectiveness of the policy promulgated in this circular and recommendations for change or modification, as appropriate.

9. *Inquiries.* For information concerning this circular, contact the Office of Management and Budget, Office of Federal Procurement Policy, telephone 202-395-3336.

[FR Doc. 77-37361 Filed 12-30-77; 8:45 am]

[8010-01]

# SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-14309; File No. SR-MCC-77-6]

## MIDWEST CLEARING CORP.

### Proposed Rule Change By Self-Regulatory Organization

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 8, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:



## TEXT OF PROPOSED RULE CHANGE

The following proposed rule change relates to File No. SR-MCC-77-1 in that this rule change is required as a result of the program set forth in it.

Amendment to Subsection (e), section 2 ("Withdrawal of Securities") of Rule 6 of the Midwest Clearing Corp. ("MCC") Rules.

**Additions Underscored—[Deletions Bracketed] Withdrawal of Securities.**

Section 2—(a) through (d)—No change in text.

(e) Securities will be deemed to be available to the Corporation for the purpose of filling Security Withdrawal Requests that are not subject to subparagraph (d) to the extent such securities have been delivered to the Corporation against short value positions or are available in loan free positions; provided, however, that certificates shall be deemed to be available for the purpose of filling Street Requests and Demand Street Requests only if certificates in the denominations requested are available to the Corporation for delivery at the place where delivery is requested. Security Withdrawal Requests not subject to subparagraph (d) shall be filled by the Corporation out of securities so available therefor in accordance with the following priorities:

First—Requests from loan value positions and long value positions in order of the date of Request, with the oldest date's Requests first, the next oldest date's Requests next, and so on.

Second—Requests by a Participant having no position or a short value position in the security requested, in order of the date of the Request, with the oldest date's Request first, the next oldest date's Requests next, and so on.

In the event a Security Withdrawal Request is for a quantity which, if filled in its entirety, would be charged against two or more positions of the Participant, such Request will be assigned the lowest priority rating attributable to such positions, except to the extent the Request qualifies for the withdrawal of partial amounts in accordance with subparagraphs (a) and (c).

Within each such priority category, Security Withdrawal Requests shall have priority by type of Request in the following order: Demand Street Requests first, Street Requests second, Customer Transfer Requests third, [and] Firm Name Transfer Requests fourth [..], and Stock Today Program ("STP") Requests fifth. Within each type of Request, priority shall be given by position date, with the oldest position date having the highest priority in the case of long value and loan value positions and the newest position date having the highest priority in the case of short value positions. For the purposes hereof, the position

date for a long value position or a short value position shall be the date on which such position was created, and the position date for a loan value position shall be the later of the date on which such position was created or the date on which any part of such position was decreased.

The priority of a Participant's Security Withdrawal Request shall be based during the day such Request is submitted on the Participant's position in the security at the time the Request is received by the Corporation, and the priority on any succeeding day shall be based on the Participant's position in the security at the opening of such succeeding day after taking into account all pending Requests having a higher priority.

(f) through (g)—No change in text.

## STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is to create a fifth category of security withdrawal requests. Security Withdrawal Requests currently are filled by MCC out of securities available in accordance with the following priorities: Demand Street Requests first, Street Requests second, Customer Transfer Requests third, and Firm Name Transfer Requests fourth. As a result of the creation of the Stock Today Program, a fifth request is being proposed: a Stock Today Program Request ("STP"). The STP request will have a fifth and lowest priority of withdrawal.

The proposed rule change promotes prompt and accurate clearance and settlement of securities as a result of creating another means of withdrawal of securities from the system in an expeditious manner as the STP Request will enable a participant to instruct MCC to pull physical securities on the day prior to settlement and redeliver the shares to the buyer or paying agent on settlement date.

Comments have neither been solicited nor received by the Midwest Clearing Corp.

The Midwest Clearing Corp. believes that no burden has been placed on competition.

On or before February 7, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or;

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Per-

sons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 24, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,  
Assistant Secretary.

DECEMBER 27, 1977.

[FR Doc. 77-37322 Filed 12-30-77; 8:45 am]

## [8010-01]

[Rel. No. 34-14312; File No. SR-MCC-77-7]

## MIDWEST CLEARING CORP.

## Proposed Rule Change by Self-Regulatory Organization

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 8, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

## STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Midwest Clearing Corp. ("MCC") proposes to operate a system for the central handling of securities pursuant to which participants may, from time to time, clear securities with MCC. As a part of its continuing effort to modernize the handling of securities, MCC proposes to develop a Clearing Input Satellite System ("CIS"). The operating procedures for the proposed CIS system are set forth in Exhibit A to MCC's filing.

Broker/Dealer firms ("MCC agents") throughout the country would consent via agreement to act as satellite agencies of MCC in clearing securities.

The MCC agents would accept securities during the firm's regular business hours on behalf of MCC from MCC participants. If there is any discrepancy between the securities tendered by the MCC participant and the attached delivery ticket, or omissions in the delivery tickets, or if the securities are not in good deliverable form, the firm would not accept the delivery

until the discrepancies, omissions, or defects are corrected.

As compensation, MCC agents would receive nothing from MCC. Each MCC agent, however, may charge MCC participants depositing securities in the satellite facility for delivery to MCC a reasonable charge as determined by the MCC agent as well as the costs of forwarding the declared value of the deposited securities.

## STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The Clearing Input Satellite arrangement would allow broker/dealer firms to confirm via telecopier to MCC that a MCC participant has, in fact, delivered securities to it, thereby allowing MCC, upon receipt of said confirmation, to properly credit the account of the delivering broker a day in advance of the actual physical delivery of said securities from a satellite broker/dealer to MCC.

The proposed rule change facilitates the prompt and accurate clearance and settlement of securities by further immobilizing securities in that the trade recording function would be performed at the satellite facility. This change in MCC procedures also contributes to the removal of impediments to the perfection of the mechanism of a national system for accurate clearance and settlement of securities transactions.

Comments have neither been solicited nor received regarding the proposed rule change.

MCC believes that no burdens have been placed on competition.

On or before February 7, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submis-

sions should refer to the file number referenced in the caption above and should be submitted on or before January 24, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,  
Assistant Secretary.

DECEMBER 27, 1977.

[FR Doc. 77-37323 Filed 12-30-77; 8:45 am]

## [8010-01]

[File No. 500-11]

## PHARMACARE, INC.

## Suspension of Trading

DECEMBER 22, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Pharmicare, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10:45 a.m. (e.s.t.) on December 22, 1977, through midnight on December 31, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 77-37321 Filed 12-30-77; 8:45 am]

## [8010-01]

[Release No. 14307; SR-NASD-77-23]

## NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

## Filing of Proposed Rule Changes

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-39, (June 4, 1975), notice is hereby given that on December 23, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

## NASD STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The proposed rule changes would amend the rules of the National Association of Securities Dealers, Inc. (NASD or Association) by adopting an Appendix E to Article III, section 33 of

the Rules of Fair Practice concerning transactions in Options, by adopting a new section 63 to the Uniform Practice Code concerning tendering procedures for the exercise of options and by amending Schedule C of Article I, section 2(d) of the By-Laws concerning registration of and qualifications for Registered Options Principals.

These proposed rule changes are part of a program developed by the NASD to regulate the options activities of so-called "access firms" (i.e., firms which conduct a business in exchange listed options but which are not members of the particular exchange upon which the option traded is listed). Although these firms engage in exchange options activity through clearing members of the various options exchanges, they are not themselves exchange members and, consequently, are not subject to the specialized options rules which apply to members of an options exchange. The Association's rule proposals are designed to fill the regulatory void which exists in this area. In that connection, it should be noted, however, that transactions in exchange listed options by members of the exchange on which the particular option traded is listed would not be subject to the options rules proposed by the Association. The Association's proposed rules are comparable to standards presently applied to options trading by the various options exchanges.

Appendix E to Article II, section 33 of the Rules of Fair Practice would include the following:

(1) *Applicability.* Specifies which option transactions would be subject to the provisions of Appendix E; establishes that the provisions of the Bylaws and the Rules of Fair Practice of the Association, to the extent that they are appropriate, would also apply to the trading of option contracts; and, establishes that all times referenced in the appendix are expressed in terms of eastern time.

(2) *Definitions.* Contains definitions of the terms used throughout the Appendix.

(3) *Position limits.* Limits the size of positions, whether long or short, permitted to be held by any market maker, member, associated person or public customer. The limits to be imposed would prevent purchasers and sellers from holding more than 1,000 option contracts on the same side of the market for the same underlying security.

(4) *Exercise limits.* Limits the number of long positions which may be exercised within a specified period by a market maker, member, associated person or public customer. The limits to be imposed would prohibit the exercise of more than 1,000 option contracts of the same class of options within five (5) consecutive business days.



(5) *Reporting of options positions.* Reports concerning each account having: (a) an aggregate long position, (b) an aggregate short position, or, (c) an aggregate uncovered short position in excess of 100 or more option contracts of any single class of options would be required to be filed on a next-day basis with the Association. A monthly report would be required to be filed for any account which has an uncovered short position in any class of options.

(6) *Liquidation of positions.* Requires aggregate options positions of a market maker, member, associated person or public customer which exceed the position limits referenced in paragraph (3) above, to be reduced by the amount of excess. Reduction of the excess position must be accomplished within seven (7) calendar days.

(7) *Limit on uncovered short positions.* Permits the Association to impose limitations as to the total number of uncovered short positions in a given class of options. These limitations would prohibit further uncovered opening writing transactions and/or the uncovering of existing covered short positions in option contracts for one or more series of options in a given class.

(8) *Restrictions on out-of-the-money transactions.* Effects restrictions on opening transactions in out-of-the-money options. Subject to certain exceptions, these restrictions would prohibit an opening transaction in any option contract wherein the exercise price of the option is more than \$5 above, in the case of a call option, or below, in the case of a put option, the closing representative bid or market price of the underlying security for the previous trading day and closing the representative bid or market price for the option in all markets in which it was traded was less than \$.50 per share at option on the last previous trading day.

(9) *Other restrictions on option transactions and exercises.* Permits the Association to impose other restrictions on option transactions or exercise of option contracts as it deems necessary to maintain a fair and orderly market and to protect investors provided that no such restrictions shall be imposed or remain in effect during a period of 10 business days prior to expiration date of any options series.

(10) *Rights and obligations of holders and writers.* States that rights of holders of option contracts issued by the Options Clearing Corporation shall be as set forth in the rules of the OCC.

(11) *Open orders on "Ex-Date."* States that open orders held prior to effective date of an adjustment announced by the Options Clearing Corporation to the terms of a class of options shall be adjusted on the "ex-

date" unless otherwise specified by the customer.

(12) *Confirmations.* Requires confirmations to be supplied for each option transaction specifying option type, underlying security, expiration month, exercise price, number of contracts, premium, commission, trade and settlement dates, whether purchase or writing, whether opening or closing, whether effected on principal or agency basis, whether a NASDAQ option transaction and whether effected by a dual market maker.

(13) *Delivery of current prospectus.* Requires OCC prospectus to be delivered at or prior to approval of customer's account for options trading. Thereafter new or revised prospectuses must be delivered with account approvals or with submission of confirmation to existing customers.

(14) *Transactions with issuers.* Prohibits sale (writing) transactions in option contracts for accounts of corporations which are issuers of the security underlying such options and for accounts of affiliates thereof.

(15) *Restricted stock.* Prohibits acceptance of securities which have not been registered under the 1933 Act for purposes of covering short positions, satisfying margin requirements or satisfying exercise notices.

(16) *Statement of account.* Requires statements to be sent at least monthly for accounts in which there has been an entry during the month and quarterly for accounts having an open option position or money balance.

(17) *Opening of accounts.* Requires customers' options accounts to be approved by a Registered Options Principal (ROP) who is an officer or general partner of the firm. Requires branch office approval to be followed within seven (7) business days by approval by ROP who is an officer or general partner. Records of approval must be maintained and due diligence must be used by ROP in all such approvals. Members must be satisfied customer is aware of risks attendant to options trading. Signed account agreement must be received from the customer within 15 calendar days of account approval specifying the customer's intent to abide by NASD rules governing options trading and, if appropriate, the rules of the OCC. Customer must also agree not to violate the position and exercise limits established by the NASD and, if trading in OCC issued options, must acknowledge that he has received a copy of OCC's prospectus.

(18) *Discretionary accounts.* Requires members to comply with Article III, section 15 of the Rules of Fair Practice concerning discretionary accounts. Written authorization from customers granting discretionary power must be obtained. A ROP who is a general partner or officer of the member must accept the account and

approve all transactions therein. Branch offices may accept discretionary accounts and orders subject to subsequent approval within five (5) business days by ROP who is a general partner or officer. Records of every discretionary transaction must be retained by members. Uncovered writing and uncovering of existing short positions in discretionary accounts is prohibited unless specifically authorized in writing by the customer.

(19) *Suitability.* Prohibits members from recommending any option transaction to a customer unless the member believes that such transaction is suitable for that particular customer. Particular attention required to be given to customer suitability in connection with uncovered writing.

(20) *Supervision of accounts.* Requires all option accounts of customers and all orders therein to be supervised by a member's Senior Registered Options Principal (ROP). Such authority may be delegated by the Senior ROP to other qualified personnel provided that the Senior ROP maintains overall responsibility for establishing appropriate procedures of supervision and control over such personnel.

(21) *Violation of Bylaws and Rules of the Corporation or the Options Clearing Corporation.* Violations of the rules of OCC and violations of NASD rules, regulations and bylaws by a member engaged in option transactions may be deemed to be violations of Article III, section 1 of the Association's Rules of Fair Practice.

(22) *Stock transfer tax.* Unless otherwise prescribed by laws of a taxing jurisdiction, stock transfer taxes payable upon the sale, transfer or delivery of securities upon exercise of an option contract shall be the responsibility of the seller (writer) who is assigned the exercise notice unless incidents of the tax may be directly attributable to the exercising holder or representative thereof.

(23) *Advertisements and sales literature.* Requires options related advertising and sales literature to be approved, prior to use, by member's Senior ROP or his designee. Requires such material to be retained by members for three year period from date of use. Requires all options advertisements to be filed with Association 10 days prior to use by members. Sets forth appropriate standards for options advertising.

(24) *Rules of general applicability.* Cites those provisions and sections of the Rules of Fair Practice which are applicable to a member's option transactions.

In addition to new Appendix E, the Association proposes to adopt a new section 63 to the Uniform Practice Code. This section outlines the procedures to be followed by members in the tendering of exercise notices to the Options Clearing Corporation and

the assignment to customers of exercise notices received by clearing members from OCC. Also outlined are the procedures followed by OCC which provide for automatic exercise, on the expiration date, of certain in-the-money option contracts. Requirements for delivery of and payment for underlying securities as a result of the exercise of an option contract are also described. For the most part, these procedures are patterned after those currently in effect on the various exchanges presently trading options.

Pursuant to the final portion of the Association's proposed rules package, any member engaged in options activities will be required to have a person associated with it registered with the NASD as a "Registered Options Principal." Additionally, persons associated with a member who are engaged in the management, direction or supervision of its day-to-day options activities will be required to be registered as Registered Options Principals. To achieve this status, an appropriate qualifications examination for Registered Options Principals must be successfully completed. Certification of Registered Options Representatives is also proposed.

#### NASD'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed new rules are as follows: The statutory basis of the proposed rules is contained in section 15A of the act.

The membership of the NASD approved Article III, section 33 of the Association's Rules of Fair Practice which authorized the Board of Governors to adopt rules, regulations, and procedures for the governance of options trading deemed necessary and appropriate for the protection of investors in the public interest. The proposed rules contained herein were adopted by the Board of Governors pursuant to that authority on January 17, 1977.

The purpose of the proposed rules is to provide a regulated environment for the trading of standardized options by access firms.

The proposed rule changes give the NASD the capacity to carry out the purposes of the act and to comply, and to enforce compliance by its members and persons associated with its members, with the act and the rules and regulations thereunder in the area of their options activity.

Comments on the proposed new rules and rule amendments were solicited in Notice to Members Nos. 76-8, 76-31, and 77-5 and due consideration was given to all comments received from members and interested persons. The provisions of Article VII of the bylaws of the Association do not require the Board to submit these par-

ticular proposals to the membership for approval.

It is the position of the National Association of Securities Dealers, Inc. that the proposed rules impose no burden on competition that is not necessary and in furtherance of the purposes of the Securities Exchange Act of 1934, as amended.

On or before February 7, 1978, or within such longer period as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, the Commission will:

(A) by order approve such proposed rule changes; or

(B) institute proceedings to determine whether the proposed rule changes should be approved.

In any event, the Commission will not approve the proposed rule changes prior to February 2, 1978, unless the Commission finds good cause for so doing and publishes its reasons for so finding.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 2, 1978.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 23, 1977.  
[FR Doc. 77-37410 Filed 12-30-77; 8:45 am]

#### [8025-01]

##### SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0174]

American-Euro Interfund Corp.

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Notice is hereby given that American-Euro Interfund Corp., 235 Montgomery Street, San Francisco, Calif. 94104, has surrendered its License No. 09/09-0174, issued December 11, 1974.

American-Euro Interfund Corp. has complied with all conditions set forth by SBA for surrender of its license.

Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder the surrender of the license of American-Euro Interfund Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: December 22, 1977.

PETER F. MCNEISH,  
Deputy Associate Administrator  
for Investment.

[FR Doc. 77-37392 Filed 12-30-77; 8:45 am]

#### [8025-01]

[Delegation of Authority No. 30, Rev. 15, Amdt. 16]

##### FIELD OFFICES

##### Delegation of Authority To Conduct Program Activities

Delegation of Authority No. 30, Revision 15, republished in the FEDERAL REGISTER on February 25, 1976 (41 FR 8240) and additional amendments thereto (41 FR 16234, 17829, 28049, 36702, 47610, 50883, 42 FR 56990, 59153, and 61347), is further amended to reflect increases in maximum size of business, economic opportunity, and section 502 local development company loans. These increases are provided for by (Pub. L. 94-305, approved June 4, 1976).

Actions taken pursuant to the instructions contained in telegram dated June 11, 1976, are hereby ratified.

Therefore, Part I, Section A, paragraphs 1 and 2 and Part III, Section A, paragraph 2, are revised as set forth below:

Effective Date: January 3, 1978.

Dated: December 23, 1977.

A. VERNON WEAVER,  
Administrator.

##### PART I—FINANCING PROGRAM

##### SECTION A—LOAN APPROVAL AUTHORITY

1. Business and Handicapped Assistance Loans (Small Business Act) (SBAAct).  
a. To approve or decline direct and immediate participation section 7(a) business loans and 7(h) handicapped assistance loans, and guaranty handicapped assistance loans, not exceeding the following amounts (SBA share):

	Approve	Decline
(1) Regional Director.....	\$350,000	\$350,000
(2) Assistant Regional Director for F&I .....	350,000	350,000
(3) District Director .....	350,000	350,000
(4) Assistant District Director for F&I.....	350,000	350,000
(5) Chief, Financing Division, D/O .....	350,000	350,000
(6) Supervisory Loan Specialist, Financing Division, D/O.....	250,000	350,000



	Approve	Decline
(7) Branch Manager, Except Fairbanks, B/O	250,000	350,000
(8) Assistant Branch Manager for F&I, Biloxi Branch Office only	250,000	350,000

	Approve	Decline
(1) Regional Director	\$500,000	\$500,000
(2) Assistant Regional Director for F&I	500,000	500,000
(3) District Director	500,000	500,000
(4) Assistant District Director for F&I	350,000	500,000
(5) Chief, Financing Division, D/O	350,000	500,000
(6) Supervisory Loan Specialist, Financing Division, D/O	250,000	500,000
(7) Branch Manager, Except Fairbanks, B/O	250,000	500,000
(8) Assistant Branch Manager for F&I, Biloxi Branch Office only	250,000	500,000

### PART III—COMMUNITY ECONOMIC DEVELOPMENT (CED) PROGRAM

#### SECTION A—SECTION 501 AND 502 LOAN APPROVAL AUTHORITY (SBACT)

2. Section 502 Local Development Company Loans (SBI Act). To approve or decline section 502 local development company loans not exceeding the following amounts (SBA share) for each small business concern being assisted, within the project cost limitations shown below:

Note.—Project cost applies to the cumulative CED assistance to a small business concern and its affiliates and not to the additional assistance on which the action is being taken.

a. Unlimited project cost:	
(1) Regional Director	\$500,000
b. Overall project cost not exceeding \$1,000,000:	
(2) Assistant Regional Director for F&I	500,000
(3) District Director	500,000
(4) Assistant District Director for F&I	500,000
c. Overall project cost not exceeding \$700,000:	
(5) Chief, CED Division, D/O	500,000
(6) Chief, Financing Division D/O	600,000

[FR Doc. 77-37394 Filed 12-30-77; 8:45 am]

### [8025-01]

[Application No. 04/04-51301]

#### FINCASLE INVESTMENT CORP.

##### Application for a License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under Section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.), has been filed by Fincastle Investment Corp. (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1977). The officers, directors, and stockholders are as follows:

Alan N. Schneider, Chairman of the Board, Director and 40 percent Stockholder, 1101 North Greenway, Coral Gables, Fla. 33134.  
Mabel P. Schneider, Secretary, Treasurer, Director and 40 percent Stockholder, 1101 North Greenway, Coral Gables, Fla. 33134.  
Richard Lifland, President and Director, 405 North Ocean Blvd., Pompano Beach, Fla. 33062.  
Karen Recht, Vice President and 10 percent Stockholder, 956 North California Avenue, Palo Alto, Calif. 92667.  
J. Richard Recht, Vice President and 10 percent Stockholder, 956 North California Avenue, Palo Alto, Calif. 92667.

The applicant, a Florida corporation, will maintain an office at 265 Seville Avenue, Coral Gables, Fla. 33134, and will begin operations with \$500,000 of paid-in capital and paid-in surplus derived from the sale of 10,000 shares of common stock to four individuals.

The applicant anticipates that the majority of its investments will be financing construction companies owned by minority and other disadvantaged persons. The applicant will make construction loans to and/or become a minority partner in corporations formed to develop low cost homes.

As a small business investment company under section 301(d) of the act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the act, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management and the probability of successful operations of the applicant under this management, including adequate profitability and financial soundness, in accordance with the act and SBA rules and regulations.

Any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Coral Gables, Fla.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: December 22, 1977.

PETER F. MCNEISH,  
Deputy Associate  
Administrator for Investment.

[FR Doc. 77-37393 Filed 12-30-77; 8:45 am]

### [4810-40]

#### DEPARTMENT OF THE TREASURY

Office of the Secretary  
(Public Debt Series—No. 31-77)

##### INTEREST RATE ON BONDS

Supplement to Department Circular

DECEMBER 28, 1977.

The Secretary of the Treasury announced on December 27, 1977, that the interest rate on the bonds described in Department Circular, Public Debt Series, No. 31-77, dated December 20, 1977, will be 7½ percent per annum. Accordingly, the bonds are hereby redesignated 7½ percent Treasury bonds of 1993. Interest on the bonds will be payable at the rate of 7½ percent per annum.

PAUL H. TAYLOR,  
Acting Fiscal  
Assistant Secretary.

[FR Doc. 77-37391 Filed 12-30-77; 8:45 am]

### [4810-25]

#### LIST OF COUNTRIES REQUIRING COOPERATION WITH AN INTERNATIONAL BOYCOTT

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954). This list is the same as the list published in the September 30, 1977 FEDERAL REGISTER (42 FR 52519).

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international

boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954).

Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Oman, Qatar, Saudi Arabia, Syria, United Arab Emirates, Yemen Arab Republic, and Yemen, Peoples Democratic Republic of.

Dated: December 29, 1977.

ANTHONY M. SOLOMON,  
Acting Secretary.

[FR Doc. 77-37414 Filed 12-30-77; 11:07 am]

### [7035-01]

#### INTERSTATE COMMERCE COMMISSION

[Notice No. 553]

##### ASSIGNMENT OF HEARINGS

DECEMBER 28, 1977.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 36719, Arkansas Power and Light Co. System Fuels, Inc. v. Burlington Northern, Inc., et al., now being assigned May 9, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.  
MC 143713 and Sub-Nos. 1 and 2, Agricultural Transportation Association of Illinois, now being assigned February 7, 1978 and March 6, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 58923 (Sub-No. 45), Georgia Highway Express, Inc., now being assigned for continued hearing on the 6th day of March, 1978 (1 week), and will be held at the Executive Plaza Inn, 1471 East Brooks Road and March 13, 1978 (1 week) at Atlanta, Ga. and will be held at the Ramada Inn-Central, I-85 North at Monroe Drive.

MC 133689 (Sub-No. 133), Overland Express, Inc., now being assigned January 9, 1978, at New York, N.Y., and will be held in room 3105, Federal Building, 26 Federal Plaza.

MC 136343 (Sub-No. 111), Milton Transportation, Inc., now being assigned January 10, 1978, at New York, N.Y., and will be held in room 3105, Federal Building, 26 Federal Plaza.

MC-F 13078, Coldway Food Express, Inc.—Purchase—Foodway Express, Inc., now being assigned January 11, 1978, at New York, N.Y., and will be held in Building 2, room 2, World Trade Center, Vesey Street.

MC 134817 (Sub-No. 2), Owenton Express, Inc., now being assigned January 16, 1978 at Frankfort, Ky., and will be held in the 4th Floor Conference Room, State Office Building.

MC 71459 (Sub-No. 65), O.N.C. Freight Systems, now being assigned February 13, 1978 (1 week), at Phoenix, Ariz., in a hearing room to be later designated.

MC 142559 (Sub-No. 3), Brooks Transportation, Inc., now being assigned March 23, 1978 (2 days), at Philadelphia, Pa., in a hearing room to be later designated.

MC 113678 (Sub-No. 876), Curtis, Inc., now being assigned March 22, 1978 (1 day), at Philadelphia, Pa., in a hearing room to be later designated.

MC 138328 (Sub-No. 41), Clarence L. Werner, d.b.a. Werner Enterprises, now being assigned March 21, 1978 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 129455 (Sub-No. 22), Carretta Trucking, Inc., now being assigned March 20, 1978 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 32779 (Sub-No. 13), Silver Eagle Co., now being assigned January 16, 1978, at Yakima, Wash., and will be held at the Holiday Inn, 1300 North First Street.

MC 1924 (Sub-No. 14), Wallace-Colville Motor Freight, Inc., now being assigned for continued hearing on the 6th day of February, 1978 (3 days), at Spokane, Wash., and will be held at the Sheraton-Spokane, Spokane Falls Court, 322 North McClellan.

MC 114211 (Sub-No. 319), Warren Transport, Inc., MC 108341 (Sub-No. 63), Moss Trucking Co., Inc., MC 106644 (Sub-No. 239), Superior Trucking Co., Inc., and MC 43867 (Sub-No. 34), A. Leander McAlister Trucking Co., now being assigned January 9, 1978 (2 days), at Dallas, Tex. and will be held in room 5A15-17, Federal Building, 1100 Commerce Street.

MC 139360 (Sub-No. 7), Raemarc, Inc., now being assigned February 22, 1978 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 115828 (Sub-No. 270), W. J. Digby, Inc., now being assigned March 20, 1978 (1 week) for continued hearing at Chicago, Ill., in a hearing room to be later designated.

MC 124211 (Sub-No. 320), Hilt Truck Line, Inc., now assigned February 22, 1978 at Omaha, Nebr. is canceled, application dismissed.

MC 119702 (Sub-No. 50), Stahly Cartage Co., now being assigned April 12, 1978 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 50866 (Sub-No. 5), Burlingame Truck Line, Inc., now being assigned April 5, 1978 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 114632 (Sub-No. 112), Apple Lines, Inc., now being assigned April 10, 1978 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 139495 (Sub-No. 238), National Carriers, Inc., now assigned February 22, 1977, at Chicago, Ill. is canceled.

MC 136669 (Sub-No. 13), Processed Beef Express, Inc., now assigned February 1, 1978, at Seattle, Wash. is canceled.

MC 113855 (Sub-No. 384), International Transport, Inc., now being assigned February 1, 1978, at Seattle, Wash. in room 3086, Federal Building, 915 Second Avenue.

AB 18 (Sub-No. 5), Chesapeake & Ohio Railway Co. Abandonment between Williamsburg and Elk Rapids, in Grand Traverse and Antrim Counties, Mich.; No. AB 18 (Sub-No. 19), Chesapeake & Ohio Railway Co. Abandonment portion Petoskey Sub-

division between a point near Traverse City and Bay View in Grand Traverse, Kalkaska, Antrim, Charlevoix, and Emmet Counties, Mich.; AB 19 (Sub-No. 20), Chesapeake & Ohio Railway Co. Abandonment portion Traverse City and Petoskey Subdivisions between Manistee and Traverse City and the Northport Subdivision between Traverse City and Renies in Manistee, Benzie, Grand Traverse, and Leelanau Counties, Mich., now assigned January 10, 1978, at Traverse City, Mich., is postponed to March 7, 1978, at Traverse City, Mich., in a hearing room to be later designated.

I. & S.M. 29665, Passenger Fares, Rockland Coaches, Inc., now assigned January 4, 1978, at New York, N.Y., is canceled and reassigned to January 10, 1978 (3 days), in room 238, Court Room A, Court of Claims, 26 Federal Plaza, New York, N.Y.

FD 28532, Petition of William M. Gibbons, Trustee of the Property of Chicago Rock Island & Pacific Railroad Co., Debtor, to Discontinue Trains 5 and 6 Between Rock Island Ill. and Chicago, Ill. and Trains 11 and 12 Between Peoria, Ill. and Chicago, Ill., now assigned January 4, 1978, at Chicago, Ill., is postponed to February 1, 1978 (3 days) in room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Ill.; now assigned January 9, 1978, at Rock Island, Ill., is postponed to February 6, 1978, at the City Hall, 1528, 3d Avenue, Rock Island, Ill.; now assigned January 10, 1978, at Peoria, Ill., is postponed to February 7, 1978, at the Peoria Public Library, 107 Northeast Monroe, Peoria, Ill.

No. 36747, The Atchison Topeka & Santa Fe Railway Co., et al., now being assigned for prehearing conference on January 25, 1978, at the offices of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 77-37401 Filed 12-30-77; 8:45 am]

### [7035-01]

[Revised Service Order No. 1252, ICC Order No. 38-A]

#### CHESAPEAKE AND OHIO RAILWAY CO.

##### Re-routing Traffic

To all railroads:  
Upon further consideration of ICC Order No. 38 (The Chesapeake and Ohio Railway Co.) and good cause appearing therefor:

It is ordered, That: ICC Order No. 38 is vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., December 16, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 16, 1977.



For the Interstate Commerce Commission.

JOEL E. BURNS,  
Agent.

[FR Doc. 77-37399 Filed 12-30-77; 8:45 am]

**[7035-01]**

[Revised Service Order No. 1252; ICC Order No. 41, Amdt. No. 1]

**CHICAGO, MILWAUKEE, ST. PAUL AND  
PACIFIC RAILROAD CO.**

**Rerouting Traffic**

To all railroads:

Upon further consideration of ICC Order No. 41 (Chicago, Milwaukee, St. Paul and Pacific Railroad Co.), and good cause appearing therefor:

It is ordered, That: ICC Order No. 41 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 20, 1977, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 18, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 16, 1977.

For the Interstate Commerce Commission.

JOEL E. BURNS,  
Agent.

[FR Doc. 77-37396 Filed 12-30-77; 8:45 am]

**[7035-01]**

[Notice No. 3]

**SPECIAL PROPERTY BROKERS**

The following applicants seek to participate in the property broker special licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including Alaska and Hawaii. Any interested person shall file an original and one (1) copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness within 30 days after this notice. Statements must be mailed to:

Broker Entry Staff  
Room 2379  
Interstate Commerce Commission

Washington, D.C. 20423

Opposing parties shall serve one (1) copy of the statement in opposition concurrently upon applicant's representative, or applicant if no representative is named. If an applicant is not otherwise informed by the Commission, it may commence operation 45 days after this notice.

B-77-2 filed October 28, 1977. Applicant: CHASE ONE TRAFFIC SERVICE, INC., P.O. Box 1131, Delran, N.J. 08075.

B-77-8, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., an Arizona corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-9, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a Delaware corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-10, filed October 20, 1977. Applicant: BEKINS MOVING & STORAGE CO., a California corporation, 910 Grand Central, Glendale, Calif. 91201. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-11, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a Florida corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-13, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a Georgia corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-14, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a California corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-15, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a Louisiana corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-16, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a Maryland corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-17, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a Massachusetts corpora-

tion, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-18, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a Michigan corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-19, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a Missouri corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-20, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a Nevada corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-21, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a New Jersey corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-22, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a New Mexico corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-23, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a New York corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 91202.

B-77-24, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., an Oklahoma corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-25, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a Pennsylvania corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 91202.

B-77-26, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a Texas corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

B-77-27, filed October 30, 1977. Applicant: BEKINS MOVING & STORAGE CO., a California corpora-

AGE CO., a Virginia corporation, 777 Flower Street, Glendale, Calif. 91202. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 91202.

B-77-28, filed November 17, 1977. Applicant: SUREFINE TRANSPORTATION CO., a California corpora-

tion, 2050 East 38th Street, Los Angeles, Calif. 90058. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 91202.

B-77-29, filed November 16, 1977. Applicant: JE BERNARD & CO., INC., 111 Nicholas Boulevard, Elk

Grove Village, Ill. 60007. Applicant's representative: Fred J. Glantz (same address as applicant).

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 77-37400 Filed 12-30-77; 8:45 am]

# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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### [6355-01]

#### CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME ORIGINALLY SCHEDULED: January 4, 1978.

DATE PUBLISHED IN THE "FEDERAL REGISTER": December 21, 1977 (42 FR 84028).

CHANGES IN THE AGENDA: The item concerning "Decorated Glassware" has been withdrawn from the agenda. Since this was to be the only item on the agenda for this meeting, there is no briefing scheduled for January 4, 1978 at this time.

#### CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, suite 300, 1111 18th Street NW., Washington, D.C. 20207, 202-634-7700.

[S-2185-77 Filed 12-29-77; 8:58 am]

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### [6210-01]

#### BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Thursday, January 5, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

#### MATTERS TO BE CONSIDERED:

1. Federal Reserve Board budget for 1978.
2. Proposed policy statement concerning improper or illegal payments by banks and bank holding companies.
3. Board comments on the Federal Home Loan Bank Board's proposed amendments to its nondiscrimination-lending regulations.
4. Any agenda items carried forward from a previously announced meeting.

#### CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

GRIFFITH L. GARWOOD,  
Deputy Secretary of  
the Board.

DECEMBER 29, 1977.

[S-2187-77 Filed 12-29-77; 10:08 am]

### [4110-24]

#### NATIONAL MUSEUM SERVICES BOARD, THE INSTITUTE OF MUSEUM SERVICES.

##### ACTION: Notice of Meeting.

SUMMARY: This notice announces the time, place, and subject matter of the forthcoming meeting of the National Museum Services Board. It also provides other information regarding the meeting in accordance with the Government in the Sunshine Act, 5 U.S.C. 552b(e).

The meeting will be open to the public.

DATES: January 6, 1978, and January 7, 1978.

ADDRESSES: Conference Room (807 G) of the Under Secretary of Health, Education and Welfare, 200 Independence Avenue SW., Washington, D.C. 20202 on January 6; and Room 104 H, Smithsonian Institution's Museum of History and Technology, 14th Street and Constitution Avenue NW., Washington, D.C. 20560, on January 7.

#### FOR FURTHER INFORMATION CONTACT:

Mrs. Lee Kimche, Director, Institute of Museum Services, Room 309 G, 200 Independence Avenue SW., Washington, D.C. 20202. (202-245-7063).

SUPPLEMENTARY INFORMATION: Title II of the Arts, Humanities, and Cultural Affairs Act of 1976, Pub. L. 94-462, (20 U.S.C. 961 et seq.) establishes within the Department of Health, Education, and Welfare an Institute of Museum Services consisting of a National Museum Services Board and a Director of the Institute.

The Institute is authorized to make grants to museums to increase and improve museum services through such activities as:

(1) Programs to enable museums to construct or install displays, interpretations and exhibitions in order to improve their services to the public;

(2) Assisting them in developing and maintaining professionally-trained or otherwise experienced staff to meet their needs;

(3) Assisting them to meet their administrative costs in preserving and maintaining their collections, exhibiting them to the public and providing educational programs to the public through the use of their collections;

(4) Assisting museums in cooperation with each other in the development of traveling exhibitions meeting transportation costs and identifying and locating collections available for loan;

(5) Assisting them in conservation of artifacts and art objects; and

(6) Developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and penal and other State institutions.

Under the statute, the National Museum Services Board has responsibility for the general policies with regard to the powers, duties and authorities vested in the Institute, and for assuring that these policies are coordinated with other activities of the Federal Government.

SUBJECT MATTER: The Board is to consider guidelines and regulations for grants.

Signed at Washington, D.C., on December 28, 1977.

LEE KIMCHE,  
Director, Institute of  
Museum Services.

[S-2186-77 Filed 12-29-77; 8:58 am]

### [7590-01]

#### NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Wednesday, January 4, 1978.

PLACE: Commissioners' Conference Room, 1717 H St., NW., Washington, D.C.

STATUS: Open.

#### MATTERS TO BE CONSIDERED:

1:30 p.m.:

1. Briefing on Proposed Amendments to 10 CFR 19 and 20 to Control Radiation Exposure to Transient Workers (Approx 1 hr).

2. Briefing on Reactor Licensing Schedules (Approx 1/2 hr).

3. Time reserved for continuation of 12/29/77 meeting: FY 1978 Domestic Safeguards Technical Assistance and Research Contractual Projects (Approx 1 hr) Tentative.

4. Affirmation of Proposed Regulations on Foreign Gifts and Decorations; and Proposed Rule on Avoidance of Contractor Organizational Conflict of Interest (Approx 5 min).

#### CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,  
Office of the Secretary.

DECEMBER 28, 1977.

[S-2189-77 Filed 12-29-77; 11:19 am]

### [7905-01]

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#### U.S. RAILROAD RETIREMENT BOARD.

TIME AND DATE: 9 a.m., January 10, 1978.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Ill., 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

#### MATTERS TO BE CONSIDERED:

Portion open to the public:

(1) Recommendation concerning Syracuse, New York, district office.

Portions closed to the public:

(2) Appeal from referee's denial of disability annuity application, Mary E. Maynor.

(3) Appeal from referee's denial of disability annuity application, E. L. Perry.

(4) Appeal from referee's denial of disability annuity application, Joseph D. Wood.

(5) Appeal from referee's denial of disability annuity application, Donald Nicholas.

(6) Appeal from referee's denial of disability annuity application, Harold J. Smith.

(7) Appeal of denial of waiver of recovery of overpayment, Elizabeth M. Fitch.

#### CONTACT PERSON FOR MORE INFORMATION:

R. F. Butler, Secretary of the Board. Telephone: 312-387-4920.

[S-2188-77 Filed 12-29-77; 10:59 am]

### [6320-01]

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#### CIVIL AERONAUTICS BOARD.

[M-90 amdt. 2; 12/28/77]

NOTICE OF ADDITION OF ITEM TO THE DECEMBER 29, 1977 AGENDA

TIME AND DATE: 10 a.m., December 29, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 2a. Dockets 29952, 30067, and 30068, Petitions of American and United for reconsideration of full-up awards to Pan American, Northwest, and Braniff (Memo No. 7682, BOR).

STATUS: Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

#### SUPPLEMENTARY INFORMATION:

This case involves the petitions of American and United for reconsideration of full-up awards to Pan American, Northwest, and Braniff. The fill-up certificates become effective January 1, 1978. The Board's disposition of these petitions should be completed before January 1, 1978. Accordingly, the following Members have voted that agency business requires the addition of this item to the December 29, 1977, agenda on less than seven days' notice and that no earlier announcement of this addition was possible:

Chairman Alfred E. Kahn  
Vice Chairman Richard J. O'Melia  
Member G. Joseph Minetti  
Member Lee R. West  
Member Elizabeth E. Bailey  
[S-2190-77 Filed 12-29-77; 3:47 pm]



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TUESDAY, JANUARY 3, 1978  
PART II (Section 1)



## DEPARTMENT OF TRANSPORTATION

Federal Aviation  
Administration

■

14 CFR PARTS 71, 73,  
AND 75

Compilation of Regulations

## RULES AND REGULATIONS

## Title 14—Aeronautics and Space

## CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 77-WA-20]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

## PART 73—SPECIAL USE AIRSPACE

## PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

## Compilation of Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This is a compilation of all amendments and pending amendments to airspace designations issued by the FAA in 1977 which have been published in the FEDERAL REGISTER prior to December 2, 1977. This compilation is published annually for the benefit of the public since airspace designations are not carried in the Code of Federal Regulations.

EFFECTIVE DATE: December 2, 1977.

## FOR FURTHER INFORMATION CONTACT:

Dorothy Camarda, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8626.

**SUPPLEMENTARY INFORMATION:** Airspace rule making actions are issued throughout the year establishing, amending or revoking designations of airspace in the United States, and over that portion of international waters for which the United States has accepted responsibility for separating air traffic. All airspace rule making actions are published in the FEDERAL REGISTER, and are effective, generally on dates coinciding with the periodic issuance of navigational charts by the National Ocean Survey. However, because of the great number of designations and the frequency of changes, the descriptions are not carried in the Code of Federal Regulations. Therefore, this compilation of all airspace designations, effective and pending, as of a specific date, is published annually in the FEDERAL REGISTER. No substantive change to any airspace designation is made by this action. All substantive changes have been made and published previously in accordance with administrative procedures in 5 U.S.C. Sections 552 and 553.

Since this is a compilation of previous rule making actions and no substantive change is made hereby, notice and public procedure hereon is unnecessary.

## DRAFTING INFORMATION

The principal authors of this document are Dorothy Camarda, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

## ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, effective 0901 GMT, December 2, 1977, Parts 71, 73 and 75 of the Federal Aviation Regulations, are rewritten to read as follows:

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

**NOTE:**—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on December 2, 1977.

EDWARD J. MALO,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 77-36470 Filed 12-30-77; 8:45 am]

TITLE 14 - AERONAUTICS AND SPACE  
CHAPTER I - FEDERAL AVIATION ADMINISTRATION  
SUBCHAPTER E - AIRSPACE  
PARTS 71, 73, 75  
DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES,  
CONTROLLED AIRSPACE, AND REPORTING POINTS,  
SPECIAL USE AIRSPACE, JET ROUTES, AREA HIGH ROUTES  
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71.163 Designation of Additional Control Areas.  
71.165 Designation of Control Area Extensions.

## SUBPART F - CONTROL ZONES

- 71.171 Designation

## SUBPART G - TRANSITION AREAS.

- 71.181 Designation.

## SUBPART H - POSITIVE CONTROL AREAS.

- 71.193 Designation of Positive Control Areas.

## SUBPART I - REPORTING POINTS.

- 71.201 Designation.  
71.203 Domestic Low Altitude Reporting Points.  
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## SUBPART J - AREA LOW ROUTES

- 71.301 Designation.

## SUBPART K - TERMINAL CONTROL AREAS

- 71.401 Designation.

- 73 SPECIAL USE AIRSPACE  
75.100 JET ROUTES  
75.400 AREA HIGH ROUTES.



SUBPART A - GENERAL.

§ 71.1 Applicability.

- (a) The airspace assignments described in Subparts B and C are designated as Federal airways.
- (b) The airspace assignments described in Subparts B through I are designated as control areas, the continental control area, control zones, transition areas, positive control areas, and reporting points, as described in the appropriate subpart.
- (c) The airspace assignments described in Subpart K of this part are designated as terminal control areas.
- (d) The airspace assignments described in Subpart J are designated as area low routes.

### § 71.3 Classification of Federal Airways.

1.3 Classification of Federal Airways.  
Federal airways are classified as follows:

- (a) Colored Federal airways:  
 (1) Green Federal airways.  
 (2) Amber Federal airways.  
 (3) Red Federal airways.  
 (4) Blue Federal airways.
- (b) VOR Federal airways.

§ 71.5 Extent of Federal airways.

- 7.1.5 Extent of Federal Airways.
- (a) Each Federal airway is based on a centerline that extends from one navigational aid or intersection to another navigational aid (or through several navigational aids or intersections) specified for that airway.
- (b) Unless otherwise specified in Subpart B or C -
- (1) Each Federal airway includes the airspace within parallel boundary lines 4 miles each side of the centerline. Where an airway changes direction, it includes that airspace enclosed by extending the boundary lines of the airway segments until they meet.
- (2) Where the changeover point for an airway segment is more than 51 miles from either of the navigational aids defining that segment, and -
- (i) The changeover point is midway between the navigational aids, the airway includes the airspace between lines diverging at angles of  $4.5^\circ$  from the centerline at each navigational aid and extending until they intersect opposite the changeover point; or
- (ii) The changeover point is not midway between the navigational aids, the airway includes the airspace between lines diverging at angles of  $4.5^\circ$  from the centerline at the navigational aid more distant from the changeover point, and extending until they intersect with the bisector of the angle of the centerlines at the changeover point; and between lines connecting these points of intersection and the navigational aid nearer to the changeover point.
- (3) Where an airway terminates at a point or intersection more than 51 miles from the closest associated navigational aid it includes the additional airspace within lines diverging at angles of  $4.5^\circ$  from the centerline extending from the associated navigational aid to a line perpendicular to the centerline at the termination point.
- (4) Where an airway terminates, it includes the airspace within a circle centered at the specified navigational aid or intersection having a diameter equal to the airway width at that point. However, an airway does not extend beyond the domestic/oceanic control area boundary.
- (c) Unless otherwise specified in Subpart B or C -
- (1) Each Federal airway includes that airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL, except that Federal airways for Hawaii have no upper limits. Variations of the lower limits of an airway are expressed in digits representing hundreds of feet above the surface (AGL) or mean sea level (MSL) and, unless otherwise specified, apply to the segment of an airway between adjoining navigational aids or intersections; and
- (2) The airspace of a Federal airway within the lateral limits of a transition area has a floor coincident with the floor of the transition area.
- (d) One or more alternate airways may be designated between specified navigational aids or intersections along each VOR Federal airway described in Subpart C. Unless otherwise specified, the centerline of an alternate VOR Federal airway and the centerline of the corresponding segment of the main VOR Federal airway are separated by  $15^\circ$ .
- (e) A Federal airway does not include the airspace of a prohibited area.

§ 71.6 Extent of area low routes.

- (a) Each area low route is based on a centerline that extends from one waypoint to another waypoint (or through several waypoints) specified for that area low route. An area low route does not include the airspace of a prohibited area. All mileages specified in connection with area low routes are nautical miles.
- (b) Unless otherwise specified in Subpart J, the following apply:
- (1) Except as provided in subparagraph (2) of this paragraph, each area low route includes, and is limited to, that airspace within parallel boundary lines 4 or more miles on each side of the route centerline as described in the middle column of the following table, plus that additional airspace outside of those parallel lines and within lines drawn outward from those parallel lines at angles of 3.25°, beginning at the distance from the tangent point specified in the right-hand column of the following table:

Miles from reference facility to tangent point	Miles from centerline to parallel lines	Miles from tangent point along parallel lines to vortices of 3.25° angles
Less than 17	4	51.
17 to, but not including 27	4	50.
27 to, but not including 33	4	49.
33 to, but not including 38	4	48.
38 to, but not including 43	4	47.
43 to, but not including 47	4	46.
47 to, but not including 51	4	45.
51 to, but not including 55	4	44.
55 to, but not including 58	4	43.
58 to, but not including 61	4	42.
61 to, but not including 63	4	41.
63 to, but not including 66	4	40.
66 to, but not including 68	4	39.
68 to, but not including 70	4	38.
70 to, but not including 72	4	37.
72 to, but not including 74	4	36.
74 to, but not including 76	4	35.
76 to, but not including 78	4	34.
78 to, but not including 79	4	33.
79 to, but not including 81	4	32.
81 to, but not including 83	4	31.
83 to, but not including 84	4	30.
84 to, but not including 86	4	29.
86 to, but not including 87	4	28.
87 to, but not including 88	4	27.
88 to, but not including 89	4	26.
89 to, but not including 91	4	25.
91 to, but not including 92	4	24.
92 to, but not including 93	4	23.
93 to, but not including 94	4	22.
94 to, but not including 95	4	21.
95 to, but not including 96	4	19.
96 to, but not including 97	4	18.
97 to, but not including 98	4	17.
98 to, but not including 99	4	15.
99 to, but not including 100	4	13.
100 to, but not including 101	4	11.
101 to, but not including 102	4	8.
102 to, but not including 105	4	0 (i.e., at tangent point).
105 to, but not including 115	4.25	0 (i.e., at tangent point).
115 to, but not including 125	4.50	0 (i.e., at tangent point).
125 to, but not including 135	4.75	0 (i.e., at tangent point).
135 to, but not including 145	5.00	0 (i.e., at tangent point).
145 to, but not including 150	5.25	0 (i.e., at tangent point).

- (2) Each area low route, whose centerline is at least 2 miles, and not more than 3 miles from the reference facility, includes, in addition to the airspace specified in subparagraph (1) of this paragraph, that airspace on the reference facility side of the centerline that is within lines connecting the point that is 4.9 miles from the tangent point on a perpendicular line from the centerline through the reference facility, thence to the edges of the boundary lines described in subparagraph (1) of this paragraph, intersecting those boundary lines at angles of 5.15°.
- (3) Where an area low route changes direction, it includes that airspace enclosed by extending the boundary lines of the route segments until they meet.
- (4) Where the widths of adjoining route segments are unequal, the following apply:
  - (i) If the tangent point of the narrower segment is on the route centerline, the width of the narrower segment includes that additional airspace within lines from the lateral extremity of the wider segment where the route segments join, thence toward the tangent point of the narrower route segment, until intersecting the boundary of the narrower segment.
  - (ii) If the tangent point of the narrower segment is on the route centerline extended, the width of the narrower segment includes that additional airspace within lines from the lateral extremity of the wider segment where the route segments join, thence toward the tangent point until reaching the point where the narrower segment terminates or changes direction, or until intersecting the boundary of the narrower segment.
- (5) Where an area low route terminates, it includes that airspace within a circle whose center is the terminating waypoint, and whose diameter is equal to the route segment width at that waypoint, except that an area low route does not extend beyond the domestic/oceanic control area boundary.

(6) Each area low route includes that airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL, except that area low routes for Hawaii have no upper limits. Variations of the lower limits of an area low route are expressed in digits representing hundreds of feet above the surface (AGL) or mean sea level (MSL) and, unless otherwise specified, apply to the route segment between adjoining waypoints used in the description of the route.

(7) The airspace of an area low route within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

#### § 71.7 Control areas.

Control areas consist of the airspace designated in Subparts B, C, E, and J, but do not include the continental control area. Unless otherwise designated, control areas include the airspace between a segment of a main VOR Federal Airway and its associated alternate segments with the vertical extent of the area corresponding to the vertical extent of the related segment of the main airway.

#### § 71.9 Continental Control Area

The Continental Control Area consists of the airspace of the 48 contiguous States, the District of Columbia and Alaska, excluding the Alaska peninsula west of longitude 160°00'00" W., at and above 14,500 feet M.S.L., but does not include -

- (a) The airspace less than 1,500 feet above the surface of the earth; or
- (b) Prohibited and restricted areas, other than restricted areas listed in Subpart D of this part.

#### § 71.11 Control Zones

The control zones listed in Subpart F of this part consist of controlled airspace which extends upward from the surface of the earth and terminates at the base of the continental control area. Control zones that do not underlie the continental control area have no upper limit. A control zone may include one or more airports and is normally a circular area with a radius of 5 miles and any extensions necessary to include instrument approach and departure paths.

#### § 71.12 Terminal Control Areas

The terminal control areas listed in Subpart K of this part consist of controlled airspace extending upward from the surface or higher to specified altitudes, within which all aircraft are subject to operating rules and pilot and equipment requirements specified in Part 91 of this chapter. Each such location is designated as a Group I, Group II, or Group III terminal control area, and includes at least one primary airport around which the terminal control area is located.

#### § 71.13 Transition Areas.

The transition areas listed in Subpart G consist of controlled airspace extending upward from 700 feet or more above the surface of the earth when designated in conjunction with an airport for which an approved instrument approach procedure has been prescribed; or from 1,200 feet or more above the surface of the earth when designated in conjunction with airway route structures or segments. Unless otherwise specified, transition areas terminate at the base of the overlying controlled airspace.

#### § 71.15 Positive Control Areas.

The positive control areas listed in Subpart H consist of controlled airspace within which there is positive control of aircraft.

#### § 71.17 Reporting Points.

- (a) The reporting points listed in Subpart I consist of geographic locations, in relation to which the position of an aircraft must be reported in accordance with § 91.125.
- (b) Unless otherwise designated, each reporting point applies to all directions of flight. In any case where a geographic location is designated as a reporting point for less than all airways passing through that point, or for a particular direction of flight along an airway only, it is so indicated by including the airways or direction of flight in the designation of geographical location.
- (c) Unless otherwise specified, place names appearing in the reporting point descriptions indicate VOR or VORTAC facilities identified by those names.

#### § 71.19 Bearings: Radials: Miles.

- (a) All bearings and radials in this Part are true, and are applied from point of origin.
- (b) Except as otherwise specified and except that mileages for Federal airways are stated as nautical miles, all mileages in this Part are stated as statute miles.

### SUBPART B - COLORED FEDERAL AIRWAYS

#### § 71.101 Designation.

The airspace assignments described in this subpart are designated as Colored Federal Airways.

#### § 71.103 Green Federal Airways.

G-7 From Fort Davis, Alaska, RBN, Norton Bay, Alaska, RBN; 46 miles, 57 miles, 55 MSL, Bishop, Alaska, NDB; INT Bishop NDB 089° and Chena, Alaska, RBN 269° bearings; Chena RBN.

G-8 From Shemya, Alaska, NDB, 20 AGL Adak, Alaska, NDB; 20 AGL Dutch Harbor, Alaska, NDB; 20 AGL INT Dutch Harbor NDB 041° and Cold Bay, Alaska, NDB 253° bearings; 20 AGL Cold Bay NDB; King Salmon, Alaska, NDB; INT King Salmon NDB 055° and Kachemak, Alaska, 263° bearings; Kachemak NDB; Wildwood, Alaska, NDB; INT Wildwood NDB 034° and Campbell Lake, Alaska, NDB 254° bearings; Campbell Lake NDB; INT Campbell Lake NDB 032° and Skwentna, Alaska, NDB 111° bearings; Glenallen, Alaska, NDB; INT Glenallen NDB 052° and Nabesna, Alaska, NDB 252° bearings; Nabesna NDB.

AMENDMENTS 12/1/77 42 F. R. 54796 (Rewritten)

Corr: 42 F. R. 56953

G-9 From Oscarville, Alaska, RBN 35 miles, 125 miles, 55 MSL, Sparrevohn, Alaska, RBN; 24 miles, 29 miles, 53 MSL, 14 miles, 10,500 MSL, 42 miles, 12,500 MSL, to Campbell Lake, Alaska, RBN.

G-11 From Cold Bay, Alaska, NDB via INT Cold Bay NDB 041° and Port Heiden, Alaska, NDB 246° bearings, 20 AGL Port Heiden NDB; 73 miles 85 MSL, 101 miles 65 MSL, 37 miles 20 AGL, to Woody Island, Alaska, NDB.

AMENDMENTS 12/1/77 42 F. R. 54796 (Rewritten)

### AMBER FEDERAL AIRWAYS

#### § 71.105 Amber Federal Airways.

A-1 From Sandspit, British Columbia, Canada, RBN via Sitka, Alaska, RBN; 31 miles 12 AGL, 50 miles 48 MSL, 112 miles 20 MSL, Ocean Cape, Alaska, RBN; INT Ocean Cape RBN 283° and Hinchinbrook, Alaska, RBN 106° bearings; Hinchinbrook RBN; INT Hinchinbrook RBN 286° and Campbell Lake, Alaska, RBN 123° bearings; Campbell Lake RBN; Skwentna, Alaska, RBN; Puntilla Lake, Alaska, RBN; Farewell, Alaska, RBN; Takotna River, Alaska, RBN; 24 miles 12 AGL, 53 miles, 55 MSL, 46 miles 40 MSL, North River, Alaska, RBN; 52 miles 12 AGL, 51 miles 25 MSL, to Fort Davis, Alaska, RBN. The airspace within Canada is excluded.

A-2 From Burwash, Yukon Territory, Canada, RBN, 88 miles; 40 miles, Nabesna, Alaska, RBN; Delta, Junction, Alaska, RBN; Chena, Alaska, RBN; Evansville, Alaska, NDB; 69 miles 12 AGL, 102 miles 95 MSL, 117 miles 12 AGL, to Browerville, Alaska, RBN. The airspace within Canada is excluded.

A-3 From Evansville, Alaska, NDB, to Put River, Alaska, NDB.

A-4 From Evansville, Alaska, NDB via Umiat, Alaska, NDB to Put River, Alaska, NDB.

A-6 From Chandalar Lake, Alaska, NDB via Umiat, Alaska, NDB to Browerville, Alaska, NDB.

A-10 From the Pennfield Ridge, New Brunswick, Canada, RBN to the Forest City, New Brunswick, Canada, RBN, excluding the portion within Canada.

A-15 From Ethelda, British Columbia, Canada, NDB via Nichols, Alaska, NDB; 41 miles 12 AGL, 42 miles 52 MSL, 32 miles 12 AGL Petersburg, Alaska, NDB; Coghlán Island, Alaska, RBN; Haines, Alaska, RBN; Burwash, Yukon Territory, Canada, RBN; Nabesna, Alaska, RBN; Delta Junction, Alaska, RBN; Chena, Alaska, RBN; Chandalar Lake, Alaska, NDB; Put River, Alaska, NDB; Oliktok, Alaska, RBN. The airspace within Canada is excluded (Joins Canadian high level airway No. 502).



## RED FEDERAL AIRWAYS

## §71.107 Red Federal Airways.

R-27 From Summit, Alaska, RBN; Julius, Alaska, RBN; Chena, Alaska, RBN.

R-39 From Oscarville, Alaska, RBN; Aniak, Alaska, RBN; 25 miles, 89 miles, 55 MSL, Takotna River, Alaska, RBN; 28 miles, 64 miles, 45 MSL, Minchumina, Alaska, RBN; Julius, Alaska, RBN; Chena, Alaska, RBN.

R-40 From Woody Island, Alaska, RBN; 27 miles, 24 miles, 35 MSL, 29 miles, 55 MSL, Kachemak, Alaska, RBN; to Campbell Lake, Alaska, RBN.

R-50 From Bishop, Alaska, NDB via Bear Creek, Alaska, NDB; to Chena, Alaska, NDB.

R-75 From Vancouver, British Columbia, Canada, RBN via White Rock, British Columbia, Canada, RBN; Abbotsford, British Columbia, Canada, RBN; Cultus Lake, British Columbia, Canada, RBN; to Princeton, British Columbia, Canada, RBN, excluding the portion within Canada.

R-99 From King Salmon, Alaska, NDB via Iliamna, Alaska, NDB; to Kachemak, Alaska, NDB.

AMENDMENTS 12/1/77 42 F. R. 54796 (Rewritten)

R-103 From Wildwood, Alaska, NDB, via INT Wildwood NDB 112° and Campbell Lake, Alaska, 206° bearings; 49 miles 12 AGL, 58 miles 85 MSL, 39 miles 12 AGL, Wessels, Alaska, NDB.

## BLUE FEDERAL AIRWAYS

## §71.109 Blue Federal Airways.

B-12 From Takotna River, Alaska, NDB, 24 miles 12 AGL, 54 miles 55 MSL, 35 miles 12 AGL, via Bishop, Alaska, NDB; 68 miles 12 AGL, 88 miles 55 MSL, 37 miles 12 AGL, to Hotham, Alaska, NDB.

B-25 From INT Hinchinbrook, Alaska, NDB 206° and Wessels, Alaska, NDB 296° bearing via Hinchinbrook NDB; 38 miles 12 AGL, 12 miles 95 MSL, 60 miles 12 AGL Glenallen NDB; Delta Junction, Alaska, NDB.

B-26 From Campbell Lake, Alaska, NDB, via Peters Creek, Alaska, NDB; Summit, Alaska, NDB; INT Summit NDB 007° and Chena, Alaska, NDB 218° bearings; Chena NDB; Yukon River, Alaska, NDB; 86 miles 12 AGL, 75 miles 115 MSL, 56 miles 12 AGL, to Barter Island, Alaska, NDB.

B-27 From Woody Island, Alaska, RBN, 45 miles 12 AGL, 68 miles 95 MSL, King Salmon, Alaska, LOM; 53 miles, 84 miles, 70 MSL, Oscarville, Alaska, NDB; St. Marys, Alaska; Fort Davis, Alaska, NDB; 35 miles, 89 miles, 55 MSL, Hotham, Alaska, NDB.

AMENDMENTS 10/6/77 42 F. R. 40691 (Changed)

B-28 From Prince Rupert, B. C., Canada, NDB, via Nichols, Alaska, NDB; 42 miles 12 AGL, 99 miles 55 MSL, 29 miles 12 AGL to Sitka, Alaska, NDB. The airspace within Canada is excluded.

B-37 From Petersburg, Alaska, NDB, via Elephant, Alaska, NDB; Cape Spencer, Alaska, NDB, to INT Cape Spencer, NDB 273° and Ocean Cape, Alaska, NDB 139° bearings.

B-38 From Sitka, Alaska, NDB, via Elephant, Alaska, NDB; Haines, Alaska, NDB, to Whitehorse, Y. T., Canada RBN. The airspace within Canada is excluded.

B-40 From the Haines, Alaska RBN, Robinson, Yukon Territory, Canada, RBN, excluding the portion within Canada.

B-79 From Sandspit, B. C., Canada, NDB, to Nichols, Alaska, NDB. The airspace within Canada is excluded.

## SUBPART C - VOR FEDERAL AIRWAYS

## § 71.121 Designation

The airspace assignments described in this subpart are designated as VOR Federal airways. Unless otherwise specified, place names appearing in the descriptions indicate VOR or VORTAC navigational facilities identified by those names.

## §71.123 Domestic VOR Federal Airways.

V-1 From Jacksonville, Fla., via Charleston, S. C.; Grand Strand, S. C.; INT Grand Strand 031° and Kinston, N. C., 214° radials; Kinston, including an east alternate from Grand Strand to Kinston via Wilmington, N. C.; Cofield, N. C.; including an east alternate segment from Kinston to Cofield via the intersection of Kinston 050° and Cofield 186° radials; Norfolk, Va.; Cape Charles, Va.; INT Cape Charles 006° and Salisbury, Md., 206° radials; Salisbury; Waterloo, Del.; INT Waterloo 024° and Coyle, N. J., 216° radials; to Coyle, excluding the airspace below 2,000 feet MSL outside the United States between Starfish INT and Charleston, S. C. The portion within R-5002 is excluded.

AMENDMENTS 4/21/77 42 F. R. 7123 (Changed)

V-2 From Seattle, Wash., Ellensburg, Wash., including a south alternate via INT Seattle 123° and Ellensburg 274° radials; Moses Lake, Wash.; Spokane, Wash., including a north alternate from Seattle to Spokane via Wenatchee, Wash., and Ephrata, Wash.; Mullan Pass, Idaho, including a north alternate via INT Spokane 073° and Mullan Pass 291° radials, and also a south alternate, via INT Spokane 109° and Mullan Pass 260° radials; 5 miles, 53 miles, 91 MSL, Missoula, Mont.; 6 miles, 84 MSL, Drummond, Mont.; 11 miles, 84 MSL, Helena, Mont.; INT Helena 119° and Bozeman, Mont., 338° radials; Bozeman; INT Bozeman 128° and Livingston, Mont., 261° radials; Livingston; 11 miles, 25 miles, 85 MSL, Billings, Mont., including an N alternate from Helena, 21 miles, 10 miles 105 MSL, 115 MSL INT Helena 089° and Billings 301° radials, 35 miles 100 MSL, to Billings, excluding the airspace between the main and this N alternate; 19 miles, 79 miles, 49 MSL, Miles City, Mont., including an N alternate from Billings, 19 miles, 49 MSL INT Billings 057° and Miles City 269° radials, 42 miles, 49 MSL, to Miles City; 24 miles, 90 miles, 55 MSL, Dickinson, N. Dak.; 10 miles, 60 miles, 38 MSL, Bismarck, N. Dak., including an N alternate from Dickinson, 10 miles 38 MSL INT Dickinson 078° and Bismarck 290° radials, 28 miles, 38 MSL, to Bismarck; 14 miles, 62 miles, 34 MSL Jamestown, N. Dak., including an N alternate from Bismarck 14 miles, 65 miles, 34 MSL, Jamestown; 7 miles, 43 miles, 28 MSL, Fargo, N. Dak., including an N alternate from Jamestown 7 miles, 46 miles, 28 MSL, Fargo; Alexandria, Minn., including a N alternate, Minneapolis, Minn.; Nodine, Minn., including a N alternate; Lone Rock, Wis., including a south alternate via INT Nodine 150° and Lone Rock 286° radials; Madison, Wis.; Milwaukee, Wis.; Muskegon, Mich., including a S alternate via INT Milwaukee 102° and Muskegon 252° radials; Lansing, Mich., including a S alternate from Muskegon to Lansing via INT Muskegon 154° and Grand Rapids, Mich., 284° radials and Grand Rapids (7 miles wide, 3 miles north and 4 miles south of centerline Grand Rapids to Lansing; Salem, Mich., including a N alternate via INT Lansing 091° and Salem 308° radials; INT Salem 083° and Aylmer, Ont., Canada 260° radials; Aylmer; INT Aylmer 087° and Buffalo, N. Y., 259° radials; Buffalo; Rochester, N. Y., including a north alternate via INT of Buffalo 045° and Rochester 273° radials; Syracuse, N. Y., including a N alternate via INT Rochester 064° and Syracuse 283° radials; Utica, N. Y.; Albany, N. Y.; INT Albany 094° and Gardner, Mass., 284° radials; Gardner; Boston, Mass. The airspace within Canada is excluded.

## PENDING AMENDMENT

In V-2 "Moses Lake, Wash.;" is deleted and "Moses Lake, Wash., including a south alternate via INT Ellensburg 107° and Moses Lake 231° radials;" is substituted therefor.

AMENDMENTS 1/26/78 42 F. R. 58930 (Changed)

V-3 From Key West, Fla., INT Key West 083° and Miami, Fla., 205° radials; INT Miami 205° and Biscayne Bay, Fla., 262° radials; Biscayne Bay; Palm Beach, Fla., including an E alternate via INT Biscayne Bay 021° and Palm Beach 166° radials; Vero Beach, Fla., including an E alternate via INT Palm Beach 358° and Vero Beach 143° Ormond Beach, Fla.; INT Ormond Beach 345° and Brunswick 175° radials; Brunswick, Ga.; Savannah, Ga.; Vance, S. C.; Florence, S. C.; Sandhills, N. C.; Raleigh-Durham, N. C.; INT Raleigh 016° and Flat Rock, Va., 214° radials; Flat Rock; Gordonsville, Va.; Linden, Va.; Front Royal, Va.; Martinsburg, W. Va.; Westminster, Md.; Modena, Pa.; Solberg, N. J.; Carmel, N. Y.; Hartford, Conn.; INT Hartford 044° and Boston, Mass., 251° radials; Boston; INT Boston 015° and Pease, N. H., 185° radials; Pease; INT Pease 004° and Augusta, Maine, 233° radials; Augusta; Bangor, Maine; INT Bangor 039° and Houlton, Maine, 203° radials; Houlton; Presque Isle, Maine. The portion outside the United States has no upper limit except that the portion of the E alternate between Jacksonville and Savannah extends up to but does not include 18,000 feet MSL. The airspace within R-2916, R-2921 and R-2922 is excluded.

AMENDMENTS 12/30/76 41 F. R. 49805 (Changed)

AMENDMENTS 2/24/77 41 F. R. 53318 (Changed)

AMENDMENTS 6/16/77 42 F. R. 12167 (Changed)

## PENDING AMENDMENT

In V-3 between Biscayne Bay; and Palm Beach, Fla.; "Ft. Lauderdale, Fla.;" is added.

AMENDMENTS 1/26/78 42 F. R. 60123 (Changed)



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V-4 From Neah Bay, Wash., RBN, Port Angeles, Wash.; INT Port Angeles 090° and Seattle, Wash., 329° radials; Seattle; Yakima, Wash., including a south alternate from Seattle to Yakima via INT Seattle 163° and McChord, Wash., 096° radials and INT McChord 096° and Yakima 305° radials, excluding the airspace between the main and this alternate airway; Pendleton, Oreg.; including a north alternate from Seattle via Ellensburg, Wash.; Pasco, Wash., to Pendleton; Baker, Oreg.; Boise, Idaho, including a south alternate; INT Boise 130° and Burley, Idaho, 292° radials; Burley, including a north alternate from Boise 25 miles, 25 miles 90 MSL, 95 MSL INT Pocatello, Idaho, 286° and Burley 323° radials, Burley, excluding the airspace between the main and this alternate airway; Malad City, Idaho; 35 miles, 58 miles, 115 MSL, Rock Springs, Wyo., including an S alternate from Malad City, 20 miles, 68 miles 115 MSL, via Fort Bridger, Wyo., to Rock Springs, excluding the airspace between the main and this S alternate; 20 miles, 39 miles, 95 MSL, Cherokee, Wyo.; Laramie, Wyo.; Denver, Colo., including a north alternate from Laramie to Denver via Gill, Colo.; INT Denver 103° and Thurman, Colo., 274° radials; Thurman, Colo.; including a north alternate via INT Denver 088° and Thurman 292° radials; 50 miles, 65 MSL, Goodland, Kans.; Hill City, Kans.; INT Hill City 097° and Salina, Kans., 284° radials; Salina, including a S alternate via Hays, Kansas.; Topeka, Kans., including a N alternate from the INT of Salina 080° and Manhattan, Kans., 213° radials to Topeka via Manhattan and the INT of Manhattan 078° and Topeka 293° radials; Kansas City, Mo., including a S alternate via INT Topeka 099° and Kansas City 231° radials; Hallsville, Mo.; St. Louis, Mo.; Troy, Ill.; Centralia, Ill.; Evansville, Ind., including a S alternate; Louisville, Ky., including a N alternate via INT Evansville 068° and Louisville 280° radials; Lexington, Ky., including a N alternate via INT Louisville 081° and Lexington 303° radials and also a S alternate via INT Louisville 114° and Lexington 251° radials; Newcombe, Ky.; Charleston, W. Va.; Elkins, W. Va., including a S alternate via INT Charleston 083° and Elkins 228° radials; Kessel, W. Va.; Front Royal, Va.; to Armel, Va. The airspace within R-6705 is excluded.

AMENDMENTS 6/16/77 42 F. R. 15309 (Changed)

PENDING AMENDMENT

In V-4 "Pasco, Wash.," is deleted and "INT Ellensburg 107° and Pasco, Wash., 321° radials; Pasco," is substituted therefor.

AMENDMENTS 1/26/78 42 F. R. 58930 (Changed)

V-5 From Jacksonville, Fla.; INT Jacksonville 318° and Alma, Ga., 150° radials; Alma; INT Alma 342° and Dublin, Ga., 167° radials; Dublin; Athens, Ga., INT Athens 340° and Electric City, S. C., 274° radials; INT Electric City 274° and Chattanooga, Tenn., 127° radials, including a west alternate from Alma; INT Alma 311° and Vienna, Ga., 123° radials, Vienna; Macon, Ga.; INT Macon 349° and Norcross, Ga., 150° radials; Norcross; Chattanooga; Nashville, Tenn., including an east alternate via INT Chattanooga 332° and Nashville 117° radials; Bowling Green, Ky.; New Hope, Ky., including an east alternate from Nashville to New Hope via INT Nashville 034° and New Hope 202° radials; Louisville, Ky.; Cincinnati, Ohio; Appleton, Ohio; Mansfield, Ohio; Cleveland, Ohio; London, Ont., Canada. The airspace within Canada is excluded.

AMENDMENTS 12/30/76 41 F.R. 45819 (Changed); Corr. 41 F. R. 49805

V-6 From Oakland, Calif.; INT Oakland 039° and Sacramento, Calif., 212° radials; Sacramento, including a south alternate via INT Oakland 077° and Sacramento 194° radials; Lake Tahoe, Calif.; Reno, Nev., including a N alternate from Sacramento to Reno via INT Sacramento 038° and Reno 257° radials; Lovelock, Nev., including a south alternate from Reno to Lovelock via Hazen, Nev.; Battle Mountain, Nev., including a north alternate; INT Battle Mountain 062° and Wells, Nev., 256° radials; Wells; 5 miles, 40 miles, 98 MSL, 85 MSL Lucin, Utah; 43 miles, 85 MSL, Ogden, Utah; 11 miles, 50 miles, 105 MSL, Fort Bridger, Wyo.; Rock Springs, Wyo.; 20 miles, 39 miles 95 MSL, Cherokee, Wyo.; 39 miles, 27 miles 95 MSL, Medicine Bow, Wyo.; INT Medicine Bow 106° and Sidney, Nebr., 291° radials; Sidney, North Platte, Nebr.; Grand Island, Nebr.; Omaha, Nebr.; Des Moines, Iowa, including a S alternate; Iowa City, Iowa, including a S alternate via INT Des Moines 112° and Iowa City 252° radials; Davenport, Iowa; INT Davenport 087° and DuPage, Ill., 255° radials; to DuPage. From INT Chicago Heights, Ill., 358° and South Bend, Ind., 271° radials; South Bend, Ind.; INT South Bend 092° and Waterville, Ohio, 288° radials; Waterville; Cleveland, Ohio, including a S alternate via INT Waterville 108° and Cleveland 252° radials; Youngstown, Ohio, including a north alternate via INT Cleveland 081° and Youngstown 285° radials; Clarion, Pa.; Philipsburg, Pa.; Selinsgrove, Pa.; Allentown, Pa.; to Broadway, N. J., excluding the portion within R-4803 and R-4813.

AMENDMENTS 8/11/77 42 F. R. 30610 (Changed)

V-7 From Miami, Fla.; via INT of Miami 279° and Fort Myers, Fla., 121° radials; Fort Myers, including an east alternate from Miami via INT of Miami 316° and Fort Myers 096° radials to Fort Myers; Lakeland, Fla.; Cross City, Fla.; Greenville, Fla.; Dothan, Ala., including a W alternate from Cross City to Dothan via INT Cross City 287° and Marianna, Fla., 141° radials and Marianna; INT Dothan 333° and Montgomery, Ala., 129° radials; Montgomery; INT Montgomery 308° and Birmingham, Ala., 177° radials; Birmingham; including an east alternate via INT of Montgomery 357° and Birmingham 139° radials; Muscle Shoals, Ala., including an E alternate via INT of Birmingham 358° and Muscle Shoals 122° radials and also a W alternate via Birmingham 300° and Muscle Shoals 178° radials; Graham, Tenn.; Central City, Ky.; Evansville, Ind.; INT Evansville 015° and Lewis, Ind., 198° radials; Lewis; Terre Haute, Ind., including a W alternate from Evansville to Terre Haute via INT Evansville 360° and Terre Haute 217° radials; Lafayette, Ind.; Chicago Heights, Ill.; INT Chicago Heights 358° and Green Bay, WI., 166° radials, including an east alternate via INT Chicago Heights 013° and Milwaukee, WI., 137° radials to the INT Milwaukee 137° and Chicago-O'Hare 019° radials; Green Bay, WI.; Menominee, MI.; Marquette, Mich.; including an east alternate via Escanaba, Mich. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

PENDING AMENDMENT

In V-7 all before Cross City, Fla.; is deleted and "From Biscayne Bay, Fla., via Ft. Myers, Fla., including an east alternate from Biscayne Bay via Miami, Fla., INT of Miami 337° and Ft. Myers 101° radials, Ft. Myers; Lakeland, Fla., including an east alternate via INT Ft. Myers 022° and Lakeland 154° radials;" is substituted.

AMENDMENTS 1/26/78 42 F. R. 60123 (Changed)

V-8 From INT Seal Beach, Calif., 266° and Los Angeles, Calif., 236° radials; Seal Beach; Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline) Hector, Calif.; Goffs, Calif.; INT Goffs 033° and Mormon Mesa, Nev., 196° radials; Mormon Mesa, including a N alternate from Seal Beach to Mormon Mesa via Pomona, Calif., Daggett, Calif., and Las Vegas, Nev.; Bryce Canyon, Utah, Hanksville, Utah, including a south alternate; Grand Junction, Colo., including a south alternate via INT of Hanksville 087° and Grand Junction 232° radials and also a north alternate from Bryce Canyon to Grand Junction via INT Bryce Canyon 048° and Grand Junction 259° radials; 33 miles, 130 MSL, Kremmling, Colo., including a south alternate from Grand Junction 33 miles, 21 miles, 127 MSL, 120 MSL INT Grand Junction 074° and Kremmling 228° radials, 28 miles, 120 MSL, 130 MSL to Kremmling; 9 miles 130 MSL, 29 miles 144 MSL, 11 miles 127 MSL, Denver, Colo.; Akron, Colo.; including a south alternate via Denver, 103° and Akron 241° radials; Hayes Center, Nebr., including a north alternate via INT Akron 063° and Hayes Center 276° radials and also a south alternate via INT Akron 094° and Hayes Center 246° radials; Grand Island, Nebr., including a N alternate via INT Hayes Center 059 and Grand Island 273° radials, and also a S alternate; Omaha, Nebr.; Des Moines, Iowa; Iowa City, Iowa; Moline, Ill.; Joliet, Ill.; Chicago Heights, Ill.; Coshen, Ind.; Findlay, Ohio; Mansfield, Ohio; Briggs, Ohio; Bellaire, Ohio; INT Bellaire 107° and Grantsville, Md., 285° radials; Grantsville; Martinsburg, W. Va.; to Washington, D. C., including a north alternate from Grantsville to the INT of Hagerstown, Md., 157° and the Martinsburg 130° radials via Hagerstown. The portion outside the United States has no upper limit.

V-9 From Leeville, La., via INT Leeville, 333° and New Orleans, La., 181° radials; New Orleans; McComb, Miss., including an E alternate from New Orleans to McComb via Picayune, Miss.; Jackson, Miss., including an E alternate and also a W alternate via INT McComb 348° and Jackson 199° radials; Greenwood, Miss., including an E alternate and also a W alternate; Gilmore, Ark.; Malden, Mo.; Farmington, Mo.; St. Louis, Mo.; Capital, Ill.; Pontiac, Ill.; INT Pontiac 008° and Joliet, Ill., 316° radials; INT Rockford, Ill., 136° and Milwaukee, Wis., 209° radials; Milwaukee; Oshkosh, Wis.; Green Bay, Wis.; Iron Mountain, Mich., including an east alternate from Green Bay to Iron Mountain via Menominee, Mich.; Houghton, Mich.; including an E alternate via Marquette, Mich.

AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

V-10 From Pueblo, Colo., 18 miles, 48 miles, 60 MSL, Lamar, Colo.; Garden City, Kans.; Dodge City, Kans.; Hutchinson, Kans., including a N alternate via INT Dodge City 060° and Hutchinson 296° radials excluding the airspace between the main and alternate airway; Emporia, Kans.; Napoleon, Mo., including a N alternate via INT Emporia 050° and Topeka, Kans., 099° radials; Kirksville, Mo., including a N alternate via INT Napoleon 005° and Kansas City 060° radials; Burlington, Iowa; Bradford, Ill.; to Chicago, O'Hare, Ill. From INT Chicago Heights, Ill., 358° and South Bend, Ind., 271° radials; South Bend; Litchfield, Mich.; Carleton, Mich.; INT Jefferson, Ohio, 279° and Youngstown, Ohio, 320° radials; Youngstown; INT Youngstown 116° and Clarion, Pa., 222° radials; Revloc, Pa. The airspace within Canada is excluded.

V-11 From Brookley, AL.; Greene County, MS., including a west alternate from Brookley via Mobile, AL., to Greene County; Laurel, Miss.; including an east alternate from the INT of Mobile 356° and Greene County 142° radials via the INT of Mobile 356° and Laurel 109° radials to Laurel; Jackson, Miss.; Greenwood, Miss.; Holly Springs, Miss., including a W alternate via the INT Greenwood 010° and Holly Springs 225° radials; Dyersburg, Tenn.; Cunningham, Ky.; including an E alternate and a W alternate via INT Dyersburg 006° and Cunningham 224° radials; Evansville, Ind., including an east alternate; Indianapolis, Ind., including an E alternate from Evansville to Indianapolis via INT Evansville 046° and Bloomington, Ind., 205° radials, Bloomington, INT of Bloomington 025° and Indianapolis 185° radials; Marion, Ind.; Fort Wayne, Ind.; Salem, Mich.; 6-miles wide to INT Salem 052° and Windsor, Ont., Canada 335° radials.

AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)



V-12 From Gaviota, Calif., via Santa Barbara, Calif.; Palmdale, Calif., including a south alternate via Fillmore, Calif.; 38 miles, 6 miles wide, Hector, Calif.; 12 miles, 38 miles, 85 MSL, 14 miles, 75 MSL, Needles, Calif.; 45 miles, 34 miles, 95 MSL, Prescott, Ariz.; Winslow, Ariz.; 30 mi. 85 MSL Zuni, N. Mex.; Albuquerque, N. Mex., including a south alternate via INT Zuni 104° and Albuquerque 253° radials; Otto, N. Mex.; Anton Chico, N. Mex., including a S alternate from Albuquerque to Anton Chico via INT Albuquerque 103° and Anton Chico 249° radials; Tucumcari, N. Mex.; Amarillo, Tex., including a south alternate and also a north alternate via INT Tucumcari 071° and Amarillo 286° radials; Gage, Okla., including a north alternate from Amarillo to Gage via Borger, Tex., and INT Borger 061° and Gage 249° radials, and also a south alternate via INT Amarillo 072° and Gage 215° radials; Anthony, Kans.; Wichita, Kans.; Emporia, Kans.; Napoleon, Mo.; Columbia, Mo.; Foristell, Mo., including a S alternate from INT Jefferson City, Mo., 308° and Columbia 276° radials via Jefferson City to the INT of Jefferson City 042° and Columbia 104° radials; Troy, Ill.; Bible Grove, Ill.; Lewis, Ind.; Shelbyville, Ind.; Richmond, Ind.; Dayton, Ohio; Appleton, Ohio, including a N alternate from Dayton to Appleton via INT Dayton 068° and Rosewood, Ohio, 083° radials; Newcomerstown, Ohio; Allegheny, Pa.; Johnstown, Pa.; Harrisburg, Pa., including a S alternate from Johnstown to Harrisburg via St. Thomas, Pa.

AMENDMENTS 10/6/77 42 F. R. 41109 (Changed)

V-13 From McAllen, Tex., via Harlingen, Tex.; INT Harlingen 033° and Corpus Christi, Tex., 178° radials; 27 miles standard width, 37 miles 7 miles wide (3 miles E and 4 miles W of centerline), Corpus Christi; including a W. alternate from Harlingen, 23 miles 7 miles wide (3 miles E and 4 miles W. of centerline), 4 miles 8 miles wide, via INT Harlingen 006° and Corpus Christi 193° radial; 34 miles standard width, 37 miles 7 miles wide (4 miles E and 3 miles W of centerline), to Corpus Christi; INT Corpus Christi 039° and Palacios, Texas., 241° radials; Palacios; Humble, Tex.; Lufkin, Tex.; including an east alternate from Humble via Daisetta, Tex., to Lufkin; Shreveport, La., including an E alternate; Texarkana, Ark., including a W alternate via INT Shreveport 275° and Texarkana 184° radials; Rich Mountain, Okla.; Fort Smith, Ark.; INT Fort Smith 006° and Fayetteville, Ark., 190° radials; Fayetteville, including a W alternate from Rich Mountain to Fayetteville via INT Rich Mountain 006° and Fayetteville 205° radials; Neosho, Mo.; Butler, Mo.; Napoleon, Mo.; INT Napoleon 336° and St. Joseph, Mo., 132° radials; Lamoni, Iowa, Des Moines, Iowa, including a W alternate; Mason City, Iowa, including a W alternate from Des Moines to Mason City via Fort Dodge, Iowa, excluding the airspace between the main and this W alternate; and excluding the airspace above 9,000 feet MSL between Des Moines and Fort Dodge; Farmington, Minn.; Grantsburg, Wis., including a W alternate from Mason City to Grantsburg via INT Mason City 349° and Minneapolis, Minn., 188° radials and Minneapolis, excluding the airspace between the main and W alternate; Duluth, Minn., including an E alternate; 36 miles, 35 MSL Thunder Bay, Ontario, Canada. The airspace outside the United States is excluded.

AMENDMENTS 12/30/76 41 F.R. 47227 (Changed)

V-14 From Roswell, N. Mex., via Lubbock, Tex.; Childress, Tex., including a S alternate via INT Lubbock 086° and Childress 229° radials; Hobart, Okla.; Oklahoma City, Okla., including a S alternate via INT Hobart 076° and Oklahoma City 202° radials; Tulsa, Okla., including a N alternate via INT Oklahoma City 037° and Tulsa 261° radials, and also a S alternate via INT Oklahoma City 079° and Tulsa 228° radials; Neosho, Mo., including a N alternate and also a S alternate via INT Tulsa 087° and Neosho 223° radials; Springfield, Mo., including a S alternate via INT Neosho 074° and Springfield 210° radials; Vichy, Mo., including a N alternate; Foristell, Mo.; St. Louis, Mo.; Vandalia, Ill.; Terre Haute, Ind.; Indianapolis, Ind., including a S alternate via INT of Terre Haute 079° and Indianapolis 230° radials; Muncie, Ind.; Findlay, Ohio; Cleveland, Ohio; Jefferson, Ohio, Erie, Pa., including a N alternate from Cleveland to Erie via INT Cleveland 049° and Jefferson 279° radials; Dunkirk, N. Y.; Buffalo; Geneseo, N. Y., Georgetown, N. Y.; INT Georgetown 093° and Albany, N. Y. 270° radials; Albany; INT Albany 094° and Gardner, Mass., 284° radials; Gardner; INT Gardner 128° and Boston, Mass., 251° radials; Boston. The airspace within R-5207 and Canada is excluded.

V-15 From Scholes, Tex., via Hobby, Tex.; Humble, Tex.; Navasota, Tex.; College Station, Tex., including a west alternate from Hobby to College Station via INT Hobby 290° and College Station 151° radials; Waco, Tex., including a W alternate via INT College Station 307° and Waco 173° radials; Scurry, Tex.; Blue Ridge, Tex., including an east alternate via INT Scurry 023° and Blue Ridge 153° radials; Ardmore, Okla.; Okmulgee, Okla., including an E alternate; INT Okmulgee 048° and Neosho, Mo., 223° radials; Neosho. From St. Joseph, Mo., via INT St. Joseph 343° and Neola, Iowa, 157° radials; Neola; INT Neola 322° and Sioux City, Iowa, 159° radials; Sioux City; INT Sioux City 340° and Sioux Falls, S. Dak., 169° radials; Sioux Falls, including an E alternate; Huron, S. Dak., including a west alternate from Sioux Falls to Huron via Mitchell, S. Dak.; Aberdeen, S. Dak., including a W alternate; 18 miles, 89 miles, 42 MSL, Bismarck, N. Dak.; Minot, N. Dak.

V-16 From Los Angeles, Calif., Ontario, Calif.; Palm Springs, Calif.; Blythe, Calif.; 21 miles, 60 miles, 55 MSL, Buckeye, Ariz.; Phoenix, Ariz.; INT Phoenix 161° and Casa Grande, Ariz., 105° radials; Tucson, Ariz.; Cochise, Ariz., including a S alternate via INT Tucson 122° and Cochise 257° radials; Columbus, N. Mex.; El Paso, Tex., including a N alternate via INT Columbus 075° and El Paso 286° radial; Salt Flat, Tex.; Wink, Tex.; Wink 066° and Big Spring, Tex., 260° radials; Big Spring, including a S alternate from Wink to Big Spring via Midland, Tex.; Abilene, Tex.; Millsap, Tex.; Acton, Tex.; Scurry, Tex., including a south alternate; Quitman, Tex.; Texarkana, Ark.; Pine Bluff, Ark.; Holly Springs, Miss.; Jacks Creek, Tenn.; Graham, Tenn.; Nashville, Tenn., including a north alternate from Jacks Creek to Nashville via INT Jacks Creek 049° and Nashville 286° radials; INT Nashville 102° and Hinch Mountain, Tenn., 285° radials; Hinch Mountain; including a north alternate via INT Nashville 085° and Hinch Mountain 301° radials; Knoxville, Tenn., including a S alternate via INT Hinch Mountain 100° and Knoxville 243° radials; Holston Mountain, Tenn., including a S alternate from Knoxville to Holston Mountain via Snowbird, Tenn.; Pulaski, Va., including a N alternate from Knoxville to Pulaski via INT Knoxville 050° and Blackford, Va., 246° radials and Blackford; Roanoke, Va.; Lynchburg, Va.; including a S alternate via INT Pulaski 094° and Lynchburg 253° radials; Flat Rock, Va.; Richmond, Va.; INT Richmond 039° and Patuxent, Md., 228° radials; Patuxent; Kenton, Del.; Millville, N. J.; Coyle, N. J.; Kennedy, N. Y.; Deer Park, N. Y.; Riverhead, N. Y.; Norwich, Conn.; Boston, Mass. The airspace within Mexico and the airspace below 2,000 feet MSL outside the United States is excluded.

AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

V-17 From Brownsville, Tex., via Harlingen, Tex.; McAllen, Tex.; 29 miles 12 AGL, 34 miles 25 MSL, 37 miles 12 AGL; Laredo, Tex.; Cotulla, Tex.; INT Cotulla 041° and San Antonio, Tex., 202° radials; San Antonio, including a E alternate via INT Cotulla 041° and San Antonio 183° radials to San Antonio via INT San Antonio 042° and Austin, Tex., 229° radials; Austin, including an east alternate via INT San Antonio 057° and Austin 173° radials; and also including a west alternate via INT San Antonio 002° and Austin 244° radials; Waco, Tex., including an east alternate via INT Austin 041° and Waco 173° radials; Acton, Tex.; Bridgeport, Tex.; Duncan, Okla. INT Duncan 011° and Oklahoma City, Okla., 180° radials; Oklahoma City; Gage, Okla., including a W alternate via INT Oklahoma City 282° and Gage 153° radials; Garden City, Kans., including a W alternate from Gage to Garden City via Liberal, Kans.; Goodland, Kans.

V-18 From Millsap, Tex., via Dallas-Fort Worth, Tex.; Quitman, Tex.; Shreveport, La., including a S alternate via INT Quitman 109° and Shreveport 246° radials; Monroe, La., including a N alternate and also a S alternate; Jackson, Miss., including a N alternate and also a S alternate; Meridian, Miss., including a S alternate; Tuscaloosa, Ala.; Birmingham, Ala.; Talladega, Ala.; Atlanta, Ga.; INT Atlanta 089° and Augusta, Ga., 278° radials; Augusta, including a north alternate from Birmingham to Augusta via Rome, Ga., INT Rome 060° and Anderson, S. C., 274° radials; INT Anderson 274° and Athens, Ga., 340° radials; Athens, and INT Athens 109° and Augusta 294° radials; INT Augusta 103° and Charleston, S. C., 296° radials; Charleston, including a S alternate from Augusta to Charleston via INT Augusta 148° and Allendale, S. C., 273° radials, and Allendale, excluding the airspace within R-6004.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

V-19 From Newman, Tex., via INT Newman 286° and Truth or Consequences, N. Mex., 159° radials; Truth or Consequences; INT Truth or Consequences 028° and Socorro, N. Mex., 189° radials; Socorro; Albuquerque, N. Mex., including a W alternate via INT Socorro 343° and Albuquerque 199° radials, and also an E alternate via INT Socorro 015° and Albuquerque 160° radials; INT Albuquerque 036° and Santa Fe, NM., 245° radials; Santa Fe, including a west alternate via INT Albuquerque 019° and Santa Fe 268° radials; Las Vegas, N. Mex.; Cimarron, N. Mex.; Pueblo, Colo., including an E alternate via INT Cimarron 053° and Pueblo 176° radials; Kiowa, Colo.; Denver; Cheyenne, Wyo.; Casper, Wyo., including an E alternate from Cheyenne to Casper via INT Cheyenne 002° and Douglas, Wyo., 152° radials and Douglas; 5 miles, 45 miles 71 MSL, Crazy Woman, Wyo.; Sheridan, Wyo., including an E alternate; 21 miles, 35 miles 75 MSL, Billings, Mont., including an E alternate from Sheridan 21 miles, 38 miles, 75 MSL, to Billings; 38 miles, 72 MSL INT Billings 347° and Lewistown, Mont., 104° radials; Lewistown; Great Falls, Mont., including a W alternate via INT Lewistown 274° and Great Falls 122° radials.



V-20 From Reynosa, Mex., via McAllen, Tex.; INT McAllen 038° and Corpus Christi, Tex., 178° radials; 10 miles 8 miles wide, 37 miles 7 miles wide (3 miles E and 4 miles W of Centerline), Corpus Christi; INT Corpus Christi 054° and Palacios, Tex., 226° radials; Palacios; Hobby, Tex.; Beaumont, Tex.; Lake Charles, La.; including a north alternate via INT Beaumont 056° and Lake Charles 272° radials; Lafayette, La., including a N alternate via INT Lake Charles 064° and Lafayette 285° radials; New Orleans, La., including a S alternate from Lafayette to New Orleans via Tibby, La.; INT New Orleans 070° and Gulfport, Miss., 247° radials; Gulfport; Mobile, Ala., including a N alternate from New Orleans to Mobile via Picayune, Miss., excluding the airspace between the main and this N alternate; INT Mobile 048° and Monroeville, Ala., 231° radials; Monroeville, including a S alternate via INT Mobile 063° and Monroeville 216° radials; Montgomery, Ala.; Tuskegee, Ala.; Columbus, Ga.; INT Columbus 068° and Athens, Ga., 195° radials; Athens; Electric City, S. C.; Spartanburg, S. C., including a north alternate from Montgomery to Spartanburg via INT Montgomery 029° and Chattanooga, Tenn., 189° radials; INT Chattanooga 189° and Rome, Ga., 252° radials; Rome; INT Rome 060° and Toccoa, Ga., 258° radials, and Toccoa; Greensboro, N. C.; South Boston, Va.; INT of Mobile 048° and Monroeville, Ala., 231° radials; Monroeville, including Richmond, Va.; INT Richmond 039° and Brooke, Va., 132° radials; INT Patuxent, Md., 228° and Nottingham, Md., 174° radials; Nottingham. The airspace on the main airway above 14,000 feet MSL from McAllen to 49 miles northeast and the airspace within Mexico is excluded.

V-21 From INT Seal Beach, Calif., 250° and Los Angeles, Calif., 207° radials; Seal Beach; Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline), Hector, Calif.; Boulder City, Nev., including a W alternate from INT Hector 226° and Daggett, Calif., 187° radials to INT Daggett 062° and Hector 047° radials via Daggett; Morman Mesa, Nev.; 30 miles, 52 miles, 95 MSL Milford, Utah, including an E alternate via INT of Morman Mesa 059° and Cedar City, Utah, 197° radials to Cedar City, to Milford, excluding the airspace between the main and this E alternate airway; Delta, Utah; Fairfield, Utah; Salt Lake City, Utah; Ogden, Utah; Malad City, Idaho; Pocatello, Idaho; Idaho Falls, Idaho; INT of Idaho Falls, 030° and DuBois, Idaho, 157° radials; DuBois; Dillon, Mont.; Whitehall, Mont.; Helena, Mont.; Great Falls, Mont.; Cut Bank, Mont., including a W alternate Helena direct Cut Bank; INT Cut Bank 348° radial and the United States/Canadian border.

V-23 From Mission Bay, Calif., Oceanside, Calif.; 24 miles, 6 miles wide, Seal Beach, Calif.; 6 miles wide, INT Seal Beach 287° and Los Angeles, Calif., 138° radials; Los Angeles; Gorman, Calif.; Bakersfield, Calif.; Fresno, Calif.; 53 miles, 6 miles wide, Linden, Calif.; Sacramento, Calif., including a W alternate from Fresno to Sacramento via Panoche, Calif., and Stockton, Calif.; INT Sacramento 346° and Red Bluff, Calif., 158° radials; Red Bluff; 58 miles, 95 MSL Fort Jones, Calif.; Medford, Oreg., including an east alternate via INT Fort Jones 041° and Medford 157° radials; Eugene, Oreg.; Portland, Oreg., including an east alternate and including a west alternate from Fort Jones to Portland via INT Fort Jones 340° and Roseburg, Oreg., 174° radials, Roseburg, INT Roseburg 355° and Corvallis, Oreg., 195° radials, Corvallis, and Newberg, Oreg.; 20 miles, 45 MSL INT Portland 350° and Seattle, Wash., 197° radials; 21 miles, 45 MSL, Seattle, including an east alternate from Portland to Seattle via direct radials; Paine, Wash.; Bellingham, Wash.; via INT Bellingham 290° radial to the United States/Canadian border.

AMENDMENTS 8/11/77 42 F. R. 29475 (Changed)

V-24 From Aberdeen, S. Dak., Watertown, S. Dak., including a N alternate; Redwood Falls, Minn.; Rochester, Minn.; Lone Rock, Wis., including a S alternate from Rochester to Lone Rock via Waukon, Iowa.

V-25 From Mission Bay, Calif.; Los Angeles, Calif., including an E alternate from INT Los Angeles 138° and Seal Beach, Calif., 186° radials, via Seal Beach, 6 miles wide, to INT Seal Beach 287° and Los Angeles 138° radials; INT Los Angeles 261° and Ventura, Calif., 144° radials; 6 miles wide, Ventura; Santa Barbara, Calif.; Paso Robles, Calif., Salinas, Calif., including an E alternate via INT Paso Robles 342° and Salinas 131° radials; INT Salinas 310° and Woodside, Calif., 158° radials; Woodside; San Francisco, Calif.; INT San Francisco 304° and Point Reyes, Calif., 161° radials; Point Reyes; INT Point Reyes 352° and Ukiah, Calif., 147° radials; 28 miles, 24 miles, 85 MSL, 18 miles, 75 MSL, Red Bluff, Calif.; 53 miles, 95 MSL INT Red Bluff 015° and Klamath Falls, Oreg., 181 radials; 19 miles, 95 MSL, Klamath Falls; 21 miles, 77 miles, 90 MSL, Redmond, Oreg.; The Dalles, Oreg.; Yakima, Wash., including an east alternate via INT The Dalles 051° and Yakima 183° radials; Ellensburg, Wash., including a west alternate via INT Yakima 305° and Ellensburg 191° radials; Wenatchee, Wash. The airspace below 2,000 feet MSL outside the United States and the airspace more than 3 miles NE of the airway centerline between Seal Beach and INT of Seal Beach 287° and Los Angeles 138° radials is excluded. The airspace within R-2511, R-2520, and W-289 is excluded. The airspace within R-2519 more than 3 statute miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 10/6/77 42 F. R. 41109 (Changed)

V-26 From Grand Junction, Colo.; via Meeker, Colo.; Cherokee, Wyo.; Casper, Wyo.; 14 miles 12 AGL, 37 miles 75 MSL, 84 miles 90 MSL, 17 miles 12 AGL, Rapid City, S. Dak.; 43 miles, 35 MSL Phillip, S. Dak.; 56 miles, 35 MSL, Pierre, S. Dak., including a north alternate; 26 miles, 41 miles, 35 MSL, Huron, S. Dak.; Redwood Falls, Minn., including a S alternate; Flying Cloud, Minn.; INT Flying Cloud 081° and Eau Claire, Wis., 271° radials; Eau Claire, including a south alternate from Redwood Falls to Eau Claire via Farmington, Minn.; Wausau, Wis.; Green Bay, Wis.; INT Green Bay 116° and White Cloud, Mich., 302° radials; White Cloud; Lansing, Mich.; Salem, Mich., including a north alternate via INT Lansing 103° and Salem 308° radials; INT Salem 139° and Cleveland, Ohio, 309° radials; Cleveland. The airspace within Canada is excluded.

AMENDMENTS 12/30/76 41 F.R. 49090 (Changed)  
AMENDMENTS 6/16/77 42 F. R. 20622 (Changed)

V-27 From Mission Bay, Calif., INT Mission Bay 319° and Santa Catalina, Calif., 099° radials; Santa Catalina; 6 miles wide, Ventura, Calif.; INT Ventura 326° and Fillmore, Calif., 265° radials; INT Fillmore 265° and Gaviota, Calif., 143° radials; Gaviota; San Luis Obispo, Calif.; INT San Luis Obispo 308° and Big Sur, Calif., 157° radials; Big Sur; INT Big Sur 325° and Point Reyes, Calif., 161° radials; Point Reyes; INT Point Reyes 352° and Ukiah, CA., 147° radials; Ukiah; Fortuna, CA., including a west alternate from Ukiah 17 miles, 77 miles, 53 MSL, Fortuna, excluding the airspace between the main and the west alternate; Crescent City, CA., including a west alternate from Fortuna to Crescent City, excluding the airspace between the main and the west alternate; 31 miles, 32 miles, 59 MSL, North Bend, Oreg.; Newport, Oreg.; 39 miles, 30 miles, 45 MSL, Astoria, Oreg.; including an east alternate via INT of Newport 016° and Astoria 157° radials; Hoquiam, Wash., including a west alternate via INT Astoria 309° and Hoquiam 182° radials; Seattle, Wash., including an east alternate from Astoria to Seattle via Olympia, Wash., and INT Olympia 010° and Seattle 249° radials. The airspace below 2,000 feet MSL outside the United States between San Diego and Santa Catalina, the airspace within R-2516, R-2520, and W-289, the airspace within R-2519 more than 3 statute miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL, is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 10/6/77 42 F. R. 41109 (Changed)

V-28 From Oakland, Calif., INT Oakland 077° and Linden, Calif., 246° radials; Linden; INT Linden 046° and Reno, Nev., 208° radials; Reno.

V-29 From Snow Hill, Md., Salisbury, Md.; Kenton, Del.; New Castle, Del.; Modena, Pa.; Pottstown, Pa.; East Texas, Pa.; Wilkes-Barre, Pa.; Binghamton, N. Y.; Syracuse, N. Y.; Watertown, N. Y.; INT Watertown 033° and Massena, N. Y., 241° radials; Massena.

V-30 From Milwaukee, Wis., INT Milwaukee 102° and Pullman, Mich., 303° radials; Pullman, including a S alternate via INT Milwaukee 121° and Pullman 282° radials; Litchfield, Mich.; Waterville, Ohio; Cleveland, Ohio; Akron, Ohio; Clarion, Pa.; Philipsburg, Pa.; Selinsgrove, Pa.; East Texas, Pa.; INT East Texas 103° and Solberg, N. J., 255° radials; Solberg.

V-31 From Patuxent River, Md.; INT Patuxent River 338°T(345°M) and Nottingham, Md., 128°T(135°M) radials; Nottingham. From Baltimore, Md.; Harrisburg, Pa.; Selinsgrove, Pa.; Williamsport, Pa.; Elmira, N. Y.; INT Elmira 357° and Rochester, N. Y., 125° radials; Rochester; INT Rochester 289° and Kleinburg, Ont., 133° radials; Kleinburg. The airspace within Canada is excluded.

AMENDMENTS 6/16/77 42 F. R. 20622 (Changed)

V-32 From Battle Mountain, Nev.; Elko, Nev.; Bonneville, Utah, including a north alternate from Elko to Bonneville via Wells, Nev.; 37 miles, 85 MSL, Salt Lake City, Utah; 17 miles, 45 miles, 105 MSL, Fort Bridger, Wyo.

V-33 From Harcum, Va., INT Harcum 003° and Nottingham, Md., 174° radials; Nottingham. From Baltimore, Md., Harrisburg, Pa.; Philipsburg, Pa.; Keating, Pa.; Bradford, Pa.; Buffalo, N. Y.

V-34 From Kleinburg, Ont., INT Kleinburg 113° and Rochester, N. Y., 309° radials; Rochester; Ithaca, N. Y.; Hancock, N. Y.; Carmel, N. Y.; INT Carmel 093° and Riverhead, N. Y., 046° radials. The airspace within Canada and R-5207 is excluded.



V-35. From Key West, Fla., via INT Key West 083° and Biscayne Bay, Fla., 204° radials; Biscayne Bay; INT Biscayne Bay 288° and Fort Myers, Fla., 137° radials; Fort Myers, including a west alternate from Biscayne Bay via INT Biscayne Bay 262° and Fort Myers 137° radials to the INT of Biscayne Bay 288° and Fort Myers 137° radials; St. Petersburg, Fla., including a W alternate; INT St. Petersburg 350° and Cross City, Fla., 168° radials; Cross City, including an E alternate via Gainesville, Fla.; Greenville, Fla.; Albany, Ga.; Macon, Ga.; including a west alternate via INT Albany 013° and Macon 240° radials; INT Macon 005° and Athens, Ga., 195° radials; Athens; Electric City, S. C.; Sugarloaf Mountain, N. C.; Holston Mountain, Tenn., including a west alternate via INT Sugarloaf Mountain 329° and Holston Mountain 203° radials; Blackford, Va.; Charleston, W. Va., including an E alternate via Bluefield, W. Va.; INT Charleston 051° and Elkins, W. Va., 264° radials; Clarksburg, W. Va.; Morgantown, W. Va.; Indian Head, Pa.; Johnstown, Pa., including a west alternate from Morgantown to Johnstown via INT Morgantown 010° and Johnstown 260° radials; Tyrone, Pa.; Philipsburg, Pa.; Stonyfork, Pa.; Elmira, N. Y.; Syracuse, N. Y. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 4/21/77 42 F. R. 7121 (Changed)  
AMENDMENTS 6/16/77 42 F. R. 12167 (Changed)  
AMENDMENTS 6/16/77 42 F. R. 20619 (Changed)

PENDING AMENDMENT  
In V-35 after "St. Petersburg, Fla., including a west alternate;" and before "INT St. Petersburg" "via INT Ft. Myers 311° and Sarasota, Fla., 156° radials, Sarasota, St. Petersburg;" is added.

AMENDMENTS 1/26/78 42 F. R. 60123 (Changed)

V-36 From Sault Ste Marie, Mich., to the INT of the Sault Ste Marie 110° radial and the United States/Canadian border. From Toronto, Ont., via INT Toronto 141° and Buffalo, N. Y., 312° radials; Buffalo; Elmira, N. Y.; Lake Henry, Pa.; INT Lake Henry 136° and Sparta, N. J., 290° radials; Sparta; Kennedy, N. Y. The airspace within Canada is excluded.

V-37 From Jacksonville, Fla.; Brunswick, Ga.; Savannah, Ga.; Allendale, S.C.; Columbia, S.C.; Fort Mill, S. C.; Pulaski, Va.; Elkins, W. Va.; Morgantown, W. Va.; INT Morgantown 331° and Ellwood City, Pa., 185° radials; Ellwood City; Erie, Pa.; to Ash, Ont., Canada. The airspace within Canada is excluded.

AMENDMENTS 10/6/77 42 F. R. 41109 (Changed)

V-38 From Moline, Ill., via INT Moline 082° and Peotone, Ill., 281° radials; Peotone; Fort Wayne, Ind.; Findlay, Ohio; INT Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Parkersburg, W. Va.; Elins, W. Va.; Gordonsville, Va.; Richmond, Va.; Harcum, Va.; Cape Charles, Va.

V-39 From Sandhills, N. C., South Boston, Va.; Gordonsville, Va.; Linden, Va.; including an E alternate via Casanova, Va.; Front Royal, Va.; Martinsburg, W. Va.; Lancaster, Pa.; to East Texas, Pa. From Chester, Mass.; Gardner, Mass.; Concord, N. H.; INT Concord 046° and Augusta, Maine, 233° radials; Augusta; Millinocket, Maine; Presque Isle, Maine; Mont Joli, Quebec, Canada, excluding the portion within Canada.

AMENDMENTS 12/30/76 41 F. R. 49805 (Changed)  
AMENDMENTS 2/24/77 41 F. R. 53318 (Changed)

V-40 From Cleveland, Ohio, Briggs, Ohio; INT Briggs 077° and Youngstown, Ohio, 177° radials.

V-41 From INT Briggs, Ohio, 077° and Youngstown, Ohio, 177° radials; Youngstown.

V-42 From Flint, Mich.; via INT Flint 133° and Windsor, Ont., 320° radials; Windsor; Cleveland, Ohio; to Akron, Ohio. The airspace within Canada is excluded.

V-43 From Appleton, Ohio, via Tiverton, Ohio; Briggs, Ohio; Youngstown, Ohio; including a west alternate from Tiverton via INT Tiverton 040° and Akron, Ohio, 233° radials; Akron to Youngstown; including an E alternate from Briggs via INT Briggs 057° and Youngstown 177° radials to Youngstown; Erie, Pa.; INT Erie 043° and Buffalo, N. Y., 259° radials; to Buffalo.

V-44 From Jefferson City, Mo., via Foristell, Mo.; Centralia, Ill.; Samsville, Ill.; Nabb, Ind.; Falmouth, Ky.; York, Ky.; Parkersburg, W. Va.; Morgantown, W. Va.; Martinsburg, W. Va.; Baltimore, Md.; INT Baltimore 094° and Kenton, Del., 262° radials; Kenton; INT Kenton 086° and Atlantic City, N. J., 236° radials; Atlantic City; INT Atlantic City 048° and Deer Park, N. Y., 209° radials; Deer Park. The airspace within R-4001 and the airspace below 2,000 feet MSL outside the United States is excluded. The airspace within R-5002 more than 3 nmi W of the airway centerline above 9,000 feet MSL is excluded.

AMENDMENTS 6/16/77 42 F. R. 17105 (Changed)

V-45 From New Bern, N. C., Kinston, N. C.; Raleigh-Durham, N. C.; INT Raleigh-Durham 275° and Greensboro, N. C., 105° radials; Greensboro; INT Greensboro 334° and Hickory, N. C., 049° radials; Pulaski, Va.; Bluefield, W. Va.; Charleston, W. Va. From INT Waterville, Ohio, 085° and Cleveland, Ohio, 335° radials; Waterville; Jackson, Mich.; Lansing, Mich.; Saginaw, Mich.; Alpena, Mich., including a west alternate via INT Saginaw 353° and Alpena 232° radials; Sault Ste. Marie, Mich. The airspace within R-5502 is excluded. The airspace from Alpena to 30 miles north of Alpena at and above 10,000 feet MSL is excluded during the time that the Collins Military Operations Area is activated by NOTAM.

V-46 From Deer Park, N. Y., Riverhead, N. Y.; Hampton, N. Y.; INT Hampton 083° and Nantucket, Mass., 255° radials; Nantucket. The airspace below 2,000 feet MSL outside the United States is excluded.

V-47 From Pine Bluff, Ark.; Gilmore, Ark.; Dyersburg, Tenn.; Cunningham, Ky.; Evansville, Ind.; Nabb, Ind.; Cincinnati, Ohio; Rosewood, Ohio; Findlay, Ohio, including a W alternate via INT Rosewood 309° and Findlay, Ohio, 218° radials; Waterville, Ohio; INT Waterville 353° and Salem, Mich., 197° radials; Salem; to the INT Salem 021° and Flint, Mich., 088° radials.

AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

V-48 From Ottumwa, Iowa, Burlington, Iowa; Peoria, Ill.; Pontiac, Ill.

V-49 From Birmingham, Ala.; Decatur, Ala.; including an east alternate via INT Birmingham 013° and Decatur 130° radials and a west alternate via INT Birmingham 335° and Decatur 205° radials; Nashville, Tenn.; Bowling Green, Ky., including a W alternate from Decatur to Bowling Green via Graham, Tenn., and INT Graham 006° and Bowling Green 230° radials; Mystic, Ky.; Nabb, Ind.

AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

V-50 From Hastings, Nebr., via Pawnee City, Nebr.; St. Joseph, Mo.; including a S alternate from Pawnee City to St. Joseph via INT Pawnee City 122° and Kansas City, Mo., 310° radials, and INT Kansas City 310° and St. Joseph 178° radials; Kirksville, Mo.; Quincy, Ill.; Capital, Ill.; Decatur, Ill.; Terre Haute, Ind.; Indianapolis, Ind.; Dayton, Ohio, including a N alternate from Indianapolis to Dayton via Muncie, Ind. The airspace at and above 10,000 feet MSL from Quincy to Capital is excluded during the time that the Howard MOA is activated by NOTAM. The airspace within the Lincoln MOA is excluded during the time that the MOA is activated by NOTAM.

AMENDMENTS 8/11/77 42 F. R. 32529 (Changed)

V-51 From Key West, Fla., INT Miami, Fla., 222° and Biscayne Bay, Fla., 262° radials; Biscayne Bay; Miami; INT of Miami 343° and Pahokee, Fla., 169° radials; Pahokee; INT Pahokee 009° and Vero Beach, Fla., 193° radials; Vero Beach, including an east alternate from Biscayne Bay to Vero Beach via INT Biscayne Bay 348° and Vero Beach 178° radials; Ormond Beach, Fla.; INT Ormond Beach 345° and Jacksonville, Fla., 155° radials; Jacksonville; INT Jacksonville 318° and Alma, Ga., 150° radials, Alma; INT Alma 342° and Dublin, Ga., 167° radials, Dublin, Ga.; Athens, Ga.; INT Athens, Ga., 340° and Harris, Ga., 148° radials; Harris; Hinch Mountain, Tenn., including a west alternate from the INT Anderson, S. C., 274° and Athens 340° radials to Hinch Mountain via INT Anderson 274° and Hinch Mountain 160° radials; Livingston, Tenn.; Louisville, Ky., including an E alternate and also a W alternate from Livingston to Louisville via INT Livingston 333° and New Hope, Ky., 165° radials and New Hope; Nabb, Ind.; Shelbyville, Ind.; INT Shelbyville 313° and Lafayette, Ind., 136° radials; Lafayette; Chicago Heights, Ill. The airspace within R-2921 and R-2922 is excluded.

AMENDMENTS 12/30/76 41 F. R. 45819 (Changed)

# PENDING AMENDMENT

In V-51 all before "Ormond Beach, Fla.;" is deleted and "From Biscayne Bay, Fla.; Miami, Fla.; INT Miami 337° and Pahokee, Fla., 175° radials; Pahokee, including an east alternate from Biscayne Bay, Ft. Lauderdale, Fla., INT Ft. Lauderdale 339° and Pahokee 124° radials; Pahokee; INT Pahokee 009° and Vero Beach, Fla., 193° radials, Vero Beach;" is substituted therefor.

AMENDMENTS 1/26/78 42 F. R. 60123 (Changed)

V-52 From Des Moines, Iowa; Ottumwa, Iowa; Quincy, Ill.; St. Louis, Mo.; Troy, Ill.; INT Troy 099° and Evansville, Ind., 311° radials; Evansville, Ind.; Central City, Ky.; Nashville, Tenn., including a N alternate.

AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

V-53 From Charleston, S. C., INT Charleston 296° and Columbia, S. C., 153° radials; Columbia; Spartanburg, S. C.; Sugarloaf Mountain, N. C.; Holston Mountain, Tenn.; Whitesburg, Ky.; Lexington, Ky.; Louisville, Ky.; INT Louisville 333° and Indianapolis, Ind., 170° radials; Indianapolis; INT Indianapolis 312° and Lafayette, Ind., 159° radials; Lafayette; INT Lafayette 313° and Peotone, Ill., 152° radials; to Peotone. The airspace within R-3401B is excluded.



V-54 From Waco, Tex., Scurry, Tex.; Quitman, Tex.; Texarkana, Ark.; INT Texarkana 052° and Little Rock, Ark., 235° True radials; Little Rock, including a N alternate via INT Texarkana 037° and Hot Springs, Ark., 225° radials and Hot Springs; Holly Springs, Miss.; Muscle Shoals, Ala.; Huntsville, Ala., including a N alternate via INT Muscle Shoals 067° and Huntsville 282° radials; Chattanooga, Tenn., including a N alternate; Harris, Ga.; Spartanburg, S. C.; Fort Mill, S. C.

AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

V-55 From Dayton, Ohio; Fort Wayne, Ind.; Goshen, Ind.; South Bend, Ind.; Keeler, Mich.; Pullman, Mich.; Muskegon, Mich.; INT Muskegon 327° and Green Bay, Wis., 116° radials; Green Bay; Stevens Point, Wis.; INT Stevens Point 281° and Eau Claire, Wis., 107° radials; Eau Claire; Grantsburg, Wis.; Brainerd, Minn.; Park Rapids, Minn.; Grand Forks, N. Dak.

V-56 From Meridian, Miss., Kewanee, Miss.; Montgomery, Ala.; Tuskegee, Ala.; Columbus, Ga.; INT Columbus 087° and Macon, Ga., 266° radials; Macon; Augusta, Ga.; Columbia, S. C., including a south alternate via INT of Augusta 103° and Columbia 236° radials; Florence S. C.; Fayetteville, N. C., 41 miles 15 MSL, INT Fayetteville 098° and New Bern, N. C., 256° radials; New Bern.

AMENDMENTS 12/1/77 42 F. R. 45633 (Changed)

V-57 From Lexington, Ky., to Falmouth, Ky.

V-58 From Philipsburg, Pa.; Williamsport, Pa.; INT Williamsport 079° and Lake Henry, Pa., 265° radials; Lake Henry; INT Lake Henry 078° and Kingston, N. Y., 274° radials; Kingston; INT Kingston 100° and Hartford, Conn., 268° radials; Hartford; INT Hartford 130° and Providence, R. I., 212° radials.

#### PENDING AMENDMENT

In V-58 "INT Kingston 100° and Hartford, Conn., 268° radials; Hartford;" is deleted and "Hartford, Conn.;" is substituted therefor.

AMENDMENTS 12/1/77 42 F. R. 43970 (Changed) Effective Date Changed To: 1/26/78 42 F. R. 55884

V-59 From Pulaski, Va., Beckley, W. Va.; Parkersburg, W. Va.; Newcomerstown, Ohio; Briggs, Ohio.

V-60 From Albuquerque, N. Mex., via Otto, N. Mex., including a S alternate via INT Albuquerque 103° and Otto 253° radials; Las Vegas, N. Mex.

V-61 From Grand Island, Nebr., to Pawnee City, Nebr., excluding the airspace within the Lincoln MOA during the time that the MOA is activated by NOTAM.

AMENDMENTS 8/11/77 42 F. R. 32529 (Added)

V-62 From Gallup, N. Mex.; INT Gallup 089° and Santa Fe, N. Mex., 268° radials; Santa Fe; Anton Chico, N. Mex.; Texico, N. Mex.; Lubbock, Tex.; Abilene, Tex.; INT Abilene 096° and Acton, Tex., 264° radials; Acton.

V-63 From Blue Ridge, Tex., via McAlester, Okla.; Fayetteville, Ark., Springfield, Mo.; Hallsville, Mo.; Quincy, Ill.; Burlington, Iowa; Moline, Ill.; Davenport, Iowa; Rockford, Ill.; Janesville, Wis.; Milwaukee, Wis.; Oshkosh, Wis.; Stevens Point, Wis.; Wausau, Wis.; Rhinelander, Wis., to Houghton, Mich. The airspace at and above 10,000 feet MSL from Quincy to 32 miles north, is excluded during the time that the Allen MOA is activated by NOTAM.

V-64 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W of centerline) INT Los Angeles 185° and Seal Beach, Calif., 266° radials; Seal Beach; Thermal, Calif.; Blythe, Calif. The portion outside the United States has no upper limit.

V-65 From the INT Kansas City, Mo., 310° and St. Joseph, Mo., 178° radials; St. Joseph; Lamoni, Iowa.

V-66 From Mission Bay, Calif., Imperial, Calif.; 13 miles, 24 miles, 25 MSL, Yuma, Ariz.; 12 miles, 35 MSL INT Yuma 089° and Gila Bend, Ariz., 261° radials; 46 miles, 35 MSL, Gila Bend; Tucson, Ariz.; Douglas, Ariz.; INT Douglas 064° and Columbus, N. Mex., 277° radials; Columbus; El Paso, Tex., including a N alternate via INT Columbus 075° and El Paso 286° radials; 6 mi. wide, INT El Paso 109° and Hudspeth 287° radials; 6 mi. wide, Hudspeth; Pecos, Tex.; Midland, Tex.; Hyman, Tex.; INT Hyman 074° and Abilene, Tex., 251° radials; Abilene; INT Abilene 066° and Bridgeport, Tex., 248° radials; Bridgeport; Blue Ridge, Tex., including a north alternate via INT Bridgeport 069° and Blue Ridge 285° radials; Sulphur Springs, Tex.; Texarkana, Ark., including a north alternate via INT Sulphur Springs 060° and Texarkana 272° radials, and also a south alternate via INT Sulphur Springs 090° and Texarkana 240° radials. From Tuscaloosa, Ala., Brookwood, Ala.; LaGrange, Ga.; INT LaGrange 120° and Columbus, Ga., 068° radials; INT Columbus 068° and Athens, Ga., 195° radials; Athens; Fort Mill, S. C.; Raleigh-Durham, N. C., including a south alternate from Athens, Ga., to Raleigh-Durham via INT Athens 092° and Greenwood, S.C., 240° radials, Greenwood and Sandhills, N. C.; Franklin, Va., excluding the airspace above 13,000 feet MSL from the INT of Tucson, Ariz., 122° and Cochise, Ariz., 257° radials to the INT of Douglas, Ariz., 064° and Columbus, NM., 277° radials.

AMENDMENTS 12/30/76 41 F. R. 49805 (Changed)

V-67 From Chattanooga, Tenn.; Shelbyville, Tenn.; Graham, Tenn.; Cunningham, Ky.; Marion, Ill.; Centralia, Ill.; INT Centralia 010° and Vandalia, Ill., 162° radials; Vandalia; Capital, Ill.; Burlington, Iowa; Iowa City, Iowa; Cedar Rapids, Iowa; Waterloo, Iowa; Rochester, Minn., including an east alternate. The airspace at and above 10,000 feet MSL from Capital to 28 miles south of Burlington is excluded during the time that the Allen MOA is activated by NOTAM.

AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

V-68 From Albuquerque, N. Mex., via INT Albuquerque 120° and Corona, N. Mex., 311° radials; Corona, including a N alternate via INT Albuquerque 103° and Corona 328° radials and also a S alternate via INT Albuquerque 160° and Corona 278° radials; 41 mi. 85 MSL, Roswell, N. Mex., including an N alternate 85 MSL INT Corona 124° and Roswell 335° radials, Roswell; Hobbs, N. Mex., including a S alternate; INT Hobbs 120° and Midland, Tex., 312° radials; Midland, including a S alternate via INT Hobbs 136° and Midland 283° radials; San Angelo, Tex., including a S alternate via INT Midland 128° and San Angelo 278° radials; Junction, Tex., including a S alternate via INT San Angelo 181° and Junction 310° radials; San Antonio, Tex., including a south alternate via INT Junction 144° and San Antonio 290° radials.

V-69 From Shreveport, La., via INT Shreveport 084° and El Dorado, Ark., 218° radials; El Dorado, including a W alternate via INT Shreveport 084° and El Dorado 233° radials; Pine Bluff, Ark.; INT Pine Bluff 038° and Walnut Ridge, Ark., 187° radials; Walnut Ridge; Farmington, Mo.; Troy, Ill.; Capital, Ill.; Pontiac, Ill.; Joliet, Ill.; Kedzie, Ill., RBN.

AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

V-70 From Corpus Christi, Tex., via INT Corpus Christi 054° and Palacios, Tex., 226° radials, Palacios; Scholes, Tex.; Sabine Pass, Tex.; Lake Charles, La.; Lafayette, La.; Baton Rouge, La., including a N alternate via INT Lafayette 012° and Baton Rouge 264° radials; Picayune, Miss.; Greene County, Miss.; Monroeville, Ala.; INT Monroeville 073° and Bufaula, Ala., 258° radials; Bufaula; Vienna, Ga.; to Allendale, S. C. The portion of this airway above 9,000 feet MSL between the INT of Vienna 066° and Dublin, Ga., 122° radials and the INT of Allendale 247° and Augusta, Ga., 148° radials is excluded.

V-71 From Baton Rouge, La., via Natchez, Miss., including an E alternate via INT Baton Rouge 026° and Natchez 156° radials; Monroe, La., including a W alternate and also an E alternate via INT Natchez 341° and Monroe 105° radials; El Dorado, Ark.; Hot Springs, Ark.; INT Hot Springs 358° and Harrison, Ark., 176° radials; Harrison; Springfield, Mo., including a W alternate from Hot Springs to Springfield via Fayetteville, Ark., excluding the airspace between the main and this W alternate; Butler, Mo.; Topeka, Kans.; Pawnee City, Nebr.; INT Pawnee City 334° and Lincoln, Nebr., 146° radials; Lincoln; Columbus, Nebr.; O'Neill, Nebr.; Winner, S. Dak.; Pierre, S. Dak.; Bismarck, N. Dak.; Williston, N. Dak. The airspace within the O'Neill MOA is excluded during the time that the MOA is activated by NOTAM.

AMENDMENTS 2/24/77 41 F. R. 54167 (Changed)

AMENDMENTS 8/11/77 42 F. R. 32529 (Changed)

V-72 From Fayetteville, Ark., Dogwood, Mo.; Maples, Mo.; Farmington, Mo.; Centralia, Ill.; Bible Grove, Ill.; Mattoon, Ill.; to Bloomington, Ill. From Rosewood, Ohio, Mansfield, Ohio; INT Mansfield 098° and Akron, Ohio, 233° radials; Akron; Youngstown, Ohio; Tidioute, Pa.; Bradford, Pa.; INT Bradford 078° and Elmira, N. Y., 252° radials; Elmira; Binghamton, N. Y.; Rockdale, N. Y.; Albany, N. Y.; Cambridge, N. Y.; INT Cambridge 063° and Keene, N. H., 336° radials. The airspace at and above 8,000 feet MSL between Maples and Farmington is excluded during the time that the Meramec Military Operations Area is activated by NOTAM. The airspace within a 15 NM radius of Tidioute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL, is excluded during the times that the Youngstown Military Operations Area (MOA) is activated by NOTAM.



V-73 From Tulsa, Okla., via Wichita, Kans.; Hutchinson, Kans.; INT Hutchinson 025° and Salina, Kans., 184° radials; Salina, including an east alternate from Wichita to Salina via INT Wichita 356° and Salina 169° radials.

AMENDMENTS 8/11/77 42 F. R. 30608 (Changed)

V-74 From Garden City, Kans.; Dodge City, Kans.; Anthony, Kans.; Pioneer, Okla.; Tulsa, Okla., including a N alternate via INT Pioneer 094° and Tulsa 319° radials; Fort Smith, Ark., including a N alternate via INT Tulsa 087° and Fort Smith 318° radials and a S alternate from Pioneer to Fort Smith via Okmulgee, Okla.; 6 miles, 7 miles wide (4 miles north and 3 miles south of centerline) Little Rock, Ark., including a N alternate and also a S alternate via INT Fort Smith 133° and Little Rock 278° radials; Pine Bluff, Ark., including a N alternate via INT Little Rock 137° and Pine Bluff 006° radials; Greenville, Miss., including a N alternate; INT Greenville 147° and Jackson, Miss., 325° radials; Jackson, including a N alternate.

AMENDMENTS 8/11/77 42 F. R. 30607 (Changed)  
AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

V-75 From Morgantown, W. Va.; Bellaire, Ohio; Briggs, Ohio; Cleveland, Ohio.

V-76 From Lubbock, Tex., via INT Lubbock 188° and Big Spring, Tex., 286° radials; Big Spring, including a N alternate from Lubbock direct to Big Spring, excluding the airspace between the main and this N alternate; Hyman, Tex.; San Angelo, Tex.; Llano, Tex.; Austin, Tex., including a south alternate via INT Llano 134° and Austin 279° radials; and also a north alternate via INT Llano 096° and Austin 314° radials; Industry, Tex., including a north alternate via INT Austin 090° and Industry 305° radials; INT Industry 101° and Hobby, Tex., 290° radials; Hobby, including a S alternate from Industry to Hobby via Eagle Lake, Tex.

V-77 From San Angelo, Tex., via Abilene, Tex.; Wichita Falls, Tex., including an E alternate; INT Wichita Falls 028° and Oklahoma City, Okla., 202° radials; Oklahoma City, including an E alternate from Wichita Falls to Oklahoma City via INT Wichita Falls 047° and Duncan, Okla., 248° radials, Duncan, INT Duncan 011° and Oklahoma City 180° radials; Pioneer, Ok., including an E alternate via INT Oklahoma City 037° and Pioneer 186° radials; Wichita, Kans.; INT Wichita 037° and Topeka, Kans., 236° radials; Topeka; St. Joseph, Mo.; Lamoni, Iowa; Des Moines, Iowa; Newton, Iowa; Waterloo, Iowa; to Waukon, Iowa.

V-78 From Huron, S. Dak., Watertown, S. Dak., including a S alternate; Darwin, Minn.; Minneapolis, Minn.; Eau Claire, Wis.; Rhinelander, Wis.; Iron Mountain, Mich.; Escanaba, Mich.; Schoolcraft County, Mich.; Pellston, Mich.; to Alpena, Mich.  
The airspace northeast of the Alpena 316° radial from Alpena to 25 miles north of Alpena at and above 10,000 feet MSL is excluded during the time that the Collins Military Operations Area is activated by NOTAM.

V-79 From Hastings, Nebr., to Lincoln, Nebr.

AMENDMENTS 8/11/77 42 F. R. 32529 (Added)

V-80 From Akron, Colo., North Platte, Nebr.

V-81 From Midland, Tex., via Lubbock, Tex.; Plainview, Tex.; Amarillo, Tex., including an east alternate via INT Plainview 025° and Amarillo 163° radials; Dalhart, Tex., including a west alternate via INT Amarillo 301° and Dalhart 157° radials; Tobe, Colo.; Pueblo, Colo.; Colorado Springs, Colo.; Denver, Colo.

V-82 From Baudette, Minn.; Bemidji, Minn.; Brainerd, Minn.; Minneapolis, Minn.; Farmington, Minn.; Rochester, Minn.; Nodine, Minn.; Dells, Wis.; INT Dells 097° and Timmerman, Wis., 322° radials; 6 mi. wide Timmerman.

V-83 From Carlsbad, N. Mex., via Roswell, N. Mex.; 40 miles, 85 MSL Corona, N. Mex., including an E alternate INT Roswell 335° and Corona 124° radials, 85 MSL Corona; Otto, NM., Santa Fe, NM., including an east alternate via INT Otto 019° and Santa Fe 117° radials; Taos, NM.; Alamosa, Colo.; INT Alamosa 074° and Pueblo, Colo., 191° radials; Pueblo; INT Pueblo 004° and Colorado Springs, Colo., 153° radials; Colorado Springs, Colo.; Kiowa, Colo.

V-84 From Northbrook, Ill.; Pullman, Mich.; Lansing, Mich.; Flint, Mich.; Peck, Mich.; London, Ont., Canada; Buffalo, N. Y.; Geneseo, N. Y.; INT Geneseo 091° and Syracuse, N. Y., 242° radials; Syracuse. The airspace within Canada is excluded.

V-85 From Medicine Bow, Wyo., via Casper, Wyo., including a west alternate via INT Medicine Bow 336° and Casper 216° radials; 29 miles, 48 miles 77 MSL, to Riverton, Wyo.

V-86 From Butte, Mont., Whitehall, Mont.; Bozeman, Mont.; INT Bozeman 128° and Livingston, Mont., 261° radials; Livingston; 11 miles, 25 miles, 85 MSL, Billings, Mont.; 32 miles, 35 miles, 75 MSL, Sheridan, Wyo.; 20 miles, 45 miles, 70 MSL, 63 miles, 80 MSL, Rapid City, S. Dak.

V-87 From San Francisco, CA., INT San Francisco 359° and Napa, CA., 182° radials; Napa; INT Napa 004° and Maxwell, Calif., 188° radials; Maxwell; Red Bluff, Calif.

V-88 From Tulsa, Okla., INT Tulsa 044° and Springfield, Mo., 261° radials; Springfield; Vichy, Mo., including a south alternate from INT Springfield 058° and Forney (AAF), Mo., 266° radials; Forney (AAF), INT Forney (AAF) 046° and Vichy 216° radials; INT Vichy 091° and St. Louis, Mo., 171° radials, excluding that portion within R-4501A. The airspace at and above 8,000 feet MSL between Vichy and the INT Vichy 091° and St. Louis, Mo., 171° radials is excluded during the time that the Meramec Military Operations Area is activated by NOTAM.

V-89 From INT Denver, Colo., 207° and Kiowa, Colo., 246° radials; Denver; Cheyenne, Wyo., including an east alternate from Denver to Cheyenne via Gill, Colo., and INT Gill 003° and Cheyenne 131° radials; Chadron, including an E alternate from Cheyenne to Chadron via Scottsbluff, Nebr.

V-90 From Litchfield, Mich., via INT Litchfield 081° and Windsor, Ont., Canada, 265° radials; Windsor; INT Windsor 083° and Dunkirk, N. Y., 266° radials; Dunkirk. The airspace within Canada is excluded.

V-91 From Riverhead, N. Y., INT Riverhead 344° and Pawling, N. Y., 139° radials; Pawling; INT Pawling 342° and Albany, N. Y., 181° radials; Albany; Glens Falls, N. Y.; INT Glens Falls 032° and Burlington, Vt., 187° radials; Burlington; Plattsburgh, N. Y.; St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-92 From Joliet, IL., Chicago Heights, IL.; Goshen, IN.; Waterville, OH.; Mansfield, OH.; Tiverton, OH.; Newcomerstown, OH.; Bellaire, OH.; INT Bellaire 107° and Grantsville 285° radials; Grantsville; Front Royal, VA.

V-93 From Patuxent River, Md., INT Patuxent 013° and Baltimore, Md., 122° radials; Baltimore; Lancaster, Pa.; including an E alternate via the INT of Baltimore 034° and Lancaster 181° radials; Wilkes-Barre, Pa.; Lake Henry, Pa.; Pawling, N. Y.; Chester, Mass.; Keene, N. H.; Concord, N. H.; Kennebunk, Maine; Navy Brunswick, Maine; Bangor, Maine; Princeton, Maine; INT Princeton 057° radial and the United States/Canadian border.

AMENDMENTS 6/16/77 42 F. R. 17105 (Changed)

V-94 From Blythe, CA.; INT Blythe 094° and Gila Bend, AZ., 299° radials; Gila Bend; Casa Grande, AZ.; 55 miles, 74 miles, 95 MSL, San Simon, AZ.; Deming, NM.; Newman, Tex., including a S alternate via INT Deming 119° and Newman 271° radials; Salt Flat, Tex., including a north alternate via INT Newman 091° and Salt Flat 312° radials; Wink, Tex.; Midland, Tex.; Hyman, Tex.; Tuscola, Tex.; Acton, Tex.; Scurry, Tex.; Gregg County, Tex.; Elm Grove, La.; Monroe, La.; Greenville, Miss., including a S alternate; Holly Springs, Miss., including a N alternate via INT Greenville 021° and Holly Springs 268° radials; Jacks Creek, Tenn.; Bowling Green, Ky. The airspace within R-5103A is excluded.

AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

V-95 From Gila Bend, Ariz., INT Gila Bend 096° and Phoenix, Ariz., 204° radials; Phoenix; 49 miles, 40 miles, 95 MSL, Winslow, Ariz., including a west alternate from Phoenix, INT Phoenix 006° and Winslow 224° radials; 52 miles, 95 MSL, Winslow; 66 miles, 39 miles, 125 MSL, Farmington, N. Mex.; Durango, Colo.; Gunnison, Colo., 15 miles, 125 MSL, 12 miles, 145 MSL, 22 miles, 157 MSL, 23 miles, 135 MSL, 9 miles, 128 MSL, Kiowa, Colo. The airspace 14,000 feet MSL and above is excluded from 23 NM northeast of Phoenix to 22 NM southwest of Winslow on V-95 and from 23 NM north of Phoenix to 26 NM southwest of Winslow on V-95W, from 1300 GMT, to 0200 GMT Monday through Friday, and other times as advised by a Notice to Airmen.

AMENDMENTS 10/6/77 42 F. R. 40691 (Changed)

V-96 From Indianapolis, Ind.; Kokomo, Ind.; Fort Wayne, Ind.; INT Fort Wayne 071° and Waterville, Ohio, 246° radials; Waterville; Windsor, Ontario, Canada, excluding the portion within Canada.

AMENDMENTS 4/21/77 42 F. R. 8364 (Changed)

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V-97 From Miami, Fla.; LaBelle, Fla., including an E alternate via INT Miami 343° and LaBelle 121° radials; St. Petersburg, Fla.; Tallahassee, Fla.; Albany, Ga.; Atlanta, Ga.; INT Atlanta 001° and Knoxville, Tenn., 197° radials; Knoxville; London, Ky., including an E alternate via INT Knoxville 013° and London 141° radials; Lexington, Ky.; Cincinnati, Ohio, including a W alternate via INT Lexington 327° and Cincinnati 192° radials, and also an E alternate from London to Cincinnati via INT London 004° and Lexington 107° radials and Falmouth, Ky.; Shelbyville, Ind., INT Shelbyville 313° and Lafayette, Ind., 136° radials; Lafayette, including a W alternate from Shelbyville to Lafayette via Indianapolis, Ind., and INT Indianapolis 344° and Shelbyville 313° radials and INT Shelbyville 313° and Lafayette 136° radials; to Chicago Heights, Ill. From Chicago-O'Hare, Ill.; INT Chicago-O'Hare 316° and Janesville, Wis., 112° radials; Janesville; Lone Rock, Wis., including a W alternate via INT Janesville 281° and Lone Rock 147° radials; Nodine, Minn.; Minneapolis, Minn. The airspace below 2,000 feet MSL outside the United States is excluded.

AMENDMENTS 2/24/77 41 F. R. 56789 (Changed)  
AMENDMENTS 4/21/77 42 F. R. 7121 (Changed)  
AMENDMENTS 8/11/77 42 F. R. 30606 (Changed)

Corr: 42 F. R. 36812

PENDING AMENDMENT  
In V-97 "Miami 343° and LaBelle 121°" is deleted and "Miami 337° and LaBelle 124°" is substituted therefor.

AMENDMENTS 1/26/78 42 F. R. 60123 (Changed)

V-98 From Carleton, Mich.; Windsor, Ont., Canada; London, Ontario, Canada; Toronto, Ontario, Canada; Stirling, Ontario, Canada; Maseena, N. Y.; St. Jean, Quebec, Canada. The airspace within Canada is excluded.

AMENDMENTS 12/30/76 41 F.R. 49090 (Changed)

V-99 From Bridgeport, Conn.; to Hartford, Conn.

V-100 From Medicine Bow, Wyo., Scottsbluff, Nebr.; Alliance, Nebr.; Ainsworth, Nebr.; O'Neill, Nebr.; Sioux City, Iowa; Fort Dodge, Iowa; Waterloo, Iowa; Dubuque, Iowa; Rockford, Ill.; INT Rockford 082° and Northbrook, Ill., 290° radials; Northbrook; INT Northbrook 095° and Keeler, Mich., 271° radials; Keeler; Litchfield, Mich.; INT Litchfield 104° and Carleton, Mich., 258° radials; Carleton.

AMENDMENTS 12/30/76 41 F.R. 49090 (Changed)

V-101 From Gill, Colo., via Hayden, Colo.; Vernal, Utah; 25 miles, 25 miles 120 MSL, 22 miles 145 MSL, 20 miles 125 MSL, Salt Lake City, Utah; Ogden, Utah; 61 miles, 26 miles, 109 MSL, Burley, Idaho; INT Burley 344° and Pocatello, Idaho, 286° radials.

V-102 From Salt Flat, TX., via Carlsbad, NM., including a south alternate via INT Salt Flat 085° and Carlsbad 220° radials; Hobbs, NM.; Lubbock, TX.; Guthrie, TX.; Wichita Falls, Tex., including a S alternate via INT Guthrie 103° and Wichita Falls 247° radials.

V-103 From Greensboro, N. C., Roanoke, Va.; Elkins, W. Va.; Clarksburg, W. Va.; Bellaire, Ohio; INT Bellaire 327° and Akron, Ohio, 181° radials; Akron, Ohio; INT Akron 312° and Windsor, Ontario, Canada 134° radials; INT Windsor 134° and Salem, Mich., 117° radials; Salem. The airspace within Canada is excluded.

V-104 From Ottawa, Ontario, Canada, INT Ottawa 095° and Massena, N. Y., 330° radials; Massena; Plattsburgh, N. Y. The airspace within Canada is excluded.

V-105 From Tucson, AZ., INT Tucson 298° and Casa Grande, AZ., 145° radials; Casa Grande; Phoenix, AZ.; Prescott, Ariz.; 25 miles, 22 miles, 85 MSL, Boulder City, Nev.; Las Vegas, Nev., including an E alternate from Prescott, 25 miles, 85 MSL INT Prescott 319° and Peach Springs, Ariz., 134° radials, 8 miles, 85 MSL, Peach Springs, INT Peach Springs 305° and Las Vegas 081° radials, to Las Vegas; INT Las Vegas 266° and Beatty, Nev., 142° radials; 17 miles, 105 MSL Beatty; 105 MSL Coaldale, Nev.; 82 miles 110 MSL, to Reno, Nev., including an east alternate from Coaldale, 110 MSL via Mina, Nev., 110 MSL INT Mina 300° and Reno 135° radials, Reno.

V-106 From Johnstown, Pa.; INT Johnstown 068° and Selinsgrove, Pa., 259° radials; Selinsgrove; INT Selinsgrove 067° and Wilkes-Barre, Pa., 237° radials; Wilkes-Barre; Lake Henry, Pa., Pawling, N. Y.; Barnes, Mass.; Gardner, Mass.; Manchester, N. H.; Kennebunk, Maine.

V-107 From Los Angeles, Calif., INT Los Angeles 061° and Santa Monica, Calif., 093° radials; Santa Monica; INT Santa Monica 276° and Fillmore, Calif., 163° radials; Fillmore; Avenal, Calif.; Panoche, Calif.; Oakland, Calif., including an E alternate via INT Panoche 317° and Oakland 110° radials; Point Reyes, Calif.; INT Point Reyes 306° and Ukiah, Calif., 172° radials. The portion outside the United States has no upper limit.

AMENDMENTS 8/11/77 42 F. R. 29475 (Changed)

V-108 From Santa Rosa, Calif., via Napa, Calif.; INT Napa 131° and Concord, Calif., 276° radials; 7 miles wide (4 miles N and 3 miles S of centerline), Concord; Linden, Calif. From Colorado Springs, Colo.; Huzo, Colo.; 74 miles, 65 MSL, Goodland, Kans.; Hill City, Kans.

V-109 From Panoche, Calif., via Stockton, Calif.; INT Stockton 267° and Oakland, Calif., 077° radials; Oakland.

AMENDMENTS 8/11/77 42 F. R. 29475 (Changed)

V-110 From Deming, N. Mex., Truth or Consequences, N. Mex.

V-111 From Big Sur, Calif., via Salinas, Calif.; to INT Salinas 028° and Stockton, Calif., 164° radials.

PENDING AMENDMENT  
In V-111 "to INT Salinas 028° and Stockton, Calif., 164° radials." is deleted and "INT Salinas 028° and Stockton, Calif., 164° radials; to Modesto, Calif." is substituted therefor.  
AMENDMENTS 1/26/78 42 F. R. 58931 (Changed)

V-112 From Astoria, Oreg., 44 miles; 15 miles, 6-mile wide, Portland, Oreg.; The Dalles, Oreg.; INT of The Dalles 101° and Pendleton, Oreg., 254° radials; Pendleton; 53 miles, 28 miles, 45 MSL, Spokane, Wash., including a W alternate from Pendleton via Pasco, Wash., 35 miles, 35 MSL INT Pasco 035° and Spokane 221° radials; 6 miles 35 MSL, to Spokane, and an east alternate from Pendleton via INT Pendleton 090° and Walla Walla, Wash., 215° radials, Walla Walla, 22 miles, 48 miles, 45 MSL, to Spokane; 47 miles, 105 MSL Cranbrook, British Columbia, Canada, excluding the portion within Canada.

V-113 From San Luis Obispo, Calif., Paso Robles, Calif.; Priest, Calif.; Panoche, Calif.; Stockton, Calif.; Linden, Calif.; INT Linden 046° and Reno, Nev. 208° radials; Reno; 42 miles, 24 miles, 115 MSL, 95 MSL Sod House, Nev.; 67 miles, 95 MSL, 85 MSL Rome, Oreg.; 61 miles, 85 MSL, Boise, Idaho; Salmon, Idaho; Butte, Mont.; Helena, Mont.; to Lewistown, Mont.

AMENDMENTS 8/11/77 42 F. R. 29475 (Changed)

V-114 From Amarillo, Tex., via Childress, Tex., including a S alternate; Wichita Falls, Tex., including a S alternate via INT Childress 120° and Wichita Falls 262° radials; INT Wichita Falls 117° and Blue Ridge, Tex., 285° radials; Blue Ridge; Quitman, Tex.; Gregg County, Tex.; Alexandria, La., including a north alternate from Gregg County to Alexandria via Shreveport, La., and INT Shreveport 176° and Alexandria 302° radials; INT Baton Rouge, LA., 307° and Lafayette, LA., 042° radials; 7 miles wide (3 miles north and 4 miles south of centerline) Baton Rouge; New Orleans, LA., including a north alternate from Alexandria to New Orleans via INT Alexandria 109° and New Orleans 312° radials, excluding the portion within R-3801B, R-3801C and R-3801D.

V-115 From Crestview, Fla., INT Crestview 001° and Montgomery, Ala., 204° radials; Montgomery; INT Montgomery 308° and Birmingham, Ala., 177° radials; Birmingham; Chattanooga, Tenn., including an E alternate via INT Birmingham 097° and Gadsden, Ala., 233° radials, Gadsden and INT Gadsden 042° and Chattanooga 214° radials; Knoxville, Tenn., including a West alternate via INT Chattanooga 028° and Knoxville 243° radials; Whitesburg, Ky.; Charleston, W. Va.; Parkersburg, W. Va.; Newcomerstown, Ohio; INT Newcomerstown 038° and Franklin, Pa., 239° radials; Franklin; Tidiloute, Pa.; Jamestown, N. Y.; Buffalo, N. Y. The airspace within a 15 NM radius of Tidiloute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Operations Area (MOA) is activated by NOTAM.

V-116 From INT Kansas City, Mo., 076° and Napoleon, Mo. 005° radials via Macon, Mo.; Quincy, Ill.; Peoria, Ill.; to Joliet, Ill. From INT Keller, Mich., 256° and Knox, Ind., 335° radials; Keeler; Jackson, Mich.; INT Jackson 084° and Salem, Mich., 254° radials; Salem; Windsor, Ontario, Canada; INT Windsor 100° and Erie, Pa., 275° radials; Erie; Bradford, Pa.; Stonyfork, Pa.; Lake Henry, Pa.; INT Lake Henry 110° and Deer Park, N. Y., 296° radials; Deer Park. The airspace within Canada is excluded. The airspace within a 15 NM radius of Tidiloute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Operations Area (MOA) is activated by NOTAM. The airspace at and above 10,000 feet MSL from Quincy to 26 miles southwest of Peoria is excluded during the time that the Allen MOA is activated by NOTAM.

V-117 From Parkersburg, W. Va.; Bellaire, Ohio; INT Bellaire 044° and Newcomerstown, Ohio, 099° radials.

V-118 From Medicine Bow, Wyo., 23 miles 85 MSL, Laramie, Wyo.; Cheyenne, Wyo.

V-119 From Newcombe, Ky., Henderson, W. Va.; Parkersburg, W. Va.; INT Parkersburg 067° and Indian Head, Pa., 254° radials; Indian Head; Clarion, Pa.; Bradford, Pa.; Wellsville, N. Y.; Geneseo, N. Y.; Rochester, N. Y.



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V-120 From Mullan Pass, Idaho, 5 miles, 55 miles, 95 MSL, 43 miles, 125 MSL, Great Falls, Mont., Lewistown, Mont., including a N alternate INT Great Falls 074° and Lewistown 308° radials; 41 miles, 72 miles, 85 MSL, Miles City, Mont., 48 miles, 109 miles, 90 MSL, 38 MSL Dupree, S. Dak.; 60 miles, 38 MSL, Pierre, S. Dak.; Mitchell, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; to Waterloo, Iowa, including a north alternate via INT Mason City 106° and Waterloo 323° radials.

V-121 From Medford, Oreg., INT Medford 352° and Roseburg, Oreg., 127° radials; Roseburg; North Bend, Oreg.; Eugene, Oreg.; Redmond, Oreg.; including a N alternate via Eugene 069° and Redmond 281° radials; Kimberly, Oreg.; Baker, Oreg.; McCall, Idaho; Salmon, Idaho; to Dillon, Mont.

V-122 From Crescent City, Calif., Medford, Oreg.; 22 miles, 75 MSL INT Medford 117° and Klamath Falls, Oreg., 282° true radials; 6 miles, 75 MSL Klamath Falls; 21 miles, 90 MSL Lakeview, Oreg.; to Rome, Oreg.

V-123 From INT Washington, D. C., 065° and Baltimore, Md., 197° radials; via INT Washington, D. C., 065° and Woodstown, N. J., 230° radials; Woodstown; INT Woodstown 043° and Robbinsville, N. J., 239° radials; Robbinsville; INT Robbinsville 044° and LaGuardia, N. Y., 209° radials; LaGuardia; INT LaGuardia 034° and Carmel, N. Y., 188° radials; Carmel.

V-124 From Blue Ridge, Tex., via Paris, Tex.; Hot Springs, Ark.; Little Rock, Ark.; Gilmore, Ark.; Jacks Creek, Tenn.; Shelbyville, Tenn.; to Hinch Mountain, Tenn.  
AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

## PENDING AMENDMENT

V-125 From Cape Girardeau, Mo., INT Cape Girardeau 347° and St. Louis, Mo., 148° radials; St. Louis.

AMENDMENTS 1/26/78 42 F. R. 59752 (Added)

V-126 From Chicago Heights, Ill., Goshen, Ind.; Waterville, Ohio; Cleveland, Ohio; Jefferson, Ohio; Erie, Pa.; Bradford, Pa.; Stonyfork, Pa.; Lake Henry, Pa.; Huguenot, N. Y.  
The airspace within a 15 NM radius of Tidoute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Operations Area (MOA) is activated by NOTAM.

V-127 From Bradford, Ill., Polo, Ill.; Rockford, Ill.; including an E alternate from Bradford to Rockford via INT Bradford 033° and Rockford 136° radials.

AMENDMENTS 12/30/76 41 F. R. 45819 (Changed)

V-128 From Peotone, Ill., via INT Peotone 152° and Indianapolis, Ind., 312° radials; Indianapolis; INT Indianapolis 137° and Cincinnati, Ohio, 290° radials; Cincinnati; York, Ky.; Charleston, W. Va.; Casanova, Va.

V-129 From Capital, Ill., Peoria, Ill.; Davenport, Iowa; Dubuque, Iowa; INT Dubuque 348° and Nodine, Minn., 150° radials, Nodine, including a W alternate from Dubuque to Nodine via Waukon, Iowa; Eau Claire, Wis.; Duluth, Minn.; Hibbing, Minn., including an E alternate; International Falls, Minn., including a W alternate from Hibbing, INT Hibbing 319° and International Falls 182° radials to International Falls; INT International Falls 335° radial and the United States/Canadian border.  
The airspace at and above 10,000 feet MSL from Capital to 25 miles north, is excluded during the time that the Allen MOA is activated by NOTAM.

V-130 From Albany, N. Y., via Hartford, Conn.; Norwich, Conn.; Martha's Vineyard, Mass.; to Hyannis, Mass.

V-131 From McAlester, Okla., via Okmulgee, Okla.; Tulsa, Okla.; Chanute, Kans.; Topeka, Kans.

V-132 From Cheyenne, Wyo.; Akron, Colo.; 17 miles, 49 miles, 59 MSL, Goodland, Kans.; 50 miles, 97 miles, 65 MSL, Hutchinson, Kans.; INT Hutchinson 078° and Chanute, Kans., 294° radials; Chanute; INT Chanute 100° and Springfield, Mo., 276° radials; Springfield; INT Springfield 058° and Forney, Mo., 266°; Forney; INT Forney 086° and Maples, Mo., 052° radials, excluding that portion within R-4501A.  
The airspace 6,000 feet MSL and above is excluded within the Eureka I MOA during the time that it is activated by NOTAM and the Eureka II MOA during the time that it is activated by NOTAM.  
AMENDMENTS 8/11/77 42 F. R. 30608 (Changed)

V-133 From Fort Mill, S. C., Barretts Mountain, N. C.; Charleston, W. Va.; Zanesville, Ohio; Tiverton, Ohio; Mansfield, Ohio; INT Mansfield 346° and Salem, Mich., 139° radials; Salem; Flint, Mich.; Saginaw, Mich.; Traverse City, Mich.; Escanaba, Mich.; Marquette, Mich.; Houghton, Mich.; 10 miles, 26 MSL Thunder Bay, Ontario, Canada. The airspace within Canada is excluded.

V-134 From Fairfield, Utah, via Carbon, Utah; Grand Junction, Colo.; 33 miles 12 AGL, 21 miles 127 MSL, 16 miles 120 MSL, 123 miles 12 AGL to Denver, Colo.; including a south alternate from INT Kremmling, Colo. 135° and Denver 257° radials via INT Kremmling 135° and Denver 232° radials to Denver.

V-135 From Yuma, Ariz., Blythe, Calif.; Parker, Calif.; 5 miles, 24 miles, 55 MSL, Needles, Calif.; Goffs, Calif.; 84 miles, 105 MSL Beatty, Nev.; 105 MSL INT Beatty 326° and Tonopah, Nev., 198° radials; to Tonopah, excluding the airspace above 9,000 feet MSL between Yuma and Parker, and the airspace above 10,000 feet MSL between Parker and Needles. The airspace within R-4807 is excluded.

V-136 From Pulaski, Va., INT Pulaski 094° and South Boston, Va., 295° radials; South Boston; Raleigh-Durham, N. C.; Fayetteville, N. C.; to Grand Strand, S. C. The airspace at and above 7,000 feet MSL from 17 miles south to 38 miles south of Fayetteville is excluded during the time that the Gamecock A Military Operations Area is activated by NOTAM.

AMENDMENTS 4/21/77 42 F. R. 7123 (Changed)

V-137 From Imperial, Calif., INT Imperial 350° and Thermal, Calif., 122° radials; Thermal; Palm Springs, CA.; Palmdale, CA.; Gorman, CA.; Avenal, CA.; Priest, CA.; Salinas, CA., excluding the airspace above 7,000 feet MSL, between Imperial and the intersection of the Thermal 122° and the Julian, CA., 055° radials. The airspace within R-2521 is excluded.

V-138 From Riverton, Wyo., 35 mi. 80 mi. 107 MSL, 16 mi. 85 MSL, via Medicine Bow; Cheyenne, Wyo., including a N alternate via INT Medicine Bow 106° and Cheyenne 330° radials; Sidney, Nebr. From Grand Island, Nebr., 1200 feet AGL INT of Grand Island 099° and Lincoln, Nebr., 267° true radials; 1,200 feet AGL Lincoln; 1,200 feet AGL INT of Lincoln 040° and Neola, Iowa, 253° true radials; Neola; Fort Dodge, Iowa; Mason City, Iowa; to Waukon, Iowa.

V-139 From Florence, S. C., via Wilmington, N. C.; New Bern, N. C.; INT of New Bern 006° and Norfolk, Va., 209° radials; Norfolk; Cape Charles, Va.; Snow Hill, Md.; Sea Isle, N. J.; INT Sea Isle 050° and Hampton, N. Y., 223° radials; Hampton; INT Hampton 059° and Providence, R. I., 212° radials; Providence; 6 miles wide, Whitman, Mass.; INT Whitman 041° and Manchester, N. H., 130° radials; Kennebunk, Maine. The airspace below 2,000 feet MSL outside the United States, the airspace below 3,000 feet MSL between the Kennedy, N. Y., 087° and 141° radials, and the airspace within R-6604 are excluded.

V-140 From Amarillo, Tex., via Sayre, Okla., including a N alternate via INT Amarillo 072° and Sayre 288° radials; Kingfisher, Okla.; INT Kingfisher 072° and Tulsa, Okla., 261° radials; Tulsa; Fayetteville, Ark., including a N alternate via INT Tulsa 059° and Fayetteville 284° radials; Harrison, Ark., Walnut Ridge, Ark.; Dyersburg, Tenn.; Nashville, Tenn., Livingston, Tenn., including a south alternate via INT Nashville 085° and Livingston 226° radials; London, Ky., including a north alternate from Nashville to London via INT Nashville 049° and London 258° radials; Whitesburg, Ky., Bluefield W. Va.; INT of Bluefield 071° and Montebello, Va., 250° radials; Montebello; to Casanova, Va.

AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

V-141 From Nantucket, Mass., Hyannis, Mass.; Boston, Mass.; INT Boston 015° and Manchester, N. H. 117° radials; Manchester; Concord, N. H.; Lebanon, N. H.; Burlington, Vt.; to Massena, N. Y.

V-143 From Fort Mill, S. C., Greensboro, N. C.; Lynchburg, Va.; Montebello, Va.; Front Royal, Va.; Martinsburg, W. Va.; Lancaster, Pa.; including an S alternate via Westminster, Md.; Pottstown, Pa.; Yardley, Pa.

V-144 From Peotone, Ill., via Fort Wayne, Ind.; Findlay, Ohio; INT Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Morgantown, W. Va.; Kessel, W. Va.; Linden, Va.; to INT Linden 104° and Casanova, Va., 348° radials.

V-145 From Utica, N. Y., INT Utica 303° and Watertown, N. Y., 171° radials; Watertown; INT Watertown 358° radial and the United States/Canadian border.

V-146 From Putnam, Conn.; Providence, R. I.; Martha's Vineyard, Mass.; Nantucket, Mass.

V-147 From Pottstown, Pa., via East Texas, Pa.; Wilkes-Barre, Pa.; Elmira, N. Y.; Geneseo, N. Y.; Rochester, N. Y.

V-148 From Kiowa, Colo.; Thurman, Colo.; 65 MSL INT Thurman 067° and Hayes Center, Nebr., 246° radials; Hayes Center, Nebr.; North Platte, Nebr.; O'Neill, Nebr., Sioux Falls, S. Dak.; Redwood Falls, Minn., including a S alternate, Minneapolis, Minn.

V-149 From INT Allentown, Pa. 147° and Solberg, N. J. 227° radials; Allentown, Pa.; Lake Henry, Pa.

V-161 From Bridgmont, Tex. via ...

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V-149 From INT Allentown, Pa. 147° and Solberg, N. J., 227° radials; Allentown, Pa.; Lake Henry, Pa.

V-150 From San Francisco, Calif., INT San Francisco 304° and Sausalito, Calif., 232° radials; Sausalito; Sacramento, Calif.

V-151 From Providence, R. I., Gardner, Mass.; Keene, N. H.; Lebanon, N. H., including a W alternate via INT Keene 336° and Lebanon 214° radials; Montpelier, Vt., including an E alternate via Lebanon 005° and Montpelier 112° radials; Burlington, Vt.

V-152 From St. Petersburg, Fla., Orlando, Fla., including a S alternate via Lakeland, Fla.; Ormond Beach, Fla., including a S alternate via INT Orlando 049° and Ormond Beach 161° radials.

AMENDMENTS 8/11/77 42 F. R. 30607 (Changed)

V-153 From INT Sparta, N. J., 194° and Stillwater, N. J., 110° radials; Stillwater; Lake Henry, Pa.; Hancock, N. Y.; Georgetown, N. Y.; Syracuse, N. Y.

V-154 From Rome, Ga., via INT Rome 166° and Macon, Ga., 301° radials; Macon; via Dublin, Ga.; INT of Dublin 122° and Savannah, Ga., 279° radials; to Savannah.

V-155 From Columbus, Ga., via Augusta, Ga.; Chesterfield, S. C.; Sandhills, N. C.; Raleigh-Durham, N. C.; Lawrenceville, Va.; INT Lawrenceville 034° and Flat Rock, Va.; 171° radials; Flat Rock; to Brooke, Va. The airspace within R-6602 is excluded.

AMENDMENTS 12/30/76 41 F. R. 49805 (Changed)

V-156 From Cedar Rapids, Iowa, via Moline, Ill.; Bradford, Ill.; Peotone, Ill.; INT Peotone 098° and Knox, Ind.; 238° radials; Knox; South Bend, Ind.; to Kalamazoo, Mich.

V-157 From Key West, Fla., Miami, Fla.; La Belle, Fla., including a W alternate from INT Miami 222° and Fort Myers, Fla., 137° radials to La Belle via INT Fort Myers 137° and La Belle 162° radials; Lakeland, Fla., including an E alternate via INT La Belle 004° and Lakeland 132° radials; Ocala, Fla.; Gainesville, Fla.; Taylor, Fla.; Waycross, Ga.; Alma, Ga.; Allendale, S. C.; Vance, S. C.; Florence, S. C.; From Kinston, N. C.; Rocky Mount, N. C.; Lawrenceville, Va.; Richmond, Va.; INT Richmond 039° and Patuxent, Md., 228° radials; Patuxent; Kenton, Del.; New Castle, Del.; Robbinsville, N. J.; Colts Neck, N. J.; to Kingston, N. Y. The airspace within R-2901A and R-6602 is excluded. The airspace at and above 7,000 feet MSL which lies within the Lake Placid Military Operations Area is excluded during the time the Lake Placid Military Operations Area is activated.

AMENDMENTS 6/16/77 42 F. R. 20620 (Changed)

PENDING AMENDMENT

In V-157 all reference to "Rocky Mount" is deleted and "Tar River" is substituted therefor.

AMENDMENTS 1/26/78 42 F. R. 59377 (Changed)

V-158 From Mason City, Iowa, INT Mason City 106° and Dubuque, Iowa, 293° radials; Dubuque; Polo, Ill. The airspace within R-3302 is excluded.

V-159 From Miami, Fla., INT Miami 343° and Palm Beach, Fla., 222° radials; Palm Beach; INT Palm Beach 326° and Vero Beach, Fla., 178° radials; Vero Beach; Orlando, Fla., including an E alternate via INT Vero Beach 341° and Orlando 123° radials; Ocala, Fla.

Cross City, Fla.; Greenville, Fla.; including an east alternate from Ocala to Greenville via Gainesville, Fla., excluding that airspace above 7,000 feet MSL between Gainesville and Greenville;

Albany, Ga.; Eufaula, Ala.; Tuskegee, Ala.; Birmingham, Ala.; Hamilton, Ala.; Holly Springs, Miss.; Gilmore, Ark.; Walnut Ridge, Ark.; Dogwood, Mo.; Springfield, Mo.;

Napoleon, Mo.; INT Napoleon 336° and St. Joseph, Mo., 132° radials; St. Joseph; INT St. Joseph 328° and Omaha, Nebr., 155° radials; Omaha; Sioux City, Iowa, including a west alternate via INT Omaha 320° and Sioux City 174° radials; Yankton, S. Dak.; Mitchell, S. Dak.

AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

V-160 From Denver, Colo.; INT Denver 045° and Sidney, Nebr., 230° radials; Sidney.

V-161 From Bridgeport, Tex., via Ardmore, Okla.; Okmulgee, Okla.; Tulsa, Okla.; Oswego, Kans.; Butler, Mo.; Napoleon, Mo.; Lamoni, Iowa; Des Moines, Iowa; Mason City, Iowa; Rochester, Minn., including a W alternate via INT Mason City 023° and Rochester 243° radials; INT Rochester 356° and Minneapolis, Minn., 116° radials; Minneapolis; Brainerd, Minn.; Grand Rapids, Minn.; International Falls, Minn.; to Winnipeg, Manitoba, Canada, excluding the portion within Canada.

V-162 From INT Clarksburg, W. Va., 135° and Elkins, W. Va., 098° radials; Clarksburg. From INT Martinsburg, W. Va., 130° and Harrisburg, Pa., 204° radials; via Harrisburg; East Texas, Pa., including a S alternate via INT Harrisburg 087° and East Texas 225° radials; Allentown, Pa.; Huguenot, NY.; INT Huguenot 032° and Pawling, NY., 259° radials to Pawling. The airspace within R-5802 is excluded.

V-163 From Matamoros, Mex., via Brownsville, Tex.; INT of Brownsville 358° and Corpus Christi, Tex., 178° radials; 27 miles standard width, 37 miles 7 miles wide (3 miles E and 4 miles W of centerline), Corpus Christi; including a W alternate from Brownsville via INT of Brownsville 338° and Corpus Christi 193° radials; 34 miles standard width, 37 miles 7 miles wide (4 miles E and 3 miles W of centerline), to Corpus Christi; Three Rivers, Tex., including a west alternate via INT Corpus Christi 296° and Three Rivers 165° radials; INT Three Rivers 345° and San Antonio 168° radials; San Antonio, including a west alternate; INT San Antonio 002° and Lometa, Tex., 173° radials; Lometa, including a W alternate from San Antonio to Lometa via INT San Antonio 334° and Llano, Tex., 180° radials and Llano; Millsap, Tex., including an E alternate from Lometa to Millsap via Acton, Tex.; Bridgeport, Tex.; Ardmore, Okla.; INT Ardmore 342° and Oklahoma City, Okla., 154° radials; to Oklahoma City, including a W alternate via INT Ardmore 327° and Oklahoma City 180° radials. The airspace within Mexico is excluded.

V-164 From Toronto, Ont., via Toronto 172° and Buffalo, N. Y., 294° radials; Buffalo; Wellsville, N. Y.; Stonyfork, Pa.; Williamsport, Pa.; INT Williamsport 129° and East Texas, Pa., 315° radials; East Texas. The airspace within Canada is excluded.

V-165 From Mission Bay, Calif., INT Mission Bay 270° and Oceanside, Calif., 177° radials; Oceanside; 24 miles, 6 miles wide, Seal Beach, Calif.; 6 miles wide, INT Seal Beach 287° and Los Angeles, Calif., 138° radials; Los Angeles; INT Los Angeles 357° and Lake Hughes, Calif., 154° radials; Lake Hughes; INT Lake Hughes 344° and Bakersfield, Calif., 137° radials; Bakersfield; Porterville, Calif.; INT Porterville 339° and Fresno, Calif., 140° radials; Fresno; 68 miles, 50 miles, 131 MSL, Reno, Nev.; 40 miles, 7 miles, 115 MSL, 87 miles, 135 MSL, Lakeview, Oreg.; 5 miles, 72 miles, 90 MSL, Redmond, Oreg.; 16 miles, 19 miles, 95 MSL, 24 miles, 75 MSL, 12 miles, 65 MSL, Newberg, Oreg.; 32 miles, 45 MSL INT Newberg 355° and Olympia, Wash., 195° radials; Olympia; INT Olympia 010° and Seattle, Wash., 249° radials; Seattle.

V-166 From Parkersburg, W. Va., Clarksburg, W. Va.; Kessel, W. Va.; Martinsburg, W. Va.; Westminster, Md.; New Castle, Del.; Woodstown, N. J.; Sea Isle, N. J.

V-167 From Hancock, N. Y.; INT Hancock 120° and Kingston, N. Y., 274° radials; Kingston; INT Kingston 100° and Hartford, Conn., 268° radials; Hartford; INT Hartford 081° and Providence, R. I., 270° radials; Providence; INT Providence 101° and Hyannis, Mass., 224° radials; Hyannis. The airspace below 2,000 feet MSL outside the United States is excluded.

PENDING AMENDMENT

In V-167 "INT Kingston 100° and Hartford, Conn., 268° radials; Hartford;" is deleted and "Hartford, Conn.;" is substituted therefor.

AMENDMENTS 12/1/77 42 F. R. 43970 (Changed) Effective Date Changed To: 1/26/78 42 F. R. 55884

V-168 From Birmingham, Ala., to INT Birmingham 113° and Talladega, Ala., 179° radials; LaGrange, Ga.

V-169 From Tobe, Colo., 69 MSL Hugo, Colo.; 38 miles, 67 MSL, Thurman, Colo.; Akron, Colo.; Sidney, Nebr.; Scottsbluff, Nebr.; Chadron, Nebr.; Rapid City, S. Dak.; Dupree, S. Dak.; Bismarck, N. Dak. The airspace within R-4701 is excluded.

V-170 From Aberdeen, S. Dak., Sioux Falls, S. Dak.; Worthington, Minn.; Fairmont, Minn.; including a N alternate via INT Worthington 064° and Fairmont 285° radials; Rochester, Minn.; Nodine, Minn., Dells, Wis.; INT Dells 097° and Milwaukee, Wis., 307° radials; Milwaukee; INT Milwaukee 102° and Pullman, Mich., 303° radials; Pullman; Salem, Mich. From Erie, Pa., Bradford, Pa.; Slate Run, Pa.; Selinsgrove, Pa.; Ravine, Pa.; INT Ravine 125° and Modena, Pa., 318° radials; Modena; New Castle, Del.; INT New Castle 222° and Andrews, Md., 060° radials; to INT Andrews 060° and Baltimore, Md., 165° radials. The airspace within R-5802 is excluded. The airspace within a 15 NM radius of Tidoute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Operations Area (MOA) is activated by NOTAM.

AMENDMENTS 12/30/76 41 F. R. 49090 (Changed)



V-171 From Louisville, Ky., Lewis, Ind., including an E alternate from Louisville to Lewis via INT Louisville 312° and Bloomington 153° radials, and Bloomington; Danville, Ill.; Peotone, Ill.; INT Peotone 281° and Joliet, Ill., 173° radials; Joliet; Rockford, Ill.; Lone Rock, Wis.; Nodine, Minn.; INT Nodine 298° and Farmington, Minn., 124° radials; Farmington; Darwin, Minn.; Alexandria, Minn.; INT Alexandria 321° and Grand Forks, N. Dak., 152° radials; Grand Forks; Roseau, Minn.

V-172 From Denver, Colo., INT Denver 061° and Hayes Center, Nebr., 276° radials; INT Hayes Center 276° and North Platte, Nebr. 245° radials; North Platte; INT North Platte 073° and Wolbach, Nebr., 266° radials; Wolbach; Columbus, Nebr.; Neola, Iowa; Newton, Iowa; Cedar Rapids, Iowa; Polo, Ill.; INT Polo 088° and DuPage, Ill., 283° radials; DuPage; Chicago-O'Hare, Ill.; INT Chicago-O'Hare 091° and South Bend, Ind., 290° radials; South Bend.

AMENDMENTS 10/6/77 42 F. R. 36247 (Changed)

V-173 From Capital, IL., via INT Capital 058° and Peotone, IL., 218° radials; INT Peotone 218° and Roberts, IL., 008° radials; INT Roberts 008° and Joliet, IL., 067° radials; Kedzie, IL., RBN.

V-174 From York, Ky., Henderson, W. Va.; Elkins, W. Va.; to Front Royal, Va.

V-175 From Malden, Mo.; Vichy, Mo.; Hallsville, Mo., including a west alternate via INT Vichy 321° and Hallsville 183° radials; Macon, Mo.; Kirksville, Mo.; Des Moines, Iowa; Sioux City, Iowa; Worthington, Minn.; Redwood Falls, Minn.; Alexandria, Minn.; Park Rapids, Minn.; Bemidji, Minn.; Roseau, Minn. The airspace at and above 8,000 feet MSL from 43 miles northwest of Malden to Vichy is excluded during the time that the Meramec Military Operations Area is activated by NOTAM.

V-176 From Pontiac, Mich., to INT Pontiac 100° and Windsor, Ontario, Canada, 057° radials, excluding the portion within Canada.

V-177 From DuPage, Ill., via Janesville, Wis.; Madison, Wis.; Stevens Point, Wis., including a west alternate via Deils, Wis.; Wausau, Wis.; Duluth, Minn., including a west alternate via Hayward, Wis.; to Ely, Minn., excluding the airspace 10,000 feet MSL and above Duluth to Ely.

V-178 From Vichy, Mo.; Farmington, Mo.; Cape Girardeau, Mo.; Cunningham, Ky.; including a north alternate from Farmington to Cunningham via INT Farmington 115° and Cunningham 306° radials; and also a south alternate from Farmington to Cunningham via INT Farmington 145° and Cunningham 276° radials; Central City, Ky.; New Hope, Ky.; Lexington, Ky.; Bluefield, W. Va. The airspace at and above 8,000 feet MSL between Vichy and Farmington is excluded during the time that the Meramec Military Operations Area is activated by NOTAM.

V-179 From Dublin, Ga., to INT Dublin 309° and Augusta, Ga., 263° radials.

V-180 From International Falls, Minn., to Dryden, Ontario, Canada, NDB, excluding that airspace within Canada.

V-181 From Kirksville, Mo., Lamoni, Iowa; Omaha, Nebr.; Norfolk, Nebr.; Yankton, S. Dak.; Sioux Falls, S. Dak., including a W alternate via INT Yankton 016° and Sioux Falls 230° radials; Watertown, S. Dak., including an east alternate; 34 miles, 24 miles, 34 MSL, Fargo, N. Dak., including an east alternate; Grand Forks, N. Dak., including an east alternate via INT Fargo 004° and Grand Forks 152° radials; Pembina, N. Dak.; INT Pembina 356° radial and the United States/Canadian border.

V-182 From Portland, Oreg., The Dalles, Oreg.; Baker, Oreg.

V-183 From Santa Barbara, Calif., Bakersfield, Calif.

V-184 From Erie, Pa., Tidoute, Pa.; INT Tidoute 154° and Philipsburg, Pa., 296° radials; Philipsburg; Harrisburg, Pa.; INT Harrisburg 132° and Modena, Pa., 274° radials; Modena; INT Modena 120° radial and Philadelphia, Pa., International Airport ILS localizer 256° course; Woodstown, N. J.; Millville, N. J.; Atlantic City, N. J. The airspace within a 15 NM radius of Tidoute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Operations Area (MDA) is activated by NOTAM.

V-185 From Savannah, Ga.; Augusta, Ga.; Greenwood, S. C.; Sugarloaf Mountain, N. C.; Snowbird, Tenn.; INT Snowbird 301° and Knoxville, Tenn., 069° radials; Knoxville, including an E alternate from Sugarloaf Mountain to Knoxville via INT Sugarloaf Mountain 329° and Knoxville 069° radials. The airspace within R-6004 is excluded.

V-186 From Santa Barbara, Calif., via INT Santa Barbara 123° and Fillmore, Calif., 265° radials; Fillmore; Van Nuys, Calif.; Ontario, Calif.

AMENDMENTS 10/6/77 42 F. R. 41109 (Changed)

V-187 From Albuquerque, N. Mex., via Farmington, N. Mex.; including an E alternate via INT Albuquerque 345° and Farmington 138° radials; 50 miles, 62 miles 115 MSL, Grand Junction, Colo., including a west alternate from Farmington, Cortez, Colo., Dove Creek, Colo., 17 miles, 28 miles 115 MSL, to Grand Junction, excluding the airspace between the main and west alternate; 75 miles, 50 miles, 112 MSL, Rock Springs, Wyo., including a west alternate from Grand Junction 45 miles 103 MSL, 14 miles 85 MSL, Vernal, Utah, 20 miles, 110 MSL, Rock Springs, excluding the airspace between the main and this west alternate; 20 miles, 37 miles 95 MSL, INT Rock Springs 026° and Riverton, Wyo., 180° radials; Riverton; Boysen Reservoir, Wyo.; 9 miles, 78 miles, 105 MSL, Billings, Mont., including a west alternate from Boysen Reservoir, 9 miles, 56 miles, 91 MSL, via Cody, Wyo., Billings, excluding the airspace between the main and this west alternate; 40 miles, 75 MSL INT Billings 317° and Great Falls, MT., 122° radials; Great Falls; Missoula, MT.; Lewiston, ID.; Pasco, WA.

V-188 From Carleton, Mich., Jefferson, Ohio; Tidoute, Pa.; Slate Run, Pa.; Williamsport, Pa.; Wilkes-Barre, Pa.; INT Wilkes-Barre 094° and Sparta, N. J., 290° radials; Sparta. The airspace within Canada is excluded. The airspace within a 15 NM radius of Tidoute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Operations Area (MDA) is activated by NOTAM.

V-189 From Rocky Mount, N. C., Franklin, Va.; Hopewell, Va.

#### PENDING AMENDMENT

In V-189 all reference to "Rocky Mount" is deleted and "Tar River" is substituted therefor.

AMENDMENTS 1/26/78 42 F. R. 59377 (Changed)

V-190 From Phoenix, Ariz., 54 miles, 19 miles, 95 MSL, 59 miles, 115 MSL St. Johns, Ariz., including a north alternate via INT Phoenix 051° and St. Johns 263° radials; Albuquerque, N. Mex., including a south alternate via INT St. Johns 085° and Albuquerque 229° radials; Las Vegas, N. Mex.; 19 mi., 72 mi. 90 MSL, Dalhart, TX.; 14 mi., 36 mi. 60 MSL, Gage, OK.; INT Gage 059° and Pioneer, OK., 280° radials; Pioneer; INT Pioneer 094° and Bartlesville, OK., 256° radials; Bartlesville; INT Bartlesville 075° and Oswego, Kans., 233° radials; Oswego; INT Oswego 085° and Springfield, Mo., 261° radials; Springfield; Maples, Mo.; Farmington, Mo., Marion, Ill.; Evansville, Ind. The airspace at and above 8,000 feet MSL between Maples and Farmington is excluded during the time that the Meramec Military Operations Area is activated by NOTAM.

V-191 From Troy, Ill.; Decatur, Ill.; Roberts, Ill.; INT Roberts 008° and Joliet, Ill., 067° radials; Northbrook, Ill.; INT Northbrook 332° and Milwaukee, Wis., 182° radials; Milwaukee; Oshkosh, Wis.; Rhinelander, Wis.; Ironwood, Mich.; including an east alternate; to Duluth, Minn.

V-192 From Champaign, Ill.; Terre Haute, Ind.

V-193 From INT Pullman, Mich., 243° and South Bend, Ind., 310° radials; Pullman; INT Pullman 029° and White Cloud, Mich., 168° radials; White Cloud; Traverse City, Mich., including a W alternate via Manistee, Mich.; Pellston, Mich.; Sault Ste. Marie, Mich.

V-194 From Lafayette, La., via Baton Rouge, La.; McComb, Miss.; INT McComb 055° and Meridian, Miss., 221° radials; Meridian. From Liberty, N. C., via Raleigh-Durham, N. C.; Rocky Mount, N. C.; Cofield, N. C.; INT Cofield 077° and Norfolk, Va., 209° radials.

#### PENDING AMENDMENT

In V-194 all reference to "Rocky Mount" is deleted and "Tar River" is substituted therefor.

AMENDMENTS 1/26/78 42 F. R. 59377 (Changed)

V-195 From Oakland, Calif., INT Oakland 004° and Williams, Calif., 191° radials; Williams; INT Williams 002° and Red Bluff, Calif., 158° radials; Red Bluff; Fortuna, Calif.

V-196 From Utica, N. Y., Saranac Lake, N. Y.; Plattsburgh, N. Y.

V-197 From Ontario, Calif.; Pomona, Calif.; Palmdale, Calif.; INT Palmdale 314° and Bakersfield, Calif., 137° radials; Bakersfield, excluding the airspace more than 3 miles northeast of the centerline from Palmdale to 30 miles northwest.

V-198 From San Simon, Ariz., Columbus, N. Mex.; El Paso, Tex., 6 mi. wide, INT El Paso 109° and Hudspeth, Tex., 287° radials; 6 mi. wide, Hudspeth; 29 mi., 38 mi., 82 MSL, INT Hudspeth 109° and Fort Stockton, Tex., 284° radials; 18 mi., 82 MSL, Fort Stockton; 20 mi., 116 mi., 55 MSL, Junction, Tex.; San Antonio, Tex.; Eagle Lake, Tex.; Hobby, Tex.; INT Hobby 091° and Sabine Pass, Tex., 265° radials; Sabine Pass; White Lake, La.; Tibby, La.; Harvey, La., 69 miles, 33 miles, 25 MSL, Brookley; INT Brookley 056° and Crestview 266° radials; Crestview; Marianna, Fla.; Tallahassee, Fla.; Greenville, Fla.; Taylor, Fla.; to Jacksonville, Fla.

AMENDMENTS 10/6/77 42 F. R. 41112 (Changed)

V-199 From San Francisco, Calif. INT San Francisco 304° and Ukiah, Calif., 172° radials; Ukiah; 17 miles, 23 miles 85 MSL, 18 miles 75 MSL, Red Bluff, Calif. The portion outside the United States has no upper limit.

V-200 From Ukiah, Calif., Williams, Calif.; Reno, Nev. From Fairfield, Utah, 10 miles, 35 miles 125 MSL, Myton, Utah; 30 miles 79 MSL, 31 miles, 98 MSL Meeker, Colo.; 37 miles, 26 miles, 140 MSL, 130 MSL, Kremmling, Colo., including an N alternate via Hayden, Colo.; 9 miles, 130 MSL, 29 miles, 144 MSL, 11 miles, 127 MSL, Denver, Colo.

V-201 From INT Los Angeles, Calif., 207° and Long Beach, Calif., 250° radials; Los Angeles; Palmdale, Calif. The portion outside the United States has no upper limit.

V-202 From Cochise, Ariz., via San Simon, Ariz.; Silver City, N. Mex.; Truth or Consequences, N. Mex.

V-203 From Norwich, Conn., Chester, Mass.; INT Chester 293° and Albany, N. Y., 139° radials; Albany; Saranac Lake, N. Y.; Massena, N. Y.; St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-204 From Hoquiam, Wash., Olympia, Wash.; INT Olympia 114° and Yakima, Wash., 271° radials; Yakima.

V-205 From Sparta, N. J.; INT Sparta 023° and Pawling, N. Y., 238° radials; Pawling; INT Pawling 076° and Boston, Mass., 251° radials; to Boston.

V-206 From Napoleon, Mo., via Kirksville, Mo., to Ottumwa, Iowa.

V-207 From Denver, Colo., Gill, Colo.; including a W alternate via INT Denver 359° and Gill 224° radials; to Scottsbluff, Nebr.

V-208 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W of centerline) INT Los Angeles 185° and Santa Catalina, Calif., 355° radials; 7 miles wide (3 miles E and 4 miles W of centerline) Santa Catalina; Oceanside, Calif.; Julian, Calif.; Thermal, Calif. Twentynine Palms, Calif.; 20 miles, 24 miles 73 MSL, Needles, Calif.; Peach Springs, Ariz. From Myton, Utah, 79 MSL, via Vernal, Utah, 25 miles, 105 MSL, Cherokee, Wyo., excluding the airspace above 10,000 feet MSL between Twentynine Palms and Needles. The airspace within R-2503 and the airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

V-209 From Mobile, Ala., INT Mobile 356° and Hattiesburg, Miss., 080° radials; 10 mi.; 6 mi. wide Kewanee, Miss.; 7 mi. wide (4 mi. on N, 3 mi. on S and within 4.5° of centerline) Brookwood, Ala.; Birmingham, Ala.

V-210 From Los Angeles, Calif., INT Los Angeles 083° and Pomona, Calif., 240° radials; Pomona; INT Daggett, Calif., 229° and Hector, Calif., 263° radials; Hector; Goffs, Calif.; 13 miles, 23 miles 71 MSL, 85 MSL, Peach Springs, Ariz.; Grand Canyon, Ariz.; Tuba City, Ariz.; 10 mi., 90 MSL, 91 mi., 105 MSL, Farmington, N. Mex.; Alamosa, Colo., including a south alternate via INT Farmington 086° and Alamosa 232° radials; INT Alamosa 074° and Lamar, Colo., 250° radials; 40 miles, 51 miles, 65 MSL, Lamar; 13 miles, 79 miles, 55 MSL, Liberal, Kans.; INT Liberal 137° and Oklahoma City, Okla., 282° radials; Oklahoma City; INT Oklahoma City 109° and Okmulgee, Okla., 241° radials; Okmulgee. From Indianapolis, Ind., Muncie, Ind.; Rosewood, Ohio; Tiverton, Ohio; Briggs, Ohio; INT Briggs 044° and Akron, Ohio, 088° radials; INT Akron 088° and Youngstown, Ohio, 116° radials; INT Youngstown 116° and Clarion, Pa., 222° radials; Revloc, Pa.; INT Revloc 096° and Harrisburg, Pa., 289° radials; Harrisburg; Lancaster, Pa.; INT Lancaster 095° and Yardley, Pa., 255° radials; to Yardley.

V-211 From INT Alamosa, Colo., 232° and Durango, Colo., 110° radials via Durango; INT of Durango 286° and Cortez, Colo., 115° radials; Cortez, Colo., excluding the airspace below 1,200 feet above the surface.

V-212 From San Antonio, Tex., via INT San Antonio 089° and Industry, Tex., 233° radials; Industry; Navasota, Tex.; Lufkin, Tex.; Alexandria, La.; McComb, Miss.

V-213 From Grand Strand, S. C., via Wilmington, N. C.; INT Wilmington 352° and Rocky Mount, N. C., 191° radials; Rocky Mount; Hopewell, Va.; INT Hopewell 019° and Brooke, Va., 132° radials; Patuxent River, Md.; Kenton, Del.; Woodstown, N. J.; INT Woodstown 043° and Robbinsville, N. J. 239° radials; Robbinsville.

AMENDMENTS 4/21/77 42 F. R. 7123 (Changed)

PENDING AMENDMENT

In V-213 all reference to "Rocky Mount" is deleted and "Tar River" is substituted therefor.

AMENDMENTS 1/26/78 42 F. R. 59377 (Changed)

V-214 From Kokomo, Ind., via Marion, Ind.; Muncie, Ind.; Richmond, Ind.; INT Richmond 097° and Appleton, Ohio, 236° radials; INT Appleton 236° and Zanesville, Ohio, 274° radials; Zanesville; Bellaire, Ohio; INT Bellaire, 108° and Indian Head, Pa., 254° radials; Indian Head; Martinsburg, W. Va.

V-215 From INT Muskegon, Mich., 208° and Pullman, Mich., 261° radials; Muskegon; White Cloud, Mich.; to Gaylord, Mich.

V-216 From Lamar, Colo., Hill City, Kans.; Mankato, Kans.; Pawnee City, Nebr.; Lamoni, Iowa; Ottumwa, Iowa; Iowa City, Iowa; INT Iowa City 062° and Janesville, Wis., 240° radials; Janesville; INT Janesville 076° and Muskegon, Mich., 252° radials; Muskegon; Saginaw, Mich.; Peck, Mich., including a southern alternate via INT Saginaw 131° and Peck 270° radials; Kleinburg, Ont., Canada. The airspace within Canada is excluded.

V-217 From Chicago-O'Hare, IL.; INT Chicago-O'Hare 019° and Milwaukee, WI., 137° radials; INT Chicago Heights, Ill., 358° and Milwaukee 121° radials; Milwaukee; Green Bay, Wis.; Rhinelander, Wis.; Duluth, Minn.; Hibbing, Minn.; Baudette, Minn.; INT Baudette 313° and Winnipeg, Manitoba, 117° radials; to Winnipeg. The airspace within Canada is excluded. In addition, the portion of this airway which lies within the Beaver MOA is excluded during the times the Beaver MOA is activated.

V-218 From Grand Rapids, Minn., via Minneapolis, Minn.; Waukon, Iowa; to Rockford, Ill. From Keeler, Mich., via Lansing, Mich.; Pontiac, Mich.; INT Pontiac 112° and Windsor, Ont., 320° radials; Windsor; INT Windsor 134° and Akron, Ohio, 312° radials; to Akron. The airspace within Canada is excluded.

V-219 From Hayes Center, Nebr., INT Hayes Center 059° and Wolbach, Nebr., 251° radials; Wolbach; Norfolk, Nebr.; Sioux City, Iowa; Fairmont, Minn.; Mankato, Minn.; Farmington, Minn.

V-220 From Kremmling, Colo., 12 miles, 130 MSL, 32 miles, 147 MSL, 8 miles, 115 MSL INT Kremmling 081° and Denver, Colo., 334° radials; Akron, Colo., INT Akron 094° and McCook, Nebr., 264° radials; McCook; INT McCook 072° and Grand Island, Nebr., 241° radials; Kearney, Nebr.; Hastings, Nebr.; Columbus, Nebr.

V-221 From Bible Grove, Ill., via INT Bible Grove 087° and Bloomington, Ind., 253° radials; Bloomington; Shelbyville, Ind.; Muncie, Ind.; Fort Wayne, Ind.; Litchfield, Mich.; Jackson, Mich.; INT Jackson 084° and Salem, Mich., 254° radials; Salem; INT Salem 083° and Erie, Pa., 290° radials; Erie. The airspace within Canada is excluded.

V-222 From El Paso, Tex., via Salt Flat, Tex.; Fort Stockton, Tex.; 20 miles, 116 miles, 55 MSL, Junction, Tex.; INT Junction 112° and San Antonio, Tex., 334° radials; San Antonio; INT San Antonio 074° and Industry, Tex., 264° radials; Industry; INT Industry 101° and Humble 259° radials; Humble; Beaumont, Tex.; Lake Charles, La.; McComb, Miss.; Hattiesburg, Miss.; Monroeville, Ala.; Montgomery, Ala.; LaGrange, Ga.; to INT LaGrange 048° and Columbus, Ga., 010° radials. From INT Toccoa, Ga., 222° and Harris, Ga., 187° radials via Toccoa; Sugarloaf Mountain, N. C.; Barretts Mountain, N. C.; Lynchburg, Va.; INT Lynchburg 058° and Brooke, Va., 230° radials; Brooke; to INT Brooke 045° and Richmond, Va., 009° radials; including an N alternate from Lynchburg via Gordonsville, Va.

V-223 From Flat Rock, Va.; to INT Flat Rock 005° and Brooke, Va., 300° radials.

V-224 From Marquette, Mich.; to Schoolcraft County, Mich.

V-225 From Key West, Fla., 30 miles, 72 miles, 17 AGL, Fort Myers, Fla., including an E alternate from Key West, 30 miles, 77 miles 17 AGL to Fort Myers; La Belle, Fla.; Vero Beach, Fla. The portion of V-225 E alternate outside the United States has no upper limit.

V-226 From INT Franklin, Pa., 175° and Clarion, Pa., 222° radials; Clarion, Pa.; Keating, Pa.; Williamsport, Pa.; Wilkes-Barre, Pa.; Stillwater, N. J.; INT Stillwater 110° and Sparta, N. J., 194° radials.



V-227 From Lafayette, Ind., via Roberts, Ill.; Pontiac, Ill.; INT Pontiac 332° and Rockford, Ill., 179° radials; to Rockford.

V-228 From Northbrook, Ill., INT Northbrook 111° and South Bend, Ind., 290° radials; South Bend, including a N alternate via INT Northbrook 095° and South Bend 310° radials.

V-229 From Atlantic City, N. J., via INT Atlantic City 048° and Kennedy, N. Y., 195° radials; Kennedy; Madison, Conn.; Hartford, Conn.; INT Hartford 044° and Gardner, Mass., 195° radials; Gardner, excluding that airspace above 7,000 feet MSL between INT Atlantic City 048° and Kennedy 195° radials to Kennedy. The airspace below 2,000 feet MSL outside the United States is excluded.

V-230 From INT Big Sur, Calif., 325° and Salinas, Calif., 281° radials; Salinas; Panoche, Calif., including a S alternate via INT Salinas 100° and Panoche 245° radials; Fresno, Calif.; Friant, Calif.; to Mina, Nev. The portion outside the United States has no upper limit.

AMENDMENTS 12/30/76 41 F.R. 45819 (Changed)  
AMENDMENTS 8/11/77 42 F.R. 29475 (Changed)

V-231 From Burley, Idaho, via Salmon, Idaho; Missoula, Mont.; to Kalispell, Mont.

V-232 From INT of the Cleveland, Ohio, 024° and the Chardon, Ohio, 281° radials, via Chardon; Franklin, Pa.; Keating, Pa.; Milton, Pa.; Broadway, N. J.; INT of Broadway 112°T (123°M) and LaGuardia, N. Y., 209°T (221°M) radials; to LaGuardia.

AMENDMENTS 8/11/77 42 F.R. 30610 (Changed)

V-233 From Capital, Ill., via Roberts, Ill.; Knox, Ind.; Goshen, Ind.; Litchfield, Ill.; Lansing, Ill.; Mount Pleasant, Mich.; INT Mount Pleasant 351° and Gaylord, Mich., 207° radials; Gaylord; to Pellston, Mich.; including a west alternate from Mount Pleasant to Pellston via Traverse City, Mich.

V-234 From Anton Chico, N. Mex.; INT Anton Chico 067° and Dalhart, Tex., 243° radials; Dalhart; Liberal, Kans.; 32 miles, 74 miles, 65 MSL, Hutchinson, Kans.; Emporia, Kans.; Butler, Mo.; Vichy, Mo.; INT Vichy 091° and Centralia, Ill., 253° radials; Centralia.  
The airspace at and above 8,000 feet MSL between Vichy and the INT of Vichy 091° and St. Louis, Mo., 171° radials is excluded during the time that the Meramec Military Operations Area is activated by NOTAM.

V-235 From Fairfield, Utah, 10 miles, 15 miles, 135 MSL, 46 miles, 125 MSL, Fort Bridger. From Rock Springs, Wyo., 20 miles, 41 miles, 95 MSL, 37 miles, 107 MSL, to Casper, Wyo.

V-236 From INT Bonneville, Utah, 084° and Ogden, Utah, 235° radials; Ogden.

V-237 From Needles, Calif., 25 miles, 24 miles 71 MSL, Boulder City, Nev.; INT Boulder City 347° and Las Vegas, Nev., 081° radials; Las Vegas.

V-238 From Maples, Mo.; Troy, Ill.  
The airspace at and above 8,000 feet MSL between Maples and the INT of Maples 052° and Farmington, Mo., 327° radials is excluded during the time that the Meramec Military Operations Area is activated by NOTAM.

V-239 From Forney, Mo., INT Forney 358° and Hallsville, Mo., 183° radials; Hallsville.

V-240 From New Orleans, La., via INT New Orleans 085° and Harvey, La., 065° radials; INT Brookley, Ala., 246° and Mobile, Ala., 224° radials; to Mobile.

V-241 From Mobile, Ala., via Crestview, Fla.; INT Crestview 076° and Dothan, Ala., 232° radials; Dothan; Eufaula, Ala.; Columbus, Ga.; to the INT Columbus 010° and LaGrange, Ga., 048° radials; including a west alternate from Dothan via INT Dothan 002° and LaGrange 191° radials, and LaGrange.

V-242 From International Falls, Minn., to Atikokan, Ontario, Canada, NDB, excluding that airspace within Canada.

V-243 From Jacksonville, Fla., INT Jacksonville 318° and Waycross, Ga., 126° radials, Waycross; Vienna, Ga.; LaGrange; INT LaGrange 342° and Chattanooga, Tenn., 189° radials; Chattanooga; Bowling Green, Ky.; Lewis, Ind.

AMENDMENTS 12/30/76 41 F.R. 45819 (Changed)

V-244 From Oakland, CA., INT Oakland 077° and Stockton, CA., 267° radials; Stockton, including a S alternate INT Oakland 110° and Stockton 246° radials; 76 miles 12 AGL, 27 miles 145 MSL, 59 miles 12 AGL, Coaldale, Nev.; Tonopah, Nev.; 40 miles 115 MSL Wilson Creek, Nev.; 28 miles 115 MSL, Milford, Utah, Hanksville, Utah; 63 miles, 13 miles 140 MSL, 36 miles 115 MSL, Montrose, Colo.; Gunnison, Colo.; 33 miles, 122 MSL, 27 miles, 155 MSL, Pueblo, Colo.; 18 miles, 48 miles, 60 MSL, Lamar, Colo.; 20 miles, 116 miles 65 MSL, Hays, Kans.; Salina, Kans. The airspace within R-2531 is excluded.

V-245 From Alexandria, La., via Natchez, Miss.; Jackson, Miss.; Columbus, Miss., excluding the airspace at and above 8,000 feet MSL from Jackson to Columbus.

V-246 From Nodine, Minn., INT Nodine 035° and Stevens Point, Wis., 255° radials; to Stevens Point.

V-247 From Scottsbluff, Nebr., 75 MSL, INT Scottsbluff 307° and Douglas, Wyo., 109° radials, 75 MSL, Douglas; 90 miles 75 MSL, to Crazy Woman, Wyo.

AMENDMENTS 2/24/77 41 F.R. 56789 (Changed)

V-248 From Paso Robles, Calif., Avenal, Calif.; Bakersfield, Calif.

V-249 From Sparta, N. J., INT Sparta, N. J., 023° and DeLancey, N. Y., 131° radials; DeLancey; Utica, N. Y.

V-250 From O'Neill, Nebr.; Yankton, S. Dak.; Worthington, Minn.; Mankato, Minn.

V-251 From Decatur, Ill., via Champaign, Ill.; Danville, Ill.; Lafayette, Ind.

V-252 From Buffalo, N. Y., Geneseo, N. Y.; Binghamton, N. Y.; Huguenot, N. Y.

V-253 From Fairfield, Utah, INT Fairfield 326° and Salt Lake City, 265° radials; 24 miles, 85 MSL Bonneville; 5 miles, 85 MSL, 90 MSL Lucin, Utah; 14 miles, 90 MSL 19 miles, 105 MSL, Twin Falls, Idaho; Boise, Idaho; 42 miles, 99 MSL McCall, Idaho; 11 miles 99 MSL, 33 miles 115 MSL, Lewiston, Idaho; Pullman, Wash.; Spokane, Wash.

V-255 From Garden City, Kans., to Hays, Kansas.

V-256 From Pioneer, Okla., to Hutchinson, Kans.

V-257 From Phoenix, Ariz., Prescott, Ariz.; INT Prescott 003° and Grand Canyon, Ariz., 211° radials; Grand Canyon; 38 miles 12 AGL, 24 miles 125 MSL, 16 miles 95 MSL, 26 miles 12 AGL, Bryce Canyon, Utah; INT Bryce Canyon 338° and Delta, Utah, 186° radials, Canyon 338° and Delta, Utah, 186° radials, Delta; 39 miles, 105 MSL INT Delta 004° and Malad City, Idaho, 179° radials; 20 miles, 118 MSL, Malad City; Pocatello, Idaho; DuBois, Idaho; Dillon, Mont.; Butte, Mont.; 22 miles, 85 MSL INT Butte 002° and Helena, Mont., 272° radials; INT Helena 272° and Great Falls, Mont., 222° radials; Great Falls; 73 miles, 56 MSL, Havre, Mont. The airspace within R-6401 and R-6403 is excluded.

AMENDMENTS 10/6/77 42 F.R. 37808 (Changed)

V-258 From Charleston, W. Va., Beckley, W. Va.; INT Beckley 125° and Roanoke, Va., 288° radials; Roanoke; INT Roanoke 145° and Danville, Va., 320° radials; Danville.

V-259 From Fort Mill, S. C., Holston Mountain, Tenn.

V-260 From Charleston, W. Va., Rainelle, W. Va.; Roanoke, Va., Lynchburg, Va.; Flat Rock, Va.; Richmond, Va.; Hopewell, Va.; Franklin, Va.; to Cofield, N.C.

V-261 From Wichita, Kans., via INT Wichita 022° and Manhattan, Kans., 213° radials; to Manhattan.

V-262 From Peoria, Ill., Bradford, Ill.; Joliet, Ill.; Kedzie, Ill., RBN.

V-263 From Cimarron, N. Mex.; Tobe, Colo., 54 miles, 69 MSL, Lamar, Colo.; 17 miles, 63 MSL Hugo, Colo.; Gill, Colo. From Pierre, S. Dak., Aberdeen, S. Dak.

V-264 From Los Angeles, Calif., INT Los Angeles 061° and Pomona, Calif., 269° radials; 6 miles wide, Pomona; Twentynine Palms, Calif., including a S alternate from Los Angeles to Twentynine Palms via Ontario, Calif., and Palm Springs, Calif.; 17 miles, 28 miles 55 MSL, Parker, Calif. From Prescott, Ariz.; Winslow, Ariz.; St. Johns, Ariz.; 55 miles, 25 miles, 115 MSL, Socorro, N. Mex.; Corona, N. Mex.; 15 miles, 35 miles 105 MSL, Tucumcari, N. Mex.

V-265 From INT Washington, D. C., 043° and Westminster, Md., 179° radials; via Westminster; Harrisburg, Pa.; Phillipsburg, Pa.; Keating, N. Y.; Bradford, Pa.; Jamestown, N. Y.; Dunkirk, N. Y.

V-266 From Barretts Mountain, N. C., South Boston, Va.; Lawrenceville, Va.; Franklin, Va.

V-267 From Biscayne Bay, Fla., Miami, Fla.; INT of Miami 343° and Pahokee, Fla., 169° radials; Pahokee; Orlando, Fla.; including an east alternate from Miami to Orlando via Palm Beach, Fla., and INT Palm Beach 326° and Orlando 162° radials; Jacksonville, Fla., including an E alternate from Orlando to INT Ormond Beach, Fla., 308° and Jacksonville 174° radials via Ormond Beach; INT Jacksonville 333° and Dublin, Ga., 152° radials; Dublin; Athens, Ga.; INT Athens 340° and Harris, Ga., 148° radials; Harris; Knoxville, Tenn.

AMENDMENTS 12/30/76 41 F.R. 45819 (Changed)

# PENDING AMENDMENT

In V-267 all before "INT Palm Beach" is deleted and "From Biscayne Bay, Fla., INT Biscayne Bay 340° and Pahokee, Fla., 150° radials; Pahokee; Orlando, Fla., including an east alternate from Biscayne Bay, INT Biscayne Bay 340° and Palm Beach, Fla., 201° radials; Palm Beach;" is substituted therefor.

AMENDMENTS 1/26/78 42 F. R. 60123 (Changed)

V-268 From INT Grantsville, Md., 086° and Martinsburg, W. Va., 297° radials; Hagerstown, Md.; Westminster, Md.; Baltimore, Md.; INT Baltimore 094° and Kenton, Del., 262° radials; Kenton; Kenton 086° and Sea Isle, N. J., 050° radials. The airspace within R-4001 and the airspace below 2,000 feet MSL outside the United States is excluded.

V-269 From Ely, Nev., 125 MSL INT Ely 007° and Bonneville, Utah, 272° radials; Wells, Nev.; Twin Falls, Idaho; Burley, Idaho; Pocatello, Idaho; to Salmon, Idaho.

V-270 From Erie, Pa., Jamestown, N. Y.; Wellsville, N. Y.; Elmira, N. Y.; Binghamton, N. Y.; DeLancey, N. Y.; Chester, Mass.

V-271 From Muskegon, Mich., Manistee, Mich.; to Escanaba, Mich.

V-272 From Dalhart, Tex., via Borger, Tex.; Sayre, Okla.; Oklahoma City, Okla., including a N alternate via INT Sayre 070° and Oklahoma City 282° radials and also a S alternate via INT Sayre 101° and Oklahoma City 242° radials; to McAlester, Okla.

V-273 From INT Sparta, N. J., 133° and Solberg, N. J., 051° radials; Sparta; INT Sparta 331° and Hancock, N. Y., 148° radials; Hancock; Georgetown, N. Y.; 6 mi. wide, Syracuse, N. Y.

V-274 From Pullman, Mich., Grand Rapids, Mich.; Saginaw, Mich.

V-275 From Cincinnati, Ohio, INT Cincinnati 006° and Dayton, Ohio, 207° radials; Dayton, including a W alternate from Cincinnati to Dayton via INT Cincinnati 336° and Richmond, Ind., 190° radials, and Richmond; INT Dayton 007° and Salem, Mich., 202° radials; Salem.

AMENDMENTS 12/30/76 41 F.R. 49090 (Changed)

V-276 From Erie, Pa., via Franklin, Pa.; Clarion, Pa.; Tyrone, Pa.; INT Tyrone 096° and Ravine, Pa., 279° radials; Ravine; Yardley, Pa.; Robbinsville, N. J.; INT Robbinsville 112° and Sea Isle, N. J., 050° radials. The airspace below 2,000 feet MSL outside the United States is excluded.

V-277 From Rosewood, Ohio, Fort Wayne, Ind.; Keeler, Mich.

V-278 From Texico, N. Mex., via Plainview, Tex.; Guthrie, Tex.; Bridgeport, Tex.; Blue Ridge, Tex.; Paris, Tex.; Texarkana, Ark.; Monticello, Ark.; Greenville, Miss.; Greenwood, Miss.; Columbus, Miss.; Birmingham, Ala., including a S alternate from Columbus to Birmingham via INT Columbus 082° and Tuscaloosa, Ala., 304° radials, and Tuscaloosa, excluding the airspace between the main and this alternate airway.

V-279 From the Columbus, Ohio, RBN, INT Findlay, Ohio, 146° and Rosewood, Ohio, 045° radials; 7 miles wide (4 miles northeast and 3 miles southwest of the centerline) to Findlay.

V-280 From Ciudad Juarez, Mex., via El Paso, Tex.; INT El Paso 070° and Pinon, N. Mex., 219° radials; Pinon; Roswell, N. Mex.; INT Roswell 063° and Texico, N. Mex., 216° radials; Texico, including a south alternate via INT Roswell 080° and Texico 216° radials; INT Texico 021° and Amarillo, Tex., 252° radials; Amarillo, including a south alternate from Texico to Amarillo via INT Texico 044° and Amarillo 252° radials; Gage, Okla.; INT Gage 025° and Hutchinson, Kans., 234° radials; Hutchinson; INT Hutchinson 062° and Topeka, Kans., 236° radials; to Topeka. The airspace within Mexico is excluded.

V-281 From Moses Lake, Wash., to Pasco, Wash.

AMENDMENTS 6/16/77 42 F. R. 15309 (Added)

V-282 From Saranac Lake, N. Y., St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-283 From Seal Beach, Calif.; March, Calif.; INT March 007° and Hector, Calif., 226° radials; Hector.

AMENDMENTS 4/21/77 42 F. R. 11236 (Added)

V-284 From Sea Isle, N. J.; INT Sea Isle 008° and Millville, N. J., 150° radials; Millville.

AMENDMENTS 8/11/77 42 F. R. 30149 (Added)

V-285 From Indianapolis, Ind., via Kokomo, Ind.; including an E alternate via INT Indianapolis 038° and Kokomo 182° radials; Goshen, Ind.; INT of the Goshen 038° and the Kalamazoo, Mich., 191° radials; Kalamazoo; INT Kalamazoo 014° and Grand Rapids, Mich., 167° radials; Grand Rapids; to White Cloud, Mich.

V-286 From Elkins, W. Va., via Casanova, Va.; INT Casanova 142° and Brooke, Va., 300° radials; Brooke; to Cape Charles, Va.

V-287 From Medford, Oreg., North Bend, Oreg.; Newberg, Oreg., including a west alternate from North Bend to Newberg via Newport, Oreg., and including an east alternate from Medford to the INT Corvallis, Oreg., 352° and Newberg 204° radials via Roseburg, Oreg., INT Roseburg 003° and Eugene, Oreg., 187° radials, Eugene, and Corvallis; Portland, Oreg., including an east alternate via INT Newberg 069° and Portland 196° radials; 20 miles, 51 miles, 45 MSL, Olympia, Wash.; INT Olympia 010° and Seattle, Wash., 329° radials; INT Seattle 329° and Port Angeles, Wash., 090° radials; Port Angeles, Neah Bay, Wash., RBN. The airspace within Canada is excluded.

V-288 From Lucin, Utah, 50 miles, 85 MSL, INT Lucin 080° and Fort Bridger, Wyo., 278° radials; 17 miles, 50 miles, 105 MSL, Fort Bridger.

V-289 From Beaumont, Tex., via INT Beaumont 323° and Lufkin, Tex., 161° radials; Lufkin, including an E alternate; Gregg County, Tex.; Texarkana, Ark.; Fort Smith, Ark.; Harrison, Ark.; Dogwood, Mo.; Forney, Mo.; INT 046° and Vichy, Mo., 216° radials; to Vichy.

V-290 From Rainelle, W. Va., Montebello, Va.; Flat Rock, Va. From Franklin, Va., Elizabeth City, N. C.

V-291 From Albuquerque, N. Mex.; Gallup, N. Mex., including a north alternate via INT Albuquerque 303° and Gallup 089° radials; Winslow, Ariz.; Flagstaff, Ariz.; including a N alternate from Winslow to Flagstaff via INT Winslow 292° and Flagstaff 063° radials.

V-292 From Sparta, N. J.; INT Sparta 082° and Carmel, N. Y., 232° radials; Carmel; Hartford, Conn.; Putnam, Conn.; INT Putnam 043° and Boston, Mass., 251° radials; Boston.

V-293 From Grand Canyon, Ariz., via Page, Ariz.; INT Page 340° and Bryce Canyon, Utah; 120° radials; Bryce Canyon; Cedar City, Utah; 37 miles, 108 MSL Wilson Creek, Nev.; 5 miles, 108 MSL, 37 miles, 115 MSL, Ely, Nev.; 125 MSL Elko, Nev.; 28 miles, 57 miles, 99 MSL, Twin Falls, Idaho; 37 miles, 33 miles, 87 MSL, 76 miles, 113 MSL, 99 MSL McCall, Idaho.

V-294 From Des Moines, Iowa, INT Des Moines 086° and Cedar Rapids, Iowa, 238° radials; Cedar Rapids; to Davenport, Iowa.



V-295 From Biscayne Bay, Fla., INT Biscayne Bay 015° and Vero Beach, Fla., 143° radials; Vero Beach, INT Vero Beach, 296° and Orlando, Fla., 162° radials; Orlando; INT Orlando 283° and Ocala, Fla., 156° radials; Ocala; Cross City, Fla.; to Tallahassee, Fla. The portion outside the United States has no upper limit.

AMENDMENTS 4/21/77 42 F. R. 10843 (Changed)

V-296 From Fort Mill, S. C.; 27 MSL INT Fort Mill 093° and Fayetteville, N. C., 267° radials; 27 MSL Fayetteville; Wilmington, N. C.

V-297 From Johnstown, Pa.; INT Johnstown 315° and Clarion, Pa., 222° radials; INT Clarion 269° and Youngstown, Ohio, 116° radials; Akron, Ohio; INT Akron 298° and Carleton, Mich., 120° radials; Carleton; INT Carleton 334° and Saginaw, Mich., 182° radials; Saginaw; INT Saginaw 353° and Pellston, Mich., 164° radials; Pellston. The airspace within Canada is excluded.

V-298 From Yakima, Wash., via INT Yakima 129° and Pasco, Wash., 276° radials; Pasco; including a north alternate from Yakima to Pasco; Pendleton, Oreg., 74 miles, 43 miles 115 MSL, 99 MSL via McCall, Idaho; 41 mi. 99 MSL, 89 mi. 145 MSL, Dubois, Idaho; 68 mi., 130 MSL Dunoir, Wyo.; 62 miles 135 MSL, Boysen Reservoir, Wyo.; 9 miles, 34 miles 105 MSL, Casper, Wyo., including a south alternate from Dunoir 43 miles 130 MSL, 15 miles 110 MSL, via Riverton, Wyo., 19 miles, 48 miles 77 MSL, to Casper. excluding the airspace between the main and the south alternate.

V-299 From Los Angeles, Calif., INT Los Angeles 291° and Fillmore, Calif., 163° radials; Ventura, Calif.; Fillmore; to Gorman, Calif. The airspace within R-2519 more than 3 statute miles W of Ventura 155° and 331° radials, the airspace within R-2519 below 5,000 feet MSL, and the airspace within R-2520 is excluded. The portion outside the United States has no upper limit.

V-300 From Victoria, British Columbia, Canada, RR to Vancouver, British Columbia, Canada. From Thunder Bay, Ontario, Canada, Sault Ste. Marie, Mich.; to Wiarton, Ont., Canada. From Sherbrooke, Quebec, Canada, 86 miles 52 MSL, Millinocket, Maine; Fredericton, New Brunswick, Canada. The airspace within Canada is excluded.

V-301 From Point Reyes, Calif., Santa Rosa, Calif.; Williams, Calif.

V-302 From Augusta, Maine, INT Augusta 123° and Bangor, Maine, 192° radials.

V-303 From Hot Springs, Ark., Fort Smith, Ark.

V-304 From Amarillo, Tex., via Borger, Tex.; Liberal, Kans., including a W alternate via INT Borger 354° and Liberal 234° radials; 15 miles, 79 miles 55 MSL, Lamar, Colo.

V-305 From El Dorado, Ark., Little Rock, Ark.; Walnut Ridge, Ark.; Malden, Mo.; Cunningham, Ky.

AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

V-306 From Junction, Tex., via INT Junction 099° and Austin, Tex., 279° radials; Austin; Navasota, Tex.; INT Navasota 084° and Daisetta, Tex., 283° radials; Daisetta; including a south alternate from Navasota via Humble, Tex.; to Daisetta; Lake Charles, La., including a south alternate from Daisetta to Lake Charles via Beaumont.

V-307 From Neosho, Mo., via Oswego, Kans.; Chamute, Kans.; Emporia, Kans.; INT of Emporia 336° and Pawnee City, Nebr., 193° radials; Pawnee City; Omaha, Nebr.

AMENDMENTS 6/16/77 42 F. R. 20116 (Changed)

V-308 From INT Kenton, Del., 217° and Sea Isle, N. J., 256° radials, via Sea Isle; INT Sea Isle 050° and Hampton, N. Y. 223° radials; Hampton; INT Hampton 059° and Norwich, Conn., 177° radials; Norwich; Putnam, Conn.; INT Putnam 043° and Boston, Mass., 251° radials; Boston. The airspace below 2,000 feet MSL that lies outside the United States and the airspace below 3,000 feet MSL between Kennedy, N. Y., 087° and 141° radials is excluded.

V-309 From Charleston, W. Va.; INT Charleston 034° and Morgantown, W. Va., 284° radials; Bellaire, Ohio.

V-310 From Louisville, Ky., London, Ky.; Holston Mountain, Tenn.; INT Holston Mountain 104° and Greensboro, N. C., 280° radials; Greensboro; INT Greensboro 105° and Raleigh-Durham, N. C., 275° radials; Raleigh-Durham; Rocky Mount, N. C.; Elizabeth City, N. C.

PENDING AMENDMENT

In V-310 all reference to "Rocky Mount" is deleted and "Tar River" is substituted therefor.  
AMENDMENTS 1/26/78 42 F. R. 59377 (Changed)

V-311 From the INT of Harris, Ga., 187° and Toccoa, Ga., 222° radials via INT Toccoa 222° and Electric City, S. C., 274° radials; Electric City; Greenwood; S. C.; Columbia, S. C.

V-312 From INT Andrews, Md., 060° and Baltimore, Md., 165° radials, via INT Andrews 060° and Woodstown, N. J., 230° radials; Woodstown; INT Woodstown 065° and Coyle, N. J., 264° radials; Coyle; INT Coyle 090° and Sea Isle, NJ., 050° radials. The airspace within R-5002, the airspace below 2,000 feet MSL outside the United States, and the airspace above 8,000 feet MSL between Woodstown and Coyle is excluded.

AMENDMENTS 12/30/76 41 F.R. 49090 (Changed)

V-313 From Malden, Mo., Cape Girardeau, Mo.; Centralia, Ill.; Decatur, Ill.; Pontiac, Ill.

V-314 From Quebec, Province of Quebec, Canada, 99 miles 55 MSL, Millinocket, Maine; Princeton, Maine; St. John, New Brunswick, Canada. The airspace within Canada is excluded.

V-315 From Paris, Tex., Rich Mountain, Okla.

V-316 From Ironwood, Mich.; Marquette, Mich.; 15 miles, 100 miles 40 MSL, Sault Ste. Marie, Mich.; Sudbury, Ontario, Canada. The airspace within Canada is excluded.

V-318 From Quebec, Province of Quebec, Canada, 81 miles 65 MSL, 26 miles 85 MSL, Houlton, Maine. The airspace within Canada is excluded.

V-319 From Boysen Reservoir, Wyo., Worland, Wyo.; Cody, Wyo.

V-320 From Peck, Mich., Toronto, Ont., Canada. The airspace within Canada is excluded.

V-321 From Albany, Ga., via Columbus, Ga.; LaGrange, Ga.; INT LaGrange 342° and Gadsden, Ala., 124° radials; Gadsden; INT Gadsden 333° and Huntsville, Ala., 149° radials; Huntsville; Shelbyville, Tenn.; Livingston, Tenn.

AMENDMENTS 12/1/77 42 F. R. 54411 (Changed)

V-322 From Concord, N. H., INT Concord, 022° and Berlin, N. H., 161° radials; Berlin, N. H.; Sherbrooke, Quebec, Canada. The airspace within Canada is excluded.

V-323 From Montgomery, Ala., via Eufaula, Ala.; Macon, Ga.; INT Macon 341° and Dublin, Ga., 309° radials; to INT Dublin 309° and Augusta, Ga., 263° radials.

V-325 From Columbia, S. C.; Athens, Ga.; INT Athens 288° and Toccoa, Ga., 222° radials to INT Toccoa 222° and Harris, Ga., 187° radials. From INT Gadsden, Ala., 091° and Rome, Ga., 133° radials via Gadsden; Muscle Shoals, Ala., including an E alternate via INT Gadsden 318° and Decatur, Ala., 130° radials, and Decatur.

V-326 From Fillmore, Calif., INT Fillmore 163° and Van Nuys, Calif., 270° radials; Van Nuys.

V-327 From Phoenix, Ariz.; Flagstaff, Ariz. The airspace 14,000 feet MSL and above is excluded from 23 NM north of Phoenix to 29 NM south of Flagstaff, from 1300 GMT to 0200 GMT, Monday through Friday, and other times as advised by a Notice to Airmen.

V-328 From Jackson, Wyo., via Big Piney, Wyo.; 53 miles 95 MSL, Rock Springs, Wyo.; Hayden, Colo.; to Kremmling, Colo.

V-329 From INT Crestview, Fla., 091° and Eglin, Fla., 003° radials, INT Eglin 003° and Montgomery, Ala., 188° radials; Montgomery.

V-330 From INT Boise, Idaho, 130° and Mountain Home, Idaho, 084° radials; INT Mountain Home 084° and Burley, Idaho, 323° radials. From Idaho Falls, Idaho, Jackson, Wyo.

V-331 From Whitesburg, Ky., Newcombe, Ky.

V-333 From INT Rome, Ga., 133° and Gadsden, Ala., 091° radials via Rome; Chattanooga, Tenn.; Hinch Mountain, Tenn.; Lexington, Ky.

V-334 From San Jose, CA., INT San Jose 022° and Sacramento, CA., 194° radials; Sacramento.

V-335 From St. Louis, Mo.; INT St. Louis 171° and Marion, Ill., 290° radials; Marion.

V-336 From Ellensburg, Wash., to Ephrata, Wash.

V-337 From INT Briggs, Ohio, 077° and Youngstown, Ohio, 177° radials; Akron, Ohio; INT Akron 328° and Windsor, Ontario, Canada, 116° radials; Windsor; 29 miles 7 miles wide (3 miles east and 4 miles west of centerline), INT Windsor 335° and Saginaw, Mich., 131° radials; Saginaw; Mount Pleasant Mich.; White Cloud, Mich., excluding the portion within Canada.

V-339 From Whitesburg, Ky., Falmouth, Ky.

V-340 From Fort Wayne, Ind., to Richmond, Ind.

V-341 From Cedar Rapids, Iowa, Dubuque, Iowa; Madison, Wis.; INT Madison 042° and Oshkosh, Wis., 208° radials; to Oshkosh.

V-342 From Vancouver, British Columbia, Canada, INT Vancouver 090° and Princeton, British Columbia, Canada, 244° radials; Princeton, excluding the airspace within Canada.

V-343 From Dubois, Idaho, Bozeman, Mont., 51 miles, 34 miles, 103 MSL, 84 MSL Drummond, Mont.

V-345 From Dells, Wis., INT Dells 321° and Eau Claire, Wis., 134° radials; to Eau Claire.

V-346 From St. Georges, Quebec, Canada, to Millinocket, ME., excluding the portion within Canada.

V-347 From Ironwood, Mich., to Houghton, Mich.

V-348 From Thunder Bay, Ont., Canada, via INT Thunder Bay 102° and Sault Ste. Marie, Mich., 316° radials; Sault Ste. Marie; INT Sault Ste. Marie 066° and Sudbury, Ont., Canada, 282° radials to Sudbury. The airspace within Canada is excluded.

AMENDMENTS 8/11/77 42 F. R. 30610 (Added)

V-349 From Bellingham, WA., to Williams Lake, British Columbia, Canada. The airspace within Canada is excluded.

V-350 From Wichita, Kans., to Chanute, Kans. The airspace 6,000 feet MSL and above is excluded within the Eureka 1 MOA during the time that it is activated by NOTAM and the Eureka 11 MOA during the time that it is activated by NOTAM.

AMENDMENTS 8/11/77 42 F. R. 30608 (Added)

V-351 From Vancouver, British Columbia, Canada, INT Vancouver 090° and Princeton, British Columbia, Canada, 231° radials; Carmi, British Columbia, Canada, excluding the airspace within Canada.

V-352 From St. Georges, Quebec, Canada, to Houlton, ME., excluding the portion within Canada.

V-353 From Jackson, Mich., via INT Jackson 029° and Flint, Mich., 228° radials; to Flint.

V-354 From Pioneer, Okla., to Emporia, Kans. The airspace 6,000 feet MSL and above is excluded within the Eureka 1 MOA during the time that it is activated by NOTAM.

AMENDMENTS 8/11/77 42 F. R. 30608 (Added)

V-355 From Bridgeport, Tex.; Wichita Falls, Tex.

V-357 From Baker, Oreg., via Walla Walla, Wash.; Moses Lake, Wash.; INT of Moses Lake 271° and Wenatchee, Wash., 132° radials; to Wenatchee; including a N alternate from Moses Lake via Ephrata, Wash., to Wenatchee.

V-358 From Waco, Tex., via Dallas-Fort Worth, Tex.; to Ardmore, Okla.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

V-359 From Nuevo Laredo, Mex., to Laredo, Tex., excluding the airspace within Mexico.

V-360 From Sault Ste. Marie, Mich., via Sault Ste. Marie 110° Radial to INT of Sault Ste. Marie 110° and Midland 313° radials; Midland. The airspace within Canada is excluded.

V-363 From Burley, Idaho, via INT Burley 042° and Idaho Falls, Idaho, 248° radials; Idaho Falls; to INT Idaho Falls 030° and Dubois, Idaho, 100° radials.

V-371 From Lafayette, Ind., to Knox, Ind.

V-375 From Roanoke, Va., via Gordonsville, Va.; including a N alternate via the INT Roanoke 035° and Montebello, Va., 250° and Montebello, Va.; to INT Gordonsville 034° and Casanova, Va., 142° radials.

V-376 From Richmond, Va.; to INT Richmond 009° and Nottingham, Md., 238° radials. The airspace within R-6612 is excluded.

V-377 From Kessel, W. Va., via INT Kessel 055° and Hagerstown, Md., 267° radials; Hagerstown; to Harrisburg, Pa.

V-378 From Baltimore, Md., via INT Baltimore 034° and Modena, Pa., 236° radials; to Modena.

V-379 From Nottingham, Md.; to Kenton, Del.

V-380 From O'Neill, Nebr.; via Wolbach, Nebr.; Grand Island, Nebr.; Hastings, Nebr.; to Mankato, Kans. The airspace within the O'Neill MOA is excluded during the time that the MOA is activated by NOTAM.

AMENDMENTS 8/11/77 42 F. R. 32529 (Changed)

V-381 From Bishop, Calif., to INT Bishop 337° and Friant, Calif., 040° radials.

AMENDMENTS 12/30/76 41 F.R. 45819 (Added)

V-420 From Green Bay, Wis.; Traverse City, Mich.; Gaylord, Mich.; to Alpena, Mich.

V-421 From Zuni, N. Mex., via Gallup, N. Mex.; Farmington, N. Mex.; Durango, Colo.; Gunnison, Colo.

V-422 From Chicago Heights, Ill., INT Chicago Heights 117° and Knox, Ind., 276° radials; Knox; Wolflake, Ind.; INT Wolflake 097° and Findlay, Ohio, 289° radials; Findlay.

AMENDMENTS 4/21/77 42 F. R. 8364 (Changed)

V-423 From Williamsport, Pa., Binghamton, N. Y.; Ithaca, N. Y.; INT Ithaca 357° and Syracuse, N. Y., 210° radials; Syracuse.

V-424 From Napoleon, Mo., to Macon, Mo.

V-425 From Brookley, Ala., INT Brookley 357° and Mobile, Ala., 048° radials.

V-426 From St. Louis, Mo., to INT of St. Louis 062° radial and Troy, Ill., 111° radial; to INT of St. Louis 062° radial and Troy, Ill., 111° radial; to INT of St. Louis 062° radial and Troy, Ill., 111° radial.



- V-426 From St. Louis, Mo., to INT of St. Louis 062° radial and Troy, Ill., direct radial to Decatur, Ill.
- V-428 From Elmira, N. Y., Ithaca, N. Y.; Georgetown, N. Y.; Utica, N. Y.
- V-429 From Cape Girardeau, Mo., Marion, Ill.; INT Marion 011° and Bible Grove, Ill., 207° radials; Bible Grove; Mattoon, Ill.; Champaign, Ill.; Roberts, Ill.; Joliet, Ill.; INT Joliet 351° and Chicago-O'Hare, Ill., 237° radials; Chicago-O'Hare.
- V-430 From Cut Bank, Mont., 10 miles, 74 miles 55 MSL, Havre, Mont.; 14 miles, 100 miles 50 MSL, Glasgow, Mont.; INT Glasgow 100° and Williston, N. Dak., 263° radials, 22 miles, 33 miles 55 MSL, Williston; Minot, N. Dak.; Devils Lake, N. Dak.; Grand Forks, N. Dak.; Bemidji, Minn., including a north alternate via Thief River Falls, Minn.; Grand Rapids, Minn.; Duluth, Minn., including a N alternate from Grand Rapids, to Duluth via Hibbing, Minn., excluding the airspace between the main and this N alternate airway; Ironwood, Mich.; Iron Mountain, Mich.; to Escanaba, Mich.
- V-431 From Boston, Mass., INT Boston 015° and Gardner, Mass., 097° radials; Gardner, Keene, N. H., Glens Falls, N. Y.; INT Glens Falls 286° and Albany, N. Y., 350° radials.
- V-432 From Thermal, Calif., Parker, Calif.
- V-433 From INT Washington, D. C., 065° and Baltimore, Md., 197° radials; via INT Washington, D. C., 065° and New Castle, Del., 222° radials; New Castle; Yardley, Pa.; INT Yardley 059° and La Guardia, N. Y., 231° radials; La Guardia; INT La Guardia 049° and Bridgeport, Conn., 015° radials; INT Bridgeport 015° and Hartford, Conn., 268° radials.  
PENDING AMENDMENT  
In V-433 "and Hartford, Conn., 268° radials." is deleted and "and Hartford, Conn., 272° radials." is substituted therefor.
- AMENDMENTS 12/1/77 42 F. R. 43970 (Changed) Effective Date Changed To: 1/26/78 42 F. R. 55884
- V-434 From Ottumwa, Iowa, Moline, Ill.; Peoria, Ill.; Champaign, Ill.; Indianapolis, Ind.
- V-435 From Rosewood, Ohio, via INT Rosewood 041° and Cleveland, Ohio, 252° radials; to Cleveland.
- V-437 From Ormond Beach, Fla., Savannah, Ga.; Charleston, S.C.; Florence, S.C.
- V-439 From Dickinson, N. Dak., 13 miles, 62 miles, 40 MSL, Williston, N. Dak.
- V-441 From Melbourne, Fla., via INT Melbourne 269° and Lakeland, Fla., 080° radials; Lakeland; St. Petersburg, Fla.; INT St. Petersburg 010° and Ocala, Fla., 213° radials; Ocala, including an E alternate via INT St. Petersburg 040° and Ocala 171° radials.
- AMENDMENTS 10/6/77 42 F. R. 41109 (Changed)
- V-442 From Hector, Calif., 12 miles, 38 miles 85 MSL, 14 miles 75 MSL, INT Needles, Calif., 272° and Goffs, Calif., 163° radials; INT Goffs 163° and Parker, Calif., 333° radials; Parker.  
The airspace above 10,000 feet MSL between Parker and a point 45 miles northwest is excluded.
- V-443 From INT Newcomerstown, Ohio, 099° and Bellaire, Ohio, 044° radials; Newcomerstown, Ohio, Tiverton, Ohio; Cleveland, Ohio, including an E alternate via INT Tiverton 028° and Cleveland 138° radials; INT Cleveland 049° and Aylmer, Ont., Canada, 205° radials; Aylmer. The airspace within Canada is excluded.
- V-445 From La Guardia, N. Y., INT La Guardia 034° and Hartford, Conn., 245° radials.
- V-446 From Troy, Ill., INT Troy 099° and Centralia, Ill., 056° radials; Samsville, Ill.
- V-447 From Montpelier, Vt., INT Montpelier 020° and Sherbrooke, Quebec, Canada, 217° radials; Sherbrooke.  
The airspace within Canada is excluded.
- V-448 From Portland, Oreg., Yakima, Wash., including a south alternate; Moses Lake, Wash., including a south alternate via the INT of the Yakima 129° and Ephrata, Wash., 203° radials to the INT of the Ephrata 203° and Moses Lake 231° radials; Spokane, Wash., 45 miles, 21 miles 75 MSL, 20 miles 80 MSL, Kalispell, Mont.

- V-449 From Lake Henry, Pa.; DeLancey, N. Y.; Albany, N. Y.
- V-450 From Green Bay, Wis.; Muskegon, Mich.; INT Muskegon 094° and Flint, Mich., 280° radials; Flint; INT Flint 088° and Peck, Mich., 237° radials.  
The airspace at and above 10,000 feet MSL from 35 NM southeast of Green Bay to 33 NM northwest of Muskegon is excluded during the time that the Minnow Military Operations Area is activated by NOTAM.
- V-451 From INT Whitman, Mass., 177° and Providence, R. I., 118° radials, Whitman; Boston, Mass.
- V-452 From Newport, Oreg.; Eugene, Oreg., via Klamath Falls, Oreg.; to Reno, Nev.
- V-454 From Brookley, Ala.; Monroeville, Ala.; INT Monroeville 073° and Eufaula, Ala., 258° radials; INT Eufaula 258° and Columbus, Ga., 219° radials; Columbus; INT Columbus 068° and Athens, Ga., 195° radials; INT Athens 195° and Greenwood, S. C., 240° radials; Greenwood. Fort Mill, S. C.; Liberty, N. C.; Lawrenceville, Va.; Hopewell, Va.
- V-455 From New Orleans, La., via Picayune, Miss.; Hattiesburg, Miss., including an E alternate from New Orleans to Hattiesburg via INT New Orleans 070° and Gulfport, Miss., 247° radials, Gulfport, INT Gulfport 344° and Hattiesburg 171° radials, and also a W alternate from New Orleans to Hattiesburg via INT New Orleans 357° and Hattiesburg 221° radials; 6 mi. wide, Meridian, including a W alternate via INT Hattiesburg 010° and Meridian 221° radials.
- V-456 From Fort Dodge, Iowa, to Mankato, Minn.
- V-458 From Santa Catalina, Calif., via Oceanside, Calif., Julian, Calif.; INT Julian 130° and Imperial, Calif., 272° radials; Imperial; 13 miles, 24 miles, 25 MSL, Yuma, Ariz., excluding the airspace within R-2503 and below 2,000 feet MSL outside the United States. The portion outside the United States has no upper limit.
- V-459 From Seal Beach, Calif., Lake Hughes, Calif.; Porterville, Calif.; Friant, Calif.; INT Friant 319° and Linden, Calif., 124° radials; Linden.
- V-460 From Julian, Calif., INT Julian 055° and Blythe, Calif., 272° radials; Blythe.
- V-461 From Gila Bend, Ariz., Buckeye, Ariz.
- V-463 From INT Harris, Ga., 187° and Toccoa, Ga., 222° radials; to Harris, Ga.
- V-464 From the INT of Windsor, Ont., Canada, 083° and Aylmer, Ont., Canada 235° radials, via Aylmer; Dunkirk, N. Y.; to Geneseo, N. Y. The airspace within Canada is excluded.
- V-465 From Elko, Nev., Wells, Nev.; 12 miles; 30 miles, 115 MSL, 20 miles, 90 MSL, 36 miles, 115 MSL, 24 miles, 95 MSL, Malad City, Idaho; 39 miles, 53 miles 124 MSL, Jackson, Wyo.; Dunoir, Wyo.; 14 miles, 45 miles, 137 MSL, Billings, Mont. From Miles City, Mont., Williston, N. Dak., including an E alternate.
- V-467 From INT Kenton, Del., 217° and Sea Isle, N. J., 256° radials; INT Sea Isle 256° and Millville, N. J., 216° radials; Millville; INT Millville 037° and LaGuardia, N. Y., 209° radials; LaGuardia; Hartford, Conn.
- V-469 From Danville, Va., via Lynchburg, Va.; INT Lynchburg 347° and Elkins, W. Va., 142° radials; to Elkins.
- V-471 From INT Princeton, Maine, 208° and Bangor, Maine, 132° radials; Bangor; Millinocket, Maine; Houlton, Maine; INT Houlton 085° and the United States/Canadian border.
- V-472 From Elizabeth City, N. C., via INT Elizabeth City 243° and Kinston, N. C., 029° radials; Kinston.
- V-474 From INT Morgantown, W. Va., 010° and Johnstown, Pa., 260° radials; Indian Head, Pa.; St. Thomas, Pa.; INT St. Thomas 088° and Modena, Pa., 274° radials; Modena; INT Modena 095° and Woodstown, N. J., 043 radials.
- V-475 From La Guardia, N. Y.; INT La Guardia 049° and Madison, Conn., 269° radials; Madison; Norwich, Conn.; Providence, R. I.; INT Providence 013° and Boston, Mass., 223° radials; Boston.

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V-477 From Humble, Tex., via Leona, Tex.; including a west alternate via Navasota, Tex.; Scurry, Tex., including a W alternate via INT Leona 330° and Scurry 182° radials.

V-478 From Falmouth, Ky., Newcombe, Ky.; Beckley, W. Va.

V-483 From Carmel, N. Y.; DeLancey, N. Y.; Rockdale, N. Y.; INT Rockdale 325° and Syracuse, N. Y. 100° radials; Syracuse.

V-484 From INT Twin Falls, Idaho, 007° and Burley, Idaho, 323° radials, Twin Falls, 49 miles, 34 miles 114 MSL, Salt Lake City, Utah; 25 miles, 31 miles, 125 MSL, Myton, Utah; 14 miles, 79 MSL, 33 miles, 100 MSL, Grand Junction, Colo.; Gunnison, Colo., including a south alternate from Grand Junction to Gunnison via Montrose, Colo.; 13 miles, 112 MSL, 131 MSL INT Gunnison 110° and Alamosa, Colo., 339° radials; Alamosa.

V-485 From Ventura, Calif., via Fellows, Calif.; Priest, Calif.; INT of Priest 322° and San Jose, Calif., 139° radials; San Jose. The airspace within W-289 and R-2520, the airspace within R-2519 more than 3 statute miles W of the airway centerline and the airspace within R-2519 below 5,000 feet MSL is excluded.

AMENDMENTS 10/6/77 42 F. R. 41109 (Changed)

V-487 From INT LaGuardia, N. Y., 034° and Carmel, N. Y., 188° radials; Carmel; Pawling, N. Y.; Cambridge, N. Y.; INT Cambridge 002° and Glens Falls, N. Y., 032° radials; Burlington, Vt.; INT Burlington 359° and St. Jean, Quebec, Canada, 158° radials; St. Jean. The airspace within Canada is excluded.

V-489 From Sparta, N. J.; INT Sparta 023° and Kingston 238° radials; Kingston, N. Y.; Albany, N. Y.; Glens Falls, N. Y.; Plattsburgh, N. Y.

V-490 From Utica, N. Y., Cambridge, N. Y.; Manchester, N. H.; INT Manchester 117° and Boston, Mass., 015° radials.

V-492 From St. Petersburg, Fla., La Belle, Fla.; INT La Belle 101° and Palm Beach, Fla., 272° radials; Palm Beach, including a north alternate from La Belle to Palm Beach via INT La Belle 043° and Palm Beach 298° radials.

V-493 From Livingston, Tenn., Lexington, Ky.; York, Ky.; Appleton, Ohio; Waterville, Ohio; Carleton, Mich.; INT Carleton 334° and Mt. Pleasant, Mich., 142° radials; to Mt. Pleasant. From Menominee, Mich., to Rhinelander, Wis.

V-494 From Ukiah, Calif., INT Ukiah 147° and Santa Rosa, Calif., 325° radials; Santa Rosa; Sacramento, Calif.; INT Sacramento 038° and Lake Tahoe, Calif., 249° radials; Lake Tahoe; INT Lake Tahoe 078° and Hazen, Nev., 244° radials; Hazen.

V-496 From Utica, N. Y., via Glens Falls, N. Y.; Lebanon, N. H.; to Kennebunk, Maine.

V-497 From Kimberly, Oreg., 49 miles, 65 MSL, The Dallas, Oreg.

V-499 From Lancaster, Pa., to Binghamton, N. Y.

V-500 From Portland, Oreg., Newberg, Oreg.; 41 miles, 70 MSL Kimberly, Oreg.; 30 miles, 71 miles, 105 MSL, Boise, Idaho; 25 miles, 25 miles, 90 MSL, 26 miles, 95 MSL 22 miles, 25 miles, 70 MSL, Pocatello, Idaho.

V-501 From Martinsburg, W. Va., via Hagerstown, Md.; St. Thomas, Pa.; Philipsburg, Pa. From Wellsville, N. Y.; INT Elmira, N. Y., 357° and Geneseo, N. Y., 091° radials.

V-516 From Liberal, KS., Anthony, KS.; Pioneer, OK.; Oswego, KS.

V-518 From Fillmore, Calif., INT Fillmore 102° and Ventura, Calif., 061° radials; INT Ventura 061° and Palmdale, Calif., 233° radials; Palmdale.

V-520 From Portland, Oreg., via The Dallas, Oreg.; Pasco, Wash.; Walla Walla, Wash.; to Lewiston, Idaho; Salmon, Idaho; Dubois, Idaho; to Jackson, Wyo.

V-524 From Laramie, Wyo., INT Laramie 069° and Scottsbluff, Nebr., 254° radials; Scottsbluff; North Platte, Nebr.

V-530 From Texico, N. Mex., Childress, Tex.

V-536 From North Bend, Oreg., INT North Bend 023° and Corvallis, Oreg., 235° radials; Corvallis; Redmond, Oreg., 32 miles, 58 miles, 71 MSL, Pendleton, Oreg.; Walla Walla, Wash.; Pullman, Wash.; 27 miles, 85 MSL Mullan Pass, Idaho; 5 miles, 34 miles, 95 MSL Kalispell, Mont.; 20 miles, 41 miles, 115 MSL, Great Falls, Mont.

V-538 From Twentynine Palms, Calif., INT Twentynine Palms 043° and Goffs, Calif., 200° radials; 23 miles 95 MSL, 21 miles 75 MSL, Goffs; Las Vegas, Nev. The airspace within R-2501E is excluded.

571.125 Alaskan VOR Federal Airways.

V-307 From Sandspit, B. C., Canada, to Annette Island, Alaska. The airspace within Canada is excluded.

V-309 From Prince Rupert, British Columbia, Canada RBN, Annette Island, Alaska. The airspace within Canada is excluded.

V-311 From Annette Island, Alaska, 42 miles 12 AGL, 99 miles 55 MSL, 31 miles 12 AGL, to Biorka Island, Alaska.

V-317 From Ethelda, British Columbia, Canada, NDB via Annette Island, Alaska; 42 miles 12 AGL, 42 miles 52 MSL, 15 miles 12 AGL Level Island, Alaska, including a W alternate via INT Annette Island 311° and Level Island 164° radials; Sisters Island, Alaska; to INT Sisters Island 272° and Yakutat, Alaska, 139° radials. The airspace within Canada is excluded.

V-319 From INT Sisters Island, Alaska, 272° and Yakutat, Alaska, 139° radials; 86 miles 20 MSL, 20 miles 12 AGL via Yakutat; Johnstone Point, Alaska; INT Johnstone Point 286° and Anchorage, Alaska, 117° radials; Anchorage; including a south alternate from Johnstone Point to Anchorage via INT Johnstone Point 271° and Anchorage 130° radials.

V-321 From Cape Newenham, Alaska, NDB via King Salmon, Alaska; to Homer, Alaska.

V-334 From the INT King Salmon, Alaska, 068° and Kenai, Alaska, 217° radials; via Kenai; to Anchorage, Alaska.

AMENDMENTS 8/11/77 42 F. R. 30606 (Added)

V-362 From Ethelda, British Columbia, Canada NDB via INT Sandspit, British Columbia, Canada 039° and Annette Island, Alaska, 167° radials to Annette Island. That airspace within Canada is excluded.

V-427 From King Salmon, Alaska, 103 miles 12 AGL, 29 miles 135 MSL, to INT King Salmon 042° and Anchorage, Alaska, 246° radials.

V-428 From Biorka Island, Alaska, via Sisters Island, Alaska; Haines, Alaska, NDB; to Whitehorse, Yukon Territory, Canada. The airspace within Canada is excluded.

V-435 From Homer, Alaska, to Kenai, Alaska.

V-436 From Anchorage, Alaska, via Talkeetna, Alaska; Nenana, Alaska; Chandalar Lake, Alaska, NDB; to Deadhorse, Alaska.

AMENDMENTS 8/11/77 42 F. R. 30606 (Rewritten)

V-438 From Kodiak, Alaska, 27 miles, 24 miles, 35 MSL, 29 miles, 55 MSL, Homer, Alaska, including a west alternate from Kodiak 27 miles, 24 miles, 35 MSL, 33 miles, 55 MSL, to Homer; INT Homer 027° and Anchorage, Alaska, 198° radials; Anchorage; Big Lake, Alaska; Fairbanks, Alaska; 54 miles, 31 miles, 65 MSL, Fort Yukon, Alaska, including an east alternate from Fairbanks 54 miles, 34 miles, 65 MSL, to Fort Yukon and a west alternate; 89 miles, 52 miles 95 MSL, 27 miles 75 MSL Deadhorse, Alaska; to Barrow, Alaska.



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V-440 From Seattle, Wash., Victoria, British Columbia, Canada. From Sandspit, British Columbia; 83 miles; 115 miles, 35 MSL, Biorka Island, Alaska; 31 miles, 50 miles 48 MSL, 108 miles, 20 MSL, Yakutat, Alaska; 50 miles, 105 miles, 75 MSL, Middleton Island, Alaska; 56 miles, 48 miles, 80 MSL, Anchorage, Alaska, including a south alternate from Middleton Island, 56 miles, 85 MSL INT Middleton Island 298° and Anchorage 163° radials; to Anchorage, excluding the airspace between the main and this south alternate; McGrath, Alaska; 23 miles, 54 miles, 55 MSL, 46 miles, 40 MSL, Unalakleet, Alaska; 52 miles, 51 miles, 25 MSL, Nome, Alaska. The airspace within Canada is excluded.

V-444 From Barrow, Alaska, 117 miles 12 AGL, 102 miles 95 MSL, 69 miles 12 AGL, Evansville, Alaska, NDB; Bettles, Alaska; Fairbanks, Alaska, including a south alternate via INT Bettles 155° and Fairbanks 307° radials; Big Delta, Alaska; Northway, Alaska; Burwash, Yukon Territory, Canada. The airspace within Canada is excluded.

AMENDMENTS 4/21/77 42 F. R. 7123 (Changed)

V-447 From Fairbanks, Alaska, to Chandalar Lake, Alaska, NDB.

V-452 From Nome, Alaska, via Moses Point, Alaska; 47 miles, 57 miles, 55 MSL, Galena, Alaska; Nenana, Alaska.

V-453 From King Salmon, Alaska, Dillingham, Alaska, including a south alternate via INT King Salmon 271° and Dillingham 120° radials; 38 miles, 60 MSL INT Dillingham 308° and Bethel, Alaska, 143° radials; 50 miles, 60 MSL, Bethel.

V-456 From Cold Bay, Alaska, 20 AGL King Salmon, Alaska, 053° 93 miles, 9 miles 125 MSL; INT King Salmon 053° and Kenai, Alaska, 239° radials, 46 miles 125 MSL, 10 miles 115 MSL, Kenai; Anchorage, Alaska; Big Lake, Alaska; Gulkana, Alaska; Northway, Alaska.

V-462 From Cape Newenham, Alaska, NDB via Dillingham, Alaska; 35 miles, 45 MSL, 42 miles 100 MSL, 85 miles 135 MSL, 15 miles 120 MSL, 15 miles 105 MSL, to Anchorage, Alaska.

V-473 From Level Island, Alaska, to Biorka Island, Alaska, via INT Level Island 277° and Biorka Island 127° radials.

V-480 From Bethel, Alaska, 105 miles, 89 miles, 55 MSL, McGrath, Alaska, 28 miles, 64 miles, 45 MSL, Nenana, Alaska; Fairbanks, Alaska.

V-481 From Johnstone Point, Alaska, via Gulkana, Alaska, including an E alternate; Big Delta, Alaska; to Fort Yukon, Alaska.

V-488 From Galena, Alaska, INT Galena 074° and Tanana, Alaska, 260° radials; Tanana, including a south alternate; Fairbanks, Alaska.

V-498 From McGrath, Alaska, 24 miles, 54 miles, 55 MSL, Galena, Alaska; 68 miles, 88 miles, 55 MSL, Kotzebue, Alaska.

V-504 From Nenana, Alaska; via Bettles, Alaska; Evansville, Alaska, NDB; to Deadhorse, Alaska.

AMENDMENTS 4/21/77 42 F. R. 7123 (Changed)

V-506 From INT Kodiak, Alaska, 107° radial and northwest boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W.; 37 miles, 20 MSL, Kodiak; 45 miles, 68 miles, 95 MSL; King Salmon, Alaska; 51 miles, 84 miles, 70 MSL, Bethel, Alaska; 47 miles, 173 miles, 30 MSL, Nome, Alaska; 35 miles 12 AGL, 89 miles 55 MSL, 35 miles 12 AGL, Kotzebue, Alaska, including a west alternate; Hotham, Alaska, NDB; 69 miles 12 AGL, 129 miles 95 MSL, 98 miles 12 AGL, Barrow, Alaska.

AMENDMENTS 4/21/77 42 F. R. 7123 (Changed)

V-508 From Middleton Island, Alaska, 56 miles, 58 miles, 85 MSL, Kenai, Alaska.

V-510 From McGrath, Alaska, INT McGrath 123° and Big Lake, Alaska, 294° radials; Big Lake.

V-515 From Gulkana, Alaska, via INT Gulkana 011° and Big Delta 139° radials; to Big Delta.

§71.127 Hawaiian VOR Federal Airways.

V-1 HAWAII From INT Upolu Point, Hawaii, 093° and Hilo, Hawaii 336° radials, INT Upolu Point 093° and Hilo 013° radials; Hilo.

V-2 HAWAII From South Kauai, Hawaii, Lihue, Hawaii, INT Lihue 130° and Honolulu, Hawaii, 269° radials; Honolulu; Lanai, Hawaii, including a south alternate; INT Lanai 106° and Upolu Point, Hawaii, 305° radials; Upolu Point; INT Upolu Point 093° and Hilo, Hawaii, 336° radials; Hilo. The airspace within R-3104 is excluded.

AMENDMENTS 10/6/77 42 F. R. 41110 (Changed)

V-3 Hawaii From INT Kamuela, Hawaii, 245° and Upolu Point, Hawaii, 211° radials, Kamuela; INT Kamuela 068° and Hilo, Hawaii, 336° radials.

V-4 HAWAII From INT Lihue, Hawaii, 186° and Koko Head, Hawaii, 254° radials, 54 miles, 35 MSL, Koko Head; 15 miles, 25 MSL INT Koko Head 065° and Upolu Point, Hawaii, 002° radials.

V-5 Hawaii From Kona, Hawaii, INT Kona 338° and Maui, Hawaii, 179° radials, including a west alternate via INT Kona 323° and Maui 179° radials.

V-6 HAWAII From INT Molokai, Hawaii, 067° and Maui, Hawaii, 331° radials, Maui; INT Maui 080° and Hilo, Hawaii, 336° radials; Hilo.

V-7 HAWAII From Kona, Hawaii, INT Kona 323° and Lanai, Hawaii, 140° radials; Lanai; Molokai, Hawaii.

V-8 HAWAII From INT Honolulu, Hawaii, 179° and Molokai, Hawaii, 262° radials, Molokai; 30 miles, 25 MSL INT Molokai 067° and Upolu Point, Hawaii, 010° radials.

V-9 HAWAII From INT Lanai, Hawaii, 223° and Honolulu, Hawaii, 179° radials, 78 mi. 35 MSL, Honolulu. The airspace above FL-300 within W-321B is excluded.

V-11 HAWAII From INT Kona, Hawaii, 323° and Upolu Point, Hawaii 211° radials; Upolu Point; INT Upolu Point 349° and Maui, Hawaii, 080° radials; Maui; INT Maui 331° and Molokai, Hawaii, 091° radials; Molokai; INT Molokai 262° and Honolulu, Hawaii, 179° radials.

V-12 HAWAII From INT Lihue, Hawaii, 195° and Honolulu, Hawaii, 269° radials, 38 miles, 35 MSL, Honolulu; Koko Head, Hawaii, 14 miles, 25 MSL INT Koko Head 050° and Maui, Hawaii, 012° radials.

V-13 HAWAII From Lihue, Hawaii, INT Lihue 145° and Honolulu, Hawaii, 269° radials; INT South Kauai, Hawaii, 133° and Koko Head, Hawaii 254° radials; Koko Head, 14 miles, 25 MSL, INT Koko Head 050° and Molokai 015° radial and the Honolulu FIR/Oceanic CTA.

V-14 HAWAII From INT South Kauai, Hawaii, 271° radial and longitude 161°20'00" W.; 50 MSL longitude 159°42'00" W.; South Kauai; INT South Kauai 133° and Koko Head, Hawaii, 254° radials; Koko Head.

V-15 HAWAII From INT South Kauai, Hawaii, 288° radial and longitude 161°15'00" W.; 50 MSL longitude 159°42'00" W.; South Kauai; Honolulu, Hawaii; Koko Head, Hawaii; Molokai, Hawaii, Maui, Hawaii; INT Maui 095° and Hilo, Hawaii, 336° radials; Hilo; to INT Hilo 099° radial and the Honolulu FIR/Oceanic CTA.

V-16 HAWAII From Honolulu, Hawaii, INT Honolulu 179° and Lanai, Hawaii, 285° radial; Lanai; Upolu Point, Hawaii; INT Upolu Point 108° and Hilo, Hawaii, 013° radials; Hilo.

V-17 HAWAII From INT Lanai, Hawaii, 118° and Maui, Hawaii, 201° radials; Maui.

V-19 HAWAII From Hilo, Hawaii, to INT Hilo 013° and Maui, Hawaii, 086° radials.

V-20 HAWAII From Honolulu, Hawaii, INT Honolulu 134° and Kona, Hawaii, 308° radials; Kona.

V-21 HAWAII From INT Honolulu, Hawaii, 179° and Lanai, Hawaii, 285° radials; Lanai; INT Lanai 106° and Hilo, Hawaii, 033° radials; to INT Upolu Point 093° radial and the Honolulu FIR/Oceanic CTA. The airspace within R-3104 is excluded.

AMENDMENTS 10/6/77 42 F. R. 41110 (Changed)

Corr: 42 F. R. 56602

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V-22 HAWAII From Maui, Hawaii, INT Maui 095° and Hilo, Hawaii, 321° radials; Hilo; to INT Hilo 078° radial and the Honolulu FIR/Oceanic CTA.

V-23 HAWAII From Upolu Point, Hawaii; INT Upolu Point 277° and Honolulu, Hawaii, 134° radials.

V-24 HAWAII From Lanai, Hawaii; Maui, Hawaii; to INT Maui 086° radial and the Honolulu FIR/Oceanic CTA.

V-25 HAWAII From Hilo, Hawaii, to INT Hilo 356° radial and the Honolulu FIR/Oceanic CTA.

SUBPART D - CONTINENTAL CONTROL AREA

§ 71.151 Restricted areas included.

The airspace of the following restricted areas at or above 14,500 feet MSL and 1500 feet or more above the surface of the earth is continental control area:

R-2102 Fort McClellan, Ala.  
R-2103 Fort Rucker, Ala.  
R-2104A Huntsville, Ala.  
R-2104B Huntsville, Ala.  
R-2104C Huntsville, Ala.  
R-2202A Big Delta, Alaska  
R-2205 Yukon, Alaska  
R-2211 Blair Lakes, Alaska  
R-2301 Ajo, Arizona.  
R-2303A Fort Huachuca, Arizona.  
R-2303B Fort Huachuca, Arizona.  
R-2304 Gila Bend, Arizona.  
R-2305 Gila Bend, Arizona.  
R-2306A Yuma West, Ariz.  
R-2306B Yuma West, Ariz.  
R-2306C Yuma West, Ariz.  
R-2307 Yuma, Arizona  
R-2308A Yuma East, Ariz.  
R-2308B Yuma East, Ariz.  
R-2401 Fort Chaffee, Ark.  
R-2402 Fort Chaffee, Ark.  
R-2403A Little Rock, Ark.  
R-2403B Little Rock, Ark.  
R-2501N Bullion Mountains, Calif.  
R-2501S Bullion Mountains, Calif.  
R-2501E Bullion Mountains, Calif.  
R-2501W Bullion Mountains, Calif.  
R-2502E Fort Irwin, Calif.  
R-2502N Fort Irwin, Calif.  
R-2503 Camp Pendleton, Calif.  
R-2504 Camp Roberts, Calif.  
R-2505 China Lake, Calif.  
R-2507 Chocolate Mountains, Calif.  
R-2508 California Complex.  
R-2509 Cuddeback Dry Lake, Calif.  
R-2510 El Centro, Calif.  
R-2512 Holtville, Calif.  
R-2513 Hunter-Liggett, Calif.  
R-2515 Muroc Lake, Calif.  
R-2519 Point Muro, California  
R-2521 Salton Sea, Calif.  
R-2524 Trona, Calif.  
R-2534A Point Arguello, Calif.  
R-2534B Point Arguello, Calif.  
R-2601 Fort Carson, Colo.  
R-2602 Fort Carson, Colo.  
R-2901A Avon Park, Fla.  
R-2901B Avon Park, Fla.  
R-2902A Cape Kennedy, Fla.  
R-2903B Stevens Lake, Fla.  
R-2907 Lake George, Fla.  
R-2910 Pinecastle, Fla.  
R-2914A Valparaiso, Fla.  
R-2914B Valparaiso, Fla.  
R-2915A Eglin AFB, Fla.  
R-2915B Eglin AFB, Fla.  
R-2915C Eglin AFB, Fla.

AMENDMENTS 12/1/77 42 F. R. 47822 (Added)  
AMENDMENTS 12/1/77 42 F. R. 47822 (Added)

R-2918 Valparaiso, Fla.  
R-2919A Valparaiso, Fla.  
R-2919B Valparaiso, Fla.  
R-2921 Cape Kennedy, Fla.  
R-2922 Cape Kennedy, Fla.  
R-2925 Cape Kennedy, Fla.  
R-2926 Cape Kennedy, Fla.  
R-2927 Cape Kennedy, Fla.  
R-2928 Cape Kennedy, Fla.  
R-3002F Fort Benning, Ga.  
R-3004 Fort Gordon, Ga.  
R-3005A Fort Stewart, Ga.  
R-3005B Fort Stewart, Ga.  
R-3202 Saylor Creek, Idaho  
R-3401A Atterbury Reserve Forces Training Area, Ind.  
R-3403 Jefferson Proving Ground, Ind.  
R-3601A Brookville, Kans.  
R-3602 Manhattan, Kans.  
R-3701C Fort Campbell, Ky.  
R-3702A Fort Campbell, Ky.  
R-3702B Fort Campbell, Ky.  
R-3703C Fort Campbell, Ky.  
R-3704 Fort Knox, Ky.  
R-3803A Fort Polk, La.  
R-3803B Fort Polk, La.  
R-3804A Fort Polk, La.  
R-3804C Fort Polk, La.  
R-4001A Aberdeen, Md.  
R-4001B Aberdeen, Md.  
R-4002 Bloodsworth Island, Md.  
R-4005 Patuxent River, Md.  
R-4006 Patuxent River, Md.  
R-4105 No Man's Land Island, Mass.  
R-4201 Camp Grayling, Mich.  
R-4207 Upper Lake Huron, Mich.  
R-4301 Camp Ripley, Minn.  
R-4305 Lake Superior, Minn.  
R-4401 Camp Shelby, Miss.  
R-4501A Fort Leonard Wood West, Mo.  
R-4803 Fallon, Nev.  
R-4804 Twin Peaks, Nev.  
R-4806 Las Vegas, Nev.  
R-4808S Las Vegas, Nev.  
R-4810 Desert Mountains, Nevada  
R-4812 Sand Springs, Nev.  
R-4813 Carson Sink, Nev.  
R-4816N Dixie Valley, Nev.  
R-4816S Dixie Valley, Nev.  
R-5103 McGregor, N. Mex.  
R-5104A Melrose, N. Mex.  
R-5104B Melrose, N. Mex.  
R-5107A White Sands Proving Grounds, N. Mex.  
R-5107C White Sands Proving Grounds, N. Mex.  
R-5107D White Sands Proving Grounds, N. Mex.  
R-5107E White Sands Proving Grounds, N. Mex.  
R-5107F White Sands Proving Grounds, N. Mex.  
R-5107G White Sands Proving Grounds, N. Mex.  
R-5109A White Sands, N. Mex.  
R-5109B White Sands, N. Mex.  
R-5111A Elephant Butte, N. Mex. (East)  
R-5111B Elephant Butte, N. Mex. (West)  
R-5113 Socorro, N. Mex.  
R-5201 Fort Drum, N. Y.  
R-5201A Fort Drum, N. Y.  
R-5201B Fort Drum, N. Y.  
R-5201C Fort Drum, N. Y.  
R-5201D Fort Drum, N. Y.  
R-5203 Oswego, N. Y.  
R-5306A Cherry Point, N. C.  
R-5306B Cherry Point, N. C.  
R-5306C Cherry Point, N. C.  
R-5306D Cherry Point, N. C.  
R-5306E Cherry Point, N. C.  
R-5311B Fort Bragg, N. C.  
R-5313 Long Shoal Point, N. C.  
R-5314 Dare County, N. C.  
R-5502 La Carne, Ohio  
R-5503 Wilmington, Ohio  
R-5504 Wilmington, Ohio  
R-5601B Fort Sill, Okla.

AMENDMENTS 8/11/77 42 F. R. 29475 (Added)  
AMENDMENTS 8/11/77 42 F. R. 29475 (Added)  
AMENDMENTS 8/11/77 42 F. R. 29475 (Added)  
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AMENDMENTS 8/11/77 42 F. R. 29475 (Added)

AMENDMENTS 12/30/76 41 F. R. 52858 (Added)

AMENDMENTS 12/1/77 42 F. R. 56601 (Added)  
AMENDMENTS 12/1/77 42 F. R. 56601 (Added)  
AMENDMENTS 12/1/77 42 F. R. 56601 (Added)  
AMENDMENTS 12/1/77 42 F. R. 56601 (Added)

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R-5601C Fort Sill, Okla.  
R-5601D Fort Sill, Okla.  
R-5701 Boardman, Oreg.  
R-6001 Fort Jackson, S. C.  
R-6302A Fort Hood, Texas  
R-6302B Fort Hood, Texas  
R-6302C Fort Hood, Texas  
R-6302D Fort Hood, Tex.  
R-6302E Fort Hood, Tex.  
R-6402 Dugway Proving Ground, Dugway, Utah  
R-6404A Hill AFB Rangs South, Utah  
R-6404B Hill AFB Range North, Utah  
R-6404C Hill AFB Range East, Utah  
R-6405 Wendover, Utah  
R-6406 Wendover, Utah  
R-6407 Dugway Proving Ground, Dugway, Utah  
R-6413 Green River, Utah  
R-6602 Camp Pickett, Va.  
R-6604 Chincoteague Inlet, Va.  
R-6606 Pendleton, Va.  
R-6609 Tangier Island, Va.  
R-6611 Dahlgren Complex, Va.  
R-6613 Dahlgren Complex, Va.  
R-6713C Whidbey Island, Wash.  
R-6714A Yakima, Wash.  
R-6714B Yakima, Wash.  
R-6901 Camp McCoy, Wis.  
R-6903 Sheboygan, Wis.  
R-6904 Volk Field, Wis.  
R-7001 Guernsey, Wyo.

AMENDMENTS 10/6/77 42 F. R. 36247 (Added)  
AMENDMENTS 10/6/77 42 F. R. 36247 (Added)

SUBPART E - CONTROL AREAS AND CONTROL AREA EXTENSIONS

§ 71.161 Designation of control areas associated with jet routes outside the continental control area.  
Unless otherwise specified, the airspace centered on each of the following jet route segments has a vertical extent identical to that of a Jet Route and a lateral extent identical to that of a Federal airway and is designated as a control area. Unless otherwise specified, the place names appearing in the descriptions indicate VOR or VORTAC facilities identified by those names.

Jet Route No. 37 From Hobby, Tex., to INT of Hobby 090° and New Orleans, La., 257° radials.

J-41 From Key West, Fla., to Tallahassee, Fla.

Jet Route No. 42 Robbinsville, N. J., to Hampton, N. Y.

J-43 From St. Petersburg, Fla., to Tallahassee, Fla.

Jet Route No. 53 from Key West, Fla., to Miami, Fla.

Jet Route No. 55 from Sea Isle, N. J., to Putnam, Conn.

Jet Route No. 58 from New Orleans, La., to Sarasota, Fla.

Jet Route No. 62 From Nantucket, Mass., to the INT of the Nantucket 089° radial and the western boundary of the New York Oceanic Control Area.

Jet Route No. 63 From Kennedy, N. Y., to TUNNA INT.

Jet Route No. 79 From Ormond Beach, Fla., to Charleston, S. C.

Jet Route No. 86 From Humble, Tex., to Sarasota, Fla.

Jet Route No. 97 From Nantucket, Mass., to the INT of the Nantucket 157° radial and the western boundary of the New York Oceanic Control Area.

Jet Route No. 103 From Ormond Beach, Fla., to Savannah, Ga.

Jet Route No. 111 From Nome, Alaska, to SNOUT INT.

Jet Route No. 115, King Salmon, Alaska, to 160° W.

Jet Route No. 121: Norfolk, Va., to Hampton, N. Y.; Providence, R. I., to INT of Providence 045° and Boston, Mass., 066° radials.

Jet Route No. 122, from Galena, Alaska, to Nome, Alaska.

Jet Route No. 123, From INT of Kodiak, Alaska, 107° radial and the NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W., to Kotzebue, Alaska.

Jet Route No. 125, From Kodiak, Alaska, to Anchorage, Alaska.

Jet Route No. 129, Nome, Alaska, to Kotzebue, Alaska.

Jet Route No. 133, From Biorka Island, Alaska, to Johnston Point, Alaska.  
AMENDMENTS 1/29/76 40 F. R. 57353 (Rewritten)

Jet Route No. 150 From Robbinsville, N. J., via Hampton, N. Y.; Hyannis, Mass.; to the INT of Hyannis 068° and Boston, Mass., 097° radials.

Jet Route No. 153 From Sea Isle, N. J., to SHADS INT.

Jet Route No. 174 From Hampton, N. Y., via Hyannis, Mass., to HERIN INT.

Jet Route No. 501, from Oakland, Calif., to Anchorage, Alaska.

Jet Route No. 502, from the United States/Canadian border to Annette Island, AK.

Jet Route No. 573 from Providence, R. I., to Kennebunk, Maine

# § 71.163 Designation of additional control areas.

Unless otherwise specified, each control area designated below has a lateral extent identical to that of a Federal airway and extends upward from 700 feet (until designated from 1,200 feet or more) above the surface of the earth, except that the airspace of a control area within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

## Control 1141

That airspace within tangent lines from the circumference of a 5-mile radius circle centered at latitude 42° 23'23" N., longitude 70°59'10" W., to a 15-mile radius circle centered on the midway point of a direct line between latitude 42°23'23" N., longitude 70°59'10" W., and the Yarmouth, Nova Scotia, Canada, RBN to a 5-mile radius circle centered on the Yarmouth RBN and that airspace from 18,000 feet MSL to flight level 260 inclusive bounded by a line from: latitude 42°33'35" N., longitude 70°03'45" W.; thence to latitude 42°42'30" N., longitude 69°30'00" W.; thence to latitude 42°39'00" N., longitude 69°30'00" W.; thence to latitude 42°28'00" N., longitude 70°03'45" W.; thence to point of beginning; and that airspace extending upward from 2,000 feet MSL bounded by a line from: latitude 42°33'35" N., longitude 70°03'45" W.; thence to latitude 42°23'45" N., longitude 70°03'45" W.; latitude 42°25'15" N., longitude 70°30'00" W.; latitude 42°26'15" N., longitude 70°30'00" W.; thence to the point of beginning; excluding the portion under the jurisdiction of Canada, the portion within the confines of Federal airways and the Boston, Mass., transition area, the portion below 2,000 feet MSL west of the 69°30'00" W., meridian of longitude and the portion below 5,500 feet MSL east of the 69°30'00" W., meridian of longitude.

## Control 1142

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at latitude 42°21'30" N., longitude 70°41'25" W., to a 15-mile radius circle centered at latitude 42°02'00" N., longitude 68°00'00" W., and that airspace within lines drawn from latitude 42°16'00" N., longitude 68°00'00" W., thence to latitude 42°14'00" N., longitude 67°00'00" W., thence to latitude 41°52'00" N., longitude 67°00'00" W., thence to latitude 41°46'00" N., longitude 68°00'00" W., thence to latitude 42°16'00" N., longitude 68°00'00" W., excluding the portion within the Boston Transition area, the airspace below 5,500 feet MSL E of longitude 68°00'00" W., and the airspace below 2,000 feet MSL W of longitude 68°00'00" W., except that airspace within the confines of Federal airways.

## Control 1143

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., RBN to a 15-mile radius circle centered at the midway point on a direct line between the Nantucket RBN and the Yarmouth, Nova Scotia, Canada, RBN to a 5-mile radius circle centered on the Yarmouth RBN excluding that portion below 2,000 feet except that airspace within the confines of Federal airways.

## Control 1144

That airspace in the vicinity of Nantucket, Mass., within an area bounded by a line beginning at latitude 41°06'00" N., longitude 70°09'10" W., to latitude 41°25'35" N., longitude 70°09'35" W., to latitude 41°26'00" N., longitude 69°15'00" W., to latitude 41°46'00" N., longitude 68°00'00" W., to latitude 41°06'00" N., longitude 68°00'00" W., to the point of beginning, excluding the portion below 2,000 feet MSL except that airspace which lies within the confines of Federal airways.

## Control 1145

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., RBN to a 15-mile radius circle centered on the INT of a rhumb line between the Nantucket RBN and the Kindley AFB, Bermuda RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet except that airspace within the confines of Federal airway.

## Control 1146

That airspace within a 5 NM radius circle centered on the Nantucket, Mass., RBN and that airspace bounded by a line drawn from the tangent of the 5 NM radius circle centered on Nantucket RBN to latitude 43°05'20" N., longitude 68°00'00" W., thence to latitude 42°19'00" N., longitude 68°00'00" W., thence to latitude 43°00'00" N., longitude 67°00'00" W., thence to latitude 41°52'00" N., longitude 67°00'00" W., thence to latitude 41°46'00" N., longitude 68°00'00" W., thence to the tangent of the 5 NM radius circle centered on the Nantucket RBN excluding that airspace outside the United States below 2,000 feet MSL W of longitude 68°00'00" W., and below 5,500 feet MSL E of longitude 68°00'00" W.

## Control 1147

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at Lat. 40°18'30" N., Long. 73°45'00" W., to the circumference of a 15-mile radius circle centered at the INT of the 137° bearing from the Newark, N. J., RBN and the W boundary of the New York Oceanic Control Area, and that airspace bounded by a line beginning at latitude 40°02'15" N., longitude 73°13'45" W.; to latitude 40°05'45" N., longitude 73°09'15" W.; to latitude 39°26'35" N., longitude 72°24'25" W.; to the point of beginning. That airspace below 2,000 feet outside the confines of Federal airways is excluded.

## Control 1148

That airspace within tangent lines drawn from the circumference of 5-mile radius circles centered on the Rainbow, N. J., RBN and at the INT of Rainbow RBN 135° bearing and the Atlantic Ocean-U. S. Coastline to a 15-mile radius circle centered on the INT of Rainbow RBN 135° bearing and the west boundary of the New York Oceanic Control area at latitude 37°43'00" N., longitude 73°00'00" W., and that airspace which is within 5 miles southwest of and parallel to the Sea Isle, N. J., VORTAC 134° radial, extending from Sea Isle to a point 40 miles southeast of Sea Isle. That airspace below 2,000 feet outside the United States is excluded.

## Control 1149

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Norfolk, Va., VORTAC 088° radial at Long. 75° 32' 00" W. to the circumference of a 15-mile radius circle centered on the Norfolk, Va., VORTAC 088° radial on the west boundary of the New York Oceanic Control Area at Lat. 36° 57' 30" N., Long. 73° 00' 00" W., excluding the portion below 2,000 feet MSL outside the United States.

## Control 1154

That airspace extending upward from 5,000' MSL bounded on the east by VOR Federal airway No. 199; on the south by a line extending from latitude 38°03'25" N., longitude 123°11'45" W.; to latitude 38°00'00" N., longitude 123°23'00" W.; to latitude 37°50'00" N., longitude 124°24'30" W.; to latitude 37°40'00" N., longitude 125°23'30" W.; on the west by the Oakland Oceanic Control Area; and on the north by a line extending from latitude 38°50'00" N., longitude 126°11'05" W.; to latitude 38°52'00" N., longitude 125°52'30" W.; to latitude 39°00'00" N., longitude 123°56'30" W.; to latitude 39°02'55" N., longitude 123°22'00" W.

## Control 1155

That airspace extending upward from 5,000 feet MSL within 5 miles each side of the San Luis Obispo, Calif., VORTAC 242° radial, including the additional airspace within lines diverging at angles of 5° from the centerline at the VORTAC, extending from the U. S. coastline to the Oakland Oceanic CTA/FIR boundary.

## Control 1156

That airspace extending upward from 5,000 feet MSL within 5 miles each side of the Mission Bay, Calif., VORTAC 262° radial, including the additional airspace within lines diverging at angles of 5° from the centerline at the VORTAC, extending from the VORTAC to its intersection with Control 1177.

## Control 1169

That airspace within 5 miles either side of a line extending from the Kennedy, N. Y., VORTAC via the INT of the Kennedy VORTAC 080° and the Nantucket, Mass., VORTAC 255° radials, to the Nantucket VORTAC and within lines diverging from the Kennedy VORTAC to points of tangency to a 9.5-mile radius circle centered at the INT of the Kennedy VORTAC 080° and the Nantucket VORTAC 255° radials; within the circumference of the circle and within lines tangent to that circle converging to the Nantucket VORTAC, excluding the airspace below 2,000 feet MSL outside the United States.

## Control 1173

That airspace W of San Francisco, Calif., bounded by a line extending from latitude 37°40'00" N., longitude 125°23'30" W., to latitude 37°50'00" N., longitude 124°24'30" W., to latitude 38°00'00" N., longitude 123°23'00" W., to latitude 38°03'25" N., longitude 123°11'45" W., thence via the W edge of V-199 and V-27 to latitude 37°09'20" N., longitude 122°34'50" W., to latitude 36°16'00" N., longitude 124°26'00" W., to the point of beginning, excluding the portion below 2,500 feet MSL. The portion within W-513 is excluded between the hours of 0800 and 2000 p.s.t., Monday through Friday, and below 3,000 feet MSL within W-513 between the hours of 2000 and 0800 p.s.t., Monday through Friday.

## Control 1176

That airspace extending upward from 2,000 feet MSL, within lines 5 miles each side of the Santa Barbara, Calif., VORTAC 247° radial, including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to the east boundary of the Oakland Oceanic Control Area, excluding the portion east of longitude 120°30'00" W.

## Control 1177

That airspace SW of Los Angeles, Calif., bounded by a line beginning at Lat. 33°25'50" N. Long. 118°28'50" W. thence to Lat. 33°19'00" N. Long. 118°21'45" W. thence to Lat. 32°44'30" N. Long. 119°07'00" W. thence to Lat. 31°41'00" N. Long. 120°15'00" W. thence to Lat. 31°18'40" N. Long. 121°11'30" W. thence to Lat. 31°54'00" N. Long. 121°34'30" W. thence to Lat. 32°10'45" N. Long. 120°16'15" W. thence to Lat. 32°52'15" N. Long. 119°12'30" W. thence to point of beginning excluding the airspace below 5,000 feet MSL.

## Control 1181

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Weeksville, N.C., RBN to a 10-mile radius circle centered on the INT of the 133° bearing from the Weeksville RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet which extends outside the United States.



**Control 1217**

That airspace within tangent lines drawn from the circumference of a 5-mile-radius circle centered on the Woody Island, Alaska, RBN to the circumference of a 10-mile radius circle centered at the INT of the 107° bearing from the Woody Island RBN with the NW boundary of the Anchorage Oceanic Control Area. The airspace below 2,000 feet MSL outside the United States is excluded.

**Control 1218**

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Kachemak, Alaska, RBN to the circumference of a 10-mile radius circle centered at the INT of the 118° bearing from the Kachemak RBN with the NW boundary of the Anchorage Oceanic Control Area.

**Control 1234**

That airspace extending upward from 2,000 feet above the surface within an area bounded by a line beginning at: latitude 58°07'00" N., longitude 160°00'00" W.; to latitude 53°30'00" N., longitude 160°00'00" W.; to latitude 51°24'00" N., longitude 167°49'00" W.; to latitude 50°08'00" N., longitude 176°34'00" W.; to latitude 51°05'00" N., longitude 173°44'00" E.; to latitude 51°30'00" N., longitude 170°00'00" E.; to latitude 54°40'40" N., longitude 170°00'00" E.; to latitude 54°49'00" N., longitude 170°12'30" E.; to latitude 54°23'00" N., longitude 174°30'00" E.; to latitude 53°36'00" N., longitude 176°47'00" W.; to latitude 54°33'00" N., longitude 169°58'00" W.; to latitude 56°39'00" N., longitude 164°25'00" W.; to latitude 57°46'00" N., longitude 161°46'00" W.; thence to point of beginning. The portion within R-2204 is excluded.

**Control 1235**

That airspace extending upward from 14,500 feet MSL to FL 450 within the area bounded by a line beginning at latitude 53°30'00" N., longitude 160°00'00" W.; to latitude 56°00'00" N., longitude 153°00'00" W.; to latitude 59°09'00" N., longitude 147°18'00" W.; thence clockwise via the arc of a 172-mile radius circle centered on the Anchorage, Alaska, VORTAC to latitude 58°50'00" N., longitude 151°58'00" W.; thence clockwise via the arc of a 172-mile radius circle centered on the King Salmon, Alaska, VORTAC to longitude 160°00'00" W.; thence to point of beginning, excluding the portion that lies within the Continental Control Area, Control 1217, Control 1218, Federal airways and the Kodiak, Alaska, transition area.

**Control 1236**

That airspace extending upward from 14,500 feet MSL to FL 450 within the area bounded by a line beginning at: latitude 60°00'00" N., longitude 170°00'00" W.; to latitude 61°00'00" N., longitude 165°00'00" W.; to latitude 60°00'00" N., longitude 164°00'00" W.; to latitude 60°00'00" N., longitude 160°00'00" W.; to latitude 57°00'00" N., longitude 160°00'00" W.; to latitude 60°00'00" N., longitude 168°00'00" W.; thence to the point of beginning, excluding the portion that lies within the Continental Control Area, Control 1234, Control 1483 and Control 1400.

**Control 1238**

That airspace extending upward from 14,500 feet MSL to FL 450 within an area bounded by a line beginning at latitude 60°57'00" N., longitude 165°17'00" W.; along the northern boundary of Control 1236 to latitude 60°17'00" N., longitude 168°42'00" W.; thence to latitude 62°35'00" N., longitude 175°00'00" W.; thence to latitude 65°00'00" N., longitude 168°58'23" W.; thence to latitude 68°00'00" N., longitude 168°58'23" W.; along the southern boundary of Control 1485 to latitude 68°00'00" N., longitude 165°30'00" W.; thence by a line 3 nautical miles from and parallel to the shoreline to the point of beginning, excluding that portion that lies within Continental Control Area, control areas, and transition areas at Nome and Kotzebue, Alaska.

**Control 1310**

That airspace within 4 nautical miles each side of a direct line extending from the Anchorage, Alaska, VORTAC to the Middleton Island, Alaska, VORTAC, including the additional airspace between lines diverging at 4.5° angles from the centerline, extending SE from the Anchorage VORTAC and NW from the Middleton Island VORTAC and which terminate at the intersecting points midway between Anchorage and Middleton Island; thence within 16 miles each side of a line extending from the Wessels, Alaska, RBN to the Sandspit, British Columbia, Canada, RBN; including that airspace between lines diverging at 5° angles from the centerline, extending southeast from the Wessels, Alaska, RBN and northwest from the Sandspit RBN, and which terminate at the intersecting points midway between Wessels and Sandspit, excluding the portion within Canada, and the airspace below 2,000 feet MSL outside the United States.

**Control 1316**

That airspace within 5 miles each side of the Los Angeles, Calif., VOR 264° radial extending from the VOR to the Oakland Oceanic Control Area boundary and between lines diverging at an angle of 5° from the 264° radial extending from the Los Angeles VOR to the Oakland Oceanic Control Area boundary, excluding the airspace below 5,000 feet MSL within W-289.

**Control 1318**

That airspace within 5 miles each side of the Los Angeles, Calif., VORTAC 249° radial extending from the VORTAC to the Wilba Fix (lat. 32°41'00"N., long. 122°03'00"W.) and between lines diverging at an angle of 5° from the 249° radial extending from the Los Angeles VORTAC to the Wilba Fix, excluding the airspace below 6,000 feet MSL within W-289.

AMENDMENTS 12/30/76 41 F.R. 48514 (Added)

**Control 1400**

That airspace within 5 miles each side of the 262° bearing from King Salmon, Alaska, LOM extending from the LOM to the Anchorage CTA/FIR boundary, and between lines diverging at an angle of 5° from the King Salmon LOM 262° bearing extending from the LOM to the Anchorage CTA/FIR boundary, excluding the airspace below 2,000 feet MSL outside the United States.

**Control 1401**

That airspace within 5 miles each side of the 246° bearing from the King Salmon, Alaska, LOM extending from the LOM to long. 160°00'00" W., and between lines diverging at an angle of 5° from the King Salmon, LOM 246° bearing extending from the LOM to long. 160°00'00" W., excluding the airspace below 2,000 feet MSL outside the United States.

**Control 1415**

That airspace within parallel boundary lines 4 nmi each side of the Fortuna, Calif., VOR 270° radial including the additional airspace within lines diverging at angles of 4.5° from the centerline extending to the E boundary of the Oakland Oceanic Control Area, excluding the portion below 5,000 feet MSL W of longitude 124°30'00" W.

**Control 1416**

That airspace within 5 miles each side of the Fortuna, Calif., VORTAC 326° radial and the additional area between lines diverging at angles of 5° each side of the 326° radial, extending from the VORTAC to the Gateway Hemlock INT, excluding the airspace below 5,000 feet MSL which lies outside the continental limits of the United States.

**Control 1418**

That airspace extending upward from 2,000 feet MSL centered on the Hoquiam, Wash., VORTAC 232° radial, 10 nmi in width at the VORTAC with each edge diverging at an angle of 5° with the centerline, extending from the VORTAC to the E boundary of the Oakland Oceanic Control Area.

**Control 1419**

That airspace extending upward from 2,000 feet MSL within lines 5 miles each side of the Newport, Oreg., VORTAC 237° radial, including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to the E boundary of the Oakland Oceanic control area, excluding the portion within the Newport, Oreg., transition area.

**Control 1445**

That airspace S of the United States-Canadian border and the Vancouver Flight Information Region within lines tangent to the circumference of a 5-mile radius circle centered on the Neah Bay, Wash., RBN and the circumference of a 15-mile radius circle centered at Lat. 48°40'00" N, Long. 125°17'30" W, excluding the portion below 5,000 feet MSL. The portion within W-601 is excluded.

**Control 1483**

That airspace within 5 miles each side of the 237° bearing from the Oscarville, Alaska, RBN; extending from the RBN to the E boundary of the Anchorage Oceanic Control Area, and between lines diverging at a 5° angle from the 237° bearing extending from the Oscarville RBN to the E boundary of the Anchorage Oceanic Control area and excluding the airspace below 2,000 feet MSL outside the United States.

**Control 1485**

That airspace extending upward from FL-230 bounded by a line beginning at latitude 68°00'00" N., longitude 168°58'23" W.; to latitude 72°00'00" N., longitude 158°00'00" W.; to latitude 72°00'00" N., longitude 141°00'00" W.; to latitude 68°00'00" N., longitude 141°00'00" W.; to the point of beginning.

**Control 1486**

That airspace within 5 miles each side of the Ukiah, Calif., VOR 300° radial and the additional area between lines diverging at angles of 5° either side of the 300° radial extending from the VOR to the eastern boundary of the Seattle Oceanic Control Area; excluding the airspace below 5,000 feet MSL which lies outside the continental limits of the United States.

**Control 1487**

That airspace extending upward from 14,500 feet MSL; to FL 450, within the area bounded by a line beginning at latitude 59°08'30" N., longitude 147°16'00" W., counterclockwise via the arc of a 172-mile radius centered on the Anchorage VORTAC to latitude 60°14'10" N., longitude 145°29'30" W., thence southeastward 3 nmi from and parallel to the U. S. coastline to latitude 54°40'00" N., longitude 132°56'00" W., thence to latitude 54°14'00" N., longitude 134°57'00" W., thence along the eastern boundary of the Anchorage Oceanic control area to the point of beginning. The portion within Control 1310 and the portion within Canada is excluded.

**Barnegat, N. J.**

That airspace extending upward from 700 feet MSL beginning at lat. 39°40'00"N., long. 73°29'00"W.; to lat. 39°40'00"N., long. 72°50'00"W.; to lat. 39°34'00"N., long. 72°50'00"W.; thence along lat. 39°34'00"N., to the northeast edge of Control 1147; southeast along the northeast edge of Control 1147 to lat. 39°19'00"N.; thence to lat. 38°33'00"N., long. 73°08'00"W.; west along lat. 38°33'00"N., to the northeast edge of Control 1148; thence northwest along the northeast edge of Control 1148 to long. 73°50'00"W.; to lat. 38°58'00"N., long. 73°50'00"W.; to lat. 38°58'00"N., long. 73°50'00"W.; to lat. 38°58'00"N., long. 73°13'00"W.; to lat. 39°09'00"N., long. 73°29'00"W.; to point of beginning; and that airspace extending upward from 1,200 feet MSL bounded on the northeast by the southwest boundary of Control 1147, on the southeast by the New York Oceanic CTA/FIR, on the southwest by the northeast boundary of Control 1148, on the northwest by the east boundary of Victor Airway 139, on the north by latitude 39°44'00" N.

AMENDMENTS 12/1/77 42 F. R. 55883 (Changed)

**Bethany Beach, Del.**

That airspace extending upward from 2,000 feet MSL bounded on the west by a line 3 nautical miles east of and parallel to the U. S. shoreline; on the northeast by the southwest boundary of Control 1148; and on the south by latitude 38°00'00" N.

**Boardman, Oreg.**

That airspace extending upward from 1200 AGL bounded on the northeast by the southwest edge of V-4, on the southeast and the southwest by the north edge of V-112, and on the northwest by the southeast edge of V-520; excluding the portion within Restricted Area R-5704, during its published hours of designation.

**Bozeman, Mont.**

From Bozeman, Mont., VOR, 10,700 MSL Livingston, Mont., VORTAC.

**Browerville/Barter Island, Alaska**

From the Browerville, Alaska, RBN, 12 AGL Lonely, Alaska, RBN; 12 AGL Oliktok, Alaska, RBN; 12 AGL Put River, Alaska, RBN; 12 AGL Barter Island, Alaska, RBN.

**Brunswick, Maine**

That airspace extending upward from 2,000 feet MSL W of longitude 69°30'00" W. and from 5,500 feet MSL E of longitude 69°30'00" W., bounded on the W and N by the Portland, Maine, and the Bangor, Maine, transition areas; on the E by the W boundary of the Moncton Flight Information Region; on the S by the N boundary of Control 1141; and on the SW between latitude 42°40'10" N., longitude 70°30'00" W., and latitude 42°45'00" N., longitude 70°37'00" W., by a line 3 nautical miles from and parallel to the U. S. shoreline.

**Colville, Wash.**

That airspace extending upward from 7,000 feet MSL bounded on the north by the United States/Canadian border, on the east by the west edge of V-112, on the south by lat. 48°00' N., and on the west by long. 119°00' W., excluding the Spokane, Wash., transition area. That airspace below 1,200 feet AGL is excluded.

**Gulf of Alaska**

From lat. 60°09'00"N., long. 144°30'00"W., thence eastward 3 NM offshore and parallel to the shoreline to lat. 59°43'30"N., long. 140°00'00"W., to lat. 59°27'00"N., long. 140°00'00"W., thence westward along the south boundary of V-440 to long. 144°30'00"W., to point of beginning, excluding that portion that lies within transition areas at Yakutat and Yakutat, Alaska. The portion within Control 1487 is excluded.

AMENDMENTS 12/1/77 42 F. R. 55884 (Added)

Corr: 42 F. R. 58515

**Gulf of Mexico**

That airspace extending upward from 1,200 feet MSL bounded by a line beginning at a point 3 nautical miles offshore at latitude 25°58'30" N., longitude 97°05'20" W., thence northward 3 nautical miles from and parallel to the shoreline to latitude 27°32'00" N., longitude 82°48'00" W., to latitude 27°43'00" N., longitude 83°45'30" W., to latitude 27°35'00" N., longitude 83°45'00" W., thence west along the north boundary of the Miami and Houston Oceanic Control Area to latitude 26°00'00" N., longitude 96°00'00" W., to point of beginning; excluding that airspace east of Corpus Christi, Tex., beginning at a point 3 nautical miles offshore at latitude 27°49'00" N., thence to latitude 27°45'30" N., longitude 96°51'00" W., to latitude 27°28'20" N., longitude 96°45'30" W., to latitude 27°14'30" N., longitude 96°55'30" W., to latitude 27°23'00" N., longitude 97°06'00" W., to a point 3 nautical miles offshore at latitude 27°11'20" N.

**Hog Island, Va.**

That airspace extending upward from 2,000 feet MSL bounded on the north by latitude 38°00'00" N.; on the northeast by the southwest edge of Control 1148; on the east by the New York Oceanic CTA/FIR; on the south by the north edge of Control 1149; on the west by longitude 75°30'00" W., and on the northwest by a line 3 nautical miles southeast of and parallel to the shoreline to the point of beginning.

**Kirkville, Mo.**

From Kirkville, Mo., VORTAC 12 AGL to Moline, Ill., VORTAC, and from Kirkville VORTAC 45 MSL to St. Louis, Mo., VORTAC.

**Lakeview, Oreg.**

That airspace extending upward from 10,500 feet MSL bounded on the north by latitude 44°00' N., on the east by a line extending from latitude 44°00' N., longitude 120°00' W., to the north edge of V-122 at longitude 119°00' W., on the south by the north edge of V-122, and on the west by the east edge of V-165.

**Nantucket, Mass.**

That airspace extending upward from 2,000 feet MSL bounded on the north by a line extending from lat. 41°06'00" N., long. 69°55'30" W., easterly to 41°06'00" N., long. 68°00'00" W.; on the east by a line extending from lat. 41°06'00" N., long. 68°00'00" W., southerly to lat. 41°00'00" N., long. 68°00'00" W.; on the south-east by a line extending from lat. 41°00'00" N., long. 68°00'00" W. southwesterly to lat. 39°53'30" N., long. 68°57'00" W.; on the southwest by a line extending from lat. 39°53'30" N., long. 68°57'00" W. northwesterly to point of beginning.

**Narragansett, R. I.**

That airspace extending upward from 2,000 feet MSL bounded on the north by the south boundary of Control 1169; on the east by the southwest boundary of Control 1145, on the south by the New York Oceanic CTA/FIR, on the southwest by the northeast boundary of Control 1147, on the west by longitude 72°30'00" W., excluding those portions within the Fire Island, N. Y., South Island, N. Y., and Nantucket, Mass., transition areas.

AMENDMENTS 4/21/77 42 F. R. 8364 (Changed)

**Newport, Oreg.**

That airspace extending upward from 5,000 feet MSL bounded on the north by the Vancouver Oceanic Control boundary, on the east by a line beginning at Lat. 48°30'00"N., Long. 124°44'00"W., thence extending southward 3 nautical miles west of and parallel to the shoreline, thence via the west edge of V-27W and V-27 to the Oakland ARTCC Flight Advisory Area, on the south by the Oakland ARTCC Flight Advisory Area, and on the west by the Oakland Oceanic Control boundary.

**Olympic Peninsula, Wash.**

That airspace extending upward from 5,500 feet MSL beginning at lat. 48°14' N., long. 124°45' W., to lat. 48°00' N., long. 124°07' W., to lat. 47°38' N., long. 123°40' W., to lat. 47°15' N., long. 123°40' W., to lat. 47°07' N., long. 124°11' W., to lat. 47°30' N., long. 124°21' W., to lat. 48°00' N., long. 124°45' W., to point of beginning. That airspace below 1,200 feet AGL is excluded.

**Omak, Wash.**

That airspace extending upward from 5500 feet MSL within 5 miles each side of a line extending from the Omak RBN to the Ephrata VOR; that airspace extending upward from 8500 feet MSL bounded on the north by the U.S./Canadian border, on the east by longitude 119°00' W., on the south by latitude 48°00' N., and on the west by a line from latitude 48°00' N., longitude 120°30' W.; to latitude 49°00' N., longitude 120°00' W., excluding that airspace below 1200 feet AGL.

**Ottumwa, Iowa**

From the Ottumwa, Iowa, VORTAC 12 AGL 26 miles, 50 MSL to Kansas City, Mo., VORTAC.

**Patchogue, N. Y.**

That airspace extending upward from 3,000 feet MSL bounded on the north by the south boundary of Control 1169, on the east by longitude 72°30'00" W., on the southwest by the northeast boundary of Control 1147; on the northwest by the east boundary of Victor Airway 139 excluding those portions within the Fire Island, N. Y., and South Island, N. Y., transition areas.

**Pendleton, Va.**

That airspace extending upward from 2,000 feet MSL bounded on the north by the south edge of Control 1149; on the east and southeast by the New York Oceanic CTA/FIR; on the southwest by the northeast edge of Control 1181; and on the west by longitude 75°30'00" W.

**Rattlesnake, Wyo.**

That airspace extending upward from 8,500 feet MSL bounded on the north by V-298S, on the east by Casper, Wyo., 1,200-foot transition area, on the south and southwest by a line 4 NM south and southwest and parallel to the Casper ILS west course and Riverton, Wyo., VOR 099° radial and on the west by the Riverton, Wyo., 1,200-foot transition area.



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**San Francisco, California**

That airspace extending upward from 5,000 feet MSL bounded on the north by the Seattle ARTCC flight advisory area, on the east by the west edge of V-27W and V-199 to a point 3 nautical miles offshore, then via a line 3 nautical miles west of and parallel to the shoreline, on the south by the Santa Barbara Control Area and on the west by the Oakland Oceanic CTA/FIR boundary.

**Santa Barbara, Calif.**

That airspace extending upward from 5,000 feet MSL bounded on the northwest by a line extending from lat. 34° 30'00" N., long. 123°15'00" W., to lat. 35°26'30" N., long. 121°03'40" W., on the northeast by a line 3 nautical miles southwest of and parallel to the shoreline, on the southeast by a line 5 nautical miles southeast of and parallel to the Santa Catalina 048° and 228° true radials and the northwest boundary of Warning Area W-291, and on the southwest by the Oakland Oceanic CTA/FIR boundary.

**Sault Ste. Marie, Mich.**

That airspace extending upward from 1,200 feet AGL within 4 nautical miles each side of a direct line extending from the Thunder Bay, Ontario, Canada, RBN to the Sault Ste. Marie, Mich., RBN, including the additional airspace between lines diverging at 4.5° from the centerline at the Thunder Bay and Sault Ste. Marie RBNS and extending until they meet. Also that airspace extending upward from 1,200 feet AGL in an area bounded by a line beginning at lat. 46°48'45" N., long. 84° 33'00" W., to lat. 46°33'00" N., long. 85°01'40" W., to lat. 47°00'00" N., long. 86°25'30" W., to lat. 47°19' 40" N., long. 86°10'10" W., thence to the point of beginning. The airspace within Canada is excluded.

**Sidney, Mont.**

That airspace extending upward from 1,200 feet AGL within 4 nautical miles each side of a direct line extending from latitude 47°41'00" N., longitude 104°06'15" W., to latitude 48°06'45" N., longitude 105°36'00" W.

**South Atlantic**

That airspace extending upward from 2,000 feet MSL, bounded on the south by latitude 24°00'00" N., and 27°00'00" N.; on the west and northwest by Control 1233, by a line from latitude 24°34'30" N., longitude 80°50'15" W., to latitude 24°45'45" N., longitude 80°48'15" W., and by a line 3 NM from and parallel to the shoreline; and on the northeast and east by Control 1181 and the New York and Miami Oceanic CTA/FIR.

**South Florida**

That airspace extending upward from 2,000 feet MSL bounded by a line beginning at lat. 27°32'00" N., long. 82° 48'00" W., thence southward 3 nautical miles from and parallel to the shoreline to lat. 24°45'40" N., long. 80° 48'20" W.; to lat. 24°00'00" N., long. 80°56'30" W.; to lat. 24°00'00" N., long. 83°10'00" W.; to lat. 27°35' 00" N., long. 83°45'00" W.; to lat. 27°43'00" N., long. 83°45'00" W.; thence to point of beginning.

**Zuni, N. Mex.**

From the Zuni, N. Mex., VORTAC 12,500 feet MSL to INT of Zuni VORTAC 226° and St. Johns, Ariz., VORTAC 247° radials.

**71.165 Designation of control area extensions.**

Unless otherwise specified, each control area extension designated below extends upward from 700 feet above the surface of the earth, except that the airspace of a control area extension within the lateral limits of a transition area has a floor coincident with that of the transition area.

**Eniwetok Island**

That airspace extending upward from 700 feet above the surface within a 50-nmi radius of the Eniwetok RBN (Lat. 11°21'00" N., Long. 162°20'00" E).

**SUBPART F - CONTROL ZONES****§ 71.171 Designation.**

The parts of airspace described below are designated as control zones.

**Abbotsford, British Columbia, Canada**

That airspace within the area bounded by a line beginning 43°57'30"N; 122°21'43"W, thence counter-clockwise along the arc of a circle of 4 nautical miles radius centered on the Abbotsford airport at 49°01'32"N; 122°21'43"W, to 49°02'00"N; 122°27'40"W, to 49°02'00"N; 122°33'45"W, to 48°57'30"N; 122°33'45"W, thence to the point of beginning excluding the airspace overlying the territory of Canada.

**Aberdeen, Mi.**

Within a 5-mile radius of the center, lat. 39°28'00"N., long. 76°10'00"W., of Phillips AAF; within 4.5 miles each side of a 029° bearing from the Aberdeen, Md., RBN, extending from the RBN to 8.5 miles northeast of the RBN; within 3.5 miles each side of the Phillips VOR 033° radial, extending from the VOR to 11.5 miles northeast of the VOR. This control zone is effective from 0800 to 1630 hours, local time, Monday through Friday, excluding Federal legal holidays.

AMENDMENTS 8/11/77 42 F. R. 37359 (Changed)

**Aberdeen, SD.**

Within a 5-mile radius of Aberdeen Municipal Airport (latitude 45°27'00" N., longitude 98°25'00" W.) and within 3 miles each side of the Aberdeen VORTAC 131° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; within 2 miles each side of the Aberdeen VORTAC 312° radial, extending from the 5-mile radius zone to 9 miles northwest of the VORTAC.

**Abilene, TX. (Municipal Airport)**

Within a 5-mile radius of Abilene Municipal Airport (latitude 32°24'42" N., longitude 99°40'53" W.); within 2.5 miles west and 3 miles east of the Abilene ILS localizer north course, extending from the 5-mile radius zone to 6.5 miles north of the airport; within 2.5 miles west and 3 miles east of the Abilene ILS localizer south course extending from the 5-mile radius zone to 7.5 miles south of the airport; and within 2 miles each side of the Abilene VORTAC 112° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion within the Abilene, TX. (Dyess AFB), control zone.

**Abilene, Tex. (Dyess AFB)**

That airspace within a 5-mile radius of Dyess AFB (latitude 32°25'10" N., longitude 99°51'15" W.); within 2 miles each side of the Dyess ILS localizer S course; extending from the 5-mile radius zone to 8.5 miles S of the 5-mile radius zone; within 2 miles each side of the Tuscola VOR 350° radial, extending from the 5-mile radius zone to 2 miles N of the VOR; and within 2 miles each side of the Abilene VORTAC 353° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

**Adak, Alaska**

Within a 5-mile radius of the NS Adak Airport (latitude 51°52'59" N., longitude 176°38'54" W.); within 2 miles each side of the 054° bearing from the Adak RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN, and within 2 miles each side of the Navy Adak TACAN 067° radial, extending from the 5-mile radius zone to 8 miles northeast of the TACAN.

**Akron, Colo.**

Within a 5-mile radius of Akron-Washington County Airport (latitude 40°10'30" N., longitude 103°12'45" W.) and within 4 miles each side of the Akron VORTAC 123° radial, extending from the 5-mile radius zone to 11 miles southeast of the VORTAC.

**Akron, Ohio (Akron-Canton Airport)**

Within a 5.5-mile radius of the center, lat. 40°54'58" N., long. 81°26'32" W. of Akron-Canton Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the points of INT of the 5.5-mile radius zone with the Akron, Ohio (Akron Municipal Airport), control zone.

**Akron, Ohio (Akron Municipal Airport)**

Within a 5.5-mile radius of the center, lat. 41°02'18" N., long. 81°28'01" W. of Akron Municipal Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the points of INT of the 5.5-mile radius zone with the Akron, Ohio (Akron-Canton Airport), control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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## Alameda, Calif.

Within a 5-mile radius of NAS Alameda (Lat. 37°47'10" N, Long. 122°19'00" W), excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the Oakland, Calif., control zone.

## Alamogordo, N. Mex.

Within a 5-mile radius of the Holloman Air Force Base Airport (latitude 32°51'04" N., longitude 106°06'05" W.); within 2 miles each side of the Holloman VOR 015° radial extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the extended centerline of Runway 3 extending from the 5-mile radius zone to 4.5 miles northeast of the northeast end of Runway 3; within 2 miles each side of the extended centerline of Runway 15 extending from the 5-mile radius zone to 4.5 miles south of the south end of Runway 15; within 2 miles each side of the extended centerline of Runway 21 extending from the 5-mile radius zone to 4.5 miles southwest of the southwest end of Runway 21; within 2 miles each side of the Holloman TACAN 349° radial extending from the 5-mile radius zone to 17.5 miles north of the TACAN; and within 2 miles each side of the VOR 350° radial extending from the 5-mile radius zone to 8 miles north of the VOR; excluding that portion within a 2-mile radius of the Alamogordo Municipal Airport (latitude 32°50'27" N., longitude 105°59'17" W.) and within a 2-mile radius of the Midway Airport (latitude 32°52'04" N., longitude 105°59'26" W.). The portion of this control zone within R-5107D extends upward to 22,000 feet MSL. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Alamosa, Colo.

Within a 5-mile radius of Alamosa Municipal Airport (latitude 37°26'15" N., longitude 105°51'40" W.); within 3.5 miles each side of the Alamosa VORTAC 127° and 335° radials extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC; within 3 miles each side of the 013° bearing from the Frontier Airlines NDB (latitude 37°26'36" N., longitude 105°51'12" W.) extending from the 5-mile radius zone to 10 miles northeast of the NDB; and within 2 miles each side of the Alamosa VORTAC 186° radial extending from the VORTAC to 10 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

## Albany, Ga. (Albany-Dougherty County Airport)

Within a 5-mile radius of Albany-Dougherty County Airport (lat. 31°32'07" N., long. 84°11'41" W.); within 2.5 miles each side of Albany VORTAC 143° radial, extending from the 5-mile radius zone to 1 mile southeast of the VORTAC.

## Albany, N. Y.

Within a 5-mile radius of the center 42°44'43"N., 73°48'05"W., of Albany County Airport, Albany, N. Y.; within 3 miles each side of the Albany VORTAC 354° radial, extending from the 5-mile radius zone to 8.5 miles north of the VORTAC; within 4 miles each side of the Albany VORTAC 082° radial, extending from the 5-mile radius zone to 15 miles east of the VORTAC; within 2 miles each side of the extended centerline of Albany County Airport Runway 10; extending from the 5-mile radius zone to 5 miles west of the approach end of Runway 10; within 3 miles each side of the Albany VORTAC 181° radial, extending from the 5-mile radius zone to 8.5 miles south of the VORTAC.

AMENDMENTS 10/6/77 42 F. R. 41107 (Rewritten)

Corr: 42 F. R. 43388

## Albuquerque, N. Mex.

Within a 5-mile radius of Albuquerque International Airport (latitude 35°02'42" N., longitude 106°26'02" W.); within 2 miles each side of the extended centerline of Runway 35, extending from the 5-mile radius zone to 5.5 miles north of the airport coordinates; within 2 miles east and 3.5 miles west of the extended centerline of runway 17, extending from the 5-mile radius zone to 6 miles south of the airport coordinates; and within 2 miles each side of the Albuquerque VORTAC 090° radial, extending from the 5-mile radius zone to the VORTAC.

## Alexandria, La. (England AFB)

That airspace within a 5-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.); within 2 miles each side of the 318° bearing from the England RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Alexandria VORTAC 151° and 331° radials, extending from the 5-mile radius zone to 1.5 miles southeast of the VORTAC; within 2 miles each side of the Alexandria VORTAC 327° radial, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC; within 2 miles each side of the extended centerline of Runway 14, extending from the 5-mile radius zone to 6 miles northwest of the airport; within 2 miles each side of the extended centerline of Runway 18, extending from the 5-mile radius zone to 5.5 miles north of the airport; and within 2 miles each side of the extended centerline of Runway 36, extending from the 5-mile radius zone to 6.5 miles south of the airport.

This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Alexandria, La. (Esler Regional Airport)

Within a 5-mile radius of Esler Regional Airport (latitude 31°23'45" N., longitude 92°17'40" W.), and within 3 miles each side of the Esler VOR 338° radial extending from the 5-mile radius zone to 8.5 miles north of the VOR. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 8/11/77 42 F. R. 28374 (Changed)

## Alexandria, Minn.

Within a 5-mile radius of Alexandria Municipal Airport (latitude 45°52'00" N., longitude 95°23'40" W.); and within 2 miles each side of the Alexandria VORTAC 231° radial, extending from the 5-mile radius zone to 2 miles southwest of the VORTAC.

## Alice, Tex.

That airspace within a 5-mile radius of the Alice International Airport (latitude 27°44'30" N., longitude 98°01'40" W.); within 2 miles each side of the Alice VOR 153° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; within 2 miles each side of the Alice VOR 270° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; and within 2 miles each side of the 134° bearing from latitude 27°44'20" N., longitude 98°01'46" W., extending from the 5-mile radius zone to 8 miles southeast of latitude 27°44'20" N., longitude 98°01'46" W.

## Allentown, Pa.

Within a 5.5-mile radius of the center, 40°39'16" N., 75°26'11" W. of Allentown-Bethlehem-Easton Airport, Allentown, Pa., extending clockwise from a 042° bearing to a 103° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 103° bearing to a 209° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 209° bearing to a 291° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 291° bearing to a 042° bearing from the airport; within a 1.5-mile radius of the center, 40°34'13" N., 75°29'19" W. of Allentown-Queen City Municipal Airport, Allentown, Pa.; within 2 miles each side of the Allentown-Bethlehem-Easton Airport localizer southwest course extending from the localizer to 1 mile northeast of the OM; within 3.5 miles each side of the Allentown VORTAC 178° and 358° radials, extending from 1 mile south to 5 miles north of the VORTAC; within 3 miles each side of the Allentown-Bethlehem-Easton Airport localizer northwest course, extending from the localizer to 8.5 miles northwest of the OM.

## Alliance, Nebr.

Within a 5-mile radius of Alliance Municipal Airport (latitude 42°02'45" N., longitude 102°48'30" W.); within 2½ miles each side of the Alliance VOR 304° radial, extending from the 5-mile radius zone to 6 miles northwest of the VOR; within 2½ miles each side of the Alliance VOR 150° radial, extending from the 5-mile radius zone to 6 miles southeast of the VOR; and within 3 miles each side of the 142° bearing from Alliance Municipal Airport, extending from the 5-mile radius zone to 9 miles southeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Alma, Ga.

Within a 5-mile radius of Bacon County Airport (lat. 31°32'17" N., long. 82°30'33" W.); within 3 miles each side of Alma VORTAC 146° radial, extending from the 5-mile radius zone to 8.5 miles southeast and northwest of the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

## Alpena, Mich.

That airspace within a 5-mile radius of Phelps-Collins Airport, Alpena, Mich. (latitude 45°04'50" N., longitude 83°33'35" W.); within 3 miles each side of the 360° bearing from the Alpena RBN, extending from the 5-mile radius to 8 miles north of the Alpena RBN; within 3 miles each side of the Alpena VORTAC 346° radial, extending from the 5-mile radius to 7½ miles north of the VORTAC; within 3 miles each side of the Alpena VORTAC 305° radial, extending from the 5-mile radius to 7 miles northwest of the VORTAC; and within 3 miles each side of the Alpena VORTAC 186° radial, extending from the 5-mile radius to 7 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Alton, Ill.

Within a 5-mile radius of Civic Memorial Airport (latitude 38°53'30" N., longitude 90°03'00" W.); within 2½ miles each side of the 104° bearing from Civic Memorial Airport, extending from the 5-mile radius zone to 5½ miles east of the airport; and within 3 miles each side of the 009° bearing from Civic Memorial Airport, extending from the 5-mile radius zone to 7 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.



## Altus, Okla.

Within a 5-mile radius of the Altus AFB (latitude 34°39'40" N., longitude 99°16'30" W.); within 2 miles each side of the Altus AFB ILS localizer S course, extending from the 5-mile radius zone to 3.8 miles S of the 5-mile radius; and within 2 miles each side of the Altus AFB TACAN 185° radial, extending from the 5-mile radius zone to 9 miles S of the TACAN, excluding that airspace within a 1½-mile radius of the Altus, Okla., Municipal Airport (latitude 34°41'57" N., longitude 99°20'21" W.).

## Amarillo, Tex.

That airspace within a 5-mile radius of the Amarillo Air Terminal (latitude 35°13'10" N., longitude 101°42'40" W.); within 2 miles each side of the Amarillo VORTAC 221° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the extended centerline of the Amarillo AFB/Air Terminal Runway 21, extending from the 5-mile radius zone to 4.5 miles SW of the lift-off end of the runway.

## Anchorage, Alaska (Anchorage International Airport)

Within a 5-mile radius of the Anchorage International Airport (latitude 61°10'16" N., longitude 149°58'48" W.); within 2 miles each side of the Anchorage VORTAC 079° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Anchorage ILS localizer west course extending from the 5-mile radius zone to the OM; excluding the portion within the Anchorage (Merrill Field/Elmendorf AFB) control zone.

## Anchorage, Alaska (Bryant AAF)

Within a 3-mile radius of Bryant AAF (lat. 61°16'N., long. 149°40'W.), excluding the portion west of long. 149°43'W.

This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the United States Government Flight Information Publication Supplement Alaska.

## Anchorage, Alaska (Merrill Field/Elmendorf AFB)

Within a 3-mile radius of Merrill Field (latitude 61°13' N., longitude 149°51' W.); within a 5-mile radius of Elmendorf AFB (latitude 61°15' N., longitude 149°49' W.); within 2 miles each side of the Elmendorf ILS localizer W course extending from the 5-mile radius zone to the OM, excluding the portion within the Anchorage (Bryant AAF) Control Zone.

## Anderson, Ind.

Within a 5-mile radius of Anderson Municipal Airport (lat. 40°06'30" N., long. 85°36'55" W.) and within 3.5 miles either side of the 298° bearing from Anderson Municipal Airport, extending from the 5-mile radius to 7.5 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Anderson, S. C.

Within a 5-mile radius of Anderson County Airport (latitude 34°29'40" N., longitude 82°42'30" W.); within 1.5 miles each side of Electric City VORTAC 039° radial, extending from the 5-mile radius zone to 1.5 miles northeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 8/11/77 42 F. R. 33272 (Changed)

## Aniak, Alaska

Within a 5-mile radius of the Aniak airport (lat. 61°35'N., long. 159°32'W.); within 3 miles each side of the 114°T (094°M) bearing from Aniak NDB, extending from the 5-mile radius zone to 8 miles SE of the NDB, and within 2 miles each side of the Aniak localizer (lat. 61°35'02"N., long. 159°33'01"W.) west course extending from the 5-mile radius zone to 6.5 miles west of the localizer. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

AMENDMENTS 12/1/77 42 F. R. 43387 (Rewritten)

## Ann Arbor, Mich.

Within a 5-mile radius of the Ann Arbor, Mich. Airport (latitude 42°13'22" N., longitude 83°44'40" W.); excluding that portion which overlies the Detroit, Mich., Willow Run Airport control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Annette Island, Alaska

Within a 5-mile radius of the Annette Island Airport (latitude 55°02'34" N., longitude 131°34'14" W.); within 3 miles each side of the Annette Island VORTAC 170° radial, extending from the 5-mile radius zone to 12 miles south of the VORTAC, and within 2 miles each side of the Annette Island VORTAC 311° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

## Anniston, Ala.

Within a 5-mile radius of Anniston-Calhoun County Airport (latitude 33°35'23" N., longitude 85°51'20" W.); within 1 mile each side of the ILS localizer SW course, extending from the 5-mile radius zone to the OM.

## Appleton, Wis.

Within a 5-mile radius of Outagamie County Airport (latitude 44°15'35" N., longitude 88°31'15" W.); and within 2½ miles each side of the 135°, 285° and 016° bearings from Outagamie County Airport, extending from the 5-mile radius zone to 5½ miles southeast, west, and north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Arcata, Calif.

Within a 5-mile radius of Arcata Airport (latitude 40°58'45" N., longitude 124°06'25" W.); and within 2 miles each side of the 219° bearing from the Arcata RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN.

## Ardmore, Okla.

Within a 5-mile radius of Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W.), within 2 miles either side of the Ardmore VOR 053° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the 085° bearing from the Springtown RBN extending from the 5-mile radius zone to the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Artesia, Miss.

Within a 5-mile radius of Golden Triangle Regional Airport (lat. 33°26'48"N., long. 83°35'30"W.). This control zone is effective from 0530 to 2330 hours, local time, daily.

AMENDMENTS 2/24/77 41 F. R. 54167 (Changed)

## Asheville, N. C.

Within a 5-mile radius of Asheville Municipal Airport (lat. 35°26'04" N., long. 82°32'25" W.); within 2.5 miles each side of the 340° bearing from Broad River RBN, extending from the 5-mile radius zone to 2 miles north of the RBN; within 2 miles each side of Runway 16/34 extended centerlines, extending from the 5-mile radius zone to the Broad River and Biltmore RBNs.

## Aspen, Colo.

Within a 5-mile radius of the Aspen-Pitkin County (Sardy Field) Airport (lat. 39°13'30" N., long. 106°52'09" W.); within 3 miles each side of the 316° bearing from the Aspen Airport, extending from the 5-mile radius to 8.5 miles northwest of the Aspen Airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

## Astoria, Oreg.

Within a 5-mile radius of Clatsop County Airport, Astoria, Oreg. (latitude 46°09'25" N., longitude 123°52'38" W.); within 2 miles each side of the Astoria VOR 268° radial, extending from the 5-mile radius zone to 8 miles W of the VOR, and within 4.5 miles each side of the Astoria VOR 309° radial, extending from the 5-mile radius zone to 16 miles NW of the VOR.

## Athens, Ga.

Within a 5-mile radius of Athens Municipal Airport (lat. 33°56'54" N., long. 83°19'37" W.); within 3 miles each side of Athens VORTAC 076° and 195° radials, extending from the 5-mile radius zone to 8.5 miles east and south of the VORTAC.

## Atlanta, Ga.

Within a 5-mile radius of The William B. Hartsfield Atlanta International Airport (lat. 33°38'31" N., long. 84°25'34" W.); within 2 miles each side of the Rex VORTAC 264° and 271° radials, extending from the 5-mile radius zone to 1 mile west of the VORTAC; within 2 miles each side of Atlanta ILS Runway 9R localizer west course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of Atlanta ILS Runway 8 localizer west course, extending from the 5-mile radius zone to the LOM.

## Atlanta, Ga. (Charlie Brown County Airport)

Within a 5-mile radius of Charlie Brown County Airport (latitude 33°46'35" N., longitude 84°31'15" W.); within 2.5 miles each side of the 276° bearing from Bankhead RBN, extending from the 5-mile radius zone to 7.5 miles west of the RBN.

## Atlanta, Ga. (Dobbins AFB/NAS Atlanta)

Within a 6-mile radius of Dobbins AFB/NAS Atlanta (Lat. 33°54'54"N., Long. 84°30'59"W.); within 1.5 miles each side of Dobbins TACAN 301° radial, extending from the 6-mile radius zone to 6.5 miles northwest of the TACAN; excluding the portion within the Atlanta, Ga., (Charlie Brown County Airport) control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

## Atlantic City, N. J.

Within a 5-mile radius of the center latitude 39°27'22" N., longitude 74°34'41" W. of NAFEC Atlantic City Airport, Atlantic City, N. J.; within 3 miles each side of the Atlantic City VORTAC 303° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; within a 3-mile radius of the center latitude 39°21'35" N., longitude 74°27'28" W. of Atlantic City Municipal-Bader Field, Atlantic City, N. J.; within 2 miles each side of the Atlantic City VORTAC 136° radial, extending from the VORTAC to the 3-mile radius zone and within 1.5 miles each side of a 283° bearing from a point latitude 39°21'43" N., longitude 74°27'46" W., extending from said point to 5.5 miles west.

## Augusta, Ga.

Within a 5-mile radius of Bush Field (latitude 33°22'10" N., longitude 81°57'55" W.); within 2 miles each side of Augusta ILS localizer south course, extending from the 5-mile radius zone to 0.5 miles north of the LOM; within a 5-mile radius of Daniel Field (latitude 33°27'55" N., longitude 82°02'25" W.); within 2 miles each side of Augusta VORTAC 135° radial, extending from the 5-mile radius zone to 2 miles southeast of the VORTAC.

## Augusta, Maine

Within a 5-mile radius of the center, (lat. 44°19'N., long. 69°48'W.) of Augusta State Airport, Augusta, Maine; within 4.5 miles each side of the Augusta, Maine, VORTAC 328° radial extending from the 5-mile radius zone to 12 miles northwest of the Augusta VORTAC, and within 3 miles each side of the Augusta, Maine, VORTAC 156° radial extending from the 5-mile radius zone to 8.5 miles southeast of the VORTAC.

AMENDMENTS 12/30/76 41 F. R. 27958 (Rewritten)

## Aurora, Illinois

That airspace within a 5-mile radius of the Aurora Municipal Airport (latitude 41°46'20" N., longitude 88°28'20" W.) and within 1½ miles either side of the DuPage VOR 217° radial extending from the 5-mile radius to 7½ miles NE of the Aurora Airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Austin, Tex. (Bergstrom AFB)

Within a 5-mile radius of Bergstrom AFB (latitude 30°11'45" N., longitude 97°40'35" W.); within 2 miles each side of the Bergstrom ILS localizer S course, extending from the 5-mile radius zone to the LOM, excluding that portion within the Austin, Tex. (Robert Mueller Municipal Airport) control zone.

## Austin, Tex. (Robert Mueller Municipal Airport)

Within a 5-mile radius of Robert Mueller Municipal Airport (latitude 30°17'55" N., longitude 97°42'00" W.); within 1.5 miles each side of the Austin VORTAC 304° radial extending from the 5-mile radius zone to 6 miles northwest of the Austin VORTAC; and within 1.5 miles each side of the Austin VORTAC 329° radial extending from the 5-mile radius zone to 6 miles northwest of the Austin VORTAC.

## Baker, Oreg.

Within a 5-mile radius of Baker Municipal Airport (latitude 44°50'25" N., longitude 117°48'35" W.), and within 3 miles each side of the Baker VORTAC 318° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC. This control zone is effective during specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Bakersfield, CA.

Within a 5-mile radius of Meadows Field, Bakersfield, CA. (latitude 35°25'40" N., longitude 119°03'05" W.), within 1 mile each side of the Bakersfield ILS localizer northwest course, extending from the 5-mile radius zone to 11.5 miles northwest of the Bakersfield LOM and within 2 miles each side of the Bakersfield ILS localizer southeast course, extending from the 5-mile radius zone to the Bakersfield LOM.

## Baltimore, Md. Baltimore-Washington International Airport

Within a 5-mile radius of the center 39°10'26" N., 76°40'12" W. of Baltimore Washington International Airport, Baltimore, Md.; within a 5.5-mile radius of the center of the airport, extending clockwise from a 200° bearing to a 304° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 304° bearing to a 125° bearing from the airport; within 3.5 miles each side of the Baltimore Washington International Airport ILS localizer west course, extending from the 5-mile radius to 9 miles west of the localizer; within 3.5 miles each side of the centerline of Baltimore Washington International Airport runway 10, extended to 8.5 miles east of the end of the runway; within 2 miles each side of the Baltimore Washington International Airport ILS localizer southeast course, extending from the localizer to 4.5 miles southeast of the localizer; within 2 miles each side of the Baltimore VORTAC 314° radial, extending from the VORTAC to 10.5 miles northwest of the VORTAC.

## Baltimore, Md. Glenn L. Martin State Airport

Baltimore, Md. (Glenn L. Martin State Airport) Within a 5-mile radius of the center, 39°19'40"N., 76°24'57"W. of Glenn L. Martin State Airport, Baltimore, Md.; within 3 miles each side of a 132° bearing from the Martin, Md. RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN; within 3 miles each side of a 129° bearing from the Martin, Md. RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN; within 5 miles each side of a 17-mile radius arc of the Baltimore, Md. VORTAC, extending clockwise from the Baltimore, Md. VORTAC 030° radial to the Baltimore, Md. VORTAC 045° radial. This control zone is effective from 0700 to 2300 hours, local time, daily.

## Bangor, Maine

Within a 5-mile radius of the center, lat. 44°48'28" N., long. 68°49'41" W. of Bangor International Airport, Bangor, Maine; within 2.5 miles each side of the Bangor, Maine, VORTAC 318° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC; within a 1-mile radius of the center, lat. 44°53'56" N., long. 69°01'12" W. of Levant Private Landing Area, West Levant, Maine; within 3.5 miles each side of the Bangor ILS localizer southeast course, extending from the 5-mile radius zone to 11.5 miles southeast of the OM.

## Bartlesville, Okla.

Within a 5-mile radius of the Phillips Airport (latitude 36°45'46" N., longitude 96°00'38" W.), excluding the area north of latitude 36°46'00" N., and east of longitude 95°58'30" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Baton Rouge, La.

Within a 5-mile radius of Ryan Airport (latitude 30°31'55" N., longitude 91°09'00" W.), within 1 mile each side of the Baton Rouge ILS localizer southeast course extending from the 5-mile radius zone to 6.5 miles southeast of Ryan Airport, and within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 5-mile radius zone to 1 mile east of the VORTAC.

## Battle Creek, Mich.

Within a 5-mile radius of Kellogg Field (latitude 42°18'31" N., longitude 85°14'57" W.) within 2 miles each side of the Battle Creek VORTAC 050°, 117° and 215° radials extending from the 5-mile radius zone to 8 miles NE, SE and SW of the VORTAC; and within 2 miles each side of the Kellogg Field ILS localizer SW course extending from the 5-mile radius zone to 5 miles SW of the approach end of runway 4. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Beaufort, S. C.

Within a 5-mile radius of Beaufort MCAS (lat. 32°28'40" N., long. 80°43'20" W.); within 3.5 miles each side of Beaufort MCAS TACAN 037° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN; within 2.5 miles each side of the 042° bearing from Beaufort MCAS RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily.

## Beaumont, Tex.

Within a 7-mile radius of Jefferson County Airport (latitude 29°57'05" N., longitude 94°01'10" W.).

## Beckley, W. Va.

Within a 6.5-mile radius of the center, lat. 37°46'54" N., long. 81°07'27" W. of Raleigh County Memorial Airport, Beckley, W. Va., and within 3 miles each side of the Beckley VOR 284° radial extending from the 6.5-mile radius zone to 8.5 miles west of the VOR.



**Bedford, Mass.**

Within a 5-mile radius of Hanscom Airport (latitude 42°28'04" N., longitude 71°17'23" W.); within 2 miles each side of the Bedford ILS localizer W course extending from the 5-mile radius zone to 8 miles W of the LOM; within 2 miles each side of the extended centerline of Runway 23 extending from the 5-mile radius zone to 6 miles SW of the lift-off end of the runway; within 2 miles each side of the extended centerline of Runway 5 extending from the 5-mile radius zone to 6 miles NE of the lift-off end of the runway; and within a 1-mile radius of Erickson Airport (latitude 42°27'50" N., longitude 71°31'00" W.).

This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

**Beeville, Tex.**

That airspace within a 5-mile radius of NAAS Chase Field, Beeville, Tex. (latitude 28°21'50" N., longitude 97°39'40" W.); within 2 miles each side of the NAAS Chase TACAN 129° and 321° radials extending from the 5-mile radius zone to 7 miles SE and NW of the TACAN.

**Belleville, Ill.**

Within a 5-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 5-mile radius zone to 5.5 miles SE of the SE end of Scott AFB Runway 31.

**Bellingham, Wash.**

Within a 5-mile radius of Bellingham International Airport (latitude 48°47'40" N., longitude 122°32'13" W.); within 2 miles each side of the Bellingham VORTAC 169° radial extending north from the 5-mile radius zone to 3 miles south of the VORTAC.

**Bemidji, Minn.**

Within a 5-mile radius of Bemidji Municipal Airport (latitude 47°30'30" N., longitude 94°55'55" W.); within 1½ miles each side of the Bemidji VORTAC 138° radial, extending from the 5-mile radius zone to the VORTAC; and within 3½ miles each side of the 262° bearing from Bemidji Municipal Airport, extending from the 5-mile radius zone to 8 miles west of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Benton Harbor, Mich.**

Within a 5-mile radius of Ross Field (latitude 42°07'40" N., longitude 86°25'40" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Bethel, Alaska**

Within a 5-mile radius of the Bethel Airport (latitude 60°46'54" N., longitude 161°50'05" W.); within 3 miles each side of the Bethel compass locator (ET) 023° bearing, extending from the 5-mile radius zone to 8.5 miles northeast of the compass locator; within 3 miles each side of the Bethel VORTAC 007° radial, extending from the 5-mile radius zone to 8.5 miles north of the VORTAC; and within 3 miles each side of the Bethel VORTAC 214° radial, extending from the 5-mile radius zone to 9 miles southwest of the VORTAC.

**Bettles, Alaska**

Within a 5-mile radius of the Bettles Airport (latitude 66°54'57" N., longitude 151°31'31" W.); within 4 miles each side of the Evansville NDB 214° bearing extending from the 5-mile radius zone to 8.5 miles southwest of the NDB; and within 3 miles each side of the Bettles VORTAC 227° radial extending from the 5-mile radius zone to 9.5 miles southwest of the VORTAC.

This control zone is effective during dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the United States Government Flight Information Publication Supplement Alaska.

**Beverly, Mass. (Beverly Municipal Airport)**

Within a 5-mile radius of Beverly Municipal Airport (latitude 42°35'06" N., longitude 70°55'06" W.), and within 3.5 miles each side of the 333° bearing from the Topsfield RBN, extending 8 miles northwest of the NDB. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established by a Notice to Airmen which, thereafter, will be continuously published in the Airman's Information Manual.

AMENDMENTS 4/4/77 42 F. R. 17869 (Changed)

**Big Delta, AK.**

That airspace within a 5-mile radius of the Allen AAF, Fort Greeley, AK., (latitude 63°59'37" N., longitude 145°43'08" W.) and within 4.5 miles each side of the Big Delta VORTAC 040° radial extending from the 5-mile radius zone to 11 miles northeast. This control zone is effective from 0600 to 2200 hours local time daily, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

**Billings, Mont.**

Within a 5-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.); within 4 miles each side of the Billings ILS west localizer course extending from the 5-mile radius zone to 8 miles west of the OM; within 3.5 miles each side of the Billings VORTAC 267° radial extending from the 5-mile radius zone to 8 miles west of the VORTAC; within 2 miles each side of the Billings VORTAC 095° radial extending from the 5-mile radius zone to 12 miles east of the VORTAC; and within 2 miles each side of the Billings ILS east localizer course extending from the 5-mile radius zone to Lockwood NDB.

**Biloxi, Miss.**

Within a 5-mile radius of Keesler AFB (latitude 30°24'39" N., longitude 88°55'26" W.); within 1.5 miles each side of Keesler TACAN 041° and 203° radials, extending from the 5-mile radius zone to 7 miles northeast and southwest of the TACAN; excluding the portion west of long. 89°00'00" W. This control zone is effective from 0600 to 2300 hours, local time, daily.

**Binghamton, N.Y.**

Within a 5-mile radius of the center of Broome County Airport, Binghamton, N.Y., 42°12'35" N., 75°58'46" W.; within 2 miles each side of the Binghamton VOR 066° radial extending from the 5-mile radius zone to the VOR and within 2 miles each side of the airport ILS localizer SE course extending from the 5-mile radius zone to 2 miles SE of the OM.

**Birmingham, Ala.**

Within a 5-mile radius of Birmingham Municipal Airport (latitude 33°33'50" N., longitude 86°45'30" W.); within 2 miles each side of Birmingham ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM; within 3 miles each side of the 056° and 236° bearings from Roebuck RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN.

**Bismarck, N. Dak.**

Within a 5-mile radius of Bismarck Municipal Airport (latitude 46°46'40" N., longitude 100°45'05" W.); and within 2 miles each side of the Bismarck ILS localizer southeast course, extending from the 5-mile radius zone to 1 mile northwest of the OM.

**Bloomington, Ill.**

Within a 5-mile radius of Bloomington Normal Airport (latitude 40°28'55" N., longitude 88°55'40" W.); and within 2½ miles each side of the Bloomington VOR 043°, 103°, and 319° radials, extending from the 5-mile radius zone to 6½ miles northeast, east and northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Bloomington, Ind.**

Within a 5-mile radius of Monroe County Airport (latitude 38°08'35" N., longitude 86°37'00" W.); within 3 miles each side of the Bloomington VORTAC 181° radial, extending from the 5-mile radius zone to 10½ miles south of the VORTAC; within 3 miles each side of the Bloomington VORTAC 062° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC; within 3 miles each side of the Bloomington VORTAC 341° radial; extending from the 5-mile radius zone to 10½ miles north of the VORTAC; and within 3 miles each side of the Bloomington VORTAC 236° radial, extending from the 5-mile radius zone to 9½ miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Bluefield, WV.**

Within a 5.5-mile radius of the center, lat. 37°17'45" N., long. 81°12'29" W., of Mercer County Airport, Bluefield, WV.; within a 7.5-mile radius of the center of the airport, extending clockwise from a 079° bearing from the airport to a 125° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 170° bearing from the airport to a 239° bearing from the airport; within 3 miles each side of the Bluefield VORTAC 047° radial, extending from the 5.5-mile radius zone to 9.5 miles northeast of the VORTAC and within 4.5 miles each side of the Bluefield VORTAC 224° radial, extending from the 5.5-mile radius zone to 17 miles southwest of the VORTAC.

**Blythe, Calif.**

Within a 5-mile radius of Blythe Airport (Lat. 33°37'15" N, Long. 114°43'00" W).

**Blytheville, Ark.**

Within a 5-mile radius of Blytheville AFB (lat. 35°57'50"N., long. 89°56'40"W.), within 3 miles each side of the Gosnell VOR 357° radial (lat. 35°57'03"N., long. 89°56'28"W.), extending from the 5-mile radius zone to 8.5 miles north of the VOR, and within 1.5 miles each side of the Blytheville TACAN 188° radial (lat. 35°57'23"N., long. 89°56'26"W.), extending from the 5-mile radius zone to 5.5 miles south of the TACAN.

**Bogue, N.C.**

Within a 5-mile radius of MCALF Bogue Field, N.C., (latitude 34°41'25"N., longitude 77°01'46"W.). This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Boise, Idaho**

Within a 5-mile radius of the Boise Air Terminal (latitude 43°33'55" N., longitude 116°13'30" W.); within 2 miles each side of the Boise VORTAC 304° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles each side of the Boise VORTAC 319° radial extending from the 5-mile radius zone to 12 miles northwest of the VORTAC, within 5 miles each side of the Boise VORTAC 114° radial, extending from the 5-mile radius area to 12 miles southeast of the VORTAC; and within 2 miles west and 5 miles east of the Boise VORTAC 179° radial extending from the 5-mile radius area to 7 miles south of the VORTAC.

**Boston, Mass.**

Within an 8-mile radius of the Logan International Airport (latitude 42°21'55" N., longitude 71°00'05" W.).

**Bowling Green, Ky.**

Within a 5-mile radius of Bowling Green-Warren County Airport (lat. 36°57'47" N., long. 86°25'07" W.); within 4.5 miles each side of Bowling Green VORTAC 206° radial, extending from the 5-mile radius zone to 10 miles southwest of the VORTAC.

**Bozeman, Mont.**

Within a 7-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.).

**Bradford, Pa.**

Within a 5-mile radius of the center 41°48'09" N., 78°38'27" W. of Bradford Regional Airport, Bradford, Pa.; within 3.5 miles each side of the Bradford, Pa., VORTAC 139° radial, extending from the VORTAC to 10 miles southeast of the VORTAC.

**Brainerd, Minn.**

Within a 5-mile radius of Brainerd-Crow Wing County Airport (lat. 46°23'52"N., long. 94°08'12"W.); within 2½ miles each side of the 040° bearing from the Brainerd-Crow Wing County Airport extending from the 5-mile radius zone to 7 miles northeast of the airport; within 1½ miles each side of the 120° bearing from the airport extending from the 5-mile radius zone to 6 miles southeast of the airport; within 2½ miles each side of the 198° bearing from the airport extending from the 5-mile radius zone to 6 miles south of the airport; within 2½ miles each side of the 247° bearing from the airport extending from the 5-mile radius zone to 7 miles southwest of the airport; and within 1½ miles each side of the 302° bearing from the airport extending from the 5-mile radius zone to 6½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. This effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Bremerton, Wash.**

Within a 5-mile radius of Kitsap County Airport (latitude 47°29'35" N., longitude 122°45'35"W.), within 3 miles each side of the 209° bearing from the Kitsap RBN (latitude 47°29'46" N., longitude 122°45'36" W.) extending from the 5-mile radius to 8 miles SW of the RBN, and within 2 miles each side of the 028° bearing from the Kitsap RBN extending from the 5-mile radius zone to 7 miles northeast of the RBN. This control zone will be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

**Bridgeport, Conn.**

That airspace within a 5.5-mile radius of the center, latitude 41°09'48" N., longitude 73°07'34" W. of the Igor I. Sikorsky Memorial Airport, Bridgeport, Conn., extending clockwise from a 008° bearing to a 058° bearing from the airport; within a 5-mile radius of the center of the airport, extending clockwise from a 058° bearing to a 276° bearing from the airport; within a 5.5-mile radius of the airport extending clockwise from a 276° bearing to a 311° bearing from the airport and within a 6-mile radius of the center of the airport extending clockwise from a 311° bearing to a 008° bearing from the airport. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

**Brookings, S. Dak.**

That airspace within a 5-mile radius of Brookings, S. Dak., Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.); within 2.5 miles each side of the Brookings VOR 316° radial extending from the 5-mile radius zone to 7 miles northwest of the VOR and within 2.5 miles each side of the Brookings VOR 118° radial extending from the 5-mile radius zone to 8.5 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

**Broomfield, Colo.**

That airspace within a 5-mile radius of Jeffco Airport (latitude 39°54'30" N., longitude 105°06'50" W.). This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

**Brownsville, Tex.**

That airspace overlying the United States within a 5-mile radius of Brownsville International Airport (latitude 25°54'25" N., longitude 97°25'25" W.), within 2 miles each side of the Brownsville VORTAC 071° radial extending from the 5-mile radius zone to 8 miles east of the VORTAC, and within 2 miles each side of the Brownsville ILS localizer northwest course extending from the 5-mile radius zone to the OM.

**Brunswick, Ga. (Malcolm-McKinnon Airport)**

Within a 5-mile radius of Malcolm-McKinnon Airport (latitude 31°09'05" N., longitude 81°23'20" W.); within 1.5 miles each side of the Brunswick VOR 022° radial, extending from the 5-mile radius zone to the VOR, excluding the portion within a 1.5-mile radius of Brunswick Municipal Airport (latitude 31°11'10" N., longitude 81°28'50" W.).

**Brunswick, Maine**

Within a 5-mile radius of NAS Brunswick (lat. 43°53'35"N., long. 69°56'20"W.); within 2 miles each side of the Navy Brunswick VOR 166° radial, extending from the 5-mile radius zone to 8 miles south of the VOR; within 2 miles each side of the Navy Brunswick TACAN 008° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN, excluding that airspace within a 1-mile radius of the Topsham Airport, Topsham, Maine, (lat. 43°56'55"N., long. 69°59'50"W.).

AMENDMENTS 8/1/77 42 F. R. 36248 (Rewritten)

**Buffalo, N. Y.**

Within a 5-mile radius of the center, 42°56'20" N., 78°43'50" W., of Greater Buffalo International Airport, Buffalo, N. Y.; within 2 miles each side of the Greater Buffalo International Airport northeast localizer course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Greater Buffalo International Airport southwest localizer course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Buffalo VORTAC 096° radial extending from the 5-mile radius zone to 6 miles east of the VORTAC excluding the portion within a 1-mile radius of Buffalo Airpark, 42°51'45" N., 78°43'00" W.

**Burbank, Calif.**

Within a 5-mile radius of Hollywood-Burbank Airport, Calif. (latitude 34°12'15" N., longitude 118°21'30" W.), excluding the portion west of a line from latitude 34°16'00" N., longitude 118°25'55" W., to latitude 34°09'25" N., longitude 118°25'40" W., and the portion within a 1-mile radius of Whiteman Airpark, Picoima, Calif. (latitude 34°15'35" N., longitude 118°24'45" W.).

**Burley, Idaho**

Within a 5-mile radius of Burley Municipal Airport (latitude 42°32'30" N., longitude 113°46'20" W.); within 3.5 miles each side of the Burley VORTAC 121° radial, extending from the 5-mile radius zone to 17.5 miles southeast of the VORTAC; within 3 miles each side of the Burley VORTAC 323° radial, extending from the 5-mile radius zone to 6 miles northwest of the VORTAC; within 3 miles each side of the Burley VORTAC 301° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; and within 1.5 miles each side of the 036° bearing from the Burley Municipal Airport extending from the 5-mile radius zone to 8 miles northeast of the airport.

**Burlington, Iowa**

Within a 5-mile radius of Burlington Municipal Airport (latitude 40°46'55" N., longitude 91°07'40" W.); within 3 miles each side of the 293° radial of the Burlington VORTAC extending from the 5-mile radius zone to 2 miles northwest of the VORTAC.

**Burlington, Vt.**

Within a 7-mile radius of the center, (lat. 44°28'17"N., long. 73°09'13"W.), of Burlington International Airport, Burlington, Vt., within 2.5 miles each side of Runway 33, extending from the 7-mile radius zone to 8 miles southeast of the runway end; within 3 miles each side of the Burlington, Vt., VORTAC 201° radial, extending from the 7-mile radius zone to 8.5 miles southwest of the VORTAC.

AMENDMENTS 12/1/77 42 F. R. 48372 (Rewritten)



**Butte, MT.**

Within a 5-mile radius of the Silver Bow County Airport, Butte, MT. (latitude 45°57'15" N., longitude 112°29'50" W.) and within 2 miles each side of the Butte VORTAC 115° radial extending from the 5-mile radius zone to the VORTAC.

**Caldwell, N. J.**

Within a 5-mile radius of the center lat. 40°52'24"N., long. 74°17'00"W., of Essex County Airport; within 3 miles each side of a 276° bearing from a point lat. 40°52'48"N., long. 74°20'08"W., extending from the 5-mile radius zone to 8.5 miles west of said point; within 3 miles each side of a 237° bearing and a 057° bearing from the Paterson, N. J., RBN, extending from the 5-mile radius zone to 0.5 mile northeast of the RBN; within 3 miles each side of a 054° bearing from the Paterson, N. J., RBN, extending from the RBN to 8.5 miles northeast of the RBN; excluding the portion that coincides with the Morristown, N. J., control zone. This control zone is effective from 0900 to 1700 hours, local time, daily.

AMENDMENTS 6/8/77 42 F. R. 20620 (Added)

**Calverton, N. Y.**

Within a 5-mile radius of Peconic River Plant (Grumman) Airport, Calverton, N. Y. This control zone shall be effective from 0800 to 1730 hours, local time, Monday through Friday.

**Camp Douglas, Wis.**

Within a 5-mile radius of Volk Field, Camp Douglas, Wis. (latitude 43°56'25" N., longitude 90°15'20" W.), and within 2 miles each side of the Volk Field VORTAC 092° radial extending from the 5-mile radius zone to 12 miles E of the VORTAC. This control zone shall be effective during the specific dates and/or time established by a Notice to Airmen and continuously published in the Airman's Information Manual.

**Camp Pendleton, Calif.**

Within a 3-mile radius of Camp Pendleton, MCAF (lat. 33°18'04"N., long. 117°21'06"W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Camp Springs, Md.**

Within a 5-mile radius of the center, 38°48'39" N., 76°52'02" W. of Andrews AFB, Camp Springs, Md.; within 2.5 miles each side of the Andrews VORTAC 360° radial, extending from the VORTAC to 7.5 miles north of the VORTAC; within 2.5 miles each side of the Andrews VORTAC 180° radial, extending from the VORTAC to 7 miles south of the VORTAC, excluding the portion within a 1-mile radius of the center 38°44'58" N., 76°55'58" W. of Hyde Field, Clinton, Md., excluding the west portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Washington, D. C., control zone.

**Cape Girardeau, Mo.**

Within a 5-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.), within 2½ miles each side of the Cape Girardeau VOR 194°, 036° and 279° radials, extending from the 5-mile radius to 6½ miles south-northeast and west of the VOR.

**Carbondale, Ill.**

Within a 5-mile radius of the Southern Illinois Airport (latitude 37°46'45" N., longitude 89°15'00" W.). This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

**Carlsbad, N. Mex.**

Within a 5-mile radius of Cavern City Air Terminal (lat. 32°20'14"N., long. 104°15'46"W.) and within 3.5 miles each side of the Carlsbad VOR 336° and 156° radials extending from the 5-mile-radius zone to 10 miles southeast of the VOR and 2.5 miles each side of the Carlsbad VOR 334° radial extending from the 5-mile-radius zone to 12.5 miles northwest of the VOR.

AMENDMENTS 12/30/76 41 F.R. 48513 (Rewritten)

**Casper, Wyo.**

That airspace within 5 miles each side of the Casper VORTAC 216° radial extending from the VORTAC to 33 miles southwest of the VORTAC and within 3 miles each side of the ILS localizer west course, extending from 1 mile east to 10 miles west of the Johnson LOM.

**Cedar City, Utah**

Within a 5-mile radius of Cedar City Municipal Airport (latitude 37°42'05" N., longitude 113°05'52" W.) and within 2 miles on each side of the Cedar City VOR 195° radial extending from the 5-mile radius zone to the VOR.

**Cedar Rapids, Iowa**

Within a 5-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'35" W.); within 3 miles each side of the Cedar Rapids VORTAC 094° radial, extending from the 5-mile radius zone to 10 miles east of the VORTAC; and within 3 miles each side of the Cedar Rapids VORTAC 264° radial, extending from the 5-mile radius zone to 9 miles west of the VORTAC.

**Chadron, Nebr.**

Within a 5-mile radius of Chadron Municipal Airport (lat. 42°50'00" N., long. 103°05'50" W.); and within 2 miles each side of the 010° bearing from the Chadron Municipal Airport, extending from the 5-mile radius zone to 8 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Chamblee, Ga.**

Within a 5-mile radius of De Kalb-Peachtree Airport (latitude 33°52'30" N., longitude 84°18'10" W.); within 1.5 miles each side of Norcross VORTAC 242° radial, extending from the 5-mile radius zone to 1 mile southwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily.

**Champaign, Ill.**

Within a 5-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); within 2 miles each side of the Champaign VORTAC 123°, 237° and 328° radials, extending from the 5-mile radius zone to 12 miles southeast, southwest, and northwest of the VORTAC; and within 2 miles each side of the University of Illinois-Willard Airport ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

**Chandler, Ariz.**

Within a 5-mile radius of Williams AFB (latitude 33°18'30" N., longitude 111°39'27" W.), within 3 miles each side of the Chandler VORTAC 130° radial, extending from the 5-mile radius zone to 9 miles SE of the VORTAC, within 2 miles each side of the Chandler VORTAC 319° radial, extending from the 5-mile radius zone to 9 miles NW of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Chantilly, Va.**

Within a 5.5-mile radius of the center, 38°56'40" N., 77°27'24" W., of Dulles International Airport; within a 6-mile radius of the center of the airport extending clockwise from a 063° bearing to a 160° bearing from the airport; within 2.5 miles each side of the Dulles International Airport runway 1R ILS localizer course, extending from the 5.5-mile radius zone to 0.5 miles north of the OM; within 2 miles each side of the extended centerline of Dulles International Airport runway 30, extending from the west end of runway 30 to 5.5 miles west and within 3.5 miles each side of the Dulles International Airport runway 19R ILS localizer course, extending from the 5.5-mile radius zone to 10 miles north of the OM.

**Chanute, Kans.**

Within a 5-mile radius of Chanute Martin Johnson Airport (latitude 37°40'05" N., longitude 95°29'10" W.).

**Charleston, S. C.**

Within a 5-mile radius of Charleston AFB/Municipal Airport (lat. 32°53'55" N., long. 80°02'20" W.); within 3.5 miles each side of Charleston VORTAC 018° and 332° radials, extending from the 5-mile radius zone to 10 miles north and northwest of the VORTAC; within 2.5 miles each side of Charleston VORTAC 135° radial, extending from the 5-mile radius zone to 5.5 miles southeast of the VORTAC; within 3.5 miles each side of Charleston VORTAC 211° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC.

**Charleston, W. Va.**

Within a 5.5-mile radius of the center, 38°22'22" N., 81°35'35" W., of Kanawha Airport, Charleston, W. Va.; within a 6-mile radius of the center of the Kanawha Airport, extending clockwise from a 319° bearing to a 229° bearing from the airport; within 2 miles each side of the extended centerline of Runway 5, extending from the 5.5-mile radius to 6.5 miles northeast of the lift-off end of Runway 5; within 1.5 miles each side of the extended centerline of Runway 14, extending from the 5.5-mile radius to 6.5 miles southeast of the lift-off end of Runway 14; within 2 miles each side of the Charleston VORTAC 081° radial, extending from the 5.5-mile radius to 2 miles east of the VORTAC; within 2 miles each side of the extended centerline of Runway 23 extending from the 5.5-mile radius to 6.5 miles southwest of the lift-off end of Runway 23 and within 2 miles each side of the extended centerline of Runway 32, extending from the 5.5-mile radius to 6.5 miles northwest of the lift-off end of Runway 32.

**Charlotte, N. C.**

Within a 5-mile radius of Douglas Municipal Airport (latitude 35°12'53" N., longitude 80°56'18" W.); within 3 miles each side of Charlotte VORTAC 003° radial, extending from the 5-mile radius zone to 8.5 miles north of the VORTAC; within 2 miles each side of Charlotte VORTAC 058° radial, extending from the 5-mile radius zone to 6 miles northeast of the VORTAC; within 2 miles each side of Charlotte VORTAC 223° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the VORTAC; within 2 miles each side of Charlotte ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM.

**Charlotte Amalie, St. Thomas, V. I. (Harry S. Truman Airport)**

Within a 6-mile radius of Harry S. Truman Airport (lat. 18°20'26" N., long. 64°58'11" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Charlottesville, Va.**

Within a 5-mile radius of the center, lat. 38°08'25" N., long. 78°27'09" W., of Charlottesville-Albemarle Airport, Charlottesville, Va., and within 2.5 miles each side of the Charlottesville-Albemarle Airport ILS localizer southwest course, extending from the 5-mile radius zone to 2.5 miles northeast of the Azalea Park RBN.

AMENDMENTS 10/6/77 42 F. R. 42194 (Changed)

**Chattanooga, Tenn.**

Within a 5-mile radius of Lovell Field (latitude 35°02'05" N., longitude 85°12'10" W.); within 2 miles each side of Chattanooga ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles southwest of Daisy RBN; within 1 mile each side of Chattanooga ILS localizer south course, extending from the 5-mile radius zone to 0.5 mile north of Chattanooga VORTAC 263° radial.

**Cherry Point MCAS, N. C.**

The airspace within a 5-mile radius of Cherry Point MCAS (latitude 34°54'30" N., longitude 76°53'00" W.); within 1.5 miles each side of the 316° bearing from Cherry Point RBN, extending from the 5-mile radius zone to 1.5 miles northwest of the RBN.

**Chesterfield (Spirit of St. Louis), Mo.**

Within a 5-mile radius of Spirit of St. Louis Airport (lat. 38°39'35" N., long. 90°38'45" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/21/77 42 F. R. 5693 (Rewritten)

**Cheyenne, Wyo.**

Within a 5-mile radius of Cheyenne Municipal Airport (latitude 41°09'20" N., longitude 104°48'30" W.) and within 2 miles each side of the Cheyenne ILS localizer E course, extending from the 5-mile radius zone to the OM.

**Chicago, Ill. (Midway Airport)**

Within a 5-mile radius of Chicago Midway Airport (latitude 41°47'04" N., longitude 87°45'12" W.); and within 2 miles each side of the Chicago Midway ILS localizer SE course extending from the 5-mile radius zone to 8 miles SE of the Kedzie RBN; and within 2 miles each side of the Chicago Midway ILS localizer NW course extending from the 5-mile radius zone to the OM.

**Chicago, Ill. (Meigs Airport)**

Within a 3-mile radius of Meigs Airport (latitude 41°51'30" N., longitude 87°36'30" W.) from 0600 to 2400 hours, local time, daily.

**Chicago, Ill. (O'Hare International Airport)**

Within a 5-mile radius of O'Hare International Airport (latitude 41°58'57" N., longitude 87°54'25" W.); within 2 miles each side of the O'Hare International Airport runway 14R and 14L ILS localizer courses, extending from the 5-mile radius zone to 7 miles northwest of the airport; and within 2 miles each side of the O'Hare International Airport runway 32R and 32L ILS localizer courses, extending from the 5-mile radius zone to 7 miles southeast of the airport.

**Chico, Calif.**

Within a 5-mile radius of Chico Municipal Airport (lat. 39°47'45" N., long. 121°51'25" W.); within 3 miles each side of the Chico VOR 316° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR and within 2 miles each side of the Chico Municipal Airport Runway 13 localizer northwest course extending from the 5-mile radius zone to 6.5 miles northwest of the airport, excluding the portion within a 1-mile radius of Rancharo Airport, Chico, Calif., (lat. 39°43'10" N., long. 121°52'10" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Childress, Tex.**

Within a 5-mile radius of the Childress Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.) and within 2 miles each side of the Childress VOR 182° radial, extending from the 5-mile radius zone to 8 miles S of the VOR.

**China Lake, Calif.**

Within a 5-mile radius of NAF China Lake (latitude 35°41'15" N., longitude 117°41'35" W.) and within 2 miles each side of the NAF China Lake TACAN 350° and 148° radials extending from the 5-mile radius zone to 8 miles N and SE of the TACAN.

**Chincoteague, Va.**

Within a 5-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.) and within 2 miles each side of the Snow Hill, Md., VOR 181° radial, extending from the 5-mile radius zone to 2.5 miles south of the VOR. This control zone is effective from 0730 to 1730 hours, local time, Monday through Friday, excluding Federal legal holidays.

**Chino, Calif.**

Within a 3-mile radius of Chino, Calif., Airport (lat. 33°58'30" N., long. 117°38'10" W.) and within 1.5 miles each side of the Ontario, Calif., VORTAC 303° radial, extending from the 3-mile radius area to 1 mile northwest of the VORTAC. This control zone shall be effective during the specific dates and times published in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Christiansted, St. Croix, V. I.**

Within a 5-mile radius of Alexander Hamilton Airport (lat. 17°42'13" N., long. 64°47'54" W.); within 3 miles each side of St. Croix VOR 063° and 243° radials, extending from the 5-mile radius zone to 8.5 miles east of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Cincinnati, Ohio**

Within a 5-mile radius of Cincinnati Municipal-Lunken Field Airport (latitude 39°06'14" N., longitude 84°25'18" W.) within 2 miles each side of Runway 20L ILS localizer northeast course, extending from the 5-mile radius zone to 6.5 miles northeast of the airport; and within 1.5 miles each side of the 227° bearing from Lunken RBN, extending from the 5-mile radius zone to the RBN.

**Clarksburg, WV.**

Within a 5.5-mile radius of the center, lat. 39°17'44" N., long. 80°13'46" W. of Benedum Airport; within 3 miles each side of the Clarksburg VOR 219° radial, extending from the 5.5-mile radius zone to 8.5 miles southwest of the VOR; and within 2.5 miles each side of the Benedum Airport ILS localizer northeast course, extending from the 5.5-mile radius zone to 1 mile southwest of the OM. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective days and times will thereafter be published continuously in the Airman's Information Manual.

**Clarksville, Tenn.**

Within a 5-mile radius of Outlaw Field (lat. 36°37'15" N., long. 87°24'52" W.); within 3 miles each side of Clarksville VOR 171° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR; excluding that portion which coincides with the Hopkinsville, Ky., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/21/77 42 F. R. 13272 (Added)

**Cleveland, Ohio (Burke-Lakefront Airport)**

Within a 5-mile radius of the Burke-Lakefront Airport (latitude 41°31'02" N., longitude 81°41'04" W.); within 2 miles each side of the Burke-Lakefront ILS localizer northeast course, extending from the 5-mile radius zone to the OM, excluding the portion overlying the Cleveland, Ohio (Cleveland-Hopkins International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Cleveland, Ohio (Cleveland-Hopkins International Airport)**

Within a 5-mile radius of the Cleveland-Hopkins International Airport (latitude 41°24'37" N., longitude 81°50'56" W.).



**Cleveland, Ohio (Cuyahoga County Airport)**

Within a 5-mile radius of the Cuyahoga County Airport (latitude 41°34'00" N., longitude 81°29'30" W.); within 2½ miles each side of the 050° bearing from the Cuyahoga County RBN extending from the 5-mile radius zone to 5 miles northeast of the RBN, excluding the portion within the Cleveland, Ohio (Burke-Lakefront Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airman's Information Manual.

**Clinton, Okla. (Clinton-Sherman Airport)**

Within a 5-mile radius of Clinton-Sherman Airport (latitude 35°20'25" N., longitude 99°12'00" W.), and within 2 miles each side of the extended centerline of Clinton-Sherman Runways 17 and 35 extending from 7 miles north to 6 miles south of the ends of the runways. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Clovis, N. Mex.**

Within a 6-mile radius of Cannon AFB, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of the Cannon AFB TACAN 040° radial extending from the 6-mile radius zone to 9.5 miles northeast of the TACAN; within 2 miles each side of a 045° bearing from latitude 34°18'45" N., longitude 103°24'32" W., extending from the 6-mile radius zone to latitude 34°18'45" N., longitude 103°24'32" W.; within 2 miles each side of the Cannon AFB TACAN 230° radial extending from the 6-mile radius zone to 9.5 miles southwest of the TACAN, and within 2 miles each side of the Cannon AFB TACAN 232° radial extending from the 6-mile radius zone to 7 miles southwest of the TACAN. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Cocoa (Patrick AFB), FL.**

Within a 5-mile radius of Patrick AFB (lat. 28°14'21" N., long. 80°36'28" W.). This control zone is effective from 0700 to 2300 hours, local time, daily.

**Cody, Wyo.**

Within a 5-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.), and within 1.5 miles each side of the Cody, Wyo., VOR 202° radial, extending from the 5-mile radius zone to the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Cold Bay, Alaska**

Within a 5-mile radius of the Cold Bay Airport (lat. 55°12'06" N., long. 162°43'28" W.); within 3 miles each side of the 339° bearing from the Cold Bay LOM, extending from the 5-mile radius zone to 10.5 miles north of the LOM, and within 5 miles west and 2.5 miles east of the Cold Bay VORTAC 150° radial, extending from the 5-mile radius zone to 18 miles south of the VORTAC.

**College Station, Tex.**

Within a 5-mile radius of Easterwood Field, College Station, Tex. (latitude 30°35'00" N., longitude 96°22'00" W.), within 2 miles each side of the College Station VOR 287° radial extending from the 5-mile radius zone to 8 miles west of the VOR, within 2 miles each side of the College Station VOR 307° radial extending from the 5-mile radius zone to 9 miles northwest of the VOR, and within 2 miles each side of the College Station VOR 107° radial extending from the 5-mile radius zone to 10 miles east of the VOR.

**Colorado Springs, Colo.**

Within a 6-mile radius of City of Colorado Springs Municipal Airport, Colorado Springs, Colo., (latitude 38°48'35" N., longitude 104°42'20" W.); within 2 miles each side of the Colorado Springs ILS localizer north course, extending from the 6-mile radius zone to 7 miles north of the localizer, within 2 miles each side of the Colorado Springs VORTAC 205° radial extending from the 6-mile radius zone to the VORTAC.

**Colorado Springs, Colo.**

Within a 3-mile radius of USAF Academy Airstrip (latitude 38°58'15" N., longitude 104°49'00" W.). This control zone is effective from sunrise to 30 minutes after sunset.

**Columbia, Mo. (Regional Airport)**

Within a 5-mile radius of Columbia Regional Airport (latitude 38°48'49" N., longitude 92°13'12" W.).

**Columbia, S. C.**

Within a 5-mile radius of Columbia Metropolitan Airport (lat. 33°56'25.9" N., long. 81°07'11.2" W.); within 2 miles each side of Columbia ILS localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM.

**Columbus, Ga. (Columbus Metropolitan Airport)**

Within a 5-mile radius of Columbus Metropolitan Airport (lat. 32°30'55"N., long. 84°56'25" W.); within 1.5 miles each side of Columbus ILS localizer northeast course, extending from the 5-mile radius zone to the intersection of the Columbus VOR 102° radial; within 1.5 miles each side of Columbus VOR 149° radial, extending from the 5-mile radius zone to 1 mile southeast of the VOR; within 2 miles each side of Runway 5 extended centerline, extending from the 5-mile radius zone to 6 miles southwest of the runway end; within 2 miles each side of Runway 12 extended centerline, extending from the 5-mile radius zone to 6 miles northwest of the runway end.

**Columbus, Ga. (Lawson AAF)**

Within a 5-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 2 miles each side of the 213° bearing from Lawson RBN, extending from the 5-mile radius zone to 6.5 miles southwest of the RBN; within 2 miles each side of Lawson VOR 339° radial, extending from the 5-mile radius zone to 1 mile south of the Columbus LOM; excluding the portion within Columbus Metropolitan Airport control zone.

**Columbus, Miss.**

Within a 5-mile radius of Columbus AFB, Miss. (latitude 33°38'38" N., longitude 88°26'39" W.); within 1.5 miles each side of the ILS localizer northwest course, extending from the 5-mile radius zone to 5 miles northwest of the runway end; within 1.5 miles each side of the Caledonia TACAN 141° and 312° radials, extending from the 5-mile radius zone to 6.5 miles southeast and northwest of the TACAN.

This control zone is effective from 0600 to 1800 hours, local time, Monday thru Thursday; 0600 to 2000 hours, local time, Friday; 0900 to 1600 hours, local time, Saturday; 1000 to 1600 hours, local time, Sunday; and closed on Federal Holidays.

**Columbus, Nebr.**

Within a five-mile radius of the Columbus Municipal Airport (lat. 41°26'49"N., long. 97°20'31"W.), and within 4.5 miles each side of the 323° bearing from the Columbus Airport extending from the five-mile radius zone to 11 miles northwest of the airport, and within three miles each side of the 157° radial of the Columbus VOR extending from the five-mile radius zone to 8.5 miles southeast of the VOR. This control zone shall be effective during the times established by a Notice to Airmen or as published in the Airman's Information Manual.

AMENDMENTS 12/1/77 42 F. R. 54409 (Rewritten)

**Columbus, OH. (Bolton Field)**

Within a 3-mile radius of Bolton Field (latitude 39°54'07" N., longitude 83°08'12" W.) and 2 miles either side of the 213° bearing from the airport extending from the 3-mile radius to 4 miles southwest of the airport excluding a 1-mile radius of Columbus Southwest Airport (latitude 39°54'45" N., longitude 83°11'00" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, therefore, be continuously published in the Airman's Information Manual.

**Columbus, Ohio (Lockbourne AFB)**

Within a 5.5-mile radius of the center, lat. 39°49'00" N., long. 82°56'00" W. of Lockbourne AFB, Columbus, Ohio; within 1.5 miles each side of the Lockbourne TACAN 042° radial, extending from the 5.5-mile radius zone to 7 miles northeast of the TACAN; within 1.5 miles each side of the Lockbourne TACAN 229° radial, extending from the 5.5-mile radius zone to 6 miles southwest of the TACAN; within a 1.5-mile radius of center, lat. 39°53'11" N., long. 82°57'53" W. of South Columbus Airport, Columbus, Ohio.

**Columbus, Ohio (Ohio State University Airport)**

Within a 5-mile radius of the Ohio State University Airport (latitude 40°04'40" N., longitude 83°04'30" W.); within 3 miles each side of the 273° and 090° bearings from the airport extending from the 5-mile radius zone to 8½ miles west and east of the airport, excluding that portion within the Columbus, Ohio (Port Columbus International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Columbus, Ohio (Port Columbus International Airport)**

Within a 6-mile radius of the center lat. 39°59'41" N., long. 82°53'08" W. of Port Columbus International Airport, Columbus, Ohio; within 2 miles each side of the 094° bearing from the Grandview LOM, extending from the 6-mile radius zone to 2 miles east of the Grandview LOM and within a 1-mile radius of the center, lat. 39°55'00" N., long. 82°54'00" W. of Price Field, Columbus, Ohio, excluding the portion that coincides with the Columbus, Ohio (Lockbourne AFB), control zone.

**Concord, Calif.**

Within a 3-mile radius of Buchanan Field, Concord, Calif. (latitude 37°59'20" N., longitude 122°03'20" W.). within 2 miles each side of the Concord VOR 188° radial extending from the 3-mile radius zone to the VOR, effective from 0700 to 2300 hours, local time daily.



**Concord, N. H.**

Within a 5-mile radius of the center, 43°12'16" N., 71°30'07" W., of Concord Municipal Airport, Concord, New Hampshire; within 1.5 miles each side of the 337° bearing from the Epson, New Hampshire, NDB, 43°07'05" N., 71°27'13" W., extending from the 5-mile radius zone to the Epson NDB.

**Cordova, Alaska**

Within a 5-mile radius of the Cordova (mile 13) airport, latitude 60°29'33" N., longitude 145°28'36" W.; within 2 miles each side of the 233° bearing from the Cordova (CDV) NDB extending from the 5-mile radius zone to the intersection of the 233° bearing from the Cordova (CDV) NDB and the Hinchinbrook, Alaska, RBN 106° bearing and within 2 miles each side of the Cordova localizer east course extending from the 5-mile radius zone to 10 miles east of the localizer.

**Corpus Christi, Tex.**

Within a 5-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within 2 miles each side of the Corpus Christi VORTAC 202° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Corpus Christi ILS localizer NW course, extending from the 5-mile radius zone to the OM.

**Corpus Christi, Tex. (NALF Cabaniss Field)**

Within a 5-mile radius of NALF Cabaniss Field (latitude 27°42'06" N., longitude 97°26'17" W.) excluding that airspace designated as the Corpus Christi (CRP) and Navy Corpus Christi (NGP) control zones. This control zone will be effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual. Effective hours, local time, will be: 0600-2200 Monday through Friday.

**Corpus Christi NAS, Tex.**

Within a 5-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within 2 miles each side of the Navy Corpus VOR 010° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Navy Corpus RBN 315° bearing extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Navy Corpus TACAN 326° radial, extending from the 5-mile radius zone to 6 miles northwest of the TACAN; and within 2 miles each side of the Navy Corpus TACAN 119° radial, extending from the 5-mile radius zone to 6 miles southeast of the TACAN.

**Cortez, Colo.**

Within a 5-mile radius of Cortez-Montezuma County Airport, Cortez, Colo., (latitude 37°18'15" N., longitude 108°37'35" W.) and within 3 miles each side of the Cortez VOR 210° and 004° radials, extending from the 5-mile radius zone to 8 miles north of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Cotulla, Tex.**

That airspace within a 3-mile radius of Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.) and within 2 miles each side of the Cotulla VOR 266° radial extending from the 3-mile radius zone to 11 miles west of the VOR.

This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/1/77 42 F. R. 42847 (Changed)

**Covington, Ky.**

Within a 5-mile radius of Greater Cincinnati Airport (lat. 39°02'56" N., long. 84°39'41" W.); within 1.5 miles each side of Runway 36 ILS localizer south course, extending from the 5-mile radius zone to the LOM.

**Crescent City, Calif.**

Within a 5-mile radius of Jack McNamara Field, Crescent City (lat. 41°46'50" N., long. 124°14'00" W.), within 3 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 1.5 miles each side of the Crescent City VORTAC 180° radial, extending from the 5-mile radius zone to 5.5 miles south of the VORTAC.

This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Crestview, Fla.**

Within a 5-mile radius of Bob Sikes Airport (lat. 30°46'47" N., long. 86°31'21" W.); within 1.5 miles each side of Crestview VORTAC 109° radial, extending from the 5-mile radius zone to 0.5-mile east of the VORTAC.

**Crossville, Tenn.**

Within a 5-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.) and within 2 miles each side of the Hinch Mountain VORTAC 334° radial extending from the 5-mile radius zone to 1.5 miles northwest of the VORTAC.

**Crows Landing, Calif.**

Within a 5-mile radius of NALF Crows Landing (latitude 37°24'35" N., longitude 121°06'40" W.) excluding the portion within a 1-mile radius of Patterson Field, Patterson, California (latitude 37°28'05" N., longitude 121°10'06" W.). This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously established as published in the Airman's Information Manual.

**Cut Bank, Mont.**

Within a 5-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); within 3½ miles each side of the Cut Bank VORTAC 150° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC.

**Dalhart, Tex.**

That airspace within a 5-mile radius of Dalhart Municipal Airport latitude 36°01'10" N., longitude 102°33'10" W.).

**Dallas, Tex. (Addison Airport)**

That airspace within a 5-mile radius of Addison Airport (latitude 32°58'05" N., longitude 96°50'05" W.); and within 2 miles each side of the Addison VOR 334° radial, extending from the 5-mile radius zone to 6 miles NW of the VOR; excluding the portion S of a line from latitude 32°59'30" N., longitude 96°55'30" W., through latitude 32°56'30" N., longitude 96°51'30" W., to latitude 32°54'00" N., longitude 96°46'30" W. This control zone is effective from 0600 to 2200 hours, local time, daily.

**Dallas, Tex. (Love Field)**

That airspace bounded by a line beginning at latitude 32°53'15" N., longitude 96°59'35" W.; thence northeast to latitude 32°56'30" N.; thence clockwise along the arc of a 5-mile radius circle centered at Addison Airport (latitude 32°58'05" N., longitude 96°50'05" W.) to latitude 32°59'30" N., longitude 96°55'30" W., through latitude 32°56'30" N., longitude 96°51'30" W., and continuing southeast along a line to latitude 32°54'00" N., longitude 96°46'30" W. until interception of the arc of a 5-mile radius circle centered at Addison Airport, southeast of Addison Airport; then clockwise along the arc of the 5-mile radius circle centered at Addison Airport to interception with and then clockwise along the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.) to longitude 96°49'30" W., southeast of Love Field; thence south along longitude 96°49'30" W. to and counterclockwise along the arc of a 5-mile radius circle centered at Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.) until interception with and then northeast along a line drawn between latitude 32°39'35" N., longitude 96°54'15" W., and longitude 96°53'30" W. and the arc of a 5-mile radius circle centered at Love Field, southwest of Love Field; thence clockwise along the arc of a 5-mile radius circle centered at Love Field to latitude 32°49'40" N., west of Love Field, to point of beginning; within 2 miles each side of the Love Field runway 31L ILS localizer southeast course, extending from the Love Field 5-mile radius zone to the OM; and excluding that airspace within the Dallas-Fort Worth, Tex. (Regional Airport), control zone.

**Dallas, Tex. (NAS Dallas)**

Within a 6-mile radius of NAS Dallas (lat. 32°44'00" N., long. 96°58'05" W.); within a 5-mile radius of Redbird Airport (lat. 32°40'50" N., long. 96°52'00" W.); excluding the portion within the Dallas-Fort Worth, Tex. (Regional Airport), and Dallas, Tex. (Love Field), control zones; and excluding the portion east of a line from latitude 32°37'00" N., longitude 96°56'00" W., to latitude 32°39'35" N., longitude 96°54'15" W., to latitude 32°48'00" N., longitude 96°53'45" W.

**Dallas, Tex. (Redbird Airport)**

That airspace within a 5-mile radius of Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.); and within 3.5 miles each side of the 165° bearing from the Redbird RBN extending from the 5-mile radius zone to 10 miles south of the RBN; excluding the portion west of a line from latitude 32°37'00" N., longitude 96°56'00" W., to latitude 32°39'35" N., longitude 96°54'15" W., to latitude 32°48'00" N., longitude 96°53'49" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Dallas-Fort Worth, Tex., Regional Airport**

Within a 5-mile radius of Dallas/Fort Worth Regional Airport (lat. 32°53'53" N., long. 97°02'24" W.); within 2.5 miles west and 3.5 miles east of the runway 17R/35L ILS localizer courses extending from the 5-mile radius zone to the OMs, and within 2.5 miles each side of the runway 31 ILS localizer course extending from the 5-mile radius zone to the OM.



**Danbury, Conn.**

Within a 5-mile radius of the center latitude 41°22'15" N., longitude 73°29'00" W., of the Danbury Airport, Danbury, Conn., and within 2 miles each side of the Carmel VORTAC 038° radial extending from the 5-mile radius area to the Carmel VORTAC.

Within 2.5 statute miles each side of a 262° magnetic bearing from a point 41°25'05"N., 73°18'45"W., extending from the 5 statute mile radius zone to 3 statute miles west of said point; within 2.5 statute miles each side of a 082° magnetic bearing from a point 41°19'22"N., 73°39'19"W., extending from the 5 statute mile radius zone to 3 statute miles east of said point.

This control zone is effective from 0700 to 2300 local time daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airmen's Information Manual.

**Danville, Ill.**

That airspace within a 5-mile radius of Vermillion County Airport (lat. 40°11'54" N., long. 87°35'49" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Danville, Va.**

Within a 5-mile radius of the center, lat. 36°34'30" N., long. 79°20'11" W., of Danville Municipal Airport, Danville, Va.; within 3 miles each side of the Danville, Va., VOR 044° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 3 miles each side of the Danville, Va., VOR 208° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR; within 1.5 miles each side of a 017° bearing from a point 36°34'48" N., 79°20'08" W., extending from said point to 5 miles north. This control zone is effective from 0600 to 2200 hours, local time, daily.

**Davenport, Iowa**

Within a 5-mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.); within 3 miles each side of the 224° bearing from the Cody RBN, extending from the 5-mile radius zone to 6½ miles southwest of the RBN; and within 2 miles each side of the Davenport VOR 220° radial, extending from the 5-mile radius zone to 1 mile southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Dayton, Ohio (James M. Cox-Dayton Municipal)**

Within a 5-mile radius of the center, 39°53'57" N., 84°12'45" W. of James M. Cox-Dayton Municipal Airport, Dayton, Ohio, excluding that airspace within a 1-mile radius of the center, 39°54'52" N., 84°18'45" W. of Studebaker Farms Airport, Union, Ohio.

**Dayton, OH. (Wright-Patterson AFB)**

Within a 5-mile radius of Wright-Patterson AFB (latitude 39°49'25" N., longitude 84°02'55" W.); within a 6-mile radius of the Springfield Municipal Airport (latitude 39°50'22" N., longitude 83°50'21" W.); within 3 miles each side of the 055° bearing from the airport extending from the 6-mile radius zone to 9 miles northeast and within 3 miles each side of the 243° bearing from the airport extending from the 6-mile radius zone to 8.5 miles southwest.

**Daytona Beach, Fla.**

Within a 5-mile radius of Daytona Beach Regional Airport (lat. 29°10'49" N., long. 81°03'23" W.); within a 5-mile radius of Municipal Airport, Ormond Beach, Fla. (lat. 29°18'00" N., long. 81°06'49" W.); within 5 miles each side Ormond Beach VORTAC 256° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC.

**Deadhorse, Alaska**

Within a 5-mile radius of the Deadhorse Airport (latitude 70°11'40" N., longitude 148°28'05" W.); within a 5-mile radius of the Prudhoe Bay Airport (latitude 70°15'05" N., longitude 148°20'13" W.); within 3.5 miles each side of the Deadhorse VOR 255° radial extending from the 5-mile radius zone to 9.5 miles W of the VOR; within 3.5 miles each side of the Deadhorse VOR 081° radial extending from the 5-mile radius zone to 8.5 miles E of the VOR; within 3 miles each side of the Prudhoe Bay NDB 075° bearing extending from the 5-mile radius zone to 8.5 miles E of the NDB; and within 3 miles each side of the Prudhoe Bay NDB 259° bearing extending from the 5-mile radius zone to 8.5 miles W of the NDB.

**Decatur, Ill.**

Within a 5-mile radius of Decatur Airport (latitude 39°50'05" N., longitude 88°51'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

**Del Rio, Tex.**

Within a 5-mile radius of Laughlin AFB (latitude 29°21'35" N., longitude 100°46'35" W.) within 3 miles each side of the Laughlin VORTAC 305° radial extending from the 5-mile radius zone to 7 miles northwest of the VORTAC; within 3 miles each side of the Laughlin VORTAC 315° radial extending from the 5-mile radius zone to 14 miles northwest of the VORTAC; within 3 miles each side of the Laughlin VORTAC 148° radial extending from the 5-mile radius zone to 12 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Deming, N. Mex.**

Within a 5-mile radius of Deming Municipal Airport (lat. 32°15'40" N., long. 107°43'10" W.).

**Denver, Colo.**

Within a 9-mile radius of Stapleton International Airport (latitude 39°46'30" N., longitude 104°52'40" W.), within a 9-mile radius of Buckley ANGB Airport (latitude 39°42'05" N., longitude 104°45'10" W.), and within 4 miles each side of the Buckley ANGB VOR 152° radial extending from the 9-mile radius zone to 14 miles southeast of the VOR, excluding the portion within a 1-mile radius of Skyline Airport (latitude 39°46'37" N., longitude 104°36'57" W.).

**Des Moines, Iowa**

Within a 5-mile radius of Des Moines Municipal Airport (latitude 41°32'10" N., longitude 93°39'27" W.); and within 1 mile each side of the Des Moines ILS localizer northwest course, extending from the 5-mile radius zone to 11½ miles northwest of the OM.

**Detroit, Mich.**

Within a 5-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), within 2 miles each side of the Detroit City Airport ILS localizer NW course extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15; and within 2 miles each side of the Windsor, Ontario, Canada VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian border.

**Detroit, Mich. (Metropolitan Wayne County Airport)**

Within a 5-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'07" N., longitude 83°20'55" W.); within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer northeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS east course, extending from the 5-mile radius zone to the OM, excluding the portion west of a line between the points of intersection of the 5-mile radius zone and the Detroit, Mich. (Willow Run) control zone.

**Detroit, Mich. (Willow Run Airport)**

Within a 5-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), within 2 miles each side of the Willow Run VOR 237° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR, within 2 miles each side of the Willow Run Airport ILS localizer SW course, extending from the 5-mile radius zone to the OM, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Detroit, Mich. (Metropolitan Wayne County Airport) control zone.

**Devils Lake, N. Dak.**

Within a 5-mile radius of the Devils Lake Municipal Airport (latitude 48°06'55" N., longitude 98°54'30" W.); within 3½ miles each side of the Devils Lake VORTAC 134° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; within 3½ miles each side of the Devils Lake VORTAC 324° radial extending from the 5-mile radius zone to 10 miles northwest of the VORTAC; and within 3 nautical miles each side of the 026° bearing from the Devils Lake Municipal Airport extending from the 5-mile radius zone to 7 miles northeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Dickinson, N. Dak.**

Within a 5-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.) and within 3 miles each side of the Dickinson VORTAC 013° radial extending from the 5-mile radius area to 8 miles north of the VORTAC.

**Dillingham, Alaska**

Within a 5-mile radius of the Dillingham Airport (latitude 59°02'30" N., longitude 158°30'28" W.); within 2 miles each side of the Dillingham VORTAC 025° radial extending from the 5-mile radius zone to 13.5 miles north-east of the Dillingham VORTAC and within 2 miles each side of the Dillingham VORTAC 205° radial extending from the 5-mile radius zone to 9 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the U. S. Government Flight Information Publication, Supplement Alaska.



**Dodge City, Kans.**

Within a 5-mile radius of Dodge City Municipal Airport (latitude 37°45'42" N., longitude 99°57'51" W.).

**Dothan, Ala.**

Within a 5-mile radius of Dothan Airport (latitude 31°19'10" N., longitude 85°27'30" W.); within 4.5 miles each side of Dothan VORTAC 157° radial, extending from the 5-mile radius zone to 10.5 miles SE of the VORTAC; within 3.5 miles each side of Dothan VORTAC 331° radial, extending from the 5-mile radius zone to 7.5 miles NW of the VORTAC.

**PENDING AMENDMENT**

The Dothan, Ala., control zone is amended as follows: "within 4.5 miles each side of Dothan VORTAC 157° radial, extending from the 5-mile radius zone to 10.5 miles SE of the VORTAC; within 3.5 miles each side of Dothan VORTAC 331° radial" is deleted and "within 4.5 miles each side of Wiregrass VORTAC 157° radial, extending from the 5-mile radius zone to 10.5 miles SE of the VORTAC, within 3.5 miles each side of Wiregrass VORTAC 331° radial" is substituted therefor.

AMENDMENTS 3/23/78 42 F. R. 60120 (Changed)

**Douglas, Ariz.**

Within a 5-mile radius of Bisbee-Douglas International Airport (latitude 31°28'00" N., longitude 109°36'10" W.) and within 2 miles each side of the Douglas VORTAC 333° radial, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC.

**Dover, Del.**

Within a 5-mile radius of the center, lat. 39°07'30" N., long. 75°28'00" W. of Dover AFB, Dover, Del.; within 3 miles each side of the Dover TACAN 178° radial, extending from the 5-mile radius zone to 6.5 miles south of the TACAN; within 3 miles each side of the Dover TACAN 012° radial, extending from the 5-mile radius zone to 6.5 miles north of the TACAN; within 3 miles each side of the Dover TACAN 132° radial, extending from the 5-mile radius zone to 6.5 miles southeast of the TACAN.

**Du Bois, Pa.**

Within a 5-mile radius of the center, 41°10'42" N., 78°53'50" W., of Du Bois-Jefferson County Airport, Du Bois, Pa.; within 3 miles each side of the Du Bois-Jefferson County Airport ILS localizer northeast course, extending from the 5-mile radius zone to 8.5 miles northeast of the OM; and within 2.5 miles each side of the Clarion, Pa., VORTAC 086° radial, extending from the 5-mile radius zone to 23 miles east of the Clarion, Pa., VORTAC.

**Dubuque, Iowa**

Within a 5-mile radius of Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'25" W.); within 3 miles each side of the Dubuque VORTAC 321° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC; and within 3 miles each side of the Dubuque VORTAC 126° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; within 3 miles each side of the Dubuque VORTAC 182° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Duluth, Minn.**

Within a 6.5-mile radius of Duluth International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); and within 3 miles each side of the Duluth VORTAC 197° radial extending from the 6.5-mile radius zone to 11 miles south of the VORTAC.

**Durango, Colo.**

Within a 5-mile radius of La Plata Field (latitude 37°09'12" N., longitude 107°45'04" W.) and within 3 miles each side of the Durango VOR 224° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Dyersburg, Tenn.**

Within a 5-mile radius of the Dyersburg Municipal Airport (latitude 36°00'00" N., longitude 89°24'20" W.); within 1.5 miles each side of the Dyersburg VORTAC 258° radial, extending from the 5-mile radius zone to the VORTAC, effective from 0600 to 2200 hours local time daily.

**Eagle, Colo.**

That airspace within a 3.5-mile radius of the Eagle County Airport (latitude 39°38'18" N., longitude 106°54'51" W.) and within 3 miles north and 2.5 miles south of the 093° bearing from the Eagle, Colo., RBN (latitude 39°38'37" N., longitude 106°54'36" W.), extending from the 3.5-mile radius zone to 6 miles east of the RBN.

**Eastover, S. C.**

Within a 5-mile radius of McEntire ANGB (lat. 33°55'26" N., long. 80°48'14" W.); within 2 miles each side of McEntire ANG TACAN 138° radial, extending from the 5-mile radius zone to 7 miles southeast of the TACAN.

**East St. Louis, Ill.**

Within a 5-mile radius of the Bi State Parks Airport (latitude 38°34'30" N., longitude 90°10'00" W.) and within 3 miles each side of the 129° bearing from the airport extending from the 5-mile radius area to 8 miles southeast. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Eau Claire, Wis.**

Within a 5-mile radius of Eau Claire Municipal Airport (latitude 44°51'50" N., longitude 91°29'10" W.); within 2½ miles each side of the 304° bearing from Eau Claire Municipal Airport extending from the 5-mile radius zone to 5½ miles northwest of the airport; within 2½ miles each side of the 041° bearing from the Eau Claire Municipal Airport, extending from the 5-mile radius zone to 5½ miles northeast of the airport; and within 2½ miles each side of the 274° bearing from the Eau Claire Municipal Airport, extending from the 5-mile radius zone to 5½ miles west of the airport.

**Edwards AFB, Calif.**

Within an 8-mile radius of Edwards AFB (latitude 34°54'20"N., longitude 117°52'58"W.).

**Eglin AFB, Fla.**

Within a 5-mile radius of Eglin AFB (lat. 30°29'07" N., long. 86°31'35" W.); within 1 mile each side of the ILS localizer southeast course, extending from the 5-mile radius zone to 4.5 miles southeast of the runway end; within a 3-mile radius of Destin-Fort Walton Beach Airport (lat. 30°23'57" N., long. 86°28'47" W.); within 2 miles each side of the extended centerline of runway 14/32, extending from the 3-mile radius zone to 4 miles southeast of the airport.

**Eglin AF Aux No. 3 (Duke Field), Fla.**

Within a 5-mile radius of Eglin AF Aux No. 3 (Duke Field); (latitude 30°39'01" N., longitude 86°31'25" W.). The portion within a 5-mile radius of Bob Sikes Airport (latitude 30°46'47" N., longitude 86°31'21" W.) is excluded. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Eglin AF Aux No. 9 (Hurlburt Field), Fla.**

Within a 5-mile radius of Eglin AF Aux No. 9 (Hurlburt Field) (lat. 30°25'42" N., long. 86°41'05" W.); within 2 miles each side of the Eglin VOR 285° radial, extending from the 5-mile radius zone to 1 mile west of the VOR; excluding the portion within Eglin AFB control zone.

**El Centro, Calif.**

Within a 5-mile radius of NAF El Centro (latitude 32°49'20" N., longitude 115°40'15" W.); within a 5-mile radius of Imperial County Airport, El Centro, Calif. (latitude 32°50'10" N., longitude 115°34'30" W.); within 2 miles each side of the Imperial VORTAC 297° radial, extending from the NAF El Centro 5-mile radius zone to the VORTAC, and within 2 miles each side of the Imperial VORTAC 327° radial, extending from the Imperial County 5-mile radius zone to the VORTAC.

**El Dorado, Ark.**

That airspace within a 5-mile radius of Goodwin Airport, El Dorado, Ark. (latitude 33°13'05" N., longitude 92°48'45" W.).

**Elizabeth City, N. C.**

Within a 5-mile radius of CGAS Elizabeth City (latitude 36°15'35" N., longitude 76°10'20" W.); within 3 miles each side of Elizabeth City VOR 188° radial, extending from the 5-mile radius zone to 10 miles south of the VOR; within 2.5 miles each side of Elizabeth City VOR 357° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR. This control zone is effective from 0700 to 2200 hours, local time, daily.

**Elkhart, Ind.**

Within a 5-mile radius of the Elkhart Municipal Airport (latitude 41°43'11" N., longitude 85°59'41" W.), within 2 miles each side of the 264° bearing from the airport extending from the 5-mile radius zone to 8 miles west, excluding that airspace within a 1-mile radius of the Mishawaka Pilots Club Airport (latitude 41°39'25" N., longitude 86°02'05" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.



**Elkins, W. Va.**

Within a 5-mile radius of the center, lat. 38°53'20" N., long. 79°51'24" W. of Elkins-Randolph County-Jennings Randolph Field, Elkins, W. Va., and within 3 miles each side of the 011° bearing from the Randolph County RBN, extending from the 5-mile radius zone to 8.5 miles north of the RBN. This control zone is effective from sunrise to sunset, daily.

**Elko, Nev.**

Within a 5-mile radius of Elko Municipal Airport (Lat. 40°49'35" N, Long. 115°47'20" W).

**Elmira, N.Y.**

Within a 5-mile radius of the center of Chemung County Airport, Elmira, N.Y., 42°09'37" N., 76°53'35" W.: within 2 miles each side of the Elmira VOR 057° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the airport ILS localizer NE course extending from the 5-mile radius zone to 2 miles NE of the OM; within 2 miles each side of the centerline of Runway 1 extended northerly from the 5-mile radius zone for 3 miles; within 2 miles each side of the centerline of Runway 10 extended easterly from the 5-mile radius zone for 1 mile; within 2 miles each side of the centerline of Runway 19 extended southerly from the 5-mile radius zone for 2 miles and within 2 miles each side of the centerline of Runway 28 extended westerly from the 5-mile radius zone for 4 miles.

**El Monte, Calif.**

Within a 3-mile radius of El Monte Airport (latitude 34°05'05" N., longitude 118°02'00" W.) and within 2 miles each side of the Pomona VORTAC 271° radial, extending from the 3-mile radius zone to 8 miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**El Paso, Tex.**

That airspace bounded by a line beginning at latitude 31°45'45" N., longitude 106°27'43" W.; thence clockwise along the arc of a 6-mile radius circle centered at the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.) to latitude 31°49'46" N., longitude 106°28'34" W.; thence clockwise along the arc of a 6-mile radius circle centered at latitude 31°50'55" N., longitude 106°22'45" W.; to latitude 31°55'12" N., longitude 106°26'00" W.; to latitude 31°56'20" N., longitude 106°26'00" W.; thence clockwise along the arc of a 7-mile radius circle centered at latitude 31°50'55" N., longitude 106°22'45" W.; to latitude 31°47'30" N., longitude 106°16'45" W.; thence clockwise along the arc of a 6-mile radius circle centered at the El Paso International Airport; to latitude 31°43'15" N., longitude 106°22'20" W.; thence via the United States/Mexican border to point of beginning.

**El Toro, CA.**

Within a 5-mile radius of MCAS El Toro (latitude 33°40'34" N., longitude 117°43'50" W.); within 3.5 miles west and 3 miles east of the El Toro VOR 175° radial extending from the 5-mile radius zone to 12 miles south of the VOR, excluding the portions within the Santa Ana, CA. (Orange County), and Santa Ana (MCAS), CA., control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Emporia, Kans.**

Within a 5-mile radius of the Emporia, Kans., Municipal Airport (lat. 38°20'00"N., long. 96°11'15"W.) and 1.5 miles either side of the 010° bearing from the airport extending from the 5-mile radius to 6 miles north. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 8/8/77 42 F. R. 39974 (Rewritten)

**Enid, Okla.**

That airspace within a 5-statute-mile radius of Vance AFB (latitude 36°20'20"N., longitude 97°55'00"W.) and within 3 statute miles west and 3 statute miles east of the Vance VORTAC (latitude 36°20'43"N., longitude 97°55'04"W.) 178.5 radial extending from the 5-statute-mile radius zone to the 7 DME fix; and within 4 statute miles west and 5 statute miles east of the Vance VORTAC 358.5° radial extending from the 5-statute-mile radius zone to the 6 DME fix; and within a 5-statute-mile radius of Enid Woodring Municipal Airport (latitude 36°22'45"N., longitude 97°47'30"W.) and within 2 statute miles each side of the Woodring VOR (latitude 36°22'26"N., longitude 97°47'17"W.) 354.5° radial, extending from the 5-statute-mile radius zone to 8 statute miles north of the VOR; and within 2 statute miles east and 4 statute miles west of the Woodring VOR 184.5° radial, extending from the 5-statute-mile zone to 8 statute miles south of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

**Ephrata, Wash.**

Within a 5-mile radius of Ephrata Municipal Airport (latitude 47°18'27" N., longitude 119°30'38" W.) and within 3 miles each side of the Ephrata VORTAC 043° and 223° radials, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC. This control zone is effective during specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Erie, Pa.**

Within a 5-mile radius of the center, lat. 42°04'53" N., long. 80°10'43" W. of Erie International Airport, Erie, Pa.; within a 6-mile radius area of the center of the airport, extending clockwise from a 060° bearing to a 235° bearing from the airport; within a 9.5 mile radius of the center of the airport, extending clockwise from a 090° bearing to a 175° bearing from the airport; within 3.5 miles each side of the Erie ILS localizer NE course extending from the 5-mile radius area to 8 miles NE of the OM.

**Escanaba, Mich.**

Within a 5-statute mile radius of Escanaba VORTAC (lat. 45°43'19"N., long. 87°05'31"W.); within 3 statute miles each side of the Escanaba VORTAC 007° and 101° radials, extending from the 5-mile radius zone to 8.5 statute miles north and east of the VORTAC; within 3 statute miles each side of the Escanaba VORTAC 266° radial extending from the 5-mile radius zone to 8 statute miles west of the VORTAC.

AMENDMENTS 10/6/77 42 F. R. 39976 (Rewritten)

**Eugene, Oreg.**

Within a 5-mile radius of Mahlon-Sweet Field (latitude 44°07'25" N., longitude 123°13'05" W.), within 3 miles each side of the Eugene VORTAC 008° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC, and within 2.5 miles each side of the Eugene VORTAC 172° radial, extending from the 5-mile radius zone to 9 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Evansville, Ind.**

Within a 5-mile radius of Dress Memorial Airport (latitude 38°02'15" N., longitude 87°32'00" W.); and within 2 miles each side of the Evansville ILS localizer northeast course, extending from the 5-mile radius zone to 1 mile southwest of the OM.

**Everett, Wash.**

Within a 5-mile radius of the Snohomish County Airport (Paine Field), Wash. (latitude 47°54'40" N., longitude 122°16'50" W.), and within 3 miles each side of the Paine VOR 356° radial, extending from the 5-mile radius zone to 8 miles north of the VOR. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Fairbanks, Alaska (Eielson AFB)**

Within a 5-mile radius of Eielson AFB (latitude 64°39'55" N., longitude 147°05'55" W.); within 2 miles each side of the Eielson localizer S course extending from the 5-mile radius zone to the Eielson outer marker; and within 2 miles SW and 3 miles NE of the Eielson TACAN 324° radial extending from the Eielson 5-mile radius zone to 6 miles NW of the TACAN.

**Fairbanks, Alaska (Fairbanks International/Fort Wainwright AAF)**

Within a 5-mile radius of Fairbanks International Airport (latitude 64°49'09" N., longitude 147°51'14" W.); within a 5-mile radius of Fort Wainwright AAF (latitude 64°50'13" N., longitude 147°36'52" W.); within 2 miles each side of the Fairbanks localizer NE course, extending from the Fairbanks 5-mile radius zone to the outer marker; within 2 miles each side of the Fairbanks localizer SW course, extending from the Fairbanks 5-mile radius zone to 5 miles SW of the localizer antenna (latitude 64°48'11" N., longitude 147°53'01" W.); and within 2 miles each side of the Chena, Alaska, RBN 089° bearing, extending from the Fort Wainwright 5-mile radius zone to 5 miles E of the RBN.

**Fairfield, Calif.**

Within a 5-mile radius of Travis AFB, Fairfield, Calif. (latitude 38°15'45" N., longitude 121°55'35" W.), and within 2 miles each side of the Travis VOR 229° radial, extending from the 5-mile radius zone NE to the VOR and 18 miles SW of the VOR.

**Fairmont, Minn.**

Within a 5-mile radius of Fairmont Municipal Airport (latitude 43°38'41" N., longitude 94°25'04" W.); within 2½ miles each side of the 132° bearing from the Fairmont Municipal Airport, extending from the 5-mile radius zone to 6½ miles southeast of the airport, and within 2½ miles each side of the 319° bearing from the Fairmont Municipal Airport, extending from the 5-mile radius zone to 6½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Fallon, Nev.**

Within a 5-mile radius of NAAS Fallon (latitude 39°25'10" N., longitude 118°42'00" W.); within 2 miles each side of the NAAS Fallon TACAN 139° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 5-mile radius zone to 5.5 miles NW of the TACAN.

**Falmouth, Mass.**

Within a 5-mile radius of Otis AFB, Falmouth, Mass. (latitude 41°39'30" N., longitude 70°31'35" W.); within 2 miles each side of the extended centerline of Runway 5, extending from the 5-mile radius zone to 6 miles NE of the end of Runway 5; within 2 miles each side of the Otis TACAN 030° radial, extending from the 5-mile radius zone to 8 miles NE of the TACAN; within 2 miles each side of the extended centerline of Runway 14, extending from the 5-mile radius zone to 5 miles SE of the end of Runway 14; within 2 miles each side of the Otis TACAN 139° radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN; within 2 miles each side of the extended centerline of Runway 23, extending from the 5-mile radius zone to 5 miles SW of the end of Runway 23; within 2 miles each side of the Otis TACAN 224° radial, extending from the 5-mile radius zone to 8 miles SW of the TACAN; within 2 miles each side of the extended centerline of Runway 32, extending from the 5-mile radius zone to 5 miles NW of the end of Runway 32; within 2 miles each side of the Otis TACAN 299° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN.

**Farewell, Alaska**

Within a 5-mile radius of the Farewell Airport (latitude 62°30'30" N., longitude 153°52'30" W.); and within 3.5 miles each side of the 308° bearing from the Farewell RBN extending from the 5-mile radius zone to 8.5 miles northwest of the RBN. This control zone is effective from 0745 to 1545 local time daily, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication, Supplement Alaska.

**Fargo, N. Dak.**

Within a 7-mile radius of Hector Field (lat. 46°54'57" N., long. 96°48'53" W.); and within 2 miles each side of the Fargo VORTAC 009° radial, extending from the 7-mile radius zone to the VORTAC.

**Farmingdale, N. Y.**

Within a 5-mile radius of Republic Airport, Farmingdale, N. Y., (latitude 40°43'45" N., longitude 73°24'50" W.), extending clockwise from 065° bearing to the 270° bearing and within a 6-mile radius extending clockwise from the 270° to the 065° bearing from the airport. This control zone shall be in effect from 0700 to 2300 hours, local time, daily.

**Farmington, N. Mex.**

Within a 5-mile radius of Farmington Municipal Airport (lat. 36°44'28" N., long. 108°13'39" W.); and within 3 miles each side of the Farmington VORTAC 086° and 267° radials extending from the 5-mile radius zone to 8 miles east of the Farmington, N. Mex., VORTAC.

**Fayetteville, Ark.**

Within a 5.5-mile radius of Drake Field (latitude 36°00'13" N., longitude 94°10'12" W.), within 3 miles each side of the Drake VOR 325° radial extending from the 5.5-mile radius zone to 8 miles northwest of the VOR; and within 2 miles each side of the Fayetteville ILS localizer north course 349° bearing extending from the 5.5-mile radius zone to 11.5 miles north of the localizer site (latitude 35°59'37.5" N., longitude 94°10'02" W.).

**Fayetteville, NC.**

Within a 5-mile radius of Fayetteville Municipal Airport (Grannis Field) (lat. 34°59'22" N., long. 78°52'52" W.); within 3 miles each side of Fayetteville VOR 015°, 080° and 233° radials, extending from the 5-mile radius zone to 8.5 miles north, east, and southwest of the VOR; excluding the portion within Simmons AAF control zone.

**Findlay, OH.**

Within a 5-mile radius of the Findlay Airport (latitude 41°00'40" N., longitude 83°40'30" W.) excluding that portion within a 1-mile radius of the Lutz Airport (latitude 40°57'42" N., longitude 83°35'43" W.) within 3 miles each side of the 179° bearing from the Findlay Airport extending from the 5-mile radius zone to 8.5 miles south of the airport; within 3 miles each side of the 063° bearing from the Findlay Airport extending from the 5-mile radius zone to 8.5 miles northeast of the airport; within a 5-mile radius of Bluffton Flying Service Airport (latitude 40°53'09" N., longitude 83°52'04" W.) and within 2 miles each side of the Findlay VORTAC 231° radial extending from the 5-mile radius zone to the Findlay, OH, Airport 5-mile radius zone.

**Flagstaff, Ariz. (Pulliam Airport)**

Within a 7-mile radius of Pulliam Airport (latitude 35°08'16" N., longitude 111°40'17" W.) and within 2 miles each side of the Flagstaff VOR 127° radial, extending from the 7-mile radius zone to 10 miles southeast of the VOR.

**Flint, Mich.**

Within a 5-mile radius of Flint, Mich., Bishop Airport (latitude 42°57'55" N., longitude 83°44'30" W.), and within 2 miles each side of the Flint VORTAC 052° 075°, 187°, 219°, 280° and 351° radials extending from the 5-mile radius zone to 8 miles NE, E, S, SW, W, and N of the VORTAC.

**Florence, S. C.**

Within a 5-mile radius of Florence City-County Airport (lat. 34°11'17" N., long. 79°43'28" W.); within 3.5 miles each side of Florence VORTAC 049° and 229° radials, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

**Ft. Belvoir, Va.**

Within a 5-mile radius of the center, 38°42'55" N., 77°10'55" W., of Davison AAF, Fort Belvoir, Va.; within 1-mile each side of the Davison AAF localizer southeast course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the extended centerline of Runway 32, extending from the northwest end of Runway 32 to 5 miles northwest, excluding the portion within P-73.

**Fort Bragg, N. C.**

Within a 5-mile radius of Pope AFB (latitude 35°10'15" N., longitude 79°00'55" W.), excluding the portion within R-5311 and the portion southeast of a line extending from latitude 35°11'15" N., longitude 78°56'05" W., to latitude 35°05'55" N., longitude 79°00'50" W.

**Fort Carson, Colo.**

Within a 5-mile radius of Butts Army Airfield (latitude 38°40'46" N., longitude 104°45'41" W.), excluding the portion within the Colorado Springs, Colo., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Fort Devens, Mass.**

Within a 4-mile radius of the center of Devens AAF, Fort Devens, Mass., (lat. 42°34'15" N., long. 71°36'20" W.) excluding that portion within 1-mile radius of the center of Shirley Airport, Shirley, Mass., (lat. 42°31'30" N., long. 71°39'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/21/77 42 F. R. 9672 (Rewritten)

**Fort Dodge, Iowa**

Within a 5-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Fort Eustis, Va.**

Within a 5-mile radius of the center, lat. 37°07'45" N., long. 76°36'45" W., of Felker AAF, Fort Eustis, Va., and within 3 miles each side of the 323° bearing from the Felker AAF RBN, extending from the 5-mile radius zone to 8.5 miles northwest of the RBN, excluding the portion that coincides with the Newport News, Va., control zone. This control zone is effective from 0600 to 2300 hours, local time, daily.

**Fort Huachuca, AZ.**

Within a 5-mile radius of Libby AAF, Fort Huachuca, AZ. (latitude 31°35'00" N., longitude 110°20'30" W.), within 5 miles each side of the Libby AAF VOR 093° radial, extending from the VOR to 12 miles east of the VOR. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Fort Knox, Ky.**

Within a 5-mile radius of Godman AAF (lat. 37°54'27" N., long. 85°58'21" W.); within 3 miles each side of the 354° bearing from Fort Knox RBN, extending from the 5-mile radius zone to 8.5 miles north of the RBN; within 3 miles each side of Fort Knox VOR 001°, 172° and 324° radials, extending from the 5-mile radius zone to 8.5 miles north, south and northwest of the VOR.

**Fort Lauderdale, Fla.**

Within a 5-mile radius of Fort Lauderdale-Hollywood International Airport (lat. 26°04'26" N., long. 80°09'10" W.); within 3 miles each side of Fort Lauderdale VOR 084°, 276° and 306° radials, extending from the 5-mile radius zone to 8.5 miles east, west, and northwest of the VOR.



**Fort Lauderdale, Fla. (Executive Airport)**

Within a 5-mile radius of Fort Lauderdale Executive Airport (lat. 26°11'41" N., long. 80°10'15" W.); within 2 miles each side of the 084° bearing from Tropic RBN (lat. 26°11'08" N., long. 80°17'49" W.), extending from the 5-mile radius zone to 1.5 miles east of the RBN; excluding the portion within Fort Lauderdale-Hollywood International Airport (lat. 26°04'26" N., long. 80°09'10" W.) control zone and the portion northeast of a line 3 miles southwest of and parallel to Pompano Beach VOR 319° radial, and the portion east of Fort Lauderdale Executive Airport, north of a line 1 mile north of and parallel to the extended centerline of Runway 8/26. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Fort Leonard Wood, Mo.**

Within a 4-mile radius of Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.); within 3 miles each side of the Forney AAF VOR 323° radial extending from the 4-mile radius zone to 7½ miles northwest of the VOR; and within 3 miles each side of the 146° bearing from the Forney AAF RBN extending from the 4-mile radius zone to 7½ miles southeast of the Forney AAF RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Fort Lewis, Wash.**

Within a 5-mile radius of Gray AAF, Fort Lewis, Wash. (latitude 47°04'55" N., longitude 122°34'55" W.), excluding the portions within the Tacoma, Washington (McChord AFB) control zone and the portion east of a line 2 miles west of and parallel to the McChord AFB VOR 182° radial. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Fort Meade, MD.**

Within a 5-mile radius of the center 39°05'04" N., 76°45'37" W. of Tipton AAF, Fort Meade, MD., and within 3 miles each side of a line bearing 091° from the Fort Meade RBN (lat. 39°05'04" N., 76°45'37" W.) extending from the 5-mile radius zone to 8 miles east of the RBN excluding that airspace that coincides with the Baltimore, MD., control zone and a 1-mile radius centered on Beltsville, MD. (USDA), Airport (39°01'27" N., 76°49'21" W.). This control zone shall be in effect from 0700 to 2200 hours, local time Monday through Friday and 0800 to 1600 hours, local time Saturdays, Sundays, and Federal holidays.

**Fort Myers, Fla.**

Within a 5-mile radius of Page Field (lat. 26°35'09" N., long. 81°51'51" W.); within 3 miles each side of Fort Myers VORTAC 062°, 213°, and 318° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southwest, and northwest of the VORTAC.

**Fort Ord, Calif.**

Within a 5-mile radius of the Fritzsche AAF (latitude 36°40'55" N., longitude 121°45'40" W.), excluding the portion SW of a chord drawn between the points of INT of 5-mile radius circles centered on the Monterey Peninsula Airport and Fritzsche AAF, and the portion E of a chord drawn between the points of INT of 5-mile radius circles centered on the Salinas Municipal Airport and Fritzsche AAF. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Fort Polk, La.**

That airspace within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25" W.); within 2 miles each side of the 160° bearing from the Polk AAF RBN, extending from the 5-mile radius zone to 9 miles SE of the south fan marker; and within 2 miles each side of the 340° bearing from the Polk AAF RBN, extending from the 5-mile radius zone to 7 miles NW of the north fan marker. This control zone is effective during the dates and times established in advance by publication of Special Notices in the Airman's Information Manual.

**Fort Riley, Kansas**

Within a 5-mile radius of Marshall AAF, Fort Riley, Kansas (latitude 39°03'15" N., longitude 96°45'50" W.); within 2 miles each side of the Fort Riley VOR 042° radial extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 216° bearing from the Fort Riley RBN extending from the 5-mile radius zone to 8 miles SW of the RBN, excluding the portion within R-3602 and the portion bounded on the NE by the 318° bearing from the Fort Riley RBN and on the SE by a line 2 miles NW of and parallel to the Fort Riley VOR 042° radial. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Fort Rucker, Ala.**

Within a 7-mile radius of latitude 31°18'30" N., longitude 85°42'20" W.; within 3 miles each side of Cairns, Ala., VOR 233° radial, extending from the 7-mile radius zone to 8.5 miles southwest of the VOR; within 2 miles each side of Cairns AAF Runway 36 extended centerline, extending from the 7-mile radius zone to 5 miles south of the runway end; within 3 miles each side of the 242° bearing from Lowe, Ala., NDB, extending from the 7-mile radius zone to 8.5 miles southwest of the NDB; within 3 miles each side of Hanchey, Ala., VOR 358° radial, extending from the 7-mile radius zone to 8.5 miles north of the VOR; within a 2-mile radius of Blackwell Field, Ozark, Ala. (latitude 31°25'50" N., longitude 85°37'10" W.); within a 2-mile radius of Hooper, Ala. Army Stage Field (latitude 31°24'25" N., longitude 85°41'20" W.); excluding the portion within a 1.5-mile radius of Allen, Ala., Army Stage Field (latitude 31°13'50" N., longitude 85°38'40" W.), and the portion within R-2103.

**Fort Smith, Ark.**

Within a 5-mile radius of Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'05" W.), within 2 miles each side of the Fort Smith VORTAC 238° radial extending from the 5-mile radius zone to the VORTAC, within 2 miles each side of the Fort Smith ILS localizer east course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Fort Smith ILS localizer west course extending from the 5-mile radius zone to the Penobscott Bottoms RBN (latitude 35°19'21" N., longitude 94°28'28" W.).

**Fort Stewart, Ga.**

Within a 5-mile radius of Lyle H. Wright AAF (lat. 31°53'20" N., long. 81°33'45" W.); within 3 miles each side of the Wright TVOR 059° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the TVOR. This control zone is effective from 0700 to 2300 hours, local time, daily.

**Fort Wayne, Ind.**

Within a 5-mile radius of Baer Field (latitude 40°58'45" N., longitude 85°11'25" W.); within 3 miles each side of the Fort Wayne VORTAC 229° radial, extending from the 5-mile radius zone to 8½ miles southwest of the VORTAC; within 3 miles each side of the Fort Wayne VORTAC 320° radial, extending from the 5-mile radius zone to 8½ miles northwest of the VORTAC; within 3 miles each side of the Fort Wayne VORTAC 038° radial, extending from the 5-mile radius zone to 8½ miles northeast of the VORTAC; and within 3½ miles each side of the Fort Wayne VORTAC 265° radial, extending from the 5-mile radius zone to 10 miles west of the VORTAC.

**Fort Worth, Tex. (Carswell AFB)**

That airspace within a 5-mile radius of Carswell AFB (latitude 32°46'20" N., longitude 97°26'30" W.); within 2 miles each side of the Carswell AFB TACAN 358° radial extending from the TACAN to 14 miles north; within 2 miles each side of the Carswell ILS localizer S course extending from the 5-mile radius zone to 9 miles south of the airport; within 2 miles each side of the Carswell AFB TACAN 194° radial extending from the TACAN to 11.5 miles south; excluding the portion east of longitude 97°24'00" W.

**Fort Worth, Tex. (Meacham Field)**

That airspace within a 5-mile radius of Meacham Field (latitude 32°49'00" N., longitude 97°21'35" W.); within a 5-mile radius of Carswell AFB (latitude 32°46'20" N., longitude 97°26'30" W.); and within 2 miles each side of the Meacham Field ILS localizer S course, extending from Meacham Field to 6 miles S; excluding the portion W of longitude 97°24'00" W.

**Fort Yukon, Alaska**

Within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'16" N., longitude 145°14'59" W.) and within 3 miles south and 4.5 miles north of the Fort Yukon 076° radial extending from the 5-mile radius zone to 10.5 miles east of the Fort Yukon VORTAC and within 3 miles each side of the Fort Yukon VORTAC 214° radial extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC. This control zone is effective from 0800 to 1700 hours local time daily or during the specific days and times established in advance by Notice to Airmen. The effective times will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

**Franklin, Pa.**

Within a 5-mile radius of the center, lat. 41°22'45" N., long. 79°51'40" W. of Chess-Lamberton Airport, Franklin, Pa.; within 3 miles each side of the Franklin, Pa. VOR 360° and 180° radials extending from the 5-mile radius zone to 8.5 miles north of the VOR. This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airman's Information Manual.

**Fresno, Calif. (Chandler Municipal Airport)**

Within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.); within 2 miles each side of the 232° bearing from the Chandler RBN extending from the 5-mile radius zone to 8 miles SW of the RBN and within 2 miles each side of the Fresno VORTAC 185° radial, extending from the 5-mile radius zone to 1.5 miles S of the VORTAC, excluding the portion within the Fresno (Fresno Air Terminal) control zone. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.



**Fresno, Calif. (Fresno Air Terminal).**

Within a 5-mile radius of Fresno Air Terminal (latitude 36° 46' 25" N., longitude 119° 42' 35" W.), within 2 miles each side of the Fresno VORTAC 143° radial, extending from the 5-mile radius zone to 15 miles SE of the VORTAC, and within 2 miles each side of the Fresno VORTAC 150° radial, extending from the 5-mile radius zone to the VORTAC.

**Fullerton, Calif.**

Within a 3-mile radius of Fullerton Municipal Airport (latitude 33° 52' 20" N., longitude 117° 58' 45" W.) and within 2.5 miles each side of the Fullerton Municipal Airport Runway 24 centerline extended, extending from the 3-mile radius zone to 5.5 miles east of Runway 24 threshold, excluding the portion within the Long Beach, California control zone. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Gage, Okla.**

Within a 5-mile radius of the Gage Municipal Airport (latitude 36° 17' 45" N., longitude 99° 46' 30" W.), and within 2 miles each side of the Gage VORTAC 118° radial, extending from the 5-mile radius zone to the VORTAC.

**Gainesville, Fla.**

Within a 5-mile radius of Gainesville Municipal Airport (lat. 29° 41' 22" N., long. 82° 16' 28" W.); within 1.5 miles each side of Gainesville VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC.

**Galena, Alaska**

Within a 5-mile radius of the Galena Airport (latitude 64° 44' 10" N., longitude 156° 56' 00" W.); within 2 miles each side of the Galena VORTAC 089° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC; and within 2 miles each side of the Galena VORTAC 269° radial extending from the 5-mile radius zone to 14 miles W of the VORTAC.

**Galesburg, Ill.**

Within a 5-mile radius of Galesburg, Ill., Municipal Airport (latitude 40° 56' 24" N., longitude 90° 25' 46" W.); within 2 miles each side of the Galesburg VOR 019° radial extending from the 5-mile radius zone to 8 miles N of the VOR; and within 2 miles each side of the Galesburg VOR 214° radial extending from the 5-mile radius zone to 8 miles SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

**Gallup, N. Mex.**

That airspace within a 5-mile radius of the Senator Clarke Field (latitude 35° 30' 35" N., longitude 108° 47' 00" W.), within 3.5 miles each side of the Gallup, N. Mex., VORTAC 242° and 062° radials extending from the 5-mile radius zone to a point 10.5 miles southwest of the VORTAC.

**Galveston, Tex.**

Within a 5-mile radius of Scholes Field, Galveston, Tex., (Lat. 29° 15' 55" N., long. 94° 51' 35" W.); and within 2 miles either side of the Scholes VORTAC 119° radial extending from the 5-mile radius zone to the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Garden City, Kans.**

Within a 5-mile radius of the Garden City Municipal Airport (latitude 37° 55' 49" N., longitude 100° 43' 40" W.), and within 2 miles each side of the 144° bearing from the Holcomb RBN, extending from the 5-mile radius zone to 2 miles southeast of the RBN; and within 2½ miles each side of the 004° radial of the Garden City VORTAC extending from the 5-mile radius zone to 8 miles north of the VORTAC; and within 2½ miles each side of the 171° radial of the Garden City VORTAC extending from the 5-mile radius zone to 5 miles south of the VORTAC.

**Gary, Ind.**

Within a 5-mile radius of Gary Municipal Airport (latitude 41° 36' 54" N., longitude 87° 24' 37" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Glasgow, Mont.**

Within a 5-mile radius of Glasgow International Airport (latitude 48° 12' 50" N., longitude 106° 37' 10" W.); within 2½ miles each side of the 342° bearing from Glasgow International Airport, extending from the 5-mile radius zone to 5½ miles north of the airport; within 2½ miles each side of the Glasgow VOR 327° radial, extending from the 5-mile radius zone to 5½ miles northwest of the VOR; and within 2½ miles each side of the Glasgow VOR 127° radial, extending from the 5-mile radius zone to 5½ miles southeast of the VOR.

**Glens Falls, N. Y.**

Within a 5-mile radius of the center, latitude 43° 20' 32" N., longitude 73° 36' 35" W., of Warren County Airport, Glens Falls, N. Y., extending clockwise from a 357° bearing to a 275° bearing from the airport; within an 11-mile radius of the center of the airport extending clockwise from a 275° bearing to a 307° bearing from the airport; within a 7.5-mile radius of the center of the airport extending clockwise from a 307° bearing to a 357° bearing from the airport; within 2 miles each side of the Glens Falls VORTAC 005° radial extending from the VORTAC to 5.5 miles north of the VORTAC; and within 4 miles each side of the Glens Falls VORTAC 172° radial extending from the VORTAC to 12.5 miles south of the VORTAC.

**Glenview, Ill.**

Within a 5-mile radius of NAS Glenview (latitude 42° 05' 30" N., longitude 87° 49' 20" W.); within 2 miles each side of the Northbrook, Ill., VOR 162° and 140° radials extending from the Chicago, Ill., (O'Hare International Airport), and the Glenview, Ill., 5-mile radius zones to 3½ miles south and 3½ miles southeast of the VOR; two miles north and four miles south of the Northbrook VOR 071° radial, extending from 1 mile east to 6 miles east of the VOR; within 2 miles each side of the Northbrook VOR 070° radial, extending from 6 to 11 miles east of the VOR; within 2 miles each side of the 062° bearing from the Haley AAF, Fort Sheridan, Ill., RBN, extending from the RBN to 7 miles northeast of the RBN; within 2 miles each side of the 002° bearing from NAS Glenview RBN, extending from the 5-mile radius zone to 12 miles north of the RBN; and within 2 miles each side of the NAS Glenview TACAN 005° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN, excluding the area that overlies the Chicago, Ill. (O'Hare International Airport) control zone.

**Goldsboro, N. C.**

Within a 5-mile radius of Seymour Johnson AFB (latitude 35° 20' 20" N., longitude 77° 57' 50" W.); within 2 miles each side of Seymour Johnson TACAN 073° radial, extending from the 5-mile radius zone to 4.5 miles east of the TACAN; within 2 miles each side of Seymour Johnson TACAN 253° radial, extending from the 5-mile radius zone to 8.5 miles west of the TACAN.

**Goodland, Kans.**

Within a 5-mile radius of Renner Field-Goodland Municipal Airport (latitude 39° 22' 10" N., longitude 101° 41' 55" W.).

**Grand Canyon, Ariz. (Grand Canyon National Park Airport)**

Within a 5-mile radius of Grand Canyon National Airport (lat. 35° 57' 16" N., long. 112° 08' 37" W.) and within 3 miles each side of the Grand Canyon VOR 211° radial, extending from the 5-mile radius zone to 6 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Grand Forks, N. Dak. (Grand Forks Air Force Base)**

Within a 5-mile radius of Grand Forks AFB (latitude 47° 57' 40" N., longitude 97° 24' 00" W.), within 2 miles each side of the Red River VOR 360° radial extending from the 5-mile radius zone to 1 mile NE of the VOR, and within 2 miles each side of the Red River TACAN 004° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN.

**Grand Forks, N. Dak. (International Airport)**

Within a 5-mile radius of Grand Forks International Airport (latitude 47° 57' 05" N., longitude 97° 10' 35" W.), within 2.5 miles each side of the Grand Forks VORTAC 012° radial, extending from the 5-mile radius zone to 6.5 miles north of the VORTAC and within 3 miles each side of the Grand Forks VORTAC 173° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC.

**Grand Island, Nebr.**

Within a 5-mile radius of Grand Island County Airport (latitude 40° 58' 03" N., longitude 98° 18' 30" W.); within 3 miles each side of the Grand Island VORTAC 303° radial, extending from the 5-mile radius zone to 8½ miles northwest of the VORTAC; and within 3 miles each side of the Grand Island VORTAC 360° radial, extending from the 5-mile radius zone to 8½ miles north of the VORTAC.

**Grand Junction, Colo.**

Within a 5-mile radius of Walker Field, Grand Junction, Colo. (lat. 39° 07' 05" N. Long. 108° 31' 10" W.) and within 2 miles either side of the Grand Junction ILS localizer NW course extending from the 5-mile radius zone to 8 miles NW of the localizer.

**Grand Rapids, Mich.**

Within a 5-mile radius of Kent County Airport (latitude 42° 52' 50" N., longitude 85° 31' 25" W.).



**Grandview, Mo.**

Within a 5-mile radius of Richards-Gebaur AFB (latitude 38°50'50" N., longitude 94°33'20" W.); within 2½ miles each side of the Richards-Gebaur AFB ILS localizer south course, extending from the 5-mile radius zone to 1 mile south of the OM; and within 2½ miles each side of the Richards-Gebaur AFB TACAN 195° radial, extending from the 5-mile radius zone to 5½ miles south of the TACAN, excluding the area north of latitude 38°52'30" N., and west of longitude 94°35'50" W. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Grant County, Wash.**

Within a 5-mile radius of the Grant County Airport, Moses Lake, Washington (latitude 47°12'29" N., longitude 119°19'05" W.), within 2 miles each side of the Ephrata VORTAC 156° radial extending from the 5-mile radius to 3 miles southeast of the VORTAC, excluding the Ephrata, Washington, control zone, within 2 miles each side of the Grant County ILS localizer south course, extending from the 5-mile radius zone to the Pelican Radio Beacon, within 2.5 miles each side of the Moses Lake VOR 050° radial extending from the 5-mile radius zone to 15.5 miles northeast and within 4 miles each side of the Moses Lake VOR 063° radial extending from the 5-mile radius 14.8 miles northeast. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Great Falls, Mont. (International Airport)**

Within a 5-mile radius of the Great Falls International Airport (latitude 47°29'00" N., longitude 111°22'00" W.) within 3½ miles each side of the Great Falls VORTAC 225° radial, extending from the 5-mile radius zone to 10 miles southwest of the VORTAC; within 3½ miles each side of the Great Falls VORTAC 045° radial, extending from the 5-mile radius zone to 19 miles northeast of the VORTAC.

**Great Falls, Mont. (Malmstrom Air Force Base)**

Within a 5-mile radius of the Malmstrom AFB (latitude 47°30'05" N., longitude 111°11'20" W.); within 3½ miles each side of the Sand Coulee VOR 037° radial, extending from the 5-mile radius zone to 15½ miles northeast of the VOR; within 3½ miles each side of the Malmstrom AFB TACAN 227° radial, extending from the 5-mile radius zone to 7 miles southwest of the TACAN; excluding those portions within the Great Falls International Airport control zone.

**Green Bay, Wis.**

That airspace within a 5-mile radius of Austin-Straubel Airport, Green Bay, Wis., (latitude 44°29'16" N., longitude 88°07'49" W.).

**Greensboro, N. C.**

Within a 5-mile radius of Greensboro/High Point/Winston-Salem Regional Airport (latitude 36°05'36" N., longitude 79°56'34" W.); within 2 miles each side of Greensboro VORTAC 035° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; within 2 miles each side of Greensboro ILS localizer northwest course, extending from the 5-mile radius zone to 1 mile southeast of the LOM.

**Greenville, Miss.**

Within a 5-mile radius of the Greenville International Airport (lat. 33°29'05"N., long. 90°59'06"W.); within 3 miles each side of the Greenville VOR 358° radial extending from the 5-mile radius zone to 8.5 miles N of the VOR, effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 12/1/77 42 F. R. 54796 (Changed)

**Greenville, S. C.**

Within a 5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50'54" N., long. 82°21'01" W.); within a 5-mile radius of Donaldson Center Airport (lat. 34°45'17" N., long. 82°22'30" W.); excluding the portion within a 5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); effective from 0700 to 2300 hours local time daily.

**Greenville, Tex.**

Within a 5-mile radius of the Majors Field Airport (lat. 33°04'00"N., long. 96°03'45"W.). This control zone will be effective during specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

**Greenwood, Miss.**

Within a 5-mile radius of the Greenwood Leflore Airport (latitude 33°29'30" N., longitude 90°04'50" W.); within 2.5 miles each side of the Greenwood VORTAC 081° radial, extending from the 5-mile radius zone to 1.5 miles east of the VORTAC.

**Greenwood Village, Colo.**

That airspace within a 5-mile radius of the Arapahoe County Airport (lat. 39°34'28"N., long. 104°51'02"W.) and within 2.07 miles each side of the Arapahoe ILS localizer south course extending from the 5-mile radius zone to 6.5 miles south of the airport, excluding that airspace within the Denver, Colo., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 6/16/77 42 F. R. 17868 (Rewritten)

Corr: 42 F. R. 23505

**Greer, S. C. (Greenville-Spartanburg Airport)**

Within a 5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); within a 5-mile radius of Donaldson Center Airport (lat. 34°45'17" N., long. 82°22'30" W.); within a 5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50'54" N., long. 82°21'01" W.); excluding the portion within Greenville control zone.

**PENDING AMENDMENT****Greer, S. C.**

Within a 5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45"N., long. 82°13'04"W.).

AMENDMENTS 1/26/78 42 F. R. 60120 (Rewritten)

**Grisson AFB, Ind.**

Within a 5-mile radius of Grissom AFB (lat. 40°38'55"N., long. 86°09'10"W.).

**Groton, Conn.**

Within a 4-mile radius of the center 41°19'50" N., 72°02'50" W. of Trumbull Airport, Groton, Connecticut, within 2 miles each side of the Trumbull VOR 047° radial extending from the 4-mile radius zone to 7 miles NE of the VOR; within 2 miles each side of the Trumbull VOR 190° radial extended from the 4-mile radius zone to 6.5 miles south of the VOR. Excluding that portion within a 1-mile radius of the center 41°15'15" N., 72°02'00" W. of the Elizabeth New York Airport. This control zone is effective from 0600 to 2300 hours daily, local time, and during specific dates and times established in advance by a Notice to Airmen.

**Guam Island (Anderson AFB)**

Within a 5-mile radius of Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.); within 2 miles each side of the Anderson TACAN 066° radial, extending from the 5-mile radius zone to 9 miles NE of the TACAN, and within 2 miles NW and 4 miles SE of the Anderson VOR 064° radial, extending from the 5-mile radius zone to the Guam Island (NAS Agana) 5-mile radius zone.

**Guam Island (NAS Agana)**

Within a 5-mile radius of NAS Agana (latitude 13°29'00" N., longitude 144°47'00" E); within 4 miles each side of Agana VORTAC 244°R. (245° T.), extending from the 5-mile radius zone to 8 miles southwest of the VORTAC, and within 1 mile northwest and 2 miles southeast of the Guam RBN 026° bearing, extending from the 5-mile radius zone to 2 miles northeast of the RBN.

**Gulfport, MS.**

Within a 5-mile radius of Gulfport Municipal Airport (lat. 30°24'28" N., long. 89°04'05" W.); within 3.5 miles each side of Gulfport VORTAC 050°, 129°, 213° and 319° radials, extending from the 5-mile radius zone to 9.5 miles northeast, southeast, southwest and northwest of the VORTAC; excluding that portion within the Biloxi, MS., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Gulkana, Alaska**

Within a 5-mile radius of the Gulkana Airport (latitude 62°09'19" N., longitude 145°27'08" W.); within 3.5 miles each side of the Gulkana VORTAC 346° radial extending from the 5-mile radius zone to 11.5 miles N of the VORTAC; and within 3 miles each side of the Gulkana VORTAC 181° radial extending from the 5-mile radius zone to 8.5 miles S of the VORTAC.

**Hagerstown, Md.**

Within a 5-mile radius of the center, 39°42'27" N., 77°43'50" W., of Hagerstown Regional Airport, Hagerstown, Md.; within 3 miles each side of the Hagerstown, Md., VOR 239° radial and 059° radial, extending from 8.5 miles southwest of the VOR to 2 miles northeast of the VOR; within 3 miles each side of the Hagerstown, Md., VOR 084° radial, extending from the 5-mile radius zone to the VOR; within 4.5 miles each side of the Hagerstown Regional Airport ILS Runway 27 localizer course, extending from the localizer to 13.5 miles east of the localizer. This control zone is effective from 0600 to 2230 hours, local time, daily.



**Hampton Roads, Va.**

Within a 5-mile radius of Langley AFB, Hampton Roads, Va., (latitude 37°05'05" N., longitude 76°21'25" W.), within 2.5 miles NW and 2 miles SE of the Langley AFB Runway 7 ILS localizer course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the Langley AFB TACAN 078° radial, extending from the 5-mile radius zone to 6 miles E of the TACAN.

**Harlingen, Tex.**

Within a 5-mile radius of Harlingen Industrial Airport (latitude 26°13'37" N., longitude 97°39'12" W.); and within 2 miles each side of the Harlingen VOR 117° radial, extending from the 5-mile radius zone to 1 mile southeast of the VOR. This part-time control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual. Tentative dates and times will be: From 0600 to 2200 local time of a daily basis.

**Harrisburg, Pa.**

Within a 6.5-mile radius of the center, 40°12'59" N., 76°51'03" W., of Capital City Airport, Harrisburg, Pa.: within 2 miles each side of the extended centerline of Capital City Airport Runway 26, extending from the west end of Runway 26 to 6.5 miles west of the west end of Runway 26; within 2 miles each side of the Harrisburg, Pa., VORTAC 100° radial, extending from the 6.5-mile radius zone to 2.5 miles east of the VORTAC; excluding the portion that coincides with the Middletown, Pa., control zone east of the direct lines described as follows: a line bearing 028° from a point 40°12'23" N., 76°48'38" W., extending from said point to the point of intersection with the Harrisburg, Pa., 6.5-mile radius zone and a line bearing 191° from a point 40°12'23" N., 76°48'38" W., extending from said point to the point of intersection with the Harrisburg, Pa., 6.5-mile radius zone.

**Harrison, Ark.**

Within a 5-mile radius of Boone County Airport (latitude 36°15'55" N., longitude 93°09'14" W.), within a 7.5-mile radius of the airport extending from the Harrison VOR 165° radial clockwise to the 230° radial, and within 1.5 miles each side of the Harrison VOR 140° radial extending from the 5-mile radius zone to the VOR.

**Hartford, Conn.**

Within a 5-mile radius of Hartford-Brainard Airport (lat. 41°44'10" N., long. 72°39'02" W.); within a 5-mile radius of Rentschler Field, East Hartford, Connecticut (lat. 41°45'10" N., long. 72°37'25" W.); within 3.5 miles each side of the Brainard (ADQ) NDB (lat. 41°42'51" N., long. 72°36'48" W.) 130° bearing from the NDB extending from the 5-mile radius zone to 7 miles southeast of the NDB; within 4.5 miles each side of the Hartford, Connecticut, VORTAC 327° radial extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Hartford VOR 334° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 182° bearing from the Brainard NDB extending from the 5-mile radius zone to 7 miles south of the NDB and within 2 miles each side of the Hartford VOR 327° radial extending from the 5-mile radius zone to the VOR. This control zone is effective from 0700 to 2300 hours local time daily, and during specific dates and times established in advance by a Notice to Airmen.

**Hastings, Nebr.**

Within a 5-mile radius of Hastings, Nebr., Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.). within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 9.5 miles N of the airport, and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 8 miles SE of the airport. The control zone shall be effective during the time established by a Notice to Airmen and continuously published in the Airman's Information Manual.

**Havre, Mont.**

Within a 5-mile radius of City-County Airport (latitude 48°32'45" N., longitude 109°45'40" W.); within 3 miles each side of the Havre VOR 080° radial, extending from the 5-mile radius zone to 7 miles east of the VOR; and within 3 miles each side of the Havre VOR 287° radial, extending from the 5-mile radius zone to 7 miles west of the VOR.

**Hayden, Colo.**

Within a 5-mile radius of Yampa Valley Airport (latitude 40°28'53" N., longitude 107°13'08" W.), within 3.5 miles each side of the Hayden VOR 301° radial extending from the 5-mile radius zone to 11.5 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Hays, Kansas**

Within a 5-mile radius of Hays Municipal Airport (latitude 38°50'45" N., longitude 99°16'30" W.); and within 2 miles each side of the Hays, Kansas, VOR 162° radial, extending from the 5-mile radius zone to 8 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Hayward, Calif.**

Within a 5-mile radius of Hayward Air Terminal (latitude 37°39'30" N., longitude 122°06'45" W.), excluding the portion within the Oakland, Calif., control zone. This control zone is effective from 0600 to 0000 hours, local time, daily.

**Helena, Mont.**

Within a 5-mile radius of the Helena County-City Airport (lat. 46°36'27"N., long. 111°58'45"W.), within 2½ miles each side of the Helena VORTAC 102° radial extending from the 5-mile radius zone to 4½ miles east of the VORTAC, and within 1 mile each side of the 282° bearing from the airport reference point, from the 5-mile radius zone 8 miles west of the VORTAC.

AMENDMENTS 11/24/77 42 F. R. 45632 (Rewritten)

**Hibbing, MN.**

That airspace within a 5-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'15" W.); within 2 miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to 15 miles northwest of the VORTAC; within 1½ miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to the VORTAC.

**Hickory, N. C.**

Within a 5-mile radius of Hickory Municipal Airport (latitude 35°44'30"N., longitude 81°23'20"W.); within 1 mile each side of the ILS localizer northeast course, extending from the 5-mile radius zone to the outer marker.

**Hillsboro, Oreg.**

Within a 5-mile radius of Portland-Hillsboro Airport (latitude 45°32'15" N., longitude 122°56'46" W.): within 2 miles each side of the Newburg VORTAC 007° radial, extending from the 5-mile radius area to 8 miles south of the airport; within 2 miles each side of the 039° bearing from the airport reference point, extending from the 5-mile radius area to 9.5 miles northeast of the airport; and within 3.5 miles each side of the 323° bearing from the airport reference point, extending from the 5-mile radius area to 16 miles northwest.

**Hilo, Hawaii**

Within a 5-mile radius of General Lyman Field, Hilo, Hawaii (lat. 19°43'15" N., long. 155°02'55" W.), and within 3.5 miles each side of the Hilo VORTAC 090° radial, extending from the 5-mile radius zone to 10 miles east of the VORTAC.

**Hobart, Okla.**

Within a 5-mile radius of the Hobart Municipal Airport (latitude 34° 59' 20" N., longitude 99° 02' 55" W.) and within 2 miles each side of the Hobart VOR 003° radial, extending from the 5-mile radius zone to the VOR.

**Hobbs, N. Mex.**

That airspace within a 5-mile radius of the Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.), and within 3.5 miles each side of the Hobbs VORTAC 222° radial, extending from the 5-mile radius zone to 10.5 miles SW of the VORTAC.

This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 10/6/77 42 F. R. 39973 (Changed)

**Hollywood, Fla.**

Within a 3-mile radius of the North Perry Airport (latitude 26°00'06" N., longitude 80°14'24" W.); excluding the portion which coincides with the Fort Lauderdale and Miami, Fla., control zones. This control zone is effective during the specific dates and time established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Homer, Alaska**

Within a 5-mile radius of the Homer Airport (latitude 59°38'43" N., longitude 151°28'31" W.); within 2 miles each side of the 266° bearing from the Kachemak NDB extending from the 5-mile radius zone to 4.5 miles W of the NDB; and within 1.5 miles each side of the Homer localizer SW course extending from the 5-mile radius zone to 11 miles SW of the localizer antenna site (latitude 59°39'08" N., longitude 151°27'22" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the U. S. Flight Information Publication Supplement Alaska.

**Homestead, Fla.**

Within a 5-mile radius of Homestead AFB (lat. 25°29'15" N., long. 80°23'00" W.); within 2 miles each side of the ILS localizer southwest course, extending from the 5-mile radius zone to 5 miles southwest of the runway end.



**Honolulu, Hawaii**

Within a 5-mile radius of Honolulu International Airport (latitude 21°19'35" N., longitude 157°55'45" W.); within a 5-mile radius of NAS Barbers Point (latitude 21°18'35" N., longitude 158°04'30" W.); within 2 miles each side of the Honolulu VORTAC 089° radial, extending from the VORTAC to the Honolulu 5-mile radius zone; within 3 miles northwest and 4.5 miles southeast of the Honolulu VORTAC 242° radial, extending from the NAS Barbers Point 5-mile radius zone to 13 miles southwest of the Honolulu VORTAC.

**Honolulu, Hawaii (Wheeler AFB)**

Within a 3-mile radius of Wheeler AFB (latitude 21°29'00" N., longitude 158°02'30" W.), excluding the portion within R-3109. This control zone is effective from 0600 to 2200 hours, local time, daily.

**Hopkinsville, Ky.**

Within a 5-mile radius of the Campbell AAF (lat. 36°40'23"N., long. 87°29'27"W.); within 1.5 miles each side of the 224° bearing from Campbell RBN, extending from the 5-mile radius zone to 0.5 mile southwest of the RBN; excluding that airspace 3 miles southeast of, and parallel to, Campbell AAF Runway 4/22 centerline and centerline extended; within a 3-mile radius of Sabre Army Heliport (lat. 36°34'14"N., long. 87°28'50"W.).

AMENDMENTS 4/21/77 42 F. R. 13272 (Rewritten)

**Hoquiam, Wash.**

Within a 5-mile radius of Bowerman Field, Hoquiam, Wash. (lat. 46°58'15" N., long. 123°56'05" W.), within 1.5 miles each side of the Hoquiam VORTAC 081° radial, extending from the 5-mile radius zone to the VORTAC and within 4 miles each side of the 081° radial, extending from the 5-mile radius zone to 20 miles east of the VORTAC.

**Hot Springs, Ark.**

Within a 9-mile radius of Memorial Field (latitude 34°28'40" N., longitude 93°05'45" W.), and within 3 miles each side of the 248° bearing from the Hot Springs RBN extending from the 9-mile radius zone to 8.5 miles west of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Hot Springs, Va.**

Within a 6-mile radius of the center, lat. 37°57'04" N., long. 79°50'02" W. of Ingalls Field, Hot Springs, Va. This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective times will thereafter be published in the Airman's Information Manual.

**Houghton, Mich.**

Within a 6-mile radius of Houghton County Memorial Airport (latitude 47°10'06" N., longitude 88°29'20" W.); within 3 miles each side of the 020° bearing from the Calumet RBN, extending from the 6-mile-radius zone to 6½ miles north of the RBN.

**Houlton, Maine**

Within a 4-mile radius of the center, 46°07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine, and within 2 miles each side of the Houlton VOR 016° radial extending from the 4-mile radius zone to 2 miles north of the VOR, excluding the airspace within Canada.

**Houston, Tex. (Ellington AFB)**

Within a 5-mile radius of Ellington AFB (latitude 29°36'25" N., longitude 95°09'20" W.), within a 3-mile radius of Clear Lake City Stolport (latitude 29°33'27" N., longitude 95°08'21" W.), within 2 miles each side of the Ellington VOR 209° radial extending from the 5-mile radius zone to 7 miles southwest of the VOR, within 2 miles each side of the Ellington TACAN 213° radial extending from the 5-mile radius zone to 7 miles southwest of the TACAN, within 2 miles each side of the Hobby VORTAC 142° radial extending from the William P. Hobby Airport (latitude 29°38'40" N., longitude 95°16'30" W.) 5-mile radius zone to 11.5 miles southeast of the VORTAC, and within 2 miles each side of the Hobby VORTAC 126° radial extending from the William P. Hobby Airport 5-mile radius zone to 13.5 miles southeast of the VORTAC, excluding the portions within the Houston, Tex. (William P. Hobby), control zone.

**Houston, Tex. (Intercontinental Airport)**

That airspace within a 5-mile radius of Houston Intercontinental Airport (latitude 29°58'51" N., longitude 95°20'30" W.), within 2 miles each side of the Humble VORTAC 337° radial extending from the 5-mile radius zone to 8 miles N of the VORTAC, within 2 miles each side of the Houston Intercontinental ILS localizer W course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Houston Intercontinental ILS localizer E course extending from the 5-mile radius zone to 7.5 miles E of the airport.

**Houston, Tex. (William P. Hobby)**

That airspace within a 5-mile radius of William P. Hobby Airport (latitude 29°38'40" N., longitude 95°16'30" W.); within 2 miles each side of the the Houston William P. Hobby ILS localizer SW course extending from the 5-mile radius zone to the OM, within 2 miles each side of the Houston William P. Hobby ILS localizer NE course extending from the 5-mile radius zone to the Pasadena RBN, within 2 miles each side of the Hobby VORTAC 306° radial extending from the 5-mile radius zone to 6 miles NW of the VORTAC, within 2 miles each side of the Hobby VORTAC 025° radial extending from the 5-mile radius zone to 6 miles NE of the VORTAC, within 2 miles each side of the Hobby VORTAC 239° radial extending from the 5-mile radius zone to 6 miles SW of the VORTAC, within 2 miles each side of the Hobby VORTAC 142° radial extending from the 5-mile radius zone to 11.5 miles SE of the VORTAC, and within 2 miles each side of a 223° bearing from the Hobby DF station (latitude 29°38'48" N., longitude 95°16'42" W.) extending from the 5-mile radius zone to 8 miles SW of the DF station, excluding the portion E of a line from the intersecting point of 5-mile radius circles centered on William P. Hobby Airport and Ellington AFB (latitude 29°36'25" N., longitude 95°09'20" W.) NE of William P. Hobby Airport, through the intersecting point of such 5-mile radius circles SE of William P. Hobby Airport, to latitude 29°32'00" N., longitude 95°15'00" W.

**Huntington, W. Va.**

Within a 6-mile radius of the center, latitude 38°22'00" N., longitude 82°33'20" W. of Tri-State Airport (Walker-Long Field), Huntington, West Virginia, and within 3.5 miles each side of the Tri-State Airport (Walker-Long Field) ILS localizer east course, extending from the 6-mile radius zone to 4.5 miles east of the Shoals, West Virginia, FM.

**Huntsville, Ala.**

Within a 5-mile radius of Huntsville-Madison County Jetport-Carl T. Jones (latitude 34°38'19" N., longitude 86°46'25" W.); within 2 miles each side of the Huntsville ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles south of Capshaw RBN; within a 5-mile radius of Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.); within 2 miles each side of the 352° bearing from Whitesburg RBN extending from the 5-mile radius zone to the RBN; within 2 miles each side of the 356° bearing from Redstone RBN, extending from the 5-mile radius zone to 2 miles north of the RBN; within 2.5 miles each side of Runway 35 extended centerline, extending from the threshold to 5.5 miles south; within 2.5 miles each side of Runway 17 extended centerline, extending from the threshold to 6 miles north.

**Huron, S. Dak.**

Within a 5-mile radius of Huron Regional Airport (latitude 44°23'05" N., longitude 98°13'35" W.); and within 1½ miles each side of the Huron VOR 134° radial, extending from the 5-mile radius zone to the VOR.

**Hutchinson, Kans.**

Within a 5-mile radius of Hutchinson Municipal Airport (latitude 38°06'56" N., longitude 97°51'37" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Hyannis, Mass.**

Within a 5-mile radius of the center, 41°40'10" N., 70°16'45" W., of Barnstable Municipal Airport, Hyannis, Mass., and within 2 miles each side of the Hyannis VORTAC 227° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC. This control zone is effective from 0600 to 2300 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

AMENDMENTS 4/4/77 42 F. R. 17869 (Changed)

**Idaho Falls, Idaho**

Within a 5-mile radius of Fanning Field, Idaho Falls, Idaho (latitude 43°31'05" N., longitude 112°04'05" W.); within a 1-mile radius of Rigby, Idaho, Airport (latitude 43°38'45" N., longitude 111°55'45" W.); within 3.5 miles each side of the Idaho Falls VOR 223° radial extending from the 5-mile radius zone to 10.5 miles southwest of the VOR; within 4 miles each side of the Idaho Falls VOR 030° radial, extending from the 5-mile radius zone to 11 miles northeast of the VOR.

**Iliamna, Alaska**

Within a 5-mile radius of the Iliamna Airport (latitude 59°45'12" N., longitude 154°54'54" W.); and within 2.5 miles each side of the 209° bearing from the Iliamna RBN, extending from the 5-mile radius zone to 9.5 miles southwest of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the U. S. Government Flight Information Publication, Supplement Alaska.



**Imperial Beach, Calif.**

Within a 3-mile radius of NAS Imperial Beach (latitude 32°34'00" N., longitude 117°06'50" W.); that airspace W of NAS Imperial Beach within the arc of a 6-mile radius circle centered in the Imperial Beach TACAN, extending counterclockwise from a line 2 miles north of and parallel to the Imperial Beach TACAN 288° radial to the United States/Mexican Flight Information Region Boundary, excluding the portion under the jurisdiction of Mexico; and that airspace east of a NAS Imperial Beach within the arc of a 6-mile radius circle centered on the Imperial Beach TACAN, extending clockwise from a line 2 miles north of and parallel to the Imperial Beach TACAN 065° radial to the United States/Mexican Border, excluding the portion east of longitude 117°01'00" W., when the San Diego, Calif. (Brown Field) control zone is effective.

**Indianapolis, Ind.**

Within a 5-mile radius of Indianapolis Municipal (Weir-Cook) Airport (latitude 39°43'35" N., longitude 86°17'05" W.); within 2 miles each side of the Indianapolis runway 4L ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM; within 2 miles each side of the Indianapolis runway 31L ILS localizer southeast course, extending from the 5-mile radius zone to 1 mile northwest of the OM; and within 2½ miles each side of the Indianapolis runway 22R ILS localizer northeast course, extending from the 5-mile radius zone to 1½ miles northeast of the OM.

**International Falls, Minn.**

Within a 5-mile radius of International Falls Airport (latitude 48°33'55" N., longitude 93°24'05" W.); within 2½ miles each side of the International Falls VOR 129° radial extending from the 5-mile radius zone to 7 miles southeast of the VOR; and within 2½ miles each side of the International Falls VOR 320° radial, extending from the 5-mile radius zone to 7 miles northwest of the VOR, excluding the portion outside the United States.

**Iron Mountain, Mich.**

Within a 7-mile radius of Ford Airport (latitude 45°48'57" N., longitude 88°06'56" W.); within 3 miles each side of the Iron Mountain VORTAC 192° radial, extending from the 7-mile radius zone to 8 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Ironwood, Mich.**

Within a 6½-mile radius of Gogebic County Airport (latitude 46°31'32" N., longitude 90°07'54" W.); within 3 miles each side of the Ironwood VORTAC 258° radial, extending from the 6½-mile radius zone to 8 miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will be thereafter continuously published in the Airman's Information Manual.

**Islip, N. Y.**

Within a 5-mile radius of the center, 40°47'50" N., 73°06'01" W. of Islip-MacArthur Airport, Islip, N. Y.; within a 6-mile radius of the center of the airport extending clockwise from a 260° to 076° bearing from the airport.

AMENDMENTS 3/24/77 42 F. R. 2055 (Changed)

**Ithaca, N. Y.**

Within a 5-mile radius of the center, 42°29'29" N., 76°27'30" W., of Tompkins County Airport, Ithaca, N. Y., extending clockwise from a 196° bearing to a 329° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 329° bearing to a 081° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 081° bearing to a 137° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 137° bearing to a 170° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 170° bearing to a 196° bearing from the airport; within 3 miles each side of the Ithaca, N. Y., VORTAC 305° radial, extending from the VORTAC to 8.5 miles northwest of the VORTAC. This control zone is effective during specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be published continuously in the Airman's Information Manual.

**Jackson, Mich.**

Within a 5-mile radius of Reynolds Airport, Jackson, Mich. (latitude 42°15'30" N., longitude 84°27'40" W.), within 2 miles each side of the Jackson VOR 044° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR, within 2 miles each side of the Jackson VOR 238° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR, within 2 miles each side of the Jackson VOR 306° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2 miles each side of the Jackson VOR 141° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR.

**Jackson, Miss.**

Within a 5-mile radius of Allen C. Thompson Field (latitude 32°18'40" N., longitude 90°04'35" W.); within 2.5 miles each side of Jackson VORTAC 157° and 160° radials, extending from the 5-mile radius zone to 20 miles SE and S of the VORTAC; within a 5-mile radius of Hawkins Field (latitude 32°20'10" N., longitude 90°13'15" W.); within 3 miles each side of the 008° bearing from Hawkins RBN, extending from the 5-mile radius zone to 8.5 miles N of the RBN; within 1.5 miles each side of the Jackson VORTAC 195° radial, extending from the 5-mile radius zone to 0.5 mile S of the VORTAC; within a 5-mile radius of Bruce Campbell Field (latitude 32°26'15" N., longitude 90°06'05" W.).

**Jackson, Tenn.**

Within a 5-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.); within 2.5 miles each side of the McKellar VOR 206° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the VOR.

**Jacksonville, Fla. (Craig Municipal Airport)**

Within a 5-mile radius of Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.); excluding the portion northeast of a line connecting the two points of intersection with a 5-mile radius circle centered on NS Mayport (lat. 30°23'25" N., long. 81°25'15" W.) control zone.

**Jacksonville, Fla. (International Airport)**

Within a 5-mile radius of Jacksonville International Airport (lat. 30°29'26" N., long. 81°41'19" W.); within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the IOM.

**Jacksonville, Fla. (NAS Jacksonville)**

Within a 5-mile radius of NAS Jacksonville (lat. 30°14'00" N., long. 81°40'30" W.); within 3 miles each side of Navy Cecil VOR 084° radial, extending from the 5-mile radius zone to the NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.) control zone.

**Jacksonville, Fla. (NAS Cecil Field)**

Within a 5-mile radius of NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.); within 3.5 miles each side of Navy Cecil VOR 285° radial and the 285° bearing from Navy Cecil RBN, extending from the 5-mile radius zone to 11.5 miles west of the VOR and RBN; within 2 miles each side of Navy Cecil TACAN 184° radial, extending from the 5-mile radius zone to 14 miles south of the TACAN; within 1.5 miles each side of Navy Cecil TACAN 355° radial, extending from the 5-mile radius zone to 5.5 miles north of the TACAN.

**Jacksonville, N. C.**

Within a 5-mile radius of New River MCAS (latitude 34°42'25"N., longitude 77°26'35"W.); within 3 miles each side of the 226° bearing from New River RBN, extending from the RBN to 8.5 miles southwest of the RBN; within 2 miles each side of New River TACAN 236° radial, extending from the 5-mile radius zone to 9.5 miles southwest of the TACAN. This control zone is effective from 0700 hours, local time, to sunset, Monday through Friday; 0700 to 1200 hours, local time, Saturday; 1600 to 2000 hours, local time, Sunday, and closed on holidays.

**Jacksonville, N.C. (Albert J. Ellis Airport)**

Within a 5-mile radius of Albert J. Ellis Airport (Lat. 34°49'49"N., Long. 77°36'42"W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/30/76 41 F.R. 40457 (Rewritten)

**Jamestown, N. Y.**

Within a 5-mile radius of the center, 42°09'07" N., 79°15'26" W., of Chautauqua County Airport, Jamestown, N. Y.; within 2 miles each side of the Jamestown, N. Y., VOR 071° and 251° radials extending from the 5-mile radius zone to the VOR and within 2 miles each side of a 053° bearing from the Jamestown, N. Y., RBN (42°11'02" N., 79°11'15" W.) extending from the 5-mile radius zone to 7 miles northeast of the RBN. This control zone is effective during specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be published continuously in the Airman's Information Manual.

**Jamestown, N. Dak.**

Within a 5-mile radius of Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); within 3 miles each side of the Jamestown VORTAC 140° radial, extending from the 5-mile radius zone to 7.5 miles southeast of the VORTAC; and within 3 miles each side of the Jamestown VORTAC 308° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.



**Janesville, Wis.**

Within a 5-mile radius of the Rock County Airport (latitude 42°37'12" N., longitude 89°02'28" W.); within 3 miles each side of a 125° bearing from the Rock County Airport extending from the 5-mile radius zone to 6½ miles southeast of the airport; and within 3 miles each side of a 321° bearing from the Rock County Airport extending from the 5-mile radius zone to 6½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Jefferson City, MO.**

Within a 5-mile radius of the Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.), and within 2 miles each side of the Jefferson City VOR 308° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2.5 miles each side of the 118° bearing from the Jefferson City RBN facility (latitude 38°33'20" N., longitude 92°04'40" W.) and 2.5 miles each side of the 124° bearing from the Jefferson City RBN, extending from the 5-mile radius zone to 16 miles southeast of the VOR. This control zone shall be effective during the times established by Notice to Airmen and continuously published in the Airman's Information Manual.

**Johnstown, Pa.**

Within a 5.5-mile radius of the center, lat. 40°19'00" N., long. 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.; within 3.5 miles each side of the Johnstown VORTAC 044° radial, extending from the 5.5-mile radius zone to 10 miles northeast of the VORTAC; within 3 miles each side of the Johnstown VORTAC 216° radial, extending from the 5.5-mile radius zone to 8.5 miles southwest of the VORTAC, and within 3.5 miles each side of the Johnstown VORTAC 320° radial, extending from the 5.5-mile radius zone to 10.5 miles northwest of the VORTAC. This control zone is effective from 0630 to 2330 hours, local time, daily.

**Jonesboro, Ark.**

Within a 5-mile radius of Jonesboro Municipal Airport (latitude 35°49'50" N., longitude 90°38'55" W.) and within 3 miles each side of the Jonesboro VOR 048° radial extending from the 5-mile radius zone to 8 miles northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Joplin, Mo.**

Within a 5-mile radius of the Joplin Municipal Airport (latitude 37°09'05" N., longitude 94° 29' 55" W.).

**Juneau, Alaska**

Within a 5-mile radius of Juneau Municipal Airport (latitude 58°21'30" N., longitude 134°35'00" W.), and within 2 miles each side of the Juneau localizer W course, extending from the 5-mile radius zone to 2 miles W of the Coghlan Island, Alaska, RBN.

**Kahului, Hawaii**

Within a 5-mile radius of Kahului Airport (latitude 20°54'05" N., longitude 156°26'05" W.); within 4 miles each side of the Maui VORTAC 038° radial, extending from the 5-mile radius zone to 14 miles northeast of the VORTAC; within 2 miles each side of the Maui VORTAC 201° radial, extending from the 5-mile radius zone to 11 miles south of the VORTAC and within 2 miles each side of the extended centerline of Runway 2/20, extending from the 5-mile radius zone to 11 miles south of the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily or during the specific date or time established by a Notice to Airmen, which thereafter will be continually published in the Pacific Chart Supplement.

**Kalamazoo, Mich.**

Within a 5-mile radius of the Kalamazoo Municipal Airport (latitude 42°14'07" N., longitude 85°33'10" W.); within 2 miles each side of the Kalamazoo VOR 001°, 167° and 229° radials, extending from the 5-mile radius zone to 7 miles north, south, and southwest of the VOR, and within 2 miles each side of the Kalamazoo ILS localizer south course, extending from the 5-mile radius zone to the OM. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Kalispell, Mont.**

Within a 5-mile radius of the Glacier Park International Airport (latitude 48°18'49" N., longitude 114° 15'16" W.); within 2 miles each side of the 035° bearing from the Smith Lake NDB (latitude 48°06'26" N., longitude 114°27'37" W.); extending from the 5-mile radius zone to 4 miles northeast of the NDB (12.5 miles southwest of the airport).

**Kaneohe, Hawaii**

Within a 5-mile radius of MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.).

**Kansas City, Mo.**

Within a 5-mile radius of the Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°43' 30" W.) and within 1.5 miles either side of the 031° radial of the Riverside, Missouri, VOR extending from the 5-mile radius zone to 6 miles NE of the VOR; and within 1.5 miles either side of the 215° radial of the Riverside, Missouri, VOR extending from the 5-mile radius zone to 6 miles SW of the VOR; and within 2 miles either side of the 353° radial of the Riverside, Missouri, VOR extending from the 5-mile radius zone to 10.5 miles N of the VOR, excluding that area which overlies the Kansas City International Airport control zone.

**Kansas City, Mo. (International Airport)**

Within a 5-mile radius of the Kansas City International Airport (latitude 39°18'18" N., longitude 94°42'40" W.), and within 2 miles either side of the Rwy 9 ILS localizer west course extending from the 5-mile radius zone to the Rondell OM; and within 2 miles either side of the Rwy 19 ILS localizer north course extending from the 5-mile radius zone to 12 miles north of the Wyandotte OM; and within 1.5 miles either side of the 268° radial of the Kansas City VORTAC extending from the 5-mile radius zone to the VORTAC; and within 2 miles either side of the Rwy 1 ILS localizer south course extending from the 5-mile radius zone to 1.5 miles south of the Wyandotte OM.

**Ke-ahole, Kona, Hawaii**

Within a 5-mile radius of the Ke-ahole Airport (latitude 19°44'35" N., longitude 156°03'00" W.) and within 1.5 miles each side of the Kona VORTAC 340° radial, extending from the 5-mile radius zone to the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

**Kearney, Nebr.**

Within a 5-mile radius of Kearney Municipal Airport (latitude 40°43'45" N., longitude 98°59'55" W.); within 3½ miles each side of the Kearney VOR 194° radial, extending from the 5-mile radius zone to 10½ miles south of the VOR; and within 3½ miles each side of the Kearney VOR 360° radial, extending from the 5-mile radius zone to 11½ miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Kenai, Alaska**

Within a 5-mile radius of the Kenai Municipal Airport (latitude 60°34'21" N., longitude 151°14'44" W.), and within 2 miles northwest and 2.5 miles southeast of the Kenai VORTAC 031° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VORTAC.

**Ketchikan, Alaska**

Within a 3-mile radius of the Ketchikan Airport (lat. 55°21'09" N., long. 131°42'22" W.) extending clockwise from the 316° bearing to the 136° bearing from the airport; with a 4-mile radius of the Ketchikan Airport extending clockwise from the 136° bearing to the 316° bearing from the airport; and within 1 mile each side of the Ketchikan localizer northwest/southeast courses extending from the radius zone to 8 miles northwest and 5.5 miles southeast of the Ketchikan localizer. This control zone is effective from 0600 to 2200 hours local time daily, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

**Key West, Fla.**

Within a 5-mile radius of Key West International Airport (lat. 24°33'22" N., long. 81°45'35" W.); within 3 miles each side of the 268° bearing from Fish Hook RBN, extending from the 5-mile radius zone to 8.5 miles west of the RBN; within 4 miles each side of Key West VORTAC 309° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; within a 5-mile radius of Key West NAS (Boca Chica) (lat. 24°34' 30" N., long. 81°41'15" W.); within 3.5 miles each side of the 251° bearing from Key West NAS UHF RBN, extending from the 5-mile radius zone to 10.5 miles west of the RBN.

**Killeen, Tex.**

Within a 5-mile radius of Fort Hood AAF (lat. 31°08'15"N., long. 97°42'50"W.); within a 4-mile radius of Killeen Municipal Airport (lat. 31°05'10"N., long. 97°41'05"W.); within 3 miles each side of the Hood VOR 219° radial extending from the 4-mile radius zone to 8 miles southwest of the VOR; within a 5-mile-radius of Robert Gray AAF (lat. 31°04'20"N., long. 97°49'45"W.); within 3.5 miles each side of the 341° bearing from the NDB (lat. 31°10'03"N., long. 97°52'41"W.), extending from the 5-mile-radius zone to 8 miles north of the NDB.

AMENDMENTS 4/21/77 42 F. R. 5694 (Rewritten)

Corr: 42 F. R. 8364

**King Salmon, Alaska**

Within a 5-mile radius of the King Salmon, Alaska, airport (latitude 58°40'43" N., longitude 156°38'50" W.), within 2.5 miles each side of the King Salmon VORTAC 312° and 132° radials, extending from the 5-mile radius zone to 12.5 miles northwest of the VORTAC; and within 2 miles each side of the King Salmon VORTAC 132° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC.



**Kingsville, Tex.**

Within a 5-mile radius of NAAS Kingsville (North) (latitude 27°30'10" N., longitude 97°48'25" W.); within 2 miles each side of the Kingsville TACAN 321° radial, extending from the 5-mile radius zone to 8 miles NW of the TACAN; within 2 miles each side of the Kingsville UHF RBN 321° bearing, extending from the 5-mile radius zone to 8 miles NW of the UHF RBN; within 2 miles each side of the Kingsville TACAN 187° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN; within 2 miles each side of the Kingsville UHF RBN 187° bearing, extending from the 5-mile radius zone to 7 miles S of the UHF RBN.

This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in Part 3 of the Airman's Information Manual.

**Kinston, N. C.**

Within a 5-mile radius of Stallings Field (lat. 35°19'36" N., long. 77°37'02" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Kirkville, Mo.**

Within a 5-mile radius of Clarence Cannon Memorial Airport (lat. 40°05'45" N., long. 92°32'50" W.). This control zone will be effective initially during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**K. I. Sawyer AFB, Mich.**

Within a 5-statute mile radius of the K. I. Sawyer Airport (lat. 46°21'N., long. 87°24'W.); within 2 statute miles each side of the extended centerline of Runway 01/19, extending from the 5-mile radius zone to 7.5 statute miles north and south of the airport.

AMENDMENTS 10/6/77 42 F. R. 41626 (Rewritten)

**Klamath Falls, Oreg.**

Within a 5-mile radius of Kingsley Field (latitude 42°09'29" N., longitude 121°43'57" W.), within 4 miles east and 2 miles west of the Klamath Falls VORTAC 171° radial extending from the 5-mile radius zone to 8.5 miles south of the VORTAC, and within 2 miles each side of the Klamath Falls VORTAC 332° radial, extending from the 5-mile radius zone to 11 miles northwest of the VORTAC.

**Knoxville, Tenn. (Downtown Island Airport)**

Within a 5-mile radius of Downtown Island Airport (lat. 35°57'45" N., long. 83°52'30" W.); excluding the portion within the Knoxville control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Knoxville, Tenn.**

Within a 5-mile radius of McGhee-Tyson Airport (latitude 35°48'40" N., longitude 83°59'35" W.); within 2 miles each side of Knoxville ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the LOM; within 1.5 miles each side of Knoxville VORTAC 220° radial, extending from the 5-mile radius zone to 1.5 miles southwest of the VORTAC.

**Kodiak, Alaska**

Within a 5-mile radius of the Kodiak Airport (latitude 57°45'02" N., longitude 152°29'19" W.), and within 3 miles north and 3.5 miles south of the Kodiak VORTAC 072° and 252° radials extending from the 5-mile radius zone to 9.5 miles east of the VORTAC.

**Kotzebue, Alaska**

Within a 5-mile radius of Wien Memorial Airport, Kotzebue, Alaska, (latitude 66°53'02" N., longitude 162°36'05" W.), within 3 miles each side of the 048° bearing from the Hotham NDB extending from the 5-mile radius zone to 7 miles northeast of the NDB; within 3 miles each side of the Kotzebue VORTAC 278° radial extending from the 5-mile radius zone to 10 miles west of the VORTAC; and within 3 miles each side of the Kotzebue VORTAC 090° radial extending from the 5-mile radius zone to 8 miles east of the VORTAC.

This control zone is effective from 0800 to 2400 hours local time daily, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

**Kwajalein Island, Marshall Islands**

Within a 5-mile radius of the Bucholz AAF (lat. 08°43'32" N., long. 167°44'03" E.); within 2.5 miles each side of the Kwajalein TACAN 248° radial, extending from the 5-mile radius zone to 6 miles west of the TACAN; and within 3.5 miles each side of the 078° bearing from the Kwajalein RBN, extending from the 5-mile radius zone to 11 miles east of the RBN. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The date and time will thereafter be continuously published in the Pacific Chart Supplement.

**La Crosse, Wis.**

That airspace within a 5-mile radius of La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.); within 3 miles each side of the La Crosse VOR 322° radial extending from the 5-mile radius zone to 11½ miles northwest of the VOR; and within 2½ miles each side of the La Crosse VOR 185° radial extending from the 5-mile radius zone to 5½ miles south of the VOR; and within 2 miles each side of the La Crosse ILS localizer north course, extending from the 5-mile radius zone to 9 miles north of the airport.

**Lafayette, Ind.**

Within a 5-mile radius of Purdue University Airport (latitude 40°24'45" N., longitude 86°56'06" W.). This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Lafayette, La.**

That airspace within a 5-mile radius of Lafayette, La., Airport (latitude 30°12'00" N., longitude 91°59'40" W.); within 2 miles each side of the Lafayette ILS localizer N course extending from the 5-mile radius zone to 1 mile S of the OM.

**Lake Charles, La.**

That airspace within a 5-mile radius of Lake Charles Municipal Airport (latitude 30°07'30" N., longitude 93°13'20" W.), within 2 miles each side of the Lake Charles VORTAC 259° radial extending from the VORTAC to 13 miles W of the VORTAC, within 2 miles each side of the Lake Charles ILS localizer NW course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Lake Charles ILS localizer SE course extending from the 5-mile radius zone to 7.5 miles SE of the airport.

**Lakehurst, N. J.**

Within a 5-mile radius of the center 40°02'00" N., 74°21'00" W. of NAS Lakehurst, Lakehurst, N. J.; within 3 miles each side of the 050° bearing from the Navy Lakehurst UHF RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily.

**Lake Tahoe, Calif.**

Within a 5-mile radius of Lake Tahoe Airport (latitude 38°53'30" N., longitude 119°59'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

**Lanai, Hawaii**

Within a 5-mile radius of Lanai Airport (lat. 20°47'30" N., long. 156°57'00" W.). This control zone is effective during specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Pacific Chart Supplement.

**Lancaster, Calif. (Fox Field)**

Within a 5-mile radius of General William J. Fox Airfield (lat. 34°44'26" N., long. 118°13'04" W.), and within 2 miles each side of the Palmdale VORTAC 311° radial extending from the 5-mile radius zone to the Palmdale, Calif., 5-mile radius zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Lancaster, Pa.**

Within a 5-mile radius of the center, 40°07'16" N., 76°17'47" W., of Lancaster Airport, Lancaster, Pa.; within 3 miles each side of the Lancaster VORTAC 260° radial, extending from the VORTAC to 8.5 miles west; within 3 miles each side of the Lancaster VORTAC 128° radial, extending from the VORTAC to 8.5 miles southeast; within 2 miles each side of the Lancaster VORTAC 055° radial, extending from the VORTAC to 5 miles northeast. This control zone is effective from 0630 to 2330 hours, local time, daily.

**Lansing, Mich.**

Within a 5-mile radius of Capital City Airport, Lansing, Mich. (latitude 42°46'40" N., longitude 84°35'20" W.).

**Laramie, Wyo.**

Within a 5-mile radius of General Brees Field, Laramie, Wyoming (lat. 41°18'50" N., long. 105°40'25" W.); within 4 miles each side of the Laramie VORTAC 301° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 4.5 miles each side of the Laramie VORTAC 126° radial, extending from the 5-mile radius zone to 20 miles southeast of the VORTAC.



**Laredo, Tex.**

Within a 5-mile radius of the Laredo Municipal Airport (latitude 27°32'40" N., longitude 99°27'40" W.); within 1.5 miles each side of the Laredo VORTAC 141° radial extending from the 5-mile radius area to 1 mile southeast; within a 5-mile radius of the Laredo International Airport (latitude 27°36'56" N., longitude 99°31'12" W.); within 1.5 miles each side of the Laredo ILS localizer northwest course extending from the ILS localizer site (latitude 27°36'12.6" N., longitude 99°30'50.2" W.) to 7 miles northwest, excluding that portion outside the United States. This control will be effective during specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

**Las Vegas, Nev. (McCarran Field)**

Within a 5-mile radius of McCarran Field (latitude 36°05'05" N., longitude 115°09'00" W.); within 2 miles southeast and 3 miles northwest of the Las Vegas VORTAC 032° radial extending from the 5-mile radius zone to 6.5 miles northeast of the VORTAC; within 2 miles northwest and 3 miles southeast of the Las Vegas VORTAC 214° radial extending from the 5-mile radius zone to 6 miles southwest of the VORTAC; and within 2 miles each side of the Las Vegas VORTAC 268° radial extending from the 5-mile radius zone to 6.5 miles west of the VORTAC.

**Las Vegas, Nev. (Nellis AFB)**

Within a 5-mile radius of Nellis AFB (Lat. 36°14'10" N, Long. 115°02'00" W), and within 2 miles SE and 3 miles NW of the Las Vegas VORTAC 032° radial, extending from the 5-mile radius zone to 6.4 miles SW of the airport.

**Las Vegas, N. Mex.**

Within a 5-mile radius of the Las Vegas Municipal Airport (lat. 35°39'20" N., long. 105°08'30" W.), within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 025° radial extending beyond the 5-mile radius zone to a point 11 miles northeast of the VORTAC; and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 220° radial extending beyond the 5-mile radius zone to a point 10 miles southwest of the VORTAC.

**Latrobe, Pa.**

Within a 5-mile radius of the center, lat. 40°16'39" N., long. 79°24'14" W. of Latrobe Airport, Latrobe, Pa.; within 2 miles each side of the Latrobe Airport localizer northeast course extending from the 5-mile radius zone to 1.5 miles southwest of the Latrobe RBN lat. 40°22'32" N., long. 79°16'19" W.; and within 1.5 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile radius zone to 17.5 miles southwest of the Latrobe RBN. This control zone shall be effective from 0630 to 2200 hours, local time, daily.

AMENDMENTS 2/24/77 41 F. R. 52048 (Changed)

**LaVerne, Calif.**

Within a 3-mile radius of Brackett Field (latitude 34°05'30" N., longitude 117°47'00" W.), within 2 miles each side of the Pomona VOR 179° radial, extending from the 3-mile radius zone to 3 miles south of the VOR. This control zone shall be effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Lawton, Okla.**

Within a 5-mile radius of Lawton Municipal Airport (latitude 34° 34'15" N., longitude 98°24'55" W.) and within a 3-mile radius of latitude 34°38'18" N., longitude 98°24'06" W.; excluding the portion within R-5601A.

**Lebanon, N. H.**

Within a 5-mile radius of the center, lat. 43°37'41"N., long. 72°18'21"W., of Lebanon Regional Airport, Lebanon, N. H.; within 3 miles each side of the Hanover NDB 231° and 051° bearings, extending from the 5-mile radius zone to 8.5 miles northeast of the NDB; within 2 miles either side of the centerline of Runway 18 extended 5.5 miles from the end of the runway; within 2 miles either side of the White River NDB 060° bearing extending from the 5-mile radius zone to 7.5 miles from the end of Runway 07.

AMENDMENTS 4/21/77 42 F. R. 8364 (Rewritten)

Corr: 42 F. R. 12167 Corr: 42 F. R. 15308

**Lemoore, Calif.**

Within a 6-mile radius of NAS Lemoore (latitude 36° 20' 00" N., longitude 119° 57' 04" W.); within 2 miles each side of the Lemoore TACAN 336° and 356° radials, extending from the 6-mile radius zone to 8 miles NW and N of the TACAN, and within 2 miles each side of the Lemoore TACAN 156° radial, extending from the 6-mile radius zone to 8 miles SE of the TACAN.

**Lewisburg, W. Va.**

Within a 6-mile radius of the center, lat. 37°51'35" N., long. 80°23'55" W. of Greenbrier Valley Airport, Lewisburg, W. Va., extending clockwise from a 110° bearing from the airport to a 275° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 275° bearing from the airport to a 040° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 040° bearing from the airport to a 110° bearing from the airport and within 3 miles each side of the Greenbrier Valley Airport ILS localizer southwest course, extending from the 6-mile radius arc to 8.5 miles southwest of the OM.

This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective times will thereafter be published in the Airman's Information Manual.

**Lewiston, Idaho**

Within a 5-mile radius of Lewiston-Nez Perce County Airport (lat. 46°22'29" N., long. 117°00'52" W.); and within 3 miles each side of the Lewiston-Nez Perce ILS localizer course, extending from the 5-mile radius zone to 16.5 miles east of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Lewistown, Mont.**

Within a 5-mile radius of the Lewistown Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.) and within 1.5 miles each side of the Lewistown VORTAC 090° radial, extending from the 5-mile radius zone to the VORTAC.

**Lexington, Ky.**

Within a 5-mile radius of Blue Grass Airport (lat. 38°02'16" N., long. 84°36'16" W.); within 1.5 miles each side of the ILS localizer northeast course, extending from the 5-mile radius zone to 5 miles northeast of the runway end.

**Liberal, Kansas**

Within a 5-mile radius of Liberal Municipal Airport (latitude 37°02'35" N., longitude 100°57'45" W.); within 2 miles each side of the Liberal VORTAC 025° radial, extending from the 5-mile radius zone to 8 miles NE of the VORTAC; and within 2 miles each side of the Liberal VORTAC 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Lihue, Hawaii**

Within a 5-mile radius of Lihue Airport (latitude 21°58'55" N., longitude 159°20'40" W.) and within 2 miles each side of the Lihue VORTAC 130° radial, extending from the 5-mile radius zone to 9 miles southeast of the VORTAC.

**Limestone, Maine**

Within a 5-mile radius of the center, 46°57'05" N., 67°53'10" W., of Loring AFB, Limestone, Maine, excluding the portion outside of the United States; within 2 miles each side of the Loring TACAN 168° radial extending from the 5-mile radius zone to 6.5 miles south of the TACAN; and within 2 miles each side of the Loring TACAN 348° radial extending from the 5-mile radius zone to 7 miles north of the TACAN.

**Lincoln, NE.**

Within a 6-mile radius of Lincoln Airport (latitude 40°50'58" N., longitude 96°45'31" W.); and within 1.5 miles each side of the 325° track angle from the Runway 14 threshold extending from the 6-mile radius to 7 miles northwest of the Lincoln Airport; and within 2 miles each side of the Lincoln ILS localizer north course extending from the 6-mile radius to 14 miles north of the Lincoln Airport; and within 2 miles either side of the Lincoln VORTAC 015° radial extending from the 6-mile radius to 8 miles north of the Lincoln VORTAC; and within 2 miles each side of the Lincoln VORTAC 187° radial extending from the 6-mile radius to 13 miles south of the Lincoln VORTAC excluding the airspace within a 1-mile radius of Arrow Airport (latitude 40°52' 00" N., longitude 96°39'15" W.).

**Little Rock, Ark. (Adams Field)**

Within a 5-mile radius of Adams Field (latitude 34°43'45" N., longitude 92°13'45" W.), within 1.5 miles each side of the ILS localizer southwest course extending from the 5-mile radius zone to the LOM, and within 3.5 miles each side of the ILS localizer northeast course extending from the 5-mile radius zone to 12 miles northeast of the airport excluding the portion within the Little Rock, Ark. (Little Rock AFB), control zone.

**Little Rock, Ark. (Little Rock AFB)**

Within a 5-mile radius of Little Rock AFB (latitude 34°55'05" N., longitude 92°08'45" W.), within 1.5 miles each side of the ILS localizer northeast course extending from the 5-mile radius zone to 1 mile east of the 5-mile radius, within 1.5 miles each side of the Jacksonville TACAN 076° radial extending from the 5-mile radius zone to 6.5 miles east of the TACAN, within 2 miles each side of the extended centerline of Runway 24 extending from the 5-mile radius zone to 6 miles southwest of the airport, and within 1.5 miles each side of the Jacksonville TACAN 241° radial extending from the 5-mile radius zone to 7 miles southwest of the TACAN.



**Livermore, Calif.**

Within a 3-mile radius of Livermore Municipal Airport (latitude 37°41'38" N., longitude 121°49'02" W.). This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continually published in the Airman's Information Manual.

**Livingston, Mont.**

That airspace within a 5-mile radius of Mission Field Airport (latitude 45°41'45" N., longitude 110°26'40" W.) and within 3 miles each side of the Livingston, Mont., VORTAC 340° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC.

This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 9/22/77 42 F. R. 43969 (Changed)

**London, Ky.**

Within a 5-mile radius of London-Corbin Airport, Magee Field (lat. 37°05'15" N., long. 84°04'38" W.); within 2 miles each side of London VOR 030° radial, extending from the 5-mile radius zone to 10 miles northeast of the VOR within 3 miles each side of London VOR 202° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR.

**Lone Rock, Wis.**

Within a 5-mile radius of the Tri-County Airport (latitude 43°12'36" N., longitude 90°11'06" W.); excluding the portion overlying and south of the Wisconsin River. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Long Beach, Calif.**

Within a 5-mile radius of Long Beach Municipal Airport (latitude 33°49'07" N., longitude 118°09'04" W.) within a 5-mile radius of NAS Los Alamitos, Calif. (latitude 33°47'30" N., longitude 118°02'50" W.); within 2 miles each side of the Long Beach ILS localizer NW course, extending from the Long Beach 5-mile radius zone to 5 miles NW of the localizer, excluding the portion within a 1-mile radius of Sunset Beach, Calif. Airport (latitude 33°43'08" N., longitude 118°02'13" W.).

**Longview, Tex.**

That airspace within a 5-mile radius of Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County VORTAC 313° radial extending from the 5-mile radius zone to 7 miles NW of the VORTAC, within 2 miles each side of the Gregg County VORTAC 149° radial extending from the 5-mile radius zone to 9 miles southeast of the VORTAC, within 2 miles each side of the Gregg County ILS localizer NW course extending from the 5-mile radius zone to 0.5 mile SE of the OM, and within 2 miles each side of the Gregg County ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

**Los Angeles, Calif. (Hawthorne Municipal Airport)**

Within a 3-mile radius of the Hawthorne Municipal Airport (latitude 33°55'20" N., longitude 118°20'05" W.), and within 2 miles on each side of the Los Angeles VOR 096° radial extending from the 3-mile radius zone to 4 miles E. of the lift-off end of Runway 7, excluding the portion N. of latitude 33°55'30" N. and W. of longitude 118°21'40" W. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Los Angeles, Calif. (Los Angeles International Airport)**

Within a 5-mile radius of the Los Angeles International Airport (latitude 33°56'25" N., longitude 118°24'10" W.); within a 3-mile radius of the Hawthorne Municipal Airport, Los Angeles, Calif. (latitude 33°55'20" N., longitude 118°20'05" W.); within 2 miles each side of the Los Angeles Runway 25L ILS localizer east course, extending from the 5-mile radius zone to the Lima OM; within 2 miles each side of the Los Angeles VOR 096° radial, extending from the Hawthorne 3-mile radius zone to 4 miles E of the lift-off end of Hawthorne Municipal Airport Runway 7, excluding the portion N of a line extending from latitude 34°00'43" N., longitude 118°23'30" W., to latitude 33°58'03" N., longitude 118°28'58" W., and excluding the portion within the Hawthorne Municipal Airport control zone, when it is effective.

**Louisville, KY. (Bowman Field)**

Within a 5-mile radius of Bowman Field (lat. 38°13'40" N., long. 85°39'47" W.); within 1.5 miles each side of Louisville VOR 331° radial, extending from the 5-mile radius zone to the VOR; within 3 miles each side of Bowman VOR 018°, 068°, 151° and 182° radials, extending from the 5-mile radius zone to 8.5 miles north, east, southeast and south of the VOR; excluding the portion within Standiford Field control zone and the portion west of a line 1.5 miles east of and parallel to the Standiford Field ILS localizer north course.

**Louisville, KY. (Standiford Field)**

Within a 5-mile radius of Standiford Field (lat. 38°10'33" N., long. 85°44'12" W.); within 1.5 miles each side of the ILS localizer north course, extending from the 5-mile radius zone to the arc of a 5-mile radius circle centered on Bowman Field; within 1.5 miles north and 2 miles south of the ILS localizer east course, extending from the 5-mile radius zone to 1 mile east of the VOR; within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to the LOM; within 1.5 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of the Nabb VOR 206° radial; within 2 miles each side of Louisville VOR 301° radial, extending from the 5-mile radius zone to the VOR; excluding the portion within Bowman Field control zone east of a line 1.5 miles east of and parallel to Standiford Field ILS localizer north course and the portion north of a line 1.5 miles north of and parallel to Standiford Field ILS localizer east course.

**Lubbock, Tex. (Lubbock Regional Airport)**

That airspace within a 5-mile radius of Lubbock Regional Airport (latitude 33°39'33" N., longitude 101°49'41" W.); within 2 miles each side of the Lubbock VORTAC 123° radial, extending from the Lubbock 5-mile radius zone to the VORTAC; within 2 miles each side of the Lubbock VORTAC 124° and 116° radials, extending from the Lubbock 5-mile radius zone to 11.5 miles southeast of the VORTAC; and within 2 miles each side of the Lubbock ILS localizer north course, extending from the 5-mile radius zone to the OM.

**Lubbock, Tex. (Reese AFB)**

That airspace within a 5-mile radius of Reese AFB, Tex. (latitude 33°35'56" N., longitude 102°02'36" W.); within 2 miles each side of the Lubbock VORTAC 227° radial extending from the Reese AFB 5-mile radius zone to the VORTAC, within 2 miles each side of the Reese AFB TACAN 016° radial extending from the Reese AFB 5-mile radius zone to 8 miles north of the TACAN, within 2 miles each side of the Reese AFB ILS localizer north course extending from the Reese AFB 5-mile radius zone to 8 miles north of the TACAN, and within 2 miles each side of the Reese AFB TACAN 167° radial extending from the 5-mile radius zone to 9.5 miles south of the TACAN, excluding that portion which lies within the Lubbock Regional Airport control zone. This control zone is effective during the dates and times published in the Airman's Information Manual.

**Lufkin, Tex.**

That airspace within a 5-mile radius of Angelina County Airport (latitude 31°14'05" N., longitude 94°45'00" W.), within 2 miles each side of the Lufkin VOR 337° radial extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the 153° bearing from the Lufkin DF station (latitude 31°13'57" N., longitude 94°45'15" W.) extending from the 5-mile radius zone to 8 miles SE of the DF station.

**Lynchburg, VA.**

Within a 5.5-mile radius of the center lat. 37°19'37" N., long. 79°12'04" W. of Lynchburg Municipal-Preston Glenn Field, Lynchburg, VA.; within 3 miles each side of the Lynchburg, VA., VORTAC 021° and 201° radials extending from the 5.5-mile radius zone to 1 mile south of the VORTAC; within 2 miles each side of the Lynchburg, VA., VORTAC 023° radial extending from the 5.5-mile radius zone to 13 miles northeast of the VORTAC and within a 1.5-mile radius of the center lat. 37°22'40" N., long. 79°07'21" W. of Falwell Airport, Lynchburg, VA. This control zone is effective from 0700 to 2300 hours, local time, daily.

**MacDill AFB, Fla.**

Within a 5-mile radius of MacDill AFB (lat. 27°50'57" N., long. 82°31'18" W.); within 1.5 miles each side of MacDill AFB TACAN 218° radial, extending from the 5-mile radius zone to 6 miles southwest of the TACAN; within a 5-mile radius of Peter O. Knight Airport (lat. 27°54'55" N., long. 82°27'05" W.); excluding the portion within Tampa, Fla. (International Airport), control zone.

**Macon, Ga.**

Within a 5-mile radius of Lewis B. Wilson Airport (latitude 32°41'35" N., longitude 83°38'50" W.); within 2 miles each side of Runway 5 extended centerline, extending from the 5-mile radius zone to 5.5 miles southwest of the runway end; within 3 miles each side of Macon VORTAC 316° and 325° radials, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; within a 5-mile radius of Robins AFB (latitude 32°38'30" N., longitude 83°35'30" W.); within 3 miles each side of Macon VORTAC 140° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC.

**Madison, Wis.**

That airspace within a 5½-mile radius of the Truax Field Airport (latitude 43°08'15" N., longitude 89°20'10" W.); within 2½ miles each side of the Madison VOR 359° radial extending from the 5½ mile radius to 6 miles north of the VOR; and within 2½ miles each side of the Madison VOR 134° radial extending from the 5½-mile radius to 6 miles southeast of the VOR.



**Manchester, N. H.**

Within a 5-mile radius of the center, lat. 42°56'00" N., long. 71°26'21" W. of Grenier Field-Manchester Municipal Airport, Manchester, N. H.; within 2.5 miles each side of the 157° bearing from the Derry RBN, lat. 42°52'12" N., long. 71°23'52" W., extending from the 5-mile radius zone to 8.5 miles south of the RBN and within 2.5 miles each side of the Manchester VORTAC 325° radial, extending from the 5-mile radius zone to 13 miles northwest of the VORTAC. This control zone is effective from 0600 to 2300 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen, which thereafter will be continuously published in the Airman's Information Manual.

AMENDMENTS 4/4/77 42 F. R. 17869 (Changed)

**Manhattan, Kans.**

Within a 5-mile radius of the Manhattan, Kans., Municipal Airport (latitude 39°08'35" N., longitude 96°40'05" W.), and within 2 miles each side of the Manhattan VOR 046° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR, and within 2 miles each side of the Manhattan VOR 147° radial, extending from the 5-mile radius zone to 11 miles SE of the VOR, and within 2 miles NE and 3 miles SW of the 127° bearing from the McDowell Creek RBN, extending from the 5-mile radius zone to 10 miles SE of the RBN, excluding the Fort Riley, Kans. control zone and the portion within R-3602. The control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

**Manistee, Mich.**

Within a 5-mile radius of Manistee Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 2 miles each side of the Manistee VOR 274° radial, extending from the 5-mile radius zone to 13 miles west of the VOR; and within 2 miles each side of the Manistee VOR 099° radial, extending from the 5-mile radius zone to 8 miles east of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Manitowoc, Wis.**

Within a 5-mile radius of Manitowoc, Wis., Municipal Airport (latitude 44°07'30" N., longitude 87°40'45" W.), within 2 miles each side of the Manitowoc VOR 343° radial extending from the 5-mile radius zone to 8 miles north of the VOR, and within 2 miles each side of the Manitowoc VOR 176° radial extending from the 5-mile radius zone to 8 miles south of the VOR. This control zone shall be effective during the times established by Notice to Airmen and continuously published in the Airman's Information Manual.

**Mankato, Minn.**

Within a 5-mile radius of Mankato Municipal Airport (lat. 44°13'25" N., long. 93°55'06" W.); within 2 miles each side of the Mankato VOR 166° radial, extending from the 5-mile radius zone to 8 miles south of the VOR; within 3 miles each side of the Mankato VOR 329° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Mansfield, Ohio**

Within a 5-mile radius of the Mansfield-Lahm Municipal Airport (latitude 40°49'17" N., longitude 82°81'00" W.); and within 2 miles each side of the Mansfield VORTAC 307° radial extending from the 5-mile radius zone to 5.5 miles NW of the airport.

**Marion, Ill.**

Within a 5-mile radius of the Williamson County Airport (latitude 37°45'15" N., longitude 89°00'40" W.), within 2 miles each side of the Marion VOR 014° radial extending from the 5-mile radius zone to 8 miles N of the VOR, and within 2 miles each side of the Marion VOR 209° radial extending from the 5-mile radius zone to 8 miles SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

**Marion, Ind.**

Within a 5-mile radius of the Marion Municipal Airport (latitude 40°29'27" N., longitude 85°40'43" W.); and within 2.5 miles each side of the Marion VOR 042°, 211° and 320° radials; extending from the 5-mile radius to 6 miles northeast and northwest and 5.5 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Marquette, Mich. (Marquette County Airport)**

Within a 5-mile radius of Marquette County Airport (latitude 46°32'03" N., longitude 87°33'35" W.); within 2 miles each side of the Marquette VOR 084° and 250° radials, extending from the 5-mile radius zone to 8 miles E and W of the VOR.

**Martha's Vineyard, Mass.**

Within a 4-mile radius of Martha's Vineyard Airport (latitude 41°23'35" N., longitude 70°36'50" W.); within 2 miles each side of the Martha's Vineyard VOR 055° radial, extending from the 4-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the 040° bearing from the Edgartown RBN, extending from the 4-mile radius zone to 8 miles NE of the RBN. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Martinsburg, Pa.**

Within a 5-mile radius of the center, lat. 40°17'51" N., long. 78°19'10" W. of Blair County Airport, Martinsburg, Pa., extending clockwise from a 090° bearing to a 137° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 137° bearing to a 163° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 163° bearing to a 258° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 258° bearing to a 323° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 323° bearing to a 065° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 090° bearing from the airport and within 3 miles each side of the Altoona, Pa., VOR 026° radial, extending from the VOR to 8.5 miles northeast of the VOR.

**Martinsburg, W. Va.**

Within a 5.5-mile radius of the center lat. 39°24'03" N., long. 77°59'09" W., of Eastern West Virginia Regional Airport, Martinsburg, W. Va.; within a 9.5-mile radius of the center of the airport, extending clockwise from a 230° bearing from the airport to a 269° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 269° bearing to a 285° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 285° bearing to a 315° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 315° bearing to a 003° bearing from the airport.

**Marysville, Calif. (Beale AFB)**

Within a 5-mile radius of Beale AFB (lat. 39°08'10" N., long. 121°26'05" W.), within 1.5 miles each side of the Beale TACAN 347° radial extending from the 5-mile radius zone to six miles north of the TACAN; and within 1.5 miles each side of the Beale TACAN 157° radial extending from the 5-mile radius zone to 6.5 miles south of the TACAN.

**Marysville, Calif. (Yuba County Airport)**

Within a 5-mile radius of Yuba County Airport (latitude 39°05'50" N., longitude 121°34'00" W.); within 2 miles each side of the Marysville VOR 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR and within 2 miles each side of the Marysville VOR 343° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, excluding the portion within the Beale AFB control zone.

**Mason City, Iowa**

Within a 5-mile radius of Mason City Municipal Airport (latitude 43°09'25" N., longitude 93°19'54" W.).

**Massena, N. Y.**

Within a 5-mile radius of the center, 44°56'10" N., 74°50'50" W., of Richards Field, Massena, N. Y.; within 2 miles each side of the Massena VOR 284° radial extending from the 5-mile radius zone to the VOR excluding the airspace within Canada.

**Mattoon, Ill.**

Within a 5-mile radius of Coles County Memorial Airport (lat. 39°28'45" N., long. 88°16'51" W.); within 4.5 miles each side of the Mattoon VOR 228° radial extending from the 5-mile radius zone to 11.5 miles southwest of the VOR; and within 3 miles each side of the Mattoon VOR 063° radial, extending from the 5-mile radius area to 8.5 miles northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Mayaguez, P. R.**

Within a 5-mile radius of Mayaguez Airport (lat. 18°15'26" N., long. 67°08'58" W.); within 3 miles each side of Mayaguez VOR 252° radial, extending from the 5-mile radius zone to 8.5 miles west of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Mayport, Fla. (NS Mayport)**

Within a 5-mile radius of NS Mayport (lat. 30°23'25" N., long. 81°25'15" W.); within 3 miles each side of the 057° bearing from the Navy Mayport RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN, excluding the portion southwest of a line connecting the two points of intersection with a 5-mile radius circle centered on Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.).



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**McAlester, Okla.**

Within a 5-mile radius of McAlester Municipal Airport (Lat. 34°53'05" N, Long. 95°46'55" W.).

**McAllen, Tex.**

Within a 5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.); within 3 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius zone to 10 miles east of the VOR and within 2 miles south and 1.5 miles north of the McAllen VOR 321° radial extending from the 5-mile radius zone to 6 miles northwest of the VOR, excluding the portion outside the United States.

**McComb, Miss.**

Within a 5-mile radius of McComb-Pike County Airport (lat. 31°10'35" N., long. 90°28'08" W.); within 2 miles each side of McComb VORTAC 234° radial, extending from the 5-mile radius zone to the VORTAC.

**McCook, Nebr.**

That airspace within a 5-mile radius of McCook Municipal Airport (latitude 40°12'25" N., longitude 100°35'25" W.); within 2 miles each side of the 120° bearing from McCook Municipal Airport, extending from the 5-mile radius zone to 8 miles southeast of the airport; and within 2 miles each side of the 324° bearing from McCook Municipal Airport, extending from the 5-mile radius zone to 8 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**McGrath, AK.**

That airspace within a 5-mile radius of the McGrath Airport (latitude 62°57'15" N., longitude 155°36'06" W.) and within 5 miles northeast and 3 miles southwest of the McGrath VORTAC 123° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; and within 4 miles each side of the McGrath VORTAC 008° radial extending from the 5-mile radius zone to 13 miles north of the VORTAC.

**Medford, Oreg.**

That airspace within a 5-mile radius of the Medford-Jackson County Airport (latitude 42°22'15" N., longitude 122°52'20" W.), and within 2 miles W and 3 miles E of the Medford ILS localizer N course, extending from the 5-mile radius zone to 3 miles N of the OM.

**Melbourne, Fla.**

Within a 5-mile radius of the Melbourne Regional Airport (lat. 28°06'01" N., long. 80°38'00" W.); within 3 miles each side of the Melbourne VOR 100° and 262° radials, extending from the 5-mile radius zone to 8.5 miles east and west of the VOR; within 3 miles each side of the 267° bearing from the Satellite RBN, extending from the 5-mile radius zone to 8.5 miles west of the RBN; excluding the portion within the Cocoa (Patrick AFB), Fla. control zone.

**Memphis, Tenn.**

Within a 5-mile radius of the Memphis International Airport (latitude 35°03'00" N., longitude 89°58'15" W.); excluding the portion within a 1-mile radius of Desoto Air Park, Horn Lake, Miss. (latitude 34°59'15" N., longitude 90°01'55" W.).

**Memphis, Tenn. (NAS)**

Within a 5-mile radius of Memphis NAS (lat. 35°21'15" N., long. 89°52'10" W.). This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Menominee, Mich.**

Within a 5-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'15" W.); within 3 miles each side of the Menominee VOR 349° radial, extending from the 5-mile radius zone to 7 miles north of the VOR; and within 3 miles each side of the 320° bearing from Menominee County Airport, extending from the 5-mile radius zone to 7 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Merced, Calif.**

Within a 5-mile radius of Castle Air Force Base, Merced, Calif. (latitude 37°22'45" N., longitude 120°34'00" W.); within a 5-mile radius of Merced Municipal Airport (latitude 37°17'10" N., longitude 120°30'55" W.); and within 2 miles each side of the Castle TACAN 310° radial, extending from the Castle 5-mile radius circle to 6 miles NW of the TACAN.

**Meridian, Miss. (Key Field)**

Within a 5-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.); within 2 miles each side of the 011° and 012° bearings from Lauderdale RBN, extending from the 5-mile radius zone to 0.5 miles north of the RBN; within 2 miles each side of Meridian VORTAC 145° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC.

**Meridian, Miss. (NAS Meridian)**

Within a 5-mile radius of NAS Meridian (lat. 32°33'27" N., long. 88°33'33" W.); within 3.5 miles each side of the 021° bearing from NAS Meridian UHF RBN, extending from the 5-mile radius zone to 10.5 miles north of the RBN; within 1.5 miles each side of NAS Meridian TACAN 069° and 359° radials, extending from the 5-mile radius zone to 6 miles east and north of the TACAN; within 2 miles each side of NAS Meridian TACAN 194° radial, extending from the 5-mile radius zone to 9.5 miles south of the TACAN; within 2 miles each side of Runways 18L and 27 extended centerline, extending from the 5-mile radius zone to 4 miles north and east of the runway ends; within 2 miles each side of Runway 36L extended centerline, extending from the 5-mile radius zone to 5 miles south of the runway end.

This control zone is effective from 0600 to 0200 hours, local time, Monday thru Friday; 0700 to 1900 hours, local time, Saturday; and 1100 to 2400 hours, local time, Sunday and Federal Holidays.

AMENDMENTS 2/24/77 42 F. R. 2056 (Changed)

**Miami, Fla. (Dade-Collier Training and Transition Airport)**

Within a 5-mile radius of Dade-Collier Training and Transition Airport (latitude 25°51'46" N., longitude 80°53'50" W.).

This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Miami, Fla. (International Airport)**

Within a 5-mile radius of Miami International Airport (lat. 25°47'34" N., long. 80°17'10" W.); within 2 miles each side of Miami VORTAC 139° radial, extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; within 1.5 miles each side of Runway 9L ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of Portland RBN; within 1.5 miles each side of Runway 27L ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of Miami VORTAC 161° radial.

**Miami, Fla. (Opa Locka Airport)**

Within a 5-mile radius of Opa Locka Airport (latitude 25°54'26" N., longitude 80°16'48" W.); within 2 miles each side of the Miami VORTAC 110° radial, extending from the 5-mile radius zone to 5.5 miles east of the VORTAC; excluding the portion which coincides with the Miami (International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Miami, Fla. (Tamiami Airport)**

Within a 5-mile radius of the Tamiami Airport, Fla. (latitude 25°38'51" N., longitude 80°25'59" W.).

**Middletown, Pa.**

Within a 6-mile radius of the center, 40°11'34" N., 76°45'48" W., of the Harrisburg International Airport-Olmsted Field, Middletown, Pa.; within a 7-mile radius of the center of the airport, extending clockwise from a 228° bearing to a 293° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 005° bearing to a 033° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 033° bearing to a 098° bearing from the airport; within 2 miles each side of the extended centerline of Harrisburg International Airport-Olmsted Field Runway 13, extending from the southeast end of Runway 13 to 6 miles southeast of the southeast end of Runway 13; excluding the portion that coincides with the Harrisburg, Pa., control zone west of direct lines described as follows: a line bearing 028° from a point 40°12'23" N., 76°48'38" W., extending from said point to the point of intersection with the Harrisburg, Pa., 6.5-mile radius zone and a line bearing 191° from a point 40°12'23" N., 76°48'38" W., extending from said point to the point of intersection with the Harrisburg, Pa., 6.5-mile radius zone.

**Midland, Tex.**

Within a 5-mile radius of Midland Regional Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.), and within 2 miles each side of the Midland ILS localizer NW course, extending from the 5-mile radius zone to 7 miles NW of the airport.

**Midway Island**

Within a 5-mile radius of Midway NS (Henderson Field) (lat. 28°11'55" N., long. 177°22'50" W.) and within 2.5 miles northwest and 4.5 miles southeast of the 240° bearing from the Midway RBN, extending from the 5-mile radius zone to 10.5 miles southwest of the RBN.

**Miles City, Mont.**

Within a 5-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 3 miles each side of the 252° bearing from the Horton RBN, extending from the 5-mile radius zone to 8 miles west of the RBN; within 3 miles each side of the Miles City VORTAC 225° radial, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC.

**Millville, N. J.**

Within a 5-mile radius of the center, 39°22'00" N., 75°04'45" W. of Millville Municipal Airport, Millville, N. J.



**Milton, Fla. (NAS Whiting Field (North))**

Within a 5-mile radius of NAS Whiting Field (North) (latitude 30°43'15" N., longitude 87°01'45" W.); within 2 miles each side of the Navy Whiting TACAN 309° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

**Milwaukee, Wis. (General Mitchell Field)**

Within a 5-mile radius of General Mitchell Field (latitude 42°56'51" N., longitude 87°53'58" W.).

**Milwaukee, Wis. (Timmerman Airport)**

Within a 5-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'00" W.); and within 3 miles each side of Timmerman VOR 336° radial, extending from the 5-mile radius zone to 6½ miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

**Mineral Wells, Tex.**

Within a 5-mile radius of Mineral Wells Airport (latitude 32°46'59" N., longitude 98°03'34" W.) and within 3 miles each side of the 140° bearing from the Mineral Wells RBN, extending from the 5-mile radius zone to 8 miles SE of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date will thereafter be continuously published in the Airmen's Information Manual.

**Minneapolis, Minn.**

Within a 5-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within 2 miles each side of the Minneapolis MSP-ILS localizer front course extending from the 5-mile radius zone to 1½ miles northwest of the MS-OM; within 2 miles each side of the Minneapolis APL-ILS localizer front course, extending from the 5-mile radius zone to one-half mile southwest of AP-OM.

**Minneapolis, Minn. (Crystal Airport)**

Within a 5-mile radius of Crystal Airport (latitude 45°03'45" N., longitude 93°21'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

**Minneapolis, Minn. (Flying Cloud)**

Within a 5-mile radius of Flying Cloud Airport (latitude 44°49'30" N., longitude 93°27'45" W.); within 2½ miles each side of the Flying Cloud VOR 292° radial, extending from the 5-mile radius zone to 7½ miles west of the VOR; and within 2½ miles each side of the Flying Cloud VOR 179° radial extending from the 5-mile radius zone to 6½ miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airmen's Information Manual.

**Minot, N. Dak. (International Airport)**

Within a 5-mile radius of Minot International Airport (latitude 48°15'40" N., longitude 101°16'45" W.); within 4 miles each side of the Minot VORTAC 129° radial, extending from the 5-mile radius zone to 9 miles southeast of the VORTAC; within 4 miles each side of the Minot VORTAC 260° radial, extending from the 5-mile radius zone to 9½ miles west of the VORTAC; within 4 miles each side of the Minot VORTAC 327° radial, extending from the 5-mile radius zone to 9½ miles northwest of the VORTAC; and within 4 miles each side of the Minot VORTAC 097° radial, extending from the 5-mile radius zone to 8½ miles east of the VORTAC, excluding the portion which overlies the Minot AFB control zone.

**Minot, N. Dak. (Minot AFB)**

Within a 5-mile radius of Minot AFB (latitude 48°24'55" N., longitude 101°21'25" W.); within 2½ miles each side of the Deering TACAN 113° radial, extending from the 5-mile radius zone to 7 miles southeast of the TACAN; and within 2½ miles each side of the Deering TACAN 303° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN.

**Miramar, Calif.**

Within a 5-mile radius of NAS Miramar (Lat. 32°52'30" N, Long. 117°08'15" W) and within 2 miles either side of the NAS Miramar TACAN 078° radial extending from the 5-mile radius zone to 12 miles E of the TACAN, excluding the area S of Lat. 32°49'30" N.

**Missoula, Mont.**

Within a 5-mile radius of the Johnson-Bell Airport (latitude 45°54'54" N., longitude 114°05'14" W.); within 3 miles each side of the Missoula VORTAC 312° radial extending from the 5-mile radius zone to 16.5 miles northwest of the VORTAC; within 5 miles each side of the Missoula VORTAC 302° radial extending from the VORTAC to 11 miles northwest of the VORTAC; within 2 miles each side of the Missoula VORTAC 172° radial extending from the 5-mile radius zone to 10.5 miles southeast of the VORTAC.

**Mitchell, S. Dak.**

Within a 5-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'30" W.); within 3 miles each side of the Mitchell VOR 149° radial, extending from the 5-mile radius zone to 7½ miles southeast of the VOR; and within 3 miles each side of the Mitchell VOR 300° radial, extending from the 5-mile radius zone to 7½ miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

**Mobile, Ala. (Bates Field)**

Within a 5-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within 1.5 miles each side of Mobile VORTAC 113° radial, extending from the 5-mile radius zone to 2 miles southeast of the VORTAC.

**PENDING AMENDMENT**

The Mobile, Ala. (Bates Field) control zone is amended as follows: "within 1.5 miles each side of Mobile VORTAC 113° radial" is deleted and "within 1.5 miles each side of Semmes VORTAC 113° radial" is substituted.

AMENDMENTS 3/23/78 42 F. R. 60122 (Changed)

**Mobile, Ala. (Aerospace Airport)**

Within a 5-mile radius of Mobile Aerospace Airport (latitude 30°37'08.5" N., longitude 88°03'57.2" W.); within 3.5 miles each side of Brookley VORTAC 157° radial, extending from the 5-mile radius zone to 10 miles southeast of the VORTAC. This control zone is effective from 0800 to 1900 hours, local time, daily.

AMENDMENTS 12/1/77 42 F. R. 54410 (Changed)

**Modesto, Calif.**

Within a 5-mile radius of the Modesto City-County Airport, Modesto, Calif. (latitude 37°37'35" N., longitude 120°57'15" W.); within 2 miles each side of the Modesto VOR 302° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; within 2 miles each side of the Modesto VOR 122° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

**Moline, Ill.**

Within a 5-mile radius of Quad City Airport (latitude 41°26'50" N., longitude 90°30'40" W.); and within 2 miles each side of the Quad City ILS localizer west course, extending from the 5-mile radius zone to the OM.

**Molokai, Hawaii**

Within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), and within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius zone to 3½ miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Pacific chart supplement.

**Monroe, La.**

That airspace within a 5-mile radius of Selman Field, Monroe, La. (latitude 32°30'30" N., longitude 92°02'20" W.).

**Monterey, Calif.**

Within a 5-mile radius of the Monterey Peninsula Airport (latitude 36°35'20" N., longitude 121°51'00" W.), and within 2 miles each side of the 317° bearing from the Monterey ILS LMM, extending from the 5-mile radius zone to 7 miles NW of the LMM, excluding the portion within the Fort Ord, Calif., control zone.

**Montgomery, Ala.**

Within a 6-mile radius of Dannelly Field (lat. 32°18'00"N., long. 86°23'36"W.); within 2 miles each side of Montgomery VORTAC 310° radial, extending from the 6-mile radius zone to 14.5 miles northwest of the VORTAC; within a 6-mile radius of Maxwell Air Force Base (lat. 32°22'48"N., long. 86°21'55"W.).

**Montpelier, Vt.**

Within a 6-mile radius of the center, lat. 44°12'15"N., long. 72°33'45"W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vt.; within 3 miles each side of the Montpelier VOR, lat. 44°12'41"N., long. 72°33'45"W., 163° radial extending from the 6-mile radius zone to 8.5 miles south of the VOR; within 2 miles each side of the centerline of Runway 23 extending from the 6-mile radius zone to 8 miles southwest of the end of Runway 23.

AMENDMENTS 10/6/77 42 F. R. 35639 (Rewritten)



**Montrose, Colo.**

That airspace within a 5-mile radius of the Montrose County Airport (latitude 38°29'55" N., longitude 107°53'35" W.), and within 4 miles each side of the Montrose, Colo., VOR 313° radial extending from the 5-mile radius zone to 14 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Morgantown, W. Va.**

Within a 5.5-mile radius of the center, lat. 39°38'34" N., long. 79°55'01" W., of Morgantown Municipal Airport-Walter L. Hart Field, Morgantown, W. Va., extending clockwise from a 220° bearing to a 030° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 040° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 040° bearing to a 075° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 075° bearing to a 105° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 105° bearing to a 140° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 140° bearing to a 202° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 202° bearing to a 220° bearing from the airport and within 2 miles each side of the 168° bearing from the Bobtown RBN, extending from the 5.5-mile radius arc to the RBN.

**Morristown, N. J.**

Within a 5-mile radius of the center, 40°47'58" N., 74°24'56" W., of Morristown Municipal Airport, Morristown, N. J., extending clockwise from a 339° bearing to a 229° bearing from the airport; within a 6-mile radius of the center of Morristown Municipal Airport, extending clockwise from a 229° bearing to a 339° bearing from the airport and within 3 miles each side of a 204° bearing from the Chatham, N. J., RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN, excluding a 1-mile radius of the center, 40°41'28" N., 74°32'08" W., of Somerset Hills Airport, Basking Ridge, N. J. This control zone is effective from 0630 to 2230 hours, local time, daily.

**Mosinee, Wis.**

Within a 5-mile radius of Central Wisconsin Airport (latitude 44°46'35" N., longitude 89°40'00" W.); within 1½ miles each side of the Wausau, Wis., VOR 219° radial, extending from the 5-mile radius zone to the VOR; within 3½ miles each side of the 242° bearing from Central Wisconsin Airport extending from the 5-mile radius zone to 10½ miles west of the airport; and within 3½ miles each side of the 087° bearing from Central Wisconsin Airport, extending from the 5-mile radius zone to 10½ miles east of the airport, excluding the portion which overlies the Wausau, Wis., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Moultrie, Ga.**

Within a 5-mile radius of Moultrie-Thomasville Airport (lat. 31°04'58"N., long. 83°48'15"W.); within 3 miles each side of the Moultrie VOR 031° and 230° radials, extending from the 5-mile radius zone to 8.5 miles northeast and southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

**Mountain Home, Idaho**

Within a 5-mile radius of Mountain Home AFB (latitude 43°02'35" N., longitude 115°52'05" W.); within 2 miles each side of the extended centerline of Runway 12, extending from the 5-mile radius zone to 7.5 miles SE of the SE end of Runway 12; within 2 miles each side of the extended centerline of Runway 30, extending from the 5-mile radius zone to 7.5 miles NW of the NW end of Runway 30; within 2 miles each side of the Mountain Home TACAN 129° radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN, and within 2 miles each side of the Mountain Home TACAN 321° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN.

**Mountain View, Calif. (Moffett Field NAS)**

Within a 5-mile radius of Moffett Field NAS (latitude 37°24'55" N., longitude 122°02'50" W.), within a 3-mile radius of Palo Alto, Calif. Airport (latitude 37°27'40" N., longitude 122°06'50" W.) within 2.5 miles southwest and 2 miles northeast of the Moffett TACAN 157° radial, extending from the 5-mile radius zone to 8 miles southeast of the TACAN and within 2 miles each side of the San Jose VOR 319° radial, extending from the VOR to 8 miles northwest of the VOR, excluding the portion southeast of a line from latitude 37°25'45" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W., and the portion within the Palo Alto control zone when it is effective.

**Mount Clemens, Mich.**

Within a 5-mile radius of Selfridge AFB (latitude 42°36'30" N., longitude 82°50'15" W.); within 2 miles each side of the Selfridge AFB ILS localizer north and south courses, extending from the 5-mile radius zone to 8 miles north and south of Selfridge AFB, and within 2 miles each side of the Selfridge AFB TACAN 353° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and time will, hereafter, be continuously published in the Airman's Information Manual.

**Mount Vernon, Ill.**

Within a 5-mile radius of Mount Vernon-Outland Airport (latitude 38°19'23" N., longitude 88°51'33" W.); within 4.5 miles each side of the Mount Vernon VOR 044° radial, extending from the 5-mile radius zone to 10.5 miles northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Muncie, Ind.**

Within a 5-mile radius of Delaware County-Johnson Field (latitude 40°14'26" N., longitude 85°23'43" W.); within 2½ miles each side of the Muncie VOR 125° radial, extending from the 5-mile radius zone to 6½ miles southeast of the VOR; within 2½ miles each side of the Muncie VOR 017° radial, extending from the 5-mile-radius zone to 6½ miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the 5-mile-radius zone to 10 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Muscle Shoals, Ala.**

Within a 5-mile radius of Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.).

**Muskegon, Mich.**

Within a 5-mile radius of Muskegon County Airport (lat. 43°10'16" N., long. 86°14'09" W.); within 1.5 miles each side of the Muskegon VORTAC 272° radial, extending from the 5-mile radius zone to 1 mile west of the VORTAC; and within 1.5 miles each side of the ILS back course extending from the 5-mile radius zone to 10.5 miles northwest of the Muskegon County Airport ILS OM.

**Myrtle Beach, S. C.**

Within a 5-mile radius of Grand Strand Airport (latitude 33°48'40" N., longitude 78°43'30" W.); within 3 miles each side of Myrtle Beach VORTAC 054° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VORTAC; within 3 miles each side of the Myrtle Beach VORTAC 220° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/30/76 41 F.R. 48514 (Changed)

**Myrtle Beach AFB, S. C.**

Within a 5-mile radius of Myrtle Beach AFB (latitude 33°40'45" N., longitude 78°55'45" W.); within 1.5 miles each side of Conway TACAN 355° radial, extending from the 5-mile radius zone to 6.5 miles north of the TACAN; within 1 mile each side of Conway TACAN 348° radial, extending from the 5-mile radius zone to 6.5 miles north of the TACAN. This control zone is effective from 0700 to 2300 hours, local time, daily.

**Nantucket, Mass.**

Within a 4-mile radius of Nantucket Memorial Airport, Nantucket, Mass. (latitude 41°15'15" N., longitude 70°03'40" W.), and within 2 miles each side of the Nantucket VORTAC 045° radial, extending from the 4-mile radius zone to 8 miles NE of the VOR. This Control Zone is effective from 0600 to 2300 hours local time, daily or during specific dates and times established by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

**Napa, Calif.**

Within a 3-mile radius of Napa County Airport (latitude 38°12'55" N., longitude 122°16'45" W.), from 0700 to 2300 hours, local time, daily.

**Nashville, Tenn.**

Within a 5-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'50" W.); within 3.5 miles each side of Nashville VORTAC 109° radial, extending from the 5-mile radius zone to 10 miles east of the VORTAC; within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to the LOM; excluding the portion within a 1-mile radius of Cornelia Fort Airpark (lat. 36°11'45" N., long. 86°42'00" W.).

**Needles, Calif.**

Within a 5-mile radius of Needles Airport (latitude 34°46'05" N., longitude 114°37'30" W.). This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 10/6/77 42 F. R. 44542 (Changed)



**Nenana, Alaska**

Within a 5-mile radius of the Nenana Airport (latitude 64°32'56" N., longitude 149°04'24" W.); and within 4 miles each side of the 132° bearing from the Julius RBN extending from the 5-mile radius zone to 8.5 miles southeast of the RBN. This control zone is effective during the specific days and times established in advance by Notice to Airmen. The effective times will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

**Newark, N. J.**

Within a 5-mile radius of the center, 40°41'40" N., 74°10'02" W., of Newark International Airport, Newark, N. J., extending clockwise from a 030° bearing to a 283° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 263° bearing to a 342° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 342° bearing to a 030° bearing from the airport; within 2 miles each side of the Newark International Airport Runway 4L ILS localizer course, extending from the 5-mile radius to 2.5 miles northeast of the Chelsea OM and within 3 miles each side of the Kennedy VORTAC 283° radial extending from 22 miles to 29 miles northwest of the VORTAC.

**New Bedford, Mass.**

Within a 5-mile radius of the New Bedford Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.). This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

**New Bern, N. C.**

Within a 5-mile radius of Simmons-Nott Airport (latitude 35°04'20" N., longitude 77°02'35" W.); within 2.5 miles each side of New Bern VOR 210° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR.

**Newburgh, N. Y.**

Within a 5-mile radius of the center, 41°30'10" N., 74°06'11" W., of Stewart Airport, Newburgh, N. Y., extending clockwise from a 066° bearing to a 209° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 209° bearing to a 249° bearing from the airport; within a 5-mile radius of the center of the airport, extending clockwise from a 249° bearing to a 315° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 315° bearing to a 066° bearing from the airport; within 3 miles each side of the Stewart VOR (41°30'30" N., 74°05'51" W.) 325° radial, extending from the VOR to 15 miles northwest of the VOR and within 4.5 miles each side of the Stewart VOR 085° radial, extending from the VOR to 11.5 miles east of the VOR, excluding the portion that coincides with the Poughkeepsie, N. Y., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**New Haven, Conn.**

That airspace within a 5-mile radius of the center, latitude 41°15'51" N., longitude 72°53'15" W. of the Tweed-New Haven Airport, New Haven, Conn., extending clockwise from a 079° bearing to a 237° bearing from the airport; within a 5.5-mile radius of the center of the airport extending clockwise from a 237° bearing to a 357° bearing from the airport; and within a 6-mile radius of the center of the airport, extending clockwise from a 357° bearing to a 079° bearing from the airport. This control zone is effective from 0600 to 2400 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

**New Orleans, La. (New Orleans Airport)**

Within a 5-mile radius of New Orleans Airport (latitude 30°02'20" N., longitude 90°01'25" W.). excluding the portion W of longitude 90°04'03" W.

**New Orleans, La. (New Orleans International Airport-Moisant Field).**

Within a 5-mile radius of New Orleans International Airport (latitude 29°59'25" N., longitude 90°15'15" W.); within 2 miles each side of the New Orleans ILS localizer W course extending from the 5-mile radius zone to 2 miles E of the LOM; within 2 miles each side of the New Orleans VORTAC 085° radial extending from the VORTAC to 7 miles E; within 2 miles each side of the New Orleans VORTAC 243° and 063° radials extending from the 5-mile radius zone to 1 mile NE of the VORTAC, excluding that portion E of longitude 90°04'03" W.

**New Orleans, La. (NAS New Orleans-Alvin Callender Field)**

That airspace within a 5-mile radius of NAS New Orleans-Alvin Callender Field (latitude 29°49'40" N., longitude 90°01'25" W.); within 2 miles each side of the 241° bearing from the Navy New Orleans RBN, extending from the 5-mile radius zone to 12 miles SW of the RBN, within 2 miles each side of the 131° bearing from the Navy New Orleans RBN, extending from the 5-mile radius zone to 12 miles SE of the RBN, and within 2 miles each side of the Harvey VOR 053° radial extending from the 5-mile radius zone to 6 miles NE of the VOR.

**Newport News, Va.**

Within a 5-mile radius of the center, lat. 37°07'51" N., long. 76°29'35" W., of Patrick Henry International Airport, Newport News, Va., excluding the portion that coincides with the Hampton Roads, Va., control zone.

**New York, N. Y. (John F. Kennedy International Airport)**

Within a 5-mile radius of the center, 40°38'25" N., 73°46'41" W., of John F. Kennedy International Airport; within the area bounded by a line beginning at 40°36'16" N., 73°52'32" W., to 40°37'10" N., 73°54'55" W.; to 40°42'19" N., 73°51'07" W., to 40°41'23" N., 73°48'48" W., to the point of beginning; within 1.5 miles each side of the Kennedy VORTAC 106° radial, extending from the 5-mile radius zone to 6.5 miles east of the VORTAC; within 1.5 miles each side of the Kennedy VORTAC 207° radial, extending from the 5-mile radius zone to 5 miles southwest of the VORTAC; within 1.5 miles each side of the Kennedy VORTAC 134° radial, extending from the 5-mile radius zone to 5 miles southeast of the VORTAC.

**New York, N. Y. (La Guardia Airport)**

Within a 5-mile radius of the center, 40°46'36" N., 73°52'24" W. of La Guardia Airport; within 1.5 miles each side of a line bearing 124° from a point 40°46'20" N., 73°51'34" W., extending from said point to 5 miles southeast of said point.

**Niagara Falls, N. Y.**

Within a 5-mile radius of Niagara Falls International Airport (latitude 43°06'20" N., longitude 78°56'55" W.), and within 2 miles each side of Niagara Falls ILS localizer E course, extending from the 5-mile radius zone to the OM, excluding the portion outside the United States.

**Nome, Alaska**

Within a 5-mile radius of the Nome Airport (lat. 64°30'46" N., long. 165°26'31" W.); and within 3 miles north and 4 miles south of the Nome VORTAC 107° and 287° radials, extending from the 5-mile radius zone to 8.5 miles east of the VORTAC.

**Norfolk, Nebr.**

Within a 5-mile radius of Karl Stefan Memorial Airport (latitude 41°59'05" N., longitude 97°26'10" W.); and within 2 miles each side of the Norfolk VOR 022°, 144°, 195° and 318° radials, extending from the 5-mile radius zone to 8 miles southeast, south, northwest and northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Norfolk, Va. (Norfolk International)**

Within a 5-mile radius of the center, 36°53'45" N., 76°12'15" W., of Norfolk International Airport, Norfolk, Va., excluding the northwest portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va. (NAS Norfolk), control zone.

**Norfolk, Va. (NAS Norfolk)**

Within a 5-mile radius of the center, 36°56'15" N., 76°17'15" W. of NAS Norfolk, Norfolk, Va., excluding the southeastern portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va. (Norfolk International), control zone.

**North, S. C.**

Within a 5-mile radius of North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.) and within 2 miles each side of the North AFAF TACAN 234° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**North Bend, Oreg.**

Within a 5-mile radius of North Bend Municipal Airport (latitude 43°25'00" N., longitude 124°14'45" W.); within 2 miles each side of the North Bend VORTAC 044° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 111° radial, extending from the 5-mile radius zone to 4.5 miles east of the VORTAC; and within 3 miles each side of the 241° bearing from the Empire LOM (latitude 43°23'42" N., longitude 124°18'33" W.), extending from the 5-mile radius zone to 7 miles southwest of the LOM.

**North Las Vegas, Nev.**

Within a 3-mile radius of the North Las Vegas Air Terminal (latitude 36°12'45" N., longitude 115°11'46" W.). This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.



**North Philadelphia, Pa.**

Within a 5-mile radius of the center, 40°04'49" N., 75°00'45" W., of North Philadelphia Airport, Philadelphia, Pa., extending clockwise from a 030° bearing to a 252° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 030° bearing from the airport, excluding the north portion subtended by a chord drawn between the points of intersection of the 6-mile radius zone with that portion of the Willow Grove, Pa., control zone 5-mile radius zone centered on Warminster NAF.

**North Platte, Nebr.**

Within a 5-mile radius of Lee Bird Field (latitude 41°07'35" N., longitude 100°41'50" W.); within 2 miles each side of the North Platte VOR 029° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 186° bearing from the Bignell RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; and within 2 miles each side of the 131° bearing from Lee Bird Field, extending from the 5-mile radius zone to 10 miles southeast of the airport.

**Northway, Alaska**

Within a 5-mile radius of Northway Airport (latitude 62° 57' N., longitude 141° 55' W.), and within 2 miles each side of Nabesna, Alaska, RBN 307° bearing extending from the 5-mile radius zone to 8 miles NW of the RBN.

**Norwood, Mass.**

Within a 5-mile radius of the center (42°11'20" N., 71°10'15" W.) of Norwood Memorial Airport, Norwood, Mass.; within 3 miles each side of the 154° bearing and 334° bearing from the Stoughton, Mass., RBN (42°07'10"N., 71°07'41" W.) extending from the 5-mile radius zone to 8 miles southeast of the RBN and within 2 miles each side of the Whitman VORTAC 311° radial extending from the 5-mile radius zone to 2 miles northwest of the VORTAC, excluding the portion within the South Weymouth, Mass., control zone. This control zone is effective daily from 0700 to 2300 hours, local time, or during the specific times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

AMENDMENTS 4/4/77 42 F. R. 17869 (Changed)

**Oak Grove, N. C.**

Within a 5-mile radius of Oak Grove HOLF (Navy), N. C. (lat. 35°01'15" N., long. 77°15'12" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Oakland, Calif.**

Within a 5-mile radius of Metropolitan Oakland International Airport (latitude 37°43'15" N., longitude 122°13'20" W.) excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the NAS Alameda, Calif., control zone; within a 5-mile radius of Hayward Air Terminal, Hayward, Calif. (latitude 37°39'30" N., longitude 122°06'45" W.), excluding the portion within the Hayward control zone when it is effective.

**Oceana, Va.**

Within a 5-mile radius of the center, lat. 36°49'10"N., long. 76°02'05"W., of NAS Oceana (Soucek Field); within 2 miles each side of the Navy Oceana TACAN 213° radial, extending from the 5-mile radius zone to 10 miles southwest of the TACAN; within a 3-mile radius of the center; lat. 36°42'15"N., long. 76°08'00"W., of ALF Fentress.

AMENDMENTS 4/21/77 42 F. R. 9672 (Rewritten)

**Ogden, Utah (Hill AFB)**

Within a 5-mile radius of Hill AFB (latitude 41°07'25" N., longitude 111°58'20" W.); within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion within the Ogden (Ogden Municipal Airport) control zone when it is effective.

**Ogden, Utah (Ogden Municipal Airport)**

Within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion S of a line extending from latitude 41°08'10" N., longitude 112°04'00" W., to latitude 41°11'00" N., longitude 111°55'00" W., from 0600 to 2200 hours, local time, daily.

**Oklahoma City, Okla. (Tinker AFB)**

That airspace within a 5-mile radius of Tinker AFB (latitude 35°24'50" N., longitude 97°23'35" W.); within 2 miles each side of the Tinker AFB VOR 357° radial extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the Tinker AFB TACAN 003° radial extending from the 5-mile radius zone to 9.5 miles north of the TACAN; and within 2 miles each side of the Tinker AFB VOR 187° radial extending from the 5-mile radius to 6 miles south of the VOR.

**Oklahoma City, Okla. (Wiley Post Airport)**

Within a 5-mile radius of Wiley Post Airport (latitude 35°32'05" N., longitude 97°38'40" W.) within 2 miles each side of the Wiley Post ILS localizer north course extending from the 5-mile radius zone to the OM (latitude 35°37'33" N., longitude 97°38'50" W.); within 2 miles each side of the Oklahoma City VORTAC 050° radial extending from the 5-mile radius zone to the VORTAC; and excluding the portion S of a line extending through latitude 35°26'33" N., longitude 97°46'21" W., and latitude 35°28'00" N., longitude 97°36'05" W.

**Oklahoma City, Okla. (Will Rogers World Airport)**

Within a 5-mile radius of Will Rogers World Airport (latitude 35°23'45" N., longitude 97°36'30" W.); within 3 miles each side of the Oklahoma City runway 17R ILS localizer north course, extending from the 5-mile radius zone to the Tulakes, Okla., RBN; within 2 miles southwest and 3.5 miles northeast of the Oklahoma City VORTAC 105° radial extending from the 5-mile radius zone to the VORTAC; and within 3 miles each side of the Oklahoma City runway 35R ILS localizer south course extending from the 5-mile radius zone to the LOM (latitude 35°18' 36" N., longitude 97°35'17" W.), excluding that portion which coincides with the Oklahoma City (Wiley Post) control zone.

**Olathe, Kans.**

Within a 5-mile radius of the Johnson County, Kansas Airport (lat. 38°51'00" N., long. 94°44'15" W.); and within 2½ miles each side of the 183° bearing from Johnson County Airport, extending from the 5-mile radius zone to 6½ miles south of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Olympia, Wash.**

Within a 5-mile radius of Olympia Municipal Airport (latitude 46°58'15" N., longitude 122°54'00" W.); within 4 miles each side of the Olympia VORTAC 195° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC, and within 2 miles each side of the Olympia VORTAC 010° radial, extending from the 5-mile radius zone to 5.5 miles north of the VORTAC. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Omaha, Nebr. (Eppley Field)**

Within a 5-mile radius of Eppley Field (latitude 41°18'00" N., longitude 95°53'35" W.); and within 2 miles each side of the Eppley Field ILS localizer NW course extending from the 5-mile radius zone to 8 miles NW of the OM; and within 2 miles each side of the Eppley Field ILS localizer SE course extending from the 5-mile radius zone to 7 miles SE of the airport; and within 2 miles each side of the Omaha VORTAC 318° radial extending from the 5-mile radius zone to a point 7 miles SE of the airport.

**Omaha, Nebr. (Offutt AFB)**

Within a 5-mile radius of Offutt Air Force Base (latitude 41°07'20" N., longitude 95°54'35" W.); within 2 miles each side of the Offutt AFB TACAN 310° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN; within 2 miles each side of the Offutt AFB VOR 310° radial, extending from the 5-mile radius zone to 1 mile NW of the VOR; and within 2 miles each side of the Offutt AFB ILS localizer SE course, extending from the 5-mile radius zone 2.4 miles.

AMENDMENTS 12/30/76 41 F. R. 50806 (Rewritten)

**Ontario, Calif.**

Within a 5-mile radius of Ontario International Airport (latitude 34°03'25" N., longitude 117°36'30" W.); within 2 miles each side of the Ontario ILS localizer east course extending from the 5-mile radius zone to 3 miles east of the OM, and within a 3-mile radius of Chino, Calif., and within 1.5 miles each side of the Ontario, Calif., VORTAC 303° radial, extending from the 3-mile radius zone to 1 mile NW of the VORTAC, excluding the portion within the Chino control zone when it is effective.

**Orlando, Fla. (Herndon Airport)**

Within a 5-mile radius of Orlando (Herndon Airport) (lat. 28°32'40" N., long. 81°19'55" W.); within 3 miles each side of Orlando VORTAC 125° and 315° radials, extending from the 5-mile radius zone to 8.5 miles southeast and northwest of the VORTAC; excluding the portion south of a line connecting the two points of intersection with a 5-mile radius circle centered on Orlando International Airport (lat. 28°25'55"N., long. 81°19'15"W.).

AMENDMENTS 2/24/77 42 F. R. 2056 (Changed)

**Orlando, Fla. (Orlando International Airport)**

Within a 5-mile radius of Orlando International Airport (lat. 28°25'55"N., long. 81°19'15"W.); within 2 miles each side of Orlando VORTAC 175° radial, extending from the 5-mile radius zone to 13.5 miles south of the VORTAC; excluding the portion within the Orlando (Herndon Airport) (lat. 28°32'40" N., long. 81°19'55" W.) control zone.

AMENDMENTS 2/24/77 42 F. R. 2056 (Changed)



**Oscoda, Mich.**

Within a 5-mile radius of Wurtsmith AFB (latitude 44°27'00" N., longitude 83°24'00" W.); within 2 miles each side of the Wurtsmith AFB VOR 240° radial extending from the 5-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of the Wurtsmith AFB VOR 056° radial extending from the 5-mile radius zone to 12 miles NE of the VOR; within 2 miles each side of the Wurtsmith AFB TACAN 232° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN and within 2 miles each side of the Wurtsmith AFB TACAN 064° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN.

**Oshkosh, Wis.**

Within a 5-mile radius of Wittman Field (latitude 43°59'25" N., longitude 88°33'20" W.); within 3 miles each side of the Oshkosh VOR 275° radial extending from the 5-mile radius zone to 9½ miles west of the VOR; and within 3 miles each side of the Oshkosh VOR 182° radial extending from the 5-mile radius zone to 9½ miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Ottumwa, Iowa**

Within a 5-mile radius of Ottumwa Municipal Airport (Lat. 41°06'25" N. Long. 92°26'50" W) and within 2 miles either side of the Ottumwa VORTAC 309° radial extending from the 5-mile radius zone to the VORTAC.

**Owensboro, Ky.**

Within a 5-mile radius of Owensboro-Daviess County Airport (lat. 37°44'31" N., long. 87°09'57" W.); within 3 miles each side of Owensboro VOR 222° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR; within 3 miles each side of Owensboro VOR 352° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Oxnard, Calif. (Ventura County Airport)**

Within a 5-mile radius of Ventura County Airport (latitude 34°12'02" N., longitude 119°12'10" W.) and within 2 miles each side of the Ventura County Runway 25 localizer east course extending from the 5-mile radius zone to 2 miles east of the outer marker. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Paducah, Ky.**

Within a 5-mile radius of Barkley Field (lat. 37°03'45" N., long. 88°46'23" W.); within 3 miles each side of the 234° bearing from Paducah RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN.

**Palacios, Tex.**

That airspace within a 5-mile radius of Palacios Municipal Airport (latitude 28°43'35" N., longitude 96°15'15" W.) and within 2 miles each side of the 323° bearing from the Palacios DF station (latitude 28°43'22" N., longitude 96°15'07" W.) extending from the 5-mile radius zone to 8 miles northwest of the DF station.

**Palm Beach, Fla.**

Within a 5-mile radius of Palm Beach International Airport (lat. 26°41'05" N., long. 80°05'35" W.); within 3 miles each side of the Palm Beach VORTAC 275° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC; excluding that airspace within a 1.5-mile radius of Palm Beach County Park (Lantana) Airport (lat. 26°35'35" N., long. 80°05'10" W.).

**Palmdale, Calif.**

Within a 5-mile radius of Air Force Plant No. 42, Palmdale, Calif. (latitude 34°37'45" N., longitude 118°04'54" W.), within 3 miles each side of the ILS localizer east course, extending from the 5-mile radius zone to 7.5 miles east of the LOM, and within 2 miles south of and parallel to the Palmdale VORTAC 099° radial, extending from the 5-mile radius zone to 8 miles east of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Palm Springs, Calif.**

Within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'18" W.), and within 2 miles each side of the Palm Springs VOR 120° and 300° radials, extending from 3.5 miles SE to 3 miles NW of the VOR. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Palo Alto, Calif.**

Within a 3-mile radius of Palo Alto Airport (latitude 37°27'39" N., longitude 122°06'50" W.) excluding the portion southeast of a line extending from latitude 37°25'14" N., longitude 122°08'30" W. to latitude 37°26'30" N., longitude 122°05'43" W. to latitude 37°29'10" N., longitude 122°04'08" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Palomar, Calif.**

Within a 3-mile radius of Palomar Airport (latitude 33°07'40" N., longitude 117°16'45" W.); within 1.5 miles each side of the Oceanside VORTAC 134° radial extending from the 3-mile radius zone to 4.5 miles southeast of the VORTAC, and within 1.5 miles each side of the Palomar Runway 24 localizer east course extending from the 3-mile radius zone to 7.5 miles east of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Panama City, Fla.**

Within a 5-mile radius of Panama City-Bay County Airport (latitude 30°12'41" N., longitude 85°40'57" W.); within 3 miles each side of the Panama City VOR 059°, 152° and 310° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southeast and northwest of the VOR; excluding that portion within the Tyndall AFB control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Paris, Tex.**

That airspace within a 5-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.) and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 5-mile radius to the VOR. The control zone shall be effective during the times established by a Notice to Airmen and published continuously thereafter in the Airman's Information Manual.

**Parkersburg, W. Va.**

Within a 5-mile radius of the center, lat. 39°20'44" N., long. 81°26'16" W. of Wood County (Gill Rob Wilson Field) Airport, Parkersburg, W. Va.

**Pasco, Wash.**

That airspace within a 5-mile radius of the Tri-Cities Airport (latitude 46°15'50" N., longitude 119°06'53" W.), within 4 miles each side of the Pasco ILS localizer northeast course extending from the 5-mile radius zone to 10 miles northeast of the OM (46°18'41" North Latitude, 119°03'00" West Longitude) and within 3 miles each side of the Pasco VOR 131° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR, excluding that portion within a 1-mile radius of Vista Airport, Kennewick, Wash. (latitude 46°13'10" N., longitude 119°12'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Paso Robles, Calif.**

Within a 5-mile radius of Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.).

**Patuxent River, Md.**

Within a 5-mile radius of the center, 38°17'15"N., 76°24'30"W., of Patuxent River NAS (Trapnell Field), Patuxent River, Md.; within 2 miles each side of the Patuxent VORTAC 043° radial, extending from the 5-mile radius zone to 7 miles northeast of the VORTAC; within 2 miles each side of the Patuxent VORTAC 234° radial extending from the 5-mile radius zone to 7.5 miles southwest of the VORTAC; within 2 miles each side of the Patuxent River LF RBN 233° bearing extending from the 5-mile radius zone to 7 miles southwest of the RBN; within 2 miles each side of the Patuxent VORTAC 139° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC; within a ½-mile radius of the center, 38°13'30"N., 76°26'30"W., of Park Hall, Md., Airport; and within a ½-mile radius of the center, 38°21'40"N., 76°24'15"W., of Chesapeake Ranch Airport.

AMENDMENTS 6/23/77 42 F. R. 31771 (Changed)

**Pellston, Mich.**

Within a 5-mile radius of Emmet County Airport (latitude 45°34'09" N., longitude 84°47'45" W.); within 2½ miles each side of the 132° bearing from Emmet County Airport, extending from the 5-mile radius zone to 5½ miles southeast of the airport; and within 5 miles each side of the Pellston VORTAC 238° radial extending from the airport to 21 miles southwest of the VORTAC.

**Pendleton, Oreg.**

Within a 5-mile radius of Pendleton Airport (latitude 45°41'42" N., longitude 118°50'25" W.), and within 2 miles each side of the Pendleton VORTAC 273° radial, extending from the 5-mile radius zone to 2 miles W of the VORTAC.



**Pensacola, Fla.**

Within a 5-mile radius of Pensacola Regional Airport (lat. 30°28'25" N., long. 87°11'20" W.); within 3 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to 8.5 miles south of Pickens RBN.

**Pensacola, NAS, Fla.**

Within a 6-mile radius of Forrest Sherman Field (lat. 30°20'53"N., long. 87°19'04"W.); within 3 miles each side of the 174° bearing from NAS Pensacola UHF RBN, extending from the 6-mile radius zone to 8.5 miles south of the RBN.

AMENDMENTS 4/21/77 42 F. R. 3170 (Rewritten)

**Peoria, Ill.**

Within a 5-mile radius of the Greater Peoria Airport (lat. 40°39'47" N., long. 89°41'22" W.) and within 4.5 miles each side of the Greater Peoria Airport ILS localizer northwest course, extending from the 5-mile radius zone to 17.5 miles northwest of the airport.

**Philadelphia, Pa.**

Within a 5-mile radius of the center, 39°52'23" N., 75°14'58" W., of Philadelphia International Airport, Philadelphia, Pa.; within a 6-mile radius of the center of the airport extending clockwise from a 266° bearing to a 016° bearing from the airport; within 2.5 miles each side of the Philadelphia International Airport Runway 27R ILS localizer course, extending from the localizer to 6.5 miles east; within 2 miles each side of the Philadelphia International Airport Runway 9R ILS localizer course, extending from the 5-mile radius zone to 2 miles east of the OM; within 2.5 miles each side of the New Castle, Del., VORTAC 055° radial, extending from the 5-mile radius zone to 18.5 miles northeast of the VORTAC.

**Philipsburg, Pa.**

Within a 5-mile radius of the center, 40°53'00" N., 78°05'15" W., of Mid-State Airport, Philipsburg, Pa., extending clockwise from a 248° bearing to a 031° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 031° bearing to a 098° bearing from the airport; within a 5-mile radius of the center of the airport, extending clockwise from a 098° bearing to a 187° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 187° bearing to a 248° bearing from the airport; and within 4 miles each side of a 327° bearing from a point 40°53'09" N., 78°05'06" W., extending from said point to a point 8.5 miles northwest.

**Phoenix, Ariz. (Deer Valley)**

Within a 3-mile radius of Deer Valley Airport (latitude 33°41'13" N., longitude 112°04'57" W.). This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously established as published in the Airman's Information Manual.

**Phoenix-Litchfield, Ariz.**

Within a 4-mile radius of Phoenix-Litchfield Airport (latitude 33°25'25" N., longitude 112°22'30" W.), excluding the portion within the Phoenix, Ariz. (Luke Air Force Base) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Phoenix, Ariz. (Luke AFB)**

Within a 5-mile radius of Luke AFB (latitude 33°32'05" N., longitude 112°22'55" W.) within 2 miles each side of the Luke TACAN 058° radial, extending from the 5-mile radius zone to 6 miles northeast of the TACAN, and within 2 miles each side of the Luke TACAN 209° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the Luke TACAN. This control zone is effective from 0600 to 0000 hours local time daily.

**Phoenix, Ariz. (Sky Harbor Airport)**

Within a 5-mile radius of Sky Harbor Airport (latitude 33°26'10" N., longitude 112°00'45" W.); and within 2 miles each side of the Phoenix VORTAC 090° and 270° radials, extending from the 5-mile radius zone to 2 miles E and 13 miles W of the VORTAC.

**Pierre, S. Dak.**

Within a 5-mile radius of the Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.); and within 1 mile each side of the Pierre ILS localizer northwest course extending from the 5-mile radius zone to 6 miles northwest of the airport.

**Pine Belt, Miss.**

Within a 5-mile radius of Pine Belt Regional Airport (lat. 31°28'03"N., long. 89°20'11.6"W.). This control zone is effective from 0530 to 1430 hours and from 1600 to 0100 hours, local time, daily.

**Pine Bluff, Ark.**

That airspace within a 5-mile radius of Grider Field (latitude 34°10'35" N., longitude 91°55'55" W.) and within 2 miles each side of the Pine Bluff VORTAC 186° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Pittsburgh, Pa. (Allegheny County)**

Within a 5-mile radius of the center lat. 40°21'17" N., long. 79°55'48" W. of Allegheny County Airport, Pittsburgh, Pa., and within 3.5 miles each side of the 257° bearing from the Cecil RBN extending from the 5-mile radius zone to 8.5 miles west of the RBN.

**Pittsburgh, Pa. (Greater Pittsburgh International Airport)**

Within an 8-mile radius of the center, lat. 40°29'37" N., long. 80°13'54" W. of Greater Pittsburgh International Airport, Pittsburgh, Pa.

**Plainview, Tex.**

Within a 3-mile radius of the Hale County Airport, Plainview, Tex. (latitude 34° 10' 10" N., longitude 101° 43' 00" W.) and within 2 miles each side of the Plainview VOR 034° radial, extending from the 3-mile radius zone to the VOR, from 0600 to 2200 hours local time, daily.

**Plattsburgh, N. Y.**

Within a 5-mile radius of the Plattsburgh AFB (Lat. 44°39'05" N, Long. 73°28'10" W); within a 5-mile radius of the Clinton County Airport (lat. 44°41'10" N, long. 73°31'10" W.); within 2 miles either side of the Valcour, New York TACAN 338° radial extending from the Clinton County Airport 5-mile radius zone to 12 miles N of the TACAN. Within 3 miles each side of the Clinton County Airport ILS localizer south course, extending from the localizer to 3 miles south of the OM.

**Pocatello, Idaho**

Within a 5-mile radius of Pocatello Municipal Airport (latitude 42°54'35" N., longitude 112°35'25" W.), and within 3 miles each side of the Pocatello VORTAC 252° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC; that airspace within 5 miles each side of the Pocatello VORTAC 225° radial extending from the 5-mile radius to 10.5 miles southwest of the VORTAC excluding that airspace within a 1-mile radius of the American Falls Airport (latitude 42°48'00" N., longitude 112°49'30" W.), American Falls, Idaho.

**Point Barrow, Alaska**

Within a 5-mile radius of the Point Barrow AFS Airport (latitude 71°20'21" N., longitude 156°37'45" W.); within a 5-mile radius of the Wiley Post-Will Rogers Memorial Airport (latitude 71°17'11" N., longitude 156°46'15" W.); within 3 miles each side of the Point Barrow RBN (PTR) 051° bearing extending from the 5-mile radius zone to 10 miles northeast of the RBN (PTR); within 2.5 miles each side of the Wiley RBN (IEY) 090° bearing, extending from the 5-mile radius zone to 10 miles east of the RBN; within 2.5 miles each side of the Wiley RBN (IEY) 226° bearing, extending from the 5-mile radius zone to 10 miles southwest of the RBN; and within 2.5 miles each side of the Wiley RBN (IEY) 270° bearing, extending from the 5-mile radius zone to 10.5 miles west of the RBN.

**Point Mugu, Calif.**

Within a 5-mile radius of NAS Point Mugu (lat. 34°07'05" N., long. 119°07'20" W.) and within the arc of a 12-mile radius circle centered on the Point Mugu TACAN, extending clockwise from the 200° radial to the 252° radial, excluding the portion within the Oxnard, Calif. (Ventura County Airport), control zone when it is effective.

**Pompano Beach, Fla.**

Within a 5-mile radius of Pompano Beach Airpark (latitude 26°15'00" N., longitude 80°06'30" W.); within 3 miles each side of Pompano Beach VOR (latitude 26°14'52" N., longitude 80°06'32" W.) 319° radial, extending from the 5-mile radius zone to 5.5 miles northwest of the VOR; excluding the portion southwest of a line 3 miles southwest of and parallel to Pompano Beach VOR 319° radial, and the portion east of Fort Lauderdale Executive Airport, south of a line 1 mile north of and parallel to the extended centerline of Runway 8/26.

This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Ponca City, Okla.**

Within a 5-mile radius of the Ponca City Municipal Airport (latitude 36° 43' 40" N., longitude 97° 05' 50" W.); within 2 miles each side of the 225° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN, and within 2 miles each side of the 359° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 12 miles N of the RBN.



**Ponce, P. R.**

Within a 5-mile radius of the Mercedita Airport, Ponce, P. R. (latitude 18°00'40" N., longitude 66°33'50" W.); within 3.5 miles each side of the Ponce VOR 111° radial, extending from the 5-mile radius zone to 8½ miles east of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Pontiac, MI.**

Within a 5-mile radius of the Oakland-Pontiac Airport (latitude 42°39'53" N., longitude 83°25'01" W.); within 3 miles each side of the Pontiac VORTAC 116° and 272° radials, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC. This control zone is effective from 0600 to 2400 hours local time, daily.

**Port Angeles, Wash.**

Within a 5-mile radius of Williams R. Fairchild International Airport (latitude 48°07'10"N, longitude 123°29'44"W), including the airspace within 2 miles either side of the Port Angeles VOR 083° radial extending from the 5-mile radius zone to 4 miles east of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. Effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Portland, Maine**

Within a 5-mile radius of the center (43°38'50" N., 70°18'30" W.) of Portland International Jetport, excluding the portion within a 1-mile radius of Oak Knoll Airport, Scarborough, Maine (43°35'21" N., 70°22'03" W.). This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

**Portland, Oreg.**

Within a 5-mile radius of Portland International Airport (lat. 45°35'21" N., long. 122°35'36" W.); within a 5-mile radius of the Portland-Troutdale Airport (lat. 45°33'00" N., long. 122°23'49" W.); within 2 miles each side of the Portland VORTAC 180° radial, extending from the 5-mile radius zone to 3.5 miles south of the VORTAC; within 2.5 miles each side of the Portland runway 10R ILS localizer west course, extending from the 5-mile radius zone to 1 mile west of the OM (lat. 45°37'28" N., long. 122°41'43" W.) and within 3 miles each side of the 119° and 299° bearings from the Lake LOM (lat. 45°32'38" N., long. 122°27'49" W.) extending from the 5-mile radius to 8 miles southeast of the LOM, excluding the portion within the Troutdale control zone when it is effective.

**Portsmouth, N. H.**

Within a 5-mile radius of Pease AFB, Portsmouth, N. H. (latitude 43°04'40" N., longitude 70°49'25" W.). within 2 miles each side of the centerline of Runway 16 extended from the 5-mile radius zone to 6 miles SE of the end of the runway; within 2 miles each side of the Pease AFB TACAN 142° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN; within 2 miles each side of the Pease AFB TACAN 332° radial, extending from the 5-mile radius zone to 8 miles NW of the TACAN.

**Poughkeepsie, N. Y.**

Within a 5-mile radius of the center, 41°37'36" N., 73°52'59" W., of Dutchess County Airport, Poughkeepsie, N. Y., within 3.5 miles each side of the Kingston, N. Y., VORTAC 025° radial, extending from the VORTAC to 9.5 miles northeast of the VORTAC; within 2 miles each side of the Kingston, N. Y., VORTAC 230° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC; and within 3.5 miles each side of the Kingston, N. Y., VORTAC 050° radial, extending from the VORTAC to 10.5 miles northeast of the VORTAC.

**Prescott, Ariz.**

Within a 6-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 112°25'15" W.).

**Presque Isle, Maine**

Within a 5-mile radius of Northern Maine Regional Airport (latitude 46°41'30" N., long. 68°02'30" W.): within 3.5 miles each side of the Presque Isle localizer course extending from the 5-mile radius zone to 10 miles south of the LOM; within 2 miles each side of the Presque Isle VORTAC 158° radial extending from the 5-mile radius zone to the Presque Isle VORTAC. This control zone is effective from 0800 to 2000 hours, local time, Sunday through Friday; 0800 to 1730 hours, local time, Saturday or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

**Providence, R. I.**

Within a 5-mile radius of Theodore Francis Green State Airport, Providence, R. I., (Lat. 41°43'30" N., Long. 71°25'48" W.) and within 2 miles either side of the Providence ILS localizer SW course extending from the 5-mile radius zone to the OM.

**Pueblo, Colo.**

Within a 6-mile radius of Pueblo Memorial Airport (lat. 38°17'30"N., long. 104°30'00"W.); within 2 miles each side of the Pueblo ILS localizer west course extending from the 6-mile radius zone to the LOM; within 4 miles each side of the Pueblo VORTAC 077° radial, extending from the 6-mile radius zone to 9.5 miles east of the VORTAC.

**Pullman, Wash.**

Within a 5-mile radius of Pullman-Moscow Regional Airport (latitude 46°44'40" N., longitude 117°06'30" W.) and within 2 miles each side of the Pullman VOR 047° radial, extending from the 5-mile zone to the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Quantico, Va.**

Within a 5-mile radius of the center, lat. 38°30'15" N., long. 77°18'15" W., of Quantico MCAS (Turner Field) Quantico, Va.; within 2 miles each side of the Brooke, Va., VORTAC 013° radial, extending from the 5-mile radius zone to 1.5 miles north of the VORTAC and within 3 miles each side of the 183° bearing from the Quantico UHF RBN, extending from the 5-mile radius zone to 8.5 miles south of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Quincy, Ill.**

That airspace within a 5-mile radius of Quincy Municipal Airport (latitude 39°56'35" N., longitude 91°11'40" W.), within 2 miles each side of the Quincy VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Quincy VORTAC 035° radial extending from the 5-mile radius zone to 12 miles northeast of the airport.

**Raleigh, N. C.**

Within a 5-mile radius of Raleigh-Durham Airport (latitude 35°52'21" N., longitude 78°47'02" W.); within 3.5 miles each side of Raleigh VORTAC 033°, 127° and 230° radials, extending from the 5-mile radius zone to 10.5 miles northeast, southeast and southwest of the VORTAC.

**Rapid City, S. Dak. (Ellsworth AFB)**

Within a 5-mile radius of Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.); and within 2½ miles each side of the Ellsworth AFB TACAN 322° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN, excluding the portion which overlies the Rapid City, S. Dak. (Regional Airport) control zone.

**Rapid City, S. Dak. (Regional Airport)**

Within a 5-mile radius of Rapid City Regional Airport (latitude 44°02'30" N., longitude 103°03'20" W.); within 3 miles each side of the Rapid City VOR 155° and 335° radials, extending from the 5-mile radius zone to 8 miles southeast of the VOR; and within 3 miles each side of the Ellsworth AFB TACAN 129° radial, extending from the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone to 8 miles southeast of the TACAN, excluding the portion north of a line between the INTs of the 5-mile radius zone and the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone.

**Rawlins, Wyo.**

Within a 5-mile radius of Rawlins Municipal Airport (latitude 41°48'15" N., longitude 107°12'05" W.) and within 2 miles each side of the 269° bearing from the Sinclair RBN extending from the 5-mile radius zone to the radiobeacon.

**Reading, Pa.**

Within a 5-mile radius of the center, 40°22'39" N., 75°57'57" W., of Reading Municipal-General Carl A. Spaatz Field, Reading, Pa., extending clockwise from a 160° bearing to a 030° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 160° bearing from the airport; within 4.5 miles each side of the Reading Municipal-General Carl A. Spaatz Field ILS localizer south course, extending from the 5-mile radius zone and 5.5-mile radius zone to 8.5 miles south of the OM; within 4 miles each side of a 161° bearing from a point 40°22'32" N., 75°57'57" W., extending from said point to 8.5 miles south; within 2.5 miles each side of a 301° bearing from a point of 40°23'00"N., 75°58'42"W., extending from said point to 5 miles northwest of said point; within 2 miles each side of a 352° bearing from a point 40°23'06"N., 75°57'48"W., extending from said point to 4.5 miles north of said point.

**Red Bluff, Calif.**

Within a 5-mile radius of Bidwell Airport, Red Bluff, Calif. (latitude 40°09'15" N., longitude 122°14'50" W.), and within 2 miles each side of the Red Bluff VORTAC 167° radial, extending from the 5-mile radius zone to 8 miles S of the VORTAC.



**Redding, Calif.**

Within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.), and within 2 miles west and 4 miles east of the Redding VOR 192° radial extending from the 5-mile radius zone to 8 miles south of the VOR, excluding the portions within a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00" N., longitude 122°22'35" W.) and Enterprise Sky Park (latitude 40°34'26" N., longitude 122°19'30" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Redmond, Oreg.**

Within a 5-mile radius of Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°08'55" W.), and within 1.5 miles each side of the Redmond VORTAC 269° and 089° radials extending from the 5-mile radius zone to 1 mile west of the VORTAC.

**Redwood Falls, Minn.**

Within a 5-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'45" W.).

**Reno, Nev. (Reno Municipal Airport)**

Within a 5-mile radius of the Reno Municipal Airport (latitude 39°30'02" N., longitude 119°46'07" W.), and within 2 miles each side of the Reno ILS localizer N course, extending from the 5-mile radius zone to the Sparks, Nev., RBN, and within 2 miles each side of the Reno localizer S course, extending from the 5-mile radius zone to 11 miles S of the airport.

**Renton, Wash.**

That airspace bounded by a line beginning at latitude 47°32'10" N., longitude 122°12'40" W.; thence clockwise along an arc of a 3-mile radius circle centered on the Renton Municipal Airport (latitude 47°29'35" N., longitude 122°12'50" W.) to latitude 47°27'59" N., longitude 122°09'46" W., to latitude 47°27'38" N., longitude 122°09'24" W., to latitude 47°26'24" N., longitude 122°12'06" W., thence counterclockwise via an arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°27'00" N., longitude 122°11'50" W., to latitude 47°28'09" N., longitude 122°13'33" W., to latitude 47°31'27" N., longitude 122°13'33" W., thence to point of beginning. This control zone is effective from 0700 to 2300 hours local time daily.

**Rhineland, Wis.**

Within a 5-mile radius of Rhineland-Oneida County Airport (latitude 45°37'54" N., longitude 89°27'35" W.); within 2½ miles each side of the Rhineland VORTAC 229° radial extending from the 5-mile radius zone to 7 miles southwest of the VORTAC; and within 2½ miles each side of the Rhineland VORTAC 322° radial extending from the 5-mile radius zone to 6 miles northwest of the VORTAC; and within 2 miles each side of the Rhineland VORTAC 058° radial extending from the 5-mile radius zone to 7 miles northeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Richmond, Va.**

Within a 5.5-mile radius of the center, lat. 37°30'16" N., long. 77°19'11" W. of Richard Evelyn Byrd International Airport, Richmond, Va.; within 3.5 miles each side of the Richmond VORTAC 342° radial extending from the 5.5-mile radius zone to 10 miles north of the VORTAC; within 3.5 miles each side of the Richmond VORTAC 359° radial extending from the 5.5-mile radius zone to 10 miles north of the VORTAC; within 3 miles each side of the Richmond VORTAC 065° radial extending from the 5.5-mile radius zone to 8.5 miles northeast of the VORTAC; within 3.5 miles each side of the Richmond VORTAC 134° radial extending from the 5.5-mile radius zone to 10 miles southeast of the VORTAC; and within 2 miles each side of the Richmond VORTAC 137° radial extending from the 5.5-mile radius zone to 10 miles southeast of the VORTAC within 3 miles each side of the Richmond VORTAC 212° radial, extending from the 5.5-mile radius zone to 8.5 miles southwest of the VORTAC.

AMENDMENTS 4/21/77 42 F. R. 10843 (Changed)

**Riverside, Calif. (March AFB)**

Within a five-mile radius of March AFB (lat. 33°52'50"N., long. 117°15'30"W.); within two miles either side of the March AFB TACAN 150° radial extending from the five-mile radius zone to 8.3 miles SE of the TACAN and within two miles either side of the March AFB TACAN 309° radial, extending from the five-mile zone to six miles NW of the TACAN.

AMENDMENTS 8/11/77 42 F. R. 31772 (Rewritten)

**Riverside, Calif. (Municipal Airport)**

Within a 3-mile radius of the Riverside Municipal Airport (latitude 33°57'05" N., longitude 117°26'30" W.), within 2 miles each side of the Riverside VOR 292° radial, extending from the 3-mile radius zone to 4.5 miles W of the VOR; within 2 miles each side of the Riverside VOR 103° radial, extending from the 3-mile radius zone to 7 miles E of the VOR; and within 2 miles each side of the Riverside VOR 108° radial, extending from the 3-mile radius zone to 5 miles E of the VOR, excluding the portion within a 1-mile radius of the Riverside Fla-Bob Airport (latitude 33°59'20" N., longitude 117°24'35" W.), and the portion that coincides with the Riverside, Calif. (March AFB), control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Riverton, Wyo.**

Within a 5-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.) within 2 miles each side of the Riverton VOR 291° radial, extending from the 5-mile radius zone to 8 miles west of the VOR, within 3 miles each side of the Riverton VOR 123° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Roanoke, Va.**

Within a 7-mile radius of the center, 37°19'30"N., 79°58'35"W., of the Roanoke Municipal-Woodrum Airport, Roanoke, Va.; within an 8-mile radius of the center of the airport, extending clockwise from a 237° bearing to a 258° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 258° bearing to a 302° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 302° bearing to a 336° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 336° bearing to a 007° bearing from the airport and within 2.5 miles each side of the Roanoke Municipal-Woodrum Airport ILS localizer southeast course, extending from the localizer to 2 miles southeast of the OM.

**Rochester, Minn.**

Within a 5-mile radius of Rochester Municipal Airport (latitude 43°54'25" N., longitude 92°29'45" W.); within 2 miles each side of the Rochester ILS localizer southeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Rochester VORTAC 029° radial, extending from 1 mile northeast of the VORTAC to 15 miles northeast of the VORTAC.

**Rochester, N. Y.**

Within a 5-mile radius of the center, 43°07'10" N., 77°40'15" W., of the Rochester Monroe County Airport, Rochester, N. Y.; within 2 miles each side of the Rochester VOR 168° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR; within 2 miles each side of the Rochester VOR 280° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; within 2 miles each side of the Rochester VOR 026° radial extending from the 5-mile radius zone to 7 miles northeast of the VOR; within 2 miles each side of the Rochester VOR 214° radial extending from the 5-mile radius zone to 7 miles southwest of the VOR and within 2 miles each side of the Rochester ILS localizer east course extending from the 5-mile radius zone to the OM.

**Rockford, Ill.**

Within a 5-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 2 miles each side of the Rockford ILS localizer S course, extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Rockford VORTAC 117° radial, extending from the 5-mile radius zone to the VORTAC.

**Rock Springs, Wyo.**

Within a 5.5-mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N., longitude 109°04'00" W.); within 3 miles each side of the Rock Springs ILS localizer east course, extending from the 5.5-mile radius zone to 9 miles east of the Thayer LOM (latitude 41°35'49" N., longitude 108°58'09" W.); within 3.5 miles each side of the Rock Springs VORTAC 102° radial, extending from the 5.5-mile radius zone to 11.5 miles east of the VORTAC, and within 3 miles each side of the Rock Springs VORTAC 271° radial, extending from the 5.5-mile radius zone to 17.5 miles west of the VORTAC.

**Rocky Mount, N. C.**

Within a 5-mile radius of Rocky Mount-Wilson Airport (lat. 35°51'17" N., long. 77°53'34" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 8/11/77 42 F. R. 33271 (Changed)



**Rome, N. Y.**

Within a 5-mile radius of the center, 43°13'45" N., 75°25'00" W., of Griffiss AFB, Rome, N. Y., and within 2 miles each side of bearing 135°/315° from a point 43°10'08" N., 75°19'08" W. extending from the 5-mile radius zone to 6 miles southeast of said point; within 2 miles each side of the Griffiss TACAN 306° radial extending from the 5-mile radius zone to 8 miles NW of the TACAN; within 2 miles each side of a bearing 142° from the Rome, N. Y., ILS OM, extending from the OM to 4 miles SE of the OM.

**Roosevelt Roads, P. R.**

Within a 5-mile radius of NS Roosevelt Roads (lat. 18°15'05" N., long. 65°38'35" W.); within 3 miles each side of the 052° bearing from Roosevelt Roads RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN.

**Roswell, N. M.**

That airspace within a 6-mile radius of the Roswell Industrial Air Center Airport (latitude 33°17'59" N., longitude 104°31'48" W.); within 2 miles each side of the extended centerline of runway 3 extending from the 6-mile radius zone to the LOM; and within 2 miles each side of the extended centerline of runway 21 extending from the 6-mile radius zone to 6 miles southwest of the lift-off end of runway 21.

**Russell, Kans.**

Within a 5-mile radius of Russell Municipal Airport (latitude 38°52'20" N., longitude 98°48'45" W.).

**Sacramento, Calif. (Mather AFB)**

Within a 5-mile radius of Mather AFB (latitude 38°33'10" N., longitude 121°18'05" W.) within 2 miles each side of the Mather TACAN 048° radial, extending from the 5-mile radius zone to 7 miles northeast of the TACAN, excluding the portion subtended by a chord drawn between the points of intersection of the Mather AFB 5-mile radius zone with the Sacramento, Calif. (McClellan AFB) 5-mile radius zone.

**Sacramento, Calif. (McClellan AFB)**

Within a 5-mile radius of McClellan AFB (latitude 38°39'45" N., longitude 121°24'10" W.), excluding the portion subtended by a chord drawn between the points of intersection of the McClellan AFB 5-mile radius zone with the Sacramento, Calif. (Mather AFB) 5-mile radius zone.

**Sacramento, Calif. (Sacramento Metropolitan Airport)**

That airspace within a 5-mile radius of the Sacramento Metropolitan Airport (latitude 38°41'43" N., longitude 121°36'01" W.), and within 2 miles each side of the Sacramento Metropolitan Airport localizer (latitude 38°40'32" N., longitude 121°36'02" W.) N and S courses, extending from the 5-mile radius zone to 6 miles north and south of the airport; and including that airspace adjoining the McClellan AFB and Sacramento Municipal Airport control zones between latitude 38°41'43" N. and the Sacramento VORTAC 351° T radial.

**Sacramento, Calif. (Sacramento Municipal)**

Within a 5-mile radius of Sacramento Municipal Airport (latitude 38°30'45" N., longitude 121°29'35" W.), within 2 miles each side of the Sacramento VORTAC 033° radial, extending from the 5-mile radius zone SW to the VORTAC and that airspace NE of the Sacramento Municipal Airport, extending from the Sacramento Municipal 5-mile radius zone to the McClellan AFB and Mather AFB 5-mile radius zones, bounded on the SE by the Sacramento 064° radial and on the NW by a line 2 miles NW of and parallel to the Sacramento 033° radial.

**Saginaw, Mich.**

That airspace within a 5-mile radius of Tri-City Airport (latitude 43°31'55" N., longitude 84°04'50" W.) and within 2½ miles each side of the Saginaw, Mich. VORTAC 030°, 146°, 233°, and 310° radius extending from the 5-mile radius zone to 6½ miles northeast, southeast, southwest, and northwest of the VORTAC.

**St. Charles, Ill.**

Within a 3-mile radius of Du Page County Airport, St. Charles, Ill. (latitude 41°54'45" N., longitude 88°14'35" W.); and within 2 miles either side of the Du Page VOR 069° radial, extending from the 3-mile radius zone to the VOR.

**St. Joseph, Mo.**

Within a 5-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); within 2 miles each side of the St. Joseph ILS localizer S course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the St. Joseph VORTAC 175° radial, extending from the 5-mile radius zone to the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**St. Louis, Mo.**

Within a 5-mile radius of St. Louis International Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within 2 miles each side of the St. Louis International Airport Runway 24 ILS localizer southwest course, extending from the 5-mile radius zone to 10½ miles southwest of the OM; within 2 miles each side of the St. Louis VORTAC 142° radial; extending from the 5-mile radius zone to 7 miles northwest of the northwest end of the St. Louis International Airport Runway 12R; within 2 miles each side of the St. Louis International Airport Runway 12R ILS localizer northwest course, extending from the 5-mile radius zone to the Runway 12R OM; and within 2 miles each side of the St. Louis International Airport Runway 12R ILS localizer southeast course, extending from the 5-mile radius zone to 6 miles southeast of the Runway 12R localizer.

**St. Paul, Minn.**

Within a 5-mile radius of St. Paul Downtown Airport (Holman Field) latitude 44°56'10" N., longitude 93°03'40" W.), excluding the portion which overlies the Minneapolis, Minn., control zone and excluding the area within a 1-mile radius of South St. Paul Municipal Airport (Fleming Field) (latitude 44°51'25" N., longitude 93°01'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**St. Petersburg, Fla.**

Within a 5-mile radius of St. Petersburg Clearwater International Airport (lat. 27°54'33" N., long. 82°41'19" W.); within 2.5 miles each side of St. Petersburg VORTAC 343° radial, extending from the 5-mile radius zone to 6 miles northwest of the VORTAC.

**St. Petersburg, Fla. (Albert-Whitted Airport)**

Within a 5-mile radius of the Albert-Whitted Airport (lat. 27°45'53" N., long. 82°37'39" W.); within 1.5 miles each side of the St. Petersburg VORTAC 159° radial, extending from the 5-mile radius zone to 1 mile south of the VORTAC, excluding the portion within the St. Petersburg and MacDill AFB control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Saipan Island**

Within a 5-mile radius of Saipan International Airport (lat. 15°07'13" N., long. 145°43'49" E.) and within 3 miles each side of the Saipan RBN (lat. 15°06'46" N., long. 145°42'42" E.) 265° bearing, extending from the 5-mile radius zone to 8.5 miles west of the RBN, and within 2 miles each side of the extended centerline of the east/west runway, extending from the 5-mile radius zone to 7.5 miles east of Saipan International Airport. This control zone is effective from 0600 to 1800, local time, daily and during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Pacific Chart Supplement.

**Salem, Oreg.**

Within a 5 mile radius of McNary Field, Salem, Oregon. Latitude 44°54'35" N., Longitude 123°00'05" W., and within 2 miles each side of the Salem ILS localizer E course, extending from the 5 mile radius zone to the LOM; within 4 miles each side of the Salem ILS localizer W course, extending from the 5 mile radius zone to 15 miles west of the airport.

**Salina, Kansas**

Within a 5-mile radius of Salina Municipal Airport (latitude 38°47'40" N., longitude 98°39'30" W.); within 1½ miles each side of the Salina VORTAC 192° radial, extending from the 5-mile radius zone to the VORTAC and within 2 miles each side of the Salina ILS localizer S course, extending from the 5-mile radius zone to 2½ miles N of the OM.

**Salinas, Calif.**

Within a 5-mile radius of the Salinas Municipal Airport (latitude 36°39'40" N., longitude 121°36'20" W.), and within 2 miles NE and 3 miles SW of the Salinas VORTAC 319° radial, extending from the 5-mile radius zone to 6 miles NW of the VORTAC, excluding the portion within the Fort Ord, Calif., control zone.

**Salisbury, Md.**

Within a 5-mile radius of the center, lat. 38°20'21" N., long. 75°30'41" W. of Salisbury-Wicomico County Airport, Salisbury, Md.; within 3.5 miles each side of the Salisbury VORTAC 209° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC; within 3.5 miles each side of the Salisbury VORTAC 052° radial, extending from the 5-mile radius zone to 9.5 miles northeast of the VORTAC; within 1 mile each side of the Salisbury-Wicomico County Airport localizer northwest course, extending from the 5-mile radius zone to 5.5 miles northwest of the localizer; and within 3.5 miles each side of the Salisbury VORTAC 132° radial, extending from the 5-mile radius zone to 10.5 miles southeast of the VORTAC.

**Salt Lake City, Utah**

Within a 5-mile radius of the Salt Lake International Airport (latitude 40°47'10" N., longitude 111°58'00" W.) and within 2.5 miles each side of the Salt Lake City VORTAC 003° radial extending from the 5-mile radius zone to 2 miles north of the VORTAC.



**San Angelo, Tex.**

Within a 5-mile radius of Mathis Field, San Angelo, Tex., (latitude 31°21'35" N., longitude 100°29'40" W.); within 2 miles each side of the San Angelo VOR 065° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the San Angelo ILS localizer NE course, extending from the 5-mile radius zone to 8 miles NE of the INT of the ILS localizer NE course and the San Angelo VOR 311° radial; and within 2 miles each side of the San Angelo ILS localizer SW course, extending from the 5-mile radius zone to 6.5 miles SW of the airport.

**San Antonio, Tex. (International Airport)**

That airspace within a 5-mile radius of San Antonio International Airport (latitude 29°31'50" N., longitude 98°28'12" W.); within 2 miles each side of the San Antonio VORTAC 184° radial extending from the 5-mile radius zone to 1 mile south of the VORTAC; within 2 miles each side of the San Antonio ILS localizer northwest course extending from the 5-mile radius zone to 1 mile southeast of the OM, within 2 miles each side of the San Antonio ILS localizer northeast course extending from the 5-mile radius zone to 6 miles northeast of the airport, and within 2 miles each side of the San Antonio ILS localizer southeast course extending from the 5-mile radius zone to 7 miles southeast of the localizer, and within 2 miles each side of a 132° bearing from the LOM extending from the 5-mile radius zone to 15.5 miles southeast of the LOM.

**San Antonio, Tex. (Kelly AFB)**

That airspace within a 5-mile radius of Kelly AFB (latitude 29°22'57" N., longitude 98°34'25" W.); within 2 miles each side of the Kelly AFB ILS localizer N course extending from the 5-mile radius zone to 2 miles north of the 5-mile radius zone; and within 2 miles each side of the Kelly AFB TACAN 341° radial extending from the 5-mile radius zone to the TACAN.

**San Antonio, Tex. (Randolph AFB)**

That airspace within a 5-mile radius of Randolph AFB (latitude 29°32'09" N., longitude 98°16'57" W.); within 2 miles each side of the LaVerna, Tex., VOR 329° and 338° radials, extending from the 5-mile radius zone to 1 mile northwest of the VOR, within 2 miles each side of the Randolph AFB TACAN 323° radial extending from the TACAN to 8 miles northwest, and within 2 miles each side of the Randolph AFB TACAN 156° radial extending from the TACAN to 8 miles southeast.

**San Antonio, Tex. (Stinson Field)**

Within a 3-mile radius of Stinson Field (latitude 29° 20' 15" N., longitude 98° 28' 20" W.), and within 2 miles each side of the Stinson VOR 346° radial, extending from the 3-mile radius zone to the VOR, excluding the portion within the Kelly AFB control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

**San Bernardino, Calif. (Norton AFB)**

Within a 5-mile radius of the Norton AFB (latitude 34°05'45" N., longitude 117°14'05" W.), and within 2 miles N and 2.5 miles S of the ILS localizer SW course extending from the 5-mile radius zone to 2 miles NE of Pettis NDB, excluding the portion within a 1-mile radius of the Redlands, Calif., Municipal Airport latitude 34°05'05" N., longitude 117°08'35" W.).

**San Carlos, Calif.**

Within a 3-mile radius of the San Carlos Airport (latitude 37°30'40" N., longitude 122°14'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

**San Clemente Island, Calif.**

Within a 5-mile radius of NALF San Clemente (latitude 33°01'20" N., longitude 118°35'15" W.) extending upward from the surface to and including 5,000 feet MSL, excluding that airspace beyond 3 NM from and parallel to the shoreline. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**San Diego, Calif. (Brown Field)**

Within a 3-mile radius of Brown Field Municipal Airport (latitude 32°34'22" N., longitude 116°58'47" W.), excluding that airspace west of longitude 117°01'00" W., and south of the United States/Mexican Border. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**San Diego, Calif. (Lindbergh Field)**

Within a 5-mile radius of Lindbergh Field, San Diego, Calif. (latitude 32° 43' 58" N., longitude 117° 11' 14" W.); and within 2 miles each side of the Lindbergh ILS localizer E course, extending from the 5-mile radius zone to 7 miles east of the airport, excluding the portion S of a line extending from latitude 32°43'22" N., longitude 117°16'20" W., to latitude 32° 43' 22" N., longitude 117° 12' 23" W., to latitude 32° 41' 02" N., longitude 117° 07' 25" W.; and the portion N of latitude 32° 47' 00" N.

**San Diego, Calif. (Montgomery Field)**

Within a 3-mile radius of Montgomery Field (latitude 32°49'00" N., longitude 117°08'20" W.), excluding those portions within the NAS Miramar and San Diego (Lindbergh Field) control zones. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**San Diego, Calif. (NAS North Island)**

Within a 5-mile radius of NAS North Island (latitude 32° 42' 00" N., longitude 117° 12' 35" W.); within the arc of a 10-mile radius circle centered on the North Island TACAN, extending clockwise from a line 2 miles N of and parallel to the TACAN 120° radial to the 162° radial, excluding the portion N of a line from latitude 32° 43' 22" N., longitude 117° 17' 20" W., to latitude 32° 43' 22" N., longitude 117° 12' 23" W., to latitude 32°41'02" N., longitude 117°07'25" W., and the portion within the NAS Imperial Beach, Calif., control zone.

**San Diego, Calif. (San Diego County-Gillespie Field)**

Within a 3-mile radius of San Diego-Gillespie Field (latitude 32°49'26" N., longitude 116°58'18" W.) and within 1 mile each side of a 102° bearing from the end of Runway 27R, extending from the 3-mile radius zone to 5 miles east of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Sanford, Fla.**

Within a 5-mile radius of Sanford Airport (lat. 28°46'30"N., long. 81°14'25"W.); within 3 miles each side of the 259° bearing from the Sanford RBN (lat. 28°47'05"N., long. 81°14'36"W.), extending from the 5-mile radius zone to 8.5 miles west of the RBN. This control zone is effective from 0800 to 2100 hours, local time, daily.

**AMENDMENTS 4/21/77 42 F. R. 5038 (Added)****San Francisco, Calif.**

Within a 7-mile radius of the San Francisco International Airport (Lat. 37°37'07" N, Long. 122°22' 35" W, including the airspace bounded on the SW by the San Francisco 7-mile radius zone and on the N and NE by the Oakland and NAS Alameda control zones, excluding the portion within the Oakland control zone.

**San Jose, Calif.**

Within a 5-mile radius of San Jose Municipal Airport (latitude 37°21'35" N., longitude 121°55'30" W.), excluding the portion NW of a line from latitude 37°25'45" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W.

**San Jose, Calif. (Reid-Hillview Airport)**

That airspace within a 3-mile radius of the Reid-Hillview Airport (latitude 37°19'55" N., longitude 121° 49'10" W.), excluding that portion within the San Jose control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**San Juan, P. R. (International Airport)**

Within a 5-mile radius of Puerto Rico International Airport (lat. 18°26'48" N., long. 66°00'07" W.); within a 3-mile radius of Isla Grande Airport (lat. 18°27'33" N., long. 66°05'55" W.); within 5 miles each side of the San Juan VORTAC 058° radial, extending from the VORTAC to 13 miles northeast of the VORTAC; within 3.5 miles each side of the San Juan VORTAC 086° radial, extending from the 5-mile radius zone to 11 miles east of the VORTAC; within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of the San Pat RBN.

**Santa Ana, Calif. (MCAS)**

Within a 5-mile radius of MCAS Santa Ana (latitude 33°42'22" N., longitude 117°49'35" W.) excluding that portion east and south of a line from latitude 33°43'55" N., longitude 117°47'00" W., to latitude 33°41'15" N., longitude 117°48'10" W., to latitude 33°42'30" N., longitude 117°56'40" W. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Santa Ana, Calif. (Orange County Airport)**

Within a 5-mile radius of Orange County Airport (latitude 33°40'32" N., longitude 117°52'15" W.) and within a 5-mile radius of MCAS Santa Ana (latitude 33°42'22" N., longitude 117°49'35" W.) excluding the portion within a 1-mile radius of Mile Square MCOLF, that portion east of a line extending from latitude 33°43'55" N., longitude 117°47'00" W. to latitude 33°36'10" N., longitude 117°50'20" W. and that portion within the Santa Ana, Calif. (MCAS) control zone when it is effective. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.



**Santa Barbara, Calif.**

Within a 5-mile radius of Santa Barbara Municipal Airport (latitude 34°25'35" N., longitude 119°50'20" W.); within 2 miles each side of the Santa Barbara ILS localizer west course, extending from the 5-mile radius zone to the OM.

**Santa Fe, N. Mex.**

Within a 6.5-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.). This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

AMENDMENTS 6/16/77 42 F. R. 20618 (Changed)

**Santa Maria, Calif.**

Within a 5-mile radius of Santa Maria Public Airport (latitude 34°53'55" N., longitude 120°27'20" W.); within 1.5 miles each side of the Santa Maria VOR 133° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VOR. This control zone is effective from 0700 to 2200 hours local time daily.

**Santa Monica, Calif.**

Within a 3-mile radius of Santa Monica Municipal Airport (latitude 34°00'57" N., longitude 118°27'00" W.); within 2 miles each side of the Santa Monica VOR 231° radial, extending from the 3-mile radius zone to 3 miles SW of the VOR; within 2 miles each side of the Santa Monica VOR 056° radial, extending from the 3-mile radius zone to 5 miles NE of the VOR, excluding the portion S of a line extending from latitude 34°00'43" N., longitude 118°23'30" W., to latitude 33°58'03" N., longitude 118°28'58" W. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and time will thereafter be continuously published in the Airmen's Information Manual.

**Santa Rosa, Calif.**

Within a 5-mile radius of Sonoma County Airport (latitude 38°30'30" N., longitude 122°48'45" W.) and within a 1-mile radius of Santa Rosa Coddington Airport (latitude 38°28'30" N., longitude 122°44'25" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

**Sarasota, Fla.**

Within a 5-mile radius of Sarasota-Bradenton Airport (lat. 27°23'47" N., long. 82°33'15" W.); within 3 miles each side of Sarasota VORTAC 050° and 302° radials, extending from the 5-mile radius zone to 8.5 miles northeast and northwest of the VORTAC; within 5 miles each side of Sarasota VORTAC 142° radial, extending from the 5-mile radius zone to 8.5 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

**Sault Ste. Marie, Mich. (Kincheloe AFB)**

Within a 5-mile radius of Kincheloe AFB (latitude 46°15'00" N., longitude 84°28'00" W.); within 2 miles each side of the Kincheloe AFB TACAN 143° radial, extending from the 5-mile radius zone to 8 miles southeast of the TACAN; within 2 miles each side of the Kincheloe AFB TACAN 337° radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN; and within 2 miles each side of the Kincheloe AFB ILS localizer northwest course, extending from the 5-mile radius zone to the OM.

**Sault Ste. Marie, Mich. (Municipal Airport)**

Within the United States within a 5-mile radius of Sault Ste. Marie Municipal Airport (latitude 46°28'40" N., longitude 84°21'55" W.), and within 2 miles each side of the 129° bearing from the Sault Ste. Marie RBN extending from the 5-mile radius zone to 8 miles SE of the RBN excluding the portion W of a line between the INTs of the 5-mile radius and the Sault Ste. Marie, Ontario, Canada, control zone.

**Sault Ste. Marie, Ontario, Canada**

Over the United States within a 5-mile radius of the Sault Ste. Marie Airport (latitude 46°29'00" N., longitude 84°31'00" W.), and within 2 miles each side of the Sault Ste. Marie ILS localizer NW course extending from the 5-mile radius zone to the OM, excluding the portion east of a line between the INTs of the 5-mile radius and the 5-mile radius of the Sault Ste. Marie, Mich., control zone.

**Savannah, Ga.**

Within a 5-mile radius of Savannah Municipal Airport (lat. 32°07'35" N., long. 81°12'05" W.); within a 5-mile radius of Hunter AAF (lat. 31°00'35" N., long. 81°08'45" W.).

**Schenectady, N. Y.**

Within a 5-mile radius of the center 42°51'15" N., 73°55'55" W. of Schenectady County Airport, Schenectady, N. Y.; within 2.5 miles each side of a 037° bearing from the Hunter RBN (42°51'13" N., 73°56'07" W.) extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 2.5 miles each side of the Schenectady VOR (42°51'05" N., 73°56'05" W.) 030° radial extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 2 miles each side of the extended centerline of Runway 28, extending from the 5-mile radius zone to 9 miles west of the end of the runway and within 2 miles each side of the extended centerline of Runway 33, extending from the 5-mile radius zone to 5 miles northwest of the end of the runway, excluding the portion that coincides with the Albany, N. Y., control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

**Scottsbluff, Nebr.**

Within a five-mile radius of the Scottsbluff County Airport (latitude 41°52'34" N., longitude 103°35'53" W.); and within two miles each side of the Scottsbluff VORTAC 259° radial extending from the five-mile radius zone to the VORTAC; and within two miles each side of the ILS localizer northwest course extending from the five-mile radius zone to seven miles northwest of the airport.

**Scottsdale, Ariz.**

Within a 5-mile radius of the Scottsdale Airport (latitude 33°37'05" N., longitude 111°54'55" W.). This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously established and published in the Airmen's Information Manual.

**Seattle, Wash. (King County International Airport (Boeing Field))**

That airspace bounded by a line beginning at latitude 47°34'10" N., longitude 122°12'40" W., to latitude 47°32'10" N., longitude 122°12'40" W., thence clockwise via an arc of a 3-mile radius circle centered on Renton Municipal Airport (latitude 47°29'35" N., longitude 122°12'50" W.) to latitude 47°27'59" N., longitude 122°09'46" W., to latitude 47°27'38" N., longitude 122°09'24" W., to latitude 47°26'24" N., longitude 122°12'06" W., thence counterclockwise via an arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°27'00" N., longitude 122°11'50" W., to latitude 47°28'09" N., longitude 122°13'33" W., to latitude 47°29'20" N., longitude 122°13'33" W., to latitude 47°29'20" N., longitude 122°23'10" W., thence clockwise along an arc of a 5-mile radius circle centered on King County International Airport (Boeing Field) latitude 47°31'45" N., longitude 122°18'00" W.) to point of beginning; within 2 miles each side of the 150° bearing from the Magnolia LOM, extending from the 5-mile radius arc to 2 miles southeast of the Magnolia LOM, excluding the portion within the Seattle, Wash. (Seattle-Tacoma International Airport), control zone, and the portion within the Renton, Wash., control zone when the Renton control zone is effective.

**Seattle, Wash. (Seattle-Tacoma International Airport)**

That airspace bounded by a line beginning at latitude 47°29'20" N., longitude 122°13'33" W., thence to latitude 47°28'09" N., longitude 122°13'33" W., thence to latitude 47°27'00" N., longitude 122°11'50" W., thence clockwise along the arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°29'20" N., longitude 122°23'10" W., thence to point of beginning, and within 2 miles each side of the 360° bearing from the Seattle-Tacoma ILS LOM, extending from the 5-mile radius arc to the LOM.

**Sedalia, Mo.**

Within a 5-mile radius of Whiteman AFB, Sedalia, Mo., (lat. 38°43'50"N., long. 93°33'00"W.); within 2 miles each side of the Whiteman VOR 010° radial, extending from the 5-mile radius zone to 2 miles N of the VOR, and within 2 miles each side of the Whiteman TACAN 185° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

AMENDMENTS 4/18/77 42 F. R. 18859 (Rewritten)

**Shemya, Alaska**

Within a 5-mile radius of the Shemya Airport (latitude 52°42'50" N., longitude 174°06'57" E.); within 2 miles each side of the 104° bearing from the Shemya RBN, extending from the RBN to 12 miles east of the RBN, and within 2 miles each side of the 284° bearing from the Shemya RBN, extending from the RBN to 8 miles west of the RBN. The portion within R-2204 is excluded.

**Sheridan, Wyo.**

Within a 5-mile radius of the Sheridan County Airport (latitude 44°46'25" N., longitude 106°58'15" W.); within 4 miles each side of the Sheridan VORTAC 312° and 327° radials, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC; and within 4 miles each side of the Sheridan VORTAC 140° radial extending from the 5-mile radius zone to 24½ miles southeast of the VORTAC.



**Shreveport, La. (Barksdale AFB)**

That airspace within a 5-mile radius of Barksdale AFB (latitude 32°30'05" N., longitude 93°39'45" W.); within 2 miles each side of the Elm Grove VOR 330° radial extending from the 5-mile radius zone to 0.5 of a mile NW of the VOR; within 2 miles each side of the Barksdale TACAN 148° radial extending from the 5-mile radius zone to 7.5 miles SE of the TACAN; excluding the portion within the Shreveport, La. (Shreveport Regional Airport) control zone and excluding the portion within the Shreveport, La. (Downtown Airport), control zone.

**Shreveport, La. (Downtown Airport)**

That airspace within a 5-mile radius of Shreveport Downtown Airport (latitude 32°32'25" N., longitude 93°44'40" W.), and within 2 miles each side of the Shreveport Downtown VOR 313° radial extending from the 5-mile radius zone to 5.5 miles NW of the VOR, excluding the portion SE of a direct line between the two intersecting points of a 5-mile radius circle centered on Downtown Airport and Barksdale AFB (latitude 32°30'05" N., longitude 93°39'45" W.) and the portion within the Shreveport, La. (Shreveport Regional Airport) control zone.

**Shreveport, La. (Shreveport Regional Airport)**

That airspace within a 5-mile radius of the Shreveport Regional Airport (latitude 32°26'45" N., longitude 93°49'25" W.); and within 2 miles each side of the Greater Shreveport ILS localizer SE course, extending from the 5-mile radius zone to 6 miles SE of the airport.

**Sidney, Nebr.**

Within a 5-mile radius of Sidney Municipal Airport (lat. 41°05'55" N., long. 102°58'55" W.); within 2 miles each side of the Sidney VORTAC 128° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; and within 2 miles each side of the Sidney VORTAC 321° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Silver City, N. Mex.**

Within a 5-mile radius of Silver City-Grant County Airport (latitude 32°38'25" N., longitude 108°09'15" W.), and within 3 miles each side of the Silver City VOR 141° radial extending from the 5-mile radius zone to 9 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Simmons Army Air Field, N. C.**

Within a 5-mile radius of Simmons AAF (latitude 35°07'55" N., longitude 78°56'06" W.); within 3 miles each side of Simmons VOR 085° radial, extending from the 5-mile radius zone to 8.5 miles east of the VOR; excluding the portion northwest of a line extending from latitude 35°11'15" N., longitude 78°56'05" W. to latitude 35°05'55" N., longitude 79°00'50" W.

**Sioux City, Iowa**

Within a 5-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); and within 2½ miles each side of the Sioux City VORTAC 140° and 320° radials, extending from the 5-mile radius zone to 6 miles southeast of the VORTAC.

**Sioux Falls, S. Dak.**

Within a 5-mile radius of Joe Foss Field (latitude 43°34'55" N., longitude 96°44'35" W.); within 2 miles each side of the Sioux Falls VORTAC 156° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC.

**Sitka, Alaska**

Within a 5-mile radius of the Sitka Airport (lat. 57°02'55" N., long. 135°21'45" W.); within 2 miles each side of the Biorka Island VORTAC 029° and 209° radials, extending from the 5-mile radius zone to 2 miles southwest of the VORTAC; within 2 miles each side of the Sitka RBN 027° and 207° bearings, extending from the 5-mile radius zone to 2 miles southwest of the RBN; and within 2.5 miles each side of the localizer northwest course, extending from the 5-mile radius zone to 14 miles northwest of the localizer.

**South Bend, Ind.**

Within a 5-mile radius of Michiana Regional Airport, South Bend, Ind. (lat. 41°42'15" N., long. 86°18'50" W.).

**South Weymouth, Mass.**

Within a 5-mile radius of South Weymouth NAS (latitude 42°08'55" N., longitude 70°56'25" W.); within 2 miles each side of the 337° bearing from the South Weymouth RBN extending from the 5-mile radius zone to the RBN; within 2 miles each side of the South Weymouth TACAN 165° radial extending from the 5-mile radius zone to 6 miles S of the TACAN; and within 2 miles each side of the South Weymouth TACAN 073° radial extending from the 5-mile radius zone to 6 miles E of the TACAN. This control zone is effective from 0700-2300 hours, local time, Monday through Thursday; 0700-2400 hours, local time, Friday; 0001-2400 hours, local time, Saturday; 0001-2300 hours, local time, Sunday; or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Spartanburg, S. C.**

Within a 5-mile radius of Spartanburg Downtown Memorial Airport (latitude 34°54'55" N., longitude 81°57'32" W.); within 2 miles each side of Spartanburg VORTAC 196° radial, extending from the 5-mile radius zone to the VORTAC; within 3 miles each side of the 237° bearing from Fairmont RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; excluding the portion within the Greer (Greenville-Spartanburg Airport), S. C. control zone. This control zone is effective from 0600 to 2200 hours, local time, daily.

**Spokane, Wash. (Fairchild AFB)**

Within a 5-mile radius of Fairchild AFB (latitude 47°36'55" N., longitude 117°39'20" W.); within 2 miles each side of the Runway 23 extended centerline, extending from the 5-mile radius zone to 4 miles southwest of the liftoff end of Runway 23; and within 4 miles northwest and 4.5 miles southeast of the Spokane VORTAC 048° and 228° radials extending from 3 miles northeast to 8 miles southwest of the VORTAC, excluding the portion east of a line extending from latitude 47°30'19" N., longitude 117°34'45" W., to latitude 47°40'57" N., longitude 117°36'00" W.

**Spokane, Wash. (Felts Field)**

That airspace within a 5-mile radius of Felts Field (latitude 47°41'00" N., longitude 117°19'20" W.); within 2 miles northwest and 4.5 miles southeast of the Spokane VORTAC 060° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC, and within 2 miles each side of the 086° bearing from the Fort LOM, extending from the 5-mile radius zone to the LOM, excluding the portion within the Spokane, Wash. (International) control zone.

**Spokane, Wash. (International)**

Within a 5-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.); within 2 miles each side of the Runway 21 centerline extended, extending from the 5-mile radius zone to 6 miles southwest of the lift-off end of Runway 21, and within 2 miles northwest and 4.5 miles southeast of the Spokane VORTAC 060° radial, extending from the VORTAC to 11 miles northeast of the VORTAC, excluding the portion west of a line extending from latitude 47°30'19" N., longitude 117°34'45" W., to latitude 47°40'57" N., longitude 117°36'00" W.

**Springfield, Ill.**

That airspace within a 5-mile radius of Capital Airport (latitude 39°50'35" N., longitude 89°40'35" W.); within 2 miles each side of the Capital ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Capital VORTAC 040° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; within 2 miles each side of the Capital VORTAC 036° radial, extending from the 5-mile radius zone to 7 miles northeast of the VORTAC; and within 2 miles each side of the Capital VORTAC 058° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

**Springfield, Mo.**

Within a 5-mile radius of the Springfield Municipal Airport (latitude 37°14'35" N., longitude 93°23'20" W.) and within 2 miles W and 2.5 miles E of the Springfield VORTAC 200° radial, extending from the 5-mile radius zone to the VORTAC.

**Stockton, Calif.**

Within a 5-mile radius of Stockton Municipal Airport (latitude 37°53'39" N., longitude 121°14'14" W.); within 2 miles each side of the Stockton VORTAC 321° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Stockton ILS localizer SE course, extending from the 5-mile radius zone to 1 mile NW of the OM.

**Sumter, S. C.**

Within a 5-mile radius of Shaw AFB (lat. 33°58'15" N., long. 80°28'19" W.); within 1.5 miles each side of Shaw AFB TACAN 033° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN; within 2 miles east side of Shaw AFB TACAN 215° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the TACAN.



## Syracuse, N. Y.

Within a 5-mile radius of the center, latitude 43°06'50" N., longitude 76°06'35" W., of Syracuse Hancock International Airport extending clockwise from a 200° bearing to a 160° bearing from the airport; within a 6.5-mile radius of the center of the airport extending clockwise from a 160° to a 200° bearing from the airport; within 2.5 miles each side of the Syracuse Hancock International Airport Runway 10 ILS localizer back course extending from the localizer to a point 5 miles west of the localizer and within 1.5 miles each side of the Syracuse VORTAC 300° radial extending from the 5-mile radius area to the VORTAC excluding that airspace within a 0.5-mile radius of the center, lat. 43°10'45" N., long. 76°07'30" W. of Michael Field, Cicero, N. Y.

## Tacoma, Wash. (McChord AFB)

Within a 5-mile radius of McChord AFB (latitude 47°08'20" N., longitude 122°28'30" W.), excluding the portion SW of a line extending from latitude 47°09'12" N., longitude 122°35'15" W., to latitude 47°04'15" N., longitude 122°31'15" W.; within 2 miles each side of the McChord AFB VOR 182° radial, extending from the 5-mile radius zone to 7.5 miles S of the VOR.

## Tacoma, Wash. (Tacoma Industrial Airport)

Within a 5-mile radius of Tacoma Industrial Airport (latitude 47°15'55" N., longitude 122°34'40" W.), excluding the portion E of a line 2 miles E of and parallel to the 009° bearing from the Gray AAF RBN; within 2 miles each side of the 009° bearing from the Gray AAF RBN, extending from the 5-mile radius zone to 1 mile N of the RBN, excluding the portion within the McChord AFB control zone, and within 2 miles each side of the 187° bearing from the Crescent RBN (latitude 47°21'29" N., longitude 122°33'41" W.), extending from the 5-mile radius zone to 1 mile S of the RBN. The control zone will be effective during the times established in advance by a Notice to Airmen continuously published in the Airman's Information Manual.

## Talkeetna, Alaska

Within a 5-mile radius of Talkeetna Airport (latitude 62°19'20" N., longitude 150°05'20" W.). This control zone is effective from 0800 to 2400 hours local time daily, or during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

## Tallahassee, Fla.

Within a 5-mile radius of Tallahassee Municipal Airport (lat. 30°23'59" N., long. 84°21'22" W.); within 1.5 miles each side of the Tallahassee VORTAC 175° radial, extending from the 5-mile radius zone to 1.5 miles south of the VORTAC; within 1 mile each side of the ILS localizer north course extending from the 5-mile radius zone to 1.5 miles south of the Joseph Intersection.

## Tampa, Fla. (International Airport)

Within a 5-mile radius of Tampa International Airport (lat. 27°58'59" N., long. 82°31'38" W.); within 1.5 miles each side of St. Petersburg VORTAC 064° radial, extending from the 5-mile radius zone to 1 mile northeast of the VORTAC; excluding the portion within St. Petersburg control zone and the portion southeast of a line 2 miles north of and parallel to MacDill AFB ILS localizer northeast course.

## Tanana, Alaska

That airspace within a 5-mile radius of the Ralph M. Calhoun Memorial Airport (latitude 65°10'30" N., longitude 152°06'32" W.) and within 3.5 miles each side of the 251° bearing from the Bear Creek radio beacon, extending from the 5-mile radius zone to 11.5 miles west of the RBN, effective 0545 to 2145 hours, local time, daily or during the specific dates and times established in advance by Notice to Airmen. The effective date and time would thereafter be continuously published in the Flight Information Publication Supplement Alaska.

## Temple, Tex.

That airspace within a 5-mile radius of the Draughon-Miller Airport, Temple, Tex. (latitude 31°09'10" N., longitude 97°24'25" W.); and within 2 miles each side of the Temple, Tex., VOR 348° radial extending from the 5-mile radius zone to 11.5 miles N of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

## Terre Haute, Ind.

Within a 5-mile radius of Hulman Field (latitude 39°27'00" N., longitude 87°18'40" W.); within 2 miles each side of the Terre Haute ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Terre Haute VORTAC 051° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; and within 2 miles each side of the Terre Haute VORTAC 230° radial, extending from the 5-mile radius zone to 19 miles southwest of the VORTAC.

## Teterboro, N. J.

Within a 5-mile radius of the center, 40°50'57" N., 74°03'47" W. of Teterboro Airport, Teterboro, N. J.; within 3.5 miles each side of the Teterboro Airport ILS localizer southwest course, extending from the 5-mile radius zone to 11 miles southwest of the OM; excluding the portion that coincides with the Newark, N. J., control zone.

## Texarkana, Ark.

That airspace within a 5-mile radius of the Texarkana, Ark., Municipal Airport (latitude 33°27'20" N., longitude 93°59'15" W.); and within 2 miles each side of the 129° radial of the Texarkana VORTAC extending from the 5-mile radius zone to 0.5 mile SE of the VORTAC.

## PENDING AMENDMENT

The Texarkana, Ark., control zone is amended by adding the following sentence: This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/26/78 42 F. R. 61036 (Changed)

## Thermal, CA.

Within a 5-mile radius of Thermal Airport (latitude 33°37'40" N., longitude 116°09'45" W.).

## Thief River Falls, Minn.

Within a 5-mile radius of Thief River Falls, Minn., Municipal Airport (latitude 48°03'58" N., longitude 96°11'06" W.), within 2 miles each side of the 138° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius zone to 8 miles SE of the airport, and within 2 miles each side of the 305° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone will be effective during the times designated by a Notice to Airmen and continuously published in the Airman's Information Manual.

## Titusville, Fla.

Within a 5-mile radius of TI-CO Airport (latitude 28°30'42" N., longitude 80°48'00" W.); excluding the portion within R-2922. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Toledo, Ohio

Within a 5-mile radius of the center of Toledo Express Airport, Toledo, Ohio 41°35'15" N., 83°48'23" W.; within 2 miles each side of the airport ILS localizer SW course extending from the 5-mile radius zone to OM; within 2 miles each side of the airport ILS localizer NE course extending NE from the 5-mile radius zone for 7.5 miles from the localizer and within 2 miles each side of the Waterville VOR 318° radial extending from the 5-mile radius zone to 7 miles northwest of the VOR.

## Tonopah, Nev.

Within a 5-mile radius of Tonopah Airport (latitude 38°03'30" N., longitude 117°05'00" W.) and within 3.5 miles each side of the Tonopah VORTAC 115° radial, extending from the 5-mile radius zone to 10 miles southeast of the VORTAC.

## Topeka, Kans. (Forbes AFB)

Within a 5-mile radius of Forbes AFB (latitude 38°57'10" N., longitude 95°39'50" W.), within 2 miles each side of the Forbes AFB TACAN 321° radial extending from the 5-mile radius zone to 6 miles NW of the TACAN, and within 2 miles each side of the Forbes AFB ILS localizer SE course, extending from the 5-mile radius zone to 1 mile SE of the OM, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans. (Philip Billard Airport) control zone. This control zone will be effective as established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Topeka, Kans. (Philip Billard Airport)

Within a 5-mile radius of Philip Billard Airport (latitude 39°04'09" N., longitude 95°37'18" W.), within 2 miles each side of the Topeka VORTAC 219° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Philip Billard Airport ILS localizer SE course, extending from the 5-mile radius zone to 11 miles SE of the SE end of the Philip Billard Airport Runway 31, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans. (Forbes AFB) control zone.

## Torrance, CA.

Within a 3-mile radius of Torrance Municipal Airport (latitude 33°48'10" N., longitude 118°20'20" W.), within 2 miles each side of the Los Angeles VORTAC 150° radial, extending from the 3-mile radius zone to 7 miles southeast of the VORTAC, and within 1 mile each side of the Torrance localizer course extending from the 3-mile radius zone to 5 miles southeast of the lift-off end of Runway 11L. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Traverse, City, Mich.

Within a 5-mile radius of Cherry Capital Airport (latitude 44°44'35" N., longitude 85°34'55" W.); and within 3 miles each side of the Traverse City VORTAC 158° and 338° radials, extending from the 5-mile radius zone to 8 miles south of the VORTAC.



**Trenton, N. J.**

Within a 5-mile radius of Mercer County Airport, Trenton, N. J. (latitude 40° 16' 33" N., longitude 74° 48' 55" W.); within 2.5 miles N and 2 miles S of the Yardley, Pa., VOR 071° and 065° radials, extending from the 5-mile radius zone to the VOR, excluding the portion within a 1-mile radius of the Morrisville, Pa., Airport (latitude 40°12'00" N., longitude 74°48'55" W.).

**Tri-City, Tenn.**

Within a 5-mile radius of Tri-City Municipal Airport (latitude 36°28'30" N., longitude 82°24'20" W.); within 2 miles each side of Tri-City ILS localizer Northeast course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the 042° and 222° bearings from Boone RBN, extending from the 5-mile radius zone to 11 miles southwest of the RBN.

**Trinidad, Colo.**

Within a 5-mile radius of Los Animas County Airport (latitude 37°15'35" N., longitude 104°20'21" W.), and within 2 miles each side of the 352° bearing from the Trinidad, Colo., RBN extending from the 5-mile radius zone to 8 miles north of the RBN.

**Troutdale, Oreg.**

That airspace bounded on the north by a 5-mile radius area centered on the Portland-Troutdale Airport (lat. 45°33'30" N., long. 122°23'49" W.), on the south and east by a line parallel to and 3 miles southwest and northeast of the 119° bearing from the Lake LOM (lat. 45°32'38" N., long. 122°27'49" W.), extending from the LOM to 8 miles southeast, and on the west by the 154° radial of the Portland VORTAC. This control zone shall be effective from 0700 to 2300 hours, local time daily.

**Troy, Ala.**

Within a 5-mile radius of Troy Municipal Airport (latitude 31°51'40" N., longitude 86°00'45" W.); within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the 197° radial of the Troy VOR, extending from the 5-mile radius zone to 8.5 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Truth or Consequences, N. Mex.**

That airspace within a 5-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'15" W.), and within 3.5 miles either side of the Truth or Consequences, N. Mex., VORTAC 013° and 193° radials extending from the 5-mile radius zone to a point 9.5 miles north of the VORTAC. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 6/16/77 42 F. R. 20116 (Changed)

**Tucson, Ariz. (Davis-Monthan AFB)**

Within a 5-mile radius of Davis-Monthan AFB (latitude 32°10'00" N., longitude 110°53'00" W.) excluding the portion subtended by a chord drawn between the points of INT of the Davis-Monthan 5-mile radius zone and the Tucson International 5-mile radius zone, and within 2 miles SW and 2.5 miles NE of the Davis-Monthan ILS localizer SE course, extending from the 5-mile radius zone to the Davis-Monthan TACAN 139° radial 6.5 miles southeast of the TACAN.

**Tucson, Ariz. (Tucson International Airport)**

Within a 5-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'32" W.); within 3 miles each side of the Tucson VORTAC 273° radial extending from the 5-mile radius zone to 15 miles west of the VORTAC; within 2 miles each side of the extended centerline of Runway 21L extending from the 5-mile radius zone to 5 miles southeast of the lift-off end of Runway 12L; within 2 miles northeast and 2.5 miles southwest of the extended centerline of Runway 30R extending from the 5-mile radius zone to 15.5 miles northwest of the lift-off end of Runway 30R, and within 2 miles southeast and 3 miles northwest of the extended centerline of Runway 21 extending from the 5-mile radius zone to 6.5 miles southwest of the lift-off end of Runway 21, excluding the portion subtended by a chord drawn between the points of INT of the Tucson International Airport 5-mile radius zone with the Davis-Monthan AFB 5-mile radius zone.

**Tucumcari, N. Mex.**

That airspace within a 6-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103° 35'15" W.); within 2.5 miles each side of the Tucumcari, N. Mex., VORTAC 033° radial extending beyond the 6-mile radius zone to a point 6.5 miles northeast of the VORTAC; and within 2.5 miles each side of the Tucumcari, N. Mex., VORTAC 078° radial extending beyond the 6-mile radius zone to a point 6.5 miles east of the VORTAC.

**Tulsa, Okla.**

That airspace within a 5-mile radius of the Tulsa International Airport (latitude 36°12'00" N., longitude 95°53'15" W.); within 2 miles each side of the Tulsa ILS localizer N course, extending from the 5-mile radius zone to 1 mile S of the OM; within 2 miles each side of the Tulsa ILS localizer S course, extending from the 5-mile radius zone to 0.5 mile N of the OM; and within 2 miles each side of the Tulsa VORTAC 268° Radial, extending from the 5-mile radius zone to the VORTAC.

**Tulsa, Okla. (Riverside Airport)**

Within a 5-mile radius of Riverside Airport (latitude 36°02'19" N., longitude 95°59'00" W.), within 2 miles each side of the Glenpool TVOR 349° radial extending from the 5-mile radius zone to the TVOR and within 2.5 miles each side of the Tulsa VORTAC 223° radial extending from the 5-mile radius zone to 21 miles southwest of the VORTAC. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Tupelo, MS.**

Within a 5-mile radius of C. D. Lemons Municipal Airport (lat. 34°15'32" N., long. 88°45'32" W.); within 3 miles each side of Tupelo VOR 214° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR. This control zone is effective from 0700 to 2130 hours, local time, Monday through Friday; 0700 to 2000 hours, local time, Saturday, and 1100 to 2130 hours, local time, Sunday.

**Tuscaloosa, Ala.**

Within a 5-mile radius of Van De Graaff Airport (lat. 33°13'16" N., long. 87°36'39" W.); within 1.5 miles each side of the ILS localizer southwest course, extending from the 5-mile radius zone to 0.5 mile northeast of the OM. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 8/11/77 42 F. R. 35640 (Changed)

**Twin Falls, Idaho**

Within a 5-mile radius of the Twin Falls City-County (Joslin Field), Idaho Airport (latitude 42°28'54" N., longitude 114°29'11" W.) within 5 miles each side of Twin Falls VORTAC 086° and 281° radials, extending from the 5-mile radius zone to 10.5 miles east and 10.5 miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Tyler, Tex.**

That airspace within a 5-mile radius of Pounds Field, Tyler, Tex. (latitude 32°21'15" N., longitude 95°23' 55" W.); within 2 miles each side of the Pounds Field ILS localizer NW course extending from the 5-mile radius zone to 0.5 mile SE of the OM, and within 2 miles each of the Pounds Field ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

**Tyndall AFB, Fla.**

Within a 5-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.); within 1.5 miles each side of the Tyndall AFB TACAN 308° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN.

**Unalakleet, Alaska**

Within a 5-mile radius of Unalakleet Airport (lat. 63°53'12" N., long. 160°47'42" W.); within 3.5 miles each side of the Unalakleet 225° radial, extending from the VORTAC to 12.5 miles southwest of the VORTAC, and within 3.5 miles each side of the North River, Alaska, RBN 290° bearing, extending from the 5-mile radius zone to 8.5 miles west of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

**Utica, N. Y.**

Within a 5-mile radius of the center, lat. 43°08'45" N., long. 75°22'55" W. of Oneida County Airport, Utica, N. Y.; within 2 miles each side of the 317° bearing from the Clay RBN, extending from the 5-mile radius zone to 3 miles northwest of the RBN; within 2 miles each side of the Utica VORTAC 306° radial, extending from the 5-mile radius zone to 1 mile northwest of the VORTAC, excluding the portion within the Rome, N. Y., control zone.

**Valdez, Alaska**

Within a 3-mile radius of the Valdez Municipal Airport, latitude 61°07'58" N., longitude 146°14'24" W. This control zone is effective from 0800 to 1600 local time daily from mid-October to mid-May, and from 0600 to 2200 local time daily from mid-May to mid-October or during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the U. S. Government Flight Information Publication Supplement Alaska.



**Valdosta, Ga. (Moody AFB)**

Within a 5-mile radius of Moody AFB (lat. 30°58'01"N., long. 83°11'27"W.); within 1.5 miles each side of Moody TACAN 007° radial, extending from the 5-mile radius zone to 6 miles north of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/1/77 42 F. R. 54413 (Changed)

**Valdosta, Ga. (Valdosta Municipal Airport)**

Within a 5-mile radius of Valdosta Municipal Airport (lat. 30°46'58" N., long. 83°16'44" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 8/11/77 42 F. R. 33273 (Changed)

**Vandenberg AFB, Calif.**

Within a 5 mile radius of Vandenberg AFB, Lompoc, California (latitude 34°43'50"N, longitude 120°34'30"W); within 2 miles each side of the Vandenberg AFB ILS localizer southeast course, extending from 5 miles radius zone to 8.2 miles southeast of the Vandenberg AFB TACAN and within 1 mile radius of Lompoc Airport (latitude 34°39'55"N, longitude 120°27'55"W) excluding that portion within R-2516. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously established as published in the Airman's Information Manual.

**Van Nuys, CA.**

Within a 5-mile radius of Van Nuys Airport (latitude 34°12'30" N., longitude 118°29'15" W.), within 2.5 miles each side of the 350° radial of the Van Nuys VOR/DME facility extending from the 5-mile radius zone to 9.5 miles north of the facility, excluding the portion east of a line from latitude 34°16'00" N., longitude 118°25'55" W. to latitude 34°09'25" N., longitude 118°25'40" W.

**Vernal, Utah**

Within a 5-mile radius of Vernal Airport (latitude 40°26'30" N., longitude 109°30'50" W.), and within 3 miles each side of the Vernal VOR 157° radial, extending from the 5-mile radius zone to 8.5 miles S of the VOR. This control zone will be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

**Vero Beach, Fla.**

Within a 5-mile radius of Vero Beach Municipal Airport (lat. 27°39'05" N., long. 80°24'51" W.).

**Vichy, MO.**

Within a 5-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles each side of the 067° radial of the Vichy VORTAC extending from the 5-mile radius zone to 6½ miles northeast of the Vichy VORTAC.

**Victoria, Tex.**

Within a 5-mile radius of the Victoria County-Foster Airport (lat. 28°51'10" N., long. 96°55'20" W.) and within 3 miles each side of the Victoria, Tex., VOR 313° radial extending from the 5-mile radius zone to 10.5 miles northwest of the VOR.

**Victorville, Calif.**

Within a 5-mile radius of George AFB, Victorville, Calif. (latitude 34°35'45" N., longitude 117°22'55" W.) and within 2 miles each side of the 005° radial of the George TACAN (latitude 34°35'40" N., longitude 117°23'20" W.) extending from the 5-mile radius zone to 9 miles north of the TACAN. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Visalia, Calif.**

Within a 4-mile radius of the Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 123° radial, extending from the 4-mile radius zone to the VOR, excluding the portion within a 1-mile radius of Green Acres Airport, Visalia, Calif. (latitude 36°20'20" N., longitude 119°19'30" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously in the Airman's Information Manual.

**Waco, Tex.**

That airspace within a 5-mile radius of Waco-Madison Cooper Airport (latitude 31°36'40" N., longitude 97°13'40" W.); within 2 miles each side of the Waco VORTAC 330° radial extending from the 5-mile radius zone to 8 miles northwest of the VORTAC; within 2 miles each side of the Waco ILS localizer north course extending from the 5-mile radius zone to the OM and within a 5-mile radius of James Connally Airport (latitude 31°38'00" N., longitude 97°04'00" W.).



# DEPARTMENT OF TRANSPORTATION

Federal Aviation  
Administration

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UMI**Waimea-Kohala, Hawaii**

Within a 5-mile radius of the Waimea-Kohala Airport (latitude 20°00'17" N., longitude 155°40'16" W), and within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius zone to 9 miles northeast of the Kamuela VOR. This control zone is effective during times established in advance by a Notice to Airmen. The effective times will thereafter be continuously published in the Pacific Chart Supplement.

**Walla Walla, Wash.**

Within a 5-mile radius of Walla Walla City-County Airport (latitude 46°05'35" N., longitude 118°17'20" W.), within 3 miles each side of the Walla Walla VOR 215° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR and that airspace within an arc of a 14-mile radius circle centered on the Walla Walla VOR extending clockwise from a line 4 miles west to a line 4 miles southeast of and parallel to the Walla Walla VOR 354° and 036° radials.

**Washington, D. C.**

Within a 5-mile radius of the center, 38°51'07" N., 77°02'23" W., of Washington National Airport; within 1.5 miles each side of the Washington National Airport ILS localizer south course, extending from the 5-mile radius zone to 1 mile south of the OM; within 2 miles each side of the Washington National Airport ILS localizer south course, extending from the 5-mile radius zone to the OM; within 2.5 miles each side of the extended centerline of Washington National Airport Runway 15, extending from the 5-mile radius zone to 5 miles southeast of the southeast end of the runway; within 2.5 miles each side of the extended centerline of Washington National Airport Runway 33, extending from the 5-mile radius zone to 5 miles northwest of the northwest end of the runway; within 1.5 miles each side of the Washington VOR 320° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the VOR; within 2.5 miles each side of the Washington VOR 326° radial, extending from the 5-mile radius zone to 5.5 miles northwest of the VOR; within 2.5 miles each side of a 190° bearing from 38°55'13" N., 76°57'50" W., extending from said point to 5 miles south; excluding the portion within P-56, the east portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Camp Springs, Md., control zone, the portion of the southeast extension described by reference to the extended centerline of Washington National Airport Runway 15 that coincides with the Camp Springs, Md., control zone and the portion of the north extension described by reference to a 190° bearing from 38°55'13" N., 76°57'50" W., that coincides with the Camp Springs, Md., control zone.

**Waterloo, Iowa**

Within a 5-mile radius of Waterloo Municipal Airport (lat. 42°33'20" N., long. 92°24'00" W.); within 2½ miles each side of the Waterloo, Iowa, VORTAC 078° radial extending from the 5-mile radius zone to 6 miles east of the VORTAC; and within 2½ miles each side of the Waterloo, Iowa, VORTAC 194° radial extending from the 5-mile radius zone to 6½ miles south of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 001° radial extending from the 5-mile radius zone to 10½ miles north of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 316° radial extending from the 5-mile radius zone to 10½ miles northwest of the airport.

**Watertown, N. Y.**

That airspace within a 5-mile radius of the center 43°59'20" N., 76°01'20" W. of Watertown International Airport, Watertown, N. Y., and within 3 miles each side of the Watertown, N. Y., VOR 211° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR.

**Watertown, S. Dak.**

Within a 5-mile radius of Watertown Municipal Airport (latitude 44°54'51" N., longitude 97°09'16" W.); within 1.5 miles each side of the Watertown VORTAC 001° radial, extending from the 5-mile radius zone to 2.5 miles north of the VORTAC; and within 1 mile each side of the Watertown VORTAC 181° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC.

**Waukesha, Wis.**

Within a 5-mile radius of the Waukesha County Airport (latitude 43°02'25" N., longitude 88°14'00" W.); excluding a one-mile radius of Capitol Drive Airport (latitude 43°05'15" N., longitude 88°10'40" W.); within 2½ miles each side of the 272° bearing from the airport extending from the 5-mile radius area to 5.5 miles west. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Wausau, Wis.**

Within a 5-mile radius of the Wausau Municipal Airport (latitude 44°55'35" N., longitude 89°37'35" W.); and within 2½ miles each side of the 142° bearing from the Wausau Municipal Airport extending from the 5-mile radius zone to 6 miles southeast.

**Wenatchee, Wash.**

Within a 5-mile radius of Pangborn Field, Wenatchee, Wash. (lat. 47°24'00" N., longitude 120°12'30" W.) and within 3 miles each side of the Wenatchee VOR 124° radial extending from the 5-mile radius zone to 8 miles southeast of the VOR, excluding the airspace within a 1-mile radius of Fancher Field, Wash. (latitude 47°26'55" N., longitude 120°16'40" W.).



**Westfield, Mass.**

Within a 5-mile radius of the center 42°09'25" N., 72°42'50" W. of Barnes Municipal Airport, Westfield, Mass.; within 3 miles each side of the Barnes VOR 012° radial, extending from the 5-mile radius zone to 10 miles north of the VOR; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius zone to 7.5 miles northwest of the end of the runway, excluding the portion which coincides with the Westover, Mass., control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

**Westhampton Beach, NY.**

Within a 5.5-mile radius of Suffolk County Airport (lat. 40°50'39" N., long. 72°37'49" W.), excluding that portion within the Calverton, NY., control zone. This control zone shall be in effect from 0700 to 2300 hours, local time, daily.

**West Memphis, Ark.**

Within a 5-mile radius of the Municipal Airport, West Memphis, Ark. (latitude 35°08'24" N., longitude 90°14'00" W.); within 3 miles each side of the 351° bearing from the West Memphis RBN (latitude 35°08'20" N., longitude 90°14'02" W.), extending from the 5-mile radius zone 8 miles north of the RBN; and within 3 miles each side of the 186° bearing from the West Memphis RBN, extending from the 5-mile radius zone to 8 miles south of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Westover, Mass.**

Within a 5-mile radius of the center, 42°11'40" N., 72°32'15" W., Westover AFB, Chicopee Falls, Mass.; within 2 miles each side of the Westover ILS localizer NE course extending from the 5-mile radius zone to 10 miles NE of the OM; within 2 miles each side of Chicopee TACAN 028° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN and within 2 miles each side of the Westover AFB TACAN 221° radial extending from the 5-mile radius zone to 6 miles SW of the TACAN.

**Weyers Cave, Va.**

Within a 5-mile radius of the center (lat. 38°15'49" N., long. 78°53'46" W.), of Shenandoah Valley Airport, Weyers Cave, Va., and within 3.5 miles each side of the Shenandoah Valley Airport ILS localizer southwest course, extending from the 5-mile radius zone to 11.5 miles southwest of the OM. This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective times will thereafter be published in the Airman's Information Manual.

**Wheeling, W. Va.**

Within a 5-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 216° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 5-mile radius zone to the OM.

**Whidbey Island, Wash.**

Within a 5-mile radius of Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), within 2 miles each side of the Whidbey Island TACAN 351° radial, extending from the 5-mile radius zone to 6 miles north of the TACAN, and within 2 miles each side of the 283° bearing from the Whidbey Island RBN, extending from the 5-mile radius zone to 8 miles west of the RBN.

**White Plains, N. Y.**

Within a 5-mile radius of the center, 41°04'00" N., 73°42'33" W., of Westchester County Airport, White Plains, N. Y., extending clockwise from a 065° bearing to a 305° bearing from the airport; within a 6-mile radius of the center of the airport extending clockwise from a 305° bearing to a 065° bearing from the airport; and within 2 miles each side of the extended centerline of Runway 16, extending from the southeast end of Runway 16 to 4 miles southeast of the southeast end of Runway 16.

**Wichita, Kans. (McConnell AFB)**

Within a 5-mile radius of McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.); within 2 miles west and 4 miles east of the McConnell AFB TACAN 008° radial, extending from the 5-mile radius zone to 7 miles north of the TACAN; and within 2 miles each side of the McConnell AFB TACAN 199° radial, extending from the 5-mile radius zone to 6 miles south of the TACAN, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Wichita, Kans. (Wichita Municipal), control zone.

**Wichita, KS. (Wichita Municipal)**

Within a 5-mile radius of the Wichita, KS., Municipal Airport (latitude 37°39'09" N., longitude 97°25'47" W.); and within 2 miles each side of the Wichita Municipal Airport ILS localizer north course, extending to 7.5 miles north, excluding that portion subtended by a chord drawn between the points of INT of the 5-mile-radius zone of the Wichita, KS., (McConnell AFB), 5-mile-radius control zone.

**Wichita Falls, Tex.**

That airspace within a 5-mile radius of Sheppard AFB/Municipal Airport, Wichita Falls, Tex., (latitude 33°58'55" N., longitude 98°29'35" W.); within 2 miles each side of the Wichita Falls VORTAC 092° radial extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the ILS localizer SE course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Sheppard TACAN 333° radial extending from the 5-mile radius zone to 7.5 miles N of the TACAN, and within 2 miles each side of the Sheppard TACAN 163° radial extending from the 5-mile radius zone to 7 miles S of the TACAN.

**Wilkes-Barre, Pa.**

Within an 8-mile radius of the center, lat. 41°20'18" N., long. 75°43'29" W. of Wilkes-Barre-Scranton Airport, extending clockwise from a 235° bearing to a 355° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 355° bearing to a 025° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 025° bearing to a 050° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 050° bearing to a 210° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 210° bearing to a 235° bearing from the airport; within 3.5 miles each side of the Wilkes-Barre-Scranton Airport ILS localizer southwest course extending from the OM to 6 miles southwest of the OM and within 4 miles each side of the Wilkes-Barre-Scranton Airport ILS localizer northeast course extending from the localizer to a point 11.5 miles northeast of the localizer.

**Williamsport, Pa.**

Within a 6-mile radius of the center, 41°14'32" N., 76°55'12" W. of Williamsport-Lycoming County Airport, extending clockwise from a 099° bearing to a 145° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 145° bearing to a 172° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 172° bearing to a 203° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 203° bearing to a 241° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 241° bearing to a 270° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 270° bearing to a 312° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 312° bearing to a 350° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 350° bearing to a 358° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 358° bearing to a 004° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 004° bearing to a 099° bearing from the airport; and within 4 miles each side of the Williamsport-Lycoming County Airport ILS localizer east course, extending from the MM to 8.5 miles east of the MM.

**Williston, N. Dak. (Sloulin Airport)**

Within a 5-mile radius of the Sloulin International Airport (latitude 48°10'35" N., longitude 103°38'10" W.); within 1½ miles each side of the Williston VOR 136° radial, extending from the 5-mile radius zone to 1½ miles southeast of the VOR; and within 2 miles each side of the 126° bearing from the Sloulin International Airport, extending from the 5-mile radius zone to 10 miles southeast of the airport.

**Willoughby, OH.**

Within a 5-mile radius of the Lost Nation Airport (latitude 41°40'45" N., longitude 81°23'45" W.); within 4 miles each side of the 088° bearing from the Lost Nation RBN extending from the 5-mile radius zone to 12 miles east of the RBN; within 3 miles each side of the 268° bearing from the RBN extending from the 5-mile radius zone to 8.5 miles west of the RBN; within 3 miles each side of the 050° radial of the Lost Nation TVOR extending from the 5-mile radius zone to 8.5 miles northeast of the TVOR; excluding the portion within the Cleveland, OH, (Cuyahoga County Airport), control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airman's Information Manual.

**Willow Grove, Pa.**

Within a 5-mile radius of the center, 40°12'00" N., 75°08'55" W. of Willow Grove NAS, Willow Grove, Pa., extending clockwise from a 347° bearing to a 253° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 253° bearing to a 347° bearing from the airport; within 3 miles each side of the Willow Grove TACAN 136° radial, extending from the TACAN to 7 miles southeast of the TACAN; within 3.5 miles each side of the Willow Grove TACAN 325° radial, extending from the 5-mile radius and 5.5-mile radius zones centered on Willow Grove NAS to 8.5 miles northwest of the TACAN; within 3.5 miles each side of a 330° bearing from the Willow Grove RBN, extending from the 5-mile radius and 5.5-mile radius zone centered on Willow Grove NAS to 10 miles northwest of the RBN; within a 5-mile radius of the center, 40°12'15" N., 75°04'30" W. of Warminster NAF, Warminster, Pa.; within 1.5 miles each side of the Yardley VORTAC 244° radial, extending from the 5-mile radius zone centered on Warminster NAF to 2 miles southwest of the VORTAC; within 3 miles each side of the Warminster TACAN 083° radial, extending from the 5-mile radius zone centered on Warminster NAF to 6 miles east of the TACAN, excluding the south portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone centered on Warminster NAF with the North Philadelphia, Pa., control zone 6-mile radius zone and excluding that portion of the control zone southeast extension described by reference to the Willow Grove TACAN 136° radial that coincides with the North Philadelphia, Pa., control zone. This control zone is effective from 0700 to 2400 hours, local time, Monday through Friday; and 0001 to 2400 hours, local time, Saturday and Sunday or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Wilmington, Del.**

Within a 6-mile radius of the center 39°40'42" N., 75°36'27" W., of the Greater Wilmington Airport, Wilmington, Del.; within 3.5 miles each side of the New Castle, Del., VORTAC 281° radial extending from the 6-mile zone to 9.5 miles west of the VORTAC and within 3.5 miles each side of the New Castle VORTAC 114° radial extending from the 6-mile radius zone to 9.5 miles southeast of the VORTAC.

**Wilmington, N. C.**

Within a 5-mile radius of New Hanover County Airport (latitude 39°16'15" N., longitude 77°54'05" W.).

**Windsor Locks, Conn.**

Within a 5-mile radius of the center lat. 41°56'19" N., long. 72°41'00" W., of Bradley International Airport, Windsor Locks, Conn.; within 3.5 miles each side of the Bradley International Airport ILS localizer southwest course, extending from the 5-mile radius zone to 11.5 miles southwest of the OM; within 2 miles each side of the centerline of Runway 19 extended from the 5-mile radius zone to 6 miles S of the end of the runway; within 2 miles each side of the centerline of Runway 15 extended from the 5-mile radius zone to 6 miles SE of the end of the runway within 2 miles each side of the centerline of Runway 6 extended from the 5-mile radius zone to 5 miles from the end of the runway; within 2 miles each side of the centerline of Runway 1 extended from the 5-mile radius zone to 6 miles from the end of the runway.

**Wink, Tex.**

Within a 3-mile radius of the Winkler County Airport (latitude 31°46'45" N., longitude 103°12'05" W.): within 2 miles each side of the Wink VOR 161° radial, extending from the VOR to 5 miles south of the airport.

**Winona, Minn.**

Within a 5-mile radius of the Winona Municipal-Max Conrad Field (latitude 44°04'37" N., longitude 91°42'22" W.): within 2½ miles each side of the 319° bearing from Winona Municipal-Max Conrad Field, extending from the 5-mile radius area to 6 miles northwest of the airport and within 3 miles each side of the 107° bearing from the Winona Municipal-Max Conrad Field extending from the 5-mile radius area to 6½ miles east of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Winslow, AZ.**

Within a 6-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and that airspace within an arc of an 8.5-mile radius circle centered on Winslow VORTAC, extending clockwise from a line 3.5 miles south of and parallel to the Winslow 277° radial to a line 3.5 miles north of and parallel to the Winslow 292° radial.

**Winston-Salem, N. C.**

Within a 5-mile radius of Smith Reynolds Airport (lat. 36°08'01" N., long. 80°13'22" W.); within 2 miles each side of Winston-Salem ILS localizer southeast course, extending from the 5-mile radius zone to the LOM.

**Worcester, Mass.**

Within a 5-mile radius of Worcester Municipal Airport (Lat. 42°16'05" N, Long. 71°52'20" W.).

**Worland, Wyo.**

Within a 5-mile radius of Worland Municipal Airport (latitude 43°58'10" N., longitude 107°56'50" W.), and within 3.5 miles each side of the Worland VOR 352° radial, extending from the 5-mile radius zone to 12 miles north of the VOR.

**Worthington, Minn.**

That airspace within a 5-mile radius of Worthington Municipal Airport (latitude 43°39'17" N., longitude 95°35'01" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Wrightstown, N. J. (McGuire AFB)**

Within a 5-mile radius of McGuire AFB (latitude 40°00'55" N., longitude 74°35'25" W.), within 2 miles each side of the McGuire VOR 350° radial extending from the 5-mile radius zone to 7 miles N of the VOR; within 2 miles each side of the McGuire VOR 051° radial extending from the 5-mile radius zone to 7 miles NE of the VOR; within 2 miles each side of the McGuire VOR 180° radial extending from the 5-mile radius zone to 6 miles S of the VOR; and within 2 miles each side of the McGuire AFB ILS localizer SW course extending from the 5-mile radius zone to 8 miles southwest of the localizer.

**Yakima, Wash.**

Within a 5-mile radius of the Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'25" W.), within 4 miles north and 2 miles south of the Yakima ILS localizer east course, extending from the 5-mile radius zone to 4 miles east of the Donald OM, and within 2.5 miles each side of the Yakima ILS localizer west course, extending from the 5-mile radius zone to 18.5 miles west of the Donald OM.

**Yakutat, Alaska**

Within a 5-mile radius of Yakutat Airport (latitude 59°30'10" N., longitude 139°39'40" W.); within 2 miles each side of the Yakutat VORTAC 147° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; and that airspace bounded on the northeast by a line 2 miles northeast of and parallel to the 315° bearing from the Ocean Cape, Alaska, RBN, on the east and southeast by the 5-mile radius zone, on the south by a line 3 miles south of and parallel to the 283° bearing from the Ocean Cape, Alaska, RBN, and on the west and northwest by the arc of an 8-mile radius circle centered on the Ocean Cape, Alaska, RBN.

**Yankton, S. Dak.**

That airspace within a 5-mile radius of Chan Gurney Municipal Airport (latitude 42°54'45" N., longitude 97°23'15" W.); within 2½ miles each side of the Yankton VOR 321° radial extending from the 5-mile radius to 7 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Youngstown, Ohio**

Within a 5-mile radius of the center lat. 41°15'28" N., long. 80°40'34" W. of Youngstown Municipal Airport, Youngstown, Ohio; within 2 miles each side of the extended centerline of Runway 5, extended from the 5-mile radius zone to 6 miles northeast of the center of the airport; within 2 miles each side of the extended centerline of Runway 14, extended from the 5-mile radius zone to 5.5 miles southeast of the center of the airport; within 2 miles each side of the extended centerline of Runway 23, extended from the 5-mile radius zone to 5.5 miles southwest of the center of the airport and within 1 mile each side of the Youngstown Municipal Airport localizer northwest course, extended from the 5-mile radius zone to 5.5 miles northwest of the center of the airport.

**Yuma, Ariz.**

Within a 5-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'10" N., longitude 114°36'20" W.); within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 5-mile radius zone to 2 miles south of the VORTAC, and within 2.5 miles each side of the Yuma TACAN (latitude 32°38'48" N., longitude 114°36'46" W.) 037° radial, extending from the 5-mile radius zone to 8 miles northeast of TACAN.

**Zanesville, Ohio**

Within a 5-mile radius of the Zanesville Municipal Airport (latitude 39° 56' 40" N., longitude 81° 53' 20" W.); within 2 miles each side of the Zanesville RBN 210° bearing, extending from the 5-mile radius zone to 7 miles SW of the RBN; and within 2 miles each side of the Zanesville VOR 222° radial, extending from the 5-mile radius zone to 7 miles SW of the VOR; excluding that airspace within a 1-mile radius of the Riverside Airport, Zanesville, (latitude 39° 59' 10" N., longitude 81° 59' 00" W.).



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## SUBPART G - TRANSITION AREAS

## § 71.181 Designation.

The parts of airspace described below are designated as transition areas.

## Aberdeen, Md.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 39°28'00"N., long. 76°10'00"W., of Phillips AAF; within a 9.5-mile radius of the center of the airport, extending clockwise from a 260° bearing to a 010° bearing from the airport; within 3.5 miles each side of a 029° bearing from the Aberdeen, Md., RBN, extending from the RBN to 11.5 miles northeast of the RBN; within 5 miles each side of a 029° bearing from the Aberdeen, Md., RBN, extending from the RBN to 9.5 miles northeast of the RBN; within 5 miles each side of the Phillips VOR 033° radial, extending from the VOR to 13 miles northeast of the VOR.

AMENDMENTS 8/11/77 42 F. R. 37359 (Changed)

## Aberdeen, SD.

That airspace extending upward from 700 feet above the surface within a 15½-mile radius of the Aberdeen VORTAC; and within 5½ miles southwest and 9½ miles northeast of the Aberdeen VORTAC 131° radial, extending from the 15½-mile radius area to 21½ miles southeast of the VORTAC, and within 3½ miles southwest and 5 miles northeast of the Aberdeen VORTAC 312° radial, extending from the 15½-mile radius area to 22 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 22½-mile radius of the Aberdeen VORTAC; and within 6 miles northeast and 9½ miles southwest of the Aberdeen VORTAC 312° radial, extending from the 22½-mile radius area to 29 miles northwest of the VORTAC.

## Abilene, Tex.

That airspace extending upward from 700 feet above the surface within a 23-mile radius of latitude 32°25'10" N., longitude 99°51'15" W., and within 8 miles east and 5 miles west of the Abilene ILS localizer south course extending from the OM to 12 miles south.

## Ada, Okla.

That airspace extending upward from 700 feet AGL within a 5-mile radius of the Ada Municipal Airport (latitude 34°48'20" N., longitude 96°40'15" W.) and within 3.5 miles each side of the 139° bearing from the Ada RBN (latitude 34°48'30" N., longitude 96°40'23" W.) extending from the 5-mile radius area to 8.5 miles southeast of the RBN.

## Adak, Alaska

That airspace extending upward from 700 feet above the surface within the arc of a 15-mile radius circle centered on the NS Adak Airport (latitude 51°52'59" N., longitude 176°38'54" W.), extending clockwise from the 033° bearing to the 090° bearing from the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Navy Adak TACAN 250° radial extending from the TACAN to 12 miles west of the TACAN.

## Adrian, Mich.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Lenawee County Airport (latitude 41°52'10" N., longitude 84°04'30" W.); and within 3 miles each side of the 221° bearing from the Lenawee County Airport, extending from the 6½-mile radius area to 8 miles southwest of the airport.

## Aguadilla, P. R.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Borinquen Airport (lat. 18°29'45" N., long. 67°08'00" W.); within a 10-mile radius of Mayaguez Airfield (lat. 18°15'26" N., long. 67°08'58" W.).

## Ahoskie, N.C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Tri-County Airport (lat. 36°17'56"N., long. 77°10'26"W.); within 3 miles each side of the 171° bearing from the Ahoskie RBN (lat. 36°17'57"N., long. 77°10'33"W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

AMENDMENTS 12/30/76 41 F.R. 44998 (Rewritten)

## Aiken, S. C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Aiken Municipal Airport (latitude 33°39'10" N., longitude 81°41'25" W.); within 3 miles each side of the 048° bearing from Aiken RBN (latitude 33°39'06" N., longitude 81°40'38" W.), extending from the 8-mile radius area to 8.5 miles northeast of the RBN.

## Albany, Ga.

## Ainsworth, Nebr.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ainsworth Municipal Airport (latitude 42°34'40" N., longitude 99°59'15" W.); and within 3 miles each side of the 344° bearing from Ainsworth Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport.

## Aitkin, Minn.

That airspace extending upward from 700 feet above the surface within a five-statute-mile radius of the Aitkin Municipal Airport (lat. 46°32'45"N., long. 93°40'45"W.) and within 3 statute miles each side of the 355° bearing of the Aitkin NDB, extending from the 5-mile radius to 8.5 statute miles north of the airport.

AMENDMENTS 10/6/77 42 F. R. 41626 (Added)

## Akron, Colo.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Akron-Washington County Airport (latitude 40°10'30" N., longitude 103°12'45" W.), and that airspace extending upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the Akron VORTAC 123° and 303° radials, extending from 20 miles southeast to 10 miles northwest of the VORTAC.

## Akron, Ohio

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 40°54'58" N., long. 81°26'32" W. of Akron-Canton Airport, Akron, Ohio, and within 5 miles each side of the Akron-Canton Airport south localizer course extending from the Akron-Canton Airport 8.5-mile radius area to 11.5 miles south of the Akron-Canton Runway 1 OM; within a 10-mile radius area of the center, lat. 41°02'18" N., long. 81°28'01" W. of Akron Municipal Airport, Akron, Ohio; within 5 miles each side of the Akron VORTAC 255° radial extending from the Akron Municipal Airport 10-mile radius area to the VORTAC; within a 6-mile radius of the center, lat. 41°12'35" N., long. 81°14'55" W. of Portage County Airport, Ravenna, Ohio; within 1.5 miles each side of the Akron VORTAC 340° radial extending from the Portage County Airport 6-mile radius area to the VORTAC; within a 5-mile radius area of the center of lat. 41°08'45" N., long. 81°25'00" W. of Andrew W. Paton of Kent State University Airport, Kent, Ohio; within a 7-mile radius of the center, lat. 41°08'06" N., long. 81°45'36" W. of Freedom Field, Medina, Ohio, and within 4.5 miles south and 6.5 miles north of the Medina, Ohio, RBN (lat. 41°08'29" N., long. 81°38'46" W.) 084° and 264° bearings extending from 5.5 miles west to 11.5 miles east of the RBN.

## Alabama

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Alabama, including that airspace within 3 nautical miles from and parallel to the shoreline of Alabama, excluding the portion within R-2101.

## Alabaster, Ala.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby County Airport (lat. 33°10'40"N., long. 86°47'00"W.); within a 6.5-mile radius of Bessemer Airport (lat. 33°18'49"N., long. 86°55'29"W.) within 3 miles each side of the 241° bearing from Bessemer RBN (lat. 33°18'42"N., long. 86°55'25"W.) extending from the 6.5-mile radius to 8.5 miles southwest of the RBN; excluding that portion which coincides with the Birmingham transition area.

AMENDMENTS 10/6/77 42 F. R. 43387 (Changed)

## Alamogordo, N. Mex.

That airspace extending upward from 700 feet above the surface within a 11-mile radius of the Holloman AFB Airport (latitude 32°51'04" N., longitude 106°06'05" W.); within 4 miles east and 6 miles west of the Holloman AFB TACAN 349° radial extending from the 11-mile radius area to 17.5 miles north of the TACAN; within 2 miles east and 6 miles west of the extended centerline of Runway 15 extending from the 11-mile radius area to 12.5 miles south of the south end of Runway 15. This transition area will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

## Alamosa, Colo.

That airspace extending upward from 700 feet above the surface within 10 miles northeast and 9 miles southwest of the Alamosa VORTAC 335° and 155° radials extending from 20 miles northwest to 12 miles southeast of the VORTAC; and within 2 miles northwest and 6 miles southeast of the Alamosa VORTAC 200° radial extending from the VORTAC to 16 miles southwest of the VORTAC.

That airspace extending upward from 1,200 feet above the surface within 13 miles northeast and 9.5 miles southwest of the Alamosa VORTAC 335° radial extending from the VORTAC to 31 miles northwest of the VORTAC; within 5 miles each side of the Alamosa VORTAC 018° radial extending from the VORTAC to 45 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 065° radial extending from the VORTAC to 37 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 080° radial extending from the VORTAC to 56 miles east of the VORTAC; within 4.5 miles northeast and 9.5 miles southwest of the Alamosa VORTAC 127° radial extending from the VORTAC to 19 miles southeast of the VORTAC; and within 5 miles each side of the Alamosa VORTAC 200° radial extending from the VORTAC to 37 miles southwest of the VORTAC.

That airspace extending upward from 12,000 feet MSL within 5 miles each side of the Alamosa VORTAC 200° radial extending from 37 to 54 miles southwest of the VORTAC.

## Alexandria, La.



**Albany, Ga.**

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Albany-Dougherty County Airport (lat. 31°32'07" N., long. 84°11'41" W.); within 2 miles each side of Albany VORTAC 143° radial, extending from the 9.5-mile radius area to the VORTAC; within a 5.5-mile radius of Sylvester Airport (lat. 31°33'25" N., long. 83°53'33" W.); within 3 miles each side of the 194° bearing from Sylvester RBN (lat. 31°33'27" N., long. 83°53'34" W.), extending from the 5.5-mile radius area to 8.5 miles south of the RBN.

**Albany, N. Y.**

That airspace extending upward from 700 feet above the surface within the area bounded by a point on the Albany VORTAC 007° radial 23 miles north of the VORTAC, thence clockwise along the arc of a 23-mile radius circle centered on the Albany VORTAC to its point of intersection with the Albany VORTAC 037° radial, thence southwest along the Albany VORTAC 037° radial to a point 12 miles northeast of the VORTAC, thence clockwise along the arc of a 12-mile radius circle centered on the Albany VORTAC to its point of intersection with the arc of a 9-mile radius circle centered on the Schenectady VOR (42°51'05" N., 73°56'05" W.), thence clockwise along the arc of the 9-mile radius circle centered on the Schenectady VOR to its point of intersection with a line 2 miles south and parallel to the extended centerline of the Schenectady County Airport Runway 28, thence west along this parallel line to its point of intersection with the arc of a 13-mile radius circle centered on the Schenectady VOR, thence clockwise along the arc of this 13-mile radius circle to its point of intersection with the Schenectady VOR 342° radial, thence north along a line bearing 356° from this point to the point of intersection of this line and the arc of a 19-mile radius circle centered on the Schenectady VOR, thence clockwise along the arc of the 19-mile radius circle centered on the Schenectady VOR to its point of intersection with the arc of a 23-mile radius circle centered on the Albany VORTAC; within 5 miles each side of the Albany VORTAC 082° radial, extending from the Albany VORTAC to 18.5 miles east of the VORTAC; within a 6.5-mile radius of the center lat. 43°03'00" N., long. 73°51'30" W., of Saratoga County Airport, Saratoga Springs, N. Y., and within 4 miles each side of the Cambridge VORTAC 279° radial, extending from 43 miles west of the Cambridge VORTAC to the 6.5-mile radius area.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 44°00'00" N., long. 73°47'00" W.; to lat. 44°00'00" N., long. 73°16'00" W.; to lat. 43°47'00" N., long. 72°39'00" W.; to lat. 43°11'00" N., long. 72°39'00" W.; to lat. 42°02'00" N., long. 73°16'00" W.; to lat. 42°01'00" N., long. 74°30'00" W.; to lat. 43°19'00" N., long. 74°30'00" W.; to point of beginning.

AMENDMENTS 12/30/76 41 F. R. 50244 (Changed)  
AMENDMENTS 10/6/77 42 F. R. 41107 (Changed)

**Albany, Ohio**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the University of Ohio Airport (latitude 39°12'38" N., longitude 82°13'53" W.).

**Albert Lea, Minn.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Albert Lea Airport (latitude 43°40'52" N., longitude 93°22'04" W.); within 3 miles each side of the 356° bearing from the Albert Lea Municipal Airport extending from the 5½-mile radius to 8 miles north of the airport.

**Albertville, Ala.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Albertville Municipal Airport (latitude 34°13'54" N., longitude 86°15'08" W.); within 3 miles each side of the 048° bearing from Saratoga RBN (latitude 34°15'00" N., longitude 86°13'25" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

**Albion, N. J.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 39°46'40" N., 74°56'55" W., of Albion Airport, Albion, N. J., and within 2 miles each side of the Millville VORTAC 003° radial extending from the 5-mile radius area to the VORTAC, excluding the portion that coincides with the Millville, N. J., transition area. This transition area is effective from sunrise to sunset, daily.

**Albuquerque, N. Mex.**

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Albuquerque International Airport (latitude 35°02'42" N., longitude 106°36'02" W.) and within a 10.5-mile radius of Alameda Airport (latitude 35°11'30" N., longitude 106°40'00" W.).

**Alexander City, Ala.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Thomas C. Russell Field Airport (latitude 32°55'15" N., longitude 85°57'45" W.); within 3 miles each side of the 171° bearing from the Alexander City RBN (latitude 32°53'10" N., longitude 85°57'30" W.), extending from the 5-mile radius area to 8.5 miles south of the RBN.

**Alexandria, La.**

That airspace extending upward from 700 feet above the surface within a 16-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.), within a 7-mile radius of Esler Regional Airport (latitude 31°23'45" N., longitude 92°17'40" W.), and within 4 miles each side of the Esler VOR 155° radial extending from the Esler Regional Airport 7-mile radius area to 17 miles southeast of the VOR.

**Alexandria, Ind.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Alexandria Airport (latitude 40°13'25" N., longitude 85°38'15" W.) excluding the portion which overlies the Anderson, Ind., transition area.

**Alexandria, Minn.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Alexandria Municipal Airport (latitude 45°52'00" N., longitude 95°23'40" W.); and within 2 miles each side of the Alexandria VORTAC 231° radial, extending from the 7-mile radius area to the VORTAC.

**Algona, Iowa**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Algona Municipal Airport (latitude 43°04'30" N., longitude 94°16'15" W.); and within 3.5 miles each side of the 297° bearing from the Algona Municipal Airport, extending from the 7-mile radius area to 11.5 miles northwest of the airport.

**Allegan, Mich.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Padgham Field Airport (latitude 42°31'55" N., longitude 85°49'45" W.); and within 2½ miles each side of the 072° radial of the Pullman VORTAC, extending from the 7-mile radius area to 22 miles east of the VORTAC, excluding the portion which overlies the Battle Creek, Michigan 700-foot floor transition area.

**Allendale, S. C.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Allendale County Airport (latitude 35°59'30" N., longitude 81°16'05" W.); within 2.5 miles each side of Allendale VOR 329° radial, extending from the 6-mile radius area to 8.5 miles northwest of the VOR.

**Allentown, Pa.**

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the center, 40°39'16" N., 75°26'11" W. of Allentown-Bethlehem-Easton Airport, Allentown, Pa., extending clockwise from a 311° bearing to a 001° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 001° bearing to a 028° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 028° bearing to a 311° bearing from the airport; within a 9-mile radius of the center, 40°34'13" N., 75°29'19" W. of Allentown-Queen City Municipal Airport, Allentown, Pa.; within 3.5 miles each side of the Allentown-Bethlehem-Easton Airport localizer southwest course, extending from the OM to 11.5 miles southwest of the OM; within 4.5 miles west and 6.5 miles east of the Allentown VORTAC 358° radial extending from the VORTAC to 17.5 miles north of the VORTAC; within 5 miles each side of the East Texas VORTAC 103° and 283° radials, extending from 1 mile east of the VORTAC to 8.5 miles west of the VORTAC; within 5 miles each side of the East Texas VORTAC 095° radial, extending from the 9-mile radius area to the East Texas VORTAC; within a 15-mile radius of the Allentown VORTAC extending clockwise from the Allentown VORTAC 358° radial to the Allentown VORTAC 104° radial; within 4.5 miles northeast and 6.5 miles southwest of the Allentown-Bethlehem-Easton Airport localizer northwest course, extending from the OM to 11.5 miles northwest of the OM.

AMENDMENTS 5/19/77 42 F. R. 24045 (Changed)

**Alliance, Nebr.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Alliance Municipal Airport (latitude 42°02'45" N., longitude 102°48'30" W.); and within 3 miles each side of the 142° bearing from Alliance Municipal Airport, extending from the 10-mile radius area to 11 miles southeast of the airport.

**Alliance, Ohio**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 40°59'00" N., long. 81°02'30" W. of Miller Airport, Alliance, Ohio, and within a 5.5-mile radius of the center, lat. 40°54'22" N., long. 81°00'02" W. of Tri-City Airport, Sebring, Ohio.

**Alma, Ga.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bacon County Airport (lat. 31°32'17" N., long. 82°30'33" W.). This transition area is effective from 0600 to 2200 hours, local time, daily.



**Alma, Mich.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Gratiot Community Airport (latitude 43°19'15" N., longitude 84°41'12" W.); within 4 miles either side of a 267° bearing from Gratiot Community Airport extending from the 6.5-mile radius area to 15 miles west of the airport.

**Almyra, Ark.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Almyra Municipal Airport (latitude 34°24'30" N., longitude 91°27'30" W.).

**Alpena, Mich.**

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Alpena VORTAC; within 9½ miles west and 4½ miles east of the 360° bearing from the Alpena RBN, extending from the 17-mile radius area to 18½ miles north of the RBN; within 9½ miles west and 4½ miles east of the 346° radial of the Alpena VORTAC extending from the 17-mile radius area to 18½ miles north of the VORTAC; within 9½ miles southwest and 4½ miles northeast of the 305° radial of the Alpena VORTAC extending from the 17-mile radius area to 18½ miles northwest of the VORTAC; and within 9½ miles east and 4½ miles west of the Alpena VORTAC 186° radial extending from the 17-mile radius area to 18½ miles south of the VORTAC.

**Alpine, Tex.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center of the Alpine Municipal Airport (latitude 30°23'00" N., longitude 103°41'00" W.) and extending 6.0 miles west and 9.5 miles east of the 023° bearing from the airport coordinates to a point 24.5 miles north of the airport coordinates.

**Alturas, Calif.**

That airspace extending upward from 700 feet above the surface within a five-mile radius of Alturas Municipal Airport (lat. 41°29'02"N., long. 120°33'49"W.) and within three miles each side of the Alturas NDB (lat. 41°28'16"N., long. 120°33'25"W.) 167° bearing, extending from the five-mile radius area to nine miles south of the NDB; that airspace extending upward from 1,200 feet above the surface, within six miles east and nine miles west of the 167° and 347° bearings extending from the NDB to 21 miles south and nine miles north of the NDB and within five miles each side of the 079° and 239° bearings extending from the NDB to west edge of V-165 and the east edge of V-452.

AMENDMENTS 10/6/77 42 F. R. 40693 (Added)

**Alva, Okla.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alva Municipal Airport (latitude 36°46'00" N., longitude 98°40'00" W.); within 2 miles each side of the 170° bearing from the Alva RBN (latitude 36°46'47" N., longitude 98°40'34" W.), extending from the 5-mile radius area to 8 miles south of the RBN.

**Amarillo, Tex.**

That airspace extending upward from 700 feet above the surface within a 20-mile radius of Amarillo Air Terminal (latitude 35°13'10" N., longitude 101°42'40" W.).

**Americus, Ga.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Souther Field (lat. 32°07'00" N., long. 84°11'30" W.); within 3 miles each side of the 041° bearing from Souther RBN (lat. 32°06'39" N., long. 84°11'07" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

**Ames, Iowa**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Ames Municipal Airport (latitude 41°59'25" N., longitude 93°37'06" W.), and within 3 miles each side of the 127° bearing from Ames Municipal Airport, extending from the 5½-mile radius area to 7 miles southeast of the airport.

**Anahuac, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chambers County Airport (latitude 29°46'12"N., longitude 94°39'51"W.) and within 3 miles each side of the 137° bearing from the Chambers County RBN (latitude 29°46'23"N., longitude 94°39'47"W.) extending from the 5-mile-radius area to 8.5 miles southeast of the RBN.

AMENDMENTS 12/30/76 41 F. R. 44688 (Added)

**Anchorage, Alaska**

That airspace extending upward from 700 feet above the surface within an 18-mile radius of the Anchorage International Airport (latitude 61°10'18" N., longitude 149°58'48" W.); that airspace extending upward from 1,200 feet above the surface within an 85-mile radius of the Anchorage VORTAC; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Anchorage VORTAC, excluding the portions within the United States, Federal Airways, Control 1218, Control 1310, the Cordova, Alaska, and Middleton Island, Alaska, control area extensions, the King Salmon, Alaska, transition area, and the Anchorage Oceanic Control Area.

**Anderson, Ind.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Anderson Municipal Airport (lat. 40°06'30" N., long. 85°36'55" W.) and within 4 miles each side of the 298° bearing from the airport, extending from the 8.5-mile radius to 12 miles northwest of the airport; excluding the airspace that overlies the Muncie transition area.

**Anderson, S. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Anderson County Airport (latitude 34°29'40" N., longitude 82°42'30" W.).

**Andover, N. J.**

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, 41°00'00" N., 74°44'00" W. of Aeroflex-Andover Airport, Andover, N. J., extending clockwise from a 053° bearing to a 103° bearing from the airport, within a 9.5-mile radius of the center of the airport, extending clockwise from a 103° bearing to a 174° bearing from the airport; within an 8.5-mile radius of the center of the airport extending clockwise from a 174° bearing to a 225° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 225° bearing to a 295° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 295° bearing to a 053° bearing from the airport; within 1.5 miles each side of the Stillwater, N. J., VORTAC 083° radial, extending from the 7-mile radius area to the Stillwater, N. J., VORTAC.

That airspace extending upward from 1200 feet above the surface bounded by a line beginning at: 41°19'00" N., 74°33'00" W.; 40°49'00" N., 74°37'00" W.; 40°48'00" N., 75°00'00" W.; 40°56'16" N., 75°11'04" W.; 41°31'00" N., 75°07'00" W. to point of beginning.

**Andrews, S. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Andrews Municipal Airport (lat. 33°27'30"N., long. 79°31'57"W.); within 3 miles each side of the 171° bearing from the Punch RBN (lat. 33°27'29"N., long. 79°32'00"W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

AMENDMENTS 4/21/77 42 F. R. 13819 (Added)

**PENDING AMENDMENT****Andrews, Tex.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Andrews County Airport (lat. 32°20'00"N., long. 102°31'31"W.) and within 3.5 miles each side of the 355° bearing from the Andrews RBN (lat. 32°20'45"W., long. 102°32'07"W.) extending from the 9-mile radius area to 11.5 miles north of the RBN.

AMENDMENTS 1/26/78 42 F. R. 61038 (Added)

**Angola, Ind.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Tri-State Airport (latitude 41°38'22" N., longitude 85°05'12" W.), and within 3 miles either side of the 239° bearing from the airport extending from the 7-mile radius to 8 miles southwest of the airport.

**Aniak, Alaska**

That airspace extending upward from 700 feet above the surface within a 22.5 mile radius of the Aniak localizer (lat. 61°35'02"N., long. 159°33'01"W.) extending from a bearing of 238°T (218°M) clockwise to 049°T (029°M) from the Aniak NDB; within 4.5 miles southwest and 9.5 miles northeast of the Aniak localizer west course extending from the localizer to 25.5 miles west of the localizer; within 9.5 miles southwest and 4.5 miles northeast of the Aniak NDB 114°T (094°M) bearing extending from the NDB to 22 miles southeast of the NDB; and within 9.5 miles southeast and 4.5 miles northwest of the Aniak NDB 230°T (210°M) bearing extending from the NDB to 24 miles southwest of the NDB.

AMENDMENTS 12/1/77 42 F. R. 43387 (Rewritten)

**Annette Island, Alaska**

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Annette Island VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 9 miles southwest of the Nichols, Alaska, RBN 331° bearing, extending from the RBN to 28 miles NW of the RBN; and within 14 miles northeast and 22 miles southwest of the Annette Island VORTAC 150° radial, extending from the VORTAC to 30 miles southeast of the VORTAC; excluding the portion outside the United States.

**Anniston, Ala.**

That airspace extending upward from 700 feet above the surface within a 15-mile radius of Anniston-Calhoun County Airport (latitude 33°35'23" N., longitude 85°51'20" W.); within a 12-mile radius of Talladega Municipal Airport (latitude 33°34'07" N., longitude 86°03'36" W.); within 9.5 miles southeast and 4.5 miles northwest of Talladega VORTAC 223° radial, extending from the 12-mile radius area to 18.5 miles southwest of the VORTAC; within 9.5 miles south and 4.5 miles north of the Talladega VORTAC 252° radial, extending from the 12-mile radius area to 18.5 miles west of the VORTAC; within an 8-mile radius of St. Clair County Airport, Pell City, Ala. (lat. 33°33'22" N., long. 86°14'58" W.); excluding the portion within R-2101.

**Annville, Pa.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center lat. 40°19'00"N., long. 76°32'15"W. of Millard Airport, Annville, Pa.; within an 8.5-mile radius of the center of the airport, extending clockwise from a 105° bearing to a 143° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 143° bearing to a 180° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 180° bearing to a 230° bearing from the airport; and within 4.5 miles each side of the Harrisburg VORTAC 078° radial extending from the 5.5-mile radius area to 13 miles east of the VORTAC.

**Anoka, Minn.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Gateway North Industrial Airport (latitude 45°13'50" N., longitude 93°26'40" W.); excluding that portion overlying the Minneapolis transition area.

**Antigo, Wis.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Langlade County Airport (latitude 45°09'20" N., longitude 89°06'33" W.); within 3 miles each side of the 358° bearing from the airport extending from the 5-mile radius area to 8 miles north of the airport.

**Apalachicola, Fla.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Apalachicola Municipal Airport (lat. 29°43'45" N., long. 85°01'45" W.); within 3 miles each side of the 322° bearing from Apalachicola RBN, extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

**Arcata, Calif.**

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 323° bearing from the Arcata, Calif., RBN, extending from the RBN to 7.5 miles northwest of the RBN; that airspace bounded on the north by latitude 40°57'00" N., on the northeast by a line 2 miles northeast of and parallel to the ILS localizer southeast course, on the south by latitude 40°45'00" N., on the southwest by a line 2 miles southwest of and parallel to the 129° and 309° bearings from the Murray Airport latitude 40°48'18" N., longitude 124°06'52" W., on the west by a line 1 mile west of and parallel to the 219° bearing from the Arcata, Calif., RBN; that airspace extending upward from 1,200 feet above the surface, bounded on the north by latitude 41°16'00" N., on the east and south by a line 9 miles northeast of and parallel to the 333° and 153° bearings from the Arcata, Calif., RBN to latitude 40°34'00" N., latitude 40°22'00" N., longitude 124°12'00" W., thence to latitude 40°22'00" N., longitude 124°30'00" W., on the west by longitude 124°30'00" W., within 9 miles each side of the Fortuna, Calif., VORTAC 110° radial, extending from the VORTAC to 61 miles east of the VORTAC, and that airspace within an arc of a 28-mile radius circle centered on the Fortuna, Calif., VORTAC extending counterclockwise from the northeast edge of V-27 to the south edge of V-195.

**Ardmore, Okla.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W.); within a 5-mile radius of the Downtown Ardmore Airport (latitude 34°09'30" N., longitude 97°08'00" W.); within 2 miles each side of the Ardmore VOR 233° and 053° radials, extending from the 7-mile radius area to 8 miles SW of the VOR; within 2 miles N and 8 miles S of the 265° and 085° bearings from the Ardmore RBN, extending from 3 miles E to 8 miles W of the RBN; and within 3.5 miles each side of the 168° bearing from the Downtown Ardmore NDB (latitude 34°09'20"N., longitude 97°07'35"W.) extending from the 5-mile-radius area to 11.5 miles south of the NDB.

**Arkadelphia, Ark.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Arkadelphia Municipal Airport (latitude 34°06'15" N., longitude 93°03'45" W.), and within 3.5 miles each side of the 216° bearing from the Arkadelphia RBN (latitude 34°03'19" N., longitude 93°06'17" W.) extending from the 6.5-mile radius area to 11.5 miles southwest of the RBN.

**Arkansas**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Arkansas.

**Arkansas City/Winfield, Kans.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Strother Field (latitude 37°10'10" N., longitude 97°02'25" W.); and within 5 miles each side of the 175° bearing from Strother Field, extending from the 7-mile radius area to 15 miles south to the airport.

**Artesia, N. Mex.**

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Artesia Municipal Airport (lat. 32°50'58" N., long. 104°28'02" W.); and within 3.5 miles each side of the Artesia NDB (lat. 32°51'11" N., long. 104°27'34" W.) 152° bearing, extending from the 9.5-mile radius area to 12 miles south of the NDB; within 3.5 miles each side of the Artesia, N. Mex., NDB 296° bearing extending from the 9.5-mile radius area to 12 miles northwest of the NDB.

**Asheboro, N. C.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Asheboro Municipal Airport (latitude 35°39'18" N., longitude 79°53'41" W.), within 3 miles each side of the 051° bearing from the City Lake RBN, (latitude 35°42'58" N., longitude 79°51'56" W.), extending from the 8-mile radius area to 8.5 miles northeast of the RBN.

AMENDMENTS 2/24/77 41 F. R. 52294 (Rewritten)

**Asheville, N. C.**

That airspace extending upward from 700 feet above the surface within 7 miles east and west of the 160° and 340° bearings from Biltmore RBN, extending from 7 miles north of Biltmore RBN to 12 miles south of Broad River RBN; within 9.5 miles east and 4.5 miles west of the ILS localizer south course, extending from Broad River RBN to 18.5 miles south of the RBN; within 5 miles each side of Sugarloaf Mountain VORTAC 230° radial, extending from the VORTAC to Broad River RBN; within 3 miles each side of the 339° bearing from Biltmore RBN, extending from the RBN to 8.5 miles north of the RBN.

**Ashland, Ky.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Ashland-Boyd County Airport (lat. 38°33'00" N., long. 82°44'15" W.); within 2.5 miles each side of York VORTAC 117° radial, extending from the 8-mile radius area to 0.5 mile east of the VORTAC; excluding the portion within Huntington, W. Va., transition area.

**Ashland, Ohio**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Ashland County Airport (latitude 40°54'11" N., longitude 82°15'21" W.); within 3 miles each side of the 002° bearing from the airport extending from the 5½-mile radius area to 12 miles north of the airport, excluding that portion which overlies the Mansfield, Ohio, transition area.

**Ashland, VA.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center (lat. 37°42'27" N., long. 77°26'11" W.) of Hanover County Municipal Airport, Ashland, VA., and within 2.5 miles each side of the Richmond, VA., VORTAC 336° radial, extending from the 5.5-mile radius area to 22 miles northwest of the VORTAC.

**Ashland, Wis.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the John F. Kennedy Memorial Airport (lat. 46°32'59" N., long. 90°55'05" W.).

**Ashtabula, Ohio**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Ashtabula County Airport, Ashtabula, Ohio (lat. 41°46'40" N., long. 80°41'45" W.) and within 3.5 miles each side of the Jefferson VORTAC 243° radial extending from the 8-mile radius area to 11.5 miles southwest of the VORTAC.

**Aspen, Colo.**

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 39°41'00" N., longitude 107°12'30" W., to latitude 39°31'30" N., longitude 107°25'00" W., to latitude 39°17'30" N., longitude 107°09'00" W., to latitude 39°10'24" N., longitude 106°56'04" W.; thence clockwise via a 5-mile arc from the Aspen-Pitkin County Airport (latitude 39°13'30" N., longitude 106°52'09" W.) to latitude 39°16'33" N., longitude 106°48'12" W., to latitude 39°27'30" N., longitude 107°01'00" W. to point of beginning.



**Astoria, Oreg.**

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Astoria VOR 309° radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport, Astoria, Oreg. (latitude 46°09'25" N., longitude 123°52'40" W.) to 8 miles NW of the Fort Stevens FM (latitude 46°12'31" N., longitude 123°57'51" W.), and within 2 miles each side of the Astoria VOR 347° radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport to 8 miles N of the VOR; within 4.5 miles north and 9.5 miles south of the Astoria VOR 268° radial, extending from the western edge of V-27 to a point 18.5 miles west of the VOR; and that airspace extending upward from 1,200 feet above the surface within 6 miles NE and 5 miles southwest of the Astoria, Oreg., VOR 147° and 327° radials, extending from 7 miles southeast to 13 miles northwest of the VOR; within 9 miles south and 2 miles north of the Astoria VOR 268° radial; extending from the VOR to 13 miles west of the VOR; within 5 miles northeast and 8 miles southwest of the Astoria VOR 309° radial, extending from the Fort Stevens fan marker to 12 miles northwest of the fan marker and within 8 miles northeast and 6 miles southwest of the Astoria VOR 309° radial extending from the Fort Stevens fan marker to 20 miles northwest of the fan marker.

That airspace extending upward from 4,500 feet MSL bounded on the northwest by the southeast edge of V-27E, on the east by the west edge of V-165, and on the south by the north edge of V-112.

**Athens, Ga.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Athens Municipal Airport (latitude 33°56'54" N., longitude 83°19'37" W.).

**Athens, Tenn.**

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of McMinn County Airport (lat. 35°23'45" N., long. 84°33'45" W.).

**Athens, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jones Municipal Airport (latitude 32°10'00" N., longitude 95°50'00" W.); within an 8.5-mile radius of Lochridge Ranch Airport (latitude 31°59'21" N., longitude 95°57'03" W.); within 3.5 miles each side of the 176° bearing from the Athens RBN (latitude 32°09'35" N., longitude 95°49'50" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN; within 3 miles each side of a 211° bearing from the Athens RBN extending from the 5-mile radius area to the 8.5-mile radius area; and within 4.5 miles each side of the 356° bearing from the Lochridge Ranch RBN (latitude 32°03'48" N., longitude 95°57'27" W.) extending from the 8.5-mile radius area to 10.5 miles N of the RBN.

**Atlanta, Ga.**

That airspace extending upward from 700 feet above the surface within a 15-mile radius of The William B. Hartsfield Atlanta International Airport (latitude 33°38'31" N., longitude 84°25'34" W.); within 4.5 miles north and 9.5 miles south of the 091° bearing from Bruce RBN, extending from the 15-mile radius area to 18.5 miles east of the RBN; within 9.5 miles northeast and 4.5 miles southwest of the 151° bearing from Jonesboro RBN, extending from the 15-mile radius area to 18.5 miles southeast of the RBN; within 9.5 miles south and 4.5 miles north of Atlanta ILS Runway 9R localizer west course, extending from the 15-mile radius area to 18.5 miles west of the LOM; within a 10-mile radius of Charlie Brown County Airport (latitude 33°46'35" N., longitude 84°31'15" W.); within an 11.5-mile radius of Dobbins AFB/NAS Atlanta (latitude 33°54'54" N., longitude 84°30'59" W.); within 4 miles each side of the Dobbins TACAN 301° radial, extending from the 11.5-mile radius area to 11.5 miles northwest of the TACAN; within an 8.5-mile radius of De Kalb-Peachtree Airport (latitude 33°52'30" N., longitude 84°18'10" W.); within a 6.5-mile radius of Falcon Field Airport, Peachtree City, GA. (latitude 33°21'23" N., longitude 84°34'07" W.); within a 6.5-mile radius of Griffin-Spaulding County Airport, Griffin, Ga. (latitude 33°13'30" N., longitude 84°16'30" W.).

**PENDING AMENDMENT**

The Atlanta, Ga., transition area is amended as follows: "within 9.5-miles northeast and 4.5-miles southwest of the 151° bearing from Jonesboro RBN; extending from the 15-mile radius area to 18.5-miles southeast of the RBN" and "within a 6.5-mile radius of Griffin-Spaulding County Airport, Griffin, Ga. (latitude 33°13'30" N., longitude 84°16'30" W.)" are deleted.

AMENDMENTS 1/26/78 42 F. R. 59752 (Changed)

**Atlanta, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Atlanta Municipal Airport (latitude 33°06'10" N., longitude 94°11'40" W.) and within 3 miles each side of the 237° bearing from the NDB (latitude 33°06'13" N., longitude 94°11'25" W.) extending from the 5-mile radius area to a point 8 miles southwest of the NDB.

**Atlantic, Iowa**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Atlantic Municipal Airport (latitude 41°24'20" N., longitude 95°02'45" W.); and within 5 miles NE and 8 miles SW of the 313° bearing from the Atlantic, Iowa, RBN, extending from the RBN to 12 miles NW.

**Atlantic City, N. J.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 35°27'25" N., 74°34'45" W. of Atlantic City Municipal (Pomona) Airport, Atlantic City, N. J., and the airspace bounded on the SW by the Atlantic City VORTAC 176° radial to 3 NM offshore; on the SE by a line 3 NM offshore; and on the NE by the Atlantic City VORTAC 112° radial, within 8 miles SW and 5 miles NE of the Atlantic City ILS localizer NW course extending from the 12-mile radius area to 12 miles NW of the OM.

**Atterbury, Ind.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bakalar AFB (latitude 39°15'50" N., longitude 85°53'55" W.) and within 2 miles each side of the 041° bearing from the AFB, extending from the 6-mile radius zone to 12 miles NE of the AFB.

**Auburn, Ala.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Auburn-Opelika Airport (latitude 32°36'52" N., longitude 85°25'52" W.).

**Auburn, Ind.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Auburn-De Kalb Airport (latitude 41°18'25" N., longitude 85°04'00" W.); and within 2½ miles each side of the Fort Wayne, Ind., VORTAC 016° radial, extending from the 5-mile radius area to the arc of a 17-mile radius circle centered on Bear Field (latitude 40°58'50" N., longitude 85°11'25" W.).

**Auburn, Maine**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°03'00" N., 70°17'00" W., of Auburn-Lewiston Municipal Airport; within 3 miles each side of the 204° and 024° bearing from the Poland Springs, Maine, NDB, 43°57'47" N., 70°20'14" W., extending from the 5-mile radius area to 9 miles southwest of the NDB; within 2 miles each side of the 048° bearing from the Poland Springs, Maine, NDB extending from the NDB to 13 miles northeast of the NDB.

**Audubon, Iowa**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Audubon Municipal Airport (latitude 41°42'30" N., longitude 94°55'00" W.).

**Augusta, Ga.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bush Field (lat. 32°22'10" N., long. 81°57'55" W.); within 9.5 miles west and 4.5 miles east of Augusta ILS localizer south course, extending from the 11-mile radius area to 18.5 miles south of the LOM; within a 9-mile radius of Daniel Field (lat. 33°27'55" N., long. 82°02'25" W.); within a 7-mile radius of Thomson-McDuffie Airport, Thomson, Ga. (lat. 33°31'45" N., long. 82°31'00" W.); within 9.5 miles north and 4.5 miles south of the 090° bearing from McDuffie RBN (lat. 33°31'45" N., long. 82°26'30" W.), extending from the 7-mile radius area to 18.5 miles east of the RBN.

**Augusta, Maine**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center of the Augusta State Airport, (lat. 44°19'N., long. 69°48'W.) and within 6.5 miles northeast and 9.5 miles southwest of the 328° radial of the Augusta VORTAC extending 24 miles northwest of the Augusta VORTAC, and within an 11.5-mile radius of the center of Waterville Robert LaFleur Airport (lat. 44°32'10"N., long. 69°40'30"W.), Waterville, Maine, and within 4.5 miles southwest and 9.5 miles northeast of the Augusta VORTAC 156° radial extending 19.0 miles southeast of the Augusta VORTAC; excluding that portion which coincides with the Wiscasset, Maine, 700-foot Transition Area.

AMENDMENTS 12/30/76 41 F. R. 27958 (Rewritten)

**Aurora, Nebr.**

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Aurora Municipal Airport (lat. 40°53'34"N., long. 97°59'37"W.) and within 2 miles each side of the 110° radial of the Grand Island VOR, extending from the 5 mile radius to 7 miles west of the airport, excluding that portion which overlies the Grand Island, Nebraska, transition area and within 3 miles each side of the 358° bearing from the Aurora, Nebraska, NDB extending from the 5 mile radius to 8.5 miles north of the airport.

**Aurora, Oreg.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Aurora State Airport (latitude 45°15'00" N., longitude 122°46'10" W.) and within 2.5 miles each side of the 126° radial of the Newberg VORTAC, extending from the 5-mile radius area to the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the 306° radial of the Newberg VORTAC, extending from the VORTAC to 18.5 miles northwest of the VORTAC.



**Austin, Minn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Austin Municipal Airport (latitude 43°40'00" N., longitude 92°56'00" W.); within 3 miles each side of the Austin VOR 350° radial extending from the 5-mile radius to 8 miles north of the VOR; and within 3 miles each side of the Austin VOR 175° radial extending from the 5-mile radius to 8 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 2½-mile radius of the Austin Municipal Airport; excluding the portions which overlie the Rochester, Minn., Albert Lea, Minn., and Mason City, Iowa, transition areas.

**Austin, Tex.**

That airspace extending upward from 700 feet above the surface within a 16-mile radius of Robert Mueller Municipal Airport (latitude 30°17'55" N., longitude 97°42'00" W.); within 2 miles each side of the Bergstrom ILS localizer south course, extending from the 16-mile radius area to 12 miles south of the LOM.

**Babylon, N. Y.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Republic Airport, Farmingdale, N. Y. (latitude 40°43'45" N., longitude 73°24'50" W.); within 4.5 miles northeast and 6.5 miles southwest of the Republic Airport ILS localizer northwest course, extending from the outer marker (latitude 40°46'35" N., longitude 73°28'59" W.) to 11.5 miles northwest of the outer marker; within 3.5 miles each side of a 155° bearing from the Babylon, N. Y., radio beacon extending from the 10-mile radius area to 11.5 miles southeast of the radio beacon; within 3.5 miles each side of a 165° bearing from the Babylon, N. Y., radio beacon extending from the 10-mile radius area to 11.5 miles southeast of the radio beacon; within a 9.5-mile radius of Grumman-Bethpage Airport (latitude 40°44'45" N., longitude 73°29'30" W.).

**Bad Axe, MI.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Huron County Airport (latitude 43°47'00" N., longitude 82°59'00" W.); within 3 miles each side of the 023° and 215° bearings from the Huron County Airport extending from the 5-mile radius area to 8 miles northeast and southwest of the airport.

**Bainbridge, Ga.**

That airspace extending from 700 feet above the surface within a 6.5-mile radius of Commodore Decatur Airport (lat. 30°54'55"N., long. 84°36'16"W.).

AMENDMENTS 8/11/77 42 F. R. 30149 (Rewritten)

**Baker, Oreg.**

That airspace extending upward from 1,200 feet above the surface within 8 miles northeast and 6 miles southwest of the Baker VORTAC 138° and 317° radials extending from 14 miles southeast to 16 miles northwest of the VORTAC and within 10 miles west and 5 miles east of the Baker VORTAC 345° radial, extending from the VORTAC to the south edge of V-298.

**Bakersfield, CA.**

That airspace extending upward from 700 feet above the surface within 4.5 miles each side of the Bakersfield ILS localizer southeast course, extending from an arc of a 5-mile radius circle centered on Meadows Field, Bakersfield, CA. (latitude 35°25'40" N., longitude 119°03'05" W.) to 7 miles southeast of the LOM, within 4.5 miles each side of the Bakersfield VORTAC 144° radial, extending from an arc of a 5-mile radius circle centered on Meadows Field to 17.5 miles southeast of the VORTAC, within 4.5 miles each side of the Bakersfield ILS localizer northwest course, extending from an arc of a 5-mile radius circle centered on Meadows Field to 21.5 miles northwest of the LOM and within 4.5 miles each side of the Bakersfield VORTAC 338° radial, extending from the VORTAC to 13 miles north of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 36°00'00" N., on the east by longitude 118°45'00" W., on the south by latitude 35°05'00" N., and on the west by a line extending from latitude 35°05'00" N., longitude 120°05'00" W. to latitude 35°43'50" N., longitude 120°05'00" W. to latitude 35°43'50" N., longitude 119°30'00" W. to latitude 36°00'00" N., longitude 119°30'00" W.

**Baltimore, Md.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 39°10' 26" N., 76°40'12" W., of Baltimore Washington International Airport, Baltimore, Md.; within a 15-mile radius arc of the Baltimore VORTAC extending clockwise from the Baltimore VORTAC 230° radial to the 342° radial; within 3.5 miles each side of the centerline of Baltimore Washington International Airport runway 10, extended to 8.5 miles east of the end of the runway; within 4.5 miles north and 6.5 miles south of the Baltimore Washington International Airport ILS localizer west course, extending from the OM to 11.5 miles west of the OM; within an 8.5-mile radius of the center 39°19'40"N., 76°24'57"W. of Glenn L. Martin State Airport, Baltimore, Md.; within a 9-mile radius of the center of the airport, extending clockwise from a 239° bearing to a 256° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 256° bearing to a 270° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 270° bearing to a 320° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 320° bearing to a 348° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 348° bearing to a 007° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 007° bearing to a 027° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 027° bearing to a 054° bearing from the airport; within 3.5 miles each side of a 132° bearing from the Martin, Md. RBN, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 11.5 miles southeast of the RBN; within 3.5 miles each side of a 129° bearing from the Martin, Md. RBN, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 11.5 miles southeast of the RBN; within 5 miles each side of the Martin, Md. TACAN 317° radial, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 17.5 miles northwest of the TACAN.

**Bangor, Maine**

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius arc of the center, lat. 44°48'28" N., long. 68°49'41" W. of Bangor International Airport, Bangor, Maine, extending clockwise from 245° to 093°; within a 12-mile radius arc of Bangor International Airport, extending clockwise from 093° to 245°; within 3 miles each side of the Bangor, Maine, VORTAC 318° radial, extending from the VORTAC to 9 miles northwest of the VORTAC; within 4.5 miles northeast and 9.5 miles southwest of the Bangor International Airport ILS localizer southeast course, extending from the OM to 18.5 miles southeast of the OM; within a 5-mile radius of the center, lat. 44°57'15" N., long. 68°40'30" W. of De Witt Field-Old Town Municipal Airport, Old Town, Maine; within 1.5 miles each side of the Bangor VORTAC 052° radial extending from the De Witt Field-Old Town Municipal Airport 5-mile radius area to the VORTAC; within 4 miles each side of the Bangor VORTAC 050° radial, extending from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 25.5 miles northeast of the VORTAC; within 3.5 miles each side of the 028° bearing and the 208° bearing from the Old Town, Maine, RBN lat. 45°00'24" N., long. 68°38'02" W., extending from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 10.5 miles northeast of the RBN; within 2 miles each side of the De Witt Field-Old Town Municipal Airport runway 22 centerline extended from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 6 miles south of the end of the runway; within 2 miles each side of the De Witt Field-Old Town Municipal Airport runway 33 centerline extended from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 6 miles northwest of the end of the runway; within 2 miles each side of the De Witt Field-Old Town Municipal Airport runway 15 centerline extended from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 5 miles southeast of the end of the runway.

and that airspace

extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44°20'10" N., longitude 67°56'00" W., to latitude 44°18'30" N., longitude 67°56'00" W., to latitude 43°52'00" N., longitude 69°00'00" W., to latitude 43°48'00" N., longitude 69°03'00" W., to lat. 43°44'00" N., long. 69° 19'42" W.; to latitude 43°50'00" N., longitude 69° 18' 00" W.. to latitude 43° 59' 00" N.. longitude 69° 16' 00" W., to latitude 44° 09' 00" N., longitude 69° 39' 00" W., thence clockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine, VOR to latitude 44° 09' 00" N., longitude 69° 57' 00" W., to latitude 44° 03' 00" N., longitude 70° 06' 00" W.. to latitude 43° 50' 00" N., longitude 70° 12' 00" W., to latitude 43° 55' 00" N., longitude 70° 28' 00" W.. to latitude 44° 05' 00" N., longitude 70° 23' 00" W., to latitude 44° 12' 00" N., longitude 70° 10' 00" W.. to latitude 44° 16' 00" N., longitude 70° 14' 00" W., to latitude 44° 39' 00" N., longitude 69° 47' 00" W.. to latitude 44° 50' 00" N., longitude 69° 47' 00" W., to latitude 45° 12' 00" N., longitude 69° 23' 00" W., to latitude 45° 24' 00" N., longitude 68° 55' 00" W., to latitude 45° 30' 00" N., longitude 68° 31' 00" W.. to latitude 45° 27' 00" N., longitude 68° 20' 00" W., to latitude 45° 33' 00" N., longitude 68° 16' 00" W.. to latitude 45° 38' 00" N., longitude 67° 40' 30" W., thence via the United States/Canadian border latitude 44°47'45" N., longitude 66°53'00" W., thence by a line 3-nautical miles from and parallel to the U. S. shoreline to the point of beginning.

**Baraboo, Wis.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Baraboo-Wisconsin Dells Airport (latitude 43°31'30" N., longitude 89°46'15" W.); within an 11-mile radius of the Reedsburg Airport (latitude 43°31'44" N., longitude 89°59'06" W.) and within a 10-mile radius of the Portage Airport (latitude 43°33'35" N., longitude 89°23'58" W.).

AMENDMENTS 2/24/77 41 F.R. 52047 (Rewritten)



**Bardstown, Ky.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Samuels Field (lat. 37°48'55" N., long. 85°29'58" W.); within 3 miles each side of the 022° bearing from Bardstown RBN (lat. 37°50'52" N., long. 85°29'00" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN.

**Bar Harbor, ME.**

That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the center (lat. 44°26'56" N., long. 68°21'42" W.) of the Bar Harbor Airport excluding that airspace previously designated as the Bangor, ME., 700-foot transition area. Within 4.5 miles west and 9.5 miles east of the Bar Harbor ILS localizer course extending from the 12.5-mile radius to 11.5 miles north of the Surry (BH) NDB.

**Barnesville, Ohio**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 40°00'10" N., long. 81°11'30" W., of the Bradfield Airport, Barnesville, Ohio.

**Barnwell, S. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Barnwell County Airport (lat. 33°15'26" N., long. 81°23'06" W.); within 3 miles each side of the 009° bearing from Barnwell RBN (lat. 33°15'31" N., long. 81°22'43" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

**Bartlesville, Okla.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Phillips Airport (lat. 36°45'46" N., long. 96°00'38" W.); and within 5 miles each side of the Bartlesville VORTAC 175° radial extending from the 9-mile radius to 21.5 miles south of the VORTAC; and within 5.5 miles west and 3.5 miles east of the Bartlesville localizer north course extending from the 9-mile radius to 12 miles north of the VORTAC.

AMENDMENTS 8/11/77 42 F. R. 30607 (Rewritten)

**Bastrop, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Morehouse Memorial Airport (latitude 32°45'25" N., longitude 91°52'50" W.) and within 2 miles each side of the Monroe VORTAC 030° radial extending from the 5-mile radius area to 19 miles northeast of the VORTAC, and within 3 miles each side of the 159° bearing from the NDB (latitude 32°45'28" N., longitude 91°52'53" W.) extending from the 5-mile radius area to 8 miles southeast of the NDB.

**Batavia, NY.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center lat. 43°01'45" N., long. 78°10'15" W. of Genesee County Airport, Batavia, NY., and within 2.5 miles each side of the Rochester, NY., VORTAC 257° radial, extending from the 5.5-mile radius area to 19.5 miles west of the VORTAC.

**Batesville, Ark.**

That airspace extending upward from 700 feet above the surface within a 15-statute mile radius of Batesville Regional Airport, Batesville, Ark. (latitude 35°43'44" N., longitude 91°38'32" W.); and within 3.5 miles each side of the 255° bearing from the Batesville NDB (latitude 35°42'13" N., longitude 91°45'03" W.), extending from the 15-mile radius area to 11.5-statute miles west of the NDB; excluding that portion which overlies the Heber Springs, Ark., transition area.

**Baton Rouge, La.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ryan Airport (latitude 30°31'55" N., longitude 91°09'00" W.); within 2 miles each side of the Baton Rouge ILS localizer south-east course extending from the 7-mile radius area to 7.5 miles southeast of Ryan Airport; within 5 miles north-east and 8 miles southwest of the Baton Rouge ILS localizer northwest course extending from the OM to 12 miles northwest; within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 7-mile radius area to the VORTAC; within 2 miles each side of the Baton Rouge 068° radial extending from the 7-mile radius area to 7.5 miles east of the airport and within a 5-mile radius of the False River Airpark (latitude 30°42'55" N., longitude 91°23'43" W.); within 2 miles each side of the 325° radial of the Baton Rouge VORTAC extending from the 5-mile radius area of the False River Airpark to the northwest ILS localizer extension.

**Battle Creek, Mich.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42° 18' 35" N., longitude 85° 14' 55" W.), within 8 miles NW and 5 miles SE of the Battle Creek ILS localizer NE course extending from the 12-mile radius area to 12 miles NE of the OM, within a 13-mile radius of Kalamazoo Airport (latitude 42° 14' 07" N., longitude 85° 33' 10" W.); within 8 miles W and 5 miles E of the Kalamazoo ILS localizer N course extending from the 13-mile radius area to 17 miles N of the airport; within a 4-mile radius of Haines Field, Three Rivers, Mich. (latitude 41° 57' 30" N., longitude 85° 35' 30" W.), and within 8 miles NW and 5 miles SE of the 034° bearing from Haines Field, extending from the 4-mile radius area to 12 miles NE of the airport.

**Battle Mountain, Nev.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lander County Airport (latitude 40°36'03" N., longitude 116°52'25" W.) and within 5 miles each side of the Battle Mountain VORTAC 218° radial, extending from the VORTAC to 16 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles southeast and 9.5 miles northwest of the Battle Mountain 218° radial extending from the VORTAC to 23 miles southwest of the VORTAC, and within 6.5 miles south and 9 miles north of the Battle Mountain VORTAC 077° and 257° radials, extending from 8 miles west to 18.5 miles east of the VORTAC.

**Baudette, Minn.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Baudette International Airport, Baudette, Minn. (latitude 48°43'15" N., longitude 94°36'00" W.); within 3 miles each side of the 106° bearing from the Baudette International Airport extending from the 5½-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 106° and 286° bearing from the Baudette International Airport, extending from 6 miles west to 18½ miles east of the airport; and within 5 miles each side of the 286° bearing from Baudette International Airport, extending from the airport to 12 miles west of the airport, excluding the portion outside the United States.

**Baxley, Ga.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baxley Municipal Airport (lat. 31°42'50" N., long. 82°23'25" W.); within 2 miles each side of Alma VORTAC 029° radial, extending from the 5-mile radius area to 8 miles north of the VORTAC.

**Bay City, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bay City Municipal Airport (lat. 28°58'23" N., long. 95°51'48" W.), excluding that portion within a 1-mile radius of Bay City Airport (lat. 28°58'41" N., long. 95°56'22" W.).

**PENDING AMENDMENT****Bay City, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bay City Municipal Airport (lat. 28°58'23" N., long. 95°51'48" W.), and within 3.5 miles either side of the 313° bearing from the NDB extending from the 5-mile radius to 11.5 miles northwest of the airport.

AMENDMENTS 1/26/78 42 F. R. 61038 (Rewritten)

**Bay Minette, Ala.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bay Minette Municipal Airport (lat. 30°52'20" N., long. 87°49'30" W.).

**Bay St. Louis, Miss.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Stennis International Airport (lat. 30°22'15" N., long. 89°27'16" W.).

**Beatrice, Nebr.**

That airspace extending upward from 700 feet above the surface within a six-mile radius of the Beatrice Municipal Airport (latitude 40°18'01" N., longitude 96°45'16" W.); and within five-miles each side of the Beatrice VOR 325° radial extending from the six-mile radius to 14 miles northwest of the VOR; that airspace extending upward from 1200 feet above the surface within twelve miles southwest and five miles northeast of the Beatrice VOR 325° radial extending from the VOR to 23 miles northwest of the airport excluding that portion which overlies the Lincoln, Nebraska, transition area.

**Beaufort, N. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Beaufort-Morehead City Airport (latitude 34°44'00" N., longitude 76°39'45" W.); within 3 miles each side of the 306° bearing from the Morehead RBN (latitude 34°43'49" N., longitude 76°39'15" W.), extending from the 6.5-mile radius to 8.5 miles north of the RBN.

**Beaufort, S. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Beaufort MCAS (lat. 32°28'40" N., long. 80°43'20" W.); within 5 miles each side of Beaufort MCAS TACAN 037° radial, extending from the 8.5-mile radius area to 8.5 miles northeast of the TACAN.

**Beaumont, Tex.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Jefferson County Airport (latitude 29°57'05" N., longitude 94°01'10" W.), within a 5-mile radius of Beaumont Municipal Airport (latitude 30°04'15" N., longitude 94°13'00" W.), within 3 miles each side of the Beaumont ILS localizer southeast course extending from the 7-mile radius area to 13.5 miles southeast of the approach end of Jefferson County Airport Runway 29, and within 2.5 miles each side of the Beaumont ILS localizer northwest course extending from the 7-mile radius area to the 5-mile radius area.



**Beaver Falls, Pa.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°46'21" N., 80°23'37" W. of Beaver County Airport, Beaver Falls, Pa., and within 2 miles each side of the Elwood City, Pa. VOR 248° radial extending easterly from the 6-mile radius area to the VOR.

**Beckley, W. Va.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, lat. 37°46'54" N., long. 81°07'27" W. of Raleigh County Memorial Airport, Beckley, W. Va.; within a 14-mile radius of the center of Raleigh County Memorial Airport, extending clockwise from the 025° bearing to the 215° bearing from the airport and within 4.5 miles north and 9.5 miles south of the Beckley VOR 284° radial, extending from the VOR to 18.5 miles west of the VOR.

**Bedford, Ind.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Virgil I. Grissom Municipal Airport (lat. 38°50'25" N., long. 86°26'45" W.); within 5 miles each side of the Bloomington, Ind., VORTAC 156° radial, extending from the 6½-mile radius area to 35 miles southeast of the VORTAC; and within 3 miles each side of the 302° bearing from Virgil I. Grissom Municipal Airport, extending from the 6½-mile radius area to 8 miles northwest of the airport.

**Beeville, Tex.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAS Chase Field (lat. 28°21'50" N., long. 97°39'40" W.); within 2 miles each side of the NAS Chase TACAN 129° and 321° radials extending from the 7-mile radius area to 10 miles northwest and southeast of the TACAN; within 2 miles each side of the 339° bearing from the NAS Chase RBN extending from the 7-mile radius area to 12 miles north of the RBN; within a 6.5-mile radius of Beeville Municipal Airport (lat. 28°22'00" N., long. 97°48'00" W.).

**Belfast, Maine**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 44°24'34"N., 60°00'45"W., of Belfast Municipal Airport; within 3.5 miles each side of the 126° bearing and the 306° bearing from the Belfast, Maine, NDB, 44°24'40"N., 69°00'41"W., extending from the 6-mile radius area to 18 miles northwest of the NDB; excluding that portion which coincides with the Pittsfield, Maine, 700-foot transition area.

AMENDMENTS 12/1/77 42 F. R. 40692 (Added)

**Bellaire, Mich.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Antrim County Airport (latitude 44°59'15" N., longitude 85°12'00" W.); and within 3 miles each side of the 198° bearing from Antrim County Airport, extending from the 11-mile radius area to 14 miles south of the airport.

**Bellefontaine, Ohio**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Bellefontaine Airport (latitude 40°24'45" N., longitude 83°44'10" W.) and within 3 miles each side of the 049° bearing from the airport extending from the 6-mile radius area to 13 miles northeast of the airport.

**Belleville, Ill.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 7-mile radius area to the RBN.

**Belleville, Kansas**

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Belleville Municipal Airport (lat. 39°49'04"N., long. 97°39'30"W.); within 3 miles each side of the 356° bearing from the Belleville Municipal Airport, extending from the 5 mile radius to 8.5 miles north of the airport, within 3 miles each side of the 196° bearing from the Belleville Municipal Airport, extending from the 5 mile radius to 8.5 miles south of the airport.

AMENDMENTS 12/30/76 41 F.R. 43714 (Rewritten)

**Bellingham, Wash.**

That airspace extending upward from 700 feet above the surface bounded on the east by longitude 122°15'00" W., on the south by latitude 48°52'00" N., on the west and north by the United States/Canada border, and within 4.5 miles each side of the Bellingham VORTAC 169° radial, extending from 21.5 to 24 miles south of the VORTAC; and within 3.5 miles north and 8 miles south of the 288° bearing from Lummi NDB (latitude 48°47'38" N., longitude 122°32'08" W.) extending from the NDB 11.5 miles west of the NDB.

**PENDING AMENDMENT****Belvidere, Ill.**

That airspace extending upward from 700 feet above the surface with a 5-statute-mile radius of the Belvidere Airport (lat. 42°19'25"N., long. 88°50'25"W.), Belvidere, Ill., and within 2 statute miles either side of a 255° bearing from the airport, extending from the 5-mile radius area to 6½ statute miles southwest of the airport.

AMENDMENTS 12/30/77 42 F. R. 42192 (Added)

**Belzoni, Miss.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Belzoni Municipal Airport (latitude 33°08'40" N., longitude 90°30'55" W.).

**Bemidji, Minn.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Bemidji Municipal Airport (latitude 47°30'30" N., longitude 94°55'55" W.); within 5 miles each side of the Bemidji VORTAC 135° radial, extending from the 7-mile radius area to 19½ miles southeast of the VORTAC; within 5 miles each side of the Bemidji VORTAC 318° radial, extending from the 7-mile radius area to 8 miles northwest of the VORTAC; and within 4½ miles north and 9½ miles south of the 262° bearing from Bemidji Municipal Airport, extending from the airport to 18½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Bemidji VORTAC, extending from the 318° radial, clockwise to the 014° radial; within a 23½-mile radius of Bemidji VORTAC extending from the 014° radial clockwise to the 285° radial; within 4½ miles northeast and 9½ miles southwest of the Bemidji VORTAC 318° radial, extending from the VORTAC to 18½ miles northwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Bemidji VORTAC 135° radial, extending from the 23½-mile radius area to 30 miles southeast of the VORTAC.

**Bend, Oreg.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bend Municipal Airport (latitude 44°05'35" N., longitude 121°12'00" W.) and within 2 miles each side of the Redmond VORTAC 334° and 154° radials, extending from the 5-mile radius area to 1 mile northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the Redmond VORTAC 334° radial, extending from the VORTAC to 12 miles northwest of the VORTAC.

**Bennettsville, S. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bennettsville Airport (latitude 34°37'45" N., longitude 79°43'57" W.); within 3 miles each side of the 245° bearing from Bennettsville RBN (latitude 34°37'39" N., longitude 79°43'53" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN, excluding the portion within the Darlington, S. C., transition area.

**Bennington, Vt.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 42°53'30" N., 73°14'50" W. of Bennington State Airport, Bennington, Vt., and within 2 miles each side of the Cambridge, N. Y., VOR 145° radial, extending from the 5-mile radius area to the VOR. This transition area is effective from sunrise to sunset, daily.

**Benson, Minn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Benson Municipal Airport (latitude 45°20'00" N., longitude 95°39'00" W.); and within 3 miles each side of the 323° bearing from Benson Municipal Airport extending from the airport to 8 miles northwest of the airport.

**Benton Harbor, Mich.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ross Field (latitude 42°07'40" N., longitude 86°25'40" W.), and within 2 miles each side of the ILS back course and Keller, Mich., VORTAC 266° radial extending from the 7-mile radius area to 12 miles west of the airport.

**Berkeley Springs, WV.**

That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of the center (lat. 39°41'30" N., long. 78°09'45" W.) of Potomac Airpark, Berkeley Springs, WV., extending clockwise from the 062° bearing to the 167° bearing from the airport; within a 22.5-mile radius of Potomac Airpark, extending clockwise from the 167° bearing to the 215° bearing from the airport; within a 21.5-mile radius of Potomac Airpark, extending clockwise from the 215° bearing to the 266° bearing from the airport; within a 15.5-mile radius of Potomac Airpark, extending clockwise from the 266° bearing to the 304° bearing from the airport; within a 19.5-mile radius of Potomac Airpark, extending clockwise from the 304° bearing to the 342° bearing from the airport; within a 21.5-mile radius of Potomac Airpark, extending clockwise from the 342° bearing to the 023° bearing from the airport; within a 23.5-mile radius of Potomac Airpark, extending clockwise from the 023° bearing to the 062° bearing from the airport; within 2.5 miles each side of the Hagerstown VOR 268° radial, extending from the 14.5-mile radius to 1 mile west of the VOR, excluding the portion within the Hagerstown, MD., and and Martinsburg, WV., transition areas.

**Berlin, N.H.****Billings, Mont.**

That airspace extending upward from 700 feet above the surface within a 29-mile radius of Logan Field



**Berlin, N.H.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 44°34'35" N., 71°10'40" W. of Berlin Municipal Airport, Berlin, N. H.; within 2 miles each side of the Berlin Municipal Airport Runway 18 centerline, extended from the 8.5-mile radius area to 12 miles south of the end of the runway; within 2 miles each side of the Berlin Municipal Airport Runway 36 centerline, extended from the 8.5-mile radius area to 20.5 miles north of the end of the runway and within 4.5 miles west and 9.5 miles east of the Berlin, N. H. VOR (44°38'05" N., 71°11'12" W.) 355° radial, extending from the 8.5-mile radius area to 18.5 miles north of the VOR.

That airspace extending upward from 1,200 feet above the surface beginning at 44°54'00" N., 71°10'00" W. to 44°50'00" N., 71°07'30" W.; to 44°50'30" N., 71°02'00" W.; to 44°40'00" N., 71°00'30" W. to 44°31'00" N., 70°55'00" W. to 44°29'00" N., 71°03'00" W. to 44°22'00" N., 71°02'00" W. to 44°13'00" N., 71°45'00" W. to 44°25'00" N., 71°52'00" W. to 44°36'00" N., 71°20'00" W. to 44°47'00" N., 71°28'00" W. to point of beginning.

**Berlin, N. J.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°49'20" N., 74°53'35" W., of Kettlerun Airpark, Berlin, N. J., and within 2 miles each side of the Millville, N. J., VORTAC 011° radial, extending from the 7-mile radius area to 13 miles north of the VORTAC.

**Bethel, Alaska**

That airspace extending upward from 700 feet above the surface within 3 miles each side of the Bethel VORTAC 007° radial, extending from the north control zone extension to 11.5 miles north of the VORTAC; from the southwest control zone extension to 11.5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Bethel VORTAC; and within 9.5 miles northwest and 4.5 miles southeast of the 023° bearing from BET localizer (latitude 60°46'08" N., longitude 161°50'39" W.) extending from the 20-mile radius area to 26 miles northeast of the BET localizer.

**Biddeford, Maine**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Biddeford, Maine, Airport (lat. 43°27'55" N., long. 70°28'25" W.) extending clockwise from the 270° bearing to the 180° bearing; within a 10-mile radius extending from the 180° bearing clockwise to the 270° bearing excluding that airspace previously designated as the Sanford, Maine, 700-foot transition area.

**Big Delta, Alaska**

That airspace extending upward from 700 feet above the surface within 9.5 miles each side of the Big Delta VORTAC 220° and 040° radials extending from 2 miles southwest to 18.5 miles northeast of the Big Delta VORTAC; and within a 16.5-mile radius of the Big Delta VORTAC extending clockwise from the 309° radial to the 006° radial.

**Big Mountain, Alaska**

That airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 7.5 miles southeast of the 049° and 229° bearings from the Big Mountain RBN, extending from 7 miles northeast to 13 miles southwest of the RBN.

**Big Piney, Wyo.**

That airspace extending upward from 700 feet above the surface within 5.5 miles southwest and 9.5 miles northeast of the Big Piney VOR 134° and 314° radials, extending from 4.5 miles northwest to 19 miles southeast of the VOR, and that airspace extending upwards from 1,200 feet above the surface within 9 miles southwest and 13.5 miles northeast of the Big Piney 134° and 314° radials, extending from 11.5 miles northwest to 24.5 miles southeast of the VOR.

**Big Rapids, Mich.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Roben-Hood Airport (latitude 43°43'13" N., longitude 85°29'52" W.) and within 5 miles each side of the White Cloud VOR 047° radial extending from an 8-mile radius area to the VOR, excluding the portion overlying the Reed City transition area.

**Big Sandy, Tex.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Ambassador Field (latitude 32°35'00" N., longitude 95°03'45" W.), and within 2.5 miles each side of the Big Sandy, Tex., Ambassador Field NDB 271° bearing extending from the 8.5-mile-radius area to a point 11.5 miles west of the NDB; within an 8.5-mile radius of Upshur County Airport, Gilmer, Tex. (latitude 32°41'57" N., longitude 94°56'55" W.) and an 8.5-mile radius of Holly Lake Ranch Airport, Hawkins, Tex. (latitude 32°41'46" N., longitude 95°12'36" W.).

**Big Spring, Texas**

That airspace extending upward from 700 feet above the surface within a 23-mile radius of latitude 32°12'55" N., longitude 101°31'06" W.

**Billings, Mont.**

That airspace extending upward from 700 feet above the surface within a 29-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.); that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Logan Field Airport; that airspace extending upward from 6,700 feet MSL within a 46-mile radius of the Billings VORTAC extending from the Billings VORTAC 008° radial clockwise to the 057° radial, excluding the portion that overlies V-2N; that airspace extending upward from 6,700 feet MSL within a 58-mile radius of the Billings VORTAC extending from the Billings VORTAC 057° radial clockwise to the southwest edge of V-19/86 excluding the portion that overlies V-2 and V-2N; that airspace extending upward from 10,700 feet MSL within a 58-mile radius of the Billings VORTAC extending from the southwest edge of V-19/86 clockwise to the Billings VORTAC 192° radial excluding the portions that overlie VOR Federal airways; that airspace extending upward from 8,200 feet MSL within a 46-mile radius of the Billings VORTAC extending from the Billings VORTAC 192° radial clockwise to the northwest edge of V-465 excluding the portions that overlie VOR Federal airways; that airspace extending upward from 8,700 feet MSL within a 46-mile radius of the Billings VORTAC extending from the west edge of V-465 clockwise to the south edge of V-2/86; that airspace extending upward from 7,700 feet MSL within a 58-mile radius of the Billings VORTAC extending from the south edge of V-2/86 clockwise to the southwest edge of V-2N excluding that portion of V-2/86 that has a 1,200-foot AGL floor; that airspace extending upward from 6,700 feet MSL within a 58-mile radius of the Billings VORTAC extending from the north edge of V-2N clockwise to the Billings VORTAC 008° radial excluding those portions of V-187 and V-19 that have 1,200-foot AGL floors.

**Binghamton, N.Y.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Broome County Airport, 42°12'35" N., 75°58'46" W.; within 2 miles each side of the Binghamton VOR 066°-246° radial extending SW from the 7-mile radius area for 8 miles from the VOR; within 2 miles each side of the airport ILS localizer SE course extending from the 7-mile radius area to the Nimmons RBN. Within 5 miles each side of the Broome County Airport ILS localizer northwest course, extending from the localizer to 19 miles northwest of the localizer.

**Birch Hollow, Va.**

That airspace extending upward from 700 feet above the surface within an area 7 miles east of and parallel to and 14 miles west of and parallel to the Martinsburg, W. Va., 140° radial extending between the Martinsburg, W. Va., VORTAC and latitude 39°01'10" N., longitude 77°27'42" W.

**Birmingham, Ala.**

That airspace extending upward from 700 feet above the surface beginning at the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36 north of the Birmingham Municipal Airport and the arc of a 17-mile radius circle centered at Birmingham Airport surveillance radar antenna site (latitude 33°34'24" N., longitude 86°45'23" W.); thence clockwise along this arc to the intersection of the 270° bearing from the radar antenna site; thence east along the 270° bearing from the radar antenna site to the intersection of the arc of a 13-mile radius circle centered at the radar antenna site; thence clockwise along this arc to a line 2 miles northeast of and parallel to the Birmingham VORTAC 313° radial; thence southeast along this line to the intersection of the arc of a 10-mile radius circle centered at the radar antenna site; thence clockwise along this arc to the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36; thence north along this line to the point of beginning; within 5 miles each side of Birmingham ILS localizer southwest course, extending from the 17-mile radius area to 11.5 miles southwest of the OM.

**PENDING AMENDMENT**

The Birmingham, Ala., transition area is amended as follows: "thence clockwise along this arc to a line 2 miles northeast of and parallel to the Birmingham VORTAC" is deleted and "thence clockwise along this arc to a line 2 miles northeast of and parallel to the Vulcan VORTAC" is substituted therefor.

AMENDMENTS 3/23/78 42 F. R. 60119 (Changed)

**Bishop, Calif.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bishop VOR (latitude 37°22'37" N., longitude 118°21'56" W.); that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 12 miles northeast of the Bishop VOR 156° and 336° radials, extending from 10 miles northwest to 22 miles southeast of the VOR; that airspace extending upward from 12,500 feet MSL within 5 miles each side of the Bishop VOR 341° radial extending from the VOR to V-244, within 5 miles each side of a direct course between the Bishop VOR and Lida Intersection, 42 miles 12,500 feet MSL, 10,500 feet MSL Lida Intersection, and within 5 miles each side of a direct course between Bishop VOR and Beatty, Nev., VOR 80 miles 12,500 feet MSL, 10,500 feet MSL Beatty.



**Bismarck, N. Dak.**

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Bismarck VORTAC; within a 20-mile radius of Bismarck VORTAC, extending from the Bismarck VORTAC 152° radial clockwise to the Bismarck VORTAC 182° radial; within 4½ miles north and 9½ miles south of the Bismarck VORTAC 105° radial extending from the 17-mile radius area to 18½ miles east of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Bismarck ILS localizer southeast course, extending from the 17-mile radius area to 18½ miles southeast of the OM; and within 4½ miles northeast and 9½ miles southwest of the Bismarck ILS localizer northwest course extending from the 17-mile radius area to 32 miles northwest of the OM.

that airspace extending upward from 1200 feet above the surface within a 22½-mile radius of the Bismarck VORTAC, extending from the Bismarck VORTAC 290° radial clockwise to the Bismarck VORTAC 082° radial and within a 33-mile radius of the Bismarck VORTAC extending from the Bismarck VORTAC 082° radial clockwise to the Bismarck VORTAC 290° radial.

**Black River Falls, Wis.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Black River Falls Airport (lat. 44°15'05" N., long. 90°51'05" W.); and within 3 miles each side of the 098° bearing from the Black River Falls Airport, extending from the 6½-mile radius area to 8 miles east of the airport.

**Blacksburg, Va.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 37°12'25" N., 80°24'30" W., of VPI Airport, Blacksburg, Va.; within 4 miles northwest and 3 miles southeast of the Pulaski VORTAC 064° radial, extending from the 6-mile radius area to 3 miles northeast of the Pulaski VORTAC; within 2 miles each side of the Runway 8 centerline extended from the 6-mile radius area to 7 miles east of the end of the runway; and within 2 miles each side of the Runway 30 centerline extended from the 6-mile radius area to 11 miles northwest of the end of the runway, excluding the portion within the Dublin, Va., transition area.

**Blackstone, Va.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Blackstone AAF-Allen C. Perkinson Municipal Airport (latitude 37°04'30" N., long. 77°57'45" W.). This transition area is effective from sunrise to sunset, daily.

**Blanding, Utah**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Blanding, Utah, airport (latitude 37°34'50" N., longitude 109°28'55" W.) and within 3.5 miles each side of the 188° bearing from the Blanding, Utah RBN (latitude 37°31'03" N., longitude 109°29'31" W.) extending from the 6-mile radius area to 11.5 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 5 miles west of the 188° and 008° bearings from the Blanding RBN extending from 18.5 miles south to 7 miles north of the RBN, and within 5 miles each side of a direct line between the Blanding RBN and the Dove Creek, Colo., VORTAC excluding that portion within R-6410 during the times that R-6410 is in use.

**Block Island, R. I.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Block Island State Airport (lat. 41°10'05" N., long. 71°34'40" W.).

**Bloomfield, Iowa**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Bloomfield Municipal Airport (lat. 40°44'41"N., long. 92°25'46"W.); and within 3 miles each side of the 177° bearing from the Bloomfield Municipal Airport, extending from the 6.5-mile radius area to 8.5 miles south of the airport.

AMENDMENTS 6/16/77 42 F. R. 21103 (Added)

**Bloomington, Ill.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Bloomington Normal Airport; and within 3 miles each side of the Bloomington VOR 043°, 103°, and 319° radials, extending from the 6½-mile radius area to 8 miles northeast, east and northwest of the VOR.

**Bloomington, Ind.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Monroe County Airport (latitude 39°08'25" N., longitude 86°37'00" W.); within 5 miles each side of the Bloomington VORTAC 062° radial, extending from the 7-mile radius area to 14 miles northeast of the VORTAC; within 5 miles each side of the Bloomington VORTAC 181° radial, extending from the 7-mile radius area to 12 miles south of the VORTAC; within 5 miles each side of the Bloomington VORTAC 341° radial, extending from the 7-mile radius area to 12 miles north of the VORTAC; and within 3 miles each side of the Bloomington VORTAC 236° radial, extending from the 7-mile radius area to 10½ miles southwest of the VORTAC.

**Bloomsburg, Pa.**

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center of Bloomsburg Municipal Airport, Bloomsburg, Pa., lat. 40°59'45"N., longitude 76°26'30"W., and within 3.5 miles each side of the Milton, Pa., VORTAC 099° radial, extending from the 7.5-mile radius area to 2.5 miles east of the VORTAC.

**Bluefield, WV.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, lat. 37°17'45" N., long. 81°12'29" W., of Mercer County Airport, Bluefield, WV.; within a 14.5-mile radius of the center of the airport, extending clockwise from a 078° bearing to a 113° bearing from the airport; within a 17-mile radius of the center of the airport, extending clockwise from a 113° bearing to a 195° bearing from the airport; within a 23.5-mile radius of the center of the airport, extending clockwise from a 195° bearing to a 248° bearing from the airport and within 3.5 miles each side of the Bluefield VORTAC 047° radial, extending from the 11-mile radius area to 11 miles northeast of the VORTAC.

**Blythe, Calif.**

That airspace extending upward from 700 feet above the surface within 3 miles each side of the Blythe VORTAC 264° radial, extending from the VORTAC to 9 miles W of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles S and 4.5 miles N of the Blythe VORTAC 264° radial, extending from the VORTAC to 18.5 miles W of the VORTAC; within 4.5 miles NW and 9.5 miles SE of the Blythe VORTAC 066° radial, extending from the VORTAC to 28 miles NE of the VORTAC; within 9 miles N and 10 miles S of the Blythe VORTAC 094° radial, extending from the VORTAC to 36 miles E of the VORTAC excluding the airspace within R-2306B and R-2308A, and that airspace within an arc of an 18-mile radius circle centered on the Blythe Airport (latitude 33°37'15" N., longitude 114°43'00" W.), extending clockwise from longitude 114°30'00" W. to the S edge of V-16.

**Blytheville, Ark.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Blytheville AFB (lat. 35°57'50"N., long. 89°56'40"W.), excluding the portion within the Manila, Ark., transition area, within a 5-mile radius of Blytheville Municipal Airport (lat. 35°56'15"N., long. 89°49'45"W.), within 4 miles east and 7 miles west of a 005° bearing from the Hicks RBN (lat. 35°57'52"N., long. 89°49'35"W.), extending from the RBN to 12 miles north, and within 2 miles each side of the extended center line of Blytheville AFB Runways 18 and 36 extending from the 8.5-mile radius area to 12 miles north and south of the airport.

**Bogalusa, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the George R. Carr Memorial Air Field (lat. 30°48'41.6"N., long. 89°51'53.9"W.), and within 2.5 miles either side of the Picayune VOR 335° radial extending 1 mile from the 5-mile radius.

AMENDMENTS 10/6/77 42 F. R. 39972 (Added)

**Boise, Idaho**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 43°56'00" N., longitude 116°33'00" W., direct to latitude 43°51'15" N., longitude 116°25'00" W., thence via a 21.5-mile radius arc, centered on the Boise VORTAC, clockwise to longitude 116°14'00" W., direct latitude 43°45'00" N., longitude 116°14'00" W., direct latitude 43°31'00" N., longitude 115°52'00" W., direct latitude 43°20'00" N., longitude 115°58'00" W., direct latitude 43°25'00" N., longitude 116°25'00" W., direct latitude 43°42'00" N., longitude 116°57'00" W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius arc from Boise VORTAC extending clockwise from V-253 to V-4N, within a 40-mile radius arc of Boise VORTAC extending clockwise from the southeast edge of V-113 to V-500, that airspace 8 miles each side of Boise VORTAC 269° radial extending from the 40-mile radius arc to 57 miles west of the VORTAC, within 8 miles northeast and 11 miles southwest of the Boise VORTAC 295° radial, extending from the 40-mile radius arc to 75 miles northwest of the VORTAC, that airspace northwest of Boise bounded on the north-west by the McCall VORTAC 223° radial, on the east by the west edge of V-253 on the southwest by V-4; that airspace southeast of Boise extending upward from 9,000 feet MSL extending from the 35-mile arc bounded on the north by V-500, on the east by the southwest edge of V-293, on the south by the north edge of V-330 and on the southwest by the northeast edge of V-4; that airspace northeast of Boise extending upward from 11,500 feet MSL, bounded on the northeast by the southwest edge of V-293, on the south by the north edge of V-500, on the southwest by the 35-mile radius arc and on the west by the east edge of V-253.

**Bolivar, Tenn.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Bolivar-Hardeman County Airport (lat. 35°13'00"N., long. 89°03'00"W.); within 3 miles each side of the 192° bearing from the Hardeman RBN (lat. 35°12'47"N., long. 89°02'33"W.), extending from the 5.5-mile radius area to 8.5 miles south of the RBN.

**Bonneville, Utah.**

That airspace SE of Bonneville extending upward from 1,200 feet above the surface bounded by a line extending from latitude 40°30'00" N., longitude 112°30'00" W., to latitude 40°35'00" N., longitude 113°00'00" W., thence via longitude 113°00'00" W., to the S edge of V-32, thence via the S edge of V-32 to longitude 112°56'30" W., thence via longitude 112°56'30" W., to latitude 40°40'00" N., thence to point of beginning; and that airspace extending upward from 8,500 feet AMSL bounded on the S by latitude 40°35'00" N., on the W by longitude 113°51'00" W., on the N by the S edge of V-32 and on the E by longitude 113°00'00" W.



**Boone, Iowa.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Boone Municipal Airport (latitude 42°03'00" N., longitude 93°50'45" W.); and within 3 miles each side of the 338° bearing from Boone Municipal Airport, extending from the 5-mile radius area to 8 miles north of the airport.

**Booneville, Mo.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Jesse Viertel Airport (latitude 38°56'50" N., longitude 92°41'19" W.); and within 3 miles each side of the 011° bearing from the Jesse Viertel Airport, extending from the 5-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within an area north of the Jesse Viertel Airport bounded on the south by the north edge of V-4; on the northwest by the southeast edge of V-424; and on the northeast by the southwest edge of V-175, excluding the portion which overlies the Moberly, Missouri, transition area; and that airspace extending upward from 1,200 feet above the surface within an area south of the Jesse Viertel Airport bounded on the north by the southwest edge of V-125; on the east by the west edge of V-63, excluding the portion which overlies the Columbia, Missouri, transition area; on the south by the north edge of V-234; and on the west by the east boundary of the Sedalia, Missouri, transition area.

**Borger, Tex.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hutchinson County Airport, Borger, Tex., (latitude 35°41'55" N., longitude 101°23'40" W.), within 2 miles each side of the Borger, Tex., VOR 185° and 005° radials extending from the 7-mile radius area to 8 miles N of the VOR.

**Boscobel, Wis.**

That airspace extending upward from 700' above the surface within an 8½ mile radius of the Boscobel Airport (latitude 43°09'30" N., longitude 90°40'45" W.).

AMENDMENTS 2/24/77 41 F. R. 52048 (Added)

**Boston, Mass.**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at: latitude 42°53'00" N., longitude 71°05'00" W., to latitude 42°52'00" N., longitude 71°02'45" W., to latitude 42°54'00" N., longitude 71°00'15" W., to latitude 42°49'45" N., longitude 70°54'00" W., to latitude 42°48'15" N., longitude 70°55'30" W., to latitude 42°43'00" N., longitude 70°46'00" W., to latitude 42°30'00" N., longitude 70°48'00" W., to latitude 42°14'00" N., longitude 70°38'00" W., to latitude 41°59'00" N., longitude 70°48'00" W., to latitude 41°59'00" N., longitude 70°53'00" W., to latitude 42°03'00" N., longitude 71°10'00" W., to latitude 42°13'00" N., longitude 71°21'00" W., to latitude 42°21'00" N., longitude 71°25'00" W., to latitude 42°22'00" N., longitude 71°47'00" W., to latitude 42°27'00" N., longitude 71°55'00" W., to latitude 42°53'00" N., longitude 71°55'00" W., to latitude 42°45'00" N., longitude 71°38'25" W., to latitude 42°43'00" N., longitude 71°36'00" W., to latitude 42°40'00" N., longitude 71°35'00" W., to latitude 42°38'00" N., longitude 71°20'00" W., to latitude 42°43'00" N., longitude 71°15'00" W., to the point of beginning; and within 3.5 miles each side of the 154° bearing from the Stoughton, Mass., NDB, 42°07'10" N., 71°07'41" W., extending from the NDB to 10.5 miles south-east of the NDB.

that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at:

Latitude 42°53'00" N., longitude 71°05'00" W. to latitude 42°45'00" N., longitude 70°37'00" W. to latitude 42°44'25" N., longitude 70°37'15" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 42°41'20" N., longitude 70°30'00" W. to latitude 42°15'20" N., longitude 70°30'00" W. to latitude 42°13'20" N., longitude 70°18'30" W. to latitude 41°53'30" N., longitude 70°56'30" W. to latitude 42°04'00" N., longitude 71°19'00" W. to latitude 41°56'35" N., longitude 71°26'00" W., thence counterclockwise along the arc of a 27-mile radius circle centered on the NAS Quonset Point VOR to latitude 41°47'45" N., longitude 71°46'40" W. to latitude 41°55'00" N., longitude 71°59'00" W. to latitude 42°05'00" N., longitude 72°00'00" W. to latitude 42°55'00" N., longitude 72°00'00" W. to latitude 42°43'00" N., longitude 71°40'00" W. to latitude 42°43'00" N., longitude 71°15'00" W. to the point of beginning, excluding the portion within the Taunton, Mass., transition area; and that airspace extending upward from FL 200 to FL 300, inclusive, east of Boston bounded by a line beginning at:

Latitude 42°24'30" N., longitude 70°15'30" W. to latitude 42°27'50" N., longitude 70°04'00" W. to latitude 42°25'30" N., longitude 70°04'00" W. to latitude 42°24'30" N., longitude 69°46'00" W. to latitude 42°21'30" N., longitude 69°30'00" W. to the point of beginning.

**Boulder Junction, Wis.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Boulder Junction Airport (latitude 46°08'15" N., longitude 89°38'45" W.); and within 3 miles each side of the 049° bearing from the Boulder Junction Airport, extending from the 5½-mile radius area to 8 miles northeast of the airport.

**Bowie, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bowie Municipal Airport (latitude 33°36'15" N., longitude 97°46'27" W.), and within 2 miles each side of the Bridgeport VORTAC 359° radial extending from the 5-mile radius area to 31 miles north of the VORTAC.

**Bowling Green, Ky.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bowling Green Warren County Airport (lat. 36°57'47" N., long. 86°25'07" W.); within 4.5 miles each side of Bowling Green VORTAC 206° radial, extending from the 11-mile radius area to 11 miles southwest of the VORTAC.

**Bowman, N. D.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Bowman Municipal Airport (lat. 46°11'15"N., long. 103°25'15"W.); and that airspace extending upward from 1200 feet above the surface within 9.5 miles south and 4.5 miles north of the 311°T bearing from the Bowman NDB (lat. 46°10'26"N., long. 103°25'03"W.) extending from 6.5-mile radius area to 18.5 miles northwest; and within 9.5 miles north and 4.5 miles south of the 123°T bearing from the Bowman NDB extending from the 6.5-mile radius area to 18.5 miles southeast; and within 5 miles each side of the 212°T bearing from the Bowman NDB extending from the 6.5-mile radius area to 35 miles southwest; and within 5 miles each side of 034°T bearing from the Bowman NDB extending from the 6.5-mile radius area to the Dickinson, N. D., VORTAC.

**Boyer Falls, Mich.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Boyne Mountain Airport (latitude 45°10'03" N., longitude 84°55'30" W.); and within 4½ miles west and 9½ miles east of the 176° bearing from the Boyne Mountain Airport extending from the airport to 17½ miles south of the airport excluding that position which overlies the Gaylord, Mich., Bellaire, Mich., and Grayling, Mich., transition areas.

**Bozeman, Mont.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.) and within 5.5 miles northeast and 9.5 miles southwest of the Bozeman ILS northwest localizer course extending from the 11-mile radius area to 28 miles northwest of Gallatin Field, and that airspace extending upward from 9,000 feet MSL within 6 miles northeast and 10 miles southwest of the Bozeman VOR 338° radial extending from 10 miles northwest of the Bozeman VOR to 37.5 miles northwest of the VOR.

**Bradford, Pa.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41°48'09" N., 78°38'27" W., of Bradford Regional Airport, Bradford, Pa.; within 3.5 miles each side of the Bradford Regional Airport ILS localizer southeast course, extending from the OM to 11.5 miles southeast of the OM; within 5 miles each side of the Bradford, Pa., VORTAC 139° radial, extending from the VORTAC to 11.5 miles southeast of the VORTAC; within 5 miles each side of the Bradford, Pa., VORTAC 316° radial, extending from the VORTAC to 18.5 miles northwest of the VORTAC.

**Brainerd, Minn.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Brainerd-Crow Wing County Airport (lat. 46°23'52"N., long. 94°08'12"W.); within 2 3/4 miles each side of the 120° radial of the Brainerd, VORTAC extending from the 9-mile radius area to 7½ miles southeast of the VORTAC; and within 2 3/4 miles each side of the Brainerd VORTAC 302° radial extending from the 9-mile radius area to 21 miles northwest of the VORTAC.

**Breckenridge, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Stephens County Airport (latitude 32°43'01" N., longitude 98°53'34" W.) and within 3.5 miles each side of the 004° bearing from the Breckenridge RBN (latitude 32°44'50" N., longitude 98°53'27" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

**Brenham, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Brenham Municipal Airport (latitude 30°12'57" N., longitude 96°22'34" W.) and within 3 miles each side of the 341° bearing from the NDB (latitude 30°13'16" N., longitude 96°22'40" W.) extending from the NDB to 8 miles northwest.

**Brewton, Ala.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Brewton Municipal Airport (lat. 31°03'00" N., long. 87°04'00" W.); within 5 miles each side of Crestview, Fla., VORTAC 303° radial, extending from the 6.5-mile radius area to 16 miles northwest of the VORTAC.

**Bridgeport, Conn.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center

**Brownsville, Tex.**

That airspace overlying the United States extending upward from 700 feet above the surface within a 5-mile radius of Brownsville Municipal Airport (latitude 25°55'00" N., longitude 97°46'27" W.); and within 2 miles each side of the Bridgeport VORTAC 359° radial extending from the 5-mile radius area to 31 miles north of the VORTAC.



**Bridgeport, Conn.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, latitude 41°09'48" N., longitude 73°07'34" W., of the Igor I. Sikorsky Memorial Airport, Bridgeport, Conn., extending clockwise from a 013° bearing to a 055° bearing from the airport within a 8.5-mile radius of the center of the airport extending clockwise from a 055° bearing to a 248° bearing from the airport; within an 11-mile radius of the center of the airport extending clockwise from a 248° bearing to a 291° bearing from the airport; within a 12.5-mile radius of the center of the airport extending clockwise from a 291° bearing to a 326° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 326° bearing to a 013° bearing from the airport; within 6.5 miles northwest and 4.5 miles southeast of the Bridgeport, Conn., VOR 042° radial extending from the Bridgeport, Conn., VOR to 17.5 miles northeast of the Bridgeport, Conn., VOR; within an 8.5-mile radius of the center, latitude 41°15'51" N., longitude 72°53'15" W., of the Tweed-New Haven Airport, New Haven, Conn.; within 5 miles southeast and 5 miles northwest of the Hartford, Conn., VORTAC 222° radial extending from 32 miles southwest of the Hartford, Conn., VORTAC to 14 miles southwest of the Hartford, Conn., VORTAC; within 5 miles northeast and 5 miles southwest of the Pawling, N. Y., VORTAC 138° radial extending from 31 miles southeast to 44 miles southeast of the Pawling, N. Y., VORTAC; within 5 miles northwest and 5 miles southeast of the Carmel, N. Y., VORTAC 065° radial extending from the Carmel, N. Y., VORTAC to 28 miles northeast of the Carmel, N. Y., VORTAC; within 5 miles north and 5 miles south of the Carmel, N. Y., VORTAC 093° radial extending from the Carmel, N. Y., VORTAC to 28 miles east of the Carmel, N. Y., VORTAC. That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: latitude 41°31'00" N., longitude 73°30'00" W., to latitude 41°31'00" N., longitude 73°20'00" W., to latitude 41°49'00" N., longitude 73°16'00" W., to latitude 41°31'00" N., longitude 72°46'00" W., to latitude 41°18'00" N., longitude 72°30'30" W., to latitude 41°00'00" N., longitude 72°45'00" W., to latitude 41°00'00" N., longitude 73°33'00" W., to latitude 41°10'00" N., longitude 73°33'00" W., to latitude 41°20'00" N., longitude 73°23'00" W., to latitude 41°25'00" N., longitude 72°30'00" W., to point of beginning.

**Brigham City, Utah**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brigham City Airport (latitude 41°32'30" N., longitude 112°03'30" W.), and within 4.5 miles each side of the 205° T (188°M) bearing from the Brigham City RBN (latitude 41°30'58" N., longitude 112°04'38" W.) extending from the 5-mile radius area to 8 miles southwest of the RBN.

**Brinkley, Ark.**

That airspace extending upward from 700 feet above the surface within a 7-statute-mile radius of Frank Federer Memorial Airport, Brinkley, Ark. (lat. 34°52'45"N., long. 91°10'40"W.); and within 3.5 statute miles each side of the 030° bearing from Brinkley NDB (lat. 34°52'49"N., long. 91°10'43"W.), extending from the 7-mile radius area to 11.5 statute miles northeast of the NDB.

**Brockport, N. Y.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 43°10'53"N., 77°54'55"W., of Ledgedale Airpark, Brockport, N. Y.

**Broken Bow, Nebr.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Broken Bow Municipal Airport (latitude 41°26'05" N., longitude 99°38'25" W.); and within 3 miles each side of the 321° bearing from Broken Bow Municipal Airport, extending from the 5½-mile radius area to 8 miles northwest of the airport.

**Brookhaven, Miss.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brookhaven Municipal Airport (lat. 31°36'20" N., long. 90°24'00" W.).

**Brookings, S. Dak.**

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Brookings, S. Dak., Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.); within 4.5 miles northeast and 9.5 miles southwest of the Brookings VOR 316° radial extending from the 9.5-mile radius area to 18.5 miles northwest of the VOR; within 9.5 miles southwest of the Brookings VOR 300° radial extending from the 9.5-mile radius area to 18.5 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles southwest and 9.5 miles northeast of the Brookings VOR 118° radial extending from the 9.5-mile radius area to 18.5 miles southeast of the VOR.

**Brooksville, Fla.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hernando County Airport (lat. 28°28'12" N., long. 82°27'30" W.); within 3 miles each side of the 276° bearing from Brooksville RBN (lat. 28°28'25" N., long. 82°27'00" W.), extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

**Brownfield, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brownfield, Tex., Terry County Airport (latitude 33°10'29" N., longitude 102°11'29" W.) and within 3.5 miles each side of a 200° bearing from the Brownfield nondirectional beacon (latitude 33°10'45" N., longitude 102°11'30" W.) extending from the 5-mile radius area to 8 miles south of the radio beacon.

**Brownsville, Tex.**

That airspace overlying the United States extending upward from 700 feet above the surface within a 7-mile radius of the Brownsville International Airport (latitude 25°54'25" N., longitude 97°25'25" W.).

**Brownwood, Tex.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Brownwood Municipal Airport (latitude 31°47'40" N., longitude 98°57'25" W.); and within 2 miles each side of the Brownwood VOR 360° and 180° radials, extending from the 6-mile radius area to 8 miles N of the VOR.

**Brunswick, Ga.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Malcolm-McKinnon Airport (lat. 31°09'05" N., long. 81°23'20" W.); within a 5-mile radius of Jekyll Island Airport (lat. 31°04'00" N., long. 81°25'40" W.); within 5 miles each side of Brunswick VOR 215° radial, extending from the Malcolm-McKinnon Airport 8.5-mile and Jekyll Island Airport 5-mile radius areas to 8.5 miles south of the VOR; within an 8.5-mile radius of Glynnco Jetport (lat. 31°15'32"N., long. 81°27'59"W.); within 3 miles each side of the Golden Isle localizer west course, extending from 8.5-mile radius area to 8.5 miles west of the LOM; excluding the portion outside the continental limits of the United States.

AMENDMENTS 6/16/77 42 F. R. 28113 (Changed)

**Brunswick, ME.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of NAS Brunswick (lat. 43°53'35" N., long. 69°56'20" W.); within 2 miles each side of the Navy Brunswick VOR 166° radial, extending from the 9-mile radius area to 12 miles south of the VOR.

**Bryan, Ohio**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (41°28'05" N., 84°30'25" W.) of Williams County Airport, Bryan, Ohio; within 2 miles each side of the Runway 25 centerline extended from the 7-mile radius area to 7 miles west of the end of the runway and within 2 miles each side of a 068° bearing from the Bryan, Ohio, RBN (41°28'47" N., 84°27'58" W.) extending from the RBN to 8 miles east of the RBN, excluding the portion which coincides with the Defiance, Ohio, transition area.

**Bryce Canyon, UT.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bryce Canyon Airport (latitude 37°42'00" N., longitude 112°09'30" W.) and within 2 miles each side of the Bryce Canyon, UT., VORTAC 085° radial, extending from the 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles southeast and 9½ miles northwest of the Bryce Canyon VORTAC 240° and 060° radials, extending from 18½ miles southwest to 13 miles northeast of the VORTAC.

**Bucyrus, Ohio**

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the Port Bucyrus Airport (lat. 40°46'30"N., long. 82°58'15"W.).

AMENDMENTS 8/11/77 42 F. R. 33272 (Added)

**Buffalo, N. Y.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 42°56'20" N., 78°43'50" W., of Greater Buffalo International Airport; within 2 miles each side of the Buffalo VORTAC 096° radial extending from the 8-mile radius area to 8 miles east of the VORTAC; within 8 miles northwest and 5 miles southeast of the Greater Buffalo International Airport northeast localizer course extending from the OM to 12 miles northeast of the OM; within 2 miles each side of the Greater Buffalo International Airport southwest localizer course extending from the 8-mile radius area to 8 miles southwest of the OM; within the arc of a 12-mile radius circle from 052° to 112° clockwise, centered on a point, 42°56'26" N., 78°44'11" W.; within an 8-mile radius of the center, 43°06'20" N., 78°56'55" W., of Niagara Falls International Airport; within 8 miles north and 5 miles south of the Niagara Falls International Airport localizer east course extending from the OM to 12 miles east of the OM; within 2 miles each side of the Niagara Falls International Airport localizer east course extending from the OM to the intersection of the localizer course and the Buffalo, N.Y. VORTAC 034° radial; within a 5.5-mile radius of the center latitude 43°01'15" N., longitude 78°29'08" W. of Akron Airport, Akron, N. Y.; within 2.5 miles each side of the Buffalo, N. Y., VORTAC 052° radial, extending from the 5.5-mile radius area to 17.5 miles northeast of the VORTAC; and within a 5-mile radius of Buffalo Airpark Airport, 42°51'45" N., 78°43'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°21'00" N., longitude 78°00'00" W., to latitude 43°06'00" N., longitude 78°21'00" W., to latitude 42°32'00" N., longitude 78°21'00" W., to latitude 42°32'00" N., longitude 78°52'00" W., to latitude 42°37'00" N., longitude 79°15'00" W., to latitude 42°41'00" N., longitude 79°19'30" W., thence via the United States/Canadian border to longitude 78°00'00" W., thence south along longitude 78°00'00" W., to the point of beginning, excluding the portion outside the United States.

**Buffalo, Okla.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 36°10'53"N., 96°48'40"W., of the Tulsa International Airport, Tulsa, Okla.; within 4.5 miles northeast and 9.5 miles southwest of the Tulsa International Airport 316° radial extending from the 9.5-mile radius area to 18.5 miles northwest of the VOR; within 9.5 miles southwest of the Tulsa International Airport 300° radial extending from the 9.5-mile radius area to 18.5 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles southwest and 9.5 miles northeast of the Tulsa International Airport 118° radial extending from the 9.5-mile radius area to 18.5 miles southeast of the VOR.

**Burlington, Vt.**



**Buffalo, Okla.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Buffalo Municipal Airport, Buffalo, Okla., (lat. 36°51'45"N., long. 99°37'00"W.), within 3.5 miles each side of the 005° bearing from the Buffalo NDB (lat. 36°51'48"N., long. 99°37'05"W.), extending from the 6-mile radius to 11.5 miles north of the NDB.

**PENDING AMENDMENT****Buffalo, Okla.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Buffalo Municipal Airport, Buffalo, Okla., (lat. 36°51'45"N., long. 99°37'00"W.) within 3.5 miles each side of the 290° bearing from the Buffalo NDB (lat. 36°51'48"N., long. 99°37'05"W.) extending from the 6-mile radius to 11.5 miles east of the NDB.

AMENDMENTS 1/26/78 42 F. R. 61037 (Rewritten)

**Buffalo, Wyo.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Buffalo, Wyo., Airport (latitude 44°22'48" N., longitude 106°43'02" W.) and within 4.5 miles each side of the Crazy Woman, Wyo., VORTAC 332° radial, extending from the 6-mile radius area to 12 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5.5 miles southwest of the Crazy Woman VORTAC 332° radial, extending from 4 miles to 30 miles northwest of the VORTAC.

**Bunkie, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bunkie Municipal Airport (latitude 30°57'25" N., longitude 92°14'02" W.).

**Burbank, Calif.**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34° 14' 00" N., longitude 118° 27' 00" W.; to latitude 34° 14' 00" N., longitude 118° 15' 00" W.; to latitude 34° 12' 00" N., longitude 118° 15' 00" W.; to latitude 34° 12' 00" N., longitude 117° 59' 00" W.; to latitude 33° 56' 00" N., longitude 117° 59' 00" W.; to latitude 33° 56' 00" N., longitude 118° 07' 00" W.; to latitude 34° 00' 00" N., longitude 118° 07' 00" W.; to latitude 34° 00' 00" N., longitude 118° 15' 00" W.; to latitude 34° 05' 00" N., longitude 118° 15' 00" W.; to latitude 34° 05' 00" N., longitude 118° 33' 00" W.; to latitude 34° 02' 30" N., longitude 118° 33' 00" W.; to latitude 34° 02' 30" N., longitude 118° 53' 30" W.; to latitude 34° 21' 30" N., longitude 118° 53' 00" W.; to latitude 34° 30' 30" N., longitude 118° 27' 00" W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34° 30' 00" N., longitude 118° 50' 00" W.; to latitude 34° 30' 00" N., longitude 118° 45' 00" W.; thence N along longitude 118° 45' 00" W. to the S boundary of V-137, thence along the S boundary of V-137 to longitude 118° 20' 00" W.; to latitude 34° 30' 00" N., longitude 118° 20' 00" W.; to latitude 34° 30' 00" N., longitude 117° 43' 00" W.; to latitude 34° 10' 00" N., longitude 117° 43' 00" W.; to latitude 34° 10' 00" N., longitude 117° 59' 00" W.; to latitude 34° 05' 00" N., longitude 117° 59' 00" W.; to latitude 34° 05' 00" N., longitude 118° 33' 00" W.; to latitude 34° 00' 00" N., longitude 118° 33' 00" W.; to latitude 34° 00' 00" N., longitude 118° 50' 00" W.; thence to point of beginning.

**Burley, Idaho**

That airspace extending upward from 700 feet above the surface within 5.5 miles each side of the Burley VORTAC 121° radial extending from the VORTAC to 27 miles southeast of the VORTAC; within 5.5 miles each side of the Burley VORTAC 292° radial, extending from the VORTAC to 79 miles west of the VORTAC; within that airspace bounded on the southwest by a line parallel to and 9.5 miles southwest of the Burley VORTAC 323° radial, on the northwest by an arc of a 53-mile radius circle centered on Burley VORTAC, on the north by a line parallel to and 10 miles north of V-500, on the east by a line parallel to and 11 miles east of Burley 344° radial; and within 2.5 miles southeast and 8 miles northwest of the 036° bearing from Burley Municipal Airport, extending 9.5 miles northeast of the Burley Airport; that airspace extending upward from 1,200 feet above the surface north of Burley bounded by a line 8 miles north-west of, and parallel to V-365 extending from the Burley VORTAC to the south edge of V-500; that airspace north-east of Burley bounded on the northeast by V-500, on the southeast by V-269, on the northwest by V-365; that airspace east of Burley bounded on the north by V-269 on the east by an arc of a 28-mile radius circle, centered on the Burley VORTAC, on the southwest by V-4; that airspace southeast of Burley bounded on the north by V-4, on the southeast by arc of a 33.5-mile circle centered on the Burley Municipal Airport (latitude 42°32'29" N., longitude 113°46'27" W.) on the southwest by the northeast edge of V-101; that airspace southwest of Burley within 14 miles southeast of the Burley VORTAC 223° radial, extending from the VORTAC to the north edge of V-484.

**Burlington, Iowa**

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Burlington Municipal Airport (latitude 40°46'55" N., longitude 91°07'40" W.); and within 2 miles each side of the 293° radial of the Burlington VORTAC extending from the 8½-mile radius area to the Burlington VORTAC.

**Burlington, N. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Burlington Municipal Airport (latitude 36°02'45" N., longitude 79°28'40" W.); within 3 miles each side of the Greensboro VORTAC 090° radial, extending from the 6.5-mile radius area to 17 miles east of the VORTAC; within 3 miles each side of the 218° bearing from Burlington RBN (latitude 36°02'59" N., longitude 79°28'49" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN; excluding that portion within the Liberty, N. C., transition area.

**Burlington, Vt.**

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, (lat. 44°28'17"N., long. 73°09'13"W.), of Burlington International Airport, Burlington, Vt.; within 9.5 miles northeast and 4.5 miles southwest of the Burlington ILS northwest localizer course, extending from the 14-mile radius area to 18.5 miles northwest of the Burlington LOM; within 3.5 miles each side of the Burlington, Vt., VORTAC 201° radial, extending from the 14-mile radius area to 12 miles southwest of the VORTAC; excluding that airspace that coincides with Plattsburgh, N. Y., and Highgate, Vt., transition areas.

AMENDMENTS 12/1/77 42 F. R. 48872 (Rewritten)

**Burlington, Wis.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Burlington Municipal Airport (latitude 42°41'20" N., longitude 88°18'05" W.); and within 3 miles each side of the 101° bearing from the Burlington Municipal Airport extending from the 6½-mile radius area to 8 miles east of the airport.

**Burnet, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Burnet Municipal-Kate Craddock Field (latitude 30°44'34" N., longitude 98°14'24" W.), and within 3.5 miles each side of the 191° bearing from the Burnet RBN (latitude 30°44'35" N., longitude 98°14'38" W.) extending from the 5-mile radius area to 10 miles south of the RBN.

**Burwell, Nebr.**

That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Burwell Municipal Airport (latitude 41°46'35" N., longitude 99°08'55" W.); and within 3 miles each side of the 330° bearing from the Burwell Municipal Airport, extending from the 7½-mile radius area to 8 miles northwest of the airport.

**Butler, Mo.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Butler Memorial Airport (latitude 38°17'20" N., longitude 94°20'25" W.); and within 2 miles each side of the Butler, Mo., VORTAC 079° radial, extending from the 5-mile radius area to the VORTAC.

**Butler, Pa.**

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center, lat. 40°46'45" N., long. 79°57'15" W. of Butler-Graham Airport, Butler, Pa., and within 3.5 miles each side of the 181° bearing from the Butler RBN, lat. 40°41'54" N., long. 79°57'14" W., extending from the 7.5-mile radius area to 11.5 miles south of the RBN.

**Butte, MT.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Butte VORTAC and within 6 miles southwest and 10 miles northeast of the VORTAC 325° radial, extending from the VORTAC to 11 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the VORTAC 325° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC, and within 4½ miles west and 9½ miles east of the VORTAC 002° radial extending from the VORTAC to 18.5 miles north of the VORTAC, and within 10 miles north and 7 miles south of the Whitehall, Mont. VOR 096° and 276° radials, extending from 20 miles east of 19 miles west of the VOR.

**Cadillac, Mich.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cadillac, Mich., Municipal Airport (latitude 44°16'30" N., longitude 85°25'10" W.); and within 5 miles SE and 8 miles NW of the 238° bearing from Cadillac Airport, extending from the airport to 12 miles SW of the airport, excluding that portion which overlies the Reed City, Mich., transition area.

**Cadiz, Ohio**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Harrison County Airport (latitude 40°14'18" N., longitude 81°00'45" W.); within 3 miles each side of the 311° bearing from the airport, extending from the 7-mile radius area to 8 miles northwest of the airport.

**Cairo, Ill.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Cairo Airport (lat. 37°03'50"N., long. 89°13'15"W.); and within 3 miles each side of the 032° bearing from the airport extending from the 5½-mile radius to 8 miles northeast of the airport.

## Caledonia, Minn.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Houston County Airport (lat. 43°35'43"N., long. 91°30'15"W.) and within 2 miles each side of the 184° radial of the Nodine VORTAC extending from the 5-mile radius area to 6 miles north of the airport, excluding that portion which overlies the La Crosse, Wisc., transition area.

AMENDMENTS 5/19/77 42 F. R. 14860 (Added)

## PENDING AMENDMENT

## Caledonia, Minn.

That airspace extending upward from 700 feet above the surface within a 5-statute-mile radius of the Houston County Airport (lat. 43°35'43"N., long. 91°30'15"W.) and within 2 miles each side of the 185° true radial of the Nodine VORTAC extending from the 5-mile radius to 6 miles north of the airport and within 3 miles either side of 133° true bearing of the Caledonia NDB extending from the 5-mile radius to 8.5 miles southeast of the airport, excluding that portion which has been previously designated for the LaCrosse, Wisc., airport.

AMENDMENTS 1/26/78 42 F. R. 55447 (Rewritten)

## Calverton, N. Y.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Peconic River Plant (Grumman) Airport., (latitude 40°54'55" N., longitude 72°47'35" W.).

## Cambridge, Md.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 38°32'16" N., 76°01'47" W. of Cambridge Municipal Airport, Cambridge, Md.; and within 3 miles each side of the 145° bearing from the Cambridge, Md., RBN, 38°32'17" N., 76°01'56" W., extending from the 6.5-mile radius area to 8.5 miles southeast of the RBN.

## Cambridge, Minn.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cambridge Municipal Airport (latitude 45°33'35" N., longitude 93°15'49" W.); and within 3 miles each side of the 173° bearing from the airport, extending from the 5-mile radius area to 8 miles south of the airport.

## Cambridge, Ohio

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cambridge Municipal Airport, Ohio (latitude 39°58'33" N., longitude 81°34'37" W.); and within 3 miles each side of the 214° bearing from the Cambridge Municipal Airport extending from the 5-mile radius to 8 miles southwest.

## Camden, Ark.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harrell Airport (latitude 33°37'00" N., longitude 92°45'45" W.) and within 2 miles each side of the 012° bearing from the Camden RBN (latitude 33°37'15" N., longitude 92°45'45" W.), extending from the 5-mile radius area to 8 miles north of the RBN and 2.5 miles each side of the El Dorado, Ark., VORTAC (33°15'21.7" N., 92°44'37.6" W.) 356° radial extending from the 5-mile radius area to 20 miles north of the El Dorado VORTAC.

## Camden, S. C.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Woodward Field (latitude 34°17'03" N., longitude 80°33'53" W.); within 3 miles each side of the 040° bearing from Camden RBN (latitude 34°17'02" N., longitude 80°33'42.5" W.), extending from the 7-mile radius area to 8.5 miles northeast of the RBN.

## Camden, Tenn.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Benton County Airport (lat. 36°00'40"N., long. 88°07'24"W.).

AMENDMENTS 1/21/77 42 F. R. 11237 (Added)

## Cameron, Ariz.

That airspace extending upward from 1,200 feet above the surface within a three-mile radius of Humphreys Peak (lat. 35°21'00" N., long. 111°40'25" W.), and that airspace extending upward from 11,700 feet mean sea level (MSL) bounded by a line beginning at lat. 34°52'20"N., long. 112°00'00"W., to lat. 35°26'00"N., long. 112°00'00"W., to lat. 35°58'00"N., long. 111°43'30"W., to lat. 36°06'30"N., long. 111°00'00"W., to lat. 35°56'00"N., long. 110°21'00"W., thence south via long. 110°21'00"W., to the northwest edge of V-95, thence southwest via the northwest edges of V-95 and V-12 to point of beginning excluding that portion within the 1,200 foot area of Humphreys Peak.

AMENDMENTS 10/6/77 42 F. R. 40692 (Added); Corr: 42 F. R. 59750

## Camilla, Ga.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Camilla-Mitchell County Airport (lat. 31°12'45"N., long. 84°14'20"W.); within 3 miles each side of the 253° bearing from the Camilla RBN (lat. 31°12'52"N., long. 84°14'13"W.), extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

AMENDMENTS 4/21/77 42 F. R. 11236 (Added)

## Campbellsville, Ky.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Taylor County Airport (latitude 37°21'05"N., longitude 85°18'45"W.); within 3 miles each side of the 203° bearing from the Arista RBN (latitude 37°21'19" N., longitude 85°18'54" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the NDB.

## Camp Douglas, Wis.

That airspace extending upward from 700 feet above the surface, within a 10-mile radius of Volk Field, Camp Douglas, Wis. (latitude 43°56'25" N., longitude 90°15'20" W.), and within 2 miles each side of the Volk Field VORTAC 092° radial extending from the 10-mile radius to 12 miles E of the VORTAC.

## Camp McCoy, Wis.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the McCoy Army Air Field (latitude 43°57'15" N., longitude 90°44'15" W.), excluding that portion that overlies the La Crosse, Wisconsin, transition area.

## Camp Pendleton, Calif.

That airspace extending upward from 700 feet above the surface within 4.5 miles southeast and 3 miles northwest of the Camp Pendleton TACAN (latitude 33°18'04" N., longitude 117°21'06" W.) 041° radial, extending from the TACAN to 18 miles northeast of the TACAN.

## Camp Ripley, Minn.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Ray S. Miller Army Air Field (latitude 46°05'00" N., longitude 94°21'10" W.).

## Canadian, Tex.

That airspace extending upward from 700 feet above the surface within a 5.5-statute mile radius of Hemphill County Airport, Canadian, Tex. (lat. 35°53'45" N., long. 100°24'06" W.), including an extension from the 5.5-statute mile radius area to 8.5 statute miles southwest of the NDB and 3 statute miles either side of the 054° bearing to the NDB.

## Cape Girardeau, Mo.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'31" N., longitude 89°34'15" W.); within 4.5 miles east and 9.5 miles west of the Cape Girardeau VOR 194° radial, extending from the 10-mile radius area to 18.5 miles south of the VOR, excluding the portion which overlies the Sikeston transition area.

## Cape Hatteras, N. C.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Billy Mitchell Airport (latitude 35°14'00" N., longitude 75°37'05" W.); excluding the portion outside the continental limits of the United States.

AMENDMENTS 2/24/77 41 F. R. 53318 (Added)

## Carlsbad, N. Mex.

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of Cavern City Air Terminal (lat. 32°20'14"N., long. 104°15'46"W.) and within 3.5 miles each side of the Carlsbad VOR 156° radial extending from the 8.5-mile-radius area to 11 miles southeast of the VOR.

AMENDMENTS 12/30/76 41 F.R. 48513 (Rewritten)

## Carmi, Ill.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Carmi Municipal Airport (latitude 38°06'00" N., longitude 88°09'00" W.); and within 3 miles either side of the 177° bearing from the airport extending from the 5.5-mile radius area to 8 miles from the airport.

## Caro, Mich.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Caro Airport (lat. 43°27'45"N., long. 83°26'30"W.).

AMENDMENTS 5/19/77 42 F. R. 14861 (Added)



**Carrizo Springs, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Dimmit County Airport (latitude 28°31'25" N., longitude 99°49'30" W.) and within 3 miles each side of the 124° bearing from the NDB (latitude 28°31'19" N., longitude 99°49'38" W.) extending from the NDB to 8.5 miles southeast.

**Carroll, Iowa**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Arthur N. Neu Airport (latitude 42°02'50" N., longitude 94°47'20" W.); and within 3 miles each side of the 143° bearing from Arthur N. Neu Airport, extending from the 6½-mile radius area to 8 miles southeast of the airport.

**Carrollton, Ga.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of West Georgia Regional Airport (latitude 33°37'47" N., longitude 85°09'13" W.); within 3 miles each side of the 169° bearing from Carrollton RBN (latitude 33°38'02" N., longitude 85°09'13" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

**Carrollton, Ohio**

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Carroll County-Tolson Airport (latitude 40°33'45" N., longitude 81°04'30" W.).

**Cartersville, Ga.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cartersville Airport (latitude 34°07'30" N., longitude 84°51'00" W.).

**Carthage, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Panola County Airport (latitude 32°10'21" N., longitude 94°17'51" W.) and within 3 miles each side of the Gregg County VORTAC (latitude 32°25'03.3" N., longitude 94°45'10.5" W.) 122° radial, extending from the 5-mile radius area to 25 miles southeast of the Gregg County VORTAC.

**Casey, Ill.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Casey Municipal Airport (latitude 39°18'00" N., longitude 88°00'15" W.); and within 3 miles each side of the 211° bearing from the airport extending from the 5-mile radius area to 8 miles southwest of the airport.

**Casper, Wyo.**

That airspace extending upward from 700 feet above the surface within a 27 mile radius of the Casper ASR (latitude 42°55'17"N., longitude 106°27'14"W.); and that airspace extending upward from 1200 feet above the surface within a 43 mile radius of the Casper ASR; within an area extending from the 43 mile radius circle to an arc of a 42 mile radius circle centered on the Casper VORTAC bounded on the north by the Casper VORTAC 060° radial and on the south by the Casper VORTAC 111° radial; and that airspace extending upward from 11,500 feet MSL, extending from the 43 mile radius circle to an arc of a 60 mile radius circle centered on the Casper VORTAC, bounded on the east by the west edge of V19 and on the south by the north edge of V298.

**Cedar City, Utah**

That airspace extending upward from 1,200 feet above the surface within 6 miles E and 10 miles W of the Cedar City VOR 181° and 004° radials extending from 8 miles S to 20 miles N of the VOR.

**Cedar Rapids, Iowa**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'35" W.); within 4½ miles north and 9½ miles south of the Cedar Rapids ILS localizer west course, extending from the OM to 18½ miles west of the OM; and within 4½ miles north and 9½ miles south of the Cedar Rapids VORTAC 264° radial, extending from the VORTAC to 18½ miles west of the VORTAC.

**Cedar Springs, Ga.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Great Southern Airport (latitude 31°08'25" N., longitude 85°02'48" W.); within 2.5 miles each side of the Dothan VORTAC 115° radial, extending from the 6.5-mile radius area to 17 miles east of the VORTAC.

**Cedartown, Ga.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Cornelius Moore Field (lat. 34°01'20" N., long. 85°08'50" W.); within 3 miles each side of Rome, Ga., VOR 009° and 189° radials, extending from the 8.5-mile radius area to 8.5 miles north of the VOR; excluding the portion within Rome, Ga., transition area.

**Celina, Ohio**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Lakefield Airport (latitude 40°29'03" N., longitude 84°33'37" W.); excluding that portion overlying the Wapakoneta, Ohio, transition area.

**Centerville, Tenn.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Centerville Municipal Airport (latitude 35°50'15" N., longitude 87°26'45" W.); within 3 miles each side of Graham, Tenn., VOR 177° radial, extending from the 5.5-mile radius area to 8.5 miles south of the VOR.

**Centralia, Ill.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Centralia Municipal Airport (latitude 38°30'40" N., longitude 89°05'35" W.); and within 2 miles each side of the Centralia VOR 031° radial, extending from the 5-mile radius area to the VOR.

**Centre, Ala.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Centre Municipal Airport (latitude 34°09'40" N., longitude 85°38'05" W.).

**Chadron, Nebr.**

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Chadron Municipal Airport (latitude 42°50'00" N., longitude 103°05'50" W.); and within 5 miles each side of the Chadron VOR 030° radial, extending from the 14-mile radius area to the VOR.

**Champaign, Ill.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); within a 5½-mile radius of the Illinois Airport, Urbana, Ill. (latitude 40°08'31" N., longitude 88°12'00" W.) and within 8 miles southeast and 5 miles northwest of the Champaign VORTAC 030° radial extending from the VORTAC to 12 miles northeast of the VORTAC.

**Chantilly, Va.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 38°56'40" N., 77°27'24" W., of Dulles International Airport, within 3 miles each side of the Armel, Va., VORTAC 292° radial, extending from the VORTAC to 20 miles west; within 5 miles west and 6.5 miles east of the Dulles International Airport Runway 19R ILS localizer course, extending from the OM to 13 miles north; within 6.5 miles east and 4.5 miles west of the Dulles International Airport Runway 19L ILS localizer course extending from 5.5 miles south of the OM to 11.5 miles north of the OM; within 5 miles each side of the Martinsburg, W. Va. VORTAC 176° radial, extending from 15 miles south of the VORTAC to 28.5 miles south of the VORTAC; within 6.5 miles west and 4.5 miles east of the Dulles International Airport Runway 1R localizer course, extending from the OM to 11.5 miles south; within an 8-mile radius of the center of Leesburg Municipal Airport (Godfrey Field), Leesburg, Va., 39°04'37" N., 77°33'25" W.; within a 6.5-mile radius of the center, 38°43'30" N., 77°31'00" W., of Manassas Municipal Airport (Harry P. Davis Field), Manassas, Va., within 2.5 miles each side of a 330° bearing from a point 38°43'36" N., 77°31'17" W., extending from said point to 9.5 miles northwest.

**Chanute, Kans.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Chanute Martin Johnson Airport (latitude 37°40'05" N., longitude 95°29'10" W.).

**Chariton, Ia.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Chariton Municipal Airport (latitude 41°01'00" N., longitude 93°21'30" W.); and within 3 miles each side of the 352° bearing from the Chariton Municipal Airport extending from the 5-mile-radius area to 8 miles north of the airport.

**Charles City, Iowa**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles City Municipal Airport (latitude 43°04'15" N., longitude 92°36'15" W.); and within 3 miles each side of the 311° bearing from Charles City Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

**Charleston, Mo.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Mississippi County Airport (latitude 36°50'22" N., longitude 89°21'42" W.); and within 3 miles each side of the 188° bearing from Charleston RBN (latitude 36°50'42" N., longitude 89°21'24" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN, excluding that portion overlying the Sikeston transition area.

**Charleston, S. C.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charleston Municipal Airport (latitude 32°52'45" N., longitude 79°58'45" W.); and within 3 miles each side of the 188° bearing from Charleston RBN (latitude 32°52'45" N., longitude 79°58'45" W.), extending from the 5-mile radius area to 8.5 miles south of the RBN, excluding that portion overlying the Sikeston transition area.

**Chattanooga, Tenn.**

That airspace extending upward from 700 feet above the surface within a 15-mile radius of Lovell Field (latitude 35°02'45" N., longitude 82°54'15" W.); and within 3 miles each side of the 188° bearing from Chattanooga RBN (latitude 35°02'45" N., longitude 82°54'15" W.), extending from the 15-mile radius area to 8.5 miles south of the RBN, excluding that portion overlying the Sikeston transition area.

**Charleston, S. C.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Charleston AFB/Municipal Airport (latitude 32°53'55" N., longitude 80°02'20" W.); within 3.5 miles each side of Charleston VORTAC 018°, 211°, and 332° radials, extending from the 9-mile radius area to 11.5 miles north; southwest and northwest of the VORTAC; within 3.5 miles each side of Charleston VORTAC 135° radial, extending from the 9-mile radius area to 10.5 miles southeast of the VORTAC; within a 6.5-mile radius of Johns Island Airport (lat. 32°42'00" N., long. 80°00'00" W.); within 3 miles each side of the 278° bearing from Johns Island RBN (lat. 32°42'09" N., long. 80°00'10" W.), extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

**Charleston, WV.**

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, lat. 38°22'22" N., long. 81°35'35" W., of Kanawha Airport, Charleston, WV.; within 6.5 miles southwest and 5 miles northeast of a line bearing 321° from a point lat. 38°26'25" N., long. 81°39'50" W., extending from said point to 11.5 miles northwest; within 6.5 miles northeast and 5 miles southwest of a line bearing 141° from a point lat. 38°17'12" N., long. 81°30'30" W., extending from said point to 11.5 miles southeast; and within 8 miles northwest and 5 miles southeast of the Kanawha Airport ILS localizer northeast course, extending from the 14-mile radius area to 13 miles northeast of the OM.

**Charlevoix, Mich.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Charlevoix Municipal Airport (latitude 45°18'17" N., longitude 85°16'08" W.) and within 3 miles each side of the 270° bearing from Charlevoix Municipal Airport, extending from the 5½-mile radius area to 8 miles west of the airport, and within 3 miles each side of the 69° bearing from Charlevoix Municipal Airport, extending from the 5½-mile radius area to 8 miles east of the airport.

**Charlotte, Mich.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Fitch H. Beach Airport (latitude 42°34'30" N., longitude 84°48'45" W.); and within 2 miles each side of the Lansing, Mich., VOR 209° radial, extending from the 6-mile radius area to the VOR, excluding the portion which overlies the Lansing, Mich., 700-foot floor transition area.

**Charlotte, N. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Douglas Municipal Airport (latitude 35°12'53" N., longitude 80°56'18" W.); within 3 miles each side of Charlotte VORTAC 058° radial, extending from the 8.5-mile radius area to 14 miles northeast of the VORTAC; within 9.5 miles west and 4.5 miles east of Charlotte VORTAC 171° radial, extending from the 5.5 NM DME Fix to 24 miles south of the VORTAC; within 9.5 miles northwest and 4.5 miles southeast of Charlotte VORTAC 223° radial, extending from the 5.5 NM DME Fix to 24 miles southwest of the VORTAC; within 9.5 miles northwest and 4.5 miles southeast of Charlotte ILS localizer southwest course, extending from the LOM to 18.5 miles southwest; within a 6.5-mile radius of Gastonia Municipal Airport, N. C. (latitude 35°12'00" N., longitude 81°09'05" W.); within a 6.5-mile radius of Rock Hill Municipal Airport, S. C. (latitude 34°59'05" N., longitude 81°03'30" W.); within a 7-mile radius of Jaars-Townsend Airport, Waxhaw, N. C. (latitude 34°51'50" N., longitude 80°44'50" W.); excluding the portion within Lancaster, S. C., transition area.

**Charlotte Amalie, St. Thomas, V. I. (Harry S. Truman Airport)**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Harry S. Truman Airport (lat. 18°20'26" N., long. 64°58'11" W.); that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Harry S. Truman Airport; within 9.5 miles west and 4.5 miles east of St. Thomas VOR 358° radial, extending from the 15-mile radius area to 18.5 miles north of the VOR.

**Charlottesville, VA.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 38°08'25" N., long. 78°27'09" W., of Charlottesville-Albemarle Airport, Charlottesville, Va., extending clockwise from a 340° bearing to a 072° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 072° bearing to a 166° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 166° bearing to a 233° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 233° bearing to a 280° bearing from the airport; within a 19.5-mile radius of the center of the airport, extending clockwise from a 280° bearing to a 340° bearing from the airport and within 4.5 miles each side of the Charlottesville-Albemarle Airport ILS localizer southwest course, extending from the 13-mile radius arc to 11 miles southwest of the Azalea Park RBN.

AMENDMENTS 10/6/77 42 F. R. 42194 (Changed)

**Chase City, Va.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center of Chase City Municipal Airport, Chase City, Va. (lat. 36°47'18" N., long. 78°30'05" W.); and within 3 miles each side of a 179° bearing from the Chase City, Va., radio beacon (lat. 36°47'21" N., long. 78°30'05" W.), extending from the 5.5-mile radius area to 8 miles south of the radio beacon.

**Chattanooga, Tenn.**

That airspace extending upward from 700 feet above the surface within a 15-mile radius of Lovell Field (latitude 35°02'05" N., longitude 85°12'10" W.), extending clockwise from the 030° to the 210° bearing from Lovell Field; within a 19-mile radius of Lovell Field, extending clockwise from the 210° to the 030° bearing from Lovell Field; within a 6.5-mile radius of Hardwick Field, Cleveland, Tenn. (lat. 35°13'20" N., long. 84°49'58" W.); within 3 miles each side of the 224° bearing from Hardwick RBN (lat. 35°09'13" N., long. 84°54'21" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

**Cheraw, S. C.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cheraw Municipal Airport (latitude 34°42'45" N., longitude 79°57'35" W.); within 2 miles each side of the Chesterfield VOR 077° radial extending from the 5-mile radius area to the VOR; within 2 miles each side of the 251° bearing from the Cheraw RBN (lat. 34°44'47" N., long. 79°50'40" W.), extending from the 5-mile radius area to the RBN.

**Cherokee, Wyo.**

That airspace extending upward from 1,200 feet above the surface within 9 miles south and 6 miles north of the Cherokee, Wyo., VORTAC 261° radial extending from 8 miles east to 19 miles west of the VORTAC; and that airspace east of the Cherokee VORTAC within an arc of a 37-mile radius circle centered on the Cherokee VORTAC bounded on the north by the north edge of V-26 and on the south by the south edge of V-4, excluding that airspace within the Rawlins, Wyo., transition area.

**Cherokee Village, Ark.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cherokee Village Airport (latitude 36°15'49" N., longitude 91°33'55" W.); within 3.5 miles each side of the 223° bearing from the Cherokee Village RBN (latitude 36°15'55" N., longitude 91°33'45" W.) extending from the 8-mile radius area to 11 miles southwest of the RBN.

**Cherry Point MCAS, N. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Cherry Point MCAS (latitude 34°54'30" N., longitude 76°53'00" W.); excluding the portion within the New Bern, N. C., transition areas.

**Chester, Conn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°23'01" N., 72°30'20" W. of Chester Airport, Chester, Conn., and within 2 miles each side of the Madison VOR 062° radial extending from the 5-mile radius to the VOR.

**Chester, S. C.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Chester Municipal Airport (lat. 34°47'18" N., long. 81°11'45" W.).

**Chesterfield, Mo.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Spirit of St. Louis Airport (lat. 38°39'35" N., long. 90°38'45" W.); within 3 miles each side of the Foristell, Mo., VORTAC 093° radial; extending from the 9-mile radius area to 9½ miles west of the Spirit of St. Louis Airport, excluding the portion which overlies the St. Louis, Mo., 700 foot floor transition area.

AMENDMENTS 4/21/77 42 F. R. 5693 (Rewritten)

**Chesterfield, Va.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 37°24'25" N., 77°31'18" W., of Chesterfield County Airport, Chesterfield, Va.; within 3 miles each side of the Flat Rock, Va., VORTAC 116° radial, extending from the 5.5-mile radius area to 10 miles southeast of the VORTAC; within 1.5 miles each side of a 321° bearing from the Happy Hill, Va., RBN (37°20'00" N., 77°27'15" W.) extending from the 5.5-mile radius area to 0.5 mile northwest of the RBN.

AMENDMENTS 8/11/77 42 F. R. 31157 (Rewritten)

**Cheyenne, Wyo.**

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Cheyenne Municipal Airport (latitude 41°09'20" N., longitude 104°48'30" W.), and within 6 miles southeast and 8 miles northwest of the Cheyenne VORTAC 029° radial, extending from the 14-mile radius area to 14 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the NE by V-6, on the SE by V-207, on the SW by V-4N and on the NW by V-524, and that airspace NW of Cheyenne within 7 miles NE and 10 miles SW of the Cheyenne VORTAC 305° radial, extending from the VORTAC to 47 miles NW of the VORTAC, excluding the portions within the Laramie, Wyo., transition area.



**Chicago, Ill.**

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 42°29'00" N., longitude 88°30'00" W., to latitude 42°29'00" N., longitude 88°03'00" W., to latitude 42°40'00" N., longitude 88°03'00" W., to latitude 42°43'00" N., longitude 87°57'00" W., to latitude 42°30'00" N., longitude 87°35'00" W., to latitude 41°55'00" N., longitude 87°19'00" W., to latitude 41°38'00" N., longitude 87°19'00" W., to latitude 41°33'00" N., longitude 87°10'00" W., to latitude 41°28'00" N., longitude 87°14'00" W., to latitude 41°22'00" N., longitude 87°40'00" W., to latitude 41°22'00" N., longitude 88°30'00" W., to latitude 41°41'00" N., longitude 88°30'00" W., to latitude 41°53'00" N., longitude 88°50'00" W., to latitude 42°01'00" N., longitude 88°40'00" W., to latitude 42°15'00" N., longitude 88°25'00" W., to latitude 42°21'00" N., longitude 88°30'00" W., to point of beginning.

**Chico, Calif.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chico Municipal Airport (latitude 39°47'45" N., longitude 121°51'25" W.) and within 2 miles each side of the Chico VOR 316° radial, extending from the 5-mile radius area to 8 miles northwest of the VOR, and that airspace within 2 miles each side of the Chico VOR 165° radial extending from the 5-mile radius area to 12 miles south of the VOR, excluding the portion within a 1-mile radius of the Ranchero Airport (latitude 39°43'10" N., longitude 121°52'10" W.).

**Chicopee Falls, Mass.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 42°11'40" N., 72°32'15" W., of Westover AFB, Chicopee Falls, Mass.; within 7 miles each side of the Chicopee Falls, Mass., ILS localizer NE course extending from the 12-mile radius area to 13 miles NE of the outer marker and within a 10-mile radius of the center, 42°09'25" N., 72°42'50" W. of Barnes Municipal Airport, Westfield, Mass., and within that airspace bounded by a line beginning at 42°11'50" N., 72°54'10" W. to 42°32'20" N., 72°49'20" W. to 42°30'00" N., 72°32'00" W. to 42°24'45" N.; 72°34'00" W. to 42°24'50" N.; 72°33'25" W. to 42°22'00" N.; 72°34'00" W., thence to the point of beginning; within a 6.5-mile radius of the center lat. 42°19'45" N., long. 72°37'00" W., of La Fleur Airport, Northampton, Mass.; within 3.5 miles each side of the Chester, Mass. VOR 082° radial, extending from the 6.5-mile radius area to the Chester, Mass. VOR, excluding the portion which coincides with the Hartford, Conn., transition area.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 42°55'00" N., 72°00'00" W. to 42°05'00" N., 72°00'00" W. to 41°55'00" N., 71°59'00" W. to 42°02'00" N., 72°07'00" W. to 42°02'00" N., 73°16'00" W. to 43°11'00" N., 72°39'00" W. to 43°05'00" N., 72°13'00" W. to point of beginning.

**Childress, Tex.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Childress Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.);

**Chillicothe, Mo.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Chillicothe Municipal Airport (latitude 39°46'45" N., longitude 93°30'00" W.); and within 3 miles either side of the 337° bearing from the MHW facility extending from the 5-mile radius to 8.5 miles northwest, and that airspace extending upward from 1,200 feet above the surface 5 miles southwest and 9.5 miles northeast of the 337° bearing from the Chillicothe MHW facility extending from 6.5 miles southeast to 18.5 miles northwest of the Chillicothe MHW facility, excluding that portion which overlies the Trenton, Missouri, transition area.

**China Lake NAF, Calif.**

That airspace extending upward from 700 feet above the surface within 2 miles each side of the NAF China Lake TACAN 350° radial extending from 8 miles to 12 miles N of the TACAN and within 2 miles each side of the NAF China Lake TACAN 148° radial extending from 8 miles to 11 miles SE of the TACAN.

**Chincoteague, Va.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.).

**Christiansted, St. Croix, V. I.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Alexander Hamilton Airport (lat. 17°42'13" N., long. 64°47'54" W.); within 3 miles each side of St. Croix VOR 068° radial, extending from the 8.5-mile radius area to 8.5 miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Alexander Hamilton Airport; within 9.5 miles north and 4.5 miles south of the St. Croix VOR 068° radial, extending from the 15-mile radius area to 18.5 miles east of the VOR; within 9.5 miles south and 4.5 miles north of the ILS localizer west course, extending from the 15-mile radius area to 18.5 miles west of the LOM.

**Cincinnati, Ohio**

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Greater Cincinnati Airport (lat. 39°02'56" N., long. 84°39'41" W.); within 9.5 miles east and 4.5 miles west of Runway 36 ILS localizer south course, extending from the 11.5-mile radius area to 18.5 miles south of the LOM; within 3 miles each side of Runway 9R ILS localizer west course, extending from the 11.5-mile radius area to 8.5 miles west of Burlington RBN; within a 12-mile radius of Cincinnati Municipal-Lunken Field Airport (lat. 39°06'14" N., long. 84°25'18" W.); within 3 miles each side of the 044° bearing from Lunken RBN, extending from the 12-mile radius area to 8.5 miles northeast of the RBN; within a 5½-mile radius of Clermont County Airport, Batavia, OH. (latitude 39°04'43" N., longitude 84°12'38" W.); within a 5-mile radius of the Blue Ash Airport, Cincinnati, OH. (latitude 39°14'59" N., longitude 84°23'14" W.) and within 3 miles each side of the 046° bearing from the Blue Ash Airport from the 5-mile radius area to 7 miles northeast.

**Circleville, OH.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Pickaway County Memorial Airport (latitude 39°31'00" N., longitude 82°58'55" W.) excluding the portion which lies within the Lockbourne AFB transition area.

**Claremont, N. H.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Claremont Municipal Airport (latitude 43°22'15" N., longitude 72°22'00" W.); within 6.5 miles south and 4.5 miles north of the Claremont NDB (latitude 43°21'50" N., longitude 72°17'57" W.), 097° and 277° bearings from the NDB, extending from 12 miles east to 6 miles west of the NDB, excluding that portion within the Lebanon, N. H., and Springfield, Vt., transition areas.

**Clarion, Iowa**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Clarion Municipal Airport (lat. 42°44'30" N., long. 93°45'30" W.) and within 3 miles each side of the 311° bearing from the Clarion Municipal Airport, extending from the 5-mile radius to 8.5 miles northwest of the airport.

AMENDMENTS 12/1/77 42 F. R. 46278 (Added)

**Clarinda, Iowa**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clarinda Municipal Airport (latitude 40°43'30" N., longitude 95°01'30" W.); within 3 miles each side of the 169° bearing from the Clarinda Municipal Airport extending from the 5-mile radius to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 169° bearing of the Clarinda Municipal Airport to 18½ miles south of the airport.

**Clarksburg, WV.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 39°17'44" N., long. 80°13'46" W., of Benedum Airport; within 5 miles each side of the Clarksburg VOR 219° radial, extending from the 8.5-mile radius area to 11.5 miles southwest of the VOR and within 5 miles each side of the Benedum Airport ILS localizer northeast course, extending from the 8.5-mile radius area to 10 miles northeast of the OM.

**Clarksdale, Miss.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fletcher Field (latitude 34°17'45" N., longitude 90°30'50" W.); within 3 miles each side of the 010° and 163° bearings from the Clarksdale RBN (latitude 34°17'33" N., longitude 90°30'57" W.), extending from the 6.5-mile radius area to 8.5 miles north and south of the RBN.

**Clarksville, Ark.**

That airspace extending upward from 700 feet above the surface within a 7-statute-mile radius of Clarksville Municipal Airport, Clarksville, Ark., (latitude 35°28'15" N., longitude 93°26'00" W.); and within 3.5 statute miles each side of the 125° bearing from Clarksville NDB (latitude 35°28'05" N., longitude 93°25'47" W.), extending from the 7-mile-radius area to 12 statute miles southeast of the NDB.

AMENDMENTS 2/24/77 42 F. R. 55863 (Added)

**Clearfield, Pa.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 41°02'57" N., 78°24'53" W., of Clearfield-Lawrence Airport, Clearfield, Pa., within a 10-mile radius of the center of the airport, extending clockwise from a 134° bearing to a 238° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 238° bearing to a 057° bearing from the airport.

**Cleveland, Miss.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Cleveland Municipal Airport (lat. 33°45'30" N., long. 90°45'15" W.); within 3 miles each side of the 355° bearing from Renova RBN (lat. 33°48'25" N., long. 90°45'45" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

**Clemson, S. C.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clemson-Oconee County Airport (lat. 34°40'22" N., longitude 82°53'07" W.); within 3 miles each side of the 099° bearing from the Oconee RBN (latitude 34°40'25" N., longitude 82°53'13" W.), extending from the 5-mile radius area to 8.5 miles east of the RBN; within a 6.5-mile radius of Pickens County Airport (lat. 34°48'55" N., long. 82°41'55" W.); within 3 miles each side of the 229° bearing from Pickens RBN (lat. 34°48'32" N., long. 82°42'06" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN; excluding that portion within Anderson transition area.

**Cleveland, Ohio**

That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the center (41°24'30" N., 81°51'00" W.), of Cleveland-Hopkins International Airport, Cleveland, Ohio; within 3 miles each side of the Cleveland-Hopkins International Airport Runway 18-R centerline, extended from the 12.5-mile radius area to 14.5 miles south of the end of the runway; within 3 miles each side of the 230° bearing from the Gilbert, Ohio, RBN extending from the 12.5-mile radius area to 5 miles southwest of the RBN; within 3 miles each side of the Cleveland-Hopkins International Airport Runway 28-R centerline, extended from the 12.5-mile radius area to 13 miles west of the end of the runway; within the area bounded by a line beginning at a point on the Cleveland, Ohio, VORTAC 041° radial 20 miles northeast of the VORTAC, thence along a line bearing 052° from this point to its intersection with the arc of a 15-mile radius circle centered on Lost Nation Airport, Willoughby, Ohio (41°41'00" N., 81°23'20" W.), thence clockwise along the arc of the 15-mile radius circle to its intersection with the arc of a 9-mile radius circle centered on Casement Airport, Painesville, Ohio (41°44'05" N., 81°13'25" W.), thence clockwise along the arc of the 9-mile radius circle to its intersection with the arc of a 7.5-mile radius circle centered on Concord Airpark, Painesville, Ohio (41°40'00" N., 81°12'00" W.), thence clockwise along the arc of the 7.5-mile radius circle to its point of intersection with a line 2 miles east and parallel to the Chardon VORTAC 350° radial, thence south along this parallel line to its point of intersection with the Chardon VORTAC 080° radial, thence west along the Chardon VORTAC 080° radial to the Chardon VORTAC, thence southeast along the Chardon VORTAC 145° radial to a point 2 miles southeast of the VORTAC, thence southwest along a line 2 miles southeast and parallel to the Chardon VORTAC 235° radial commencing at the point of intersection of this parallel line and the Chardon VORTAC 145° radial to the point of intersection with the arc of a 5.5-mile radius circle centered on Chagrin Falls Airport, Chagrin Falls, Ohio (41°25'45" N., 81°19'50" W.), thence clockwise along the arc of the 5.5-mile radius circle to the point of intersection of the 5.5-mile arc with a line bearing 180° from a point 41°25'45" N., 81°19'50" W., thence direct to the intersection of a line bearing 126° from latitude 41°24'35" N., longitude 81°41'25" W., and the arc of a 12.5-mile radius circle centered on the Cleveland-Hopkins International Airport, thence to the point of beginning.

**Cleveland, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cleveland Municipal Airport (latitude 30°21'30" N., longitude 95°00'29" W.), and within 2.5 miles each side of the Daisetta, Tex., VORTAC 298° radial extending from the 5-mile radius to 19.5 miles northwest of the VORTAC.

**Clifton, Tenn.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hassell Field (lat. 35°23'00" N., long. 87°58'00" W.).

**Clinton, Iowa**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Clinton Municipal Airport (latitude 41°49'55" N., longitude 90°19'45" W.); within 2 miles each side of the Davenport VORTAC 043° radial, extending from the 7-mile radius area to the VORTAC; and within 8 miles southwest and 5 miles northeast of the 324° bearing from Clinton Municipal Airport, extending from the airport to 12 miles northwest of the airport.

**Clinton, Mo.**

That airspace extending upward from 700 feet above the surface within 5 miles of the Clinton, Missouri, Airport (latitude 38°21'27" N., longitude 93°40'54" W.); within 3 miles each side of the 054° bearing from the Clinton Memorial Airport extending from the 5-mile radius to 8 miles northeast of the airport; and within 3 miles each side of the 217° bearing from the Clinton Memorial Airport extending from the 5-mile radius to 8 miles southwest of the airport.

**Clinton, N. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sampson County Airport (lat. 34°58'48" N., long. 78°21'48" W.); within 3 miles each side of the 247° bearing from Clinton RBN (lat. 34°58'31" N., long. 78°21'48" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

**Clinton, Okla. (Clinton-Sherman Airport)**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Clinton-Sherman Airport (latitude 35°20'25" N., longitude 99°12'00" W.), and within 8 miles west and 5 miles east of the extended centerline of Clinton-Sherman Runways 17 and 35 extending from the 8-mile radius area to 20 miles north and 18 miles south of the ends of the runways excluding the portion within the Hobart, Okla., and Elk City, Okla., transition areas.

**Clinton, Okla. (Clinton Municipal Airport)**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clinton Municipal Airport (lat. 35°32'15" N., long. 98°56'00" W.), and within 3.5 miles each side of the 171° bearing from the Clinton RBN (lat. 35°32'00" N., long. 98°56'02" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

**Clintonville, Wis.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Clintonville Municipal Airport (latitude 44°36'50" N., longitude 88°43'52" W.).

**Cloquet, Minn.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Cloquet-Carlton County Airport (latitude 46°42'10" N., longitude 92°30'20" W.); within 3 miles each side of the 355° bearing from the Cloquet-Carlton County Airport extending from the 6½-mile radius to 8 miles north of the airport; within 3 miles each side of the 175° bearing from the Cloquet-Carlton County Airport extending from the 6½-mile radius area to 8 miles south of the airport.

**Clovis, N. Mex.**

That airspace extending upward from 700 feet above the surface within a 23-mile radius of Cannon AFB, Clovis, N. Mex. (lat. 34°23'01" N., long. 103°18'58" W.); within 7.5 miles north and 2 miles south of the Texico VORTAC 254° and 074° radials, extending from the 23-mile radius area to 1.5 miles east of the Texico VORTAC; and within 3.5 miles each side of the Portales NDB (lat. 34°10'45" N., long. 103°22'33" W.) 202° bearings extending from the 23-mile radius area to 12 miles south of the NDB.

**Coaldale, Nev.**

That airspace extending upward from 10,500 feet MSL within 9 miles northeast and 6 miles southwest of the Coaldale VORTAC 146° and 326° radials, extending from 17 miles southeast to 7 miles northwest of the VORTAC.

**Coatesville, Pa.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 39°56' 40" N., 75°51'44" W., of Chester County, G. O. Carlson Airport, Coatesville, Pa., extending clockwise from a 024° bearing to a 231° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 231° bearing to a 024° bearing from the airport; within 3.5 miles each side of a 283° bearing from the COATY LOM (39°59'32" N., 75°57'06" W.), extending from the 6-mile radius arc to 11.5 miles west of the LOM; within 4.5 miles south and 6.5 miles north of the Modena VORTAC 095° and 275° radials, extending from 11.5 miles east to 5.5 miles west of the VORTAC; within 5 miles each side of the Modena VORTAC 293° radial extending from the VORTAC to 11 miles northwest of the VORTAC, excluding the portion that coincides with the Toughkenamon, Pa., transition area.

AMENDMENTS 10/6/77 42 F. R. 51566 (Changed)

**Cochise, Ariz.**

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Cochise VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR.

**Cochran, Ga.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cochran Airport (lat. 32°23'45" N., long. 83°16'45" W.); within 2.5 miles each side of Vienna VORTAC 046° radial, extending from the 5-mile radius area to 12.5 miles northeast of the VORTAC.

**Cody, Wyo.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.), within 3 miles each side of the Cody VOR 022° and 202° radials, extending from the 8-mile radius area to 8.5 miles north of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles west and 9.5 miles east of the Cody VOR 022° and 202° radials, extending from 2.5 miles south to 18.5 miles north of the VOR.

**Coffeyville, KS.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Coffeyville, KS., Municipal Airport (latitude 37°05'45" N., longitude 95°34'25" W.); and within 3 miles either side of the 163° bearing from the airport extending from 7 miles to 8 miles south of the airport.

**Colby, Kans.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Colby Municipal

**Columbus, Ga.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Columbus



## Colby, Kans.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Colby Municipal Airport (latitude 39°25'30" N., longitude 101°02'40" W.); and within 3 miles each side of the 017° bearing from Colby Municipal Airport, extending from the 5½-mile radius area to 8 miles north of the airport.

## Cold Bay, Alaska

That airspace extending upward from 1,200 feet above the surface within a 16.5-mile radius of the Cold Bay VORTAC, extending clockwise from the 253° radial to the 041° radial; within 7 miles southeast of the Cold Bay VORTAC 041° radial, extending from the VORTAC to 16.5 miles northeast of the VORTAC; within 7 miles south of the Cold Bay VORTAC 253° radial, extending from the VORTAC to 16.5 miles west of the VORTAC; within 5 miles west and 11.5 miles east of the Cold Bay VORTAC 335° radial, extending from the VORTAC to 20 miles north of the VORTAC, and within 8.5 miles west and 5 miles east of the Cold Bay VORTAC 150° radial, extending from 18 to 29 miles south of the VORTAC.

## Coldwater, Mich.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County Memorial Airport (latitude 41°56'05" N., longitude 85°02'55" W.), within 2 miles each side of the Litchfield, Mich. VORTAC 239° radial extending from the 5-mile radius area to 8 miles northeast of the airport, and within 2 miles each side of the 200° bearing from the Branch County Memorial Airport extending from the 5-mile radius area to 8 miles southwest of the airport.

## College Station, Tex.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Easterwood Field (latitude 30°35'19" N., longitude 96°21'54" W.); within 2 miles each side of the College Station VORTAC 107° radial extending from the 5-mile radius area to 18 miles east of the VORTAC; within 3.5 miles each side of the College Station northwest localizer course extending from the 5-mile radius area to 13 miles northwest of the localizer site (latitude 30°35'59" N., longitude 96°21'48.3" W.); within 1.5 miles each side of the southeast localizer course extending from the 5-mile radius area to 7 miles southeast of the localizer site; within a 5-mile radius of Coulter Field (latitude 30°43'00" N., longitude 96°19'45" W.); within 2 miles each side of the College Station VORTAC 025° radial extending from the 5-mile radius area of Coulter Field to 15 miles north-east of the College Station VORTAC.

## Colorado Springs, Colo.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of City of Colorado Springs Municipal Airport (lat. 38°48'35"N., long. 104°42'20"W.) and within 5 miles west and 8 miles east of the Colorado Springs ILS localizer north course, extending from the 20-mile radius area to 21 miles north of the localizer, excluding the portion west of long. 104°52'00"W.; that airspace extending upward from 1200 feet above the surface bounded on the north by lat. 39°05'00"N., on the east by V-263 and V-169, on the south by lat. 38°30'00"N., on the west by a line from 38°30'00"N., 105°09'00"W., to 38°36'00"N., 105°08'00"W., to 38°40'00"N., 104°52'00"W., to 39°05'00"N., 104°52'00"W.; and that airspace extending upward from 11,700 feet MSL bounded on the north by lat. 39°05'00"N., on the northeast by a line 5 miles southwest of and parallel to the Colorado Springs VORTAC 307° radial, on the east by long. 104°52'00"W., on the south by lat. 38°55'00"N., and on the west by long. 105°20'00"W.

## Columbia, Miss.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Columbia-Marion County Airport (lat. 31°17'45"N., long. 89°48'50"W.).

AMENDMENTS 12/1/77 42 F. R. 54412 (Added)

## Columbia, Mo.

That airspace extending upward from 700 feet above the surface and within a 5-mile radius of the E.W. Cotton Woods Memorial Airport (latitude 39°00'15" N., longitude 92°17'45" W.); and within an 8½-mile radius of Columbia Regional Airport (latitude 38°48'49" N., longitude 92°13'12" W.); within 2½ miles each side of the Hallsville, Mo., VORTAC 193° radial extending from the 8½-mile radius area to 10 miles south of the VORTAC; excluding the portion which overlies the Jefferson City, Mo., 700-foot floor transition area.

## Columbia, S. C.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Columbia Metropolitan Airport (lat. 33°56'25.9" N., long. 81°07'11.2" W.); within 9.5 miles southwest and 4.5 miles northeast of Columbia VORTAC 147° radial, extending from the 11-mile radius area to 18.5 miles southeast of the VORTAC; within 9.5 miles south and 4.5 miles north of Columbia ILS localizer west course, extending from the 11-mile radius area to 18.5 miles west of the LOM.

## Columbus, Ga.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Columbus Metropolitan Airport (lat. 32°30'55" N., long. 84°56'25" W.); within a 10-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 1.5 miles each side, expanding in width to 5 miles each side of Columbus ILS localizer northeast course, extending from the intersection of the Columbus VOR 102° radial to 11.5 miles northeast; within 9.5 miles southwest and 4.5 miles northeast of Lawson AAF ILS localizer southeast course, extending from the 10-mile radius area to 12 miles southeast of Louvale RBN; within 9.5 miles southwest and 4.5 miles northeast of Columbus VOR 140° and 329° radials, extending from the 10.5-mile radius area to 18.5 miles northwest of the VOR; within 4 miles each side of Lawson VOR 339° radial, extending from the 10-mile radius area to 20.5 miles north of the VOR.

## Columbus, Miss.

That airspace extending upward from 700 feet above the surface within a 17.5-mile radius of Columbus AFB (latitude 33°38'38" N., longitude 88°26'39" W.); within an 8-mile radius of Monroe County Airport (latitude 33°52'20" N., longitude 88°28'25" W.); within an 8-mile radius of Columbus-Lowndes County Airport (latitude 33°27'52" N., longitude 88°22'50" W.); within 4.5 miles north and 9.5 miles south of the Columbus VORTAC 281° radial, extending from the VORTAC to 18.5 miles west; within an 8.5-mile radius of Golden Triangle Regional Airport (lat. 33°26'48" N., long. 88°35'30" W.).

## PENDING AMENDMENT

The Columbus, Miss., transition area is amended as follows: "within 4.5 miles north and 9.5 miles south of the Columbus VORTAC 281° radial" is deleted and "within 4.5 miles north and 9.5 miles south of the Bigbee VORTAC 281° radial" is substituted therefor.

AMENDMENTS 3/23/78 42 F. R. 60119 (Changed)

## Columbus, Nebr.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Columbus Municipal Airport (lat. 41°26'49"N., long. 97°20'31"W.); and within 4.5 miles each side of the 323° bearing from the Columbus Airport extending from the 6.5-mile radius area to 11.5 miles northwest of the airport.

AMENDMENTS 12/1/77 42 F. R. 54409 (Rewritten)

## Columbus, Ohio

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, lat. 39°59'41" N., long. 82°53'08" W. of Port Columbus International Airport, Columbus, Ohio; within a 14-mile radius of the center, lat. 39°49'00" N., long. 82°56'00" W. of Lockbourne AFB, Columbus, Ohio; within an 8-mile radius of the center, lat. 40°19'43" N., long. 82°31'32" W. of Mount Vernon Airport, Mount Vernon, Ohio; within an 8-mile radius of the center, lat. 40°01'29" N., long. 82°27'44" W. of Licking County Airport, Newark, Ohio; within a 7-mile radius of the center, lat. 40°04'40" N., long. 83°04'30" W. of Ohio State University Airport, Columbus, Ohio; within the arc of a 25-mile radius circle centered on a point located at lat. 39°59'59" N., long. 82°53'44" W., extending clockwise from the 048° bearing from this point to the 170° bearing from this point and within 3.5 miles each side of the 273° bearing from the Ohio State University RBN, lat. 40°04'47" N., long. 83°04'54" W., extending from the RBN to 11.5 miles west of the RBN; within a 6½-mile radius of Bolton Field (latitude 39°54'07" N., longitude 83°08'12" W.); within a 9-mile radius of Fairfield County Airport (latitude 39°45'21" N., longitude 82°39'27" W.).

## Columbus, Tex.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Columbus Airport (latitude 29°43'10" N., longitude 96°33'50" W.).

## Colusa, Calif.

That airspace extending upward from 700 feet above the surface within 2 miles E and 3.5 miles W of the Williams, Calif. VORTAC 015 radial, extending from the VORTAC to 11 miles N of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the E by the W edge of V-23, on the S by the N edge of V-200 and on the W by the W edge of V-19.

## Commerce, TX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Commerce Municipal Airport (latitude 33°17'36" N., longitude 95°53'46" W.) and within 2.5 miles each side of the Sulphur Springs, TX., VORTAC 286° radial extending from the 5-mile radius area to 14.5 miles west of VORTAC.

## Concord, N. H.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°23'00" N., 71°11'50" W., to 43°09'00" N., 71°11'50" W., to 42°58'50" N., 71°01'00" W., to 42°53'00" N., 71°11'30" W., to 42°47'00" N., 71°09'00" W., to 42°38'00" N., 71°20'00" W., to 42°40'00" N., 71°35'00" W., to 42°43'00" N., 71°36'00" W., to 42°45'00" N., 71°38'25" W., to 42°54'00" N., 71°57'00" W., to 43°06'00" N., 71°47'00" W., to 43°23'00" N., 71°47'00" W., to point of beginning.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 42°53'00" N., 71°05'00" W. to 42°43'00" N., 71°15'00" W. to 42°43'00" N., 71°40'00" W. to 42°55'00" N., 72°00'00" W. to 43°35'00" N., 71°55'00" W. to 43°45'00" N., 71°09'00" W. to point of beginning.

**Concord, N. C.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Propst Airport (latitude 35°23'30" N., longitude 80°34'30" W.); within 2.5 miles each side of Charlotte VORTAC 060° radial, extending from the 5-mile radius area to 18 miles northeast of the VORTAC.

**Connecticut**

That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the State of Connecticut.

**Connellsville, Pa.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center lat. 39°57'35" N., long. 79°39'25" W. of Connellsville Airport and within 9.5 miles northwest and 4.5 miles southeast of the 230° bearing from the Connellsville, Pa. RBN lat. 39°57'37" N., long. 79°39'16" W., extending from the RBN to 19.5 miles southwest of the RBN, excluding the portion that coincides with the Morgantown, W. Va., transition area.

**Connersville, IN.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Mettel Airport (latitude 39°42'00" N.; longitude 85°08'00" W.), and within 3 miles each side of the 015° bearing from the Mettel Airport extending from the 6½-mile radius to 8 miles north of the airport; excluding that airspace designated at Richmond, IN.

**Conrad, Mont.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Conrad Airport (latitude 48°10'10" N., longitude 111°58'30" W.); within 3.5 miles each side of the 060° bearing from the Conrad RBN (latitude 48°11'12" N., longitude 111°55'31" W.) extending from the 9-mile radius area to 12 miles northeast of the RBN; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles northwest and 4.5 miles southeast of the 060° bearing from the Conrad RBN extending from the RBN to 18.5 miles northeast of the RBN.

**Conway, Ark.**

That airspace extending upward from 700 feet above the surface within a 9.5-statute-mile radius of Conway Municipal Airport, Conway, Ark. (lat. 35°04'42"N., long. 92°25'29"W.); and within 3.5 statute miles each side of the 095° bearing from Conway NDB (lat. 35°05'02"N., long. 92°25'36"W.) extending from the 9.5-mile radius area to 11.5 statute miles east of the NDB; excluding that portion which overlies the Little Rock, Ark., transition area.

AMENDMENTS 12/1/77 42 F. R. 47820 (Added)

**Conway, S. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Conway-Horry County Airport (lat. 33°49'13" N., long. 79°07'16" W.); within 3 miles each side of the 296° bearing from Horry RBN (lat. 33°49'54" N., long. 79°07'13" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN; excluding the portion that coincides with the Myrtle Beach transition area.

**Cookeville, Tenn.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Putnam County Airport (latitude 36°11'45" N., longitude 85°29'15" W.); within 3 miles each side of the 331° bearing from Cookeville RBN (latitude 36°11'34" N., longitude 85°29'04" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

**Cordele, Ga.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cordele Airport (latitude 31°59'15" N., longitude 83°46'24" W.).

**Cordova, Alaska**

That airspace extending upward from 700 feet above the surface within 6 miles northwest and 9.5 miles southeast of the 233° bearing from the Cordova (CDV) NDB extending from the intersection of the 233° bearing from the Cordova (CDV) NDB and Hinchinbrook, Alaska, RBN 106° bearing to 19 miles southwest; that airspace extending upward from 1,200 feet above the surface within 6 miles each side of the Cordova localizer east course extending from the localizer to 40 miles east; and within 5 miles each side of a line extending from the Johnstone Point VORTAC to the Cordova (CDV) NDB.

**Corinth, Miss.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Roscoe Turner Airport (lat. 34°54'30" N., long. 88°36'00" W.); within 3 miles each side of the 185° and 346° bearings from Corinth RBN (lat. 34°54'39" N., long. 88°36'04" W.), extending from the 7-mile radius area to 8.5 miles south and north of the RBN.

**Corning, Iowa**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Corning Municipal Airport (latitude 40°59'30" N., longitude 94°45'40" W.); and within 3 miles each side of the 359° bearing from the Corning Municipal Airport, extending from the 5-mile radius to 8 miles north of the airport.

**Corpus Christi, Tex.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within a 9-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within a 4-mile radius of the Sinton Airport (latitude 28°02'25" N., longitude 97°32'34" W.); within 2 miles each side of the Corpus Christi VORTAC 328° radial, extending from the 4-mile radius area to the VORTAC; within 2 miles each side of the Corpus Christi ILS localizer SE course, extending from the 6-mile radius area to 13 miles SE of the airport; within 2 miles each side of the Corpus Christi ILS localizer NW course, extending from the International Airport 6-mile radius area to 8 miles NW of the OM; within 2 miles each side of the Navy Corpus RBN 135° bearing, extending from the NAS Corpus Christi 9-mile radius area to 8 miles SE of the RBN; and within 2 miles each side of the Navy Corpus TACAN 137° and 139° radials, extending from the NAS Corpus Christi 9-mile radius area to 12 miles SE of the TACAN.

**Corry, Pa.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 41°54'30"N., 79°38'30"W. of Lawrence Airport, Corry, Pa.; within 3 miles each side of the 305° bearing from the Corry RBN (41°54'44"N., 79°38'54"W.), extending from the 5.5-mile radius area to 8.5 miles northwest of the RBN; and within 5 miles each side of the Tidicute, Pa., VORTAC 321° radial, extending from 5.5-mile radius area to the VORTAC.

AMENDMENTS 7/28/77 42 F. R. 31771 (Rewritten)

AMENDMENTS 8/18/77 42 F. R. 41108 (Changed)

**Corsicana, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Corsicana Municipal Airport (latitude 32°02'00" N., longitude 96°24'00" W.); within 3 miles each side of the Scurry, Tex., VORTAC 186° radial extending from the 5-mile radius area to 24 miles south of the VORTAC and within 3 miles each side of the 155° bearing from the Corsicana, Tex., RBN (latitude 32°02'00" N., longitude 96°24'00" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

**Cortez, Colo.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cortez-Montezuma County Airport, Cortez, Colo., (latitude 37°18'15" N., longitude 108°37'35" W.), within 3.5 miles each side of the Cortez VOR 184° and 004° radials extending from the 7-mile radius area to 11.5 miles north of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9.5 miles west of the Cortez VOR 184° and 004° radials, extending from 8 miles south to 19 miles north of the VOR, and within 5 miles northeast of and parallel to the Dove Creek VORTAC 129° radial, extending from the VORTAC to 21 miles south-east of the VORTAC.

**Cortland, N. Y.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 42°35'30" N., long. 76°13'00" W. of Cortland County Chase Field Airport, Cortland, N. Y., and within 6.5 miles north and 5 miles south of the Georgetown, N. Y., VORTAC 236° radial extending from the 9-mile radius area to the VORTAC.

**Corvallis, Oreg.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Corvallis Municipal Airport (lat. 44°29'50"N., long. 123°17'10"W.) within 4.5 miles each side of the Corvallis VOR 029° radial, extending from the 7-mile radius area to 14 miles northeast of the VOR, within 5 miles west of the Corvallis VOR 014° radial, extending from the 7-mile radius area to 15 miles north of the VOR, within 5 miles each side of the Eugene, Oreg., VORTAC 345° radial, extending from 10 to 17 miles north of the VORTAC, and within 5 miles each side of the Corvallis VOR 180° radial, extending from the 7-mile radius area to 11 miles south of the VOR excluding that portion overlying the Eugene, Oreg., Transition Area; that airspace extending upward from 1,200 feet above the surface within 6 miles northwest and 8 miles southeast of the Corvallis VOR 029° and 209° radials, extending from 6 miles southwest to 17 miles northeast of the VOR.

**Coshocton, Ohio**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Richard Downing Airport (latitude 40°18'37" N., longitude 81°51'17" W.); and within a 7-mile radius of the Tri-City Airport (latitude 40°15'45" N., longitude 81°44'35" W.).

**Cotulla, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.); within 2 miles each side of the Cotulla VOR 266° radial extending from the 5-mile radius area to 14 miles west of the VOR; and within 8 miles north and 5 miles south of the Cotulla VOR 086° and 266° radials extending to 5 miles west and 12 miles east of the VOR.



## Covington, Ga.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Covington Municipal Airport (latitude 33°37'54" N., longitude 83°51'07" W.); within 5 miles each side of Rex VORTAC 093° radial, extending from the 6.5-mile radius area to 34 miles east of the VORTAC.

## Covington, Tenn.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Covington Municipal Airport (lat. 35°35'15"N., long. 89°35'15"W.); within 3 miles each side of the 186° bearing from Covington RBN (lat. 35°35'22" N., long. 89°35'14" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

## Cozad, Nebr.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cozad Municipal Airport (latitude 40°52'23" N., longitude 100°00'19" W.); within 3 miles each side of the Cozad NDB 301° bearing, extending from the 5-mile radius to 8 miles NW of the NDB.

## Cranberry Lake, New York

That airspace extending upward from 1,200 feet above the surface beginning at the Saranac Lake, N. Y., VOR, thence southeast via the Saranac Lake VOR 134° radial to its point of intersection with the Burlington, Vermont, VORTAC 215° radial; thence southwest along the Burlington, Vermont, VORTAC 215° radial to its point of intersection with the Watertown, N. Y., VORTAC 123° radial; thence northwest along the Watertown VORTAC 123° radial to the Watertown VORTAC; thence northeast along the Watertown VORTAC 033° radial to its point of intersection with the Saranac Lake VOR 311° radial; thence southeast along the Saranac Lake VOR 311° radial to Saranac Lake VOR excluding the airspace in Canada.

## Crawfordsville, IN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Crawfordsville Municipal Airport (latitude 39°58'45" N., longitude 86°55'00" W.) and within 3 miles each side of the 217° bearing from the Crawfordsville Municipal Airport extending from the 5-mile radius to 8 miles southwest.

## Crescent City, Calif.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jack McNamara Field, Crescent City (lat. 41°46'50" N., long. 124°14'00" W.), within 3 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile radius area to 9 miles northwest of the VORTAC and within 4 miles each side of the Crescent City VORTAC 180° radial, extending from the 5-mile radius area to 10 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Crescent City VORTAC 180° and 360° radials, extending from 8 miles north to 20 miles south of the VORTAC, within 5 miles each side of the Crescent City VORTAC 234° radial, extending from the VORTAC to 12 miles southwest of the VORTAC and within 8 miles northeast and 9.5 miles southwest of the Crescent City VORTAC 325° radial, extending from the VORTAC to 18.5 miles northwest of the VORTAC and within 9.5 miles southwest and 4.5 miles northeast of the ILS localizer northwest course, extending from the threshold of Runway 11 to 25 miles northwest.

## Creston, Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Creston Municipal Airport (latitude 41°01'05" N., longitude 94°21'35" W.); and within 3 miles each side of the 171° bearing from Creston Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport.

## Crestview, Fla.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Bob Sikes Airport (lat. 30°46'47" N., long. 86°31'21" W.).

## Creve Coeur, Mo.

That airspace extending upward from 700 feet above the surface within 5 miles each side of the St. Louis, Mo., VORTAC 190° radial, extending from 12 miles south to 25½ miles south of the VORTAC, excluding the portions which overlie the Chesterfield, Mo., and St. Louis, Mo., 700-foot floor transition areas.

## Crookston, Minn.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Crookston Municipal Kirkwood Field Airport (latitude 47°50'30" N., longitude 96°37'15" W.); within 3 miles each side of the 303° bearing from the airport extending from the 5½-mile radius area to 8 miles northwest of the airport; within 3 miles each side of the Grand Forks VORTAC 108° radial extending from the 5½-mile radius area to 7½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 55 mile arc southeast of the Grand Forks VORTAC between V-430 and V-171 excluding the portion which overlies the Grand Forks, N. Dak., transition area.

## Cross City, Fla.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cross City Airport (lat. 29°37'45" N., long. 83°06'15" W.); within 3.5 miles each side of Cross City VORTAC 121° radial, extending from the 8-mile radius area to 7.5 miles southeast of the VORTAC.

## Crossett, Ark.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Crossett Municipal Airport (latitude 33°10'30" N., longitude 91°52'45" W.); and within 3 miles each side of the 056° bearing from the Crossett RBN (latitude 33°10'30" N., longitude 91°52'45" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

## Cross Keys, N. J.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°42'09"N., 75°01'48"W., of Cross Keys Airport, Cross Keys, N. J., and within 2 miles each side of the Woodstown, N. J., VORTAC 071° radial, extending from the 5-mile radius to 9 miles east of the Woodstown, N. J., VORTAC.

## Crossville, Tenn.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.); within 2 miles each side of the Hinch Mountain VORTAC 334° radial, extending from the 6.5-mile radius area to the VORTAC.

## Crowmpoint, N. Mex.

That airspace extending upward from 11,500 feet MSL within an area bounded on the north by a line beginning at lat. 35°56'20"N., long. 108°30'00"W., thence to lat. 36°11'00"N., long. 107°45'30"W.; bounded on the east by the west boundary of V-187; bounded on the south by the north boundary of V-52; and bounded on the west by the east boundary of V-421; excluding the portion which coincides with the Gallup, N. Mex., transition area.

## Crows Landing, CA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Crows Landing ALF (latitude 37°24'35" N., longitude 121°06'40" W.), excluding the portion within a 1-mile radius of Patterson Field, Patterson, CA. (latitude 37°28'05" N., longitude 121°10'06" W.), and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 37°38'00" N., on the east by the west edge of V-109, on the southwest by the northeast edge of V-107 and on the west by longitude 121°31'00" W.

## Cullman, Ala.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Folsom Field (lat. 34°15'57"N., long. 86°51'35"W.); within 3.5 miles northwest and 6.5 miles southeast of the 023° bearing of the Cole Spring RBN (lat. 34°20'24"N., long. 86°49'28"W.), extending from the 6.5-mile radius to 11.5 miles northeast of the RBN; excluding the portion that coincides with the Huntsville, Ala., transition area.

## Culpeper, Va.

That airspace extending upward from 700 feet above the surface within the arc of a 6.5-mile radius circle centered on Culpeper Municipal T. I. Martin Field (lat. 38°31'20"N., long. 77°51'40"W.) Culpeper, Va., extending clockwise from a 245° bearing to a 090° bearing from the center of the airport; within the arc of a 5.5-mile radius circle centered on Culpeper Municipal T. I. Martin Field, extending clockwise from a 090° bearing to a 245° bearing from the center of the airport and within 2.5 miles each side of the Casanova VORTAC 178° radial, extending from the 6.5-mile radius arc to the VORTAC, excluding the portion that coincides with the Midland, Va., transition area.

## Cumberland, Md.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (lat. 39°37'02" N., long. 78°45'45" W.) of Cumberland Municipal Airport, Cumberland, Md.; and within 3.5 miles each side of the 022° bearing from the Cumberland RBN (lat. 39°39'00" N., long. 78°44'48" W.) extending from the 8.5-mile radius area to 11.5 miles north of the RBN.

## Cushing, Okla.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cushing Municipal Airport (latitude 35°57'00" N., longitude 96°46'30" W.), and within 3.5 miles each side of the 180° bearing from the Cushing RBN (latitude 35°53'24" N., longitude 96°46'30" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

## Cut Bank, Mont.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); within 9½ miles northeast and 4½ miles southwest of the Cut Bank VORTAC 150° radial extending from the VORTAC to 18½ miles southeast of the VORTAC; and within a 12-mile radius of the Cut Bank VORTAC extending from a line 5 miles west of and parallel to the Cut Bank VORTAC 172° radial counterclockwise to a line 5 miles northeast of and parallel to the Cut Bank VORTAC 150° radial.

## Daggett, Calif.

## Danville, Va.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Danville Municipal Airport (latitude 36°52'45" N., longitude 79°05'45" W.); and within 3 miles each side of the 056° bearing from the Danville RBN (latitude 36°52'45" N., longitude 79°05'45" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.



**Daggett, Calif.**

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Barstow-Daggett Airport (latitude 34°51'20" N., longitude 116°47'10" W.); within 2 miles each side of the 050° bearing from Barstow-Daggett Airport extending from the 3-mile radius area to 6 miles NE of the airport, and within 2 miles each side of the 090° bearing from the Barstow-Daggett Airport extending from the 3-mile radius area to 6.5 miles E of the airport.

**Dalhart, Texas**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Dalhart Municipal Airport (latitude 36°01'10" N., longitude 102°33'10" W.), and within 2 miles each side of the Dalhart VORTAC 002° radial extending from the 9-mile radius area to 12 miles N of the VORTAC.

**Dallas-Fort Worth, Tex.**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 33°11'00" N., long. 97°27'00" W., thence to lat. 33°11'00" N., long. 97°19'00" W., to lat. 33°26'00" N., long. 97°15'00" W., to lat. 33°26'00" N., long. 97°07'00" W., to lat. 33°19'00" N., long. 97°06'00" W., to lat. 33°19'00" N., long. 96°57'00" W., to lat. 33°08'30" N., long. 96°36'00" W.; to lat. 33°08'30" N., long. 96°25'00" W.; to lat. 33°00'15" N., long. 96°25'15" W.; thence clockwise along the arc of a 5-mile radius circle centered at lat. 32°56'00" N., long. 96°26'00" W.; to lat. 32°51'30" N., long. 96°25'30" W.; to lat. 32°44'00" N., long. 96°26'00" W.; to lat. 32°41'00" N., long. 96°29'30" W.; to lat. 32°37'30" N., long. 96°30'15" W.; to lat. 32°37'45" N., long. 96°32'45" W.; to lat. 32°34'00" N., long. 96°37'00" W.; to lat. 32°29'00" N., long. 96°32'00" W.; to lat. 32°25'00" N., long. 96°38'00" W.; to lat. 32°31'00" N., long. 96°44'00" W.; to lat. 32°29'00" N., long. 97°01'00" W.; to lat. 32°23'00" N., longitude 97°05'00" W.; to latitude 32°16'30" N., longitude 97°25'30" W.; to latitude 32°19'30" N., longitude 97°33'00" W.; thence north along longitude 97°33'00" W. to and clockwise along the arc of a 23-mile radius circle centered at latitude 32°46'20" N., longitude 97°26'30" W.; to latitude 32°55'00" N., to latitude 33°13'00" N., longitude 97°56'00" W.; to latitude 33°15'30" N., longitude 97°49'00" W.; to latitude 33°13'30" N., longitude 97°39'30" W.; thence clockwise along the arc of a 5-mile radius circle centered at latitude 33°15'30" N., longitude 97°34'40" W., to latitude 33°12'00" N., longitude 97°31'30" W.; to point of beginning.

AMENDMENTS 6/16/77 42 F. R. 13819 (Changed)

**Dalton, Ga.**

That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of Dalton Municipal Airport (lat. 34°43'00" N., long. 84°52'00" W.); within 5.5 miles southwest and 6.5 miles northeast of the 318° bearing from the Whitfield RBN (lat. 34°47'37" N., long. 84°56'53" W.), extending from the 14.5-mile radius area to 8.5 miles northwest of the RBN, excluding that portion that coincides with the Chattanooga, Tenn., transition area.

**Danbury, Conn.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center latitude 41°22'15" N., longitude 73°29'00" W. of Danbury Airport, Danbury, Conn., extending clockwise from the 018° bearing from the center of the airport to the 288° bearing and within a 13-mile radius from the 288° bearing clockwise to the 018° bearing and within 3.5 miles each side of the Carmel VORTAC 218° radial extending from the 9-mile radius area to 11.5 miles southwest of the Carmel VORTAC.

Within 2.5 statute miles each side of a 262° magnetic bearing from a point 41°25'05" N., 73°18'45" W., extending from 1 statute mile west of said point to 9 statute miles west of said point; within 2.5 statute miles each side of a 082° magnetic bearing from a point 41°19'22" N., 73°39'19" W., extending from 1 statute mile east of said point to 9 statute miles east of said point, excluding that airspace which coincides with the Bridgeport, Conn., and White Plains, N. Y., 700-foot floor transition areas.

**Danielson, Conn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°49'10" N., 71°54'05" W., of Danielson Airport, Danielson, Conn.; within 2 miles each side of the runway 13 centerline, extended from the 5-mile radius area to 7.5 miles southeast of the end of the runway; within 2 miles each side of the runway 31 centerline, extended from the 5-mile radius area to 7.5 miles northwest of the end of the runway; and within 3 miles each side of the Putnam VORTAC 197° radial, extending from the 5-mile radius area to 2 miles south of the VORTAC.

**Dansville, N. Y.**

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, 42°34'11" N., 77°42'43" W., of Dansville Municipal Airport, Dansville, N. Y.; within a 16-mile radius of the center of the airport, extending clockwise from a 025° bearing from the airport to a 090° bearing from the airport; within 5 miles each side of the Geneseo, N. Y., VORTAC 177° radial, extending from the 10.5-mile radius area to the VORTAC, excluding the portion that coincides with the Hornell, N. Y., 700 foot floor transition area. This transition area is effective from sunrise to sunset daily.

AMENDMENTS 4/14/77 42 F. R. 10843 (Added) (Effective date changed to 4/21/77 Corr: 42 F. R. 20621)

**Danville, Ill.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Vermillion County Airport (lat. 40°11'54" N., long. 87°35'49" W.); and within 2 miles each side of the Danville VORTAC 196° radial extending from the 6½-mile radius to the VORTAC.

**Danville, Va.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 36°34'30" N., long. 79°20'11" W., of Danville Municipal Airport, Danville, Va.; within 3 miles each side of the Danville, Va., VOR 044° radial, extending from the 8-mile radius area to 8.5 miles northeast of the VOR and within 3 miles each side of the Danville, Va., VOR 208° radial, extending from the 8-mile radius area to 8.5 miles southwest of the VOR; within 2.5 miles each side of a 017° bearing from a point 36°34'48" N., 79°20'08" W., extending from the 8-mile radius area to 11.5 miles north of said point.

**Darby, Alaska**

That airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the 290° bearing from the North River, Alaska, RBN, extending from 32 miles to 52 miles W of the RBN.

**Darlington, S. C.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Darlington County Airport (latitude 34°26'50" N., longitude 79°53'23" W.).

**Davis, Calif.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of University Airport (latitude 38°31'55" N., longitude 121°47'10" W.).

**Dayton, Ohio**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 39°59'00" N., 83°40'00" W. to 39°55'00" N., 83°37'00" W. to 39°45'00" N., 83°43'00" W. to 39°39'00" N., 84°07'00" W. to 39°45'00" N., 84°24'00" W. to 39°49'00" N., 84°27'00" W. to 40°04'00" N., 84°17'00" W. to the point of beginning.

**Dayton, Ohio (Montgomery County)**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Montgomery County Airport (lat. 39°35'21" N., long. 84°13'21" W.), and within 3 miles each side of the Montgomery County VOR 145° radial extending from the 6-mile radius area to 8 miles southeast of the VOR; within 3 miles each side of the 027° radial extending from the 6-mile radius area to 8.5 miles northeast excluding the portions which overlie the Middletown and Dayton, Ohio, transition areas.

**Daytona Beach, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Daytona Beach Regional Airport (lat. 29°10'49" N., long. 81°03'23" W.); within a 6.5-mile radius of Municipal Airport, Ormond Beach, Fla. (lat. 29°18'00" N., long. 81°06'49" W.); within 3 miles each side of Ormond Beach VORTAC 256° radial extending from the 6.5-mile radius area to 8.5 miles west of the VORTAC.

**Deadhorse, Alaska**

That airspace extending upward from 700 feet above the surface within 6.5 miles S and 9.5 miles N of the Deadhorse VOR 075° radial extending from the VOR to 20 miles E of the VOR; within 6.5 miles S and 10 miles N of the Deadhorse VOR 255° radial extending from the VOR to 25.5 miles W; and within a 16.5-mile radius of the Deadhorse VOR extending from the 099° radial clockwise to the 231° radial; that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 69°40'00" N., longitude 153°00'00" W.; to 70°33'00" N., 150°45'00" W.; thence east via 3 nautical miles offshore to latitude 70°14'00" N., longitude 146°00'00" W.; to 69°00'00" N., 148°00'00" W.; to 68°00'00" N., 148°00'00" W.; to 68°00'00" N., 153°00'00" W.; thence to point of beginning.

**Decatur, Ill.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Decatur Airport (latitude 39°50'05" N., longitude 88°51'50" W.).

**Deckerville, Mich.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Lamont Airport (latitude 43°34'35" N., longitude 82°39'10" W.); within 3 miles each side of the 076° bearing from the airport extending from the 5.5-mile radius area to 8.5 miles east of the airport; within 3 miles each side of the 285° bearing from the airport, extending from the 5.5-mile radius area to 8.5 miles west of the airport.

**Decorah, Iowa**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Decorah Municipal Airport (latitude 43°16'35" N., longitude 91°44'50" W.); and within 3 miles each side of the 122° bearing from Decorah Municipal Airport, extending from the 5½-mile radius area to 8 miles southeast of the airport.



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**Defiance, Ohio**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Defiance Memorial Airport (latitude 41°20'15" N., longitude 84°25'45" W.); within 3.5 miles each side of the 303° bearing from the airport extending from the 6.5-mile radius area to 11.5 miles northwest of the airport.

**DeLancey, N. Y.**

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 42°40'00" N., 75°30'00" W. to 42°10'00" N., 75°25'00" W. to 42°00'00" N., 75°26'30" W. to 42°00'00" N., 75°00'00" W. to 42°01'00" N., 74°30'00" W. to 43°00'00" N., 74°30'00" W. to point of beginning.

**De Land, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of De Land Municipal/Sidney H. Taylor Field (lat. 29°04'03" N., long. 81°17'00" W.); excluding the portion within Daytona Beach transition area.

**Delano, Calif.**

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Delano Municipal Airport (latitude 35°44'48" N., longitude 119°14'08" W.) and within 3 miles each side of the Bakersfield VORTAC 336° T radial, extending from the 3-mile radius area to 12 miles NW of the VORTAC.

**Delaware**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Delaware including the offshore airspace within 3 nautical miles and parallel to the shoreline.

**Del Rio, Tex.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of lat. 29°23'00"N., long. 100°50'15"W., and within 4.5 miles west and 9.5 miles east of the Laughlin VORTAC 148° radial extending from the 12-mile radius area to 22 miles southeast of the VORTAC and within 8.5 miles west and 6.5 miles east of the Laughlin VORTAC 315° radial extending from the 12-mile radius area to 18 miles northwest of the VORTAC, excluding the portion outside of the United States.

**Delta, Utah**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Delta Municipal Airport (lat. 39°23'00"N., long. 112°30'35"W.); and within 10.5 miles northwest and 5 miles southeast of the Delta VORTAC 203° radial, extending from the 9-mile radius area to 18.5 miles southwest of the VORTAC; within 5 miles east of the Delta VORTAC 186° radial, extending from the 9-mile radius area to 13 miles south of the VORTAC; within 8 miles west and 6.5 miles east of the Delta VORTAC 360° radial, extending from the 9-mile radius area to 30 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9 miles southeast and 13.5 miles northwest of the Delta VOR 203° and 023° radials, extending from 12 miles northeast to 25.5 miles southwest of the VOR.

AMENDMENTS 10/6/77 42 F. R. 39973 (Changed)

**Deming, N. Mex.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Deming Municipal Airport (lat. 32°15'40" N., long. 107°43'10" W.).

**Demopolis, Ala.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Demopolis Municipal Airport (lat. 32°27'45" N., long. 87°57'05" W.).

**Denison, Iowa**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Denison, Iowa, Municipal Airport (latitude 41°59'15" N., longitude 95°23'00" W.) and within 2 miles each side of the 115° bearing from Denison Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport.

**Denver, Colo.**

That airspace extending upward from 700 feet above the surface, within an arc of a 22-mile radius circle centered on Stapleton Airport (latitude 39°46'30" N., longitude 104°52'40" W.) extending clockwise between the 253° and 078° bearings from Stapleton Airport, within an arc of a 37-mile radius circle centered on Stapleton Airport extending clockwise between the 078° and 160° bearings from Stapleton Airport, within an arc of a 31-mile radius circle centered on Stapleton Airport extending clockwise between the 160° and 194° bearings from Stapleton Airport, and within an arc of a 24-mile radius circle centered on Stapleton Airport extending clockwise between the 194° and 253° bearings from the Stapleton Airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the east by longitude 104°00'00" W., on the south by latitude 39°05'00" N., and on the west by longitude 105°20'00" W.; that airspace northeast of Greeley, Colo., extending upward from 7,500 feet MSL bounded on the northeast by V-132, on the SE by V-160, on the south by latitude 40°30'00" N., and on the northwest by V-207, and that airspace east of Denver bounded on the northwest by V-160, on the northeast by V-132, on the east by V-169, on the south by the east edge of V-263 and latitude 39°05'00" N., and on the west by longitude 104°00'00" W., excluding the airspace within Federal airways; that airspace west of Denver extending upward from 11,500 feet MSL, bounded on the north by latitude 40°30'00" N., on the east by longitude 105°20'00" W., on the south by latitude 39°05'00" N., on the west by longitude 105°23'00" W.; that airspace extending upward from 12,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°23'00" W. to latitude 39°20'00" N., thence direct latitude 39°30'00" N., longitude 105°30'00" W., and on the west by longitude 105°30'00" W.; and that airspace extending upward from 13,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°30'00" W. to latitude 39°30'00" N., thence direct latitude 39°20'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°26'00" W., thence direct latitude 39°44'00" N., longitude 105°38'00" W., thence direct latitude 40°30'00" N., longitude 105°33'00" W.

**DeQueen, Ark.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sevier County Airport (latitude 34°02'44" N., longitude 94°23'58" W.) and within 3.5 miles each side of the 269° bearing from the DeQueen NDB (latitude 34°02'39" N., longitude 94°23'59" W.) extending from the 5-mile radius area to a point 10 miles west of the NDB.

**De Quincy, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of De Quincy Industrial Airpark (lat. 30°26'17"N., long. 93°28'21"W.); within 2 miles each side of the Lake Charles VORTAC 313° T radial extending from the 5-mile radius area to 24.5 miles northwest of the VORTAC and within 3 miles either side of the 325° T bearing from the De Quincy NDB (lat. 30°26'06"N., long. 93°28'00"W.) extending from the 5-mile radius area to 8 miles northwest of the NDB.

**DeRidder, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Beauregard Parish Airport (lat. 30°50'00"N., long. 93°20'00"W.) within 3.5 miles each side of the 347° bearing from the DeRidder NDB (lat. 30°50'00"N., long. 93°20'00"W.) extending from the 5-mile radius area to 11.5 miles north of the NDB, and within 3 miles each side of the 191° bearing from the DeRidder NDB extending from the 5-mile radius area to 8 miles south of the NDB.

AMENDMENTS 10/6/77 42 F. R. 40690 (Rewritten)

**Des Moines, Iowa**

That airspace extending upward from 700 feet above the surface within an 18-mile radius of Des Moines Municipal Airport (latitude 41°32'05" N., longitude 93°39'35" W.); and that airspace extending upward from 3,500 feet MSL bounded by a line starting at the intersection of longitude 93°30'00" W., and the north edge of V-216; thence southwest along the north edge of V-216 to and north along longitude 95°00'00" W., to and east along the south edge of V-6S to the intersection of the south edge of V-6S and longitude 94°10'15" W.; thence southeast to latitude 40°56'30" N., longitude 93°54'00" W.; thence northeast to latitude 41°01'45" N., longitude 93°30'00" W.; thence south to the point of beginning.

**Detroit, Mich.**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 43°00'00" N., longitude 82°25'00" W., on the Canadian boundary to latitude 43°04'00" N., longitude 82°30'00" W., to latitude 42°53'00" N., longitude 83°00'00" W., to latitude 42°45'00" N., longitude 83°50'00" W., to latitude 42°30'00" N., longitude 83°50'00" W., to latitude 42°10'00" N., longitude 84°00'00" W., to latitude 42°00'00" N., longitude 83°30'00" W., thence east along the 42nd parallel to the Canadian boundary, thence along the Canadian boundary to point of beginning.

**Detroit Lakes, Minn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Detroit Lakes Municipal Airport (latitude 46°49'34" N., longitude 95°53'06" W.); within 3 miles each side of the Detroit Lakes VOR 315° radial extending from the 5-mile radius area to 7½ miles northwest of the VOR; within 3 miles each side of the 145° radial extending from the 5-mile radius area to 8 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the Detroit Lakes VOR 315° radial extending from the VOR to 18½ miles northwest; within 4½ miles southwest and 9½ miles northeast of the VOR 145° radial extending from the VOR to 18½ miles southeast, excluding that portion which overlies the Fargo, North Dakota, transition area.

Devile Lake, N. Dak.

Dothan, Ala.



**Devils Lake, N. Dak.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Devils Lake Municipal Airport (latitude 48°06'55" N., longitude 98°54'30" W.); within 4½ miles southwest and 9½ miles northeast of the Devils Lake VORTAC 134° radial extending from the VORTAC to 18½ miles southeast of the VORTAC; within 4½ miles northeast and 9½ miles southwest of the Devils Lake VORTAC 324° radial extending from the VORTAC to 18½ miles northwest of the VORTAC; within 4½ miles southeast and 9½ miles northwest of the 026° bearing from the Devils Lake Airport extending from the airport to 18½ miles northeast of the airport; and that airspace extending upward from 1200 feet above the surface within a 17½ mile radius of the Devils Lake VORTAC.

**Dexter, Mo.**

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Dexter Municipal Airport (latitude 36°46'30" N., longitude 89°56'30" W.).

**Dickinson, N. Dak.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius circle centered on the Dickinson VORTAC, extending clockwise from the Dickinson VORTAC 259° radial to the Dickinson VORTAC 093° radial; and within 9.5 miles west and 4.5 miles east of the Dickinson VORTAC 013° radial extending from the VORTAC to 18.5 miles north of the VORTAC.

**Dickson, Tenn.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Dickson Municipal Airport (lat. 36°07'47" N., long. 87°25'48" W.).

**Dillingham, Alaska**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Dillingham Airport (latitude 59°02'30" N., longitude 158°30'28" W.); and that airspace within 2.5 miles each side of the Dillingham VORTAC 025° radial extending from the 8.5-mile radius zone to 15.5 miles northeast of the VORTAC and within 2 miles each side of the Dillingham VORTAC 205° radial extending from the 8.5 mile radius zone to 9 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles northwest and 9.5 miles southeast of the Dillingham VORTAC 025° and 205° radials extending from 23 miles northeast to 18.5 miles southwest of the VORTAC and within an 18-mile radius of the Dillingham VORTAC extending clockwise from the 056° radial to the 173° radial of the VORTAC.

**Dillon, Mont.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Dillon Airport (lat. 45°15'20" N., long. 112°33'10" W.) and within 3 miles each side of the Dillon VORTAC 025° radial, extending from the 6-mile radius zone to 8.5 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles northwest and 6 miles southeast of the Dillon VORTAC 025° radial, extending from the VORTAC to 24 miles northeast; and that airspace extending upward from 11,700 feet MSL within 7.5 miles west and 10.5 miles east of the Dillon VORTAC 168° and 348° radials extending from 4.5 miles north to 19.5 miles south of the VORTAC.

**Dillon, S. C.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dillon County Airport (lat. 34°27'00" N., long. 79°22'00" W.); within 3 miles each side of the 233° bearing from the Dillon RBN (lat. 34°26'59" N., long. 79°22'10" W.), extending from the 5-mile radius area to 8.5 miles southwest of the RBN.

**District of Columbia**

That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the District of Columbia. The portion within P-56 is excluded.

**Dixon, Ill.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles R. Walgreen Field, Dixon, Ill. (latitude 41°50'03" N., longitude 89°26'37" W.), and within 2 miles each side of the Polo, Ill., VORTAC 155° radial extending from the 5-mile radius area to the VORTAC.

**Dodge City, Kans.**

That airspace extending upward from 700 feet above the surface within a 9.5 mile radius of the Dodge City Municipal Airport (latitude 37°45'42" N., longitude 99°57'51" W.).

**Donalsonville, Ga.**

That airspace extending from 700 feet above the surface within a 6.5-mile radius of Donalsonville Airport (lat. 31°01'00"N., long. 84°52'30"W.).

AMENDMENTS 8/11/77 42 F. R. 30149 (Added)

Corr: 42 F. R. 39378

**Dothan, Ala.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dothan Airport (latitude 31°19'10" N., longitude 85°27'30" W.); within 5 miles each side of Dothan VORTAC 157° radial, extending from the 8.5-mile radius area to 11.5 miles SE of the VORTAC; within 4.5 miles each side of Dothan VORTAC 331° radial, extending from the 8.5-mile radius area to 10.5 miles NW of the VORTAC; excluding the airspace within a 1.5-mile radius of Headland Municipal Airport (latitude 31°21'45" N., longitude 85°18'30" W.), the portion that coincides with the Fort Rucker, Ala., transition area, and the airspace within 1.5 miles each side of Dothan VORTAC 350° radial; within a 6.5-mile radius of Wheelless Airport (lat. 31°13'35" N., long. 85°29'30" W.); excluding the portion northwest of Dothan VOR 237° radial.

**PENDING AMENDMENT**

The Dothan, Ala., transition area is amended as follows: "within 5 miles each side of Dothan VORTAC 157° radial, extending from the 8.5-mile radius area to 11.5 miles SE of the VORTAC; within 4.5 miles each side of Dothan VORTAC 331° radial, extending from the 8.5-mile radius area to 10.5 miles NW of the VORTAC; excluding the airspace within a 1.5-mile radius of Headland Municipal Airport (lat. 31°21'45"N., long. 85°18'30"W.), the portion that coincides with the Fort Rucker, Ala., transition area, and the airspace within 1.5 miles each side of Dothan VORTAC 350° radial; within a 6.5-mile radius of Wheelless Airport (lat. 31°13'35"N., long. 85°29'30"W.); excluding the portion northwest of Dothan VOR 237° radial." is deleted and "within 5 miles each side of Wiregrass VORTAC 157° radial, extending from the 3.5-mile radius area to 11.5 miles SE of the VORTAC; within 4.5 miles each side of Wiregrass VORTAC 331° radial, extending from the 8.5-mile radius area to 10.5 miles NW of the VORTAC; excluding the airspace within a 1.5-mile radius of Headland Municipal Airport (lat. 31°21'45"N., long. 85°18'30"W.), the portion that coincides with the Fort Rucker, Ala., transition area, and the airspace within 1.5 miles each side of Wiregrass VORTAC 350° radial; within a 6.5-mile radius of Wheelless Airport (lat. 31°13'35"N., long. 85°29'30"W.); excluding the portion northwest of Wiregrass VORTAC 237° radial." is substituted therefor.

AMENDMENTS 3/23/78 42 F. R. 60120 (Changed)

**Douglas, Ariz.**

That airspace extending upward from 700 feet above the surface within 4.5 miles southwest and 9.5 miles northeast of the Douglas VORTAC 333° radial extending from the VOR to 18.5 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 9-mile radius of the Douglas VORTAC, within a 23-mile radius of the Douglas VORTAC extending clockwise from the southwest edge of V-66 to the southeast edge of V-66, and within 5 miles east and 8.5 miles west of the Douglas VORTAC 347° radial extending from the 23-mile radius area to the Cochise VORTAC, excluding the portion within the Cochise, Ariz., transition area.

**Douglas, Ga.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Douglas Municipal Airport (latitude 31°29'10" N., longitude 82°51'15" W.).

**Douglas, Wyo.**

That airspace extending upward from 8,500 feet MSL, bounded on the north by latitude 42°44'00" N., and the east by the Wyoming-Nebraska state boundary and V-169, on the southeast by V-39, on the south by V-100, on the west by V-19E and on the southwest by V-19E and V-247.

**Dover, Del.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 39°07'30" N., long. 75°28'00" W. of Dover AFB, Dover, Del.; within 3.5 miles each side of the Dover TACAN 178° radial, extending from the 9-mile radius area to 10.5 miles south of the TACAN; within 3.5 miles each side of the Dover TACAN 012° radial, extending from the 9-mile radius area to 10.5 miles north of the TACAN; within 3.5 miles each side of the Dover TACAN 132° radial, extending from the 9-mile radius area to 10.5 miles southeast of the TACAN; and within a 5-mile radius of the center, lat. 39°13'04" N., long. 75°35'56" W., of Delaware Airpark, Dover-Cheswold, Del.; and within 6.5 miles north and 4.5 miles south of the Kenton, Delaware VORTAC 078° and 258° radials extending from 5.5 miles west to 11.5 miles east of the VORTAC.

**Dowagiac, Mich.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cass County Memorial Airport, (latitude 41°59'30" N., longitude 86°07'37" W.); within 2 miles each side of the Keeler, Michigan, 181° radial extending from the 7-mile radius area to the VOR, excluding the portion which overlies the South Bend, Indiana, transition area.

**Downingtown, Pa.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 39°59'00" N., long. 75°44'30" W., of Bob Shannon Memorial Field, Downingtown, Pa., and within 6.5 miles northeast and 4.5 miles southwest of the Modena, Pa., VORTAC 320° radial and 140° radial, extending from 5.5 miles northwest to 11.5 miles southeast of the VORTAC. This transition area is effective from sunrise to sunset, daily.



**Doylestown, Pa.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (latitude 40°20'20" N., longitude 75°07'20" W.) of Doylestown Airport, Doylestown, Pa.; within 8 miles northwest and 4.5 miles southeast of the 224° bearing and the 044° bearing from the Doylestown, Pa. RBN (latitude 40°19'59" N., longitude 75°07'21" W.), extending from 5.5 miles southwest of the RBN to 11.5 miles northeast of the RBN; within 8 miles northwest and 4.5 miles southeast of the Solberg, N. J. VORTAC 229° radial, extending from 7.5 miles southwest of the VORTAC to 24.5 miles southwest of the VORTAC, excluding the portions which coincide with the North Philadelphia, Pa., Pittstown, N. J. and Readington, N. J. transition areas.

**Draw, Miss.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Ruleville-Draw Airport (lat. 33°46'39" N., long. 90°31'27" W.).

**Dublin, Ga.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Dublin Municipal Airport (lat. 32°33'55" N., long. 82°59'10" W.); within 2.5 miles each side of Dublin VORTAC 274° radial, extending from the 6-mile radius area to the VORTAC.

**Dublin, VA.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 37°08'12" N., long. 80°40'50" W., of New River Valley Airport, Dublin, VA.; within a 23-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 272° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 272° bearing to a 291° bearing from the airport; within an 18-mile radius of the center of the airport, extending clockwise from a 291° bearing to a 314° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 314° bearing to a 355° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 355° bearing to a 015° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 015° bearing to a 060° bearing from the airport; within 5 miles each side of the Pulaski VORTAC 192° radial extending from the VORTAC to 11.5 miles south of the VORTAC, and within 5 miles each side of the 233° bearing from a point lat. 37°08'39" N., long. 80°40'03" W., extending from said point to a point 16 miles southwest.

**Dubois, Idaho**

That airspace extending upward from 1,200 feet above the surface within 11 miles east and 7 miles west of the Dubois VOR 170° and 350° radials, extending from 10 miles north to 20 miles south of the VOR.

**Du Bois, Pa.**

That airspace extending upward from 700 feet above the surface within an 11.5 mile radius of the center, 41°10'45" N., 78°53'45" W. of Du Bois-Jefferson County Airport and within 3.5 miles each side of the Du Bois ILS localizer northeast course extending from the 11.5-mile radius area to 11.5 miles northeast of the OM.

**Dubuque, Iowa**

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.); and within 3 miles on either side of the Dubuque VORTAC 321° radial, extending from the VORTAC to 8 miles northwest of the airport reference point; and within 3½ miles on either side of the Dubuque VORTAC 131° radial, extending from the VORTAC to 15½ miles southeast of the airport reference point, and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W., thence W. along latitude 42°05'00" N., to and N. along longitude 92°15'00" W., to and counterclockwise along the arc of a 29-mile radius circle centered on the Waterloo, Iowa, VORTAC to and E. along the S. edge of V-100, to and clockwise along the arc of a 29-mile radius circle centered on the Dubuque VORTAC, to and SE. along the SW. edge of V-218, to and S. along longitude 89°55'00" W. to and SW along the NW edge of V-216, to 90°08'00" W., and S. to the N. edge of V-172, to and N. along longitude 91°00'00" W., to the point of beginning, excluding the portion which overlies the State of Illinois.

**Duchesne, Utah**

That airspace extending upward from 1200 feet above the surface within 8 miles north and 6 miles south of the 104°T and 283°T radials extending from 14 miles east to 14 miles west of the Myton VORTAC.  
AMENDMENTS 8/11/77 42 F. R. 26971 (Added)

**Duluth, Minn.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Duluth International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); within a 17.5-mile radius of the Duluth International Airport, extending from the Duluth VOR 262° radial clockwise to the Duluth VOR 058° radial; within 4½ miles north and 9½ miles south of Duluth International Airport; within 8 miles northwest and 5 miles southeast of the Duluth VORTAC 051° radial, extending from the 35-mile radius area to 41 miles northeast of the VORTAC; and within 4½ miles northwest and 9½ miles southeast of the Duluth VORTAC 244° radial, extending from the 35-mile radius area to 41 miles southwest of the VORTAC; excluding the portions which overlie the Hibbing, Minn., and Cloquet, Minn., transition areas; and the State of Wisconsin.

**Duncan, Okla.**

That airspace extending upward from 700 feet above the surface within a 8.5-mile radius of Halliburton Field (latitude 34°28'30" N., longitude 97°57'30" W.), and within 2 miles each side of the Duncan VOR 157° radial, extending from the 8.5-mile radius area to 7 miles southeast of the VOR.

**Dunkirk, N. Y.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 42°29'30" N., 79°16'30" W., of Dunkirk Municipal Airport, Dunkirk, N. Y., and within a 13.5-mile radius of the center of the airport extending clockwise from a 022° to 232° bearing from the airport.

**Durango, Colo.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the La Plata County Airport (lat. 37°09'12"N., long. 107°45'04"W.) and within 5 miles each side of the Durango VOR 224°T radial extending from the 7-mile radius area to 17.5 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 9.5 miles southeast and 6 miles northwest of the Durango VOR 224° and 044° radials, extending from 8 miles northeast to 25 miles southwest of the VOR.  
AMENDMENTS 11/24/77 42 F. R. 45632 (Changed)

**Durant, Okla.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eaker Field (latitude 33°56'30" N., longitude 96°24'00" W.), and within 3 miles each side of a 151° bearing from the Durant NDB (latitude 33°56'32" N., longitude 96°23'54" W.) extending from the 5-mile radius area to 9 miles SE of the NDB.

**Dwight, Ill.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dwight Airport (latitude 41°08'05" N., longitude 88°26'30" W.); and within 3 miles either side of the 097° bearing from the airport extending from the 5-mile radius area to 3 miles from the airport.

**Dyersburg, Tenn.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Dyersburg Municipal Airport (latitude 36°00'00" N., longitude 89°24'20" W.); within 3 miles each side of the Dyersburg VORTAC 078° radial, extending from the 6.5-mile radius area to 8.5 miles east of the VORTAC.

**Eagle, Colo.**

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at lat. 39°34'30" N., long. 106°25'00" W.; to lat. 39°45'30" N., long. 106°25'00" W.; to lat. 39°47'00" N., long. 107°05'00" W.; to lat. 39°41'00" N., long. 107°12'30" W.; to lat. 39°27'30" N., long. 107°01'00" W.; to lat. 39°33'30" N., long. 106°53'00" W.; to the point of beginning.

**Eagle Lake, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Eagle Lake Airport (latitude 29°36'00" N., longitude 96°19'26" W.); and within 2 miles each side of the Eagle Lake VOR 007° radial extending from the 5-mile radius area to 8 miles N of the VOR.

**Eagle Pass, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Eagle Pass Municipal Airport (latitude 28°42'00" N., longitude 100°28'45" W.) and within 3 miles each side of the 089° bearing from the Eagle Pass RBN (latitude 28°42'20" N., longitude 100°29'10" W.) extending from the 5-mile radius area to 8 miles east of the Eagle Pass RBN excluding the portion outside the United States.

**Eagle River, Wis.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eagle River Municipal Airport (latitude 45°55'45" N., longitude 89°16'00" W.); and within 3 miles each side of the 037° bearing from Eagle River Municipal Airport extending from the 5-mile radius area to 7½ miles northeast of the airport.

**East Hampton, N. Y.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°57'36" N., 72°15'05" W., of East Hampton Airport, East Hampton, N. Y., extending clockwise from a 307° bearing to a 044° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 044° bearing to a 092° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 092° bearing to a 232° bearing from the airport; and within a 7-mile radius of the center of the airport extending clockwise from a 232° bearing to a 307° bearing from the airport.

**East Liverpool, Ohio**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Columbiana County Airport (latitude 40°40'24" N., longitude 80°38'30" W.); within 3 miles each side of the 070° bearing from the airport, extending from the 5-mile radius area to 8.5 miles east of the airport, excluding that portion which overlies the Beaver Falls, Pa., transition area.



**Eastman, Ga.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Eastman-Dodge County Airport (latitude 32°12'51" N., longitude 83°07'42" W.).

**Easton, MD.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 38°48'30" N., long. 76°04'30" W. of Easton Municipal Airport, and within 3 miles each side of the 038° bearing from the Easton, MD., RBN, lat. 38°48'25" N., long. 76°04'05" W., extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

**Easton, Pa.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, latitude 40°44'32" N., 75°14'35" W. of Easton Airport, Easton, Pa.; within an 8-mile radius of the center of the airport, extending clockwise from a 248° bearing from the airport to a 060° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 060° bearing from the airport to a 095° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 095° bearing from the airport to a 129° bearing from the airport; within 5 miles each side of the Allentown, Pa., VORTAC 085° radial, extending from 12 miles east of the VORTAC to 20.5 miles east of the VORTAC. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 12/30/76 41 F. R. 52857 (Added)

**East St. Louis, Ill.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Bi State Parks Airport (latitude 38°34'30" N., longitude 90°10'00" W.) and within 3 miles each side of the 129° bearing from the airport extending from the 7-mile radius area to 8 miles southeast.

**East Stroudsburg, Pa.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, lat. 41°02'08" N., 75°09'45" W., of Stroudsburg-Pocono Airpark, East Stroudsburg, Pa., extending clockwise from a 337° bearing to a 106° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 106° bearing to a 110° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 110° bearing to a 177° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 177° bearing to a 221° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 221° bearing to a 258° bearing from the airport; within a 17.5-mile radius of the center of the airport, extending clockwise from a 258° bearing to a 337° bearing from the airport; excluding the portion within the Mount Pocono, Pa., transition area.

**East Tawas, Mich.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Iosco County Airport (latitude 44°18'48" N., longitude 83°25'30" W.), excluding the portion which overlies the Oscoda, MI., transition area.

**Eau Claire, Wis.**

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Eau Claire Municipal Airport (latitude 44°51'54" N., longitude 91°29'02" W.) and within 3½ miles each side of the Eau Claire ILS localizer northeast course extending from the 14-mile radius to 18 miles northeast of the airport; within 5 miles each side of the Eau Claire ILS localizer southwest course extending from the 14-mile radius to 15 miles southwest of the airport.

**Ebensburg, Pa.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°27'40" N., 78°46'25" W., of Ebensburg Airport, Ebensburg, Pa.; within 2 miles each side of the Runway 24 centerline extended from the 6-mile radius area to 6 miles southwest of the end of the runway; within 2 miles each side of the Runway 28 centerline extended from the 6-mile radius area to 7 miles west of the end of the runway and within 2 miles each side of the Revloc, Pa., VORTAC 194° radial extending from the 6-mile radius area to the VORTAC, excluding the portion that coincides with the Johnstown, Pa., transition area.

**Edenton, N. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Edenton Municipal Airport (latitude 36°01'30" N., longitude 76°33'30" W.); within 3 miles each side of the 218° and 352° bearings from Edenton RBN (latitude 36°01'33" N., longitude 76°33'57" W.), extending from the 6.5-mile radius area to 8.5 miles southwest and north of the RBN.

**PENDING AMENDMENT****Edna, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Jackson County Airport (lat. 29°00'03"N., long. 96°34'55"W.) and within 3.5 miles either side of the 322° bearing from the NDB extending 6.5 miles from the 5-mile radius.

AMENDMENTS 1/26/78 42 F. R. 60560 (Added)

**Edwards AFB, Calif.**

That airspace extending upward from 700 feet above the surface within a 15-mile radius of Edwards AFB (latitude 34°54'20"N., longitude 117°52'58"W.), within 2 miles SE and 8 miles NW of the Edwards AFB VORTAC 057° radial extending from the 15-mile radius area to 12.5 miles NE of the VORTAC.

**Effingham, Ill.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Effingham County Memorial Airport (lat. 39°04'15"N., long. 88°32'15"W.); within 1½ miles either side of the 344° radial of the Bible Grove VORTAC extending from the 5-mile radius to the Bible Grove VORTAC.

**Eglin AFB, Fla.**

That airspace extending upward from 700 feet above the surface within 9-mile radii of Eglin AFB (lat. 30°29'07" N., long. 86°31'35" W.), Eglin AF Aux No. 3 (Duke Field) (lat. 30°39'01" N., long. 86°31'25" W.) and Eglin AF Aux No. 9 (Hurlburt Field) (lat. 30°25'42" N., long. 86°41'05" W.); within a 5-mile radius of Destin-Fort Walton Beach Airport (lat. 30°23'57" N., long. 86°28'47" W.); excluding the portions within W-151, Crestview, Fla., transition area, and a 1.5-mile radius of Fort Walton Beach Airport (lat. 30°24'25" N., long. 86°49'40" W.).

**El Campo, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the El Campo Airpark (lat. 29°16'00"N., long. 96°19'30"W.); within a 5-mile radius of the El Campo Metro Airport (lat. 29°11'00"N., long. 96°18'45"W.) and within 3 miles each side of the 184° bearing from the proposed NDB (lat. 29°10'35"N., long. 96°19'11"W.) extending from the NDB to 8.5 miles south.

**El Centro, Calif.**

That airspace extending upward from 1,200 feet above the surface within 8 miles each side of the Imperial VORTAC 088° and 268° radials, extending from 15 miles E to 15 miles W of the VORTAC, and within 15 miles W and 5 miles E of the Imperial VORTAC 360° radial, extending from the VORTAC to 25 miles N of the VORTAC, excluding the portion under the jurisdiction of Mexico.

**El Dorado, Ark.**

That airspace extending upward from 700 feet above the surface within 5 miles southeast and 8 miles northwest of the El Dorado VORTAC 059° radial, extending from the VORTAC to 12 miles northeast; within 5 miles each side of the 239° radial, extending from the VORTAC to 5 miles southwest; and within 2 miles each side of the 236° radial, extending from the VORTAC to 18 miles southwest.

**Elizabeth City, N. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of CGAS Elizabeth City (latitude 36°15'35" N., longitude 76°10'20" W.); within 3 miles each side of the 128° bearing from Weeksville RBN, extending from the 8.5-mile radius area to 8.5 miles southeast of the RBN; within 5 miles east and 3 miles west of Elizabeth City VOR 188° radial, extending from the 8.5-mile radius area to 12.5 miles south of the VOR; within 3 miles each side of Elizabeth City VOR 357° radial, extending from the 8.5-mile radius area to 8.5 miles north of the VOR.

**Elizabethtown, Ky.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elizabethtown-Hardin County Airport (lat. 37°45'13" N., long. 85°53'09" W.); within 2 miles each side of New Hope VOR 306° radial, extending from the 5-mile radius area to 9 miles northwest of the VOR; excluding the portion within Louisville transition area.

**Elk City, Okla.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elk City Airport (latitude 35°25'40" N., longitude 99°23'45" W.); and within 3.5 miles each side of the 015° bearing from the Elk City NDB (latitude 35°25'33" N., longitude 99°23'52" W.) extending from the 5-mile radius area to 8 miles north of the NDB.

**Elkhart, IN.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elkhart Municipal Airport (latitude 41°43'11" N., longitude 85°59'41" W.); and within 2 miles each side of the South Bend, IN., VORTAC 101° radial, extending eastward from the 5-mile radius area to 23 miles east of the VORTAC, and within 2 miles each side of the Goshen, IN., VORTAC 008° radial, extending south from the 5-mile radius area to 5 miles north of the Goshen VORTAC excluding the portion which overlies the South Bend, IN., 700-foot floor transition area.

**Elkin, NC.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Elkin Municipal Airport (lat. 36°16'40" N., long. 80°47'12" W.); within 3 miles each side of the 056° bearing from Zephyr RBN (lat. 36°18'47" N., long. 80°43'25" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.



**Elkins, W. Va.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 38° 53' 20" N., long. 79° 51' 24" W. of Elkins-Randolph County-Jennings Randolph Field, Elkins, W. Va.; within 4 miles each side of the Elkins VORTAC 098° radial extending from the 6.5-mile radius area to 1.5 miles east of the VORTAC and within 4.5 miles east and 9.5 miles west of the 011° bearing from the Randolph County RBN, extending from the RBN to 18.5 miles north of the RBN. This transition area is effective from sunrise to sunset, daily.

**Elko, Nev.**

That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9 miles west of the Elko VORTAC 161° radial, extending from the VORTAC to 19 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by an arc of a 17-mile radius circle centered on the Elko VORTAC extending clockwise from the 091° to the 258° radial of the Elko VORTAC, and that airspace bounded on the north-west and north by V-6, on the southeast by V-465 and on the south by V-32.

**Ellensburg, Wash.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bowers Field (latitude 47° 02' 02" N., longitude 120° 31' 49" W.); within the arc of a 13-mile radius circle centered on the Ellensburg VORTAC, beginning at the 016° radial and extending clockwise to the 063° radial; within the arc of a 20.5-mile radius circle centered on the Ellensburg VORTAC beginning at the 063° radial and extending clockwise to the 221° radial; that airspace extending upward from 1,200 feet above the surface southwest of the Ellensburg bounded on the north by V-2S, on the southeast by the Ellensburg VORTAC 221° radial, on the southwest by V-4.

**Elmira, N.Y.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center of Chemung County Airport Elmira, N.Y., 42° 09' 37" N., 76° 53' 35" W. within 2 miles each side of the Elmira VOR 237° radial extending SW from the 12-mile radius area for 8 miles SW of the VOR; within 5 miles SE and 8 miles NW of the airport ILS NE localizer course extending from the 12-mile radius area to 12 miles NE of the Alpine RBN.

**El Paso, Tex.**

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the El Paso International Airport (latitude 31° 48' 35" N., longitude 106° 22' 55" W.) extending clockwise from the 261° to the 278° bearings from the El Paso International Airport; within a 9-mile radius of the Biggs AAF (latitude 31° 50' 55" N., longitude 106° 22' 45" W.) extending clockwise from the 262° to the 029° bearings from the Biggs AAF; within 2 miles each side of the Newman, Tex., VORTAC 040° radial extending from the 9.5-mile radius area to 12 miles NE of the VORTAC; within a 15-mile radius of the El Paso International Airport extending clockwise from the 041° to the 161° bearings of the El Paso International Airport; thence via the United States/Mexican border to point of beginning.

**El Rico, Calif.**

That airspace extending upward from 700 feet above the surface within a 3-mile radius of El Rico Airport (latitude 36° 02' 43" N., longitude 119° 38' 44" W.) and within 3 miles each side of the Arenal VORTAC 034° radial, extending from the 3-mile radius area to 24 miles NE of the VORTAC.

**Ely, MN.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ely Municipal Airport (latitude 47° 49' 26" N., longitude 91° 49' 45" W.); and within 3 miles each side of the 112° bearing from the Ely Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport, and within 3 miles each side of the 305° bearing from Ely Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport; that airspace extending upward from 1,200 feet above the surface within 9½ miles south and 4½ miles north of the 112° bearing from the Ely Municipal Airport extending from the airport to 18½ miles southeast of the airport, and within 9½ miles southwest and 4½ miles north of the 305° bearing of the Ely Municipal Airport extending from the airport to 18½ miles northwest of the airport excluding the portion which overlies the prohibited areas P-205 and P-204.

**Ely, NV.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ely, NV., VOR, within 5 miles northeast and 9.5 miles southwest of the Ely VOR 303° radial, extending from the VOR to 18.5 miles northwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9.5 miles west of the Ely VOR 007° and 187° radials extending from 17 miles north to 2 miles south of the VOR and within 5 miles each side of the Ely VOR 167° radial, extending from the VOR to 21 miles south of the VOR.

**Elyria, Ohio**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41° 20' 40" N., 82° 10' 40" W., of Lorain County Regional Airport and within 3.5 miles each side of the Cleveland VORTAC 300° radial, extending from the 9-mile radius area to 9.5 miles northwest of the VORTAC, excluding the portion that coincides with the Cleveland, Ohio 700-foot transition area.

**Emporia, Kansas**

That airspace extending upward from 700 feet above the surface within 2 miles either side of the Emporia VORTAC 134° radial, extending from the 5-mile radius of the airport (latitude 38° 20' 00" N., longitude 96° 11' 15" W.); to 8 miles southeast of the VORTAC and 5 miles either side of the 010° bearing from the airport extending from the 5-mile radius to 12.5 miles north.

**Emporia, Va.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, (36° 41' 30" N., 77° 29' 30" W.) of Emporia Municipal Airport, Emporia, Va., extending clockwise from a 057° bearing to a 183° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 183° bearing to a 057° bearing from the airport and within 3 miles each side of a 135° bearing from the Emporia RBN (36° 40' 58" N., 77° 28' 57" W.) extending from the RBN to 8.5 miles southeast of the RBN.

**Endicott, NY.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center lat. 42° 04' 42" N., long. 76° 05' 49" W. of Tri-Cities Airport, Endicott, NY.; within a 10.5-mile radius of the center of the airport, extending clockwise from a 020° bearing to a 090° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 090° bearing to a 125° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 125° bearing to a 235° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 235° bearing to a 263° bearing from the airport and within 3.5 miles each side of the Binghamton, NY., VORTAC 340° radial, extending from the 10-mile radius area to 11.5 miles north of the VORTAC.

**Enid, Okla.**

That airspace extending upward from 700 feet above the surface within 10 miles E and W of Vance AFB runway 17R-35L, extending to 15 miles N and S of Vance AFB (latitude 36° 20' 20" N., longitude 97° 55' 00" W.); and within 5 miles W and 8 miles E of the Woodring VOR 355° radial, extending from 2 miles SE of the VOR to 12 miles N of the VOR, and within 5 miles W and 8 miles E of the Woodring VOR 185° radial, extending from the VOR to 12 miles S.

**Erie, Pa.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 42° 04' 53" N., long. 80° 10' 43" W. of Erie International Airport, Erie, Pa.; within a 15.5-mile radius of the center of the airport extending clockwise from a 074° bearing to a 221° bearing from the airport; within 4 miles each side of the Erie ILS localizer SW course, extending from the 8.5-mile radius area to 11 miles SW of the OM; within 5 miles each side of the Erie VORTAC 054° radial extending from the 8.5-mile radius area to 23.5 miles NE of the VORTAC.

**Escanaba, Mich.**

That airspace extending upward from 700 feet above the surface within a 6.5-statute mile radius of the Escanaba VORTAC; within 3 statute miles each side of the Escanaba VORTAC 007° radial from the 6.5-mile radius zone to 8.5 statute miles north of the VORTAC; within 3 statute miles each side of the Escanaba VORTAC 101° radial from the 6.5-mile radius zone to 9 statute miles east of the VORTAC; within 3 statute miles north and 4 statute miles south of the Escanaba VORTAC 270° radial from the 6.5-mile radius zone to 13.5 statute miles west of the VORTAC.

AMENDMENTS 10/6/77 42 F. R. 39976 (Rewritten)

**Estherville, Iowa**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Estherville Municipal Airport (latitude 43° 25' 00" N., longitude 94° 44' 45" W.); and within 3 miles each side of the 175° bearing from Estherville Municipal Airport, extending from the 6½-mile radius area to 8 miles south of the airport.

**Eufaula, Ala.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Weedon Field (latitude 31° 57' 05" N., longitude 85° 07' 45" W.); within 4 miles each side of Eufaula VOR 014° radial, extending from the 6.5-mile radius area to 10 miles north of the VOR.

**Eugene, Oregon**

That airspace extending upward from 700 feet above the surface within a 21-mile radius of the Eugene VORTAC; that airspace extending upward from 1200 feet above the surface northeast of Eugene, bounded on the north by V-536, on the southeast by V-121N (proposed), on the southwest by the arc of the 21-mile radius circle, on the northwest by V-23E; that airspace east of Eugene bounded on the north by V-121 (proposed), on the east by latitude 122° 30' 00" W. on the southwest by V-452 and on the west by the arc of the 21-mile radius circle.

**Eunice, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eunice Airport (latitude 30° 28' 00" N., longitude 92° 25' 30" W.) and within 2 miles each side of the Lafayette VORTAC 310° radial extending from the 5-mile radius area to 6 miles southeast of the approach end of Runway 34.



**Evadale, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Evadale Airport (latitude 30°19'30" N., longitude 94°04'24" W.), and within 2 miles each side of the 150° bearing from the Evadale RBN (latitude 30°24'16" N., longitude 94°07'37" W.), extending from the 5-mile radius area to the RBN.

**Evansville, Ind.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Dress Memorial Airport (latitude 38°02'15" N., longitude 87°31'45" W.); and within 2 miles each side of the Evansville VORTAC 060° radial, extending from the 10-mile radius area to the VORTAC.

**Evergreen, Ala.**

That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of Middleton Field Airport (lat. 31°24'52"N., long. 87°02'29"W.).

**Fairbanks, Alaska**

That airspace extending upward from 700 feet above the surface within 9.5 miles W and 4.5 miles E of the Eielson localizer S course extending from the Eielson VOR to 18.5 miles S of the VOR; within 2 miles NW and 4.5 miles SE of the Fairbanks localizer NE course, extending from the Fairbanks outer marker to Fox RBN; within 4.5 miles SE and 9.5 miles NW of the Fairbanks localizer NE course extending from Fox RBN to 18.5 miles NE of the RBN; within 4.5 miles NW and 9.5 miles SE of the Fairbanks localizer SW course, extending from 5 miles SW of the localizer antenna (latitude 64°48'11" N., longitude 147°53'01" W) to 18.5 miles SW of the localizer antenna; within 4.5 miles N and 9.5 miles S of the Chena 089° bearing, extending from Chena RBN to 18.5 miles E of the RBN; and that airspace extending upward from 1,200 feet above the surface beginning at latitude 68°00'00" N., longitude 153°00'00" W.; to 68°00'00" N., 144°00'00" W.; to 63°10'00" N., 144°00'00" W.; to 62°38'00" N., 145°41'00" W.; to 62°45'00" N., 148°48'00" W.; to 62°59'00" N., 150°15'00" W.; to 63°00'00" N., 151°10'00" W.; to 64°00'00" N., 153°00'00" W.; to point of beginning, excluding the portion within Restricted Areas R-2202B and R-2206.

**Fairfield, IL.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Fairfield Airport (latitude 38°23'00" N., longitude 88°25'00" W.) and within 3 miles either side of the 179° bearing from the Fairfield Airport extending from the 5½-mile radius to 8 miles south of the airport.

**Fairfield, Iowa**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairfield-Municipal Airport (latitude 41°03'15" N., longitude 91°58'40" W.); and within 3 miles each side of the 188° bearing from Fairfield Municipal Airport, extending from the 5-mile radius area to 11 miles south of the airport.

**Fairmont, Minn.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Fairmont Municipal Airport (latitude 43°38'41" N., longitude 94°25'04" W.); within 3 miles each side of the 132° bearing from Fairmont Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport; and within 3 miles each side of the 319° bearing from Fairmont Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 132° bearing from the Fairmont Municipal Airport, extending from the airport to 18½ miles southeast of the airport; excluding the portion in Minnesota.

**Fairmont, W. Va.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 39°26'50" N., 80°10'00" W., of Fairmont Airport, Fairmont, W. Va., and within 5 miles each side of the Morgantown, W. Va., VORTAC 245° radial extending from the 8.5-mile radius area to 7.5 miles southwest of the VORTAC.

**Fairview, Okla.**

Within a 5-mile radius of the Fairview, Okla., Municipal Airport (latitude 36°17'12" N., longitude 98°28'00" W.) and within 3.5 miles either side of the 360° bearing of the Fairview RBN (latitude 36°17'10" N., longitude 98°28'06" W.) extending from the 5-mile radius to 2.5 miles north.

**Falfurrias, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brooks County Airport (latitude 27°12'15" N., longitude 98°07'15" W.) and within 3 miles each side of the 163° T bearing from the Brooks County RBN (latitude 27°12'23" N., longitude 98°07'24" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

**Fallon, Nev.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of NAS Fallon TACAN and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 11-mile radius area to 15 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface beginning at latitude 40°01'00" N., longitude 118°01'00" W.; to latitude 39°51'00" N., longitude 117°58'00" W.; to latitude 39°51'00" N., longitude 117°31'00" W.; to latitude 39°34'00" N., longitude 117°39'30" W.; to latitude 39°18'00" N., longitude 117°47'30" W.; to latitude 39°00'00" N., longitude 117°40'00" W.; to point of intersection of a line 8 miles NE of and parallel to the Reno VORTAC 135° radial and the NE edge of V-105E, thence via a line 8 miles NE of and parallel to Reno 135° radial to longitude 119°00'00" W., to latitude 39°42'00" N., longitude 118°00'00" W. to latitude 40°01'00" N., longitude 118°19'00" W., to point of beginning, excluding that airspace below 1,500 feet AGL within R-4816N and that airspace within R-4816S extending upward from 500 feet AGL to and including 2,000 feet AGL which lies N of and within 1 nautical mile from U. S. Highway 50 between the intersections of Highway 50 with longitude 118°25'30" W. and 118°09'50" W.; that airspace extending upward from 9,500 feet MSL extending from 23 to 44 miles SE of Fallon TACAN bounded on the NE by a line 10 miles NE of and parallel to the Fallon TACAN 139° radial and on the SW by the NE edge of V-105E. The 1,200 foot portion underlying the 9,500 foot MSL portion of the transition area is excluded.

**Falmouth, Mass.**

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Otis AFB, Falmouth, Mass. (latitude 41°39'30" N., longitude 70°31'35" W.); within a 6-mile radius of Barnstable Airport, Hyannis, Mass., (latitude 41°40'10" N., longitude 70°16'45" W.); within 5 miles NW and 8 miles SE of the Barnstable Airport ILS localizer NE course, extending from the OM to 12 miles NE of the OM; within a 4-mile radius of the Chatham Airport, Chatham, Mass. (latitude 41°41'20" N., longitude 69°59'25" W.); within a 6-mile radius of Martha's Vineyard Airport, Martha's Vineyard, Mass., (latitude 41°23'35" N., longitude 70°36'50" W.), and within 5 miles NW and 8 miles SE of the Martha's Vineyard VOR 055° radial, extending from the VOR to 12 miles NE of the VOR; within 2 miles each side of the 183° bearing from Edgartown RBN, extending from the 6-mile radius area to 8 miles S of the RBN; and within a 5-mile radius of the Oak Bluffs Airport, Oak Bluffs, Mass. (latitude 41°26'25" N., longitude 70°34'10" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°13'20" N., longitude 70°18'30" W., thence to latitude 42°10'50" N., longitude 70°03'00" W., to latitude 41°40'29" N., longitude 69°46'32" W., to latitude 41°38'00" N., longitude 69°45'10" W., to latitude 41°21'00" N., longitude 69°45'10" W., to latitude 41°09'00" N., longitude 70°00'00" W., to latitude 41°10'25" N., longitude 70°12'50" W., to latitude 41°04'00" N., longitude 70°42'30" W., to latitude 41°12'45" N., longitude 70°42'30" W., to latitude 41°21'00" N., longitude 70°48'00" W., to latitude 41°42'00" N., longitude 70°48'00" W., to latitude 41°53'30" N., longitude 70°56'30" W., thence to the point of beginning; and that airspace extending upward from 2,000 feet MSL bounded on the N by Control 1142, on the SE by Control 1143, and on the W by a line extending through latitude 41°40'29" N., longitude 69°46'32" W. and latitude 42°10'50" N., longitude 70°03'00" W., excluding the portion within the Nantucket, Mass., transition area.

**Farewell, Alaska**

That airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Farewell RBN 126° and 306° bearings, extending from 6 miles southeast to 18.5 miles northwest of the RBN.

**Fargo, N. Dak.**

That airspace extending upward from 700 feet above the surface within an 18.5-mile radius of Hector Field (latitude 46°54'57" N., longitude 96°48'53" W.) and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of Hector Field; and that airspace extending upward from 1,200 feet above the surface within a 46-mile radius of Hector Field extending clockwise from the Fargo VORTAC 056° radial to the north edge of V2N, west of Fargo; and within 10 miles east and 7 miles west of the Fargo VORTAC 187° radial extending from the 46-mile radius area to 56 miles south of the VORTAC; and that airspace extending upward from 2,700 feet MSL extending from the 29-mile radius area to the 46-mile radius area between the north edge of V2N, west of Fargo, clockwise to the Fargo VORTAC 056° radial, excluding V-181, V-181E, and the Grand Forks, N. Dak., transition area.

**Faribault-Owatonna, Minn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°19'35" N., longitude 93°18'30" W.); within a 5-mile radius of Owatonna Municipal Airport (latitude 44°07'15" N., longitude 93°15'15" W.); within 2 miles each side of the 200° bearing from Faribault Municipal Airport extending from the Faribault 5-mile radius area to 9 miles south of the airport; and within 2 miles each side of the 315° bearing from Owatonna Municipal Airport, extending from the Owatonna 5-mile radius area to 9 miles northwest of the airport.

**Farmington, Mo.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Farmington Municipal Airport (latitude 37°45'45" N., longitude 90°26'30" W.); and within 1½ miles each side of the Farmington VORTAC 300° radial, extending from the 9-mile radius area to the VORTAC.

**Farmington, N. Mex.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Farmington Municipal Airport (lat. 36°44'28" N., long. 108°13'39" W.) within 3.5 miles each side of the Farmington VORTAC 086° radial extending from the 11-mile radius area to 12 miles east of the VORTAC, and within 4.5 miles each side of the Farmington VORTAC 265° radial extending from the 11-mile radius area to 23 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Farmington VORTAC excluding the portion within the Durango, Colo., transition area.

**Farmville, Va.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Farmville Airport (latitude 36°54'15" N., longitude 78°07'15" W.) and within 3 miles each side of the 163° T bearing from the Farmville RBN (latitude 36°54'15" N., longitude 78°07'15" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

**Flagstaff, Ariz. (Pulliam Airport)**

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Pulliam Airport (latitude 36°54'15" N., longitude 111°54'15" W.) within 3.5 miles each side of the Pulliam VORTAC 086° radial extending from the 11.5-mile radius area to 12 miles east of the VORTAC, and within 4.5 miles each side of the Pulliam VORTAC 265° radial extending from the 11.5-mile radius area to 23 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Pulliam VORTAC excluding the portion within the Flagstaff, Ariz., transition area.



**Farmville, Va.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 37° 21'22" N., long. 78°26'16" W. of Farmville Municipal Airport, Farmville, Va.

**Fayetteville, Ark.**

That airspace extending upward from 700 feet above the surface within a 27.5-mile radius of latitude 36°12'00" N., longitude 94°14'00" W., within 5 miles each side of the Drake VOR 186° radial extending from the 27.5-mile radius area to 19 miles south of the VOR, and within 5 miles east and 10 miles west of the Fayetteville VORTAC 005° radial extending from the 27.5-mile radius area to 33.5 miles north of the VORTAC.

**Fayetteville, N. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Fayetteville Municipal Airport (Grannis Field) (latitude 34°59'22" N., longitude 78°52'52" W.); within a 10-mile radius of Pope AFB (latitude 35°10'15" N., longitude 79°00'55" W.); within 10 miles north and 2 miles south of Simmons AAF (lat. 35°07'55" N., long. 78°57'05" W.) Runway 27 extended and centerline, extending from the 10-mile radius area to 17.5 miles east of the runway end; within 9.5 miles northeast and 4.5 miles south-east of Pope AFB ILS localizer northeast course, extending from the 10-mile radius area to 24 miles northeast of the Pope TACAN; excluding the portion within R-5311.

**Fayetteville, Tenn.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fayetteville Municipal Airport (lat. 35°03'28" N., long. 86°33'53" W.); within 3 miles each side of the 188° bearing from Highland RBN (lat. 35°03'32" N., long. 86°33'58" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

**Fergus Falls, Minn.**

That airspace extending upward from 700' above the surface within a 6½-mile radius of Fergus Falls Municipal Airport (lat. 46°17'15" N., long. 96°09'45" W.); within 3 miles each side of the 187° bearing from the airport, extending from the 6½-mile radius area to 8 miles south of the airport; and within 3 miles each side of the 343° bearing from the airport, extending from the 6½-mile radius area to 8 miles northwest of the airport.

**Festus, Mo.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Festus Memorial Airport (latitude 38°11'45" N., longitude 90°23'00" W.); and within 3 miles each side of the 180° bearing from Festus Memorial Airport, extending from the 7-mile radius area to 8 miles south of the airport.

**Findlay, Ohio**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Findlay, Ohio, Airport (latitude 41°00'40" N., longitude 83°40'30" W.) within 3 miles each side of the 063° bearing from the Findlay Airport extending from the 6.5-mile radius area to 8.5 miles northeast of the airport, within 3 miles each side of the 179° bearing from the Findlay Airport extending from the 6.5-mile radius area to 8.5 miles south of the airport within 2 miles each side of the Findlay VORTAC 231° radial extending from the Bluffton Flying Service Airport (latitude 40°53'09" N., longitude 83°52'04" W.) 5-mile radius area to the 6.5-mile radius area of the Findlay Airport.

**Firebaugh, Calif.**

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Firebaugh Airport (latitude 36°51'36" N., longitude 120°27'49" W.); and within 3 miles each side of the Los Banos VORTAC 060° radial, extending from the 3-mile radius area to 15 miles NE of the VORTAC.

**Fire Island, N. Y.**

That airspace extending upward from 8,500 feet MSL bounded on the north by Control 1169, on the southeast by a line 10 nautical miles southeast of and parallel to the southeast boundary of V-139, on the southwest by Control 1147 and on the northwest by V-139.

**Fitzgerald, Ga.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fitzgerald Municipal Airport (lat. 31°41'00" N., long. 83°16'00" W.); within 3 miles each side of the 200° bearing from Fitzgerald RBN (lat. 31°41'06" N., long. 83°16'00" W.), extending from the 5-mile radius area to 8.5 miles southwest of the RBN.

**Five Finger, Alaska**

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Five Finger RBN, and within 2 miles each side of the 349° and 189° bearings from the Five Finger RBN, extending from the RBN to 8 miles N and 8 miles S of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 189° and 009° bearings, extending from 7 miles N to 13 miles S of the RBN, and within 8 miles W and 5 miles E of the 349° and 169° bearings, extending from 13 miles N to 7 miles S of the RBN.

**Flagstaff, Ariz. (Pulliam Airport)**

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Pulliam Airport (latitude 35°08'16" N., longitude 111°40'17" W.); and that airspace extending upward from 1,200 feet above the surface within 9.5 miles each side of the Flagstaff VOR 127° and 307° radials, extending from 8 miles north-west to 19 miles southeast of the VOR, excluding that portion within R-2302.

**Flemingsburg, Ky.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fleming-Mason Airport (latitude 38°32'33" N., longitude 83°44'25" W.); within 3 miles each side of the 061° bearing from Flemingsburg RBN (latitude 38°32'17" N., longitude 83°44'49" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

**Flint, Mich.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Flint VOR, within 5 miles north and 8 miles south of the Flint ILS localizer west course, extending from the 12-mile radius area to 12 miles west of the outer marker; within a 4-mile radius of Owosso City Airport, (latitude 42°59'30" N., longitude 84°08'00" W.); within a 5½ mile radius of the Price Airport, (latitude 42°48'25" N., longitude 83°46'20" W.); and within a 5-mile radius of the Davison-Genova Airport, (latitude 43°01'45" N., longitude 83°31'34" W.); excluding the portion which overlies the Detroit, Michigan transition area.

**Flippin, Ark.**

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Flippin Municipal Airport (latitude 36°17'30" N., longitude 92°35'30" W.); within 3.5 miles each side of the Flippin VOR 086° radial extending from the Flippin Municipal Airport 9.5-mile radius area to 8.5 miles east of the VOR; within an 8-mile radius of Mountain Home Municipal Airport (latitude 36°22'00" N., longitude 92°28'00" W.); and within 3.5 miles each side of the Flippin VOR 172° radial extending from the Mountain Home Municipal Airport 8-mile radius area to 8.5 miles south of the VOR.

**Florence, S. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Florence City-County Airport (lat. 34°11'17" N., long. 79°43'28" W.); within 4 miles each side of Florence VORTAC 049° radial, extending from the 8.5-mile radius area to 9 miles northeast of the VORTAC.

## Florida

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Florida including the airspace within 3 nautical miles of and parallel to the shoreline of Florida; that airspace east of Jacksonville, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from latitude 30°43'05" N., longitude 81°21'00" W., thence to latitude 30°44'00" N., longitude 81°18'10" W., thence clockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC, to and east along latitude 30°17'30" N., to longitude 81°01'30" W., thence to latitude 30°09'00" N., longitude 81°02'15" W., to latitude 29°54'00" N., longitude 81°02'15" W., to latitude 29°56'00" N., longitude 81°14'50" W.; that airspace extending upward from 1,200 feet above the surface to and including 12,000 feet above the surface bounded by a line beginning at the intersection of a line 3 nautical miles east of and parallel to the shoreline and lat. 29°29'00" N., thence east along lat. 29°29'00" N., to and clockwise along the arc of a 23-nautical mile radius circle centered on the Daytona Beach Regional Airport (lat. 29°10'49" N., long. 81°03'23" W.), to and north along a line 3-nautical miles east of and parallel to the shoreline to point of beginning; that airspace east of Melbourne, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline, and the arc of a 25-mile radius circle centered on Patrick AFB, Cocoa, Fla. (latitude 28°14'21" N., longitude 80°36'28" W.); that airspace east of Palm Beach, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and the arc of a 30-mile radius circle centered on the Palm Beach VORTAC; that airspace east and south of Miami, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and the arc of a 50-mile radius circle centered on the Miami International Airport (latitude 25°47'34" N., longitude 80°17'10" W.); that airspace surrounding Key West, Fla., beginning at latitude 25°04'05" N., longitude 81°58'15" W., thence clockwise along the arc of a 35-mile radius circle centered on the Key West VORTAC to latitude 24°08'50" N., longitude 82°04'35" W., to lat. 24°02'30" N., long. 82°23'00" W.; to lat. 24°27'30" N., long. 82°37'00" W., to latitude 24°45'00" N., longitude 82°32'00" W., to latitude 24°45'00" N., longitude 81°56'50" W., to latitude 24°49'00" N., longitude 81°55'00" W., to point of beginning; that airspace northeast of Key West bounded on the west by B-19, on the south and east by V-35 and on the north by the arc of a 50-mile radius circle centered on the Miami International Airport; that airspace southwest of Fort Myers, Fla., bounded by a line 3 nautical miles from the shoreline and the arc of a 20-mile radius circle centered on the Fort Myers VORTAC; that airspace north, west, and south of Tampa, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from latitude 28°30'00" N., and a point 3 nautical miles from the shoreline, thence west along latitude 28°30'00" N., to the east boundary of W-168, thence north and west along the boundary of W-168, to longitude 83°42'00" W., thence to the north boundary of Control 1226 at longitude 83°47'50" W., thence east along the north boundary of Control 1226, to and clockwise along the arc of a 42-mile radius circle centered on MacDill AFB (latitude 27°50'57" N., longitude 82°31'38" W.) to a point 3 nautical miles from the shoreline; that airspace south of Panama City, Fla., bounded by a line 3 nautical miles from the shoreline and a line extending from latitude 29°43'10" N., longitude 85°27'00" W., to latitude 30°04'00" N., longitude 85°58'00" W., to latitude 30°11'10" N., longitude 85°56'00" W.; that airspace south of Eglin AFB bounded by a line 3 nautical miles from the shoreline and a line extending from latitude 30°15'00" N., longitude 86°06'15" W., to latitude 30°10'30" N., longitude 86°07'30" W., to latitude 30°07'30" N., longitude 86°13'00" W., to latitude 30°07'30" N., longitude 86°24'00" W., to latitude 30°14'46" N., longitude 86°28'40" W., to latitude 30°06'00" N., longitude 86°29'50" W., to latitude 30°00'00" N., longitude 86°34'00" W., to latitude 30°00'00" N., longitude 86°44'00" W., to latitude 30°05'00" N., longitude 86°47'58" W., to latitude 30°09'20" N., longitude 86°47'58" W., to latitude 30°20'30" N., longitude 86°41'00" W.; that airspace south of Pensacola, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from latitude 30°18'20" N., longitude 87°00'00" W., to latitude 29°54'00" N., longitude 87°15'17" W., thence clockwise along the arc of a 30-mile radius circle centered at latitude 30°20'19" N., longitude 87°20'00" W., to latitude 30°02'50" N., longitude 87°42'20" W., to latitude 30°04'00" N., longitude 87°41'20" W., thence clockwise along the arc of a 30-mile radius circle centered on NAS Pensacola TACAN, to latitude 30°09'45" N., longitude 87°45'45" W., to latitude 30°11'20" N., longitude 87°44'15" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 30°13'15" N., longitude 87°32'55" W.; that airspace 4.5 miles southeast of and 9.5 miles northwest of the 228° bearing from the Naples RBN (latitude 26°09'00" N., longitude 81°46'31" W.), extending from the RBN to 18.5 miles southwest of the RBN, that airspace southwest of Miami extending upward from 1,700 feet MSL bounded on the northeast by a line 3 nautical miles from and parallel to the shoreline, on the southeast by V-51, on the south by the arc of a 35-mile radius circle centered on the Key West VORTAC and on the west by V-225E; that airspace extending upward from 2,000 feet MSL; east of Jacksonville beginning at latitude 30°44'00" N., longitude 81°18'10" W., to latitude 30°45'15" N., longitude 80°58'50" W., to latitude 30°17'30" N., longitude 81°01'30" W., thence west along latitude 30°17'30" N., to and counterclockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC to point of beginning; that airspace south of Marathon, Fla., bounded on the north by V-35, on the east by longitude 80°25'00" W., on the south by latitude 24°20'00" N., and on the west by Control 1233; that airspace southwest of Fort Myers, Fla., bounded on the south by Control 1230, on the east by V-225, on the northeast by the arc of a 20-mile radius circle centered on the Fort Myers VORTAC, on the north by latitude 26°30'00" N., and on the west by W-168 and a line extending from latitude 26°10'00" N., longitude 82°17'00" W., to the north boundary of Control 1230 at longitude 82°15'00" W.; that airspace northwest of Tampa bounded on the east by V-35W, on the west by V-97 and on the north by V-7W; that airspace west of Tampa extending upward from 4,700 feet MSL bounded on the northeast by V-97 and V-97W, on the southeast by the arc of a 42-mile radius circle centered on MacDill AFB, on the south by Control 1226, on the northwest by the Cross City VOR 212° radial from the southwest boundary of V-97 to the St. Petersburg VORTAC 280° radial, then west along this radial to Control 1226, excluding: That portion within W-151 east of the INT of the north boundary of Control 1226, and the St. Petersburg VORTAC 280° radial; that portion southeast of a line extending from latitude 29°43'35" N., longitude 84°39'00" W., to latitude 29°47'00" N., longitude 84°40'00" W., to latitude 29°52'30" N., longitude 84°34'40" W., thence to the west boundary of V-7W at latitude 29°52'30" N.

## Foraker, Okla.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Coddling Cattle Airport (latitude 36°46'00" N., longitude 96°33'00" W.).

## Forest City, Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Forest City Municipal Airport (lat. 43°14'00" N., long. 93°38'00" W.).

## Forrest City, Ark.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Forest City Municipal Airport (latitude 34°56'42" N., longitude 90°46'16" W.), and within 3.5 miles each side of the 180° bearing from the Forrest City RBN (latitude 34°56'28" N., longitude 90°46'24" W.) extending from the 5.5-mile radius area to 11.5 miles south of the RBN.

## Forsyth, Mont.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Forsyth Airport (latitude 46°16'14" N., longitude 106°37'00" W.); within 4 miles north and 5 miles south of the 075° bearing from the Forsyth NDB (latitude 46°16'10" N., longitude 106°31'01" W.), extending from the NDB to 10 miles east of the NDB; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 5 miles south of 089° bearing from the Forsyth NDB, extending from the NDB to 18.5 miles east of the NDB, excluding that portion which overlies the Miles City, Mont., transition area.

## Fort Bridger, Wyo.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Fort Bridger Municipal Airport (latitude 41°24'00" N., longitude 110°25'00" W.), and within 3.5 miles each side of the Fort Bridger VORTAC Q47° radial extending from the 9-mile radius area to 11.5 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8.5 miles southeast and 12.5 miles northwest of the Fort Bridger VORTAC Q47° and 227° radials extending from 23 miles northeast to 10.5 miles southwest of the VORTAC.

## Fort Collins, Colo.

That airspace extending upward from 700 feet above the surface within 9.5 miles east and 5 miles west of the 173° and 353° bearings from the Fort Collins-Loveland RBN (latitude 40°26'49" N., longitude 105°00'22" W.) extending from 6.5 miles north to 18.5 miles south of the RBN.

## Fort Dodge, Iowa

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'10" W.); and that airspace extending upward from 3,500 feet MSL south and east of Fort Dodge bounded on the north by V-100, on the east by V-13, on the south by V-172 and on the northwest by V-128.

## Fort Huachuca, AZ.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Libby AAF, Fort Huachuca, AZ. (latitude 31°35'00" N., longitude 110°20'30" W.), that airspace within an arc of a 22-mile radius circle centered on the Libby AAF VOR, extending clockwise from a line 5 miles northwest of and parallel to the 033° radial of the Libby AAF VOR to a line 5 miles south of and parallel to the Libby AAF VOR 093° radial; that airspace extending upward from 1,200 feet above the surface bounded on the north by the Tucson, AZ., transition area, on the northeast by the southwest edge of V-66, on the east by longitude 109°44'00" W., on the south by latitude 31°25'00" N., on the west by longitude 110°30'00" W., and that airspace northeast of Libby AAF bounded on the north by the south edge of V-16S, on the east by a line 5 miles west of and parallel to the Douglas, AZ., VORTAC 347° radial, on the southwest by the northeast edge of V-66 and on the west by longitude 110°00'00" W.

## Fort Indiantown Gap, Pa.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 40°26'00"N., 76°34'00"W. of Muir AAF, Fort Indiantown Gap, Pa.; within a 12-mile radius of the center of the airport, extending clockwise from a 230° bearing to a 252° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 037° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 037° bearing to a 086° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 086° bearing to a 136° bearing from the airport; within 4.5 miles each side of the 097° bearing from the Bellgrove, Pa., RBN, extending from the RBN to 10 miles east of the RBN.

AMENDMENTS 12/1/77 42 F. R. 51566 (Added)

## Fort Jones, Calif.

That airspace extending upward from 9,500 feet MSL bounded on the NE by V-23 and V-23W, on the S by latitude 41°19'00" N., and on the W by longitude 123°01'00" W.

## Fort Leonard Wood, Mo.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Fort Leonard Wood Municipal Airport (latitude 37°14'00" N., longitude 92°14'00" W.).

## Fortuna, CA.



**Fort Leonard Wood, Mo.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.); within 4½ miles southwest and 9½ miles northeast of the Forney AAF VOR 323° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southwest and 9½ miles northeast of the 146° and 326° bearings from Forney AAF RBN, extending from Forney AAF to 18½ miles southeast of the Forney AAF RBN; and within 4½ miles southwest and 9½ miles northeast of the Forney AAF VOR 152° radial extending from the VOR to 18½ miles southeast of the VOR.

**Fort Madison, Iowa**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Fort Madison Municipal Airport (lat. 40°39'30"N., long. 91°19'30"W.); and within 2 miles each side of the Burlington, Iowa, VORTAC 258° radial, extending from the 6-mile radius area to 12 miles west of the VORTAC excluding the portion which overlies the Burlington, Iowa, transition area.  
AMENDMENTS 12/30/76 41 F.R. 43713 (Rewritten)

**Fort McCoy, Wis.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Camp McCoy Army Airfield (lat. 43°57'15"N., long. 90°44'15"W.), and within 3.5 miles each side of the 109° bearing from the Camp McCoy RBN, extending from the 11-mile radius to 7.8 miles east of the Camp McCoy RBN, excluding that portion that overlies the LaCrosse, Wis., transition area.  
AMENDMENTS 10/6/77 42 F. R. 39975 (Added)

**Fort Myers, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Page Field (lat. 26°35'09"N., long. 81°51'51"W.); within 3.5 miles each side of Fort Myers VORTAC 062° radial, extending from the 8.5-mile radius area to 10 miles northeast of the VORTAC.

**Fort Polk, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25" W.); within 2 miles each side of the 160° bearing from the Polk AAF RBN, extending from the 5-mile radius area to 10 miles SE of the south fan marker; and within 2 miles each side of the 340° bearing from the Polk AAF RBN, extending from the 5-mile radius area to 8 miles NW of the north fan marker.

**Fort Rucker, Ala.**

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 31°38'00" N., longitude 86°23'30" W.; thence northeast via V-70 to V-7; thence south via V-7 to V-241; thence southwest via V-241 to and clockwise along the arc of a 5-mile radius circle centered at latitude 31°03'00" N., longitude 86°19'33" W.; to latitude 31°03'00" N., longitude 86°24'30" W.; to the point of beginning; within a 6.5-mile radius of Blackwell Field, Ozark, Ala. (latitude 31°25'50" N., longitude 85°37'10" W.).

**Fort Scott, Kans.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Scott Municipal Airport (latitude 37°47'45" N., longitude 94°46'10" W.); and within 2 miles each side of the 348° bearing from Fort Scott Municipal Airport, extending from the 5-mile radius area to 8 miles north of the airport.

**Fort Smith, Ark.**

That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'05" W.), within an 11.5-mile radius of the Fort Smith VORTAC extending clockwise from the 078° to the 155° radials of the VORTAC, within 6 miles northwest and 5 miles southeast of the Fort Smith VORTAC 053° radial extending from the 12.5 and 11.5-mile radius areas to 12 miles northeast of the VORTAC, within 2 miles each side of the Fort Smith VORTAC 239° radial extending from the 12.5-mile radius area to 20 miles southwest of the VORTAC, within 3.5 miles each side of the VORTAC 119° radial extending from the VORTAC to 11.5 miles southeast of the VORTAC, and within 2 miles each side of the Fort Smith ILS localizer west course extending from the 12.5-mile radius area to 8 miles west of the Penobscot Bottoms RBN (latitude 35°19'21" N., longitude 94°28'28" W.).

**Fort Stewart, Ga.**

That airspace extending upwards from 700 feet above the surface within an 8.5-mile radius of Lyle H. Wright AAF (lat. 31°53'20"N., long. 81°33'45"W.).

**Fort Stockton, Tex.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pecos County Airport (latitude 30°55'00" N., longitude 102°54'30" W.), within 6 miles each side of the Fort Stockton VORTAC 308° and 128° radials extending from the airport to 8 miles northwest of the VORTAC, and within 7 miles each side of the Fort Stockton VORTAC 128° radial extending from 9 miles southeast to 21 miles southeast of the VORTAC.

**Fortuna, CA.**

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Fortuna VORTAC 327° radial, extending from the VORTAC to 8 miles northwest of the VORTAC; within 2 miles northeast and 4.5 miles southwest of the Fortuna VORTAC 147° radial, extending from the VORTAC to 3.5 miles southeast of the VORTAC; within 2.5 miles southwest and 3.5 miles northeast of the 129° and 309° bearings from the Rohnerville Airport (latitude 40°33'15" N., longitude 124°07'53" W.), extending from 7.5 miles northwest to 3 miles southeast of the airport, and within 2 miles each side of the Fortuna VORTAC 034° radial, extending from the VORTAC to 11 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles southeast and 10 miles northwest of the Fortuna VORTAC 229° radial, extending from the VORTAC 18.5 miles southwest of the VORTAC.

**Fort Wayne, Ind.**

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Fort Wayne VORTAC; and within an 18½-mile radius of Fort Wayne VORTAC, extending from the Fort Wayne VORTAC 194° radial clockwise to the Fort Wayne VORTAC 335° radial.

**Fort Yukon, AK.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'16" N., longitude 145°14'59" W.) and within 3 miles south and 4.5 miles north of Fort Yukon 076° radial extending from the 5-mile radius area to 10.5 miles east of the Fort Yukon VORTAC and within 3 miles each side of the Fort Yukon VORTAC 214° radial extending from the 5-mile radius area to 8.5 miles southwest of the VORTAC.

**Fostoria, Ohio**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Fostoria Metropolitan Airport (latitude 41°11'30" N., longitude 83°23'50" W.); within 3 miles each side of the 084° bearing from the airport extending from the 6.5-mile radius area to 8.5 miles east of the airport; excluding that portion that overlies the Tiffin, Ohio, transition area.

**Frankfort, Ind.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Frankfort Municipal Airport (latitude 40°16'25" N., longitude 86°33'45" W.) and within 3 miles each side of the 221° bearing from the airport extending from the 5-mile radius area to 8.5 miles southwest.

**Frankfort, Ky.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Capital City Airport (lat. 38°10'55" N., long. 84°54'16" W.); within 3 miles each side of the 062° bearing from Jett RBN (lat. 38°12'56" N., long. 84°49'32" W.), extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN; within 3 miles each side of Frankfort VOR 063° radial, extending from the 8.5-mile radius area to 8.5 miles northeast of Jett RBN; within 3 miles each side of Frankfort VOR 240° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VOR.

**Franklin, Pa.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (41° 22'45" N., 79°51'40" W.) of Chess-Lamberton Airport, Franklin, Pa.: within 3.5 miles each side of the Franklin, Pa., VOR 360° radial, extending from the 7-mile radius area to 11.5 miles north of the VOR.

**Franklin, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rocking 7 Ranch Airport (latitude 31°09'37" N., longitude 96°26'14" W.); within 2.5 miles each side of the 276° radial from the Leona, Tex., VORTAC extending from the 5-mile radius area to 22 miles southwest of the Leona VORTAC.

**Franklin, Va.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 36°41'50" N., 76°54'15" W. of John Beverly Rose Field-Franklin Municipal Airport; and within 3.5 miles each side of the 083° bearing from 36°42'07" N., 76°53'20" W., extending from this point to 11.5 miles east.

**Frederick, Md.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 39°25'00" N., long. 77°22'30" W. of Frederick Municipal Airport, Frederick, Md.; within a 16-mile radius of the center of the airport, extending clockwise from a 245° bearing to a 350° bearing from the airport and within 3 miles each side of the Frederick VOR 032° radial, extending from the 8-mile radius area to 8.5 miles northeast of the VOR, excluding the portion within P-40.

**Frederick, Okla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Frederick, Okla., Municipal Airport (latitude 34°21'09" N., longitude 98°59'21" W.) and within 3.5 miles each side of the 001° bearing from the Frederick, Okla., RBN (latitude 34°23'35" N., longitude 98°59'19" W.) extending from the 8.5-mile radius area to 11.5 miles north of the RBN.

**Fredericksburg, Va.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Fredericksburg, Va., VORTAC 036° radial, extending from the VORTAC to 10 miles northeast of the VORTAC; within 2 miles each side of the 036° bearing from the Fredericksburg, Va., VORTAC 036° radial, extending from the VORTAC to 10 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles southeast and 10 miles northwest of the Fredericksburg, Va., VORTAC 229° radial, extending from the VORTAC 18.5 miles southwest of the VORTAC.

**Fulton, Mo.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Fulton, Mo., VORTAC 036° radial, extending from the VORTAC to 10 miles northeast of the VORTAC; within 2 miles each side of the 036° bearing from the Fulton, Mo., VORTAC 036° radial, extending from the VORTAC to 10 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles southeast and 10 miles northwest of the Fulton, Mo., VORTAC 229° radial, extending from the VORTAC 18.5 miles southwest of the VORTAC.

**Fredericksburg, Va.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 38°15'40" N., 77°26'20" W. of Shannon Airport, Fredericksburg, Va., and within 2 miles each side of the Brooke, Va., VORTAC 227° radial, extending from the 6-mile radius area to 1 mile southwest of the VORTAC.

**Freeport, Ill.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Albertus Airport (latitude 42°14'50" N., longitude 89°34'45" W.); and within 2 miles each side of the 065° bearing from Albertus Airport, extending from the 6-mile radius area to 8 miles northeast of the airport.

**Fremont, Mich.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Fremont Municipal Airport, Fremont, Mich. (latitude 43°26'31" N.; longitude 85°59'29" W.).

**Fremont, Nebr.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Fremont Municipal Airport (latitude 41°26'55" N., longitude 96°30'50" W.).

**Fremont, Ohio**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 41°20'00" N., long. 83°09'40" W. of Progress Field, Fremont, Ohio, and within 2.5 miles each side of the Waterville, Ohio, VORTAC 108° radial, extending from the 5-mile radius area to 19.5 miles east of the VORTAC.

**French Lick, IN.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the French Lick Municipal Airport (latitude 38°30'26" N., longitude 86°37'59" W.) and within 3 miles each side of the 076° bearing from the French Lick Municipal Airport extending from the 6½-mile radius to 8 miles northeast.

**Frenchville, Maine**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center of the Northern Aroostock Regional Airport (latitude 47°17'15" N., longitude 68°19'00" W.) and within 5 miles each side of the 115° bearing of the Frenchville (FVE) NDB (latitude 47°16'05" N., longitude 68°15'26" W.) extending from the 6-mile radius to 11.5 miles southeast of the NDB, excluding the airspace within Canada.

**Fresno, Calif.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.); within 2 miles each side of the 232° bearing from the Fresno RBN, extending from the 5-mile radius area to 8 miles SW of the RBN; within 2 miles each side of the Fresno VORTAC 185° radial, extending from the 5-mile radius area to the VORTAC, excluding the portion within the arc of a 5-mile radius circle centered on the Fresno Air Terminal, and the portion NE of a line 2 miles SW of and parallel to the Fresno VORTAC 143° radial, extending from the arc of a 5-mile radius circle centered on Fresno Air Terminal to the VORTAC; within 2 miles W and 4 miles E of the Fresno VORTAC 158° radial, extending from the arc of a 5-mile radius circle centered on the Fresno Air Terminal to 16 miles SE of the VORTAC, and within 2 miles each side of the Fresno ILS localizer SE course, extending from the arc of a 5-mile radius circle centered on the Fresno Air Terminal to 13 miles SE of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 37°29'00" N., longitude 119°15'00" W., to latitude 36°49'00" N., longitude 118°46'00" W., to latitude 36°39'00" N., longitude 118°44'00" W., to latitude 36°39'00" N., longitude 119°09'00" W., to latitude 36°00'00" N., longitude 118°45'00" W., thence west via latitude 36°00'00" N., to longitude 119°30'00" W., thence north via longitude 119°30'00" W., to the west edge of V-23, thence north via the west edge of V-23 to latitude 36°37'00" N., longitude 119°56'00" W., to latitude 37°02'00" N., longitude 120°18'00" W., to point of beginning.

**Fryeburg, Maine**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 43°59'28" N., long. 70°56'53" W., of Eastern Slopes Airport, Fryeburg, Maine, and within 4.5 miles north and 6.5 miles south of the 118° bearing and the 298° bearing from the Fryeburg NDB, lat. 43°59'21" N., long. 70°56'58" W., extending from 5.5 miles west of the NDB to 11.5 miles east of the NDB, excluding the portions within the North Conway, N. H., area.

**Fulton, N. Y.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 43° 21' 05" N., 76°23'20" W. of Oswego County Airport, Fulton, N. Y.

That airspace extending upward from 1,200 feet above the surface within 5.5 miles each side of the Syracuse, NY., 344° radial, extending from the VORTAC to the United States/Canadian border; and within 5 miles each side of the Watertown, NY., 309° radial extending from the VORTAC to the United States/Canadian border.

**Fulton, Mo.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Fulton Municipal Airport (lat. 38°50'22"N., long. 92°00'17"W.), and within 2 miles each side of the Hallsville, Mo., VORTAC 154° radial; extending from the 5-mile radius area to 6 miles northwest of the Fulton Municipal Airport, excluding the portion which overlies the Columbia, Mo., 700 foot floor transition area.

AMENDMENTS 12/1/77 42 F. R. 48873 (Added)

**Gadsden, Ala.**

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Gadsden Municipal Airport (latitude 33°58'25" N., longitude 86°05'14" W.).

**Gage, Okla.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Gage Municipal Airport (latitude 36°17'45" N., longitude 99°46'30" W.).

**Gainesville, FL.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Gainesville Municipal Airport (lat. 29°41'22" N., long. 82°16'28" W.).

**Gainesville, Ga.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lee Gilmer Memorial Airport (lat. 34°16'37" N., long. 83°49'42" W.); within 9.5 miles northwest and 4.5 miles southeast of the 216° bearing from Gainesville RBN (lat. 34°16'30" N., long. 83°49'56" W.), extending from the RBN to 18.5 miles southwest; excluding the portion within the Lawrenceville, Ga., transition area.

**Gainesville, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Gainesville Airport (lat. 33°39'00" N., long. 99°11'40" W.); and within 3.5 miles each side of the 001° bearing from the Gainesville RBN (lat. 33°42'12" N., long. 97°11'50" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

**Gaithersburg, Md.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (39° 09'54" N., 77°10'00" W.), of Montgomery County Airpark, Gaithersburg, Md.; within 5 miles each side of the Frederick, Md., VOR 176° radial, extending from the VOR to 13 miles south of the VOR; and within 4.5 miles south and 9.5 miles north of a 292° bearing from the Gaithersburg, Md., RBN (39°10'06" N., 77°09'42" W.), extending from the RBN to 18.5 miles west of the RBN.

**Galax, Va.**

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, lat. 36°45'52" N., long. 80°49'20" W. of Twin County Airport; and within 4.5 miles each side of the Pulaski VORTAC 196° radial, extending from the 10.5-mile radius area to 8 miles south of the VORTAC.

**Galena, Alaska**

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Galena VORTAC 089° radial extending from the control zone extension east boundary to 12 miles E of the VORTAC; within 2 miles S and 5 miles N of the Galena VORTAC 269° radial extending from the control zone boundary to 19 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 28-mile radius of the Galena VORTAC; within a 40-mile radius of the Galena VORTAC extending from the 240° radial clockwise to the 298° radial and extending from the 28-mile radius area to 40 miles W of the VORTAC; and within a 35-mile radius of the Galena VORTAC extending from the 089° radial clockwise to the 119° radial and extending from the 28-mile radius area to 35 miles E of the VORTAC.

**Galesburg, Ill.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Galesburg Municipal Airport (latitude 40°56'24" N., longitude 90°25'46" W.); within 5 miles east and 8 miles west of the Galesburg VOR 019° radial extending from the VOR to 12 miles north of the VOR; within 5 miles northwest and 8 miles southeast of the VOR 214° radial extending from the VOR to 12 miles southwest of the VOR; within a 5-mile radius of the Monmouth Municipal Airport (latitude 40°55'42" N., longitude 90°38'06" W.).

**Galeton, Pa.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 41° 40'00"N., long. 77°49'15"W., of Cherry Springs Airport, Galeton, Pa., within 3.5 miles each side of the Slate Run, Pa., VORTAC 037° radial, extending from the 7-mile radius area to the Slate Run, Pa., VORTAC.



## Gallipolis, Ohio

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Gallia-Meigs Regional Airport, Gallipolis, Ohio (latitude 38°50'03" N., longitude 82°09'49" W.).

## Gallup, N. Mex.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Senator Clarke Field (latitude 35°30'35" N., longitude 108°47'00" W.); within 3.5 miles each side of the Gallup VORTAC 242° radial, extending from the 9-mile radius area to 11.5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 35°47'30" N., longitude 108°34'00" W.; to latitude 35°26'50" N., longitude 108°34'00" W.; to latitude 35°13'15" N., longitude 109°06'00" W.; to latitude 35°20'25" N., longitude 109°10'40" W.; to latitude 35°52'00" N., longitude 108°47'00" W., to point of beginning, excluding the portion which coincides with the State of New Mexico transition area.

## Galveston, Tex. (Offshore)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of coordinates lat. 23°53'00"N., long. 94°43'00"W.

## Garden City, Kans.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Garden City Municipal Airport (latitude 37°55'49" N., longitude 100°43'40" W.), within 3 miles each side of the 144° and 324° bearings from Holcomb RBN, extending from the 7-mile radius to 8 miles northwest of the RBN; and 4½ miles east and 9½ miles west of the 004° radial of the Garden City VORTAC extending from the 7-mile radius to 18½ miles north of the VORTAC.

## Gaylord, Mich.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Otsego County Airport (latitude 45°00'50" N., longitude 84°41'45" W.).

## Georgetown, DE.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 38°41'23" N., long. 75°21'38" W. of Sussex County Airport, Georgetown, DE., and within 2 miles each side of the Waterloo, DE., VORTAC 225° radial extending from the 6.5-mile radius area to the VORTAC.

## Georgetown, Ohio

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Brown County Airport (latitude 38°52'55" N., longitude 83°52'58" W.); and within 3 miles either side of the 162° bearing from the airport extending from the 5-mile radius to 8 miles southeast of the airport.

## Georgetown, S. C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Georgetown County Airport (latitude 33°19'00" N., longitude 79°19'00" W.); within 3 miles each side of the 213° bearing from Georgetown RBN (latitude 33°18'55" N., longitude 79°19'29" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

## Georgetown, Tex.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Georgetown Municipal Airport (latitude 30°40'47" N., longitude 97°40'52" W.).

## Georgia

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Georgia including the offshore airspace within 3 nautical miles from the parallel to the shoreline of Georgia and including the additional airspace outside the United States southeast of Savannah bounded by a line beginning at latitude 32°03'25" N., longitude 80°46'30" W.; to latitude 32°00'00" N., longitude 80°33'00" W.; to latitude 31°30'00" N., longitude 80°51'05" W.; to latitude 31°30'00" N., longitude 80°47'30" W.; to latitude 31°11'30" N., longitude 81°01'10" W.; to latitude 30°44'00" N., longitude 81°18'10" W.; to latitude 30°43'05" N., longitude 81°21'00" W.; thence north via a line 3 nautical miles from and parallel to the shoreline to the point of beginning, and including the airspace extending upward from 2,000 feet MSL southeast of Brunswick bounded by a line beginning at latitude 31°11'30" N., longitude 81°01'10" W.; to latitude 30°45'15" N., longitude 80°58'50" W.; to latitude 30°44'00" N., longitude 81°18'10" W.; thence northeast to point of beginning.

## Gibson City, Ill.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Gibson City Municipal Airport, latitude 40°29'00" N., longitude 88°16'00" W., and within 2 miles either side of the Roberts VORTAC 220° radial extending from the 5-mile radius northeast to Roberts VORTAC.

## Gila Bend, Ariz.

That airspace extending upward from 5,500 feet MSL bounded on the north and northeast by the south and southwest edges of V-66, on the east by longitude 111°45'00" W., on the south by latitude 32°27'00" N., and on the west by longitude 113°35'00" W.

## Gillette, Wyo.

That airspace extending upward from 700 feet above the surface within 6 miles east and 9.5 miles west of the Gillette VOR (latitude 44°20'52" N., longitude 105°32'34" W.) 176° and 356° radials, extending from 8 miles south to 18.5 miles north of the VOR. That airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct line between the Crazy Woman VORTAC and the Gillette VOR.

## Glasgow, Ky.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow Municipal Airport (lat. 37°01'54"N., long. 85°57'10"W.); within 3 miles north and 4.5 miles south of the 252° bearing from Glasgow RBN (lat. 37°01'03" N., long. 86°00'33" W.), extending from the 9-mile radius area to 8.5 miles west of the RBN.

## Glasgow, Mont.

That airspace extending upward from 700 feet above the surface within a 9 mile radius of Glasgow International Airport (latitude 43°12'50" N., longitude 106°37'10" W.), and that airspace extending upward from 1,200 feet above the surface within 11 miles southwest and 12 miles northeast of the Glasgow VOR 126° radial, extending from the VOR to 22½ miles southeast of the VOR; within 11 miles southwest and 12 miles northeast of the Glasgow VOR 306° radial, extending from the VOR to 11 miles northwest of the VOR; within 12 miles southwest and 7½ miles northeast of the Glasgow VOR 326° radial extending from the VOR to 22½ miles northwest of the VOR.

AMENDMENTS 2/24/77 41 F. R. 53779 (Rewritten)

## Glendive, Mont.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Dawson Community Airport (latitude 47°08'20" N., longitude 104°48'25" W.); and within 4½ miles northeast and 9½ miles southwest of the 325° bearing from Dawson Community Airport, extending from the 12-mile radius area to 18½ miles northwest of the airport.

## Glens Falls, N. Y.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, latitude 43°20'32" N., longitude 73°36'35" W., of Warren County Airport extending clockwise from 050° bearing to a 220° bearing from the airport; within an 18.5-mile radius of the center of the airport extending clockwise from a 220° bearing to a 050° bearing from the airport; within 7 miles west and 9.5 miles east of the Glens Falls VORTAC 172° radial extending from the VORTAC to 18.5 miles south of the VORTAC.

## Gloucester, Mass.

That airspace east of Gloucester extending upward from 11,000 feet MSL bounded by Control 1141, Control 1142, and Control 1143. This transition area is effective from 0000 to 0600 and 1801 through 2359 hours, local time, Monday through Friday and continuous on Saturday and Sunday.

## Gloucester, Va.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°23'45" N., 76°31'50" W. of the Gloucester Airport, Gloucester, Va.; and within 2 miles each side of the 110° radial of the Harcum, Va., VOR, extending from the 5-mile radius area to the VOR, excluding the portion within the West Point, Va., transition area. This transition area shall be in effect from sunrise to sunset, daily.

## Goldsboro, N. C.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Seymour-Johnson AFB (lat. 35°20'20" N., long. 77°57'50" W.); within a 6.5-mile radius of Goldsboro-Wayne Municipal Airport (lat. 35°27'30"N., long. 77°58'00"W.); within three miles each side of the 044° bearing from the Wayne RBN (lat. 35°27'15"N., long. 77°58'26"W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN; within a 6.5-mile radius of Mount Olive Municipal Airport (lat. 35°13'24"N., long. 78°02'21"W.).

AMENDMENTS 8/11/77 42 F. R. 39378 (Changed)

## Goodland, Kans.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101°41'55" W.); and within 5 miles each side of the Goodland VORTAC 163° radial, extending from the 7-mile radius area to 12 miles south of the VORTAC.

## Gordon, Nebr.

That airspace extending upward from 700 feet along the surface within a 7-mile radius of the Gordon, Nebr., Municipal Airport (lat. 42°48'20"N., long. 102°10'34"W.); within 3 miles each side of the 032° bearing from Gordon NDB (lat. 42°48'04"N., long. 102°10'44"W.) extending from the 7-mile radius to 8.5 miles northeast of the airport.

AMENDMENTS 4/21/77 42 F. R. 12167 (Added)

Corr: 42 F. R. 17105

Gordonsville, VA.

Grand Isle, La.



**Gordonsville, VA.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 38°09'21" N., long. 78°09'59" W. of Gordonsville Municipal Airport, Gordonsville, VA., and within 2 miles each side of the Gordonsville VORTAC 356° radial, extending from the 7-mile radius area to the VORTAC.

**Gorman, Calif.**

That airspace extending upward from 1,200 feet above the surface bounded on the E by Long. 118°45' 00" W, on the S by Lat. 34°30'00" N, on the W by Long. 119°30'00" W, and on the N by Lat. 35°05'00" N.

**Goshen, Ind.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Goshen, Ind., Airport (latitude 41°31'43" N., longitude 85°47'48" W.), and within 2 miles each side of the Goshen, Ind., VORTAC 090° radial extending from the 5-mile radius area to the VORTAC.

**Gothenburg, Nebr.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Gothenburg Airport (lat. 40°55'45" N., long. 100°09'00" W.) within 3 miles each side of the Gothenburg NDB 136° true bearing, extending from the 5-mile radius to 8 miles southeast of the NDB.

AMENDMENTS 12/1/77 42 F. R. 54412 (Added)

**Graham, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Graham Municipal Airport (latitude 33°06'20" N., longitude 98°33'10" W.), and within 2 miles each side of the 014° bearing from the Graham REN (latitude 33°07'48" N., longitude 98°32'59" W.) extending from the 5-mile radius area to 8 miles north of the REN.

**Grain Valley, Mo.**

That airspace extending upward from 700 feet above the surface within a 5½ mile radius of the East Kansas City Airport (lat 39°00'56"N., long. 94°12'47"W.) and within three miles each side of the 217° radial of the Napoleon, Mo., VORTAC (lat. 39°05'43.5"N., long. 94°07'43.0"W.) extending from the 5½ mile radius area to the VORTAC.

**Granbury, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Granbury Municipal Airport (latitude 32°26'38" N., longitude 97°49'00" W.); and within 1.5 miles each side of the Acton VORTAC 274° radial extending from the 5-mile radius of the Acton VORTAC.

**Grand Canyon, Ariz. (Grand Canyon National Park Airport)**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Grand Canyon National Park Airport (lat. 35°57'16" N., long. 112°08'37" W.); and within 3.5 miles each side of the Grand Canyon VOR 211° radial, extending from the 5-mile radius area to 8 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°00'00" N., longitude 112°27'00" W., to latitude 36°05'00" N., longitude 112°00'00" W., to latitude 35°42'00" N., longitude 112°00'00" W., to latitude 35°42'00" N., longitude 112°07'00" W., to latitude 35°38'00" N., longitude 112°07'00" W., to latitude 35°38'00" N., longitude 112°27'00" W., thence to point of beginning; and that airspace within 5 miles each side of a direct line between the Grand Canyon, Ariz., VOR and Boulder City, Nev., VORTAC extending from the Grand Canyon VOR to 21 miles west of the VOR.

**Grand Forks, ND.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.) within 4.5 miles west and 9.5 miles east of the Grand Forks VORTAC 173° radial, extending from the VORTAC to 18.5 miles south of the VORTAC, and within a 10-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.) and within 4.5 miles west and 9.5 miles east of the Grand Forks VORTAC 180° radial, extending from the 8.5-mile radius to 26½ miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Grand Forks AFB, and within a 29-mile radius of Red River VOR, extending clockwise from a line 5 miles east of and parallel to the Red River VOR 180° radial to a line 5 miles northwest of and parallel to the Red River VOR 209° radial.

**Grand Island, Nebr.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Grand Island County Airport (latitude 40°58'03" N., longitude 98°18'30" W.); within 4½ miles northeast and 9½ miles southwest of the Grand Island VORTAC 303° radial, extending from the 10-mile radius area to 18½ miles northwest of the VORTAC; and within 4½ miles east and 9½ miles west of the Grand Island VORTAC 360° radial, extending from the 10-mile radius area to 18½ miles north of the VORTAC.

**Grand Isle, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Grand Isle seaplane base (latitude 29° 15' 45" N., longitude 89° 57' 40" W.), and within 2 miles each side of the Grand Isle RBN 052° bearing, extending from the 5-mile radius area to the RBN; within 2 miles each side of the Leeville, Louisiana, VORTAC 052° radial extending from the 5-mile radius area to the VORTAC, and within 2 miles each side of the

Leeville, Louisiana, VORTAC 050° radial extending from the 5-mile radius area to 20 miles northeast of the VORTAC.

**Grand Junction, Colo.**

That airspace extending upward from 700 feet above the surface within 8 miles northwest and 5 miles southeast of the Grand Junction VORTAC 247° and 067° radials extending from 13 miles southwest to 14 miles northeast of the VORTAC and within 2 miles south and 10 miles north of the Grand Junction VORTAC 110° radial extending from the VORTAC to 22 miles southeast; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Grand

Junction VORTAC, within 5 miles each side of the Grand Junction VORTAC 166° radial extending from the 35-mile radius area to 38 miles S of the VORTAC, within 5 miles each side of the Grand Junction ILS localizer NW course extending from the 35-mile radius area to the INT of the localizer NW course and the Grand Junction VORTAC 318° radial.

**Grand Marais, Minn.**

That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Devils Track Municipal Airport (latitude 47°49'35" N., longitude 90°22'45" W.); and within 4½ miles north and 9½ miles south of the 103° bearing from the Devils Track Municipal Airport, extending from the airport to 18½ miles east of the airport except for that portion which overlies P-204; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 273° bearing from the Devils Track Municipal Airport extending from the airport to 12 miles west of the airport.

**Grand Rapids, Mich.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Kent County Airport (latitude 42°52'50" N., longitude 85°31'25" W.); within 2 miles each side of the 261° bearing from the Kent County Airport extending from the 9-mile radius area to 15½ miles west of the airport.

**Grand Rapids, Minn.**

That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Grand Rapids Municipal Airport (latitude 47°12'45" N., longitude 93°30'34" W.); and 5 miles each side of the Grand Rapids VOR 162° radial, extending from the 9½-mile radius area to 8 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the Grand Rapids VOR 162° radial extending from the VOR to 18½ miles south of the VOR.

**Grandview, Mo.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Richards-Gebaur AFB (latitude 38°50'50" N., longitude 94°33'20" W.); within a 6-mile radius of Johnson County Airport (latitude 38°51'00" N., longitude 94°44'15" W.); and within 3 miles each side of the 183° bearing from Johnson County Airport, extending from the 6-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within the area bounded on the south by latitude 38°00'00" N., on the west by the east edge of V-12; on the north by the arc of a 10-mile radius circle centered on the Kansas City, Mo., Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); and on the east by the west edge of V-159, excluding the portion which overlies the Emporia and Wichita, Kans., transition areas.

**Grayling, Mich.**

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Grayling Army Airfield (latitude 44°40'45" N., longitude 84°43'45" W.); excluding that portion which overlies restricted areas R-4201 and R-4202.

**Great Barrington, Mass.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°11'05" N., 73°24'15" W., of Great Barrington Airport, Great Barrington, Mass.; within 2 miles each side of the Runway 5 centerline extended from the 5-mile radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the Runway 11 centerline extended from the 5-mile radius area to 13 miles east of the end of the runway; within 2 miles each side of the Runway 23 centerline extended from the 5-mile radius area to 12 miles southwest of the end of the runway; within 2 miles each side of the Runway 29 centerline extended from the 5-mile radius area to 6 miles west of the end of the runway and within 5 miles east and 8 miles west of the 152° bearing from Great Barrington, Mass., RBN 42°10'58" N., 73°24'17" W., extending from the RBN to 12 miles southeast of the RBN.

**Great Bend, Kansas**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Great Bend Municipal Airport (latitude 38°20'50" N., longitude 98°51'47" W.) and within 2 miles each side of the 301° bearing from the Great Bend Municipal Airport, extending from the 7-mile radius area to 10 miles NW of the airport.



## Great Bend, N. Y.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 44° 03'15" N., 75°43'15" W. of Wheeler-Sack AAF, N. Y.; within an 8-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 135° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 135° bearing to a 165° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 165° bearing to a 195° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 195° bearing to a 242° bearing from the airport within 4.5 miles each side of the Watertown, N. Y., VORTAC 066° radial, extending from the 6.5-mile radius area and the 10.5-mile radius area to the VORTAC, and within 5 miles each side of the Watertown, N. Y., VORTAC 069° radial, extending from the 6.5-mile radius area and the 10.5-mile radius area to the VORTAC. That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 43°52'00" N., 75°54'00" W., to 43°50'30" N., 75°53'30" W., to 43° 44'00" N., 75°49'15" W., thence clockwise along an arc with a radius of 40 miles from the center of Griffies AFB, Rome, N. Y., to longitude 75°30'00" W., thence north along longitude 75°30'00" W., to 44°08'00" N., 75° 30'00" W., to 44°10'30" N., 75°31'00" W., to 44°13'00" N., 75°42'20" W., to point of beginning, excluding the portion which coincides with the Watertown, N. Y., 700-foot and 1,200-foot transition areas.

## Great Falls, Mont.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Malmstrom AFB (latitude 47°30'05" N., longitude 111°11'20" W.), within 3.5 miles each side of the Truly RBN 180° bearing, extending from the 17-mile radius area to 9 miles south of the RBN and within 3 miles each side of the Great VOR 157° radial, extending from the 17-mile radius area to 21.5 miles southeast of the VOR. and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of Malmstrom AFB; within 12 miles north and 8 miles south of the Great Falls VOR 074° radial, extending from the 40-mile radius area to 61 miles east of the VOR; and within 12 miles south and 8 miles north of the Great Falls VOR 272° radial extending from the 40-mile radius area to 56 miles west of the VOR.

## Greeley, Colo.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Weld County Airport (latitude 40°25'35" N., longitude 104°37'45" W.) and within 3.5 miles each side of the Gill VOR 038° and 218° radials extending from the 6-mile radius area to 11 miles northeast of the VOR; that airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Gill VOR 038° and 218° radials, extending from 20 miles northeast to 13 miles southwest of the VOR.

## Green Bay, Wis.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'16" N., longitude 88°07'49" W.); within 2½ miles each side of the Green Bay ILS southwest localizer course extending from the 9-mile radius to 8 miles southwest of the OM; within 5 miles each side of the Green Bay VORTAC 326° radial, extending from the 9-mile radius area to 8 miles northwest of the VORTAC; and within 5 miles each side of the Green Bay ILS localizer northeast course extending from the 9-mile radius to 14 miles northeast of the airport.

## Greencastle, Ind.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Putnam County Airport (lat. 39°33'00"N., long. 86°48'45"W.).

## Greeneville, Tenn.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Greeneville Municipal Airport (lat. 36°11'30" N., long. 82°49'01" W.); within 9.5 miles southeast and 4.5 miles northwest of the 038° bearing from Greene County RBN (lat. 36°11'26" N., long. 82°48'50" W.), extending from the RBN to 18.5 miles northeast of the RBN; excluding the portion within the Tri-City, Tennessee transition area.

## Greensboro, N. C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greensboro/High Point/Winston-Salem Regional Airport (latitude 36°05'36" N., longitude 79°56'34" W.); within 5 miles each side of Greensboro VORTAC 035° radial, extending from the 8.5-mile radius area to 17.5 miles northeast of the VORTAC; within 4 miles each side of Greensboro VORTAC 207° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VORTAC; within 9.5 miles southwest and 4.5 miles northeast of Greensboro ILS localizer northwest course, extending from the LOM to 18.5 miles northwest.

## Greenville, Ala.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Greenville Municipal Airport (latitude 31°50'44" N., longitude 86°36'38" W.); within 3 miles each side of the 148° bearing from Persimmon RBN (latitude 31°51'03" N., longitude 86°36'52" W.), extending from the 6.5-mile radius area to 8.5 miles southeast of the RBN.

## Greenville, Ill.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Greenville, Illinois Airport (latitude 38°50'12" N., longitude 89°22'38" W.), and within 2 miles each side of the 348° bearing from Greenville Airport extending from the 6.5-mile radius to 8 miles north of the airport.

## Greenville, Ky.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Muhlenberg County Airport (lat. 37°13'30"N., long. 87°09'31"W.).

## Greenville, Maine

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (lat. 45°27'47" N., long. 69°33'21" W.), Greenville Municipal Airport, Greenville, Maine, within 3.5 miles each side of a 212° bearing from the Greenville, Maine, NDB, extending from the 8.5-mile radius area to a point 10 miles southwest of the Greenville NDB, within a 6.5-mile radius of the center (lat. 45°28'10" N., long. 69°36'00" W.) Greenville Seaplane Base, Greenville, Maine, within 3.5 miles each side of a 181° bearing from the Greenville NDB extending from the 6.5-mile radius area to a point 9.5 miles south of the Greenville NDB.

## Greenville, Miss.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenville International Airport (lat. 33°29'05"N., long. 90°59'20"W.); within 3 miles each side of the Greenville VOR 358° radial, extending from the 8.5-mile radius area to 8.5 miles north of the VOR; within 3 miles each side of the 181° bearing from Metcalf RBN, extending from the 8.5-mile radius area south of the RBN.

## Greenville, N. C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Pitt-Greenville Airport (latitude 35°37'55" N., longitude 77°23'05" W.); within 3 miles each side of the 007° bearing from Alwood RBN (latitude 35°42'32" N., longitude 77°22'03" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

## Greenville, S. C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50'54" N., long. 82°21'01" W.); within an 8.5-mile radius of Donaldson Center Airport (lat. 34°45'17" N., long. 82°22'30" W.); within a 9.5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); within 4 miles each side of Greenville-Spartanburg ILS localizer northeast course, extending from the 9.5-mile radius area to 15 miles northeast of the airport.

## Greenville, Tex.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Majors Airport (latitude 33°04'00" N., longitude 96°03'45" W.); and within 2 miles each side of the Majors VOR 188° radial, extending from the 7-mile radius area to 8 miles S of the VOR.

## Greenwood, Miss.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Greenwood-Leflore Airport (latitude 33°29'30" N., longitude 90°04'50" W.); within 1.5 miles each side of the Greenwood VORTAC 081° radial, extending from the 10-mile radius area to the VORTAC.

## Greenwood, S. C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenwood County Airport (latitude 34°15'00" N., longitude 82°09'35" W.).

## Greenwood Village, Colo.

That airspace extending upward from 700 feet above the surface within 9.5 miles east and 4.5 miles west of the Arapahoe ILS south localizer course Runway 34R, extending from the Castle LOM (lat. 39°27'08"N., long. 104°50'43"W.) to 18.5 miles south of the LOM, excluding that portion which overlies the Denver, Colo., transition area.  
AMENDMENTS 6/16/77 42 F. R. 17868 (Added) Corr: 42 F. R. 23505

## PENDING AMENDMENT

## Griffin, Ga.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Griffin-Spalding County Airport, Griffin, Ga. (lat. 33°13'30" N., long. 84°16'30" W.).  
AMENDMENTS 1/26/78 42 F. R. 59752 (Added)

## Groton, Conn.

That airspace extending upwards from 700 feet above the surface within the area bounded by a line beginning at 41°10'30" N., 72°00'00" W. to 41°12'00" N., 72°10'00" W. to 41°18'00" N., 72°14'00" W. to 41°27'00" N., 72°09'00" W. to 41°25'00" N., 71°42'00" W. to 41°13'00" N., 71°42'00" W. to 41°16'00" N., 71°49'00" W. to 41°13'00" N., 71°48'00" W. to point of beginning.

## Grove City, Pa.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°08'42"N., 80°09'54"W. of Grove City Airport, Grove City, Pa., and within 2 miles each side of the Ellwood City, Pa., VORTAC 005° radial, extending from the 5-mile radius area to 16.5 miles north of the VORTAC.

**Gruver, Tex.**

That airspace extending upward from 700 feet above the surface within a 6-statute mile radius of the Cluck Ranch Airport (latitude 36°10'45" N., longitude 101°41'40" W.).

**Guam Island**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 13°46'35" N. longitude 144°51'15" E., thence clockwise along the arc of a 12-nmi radius circle centered on Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.), to latitude 13°23'50" N., longitude 145°01'00" E., thence to latitude 13°08'45" N., longitude 144°29'20" E., thence to latitude 13°29'45" N., longitude 144°18'30" E., thence to point of beginning, and that airspace extending upward from 1,200 feet above the surface within a 100-nautical mile radius of the Agana VOR and within a 35-nautical mile radius of the Saipan RBN, excluding the portion within W-517.

**Gulfport, Miss.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Gulfport Municipal Airport (lat. 30°24'28" N., long. 89°04'05" W.); within 3.5 miles each side of Gulfport VORTAC 050°, 129°, 213°, and 319° radials, extending from the 8.5-mile radius area to 11 miles northeast, southeast, southwest and northwest of the VORTAC; within an 8.5-mile radius of Keesler AFB (lat. 30°24'39" N., long. 88°55'26"W.); within 4.5 miles each side of Keesler TACAN 041° and 203° radials, extending from the 8.5-mile radius area to 12.5 miles northeast and southwest of the TACAN.

**Gulkana, Alaska**

That airspace extending upward from 700 feet above the surface within 6 miles E and 10.5 miles W of the 346° radial extending from Gulkana VORTAC to 22 miles N of the VORTAC; within 4.5 miles E and 9.5 miles W of the 181° radial extending from the Gulkana VORTAC to 18.5 miles S of the VORTAC; and within a 16.5-mile radius of the Gulkana VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8.5 miles E and 5.5 miles W of the Gulkana VORTAC 184° radial extending from 9 miles S to 30 miles S of the VORTAC; and within 8.5 miles W and 5.5 miles E of the Gulkana VORTAC 356° radial extending from 9 miles N to 30 miles N of the VORTAC.

**Gunnison, Colo.**

That airspace extending upward from 700 feet above the surface within 9.5 miles northwest and 6 miles southeast of the Gunnison VORTAC 045° and 225° radials extending from 12 miles northeast to 19 miles southwest of the VORTAC.

**Gustavus, Alaska**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Sisters Island, Alaska, VORTAC; and that airspace extending upward from 1,200 feet above the surface within 22 miles SW and 19 miles NE of the 145° and 325° bearings from the Gustavus RBN, extending from 16 miles NW to 48 miles SE of the RBN.

**Guthrie, Okla.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Guthrie Municipal Airport (latitude 35°50'30" N., longitude 97°25'00" W.) and within 3 miles each side of the 349° true bearing from the Guthrie RBN (latitude 35°51'04" N., longitude 97°25'10" W.) extending from the 5-mile radius area to 10 miles north of the RBN.

**Guthrie, Tex.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of latitude 33°38'25" N., longitude 100°20'50" W., and within 2 miles each side of the Guthrie VOR 182° radial extending from the 6-mile radius area to the VOR.

**Guymon, Okla.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Guymon Municipal Airport (latitude 36°40'45" N., longitude 101°30'30" W.), and within 3.5 miles each side of the 006° bearing from the Guymon RBN (latitude 36°42'19" N., longitude 101°30'17" W.) extending from the 8-mile radius area to 11 miles north of the RBN.

**Gwinner, N. Dak.**

That airspace extending upward from 700 feet above the surface within a 8.5-mile radius of the Gwinner Municipal Airport (latitude 46°13'10" N., longitude 97°38'27" W.); and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Gwinner Municipal Airport, and within 9.5 miles west and 4.5 miles east of the 167° T bearing from the Gwinner NDB (latitude 46°13'24" N., longitude 97°38'35" W.), extending from the 12-mile radius area to 18.5 miles south of the NDB; and from 5 miles west of the 017° bearing from the Gwinner NDB clockwise to 5 miles south of the 088° bearing from the NDB, extending from the 12-mile radius area to the boundary of the Fargo, North Dakota, transition area.

**Hagerstown, Md.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 39°42'27" N., 77°43'50" W., of Hagerstown Regional Airport, Hagerstown, Md., within 3.5 miles each side of the Hagerstown, Md., VOR 239° radial and 059° radial, extending from 11 miles southwest of the VOR to 3 miles northeast of the VOR; within 5 miles each side of the Hagerstown Regional Airport ILS Runway 27 localizer course, extending from the localizer to 14.5 miles east of the localizer, extending from the localizer to 14.5 miles east of the localizer, within 5 miles each side of the St. Thomas, Pa., VORTAC 143° radial, extending from the 8-mile radius area to the St. Thomas, Pa., VORTAC.

AMENDMENTS 12/30/76 41 F. R. 53317 (Changed)

**Haleyville, Ala.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Haleyville Municipal Airport (lat. 34°16'40" N., long. 87°36'05" W.); within 5 miles each side of Hamilton VORTAC 077° radial, extending from the 5.5-mile radius area to 11.5 miles E of the VORTAC.

**Hallcock, Minn.**

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 5 miles southwest of the Pembina VORTAC 135° radial extending from 6 miles southeast of the VORTAC to 22.5 miles southeast of the VORTAC, and that airspace extending upward from 1,200 feet above the surface 4.5 miles northeast and 7 miles southwest of the 315° radial and the 135° radial of Pembina VORTAC extending from 6 miles southeast of the VORTAC to 12.5 miles northwest of the VORTAC excluding that airspace north of latitude 49°00'00" N.; within 9.5 miles northeast and 4.5 miles southwest of the Pembina VORTAC 135° radial extending from 17.5 miles southeast of the VORTAC to 36 miles southeast of the VORTAC; and that airspace within a 29.5 mile radius of the Pembina VORTAC extending counterclockwise from the 183° radial to 4.5 miles southwest of and parallel to the 135° radial.

**Hamilton, Ala.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Marion County Airport (lat. 34°07'10" N., long. 87°59'53" W.); within 3 miles each side of Hamilton VORTAC 349° radial extending from the 9-mile radius area to 8.5 miles northwest of the VORTAC.

**Hamilton, N. Y.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center lat. 42°50'35" N., long. 75°33'40" W. of AMA Executive Airport, Hamilton, N. Y., and within 5 miles each side of the Georgetown, N. Y., VORTAC 074° and 254° radials extending from the 6.5-mile radius area to 4.5 miles west of the Georgetown, N. Y., VORTAC.

**Hamilton, Ohio**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 39°21'58" N., 84°31'30" W. of Hamilton Airport, Hamilton, Ohio; and within 2 miles north and 5 miles south of a 279° bearing from the Hamilton RBN extending from the 7-mile radius area to 8 miles west of the RBN excluding the portions within the Cincinnati, Ohio and Middletown, Ohio, transition areas.

**Hammond, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hammond Municipal Airport (latitude 30°31'15" N., longitude 90°25'00" W.) within 2.5 miles either side of the Hammond VOR 354° radial extending 2 miles from the 5-mile radius, and within 2.5 miles either side of the Hammond VOR 128° radial extending 2 miles from the 5-mile radius.

AMENDMENTS 2/24/77 41 F. R. 50806 (Rewritten)

**Hammononton, N. J.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center of lat. 39°40'30" N., long. 74°44'30" W. of Hammononton Municipal Airport, Hammononton, N. J.; within 2 miles each side of the Millville, N. J., VORTAC 051° radial extending from the 5.5-mile radius area to 7.5 miles northeast of the VORTAC.

**Hampton, Iowa**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hampton Municipal Airport (latitude 42°43'35" N., longitude 93°13'35" W.); excluding that airspace which overlies the Mason City, Iowa, transition area.

**Hanford, Calif.**

That airspace extending upward from 700 feet above the surface within a 3-mile radius of the Hanford Municipal Airport (latitude 36°19'04" N., longitude 119°37'39" W.), and within 2 miles each side of the Visalia TVOR 246° radial extending from the 3-mile radius area toward the Visalia TVOR to abut the currently designated Visalia 700-foot transition area, excluding that airspace within a 1-mile radius of the Blair (private) Airport (latitude 36°16'31" N., longitude 119°38'23" W.).

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**Hanksville, Utah**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hanksville (FAA Site 54) Airport (latitude 38°25'01" N., longitude 110°41'57" W.), and within 3.5 miles each side of the Hanksville VORTAC 106° radial, extending from the 5-mile radius area to 11.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles north and 9.5 miles south of the Hanksville VORTAC 286° and 106° radials, extending from 7.5 miles west to 18.5 miles east of the VORTAC.

**Hannibal, Mo.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hannibal, Missouri, Municipal Airport (latitude 39°43'30" N., longitude 91°26'35" W.); and within 3 miles each side of the 162° bearing from the Hannibal Municipal Airport extending from the 5-mile radius area to 8 miles southeast of the airport, excluding that portion which overlies the Quincy, Illinois, transition area.

**Harlan, Iowa**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Harlan Municipal Airport (latitude 41°35'15" N., longitude 95°20'15" W.); and within 5 miles each side of the Neola, Iowa, VORTAC 064° radial, extending from the 7-mile radius area to 8 miles northeast of the VORTAC.

**Harlingen, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harlingen Municipal Airport (latitude 26°13'36" N., longitude 97°39'12" W.); within 3.5 miles either side of the Harlingen ILS localizer north course extending from the 5-mile radius zone to 11.5 miles north of the outer marker (latitude 26°18'17.7" N., longitude 97°39'28.2" W.); within 1.5 miles each side of the localizer (latitude 26°12'48" N., longitude 97°39'31" W.) back course 181° T radial extending from the 5-mile radius zone to 5.5 miles south of the localizer and within 2 miles either side of the Harlingen VOR 118° radial extending from the 5-mile radius zone to the VOR.

**Harrisburg, Ill.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Harrisburg-Raleigh Airport (latitude 37°48'45" N., longitude 88°33'00" W.); and within 3 miles each side of the 049° bearing from Harrisburg-Raleigh Airport, extending from the airport to 8 miles northeast of the airport.

**Harrisburg, Pa.**

That airspace extending upward from 700 feet above the surface within a 19.5-mile radius of the center, 40° 12'59" N., 76°51'03" W., of Capital City Airport, Harrisburg, Pa., extending clockwise from a 009° bearing to a 035° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 035° bearing to a 099° bearing from the airport; within a 11.5-mile radius of the center of the airport, extending clockwise from a 099° bearing to a 161° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 161° bearing to a 233° bearing from the airport; within a 11.5-mile radius of the center of the airport, extending clockwise from a 233° bearing to a 290° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 290° bearing to a 009° bearing from the airport; within 5.5 miles each side of the Harrisburg, Pa., VORTAC 274° radial, extending from the VORTAC to 11.5 miles west of the VORTAC; within 9.5 miles north and 4.5 miles south of the Capital City Airport ILS localizer west course, extending from the OM to 18.5 miles west of the OM; within a 12.5-mile radius of the center, 40°11'34" N., 76°45'48" W., of Harrisburg International Airport-Olmsted Field, Middletown, Pa., extending clockwise from a 025° bearing to a 078° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 078° bearing to a 147° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 147° bearing to a 228° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 228° bearing to a 270° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 270° bearing to a 025° bearing from the airport.

**Harrison, Ark.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Boone County Airport (lat. 36°15'55"N., long. 93°09'14"W.), within a 12.5-mile radius of the airport extending from the Harrison VOR 140° radial clockwise to the 320° radial and within 3.5 miles each side of the Harrison VOR 320° radial extending from the 6.5-mile radius area to 11.5 miles northwest of the VOR.

**Hartford, Conn.**

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, lat. 41°56'19" N., long. 72°41'00" W. of Bradley International Airport, Windsor Locks, Conn.; within 6.5 miles southeast and 4 miles northwest of the Bradley International Airport back-course localizer northeast course, extending from the 11.5-mile radius area to 19.5 miles northeast of the Bradley International Airport; within 4.5 miles northwest and 15.5 miles southeast of the Bradley International Airport ILS localizer southwest course, extending from the 11.5-mile radius area to 18.5 miles southwest of the OM; within a 9-mile radius of the center 41°45'10" N., 72°37'25" W. of the Rentschler Field, East Hartford, Conn.; within 3.5 miles each side of a 130° bearing from the Brainard NDB extending from the NDB to 11.5 miles southeast of the NDB; within 2 miles each side of the centerline of Runway 4 extended 10 miles from the end of the runway; within 2 miles each side of the centerline of Runway 22 extended 10 miles from the end of the runway; within 2 miles each side of the Hartford VOR 154° radial extending from the 9-mile radius area to 8 miles southeast of the VORTAC; within 2 miles each side of the Hartford VORTAC 130° and 310° radials extending from the 9-mile radius area to 6 miles southeast of the VORTAC; within 5 miles northwest and 5 miles southeast of the Hartford VOR 223° radial extending from the VOR to a point 15 miles southwest; excluding those portions that coincide with the Chicopee Falls, Mass., 700-foot transition area.

**Hartford, Wisc.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Hartford Airport (latitude 43°20'55" N., longitude 88°23'30" W.).

**Hartsville, S. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hartsville Municipal Airport (latitude 34°24'15" N., longitude 80°07'04" W.); within 3 miles each side of the 014° bearing from Hartsville RBN (latitude 34°24'25" N., longitude 80°06'56" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN; excluding the portion within the Darlington, S. C., transition area.

**Haskell, Tex.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Haskell, Tex., Municipal Airport (latitude 33°12'18" N., longitude 99°42'43" W.).

**Hastings, Mich.**

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of Hastings Municipal Airport (latitude 42°39'50" N., longitude 85°20'50" W.); and within 2 miles each side of the Grand Rapids, Mich., VOR 141° radial extending from the 6½ mile radius area to the Grand Rapids VOR, excluding the portion which overlies Grand Rapids, Mich. 700-foot floor transition area.

**Hastings, Nebr.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hastings Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.), within 2 miles each side of the 323° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 8 miles NW of the airport; within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 9.5 miles W of the airport, and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 8 miles SE of the airport.

**Hattiesburg, Miss.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hattiesburg Municipal Airport (latitude 31°16'01" N., longitude 89°15'16" W.); within 1.5 miles each side of the Hattiesburg VORTAC 156° radial, extending from the 7-mile radius area to the VORTAC; within 3 miles each side of the 330° bearing from Hub City RBN (latitude 31°17'57" N., longitude 89°18'01" W.), extending from the 7-mile radius area to 8.5 miles northwest of the RBN; within an 8.5-mile radius of the Pine Belt Regional Airport (latitude 31°28'03" N., longitude 89°20'11.6" W.); within 3 miles each side of the Hattiesburg VORTAC 182° radial, extending from the 8.5-mile radius area to 8.5 miles south of the VORTAC.

**PENDING AMENDMENT**

The Hattiesburg, Miss., transition area is amended as follows: "within 1.5 miles each side of the Hattiesburg VORTAC 156° radial, extending from the 7-mile radius area to the VORTAC; within 3 miles each side of the 330° bearing from Hub City RBN (lat. 31°17'57"N., long. 89°18'01"W.), extending from the 7-mile radius area to 8.5 miles northwest of the RBN; within an 8.5-mile radius of the Pine Belt Regional Airport (lat. 31°28'03"N., long. 89°20'11.6"W.); within 3 miles each side of the Hattiesburg VORTAC 182° radial" is deleted and "within 1.5 miles each side of the Eaton VORTAC 156° radial, extending from the 7-mile radius area to the VORTAC; within 3 miles each side of the 330° bearing from Hub City RBN (lat. 31°17'57"N., long. 89°18'01"W.), extending from the 7-mile radius area to 8.5 miles northwest of the RBN; within an 8.5-mile radius of the Pine Belt Regional Airport (lat. 31°28'03"N., long. 89°20'11.6"W.); within 3 miles each side of the Eaton VORTAC 182° radial" is substituted therefor.

AMENDMENTS 3/23/78 42 F. R. 60121 (Changed)

**Haverhill, Mass.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°48'05" N., 71°03'45" W., of Haverhill Airport, Haverhill, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass. transition area. This transition area shall be effective from sunrise to sunset, daily.

**Havre, Mont.**

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Havre VOR; within 4½ miles south and 9½ miles north of the Havre VOR 080° radial, extending from the 14-mile radius area to 18½ miles east of the VOR; and within 4½ miles north and 9½ miles south of the Havre VOR 287° radial, extending from the 14-mile radius area to 18½ miles west of the VOR.



## Hawaiian Islands

The airspace extending upward from 5,500 feet above the surface within the area bounded by a line beginning at lat. 24°03'N., long. 156°19'W., to lat. 23°32'N., long. 155°29'W., to lat. 23°00'N., long. 154°39'W., to lat. 22°22'N., long. 153°53'W., to lat. 21°43'N., long. 153°09'W., to lat. 20°16'N., long. 152°14'W., to lat. 19°13'N., long. 151°52'W., to lat. 17°40'N., long. 155°49'W., to lat. 18°28'N., long. 158°55'W., to lat. 18°57'N., long. 159°55'W., to lat. 19°35'N., long. 160°36'W., to lat. 22°19'N., long. 162°29'W., to lat. 23°07'N., long. 162°13'W., to lat. 23°49'N., long. 161°39'W., to lat. 24°17'N., long. 160°52'W., to the point of beginning; and the airspace upward from 1,200 feet above the surface within the area described above bounded by a line beginning at lat. 22°28'N., long. 155°48'W., to lat. 21°00'N., long. 153°51'W., thence clockwise along the arc of a 115-mile radius circle of the Hilo VORTAC (lat. 19°43'28"N., long. 155°00'49"W.), to lat. 19°00'N., long. 153°23'W., to lat. 19°00'N., long. 157°40'W., to lat. 20°28'N., long. 160°29'W., thence clockwise along the arc of a 115-mile radius circle of the South Kauai VORTAC (lat. 21°54'13"N., long. 159°31'54"W.), to lat. 23°30'N., long. 159°02'W., to the point of beginning.

AMENDMENTS 10/6/77 42 F. R. 42193 (Rewritten)

## Hayden, Colo.

That airspace extending upward from 700 feet above the surface within 5 miles each side of the Hayden, Colo., VOR 248° radial extending from the VOR to 18 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at 40°06'00"N., long. 107°00'00"W.; to lat. 40°43'00"N., long. 107°00'00"W.; to lat. 40°43'00"N., long. 107°45'00"W.; to lat. 40°35'00"N., long. 107°45'00"W., to lat. 40°35'00"N., long. 108°08'00"W., to lat. 40°22'00"N., long. 108°08'00"W., to lat. 40°22'00"N., long. 107°45'00"W.; to lat. 40°07'30"N., long. 107°45'00"W.; thence along the north edge of V-200 to the point of beginning.

## Hays, Kansas

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Hays Municipal Airport (latitude 38°50'45" N., longitude 99°16'30" W.).

## Hayward and Cable, Wis.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hayward Municipal Airport (latitude 46°01'00" N., longitude 91°27'00" W.) and within an 8-mile radius of Cable Union Airport (latitude 46°11'30" N., longitude 91°15'00" W.) and within 4½ miles each side of the 206° bearing from the Hayward Airport extending from the 7-mile radius to 11 miles southwest of the airport and within 4½ miles east and 9½ miles west of the 023° bearing from the Hayward Airport extending from the 7-mile radius to 18½ miles northeast of the airport.

## Hazlehurst, Ga.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hazlehurst Airport (lat. 31°53'00" N., long. 82°38'45" W.); within 2.5 miles each side of Alma VORTAC 342° radial, extending from the 6-mile radius area to 18 miles north of the VORTAC.

## Heber, Ariz.

That airspace extending upward from 12,000 feet MSL bounded by a line beginning at latitude 34°39'00" N., longitude 111°39'00" W., to latitude 34°43'00" N., longitude 111°24'00" W., to latitude 34°43'00" N., longitude 110°20'00" W., thence south via longitude 110°20'00" W., to the north edge of V-190N, thence west and southwest via the north and northwest edges of V-190N to latitude 34°03'30" N., longitude 111°05'00" W., to latitude 34°10'00" N., longitude 111°30'00" W., to latitude 34°10'00" N., longitude 111°43'00" W., to point of beginning.

## Heber Springs, Ark.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Heber Springs, Ark., Airport (latitude 35°30'41" N., longitude 92°00'25" W.).

## Helena, Mont.

That airspace extending upward from 700 feet above the surface within a 16½-mile radius of the Helena VORTAC (latitude 46°36'25" N., longitude 111°57'09" W.), extending from the Helena VORTAC 352° radial clockwise to the 191° radial; and that airspace extending upward from 1,200 feet above the surface within a 24-mile radius of the Helena VORTAC; within 6 miles south and 9 miles north of the Helena VORTAC 272° radial, extending from the 24-mile radius area to 45 miles west of the VORTAC; within 15.5 miles west and parallel to the Helena VORTAC 352° radial, extending from the 24-mile radius area to 31 miles north of the VORTAC; within 5 miles east and 9 miles west of the Helena VORTAC 023° radial, extending from the 24-mile radius area to 36 miles northeast of the VORTAC; and within 6 miles south and 9.5 miles north of the Helena VORTAC 102° radial, extending from the 24-mile radius area to 28.5 miles east of the VORTAC.

## Hemingway, S. C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hemingway-Stuckey Airport (lat. 33°43'42"N., long. 79°30'46"W.); within 3 miles each side of the 287° bearing from the Stuckey RBN (lat. 33°43'44"N., long. 79°31'41"W.), extending from the 6.5-mile radius to 8.5 miles west of the RBN.

AMENDMENTS 4/21/77 42 F. R. 11236 (Added)

## Henderson, Ky.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Henderson Airport (lat. 37°48'27" N., long. 87°41'00" W.); within 1.5 miles each side of Evansville, Ind., VORTAC 152° radial, extending from the 5.5-mile radius area to the VORTAC; excluding the portion within Evansville, Ind., transition area.

## Henderson, Tex.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Rusk County Airport, Henderson, Tex. (latitude 32°08'30"N., longitude 94°51'15"W.), and within 5 miles each side of the Grege County, Tex., VORTAC 197° radial extending from the 8.5-mile-radius area to a point 11.5 miles south of the Grege County, Tex., VORTAC.

## Henryetta, Okla.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Henryetta Municipal Airport (latitude 35°24'40" N., longitude 96°00'50" W.), and within 3.5 miles each side of the 186° bearing from the Henryetta RBN extending from the 5-mile radius area to 8.5 miles south of the RBN.

## Hershey, Pa.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, lat. 40°17'35" N., long. 76°39'40" W. of Hershey Airpark, Hershey, Pa.; within a 7-mile radius of the center of the airport extending clockwise from a 092° bearing to a 041° bearing from the airport.

## Hibbing, Minn.

That airspace extending upward from 700 feet above the surface within an 11½-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'19" W.); within 5 miles each side of the Hibbing VORTAC 313° radial, extending from the 11½-mile radius area to 26 miles northwest of the VORTAC; within an 11-mile radius of Eveleth-Virginia Airport (latitude 47°25'55" N., longitude 92°30'03" W.); and within 9½ miles north and 4½ miles south of the Eveleth VOR 092° radial, extending from the 11-mile radius area to 18½ miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 27-mile radius of the Hibbing VORTAC, extending from the Hibbing VORTAC 196° radial clockwise to the Hibbing VORTAC 340° radial; within a 13-mile radius of Hibbing VORTAC, extending from the Hibbing VORTAC 095° radial clockwise to the Hibbing VORTAC 196° radial; within 4½ miles northeast and 10 miles southwest of the Hibbing VORTAC 313° radial, extending from the 27-mile radius area to 33½ miles northwest of the VORTAC, excluding the portion which overlies the Duluth, Minn., transition area.

## Hickory, N. C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hickory Municipal Airport (latitude 35°44'30"N., longitude 81°23'20"W.); within 5 miles each side of the ILS localizer northeast course, extending from the 8.5-mile radius area to 11.5 miles northeast of the airport.

## Higginsville, Missouri

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Higginsville Municipal Airport (latitude 39°04'20" N., longitude 93°40'39" W.); and within 3 miles either side of the 351° bearing from the airport, extending from the 5.5-mile radius to 8 miles north of the airport.

## Highgate, Vermont

That airspace extending upward from 700 feet above the surface within an arc of a 5-mile radius circle centered on Franklin County State Airport, Highgate, Vermont (lat. 44°56'26" N., long. 73°05'54" W.) extending clockwise between the 305° and 050° bearings from the Franklin County State Airport; within an arc of a 7-mile radius circle centered on Franklin County State Airport, extending clockwise between the 050° and 305° bearings of Franklin County State Airport; within 6.5 miles northwest and 4 miles southeast of Plattsburgh, New York VORTAC 060° radial extending from the radius area to the VORTAC, excluding that portion of the Plattsburgh, New York, 700-foot transition area.

## Hillsboro, Ohio

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Highland County Airport (latitude 39°11'21" N., longitude 83°32'18" W.).

## Hillsboro, Oreg.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hillsboro Airport (latitude 45°32'15" N., longitude 122°56'30" W.), and within 2 miles of each side of the Newberg, Oreg., VORTAC 007° and 187° radials, extending from the 5-mile radius area to 1 mile S of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 15 miles SE and 10 miles NW of the Newberg VORTAC 024° and 204° radials, extending from 12 miles NE to 27 miles SW of the VORTAC.

## Hillsboro, Wis.

That airspace extending upward from 700 feet above the surface within a 8-mile radius of the Kickapoo Airport (latitude 43°39'24" N., longitude 90°19'41" W.).



**Hillsdale, Mich.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hillsdale, Mich., Airport (latitude 41°55'15" N., longitude 84°35'05" W.), and within 2 miles each side of the Litchfield, Mich., VORTAC 140° radial extending from the 5-mile radius area to 8 miles northwest of the airport.

**Hilltop Lakes, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hilltop Lakes Airport (latitude 31°04'50" N., longitude 96°12'50" W.), and within 2 miles each side of the Leona VORTAC 258° radial extending from the 5-mile radius area to 9 miles west of the VORTAC.

**Hilo, Hawaii**

That airspace extending upward from 700 feet above the surface within the arc of an 8.5-mile radius circle centered on General Lyman Field, Hilo, Hawaii (lat. 19°43'15" N., long. 155°02'55" W.), extending clockwise from a line 2 miles southwest of and parallel to the Hilo VORTAC 321° radial to a line 2 miles south of and parallel to the Hilo VORTAC 099° radial.

AMENDMENTS 10/6/77 42 F. R. 42193 (Changed)

**Hilton Head Island, S. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hilton Head Airport (latitude 32°13'20" N., longitude 80°41'55" W.), excluding the portion outside the continental limits of the United States.

**Hobart, Okla.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hobart Municipal Airport: within 5 miles W and 8 miles E of the Hobart VOR 003° and 183° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-mile radius of the Altus AFB; within 5 miles W and 8 miles E of the 360° and 180° bearings from latitude 34°33'53" N., longitude 99°16'24" W.; extending from 24 miles N to 12 miles S of latitude 34°33'53" N., longitude 99°16'24" W.

**Hobbs, N. Mex.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.), within 3.5 miles each side of the Hobbs VORTAC 222° radial extending from the VORTAC to 11.5 miles SW, and within 5 miles each side of the Hobbs VORTAC 042° radial extending from the VORTAC to 21 miles NE.

**Holdrege, Nebr.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brewster Field (latitude 40°27'15" N., longitude 99°20'15" W.); and within 3 miles each side of the 011° bearing from Brewster Field, extending from the 5-mile radius area to 8 miles north of the airport.

**Holland, Mich.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Park Township Airport (latitude 42°47'45" N., longitude 86°09'45" W.); within a 6-mile radius of Tulip City Airport (latitude 42°44'45" N., longitude 86°06'30" W.); within 3 miles each side of the 175° bearing from Park Township Airport, extending from the 6-mile radii area to 8 miles south of the airport; and within 2 miles each side of the Pullman, Mich., VORTAC 359° radial, extending from the 6-mile radii area to 12 miles north of the VORTAC.

**Holly Springs, Miss.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Holly Springs-Marshall County Airport (lat. 34°48'12" N., long. 89°31'16" W.); within 2 miles each side of Holly Springs VORTAC 336° radial, extending from the 6.5-mile radius area to 11 miles northwest of the VORTAC.

**Homer, Alaska**

That airspace extending upward from 700 feet above the surface within a 11-mile radius of the Homer localizer antenna site (latitude 59°39'08" N., longitude 151°27'22" W.); and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Homer VORTAC extending from the 208° radial clockwise to the 252° radial.

**Homer, La.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Homer Municipal Airport (lat. 32°47'19"N., long. 93°00'13"W.) and within 3.5 miles each side of the Homer, La., Municipal Airport NDB (lat. 32°47'24"N., long. 93°00'02"W.) 296° bearing extending from the 6.5-mile radius area to a point 12.0 miles west of the NDB.

**Homerville, Ga.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Homerville Airport (latitude 31°03'00" N., longitude 82°46'30" W.); within 3 miles each side of the 310° bearing from the Homerville RBN (latitude 31°03'17" N., longitude 82°46'16" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

**Honesdale, PA.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 41°30'52" N., long. 75°15'10" W. of Cherry Ridge Airport, Honesdale, PA., and within 5 miles each side of the Wilkes-Barre VORTAC 054° radial extending from the 6.5-mile radius area to 10 miles northeast of the Wilkes-Barre VORTAC.

**Honolulu, Hawaii (Honolulu International Airport)**

That airspace extending upward from 700 feet above the surface south and southeast of Honolulu beginning at lat. 21°20'30"N., long. 157°51'15"W., thence south to lat. 21°15'30"N., long. 157°49'15"W., thence east along the shoreline to and clockwise along the arc of a 15 NM radius circle centered on Honolulu International Airport (lat. 21°19'35"N., long. 157°55'45"W.) to lat. 21°08'40"N., long. 158°07'35"W., thence northwest to lat. 21°10'10"N., long. 158°11'55"W., thence northeast along a line 4.5 miles southeast of and parallel to the Honolulu VORTAC 242° radial to and counterclockwise along the arc of a 5-mile radius circle centered on NAS Barbers Point (lat. 21°18'35"N., long. 158°04'30"W.) to and counterclockwise along the arc of a 5-mile radius circle centered on Honolulu International Airport to the point of beginning, and within 3 miles northwest and 4.5 miles southeast of the Honolulu VORTAC 242° radial, extending from 13 miles to 14 miles southwest of the VORTAC.

AMENDMENTS 8/11/77 42 F. R. 29476 (Changed)

AMENDMENTS 10/6/77 42 F. R. 42193 (Changed)

**Honolulu, Hawaii (Wheeler AFB)**

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Honolulu VORTAC 358° radial extending from the arc of a 3-mile radius circle centered on Wheeler AFB (lat. 21°29'00"N., long. 158°02'30"W.) to the INT of the Honolulu, Hawaii, VORTAC 358° and the Koko Head, Hawaii, VORTAC 298° radials, and that airspace extending upward from 700 feet above the surface within 2 miles northwest of and parallel to the centerline of Runway 06 (068°38'40" true bearing) beginning at the 3-mile radius arc and extending northeast to intercept an arc of a 5-mile radius circle centered on Wheeler AFB (lat. 21°29'00"N., long. 158°02'30"W.) thence clockwise along the 5-mile arc to the Koko Head, Hawaii, VORTAC 305° radial; thence northwest along the Koko Head, Hawaii, VORTAC 305° radial to the arc of the 3-mile radius circle.

AMENDMENTS 2/24/77 42 F. R. 3171 (Rewritten)

**Hope, Ark.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hope Municipal Airport (latitude 33°43'06" N., longitude 93°39'30" W.); and within 2 miles each side of the Texarkana VORTAC 058° radial extending from the 6-mile radius area to 17 miles northeast of the Texarkana VORTAC.

**Hopedale, Mass.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 42°06'25" N., 71°30'40" W., of the Hopedale Draper Airport, Hopedale, Massachusetts, within 5 miles southeast and 6.5 miles northwest of the 060° radial from the Putnam VORTAC, 41°57'19" N., 71°50'41" W., extending from the 6-mile radius area to the Putnam VORTAC, excluding that portion that coincides with the Danielson, Connecticut, and the Southbridge, Massachusetts, transition area.

**Hopewell, VA.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 37°18'00" N., long. 77°13'00" W. of Hopewell Airport, Hopewell, VA.

**Hopkinsville, Ky.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Campbell AAF (lat. 36°40'23" N., long. 87°29'27" W.); within 3 miles each side of the 044° bearing from Campbell RBN, extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN; within an 8.5-mile radius of Outlaw Field, Clarksville, Tenn. (lat. 36°37'15"N., long. 87°24'52"W.); within a 5-mile radius of Sabre Army Heliport, F. Campbell, Ky. (lat. 36°34'14"N., long. 87°28'50"W.).

**Hoquiam, Wash.**

That airspace extending upward from 700 feet above the surface east of Bowerman Field, bounded on the north by a line 2 miles north of and parallel to the Hoquiam VORTAC 068° radial, on the south by a line 2 miles south of and parallel to the Hoquiam VORTAC 088° radial, extending eastward between the arcs of 5- and 13-mile radius circles centered on Bowerman Field, (lat. 46°58'15" N., long. 123°56'05" W.); and that airspace extending upward from 1,200 feet above the surface within 6 miles north and 9 miles south of the Hoquiam VORTAC 081° and 261° radials, extending from 8 miles east to 19 miles west of the VORTAC, excluding that portion coinciding with W-237.



**Hornell, NY.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 42°22'30" N., long. 77°40'45" W. of Hornell Municipal Airport, extending clockwise from a 319° bearing to a 352° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 352° bearing to a 028° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 028° bearing to a 074° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 096° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 096° bearing to a 131° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 131° bearing to a 157° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 157° bearing to a 252° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 290° bearing from the airport and within a 10.5-mile radius of the center of the airport, extending clockwise from a 290° bearing to a 319° bearing from the airport.

AMENDMENTS 12/30/76 41 F. R. 52857 (Changed)

**Hot Springs, Ark.**

That airspace extending upward from 700 feet above the surface within a 15-mile radius of Memorial Field (latitude 34°28'40" N., longitude 93°05'45" W.), and within 3.5 miles each side of the 248° bearing from the Hot Springs RBN extending from the 15-mile radius area to 11.5 miles west of the RBN.

**Hot Springs, Va.**

That airspace extending upward from 700 feet above the surface within a 9.5 mile radius of the center, lat. 37°57'04" N., long. 79°50'02" W. of Ingalls Field, Hot Springs, Va.

**Houghton, Mich.**

That airspace extending upward from 700 feet above the surface within an 18-mile radius of the Houghton VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 020° bearing from the Calumet RBN, extending from the RBN to 18½ miles north of the RBN; within 4½ miles northeast and 10½ miles southwest of the Houghton ILS localizer northwest course, extending from the airport to 24½ miles northwest; within 4½ miles southeast and 9½ miles northwest of the Houghton VOR 060° radial extending from the VOR to 18½ miles northeast of the VOR; and within 4½ miles southwest and 9½ miles northeast of the Houghton ILS localizer southeast course extending from the airport to 23½ miles southeast.

**Houlton, Maine**

That airspace extending upward from 700 feet above the surface within a 13-mile radius of the center, 46°07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine.

That airspace extending upward from 1,200 feet above the surface within an area beginning at the intersection southeast of Presque Isle, Maine, of the United States-Canadian border and a 40-mile radius arc centered at 46°57'05" N., 67°53'10" W. (Loring AFB), thence clockwise along this arc to 46°33'00" N., to 45°56'00" N., 68°36'00" W. to 45°38'00" N., 67°40'30" W. thence along the United States-Canadian border to the point of beginning, excluding the airspace within Canada.

**Houma, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Houma Municipal Airport (latitude 29°34'10" N., longitude 90°39'40" W.), within 2 miles each side of the Tibby VORTAC 123° radial extending from the 5-mile radius area to the VORTAC, within 2 miles each side of the Tibby VORTAC 124° radial extending from the 5-mile radius area to 27 miles SE of the VORTAC, and within 2 miles each side of a 360° bearing from the Houma RBN (latitude 29°37'01" N., longitude 90°39'39" W.) extending from the 5-mile radius area to 10 miles north of the RBN.

**Houston, Tex.**

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 30°35'00" N., longitude 95°28'00" W.; thence to latitude 29°45'00" N., longitude 94°44'00" W.; thence to the intersection of the arc of a 5-mile radius circle centered on Scholes Field, Galveston, Tex. (latitude 29°15'55" N., longitude 94°41'35" W.), and latitude 29°16'00" N., at a point east of Scholes Field; thence clockwise along the arc of the 5-mile radius circle to latitude 29°16'00" N., at a point west of Scholes Field; thence to latitude 29°30'00" N., longitude 95°54'00" W.; to latitude 30°26'00" N., longitude 95°42'00" W., to point of beginning and including within 3.5 miles each side of the 335° T (227°M) bearing from the Lakeside Airport NDB (latitude 29°50'52" N., longitude 95°41'19" W.) extending from the NDB to 11.5 miles northwest.

**Howell, Mich.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Howell, Mich., Livingston County Airport (latitude 42°37'30" N., longitude 83°58'45" W.), and within 2 miles each side of the Salem, Mich., 308° radial extending from the 6-mile radius area to 7 miles southeast of the airport.

**Hudson, New York**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 42°17'35" N., long. 73°42'38" W. of Columbia County Airport, Hudson, N. Y.; within a 17-mile radius of the center of the airport extending clockwise from a 025° bearing to a 180° bearing from the airport; within 3.5 miles each side of a 194° bearing from the Philmont, N. Y., radio beacon (lat. 42°15'08" N., long. 73°43'24" W.), extending from the 8-mile radius area to 11.5 miles south of the RBN.

**Hugo, Colo.**

That airspace south and east of Hugo, Colo., VOR extending upward from 8500 feet MSL, bounded on the west by V-19, on the northwest by V-108 and V-169, on the north by V-4, on the northeast by V-17, on the south-east by V-216, and on the south by V-210, excluding the airspace within Federal airways, the Pueblo and Colorado Springs, Colo., transition areas and the State of Kansas.

**Humboldt, Nebr.**

That airspace extending upward from 700 feet above the surface within a five-mile radius of the Humboldt Municipal Airport (lat. 40°09'50"N., long. 95°55'55"W.); within 1.75 miles each side of the 099° radial of the Pawnee City VORTAC, extending from the five-mile radius to seven miles west of the airport.

AMENDMENTS 6/16/77 42 F. R. 22138 (Added)

**Humboldt, Tenn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Humboldt Municipal Airport (lat. 35°48'00" N., long. 88°52'00" W.); within 2.5 miles each side of the Dyersburg VORTAC 121° radial, extending from the 5-mile radius area to 23 miles southeast of the VORTAC.

**Huntingburg, Ind.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Huntingburg Airport (latitude 38°15'00" N., longitude 86°57'00" W.); and within 3 miles either side of an 072° bearing from the Huntingburg Airport extending from the 6-mile radius to 8 miles ENE of the airport.

**Huntington, Ind.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Huntington Municipal Airport (latitude 40°51'15" N., longitude 86°27'50" W.), excluding the portion which overlies the Fort Wayne, Ind., 700-foot floor transition area.

**Huntington, W. Va.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, latitude 38°22'00" N., longitude 82°33'20" W. of Tri-State Airport (Walker-Long Field), Huntington, West Virginia; within 4.5 miles each side of the Tri-State Airport (Walker-Long Field) ILS localizer east course, extending from the 11-mile radius area to 6 miles east of the Shoals, West Virginia FM; and within 5 miles each side of the Tri-State (Walker-Long Field) ILS localizer west course, extending from the 11-mile radius area to 11.5 miles west of the OM.

**Huntsville, Ala.**

That airspace extending upward from 700 feet above the surface within a 15.5-mile radius of Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.); within 3 miles each side of Huntsville ILS localizer north course, extending from the Capshaw RBN to 8.5 miles north of the RBN; within 3 miles each side of Huntsville ILS localizer south course, extending from the localizer to 14.5 miles south; within an 8.5-mile radius of Pryor Field (latitude 34°39'09" N., longitude 86°56'45" W.); within 3 miles each side of the Decatur VOR 197° radial, extending from the 8.5-mile radius area to 8.5 miles south of the VOR; within 9.5 miles west and 4.5 miles east of the Decatur VOR 351° radial, extending from the VOR to 18.5 miles north; within a 5-mile radius of North Huntsville Airport (lat. 34°51'25" N., long. 86°33'22" W.).

**Huntsville, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Huntsville Municipal Airport (lat. 30°44'30" N., long. 95°35'30" W.), within 3 miles each side of the Leona VORTAC 139° radial extending from the 5-mile radius area to 27.5 miles southeast of the VORTAC, and within 3.5 miles each side of the 008° bearing from the Huntsville RBN (lat. 30°44'20" N., long. 95°35'17" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

**Huron, S. Dak.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Huron Regional Airport (latitude 44°23'03" N., longitude 98°13'39" W.); within 4½ miles northeast and 11 miles southwest of the Huron VORTAC 314° and 134° radials, extending from 5 miles southeast to 18½ miles northwest of the VORTAC; and within 5 miles each side of the Huron ILS localizer southeast course, extending from the 6½-mile radius area to 19½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Huron VORTAC extending from a line 5 miles west of and parallel to the 343° radial clockwise to a line 5 miles north of and parallel to the 269° radial; and within 4½ miles southwest and 9½ miles northeast of the Huron localizer southeast course extending from 6 miles southeast of the OM to 29 miles southeast of the OM.

**Hutchinson, Kans.**

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Hutchinson Municipal Airport (latitude 38°03'56" N., longitude 97°51'37" W.); within 3½ miles each side of the Hutchinson VORTAC 222° radial, extending from the 8½ mile radius area to 8 miles southwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Hutchinson ILS localizer northwest course, extending from the airport to 18½ miles northwest of the ILS outer marker.



**Idabel, Okla.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Idabel Municipal Airport (lat. 33°54'23" N., long. 94°50'41" W.) and within 3.5 miles each side of the 349° bearing from the NDB (lat. 33°54'23" N., long. 94°50'45" W.) extending from the 5-mile radius area to a point 8 miles north of the NDB.

**Ida Grove, Iowa**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ida Grove Municipal Airport (latitude 42°19'55" N., longitude 95°26'40" W.); and within 2 miles each side of the 117° bearing from Ida Grove Municipal Airport, extending from the 7-mile radius area to 8 miles east of the airport.

**Idaho Falls, Idaho**

That airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 5 miles southeast of the Idaho Falls VOR 036° and 216° radials, extending from 25.5 miles northeast to 18.5 miles southwest of the VOR and within 6 miles northwest and 9 miles southeast of the 029° radial of the Pocatello VORTAC extending from 23 to 47 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 112°30'00" W., and the south edge of V-298, thence via the south edge of V-298 and V-328 to longitude 111°38'00" W., thence south via this longitude to the INT of an arc of a 23-mile radius circle centered on the Idaho Falls VOR, thence clockwise via the 23-mile radius arc to longitude 112°10'00" W., thence direct to latitude 43°20'30" N., longitude 112°45'30" W., thence direct latitude 43°32'00" N., longitude 112°35'00" W., thence to latitude 43°50'20" N., longitude 112°30'00" W., thence direct to point of beginning.

**Iliamna, Alaska**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Iliamna Airport (latitude 59°45'12" N., longitude 154°54'54" W.); and within 2.5 miles each side of the 209° bearing from the Iliamna RBN, extending from the 5-mile radius area to 9.5 miles southwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 5.5 miles northwest and 9.5 miles southeast of the 029° and 209° bearings from the Iliamna RBN, extending from 7 miles northeast to 18.5 miles southwest of the RBN.

**Illinois**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Illinois.

**Independence, Kans.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Independence Municipal Airport (latitude 37°09'25" N., longitude 95°46'50" W.).

**Indiana**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Indiana.

**Indiana, Pa.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, (lat. 40°38'00" N., long. 79°06'15" W.) of Indiana County-Jimmy Stewart Field, Indiana, Pa., within 3.5 miles each side of the Indiana County-Jimmy Stewart Field ILS localizer east course, extending from the 7-mile radius area to 12 miles east of the OM (40°37'19"N., 78°58'43"W.), and within 4.5 miles each side of the 090° bearing from the Indiana RBN (lat. 40°37'54"N., long. 79°03'51"W.) extending from the 7-mile radius area to 11 miles east of the RBN.  
AMENDMENTS 10/6/77 42 F. R. 41107 (Changed)

**Indianapolis, Ind.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Indianapolis Municipal (Weir-Cook) Airport (latitude 39°43'35" N., longitude 86°17'05" W.); within a 5½-mile radius of Bob Shank Airport (latitude 39°49'15" N., longitude 86°14'30" W.); within a 5½-mile radius of Eagle Creek Airpark (latitude 39°49'45" N., longitude 86°17'45" W.); and within 3 miles each side of the Indianapolis VORTAC 257° radial, extending from the 5½ and 9-mile radii to 8 miles west of the VORTAC.

**Indianola, Miss.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Indianola-Legion Field (lat. 33°29'05" N., long. 90°40'34" W.); within 3 miles each side of the 191° and 354° bearings from Indianola RBN (lat. 33°28'48" N., long. 90°40'34" W.), extending from the 6.5-mile radius area to 8.5 miles south and north of the RBN.

**International Falls, Minn.**

That airspace extending upward from 700 feet above the surface within 4½ miles northeast and 9½ miles southwest of the International Falls VORTAC 140° and 320° radials, extending from 6 miles southeast to 18½ miles northwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls VORTAC 129° and 309° radials extending from 6 miles northwest to 18½ miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the International Falls VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls ILS southeast localizer course extending from the 20-mile radius area to 18½ miles southeast of the outer marker, excluding the portions outside the United States.

**Intracoastal City, La.**

That airspace extending upward from 700 feet above the surface within 3.5 miles either side of the White Lake, La., VORTAC 065° radial extending from 11 miles NE of the VORTAC to 23 miles NE of the VORTAC and within 5 miles either side of the 17.5-mile radius arc centered on the White Lake VORTAC extending clockwise between the 065° and 084° radials.

**Ionia, Mich.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ionia County Airport (latitude 42°56'20" N., longitude 85°04'15" W.); and within 3 miles each side of the 064° radial of the Grand Rapids, Michigan VOR, extending from the 5-mile radius area to 30 miles northeast of the VOR.

**Iowa**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Iowa.

**Iowa City, Iowa**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Iowa City Municipal Airport (latitude 41°38'25" N., longitude 91°32'50" W.), and within 2 miles each side of the Iowa City VOR 024° radial, extending from the 6-mile radius area to the VOR.

**Iowa Falls, Iowa**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Iowa Falls Municipal Airport (lat. 42°28'10" N., long. 93°16'00" W.); and within 3 miles on each side of the 154° bearing from the airport reference point extending from the 6.5-mile radius 8.5 miles southeast of the airport.

**Iron Mountain, Mich.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Iron Mountain VORTAC; within 6 miles west and 9½ miles east of the Iron Mountain ILS localizer south course extending from the 10-mile radius area to 24 miles south of the Ford Airport (latitude 45°48'57" N., longitude 88°06'56" W.); within 5 miles each side of the Iron Mountain ILS localizer north course extending from the 10-mile radius to 18 miles north of the airport.

**Ironwood, Mich.**

That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Gogebic County Airport (latitude 46°31'32" N., longitude 90°07'54" W.); within 3 miles each side of the 272° radial, extending from the 13-mile radius to 15 miles west of the Ironwood VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 24-mile radius of the Ironwood VORTAC excluding the portion in the State of Wisconsin.

**Islip, N. Y.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 40°47'50"N., 73°06'01"W., of Islip-MacArthur Airport, Islip, N. Y., and within 4.5 miles each side of the Islip-MacArthur Airport Runway 24 ILS localizer northeast course, extending from the OM to 5.5 miles northeast of the OM.  
AMENDMENTS 3/24/77 42 F. R. 2055 (Changed)

**Ithaca, N. Y.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 42°29'29" N., 76°27'30" W., of Tompkins County Airport, Ithaca, N. Y.; within a 10-mile radius of the center of the airport, extending clockwise from a 350° bearing to a 012° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from the 012° bearing to a 036° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 036° bearing to a 065° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 096° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 096° bearing to a 111° bearing from the airport; within a 14.5-mile radius of the center of the airport extending clockwise from a 111° bearing to a 131° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 131° bearing to a 152° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 152° bearing to a 216° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 216° bearing to a 243° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 243° bearing to a 288° bearing from the airport; within 4.5 miles southwest and 9.5 miles northeast of the Ithaca, N. Y., VORTAC 305° radial, extending from the VORTAC to 18.5 miles northwest of the VORTAC; within 5.0 miles each side of the Tompkins County Airport ILS localizer southeast course extending from the OM to 11.5 miles southeast of the OM.

**Jacksboro, Tenn.**

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Campbell County Airport (latitude 36°20'03" N., longitude 84°09'46" W.).

**Jackson, Mich.**

That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Jackson VOR.

**Jackson, Minn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (latitude 43°39'00" N., longitude 94°59'05" W.); and within 3 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

**Jackson, Miss.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Allen C. Thompson Field (latitude 32°18'40" N., longitude 90°04'35" W.); within an 8-mile radius of Hawkins Field (latitude 32°20'10" N., longitude 90°13'15" W.); within 1.5 miles each side of the Jackson VORTAC 195° radial, extending from the 8-mile radius area to the VORTAC; within a 5.5-mile radius of Bruce Campbell Field (latitude 32°26'15" N., longitude 90°06'05" W.); within 1.5 miles each side of the Jackson VORTAC 142° radial, extending from the 5.5-mile radius area to the VORTAC; within 1.5 miles each side of Runway 17 extended centerline, extending from the 5.5-mile radius area to 5.5 miles north of the runway end; within 3 miles each side of the 007° bearing from the Bruce RBN (lat. 32°26'24" N., long. 90°06'24" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN.

**Jackson, Tenn.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.).

**Jackson, Wyo.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius circle centered on the Jackson's Hole Airport (latitude 43°36'24" N., longitude 110°44'13" W.), within 5.5 miles west and 9.5 miles east of the Jackson VOR 200° radial, extending from the VOR to 24.5 miles south; and within 2.5 miles each side of the Jackson VOR 020° radial extending from the VOR to 12 miles north of the VOR; and that airspace extending upward from 1200 feet above the surface within 8 miles west and 12 miles east of the Jackson VOR 020° radial extending from the VOR to 38.5 miles north of the VOR; within 5 miles each side of the Jackson VOR 107° radial extending from the VOR to 15 miles east of the VOR; and within 6 miles north and 9 miles south of the Dunoir, Wyo., VOR 102° and 282° radials extending from 8 miles east to 21 miles west of the Dunoir VOR.

**Jacksonville, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jacksonville International Airport (lat. 30°29'26" N., long. 81°41'19" W.); NAS Jacksonville (lat. 30°14'00" N., long. 81°40'30" W.); NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.); Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.), and NS Mayport (lat. 30°23'25" N., long. 81°25'15" W.); within an 8.5-mile radius of OLF Whitehouse Field, Fla. (lat. 30°21'00" N., long. 81°52'00" W.).

**Jacksonville, Ill.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jacksonville Municipal Airport (latitude 39°46'30" N., longitude 90°14'15" W.); within 3 miles each side of the 311° bearing from the airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and within 3 miles each side of the 136° bearing from the airport, extending from the 5-mile radius area to 6 miles southeast of the airport.

**Jacksonville, N. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of New River MCAS (lat. 34°42'25" N., long. 77°26'35" W.); within 2 miles each side of New River TACAN 236° radial, extending from the 8.5-mile radius area to 9.5 miles southwest of the TACAN; within an 8.5-mile radius of Albert J. Ellis Airport (lat. 34°49'49" N., long. 77°36'42" W.).

AMENDMENTS 12/30/76 41 F.R. 40457 (Changed)

**Jamestown, N. Y.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Chautauqua County Airport, Jamestown, N. Y. (42°09'07" N., 79°15'26" W.); within 2 miles each side of the Jamestown VOR 071° and 251° radials, extending from the 7-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of a 053° bearing from the Jamestown, N. Y., RBN (42°11'02" N., 79°11'15" W.) extending from the 7-mile radius area to 8 miles northeast of the RBN; within 2 miles each side of the Jamestown, N. Y., ILS localizer northeast course extending from the 7-mile radius area to 8 miles northeast of the ILS OM.

**Jamestown, N. Dak.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); and within 3.5 miles each side of the Jamestown VORTAC 315° radial extending from the 10-mile radius area to 17.5 miles northwest of the Jamestown VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 19-mile radius of the Jamestown VORTAC extending from the 328° radial clockwise to the 083° radial; within a 20-mile radius of the Jamestown VORTAC extending from the 083° radial clockwise to the 279° radial; within a 21-mile radius of the Jamestown VORTAC extending from the 279° radial clockwise to the 287° radial; within 9.5 miles southwest and 4.5 miles northeast of the Jamestown VORTAC 315° radial extending from the 19- and 21-mile radius areas to 25.5 miles northwest of the Jamestown VORTAC; and within 4.5 miles southwest and 9.5 miles northeast of the Jamestown VORTAC 136° radial extending from the 20-mile radius area to 25.5 miles southeast of the Jamestown VORTAC.

**Janesville, Wis.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Rock County Airport, Janesville, Wisconsin (latitude 42°37'12" N., longitude 89°02'28" W.), within a 6-mile radius of the Beloit, Wisconsin Airport (latitude 42°29'51" N., longitude 88°58'05" W.), and within a 5-mile radius of the Wagon Wheel Airport, Rockton, Illinois (latitude 42°26'15" N., longitude 89°04'21" W.).

**Jasper, Ala.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Walker County Airport (latitude 33°51'55" N., longitude 87°15'40" W.); within 4.5 miles each side of Birmingham VORTAC 303° radial, extending from the 6.5-mile radius area to 14 miles northwest of the VORTAC.

**Jasper, Tenn.**

That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of Marion County-Brown Field (latitude 35°03'35" N., longitude 85°35'05" W.); excluding the portion that coincides with the Chattanooga, Tenn., transition area.

**Jasper, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jasper County Airport (latitude 30°53'32" N., longitude 94°02'03" W.), within 3.5 miles each side of the 360° bearing from the Jasper RBN (latitude 30°57'16" N., longitude 94°02'00" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN, and within 3.5 miles each side of the 182° bearing from the Pine RBN (latitude 30°52'00" N., longitude 94°02'06" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

**Jefferson, Iowa**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Jefferson Municipal Airport (latitude 42°00'36" N., longitude 94°20'31" W.); and within 3 miles each side of the 152° bearing from Jefferson Municipal Airport extending from the 5½-mile radius area to 8 miles southeast of the airport.

**Jefferson City, Mo.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.) and within 3.5 miles either side of the 118° bearing from the Jefferson City RBN facility (latitude 38°33'20" N., longitude 92°04'40" W.) and 3.5 miles each side of the 124° bearing from the Jefferson City RBN extending from the 8-mile radius zone to 17.5 miles south-east of the VOR.

**Jennings, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jennings Airport (latitude 30°14'30" N., longitude 92°40'00" W.); within 2.5 miles each side of the Lake Charles VORTAC 075° radial extending from the 5-mile radius area to 20.5 miles east of the VORTAC and within 3 miles either side of the 321° bearing from the Jennings NDB (latitude 30°14'19" N., longitude 92°40'13" W.) extending from the 5-mile radius area to 8 miles northwest of the NDB.

**Jesup, Ga.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Jesup-Wayne County Airport (latitude 31°33'18" N., longitude 81°52'54" W.); within 3 miles each side of the 286° bearing from Slover RBN (latitude 31°33'08" N., longitude 81°52'48" W.), extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

**Johnson City, Tex.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Johnson City Airport (latitude 30°15'05" N., longitude 98°37'21" W.); within a 5-mile radius of Shepherd Farm Airport (latitude 30°12'30" N., longitude 98°43'20" W.) and within 2.5 miles each side of the 175° bearing from the Johnson City RBN (latitude 30°12'32" N., longitude 98°37'05" W.) extending from the 7-mile radius area to 8 miles south of the RBN.

Johnstone Point, Alaska

**Kaiser, Mo.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lee C. Fine



**Johnstone Point, Alaska**

That airspace extending upward from 700 feet above the surface within 4 miles north and 5 miles south of the Johnstone Point VORTAC 286° and the 106° radials, extending from 5 miles east to 23 miles west of the VORTAC; within a 35-mile radius of the Johnstone Point VORTAC, extending clockwise from the north edge of V-319 to the 332° radial of the VORTAC; and within 5 miles northeast of the Johnstone Point VORTAC 332° radial extending from the VORTAC to 23 miles northwest of the VORTAC.

**Johnstown, Pa.**

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, lat. 40° 19'00" N., long. 78°50'00" W., of Johnstown-Cambria County Airport, Johnstown, Pa.

**Jonesboro, Ark.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jonesboro Municipal Airport (latitude 35°49'50" N., longitude 90°38'55" W.) and within 3.5 miles each side of the Jonesboro VOR 048° radial extending from the 8.5-mile radius area to 11.5 miles northeast of the VOR excluding the portion within the Paragould, Ark., transition area.

**Jonesboro, La.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Jonesboro Municipal Airport, Jonesboro, La. (latitude 32°12'10" N., longitude 92°44'10" W.) and within 3.5 miles each side of the 174° bearing from the Jonesboro NDB (latitude 32°12'25" N., longitude 92°44'19" W.) extending from the 6.5-mile radius area to 12 miles south of the NDB.

**Jonestown, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bar K Airpark (latitude 30°29'52" N., longitude 97°58'07" W.), and within 3 miles each side of the Austin, Tex., VORTAC 311° radial extending from the 5-mile radius to 28 miles northwest of the VORTAC.

**Joplin, Mo.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Joplin Municipal Airport (latitude 37°09'05" N., longitude 94°29'55" W.).

**Junction, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kimble County Airport (latitude 30°30'35" N., longitude 99°45'45" W.), within 5 miles northeast and 8 miles southwest of the Junction VORTAC 150° and 330° radials extending from the VORTAC to 12 miles northwest and 5 miles southeast of the VORTAC.

**Juneau, Alaska**

That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Coghlan Island, Alaska, RBN, that airspace northwest of Juneau bounded on the east by A-15; on the northwest by a line from the Gustavus, Alaska, RBN to the Haines, Alaska, RBN, and on the southwest by a line 19 miles northeast of and parallel to the 145° and 325° bearings from the Gustavus, Alaska, RBN, and that airspace south of Juneau, extending from the 20-mile radius area, bounded on the northeast by A-15 and on the southwest by B-37, excluding the portion within the Gustavus, Alaska, transition area.

**Juneau, Wis.**

That airspace extending upward from 700 feet above the surface within 6½-mile radius of Dodge County Airport (latitude 43°25'30" N., longitude 88°42'00" W.); and within 3 miles each side of a 195° bearing from Dodge County Airport extending from the 6½-mile radius to 8 miles south of the airport; and within 3 miles each side of the 032° bearing from Dodge County Airport extending from the 6½-mile radius to 8 miles northeast of the airport.

**Kaanapali, Hawaii**

That area extending upward from 700 feet above the surface within a 5-mile radius of Kaanapali Airport (lat. 20°56'45"N., long. 156°41'35"W.), within 3 miles each side of the Molokai VORTAC 114°T radial extending from the 5-mile radius to 7.5 miles northwest of the airport.  
AMENDMENTS 4/14/77 42 F. R. 14861 (Added)

**Kahului, Hawaii**

That airspace extending upward from 700 feet above the surface bounded on the southwest by a line 2 miles southwest of and parallel to the Maui VORTAC 331° radial, on the north by the arc of an 8.5-mile radius circle centered on the Kahului Airport (latitude 20°54'05" N., longitude 156°26'05" W.), on the southeast by a line 4 miles northwest of and parallel to the Maui VORTAC 038° radial and on the south by the arc of a 5-mile radius circle centered on the Kahului Airport, and within 4 miles each side of the Maui VORTAC 038° radial, extending from 14 to 17 miles northeast of the VORTAC.  
AMENDMENTS 10/6/77 42 F. R. 42193 (Changed)

Kelso, Wash.

**Kaiser, Mo.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lee C. Fine Memorial Airport (latitude 38°05'45" N., longitude 92°32'55" W.).

**Kalispell, Mont.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Glacier Park International Airport (latitude 48°18'49" N., longitude 114°15'16" W.); within 5.5 miles each side of the 035° and 215° bearings from the Smith Lake NDB (latitude 48°06'26" N., longitude 114°27'37" W.); extending from the 8-mile radius area to 12 miles southwest of the NDB.

That airspace extending upward from 1,200 feet above the surface within 5.5 miles east and 15.5 miles west of the Kalispell VOR 166° radial extending from the 700-foot transition area to 18.5 miles south of the VOR; within 5.5 miles southeast and 9.5 miles southwest of the 035° and 215° bearings from the Smith Lake NDB extending from 7.5 miles northeast of the NDB to 18.5 miles southwest of the NDB, excluding the 700-foot transition area.

Within 5 miles each side of the Smith Lake NDB 099° T bearing extending from the NDB to the intersection of the Great Falls, Mont., VORTAC 293° T radial; and within 5 miles each side of the Smith Lake NDB 163° T bearing extending from the NDB to the intersection of the Missoula, Mont., VORTAC 357° radial.

**Kaneohe, Hawaii.**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 21°23'15" N., longitude 157°46'30" W., thence counterclockwise along the arc of a 5-mile radius circle centered on MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.) to latitude 21°29'25" N., longitude 157°50'45" W., thence to latitude 21°32'45" N., longitude 157°51'20" W., thence clockwise along the arc of an 8-mile radius circle centered on MCAS Kaneohe to latitude 21°23'00" N., longitude 157°41'00" W., thence to point of beginning, and within 2 miles on each side of the MCAS Kaneohe TACAN 351° radial, extending from the 8-mile radius area to 12 miles N of the TACAN.  
AMENDMENTS 10/6/77 42 F. R. 42193 (Changed)

**Kankakee, Ill.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Greater Kankakee Airport (latitude 41°04'15" N., longitude 87°50'55" W.); within 2 miles each side of the Peotone, Ill., VORTAC 192° radial extending from the 6½-mile radius area to the VORTAC; within 3 miles each side of the 212° bearing from Greater Kankakee Airport, extending from the 6½-mile radius area to 8 miles southwest of the airport; within 3 miles each side of the 222° bearing from Greater Kankakee Airport extending from the 6½-mile radius area to 8 miles southwest of the airport; and within 3 miles each side of the 052° bearing from Greater Kankakee Airport, extending from the 6½-mile radius area to 8 miles northeast of the airport.

**Kansas**

That airspace extending upward from 1,200 feet above the surface within the State of Kansas.

**Kansas City, Mo.**

That airspace extending upward from 700 feet above the surface within a 10 mile radius of the Kansas City Municipal Airport (latitude 39°07'20"N., longitude 94°35'30"W.), and within a 9.5 mile radius of Sherman AAF (latitude 39°22'05"N., longitude 94°54'45"W.); and that airspace extending from 700 feet above the surface within an 8.5 mile radius of the Kansas City International Airport (latitude 39°15'13" N., longitude 94°42'40" W.) and within 5 miles either side of the Rwy 19 ILS localizer north course extending from the 8.5 mile radius zone to 25 miles N of the Wyandotte OM; and within 5 miles either side of the 038° radial of the Kansas City VORTAC; extending from the 8.5 mile radius zone to 11.5 miles E of the VORTAC; and within 5 miles either side of the Rwy 1 ILS localizer south course extending from the 8.5 mile radius zone to 11 miles S of the Wyandotte OM.

**Ke-ahole, Kona, Hawaii**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Ke-ahole Airport (latitude 19°44'35" N., longitude 156°03'00" W.), within 4.5 miles each side of the Kona VORTAC 179° radial, extending from the 8.5-mile radius area to 11 miles south of the VORTAC and within 4.5 miles each side of the Kona VORTAC 348° radial, extending from the 8.5-mile radius area to 17.5 miles north of the VORTAC.  
AMENDMENTS 10/6/77 42 F. R. 42193 (Changed)

**Kearney, Nebr.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Kearney Municipal Airport (latitude 40°43'37" N., longitude 99°00'04" W.); within 4½ miles east and 9½ miles west of the Kearney VOR 360° radial, extending from the airport to 18½ miles north of the airport; within 4 miles each side of the Kearney VOR 194° radial, extending from the airport to 13 miles south of the airport.

**Keene, N. H.**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°01'00" N., 72°13'00" W., to 42°55'00" N., 72°00'00" W., to 42°51'30" N., 71°54'00" W., to 42°28'00" N., 71°54'00" W., to 42°28'00" N., 72°27'00" W., to 42°22'00" N., 72°27'00" W., to 42°22'00" N., 72°35'00" W., to 42°28'00" N., 72°35'00" W., to 42°28'00" N., 73°00'00" W., to 43°01'00" N., 73°00'00" W., to the point of beginning, excluding that portion within the Boston, Mass., Pittsfield, Mass., and Chicopee Falls, Mass., transition areas.

Key West, Fla.



**Kelso, Wash.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kelso-Longview Airport (latitude 46°07'12" N., longitude 122°53'58" W.), within 9.5 miles west of and 4.5 miles east of the 012° bearing from the Kelso, Wash., NDB (latitude 46°09'14" N., longitude 122°54'40" W.), extending from the NDB to 18.5 miles north of the NDB; within 5 miles each side of the 336° bearing from the Kelso NDB extending from the NDB 22.8 miles northwest.

**Kenai, Alaska**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Kenai Municipal Airport (latitude 60°34'21" N., longitude 151°14'44" W.), extending clockwise from the 048° to the 290° bearing from the airport.

**Kenansville, N. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Duplin County Airport (lat. 35°00'00" N., long. 77°59'00" W.); within 3 miles each side of the 034° bearing from Kenan RBN (lat. 35°02'51" N., long. 77°56'45" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

**Kendallville, Ind.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Kendallville Municipal Airport (latitude 41°28'30" N., longitude 85°15'30" W.); within 2 miles each side of the 037° radial of the Wolflake VOR, extending from the 5½-mile radius area to 6 miles southwest of the airport.

**Kenedy, TX.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Karnes County Airport (latitude 28°49'30" N., longitude 97°51'55" W.) and within 5 miles each side of the Three Rivers VORTAC 038°T (029° M) radial extending from the 5-mile radius to 17 miles northeast of the Three Rivers VORTAC.

**Kennett, Mo.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kennett Memorial Airport (lat. 36°13'50"N., long. 90°02'05"W.); and within 2 miles each side of the 346° radial of the Gosnell VOR extending from the 5-mile radius area to 13½ miles north of the VOR.

**Kentland, Ind.**

That airspace extending upward from 700' above the surface within a 5-mile radius of the Kentland Municipal Airport (lat. 40°45'27"N., long. 37°25'48"W.); and within 2 statute miles either side of the 306° radial of the Lafayette VORTAC, extending from the 5-mile radius area to 6 miles southeast of the airport.

**Kentucky**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Kentucky.

**Keokuk, Iowa**

That airspace extending upward from 700 feet above the surface within a 4-mile radius of Keokuk Municipal Airport (latitude 40° 27' 35" N., longitude 91° 25' 50" W.), within 2 miles each side of the 311° bearing from the Keokuk RBN (latitude 40° 27' 45" N., longitude 91° 26' 00" W.), extending from the 4-mile radius area to 8 miles NW of the RBN.

**Kerrville, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kerrville Municipal (Louis Schreiner Field) Airport (latitude 29°58'41" N., longitude 99°05'11" W.); within 3 miles each side of the 134° bearing from the Kerrville RBN (latitude 29°59'11" N., longitude 99°04'31" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN; within 3.5 miles each side of the 306° radial from the proposed non-Federal TVOR site (latitude 30°00'29" N., longitude 99°08'15" W.) to 11.5 miles northwest.

**Ketchikan, Alaska**

That airspace extending upward from 700 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Ketchikan ILS localizer southeast and northwest course, extending from 8.5 miles southeast to 26 miles northwest of the Ketchikan localizer (lat. 55°20'52" N., long. 131°41'53" W.); and that airspace extending upward from 1,200 feet above the surface within 13 miles northwest and 8.5 miles southeast of the 247° and the 067° bearings from the Guard Island RBN, extending from 11 miles northeast to 24 miles southwest of the RBN; within 7 miles northeast and 17 miles southwest of the 150° and 330° bearing from the Guard Island RBN, extending from 12 miles southeast to 26.5 miles northwest of the RBN, excluding the portion within the Annette Island 700- and 1,200-foot floor transition area.

**Kewanee, Illinois**

That airspace extending upward from 700 feet above the surface within a five-mile radius of the Kewanee Airport (latitude 41°13'06"N., longitude 89°57'42"W.); and within three miles each side of the 218° bearing from the airport, extending from the five-mile radius area to eight miles southwest.

**Key West, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Key West International Airport (lat. 24°33'22" N., long. 81°45'35" W.); within 4 miles each side of Key West VORTAC 309° radial, extending from the 8.5-mile radius area to 9.5 miles northwest of the VORTAC; within an 8.5-mile radius of Key West NAS (Boca Chica) (lat. 24°34'30" N., long. 81°41'15" W.).

**Killeen, Tex.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hood AAF (lat. 31° 08'15" N., long. 97°42'50" W.); within a 7-mile radius of Robert Gray AAF (lat. 31°04'20" N., long. 97°49' 45" W.); within 9.5 miles west and 5 miles east of the Hood VOR 352° and 172° radials extending from 2 miles north of the VOR to 12 miles south of the VOR; within 5 miles southeast and 9.5 miles northwest of the Hood VOR 219°T (210°M) radial extending from the VOR to 19 miles southwest of the VOR; within 3.5 miles each side of the 337° bearing from STARN RBN (lat. 31°10'03"N., long. 97°52'41"W.) extending from the 7-mile radius area to 11.5 miles north of the RBN.

AMENDMENTS 10/6/77 42 F. R. 40690 (Changed)

**Kingman, Ariz.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kingman Municipal Airport (latitude 35°15'31" N., longitude 113°56'20" W.); within 2 miles each side of the Kingman VOR 025° radial, extending from the 5-mile radius area to 7 miles NE of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 9 miles NW of the Kingman VOR 025° and 205° radials, extending from 38 miles NE to 13 miles SW of the VOR.

**King Salmon, Alaska**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the King Salmon, Alaska, Airport (latitude 58°40'43" N., longitude 156°38'50" W.); that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the King Salmon, Alaska, airport; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the King Salmon VORTAC, excluding the portions within the United States, Federal Airways, Control 1217, Control 1234, Control 1400, and Control 1401.

**Kingstree, S. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Williamsburg County Airport (lat. 33°43'01" N., long. 79°51'26" W.); within 3 miles each side of the 307° bearing from Kingstree RBN (lat. 33°43'04" N., long. 79°51'23" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

**Kingsville, Tex.**

That airspace extending upward from 700 feet above the surface within a 15-mile radius of NAAS Kingsville (north) (latitude 27°30'10" N., longitude 97°48'25" W.), within a 7-mile radius of the Kleberg County Airport (latitude 27°33'01" N., longitude 98°01'39" W.), and within 2 miles each side of a 316° bearing from the Kleberg County RBN (latitude 27°36'20" N., longitude 98°05'22" W.) extending from the 7-mile radius area to 8 miles northwest of the RBN, excluding that portion which lies within the Alice, Tex., control zone.

**Kinston, N. C.**

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of Stallings Field (latitude 35°19'40" N., longitude 77°36'55" W.); within 4.5 miles each side of the Kinston VORTAC 048° radial, extending from the 8.5-mile radius area to 10.5 miles northeast of the VORTAC.

**Kirksville, MO.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Clarence Cannon Memorial Airport (latitude 40°05'45" N., longitude 92°32'50" W.); within 3 miles each side of the Kirksville VORTAC 316° radial, extending from the 6½-mile radius area to 8 miles northwest of the VORTAC; and within 5 miles each side of the 360° bearing from Clarence Cannon Memorial Airport, extending from the 6½-mile radius area to 11½ miles north of the airport.

**K. I. Sawyer AFB, Mich.**

That airspace extending upward from 700 feet above the surface within an 8.5-statute (7.1-nautical) mile radius of the K. I. Sawyer Airport.

AMENDMENTS 10/6/77 42 F. R. 41626 (Rewritten)

**Klamath, Calif.**

That airspace extending upward from 2,000 feet above the surface bounded on the north by V-122, on the east by V-23W and V-23, the south by V-195 and on the west by V-27, excluding the airspace within federal airways and Red Bluff, Arcata, Crescent City and Fort Jones, California Transition Areas.

AMENDMENTS 12/1/77 42 F. R. 44543 (Added)

Corr: 42 F. R. 59751

**Klamath Falls, Oreg.**

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Klamath Falls

**Kotzebue, Alaska**



**Klamath Falls, Oreg.**

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Klamath Falls VORTAC and within 5 miles east and 9.5 miles west of the Klamath Falls ILS localizer south course extending from the 15-mile radius area to 18.5 miles south of the Merrill RBN; that airspace extending upward from 1,200 feet above the surface between 15- and 25-mile radius circles centered on Klamath Falls VORTAC; that airspace extending upward from 7,500 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 095° radial to a line 5 miles east of and parallel to the VORTAC 165° radial, and within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 245° to the 295° radials; that airspace extending upward from 8,600 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 5 miles east of and parallel to the VORTAC 165° radial to a line 11.5 miles west of and parallel to the VORTAC 181° radial; that airspace extending upward from 9,000 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC extending clockwise from the VORTAC 320° to the 095° radials; that airspace extending upward from 9,500 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 11.5 miles west of and parallel to the VORTAC 181° radial to the 245° radial, and within the area bounded by the arcs of 25- and 28-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials; and that airspace extending from 11,000 feet MSL within the area bounded by the arcs of 28- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials.

**Knoxville, IA.**

That airspace extending upward from 700 feet above the surface within a five (5)-mile radius of Knoxville Municipal Airport (latitude 41°18'00" N., longitude 93°06'40" W.) and within three (3) miles each side of the 342° bearing from Knoxville Municipal Airport extending from the five (5)-mile radius area to eight (8) miles northwest of the airport, and within three (3) miles each side of the 146° bearing from the Knoxville Municipal Airport extending from the five (5)-mile radius area to eight (8) miles southeast of the airport.

**Knoxville, Tenn.**

That airspace extending upward from 700 feet above the surface beginning at the intersection of the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport (latitude 35°48'40" N., longitude 83°59'35" W.) and a line 3 miles northwest of and parallel to Knoxville VORTAC 040° radial, to and northeast along this line, to and southeast along a line 8.5 miles northeast of and perpendicular to Knoxville VORTAC 040° radial, to and southwest along a line 3 miles southeast of and parallel to Knoxville VORTAC 040° radial, to and clockwise along the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport, to and east along the Knoxville VORTAC 100° radial, to and clockwise along the arc of a 25.5-mile radius circle centered on McGhee-Tyson Airport, to and north along the west boundary of V-97, to and southwest along a line 4.5 miles southeast of and parallel to Knoxville ILS localizer southwest course, to and northwest along a line 18.5 miles southwest of and perpendicular to Knoxville ILS localizer southwest course, to and northeast along a line 9.5 miles northeast of and parallel to Knoxville ILS localizer southwest course, to and clockwise along the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport, to point of beginning; within a 15-mile radius of Sevier-Gatlinburg Airport (lat. 35°51'25" N., long. 83°31'44" W.); within an 8-mile radius of Knoxville Downtown Island Airport (latitude 35°57'45" N., longitude 83°52'30" W.); within a 6.5-mile radius of Monroe County Airport, Madisonville, Tenn., (latitude 35°32'45" N., longitude 84°22'47" W.); excluding the portion within the Athens and Morristown, Tenn., transition areas.

**Kodiak, Alaska**

That airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Kodiak Airport (latitude 57°45'02" N., longitude 152°29'19" W.), and within a 35-mile radius of the Kodiak Airport, extending clockwise from the 029° to the 085° bearing from the airport.

**Kokomo, Ind.**

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Grissom AFB (latitude 40°38'55" N., longitude 86°09'10" W.); within a 6½-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within a 5-mile radius of Logansport, Ind. Municipal Airport (latitude 40°42'35" N., longitude 86°22'45" W.); within 4½ miles each side of the Grissom AFB ILS localizer southwest course, extending from the 8½-mile and 6½-mile radii areas to 4½ miles southwest of the OM; within 3 miles each side of the Kokomo VORTAC 039° radial, extending from the 6½-mile and 8½-mile radii areas to 8 miles northeast of the VORTAC; and within 3 miles each side of the Kokomo VORTAC 129° radial, extending from the 6½-mile radius area to 8 miles southeast of the VORTAC.

**Kosciusko, Miss.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Kosciusko-Attala County Airport (latitude 33°05'20" N., longitude 89°32'25" W.); within 3 miles each side of the 142° and 310° bearings from the Kosciusko RBN (latitude 33°05'29" N., longitude 89°32'25" W.), extending from the 5.5-mile radius area to 8.5 miles southeast and northwest of the RBN.

**Kotzebue, Alaska**

That airspace extending upward from 700 feet above the surface within a 19-mile radius of the Kotzebue VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Kotzebue VORTAC 103° radial extending from the VORTAC to 43 miles east of the VORTAC; that airspace extending upward from 5,500 feet MSL within 5 miles each side of the Kotzebue VORTAC 103° radial extending from a point 43 miles east of the VORTAC to 59 miles east, and that airspace extending upward from 7,500 feet MSL within 5 miles each side of the Kotzebue 103° radial at 59 miles east of the VORTAC widening to 8.5 miles each side of the 103° radial at 111 miles east of the Kotzebue VORTAC.

**Kwajalein Island, Marshall Islands**

That airspace extending upward from 700 feet above the surface within a 12-nmi radius of the Kwajalein TACAN; and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Kwajalein TACAN. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The date and time will thereafter be continuously published in the Pacific Chart Supplement.

**Lacon, Illinois**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marshall County Airport (latitude 41°01'12" N., longitude 89°23'08" W.); and within 2 miles each side of the Bradford VORTAC 133° radial extending from the 5-mile radius area to 6.5 miles northwest of the airport.

**Laconia, N. H.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 43° 34'25"N., 71°25'22" W., of Laconia Municipal Airport, Laconia, New Hampshire; and within 6.5 miles northwest and 4.5 miles southeast of the 247° bearing and the 067° bearing from the Belmont NDB, 43°32'09" N., 71°32' 03" W., extending from 11.5 miles southwest of the NDB to 5.5 miles northeast of the NDB.

**La Crosse, Wis.**

That airspace extending upward from 700 feet above the surface within a 19-mile radius of the La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.).

**Lafayette, Ind.**

That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Purdue University Airport (latitude 40°24'45" N., longitude 86°56'15" W.); within 2 miles each side of the 144° radial of the Lafayette VORTAC extending from the 7½-mile radius area to the Lafayette VORTAC; within a 5½-mile radius of Halmer Airport (latitude 40°23'40" N., longitude 86°48'25" W.).

**Lafayette, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lafayette Airport (latitude 30°12'00" N., longitude 91°59'40" W.); within 2 miles each side of the Lafayette ILS localizer north course extending from the OM to the 5-mile radius area; within 2 miles each side of the Lafayette ILS localizer south course extending from the 5-mile radius area to the 5-mile radius area of the Abbeville Municipal Airport (latitude 29°58'19" N., longitude 92°05'06" W.); within 2 miles each side of the Lafayette VORTAC 171° radial extending from the 5-mile radius area of the Lafayette Airport to 8 miles south of the VORTAC; within 2 miles each side of the 276° bearing from the Lafayette RBN (latitude 30°11'35" N., longitude 91°52'58" W.) extending from the RBN to the 5-mile radius area; within 2 miles each side of the Lafayette VORTAC 206° radial extending from the VORTAC to the 5-mile radius area of the Abbeville Airport; within a 5-mile radius of Acadiana Regional Airport (latitude 30°02'15" N., longitude 91°53'00" W.); within 2 miles each side of the Lafayette VORTAC 139° radial extending from the 5-mile radius area of Lafayette Airport to the 5-mile radius area of Acadiana Regional Airport; within 3 miles each side of the Lafayette VORTAC 145° radial extending from the 5-mile radius area of Acadiana to 17.5 miles from the Lafayette VORTAC; within 3 miles either side of the 348° and 168° bearings from the Acadiana NDB (latitude 29°57'21" N., longitude 91°51'45" W.) extending from the 5-mile radius area of the Acadiana Regional Airport to 8 miles south of the Acadiana Regional Airport.

**La Grande, Oregon**

That airspace extending upward from 700 feet above the surface bounded on the north by a line beginning at latitude 45°39'N., longitude 118°02' W., extending eastwardly to latitude 45°37' N., longitude 117°44'30" W., on the east by a line extending to latitude 45°15'30" N., longitude 117°49' W., on the south by a line extending to latitude 45°17'30" N., longitude 118°07' W., on the west by line extending to point of beginning.

**La Grange, Ga.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Callaway Airport (lat. 33°00'30" N., long. 85°04'20" W.); within 1.5 miles each side of La Grange VORTAC 110° radial, extending from the 6-mile radius area to the VORTAC.

**La Grange, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Rocky Creek Ranch Airport (latitude 29°55'30" N., longitude 96°48'12" W.) and within 2 miles each side of the Industry VOR 262° radial extending from the 5-mile radius area to the VOR.



**La Junta, Colo.**

That airspace extending upward from 700 feet above the surface bounded on the north by the south edge of V-244, on the south by a line 9.5 miles south of and parallel to the 091° and 271° bearings from the La Junta, Colo., RBN (latitude 38°02'54" N., longitude 103°37'14" W.), extending from 12 miles east to 18.5 miles west of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-244, on the east by the west boundary of the 700-foot portion of the transition area, on the south by the north edge of V-210, on the southwest by the northeast edge of V-81, excluding the airspace within the Pueblo, Colo., transition area.

**Lake Charles, La.**

That airspace extending upward from 700 feet above the surface within a 4-mile radius of East Lake Charles Airport (latitude 30°13'25" N., longitude 93°08'55" W.), within 2 miles each side of the Lake Charles VORTAC 339° radial extending from the 4-mile radius area to the VORTAC, and within 2 miles each side of the Lake Charles ILS localizer NW course extending from the OM to 8 miles NW of the OM.

**Lake City, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Lake City Municipal Airport (lat. 30°10'45" N., long. 82°34'45" W.).

**Lake Geneva, Wis.**

That airspace extending upward from 700 feet above the surface within an 8-statute mile radius of the Playboy Airport (latitude 42°36'53" N., longitude 88°23'27" W.).

**Lake Havasu, Ariz.**

That airspace extending upward from 700 feet above the surface within 7 miles east and 5.5 miles west of the Needles, Calif., VORTAC 163° radial, extending from 17 to 27 miles south of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within 7 miles east and 5.5 miles west of the Needles VORTAC 163° radial extending from the VORTAC to 17 miles south of the VORTAC.

**Lake Jackson, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brazoria County Airport (latitude 29°02'15" N., longitude 95°27'20" W.); within 2 miles each side of the Lake Jackson VOR 343° radial extending from the 5-mile radius area to 8 miles NW of the VOR, and within 2 miles each side of the Lake Jackson VOR 158° radial extending from the 5-mile radius area to 8 miles SE of the VOR.

**Lakeland, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lakeland Municipal Airport (lat. 27°59'15" N., long. 82°00'55" W.); within a 7-mile radius of Bartow Municipal Airport (lat. 27°57'00" N., long. 81°47'00" W.); within a 5-mile radius of Plant City Municipal Airport (lat. 28°00'00" N., long. 82°09'40" W.); within a 6.5-mile radius of Winter Haven's Gilbert Airport (lat. 28°03'40" N., long. 81°45'15" W.); within 2.5 miles each side of Lakeland VORTAC 071° radial, extending from the 6.5-mile radius area to the Lakeland Municipal Airport 8.5-mile radius area.

**Lake Providence, La.**

That airspace extending upward from 700 feet above the surface within a 5-statute mile radius of Byerley Airport, Lake Providence, La. (latitude 32°49'45" N., longitude 91°11'00" W.); and within 3.5 miles each side of the 008° bearing from the Lake Providence NDB (latitude 32°49'50" N., longitude 91°11'24" W.), extending from the 5-mile radius area to 11.5-statute miles north of the NDB.

**Lakeview, Oreg.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lake County-Lakeview Airport (latitude 42°09'35" N., longitude 120°24'15" W.), and within 2 miles each side of the 180° bearing from the Lakeview RBN (latitude 42°09'15" N., longitude 120°24'18" W.), extending from the RBN to 8 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9 miles west of the 180° and 360° bearings from the Lakeview RBN extending from 5 miles north to 18 miles south of the RBN.

**Lake Village, Ark.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lake Village Airport (lat. 33°20'42" N., long. 91°18'57" W.).

**Lamar, Colo.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Lamar Airport (latitude 38°04'10" N., longitude 102°41'25" W.) and within 3.5 miles each side of the Lamar VOR 001° radial, extending from the 6-mile radius area to 10 miles north of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9.5 miles west of the Lamar 001° and 181° radials extending from 18.5 miles north to 8 miles south of the VOR.

**Lamesa, Tex.**

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Lamesa, Tex., Municipal Airport (lat. 32°45'00" N., long. 101°55'00" W.).

**Lampasas, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lampasas Airport (latitude 31°06'27" N., longitude 98°11'45" W.).

**Lanai, Hawaii**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lanai Airport (latitude 20°47'30" N., longitude 156°57'00" W.).

**Lancaster, Pa.**

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center, 40°07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa.; within 3 miles each side of the Lancaster VORTAC 260° radial, extending from the 7.5-mile radius area to 8.5 miles west of the VORTAC; within 9.5 miles northeast and 4.5 miles southwest of the Lancaster VORTAC 128° radial, extending from the VORTAC to 18.5 miles southeast of the VORTAC; within 3.5 miles each side of the Lancaster Airport ILS southwest localizer course, extending from the 7.5-mile radius area to 10.5 miles southwest of the OM; within 5 miles each side of the Lancaster VORTAC 055° radial, extending from the 7.5-mile radius area to 16.5 miles northeast of the VORTAC.

**Lancaster, S.C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lancaster County Airport (lat. 34°43'22" N., long. 80°51'18" W.); within 3 miles each side of the 063° bearing from the Lancaster RBN (lat. 34°43'10" N., long. 80°51'24" W.), extending from the 6.5-mile radius areas to 8.5 miles northeast of the RBN.

**Land O'Lakes, Wis.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of King's Land O'Lakes Municipal Airport (latitude 46°09'15" N., longitude 89°12'31" W.); and within 9½ miles southwest and 4½ miles northeast of the 312° and 132° bearings from the King's Land O'Lakes Municipal Airport extending from the 5-mile radius area to 18½ miles northwest of the airport to 6 miles southeast of the airport.

**Lansing, Ill.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Chicago-Hammond Airport (latitude 41°32'20" N., longitude 87°32'05" W.); and within 3½ miles each side of the 228° radial of the Chicago Heights, Ill. VORTAC extending from the 5½-mile radius area to 11½ miles southwest of the VORTAC excluding the airspace within the Chicago, Ill., and Griffith, Ind., transition areas.

**Lansing, Mich.**

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Capital City Airport (latitude 42°46'40" N., longitude 84°35'20" W.); within 3 miles each side of the Lansing ILS localizer east course, extending from the 8½-mile radius area to 14 miles east of the OM; and within 3 miles each side of the Lansing ILS localizer west course, extending from the 8½-mile radius area to 14 miles west of the OM.

**Lapeer, Mich.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Dupont-Lapeer Airport (latitude 43°04'10" N., longitude 83°16'15" W.); and within 2 miles each side of the Flint, Mich., VORTAC 074° radial extending from the 5-mile radius area to 18 miles east of the VORTAC.

**LaPorte, Ind.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the LaPorte Municipal Airport (latitude 41°34'21" N., longitude 86°44'02" W.); within 2 miles either side of the 165° bearing from the LaPorte Airport extending from the 5-mile radius area to 9 miles south of the airport, excluding that portion which overlies the Michigan City, Indiana, transition area.

**La Pryor, Tex. (Chaparrosa Ranch Airport)**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chaparrosa Ranch Airport (latitude 28°52'45" N., longitude 99°59'25" W.) and within 3.5 miles each side of a 330° bearing from the (Chaparrosa Ranch) RBN (latitude 28°54'35" N., longitude 100°00'19" W.) extending from the radio beacon to a point 11.5 miles northwest of the radio beacon.

**La Pryor, Tex. (La Paloma Ranch Airport)**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of La Paloma Ranch Airport (latitude 28°53'30" N., longitude 99°51'09" W.) and within 3.5 miles each side of the 002° bearing from the La Pryor, Tex., NDB (latitude 28°55'47" N., longitude 99°51'16" W.) extending from the 5-mile radius area to 11.5 miles north of the La Pryor, Tex., NDB.



**Laramie, Wyo.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Brees Field, Laramie, Wyoming (lat. 41°18'50" N., long. 105°40'25" W.); within 5.5 miles south and 9.5 miles north of the Laramie, Wyoming VORTAC 301° radial extending from the 9-mile radius area to 18.5 miles northwest of the VORTAC and within 5 miles each side of the Laramie VORTAC 126° radial extending from the 9-mile radius area to 21 miles southeast of the VORTAC.

**Laredo, Tex.**

That airspace extending upward from 700 feet above the surface within 5 miles each side of the Laredo VORTAC 328° radial extending from the Laredo VORTAC to 22.5 miles northwest; within 3.5 miles each side of the Laredo ILS localizer northwest course extending from the localizer site (latitude 27°36'12" N., longitude 99°30'50.2" W.) to 19 miles northwest; within 5 miles each side of the Laredo VORTAC 141° radial extending from the Laredo VORTAC to 12 miles southeast; within a 5-mile radius of the Link Ranch Airport (latitude 27°25'32" N., longitude 99°28'21" W.), excluding those portions outside the United States.

**Laredo, Tex. (Laredo Auxiliary No. 2 Airport)**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Laredo Auxiliary No. 2 Airport (latitude 27°28'00" N., longitude 99°13'45" W.) and within 2.5 miles each side of the Laredo, Tex., VORTAC 091° radial extending from the 5-mile radius area to 18.5 miles east of the VORTAC.

**Larned, Kans.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Larned, Kans., NDB, located at latitude 38°12'16" N., longitude 99°05'17" W., and within 3 miles either side of the 277° bearing from the NDB extending from the 5.5-mile radius to 8 miles west.

**Las Cruces, N. Mex.**

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Las Cruces Municipal Airport (lat. 32°17'27" N., long. 106°55'18" W.); and within 3.5 miles either side of the Las Cruces NDB (lat. 32°16'56" N., long. 106°55'23" W.) 180° bearing extending from the 10.5-mile radius areas to 12 miles south of the NDB.

**Las Vegas, Nev.**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 38°11'00" N., longitude 115°28'00" W., to latitude 36°11'00" N., longitude 115°11'00" W., to latitude 36°24'00" N., longitude 115°00'00" W., to latitude 36°18'00" N., longitude 114°51'00" W., to latitude 36°00'00" N., longitude 114°50'00" W., to latitude 35°52'00" N., longitude 115°11'00" W., to latitude 35°52'00" N., longitude 115°28'00" W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°16'00" N., longitude 116°08'00" W., to latitude 36°18'00" N., longitude 115°55'00" W., to latitude 36°58'00" N., longitude 115°55'00" W., to latitude 36°58'00" N., longitude 114°41'00" W., to latitude 36°58'00" N., longitude 114°07'00" W., to latitude 36°47'00" N., longitude 113°59'00" W., to latitude 36°44'00" N., longitude 114°05'00" W., to latitude 36°25'00" N., longitude 114°05'00" W., to latitude 36°19'00" N., longitude 114°14'00" W., to latitude 35°39'00" N., longitude 114°14'00" W., to latitude 35°39'00" N., longitude 114°57'00" W., to latitude 35°30'00" N., longitude 115°02'00" W., to latitude 35°00'00" N., longitude 115°02'00" W., to latitude 35°00'00" N., longitude 115°24'00" W., to latitude 35°14'00" N., longitude 115°24'00" W., to latitude 35°14'00" N., longitude 115°50'00" W., to latitude 35°36'00" N., longitude 115°50'00" W., to latitude 36°06'00" N., longitude 116°18'00" W., to latitude 36°13'00" N., longitude 116°18'00" W., thence to point of beginning; that airspace extending upward from 9,000 feet MSL beginning at latitude 36°47'00" N., longitude 113°59'00" W., thence clockwise via an arc of an 82-mile radius circle centered on Las Vegas, Nev., VORTAC to a line 5 miles north of and parallel to a direct line between the Grand Canyon, Arizona VOR and Boulder City, Nev., VORTAC, thence west along a line 5 miles north of and parallel to a direct line between the Grand Canyon VOR and the Boulder City VORTAC to longitude 114°14'00" W., to latitude 36°19'00" N., longitude 114°14'00" W., to latitude 36°25'00" N., longitude 114°05'00" W., to latitude 36°44'00" N., longitude 114°05'00" W., to point of beginning.

**Las Vegas, N. Mex.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Las Vegas Municipal Airport (lat. 35°39'20" N., long. 105°08'30" W.), and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 025° radial, extending beyond the 9-mile radius area to 11.5 miles northeast of the VORTAC; and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 220° radial, extending beyond the 9-mile radius area to 11.5 miles southwest of the VORTAC.

**Latrobe, Pa.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 40°16'39" N., long. 79°24'14" W., of Latrobe Airport, Latrobe, Pa.; within the arc of an 8.5-mile radius circle centered on Latrobe Airport, extending clockwise from a 270° bearing from the center of the airport to a 360° bearing from the center of the airport; within 2 miles each side of the 226° bearing from the Latrobe RBN lat. 40°22'32" N., long. 79°16'19" W., extending from the 5-mile radius area to the RBN; within 4 miles each side of the 046° bearing from the Latrobe RBN, extending from the RBN to 11.5 miles northeast of the RBN; within 5 miles each side of the 213° bearing from the Latrobe RBN, extending from the RBN to 3 miles southwest of the RBN; within 2 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile radius area to 17 miles southwest of the Latrobe RBN and within 3.5 miles each side of the Latrobe Airport localizer southwest course, extending from 17 miles southwest of the Latrobe RBN to 27 miles southwest of the RBN.

**Laurel, Miss.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hesler-Noble Field (lat. 31°40'10" N., long. 89°10'20" W.); within 3 miles each side of the 315° bearing from Tallahala RBN (lat. 31°41'16" N., long. 89°11'26" W.), extending from the 7-mile radius area to 8.5 miles northwest of the RBN; within 3 miles each side of Laurel VOR 325° radial, extending from the 7-mile radius area to 8.5 miles northwest of the VOR.  
AMENDMENTS 12/1/77 42 F. R. 54409 (Changed)

**Laurens, S. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Laurens Municipal Airport (lat. 34°30'15" N., long. 81°57'00" W.); within 3 miles each side of the 244° bearing from Laurens RBN (lat. 34°30'29" N., long. 81°57'00" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

**Laurinburg, N. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Laurinburg-Maxton Airport (latitude 34°47'25" N., longitude 79°21'55" W.); within 3 miles each side of Sandhills VORTAC 157° radial, extending from the 8.5-mile radius area to 20 miles southeast of the VORTAC; within 3 miles each side of the 226° bearing from Rocky Ford RBN (latitude 34°45'28" N., longitude 79°24'40" W.), extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN.  
AMENDMENTS 12/30/76 41 F. R. 49805 (Changed)

**Lawrence, Kans.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lawrence Municipal Airport (latitude 39°00'30" N., longitude 95°13'00" W.); within 2 miles each side of the Topeka, Kans., VORTAC 116° radial, extending from the 5-mile radius area to 13 miles southeast of the VORTAC; and within 3 miles each side of the 318° bearing from Lawrence Municipal Airport, extending from the 5-mile radius to 8 miles northwest of the airport.

**Lawrenceburg, Tenn.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceburg Municipal Airport (lat. 35°14'00" N., long. 87°15'30" W.); within 9.5 miles west and 4.5 miles east of the 349° bearing from the Lawrenceburg RBN (lat. 35°15'51" N., long. 87°15'56" W.), extending from the RBN to 18.5 miles north; excluding the portion within the Mount Pleasant transition area.

**Lawrenceville, Ga.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gwinnett County Airport (latitude 33°58'53" N., longitude 83°57'50" W.); within 1.5 miles each side of Norcross VORTAC 077° radial, extending from the 6-mile radius area to 3 miles east of the VORTAC.

**Lawrenceville, Va.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, lat. 36°46'20" N., long. 77°47'45" W. of Lawrenceville Municipal Airport, Lawrenceville, Va., and within 1.5 miles each side of the Lawrenceville VORTAC 117° radial, extending from the 5.5-mile radius area to the VORTAC.

**Lawton, Okla.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawton Municipal Airport (latitude 34°34'15" N., longitude 98°24'55" W.); within 8 miles W and 5 miles E of the Lawton VOR 357° and 177° radials, extending from 5 miles N to 7 miles S of the VOR; within 10 miles W and 5 miles E of the Lawton VOR 177° radial extending from 7 miles S to 17 miles S of the VOR and within 2 miles each side of the 180° bearing from the Fort Sill RBN extending from the 7-mile radius area to the RBN and excluding that portion within the confines of the Wichita Falls, Tex., transition area.

**Lebanon, Mo.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lebanon, Mo., airport located at latitude 37°38'56" N., longitude 92°39'06" W., and within 3 miles either side of the 177° bearing of the Lebanon Airport extending from 5 miles to 8.5 miles.

**Lebanon, N. H.**

That airspace extending upward from 700 feet above the surface, within an arc of a 23.5-mile radius circle centered on the Lebanon, NH., Regional Airport (lat. 43°37'41" N., long. 72°18'21" W.) extending clockwise between the 034° and 134° bearings from the Lebanon Airport; within an arc of an 18-mile radius circle centered on the Lebanon Airport extending clockwise between the 134° and 231° bearings from the Lebanon Airport; within an arc of a 23.5-mile radius circle centered on the Lebanon Airport extending clockwise between the 231° and 300° bearings from the Lebanon Airport; within an arc of a 19.5-mile radius circle centered on the Lebanon Airport extending clockwise between the 300° and 034° bearings from the Lebanon Airport.

That airspace extending upward from 1,200 feet above the surface bound by a line beginning at 43°11'00" N., 72°39'00" W., to 43°47'00" N., 72°39'00" W., to 43°55'00" N., 72°16'00" W., to 44°08'00" N., 72°18'00" W., to 44°06'00" N., 70°37'00" W., to 43°45'00" N., 71°09'00" W., to 43°35'00" N., 71°55'00" W., to 42°55'00" N., 72°00'00" W., to 43°05'00" N., 72°13'00" W., to the point of beginning, excluding those portions that coincide with the Whitefield, N. H., North Conway, N. H., and Burlington, Vt., 1200-foot transition areas.



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**Lee's Summit, Mo.**

That airspace extending upward from 700 feet above the surface within a 5 statute mile radius of the McComas Airport (lat. 38°57'50"N., long. 94°22'25"W.), excluding those portions which overlie the Grandview, Mo., and Grain Valley, Mo., 700-foot transition areas.

**Leeville, La.**

That airspace extending upward from 700 feet above the surface within 3.5 miles either side of the Leeville, La., VORTAC 275° radial extending from the VORTAC to 14 miles west of the VORTAC.

**LeMars, Iowa**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of LeMars Municipal Airport (latitude 42°46'36" N., longitude 96°11'37" W.); and within 3 miles each side of the 358° bearing from LeMars Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport.

**Lemoore, Calif.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the NAS Lemoore TACAN, and within 5 miles each side of a 156° bearing from the NAS Lemoore RBN extending from the 10-mile radius area to 13.0 miles southeast of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the E by a line extending from latitude 36° 46' 00" N., longitude 120° 03' 50" W., to latitude 36° 37' 00" N., longitude 119° 56' 00" W., to latitude 36° 37' 00" N., longitude 119° 44' 10" W., thence S along the W boundary of V-23 to longitude 119° 30' 00" W., thence to latitude 35° 43' 50" N., longitude 119° 30' 00" W., on the S by latitude 35° 43' 50" N., on the W by V-485 S of the Priest, Calif., VOR and V-113 N of the Priest VOR, and on the N by V-230.

**Leonardtown, Md.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 38°18'56"N., 76°33'06"W., of St. Marys County Airport, Leonardtown, Md., excluding that portion which coincides with the Patuxent River, Md., transition area.

**Lewisburg, W. Va.**

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center (lat. 37°51'35" N., long. 80°23'55" W.) of Greenbrier Valley Airport, Lewisburg, W. Va., extending clockwise from the 252° bearing to the 278° bearing from the airport; within a 15-mile radius of Greenbrier Valley Airport, extending clockwise from the 278° bearing to the 291° bearing from the airport; within a 16-mile radius of Greenbrier Valley Airport, extending clockwise from the 291° bearing to the 301° bearing from the airport; within a 21.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 301° bearing to the 332° bearing from the airport; within a 22.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 332° bearing to the 347° bearing from the airport; within a 23.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 347° bearing to the 357° bearing from the airport; within a 17-mile radius of Greenbrier Valley Airport, extending clockwise from the 357° bearing to the 030° bearing from the airport; within an 18.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 030° bearing to the 086° bearing from the airport; within a 15-mile radius of Greenbrier Valley Airport, extending clockwise from the 086° bearing to the 143° bearing from the airport; within a 17-mile radius of Greenbrier Valley Airport, extending clockwise from the 143° bearing to the 192° bearing from the airport; within a 14-mile radius of Greenbrier Valley Airport, extending clockwise from the 192° bearing to the 252° bearing from the airport; within 6.5 miles west and 4.5 miles east of a 216° bearing from the BUSHI LOM extending from the LOM to a point 11.5 miles southwest and within 3 miles each side of the White Sulphur Springs, W. Va., VOR 115° radial, extending from the VOR to 8.5 miles southeast.

AMENDMENTS 10/6/77 42 F. R. 48873 (Changed)

**Lewiston, Idaho**

That airspace extending upward from 700 feet above the surface within an area bound by a line beginning at lat. 46°27'25"N., long. 116°59'20"W., east to lat. 46°25'15"N., long. 116°35'10"W., south to lat. 46°15'00"N., long. 116°38'00"W., west to lat. 46°18'05"N., long. 117°00'00"W., thence via the arc of a 5-mile radius circle centered on Lewiston-Nez Perce County Airport (lat. 46°22'29"N., long. 117°00'51"W.) to lat. 46°26'58"N., long. 117°00'00"W., to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the east by W. long. 116°, bounded on the south by N. lat. 46°, bounded on the west by the arc of a 19-mile radius circle centered on the Walla Walla VOR (lat. 46°06'13"N., long. 118°17'29"W.) and bounded on the north by V-536.

AMENDMENTS 12/30/76 41 F.R. 48514 (Rewritten)

AMENDMENTS 10/6/77 42 F. R. 39378 (Rewritten)

**Lewistown, Mont.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Lewistown, Mont., Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.) and within 4 miles each side of the Lewistown VORTAC 289° radial, extending from the 7-mile radius area to 10.5 miles west of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 4.5 miles north and 9.5 miles south of the Lewistown VORTAC 289° radial, extending from the VORTAC to 18.5 miles west of the VORTAC, and within 5 miles north and 8 miles south of the Lewistown VORTAC 109° radial, extending from the VORTAC to 7 miles east of the VORTAC.

**Lexington, Ky.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Blue Grass Airport (lat. 38°02'16" N., long. 84°36'16" W.); within 3 miles each side of the ILS localizer northeast course, extending from the 8.5-mile radius area to 14 miles northeast of the runway end; within 9.5 miles northwest and 4.5 miles southeast of the ILS localizer southwest course, extending from the 8.5-mile radius area to 18.5 miles southwest of the OM.

**Lexington, Nebr.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lexington Municipal Airport (latitude 40°47'38" N., longitude 99°46'10" W.); and within 3 miles each side of the Lexington RBN 314° bearing, extending from the 5-mile radius area to 8 miles northwest of the RBN.

**Lexington, N.C.**

That airspace extending upwards from 700 feet above the surface within a 5.5-mile radius of Lexington Municipal Airport (lat. 35°46'47"N., long. 80°18'20"W.); within 3 miles each side of the 266° bearing from the Swearing RBN, (lat. 35°46'44"N., long. 80°18'03"W.), extending from the 5.5-mile radius area to 8.5 miles west of the RBN, excluding that portion that coincides with the Salisbury transition area.

AMENDMENTS 12/30/76 41 F.R. 40457 (Rewritten)

**Lexington, Tenn.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Franklin-Wilkins Airport (latitude 35°39'07" N., longitude 88°22'47" W.); within 3 miles each side of the Jacks Creek VORTAC 165° radial, extending from the 8-mile radius area to 8.5 miles southeast of the VORTAC.

**Liberal, Kans.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Liberal Municipal Airport (latitude 37°02'35" N., longitude 100°57'45" W.).

**Liberty, N. C.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Causey Airport (lat. 35°54'50" N., long. 79°37'03" W.); within 2 miles each side of Liberty VOR 358° radial, extending from the 5-mile radius area to the VOR.

**Liberty, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Liberty Air Service Airport (latitude 30°04'30" N., longitude 94°41'50" W.); and within 2 miles each side of Daisetta VOR 203° radial extending from the 5-mile radius area to the VOR.

**Lihue, Hawaii**

That airspace extending upward from 700 feet above the surface within the arc of an 8.5-mile radius circle centered on the Lihue Airport (latitude 21°58'55" N., longitude 159°20'40" W.), extending clockwise from a line 2 miles west of and parallel to the Lihue VORTAC 021° radial to a line 2 miles northeast of and parallel to the Lihue VORTAC 130° radial and within 2 miles each side of the Lihue VORTAC 130° radial, extending from 9 miles southeast to 10.5 miles southeast of the Lihue VORTAC.

AMENDMENTS 10/6/77 42 F. R. 42193 (Changed)

**Lima, Ohio**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Allen County Airport (latitude 40°42'26" N., longitude 84°01'36" W.); within 3 miles each side of the Allen County VOR 090° radial extending from the 6.5-mile radius to 8.5 miles east of the VOR.

**Lincoln, Ill.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Logan County Airport (latitude 40°09'38" N., longitude 89°20'07" W.); within 2½ miles each side of the Capitol, Illinois, VORTAC 040° radial extending from the 5-mile radius area to 17 miles northeast of the VORTAC; within 3 miles each side of the 047° bearing from the airport extending from the 5-mile radius area to 8 miles northeast of the airport.

**Lincoln, Nebr.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lincoln Municipal Airport (latitude 40°50'45" N., longitude 96°45'20" W.); within the area bounded by a line 5 miles west of and parallel to the Lincoln ILS localizer south course clockwise along a 17-mile arc centered on the Lincoln Municipal Airport to a line 2 miles east of and parallel to the Lincoln VORTAC 015° radial; and within 5 miles west and 9 miles east of the Lincoln ILS localizer south course, extending from the 9-mile radius area to 13 miles south of the OM.



**Linden, N. J.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center Lat. 40°37'04"N., Long. 74°14'42"W. of Linden, N. J., Airport.

**Litchfield, Ill.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Litchfield Municipal Airport (latitude 39°09'54"N., longitude 89°40'22"W.); and within 3 miles each side of the 079° bearing from the airport, extending from the 5-mile radius area to 8 miles east of the airport.

**Litchfield, Minn.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Litchfield Municipal Airport (latitude 45°08'18" N., longitude 94°30'56" W.); and within 3½ miles each side of the Darwin VORTAC 139° radial, extending from the 6-mile radius to 11½ miles southeast of the VORTAC.

**Little Falls, Minn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Little Falls Municipal Airport (latitude 45°56'56" N., longitude 94°20'44" W.); within 3 miles each side of the 141° bearing from the airport, extending from the 5-mile radius to 8 miles southeast of the airport, excluding that portion which overlies the Camp Ripley, Minnesota, transition area.

**Little Rock, Ark.**

That airspace extending upward from 700 feet above the surface bounded by a 23-mile radius of Little Rock AFB, Ark. (latitude 34°55'00" N., longitude 92°09'00" W.), and clockwise along a 23 mile arc of Adams Field Airport, Little Rock, Ark. (latitude 34°43'48" N., longitude 92°13'59" W.), to latitude 34°26'50" N., longitude 92°26'00" W., to latitude 34°26'00" N., longitude 92°30'00" W., to latitude 34°28'00" N., longitude 92°38'00" W., thence clockwise along the arc of a 6.5-mile-radius circle centered at latitude 34°33'30" N., longitude 92°36'30" W., to latitude 34°39'30" N., longitude 92°37'50" W., thence clockwise along a 23-mile radius of Adams Field Airport.

**Livermore, Calif.**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 37°44'00" N., longitude 121°52'00" W., to latitude 37°48'15" N., longitude 121°40'00" W., to latitude 37°41'30" W., longitude 121°34'00" W., to latitude 37°38'00" N., longitude 121°52'00" W., thence to point of beginning.

**Livingston, Mont.**

That airspace extending upward from 700 feet above the surface within 9.5 miles west and 4.5 miles east of the Livingston VORTAC 340° radial extending from the VORTAC to 18.5 miles north of the VORTAC and within 2.5 miles each side of the Livingston 085° radial, extending from a 5-mile radius circle centered on Mission Field Airport, Livingston, Mont. (latitude 45°41'45" N., longitude 110°26'40" W.) to 9 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles south and 9.5 miles north of the Livingston VORTAC 085° and 265° radials, extending from 7 miles west to 21 miles east of the VORTAC.

**Llano, TX.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Llano Municipal Airport (latitude 30°46'30" N., longitude 98°39'30" W.) and within 2 miles each side of the Llano VORTAC 100° radial (091° magnetic radial) extending from the 5-mile radius area to the Llano VORTAC.

**Lodi, Calif.**

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Linds Airport, Calif. (latitude 38°12'11" N., longitude 121°16'03" W.) and within 2.5 miles each side of the Linden, Calif., VORTAC 303° radial extending from the 3-mile-radius area to 10.5 miles northwest of the VORTAC.

**Logan, Utah**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Logan-Cache Airport (lat. 41°47'09" N., long. 111°50'53" W.) and within 4.5 miles east and 9.5 miles west of the Logan VOR 352° radial, extending from the Logan VOR to 11 miles north of the Logan VOR; that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-4, on the east by longitude 111°40'30" W., on the south by the north edge of V-288, on the west by the east edge of V-21; and that airspace extending upward from 10,500 feet MSL bounded on the northeast by the southwest edge of V-4S, on the west by longitude 111°40'30" W., and on the south by the north edge of V-288.

**Lompoc, Calif.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lompoc Airport (latitude 34°39'58"N., longitude 120°27'56"W.) and within 5 miles each side of the Gaviota VORTAC 293° radial, extending from the 5-mile radius area to 16 miles west of the Gaviota VORTAC. That airspace within R-2516 is excluded.

**London, Ky.**

That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of London-Corbin Airport, Magee Field (lat. 37°05'15" N., long. 84°04'38" W.); within 4.5 miles each side of London VORTAC 202° radial, extending from the 12.5-mile radius area to 10 miles south of the VORTAC.

**Lone Rock, Wis.**

That airspace extending upward from 700' above the surface within an 8.5-mile radius of the Tri-County Airport (latitude 43°12'36" N.; longitude 90°11'06" W.); within a 10-mile radius of the Richland Airport (latitude 43°16'55" N.; longitude 90°16'52" W.).

AMENDMENTS 2/24/77 41 F. R. 52048 (Rewritten)

**Lone Star, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lone Star Airport (latitude 32°55'40" N., longitude 94°44'50" W.); and within 2 miles each side of the 316° bearing from the Lone Star RBN, extending from the 5-mile radius area to 8 miles NW of the RBN.

**Longview, Tex.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County ILS localizer NW course, extending from the 6-mile radius area to 8 miles NW of the OM, within 2 miles each side of the Gregg County ILS localizer SE course, extending from the 6-mile radius area to 14 miles SE of the airport, within 2 miles each side of the Gregg County VORTAC 149° radial extending from the 6-mile radius area to 17.5 miles southeast of the VORTAC, and within 2 miles each side of the Gregg County VORTAC 313° radial extending from the 6-mile radius area to 8 miles NW of the VORTAC.

**Los Angeles, Calif.**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°05'00" N., longitude 118°33'00" W.; to latitude 34°05'00" N., longitude 118°15'00" W.; to latitude 34°00'00" N., longitude 118°15'00" W.; to latitude 34°00'00" N., longitude 118°07'00" W.; to latitude 33°56'00" N., longitude 118°07'00" W.; to latitude 33°56'00" N., longitude 117°53'00" W.; to latitude 33°46'00" N., longitude 117°45'00" W.; to latitude 33°39'00" N., longitude 117°30'00" W.; to latitude 33°30'00" N., longitude 117°30'00" W.; to latitude 33°30'00" N., longitude 117°45'00" W.; to latitude 33°42'00" N., longitude 118°09'00" W., to latitude 33°42'00" N., longitude 118°26'00" W., to latitude 33°48'00" N., longitude 118°26'00" W., to latitude 33°53'00" N., longitude 118°33'00" W., thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°00'00" N., longitude 119°05'00" W.; to latitude 34°00'00" N., longitude 118°33'00" W.; to latitude 33°53'00" N., longitude 118°33'00" W.; to latitude 33°45'00" N., longitude 118°22'00" W.; to latitude 33°45'00" N., longitude 118°15'00" W.; to latitude 33°30'00" N., longitude 117°45'00" W.; to latitude 33°30'00" N., longitude 118°34'00" W.; to latitude 33°28'30" N., longitude 118°34'00" W.; to latitude 33°28'30" N., longitude 119°06'59" W.; thence to point of beginning.

**Los Banos, Calif.**

That airspace extending upward from 700 feet above the surface within a three-mile radius of Los Banos Municipal Airport (lat. 37°03'43"N., long. 120°52'05"W.) and within three miles each side of the Panoche VORTAC 348° radial, extending from the three-mile radius area to six miles south and six miles north of the airport.

AMENDMENTS 12/30/76 41 F. R. 50244 (Rewritten)

AMENDMENTS 8/11/77 42 F. R. 28114 (Rewritten)

**Louisiana**

That airspace extending upward from 1,200 feet above the surface bounded on the west, north, and east by the Louisiana/Texas, Arkansas/Louisiana, and Louisiana/Mississippi State lines and bounded on the south by a line beginning at latitude 30°07'20" N., longitude 88°51'00" W. (point of intersection of the Louisiana/Mississippi State line and longitude 88°51'00" W.), thence south to latitude 29°55'00" N., longitude 88°51'00" W., thence west to latitude 29°55'00" N., longitude 89°18'00" W., thence south to latitude 29°41'00" N., longitude 89°18'00" W., to latitude 29°33'00" N., longitude 89°16'00" W., thence southwest to latitude 29°28'35" N., longitude 89°23'50" W., thence southeast along the outer limits of the territorial waters of the United States to the north boundary of Control 1226, thence west along the north boundary of Control 1226 to latitude 29°13'30" N., longitude 89°51'00" W., thence southwest to latitude 28°57'00" N., longitude 90°01'00" W., thence west to latitude 28°59'00" N., longitude 90°15'00" W., thence northwest to latitude 29°11'00" N., longitude 90°25'00" W., thence north to latitude 29°15'00" N., longitude 90°25'00" W., thence west to latitude 29°15'00" N., longitude 91°05'00" W., thence north to latitude 29°25'00" N., longitude 91°05'00" W., thence west to latitude 29°25'00" N., longitude 91°27'30" W., thence northwest to latitude 29°33'00" N., longitude 91°35'30" W., thence west via latitude 29°33'00" N., to longitude 92°36'00" W., thence north to latitude 29°35'00" N., longitude 92°36'00" W., thence west via latitude 29°35'00" N., to and counterclockwise along the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., to the Louisiana/Texas State line.



**Louisville, Ky.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Standiford Field (lat. 38°10'33" N., long. 85°44'12" W.); within 3 miles each side of the ILS localizer north course, extending from the 11-mile radius area to 8.5 miles north of Louisville VOR 328° radial; within 3 miles each side of the ILS localizer east course, extending from the 11-mile radius area to 8.5 miles east of the LOM; within 9.5 miles west and 4.5 miles east of the ILS localizer south course, extending from the 11-mile radius area to 18.5 miles south of the OM; within 3 miles each side of the ILS localizer west course, extending from the 11-mile radius area to 8.5 miles west of Nabb VOR 206° radial; within a 10-mile radius of Bowman Field (lat. 38°13'40" N., long. 85°39'47" W.); within an 8.5-mile radius of Godman AAF, Fort Knox (lat. 37°54'27" N., long. 85°58'21" W.).

**Louisville, Miss.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Louisville-Winston County Airport (lat. 33°08'35" N., long. 89°03'45" W.); within 3 miles each side of the 346° bearing from Louisville RBN (lat. 33°08'37" N., long. 89°03'39" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN.

**Lovelock, Nev.**

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lovelock VORTAC 068° and 248° radials, extending from 20 miles E to 7 miles W of the VORTAC, and within 7 miles NW and 10 miles SE of the Lovelock VORTAC 058° and 238° radials, extending from 20 miles SW to 7 miles NE of the VORTAC.

**Lubbock, Tex.**

That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 33°42'15" N., longitude 101°54'45" W.

**Lucin, Utah**

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lucin VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the airspace within Federal airways.

**Ludington, Mich.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mason County Airport (latitude 43°57'40" N., longitude 86°24'30" W.) and within 2 miles each side of the 055° bearing from the airport extending from the 5-mile radius area to 8 miles northeast of the airport.

**Lufkin, Tex.**

That airspace extending upward from 700 feet above the surface within 8 miles east and 5 miles west of the Lufkin VOR 157° radial, extending from the VOR to 12 miles southeast; within 5 miles each side of the Lufkin VOR 337° radial extending from the VOR to 11 miles northwest and within 2 miles each side of the 254° bearing from the Angelina County Airport (lat. 31°14'05" N., long. 94°45'00" W., extending to 6 miles west of the airport.

**Lumberton, N. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lumberton Municipal Airport (latitude 34°36'36" N., longitude 79°03'30" W.); within 3 miles each side of the 302° bearing from Lumberton RBN (latitude 34°36'48" N., longitude 79°03'36" W.), extending from the 8.5-mile radius area to 8.5 miles northwest of the RBN.

**Luray, Va.**

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center, 38°40' 01" N., 78°30'01" W., of Luray Caverns Airport, Luray, Va., extending clockwise from a 266° bearing to a 314° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 314° bearing to a 348° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 348° bearing to a 040° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 040° bearing to a 077° bearing from the airport; within a 19-mile radius of the center of the airport, extending clockwise from a 077° bearing to a 074° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 141° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 141° bearing to a 166° bearing from the airport; within a 20-mile radius of the center of the airport, extending clockwise from a 166° bearing to a 188° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 188° bearing to a 213° bearing from the airport; within a 20.5-mile radius of the center of the airport, extending clockwise from a 213° bearing to a 234° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 234° bearing to a 246° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 246° bearing to a 266° bearing from the airport.

**Lynchburg, VA.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center lat. 37° 19'37" N., long. 79°12'04" W. of Lynchburg Municipal-Preston Glenn Field, Lynchburg, VA.; within 3 miles each side of the Lynchburg, VA., VORTAC 201° radial, extending from the 9-mile radius area to 8.5 miles south of the VORTAC and within 3.5 miles each side of the Lynchburg, VA., VORTAC 023° radial extending from the 9-mile radius area to 24.5 miles northeast of the VORTAC.

**Lyndonville, Vt.**

That airspace extending upward from 700 feet above the surface within a 16.5-mile radius of the center (lat. 44°34'09"N., long. 72°01'09"W.) of the Caledonia County Airport, Lyndonville, Vt.

AMENDMENTS 8/11/77 42 F. R. 21608 (Added)

**Lyons, KS.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lyons Airport (latitude 38°20'30" N., longitude 98°13'45" W.) and 3 miles either side of the 350° bearing from the airport, extending from 5 miles to 8.5 miles north, and that airspace extending upward from 1,200 feet above the surface, 9.5 miles west of and 4.5 miles east of the 350° bearing from 1.5 miles south to 18.5 miles north of the airport, excluding that airspace that overlies the Hutchinson, KS., transition area.

**Mackall AAF, N. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Mackall AAF (lat. 35°02'13"N., long. 79°29'54"W.); excluding that portion that coincides with the Southern Pines, N. C., transition area.

**Mackinac Island, Mich.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mackinac Island Airport (latitude 45°51'55" N., longitude 84°38'20" W.).

**Macomb, Ill.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Macomb Municipal Airport (latitude 40°31'11" N., longitude 90°39'17" W.); and within 3 miles each side of the 084° bearing from Macomb Municipal Airport extending from the 6-mile radius area to 8 miles east of the airport.

**Macon, Ga.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Herbert Smart Airport (latitude 32°49'20" N., longitude 83°33'45" W.); within an 11-mile radius of Lewis B. Wilson Airport (latitude 32°41'35" N., longitude 83°38'50" W.); within a 14-mile radius of Robins AFB (latitude 32°38'30" N., longitude 83°35'30" W.); within 5 miles each side of Macon VORTAC 227° radial, extending from the 14-mile radius area to 10.5 miles southwest of the VORTAC; within 4 miles each side of Macon ILS localizer southwest course, extending from the 14-mile radius area to 14 miles southwest of the LOM; within a 5.5-mile radius of Perry-Fort Valley Airport (lat. 32°30'33" N., long. 83°45'50" W.); within 5 miles each side of Vienna VORTAC 323° radial, extending from the 5.5-mile radius area to 16 miles northwest of the VORTAC.

**Madera, Calif.**

That airspace extending upward from 700 feet above the surface within a 4.5-mile radius of Madera Municipal Airport (lat. 36°59'15"N., long. 120°06'40"W.); and within 4.5 miles each side of the Fresno VORTAC 291° radial, extending from the 4.5-mile radius area to 7 miles west of the VORTAC.

AMENDMENTS 9/8/77 42 F. R. 37360 (Added)

**Madison, Conn.**

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the center (lat. 41°16'17"N., long. 72°32'58"W.) of the Griswold Airport; within a 7-mile radius of the center of the airport extending clockwise from the 248° bearing to the 102° bearing.

**Madison, Ga.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Madison Municipal Airport (lat. 33°36'46" N., long. 83°27'41" W.).

**Madison, Ind.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Madison Municipal Airport (latitude 38°45'38" N., longitude 85°27'41" W.); within 3 miles each side of the 217° bearing from Madison Municipal Airport, extending from 5½-mile radius area to 8 miles southwest of the airport, excluding the portion which overlies Restricted Area R-3403.

**Madison, S. Dak.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Madison Municipal Airport (latitude 44°00'54" N., longitude 97°04'45" W.); within 3 miles each side of the 346° bearing from the Madison Municipal Airport, extending from the 5-mile radius to 8½ miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5½ miles east and 9½ miles west of the 346° and 166° bearings from the Madison Municipal Airport; extending from 7 miles south of the airport to 18½ miles north of the airport.



**Madison, Wis.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Traux Airport (latitude 42°08'15" N., longitude 89°20'10" W.); within 3 miles each side of the 181° bearing from the airport extending from the 11-mile radius area to 16 miles south of the airport; within 3 miles each side of the 315° bearing from the airport extending from the 11-mile radius area to 15.5 miles NW of the airport; within 3 miles each side of the 001° bearing from the airport extending from the 11-mile radius area to 17 miles N of the airport; within 3.5 miles each side of the 135° bearing from the airport extending from the 11-mile radius area to 17.5 miles SE of the airport; and within a 7-mile radius of the Morey Airport (latitude 42°07'00" N., longitude 89°32'00" W.); within 3 miles each side of the 305° bearing from the airport extending from the 7-mile radius area to 8 miles NW of the airport.

**Madisonville, Ky.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Madisonville Municipal Airport (lat. 37°21'00" N., long. 87°24'00" W.); within 1.5 miles each side of Central City VOR 257° radial, extending from the 5.5-mile radius area to the VOR.

**Magnolia, Ark.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Magnolia Municipal Airport (latitude 33°13'45" N., longitude 93°13'00" W.); within 3.5 miles each side of the 171° bearing from the NDB (latitude 33°13'40" N., longitude 93°13'07" W.) extending from the 8.5-mile radius area to 12 miles south of the NDB.

**Malad City, Idaho**

That airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Malad City VORTAC 165° and 345° radials, extending from 18 miles S to 8 miles N of the VORTAC, and within 5 miles N and 8 miles S of the Malad City VORTAC 290° radial, extending from the VORTAC to 12 miles W of the VORTAC.

**Malden, Mo.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Malden Municipal Airport (latitude 36°36'20" N., longitude 89°59'20" W.), and within 3 miles each side of the Malden VOR 120° radial, extending from the 6½-mile radius area to 8 miles southeast of the VOR.

**Malvern, Ark.**

That airspace extending upward from 700 feet above the surface within a 5-statute mile radius of Malvern Municipal Airport, Malvern, Ark. (latitude 34°19'57" N., longitude 92°45'45" W.); and within 3.5 statute miles each side of an 046° bearing from the Malvern NDB (latitude 34°19'56" N., longitude 92°45'50" W.), extending from the 5-mile radius area to 11.5 statute miles northeast of the NDB; excluding that portion which overlies the Little Rock, Ark., transition area.

**Manahawkin, N. J.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center 39°42'00" N., 74°16'36" W. of Manahawkin Airport, Manahawkin, N. J.  
AMENDMENTS 2/24/77 41 F. R. 54165 (Added)

**Manhattan, Kans.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Manhattan Airport (latitude 39°08'35" N., longitude 96°40'05" W.), within 2 miles each side of the Manhattan VOR 046° radial extending from the 7-mile radius area to 8 miles NE of the VOR; within 2 miles NE and 3 miles SW of the 127° bearing from the McDowell Creek RBN, extending from the RBN to 10 miles SE; within 6 miles S and 9 miles N of the Fort Riley VOR 059° radial extending from the VOR to 21 miles NE; within 2 miles each side of the Fort Riley VOR 222° radial extending from the VOR to 8 miles SW.

**Manila, Ark.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Manila Municipal Airport (latitude 35°53'25" N., longitude 90°09'20" W.); and within 2 miles each side of the 175° bearing from the Manila RBN (latitude 35°53'25" N., longitude 90°09'20" W.), extending from the 5-mile radius area to 8 miles south of the RBN.

**Manistee, Mich.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Manistee-Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 5 miles north and 8 miles south of the Manistee VOR 274° radial, extending from 9-mile radius area to 16 miles west of the VOR; and within 5 miles south and 8 miles north of the Manistee VOR 099° radial, extending from the 9-mile radius area to 12 miles east of the VOR.

**Manistique, Mich.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Schoolcraft County Airport (latitude 45°58'25" N., longitude 86°10'35" W.); and within 2 miles each side of the 099° bearing from Schoolcraft County Airport, extending from the 5-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles south and 8 miles north of the 099° bearing from Schoolcraft County Airport, extending from the airport to 12 miles east of the airport.

**Manitowoc, Wis.**

That airspace extending upward from 700 feet above the surface within 8 miles west and 5 miles east of the Manitowoc VOR 343° and 163° radials extending from 2 miles south to 13 miles north of the VOR, and within 8 miles west and 5 miles east of the Manitowoc VOR 176° radial extending from the VOR to 12 miles south of the VOR.

**Mankato, Minn.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mankato Municipal Airport (lat. 44°13'25" N., long. 93°55'06" W.).

**Manning, S. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Clarendon County Airport (latitude 33°35'13" N., longitude 80°12'32" W.); within 3 miles each side of the 197° bearing from Manning, S. C., RBN (latitude 33°35'23" N., longitude 80°12'23" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN; within a 1.5-mile radius of the Grayson (private) Airport (latitude 33°36'48" N., longitude 80°20'17" W.); and within 2 miles each side of the Vance VOR 061° radial, extending from the 6.5-mile radius area to the VOR.

**Mansfield, La.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of DeSoto Parish Airport (latitude 32°04'20" N., longitude 93°45'47" W.).

**Mansfield, Mass.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°00'05" N., 71°11'55" W., of the Mansfield Municipal Airport, Mansfield, Mass., and within 2 miles each side of the Whitman, Mass., VOR 249° radial extending from the 5-mile radius area to the VOR, excluding that portion that coincides with the Boston, Mass., transition area.

**Mansfield, Ohio**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mansfield-Lahn Municipal Airport (lat. 40°49'17" N., long. 82°31'00" W.); within a 5-mile radius of Galion Municipal Airport (lat. 40°45'15" N., long. 82°43'30" W.); within a 5-mile radius of Shelby Community Airport (lat. 40°52'23" N., long. 82°41'48" W.); within a 7.5-mile radius of Willard Airport (lat. 41°02'23" N., long. 82°43'38" W.); within 7 miles each side of the Mansfield, Ohio, VORTAC 307° radial extending from the 9-mile radius area to 17 miles NW of the VORTAC; and within 5 miles each side of the Mansfield VORTAC 130° radial extending from the 9-mile radius area to 22 miles SE of the VORTAC.

**Manteo, N. C.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Manteo Airport (lat. 35°55'07" N., long. 75°41'43" W.); within 3 miles each side of the 343° bearing from the Manteo RBN (lat. 35°54'56" N., long. 75°41'42" W.), extending from the 5-mile radius area to 8.5 miles north of the RBN.

**Many, La.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Hart Airport (latitude 31°32'43" N., longitude 93°29'15" W.) and within 3.5 miles each side of the 300° bearing from the NDB (latitude 31°34'16" N., longitude 93°32'29" W.) extending from the 8.5-mile radius area to a point 12 miles west of the NDB.

**Maples, Mo.**

That airspace extending upward from 1,200 feet above the surface within 8 miles SE and 5 miles NW of the Maples VOR 057° and 237° radials, extending from 7 miles NE to 13 miles SW of the VOR, excluding that portion within the Fort Leonard Wood, Mo., transition area.

**Mapleton, Iowa**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mapleton, Iowa, Municipal Airport (lat. 42°10'36" N., long. 95°47'42" W.); and within 3½ miles each side of the 035° bearing from Mapleton Municipal Airport, extending from the 5-mile radius area to 11½ miles northeast of the airport.

**Maquoketa, Iowa**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Maquoketa Airport (latitude 42°03'00" N., longitude 90°45'00" W.); and that airspace three miles each side of the 343° bearing from the Maquoketa NDB (latitude 42°03'05" N., longitude 90°44'27" W.); extending from the 7-mile radius area to 8.5 miles northwest of the NDB.

**Marathon, Fla.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Marathon Flight Strip (lat. 24°43'33" N., long. 81°03'05" W.); within 3 miles each side of the 251° bearing from the Marathon RBN, extending from the 6.5-mile radius area to 8.5 miles west of the RBN; excluding the portion outside the continental limits of the United States.  
AMENDMENTS 8/11/77 42 F. R. 38901 (Added)



Marble Falls, Tex.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Horsehoe Bay Airport (latitude 30°31'27" N., longitude 98°21'45" W.), and within 3.5 miles each side of the 012° bearing extending from the 5-mile radius area to 11.5 miles north of the NDB site at latitude 30°31'27" N., longitude 98°21'45" W.

Marco Island, Fla.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Marco Island Airport (lat. 25°59'46"N., long. 81°40'22"W.); within 3 miles each side of the 164° bearing from the Marco Island RBN (lat. 26°00'01"N., long. 81°40'30"W.); extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

AMENDMENTS 10/6/77 42 F. R. 43970 (Added)

Marfa, Tex.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marfa Municipal Airport (latitude 30°22'15" N., longitude 104°01'15" W.) and within 5 miles NE and 8 miles SW of the Marfa VOR 324° and 144° radials extending from 5 miles NW to 14 miles SE of the VOR.

**Marianna, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Marianna Municipal Airport (lat. 30°50'08"N., long. 85°11'02"W.); within 4.5 miles northeast and 6.5 miles southwest of the Marianna VORTAC 133° radial, extending from the 8.5-mile radius area to 11.5 miles southeast of the VORTAC.

AMENDMENTS 8/11/77 42 F. R. 28114 (Changed)

Marion, Ill.

That airspace extending upward from 700 feet above the surface, bounded by a line beginning at latitude 37°53'40" N., longitude 88°48'35" W., thence west to latitude 37°56'25" N., longitude 89°02'40" W., thence west to latitude 37°58'45" N., longitude 89°20'25" W., thence south to latitude 37°47'25" N., longitude 89°28'00" W., thence south to latitude 37°42'10" N., longitude 89°24'00" W., thence southeast to latitude 37°32'50" N., longitude 88°59'00" W., thence northeast to latitude 37°42'35" N., longitude 88°52'15" W., thence north to the point of beginning.

Marion, Ind.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marion Municipal Airport, Marion, Indiana (latitude 40°29'27" N., longitude 85°40'43" W.); and within 3 miles each side of the Marion VOR 042°, 211° and 320° radials, extending from the 5-mile radius to 8 miles northeast, southwest and northwest of the VOR.

## Marion, Ohio

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Marion Municipal Airport (latitude 40°36'58" N., longitude 83°03'51" W.); within 3 miles each side of the 067° bearing from the airport extending from the 6.5-mile radius area to 8.5 miles northeast of the airport; and within 3 miles each side of the 327° bearing from the airport extending from the 6.5-mile radius area to 8.5 miles northwest of the airport.

Marion, S. C.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marion County Airport (latitude 34°11'00" N., longitude 79°20'00" W.); within 2 miles each side of the Florence VORTAC 101° radial, extending from the 6-mile radius area to the Florence VORTAC; within 3 miles each side of the 211° bearing from Marion RBN (lat. 34°11'06" N., long. 79°20'00" W.), extending from the 6-mile radius area to 8.5 miles southwest of the RBN; excluding the portion within Florence transition area.

Marion, Va.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 36°53'45"W., 81°20'45"W., of Mountain Empire Airport, Marion, Va.; within a 16-mile radius of the center of the airport, extending clockwise from a 123° bearing to a 145° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 145° bearing to a 175° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 175° bearing to a 192° bearing from the airport; within a 22-mile radius of the center of the airport, extending clockwise from a 192° bearing to a 207° bearing from the airport; within a 24.5-mile radius of the center of the airport, extending clockwise from a 207° bearing to a 225° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 225° bearing to a 320° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 320° bearing to a 336° bearing from the airport; within a 17.5-mile radius of the center of the airport, extending clockwise from a 336° bearing to a 024° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 024° bearing to a 034° bearing from the airport; within a 19-mile radius of the center of the airport, extending clockwise from a 034° bearing to a 056° bearing from the airport, within an 18-mile radius of the center of the airport, extending clockwise from a 056° bearing to a 067° bearing from the airport; within 3.5 miles each side of a 069° bearing from the Retreat RBN (36°55'01"W., 81°16'27"W.), extending from the RBN to 10 miles east of the RBN, excluding the portion that coincides with Bluefield, W. Va., and Dublin, Va., 700-foot floor transition areas.

AMENDMENTS 11/3/77 '42 F. R. 47821 (Added)

**Marks, Miss.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Selfs Airport (latitude 34°13'50" N., longitude 90°17'25" W.); within 3 miles each side of the 197° bearing from Marks, Miss., RBN (latitude 34°13'50" N., longitude 90°17'28" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

Marksville, La.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marksville NDB (latitude 31°05'39" N., longitude 92°04'17" W.); within 3.5 miles each side of a 206° bearing from the Marksville NDB extending from the 5-mile radius area to 11.5 miles southwest of the NDB.

Marlette, Mich.

That airspace extending upward from 700 feet above the surface within a  $\frac{5}{8}$ -mile radius of the Marlette Airport (latitude 43°18'37" N., longitude 83°05'31" W.).

Marshall, Mich.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshall, Mich., Brooks Field (latitude 42°15'05" N., longitude 84°57'25" W.) and within 2 miles each side of the Battle Creek, Mich., VORTAC 105° radial extending from the 5-mile radius area to 7 miles east of the airport, excluding the portion which coincides with the Battle Creek, Mich., transition area.

Marshall, Minn.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Marshall Municipal Airport (latitude 44°26'30" N., longitude 95°49'10" W.).

Marshall, Texas

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harrison County Airport (latitude 32°31'18" N., longitude 94°18'29" W.) and within 2.5 miles each side of Gregg County VORTAC 075° radial extending from the 5-mile radius area to 21 miles east of the VORTAC.

Marshalltown, Iowa

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marshalltown Municipal Airport (latitude 42°06'45" N., longitude 92°54'50" W.); and within 2 miles each side of the 321° bearing from Marshalltown Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport and within 3.5 miles each side of the 135° radial of the Marshalltown VOR, extending from the 6-mile radius to 11.5 miles southeast of the airport.

Marshfield, Mass.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshfield Airport (42°05'45" N., 70°40'25" W.), Marshfield, Mass.; and within 2 miles each side of the centerline of Runway 24 extended from the end of the runway to 5 miles southwest, excluding the portion that coincides with the Boston, Mass. 700-foot floor transition area and excluding the portion outside the United States.

Marshfield, Wis.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshfield Municipal Airport (latitude 40°38'10" N., longitude 90°11'15" W.); within 2 miles each side of the 216° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles southwest of the airport; and within 2 miles each side of the 325° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

Martinsburg, Pa.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 40°17'51" N., long. 78°19'10" W. of Blair County Airport, Martinsburg, Pa., extending clockwise from 061° bearing to a 076° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 076° bearing to a 096° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 096° bearing to a 128° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 128° bearing to a 158° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 158° bearing to a 180° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 180° bearing to a 245° bearing from the airport, within an 11-mile radius of the center of the airport, extending clockwise from a 245° bearing to a 260° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 260° bearing to a 314° bearing from the airport, within a 9-mile radius of the center of the airport, extending clockwise from a 314° bearing to a 357° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 357° bearing to a 031° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 031° bearing to a 061° bearing from the airport; and within 9.5 miles northwest and 4.5 miles southeast of the Altoona, Pa., VOR 026° radial, extending from the VOR to 18.5 miles northeast of the VOR.



**Martinsburg, W. Va.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, lat. 39°24'03" N., long. 77°59'09" W. of Eastern West Virginia Regional Airport, Martinsburg, W. Va.; and within a 15-mile radius of the center of the airport, extending clockwise from a 263° bearing to a 335° bearing from the airport.

**Martinsville, Va.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center (36°37'50" N., 80°01'00" W.), of Blue Ridge Airport, Martinsville, Va.; within 2 miles each side of the Runway 30 centerline, extended from the 6.5-mile radius area to 14 miles northwest of the end of the runway; within 2 miles each side of the Runway 12 centerline, extended from the 6.5-mile radius area to 7.5 miles southeast of the end of the runway and within 3.5 miles each side of the 176° bearing from the Blue Ridge RBN (36°37'45" N., 80°01'00" W.), extending from the 6.5-mile radius area to 11.5 miles south of the RBN.

**Maryland**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Maryland including the offshore airspace within 3 nautical miles and parallel to the shoreline, excluding that airspace within P-40.

**Marysville, Calif.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Beale AFB (latitude 39°08'10" N., longitude 121°26'05" W.); within an 8-mile radius of Yuba County Airport, Marysville, Calif. (latitude 39°05'50" N., longitude 121°34'00" W.), within 9 miles west and 5 miles east of the Beale VOR 162° and 342° radials, extending from the Beale 10-mile radius area to 17 miles north of the VOR; within 8 miles west and 5 miles east of the Marysville VOR 343° radial, extending from the Yuba County 8-mile radius area to 12 miles north of the VOR, and within 8 miles southwest and 5 miles northeast of the Marysville VOR 153° radial, extending from the Yuba County 8-mile radius area to 12 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the east by a line extending from latitude 40°00'00" N., longitude 120°30'00" W., to latitude 39°30'00" N., longitude 120°30'00" W., to latitude 39°30'00" N., longitude 120°55'00" W., to latitude 39°00'00" N., longitude 120°55'00" W., on the south by latitude 39°00'00" N., on the west by the west boundary of V-23, on the northwest by the Red Bluff, Calif., transition area, and on the north by latitude 40°00'00" N.; that airspace extending upward from 8,500 feet MSL bounded on the south by latitude 40°00'00" N., on the west by the Red Bluff, Calif., transition area, on the north by latitude 40°45'00" N., and on the east by a line extending from latitude 40°45'00" N., longitude 121°39'00" W., to latitude 40°23'00" N., longitude 121°39'00" W., to latitude 40°23'00" N., longitude 121°25'00" W., to latitude 40°00'00" N., longitude 121°25'00" W.; that airspace extending upward from 10,500 feet MSL bounded on the east by longitude 120°19'00" W., on the south by a line extending from latitude 39°30'00" N., longitude 120°19'00" W., to latitude 39°30'00" N., longitude 120°30'00" W., to latitude 40°00'00" N., longitude 120°30'00" W., to latitude 40°00'00" N., longitude 121°25'00" W., on the west by longitude 121°25'00" W., and on the north by latitude 40°45'00" N.; that airspace extending upward from 12,500 feet MSL bounded on the east by longitude 121°25'00" W., on the south by latitude 40°23'00" N., on the west by longitude 121°39'00" W., and on the north by latitude 40°45'00" N.

**Marysville, Ohio**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Union County Airport (latitude 40°13'29" N., longitude 83°21'00" W.); and within 2 miles on each side of the 088° bearing from the airport extending from the 5-mile radius area to 8 miles west of the airport.  
AMENDMENTS 2/24/77 41 F. R. 50245 (Added)

**Mason, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mason County Airport (latitude 30°43'54" N., longitude 99°11'06" W.).

**Mason City, Iowa**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mason City Municipal Airport (latitude 43°09'25" N., longitude 93°19'54" W.); within 5 miles each side of the Mason City VORTAC 002° radial, extending from the 9-mile radius area to 24½ miles north of the VORTAC; and within 4½ miles west and 9½ miles east of the Mason City VORTAC 182° and 002° radials, extending from 5 miles north to 24½ miles south of the VORTAC.

**Massena, N. Y.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 44°56'10" N., long. 74°50'50" W. of Richards Field, Massena, N. Y.; within 3 miles each side of the Massena, VORTAC 104° radial extending from the 8.5-mile radius area to 8 miles east of the VORTAC, excluding the airspace within Canada.

**Matagorda, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Matagorda Peninsula Airport (latitude 28°32'35" N., longitude 96°07'10" W.), excluding that portion more than 3 nautical miles from and parallel to the shoreline.

**Matawan, N. J.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, latitude 40°22'25" N., longitude 74°15'15" W., of Preston Airport, Matawan, N. J., and within 1.5 miles each side of the Colts Neck, N. J., VORTAC 307° radial extending from the 5.5-mile radius area to the Colts Neck VORTAC.

**Mattoon, Ill.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Coles County Memorial Airport (lat. 39°28'45" N., long. 88°16'51" W.); and within 4.5 miles each side of the Mattoon VOR 228° radial, extending from the 9-mile radius area to 13 miles southwest of the VOR.

**Maxwell, Calif.**

That airspace extending upward from 1,200 feet above the surface bounded on the E by V-195, on the S by V-200, on the W by V-25 and on the N by the Red Bluff, Calif., transition area.

**Mayfield, Ky.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Mayfield-Graves County Airport (latitude 36°46'03" N., longitude 88°35'05" W.).

**McAlester, Okla.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the McAlester, Okla. Airport (latitude 34°53'05" N., longitude 95°46'55" W.); within 2 miles each side of the McAlester VOR 176° radial extending from the 5-mile radius area to 8 miles S of the VOR.

**McAllen, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.); within 3.5 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius area to 11.5 miles east of the VOR; within 4 miles south and 5 miles north of the McAllen VOR 321° radial extending from the 5-mile radius area to 18.5 miles northwest of the McAllen VOR; and within 2 miles each side of the localizer (latitude 26°09'59" N., longitude 98°13'53" W.) back course 141° radial extending from the 5-mile radius area to 5.5 miles southeast of the localizer, excluding the portion outside the United States.

**McCall, Idaho**

That airspace extending upward from 9,500 feet MSL within 6 miles west and 9 miles east of the McCall VORTAC 344° and 164° radials extending from 8 miles south to 19 miles north of the VORTAC.

**McComb, Miss.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of McComb-Pike County Airport (lat. 31°10'35" N., long. 90°28'08" W.).

**McCook, Nebr.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of McCook Municipal Airport (latitude 40°12'25" N., longitude 100°35'25" W.); within 5 miles southwest and 8 miles northeast of the 120° bearing from McCook Municipal Airport extending from the 8-mile radius area to 12 miles southeast of the airport and within 5 miles southwest and 8 miles northeast of the 324° bearing from McCook Municipal Airport, extending from the 8-mile radius area to 12 miles northwest of the airport.

**McCordsville, Ind.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Indianapolis Brookside Airport (latitude 39°54'19" N., longitude 85°55'29" W.); and within a 5½-mile radius of the Indianapolis Metropolitan Airport (latitude 39°56'10" N., longitude 86°02'45" W.).

**McGehee, Ark.**

That airspace extending upward from 700 feet above the surface within a 6.5-statute-mile radius of McGehee Municipal Airport, McGehee, Ark., (lat. 33°37'15" N., long. 91°22'00" W.).  
AMENDMENTS 6/16/77 42 F. R. 13273 (Added)

**McGrath, Alaska**

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 3 miles southwest of the McGrath VORTAC 123° radial extending from the control zone extension to 12.5 miles southeast of the VORTAC; within 4 miles each side of the McGrath VORTAC 008° radial extending from the control zone extension to 14.5 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 21.5-mile radius of the McGrath VORTAC extending clockwise from the 344° radial to the 236° radial of the VORTAC; within a 12-mile radius of the McGrath VORTAC extending clockwise from the 236° radial to the 344° radial of the VORTAC; and within 9.5 miles east and 4.5 miles west of the McGrath VORTAC 008° radial extending from the 21.5-mile radius area to 23 miles north of the VORTAC.



**McMinnville, Oreg.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of McMinnville Municipal Airport (latitude 45°11'35" N., longitude 123°08'15" W.) and within 2 miles each side of the Newberg VORTAC 215° radial extending from the 5-mile radius area to the VORTAC.

**McMinnville, Tenn.**

That airspace extending upward from 700 feet above the surface within a 13-mile radius of Warren County Memorial Airport (lat. 35°42'00" N., long. 85°50'30" W.); within 9.5 miles northwest and 4.5 miles southeast of the 061° bearing from Warren County RBN (lat. 35°42'11" N., long. 85°50'40" W.), extending from the 13-mile radius area to 18.5 miles northeast of the RBN; within a 6.5-mile radius of Smithville Municipal Airport (lat. 35°59'08" N., long. 85°48'31" W.); within 3 miles each side of the 045° bearing from Hurricane RBN (lat. 35°59'02" N., long. 85°48'28" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

**McPherson, Kans.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of McPherson Municipal Airport (latitude 38°21'19" N., longitude 97°41'29" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 309° bearing from the McPherson Municipal Airport, extending from the airport to 18½ miles northwest of the airport, excluding the portions that overlie the Salina and Hutchinson, Kans., 1,200-foot floor transition areas.

**McRae, GA.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Telfair-Wheeler Airport (lat. 32°05'46" N., long. 82°52'55" W.); within 3 miles each side of the 030° bearing from McRae RBN (lat. 32°05'40" N., long. 82°53'02" W.), extending from the 7-mile radius area to 8.5 miles northeast of the RBN.

**Meade, Kans.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Meade, Kansas, Municipal Airport (latitude 37°16'45" N., longitude 100°21'15" W.); within 3 miles each side of the Meade NDB (latitude 37°16'40" N., longitude 100°21'31" W.); 008° bearing, extending from the 5.5-mile radius to 8.5 miles north of the NDB.

**Meadville, PA.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 41°37'37" N., long. 80°12'51" W., of Port Meadville Airport, Meadville, PA.

**Medford, Oreg.**

That airspace extending upward from 700 feet above the surface within 7 miles northeast and 5 miles southwest of the Medford ILS localizer northwest course extending from 3 miles northwest of the Punic LOM (latitude 42°27'03.8" N., longitude 122°54'44.1" W.), to 24 miles northwest of the LOM; within 3.5 miles each side of the Medford ILS localizer southeast course extending from the LOM to 24 miles southeast of the LOM; that airspace extending upward from 1,200 feet above the surface bounded on the east by V-452, on the southeast by the 40-mile arc centered on Klamath Falls VORTAC, on the south by V-122, on the west by V-23; that airspace southeast of Medford bounded on the north by the south edge of V-122, on the east by the 40-mile arc centered on Klamath Falls VORTAC, on the south by the 7-mile radius area centered on the Siskiyou County Airport, on the west by the east edge of V-23E; and that airspace extending upward from 6,200 feet MSL within 5 miles each side of the Medford VORTAC 271° radial extending from the west edge of V-23E to the east edge of V-27.

**Medford, Wis.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Taylor County Airport (latitude 45°06'02" N., longitude 90°18'18" W.); within 3 miles each side of the 162° bearing from the airport extending from the 5.5-mile radius area to 8 miles southeast of the airport.

**Melbourne, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Melbourne Regional Airport (lat. 28°06'01" N., long. 80°38'00" W.); within an 8.5-mile radius of Patrick AFB (lat. 28°14'21" N., long. 80°36'28" W.); within 3 miles each side of Patrick AFB TACAN 030° radial, extending from the 8.5-mile radius area to 9.5 miles northeast of the TACAN.

**Melfa, Va.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 37° 38' 50" N., 75° 45' 40" W., of Accomack County Airport, Melfa, Va., and within 2 miles each side of a 200° bearing from the Melfa, Va., RBN 37°39'27" N., 75°45'27" W., extending from the 6-mile radius area to 8 miles south of the RBN.

**Memphis, Tenn.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Memphis International Airport (latitude 35°03'00" N., longitude 89°58'15" W.); within 4.5 miles each side of Memphis ILS localizer east course, extending from the 8.5-mile radius area to Holly Springs, Miss., VOR 328° radial; within 3 miles each side of Memphis ILS localizer south course, extending from the 8.5-mile radius area to 8.5 miles south of the LOM; within 3 miles each side of Memphis ILS localizer west course, extending from the 8.5-mile radius area to 8.5 miles west of the LOM; within a 6.5-mile radius of Twinkle Town Airport (lat. 34°55'45" N., long. 90°10'05" W.); within 3 miles each side of the Memphis VORTAC 311° radial, extending from the 6.5-mile radius area to 32.5 miles northwest of the VORTAC; within a 6.5-mile radius of West Memphis Municipal Airport (latitude 35°08'24" N., longitude 90°14'00" W.); within 3 miles each side of Memphis VORTAC 311° radial, extending from the 6.5-mile radius area to 32.5 miles northwest of the VORTAC; within 3 miles each side of the 187° and 352° bearings from West Memphis RBN (latitude 35°08'20" N., longitude 90°14'02" W.), extending from the 6.5-mile radius area to 8.5 miles north and south of the RBN; within an 8.5-mile radius of Olive Branch Municipal Airport (lat. 34°58'44" N., long. 89°47'33" W.).

AMENDMENTS 12/1/77 42 F. R. 54410 (Changed)

**Memphis, Tenn. (NAS)**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of NAS Memphis (lat. 35°21'15" N., long. 89°52'10" W.); within a 7-mile radius of Arlington Municipal Airport (lat. 35°16'58" N., longitude 89°40'22" W.); within 3 miles each side of the 161° bearing from Loosahatchie RBN (latitude 35°17'04" N., longitude 89°40'19" W.), extending from the 7-mile radius area to 8.5 miles south of the RBN.

**Mena, Ark.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mena Municipal Airport (latitude 34°33'00" N., longitude 94°12'31" W.) and within 5 miles each side of the Rich Mountain, Okla., VORTAC 112° radial extending from the 5-mile radius area to the VORTAC and within 3.5 miles each side of the 087° bearing from the Mena, Ark., NDB (latitude 34°32'55" N., longitude 94°12'34" W.) extending from the 5-mile radius area to a point 12 miles east of the NDB.

**Menominee, Mich.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'15" W.); within 4½ miles east and 9½ miles west of the Menominee VOR 349° radial, extending from the VOR to 18½ miles north of the VOR; and within 4½ miles northeast and 9½ miles southwest of the 140° and 320° bearings from Menominee County Airport, extending from 6 miles southeast to 18½ miles northwest of the airport.

**Merced, Calif.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Castle Air Force Base (latitude 37°22'45" N., longitude 120°34'00" W.); within a 7-mile radius of Merced Municipal Airport (latitude 37°17'10" N., longitude 120°30'55" W.) and within 2 miles each side of the Castle VOR 141° and 321° radials extending from the Merced 7-mile radius area to 3 miles SE of the Castle VOR; that airspace extending upward from 1,200 feet above the surface bounded on the NE and E by V-459, on the S by V-230, on the W by V-109 and on the N by V-244, excluding the portions within the Fresno, Stockton, and Modesto, Calif., transition areas; that airspace extending upward from 7,500 feet MSL NE of Merced bounded on the E by V-165, on the SW by V-459, and on the N by V-244, and that airspace extending upward from 12,000 feet MSL E of Merced bounded on the E by longitude 119°30'00" W., on the S by the Fresno, CA., transition area, on the W by V-165 and on the N by V-244.

**Mercury, Nev.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mercury Airport (latitude 36°39'16" N., longitude 116°00'54" W.); that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°41'00" N., longitude 116°26'30" W., to latitude 36°41'00" N., longitude 115°55'00" W., to latitude 36°16'00" N., longitude 115°55'00" W., to latitude 36°16'00" N., longitude 116°08'00" W., to latitude 36°36'00" N., longitude 116°26'30" W., thence to point of beginning, excluding the portion within R-4808.

**Meriden, Conn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°30'35" N., 72°49'50" W. of Meriden Markham Municipal Airport, Meriden, Conn.; and within 2 miles each side of the Runway 36 centerline extended from the 5-mile radius area to 7 miles north of the end of the runway, excluding the portion which coincides with the Bridgeport, Conn., and Hartford, Conn., transition areas.



**Meridian, Miss.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Key Field (lat. 32°19'58"N., long. 88°45'05"W.); within 3 miles each side of the 191° bearing from the Lauderdale RBN, extending from the 11-mile radius area to 8.5 miles south of the RBN; within 5 miles each side of Meridian VORTAC 315° radial, extending from the 11-mile radius area to 11.5 miles northwest of the VORTAC; within an 8.5-mile radius of OLF Bravo Field (lat. 32°47'33"N., long. 88°49'40"W.); within a 10-mile radius of NAS Meridian (lat. 32°33'27"N., long. 88°33'33"W.); within a 29-mile radius of the Meridian VORTAC, extending clockwise from the 340° radial to the 050° radial, and within 5 miles north and 7 miles south of the Kewanee VORTAC 273° radial, extending from the VORTAC to long. 88°36'00"W.

AMENDMENTS 8/11/77 42 F. R. 32528 (Rewritten)

**Merrill, Wis.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Merrill Municipal Airport (latitude 45°12'00" N., longitude 89°42'25" W.); and within 3 miles each side of the 332° bearing from Merrill Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport.

**PENDING AMENDMENT****Mexia, Tex.**

That airspace extending from 700 feet above the surface within a 6.5-mile radius of Mexia-Limestone County Airport (lat. 31°38'20"N., long. 96°30'52"W.) and within 3.5 miles each side of the 155° bearing from the NDB (lat. 31°38'16"N., long. 96°30'43"W.) extending from the 6.5-mile radius area to a point 12 miles southeast of the NDB.

AMENDMENTS 1/26/78 42 F. R. 60561 (Added)

**Mexico, Mo.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mexico Memorial Airport (latitude 39°09'35" N., longitude 91°49'25" W.).

**Miami, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Miami International Airport (Lat. 25°47'34"N., Long. 80°17'00"W.), Homestead AFB (Lat. 25°29'15"N., Long. 80°23'00"W.), Opa Locka Airport (Lat. 25°54'26"N., Long. 80°16'48"W.), Fort Lauderdale-Hollywood International Airport (Lat. 26°04'26"N., Long. 80°09'10"W.), and Tamiami Airport (Lat. 25°38'51"N., Long. 80°25'59"W.); within 3 miles each side of the 274° bearing from the Perrine RBN, extending from the 8.5-mile radius area to 8.5 miles west of the RBN; within a 6.5-mile radius of Fort Lauderdale Executive Airport (Lat. 26°11'41"N., Long. 80°10'15"W.), and Pompano Beach Airpark (Lat. 26°15'00"N., Long. 80°06'30"W.).

**Miami, Fla. (Dade-Collier Training and Transition Airport)**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dade-Collier Training and Transition Airport (latitude 25°51'46" N., longitude 80°53'50" W.).

**Miami, OK.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Miami Municipal Airport (latitude 36°54'02" N., longitude 94°53'03" W.) and that airspace within the State of Kansas extending upward from 1,200 feet above the surface which is bounded on the south by the Kansas-Oklahoma State line and on the west along a line which is 7 miles east of and parallel to the Oswego, KS., VOR 207° radial, on the north by the south edge of VOR airway V-190 and on the east by the west edge of VOR airway V-88.

**Michigan**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Michigan south of parallel 45°45'.

**Michigan City, Ind.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Michigan City Airport (latitude 41°42'10" N., longitude 86°49'15" W.); and within a 6½-mile radius of Michigan City Municipal Airport (latitude 41°40'10" N., longitude 86°53'20" W.).

**Middlefield, Ohio**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Geauga County Airport (latitude 41°27'00" N., longitude 81°03'48" W.); within 1½ miles each side of the Chardon VORTAC 132° radial extending from the 6-mile radius area to the VORTAC excluding the portion which overlies the Cleveland transition area.

**Middleton Island, Alaska**

That airspace extending upward from 700 feet above the surface within 12 miles northwest and 7.5 miles southeast of the Middleton Island VORTAC 037° and 217° radials, extending from 22.5 miles northeast to 11.5 miles southwest of the VORTAC; and within 9.5 miles west of the Wessels, Alaska, RBN 011° bearing, extending from the RBN to 18.5 miles north of the RBN.

**Middletown, Ohio**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of 39°32'00" N., 84°23'30" W. of Hook Field Municipal Airport and within 2 miles each side of a 232° bearing from Hook Field, Ohio, RBN extending from the 5-mile radius area to 8 miles southwest of the RBN.

**Midland, Tex.**

That airspace extending upward from 700 feet above the surface within a 20-mile radius of Midland Regional Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.) and within a 5-mile radius of Mabee Ranch Airport (latitude 32°12'57" N., longitude 102°09'46" W.).

**Midland, Va.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 38°35'15" N., 77°42'45" W. of Warrenton-Fauquier Airport, Midland, Va., and within 2 miles each side of the Casanova, Va. VORTAC 113° radial extending from the 5-mile radius area to the VORTAC.

**Midway Island**

That airspace extending upward from the 700 feet above the surface within a 10-nmi radius of NAS Midway (latitude 28° 12' 00" N., longitude 177° 23' 00" W.); and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of NAS Midway.

**Miles City, Mont.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 5 miles each side of the 252° bearing from the Horton RBN, extending from the 7-mile radius area to 11 miles southwest of the RBN; within 3.5 miles each side of the Miles City VORTAC 225° radial, extending from the 7-mile radius area to 11 miles southwest of the Miles City VORTAC; within 3.5 miles each side of the Miles City VORTAC 047° radial, extending from the 7-mile radius area to 22 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Miles City VORTAC south of V-120 and within a 25-mile radius of Miles City VORTAC north of the south edge of V-120, and within 9.5 miles southeast and 4.5 miles northwest of the Miles City VORTAC 225° radial extending from the VORTAC to 18½ miles southwest of the VORTAC.

**Milford, Utah**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Milford Municipal Airport (Lat. 38°25'35" N, Long. 113°00'40" W) and within 2 miles either side of the Milford VORTAC 196° radial, extending from the 5-mile radius area to 8 miles S of the VORTAC; including the airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Milford VORTAC 023° and 203° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

**Millard, Nebr.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Millard Municipal Airport (latitude 41°11'45" N., longitude 96°06'45" W.); and within 3 miles each side of the 314° bearing from the Millard Municipal Airport extending from the 6½-mile radius area to 8 miles northwest of the airport.

**Milledgeville, Ga.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Baldwin County Airport (latitude 33°09'15" N., longitude 83°14'10" W.); within 3 miles each side of the 089° bearing from Milledgeville RBN (latitude 33°09'13" N., longitude 83°14'35" W.), extending from the 8.5-mile radius area to 8.5 miles east of the RBN.

**Millersburg, Ohio**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Holmes County Airport (latitude 40°32'20" N., longitude 81°57'05" W.) and within 3 miles each side of the 085° bearing from the airport extending from the 6-mile radius area to 12 miles east, and within 2 miles each side of the Tiverton, Ohio VOR 059° radial extending from the 6-mile radius area to the VOR.

**Millinocket, Maine**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 45°38'50" N., 68°41'10" W. of Millinocket Municipal Airport, Millinocket, Maine, and within 3.5 miles each side of a 094° bearing from the Sterns RBN extending from the 7-mile radius area to 11.5 miles east of the RBN.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 45°56'00" N., 68°36'00" W. to 45°39'00" N., 69°48'00" W. to 45°23'00" N., 69°48'00" W. to 45°15'00" N., 69°50'00" W., to 45°07'30" N., 69°50'00" W., to 45°07'30" N., 69°28'00" W., to 45°12'00" N., 69°23'00" W. to 45°24'00" N., 68°55'00" W. to 45°30'00" N., 68°31'00" W. to 45°27'00" N., 68°20'00" W. to 45°33'00" N., 68°16'00" W. to 45°38'00" N., 67°40'30" W. to the point of beginning.



**Millville, N. J.**

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at: 39°37'00" N., 75°05'00" W. to 39°35'00" N., 74°52'00" W. to 39°16'30" N., 74°59'00" W. to 39°16'30" N., 75°10'00" W. to 39°30'00" N., 75°15'00" W. to point of beginning and within 4.5 miles south and 6.5 miles north of the Millville, N.J., VORTAC 257° radial and 077° radial, extending from 5.5 miles west of the VORTAC to 11.5 miles east of the VORTAC, excluding the portion that coincides with the Atlantic City, N.J., 700-foot transition area.

**Milton, Fla.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of NAS Whiting Field (North) (latitude 30°43'15" N., longitude 87°01'45" W.); within 2 miles each side of the 315° bearing from Navy Whiting RBN, extending from the 6-mile radius area to 8 miles northwest of the RBN; within 2 miles each side of Navy Whiting TACAN 309° radial, extending from the 6-mile radius area to 8 miles northwest of the TACAN, and within a 5-mile radius of OLF Santa Rosa (Navy), Milton, Fla. (latitude 30°36'00" N., longitude 86°56'00" W.).

**Milwaukee, Wis.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Mitchell Field (lat. 42°56'51"N., long. 87°53'58"W.); within an 8-mile radius of the Horlick-Racine Airport (lat. 42°45'45"N., long. 87°49'00"W.); within an 8-mile radius of the Timmerman Airport (lat. 43°06'40"N., long. 88°02'00"W.); within a 6½-mile radius of the Waukesha County Airport (lat. 43°02'25"N., long. 88°14'00"W.); and within 3 miles each side of the 274° bearing from the Waukesha County Airport extending from the 6½-mile radius area to 7½ miles west of the airport.

**Minden, La.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Minden-Webster Airport (latitude 32°39'00" N., longitude 93°18'00" W.).

**Mineola, TX.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wisener Airport (latitude 32°40'47" N., longitude 95°30'45" W.) and within 2 miles each side of the Quitman, TX., VORTAC 211° radial extending from the airport to 6 miles northeast of the airport.

**Mineral Point, Wis.**

That airspace extending upward from 700 feet above the surface within a 5-statute-mile radius of the Iowa County Airport, Mineral Point, Wis., (lat. 42°53'12"N., long. 90°13'52"W.) and within 3 statute miles either side of the 030° bearing from the Mineral Point RBN, extending from the 5-mile radius area to 8.5 statute miles northeast of the airport.

AMENDMENTS 10/6/77 42 F. R. 41625 (Added)

**Mineral Wells, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mineral Wells Airport (latitude 32°46'59" N., longitude 98°03'34" W.) and within 3 miles each side of the 140° bearing from the Mineral Wells RBN, extending from the 5-mile radius area to 8 miles SE of the RBN.

**Minneapolis, Minn.**

That airspace extending upward from 700 feet above the surface within a 26-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within a 28-mile radius of Minneapolis-St. Paul International Airport, extending from the 206° bearing from the airport clockwise to the 353° bearing from the airport; and within 4½ miles north and 9½ miles south of the Flying Cloud VOR 292° radial, extending from the 28-mile radius area to 18½ miles west of the VOR.

**Minnesota**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Minnesota.

**Minot, N. Dak.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Minot AFB (latitude 48°24'55" N., longitude 101°21'25" W.); within a 10-mile radius of Minot International Airport (latitude 48°15'40" N., longitude 101°16'45" W.); within 5 miles each side of the Minot VORTAC 260° radial, extending from the 10-mile radii areas to 12 miles west of the VORTAC; and within 4 miles each side of the Minot VORTAC 138° radial extending from the 10-mile radius area to 15.5 miles southeast of the VORTAC; and within 5 miles each side of the Minot VORTAC 097° radial, extending from the 10-mile radius area to 12 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Deering TACAN; and that airspace extending upward from 5,700 feet MSL within a 50-mile radius of Deering TACAN, excluding the area north of latitude 49°00'00" N., and the area which overlies V-430 and V-15.

**Mississippi**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Mississippi, including that airspace 3 nautical miles from and parallel to the shoreline, beginning at the intersection of the Mississippi/Alabama State line, extending west along a line 3 nautical miles from and parallel to the shoreline, to and south along longitude 88°51'00" W. to latitude 30°07'20" N. (point of intersection of the Mississippi State line and longitude 88°51'00" W.).

**Missoula, Mont.**

That airspace extending upward from 700 feet above the surface within a 23.5-mile radius of the Missoula VORTAC extending from the Missoula VORTAC 190° radial clockwise to the 290° R; within 9.5 miles southwest and 5.5 miles northeast of the Missoula VORTAC 312° radial extending from the VORTAC to 38 miles northwest of the VORTAC; within 3 miles each side of the Missoula VORTAC 172° radial extending from the VORTAC to 19.5 miles southeast; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Missoula VORTAC extending from the 357° radial clockwise to the 072° radial; within a 23.5-mile radius of the Missoula VORTAC extending from the 072° radial clockwise to the 190° radial; within a 34-mile radius of the Missoula VORTAC extending from the Missoula VORTAC 256° radial clockwise to the 357° radial; within 9.5 miles southwest of the Missoula VORTAC 298° radial extending from the 34-mile radius area to 38 miles northwest; within 5 miles west and 9.5 miles east of the Missoula VORTAC 172° radial extending from the VORTAC to 30 miles southeast of the VORTAC.

**Missouri**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Missouri.

**Mitchell, S. Dak.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'30" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Mitchell VOR 149° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4½ miles northeast and 9½ miles southwest of the Mitchell VOR 300° radial, extending from the VOR to 18½ miles northwest of the VOR; and that airspace southwest of Mitchell extending upward from 9,500' MSL within the area bounded on the east by V-159, on the south by V-148 and the Nebraska/South Dakota state line, on the west by a line from latitude 43°00' N., longitude 99°00' W. direct to latitude 44°00' N., longitude 99°43' W., and on the north by the Pierre, S. Dak., 1200-foot transition area and V-120.

**Moab, Utah**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Canyonlands Airport, Moab, Utah, (latitude 38°45'40" N., longitude 109°44'50" W.) and within 7 miles northeast and 10 miles southwest of the Moab VOR (latitude 38°45'22" N., longitude 109°44'55" W.) 301° radial extending from the VOR to 18.5 miles northwest of the VOR.

**Moberly, Mo.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Omar N. Bradley Airport (lat. 39°27'50"N., long. 92°25'35"W.); and 3 miles either side of the 315° bearing from the airport extending from the 6.5-mile radius to 8 miles northwest of the airport; and 3 miles either side of the 126° bearing from the airport extending from the 6.5-mile radius to 8 miles southeast of the airport.

AMENDMENTS 12/1/77 42 F. R. 46276 (Rewritten)

**Mobile, Ala.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within an 8.5-mile radius of Mobile Aerospace Airport (lat. 30°37'08.5"N., long. 88°03'57.2"W.); within 3.5 miles each side of Brookley VORTAC 157° radial, extending from the 8.5-mile radius area to 11 miles southeast of the VORTAC; within a 6.5-mile radius of Fairhope Municipal Airport (latitude 30°27'50" N., longitude 87°52'35" W.); within 2 miles each side of Brookley VORTAC 134° radial, extending from the 6.5-mile radius area to Mobile Aerospace Airport 8.5-mile radius area.

AMENDMENTS 12/1/77 42 F. R. 54410 (Changed)

**Modesto, Calif.**

That airspace extending upward from 700 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Modesto VOR 122° and 302° radials, extending from 18.5 miles northwest to 18.5 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120°30'00" W., on the SE by a line extending from latitude 37°38'45" N., longitude 120°30'00" W., to latitude 37°25'00" N., longitude 120°48'00" W., on the S by latitude 37°25'00" N., on the W by V-109, and on the N by a line extending from the E boundary of V-109 through latitude 37°38'00" N., longitude 121°00'35" W., to latitude 37°45'45" N., longitude 120°30'00" W.



**Mohall, N. Dak.**

That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Mohall Municipal Airport (latitude 48°46'01" N., longitude 101°32'04" W.).

**Moline, Ill.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Quad City Airport (latitude 41°26'56" N., longitude 90°30'34" W.); within 4½ miles north and 9½ miles south of the Quad City ILS localizer west course, extending from 1 mile east to 18½ miles west of the OM; within 5 miles either side of the Quad City ILS localizer east course extending from the 9-mile radius area to 16½ miles east of the airport; within a 6½-mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.); within 3 miles each side of the 224° bearing from the Cody RBN, extending from the 6½-mile radius area to 8 miles southwest of the RBN; and within 2 miles each side of the Davenport VOR 220° radial, extending from the 6½-mile radius area to the VOR.

**Molokai, Hawaii**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius area to 5 miles west of the VORTAC and within 4 miles north and 2 miles south of the VORTAC 126° radial extending from the intersection of the Molokai VORTAC 126° and the Lanai, Hawaii, VORTAC 011° radials to a point 7 miles east of this intersection.

AMENDMENTS 10/6/77 42 F. R. 42193 (Changed)

**Moncks Corner, S. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Moncks Corner Airport (latitude 33°11'30" N., longitude 80°02'00" W.); within 3 miles each side of the 226° bearing from Moncks Corner RBN (latitude 33°11'16" N., longitude 80°01'34" W.) extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

**Monroe, Ill.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sanger Airport (latitude 41°22'39" N., longitude 87°41'03" W.); within 1½ miles either side of the 039° radial of the Peotone VORTAC extending from the 5-mile radius area to the VORTAC, excluding that portion that overlies the Chicago, Illinois, transition area.

**Monongahela, Pa.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 40°12'40" N., 79°49'50" W., of Rostraver Airport, Monongahela, Pa., and within 2 miles each side of the Allegheny, Pa., VORTAC 113° radial extending from the 6.5-mile radius area to the VORTAC, excluding the portion which coincides with the Pittsburgh, Pa., transition area.

**Monroe, La.**

That airspace extending upward from 700 feet above the surface within a 20-mile radius of the Monroe Municipal Airport (lat. 32°30'30"N., long. 92°02'20"W.); and within an 8.5-mile radius of Morehouse Memorial Airport, Bastrop, La., (lat. 32°45'25"N., long. 91°52'50"W.); and within an 8.5-mile radius of Rayville Municipal Airport, Rayville, La., (lat. 32°29'00"N., long. 91°46'15"W.).

AMENDMENTS 6/16/77 42 F. R. 13273 (Rewritten)

**Monroe, Mich.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Custer Airport (latitude 41°56'10" N., 83°26'15" W.); and within 2 miles each side of the Carleton, Mich., VORTAC 171° radial, extending from the 5-mile radius area to the VORTAC excluding the portion which overlies the Detroit, Mich. 700-foot floor transition area.

**Monroe, N.C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Monroe Airport (Lat. 35°01'13"N., Long. 80°37'08"W.) within 3 miles each side of the 057° bearing from the Wesley RBN (Lat. 35°01'25"N., Long. 80°37'01"W.), extending from the 6.5-mile radius to 8.5 miles northeast of the RBN.

**Monroe, Wis.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Monroe Municipal Airport (latitude 42°36'57" N., longitude 89°35'26" W.).

**Monroe City, Missouri**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroe City, Missouri Airport (latitude 39°38'05" N., longitude 91°43'40" W.) and within 4 miles each side of the 239° radial of the Quincy, Illinois, VORTAC, extending from the 5-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within the area southwest of the Quincy, Illinois, VORTAC bounded on the north by the south edge of V-116, on the west by the east edge of V-175, and on the southeast by the northwest edge of V-63.

**Monroeville, Ala.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroeville County Airport (latitude 31°27'25" N., longitude 87°20'50" W.); within 3 miles each side of Monroeville VORTAC 039° and 201° radials, extending from the VORTAC to 9 miles northeast and south of the VORTAC.

**Montague, Calif.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Siskiyou County Airport (latitude 41°46'55" N., longitude 122°28'00" W.); that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 6 miles west of the 180° and 356° bearings from the Montague RBN, extending from 8 miles north to 19 miles south of the RBN. Within 10 miles E and 7 miles W of the Siskiyou VOR (latitude 41°47'10" N., longitude 122°27'50" W.) 192° radial extending from 18 to 29 miles S of the VOR.

AMENDMENTS 12/1/77 42 F. R. 46277 (Changed)

**Monterey, Calif.**

That airspace extending upward from 700 feet above the surface within a 13-mile radius of Fritzsche AAF, Fort Ord, Calif. (latitude 36°40'55" N., longitude 121°45'40" W.), excluding the portion south of latitude 36°32'00" N.; within a 3-mile radius of Watsonville Municipal Airport (latitude 36°56'15" N., longitude 121°47'15" W.); within 3 miles each side of the Salinas VORTAC 330° radial, extending from the 3-mile radius area to the 13-mile radius of Fritzsche AAF and within 3 miles each side of the Watsonville localizer course extending from the 3-mile radius to 5 miles south of Runway 1 threshold of the Watsonville Airport; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 37°05'00" N., long. 122°43'15" W., thence to lat. 37°08'45" N., long. 122°34'45" W., thence southeast via V-27 to lat. 37°00'00" N., thence to lat. 37°00'00" N., long. 121°29'30" W., thence to lat. 36°23'00" N., long. 121°03'20" W., thence to lat. 36°03'30" N., long. 121°29'00" W., thence southeast via V-27 to long. 121°03'00" W., thence to lat. 35°30'00" N., long. 121°03'00" W., thence to lat. 35°30'00" N., long. 121°37'00" W., to point of beginning; that airspace extending upward from 5,000 feet MSL bounded on the northwest by a line 12 miles southeast of and parallel to the Big Sur VOR 047° radial, on the northeast by V-25, on the south by a line extending from the southwest boundary of V-25 and latitude 35°33'00" N., to latitude 35°33'00" N., longitude 121°03'00" W., thence south to the northeast boundary of V-27 and longitude 121°03'00" W., and on the southwest by V-27.

**Montevideo, Minn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Montevideo Municipal Airport (latitude 44°58'15" N., longitude 95°42'40" W.); and within 3 miles each side of the 313° bearing from the Montevideo Municipal Airport extending from the 5-mile radius to 8 miles northwest of the airport.

**Montgomery, Ala.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Dannelly Field (lat. 32°18'00"N., long. 86°23'36"W.); within a 9-mile radius of Maxwell Air Force Base (lat. 32°22'43"N., long. 86°21'55"W.).

**Monticello, Ark.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Monticello Municipal Airport (latitude 33°38'10" N., longitude 91°45'10" W.).

**Monticello, Indiana**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of White County Airport (latitude 40°42'30" N., longitude 86°46'00" W.) and within 3 miles each side of the 185° bearing from the airport extending from the 5-mile radius area to 8.5 miles south.

**Monticello, Iowa**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Monticello Municipal Airport (latitude 42°13'40" N., longitude 91°10'00" W.); and within 3 miles each side of the 135° bearing from Monticello Municipal Airport, extending from the 7-mile radius area to 10½ miles southeast of the airport.

Monticello, N. Y.

Morrisville, Vt.



**Monticello, N. Y.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 41°42' 01" N., 74°47'59" W. of Sullivan County International Airport, Monticello, N. Y., extending clockwise from a 033° bearing to a 111° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 111° bearing to a 189° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 189° bearing to a 318° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 318° bearing to a 340° bearing from the airport; within an 11.5-mile radius of the center of the airport extending clockwise from a 340° bearing to a 033° bearing from the airport; and within 4.5 miles each side of the Sullivan County International Airport ILS localizer, 41°41'39" N., 74°47'16" W., northwest course, extending from the 6.5-mile, 8.5-mile and 11.5-mile radius areas to 11.5 miles northwest of the OM (41°45'59" N., 74°51'39" W.); within a 5-mile radius of the center, 41°37'10" N., 74°42'10" W., of Monticello Airport, Monticello, N. Y., and within 2 miles each side of the Huguenot, N. Y., VORTAC 338° radial extending from the 5-mile radius area to 9 miles north of the VORTAC.

**Montpelier, Vt.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, lat. 44°12'15"N., long. 72°33'45"W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vt.; within 6.5 miles west and 5 miles east of the Montpelier VOR, lat. 44°12'41"N., long. 72°33'45"W., 163° radial extending from the 10-mile radius zone to 17.5 miles south of the VOR; within 4.5 miles each side of the Mount Mansfield NDB, lat. 44°23'11.8" N., long. 72°41'38.3"W., 332° and 152° bearing from the NDB, extending from the 10-mile radius zone to 10.5 miles northwest of the NDB, excluding that portion within the Morrisville, Vt., transition area.  
AMENDMENTS 10/6/77 42 F. R. 35639 (Rewritten)

**Montrose, Colo.**

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 9.5 miles southwest of the Montrose VOR 313° and 133° radials extending from 7 miles southeast to 24.5 miles northwest of the VOR.

**Morgan City, La.**

That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Tibby, La., VORTAC 281° radial extending from 11.5 miles west of the VORTAC to 23 miles west of the VORTAC.

**Morganton, N.C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Morganton-Lenoir Airport (lat. 35°49'20"N., long. 81°36'50"W.); within 3 miles each side of the 205° bearing from Fiddlers RBN (lat. 35°42'36"N., long. 81°40'17"W.), extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN; excluding the portion that coincides with the Hickory transition area.  
AMENDMENTS 12/30/76 41 F.R. 44998 (Rewritten)

**Morgantown, W. Va.**

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, lat. 39°38'34" N., long. 79°55'01" W. of Morgantown Municipal Airport-Walter L. Hart Field, Morgantown, W. Va., extending clockwise from a 205° bearing to a 030° bearing from the airport; within a 19-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 055° bearing from the airport; within an 18-mile radius of the center of the airport, extending clockwise from a 055° bearing to a 065° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 095° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 095° bearing to a 157° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 157° bearing to a 205° bearing from the airport; within 5 miles each side of the Morgantown VORTAC 152° radial extending from the VORTAC to 9.5 miles southeast of the VORTAC and within 5 miles southwest and 7.5 miles northeast of the Morgantown VORTAC 334° radial, extending from the 11.5-mile radius arc to 22 miles northwest of the VORTAC.

**Morrilton, Ark.**

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of Petit Jean Airport (lat. 35°08'15" N., long. 92°54'30" W.), and within 3.5 miles each side of the 216° bearing from the Morrilton RBN (lat. 35°07'07" N., long. 92°55'30" W.) extending from the 8.5-mile radius to 11.5 miles southwest of the RBN.

**Morris, Minn.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Morris Municipal Airport (latitude 45°34'05" N., longitude 95°58'10" W.); and within 3 miles each side of the 138° bearing from the Morris Municipal Airport extending from the airport to 7 miles southeast of the airport.

**Morristown, Tenn.**

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Moore-Murrell Airport (latitude 36°10'50" N., longitude 83°22'20" W.); within 4.5 miles northwest and 9.5 miles southeast of the 239° bearing from Morristown RBN (latitude 36°11'10" N., longitude 83°22'00" W.), extending from the 9.5-mile radius area to 18.5 miles southwest of the RBN.

**Morrisville, Vt.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 44° 32'10" N., long. 72°36'55" W. of Morrisville-Stowe State Airport, Morrisville, Vt., and within 3.5 miles each side of the 034° bearing and the 214° bearing from the Morrisville RBN lat. 44°35'13" N., long. 72°35'10" W., extending from the 5-mile radius area to 11.5 miles northeast of the RBN.

**Moses Lake, Wash.**

That airspace extending upward from 700 feet above the surface within a 19-mile radius of Grant County Airport (latitude 47°12'29"N., longitude 119°19'05"W.), within 7 miles southeast and 12 miles northwest of the Ephrata VORTAC 043° and 223° radials extending from 8 miles southwest to 19 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 47°45'00"N., on the east by the arc of a 52-mile radius circle centered on Fairchild Air Force Base, Washington, (latitude 47°36'55"N., longitude 117°39'20"W.), on the southeast by V-112W, on the south by V-298, and on the west by longitude 120°00'00"W.

**Moses Point, Alaska**

That airspace extending upward from 1,200 feet above the surface within 5 miles N and 10 miles S of the Moses Point VOR 088° and 268° radials, extending from 11 miles W to 15 miles E of the VOR.

**Mosinee, Wis.**

The airspace extending upward from 700 feet above the surface within a 10-mile radius of Central Wisconsin Airport (latitude 44°46'35" N., longitude 89°40'00" W.); within 5 miles each side of the 087° bearing from Central Wisconsin Airport, extending from the 10-mile radius area to 13 miles east of the airport; and within 5 miles each side of the 242° bearing from Central Wisconsin Airport, extending from the 10-mile radius area to 12 miles southwest of the airport, excluding the portion which overlies the Wausau, Wis., transition area.

**Moultrie, Ga.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Moultrie-Thomasville Airport (lat. 31°04'58" N., long. 83°48'15" W.); within an 8.5-mile radius of Thomasville Municipal Airport (lat. 30°54'05" N., long. 83°53'00" W.); within an 8.5-mile radius of Spence AF Auxiliary Field (lat. 31°08'15" N., long. 83°42'15" W.).

**Mountain Home, Idaho**

That airspace extending upward from 700 feet above the surface within 10 miles northeast and 9 miles southwest of the Mountain Home AFB TACAN (latitude 43°02'26" N., longitude 115°52'22" W.) 135° and 315° radials, extending from 18 miles southeast to 18 miles northwest of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded on the north and northeast by the southwest edge of V-253, on the southeast, south, and west by the arc of a 46-mile radius circle centered on Mountain Home AFB (latitude 43°02'35" N., longitude 115°52'05" W.), on the northwest by the southeast edge of V-113; that airspace southeast of Mountain Home AFB extending upward from 6,500 feet MSL, bounded on the northwest by the 46-mile arc, on the northeast by the southwest edge of V-253, on the south by latitude 42°24'00" N. to the 46-mile arc.

**Mountain View, Mo.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mills Memorial Airport (lat. 36°59'33"N., long. 91°42'42"W.); and within 3 miles each side of the 106° bearing from the Mills Memorial Airport, extending from the 5-mile radius area to 8 miles east of the airport.

AMENDMENTS 12/1/77 42 F. R. 54412 (Added)

**Mount Airy, N. C.**

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Mount Airy-Surry County Airport (latitude 36°27'30" N., longitude 80°33'03" W.); excluding that portion that coincides with the Elkin transition area.

AMENDMENTS 2/24/77 41 F. R. 52295 (Added)

**Mount Pleasant, Iowa**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mount Pleasant Municipal Airport (latitude 40°56'45" N., longitude 91°30'30" W.); and within 3 miles each side of the 140° bearing from Mount Pleasant Municipal Airport extending from the 5-mile radius area to 8 miles southeast of the airport.

**Mt. Pleasant, Mich.**

That airspace extending upward from 700 feet above the surface within a 4-mile radius of Mt. Pleasant, Mich., Airport (latitude 43°37'00" N., longitude 84°44'00" W.); and within 2 miles each side of the 093° bearing from Mt. Pleasant, MI., Airport extending from the 4-mile radius area to 8 miles E of the airport.



**Mount Pleasant, Tenn.**

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Maury County Airport (latitude 35°33'15" N., longitude 87°10'50" W.); within 9.5 miles southeast and 4.5 miles northwest of the 060° and 227° bearings from Maury County RBN (latitude 35°33'20" N., longitude 87°10'57" W.), extending from the 9.5-mile radius area to 18.5 miles northeast and southwest of the RBN.

**Mt. Pleasant, Tex.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Mt. Pleasant Municipal Airport (latitude 33°07'45.4" N., longitude 94°58'31.3" W.) and within 3.5 miles each side of the Quitman, Tex., VORTAC 052° radial extending from the 8.5-mile radius area to a point 10.5 miles southwest of the airport.

**Mount Pocono, Pa.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 41°07'40" N., 75°22'20" W. of Mount Pocono Airport, Mount Pocono, Pa., within 2 miles each side of the 333° bearing from the Tobyhanna RBN (41°12'15" N., 75°25'20" W.) extending from the RBN to 7.5 miles northwest of the RBN.

**Mt. Sterling, Ky.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Mt. Sterling-Montgomery County Airport (lat. 38°03'35" N., long. 83°58'50" W.).

**Mount Vernon, Ill.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Mount Vernon-Outland Airport (latitude 38°19'23" N., longitude 88°51'33" W.); within 5 miles each side of the the Mount Vernon VOR 044° radial extending from the 7-mile radius area to 11.5 miles northeast of the VOR.

**Muleshoe, Tex.**

That airspace extending upward from 700 feet above the surface within a 9-statute mile radius of Edward Warren Field (latitude 34°14'00" N., longitude 102°42'30" W.).

**Mullan Pass, Idaho**

That airspace extending upward from 8,500 feet MSL within 6 miles N and 9 miles S of the Mullan Pass VORTAC 095° and 275° radials, extending from 8 miles E to 15 miles W of the VORTAC.

**Muncie, Ind.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Delaware County-Johnson Field (latitude 40°14'26" N., longitude 85°23'43" W.) within 3 miles each side of the Muncie VOR 136° radial, extending from the 7-mile radius area to 13.5 miles southeast of the VOR; within 3 miles each side of the Muncie VOR 125° radial, extending from the 7-mile radius area to 8 miles southeast of the VOR; within 3 miles each side of the Muncie VOR 017° radial, extending from the 7-mile radius area to 8 miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the 7-mile radius area to 10 miles northwest of the VOR.

**Murray, Ky.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Murray-Calloway County Airport (latitude 36°40'04" N., longitude 88°22'06" W.); within 3 miles each side of the 033° bearing from Calloway RBN (latitude 36°39'49" N., longitude 88°22'03" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

**Muscatine, Iowa**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Muscatine Municipal Airport (latitude 41°22'00" N., longitude 91°08'40" W.).

**Muscle Shoals, Ala.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.); within 3 miles each side of Muscle Shoals VOR 114° radial, extending from the 11-mile radius area to 8.5 miles east of the VOR.

**Muskegon, Mich.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Muskegon County Airport (lat. 43°10'16" N., long. 86°14'09" W.); within a 7-mile radius of the Grand Haven Memorial Airpark (lat. 43°02'00" N., long. 86°12'00" W.), Grand Haven, Mich.; within 4.5 miles southwest and 9.5 miles northeast of the Muskegon County Airport ILS localizer southeast course, extending from the 10-mile radius area to 18.5 miles southeast of the OM; within 4 miles each side of the Muskegon VORTAC 092° radial, extending from the VORTAC to 11.5 miles east of the VORTAC; and within 4½ miles each side of the Muskegon County Airport runway 14 centerline extended to the northwest, extending from the 10-mile radius area to 17 miles northwest of the Muskegon County Airport ILS OM.

**Muskogee, Okla.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Davis Field, Muskogee, Okla. (latitude 35°39'25" N., longitude 95°21'40" W.); and within 10 miles southwest and 5 miles northeast of the Muskogee VOR 137° T (130° M) radial extending from the VOR to 20 miles southeast.

**Myrtle Beach, S. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Grand Strand Airport (latitude 33°48'40" N., longitude 78°43'30" W.); within an 8.5-mile radius of Myrtle Beach AFB (latitude 33°40'45" N., longitude 78°55'45" W.).  
AMENDMENTS 12/30/76 41 F.R. 48514 (changed)

**Nacogdoches, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of East Texas Regional Airport (latitude 31°34'35" N., longitude 94°42'25" W.), within 2.5 miles each side of the Lufkin VORTAC 001° radial extending from the 5-mile radius area to 17 miles north of the VORTAC, and within 3.5 miles each side of the 339° and 159° bearings from the Nacogdoches RBN (latitude 31°38'01" N., longitude 94°44'01" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

**Nantucket, Mass.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Nantucket Memorial Airport, Mass. (latitude 41°15'15" N., longitude 70°03'40" W.); within 2 miles each side of the Nantucket VORTAC 045° radial, extending from the 6-mile radius area to 10 miles NE of the VOR; and that airspace extending upward from 2,000 feet MSL NE of Nantucket bounded on the NE by the arc of a 29-mile radius circle centered at the Nantucket VORTAC, on the SE by Control 1144, and on the NW by Control 1143; SE of Nantucket bounded on the SE by the arc of a 13-mile radius circle centered on the Nantucket RBN on the N by Control 1144, on the SW by Control 1145; and that airspace from FL 240 to FL 300, inclusive, SW of Nantucket, bounded on the N by Control 1169, on the E by Control 1145, and on the S and W by the arc of a 10.2-mile radius circle centered on the Nantucket RBN; that airspace northeast of Nantucket bounded on the northwest by Control 1143, on the southeast by Control 1146, and on the east by longitude 67°00'00" W. The portion east of longitude 68°00'00" W., is excluded below 5,500 feet MSL.

**Naples, Fla.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Naples Municipal Airport (lat. 26°09'10"N., long. 81°46'30"W.); within 3 miles each side of the 051° and 221° bearings from the Naples RBN (lat. 26°09'20"N., long. 81°46'26"W.), extending from the 6.5-mile radius area to 8.5 miles northeast and southwest of the RBN.  
AMENDMENTS 2/24/77 41 F. R. 52858 (Changed)

**Nappanee, Ind.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Nappanee Municipal Airport (latitude 41°26'45" N., longitude 85°56'00" W.); and within 2 miles each side of the 138° radial of the Goshen, Ind., VORTAC extending from the 5½-mile radius area to 14 miles southeast of the VORTAC excluding the airspace which overlies the Goshen, Ind., transition area.

**Nashville, Tenn.**

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'50" W.); the airspace south bounded on the north by the arc of a 14-mile radius circle centered on Nashville Metropolitan Airport; on the northeast by the arc of an 8.5-mile radius circle centered on Smyrna Airport; on the south by the arc of a 17.5-mile radius circle centered on Nashville Metropolitan Airport, and on the west by Nashville VOR 205° radial; within an 8.5-mile radius of Smyrna Airport (lat. 36°00'33" N., long. 86°31'13" W.); within 3 miles each side of Nashville VORTAC 131° radial, extending from the 8.5-mile radius area to 21.5 miles southeast of the VORTAC; within 3 miles each side of the 138° bearing from Sewart RBN (lat. 35°57'19" N., long. 86°27'45" W.), extending from the 8.5-mile radius area to 8.5 miles southeast of the RBN; within an 8-mile radius of Gallatin Municipal Airport (lat. 36°22'45" N., long. 86°24'30" W.); within an 8-mile radius of Lebanon Municipal Airport (lat. 36°11'22" N., long. 86°18'55" W.); within an 8-mile radius of Murfreesboro Municipal Airport (lat. 35°52'32" N., long. 86°22'45" W.); within 3 miles each side of the 007° bearing from Lascassas RBN (lat. 35°52'18" N., long. 86°22'37" W.), extending from the 8-mile radius area to 8.5 miles north of the RBN.



**Natchez, Miss.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hardy-Anders Field (latitude 31°36'50" N., longitude 91°17'55" W.); within 3 miles each side of Natchez VOR 020° radial, extending from the 7-mile radius area to 8.5 miles north of the VOR.

**Natchitoches, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Natchitoches Municipal Airport (latitude 31°44'30" N., longitude 93°06'20" W.) and within 3.5 miles each side of the 177° bearing from the Natchitoches RBN (latitude 31°44'03" N., longitude 93°05'43" W.), extending from the 5-mile radius zone to 11.5 miles south of the RBN.

**Nebraska**

That airspace extending upward from 1,200 feet above the surface within the State of Nebraska.

**Needles, Calif.**

That airspace extending upward from 1,200 feet above the surface within 9 miles south and 13 miles north of the Needles VORTAC 092° and 272° radials, extending from 11 miles west to 24 miles east of the VORTAC.

**Nenana, Alaska**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Nenana Airport (latitude 64°32'56" N., longitude 149°04'24" W.); and within 4 miles each side of the 132° bearing from the Julius RBN extending from the 5-mile radius area to 10.5 miles southeast of the RBN.

**Neodesha, Kansas**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Neodesha, Kansas, Municipal Airport, excluding that portion which coincides with the Parsons, Kansas, transition area.

**Neosho, Mo.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Neosho Memorial Airport (latitude 36°48'35" N., longitude 94°23'15" W.); and within 2 miles each side of the Neosho, Mo., VOR 308° radial, extending from the 5-mile radius area to 8 miles northwest of the VOR.

**Nevada, Mo.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Nevada Municipal Airport (latitude 37°51'10" N., longitude 94°18'05" W.); and within 3 miles each side of the 037° bearing from the Nevada Municipal Airport extending from the 7-mile radius area to 8 miles northeast of the airport.

**New Bern, N. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Simmons-Nott Airport (latitude 35°04'20" N., longitude 77°02'35" W.).

**Newberry, Mich.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Luce County Airport (latitude 46°18'30" N., longitude 85°27'00" W.); within 3 miles each side of the 301° bearing from Luce County Airport, extending from the 6½-mile radius to 8 miles northwest of the airport; and within 3 miles each side of the 103° bearing from Luce County Airport, extending from the 6½-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 301° bearing from Luce County Airport, extending from the airport to 18½ miles northwest of the airport; and within 4½ miles north and 9½ miles south of the 103° bearing from Luce County Airport, extending from the airport 18½ miles east of the airport, excluding the portion which overlies the Sault Ste. Marie, Mich., transition area.

**Newberry, S. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Newberry Municipal Airport (lat. 34°18'40" N., long. 81°38'20" W.); within 3 miles each side of the 031° bearing from the Enoree RBN (lat. 34°18'41" N., long. 81°38'10" W.), extending from the 6.5-mile radius to 8.5 miles northeast of the RBN.

**New Braunfels, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of New Braunfels Municipal Airport (lat. 29°42'10" N., long. 98°02'30" W.) and south of a line extending from the 5-mile radius area east along the San Antonio, Tex., VORTAC 070° radial to the 39-nautical mile DME fix and north of a line extending from the 5-mile radius area east along the San Antonio VORTAC 089° radial to the 39-nautical mile DME fix.

**Newburgh, N. Y.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 41°30'10" N., 74°06'11" W., of Stewart Airport, Newburgh, N. Y., extending clockwise from a 222° bearing to a 332° bearing from the airport; within an 11.5-mile radius of the center of Stewart Airport, extending clockwise from the 332° bearing to a 045° bearing from the airport; within an 8.5-mile radius of the center of Stewart Airport, extending clockwise from a 045° bearing to a 076° bearing from the airport, within a 10-mile radius of the center of Stewart Airport, extending clockwise from a 076° bearing to a 130° bearing from the airport; within a 12.5-mile radius of the center of Stewart Airport, extending clockwise from a 130° bearing to a 159° bearing from the airport; within a 14.5-mile radius of the center of Stewart Airport, extending clockwise from a 159° bearing to a 191° bearing from the airport, within a 12.5-mile radius of the center of Stewart Airport, extending clockwise from a 191° bearing to a 222° bearing from the airport; within 3.5 miles each side of the Stewart VOR (41°30'30" N., 74°05'51" W.) 325° radial, extending from the Stewart VOR to 18.5 miles northwest of the Stewart VOR; within 5 miles each side of the Stewart VOR 085° radial, extending from the Stewart VOR to 13 miles east of the Stewart VOR; within 5 miles each side of the Huguenot VORTAC 074° radial extending from the Huguenot VORTAC to 20 miles east of the Huguenot VORTAC; within a 7-mile radius of the center, 41°30'41" N., 74°15'51" W. of Orange County Airport, Montgomery, N. Y., extending clockwise from a 332° bearing to a 074° bearing from the airport; within a 7.5-mile radius of the center of Orange County Airport, extending clockwise from a 074° bearing to a 161° bearing from the airport; within an 8-mile radius of the center of Orange County Airport, extending clockwise from a 161° bearing to a 228° bearing from the airport within a 9-mile radius of the center of Orange County Airport, extending clockwise from a 228° bearing to a 332° bearing from the airport; within 3.5 miles each side of the Orange County Airport ILS localizer south course, extending from the OM to a point 14 miles south of the OM; within a 6-mile radius of the center, 41°25'54" N., 74°23'45" W., of Randall Airport, Middletown, N. Y., extending clockwise from a 015° bearing to a 128° bearing from the airport; within a 6.5-mile radius of the center of Randall Airport, extending clockwise from a 128° bearing to a 167° bearing from the airport; within a 6-mile radius of the center of Randall Airport, extending clockwise from a 167° bearing to a 227° bearing from the airport; within a 7-mile radius of the center of Randall Airport, extending clockwise from a 227° bearing to a 309° bearing from the airport; within a 6.5-mile radius of the center of Randall Airport, extending clockwise from a 309° bearing to a 015° bearing from the airport; and within 2 miles each side of the Huguenot VORTAC 082° radial, extending from the Huguenot VORTAC to 10 miles east of the Huguenot VORTAC.

**Newburyport, Mass.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (42°47'45" N., 70°50'25" W.) of Plum Island Airport, Newburyport, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass., transition area. This transition area shall be effective from sunrise to sunset, daily.

**New Castle, Ind.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sky Castle Airport (lat. 39°52'34" N., long. 85°19'37" W.); and within 3 miles either side of a 260° bearing from the airport, extending from the 6-mile radius to 8 miles west of the airport.

**Newcastle, Wyo.**

That airspace extending upward from 700 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Newcastle VOR (latitude 43°52'54" N., longitude 104°18'26" W.), 154° and 334° radials extending from 6 miles northwest to 18.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the north by the north edge of V-86, on the east by an arc of a 53-mile radius circle centered on Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.), on the south by the north edge of V-26, on the west by a line 5 miles west of and parallel to the Newcastle VOR 360° radial, excluding the airspace within a 3-mile radius of Schloredt, Wyoming Airport (latitude 44°23'30" N., longitude 104°24'30" W.).

**Newgulf, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Newgulf Airport (lat. 29°16'00" N., long. 95°53'00" W.) and within 3 miles each side of the Eagle Lake, Tex., VORTAC 136° radial extending from the 5-mile radius area to 30.5 miles southeast of the Eagle Lake VORTAC.

**New Jersey**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of New Jersey including the offshore airspace within 3 nautical miles east of and parallel to the shoreline; that airspace east of Long Branch, NJ., bounded by latitude 40°17'30" N., longitude 73°54'45" W., to latitude 40°12'55" N., longitude 73°19'00" W.; to latitude 39°58'40" N., longitude 73°38'36" W., to latitude 39°37'30" N., longitude 74°07'00" W., thence north along that line 3-NM east and parallel to the State of New Jersey shoreline to latitude 40°17'30" N., longitude 73°54'45" W.; that airspace extending upward from 2,000 feet above the surface bounded on the northwest by the southeast boundary of V-139, on the northeast by the southwest boundary of Control 1147, on the south by a line along latitude 39°44'00" N. The airspace within W-107 below 2,000 feet and within Control 1147 is excluded.

**New Madrid, Mo.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of County Memorial Airport (latitude 36°32'10" N., longitude 89°35'50" W.); and within 2 miles each side of the Malden, Mo., VOR 95° radial, extending from the 5-mile radius area to 8 miles east of the VOR, excluding the portion which overlies the Malden, Mo., 700-foot floor transition area.



## New Mexico

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of New Mexico, excluding that airspace north of a line beginning on the Arizona/New Mexico State line at lat. 35° 31'00" N., thence to lat. 35°52'00" N., long. 108°47'00" W., to lat. 35°47'30" N., long. 108° 34'00" W., thence along long. 108°34'00" W. to and along the north boundary of V-291N to and clockwise along the arc of a 40-mile radius circle centered at the Albuquerque VORTAC to lat. 35°37'35" N., long. 106°24'48" W., to lat. 35° 47'00" N., long. 106°15'00" W., to lat. 35°47'00" N., long. 106°12'30" W., to lat. 36°05'35" N., long. 106°09'50" W., to lat. 36°03'40" N., long. 105° 52'20" W., to lat. 35°47'00" N., long. 105°54'40" W., to lat. 35°47'00" N., long. 105°50'00" W., thence along long. 105°50' 00" W. to and along the north boundary of V-19 to long. 105°15'30" W., to lat. 36°00'00" N., long. 105°07' 00" W., thence along lat. 36°00'00" N., to and along the north boundary of V-190 to the New Mexico/Texas State line, excluding R-5101, R-5107B, and the portion of R-5107A north of lat. 32°18'00" N., excluding that airspace bounded by a line beginning on the Arizona/New Mexico State line at lat. 34°18'00" N., thence to the south boundary of V-264 at long. 108°54'00" W., thence along the south boundary of V-264 to and south along long. 107°00'00" W. to and along the northwest boundary of V-19 to lat. 33°35'00" N., to lat. 33°35'00" N., long. 107°20'00" W., to the northwest boundary of V-202 at long. 107°25'00" W., thence along the northwest boundary of V-202 to lat. 32°59'00" N., to lat. 32°35'00" N., long. 108°37'00" W., to the Arizona/New Mexico State line at lat. 32°25'00" N., thence along the State line to point of beginning, excluding that airspace south of V-66 and excluding that airspace below 11,500 feet MSL bounded by a line beginning at lat. 33°57'00" N., long. 105°27'00" W., thence to lat. 33°12'50" N., long. 105°27'00" W., to lat. 33°10'20" N., long. 105°38'00" W., thence counterclockwise along the arc of a 35-mile radius circle centered at lat. 32°51'04" N., long. 106° 06'05" W. to and along long. 106°04'00" W. to and along the south boundary of V-264 to long. 105°50'30" W., thence to point of beginning.

## PENDING AMENDMENT

The New Mexico, transition area is amended as follows: All after "excluding that airspace south of V-66" is deleted.

AMENDMENTS 1/26/78 42 F. R. 59751 (Changed)

## Newnan, GA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Newnan-Coweta County Airport (lat. 33°19'06" N., long. 84°46'18" W.); within 2.5 miles each side of LaGrange VORTAC 053° radial, extending from the 5-mile radius area to 19.5 miles northeast of the VORTAC; within 3 miles each side of the 130° bearing from Coweta RBN (latitude 33°18'31" N., longitude 84°46'22" W.), extending from the 5-mile radius area to 8.5 miles SE of the RBN.

## New Orleans, La.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 30°06'25" N., longitude 90°16'35" W.; to latitude 30°08'20" N., longitude 90°02'30" W.; thence clockwise along the arc of a 7-mile radius circle centered at the New Orleans Airport (latitude 30°02'20" N., longitude 90°01'25" W.); to latitude 30°02'20" N., longitude 89°54'20" W.; to latitude 29°49'40" N., longitude 89°54'20" W.; thence clockwise along the arc of a 7-mile radius circle centered at NAS New Orleans-Alvin Callender Field (latitude 29°49'40" N., longitude 90°01'25" W.); to latitude 29°44'45" N., longitude 90°05'25" W.; to latitude 29°53'45" N., longitude 90°20'00" W.; thence clockwise along the arc of an 8-mile radius circle centered at New Orleans International-Moisant Field (latitude 29°59'25" N., longitude 90°15'15" W.); to point of beginning; and within 2 miles each side of the Harvey VOR 053° radial extending from the VOR to 8 miles NE;

## New Philadelphia, Ohio

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Harry Clever Field (latitude 40°28'15" N., longitude 81°25'10" W.).

## Newport, Ark.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Newport Municipal Airport (lat. 35°38'25" N., long. 91°10'55" W.), and within 3.5 miles each side of the 163° bearing from the Newport RBN (lat. 35°38'30" N., long. 91°10'00" W.) extending from the 6.5-mile radius area to 11.5 miles south of the RBN.

## Newport, Oreg.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Newport Municipal Airport (lat. 44°34'45" N., long. 124°03'24" W.); within 2 miles each side of the Newport VORTAC 005° radial, extending from the 5-mile radius area to 10 miles N of the VORTAC; within 2 miles each side of the Newport VORTAC 044° radial, extending from the 5-mile radius area to 13 miles NE of the VORTAC; and within 3 miles each side of the Newport VORTAC 341° radial, extending from the 5-mile radius area to 8 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within lines 5 miles each side of the Newport VORTAC 237° radial including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines extending from the VORTAC to a line extending through lat. 44°35'00" N., long. 124°17'30" W., and lat. 44°22'00" N., long. 124°13'25" W., and that airspace within 5 miles E and 10 miles W. of the Newport VORTAC 341° radial, extending from the VORTAC to 19 miles N.

## Newport, Vt.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°53'22" N., 72°13'48" W., of Newport State Airport, Newport, Vt.; within 2 miles each side of a bearing 032° from the Newport radio beacon extending from the 5-mile radius area to 8 miles northeast of the radio beacon, excluding the portion overlying Canada.

## New Port Richey, Fla.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the West Pasco Airport (lat. 28°11'15" N., long. 83°37'50" W.); excluding the portion within a 1-mile radius of Torri Field (lat. 28°08'17" N., long. 82°40'30" W.).

## New Smyrna Beach, Fla.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of New Smyrna Beach Airport (lat. 29°03'15" N., long. 80°56'54" W.); excluding that portion that coincides with the Daytona Beach transition area.

AMENDMENTS 2/24/77 41 F. R. 52857 (Added)

## Newton, Iowa

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Newton Municipal Airport (latitude 41°40'40" N., longitude 93°01'25" W.); and within 2 miles each side of the Newton VOR 149° radial extending from the 4-mile radius area to the VOR.

## Newton, Kans.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Newton Municipal Airport (latitude 38°03'20" N., longitude 97°16'35" W.).

## New Ulm, Minn.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of New Ulm Municipal Airport (latitude 44°19'15" N., longitude 94°30'05" W.); and within 2 miles each side of the 307° bearing from New Ulm Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

## New York, N. Y.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 40°

## New York cont'd.

Extending clockwise from a 044° bearing to a 138° bearing from the airport; within a 6-mile radius of the



## New York, N. Y.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 40° 38'25" N., 73°46'41" W., of John F. Kennedy International Airport, New York, N. Y., extending clockwise from a 035° bearing to a 065° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 228° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 228° bearing to a 244° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 244° bearing to a 290° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 290° bearing to a 338° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 338° bearing to a 035° bearing from the airport; within 3 miles each side of the Canarsie, N. Y., VOR 210° radial, extending from the Canarsie, N. Y., VOR to 4 miles southwest of the VOR; within a 9-mile radius of the center, 40°46'36" N., 73°52'24" W., of LaGuardia Airport, New York, N. Y., extending clockwise from a 029° bearing to a 080° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 080° bearing to a 117° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 117° bearing to a 243° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 243° bearing to a 320° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 320° bearing to a 029° bearing from the airport; within 3.5 miles each side of the LaGuardia, N. Y., VOR 038° radial, extending from the LaGuardia, N. Y., VOR to 9 miles northeast of the VOR; within 4.5 miles northwest and 6.5 miles southeast of a 027° bearing and a 207° bearing from a point 40°36'21" N., 74°04'34" W., extending from 5.5 miles northeast to 11.5 miles southwest of said point; within a 10-mile radius of the center, 40°50'57" N., 74°03'47" W., of Teterboro Airport, Teterboro, N. J., extending clockwise from a 047° bearing to a 077° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 077° bearing to a 241° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 241° bearing to a 253° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 253° bearing to a 047° bearing from the airport; within 9.5 miles northwest and 4.5 miles southeast of the Teterboro Airport ILS localizer southwest course, extending from the OM to 18.5 miles southwest of the OM; within a 9-mile radius of the center, 40°41'40" N., 74°10'02" W., of Newark International Airport, Newark, N. J.

Extending clockwise from a 011° bearing to a 071° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 071° bearing to a 123° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 123° bearing to a 150° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 150° bearing to a 232° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 232° bearing to a 255° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 255° bearing to a 011° bearing from the airport; within 2.5 miles each side of a 105° bearing from a point 40°45'24" N., 74°30'48" W., extending from the 12-mile radius area to 4 miles east of said point; within 5 miles each side of a 098° bearing from the Chatham, N. J., RBN, extending from the 12-mile radius area to 2 miles east of the Chatham, N. J., RBN; within a 10-mile radius of the center, 40°47'58" N., 74°24'56" W., of Morristown Municipal Airport, Morristown, N. J., extending clockwise from a 022° bearing to a 116° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 116° bearing to a 225° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 225° bearing to a 264° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 264° bearing to a 335° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 335° bearing to a 022° bearing from the airport; within 6.5 miles northwest and 4.5 miles southeast of the Morristown Municipal Airport ILS localizer northeast course, extending from 5.5 miles southwest of the OM to 11.5 miles northeast of the OM; within 9.5 miles southeast and 4.5 miles northwest of the Morristown Municipal Airport ILS localizer northeast course, extending from the OM to 18.5 miles northeast of the OM; within 9.5 miles northwest and 4.5 miles southeast of a 204° bearing from the Chatham, N. J., RBN, extending from the Chatham, N. J., RBN to 18.5 miles southwest of the RBN; within 5 miles each side of the Solberg, N. J., VORTAC 067° radial, extending from the Solberg, N. J., VORTAC to 10.5 miles northeast of the VORTAC; within 5 miles each side of the Morristown Municipal Airport ILS localizer southwest course, extending from the localizer to 14.5 miles southwest of the localizer; within a 5.5-mile radius of the center, 40°31'30" N., 74°35'52" W., of Kupper Airport, Manville, N. J.

Extending clockwise from a 064° bearing to a 331° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 331° bearing to a 064° bearing from the airport; within 6.5 miles northeast and 4.5 miles southwest of the Solberg, N. J., VORTAC 298° radial and 118° radial, extending from 5.5 miles southeast to 11.5 miles northwest of the VORTAC; within a 7-mile radius of the center, 40°52'24"N., 74°17'00"W., of Essex County Airport, Caldwell, N. J., extending clockwise from a 062° bearing to a 149° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 149° bearing to a 267° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 267° bearing to a 346° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 346° bearing to a 062° bearing from the airport; within 3.5 miles each side of a 276° bearing from a point 40°52'48" N., 74°20'08" W., extending from said point to 11.5 miles west of said point; within 5 miles each side of a 281° bearing from a point 40°52'48" N., 74°20'08" W., extending from said point to 13.5 miles west of said point; within 9.5 miles northwest and 4.5 miles southeast of a 054° bearing from the Paterson, N. J., RBN, extending from the RBN to 18.5 miles northeast of the RBN; within a 6-mile radius of the center, 40°41'28" N., 74°32'08" W., of Somerset Hills Airport, Basking Ridge, N. J., extending clockwise from a 035° bearing to a 162° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 162° bearing to a 217° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 217° bearing to a 287° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 287° bearing to a 035° bearing from the airport; within 8 miles northwest and 4.5 miles southeast of a 058° bearing and a 238° bearing from the Chatham, N. J., RBN, extending from 5.5 miles southwest of the RBN to 11.5 miles northeast of the RBN; within 5 miles each side of the Sparta, N. J., VORTAC 082° radial, extending from 23 miles east of the VORTAC to 38 miles east of the VORTAC; within an 8.5-mile radius of the center, 40°37'30" N., 74°40'30" W., of Somerset Airport, Somerville, N. J.

New York transition area continued on next page.

## New York cont'd.

Extending clockwise from a 044° bearing to a 138° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 138° bearing to a 274° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 274° bearing to a 312° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 312° bearing to a 044° bearing from the airport, within 8 miles southeast and 4.5 miles northwest of the Solberg, N. J., VORTAC 050° and 230° radials, extending from 5.5 miles northeast of the VORTAC to 11.5 miles southwest of the VORTAC; within 4 miles each side of a 015° bearing from a point 40°28'13"N., 74°01'11"W., extending from said point to 6 miles north of said point; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 41°19'00" N., 74°00'00" W., to 41°12'00" N., 74°00'00" W., to 41°11'00" N., 74°09'00" W., to 41°08'10" N., 74°13'00" W., thence northwesterly along the boundary of the State of New Jersey to 41°17'45" N., 74°33'15" W., to 41°19'00" N., 74°33'00" W., to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 40°30'00" N., 73°36'00" W.; thence east along 40°30'00" N., to the northwest edge of V-139, thence southwest along the northwest edge of V-139 to 40°12'55" N., 73°19'00" W.; to 40°14'15" N., 73°30'30" W., to 40°21'45" N., 73°40'45" W., to 40°16'35" N., 73°47'30" W., to 40°17'30" N., 73°54'45" W., to 40°17'00" N., 73°58'00" W., to 40°24'00" N., 73°58'00" W., to 40°29'00" N., 74°16'00" W., to 40°32'00" N., 74°16'00" W., to 40°41'00" N., 74°11'45" W., to 40°32'00" N., 73°49'00" W., to 40°32'00" N., 73°45'00" W., to 40°33'00" N., 73°41'00" W., to 40°41'00" N., 73°39'00" W., to 40°55'00" N., 73°50'00" W., to 40°55'00" N., 73°58'00" W., to 41°00'00" N., 73°54'00" W., to 41°00'00" N., 73°33'00" W., to 40°50'00" W., to 40°41'00" N., 73°33'30" W., to the point of beginning. The airspace within W-106 below 3,000 feet MSL is excluded.

AMENDMENTS 5/1/77 42 F. R. 21608 (Changed)  
AMENDMENTS 6/8/77 42 F. R. 20620 (Changed)

## Nogales, Ariz.

That airspace extending upward from 700 feet above the surface within a five-mile radius of Nogales International Airport (latitude 31°25'00" N., longitude 110°50'55" W.), within 4.5 miles S and 9.5 miles N of the Nogales VOR 289° radial, extending from the VOR to 18.5 miles W of the VOR and within four miles each side of the Nogales VOR 329° radial, extending from the VOR to 21 miles NW of the VOR, that airspace extending upward from 1,200 feet above the surface bounded on the N by the Tucson, Arizona transition area, on the E by longitude 110°45'00" W., on the S by the United States/Mexican border and on the W by longitude 111°18'00" W.

## Nome, Alaska

That airspace extending upward from 700 feet above the surface within a 26-mile radius of the Nome VORTAC, extending clockwise from the 277° radial to the 313° radial; and within a 12-mile radius of the Nome VORTAC, extending clockwise from the 313° radial to the 134° radial; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Nome VORTAC.

## Norfolk, Nebr.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Norfolk VOR.

## Norfolk, Va.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 37°10'35" N., long. 76°17'35" W., to lat. 36°49'45" N., long. 75°52'05" W., to lat. 36°29'25" N., long. 76°09'40" W., to lat. 36°35'40" N., long. 76°18'40" W., to lat. 36°54'00" N., long. 76°27'30" W., to lat. 36°54'00" N., long. 76°36'15" W., to lat. 37°11'30" N., long. 76°46'40" W., to lat. 37°16'10" N., long. 76°39'25" W., to lat. 37°11'50" N., long. 76°16'20" W., thence to the point of beginning; within 2 miles southeast and 5 miles northwest of the Langley AFB, Hampton, Va. (lat. 37°05'05" N., long. 76°21'25" W.) Runway 7 centerline extended 15 miles northeast of the end of Runway 7; within the arc of an 8.5-mile radius circle centered on Patrick Henry International Airport, Newport News, Va. (lat. 37°07'51" N., long. 76°29'35" W.) extending clockwise from a 323° bearing to a 066° bearing from the center of the airport; within 3.5 miles each side of the Patrick Henry International Airport ILS localizer southwest course, extending from the LOM to 11.5 miles southwest, and within a 9-mile radius of Oceana NAS (Soucek Field) (lat. 36°49'10"N., long. 76°02'05"W.).

AMENDMENTS 4/21/77 42 F. R. 9672 (Changed)

## North, S. C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.); excluding the portion within Columbia transition area. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.



## North Bend, Oreg.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the North Bend VORTAC 004° radial, extending from the VORTAC to 6 miles north of the VORTAC; within a 13-mile radius arc of the North Bend VORTAC extending clockwise from the 004° radial to 130° radial; within 2 miles each side of the North Bend VORTAC 182° radial, extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles south and 6.5 miles north of the VORTAC 241° radial, extending from the VORTAC to 17 miles southwest; that airspace extending upward from 1,200 feet above the surface within a 22-mile radius arc of the North Bend VORTAC extending clockwise from the west edge of V-27, south of the VORTAC, to the west edge of V-287, north of the VORTAC; within 2.5 miles southeast and 11.5 miles northwest of the North Bend VORTAC 241° radial extending from the VORTAC to 25.5 miles southwest.

## North Carolina

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of North Carolina including that airspace within 3 nautical miles of and parallel to the shoreline of North Carolina; and including the additional airspace bounded by a line beginning at latitude 34°09'45" N., longitude 77°45'45" W., to latitude 34°03'05" N., longitude 77°42'30" W., to latitude 34°01'05" N., longitude 77°50'05" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning; and that airspace bounded by a line beginning at latitude 33°50'30" N., longitude 78°23'45" W., to latitude 33°45'50" N., longitude 78°31'00" W., to latitude 33°48'10" N., longitude 78°31'45" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning; and that airspace extending upward from 2,000 feet MSL to FL-600 bounded on the east by longitude 75°30'00" W., on the south and west by a line 3 nautical miles from and parallel to the shoreline and on the north by latitude 36°33'30" N., excluding the portion within R-5311.

## North Conway, N. H.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, latitude 44°01'30" N., longitude 71°06'45" W., of White Mountain Airport, North Conway, N. H.; within 4.5 miles northeast and 6.5 miles southwest of the 128° bearing and the 308° bearing from the North Conway NDB, latitude 44°01'26" N., longitude 71°06'59" W., extending from 6 miles northwest of the NDB to 12 miles southeast of the NDB; and within 4.5 miles northeast and 9.5 miles southwest of the 128° bearing from the North Conway NDB extending 18.5 miles southeast of the NDB.

That airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of a 128° bearing from the North Conway, N. H., NDB extending from the NDB to 12 miles southeast of the NDB; within 5 miles each side of a direct line extending from the Dalton, N. H., NDB, latitude 44°21'44" N., longitude 71°41'08" W., to the North Conway, N. H., NDB; within 5 miles each side of a direct line extending from the Montpelier, Vt., VOR to the North Conway, N. H., NDB; within 5 miles each side of a direct line extending from the Lebanon, N. H., VOR to the North Conway, N. H., NDB and within 5 miles each side of a line bearing 115° from the North Conway, N. H., NDB extending from the NDB to the northwest boundary of the Portland, Maine, 1,200-foot transition area, excluding those portions that coincide with the Berlin, N. H., Lebanon, N. H., and Burlington, Vt., 1,200-foot transition areas.

## North Philadelphia, Pa.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 40° 04'49" N., 75°00'45" W., of North Philadelphia Airport, Philadelphia, Pa., extending clockwise from a 058° bearing to a 227° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 227° bearing to a 277° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 277° bearing to a 058° bearing from the airport; within 3.5 miles each side of the North Philadelphia VOR 045° radial, extending from the VOR to 10 miles northeast of the VOR; within an 8.5-mile radius of the center, 40°16'39" N., 74°48'49" W., of Mercer County Airport, Trenton, N. J., extending clockwise from a 055° bearing to a 245° bearing from the airport; within a 10-mile radius of the center of the airport extending clockwise from a 245° bearing to a 055° bearing from the airport; within 5 miles each side of the Yardley VORTAC 251° radial, extending from the VORTAC to 5 miles west of the VORTAC; within 3.5 miles each side of the Yardley VORTAC 070° radial, extending from Yardley VORTAC to 16 miles east of the VORTAC; within a 5-mile radius of the center 40°08'15" N., 75°16'00" W., of Wings Field, Philadelphia, Pa., extending clockwise from a 118° bearing to a 181° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 181° bearing to a 305° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 305° bearing to a 118° bearing from the airport; within 4.5 miles northwest 6.5 miles southeast of a 052° bearing and a 232° bearing from a point 40°05'06" N., 75°21'24" W., extending from 5.5 miles northeast to 11.5 miles southwest of said point; within 5 miles each side of a 254° bearing from a point 40°05'06" N., 75°21'24" W., extending from said point to 6.5 miles west of said point; within 5 miles each side of a 231° bearing from the Ambler, Pa., RBN 40°07'33" N., 75°17'08" W., extending from the RBN to 6.5 miles southwest of the RBN; within a 9-mile radius of the center, 40°12'00" N., 75°08'55" W., of Willow Grove NAS, Willow Grove, Pa.; within 5 miles each side of the Willow Grove TACAN 136° radial, extending from the 9-mile radius area to 11.5 miles southeast of the TACAN; within 5 miles each side of the Willow Grove TACAN 325° radial, extending from the 9-mile radius area to 13.5 miles northwest of the TACAN; within an 8.5-mile radius of the center, 40°12'15" N., 75°04'30" W., of Warminster NAF, Warminster, Pa., extending clockwise from a 025° bearing to a 254° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 254° bearing to a 025° bearing from the airport; within 4 miles each side of a 262° bearing from the Willow Grove RBN, extending from the RBN to 8.5 miles west of the RBN; within 1.5 miles each side of the Yardley VORTAC 244° radial, extending from the 8.5-mile radius area centered on Warminster NAF to the VORTAC; within 5 miles each side of the Warminster TACAN 259° radial, extending from the TACAN to 9.5 miles west of the TACAN; within 4.5 miles each side of the Warminster TACAN 083° radial, extending from the TACAN to 9 miles east of the TACAN; within a 5-mile radius of the center, 40°13'15" N., 75°12'45" W., of Turner Field, Prospectville, Pa.; within 8 miles southwest and 3.5 miles northeast of the North Philadelphia VOR 312° radial, extending from 20 miles northwest of the VOR to 31.5 miles northwest of the VOR; within 5 miles each side of the North Philadelphia VOR 312° radial, extending from 20 miles northwest of the VOR to 26 miles northwest of the VOR; within 2.5 miles each side of the North Philadelphia VOR 312° radial extending from 18 miles northwest of the VOR to 20 miles northwest of the VOR; within a 5-mile radius of the center, 40°11'18" N., 74°53'54" W., of Buehl Field, Langhorne, Pa., extending clockwise from a 032° bearing to a 254° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 254° bearing to a 320° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 320° bearing to a 032° bearing from the airport; within 2 miles each side of the North Philadelphia VOR 038° radial, extending from the 5-mile radius to the North Philadelphia VOR; within 5 miles each side of a 219° bearing and a 039° bearing from a point, 40°05'51" N., 74°49'49" W., extending from 6 miles southwest of said point to 12 miles northeast of said point.

AMENDMENTS 5/1/77 42 F. R. 22138 (Changed)

## North Platte, Nebr.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Lee Bird Field (latitude 41°07'42" N., longitude 100°41'47" W.); and within 2 miles each side of the North Platte VOR 209° radial, extending from the 10-mile radius area to 8 miles southwest of the VOR; and within 5 miles each side of the 301° bearing from Lee Bird Field, extending from the 10-mile radius area to 11.5 miles northwest of the airport.

## North Vernon, Ind.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the North Vernon Municipal Airport (latitude 39°02'30" N., longitude 35°36'45" W.) and within 3.5 miles either side of a 220° bearing from the airport extending from the 5-mile radius area to 7.5 miles SW of the airport.

## Northway, Alaska

That airspace extending upward from 700 feet above the surface within 5 miles NE and 8 miles SW of the 307° and 127° bearings from the Nabesna, Alaska, RBN, extending from 8 miles SE to 12 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 16 miles NE and 25 miles SW of the 307° and 127° bearings from the Nabesna RBN, extending from 22 miles SE to 42 miles NW of the RBN.

## Norwich, N. Y.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 42°34' 00"N., 75°31'30"W., of Lt. Warren Eaton Airport, Norwich, N. Y.; within a 12.5-mile radius of the center of the airport, extending clockwise from a 071° bearing to a 103° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 235° bearing to a 351° bearing from the airport.



**Oakdale, Calif.**

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Oakdale Airport (latitude 37°45'23" N., longitude 120°48'01" W.) and within 2.5 miles each side of the Stockton VORTAC 104° radial, extending from the 3-mile radius area to 16 miles E of the VORTAC.

**Oak Grove, N. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Oak Grove HOLF (Navy), N. C. (lat. 35°01'15" N., long. 77°15'12" W.), excluding the portion within New Bern, N. C., transition area. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Oakland, Md.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center lat. 39°34'49" N., long. 79°20'25" W. of Garrett County Airport, Oakland, Md., and within 2 miles each side of the Grantsville VORTAC 256° radial, extending from the 6-mile radius area to 9 miles west of the VORTAC.

**Ocala, Fla.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Ocala Municipal (Jim Taylor Field) Airport (lat. 29°10'18" N., long. 82°13'26" W.).

**Ocean City, Md.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 38°18'35" N., long. 75°07'09" W. of Ocean City Airport, Ocean City, Md.; within 2.5 miles each side of the Snow Hill, Md., VORTAC 047° radial, extending from the 5-mile radius area to 18.5 miles northeast of the VORTAC and within 2.5 miles each side of the Salisbury, Md., VORTAC 096° radial, extending from the 5-mile radius area to 15.5 miles east of the VORTAC, excluding the portion outside the United States.

**Oceanside, Calif.**

That airspace extending upward from 700 feet above the surface between the Oceanside VORTAC 316° and 136° radials and a line 5 miles northeast of and parallel to the Oceanside VORTAC 316° and 136° radials, extending from latitude 33°15'00" N., to 5 miles northwest of the VORTAC.

**Oconto, Wis.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Oconto Municipal Airport (lat. 44°52'00"N., long. 87°54'30"W.); and within 3 miles each side of the 280° bearing from the Oconto Airport, extending from the 5-mile radius area to 8 miles west of the airport.

**Ocracoke, N.C.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ocracoke Island Airport (lat. 35°06'04"N., long. 75°57'57"W.); within 3 miles each side of the 059° bearing from the Ocracoke RBN (lat. 35°06'16"N., long. 75°57'50"W.), extending from the 5-mile radius area to 8.5 miles northeast of the RBN, excluding the portion outside of the continental limits of the United States.

**Oelwein, Iowa**

That airspace extending upward from 700 feet above the surface within a 6-statute mile radius of the Oelwein Municipal Airport (latitude 42°41'04" N., longitude 91°58'42" W.); and within 3.5 statute miles each side of the 303° bearing from the airport reference point extending from the 6-mile radius to 11.5 miles northwest of the airport.

**Ogallala, Nebr.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Searle Airport (latitude 41°07'00" N., longitude 101°46'00" W.); and that airspace within the state of Colorado extending upward from 1,200 feet above the surface within 9.5 miles south and 4.5 miles north of the 252° bearing from the airport extending to 18.5 miles west.

**Ogden, Utah**

That airspace extending upward from 700 feet above the surface bounded on the north by latitude 41°27'00" N., on the east by longitude 111°55'00" W., on the south by latitude 41°00'00" N., and on the west by longitude 112°22'00" W., within 4.5 miles southwest and 9.5 miles northeast of the Ogden VORTAC 316° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°50'00" W., on the S by latitude 41°00'00" N., on the W by longitude 112°45'00" W., and on the N by the N boundary of V-288, that airspace W of Ogden bounded on the S and W by the Wendover, Utah, transition area, on the N by V-6 and on the E by longitude 112°45'00" W., that airspace W of Ogden bounded on E by longitude 112°45'00" W., on the S by V-6 and on the N by V-288, that airspace NW of Ogden within 10 miles SW and 6 miles NE of the Ogden VORTAC 316° radial, extending from the N boundary of V-288 to 63 miles NW of the VORTAC, that airspace N of Ogden within 10 miles W and 7 miles E of the Ogden VORTAC 345° radial, extending from the N boundary of V-288 to 42 miles N of the VORTAC; that airspace E of Ogden extending upward from 10,500 feet m.s.l. bounded on the N by V-288 on the S by V-6 and on the W by longitude 111°50'00" W., and that airspace bounded on the N by V-6, on the SE by V-32, on the S by latitude 41°00'00" N., and on the W by longitude 111°50'00" W.

**Ogdensburg, N.Y.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center. 44°40'52" N., 75°28'05" W. of Ogdensburg International Airport, Ogdensburg, N. Y., excluding the portion over Canada: within 2 miles each side of a 077° bearing from the Ogdensburg radio beacon extending from the 5-mile radius to 8 miles east of the radio beacon.

That airspace extending upward from 1,200 feet above the surface beginning at 44°16'00" N., 75°30'00" W. to 44°18'00" N., 76°10'00" W., thence NE along the U.S./Canadian border to 44°56'00" N., 75°05'00" W. to 44°42'00" N., 75°05'00" W., 44°42'00" N., 74°54'00" W.; to 44°36'00" N., 75°00'00" W.; to point of beginning.

**Ohio**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Ohio.

**Oklahoma**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Oklahoma, excluding the portion within R-5601A.

**Oklahoma City, Okla.**

That airspace west of longitude 97°10'00" W. extending upward from 700 feet above the surface within a 23-mile radius of latitude 35°24'25" N., longitude 97°23'50" W.; within 10 miles west and 5 miles east of the Will Rogers World Airport, runway 35R ILS south course, extending from the LOM to 18.5 miles south of the LOM; and within 2 miles each side of the Wiley Post VOR (latitude 35°31'58.4"N., longitude 97°38'48.7"W.) 269° radial extending from the 23-mile radius area to 7 miles west of the Wiley Post VOR; and within a 5-mile radius of the Cimarron, Okla., Municipal Airport (latitude 35°29'15"N., longitude 97°49'00"W.).

**Okmulgee, Okla.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Okmulgee, Okla., Airport (latitude 35°39'45" N., longitude 95°56'45" W.); and within 8 miles S and 5 miles N of the Okmulgee VOR 068° Radial extending from the VOR to 12 miles E.

**Old Bridge, N. J.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 40°19'47"N., 74°20'47"W., of Old Bridge Airport, Old Bridge, N. J.; within 4.5 miles northwest and 6.5 miles southeast of the Robbinsville, N. J., VORTAC 042° radial, extending from 12.5 miles northeast of the VORTAC to 30 miles northeast of the VORTAC.

AMENDMENTS 4/21/77 42 F. R. 10843 (Added)

**Olean, N. Y.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 42°14'20" N., long. 78°22'30" W. of Olean Municipal Airport and within 3.5 miles each side of the Olean, N. Y., RBN (lat. 42°17'20" N., long. 78°20'08" W.) 028° bearing extending from the 8-mile radius area to 11.5 miles northeast of the RBN.

**Olivia, Minn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Olivia Municipal Airport (latitude 44°46'44" N., longitude 95°01'58" W.); and within 2 miles each side of the 193° bearing from the airport extending from the 5-mile radius area to 6.5 miles south of the airport.

**Olney, Ill.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Olney-Noble Airport (latitude 38°43'20" N., longitude 88°10'25" W.); within 2 miles each side of the 223° bearing from the airport, extending from the 5-mile radius area to 8 miles southwest of the airport, and within 2 miles each side of the 344° radial of Samsville VORTAC, extending from the 5-mile radius area to 5.5 miles southeast of the airport.

**Omaha, Nebr.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Eppler Field (latitude 41°18'00" N., longitude 95°53'35" W.); within 2 miles each side of the Eppler Field ILS localizer southeast course, extending from the 10-mile radius area to 15 miles southeast of the airport; and within 5 miles northeast and 8 miles southwest of the Eppler Field ILS localizer northwest course, extending from the 10-mile radius area to 12 miles northwest of the OM; within a 10-mile radius of Offutt AFB (latitude 41°07'20" N., longitude 95°54'35" W.); within 6 miles northeast and 8 miles southwest of the Offutt AFB VOR 310° and 130° radials, extending from the 10-mile radius area to 12 miles southeast of the VOR; and within 2 miles each side of the Offutt AFB TACAN 307° radial, extending from the 10-mile radius area to 8 miles northwest of the TACAN; within a 5-mile radius of Council Bluffs, Iowa, Municipal Airport (latitude 41°15'35" N., longitude 95°45'40" W.); and within 2 miles each side of the Omaha VORTAC 341° radial, extending from the 5-mile radius area to the VORTAC.



**Omak, Wash.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Omak Airport (latitude 48°27'50" N., longitude 119°31'00" W.), within 2 miles each side of the 177° bearing from the Omak radio beacon (latitude 48°27'13" N., longitude 119°30'56" W.), extending from the 5-mile radius area to 8 miles S of the radio beacon; and that airspace extending upward from 1,200 feet above the surface, within 7 miles E and 10 miles W of the 177° and 357° bearings from the Omak radio beacon, extending from 8 miles N to 20 miles S of the radio beacon.

**Oneida, Tenn.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Scott Municipal Airport (lat. 36°27'23" N., long. 84°35'10" W.); within 3 miles each side of the 055° bearing from Scott RBN (lat. 36°27'26" N., long. 84°35'11" W.), extending from the 5.5-mile radius area to 8.5 miles northeast of the RBN.

**O'Neill, Nebr.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of O'Neill Municipal Airport (latitude 42°28'10" N., longitude 98°41'15" W.); and within 3½ miles each side of the O'Neill VORTAC 315° radial, extending from the 5½-mile radius area to 12 miles northwest of the VORTAC.

**Oneonta, N. Y.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (42°31'25" N., 75°04'00" W.) of Oneonta Municipal Airport, Oneonta, N. Y., and within 2 miles each side of the Rockdale, N. Y., VORTAC 067° radial extending from the 7-mile radius area to the VORTAC.

**Ontario, Oreg.**

That airspace extending upward from 700 feet above the surface within 4.5 miles west and 9.5 miles east of the 168° and 348° bearings from the Ontario, Oreg., RBN, extending from 18.5 miles south to 6 miles north of the RBN.

**Ontonagon, Mich.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ontonagon County Airport (latitude 46°50'47" N., longitude 89°21'29" W.); and within 3 miles each side of a 042° bearing from Ontonagon County Airport, extending from the 6-mile radius area to 7.5 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the 042° bearing from Ontonagon County Airport, extending from the airport to 18½ miles northeast of the airport.

**Opelousas, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of St. Landry Parish Airport (latitude 30°33'30" N., longitude 92°06'00" W.), and within 2.5 miles each side of the Lafayette VORTAC 347° radial extending from the 5-mile radius area to 22.5 miles north of the VORTAC.

**Orange, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Orange NDB (lat. 30°04'14"N., long. 93°47'42"W.) within 2.5 miles each side of the 159°M bearing (165°T bearing) from the Orange NDB extending from the 5-mile radius to 8 miles southeast of the Orange NDB and within 2.5 miles each side of the 028°M bearing (034°T bearing) from the Orange NDB extending from the 5-mile radius to 8 miles northeast of the Orange NDB.  
AMENDMENTS 8/11/77 42 F. R. 30608 (Rewritten)

**Orangeburg, S. C.**

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Orangeburg Airport (latitude 33°27'40" N., longitude 80°51'30" W.); within 3 miles each side of the 226° bearing from Orangeburg RBN (latitude 33°26'23" N., longitude 80°52'41" W.), extending from the 7.5-mile radius area to 8.5 miles southwest of the RBN; within 3 miles each side of Edisto VOR/DME (latitude 33°27'25" N., longitude 80°51'34" W.) 230° radial, extending from the 7.5-mile radius area to 8.5 miles southwest of the VOR/DME.

**Orange City, Iowa**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Orange City Municipal Airport (lat. 42°59'25"N., long. 96°03'45"W.); and within 3 miles each side of the 172° bearing from the Orange City Municipal Airport, extending from the 5-mile radius area to 8½ miles south of the airport.

**Orange Grove, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Orange Grove NALF (latitude 27°54'03" N., longitude 98°03'05" W.), within 2.5 miles each side of the NAS Kingsville TACAN 332° radial extending from the 5-mile area to 21 miles northwest of the NAS Kingsville TACAN and within 5 miles each side of the NAS Kingsville TACAN 31-mile arc extending from the 5-mile radius area to the NAS Kingsville TACAN 320° radial excluding that portion that lies within the Alice, Tex., control zone.

**Orland, Calif.**

That airspace extending upward from 700 feet above the surface within a three-mile radius of Haigh Field (lat. 39°43'16"N., long. 122°08'50"W.); and within three miles each side of the Chico VOR 253° radial, extending from the three-mile radius area to twelve miles west of the VOR.  
AMENDMENTS 10/6/77 42 F. R. 41111 (Added)

**Orlando, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Herndon Airport (lat. 28°32'40"N., long. 81°19'55"W.); within an 8.5-mile radius of Orlando International Airport (lat. 28°25'55" N., long. 81°19'15" W.); within 3 miles each side of Orlando VORTAC 175° radial, extending from the 8.5-mile radius area to 23 miles south of the VORTAC; within 3 miles each side of McCoy ILS localizer south course, extending from the 8.5-mile radius area to 9.5 miles south of the OM; within a 6.5-mile radius of Kissimmee Municipal Airport (lat. 28°17'30" N., long. 81°26'15" W.); within 3 miles each side of the 322° bearing from Kissimmee RBN (lat. 28°17'21" N., long. 81°26'05" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.  
AMENDMENTS 2/24/77 42 F. R. 2056 (Changed)

**Orr, Minn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Orr Municipal Airport (latitude 48°01'00" N., longitude 92°51'21" W.); within 3 miles each side of the 324° bearing from the Orr Municipal Airport, extending from the 5-mile radius to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 9½ miles west of the 324° bearing of the Orr Municipal Airport extending from the airport to 18½ miles northwest; within 5 miles each side of the 144° bearing of the Municipal Airport extending from the airport to 12 miles southeast of the airport.

**Osceola, Wis.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Osceola Municipal Airport (latitude 45°18'40" N., longitude 92°41'30" W.); and within 3 miles each side of the 114° bearing from Osceola Municipal Airport, extending from the 6½-mile radius to 8 miles southeast of the airport.

**Oscoda, Mich.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wurtsmith AFB (latitude 44°27'00" N., longitude 83°24'00" W.); within 2 miles each side of the Wurtsmith AFB TACAN 232° radial extending from the 7-mile radius area to 14 miles SW of the TACAN; and within 2 miles each side of the Wurtsmith AFB TACAN 084° radial extending from the 7-mile radius area to 14 miles NE of the TACAN.

**Oshkosh, Nebr.**

That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Oshkosh Municipal Airport (latitude 41°22'55" N., longitude 102°21'12" W.).

**Oshkosh, Wis.**

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 44°24'00" N., longitude 88°45'00" W., to latitude 44°24'00" N., longitude 88°27'00" W., to latitude 44°19'00" N., longitude 88°19'00" W., to latitude 43°33'00" N., longitude 88°19'00" W., to latitude 43°33'00" N., longitude 88°53'00" W., to latitude 43°52'00" N., longitude 88°53'00" W., to point of beginning.

**Oswego, N. Y.**

That airspace extending upward from 1,200 feet above the surface beginning at latitude 43°24'00" N., longitude 76°45'00" W., to latitude 43°24'00" N., longitude 77°50'00" W.; to latitude 43°20'00" N., longitude 77°50'00" W.; to latitude 43°20'00" N., longitude 78°00'00" W.; thence north along longitude 78°00'00" W., to the U. S./Canadian border, thence east along the U. S./Canadian border to longitude 75°00'00" W.; thence to latitude 43°32'00" N., longitude 76°23'00" W.; to latitude 43°24'00" N., longitude 76°40'00" W.; to point of beginning.

**Ottawa, Ohio**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Putnam County Airport (latitude 41°02'08" N., longitude 83°59'01" W.); within 3 miles each side of the 090° bearing from the airport extending from the 5-mile radius area to 8.5 miles east of the airport.

**Ottumwa, Iowa**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Ottumwa Industrial Airport (latitude 41°06'20" N., longitude 92°26'50" W.) and within 2 miles each side of the Ottumwa VORTAC 309° radial extending from the 6-mile radius area to 13 miles northwest of the airport.

**Owensboro, Ky.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Owensboro-Daviess County Airport (lat. 37°44'31" N., long. 87°09'57" W.).



**Oxford, Conn.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius area of the center of lat. 41°28'45"N., long. 73°08'10"W., of Waterbury-Oxford Airport, Oxford, Conn., and within 4.5 miles each side of the Oxford, Conn., Waterbury NDB (lat. 41°31'45"N., long. 73°08'36"W.) 354° bearing extending from the 7-mile radius area to 11 miles north of the NDB.

AMENDMENTS 6/16/77 42 F. R. 17105 (Rewritten)

**Oxford, Miss.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the University-Oxford Airport (latitude 34°23'05" N., longitude 89°32'10" W.); within 3 miles each side of the 280 bearing from Oxford RBN (latitude 34°23'00" N., longitude 89°32'30" W.), extending from the 5-mile radius area to 8.5 miles west of the RBN.

**Oxford, N. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Oxford-Henderson Airport (lat. 36°21'50" N., long. 78°31'42" W.); within 3 miles each side of the 244° bearing from Huntsboro RBN (lat. 36°21'52" N., long. 78°31'29" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

**Oxford, Ohio**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (39°30'10" N., 84°47'15" W.) of Miami University Airport, Oxford, Ohio, and within 2 miles each side of the Oxford, Ohio, RBN (39°30'27" N., 84°46'50" W.) 225° bearing extending from the 5-mile radius area to 11 miles southwest of the RBN.

**Oxnard, Calif.**

That airspace extending upward from 700 feet above the surface beginning at lat. 34°01'50" N., long. 119°03'00" W., to lat. 34°02'30" N., long. 118°53'30" W., to lat. 34°19'30" N., long. 118°53'00" W., to lat. 34°19'30" N., long. 119°29'50" W., thence 3 nautical miles from and parallel to the shoreline to lat. 34°14'50" N., long. 119°22'00" W., to lat. 34°14'45" N., long. 119°23'30" W., to lat. 34°06'55" N., long. 119°22'30" W., to lat. 34°07'45" N., long. 119°15'00" W., thence via a 7-mile radius of the Point Mugu RBN to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the east by long. 118°50'00" W., on the south by lat. 34°00'00" N., on the west by long. 120°00'00" W., and on the north by a line extending from lat. 34°20'00" N., long. 120°00'00" W.; to lat. 34°20'00" N., long. 119°30'00" W.; to lat. 34°30'00" N., long. 119°30'00" W.; to lat. 34°30'00" N., long. 118°50'00" W.; within the arc of a 34-mile radius circle centered on the Point Mugu TACAN, extending clockwise from the 165° radial to the 255° radial, and within 14 miles south-east and 9 miles northwest of the Point Mugu TACAN 220° radial, extending from the 34-mile radius area to 49 miles southwest of the TACAN, excluding the portion within W-412; and that airspace extending upward from 5,000 feet MSL bounded on the north by lat. 34°08'00" N., on the east by long. 120°00'00" W., on the south by latitude 34°00'00" N., and on the west by longitude 120°30'00" W., excluding the portion within the Santa Barbara, Calif., transition area.

AMENDMENTS 6/16/77 42 F. R. 20619 (Changed)

**Ozark, Ark.**

That airspace extending upward from 700 feet above the surface within a 9-statute-mile radius of Ozark-Franklin County Airport, Ozark, Ark. (lat. 35°30'36" N., long. 93°50'23" W.); and within 3.5 statute miles each side of the 167° bearing from the Ozark RBN (lat. 35°30'27" N., long. 93°50'26" W.), extending from the 9-mile-radius area to 11.5 statute miles south of the RBN.

**Ozark, Missouri**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Air Park South Airport (latitude 37°03'35" N., longitude 93°14'08" W.); within 2.75 miles either side of the Springfield, Missouri, VORTAC 166° T radial, extending from the 5-mile radius to 4.5 miles north, excluding that portion which overlies the Springfield, Missouri, control zone and 700-foot transition area.

**Paducah, Ky.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Barkley Field (lat. 37°03'45" N., long. 88°46'23" W.); within 5 miles each side of Cunningham VORTAC 225° radial, extending from the 10-mile radius area to 11.5 miles southwest of the VORTAC.

**Paducah, Tex.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Paducah, Tex., Dan E. Richards Airport (latitude 34°01'30" N., longitude 100°17'00" W.).

**Page, Ariz.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Page Airport (latitude 35°55'29" N., longitude 111°26'54" W.); within 2 miles each side of the Page VOR 340° radial, extending from the 6-mile radius area to 11 miles NW of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles NE and 9 miles SW of the Page VOR 340° radial extending from the VOR to 18 miles NW of the VOR; and within 6 miles E and 9 miles west of the Page VOR 175° radial extending from the VOR to 11.5 miles S of the VOR.

**Pahokee, Fla.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palm Beach County Glades Airport (lat. 26°47'15" N., long. 80°41'45" W.); within 3 miles each side of Pahokee VORTAC 342° radial, extending from the 5-mile radius area to 9.5 miles north of the VORTAC.

**Palacios, Tex.**

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Palacios VORTAC 308° radial extending from the VORTAC to 8 miles northwest of the VORTAC.

**Palestine, Tex.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Palestine Municipal Airport (latitude 31°47'00" N., longitude 95°42'10" W.) and within 3 miles each side of the 193° bearing from the Palestine RBN (latitude 31°45'48" N., longitude 95°42'03" W.) extending from the 8.5-mile radius to 8.5 miles south of the RBN.

**Palm Beach, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Palm Beach International Airport (lat. 26°41'05" N., long. 80°05'35" W.); within a 6.5-mile radius of Palm Beach County Park Airport (lat. 26°35'15" N., long. 80°05'15" W.); excluding the portion outside the continental limits of the United States.

**Palmdale, Calif.**

That airspace extending upward from 700 feet above the surface within 2 miles S and 7 miles N of the Palmdale VORTAC 298° radial extending from the VORTAC to 18 miles NW; within 6 miles S and 12 miles N of the Palmdale VORTAC 298° and 118° radials extending from 11 miles NW to 13 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°36'30" N., longitude 118°45'00" W., to latitude 35°44'00" N., longitude 117°53'00" W., to latitude 36°07'00" N., longitude 117°53'00" W., to lat. 36°07'00" N., long. 117°35'00" W., to lat. 35°47'46" N., long. 116°55'20" W., to lat. 35°21'35.8" N., long. 116°55'20" W., to lat. 35°34'30" N., long. 116°29'40" W., to lat. 35°34'30" N., long. 116°29'40" W., to lat. 35°34'30" N., long. 116°23'30" W., to lat. 35°28'35" N., longitude 116°18'45" W., to latitude 35°21'30" N., longitude 116°13'00" W., to latitude 34°43'00" N., longitude 116°13'00" W., thence W along latitude 34°43'00" N., to the SE boundary of V-21, thence along the SE boundary of V-21 to latitude 34°30'00" N., thence W along latitude 34°30'00" N., to longitude 118°20'00" W., thence N along longitude 118°20'00" W., to the S boundary of V-137, thence W along the S boundary of V-137 to longitude 118°45'00" W., thence to point of beginning.

AMENDMENTS 2/24/77 42 F. R. 7121 (Changed)

**Palmer, Mass.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42° 13'25" N., 72°18'45" W., of Metropolitan Airport, Palmer, Mass.; within 2 miles each side of the runway 4 centerline extended from the 5-mile radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the runway 22 centerline extended from the 5-mile radius area to 9 miles southwest of the end of the runway, and within 4.5 miles each side of the 202° bearing from the Palmer, Mass., RBN 42°13'26"N.; 72°18'47"W., extending from the 5-mile radius area to 10.5 miles south of the RBN, excluding the portion which coincides with the Chicopee Falls, Mass., transition area.

AMENDMENTS 8/11/77 42 F. R. 35640 (Changed)

**Palm Springs, Calif.**

That airspace extending upward from 700 feet above the surface beginning at lat. 34°05'00" N., long. 116° 34'00" W., to lat. 33°42'45" N., long. 115°53'30" W., to lat. 33°26'00" N., long. 116°09'30" W., to lat. 33°55'00" N., long. 116°46'00" W., to point of beginning.

AMENDMENTS 4/28/77 42 F. R. 27574 (Rewritten)

**Pampa, TX.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Perry Le Fors Airport (latitude 35°36'25" N., longitude 100°59'55" W.), and within 3½ miles each side of the 001° bearing from the Pampa RBN (latitude 35°36'40" N., longitude 100°59'45" W.), extending from the 7-mile radius area to 11.5 miles north of the RBN.

**Panama City, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Panama City-Bay County Airport (latitude 30°12'41" N., longitude 85°40'57" W.); within an 8.5-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.); within 3 miles each side of the Panama City VOR 059° and 310° radials, extending from the 8.5-mile radius area to 8.5 miles northeast and northwest of the VOR; excluding the airspace outside of the continental limits of the United States.



**Paragould, Ark.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Paragould Municipal Airport (latitude 36°03'52" N., longitude 90°30'45" W.), and within 2 miles each side of the 235° bearing from the Paragould RBN (latitude 36°03'52" N., longitude 90°30'45" W.), extending from the 7-mile radius area to 8 miles southwest of the RBN excluding the portion within the Jonesboro, Ark., control zone.

**Paris, Ill.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Edgar County Airport (latitude 39°42'02" N., longitude 87°39'57" W.); and within 3 miles either side of the 072° bearing from the airport extending from the 5-mile radius area to 8 miles from the airport.

**Paris, Tenn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Henry County Airport (lat. 36°20'15" N., long. 88°23'00" W.); within 3 miles each side of the 213° and 353° bearings from Paris RBN (lat. 36°20'28" N., long. 88°22'46" W.), extending from the 5-mile radius area to 8.5 miles southwest and north of the RBN.

**Paris, Tex.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.), and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 6-mile radius area to the VOR.

**Parker, Calif.**

That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Parker VORTAC 071° and 251° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

**Parkersburg, W. Va.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 39°20'44" N., long. 81°26'18" W., of Wood County (Gill Robb Wilson Field) Airport, Parkersburg, W. Va.; within 5 miles each side of the Wood County (Gill Robb Wilson Field) Airport ILS localizer south course, extending from the 9-mile radius area to 10 miles south of the OM; within 4.5 miles west and 6.5 miles east of a 200° and a 020° bearing from the Wood County (Gill Robb Wilson Field) Airport ILS localizer south course OM, extending from 5.5 miles north to 11.5 miles south of the OM; and within 5 miles each side of a 086° bearing from a point, lat. 39°09'38" N., long. 81°38'35" W., extending from said point to 5 miles east of the Wood County (Gill Robb Wilson Field) Airport ILS localizer south course.

**Park Rapids, Minn.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Park Rapids Municipal Airport (latitude 46°53'53" N., longitude 95°04'08" W.); within 3 miles each side of the 132° bearing from the airport extending from the 6½-mile radius area to 8 miles southeast of the airport; within 3 miles each side of the 320° bearing from the airport extending from the 6½-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within ½ mile southwest and 9½ miles northeast of the 132° bearing from the airport extending from the airport to 18½ miles southeast; within ½ mile northeast and 9½ miles southwest of the 320° bearing from the airport extending from the airport to 18½ miles northwest.

**Parsons, Kans.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Tri-City Airport (latitude 37°19'52" N., longitude 95°30'32" W.); and within 3 miles each side of the 173° bearing from the Parsons RBN extending from the 6.5-mile radius to 8.5 miles south of the RBN, and within 3 miles each side of the 008° bearing from the Parsons RBN extending from the 6.5-mile radius to 8.5 miles north of the RBN.

**Pascagoula, Miss.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Jackson County Airport (latitude 30°22'43" N., longitude 88°29'37" W.); within 3 miles each side of the 060° bearing from Pascagoula RBN (latitude 30°22'53" N., longitude 88°29'33" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

**Pasco, Wash.**

That airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 6 miles southeast of the Pasco VOR 046° and 226° radials extending from 23 miles northeast to 12 miles southwest of the VOR within 9.5 miles northeast and 5 miles southwest of the Pasco VOR 131° radial extending from the VOR to 18.5 miles southeast of the VOR.

That airspace extending upward from 1,200 feet above the surface, southwest of Pasco, Wash., bounded on the north by the south edge of V-298, on the east by the west edge of V-112W and on the southwest by the northeast edge of V-4; within 3 miles north and 7.5 miles south of the Pasco VOR 288° radial extending from 8 miles west of the VOR to 18 miles west of the VOR.

**Paso Robles, Calif.**

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Paso Robles VORTAC 332° and 342° radials, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.) to 10 miles NW of the VOR, and within 2 miles each side of the Paso Robles VORTAC 149° radial, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport to 8 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 12 miles NE and 7 miles SW of the Paso Robles VORTAC 149° and 329° radials, extending from 20 miles SE to 9 miles NW of the VORTAC, and within 12 miles NE and 7 miles SW of the 142° and 322° radials, extending from 9 miles SE to 24 miles NW of the VORTAC.

**Patterson, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harry P. Williams Memorial Airport (latitude 29°42'40" N., longitude 91°20'18" W.), within 2.5 miles each side of the Tibby VORTAC 276° radial extending from the 5-mile radius area to 24 miles west of the VORTAC, and within 3.5 miles each side of the 228° bearing from the Patterson RBN (latitude 29°42'32" N., longitude 91°20'14" W.) extending from the 5-mile radius area to 11.5 miles southwest of the RBN.

**Patuxent River, Md.**

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Patuxent VORTAC, excluding the portion NW of a line extending from latitude 38°15'00"N., longitude 76°39'20"W., to latitude 38°26'20"N., longitude 76°14'00"W.

**Peach Springs, Ariz.**

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Peach Springs VORTAC 074° and 254° radials, extending from 9 miles W to 20 miles E of the VORTAC. That airspace extending upward from 9,000 feet MSL bounded on the north by a line 5 miles north of and parallel to a direct line between the Grand Canyon, Ariz., VOR and the Boulder City, Nev., VORTAC, on the south by the north edge of V-210 and on the southwest by the northeast edge of V-105E.

**Pearsall, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of McKinley Field Airport (latitude 28°49'00" N., longitude 99°07'00" W.) and within 2.5 miles either side of the Cotulla, Tex., VORTAC 001° radial extending from the 5-mile radius area to 18.5 miles north of the VORTAC.

**Pecos, Tex.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pecos, Tex., Municipal Airport (latitude 31°23'45" N., longitude 103°30'50" W.); and within 2 miles each side of the Pecos VOR 146° radial, extending from the 6-mile radius area to the VOR.

**Peebles, Ohio**

That airspace extending upward from 700 feet above the surface within a 7-nautical-mile radius of the center (lat. 38°55'16"N., long. 83°10'37"W.) of General Electric Airport, Peebles, Ohio; excluding that portion which overlies the Salamon, Ohio, transition area.  
AMENDMENTS 10/6/77 42 F. R. 41627 (Rewritten)

**Pella, Iowa**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Pella Municipal Airport (lat. 41°24'10" N., long. 92°56'40" W.); and within 3 miles each side of the 176° bearing from the Pella Municipal Airport extending from the 5-mile radius to 8 miles south of the airport.

**Pellston, Mich.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Emmet County Airport (lat. 45°34'09" N., long. 84°47'45" W.) and within a 6-mile radius of the Cheboygen Municipal Airport (lat. 45°39'15" N., long. 84°31'06" W.); within 5 miles each side of the Pellston VORTAC 238° radial, extending from the 11-mile radius area to 22 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 19-mile radius of the Pellston VORTAC north of parallel 45°45' excluding the portion overlying the Sault Ste. Marie, Mich., transition area.

**Pendleton, Oreg.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 45°41'30" N., longitude 118°47'24" W.; within 4.5 miles each side of the Pendleton VORTAC 254° radial extending from the 12-mile radius area to 12.5 miles west of the VORTAC; within 4.5 miles north and 1 mile south of the Pendleton 273° radial extending from the 12-mile radius area to 8 miles west of the VORTAC; and within 9.5 miles north and 5 miles south of the Pendleton 090° bearing from the Pendleton ILS OM (latitude 45°41'45" N., longitude 118°43'46" W.), extending from the 12-mile radius area to 18.5 miles east of the OM; that airspace extending upward from 1,200 feet above the surface within 11 miles NE and 7 miles SW of the Pendleton VORTAC 137° radial extending from the 12-mile radius area to 50 miles SE of the VORTAC, within 10 miles S and 7 miles N of the Pendleton 254° radial extending from the 12-mile radius area to 33 miles W of the VORTAC, within 9.5 miles north and 5 miles south of the Pendleton 273° radial, extending from the 12-mile radius area to 18.5 miles west of the VORTAC; within 6 miles southwest and 9 miles northeast of the Pendleton 310° radial, extending from the 12-mile radius area to 30 miles NW of the VORTAC, within 5 miles NW of the 025° radial and 5 miles SE of the 049° radial, extending from the 12-mile radius area to an arc of a 35-mile radius circle centered on the Pendleton VORTAC, that airspace within the arc of a 32-mile-radius circle centered on the Pendleton VORTAC extending clockwise from the southeast edge of V-112E to the northeast edge of V-208.



**Pennington Gap, Va.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 36° 44'33" N., long. 83°01'50" W. of Lee County Airport, Pennington Gap, Va.

**Pennsylvania**

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°40'00" N., longitude 75°30'00" W., to latitude 42°10'00" N., longitude 75°25'00" W., to latitude 42°00'00" N., longitude 75°26'00" W., to latitude 42°00'00" N., longitude 75°00'00" W., to latitude 41°31'00" N., longitude 75°07'00" W., to latitude 40°56'16" N., longitude 75°11'04" W., to latitude 40°48'00" N., longitude 75°00'00" W., to latitude 40°49'00" N., longitude 74°37'00" W., to latitude 40°38'00" N., longitude 74°49'30" W., to latitude 40°31'15" N., longitude 74°42'30" W., to latitude 40°24'20" N., longitude 74°45'40" W., to latitude 40°16'10" N., longitude 74°39'20" W., to latitude 40°00'35" N., longitude 74°54'35" W., to latitude 39°53'00" N., longitude 74°48'00" W., to latitude 39°43'00" N., longitude 74°48'00" W., to latitude 39°18'20" N., longitude 75°36'40" W., to latitude 39°25'25" N., longitude 75°46'05" W., thence northerly along the Delaware State line to the Pennsylvania State line; thence westerly and northerly along the Pennsylvania State line to the United States/Canadian Border; thence northeasterly along the United States/Canadian Border to longitude 79°19'30" W.; to latitude 42°37'00" N., longitude 79°15'00" W.; to latitude 42°32'00" N., longitude 78°52'00" W., to latitude 42°32'00" N., longitude 77°36'00" W.; to latitude 42°40'00" N., longitude 77°23'45" W.; to latitude 42°41'30" N., longitude 76°23'00" W.; to point of beginning.

**Penn Yan, N. Y.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 42° 38'30" N., 77°03'20" W., of Penn Yan Airport, Penn Yan, N. Y.; within 3 miles each side of a 095° bearing from the Penn Yan, N. Y., RBN 42°38'38" N., 77°03'22" W.; extending from the 5.5-mile radius area to 8.5 miles east of the RBN.

**Pensacola, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Pensacola Regional Airport (lat. 30°28'25" N., long. 87°11'20" W.); within 3 miles each side of the ILS localizer north course, extending from the 8.5-mile radius area to 8.5 miles north of Brent LOM; within an 8.5-mile radius of Forrest Sherman Field (lat. 30°20'53" N., long. 87°19'04" W.); and within a 17.5-mile radius of the NAS Pensacola TACAN, extending clockwise from the 070° radial to the 270° radial.

AMENDMENTS 4/21/77 42 F. R. 3170 (Rewritten)

**Peoria, Ill.**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 40°54'N., long. 89°59'W., to lat. 40°53'N., long. 89°33'W., to lat. 40°49'N., long. 89°29'W., to lat. 40°23'N., long. 89°34'W., to lat. 40°26'N., long. 90°07'W., to lat. 40°34'N., long. 90°11'W., to lat. 40°47'N., long. 90°08'W., to point of beginning.

AMENDMENTS 12/30/76 41 F.R. 44153 (Rewritten)

**Perry, Fla.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Perry-Poley Airport (lat. 30°04'09" N., long. 83°34'43" W.).

**Perry, Iowa**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perry Municipal Airport (latitude 41°49'35" N., longitude 94°09'30" W.); and within 2 miles each side of the 147° bearing from Perry Municipal Airport, extending from the 5-mile radius area to 8 miles southeast of the airport.

**Perryton, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perryton Airport (latitude 36° 24' 45" N., longitude 100° 45' 00" W.), and within 2 miles each side of the 101° bearing from the Perryton RBN (latitude 36° 24' 46" N., longitude 100° 44' 17" W.) extending from the 5-mile radius area to 8 miles E of the RBN.

**Perryville, Mo.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Perryville, Mo., Municipal Airport (latitude 37°51'55" N., longitude 89°51'45" W.) and within 2 miles each side of the Farmington, Mo., VORTAC 057° radial extending from the 8-mile radius area to 15 miles northeast of the VORTAC.

**Peru, Ind.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Peru Airport (latitude 40°47'10" N., longitude 86°08'47" W.), excluding the area which overlies the Kokomo transition area.

**Petersburg, Mich.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lada Airport (lat. 41°53'15" N., long. 83°40'45" W.) and within 2 miles each side of the Carleton, Mich., VORTAC 226° radial extending from the 5-mile radius area to 9.5 miles southwest of the VORTAC.

AMENDMENTS 10/6/77 42 F. R. 39974 (Added)

**Petersburg, VA.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 37°11'00" N., long. 77°31'00" W. of Petersburg Municipal Airport, Petersburg, VA., and within 5 miles each side of the 226° bearing from the Petersburg RBN, lat. 37°07'48" N., long. 77°34'30" W., extending from the 8-mile radius area to 11.5 miles southwest of the RBN.

**Philadelphia, Pa.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 39° 52'23" N., 75°14'58" W., of Philadelphia International Airport, Philadelphia, Pa.; within a 9-mile radius of the center of the airport, extending clockwise from a 136° bearing to a 256° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 256° bearing from the airport to a 058° bearing from the airport; within 6.5 miles south and 4.5 miles north of the Philadelphia International Airport Runway 9R ILS localizer course, extending from 5.5 miles east to 11.5 miles west of the OM; within 4.5 miles each side of the Modena, Pa., VORTAC 097° radial, extending from 24 miles east to 33 miles east of the VORTAC; within a 5.5-mile radius of the center, 39°47'50" N., 75°20'35" W., of Bridgeport Airport, Bridgeport, New Jersey; within 4.5 miles each side of the Woodstown, N. J. VORTAC 349° radial, extending from the 5.5-mile radius area to the Woodstown, N. J., VORTAC.

AMENDMENTS 12/30/76 41 F. R. 52857 (Changed)

**Philip, S. Dak.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Philip Airport (latitude 44°02'45" N., longitude 101°35'45" W.); that airspace bounded by a line 8 miles south of and parallel to the Philip, S. Dak., VORTAC 102° radial, extending from the VORTAC to 3 miles east of the VORTAC, and within 4.5 miles north and 0.5 miles south of the Philip VORTAC 282° radial, extending from the VORTAC to 18.5 miles west of the VORTAC.

**Phillipsburg, Pa.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40° 53'00" N., 78°05'15" W., of Mid-State Airport, Phillipsburg, Pa., extending clockwise from a 261° bearing to a 012° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 012° bearing to a 098° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 098° bearing to a 183° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 183° bearing to a 261° bearing from the airport; within 3.5 miles each side of the Phillipsburg VORTAC 087° radial, extending from the VORTAC to 11.5 miles northeast of the VORTAC; within 4 miles each side of the 327° bearing from a point 40°53'09" N., 78°05'06" W., extending from said point to a point 8.5 miles northwest; within 2.5 miles each side of the Phillipsburg VORTAC 330° radial, extending from the VORTAC to 8 miles northwest of the VORTAC; and within 3.5 miles each side of the Phillipsburg VORTAC 301° radial, extending from the VORTAC to 11.5 miles northwest of the VORTAC.

**Phillipsburg, Kans.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Phillipsburg Municipal Airport (latitude 39°44'15" N., longitude 99°19'00" W.); and within 3 miles each side of the 142° bearing from Phillipsburg Municipal Airport, extending from the 7-mile radius area to 10½ miles southeast of the airport.

**Phillipsburg, Ohio**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Myers Airport (latitude 39°54'40" N., longitude 84°24'00" W.); excluding that portion which overlies the Dayton, Ohio, and Troy, Ohio, transition areas.



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## Phoenix, Ariz.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°48'30" N., longitude 112°15'00" W., direct to latitude 33°34'45" N., longitude 111°32'15" W., thence clockwise via the arc of a 20-mile radius circle centered on Williams AFB (latitude 33°18'25" N., longitude 111°39'35" W.) to latitude 33°02'30" N., longitude 111°47'30" W., thence direct to latitude 33°16'00" N., longitude 112°31'00" W., thence via an arc of a 20-mile radius circle centered on Luke AFB (latitude 33°32'05" N., longitude 112°22'55" W.) to point of beginning; that airspace NW of Phoenix bounded by a line beginning at latitude 33°59'00" N., longitude 112°38'00" W., to latitude 33°49'00" N., longitude 112°25'00" W., thence counterclockwise via an arc of a 20-mile radius circle centered on Luke AFB to latitude 33°42'00" N., to latitude 33°44'00" N., longitude 112°45'00" W., to latitude 33°55'00" N., longitude 112°45'00" W., to point of beginning.

and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°10'00" N., longitude 112°39'00" W.; thence to latitude 34°10'00" N., longitude 111°30'00" W.; thence to latitude 34°00'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 112°00'00" W.; thence to latitude 32°51'00" N., longitude 112°30'00" W.; thence to latitude 32°51'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 112°52'00" W.; thence to the point of beginning. That airspace west of Phoenix extending upward from 5,500 feet MSL bounded on the north by the south edge of V-16, on the east by longitude 113°00'00" W., on the south by the north edge of V-66 and on the west by longitude 114°00'00" W., and that airspace extending upward from 7,000 feet MSL bounded on the north by latitude 34°00'00" N., on the east by longitude 113°00'00" W., on the south by the north edge of V-16 and on the west by longitude 114°00'00" W., excluding that airspace within restricted areas R-2308A, R-2308B, and R-2307.

That airspace extending upward from 9,500 feet MSL bounded on the north by the south edge of V-12, on the east by the west edge of V-327, on the south and southeast by the north and northwest boundary of the 1,200 foot portion of the transition area, and on the southwest by a line extending from latitude 34°05'00" N., longitude 112°37'00" W., to point of intersection of longitude 113°10'00" W., and the south edge of V-12.

## Picayune, Miss.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Picayune Municipal Airport (latitude 30°31'20" N., longitude 89°42'25" W.); within 3.5 miles each side of Picayune VORTAC 334° radial, extending from the 5-mile radius area to 8 miles northwest of the VORTAC.

## Pierre, S. Dak.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.); within 5 miles each side of the Pierre VORTAC 087° radial extending from the 8½-mile radius area to 7 miles east of the VORTAC; within 5 miles each side of the Pierre VORTAC 265° radial extending from the 8½-mile radius area to 18½ miles west of the VORTAC; within 5 miles each side of the Pierre ILS localizer northwest course extending from the 8½-mile radius area to 17½ miles northwest of the airport; within 3½ miles each side of the Pierre ILS localizer southeast course extending from the 8½-mile radius area to 18 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Pierre VORTAC.

## Pine Bluff, Ark.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Grider Field (latitude 34°10'35" N., longitude 91°55'55" W.), and within 5 miles each side of the Little Rock VORTAC 137° radial and the Pine Bluff VORTAC 007° and 186° radials extending from the Little Rock, Ark., transition area to 22.5 miles south of the Pine Bluff VORTAC.

## Pine Mountain, Ga.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Callaway Gardens-Harris County Airport (latitude 32°50'30" N., longitude 84°52'55" W.); within 3 miles each side of the 264° bearing from Pine Mountain RBN (latitude 32°50'30" N., longitude 84°52'36" W.), extending from the 8-mile radius area to 8.5 miles west of the RBN.

## Pineville, W. Va.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Kee Field, Pineville, W. Va. (lat. 37°36'01" N., long. 81°33'59" W.); within an 8.5-mile radius of the center of the airport, extending clockwise from a 265° bearing to a 305° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 305° bearing to a 343° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 343° bearing to a 005° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 005° bearing to a 025° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 025° bearing to a 085° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 085° bearing to a 125° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 125° bearing to a 172° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 172° bearing to a 210° bearing from the airport; and within 3 miles each side of a 243° bearing from the Pineville, W. Va., radio beacon (lat. 37°36'11" N., long. 81°33'35" W.) extending from the radio beacon to 8.5 miles southwest of the radio beacon.

## PENDING AMENDMENT

The Pineville, W. Va., transition area is amended by deleting "and within 3 miles each side of a 243° bearing from the Pineville, W. Va., radio beacon (lat. 37°36'11" N., long. 81°33'35" W.) extending from the radio beacon to 8.5 miles southwest of the radio beacon." and substituting "within 5 miles each side of the Beckley VORTAC 243° radial, extending from 9 miles southwest of the VORTAC to 26 miles southwest of the VORTAC."

AMENDMENTS 12/15/77 42 F. R. 57445 (Changed)

## Pipestone, Minn.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pipestone Municipal Airport (lat. 43°59'15" N., long. 96°18'30" W.); and within 3 miles each side of the 198° bearing from Pipestone Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport.

## Piqua, Ohio

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Piqua Airport (lat. 40°09'55" N., long. 84°18'37" W.); and within 2 miles each side of the Dayton VORTAC 023° radial extending from the 5-mile radius area to the VORTAC, and within 1.5 miles each side of the 078° bearing from the airport extending from the 5-mile radius area to 6 miles northeast, excluding that portion overlying the Sidney, Ohio, transition area.

## Pitman, N.J.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center 39°45'15" N., 75°08'30" W., of Pitman Airport, Pitman, N.J., and within 5 miles each side of the Woodstown, N.J. VORTAC 046° radial, extending from the 5.5-mile radius area to the Woodstown, N.J. VORTAC, excluding the portion that coincides with the Philadelphia, Pa. transition area. This transition area is effective from sunrise to sunset, daily.

## Pittsburg, Kansas

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Atkinson Municipal Airport (latitude 37°26'48" N, longitude 94°43'50" W); and within 3 miles each side of the 346° true bearing from the Pittsburg, Kansas, RBN (latitude 37°26'32" N., longitude 94°43'35" W.); extending from the 6.5 mile radius to 8 miles NNW of the Pittsburg, Kansas, RBN.

AMENDMENTS 2/24/77 41 F. R. 53780 (Rewritten)

## Pittsburgh, Pa.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, lat. 40°29'37" N., long. 80°13'54" W. of Greater Pittsburgh International Airport, Pittsburgh, Pa.; within an 8.5 mile radius of the center, lat. 40°21'17" N., long. 79°55'48" W. of Allegheny County Airport, Pittsburgh, Pa., and within 3.5 miles each side of the 257° bearing from the Cecil RBN extending from the 8.5-mile radius area to 11 miles west of the RBN; and within a 7-mile radius of the center, lat. 40°21'15" N., long. 80°11'16" W. of Campbell Airport, Bridgeville, Pa.

## Pittsfield, Ill.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Pittsfield Penstone Airport (latitude 39°38'22" N., longitude 90°46'51" W.); and within 3 miles each side of the 124° bearing from the Pittsfield Penstone Airport extending from the 5.5-mile radius area to 8 miles southeast of the airport.

## Pittsfield, Maine

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44° 46'05" N., 69°22'40" W. of Pittsfield Municipal Airport, Pittsfield, Maine and within 3.5 miles each side of the 350° bearing and the 170° bearing from the Burnham, Maine RBN 44°41'50" N., 69°21'30" W., extending from the 5-mile radius area to 10 miles south of the RBN.



**Pittsfield, Mass.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 42°25'36" N., 73°17'30" W., of Pittsfield Municipal Airport, Pittsfield, Mass., and within 4.5 miles northwest and 6.5 miles southeast of the 061° bearing and the 241° bearing from the Berkshire, Mass., RBN lat. 42°28'05" N., long. 73°11'38" W., extending from 5.5 miles southwest of the RBN to 11.5 miles northeast of the RBN.

**Pittstown, N. J.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius area of the center of lat. 40°33'58" N., long. 74°58'43" W. of Sky Manor Airport, Pittstown, N. J., and within 3 miles each side of the Solberg, N. J., VORTAC 265° radial extending from the 7-mile radius area to 22 miles west of the VORTAC.

**PENDING AMENDMENT****Placerville, Calif.**

That airspace extending upward from 700 feet above the surface within a four mile radius of Placerville Airport (latitude 38°43'30" N., longitude 120°45'18" W.) and within four miles each side of the Placerville Nondirectional Radio Beacon (NDB) (latitude 38°43'23" N., longitude 120°45'54" W.) 210° magnetic bearing extending from the four mile radius area to eleven miles southwest of the NDB.  
AMENDMENTS 1/26/78 42 F. R. 59750 (Added)

**Plains, Ga.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Peterson Field (lat. 32°05'25" N., long. 84°22'20" W.); within 5 miles each side of the Albany VORTAC 350° radial, extending from the 6.5-mile radius area to 39.5 miles north of the VORTAC; excluding the portion within the Americus transition area.

AMENDMENTS 2/28/77 42 F. R. 10314 (Added)

Corr: 42 F. R. 15308

**Plainview, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hale County Airport, Plainview, Tex., (latitude 34°10'10" N., longitude 101°43'00" W.).

**Platteville, Wis.**

That airspace extending upward from 700 feet above the surface within an 8½ mile radius of the Platteville Municipal Airport (latitude 42°41'15" N., longitude 90°26'41" W.).

**Plattsburgh, N. Y.**

That airspace extending upward from 700 feet above the surface within a 13-mile radius of the center, 44°39'05" N., 73°28'10" W., of Plattsburgh AFB, Plattsburgh, N. Y.; within 2 miles each side of the airport ILS localizer north course extending from the 13-mile radius area to 22 miles north of the Runway 17 localizer.

**Pleasanton, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pleasanton Municipal Airport (lat. 28°57'00" N., long. 98°31'20" W.) and within 3 miles each side of the 168° bearing from the Pleasanton NDB to 8 miles south of the NDB.

AMENDMENTS 10/6/77 42 F. R. 36812 (Rewritten)

Corr: 42 F. R. 46924

**Plymouth, Ind.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Plymouth Municipal Airport (latitude 41°22'00" N., longitude 86°18'10" W.); within 2½ miles each side of the Knox, Ind. VOR 080° radial, extending from the 5-mile radius area to 12 miles east of the VOR; and within 2½ miles each side of the Knox VOR 081° radial, extending from the 5-mile radius area to 25½ miles east of the VOR.

**Plymouth, Mass.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°54'35" N., 70°43'45" W., of Plymouth Municipal Airport, Plymouth, Mass., and within 2 miles each side of the Whitman, Mass., VOR 129° radial extending from the 5-mile radius area to the VOR, and within 2 miles each side of the 204° bearing from the Plymouth, Mass., RBN, 41°54'32" N., 70°44'11" W. extending from the 5-mile radius area to 8 miles southwest of the Plymouth RBN, excluding that airspace which coincides with the Boston, Mass., and Taunton, Mass., 700-foot transition areas.

**Plymouth, N. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Plymouth Municipal Airport (lat. 35°48'30" N., long. 76°45'36" W.); within 3 miles each side of the 188° bearing from Plymouth RBN (lat. 35°48'35" N., long. 76°45'47" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

**Pocahontas, Iowa**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Pocahontas Municipal Airport (latitude 42°44'45" N., longitude 94°38'45" W.); within 3 miles each side of the 280° bearing from the Pocahontas Municipal Airport, extending from the 5-mile radius to 8 miles west of the airport; within 2 miles each side of the 116° bearing from the Pocahontas Municipal Airport; extending from the 5-mile radius to 6 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 41-mile arc of the Fort Dodge VORTAC (latitude 42°36'40" N., longitude 94°17'41" W.); starting at the 268° radial of the Fort Dodge VORTAC and extending clockwise to the 315° radial of the Fort Dodge VORTAC, excluding that portion which overlies the Fort Dodge, Iowa, Spencer, Iowa and Storm Lake, Iowa, transition areas.

**Pocatello, Idaho**

That airspace extending upward from 700 feet above the surface within 4.5 miles southeast and 11 miles northwest of the Pocatello VORTAC 048° radial, extending from the VORTAC to 28 miles northeast of the VORTAC; within 9.5 miles north and 4.5 miles south of the 252° radial extending from 18.5 miles west to 1.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°11'30" N., longitude 112°10'00" W., thence to latitude 42°52'00" N., longitude 112°11'45" W., thence clockwise via a 23-mile radius arc centered on the Pocatello VORTAC to latitude 43°05'20" N., longitude 113°00'00" W., thence to latitude 43°20'30" N., longitude 112°45'30" W., thence to point of beginning.

**Point Barrow, Alaska**

That airspace extending upward from 700 feet above the surface within 3 miles each side of the Browerville RBN (NMT) 155° bearing, extending from the control zone to 10 miles south of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 22-mile radius of latitude 71°18'00" N., longitude 156°43'00" W.

**Point Lookout, Mo.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of School of the Ozarks Airport (latitude 36°37'25" N., longitude 93°13'45" W.).

**Point Pleasant, W. Va.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 38°54'53" N., 82°05'53" W. of Mason County Airport, Point Pleasant, W. Va., excluding the portion that coincides with the Gallipolis, Ohio, transition area.

**Point Reyes, Calif.**

That airspace extending upward from 1,200 feet above the surface N of Point Reyes bounded on the NE and E by V-27, on the SW by V-107, and on the W by V-199; and W of Point Reyes bounded on the E by V-199; on the S by Control 1173, on the W by a line extending from latitude 38°02'35" N., longitude 123°14'25" W. to latitude 38°17'30" N., longitude 123°16'45" W., to latitude 38°25'30" N., longitude 123°23'00" W., to 38°43'30" N., longitude 123°23'15" W., and on the N by latitude 38°43'30" N.

**Ponca City, Okla.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ponca City Municipal Airport (latitude 36°43'40" N., longitude 97°05'50" W.) within 2 miles each side of the Pioneer, Oklahoma, VORTAC 289° radial, extending from the 6-mile radius area to 8 miles NW of the VORTAC.

**Ponce, P. R.**

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Mercedita Airport Ponce, P. R. (latitude 18°00'40" N., longitude 66°33'50" W.) north of latitude 18°00'00" N., and within an 8-mile radius of Mercedita Airport south of latitude 18°00'00" N.; within 9.5 miles south and 4.5 miles north of the Ponce VOR 111° radial, extending from the VOR to 18.5 miles east of the VOR.

**Poplar Bluff, Mo.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Earl Fields Memorial Airport (latitude 36°46'20" N., longitude 90°19'20" W.); and within 3 miles each side of the 189° bearing from Earl Fields Memorial Airport, extending from the 5½-mile radius area to 8 miles south of the airport.

**Portal, Ariz.**

That airspace extending upward from 1,200 feet above the surface within 13 miles north and 8 miles south of the Cochise, Ariz., VORTAC 096° radial extending from 20 miles east to 56 miles east of the VORTAC, and that airspace extending upward from 1,200 feet above the surface bounded on the northeast by V-198, on the south by V-16, and on the west by longitude 108°49'00" W.



**Port Angeles, Wash.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clallam County Airport, Port Angeles, Wash. (latitude 48°07'20" N., longitude 123°29'40" W.); within a 5-mile radius of CGAS Port Angeles (latitude 48°08'30" N., longitude 123°24'45" W.), within 2 miles N and 5 miles S of the Port Angeles VOR 093° radial, extending from the VOR to 12 miles E of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the E by the W edge of V-440, on the S by latitude 48°03'00" N., on the W by longitude 123°35'00" W. and on the N by the United States/Canadian border.

**Port Clinton, Ohio**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Carl R. Keller Field, Port Clinton, Ohio (latitude 41°30'57" N., longitude 82°51'58" W.) within 3 miles each side of the 082° bearing from the airport extending from the 7-mile radius to 8 miles east of the airport.

**Porterville, Calif.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Porterville Municipal Airport (latitude 36°02'00" N., longitude 119°04'00" W.) and within 2 miles each side of the Porterville VOR 343 radial extending from the 5-mile radius area to 1 mile north of the VOR.

**Port Isabel, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Port Isabel, Cameron County Airport (latitude 26°10'00" N., longitude 97°20'45" W.) and within 2 miles each side of the Brownsville, Tex., VORTAC 006° radial extending from the 5-mile radius area to 10 miles north of the Brownsville VORTAC.

**Portland, Ind.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Steed Field (latitude 40°27'00" N., longitude 84°59'15" W.); and within 2 miles each side of the 100° bearing from Steed Field, extending from the 6-mile radius area to 8 miles East of the airport.

**Portland, Maine**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, (latitude 43°38'50" N., longitude 70°18'30" W.) of Portland International Jetport; within 4.5 miles south and 9.5 miles north of the Portland ILS localizer west course, extending from the OM to 18.5 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°59'00" N., longitude 69°16'00" W.; thence to latitude 43°50'00" N., longitude 69°18'00" W.; to latitude 43°44'00" N., longitude 69°19'42" W.; to latitude 43°41'00" N., longitude 69°30'00" W.; to latitude 43°30'00" N., longitude 70°06'00" W.; to latitude 43°18'15" N., longitude 70°25'00" W.; to latitude 42°43'15" N., longitude 70°25'00" W.; to latitude 42°41'20" N., longitude 70°30'15" W.; thence along a line 3 nautical miles from and parallel to the shoreline to latitude 42°44'25" N., longitude 70°37'15" W.; to latitude 42°53'00" N., longitude 71°05'00" W.; to latitude 43°45'00" N., longitude 71°09'00" W.; to latitude 44°06'00" N., longitude 70°43'00" W.; to latitude 44°02'05" N., longitude 70°37'30" W.; to latitude 44°13'30" N., longitude 70°11'30" W.; to latitude 44°12'00" N., longitude 70°10'00" W.; to latitude 44°05'00" N., longitude 70°23'00" W.; to latitude 43°55'00" N., longitude 70°28'00" W.; to latitude 43°50'00" N., longitude 70°12'00" W.; to latitude 44°03'00" N., longitude 70°06'00" W.; to latitude 44°09'00" N., longitude 69°57'00" W.; thence counterclockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine, VOR to latitude 44°09'00" N., longitude 69°39'00" W.; thence to the point of beginning.

**Portland, Oreg.**

That airspace extending upward from 700 feet above the surface bounded on the north by latitude 46°00'00" N., on the east by longitude 122°05'00" W., on the south by latitude 45°10'00" N., and on the west by longitude 123°30'00" W.; that airspace extending upward from 1,200 feet above the surface bounded on the north by a line beginning at a point 3 miles offshore at latitude 46°30'30" N., extending easterly via latitude 46°30'30" N. to longitude 121°40'00" W., thence easterly along the south edge of V-204 to latitude 46°30'40" N., longitude 120°36'00" W., on the east by V-25, on the south by V-536 to Corvallis, VOR, thence via latitude 44°30'00" N., to a point 3 miles offshore and on the west by a line 3 miles offshore to the point of beginning.

**Portland, Tenn.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Portland Municipal Airport (lat. 36°35'37" N., long. 86°28'39" W.); within 5 miles each side of Bowling Green VOR 184° radial, extending from the 7-mile-radius area to 11.5 miles south of the VOR.

**Port Lavaca, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Calhoun County Airport (latitude 28°39'12" N., longitude 96°40'56" W.) and within 2.5 miles each side of the Palacios VORTAC 250° radial extending from the 5-mile radius area to 16 miles southwest of the VORTAC.

**Portsmouth, N. H. (Pease AFB)**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Pease AFB (latitude 43°04'40" N., longitude 70°49'25" W.); within 2 miles each side of the extended centerline of Runway 16, extending from the 11-mile radius area to 13 miles SE of the lift-off end of the runway.

**Portsmouth, Ohio**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Greater Portsmouth Regional Airport (lat. 38°50'26" N., long. 82°50'52" W.), within 3 miles each side of a 177° bearing from the airport extending from the 8-mile radius area to 12 miles south of the airport.

**Portsmouth, Va.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 36°46'45" N., long. 76°26'45" W. of Chesapeake Portsmouth Airport, Portsmouth, Va.; within 3 miles each side of the 203° bearing from the Portsmouth RBN, lat. 36°46'54" N., long. 76°26'39" W., extending from the 5-mile radius area to 8.5 miles southwest of the RBN; and within 3 miles each side of the 189° bearing from the Portsmouth RBN, extending from the 5-mile radius area to 6.5 miles south of the RBN excluding the portion that coincides with the Norfolk, Va., transition area.

**Port Sulphur, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Port Sulphur, La., seaplane base (latitude 29°27'45" N., longitude 89°42'10" W.), and within 2 miles each side of the Harvey, La., VORTAC 145° radial extending from the 25-mile DME fix to the Port Sulphur 5-mile radius area, and within 2 miles each side of the Grand Isle VORTAC 050° radial extending from the 25-mile DME fix to the Port Sulphur 5-mile radius area.

**Poteau, Okla.**

That airspace extending upward from 700 feet above the surface within an 8.5-statute-mile radius of Robert S. Kerr Airport, Poteau, Okla. (lat. 35°01'11" N., long. 94°37'17" W.); and within 3.5 statute miles each side of the Rich Mountain, Okla., VORTAC (lat. 34°40'49" N., long. 94°36'32" W.) 351° radial extending from the 8.5-mile radius area to 13.5 statute miles north of the VORTAC.

**Potsdam, N. Y.**

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center of Potsdam Municipal (Damon Field) Airport lat. 44°40'30" N., long. 74°57'00" W., and within 3.5 miles each side of a 044° bearing from the Potsdam, N. Y., radio beacon (lat. 44°43'24" N., long. 74°52'59" W.) extending from the 6.5-mile radius area to 11.5 miles northeast of the radio beacon.

**Pottstown, Pa.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°15'45" N., 75°40'00" W. of Pottstown Municipal Airport, Pottstown, Pa., extending clockwise from a 036° bearing to a 147° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 147° bearing to a 200° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 200° bearing to a 274° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 274° bearing to a 305° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 305° bearing to a 036° bearing from the airport; within 6.5 miles northeast and 4.5 miles southwest of the Pottstown, Pa., VORTAC 294° and 114° radials, extending from 5.5 miles northwest of the VORTAC to 11.5 miles southeast of the VORTAC; within a 5-mile radius of the center, 40°14'15" N., 75°33'45" W. of Pottstown-Limerick Airport, Pottstown, Pa., extending clockwise from a 346° bearing to a 223° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 223° bearing to a 346° bearing from the airport; and within 9.5 miles west and 4.5 miles east of Pottstown, Pa., VORTAC 190° radial, extending from the VORTAC to 18.5 miles south of the VORTAC; within 5 miles each side of the Pottstown, Pa., VORTAC 086° radial, extending from the Pottstown, Pa., VORTAC to 18 miles east of the VORTAC; excluding the portion that coincides with the North Philadelphia, Pa., and Toughkenamon, Pa., transition areas.

**Pottsville, Pa.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°42'15" N., 76°23'00" W. of Schuylkill County (Joe Zerbey) Airport, Pottsville, Pa.; within 3 miles each side of the 103° bearing from the Zerbey RBN 40°42'25" N., 76°22'19" W., extending from the 6-mile radius area to 8.5 miles east of the RBN; and within 2 miles each side of the Ravine, Pa., VORTAC 049° radial, extending from the 6-mile radius area to 9 miles northeast of the VORTAC.



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## 71.181 TRANSITION AREAS

## Salem, Oreg.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of McNary Field, Salem, Oreg. (latitude 44°54'35" N., longitude 123°00'05" W.); within 2 miles each side of a 196° bearing from the Salem ILS LOM, extending from the 7-mile radius area to 8 miles S of the LOM and within 2 miles each side of the Salem ILS localizer SE course, extending from the 7-mile radius area to 6 miles SE of the LOM; that airspace extending upward from 1,200 feet above the surface within 6 miles SW and 7 miles NE of the 150° and 330° bearings from the Salem ILS LOM, extending from V-23E to V-23W.

## Salina, Kansas

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Salina Municipal Airport (latitude 38°47'40" N., longitude 97°39'30" W.); within 4½ miles W and 9½ miles E of the Salina ILS localizer course, extending from 3 miles N to 18½ miles S of the ILS OM; and within 5 miles each side of the Salina VORTAC 012° radial extending from the 9-mile radius area to 17½ miles N of the VORTAC, excluding the portion which overlies restricted area R-3601 and the McPherson, Kansas 700-foot floor transition area.

## Salisbury, Md.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 38°20'21" N., long. 75°30'41" W. of Salisbury-Wicomico County Airport, Salisbury, Md.; within 3.5 miles each side of the Salisbury VORTAC 209° radial, extending from the 6.5-mile radius area to 11.5 miles southwest of the VORTAC; within 3.5 miles each side of the Salisbury VORTAC 052° radial, extending from the 6.5-mile radius area to 11 miles northeast of the VORTAC; within 4 miles each side of the Salisbury-Wicomico County Airport localizer northwest course, extending from the 6.5-mile radius area to 10.5 miles northwest of the localizer; and within 3.5 miles each side of the Salisbury VORTAC 132° radial extending from the 6.5-mile radius area to 11.5 miles southeast of the VORTAC.

## Salisbury, N. C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Rowan County Airport (latitude 35°38'30" N., longitude 80°31'10" W.); within 3 miles each side of the 017° bearing from Salisbury NDB (latitude 35°40'29" N., longitude 80°30'32" W.), extending from the 8-mile radius area to 8.5 miles north of the NDB; within 3 miles each side of Rowan VOR (lat. 35°38'56"N., long. 80°31'21"W.) 191° radial extending from the 8-mile radius area to 8.5 miles south of the VOR.

## Salt Lake City, Utah

That airspace extending upward from 700 feet above the surface bounded on the north by latitude 41°00'00" N., on the east by longitude 111°45'00" W., and on the south and west by the arc of an 18.5-mile radius circle centered on the Salt Lake City VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°36'00" W. and V-235, on the S by latitude 40°30'00" N., on the SW by a line extending from latitude 40°30'00" N., longitude 112°30'00" W., to latitude 40°40'00" N., longitude 112°56'30" W., on the W by longitude 112°56'30" W., and on the N by latitude 41°00'00" N.; that airspace E of Salt Lake City extending upward from 11,000 feet m.s.l. bounded on the NW by V-32, on the SE by V-235, on the SW by V-484, and on the W by longitude 111°36'00" W.; and that airspace SE of Salt Lake City extending upward from 12,400 feet MSL bounded on the NE by the SW edge of V-484, on the S by the N edge of V-200 and on the NW by the SE edge of V-235, excluding the portion within Restricted Area R-6403.

## Salyer Farms, Calif.

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Salyer Farms Airport (latitude 36°05'01" N., longitude 119°32'39" W.), and within 2 miles each side of the 151° bearing from the Salyer Farms radio beacon (latitude 36°05'14" N., longitude 119°32'44" W.) extending from the 3-mile radius area to 8 miles southeast of the radio beacon excluding that airspace within a 1-mile radius of Corcoran Airport (latitude 36°06'10" N., longitude 119°35'40" W.), that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 151° bearing from the Salyer Farms radio beacon extending from the radio beacon to 12 miles southeast.

## Poughkeepsie, N. Y.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 41°37'36" N., 73°52'59" W., of Dutchess County Airport, Poughkeepsie, N. Y.; within a 15.5-mile radius of the center of Dutchess County Airport, extending clockwise from a 040° bearing to a 215° bearing from the airport; within 3.5 miles each side of the Kingston, N. Y., VORTAC 025° radial, extending from the 10-mile radius area to 10.5 miles northeast of the VORTAC; within 5 miles each side of the Kingston, N. Y., VORTAC 050° radial, extending from the VORTAC to 11.5 miles northeast of the VORTAC; within 6.5 miles northwest and 4.5 miles southeast of a 231° bearing from a point 41°34'06" N., 73°58'42" W., extending from said point to 11.5 miles southwest; within 5 miles each side of a direct line between a point 41°31'42" N., 74°06'48" W., and a point 41°34'06" N., 73°58'42" W.; within a 5-mile radius of the center, 41°42'30" N., 73°44'00" W. of Sky Acres Airport, Millbrook, N. Y.; within an 8.5-mile radius of the center of Sky Acres Airport extending clockwise from a 011° bearing to a 201° bearing from the airport; within a 6-mile radius of the center 41°34'30" N., 73°44'00" W., of Stormville Airport, Stormville, N. Y.; within a 10.5-mile radius of the center of Stormville Airport, extending clockwise from a 327° bearing to a 077° bearing from the airport; within a 7.5-mile radius of the center of Stormville Airport, extending clockwise from a 077° bearing to a 121° bearing from the airport; within a 10.5-mile radius of the center of Stormville Airport, extending clockwise from a 121° bearing to a 239° bearing from the airport; excluding the portion that coincides with the Newburgh, N. Y., transition area.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 42°02'00" N., 73°16'00" W. to 41°49'00" N., 73°16'00" W. to 41°31'00" N., 73°20'00" W. to 41°31'00" N., 73°54'00" W. to 41°27'00" N., 73°54'00" W. to 41°19'00" N., 73°57'00" W. to 41°19'00" N., 74°33'00" W. to 41°31'00" N., 75°07'00" W. to 42°00'00" N., 75°00'00" W. to point of beginning.

## Prairie Du Chien, Wis.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Prairie Du Chien Municipal Airport (latitude 43°01'17" N., longitude 91°07'24" W.); and within 4.5 miles each side of the 130° radial of the Waukon VORTAC, extending from the 9.5-mile radius to 18.5 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 55-mile radius of the Waukon VORTAC between the 089° and the 145° radials excluding that portion which overlies in the State of Iowa.

## Pratt, Kans.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Pratt Municipal Airport (latitude 37°42'13" N., longitude 98°44'47" W.); and within 3 miles each side of the 360° bearing from the Pratt nondirectional beacon (NDB), extending from the 6.5-mile radius area to 8 miles north of the NDB.

## Prescott, AZ.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 112°25'15" W.) and within 3 miles each side of the Prescott VORTAC 319° radial extending from the 10.5-mile radius area to 8.5 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Prescott VORTAC extending clockwise from a line 5 miles south of and parallel to the Prescott VORTAC 252° radial to a line 5 miles west of and parallel to the Prescott VORTAC 159° radial and within a 14-mile radius of Prescott VORTAC, extending clockwise from a line 5 miles west of and parallel to the Prescott VORTAC 159° radial to a line 5 miles south of and parallel to the Prescott 252° radial.

## Presque Isle, Maine

That airspace extending upward from 700 feet above the surface within a 13-mile radius of Northern Maine Regional Airport (lat. 46°41'30" N., long. 68°02'30" W.); within 3.5 miles east and 8 miles west of the Presque Isle localizer course extending from the 13-mile radius area to 11.5 miles south of the LOM; within 3.5 miles east and 8 miles west of the Presque Isle VORTAC 338° radial extending from the 13-mile radius area to 11.5 miles north of the VORTAC; within an 8.5 mile radius of Caribou, Maine, Municipal Airport (lat. 46°52'20" N., long. 68°01'10" W.); within a 10-mile radius of Loring AFB (lat. 46°57'05" N., long. 67°53'10" W.); Limestone, Maine; excluding that portion outside of the United States.

That airspace extending upward from 1200 feet above the surface within a 40-mile radius of Loring AFB (lat. 46°57'05" N., long. 67°53'10" W.) Limestone, Maine, excluding that portion outside of the United States.

## Price, Utah

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Carbon VOR (latitude 39°36'50" N., longitude 110°44'56" W.), and within 2 miles each side of the 201° radial of the Carbon VOR, extending from the 5-mile radius area to 8 miles south of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles west and 11 miles east of the 021° and 201° radials of the Carbon VOR extending from 9 miles north to 18.5 miles south of the VOR.

## Priest, Calif.

That airspace extending upward from 1,200 feet above the surface bounded on the E by V-107, on the S by latitude 35° 55' 00" N., and the arc of a 20-mile radius circle centered on the Paso Robles, Calif., VOR, on the W by V-25 E, and on the N by V-111, excluding the portion within the Lemoore, Calif., transition area.



## Princeton, Maine

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Princeton Airport (latitude 45°12'05" N., longitude 67°34'00" W.); and within 2 miles each side of the Princeton VOR 143° radial, extending from the 5-mile radius area to the VOR.

## Princeton, N. J.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°23' 54" N., 74°39'31" W., of Princeton Airport, Princeton, N. J.; within a 8-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 120° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 191° bearing to a 225° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 225° bearing to a 268° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 268° bearing to a 310° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from 310° bearing to a 357° bearing from the airport; and within 3.5 miles each side of the Solberg, N. J., VOR 161° radial, extending from the 5-mile radius area to the VOR, excluding the portions which coincide with the Readington, N. J., New York, N. Y., and North Philadelphia, Pa., transition areas.

## Providence, R. I.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Theodore Francis Green State Airport, Providence, R. I. (latitude 41°43'30" N., longitude 71°25'48" W.), within 2 miles each side of

the Providence ILS localizer NE course, extending from the 8-mile radius area to the intersection of the Putnam, Conn., VORTAC 106° radial, within 5 miles SE and 8 miles NW of the Providence ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the OM, within a 12-mile radius of NAS Quonset Point, R. I., (latitude 41°35'55" N., longitude 71°24'50" W.), within a 7-mile radius of the New Bedford, Mass., Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.), within 8 miles SE and 11 miles NW of the New Bedford ILS localizer SW course, extending from the localizer to 12 miles SW of the OM, and within 3 miles each side of the 038° bearing from the New Bedford, Massachusetts, OM, extending from the 7-mile radius to 14.5 miles NE of the New Bedford, Massachusetts, OM, within a 5-mile

radius of the Fall River, Mass., Municipal Airport (latitude 41°45'15" N., longitude 71°06'40" W.), and within 2 miles each side of the 050° bearing from the Fall River, Mass., RBN, extending from the 5-mile radius area to 8 miles northeast of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°12'45" N., longitude 70°42'30" W.; to latitude 41°07'10" N., longitude 71°09'00" W.; to latitude 41°05'15" N., longitude 71°22'05" W.; to latitude 41°03'35" N., longitude 71°31'40" W.; to latitude 41°00'35" N., longitude 72°05'00" W.; thence to latitude 41°18'00" N., longitude 72°30'30" W.; to latitude 41°40'00" N., longitude 72°08'00" W.; to latitude 41°55'00" N., longitude 71°59'00" W.; to latitude 41°47'45" N., longitude 71°46'40" W.; thence clockwise along the arc of a 27-mile radius circle centered on the NAS Quonset Point VOR to latitude 41°56'35" N., longitude 71°26'00" W.; to latitude 42°04'00" N., longitude 71°19'00" W.; to latitude 41°53'30" N., longitude 70°56'30" W.; to latitude 41°42'00" N., longitude 70°48'00" W.; to latitude 41°21'00" N., longitude 70°48'00" W.; to the point of beginning.

## Provincetown, Mass.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Provincetown Municipal Airport (lat. 42°04'15" N., long. 70°13'15" W.), and within 3.5 miles each side of the Race Point NDB 238° bearing extending from the 7-mile radius area to 11.5 miles southwest of the NDB.

## Provo, Utah

That airspace extending upward from 700 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the Provo VOR (latitude 40°12'52" N., longitude 111°43'13" W.) 328° and 148° radials extending from 25.5 miles northwest to 6.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the southeast by the northwest edge of V-235 and V-21, on the west by the east edge of V-257, and that airspace bounded on the east and south by an arc of a 23-mile radius circle centered on the Provo VORTAC extending clockwise from the south edge of V-200 to the southeast edge of V-21, on the west by a line from the point of intersection of the 23-mile arc and the southeast edge of V-21 direct to latitude 40°30'00" N., longitude 111°49'00" W., and on the northeast by a line from latitude 40°30'00" N., longitude 111°49'00" W., direct to point of beginning.

## Pueblo, Colo.

That airspace extending upward from 700 feet above the surface within a 25-mile radius of Pueblo Memorial Airport (lat. 38°17'30" N., long. 104°30'00" W.), within an arc of a 33-mile radius circle of Pueblo Memorial Airport clockwise between the 088° and 133° bearings from the airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by lat. 38°30'00" N., on the east by V-169, on the south by V-210, on the west by a line from 37°38'00" N., 105°00'00" W., to 38°16'00" N., 105°10'00" W., to 38°30'00" N., 105°09'00" W.; that airspace extending upward from 13,700 feet MSL bounded by a line beginning at 38°16'00" N., 105°10'00" W., to 37°38'00" N., 105°00'00" W., to 37°34'00" N., 105°12'00" W., to 38°10'00" N., 105°33'00" W., to point of beginning; that airspace extending upward from 11,700 feet MSL bounded by a line beginning at 38°16'00" N., 105°10'00" W., to 38°10'00" N., 105°33'00" W., to 38°41'00" N., 105°33'00" W., to 38°36'00" N., 105°08'00" W., to 38°30'00" N., 105°09'00" W., to point of beginning.

## Pulaski, Tenn.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Abernathy Airport (lat. 35°08'45" N., long. 87°03'30" W.); excluding the portion within Lawrenceburg, Tenn., transition area.

## Pulaski, Wis.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Austin-Straubel Airport, Green Bay, Wis., (lat. 44°29'16" N., long. 88°07'49" W.); within 2½ miles each side of the Green Bay ILS southwest localizer course extending from the 9-mile radius to 8 miles southwest of the OM; within 5 miles to the southwest side and 8 miles to the northeast side of the Green Bay 326° radial, extending from the 9-mile radius area to 10 miles northwest of the VORTAC; and within 5 miles each side of the Green Bay ILS localizer northeast course extending from the 9-mile radius to 14 miles northeast of the airport.

AMENDMENTS 10/6/77 42 F. R. 39975 (Added)

## Pullman, Wash.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pullman-Moscow Regional Airport (latitude 46°44'40" N., longitude 117°06'30" W.) and within 2 miles each side of the Pullman VOR (latitude 46°40'25" N., longitude 117°13'30" W.) 232° and 047° radials extending from the 5-mile radius area to 8 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 9 miles northwest and 6 miles southeast of the Pullman VOR 052° and 232° radials extending from 17.5 miles southwest to 7.5 miles northeast of the VOR.

## Punta Gorda, Fla.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Charlotte County Airport (latitude 26°55'15" N., longitude 81°59'30" W.).

## Quakertown, Pa.

That airspace extending upward from 700 feet above the surface within an 8-mile radius area of the center of Quakertown Airport, Quakertown, PA., lat. 40°26'15" N., long. 75°22'45" W., and within 3.5 miles each side of a line bearing 099° from the Quakertown, Pa. RBN (lat. 40°25'29" N., long. 75°17'52" W.) extending from the 8-mile radius area to 11 miles east of the RBN.

## Quantico, Va.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 38°30'15" N., long. 77°18'15" W., of Quantico MCAS (Turner Field) Quantico, Va.; within a 9-mile radius of the center of the airport, extending clockwise from a 225° bearing to a 355° bearing from the airport; within 6.5 miles east and 4.5 miles west of the Brooke, Va., VORTAC 013° radial and 193° radial, extending from 4.5 miles south of the VORTAC to 8.5 miles north of the VORTAC.

## Quincy, Ill.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Quincy Municipal Baldwin Field Airport (latitude 39°56'30" N., longitude 91°11'45" W.), and within 5 miles northwest and 8 miles southeast of the Quincy ILS localizer southwest course, extending from the 8.5-mile radius to 12 miles southwest of the OM.

## Raleigh, N. C.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Raleigh-Durham Airport (lat. 35°52'21" N., long. 78°47'02" W.); within 9.5 miles northwest and 4.5 miles southeast of the 045° bearing from Leesville RBN, extending from the RBN to 18.5 miles northeast of the RBN; within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham ILS localizer southwest course, extending from the LOM to 18.5 miles southwest; within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham VORTAC 231° radial, extending from the VORTAC to 18.5 miles southwest of the VORTAC; within a 6.5-mile radius of Horace Williams Airport (lat. 35°55'50" N., long. 79°04'00" W.).

## Rapid City, S. Dak.

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Ellsworth AFB TACAN; and within 4½ miles southwest and 10½ miles northeast of the Rapid City VOR 155° radial, extending from the 14-mile radius area to 19 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 53-mile radius of Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.).

## Raton, N. Mex.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Crews Field (latitude 36°44'30" N., longitude 104°30'00" W.) excluding that portion northwest of a line 5 miles northwest of and parallel to the Cimarron VORTAC 050° radial, within 3.5 miles northwest and 6 miles southeast of the Cimarron VORTAC 050° radial extending from the 8.5-mile radius area to 17.5 miles northeast of the VORTAC, and within 5 miles each side of the Cimarron VORTAC 050° radial extending from 17.5 miles northeast to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6.5 miles northwest of the Cimarron VORTAC 050° radial extending from the VORTAC to 45 miles northeast, within 16.5 miles southeast of the Cimarron VORTAC 050° and 230° radials extending from 1.5 miles southwest to 29 miles northeast of the VORTAC, and within 8.5 miles southeast of the Cimarron VORTAC 050° radial extending from 29 miles northeast to 45 miles northeast of the VORTAC



**Rawlins, Wyo.**

That airspace extending upward from 700 feet above the surface within 5 miles each side of the 089° bearing from the Sinclair REN extending from the REN to 11.5 miles east; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 6 miles south of the 089° and 269° bearings from the Sinclair REN extending from 8 miles west to 18.5 miles east of the REN.

**Rayville, La.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Rayville Municipal Airport (lat. 32°29'00"N., long. 91°46'15"W.).

**Reading, Pa.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center; 40°22'39" N., 75°57'57" W., of Reading Municipal-General Carl A. Spaatz Field, Reading, Pa., extending clockwise from a 050° bearing to a 100° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 100° bearing to a 140° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 140° bearing to a 280° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 280° bearing to a 050° bearing from the airport; within 5 miles each side of the Reading Municipal-General Carl A. Spaatz Field ILS localizer south course extending from the OM to 9.5 miles south of the OM; within 9.5 miles east and 4.5 miles west of the Reading Municipal-General Carl A. Spaatz Field ILS localizer south course, extending from the OM to 18.5 miles south of the OM; within 6.5 miles north and 4.5 miles south of the East Texas, Pa. VORTAC 252° radial, extending from 12 miles west of the VORTAC to 29 miles west of the VORTAC.

**Readington, N. J.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°34'55" N., 74°44'20" W., of Solberg-Hunterdon Airport, Readington, N. J., and within 5 miles east and 5 miles west of Solberg, N. J., VORTAC 227° radial extending from the 6-mile radius area to 14 miles southwest of the VORTAC excluding the portion that coincides with the New York, N. Y., transition area.

**Red Bluff, Calif.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.) within 2 miles W and 4 miles E of the Redding VOR 192° radial, extending from the 5-mile radius area to 10 miles S of the VOR, within 2 miles each side of the Redding ILS localizer N course, extending from the 5-mile radius area to 8 miles N of the threshold of Runway 16, excluding the portions within a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00" N., longitude 122°22'35" W.) and Enterprise Sky Park (latitude 40°34'26" N., longitude 122°19'30" W.), and within 2 miles each side of the Red Bluff VORTAC 347° radial extending from the VORTAC to 11.5 miles N of the VORTAC, that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Red Bluff VORTAC, within 9 miles each side of the Red Bluff VORTAC 291° radial, extending from the 20-mile radius area to 52 miles W of the VORTAC; within 9 miles W and 10 miles E of the Red Bluff VORTAC 342° radial, extending from the 20-mile radius area to 67 miles N of the VORTAC, within 10 miles W and 6 miles E of the Red Bluff VORTAC 015° radial, extending from the 20-mile radius area to 56 miles N of the VORTAC and that airspace NE and E of Red Bluff within an arc of a 24-mile radius circle centered on the Red Bluff VORTAC, extending from the Red Bluff VORTAC 015° radial clockwise via the 24-mile arc to long. 40°00'00"W. That airspace NW of Red Bluff within an arc of a 30 mile radius circle centered on Red Bluff VORTAC, extending from the N edge of V-195 to the W edge of the V-23 and that airspace north of Redding within an arc of a 23-mile radius circle centered on Redding VOR, extending from the E edge of V-23 to the W edge of V-25.

**Red Hook, N. Y.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41°59'12" N., 73°50'12" W., of Skypark Airport, extending clockwise from a 012° bearing to a 130° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 130° bearing to a 168° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 168° bearing to a 232° bearing from the airport; within a 5-mile radius of the center of the airport, extending clockwise from a 232° bearing to a 309° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 309° bearing to a 012° bearing from the airport and within 3 miles each side of the Kingston, N. Y., VORTAC 358° radial, extending from the 8-mile radius area and 6.5-mile radius area to 10.5 miles north of the Kingston, N. Y., VORTAC.

**Redmond, Oreg.**

That airspace extending upward from 700 feet above the surface within 4 miles each side of the Redmond VORTAC 087° radial extending from the arc of a 5-mile radius circle centered on Roberts Field Airport. (Lat. 44°15'10"N., long. 121°08'55"W.), to 21 miles east of the VORTAC; within 2 miles each side of a 230° bearing from the center of the 5-mile radius circle centered on Roberts Field Airport extending from the radius of the 5-mile circle to 10 miles southwest of the airport; within 2 miles each side of Redmond VORTAC 162° radial extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles each side of the Redmond VORTAC 281° radial extending from the VORTAC to 5 miles west of the VORTAC; within 2 miles each side of a 302° bearing from the Roberts REN extending from the REN to 6 miles northwest of the REN; and within 4 miles each side of the Redmond VORTAC 014° radial, extending from 15 miles north of the VORTAC to 35 miles north; that airspace extending upward from 1,200 feet above the surface within a 37-mile radius of the VORTAC between the 006° and 048° radials; within a 31-mile radius of the VORTAC between the 048° radial and a line 6 miles west of and parallel to the 189° radial.

**Red Oak, Iowa**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Red Oak Municipal Airport (latitude 41°00'40" N., longitude 95°15'25" W.); and within 3 miles each side of a 335° bearing from the Red Oak Municipal Airport, extending from the 6-mile radius to 9½ miles northwest of the airport.

**Redwood Falls, Minn.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'45" W.).

**Reed City, Mich.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Miller Airport (latitude 43°54'05" N., longitude 85°31'05" W.); within 5 miles east and 8 miles west of the 352° bearing from Miller Airport, extending from the airport to 16 miles north of the airport; and within 5 miles east and 8 miles west of the 003° bearing from Miller Airport, extending from the airport to 12 miles north of the airport

**Reedsville, PA.**

That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of the center lat. 40°40'44" N., long. 77°37'22" W. of Mifflin County Airport, Reedsville, PA., and within 3.5 miles each side of the 228° bearing from a point lat. 40°36'55" N., long. 77°43'09" W. extending from said point to a point 11.5 miles southwest.

**Refugio, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tom O'Connor Oilfield Airport (lat. 28°20'04"N., long. 97°08'58"W.); within 2 miles each side of the 335° bearing from the Vidauri RBN (lat. 28°23'51"N., long. 97°10'40"W.), extending from the 5-mile radius area to 8 miles northwest of the Vidauri NDB; within a 5-mile radius of Mellon Ranch Airport (lat. 28°16'50"N., long. 97°12'30"W.), and within 3.5 miles each side of the 319° bearing from the Mellon Ranch NDB (lat. 28°16'47"N., long. 97°12'20"W.), extending from the 5-mile radius to 12 miles northwest of the Mellon Ranch NDB and within 3.5 miles each side of the 152° bearing from the Mellon Ranch NDB, extending from the 5-mile radius to 11.5 miles southeast of Mellon Ranch NDB.

AMENDMENTS 2/24/77 42 F. R. 54921 (Rewritten)  
AMENDMENTS 12/1/77 42 F. R. 51566 (Rewritten)

**Rehoboth Beach, Del.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 38°43'10" N., 75°07'35" W., of Rehoboth Aircrafters Airport, Rehoboth Beach, Del., and within 2 miles each side of the Waterloo, Del., VORTAC 144° radial extending from the 5-mile radius area to the VORTAC. This transition area is effective from sunrise to sunset, daily.

**Reidsville, N. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Shiloh Airport (lat. 36°26'10"N., long. 79°50'30"W.).

**Reno, Nev.**

That airspace extending upward from 700 feet above the surface within an arc of a 25-mile radius circle centered on Reno Municipal Airport (latitude 39°30'02" N., longitude 119°46'07" W.) beginning at longitude 120°00'00" W., clockwise to latitude 39°25'00" N.; thence direct latitude 39°13'00" N., longitude 119°47'00" W.; thence south via longitude 119°47'00" W. to its intersection with an arc of a 25-mile radius circle centered on Reno Municipal Airport; thence clockwise via the 25-mile radius arc to longitude 120°00'00" W.; thence direct to point of beginning; that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the Reno VORTAC, excluding the portion west of longitude 120°19'00" W., east of longitude 119°00'00" W.; and that airspace southwest of Reno within 22 miles north and 13 miles south of the Lake Tahoe, Calif., VOR 090° and 270° radials, extending from 7 miles east to 35 miles west of the VOR; and that airspace northwest of Reno extending from the 45-mile radius area bounded on the northeast by the southwest edge of V-452 and on the west by longitude 120°19'00" W.

**Rensselaer, Ind.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jasper County Airport (latitude 40°56'30" N., longitude 87°11'00" W.) and within 3 miles each side of the 007° bearing from the airport extending from the 5-mile radius area to 8 miles north of the airport.

**Rexburg, Idaho**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rexburg-Madison County Airport (latitude 43°49'30" N., longitude 111°49'00" W.).

**Rhineland, Wls.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rhineland-Oneida County Airport (latitude 45°37'54" N., longitude 89°27'35" W.).

**Rice Lake, Wis.****Roanoke, Va.**

That airspace extending upward from 700 feet above the surface within an 18-mile radius of the center 37°



**Rice Lake, Wis.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Arrowhead Airport (lat. 45°28'45" N., long. 91°43'20" W.); within 3½ miles each side of the 178° bearing from the Arrowhead Airport, extending from the 5-mile radius to 8 miles south of the airport.

**Richmond, IN.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Richmond Municipal Airport (latitude 39°45'23" N., longitude 84°50'36" W.); within 3 miles each side of the Richmond VOR 045° radial, extending from the 6½-mile radius area to 8 miles northeast of the VOR; within 3 miles each side of the Richmond VOR 243° radial, extending from the 6½-mile radius area to 8 miles southwest of the VOR.

**Richmond, Va.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 37°30'16" N., long. 77°19'11" W. of Richard Evelyn Byrd International Airport, Richmond, Va., extending clockwise from a 245° bearing from the airport to a 045° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 045° bearing to a 245° bearing from the airport; within 3.5 miles each side of the Richmond VORTAC 134° radial, extending from the VORTAC to 11.5 miles southeast of the VORTAC; within 2 miles each side of the Richmond VORTAC 137° radial, extending from the VORTAC to 11.5 miles southeast of the VORTAC; within 3.5 miles each side of the Richard Evelyn Byrd International Airport ILS localizer southwest course, extending from the OM to 11.5 miles southwest of the OM; within 3.5 miles each side of the Richmond VORTAC 342° radial, extending from the VORTAC to 11.5 miles north of the VORTAC; within 3.5 miles each side of the Richmond VORTAC 359° radial, extending from the VORTAC to 11.5 miles north of the VORTAC; within 4.5 miles each side of the Richard Evelyn Byrd International Airport ILS localizer northwest course, extending from the localizer to 13.5 miles northwest of the localizer within 3 miles each side of the Richmond VORTAC 212° radial, extending from the VORTAC to 8.5 miles southwest of the VORTAC. AMENDMENTS 4/21/77 42 F. R. 10843 (Changed)

**Rio Vista, Calif.**

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Rio Vista Airport (latitude 38°10'20" N., longitude 121°41'20" W.) and within 2 miles each side of the Sacramento VORTAC 202° radial extending from the 3-mile radius area to 8 miles north of the airport.

**Ripley, Miss.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Ripley Airport (lat. 34°43'25" N., long. 89°00'49" W.).

**Riverhead, N. Y.**

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°00'35" N., longitude 72°05'00" W.; thence S via longitude 72°05'00" W. to the S boundary of V-139; thence SW via the SE boundary of V-139 to latitude 40°30'00" N., thence to latitude 40°30'00" N., longitude 73°36'00" W.; to latitude 40°41'00" N., longitude 73°33'30" W.; to latitude 40°50'00" N., longitude 73°42'00" W.; to latitude 41°00'00" N., longitude 73°33'00" W.; to latitude 41°00'00" N., longitude 72°45'00" W.; to latitude 41°18'00" N., longitude 72°30'30" W.; to the point of beginning, excluding the portion below 3,000 feet MSL within W-106.

**Riverside, Calif.**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°10'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°01'00" W., to latitude 33°50'00" N., longitude 117°01'00" W., to latitude 33°42'30" N., longitude 116°56'30" W., to latitude 33°38'00" N., longitude 117°09'00" W., to latitude 33°51'00" N., longitude 117°24'30" W., to latitude 33°46'00" N., longitude 117°45'00" W., to latitude 33°56'00" N., longitude 117°53'00" W., to latitude 33°56'00" N., longitude 117°59'00" W., thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°30'00" N., longitude 117°43'00" W., thence E along latitude 34°30'00" N., to the SE boundary of V-21, thence along the SE boundary of V-21 to longitude 116°30'00" W., thence direct to latitude 34°40'30" N., longitude 116°29'40" W., to latitude 34°30'00" N., longitude 116°26'30" W., to latitude 34°16'00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 117°30'00" W., to latitude 33°46'00" N., longitude 117°45'00" W., to latitude 33°56'00" N., longitude 117°53'00" W., to latitude 33°56'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°43'00" W., thence to point of beginning.

**Riverton, Wyo.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.), within 4.5 miles each side of the Riverton VOR 291° radial, extending from the 10-mile radius area to 19 miles west of the VOR, and within 3.5 miles each side of the Riverton VOR 123° radial extending from the 10-mile radius area to 12 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Riverton VOR, within 10 miles east and 7 miles west of the Riverton VOR 016° radial, extending from the 25-mile radius area to 38 miles north of the VOR; within 7 miles northeast and 14.5 miles southwest of the Riverton VOR 301° radial, extending from the 25-mile radius area to 37 miles northwest of the VOR.

**Roanoke, Va.**

That airspace extending upward from 700 feet above the surface within an 18-mile radius of the center 37°19'30"N., 79°58'35"W., of Roanoke Municipal-Woodrum Airport, Roanoke, Va.; within a 23.5-mile radius of the center of the airport, extending clockwise from a 203° bearing to a 296° bearing from the airport; within a 19.5-mile radius of the center of the airport, extending clockwise from a 296° bearing to a 307° bearing from the airport, excluding the portion within the Blacksburg, Va., transition area.

**Roanoke Rapids, N. C.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Halifax County Airport (lat. 36°26'29" N., long. 77°42'19" W.); within 3 miles each side of the 233° bearing from Rapids RBN (latitude 36°26'19" N., longitude 77°42'14" W.), extending from the 7-mile radius area to 8.5 miles southwest of the RBN.

**Robinson, Ill.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Robinson, Ill., Municipal Airport (latitude 39°01'00" N., longitude 87°39'00" W.) and within 5 miles each side of the 348° and 091° bearings from the Robinson Municipal Airport extending from the 7-mile radius area to 12 miles north and east of the airport, excluding the area which overlies the Sullivan, Indiana, transition area.

**Rochelle, Ill.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Rochelle Municipal Airport (latitude 41°53'35" N., longitude 89°04'45" W.) and within 3 miles either side of the Polo VORTAC 102° radial extending 1 mile west from the 5½-mile radius area excluding the portion that overlies the Rockford, Ill., transition area.

**Rochester, Ind.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fulton County Airport (latitude 41°03'55" N., longitude 86°11'55" W.); and within 2 miles each side of the 096° bearing from Fulton County Airport, extending from the airport to 8 miles east of the airport.

**Rochester, Minn.**

That airspace extending upward from 700 feet above the surface within a 19½-mile radius of Rochester Municipal Airport (lat. 43°54'32" N., long. 92°29'47" W.); and within 4½ miles southwest and 9½ miles northeast of the Rochester ILS localizer southeast course, extending from the 19½-mile radius to 24 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 7 miles east of the Rochester VORTAC 173° radial, extending from the Minnesota-Iowa border to 38 miles south of the VORTAC.

**Rochester, N. H.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (lat. 43°17'00" N., long. 70°57'00" W.) of the Sky Haven Airport, Rochester, New Hampshire, excluding those portions that coincide with the Sanford, Maine, and Portsmouth, New Hampshire, 700-foot transition areas.

**Rochester, N. Y.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Rochester-Monroe County Airport (latitude 43°07'10" N., longitude 77°40'15" W.); within 8 miles N and 5 miles S of the Rochester ILS localizer E course, extending from the Rochester-Monroe County Airport to 12 miles E of the OM; within 5 miles each side of the Rochester VOR 125° radial, extending from the 7-mile radius area to the INT of the Rochester VOR 125° and the Genesee, N. Y., VORTAC 061° radials; within 2 miles each side of the Rochester VOR 168° radial, extending from the 7-mile radius area to 8 miles S of the VOR; and within 8 miles S and 5 miles N of the Rochester VOR 280° and 100° radials, extending from the Rochester-Monroe County Airport to 12 miles W; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line extending from: latitude 43°24'00" N., longitude 76°53'00" W., to latitude 42°57'00" N., longitude 76°57'00" W., to latitude 42°32'00" N., longitude 77°36'00" W., to latitude 42°32'00" N., longitude 78°21'00" W., to latitude 43°06'00" N., longitude 78°21'00" W., to latitude 43°24'00" N., longitude 77°55'00" W., to point of beginning.

**Rockford, Ill.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 8 miles E and 5 miles W of the Rockford ILS localizer S course, extending from the Greater Rockford Airport to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42°45'00" N., on the E by longitude 88°30'00" W., on the S by the Illinois-Wisconsin boundary, and on the W by longitude 89°55'00" W.

**Rockingham, N. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Rockingham-Hamlet Airport (lat. 34°53'30"N., long. 79°45'35"W.); within 3 miles each side of the 126° bearing from the Roscoe RBN (lat. 34°51'09"N., long. 79°41'38"W.), extending from the 6.5-mile radius to 8.5 miles southeast of the RBN.



**Rockland, Maine**

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Knox County Regional Airport, Rockland, Maine (latitude 44°03'40" N., longitude 69°06'05" W.) and within 3.5 miles each side of the 194° bearing from the Sprucehead NDB (latitude 43°59'54" N., longitude 69°07'17" W.), extending from the 7.5-mile radius area to 11.5 miles south of the NDB.

**Rockport, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Aransas County Airport (latitude 28°05'14" N., longitude 97°02'30" W.), and within 2 miles each side of the 314° bearing from the Rockport RBN (latitude 28°05'30" N., longitude 97°02'40" W.), extending from the 5-mile radius area to 8 miles northwest of the RBN, and within 2 miles each side of the Corpus Christi VORTAC 062° radial, extending from the 5-mile radius area to 20.5 miles northeast of the VORTAC.

**Rocksprings, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Edwards County Airport (latitude 29°56'30" N., longitude 100°10'30" W.) and within 1.5 miles each side of the Rocksprings VORTAC 125° radial extending from the 5-mile radius area to the Rocksprings VORTAC.

**Rock Springs, Wyo.**

That airspace extending upward from 700 feet above the surface within a 11.5-mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N., longitude 109°04'00" W.), within 9.5 miles north and 4.5 miles south of the 090° and 270° bearings from the Thayer LOM (latitude 41°35'49" N., longitude 108°58'09" W.) extending from the 11.5-mile radius area to 18.5 miles east of the Thayer LOM and from the 11.5-mile radius area to 29.5 miles west of the Thayer LOM; and within 1 mile north and 6 miles south of the Rock Springs VORTAC 102° radial extending from the 11.5-mile radius area to 18.5 miles east of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Rock Springs VORTAC and within 4.5 miles each side of the Rock Springs VORTAC 117° radial extending from the 23-mile radius circle to 35 miles southeast of the VORTAC.

**Rockwood, Tenn.**

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Rockwood Municipal Airport (lat. 35°55'20" N., long. 84°41'23" W.); excluding the portion within Crossville, Tenn., transition area.

**Rocky Mount, N. C.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rocky Mount Downtown Airport (lat. 35°58'01" N., long. 77°47'33" W.); within 5 miles each side of Rocky Mount VORTAC 084° radial, extending from the 7-mile radius area to 11 miles east of the VORTAC; within an 8.5-mile radius of Rocky Mount-Wilson Airport (lat. 35°51'17" N., long. 77°53'34" W.).

**PENDING AMENDMENTS**

The Rocky Mount, N. C., transition area is amended by deleting "Rocky Mount VORTAC" wherever it appears and substituting "Tar River VORTAC" therefor.  
AMENDMENTS 126/78 42 F. R. 59752 (Changed)

**Rolla, Mo.**

That airspace extending upward from 700 feet above the surface within a 5.5-statute mile radius of the Rolla Downtown Airport (latitude 37°56'10" N., longitude 91°48'55" W.).

**Rome, Ga.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Richard B. Russell Airport (lat. 34°20'57" N., long. 85°09'31" W.); within 5 miles each side of Rome VOR 350° radial, extending from the 12-mile radius area of the VOR; within a 9.5-mile radius of Tom B. David Field, Calhoun, Ga., (latitude 34°27'18" N., longitude 84°56'24" W.); excluding the portion within the Dalton, Ga., transition area.

**Romulus, N. Y.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of a point lat. 42°44'30" N., long. 76°52'20" W., and within 3.5 miles each side of the 330° bearing from the Seneca RBN lat. 42°44'40" N., long. 76°54'18" W., extending from the 6-mile radius area to 11 miles northwest of the RBN.

**Roosevelt Roads, P.R.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of NS Roosevelt Roads (latitude 18°15'05" N., longitude 65°38'35" W.), excluding the portion within the San Juan 700-foot transition area.

**Roscommon, Mich.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Roscommon County Airport (latitude 44°21'30" N., longitude 84°40'15" W.); and within 3 miles each side of the 082° bearing from Roscommon County Airport, extending from the 5½-mile radius area to 8 miles east of the airport.

**Roseau, Minn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Roseau Municipal Airport (lat. 48°51'25" N., long. 95°41'40" W.); within 2½ miles each side of the 163° bearing from Roseau Municipal Airport, extending from the 5-mile radius area to 7 miles south of the airport; and within 2½ miles each side of the 341° bearing from Roseau Municipal Airport, extending from the 5-mile radius area to 7 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° bearing from Roseau Municipal Airport, extending from the airport to 18½ miles south of the airport; and within 4½ miles west and 9½ miles east of the 341° bearing from Roseau Municipal Airport, extending from the airport to 18½ miles north of the airport, including that airspace east of and within a 9½-mile radius of the airport between the 71° and 73° bearings from the airport, and excluding the portions outside the United States.

**Roseburg, Oreg.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Roseburg Municipal Airport (latitude 43°14'20" N., longitude 123°21'15" W.), within 2 miles each side of the Roseburg VOR 177° radial, extending from the 5-mile radius area to 3.5 miles S of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the 177° radial, extending from the VOR to 12 miles S of the VOR, and within 8 miles W and 5 miles E of the 003° and 183° radials, extending from 18 miles N to 7 miles S of the VOR.

**Roswell, N. Mex.**

That airspace extending upward from 700 feet above the surface within a 23-mile radius of the Roswell VORTAC extending clockwise between the 092° and 036° radials of the VORTAC, and within a 29-mile radius of the Roswell VORTAC extending clockwise between the 036° and 092° radials of the VORTAC.

**Rugby, N. Dak.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Rugby Municipal Airport (latitude 48°23'15" N., longitude 100°01'15" W.); that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Rugby Municipal Airport and within 9.5 miles north and 4.5 miles south of the 114° bearing from the Rugby, N. Dak., NDB (latitude 48°23'25" N., longitude 100°01'30" W.); extending from the NDB to 18.5 miles east of the NDB; and within 9.5 miles south and 4.5 miles north of the 314° T bearing from the Rugby, N. Dak., NDB; extending from the NDB to 18.5 miles northwest of the NDB.

**Russell, Kans.**

That airspace extending upward from 700 feet above the surface within 2½ miles each side of the Hays, Kans., VORTAC 086° radial, extending from a 5-mile radius circle centered on the Russell Municipal Airport (latitude 38°52'20" N., longitude 98°48'45" W.) to 19 miles east of the VORTAC.

**Russellville, Ark.**

That airspace extending upward from 700 feet above the surface within a 7.5-statute mile radius of Russellville Municipal Airport, Russellville, Ark. (latitude 35°15'34" N., longitude 93°05'38" W.); and within 3.5 statute miles each side of the 186° bearing from Russellville NDB (latitude 35°15'34" N., longitude 93°05'40" W.), extending from the 7.5-mile radius area to 11.5 statute miles south of the NDB; excluding that portion which overlies the Morrilton, Ark., transition area.

**Ruston, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ruston Municipal Airport (latitude 32°30'45" N., longitude 92°37'45" W.), within 2 miles each side of the Monroe, La., VORTAC 278° radial extending from the 5-mile radius area to 24 miles west of the VORTAC, and within 3.5 miles each side of the Ruston, La., VOR (latitude 32°27'54" N., longitude 92°36'30" W.), 167° radial extending from the 5-mile radius area to 11.5 miles south of the VOR.

**Rutherford, N. C.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Rutherford County Airport (latitude 35°25'38" N., longitude 81°56'06" W.); within 3 miles each side of the 192° bearing from Rutherford RBN (latitude 35°20'56" N., longitude 81°57'11" W.), extending from the 9-mile radius area to 8.5 miles southwest of the RBN.

**Rutland, Vt.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, lat. 43° 81'46" N., long. 72°56'54" W., of the Rutland State Airport, Rutland, Vermont, and an area bounded by a line beginning at lat. 43°30'00" N., long. 73°10'00" W., to lat. 43°53'00" N., long. 73°10'00" W., to lat. 43°53'00" N., long. 73°50'00" W., to lat. 43°30'00" N., long. 72°50'00" W., to point of beginning.

**Sabine Pass, Tex.**

That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Sabine Pass, Tex., VORTAC 083° radial extending from the VORTAC to 17.5 miles east of the VORTAC.



## Sabine Pass, Tex. (Offshore)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of coordinates lat. 29°15'53.2"N., long. 94°06'46.9"W.

## Sac City, Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sac City Municipal Airport (latitude 42°22'30" N., longitude 94°58'45" W.); and within 3 miles each side of the 138° bearing from the Sac City Municipal NDB, extending from the 5-mile radius to 8 miles southeast of the NDB.

## Sacramento, Calif.

That airspace extending upward from 700 feet above the surface within a 13-mile radius circle centered on the Sacramento, Calif., VORTAC (latitude 38°26'37" N., longitude 121°33'02" W.); that airspace within an arc of a 38-mile radius circle centered on the Sacramento VORTAC, bounded on the west by the west edge of V-23, and on the southwest by the northeast edge of V-23, and that airspace SW of Sacramento bounded by a line beginning at latitude 38°16'00" N., longitude 122°05'00" W., thence to latitude 38°27'00" N., longitude 121°47'00" W., thence to latitude 38°18'00" N., longitude 121°39'00" W., thence to latitude 38°02'00" N., longitude 121°52'00" W., thence via latitude 38°02'00" N. to the W edge of V-195, thence via the W edge of V-195 to latitude 38°16'00" N., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the point of intersection of the E edge of V-195 and the S edge of V-200, thence via the S edge of V-200, the W edge of V-23 and latitude 39°00'00" N. to the W edge of V-165, thence via the W edge of V-165 to the N edge of V-244, thence via the N edge of V-244 to longitude 120°04'00" W., thence via longitude 120°04'00" W., to latitude 38°07'00" N., thence via latitude 38°07'00" N., to longitude 121°37'00" W., thence via longitude 121°37'00" W., to latitude 38°02'00" N., thence via latitude 38°02'00" N., to the E edge of V-195, thence via the E edge of V-195 to point of beginning.

## Saginaw, Mich.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Tri-City Airport (latitude 43°31'55" N., longitude 84°04'50" W.); within 2 miles each side of the Saginaw ILS localizer north-east course, extending from the 8½-mile radius zone to 13 miles northeast of the Saginaw, Mich., VORTAC; within a 5-mile radius of James Clements Municipal Airport (latitude 43°32'45" N., longitude 83°53'40" W.); within a 5-mile radius of Jack Barstow Airport (latitude 43°39'40" N., longitude 84°15'40" W.).

## St. Augustine, Fla.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of St. Augustine Airport (lat. 29°57'30" N., long. 81°20'27" W.); within 3 miles each side of the St. Augustine VOR (lat. 29°57'30" N., long. 81°20'19" W.) 311° radial, extending from the 6.5-mile radius area to 8.5 miles west of the VOR.

## St. Cloud, Minn.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the St. Cloud Municipal Airport (latitude 45°32'45" N., longitude 94°03'40" W.); and within 3 miles each side of the 118° bearing from St. Cloud Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport.

## St. George, Utah

That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 6 miles southwest of the St. George, Ut., VOR (lat. 37°05'17"N., long. 113°35'30"W.) 131 radial extending from 7 miles northwest to 18.5 miles southeast; and within 5 miles each side of the St. George VOR 183 radial extending from the VOR to 15.5 miles south; that airspace extending upward from 1200 feet above the surface within an arc of a 23 mile radius of the St. George VOR extending clockwise from the 058 radial to the 239 radial; and within 10 miles east and 6.5 miles west of the St. George VOR 183 radial extending from the 23 mile arc to 37.5 miles south of the VOR.

AMENDMENTS 12/30/76 41 F.R. 46847 (Rewritten)

## St. Johns, Ariz.

That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the St. Johns VORTAC 067° and 247° radials, extending from 9 miles NE to 20 miles SW of the VORTAC, excluding the portion within the State of New Mexico.

## St. Joseph, Mo.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Rosecrans Memorial Airport (latitude 39°46'25" N., longitude 94°54'45" W.); and within 5 miles east and 8 miles west of the St. Joseph ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM; and that airspace extending upward from 4,500 feet MSL in the vicinity of St. Joseph bounded by V-13 on the west, V-161 on the east and V-50 on the south; within the area bounded on the west by V-13, on the north by V-50, on the east by V-161 and on the south by a direct line from latitude 39°39'30" N., longitude 94°07'40" W. to latitude 39°40'45" N., longitude 94°18'35" W.; within the area bounded on the north by V-216, on the east by V-15 and on the southwest by a line starting at the intersection of the south edge of V-216 and on the north edge of V-50, to the intersection of the north edge of V-50 and a line from latitude 40°00'35" N., longitude 95°32'30" W. to latitude 40°09'00" N., longitude 95°30'00" W.; thence direct to latitude 40°09'00" N., longitude 95°30'00" W., to latitude 40°05'40" N., longitude 95°07'35" W., thence clockwise along the arc of a 14-mile radius circle centered on the St. Joseph VOR to its intersection with the west edge of V-15; and the area bounded on the southwest by V-15, on the north by V-216, on the southeast by V-77 and on the south by the arc of a 14-mile radius circle centered on the St. Joseph VOR.

## St. Louis, Mo.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert-St. Louis International Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within 5 miles southeast and 8 miles northwest of the Lambert-St. Louis International Airport Runway 24 ILS localizer northeast course, extending from the 10-mile radius area to 12 miles northeast of the Runway 24 OM; within 5 miles southwest and 9 miles northeast of the Lambert-St. Louis International Airport Runway 12R ILS localizer northwest course extending from the Runway 12R OM to 12 miles northwest of the OM; within a 7-mile radius of St. Charles Smartt Airport, St. Charles, Missouri (latitude 38°55'43" N., longitude 90°25'41" W.); within an 8-mile radius of Civic Memorial Airport, Alton, Illinois (latitude 38°53'30" N., longitude 90°03'00" W.); within a 6.5-mile radius of Weiss Municipal Airport, Fenton, Missouri (latitude 38°32'15" N., longitude 90°26'50" W.); that airspace extending upward from 2,500 feet MSL within the area bounded on the northwest by the southeast edge of V-335, on the east by the Missouri-Illinois boundary, on the south by the north edge of V-190 and on the west by the east edge of V-9; and that airspace extending upward from 4,500 feet MSL within the area bounded on the north by the south edge of V-88, on the northeast by the southwest edge of V-9W, on the south by the north edge of V-72, on the west by a line 5 miles west of and parallel to the St. Louis VORTAC 200° radial, on the northwest by the southeast edge of V-238; within the area bounded on the north by the south edge of V-12, on the southeast by the northwest edge of V-14N, on the southwest by the northeast edge of V-175, and on the northwest by a line 5 miles southeast of and parallel to the Jefferson City, Missouri VOR 041° radial, and within the area bounded on the northeast by the southwest edge of V-52 and the Missouri-Illinois boundary, on the south by the north edge of V-4N, and on the northwest by the southeast edge of V-63.

## St. Marys, Pa.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, lat. 41°24'45"N., long. 78°30'20"W. of St. Marys Municipal Airport, St. Marys, Pa.; within 2.5 miles each side of the State Run, Pa. VORTAC 256° radial, extending from the 5.5-mile radius area to 21.5 miles west of the VORTAC; within 3.5 miles each side of a 091° bearing from the center of the airport, extending from the 5.5-mile radius area to 10 miles east of the center of the airport; within 3.5 miles each side of a 271° bearing from the center of the airport, extending from the 5.5-mile radius area to 9 miles west of the center of the airport.

## Salem, Ill.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Salem-Leckrone Airport (latitude 38°38'45" N., longitude 88°57'45" W.); and within 2 miles each side of the 003° bearing from Salem-Leckrone Airport, extending from the 5-mile radius area to 6½ miles north of the airport.

## San Angelo, Tex.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mathis Field, San Angelo, Tex. (latitude 31°21'35" N., longitude 100°29'40" W.); within 5 miles northwest and 8 miles southeast of the San Angolos ILS localizer southwest course extending from the OM to 12 miles southwest.

## San Antonio, Tex.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°22'30" N., longitude 97°47'00" W.; thence west via latitude 29°22'30" N. to and clockwise along the arc of a 23-mile radius circle centered at latitude 29°31'50" N., longitude 98°28'12" W., to latitude 29°13'15" N., longitude 98°20'00" W.; thence southeast to latitude 29°05'30" N., longitude 98°14'30" W.; thence southwest to latitude 29°01'40" N., longitude 98°21'40" W.; thence northwest to latitude 29°06'30" N., longitude 98°34'10" W.; thence north to the 23-mile radius circle at latitude 29°12'00" N., longitude 98°32'40" W.; thence clockwise along the arc of the 23-mile radius circle to latitude 29°38'00" N., longitude 98°50'15" W.; thence northwest to latitude 29°43'30" N., longitude 98°57'00" W.; thence northeast to latitude 29°53'00" N., longitude 98°50'30" W.; thence southeast to the 23-mile radius circle at latitude 29°47'30" N., longitude 98°42'40" W.; thence clockwise along the arc of the 23-mile radius circle to latitude 29°46'30" N., longitude 98°12'30" W.; thence to latitude 29°43'00" N., longitude 98°01'30" W.; thence to point of beginning and within 5 miles northeast and 8 miles southwest of the La Vernia VOR 149° radial extending from the VOR to 12 miles southeast.



**San Carlos, Ariz.**

That airspace extending upward from 1,200 feet above the surface bounded on the northwest by the southeast edge of V-190, on the east by an arc of a 115 mile radius circle centered on Williams AFB, Ariz. (latitude 33°18'25" N., longitude 111°39'35" W.); on the south by the north edge of V-94 and on the west by longitude 110°52'00" W.

**San Diego, Calif.**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°15'00" N., longitude 117°30'30" W., to latitude 33°15'00" N., longitude 117°02'00" W., to latitude 33°00'00" N., longitude 116°45'00" W., thence S along longitude 116°45'00" W., to the United States/Mexican Border, thence W along the United States/Mexican Border and Flight Information Region Boundary to latitude 32° 29' 40" N., longitude 117° 21' 00" W., thence via the arc of a 21-mile radius circle centered on the Mission Bay, Calif., VORTAC to latitude 32°33'00" N., longitude 117° 27'30" W., thence N to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 33° 30' 00" N., longitude 117° 30' 00" W., thence to latitude 33° 30' 00" N., longitude 116°18'00" W., thence to latitude 33°18'00" N., longitude 116°10'30" W., thence to latitude 33° 00' 00" N., longitude 116° 05' 00" W., thence S via longitude 116° 05' 00" W., to the United States/Mexican Border, thence W via the United States/Mexican Border and Flight Information Region boundary to latitude 32° 29' 40" N., longitude 117°21'00" W., thence via the arc of a 21-mile radius circle centered on the Mission Bay, Calif., VORTAC to latitude 32° 37' 15" N., longitude 117° 31' 50" W., thence to latitude 32° 34' 45" N., longitude 117° 39' 00" W., thence to latitude 32° 49' 30" N., longitude 117° 45' 15" W., thence to latitude 32° 57' 40" N., longitude 117° 35' 00" W., thence to latitude 33° 11' 00" N., longitude 117° 48' 55" W., thence to latitude 33° 15' 00" N., longitude 117° 30' 00" W., thence N via longitude 117° 30' 00" W., to the point of beginning.

**Sandusky, Ohio**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffing-Sandusky Airport (latitude 41°26'01" N., longitude 82°39'08" W.); within 3 miles either side of the Sandusky VOR 090° radial extending from the 5-mile radius to 7½ miles east of the airport excluding that portion that overlies the Port Clinton transition area.

**Sanford, Fla.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sanford Airport (lat. 28°46'30" N., long. 81°14'25" W.); within 3 miles each side of the 260° bearing from Sanford RBN (lat. 28°37'05" N., long. 81°14'36" W.); extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

**Sanford, Maine**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Sanford Municipal Airport (latitude 43°23'30" N., longitude 70°42'35" W.); within 2 miles each side of the Kennebunk, Maine VOR 066° radial, extending from the 7-mile radius area to 8 miles NE of the VOR.

**Sanford, N. C.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Sanford Municipal Airport (latitude 35°25'55" N., longitude 79°11'10" W.); within 2.5 miles each side of Sandhills VORTAC 057° radial, extending from the 5.5-mile radius area to 21 miles northeast of the VORTAC.

AMENDMENTS 12/30/76 41 F. R. 49805 (Changed)

**San Francisco, Calif.**

That airspace extending upward from 700 feet above the surface bounded on the N by latitude 38°02'00" N., on the E by longitude 121°52'00" W., on the S by latitude 37°30'00" N., and on the W by a line extending from latitude 37°30'00" N., longitude 122°27'00" W., to latitude 37°34'00" N., longitude 122°31'00" W., to latitude 37°55'00" N., longitude 122°31'00" W., to latitude 38°02'00" N., longitude 122°40'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 38°02'00" N., on the E by a line extending from latitude 38°02'00" N., longitude 121°37'00" W., to latitude 37°38'00" N., longitude 121°37'00" W., to latitude 37°38'00" N., longitude 121°50'00" W., to latitude 37°30'00" N., longitude 121°50'00" W., on the S by latitude 37°30'00" N., and on the W by V-27 and V-199.

**San Jose, Calif.**

That airspace extending upward from 700 feet above the surface within 5 miles each side of the Moffett TACAN 157° radial extending from the TACAN to 23 miles southeast of the TACAN, within 2 miles each side of the San Jose ILS localizer course extending from the San Jose 5-mile radius control zone to 1 mile SE of the San Jose LOM, within 5 miles SW and 8 miles NE of the San Jose VOR 139° radial, extending from 16 miles SE to 28 miles SE of the VOR, and that airspace bounded by a line beginning at latitude 37°30'00" N., longitude 121°52'00" W., thence to latitude 37°22'00" N., longitude 122°08'00" W., thence to latitude 37°22'00" N., longitude 122°24'00" W., thence to latitude 37°30'00" N., longitude 122°27'00" W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 37°30'00" N., on the E and NE by longitude 121°50'00" W., and the SW edge of V-107, on the SE and S by the NW edge of V-111 and latitude 37°00'00" N., and on the W by the E edge of V-27 to latitude 37°30'00" N.

**San Juan, P. R.**

That airspace extending upward from 700 feet above the surface south of lat. 18°23'00" N., within a 20-mile radius of Puerto Rico International Airport (latitude 18°26'48" N., longitude 66°00'07" W.); that airspace north of latitude 18°23'00" N., within a 12-mile radius of Puerto Rico International Airport; within 5 miles each side of the San Juan VORTAC 058° radial, extending from the 12-mile radius area to 15 miles northeast of the VORTAC; within 4 miles each side of the San Juan VORTAC 086° radial, extending from the 12-mile radius area to 12 miles east of VORTAC; within 5 miles each side of the 101° bearing from the Dorado RBN, extending from the 12-mile and 20-mile radius areas to the Dorado RBN; within 9.5 miles north and 4.5 miles south of the 277° bearing from the San Pat RBN, extending from the 12-mile and 20-mile radius areas to 18.5 miles west of the RBN; and that airspace extending upward from 1,200 feet above the surface beginning at the intersection of a line 4 nautical miles north of and parallel to the centerline of Route 2 and the arc of a 41-mile radius circle centered at Puerto Rico International Airport west of San Juan VORTAC; thence clockwise along this arc to the centerline of Route 3; thence southeast along the centerline of Route 3 to the arc of a 23-mile radius circle centered at Puerto Rico International Airport; thence clockwise along this arc to longitude 65°55'00" W.; thence south to latitude 18°40'00" N., longitude 65°55'00" W.; thence east to latitude 18°40'00" N., longitude 65°26'00" W.; thence south along longitude 65°26'00" W. to a line 4 nautical miles north of and parallel to the centerline of Route 2; thence east and southeast along this line to the arc of a 15-mile radius circle centered at Harry S. Truman Airport (latitude 18°20'26" N., longitude 64°58'11" W.); thence counterclockwise along this arc to a line 3 nautical miles southwest of and parallel to the centerline of Route 2; thence northwest and west along this line to longitude 65°26'00" W.; thence south along longitude 65°26'00" W. to the arc of a 15-mile radius circle centered at NS Roosevelt Roads Airport (latitude 18°15'05" N., longitude 65°38'35" W.); thence clockwise along this arc to the intersection of a line 5 miles southeast of and parallel to the 052° bearing from the Point Tuna RBN; thence southwest along this line to latitude 18°00'00" N.; thence west along latitude 18°00'00" N., to and south along longitude 66°15'00" W., to and east along a line 4.5 miles north of and parallel to Ponce VOR 111° radial, to and south along a line 18.5 miles east of Ponce VOR and perpendicular to the Ponce VOR 111° radial, to latitude 17°46'15" N., longitude 66°18'30" W.; thence west along a line 9.5 miles south of and parallel to Ponce VOR 111° radial to the intersection of a 15-mile radius circle centered at Mercedita Airport (latitude 18°00'40" N., longitude 66°33'50" W.); thence clockwise along this arc to latitude 18°00'00" N.; thence west to latitude 18°07'00" N., longitude 67°22'00" W.; thence north to the intersection of longitude 67°23'00" W. and the arc of a 25-mile radius circle centered at Borinquen Airport (latitude 18° 29'45" N., longitude 67°08'00" W.); thence clockwise along this arc to a line 4 nautical miles north of and parallel to the centerline of Route 2 east of Borinquen Airport; thence east along this line to the point of beginning; and that airspace extending upward from 2,000 feet MSL within a 100 nautical mile radius of the Isla Grande Airport (latitude 18°27'33" N., longitude 66°05'55" W.) San Juan, P. R.; excluding the portion that coincides with the 1,200-foot floor portions of the San Juan, St. Croix, and St. Thomas transition areas.

**San Luis Obispo, Calif.**

That airspace extending upward from 700 feet above the surface within a 3-mile radius of San Luis Obispo County Airport (latitude 35°14'16" N., longitude 120°38'20" W.); within 2 miles each side of the San Luis Obispo VORTAC 280° and 100° radials, extending from the 3-mile radius area to 8 miles west of the VORTAC; and within 2 miles west and 3 miles east of the 191° bearing from the San Luis Obispo County Airport, extending from the 3-mile radius area to 6 miles south of the airport.

**San Marcos, Tex.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the San Marcos Municipal Airport (lat. 29°53'38"N., long. 97°51'45"W.) and 2 miles either side of the 138° bearing from the San Marcos, Tex., Gary NDB (lat. 29°54'00"N., long. 97°52'14"W.), extending from the 6-mile radius to a point 8 miles from the NDB.

**San Rafael, Calif.**

That airspace extending upward from 700 feet above the surface bounded on the E by the W edge of V-195, on the S by latitude 38°02'00" N., and on the W and N by an arc of a 23-mile radius circle centered on Hamilton AFB (latitude 38°03'35" N., longitude 122°30'35" W.); that airspace extending upward from 1,200 feet above the surface bounded on the N by the S edge of V-200, on the E by the W edge of V-195, on the S by latitude 38°02'00" N., on the W by the E edge of V-199 to latitude 38°43'30" N., thence via latitude 38°43'30" N. to the E edge of V-25, thence via the E edge of V-25 to the S edge of V-200.

**San Simon, Ariz.**

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the San Simon VOR 089° and 269° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the portion within the Cochise, Ariz., Portal, Ariz., and New Mexico transition areas.

**Santa Barbara, Calif.**

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Santa Barbara

**Sarasota, Fla.**



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**Santa Barbara, Calif.**

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Santa Barbara ILS localizer west course, extending from the OM to 2 miles west of the OM; between the arcs of a 5-mile radius circle and 8.5-mile radius circle centered on the Santa Barbara Municipal Airport (latitude 34°25'35" N., longitude 119°50'20" W.), extending clockwise from a line 2 miles north of the 089° bearing from the Santa Barbara LMM to a line 2.5 miles south of the 115° bearing from the LMM; and within 2 miles east and 7 miles west of the Santa Barbara VORTAC 196° radial, extending from a 5-mile radius circle centered on the Santa Barbara Municipal Airport to 15.5 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°35'00" N., longitude 120°05'00" W., thence to latitude 35°05'00" N., longitude 120°05'00" W., to latitude 35°05'00" N., longitude 119°30'00" W., to latitude 34°20'00" N., longitude 119°30'00" W., to latitude 34°20'00" N., long. 120°00'00" W., to lat. 34°08'00" N., long. 120°00'00" W., to lat. 34°08'00" N., long. 120°26'00" W., to lat. 34°06'15" N., long. 120°30'00" W., to lat. 34°24'00" N., longitude 120°30'00" W., to latitude 34°24'45" N., longitude 120°27'20" W., to latitude 34°35'00" N., longitude 120°31'40" W., to latitude 34°39'50" N., longitude 120°31'15" W., to latitude 34°46'15" N., longitude 120°26'40" W., to latitude 34°49'00" N., longitude 120°27'15" W., to latitude 34°59'32" N., longitude 120°41'50" W., to latitude 35°10'00" N., longitude 120°55'00" W., to latitude 35°21'00" N., longitude 121°03'00" W., to latitude 35°33'00" N., longitude 121°03'00" W., to latitude 35°33'00" N., longitude 120°40'30" W., to latitude 35°22'25" N., longitude 120°31'50" W., to latitude 35°31'40" N., longitude 120°15'00" W., to latitude 35°35'35" N., longitude 120°18'10" W., thence to point of beginning.

AMENDMENTS 6/16/77 42 F. R. 20619 (Changed)

**Santa Catalina, Calif.**

That airspace extending upward from 700 feet above the surface within 5 miles each side of the Santa Catalina 229°T (214°M) and 012°T (357°M) radials extending from 6 miles north to 12 miles southwest of the Santa Catalina VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded on the E by long. 117°30'00" W., on the S by a line extending from lat. 33°15'00" N., long. 117°30'00" W., to lat. 33°11'00" N., longitude 117°48'55" W., to latitude 33°18'00" N., longitude 118°34'00" W., on the W by longitude 118°34'00" W., and on the N by latitude 33°30'00" N., excluding the portion within Control Area 1177.

AMENDMENTS 3/10/77 42 F. R. 13819 (Changed)

**Santa Elena, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Diamond "O" Ranch Airport (latitude 26°43'10" N., longitude 98°33'25" W.), and within 3.5 miles each side of the 359° bearing from the Santa Elena RBN (latitude 26°43'07" N., longitude 98°33'37" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

**Santa Fe, N. Mex.**

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.), and within 3 miles each side of the Santa Fe VORTAC 165° radial, extending from the 11.5-mile radius area to 9 miles south of the VORTAC.

**Santa Maria, Calif.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Santa Maria Public Airport (latitude 34°53'55" N., longitude 120°27'20" W.) and within 3 miles each side of the Santa Maria VOR 133° and 327° radials extending from 17 miles southeast to 7 miles northwest of the VOR.

**Santa Rosa, Calif.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sonoma County Airport (latitude 38°30'30" N., longitude 122°48'45" W.) and within a 1-mile radius of Santa Rosa Coddingtontown Airnort (latitude 38°28'30" N., longitude 122°44'25" W.).

**Santa Ynez, Calif.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Santa Ynez Airport (latitude 34°36'25" N., longitude 120°04'30" W.), within 5 miles each side of the Santa Barbara VORTAC 291° radial extending from the 5-mile radius area to 35 miles west of the VORTAC and within 1.5 miles each side of the Gaviota VORTAC 009° and 178° radials from the 5-mile radius area to 1 mile south of the VORTAC.

**Saranac Lake, N. Y.**

That airspace extending upward from 700 feet above the surface beginning at lat. 44°38'00" N., long. 74°12'00" W.; to lat. 44°40'00" N., long. 73°55'00" W.; to lat. 44°21'00" N., long. 73°50'00" W.; to lat. 44°08'00" N., long. 74°27'00" W.; to lat. 44°21'00" N., long. 74°38'00" W.; to point of beginning.

**Sarasota, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Sarasota-Bradenton Airport (lat. 27°23'47" N., long. 82°33'15" W.); within 3 miles each side of Sarasota VORTAC 050° and 302° radials, extending from the 8.5-mile radius area to 8.5 miles northeast and northwest of the VORTAC; within 5 miles each side of Sarasota VORTAC 142° radial, extending from the 8.5-mile radius area to 8.5 miles southeast of the VORTAC; excluding that airspace outside the continental limits of the United States.

**Sault Ste. Marie, Mich.**

That airspace within the United States extending upward from 700 feet above the surface within a 7-mile radius of Kincheloe AFB (latitude 46°15'00" N., longitude 84°28'00" W.); within 8 miles northeast and 5 miles southwest of the 129° bearing from the Sault Ste. Marie RBN, extending from the RBN to 12 miles southeast of the RBN; within 2 miles each side of the Sault Ste. Marie VOR 153° radial, extending from the VOR to 8 miles southeast of the VOR, within 2 miles each side of the Sault Ste. Marie, Ontario, Canada, ILS localizer north-west course, extending from the OM to 8 miles northwest of the OM, and within 2 miles each side of the 293° bearing from the Gros Cap RBN, extending from the RBN to 8 miles northwest of the RBN, and the airspace within the United States extending upward from 1,200 feet above the surface within a 34-mile radius of Kincheloe AFB.

**Savannah, Ga.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Savannah Municipal Airport (lat. 32°07'35" N., long. 81°12'05" W.); within 3 miles each side of Savannah VORTAC 061° radial, extending from the 8.5-mile radius area to 8.5 miles northeast of the VORTAC; within 3 miles each side of the ILS localizer east course, extending from the 8.5-mile radius area to 13 miles east of Runway 27 threshold; within an 8.5-mile radius of Hunter AAF (lat. 32°00'35" N., long. 81°08'45" W.); excluding the portion east bounded on the south by a line 2 miles north of and parallel to the extended centerline of Hunter AAF Runway 27; on the west by a line 6 miles east of and parallel to Hunter VOR 001° radial, and on the north by a line 3 miles south of and parallel to Savannah ILS localizer east course.

**Savannah, Tenn.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Savannah Municipal Airport (latitude 35°10'15" N., longitude 88°13'00" W.); within 3 miles each side of the 197° bearing from Savannah RBN (latitude 35°10'13" N., longitude 88°12'50" W.), extending from the 7-mile radius area to 8.5 miles south of the RBN.

**Scottsbluff, Nebr.**

That airspace extending upward from 700 feet above the surface within a 9½ mile radius of the Scottsbluff County Airport (latitude 41°52'34" N., longitude 103°35'53" W.); within 4.5 miles south and 9½ miles north of the Scottsbluff VORTAC 079° radial extending from the 9½ mile radius to 13 miles east of the VORTAC, within 4.5 miles southwest and 9½ miles northeast of the ILS localizer southeast course extending from the 9½ mile radius to 13 miles southeast of the outer marker; within five miles northeast and 9½ miles southwest of the ILS localizer northwest course extending from the 9½ mile radius to 17.5 miles northwest of the airport.

**Searcy, Ark.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Searcy Municipal Airport (latitude 35°13'17" N., longitude 91°44'15" W.).

**Seattle, Wash.**

That airspace extending upward from 700 feet above the surface bounded on the east by a line beginning at lat. 49°00' N., long. 122°21' W.; to lat. 48°40' N., long. 122°21' W.; to lat. 48°40' N., long. 122°05' W.; to lat. 47°30' N., long. 121°48' W.; to lat. 47°10' N., long. 121°48' W.; to lat. 46°48' N., long. 122°15' W., on the south by a line extending to lat. 46°42' N., long. 123°17' W., on the west by a line extending to lat. 47°10' N., long. 123°17' W.; to lat. 47°40'00" N., long. 123°03'30" W.; to lat. 48°17' N., long. 123°15' W.; thence via the Canada/United States boundary to the point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the north by a line beginning at lat. 48°05' N., long. 123°40' W.; to lat. 48°05' N., long. 121°35' W., on the east by a line extending to the south via long. 121°35' W., to the south edge of V-204, on the south by the south edge of V-204 and lat. 46°30' N., to the east edge of V-27, on the west by east edge of V-27 to long. 123°40' W., to the point of beginning; that airspace east of Seattle extending upward from 9,500 feet MSL bounded on the north by a line beginning at lat. 48°00' N., long. 121°35' W.; to lat. 48°00' N., long. 121°00' W., thence south to lat. 47°42' N., long. 121°00' W., thence east to lat. 47°42' N., long. 119°43' W., on the east by a line extending south via long. 119°43' W., to the north edge of V-2N, on the south by the north edge of V-2N to long. 121°35' W., and on the west by long. 121°35' W., to the point of beginning.

AMENDMENTS 4/21/77 42 F. R. 9672 (Rewritten)

**Sebring, Fla.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sebring Airport and Industrial Park (latitude 27°27'20" N., longitude 81°20'30" W.); within 3 miles each side of the 164° bearing from Sebring RBN (latitude 27°27'37" N., longitude 81°21'00" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

**Sedalia, Mo.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Whiteman AFB (latitude 38°43'50" N., longitude 93°33'00" W.); within 2 miles each side of Whiteman AFB ILS localizer south course, extending from the 8-mile radius area to 8 miles south of the OM; within a 6.5-mile radius of Sedalia Memorial Airport (latitude 38°42'15" N., longitude 93°11'00" W.); within 3 miles each side of the 010° bearing from Sedalia Memorial Airport, extending from the 6.5-mile radius area to 8 miles north of the airport; and within 3 miles each side of the 176° bearing from Sedalia Memorial Airport, extending from the 6.5-mile radius area to 8 miles south of the airport.

**Sedona, Ariz.**

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Sedona Airport (latitude 34°51'00" N., longitude 111°47'10" W.), within 2.5 miles each side of the 219° bearing from the Sedona radio beacon (latitude 34°49'41" N., longitude 111°48'48" W.), extending from the 3-mile radius area to 7 miles SW of the radio beacon; that airspace extending upward from 1,200 feet above the surface within 9 miles NW and 12 miles SE of the 219° bearing from the Sedona radio beacon extending from the radio beacon to 18.5 miles SW of the radio beacon.

**Selinsgrove, Pa.**

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, lat. 40°49'04" N., long. 76°51'51" W. of Penn Valley Airport, Selinsgrove, Pa.; within 3.5 miles each side of the Selinsgrove, Pa., VORTAC 209° radial extending from the 10.5-mile radius area to 10.5 miles southwest of the VORTAC; within the arc of a 14-mile radius circle centered on Penn Valley Airport extending clockwise from 095° to 125°.

**Selma, Ala.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Craig AFB (latitude 32°20'30" N., longitude 86°59'15" W.); within an 18.5-mile radius of the Cahaba VORTAC, extending clockwise from the 301° radial to the 212° radial.

**Selmer, Tenn.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Robert Sibley Airport (latitude 35°12'38" N., longitude 88°30'30" W.); within 3 miles each side of the 334° bearing from Sibley RBN (latitude 35°14'15" N., longitude 88°31'03" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

**Seven Springs, Pa.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°00'35" N., 79°19'20" W., of Seven Springs Borough Airport, Seven Springs, Pa.; within 3.5 miles each side of the Indian Head, Pa. VORTAC 218° radial, extending from the 6-mile radius area to 11.5 miles southwest of the Indian Head VORTAC. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 12/9/76 41 F.R. 40457 (Added)

**Seymour, Ind.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Freeman Field (latitude 38°55'36" N., longitude 85°54'20" W.); within 3 miles each side of the 061° bearing from Freeman Field, extending from the 7-mile radius area to 7½ miles northeast of the airport; and within 3 miles each side of the 161° bearing from Freeman Field extending from the 7-mile radius area to 7½ miles south of the airport.

**Seymour, Tex.**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°39'00" N., longitude 99°20'00" W., thence to latitude 33°46'00" N., longitude 99°23'00" W., to latitude 33°52'00" N., longitude 99°07'00" W., to latitude 33°42'00" N., longitude 99°03'00" W., to point of beginning.

**Shamokin, Pa.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 40°50'15" N., 76°33'00" W. of Northumberland County Airport, Shamokin, Pa.; within a 7-mile radius of the center of the airport, extending clockwise from a 035° bearing to a 069° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from 069° bearing to a 110° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 110° bearing to a 157° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 157° bearing to a 260° bearing from the airport; within 4.5 miles each side of the Selinsgrove, Pa., VORTAC 080° radial, extending from the 6.5-mile radius area to the Selinsgrove, Pa., VORTAC.

AMENDMENTS 12/1/77 42 F. R. 57446 (Added)

**Shawnee, Okla.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Shawnee Municipal Airport (latitude 35°21'16" N., longitude 96°56'33" W.), and within 2 miles each side of the 009° bearing from the Shawnee RBN (latitude 35°20'51" N., longitude 96°56'48" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

**PENDING AMENDMENT****Shawnee, Okla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Shawnee Municipal Airport (lat. 35°21'16" N., long. 96°56'33" W.); within 3.5 miles each side of the 007° bearing from the Shawnee NDB (lat. 35°20'51" N., long. 96°56'48" W.) extending from the 8.5-mile radius area to 11.5 miles north of the NDB; within an 8.5-mile radius of Seminole Municipal Airport (lat. 35°16'15" N., long. 96°40'30" W.); and within 3.5 miles each side of the 353° bearing from the Seminole NDB (lat. 35°16'08" N., long. 96°40'30" W.) extending from the 8.5-mile radius area to 11.5 miles north of the NDB.

AMENDMENTS 1/26/78 42 F. R. 61037 (Rewritten)

**Sheboygan, Wis.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Sheboygan County Memorial Airport (latitude 43°46'18" N., longitude 87°51'08" W.).

**Shelby, Mont.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Shelby Airport (latitude 48°32'26" N., longitude 111°52'30" W.) and within 3 miles each side of the 043° bearing from Shelby Airport extending from the 6-mile radius area to 8.5 miles northeast of the airport; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct course between the Cut Bank, Mont., VORTAC and the Shelby Airport, extending from the airport to 7 miles east of the VORTAC and within 4.5 miles southeast and 9.5 miles northwest of the 043° bearing from the Shelby Airport, extending from the airport to 18.5 miles northeast of the airport.

**Shelby, N. C.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby Municipal Airport (latitude 35°15'25" N., longitude 81°36'00" W.); within 3 miles each side of the Spartanburg VORTAC 052° radial, extending from the 7-mile radius area to 13 miles northeast of the VORTAC.



**Shelbyville, Ill.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Shelby County Airport (latitude 39°24'30" N., longitude 88°50'45" W.); and within 3 miles either side of the 186° bearing from the Shelby County Airport extending from the 5.5-mile radius area to 8 miles south of the airport.

**Shelbyville, Ind.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Shelbyville Memorial Airport (latitude 39°34'50" N., longitude 85°48'20" W.), and within 2 miles each side of the Shelbyville, Ind., VOR 340° radial extending from the 5-mile radius area to 8 miles north of the VOR.

**Shelbyville, Tenn.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bomar Field (latitude 35°33'44" N., longitude 86°26'33" W.); within 4.5 miles north and 9.5 miles south of the Shelbyville VOR 272° radial, extending from the VOR to 18.5 miles west; within 4.5 miles east and 9.5 miles west of the Shelbyville VOR 195° radial, extending from the VOR to 18.5 miles south; within a 9.5 mile radius of Ellington Airport, Lewisburg, Tenn. (latitude 35°30'35" N., longitude 86°48'15" W.); excluding the portion within the Mount Pleasant, Tenn., transition area.

**Sheldon, Iowa**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Sheldon Municipal Airport (latitude 43°12'35" N., longitude 95°50'05" W.); and within 3 miles each side of the 163° bearing from Sheldon Municipal Airport, extending from the 5½-mile radius area to 8 miles south of the airport.

**Shemya, Alaska**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Shemya Airport (latitude 52°42'50" N., longitude 174°06'57" E.); and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Shemya Airport. The portion within R-2204 is excluded.

**Shenandoah, Iowa**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Shenandoah, Iowa, Municipal Airport (latitude 40°45'15" N., longitude 95°25'15" W.), and within 5 miles NE and 8 miles SW of the 133° bearing from the Shenandoah RBN, extending from the RBN to a point 12 miles SE of the RBN.

**Sheridan, Ind.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sheridan Airport (latitude 40°10'33" N., longitude 86°13'58" W.); within 2.5 miles either side of the 019° bearing from the airport, extending from the 5-mile radius to 6 miles north excluding the portion which overlies the Zionsville, Indiana, transition area.

**Sheridan, Wyo.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Sheridan County Airport (latitude 44°46'25" N., longitude 106°58'15" W.); that airspace extending upward from 1,200 feet above the surface within 7 miles southwest and 10 miles northeast of the Sheridan VORTAC 138° and 318° radials, extending from 18.5 miles northwest to 34 miles southeast of the VORTAC; and that airspace southeast of Sheridan bounded on the north by a line located 5 miles south of and parallel to the Sheridan VORTAC 104° radial, on the east by a 35-mile radius arc of the Sheridan VORTAC, and on the south by a line located 10 miles north of and parallel to the Sheridan VORTAC 138° radial.

**Sherman, Tex.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sherman Municipal Airport (lat. 33°37'30" N., long. 96°35'00" W.); within a 7-mile radius of Grayson County Airport (lat. 33°42'55" N., long. 96°40'25" W.); and within 2 miles each side of the 181° bearing from the Grayson County NDB (lat. 33°49'26" N., long. 96°40'10" W.) extending from the 7-mile radius area to the NDB.

**Shirley, N. Y.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 40°49'00" N., 72°51'45" W., of Brookhaven Airport, Shirley, N. Y., and within 4.5 miles northwest and 6.5 miles southeast of the 065° bearing and the 245° bearing from the Peconic, N. Y., RBN, extending from 5.5 miles northeast to 11.5 miles southwest of the RBN, excluding the portions that coincide with the Islip, N. Y., Calverton, N. Y., and Westhampton Beach, N. Y., transition areas.

**Shreveport, La.**

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 32°48'10" N., longitude 93°48'30" W.; to latitude 32°42'00" N., longitude 93°37'00" W.; to latitude 32°25'00" N., longitude 93°27'00" W.; to latitude 32°14'00" N., longitude 93°27'00" W.; to latitude 32°16'30" N., longitude 93°53'30" W.; to latitude 32°35'30" N., longitude 94°00'30" W.; to point of beginning.

**Sidney, Mont.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Sidney-Richland Municipal Airport (latitude 47°42'35" N., longitude 104°11'10" W.); within 9.5 miles east and 4.5 miles west of the 356° bearing from the Sidney NDB (latitude 47°42'41" N., longitude 104°10'52" W.) extending from the 9-mile radius area to 18.5 miles north of the NDB; and within 9.5 miles southeast and 4.5 miles northwest of the 215° bearing from the Sidney NDB extending from the 9-mile radius area to 18.5 miles southwest of the NDB.

**Sidney, Nebr.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Sidney Municipal Airport (latitude 41°05'55" N., longitude 102°58'55" W.); within 5 miles NE and 8 miles SW of the Sidney VORTAC 321° radial, extending from the 10-mile radius area to 12 miles NW of the VORTAC; and that airspace in the state of Colorado extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Sidney VORTAC 128° radial, extending from the VORTAC to 12 miles southeast of the VORTAC.

**Sidney, N. Y.**

That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the center, lat. 42°18'22" N., long. 75°24'57" W., of Sidney Municipal Airport, Sidney, N. Y.; within a 16-mile radius arc from the center of the airport extending clockwise from a 080° bearing to a 215° bearing from the airport excluding the airspace within a 2-mile radius area of the Harmony Crest Airpark (lat. 42°13'56" N., long. 75°38'00" W.).

**Sidney, Ohio**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Sidney Airport (lat. 40°14'23" N., long. 84°09'17" W.).

**Sikeston, Mo.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sikeston Memorial Airport (latitude 36°53'50" N., longitude 89°33'45" W.); and within 2 miles each side of the 016° bearing from Sikeston Memorial Airport, extending from the 6-mile radius area to 8 miles north of the airport.

**Siler City, N. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Siler City Municipal Airport (lat. 35°42'10" N., long. 79°30'22" W.).

AMENDMENTS 2/24/77 41 F. R. 56789 (Added)

**Silver City, N. Mex.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Silver City-Grant County Airport (latitude 32°36'25" N., longitude 108°09'15" W.), and within 3.5 miles each side of the Silver City VOR 141° radial extending from the 8-mile radius area to 10 miles southeast of the VOR.

**Sioux City, Iowa**

That airspace extending upward from 700 feet above the surface within a 19-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); within 5 miles southwest and 9½ miles northeast of the Sioux City VORTAC 140° radial, extending from the 19-mile radius area to 24½ miles southeast of the VORTAC; within 4½ miles southwest and 9½ miles northeast of the Sioux City ILS localizer northwest and southeast courses, extending from the 19-mile radius area to 24½ miles southeast of the OM; within 4½ miles northeast and 11½ miles southwest of the Sioux City VORTAC 320° radial, extending from the VORTAC to 35 miles northwest of the VORTAC.

**Sioux Falls, S. Dak.**

That airspace extending upward from 700 feet above the surface within a 20-mile radius of Joe Foss Field (latitude 43°34'55" N., longitude 96°44'35" W.); within 9.5 miles southwest and 4.5 miles northeast of the Sioux Falls VORTAC 330° radial extending from the 20-mile radius area to 18.5 miles northwest of the VORTAC; and within 9.5 miles northwest and 4.5 miles southeast of the Sioux Falls ILS localizer northeast course, extending from the 20-mile radius area to 23 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 27-mile radius of the Sioux Falls VORTAC extending from the VORTAC 054° radial clockwise to the Sioux Falls ILS localizer southwest course; excluding that portion in the state of Iowa; within a 25-mile radius of the Sioux Falls VORTAC extending from the Sioux Falls ILS localizer southwest course clockwise to the VORTAC 004° radial; and within a 13-mile radius extending from the Sioux Falls VORTAC 004° radial clockwise to the Sioux Falls VORTAC 054° radial; and that airspace extending upward from 4,000 feet MSL north of Sioux Falls bounded on the north by V-26S, on the south edge of V-148S east of Sioux Falls clockwise to the northwest edge of V-148 west of Sioux Falls; and within a 55-mile radius of the Sioux Falls VORTAC, extending from the northwest edge of V-148 west of Sioux Falls clockwise to the south edge of V-120 west of Sioux Falls, excluding that portion in Minnesota.



**Sitka, Alaska**

That airspace extending upward from 700 feet above the surface within 3 miles northwest and 2 miles south-east of the Sitka RBN 207° bearing, extending from the RBN to 8 miles southwest of the RBN; within 2 miles each side of the Biorika Island VORTAC 148° radial, extending from the VORTAC to 8 miles southeast of the VORTAC; within 2 miles each side of the Sitka RBN 147° bearing, extending from the RBN to 8 miles southeast of the RBN; and within 2.5 miles each side of the localizer northwest course, extending from 14 miles northwest to 22 miles northwest of the localizer;

and that airspace extending upward from 1,200 feet above the surface within 9 miles southwest and 22 miles northeast of the Biorika Island VORTAC 308° radial, extending from the VORTAC to 33 miles northwest of the VORTAC, and within 9 miles northwest and 6 miles southeast of the Biorika Island VORTAC 027° and 207° radials, extending from 8 miles northeast to 19 miles southwest of the VORTAC.

**Skaneateles, N. Y.**

That airspace extending upward from 700-feet above the surface within a 5-mile radius of the center 42°54'50" N., 76°26'20" W. of Empire Aero Services Airport, Skaneateles, N. Y.; within 2 miles each side of the Runway 10 centerline, extended from the 5-mile radius area to 6 miles east of the lift-off end of the runway and within 3.5 miles each side of the Syracuse VORTAC 215° radial extending from the 5-mile radius area to 13 miles southwest of the Syracuse VORTAC, excluding the portion that coincides with the Syracuse, N. Y., transition area.

**Skwentna, Alaska**

That airspace extending upward from 700 feet above the surface within 4.5 miles N and 0.5 miles S of the 291° and 111° bearings from the Skwentna RBN, extending from 7.5 miles W to 18.5 miles E of the RBN.

**Slidell, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Slidell Airport (latitude 30°20'37" N., longitude 89°49'18" W.), and within 2.5 miles each side of the New Orleans VORTAC 043° radial extending from the 5-mile radius area to 23 miles northeast of the VORTAC.

**Smithfield, R.I.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center. 41°55'21" N., 71°29'30" W. of North Central State Airport, Smithfield, R.I., and within 2 miles east and 5 miles west of the Providence, R.I., VOR 347° radial extending from the 5-mile radius to the VOR, excluding the portion that overlaps the Providence 700-foot transition area.

**Snyder, TX.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Winston Field Airport (latitude 32°41'50" N., longitude 100°57'10" W.) and within 3 miles each side of the 184° True bearing from the Snyder, TX., radio beacon extending from the 5-mile radius area to 8 miles south of the radio beacon.

**Soldotna, Alaska**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Soldotna Airport (latitude 60°28'25" N., longitude 151°02'20" W.), excluding the portion within the Kenai 700-foot floor transition area.

**Somerset, Ky.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Somerset-Pulaski County Airport (lat. 37°03'24" N., long. 84°36'45" W.); within 3 miles each side of the 230° bearing from Somerset RBN (lat. 37°03'19" N., long. 84°36'58" W.), extending from the 8.5-mile radius area to 8.5 miles south-west of the RBN.

**Somerset, PA.**

That airspace extending upward from 700 feet above the surface within a 0.5-mile radius of the center (lat. 40°02'15" N., long. 79°01'00" W.) of Somerset County Airport, Somerset, PA. and within 3.5 miles each side of the 056° bearing from the Stoytown RBN (lat. 40°05'17" N., long. 78°55'20" W.) extending from the 0.5-mile radius area to 11 miles northeast of the RBN, excluding the portion that coincides with the Johnstown, PA., transition area.

**Sonora, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sonora Municipal Airport (latitude 30°35'00" N., longitude 100°39'00" W.) and within 3 miles each side of the 358° bearing from the Sonora, Tex., NDB (latitude 30°34'54" N., longitude 100°38'48" W.) extending 8.5 miles north-west of the Sonora, Tex., NDB.

**South Bend, Ind.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Michiana Regional Airport, South Bend, Ind. (latitude 41°42'15" N., longitude 86°18'50" W.) and within 5 miles south and 8 miles north of the South Bend ILS localizer east course, extending from Michiana Regional Airport to 12 miles east of the ILS outer marker and within 5 miles west and 8 miles east of the South Bend, Ind. VOR 360° radial, extending from the Michiana Regional Airport to 12 miles north of the VOR and within a 5-mile radius of Tyler Memorial Airport, Niles, Mich. (latitude 41°50'30" N., longitude 86°13'30" W.).

**South Boston, VA.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 36°42'45" N., long. 78°51'00" W. of William M. Tuck Airport, South Boston, VA., and within 2 miles each side of the South Boston VORTAC 076° radial, extending from the 6.5-mile radius area to the VORTAC.

**Southbridge, Mass.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 42°06'05" N., 72°02'20" W. of Southbridge Municipal Airport, Southbridge, Mass.; within 3.5 miles each side of the Putnam, Conn., VORTAC 315° radial, extending from the 6.5-mile radius area to the VORTAC; within 2 miles each side of the Runway 2 centerline extended from the 6.5-mile radius area to 6.5 miles north of the end of the runway and within 2 miles each side of the Runway 20 centerline extended from the 6.5-mile radius area to 6.5 miles south of the end of the runway.

**South Carolina**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of South Carolina including the offshore airspace within 3 nautical miles of and parallel to the shoreline of South Carolina, and including the airspace outside the United States southeast of Myrtle Beach, S. C., bounded by a line beginning at latitude 33°48'10" N., longitude 78°31'45" W.; to latitude 33°46'15" N., longitude 78°30'25" W.; thence clockwise along a 25-mile radius circle centered on Conway TACAN to latitude 33°19'40" N., longitude 79°02'10" W.; to latitude 33°14'15" N., longitude 79°06'15" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning; and east of Charleston, S. C., bounded by a line beginning at latitude 33°04'55" N., longitude 79°13'10" W.; to latitude 32°58'30" N., longitude 79°18'00" W.; to latitude 32°50'40" N., longitude 79°23'15" W.; thence clockwise along the arc of a 38-mile radius circle centered on the Charleston VORTAC to latitude 32°38'40" N., longitude 79°27'25" W.; to latitude 32°44'00" N., longitude 79°45'10" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning; and southeast of Beaufort, S. C., bounded by a line beginning at latitude 32°15'00" N., longitude 80°30'00" W.; to latitude 32°00'00" N., longitude 80°33'00" W.; to latitude 32°03'25" N., longitude 80°46'30" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning.

**Southern Pines, N. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Pinchurst-Southern Pines Airport (latitude 35°14'02" N., longitude 79°23'36" W.); within 1.5 miles each side of Sandhills VORTAC 082° radial, extending from the 8.5-mile radius area to the VORTAC; excluding the portion within R-5311.

AMENDMENTS 12/30/76 41 F. R. 49805 (Changed)

**South Haven, Mich.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of South Haven Municipal Airport (lat. 42°21'15" N., long. 86°15'45" W.); and within 1.5 miles each side of the Pullman VORTAC 224° radial, extending from the 7-mile radius area to the VORTAC.

**South Island, NY.**

That airspace on each side of Control 1147, extending upward from FL 230 to FL 390, inclusive, bounded on the northeast by a line beginning at latitude 40°00'00" N., longitude 72°43'00" W., to latitude 39°35'00" N., longitude 72°20'00" W., thence south along longitude 72°20'00" W. to the northeast boundary of Control 1147, northwest along the northeast boundary of Control 1147, northeast along the southeast boundary of the Fire Island transition area to latitude 40°03'00" N., thence to point of beginning; and including the airspace bounded on the southwest by a line beginning at latitude 39°44'00" N., longitude 73°30'00" W., thence east along latitude 39°44'00" N., to the southwest boundary of Control 1147, southeast along the southwest boundary of Control 1147, southwest along the northwest boundary of the New York oceanic control area to longitude 72°30'00" W., thence to latitude 39°40'00" N., longitude 73°30'00" W., thence to point of beginning.

**South Kauai, Hawaii**

That airspace extending upward from 700 feet above the surface within 2 miles north and 4 miles south of the South Kauai, Hawaii, VORTAC 271° radial extending from the VORTAC to 8 miles west of the VORTAC; within 2 miles each side of the South Kauai, VORTAC 089° radial extending from the VORTAC to 6 miles east of the VORTAC and within 2 miles each side of the South Kauai, VORTAC 133° radial extending from the VORTAC to 6 miles southeast of the VORTAC.

Southport, N. C.

Springfield, Mo.



**Southport, N. C.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brunswick County Airport (latitude 33°55'44" N., longitude 78°04'33" W.); within 3 miles each side of the 315° bearing from the Yaupon RBN (latitude 33°55'39" N., longitude 78°04'31" W.), extending from the 5-mile radius area to 8.5 miles northwest of the RBN.

**Sparta, Ill.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sparta Community Airport (latitude 38°08'55" N., longitude 89°41'55" W.); and within 3 miles each side of the 009° bearing from Sparta Community Airport, extending from the 5-mile radius area to 8 miles north of the airport.

**Sparta, Mich.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Sparta Airport (latitude 43°07'45" N., longitude 85°40'30" W.); excluding that airspace which overlies the Muskegon, Michigan, transition area.

**Sparta, Tenn.**

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Sparta-White County Airport (lat. 36°03'30"N., long. 85°31'43"W.); excluding the portions that coincide with the McMinnville, Tenn., and Cookeville, Tenn., transition area.

**Spartanburg, S. C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Spartanburg Downtown Memorial Airport (latitude 34°54'55" N., longitude 81°57'32" W.); 3.5 miles each side of Spartanburg VORTAC 016° radial, extending from the 6.5-mile radius area to 9 miles north of the VORTAC; within 3.5 miles each side of Spartanburg VORTAC 191° radial, extending from the 6.5-mile radius area to 16.5 miles south of the VORTAC; within 3 miles each side of the 237° bearing from Fairmont RBN, extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN; excluding the portion within the Greenville, S. C., transition area.

**Spencer, Iowa**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Spencer, Iowa, Municipal Airport (latitude 43°09'45" N., longitude 95°11'30" W.); and within 3 miles each side of the Spencer VOR 298° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; within 5 miles east and 3 miles west of the Spencer VOR 134° radial, extending from the 5-mile radius zone to 15 miles southeast of the VOR.

**Spirit Lake, Iowa**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Spirit Lake Municipal Airport (latitude 43°23'05" N., longitude 95°08'10" W.); and within 3 miles each side of the 353° bearing from Spirit Lake Municipal Airport, extending from the 5½-mile radius to 8 miles north of the airport.

**Spokane, Wash.**

That airspace extending upward from 700 feet above the surface bounded on the north by a line beginning at latitude 47°50' N., longitude 118°00' W., extending to latitude 47°50' N., longitude 117°30' W., to latitude 47°58' N., longitude 117°16' W., to latitude 47°51' N., longitude 117°08' W., to latitude 47°56' N., longitude 116°47' W., to latitude 47°44' N., longitude 116°41' W., to latitude 47°37' N., longitude 117°13' W., to latitude 47°28' N., longitude 117°16' W., to latitude 47°17' N., longitude 117°47' W., to latitude 47°26' N., longitude 118°00' W.; thence to point of beginning; that airspace extending upward from 1,200 feet above the surface within a 52-mile radius of Fairchild AFB (latitude 47°36'55" N., longitude 117°39'20" W.), excluding that portion southeast of Spokane bounded on the north by the arc of a 38-mile radius circle centered on the Fairchild AFB, on the northeast by V-2S, on the southeast by the arc of the 52-mile radius area, on the southwest by a line parallel to and 10 miles northeast of V-253; that airspace south of Spokane extending from the 52-mile radius area bounded on the east by V-253, on the south by V-536, on the west by the east edge of V-112E; that airspace southeast of Spokane extending upward from 6,000 feet MSL, bounded on the north by the arc of a 38-mile radius circle centered on the Fairchild AFB on the northeast by V-2S, on the southeast by the arc of the 52-mile radius area, on the southwest by a line parallel to and 10 miles northeast of V-253; that airspace southeast of Spokane extending upward from 7,000 feet MSL bounded on the northwest by the 52-mile radius area, on the north by V-2S, on the southeast by the north edge of V-536, and on the southwest by V-253.

**Springfield, Ill**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Capital Airport (latitude 39°50'35" N., longitude 89°40'35" W.); and within the arc of a 23-mile radius circle centered on the Capital VORTAC, extending from a line 2 miles southeast of and parallel to the Capital VORTAC 213° radial clockwise to a line 2 miles northwest of and parallel to the Capital VORTAC 228° radial.

**Springfield, Mo.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Springfield, Mo., Municipal Airport (latitude 37°14'35" N., longitude 93°23'20" W.); within 2 miles each side of the 324° bearing from the Willard RBN, extending from the 7-mile radius area to 8 miles northwest of the RBN; within 5 miles west and 8 miles east of the Springfield ILS localizer south course, extending from 1 mile north to 12 miles south of the OM.

**Springfield, Vt.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center (latitude 43°20'29" N., longitude 72°31'18" W.) of Springfield State-Hartness Airport, Springfield, Vt., within 5 miles each side of the 033° and 213° bearings from the Springfield NDB (latitude 43°16'12" N., longitude 72°35'12" W.) extending from the 6-mile radius area to 11.5 miles southwest of the NDB.

**Springhill, La.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Springhill Municipal Airport, Springhill, La. (latitude 32°58'50" N., longitude 93°24'35" W.).

**Standish, Mich.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Standish City Airport (latitude 43°58'48" N., longitude 83°58'25" W.).

**Staples, Minn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Staples Municipal Airport (latitude 46°22'48" N., longitude 94°48'08" W.), and within 3 miles each side of the 311° bearing from Staples Municipal Airport, extending from the 5-mile radius to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 311° bearing from the airport, extending to 18½ miles northwest of the airport, excluding that portion south of latitude 46°30'00" N.

**Starkville, Miss.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of George M. Bryan Field (lat. 33°26'00" N., long. 88°50'45" W.); within 5 miles each side of Columbus VORTAC 260° radial extending from the 6.5-mile radius area to 32.5 miles west of the VORTAC; within 3 miles each side of the 350° bearing from BRYAN RBN (lat. 33°35'53" N., long. 88°51'01" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN; excluding the portion within Columbus, Miss., transition area.

**PENDING AMENDMENT**

The Starkville, Miss., transition area is amended as follows: "within 5 miles each side of Columbus VORTAC 260° radial" is deleted and "within 5 miles each side of Bigbee VORTAC 260° radial" is substituted therefor.

AMENDMENTS 3/23/78 42 F. R. 60122 (Changed)

**State College, Pa.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, latitude 40°51'05" N., longitude 77°51'00" W., of University Park Airport, State College, Pa., extending clockwise from a 020° bearing to a 130° bearing from the airport; within a 13.5-mile radius of the center of University Park Airport, extending clockwise from a 130° bearing to a 165° bearing from the airport; within a 5-mile radius of the center of University Park Airport, extending clockwise from a 165° bearing to a 210° bearing from the airport; within a 7-mile radius of the center of University Park Airport, extending clockwise from a 210° bearing to a 280° bearing from the airport; within a 13.5-mile radius of the center of University Park Airport, extending clockwise from a 280° bearing to a 020° bearing from the airport; within a 5-mile radius of the center, latitude 40°46'15" N., longitude 77°52'45" W., of State College Air Depot Airport, State College, Pa., extending clockwise from a 010° bearing to a 045° bearing from the airport; within a 12-mile radius of the center of State College Air Depot Airport, extending clockwise from a 045° bearing to a 080° bearing from the airport; within a 13.5-mile radius of the center of State College Air Depot Airport, extending clockwise from a 080° bearing to a 230° bearing from the airport; within a 6.5-mile radius of the center of State College Air Depot Airport, extending clockwise from a 230° bearing to a 260° bearing from the airport; and within a 14.5-mile radius of the center of State College Air Depot Airport, extending clockwise from a 260° bearing to 010° bearing from the airport, excluding the portion that coincides with the Phillipsburg, Pa., and Reedsville, Pa., transition areas.

**Statesboro, GA.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Statesboro Municipal Airport (lat. 32°29'25" N., long. 81°44'08" W.); within 3 miles each side of the 120° and 326° bearings from Statesboro RBN (lat. 32°28'27" N., long. 81°44'40" W.), extending from the 6.5-mile radius area to 8.5 miles southeast and northwest of the RBN.

**Statesville, N. C.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Statesville Municipal Airport (latitude 35°45'36" N., longitude 80°57'15" W.).



## Steamboat Springs, Colo.

That airspace extending upward from 700 feet above the surface within 5 miles east and 7.5 miles west of the 153° and 333° bearings from the Rocky Mountain Airways NDB (latitude 40°28'13" N., longitude 106°49'46" W.), extending from 6.5 miles northwest of the NDB to 12.5 miles southeast of the NDB; that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 40°04'30" N., longitude 106°30'00" W.; to latitude 40°05'40" N., longitude 107°00'00" W.; to latitude 40°35'00" N., longitude 107°00'00" W.; to latitude 40°35'00" N., longitude 106°30'00" W.; to point of beginning; that airspace extending upward from 13,300 feet MSL within an area bounded by a line beginning at latitude 40°04'15" N., longitude 106°30'00" W.; to latitude 40°25'00" N., longitude 106°30'00" W.; to latitude 40°08'00" N., longitude 105°52'00" W.; thence along the north edge of V-220 to the point of beginning.

## Stephenville, Tex.

That airspace extending upward from 700 feet AGL within a 5-mile radius of Clark Field, Tex. (latitude 32°13'00" N., longitude 98°10'42" W.); within 3 miles each side of the Acton, Tex., VORTAC 244° radial extending from the 5-mile radius area to 27 miles from the VORTAC; and within 3 miles each side of the 139° bearing from the Stephenville, Tex., RBN (latitude 32°13'00" N., longitude 98°10'42" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

## Sterling, Colo.

That airspace extending upward from 700 feet above the surface within a 10.5 mile radius of the Crosson Field Airport (lat. 40°36'58"N., Long. 103°15'48"W.) and that airspace within 9.5 miles west and 4.5 miles east of the 163° bearing from the Batten NDB (lat. 40°31'56"N., long. 103°13'45"W.) extending from the 10.5 mile radius area to 18.5 miles south of the Batten NDB and within 5 miles each side of the 023° bearing from Crosson Field extending from the 10.5 mile radius area to 23.5 miles northeast of Crosson Field Airport.

AMENDMENTS 12/30/76 41 F.R. 49090 (Added)

## Sterling, Ill.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Whiteside County Airport (latitude 41°44'35" N., longitude 88°40'30" W.); within 2 miles each side of the 074° bearing from Whiteside County Airport, extending from the 7 mile radius area to 14 miles east of the airport; and within 2 miles each side of the 232° bearing from Whiteside County Airport, extending from the 7-mile radius area to 8 miles southwest of the airport, excluding the portion which overlies the Dixon, Ill., transition area.

## Stevens Point, Wis.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Stevens Point, Wis., Municipal Airport (latitude 44°32'38" N., longitude 89°31'50" W.); within 2 miles each side of the Stevens Point, Wis., VOR 024° radial extending from the 5-mile radius area to 11 miles NE of the VOR; within 2 miles each side of the Stevens Point VOR 111° radial extending from the 5-mile radius area to 8 miles E of the VOR; within 2 miles each side of the Stevens Point VOR 217° radial extending from the 5-mile radius area to 8 miles SW of the VOR; and within 2 miles each side of the Stevens Point VOR 306° radial extending from the 5-mile radius area to 8 miles NW of the VOR.

## Stillwater, OK.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Searcy Field, Stillwater, OK., latitude 36°09'31" N., longitude 97°05'08" W.; and within 2 miles each side of the Stillwater VOR 005° radial extending from the 6-mile radius area to 8 miles north of the VOR.

## Stockton, Calif.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Stockton ILS localizer SE course, extending from the OM to 1 mile NW of the OM; within 2 miles each side of the Stockton VORTAC 140° radial, extending from the VORTAC to 8 miles SE of the VORTAC, and within a 12-mile radius of the Stockton VORTAC, extending from the arc of a 5-mile radius circle centered on the Stockton Municipal Airport (latitude 37° 53' 45" N., longitude 121° 14' 10" W.) clockwise from a line 2 miles SW of and parallel to the Stockton VORTAC 303° radial to a line 2 miles NE of and parallel to the Stockton VORTAC 334° radial; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120° 04' 00" W., on the SE by a line extending from latitude 37° 52' 00" N., longitude 120° 04' 00" W., to latitude 37° 38' 00" N., longitude 121° 00' 00" W., on the S by latitude 37° 38' 00" N., on the W by longitude 121° 37' 00" W., and on the N by latitude 38° 07' 00" N. The airspace within R-2531 is excluded.

## Storm Lake, Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Storm Lake Municipal Airport (latitude 42°36'00" N., longitude 95°14'31" W.); and within 3 miles each side of the 142° bearing from Storm Lake Municipal Airport, extending from the 5-mile radius area to 8 miles southeast of the airport.

## Stratford, Tex.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Stratford Field (latitude 36°20'45" N., longitude 102°02'50" W.).

## Sturgeon Bay, Wis.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Door County Cherryland Airport (latitude 44°50'30" N., longitude 87°25'10" W.); and within 3 miles each side of a 195° bearing from the Door County Cherryland Airport extending from the 5-mile radius area to 7½ miles south of the airport.

## Sturgis, Ky.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Sturgis Municipal Airport (latitude 37°32'30" N., longitude 87°56'51" W.).

## Sturgis, Mich.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Kirsch Airport, Sturgis, Michigan (latitude 41°48'35" N., longitude 85°26'10" W.); within 3½ miles either side of the 059° bearing from the airport, extending from the 5.5 mile radius area to 1.3 miles northeast of the airport and within 3 miles either side of the 341° bearing from the airport, extending from the 5.5-mile radius area to 8 miles north of the airport.

## Stuttgart, Ark.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Stuttgart Municipal Airport (latitude 34°36'15" N., longitude 91°34'30" W.), and within 3.5 miles each side of the 350° bearing from the Stuttgart RBN (latitude 34°39'52" N., longitude 91°35'30" W.) extending from the 6.5-mile radius area to 11.5 miles north of the RBN.

## Sugarloaf, Maine

That airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 45°04'20" N., longitude 71°27'00" W., to latitude 45°17'00" N., longitude 71°20'10" W., to latitude 45°20'40" N., longitude 70°39'30" W., to latitude 45°21'40" N., longitude 70°39'00" W., to latitude 45°22'30" N., longitude 70°08'10" W., to latitude 45°25'00" N., longitude 69°48'00" W., to latitude 45°23'00" N., longitude 69°48'00" W., to latitude 45°14'50" N., longitude 69°50'20" W., to latitude 45°07'50" N., longitude 69°50'20" W., to latitude 45°07'50" N., longitude 69°28'00" W., to latitude 44°50'00" N., longitude 69°47'10" W., to latitude 44°39'00" N., longitude 69°47'10" W., to latitude 44°16'10" N., longitude 70°14'00" W., to latitude 44°13'50" N., longitude 70°12'00" W., to latitude 44°02'10" N., longitude 70°37'50" W., to latitude 44°04'00" N., longitude 70°40'10" W., to latitude 44°06'00" N., longitude 70°37'00" W., to latitude 44°06'10" N., longitude 70°59'10" W., to latitude 44°14'30" N., longitude 70°52'30" W., to latitude 44°21'00" N., longitude 70°57'10" W., to latitude 44°29'30" N., longitude 71°01'10" W., to latitude 44°31'00" N., longitude 70°55'00" W., to latitude 44°39'00" N., longitude 71°00'00" W., to latitude 44°54'50" N., longitude 71°01'50" W., to latitude 44°53'00" N., longitude 71°18'00" W., to point of beginning, excluding Canadian airspace.

## Sullivan, Ind.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sullivan County Airport (latitude 39°07'00" N., longitude 87°26'55" W.); and within 3 miles each side of the 187° bearing from Sullivan County Airport, extending from the 5-mile radius area to 8 miles south of the airport.

## Sulphur Springs, Tex.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sulphur Springs Airport (latitude 33°09'30" N., longitude 95°37'15" W.), and within 2 miles each side of the Sulphur Springs VORTAC 240° radial extending from the 5-mile radius area to 18 miles southwest of the VORTAC.

## Sumter, S. C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Shaw AFB (lat. 33°58'15" N., long. 80°28'19" W.); within 4 miles each side of Shaw AFB TACAN 033° radial, extending from the 8.5-mile radius area to 8.5 miles northeast of the TACAN; within 5 miles each side of the TACAN 215° radial, extending from the 8.5-mile radius to 21.5 miles southwest of the TACAN; within a 10.5-mile radius of McEntire ANGB (lat. 33°55'26" N., long. 80°48'14" W.); within 5 miles each side of McEntire ANGB TACAN 138° radial, extending from the 10.5-mile radius area to 12.5 miles southeast of the TACAN; within a 5-mile radius of Sumter Municipal Airport (lat. 33°59'39" N., long. 80°21'45" W.); within 3 miles each side of the 028° bearing from Sumter RBN (lat. 33°59'24" N., long. 80°21'38" W.), extending from the 5-mile radius area to 8.5 miles northeast of the RBN; excluding the portion within the Columbia transition area.

## Sunol, Calif.

That airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 121°31'00" W., on the SW by V-107 and on the NW by V-244S.

## Superior, Wis.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Richard I. Bong Airport (lat. 46°40'55" N., long. 92°05'35" W.), excluding the portion which overlies the Duluth, Minn., transition area.



**Sussex, N. J.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41°12' 00" N., 74°37'00" W. of Sussex Airport, Sussex, N. J., extending clockwise from a 005° bearing to a 074° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 197° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 197° bearing to a 234° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 234° bearing to a 269° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 269° bearing to a 329° bearing from the airport; and within a 12-mile radius of the center of the airport, extending clockwise from a 329° bearing to a 005° bearing from the airport.

**Swainsboro, Ga.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Emanuel County Airport (lat. 32°36'30" N., long. 82°22'15" W.); within 3 miles each side of Swainsboro TVOR (lat. 32°36'24" N., long. 82°22'10" W.) 294° radial extending from the 6.5-mile radius area to 8.5 miles northwest of the TVOR.

**Sylacauga, Ala.**

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Lee Merkle Airport (latitude 33°10'14" N., longitude 86°18'12" W.).

**Syracuse, N. Y.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, latitude 43°06'50" N., longitude 76°06'35" W., of Syracuse Hancock International Airport extending clockwise from a 270° bearing to a 090° bearing from the airport; within a 16-mile radius of the center of the airport extending clockwise from a 090° bearing to a 270° bearing from the airport; within 9.5 miles north and 4.5 miles south of the Syracuse Hancock International Airport Runway 28 ILS localizer course extending from the OM to 18.5 miles east of the OM; within 9.5 miles north and 4.5 miles south of the Syracuse Hancock International Airport Runway 10 ILS localizer back course extending from the localizer to 26 miles west of the localizer; within 5 miles each side of the Syracuse VORTAC 283° radial extending from the VORTAC to a point 16 miles west of the VORTAC; and within 5 miles each side of the Syracuse VORTAC 242° radial extending from the VORTAC to a point 16 miles southwest of the VORTAC.

**Talkeetna, Alaska**

That airspace extending upward from 1,200 feet above the surface within 23 miles W and 15 miles E of the 022° and 202° bearings from the Peters Creek NDB, extending from 40 miles N to 15 miles S of the NDB, excluding the airspace within Federal Airways.

**Tallahassee, Fla.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Tallahassee Municipal Airport (lat. 30°23'59" N., long. 84°21'22" W.); within a 6.5-mile radius of the Tallahassee Commercial Airport (lat. 30°33'02" N., long. 84°22'31" W.); within 3 miles each side of the ILS localizer south course, extending from the 10-mile radius area to 9 miles south of the OM.

**Tallassee, Ala.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Tallassee Municipal Airport (lat. 32°28'52" N., long. 85°53'06" W.).

**PENDING AMENDMENT****Tallulah, La.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Scott Airport (lat. 32°25'00"N., long. 91°09'00"W.), and within 3 miles either side of the Tallulah NDB 005° bearing from the Tallulah NDB (lat. 32°24'44"N., long. 91°09'00"W.) extending from the 5.5-mile radius area to 8.5 miles northeast of the NDB.

AMENDMENTS 1/26/78 42 F. R. 60118 (Added)

**Tampa, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Tampa International Airport (lat. 27°58'29" N., long. 82°31'38" W.); within an 8.5-mile radius of St. Petersburg Clearwater International Airport (lat. 27°54'33" N., long. 82°41'19" W.); within 3 miles each side of St. Petersburg VORTAC 343° radial, extending from the 8.5-mile radius area to 8 miles north of the VORTAC; within an 8.5-mile radius of MacDill AFB (lat. 27°50'57" N., long. 82°31'18" W.); within 3 miles each side of MacDill AFB ILS localizer northeast course, extending from the 8.5-mile radius area to 8.5 miles northeast of the OM; within a 7-mile radius of Peter O. Knight Airport (lat. 27°54'55" N., long. 82°27'05" W.); within a 5-mile radius of Albert Whitted Airport (lat. 27°45'53" N., long. 82°37'39" W.).

**Tanana, Alaska**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ralph M. Calhoun Memorial Airport, latitude 65°10'30" N., longitude 152°06'32" W. and within 9.5 miles south and 4.5 miles north of the Bear Creek radio beacon 251° bearing extending from the radio beacon to 18.5 miles west.

**Tangier, Va.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Tangier Island Airport, lat. 37°49'30" N., long. 75°59'55" W.; within 3 miles each side of the Cape Charles, Va., VORTAC 360° radial extending from the 5-mile radius area to 26 miles north of the VORTAC.

**Taos, N. Mex.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Taos Municipal Airport (lat. 36°27'33" N., long. 105°40'31" W.); within 3 miles each side of a 215° bearing from the Taos NDB (lat. 36°27'40" N., long. 105°40'10" W.) extending from the 6.5-mile radius area to 8.5 miles southwest of the NDB; and that airspace extending upward from 1,200 feet above the surface beginning at lat. 36°07'00" N., long. 105°50'00" W., thence via a 25-mile arc centered on the Taos Municipal Airport coordinates (lat. 36°27'33" N., long. 105°40'31" W.) clockwise to lat. 36°48'00" N., long. 105°49'15" W., thence direct to lat. 36°30'00" N., long. 105°30'00" W., thence direct to point of beginning.

**Taunton, Mass.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 41°52'35" N., 71°01'00" W., of Taunton Municipal Airport, Taunton, Mass.; within 2 miles each side of the Whitman, Mass., VORTAC 187° radial, extending from the 6-mile radius area to the Whitman VORTAC and within 2 miles each side of the 118° bearing from the Taunton, Mass., RBN, 41°52'35" N., 71°01'03" W., extending from the 6-mile radius area to 8 miles southeast of the Taunton RBN.

**Tecumseh, Mich.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Tecumseh, Mich. Airport (latitude 42°01'30" N., longitude 83°56'20" W.).

**Tell City, IN.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Perry County Municipal Airport, IN., (latitude 38°01'05" N., longitude 86°41'30" W.); and within 3 miles each side of the 105° bearing from the Perry County Municipal Airport extending from the 5-mile radius to 8 miles southeast.

**Tennessee**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Tennessee.

**Terre Haute, Ind.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hulman Field (latitude 39°27'07" N., longitude 87°18'25" W.); within 5 miles southeast and 9 miles northwest of the Terre Haute VORTAC 051° radial, extending from the VORTAC to 13 miles northeast and within 7 miles southeast and 8 miles northwest of the Terre Haute VORTAC 230° radial, extending from the VORTAC to 23 miles southwest; within a 5-mile radius of the Sky King Airport (latitude 39°32'56" N., longitude 87°22'38" W.); within a 5-mile radius of the Arthur Airport (latitude 39°28'36" N., longitude 87°06'00" W.).

**Terrell, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Terrell, Tex., Municipal Airport (lat. 32°43'00"N., long. 96°16'00"W.).

**Texarkana, Ark.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Municipal-Webb Field (lat. 33°27'20" N., long. 93°59'15" W.), within 2 miles each side of the Texarkana ILS localizer north-east course extending from the 5-mile radius area to the OM, and within 2 miles each side of the Texarkana VORTAC 129° radial extending from the 5-mile radius area to the VORTAC.

**Texas**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Texas including the airspace within 3 nautical miles of and parallel to the shoreline of Texas, that airspace south of Beaumont, Tex., bounded on the north by a line 3 nautical miles from and parallel to the shoreline, on the east by the Louisiana/Texas State line and on the south by the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., that airspace east of Corpus Christi, Tex., bounded by a line 3 nautical miles from and parallel to the shoreline and a line beginning at a point 3 nautical miles from the shoreline at latitude 27°49'00" N., thence to latitude 27°45'30" N., longitude 96°51'00" W., to latitude 27°28'20" N., longitude 96°45'30" W., to latitude 27°14'30" N., longitude 96°55'30" W., to latitude 27°23'00" N., longitude 97°06'00" W., to a point 3 nautical miles from the shoreline at latitude 27°11'20" N., excluding that airspace south of a line beginning at the intersection of the United States/Mexican Border and 30°00' 00" north latitude, thence east along 30° north latitude to and counterclockwise along the arc of a 105-mile radius circle centered at latitude 29°21'35" N., longitude 100°46'35" W., to and along the United States/Mexican Border to point of beginning.



**The Dalles, Oreg.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of The Dalles Municipal Airport (latitude 45°37'05" N., longitude 121°10'05" W.), that airspace south of The Dalles, extending from a line 2 miles east of and parallel to The Dalles VORTAC 186° radial clockwise to the 222° radial, extending from the 5-mile radius area to an ARC of an 11.5-mile radius circle centered on The Dallas Municipal Airport; that airspace extending upward from 1,200 feet above the surface within 8 miles N and 6 miles S of The Dalles VORTAC 281° and 101° radials, extending from 7 miles W to 14 miles E of the VORTAC; within 5 miles N of The Dalles VORTAC 101° radial, extending from 14 miles E to 23 miles E of the VORTAC, and that airspace within a 23-mile radius of The Dalles VORTAC, extending clockwise from the 101° radial to the 272° radial, excluding the airspace within the Portland, Oreg., transition area.

**Thedford, Nebr.**

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the Thedford Municipal Airport (latitude 41°58'47" N., longitude 100°32'01" W.); within 2.5 miles each side of the Thedford VOR 090° radial extending from the 5.5-mile radius to 7.5 miles west of the airport.

**Thermal, CA.**

That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Thermal VORTAC 140° radial, extending from the VORTAC to 8 miles southeast of the VORTAC, within 3.5 miles southwest of and parallel to the Thermal VORTAC 155° radial, extending from the VORTAC to 6.5 miles southeast of the VORTAC and within 3 miles each side of the Thermal VORTAC 324° radial, extending from the VORTAC to 16 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Thermal VORTAC 140° radial extending from the VORTAC to 20 miles south-east of the VORTAC, excluding the portion within R-2521.

**Thibodaux, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Thibodaux Municipal Airport (latitude 29°44'50" N., longitude 90°49'55" W.) and within 2 miles each side of the Tibby, La., VORTAC 359°T radial extending from the 5-mile radius to the Tibby VORTAC excluding the portion that overlaps the Houma, La., transition area.

**Thief River Falls, Minn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Thief River Falls, Minn., Municipal Airport (latitude 48°03'58" N., longitude 96°11'06" W.), within 2 miles each side of the 138° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius area to 8 miles SE of the airport, and within 2 miles each side of the 305° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 138° bearing from Thief River Falls Municipal Airport extending from the airport to 12 miles SE of the airport, and within 5 miles NE and 8 miles SW of the 305° bearing from Thief River Falls Municipal Airport extending from the airport to 12 miles NW of the airport.

**Thunder Bay, Ontario, Canada**

That airspace extending upward from 1,200 feet above the surface within a 35-nautical mile radius of Thunder Bay Airport (lat. 48°22'19" N., long. 89°19'26" W.), excluding the portion outside the United States.

**Tiffin, Ohio**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Seneca County Airport (latitude 41°05'38" N., longitude 83°12'45" W.); within 3 miles each side of the 053° bearing from the Seneca County Airport extending from the 7-mile radius area to 8.5 miles northeast of the airport.

**Tifton, Ga.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Henry Tift Myers Airport (lat. 31°25'36" N., long. 83°29'06" W.), within a 5-mile radius of Eaglehead Airport (lat. 31°23'00" N., long. 83°36'00" W.).

**Titusville, Fla.**

That airspace extending upward from 700' above the surface within an 8.5-mile radius of the Titusville-Cocoa Airport (lat. 28°30'42" N., long. 80°48'00" W.); within an 8.5 mile radius of Kennedy Spaceport (lat. 28°36'53" N., long. 80°41'41" W.).

AMENDMENTS 2/24/77 41 F. R. 52858 (Rewritten)

**Titusville, Pa.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center lat. 41°36'45" N., long. 79°44'45" W. of Titusville Airport, excluding the portion that coincides with the Franklin, Pa., transition area.

**Tobe, Colo.**

That airspace north of Tobe, Colo., VORTAC, extending upward from 8,500 feet MSL, bounded on the north by V-210, on the southeast by V-263, and on the west by V-19E, excluding the airspace within Federal airways.

**Toccoa, Ga.**

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Toccoa Airport (latitude 34°35'40" N., longitude 83°17'40" W.); within a 9-mile radius of Habersham County Airport, Cornelia, Ga. (lat. 34°30'20" N., long. 83°33'15" W.).

**Toledo, OH.**

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 41°40'00" N., longitude 84°20'00" W.; to latitude 41°49'00" N., longitude 83°37'00" W.; to latitude 41°34'00" N., longitude 83°19'00" W.; to latitude 41°17'00" N., longitude 83°36'00" W.; to latitude 41°22'00" N., longitude 84°05'00" W.; to point of beginning.

**Tonopah, Nev.**

That airspace extending upward from 1,200 feet above the surface within 14 miles north and 5 miles south of the 083° and 263° radials of the Tonopah VORTAC extending from 12 miles west to 25.5 miles east of the VORTAC, and within 10 miles south of and parallel to the Tonopah VORTAC 089° radial, extending from the VORTAC to 21.5 miles east of the VORTAC.

**Topeka, Kans.**

That airspace extending upward from 700 feet above the surface within a 7 mile radius of Philip Billard Airport, Topeka, Kansas (latitude 39°04'09"N., longitude 95°37'18"W.) within 2 miles each side of the Topeka VORTAC 039° radial extending from the 7 mile radius area to 8 miles NE. of the VORTAC, within 5 miles SW. and 8 miles NE. of the Philip Billard Airport ILS Localizer NW. course, extending from 3 miles SE. to 12 miles NW. of the OM, within an 8.5 mile radius of Forbes Field, Topeka, Kansas (latitude 38°57'10"N., longitude 95°39'50"W.), within 2 miles each side of the Forbes Field TACAN 321° radial extending from the 8.5 mile radius area to 9 miles NW. of the TACAN, and within 3.5 miles each side of the Forbes Field ILS localizer SE. course extending from the 8.5 mile radius area to 8 miles SE. of the Richland LOM.

**Toughkenamon, PA.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, lat. 39°49'55" N., long. 75°46'08" W. of the New Garden Flying Field, Toughkenamon, including that airspace 5 miles west and 3 miles east of the Modena, PA., VORTAC 047° and 227° radials extending from 5 miles southwest to 10 miles northeast of the VORTAC.

**Tracy, Calif.**

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Tracy Municipal Airport (latitude 37°41'15" N., longitude 121°26'25" W.), and within 2.5 miles each side of the Stockton VORTAC 237° radial, extending from the 3-mile radius area to 10.5 miles southwest of the VORTAC.

**Traverse City, Mich.**

That airspace extending upward from 700 feet above the surface within a 10½-mile radius of Cherry Capital Airport (latitude 44°44'35" N., longitude 85°34'55" W.); within 4½ miles west and 9½ miles east of the Traverse City VORTAC 158° radial, extending from the 10½-mile radius area to 18½ miles south of the VORTAC; and within 5 miles each side of the Traverse City VORTAC 344° radial, extending from the 10½-mile radius area to 20 miles north of the VORTAC.

**Trenton, Mo.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Trenton Municipal Airport (latitude 40°05'03" N., longitude 93°35'26" W.); and within 3 miles either side of the 172° bearing from the MHW facility extending from the 5-mile radius to 8 miles south, and 3 miles either side of the 007° bearing from the MHW facility extending from the 5-mile radius to 8.5 miles north.

**Trenton, Tenn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Gibson County Airport (latitude 35°56'02" N., longitude 88°50'54" W.); within 3 miles each side of the 020° bearing from Gibson RBN (latitude 35°56'03" N., longitude 88°51'02" W.), extending from the 5-mile radius area to 8.5 miles north of the RBN; excluding the portion within the Humboldt, Tenn., transition area.



**Tri-City, Tenn.**

That airspace extending upward from 700 feet above the surface beginning at the intersection of the arc of a 21.5-mile radius circle centered on Tri-City Airport (latitude 36°28'30" N., longitude 82°24'20" W.) and a line 5 miles northwest of and parallel to Blackford VOR 216° radial (northeast of Tri-City Airport); thence northeast along this line to and clockwise along the arc of a 30-mile radius circle centered on Tri-City Airport to the northwest boundary of V-16S; thence northeast along the northwest boundary of V-16S to and clockwise along the arc of a 21.5-mile radius circle to point of beginning; including the airspace within 2 miles each side of Virginia Highlands Airport Runway 6 extended centerline, extending from the arc of a 30-mile radius circle centered on Tri-City Airport to 7.5 miles northeast of Virginia Highlands Airport; within an 8.5-mile radius of Hawkins County Airport, Rogersville, Tenn. (latitude 36°27'27" N., longitude 82°53'05" W.).

**Trinidad, Colo.**

That airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 172° and 352° bearings from the Trinidad, Colo. RBN, extending from 7 miles south to 13 miles north of the RBN.

**Troy, Ala.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Troy Municipal Airport (latitude 31°51'40" N., longitude 86°00'45" W.); within 3 miles each side of the ILS localizer west course, extending from the 9-mile radius area to 8.5 miles west of the OM.

**Troy, Ohio**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Troy Skypark Airport (latitude 39°59'27" N., longitude 84°16'14" W.), excluding that portion which lies within the Piqua, Ohio, and Dayton, Ohio, transition areas.

**Truth or Consequences, N. Mex.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'15" W.), and within 3.5 miles either side of the Truth or Consequences, N. Mex., VORTAC 013° radial, extending from the 8-mile radius area to 11 miles north of the VORTAC.

**Tucson, Ariz.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Tucson International Airport (lat. 32°07'05"N., long. 110°56'32"W.); within 16 miles NE and 13 miles SW of the Tucson VORTAC 138° radial extending from the 10-mile radius area to 16 miles SE of the VORTAC, within 1 mile NE and 9 miles SW of the Tucson VORTAC 318° radial, extending from the 10-mile radius area to 22 miles NW of the VORTAC and within 16 miles NE of the Tucson VORTAC 318° radial extending from the Tucson VORTAC to 30 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°33'00" N., longitude 111°45'00" W.; to latitude 32°33'00" N., longitude 110°52'00" W.; thence N via longitude 110°52'00" W. to the S boundary of V-94; thence SE via the S boundary of V-94 to longitude 110°00'00" W.; thence S to latitude 31°39'00" N., longitude 110°00'00" W.; to latitude 31°39'00" N., longitude 111°00'00" W.; to latitude 32°00'00" N., longitude 111°45'00" W.; to point of beginning.

AMENDMENTS 10/6/77 42 F. R. 47820 (Changed)

**Tucumcari, N. Mex.**

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°36'15" W.).

**Tullahoma, Tenn.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Arnold Air Force Station (latitude 35°23'33" N., longitude 86°05'10" W.); within 3 miles each side of the Arnold VOR 216° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VOR; within a 7-mile radius of William Northern Field (lat. 35°23'00" N., long. 86°14'30" W.); within 3 miles each side of Shelbyville VOR 136° radial, extending from the 7-mile radius area to 8.5 miles southeast of Arnold VOR 226° radial; within a 13.5-mile radius of Winchester Municipal Airport, Winchester, Tenn. (latitude 35°10'40" N., longitude 86°03'49" W.); excluding the portions within Shelbyville and Chattanooga transition areas.

**Tulsa, Okla.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Tulsa International Airport (latitude 36°12'00" N., longitude 95°53'15" W.); within 8 miles west and 5 miles east of the Tulsa ILS localizer north course extending from the OM to 12 miles north; and within 8 miles north and 5 miles south of the Tulsa VORTAC 088° radial extending from the 9-mile radius area to 33 miles east of the VORTAC.

**Tupelo, Miss.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the C. D. Lemons Municipal Airport (latitude 34°15'32" N., longitude 88°45'32" W.); within 3 miles each side of the Tupelo VOR 214° radial, extending from the 5-mile radius area to 8.5 miles southwest of the VOR.

**Tuscaloosa, Ala.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Van De Graaff Airport (lat. 33°13'16" N., long. 87°36'39" W.); within 2.5 miles each side of Tuscaloosa VORTAC 052° radial, extending from the 11-mile radius area to 6.5 miles northeast of the VORTAC.

**Tuskegee, Ala.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Moton Field (lat. 32°27'36" N., long. 85°40'44" W.); within 3 miles each side of the Tuskegee VORTAC 018° radial, extending from the 6.5-mile radius area to 8.5 miles north of the VORTAC; excluding the portion within the Tallassee transition area.

**Twentynine Palms, CA.**

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°17'00" N., longitude 115°25'00" W., to latitude 33°28'00" N., longitude 115°25'00" W., to latitude 33°28'00" N., longitude 116°18'00" W., to latitude 34°17'00" N., longitude 116°18'00" W., thence to point of beginning, excluding the portions within R-2501E, R-2501S, and R-2507.

**Twin Falls, Idaho**

That airspace extending upward from 700 feet above the surface within 9.5 miles north and 5 miles south of the Twin Falls VORTAC 086° and 281° radials extending from the VORTAC to 30 miles east and 18.5 miles west; within 5 miles each side of the Twin Falls 156° radial extending from the VORTAC to 9.5 miles southeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Twin Falls VORTAC, extending clockwise from the VORTAC 173° radial to the VORTAC 311° radial; within that airspace southeast of Twin Falls bounded on the north by V-269, on the east by a 21-mile arc centered on the VORTAC and on the southeast by V-484; within that airspace north of Twin Falls bounded on the north by V-500, on the east by longitude 114°01'00" W., on the south by V-269 and on the southwest by V-293; that airspace northwest of Twin Falls bounded on the north by V-330, on the east by V-293, and on the south by V-4; that airspace within 9 miles southwest and 6 miles northeast of the Twin Falls VORTAC 311° radial extending from the VORTAC to 30 miles northwest of the VORTAC.

**Tyler, Tex.**

That airspace extending upward from 700 feet above the surface bounded by a line extending from latitude 32°05'30" N., longitude 95°17'00" W., to latitude 32°27'00" N., longitude 95°42'30" W., to latitude 32°35'30" N., longitude 95°32'30" W., to latitude 32°13'30" N., longitude 95°07'00" W., to point of beginning.

**Ukiah, Calif.**

That airspace extending upward from 700 feet above the surface within a five-mile radius of the Ukiah Municipal Airport (lat. 39°07'36"N., long. 123°12'00"W.); that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Ukiah, Calif., VORTAC bounded on the E by the W edge of V-25, that airspace S of Ukiah bounded on the E by the W edge of V-25, on the S by latitude 38°43'30" N., on the W by longitude 123°23'15" W., and that airspace between the 20- and 24-mile arcs of the Red Bluff, Calif., VORTAC bounded on the NW by the NW edge of V-199 and on the SE by the SE edge of V-25; that airspace extending upward from 7,500 feet MSL between the 24- and 45-mile arcs of the Red Bluff, Calif., VORTAC bounded on the NW by the NW edge of V-199 and on the SE by the SE edge of V-25; that airspace extending upward from 8,500 MSL bounded on the NE by a 45-mile arc of the Red Bluff, VORTAC, on the SE by the SE edge of V-25, on the S and SW by the N edge of V-200 and a 20-mile arc of the Ukiah VORTAC, and on the NW by the NW edge of V-199; that airspace extending upward from 9,500 feet MSL bounded on the SE by the NW edge of V-199, on the W by the E edge of V-27, and on the N by a line 9 miles S of and parallel to the Red Bluff VORTAC 291° and Fortuna VORTAC 110° radials and that airspace extending upward from 5,300 feet MSL bounded on the east by the southwest edge of V-27 and on the west by the east/southeast edge of V-27W.

AMENDMENTS 12/1/77 42 F. R. 46277 (Changed)

AMENDMENTS 12/1/77 42 F. R. 57952 (Changed)

**Ulysses, Kansas**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ulysses, Kansas, Municipal Airport (latitude 37°36'10" N., longitude 101°22'15" W.); within 3 miles each side of the 307° bearing from the Ulysses radio beacon (latitude 37°35'51" N., longitude 101°22'00" W.); extending from the 5-mile radius area 2.5 miles northwest.

**Umiat, Alaska**

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the Umiat Airport (latitude 69°22'17" N., longitude 152°08'00" W.).

**Unalakleet, Alaska**

That airspace extending upward from 700 feet above the surface within 4.5 miles north and 9.5 miles south of the North River, Alaska, RBN 290° bearing, extending from the RBN to 24.5 miles west of the RBN; within 4.5 miles southeast and 9.5 miles northwest of the Unalakleet VORTAC 225° radial, extending from the VORTAC to 24.5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 7.5 miles north and 9.5 miles south of the Unalakleet VORTAC 110° and 290° radials, extending from 13 miles east to 13 miles west of the VORTAC.

**Union City, Tenn.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Everett-Stewart Airport (latitude 36°22'50" N., longitude 88°59'15" W.); within 3 miles each side of Dyersburg VORTAC 037° radial, extending from the 5.5-mile radius area to 25.5 miles northeast of the VORTAC; within 3 miles each side of the 186° and 347° bearings from Union City RBN (latitude 36°23'06" N., longitude 88°58'50" W.), extending from the 5.5-mile radius area to 8.5 miles north and south of the RBN.

**Upper Sandusky, Ohio**

That airspace extending upward from 700 feet above the surface with a 5.5-mile radius of the Wyandot County Airport (lat. 40°53'00"N., long. 83°18'52"W.).

AMENDMENTS 4/21/77 42 F. R. 11236 (Added)

Corr: 42 F. R. 17868

**Utica, N. Y.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 43°13'45" N., 75°25'00" W., of Griffiss AFB, Rome, N. Y., and within 2 miles each side of the Griffiss-TACAN 306° radial extending from the 10-mile radius to 14 miles NW of the TACAN.

Within a 12-mile radius of the center, 43°08'45" N., 75°22'55" W. of Oneida County Airport, Utica, N. Y., and within 3.5 miles each side of the 137° bearing from the Clay RBN, extending from the 12-mile radius area to 11.5 miles southeast of the RBN.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at 43°24'00" N., 76°53'00" W., to 42°57'00" N., 76°57'00" W., to 42°40'00" N., 77°23'45" W., to 42°41'30" N., 76°23'00" W., to 42°40'00" N., 75°30'00" W., to 43°00'00" N., 74°30'00" W., to 43°18'40" N., 74°30'30" W., thence counterclockwise along an arc with a radius of 46 miles from the center of Griffiss AFB to 43°36'00" N., 74°39'30" W., to 43°31'00" N., 74°43'00" W., thence counterclockwise along an arc with a radius of 40 miles from the center of Griffiss AFB to 43°44'00" N., 75°49'15" W., to 43°32'00" N., 76°23'00" W., to 43°24'00" N., 76°40'00" W., to point of beginning.

**Uvalde, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Garner Field (latitude 29°12'54" N., longitude 99°44'30" W.), and within 2.5 miles each side of the 154° bearing from the Uvalde RBN (latitude 29°13'06" N., longitude 99°41'25" W.), extending from the 5-mile radius area to 8.5 miles southeast of the RBN.

**Vacaville, California**

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Nut Tree Airport, California (latitude 38°22'18" N., longitude 121°57'33" W.), and within 2.5 miles each side of the Sacramento VORTAC 259° radial, extending from the 3-mile radius area to 13 miles W of the VORTAC.

**Valdosta, Ga.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Valdosta Municipal Airport (lat. 30°46'58"N., long. 83°16'44"W.); within an 8.5-mile radius of Moody AFB (lat. 30°58'01"N., long. 83°11'27"W.); within 1.5 miles west and 2 miles east of Moody TACAN 007° radial, extending from the 8.5-mile radius area to 11.5 miles north of the TACAN.

**Valentine, Nebr.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Miller Field Airport (latitude 42°51'25" N., longitude 100°32'50" W.); and that airspace in the State of South Dakota extending upward from 1,200 feet above the surface within 5 miles each side of the 325° bearing from the Miller Field Airport within 12 miles northwest of the airport.

**Valparaiso, Ind.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Porter County Airport (latitude 41°27'10" N., longitude 87°00'20" W.).

**Vandalia, Ill.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vandalia Municipal Airport (lat. 38°59'26" N., long. 89°09'55" W.) and within 2 miles each side of the Vandalia VOR 183° radial extending from the 5-mile radius area to the VOR.

**Vandenberg AFB, Calif.**

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Vandenberg AFB ILS localizer southeast course, extending from 2.5 miles northwest to 1 mile southeast of the OM.

**Van Horn, Tex.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Culberson County Airport (latitude 31°03'42" N., longitude 104°47'09" W.) and extending 6.0 miles north and 9.5 miles south of the 034° bearing from the airport coordinates to a point 19 miles northeast of the airport coordinates.

**Van Wert, Ohio**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Van Wert Municipal Airport (latitude 40°51'45" N., longitude 84°36'15" W.).

**Venice, FL.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Venice Municipal Airport (lat. 27°04'30" N., long. 82°26'00" W.).

**Vermont**

That airspace extending upward from 1200 feet above the surface within the territorial boundaries of the State of Vermont.

AMENDMENTS 7/13/77 42 F. R. 28113 (Added)

**Vernal, Utah**

That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Vernal VOR 157° and 337° radials, extending from 10 miles northwest to 18.5 miles southeast of the VOR.

**Vernon, Ala.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lamar County Airport (lat. 33°50'30" N., long. 88°07'10" W.); within 2.5 miles each side of Hamilton VORTAC 195° radial, extending from the 6.5-mile radius area to 17 miles south of the VORTAC, excluding the portion within Columbus, Miss., transition area.

**Vernon, Tex.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Wilbarger County Airport (latitude 34°14'00" N., longitude 99°17'30" W.), and within 2 miles each side of the Altus VOR 182° radial extending from the 6-mile radius area to 7 miles north of the airport.

**Vero Beach, Fla.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Vero Beach Municipal Airport (lat. 27°39'05" N., long. 80°24'51" W.); within 5 miles each side of Vero Beach VORTAC 291° radial, extending from the 8.5-mile radius area to 8.5 miles west of the VORTAC; within a 6.5-mile radius of St. Lucie County Airport, Fort Pierce, Fla. (lat. 27°29'38" N., long. 80°22'02" W.); excluding the portion outside the continental limits of the United States.

**Versailles, OH.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Darke County Airport (latitude 40°12'17" N., longitude 84°31'38" W.); and within 3 miles either side of the 265° bearing from the airport, extending from the 5-mile radius area to 8 miles from the airport.

**Vichy, Mo.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles of each side of the 067° radial of the Vichy VORTAC, extending from 6½-mile radius area to 8½ miles northeast of the Vichy VORTAC.

**Vicksburg, Miss.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Vicksburg Municipal Airport (latitude 32°14'20" N., longitude 90°55'40" W.).



**Victoria, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Victoria County-Foster Airport (latitude 28°51'10" N., longitude 96°55'20" W.) and within 3.5 miles each side of the ILS localizer 131° course extending from the 5-mile radius area to 14.5 miles southeast of the outer marker.

**Victorville, Calif.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of George AFB, Victorville, Calif. (latitude 34°35'45" N., longitude 117°22'55" W.).

**Vidalia, Ga.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Vidalia Municipal Airport (lat. 32°11'45" N., long. 82°22'15" W.); within a 6.5-mile radius of Reidsville Airport, Reidsville, Ga. (latitude 32°03'19" N., longitude 82°09'19" W.); within 3 miles each side of the 295° bearing from Prison RBN (latitude 32°03'27" N., longitude 82°09'09" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

**Vincennes, Ind.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceville-Vincennes Municipal Airport (latitude 38°45'35" N., longitude 87°36'27" W.); within 3 miles each side of the 186° bearing from the airport, extending from the 7-mile radius to 8 miles south; and 3 miles each side of the 352° bearing from the airport, extending from the 7-mile radius to 8 miles north; within 3 miles each side of the 102° bearing from the airport, extending from the 7-mile radius to 8 miles east; and within a 5.5-mile radius of O'Neal Airport (latitude 38°41'29" N., longitude 87°33'08" W.); and within 3 miles each side of the 258° bearing from the airport, extending from the 7-mile and 5.5-mile radius area to 8 miles west of the airport, within a 5-mile radius of the Mt. Carmel Municipal Airport (latitude 38°36'24" N., longitude 87°43'34" W.); and within 3 miles either side of the 038° bearing from the airport, extending from the 5-mile radius area northeast to join the Lawrenceville and O'Neal radius areas.

**Vincentown, NJ.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center lat. 39°54'15" N., long. 74°45'00" W. of Red Lion Airport, Vincentown, NJ.

**Virginia**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Virginia including the offshore airspace within 3 nautical miles of and parallel to the shoreline of Virginia and that airspace extending upward from 2,000 feet MSL to FL-600 bounded on the east by longitude 75°30'00" W., on the south by latitude 36°33'30" N., and on the west and north by a line 3 nautical miles from and parallel to the shoreline, excluding that airspace within Control 1149.

**Visalia, Calif.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), within 2 miles each side of the Visalia VOR 123° and 303° radials, extending from the 5-mile radius area to 8 miles northwest of the VOR and within 4 miles each side of the Visalia VOR 150° radial, extending from 7 to 20 miles southeast of the VOR.

**Vivian, La.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Vivian Municipal Airport (latitude 32°51'55" N., longitude 94°00'30" W.); within 2 miles each side of the Shreveport VORTAC 299° radial extending from the 6.5-mile radius area to 5.5 miles northwest of the VORTAC; and 3 miles each side of the 277° bearing from the NDB (latitude 32°51'37" N., longitude 94°00'42" W.) extending from the 6.5-mile radius area to 8.5 miles west of the NDB.

**Wabash, Ind.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wabash Municipal Airport (latitude 40°45'50" N., longitude 85°48'05" W.); within 5 miles each side of the 105° bearing from Wabash Municipal Airport extending from the 5-mile radius area to 12 miles east of the airport; and within 2 miles each side of the 040° radial of the Kokomo, Ind., VORTAC, extending from the 5-mile radius area to 15 miles northeast of the Kokomo, Ind., VORTAC; excluding the portion which overlies the Kokomo, Ind., 700-foot floor transition area.

**Waco, Tex.**

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 32°08'00" N., longitude 96°54'00" W.; to latitude 32°02'00" N., longitude 96°50'40" W.; to latitude 31°46'00" N., longitude 96°55'00" W.; to latitude 31°39'30" N., longitude 96°43'50" W.; to latitude 31°17'00" N., longitude 96°47'00" W.; to latitude 31°17'00" N., longitude 97°13'00" W.; to latitude 30°56'30" N., longitude 97°25'30" W.; to latitude 30°58'30" N., longitude 97°35'40" W.; to latitude 31°11'00" N., longitude 97°31'00" W.; to latitude 31°27'00" N., longitude 97°34'00" W.; to latitude 31°27'00" N., longitude 97°41'00" W.; to latitude 31°35'00" N., longitude 97°44'00" W.; to latitude 31°46'30" N., longitude 97°41'50" W.; to latitude 31°59'00" N., longitude 97°24'00" W.; to point of beginning.

**Waseca, Minn.****Waimea-Kohala, Hawaii**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Waimea-Kohala Airport (latitude 20°00'17" N., longitude 155°40'16" W.); within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius area to 11.5 miles north-east of the Kamuela VOR.

AMENDMENTS 10/6/77 42 F. R. 42193 (Changed)

**Wakefield, Va.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 36°59'14" N., long. 77°00'06" W., of Wakefield Municipal Airport, Wakefield, Va., and within 3 miles each side of the 013° bearing from the Wakefield RBN, lat. 36°58'59" N., long. 77°00'05" W., extending from the 5-mile radius area to 8.5 miles northeast of the RBN.

**Wallace, N. C.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Henderson Field (latitude 34°43'05" N., longitude 78°01'20" W.); within 3 miles each side of Wilmington VORTAC 344° radial, extending from the 5-mile radius area to 22 miles northwest of the VORTAC; within 3 miles each side of the 078° bearing from Pendy NDB (latitude 34°42'58" N., longitude 78°00'14" W.), extending from the 5-mile radius area to 8.5 miles east of the RBN.

**Walla Walla, Wash.**

That airspace extending upward from 700 feet above the surface within 4 miles each side of the Walla Walla VOR 036° radial, extending from the VOR to 16 miles northeast; within 5 miles southeast and 3.5 miles northwest of the Walla Walla VOR 215° radial, extending from the VOR to 18.5 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 13 miles NW of the Walla Walla VOR 023° and 203° radials, extending from 14 miles SW to 28 miles NE of the VOR, within 5 miles each side of the Walla Walla TACAN 041° radial extending from the TACAN to 23 miles NE of the TACAN, within 5 miles SE and 9 miles NW of the Pendleton, Oreg., VORTAC 025° radial, extending from 33 miles NE to 61 miles NE of the VORTAC, and that airspace bounded by an arc of a 19-mile radius circle centered on the Walla Walla VOR (latitude 46°06'13" N., longitude 118°17'29" W.), from 5 miles SE of the Walla Walla 040° radial, to 4 miles SE of the Pendleton VORTAC 025° radial, within 5 miles east and 10 miles west of the Walla Walla 165° radial, extending from the 19-mile radius area to the northeast edge of V-298 and within 5 miles each side of the Walla Walla 329° radial extending from the northwest edge of V-112 to the southeast edge of V-112W, excluding the portion within the Pendleton, Oreg., transition area.

**Walnut Ridge, Ark.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Walnut Ridge Regional Airport (latitude 36°07'30" N., longitude 90°55'25" W.); within three miles each side of the Walnut Ridge VORTAC 240° radial, extending from the 6.5-mile-radius area to 8.5 miles southwest of the VORTAC; within 3.5 miles each side of the 005° bearing from the proposed RBN (latitude 36°07'36" N., longitude 90°55'36" W.), extending from the 6.5-mile-radius area to 12 miles north of the RBN; and within a 5-mile radius of the Pocahontas Municipal Airport (latitude 36°14'40" N., longitude 90°56'45" W.).

**Walterboro, SC.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Walterboro Municipal Airport (lat. 32°55'08" N., long. 80°38'25" W.); within 3 miles each side of the 060° bearing from Walterboro RBN (lat. 32°55'32" N., long. 80°38'27" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

**Wapakoneta, Ohio**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Neil Armstrong Field (lat. 40°29'36" N., long. 84°18'04" W.).

**Warren, Ark.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Warren Municipal Airport (latitude 33°33'50" N., longitude 92°05'00" W.), and within 2 miles each side of the Monticello VORTAC 270° radial extending from the 5-mile radius area to 16 miles west of the VORTAC.

**Warsaw, Ind.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Warsaw Municipal Airport (latitude 41°16'39" N., longitude 85°50'48" W.); and within 3.5 miles each side of the 359° bearing from the airport extending from the 7-mile radius area to 12.5 miles north of the airport, excluding the airspace that overlies the Nappanee, Indiana, and Goshen, Indiana, transition areas.

**Watertown, N. Y.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center



**Waseca, Minn.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Waseca Municipal Airport (latitude 44°04'24" N., longitude 93°33'10" W.); within 3½ miles each side of the 339° bearing from the Waseca Municipal Airport, extending from the 5-mile radius to 8 miles north of the airport; within 1½ miles each side of the 046° bearing from the Waseca Municipal Airport, extending from the 5-mile radius to 6 miles northeast of the airport.

**Washington, D. C.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 38°51'07" N., 77°02'23" W., of Washington National Airport, Washington, D. C.; within an 11-mile radius of the center of Washington National Airport, extending clockwise from a 022° bearing to a 165° bearing from the airport; within an 11.5-mile radius of the center of Washington National Airport, extending clockwise from a 210° bearing to a 270° bearing from the airport; within a 12.5-mile radius of the center of Washington National Airport, extending clockwise from a 270° bearing to a 310° bearing from the airport; within an 11.5-mile radius of the center of Washington National Airport, extending clockwise from a 310° bearing to a 022° bearing from the airport; within 4.5 miles each side of a 317° bearing from the Georgetown, D. C., RBN, extending from the RBN to 5.5 miles northwest; within an 8.5-mile radius of the center, 38°48'39" N., 76°52'02" W., of Andrews AFB, Camp Springs, Md.; within 2.5 miles each side of the Andrews VORTAC 360° radial, extending from the VORTAC to 9.5 miles north of the VORTAC; within a 5-mile radius of the center, 38°42'55" N., 77°10'55" W., of Davison AAF, Fort Belvoir, Va.; within 5 miles each side of a 180° bearing from a point 38°39'41" N., 77°06'37" W., extending from said point to 9.5 miles south; within 5 miles each side of a 081° bearing from a point 38°39'41" N., 77°06'37" W., extending from said point to 20 miles east; within 3.5 miles each side of the extended centerline of Davison AAF Runway 32, extending from the northwest end of Runway 32 to 9 miles northwest; within 6.5 miles southwest and 4.5 miles northeast of a 134° bearing and a 314° bearing from a point 38°39'41" N., 77°06'37" W., extending from 5.5 miles northwest to 11.5 miles southeast of said point; excluding the portion within P-56 and P-73.

**Washington, GA.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Washington-Wilkes County Airport (lat. 33°47'20" N., long. 82°48'30" W.); within 2.5 miles each side of Athens VOR 112° radial, extending from the 6.5-mile radius area to 25 miles east of the VOR.

**Washington, Ind.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Daviess County Airport (latitude 38°41'58" N., longitude 87°07'55" W.); within 3 miles each side of the 010° bearing from Daviess County Airport, extending from the 8-mile radius area to 8½ miles north of the airport.

**Washington, Iowa**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Washington Airport (latitude 41°16'00" N., longitude 91°41'00" W.); and that airspace 3 miles each side of the 141° bearing from Washington NDB (latitude 41°16'13" N., longitude 91°41'04" W.); extending from the 5-mile radius to a point 8.5 miles southeast of the NDB.

**Washington, N. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Warren Field (lat. 35°34'15" N., long. 77°03'00" W.); within 3 miles each side of the 156° bearing from Wanoka RBN (lat. 35°32'40" N., long. 77°02'00" W.), extending from the 8.5-mile radius area to 8.5 miles south of the RBN.

**Washington, Pa.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center of lat. 40°03'15" N., long. 80°17'15" W. of Washington County Airport, Washington, Pa.

**Washington Court House, Ohio**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Fayette County Airport (latitude 39°34'15" N., longitude 83°25'13" W.) and within 3 miles each side of the 037° bearing from the airport extending from the 5½-mile radius area to 10 miles northeast of the airport.

**Waterloo, Iowa**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Waterloo Municipal Airport (lat. 42°33'20" N., long. 92°24'00" W.); and within 3½ miles each side of the Waterloo ILS localizer northwest course extending from the 10-mile radius area to 8 miles northwest of the OM; and 3 miles each side of the Waterloo, Iowa, VORTAC 120° radial extending from the 10-mile radius to 15 miles southeast of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 194° radial extending from the 10-mile radius to 11½ miles south of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 001° radial extending from the 10-mile radius to 11½ miles north of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 316° radial extending from the 10-mile radius to 11½ miles northwest of the VORTAC; and within 3½ miles each side of the LOC back course extending from the 10-mile radius to 16 miles southeast of the airport.

**Watertown, N. Y.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 43°59'20" N., 76°01'20" W. of Watertown International Airport, Watertown, N. Y., and within 3.5 miles each side of the Watertown, N. Y., VOR 211° radial, extending from the 7-mile radius area to 12 miles southwest of the VOR.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 44°16'00" N., 75°40'00" W. to 44°16'00" N., 76°10'00" W. to 43°52'00" N., 76°21'00" W. to 43°32'00" N., 76°23'00" W. to 43°44'00" N., 75°49'00" W. to 43°52'00" N., 75°54'00" W. to point of beginning.

**Watertown, S. Dak.**

That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of the Watertown VORTAC; within a 26-mile radius of the Watertown VORTAC extending clockwise from the 086° radial to a line located parallel to and 4.5 miles west of the 181° radial; and within 6 miles east and 9.5 miles west of the Watertown VORTAC 001° radial extending from the VORTAC to 21 miles north; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 7 miles west of the 181° radial extending from the VORTAC to 31.5 miles south; and within a 26-mile radius of the Watertown VORTAC extending clockwise from a line 7 miles west of and parallel to the 181° radial to the 238° radial.

**Watertown, Wisconsin**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Watertown Municipal Airport (latitude 43°10'15" N., longitude 88°43'20" W.).

**Waupaca, Wis.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Waupaca Municipal Airport (lat. 44°20'02"N., long. 89°00'51"W.); and within 3 miles each side of the 118° bearing from the airport, extending from the 5-mile radius area to 8 miles southeast of the airport.

**Wausau, Wis.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Wausau Municipal Airport (latitude 44°55'33" N., longitude 89°37'32" W.).

**Waverly, Tenn.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Humphreys County Airport (lat. 36°07'02"N., long. 87°44'17"W.); within 3 miles each side of the 034° bearing from the Waverly RBN (lat. 36°07'00"N., long. 87°44'25"W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

**Waycross, Ga.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Waycross-Ware County Airport (lat. 31°14'55" N., long. 82°23'48" W.); within 1.5 miles each side of Waycross VORTAC 099° radial, extending from the 8.5-mile radius area to the VORTAC; excluding the portion within a 1.5-mile radius of Bivins Airport (lat. 31°11'06" N., long. 82°16'25" W.).

**Webster City, Iowa**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Webster City Municipal Airport (latitude 42°26'15" N., longitude 93°52'15" W.).

**Welch, Okla.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Patch Airport (lat. 36°52'39"N., long. 95°08'58"W.).

AMENDMENTS 8/11/77 42 F. R. 30609 (Added)

**Wells, Nev.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harriet Field (latitude 41°06'54" N., longitude 114° 55'24" W.) and within 4.5 miles south and 9.5 miles north of the Wells VOR 287° radial, extending from the VOR to 18.5 miles west of the VOR. That airspace extending upward from 1,200 feet above the surface within 12 miles north and 8 miles south of the Wells VOR 287° and 107° radials extending from 23 miles west to 10 miles east of the VOR.

**Wellsboro, Pa.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 41°43'45" N., 77°23'30" W., of Grand Canyon State Airport, Wellsboro, Pa., and within 2 miles each side of Stonyfork, Pa., VOR 212° radial extending from the 6-mile radius area to 8 miles southwest of the VOR. This transition area is effective from sunrise to sunset daily.



**Wellsville, N. Y.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center (lat. 42° 06'34" N., long. 77°59'59" W.) of Wellsville Municipal (Tarantine) Airport, Wellsville, NY., within 4 miles each side of the 090° bearing from the Hallsport RBN, lat. 42°06'34" N., long. 77°54'33" W., extending from the 9-mile radius area to 11.5 miles east of the RBN, and within 3.5 miles each side of the Wellsville, N. Y., VOR-196° radial extending from the 9-mile radius area to 11.5 miles south of the VOR.

**Welsh, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Welsh Municipal Airport (latitude 30°14'30" N., longitude 92°49'45" W.), but excluding that portion within the Jennings, La., 700-foot transition area.

**Wenatchee, Wash.**

That airspace extending upward from 700 feet above the surface within 4 miles each side of the Wenatchee VOR 124° radial, extending from the VOR to 12.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles south and 8 miles north of the Wenatchee VOR 092° and 272° radials, extending from 7 miles west to 14 miles east of the VOR and within 5 miles southwest and 9.5 miles northeast of the 124° radial, extending from the VOR to 23 miles southeast of the VOR.

**Wendover, Utah**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Wendover AF Auxiliary Field (latitude 40°43'41" N., longitude 114°02'12" W.); that airspace extending upward from 1,200 feet above the surface within 12.5 miles north and 8.5 miles south of the Bonneville VORTAC 084° and 272° radials, extending from the VORTAC to 23 miles east and west of the VORTAC; and that airspace extending upward from 8,500 feet MSL bounded on the north by V-6, on the west by V-253, on the south by V-32, and on the east by a line extending from latitude 40°51'30" N., longitude 112°56'30" W.; north to latitude 41°00'00" N., longitude 112°56'30" W.; thence east to latitude 41°00'00" N., longitude 112°45'00" W., thence north to latitude 41°10'40" N., longitude 112°45'00" W., thence northwest to latitude 41°12'00" N., longitude 112°52'00" W.; thence north via longitude 112°52'00" W., to V-6, excluding that portion which falls within the 1200-foot transition area.

**West Bend, Wis.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the West Bend Municipal Airport (latitude 43°25'17" N., longitude 88°07'41" W.); within 3 miles each side of the 051° bearing from the airport, extending from the 7-mile radius area to 8 miles northeast of the airport, and within 3 miles each side of the 133° bearing from the airport, extending from the 7-mile radius area to 7½ miles southeast of the airport.

**West Branch, Mich.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of West Branch Community Airport (latitude 44°14'36" N., longitude 84°10'58" W.); and within 3 miles each side of the 87° bearing from West Branch Community Airport, extending from the 5½-mile radius area to 13 miles east of the airport.

**Westhampton Beach, N. Y.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Suffolk County Airport, Westhampton Beach, N. Y. (latitude 40°50'39" N., longitude 72°37'49" W.); and within 5 miles each side of the Squire, N. Y. OM (lat. 40°54'16" N., long. 72°33'25" W.) extending from the 9-mile radius area to 11.5 miles northeast of the OM.

**West Helena, Ark.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Thompson-Robbins Airport (latitude 34°34'29" N., longitude 90°40'48" W.), and within 3.5 miles each side of the 350° bearing from the Thompson-Robbins RBN (latitude 34°34'16" N., longitude 90°40'33" W.) extending from the 5.5-mile radius area to 11.5 miles north of the RBN.

**West Milford, N. J.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, Lat. 41°07'45" N., Long. 74°20'50" W., of Greenwood Lake Airport, West Milford, N. J.; within a 7-mile radius of the center of the airport, extending clockwise from a 154° bearing from the airport to a 217° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 217° bearing from the airport to a 318° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 318° bearing from the airport to a 079° bearing from the airport; within 2 miles each side of the Sparta, N. J., VORTAC 067° radial, extending from the 5-mile radius area to the VORTAC.

AMENDMENTS 5/26/77 12 F. R. 21045 (Added)

**Westminster, Md. (Clearview Airpark)**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°28' 01" N., 77°01'06" W. of Clearview Airpark, Westminster, Md.; within a 5.5-mile radius of the center of the airport, extending clockwise from a 350° bearing to a 045° bearing from the airport and within 2.5 miles each side of the Westminster VORTAC 047° radial, extending from the 5-mile radius area to 6 miles northeast of the VORTAC. This transition area is effective from sunrise to sunset, daily.

**Westminster, Md. (Westminster Airport)**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 39°36'15" N., long. 77°00'15" W. of Westminster Airport, Westminster, MD.; within an 8-mile radius of the center of the airport, extending clockwise from a 035° bearing from the airport to a 085° bearing from the airport and within 1.5 miles each side of the Westminster VORTAC 350° radial, extending from the 6.5-mile radius area to the VORTAC. This transition area is effective from sunrise to sunset, daily.

**West Point, Va.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center of West Point Municipal Airport 37°31'00" N., 76°45'40" W., and within 4 miles each side of the Harcum, Va., VORTAC 148° radial and 328° radial extending from the 6-mile radius area to 11 miles southeast of the VORTAC.

**West Union, Ohio**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Alexander Salamon Airport (latitude 38°51'05" N., longitude 83°34'00" W.); and within 3 miles either side of the 049° bearing from the airport extending from the 6-mile radius to 8 miles northeast of the airport.

**West Virginia**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of West Virginia.

**West Woodward, Okla.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the West Woodward, Okla., Airport (latitude 36°26'12" N., longitude 99°31'30" W.), and within 5 miles either side of the Gage VORTAC 072° radial, extending from the 7-mile radius area southwest of Gage VORTAC; excluding the Gage, Okla., control zone and transition area.

**West Yellowstone, Mont.**

That airspace extending upward from 700 feet above the surface within 5 miles west and 9.5 miles east of the 026° and 206° bearings from the Targhee, Montana LOM (latitude 44°34'33" N., longitude 111°11'48" W.), extending from 18 miles northeast to 18.5 miles southwest of the LOM; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 209° bearing from the LOM extending from the LOM to 41.5 miles southwest of the LOM, and 5 miles each side of the 304° bearing from the LOM extending from the LOM to the east edge of V-343; that airspace extending upward from 10,700 feet MSL within a 29-mile radius of the Targhee LOM extending clockwise from the 081° bearing from the LOM to 5 miles east of the 236° bearing from the LOM and within 5 miles each side of the 236° bearing from the LOM extending from the LOM to 50 miles southwest of the LOM; that airspace extending upward from 12,000 feet MSL within a 35-mile radius of the Targhee LOM extending clockwise from the 026° bearing from the LOM to the 081° bearing from the LOM; that airspace extending upward from 13,000 feet MSL within a 35-mile radius of the Targhee LOM extending clockwise from the 315° bearing to the 026° bearing from the LOM, excluding that portion that overlies V-343. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

**Wetumpka, Ala.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wetumpka Municipal Airport (latitude 32°31'45" N., longitude 86°19'30" W.); within 3 miles each side of the Maxwell VOR 070° radial, extending from the 7-mile radius area to 22 miles east of the Maxwell VOR; within 6 miles north and 4.5 miles south of the 090° bearing from the airport, extending from the 7-mile radius area to 17.5 miles east of the airport; excluding the portion that coincides with the Montgomery, Ala., transition area.

**Weyers Cave, Va.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (lat. 38°15'49" N., long. 78°53'46" W.) of Shenandoah Valley Airport, Weyers Cave, Va., within 4.5 miles southeast and 9.5 miles northwest of the Shenandoah Valley Airport ILS localizer southwest course, extending from the localizer to 18.5 miles southwest of the OM; within a 7.5-mile radius of the center (lat. 38°21'58" N., long. 78°57'35" W.) of Bridgewater Airpark, Bridgewater, Va., and within 4.5 miles northwest and 6.5 miles southeast of the 210° bearing and the 030° bearing from the Bridgewater RBN (lat. 38°21'56" N., long. 78°57'41" W.), extending from 5.5 miles northeast of the RBN to 11.5 miles southwest of the RBN.



**Wharton, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Wharton Municipal Airport (latitude 29°15'15" N., longitude 96°09'15" W.); within 2.5 miles each side of the Eagle Lake, Tex., VORTAC 162° radial extending from the 5-mile radius to 23.5 miles southeast of the Eagle Lake VORTAC and within 3.5 miles each side of the 153° bearing of the Wharton RBN (latitude 29°15'17" N., longitude 96°09'11" W.) extending from the 5-mile radius to 11.5 miles southeast of the RBN and within 3.5 miles each side of the 324° bearing from the Wharton RBN extending from the 5-mile radius to 11.5 miles northwest of the RBN, excluding the portion within the El Campo, Tex., transition area.

**Wheeling, W. Va.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 036° and 216° radials, extending from the 7-mile radius area to 8 miles NE of the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 7-mile radius area to 8 miles SW of the OM.

**Whidbey Island, Wash.**

That airspace extending upward from 700 feet above the surface bounded on the E by a line extending from latitude 48°40'00" N., longitude 122°05'00" W. to latitude 48°05'00" N., longitude 121°55'00" W., on the S by latitude 48°05'00" N., on the W by the W edge of V-440, and the United States/Canadian border to latitude 48°25'00" N., thence via latitude 48°25'00" N. to an arc of a 13-mile radius circle centered on Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), thence clockwise via the 13-mile radius arc to longitude 122°45'00" W., thence to latitude 48°40'00" N., longitude 122°43'00" W., on the N by latitude 48°40'00" N. to point of beginning, and that airspace NW of Whidbey Island NAS bounded by a line beginning at the point of intersection of latitude 48°25'00" N., and the United States/Canadian border, thence via the United States/Canadian border to altitude 48°40'00" N., thence via latitude 48°40'00" N., to longitude 123°02'00" W., thence direct to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 48°52'00" N., longitude 122°00'00" W., thence via longitude 122°00'00" W. to latitude 48°43'00" N., thence via latitude 48°43'00" N. to longitude 121°45'00" W., thence via longitude 121°45'00" W., to latitude 48°05'00" N., thence via latitude 48°05'00" N., to longitude 121°55'00" W., thence to latitude 48°40'00" N., longitude 122°05'00" W., thence via latitude 48°40'00" N., to longitude 122°43'00" W., thence to latitude 48°31'00" N., longitude 122°45'00" W., to intercept an arc of a 13-mile radius circle centered on Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), thence counterclockwise via the 13-mile radius arc to latitude 48°25'00" N., thence via latitude 48°25'00" N., to its intersection with the United States/Canadian border, thence to latitude 48°40'00" N., longitude 123°02'00" W., thence via latitude 48°40'00" N., to the east edge of Canadian VOR airway V-300, thence N via the east edge of V-300 to the United States/Canadian border, thence via the United States/Canadian border to latitude 48°52'00" N., thence to point of beginning; that airspace extending upward from 8,200 feet MSL bounded on the E by longitude 121°30'00" W., to latitude 48°00'00" N., thence via latitude 48°00'00" N., to longitude 121°35'00" W., thence via longitude 121°35'00" W., to latitude 48°05'00" N., thence via latitude 48°05'00" N., to longitude 121°45'00" W., on the W by longitude 121°45'00" W., to latitude 48°38'00" N., thence via latitude 48°38'00" N., to longitude 121°30'00" W.; that airspace extending upward from 12,000 feet MSL bounded on the E by longitude 121°00'00" W., on the S by latitude 48°00'00" N., on the W by longitude 121°30'00" W., and on the N by latitude 48°30'00" N.

**Whitefield, NH.**

That airspace extending upward from 700 feet above the surface within an arc of a 25.5-mile radius circle centered on the Whitefield, NH., Regional Airport (lat. 44°21'53" N., long. 71°33'07" W.) extending clockwise between the 012° and 160° bearings from the Whitefield Airport; within an arc of a 29.5-mile radius circle centered on the Whitefield Airport extending clockwise between the 160° and 218° bearings from the Whitefield Airport; within an arc of a 12.5-mile radius circle centered on the Whitefield Airport extending clockwise between the 218° and 294° bearings from the Whitefield Airport; within an arc of a 24-mile radius circle centered on the Whitefield Airport extending clockwise between the 294° and 337° bearings from the Whitefield Airport; within an arc of a 17-mile radius circle centered on the Whitefield Airport extending clockwise between the 337° and 012° bearings from the Whitefield Airport; within 3.5 miles each side of the 267° bearing from the Dalton, NH., NDB extending from the 12.5-mile radius area to 11.5 miles west of the NDB, excluding that airspace contained within the Berlin, NH., and North Conway, NH., transition areas.

That airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct line extending from the Dalton, NH., NDB (lat. 44°21'43" N., long. 71°41'08" W.) to the North Conway, NH., NDB (lat. 44°01'26" N., long. 71°06'59" W.); within 5 miles each side of a direct line extending from the Dalton, NH., NDB to the Newport, VT., NDB (lat. 44°57'10" N., long. 72°10'40" W.); within 5 miles each side of a direct line extending from the Dalton, NH., NDB to the Montpelier, VT., VOR; within 5 miles each side of a direct line extending from the Dalton, NH., NDB to the Lebanon, NH., VOR; and within 4.5 miles north and 9.5 miles south of the 267° bearing from the Dalton, NH., NDB extending from the Dalton, NH., NDB to a point 18.5 miles west, excluding those portions that coincide with the Burlington, VT., and Lebanon, NH., 1,200-foot transition areas.

**White Plains, N. Y.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 41° 04'00" N., 73°42'33" W., of Westchester County Airport, White Plains, N. Y., extending clockwise from a 047° bearing to a 307° bearing from the airport, within a 10-mile radius of the center of the airport, extending clockwise from a 307° bearing to a 047° bearing from the airport; within 6.5 miles northwest and 4.5 miles southeast of the Carmel, N. Y., VORTAC 245° and 065° radials, extending from 5.5 miles southwest to 11.5 miles northeast of the VORTAC; within 6.5 miles southwest and 4.5 miles northeast of the Westchester County Airport ILS localizer northwest course, extending from 5.5 miles southeast of the OM to 11.5 miles northwest of the OM; within 5 miles each side of the Westchester County Airport ILS localizer northwest course, extending from the 8.5-mile radius area and 10-mile radius area to 12 miles northwest of the OM; within 5 miles each side of the extended centerline of Runway 16, extending from the southeast end of Runway 16 to 13 miles southeast of the southeast end of Runway 16; within 5 miles each side of the Carmel, N. Y., VORTAC 206° radial, extending from the 8.5-mile radius area and 10-mile radius area to the Carmel, N. Y., VORTAC; and within 5 miles each side of the Carmel, N. Y., VORTAC 232° radial, extending from 4 miles southwest to 10 miles southwest of the Carmel, N. Y., VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 41°31'00" N., 73°54'00" W., to 41°31'00" N., 73°30'00" W., to 41°25'00" N., 73°30'00" W., to 41°20'00" N., 73°44'00" W., to 41°18'00" N., 73°42'00" W., to 41°16'00" N., 73°45'00" W., to 41°20'00" N., 73°49'00" W., to 41°15'00" N., 73°59'30" W., to 41°00'00" N., 73°38'00" W., to 41°00'00" N., 73°54'00" W., to 41°08'10" N., 74°13'00" W., to 41°11'00" N., 74°09'00" W., to 41°12'00" N., 74°00'00" W., to 41°19'00" N., 74°00'00" W., to point of beginning.

**Whiteville, N.C.**

That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of Columbus County Municipal Airport (lat. 34°16'23"N., long. 78°42'52"W.); within 3 miles each side of the 231° bearing from the Camp RBN (lat. 34°16'19"N., long. 78°42'55"W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

**Wichita, Kansas**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Wichita, Kansas, Municipal Airport (latitude 37°39'09" N., longitude 97°25'47" W.) and from 9.5 miles west of the LOC (BC) to Runway 1L, extending from 8.5 miles to 15 miles south of the airport to 4.5 miles east of the LOC (FC) to Runway 1R to 6.5 miles east of the 176° radial of the Wichita, Kansas, VORTAC facility, extending from the 8.5-mile radius to 15 miles south of the airport; within an 8.5-mile radius of the McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.); and 2 miles each side of the McConnell AFB ILS localizer south course, extending from the 8.5-mile radius to 13 miles south of the AFB, within a 5-mile radius of the Comotara Airpark (latitude 37°44'45" N., longitude 97°13'20" W.); and within 2 miles each side of the 344° bearing from the Comotara Airpark extending from the 5-mile radius to 6 miles north; within a 5-mile radius of the Augusta, Kansas Airport (latitude 37°40'21" N., longitude 97°04'38" W.).

**Wichita Falls, Tex.**

That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 33°59'56" N., longitude 98°30'25" W.

**Wildwood, N. J.**

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°00'15" N., 74°54'30" W. of Cape May County Airport, Wildwood, N. J.; within 2 miles each side of the Sea Isle, N. J., VORTAC 225° radial, extending from the 6-mile-radius area to the VORTAC and within 2.5 miles each side of a 360° bearing from a point 39°00'15" N., 74°54'30" W., extending from the 6-mile-radius area to 6.5 miles north of said point.

**Wilkes-Barre, Pa.**

That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the center, lat. 41°20'18" N., long. 75°43'29" W. of Wilkes-Barre-Scranton Airport, extending clockwise from a 260° bearing to a 355° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 355° bearing to a 025° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 025° bearing to a 050° bearing from the airport; within a 17.5-mile radius of the center of the airport, extending clockwise from a 050° bearing to a 210° bearing from the airport; within a 10-mile radius of the center of the airport extending clockwise from a 210° bearing to a 260° bearing from the airport; within 3.5 miles each side of the Wilkes-Barre-Scranton Airport ILS localizer southwest course, extending from the OM to 11.5 miles southwest of the OM; and within 5 miles each side of the Wilkes-Barre-Scranton Airport ILS localizer northeast course, extending from the localizer to 13.5 miles northeast of the localizer, excluding the portions that coincide with the Honesdale, Pa., and Mount Pocono, Pa., transition areas.

**Wilkesboro, N. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Wilkes County Airport (lat. 36°08'33" N., long. 81°11'36" W.); within 5 miles north and 3 miles south of the 070° bearing from Wilkesboro RBN (lat. 36°08'36" N., long. 81°11'44" W.), extending from the 8.5-mile radius area to 10 miles east of the RBN.



## PENDING AMENDMENT

## Williamsburg, Va.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 37°14'20"N., 76°42'28"W., of Williamsburg-Jamestown Airport.

AMENDMENTS 12/29/77 42 F. R. 57446 (Added)

## Williamson, N. Y.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 43°14'10" N., long. 77°07'20" W. of Williamson-Sodus Airport, Williamson, N. Y., extending clockwise from a 055° to a 320° bearing from the airport; within a 5-mile radius of the center of the airport extending clockwise from a 320° to a 055° bearing from the airport.

## Williamsport, Pa.

That airspace extending upward from 700 feet above the surface within a 20.5-mile radius of the center, 41°14'32" N., 76°55'12" W. of Williamsport-Lycoming County Airport, extending clockwise from a 025° bearing to a 067° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 067° bearing to a 145° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 145° bearing to a 203° bearing from the airport; within a 20.5-mile radius of the center of the airport, extending clockwise from a 203° bearing to a 316° bearing from the airport; within a 22.5-mile radius of the center of the airport, extending clockwise from a 316° bearing to a 025° bearing from the airport; within 4.5 miles north and 9.5 miles south of the Williamsport-Lycoming County Airport ILS localizer east course, extending from the Picture Rocks, Pa., RBN to 18.5 miles east of the RBN; within 5 miles each side of the Williamsport-Lycoming County Airport ILS localizer east course, extending from the Picture Rocks, Pa., RBN to 13 miles east of the RBN.

## Williamston, N. C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Martin County Airport (lat. 35°51'45" N., long. 77°10'35" W.); within 3 miles each side of the 018° bearing from the Williamston RBN (lat. 33°51'39" N., long. 77°10'31" W.), extending from the 6.5 mile radius area to 8.5 miles north of the RBN.

AMENDMENTS 12/30/76 41 F. R. 50244 (Rewritten)

## Willimantic, Conn.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 41°44'40" N., 72°10'46" W. of Windham Airport, Willimantic, Conn.; within 2 miles each side of the centerline of Runway 9 extended from the 8-mile radius area to 9.5 miles E of the end of the runway; within 2 miles each side of the Norwich VOR 323° radial extended from the 8-mile radius area to the VOR; and within 2 miles each side of the centerline of Runway 27 extended from the 8-mile radius area to 9 miles W of the end of the runway. This transition area shall be in effect from sunrise to sunset.

## Williston, N. Dak.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Sloulin International Airport (latitude 48°10'35" N., longitude 103°38'10" W.); within 3½ miles each side of the Williston VOR 316° radial, extending from the 10-mile radius area to 11½ miles northwest of the VOR; and within 3½ miles each side of the 126° bearing from the Sloulin International Airport, extending from the 10-mile radius area to 14½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Williston VOR, extending from the Williston VOR 203° radial clockwise to the Williston VOR 088° radial, and within 9½ miles southwest and 4½ miles northeast of the Williston VOR 316° radial, extending from the 13-mile radius area to 18½ miles northwest of the VOR; and within 5 miles southwest and 9½ miles northeast of the 126° bearing from the Sloulin International Airport extending from the 10-mile radius area to 21½ miles southeast of the airport.

## Willmar, Minn.

That airspace extending upward from 700 feet above the surface within 5 miles N and 8 miles S of the 104° and 284° bearings from Willmar, Minnesota, Municipal Airport (Lat. 45°06'52" N., Long. 95°05'11" W.), extending from 7 miles E to 13 miles W of the airport.

## Willows, Calif.

That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Maxwell, Calif., VORTAC 360° radial, extending from 3.5 miles to 19.5 miles north of the VORTAC.

## Wilmington, Del.

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center latitude 39°40'42" N., longitude 75°36'27" W. of Greater Wilmington Airport, Wilmington, Del., extending clockwise from a 270° bearing to a 030° bearing from the airport; within a 10-mile radius area of the center of the airport extending clockwise from a 030° bearing to a 270° bearing from the airport; and within 3.5 miles each side of the New Castle, Del. VORTAC 281° radial extending from the VORTAC to 10.5 miles west of the VORTAC; within 3.5 miles each side of the New Castle VORTAC 114° radial extending from the VORTAC to 11 miles southeast of the VORTAC. Within a 5-mile radius of the center latitude 39°31'00" N., longitude 75°43'00" W. of Summit Airpark Airport, Middletown, Del.; within 2.5 miles each side of a line bearing 345° from a point in latitude 39°23'31" N., longitude 75°40'38" W. extending from said point to the 5-mile radius area centered on Summit Airpark Airport and within 3 miles each side of a 234° bearing from the Greater Wilmington, Del., ILS OM extending from the Summit Airpark Airport 5-mile radius area to 13 miles southwest of the OM.

## Wilmington, N. C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of New Hanover Airport (latitude 34°16'15" N., longitude 77°54'05" W.).

## Wilmington, Ohio

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Wilmington Industrial Airport (latitude 30°25'45" N., longitude 83°48'00" W.).

## Wilson, N. C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Wilson Municipal Airport (lat. 35°46'00"N., long. 77°58'00"W.); within 3 miles each side of the 223° bearing from the Wilson RBN, extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN; excluding that portion that coincides with the Rocky Mount, N. C., transition area.

AMENDMENTS 8/11/77 42 F. R. 41108 (Added)

## Winamac, Ind.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Arens Airport (latitude 41°05'35" N., longitude 86°36'45" W.); within 2 miles each side of the Knox VORTAC 173° radial extending from the 5-mile radius area to 10 miles south of the VORTAC.

## Winchester, Ind.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Randolph County Airport (latitude 40°10'15" N., longitude 84°55'15" W.); within 2.5 miles either side of the 111° bearing extending from the 5-mile radius to 6 miles southeast of the airport.

## Winchester, Ky.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Codell Airport (lat. 38°01'21" N., long. 84°13'00" W.); within 2 miles each side of Lexington VORTAC 074° radial, extending from the 5-mile radius area to 8 miles east of the VORTAC.

## Winchester, Va.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 39°08'30" N., 78°08'30" W. of Winchester Municipal Airport; within a 9.5-mile radius of the center of the airport extending clockwise from a 187° bearing to a 008° bearing from the airport; within 3.5 miles each side of the Front Royal, Va., VORTAC 223° radial, extending from the VORTAC to 11.5 miles southwest of the VORTAC; within 2.5 miles each side of a 133° bearing from a point 39°08'17" N., 78°08'16" W., extending from said point to 11 miles southeast of said point.

## Winder, Ga.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Winder Airport (lat. 33°58'52" N., long. 83°40'02" W.); within 2 miles each side of Athens VORTAC 277° radial, extending from the 6-mile radius area to 13.5 miles west of the VORTAC.

## Windom, Minn.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Windom Municipal Airport (latitude 43°54'50" N., longitude 95°06'35" W.); and within 9½ miles west and 4½ miles east of the 354° and 174° bearings from the Windom Municipal Airport extending from 4 miles south of the airport to 18½ miles north of the airport.

## Window Rock, Ariz.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Window Rock Airport (latitude 35°39'29"N, longitude 109°03'28"W) and within 3 miles each side of the Gallup VORTAC 318° radial, extending from the 5-mile radius area to the Gallup VORTAC.

**Winner, S. Dak.**

That airspace extending upward from 700 feet above the surface within a 7½-mile radius of the Wiley Field (latitude 43°23'25" N., longitude 99°50'40" W.); within three miles each side of the Winner VOR 212° radial extending from the 7½-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northwest and 4½ miles southeast of the Winner VOR 032° and 212° radials extending from 5 miles southwest of the VOR to 18½ miles northeast of the VOR; and within 5 miles each side of the Winner VOR 212° radial extending from the VOR to 20 miles southwest of the VOR.

**Winnfield, La.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Winnfield NDB (latitude 31°57'46" N., longitude 92°39'25" W.); within 3 miles each side of a 276° bearing from the Winnfield NDB extending from the 5-mile radius area to 8 miles west of the NDB.

**Winnsboro, S. C.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairfield County Airport (latitude 34°19'00" N., longitude 81°06'30" W.); within 3 miles each side of the 208° bearing from Winnsboro RBN (latitude 34°18'56" N., longitude 81°06'41" W.), extending from the 5-mile radius area to 8.5 miles southwest of the RBN.

**Winnsboro, Tex.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Winnsboro Municipal Airport (latitude 32°56'22" N., longitude 95°16'43" W.) and within 1.5 miles each side of the Quitman, Tex., VORTAC 052° radial extending from the 5-mile radius area to the VORTAC.

**Winona, Minn.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Winona Municipal-Max Conrad Field (latitude 44°04'37" N., longitude 91°42'22" W.); excluding that portion which overlies the La Crosse, Wis., transition area.

**Winslow, AZ.**

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and that airspace within an arc of a 10-mile radius circle centered on Winslow VORTAC extending clockwise from a line 4 miles south of and parallel to the Winslow 277° radial to a line 4 miles north of and parallel to the Winslow 292° radial; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 16.5 miles south of the Winslow 112° and 292° radials, extending from 15.5 miles east to 19 miles west of the VORTAC.

**Winston-Salem, N. C.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Smith Reynolds Airport (latitude 36°08'01.3" N., longitude 80°13'22.1" W.); within 3 miles each side of Winston-Salem ILS localizer southeast course, extending from the 8.5-mile radius area to 8.5 miles southeast of the LOM; excluding the portion that coincides with the Greensboro transition area.

**Wiscasset, Maine**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 43°57'40" N., 69°42'50" W. of the Wiscasset, Maine, Airport; within 6 miles on the north side and 4 miles on the south side of the 252° and 072° bearings from the Wiscasset, Maine, NDB, 43°58'57" N., 69°38'27" W., extending to 5.5 miles southwest, and 11.5 miles northeast of the NDB; excluding that portion which coincides with the Brunswick, Maine, 700-foot transition area.

**Wisconsin**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Wisconsin.

**Wisconsin Rapids, WI.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Alexander Field, Southwood County Airport (latitude 44°21'31" N., longitude 89°50'15" W.); and within 3 miles each side of the 193° bearing from Alexander Field, Southwood County Airport, extending from the 6½-mile radius area to 8 miles south of the airport and within 3 miles each side of the 125° bearing from Alexander Field, Southwood County Airport, extending from the 6½-mile radius to 8 miles southeast of the airport and within 4 miles each side of the Stevens Point VORTAC 230° radial extending from the 6½-mile radius to 13 miles northeast of the airport excluding the portion that overlies the Stevens Point, Wis., transition area.

**Wise, Va.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, 36°59'15"N., 82°31'50"W., of Lonesome Pine Airport, Wise, Va., and within 3 miles each side of the 056° bearing from the Wise NDB (37°01'18"N., 82°28'04"W.), extending from the 11-mile radius area to 8.5 miles northeast of the NDB.

AMENDMENTS 8/11/77 42 F. R. 31772 (Changed)

**Wolf Point, Mont.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Wolf Point, Mont., NDB (latitude 48°06'16" N., longitude 105°36'05" W.); and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Wolf Point NDB; and within 4.5 miles north and 9.5 miles south of the 294° bearing from the Wolf Point NDB extending from the 12-mile radius area to 18.5 miles northwest of the NDB, excluding that portion that overlies the Glasgow, Mont., transition area.

**Woodland, Calif.**

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Woodland-Watts Airport (lat. 38°40'30"N., long. 121°52'15"W.) and within 3 miles each side of the Sacramento VORTAC 313° radial, extending from the 3-mile radius area to the Sacramento VORTAC.

**Woodruff, Wis.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lakeland Airport (latitude 45°55'38" N., longitude 89°43'53" W.).

**Woodsfield, Ohio**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Monroe County Airport (latitude 39°46'45" N., longitude 81°06'15" W.).

**Wooster, Ohio**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 40°52'29" N., long. 81°53'14" W., of Wayne County Airport, Wooster, Ohio, and within 3.5 miles each side of the 090° bearing from the Smithville RBN, lat. 40°52'30" N., long. 81°50'00" W., extending from the 7-mile radius area to 11.5 miles east of the RBN.

**Worcester, Mass.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Worcester, Mass., Airport (latitude 42°16'05" N., longitude 71°52'20" W.).

**Worland, Wyo.**

The airspace extending upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Worland VOR 352° and 172° radials extending from 18.5 miles north to 6 miles south of the VOR; that airspace extending upward from 1,200 feet above the surface, within a 23-mile radius of the VOR.

**Worthington, Minn.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Worthington Municipal Airport (latitude 43°39'17" N., longitude 95°35'01" W.); and that airspace extending upward from 1,200 feet above the surface and within 9½ miles west and 4½ miles east of the Worthington VOR 189° radial extending from the VOR to 18½ miles south of the VOR, excluding the portion in Minnesota.

**Wrangell, Alaska**

That airspace extending upward from 700 feet above the surface within 2 miles south and 4 miles north of the 087° radial of the Level Island VOR extending from 6 miles east to 30 miles east of the VOR; and within 5 miles southwest and 5 miles northeast of the Wrangell localizer southeast and northwest courses extending from 3 miles southeast to 30 miles northwest of the Wrangell localizer (latitude 56°29'03" N., longitude 132°21'35" W.).



## Wrightstown, N. J.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°04'00" N., 74°10'40" W. of Lakewood Airport, Lakewood, N. J.; within a 12-mile radius of McGuire AFB (latitude 40°00'55" N., longitude 74°35'25" W.); within a 9.5-mile radius of the center, 40°02'00" N., 74°21'00" W. of NAS Lakehurst, Lakehurst, N. J.; within a 13-mile radius of the Navy Lakehurst TACAN, extending clockwise from the Navy Lakehurst TACAN 310° radial to the 148° radial; within 5 miles each side of the Coyle VORTAC 031° radial, extending from the Coyle VORTAC to 13 miles northeast; within 5 miles each side of the Robbinsville VORTAC 148° radial, extending from the Robbinsville VORTAC to 18.5 miles southeast; within 3 miles southwest and 5 miles northeast of the Navy Lakehurst TACAN 148° radial, extending from the TACAN to 14 miles southeast; within 3.5 miles each side of the 050° bearing from the Navy Lakehurst UHF RBN, extending from the RBN to 11.5 miles northeast; within a 5-mile radius of the Trenton-Robbinsville Airport (lat. 40°12'50" N., long. 74°36'05" W.); within 6.5 miles north and 4.5 miles south of the 278° and 098° radials of the Robbinsville VORTAC, extending from 5.5 miles west to 11.5 miles east of the VORTAC; within a 5-mile radius of Monmouth County Airport (latitude 40°11'05" N., longitude 74°07'20" W.); within 2 miles each side of the Colts Neck VOR 167° radial extending from the Monmouth County Airport 5-mile radius area to the VOR; and within a 5-mile radius of the center, 40°13'05" N., 74°05'30" W., of the Asbury Park-Neptune Airport, Neptune, N. J., and within 2 miles each side of the Colts Neck VOR 151° radial extending from the Asbury Park-Neptune Airport 5-mile radius area to the VOR; within a 7-mile radius of lat. 39°55'41" N., long. 74°17'30" W. of Robert J. Miller Air Park, Toms River, N. J.; within 1.5 miles each side of the Coyle, N. J. VORTAC 044° radial extending from the 7-mile radius area to the Coyle VORTAC; within a 6-mile radius of the center of latitude 39°56'30" N., longitude 74°50'30" W. of Burlington County Airpark, Mt. Holly, N. J.

## PENDING AMENDMENT

## Wurtsboro, N. Y.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 41°35'52" N., 74°27'32" W., of Wurtsboro-Sullivan County Airport, Wurtsboro, N. Y.; within a 9.5-mile radius of the center of the airport, extending clockwise from a 352° bearing to a 016° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 016° bearing to a 025° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 025° bearing to a 036° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 036° bearing to a 070° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 070° bearing to a 086° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 169° bearing to a 192° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 192° bearing to a 238° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 238° bearing to a 310° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 310° bearing to a 335° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 335° bearing to a 352° bearing from the airport; within 4.5 miles north and 6.5 miles south of the Stewart VOR (41°30'30" N., 74°05'51" W.) 288° radial extending from 2.5 miles west to 19.5 miles west of the Stewart VOR; excluding the portions that coincide with the Newburgh, N. Y., and Monticello, N.Y., transition areas. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 12/15/77 42 F. R. 58931 (Added)

Corr: 42 F. R. 60122

## Xenia, Ohio

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Greene County Airport (latitude 39°41'30" N., longitude 83°59'25" W.); and within 3.5 miles each side of the 063° bearing from the Greene County Airport extending from the 5.5-mile radius to 14.5 miles northeast of the airport excluding that airspace that overlies the Dayton, Ohio, transition area.

## Yakataga, Alaska

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yakataga Airport (lat. 60°04'57"N., long. 142°29'30"W.); within 3 miles each side of the 268° bearing from the Yakataga NDB, extending from the 5-mile radius area to 13 miles west of the NDB.

AMENDMENTS 6/16/77 42 F. R. 15394 (Rewritten)

## Yakima, Wash.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yakima Airport (lat. 46°33'35"N., long. 120°32'25"W.), within 5 miles northeast and 10 miles southwest of the Yakima VORTAC 115° and 295° radials, extending from 1 mile northwest to 23 miles southeast of the VORTAC, and within 3.5 miles north and 5 miles south of the ILS localizer west course, extending from 11 to 27 miles northwest of the Donald OM; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Yakima VORTAC, excluding the airspace north of Yakima that overlies the Ellensburg, Wash., Transition Area; that airspace northeast of the 25-mile radius circle bounded on the north by lat. 47°00', on the east by 120°00', on the southeast by V-448, and on the northwest by the Ellensburg, Wash., Transition Area; that airspace within 9 miles northeast and 6 miles southwest of the Yakima VORTAC 129° radial, extending from the VORTAC to 33 miles southeast of the VORTAC; and that airspace south of the 25-mile radius circle bounded on the northeast by V-4, on the south by V-520, and on the west by V-25E.

## Yakutat, Alaska

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Yakutat VORTAC, and within a 15-mile radius of the Ocean Cape, Alaska, RBN, excluding the portion NE of a line 5 miles NE of and parallel to the Yakutat VORTAC 319° and 139° radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Yakutat VORTAC 147° radial, extending from the 15-mile radius area to 18 miles SE of the VORTAC; and within 5 miles each side of the Yakutat VORTAC 119° radial, extending from the 700-foot transition area to 65 miles southeast of the VORTAC.

## Yankton, S. Dak.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Chan Gurney Municipal Airport (latitude 42°54'45" N., longitude 97°23'15" W.); and within 9½ miles northeast and 4½ miles southwest of the Yankton VOR 321° radial extending from the VOR to 18½ miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the Yankton VOR 135° radial extending from the VOR to 18½ miles southeast of the VOR; excluding that portion in the State of Nebraska.

## Yazoo City, Miss.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Barrier Field (latitude 32°52'30" N., longitude 90°24'25" W.); within 3 miles each side of the Jackson, Miss., VORTAC 332° radial, extending from the 6.5-mile radius area to 17.5 miles northwest of the VORTAC.

## Yerington, Nev.

That airspace extending upward from 11,000 feet MSL within 12 miles, southwest and 8 miles northeast of the Reno, Nev., VORTAC 135° radial, extending from 10 miles northwest to 22 miles southeast of the INT of Reno VOR 135° and Lovelock, Nev., VORTAC 197° radials, excluding the airspace within Federal airways.

## Yoakum, Tex.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Yoakum Municipal Airport (latitude 29°18'50" N., longitude 97°08'18" W.) and within 3.5 miles either side of the 143° radial extending from the 5-mile radius to a point 8 miles southeast of the NDB (latitude 29°18'50" N., longitude 97°08'18" W.).

## York, Pa.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°55'09" N., 76°52'30" W., of the York Airport, York, Pa.; within a 7-mile radius of the center of the airport, extending clockwise from a 069° bearing to a 205° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 205° bearing to a 244° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 244° bearing to a 271° bearing from the airport and within 3.5 miles each side of the 336° and 156° bearings from the Thomasville, Pa., RBN (39°58'39" N., 76°54'35" W.); extending from the 5-mile radius area to 11.5 miles northwest of the RBN.

## Youngstown, Ohio

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 41°15'28" N., long. 80°40'34" W. of Youngstown Municipal Airport, Youngstown, Ohio; within a 7-mile radius of the center, lat. 41°03'33" N., long. 80°49'55" W. of Youngstown Executive Airport, Youngstown, Ohio; within a 5.5 mile radius of the center, lat. 41°07'45" N., long. 80°37'15" W. of Lansdowne Airport, Youngstown, Ohio; within 3.5 miles each side of the Youngstown VORTAC 358° radial, extending from the Youngstown Municipal Airport 9-mile radius area to 11.5 miles north of the Youngstown VORTAC; within 3.5 miles each side Youngstown Municipal Airport ILS localizer southeast course, extending from the OM to 11.5 miles southeast of the OM; within 4.5 miles each side of the Youngstown VORTAC 203° radial, extending from 9 miles southwest of the VORTAC to 15.5 miles southwest of the VORTAC; within 5 miles each side of the 023° radial of the Youngstown VORTAC extending from the Youngstown Municipal Airport 9-mile radius area to 11.5 miles north of the VORTAC.

Yuma, Ariz.

That airspace extending upward from 700 feet above the surface, within an 11-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'10" N., longitude 114°36'20" W.), within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 11-mile radius area to 21 miles south of the VORTAC, that airspace within a 13-mile radius of the Yuma VORTAC extending from the 11-mile radius area bounded on the west by a line 4 miles west of and parallel to the Yuma VORTAC 351° radial and on the east by longitude 114°30'00" W., within 3 miles each side of the Yuma VORTAC 062° radial, extending from the VORTAC to 16 miles northeast of the VORTAC

and within 5 miles north and 6 miles south of the Yuma VORTAC 089° radial, extending from the VORTAC to 20.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface, within 12 miles west and 11 miles east of the Yuma VORTAC 351° radial, extending from the north edge of V-66 to 20 miles north of the VORTAC, within 5 miles north and 8 miles south of the Yuma VORTAC 087° radial, extending from the VORTAC to 14 miles east of the VORTAC, within 11 miles east and 8 miles west of the Yuma VORTAC 180° radial, extending from the VORTAC to the United States/Mexico border; within six miles each side of the Yuma VORTAC 211° radial, extending from the VORTAC to the United States/Mexico border, and that airspace northwest of Yuma, extending upward from 4,000 feet MSL, bounded on the north by the arc of an 18-mile radius circle centered on the Blythe, Calif., Airport (latitude 33°37'15" N., longitude 114°43'00" W.), on the east by the west edge of V-135, on the south by the north edge of V-66, and on the northwest and west by lines 5 miles northwest and west of and parallel to the Imperial and Blythe, Calif., VORTAC's, 064° and 187° radials respectively; excluding that portion outside the United States; that airspace extending upward from 9,000 feet MSL bounded on the west by the west edge of V-135, on the east by R-2306C, and R-2306A, extending from 20 miles north of the Yuma VORTAC to the arc of an 18-mile radius circle centered on the Blythe, Calif., VORTAC.

AMENDMENTS 8/11/77 42 F. R. 31157 (Changed)

Zanesville, Ohio

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Zanesville Municipal Airport (latitude 39°56'40" N., longitude 81°53'20" W.); within 8 miles E and 5 miles W of the Zanesville VOR 222° radial extending from the VOR to 12 miles SW of the VOR.

Zionsville, Ind.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Indianapolis Terry Airport (latitude 40°02'08" N., longitude 86°15'18" W.); within 2 miles either side of the 359° bearing extending from the airport to 6 miles north.

Zuni, N. Mex.

That airspace extending upward from 8,500 feet MSL within 10 miles N and 7 miles S of the Zuni VORTAC 087° and 267° radials extending from 20 miles E to 9 miles W of the VORTAC, excluding the portion within the State of New Mexico.

#### SUBPART H - POSITIVE CONTROL AREAS

##### §71.193 Designation of Positive Control Areas.

The parts of airspace described below are designated as positive control areas.

##### Continental positive control area.

That airspace within the continental control area from 18,000 feet MSL to and including flight level 600 within the 48 contiguous States and District of Columbia excluding the Santa Barbara Island, Farallon Island, and the portion south of lat. 25°04'00" N.

##### Alaska Positive Control Area

That airspace of the State of Alaska, from 18,000 feet MSL to and including flight level 600 but not including the airspace less than 1,500 feet above the surface of the earth and the Alaska Peninsula west of longitude 160°00'00"W.

AMENDMENTS 4/21/77 42 F. R. 7123 (Changed)

#### SUBPART I - REPORTING POINTS

##### § 71.201 Designation.

The locations described in this Subpart are designated as reporting points.

##### § 71.203 Domestic low altitude reporting points.

The reporting points listed below are designated at all altitudes up to but not including 18,000 feet MSL.

Aberdeen, S. Dak.  
 Abilene, Tex.  
 Acton, Tex.  
 Ainsworth, Nebr.  
 Akron, Colo.  
 Alamosa, Colo.  
 Albany, Ga.  
 Albany, N. Y.  
 Albuquerque, N. Mex.  
 Alexandria, La.  
 Alexandria, Minn.  
 Allendale, S. C.  
 Allentown, Pa.  
 Alma, Ga.  
 Amarillo, Tex.  
 AMZIE: INT Bangor, Maine, 146° radial, centerline of Control 1143.  
 Anderson, S. C.  
 Anton Chico, N. Mex.  
 Appleton, Ohio  
 Ardmore, Okla.  
 Atlanta, Ga.  
 Augusta, Ga.  
 Augusta, Maine  
 Austin, Tex.  
 Avenal, Calif.  
 Baker, Oreg.  
 Bakersfield, Calif.  
 Bangor, Maine  
 Barretts Mountain, N. C.  
 Baton Rouge, La.  
 Battle Mountain, Nev.  
 Beatty, Nev.  
 Beaumont, Tex.  
 Bellingham, Wash.  
 Bemidji, Minn.  
 Berlin, N. H.  
 Bible Grove, Ill.  
 Big Spring, Texas  
 Big Sur, Calif.  
 Billings, Mont.  
 Binghamton, N. Y.  
 Birmingham, Ala.  
 Biscayne Bay, Fla.  
 Bismarck, N. Dak.  
 Bluefield, W. Va.  
 Blue Ridge, TX  
 Blue Springs, Mo.  
 Blythe, Calif.  
 Boise, Idaho.  
 Bonneville, Utah  
 Boston, Mass.  
 Boulder City, Nev.  
 Bowling Green, Ky.  
 Boysen Reservoir, Wyo.  
 Bozeman, Mont.  
 Bradford, Ill.  
 Brainerd, Minn.  
 Bridgeport, Tex.  
 Brooke, Va.  
 Brookley, Ala.  
 Brookwood, Ala.  
 Brownsville, Tex.  
 Brunswick, Ga.  
 Bryce Canyon, Utah  
 Buckeye, Ariz.  
 Buffalo, N. Y.  
 Burley, Idaho  
 Burlington, Iowa  
 Burlington, Vt.  
 Butler, Mo.



Cape Girardeau, Mo.  
Capital, Ill.  
Carleton, Mich.  
Carlsbad, N. Mex.  
Carmel, N. Y.  
Casa Grande, Ariz.  
Casper, Wyo.  
Cedar Rapids, Iowa  
Centralia, Ill.  
Chadron, Nebr.  
Champaign, Ill.  
Chanute, Kans.

CHARL: Lat. 47°28'21" N., Long. 114°07'19" W. (a. INT Mullan Pass, Idaho, 089°, Kalispell, Mont., 177° radials. b. Mullan Pass, Idaho, 089° radials, 62 NM from Mullan Pass).

Charleston, S. C.  
Charleston, W. Va.  
Chattanooga, Tenn.  
Cherokee, Wyo.  
Chesterfield, S. C.  
Cheyenne, Wyo.  
Chicago Heights, Ill.  
Childress, Tex.  
Cimarron, N. Mex.  
Cincinnati, Ohio  
Cleveland, Ohio  
Coaldale, Nev.  
Cochise, Ariz.

COFAX: INT Johnstown, Pa., 093°, St. Thomas, Pa., 358° radials.

Cofield, N. C.  
Columbia, Mo.  
Columbia, S. C.  
Columbus, Ga.  
Columbus, Miss.  
Columbus, Nebr.  
Columbus, N. Mex.  
Concord, N. H.

COOBE: INT Clarion, Pa., 044°, Franklin, Pa., 099° radials.

Corona, N. Mex.  
Corpus Christi, Tex.  
Cotulla, Tex.  
Coyle, N. J.  
Crazy Woman, Wyo.  
Crescent City, Calif.  
Crestview, Fla.  
Cross City, Fla.  
Cunningham, KY  
Cut Bank, Mont.  
Dalhart, Tex.

Dallas-Fort Worth, Texas  
Danville, Ill.  
Darwin, Minn.  
Davenport, Iowa  
Dayton, Ohio  
Decatur, Ill.  
DeLancey, N. Y.  
Delta, Utah.  
Deming, N. Mex.  
Denver, Colo.  
Des Moines, Iowa  
Dickinson, N. Dak.  
Dillon, Mont.  
Dogwood, Mo.  
Dothan, Ala.  
Douglas, Ariz.  
Douglas, Wyo.  
Dublin, Ga.  
Dubois, Idaho  
Dubuque, Iowa  
Duluth, Minn.  
Dunkirk, N. Y.  
Dupree, S. Dak.  
Dyersburg, Tenn.  
Eagle Lake, Tex.  
Eau Claire, Wis.

EDGE: INT Fort Wayne, Ind., 039°, Waterville, Ohio, 273° radials.  
El Dorado, Ark.  
Elkins, W. Va.  
Elko, Nev.

AMENDMENTS 2/24/77 42 F. R. 55863 (Added)

Ellensburg, Wash.  
Elmira, N. Y.  
El Paso, Tex.  
Ephrata, Wash.  
Erie, Pa.

Escanaba, Mich.  
Eugene, Oreg.  
Evansville, Ind.  
**Fairfield, Utah**  
Fairmont, Minn.  
Falmouth, Ky.  
Fargo, N. Dak.  
Farmington, Minn.  
Farmington, Mo.  
Farmington, N. Mex.  
Fayetteville, Ark.  
Fayetteville, N. C.  
Fellows, Calif.  
Fillmore, Calif.  
Findlay, Ohio  
Fish Hook, Fla. RBN  
Flat Rock, Va.

FLINT: INT Kessel, W. Va., 038°, Martinsburg, W. Va., 297° radials.

Flint, Mich.  
Florence, S. C.  
Fort Bridger, Wyo.  
Fort Dodge, Iowa  
Fort Jones, Calif.  
Fort Mill, S. C.  
Fort Myers, Fla.  
Fort Smith, Ark.  
Fort Stockton, Tex.  
Fortuna, Calif.  
Fort Wayne, Ind.  
Franklin, Va.  
Fresno, Calif.  
Friant, Calif.  
Front Royal, Va.  
Gage, Okla.  
Gainesville, Fla.  
Garden City, Kans.

GAREN: INT Goshen, Ind., 108°, Ft. Wayne, Ind., 016° radials.

GARRI: INT Drummond, Mont., 092° Butte, Mont., 002° radials.  
Gaviota, Calif.  
Gaylord, Mich.  
Gila Bend, Ariz.  
Gill, Colo.

GILLS: INT Jefferson, Ohio, 279°, Cleveland, Ohio, 024° radials.

Goffs, Calif.  
Goodland, Kans.  
Gordonsville, Va.  
Goshen, Ind.  
Graham, Tenn.  
Grand Island, Nebr.  
Grand Junction, Colo.  
Grand Rapids, Minn.

Grand Strand, S. C. AMENDMENTS 4/21/77 (Added) Corr: 42 F. R. 13272  
GRANT: INT Columbus, Ga., 068° and Albany, Ga., 357° radials.

Grantsburg, Wis.  
Grantsville, Md.  
Great Falls, Mont.  
Green Bay, Wis.  
Greensboro, N. C.  
Greenville, Fla.  
Greenwood, Miss.  
Greenwood, S. C.  
Gregg County, Tex.  
Gulfport, Miss.  
Gunnison, Colo.  
Guthrie, Tex.  
Hallsville, Mo.  
Hamilton, Ala.  
Hanksville, Utah  
Harcum, Va.  
Harris, Ga., VORTAC  
Harrisburg, Pa.  
Harrison, Ark.  
Hartford, Conn.

Hastings, Nebr.  
 Hattiesburg, Miss.  
 Hayden, Colo.  
 Hayes Center, Nebr.  
 Hays, Kansas  
 Hazen, Nev.  
 Hector, Calif.  
 HEFIN: INT Talladega, Ala., 087°, LaGrange, Ga., 342° radials.  
 Helena, Mont.  
 Hibbing, Minn.  
 Hill City, Kans.  
**Hinch Mountain, Tenn.**  
 Hobart, Okla.  
 Hobbs, N. Mex.  
 Hobby, Tex.  
 Hoquiam, Wash.  
 Holston Mountain, Tenn.  
 Hot Springs, Ark.  
 Houghton, Mich.  
 Houlton, Maine  
 Hudspeth, Tex.  
 Hugo, Colo.  
 Huntsville, Ala.  
 Huron, S. Dak.  
 Hutchinson, Kans.  
 Imperial, Calif.  
 Indianapolis, Ind.  
 International Falls, Minn.  
 Iron Mountain, Mich.  
 Ironwood, Mich.  
 Jacks Creek, Tenn.  
 Jackson, Mich.  
 Jackson, Miss.  
 Jacksonville, Fla.  
 Jamestown, N. Dak.  
 Janesville, Wis.  
 Joliet, Ill.  
 Julian, Calif.  
 Junction, Tex.  
 Kansas City, Mo.  
 Kearney, Nebr.  
 Keating, Pa.  
 Keeler, Mich.  
 Kennebunk, Maine  
 Kenton, Del.  
 Key West, Fla.  
 Kimberly, Oregon  
 Kingston, N. Y.  
 Kinston, N. C.  
 Kirksville, Mo.  
 Klamath Falls, Oreg.  
 Knoxville, Tenn.  
 Kokomo, Ind.  
 Kremmling, Colo.  
 LaBelle, Fla.  
 Lafayette, Ind.  
 Lafayette, La.  
 Lake Charles, La.  
 Lake Henry, Pa.  
 Lake Hughes, Calif.  
 Lakeland, Fla.  
 Lamar, Colo.  
 Lamoni, Iowa  
 Lancaster, Pa.  
 Lansing, Mich.  
 Laramie, Wyo.  
 Laredo, Tex.  
 Las Vegas, Nev.  
 Lawrenceville, Va.  
 Leona, Tex.  
 LESSY: INT Salem, Mich., 273°, Lansing, Mich., 150° radials.  
 Lewis, Ind.  
 Lewistown, Mont.  
 Lexington, Ky.  
 Liberal, Kans.  
 Liberty, N. C.  
 Linden, Calif.  
 Linden, Va.  
 Litchfield, Mich.  
 Little Rock, Ark.  
 Livingston, Mont.  
 Llano, Tex.

AMENDMENTS 10/6/77 42 F. R. 35639 (Added)

Lometa, Tex.  
 London, Ky.  
 Lone Rock, Wis.  
 Los Angeles, Calif.  
 Louisville, Ky.  
 Lovelock, Nev.  
 Lubbock, Tex.  
 Lucin, Utah  
 Lufkin, Tex.  
 Lynchburg, Va.  
 Macon, Ga.  
 MADDI: INT Greenwood, S. C., 240° and Athens, Ga., 195° radials.  
 Malad City, Idaho  
 Malden, Mo.  
 Manistee, Mich.  
 Mankato, Kans.  
 Mankato, Minn.  
 Mansfield, Ohio  
 Naples, Mo.  
 Marianna, Fla.  
 Marion, Ill.  
 Marquette, Mich.  
 Martinsburg, W. Va.  
 Massena, N. Y.  
 Mason City, Iowa  
 McAlester, Okla.  
 McCall, Idaho  
 McComb, Miss.  
 McCook, Nebr.  
 Medford, Oreg.  
 Medicine Bow, Wyo.  
 Menominee, Mich.  
 Meridian, Miss.  
 Miami, Fla.  
 Midland, Tex.  
 Miles City, Mont.  
 Milford, Utah  
 Millinocket, Maine  
 Millsap, TX  
 MILTO: INT Eau Claire, Wis., 134°, and Nodine, Minn., 055° radials.  
 Milton, Pa.  
 Milwaukee, Wis.  
 Minneapolis, Minn.  
 Minot, N. Dak.  
 Missoula, Mont.  
 Mitchell, S. Dak.  
 Mobile, Ala.  
 Modena, Pa.  
 Moline, Ill.  
 Monroe, La.  
 Monroeville, Ala.  
 Montebello, Va.  
 Montgomery, Ala.  
 Mormon Mesa, Nev.  
 Morgantown, W. Va.  
 Mount Pleasant, Mich.  
 Mullan Pass, Idaho  
 Muncie, Ind.  
 Muscle Shoals, Ala.  
 Muskegon, Mich.  
 Myton, Utah  
 Nabb, Ind.  
 Nantucket, Mass.  
 Nashville, Tenn.  
 Needles, Calif.  
 NELLO: INT Atlanta, Ga., 001°, Chattanooga, Tenn., 127° radials.  
 Neola, Iowa  
 Neosho, Mo.  
 Newcombe, Ky.  
 Newman, Tex.  
 New Orleans, La.  
 Newport, Oreg.  
 Nodine, Minn.  
 Norfolk, Nebr.  
 North Bend, Oreg.  
 Northbrook, Ill.  
 North Platte, Nebr.  
 Nottingham, Md.



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Oakland, Calif.  
Ocala, Fla.  
Oceanside, Calif.  
Ogden, Utah  
Oklahoma City, Okla.  
Omaha, Nebr.  
O'Neill, Nebr.  
Ontario, Calif.  
Orlando, Fla.  
Ormond Beach, Fla.  
Oshkosh, Wis.  
Oswego, Kans.  
Ottumwa, Iowa  
Pahokee, Fla.  
Palacios, Tex.  
Palm Beach, Fla.  
Palmdale, Calif.  
Palm Springs, Calif.  
Panoche, Calif.  
Parker, Calif.  
Parkersburg, W. Va.  
Park Rapids, Minn.  
Paso Robles, Calif.  
Patuxent, Md.  
Pawling, N. Y.  
Pawnee City, Nebr.  
Peach Springs, Ariz.  
Pecos, Tex.  
Pellston, Mich.  
Pembina, N. Dak.  
Pendleton, Oreg.  
Peoria, Ill.  
Peotone, Ill.  
Philipsburg, Pa.  
Phoenix, Ariz.  
Pierre, S. Dak.  
Pine Bluff, Ark.  
Pinon, NM.  
Pioneer, OK.  
Plainview, Tex.  
Plattsburg, N. Y.  
Pocatello, Idaho  
Point Reyes, Calif.  
Polo, Ill.  
Pomona, Calif.  
Pontiac, Ill.  
Porterville, Calif.  
Portland, Fla. RBN  
Portland, Oreg.  
Prescott, Ariz.  
Presque Isle, Maine  
Priest, Calif.  
Princeton, Maine  
Providence, R. I.  
Pueblo, Colo.  
Pulaski, Va.  
Pullman, Mich.  
Quincy, Ill.  
Quitman, Tex.  
Raleigh-Durham, N. C.  
Rapid City, S. Dak.  
Ravine, Pa.  
Raymond, Nebr.  
Readsville, Mo.  
Red Bluff, Calif.  
Redmond, Oreg.  
Redwood Falls, Minn.  
Reno, Nev.  
Rewey, Wis.  
Rhinelander, Wis.  
Roberts, Ill.  
Rochester, Minn.  
Rochester, N. Y.  
Rockford, Ill.  
Rock Springs, Wyo.  
Rocky Mount, N. C.  
PENDING AMENDMENT  
Rocky Mount, N. C. is deleted  
Rome, Oreg.  
Rosewood, Ohio

AMENDMENTS 7/14/77 42 F. R. 36247 (Added)

AMENDMENTS 1/26/78 42 F.R. 59377 Deleted

Roswell, N. Mex.  
Sacramento, Calif.  
Saginaw, Mich.  
St. Johns, Ariz.  
St. Louis, Mo.  
St. Petersburg, Fla.  
Salem, Mich.  
Salina, Kans.  
Salisbury, Md.  
Salt Flat, Tex.  
Salt Lake City, Utah  
Samsville, Ill.  
San Angelo, Tex.  
San Antonio, Tex.  
San Luis Obispo, Calif.  
San Simon, Ariz.  
Santa Barbara, Calif.  
Santa Fe, N. Mex.  
Sault Ste. Marie, Mich.  
Savannah, Ga.  
SAYBO: INT Carmel, N. Y., 093°, Riverhead, N. Y., 046° radials.  
Sayre, Okla.  
Schoolcraft, Mich.  
SCIPO: INT Syracuse, N. Y., 210° Georgetown, N. Y., 273° radials.  
Scottsbluff, Nebr.  
Scurry, Tex.  
Sea Isle, N. J.  
Seal Beach, Calif.  
Seattle, Wash.  
Selinsgrove, Pa.  
Shelbyville, Ind.  
Sheridan, Wyo.  
Shreveport, La.  
Sidney, Nebr.  
Sioux City, Iowa  
Sioux Falls, S. Dak.  
Snow Hill, Md.  
Sod House, Nev.  
South Bend, Ind.  
South Boston, Va.  
Spokane, Wash.  
Springfield, Mo.  
STACY: INT Blackford, Va., 009°, Bluefield, W. Va., 267° radials.  
Stevens Point, Wis.  
Stockton, Calif.  
Sugarloaf Mountain, N. C.  
Sulphur Springs, Tex.  
Syracuse, N. Y.  
Tallahassee, Fla.  
PENDING AMENDMENT  
Tar River  
Texarkana, Ark.  
The Dalles, Oreg.  
Thermal, Calif.  
Thurman, Colo.  
Tidioute, Pa.  
Tilverton, Ohio  
Tobe, Colo.  
Topeka, Kans.  
Traverse City, Mich.  
Troy, Ill.  
Truth or Consequences, N. Mex.  
Tuba City, Ariz.  
Tucson, Ariz.  
Tucumcari, N. Mex.  
Tulsa, Okla.  
Tuscola, Tex.  
Tuskegee, Ala.  
Twenty-Nine Palms, Calif.  
Twin Falls, Nev.  
Tyrone, Pa.  
Ukiah, Calif.  
Vance, S. C.  
Vandalia, Ill.  
Ventura, Calif.  
Vero Beach, Fla.  
Vichy, Mo.  
Vienna, Ga.

AMENDMENTS 1/26/78 42 F. R. 59377 (Added)

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Waco, Tex.  
Walnut Ridge, Ark.  
Waterloo, Iowa  
Watertown, N. Y.  
Watertown, S. Dak.  
Waterville, Ohio  
Waukon, Iowa  
Wausau, Wis.  
Waycross, Ga.  
White Cloud, Mich.  
Whitehall, Mont.  
White Lake, La.  
Whitesburg, Ky.  
Wichita, Kans.  
Wichita Falls, Tex.  
Wilkes-Barre, Pa.  
Williams, Calif.  
Williamsport, Pa.  
Wilmington, N. C.  
Wink, Texas  
Winslow, Ariz.  
Wolbach, Nebr.  
Woodside, Calif.  
Woodstown, N. J.  
Worthington, Minn.  
Yakima, Wash.  
Yankton, S. Dak.  
York, Ky.  
Youngstown, Ohio  
Yuma, Ariz.  
Zuni, N. Mex.

§ 71.207 Domestic High Altitude Reporting Points.

The reporting points listed below are designated at all altitudes from 18,000 feet MSL to Flight Level 450, inclusive.

Aberdeen, S. Dak.  
Abilene, Tex.  
Alamosa, Colo.  
Albany, N. Y.  
Albuquerque, N. Mex.  
Alexandria, La.  
Alma, Ga.  
Amarillo, Tex.  
Appleton, Ohio  
Atlanta, Ga.  
Augusta, Ga.  
Austin, Tex.  
Bakersfield, Calif.  
Bangor, Maine  
Battle Mountain, Nev.  
Beckley, W. Va.  
Bellaire, Ohio  
Billings, Mont.  
Birmingham, Ala.  
Biscayne Bay, Fla.  
Blythe, Calif.  
Boise, Idaho  
Boston, Mass.  
Boulder City, Nev.  
Bowling Green, Ky.  
Bradford, Ill.  
Brownsville, Tex.  
Bryce Canyon, Utah  
Buffalo, N. Y.  
Butler, Mo.  
Carleton, Mich.  
Casanova, Va.  
Chardon, Ohio  
Charleston, S. C.  
Charleston, W. Va.  
Cleveland, Ohio  
Coaldale, Nev.  
Columbia, S. C.  
Coyle, N. J.

Crazy Woman, Wyo.  
Crestview, Fla.  
Dallas-Fort Worth, Texas  
DAVES: INT Yarmouth, Nova Scotia, 230°, Bangor, Maine, 152° radials.  
Delta, Utah  
Denver, Colo.  
Des Moines, Iowa  
Dickinson, N. Dak.  
Dove Creek, Colo.  
Dubois, Idaho  
Duluth, Minn.

Dunkirk, N. Y.  
Dupree, S. Dak.  
El Paso, Tex.  
Evansville, Ind.  
Falmouth, Ky.  
Fargo, N. Dak.  
Farmington, Mo.  
Farmington, N. Mex.  
Fayetteville, Ark.  
Fort Stockton, Tex.  
Flat Rock, Va.

Flint, Mich.  
Florence, S. C.  
Fresno, Calif.  
Front Royal, Va.  
Garden City, Kans.  
Gila Bend, Ariz.  
Goodland, Kansas  
Gordonsville, Va.  
Grand Junction, Colo.  
Great Falls, Mont.  
Green Bay, Wis.  
Greensboro, N. C.  
Greenwood, Miss.  
Hancock, N. Y.  
Harrisburg, Pa.  
Hector, Calif.  
Hill City, Kans.  
Hobby, Tex.  
Indianapolis, Ind.  
Iowa City, Iowa  
Jackson, Miss.  
Jacksonville, Fla.  
Jamestown, N. Y.  
Joliet, Ill.

KANNA: Lat. 26°00'00" N., Long. 96°35'26" W. (INT Hobby, Tex., 198° radial, Houston Oceanic CTA/FIR boundary).  
Kansas City, Mo.

Keating, Pa.  
Kennedy, N. Y.  
Key West, Fla.  
Kimberly, Oreg.  
Knoxville, Tenn.  
Lake Charles, La.  
Lakeview, Oreg.  
Laredo, Tex.  
Las Vegas, N. Mex.  
Lewistown, Mont.  
Lincoln, Nebr.  
Little Rock, Ark.  
Los Angeles, Calif.  
Louisville, Ky.  
Lufkin, Tex.  
Malad City, Idaho  
Mason City, Iowa  
Massena, N. Y.  
Meeker, Colo.  
McCall, Idaho  
McComb, Miss.  
Medford, Oreg.  
Memphis, Tenn.  
Meridian, Miss.  
Miami, Fla.  
Milford, Utah  
Millinocket, Maine  
Millsap, Tex.  
Milwaukee, Wis.  
Minneapolis, Minn.  
Mission Bay, Calif.  
Mobile, Ala.

AMENDMENTS 2/24/77 42 F. R. 55863 (Added)



Montgomery, Ala.  
 Mullan Pass, Idaho  
 Nantucket, Mass.  
 Nashville, Tenn.  
 New Orleans, La.  
 Nodine, Minn.  
 Norfolk, Va.  
 Northbrook, Ill.  
 Oakland, Calif.  
 Oklahoma City, Okla.  
 O'Neill, Nebr.  
 Orlando, Fla.  
 Ormond Beach, Fla.  
 Palmdale, Calif.  
 Parker, Calif.  
 Pawnee City, Nebr.  
 Peach Springs, Ariz.  
**Peck, Mich.**  
 Pembina, N. Dak.  
 Pendleton, Oreg.  
 Philipsburg, Pa.  
 Phoenix, Ariz.  
 Plattsburgh, N. Y.  
 Presque Isle, Maine  
 Pueblo, Colo.  
 Pulaski, Va.  
 Pullman, Mich.  
 Putnam, Conn.  
 Raleigh-Durham, N. C.  
 Rapid City, S. Dak.  
 Red Bluff, Calif.  
 Reno, Nev.  
 Richmond, Va.  
 Robbinsville, N. J.  
 Rock Springs, Wyo.  
 Rome, Oreg.  
 Roswell, N. Mex.  
 Rosewood, Ohio  
 Sacramento, Calif.  
 St. Louis, Mo.  
 St. Petersburg, Fla.  
 Salem, Mich.  
 Salina, Kans.  
 Salt Lake City, Utah  
 San Antonio, Tex.  
 San Juan, P. R. RBN  
 San Simon, Ariz.  
 Sault Ste. Marie, Mich.  
 Savannah, Ga.  
 Scottsbluff, Nebr.  
 Seattle, Wash.  
 Shreveport, La.  
 Sidney, Nebr.  
 Sioux Falls, S. Dak.  
**South Bend, Ind.**  
**Sparta, N. J.**  
 Spartanburg, S. C.  
 Spokane, Wash.  
 Springfield, Mo.  
 Stockton, Calif.  
 Syracuse, N. Y.  
 Tallahassee, Fla.  
 Taylor, Fla.  
 Texarkana, Ark.  
 Tuba City, Ariz.  
 Tucson, Ariz.  
 Tulsa, Okla.  
 Vero Beach, Fla.  
 Waco, Tex.  
 Walnut Ridge, Ark.  
 Westminster, Md.  
 Whitehall, Mont.  
 Wichita, Kans.  
 Wilmington, N. C.  
 Wilson Creek, Nev.  
 Wink, Tex.  
 Wolbach, Nebr.  
 Yuma, Ariz.

# § 71.209 Other domestic reporting points.

The reporting points listed below are designated at all altitudes.

ABACO: Lat. 27°00'00" N., Long. 77°34'10" W. (INT of a direct line between Carolina Beach, N. C., RBN and Nassau, Bahamas, RBN, with the 050° bearing from Bimini, Bahamas, RBN.)

ALASK: Lat. 16°49'30" N., Long. 66°32'27" W. (INT Ponce, P. R., 181°, St. Croix, V. I., 243° radials).

ALLBA: Lat. 27°32'05" N., Long. 95°08'52" W. (INT Galveston, Tex., NDB 191°, Corpus Christi, Tex., NDB 097° bearings).

BACUS: Lat. 34°26'41" N., Long. 73°50'36" W. (INT Weeksville, N. C., NDB 133° bearing and New York Oceanic CTA/FIR boundary).

Bimini, Bahamas, RBN.

BOGGY: Lat. 28°15'00" N., Long. 91°27'47" W. (INT New Orleans, La., NDB 208° Galveston, Tex., NDB 110° bearings).

BRIMS: Lat. 28°15'00" N., Long. 91°12'34" W. (INT Grand Isle, La., NDB 227°, Galveston, Tex., NDB 108° bearings).

CARPS: Lat. 30°24'07" N., Long. 77°44'00" W. (INT of a direct line between Carolina Beach, N. C., RBN and Nassau, Bahamas, RBN, with the 090° bearing from Dinsmore, Fla., RBN, and with the Jacksonville, Fla., VORTAC 090° radial.)

CATFI: Lat. 28°15'00" N., Long. 90°57'52" W. (INT Grand Isle, La., NDB 220°, Galveston, Tex., NDB 107° bearings).

CODDS: Lat. 41°16'36" N., Long. 68°00'00" W. (a. INT Nantucket, Mass., NDB 089° bearing and New York Oceanic CTA/FIR Boundary. b. INT Nantucket, Mass., 089° radial and New York Oceanic CTA/FIR boundary. c. Nantucket, Mass., 089° radial, 92 NM from Nantucket).

COVIA: Lat. 27°56'10" N., Long. 84°44'10" W. (INT Sarasota, Fla., 286°, Tallahassee, Fla., 187° radials).

CRABI: Lat. 28°01'14" N., Long. 84°43'24" W. (INT Wakulla, Fla., NDB, 188°, Egmont Key, Fla., NDB 284° bearings).

CROAK: Lat. 36°57'18" N., Long. 73°00'00" W. (a. INT Weeksville, N. C., NDB 073° bearing and New York Oceanic CTA/FIR boundary. b. INT Norfolk, Va., 088° radial, Sea Isle, N. J., 146° radials. c. Norfolk, Va., 088° radial, 154 NM from Norfolk).

DAKES: Lat. 17°03'00" N., Long. 67°00'00" W. (Ponce, Puerto Rico 206°, St. Croix, V. I., 253° radials).

DOLPH: Lat. 28°15'00" N., Long. 90°01'09" W. (INT Grand Isle, La., NDB 177°, Galveston, Tex., NDB 103° bearings).

Dorado, Puerto Rico, NDB

EARNs: Lat. 28°15'00" N., Long. 93°44'55" W. (INT Galveston, Tex., NDB 140°, Grand Isle, La., NDB 255° bearings).

FLASH: Lat. 28°15'00" N., Long. 89°32'02" W. (INT Grand Isle, La., NDB 153°, Pickens, Fla., RBN 223° bearings).

FLORI: Lat. 16°53'47" N., Long. 65°25'56" W. (San Juan, P. R., NDB 149° and St. Croix, V. I., 220° radials).

GATES: Lat. 34°12'53" N., Long. 123°03'27" W. (INT San Luis Obispo, Calif., 242° radial and Oakland Oceanic

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HADDY: Lat. 39°50'00" N., Long. 69°15'39" W. (a. INT Nantucket, Mass., NDB rhumb line to Bermuda NDB and New York Oceanic CTA/FIR boundary. b. INT Nantucket, Mass., NDB 157° radial, New York Oceanic CTA/FIR boundary. c. Nantucket, Mass., 157° radial, 94 NM from Nantucket).

HEMLO: Lat. 43°18'08" N., Long. 126°40'46" W. (INT Newport, Oreg., 237° radial and Oakland Oceanic CTA/FIR boundary).

HERIN: Lat. 42°00'09" N., Long. 67°47'30" W. (INT Nantucket, Mass., 066° radial, Long. 67°47'30" W.).

HOBEE: Lat. 29°13'10" N., Long. 79°09'38" W. (INT of the 192° bearing from Carolina Beach, N. C., RBN and the Orlando, Fla., VORTAC 070° radials).

IDAHO: Lat. 19°11'09" N., Long. 67°35'45" W. (INT Ramey, P. R. 326°, San Juan, P. R., 296° radials).

OHIOS: Lat. 19°53'34" N., Long. 66°46'07" W. (INT Ramey, P. R. 013°, San Juan, P. R., 333° radials).

PERCH: Lat. 33°52'03" N., Long. 119°09'24" W. (INT Los Angeles, Calif., 264°, Ventura, Calif., 200° radials).

Ramey, P. R.

St. Croix, Virgin Islands

San Juan, P. R.

SEDAR: Lat. 45°30'28" N., Long. 126°42'59" W. (INT Hoquiam, Wash., 232° radial and Oakland Oceanic CTA/FIR boundary).

SHADS: Lat. 37°42'05" N., Long. 73°00'00" W. (a. INT Rainbow, N. J., NDB 135° bearing, New York Oceanic CTA/FIR boundary. b. INT Sea Isle, N. J., 134°, Norfolk, Va., 071° radials. c. Sea Isle, N. J., 134° radial, 118 NM from Sea Isle).

SMELT: Lat. 31°58'38" N., Long. 77°00'00" W. (INT Ashley, S. C. NDB 110° bearing, Long. 77°00'00" W.).

SQUID: Lat. 30°24'40" N., Long. 78°03'42" W. (INT of the 191° bearing from Croaton, N. C., RBN, the 090° bearing from Dinsmore, Fla., RBN, and the Jacksonville, Fla., VORTAC 090° radial.)

TADPO: Lat. 24°00'00" N., Long. 81°13'02" W. (INT Marathon, Fla., NDB 189° bearing, Lat. 24°00'00" N.).

TROUT: Lat. 30°22'35" N., Long. 77°00'00" W. (INT Dinsmore, Fla., NDB 090° bearing, Long. 77°00'00" W.).

TUNNA: Lat. 38°55'26" N., Long. 72°06'57" W. (a. INT Newark, N. J., NDB 137° bearing, New York Oceanic CTA/FIR boundary. b. Kennedy, N. Y., 143° radial, 128 NM from Kennedy).

UTAH: Lat. 19°34'40" N., Long. 67°13'42" W. (INT San Juan, P. R., 314°, Ramey, P. R., 354° radials).

VERMO: Lat. 20°04'09" N., Long. 66°15'42" W. (INT Ramey, P. R., 027°, San Juan, P. R., 351° radials).

VIPER: Lat. 28°14'17" N., Long. 88°53'08" W. (INT Grand Isle, La., NDB 132°, Pickens, Fla., NDB 215° radials).

§ 71.211 Alaskan low altitude reporting points.

The reporting points listed below are designated up to but not including 18,000 feet MSL.

Adak, Alaska, NDB  
Anchorage, Alaska  
Aniak, Alaska, NDB  
Annette Island, Alaska  
Barrow, Alaska  
Barter Island, NDB  
Bear Creek, Alaska, NDB  
Bethel, Alaska  
Bettles, Alaska  
Big Delta, Alaska  
Big Lake, Alaska  
Biorka Island, Alaska  
Bishop, NDB  
Cape Newenham, Alaska, NDB  
Cape Sarichef, Alaska, NDB  
CARTS: Lat. 55°41'49" N., Long. 136°34'31" W. (INT Sandspit, British Columbia, Canada, NDB 314°, Sitka, Alaska, NDB 207° bearings).  
Chandalar, Alaska, NDB  
Chena, Alaska, NDB  
CLAMS: Lat. 59°53'27" N., Long. 152°16'23" W. (INT Homer, Alaska, 294°, Kenai, Alaska, 217° radials).  
Coghlan Island, Alaska, NDB  
Cold Bay, Alaska  
Cold Bay LOM  
CORVA: Lat. 60°15'32" N., Long. 145°09'28" W. (INT Hinchinbrook, Alaska, NDB 106°, Cordova, Alaska, NDB 151° bearings).  
CRACK: Lat. 57°21'23" N., Long. 159°23'14" W. (INT King Salmon, Alaska, LOM 226°, Port Heiden, Alaska, NDB 314° bearings).  
Deadhorse, Alaska  
Delta Junction, Alaska, NDB  
Dillingham, Alaska  
Dutch Harbor, Alaska, NDB  
Elephant, NDB  
Evansville, NDB  
Fairbanks, Alaska  
Farewell, Alaska, NDB  
FLUKE: Lat. 60°05'48" N., Long. 163°57'49" W. (INT Oscarville, Alaska, NDB 237°, Cape Newenham, Alaska, NDB 327° bearings).  
Fort Davis, Alaska, NDB  
Fort Yukon, Alaska  
FRIED: Lat. 54°14'23" N., Long. 133°39'49" W. (INT Annette Island, Alaska, 237°, Sandspit, British Columbia, Canada, 313° radials).  
Galena, Alaska  
GARRS: Lat. 58°19'09" N., Long. 161°20'25" W. (INT King Salmon, Alaska, LOM 262°, Cape Newenham, Alaska, NDB 131° bearings).  
Glenallen, Alaska, NDB  
Gulkana, Alaska  
Haines, Alaska, NDB  
HAPIT: Lat. 58°11'59" N., Long. 137°31'05" W. (INT Ocean Cape, Alaska, NDB 139°, Cape Spencer, Alaska, NDB 273° bearings).  
HAZZY: Lat. 56°19'14" N., Long. 134°17'19" W. (INT Sitka, Alaska, NDB 127° and Petersburg, Alaska, NDB 238° bearings).  
AMENDMENTS 12/30/76 42 F. R. 49090 (Changed)

AMENDMENTS 12/1/77 42 F. R. 54796 (Added)

AMENDMENTS 12/1/77 42 F. R. 53598 (Changed)



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HERRY: Lat. 57°50'30" N., Long. 160°20'27" W. (INT King Salmon, Alaska, LOM 246°, Cape Newenham, Alaska, NDB 131° bearings).  
Hinchinbrook, Alaska, NDB  
Homer, Alaska  
Hotham, NDB  
Iliamna, Alaska, NDB  
Johnstone Point, Alaska  
Julius, Alaska, NDB  
Kachemak, Alaska, NDB  
Kenai, Alaska  
King Salmon, Alaska  
King Salmon LOM  
Kodiak, Alaska  
Kotzebue, Alaska  
Level Island, Alaska  
MARLO: Lat. 57°27'53" N., Long. 150°31'44" W. (INT Kodiak, Alaska, 107° radial and Anchorage CTA/FIR boundary).  
McGrath, Alaska  
Middleton Island, Alaska  
MOCHA: Lat. 54°30'13"N., long. 133°01'40"W. (INT Annette Island, Alaska, 237°, Sandspit, British Columbia, Canada, 331° radials).  
AMENDMENTS 12/1/77 42 F. R. 53598 (Changed)  
MORDI: Lat. 54°52'29" N., Long. 165°03'54" W. (INT Cold Bay, Alaska, LOM 253°, Cape Sarichef, Alaska, NDB 344° bearings).  
Moses Point, Alaska  
Nabesna, Alaska, NDB  
Nenana, Alaska  
Nichols, Alaska, NDB  
Nome, Alaska  
North River, Alaska, NDB  
Northway, Alaska  
Norton Bay, Alaska, NDB  
Ocean Cape, Alaska, NDB  
Oliktok, Alaska, NDB  
Oscarville, Alaska, NDB  
Petersburg, Alaska, NDB  
Peters Creek, NDB  
Puntilla Lake, Alaska, NDB  
Put River, Alaska, NDB  
St. Marys, Alaska, NDB  
Shemya, Alaska, NDB  
SHRIM: Lat. 56°40'57" N., Long. 138°45'53" W. (INT Wessels, Alaska, NDB 122°, Cape Spencer, Alaska, NDB 218° bearings).  
Sisters Island, Alaska  
Sitka, Alaska, NDB  
SKILA: Lat. 60°29'31" N., Long. 150°38'18" W. (INT Anchorage, Alaska, 198°, Homer, Alaska, 027° radials).  
Skwentna, Alaska, NDB  
SNOUT: Lat. 57°53'28" N., Long. 141°45'13" W. (INT Wessels, Alaska, NDB 122°, Ocean Cape, Alaska, NDB 213° bearings).  
SOLID: Lat. 58°41'13" N., Long. 148°14'03" W. (INT Kachemak, Alaska, NDB 118° bearing and Anchorage CTA/FIR boundary).  
Starrevohn, Alaska, NDB  
Summit, Alaska, NDB  
Takotna River, Alaska, NDB  
Tanana, Alaska  
TUCKS: Lat. 60°13'43" N., Long. 152°28'08" W. (INT Kenai, Alaska, 239°, Homer, Alaska, 316° radials).  
Umiat NDB  
Unalakleet, Alaska  
Wessels, Alaska, NDB  
WIDTH: Lat. 57°21'18" N., Long. 155°59'40" W. (INT King Salmon, Alaska, LOM 163°, Port Heiden, Alaska, NDB 074° bearings).  
Wildwood, Alaska, NDB  
Woody Island, Alaska, NDB  
Yakutat, Alaska  
Yukon River, NDB  
ZANDA: Lat. 56°09'10" N., Long. 134°44'52" W. (INT Sitka, Alaska, NDB 148° and Petersburg, Alaska, NDB 238° bearings).  
AMENDMENTS 12/30/76 42 F. R. 49090 (Changed)

AMENDMENTS 10/6/77 42 F. R. 40691 (Added)

§ 71.213 Alaskan high altitude reporting points.  
The reporting points listed below are designated at 18,000 feet MSL to Flight Level 450.

Adak, Alaska, NDB  
Anchorage, Alaska  
Annette Island, Alaska  
Barrow, Alaska  
Barter Island, NDB  
Bethel, Alaska  
Bettles, Alaska  
Big Delta  
Big Lake, Alaska  
Biorka Island, Alaska  
Browerville, Alaska, NDB  
Cape Newenham, Alaska, NDB  
CARTS: Lat. 55°41'49" N., Long. 136°34'31" W. (INT Sandspit, British Columbia, Canada, NDB-314° bearing, Biorka Island, Alaska, 207° radial).  
Cold Bay, Alaska  
Deadhorse, Alaska  
Dillingham, Alaska  
Dutch Harbor, Alaska, NDB  
Fairbanks, Alaska  
FLUKE: Lat. 60°05'48" N., Long. 163°57'49" W. (INT Oscarville, Alaska, NDB 237°, Cape Newenham, Alaska, NDB 327° bearings).  
FRIED: Lat. 54°14'23"N., long. 133°39'49"W. (INT Annette Island, Alaska, 237°, Sandspit, British Columbia, Canada, 313° radials).  
AMENDMENTS 12/1/77 42 F. R. 53598 (Added)  
Fort Yukon, Alaska  
Galena, Alaska  
GARRS: Lat. 58°19'09" N., Long. 161°20'25" W. (INT King Salmon, Alaska, LOM 262°, Cape Newenham, Alaska, NDB 131° bearings).  
Gulkana, Alaska.  
HERRY: Lat. 57°50'30" N., Long. 160°20'27" W. (INT King Salmon, Alaska, LOM 246°, Cape Newenham, Alaska, NDB 131° bearings).  
JIMMY: Lat. 57°20'30"N., Long. 159°21'31"W. (INT King Salmon, Alaska, 226° radial, Port Heiden, Alaska, NDB 314° bearing).  
Johnstone Point, Alaska  
KILIA: Lat. 58°44'58" N., Long. 140°35'39" W. (INT Yakutat, Alaska, 213° radial, Hinchinbrook, Alaska, NDB 118° bearing).  
King Salmon, Alaska.  
Kodiak, Alaska  
Kotzebue, Alaska  
MARLO: Lat. 57°27'53" N., Long. 150°31'44" W. (INT Kodiak, Alaska, 107° radial and Anchorage CTA/FIR boundary).  
McGrath, Alaska  
Middleton Island, Alaska  
MOCHA: Lat. 54°30'13"N., long. 133°01'40"W. (INT Annette Island, Alaska, 237°, Sandspit, British Columbia, Canada, 331° radials).  
AMENDMENTS 12/1/77 42 F. R. 53598 (Added)Corr: 42 F. R. 55036  
Nenana, Alaska  
Nome, Alaska  
Northway, Alaska  
Ocean Cape, Alaska, NDB  
Prudhoe Bay, Alaska, NDB  
Put River, Alaska, NDB  
Saint Paul, Alaska, NDB  
Sisters Island, Alaska  
SNOUT: Lat. 57°53'28" N., Long. 141°45'13" W. (a. INT Wessels, Alaska, NDB 122° bearing, Yakutat, Alaska, 215° radial, b. INT Middleton Island, Alaska, 121°, Yakutat, Alaska, 215° radials. c. INT Middleton Island, Alaska, 121° radial, 171 NM from Middleton Island).  
Unalakleet, Alaska  
Yakutat, Alaska.

AMENDMENTS 12/1/77 42 F. R. 54796 (Added)

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§ 71.215 Hawaiian reporting points.

The reporting points listed below are designated at all altitudes.

BATES: Lat. 20°00'42" N., Long. 153°33'16" W. (Hilo, Hawaii, 078° radial, Honolulu CTA/FIR boundary).

BROMS: Lat. 21°19'11" N., Long. 158°31'06" W. (INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 130° radials).

CODDY: Lat. 21°26'16" N., Long. 155°08'30" W. (INT Hilo, Hawaii, 356° radial and Honolulu CTA/FIR boundary).

CUTLE: Lat. 20°04'48" N., Long. 153°37'46" W. (INT Upolu Point, Hawaii, 093° radial and Honolulu CTA/FIR boundary).

DOGGY: Lat. 21°55'23" N., Long. 161°19'26" W. (INT South Kauai, Hawaii, 271° radial and Honolulu CTA/FIR boundary).

EELIC: Lat. 19°27'35" N., Long. 153°18'21" W. (INT Hilo, Hawaii, 099° radial and Honolulu CTA/FIR boundary).

FISHE: Lat. 21°46'50" N., Long. 155°32'18" W. (INT Molokai, Hawaii, 067°, Upolu Point, Hawaii, 010° radials).

Hilo, Hawaii

Honolulu, Hawaii

Lanai, Hawaii

Lihue, Hawaii

LOBBS: Lat. 21°00'34" N., Long. 154°39'36" W. (INT Maui, Hawaii, 086° radial and Honolulu CTA/FIR boundary).

LULUS: Lat. 19°43'21" N., Long. 158°00'10" W. (INT Honolulu, Hawaii, 179°, Lanai, Hawaii, 223° radials).

MAKAI: Lat. 21°01'34" N., Long. 158°01'36" W. (INT Honolulu, Hawaii, 179°, Molokai, Hawaii, 262° radials).

Maui, Hawaii

Molokai, Hawaii

PALMS: Lat. 21°05'15" N., Long. 157°34'28" W. (INT Honolulu, Hawaii, 119° and Molokai, Hawaii, 262° radials).

PARIS: Lat. 20°10'18" N., Long. 155°13'29" W. (INT Hilo, Hawaii, 336°, Upolu Point, Hawaii, 093° radials).

POTEN: Lat. 20°47'03" N., Long. 159°28'01" W. (INT Koko Head, Hawaii, 254°, Lihue, Hawaii, 186° radials).

RISES: Lat. 22°05'56" N., Long. 155°46'09" W. (INT Koko Head, Hawaii, 065°, Upolu Point, Hawaii, 002° radials).

SHARK: Lat. 22°31'06" N., Long. 156°05'33" W. (INT Koko Head, Hawaii, 050°, Upolu Point, Hawaii, 355° radials).

SILLS: Lat. 21°17'49" N., Long. 159°31'53" W. (INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 195° radials).

South Kauai, Hawaii

TOADS: Lat. 22°46'14" N., Long. 156°41'58" W. (INT Molokai, Hawaii, 015° radial and Honolulu CTA/FIR boundary).

Upolu, Hawaii

VANDA: Lat. 22°24'00" N., Long. 161°15'00" W. (INT South Kauai, Hawaii, 288° radial, Long. 161°15'00" W.).

Subpart J - Area Low Routes

§71.301 Designation.

The parts of airspace described below are designated as area low routes.

SUBPART K - TERMINAL CONTROL AREAS

§71.401 Designation.

The parts of the airspace described below are designated as terminal control areas. The primary airport or airports for each terminal control area are also designated. Except as otherwise specified, all mileages are nautical miles.

(a) Group I, Terminal Control Areas:

Atlanta, Ga., Terminal Control Area

Primary Airport  
Atlanta Airport (lat. 33°38'31"N., long. 84°25'34"W.).

Boundaries.

Area A. That airspace extending upward from the surface to and including 12,500 feet MSL, bounded on the east and west by a seven-mile radius of the Atlanta VORTAC, on the south by a line four miles south of and parallel to the Runway 09R/27L localizer courses, and on the north by a line four miles north of and parallel to the Runway 08/26 localizer courses; excluding the Charlie Brown County Control Zone.

Area B. That airspace extending upward from 2,500 feet MSL to and including 12,500 feet MSL, bounded on the east and west by a 12-mile radius of the Atlanta VORTAC, on the south by a line four miles south of and parallel to the Runway 09R/27L localizer courses, and on the north by a line four miles north of and parallel to the Runway 08/26 localizer courses; excluding the Charlie Brown County Control Zone and that airspace contained in Area A.

Area C. That airspace extending upward from 3,500 feet MSL to and including 12,500 feet MSL, bounded on the east and west by a 20-mile radius of the Atlanta VORTAC, on the south by a line eight miles south of and parallel to the Runway 09R/27L localizer courses, and on the north by a line eight miles north of and parallel to the Runway 08/26 localizer courses; excluding that airspace contained in Areas A and B.

Area D. That airspace extending upward from 6,000 feet MSL to and including 12,500 feet MSL within a 25-mile radius of the Atlanta VORTAC; excluding that airspace clockwise between the Atlanta VORTAC 138° and 218° radials south of a line 12 miles south of and parallel to the Runway 09R/27L localizer courses, that airspace clockwise between the Atlanta VORTAC 323° and 031° radials north of a line 12 miles north of and parallel to the Runway 08/26 localizer courses; and that airspace contained in Areas A, B, and C.

Area E. That airspace extending upward from 8,000 feet MSL to and including 12,500 feet MSL within a 29-mile radius of the Atlanta VORTAC; excluding that airspace contained within Areas A, B, C, and D.

Area F. That airspace extending upward from 10,000 feet MSL to and including 12,500 feet MSL within a 35-mile radius of the Atlanta VORTAC; excluding that airspace contained in Areas A, B, C, D, and E.

AMENDMENTS 12/30/76 41 F. R. 56789 (Changed)  
AMENDMENTS 4/21/77 42 F. R. 14861 (Changed)  
AMENDMENTS 10/6/77 42 F. R. 41112 (Rewritten)

Corr: 42 F. R. 43971

Boston, Mass., Terminal Control Area

Primary Airport  
Logan International Airport (lat. 42°21'47" N., long. 71°00'19" W.); Boston VORTAC (lat. 42°21'28" N., long. 70°59'38" W.).

Boundaries

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within an 8-mile radius of the Boston VORTAC.

Area B. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL within a 10.5-mile radius of the Boston VORTAC, excluding Area A.

Area C. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius of the Boston VORTAC, excluding Areas A and B previously described and that airspace within and underlying Area D described hereinafter.

Area D. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 15- and 20-mile radii of the Boston VORTAC extending from the Boston VORTAC 230° radial clockwise to the Boston VORTAC 005° radial.

Chicago, Ill., Terminal Control Area

Area D. That airspace extending from 4,000 feet m.s.l. to and including 8,000 feet m.s.l. beginning at



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## Chicago, Ill., Terminal Control Area

## Primary Airport

Chicago-O'Hare International Airport (lat. 41°58'57" N., long. 87°54'25" W.).  
Chicago-O'Hare VORTAC (lat. 41°59'16" N., long. 87°54'17" W.).

## Boundaries

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within the Chicago, Ill. (O'Hare International Airport), control zone and including that airspace within 2 statute miles northwest of the centerline extended of Runway 4L, and 2 statute miles southeast of the centerline extended of Runway 4R, extending from the 5-statute mile radius control zone to 2 statute miles southwest of the Pine Outer Marker.

Area B. That airspace extending upward from 1,900 feet MSL to and including 7,000 feet MSL within a 10.5-mile radius of Chicago O'Hare VORTAC, excluding Area A previously described and that area bounded on the south-east by a line 2 miles northwest and parallel to the centerline extended of Runway 22R, on the south and south-west by the southwest boundary of Glenview, Ill., control zone, on the north by a 10.5-mile radius arc of the Chicago-O'Hare VORTAC, and excluding Area E described hereinafter.

Area C. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 25-mile radius of Chicago-O'Hare VORTAC, excluding Areas A and B, previously described, Area E and the airspace within and underlying Area D described hereinafter, and excluding those areas between the 20 and 25-mile radii of Chicago-O'Hare VORTAC from a line 7 miles southwest of and parallel to the extended centerline of Runway 32L, clockwise to a line 7 miles southeast of and parallel to the extended centerline of Runway 4R and from a line 7 miles northwest of and parallel to the extended centerline of Runway 4L, clockwise to a line beginning at a point 7 miles southwest of the Runway 14R extended centerline on the 20-mile radius arc of the Chicago-O'Hare VORTAC, extending to a point 6 miles south-west of the Runway 14R extended centerline of the 25-mile radius of the Chicago-O'Hare VORTAC.

Area D. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL north of Chicago bounded on the west by the Chicago-O'Hare VORTAC 322° radial on the south by the Northbrook VORTAC 270° and 095° radials, on the east by the Chicago-O'Hare VORTAC 019° radial and on the north by a 25-mile radius arc of the Chicago-O'Hare VORTAC and an area southwest of Chicago bounded on the northwest by a line 2 miles south-east of and parallel to the extended centerline of Runway 4L, on the southwest by a 25-mile radius arc of Chicago-O'Hare VORTAC, on the southeast by a line 7 miles southeast of and parallel to the extended centerline of Runway 4R, on the northeast by a 20-mile radius arc of Chicago-O'Hare VORTAC and that portion of a 1.5-mile radius arc of Clow Airport which is north of a 20-mile radius arc of Chicago-O'Hare VORTAC.

Area E. That airspace northeast of Chicago extending upward from 2,500 feet MSL to and including 7,000 feet MSL bounded on the northeast by a 10.5-mile radius arc of Chicago-O'Hare VORTAC, on the south by the extended centerline of Runway 9/27 at NAS Glenview and on the northwest by a line 2 miles northwest of and parallel to the extended centerline of Runway 22R at Chicago-O'Hare International Airport.

## Dallas-Fort Worth, Tex., Terminal Control Area

## Primary Airport

Dallas-Fort Worth Airport (lat. 32°53'53" N., long. 97°02'24" W.).

## Boundaries

Area A. That airspace extending from the surface to and including 8,000 feet m.s.l. beginning at latitude 33°00'30" N., longitude 96°59'30" W., thence counterclockwise along a 7-nmi arc of the Dallas-Fort Worth Airport to latitude 32°58'30" N., longitude 97°08'45" W., to latitude 32°55'30" N., longitude 97°05'30" W., to latitude 32°47'30" N., longitude 97°05'30" W., thence counterclockwise along a 7-nmi arc of the Dallas-Fort Worth Airport to latitude 32°51'45" N., longitude 96°54'30" W., to latitude 32°56'00" N., longitude 96°59'30" W., to point of beginning.

Area B. That airspace extending from 2,000 feet m.s.l. to and including 8,000 feet m.s.l., beginning at latitude 33°00'30" N., longitude 96°59'30" W., to latitude 33°02'45" N., longitude 96°59'30" W., thence counterclockwise along a 9-nmi arc of the Dallas-Fort Worth Airport to latitude 33°00'00" N., longitude 97°10'15" W., to latitude 32°58'30" N., longitude 97°08'45" W., thence clockwise along a 7-nmi arc of the Dallas-Fort Worth Airport to the point of beginning; and that airspace beginning at latitude 32°51'45" N., longitude 96°54'30" W., to latitude 32°50'10" N., longitude 96°52'30" W., thence clockwise along a 9-nmi arc of the Dallas-Fort Worth Airport to latitude 32°45'15" N., longitude 97°05'30" W., to latitude 32°47'30" N., longitude 97°05'30" W., thence counterclockwise along a 7-nmi arc of the Dallas-Fort Worth Airport to the point of beginning.

Area C. That airspace extending from 3,000 feet m.s.l. to and including 8,000 feet m.s.l., beginning at latitude 32°51'45" N., longitude 96°54'30" W., to latitude 33°07'15" N., longitude 96°54'30" W., thence counterclockwise along a 15-nmi arc of the Dallas-Fort Worth Airport to latitude 33°06'45" N., longitude 97°11'30" W., to latitude 32°41'00" N., longitude 97°11'30" W., thence counterclockwise along a 15-nmi arc of the Dallas-Fort Worth Airport to latitude 32°45'45" N., longitude 96°47'30" W., thence direct to point of beginning, excluding Areas A and B.

The Dallas-Fort Worth TCA continued on the next page.

Area D. That airspace extending from 4,000 feet m.s.l. to and including 8,000 feet m.s.l. beginning at latitude 32°45'45" N., longitude 96°47'30" W., thence clockwise along a 15-nmi arc of the Dallas-Fort Worth Airport to latitude 32°41'00" N., longitude 97°11'30" W., to latitude 32°35'20" N., longitude 97°11'30" W., thence counterclockwise along a 20-nmi arc of the Dallas-Fort Worth Airport to latitude 32°42'00" N., longitude 96°43'10" W., to the point of beginning; and that airspace beginning at latitude 33°07'15" N., longitude 96°54'30" W., to latitude 33°12'00" N., longitude 96°54'30" W., to latitude 33°11'30" N., longitude 97°11'30" W., to latitude 33°06'45" N., longitude 97°11'30" W., thence clockwise along a 15-nmi arc of the Dallas-Fort Worth Airport to the point of beginning.

Area E. That airspace extending from 5,000 feet m.s.l. to and including 8,000 feet m.s.l., beginning at latitude 33°12'00" N., longitude 96°52'10" W., thence clockwise via a 20-nmi arc of the Dallas-Fort Worth Airport to latitude 33°11'20" N., longitude 97°14'15" W., thence direct to point of beginning, excluding Areas A, B, C, and D.

## Los Angeles, Calif., Terminal Control Area

## Primary Airport

Los Angeles International Airport (lat. 33°56'25" N., long. 118°24'10" W.).

## Boundaries

That airspace up to and including 7,000 feet MSL.

Area A. That airspace extending upward from the surface to 2,500 feet MSL and from 5,000 feet MSL to and including 7,000 feet MSL bounded on the north by Bolona Creek, on the east by the San Diego Freeway, on the south by Imperial Boulevard, and on the west by the Pacific Ocean shoreline.

Area B. That airspace extending upward from the surface to and including 7,000 feet MSL east of Los Angeles Airport bounded on the east by the Los Angeles, Calif., VORTAC 10-mile radius arc, on the south by the Los Angeles VORTAC 091° radial, on the west by the San Diego Freeway and on the north by the Los Angeles VORTAC 061° radial; and that airspace west of Los Angeles Airport bounded on the east by the Pacific Ocean shoreline, on the southeast by the Los Angeles VORTAC 207° radial, on the west by the Los Angeles VORTAC 11-mile radius arc, and on the north by the Santa Monica VOR 270° radial and the Ventura, Calif., VORTAC 107° radial.

Area C. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL east of Los Angeles between the 10- and 15-mile radii of the Los Angeles VORTAC bounded on the north by the Los Angeles VORTAC 061° radial and on the south by the Santa Monica VOR 112° radial; and that airspace west of Los Angeles bounded on the east by the Los Angeles VORTAC 11-mile radius arc and the Los Angeles VORTAC 207° radial, and the south by the Seal Beach, Calif., VORTAC 266° radial, on the west by the Los Angeles VORTAC 20-mile radius arc, and on the north by the Santa Monica VOR 270° radial.

Area D. That airspace extending upward from 2,500 feet MSL to and including 7,000 feet MSL east and northeast of Los Angeles Airport bounded by a line beginning at the intersection of the Los Angeles VORTAC 061° radial and the San Diego Freeway, thence northwest along the San Diego Freeway to and northeast along the Los Angeles VORTAC 024° and the Santa Monica VOR 057° radials to and east along the Ontario, Calif., VORTAC 288° and the Pomona VORTAC 266° radials to and south along the Los Angeles VORTAC 20-mile radius arc to and west along the Ontario VORTAC 268° radial to and north along the Los Angeles VORTAC 15-mile radius arc to and southwest along the Los Angeles VORTAC 061° radial to the point of beginning.

Area E. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL east of Los Angeles bounded on the east by the Los Angeles VORTAC 25-mile radius arc, on the south by the Ontario VORTAC 268° radial, on the west by the Los Angeles VORTAC 20-mile radius arc, and on the north by the Pomona VORTAC 266° radial; that airspace bounded on the east by the Los Angeles VORTAC 180° radial, on the south by the Seal Beach VORTAC 266° radial, and on the northwest by the Los Angeles VORTAC 207° radial; and that airspace northwest of Los Angeles bounded on the northeast by the Los Angeles VORTAC 320° radial, on the south by the Santa Monica VOR 270° radial and the Ventura VORTAC 107° radial, on the west by the Los Angeles VORTAC 20-mile radius arc, and on the north by the Ventura VORTAC 090° radial.

Area F. That airspace extending upward from 5,000 feet MSL to and including 7,000 feet MSL north of Los Angeles bounded by a line beginning at the intersection of the Ventura VORTAC 090° radial and the Santa Monica VOR 057° radial, thence southwest along the Santa Monica VOR 057° radial to the Los Angeles VORTAC 024° radial, thence southwest along the Los Angeles VORTAC 024° radial to Bolona Creek, thence southwest along Bolona Creek to the Pacific Ocean shoreline, thence northwest along the Los Angeles VORTAC 320° radial to the Ventura 090° radial, thence east along the Ventura 090° radial to the point of beginning; and that airspace southeast of Los Angeles bounded on the southeast by the Los Angeles VORTAC 12-mile radius arc, on the south by the Seal Beach VORTAC 266° radial, on the west by the Los Angeles VORTAC 180° radial and on the north by Areas A, B, and C.

Area G. That airspace extending upward from 6,000 feet MSL to and including 7,000 feet MSL southeast of Los Angeles bounded on the southeast by the Los Angeles VORTAC 25-mile radius arc, on the southwest by the Seal Beach VORTAC 330°/150° radials, and on the north by the Ontario 268° radial.

Area C. That airspace extending upward from above 800 feet MSL to and including 7,000 feet MSL within a 6.5-



## Miami, Fla., Terminal Control Area

## Primary Airport

Miami International Airport (Lat. 25°47'34" N., Long. 80°17'10" W.).

## Boundaries

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within a 6-mile radius of the Miami International Airport, excluding that airspace that is both northeast of the Miami VORTAC (lat. 25°57'47" N., long. 80°27'39" W.) 130° radial and north of lat. 25°52'02" N., (northwest 103rd Street/49th Street in the City of Hialeah), and within and underlying Area F described hereinafter.

Area B. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within a 10-mile radius of Miami International Airport, excluding that airspace that is both northeast of the Miami VORTAC 130° radial and north of lat. 25°52'02" N., that airspace south of the Biscayne Bay VORTAC (lat. 25°40'17" N., long. 80°10'40" W.) 090° and 270° radials, Area A previously described, and within and underlying Areas C and F described hereinafter.

Area C. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL within an area bounded on the northeast by a 5-statute mile radius arc of the New Tamiami Airport (lat. 25°38'51" N., long. 80°25'59" W.), on the south by the Biscayne Bay VORTAC 270° radial, and on the southwest by a 10-mile radius arc of the Miami International Airport.

Area D. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius of Miami International Airport, excluding that airspace beyond a 15-mile radius of Miami International Airport extending clockwise from the Miami VORTAC 270° radial to the Miami VORTAC 090° radial, and extending clockwise from the Miami VORTAC 150° radial to the Biscayne Bay VORTAC 270° radial, Areas A, B, and C previously described, and within and underlying Areas F and G described hereinafter.

Area E. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 15-mile and 20-mile radii of the Miami International Airport extending clockwise from the Miami VORTAC 270° radial to the Biscayne Bay VORTAC 331° radial.

Area F. That airspace extending upward from but not including 1,000 feet MSL to and including 7,000 feet MSL bounded on the east by a 6-mile radius arc of the Miami International Airport, and on the west by the west shoreline of Biscayne Bay.

Area G. That airspace extending upward from 5,000 feet MSL to and including 7,000 feet MSL south of the Biscayne Bay VORTAC 270° radial, north and east of the 15-mile radius arc of the Miami International Airport and west of U. S. Route 1.

## New York, N. Y., Terminal Control Area

## Primary Airports

John F. Kennedy International Airport (lat. 40°38'25" N., long. 73°46'41" W.).

La Guardia Airport (lat. 40°46'36" N., long. 73°52'24" W.).

Newark International Airport (lat. 40°41'40" N., long. 74°10'02" W.).

## Boundaries

That airspace up to and including 7,000 feet MSL.

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within an 8-mile radius circle of Kennedy (JFK) VORTAC; within a 4-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W.; and within a 6-mile radius circle of La Guardia (LGA) VOR; excluding the airspace within and below Areas B, D and J hereinafter described and excluding that airspace east of La Guardia Airport bounded by a line beginning at the point of intersection of the LGA VOR 071° radial and the 6-mile arc of the LGA VOR, thence clockwise along the LGA VOR 6-mile arc to the LGA 093° radial, thence direct to the JFK VORTAC 349° radial 8.5 mile DME fix, direct to the JFK VORTAC 340° radial 9-mile DME fix, direct to the JFK VORTAC 341° radial 10-mile DME fix, thence direct to the point of beginning.

Area B. That airspace extending upward from above 500 feet MSL to and including 7,000 feet MSL within an 8-mile radius circle of JFK VORTAC south of a line beginning at the intersection of the JFK VORTAC 237° radial and the Atlantic Ocean shoreline, thence easterly along the shoreline to its intersection with the JFK VORTAC 125° radial 5-mile DME fix, thence northerly along the 5-mile DME arc to and easterly along the JFK VORTAC 094° radial to the 8-mile radius circle of JFK VORTAC; that airspace within a 6-mile radius circle of LGA VOR bounded by a line beginning at the intersection of the 6-mile radius circle and the LGA VOR 039° radial, thence southwesterly along the LGA VOR 039° radial to and southerly along the Bronx shoreline to the north stanchion of the Throggs Neck Bridge, thence direct to the intersection of the LGA VOR 071° radial and the 6-mile radius circle of LGA VOR, thence counterclockwise along the 6-mile radius circle to the point of beginning; and that airspace between the 4-mile and the 6.5-mile radii of a circle centered at Lat. 40°41'30" N., Long. 74°10'00" W.; excluding that airspace within and below Areas C, D and J hereinafter described.

The New York TCA is continued on the next page.

Area C. That airspace extending upward from above 800 feet MSL to and including 7,000 feet MSL within a 6.5-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., and bounded by a line beginning at the point where the 6.5-mile radius circle intersects U. S. Highway No. 1, thence northeast along U. S. Highway No. 1 to its point of intersection with a 4-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., at the Esso Research Center, thence direct to the public service powerplant, thence direct to the Staten Island Expressway at its point of intersection with the 4-mile radius circle, thence east via the Staten Island Expressway to Richmond Avenue, thence south along Richmond Avenue to the 6.5-mile radius circle, thence clockwise along the 6.5-mile radius circle to the point of beginning.

Area D. That airspace extending upward from above 1,100 feet MSL to and including 7,000 feet MSL within the 6-mile radius circle of LGA VOR west of the east bank of the Hudson River; that airspace between the east and west banks of the East River southwest of the north end of Roosevelt Island; and that airspace within the 6.5-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., east of the Colts Neck VORTAC 012° radial.

Area E. That airspace extending upward from 1,600 feet MSL to and including 7,000 feet MSL within the area bounded by a line beginning at the intersection of the 20-mile radius circle of JFK VORTAC and the JFK VORTAC 203° radial, thence counterclockwise along the 20-mile arc to its intersection with the Long Island shoreline, thence southwest along the Long Island shoreline to and counterclockwise along the 13-mile radius circle of JFK VORTAC to and counterclockwise along the 11-mile radius circle of LGA VOR to the LGA VOR 351° radial, thence direct to the LGA VOR 283° radial at the LGA VOR 17-mile DME fix, thence counterclockwise along a 10-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., to its intersection with the Colts Neck VORTAC 005° radial, thence direct to the intersection of the Colts Neck VORTAC 034° radial and the New Jersey shoreline at Sandy Hook, thence south along the New Jersey shoreline to the point of beginning; and that airspace within 2 miles each side of the Newark ILS Runway 4L localizer course, extending from the Chelsea outer marker to 6 miles southwest of the outer marker, excluding that airspace within and below Areas A, B, C, and D previously described; and excluding the airspace within and below Areas F and J hereinafter described.

Area F. That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the intersection of the LGA VOR 337° radial and the Erie Lackawanna Railroad tracks, thence south along the railroad tracks to the east branch of the Hackensack River, thence south and west along the river to the LGA VOR 299° radial, thence direct to the intersection of the six-mile radius circle of LGA VOR and the LGA VOR 264° radial, thence south along the west bank of the Hudson River to its intersection with, then counterclockwise along the 6.5-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., to and southwest along the New Jersey Highway Route No. 22 to and clockwise along a 10-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., to LGA VOR 283° radial, thence direct to the point of beginning.

Area G. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., within a 20-mile radius circle of JFK VORTAC; and within a 20-mile radius circle of LGA VOR, excluding the airspace within and below Areas A, B, C, D, E, and F previously described and excluding the airspace within and below Areas H and J hereinafter described.

Area H. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 13- and 20-mile radii circles of JFK VORTAC bounded on the north by the JFK VORTAC 050° radial and on the south by the Long Island shoreline, excluding that airspace north of Hempstead Turnpike and west of the Seaford-Oyster Bay Expressway.

Area J. That airspace extending upward from above 1,200 feet MSL to and including 7,000 feet MSL within a 6.5-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., and bounded by a line beginning at the intersection of the 6.5-mile radius circle and the tracks of the Central Railroad of New Jersey, thence eastward along the railroad tracks to their point of intersection with the 4-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., thence counterclockwise along the 4-mile radius circle to U. S. Highway No. 1 thence southwest along U. S. Highway No. 1 to the 6.5-mile radius circle, thence clockwise along the 6.5-mile radius circle to the point of beginning; and that airspace beginning at the north stanchion of the Throggs Neck Bridge, thence westerly to the Kennedy VORTAC 341° radial 10-mile DME fix, thence southerly to the Kennedy VORTAC 340° radial 9-mile DME fix, thence easterly to the JFK VORTAC 349° radial 8.5-mile DME fix thence easterly to the Clearview expressway at its point of intersection with a line extending from JFK VORTAC 349° radial 8.5-mile DME fix to the LGA VOR 093° radial at a point 6 miles from the VOR, thence northerly along the Clearview expressway to the point of beginning.



**San Francisco, Calif., Terminal Control Area**  
Primary Airport

San Francisco International Airport (latitude 37°37'07" N., longitude 122°22'35" W.), San Francisco LVOR/DME (latitude 37°37'10" N., longitude 122°22'22" W.).  
Boundaries

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a 7-mile radius of the San Francisco (SFO) VOR extending clockwise from the SFO VOR 247° radial to the SFO VOR 127° radial and within a 5-mile radius of the SFO VOR extending clockwise from the SFO VOR 127° radial to the SFO VOR 247° radial, excluding that airspace within a 3-mile radius of the Oakland VORTAC and excluding that airspace west of the Pacific coast shoreline.

Area B. That airspace extending upward from 1,500 feet MSL to and including 8,000 feet MSL bounded on the northwest by a 5-mile radius arc of the SFO VOR, on the southeast by a 10-mile radius arc of the SFO VOR, on the northeast by the SFO VOR 107° radial, and on the southwest by the SFO VOR 137° radial, excluding that airspace within Area A.

Area C. That airspace extending upward from 2,500 feet MSL to and including 8,000 feet MSL bounded on the northwest by a 10-mile radius arc of the SFO VOR, on the southeast by a 15-mile radius arc of the SFO VOR, on the northeast by the SFO VOR 107° radial, and on the southwest by the SFO VOR 137° radial.

Area D. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL bounded by a line beginning at the 5-mile DME point on the SFO VOR 137° radial thence southeast along the 137° radial to and counterclockwise along a 15-mile DME arc of the SFO VOR to and east along the SFO VOR 107° radial to and clockwise along the 20-mile radius DME arc of the SFO VOR to and northwest along the SFO VOR 167° radial to and counterclockwise along the 5-mile radius DME arc of the SFO VOR to the point of beginning.

Area E. That airspace extending upward from 6,000 feet MSL to and including 8,000 feet MSL bounded by a line beginning at the 5-mile DME point on the SFO VOR 167° radial thence southeast along the 167° radial to and counterclockwise along the 20-mile DME arc of the SFO VOR to and east along the SFO VOR 107° radial to and clockwise along the 25-mile DME arc of the SFO VOR to and northwest along the Point Reyes VORTAC 161° radial to and northeast along the SFO VOR 217° radial to and counterclockwise along the 5-mile DME arc of the SFO VOR to the point of beginning.

Area F. That airspace extending upward from 2,100 feet MSL to and including 8,000 feet MSL bounded by a line beginning at the 10-mile DME point on the SFO VOR 247° radial thence clockwise along the 10-mile DME arc to and west along the SFO VOR 107° radial to and counterclockwise along the 7-mile DME arc of the SFO VOR to and clockwise along the 3-mile DME arc of the Oakland VORTAC to and counterclockwise along the 7-mile DME arc of the SFO VOR to and southwest along the SFO VOR 247° radial to the point of beginning.

Area G. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL between the 10- and 15-mile radii of the SFO VOR from the SFO VOR 247° radial clockwise to the SFO VOR 107° radial, excluding the airspace southwest of the Point Reyes VORTAC 161° radial.

Area H. That airspace extending upward from 4,500 feet MSL to and including 8,000 feet MSL bounded by a line beginning at the intersection of the Sausalito VORTAC 052° radial and the Oakland VORTAC 305° radial thence northeast along the Sausalito VORTAC 052° radial to and clockwise along the 20-mile DME arc of the SFO VOR to and southwest along the SFO VOR 072° radial to and counterclockwise along the 15-mile DME arc of the SFO VOR to and northwest along the Oakland VORTAC 305° radial to the point of beginning.

Area I. That airspace extending upward from 6,000 feet MSL to and including 8,000 feet MSL between the 20- and 25-mile radii of the SFO VOR from the Sausalito VORTAC 052° radial clockwise to the SFO VOR 072° radial, excluding the airspace north of latitude 38°00'00" N.

Area J. That airspace extending upward from 5,000 feet MSL to and including 8,000 feet MSL bounded on the north-east by a 5-mile radius arc of the SFO VOR, on the southeast by the SFO VOR 217° radial, on the southwest by the Point Reyes VORTAC 161° radial, and on the northwest by the SFO VOR 247° radial.

Area K. That airspace extending upward from 1,500 feet MSL to and including 8,000 feet MSL bounded on the west by a 7-mile radius arc of the SFO VOR and on the east by the Pacific coast shoreline.

**Washington, D. C. Terminal Control Area**  
Primary Airports

1. Washington National Airport (lat. 38°51'05" N., long. 77°02'20" W.).
2. Andrews AFB (lat. 38°48'40" N., long. 76°52'05" W.).

**Boundaries**

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within a 7-mile radius of the Washington, D. C., VOR and within a 7-mile radius of the Andrews, Md., VORTAC excluding the airspace bounded on the north by lat. 38°45'50" N., on the east by long. 76°54'25" W., on the south by a 7-mile radius circle of the Andrews VORTAC, and on the west by long. 76°59'30" W.; and excluding Prohibited Area P-56.

Area B. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within a 10-mile radius of the Washington VOR and a 10-mile radius of the Andrews VORTAC, excluding Area A.

Area C. That airspace extending upward from 2,500 feet MSL to and including 7,000 feet MSL between the 10-mile and 15-mile radius circles of the Washington VOR and the Andrews VORTAC, excluding that airspace west of a line from a point on the Nottingham 308° T radial 31.75 nautical miles northwest of the VORTAC to a point on the Nottingham 268° T radial 25.25 nautical miles west of the VORTAC.

**SUBPART K - TERMINAL CONTROL AREAS**

**71.401 Designation.**

The parts of the airspace described below are designated as terminal control areas. The primary airport or airports for each terminal control area are also designated. Except as otherwise specified, all mileages are nautical miles.

**(b) Group II, Terminal Control Areas:**

**Cleveland, Ohio, Terminal Control Area**

**Primary Airport**

Cleveland-Hopkins International Airport (lat. 41°24'37" N., long. 81°50'56" W.).  
Cleveland-Hopkins distance measuring equipment (DME) antenna (lat. 41°24'15" N., long. 81°51'44" W.).

**Boundaries**

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a 5-mile radius of the Cleveland-Hopkins International Airport DME antenna, excluding that airspace within a 1-mile radius of the Strongsville Airpark (lat. 41°19'25" N., long. 81°52'00" W.) and Gilbert Airport (lat. 41°22'00" N., long. 81°58'00" W.).

Area B. That airspace extending upward from 1900 feet MSL to and including 8,000 feet MSL within an 8.5-mile radius of the Cleveland-Hopkins International Airport DME antenna excluding Area A previously described, and that airspace within a 2-mile radius of Burke Lakefront Airport (lat. 41°30'45" N., long. 81°41'15" W.).

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the Cleveland-Hopkins International Airport DME antenna excluding Areas A and B previously described.

Area D. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of the Cleveland-Hopkins International Airport DME antenna, excluding Areas A, B, and C previously described.

**Denver, Colorado, Terminal Control Area**

**Primary Airport**

Denver-Stapleton International (lat. 39°45'55" N., long. 104°52'46" W.).  
Denver-Stapleton distance measuring equipment (DME) antenna (lat. 39°45'15" N., long. 104°51'49" W.).

**Boundaries**

Area A. That airspace extending upward from the surface to and including 11,000 feet MSL within an area bounded by a line beginning at the Denver VORTAC (lat. 39°51'39" N., long. 104°45'08" W.) thence south via the Denver VORTAC 180° radial to and west along Colfax Avenue to and south along a line 2.5 miles east of and parallel to the extended centerline of Stapleton International Airport Runway 17R/35L to and west along a line of 6.5 miles south of and parallel to the extended centerline of Stapleton International Airport Runway 26L/8R to and clockwise along a 10-mile radius arc of Stapleton International Airport DME antenna to and south along the 360° radial of the Denver VORTAC to the point of beginning and that airspace north of Denver between the 10- and 11-mile radius arcs of the Stapleton International Airport DME antenna bounded on the east by the Denver VORTAC 360° radial and on the west by a line 6 miles west of and parallel to the extended centerline of Stapleton International Airport Runway 17R/35L, excluding Prohibited Area P-26.

Area B. That airspace extending upward from 7,000 feet MSL to and including 11,000 feet MSL bounded on the north by the Denver VORTAC 093° radial, on the west by Denver VORTAC 180° radial, on the south by Colfax Avenue, on the east by a 15-mile radius arc of Stapleton International Airport DME antenna.

Area C. That airspace extending upward from 8,000 feet MSL to and including 11,000 feet MSL within a 15-mile radius of Stapleton International Airport DME antenna, excluding Areas A, B, and G.

Area D. That airspace extending upward from 8,400 feet MSL to and including 11,000 feet MSL between the 15-mile and 20-mile radius circles centered on Stapleton International DME antenna bounded on the north by the southern boundary of Area F and on the southwest by a line 2.5 miles southwest of and parallel to the extended centerline of Buckley Air National Guard Air Base Runway 14/32.

Area E. That airspace extending upward from 10,000 feet MSL to and including 11,000 feet MSL between the 15-mile and 20-mile radius circles centered on Stapleton International Airport DME antenna excluding Area D and F, and that area west of long. 105°11'00" W.

Area F. That airspace extending upward from 9,000 feet MSL to and including 11,000 feet MSL between the 15-mile and 20-mile radius circles centered on Stapleton International DME antenna bounded on the north by the Denver VORTAC 093° radial and on the south by Interstate Highway 70 and that airspace north of Denver bounded on the east by the Denver VORTAC 360° radial and on the west by a line 6 miles west of and parallel to the extended centerline of Stapleton International Airport Runway 17R/35L.

Area G. That airspace extending upward from 7,500 feet MSL to and including 11,000 feet MSL within an area bounded on the north by the southern boundary of Area A and B, in the southeast by the 15-mile radius arc of the Stapleton International Airport DME antenna, on the south by a line 8.5 miles south of and parallel to the extended centerline of Stapleton International Airport Runway 26L/8R, on the southwest by a line 2.5 miles southwest of and parallel to the extended centerline of Buckley Air National Guard Air Base Runway 14/32 and on the west by the 10-mile radius arc of the Stapleton International Airport DME antenna.



## GROUP II TERMINAL CONTROL AREAS

## Detroit, Mich., Terminal Control Area

## Primary Airport

Detroit Metropolitan Wayne County Airport (lat. 42°13'07" N., long. 83°20'55" W.).

## Boundaries

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within the Detroit, Mich. (Metropolitan Wayne County Airport), control zone.

Area B. That airspace extending upward from 2,300 feet MSL to and including 8,000 feet MSL within a 10-mile radius of Detroit Metropolitan Wayne County Airport excluding Area "A" previously described, that airspace east of the west edge of the Detroit River, and the Detroit, Mich. (Willow Run Airport) control zone.

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL, within a 16-mile radius of Detroit Metropolitan Wayne County Airport, excluding Areas A and B previously described, that airspace within a 3-mile radius arc of the Salem VORTAC, west of the Salem VORTAC 197° radial, and east of the United States/Canadian Border.

Area D. That airspace extending upward from 5,000 feet MSL to and including 8,000 feet MSL south of Detroit Metropolitan Wayne County Airport, bounded on the north by a 16-mile radius arc of the Detroit Metropolitan Wayne County Airport, on the east by the United States/Canadian Border, on the south by a 25-mile radius arc of the Detroit Metropolitan Wayne County Airport, on the west by the Salem VORTAC 197° radial and the Waterville VORTAC 353° radial; and an area north of Detroit Metropolitan Wayne County Airport bounded on the south by a 16-mile radius arc of Detroit Metropolitan Wayne County Airport, on the northwest by the Salem 052° radial, on the northeast by the Windsor VOR 320° radial and on the southeast by the United States/Canadian Border.

## Houston, Tex., Terminal Control Area

## Primary Airport

Houston Intercontinental Airport (lat. 29°59'08" N., long. 95°20'46" W.).

## Boundaries

Humble VORTAC (IAH) (lat. 29°57'24" N., long. 95°20'44" W.).

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL, within 8 miles of the IAH VORTAC, excluding that airspace within and underlying Area D, hereinafter described.

Area B. That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL, within a 15-mile radius of the IAH VORTAC, excluding Area A, previously described, that airspace within and underlying Areas C and D described hereinafter and that airspace south of an east-west line extending from the IAH VORTAC 125° radial 20-mile DME point to the IAH VORTAC 233° radial 20-mile DME point.

Area C. That airspace northwest of IAH extending from 3,000 feet MSL to and including 7,000 feet MSL, bounded on the northeast by the IAH VORTAC 313° radial, on the east by the 8-mile DME arc of the IAH VORTAC, on the south by a line 2 miles north of and parallel to the IAH Runway 8L centerline extended, and on the west by the 15-mile DME arc of the IAH VORTAC.

Area D. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 15- and 20-mile radii of the IAH VORTAC and that airspace southwest of the IAH VORTAC bounded on the east by the 7-mile DME arc of the IAH VORTAC, on the southeast by the 215° radial of the IAH VORTAC, on the west by the 15-mile DME arc of the IAH VORTAC, and on the north by the 258° radial of the IAH VORTAC. Excluding that airspace within a 2-mile radius of Lakeside Airport (lat. 29°49'02" N., long. 95°40'29" W.) and that airspace south of an east-west line extending from the IAH VORTAC 125° radial 20-mile DME point to the IAH VORTAC 233° radial 20-mile DME point.

## Kansas City, Mo., Terminal Control Area

## Primary Airport

Kansas City International Airport (lat. 39°18'18" N., long. 94°42'40" W.).

## Boundaries

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a 6-mile radius of the Kansas City International Airport, excluding that airspace within a 1-mile radius of the Noah's Ark Airport (lat. 39°13'50" N., long. 94°48'15" W.).

Area B. That airspace extending upward from 2,400 feet MSL to and including 8,000 feet MSL within a 10-mile radius of the Kansas City International Airport excluding Area A, that airspace within a 2-mile radius of the Fairfax Airport (lat. 39°08'49" N., long. 94°36'09" W.) and that airspace within a 1½-mile radius of the Sherman Army Airfield (lat. 39°22'15" N., long. 94°54'45" W.).

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the Kansas City International Airport excluding Area A and Area B.

Area D. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of the Kansas City International Airport excluding Area A, Area B and Area C.

## GROUP II, TERMINAL CONTROL AREAS

## Las Vegas, Nev., Terminal Control Area

## Primary Airport:

McCarran International Airport (lat. 36°04'48" N., long. 115°09'08" W.).

Las Vegas VORTAC (lat. 36°04'47" N., long. 115°09'32" W.).

Boundaries: (Based on Las Vegas VORTAC (LAS) arcs, DME distances, and radials).

Area A. That airspace extending upward from the surface to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 005° radial, thence clockwise via the 15-mile arc to the 022° radial, thence direct to the 20-mile DME point on the 033° radial, thence northeast along the 033° radial to and southeast along the 22-mile arc to and southwest along the 046° radial to and south along the 7-mile arc to and northwest along the 150° radial to and counterclockwise along the 2-mile radius circle of Henderson Sky Harbor Airport (lat. 35°58'35" N., long. 115°07'55" W.) to and south along the 180° radial to and north along the 6-mile arc to and counterclockwise along the 2.5-mile radius circle of North Las Vegas Air Terminal (lat. 36°12'17" N., long. 115°11'42" W.) to and north along the 005° radial to the point of beginning.

Area B. That airspace extending upward from 3600 feet MSL to and including 9,000 feet MSL between the LAS 7 and 10-mile radii bounded on the North by the 046° radial and on the South by the 150° radial.

Area C. That airspace extending upward from 4,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 075° radial thence clockwise along the 15-mile arc to and northwest along the 115° radial to and counterclockwise along the 10-mile arc to and east along the 075° radial to the point of beginning.

Area D. That airspace extending upward from 5,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile point on the LAS 046° radial thence clockwise along the 15-mile arc to and west along the 075° radial to and counterclockwise along the 10-mile arc to and northeast along the 046° radial to the point of beginning.

Area E. That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL bounded by a line beginning at the 20-mile DME point on the LAS 055° radial thence clockwise along the 20-mile arc to and west along the 115° radial to and counterclockwise along the 15-mile arc to and northeast along the 055° radial to the point of beginning.

Area F. That airspace extending upward from 6,000 feet MSL to and including 9,000 feet MSL bounded by a line beginning at the 10-mile DME point on the LAS 150° radial thence northwest along the 150° radial to and counterclockwise along the 2-mile radius circle of the Henderson Sky Harbor Airport to and south along the 180° radial to and counterclockwise along the 15-mile arc to and northwest along the 115° radial to and clockwise along the 10-mile arc to the point of beginning.

Area G. That airspace extending upward from 8,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 155° radial thence southeast along the 155° radial to and clockwise along the 20-mile arc to and north along the 200° radial to and counterclockwise along the 15-mile arc to the point of beginning.

Area H. That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL between the LAS 10 and 15-mile radii bounded on the east by the 180° radial and on the northwest by the 235° radial.

Area I. That airspace extending upward from 4,000 feet MSL to and including 9,000 feet MSL between the LAS 6 and 10-mile radii bounded on the east by the 180° radial and on the north by the 275° radial.

Area J. That airspace extending upward from 5,500 feet MSL to and including 9,000 feet MSL between the LAS 10 and 12-mile radii bounded on the south by the 235° radial and on the north by the 275° radial.

Area K. That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL between the LAS 12 and 15-mile radii bounded on the south by the 235° radial and on the north by the 275° radial.

Area L. That airspace extending upward from 4,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 005° radial thence south along the 005° radial to and clockwise along the 2.5-mile radius circle of North Las Vegas Air Terminal until intercepting U. S. Highway 95 2.5 miles southeast of North Las Vegas Air Terminal thence northwest along U. S. Highway 95 to and clockwise along a 15-mile arc to the point of beginning.

Area M. That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 20-mile DME point on the LAS 033° radial thence direct to the 15-mile DME point on the LAS 022° radial thence west along the 15-mile arc to and northwest along U. S. Highway 95 to and clockwise along the 20-mile arc to the point of beginning.

Area N. That airspace extending upward from 7,500 feet MSL to and including 9,000 feet MSL bounded by a line beginning at the 36-mile DME point on the LAS 033° radial thence southwest along the 033° radial to and counterclockwise along the 20-mile arc to U. S. Highway 95 direct to the 36-mile DME point on the 005° radial thence clockwise along the 36-mile arc to the point of beginning.

The Las Vegas TCA is continued on the next page.



## GROUP II TERMINAL CONTROL AREAS

Area O. That airspace extending upward from 7,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 36-mile DME point on the IAS 055° radial thence southwest along 055° radial to and counterclockwise along the 15-mile arc to and northeast along the 046° radial to and counterclockwise along the 28-mile arc to and northeast along the 033° radial to and clockwise along the 36-mile arc to the point of beginning.

Area P. That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 28-mile DME point on the IAS 046° radial thence southwest along the 046° radial to and counterclockwise along the 22-mile arc to and northeast along the 033° radial to and clockwise along the 28-mile arc to the point of beginning.

## Minneapolis, Minn., Terminal Control Area

## Primary Airport

Minneapolis-St. Paul International Airport (lat. 44°53'03" N., long. 93°12'54" W.).

## Boundaries

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a 6-mile radius of Minneapolis-St. Paul International Airport Distance Measuring Equipment (DME) Antenna (lat. 44°52'28" N., long. 93°12'21" W.).

Area B. That airspace extending upward from 2,300 feet MSL to and including 8,000 feet MSL within an 8.5-mile radius of Minneapolis-St. Paul International Airport DME antenna excluding Area A previously described.

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 12-mile radius of Minneapolis-St. Paul International Airport DME Antenna excluding Areas A and B previously described.

Area D. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of Minneapolis-St. Paul International Airport DME antenna excluding Areas A, B, and C previously described.

## New Orleans, La., Terminal Control Area

## Primary Airport

New Orleans International Airport-Moisant Field (lat. 29°59'30" N., long. 90°15'37" W.).

## Boundaries

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within a 7-mile radius of the New Orleans International Airport-Moisant Field, and within a 1.5-mile radius of the ILS Runway 10 outer compass locator (lat. 30°01'30" N., long. 90°23'59" W.) excluding that airspace north of the south shore of Lake Pontchartrain, that airspace within and underlying Area C described hereinafter, and that airspace  $\frac{1}{2}$  nautical mile either side of a line extending from lat. 30°01'09" N., long. 90°07'47" W., to lat. 29°59'30" N., long. 90°15'37" W., to lat. 30°03'36" N., long. 90°22'10" W.

Area B. That airspace extending upward from 600 feet MSL to and including 7,000 feet MSL north of the south shore of Lake Pontchartrain within a 7-mile radius of the New Orleans International Airport-Moisant Field excluding that airspace  $\frac{1}{2}$  nautical mile either side of a line extending from lat. 30°01'09" N., long. 90°07'47" W., to lat. 29°59'30" N., long. 90°15'37" W., to lat. 30°03'36" N., long. 90°22'10" W.

Area C. That airspace extending upward from 1,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning 7 miles southwest of the New Orleans International Airport-Moisant Field on the north shore of the Mississippi River, thence east along the Mississippi River north shore to and southeast along a line  $\frac{1}{2}$  mile east of and parallel to the Sellers Field Runway 16/34 extended centerline, to and southwest along the Southern Pacific Railroad track to and counterclockwise along a 4-mile radius of the New Orleans International Airport-Moisant Field to and east along the north shore of the Mississippi River to and southeast along the Harvey 300°T (295°M) radial to and clockwise along the 7-mile radius of the New Orleans International Airport-Moisant Field to the point of beginning.

Area D. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL within a 15-mile radius of the New Orleans International Airport-Moisant Field excluding Areas A, B, and C previously described, Area F described hereinafter, the airspace within the New Orleans Lakefront Airport Control Zone which lies within a 15-mile radius of the New Orleans International Airport-Moisant Field, and the airspace within a 5-statute mile radius of NAS New Orleans-Alvin Callender Field (lat. 29°49'40" N., long. 90°01'25" W.).

Area E. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius of the New Orleans International Airport-Moisant Field, excluding Areas A, B, C, and D previously described and Area F described hereinafter.

Area F. That airspace extending upward from the surface to 1,000 feet MSL and from 2,000 feet MSL to 7,000 feet MSL  $\frac{1}{2}$ -nautical mile either side of a line extending from lat. 30°01'09" N., long. 90°07'47" W., to lat. 29°59'30" N., long. 90°15'37" W., to lat. 30°03'36" N., long. 90°22'10" W., excluding that airspace below 600 feet MSL north of the south shore of Lake Pontchartrain.

## GROUP II TERMINAL CONTROL AREAS

## Philadelphia, Pa., Terminal Control Area

## Primary Airport

Philadelphia International Airport (Lat. 39°52'23" N., Long. 75°14'58" W.).

## Boundaries.

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within a 6-mile radius of the Philadelphia International Airport, excluding that airspace within and underlying Areas B and C.

Area B. That airspace extending upward from 300 feet MSL to and including 7,000 feet MSL, beginning at the east tip of Tinicum Island, along the south shore of Tinicum Island to the westernmost point, thence direct to the outlet of Darby Creek at the north shore of the Delaware River, thence along the north shore of the river to Chester Creek, thence eastward direct to Thompson Point, thence eastward along the south shore of the Delaware River to Bramell Point, thence direct to the point of beginning.

Area C. That airspace extending upward from 600 feet MSL to and including 7,000 feet MSL, beginning at Bramell Point, along the south shore of the Delaware River to Thompson Point, thence direct to the outlet of Chester Creek at the Delaware River, thence southwestward along the north shore of the Delaware River, to the 6-mile arc of the Philadelphia International Airport, thence counterclockwise along the 6-mile arc to Kings Highway (Route 551), thence northward direct to Bramell Point.

Area D. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within an 11-mile radius of the Philadelphia International Airport, excluding Areas A, B, and C.

Area E. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 15-mile radius of Philadelphia International Airport, excluding that airspace southeast of a line extending from lat. 39°32'50" N., long. 75°10'30" W., to lat. 40°00'00" N., long. 74°50'45" W., and Areas A, B, C, and D.

Area F. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius of Philadelphia International Airport, excluding that airspace southeast of a line extending through lat. 39°32'50" N., long. 75°10'30" W., and lat. 40°00'00" N., long. 74°50'45" W., and Areas A, B, C, D and E.

## Pittsburgh, Pa., Terminal Control Area

## Primary Airport

Greater Pittsburgh Airport (Latitude 40°29'37"N., Longitude 80°13'54"W.)

Boundaries. (Based on Latitude 40°29'12"N., Longitude 80°14'03"W.)

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within the Pittsburgh, Pa. (Greater Pittsburgh) Control Zone.

Area B. That airspace extending upward from 2,500 feet MSL to and including 8,000 feet MSL within a 10-mile radius of Latitude 40°29'12"N., Longitude 80°14'03"W., excluding Area A.

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL between the 10-mile and 12.5-mile radii of Lat. 40°29'12"N., Long. 80°14'03"W., extending from the 076° bearing clockwise to the 106° bearing excluding Areas A and B; between the 10-mile and 12-mile radii of Lat. 40°29'12"N., Long. 80°14'03"W., extending from the 117° bearing clockwise to the 147° bearing excluding Areas A and B; between the 10-mile and 14-mile radii of Lat. 40°29'12"N., Long. 80°14'03"W., extending from the 259° bearing clockwise to the 288° bearing excluding Areas A and B.

Area D. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of Lat. 40°29'12"N., Long. 80°14'03"W., and between the 20-mile and 30-mile radii of Lat. 40°29'12"N., Long. 80°14'03"W., extending from the 076° bearing clockwise to the 106° bearing and from the 259° bearing clockwise to the 288° bearing; excluding Areas A, B and C.

## St. Louis, Mo., Terminal Control Area

## Primary Airport

St. Louis International Airport (lat. 38°44'54" N., long. 90°21'47" W.).

## Boundaries

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a 6-mile radius of the St. Louis International Airport ASR Antenna (lat. 38°44'25" N., long. 90°22'14" W.), excluding that airspace within a 2-mile radius of the Creve Coeur Airport (lat. 38°43'35" N., long. 90°30'35" W.).

Area B. That airspace extending upward from 2,000 feet MSL to and including 8,000 feet MSL within a 10-mile radius of the St. Louis International Airport ASR Antenna excluding Area A previously described and the area within and underlying Area C hereinafter described.

The St. Louis TCA is continued on the next page.

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GROUP II, TERMINAL CONTROL AREAS:

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the St. Louis International Airport ASR Antenna, and that area which lies south of the Foristell 097° radial which is contained within the 10-mile radius of the St. Louis International Airport ASR Antenna, excluding Areas A and B previously described, and the area within and underlying Area E hereinafter described.

Area D. That airspace extending upward from 4,500 feet MSL to and including 8,000 feet MSL within a 20-mile radius of the St. Louis International Airport ASR Antenna excluding Areas A, B, and C previously described and Area E described hereinafter.

Area E. That airspace extending upward from 3,600 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the St. Louis International Airport ASR Antenna, bounded on the northwest by the Troy VORTAC 233° radial, and on the west by a line extending from lat. 38°35'00" N., long. 90°12'00" W., to lat. 38°10'00" N., long. 90°07'00" W.

Seattle, Wash., Terminal Control Area

Primary Airport:

Seattle Tacoma International Airport (lat. 47°26'55" N., long. 122°18'28" W.).

Boundaries: (Based on Seattle VORTAC (SEA) (lat. 47°26'08" N., long. 122°18'30" W.) arcs, DME distances, and radials.)

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within an area bounded by a line beginning at the 4-mile DME point on the SEA 012° radial thence south along the 012° radial to and clockwise along a 2-mile arc to and southeast along the 163° radial to and clockwise along a 5-mile arc to and north along the 192° radial to and clockwise along a 2-mile arc to and northwest along the 342° radial to and clockwise along a 4-mile arc to the point of beginning.

Area B. That airspace extending upward from 1,100 feet MSL to and including 7,000 feet MSL beginning at the 6-mile DME point on the SEA 007° radial, thence south along the 007° radial to and counterclockwise along a 4-mile arc to and north along the 346° radial to and clockwise along a 6-mile arc to the point of beginning.

Area C. That airspace extending upward from 1,600 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 5-mile DME point on the SEA 163° radial, thence south along the 163° radial to and clockwise along an 11-mile arc to and north along the 192° radial to and counterclockwise along the 5-mile arc to the point of beginning.

Area D. That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 12-mile DME point on the SEA 007° radial, thence south along the 007° radial to and counterclockwise along a 6-mile arc to and northwest along the 342° radial to and clockwise along the 12-mile arc to the point of beginning.

Area E. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 18-mile DME point on the SEA 007° radial, thence south along the 007° radial to and counterclockwise along a 12-mile arc to and southeast along the 342° radial to and clockwise along a 6-mile arc to and southeast along the 346° radial to and counterclockwise along a 4-mile arc to and southeast along the 342° radial to and counterclockwise along a 2-mile arc to and south along the 192° radial to and counterclockwise along an 11-mile arc to and northwest along the 163° radial to and counterclockwise along a 5-mile arc to and southeast along the 137° radial to and clockwise along a 15-mile arc to and north along the 185° radial to the 14-mile DME point, thence direct to the 15-mile DME point on the 257° radial, thence clockwise along a 15-mile arc to and northwest along the 312° radial to and clockwise along an 18-mile arc to the point of beginning, and that airspace within an area bounded by a line beginning at the 12-mile DME point on the 032° radial, thence southwest along the 032° radial to and counterclockwise along the 8-mile arc to and north along the 007° radial to and clockwise along the 12-mile arc to the point of beginning.

Area F. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 5-mile DME point on the SEA 123° radial, thence southeast along the 123° radial to and clockwise along a 15-mile arc to and northwest along the 137° radial to and counterclockwise along a 15-mile arc to the point of beginning; and that airspace within an area bounded by a line beginning at the 15-mile DME point on the SEA 137° radial, thence southeast along the 137° radial to and clockwise along an 18-mile arc to and north along the 185° radial to and counterclockwise along a 15-mile arc to the point of beginning.

Area G. That airspace extending upward from 5,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 22-mile DME point on the SEA 032° radial, thence south along the 032° radial to and counterclockwise along a 12-mile arc to and north along the 007° radial to and counterclockwise along the 18-mile arc to and northwest along the 312° radial to and clockwise along the 22-mile arc to the point of beginning; and that airspace within an area bounded by a line beginning at the 15-mile DME point on the 123° radial, thence southeast along the 123° radial to and clockwise along an 18-mile arc to and northwest along the 137° radial to and counterclockwise along a 15-mile arc to the point of beginning.

PART 73

SPECIAL USE AIRSPACE

SUBPART A -- GENERAL

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73.3 Special use airspace.  
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SUBPART B -- RESTRICTED AREAS

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73.63 Texas.  
73.64 Utah.  
73.65 Vermont.  
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SUBPART C -- PROHIBITED AREAS

- 73.81 Applicability.  
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73.85 Using agency.

DESCRIPTIONS OF DESIGNATED PROHIBITED AREAS

- 73.87 P-56, District of Columbia.



## Subpart A -- General

## § 73.1 Applicability.

The airspace that is described in Subpart B and Subpart C of this part is designated as special use airspace. These parts prescribe the requirements for the use of that airspace.

## § 73.3 Special use airspace.

(a) Special use airspace consists of airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations that are not a part of those activities, or both.

(b) The vertical limits of special use airspace are measured by designated altitude floors and ceilings expressed as flight levels or as feet above mean sea level. Unless otherwise specified, the word "to" (an altitude or flight level) means "to and including" (that altitude or flight level).

(c) The horizontal limits of special use airspace are measured by boundaries described by geographic coordinates or other appropriate references that clearly define their perimeter.

(d) The period of time during which a designation of special use airspace is in effect is stated in the designation.

## § 73.5 Bearings; radials; miles.

- (a) All bearings and radials in this part are true from point of origin.
- (b) Unless otherwise specified, all mileages in this part are stated as statute miles.

## Subpart B -- Restricted Areas

## § 73.11 Applicability.

This subpart designates restricted areas and prescribes limitations on the operation of aircraft within them.

## § 73.13 Restrictions.

No person may operate an aircraft within a restricted area between the designated altitudes and during the time of designation, unless he has the advance permission of

- (a) The using agency described in § 73.15; or
- (b) The controlling agency described in § 73.17.

## § 73.15 Using agency.

(a) For the purposes of this subpart, the following are using agencies:

- (1) The agency, organization, or military command whose activity within a restricted area necessitated the area being so designated.
- (2) [Reserved]

(b) Upon the request of the FAA, the using agency shall execute a letter establishing procedures for joint use of a restricted area by the using agency and the controlling agency, under which the using agency would notify the controlling agency whenever the controlling agency may grant permission for transit through the restricted area in accordance with the terms of the letter.

(c) The using agency shall --

- (1) Schedule activities within the restricted area;
- (2) Authorize transit through, or flight within, the restricted area as feasible; and
- (3) Contain within the restricted area all activities conducted therein in accordance with the purpose for which it was designated.

## § 73.17 Controlling agency.

For the purposes of this part, the controlling agency is the FAA facility that may authorize transit through or flight within a restricted area in accordance with a joint-use letter issued under § 73.15.

## § 73.19 Reports by using agency.

(a) Each using agency shall report once a year, in duplicate, to the Director, Air Traffic Service, Federal Aviation Administration, Washington, D. C., 20591, on each restricted area for which it is the using agency. The report must reach the Director not later than January 31 and shall cover the 12-month period ending with the preceding September 30.

(b) In its report under this section the using agency shall --

- (1) State the name and number of the restricted area as published in this part;
- (2) State the period covered by the report;
- (3) List in detail the activities carried on in the area by all organizations using it for the restricted area purposes;
- (4) State the time that daily operations are normally scheduled to begin and end;
- (5) State the average number of hours the area is actually used each day, and in addition, for a restricted area used for aircraft operations the total number of aircraft hours of actual use during the reporting period;
- (6) State the number of days each week, weeks each month, and months each year (as appropriate) that the area is used for actual operations;
- (7) State whether or not radar is used during operations;
- (8) State the number and type of aircraft, if any, normally involved in the activities for which the area was restricted;
- (9) List the altitudes used in daily operations of aircraft, including for each activity the altitudes used and the number of hours at each of those altitudes;
- (10) Include a chart of the area (of optional scale and design) showing --
  - (i) The approximate location, and the representative pattern (if any), for firing runs (if any), for bombing runs (if any), the place where runs begin, where firing (if any), begins and ends, and the release point pullup point; and
  - (ii) The location of impact areas, if any;
- (11) State the maximum ordinate of surface firing (expressed in feet, mean sea level altitude) used for required operations;
- (12) State the daily number of hours or minutes, or both, that the maximum ordinate altitudes are normally used in surface to surface firing operations;
- (13) List the altitudes normally used for daily surface to surface firing operations;
- (14) Include a chart of the area (of optional scale and design) showing --
  - (i) The location of firing points and impact areas, if any; and
  - (ii) The perimeter of the firing fan for each weapon used, if any; and
- (15) Include a brief statement of any other pertinent facts concerning the current use of the restricted area and requirements for future use of the area or part of it.

## PENDING AMENDMENT

## § 73.19 Reports by using agency.

(a) Each using agency shall prepare a report on the use of each restricted area assigned thereto during any part of the preceding 12-month period ended September 30, and transmit it by the following January 31 of each year to the Chief, Air Traffic Division in the regional office of the Federal Aviation Administration having jurisdiction over the area in which the restricted area is located, with a copy to the Director, Air Traffic Service, Federal Aviation Administration, Washington, D. C. 20591.

(b) In the report under this section the using agency shall:

- (1) State the name and number of the restricted area as published in this part, and the period covered by the report.
- (2) State the activities (including average daily number of operations if appropriate) conducted in the area, and any other pertinent information concerning current and future electronic monitoring devices.
- (3) State the number of hours daily, the days of the week, and the number of weeks during the year that the area was used.
- (4) For restricted areas having a joint-use designation, also state the number of hours daily, the days of the week, and the number of weeks during the year that the restricted area was released to the controlling agency for public use.
- (5) State the mean sea level altitudes or flight levels (whichever is appropriate) used in aircraft operations and the maximum and average ordinate of surface firing (expressed in feet, mean sea level altitude) used on a daily, weekly, and yearly basis.
- (6) Include a chart of the area (of optional scale and design) depicting, if used, aircraft operating areas, flight patterns, ordnance delivery areas, surface firing points, and target, fan, and impact areas. After once submitting an appropriate chart, subsequent annual charts are not required unless there is a change in the area activity or altitude (or flight levels) used, which might alter the depiction of the activities originally reported. If no change is to be submitted, a statement indicating "no change" shall be included in the report.
- (7) Include any other information not otherwise required under this part which is considered pertinent to activities carried on in the restricted area.
- (c) If it is determined that the information submitted under paragraph (b) of this section is not sufficient to evaluate the nature and extent of the use of a restricted area, the FAA may request the using agency to submit supplementary reports. Within 60 days after receiving a request for additional information, the using agency shall submit such information as the Director of the Air Traffic Service considers appropriate. Supplementary reports must be sent to the FAA officials designated in paragraph (a) of this section.

AMENDMENTS 12/11/77 12 F. R. 54797 (Rewritten)

## Subpart C -- Prohibited Areas

## § 73.81 Applicability.

This subpart designates prohibited areas and prescribes limitations on the operation of aircraft therein.

## § 73.83 Restrictions.

No person may operate an aircraft within a prohibited area unless authorization has been granted by the using agency.

## § 73.85 Using agency.

For the purpose of this subpart, the using agency is the agency, organization or military command that established the requirements for the prohibited area.

Note: Sections 73.87 through 73.99 are reserved for descriptions of designated prohibited areas.

## § 73.21 Alabama

## R-2101 Anniston Army Depot, Ala.

Boundaries. Beginning at latitude 33°41'20" N., longitude 86°00'30" W.; to latitude 33°41'20" N., longitude 85°59'00" W.; to latitude 33°40'30" N., longitude 85°59'00" W.; to latitude 33°39'40" N., longitude 85°59'50" W.; to latitude 33°39'40" N., longitude 86°00'30" W.; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. From 0700 to 1800 c.s.t., Monday through Friday.

Using agency. Commanding Officer, Anniston Army Depot.

## R-2102 Fort McClellan, Ala.

Boundaries. Beginning at latitude 33°45'00" N., longitude 85°53'55" W.; to latitude 33°44'07" N., longitude 85°53'36" W.; to latitude 33°44'07" N., longitude 85°52'55" W.; to latitude 33°41'04" N., longitude 85°52'55" W.; to latitude 33°40'15" N., longitude 85°54'00" W.; to latitude 33°41'20" N., longitude 85°55'30" W.; to latitude 33°41'20" N., longitude 86°01'07" W.; to latitude 33°43'55" N., longitude 86°01'07" W.; to latitude 33°44'11" N., longitude 86°00'54" W.; to latitude 33°45'00" N., longitude 86°00'45" W.; to latitude 33°45'20" N., longitude 86°00'31" W.; to latitude 33°45'27" N., longitude 86°00'16" W.; to latitude 33°45'27" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°55'17" W.; to latitude 33°45'00" N., longitude 85°55'17" W.; to point of beginning.

Designated altitudes. Subarea A, surface to and including 8,000 feet MSL. Subarea B, from 8,000 feet MSL to and including 14,000 feet MSL. Subarea C, from 14,000 feet MSL to 24,000 feet MSL.

Time of use. Continuous.

Controlling agency. Federal Aviation Administration, Atlanta ARTC Center.

Using agency. Commanding Officer, Fort McClellan, Ala.

## R-2103 Fort Rucker, Ala.

Boundaries. A circular area with a radius of 4 miles centered at latitude 31°26'55" N., longitude 85°47'45" W.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. Commanding General, U. S. Army Aviation Center, Fort Rucker, Ala.

## R-2104A Huntsville, Ala.

Boundaries. Beginning at lat. 34°38'40"N., long. 86°43'00"W., to lat. 34°38'40"N., long. 86°41'00"W., to lat. 34°38'00"N., long. 86°40'53"W., to lat. 34°37'35"N., long. 86°37'40"W., to lat. 34°37'00"N., long. 86°37'00"W., to lat. 34°36'27"N., long. 86°36'38"W., to lat. 34°34'50"N., long. 86°36'38"W., thence west along the Tennessee River to lat. 34°35'02"N., long. 86°43'25"W., to lat. 34°37'19"N., long. 86°43'20"W., to lat. 34°37'19"N., long. 86°43'05"W., thence to point of beginning.

Designated altitudes. Surface to FL 300.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. Commanding General, U. S. Army Missile Command, Redstone Arsenal, Ala.

AMENDMENTS 12/1/77 42 F. R. 47822 (Rewritten)

## R-2104B Huntsville, Ala.

Boundaries. Beginning at lat. 34°38'53"N., long. 86°37'40"W., to lat. 34°37'55"N., long. 86°35'21"W., to lat. 34°35'05"N., long. 86°35'24"W., thence west along the Tennessee River to lat. 34°34'50"N., long. 86°36'38"W., to lat. 34°36'27"N., long. 86°36'38"W., to lat. 34°37'00"N., long. 86°37'00"W., thence to point of beginning.

Designated altitudes. Surface to 2400 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. Commanding General, U. S. Army Missile Command, Redstone Arsenal, Ala.

AMENDMENTS 12/1/77 42 F. R. 47822 (Rewritten)

## R-2104C Huntsville, Ala.

Boundaries. Beginning at lat. 34°41'25"N., long. 86°42'57"W.; to lat. 34°42'00"N., long. 86°41'35"W., to lat. 34°38'40"N., long. 86°41'00"W., to lat. 34°38'40"N., long. 86°43'00"W., thence to point of beginning.

Designated altitudes. Surface to FL 300.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. Commanding General, U. S. Army Missile Command, Redstone Arsenal, Ala.

AMENDMENTS 12/1/77 42 F. R. 47822 (Added)

## § 73.22 Alaska

## R-2202A Big Delta, Alaska

Boundaries. Beginning at latitude 64°14'45" N., longitude 146°43'15" W.; to latitude 63°56'17" N., longitude 145°49'30" W.; to latitude 63°54'20" N., longitude 145°50'20" W.; to latitude 63°50'30" N., longitude 145°50'00" W.; to latitude 63°43'00" N., longitude 145°54'01" W.; to latitude 63°42'15" N., longitude 146°13'26" W.; to latitude 63°44'00" N., longitude 146°30'00" W.; to latitude 63°50'50" N., longitude 146°47'30" W.; thence along the E bank of the East Fork and Little Delta Rivers to the point of beginning, excluding that airspace within R-2202B.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Anchorage ARTC Center.

Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska.

## R-2202B Big Delta, Alaska

Boundaries. Beginning at latitude 64°07'30" N., longitude 146°27'30" W.; to latitude 64°02'30" N., longitude 146°11'30" W.; to latitude 63°53'00" N., longitude 146°24'30" W.; to latitude 63°57'00" N., longitude 146°41'00" W.; to point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska.

## R-2203A Eagle River, Alaska

Boundaries. Beginning at latitude 61°22'00" N., longitude 149°33'48" W.; thence southwesterly along the Alaska Railroad to lat. 61°18'00"N., long. 149°39'45"W.; to lat. 61°18'00"N., long. 149°44'00"W.; to lat. 61°17'15"N., long. 149°42'25"W.; to lat. 61°17'15"N., long. 149°36'15"W.; to the point of beginning.

Designated altitudes. Surface to 11,000 feet MSL.

Time of designation. Daily, Monday through Friday, other times as activated by NOTAM issued by the using agency at least 24 hours in advance.

Controlling agency. FAA, Anchorage Approach Control.

Using agency. 172nd Infantry Brigade (Alaska) Fort Richardson, Alaska.

AMENDMENTS 10/6/77 42 F. R. 41113 (Changed)

## R-2203B Eagle River, Alaska

Boundaries. Beginning at lat. 61°24'34"N., long. 149°33'48"W.; thence southwesterly along the shoreline to lat. 61°19'45"N., long. 149°44'00"W.; to lat. 61°18'00"N., long. 149°44'00"W.; to lat. 61°18'00"N., long. 149°39'45"W.; thence northeasterly along the Alaska Railroad to lat. 61°22'00"N., long. 149°33'48"W.; to the point of beginning.

Designated altitudes. Surface to 11,000 feet MSL.

Time of designation. Daily, Monday through Friday, other times as activated by NOTAM issued by the using agency at least 24 hours in advance.

Controlling agency. FAA, Anchorage Approach Control.

Using agency. 172nd Infantry Brigade (Alaska) Fort Richardson, Alaska.

AMENDMENTS 10/6/77 42 F. R. 41113 (Changed)

## R-2203C Eagle River, Alaska

## R-2302 Flagstaff, Arizona.



## R-2203C Eagle River, Alaska

Boundaries. Beginning at lat. 61°19'45"N., long. 149°44'00"W.; thence westerly along the shoreline to lat. 61°19'38"N., long. 149°46'36"W.; to lat. 61°19'12"N., long. 149°46'36"W.; to lat. 61°18'00"N., long. 149°44'00"W.; to point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Daily, Monday through Friday, other times as activated by NOTAM issued by the using agency at least 24 hours in advance.

Controlling agency. FAA, Anchorage Approach Control.

Using agency. 172nd Infantry Brigade (Alaska) Fort Richardson, Alaska.

AMENDMENTS 10/6/77 42 F. R. 41113 (Added)

## R-2204 Shemya, Alaska.

Boundaries. Beginning at Lat. 52°44'48" N, Long. 174°07'06" E; to Lat. 52°43'42" N, Long. 174°07'06" E; to Lat. 52°43'42" N, Long. 174°05'16" E; to Lat. 52°44'48" N, Long. 174°05'16" E; to the point of beginning.

Designated altitudes. Surface to 2,500 feet MSL.

Time of designation. Continuous.

Using agency. Commander, 5073rd Air Base Squadron, Shemya AFB, Alaska.

## R-2205 Yukon, Alaska

Boundaries. Beginning at Lat. 64°45'30" N, Long. 146°47'20" W; Counterclockwise along the arc of a 25-mile radius circle centered at Lat. 64°50'13" N, Long. 147°36'46" W; to Lat. 64°46'12" N, Long. 146°46'40" W; to Lat. 64°46'10" N, Long. 146°11'15" W; to Lat. 64°35'18" N, Long. 146°11'15" W; to Lat. 64°33'24" N, Long. 146°18'30" W; to Lat. 64°33'25" N, Long. 146°25'00" W; to the point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of Designation. Continuous from April 1 through November 30; other times as activated by NOTAM issued by the using agency at least 24 hours in advance.

Controlling agency. Federal Aviation Administration, Eielson Approach Control.

Using agency. 172nd Infantry Brigade (Alaska) Fort Richardson, Alaska.

## R-2206 Clear, Alaska

Boundaries. Beginning at latitude 64°19'46" N., longitude 149°10'08" W.; to latitude 64°19'46" N., longitude 149°15'33" W.; to latitude 64°16'19" N., longitude 149°15'33" W.; to latitude 64°16'19" N., longitude 149°10'05" W.; thence north, 100 feet west of and parallel to the Alaskan railroad to the point of beginning.

Designated altitudes. Surface to 8,800 feet MSL.

Time of designation. Continuous.

Using agency. Commander 13th Missile Warning Squadron, Clear, Alaska.

## R-2211 Blair Lakes, Alaska

Boundaries. Beginning at lat. 64°30'00"N., long. 147°44'00"W.; to lat. 64°20'00"N., long. 147°19'00"W.; to lat. 64°13'30"N., long. 147°32'00"W.; to lat. 64°22'30"N., long. 147°58'00"W.; to point of beginning.

Time of designation. 0800 to 1800, local time, Monday through Friday and at other times as activated by NOTAM issued by the using agency at least 24 hours in advance.

Designated altitudes. Surface to 18,000 feet MSL.

Controlling agency. Federal Aviation Administration, Eielson RAPCON.

Using agency. Alaskan Air Command.

AMENDMENTS 2/24/77 41 F. R. 56790 (Rewritten)

## § 73.23 Arizona

## R-2301 Ajo, Arizona.

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°11'30" N, Long. 112°56'45" W; to Lat. 32°11'30" N, Long. 113°05'30" W; to Lat. 31°58'00" N, Long. 113°05'30" W; along the United States-Mexican border to Lat. 32°23'45" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°28'30" W; to Lat. 32°39'40" N, Long. 114°28'30" W; to Lat. 32°40'45" N, Long. 114°18'29" W; along the Southern Pacific Railroad and U. S. Highway No. 80 to Lat. 32°44'15" N, Long. 113°41'05" W; to Lat. 32°45'50" N, Long. 113°34'30" W; to the point of beginning; excluding that airspace below 3,000 feet MSL, N of a line beginning at latitude 32°40'45" N., longitude 114°18'29" W.; to latitude 32°37'40" N., longitude 114°12'40" W.; to latitude 32°37'40" N., longitude 114°09'00" W.; to latitude 32°42'30" N., longitude 113°45'00" W.; to latitude 32°44'15" N., longitude 113°41'05" W.

Designated altitudes. Surface to flight level 800.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Albuquerque Center.

Using agency. Commander, Luke AFB, Arizona.

## R-2302 Flagstaff, Arizona.

Boundaries. A circular area with a 6,600-foot radius centered at latitude 35°10'20" N., longitude 111°51'19" W.

Designated altitudes. Surface to 11,000 feet MSL.

Time of designation. 0800 to 2400 MST, Monday through Saturday.

Using agency. Commanding Officer, Navajo Ordnance Depot, Flagstaff, Arizona.

## R-2303A Fort Huachuca, Ariz.

Boundaries. Beginning at latitude 31°40'40" N., longitude 110°11'00" W.; to latitude 31°34'00" N., longitude 110°08'30" W.; to latitude 31°34'00" N., longitude 110°22'00" W.; to latitude 31°33'00" N., longitude 110°23'00" W.; to latitude 31°29'00" N., longitude 110°23'00" W.; to latitude 31°29'00" N., longitude 110°41'30" W.; to latitude 31°34'00" N., longitude 110°43'30" W.; to latitude 31°38'30" N., longitude 110°42'00" W.; to latitude 31°38'30" N., longitude 110°39'30" W.; to latitude 31°41'00" N., longitude 110°33'30" W.; to latitude 31°41'00" N., longitude 110°12'00" W.; to point of beginning.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. Commander, Headquarters, Fort Huachuca, Ariz.

## R-2303B Fort Huachuca, Ariz.

Boundaries. Beginning at latitude 31°35'00" N., longitude 110°00'00" W.; to latitude 31°24'00" N., longitude 110°00'00" W.; to latitude 31°24'00" N., longitude 110°45'00" W.; to latitude 31°48'00" N., longitude 110°46'00" W.; to latitude 31°48'00" N., longitude 110°25'45" W.; to point of beginning.

Designated altitudes. 15,000 feet MSL to FL 450.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. Commander, Headquarters, Fort Huachuca, Ariz.

## R-2304 Gila Bend, Arizona.

Boundaries. Beginning at latitude 32°38'30" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°43'30" W.; to latitude 32°49'00" N., longitude 112°39'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 240.

Time of designation. Sunrise to 2400 local time, Monday through Friday.

Controlling agency. Federal Aviation Administration, Albuquerque Center.

Using agency. Commander, Luke AFB, Arizona.

## R-2305 Gila Bend, Arizona

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°50'52" N, Long. 112°42'53" W; to Lat. 32°49'00" N, Long. 112°39'00" W; to Lat. 32°29'00" N, Long. 112°43'00" W; to Lat. 32°29'00" N, Long. 112°53'30" W; to the point of beginning.

Designated altitudes. Surface to flight level 240.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, Albuquerque Center.

Using agency. Commander, Luke AFB, Ariz.

## R-2306A Yuma West, Ariz.

Boundaries. Beginning at latitude 33°00'00" N., longitude 114°30'00" W.; to latitude 33°02'48" N., longitude 114°30'00" W.; to latitude 33°02'48" N., longitude 114°34'00" W.; to latitude 33°15'00" N., longitude 114°34'37" W.; to latitude 33°15'00" N., longitude 114°15'00" W.; thence south along Highway 95 to latitude 33°00'00" N., longitude 114°17'20" W.; to point of beginning.

Designated altitudes. Surface to 80,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.

Using agency. Commanding officer, Yuma Proving Ground, Yuma, Ariz.

## R-2306B Yuma West, Ariz.

Boundaries. Beginning at latitude 33°28'00" N., longitude 114°13'00" W.; thence south along Highway 95 to latitude 33°15'00" N., longitude 114°15'00" W.; to latitude 33°15'00" N., longitude 114°35'00" W.; to latitude 33°26'00" N., longitude 114°30'00" W.; to latitude 33°28'00" N., longitude 114°28'00" W.; to point of beginning.

Designated altitudes. Surface to 80,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.

Using agency. Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

**R-2306C Yuma West, Ariz.**

Boundaries: Beginning at latitude 33°15'00" N., longitude 114°34'37" W.; to latitude 33°23'00" N., longitude 114°34'37" W.; to latitude 33°26'00" N., longitude 114°30'00" W.; to latitude 33°15'00" N., longitude 114°30'00" W.; to point of beginning.

Designated altitudes: Surface to 17,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.

Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

**R-2307 Yuma, Ariz.**

Boundaries: Beginning at latitude 32°52'00" N., longitude 114°00'00" W.; to latitude 32°52'50" N., longitude 113°50'10" W.; to latitude 32°58'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°56'30" W.; to latitude 33°00'00" N., longitude 114°11'00" W.; to latitude 33°00'00" N., longitude 114°30'00" W.; thence along the west bank of the Colorado River to latitude 32°51'45" N., longitude 114°27'50" W.; to latitude 32°52'30" N., longitude 114°21'00" W.; to latitude 32°51'15" N., longitude 114°21'00" W.; to the point of beginning.

Designated altitudes: Unlimited.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.

Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

**R-2308A Yuma East, Ariz.**

Boundaries: Beginning at latitude 33°28'00" N., longitude 114°13'00" W.; to latitude 33°17'30" N., longitude 113°39'04" W.; to latitude 33°17'30" N., longitude 113°45'00" W.; to latitude 33°02'00" N., longitude 113°45'00" W.; to latitude 33°02'00" N., longitude 113°56'30" W.; to latitude 33°00'00" N., longitude 114°11'00" W.; to latitude 33°00'00" N., longitude 114°17'20" W.; thence north along Highway 95 to point of beginning.

Designated altitudes: 1,500 feet AGL to 80,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.

Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

**R-2308B Yuma East, Ariz.**

Boundaries: Beginning at latitude 33°02'00" N., longitude 113°45'00" W.; to latitude 33°17'30" N., longitude 113°45'00" W.; to latitude 33°17'30" N., longitude 113°39'04" W.; to latitude 33°02'00" N., longitude 113°39'04" W.; to point of beginning.

Designated altitudes: Surface to 80,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.

Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

**§ 73.24 Arkansas****R-2401 Fort Chaffee, Ark.**

Boundaries: Beginning at lat. 35°18'35" N., long. 94°11'48" W.; to lat. 35°18'10" N., long. 94°16'30" W.; to lat. 35°16'06" N., long. 94°19'03" W.; to lat. 35°13'50" N., long. 94°15'00" W.; to lat. 35°13'50" N., long. 94°11'30" W.; to point of beginning.

Designated altitudes: Surface to and including 30,000 feet MSL.

Time of designation: Continuous April 1 through September 30 and 0600 Saturday to 2400 Sunday, October 1 through March 31, other times following issuance of a NOTAM at least 24 hours in advance.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Commanding General, Fort Chaffee, Ark.

**R-2402 Fort Chaffee, Ark.**

Boundaries: Beginning at lat. 35°17'51" N., long. 94°03'00" W.; to lat. 35°17'00" N., long. 94°03'00" W.; to lat. 35°17'00" N., long. 94°01'00" W.; to lat. 35°10'20" N., long. 94°01'00" W.; thence west along Arkansas State Highway No. 10 to lat. 35°11'33" N., long. 94°12'00" W.; to lat. 35°18'10" N., long. 94°12'24" W.; to lat. 35°18'12" N., long. 94°09'51" W.; thence east along Arkansas State Highway No. 22 to point of beginning.

Designated altitudes: Surface to and including 30,000 feet MSL.

Time of designation: Continuous April 1 through September 30 and 0600 Saturday to 2400 Sunday, October 1 through March 31, other times following issuance of NOTAM at least 24 hours in advance.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Commanding General, Fort Chaffee, Ark.

**R-2403A Little Rock, Ark.**

Boundaries: Beginning at lat. 34°57'00" N., long. 92°15'00" W.; to lat. 34°54'52" N., long. 92°15'00" W.; to lat. 34°54'08" N., long. 92°19'30" W.; to lat. 34°57'00" N., long. 92°19'30" W.; to point of beginning.

Designated altitudes: Surface to 16,000 feet MSL.

Time of designation: Daily 0700 to 2100 May 1 through August 31, to be activated by NOTAM 48 hours in advance. Other times, 0700 Saturday to 1700 Sunday, September 1 through April 30, to be activated by NOTAM at least 24 hours in advance. All times local.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Arkansas Army National Guard.

**R-2403B Little Rock, Ark.**

Boundaries: Beginning at lat. 34°54'52" N., long. 92°15'00" W.; to lat. 34°51'45" N., long. 92°15'00" W.; to lat. 34°51'45" N., long. 92°19'30" W.; to lat. 34°54'08" N., long. 92°19'30" W.; to point of beginning.

Designated altitudes: Surface to 16,000 feet MSL.

Time of designation: Daily 0700 to 2100 1 May through 31 August, to be activated by NOTAM 48 hours in advance stating period of activation. Other times, 0700 Saturday to 1700 Sunday, 1 September through 30 April, to be activated by NOTAM 24 hours in advance.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Arkansas Army National Guard.

**§ 73.25 California****R-2501N Bullion Mountains North, Calif.**

Boundaries: Beginning at latitude 34°43'00" N., longitude 116°26'20" W.; to latitude 34°43'00" N., longitude 116°17'00" W.; to latitude 34°41'15" N., longitude 116°04'30" W.; to latitude 34°33'12" N., longitude 116°15'30" W.; to latitude 34°34'37" N., longitude 116°20'43" W.; to latitude 34°35'40" N., longitude 116°22'52" W.; to latitude 34°35'40" N., longitude 116°28'15" W.; to latitude 34°40'30" N., longitude 116°29'40" W.; to point of beginning.

Designated altitudes: Unlimited.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.

Using agency: Commanding General, Marine Corps Base, Twentynine Palms, Calif.

**R-2501S Bullion Mountains South, Calif.**

Boundaries: Beginning at Lat. 34°21'40"N., Long. 116°21'33"W.; to Lat. 34°27'50"N., Long. 116°09'40"W.; to Lat. 34°27'15"N., Long. 116°04'07"W.; to Lat. 34°14'00"N., Long. 115°55'40"W.; to Lat. 34°14'00"N., Long. 116°17'00"W.; to the point of beginning.

Designated altitudes: Unlimited.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.

Using agency: Commanding General, Marine Corps Base, Twentynine Palms, Calif.

**R-2501E Bullion Mountains East, Calif.**

Boundaries: Beginning at latitude 34°41'15" N., longitude 116°04'30" W.; to latitude 34°41'00" N., longitude 116°03'00" W.; to latitude 34°35'30" N., longitude 115°58'00" W.; to latitude 34°33'00" N., longitude 115°47'00" W.; to latitude 34°25'00" N., longitude 115°47'00" W.; to latitude 34°25'00" N., longitude 115°44'00" W.; to latitude 34°14'00" N., longitude 115°44'00" W.; to latitude 34°14'00" N., longitude 115°55'40" W.; to latitude 34°27'15" N., longitude 116°04'07" W.; to latitude 34°27'50" N., longitude 116°09'40" W.; to latitude 34°33'12" N., longitude 116°15'30" W.; to point of beginning.

Designated altitudes: Unlimited.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.

Using agency: Commanding General Marine Corps Base, Twentynine Palms, Calif.

**R-2501W Bullion Mountains West, Calif.**

Boundaries: Beginning at Lat. 34°21'40"N., Long. 116°21'33"W.; to Lat. 34°30'00"N., Long. 116°26'30"W.; to Lat. 34°35'40"N., Long. 116°28'15"W.; to Lat. 34°35'40"N., Long. 116°22'52"W.; to Lat. 34°34'37"N., Long. 116°20'43"W.; to Lat. 34°33'12"N., Long. 116°15'30"W.; to Lat. 34°27'50"N., Long. 116°09'40"W.; to the point of beginning.

Designated altitudes: Unlimited.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.

Using agency: Commanding General, Marine Corps Base, Twentynine Palms, Calif.



## R-2502N Fort Irwin, CA.

Boundaries. Beginning at latitude 35°37'45" N., longitude 116°29'40" W.; to latitude 35°34'30" N., longitude 116°29'40" W.; to latitude 35°34'30" N., longitude 116°23'30" W.; to latitude 35°28'35" N., longitude 116°18'45" W.; to latitude 35°10'25" N., longitude 116°42'15" W.; to latitude 35°08'50" N., longitude 116°48'40" W.; to latitude 35°10'00" N., longitude 116°49'00" W.; to latitude 35°19'00" N., longitude 116°49'00" W.; to latitude 35°19'00" N., longitude 116°55'20" W.; to latitude 35°37'45" N., longitude 116°55'20" W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles, ARTC Center.

Using agency. Commander, Fort Irwin, Calif.

## R-2502E Fort Irwin, CA.

Boundaries. Beginning at latitude 35°28'35" N., longitude 116°18'45" W.; to latitude 35°18'45" N., longitude 116°18'45" W.; to latitude 35°07'00" N., longitude 116°34'00" W.; to latitude 35°07'00" N., longitude 116°47'45" W.; to latitude 35°08'50" N., longitude 116°48'40" W.; to latitude 35°10'25" N., longitude 116°42'15" W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles, ARTC Center.

Using agency. Commander, Fort Irwin, Calif.

## R-2503 Camp Pendleton, Calif.

Boundaries. Beginning at latitude 33°24'23" N., longitude 117°15'15" W.; to latitude 33°18'00" N., longitude 117°16'08" W.; to latitude 33°17'30" N., longitude 117°16'40" W.; to latitude 33°18'20" N., longitude 117°21'48" W.; to latitude 33°27'48" N., longitude 117°33'15" W.; to latitude 33°30'13" N., longitude 117°29'13" W.; to the point of beginning.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, El Toro Approach Control.

Using agency. Commanding General, Camp Pendleton, Calif.

## R-2504 Camp Roberts, Calif.

Boundaries. Beginning at latitude 35° 42' 18" N., longitude 120° 47' 55" W.; to latitude 35° 42' 18" N., longitude 120° 47' 20" W.; to latitude 35° 42' 58" N., longitude 120° 45' 33" W.; to latitude 35° 46' 38" N., longitude 120° 44' 38" W.; to latitude 35° 47' 18" N., longitude 120° 44' 45" W.; to latitude 35° 47' 54" N., longitude 120° 45' 49" W.; to latitude 35° 49' 10" N., longitude 120° 45' 40" W.; to latitude 35° 51' 00" N., longitude 120° 46' 25" W.; to latitude 35° 51' 11" N., longitude 120° 47' 55" W.; to latitude 35° 48' 50" N., longitude 120° 49' 58" W.; to latitude 35° 46' 00" N., longitude 120° 49' 55" W.; to latitude 35° 44' 03" N., longitude 120° 48' 08" W.; to latitude 35° 43' 08" N., longitude 120° 49' 00" W.; to latitude 35° 42' 44" N., longitude 120° 48' 48" W.; to the point of beginning.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. 0600 to 2400 P.s.t., daily.

Controlling agency. Federal Aviation Administration, Oakland ARTC Center.

Using agency. Commander, Camp Roberts, Calif.

## R-2505 China Lake, Calif.

Boundaries. Beginning at Lat. 36°14'00" N. Long. 117°53'00" W; to Lat. 36°14'00" N. Long. 117° 25'00" W; to Lat. 35°40'30" N. Long. 117°25'00" W; to Lat. 35°37'30" N. Long. 117°35'30" W; to Lat. 35°37'30" N. Long. 117°47'30" W; to Lat. 35°54'00" N. Long. 117°53'00" W; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Commander, Naval Weapons Center, China Lake, Calif.

## R-2506 China Lake South, Calif.

Boundaries. Beginning at latitude 35°37'30" N., longitude 117°41'20" W.; to latitude 35°28'00" N., longitude 117°40'50" W.; to latitude 35°28'00" N., longitude 117°47'00" W.; to latitude 35°37'30" N., longitude 117°47'30" W.; to the point of beginning.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. Sunrise to sunset, Monday through Friday.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Commander, Naval Weapons Center, China Lake, Calif.

## R-2507 Chocolate Mountains, California

Boundaries. Beginning at latitude 33°32'40" N., longitude 115°33'50" W.; to latitude 33°31'30" N., longitude 115°32'00" W.; to latitude 33°31'15" N., longitude 115°26'45" W.; to latitude 33°29'00" N., longitude 115°20'00" W.; to latitude 33°25'50" N., longitude 115°14'30" W.; to latitude 33°24'15" N., longitude 115°17'00" W.; to latitude 33°21'40" N., longitude 115°12'00" W.; to latitude 33°22'50" N., longitude 115°09'58" W.; to latitude 33°08'45" N., longitude 114°56'40" W.; to latitude 33°01'00" N., longitude 115°06'00" W.; to latitude 33°21'30" N., longitude 115°32'55" W.; to latitude 33°23'40" N., longitude 115°33'20" W.; to latitude 33°28'30" N., longitude 115°42'10" W.; to the point of beginning.

Designated altitudes. Surface to flight level 400.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Commanding Officer, U. S. Marine Corps Air Station, Yuma, Ariz.

## R-2508 Complex, Calif.

Boundaries. Beginning at Lat. 37°12'00" N. Long. 117°20'00" W; to Lat. 35°34'00" N. Long. 116° 23'00" W; to Lat. 35°28'35" N. Long. 116°18'45" W; to Lat. 35°18'45" N. Long. 116°18'45" W; to Lat. 35°07'00" N. Long. 116°34'00" W; to Lat. 35°07'00" N. Long. 116°47'45" W; to Lat. 35°08'50" N. Long. 116°48'40" W; to Lat. 35°06'30" N. Long. 116°58'40" W; to Lat. 34°53'30" N. Long. 117°11'50" W; to Lat. 34°50'20" N. Long. 117°32'00" W; to Lat. 34°48'30" N. Long. 117°32'00" W; to Lat. 34°48'00" N. Long. 117°35'00" W; to Lat. 34°48'00" N. Long. 118°01'00" W; to Lat. 34°49'40" N. Long. 118°05'45" W; to Lat. 34°51'30" N. Long. 118°05'45" W; to Lat. 34°56'00" N. Long. 118°21'00" W; to Lat. 35°15'00" N. Long. 118°35'00" W; to Lat. 37°12'00" N. Long. 118°35'00" W; to the point of beginning.

Designated altitudes. 20,000 feet MSL to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Commander, Naval Weapons Center, China Lake, Calif.

## R-2509 Cuddeback Dry Lake, Calif.

Boundaries. Beginning at Lat. 35°25'00" N. Long. 117°26'00" W; to Lat. 35°25'00" N. Long. 117° 16'52" W; to Lat. 35°15'56" N. Long. 117°16'52" W; to Lat. 35°15'56" N. Long. 117°26'00" W; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commander, George AFB, Calif.

## R-2510 El Centro, Calif.

Boundaries. Beginning at latitude 32°59'35" N., longitude 115°43'30" W.; to latitude 32°55'35" N., longitude 115°40'15" W.; to latitude 32°53'45" N., longitude 115°40'15" W.; thence counterclockwise along the arc of a 5-mile radius circle centered at latitude 32°49'20" N., longitude 115°40'15" W.; to latitude 32°50'05" N., longitude 115°45'20" W.; to latitude 32°50'05" N., longitude 115°55'00" W.; to latitude 32°55'50" N., longitude 115°55'00" W.; to latitude 33°01'20" N., longitude 116°02'15" W.; to latitude 33°06'35" N., longitude 115°56'50" W.; to latitude 33°06'35" N., longitude 115°51'12" W.; to point of beginning.

Designated altitudes. Surface to flight level 500.

Time of designation. Continuous, surface to 20,000 feet MSL; Sunrise to sunset, Monday through Friday, 20,000 feet MSL to flight level 500.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Commanding Officer, U. S. Marine Corps Air Station, Yuma, Ariz.

## R-2511 Fort Ord, California

Boundaries. Beginning at latitude 36° 37' 42" N., longitude 121° 48' 47" W.; to latitude 36° 38' 25" N., longitude 121° 46' 29" W.; thence counterclockwise around the arc of a 3-mile radius circle centered at latitude 36° 40' 55" N., longitude 121° 45' 41" W.; to latitude 36° 38' 43" N., longitude 121° 44' 00" W.; to latitude 36° 38' 08" N., longitude 121° 43' 20" W.; to latitude 36° 35' 45" N., longitude 121° 42' 42" W.; to latitude 36° 34' 45" N., longitude 121° 47' 24" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 36° 35' 30" N., longitude 121° 50' 30" W.; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Monterey Approach Control

Using agency. Commanding General, Fort Ord, California.

## R-2512 Holtville, Calif.

Boundaries. Beginning at Lat. 33°05'00" N. Long. 115°17'30" W; to Lat. 33°00'00" N. Long. 115° 13'30" W; to Lat. 32°51'00" N. Long. 115°05'30" W; to Lat. 32°51'00" N. Long. 115°17'00" W; to Lat. 32°58'00" N. Long. 115°17'30" W; to Lat. 33°05'00" N. Long. 115°20'00" W; to the point of beginning.

Designated altitudes. Surface to 23,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, U.S. Marine Corps Air Station, Yuma, Ariz.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

## R-2513 Hunter-Liggett, Calif.

## R-2521 Salton Sea, Calif.

## R-2513 Hunter-Liggett, Calif.

Boundaries. From lat. 36°03'43"N., long. 121°22'38"W., to lat. 36°02'45"N., long. 121°17'45"W., to latitude 35°59'18" N., longitude 121°13'30" W., to latitude 35°56'45" N., longitude 121°09'45" W., to latitude 35°55'20" N., longitude 121°05'45" W., to latitude 35°48'17" N., longitude 121°10'53" W., to latitude 35°51'02" N., longitude 121°16'15" W., to latitude 35°51'02" N., longitude 121°17'20" W., to latitude 35°58'10" N., longitude 121°23'40" W., to latitude 35°58'10" N., longitude 121°21'40" W., to latitude 36°02'12" N., longitude 121°24'40" W., to the point of beginning.

Designated altitudes. Surface to FL 240.

Time of designation. Continuous.

Controlling agency. FAA, Oakland ARTC Center.

Using agency. Commanding General, Fort Ord, Calif.

## R-2515 Muroc Lake, Calif.

Boundaries. Beginning at Lat. 35°19'00" N, Long. 116°49'00" W; to Lat. 35°10'00" N, Long. 116°49'00" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 35°01'00" N, Long. 118°05'45" W; to Lat. 35°27'40" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 116°55'20" W; to Lat. 35°19'00" N, Long. 116°55'20" W; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Commander, Edwards AFB, Calif.

## R-2516 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at latitude 34°59'32" N., longitude 120°41'50" W.; to latitude 34°53'30" N., longitude 120°33'20" W.; to latitude 34°50'15" N., longitude 120°31'30" W.; to latitude 34°46'15" N., longitude 120°26'40" W.; to latitude 34°39'50" N., longitude 120°31'15" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to latitude 34°34'52" N., longitude 120°42'37" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous.

Using agency. HQ, Space and Missile Test Center, (SAMTEC) ROSF, Vandenberg, AFB, Calif.

## R-2517 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at latitude 34°34'52" N., longitude 120°42'37" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to latitude 34°24'45" N., longitude 120°27'20" W.; to latitude 34°24'00" N., longitude 120°30'00" W.; thence three nautical miles from and parallel to the shoreline to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous.

Using agency. HQ, Space and Missile Test Center, (SAMTEC) ROSF, Vandenberg AFB, Calif.

## R-2518 Castle Rock, Calif.

Boundaries. A circular area with a 300-yard radius centered at Lat. 33°02'04" N, Long. 118°36'47" W.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. Sunrise to 2000 local time.

Using agency. Commanding Officer, Fleet Air Control and Surveillance Facility, San Diego, Calif.

## R-2519 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°04'15" N, Long. 119°03'40" W; to Lat. 34°02'15" N, Long. 119°04'20" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 34°05'30" N, Long. 119°13'00" W; to Lat. 34°05'55" N, Long. 119°11'15" W; to Lat. 34°07'08" N, Long. 119°09'32" W; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

## R-2520 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°08'30" N, Long. 119°06'10" W; to Lat. 34°07'00" N, Long. 119°05'00" W; to Lat. 34°06'15" N, Long. 119°05'25" W; to Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°07'07" N, Long. 119°09'00" W; to Lat. 34°08'30" N, Long. 119°07'40" W; to the point of beginning.

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

## R-2521 Salton Sea, Calif.

Boundaries. Beginning at latitude 33°18'00" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°49'50" W.; to latitude 33°23'15" N., longitude 115°58'40" W.; to latitude 33°26'15" N., longitude 115°54'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 400 sunrise to sunset; surface to 4,000 feet MSL sunset to sunrise.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency. Commanding Officer, Naval Air Facility, El Centro, Calif.

## R-2524 Trona, Calif.

Boundaries. Beginning at Lat. 35°47'46" N, Long. 116°55'20" W; to Lat. 35°15'56" N, Long. 116°55'20" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°26'00" W; to Lat. 35°36'00" N, Long. 117°26'00" W; to Lat. 35°36'00" N, Long. 117°16'52" W; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Commander, Naval Weapons Center, China Lake, Calif.

## R-2529 Fort Ord West, California

Boundaries. Beginning at latitude 36° 42' 00" N., longitude 121° 49' 45" W.; to latitude 36° 40' 45" N., longitude 121° 48' 22" W.; thence south along California State Highway No. 1 to latitude 36° 38' 05" N., longitude 121° 49' 55" W.; to latitude 36° 38' 15" N., longitude 121° 51' 45" W.; to the point of beginning.

Designated altitudes. Surface to 1,000 feet MSL.

Time of designation. Thirty minutes before sunrise to thirty minutes after sunset.

Controlling agency. Federal Aviation Administration, Monterey Approach Control.

Using agency. Commander, Fort Ord, California.

## R-2530 Sierra Army Depot, Calif.

Boundaries. Beginning at latitude 40° 18' 21" N., longitude 120° 05' 06" W.; to latitude 40° 18' 21" N., longitude 120° 02' 51" W.; to latitude 40° 16' 06" N., longitude 120° 02' 51" W.; to latitude 40° 16' 06" N., longitude 120° 05' 06" W.; to the point of beginning.

Designated altitudes. Surface to 8,600 feet MSL.

Time of designation. 0800 to 1800 p.s.t., Monday through Friday.

Using agency. Commanding Officer, Sierra Army Depot, Herlong, California.

## R-2531 Tracy, Calif.

Boundaries. Beginning at latitude 37°40'34" N., longitude 121°33'42" W.; to latitude 37°40'45" N., longitude 121°31'29" W.; to latitude 37°39'28" N., longitude 121°30'28" W.; to latitude 37°38'50" N., longitude 121°31'05" W.; to latitude 37°39'03" N., longitude 121°34'03" W.; thence to the point of beginning.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. 1000 to 1800, local time, Monday through Friday.

Using agency. United States Energy Research and Development Administration, San Francisco Operations Office.

## R-2533 Oceanside, Calif.

Boundaries. Beginning at latitude 33°27'48" N., longitude 117°33'15" W.; thence to latitude 33°18'20" N., longitude 117°21'48" W.; thence to latitude 33°17'30" N., longitude 117°16'40" W.; thence to latitude 33°13'20" N., longitude 117°29'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 33°22'30" N., longitude 117°39'45" W.; thence to the point of beginning.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, El Toro RATCF

Using agency. Commanding General, Marine Corps Base (MCB), Camp Pendleton, Calif.

## R-2534A Point Arguello, Calif.

Boundaries. Beginning at latitude 34°38'35" N., longitude 120°31'20" W.; to latitude 34°35'45" N., longitude 120°28'10" W.; to latitude 34°36'20" N., longitude 120°27'20" W.; to latitude 34°30'00" N., longitude 120°15'30" W.; to latitude 34°25'10" N., longitude 120°15'30" W.; thence 3 miles from and parallel to the shoreline to latitude 34°24'40" N., longitude 120°19'10" W.; to point of beginning.

Designated altitudes. 500 feet above the surface to unlimited.

Time of designation. Continuous.

Controlling agency. FAA, ARTCC, Los Angeles, Calif.

Using agency. HQ, Space and Missile Test Center, (SAMTEC) ROSF, Vandenberg AFB, Calif.



**R-2534B Point Arguello, Calif.**

Boundaries: Beginning at latitude 34°38'35" N., longitude 120°31'20" W.; to latitude 34°24'40" N., longitude 120°19'10" W.; to latitude 34°24'45" N., longitude 120°27'20" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to point of beginning.

Designated altitudes: 500 feet above the surface to unlimited.

Time of designation: Continuous.

Controlling agency: FAA, ARTCC, Los Angeles, Calif.

Using agency: HQ, Space and Missile Test Center, (SAMTEC) ROSF, Vandenberg, AFB, Calif.

**§ 73.26 Colorado****R-2601 Fort Carson, Colo.**

Boundaries: Beginning at lat. 38°38'19" N., long. 104°52'00" W.; thence northeasterly along Colorado Highway No. 115 to lat. 38°42'40" N., long. 104°49'04" W.; to lat. 38°41'20" N., long. 104°47'00" W.; to lat. 38°40'15" N., long. 104°46'20" W.; to lat. 38°40'00" N., long. 104°45'40" W.; to lat. 38°32'06" N., long. 104°45'00" W.; to lat. 38°32'06" N., long. 104°49'18" W.; to lat. 38°36'20" N., long. 104°52'00" W.; to the point of beginning.

Designated altitudes: Surface to 35,000 feet MSL; 35,000 feet MSL to 60,000 feet MSL, by NOTAM issued 24 hours in advance.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Denver ARTC Center.

Using agency: Commanding General, Fort Carson, Colo.

**R-2602 Fort Carson, Colo.**

Boundaries: Beginning at Lat. 38°38'19" N., Long. 104°52'00" W.; thence to Lat. 38°36'20" N., Long. 104°52'00" W.; to Lat. 38°32'06" N., Long. 104°49'18" W.; to Lat. 38°32'06" N., Long. 104°45'00" W.; to Lat. 38°25'35" N., Long. 104°45'00" W.; to Lat. 38°25'35" N., Long. 104°49'00" W.; to Lat. 38°26'10" N., Long. 104°49'00" W.; to Lat. 38°26'10" N., Long. 104°57'13" W.; to Lat. 38°32'58" N., Long. 104°57'00" W.; thence north-east along Colorado Highway Number 115 to point of beginning.

Designated altitudes: Surface to and including 35,000 feet MSL; 35,000 feet MSL to and including 60,000 feet MSL, by NOTAM issued 24 hours in advance.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Denver ARTC Center.

Using agency: Commanding General, Fort Carson, Colo.

**§ 73.27 Connecticut****§ 73.28 Delaware****§ 73.29 Florida****R-2901A Avon Park, Fla.**

Boundaries. Beginning at lat. 27°35'30" N., long. 81°08'15" W.; to lat. 27°35'00" N., long. 81°09'00" W.; to lat. 27°32'40" N., long. 81°12'20" W.; to lat. 27°32'40" N., long. 81°16'50" W.; to lat. 27°32'32" N., long. 81°21'40" W.; thence northerly along Arbuckle Creek to Arbuckle Lake and along the east and north shore of Arbuckle Lake to lat. 27°43'10" N., long. 81°25'20" W.; to lat. 27°44'50" N., long. 81°25'20" W.; to lat. 27°44'45" N., long. 81°21'25" W.; to lat. 27°44'45" N., long. 81°11'40" W.; to point of beginning.

Designated altitudes. Surface to FL 180, inclusive.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Miami ARTC Center.

Using agency. Commander, MacDill AFB, Fla.

**R-2901B Avon Park, Fla.**

Boundaries. Beginning at lat. 27°35'30" N., long. 81°08'15" W.; to lat. 27°35'00" N., long. 81°09'00" W.; to lat. 27°32'40" N., long. 81°12'20" W.; to lat. 27°32'40" N., long. 81°16'50" W.; to lat. 27°32'32" N., long. 81°21'40" W.; thence northerly along Arbuckle Creek to Arbuckle Lake and along the east and north shore of Arbuckle Lake to lat. 27°43'10" N., long. 81°25'20" W.; to lat. 27°44'50" N., long. 81°25'20" W.; to lat. 27°44'45" N., long. 81°21'25" W.; to lat. 27°44'45" N., long. 81°11'40" W.; to point of beginning.

Designated altitudes. From FL 180 to FL 240.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Miami ARTC Center.

Using agency. Commander, MacDill AFB, Fla.

**R-2901C Avon Park, Fla.**

Boundaries. That area bounded on the east by long. 81°14'00" W., on the south by lat. 27°44'45" N., on the west by long. 81°21'00" W., and on the north by Florida State routes 60 and 630.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, Miami ARTC Center.

Using agency. Commander, MacDill AFB, Fla.

**R-2901D Avon Park, Fla.**

Boundaries. Beginning at lat. 28°00'00" N., long. 81°21'00" W.; to lat. 28°00'00" N., long. 81°14'00" W.; to lat. 27°50'00" N., long. 81°14'00" W.; to lat. 27°50'00" N., long. 81°21'00" W.; to point of beginning.

Designated altitudes. 1,000 feet MSL to 4,000 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, Miami ARTC Center.

Using agency. Commander, MacDill AFB, Fla.

**R-2901E Avon Park, Fla.**

Boundaries. Beginning at lat. 27°32'40" N., long. 81°15'30" W.; to lat. 27°32'40" N., long. 81°12'20" W.; to lat. 27°35'00" N., long. 81°09'00" W.; to lat. 27°29'30" N., long. 81°05'30" W.; to lat. 27°26'30" N., long. 81°12'00" W.; to point of beginning.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, Miami ARTC Center.

Using agency. Commander, MacDill AFB, Fla.

**R-2901F Avon Park, Fla.**

Boundaries. Beginning at lat. 27°26'30" N., long. 81°12'00" W.; to lat. 27°29'30" N., long. 81°05'30" W.; to lat. 27°21'00" N., long. 81°00'00" W.; to lat. 27°16'45" N., long. 81°06'00" W.; to point of beginning.

Designated altitudes. 1,000 feet MSL to 4,000 feet MSL northeast of a line extending from lat. 27°21'00" N., long. 81°00'00" W.; 1,500 feet MSL to 4,000 feet MSL southwest of above described line.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, Miami ARTC Center.

Using agency. Commander, MacDill AFB, Fla.

**R-2901G Avon Park, Fla.**

Boundaries. That area bounded on the north by lat. 27°50'00" N., on the east by long. 81°14'00" W., on the south by Florida State highways 630 and 60, and on the west by long. 81°21'00" W.

Designated altitudes. 500 feet MSL to 4,000 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, Miami ARTC Center.

Using agency. Commander, MacDill AFB, Fla.

**R-2903B Stevens Lake, Fla.**

Boundaries: Within a 5 nautical mile radius of lat. 29°53'04" N., longitude 81°59'09" W., excluding the airspace bounded by lat. 29°53'45" N., long. 82°04'50" W.; lat. 29°52'35" N., long. 82°02'00" W.; lat. 29°50'27" N., long. 82°00'00" W.; lat. 29°48'30" N., long. 81°57'00" W.; with a southeast extension beginning at lat. 29°52'30" N., long. 81°53'30" W.; to lat. 29°49'00" N., long. 81°46'20" W.; to lat. 29°44'50" N., long. 81°49'05" W.; to lat. 29°48'30" N., long. 81°57'00" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to the point of beginning; and a northeast extension beginning at lat. 29°59'50" N., long. 81°57'40" W.; to lat. 29°56'45" N., long. 81°53'15" W.; to lat. 29°55'30" N., long. 81°54'10" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to lat. 29°58'10" N., long. 81°59'10" W.; to point of beginning.

Designated altitudes: Within the circular area, surface to FL 230; within the southeast extension, surface to 7,000 feet MSL in the area beginning at lat. 29°52'30" N., long. 81°53'30" W.; to lat. 29°51'10" N., long. 81°51'00" W.; to lat. 29°47'00" N., long. 81°53'55" W.; to lat. 29°48'30" N., long. 81°57'00" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to point of beginning. Surface to 5,000 feet MSL in the area beginning at lat. 29°51'10" N., long. 81°51'00" W.; to lat. 29°49'00" N., long. 81°46'20" W.; to lat. 29°44'50" N., long. 81°49'05" W.; to lat. 29°47'00" N., long. 81°53'55" W.; to lat. 29°51'10" N., long. 81°51'00" W.; within the northeast extension, surface to 7,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Jacksonville TRACON.

Using agency: Department of Army Affairs, State of Fla., St. Augustine, Fla.

**R-2903C Putnam, Fla.**

Boundaries: A circle with a 5 nautical mile radius centered at lat. 29°47'00" N., long. 81°41'00" W.  
 Designated altitudes: Surface to 14,000 feet MSL.  
 Time of designation: Continuous.  
 Controlling agency: Federal Aviation Administration, Jacksonville TRACON.  
 Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

**R-2904 Starke, Fla.**

Boundaries: Beginning at lat. 30°03'30"N., long. 81°55'40"W.; to lat. 29°58'55"N., long. 81°55'40"W.; to lat. 29°58'55"N., long. 82°02'46"W.; to lat. 30°03'30"N., long. 82°02'46"W.; to point of beginning.  
 Designated altitudes: Surface to but not including 1800 feet MSL.  
 Time of designation: Daily, April through August 0800-1700 local. September through March, Saturday and Sunday 0800-1700 local. Other times by NOTAM at least 24 hours in advance.  
 Controlling agency: Federal Aviation Administration, Jacksonville TRACON.  
 Using agency: Department of Military Affairs, State Arsenal, St. Augustine, Fla.

AMENDMENTS 12/1/77 42 F. R. 47821 (Added)

**R-2905A Tyndall AFB, Fla.**

Boundaries: Beginning at lat. 30°01'30"N., long. 85°32'30"W., to lat. 30°01'15"N., long. 85°30'00"W., to lat. 29°56'00"N., long. 85°33'00"W., thence 3 nautical miles from and parallel to the shoreline to lat. 29°59'00"N., long. 85°36'30"W. to point of beginning.  
 Designated altitudes: Surface to 10,000 feet MSL.  
 Time of designation: Intermittent, as announced by NOTAM, for periods of approximately 10 minutes during launch or recovery.  
 Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.  
 Using agency: Air Defense Weapons Center, Tyndall AFB, Fla.

**R-2905B Tyndall AFB, Fla.**

Boundaries: Beginning at lat. 30°01'15"N., long. 85°30'00"W., to lat. 30°01'00"N., long. 85°27'00"W., to lat. 29°54'00"N., long. 85°27'00"W., thence 3 nautical miles from and parallel to the shoreline to lat. 29°56'00"N., long. 85°33'00"W., to point of beginning.  
 Designated altitudes: Surface to 10,000 feet MSL.  
 Time of designation: Intermittent, as announced by NOTAM, for periods of approximately 10 minutes during launch or recovery.  
 Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.  
 Using agency: Air Defense Weapons Center, Tyndall, AFB, Fla.

**R-2906 Rodman, Fla.**

Boundaries: A circle with a 5-nautical-mile radius centered at latitude 29°29'00" N., longitude 81°46'00" W.; excluding the area east of the east bank of the St. Johns River.  
 Designated altitudes: Surface to 14,000 feet MSL.  
 Time of designation: Continuous.  
 Controlling agency: Federal Aviation Administration, Jacksonville TRACON.  
 Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

**R-2907 Lake George, Fla.**

Subarea A  
 Boundaries: Beginning at latitude 29°23'00" N., longitude 81°31'10" W.; to latitude 29°12'30" N., longitude 81°30'00" W.; to latitude 29°12'30" N., longitude 81°38'30" W.; to latitude 29°15'05" N., longitude 81°40'00" W.; to latitude 29°20'30" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°39'10" W.; thence via a 5-nautical-mile arc centered at latitude 29°19'11" N., longitude 81°35'15" W.; to point of beginning.  
 Designated altitudes: Surface to FL 230.  
 Time of designation: Continuous.  
 Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.  
 Using agency: Jacksonville Operating Area Coordination Center (JOACC), NAS Jacksonville, Fla.

**Subarea B**

Boundaries: Beginning at latitude 29°20'05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°51'50" W.; to latitude 29°20'05" N., longitude 81°51'50" W.; to point of beginning.  
 Designated altitudes: Surface to 9,000 feet MSL from a line of longitude 81°40'00" W., to a line of longitude 81°42'55" W.; surface to 6,000 feet MSL from a line of longitude 81°42'55" W., to a line of longitude 81°51'50" W.  
 Time of designation: Continuous.  
 Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.  
 Using agency: Jacksonville Operating Area Coordination Center (JOACC), NAS Jacksonville, Fla.

**R-2908 Pensacola, Fla.**

Boundaries: Bounded on the N by the Alabama-Florida shoreline; on the E by a line extending from Lat. 30°15'00" N, Long. 87°41'00" W to Lat. 30°11'20" N, Long. 87°44'15" W; on the S by a line 3 nautical miles from and parallel to the Alabama-Florida shoreline; and on the W by Long. 88°01'30" W.  
 Designated altitudes: Surface to 12,000 feet MSL.  
 Time of designation: Sunrise to sunset.  
 Controlling agency: FAA, Pensacola RATCF.  
 Using agency: Commander, Training Air Wing SIX, Naval Air Station, Pensacola, Fla.

**R-2910 Pinecastle, Fla.**

Boundaries: A circle with a 5-nautical mile radius centered at latitude 29°06'52" N., longitude 81°42'55" W.; with a northwest extension to the circle beginning at latitude 29°07'55" N., longitude 81°48'20" W.; to latitude 29°10'00" N., longitude 81°50'35" W.; to latitude 29°14'00" N., longitude 81°45'50" W.; to latitude 29°11'50" N., longitude 81°43'00" W.; and with a southeast extension to the circle beginning at latitude 29°10'05" N., longitude 81°38'50" W.; to latitude 28°57'55" N., longitude 81°28'25" W.; to latitude 28°53'50" N., longitude 81°33'45" W.; to latitude 28°03'05" N., longitude 81°47'00" W.  
 Designated altitudes: Surface to FL 230 within the 5-nautical mile radius. Surface to 9,000 feet MSL within the northwest extension. Surface to 9,000 feet MSL within the southeast extension from the circle to a line from latitude 29°04'25" N., longitude 81°33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W. Surface to 6,000 feet MSL within that portion of the southeast extension that lies southeast of a line from latitude 29°04'25" N., longitude 81°33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W.  
 Time of designation: Continuous.  
 Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.  
 Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

**R-2914A Valparaiso, Fla.**

Boundaries: Beginning at lat. 30°43'15" N., long. 86°25'00" W.; to lat. 30°43'45" N., long. 86°10'30" W.; to lat. 30°41'00" N., long. 86°05'10" W.; to lat. 30°24'00" N., long. 85°56'00" W.; to lat. 30°19'15" N., long. 85°56'00" W.; to lat. 30°22'00" N., long. 86°08'00" W.; to lat. 30°23'20" N., long. 86°08'10" W.; to lat. 30°30'45" N., long. 86°25'00" W.; thence to point of beginning.  
 Designated altitudes: Surface to unlimited, excluding that airspace within R-2917.  
 Time of designation: Continuous.  
 Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.  
 Using agency: Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

**R-2914B Valparaiso, Fla.**

Boundaries: Beginning at lat. 30°22'00" N., long. 86°08'00" W.; to lat. 30°19'15" N., long. 85°56'00" W.; to lat. 30°11'00" N., long. 85°56'00" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 30°15'00" N., long. 86°06'51" W.; to point of beginning.  
 Designated altitudes: 8,500 feet MSL to unlimited.  
 Time of designation: Continuous.  
 Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.  
 Using agency: Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

**R-2915A Eglin AFB, Fla.**

Boundaries: Beginning at latitude 30°33'40" N., longitude 86°55'00" W.; to latitude 30°38'45" N., longitude 86°55'00" W.; thence along the L and N Railroad to latitude 30°42'45" N., longitude 86°45'45" W.; to latitude 30°42'50" N., longitude 86°38'02" W.; to latitude 30°29'01" N., longitude 86°38'02" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; thence along the Navarre-Milton Highway to point of beginning.  
 Designated altitudes: Surface to unlimited.  
 Time of designation: Continuous.  
 Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.  
 Using agency: Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

**R-2915B Eglin AFB, Fla.**

Boundaries: Beginning at lat. 30°26'30" N., long. 86°51'30" W.; to lat. 30°29'01" N., long. 86°38'02" W.; to lat. 30°23'45" N., long. 86°38'15" W.; thence along the shoreline to lat. 30°23'00" N., long. 86°51'30" W.; to lat. 30°24'20" N., long. 86°48'00" W.; to point of beginning.  
 Designated altitudes: Surface to unlimited.  
 Time of designation: Continuous.  
 Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.  
 Using agency: Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

**R-2915C Eglin AFB, Fla.**

Boundaries: Beginning at lat. 30°23'00" N., long. 86°51'30" W.; thence along the shoreline to lat. 30°23'45" N., long. 86°38'15" W.; to lat. 30°20'50" N., long. 86°38'50" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 30°19'30" N., long. 86°51'30" W.; to point of beginning.  
 Designated altitudes: 8,500 feet MSL to unlimited.  
 Time of designation: Continuous.  
 Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.  
 Using agency: Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

**R-2916 Cudjoe Key, Fla.****R-2924 Cape Kennedy, Fla.**



## R-2916 Cudjoe Key, Fla.

Boundaries. A circular area 4 statute miles in diameter centered at latitude 24°42'01" N., longitude 81°30'30" W.  
 Designated altitudes. Surface to 14,000 feet MSL.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, Miami ARTC Center.  
 Using agency. USAF, 20th Air Division.

## R-2917 DeFuniak Springs, Fla.

Boundaries. A circle with a 14-mile radius centered at latitude 30°34'19" N., longitude 86°12'56" W.  
 Designated altitude. Surface to 5,000 feet MSL.  
 Time of designation. Continuous.  
 Using agency. Commander, Armament Development and Test Center (DTC), Eglin AFB, Fla.

## R-2918 Valparaiso, Fla.

Boundaries. Beginning at latitude 30°43'10" N., longitude 86°27'37" W., to latitude 30°43'15" N., longitude 86°25'00" W., to latitude 30°33'00" N., longitude 86°25'00" W., to latitude 30°33'00" N., longitude 86°25'30" W., to latitude 30°37'00" N., longitude 86°27'37" W., to point of beginning.  
 Designated altitudes. Surface to unlimited.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.  
 Using agency. Commander, Armament Development and Test Center, Eglin AFB, Fla.

## R-2919A Valparaiso, Fla.

Boundaries. Beginning at lat. 30°30'45" N., long. 86°25'00" W.; to lat. 30°23'20" N., long. 86°08'10" W.; to lat. 30°22'00" N., long. 86°08'00" W.; to lat. 30°25'00" N., long. 86°22'26" W.; to lat. 30°25'00" N., long. 86°25'00" W.; to point of beginning.  
 Designated altitudes. Surface to unlimited.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.  
 Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

## R-2919B Valparaiso, Fla.

Boundaries. Beginning at lat. 30°25'00" N., long. 86°22'26" W.; to lat. 30°22'00" N., long. 86°08'00" W.; to lat. 30°15'00" N., long. 86°06'15" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 30°19'45" N., long. 86°23'45" W.; to point of beginning.  
 Designated altitudes. 8,500 feet MSL to unlimited.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.  
 Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

## R-2921 Cape Kennedy, Fla.

Boundaries. Beginning at lat. 28°49'10"N., long. 80°50'45"W.; to lat. 28°51'15"N., long. 80°47'15"W.; to lat. 28°51'15"N., long. 80°42'20"W.; thence three nautical miles from and parallel to the shoreline to lat. 28°45'20"N., long. 80°38'25"W.; to lat. 28°42'10"N., long. 80°48'20"W.; to point of beginning.  
 Designated altitudes. 8,000 feet MSL to but not including FL 180.  
 Time of designation. Intermittent, to be activated by NOTAM at least 24 hours in advance.  
 Controlling agency. Federal Aviation Administration, Miami ARTC Center.  
 Using agency. Commander, Air Force Eastern Test Range, Patrick Air Force Base, Fla.  
 AMENDMENTS 8/11/77 42 F. R. 29475 (Rewritten)

## R-2922 Cape Kennedy, Fla.

Boundaries. Beginning at lat. 28°42'10"N., long. 80°48'20"W.; to lat. 28°45'20"N., long. 80°38'25"W.; to lat. 28°40'00"N., long. 80°40'28"W.; to lat. 28°38'00"N., long. 80°47'02"W.; to point of beginning.  
 Designated altitudes. 1200 feet MSL to but not including FL 180.  
 Time of designation. Intermittent, to be activated by NOTAM at least 24 hours in advance.  
 Controlling agency. Federal Aviation Administration, Miami ARTC Center.  
 Using agency. Commander, Air Force Eastern Test Range, Patrick Air Force Base, Fla.  
 AMENDMENTS 8/11/77 42 F. R. 29475 (Rewritten)

## R-2923 Cape Kennedy, Fla.

Boundaries. Beginning at Lat. 28°40'00"N., Long. 80°40'28"W.; to Lat. 28°41'40"N., Long. 80°35'00"W.; thence three nautical miles from, and parallel to the shoreline to Lat. 28°30'00"N., Long. 80°29'05"W.; to Lat. 28°30'00"N., Long. 80°36'42"W.; to Lat. 28°34'00"N., Long. 80°35'45"W.; to point of beginning.  
 Designated altitudes. Surface to 5000 feet MSL.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, Miami ARTC Center.  
 Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

## R-2924 Cape Kennedy, Fla.

Boundaries. Beginning at Lat. 28°24'30"N., Long. 80°38'00"W.; to Lat. 28°24'30"N., Long. 80°30'30"W.; thence three nautical miles from, and parallel to the shoreline to Lat. 28°30'00"N., Long. 80°29'05"W.; to Lat. 28°30'00"N., Long. 80°36'42"W.; to point of beginning.  
 Designated altitudes. Surface to 5000 feet MSL.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, Miami ARTC Center.  
 Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

## R-2925 Cape Kennedy, Fla.

Boundaries. Beginning at Lat. 28°40'00"N., Long. 80°40'28"W.; to Lat. 28°41'40"N., Long. 80°35'00"W.; thence three nautical miles from, and parallel to the shoreline to Lat. 28°24'30"N., Long. 80°30'30"W.; to Lat. 28°24'30"N., Long. 80°38'00"W.; to Lat. 28°34'00"N., Long. 80°35'45"W.; to point of beginning.  
 Designated altitudes. 5000 feet MSL to unlimited.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, Miami ARTC Center.  
 Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

## R-2926 Cape Kennedy, Fla.

Boundaries. Beginning at lat. 28°38'00"N., long. 80°47'02"W.; to lat. 28°40'00"N., long. 80°40'28"W.; to lat. 28°34'00"N., long. 80°35'45"W.; to lat. 28°24'30"N., long. 80°38'00"W.; to lat. 28°24'30"N., long. 80°41'45"W.; to lat. 28°30'30"N., long. 80°43'30"W.; to lat. 28°37'35"N., long. 80°46'50"W.; to point of beginning.  
 Designated altitudes. Surface to unlimited—except that airspace below 1200 feet AGL west of line from lat. 28°31'20"N., long. 80°43'50"W.; to lat. 28°28'40"N., long. 80°40'30"W.; to lat. 28°24'30"N., long. 80°40'30"W.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, Miami ARTC Center.  
 Using agency. Commander, Air Force Eastern Test Range, Patrick Air Force Base, Fla.

AMENDMENTS 8/11/77 42 F. R. 29475 (Added)

## R-2927 Cape Kennedy, Fla.

Boundaries. Beginning at lat. 28°24'30"N., long. 80°41'45"W.; to lat. 28°24'30"N., long. 80°30'30"W.; to lat. 28°22'30"N., long. 80°35'00"W.; to lat. 28°22'30"N., long. 80°40'50"W.; to point of beginning.  
 Designated altitudes. 8,000 feet MSL to but not including FL 180.  
 Time of designation. Intermittent, to be activated by NOTAM at least 24 hours in advance.  
 Controlling agency. Federal Aviation Administration, Miami ARTC Center.  
 Using agency. Commander, Air Force Eastern Test Range, Patrick Air Force Base, Fla.

AMENDMENTS 8/11/77 42 F. R. 29475 (Added)

## R-2928 Cape Kennedy, Fla.

Boundaries. Beginning at lat. 28°40'00"N., long. 80°40'28"W.; to lat. 28°45'20"N., long. 80°38'25"W.; thence three nautical miles from and parallel to the shoreline to lat. 28°41'40"N., long. 80°35'00"W.; to point of beginning.  
 Designated altitudes. Surface to unlimited.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, Miami ARTC Center.  
 Using agency. Commander, Air Force Eastern Test Range, Patrick Air Force Base, Fla.

AMENDMENTS 8/11/77 42 F. R. 29475 (Added)

## § 73.30 Georgia

## R-3002A Fort Benning, Ga.

Boundaries. Beginning at lat. 32°31'46" N., long. 84°51'13" W.; to lat. 32°18'55" N., long. 84°41'45" W.; thence along the Central of Georgia Railroad to lat. 32°20'54" N., long. 84°47'20" W.; to lat. 32°15'25" N., long. 84°47'20" W.; to lat. 32°15'25" N., long. 84°53'10" W.; thence along the Chattahoochee River to lat. 32°14'40" N., long. 84°55'30" W.; to lat. 32°14'40" N., long. 84°58'42" W.; to lat. 32°20'15" N., long. 84°58'42" W.; thence along the north side of Dixie Road to lat. 32°21'10" N., long. 84°56'45" W.; to lat. 32°22'30" N., long. 84°56'45" W.; thence along Upatoi Creek to lat. 32°24'00" N., long. 84°53'30" W.; to lat. 32°29'17" N., long. 84°52'32" W.; to lat. 32°29'17" N., long. 84°51'35" W.; to lat. 32°30'19" N., long. 84°51'35" W.; to lat. 32°30'19" N., long. 84°52'21" W.; to lat. 32°30'50" N., long. 84°52'15" W.; thence along the Central of Georgia Railroad to point of beginning.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, ATC Tower, Columbus, Ga.

Using agency. Commanding Officer, Fort Benning, Ga.

## R-3002B Fort Benning, Ga.

Boundaries. Beginning at lat. 32°31'46" N., long. 84°51'13" W.; to lat. 32°18'55" N., long. 84°41'45" W.; thence along the Central of Georgia Railroad to lat. 32°20'54" N., long. 84°47'20" W.; to lat. 32°15'25" N., long. 84°47'20" W.; to lat. 32°15'25" N., long. 84°53'10" W.; thence along the Chattahoochee River to lat. 32°14'40" N., long. 84°55'30" W.; to lat. 32°14'40" N., long. 84°58'42" W.; to lat. 32°20'15" N., long. 84°58'42" W.; thence along the north side of Dixie Road to lat. 32°21'10" N., long. 84°56'45" W.; to lat. 32°22'30" N., long. 84°56'45" W.; thence along Upatoi Creek to lat. 32°24'00" N., long. 84°53'30" W.; to lat. 32°29'17" N., long. 84°52'32" W.; to lat. 32°29'17" N., long. 84°51'35" W.; to lat. 32°30'19" N., long. 84°51'35" W.; to lat. 32°30'19" N., long. 84°52'21" W.; to lat. 32°30'50" N., long. 84°52'15" W.; thence along the Central of Georgia Railroad to point of beginning.

Designated altitudes. 4,000 feet MSL to 8,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, ATC Tower, Columbus, Ga.

Using agency. Commanding Officer, Fort Benning, Ga.

## R-3002C Fort Benning, Ga.

Boundaries. Beginning at lat. 32°31'46" N., long. 84°51'13" W.; to lat. 32°18'55" N., long. 84°41'45" W.; thence along the Central of Georgia Railroad to lat. 32°20'54" N., long. 84°47'20" W.; to lat. 32°15'25" N., long. 84°47'20" W.; to lat. 32°15'25" N., long. 84°53'10" W.; thence along the Chattahoochee River to lat. 32°14'40" N., long. 84°55'30" W.; to lat. 32°14'40" N., long. 84°58'42" W.; to lat. 32°20'15" N., long. 84°58'42" W.; thence along the north side of Dixie Road to lat. 32°21'10" N., long. 84°56'45" W.; to lat. 32°22'30" N., long. 84°56'45" W.; thence along Upatoi Creek to lat. 32°24'00" N., long. 84°53'30" W.; to lat. 32°29'17" N., long. 84°52'32" W.; to lat. 32°29'17" N., long. 84°51'35" W.; to lat. 32°30'19" N., long. 84°51'35" W.; to lat. 32°30'19" N., long. 84°52'21" W.; to lat. 32°30'50" N., long. 84°52'15" W.; thence along the Central of Georgia Railroad to point of beginning.

Designated altitudes. 8,000 feet MSL to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, ATC Tower, Columbus, Ga.

Using agency. Commanding Officer, Fort Benning, Ga.

## R-3002D Fort Benning, Ga.

Boundaries. Beginning at lat. 32°31'46" N., long. 84°51'13" W.; thence along the Central of Georgia Railroad to lat. 32°32'10" N., long. 84°40'40" W.; to lat. 32°31'20" N., long. 84°40'20" W.; thence along Upatoi Creek to lat. 32°31'46" N., long. 84°39'25" W.; to lat. 32°18'30" N., long. 84°39'25" W.; to lat. 32°18'55" N., long. 84°41'45" W.; thence northwest to point of beginning.

Designated altitudes. Surface to 8,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, ATC Tower, Columbus, Ga.

Using agency. Commanding Officer, Fort Benning, Ga.

## R-3002E Fort Benning, Ga.

Boundaries. Beginning at lat. 32°31'46" N., long. 84°51'13" W.; thence along the Central of Georgia Railroad to lat. 32°32'10" N., long. 84°40'40" W.; to lat. 32°31'20" N., long. 84°40'20" W.; thence along Upatoi Creek to lat. 32°31'46" N., long. 84°39'25" W.; to lat. 32°18'30" N., long. 84°39'25" W.; to lat. 32°18'55" N., long. 84°41'45" W.; thence northwest to point of beginning.

Designated altitudes. 8,000 feet MSL to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, ATC Tower, Columbus, Ga.

Using agency. Commanding Officer, Fort Benning, Ga.

## R-3002F Fort Benning, Ga.

Boundaries. Beginning at lat. 32°31'46" N., long. 84°51'13" W.; thence along the Central of Georgia Railroad to lat. 32°32'10" N., long. 84°40'40" W.; to lat. 32°31'20" N., long. 84°40'20" W.; thence along Upatoi Creek to lat. 32°31'46" N., long. 84°39'25" W.; to lat. 32°18'30" N., long. 84°39'25" W.; to lat. 32°18'55" N., long. 84°41'45" W.; thence northwest to point of beginning.

Designated altitudes. 14,000 feet MSL to FL 250.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Atlanta ARTC Center.

Using agency. Commanding Officer, Fort Benning, Ga.

## R-3003 Fort Gordon, Ga.

Boundaries. Beginning at latitude 33°23'35" N., longitude 82°08'30" W.; to latitude 33°22'15" N., longitude 82°08'18" W.; to latitude 33°21'35" N., longitude 82°09'10" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to latitude 33°25'00" N., longitude 82°12'00" W.; to point of beginning.

Designated altitude. Surface to 4,000 feet MSL.

Time of designation. 0730 to 1700 local time, Monday through Sunday and at other times when published by NOTAM 24 hours in advance.

Controlling agency. Federal Aviation Administration, Augusta, Ga., ATC Tower.

Using agency. Commanding Officer, Fort Gordon, Ga.

## R-3004 Fort Gordon, Ga.

Boundaries. Beginning at latitude 33°21'53" N., longitude 82°12'15" W.; to latitude 33°19'43" N., longitude 82°12'15" W.; to latitude 33°16'20" N., longitude 82°18'00" W.; to latitude 33°17'28" N., longitude 82°23'00" W.; to latitude 33°21'15" N., longitude 82°18'47" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to point of beginning.

Designated altitudes. Surface to 17,000 feet MSL.

Time of designation. As published by NOTAM 24 hours in advance.

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. Commanding Officer, Fort Gordon, Ga.

## R-3005A Fort Stewart, Ga.

Boundaries. Beginning at latitude 32°04'40" N., longitude 81°50'00" W.; to latitude 32°07'00" N., longitude 81°43'30" W.; to latitude 32°06'15" N., longitude 81°31'30" W.; to latitude 32°05'30" N., longitude 81°31'30" W.; to latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 31°56'30" N., longitude 81°30'00" W.; thence along the arc of a 5-mile circle centered at latitude 31°53'20" N., longitude 81°33'45" W.; to latitude 31°56'48" N., longitude 81°30'42" W.; thence SW along Georgia Highway 144 to latitude 31°53'11" N., longitude 81°37'51" W.; to latitude 31°51'45" N., longitude 81°38'08" W.; to latitude 31°55'30" N., longitude 81°53'00" W.; to latitude 31°57'00" N., longitude 81°53'15" W.; to latitude 31°59'45" N., longitude 81°51'06" W.; to the point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. Commanding Officer, Fort Stewart, Ga.

## R-3005B Fort Stewart, Ga.

Boundaries. Beginning at latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 32°04'15" N., longitude 81°22'30" W.; thence along the Ogeechee River to latitude 32°00'30" N., longitude 81°19'30" W.; to latitude 31°58'45" N., longitude 81°19'45" W.; to latitude 31°56'15" N., longitude 81°23'00" W.; to latitude 31°54'03" N., longitude 81°28'45" W.; thence along the arc of a 5-statute-mile-radius circle centered at latitude 31°53'20" N., longitude 81°33'45" W.; to latitude 31°56'30" N., longitude 81°30'00" W., to the point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. Commanding Officer, Fort Stewart, Ga.

## R-3005C Fort Stewart, Ga.

Boundaries. Beginning at latitude 31°54'03" N., longitude 81°28'45" W.; to latitude 31°51'20" N., longitude 81°36'00" W.; to latitude 31°51'45" N., longitude 81°38'08" W.; to latitude 31°53'11" N., longitude 81°37'51" W.; thence NE along Georgia Highway 144 to latitude 31°56'48" N., longitude 81°30'42" W.; thence along the arc of a 5-mile radius circle centered at latitude 31°53'20" N., longitude 81°33'45" W., to the point of beginning.

Designated altitudes. Surface to 3,500 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. Commanding Officer, Fort Stewart, Ga.



## § 73.31 Hawaii

## R-3101 PMRFAC FOUR, Hawaii

## SUBAREA A

Boundaries: Beginning at latitude 22°13'00" N., longitude 159°42'00" W.; thence to latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'30" N., longitude 159°48'55" W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.

Designated altitudes: Surface to 5,000 feet MSL.

Time of designation: Continuous.

Controlling agency: FAA, Lihue Combined Station/Tower

Using agency: Commanding Officer, Pacific Missile Range Facility, Hawaii (COPMRFAC HAWAII).

## SUBAREA B

Boundaries: Beginning at latitude 22°13'00" N., longitude 159°42'00" W.; thence to latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'30" N., longitude 159°48'55" W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.

Designated altitudes: 5,000 feet MSL to unlimited.

Time of designation: Continuous.

Controlling agency: FAA, Honolulu ARTC Center.

Using agency: Commanding Officer, Pacific Missile Range Facility, Hawaii (COPMRFAC HAWAII).

## R-3103 Humuula, Hawaii

Boundaries: Beginning at latitude 19°48'25" N., longitude 155°37'30" W.; thence to latitude 19°43'30" N., longitude 155°29'20" W.; thence to latitude 19°35'00" N., longitude 155°34'30" W.; thence to latitude 19°35'00" N., longitude 155°40'25" W.; thence to latitude 19°40'15" N., longitude 155°43'45" W.; thence to latitude 19°46'40" N., longitude 155°42'20" W.; to the point of beginning.

Designated altitudes: Surface to 30,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Hilo Combined Station/Tower.

Using agency: Commanding General, U. S. Army, Hawaii, Schofield Barracks, Hawaii.

## R-3104A Island of Kahoolawe, Hawaii

Boundaries: Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to lat. 20°36'20"N., long. 156°36'30"W.; to lat. 20°36'20"N., long. 156°34'50"W.; to lat. 20°35'20"N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.

Designated altitudes: Surface to 10,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.

Using agency: Commander, Fleet Training Group Pearl Harbor (COMFLETRAGRU PEARL).

AMENDMENTS 10/6/77 42 F. R. 41110 (Changed)

Corr: 42 F. R. 53598

## R-3104B Island of Kahoolawe, Hawaii

Boundaries: Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to lat. 20°36'20"N., long. 156°36'30"W.; to lat. 20°36'20"N., long. 156°34'50"W.; to lat. 20°35'20"N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.

Designated altitudes: 10,000 feet MSL to FL 180.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.

Using agency: Commander, Fleet Training Group Pearl Harbor (COMFLETRAGRU PEARL).

AMENDMENTS 10/6/77 42 F. R. 41110 (Changed)

Corr: 42 F. R. 53598

## R-3104C Island of Kahoolawe, Hawaii

Boundaries: Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to lat. 20°36'20"N., long. 156°36'30"W.; to lat. 20°36'20"N., long. 156°34'50"W.; to lat. 20°35'20"N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.

Designated altitudes: FL 180 to unlimited.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.

Using agency: Commander, Fleet Training Group Pearl Harbor (COMFLETRAGRU PEARL).

AMENDMENTS 10/6/77 42 F. R. 41110 (Changed)

Corr: 42 F. R. 53598

## R-3107A Kaula Rock, Hawaii

Boundaries: A circular area with a 3-nautical mile radius centered at Lat. 21°39'30" N, Long. 160°32'30" W.

Designated altitudes: Surface to FL 180

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.

Using agency: Commander, Fleet Training Group Pearl Harbor (COMFLETRAGRU PEARL).

## R-3107B Kaula Rock, Hawaii

Boundaries: A circular area with a 3-nautical-mile radius centered at latitude 21°39'30" N., longitude 160°32'30" W.

Designated altitudes: FL 180 to FL 300

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.

Using agency: Commander, Fleet Training Group Pearl Harbor (COMFLETRAGRU PEARL).

## R-3109A Schofield-Makua, Oahu, Hawaii

Beginning at latitude 21°30'29" N., longitude 158°04'09" W.; to latitude 21°29'25" N., longitude 158°05'00" W.; to latitude 21°27'28" N., longitude 158°05'55" W.; to latitude 21°29'11" N., longitude 158°07'35" W.; to latitude 21°29'30" N., longitude 158°08'40" W.; to latitude 21°33'15" N., longitude 158°08'40" W.; to latitude 21°32'14" N., longitude 158°05'12" W.; to point of beginning.

Designated altitudes: The area southeast of a line between latitude 21°28'35" N., longitude 158°07'00" W.; and latitude 21°29'25" N., longitude 158°05'00" W.; surface to 8,000 feet MSL. The area northwest of this line, surface to 19,000 feet MSL.

Time of designation: Continuous.

Controlling agency: FAA, Honolulu Flight Service Station.

Using agency: U. S. Army, Hawaii, Schofield Barracks, Hawaii.

## R-3109B Schofield-Makua, Oahu, Hawaii

Beginning at latitude 21°29'30" N., longitude 158°08'40" W.; to latitude 21°31'00" N., longitude 158°14'00" W.; to latitude 21°32'30" N., longitude 158°14'30" W.; to latitude 21°33'15" N., longitude 158°15'15" W.; to latitude 21°34'30" N., longitude 158°15'15" W.; to latitude 21°34'30" N., longitude 158°13'15" W.; to latitude 21°33'15" N., longitude 158°08'40" W.; to point of beginning.

Designated altitudes: Surface to 19,000 feet MSL.

Time of designation: Continuous.

Controlling agency: FAA, Honolulu Flight Service Station.

Using agency: U. S. Army, Hawaii, Schofield Barracks, Hawaii.

## R-3120 PMRFAC Five, Hawaii

Boundaries: Beginning at latitude 21°58'30" N., longitude 159°48'55" W., thence to latitude 21°58'25" N., longitude 159°43'35" W., thence southeasterly along the shoreline of the island of Kauai to latitude 21°57'45" N., longitude 159°42'00" W., thence to latitude 21°54'45" N., longitude 159°42'00" W., thence clockwise along a line 3 nautical miles from and parallel to the shoreline of the island of Kauai to the point of beginning.

Designated altitudes: Surface to 5,000 feet MSL.

Time of designation: Continuous.

Controlling agency: FAA, Lihue Combined Station/Tower

Using agency: Commanding Officer, Pacific Missile Range Facility Hawaii (COPMRFAC HAWAII).

## § 73.32 Idaho

## R-3202 Saylor Creek, Idaho

## SUBAREA A

Boundaries. Beginning at latitude 42°53'00" N., longitude 115°42'20" W.; to latitude 42°53'00" N., longitude 115°24'15" W.; to latitude 42°36'00" N., longitude 115°24'15" W.; to latitude 42°36'00" N., longitude 115°42'20" W.; to point of beginning.

Designated altitudes. Surface to flight level 180.

Time of designation. 0700 to 0100 local time, Monday through Friday.

Controlling agency. FAA, Salt Lake City ARTC Center.

Using agency. Commander, 366th Tactical Fighter Wing, Mountain Home AFB, Idaho.

## SUBAREA B

Boundaries. Beginning at latitude 42°36'00" N., longitude 115°37'00" W.; to latitude 42°36'00" N., longitude 115°30'00" W.; to latitude 42°33'00" N., longitude 115°30'00" W.; to latitude 42°33'00" N., longitude 115°37'00" W.; to point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. 0700 to 0100 local time, Monday through Friday.

Controlling agency. FAA, Salt Lake City ARTC Center.

Using agency. Commander, 366th Tactical Fighter Wing, Mountain Home AFB, Idaho.

## SUBAREA C

Boundaries. Beginning at latitude 42°33'00" N., longitude 115°37'00" W.; to latitude 42°33'00" N., longitude 115°30'00" W.; to latitude 42°07'00" N., longitude 115°30'00" W.; to latitude 42°07'00" N., longitude 115°37'00" W.; to point of beginning.

Designated altitudes. Surface to 11,000 feet MSL.

Time of designation. 0700 to 0100 local time, Monday through Friday.

Controlling agency. FAA, Salt Lake City ARTC Center.

Using agency. Commander, 366th Tactical Fighter Wing, Mountain Home AFB, Idaho.

## § 73.33 Illinois

## R-3302 Savanna, Ill.

Boundaries. A circular area with a 1,500-foot radius centered on latitude 42°13'59" N., longitude 90°21'43" W.

Designated altitudes. Surface to 2,300 feet MSL.

Time of designation. 0800 to 2200 c.s.t.

Using agency. Commanding Officer, Ordnance Depot, Savanna, Ill.

## § 73.34 Indiana

## R-3401A Atterbury Reserve Forces Training Area, Ind.

Boundaries. Beginning at Lat. 39°21'30" N, Long. 86°06'00" W; to Lat. 39°21'30" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 86°06'00" W; to the point of beginning.

Designated altitudes. Surface to 40,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.

Using agency. Adjutant General, State of Indiana, Indianapolis, IN.

## R-3401B Atterbury Reserve Forces Training Area, Ind.

Boundaries. Beginning at lat. 39°22'00" N., long. 86°06'40" W.; to lat. 39°22'00" N., long. 85°59'30" W.; to lat. 39°21'30" N., long. 85°59'30" W.; to lat. 39°21'30" N., long. 86°06'00" W.; to lat. 39°13'00" N., long. 86°06'00" W.; to lat. 39°13'00" N., long. 85°59'30" W.; to lat. 39°12'30" N., long. 85°59'30" W.; to lat. 39°12'30" N., long. 86°09'50" W.; to lat. 39°19'00" N., long. 86°11'20" W.; to point of beginning.

Designated altitude. 1200 feet AGL to and including 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.

Using agency. Adjutant General, State of Indiana, Indianapolis, Ind.

## R-3403A Jefferson Proving Ground, Ind.

Boundaries. Beginning at latitude 39°02'57" N., longitude 85°27'42" W.; to latitude 39°02'00" N., longitude 85°22'00" W.; to latitude 38°56'06" N., longitude 85°22'00" W.; to latitude 38°50'35" N., longitude 85°22'50" W.; to latitude 38°50'00" N., longitude 85°24'00" W.; to latitude 38°50'00" N., longitude 85°27'42" W.; to the point of beginning.

Designated altitudes. Surface to 43,000 feet MSL.

Time of designation. Daily, 0800 to 2300 local time.

Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.

Using agency. Commanding Officer, Jefferson Proving Ground, Madison, Ind.

## R-3403B Jefferson Proving Ground, Ind.

Boundaries. Beginning at lat. 39°05'00"N., long. 85°30'00"W.; to lat. 39°05'00"N., long. 85°22'00"W.; to lat. 39°02'00"N., long. 85°22'00"W.; to lat. 39°02'57"N., long. 85°27'42"W.; to lat. 38°55'00"N., long. 85°27'42"W.; to lat. 38°57'30"N., long. 85°30'00"W.; to point of beginning.

Designated altitudes. 1200 feet AGL to FL 180.

Time of designation. Daily 0800 to 2300 local time.

Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.

Using agency. Commanding Officer, Jefferson Proving Ground, Madison, Ind.

## AMENDMENTS 4/21/77 42 F. R. 13273 (Changed)

## R-3404 Crane, IN.

Boundaries. A circular area 1 nautical mile in diameter, centered on latitude 38°49'18" N., longitude 86°50'03" W.

Designated altitudes. Surface to 1,800 feet MSL.

Time of designation. Sunrise to Sunset.

Controlling agency. Federal Aviation Administration, Terre Haute Flight Service Station.

Using agency. Commanding Officer, Naval Ammunition Depot, Crane, IN.

## § 73.35 Iowa

## § 73.36 Kansas

## R-3601A Brookville, Kans.

Boundaries. Beginning at latitude 38°45'20" N., longitude 97°46'00" W.; to latitude 38°39'45" N., longitude 97°46'00" W.; along the Missouri Pacific Railroad to latitude 38°38'20" N., longitude 97°47'30" W.; to latitude 38°38'20" N., longitude 97°56'00" W.; to latitude 38°45'20" N., longitude 97°56'00" W.; to point of beginning.

Designated altitudes. Surface to FL 180.

Time of designation. Sunrise to 2400 hours c.s.t., Tuesday through Saturday; sunrise to sunset Sunday.

Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.

Using agency. Commander, Kansas ANG, McConnell AFB, Kans.

## R-3601B Brookville, Kans.

Boundaries. Beginning at latitude 38°38'20" N., longitude 97°50'00" W.; to latitude 38°35'00" N., longitude 97°50'00" W.; to latitude 38°35'00" N., longitude 97°56'00" W.; to latitude 38°38'20" N., longitude 97°56'00" W.; to point of beginning.

Designated altitudes. Surface to 6,500 feet MSL.

Time of designation. Sunrise to 2400 hours c.s.t., Tuesday through Saturday; sunrise to sunset Sunday.

Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.

Using agency. Commander, Kansas ANG, McConnell AFB, Kans.

## R-3602 Manhattan, Kans.

## Subarea A

Boundaries: Beginning at latitude 39°17'45" N., longitude 96°49'50" W.; thence along the southern edge of the Chicago, Rock Island and Pacific Railroad right-of-way to latitude 39°18'33" N., longitude 96°57'39" W.; thence south to the shoreline of the main body of Milford Reservoir at latitude 39°12'27" N., longitude 96°57'39" W.; thence along the shoreline of the main body of Milford Reservoir to latitude 39°10'58" N., longitude 96°55'00" W.; to latitude 39°10'58" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°49'52" W.; thence north along U. S. Highway No. 77 to the point of beginning.

Designated altitudes: Surface to 29,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.

Using agency: Commanding General, Fort Riley, Kans.



## Subarea B

Boundaries: Beginning at latitude 39°17'45" N., longitude 96°49'50" W.; thence south along U. S. Highway No. 77 to latitude 39°07'54" N., longitude 96°49'52" W.; to latitude 39°04'24" N., longitude 96°52'22" W.; to latitude 39°04'24" N., longitude 96°51'15" W.; thence clockwise along the arc of a 4 nautical mile radius circle centered on the Marshall Army Air Field RBN at latitude 39°01'34" N., longitude 96°47'40" W.; to latitude 39°05'17" N., longitude 96°45'40" W.; to latitude 39°08'20" N., longitude 96°43'00" W.; to latitude 39°09'23" N., longitude 96°43'00" W.; to latitude 39°10'43" N., longitude 96°40'55" W.; to latitude 39°12'17" N., longitude 96°40'55" W.; to latitude 39°13'00" N., longitude 96°42'35" W.; to latitude 39°13'16" N., longitude 96°42'35" W.; thence along the southerly edge of the Chicago, Rock Island and Pacific Railroad right-of-way to the point of beginning.

Designated altitudes: Surface to 29,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.

Using agency: Commanding General, Fort Riley, Kans.

## § 73.37 Kentucky

## R-3701A Fort Campbell, Ky.

Boundaries: Beginning at lat. 36°39'00"N., long. 87°34'13"W., to lat. 36°39'00"N., long. 87°32'30"W., to lat. 36°39'15"N., long. 87°30'12"W., to lat. 36°39'30"N., long. 87°29'45"W., to lat. 36°39'30"N., long. 87°28'33"W., to lat. 36°38'23"N., long. 87°28'33"W., to lat. 36°38'23"N., long. 87°31'22"W., to lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°38'00"N., long. 87°32'22"W., to lat. 36°38'21"N., long. 87°32'42"W., to lat. 36°38'19"N., long. 87°34'13"W., thence to point of beginning.

Altitudes: Surface to and including 5,000 feet MSL.

Time of designation: By NOTAM 24 hours in advance.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Commanding General, Fort Campbell, Ky.

## R-3701B Fort Campbell, Ky.

Boundaries: Beginning at lat. 36°39'00"N., long. 87°34'13"W., to lat. 36°39'00"N., long. 87°32'30"W., to lat. 36°39'15"N., long. 87°30'12"W., to lat. 36°39'30"N., long. 87°29'45"W., to lat. 36°39'30"N., long. 87°28'33"W., to lat. 36°38'23"N., long. 87°28'33"W., to lat. 36°38'23"N., long. 87°31'22"W., to lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°38'00"N., long. 87°32'22"W., to lat. 36°38'21"N., long. 87°32'42"W., to lat. 36°38'19"N., long. 87°34'13"W., thence to point of beginning.

Altitudes: 5,000 feet MSL to and including 10,000 feet MSL.

Time of designation: By NOTAM 24 hours in advance.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Commanding General, Fort Campbell, Ky.

## R-3701C Fort Campbell, Ky.

Boundaries: Beginning at lat. 36°39'00"N., long. 87°34'13"W., to lat. 36°39'00"N., long. 87°32'30"W., to lat. 36°39'15"N., long. 87°30'12"W., to lat. 36°39'30"N., long. 87°29'45"W., to lat. 36°39'30"N., long. 87°28'33"W., to lat. 36°38'23"N., long. 87°28'33"W., to lat. 36°38'23"N., long. 87°31'22"W., to lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°38'00"N., long. 87°32'22"W., to lat. 36°38'21"N., long. 87°32'42"W., to lat. 36°38'19"N., long. 87°34'13"W., thence to point of beginning.

Altitudes: 10,000 feet MSL to and including FL 180.

Time of designation: By NOTAM 24 hours in advance.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Commanding General, Fort Campbell, Ky.

## R-3702A Fort Campbell, Ky.

Boundaries: Beginning at lat. 36°43'30"N., long. 87°48'15"W., to lat. 36°43'30"N., long. 87°43'00"W., to lat. 36°42'00"N., long. 87°40'30"W., to lat. 36°39'00"N., long. 87°40'00"W., to lat. 36°39'00"N., long. 87°34'13"W., to lat. 36°38'19"N., long. 87°34'13"W., to lat. 36°38'21"N., long. 87°32'42"W., to lat. 36°38'00"N., long. 87°32'32"W., to lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°32'00"N., long. 87°32'30"W., to lat. 36°32'00"N., long. 87°35'00"W., to lat. 36°33'30"N., long. 87°42'30"W., to lat. 36°35'30"N., long. 87°45'00"W., to lat. 36°37'30"N., long. 87°48'15"W., thence to point of beginning.

Altitudes: Surface to and including FL 220.

Time of designation: By NOTAM 24 hours in advance.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Commanding General, Fort Campbell, Ky.

## R-3702B Fort Campbell, Ky.

Boundaries: Beginning at lat. 36°43'30"N., long. 87°48'15"W., to lat. 36°43'30"N., long. 87°43'00"W., to lat. 36°42'00"N., long. 87°40'30"W., to lat. 36°39'00"N., long. 87°40'00"W., to lat. 36°39'00"N., long. 87°34'13"W., to lat. 36°38'19"N., long. 87°34'13"W., to lat. 36°38'21"N., long. 87°32'42"W., to lat. 36°38'00"N., long. 87°32'32"W., to lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°32'00"N., long. 87°32'30"W., to lat. 36°32'00"N., long. 87°35'00"W., to lat. 36°33'30"N., long. 87°42'30"W., to lat. 36°35'30"N., long. 87°45'00"W., to lat. 36°37'30"N., long. 87°48'15"W., thence to point of beginning.

Altitudes: FL 220 to and including FL 270.

Time of designation: By NOTAM 24 hours in advance.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Commanding General, Fort Campbell, Ky.

## 3703A Fort Campbell, Ky.

Boundaries: Beginning at lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°38'23"N., long. 87°31'22"W., to lat. 36°38'23"N., long. 87°28'33"W., to lat. 36°37'12"N., long. 87°28'33"W., to lat. 36°37'12"N., long. 87°50'W., to lat. 36°34'00"N., long. 87°29'50"W., to lat. 36°32'00"N., long. 87°32'30"W., thence to point of beginning.

Altitudes: Surface to and including 5,000 feet MSL.

Time of designation: By NOTAM 24 hours in advance.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Commanding General, Fort Campbell, Ky.

## 3703B Fort Campbell, Ky.

Boundaries: Beginning at lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°38'23"N., long. 87°31'22"W., to lat. 36°38'23"N., long. 87°28'33"W., to lat. 36°37'12"N., long. 87°28'33"W., to lat. 36°37'12"N., long. 87°50'W., to lat. 36°34'00"N., long. 87°29'50"W., to lat. 36°32'00"N., long. 87°32'30"W., thence to point of beginning.

Altitudes: 5,000 feet MSL to and including 10,000 feet MSL.

Time of designation: By NOTAM 24 hours in advance.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Commanding General, Fort Campbell, Ky.

## 3703C Fort Campbell, Ky.

Boundaries: Beginning at lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°38'23"N., long. 87°31'22"W., to lat. 36°38'23"N., long. 87°28'33"W., to lat. 36°37'12"N., long. 87°28'33"W., to lat. 36°37'12"N., long. 87°50'W., to lat. 36°34'00"N., long. 87°29'50"W., to lat. 36°32'00"N., long. 87°32'30"W., thence to point of beginning.

Altitudes: 10,000 feet MSL to FL 180.

Time of designation: By NOTAM 24 hours in advance.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Commanding General, Fort Campbell, Ky.

## R-3704 Fort Knox, Ky.

Boundaries: Beginning at Lat. 37°59'00" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°55'30" W; along U. S. Highway 31-W to Lat. 37°50'45" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°55'17" N, Long. 85°56'46" W; to Lat. 37°55'17" N, Long. 85°57'16" W; to Lat. 37°56'04" N, Long. 85°57'33" W; to Lat. 37°56'23" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°58'00" N, Long. 85°57'45" W; along the Illinois Central Railroad to Lat. 37°59'00" N, Long. 85°57'00" W; to Lat. 38°01'00" N, Long. 85°54'30" W; along Kentucky Route 44 to Lat. 38°00'30" N, Long. 85°52'00" W; to Lat. 37°59'00" N, Long. 85°52'00" W; to the point of beginning.

Designated altitudes: Subarea A surface to and including 10,000 feet MSL.

Subarea B from 10,000 feet MSL to 20,000 feet MSL.

Time of designation: Subarea A 0600 to 2400 e.s.t.; other times by NOTAM 24 hours in advance.

Subarea B by NOTAM 24 hours in advance.

Controlling agency: Federal Aviation Administration, Standiford Control Tower, Louisville, Ky.

Using agency: Commanding General, U. S. Army Armor Center, Fort Knox, Ky.

## 73.38 Louisiana

## -3801A Camp Claiborne, La.

Boundaries: Beginning at latitude 31°18'00" N., longitude 92°46'30" W.; to latitude 31°13'55" N., longitude 92°49'45" W.; to latitude 31°23'40" N., longitude 93°05'45" W.; to latitude 31°27'30" N., longitude 93°03'30" W.; to point of beginning.

Designated altitudes: 1,500 feet AGL to and including 4,000 feet MSL northwest of a line extending from latitude 31°20'50" N., longitude 92°51'15" W.; to latitude 31°16'40" N., longitude 92°54'30" W.; and 500 feet 3L to and including 4,000 feet MSL southeast of a line extending from latitude 31°20'50" N., longitude 92°1'15" W.; to latitude 31°16'40" N., longitude 92°54'30" W.

Time of designation: Continuous.

Controlling agency: FAA, Houston ARTC Center.

Using agency: Commander, England AFB, La.

## -3801B Camp Claiborne, La.

Boundaries: Beginning at latitude 31°11'45" N., longitude 92°30'15" W.; to latitude 31°05'15" N., longitude 92°34'50" W.; to latitude 31°13'55" N., longitude 92°49'45" W.; to latitude 31°18'00" N., longitude 92°46'00" W.; to latitude 31°15'15" N., longitude 92°41'45" W.; to latitude 31°17'10" N., longitude 92°40'10" W.; to point of beginning.

Designated altitudes: Surface to and including 7,000 feet MSL.

Time of designation: Continuous.

Controlling agency: FAA, Houston ARTC Center.

Using agency: Commander, England AFB, La.

## R-3801C Camp Claiborne, La.

Boundaries. Beginning at latitude 31°11'45" N., longitude 92°30'15" W.; to latitude 31°05'15" N., longitude 92°34'50" W.; to latitude 31°13'55" N., longitude 92°40'45" W.; to latitude 31°18'00" N., longitude 92°43'30" W.; to latitude 31°15'15" N., longitude 92°41'45" W.; to latitude 31°17'10" N., longitude 92°40'10" W.; to point of beginning.

Designated altitudes. 7,000 feet MSL to and including 14,000 feet MSL.  
Time of designation. Continuous. R-3801C shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.  
Controlling agency. FAA, Houston ARTC Center.  
Using agency. Commander, England AFB, La.

## R-3803A Fort Polk, La.

Boundaries. Beginning at lat. 31°23'36"N., long. 93°09'57"W.; to lat. 31°23'12"N., long. 93°09'48"W.; to lat. 31°22'00"N., long. 93°10'05"W.; to lat. 31°19'16"N., long. 93°11'10"W.; to lat. 31°19'16"N., long. 93°20'15"W.; to lat. 31°24'30"N., long. 93°20'15"W.; to lat. 31°24'30"N., long. 93°16'42"W.; to lat. 31°23'35"N., long. 93°13'24"W.; to point of beginning.

Designated altitudes. Surface to FL 180.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.  
Using agency. Commanding General, Fort Polk, La.

## R-3803B Fort Polk, La.

Boundaries. Beginning at lat. 31°23'36"N., long. 93°09'57"W.; to lat. 31°23'12"N., long. 93°09'48"W.; to lat. 31°22'00"N., long. 93°10'05"W.; to lat. 31°19'16"N., long. 93°11'10"W.; to lat. 31°19'16"N., long. 93°20'15"W.; to lat. 31°24'30"N., long. 93°20'15"W.; to lat. 31°24'30"N., long. 93°16'42"W.; to lat. 31°23'35"N., long. 93°13'24"W.; to point of beginning.

Designated altitudes. FL 180 to FL 450.  
Time of designation. As activated by NOTAM issued at least 24 hours in advance.  
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.  
Using agency. Commanding General, Fort Polk, La.

## R-3804A Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°00'52" N., longitude 92°56'52" W.; to latitude 31°00'19" N., longitude 92°56'13" W.; to latitude 31°00'19" N., longitude 92°54'22" W.; to latitude 31°03'54" N., longitude 92°51'33" W.; to latitude 31°09'34" N., longitude 92°58'24" W.; to latitude 31°09'34" N., longitude 93°00'55" W.; to latitude 31°08'42" N., longitude 93°01'54" W.; to latitude 31°08'42" N., longitude 93°08'11" W.; to point of beginning.

Designated altitudes. Surface to FL 180.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.  
Using agency. Commanding General, Fort Polk, Louisiana.

## R-3804B Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°10'52" W.; to latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°06'10" N., longitude 93°08'11" W.; to latitude 31°04'14" N., longitude 93°12'30" W.; to point of beginning.

Designated altitudes. Surface to 3,000 feet MSL.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.  
Using agency. Commanding General, Fort Polk, Louisiana.

## R-3804C Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°00'52" N., longitude 92°56'52" W.; to latitude 31°00'19" N., longitude 92°56'13" W.; to latitude 31°00'19" N., longitude 92°54'22" W.; to latitude 31°03'54" N., longitude 92°51'33" W.; to latitude 31°09'34" N., longitude 92°58'24" W.; to latitude 31°09'34" N., longitude 93°00'55" W.; to latitude 31°08'42" N., longitude 93°01'54" W.; to latitude 31°08'42" N., longitude 93°08'11" W.; to point of beginning.

Designated altitudes. FL 180 to FL 450.  
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.  
Time of designation. As published by NOTAM 24 hours in advance.  
Using agency. Commanding General, Fort Polk, La.

## R-3806 England Air Force Base, La.

Boundaries. Beginning at latitude 31°03'00" N., longitude 92°49'30" W.; to latitude 30°58'00" N., longitude 92°39'00" W.; to latitude 30°38'00" N., longitude 92°49'00" W.; to latitude 30°43'00" N., longitude 92°58'00" W.; to latitude 30°50'30" N., longitude 93°01'00" W.; to latitude 30°55'25" N., longitude 92°54'40" W.; to point of beginning.

Designated altitudes. 500 feet AGL to and including 7,000 feet MSL, excluding the airspace below 1,500 feet AGL within a two-nautical-mile radius of the City of Elizabeth, La.  
Time of designation. Daylight hours, Monday through Friday.  
Controlling agency. Federal Aviation Administration, Houston ARTC Center.  
Using agency. Commander, 23rd Tactical Fighter Wing, England AFB, La.

## § 73.39 Maine

## § 73.40 Maryland

## R-4001A Aberdeen, Md.

Boundaries. Beginning at lat. 39°30'30" N., long. 76°10'00" W.; to lat. 39°29'00" N., long. 76°08'00" W.; to lat. 39°29'30" N., long. 76°05'00" W.; to lat. 39°27'00" N., long. 76°00'30" W.; to lat. 39°19'47" N., long. 76°11'34" W.; to lat. 39°17'30" N., long. 76°12'59" W.; to lat. 39°16'24" N., long. 76°16'18" W.; to lat. 39°17'13" N., long. 76°18'49" W.; to lat. 39°19'41" N., long. 76°22'01" W.; to lat. 39°22'00" N., long. 76°22'00" W.; to lat. 39°23'28" N., long. 76°20'40" W.; to lat. 39°26'10" N., long. 76°14'50" W.; to lat. 39°27'00" N., long. 76°12'30" W.; to point of beginning.

Designated altitudes and time of designation.  
1. Surface to unlimited, 0700 to 2400 local time.  
2. Surface to 10,000 feet MSL, 0000 to 0700 local time; higher altitudes by NOTAM issued 24 hours in advance.  
Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
Using agency. Commanding General, Aberdeen Proving Ground, Md.

## R-4001B Aberdeen, Md.

Boundaries. Beginning at lat. 39°17'30" N., long. 76°12'59" W.; to lat. 39°12'10" N., long. 76°16'30" W.; to lat. 39°12'45" N., long. 76°22'30" W.; to lat. 39°17'30" N., long. 76°19'45" W.; to lat. 39°18'30" N., long. 76°22'00" W.; to lat. 39°19'41" N., long. 76°22'01" W.; to lat. 39°17'13" N., long. 76°18'49" W.; to lat. 39°16'24" N., long. 76°16'18" W.; to point of beginning.

Designated altitudes and time of designation.  
1. Surface to unlimited, 0700 to 2400 local time.  
2. Surface to 10,000 feet MSL, 0000 to 0700 local time; higher altitudes by NOTAM issued 24 hours in advance.  
Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
Using agency. Commanding General, Aberdeen Proving Ground, Md.

## R-4002 Bloodsworth Island, Md.

Boundaries. Beginning at Lat. 38°13'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°08'50" W; to Lat. 38°13'00" N, Long. 76°11'20" W; to the point of beginning.

Designated altitudes. Surface to and including 20,000 feet MSL.  
Time of designation. From sunrise to 2400 hours, local time, daily, other times as specified in a NOTAM issued 48 hours in advance.  
Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
Using agency. Commanding Officer, Naval Amphibious School Little Creek, Norfolk, Va.

## R-4005 Patuxent River, Md.

Boundaries. Beginning at latitude 38°05'40" N., longitude 76°33'32" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°18'20" N., longitude 76°17'05" W.; to latitude 38°18'26" N., longitude 76°14'30" W.; to latitude 38°13'00" N., longitude 76°11'20" W.; to latitude 38°08'00" N., longitude 76°08'50" W.; to latitude 37°55'15" N., longitude 76°02'30" W.; to latitude 37°53'10" N., longitude 76°14'00" W.; to the point of beginning.

Designated altitudes. Surface to FL 850.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
Using agency. Commanding Officer, NAS Patuxent River, Md.

## R-4006 Patuxent River, Md.

Boundaries. Beginning at latitude 38°41'15" N., longitude 75°46'00" W.; to latitude 38°32'30" N., longitude 75°43'45" W.; to latitude 38°19'00" N., longitude 75°37'00" W.; along Pennsylvania Railroad to latitude 38°12'30" N., longitude 75°41'30" W.; to latitude 38°02'30" N., longitude 75°52'30" W.; to latitude 37°55'00" N., longitude 75°52'30" W.; to latitude 37°45'00" N., longitude 75°58'45" W.; to latitude 37°45'00" N., longitude 76°23'30" W.; to latitude 37°50'30" N., longitude 76°32'00" W.; to latitude 38°05'10" N., longitude 76°34'15" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°30'00" N., longitude 76°04'00" W.; to latitude 38°36'00" N., longitude 75°55'30" W.; along the Pennsylvania Railroad to point of beginning, excluding R-4002, R-4005, and R-6609.

Designated altitudes. 3,500 feet MSL to FL 850.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
Using agency. Commanding Officer, NAS Patuxent River, Md.

## R-4007 Patuxent River, Md.

Boundaries. Beginning at Lat. 38°21'00" N, Long. 76°14'00" W; to Lat. 38°11'10" N, Long. 76°25'10" W; to Lat. 38°05'10" N, Long. 76°34'05" W; to Lat. 38°15'00" N, Long. 76°36'35" W; to Lat. 38°17'25" N, Long. 76°33'00" W; to Lat. 38°25'40" N, Long. 76°23'35" W; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
Using agency. Commanding Officer, NAS Patuxent River, Md.

## § 73.41 Massachusetts



## § 73.41 Massachusetts

## R-4101 Camp Edwards, Mass.

Boundaries. Beginning at Lat. 41°40'52" N., Long. 70°33'09" W.; to Lat. 41°41'01" N., Long. 70°34'00" W.; to Lat. 41°41'58" N., Long. 70°34'58" W.; to Lat. 41°42'52" N., Long. 70°34'58" W.; to Lat. 41°43'52" N., Long. 70°34'32" W.; to Lat. 41°44'30" N., Long. 70°34'16" W.; to Lat. 41°45'17" N., Long. 70°34'13" W.; to Lat. 41°45'12" N., Long. 70°34'01" W.; to Lat. 41°46'07" N., Long. 70°33'04" W.; to Lat. 41°45'18" N., Long. 70°31'18" W.; to Lat. 41°44'37" N., Long. 70°30'42" W.; to Lat. 41°44'11" N., Long. 70°29'40" W.; to Lat. 41°43'06" N., Long. 70°30'08" W.; to Lat. 41°43'07" N., Long. 70°30'36" W.; to Lat. 41°42'45" N., Long. 70°30'50" W.; to Lat. 41°42'38" N., Long. 70°30'33" W.; to Lat. 41°41'51" N., Long. 70°30'52" W.; to Lat. 41°41'38" N., Long. 70°31'18" W.; to Lat. 41°41'20" N., Long. 70°31'29" W.; to Lat. 41°41'18" N., Long. 70°31'26" W.; to Lat. 41°41'06" N., Long. 70°31'54" W.; to point of beginning.

Designated altitudes. Surface to 9,000 feet MSL.

Time of designation. From 0600 to 1800 local time, daily, or other times as specified by NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Otis Approach Control.

Using agency. Commander, U. S. Army Garrison, Camp Edwards, Massachusetts.

## R-4105 No Man's Land Island, Mass.

Boundaries. A circular area with a 3-mile radius centered at Lat. 41°15'30" N., Long. 70°48'40" W.

Designated altitudes. Surface to but not including 18,000 feet MSL.

Time of designation. 0700 to 2400 EST.

Controlling agency. Federal Aviation Administration, Quonset Approach Control.

Using agency. Commanding Officer, NAS South Weymouth, Mass.

## § 73.42 Michigan

## R-4201 Camp Grayling, Mich.

## SUBAREA A

Boundaries. Beginning at latitude 44°56'00" N., longitude 84°29'00" W.; to latitude 44°47'00" N., longitude 84°29'00" W.; to latitude 44°47'00" N., longitude 84°39'00" W.; to latitude 44°56'00" N., longitude 84°39'00" W.; to point of beginning.

Designated altitudes. Surface to 23,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.

Using agency. Adjutant General, State of Michigan, Lansing, Mich.

## SUBAREA B

Boundaries. Beginning at latitude 44°47'00" N., longitude 84°29'00" W.; to latitude 44°41'00" N., longitude 84°29'00" W.; to latitude 44°41'00" N., longitude 84°40'00" W.; to latitude 44°43'00" N., longitude 84°40'00" W.; to latitude 44°43'00" N., longitude 84°38'00" W.; to latitude 44°47'00" N., longitude 84°38'00" W.; to point of beginning.

Designated altitudes. Surface to 9,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.

Using agency. Adjutant General, State of Michigan, Lansing, Mich.

AMENDMENTS 3/24/77 42 F. R. 15895 (Changed)

## R-4202 Lake Margrethe, Mich.

Boundaries. Beginning at latitude 44°36'45" N., longitude 84°51'00" W.; to latitude 44°36'45" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°50'00" W.; to latitude 44°35'00" N., longitude 84°51'00" W.; to the point of beginning.

Designated altitudes. Surface to 8,200 feet MSL.

Time of designation. June 1 through August 31, with specific dates to be published by NOTAM.

Using agency. Adjutant General, State of Michigan, Lansing, Mich.

Controlling agency. Federal Aviation Administration, Traverse City Flight Service Station.

## R-4207 Upper Lake Huron, Mich.

Boundaries. Beginning at latitude 45°17'00" N., longitude 83°00'00" W.; to latitude 45°20'24" N., longitude 82°31'18" W.; along the United States-Canadian Border to latitude 44°31'00" N., longitude 82°19'54" W.; to latitude 44°27'42" N., longitude 82°47'08" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.

Using agency. Commander, Permanent Field Training Site Detachment, Phelps-Collins ANGB, Alpena, Mich.

## § 73.43 Minnesota

## R-4301 Camp Ripley, Minn.

Boundaries. Beginning at Lat. 46°18'54"N., Long. 94°29'02"W.; thence along south bank of Crow Wing River and west bank of Mississippi River to Lat. 46°10'49"N., Long. 94°21'52"W.; to Lat. 46°07'11"N., Long. 94°21'52"W.; thence along the west bank of Mississippi River to Lat. 46°06'22"N., Long. 94°21'10"W.; to Lat. 46°06'22"N., Long. 94°22'15"W.; to Lat. 46°06'03"N., Long. 94°22'15"W.; to Lat. 46°06'03"N., Long. 94°26'06"W.; to Lat. 46°08'00"N., Long. 94°26'06"W.; to Lat. 46°08'00"N., Long. 94°30'00"W.; to Lat. 46°18'18"N., Long. 94°30'00"W.; to point of beginning.

Designated altitudes. Surface to 27,000 feet MSL.

Time of designation. 0730 to 2400 local times daily. Other times as specified by NOTAM issued 24 hours in advance.

Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.

Using agency. Commanding Officer, Camp Ripley, Minn.

## R-4305 Lake Superior, Minn.

Boundaries. Beginning at latitude 47°45'00" N., longitude 90°05'00" W.; to latitude 47°45'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 90°05'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. 0001 local time Monday to 2400 local time Friday.

Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.

Using agency. Commander, Eighth Air Force, Barksdale AFB, La.

## § 73.44 Mississippi

## R-4401 Camp Shelby, Miss.

Boundaries. Beginning at latitude 31°12'54" N.; longitude 89°11'03" W.; to latitude 31°11'48" N.; longitude 89°00'00" W.; to latitude 31°10'15" N.; longitude 88°56'34" W.; to latitude 31°09'10" N.; longitude 88°56'34" W.; thence southwest along Mississippi State Highway No. 15 to latitude 31°04'36" N.; longitude 88°59'24" W.; to latitude 31°04'36" N.; longitude 89°11'03" W.; to point of beginning.

Designated altitudes. Subarea A, surface to 4,000 feet MSL. Subarea B, 4,000 feet MSL to 18,000 feet MSL. Subarea C, 18,000 feet MSL to 29,000 feet MSL.

Time of designation. As activated by NOTAMs at least 24 hours in advance. NOTAMs to contain information concerning deactivation of area.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Adjutant General, State of Mississippi, Jackson, Miss.

## R-4403 Gainesville, Miss.

Boundaries. Beginning at latitude 30°21'02" N., longitude 89°36'53" W.; to latitude 30°22'33" N., longitude 89°36'53" W.; to latitude 30°22'34" N., longitude 89°34'05" W.; to latitude 30°21'03" N., longitude 89°34'04" W.; to the point of beginning.

Altitudes. From surface to 5,000 feet MSL.

Time of use. Continuous.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Manager, Mississippi Test Operations, National Aeronautics and Space Administration, Bay St. Louis, Miss.

## R-4404 Macon, Miss.

Boundaries. 1. Beginning at lat. 33°02'39" N., long. 88°42'37" W.; to lat. 33°04'30" N., long. 88°40'18" W.; to lat. 33°03'34" N., long. 88°39'08" W.; to lat. 33°01'43" N., long. 88°41'23" W.; to point of beginning. 2. A circle with a 5-nautical mile radius centered at lat. 33°03'11" N., long. 88°40'41" W.

Designated altitudes. Surface to 11,500 feet MSL, within the area described in Item 1; from 1,200 feet above the surface to 11,500 feet MSL, within the area described in Item 2.

Time of designation. Sunrise to Sunset, Monday through Saturday.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. Commander, Training Wing 1 NAS Meridian, Miss.

## § 73.45 Missouri

## R-4806 Las Vegas, Nev.

## § 73.45 Missouri

## R-4501A Fort Leonard Wood West, Mo.

Boundaries. Beginning at latitude 37°41'06" N., longitude 92°09'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°36'23" N., longitude 92°13'52" W.; to latitude 37°38'23" N., longitude 92°15'21" W.; to latitude 37°39'38" N., longitude 92°15'21" W.; to latitude 37°41'07" N., longitude 92°14'23" W.; to point of beginning.

Designated altitudes. Surface to but not including 18,000 feet MSL.

Time of designation. a. surface to 2,200 feet MSL: Continuous. B. 2,200 feet MSL and above: by

NOTAM issued at least 24 hours in advance.

Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.

Using agency. Commanding General, Fort Leonard Wood, Mo.

## R-4501B Fort Leonard Wood East, Mo.

Boundaries. Beginning at latitude 37°43'00" N., longitude 92°06'55" W.; to latitude 37°42'11" N., longitude 92°06'14" W.; to latitude 37°39'07" N., longitude 92°06'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°43'02" N., longitude 92°09'17" W.; to the point of beginning.

Designated altitudes.

The area north of a line between latitude 37°42'51" N., longitude 92°06'47" W.; and

latitude 37°42'53" N., longitude 92°09'17" W. surface to 1,500 feet MSL.

The area south of this line, surface to 2,200 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.

Using agency. Commanding General, Fort Leonard Wood, Mo.

## § 73.46 Montana

## § 73.47 Nebraska

## § 73.48 Nevada

## R-4802 Lone Rock, Nev.

Boundaries. A circular area with a 3-mile radius centered at Lat. 39°52'36" N, Long. 118°20'47" W.

Designated altitudes. Surface to 8,000 feet MSL.

Time of designation. 0600 to 2400 local time, Monday through Saturday.

Using agency. Commander, Light Attack Wing Pacific, NAS Lemoore, Calif.

## R-4803 Fallon, Nev.

Boundaries. A 3-nautical mile radius circle centered at Lat. 39°20'40" N, Long. 118°52'15" W; and within 3 nautical miles W and 2 nautical miles E of a line extending 349.5° True from the center to 15 nautical miles NNW.

Designated altitudes. Surface to 8,000 feet MSL N, and surface to 18,000 feet MSL S of a line extending from Lat. 39°27'40" N, Long. 118°57'55" W; to Lat. 39°30'20" N, Long. 118°51'55" W.

Time of designation. 0600 to 2400 local time daily.

Controlling agency. Federal Aviation Administration, Oakland ARTC Center.

Using agency. Commander, Light Attack Wing Pacific, NAS Lemoore, Calif.

## R-4804 Twin Peaks, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°13'00" N, Long. 118°12'42" W;

and a 3-nautical mile radius circle centered at Lat. 39°14'15" N, Long. 118°17'30" W.

Designated altitudes. Surface to but not including Flight Level 180 excluding that portion from 2,000 feet AGL up to but not including 4,000 feet AGL, which lies north of and one NM from U. S. Highway 50, between the intersections of U. S. Highway 50 with longitudes 118°25'30" W. and 118°09'50" W.

Time of designation. 0600 to 2400 local time daily.

Controlling agency. Federal Aviation Administration, Oakland ARTC Center.

Using agency. Commander, Light Attack Wing Pacific, NAS Lemoore, Calif.

## R-4806 Las Vegas, Nev.

Boundaries. Beginning at latitude 37°17'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°23'00" W.; to latitude 36°35'00" N., longitude 115°37'00" W.; to latitude 36°35'00" N., longitude 115°53'00" W.; to latitude 36°36'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°17'00" N., longitude 115°35'00" W.; to point of beginning.

Designated altitudes. Surface to unlimited, Monday through Saturday; Sunday from 13,000 feet MSL to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Commander, Nellis AFB, Nev.

## R-4807 Tonopah, Nev.

Boundaries. Beginning at latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°26'30" N., longitude 117°04'30" W.; to latitude 37°53'00" N., longitude 117°01'00" W.; to latitude 37°53'00" N., longitude 116°55'00" W.; to latitude 37°47'00" N., longitude 116°55'00" W.; to latitude 37°33'00" N., longitude 116°43'00" W.; to latitude 37°33'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to the point of beginning.

Designated altitudes. Unlimited Monday through Saturday. Sunday from 13,000 feet MSL to unlimited.

Time of designation. Continuous.

Using agency. Commander, Nellis AFB, Nev.

## R-4808N Las Vegas, Nev.

Boundaries. Beginning at latitude 36°41'00" N., longitude 115°56'00" W.; to latitude 36°41'00" N., longitude 116°14'45" W.; to latitude 36°46'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°16'00" N., longitude 116°33'30" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Manager, United States Energy Research and Development Administration, Las Vegas, Nev.  
AMENDMENTS 12/30/76 41 F. R. 52858 (Added)

## R-4808S Las Vegas, Nev.

Boundaries. Beginning at latitude 36°46'00" N., longitude 116°26'30" W.; to latitude 36°41'00" N., longitude 116°14'45" W.; to latitude 36°41'00" N., longitude 116°26'30" W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Manager, United States Energy Research and Development Administration, Las Vegas, Nev.

AMENDMENTS 12/30/76 41 F. R. 52858 (Added)

## R-4809 Tonopah, Nev.

Boundaries. Beginning at Lat. 37°53'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116°43'00" W; to Lat. 37°47'00" N, Long. 116°55'00" W; to Lat. 37°53'00" N, Long. 116°55'00" W; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Manager, United States Energy Research and Development Administration, Albuquerque, N. Mex.

## R-4810 Desert Mountains, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°10'00" N, Long. 118°37'30" W; and a 3-nautical mile radius circle centered at Lat. 39°09'15" N, Long. 118°42'20" W.

Designated altitudes. Surface to and including Flight Level 170.

Time of designation. 0600 to 2400 local time daily.

Controlling agency. Federal Aviation Administration, Oakland ARTC Center.

Using agency. Commander, Light Attack Wing Pacific, NAS Lemoore, Calif.

## R-4811 Hawthorne, Nev.

Boundaries. A 1½-nautical-mile radius circle centered at latitude 38°14'45" N., longitude 118°38'15" W.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. 0800 to 1500 local time, Monday through Friday.

Using agency. Commanding Officer, Naval Ammunition Depot, Hawthorne, Nev.



**R-4812 Sand Springs, Nev.**

Boundaries: That area within 5-nautical miles either side of a line extending from latitude 39°10'00" N., longitude 118°37'30" W.; to latitude 39°13'00" N., longitude 118°12'42" W.; and bounded on the east by R-4804 and bounded on the west by R-4810.

Designated altitudes. Surface to but not including Flight Level 180 excluding that portion from 2,000 feet AGL up to but not including 4,000 feet AGL, which lies north of and one NM from U. S. Highway 50, between the intersections of U. S. Highway 50 with longitudes 118°25'30"W. and 118°09'50"W.

Time of designation: 0600 to 2400 local time daily.

Controlling agency: Oakland ARTC Center.

Using agency: Commander, Light Attack Wing Pacific, NAS Lemoore, Calif.

**R-4813 Carson Sink, Nev.**

Boundaries. Beginning at lat. 39°51'00" N., long. 118°38'00" W.; to lat. 40°01'00" N., long. 118°15'00" W.; to lat. 40°01'00" N., long. 118°01'00" W.; to lat. 39°58'00" N., long. 118°01'00" W.; to lat. 39°38'00" N., long. 118°17'00" W.; thence via the arc of a 15-nautical mile radius circle centered at lat. 39°52'36" N., long. 118°20'27" W.; to lat. 39°45'50" N., long. 118°38'00" W.; thence to point of beginning.

Designated altitudes. Surface to but not including Flight Level 180.

Time of designation: 0600 to 2400 local time daily.

Controlling agency: Oakland ARTC Center.

Using agency: Commander, Light Attack Wing Pacific, NAS Lemoore, Calif.

**R-4816N Dixie Valley, Nev.**

Boundaries. Beginning at lat. 39°51'00" N., long. 118°00'00" W.; to lat. 39°51'00" N., long. 117°31'00" W.; to lat. 39°34'00" N., long. 117°39'30" W.; to lat. 39°34'00" N., long. 118°12'30" W.; to point of beginning.

Designated altitudes. 1500 feet AGL to but not including Flight Level 180.

Time of designation: 0700 to 2400 local time, Monday through Saturday.

Controlling agency: Federal Aviation Administration, Oakland ARTC Center.

Using agency: Commanding Officer, Naval Air Station, Fallon, Nev.

**R-4816S Dixie Valley, Nev.**

Boundaries. Beginning at lat. 39°34'00" N., long. 118°12'30" W.; to lat. 39°34'00" N., long. 117°39'30" W.; to lat. 39°18'00" N., long. 117°47'30" W.; to lat. 39°18'00" N., long. 118°13'15" W.; to lat. 39°17'00" N., long. 118°21'00" W.; to lat. 39°30'00" N., long. 118°15'30" W.; to point of beginning.

Designated altitudes. 500 feet AGL to but not including Flight Level 180 excluding that portion from 2,000 feet AGL up to but not including 4,000 feet AGL, which lies north of and one NM from U. S. Highway 50, between the intersections of U. S. Highway 50 with longitudes 118°25'30"W. and 118°09'50"W.

Time of designation: 0700 to 2400 local time, Monday through Saturday.

Controlling agency: Federal Aviation Administration, Oakland ARTC Center.

Using agency: Commanding Officer, Naval Air Station, Fallon, Nev.

**§ 73.49 New Hampshire****§ 73.50 New Jersey****R-5001 Fort Dix, N. J.****Subarea A**

Boundaries: Beginning at latitude 40°02'45" N., longitude 74°27'00" W.; to latitude 40°00'00" N., longitude 74°26'20" W.; to latitude 39°59'00" N., longitude 74°25'08" W.; to latitude 39°58'00" N., longitude 74°25'00" W.; to latitude 39°58'45" N., longitude 74°28'00" W.; to latitude 39°58'45" N., longitude 74°31'25" W.; to latitude 39°59'15" N., longitude 74°33'30" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to the point of beginning.

Designated altitudes: Surface to and including 4,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, New York ARTC Center.

Using agency: Commander, Fort Dix, N. J.

**Subarea B**

Boundaries: Beginning at latitude 40°02'45" N., longitude 74°27'00" W.; to latitude 40°00'00" N., longitude 74°26'20" W.; to latitude 39°59'00" N., longitude 74°25'08" W.; to latitude 39°58'00" N., longitude 74°25'00" W.; to latitude 39°58'45" N., longitude 74°28'00" W.; to latitude 39°58'45" N., longitude 74°31'25" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to the point of beginning.

Designated altitudes: From 4,000 feet MSL to and including 8,000 feet MSL.

Time of designation: Continuous, sunrise Friday to sunset Sunday, other times by NOTAM, 48 hours in advance.

Controlling agency: Federal Aviation Administration, New York ARTC Center.

Using agency: Commander, Fort Dix, N. J.

**R-5002 Warren Grove, N. J.**

Boundaries: Beginning at latitude 39°45'50" N., longitude 74°20'00" W.; to latitude 39°43'25" N., longitude 74°17'37" W.; to latitude 39°38'25" N., longitude 74°24'20" W.; to latitude 39°38'25" N., longitude 74°29'00" W.; to latitude 39°39'35" N., longitude 74°29'00" W.; to latitude 39°44'50" N., longitude 74°24'40" W.; to latitude 39°45'20" N., longitude 74°23'45" W.; to point of beginning.

Designated altitudes. Surface to 14,000 feet MSL, except surface to 4,000 feet MSL for the portion N of Lat. 39°45'00" N; surface to 9,000 feet MSL SE of a line between Lat. 39°43'45" N, Long. 74°17'57" W, and Lat. 39°38'25" N, Long. 74°24'56" W.

Time of designation. Sunrise to sunset, Tuesday through Saturday; other days by NOTAM 48 hours in advance.

Controlling agency: Federal Aviation Administration, New York ARTC Center.

Using agency: Commander, 108th Tactical Fighter Wing, New Jersey Air National Guard, McGuire AFB, N. J.

**§ 73.51 New Mexico****R-5101 Los Alamos, N. Mex.**

Boundaries: Beginning at lat. 35°47'00"N., long. 106°14'48"W.; to lat. 35°50'03"N., long. 106°21'36"W.; to lat. 35°52'22"N., long. 106°20'42"W.; to lat. 35°52'52"N., long. 160°16'48"W.; to lat. 35°52'30"N., long. 106°14'48"W.; to the point of beginning.

Designated altitudes: Surface to 12,000 feet MSL.

Time of designation: Continuous.

Using agency: Manager, Energy Research and Development Administration, Los Alamos, N. Mex.

**R-5103 McGregor, N. Mex.**

Boundaries. Beginning at latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°45'00" N., longitude 105°52'20" W.; to latitude 32°33'20" N., longitude 105°30'00" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°00'15" N., longitude 105°56'40" W.; to latitude 32°00'30" N., longitude 106°10'25" W.; to latitude 32°05'20" N., longitude 106°09'20" W.; to latitude 32°06'00" N., longitude 106°15'30" W.; along the Southern Pacific Railroad to latitude 32°28'00" N., longitude 106°02'00" W.; to latitude 32°27'40" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to the point of beginning, excluding that airspace within a two nautical mile radius of latitude 32°39'02" N., longitude 105°40'34" W.; from the surface to 1,500 feet above the surface; and also excluding that airspace beginning at lat. 32°42'49" N., long. 105°48'10" W.; to lat. 32°40'47" N., long. 105°49'38" W.; to lat. 32°39'42" N., long. 105°47'42" W.; to lat. 32°41'58" N., long. 105°46'12" W.; to the point of beginning from the surface to 1500 feet above the surface.

Designated altitude: Surface to unlimited.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.

Using agency: Commanding General, Fort Bliss, Texas.

**R-5104A Melrose, N. Mex.**

Boundaries: Beginning at lat. 34°28'00" N., long. 103°43'15" W., to lat. 34°25'25" N., long. 103°40'00" W., to lat. 34°14'30" N., long. 103°40'00" W., to lat. 34°10'00" N., long. 103°46'00" W., to lat. 34°10'00" N., long. 103°55'00" W., to lat. 34°28'00" N., long. 103°55'00" W., to point of beginning.

Designated altitudes: Surface to 18,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.

Using agency: Commander, Cannon AFB, N. Mex.

**R-5104B Melrose, N. Mex.**

Boundaries: Beginning at lat. 34°28'00" N., long. 103°43'15" W., to lat. 34°25'25" N., long. 103°40'00" W., to lat. 34°14'30" N., long. 103°40'00" W., to lat. 34°10'00" N., long. 103°46'00" W., to lat. 34°10'00" N., long. 103°55'00" W., to lat. 34°28'00" N., long. 103°55'00" W., to point of beginning.

Designated altitudes: 18,000 feet MSL to 23,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.

Using agency: Commander, Cannon AFB, N. Mex.

**R-5105 Melrose, N. Mex.**

Boundaries. Beginning at latitude 34°39'00" N., longitude 103°55'00" W.; to latitude 34°39'00" N., longitude 103°40'00" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to the point of beginning.

Designated altitudes: Surface to 14,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.

Using agency: Commander, Cannon AFB, N. Mex.

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**R-5107A White Sands Missile Range, N. Mex.**

Boundaries. Beginning at latitude 32°23'18" N., longitude 106°07'03" W.; to latitude 32°05'00" N., longitude 106°18'20" W.; to latitude 32°05'00" N., longitude 106°29'00" W.; to latitude 32°06'20" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°39'00" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°24'48" N., longitude 106°09'00" W.; to the point of beginning.

Designated altitude. Surface to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. Commanding General, Fort Bliss, Texas.

**R-5107B White Sands Missile Range, N. Mex.**

Boundaries. Beginning at latitude 33°44'45" N., longitude 106°04'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°23'18" N., longitude 106°07'03" W.; to latitude 32°24'48" N., longitude 106°09'00" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to latitude 33°49'45" N., longitude 106°45'20" W.; to latitude 33°49'30" N., longitude 106°16'30" W.; thence along the south side of U. S. Highway 380 to the point of beginning; excluding the airspace in R-5107D, R-5107F, and R-5107G; and that airspace from the surface to and including 1,500 feet above the surface within a 2-nautical mile radius of latitude 32°26'35" N., longitude 106°40'45" W., latitude 32°30'00" N., longitude 106°41'10" W., and latitude 32°23'49" N., longitude 106°41'27" W.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous.

Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

**R-5107C White Sands Missile Range, N. Mex.**

Boundaries. Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 33°44'45" N., longitude 106°04'00" W.; thence along the south side of U. S. Highway 380 to latitude 33°49'30" N., longitude 106°16'30" W.; to latitude 33°49'45" N., longitude 106°45'20" W.; to latitude 34°15'45" N., longitude 106°40'30" W.; to latitude 34°17'00" N., longitude 106°12'00" W.; to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous Monday through Friday. Other times as activated by NOTAM issued at least 12 hours in advance.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

**R-5107D White Sands Missile Range, N. Mex.**

Boundaries. Beginning at lat. 33°34'00" N., long. 106°04'00" W.; to lat. 33°04'00" N., long. 106°21'00" W.; to lat. 32°34'00" N., long. 106°15'00" W.; to lat. 32°34'00" N., long. 106°06'00" W.; to lat. 32°36'00" N., long. 106°06'00" W.; to lat. 32°50'00" N., long. 106°04'00" W.; to point of beginning.

Designated altitudes. Surface to 22,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Albuquerque, ARTC Center.

Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

**R-5107E White Sands Missile Range, N. Mex.**

Boundaries. From the point where an arc of 19 nautical miles radius centered at latitude 33°45'00" N., longitude 106°26'30" W., intersects the western boundary of R-5107C, to latitude 33°54'00" N., longitude 106°46'30" W.; to latitude 33°32'45" N., longitude 106°58'45" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°35'00" N., longitude 106°48'00" W.; to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of use. As published in NOTAMs at least 12 hours in advance.

Controlling agency. FAA, Albuquerque ARTC Center.

Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

**R-5107F White Sands Missile Range, N. Mex.**

Boundaries. Beginning at lat. 33°10'10" N., long. 107°10'55" W.; to lat. 33°20'30" N., long. 107°08'20" W.; to lat. 33°16'10" N., long. 106°51'40" W.; to lat. 33°05'30" N., long. 106°04'00" W.; to lat. 33°00'00" N., long. 105°27'00" W.; to lat. 32°45'00" N., long. 105°27'00" W.; to lat. 32°45'00" N., long. 105°49'00" W.; to lat. 32°50'30" N., long. 106°04'00" W.; to lat. 33°05'00" N., long. 106°50'20" W.; to point of beginning.

Designated altitude. From FL 240 to FL 450.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

**R-5107G White Sands Missile Range, N. Mex.**

Boundaries. Beginning at lat. 33°11'40" N., long. 107°10'25" W.; to lat. 33°21'00" N., long. 107°08'00" W.; to lat. 33°22'55" N., long. 107°05'50" W.; to lat. 33°25'20" N., long. 105°27'00" W.; to lat. 33°14'00" N., long. 105°27'00" W.; to point of beginning.

Designated altitude. From FL 240 to FL 450.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Albuquerque, ARTC Center.

Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

**R-5109A White Sands Missile Range, N. Mex.**

Boundaries. Beginning at latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning, excluding the airspace in Restricted Areas R-5107F and R-5107G.

Designated altitudes. From 24,000 feet MSL to unlimited.

Time of designation. Continuous Monday through Friday. Other times as activated by NOTAM issued at least 12 hours in advance.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

**R-5109B White Sands Missile Range, N. Mex.**

Boundaries. Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 34°17'00" N., longitude 105°51'00" W.; to latitude 33°57'00" N., longitude 105°27'00" W.; to latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning.

Designated altitudes. From 24,000 feet MSL to unlimited.

Time of designation. Continuous Monday through Friday. Other times as activated by NOTAM issued at least 12 hours in advance.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

**R-5111A Elephant Butte, N. Mex. (East).**

Boundaries. Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°35'00" N., longitude 106°48'00" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to the point of beginning, excluding the airspace in Restricted Areas R-5107F and R-5107G.

Designated altitudes. Surface to unlimited.

Time of designation. As published by NOTAM at least 12 hours in advance.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

**R-5111B Elephant Butte, N. Mex. (West).**

Boundaries. Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 32°43'00" N., longitude 106°45'00" W.; to latitude 32°47'00" N., longitude 107°06'00" W.; to latitude 33°00'00" N., longitude 107°13'00" W.; to latitude 33°21'00" N., longitude 107°08'00" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to the point of beginning, excluding the airspace in Restricted Areas R-5107F and R-5107G.

Designated altitudes. Surface to unlimited.

Time of designation. As published by NOTAM at least 12 hours in advance.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

**R-5113 Socorro, N. Mex.**

Boundaries. Beginning at latitude 34°00'00" N., longitude 107°07'30" W.; thence to latitude 33°55'30" N., longitude 107°07'30" W.; to latitude 33°55'30" N., longitude 107°12'30" W.; to latitude 34°00'00" N., longitude 107°12'30" W.; to point of beginning.

Designated altitudes. Surface to 45,000 feet MSL.

Time of designation. From 0900 to 1900 local time, daily June 1 through September 30, annually.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U. S. Navy, Office of Naval Research, Atmospheric Sciences.



## § 73.52 New York

## R-5201 Fort Drum, N. Y.

Boundaries. Beginning at lat. 44°15'00" N., long. 75°31'30" W.; to lat. 44°11'15" N., long. 75°25'00" W.; to lat. 44°03'00" N., long. 75°33'30" W.; to lat. 44°00'45" N., long. 75°37'25" W.; to lat. 44°03'25" N., long. 75°39'30" W.; to lat. 44°05'47" N., long. 75°44'30" W.; to lat. 44°10'00" N., long. 75°39'30" W.; to point of beginning.

Designated altitudes. Surface to 23,000 feet MSL, April 1 through September 30; surface to 20,000 feet MSL, October 1 through March 31.

Time of designation. Continuous April 1 through September 30 and 0600 through 1800 hours local time, October 1 through March 31; other times by NOTAM 48 hours in advance.

Controlling agency. Federal Aviation Administration, Watertown, N. Y. Flight Service Station.

Using agency. Commanding Officer, Fort Drum, N. Y.

## R-5201A Fort Drum, N. Y.

Boundaries. Beginning at lat. 44°10'00" N., long. 75°39'30" W.; to lat. 44°28'00" N., long. 75°21'00" W.; to lat. 44°28'00" N., long. 75°13'00" W.; to lat. 44°26'00" N., long. 75°09'00" W.; to lat. 44°20'00" N., long. 75°15'00" W.; to lat. 44°11'00" N., long. 75°17'00" W.; to lat. 44°03'00" N., long. 75°33'30" W.; to lat. 44°11'15" N., long. 75°25'00" W.; to lat. 44°15'15" N., long. 75°31'00" W.; to point of beginning. Excluding that portion during the time between 1000 local to sunset that lies within 1 NM either side of a line from Ryder Skyport, N. Y., via 311 heading to Gouverneur, N. Y., from 1,000 to 2,000 feet MSL and that airspace within 1 NM radius of Ryder Skyport, N. Y., from the surface to 2,000 feet.

Designated altitudes. 100 feet AGL up to but not including Flight Level 180.

Time of designation. Continuous 0001 January 24, 1978, through 2400 hours, local time, February 1, 1978.

Controlling agency. Federal Aviation Administration, Boston ARTCC.

Using agency. 9th Air Force/DOX, Shaw AFB, Sumter, S. C.

AMENDMENTS 12/1/77 42 F. R. 56601 (Added)

Corr: 42 F. R. 60122

## R-5201B Fort Drum, N. Y.

Boundaries. Beginning at lat. 44°03'00" N., long. 75°33'30" W.; to lat. 43°51'15" N., long. 75°33'30" W.; to lat. 43°51'15" N., long. 75°47'07" W.; to lat. 44°05'47" N., long. 75°44'30" W.; to lat. 44°03'25" N., long. 75°39'30" W.; to lat. 44°00'45" N., long. 75°37'25" W.; to point of beginning.

Designated altitudes. 6,000 feet MSL up to but not including Flight Level 180.

Time of designation. Continuous 0001 January 24, 1978, through 2400 hours, local time, February 1, 1978.

Controlling agency. Federal Aviation Administration, Boston ARTCC.

Using agency. 9th Air Force/DOX, Shaw AFB, Sumter, S. C.

AMENDMENTS 12/1/77 42 F. R. 56601 (Added)

## R-5201C Fort Drum, N. Y.

Boundaries. Beginning at lat. 44°33'00" N., long. 75°21'00" W.; to lat. 44°36'00" N., long. 74°40'00" W.; to lat. 43°53'30" N., long. 74°41'00" W.; to lat. 43°45'00" N., long. 74°46'50" W.; to lat. 43°45'00" N., long. 75°48'00" W.; to lat. 43°51'15" N., long. 75°47'07" W.; to lat. 43°51'15" N., long. 75°33'30" W.; to lat. 44°03'00" N., long. 75°33'30" W.; to lat. 44°11'00" N., long. 75°17'00" W.; to lat. 44°20'00" N., long. 75°15'00" W.; to lat. 44°26'00" N., long. 75°09'00" W.; to lat. 44°28'00" N., long. 75°13'00" W.; to lat. 44°28'00" N., long. 75°21'00" W.; to lat. 44°10'00" N., long. 75°39'30" W.; to lat. 44°05'47" N., long. 75°44'30" W.; to point of beginning.

Designated altitudes. 3,000 feet MSL up to but not including Flight Level 180.

Time of designation. Continuous 0001 January 24, 1978, through 2400 hours, local time, February 1, 1978.

Controlling agency. Federal Aviation Administration, Boston ARTCC.

Using agency. 9th Air Force/DOX, Shaw AFB, Sumter, S. C.

AMENDMENTS 12/1/77 42 F. R. 56601 (Added)

## R-5201D Fort Drum, N. Y.

Boundaries. Beginning at lat. 44°36'00" N., long. 74°40'00" W.; to lat. 44°36'00" N., long. 74°34'00" W.; to lat. 44°21'30" N., long. 74°30'00" W.; to lat. 44°08'00" N., long. 74°30'00" W.; to lat. 43°53'30" N., long. 74°41'00" W.; to point of beginning.

Designated altitudes. 6,000 feet MSL up to but not including Flight Level 180.

Time of designation. Continuous, 0001 January 24, 1978, through 2400 hours, local time, February 1, 1978.

Controlling agency. Federal Aviation Administration, Boston ARTCC.

Using agency. 9th Air Force/DOX, Shaw AFB, Sumter, S. C.

AMENDMENTS 12/1/77 42 F. R. 56601 (Added)

## R-5202 Gardiner's Island, N. Y.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 41°08'30" N, Long. 72°08'50" W.

Designated altitudes. Surface to 10,000 feet MSL, inclusive.

Time of designation. 0900 to 1800 local time, April 15 through October 14; 0900 to 1600 local time, October 15 through April 14.

Controlling agency. FAA, Quonset RATCF.

Using agency. Naval Plant Representative Office, Grumman Aerospace Corporation, Bethpage, N. Y.

## R-5203 Oswego, N. Y.

Boundaries. Beginning at Lat. 43°37'00" N, Long. 76°45'00" W; to Lat. 43°24'00" N, Long. 76°45'00" W; to Lat. 43°24'00" N, Long. 78°00'00" W; to Lat. 43°37'00" N, Long. 78°00'00" W; to the point of beginning.

Designated altitudes. Surface to Flight Level 500.

Time of Designation. Continuous

Controlling agency. Federal Aviation Administration, Cleveland ARTC Center.

Using agency. 21st Air Division, Hancock Field, Syracuse, N. Y.

## R-5206 West Point, N. Y.

Boundaries. Beginning at lat. 41°23'08" N., long. 74°00'00" W.; to lat. 41°23'08" N., long. 73°59'42" W.; thence along south side of U. S. Highway 9W to lat. 41°22'32" N., long. 73°58'58" W.; to lat. 41°22'18" N., long. 73°58'58" W.; to lat. 41°20'04" N., long. 74°00'42" W.; thence along north side of Mine Torne Road to lat. 41°21'24" N., long. 74°02'38" W.; thence along east side of New York State Highway 293 to point of beginning.

Designated altitudes. Surface to and including 5,000 feet MSL.

Time of designation. 0600 to 2400 local, July 1 to August 31, other dates and times by NOTAM 48 hours in advance.

Controlling agency. Federal Aviation Administration, New York ARTC Center.

Using agency. Superintendent, U. S. Military Academy, West Point, N. Y.

## R-5207 Romulus, N. Y.

Boundaries. A circular area with a radius of 1,350 feet centered at latitude 42°46'59" N., longitude 76°53'06" W.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. 0730 to 1600 local time, Monday through Friday.

Using agency. Commanding Officer, Seneca Army Depot, Romulus, N. Y.

## § 73.53 North Carolina

## R-5301A Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at latitude 36° 03' 30" N., longitude 76° 20' 00" W., excluding the airspace within R-5301B.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

## R-5301B Albemarle Sound, N. C.

Boundaries. A circular area within a 1½-nmi radius centered at latitude 36° 05' 25" N., longitude 76° 18' 30" W.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

## R-5301C Albemarle Sound, N. C.

Boundaries. A circular area within a 1½ nautical mile radius centered at Lat. 36°05'25" N., Long. 76° 18' 30" W.

Designated altitudes. From 5,000 feet MSL to and including 14,000 feet MSL.

Time of designation. As activated by NOTAM at least 24 hours in advance.

Using agency. Commander, Fleet Air Norfolk NAS Norfolk, Va.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

## R-5302 Albemarle Sound, N. C.

Boundaries. Beginning at latitude 36°03'35" N., longitude 76°03'05" W.; to latitude 35°58'05" N., longitude 76°02'10" W.; to latitude 35°55'40" N., longitude 76°24'05" W.; to latitude 36°01'05" N., longitude 76°25'00" W. to point of beginning.

Designated altitude. Surface to 14,000 feet MSL.

Time of Designation. 0800 hours to 2300 hours e.s.t.

Using Agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

## R-5306A Cherry Point, N. C.

Boundaries. Beginning at latitude 35°23'15" N., longitude 76°34'40" W.; to latitude 35°18'15" N., longitude 76°16'40" W.; to latitude 35°04'30" N., longitude 76°04'30" W.; to latitude 34°46'45" N., longitude 76°24'45" W.; to latitude 34°46'00" N., longitude 76°30'00" W.; to latitude 35°08'00" N., longitude 76°51'20" W.; thence to point of beginning.

Designated altitudes. Surface to, but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, U. S. Marine Corps Air Station, Cherry Point, N. C.

## R-5306B Cherry Point, N. C.

Boundaries. Beginning at latitude 35°08'00" N., longitude 76°51'20" W.; to latitude 34°46'00" N., longitude 76°30'00" W.; to latitude 34°45'10" N., longitude 76°40'30" W.; to latitude 34°42'00" N., longitude 76°54'45" W.; to latitude 34°51'00" N., longitude 77°05'30" W.; to latitude 34°49'30" N., longitude 77°10'00" W.; to latitude 35°03'00" N., longitude 76°57'00" W.; thence to point of beginning.

Designated altitudes. From 3,000 feet to, but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, U. S. Marine Corps Air Station, Cherry Point, N. C.

## PENDING AMENDMENT

R-5306B Cherry Point, N. C., is revoked.

AMENDMENTS 1/26/78 42 F. R. 61038 (Revoked)

## R-5306C Cherry Point, N. C.

Boundaries. Beginning at latitude 34°51'00" N., longitude 77°05'30" W.; to latitude 34°42'00" N., longitude 76°54'45" W.; to latitude 34°41'50" N., longitude 76°56'20" W.; to latitude 34°37'30" N., longitude 76°56'20" W.; thence southwest along a line 3-nautical miles from and parallel to the shoreline to latitude 34°34'30" N., longitude 77°09'00" W.; to latitude 34°44'50" N., longitude 77°14'40" W.; to latitude 34°49'30" N., longitude 77°10'00" W.; thence to point of beginning.

Designation altitudes. Surface to, but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, U. S. Marine Corps Air Station, Cherry Point, N. C.

## PENDING AMENDMENT

In R-5306C Cherry Point, N. C., the designated altitudes are changed as follows:

Designated altitudes. From 1200 feet MSL to, but not including FL 180.

AMENDMENTS 1/26/78 42 F. R. 61038 (Changed)

## R-5306D Cherry Point, N. C.

Boundaries. Beginning at latitude 34°44'50" N., longitude 77°14'40" W.; to latitude 34°34'30" N., longitude 77°09'00" W.; thence southwest along a line 3-nautical miles from and parallel to the shoreline to latitude 34°30'20" N., longitude 77°15'50" W.; to latitude 34°33'00" N., longitude 77°19'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°39'10" N., longitude 77°20'50" W.; thence to point of beginning.

Designated altitudes. Surface to, but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, U. S. Marine Corps Air Station, Cherry Point, N. C.

## R-5306E Cherry Point, N. C.

Boundaries. Beginning at latitude 34°40'20" N., longitude 77°22'12" W.; to latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°38'12" N., longitude 77°26'00" W.; thence to point of beginning.

Designated altitudes. Surface to, but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, U. S. Marine Corps Air Station, Cherry Point, N. C.

## R-5311A Fort Bragg, N. C.

Boundaries. Beginning at latitude 35°10'46" N., longitude 79°01'56" W.; to latitude 35°08'47" N., longitude 79°02'00" W.; to latitude 35°07'00" N., longitude 79°02'30" W.; to latitude 35°05'35" N., longitude 79°01'50" W.; to latitude 35°02'55" N., longitude 79°05'40" W.; to latitude 35°02'45" N., longitude 79°20'10" W.; to latitude 35°07'05" N., longitude 79°22'50" W.; to latitude 35°09'40" N., longitude 79°20'10" W.; thence along Little River to point of beginning.

Designated altitudes. Surface to but not including 18,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Bragg, N. C.

## R-5311B Fort Bragg, N. C.

Boundaries. Beginning at latitude 35°10'46" N., longitude 79°01'56" W.; to latitude 35°08'47" N., longitude 79°02'00" W.; to latitude 35°07'00" N., longitude 79°02'30" W.; to latitude 35°05'35" N., longitude 79°01'50" W.; to latitude 35°02'55" N., longitude 79°05'40" W.; to latitude 35°02'45" N., longitude 79°20'10" W.; to latitude 35°07'05" N., longitude 79°22'50" W.; to latitude 35°09'40" N., longitude 79°20'10" W.; thence along Little River to point of beginning.

Designated altitudes. From 18,000 to 29,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, ARTC Center, Washington.

Using agency. Commanding General, Fort Bragg, N. C.

## R-5313 Long Shoal Point, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°32'48" N, Long. 75°41'26" W.

Designated altitudes. Surface to 18,000 feet MSL.

Time of designation. Continuous.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, VA.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.



## R-5314 Dare County, N. C.

Subarea A  
Boundaries. Beginning at latitude 35°45'40" N., longitude 75°49'20" W.; to latitude 35°40'10" N., longitude 75°50'15" W.; to latitude 35°41'30" N., longitude 76°00'20" W.; to latitude 35°47'00" N., longitude 75°59'00" W.; to the point of beginning.  
Designated altitudes. Surface to flight level 205.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea B  
Boundaries. Beginning at latitude 35°39'30" N., longitude 75°45'45" W.; to latitude 35°34'40" N., longitude 75°46'50" W.; to latitude 35°36'45" N., longitude 76°01'20" W.; to latitude 35°41'30" N., longitude 76°00'20" W.; to the point of beginning.  
Designated altitudes. 500 feet above the surface to flight level 205.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea C.  
Boundaries. Beginning at latitude 35°48'30" N., longitude 75°43'40" W.; to latitude 35°45'00" N., longitude 75°44'35" W.; to latitude 35°47'00" N., longitude 75°59'00" W.; to latitude 35°51'35" N., longitude 75°57'55" W.; to latitude 35°49'30" N., longitude 75°45'00" W.; to the point of beginning.  
Designated altitudes. 500 feet above the surface to flight level 205.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea D.  
Boundaries. Beginning at latitude 35°40'30" N., longitude 75°52'15" W.; to latitude 35°38'40" N., longitude 75°52'35" W.; to latitude 35°39'00" N., longitude 75°54'35" W.; to latitude 35°40'40" N., longitude 75°54'10" W.; to the point of beginning.  
Designated altitudes. Surface to flight level 205.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea E.  
Boundaries. Beginning at latitude 35°47'50" N., longitude 75°48'50" W.; to latitude 35°45'40" N., longitude 75°49'20" W.; to latitude 35°46'10" N., longitude 75°52'35" W.; to latitude 35°48'00" N., longitude 75°52'00" W.; to the point of beginning.  
Designated altitudes. Surface to flight level 205.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea F.  
Boundaries. Beginning at latitude 35°45'00" N., longitude 75°44'35" W.; to latitude 35°39'30" N., longitude 75°45'45" W.; to latitude 35°40'10" N., longitude 75°50'15" W.; to latitude 35°45'40" N., longitude 75°49'20" W.; to the point of beginning.  
Designated altitudes. 500 feet above the surface to flight level 205.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea G  
Boundaries. Beginning at latitude 35°49'40" N., longitude 75°58'20" W.; to latitude 35°38'55" N., longitude 76°01'00" W.; to latitude 35°39'20" N., longitude 76°05'00" W.; to latitude 35°50'20" N., longitude 76°02'30" W.; to the point of beginning.  
Designated altitudes. 200 feet above the surface to 15,000 feet MSL.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea H  
Boundaries. Beginning at latitude 35°50'20" N., longitude 76°02'30" W.; to latitude 35°39'20" N., longitude 76°05'00" W.; to latitude 35°40'25" N., longitude 76°12'25" W.; to latitude 35°51'25" N., longitude 76°10'05" W.; to the point of beginning.  
Designated altitudes. 500 feet above the surface to 10,000 feet MSL.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea J  
Boundaries. Beginning at latitude 35°51'25" N., longitude 76°10'05" W.; to latitude 35°40'25" N., longitude 76°12'25" W.; to latitude 35°43'50" N., longitude 76°35'30" W.; to latitude 35°54'50" N., longitude 76°33'10" W.; to the point of beginning.  
Designated altitudes. 1,000 feet above the surface to 6,000 feet MSL.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

## § 73.54 North Dakota

## § 73.55 Ohio

## R-5502 Lacarne, Ohio

Boundaries. Beginning at latitude 41°41'15" N., longitude 83°07'45" W.; to latitude 41°41'17" N., longitude 83°00'00" W.; to latitude 41°35'30" N., longitude 82°54'48" W.; to latitude 41°32'19" N., long. 83°00'05" W.; to latitude 41°32'16" N., longitude 83°01'24" W.; to latitude 41°36'54" N., longitude 83°07'45" W.; to the point of beginning.  
Designated altitudes. April 1 to May 31 surface to and including 5,000 feet MSL; June 1 to July 31 surface to and including 23,000 feet MSL; and August 1 to November 30 surface to and including 5,000 feet MSL.  
Time of designation. 0800 to 1600 local time Saturday and Sunday April 1 through May 31; 0800 to 1600 local time daily June 1 through July 31; 0800 to 1600 local time Saturday and Sunday August 1 through November 30; other dates, time and altitudes (not to exceed 23,000 feet MSL) by NOTAM, published at least 48 hours in advance.  
Controlling agency. Federal Aviation Administration, Cleveland ARTC Center.  
Using agency. The Adjutant General State of Ohio.

## R-5503 Wilmington, Ohio

Boundaries. Beginning at lat. 39°30'00" N., long. 83°02'00" W.; to lat. 38°48'30" N., long. 83°02'00" W.; to lat. 38°58'30" N., long. 84°05'00" W.; to lat. 39°15'45" N., long. 84°05'00" W.; to lat. 39°17'50" N., long. 84°02'30" W.; to lat. 39°26'05" N., long. 83°48'10" W.; to lat. 39°30'00" N., long. 83°38'35" W.; to point of beginning.  
Designated altitudes. 4,000 feet MSL to flight level 600.  
Time of designation. 0800 to 2200 hours, local time, Monday through Saturday.  
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.  
Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

## § 73.56 Oklahoma

## R-5601A Fort Sill, Okla.

Boundaries. Beginning at latitude 34°38'15" N., longitude 98°17'00" W.; to latitude 34°38'15" N., longitude 98°20'55" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°40'12" N., longitude 98°26'17" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; thence counterclockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°26'46" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°43'30" N., longitude 98°35'39" W.; to latitude 34°43'30" N., longitude 98°21'00" W.; to latitude 34°43'45" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°17'00" W.; to point of beginning.  
Designated altitude. Surface to 23,000 feet MSL.  
Time of designation. Continuous.  
Using agency. Commanding General, Fort Sill, Oklahoma.

## R-5601B Fort Sill, Okla.

Boundaries. Beginning at latitude 34°38'15" N., longitude 98°26'46" W.; thence clockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; to latitude 34°40'12" N., longitude 98°26'17" W.; thence clockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°20'55" W.; thence to point of beginning.  
Designated altitude. Surface to 23,000 feet MSL.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.  
Using agency. Commanding General, Fort Sill, Okla.

## R-5601C, Fort Sill, Okla.

Boundaries. Beginning at latitude 34°38'15" N., longitude 98°17'00" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°43'30" N., longitude 98°35'39" W.; to latitude 34°43'30" N., longitude 98°21'00" W.; to latitude 34°43'45" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°17'00" W.; to point of beginning.  
Designated altitude. 23,000 feet MSL to 65,000 feet MSL.  
Time of designation. Continuous.  
Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.  
Using Agency. Commanding General, Fort Sill, Okla.

## R-5601D Fort Sill, Okla.

## § 73.58 Pennsylvania

## R-5601D Fort Sill, Okla.

Boundaries. Beginning at latitude 34°38'15" N., longitude 98°38'00" W.; to latitude 34°38'15" N., longitude 98°48'00" W.; to latitude 34°42'15" N., longitude 98°50'00" W.; to latitude 34°45'00" N., longitude 98°40'30" W.; to latitude 34°43'30" N., longitude 98°35'39" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to point of beginning.

Designated altitudes. Surface to 16,500 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.

Using agency. Commanding General, Fort Sill, Okla.

AMENDMENTS 12/30/76 41 F. R. 52295 (Rewritten)

## R-5601E Fort Sill, Okla.

Boundaries. Beginning at latitude 34°38'15" N., longitude 98°38'00" W.; to latitude 34°36'00" N., longitude 98°46'45" W.; to latitude 34°38'15" N., longitude 98°48'00" W.; to point of beginning.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.

Using agency. Commanding General, Fort Sill, Okla.

AMENDMENTS 12/30/76 41 F. R. 52295 (Added)

## § 73.57 Oregon

## R-5701 Boardman, Oreg.

Boundaries and designated altitudes. A 5-nautical-mile radius circle centered at latitude 45°43'36" N., longitude 119°41'03" W., surface to flight level 200; within 2 nautical miles N and 3 nautical miles S of the 082° bearing from the center of the circle extending to a line one nautical mile W of and parallel to Butter Creek, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the E extremity; within 3 nautical miles either side of the 234° bearing from the center of the circle extending to 10 nautical miles from the center, excluding the airspace within VOR Federal airway No. 112, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the SW extremity; within 3 nautical miles either side of the 270° bearing from the center of the circle extending to 15 nautical miles from the center, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the W extremity.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Seattle ARTC Center.

Using agency. Commander, Medium Attack Tactical Electronic Warfare Wing, NAS Whidbey Island, Wash.

## R-5704 Hermiston, Oreg.

Boundaries. Beginning at latitude 45°52'00" N., longitude 119°29'00" W.; to latitude 45°50'00" N., longitude 119°29'00" W.; to latitude 45°50'00" N., longitude 119°30'30" W.; to latitude 45°52'00" N.; longitude 119°30'30" W.; to point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. 0800 to 2000 Pst, Monday through Friday.

Using agency. Commanding Officer, Umatilla Ordnance Depot, Hermiston, Oreg.

## R-5706 Boardman, Oreg.

Boundaries. Beginning at latitude 45°40'40" N., longitude 120°02'25" W.; to latitude 45°40'40" N., longitude 120°09'00" W.; to latitude 45°45'45" N., longitude 120°09'00" W.; thence east along the south shore of the Columbia River to latitude 45°51'00" N., longitude 119°40'00" W.; to latitude 45°53'00" N., longitude 119°31'00" W.; to latitude 45°46'35" N., longitude 119°31'00" W.; to latitude 45°46'10" N., longitude 119°35'00" W.; thence counterclockwise along the arc of a 5-nautical-mile radius circle centered at latitude 45°43'36" N., longitude 119°41'03" W.; to latitude 45°46'35" N., longitude 119°46'50" W.; to latitude 45°46'35" N., longitude 120°02'25" W.; to point of beginning.

Designated altitudes. 3,500 feet MSL to 10,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Seattle ARTC Center.

Using agency. Commander, Medium Attack Tactical Electronic Warfare Wing, NAS Whidbey Island, Wash.

## § 73.58 Pennsylvania

## R-5801 Chambersburg, Pa.

Boundaries. The arc of a circle, having a 5,000-foot radius, centered at latitude 39°59'44" N., longitude 77°43'55" W.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. 0800 to 1600 EST, Monday through Friday.

Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

## R-5802 Fort Indiantown Gap, Pa.

Boundaries. Beginning at latitude 40°28'45" N., longitude 76°35'30" W.; to latitude 40°26'05" N., longitude 76°35'30" W.; to latitude 40°24'55" N., longitude 76°36'55" W.; to latitude 40°23'45" N., longitude 76°43'11" W.; to latitude 40°24'20" N., longitude 76°44'40" W.; to latitude 40°28'45" N., longitude 76°37'40" W.; to the point of beginning.

Designated altitudes. Surface to 13,000 feet MSL.

Time of designation. 0800-2300 hours local time, Saturdays, February 15 through May 10; 0800-1200 hours local time, Sundays, February 15 through May 10; 0800-2000 hours local time, May 11 through August 31; 0800-2300 hours local time, Saturdays, September 1 through December 15; 0800-1200 hours local time, Sundays, September 1 through December 15. Other times by Notice to Airmen, issued at least 48 hours in advance.

Controlling agency. Federal Aviation Administration, New York ARTC Center.

Using agency. Commander, Fort Indiantown Gap, Annville, Pa.

## R-5803 Chambersburg, Pa.

Boundaries. A circular area with a 2,400-foot radius centered at Lat. 40°02'29" N, Long. 77°44'20" W.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. 0800 to 1600 EST, Monday through Friday.

Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

## § 73.59 Rhode Island

## § 73.60 South Carolina

## R-6001 Fort Jackson, S. C.

Boundaries. Beginning at Lat. 34°03'51" N, Long. 80°42'12" W; to Lat. 34°01'40" N, Long. 80°42'15" W; to Lat. 34°01'50" N, Long. 80°55'15" W; to Lat. 34°02'21" N, Long. 80°56'02" W; to Lat. 34°04'45" N, Long. 80°53'02" W; to Lat. 34°06'19" N, Long. 80°48'47" W; to Lat. 34°05'58" N, Long. 80°46'05" W; to the point of beginning.

Designated altitudes. Surface to 24,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. Commanding General, Fort Jackson, S. C.

## R-6002 Poinsett-Sumter, S. C.

Boundaries. Beginning at latitude 33°54'24" N., longitude 80°24'12" W., to latitude 33°46'25" N., longitude 80°23'12" W., to latitude 33°44'27" N., longitude 80°31'42" W., to latitude 33°50'13" N., longitude 80°31'03" W., to latitude 33°53'37" N., longitude 80°31'03" W., to point of beginning. -Excluding that airspace within the Shaw AFB control zone.

Designated altitudes. Surface to 13,000 feet MSL.

Time of designation. Sunrise to 2400 hours local time.

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. Commander, Shaw AFB, S. C.

## § 73.61 South Dakota

## § 73.62 Tennessee



## § 73.63 Texas

## R-6302A Fort Hood, Tex.

Boundaries. Beginning at lat. 31°10'00"N., long. 97°35'40"W.; to lat. 31°10'00"N., long. 97°41'00"W.; to lat. 31°11'00"N., long. 97°43'00"W.; to lat. 31°10'00"N., long. 97°45'00"W.; to lat. 31°09'00"N., long. 97°45'00"W.; to lat. 31°10'00"N., long. 97°48'00"W.; to lat. 31°15'00"N., long. 97°51'00"W.; to lat. 31°19'00"N., long. 97°51'00"W.; to lat. 31°24'00"N., long. 97°48'00"W.; to lat. 31°23'00"N., long. 97°43'00"W.; to lat. 31°21'00"N., long. 97°41'00"W.; to lat. 31°20'00"N., long. 97°41'00"W.; to lat. 31°14'00"N., long. 97°33'00"W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Commanding Officer, Fort Hood, Tex.

AMENDMENTS 10/6/77 42 F. R. 36247 (Rewritten)

## R-6302B Fort Hood, Tex.

Boundaries. Beginning at lat. 31°10'00"N., long. 97°41'00"W.; to lat. 31°09'30"N., long. 97°43'00"W.; to lat. 31°09'00"N., long. 97°43'30"W.; to lat. 31°09'00"N., long. 97°45'00"W.; to lat. 31°10'00"N., long. 97°45'00"W.; to lat. 31°11'00"N., long. 97°43'00"W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Commanding Officer, Fort Hood, Tex.

AMENDMENTS 10/6/77 42 F. R. 36247 (Rewritten)

## R-6302C Fort Hood, Tex.

Boundaries. Beginning at lat. 31°09'00"N., long. 97°45'00"W.; to lat. 31°09'00"N., long. 97°52'00"W.; to lat. 31°09'00"N., long. 97°55'00"W.; to lat. 31°16'00"N., long. 97°54'00"W.; to lat. 31°19'00"N., long. 97°51'00"W.; to lat. 31°15'00"N., long. 97°51'00"W.; to lat. 31°10'00"N., long. 97°48'00"W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Commanding Officer, Fort Hood, Tex.

AMENDMENTS 10/6/77 42 F. R. 36247 (Rewritten)

Corr: 42 F. R. 39379

## R-6302D Fort Hood, Tex.

Boundaries. Beginning at lat. 31°08'00"N., long. 97°37'00"W.; to lat. 31°08'00"N., long. 97°39'00"W.; to lat. 31°10'00"N., long. 97°41'00"W.; to lat. 31°10'00"N., long. 97°35'40"W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Commanding Officer, Fort Hood, Tex.

AMENDMENTS 10/6/77 42 F. R. 36247 (Added)

## R-6302E Fort Hood, Tex.

Boundaries. Beginning at lat. 31°14'00"N., long. 97°33'00"W.; to lat. 31°06'00"N., long. 97°33'00"W.; to lat. 31°08'00"N., long. 97°39'00"W.; to lat. 31°08'00"N., long. 97°37'00"W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Commanding Officer, Fort Hood, Tex.

AMENDMENTS 10/6/77 42 F. R. 36247 (Added)

## R-6312 Cotulla, Tex.,

Boundaries. The area within 5 nmi of geographical points located at 28°14'50" N., 98°43'30" W.; and 28°05'53" N., 98°42'51" W.

Designated altitudes. Surface to 12,000 feet MSL except for the area west of a line between 28°17'40" N., 98°47'55" W., and 28°11'55" N., 98°48'00" W., and the area along Highway 624 extending ¼ mile each side where the floor is 1,000 feet AGL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, ARTCC, Houston, Tex.

Using agency. Chief of Naval Air Advanced Training Command, NAS Corpus Christi, Tex.

## § 73.64 Utah

## R-6402 Dugway Proving Ground, Dugway, Utah

Boundaries. Beginning at latitude 40°25'00" N., longitude 112°56'00" W., to latitude 40°13'00" N., longitude 112°43'00" W., to latitude 39°49'00" N., longitude 112°43'00" W., to latitude 39°44'00" N., longitude 113°08'00" W., to latitude 39°49'00" N., longitude 113°08'00" W., to latitude 39°52'00" N., longitude 113°27'00" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 40°20'20" N., longitude 113°20'02" W., to latitude 40°20'20" N., longitude 113°07'00" W., to latitude 40°25'00" N., longitude 113°07'00" W., to the point of beginning.

Designated altitudes. Surface to Flight Level 580.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency. Commanding Officer, Dugway Proving Ground.\*

AMENDMENTS 12/30/76 41 F.R. 49091 (Changed)

## R-6403 Tooele, Utah

Boundaries. Beginning at latitude 40°30'44" N., longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°29'15" W.; to latitude 40°30'44" N., longitude 112°29'15" W.; to the point of beginning.

Designated altitudes. Surface to 9,000 feet MSL.

Time of designation. 0800 to 2000 local time, Monday through Friday.

Using agency. Commanding Officer, Tooele Army Depot, Tooele, Utah.

## R-6404A Hill AFB, Utah

Boundaries. Beginning at Lat. 41°15'00"N., Long. 113°43'50"W.; to Lat. 41°10'40"N., Long. 112°45'00"W.; to Lat. 41°00'00"N., Long. 112°45'00"W.; to Lat. 41°00'00"N., Long. 112°56'30"W.; to Lat. 40°51'30"N., Long. 112°56'30"W.; to Lat. 40°48'30"N., Long. 113°40'00"W.; to point of beginning.

Designated altitudes. Surface to FL 580.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency. Commander, Hill AFB, Utah.

AMENDMENTS 12/30/76 41 F.R. 45820 (Rewritten)

## R-6404B Hill AFB Range North, Utah

Boundaries. Beginning at latitude 41°15'00" N., longitude 113°43'50" W.; to latitude 41°11'40" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 113°41'40" W.; to the point of beginning.

Designated altitudes. Surface to flight level 600.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency. Commander, Hill AFB, Utah.

## R-6405 Wendover, Utah

Boundaries. Beginning at latitude 39°44'00" N., longitude 113°08'00" W., to latitude 39°23'00" N., longitude 113°19'00" W., to latitude 39°23'00" N., longitude 113°48'00" W., to latitude 39°55'00" N., longitude 113°48'00" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 39°52'00" N., longitude 113°27'00" W., to latitude 39°49'00" N., longitude 113°08'00" W., to the point of beginning.

Designated altitudes. Surface to flight level 580.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency. Commander, Hill AFB, Utah.

AMENDMENTS 2/24/77 41 F. R. 53318 (Changed)

## R-6406 Wendover, Utah

Boundaries. Beginning at 40°40'30" N., 113°00'00" W., to 40°29'00" N., 113°00'00" W., to 40°25'00" N., 112°56'00" W., to 40°25'00" N., 113°07'00" W., to 40°20'20" N., 113°07'00" W., to 40°20'20" N., 113°49'00" W., to 40°17'00" N., 114°00'00" W., to 40°38'30" N., 114°00'00" W., to point of beginning.

Designated altitudes. Surface to flight level 580.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency. Commander, Hill Air Force Base, Utah.

AMENDMENTS 2/24/77 41 F. R. 53318 (Changed)

**R-6407 Dugway Proving Ground, Dugway, Utah**

Boundaries. Beginning at latitude 40°20'20" N., longitude 113°20'02" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 39°55'00" N., longitude 113°48'00" W., to latitude 40°00'00" N., longitude 113°48'00" W., to latitude 40°00'00" N., longitude 114°00'00" W., to latitude 40°17'00" N., longitude 114°00'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to the point of beginning.

Designated altitudes. Surface to Flight Level 580.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency. Commanding Officer, Dugway Proving Ground

**AMENDMENTS 12/30/76 41 F.R. 49091 (Changed)****R-6412 Camp Williams, Utah**

Beginning at latitude 40°27'30" N., longitude 111°56'24" W.; thence southerly along Redwood Road (Utah Highway 68) to latitude 40°23'30" N., longitude 111°54'58" W.; to latitude 40°23'30" N., longitude 112°06'00" W.; to latitude 40°27'30" N., longitude 112°06'00" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Maximum two-week period during the month of June each year with specific dates to be published by NOTAM.

Controlling agency. Federal Aviation Administration, Salt Lake City Tower,

Using agency. The Adjutant General, State of Utah.

**R-6413 Green River, Utah**

Boundaries. Beginning at lat. 38°57'00" N., long. 110°03'40" W.; thence to lat. 38°46'03" N., long. 110°06'00" W.; to lat. 38°31'30" N., long. 109°57'00" W.; to lat. 38°31'30" N., long. 109°51'03" W.; to lat. 38°33'27" N., long. 109°46'00" W.; to lat. 38°43'15" N., long. 109°57'02" W.; to lat. 38°58'02" N., long. 110°05'33" W.; thence to point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. As published by NOTAM issued 48 hours in advance of area activation.

Controlling agency. Federal Aviation Administration, Denver ARTC Center.

Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

**§ 73.65 Vermont****R-6501 Underhill, Vt.**

Boundaries. Beginning at latitude 44°30'00" N., longitude 72°52'00" W.; to latitude 44°27'00" N., longitude 72°52'00" W.; to latitude 44°27'00" N., longitude 72°55'00" W.; to latitude 44°28'30" N., longitude 72°56'30" W.; to latitude 44°29'15" N., longitude 72°56'30" W.; to latitude 44°30'00" N., longitude 72°53'30" W.; to the point of beginning.

Designated altitudes. Surface to 13,600 feet MSL.

Time of designation. Continuous, Monday through Saturday, other time by a NOTAM issued 24 hours in advance.

Controlling agency. Federal Aviation Administration, Burlington Approach Control.

Using Agency. Adjutant General, State of Vermont, Montpelier, Vt.

**§ 73.66 Virginia****R-6601 Fort A. P. Hill, Va.**

Boundaries. Beginning at latitude 38°06'50" N., longitude 77°10'34" W.; to latitude 38°05'30" N., longitude 77°09'06" W.; to latitude 38°04'40" N., longitude 77°10'20" W.; to latitude 38°03'12" N., longitude 77°09'35" W.; to latitude 38°02'22" N., longitude 77°11'40" W.; to latitude 38°02'30" N., longitude 77°14'40" W.; to latitude 38°01'50" N., longitude 77°16'08" W.; to latitude 38°02'15" N., longitude 77°18'04" W.; to latitude 38°03'40" N., longitude 77°18'45" W.; to latitude 38°04'37" N., longitude 77°18'45" W.; thence along highway U. S. 301 to latitude 38°08'01" N., longitude 77°14'04" W.; to latitude 38°07'53" N., longitude 77°13'40" W.; to latitude 38°06'46" N., longitude 77°12'21" W.; thence to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. 0700 to 2300 e.s.t., June 1 through September 8; and 0700 to 2300 e.s.t., September 9, through May 31, by NOTAM issued at least 48 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, Fort Lee, Va.

**R-6602 Fort Pickett, Va.**

Boundaries. Beginning at latitude 37°05'37" N., longitude 77°51'54" W.; to latitude 37°04'25" N., longitude 77°51'45" W.; along State Highway No. 40 to latitude 37°03'55" N., longitude 77°51'05" W.; to latitude 37°02'43" N., longitude 77°50'38" W.; to latitude 37°01'05" N., longitude 77°50'43" W.; to latitude 36°59'50" N., longitude 77°50'34" W.; to latitude 36°57'58" N., longitude 77°52'14" W.; to latitude 36°57'54" N., longitude 77°53'19" W.; to latitude 36°58'12" N., longitude 77°57'42" W.; to latitude 37°01'50" N., longitude 77°58'40" W.; to latitude 37°01'50" N., longitude 77°55'58" W.; to latitude 37°05'37" N., longitude 77°56'00" W.; to point of beginning.

Designated altitudes. The area NW of a line between latitude 37°01'05" N., longitude 77°50'43" W., and latitude 36°57'54" N., longitude 77°53'19" W., surface to 18,500 feet MSL. The area SE of this line, surface to 1,900 feet MSL.

Time of designation. Continuous from June 1 through September 8; 0600 EST Saturday to 2200 EST Sunday from September 9 through May 31; other times after issuance of NOTAMS by the using agency at least 48 hours in advance. When activated by NOTAM, another NOTAM shall be issued upon termination of use.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, Fort Lee, Va.

**R-6604 Chincoteague Inlet, Va.**

Boundaries. Beginning at Lat. 37°56'45" N. Long. 75°27'30" W; to Lat. 37°51'30" N. Long. 75°17'15" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 37°38'45" N. Long. 75°31'20" W; to Lat. 37°50'24" N. Long. 75°31'20" W; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Chief, Wallops Station, National Aeronautics and Space Administration, Wallops Island, Va.

**R-6608 Pendleton, Va.**

Boundaries. Beginning at lat. 36°50'41" N., long. 75°54'40" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 36°34'33" N., long. 75°48'40" W.; to lat. 36°45'03" N., long. 75°56'12" W.; to lat. 36°44'45" N., long. 75°57'05" W.; to lat. 36°44'39" N., long. 75°58'00" W.; to lat. 36°47'00" N., long. 75°58'45" W.; to lat. 36°47'18" N., long. 75°56'54" W.; to the point of beginning.

Designated altitudes. Surface to and including 51,000 feet MSL.

Time of designation. 0800-1700 hours local time, Monday through Friday. Other times by NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Virginia Capes Operating Area Coordinator (VCOAC) COMNAVAIRLANT, NAS Oceana, Virginia Beach, Va.

**R-6608 Quantico, Va.**

Boundaries. Beginning at latitude 38°31'15" N., longitude 77°24'20" W.; to latitude 38°29'00" N., longitude 77°28'45" W.; to latitude 38°31'20" N., longitude 77°34'07" W.; to latitude 38°37'00" N., longitude 77°34'07" W.; to latitude 38°37'50" N., longitude 77°32'20" W.; to latitude 38°37'00" N., longitude 77°25'34" W.; to latitude 38°34'00" N., longitude 77°24'00" W.; to the point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. 0700 to 2400 local time.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, Marine Corps Development and Education Command, Quantico, Va.

**R-6609 Tangier Island, Va.**

Boundaries. Beginning at latitude 37°53'10" N., longitude 76°14'00" W.; to latitude 37°55'15" N., longitude 76°02'30" W.; to latitude 37°50'00" N., longitude 76°00'52" W.; to latitude 37°41'00" N., longitude 76°00'52" W.; to latitude 37°40'00" N., longitude 76°01'30" W.; to latitude 37°40'00" N., longitude 76°10'00" W.; to latitude 37°45'00" N., longitude 76°11'33" W.; to point of beginning.

Designated altitudes. Surface to FL 200.

Time of designation. 0800 to 2300 hours, local time, other times by NOTAM issued at least 48 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding Officer, NAS Patuxent River, Md.

**R-6611 Dahlgren Complex, Va.****Subarea A**

Boundaries. Beginning at Lat. 38°21'30" N. Long. 77°01'15" W; to Lat. 38°17'30" N. Long. 76°56'00" W; to Lat. 38°15'45" N. Long. 76°52'00" W; to Lat. 38°13'00" N. Long. 76°54'35" W; to Lat. 38°19'15" N. Long. 77°02'00" W; to the point of beginning.

Designated altitudes. Surface to 40,000 feet MSL.

Time of designation. 0800-1700 local time, Monday through Friday, other times by NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, Naval Weapons Laboratory, Dahlgren, VA.

**Subarea B**

Boundaries. Beginning at lat. 38°21'30" N., long. 77°01'15" W.; to lat. 38°17'30" N., long. 76°56'00" W.; to lat. 38°15'45" N., long. 76°52'00" W.; to lat. 38°13'00" N., long. 76°54'35" W.; to lat. 38°19'15" N., long. 77°02'00" W.; to the point of beginning.

Designated altitudes. 40,000 feet MSL to 60,000 feet MSL.

Time of designation. By NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, Naval Weapons Laboratory, Dahlgren, VA.



**R-6612 Dahlgren Complex, Va.**

Boundaries. Two overlapping circular areas with 7,000-foot radii centered at Lat. 38°17'59" N, Long. 77°02'15" W, and Lat. 38°18'23" N, Long. 77°02'57" W.  
 Designated altitudes. Surface to 7,000 feet MSL.  
 Time of designation. 0800-1700 local time, Monday through Friday, other times by NOTAM issued 48 hours in advance.  
 Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
 Using agency. Commander, Naval Weapons Laboratory, Dahlgren, VA.

**R-6613 Dahlgren Complex, Va.**

Subarea A  
 Boundaries. Beginning at Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'30" N, Long. 76°46'35" W; to Lat. 38°10'00" N, Long. 76°50'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to the point of beginning.  
 Designated altitudes. Surface to 40,000 feet MSL.  
 Time of designation. 0800-1700 local time, Monday through Friday, other times by NOTAM 48 hours in advance.  
 Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
 Using agency. Commander, Naval Weapons Laboratory, Dahlgren, VA.

**Subarea B.**

Boundaries. Beginning at lat. 38°15'45" N., long. 76°52'00" W.; to lat. 38°13'30" N., long. 76°46'35" W.; to lat. 38°10'00" N., long. 76°50'00" W.; to lat. 38°13'00" N., long. 76°54'35" W.; to the point of beginning.  
 Designated altitudes. 40,000 feet MSL to 60,000 feet MSL.  
 Time of designation. By NOTAM issued 48 hours in advance.  
 Controlling agency. Federal Aviation Administration, Washington ARTC Center.  
 Using agency. Commander, Naval Weapons Laboratory, Dahlgren, VA.

**§ 73.87 Washington****R-6701 Admiralty Inlet, Wash.**

Boundaries. Beginning at Lat. 48°10'00" N, Long. 122°34'48" W; to Lat. 48°05'45" N, Long. 122°31'30" W; to Lat. 48°06'06" N; Long. 122°41'12" W; to Lat. 48°10'00" N, Long. 122°40'56" W; to the point of beginning.  
 Designated altitudes. Surface to 5,000 feet MSL.  
 Time of designation. Sunrise to sunset, Monday through Friday. Saturday and Sunday as published by NOTAM 24 hours in advance.  
 Controlling agency. Federal Aviation Administration, Seattle ARTC Center.  
 Using agency. Commander, Medium Attack Tactical Electronic Warfare Wing, NAS Whidbey Island, Wash.

**R-6703 Fort Lewis, Wash.**

Subarea A  
 Boundaries. Beginning at latitude 47°03'08" N., longitude 122°41'05" W.; to latitude 47°04'35" N., longitude 122°41'05" W.; to latitude 47°04'42" N., longitude 122°38'15" W.; to latitude 47°03'38" N., longitude 122°35'36" W.; to latitude 46°58'17" N., longitude 122°37'40" W.; thence via the Nisqually River to point of beginning.  
 Designated altitudes. Surface to 14,000 feet MSL.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, McChord Approach Control.  
 Using agency. Commanding General, Fort Lewis, Wash.

**Subarea B**

Boundaries. Beginning at latitude 47°03'38" N.; longitude 122°35'36" W.; to latitude 47°02'36" N., longitude 122°34'48" W.; to latitude 47°00'46" N., longitude 122°34'48" W.; to latitude 47°00'00" N., longitude 122°35'35" W.; to latitude 46°58'17" N., longitude 122°37'40" W.; to point of beginning.  
 Designated altitudes. Surface to 5,000 feet MSL.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, McChord Approach Control.  
 Using agency. Commanding General, Fort Lewis, Wash.

**Subarea C**

Boundaries. Beginning at latitude 46°58'17" N., longitude 122°37'40" W.; to latitude 46°54'35" N., longitude 122°41'25" W.; to latitude 46°54'18" N., longitude 122°43'32" W.; to latitude 46°55'12" N., longitude 122°44'30" W.; to latitude 47°03'08" N., longitude 122°41'05" W.; thence via the Nisqually River to point of beginning.  
 Designated altitudes. Surface to 14,000 feet MSL.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, McChord Approach Control.  
 Using agency. Commanding General, Fort Lewis, Wash.

**Subarea D**

Boundaries. Beginning at latitude 47°03'38" N., longitude 122°35'36" W.; to latitude 47°02'14" N., longitude 122°32'15" W.; to latitude 47°01'48" N., longitude 122°31'38" W.; to latitude 47°01'00" N., longitude 122°31'37" W.; to latitude 47°00'42" N., longitude 122°33'12" W.; to latitude 47°00'30" N., longitude 122°33'16" W.; to latitude 47°00'00" N., longitude 122°35'35" W.; to latitude 47°00'46" N., longitude 122°34'48" W.; to latitude 47°02'36" N., longitude 122°34'48" W.; to point of beginning.  
 Designated altitudes. Surface to 5,000 feet MSL.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, McChord Approach Control.  
 Using agency. Commanding General, Fort Lewis, Wash.

**R-6707 Queets, Wash.**

Boundaries. Beginning at Lat. 47°29'25" N, Long. 124°25'00" W; clockwise along the arc of a 3-mile radius circle centered at Lat. 47°27'00" N, Long. 124°24'15" W to Lat. 47°24'25" N, Long. 124°24'30" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.  
 Designated altitudes. Surface to 12,000 feet MSL.  
 Time of designation. 0800 to 1700 local time, Monday through Friday.  
 Controlling agency. Hoquiam FSS.  
 Using agency. Commander, Medium Attack Tactical Electronic Warfare Wing, NAS Whidbey Island, Wash.

**R-6713A Whidbey Island, Wash.**

Boundaries. Beginning at lat. 48°14'54" N., long. 122°53'30" W.; to lat. 48°21'27" N., long. 122°59'34" W.; to lat. 48°23'06" N., long. 122°55'18" W.; to lat. 48°22'54" N., long. 122°49'12" W.; to lat. 48°20'12" N., long. 122°46'42" W.; to lat. 48°16'00" N., long. 122°48'27" W.; to point of beginning excluding that airspace within 1000 feet both horizontally and vertically around Smith Island centered at lat. 48°19'10" N., long. 122°50'33" W.; and excluding that airspace from the surface to 100 feet AGL beyond a 1.25-nautical mile surface radius of lat. 48°19'11" N., long. 122°54'12" W.  
 Designated altitudes. Surface to 5,000 feet MSL (less exclusions).  
 Time of designation. Daily, 0700 to 2400 local time.  
 Controlling agency. Federal Aviation Administration, Seattle ARTC Center.  
 Using agency. Commander Medium Attack Tactical Electronic Warfare Wing, U. S. Pacific Fleet (COMMATVAQWINGPAC), NAS Whidbey Island, Wash.

**R-6713B Whidbey Island, Wash.**

Boundaries. Beginning at lat. 48°14'54" N., long. 122°53'30" W.; thence to lat. 48°21'27" N., long. 122°59'34" W.; to lat. 48°23'06" N., long. 122°55'18" W.; to lat. 48°22'54" N., long. 122°49'12" W.; to lat. 48°20'12" N., long. 122°46'42" W.; to lat. 48°16'00" N., long. 122°48'27" W.; to point of beginning.  
 Designated altitudes. 5000 feet MSL to 10,000 feet MSL.  
 Time of designation. 0800 to 2400 local time, Monday through Friday.  
 Controlling agency. Federal Aviation Administration, Seattle ARTC Center.  
 Using agency. Commander Medium Attack Tactical Electronic Warfare Wing, U. S. Pacific Fleet (COMMATVAQWINGPAC), NAS Whidbey Island, Wash.

**R-6713C Whidbey Island, Wash.**

Boundaries. Beginning at lat. 48°14'54" N., long. 122°53'30" W.; thence to lat. 48°21'27" N., long. 122°59'34" W.; to lat. 48°23'06" N., long. 122°55'18" W.; to lat. 48°22'54" N., long. 122°49'12" W.; to lat. 48°20'12" N., long. 122°46'42" W.; to lat. 48°16'00" N., long. 122°48'27" W.; to point of beginning.  
 Designated altitudes. 10,000 feet MSL to 15,000 feet MSL.  
 Time of designation. 0800 to 2400 local time, Monday through Friday.  
 Controlling agency. Federal Aviation Administration, Seattle ARTC Center.  
 Using agency. Commander Medium Attack Tactical Electronic Warfare Wing, U. S. Pacific Fleet (COMMATVAQWINGPAC), NAS Whidbey Island, Wash.

**R-6714A Yakima, Wash.**

Boundaries. Beginning at lat. 46°51'00"N., long. 119°58'00"W.; along the west shore of the Columbia River to lat. 46°42'30"N., long. 119°58'15"W.; to lat. 46°33'00"N., long. 120°04'00"W.; to lat. 46°37'00"N., long. 120°20'00"W.; to lat. 46°40'35"N., long. 120°26'35"W.; to lat. 46°43'00"N., long. 120°26'38"W.; to lat. 46°51'00"N., long. 120°21'30"W.; to lat. 46°51'00"N., long. 120°16'30"W.; to lat. 46°54'30"N., long. 120°15'00"W.; clockwise along the arc of a 12-mile radius circle centered at lat. 46°44'45"N., long. 120°20'00"W.; to lat. 46°51'00"N., long. 120°08'30"W.; to point of beginning.  
 Designated altitudes. Surface to 29,000 feet MSL.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, Seattle ARTC Center.  
 Using agency. Commanding General, Fort Lewis, Wash.

**R-6714B Yakima, Wash.**

Boundaries. Beginning at lat. 46°42'30"N., long. 119°58'15"W.; along the west shore of the Columbia River, to lat. 46°38'30"N., long. 119°55'30"W.; to lat. 46°33'00"N., long. 119°55'30"W.; to lat. 46°33'00"N., long. 120°04'00"W.; to point of beginning.  
 Designated altitudes. Surface to 29,000 feet MSL.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, Seattle ARTC Center.  
 Using agency. Commanding General, Fort Lewis, Wash.

**R-6714C Yakima, Wash.**

Boundaries. Beginning at lat. 46°33'00"N., long. 120°04'00"W.; to lat. 46°33'00"N., long. 120°09'00"W.; to lat. 46°37'00"N., long. 120°20'00"W.; to point of beginning.  
 Designated altitudes. Surface to 29,000 feet MSL.  
 Time of designation. Continuous.  
 Controlling agency. Federal Aviation Administration, Seattle ARTC Center.  
 Using agency. Commanding General, Fort Lewis, Wash.

## § 73.68 West Virginia

## § 73.69 Wisconsin

## R-6901 Camp McCoy, WI.

Boundaries: Beginning at latitude 44°08'40" N., longitude 90°44'20" W.; to latitude 44°08'40" N., longitude 90°40'22" W.; to latitude 44°09'36" N., longitude 90°40'22" W.; to latitude 44°09'36" N., longitude 90°36'50" W.; to latitude 44°00'02" N., longitude 90°36'35" W.; to latitude 44°00'02" N., longitude 90°35'15" W.; to latitude 43°56'22" N., longitude 90°35'20" W.; to latitude 43°56'22" N., longitude 90°39'00" W.; to latitude 43°56'38" N., longitude 90°41'00" W.; to latitude 43°56'40" N., longitude 90°45'05" W.; to latitude 43°58'30" N., longitude 90°44'30" W.; to latitude 43°58'40" N., longitude 90°43'55" W.; to latitude 44°02'45" N., longitude 90°44'30" W.; and then to the point of beginning.

Designated altitudes: Surface to 20,000 feet MSL.

Time of designation: Continuous.

Using agency: Commanding Officer, Camp McCoy, WI.

Controlling agency: Federal Aviation Administration, Chicago ARTC Center.

## R-6903 Sheboygan, Wis.

Boundaries: Beginning at latitude 43°19'00" N., longitude 87°41'00" W.; to latitude 44°05'30" N., longitude 87°29'45" W.; to latitude 44°02'00" N., longitude 87°02'30" W.; to latitude 43°15'30" N., longitude 87°14'00" W.; to the point of beginning.

Designated altitudes: Surface to flight level 450.

Time of designation: Continuous, sunrise to sunset.

Controlling agency: Federal Aviation Administration, Chicago ARTC Center.

Using agency: Commander, Volk Field, Wisconsin.

## R-6904 Volk Field, Wis.

Boundaries: Beginning at Lat. 44°16'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 90°07'00" W; to Lat. 44°16'00" N, Long. 90°07'00" W; to the point of beginning.

Designated altitudes: Surface to 15,000 feet MSL.

Time of designation: Continuous, sunrise to sunset.

Controlling agency: Federal Aviation Administration, Chicago ARTC Center.

Using agency: Commander, Volk Field, Wis.

## R-6905A Lake Michigan

Boundaries: Within 1½ NM each side of a direct line between coordinates lat. 44°17'00"N., long. 87°32'00"W., and lat. 44°05'00"N., long. 86°29'00"W., ending at the shoreline.

Designated altitude: Surface to 6,000 feet MSL.

Time of use: As activated by NOTAM, 12 hours in advance.

Controlling agency: Federal Aviation Administration, Chicago ARTC Center.

Using agency: University of Wisconsin.

## R-6905B Lake Michigan

Boundaries: Within 1½ NM each side of a direct line between coordinates lat. 44°09'00"N., long. 86°56'30"W., and lat. 43°15'00"N., long. 87°10'00"W.

Designated altitude: Surface to 6,000 feet MSL.

Time of use: As activated by NOTAM, 12 hours in advance.

Controlling agency: Federal Aviation Administration, Chicago ARTC Center.

Using agency: University of Wisconsin.

## § 73.70 Wyoming

## R-7001 Guernsey, Wyo.

Boundaries: Beginning at latitude 42°27'30" N., longitude 104°52'30" W., latitude 42°27'30" N., longitude 104°42'30" W., latitude 42°22'30" N., longitude 104°42'30" W., latitude 42°20'00" N., longitude 104°52'30" W., thence to point of beginning.

Designated altitudes: Surface to 23,500 feet MSL.

Time of designation: 0430 to 2400 local time March 1 through November 30.

Controlling agency: Federal Aviation Administration, Denver ARTC Center.

Using agency: Adjutant General, State of Wyoming.

## § 73.71 Puerto Rico

## R-7103 Salinas, P. R.

## SUBAREA A

Boundaries: Beginning at latitude 18°03'00" N., longitude 66°14'35" W.; to latitude 18°01'16" N., longitude 66°15'14" W.; to latitude 17°59'57" N., longitude 66°16'00" W.; to latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 18°01'00" N., longitude 66°19'58" W.; to latitude 18°01'53" N., longitude 66°18'53" W.; to latitude 18°02'34" N., longitude 66°18'47" W.; to latitude 18°03'25" N., longitude 66°17'54" W.; to latitude 18°04'07" N., longitude 66°17'00" W.; to point of beginning.

## SUBAREA B

Boundaries: Beginning at latitude 18°03'00" N., longitude 66°14'35" W.; to latitude 18°02'37" N., longitude 66°13'39" W.; to latitude 17°58'53" N., longitude 66°15'22" W.; to latitude 17°58'30" N., longitude 66°16'30" W.; to latitude 17°59'00" N., longitude 66°17'37" W.; to latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 17°59'57" N., longitude 66°16'00" W.; to latitude 18°01'16" N., longitude 66°15'14" W.; to point of beginning.

## SUBAREA C

Beginning at latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 17°59'00" N., longitude 66°17'37" W.; to latitude 17°59'44" N., longitude 66°19'17" W.; to latitude 18°00'27" N., longitude 66°18'58" W.; to point of beginning.

Designated altitudes: Subarea A, Surface to 12,000 feet MSL. Subarea B, 3,000 feet MSL to 12,000 feet MSL. Subarea C, 2,000 feet MSL to 12,000 feet MSL.

Time of designation: Continuous, June 1 through August 31, other times as activated by NOTAMs issued at least 24 hours in advance.

Controlling agency: Federal Aviation Administration, San Juan ARTC Center.

Using agency: The Adjutant General, Commonwealth of Puerto Rico.

## R-7104 Vieques Island, P. R.

Boundaries: The airspace over Vieques Island and the surrounding waters beginning at latitude 18°02'45" N., longitude 65°27'05" W.; to latitude 18°13'10" N., longitude 65°25'27" W.; thence clockwise along the 3-nautical-mile limit from the shoreline to point of beginning.

Designated altitudes: Surface to FL 500.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, San Juan ARTC Center.

Using agency: Commanding Officer, Atlantic Fleet Weapons Training Facility, NS, Roosevelt Roads, Puerto Rico.

## § 73.72 Guam

## R-7201 Farallon De Medinilla Island, Mariana Islands

Boundaries: The area within a 3-nautical mile radius of lat. 16°01'00" N., long. 146°04'30" E.

Designated altitudes: Surface to FL 600.

Time of use: Continuous.

Using agency: Commander, Naval Forces, Marianas.



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## § 73.87 Prohibited Areas

## P-56 District of Columbia

## Boundaries:

A. Beginning at the southwest corner of the Lincoln Memorial (latitude 38°53'20" N.; longitude 77°03'03" W.); Thence via a 327° bearing, 0.6 mile, to the intersection of New Hampshire Avenue and Rock Creek and Potomac Parkway NW (latitude 38°53'45" N.; longitude 77°03'24" W.); Thence northeast along New Hampshire Avenue, 0.6 mile, to Washington Circle, at the intersection of New Hampshire Avenue and K Street NW (latitude 38°54'08" N.; longitude 77°03'02" W.); Thence east along K Street, 2.5 miles, to the railroad overpass between First and Second Streets NE (latitude 38°54'08" N.; longitude 77°00'14" W.); Thence southeast via a 158° bearing, 0.7 mile, to the southeast corner of Stanton Square, at the intersection of Massachusetts Avenue and Sixth Street NE (latitude 38°53'35" N.; longitude 76°59'57" W.); Thence southwest via a 211° bearing, 0.8 mile, to the Capitol Power Plant at the intersection of New Jersey Avenue and E Street SE. (latitude 38°52'59" N.; longitude 77°00'25" W.); Thence west via a 265° bearing, 0.7 mile, to the intersection of the Southwest Freeway (Interstate Route 95) and Sixth Street SW., extended (latitude 38°52'56" N.; longitude 77°01'13" W.); Thence north along Sixth Street, 0.4 mile, to the intersection of Sixth Street and Independence Avenue SW. (latitude 38°53'15" N.; longitude 77°01'13" W.); Thence west along the north side of Independence Avenue, 0.8 mile, to the intersection of Independence Avenue and 15th Street SW. (latitude 38°53'16" N.; longitude 77°02'02" W.); Thence west along the southern lane of Independence Avenue, 0.4 mile to the west end of the Kutz Memorial Bridge over the Tidal Basin (latitude 38°53'12" N.; longitude 77°02'28" W.); Thence west via a 285° bearing, 0.6 mile, to the southwest corner of the Lincoln Memorial, the point of beginning.

B. That area within a one-half mile radius from the center of the U. S. Naval Observatory located between Wisconsin and Massachusetts Avenues at 34th Street NW. (latitude 38°55'17" N.; longitude 77°04'02" W.).

Designated altitudes: Surface to 18,000 feet MSL.

Time of designation: Continuous.

Using agency: Administrator, Federal Aviation Administration, Washington, D. C.

## §73.88

## P-77 Plains, Ga.

Boundaries. That airspace within one mile each side of a line extending from lat. 32°02'00"N., long. 84°23'38"W.; to lat. 32°01'03"N., long. 84°25'25"W., and within a one mile radius of each of the above coordinates.

Designated altitudes. Surface to 1500 feet MSL.

Time of designation. Continuous.

Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

AMENDMENTS 3/1/77 42 F. R. 11826 (Added)

Corr: 42 F. R. 14086

## §73.89

## §73.90

## P-40 Thurmont, Md.

Boundaries: That airspace within a one nautical mile radius of the Naval Support Facility, latitude 39°38'53" N., longitude 77°28'01" W.

Designated altitudes: Surface to but not including 5,000 feet MSL.

Time of designation. Continuous.

Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

## §73.91

## P-73 Mount Vernon, Va.

Boundaries: That airspace within a 0.5-mile radius of latitude 38°42'28" N., longitude 77°05'11" W.

Designated altitudes. Surface to but not including 1,500 feet MSL.

Time of designation. Continuous.

Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

## §73.92

## P-26 Denver, Colo.

Boundaries. Beginning at latitude 39°48'45" N., longitude 104°50'46" W.; to latitude 39°50'00" N., longitude 104°50'46" W.; to latitude 39°51'22" N., longitude 104°50'18" W.; to latitude 39°51'22" N., longitude 104°48'00" W.; to latitude 39°48'45" N., longitude 104°48'00" W.; to point of beginning.

Designated altitudes. Surface to 6,900 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, Rocky Mountain Arsenal, Denver, Colo.

## PART 75-ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

## SUBPART A -- GENERAL

## Sec.

- 75.1 Applicability.
- 75.11 Jet routes
- 75.13 Area high routes; control area designation.
- 75.15 Reserved
- 75.17 Bearings; Radials; Miles

## SUBPART B -- JET ROUTES

## Sec.

- 75.100 Jet routes

## SUBPART C -- RESERVED

## SUBPART D -- AREA HIGH ROUTES

- 75.400 Area high routes.

## SUBPART A -- GENERAL

- §75.1 Applicability.

The routes described in Subpart B, between high altitude navigational aids or intersections of their signals, are designated as jet routes along which aircraft may be operated between 18,000 feet MSL and flight level 450.

The routes described in Subpart D of this Part are designated as area high routes.

- §75.11 Jet Routes

Each jet route designated in Subpart B consists of a direct course for navigating aircraft between 18,000 feet MSL and flight level 450, inclusive, between the navigational aids and intersections specified for that route.

- §75.13 Area high routes; control area designation.

(a) Each area high route designated in Subpart D of this Part consists of a direct course for navigating aircraft at altitudes between 18,000 feet MSL and flight level 450, inclusive, between the waypoints specified for that route.

(b) Unless otherwise specified, that airspace on each side of an area high route that has a lateral extent specified in §71.6 and that extends outside the continental control areas, is designated as a control area.

- §75.15 Reserved

- §75.17 Bearings; Radials; Miles

- (a) All bearings and radials in this Part are true and are applied from point of origin.
- (b) Unless otherwise specified, all mileages in this Part are stated as nautical miles.

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## SUBPART B -- JET ROUTES

§75.100 Jet Routes.

## SUBPART C -- RESERVED

## SUBPART D -- AREA HIGH ROUTES

§ 75.400 Area high routes.

## SUBPART B - JET ROUTES

§ 75.100 Jet routes.

(Unless otherwise specified the place names appearing in the description of the jet routes indicate the VOR or VORTAC facilities identified by such names.).

Jet Route No. 1 From the INT of the United States/Mexican Border with the direct course between the Mission Bay, Calif., VORTAC and the Tijuana, Mexico, VOR, via Mission Bay; Oceanside, Calif.; Los Angeles, Calif.; INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; Oakland, Calif.; Red Bluff, Calif.; Medford, Oreg.; Portland, Oreg., to Seattle, Wash.

AMENDMENTS 12/1/77 42 F. R. 43971 (Changed)

Jet Route No. 2 From Mission Bay, Calif., via Imperial, Calif.; Yuma, Ariz.; INT of the Yuma 089° and Gila Bend, Ariz., 261° radials; Gila Bend, Cochise, Ariz.; El Paso, Tex.; Fort Stockton, Tex.; Junction, Tex.; San Antonio, Tex.; Humble, Texas; Lake Charles, La.; INT of the Lake Charles 089° and the New Orleans, La., 275° radials; New Orleans; INT of the New Orleans 066° and the Crestview, Fla., 266° radials; Crestview; INT of the Crestview 091° and the Tallahassee, Fla., 290° radials; Tallahassee; to Jacksonville, Fla.

Jet Route No. 3 From Oakland, Calif., via Red Bluff, Calif.; Lakeview, Oreg.; Kimberly, Oreg.; Spokane, Wash., to Cranbrook, British Columbia, excluding the portion that lies over Canadian territory.

Jet Route No. 4 From Twentynine Palms, Calif., via intersection of Twentynine Palms 103° and Casa Grande, Ariz., 299° radials; Casa Grande; San Simon, Ariz.; Newman, Tex.; Wink, Tex.; Abilene, Tex.; Dallas-Fort Worth, Tex.; Shreveport, La.; Jackson, Miss.; Meridian, Miss.; Montgomery, Ala.; INT Montgomery 051° and Augusta, Ga., 273° radials; Augusta; Columbia, S. C.; Florence, S. C.; to Wilmington, N. C.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

AMENDMENTS 12/1/77 42 F. R. 45633 (Changed)

Jet Route No. 5 From Los Angeles, Calif., via the INT of the Palmdale, Calif., 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Reno, Nev.; Lakeview, Oreg.; Seattle, Wash.; to Vancouver, British Columbia, excluding that portion within Canada.

Jet Route No. 6 From the INT of the Salinas, Calif., 145° and the Palmdale, Calif., 291° radials via Palmdale; Hector, Calif.; Needles, Calif.; Prescott, Ariz.; Zuni, Ariz.; Albuquerque, N. Mex.; Tucumcari, N. Mex.; Amarillo, Tex.; Oklahoma City, Okla.; Little Rock, Ark.; Bowling Green, Ky.; Charleston, W. Va.; Front Royal, Va.; Westminster, Md.; INT of Westminster 080° and Robbinsville, N. J. 239° radials; to Robbinsville.

Jet Route No. 7 From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Rome, Oreg.; Boise, Idaho; Dillon, Mont.; Great Falls, Mont.; via the Great Falls 040° radial to the United States/Canadian Border.

Jet Route No. 8 From Needles, Calif., via Winslow, Ariz.; Gallup, N. Mex.; Las Vegas, N. Mex.; Borger, Tex.; INT Borger 095° and Kingfisher, Okla., 261° radials; Kingfisher; Springfield, Mo.; St. Louis, Mo.; Louisville, Ky.; Charleston, W. Va.; Casanova, Va.; INT Casanova 051° and Westminster, Md., 080° radials; INT Westminster 030° and Robbinsville, N. J., 239° radials; to Robbinsville.

Jet Route No. 9 From Los Angeles, Calif., via Daggett, Calif.; INT of Daggett 046° and Boulder City, Nev., 245° radials; Boulder City; Milford, Utah; Fairfield, Utah; Salt Lake City, Utah; Dubois, Idaho; Dillon, Mont., to Great Falls, Mont.

AMENDMENTS 2/24/77 42 F. R. 54921 (Changed)

Jet Route No. 10 From Los Angeles, Calif., via intersection Los Angeles 083° and Twentynine Palms, Calif., 269° radials; Twentynine Palms; intersection of Twentynine Palms 075° and Prescott, Ariz., 262° radials; Prescott; Farmington, N. Mex.; Gunnison, Colo.; Denver, Colo.; North Platte, Nebr.; to Wolbach, Nebr.

Jet Route No. 11 From Tucson, Ariz., via INT Tucson 316° and Phoenix, Ariz., 161° radials; Phoenix; Prescott, Ariz.; Bryce Canyon, Utah; Fairfield, Utah; to Salt Lake City, Utah.

Jet Route No. 12 From Salt Lake City, Utah, via Fairfield, Utah; to Grand Junction, Colo.

Jet Route No. 13 From the INT of the United States/Mexican border and the Truth or Consequences, N. Mex., 162° radial via Truth or Consequences; Albuquerque, N. Mex.; Alamosa, Colo.; Denver, Colo.; Cheyenne, Wyo.; Crazy Woman, Wyo.; Billings, Mont.; Great Falls, Mont.; to INT of the Great Falls 339° radial and the United States/Canadian Border.

## PENDING AMENDMENT

In Jet Route No. 13 "Crazy Woman, Wyo." is deleted and "Casper, Wyo." is substituted therefor.

AMENDMENTS 1/26/78 42 F. R. 61039 (Changed)

Jet Route No. 14 From Amarillo, Tex., via Oklahoma City, Okla.; Little Rock, Ark.; Birmingham, Ala.; to Atlanta, Ga.; INT Atlanta, Ga., 092° and Spartanburg, S. C., 234° radials; Spartanburg; Greensboro, N. C.; Richmond, Va.; to Kenton, Del.

Jet Route No. 15 From Humble, Tex., via Austin, Tex.; Junction, Tex.; Wink, Tex.; Roswell, N. Mex.; INT of the Roswell 319° and the Albuquerque, N. Mex., 126° radials; Albuquerque; Farmington, N. Mex.; Grand Junction, Colo.; Salt Lake City, Utah; Boise Idaho; Kimberly, Oreg.; INT Kimberly 288° and Portland, Oreg., 136° radials; to Portland.

Jet Route No. 16 From Portland, Oreg., via Pendleton, Oreg.; Whitehall, Mont.; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; Milwaukee, Wis.; Peck, Mich.; via the Peck 100° radial to the United States/Canadian Border. From the United States/Canadian Border to Buffalo, N. Y., via the Buffalo 274° radial; Albany, N. Y., to Boston, Mass.

Jet Route No. 17 From San Antonio, Tex., via Abilene, Tex.; Amarillo, Tex.; Pueblo, Colo.; Denver, Colo., to Rapid City, S. Dak.

Jet Route No. 18 From Mission Bay, Calif., via Imperial, Calif.; Yuma, Ariz., INT of the Yuma 089° and Gila Bend, Ariz., 261° radials; Gila Bend; Phoenix, Ariz.; St. Johns, Ariz.; Albuquerque, N. Mex.; Las Vegas, N. Mex. Garden City, Kans.; Salina, Kans.; Kirksville, Mo.; Bradford; to Joliet, Ill.

Jet Route No. 19 From Phoenix, Ariz., via INT Phoenix 051° and Zuni, Ariz., 242° radials; Zuni; Las Vegas, N. Mex.; Liberal, Kans.; Wichita, Kans.; Butler, Mo.; to St. Louis, Mo.

Jet Route No. 20 From Seattle, Wash., via Yakima, Wash.; Pendleton, Oreg.; McCall, Idaho; Pocatello, Idaho; Rock Springs, Wyo.; Denver, Colo.; Lamar, Colo.; Liberal, Kans.; INT Liberal 137° and Oklahoma City, Okla., 282° radials; Oklahoma City; Shreveport, La.; Jackson, Miss.; Montgomery, Ala.; Meridian, Miss.; Tallahassee, Fla.; INT Tallahassee 129° and Orlando, Fla., 306° radials; Orlando; to the INT of the Orlando 118° and the Vero Beach, Fla., 341° radials.

AMENDMENTS 12/1/77 42 F. R. 45633 (Changed)

Jet Route No. 21 From the INT of the United States/Mexican Border and the Laredo, Tex., 172° radial via Laredo; San Antonio, Tex.; Austin, Tex.; Waco, Tex.; Dallas-Fort Worth, Tex.; INT Dallas-Fort Worth 355° and Oklahoma City, Okla., 158° radials; Oklahoma City; Wichita, Kans.; Omaha, Nebr.; Minneapolis, Minn.; to Duluth, Minn.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Jet Route No. 22 From Nuevo Laredo, Mexico, via Laredo, Tex.; Corpus Christi, Tex.; Palacios, Tex.; Lake Charles, La.; McComb, Miss.; Meridian, Miss.; Birmingham, Ala.; Knoxville, Tenn.; Pulaski, Va.; to Gordonsville, Va. The airspace within Mexico is excluded.



Jet Route No. 23 From San Antonio, Tex., via Millsap, Tex.; Oklahoma City, Okla.; Pioneer, Okla.; to Wichita, Kans.

Jet Route No. 24 From Kiowa, Colo., via Hugo, Colo.; Hays, Kans.; Salina, Kans.; Kansas City, Mo.; St. Louis, Mo.; Indianapolis, Ind.; Falmouth, Ky.; Charleston, W. Va.; to Richmond, Va.

AMENDMENTS 12/30/76 41 F.R. 48514 (Changed)

Jet Route No. 25 From Matamoros, Mex., via Brownsville, Tex.; INT of the Brownsville 358° and the Corpus Christi, Tex., 178° radials; Corpus Christi; INT of the Corpus Christi 311° and the San Antonio, Tex., 167° radials; San Antonio; Austin, Tex.; Waco, Tex.; Dallas-Fort Worth, Tex.; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Des Moines, Iowa, 196° radials; Des Moines; Mason City, Iowa; to Minneapolis, Minn. The airspace within Mexico is excluded.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Jet Route No. 26 From Ciudad Juarez, Mex., via El Paso, Tex.; INT of El Paso 070° and Roswell, N. Mex., 215° radials; Roswell; Amarillo, Tex.; Gage, Okla.; Wichita, Kans.; Kansas City, Mo.; Kirksville, Mo.; Bradford, Ill.; to Joliet, Ill. The airspace within Mexico is excluded.

Jet Route No. 27 From San Antonio, Tex., to Lufkin, Tex.

Jet Route No. 28 From Pueblo, Colo., via Garden City, Kans., to Wichita, Kans.

Jet Route No. 29 From the INT of the United States/Mexican Border and the Corpus Christi, Tex., 229° radial via Corpus Christi; Palacios, Tex.; Humble, Tex.; Lufkin, Tex.; Shreveport, La.; Memphis, Tenn.; Evansville, Ind., INT Evansville 051° and Rosewood, Ohio, 230° radials; Rosewood; Cleveland, Ohio; Jamestown, N. Y.; Syracuse, N. Y.; Plattsburgh, N. Y.; Bangor, Maine, to Presque Isle. The airspace within Mexico is excluded.

Jet Route No. 30 From Minneapolis, Minn., via Nodine, Minn.; Joliet, Ill., Appleton, Ohio; INT of Appleton 111° and Belaire, Ohio, 142° radials; to Front Royal, Va.

AMENDMENTS 12/30/76 41 F.R. 49091 (Changed)

Jet Route No. 31 From New Orleans, La., via Meridian, Miss.; to Birmingham.

Jet Route No. 32 From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Battle Mountain, Nev.; Malad City, Idaho; Boysen Reservoir, Wyo.; Crazy Woman, Wyo.; Dupree, S. Dak.; Aberdeen, S. Dak.; Duluth, Minn.; to the INT of the Duluth 051° radial and the United States/Canadian Border.

Jet Route No. 33 From Humble, Tex., via INT Humble 349° and Dallas-Fort Worth, Tex., 138° radials to Dallas-Fort Worth.

AMENDMENTS 2/24/77 42 F. R. 55863 (Rewritten) Corr: 42 F. R. 4117

Jet Route No. 34 From Hoquiam, Wash., via Olympia, Wash., Moses Lake, Wash.; Helena, Mont.; Billings, Mont.; Dupree, S. Dak.; Redwood Falls, Minn.; Nodine, Minn.; Milwaukee, Wis.; INT of Milwaukee 098° and Carleton, Mich., 297° radials; Carleton; Cleveland, Ohio; Bellaire, Ohio; to INT of Bellaire 104° and Westminster, Md., 247° radials.

Jet Route No. 35 From New Orleans, La., via McComb, Miss.; Greenwood, Miss.; Memphis, Tenn.; Farmington, Mo.; St. Louis, Mo.; Capital, Ill.; the INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet, to Northbrook, Ill.

Jet Route No. 36 From Mullan Pass, Idaho, via Great Falls, Mont.; Dickinson, N. D., via Fargo, N. Dak.; Minneapolis, Minn.; Nodine, Minn.; Milwaukee, Wis.; INT Milwaukee 086° and Flint, Mich., 278° radials; Flint; INT Flint 102° and Dunkirk, N. Y., 274° radials; Dunkirk; to Huguenot, N. Y., excluding the portion within Canada.

AMENDMENTS 12/30/76 41 F.R. 44688 (Changed); Corr: 41 F.R. 46847

Jet Route No. 37 From Hobby, Tex., via INT of the Hobby 090° and New Orleans, La., 257° radials; New Orleans; INT of the New Orleans 066° and the Montgomery, Ala., 230° radials; Montgomery; Spartanburg, S. C.; Gordonsville, Va.; Kenton, Del.; Coyle, N. J.; Kennedy, N. Y.; Albany, N. Y.; Massena, N. Y. to the INT of the Massena 037° radial and the United States/Canadian Border.

Jet Route No. 38 From the INT of the United States/Canadian Border and the direct radial between Duluth, Minn., and Sioux Narrows, Ont., via Duluth; Green Bay, Wis., to Peck, Mich.

Jet Route No. 39 From Crestview, Fla., via Montgomery, Ala.; Birmingham, Ala.; Nashville, Tenn.; Louisville, Ky., to Rosewood, Ohio.

Jet Route No. 40 From Montgomery, Ala., via Macon, Ga.; Charleston, S. C.; Wilmington, N. C.; Richmond, Va.; INT Richmond 009° and Gordonsville, Va., 059° radials; INT Gordonsville 059° and New Castle, Del., 222° radials; to New Castle.

Jet Route No. 41 From Key West, Fla., via INT of Key West 358° and St. Petersburg, Fla., 151° radials; St. Petersburg; Tallahassee, Fla.; Montgomery, Ala.; Birmingham, Ala.; Memphis, Tenn.; Springfield, Mo.; Kansas City, Mo., to Omaha, Nebr.

AMENDMENTS 12/1/77 42 F. R. 44543 (Changed)

Jet Route No. 42 From Dallas-Fort Worth, Tex., via Texarkana, Ark.; Memphis, Tenn.; Nashville, Tenn.; Beckley, W. Va.; Casanova, Va.; INT Casanova 051° and Westminster, Md., 080° radials; INT Westminster 080° and Robbinsville, N. J., 239° radials; Robbinsville; INT Robbinsville 073° and Hampton 223° radials; to Hampton.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Jet Route No. 43 From Miami, Fla., via INT of Miami 316° and St. Petersburg, Fla., 133° radials; St. Petersburg; Tallahassee, Fla.; Atlanta, Ga.; Knoxville, Tenn.; Falmouth, Ky.; Rosewood, Ohio; Carleton, Mich., to Sault Ste. Marie, Mich.

Jet Route No. 44 From Phoenix, Ariz., via Winslow, Ariz., to Farmington, N. Mex.

Jet Route No. 45 From Biscayne Bay, Fla., via INT Biscayne Bay 015° and Vero Beach, Fla., 143° radials; Vero Beach; Ormond Beach, Fla.; Jacksonville, Fla.; Alma, Ga.; Macon, Ga.; Atlanta, Ga.; Nashville, Tenn.; St. Louis, Mo.; Des Moines, Iowa; Sioux Falls, S. Dak.; to Aberdeen, S. Dak.

AMENDMENTS 4/21/77 42 F. R. 10843 (Changed)

Jet Route No. 46 From Tulsa, Okla., via Walnut Ridge, Ark.; Nashville, Tenn., to Knoxville, Tenn.

Jet Route No. 47 From Charleston, S. C., via Columbia, S. C., to Spartanburg, S. C.

Jet Route No. 48 From Pulaski, Va., via Westminster, Md.; INT Westminster 043° and Kennedy, N. Y., 252° radials; Kennedy; INT Kennedy 042° and Boston, Mass., 252° radials; to Boston.

Jet Route No. 49 From Phillipsburg, Pa., via Hancock, N. Y.; Albany, N. Y.; Bangor, Maine; Presque Isle, Maine; to INT of the Presque Isle 038° radial and the United States/Canadian Border.

#### PENDING AMENDMENT

In J-49 all after "Bangor, Maine;" is deleted and "Presque Isle, Maine." is substituted therefor.

AMENDMENTS 1/26/78 42 F. R. 56602 (Changed)

Jet Route No. 50 From Bakersfield, Calif., via Ontario, Calif.; intersection Ontario 093° and Blythe, Calif., 282° radials; Blythe; intersection Blythe 096° and Gila Bend, Ariz., 299° radials; Gila Bend; Casa Grande, Ariz.; San Simon, Ariz.; INT San Simon 105° and El Paso, Tex., 275° radials; El Paso; INT El Paso 093° and Wink, TX., 266° radials; Wink; Abilene, TX.; Waco, TX.; Lufkin, TX.; INT of the Lufkin 086° and the Alexandria, La., 270° radials; Alexandria; McComb, Miss., to Crestview, Fla.

AMENDMENTS 6/16/77 42 F. R. 20624 (Changed)

Jet Route No. 51 From Jacksonville, Fla., via Savannah, Ga.; Columbia, S. C.; Raleigh-Durham, N. C.; to Norfolk, Va.

Jet Route No. 52 From Vancouver, British Columbia, Canada, via Spokane, Wash.; Salmon, Idaho; Dubois, Idaho; Rock Springs, Wyo.; Denver, Colo.; Lamar, Colo.; Liberal, Kans.; INT Liberal 137° and Ardmore, Okla., 309° radials; Ardmore; Dallas-Fort Worth, Tex.; Texarkana, Ark.; Greenwood, Miss.; Columbus, Miss.; Birmingham, Ala.; Atlanta, Ga.; Augusta, Ga.; Columbia, S. C.; Raleigh-Durham, N. C.; to Richmond, Va.  
The portion within Canada is excluded.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)  
AMENDMENTS 4/21/77 42 F. R. 7125 (Changed)

Jet Route No. 53 From Key West, Fla., via Miami, Fla.; Orlando, Fla.; Jacksonville, Fla.; Augusta, Ga.; Spartanburg, SC.; Pulaski, VA.; INT of Pulaski 015° and Ellwood City, Pa., 177° radials; Ellwood City; to Kleinburg, Ontario, Canada. The portion within Canada is excluded.

PENDING AMENDMENT  
In Jet Route No. 53 "Key West, Fla., via Miami, Fla.;" is deleted and "Biscayne Bay, Fla., via" is substituted.

AMENDMENTS 1/26/78 42 F. R. 60123 (Changed)

Jet Route No. 54 From Neah Bay, Wash., NDB via Olympia, Wash.; Pendleton, Oreg.; Boise, Idaho; to Pocatello, Idaho.

Jet Route No. 55 From Jacksonville, Fla., via Savannah, Ga.; Charleston, S. C.; Florence, S. C.; INT of the Florence 007° and the Raleigh, N. C., and the Raleigh-Durham, N. C., 224° radials; Raleigh-Durham, Flat Rock, Va.; INT of the Flat Rock 025° and the Gordonsville, Va., 059° radials; INT of the Gordonsville 059 and Sea Isle, N. J., 253° radials; Sea Isle; INT Sea Isle 050° and Hampton, N. Y., 223° radials; Hampton; Providence, R. I.; Boston, Mass.; Kennebunk, Maine; Presque Isle, Maine; to Mont Joli, Quebec, Canada, excluding the portion within Canada.

AMENDMENTS 6/16/77 42 F. R. 20623 (Changed)

Jet Route No. 56 From Mina, Nev., via Salt Lake City, Utah; Meeker, Colo.; to Denver, Colo.

Jet Route No. 57 From Truth or Consequences, N. Mex., via Socorro, N. Mex.; to Albuquerque, N. Mex.

Jet Route No. 58 From Oakland, Calif., via Stockton, Calif.; Coaldale, Nev.; Wilson Creek, Nev.; Bryce Canyon, Utah; Farmington, N. Mex.; Las Vegas, N. Mex.; Amarillo, Tex.; Wichita Falls, Tex.; Dallas-Fort Worth, Tex.; Alexandria, La.; INT of the Alexandria 126° and the New Orleans, La., 295° radials; New Orleans; INT of Grand Isle, La., 104° and Crestview, Fla., 201° radials; INT of Grand Isle 104° and Sarasota, Fla., 286° radials; Sarasota; INT of Sarasota 133° and Biscayne Bay, Fla., 301° radials; to Biscayne Bay.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Jet Route No. 59 From Philipsburg, Pa., to Syracuse, N.Y.

Jet Route No. 60 From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Boulder City, Nev.; Bryce Canyon, Utah; Hanksville, Utah; Grand Junction, Colo.; Denver, Colo.; Hayes Center, Nebr.; Lincoln, Nebr.; Iowa City, Iowa; Joliet, Ill.; Cleveland, Ohio; Philipsburg, Pa.; INT Phillipsburg 100° and Robbinsville, N. J., 293° radials; to Robbinsville.

Jet Route No. 61 From Westminster, Md., via Philipsburg, Pa., to Buffalo, N.Y.

Jet Route No. 62 From Kennedy, N. Y., via the INT of Kennedy 080° and the Nantucket, Mass., 255° radials; Nantucket; to the INT of the Nantucket 089° radial and the western boundary of the New York Oceanic Control Area (CODDS).

Jet Route No. 63 From the TUNNA INT (INT of Kennedy, N. Y., 143° radial, 128 NM from Kennedy) via Kennedy; Huguenot, N. Y.; INT of Huguenot 321° and Syracuse, N. Y., 149° radials; to Syracuse.

Jet Route No. 64 From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Hill City, Kans.; Pawnee City, Nebr.; Lamoni, Iowa; Bradford, Ill.; via the INT of the Bradford 089° and the Fort Wayne, Ind., 280° radials; Fort Wayne; Ellwood City, Pa.; to Robbinsville, N.J.

AMENDMENTS 12/30/76 41 F.R. 49091 (Changed)

Jet Route No. 65 From Abilene, Tex., via Roswell, N. Mex.; Truth or Consequences, N. Mex.; Phoenix, Ariz.; INT Phoenix 272° and Blythe, Calif., 096° radials; Blythe; Palmdale, Calif.; INT Palmdale 291° and Bakersfield, Calif., 149° radials; Bakersfield; Fresno, Calif.; Sacramento, Calif.; to Red Bluff, Calif.

Jet Route No. 66 From Dallas-Fort Worth, Tex., via Little Rock, Ark.; Memphis, Tenn.; to Rome, Ga.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)  
AMENDMENTS 12/1/77 42 F. R. 44543 (Changed)

Jet Route No. 67 From Lakeview, Oreg., direct Portland, Oreg.

Jet Route No. 68 From Milwaukee, Wis., via INT Milwaukee 086° and Flint, Mich., 278° radials; Flint; INT Flint 102° and Dunkirk, N.Y., 274° radials; Dunkirk; Hancock, N.Y.; INT Hancock 082° and Putnam, Conn., 293° radials; Putnam; Providence, R.I.; to Nantucket, Mass., excluding the portion within Canada.

Jet Route No. 69 From Mobile, Ala., via INT of the Mobile 015° and the Birmingham, Ala., 232° radials; to Birmingham.

Jet Route No. 70 From Hoquiam, Wash., via Seattle, Wash.; Ephrata, Wash.; Mullan Pass, Idaho; Lewiston, Mont.; Dickinson, N. Dak.; Aberdeen, S. Dak.; Minneapolis, Minn.; INT of the Minneapolis 109° and the Milwaukee, Wis., 312° radials; Milwaukee; Pullman, Mich.; Salem, Mich.; Jamestown, N. Y.; Sparta, N. J.; to Kennedy, N. Y.

Jet Route No. 71 From Memphis, Tenn., Centralia, Ill.; INT Centralia 019° and Northbrook, Ill., 186° radials; to Northbrook.

Jet Route 72 From Boulder City, Nev., via Peach Springs, Ariz.; Winslow, Ariz.; Zuni, Ariz.; Albuquerque, N. Mex.; Texico, N. Mex.; Wichita Falls, Texas; to Dallas-Fort Worth, Tex.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Jet Route No. 73 From Tallahassee, Fla., via LaGrange, Ga.; Nashville, Tenn.; Lewis, Ind.; to Northbrook, Ill.

Jet Route No. 74 From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; St. Johns, Ariz., Scorro, N. Mex.; Texico, N. Mex.; to Oklahoma City, Okla.

Jet Route No. 75 From Miami, Fla., via the INT of the Miami 297° and the Lakeland, Fla., 175° radials; Lakeland, Fla.; Taylor, Fla.; Columbia, S.C.; Greensboro, N.C.; Gordonsville, Va.; Westminster, Md.; Huguenot, N.Y.; Albany, N.Y.; Plattsburgh, N.Y., to the INT of the Plattsburgh 334° radial and the United States/Canadian Border.

Jet Route No. 76 From Boulder City, Nev., via Tuba City, Ariz.; Las Vegas, N. Mex.; Tucumcari, N. Mex.; Wichita Falls, Tex.; to Dallas-Fort Worth, Tex.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Jet Route No. 77 From Wilmington, N. C., via Gordonsville, Va.; Westminster, Md.; Huguenot, N. Y.; to Boston, Mass.

Jet Route No. 78 From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker, Prescott, Ariz.; Zuni, Ariz.; Albuquerque, N. Mex.; Tucumcari, N. Mex.; Amarillo, Texas; Oklahoma City, Okla.; Tulsa, Okla.; Farmington, Mo.; Louisville, Ky.; Charlesto, W. Va.; Philipsburg, Pa.; INT Phillipsburg 083° and Keating, Pa., 099° radials; to Kennedy, N. Y.



Jet Route No. 79 From Biscayne Bay, Fla., via the INT of Biscayne Bay 348° and Vero Beach, Fla., 178° radials; Vero Beach; Ormond Beach, Fla.; INT of Ormond Beach 360° and Jacksonville, Fla. 028° radials; Charleston, S.C.; Wilmington, N.C.; Haw, N.C.; Norfolk, Va.; INT of Norfolk 023° and Coyle, N.J., 208° radials; Coyle; to Kennedy, N.Y.

# PENDING AMENDMENT

In Jet Route No. 79 all before "Ormond Beach, Fla." is deleted and "From Key West, Fla., via Miami, Fla.; Palm Beach, Fla.; Vero Beach, Fla.;" is substituted therefor.

AMENDMENTS 1/26/78 42 F. R. 60123 (Changed)

Jet Route No. 80 From Oakland, Calif., via Stockton, Calif., Coaldale, Nev.; Wilson Creek, Nev.; Milford, Utah; Grand Junction, Colo.; Denver, Colo.; Goodland, Kans.; Hill City, Kans.; Kansas City, Mo.; Capital, Ill.; Indianapolis, Ind.; Bellaire, Ohio; INT of the Bellaire 090° and Robbinsville, N. J., 264° radials; Robbinsville; to Kennedy, N.Y.

Jet Route No. 81 From Miami, Fla., to Orlando, Fla.

Jet Route No. 82 From Portland, Oreg., via McCall, Idaho; Dubois, Idaho; Crazy Woman, Wyo.; Rapid City, S. Dak.; Sioux Falls, S. Dak.; Fort Dodge, Iowa; Dubuque, Iowa; INT of Dubuque 095° and Joliet, Ill., 317° radials; Joliet; Cleveland, Ohio; Jamestown, N.Y.; to Albany, N.Y.

Jet Route No. 83 From Spartanburg, S. C., via INT Spartanburg 341° and Appleton, Ohio, 184° radials; Appleton; to Cleveland, Ohio.

Jet Route No. 84 From Oakland, Calif., via Linden, Calif.; Mina, Nev.; Delta, Utah; Meeker, Colo.; Sidney, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

Jet Route No. 85 From Miami, Fla., via the INT of the Miami 316° and the Lakeland, Fla., 154° radials; Lakeland; Taylor, Fla.; Alma, Ga.; Augusta, Ga.; Spartanburg, S.C.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio 172° radials; Cleveland; to Salem, Mich. The portion within Canada is excluded.

# PENDING AMENDMENT

In Jet Route No. 85 all before "Lakeland;" is deleted and "From Biscayne Bay, Fla., via INT Biscayne Bay 328° and Lakeland, Fla., 140° radials;" is substituted therefor.

AMENDMENTS 1/26/78 42 F. R. 60123 (Changed)

Jet Route No. 86 From Boulder City, Nev., via Peach Springs, Ariz.; Winslow, Ariz.; El Paso, Tex.; Fort Stockton, Texas; Junction, Tex.; Austin, Tex.; Humble, Tex.; Leeville, La.; INT of Leeville 104° and Sarasota, Fla., 286° radials; Sarasota; INT of Sarasota 133° and Biscayne Bay, Fla., 301° radials; to Biscayne Bay.

Jet Route No. 87 From Humble, Tex., via Dallas-Fort Worth, Tex.; Tulsa, Okla.; Butler, Mo.; Kirksville; Bradford; Joliet, Ill., to Northbrook, Ill.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Jet Route No. 88 From Los Angeles, Calif., via Santa Barbara, Calif.; Salinas, Calif.; to Point Reyes, Calif.

Jet Route No. 89 From Biscayne, Fla., via the INT of Biscayne 288° and Lakeland, Fla. 166° radials; Lakeland; Cross City, Fla.; Atlanta, Ga.; Louisville, Ky.; Lafayette, Ind.; Northbrook; Milwaukee, Wis., to Duluth, Minn.

Jet Route No. 90 From Seattle, Wash., via Ephrata, Wash.; Mullan Pass, Idaho; Lewistown, Mont.; Miles City, Mont.; Aberdeen, S. Dak.; Redwood Falls, Minn.; Mason City, Iowa; INT of the Mason City 095° and the Northbrook, Ill., 292° radials; to Northbrook.

Jet Route No. 91 From Atlanta, Ga., via Knoxville, Tenn.; Henderson, W. Va.; to Bellaire, Ohio.

Jet Route No. 92 From Reno, Nev., via Coaldale, Nev.; Beatty, Nev.; INT Beatty 131° and Boulder City, Nev., 284° radials; Boulder City; Prescott, Ariz.; Phoenix, Ariz.; Casa Grande, Ariz.; INT of Casa Grande 145° and Tucson, Ariz., 298° radials; Tucson; to the INT of the Tucson 185° radial and the United States/Mexican border.

Jet Route No. 93 From the INT of the United States/Mexican Border and the Julian, Calif., 123° radial via Julian; to Ontario, Calif.

AMENDMENTS 8/11/77 42 F. R. 30611 (Changed)

Jet Route No. 94 From Oakland, Calif., via Stockton, Calif.; Reno, Nev.; Battle Mountain, Nev.; Lucin, Utah; Rock Springs, Wyo.; Scottsbluff, Nebr.; O'Neill, Nebr.; Fort Dodge, Iowa; Dubuque, Iowa; Northbrook; Pullman, Mich.; Flint, Mich.; Peck, Mich.; to the INT of the Peck 100° radial with the United States/Canadian Border. From the United States/Canadian Border at its INT with the Buffalo, N.Y., 274° radial via Buffalo; Albany, N.Y., to Boston, Mass.

Jet Route No. 95 From Kennedy, N.Y., via Huguenot, N.Y., Buffalo, N.Y.; to Kleinburg, Ontario, Canada, excluding the portion which lies over Canadian territory.

Jet Route No. 96 From Los Angeles, Calif., via Seal Beach, Calif.; Thermal, Calif.; Parker, Calif.; Prescott, Ariz.; INT Prescott 084° and Gallup, N. Mex., 246° radials; Gallup; Cimarron, N. Mex.; Garden City, Kans.; Salina, Kans.; Kirksville, Mo.; Bradford, Ill.; to Joliet, Ill.

AMENDMENTS 2/24/77 42 F. R. 54921 (Changed)

Jet Route No. 97 From the INT of the Nantucket, Mass., 157° radial and the western boundary of the New York Oceanic Control Area, via Nantucket; Boston, Mass.; to Plattsburgh, N.Y.

Jet Route No. 98 From Liberal, Kans., via Gage, Okla.; Oklahoma City, Okla.; via Tulsa, Okla.; Springfield, Mo.; to Farmington, Mo.

Jet Route No. 99 From Augusta, Ga., via Knoxville, Tenn.; to Louisville, Ky.

Jet Route No. 100 From Los Angeles, Calif., via Daggett, Calif.; INT of Daggett 046° and Boulder City, Nev., 245° radials; Boulder City; Bryce Canyon, Utah; Meeker, Colo.; Sidney, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

AMENDMENTS 2/24/77 42 F. R. 54921 (Changed)

Jet Route No. 101 From Humble, Texas, via Lufkin, Texas; Shreveport, La.; Little Rock, Ark.; St. Louis, Mo.; Capital, Ill.; INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet; Northbrook, Ill.; Milwaukee, Wis.; Green Bay, Wis.; to Sault Ste. Marie, Mich.

Jet Route No. 102 From Phoenix, Ariz., via INT of Phoenix 066° and Zuni, N. Mex., 226° radials; Zuni; Alamosa, Colo.; Lamar, Colo.; to Salina, Kans.

Jet Route No. 103 From St. Petersburg, Fla., via Orlando, Fla.; Ormond Beach, Fla.; to Savannah, Ga.

Jet Route No. 104 From Twentynine Palms, Calif., via intersection Twentynine Palms 103° and Gila Bend, Ariz., 312° radials; Gila Bend, Tucson, Ariz.; San Simon, Ariz.; Socorro, N. Mex.; Las Vegas, N. Mex.; Pueblo, Colo.; to Denver, Colo.

Jet Route No. 105 From Dallas-Fort Worth, Tex., via Fayetteville, Ark.; Springfield, Mo.; Bradford, Ill.; to Milwaukee, Wis.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Jet Route No. 106 From Minneapolis, Minn., via Green Bay, Wis.; INT Green Bay 106° and Flint, Mich., 310° radials; Flint; INT Flint 127° and Salem, Mich., 092° radials; Jamestown, N.Y.; Sparta, N.J.; to Kennedy, N.Y., excluding the portion within Canada.

Jet Route No. 107 That airspace over United States territory from Los Angeles, Calif., via Daggett, Calif.; INT of Daggett 046° and Boulder City, Nev., 245° radials; Boulder City; Milford, Utah; Delta, Utah; Rock Springs, Wyo.; Crazy Woman, Wyo.; Dickinson, N. Dak.; Pembina, N. Dak., to Kenora, Ontario, Canada.

AMENDMENTS 2/24/77 42 F. R. 54921 (Changed)

Jet Route No. 108 From Winslow, Ariz., via St. Johns, Ariz.; Truth or Consequences, N. Mex.; INT Truth or

Jet Route No. 128 From Los Angeles, Calif., via Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.;

Jet Route No. 108 From Winslow, Ariz., via St. Johns, Ariz.; Truth or Consequences, N. Mex.; INT Truth or Consequences, N. Mex., 106° and Wink, Tex., 297° radials; to Wink, Tex.

Jet Route No. 109 From Wilmington, N.C., via Gordonsville, Va.; Front Royal, Va.; to Buffalo, N.Y.

Jet Route No. 110 From Oakland, Calif., via Salinas, Calif.; Fresno, Calif.; Boulder City, Nev.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Garder City, Kans.; Butler, Mo.; St. Louis, Mo.; Indianapolis, Ind.; Bellaire, Ohio; Coyle, N. J.; to Kennedy, N. Y.

Jet Route No. 111 From Nome, Alaska, via Unalakleet, Alaska; McGrath, Alaska; Anchorage, Alaska; Middleton Island, Alaska; to SNOUT INT (Middleton Island 121° and Yakutat, Alaska 215° radials).

Jet Route No. 112 From Butler, Mo., via Farmington, Mo., to Louisville, Ky.

Jet Route No. 113 From Northbrook, Ill., via Dubuque, Iowa; to Minneapolis, Minn.

Jet Route No. 114 From Denver, Colo.; O'Neill, Nebr.; Sioux Falls, S. Dak.; to Minneapolis, Minn.

Jet Route No. 115 From Shemya, Alaska, NDB, via Adak, Alaska, NDB; Dutch Harbor, Alaska, NDB; Cold Bay, Alaska; King Salmon, Alaska; INT King Salmon 053° and Kenai, Alaska, 239° radials; Kenai; Anchorage, Alaska; Fairbanks, Alaska; Chandalar, Alaska, NDB; to Deadhorse, Alaska.

AMENDMENTS 12/1/77 42 F. R. 54796 (Changed)

Jet Route No. 116 From Salt Lake City, Utah, via Fairfield, Utah; Meeker, Colo.; to Denver, Colo.

Jet Route No. 117 From McGrath, Alaska, via Galena, Alaska; to Kotzebue, Alaska.

Jet Route No. 118 From Memphis, Tenn., via Chattanooga, Tenn., to Spartanburg, S.C.

Jet Route No. 119 From Miami, Fla., via the INT of the Miami 297° and the St. Petersburg, Fla., 151° radials; St. Petersburg; to Taylor, Fla.

Jet Route No. 120 From Bethel, Alaska, via McGrath, Alaska; Fairbanks, Alaska; Fort Yukon, Alaska; to the Barter Island, Alaska, NDB.

Jet Route No. 121 From Jacksonville, Fla., via Charleston, S. C.; Norfolk, Va.; INT Norfolk 023° and Snow Hill, Md., 211° radials; Snow Hill; Sea Isle, N. J.; INT Sea Isle 050° and Hampton, N. Y., 223° radials; Hampton; Providence, R. I.; to INT Providence 045° and Boston, Mass., 066° radials.

AMENDMENTS 8/11/77 42 F. R. 30149 (Changed)

Jet Route No. 122 From Fairbanks, Alaska, via Galena, Alaska; to Nome, Alaska.

Jet Route No. 123 From INT Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at lat. 57°28'00"N., long. 150°32'00"W., via Kodiak; King Salmon, Alaska; Bethel, Alaska; Nome, Alaska; Kotzebue, Alaska; to Barrow, Alaska.

Jet Route No. 124 From Anchorage, Alaska, via Big Lake, Alaska; Gulkana, Alaska; to Northway, Alaska.

Jet Route No. 125 From Kodiak, Alaska, via Anchorage, Alaska; Talkeetna, Alaska; to Nenana, Alaska.

Jet Route No. 126 From Los Angeles, Calif., via the INT of the Los Angeles 319° and the Arenal, Calif., 145° radials; Arenal; Stockton, Calif.; Sacramento, Calif.; Red Bluff, Calif.; Medford, Oreg.; Eugene, Oreg.; Newberg, Oreg.; Olympia, Wash.; to Vancouver, British Columbia, Canada. That portion outside the United States is excluded.

Jet Route No. 127 From Cape Newenham, Alaska, NDB via King Salmon, Alaska; to INT King Salmon 042° and Anchorage, Alaska, 246° radials.

Jet Route No. 128 From Los Angeles, Calif., via Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Gunnison, Colo.; Denver, Colo.; Hays Center, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

Jet Route No. 129 From Nome, Alaska, to Kotzebue, Alaska, via INT Nome 009° and Kotzebue 221° radials.

Jet Route No. 130 From Wilson Creek, Nev., via INT Wilson Creek 068° and Grand Junction, Colo., 274° radials to Grand Junction.

Jet Route No. 131 From San Antonio, Tex., via INT San Antonio 007° and Dallas-Fort Worth, Tex., 218° radials; Dallas-Fort Worth; Texarkana, Ark.; Little Rock, Ark.; to Evansville, Ind.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Jet Route No. 132 From Fort Dodge, Iowa, to Mason City, Iowa.

Jet Route No. 133 From Biorka Island, Alaska, via Hinchinbrook, Alaska, NDB; to Johnstone Point, Alaska.

Jet Route No. 134 From Los Angeles, Calif., via intersection Los Angeles 083° and Twentynine Palms, Calif., 269° radials; Twentynine Palms; intersection of Twentynine Palms 075° and Parker, Calif., 062° radials; intersection Parker 062° and Winslow, Ariz., 265° radials; Winslow; Gallup, N. Mex.; Cimarron, N. Mex.; Liberal, Kans.; Wichita, Kans.; Butler, Mo.; St. Louis, Mo.; Falmouth, Ky.; INT of Falmouth 085° and Front Royal, Va., 264° radials; to Front Royal.

Jet Route No. 135 From Bethel, Alaska, to Unalakleet, Alaska.

Jet Route No. 136 From Newport, Oreg., via Portland, Oreg., Yakima, Wash., Spokane, Wash.; Mullan Pass, Idaho; INT Mullan Pass 101° and Billings, Mont., 301° radials; to Billings.

AMENDMENTS 12/30/76 41 F.R. 44688 (Changed)

PENDING AMENDMENT

Jet Route No. 137 From Capital, Ill., via Farmington, Mo.; Walnut Ridge, Ark.; to Little Rock, Ark.

AMENDMENTS 1/26/78 42 F. R. 59752 (Added)

Jet Route No. 138 From Fort Stockton, Tex.; San Antonio, Tex.; Hobby, Tex.; to Lake Charles, La.

Jet Route No. 139 From Bettles, Alaska, to Deadhorse, Alaska.

Jet Route No. 140 From Fargo, N. Dak., via Duluth, Minn., to Sault Ste. Marie, Mich.

Jet Route No. 142 From San Simon, Ariz., via the INT of the San Simon 038° and the Socorro, N. Mex., 233° radials; to Socorro.

Jet Route No. 143 From Eugene, Oreg., via The Dallas, Oreg.; to Spokane, Wash.

Jet Route No. 144 From Wolbach, Nebr.; via Des Moines, Iowa; to Dubuque, Iowa.

Jet Route No. 145 From Toccoa, Ga., via Charleston, W. Va.; INT Charleston 034° and the Ellwood City, Pa., 194° radials to Ellwood City, Pa.

Jet Route No. 146 From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Boulder, Nev.; Dove Creek, Colo.; Gunnison, Colo.; Goodland, Kans.; Lincoln, Nebr.; Iowa City, Iowa; Joliet, Ill.; South Bend, Ind.; INT South Bend 089° and Chardon, Ohio, 279° radials; Chardon, Keating, Pa.; to Kennedy, N. Y., excluding the portion within Canada.

Jet Route No. 147 From Beckley, W. Va., to Gordonsville, Va.

Jet Route No. 148 From Coaldale, Nev., via Delta, Utah; Myton, Utah; Cheyenne, Wyo.; to O'Neill, Nebr.

Jet Route No. 149 From Casanova, Va., via INT of Casanova 280° and Rosewood, Ohio, 116° radials; Rosewood;

Jet Route No. 174 From Hampton, N. Y., via INT Hampton 069° and Hyannis, Mass., 237° radials; Hyannis; to the INT of Hyannis 080° and Nantucket, Mass., 066° radials.



Jet Route No. 149 From Casanova, Va., via INT of Casanova 280° and Rosewood, Ohio, 116° radials; Rosewood; to Fort Wayne, Ind.

Jet Route No. 150 From Gordonsville, Va., via INT Gordonsville 059° and Woodstown, N. J., 230° radials; Woodstown; Robbinsville, N. J.; Hampton, N. Y.; INT Hampton 069° and Hyannis, Mass., 237° radials; Hyannis; to the INT Hyannis 068° and Boston, Mass., 097° radials.

Jet Route No. 151 From Birmingham, Ala., via INT Birmingham 335° and Farmington, Mo., 139° radials; Farmington; St. Louis, Mo.; Des Moines, Iowa; O'Neill, Nebr.; Rapid City, S. Dak.; Billings, Mont.; INT Billings 266° and Whitehall, Mont., 103° radials; to Whitehall.

AMENDMENTS 12/30/76 41 F.R. 44688 (Changed)

Jet Route No. 152 From Capital, Ill., via INT Capital 091° and Rosewood, Ohio, 263° radials; Rosewood; Johnstown, Pa.; Harrisburg, Pa.; to INT Harrisburg 099° and Westminster, Md., 058° radials.

Jet Route No. 153 From SHADS INT (INT of Sea Isle, N. J., 134° radial, 118 NM from Sea Isle) to Sea Isle.

Jet Route No. 154 From Sacramento, Calif., via INT Sacramento 046° and Battle Mountain, Nev., 253° radials; Battle Mountain; Bonneville, Utah; Salt Lake City, Utah; to Rock Springs, Wyo.

AMENDMENTS 12/30/76 41 F.R. 44688 (Changed); Corr: 41 F. R. 52048

Jet Route No. 155 From the Chandalar Lake, Alaska. NDB to Nenana, Alaska.

Jet Route No. 156 From Wilson Creek, Nev., to Meeker, Colo.

Jet Route No. 158 From Mina, Nev., via Lucin, Utah; Malad City, Idaho; INT Malad City 087° and Casper, Wyo., 241° radials; Casper; Rapid City, S. D.; to Aberdeen, S. D.

AMENDMENTS 12/30/76 41 F.R. 44688 (Changed)

Jet Route No. 159 From Portland, Oreg., to Redmond, Oreg.

Jet Route No. 160 From Fairbanks, Alaska, via INT Fairbanks 016° and Fort Yukon, Alaska, 229° radials; Fort Yukon; to Komakuk, Yukon Territory, Canada, NDB. The airspace within Canada is excluded.

Jet Route No. 161 From Zuni, N. Mex., to Farmington, N. Mex.

Jet Route No. 162 From Cleveland, Ohio, via Bellaire, Ohio, INT of Bellaire 142° and Front Royal, Va., 283° radials; to Front Royal.

Jet Route No. 164 From Bryce Canyon, Utah, via INT Bryce Canyon 090° and Grand Junction, Colo., 232° radials to Grand Junction.

Jet Route No. 165 From Charleston, S. C., to Richmond, Va.

Jet Route No. 166 From San Simon, Ariz.; via Truth or Consequences, N. Mex.; Roswell, N. Mex.; to Wichita Falls, Texas.

Jet Route No. 167 From Johnstone Point, Alaska, via Gulkana, Alaska; Big Delta, Alaska; to Fort Yukon, Alaska

Jet Route No. 168 From Wichita Falls, Tex., to Lamar, Colo.

Jet Route No. 169 From Los Angeles, Calif.; via Seal Beach, Calif.; Thermal, Calif.; Blythe, Calif.

AMENDMENTS 2/24/77 42 F. R. 54921 (Added)

Jet Route No. 174 From Hampton, N. Y., via INT Hampton 069° and Hyannis, Mass., 237° radials; Hyannis; to the INT of Hyannis 080° and Nantucket, Mass., 066° radials.

Jet Route No. 177 From Humble, Tex., via Hobby, Tex., to Tampico, Mexico, excluding the portion south of Lat. 26°00'00" N.

Jet Route No. 178 From Fort Wayne, Ind., to Appleton, Ohio.

AMENDMENTS 12/30/76 41 F.R. 49091 (Added)

Jet Route No. 180 From Humble, Tex., via Daisetta, Tex.; to Little Rock, Ark.

Jet Route No. 181 From Phoenix, Ariz., to Newman, Tex.

Jet Route No. 185 From Traverse City, Mich., to Flint, Mich.

Jet Route No. 186 From Toccoa, Ga., to the INT of the Spartanburg, S. C., 341° and the Appleton, Ohio, 184° radials.

Jet Route No. 189 From Avenal, Calif., via Linden, Calif.; Klamath Falls, Oreg.; Portland, Oreg.; to Seattle, Wash.

Jet Route No. 192 From Goodland, Kans., to Pawnee City, Nebr.

Jet Route No. 195 From Annette Island, Alaska, to Biorka Island, Alaska.

Jet Route No. 196 From Bryce Canyon, Utah, via INT Bryce Canyon 048° and Meeker, Colo., 247° radials; to Meeker.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added)

Jet Route No. 197 From Gunnison, Colo., via INT Gunnison 083° and Goodland, Kans., 251° radials; Goodland; Wolbach, Nebr.; to Sioux Falls, S.D.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added)

Jet Route No. 198 From Linden, Calif., via INT Linden 063° and Mina, Nev., 298° radials; Mina; Wilson Creek, Nev.; INT Wilson Creek 075° and Meeker, Colo., 247° radials; to Meeker.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added)

Jet Route No. 199 From Wilson Creek, Nev., via Delta, Utah; INT Delta 068° and Meeker, Colo., 262° radials; to Meeker.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added)

Jet Route No. 200 From Linden, Calif., via INT Linden 021° and Sacramento, Calif., 046° radials; INT Sacramento 046° and Battle Mountain, Nev., 253° radials; to Battle Mountain.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added); Corr: 41 F. R. 52048

Jet Route No. 201 From Myton, Utah, via INT Myton 056° and Rock Springs, Wyo., 084° radials; to Scottsbluff, Nebr.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added)

Jet Route No. 202 From Fairfield, Utah, via INT Fairfield 026° and Rock Springs, Wyo., 249° radials; Rock Springs; to Casper, Wyo.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added)

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Jet Route No. 203 From Billings, Mont., via INT Billings 347° and Great Falls, Mont., 093° radials; to Great Falls.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added); Corr: 41 F.R. 48514 (Changed)

Jet Route No. 204 From Dupree, S.D., via Miles City, Mont.; INT Miles City 295° and Great Falls, Mont., 093° radials; to Great Falls.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added); Corr: 41 F.R. 48514 (Changed)

Jet Route No. 500 From Thunder Bay, Ontario, via Sault Ste. Marie, Mich.; North Bay, Ontario, Canada; Killaloe, Ontario, RBN; Ottawa, Ontario; St. Johns, Quebec; Sherbrooke, Quebec; Millinocket, Maine to Fredericton, New Brunswick excluding the portions outside the United States.

Jet Route No. 501 From Point Reyes, Calif., via Medford, Oreg.; Hoquiam, Wash.; Neah Bay, Wash., RBN; Tofino, British Columbia, Canada, RBN; Cape Scott, British Columbia, Canada, RBN; Sandspit, British Columbia, Canada; Biorka Island, Alaska; Yakutat, Alaska; Johnstone Point, Alaska; Anchorage, Alaska; Sparrevohn, Alaska, NDB; to Bethel, Alaska, excluding the airspace within Canada.

Jet Route No. 502 From Seattle, Wash.; via Victoria, British Columbia, Canada; Malcolm Island, Canada; Annette Island, Alaska; Level Island, Alaska; Sisters Island, Alaska; Burwash Landing, Yukon Territory Canada, RBN; Northway, Alaska; Fairbanks, Alaska, to Kotzebue, Alaska, excluding the airspace within Canada.

Jet Route No. 503 From Seattle, Wash., to the United States/Canadian Border via the Seattle direct radial to Princeton, British Columbia.

Jet Route No. 505 From Seattle, Wash., via the Seattle 061° radial to the United States/Canadian border.

Jet Route No. 506 From Millinocket, Maine, via the intersection of Millinocket 114° and St. John, N.B., 267° radials; to the intersection of the St. John 267° radial with the United States/Canadian border.

Jet Route No. 507 From Barrow, Alaska, via Deadhorse, Alaska; Fort Yukon, Alaska, Northway, Alaska; to Yakutat, Alaska, excluding the portion within Canada.

Jet Route No. 509 From Beauce, Quebec, via Houlton, Maine, to Moncton, New Brunswick, excluding the portion outside the United States.

AMENDMENTS 3/25/65 41 F.R. 3465 (Added); Eff. date suspended indefinitely 41 F.R. 9302  
AMENDMENTS 12/30/76 41 F.R. 47913 (Added)

Jet Route No. 511 From Cape Newenham, Alaska, NDB via Dillingham, Alaska; Anchorage, Alaska; Big Lake, Alaska; Gulkana, Alaska; to Burwash Landing, Yukon Territory, Canada, RBN, excluding the portion which lies over Canadian territory.  
Jet Route No. 513 From Thunder Bay, Ontario, Canada, direct to Sudbury, Ontario, Canada, excluding the portion within Canada.

Jet Route No. 515 From Fargo, N. Dak., via Pembina, N. Dak.; to INT Pembina 356° radial and the United States/Canadian border. From Whitehorse, Yukon Territory, Canada, via Northway, Alaska; Fairbanks, Alaska; Bettles, Alaska; to Barrow, Alaska. The airspace within Canada is excluded.

Jet Route No. 516 From Great Falls, Mont., via the Great Falls 339° radial to the United States/Canadian border.

Jet Route No. 517 From Boise, Idaho, via Spokane, Wash., to Cranbrook, British Columbia, Canada, excluding the portion which lies over Canadian territory.

Jet Route No. 518 From Cleveland, Ohio, via INT of Cleveland 120° and Westminster, Md., 288° radials; to Westminster.

Jet Route No. 522 From Green Bay, Wis., via Traverse City, Mich.; Kleinburg, Ontario, Canada; Hancock, N.Y.; to Huguenot, N.Y., excluding the airspace within Canada.

Jet Route No. 523 From Seattle, Wash., to the Neah Bay, Wash., RBN. From Sandspit, British Columbia, Canada, to Annette Island, Alaska; excluding the airspace within Canada.

Jet Route No. 524 From the INT of Albany, N. Y., 343° and Montreal, Quebec, 188° radials to the INT of the Montreal 188° radial with United States/Canadian border.

AMENDMENTS 3/25/76 41 F.R. 3465 (Added); Eff. date suspended indefinitely 41 F.R. 9302  
AMENDMENTS 12/30/76 41 F.R. 47913 (Added)

Jet Route No. 525 From the Sandspit, British Columbia, Canada, NDB to Nichols, Alaska, NDB, excluding the airspace within Canada.

Jet Route No. 528 From Bellingham, WA., to Williams Lake, British Columbia, Canada. The airspace within Canada is excluded.

Jet Route No. 530 From Great Falls, Mont., via the Great Falls 040° radial to the United States/Canadian border.

Jet Route No. 531 From Buffalo, N.Y., via Kleinburg, Ont., Canada; Wiarton, Ont., Canada; to Sault Ste. Marie, Mich., excluding the portion which lies over Canadian territory.

Jet Route No. 532 From Pembina, N. Dak., to the United States/Canadian Border via the Pembina to Red Lake, Ontario RBN direct radial.

Jet Route No. 533 From Duluth, Minn., to the United States/Canadian border via the Duluth to Thunder Bay, Ontario, direct radial.

Jet Route No. 536 From Sisters Island, Alaska; to Whitehorse, Yukon Territory, Canada. The airspace within Canada is excluded.

Jet Route No. 538 From the INT of the United States/Canadian border and the direct radial between Duluth, Minn., and Kenora, Ont., to Duluth.

Jet Route No. 540 From Mullan Pass, Idaho, to the INT of Mullan Pass 041° radial and the United States/Canadian border.

J-541 From Yakutat, Alaska, to Sisters Island, Alaska.

Jet Route No. 545 From Cleveland, Ohio, to the INT of the Cleveland 024° radial and the United States/Canadian Border.

Jet Route No. 546 From Peck, Mich., to the United States/Canadian Border via the Peck to Kleinburg, Ontario direct radial.

Jet Route No. 547 From Northbrook, Ill., via Pullman, Mich.; Flint, Mich.; Peck, Mich.; London, Ontario; Buffalo, N.Y.; Syracuse, N.Y.; INT Syracuse 094° and Albany, N.Y., 058° radials; to Kennebunk, Maine, excluding the portion which lies over Canadian territory.

Jet Route No. 548 From Pullman, Mich.; via Traverse City, Mich.; Sault Ste Marie, to the United States/Canadian border via the Sault Ste. Marie to Timmins, Ontario, RR direct radial.

Jet Route No. 551 From Peck, Mich., to the United States/Canadian border via the Peck to Wiarton, Ontario, direct radial.

Jet Route No. 552 From Sault Ste. Marie, Mich., to United States/Canadian Border via the Sault Ste. Marie to Katuskasine, Ontario, direct radial.

AMENDMENTS 2/24/77 42 F.R. 7125 (Added)

Jet Route No. 553 From Peck, Mich., to Midland, Ontario, Canada. That airspace within Canada is excluded.

Jet Route No. 581 From Kennedy, N. Y., via INT of Kennedy 042° and Putnam, Conn., 236° radials; Putnam;



Jet Route No. 553 From Peck, Mich., to Midland, Ontario, Canada. That airspace within Canada is excluded.  
 AMENDMENTS 3/25/76 41 F. R. 3465 (Rewritten); Eff. date suspended indefinitely 41 F. R. 9302  
 AMENDMENTS 12/30/76 41 F.R. 47913 (Changed)

Jet Route No. 554 From South Bend, Ind., via Carleton, Mich.; to Jamestown, N. Y., excluding the portion within Canada.

Jet Route No. 559 From Syracuse, N.Y., to the INT of Syracuse 005° radial and the United States/Canadian border.

Jet Route No. 560 From Plattsburgh, N.Y., to Quebec, Quebec, Canada, excluding the airspace over Canada.

Jet Route No. 561 From Presque Isle, Maine, to Mont Joli, Quebec, excluding the portion outside the United States.

AMENDMENTS 3/25/76 41 F. R. 3465 (Added); Eff. date suspended indefinitely 41 F. R. 9302  
 AMENDMENTS 12/30/76 41 F. R. 47913 (Added)

Jet Route No. 563 From Albany, N.Y., via INT of Albany 008° and Sherbrooke, Quebec, Canada, 217° radials to Sherbrooke, excluding the airspace over Canada.

Jet Route No. 564 From Beauce, Quebec, Canada, via Presque Isle, Maine; Charlo, New Brunswick NDB; to Port Menier, Quebec, Canada, excluding the airspace within Canada.

AMENDMENTS 12/1/77 42 F. R. 47823 (Rewritten)

Jet Route No. 566 From Massena, N.Y., to the INT of the Massena 037° radial and the United States/Canadian border.

Jet Route No. 567 From Plattsburgh, N.Y., to the INT of the Plattsburgh 334° radial and the United States/Canadian border.

Jet Route No. 570 From Albany, N. Y., to Mirabel, Quebec, excluding the portion outside the United States.

AMENDMENTS 3/25/65 41 F. R. 3465 (Rewritten); Eff. date suspended indefinitely 41 F. R. 9302  
 AMENDMENTS 12/30/76 41 F.R. 47913 (Changed)

Jet Route No. 573 From Providence, R.I., via INT Providence 045° and Kennebunk, Maine, 180° radials; Kennebunk; to St. John, New Brunswick, Canada, excluding the portion within Canada.

Jet Route No. 575 From Boston, Mass., to Yarmouth, N.S., Canada, excluding the portion under the jurisdiction of Canada.

Jet Route No. 581 From Kennedy, N. Y., via INT of Kennedy 042° and Putnam, Conn., 236° radials; Putnam; Kennebunk, Maine; Bangor, Maine, to the INT of the Bangor 058° radial and the United States/Canadian border.

Jet Route No. 582 From Presque Isle, Maine, to Sept Isle, Quebec, excluding the portion outside the United States.

AMENDMENTS 3/25/76 41 F. R. 3465 (Rewritten); Eff. date suspended indefinitely 41 F. R. 9302  
 AMENDMENTS 12/30/76 41 F.R. 47913 (Changed)

Jet Route No. 584 From Northbrook, Ill., via INT of Northbrook 094° and Carleton, Mich., 270° radials; Carleton; Slate Run, Pa.; INT Slate Run 101° and Kennedy, N.Y., 291° radials; to Kennedy.

Jet Route No. 585 From Nantucket, Mass., to Yarmouth, N.S., Canada, excluding the portion under the jurisdiction of Canada.

Jet Route No. 586 From Carleton, Mich., via London, Ont., Canada; Stirling, Ont., Canada; Massena, N.Y.; to St. Jean, Quebec, Canada. That airspace within Canada is excluded.

Jet Route No. 587 From Kleinburg, Ontario, Canada, via Midland, Ontario, Canada, INT Midland 313° and Sault Ste. Marie, Mich., 110° radials; to Sault Ste. Marie, excluding the portion within Canada.

Jet Route No. 588 From Sault Ste. Marie, MI., via INT Sault Ste. Marie 110° and Stirling, Ontario, Canada, 297° radials; to Stirling, excluding the portion within Canada.

Jet Route No. 595 From London, Ontario via latitude 43°52'30"N., longitude 78°43'00"W.; Watertown, N.Y.; Plattsburgh, N.Y.; Bangor, Maine; to St. John, New Brunswick, Canada; excluding the portion outside the United States.

SUBPART C - Reserved

## SUBPART D - AREA HIGH ROUTES

## §75.400 Area high routes.

The parts of airspace described below are designated as area high routes.

Waypoint name	Location	Reference facility
J800R New York, N. Y., to Los Angeles, Calif.		
Robbinsville, N. J., VORTAC	40°12'08" N. 74°29'44" W.	Robbinsville, N. J.
RIDES	39°58'04" N. 78°04'45" W.	Philipsburg, Pa.
HORNS	40°00'43" N. 80°13'38" W.	Elwood City, Pa.
THACK	39°59'34" N. 84°01'53" W.	Rosewood, Ohio
MELOT	39°53'23" N. 87°00'54" W.	Lafayette, Ind.
CHAPS	39°39'52" N. 90°35'08" W.	St. Louis, Mo.
WALCO	39°13'06" N. 94°59'28" W.	Butler, Mo.
ENTER	38°58'04" N. 96°59'46" W.	Wichita, Kans.
CEDAR	38°29'43" N. 100°10'41" W.	Garden City, Kans.
GRAND	37°59'43" N. 102°37'19" W.	Lamar, Colo.
Delhi, Colo.	37°40'09" N. 104°13'02" W.	Pueblo, Colo.
SANDY	37°19'13" N. 105°48'11" W.	Alamosa, Colo.
Flora, N. Mex.	36°46'16" N. 108°03'14" W.	Farmington, N. Mex.
CAMEL	35°58'37" N. 111°12'21" W.	Tuba City, Ariz.
FENNY	34°48'12" N. 115°00'57" W.	Parker, Calif.
MORRO	34°02'51" N. 117°14'54" W.	Oceanside, Calif.

Waypoint name	Location	Reference facility
J801R Los Angeles, Calif., to New York, N. Y.		
MESIC	35°44'20" N. 115°32'01" W.	Boulder City, Nev.
Boulder City, NV.	35°59'45" N. 114°51'46" W.	Boulder City, NV.
Paria, Ariz.	36°53'51" N. 111°55'43" W.	Bryce Canyon, Utah
MONTE	37°51'16" N. 108°33'32" W.	Farmington, N. Mex.
CABIN	38°21'36" N. 106°34'31" W.	Gunnison, Colo.
GOFEL	38°42'44" N. 105°05'24" W.	Pueblo, Colo.
DRESS	39°38'14" N. 100°23'38" W.	Hayes Center, Nebr.
RUSKI	40°08'16" N. 97°56'34" W.	Wolbach, Nebr.
GARDE	40°53'49" N. 93°30'28" W.	Des Moines, Iowa
Joliet, Ill., VORTAC	41°32'47" N. 88°19'06" W.	Joliet, Ill.
WOLVI	42°13'36" N. 83°58'14" W.	Carleton, Mich.
SPOTS	42°00'19" N. 80°56'16" W.	Carleton, Mich.
ORMBY	41°48'09" N. 78°38'27" W.	Buffalo, N. Y.
Sparta, N. J., VORTAC	41°04'03" N. 74°32'19" W.	Sparta, N. J.

Waypoint name	Location	Reference facility
J802R New York, N. Y., to Oakland, Calif.		
Robbinsville, N. J., VORTAC	40°12'08" N. 74°29'44" W.	Robbinsville, N. J.
FURNA	40°36'35" N. 78°02'40" W.	Philipsburg, Pa.
SHILO	40°57'44" N. 82°30'16" W.	Appleton, Ohio
PERRY	41°08'24" N. 87°02'53" W.	Lafayette, Ind.
Bradford, Ill.	41°09'35" N. 89°35'16" W.	Iowa City, Iowa
Lincoln, Nebr.	40°55'26" N. 96°44'30" W.	Pawnee City, Nebr.
MELTO	40°39'38" N. 100°57'02" W.	Hayes Center, Nebr.
GILLY	40°16'43" N. 104°49'59" W.	Denver, Colo.
BLAND	39°53'01" N. 107°52'45" W.	Meeker, Colo.
HILLS	39°33'51" N. 109°58'03" W.	Myton, Utah
NEBOS	39°16'43" N. 111°38'27" W.	Fairfield, Utah
GRAFT	38°43'06" N. 114°32'58" W.	Wilson Creek, Nev.
Coaldale, Nev., VORTAC	38°00'12" N. 117°46'10" W.	Coaldale, Nev.

Waypoint name	Location	Reference facility
J803R Mina, Nev., to Sparta, N. J.		
Mina, Nev.	38°33'55" N. 118°01'55" W.	Coaldale, Nev.
BRISK	39°23'01" N. 114°50'10" W.	Wilson Creek, Nev.
CIARA	39°52'08" N. 112°42'38" W.	Delta, Utah
Ouray, Utah	40°22'59" N. 110°12'19" W.	Myton, Utah
MAYBE	40°45'44" N. 108°07'47" W.	Meeker, Colo.
TANKS	41°17'12" N. 104°47'30" W.	Cheyenne, Wyo.
SANDS	41°44'19" N. 101°09'59" W.	Hayes Center, Nebr.
PLUMS	42°07'05" N. 96°53'26" W.	Lincoln, Nebr.
SCALE	42°22'53" N. 90°24'00" W.	Iowa City, Iowa
Haven, Mich.	42°19'27" N. 86°17'17" W.	South Bend, Ind.
WOLVI	42°13'36" N. 83°58'14" W.	Carleton, Mich.
SPOTS	42°00'19" N. 80°56'16" W.	Carleton, Mich.
ORMBY	41°48'09" N. 78°38'27" W.	Buffalo, N. Y.
Sparta, N. J. VORTAC	41°04'03" N. 74°32'19" W.	Sparta, N. J.

Waypoint name	Location	Reference facility
J804R Tampa, FL., to Atlanta, GA.		
DARBS	28°11'59" N. 82°51'58" W.	Gainesville, Fla.
AMOUR	30°43'23" N. 84°23'02" W.	Tallahassee, Fla.
LaGrange, Ga.	33°02'56" N. 85°12'23" W.	Montgomery, Ala.

AMENDMENTS 8/11/77 42 F. R. 30611 (Changed)

Waypoint name	Location	Reference facility
J805R Gateway Hemlock, Oreg., to Woodstock, Ill.		
HEMLO	43°18'08" N. 126°40'46" W.	Newport, Oreg.
Newport, Oreg.	44°34'32" N. 124°03'34" W.	Newport, Oreg.
DAYAH	44°35'59" N. 119°26'41" W.	Pendleton, Oreg.
McCall, Idaho	44°46'02" N. 116°12'19" W.	McCall, Idaho
LIMES	44°52'56" N. 112°13'36" W.	Dubois, Idaho
BIGGS	44°52'08" N. 108°42'55" W.	Billings, Mont.
CLEAR	44°43'43" N. 106°20'12" W.	Crazy Woman, Wyo.
ASHEY	44°19'46" N. 101°52'35" W.	Dupree, S. Dak.
Sioux Falls, S. Dak.	43°38'58" N. 96°46'51" W.	Sioux Falls, S. Dak.
WLLDT	42°57'17" N. 91°45'37" W.	Nodine, Minn.
STOCK	42°21'21" N. 88°24'13" W.	Milwaukee, Wis.

Waypoint name	Location	Reference facility
J806R Robbinsville, N. J., to Gateway Hemlock		
Robbinsville, N. J.	40°12'08" N. 74°29'44" W.	Robbinsville, N. J.
FURNA	40°36'35" N. 78°02'40" W.	Philipsburg, Pa.
SHILO	40°57'44" N. 82°30'16" W.	Appleton, Ohio
Plant, Ind.	41°37'29" N. 87°15'57" W.	Lafayette, Ind.
MORRI	41°55'53" N. 89°47'00" W.	Bradford, Ill.
ELBER	42°00'53" N. 92°15'40" W.	Dubuque, Iowa
KAMRA	42°25'45" N. 93°43'56" W.	Fort Dodge, Iowa
Sioux Falls, S. Dak.	43°38'58" N. 96°46'51" W.	Sioux Falls, S. Dak.
ASHEY	44°19'46" N. 101°52'35" W.	Dupree, S. Dak.
CLEAR	44°43'43" N. 106°20'12" W.	Crazy Woman, Wyo.
BIGGS	44°52'08" N. 108°42'55" W.	Billings, Mont.
LIMES	44°52'56" N. 112°13'36" W.	Dubois, Idaho
McCall, Idaho	44°46'02" N. 116°12'19" W.	McCall, Idaho
DAYAH	44°35'59" N. 119°26'41" W.	Pendleton, Oreg.
Newport, Oreg.	44°34'32" N. 124°03'34" W.	Newport, Oreg.
HEMLO	43°18'08" N. 126°40'46" W.	Newport, Oreg.

Waypoint name	Location	Reference facility
J807R New York, N. Y., to Sherbrooke, Canada		
BELLE	41°02'17" N. 73°08'51" W.	Hampton, N. Y.
CHERI	42°40'52" N. 73°18'11" W.	Albany, N. Y.
HOLLY	44°59'29" N. 71°59'58" W.	Plattsburgh, N. Y.
Waypoint name	Location	Reference facility
J808R New York, N. Y., to Sable Island, N. S.		
SARDI	40°31'19" N. 72°47'56" W.	Kennedy, N. Y.
PATTY	40°50'10" N. 71°58'04" W.	Putnam, Conn.
Nantucket	41°16'54" N. 70°01'38" W.	Nantucket, Mass.
WHALE	42°11'49" N. 67°00'28" W.	Nantucket, Mass.



Waypoint name	Location	Reference facility
J809R New York, N. Y., to Yarmouth, N. S.		
SARDI	40°31'19" N. 72°47'56" W.	Kennedy, N. Y.
PATTY	40°50'10" N. 71°58'04" W.	Putnam, Conn.
Nantucket	41°16'54" N. 70°01'38" W.	Nantucket, Mass.
DAVES	42°55'46" N. 67°29'55" W.	Nantucket, Mass.

Waypoint name	Location	Reference facility
J810R South Bend, Ind., to New York, N. Y.		
KINDS	41°47'37" N. 85°00'23" W.	Fort Wayne, Ind.
MARCH	41°38'39" N. 82°31'06" W.	Cleveland, Ohio
AVAST	41°07'46" N. 77°23'00" W.	Philipsburg, Pa.
PENNS	40°48'06" N. 74°55'59" W.	Sparta, N. J.

Waypoint name	Location	Reference facility
J811R Chicago, IL., to Miami, FL.		
JUDYS	40°14'20" N. 87°22'35" W.	Indianapolis, Ind.
ELMAN	36°19'34" N. 85°50'29" W.	Nashville, Tenn.
Rome, Ga.	34°09'45" N. 85°07'10" W.	Birmingham, Ala.
MAUKS	32°29'12" N. 84°24'51" W.	Macon, Ga.
PENNY	30°07'24" N. 83°33'01" W.	Gainesville, Fla.
REPLY	28°10'36" N. 81°06'53" W.	Palm Beach, Fla.

Waypoint name	Location	Reference facility
J812R Miami, Fla., to Chicago, Ill.		
HIGHT	28°11'22" N. 80°42'24" W.	Vero Beach, Fla.
APORT	28°25'30" N. 81°55'45" W.	Ormond Beach, Fla.
ARCHI	29°34'20" N. 82°33'00" W.	Gainesville, Fla.
Alma, GA.	31°32'11" N. 82°30'30" W.	Savannah, GA.
CORNI	33°04'52" N. 83°36'18" W.	Augusta, Ga.
CANTE	34°19'29" N. 84°25'39" W.	Chattanooga, Tenn.
SHUTO	37°14'52" N. 85°21'50" W.	Knoxville, Tenn.
BORDE	38°37'12" N. 86°02'11" W.	Evansville, Ind.
FORES	40°51'20" N. 87°11'36" W.	Fort Wayne, Ind.
Chicago Heights, IL.	41°30'36" N. 87°34'17" W.	Fort Wayne, IN.

AMENDMENTS 8/11/77 42 F. R. 30611 (Changed)

Waypoint name	Location	Reference facility
J813R Atlanta, Ga., to New Orleans, La.		
BREME	33°39'32" N. 85°12'55" W.	Montgomery, Ala.
Montgomery, Ala., VORTAC	32°13'20" N. 86°19'11" W.	Montgomery, Ala.
Monroeville, Ala.	31°27'37" N. 87°21'10" W.	Montgomery, Ala.
New Orleans, La., VORTAC	30°01'47" N. 90°10'20" W.	New Orleans, La.

Waypoint name	Location	Reference facility
J814R New Orleans, La., to Atlanta, Ga.		
New Orleans, La., VORTAC	30°01'47" N. 90°10'20" W.	New Orleans, La.
Monroeville, Ala.	31°27'37" N. 87°21'10" W.	Montgomery, Ala.
Montgomery, Ala.	32°13'20" N. 86°19'11" W.	Montgomery, Ala.
LaGrange, Ga.	33°02'56" N. 85°12'23" W.	Montgomery, Ala.

AMENDMENTS 8/11/77 42 F. R. 30611 (Changed)

Waypoint name	Location	Reference facility
J815R Washington, D. C., to Atlanta, Ga.		
Casanova, Va.	38°38'28" N. 77°51'57" W.	Gordonsville, Va.
COPPA	36°52'22" N. 80°35'26" W.	Greensboro, N. C.
SHINE	35°18'05" N. 83°02'00" W.	Spartanburg, S. C.
MACEY	34°19'37" N. 83°41'45" W.	Spartanburg, S. C.

AMENDMENTS 8/11/77 42 F. R. 30611 (Changed)

Waypoint name	Location	Reference facility
J816R Atlanta, Ga., to Washington, D. C.		
SOCLE	33°37'10" N. 83°38'42" W.	Augusta, Ga.
LINCO	35°12'11" N. 80°55'57" W.	Spartanburg, S. C.
Richmond, Va.	37°30'08" N. 77°19'14" W.	Flat Rock, Va.
MARBY	38°30'12" N. 77°07'07" W.	Flat Rock, Va.

Waypoint name	Location	Reference facility
J819R Boston, Mass., to Chicago, Ill.		
MERRY	42°41'31" N. 71°24'10" W.	Putnam, Conn.
SPADS	43°04'37" N. 74°41'42" W.	Hancock, N. Y.
PEKIN	43°02'17" N. 78°39'07" W.	Buffalo, N. Y.
VERMI	42°37'50" N. 84°40'50" W.	Carleton, Mich.
POPPY	42°16'16" N. 87°36'28" W.	South Bend, Ind.

Waypoint name	Location	Reference facility
J820R Chicago, Ill., to Boston, Mass.		
O'Hare, IL.	41°59'16" N. 87°54'17" W.	Joliet, IL.
WOLVI	42°13'36" N. 83°58'14" W.	Carleton, Mich.
SCHOO	42°20'03" N. 80°20'13" W.	Chardon, Ohio
HAMET	42°20'40" N. 79°05'55" W.	Slate Run, Pa.
CHERI	42°40'52" N. 73°18'11" W.	Albany, N. Y.
Gardner, MA.	42°32'45" N. 72°03'31" W.	Putnam, CT.

Waypoint name	Location	Reference facility
J821R Chicago, Ill., to Minneapolis, Minn.		
Milwaukee, Wis.	43°07'01" N. 88°17'03" W.	Green Bay, Wis.
Minneapolis, Minn.	45°08'45" N. 93°22'23" W.	Minneapolis, Minn.

Waypoint name	Location	Reference facility
J822R Minneapolis, Minn., to Chicago, Ill.		
Minneapolis, Minn.	45°08'45" N. 93°22'23" W.	Minneapolis, Minn.
STOCK	42°21'21" N. 88°24'13" W.	Milwaukee, Wis.

Waypoint name	Location	Reference facility
J823R Detroit, Mich., to Chicago, Ill.		
HOLTS	42°28'00" N. 84°34'53" W.	South Bend, Ind.
Pullman, MI.	42°27'56" N. 86°06'21" W.	South Bend, IN.
POPPY	42°16'16" N. 87°36'28" W.	South Bend, Ind.

Waypoint name	Location	Reference facility
J824R St. Louis, Mo., to Chicago, Ill.		
JERRY	39°04'13" N. 90°18'27" W.	Centralia, Ill.
Kappa, Ill.	40°50'22" N. 88°54'07" W.	Bradford, Ill.
Joliet, Ill.	41°32'47" N. 88°19'06" W.	Joliet, Ill.
WRENS	41°48'38" N. 88°16'07" W.	Joliet, Ill.

Waypoint name	Location	Reference facility
J826R Kansas City, Mo., to Chicago, Ill.		
BOGIE	39°24'13" N. 93°44'49" W.	Lamoni, Iowa
Bradford, Ill.	41°09'35" N. 89°35'16" W.	Iowa City, Iowa
WRENS	41°48'38" N. 88°16'07" W.	Joliet, Ill.

Waypoint name	Location	Reference facility
J827R Chicago, Ill., to Kansas City, Mo.		
MORRI	41°55'53" N. 89°47'00" W.	Bradford, Ill.
Kirkville, Mo.	40°08'06" N. 92°35'30" W.	Lamoni, Iowa
IASSO	39°30'13" N. 94°05'16" W.	Lamoni, Iowa

Waypoint name	Location	Reference facility
J830R St. Louis, Mo., to New York, N. Y.		
MARIN	38°43'46" N. 89°51'54" W.	Capital, Ill.
GOSPO	39°25'27" N. 86°39'29" W.	Lafayette, Ind.
SPOTS	42°00'19" N. 80°56'16" W.	Carleton, Mich.
ORMBY	41°48'09" N. 78°38'27" W.	Buffalo, N. Y.
Sparta, N. J.	41°04'03" N. 74°32'19" W.	Sparta, N. J.

Waypoint name	Location	Reference facility
J831R New York, N. Y., to CODDS		
PATTY	40°50'10" N. 71°58'04" W.	Putnam, Conn.
Nantucket, Mass.	41°16'54" N. 70°01'38" W.	Nantucket, Mass.
CODDS	41°16'36" N. 68°00'00" W.	Nantucket, Mass.

Waypoint name	Location	Reference facility
J832R Philadelphia, Pa., to Boston, Mass.		
Millville, N. J.	39°32'15" N. 74°58'03" W.	J. F. Kennedy, N. Y.
TUGBO	39°48'45" N. 73°22'20" W.	J. F. Kennedy, N. Y.
WATER	40°49'17" N. 72°17'15" W.	Putnam, Conn.
Whitman, Mass.	42°03'46"N. 70°59'01"W.	Putnam, Conn.

AMENDMENTS 12/1/77 42 F. R. 55086 (Changed)

Waypoint name	Location	Reference facility
J833R Bangor, Maine, to New York, N. Y.		
Bangor, Maine	44°50'30" N. 68°52'28" W.	Bangor, Maine
GORDI	43°55'19" N. 69°29'54" W.	Kennebunk, Maine
DOMIE	41°39'12" N. 70°57'00" W.	Putnam, Conn.
PATTY	40°50'10" N. 71°58'04" W.	Putnam, Conn.
SARDI	40°31'19" N. 72°47'56" W.	Kennedy, N. Y.

Waypoint name	Location	Reference facility
J834R Chicago, Ill., to Cleveland, Ohio		
KINDS	41°47'37" N. 85°00'23" W.	Fort Wayne, Ind.
HENRI	41°19'23" N. 82°22'42" W.	Carleton, Mich.

Waypoint name	Location	Reference facility
J835R Cleveland, Ohio, to Chicago, Ill.		
Axtel, Ohio	41°31'27" N. 82°15'55" W.	Rosewood, Ohio
Plant, Ind.	41°37'29" N. 87°15'57" W.	Lafayette, Ind.

Waypoint name	Location	Reference facility
J836R Chicago, Ill., to Cincinnati, Ohio		
JUDYS	40°14'20" N. 87°22'35" W.	Indianapolis, Ind.
OGDEN	39°09'27" N. 85°12'25" W.	Fort Wayne, Ind.

Waypoint name	Location	Reference facility
J837R Cincinnati, Ohio, to Chicago, Ill.		
SUMAN	39°15'37" N. 85°08'15" W.	Fort Wayne, Ind.
FORES	40°51'20" N. 87°11'36" W.	Fort Wayne, Ind.
Chicago Heights, Ill.	41°30'36" N. 87°34'17" W.	Fort Wayne, Ind.

Waypoint name	Location	Reference facility
J838R Atlanta, GA., to Jacksonville, FL.		
Crest, GA.	32°59'25" N. 84°27'28" W.	Augusta, GA.
Vienna, GA.	32°12'48" N. 83°29'51" W.	Augusta, GA.
BARCA	30°45'09" N. 82°05'08" W.	Savannah, Ga.

Waypoint name	Location	Reference facility
J839R Jacksonville, Fla., to Atlanta, Ga.		
KICKS	30°45'00" N. 81°44'02" W.	Savannah, Ga.
CORNI	33°04'52"N. 83°36'18"W.	Augusta, Ga.

AMENDMENTS 8/11/77 42 F. R. 30611 (Changed)

Waypoint name	Location	Reference facility
J842R Dallas-Fort Worth, Tex., to New York, N. Y.		
Dallas-Fort Worth, Tex.	32°51'57" N. 97°01'40" W.	Dallas-Fort Worth, Tex.
Texarkana, AR.	33°30'50" N. 94°04'23" W.	Shreveport, LA.
SURRY	34°56'34"N. 89°57'35"W.	Walnut Ridge, Ark.
ELMAN	36°19'34" N. 85°50'29" W.	Nashville, Tenn.
WOODI	36°50'56" N. 84°02'21" W.	Knoxville, Tenn.
KIMBO	37°24'00" N. 81°27'57" W.	Charleston, W. Va.
Gordonsville, VA.	38°00'48" N. 78°09'12" W.	Richmond, VA.
Atlantic City, NJ.	39°27'21" N. 74°34'36" W.	Westminster, MD.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

AMENDMENTS 12/1/77 42 F. R. 55443 (Changed)

Waypoint name	Location	Reference facility
J843R New York, N. Y., to Dallas-Fort Worth, Tex.		
Robbinsville, NJ.	40°12'08" N. 74°29'44" W.	Robbinsville, NJ.
Westminster, MD.	39°29'42" N. 76°58'44" W.	Gordonsville, VA.
RENFO	38°24'04" N. 81°23'29" W.	Beckley, W. Va.
SHUTO	37°14'52" N. 85°21'50" W.	Knoxville, Tenn.
SADER	36°41'06" N. 87°06'56" W.	Evansville, Ind.
BIRLE	35°27'43" N. 90°35'28" W.	Walnut Ridge, Ark.
HOREB	33°58'47" N. 94°21'05" W.	Texarkana, Ark.
Dallas-Fort Worth, Tex.	32°51'57" N. 97°01'40" W.	Dallas-Fort Worth, Tex.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Waypoint name	Location	Reference facility
J846R Omaha, Nebr., to Chicago, Ill.		
Omaha, Nebr.	41°18'00" N. 95°54'00" W.	Lamoni, Iowa
Des Moines, Iowa	41°26'15" N. 93°38'54" W.	Lamoni, Iowa
SCALE	42°22'53" N. 90°24'00" W.	Iowa City, Iowa
STOCK	42°21'21" N. 88°24'13" W.	Milwaukee, Wis.

Waypoint name	Location	Reference facility
J847R Chicago, Ill., to Omaha, Nebr.		
MORRI	41°55'53" N. 89°47'00" W.	Bradford, Ill.
Des Moines, IA.	41°26'15" N. 93°38'54" W.	Lamoni, IA.
Neola, IA.	41°28'23" N. 95°39'29" W.	Lamoni, IA.

Waypoint name	Location	Reference facility
J849R Chicago, Ill., to Des Moines, Iowa		
MORRI	41°55'53" N. 89°47'00" W.	Bradford, Ill.
RUNDI	41°36'44" N. 93°22'48" W.	Mason City, Iowa

Waypoint name	Location	Reference facility
J850R Los Angeles, Calif., to San Francisco, Calif.		
Ventura, Calif.	34°06'54" N. 119°02'55" W.	Bakersfield, Calif.
PIERS	36°34'28" N. 121°55'13" W.	Fresno, Calif.

Waypoint name	Location	Reference facility
J851R San Francisco, Calif., to Los Angeles, Calif.		
LOGAN	36°58'59" N. 121°43'26" W.	Fresno, Calif.
VIRGA	34°13'24" N. 118°49'11" W.	Los Angeles, Calif.

Waypoint name	Location	Reference facility
J-852R Las Vegas, Nev., to San Francisco, Calif.		
LUCKY	36°02'22" N. 115°50'08" W.	Beatty, Nev.
Modesto, CA.	37°37'39" N. 120°57'25" W.	Fresno, CA.

Waypoint name	Location	Reference facility
J853R Los Angeles, Calif., to Phoenix, Ariz.		
Seal Beach, Calif.	33°47'00" N. 118°03'14" W.	Oceanside, Calif.
KOFFA	33°30'58" N. 113°53'17" W.	Yuma, Ariz.
Phoenix, Ariz.	33°25'53" N. 111°53'17" W.	Phoenix, Ariz.

Waypoint name	Location	Reference facility
J854R Los Angeles, CA., to Sacramento, CA.		
Ventura, CA.	34°06'54" N. 119°02'55" W.	Bakersfield, CA.
Avenal, CA.	35°38'49" N. 119°58'40" W.	Fresno, CA.
Sacramento, CA.	38°26'38" N. 121°33'02" W.	Sacramento, CA.

Waypoint name	Location	Reference facility
J855R Dallas, Tex., to San Francisco, Calif.		
Wichita Falls, TX.	33°59'14" N. 98°35'35" W.	Wichita Falls, TX.
CROWS	34°08'33" N. 99°45'50" W.	Wichita Falls, Tex.
Texico, NM	34°29'42" N. 102°50'21" W.	Texico, NM.
PALMA	34°54'19" N. 105°18'29" W.	Las Vegas, N. Mex.
VOLCA	35°06'22" N. 106°39'29" W.	Socorro, N. Mex.
DEFER	35°26'19" N. 109°09'39" W.	Gallup, N. Mex.
FOURR	35°41'03"N. 111°20'14"W.	Tuba City, Ariz.
Boulder City, Nev.	35°59'45" N. 114°51'46" W.	Boulder City, Nev., VORTAC
LUCKY	36°02'22" N. 115°50'08" W.	Beatty, Nev.
Modesto, CA.	37°37'39" N. 120°57'25" W.	Fresno, CA.



Waypoint name	Location	Reference facility
J856R Atlanta, Ga., to Pittsburgh, Pa.		
CANTE Henderson, WV.	34°19'29" N. 84°25'39" W.	Chattanooga, Tenn.
WATTS	38°45'15" N. 82°01'35" W.	Charleston, WV.
	40°07'30" N. 80°40'54" W.	Appleton, Ohio

Waypoint name	Location	Reference facility
J857R Denver, CO., to Salt Lake City, UT.		
Kremmling, CO.	40°00'10" N. 106°26'31" W.	Meeker, CO.
IOKAS	40°12'52" N. 110°07'16" W.	Myton, Utah
Fairfield, UT.	40°16'30" N. 111°56'23" W.	Delta, UT.

Waypoint name	Location	Reference facility
J858R Denver, Colo., to Kansas City, Mo.		
BONNY	39°29'41" N. 102°12'42" W.	Hill City, Kans.
LENNY	39°29'09" N. 100°13'37" W.	Hill City, Kans.
POTSY	39°18'03" N. 94°59'53" W.	Kansas City, Mo.

Waypoint name	Location	Reference facility
J859R Kansas City, Mo., to Denver, Colo.		
WALCO	39°13'06" N. 94°59'28" W.	Butler, Mo.
ENTER	38°58'04" N. 96°59'46" W.	Wichita, Kans.
BONNY	39°29'41" N. 102°12'42" W.	Hill City, Kans.

Waypoint name	Location	Reference facility
J860R Memphis, Tenn., to Louisville, Ky.		
ASHOP	35°48'04" N. 89°41'49" W.	Memphis, Tenn.
LEPOL	38°01'52" N. 86°33'55" W.	Evansville, Ind.

Waypoint name	Location	Reference facility
J861R El Paso, Tex., to Los Angeles, Calif.		
El Paso, Tex.	31°48'57" N. 106°16'52" W.	El Paso, Tex.
WYCOX	32°23'21" N. 109°50'08" W.	San Simon, Ariz.
ELOPE	32°46'04" N. 111°37'04" W.	Phoenix, Ariz.
KOFFA	33°30'58" N. 113°53'17" W.	Yuma, Ariz.
BEAUT	34°05'40" N. 116°44'17" W.	Thermal, Calif.

Waypoint name	Location	Reference facility
J862R Jacksonville, Fla., to Pittsburgh, Pa.		
SIMON	30°41'20" N. 81°17'25" W.	Alma, Ga.
Columbia, SC.	33°51'26" N. 81°03'15" W.	Spartanburg, SC.
Elkins, WV.	38°54'52" N. 80°05'58" W.	Charleston, WV.
NESTO	40°11'39" N. 79°42'49" W.	Bellaire, Ohio

Waypoint name	Location	Reference facility
J863R New York, NY., to Atlanta, GA.		
Coyle, NJ.	39°49'02" N. 74°25'55" W.	Coyle, NJ.
Gordonsville, Va.	38°00'48" N. 78°09'12" W.	Richmond, Va.
Galax, Va.	36°28'30" N. 80°34'05" W.	Greensboro, N. C.
MACEY	34°19'37" N. 83°41'45" W.	Spartanburg, S. C.

AMENDMENTS 8/11/77 42 F. R. 30611 (Changed)

Waypoint name	Location	Reference facility
J864R Chicago, Ill., to Washington, D. C.		
Peotone, IL	41°16'11" N. 87°47'28" W.	Indianapolis, IN.
TIPPY	41°06'17" N. 85°59'10" W.	Indianapolis, Ind.
Rosewood, OH.	40°17'16" N. 84°02'36" W.	Rosewood, OH.
CAMEO	39°41'31" N. 80°55'50" W.	Bellaire, Ohio
Front Royal, VA.	39°05'26" N. 78°12'02" W.	Casanova, VA.
Armel, Va.	38°56'04" N. 77°28'01" W.	Casanova, Va.

Waypoint name	Location	Reference facility
J865R Washington, D. C., to Chicago, Ill.		
Martinsburg, W. Va.	39°23'08" N. 77°50'55" W.	Philipsburg, Pa.
BALSA	40°29'20" N. 81°04'05" W.	Appleton, Ohio
SHILO	40°57'44" N. 82°30'16" W.	Appleton, Ohio
PLANT	41°37'29" N. 87°15'57" W.	Lafayette, Ind.

Waypoint name	Location	Reference facility
J866R Denver, Colo., to Chicago, Ill.		
WIGGI	40°10'04" N. 104°01'30" W.	Goodland, Kans.
NORTH	41°18'52" N. 98°19'53" W.	O'Neill, Nebr.
SHIPS	42°00'03" N. 93°46'45" W.	Des Moines, Iowa
SCALE	42°22'53" N. 90°24'00" W.	Iowa City, Iowa
STOCK	42°21'21" N. 88°24'13" W.	Milwaukee, Wis.

Waypoint name	Location	Reference facility
J867R Chicago, Ill., to Denver, Colo.		
MORRI	41°55'53" N. 89°47'00" W.	Bradford, Ill.
Des Moines, IA.	41°26'15" N. 93°38'54" W.	Lamoni, IA.
Lincoln, NE.	40°55'26" N. 96°44'30" W.	Pawnee City, NE.
TRUMP	40°42'04" N. 98°09'38" W.	Wolbach, Nebr.
STRAS	39°43'59" N. 103°17'28" W.	Goodland, Kans.

Waypoint name	Location	Reference facility
J868R Columbia, S. C., to Atlanta, Ga.		
ZOLLY	33°47'30" N. 81°23'00" W.	Columbia, S. C.
Augusta, Ga.	33°32'40" N. 82°08'00" W.	Columbia, S. C.
CORNI	33°04'52" N. 83°36'18" W.	Augusta, Ga.

AMENDMENTS 8/11/77 42 F. R. 30611 (Changed)

Waypoint name	Location	Reference facility
J871R Atlanta, GA., to St. Louis, MO.		
BREME	33°39'32" N. 85°12'55" W.	Montgomery, Ala.
PAYNE	34°22'17" N. 85°58'00" W.	Chattanooga, Tenn.
DUCKS	35°38'02" N. 87°20'37" W.	Nashville, Tenn.
Festus, MO.	38°12'05" N. 90°21'00" W.	Centralia, IL.

Waypoint name	Location	Reference facility
J872R Atlanta, GA., to Columbia, SC.		
SOCLE	33°37'10" N. 83°36'42" W.	Augusta, Ga.
GILES	33°55'32" N. 81°30'05" W.	Augusta, Ga.

Waypoint name	Location	Reference facility
J874R Memphis, Tenn., to Atlanta, Ga.		
SURRY	34°56'34" N. 89°57'35" W.	Walnut Ridge, Ark.
Rome, Ga.	34°09'45" N. 85°07'10" W.	Birmingham, Ala.

AMENDMENTS 12/1/77 42 F. R. 55448 (Changed)

Waypoint name	Location	Reference facility
J875R Atlanta, Ga., to Memphis, Tenn.		
BREME	33°39'32" N. 85°12'55" W.	Montgomery, Ala.
Birmingham, Ala.	33°40'12" N. 86°53'59" W.	Montgomery, Ala.
BANKS	34°46'20" N. 89°29'51" W.	Memphis, Tenn.

Waypoint name	Location	Reference facility
J876R Atlanta, Ga., to Savannah, Ga.		
SOCLE	33°37'10" N. 83°36'42" W.	Augusta, Ga.
SPONG	32°29'07" N. 81°21'16" W.	Augusta, Ga.

Waypoint name	Location	Reference facility
J877R Savannah, GA., to Atlanta, GA.		
OLIVE	32°20'30" N. 81°26'36" W.	Augusta, Ga.
CORNI	33°04'52" N. 83°36'18" W.	Augusta, Ga.

AMENDMENTS 8/11/77 42 F. R. 30611 (Changed)

Waypoint name	Location	Reference facility
J878R Atlanta, Ga., to Cleveland, Ohio		
CANTE	34°19'29" N. 84°25'39" W.	Chattanooga, Tenn.
Henderson, WV.	38°45'15" N. 82°01'35" W.	Charleston, WV.
RITZS	40°59'52" N. 81°44'06" W.	Bellaire, Ohio

Waypoint name	Location	Reference facility
J879R Cleveland, Ohio, to Atlanta, Ga.		
Appleton, OH.	40°09'04" N. 82°35'18" W.	Charleston, WV.
PRINS	38°24'34" N. 82°45'05" W.	Charleston, W. Va.
RADER	36°06'51" N. 82°59'07" W.	Knoxville, Tenn.
MACEY	34°19'37" N. 83°41'45" W.	Spartanburg, S. C.

AMENDMENTS 8/11/77 42 F. R. 30611 (Changed)

Waypoint name	Location	Reference facility
J880R Jacksonville, Fla., to Cleveland, Ohio		
KICKS	30°45'00" N. 81°44'02" W.	Savannah, Ga.
Augusta, GA.	33°32'40" N. 82°08'00" W.	Columbia, SC.
BEECH	36°05'30" N. 82°04'56" W.	Spartanburg, S. C.
Henderson, WV.	38°45'15" N. 82°01'35" W.	Charleston, WV.
RITZS	40°59'52" N. 81°44'08" W.	Bellaire, Ohio

Waypoint name	Location	Reference facility
J881R Detroit, Mich., to Atlanta, Ga.		
Carleton, Mich.	43°02'53" N. 83°27'28" W.	Fort Wayne, Ind.
Rosewood, OH.	40°17'16" N. 84°02'36" W.	Rosewood, OH.
MINER	38°42'28" N. 83°54'20" W.	Louisville, Ky.
MACEY	34°19'37" N. 83°41'45" W.	Spartanburg, S. C.

AMENDMENTS 8/11/77 42 F. R. 30611 (Changed)

Waypoint name	Location	Reference facility
J882R Atlanta, Ga., to Detroit, Mich.		
CANTE	34°19'29" N. 84°25'39" W.	Chattanooga, Tenn.
CALPE	38°05'13" N. 84°26'39" W.	Louisville, Ky.
Dayton, OH.	40°00'59" N. 84°23'49" W.	Fort Wayne, IN.
MILAN	42°03'05" N. 83°44'55" W.	Fort Wayne, Ind.

Waypoint name	Location	Reference facility
J883R Minneapolis, Minn., to New York, N. Y.		
Minneapolis, MN.	45°08'45" N. 93°22'23" W.	Minneapolis, MN.
DENNY	44°23'25" N. 87°53'34" W.	Milwaukee, Wis.
NIRVA	44°01'23" N. 85°45'09" W.	Pullman, Mich.
SANIL	43°32'29" N. 82°37'40" W.	Peck, Mich.
BLAKE	42°47'58" N. 78°41'50" W.	Buffalo, N. Y.
Kingston, NY.	41°39'55" N. 73°49'22" W.	Huguenot, NY.

Waypoint name	Location	Reference facility
J894R New York, N. Y., to Minneapolis, Minn.		
Huguenot, N. Y.	41°24'35" N. 74°35'31" W.	Hancock, N. Y.
GOWER	42°33'27" N. 78°48'58" W.	Buffalo, N. Y.
CARTE	43°25'49" N. 82°38'59" W.	Peck, Mich.
NIRVA	44°01'23" N. 85°45'09" W.	Pullman, Mich.
DENNY	44°23'25" N. 87°53'34" W.	Milwaukee, Wis.
Minneapolis, Minn.	45°08'45" N. 93°22'23" W.	Minneapolis, Minn.

Waypoint name	Location	Reference facility
J885R St. Louis, MO., to Memphis, TN.		
Festus, Mo.	38°12'05" N. 90°21'00" W.	Centralia, Ill.
SURRY	34°56'34" N. 89°57'35" W.	Walnut Ridge, Ark.

AMENDMENTS 12/1/77 42 F. R. 55448 (Changed)

Waypoint name	Location	Reference facility
J886R Chicago, Ill., to REDOO		
MORRI	41°55'53" N. 89°47'00" W.	Bradford, Ill.
ELBER	42°00'53" N. 92°15'40" W.	Dubuque, Iowa
DANNY	42°13'53" N. 95°38'35" W.	Omaha, Nebr.
DRIES	42°20'04" N. 98°25'33" W.	Wolbach, Nebr.
Otsie, Nebr.	42°29'03" N. 103°28'24" W.	Scottsbluff, Nebr.
SPLIT	42°25'17" N. 108°14'00" W.	Boysen Reservoir, Wyo.
Malad City, Idaho	42°12'00" N. 112°27'02" W.	Malad City, Idaho
DELIA	42°02'01" N. 114°24'46" W.	Twin Falls, Idaho
COLES	41°40'53" N. 117°39'54" W.	Rome, Oreg.
LIKED	41°20'21" N. 120°12'09" W.	Lakeview, Oreg.
Fortuna, Calif.	40°40'17" N. 124°14'00" W.	Fortuna, Calif.
REDOO	40°38'22" N. 126°56'27" W.	Fortuna, Calif.

Waypoint name	Location	Reference facility
J887R REDOO to Chicago, Ill.		
REDOO	40°38'22" N. 126°56'27" W.	Fortuna, Calif.
Fortuna, Calif.	40°40'17" N. 124°14'00" W.	Fortuna, Calif.
LIKED	41°20'21" N. 120°12'09" W.	Lakeview, Oreg.
COLES	41°40'53" N. 117°39'54" W.	Rome, Oreg.
DELIA	42°02'01" N. 114°24'46" W.	Twin Falls, Idaho
Malad City, Idaho	42°12'00" N. 112°27'02" W.	Malad City, Idaho
SPLIT	42°25'17" N. 108°14'00" W.	Boysen Reservoir, Wyo.
Otsie, Nebr.	42°29'03" N. 103°28'24" W.	Scottsbluff, Nebr.
DRIES	42°20'04" N. 98°25'33" W.	Wolbach, Nebr.
KAMRA	42°25'45" N. 93°43'56" W.	Des Moines, Iowa
SCALE	42°22'53" N. 90°24'00" W.	Iowa City, Iowa
STOCK	42°21'21" N. 88°24'13" W.	Milwaukee, Wis.

Waypoint name	Location	Reference facility
J890R Cleveland, Ohio, to St. Louis, Mo.		
Mansfield, OH.	40°52'07" N. 82°35'28" W.	Rosewood, OH.
Rosewood, OH.	40°17'16" N. 84°02'36" W.	Rosewood, OH.
MAYHU	39°56'38" N. 85°42'55" W.	Lafayette, Ind.
PRAYS	38°58'18" N. 89°51'27" W.	Capital, Ill.

Waypoint name	Location	Reference facility
J891R Chicago, Ill., to Memphis, Tenn.		
Roberts, IL.	40°34'54" N. 88°09'51" W.	Capital, IL.
ANNAM	37°28'10" N. 89°11'24" W.	Farmington, Mo.
SURRY	34°56'34" N. 89°57'35" W.	Walnut Ridge, Ark.

AMENDMENTS 12/1/77 42 F. R. 55448 (Changed)

Waypoint name	Location	Reference facility
J894R Jacksonville, FL., to Miami, FL.		
SHAVE	30°06'15" N. 81°31'20" W.	Jacksonville, Fla.
Orlando, FL.	28°32'33" N. 81°20'07" W.	Orlando, FL.
BABYS	26°49'42" N. 80°44'58" W.	Palm Beach, Fla.

Waypoint name	Location	Reference facility
J898R Chicago, Ill., to Philadelphia, Pa.		
Peotone, IL.	41°16'11" N. 87°47'28" W.	Indianapolis, IN.
TIPPY	41°06'17" N. 85°59'10" W.	Indianapolis, Ind.
Rosewood, OH.	40°17'16" N. 84°02'36" W.	Rosewood, OH.
CONIC	40°19'10" N. 80°48'55" W.	Bellaire, Ohio
Harrisburg, PA.	40°14'29" N. 77°01'19" W.	Westminster, MD.
BUCKS	40°04'49" N. 75°43'26" W.	Westminster, Md.

Waypoint name	Location	Reference facility
J897R Philadelphia, Pa., to Chicago, Ill.		
MAIDS	40°22'03" N. 75°47'30" W.	Philipsburg, Pa.
FURNA	40°36'35" N. 78°02'40" W.	Philipsburg, Pa.
SHILO	40°57'44" N. 82°30'16" W.	Appleton, Ohio
Plant, Ind.	41°37'29" N. 87°15'57" W.	Lafayette, Ind.

Waypoint name	Location	Reference facility
J900R San Francisco, Calif., to Seattle, Wash.		
Napa Calif.	38°10'46" N. 122°22'19" W.	Ukiah, Calif.
HILLY	40°05'58" N. 122°21'35" W.	Redbluff, Calif.
Hyatt, Oreg.	42°27'23" N. 122°20'36" W.	Medford, Oreg.
YACHT	45°44'50" N. 122°19'12" W.	Portland, Oregon
SUMMA	47°11'08" N. 122°18'30" W.	Portland, Oregon

Waypoint name	Location	Reference facility
J901R Seattle, Wash., to Spokane, Wash.		
Seattle, WA.	47°26'08" N. 122°18'30" W.	Seattle, WA.
Spokane, Wash.	47°33'54" N. 117°37'33" W.	Spokane, Wash.



Waypoint name	Location	Reference facility
J902R Portland, Oregon, to Los Angeles, Calif.		
Newberg, Oreg.	45°21'12" N. 122°58'37" W.	Portland, Oreg.
Hyatt, OR.	42°27'23" N. 122°20'36" W.	Medford, OR.
KIRIN	40°08'28" N. 121°52'29" W.	Red Bluff, Calif.
Sacramento, CA.	38°26'38" N. 121°33'02" W.	Sacramento, CA.
Avenal, CA.	35°38'49" N. 119°58'40" W.	Fresno, CA.

Waypoint name	Location	Reference facility
J903R Los Angeles, Calif., to Tucson, Ariz.		
Seal Beach, CA.	33°47'00" N. 118°03'14" W.	Oceanside, CA.
KOFFA	33°30'58" N. 113°53'17" W.	Yuma, Ariz.
Tucson, Ariz.	32°07'21" N. 110°49'12" W.	Tucson, Ariz.

Waypoint name	Location	Reference facility
J904R Los Angeles, CA., to Denver, CO.		
MESIC	35°44'20" N. 115°32'01" W.	Boulder City, Nev.
Boulder City, NV.	35°59'45" N. 114°51'46" W.	Boulder City, NV.
PARIA	36°53'51" N. 111°55'43" W.	Bryce Canyon, Utah
MONTE	37°51'16" N. 108°33'32" W.	Farmington, N. Mex.
ALMON	38°35'18" N. 107°09'06" W.	Gunnison, Colo.
SHAWN	39°25'38" N. 105°27'51" W.	Denver, Colo.

Waypoint name	Location	Reference facility
J905R Las Vegas, Nev., to Tucson, Ariz.		
Boulder City, Nev.	35°59'45" N. 114°51'46" W.	Boulder City, Nev.
SYCMO	34°37'25" N. 112°55'26" W.	Needles, Calif.
VENTA	32°32'05" N. 111°44'33" W.	Phoenix, Ariz.
Tucson, Ariz.	32°07'21" N. 110°49'12" W.	Tucson, Ariz.

Waypoint name	Location	Reference facility
J906R Los Angeles, Calif., to Ogden, Utah		
Los Angeles, Calif.	33°55'59" N. 118°25'52" W.	Palmdale, Calif.
Hector, Calif.	34°47'49" N. 116°27'43" W.	Boulder City, Nev.
MESIC	35°44'20" N. 115°32'01" W.	Boulder City, Nev.
ADAPT	37°40'22" N. 113°31'53" W.	Wilson Creek, Nev.
FOOLS	39°38'15" N. 112°18'42" W.	Delta, Utah
Ogden, Utah	41°13'27" N. 112°05'51" W.	Malad City, Mont.

Waypoint name	Location	Reference facility
J907R Hobby, Tex., to Los Angeles, Calif.		
Humble, Tex.	29°57'24" N. 95°20'44" W.	Hobby, Tex.
Austin, TX.	30°17'51" N. 97°42'11" W.	San Antonio, TX.
Junction, Tex.	30°35'52" N. 99°49'02" W.	San Angelo, Tex.
Fort Stockton, Tex.	30°57'07" N. 102°58'31" W.	Wink, Tex.
TOYAH	31°31'23" N. 104°03'00" W.	Wink, Tex.
ORGAN	32°14'48" N. 106°52'20" W.	Truth or Consequences, N. Mex.
WYCOX	32°23'21" N. 109°50'08" W.	San Simon, Ariz.
ELOPE	32°46'04" N. 111°37'04" W.	Phoenix, Ariz.
BRENT	33°43'58" N. 113°47'00" W.	Yuma, Ariz.
BEAUT	34°05'40" N. 116°44'17" W.	Thermal, Calif.

Waypoint name	Location	Reference facility
J908R San Francisco, Calif., to Denver, Colo.		
Mina, Nev.	38°33'55" N. 118°01'55" W.	Coaldale, Nev.
WHEEL	38°56'43" N. 114°29'58" W.	Wilson Creek, Nev.
GREES	39°06'52" N. 112°28'54" W.	Delta, Utah
FERON	39°13'44" N. 110°46'44" W.	Hanksville, Utah
RULIS	39°22'03" N. 107°52'58" W.	Meeker, Colo.
TONER	39°23'34" N. 107°04'58" W.	Gunnison, Colo.
SHAWN	39°25'38" N. 105°27'51" W.	Denver, Colo.

Waypoint name	Location	Reference facility
J909R Denver, Colo., to San Francisco, Calif.		
GOLDE	39°48'15" N. 105°04'06" W.	Denver, Colo.
GOGAN	39°41'23" N. 107°53'25" W.	Meeker, Colo.
HILLS	39°33'51" N. 109°58'03" W.	Myton, Utah
NEBOS	39°16'43" N. 111°38'27" W.	Fairfield, Utah
GRAFT	38°43'06" N. 114°32'58" W.	Wilson Creek, Nev.
Coaldale, Nev.	38°00'12" N. 117°46'10" W.	Coaldale, Nev.

Waypoint name	Location	Reference facility
J911R Portland, Oreg., to Denver, Colo.		
Newberg, Oreg.	45°21'12" N. 122°58'37" W.	Portland, Oreg.
DAYAH	44°35'59" N. 119°26'41" W.	Pendleton, Oreg.
HORSE	43°46'40" N. 116°08'13" W.	Boise, Idaho
MACAM	42°38'23" N. 112°12'05" W.	Malad City, Idaho
Rock Springs, Wyo.	41°35'25" N. 109°00'53" W.	Rock Springs, Wyo.

Waypoint name	Location	Reference facility
J912R Dallas-Fort Worth, Tex., to Chicago, Ill.		
Dallas-Fort Worth, Tex.	32°51'57" N. 97°01'40" W.	Dallas-Fort Worth, Tex.
STICK	35°06'27" N. 95°07'27" W.	Tulsa, Okla.
Springfield, Mo.	37°21'21" N. 93°20'02" W.	Butler, Mo.
PEONY	40°40'07" N. 89°41'28" W.	Capital, Ill.
Joliet, Ill.	41°32'47" N. 88°19'06" W.	Joliet, Ill.
WRENS	41°48'38" N. 88°16'07" W.	Joliet, Ill.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Waypoint name	Location	Reference facility
J913R Portland, Oreg., to Salt Lake City, Utah		
Newberg, Oreg.	45°21'12" N. 122°58'37" W.	Portland, Oreg.
PAULA	44°17'49" N. 119°57'47" W.	Kimberly, Oreg.
ORIEL	43°00'38" N. 116°40'30" W.	Boise, Idaho
LAKES	41°25'55" N. 113°05'27" W.	Malad City, Idaho
COING	41°04'07" N. 112°18'49" W.	Malad City, Utah

Waypoint name	Location	Reference facility
J914R Dallas-Fort Worth, Tex., to New Orleans, La.		
Dallas-Fort Worth, Tex.	32°51'57" N. 97°01'40" W.	Dallas-Fort Worth, Tex.
TENNA	31°52'49" N. 94°14'33" W.	Shreveport, La.
Alexandria, La.	31°15'23" N. 92°30'02" W.	Alexandria, La.
New Orleans, La.	30°01'47" N. 90°10'20" W.	New Orleans, La.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Waypoint name	Location	Reference facility
J916R San Antonio, Tex., to Hobby, Tex.		
San Antonio, Tex.	29°38'38" N. 98°27'40" W.	Austin, Tex.
Humble, Tex.	29°57'24" N. 95°20'44" W.	Hobby, Tex.

Waypoint name	Location	Reference facility
J917R San Francisco, Calif., to Phoenix, Ariz.		
LOGAN	36°58'59" N. 121°43'26" W.	Fresno, Calif.
EASTA	36°45'17" N. 119°49'48" W.	Fresno, Calif.
WILDY	36°19'37" N. 116°51'41" W.	Beatty, Nev.
Boulder City, Nev.	35°59'45" N. 114°51'46" W.	Boulder City, Nev.
SYCMO	34°37'25" N. 112°55'26" W.	Needles, Calif.
Phoenix, Ariz.	33°25'53" N. 111°53'17" W.	Phoenix, Ariz.

Waypoint name	Location	Reference facility
J918R Hobby, Tex., to New Orleans, La.		
Humble, Tex.	29°57'24" N. 95°20'44" W.	Hobby, Tex.
GUEST	30°01'21" N. 92°28'52" W.	Alexandria, La.
New Orleans, LA.	30°01'47" N. 90°10'20" W.	New Orleans, LA.

Waypoint name	Location	Reference facility
J919R El Paso, Tex., to San Antonio, Tex.		
El Paso, Tex.	31°48'57" N. 106°16'53" W.	El Paso, Tex.
Fort Stockton, Tex.	30°57'07" N. 102°58'31" W.	Wink, Tex.
TELLA	30°06'45" N. 100°00'31" W.	Junction, Tex.
San Antonio, Tex.	29°38'38" N. 98°27'40" W.	Austin, Tex.

Waypoint name	Location	Reference facility
J920R Great Falls, Mont., to Salt Lake City, Utah		
KRUMS	49°00'00" N. 109°27'26" W.	Lewistown, Mont.
MILLE	47°02'01" N. 111°24'11" W.	Lewistown, Mont.
JEFFE	45°11'50" N. 111°38'35" W.	Dillon, Mont.
CHESS	44°03'49" N. 111°46'44" W.	Dubois, Idaho
Ogden, Utah	41°13'27" N. 112°05'51" W.	Malad City, Idaho

Waypoint name	Location	Reference facility
J923R Albuquerque, NM., to Denver, CO.		
Albuquerque, NM.	35°02'38" N. 106°48'57" W.	Socorro, NM.
SANDY	37°19'13" N. 105°48'11" W.	Alamosa, Colo.
GOFEL	38°42'44" N. 105°05'24" W.	Pueblo, Colo.
MONTH	39°16'40" N. 104°47'29" W.	Pueblo, Colo.

Waypoint name	Location	Reference facility
J924R Los Angeles, Calif., to Seattle, Wash.		
Avenal, CA.	35°38'49" N. 119°58'40" W.	Fresno, CA.
WASHY	39°25'23" N. 120°39'06" W.	Reno, Nev.
QUART	42°24'45" N. 121°14'23" W.	Lakeview, Oreg.
SUMMA	47°11'08" N. 122°18'30" W.	Portland, Oreg.

Waypoint name	Location	Reference facility
J925R Minneapolis, MN., to Denver, CO.		
Minneapolis, MN.	45°08'45" N. 93°22'23" W.	Minneapolis, MN.
HEIDY	44°07'06" N. 96°00'04" W.	Sioux Falls, S. Dak.
BONES	42°48'00" N. 98°58'08" W.	O'Neil, Nebr.
SANDS	41°44'19" N. 101°09'59" W.	Hayes Center, Nebr.
Denver, CO.	39°51'39" N. 104°45'08" W.	Denver, CO.

Waypoint name	Location	Reference facility
J926R Denver, Colo., to Los Angeles, Calif.		
GOLDE	39°48'15" N. 105°04'06" W.	Denver, Colo.
REDDO	39°01'15" N. 107°22'02" W.	Gunnison, Colo.
LASAL	38°20'00" N. 109°14'49" W.	Dove Creek, Colo.
WHITE	37°06'22" N. 112°20'29" W.	Bryce Canyon, Utah
SANUP	36°08'19" N. 113°51'29" W.	Peach Springs, Ariz.
KELSO	35°06'06" N. 115°34'49" W.	Parker, Calif.
MORRO	34°02'51" N. 117°14'54" W.	Oceanside, Calif.

Waypoint name	Location	Reference facility
J927R Chicago, IL., to Dallas, TX.		
Roberts, Ill.	40°34'54" N. 88°09'51" W.	Capital, Ill.
MARIN	38°43'46" N. 89°51'54" W.	Capital, Ill.
WESTS	36°47'42" N. 91°59'03" W.	Springfield, Mo.
WALDO	34°58'58" N. 94°18'50" W.	Tulsa, Okla.
Blue Ridge, TX.	33°16'59" N. 96°21'53" W.	Ardmore, OK.

Waypoint name	Location	Reference facility
J928R Denver, Colo., to Seattle, Wash.		
Dixon, WY.	41°12'35" N. 107°19'00" W.	Rock Springs, WY.
GRAYS	43°17'31" N. 111°32'08" W.	Malad City, Idaho
KNOXS	45°09'11" N. 115°54'29" W.	McCall, Idaho
LOWES	46°09'30" N. 118°36'14" W.	Pendleton, Oreg.
COMBO	47°15'12" N. 121°53'53" W.	Yakima, Wash.

Waypoint name	Location	Reference facility
J929R Atlanta, Ga., to Hobby, Tex.		
BREME	33°39'32" N. 85°12'55" W.	Montgomery, Ala.
Meridian, MS.	32°22'42" N. 83°48'15" W.	Jackson, MS.
BURKE	30°43'25" N. 93°24'11" W.	Lake Charles, La.
Humble, Tex.	29°57'24" N. 95°20'44" W.	Hobby, Tex.

Waypoint name	Location	Reference facility
J931R Salt Lake City, UT., to San Francisco, CA.		
Fairfield, UT.	40°16'30" N. 111°56'23" W.	Delta, UT.
FOOLS	39°38'15" N. 112°18'42" W.	Delta, Utah
CONNS	38°57'44" N. 114°44'17" W.	Wilson Creek, Nev.
Coaldale, NV.	38°00'12" N. 117°46'10" W.	Coaldale, NV.

Waypoint name	Location	Reference facility
J932R New Orleans, LA., to Memphis, TN.		
New Orleans, LA.	30°01'47" N. 90°10'20" W.	New Orleans, LA.
Jackson, MS.	32°30'26" N. 90°10'03" W.	Meridian, MS.
SURRY	34°56'34" N. 89°57'35" W.	Walnut Ridge, Ark.

AMENDMENTS 12/1/77 42 F. R. 55448 (Changed)

Waypoint name	Location	Reference facility
J933R Dallas, Tex., to Los Angeles, Calif.		
Wichita Falls, TX.	33°59'14" N. 98°35'35" W.	Wichita Falls, TX.
CROWS	34°08'33" N. 99°45'50" W.	Wichita Falls, Tex.
Texico, N. Mex.	34°29'42" N. 102°50'21" W.	Texico, N. Mex.
VAULT	34°37'10" N. 105°12'02" W.	Las Vegas, N. Mex.
TERRA	34°43'28" N. 109°08'57" W.	Gallup, N. Mex.
MANIA	34°48'42" N. 110°48'56" W.	Gallup, N. Mex.
DRAKE	34°56'54" N. 112°32'15" W.	Prescott, Ariz.
CHUBS	34°32'20" N. 114°48'08" W.	Parker, Calif.
MORRO	34°02'51" N. 117°14'54" W.	Oceanside, Calif.

Waypoint name	Location	Reference facility
J934R Dallas-Fort Worth, Tex., to Atlanta, Ga.		
Dallas-Fort Worth, Tex.	32°51'57" N. 97°01'40" W.	Dallas-Fort Worth, Tex.
Texarkana, AR.	33°30'50" N. 94°04'23" W.	Shreveport, La.
MONEY	33°31'12" N. 90°08'54" W.	Jackson, Miss.
Columbus, MS.	33°29'07" N. 88°30'49" W.	Jackson, MS.
Birmingham, AL.	33°40'12" N. 86°53'59" W.	Montgomery, AL.
Rome, Ga.	34°09'45" N. 85°07'10" W.	Birmingham, Ala.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Waypoint name	Location	Reference facility
J935R Tucson, Ariz., to Albuquerque, N. Mex.		
WYCOX	32°23'21" N. 109°50'08" W.	San Simon, Ariz.
JEWEL	33°46'00" N. 108°18'15" W.	St. Johns, Ariz.
Albuquerque, NM.	35°02'38" N. 106°48'57" W.	Socorro, NM.

Waypoint name	Location	Reference facility
J936R Phoenix, Ariz., to Chicago, Ill.		
Phoenix, Ariz.	33°25'53" N. 111°53'17" W.	Phoenix, Ariz.
FENCE	34°33'12" N. 108°27'05" W.	Gallup, N. Mex.
Albuquerque, NM.	35°02'38" N. 106°48'57" W.	Socorro, NM.
MORAS	35°52'40" N. 105°18'54" W.	Las Vegas, N. Mex.
CEDAR	38°29'43" N. 100°10'41" W.	Garden City, Kans.
SENCA	39°55'09" N. 96°02'40" W.	Pawnee City, Nebr.
Lamoni, IA.	40°35'48" N. 93°58'03" W.	Kirkville, MO.
WRENS	41°48'38" N. 88°16'07" W.	Joliet, Ill.

Waypoint name	Location	Reference facility
J937R ALCOA to Chicago, Ill.		
ALCOA	37°50'00" N. 125°50'00" W.	Ukiah, Calif.
SAVED	38°37'27" N. 123°04'28" W.	Ukiah, Calif.
Reno, NV.	39°31'53" N. 119°39'18" W.	Reno, NV.
TENBO	40°06'20" N. 116°46'26" W.	Battle Mountain, Nev.
Bonneville, UT.	40°43'34" N. 113°45'24" W.	Bonneville, UT.
WOODS	40°58'05" N. 112°06'09" W.	Malad City, Idaho
QUEEN	41°25'15" N. 108°58'31" W.	Rock Springs, Wyo.
SIATE	41°53'12" N. 104°53'16" W.	Cheyenne, Wyo.
Berea, NE.	42°02'38" N. 103°07'04" W.	Sidney, NE.
DRIES	42°20'04" N. 98°25'33" W.	Wolbach, Nebr.
KAMRA	42°25'45" N. 93°43'56" W.	Fort Dodge, Iowa
SCALE	42°22'53" N. 90°24'00" W.	Iowa City, Iowa
STOCK	42°21'21" N. 88°24'13" W.	Milwaukee, Wis.

AMENDMENTS 2/24/77 42 F. R. 55864 (Changed)

AMENDMENTS 10/6/77 42 F. R. 39379 (Changed)

Waypoint name	Location	Reference facility
J938R Chicago, Ill., to ALCOA		
MORRI	41°55'53" N. 89°47'00" W.	Bradford, Ill.
ELBER	42°00'53" N. 92°15'40" W.	Dubuque, Iowa
UTERO	42°02'05" N. 95°44'37" W.	Omaha, Nebr.
CUMIN	41°59'41" N. 98°22'59" W.	Wolbach, Nebr.
ANGLO	41°47'19" N. 103°03'32" W.	Sidney, Nebr.
BORAX	41°39'48" N. 104°50'04" W.	Cheyenne, Wyo.
VERON	41°16'13" N. 108°57'02" W.	Rock Springs, Wyo.
MAGNA	40°52'19" N. 112°05'03" W.	Fairfield, Utah
ARIES	40°37'37" N. 113°43'47" W.	Bonneville, Utah
TENBO	40°06'20" N. 116°46'26" W.	Battle Mountain, Nev.
Reno, NV.	39°31'53" N. 119°39'18" W.	Reno, NV.
Napa, Calif.	38°10'46" N. 122°22'19" W.	Ukiah, Calif.
PALIS	37°36'00" N. 123°30'00" W.	Ukiah, Calif.
ALCOA	37°50'00" N. 125°50'00" W.	Ukiah, Calif.

AMENDMENTS 2/24/77 42 F. R. 55864 (Changed)

AMENDMENTS 10/6/77 42 F. R. 39379 (Changed)



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Waypoint name	Location	Reference facility
J939R Chicago, Ill., to Seattle, Wash.		
MORRI	41°55'53" N. 89°47'00" W.	Bradford, Ill.
ELBER	42°00'53" N. 92°15'40" W.	Dubuque, Iowa
COREY	42°58'37" N. 93°54'48" W.	Port Dodge, Iowa
HEIDY	44°07'06" N. 96°00'04" W.	Sioux Falls, S. Dak.
TURTS	44°45'05" N. 98°39'52" W.	Aberdeen, S. Dak.
REVAS	45°39'50" N. 103°12'58" W.	Dickinson, N. Dak.
Klein, Mont.	46°27'51" N. 108°26'58" W.	Billings, Mont.
HOLTE	46°51'21" N. 111°54'03" W.	Helena, Mont.
Avery, Idaho	47°10'05" N. 115°41'12" W.	Mullan Pass, Idaho
Amber, Wash.	47°17'02" N. 117°39'24" W.	Spokane, Wash.
Seattle, Wash.	47°26'08" N. 122°18'30" W.	Seattle, Wash.

Waypoint name	Location	Reference facility
J940R Seattle, Wash., to Chicago, Ill.		
Seattle, WA.	47°26'08" N. 122°18'30" W.	Seattle, WA.
Amber, WA.	47°17'02" N. 117°39'24" W.	Spokane, WA.
Avery, ID.	47°10'05" N. 115°41'12" W.	Mullan Pass, ID.
HOLTE	46°51'21" N. 111°54'03" W.	Helena, Mont.
Klein, MT.	46°27'51" N. 108°26'58" W.	Billings, MT.
REVAS	45°39'50" N. 103°12'58" W.	Dickinson, N. Dak.
TURTS	44°45'05" N. 98°39'52" W.	Aberdeen, S. Dak.
HEIDY	44°07'06" N. 96°00'04" W.	Sioux Falls, S. Dak.
ORATO	43°27'29" N. 93°09'59" W.	Mason City, Iowa
STOCK	42°21'21" N. 88°24'13" W.	Milwaukee, Wis.

Waypoint name	Location	Reference facility
J941R Dallas-Fort Worth, Tex., to Las Vegas, Nev.		
Dallas-Fort Worth, Tex.	32°51'57" N. 97°01'40" W.	Dallas-Fort Worth, Tex.
Bridgeport, TX.	33°14'16" N. 97°45'58" W.	Ardmore, OK.
CROWS	34°08'33" N. 99°45'50" W.	Wichita Falls, Tex.
Texico, NM.	34°29'42" N. 102°50'21" W.	Texico, NM.
PALMA	34°54'19" N. 105°18'29" W.	Las Vegas, N. Mex.
VOLCA	35°06'22" N. 106°39'29" W.	Socorro, N. Mex.
DEFER	35°26'19" N. 109°09'39" W.	Callup, N. Mex.
FOURR	35°41'03" N. 111°20'14" W.	Tuba City, Ariz.
Boulder City, NV.	35°59'45" N. 114°51'46" W.	Boulder City, NV.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Waypoint name	Location	Reference facility
J942R Dallas-Fort Worth, Tex., to Lubbock, Tex.		
Dallas-Fort Worth, Tex.	32°51'57" N. 97°01'40" W.	Dallas-Fort Worth, Tex.
Bridgeport, TX.	33°14'16" N. 97°45'58" W.	Ardmore, OK.
DIVER	33°46'13" N. 98°55'41" W.	Wichita Falls, Tex.
Guthrie, TX.	33°46'42" N. 100°20'09" W.	Abilene, TX.
Lubbock, TX.	33°42'18" N. 101°54'49" W.	Abilene, TX.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Waypoint name	Location	Reference facility
J944R MORRO to DINTY		
MORRO	34°02'51" N. 117°14'54" W.	Oceanside, Calif.
PERCH	33°52'03" N. 119°09'24" W.	Santa Barbara, Calif.
DINTY	33°29'00" N. 122°35'00" W.	Santa Barbara, Calif.

AMENDMENTS 10/6/77 42 F. R. 39379 (Changed)

Waypoint name	Location	Reference facility
J945R CAMEL to DINTY		
CAMEL	35°58'37" N. 111°12'21" W.	Tuba City, Ariz.
DODIE	35°21'49" N. 114°38'38" W.	Needles, Calif.
Palmdale, Calif.	34°37'53" N. 118°03'47" W.	Palmdale, Calif.
Santa Barbara, Calif.	34°30'35" N. 119°46'12" W.	Santa Barbara, Calif.
DINTY	33°29'00" N. 122°35'00" W.	Santa Barbara, Calif.

AMENDMENTS 10/6/77 42 F. R. 39379 (Changed)

Waypoint name	Location	Reference facility
J946R MORRO to FICKY		
MORRO	34°02'51" N. 117°14'54" W.	Oceanside, Calif.
Santa Catalina, CA.	33°22'30" N. 118°25'08" W.	Los Angeles, CA.
ROSIN	31°56'00" N. 120°15'00" W.	Los Angeles, Calif.
FICKY	31°35'00" N. 121°22'00" W.	Los Angeles, Calif.

AMENDMENTS 10/6/77 42 F. R. 39379 (Changed)

Waypoint name	Location	Reference facility
J947R CAMEL to GATES		
CAMEL	35°58'37" N. 111°12'21" W.	Tuba City, Ariz.
DODIE	35°21'49" N. 114°38'38" W.	Needles, Calif.
Palmdale, Calif.	34°37'53" N. 118°03'47" W.	Palmdale, Calif.
San Luis Obispo, Calif.	35°15'08" N. 120°45'31" W.	San Luis Obispo, Calif.
GATES	34°12'53" N. 123°03'27" W.	San Luis Obispo, Calif.

Waypoint name	Location	Reference facility
J948R New Orleans, La., to Oklahoma City, Okla.		
KENNA	29°59'05" N. 90°15'04" W.	New Orleans, La.
MONZA	30°30'42" N. 90°47'09" W.	New Orleans, La.
DIXIE	32°43'53" N. 93°50'55" W.	Shreveport, La.
DIBBS	35°10'02" N. 97°31'55" W.	Oklahoma City, Okla.

Waypoint name	Location	Reference facility
J949R Oklahoma City, Okla., to Houston, Tex.		
KAYES	35°16'32" N. 97°46'21" W.	Oklahoma City, Okla.
Dallas-Fort Worth, Tex.	32°51'57" N. 97°01'40" W.	Dallas-Fort Worth, Tex.
Navasota, Tex.	30°17'20" N. 96°03'30" W.	Humble, Tex.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Waypoint name	Location	Reference facility
J950R Houston, Tex., to Oklahoma City, Okla.		
REFIX	30°17'26" N. 95°19'55" W.	Humble, Tex.
Scurry, Tex.	32°27'52" N. 96°20'14" W.	Dallas-Fort Worth, Tex.
DIBBS	35°10'02" N. 97°31'55" W.	Oklahoma City, Okla.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Waypoint name	Location	Reference facility
J951R Washington, D. C., to St. Louis, Mo.		
Front Royal, Va.	39°05'28" N. 78°12'02" W.	Casanova, Va.
Henderson, WV.	38°45'15" N. 82°01'35" W.	Charleston, WV.
MINER	38°42'28" N. 83°54'20" W.	Louisville, Ky.
BORDE	38°37'12" N. 86°02'11" W.	Evansville, Ind.
Centralia, IL.	38°25'12" N. 89°09'32" W.	Capital, IL.
MOODS	38°34'28" N. 90°01'43" W.	Capital, Ill.

Waypoint name	Location	Reference facility
J952R New York, N. Y., to Hobby, Tex.		
Coyle, NJ.	39°49'02" N. 74°25'55" W.	Coyle, NJ.
Gordonsville, VA.	38°00'48" N. 78°09'12" W.	Richmond, VA.
COPPA	36°52'22" N. 80°35'26" W.	Greensboro, N. C.
BEECH	36°05'30" N. 82°04'58" W.	Spartanburg, S. C.
TRION	34°27'25" N. 85°14'12" W.	Atlanta, Ga.
IRONY	33°19'28" N. 87°13'18" W.	Montgomery, Ala.
Meridian, MS.	32°22'42" N. 88°48'15" W.	Jackson, MS.
BURKE	30°43'25" N. 93°24'11" W.	Lake Charles, La.
Humble, Tex.	29°57'24" N. 95°20'44" W.	Hobby, Tex.

Waypoint name	Location	Reference facility
J953R New Orleans, La., to New York, N. Y.		
New Orleans, LA.	30°01'47" N. 90°10'20" W.	New Orleans, LA.
Monroeville, AL.	31°27'37" N. 87°21'10" W.	Montgomery, AL.
Montgomery, AL.	32°13'20" N. 86°19'11" W.	Montgomery, AL.
STONE	33°39'00" N. 84°01'00" W.	Macon, Ga.
GRAMS	34°57'15" N. 82°06'05" W.	Columbia, S. C.
SEMOI	36°31'24" N. 79°25'48" W.	Raleigh-Durham, N. C.
Atlantic City, NJ.	39°27'21" N. 74°34'36" W.	Westminster, MD.

Waypoint name	Location	Reference facility
J954R Washington, D. C., to Detroit, Mich.		
Martinsburg, WV.	39°23'08" N. 77°50'55" W.	Philipsburg, PA.
BALSA	40°29'20" N. 81°04'05" W.	Appleton, Ohio
BURTS	41°42'00" N. 82°45'00" W.	Appleton, Ohio

Waypoint name	Location	Reference facility
J956R Memphis, Tenn., to Chicago, Ill.		
SURRY	34°56'34" N. 89°57'35" W.	Walnut Ridge, Ark.
MARIN	38°43'46" N. 89°51'54" W.	Capital, Ill.
CANTA	39°56'55" N. 89°37'16" W.	Centralia, Ill.
Kappa, IL.	40°50'22" N. 88°54'07" W.	Bradford, IL.
Joliet, IL.	41°32'47" N. 88°19'06" W.	Joliet, IL.
WRENS	41°48'38" N. 88°16'07" W.	Joliet, Ill.

AMENDMENTS 12/1/77 42 F. R. 55448 (Changed)

Waypoint name	Location	Reference facility
J957R Jacksonville, FL., to Washington, D. C.		
SIMON	30°41'20" N. 81°17'25" W.	Alma, Ga.
BAGGY	32°36'40" N. 80°27'00" W.	Charleston, S. C.
Florence, SC.	34°13'58" N. 79°39'26" W.	Florence, SC.
Richmond, VA.	37°30'08" N. 77°19'14" W.	Flat Rock, VA.
MARBY	38°30'12" N. 77°07'07" W.	Flat Rock, Va.

Waypoint name	Location	Reference facility
J958R Washington, DC., to Jacksonville, FL.		
Brooke, VA.	38°20'10" N. 77°21'11" W.	Richmond, VA.
Flat Rock, Va.	37°31'42" N. 77°49'43" W.	Richmond, Va.
SOCHE	34°37'30" N. 79°45'00" W.	Florence, S. C.
RITES	32°47'00" N. 80°37'30" W.	Charleston, S. C.
CHEST	30°52'25" N. 81°28'52" W.	Jacksonville, Fla.

Waypoint name	Location	Reference facility
J959R Miami, Fla., to Detroit, Mich.		
ANDRE	26°09'43" N. 80°17'38" W.	Vero Beach, Fla.
PONTE	30°12'23" N. 81°21'39" W.	Jacksonville, Fla.
Augusta, GA.	33°32'40" N. 82°08'00" W.	Columbia, SC.
RADER	36°06'51" N. 82°59'07" W.	Knoxville, Tenn.
MINER	38°42'28" N. 83°54'20" W.	Louisville, Ky.
Dayton, OH.	40°00'59" N. 84°23'49" W.	Fort Wayne, IN.
Milan, MI.	42°03'05" N. 83°44'55" W.	Fort Wayne, IN.

Waypoint name	Location	Reference facility
J960R DINTY to PARI		
DINTY	33°29'00" N. 122°35'00" W.	Santa Barbara, Calif.
PERCH	33°52'03" N. 119°09'24" W.	Santa Barbara, Calif.
RABBI	34°44'09" N. 117°08'00" W.	Hector, Calif.
SANUP	36°08'19" N. 113°51'29" W.	Peach Springs, Ariz.
PARIA	36°53'51" N. 111°55'43" W.	Bryce Canyon, Utah

AMENDMENTS 10/6/77 42 F. R. 39379 (Changed)

Waypoint name	Location	Reference facility
J961R DINTY to PARI		
DINTY	33°29'00" N. 122°35'00" W.	Santa Barbara, Calif.
Santa Barbara, Calif.	34°30'35" N. 119°46'12" W.	Santa Barbara, Calif.
Palmdale, Calif.	34°37'53" N. 118°03'47" W.	Palmdale, Calif.
RABBI	34°44'09" N. 117°08'00" W.	Hector, Calif.
SANUP	36°08'19" N. 113°51'29" W.	Peach Springs, Ariz.
PARIA	36°53'51" N. 111°55'43" W.	Bryce Canyon, Utah

AMENDMENTS 10/6/77 42 F. R. 39379 (Changed)

Waypoint name	Location	Reference facility
J962R FICKY to PARI		
FICKY	31°35'00" N. 121°22'00" W.	Los Angeles, Calif.
Santa Catalina, CA.	33°22'30" N. 118°25'08" W.	Los Angeles, CA.
RABBI	34°44'09" N. 117°08'00" W.	Hector, Calif.
SANUP	36°08'19" N. 113°51'29" W.	Peach Springs, Ariz.
PARIA	36°53'51" N. 111°55'43" W.	Bryce Canyon, Utah

AMENDMENTS 10/6/77 42 F. R. 39379 (Changed)

Waypoint name	Location	Reference facility
J963R GATES to PARI		
GATES	34°12'53" N. 123°03'27" W.	San Luis Obispo, Calif.
San Luis Obispo, CA.	35°15'08" N. 120°45'31" W.	San Luis Obispo, CA.
Palmdale, CA.	34°37'53" N. 118°03'47" W.	Palmdale, CA.
RABBI	34°44'09" N. 117°08'00" W.	Hector, Calif.
SANUP	36°08'19" N. 113°51'29" W.	Peach Springs, Ariz.
PARIA	36°53'51" N. 111°55'43" W.	Bryce Canyon, Utah

Waypoint name	Location	Reference facility
J964R Coaldale, Nev., to CLUKK		
Coaldale, NV.	38°00'12" N. 117°46'10" W.	Coaldale, NV.
BUCKO	37°40'09" N. 119°59'55" W.	Fresno, Calif.
MERLE	37°20'54" N. 122°50'36" W.	Oakland, Calif.
CLUKK	36°05'00" N. 124°50'00" W.	Oakland, Calif.

AMENDMENTS 2/24/77 42 F. R. 55864 (Changed)

AMENDMENTS 10/6/77 42 F. R. 39379 (Changed)

Corr: 42 F. R. 43971

Waypoint name	Location	Reference facility
J965R Coaldale, Nev., to ALCOA		
Coaldale, Nev.	38°00'12" N. 117°46'10" W.	Coaldale, Nev.
MANCA	37°46'30" N. 121°27'59" W.	Sacramento, Calif.
PALIS	37°36'00" N. 123°30'00" W.	Ukiah, Calif.
ALCOA	37°50'00" N. 125°50'00" W.	Ukiah, Calif.

AMENDMENTS 2/24/77 42 F. R. 55864 (Changed)

AMENDMENTS 10/6/77 42 F. R. 39379 (Changed)

Waypoint name	Location	Reference facility
J966R ALCOA to Mina, Nev.		
ALCOA	37°50'00" N. 125°50'00" W.	Ukiah, Calif.
PALIS	37°36'00" N. 123°30'00" W.	Ukiah, Calif.
MAYAN	38°00'02" N. 121°25'14" W.	Sacramento, Calif.
Mina, Nev.	38°33'55" N. 118°01'55" W.	Coaldale, Nev.

AMENDMENTS 2/24/77 42 F. R. 55864 (Changed)

AMENDMENTS 10/6/77 42 F. R. 39379 (Changed)

Waypoint name	Location	Reference facility
J967R CLUKK to Mina, Nev.		
CLUKK	36°05'00" N. 124°50'00" W.	Oakland, Calif.
MERLE	37°20'54" N. 122°50'36" W.	Oakland, Calif.
STANI	37°46'30" N. 120°51'48" W.	Linden, Calif.
Mina, Nev.	38°33'55" N. 118°01'55" W.	Coaldale, Nev.

AMENDMENTS 2/24/77 42 F. R. 55864 (Changed)

AMENDMENTS 10/6/77 42 F. R. 39379 (Changed)

Waypoint name	Location	Reference facility
J968R Denver, Colo., to Phoenix, Ariz.		
SHAWN	39°25'38" N. 105°27'51" W.	Denver, Colo.
CABIN	38°21'36" N. 106°34'31" W.	Gunnison, Colo.
FLORA	36°46'16" N. 108°09'14" W.	Farmington, N. Mex.
SHUMA	34°37'12" N. 110°09'36" W.	Winslow, Ariz.
Phoenix, Ariz.	33°25'53" N. 111°53'17" W.	Phoenix, Ariz.

Waypoint name	Location	Reference facility
J970R Denver, Colo., to Dallas, Tex.		
Lamar, Colo.	38°11'50" N. 102°41'14" W.	Garden City, Kans.
Ardmore, Okla.	34°12'41" N. 97°10'05" W.	Oklahoma City, Okla.



Waypoint name	Location	Reference facility
J971R San Antonio, TX., to Dallas, TX.		
HYETO	30°14'02" N. 98°26'56" W.	Austin, Tex.
Acton, TX.	32°26'04" N. 97°39'49" W.	Waco, TX.

Waypoint name	Location	Reference facility
J972R Dallas, Tex., to San Antonio, Tex.		
Waco, Tex.	31°39'44" N. 97°16'08" W.	Millsap, Tex.
Austin, TX.	30°17'51" N. 97°42'11" W.	San Antonio, TX.

Waypoint name	Location	Reference facility
J973R Seattle, Wash., to Salt Lake City, Utah		
COMBO	47°15'12" N. 121°53'53" W.	Yakima, Wash.
McKay, Oreg.	45°52'54" N. 119°28'48" W.	Pendleton, Oreg.
HORSE	43°46'40" N. 116°08'13" W.	Boise, Idaho
SPREE	41°28'18" N. 112°54'14" W.	Malad City, Idaho

Waypoint name	Location	Reference facility
J974R Washington, D. C., to Los Angeles, Calif.		
Front Royal, Va.	39°05'26" N. 078°12'02" W.	Casanova, Va.
Henderson, W. Va.	38°45'15" N. 082°01'35" W.	Charleston, W. Va.
MINER	38°42'28" N. 083°54'20" W.	Louisville, Ky.
MARIN	38°43'46" N. 089°51'54" W.	Capital, Ill.
HAWKS	38°42'35" N. 090°55'59" W.	Farmington, Mo.
TIGHT	38°21'43" N. 093°34'00" W.	Springfield, Mo.
Wichita, Kans.	37°43'40" N. 097°27'11" W.	Pioneer, Okla.
LARCH	37°10'36" N. 100°29'46" W.	Garden City, Kans.
SOFIA	36°25'38" N. 104°01'41" W.	Tucumcari, N. Mex.
SPRIN	36°15'07" N. 104°46'52" W.	Las Vegas, N. Mex.
DEFER	35°26'19" N. 109°09'39" W.	Gallup, N. Mex.
DRAKE	34°56'54" N. 112°32'15" W.	Prescott, Ariz.
CHUBS	34°32'20" N. 114°48'08" W.	Parker, Calif.
MORRO	34°02'51" N. 117°14'54" W.	Oceanside, Calif.

Waypoint name	Location	Reference facility
J975R Dallas, Tex., to El Paso, Tex.		
Acton, Tex.	32°26'04" N. 97°39'49" W.	Waco, Tex.
MARNE	32°17'42" N. 100°31'47" W.	San Angelo, Tex.
JALOP	32°06'49" N. 103°06'09" W.	Fort Stockton, Tex.
El Paso, Tex.	31°48'57" N. 106°16'52" W.	El Paso, Tex.

Waypoint name	Location	Reference facility
J976R Seattle, Wash., to Minneapolis, Minn.		
BOTHS	47°43'56" N. 122°05'03" W.	Seattle, Wash.
COULE	47°39'42" N. 119°24'00" W.	Ephrata, Wash.
Mullan Pass, ID.	47°27'25" N. 115°38'42" W.	Mullan Pass, ID.
EDENS	47°21'50" N. 111°25'15" W.	Great Falls, Mont.
MOULT	47°16'24" N. 109°34'42" W.	Lewiston, Mont.
BROCK	46°59'51" N. 105°50'24" W.	Miles City, Mont.
LARKS	46°29'51" N. 101°20'11" W.	Dupree, S. Dak.
Oakes, ND.	46°01'58" N. 98°09'59" W.	Aberdeen, SD.
Minneapolis, MN.	45°08'45" N. 93°22'23" W.	Minneapolis, MN.

Waypoint name	Location	Reference facility
J977R Portland, Oreg., to Chicago, Ill.		
Portland, Oreg.	45°44'53" N. 122°35'25" W.	Portland, Oreg.
McKay, Oreg.	45°52'54" N. 119°28'48" W.	Pendleton, Oreg.
GRANI	45°55'51" N. 116°12'25" W.	McCall, Idaho
Whitehall, Mont.	45°51'43" N. 112°10'08" W.	Whitehall, Mont.
ROCCO	45°41'03" N. 108°38'26" W.	Billings, Mont.
BRINK	45°29'21" N. 106°06'57" W.	Miles City, Mont.
MUDDY	45°08'17" N. 102°44'26" W.	Rapid City, S. Dak.
BONIL	44°34'07" N. 98°38'07" W.	Aberdeen, S. Dak.
HEIDY	44°07'06" N. 96°00'04" W.	Sioux Falls, S. Dak.
ORATO	43°27'29" N. 93°09'59" W.	Maso. City, Iowa
STOCK	42°21'21" N. 88°24'13" W.	Milwaukee, Wis.

Waypoint name	Location	Reference facility
J978R Chicago, Ill., to Portland, Oreg.		
MORRI	41°55'53" N. 89°47'00" W.	Bradford, Ill.
ELBER	42°00'53" N. 92°15'40" W.	Dubuque, Iowa
COREY	42°58'37" N. 93°54'48" W.	Fort Dodge, Iowa
HEIDY	44°07'06" N. 96°00'04" W.	Sioux Falls, S. Dak.
BONIL	44°34'07" N. 98°38'07" W.	Aberdeen, S. Dak.
MUDDY	45°08'17" N. 102°44'26" W.	Rapid City, S. Dak.
BRINK	45°29'21" N. 106°06'57" W.	Miles City, Mont.
ROCCO	45°41'03" N. 108°38'26" W.	Billings, Mont.
Whitehall, Mont.	45°51'43" N. 112°10'08" W.	Whitehall, Mont.
GRANI	45°55'51" N. 116°12'25" W.	McCall, Idaho
McKay, Oreg.	45°52'54" N. 119°28'48" W.	Pendleton, Oreg.
Portland, Oreg.	45°44'53" N. 122°35'25" W.	Portland, Oreg.

Waypoint name	Location	Reference facility
J981R Los Angeles, Calif., to Washington, D. C.		
Parker, Calif.	34°06'07" N. 114°40'53" W.	Needles, Calif.
Prescott, Ariz.	34°42'09" N. 112°28'46" W.	Phoenix, Ariz.
WELLS	35°13'59" N. 108°47'53" W.	St. Johns, Ariz.
MORAS	35°52'40" N. 105°18'54" W.	Las Vegas, N. Mex.
CANAS	36°21'15" N. 101°48'33" W.	Amarillo, Tex.
TANGY	36°32'14" N. 099°56'38" W.	Kingfisher, Okla.
IRWIN	37°30'10" N. 094°18'35" W.	Butler, Mo.
SPROT	37°56'21" N. 090°16'20" W.	Farmington, Mo.
CANTO	38°16'02" N. 085°35'26" W.	Louisville, Ky.
RENFO	38°24'04" N. 081°23'29" W.	Beckley, W. Va.
Diana, W. Va.	38°29'44" N. 080°11'01" W.	Beckley, W. Va.

Waypoint name	Location	Reference facility
J982R Los Angeles, Calif., to Kansas City, Mo.		
Parker, Calif.	34°06'07" N. 114°40'53" W.	Needles, Calif.
Prescott, Ariz.	34°42'09" N. 112°28'46" W.	Phoenix, Ariz.
WELLS	35°13'59" N. 108°47'53" W.	St. Johns, Ariz.
MORAS	35°52'40" N. 105°18'54" W.	Las Vegas, N. Mex.
CANAS	36°21'15" N. 101°48'33" W.	Amarillo, Tex.
TANGY	36°32'14" N. 099°56'38" W.	Kingfisher, Okla.
Wichita, Kans.	37°43'40" N. 097°27'11" W.	Pioneer, Okla.
FACTO	38°57'48" N. 095°05'22" W.	Butler, Mo.

Waypoint name	Location	Reference facility
J983R Miami, FL., to New Orleans, LA.		
HIGHT	26°11'22" N. 80°42'24" W.	Vero Beach, Fla.
Sarasota, FL.	27°23'51" N. 82°33'16" W.	Sarasota, FL.
NEPTA	28°36'40" N. 87°38'36" W.	Crestview, Fla.
New Orleans, LA.	30°01'47" N. 90°10'20" W.	New Orleans, LA.

Waypoint name	Location	Reference facility
J984R Hobby, Tex., to Miami, Fla.		
Humble, Tex.	29°57'24" N. 95°20'44" W.	Hobby, Tex.
Leeville, LA.	29°10'30" N. 90°06'14" W.	Leeville, LA.
NEPTA	28°36'40" N. 87°38'36" W.	Crestview, Fla.
Sarasota, FL.	27°23'51" N. 82°33'16" W.	Sarasota, FL.
REPLY	26°10'36" N. 81°06'53" W.	Palm Beach, Fla.

Waypoint name	Location	Reference facility
J985R San Antonio, TX., to Phoenix, AZ.		
San Antonio, TX.	29°38'38" N. 98°27'40" W.	Austin, TX.
TELLA	30°06'45" N. 100°00'31" W.	Junction, Tex.
Fort Stockton, TX.	30°57'07" N. 102°58'31" W.	Wink, TX.
TOYAH	31°31'23" N. 104°03'00" W.	Wink, Tex.
ORGAN	32°14'48" N. 106°52'20" W.	Truth or Consequences, N. Mex.
SHELL	32°47'55" N. 109°05'10" W.	San Simon, Ariz.
Phoenix, AZ.	33°25'53" N. 111°53'17" W.	Phoenix, AZ.

Waypoint name	Location	Reference facility
J987R Montreal, Canada, to J. F. Kennedy International Airport, NY.		
FAWNS	44°59'01" N. 74°05'33" W.	Plattsburgh, N. Y.
LOONS	44°25'15" N. 74°12'19" W.	Plattsburgh, N. Y.
Kingston, NY.	41°39'55" N. 73°49'22" W.	Huguenot, NY.
EMPTY	40°47'11" N. 74°02'36" W.	Kennedy, N. Y.

AMENDMENTS 12/30/76 41 F.R. 47227 (Changed)

Waypoint name	Location	Reference facility
J988R J. F. Kennedy International Airport, NY., to Montreal, Canada		
BELLE	41°02'17" N. 73°08'51" W.	Hampton, N. Y.
CHERI	42°40'52" N. 73°18'11" W.	Albany, N. Y.
Plattsburgh, NY.	41°48'18" N. 73°24'54" W.	Massena, NY.

Waypoint name	Location	Reference facility
J989R Newark, N. J./La Guardia Airport, N. Y., to Chicago, Ill.		
ULEMA	41°57'31" N. 76°33'39" W.	Slate Run, Pa.
HAMET	42°20'40" N. 79°05'55" W.	Slate Run, Pa.
Wixom, MI.	42°35'05" N. 83°33'35" W.	Cleveland, OH.
VERMI	42°37'50" N. 84°40'50" W.	Carleton, Mich.
POPPY	42°16'16" N. 87°36'28" W.	South Bend, Ind.

Waypoint name	Location	Reference facility
J990R Phoenix, AZ., to Bridgeport, TX.		
Phoenix, AZ.	33°25'53" N. 111°53'17" W.	Phoenix, AZ.
MULEY	33°21'55" N. 109°11'49" W.	St. Johns, Ariz.
Truth or Consequences, NM.	33°16'57" N. 107°16'48" W.	Socorro, NM.
Roswell, NM.	33°20'15" N. 104°37'15" W.	Roswell, NM.
PLAIN	33°20'52" N. 102°50'29" W.	Texico, N. Mex.
ROCKS	33°18'28" N. 99°50'01" W.	Abilene, Tex.
Bridgeport, TX.	33°14'16" N. 97°45'58" W.	Ardmore, OK.

Waypoint name	Location	Reference facility
J991R Minneapolis, Minn., to Dallas-Fort Worth, Tex.		
Minneapolis, MN.	45°08'45" N. 93°22'23" W.	Minneapolis, MN.
KAMRA	42°25'45" N. 93°43'56" W.	Fort Dodge, Iowa
Kansas City, Mo.	39°18'46" N. 94°35'28" W.	Kansas City, Mo.
Tulsa, Okla.	36°11'46" N. 95°47'16" W.	Tulsa, Okla.
Dallas-Fort Worth, Tex.	32°51'57" N. 97°01'40" W.	Dallas-Fort Worth, Tex.

AMENDMENTS 2/21/77 42 F. R. 55863 (Changed)

Waypoint name	Location	Reference facility
J992R Houston, Tex., to Tulsa, Okla.		
REFIX	30°17'26" N. 95°19'55" W.	Humble, Tex.
YANTI	32°54'39" N. 95°31'36" W.	Dallas-Fort Worth, Tex.
Tulsa, Okla.	36°11'46" N. 95°47'16" W.	Tulsa, Okla.

AMENDMENTS 2/24/77 42 F. R. 55863 (Changed)

Waypoint name	Location	Reference facility
J993R John F. Kennedy Airport, N. Y., to Miami, Fla.		
BOUND	38°06'45" N. 75°26'05" W.	Richmond, Va.
RESCO	36°47'30" N. 76°25'30" W.	Richmond, Va.
SURFY	34°06'00" N. 78°00'00" W.	Raleigh-Durham, N. C.
AZANA	32°23'32" N. 78°14'57" W.	Charleston, S. C.
GAUGE	30°25'29" N. 78°33'57" W.	Ormond Beach, Fla.
SAILS	30°00'00" N. 78°38'00" W.	Ormond Beach, Fla.
TARPO	28°00'00" N. 79°30'00" W.	Vero Beach, Fla.
PINKS	26°17'31" N. 79°54'49" W.	Palm Beach, Fla.

Waypoint name	Location	Reference facility
J994R John F. Kennedy Airport, N. Y., to Orlando, Fla.		
BOUND	38°06'45" N. 75°26'05" W.	Richmond, Va.
RESCO	36°47'30" N. 76°25'30" W.	Richmond, Va.
CLARK	34°26'30" N. 78°57'30" W.	Raleigh-Durham, N. C.
RITES	32°47'00" N. 80°37'30" W.	Charleston, S. C.
CHEST	30°52'25" N. 81°28'52" W.	Jacksonville, Fla.
Jacksonville, Fla.	30°27'00" N. 81°33'52" W.	Jacksonville, Fla.
Orlando, Fla.	28°32'33" N. 81°20'07" W.	Orlando, Fla.

Waypoint name	Location	Reference facility
J995R Dulles International Airport, Va., to Miami, Fla.		
Casanova, Va.	38°38'28" N. 77°51'57" W.	Gordonsville, Va.
Flat Rock, Va.	37°31'42" N. 77°49'43" W.	Richmond, Va.
SURFY	34°06'00" N. 78°00'00" W.	Raleigh-Durham, N. C.
AZANA	32°23'32" N. 78°14'57" W.	Charleston, S. C.
GAUGE	30°25'29" N. 78°33'57" W.	Ormond Beach, Fla.
SAILS	30°00'00" N. 78°38'00" W.	Ormond Beach, Fla.
HALBI	26°41'00" N. 79°08'05" W.	Vero Beach, Fla.
BONDI	26°03'28" N. 79°46'14" W.	Palm Beach, Fla.



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# Register Prepared

WEDNESDAY, JANUARY 4, 1978



## highlights

### "THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for January are being accepted for the free workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L St. N.W., Washington, D.C. in Room 9409 from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, Workshop Coordinator, 202-523-3517.

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816

### EMERGENCY SCHOOL AID

HEW/OE announces closing date for receipt of application for a majority of ESAA programs; closing date 2-28-78

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### MEDICAID AND MEDICARE

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780

HEW/HCFR proposes requirements and conditions for participation in programs, and for disclosure of information and access to provide records

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### HEALTH CARE

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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FEDERAL REGISTER, VOL. 43, NO. 2—WEDNESDAY, JANUARY 4, 1978

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NOTE: There were no items eligible for inclusion in the list of Rules Going Into Effect Today.

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## COMMUNITY SERVICES ADMINISTRATION

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## List of Public Laws

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## rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are  
keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.  
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL  
REGISTER issue of each month.

## [ 3410-02 ]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKET-  
ING SERVICE (MARKETING AGREE-  
MENTS AND ORDERS; FRUITS, VEGE-  
TABLES, NUTS), DEPARTMENT OF  
AGRICULTURE

[Navel Orange Reg. 422, Amdt. 1]

[Navel Orange Reg. 419, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN  
ARIZONA AND DESIGNATED PART OF  
CALIFORNIA

Amendment of Size Regulations

AGENCY: Agricultural Marketing Serv-  
ice, USDA.

ACTION: Amended rules.

SUMMARY: These amendments reduce  
the minimum size requirement appli-  
cable to fresh domestic shipments of  
navel oranges grown in the production  
area from 2.32 inches in diameter to 2.20  
inches in diameter. This action is de-  
signed to promote orderly marketing in  
the interest of producers and consumers.

EFFECTIVE DATE: December 30, 1977.

FOR FURTHER INFORMATION CON-  
TACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION:  
*Findings.* (1) Pursuant to the marketing  
agreement, as amended, and Order No.  
907, as amended (7 CFR Part 907), regu-  
lating the handling of navel oranges  
grown in Arizona and designated part  
of California, effective under the appli-  
cable provisions of the Agricultural Mar-  
keting Agreement Act of 1937, as  
ketting agreement and order, and upon  
the basis of the recommendations and  
information submitted by the Navel  
Orange Administrative Committee, es-  
tablished under the said amended mar-  
keting agreement and order, and upon  
other available information, it is hereby  
found that the regulation of handling of  
such navel oranges, as hereinafter pro-  
vided, will tend to effectuate the declared  
policy of the act.

(2) The need for decreasing the mini-  
mum size requirement for navel oranges  
results from changes that have taken  
place in the marketing situation. The  
marketing picture now indicates that  
there is a greater demand for such small-  
er navel oranges than existed when the  
regulations were made effective. There-  
fore, in order to provide an opportunity  
for handlers to handle such smaller  
navel oranges to fill the current market  
demand, the regulations should be  
amended, as hereinafter set forth.

(3) It is hereby further found that it  
is impracticable and contrary to the pub-  
lic interest to give preliminary notice,  
engage in public rulemaking procedure,  
and postpone the effective date of these  
amendments until 30 days after publi-  
cation thereof in the FEDERAL REGISTER  
(5 U.S.C. 553) because the time interven-  
ing between the date when information  
upon which these amendments are based  
became available and the time when  
these amendments must become effective  
in order to effectuate the declared policy  
of the act is insufficient, and these  
amendments relieve restrictions on the  
handling of navel oranges grown in Ari-  
zona and designated part of California.

Order. 1. The provisions of § 907.719  
Navel Orange Regulation 419 (42 FR  
63379) are amended to read as follows:

§ 907.719 Navel Orange Regulation 419.

(a) During the period December 30,  
1977, through February 2, 1978, no  
handler shall handle any navel oranges  
grown in District 2 which are of a size  
smaller than 2.20 inches in diameter,  
which shall be the largest measurement  
at a right angle to a straight line run-  
ning from the stem to the blossom end  
of the fruit: *Provided*, That not to ex-  
ceed 5 percent, by count, of the navel  
oranges contained in any type of con-  
tainer may measure smaller than 2.20  
inches in diameter.

(b) The terms "handler", "handle",  
and "District 2" as used herein shall  
have the same meaning as is given to  
the respective terms in said marketing  
agreement and order.

2. The provisions of § 907.722 Navel  
Orange Regulation 422 (42 FR 64360)  
are amended to read as follows:

§ 907.722 Navel Orange Regulation 122.

(a) During the period December 30,  
1977, through July 13, 1978, no handler  
shall handle any navel oranges grown  
in District 1 or District 3 which are of  
a size smaller than 2.20 inches in diame-  
ter, which shall be the largest measure-  
ment at a right angle to a straight line  
running from the stem to the blossom  
end of the fruit: *Provided*, That not to  
exceed 5 percent, by count, of the navel  
oranges contained in any type of con-  
tainer may measure smaller than 2.20  
inches in diameter.

(b) The terms "handler", "handle",  
"District 1," and "District 3" as used  
herein shall have the same meaning as  
is given to the respective terms in said  
marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C.  
601-674.)

Dated: December 29, 1977, to become  
effective December 30, 1977.

D. S. KURYLOSKI,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agri-  
cultural Marketing Service.

[FR Doc.78-60 Filed 1-3-78; 6:45 am]

## [ 1505-01 ]

Title 15—Commerce and Foreign Trade  
CHAPTER III—DOMESTIC AND INTERNA-  
TIONAL BUSINESS ADMINISTRATION,  
DEPARTMENT OF COMMERCE

PART 303—WATCHES AND WATCH  
MOVEMENTS

Codification of Watch Quota Rules

Correction

In FR Doc. 77-35701 appearing at page  
62907 in the issue for Wednesday, De-  
cember 14, 1977, make the following  
changes:

(1) On page 62908, in § 303.1 first col-  
umn, the text in parenthesis from lines  
21 through 23 should have read as fol-  
lows: " . . . (no provision is made for  
carryover of untutilized quota from one  
year to the next). . . ."

(2) On page 62910, middle column, in  
the 11th line of § 303.8(a) "Four DIB-  
321P" should have read "Form DIB-  
321P".

## [ 6750-01 ]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE  
COMMISSIONSUBCHAPTER A—ORGANIZATION, PROCEDURES  
AND RULES OF PRACTICE

## PART 0—ORGANIZATION

Cleveland Regional Office Change of  
Address

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This rule changes the ad-  
dress of the Cleveland Regional Office.

EFFECTIVE DATE: January 4, 1978.

FOR FURTHER INFORMATION CON-  
TACT:

Paul R. Peterson, Regional Director,  
Cleveland Regional Office, Federal  
Trade Commission, Suite 500, Mall  
Building, 118 Saint Clair Ave., Cleve-  
land, Ohio 44114, 216-522-4207.

<sup>1</sup> Editorial Note: Chapter III will be for-  
mally renamed at a future date to "Industry  
& Trade Administration, Department of  
Commerce."



Accordingly, 16 CFR 0.18(b)(4) is amended to change the address for the Cleveland Regional Office to Suite 500, Mall Building, 118 Saint Clair Avenue, Cleveland, Ohio 44114.

(15 U.S.C. 46(g) and 5 U.S.C. 552.)

By direction of the Commission.

CAROL M. THOMAS,  
Secretary.

[FR Doc.78-23 Filed 1-3-78; 8:45 am]

#### [ 6750-01 ]

##### PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

###### Subpart G—Reports of Compliance

###### Editorial Amendment

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This rule change deletes a reference to the Flammable Fabrics Act.

EFFECTIVE DATE: January 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Joseph N. Kuzew, Chief, Rules and Publications Branch, Federal Trade Commission, 6th and Pa. Ave., NW., Washington, D.C. 20580, 202-724-1185.

**SUPPLEMENTARY INFORMATION:** On May 14, 1973, functions under the Flammable Fabrics Act (15 U.S.C. 1191-1204) were transferred to the Consumer Product Safety Commission pursuant to section 30 of the Consumer Product Safety Act (15 U.S.C. 2079). Previously, the Department of Commerce, the Federal Trade Commission, and the Department of Health, Education, and Welfare had responsibilities under the Flammable Fabrics Act.

By notice published in Part III of the FEDERAL REGISTER on December 30, 1975 (40 FR 59884-59957), the Consumer Product Safety Commission codified flammability standards, policy statements, and interpretations under the Flammable Fabrics Act and transferred rules and regulations under that Act from Chapter 1 of Title 16, Code of Federal Regulations, Part 302 to Title 16, Code of Federal Regulations, Chapter II, Subchapter D.

On February 2, 1976, the Commission published in the FEDERAL REGISTER (41 FR 4814) amendments of Subparts D and G of Subchapter A of Chapter 1 of Title 16 of the Code of Federal Regulations, to delete references to the Flammable Fabrics Act. The amendment being made by this document was inadvertently omitted from the February 2, 1976, amendments.

Accordingly, 16 CFR 3.61(a) is amended by deleting the words "or where the order was issued under the

Flammable Fabrics Act," from the third sentence.

(Section 6(g), 38 Stat. 721, (15 U.S.C. 46); sec. (a) (1), 80 Stat. 383, (5 U.S.C. 552).)

By direction of the Commission.

CAROL M. THOMAS,  
Secretary.

[FR Doc.78-22 Filed 1-3-78; 8:45 am]

#### [ 6750-01 ]

##### PART 4—MISCELLANEOUS RULES

###### Editorial Amendments

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This rule change amends certain references in Part 4 of the Rules of Practice to conform them to a previous rule change appearing in the FEDERAL REGISTER issue of August 5, 1977.

EFFECTIVE DATE: Upon publication.

FOR FURTHER INFORMATION CONTACT:

Barry R. Rubin, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580, 202-523-3865.

**SUPPLEMENTARY INFORMATION:** On August 5, 1977, the Commission published in the FEDERAL REGISTER (42 FR 39658-9) amendments to §§ 2.34, 2.35, and 3.25, 16 CFR 2.34, 2.35, and 3.25, of its Rules of Practice. Those changes amended the Commission's rules governing disclosure of material pertaining to consent order settlements so as to make available for public inspection and copying, at the beginning of the period for public comment on such order, material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act; and to provide for a form of automatic withdrawal of proceedings from adjudication where consent agreements have been signed. The provisions of § 3.25(f), 16 CFR 3.25 (f), as published on August 5, 1977 were formerly contained in § 3.25(d), 16 CFR 3.25(d). Section 3.25(d) is referred to in § 4.9(b) (10) and (14), 16 CFR 4.9(b) (10) and (14), and accordingly should have been amended on August 5, 1977, to read § 3.25(f).

###### § 4.9 [Amended]

Accordingly, the references to § 3.25 (d) in 16 CFR 4.9(b) (10) and (14) are amended to read 3.25(f).

(15 U.S.C. 46 (f), (g) and 5 U.S.C. 552.)

By direction of the Commission.

CAROL M. THOMAS,  
Secretary.

[FR Doc.77-78-21 Filed 1-3-78; 8:45 am]

#### [ 8010-01 ]

##### Title 17—Commodity and Securities Exchanges

###### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5894 and IC-10071]

##### PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

###### Delegation of Authority to Director of Division of Investment Management

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

**SUMMARY:** The Commission is amending its rules governing the delegation of authority to the Director of its Division of Investment Management ("Director"). The new rule authorizes the Director to issue notices and orders under section 3(a) (2) of the Securities Act of 1933 in connection with applications for exemption from the registration provisions of the Securities Act of interests in certain stock bonus, pension, profit-sharing, and annuity plans. Such authority is limited to applications which appear to the Director to present issues previously settled by the Commission, and which do not require in the public interest or the interest of investors that a hearing be held. In such cases, the delegation of authority will permit more timely processing of applications by eliminating the delay occasioned by seeking Commission approval of the issuance of notices and orders under section 3(a) (2).

EFFECTIVE DATE: August 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Lawrence R. Bardfield, Office of Chief Counsel, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-376-8056.

**SUPPLEMENTARY INFORMATION:** In 1970, section 3(a) (2) (15 U.S.C. 77c(a) (2)) of the Securities Act of 1933 (15 U.S.C. 77a et seq.) ("Securities Act") was amended by adding, in pertinent part:

The Commission, by rules and regulations or order, shall exempt from the provisions of section 5 of this title (15 U.S.C. 77e) any interest or participation issued in connection with a stock bonus, pension, profit-sharing, or annuity plan which covers employees some or all of whom are employees within the meaning of section 401(c) (1) of the Internal Revenue Code of 1954, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.

Since that amendment, the Commission has granted several applications for

exemption under the authority conferred upon it. The Commission expects that other applicants will seek similar orders which present issues previously settled and which do not raise questions of fact or policy indicating that the public interest or the interest of investors requires that a hearing be held. The Commission therefore believes it is appropriate to delegate authority to the Director of the Division of Investment Management ("Director") to take the following actions with respect to such applications:

(1) To issue notices with respect to applications for orders where, upon examination, the matter does not appear to the Director to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or the interest of investors requires that a hearing be held.

(2) To authorize the issuance of orders where a notice has been issued and no request for a hearing has been received from any interested person within the period specified in the notice and the matter involved presents no issue that the Director believes has not previously been settled by the Commission and it does not appear to the Director to be necessary in the public interest or the interest of investors that a hearing be held.

To accomplish this delegation of authority, the Commission hereby amends 17 CFR 200.30-5 by adding a new paragraph (b-1) to read as follows:

§ 200.30-5 Delegation of authority to Director of Division of Investment Management.

(b-1) With respect to the Securities Act of 1933: (1) To issue notices with respect to applications for orders under section 3(a) (2) exempting from section 5 interests or participations issued in connection with stock bonus, pension, profit-sharing, or annuity plans covering employees some or all of whom are employees within the meaning of section 401(c) (1) of the Internal Revenue Act of 1954 where, upon examination, the matter does not appear to him to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or the interest of investors requires that a hearing be held.

(2) To authorize the issuance of orders where a notice has been issued and no request for a hearing has been received from any interested person within the period specified in the notice and the matter involved presents no issue that he believes has not been settled previously by the Commission and it does not appear to him to be necessary in the public interest or the interest of investors that a hearing be held.

The Commission finds that the foregoing action relates solely to agency management and personnel and, accord-

ingly, that notice and prior publication for comment under the Administrative Procedure Act (5 U.S.C. 553 et seq.) are unnecessary.

(Pub. L. 91-567, 84 Stat. 1497 (15 U.S.C. 77c (a) (2)); Pub. L. 87-592, 78 Stat. 394, as amended by Pub. L. 94-29, 89 Stat. 163 (15 U.S.C. 78d-1, 78d-2).)

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 23, 1977.

[FR Doc.78-4 Filed 1-3-78; 8:45 am]

#### [ 6560-01 ]

##### Title 40—Protection of Environment

[FEL 838-7]

###### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

###### SUBCHAPTER C—AIR PROGRAMS

##### PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS: ARIZONA

Sulfur Oxide Control Strategy and Regulations for Existing Nonferrous Smelters  
AGENCY: Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** EPA today promulgates State Implementation Plan regulations governing the emission of sulfur dioxide from the seven Arizona copper smelters. The regulations set emission limitations for these smelters, designed to ensure the attainment and maintenance of the sulfur dioxide national ambient air quality standards through the use of continuous emission reduction technology. Under the 1977 Amendments to the Clean Air Act, the seven affected Arizona smelters will not be required to comply immediately with these emission limits if they are able to demonstrate their eligibility for primary nonferrous smelter orders. These orders will permit an alternative and less stringent interim control plan for the smelters.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air and Hazardous Materials Division, EPA Region IX, 215 Fremont St., San Francisco, Calif. 94105, 415-556-0217.

**SUPPLEMENTARY INFORMATION:** The purpose of this notice is to promulgate regulations for the control of sulfur oxide emissions as seven existing copper smelters in the Phoenix-Tucson Intra-state Air Quality Control Region and the Arizona portion of the Arizona-New Mexico Southern Border Interstate Air Quality Control Region. The operator and location of each affected copper smelter are as follows:



a. *Phoenix-Tucson Intrastate Air Quality Control Region.* ASARCO Incorporated, Hayden, Gila County; Magma Copper Company, San Manuel Division, Pinal County; Kennecott Copper Corporation, Ray Mines Division, Gila County; Inspiration Consolidated Copper Company, Gila County; Phelps Dodge Corporation, New Cornelia Branch, Pima County.

b. *Arizona-New Mexico Southern Border Interstate Air Quality Control Region.* Phelps Dodge Corporation, Douglas Reduction Works, Cochise County; Phelps Dodge Corporation, Morenci Branch, Greenlee County.

The discussion which follows contains the background for this action, a summary of the relevant public comments received on the proposed rulemaking, the Administrator's responses to those comments, and a description of the regulations.

#### BACKGROUND

On May 31, 1972 (37 FR 10849) pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator disapproved the State of Arizona implementation plan for attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for sulfur oxides in the Phoenix-Tucson Intrastate Air Quality Control Region and the Arizona portion of the Arizona-New Mexico Southern Border Interstate Air Quality Control Region. The Administrator's disapproval was based on the fact that the plan did not provide for the attainment and maintenance of NAAQS for sulfur oxides in these Regions. On May 30, 1972 the Governor of Arizona submitted a revision to the state implementation plan incorporating regulations for the control of sulfur oxides from existing copper smelters, and on July 27, 1972 (37 FR 15081) the Administrator published his decision to disapprove these regulations. This decision was based on several factors. One major factor was that the regulations were not specific in a number of areas, which made it impossible to judge whether or not the regulations would have assured attainment and maintenance of the NAAQS. In addition, the regulations did not require constant control of emissions from copper smelters to achieve the NAAQS for sulfur oxides. Instead of constant emission controls, the Arizona regulations required the use of supplementary control systems (SCS) on a permanent basis to achieve the NAAQS.

On July 27, 1972 (37 FR 15096) the Administrator proposed regulations for the control of sulfur oxides emitted by all existing smelters in Arizona. The amount of control required for the attainment and maintenance of the NAAQS was based on the available air quality data from the State of Arizona and diffusion model estimates. Because public comments and analysis indicated that the air quality data were questionable, the regulations proposed on July 27, 1972 were not finalized. Instead, EPA established a monitoring network and collected air quality data at 23 sites in

the vicinity of the seven copper smelters located in Arizona. Data were collected from these sites during the period between July 1973 and November 1974.

Using these air quality data, new regulations were proposed by the Administrator on October 22, 1975 (40 FR 49362). The proposed regulations required the constant control of emissions from each smelter such that both the primary and secondary standards would be met. Paragraph 52.125(d) of the proposed regulations pertained to the control of fugitive emissions. Paragraph 52.125(e) established an ultimate emission limitation that was sufficient to attain and maintain NAAQS for each smelter. Paragraph 52.125(f) provided an interim alternative for certain smelters to the emission limit established in paragraph (e) if it were determined that those smelters would not be able to meet their ultimate emission limits through required acid plant technology alone. Specific provisions for use of SCS were included in this paragraph. Paragraph 52.125(g) established reporting requirements when any of the applicable emission limitations in paragraphs (e) and (f) were not met.

In December 1975, a public hearing was held on the proposed regulations in Douglas, San Manuel, Winkelman, Miami, Morenci, and Ajo, Arizona. Each location of the hearing was attended by EPA officials, smelter operators, state officials, and the public. Testimony was received during the hearing, and written comments were submitted to EPA by various individuals and organizations following the hearing. All comments and testimony presented to EPA on the proposed rulemaking were considered in the process of promulgating these regulations.

During 1976, the State of Arizona solicited comments from EPA on tentative state implementation plan (SIP) revisions for sulfur dioxide control at existing smelter locations. EPA responded to the State with detailed and general comments on the tentative SIP revisions. In January 1977, EPA received from the State of Arizona proposed sulfur oxide regulations for existing nonferrous smelters. The Agency is currently reviewing that submission, and if those regulations prove equivalent to those promulgated today, the Administrator will approve such regulations and rescind the Federal regulations promulgated herein.

In August 1977, the Clean Air Act Amendments became law. New section 302(k) of the Clean Air Act defines the "emission limitations" required by section 110 of the Act as specifically requiring the use of constant controls. Under new section 123 of the Act, no source may initiate the use of any dispersion technique to decrease the amount of constant control otherwise required of it in the SIP; under section 110, that amount of control is the amount needed to attain and maintain the NAAQS. These provisions, therefore, explicitly demand

that SIPs require all sources to attain and maintain the standards through constant controls alone, without reliance upon dispersion techniques.

The 1977 Amendments also adopt the substance of EPA's proposed interim control policy for Arizona copper smelters, but provide that the interim smelter policy is now to be implemented through a new enforcement mechanism rather than in SIPs. This mechanism, embodied in new section 119 of the Clean Air Act, provides that while smelters remain subject to the full constant control requirements of SIPs, compliance with those requirements may be temporarily deferred through the issuance of a primary nonferrous smelter order (NSO). An NSO operates in essence as an interim stay of enforcement of the SIP emission limitation. The NSO is only available to an existing smelter if it can establish that it cannot meet its SIP emission limit through the use of reasonably available control technology (RACT).

#### PUBLIC COMMENTS

The EPA hearing elicited substantial comment regarding the proposed regulations. The following section is a summary of the testimony and exhibits taken during the public hearing and the written submittals received during the comment period which pertain to this promulgation. It should be noted that other comments were received which addressed portions of the proposed regulations not being finalized in this rulemaking because of the intervening effect of the 1977 Clean Air Act Amendments.

**General Public Comments.** The vast majority of comments addressed the issue of economics with respect to the copper smelters and surrounding communities. Many commentators felt the proposed regulations were not economically feasible and would cause some Arizona copper smelters to close operations. They expressed concern for their jobs and felt the loss in revenues resulting from closure of the local smelter would severely affect the local community and schools.

Other general comments expressed concern that health effects data did not support a need for sulfur dioxide (SO<sub>2</sub>) control; evidence was given by referring to the long lives of certain people in the local area. Some commentators felt local citizens should determine the emission regulations while others felt State regulations and standards were adequate. Nevertheless, some public testimony and a significant portion of the written comments supported the EPA proposed rulemaking. These people expressed their desire for clean air and supported SO<sub>2</sub> control based upon its visual and health effects. Some commentators felt the state should not be trusted to protect public health and welfare while others urged EPA to adopt stricter regulations than those proposed.

**Comments from the State.** The State of Arizona supported a general concept of positive emission control. They recommended treatment of converter gases

by sulfuric acid plants. They also recommended specific emission limitations for each smelter and enforcement of these emission limits by total sulfur accountability.

**SIP Emission Limits.** A number of commentators criticized various aspects of the proposed SIP emission limits. Some felt that the moving six-hour averaging period for determining compliance with the emission limit was too short. Suggestions for longer periods included recommendations for daily and monthly averaging periods. It was also suggested that the ambient air quality readings used to derive the SIP emission limits be the second highest recorded values rather than the highest recorded values. Certain persons also felt that EPA should have employed dispersion or diffusion modeling in calculating these limits. A number of smelter operators contended that EPA should have used air quality data obtained after its monitoring network was discontinued in order to take account of possible differences in pollutant levels resulting from alterations in configuration at various smelters. The Magma Copper Company believed that EPA should not use ambient data from the Slag Pond monitor site, because the public did not have access to that site. Various smelter operators thought that EPA should have taken account of the possible effects of low level (fugitive) emissions on measured ambient concentrations in setting the limits, although none suggested a methodology for doing so. Finally, Phelps Dodge Corporation testified that its Ajo smelter could not meet the SIP emission limit with the constant controls presently operating at that facility.

**Monitoring Requirements.** Technical comments recommended the use of total sulfur accountability rather than in-stack monitoring for determining compliance with emission limits. It was felt that continuous stack monitoring was impractical, unreliable, and costly. In addition, if monitoring requirements do not conform to existing conditions, one commentator contended that an unnecessary and expensive relocation of sampling ports will be required.

**Legal Considerations.** Commentators argued that the opportunity for cross-examination should have been granted at the public hearing.

#### RESPONSE TO COMMENTS

The following is the Administrator's general response to the major oral and written comments made by the public. A more detailed response to many of the comments, as well as responses to certain less significant comments, is provided by the explanations and justifications found in the Technical Support Document accompanying this promulgation. That document is available from the address listed above and is incorporated into this notice by reference.

**SIP Emission Limits.** This limitation is designed to assure that NAAQS will be attained and maintained by constant emission controls without the use of dis-

person techniques. This limit is based on the direct relationship between SO<sub>2</sub> emissions from each smelter and the attainment of NAAQS for SO<sub>2</sub> in the area affected by those emissions.

Since the secondary air quality standard for SO<sub>2</sub> is based on a three-hour average, a short time averaging period for the SIP emission limit is required to protect this short term air quality standard. Thus a long averaging period (such as those suggested by some commentators) for the SIP emission limit would provide no assurance that short term NAAQS would be protected. For example, if a daily averaging period were used, stack emissions could be large during part of the day, violating the secondary (three-hour) NAAQS, while production could be decreased for the remainder of the day such that the emission limit would be met on an average basis. For this reason, the moving six-hour averaging period cannot be relaxed without defeating the basic purpose of the secondary NAAQS. In the Administrator's judgment, a moving six-hour averaging period is sufficiently stringent to protect the SO<sub>2</sub> air quality standards and is the shortest period which can be reasonably used for copper smelters to determine compliance with the SIP emission limit.

The SIP emission limits in the proposed rulemaking were based on a proportional relationship between air quality levels and emission rates. It was suggested at the public hearing, however, that dispersion modeling should be used in this calculation. EPA subsequently tried many different modeling approaches, but found that the model results were inadequate for the prediction of absolute short-term concentrations because of the complex terrain surrounding most of the Arizona smelters and the lack of precise meteorological and emission data. Thus, the Administrator has used measured air quality data to develop the SIP emission limits for these regulations.

In areas where sufficient air quality data exist to insure that the monitors have measured the highest ambient concentration, the second highest ambient concentration is usually appropriate to establish the SIP emission limitations. However, the monitoring data for the Arizona smelters were not sufficient to insure that the highest ambient concentration was measured by the monitors. This was illustrated through the use of dispersion modeling on a comparative basis to compare measured air quality data with predicted data. This comparison demonstrated that the existing air quality monitors were likely not located at points of maximum concentration and therefore did not measure the highest concentration of SO<sub>2</sub> in the vicinity of each smelter. Therefore, the highest measured concentrations in each smelter area were selected for developing these SIP emission limits.

Magma Copper Company indicated in its comments on the proposed regulations that the use of the Slag Dump monitoring data was inappropriate

since the monitor was in an area inaccessible to the general public. EPA has confirmed that this monitor is located on property within Magma's general process area and is inaccessible to the general public. Therefore, EPA has used data from another monitor to determine the SIP emission limit for the Magma smelter. This limit is therefore less stringent than the one originally proposed.

Some commentators also questioned EPA's decision not to use ambient data from periods subsequent to that gathered by EPA's monitoring network. The later data are less reliable, EPA believes, because of the many changes being made by many smelters during the later periods. Ambient data collected during the construction and testing phases of smelter modifications occurring during the later periods were unsuitable due to the lack of concurrent continuous emission data and the possibility that abnormal operating conditions existed at some of the smelters during this time. In addition, since 1974 many of the ambient monitoring stations have been repaired, replaced, or removed; the quality of the source-receptor relationships was therefore considered less adequate than during the 1973-74 period. Moreover, the use of the 1973-74 data is not likely to produce significantly different limitations than would later data, because the correspondingly smaller percentage reductions needed to meet the SIP limit would be applied to the decreased stack emissions which resulted from improved controls.

It was also argued by some commentators that EPA should have accounted in its calculation of the SIP emission limits for the possible effects of low level fugitive emissions on measured ambient concentrations. EPA recognizes that such emissions can have some effect on measured air quality values, although the effect will not generally be comparable to that of stack emissions (i.e., on monitors, such as these, sited to measure maximum impact of stack emissions). There is at the present time, however, inadequate technical understanding of the precise relationship of such emissions to measured readings to allow any meaningful quantitative evaluation of their impact. These emissions have variable emission points, both at each smelter and from one smelter to another. Moreover, there is presently no way to measure precisely the emissions themselves, since their release points are not well-defined. In sum, there is currently no accurate way to either model or measure the impact of these emissions on measured air quality values; no method for doing so was suggested by any commentator.

**Legal Considerations.** The question of whether EPA should have held an adjudicatory hearing during the public hearing for proposed rulemaking was raised by several commentators. This question has been litigated and resolved by several court cases. Most relevant to this rulemaking, the case of



*Anaconda v. Ruckelshaus*, 482 F.2d 1301, 1308 (10th Cir., 1973), held that neither the Clean Air Act nor the Administrative Procedure Act compelled EPA to permit cross-examination before promulgating a SIP for Montana, even though the plan contained SO<sub>2</sub> emission standards applicable only to the Anaconda smelter. Furthermore, the legislative history of the 1977 Clean Air Act Amendments confirms the intention of Congress that adjudicatory hearings are not required in rulemaking actions of this kind. In this context, it is the Administrator's judgment that an adjudicatory hearing for this action is unnecessary. (See also, *Buckeye Power, Inc., et al. v. EPA*, 481 F.2d 162, 172 (6th Cir., 1973); *United States v. Florida East Coast R. Co.*, 410 U.S. 224, 240 (1973).)

**Monitoring Requirements.** Technical comments on the proposed rulemaking indicated that continuous stack monitors were unavailable and inaccurate for measuring SO<sub>2</sub>. Subsequently, EPA requested information from various manufacturers of continuous monitors on the availability, accuracy, and reliability of this equipment. Many responses have been received indicating that these monitors are currently available. Recognizing certain problems of moisture and grain loading with this type of sampling, the manufacturers stated they would build and install such monitors under a turnkey contract and that they would guarantee the operation, reliability, and accuracy of this equipment including specifications such as equipment calibration and range sensitivity. Therefore, in order to enforce and determine compliance with these regulations, the Administrator is requiring the installation and use of continuous stack monitors for SO<sub>2</sub> measurement. In addition, the smelter will be subject to the source test procedure specified in Method 8 (40 CFR Part 60) for determining compliance with the emission limitations when required by the Administrator.

Phelps Dodge asserted that the proposed requirement that continuous monitors be located at least eight stack diameters downstream from any flow disturbance would require the expenditure of \$550,000 for the relocation of sampling ports. The Administrator has reviewed this requirement and has determined that it is not essential for reliable monitoring. Therefore, the regulation now permits location of sampling ports at other points, if the new location is approved by the Administrator. Approval would be expected for the Morenci and Ajo smelters once EPA can confirm the adequacy of the existing sampling ports at those smelters.

#### REGULATIONS

**Description of Regulations.** The final regulations are provided in § 52.125(d) with reference to two appendices of 40 CFR Part 52 (Appendices D and E). Paragraph 52.125(d) sets a specific emission limitation for each smelter to be achieved by constant control technology sufficient to meet all NAAQS for SO<sub>2</sub>.

In addition, continuous monitoring of the stack effluents and acid plant bypass ducts is required. Appendix D of Part 52 specifies procedures for the determination of SO<sub>2</sub> concentrations, and Appendix E of Part 52 contains procedures for the determination of volumetric flow rates. These appendices were promulgated in the February 6, 1975 *FEDERAL REGISTER* (40 FR 5517).

This final rulemaking represents the culmination of the process of establishing an initial Arizona state implementation plan for sulfur dioxide for the two air quality control regions (AQCR) involved, a process begun and carried out under the authority and requirements of sections 110 (a) and (c) of the Clean Air Act. Consistent with those requirements, these regulations establish an attainment date for sulfur dioxide for the two affected AQCRs of (three years from date of publication). The Administrator has determined that this attainment date requires attainment of the primary standards as expeditiously as practicable and attainment of the secondary standards in a reasonable time.

The regulations promulgated today also include a requirement for each smelter to submit to the Administrator for approval a proposed schedule for compliance with its SIP emission limitation. General increments of progress and dates for achievement are also specified. A provision is included in the regulations for a smelter to submit for approval a compliance schedule with alternative dates for achievement of each increment of progress.

All technical numbers in the regulations are given in standard IS (International System) units with English equivalents given in parentheses. These numbers in parentheses are specified for reference only and will not be used for compliance purposes.

Calculations of the SIP emission limits are detailed in: "Technical Support Document: Regulations for Control of Sulfur Dioxide Emissions from Arizona Copper Smelters." This document is available for review at:

U.S. Environmental Protection Agency, Region IX, 215 Fremont St., San Francisco, Calif. 94105.  
Arizona Department of Health Services, 1740 West Adams St., Phoenix, Ariz. 85007.

**Compliance with Emission Limitations.** As previously discussed, new section 119 of the Clean Air Act now provides that while smelters are subject to the constant control requirements of SIPs, compliance with SIP emission limitations may be temporarily deferred in certain cases through the issuance of a nonferrous smelter order (NSO). A NSO is only available to an existing smelter if it can establish to the satisfaction of the Administrator that it cannot meet its SIP emission limit through the use of reasonably available control technology (RACT). While EPA does not now have the information which would allow a determination of the extent to

which the equipment now in use at any affected smelter represents RACT for that smelter, the information now available to the Agency indicates that none of the seven smelters can meet its SIP emission limitation, at its maximum production capacity, through the use of the equipment now on-line.

One option available to any source for meeting its SIP emission limit is permanent production curtailment, although that is not required by EPA in any instance.

The smelter owned by Inspiration Consolidated Copper Company is the most likely of all the Arizona smelters to meet its SIP emission limit through permanent production curtailment. However, based on the maximum production capacity of the smelter as reported to EPA by Inspiration, this smelter, like the other Arizona smelters, cannot now meet its SIP emission limit at that capacity. Nevertheless, EPA recognizes that Inspiration could choose to slightly reduce the maximum level at which the smelter is operated and thereby meet its SIP emission limit. Therefore Inspiration, as well as the other Arizona copper smelters, has the option of meeting the SIP emission limit promulgated in these regulations or of seeking an NSO.

**Fugitive Emission Control and Excess Emission Reporting Requirements.** The regulations proposed in October 1975 contained provisions requiring the application of specific control measures to alleviate the problem of fugitive (low level) emissions at the Arizona smelters. The 1975 proposal also would have required the reporting of excess emissions from each smelter along with certain related information. Both sets of requirements were premised on what EPA believed would be the compliance configuration of each smelter. The requirements thus would have corresponded to the configurations and control technology to be used in complying with the proposed regulations.

Fugitive emission controls are necessary at the Arizona smelters because the low level release points of these emissions can result in sulfur dioxide concentrations in the immediate vicinity of the smelters in violation of the NAAQS for SO<sub>2</sub>. Furthermore, excess emission reporting provisions are designed to encourage good operating and maintenance practices at the smelters without penalizing any smelter for excess emissions resulting solely from unavoidable equipment malfunctions and without undermining the enforceability of the emission limitations. Because both sets of requirements presume a knowledge of the smelter configurations to which they will apply and because EPA does not now have that knowledge for final SIP compliance purposes, neither is being finalized in this rulemaking. They will, however, be promulgated for any smelter if necessary when the compliance configuration of that smelter can be determined. That would be expected to occur if any smelter

elects to comply with the SIP emission limitation rather than seeking a NSO, or upon the denial, expiration, or termination of a NSO. In the interim, appropriate corresponding requirements will be embodied in the NSOs themselves where necessary.

**NSO Application.** EPA expects that each Arizona smelter will apply to the Agency for an NSO under section 119 of the Clean Air Act. Application may be made after the effective date of this regulation. Guidance covering the application for an NSO will be available from the EPA Region IX office whose address appears above.

The regulations promulgated herein are effective February 3, 1978.

This Notice of Final Rulemaking is issued under the authority of sections 110, 114, and 301 of the Clean Air Act as amended (42 U.S.C. 7410, 7414, and 7601).

**NOTE.**—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation or Economic Impact Statement under Executive Order 11821 and OMB Circular A-107 or under section 317 of the Clean Air Act.

Dated: December 28, 1977.

DOUGLAS M. COSTLE,  
Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

#### Subpart D—Arizona

1. In § 52.125, paragraph (d) is added to read as follows:

§ 52.125 Control strategy and regulations: sulfur oxides.

(d) **Regulation for control of sulfur dioxide emissions (Phoenix-Tucson Intrastate and Arizona-New Mexico Southern Border Interstate Regions).** (1) (i) The owner or operator of any copper smelter located in the Phoenix-Tucson Intrastate Region and identified in this subparagraph shall comply with all the requirements of this paragraph.

(ii) After (three years from date of publication), the owner or operator of any smelter subject to this subparagraph shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of the following:

(a) In Pinal County: Magma Copper Company, San Manuel Division—9,000 kilograms per hour (19,850 lb/hr) maximum 6-hour average.

(b) In Gila County: ASARCO Incorporated, Hayden—2,140 kilograms per hour (4,710 lb/hr) maximum 6-hour average.

(c) In Gila County: Kennecott Copper Corporation, Ray Mines Division—1,750 kilograms per hour (3,850 lb/hr) maximum 6-hour average.

(d) In Gila County: Inspiration Consolidated Copper Company—1,450 kilograms per hour (3,180 lb/hr) maximum 6-hour average.

(e) In Pima County: Phelps Dodge Corporation, New Cornelia Branch—2,870 kilograms per hour (6,310 lb/hr) maximum 6-hour average.

(2) (i) The owner or operator of any copper smelter located in the Arizona-New Mexico Southern Border Interstate Region and identified in this subparagraph shall comply with all the requirements of this paragraph.

(ii) After (three years from date of publication), the owner or operator of any smelter subject to this subparagraph shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of the following:

(a) In Cochise County: Phelps Dodge Corporation, Douglas Reduction Works—5,870 kilograms per hour (12,940 lb/hr) maximum 6-hour average.

(b) In Greenlee County: Phelps Dodge Corporation, Morenci Branch—6,640 kilograms per hour (14,630 lb/hr) maximum 6-hour average.

(3) The limitations specified in paragraphs (d) (1) (i) and (d) (2) (ii) of this section shall be determined by the methods of measurement and calculation specified in paragraphs (d) (5) and (d) (6) of this section respectively. The specified limitations shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur oxide control and removal equipment, but not including uncaptured fugitive emissions and those emissions due solely to the use of fuel for space heating or steam generation.

(4) (i) The owner or operator of any smelter to which this paragraph is applicable shall no later than thirty (30) days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with paragraph (d) (1) or (d) (2) of this section as expeditiously as practicable, but not later than the date specified in paragraph (d) (1) (ii) or (d) (2) (ii) of this section.

(ii) The compliance schedule submitted to the Administrator pursuant to paragraph (d) (4) (i) of this section shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress and dates for achievement shall include, but not be limited to, the following:

(a) No later than two (2) months following the effective date of this paragraph—Submit a final control plan to the Administrator for meeting the requirements of paragraph (d) (1) or (d) (2) of this section;

(b) No later than four (4) months following the effective date of this paragraph—Let necessary contracts or issue purchase orders for process and/or control equipment to be used to accomplish the required emission control;

(c) No later than six (6) months following the effective date of this paragraph—Initiate on-site construction or installation of emission control equipment and/or process modification;

(d) No later than thirty-three (33) months following the effective date of this paragraph—Complete on-site construction or installation of emission control equipment and/or process modification;

(e) No later than (three years from date of publication)—Achieve full compliance with the requirements of paragraph (d) (1) or (d) (2) of this section.

(iii) The owner or operator of any smelter subject to the requirements of this paragraph shall certify to the Administrator within five (5) days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(iv) Notice must be given to the Administrator at least thirty (30) days prior to conducting a performance test to afford him the opportunity to have an observer present.

(v) If any smelter subject to this paragraph is currently in compliance with the requirements of paragraph (d) (1) or (d) (2) of this section, the owner or operator of such smelter shall certify such compliance to the Administrator within thirty (30) days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(vi) Within thirty (30) days of the effective date of this paragraph, the owner or operator of any smelter subject to this paragraph may submit to the Administrator for approval a proposed alternative compliance schedule. Each such proposed compliance schedule shall demonstrate compliance with paragraph (d) (1) or (d) (2) of this section as expeditiously as practicable. No such compliance schedule may provide for final compliance after January 4, 1981. If approved by the Administrator, such schedule shall replace the compliance schedule set forth in paragraph (d) (4) (ii) of this section.

(vii) Any compliance schedule submitted to the Administrator pursuant to paragraph (d) (4) (vi) of this section shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to, the increments specified in paragraph (d) (4) (ii) of this section.

(5) (i) The owner or operator of any smelter to which this paragraph is applicable shall install, calibrate, maintain, and operate a measurement system(s) for continuously monitoring sulfur dioxide emissions and stack gas volumetric flow rates in each stack which could emit 5 percent or more of the total potential (without emission controls) hourly sulfur oxide emissions from the source and in the outlet of each sulfur dioxide control facility. For the purpose of this paragraph, "continuous monitoring" means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each



affected stack in each 15-minute period.

(ii) Within nine (9) months after the effective date of this paragraph, and at such other times in the future as the Administrator may specify, the sulfur dioxide concentration measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix D to this Part.

(iii) Within nine (9) months after the effective date of this paragraph, and at such other times in the future as the Administrator may specify, the stack gas volumetric flow rate measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix E to this Part.

(iv) The Administrator shall be notified at least thirty (30) days in advance of the start of the field test period required in Appendices D and E to this Part to afford the Administrator the opportunity to have an observer present.

(v) (a) The sampling point shall be located at least eight stack diameters (diameter measured at sampling point) downstream and two diameters upstream from any flow disturbance such as a bend, expansion, constriction, or flame, unless another location is approved by the Administrator.

(b) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.645 m<sup>2</sup> (50 ft<sup>2</sup>) or at a point no closer to the wall than 0.914 m (3 ft) if the cross sectional area is 4.645 m<sup>2</sup> (50 ft<sup>2</sup>) or more. The monitor sample point shall be in an area of small spatial concentration gradient and shall be representative of the concentration in the duct.

(vi) The measurement system(s) installed and used pursuant to this paragraph shall be subject to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

(vii) The owner or operator of any smelter subject to this paragraph shall maintain a record of all measurements required by this paragraph. Measurement results shall be expressed as kilograms of sulfur dioxide emitted per 6-hour period. A 6-hour average value calculated pursuant to paragraph (d) (6) (i) of this section shall be reported as of each hour for the preceding 6-hour period. Results shall be summarized monthly and shall be submitted to the Administrator within fifteen (15) days after the end of each month. A record of such measurements shall be retained for at least two years following the date of such measurements.

(viii) The continuous monitoring and recordkeeping requirements of this paragraph shall become applicable nine (9) months after the effective date of this paragraph.

(6) (i) Compliance with the requirements of paragraphs (d) (1) and (d) (2) of this section shall be determined using the continuous measurement system(s) installed, calibrated, maintained, and operated in accordance with the requirements of paragraph (d) (5) of this section. For all stacks equipped with the measurement system(s) required by paragraph (d) (5) of this section, a 6-hour average sulfur dioxide emission rate shall be calculated as of the end of each clock hour, for the preceding six hours, in the following manner:

(a) Divide each 6-hour period into twenty-four 15-minute segments.

(b) Determine on a compatible basis a sulfur dioxide concentration and stack gas flow rate measurement for each 15-minute period for each affected stack. These measurements may be obtained either by continuous integration of sulfur dioxide concentration and stack gas flow rate measurements (from the respective affected facilities) recorded during the 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration and stack gas flow readings equally spaced over the 15-minute period. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and the readings shall be similarly spaced within each 15-minute period.

(c) Calculate the arithmetic average from all 24 emission rate measurements in each 6-hour period for each stack. Measurements will be reported in kg SO<sub>2</sub>/hr.

(d) Total the average sulfur dioxide emission rates for all affected stacks.

(ii) Notwithstanding the requirements of paragraph (d) (6) (i) of this section, compliance with the requirements of paragraphs (d) (1) and (d) (2) of this section shall also be determined by using the methods described below at such times as may be specified by the Administrator. For all stacks equipped with the measurement system(s) required by paragraph (d) (5) of this section, a 6-hour average sulfur dioxide emission rate (kg SO<sub>2</sub>/hr) shall be determined as follows:

(a) The test of each stack emission rate shall be conducted while the processing units vented through such stack are operating at or above the maximum rate at which they will be operated and under such other conditions as the Administrator may specify.

(b) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the overall test procedure.

(c) Three independent sets of measurements of sulfur dioxide concentrations and stack gas volumetric flow rates shall be conducted during three 6-hour periods for each stack. Each 6-hour period will consist of three consecutive 2-hour periods. Measurements of emissions from all stacks on the smelter premises need not be conducted simultaneously. All tests must be completed within a 72-hour period.

(d) In using Method 8, traversing shall be conducted according to Method 1 as described in Part 60 of this chapter. The minimum sampling volume for each 2-hour test shall be 1.133 m<sup>3</sup> (40 ft<sup>3</sup>) corrected to standard conditions, dry basis.

(e) The volumetric flow rate of the total effluent from each stack evaluated shall be determined by using Method 2 as described in Part 60 of this chapter and by traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in Part 60 of this chapter. Moisture content shall be determined by use of Method 4 as described in Part 60 of this chapter except that stack gases arising only from a sulfuric acid production unit may be considered to have zero moisture content.

(f) The gas sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

(g) For each 2-hour test period, the sulfur dioxide emission rate for each stack shall be determined by multiplying the stack gas volumetric flow rate (m<sup>3</sup>/hr at standard conditions, dry basis) by the sulfur dioxide concentration (kg/m<sup>3</sup> at standard conditions, dry basis). The emission rate in kg/hr maximum 6-hour average for each stack is determined by calculating the arithmetic average of the results of the three 2-hour tests conducted within a 6-hour period.

(h) The average emission rate from the three independent sets of measurements in kg/hr maximum 6-hour average for each stack is determined by calculating the arithmetic average of the 6-hour values calculated pursuant to paragraphs (d) (6) (ii) (g) of this section.

(i) The sum total of sulfur dioxide emissions from the smelter premises in kg/hr is determined by adding together the emission rates (kg/hr) from all stacks equipped with the measurement system(s) required by paragraph (d) (5) of this section.

2. In § 52.125, a citation of authority is added after paragraph (d) to read as follows:

§ 52.125 Control strategy and regulations: sulfur oxides.

(This section is also issued under the authority of section 114 of the Clean Air Act, as amended, 42 U.S.C. § 7414.)

3. In § 52.131, the table and footnotes are amended as follows:

§ 52.131 [Amended]

(A) In the attainment date columns for sulfur oxides in the Arizona-New Mexico Southern Border Interstate Region, the footnote entries in the "Primary" and "Secondary" columns, respectively, are amended to read as follows:

Sulfur oxides	
Primary b	Secondary b
(B) In the attainment date columns for sulfur oxides in the Phoenix-Tucson Intrastate Region, the footnote entries in the "Primary" and "Secondary" columns, respectively, are amended to read as follows:	
Sulfur oxides	
Primary b	Secondary b

(C) Footnote "b" is amended to read as follows:

b. January 4, 1981.

(D) Footnote "i" is amended to read as follows:

i. [Reserved]

[FR Doc. 78-77 Filed 1-3-78; 8:45 am]

[ 4310-10 ]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 114-26.5—GSA Procurement Programs

CONTROLLING THE PURCHASE OF MOTOR VEHICLES

AGENCY: Office of the Secretary, Interior.

ACTION: Final regulations.

SUMMARY: This document revises and reissues the procedures for controlling the purchase of motor vehicles to ensure that maximum fuel efficiency is achieved.

DATE: This revision is effective immediately.

FOR FURTHER INFORMATION CONTACT:

James O. Wyatt, Chief, Division of Property Management, Office of Administrative and Management Policy, Department of the Interior, Washington, D.C. 20240, telephone 202-343-3185.

SUPPLEMENTARY INFORMATION: Because this amendment relates only to internal Departmental procedures, the proposed rulemaking procedures are inapplicable. The primary author of this document is Charles H. Young, Property Management Officer, Office of Administrative and Management Policy, telephone number 202-343-3185.

NOTE.—The Department of the Interior has determined that this document does not con-

tain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

RICHARD R. HITE,  
Deputy Assistant  
Secretary of the Interior.

DECEMBER 27, 1977.

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and 40 U.S.C. 486(c), 41 CFR Part 114-26 is amended by revising Subpart 114-26.5 as set forth below.

Subpart 114-26.5—GSA Procurement Programs

Sec.

114-26.501 Purchase of new motor vehicles.

114-26.501-1 General.

114-26.501-2 Consolidated purchase program.

114-26.501-6 Forms used in connection with delivery of vehicles.

114-26.501-50 Definitions.

114-26.501-51 Limitation on the acquisition of passenger-carrying motor vehicles.

114-26.501-52 Limitations on the acquisition of passenger automobiles.

114-26.501-53 Limitations on the acquisition of other motor vehicles.

Subpart 114-26.5—GSA Procurement Programs

§ 114-26.501 Purchase of new motor vehicles.

Any motor vehicle acquired shall be the minimum capacity/performance and most fuel efficient vehicle which will satisfy the requirements in consideration of overall safety, economy, and efficiency. To ensure compliance with this energy conservation policy, the acquisition of all motor vehicles shall be coordinated by the Director, Office of Administrative and Management Policy.

§ 114-26.501-1 General.

Requisitions for purchase of all new motor vehicles shall be submitted through the appropriate Assistant Secretary to the Director, Office of Administrative and Management Policy, in accordance with the instructions issued by that office.

§ 114-26.501-2 Consolidated purchase program.

All motor vehicle requirements shall be consolidated to the maximum extent possible consistent with FPMR 101-26.5.

§ 114-26.501-6 Forms used in connection with delivery of vehicles.

(a) Using the prescribed form, bureaus and offices shall report to GSA all motor vehicles deficiencies and repetitive failures.

(b) Separate action is required to obtain corrective action on any vehicle warranty. Deficiencies noted during the warranty period must be reported to the nearest authorized representative of the manufacturer. If not satisfactorily corrected, the deficiency must then be reported to the zone manager of the manufacturer. Any deficiency covered by a warranty should never be corrected at

Government expense unless there is a dire need for the vehicle.

§ 114-26.501-50 Definitions.

As used in this regulation:

(a) "Acquired" means either purchased or leased for a period of 60 or more consecutive days, but does not include motor vehicles obtained from the GSA Interagency Motor Pool System.

(b) "Passenger-carrying vehicles" means sedans, station wagons, ambulances and buses.

(c) "Passenger automobile" means a sedan or station wagon.

(d) "Law enforcement passenger automobile" means a passenger automobile designed to be used in law enforcement work, i.e., equipped with the law enforcement component package and at least the next higher cubic inch displacement engine than is standard for the automobile concerned.

(e) "Gross Vehicle Weight" means the manufacturer's gross weight rating for the individual vehicle.

(f) "Heavy-duty vehicle" means any motor vehicle either designed primarily for transportation of property and rated at more than 6,000 pounds GVW or designed primarily for transportation of persons and having a capacity of more than 12 persons.

(g) "Light-duty truck" means any motor vehicle rated at 6,000 pounds GVW or less, which is designed primarily for purposes of transportation of property or is a derivative of such vehicle, or is available with special features enabling off-street or off-highway operation and use.

(h) "Pickup" means a truck which has a passenger compartment and an open cargo bed.

(i) "Standard pickup" means a pickup having a GVWR of 4,500 to 6,000 pounds.

(j) "Small pickup" or "compact pickup" means a pickup having a GVWR under 4,500 pounds.

(k) "Fuel economy standard" means the fuel economy standard established by the National Highway Traffic Safety Administration for a specific class of vehicle in a particular model year.

(l) "Fleet average fuel economy" means the average miles per gallon for the total number of a particular class of motor vehicle acquired during the fiscal year.

§ 114-26.501-51 Limitation on the acquisition of passenger-carrying motor vehicles.

(a) Passenger-carrying motor vehicles may be purchased or hired only if specifically authorized by the appropriation concerned or other law (31 U.S.C. 631a(a)), and then the quantity is limited to the number specified in the appropriation act. This limitation applies to both additions and replacements, and all of the following acquisition actions are chargeable to the number of passenger-carrying vehicles that have been authorized:

(1) Purchase.

(2) Hire or lease for a period of 60 or more consecutive days.



(3) Acquisition from excess sources with reimbursement.

(4) Acquisition from excess sources without reimbursement, unless an equal number of passenger-carrying vehicles is reported to GSA as excess within 30 days after receipt of the newly acquired excess vehicles.

(5) Acquisition from excess sources on a loan basis for more than 60 days.

(b) Each bureau/office shall establish and maintain controls at the headquarters office level as necessary to ensure that Congressional authorizations are not exceeded.

§ 114-26.501-52 Limitations on the acquisition of passenger automobiles.

(a) The acquisition of limousines is prohibited.

(b) No passenger automobile (sedan or station wagon) larger than a compact (class II) may be acquired unless it is certified that the larger vehicle is essential to the mission and the justification for the proposed acquisition is approved by the Director, Office of Administrative and Management Policy.

(c) No passenger automobile (sedan or station wagon) may be acquired unless it meets or exceeds the average fuel economy standard established for that model year unless:

(1) It is certified that the less fuel efficient vehicle is essential to the mission;

(2) The justification for the proposed acquisition is approved by the Director, Office of Administrative and Management Policy, with such approval contingent upon the concurrence of the Administrator of General Services and the Secretary of Energy; and

(3) Any such automobile is included in the calculation of the bureau/office fleet average fuel economy which must meet or exceed the fleet average fuel economy objective established for that fiscal year.

§ 114-26.501-53 Limitations on the acquisition of other motor vehicles.

The acquisition of all motor vehicles is subject to any limitation that may be established by the Director, Office of Administrative and Management Policy.

[FR Doc.78-43 Filed 1-3-78; 8:45 am]

#### [ 7035-01 ]

Title 49—Transportation

#### CHAPTER X—INTERSTATE COMMERCE COMMISSION

##### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amendment No. 5 to Service Order No. 1231]

#### PART 1033—CAR SERVICE

Consolidated Rail Corporation Authorized To Operate Over Tracks of Louisville and Nashville Railroad Company

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of December, 1977.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 5 to Service Order No. 1231).

SUMMARY: Amendment No. 5 to Service Order No. 1231 extends Service Order No. 1231 until June 30, 1978. Service Order No. 1231 authorizes the Consolidated Rail Corporation to operate over tracks abandoned by the Louisville and Nashville Railroad at Brazil, Indiana, for the purpose of providing rail service to shippers served by those tracks. The involved tracks are to be sold to Consolidated Rail Corporation.

DATES: Effective 11:59 p.m., December 31, 1977. Expires 11:59 p.m., June 30, 1978.

FOR FURTHER INFORMATION AND COPIES OF THIS ORDER, CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7940, Telex 89-2742.

Upon further consideration of Service Order No. 1231, (41 FR 8480, 15414, 27729 and 42 FR 3310, 34520), and good cause appearing therefor:

It is ordered, That Service Order No. 1231 is amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 1033.1231 Service Order 1231. Consolidated Rail Corporation authorized to operate over tracks of Louisville and Nashville Railroad Company.

(f) Expiration date. The provisions of this order shall expire at 11:59 p.m., June 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., December 31, 1977.

(49 U.S.C. 1(10-17).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a summary with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Robert S. Turkington not participating.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc.78-76 Filed 1-3-78; 8:45 am]

#### [ 7035-01 ]

[Ex Parte No. MC-19 (Sub-No. 31)]

#### PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods (Insurance for Third-Proviso Shipments)

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: This rule modifies the Commission's household goods transportation regulations by removing a prohibition in order to permit motor common carriers of household goods to sell insurance to shippers of certain goods which because of their unusual nature or value require specialized handling ("third proviso"). The prohibition formerly served to protect shippers from abusive practices engaged in by carriers selling insurance. The availability of insurance through a motor carrier will benefit the shipper by permitting that shipper to make complete transportation arrangements through a single entity (the carrier), rather than requiring that shipper to procure trip-transit or cargo insurance through an insurance company on a one-time basis.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7292.

#### SUPPLEMENTARY INFORMATION:

The Interstate Commerce Commission has, in this proceeding, adopted new rules to govern the sale of insurance covering loss or damage to shipments of certain household goods shippers. Under the modified rules (49 CFR 1056.15), motor common carriers of household goods may now sell insurance to shippers of the so-called "third-proviso" household goods. Third-proviso household goods are defined in 49 CFR 1056.1(a)(3) as "articles, including objects of art, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods."

The Commission had previously prohibited the sale of insurance by motor common carriers to shippers of household goods. The reasons for that prohibition were that individual c.o.d. shippers could not understand the terms of the policies being offered to them and could not protect themselves against certain abusive practices in which carriers engaged in the process of selling insurance.

However, the Commission recognizes that the considerations which led it to prohibit the sale of insurance to c.o.d.

shippers do not necessarily apply to the shippers of third-proviso household goods. These shippers are generally corporate shippers who maintain well-staffed traffic departments and are well able to comprehend the terms of any insurance policies offered and to protect themselves against any unscrupulous practices.

A question was raised whether permitting the sale of insurance to household goods shippers would defeat the purposes of the outstanding released rates orders. However, the Commission found that the types of insurance policies generally offered by or through motor common carriers of household goods may provide coverage for risks which carriers may properly exclude from their liability. In addition, the Commission noted that third-proviso shippers are generally aware of the provisions of the outstanding released rates orders and are, therefore, capable of selecting and should be given the option to choose coverage under the applicable released rates orders (which provide extensive protection in terms of monetary compensation but do not cover all risks) or an insurance policy offered through the carrier. The availability of insurance through a motor carrier will benefit the shipper by permitting that shipper to make complete transportation arrangements through a single entity (the carrier), rather than requiring that shipper to procure trip-transit or cargo insurance through an insurance company on a one-time basis.

Additional regulations were adopted to ensure that carriers do not receive compensation for acting as agent for an insurance company in insuring shipments of third-proviso household goods. The Commission believes that this provision will prevent carriers from using the sale of insurance as a means to provide illegal rebates to shippers. In addition, provisions were added to the regulations to require carriers to deliver policies or certificates of insurance to shippers, to describe in each policy or certificate the amount of insurance and the risks insured against or risks excluded from coverage under that policy, and to prohibit carriers from advertising the sale of "all risks" insurance when the insurance actually sold does not cover all risks.

These rules are issued under the authority of 49 U.S.C. 304, 308, 316, 317, and 319, and 5 U.S.C. 553 and 559.

Issued in Washington, D.C., November 30, 1977.

H. G. HOMME, Jr.,  
Acting Secretary.

This action modifies the provision of 49 CFR 1056.15 by deleting present § 1056.15 and adding a new § 1056.15 which reads as follows:

§ 1056.15 Selling of insurance to shippers.

(a) No such common carrier or any employee, agent, or representative there-

of, shall sell, or offer to sell or procure for any shipper, any kind of insurance, under any type of policy, covering loss or damage to a shipment or shipments of household goods as defined in 49 CFR 1056.1(a)(1) or (2) to be transported in interstate or foreign commerce by such carrier. Nothing in this section shall preclude any carrier from procuring in its own name insurance covering its liability for such loss or damage.

(b) No such common carrier or any employee, agent, or representative of a carrier shall act as an agent for an insurance company in insuring, under any type of policy, shipments of household goods as defined in 49 CFR 1056.1(a)(3) to be transported by such carrier in interstate or foreign commerce if such carrier, or its employee, agent, or representative receives compensation from that insurance company.

(c) Each common carrier which sells, offers, or procures insurance to or for a shipper of household goods as defined in 49 CFR 1056.1(a)(3) shall deliver to the shipper a policy or certificate of insurance which shall show clearly the name and address of the insurance company, the amount of insurance, the premium for that insurance, and the risks insured against, or the risks excluded, whichever is more appropriate.

(d) No common carrier or any employee, agent, or representative of that common carrier shall advertise or represent to the public that insurance is provided against all risks, unless that insurance in fact affords protection to the shipper from every peril to which the shipment may be exposed. When all except certain risks are insured against, this fact shall be indicated in any advertisement of and in any representations to shippers regarding the insurance, and such advertising and representations shall not be such as to deceive or mislead the public or any shipper regarding the scope of the exceptions. Policies providing coverage against specific perils only shall be advertised, represented, and designated as "limited-risk policies," or by some other appropriate designation which will indicate to the shipper that not all risks are covered by that insurance policy.

[FR Doc.78-45 Filed 1-3-78; 8:45 am]

#### [ 1410-03 ]

Title 37—Patents, Trademarks, and Copyrights

#### CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

[Docket Rm 77-11]

#### PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT DEPOSIT REQUIREMENTS

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulations.

SUMMARY: This notice is issued to inform the public that the Copyright Office of the Library of Congress is adopting new regulations implementing the

deposit requirements of sections 407 and 408 of the Act for General Revision of the Copyright Law. These requirements involve the mandatory deposit of copies or phonorecords of published works for the collections of the Library of Congress, and the deposit of material to accompany applications for copyright registration of both unpublished and published works. The effect of the proposed regulations is: (a) To exempt certain categories of published works from mandatory deposit for the Library of Congress under section 407; (b) to establish requirements governing the nature of the mandatory deposit to be made to all other cases under section 407; and (c) to establish the nature of the deposit to be made as part of copyright registration.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Jon Baumgarten, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

#### SUPPLEMENTARY INFORMATION:

Under section 407 of the first section of Pub. L. 94-553 (90 Stat. 2541), the owner of copyright, or of the exclusive right of publication, in a work published with notice of copyright in the United States is required to deposit two copies (or, in the case of sound recordings, two phonorecords) of the work in the Copyright Office for the use or disposition of the Library of Congress. The deposit is to be made within three months after such publication. Failure to make the required deposit does not affect copyright in the work, but may subject the copyright owner to fines and other monetary liability if the failure is continued after a demand for deposit is made by the Register of Copyrights. Qualifying these general provisions, section 407 also provides that the Register of Copyrights "may by regulation exempt any categories of material from the deposit requirements of this section, or require deposit of only one copy or phonorecord with respect to any categories."

Under section 408 of the Act deposit of material is also required in connection with applications for copyright registration of both unpublished and published works. After establishing general rules governing the nature of the required deposit, this section also authorizes the Register of Copyrights to prescribe regulations governing "the nature of the copies or phonorecords to be deposited" and to "require or permit . . . the deposit of identifying material instead of copies or phonorecords (or) the deposit of only one copy or phonorecord where two would normally be required . . ."

The deposit requirements of sections 407 and 408 are theoretically independent of each other. For example, mandatory deposit of a non-exempt work under section 407 may be required for the collections of the Library of Con-



gress even if the copyright owner does not seek registration for the work under section 408. Under certain conditions, however, copies or phonorecords used to satisfy the mandatory deposit provisions of section 407 may simultaneously be used to serve as the deposit accompanying an application for registration under section 408.

On November 16, 1977, we published in the *FEDERAL REGISTER* (42 FR 59302) a notice of proposed rulemaking inviting public comment on our proposal to implement sections 407 and 408. In that notice we proposed the addition of three new sections to the regulations of the Copyright Office: (i) proposed § 202.19 exempted certain works which the Library neither needs nor wants from the mandatory deposit requirements of section 407, and also established requirements governing the nature of the deposit to be made in cases where the exemption does not apply; (ii) proposed § 202.20 established requirements governing the nature of the deposit to be made in all cases for the purpose of copyright registration under section 408; and (iii) proposed § 202.21 set forth special requirements governing the nature of photographs or other identifying material required or permitted to be deposited in lieu of actual copies in certain cases.

Thirty-five comments were received in response to the notice of proposed rulemaking. After careful consideration, we have decided to make several changes in the proposed regulations to broaden exemptions under the regulations and to provide for an even wider scope of identifying material permitted as deposit. A discussion of the major comments appears below. Because we do not want to impede the prompt making of registrations and deposits under the new Act, these regulations are effective on January 1, 1978, the effective date of Pub. L. 94-553.

1. *Musical Compositions Published Only by Rental, Lease, or Lending.* A number of comments pointed out that, in the case of musical compositions published by rental of scores for performances, only a limited number of copies are available for distribution; often only manuscript copies exist. This makes the mandatory deposit of two copies with full score and parts both burdensome and expensive. We have added § 202.19 (d) (2) (v) and modified § 202.20 (c) (2) (1) to reduce the number of required deposit copies from two to one in the case of musical compositions published by the rental, lease, or lending, rather than sale, of copies. Moreover, a complete set of parts need not be deposited in these cases; the definitions of "complete" in § 202.19 (b) (2) and § 202.20 (b) (2) have been modified to allow deposit of a full score or, in appropriate cases, a conductor's score only. The Library of Congress Best Edition Statement (paragraph VI.A) has also been modified on this point.

2. *Unpublished Television Transmission Programs.* Several comments urged that the regulations permit deposit of identifying material, rather than actual copies, in connection with copyright registration of unpublished television transmission programs of various types (e.g., "local", "sports", "network"). We agree that, at the present time, it should be sufficient for purposes of registration to deposit identifying material not only for unpublished television programs, but also for all unpublished motion pictures. We have modified §§ 202.20 (c) (2) (ii) and 202.21 (g) accordingly. However, requests for exemption of certain broadcast programs that may be considered "published" in certain circumstances (other than by reason of off-air taping licenses; see item 3 below) have not been accepted. These provisions for deposit of identifying material of unpublished motion pictures, and the general treatment of transmission programs for deposit purposes, are essentially provisional and will be reviewed in connection with the formulation of regulations implementing section 407 (e) of the Act in the near future.

One of the comments expressed concern as to whether registration of unpublished television transmission programs would be considered a prerequisite to claiming compulsory license fees for cable retransmission under § 111 of the statute. In issuing these regulations we are merely dealing with the form of deposit, and are in no sense suggesting the legal necessity for making copyright registration under section 408 in any case.

3. *Television Transmission Programs Published Only By Grant of Off-Air Taping Licenses to Educators.* Two of the comments expressed concern that licenses granted to nonprofit institutions for off-air taping might constitute "publication" of otherwise unpublished television transmission programs. It was asserted that these licenses are granted for a modest fee, that the licensing of television programming for classroom and similar purposes is growing, and that mandatory requirements for the deposit of actual copies might inhibit this development. We agree with these assertions. In the event that such licensing may be considered a "publication" (an issue which these regulations do not determine), we have added § 202.19 (c) (13) to exempt such works from the mandatory deposit requirements. For purposes of registration, § 202.20 (b) (6) treats these works as unpublished motion pictures.

4. *Multimedia Kits.* One comment pointed to the high cost of copies of multimedia kits, and urged us to require deposit of only one copy rather than two under both §§ 202.19 and 202.20. After considering the Library of Congress' acquisition policies, we have accepted this suggestion. Sections 202.19 (c) (2) (vi) and 202.20 (c) (2) (i) (G) have been added to permit deposit, for both the Library of Congress and copyright registration, of

only one copy of multimedia kits prepared for use in systematic instructional activities. The term "systematic instructional activities" is intended to have the same meaning as in sections 101 and 110 (2) of the Act. See H.R. Rep. No. 94-1476, 94th Cong., 2d Sess., Sept. 3, 1976 at 83, 121; S. Rep. No. 94-473, 94th Cong., 1st Sess., Nov. 20, 1975 at 75, 105.

5. *Preprint Materials.* The meaning of the language "preprint material, by special arrangement" in the Library of Congress Best Edition Statement concerning motion pictures raised some question in the comment letters. "Preprint material" is a whole range of film production material (including, but not necessarily limited to, outtakes) that is in addition to the material included in final version of a published film. As a matter of a complete archival record for motion pictures that it considers of major importance, the Library of Congress values this material and is occasionally able to secure it for the collections by special arrangement with its owners. This wording is present in the Best Edition Statement to indicate its value to the Library of Congress in special cases where these arrangements have been made, and is not intended to suggest that the deposit of preprint material is to be required as a matter of course.

A second comment regarding the Best Edition Statement for motion pictures requested confirmation that, if a work is most widely distributed in the form of 16mm film copies, copies of that gauge are considered the best edition of the work even if 35mm or larger copies have also been distributed. We confirm this interpretation. The "film gauge in which most widely distributed" (item 2 of the Best Edition Statement for motion pictures) is intended to take precedence over the listing of specific gauges and formats (items 3-6) which follow that general statement.

6. *Advertising Matters Published In Connection With Motion Pictures.* One comment asked that § 202.19 (c) (7) be revised to include a specific exemption for advertising material published in connection with motion pictures. After considering this comment and the proposed language, we have modified that section to make clear its application to advertising matter published in connection with the "rental, lease, lending, licensing, or sale" of all "works of authorship" as well as of articles and services. The special deposit provision of § 202.20 (c) (2) (v) has been similarly changed.

7. *Motion Picture Agreement.* Several arguments were advanced in favor of retaining the current motion picture agreement, which allows return of deposit copies subject to later recall by the Library of Congress. This is, of course, not basically a matter of copyright deposit but a matter of a negotiated contract between copyright owners and the Library of Congress. At the same time, however, the existence of the agreement affects the operation of the deposit

system, and for this reason the Copyright Office agrees that the question of retaining the agreement should remain the subject of active consideration. Because of the urgent need to publish these deposit regulations, we are issuing them without providing for the possibility of a motion picture agreement. However, we emphasize that this is not intended to foreclose the possibility of negotiation of new agreements in the immediate future.

8. *Literary Works Published Only in Machine-Readable Form.* Proposed § 202.19 (c) (5) provided an exemption from deposit for literary works, including computer programs and automated data bases, published only in the form of machine-readable copies. One comment noted that a work published in the United States only in machine-readable form, but published simultaneously abroad in hard copy, would not qualify under that exemption. To meet this point, we have revised the section to make the exemption applicable to such works if published in the United States only in the form of machine-readable copies. Proposed § 202.20 (c) (2) (vii) has been similarly amended. As several comments also questioned the meaning of the term "file" in proposed § 202.20 (c) (2) (vii), we have added a definition of that term.

A number of comments raised other issues relating to the deposit requirements for registration of machine-readable works. We recognize that the application of our requirements to the rapidly-developing technology of storing and retrieving information may require further refinement. At the present time, however, we consider it appropriate to develop further experience with the regulations before considering additional amendments.

9. *Deposit of Identifying Material For Published Pictorial or Graphic Works.* One of the conditions for the deposit of identifying material in lieu of copies of published pictorial or graphic works in proposed §§ 202.19 (d) (2) (iv) and 202.20 (c) (2) (iv) was that a "limited" edition consist of no more than one hundred numbered copies. Several comments suggested that this number was not consistent with the practices of graphic artists. These sections have been amended to raise the limit to three hundred numbered copies (the highest figure suggested in the comments).

10. *Soundtracks.* New §§ 202.20 (c) (x) and 202.21 (f) have been added for cases where separate registration is desired for a work fixed or published only as embodied in a motion picture soundtrack. Under these sections, the applicant for registration of such works may submit specified representations of the work (essentially, a transcription or phonorecord of the work, with certain additional material) in lieu of an actual copy of the entire motion picture. A new § 202.19 (c) (11) has also been added to specify that

works published only as embodied in motion picture soundtracks are not subject to mandatory deposit under section 407 of the Act; this section makes it clear, however, that the exemption does not apply to the motion picture as a whole.

11. *Secure Tests.* One comment noted that secure tests are re-used in a variety of ways, but that the same version of a particular test is not necessarily "regularly" readministered in exactly the same form. The concern was expressed that the word "regularly" in the definition of secure test" (proposed § 202.20 (b) (4)) might be interpreted to require that a particular test be administered in the same exact form on a consistently recurring basis. This was not our intention. The definition of secure test has been amended by deleting the word "regularly."

12. *Deposit For Registration of a Work First Published Abroad.* One comment noted that problems might arise from the separate deposit requirements of sections 407 and 408 with respect to works first published outside the United States. Under section 408, the deposit required for registration of such works, before or after subsequent United States publication, is "one" copy or phonorecord of the work as "first published." Under section 407, however, after domestic publication "two" copies or phonorecords of the "best edition" are required for the Library of Congress. The general philosophy underlying the deposit requirements is to provide a procedure whereby the deposit for registration and the deposit requirements for the Library of Congress can be satisfied by the same action. We do not believe it is appropriate to require a copyright owner who has secured registration of a work first published abroad to make a separate deposit under section 407. Accordingly, a new exemption from mandatory deposit has been added (§ 202.19 (c) (10)).

13. *Group Registration.* Several comments requested special provisions for group registration, under section 408 (c) (1) of the Act, of revisions and updates of automated data bases, works of arts, and other works. We are fully aware of economic hardship and practical difficulties in making separate registrations for certain types of related works, and we intend to formulate regulations implementing the statutory provision for group registration in the near future. We invite further comments and suggestions as to the type of related works that could be covered by group registration and the deposit and registration requirements applicable in these cases.

14. *Library of Congress Best Edition Statement.* For the guidance of the public in complying with the deposit requirements, the Library of Congress Best Edition Statement, as revised, is set forth as an appendix to this notice preceding the text of the final regulation.

15. *Other Issues.* One comment requested an exemption for a special type of machine-readable sound recording

(a kind of electronic "piano roll"). However, the acquisitions policies of the Library of Congress provide for acquiring all forms of sound recordings, even when they can be played only on very specialized equipment. Consequently, the requested exemption has not been made.

One comment suggested that unpublished works of a private nature, such as personal letters, diaries, and preliminary versions of creative works, would be a proper subject for deposit of identifying material rather than actual copies. We are sympathetic to the argument that, in certain cases, authors should not be forced to make their unpublished writings available for public inspection in order to obtain the benefits of copyright registration. However, we believe that, at least for the present, the provision for special relief under § 202.20 (d) is the proper way to deal with these cases. If experience shows that an express regulation is needed to deal with the problem, we will consider suggestions for further amendments.

Because the new regulations do not require the deposit of photographic reproductions to accompany deposits of published videotape copies, one comment requested that we specifically repeal current regulation § 202.15 (d). Although we planned to revoke § 202.15 in its entirety in a separate proceeding, for the purpose of clarity we have decided to do so under this Notice.

A request was made that computer programs marketed under "lease/licensing agreements" be given the same special treatment as secure tests. We feel, however, that at this time requests for such special treatment should most properly be handled as applications for special relief under § 202.20 (d). As in the case of unpublished personal manuscripts, if experience shows this is insufficient further amendments will be considered at a later time.

In the preamble to our notice of proposed rulemaking, we noted that under the new Act "the public distribution of phonorecords, in the United States or abroad, is a publication of the recorded work (and of the sound recording)." We also stated that this was true "even if the work is created by a national of a foreign country belonging to the Universal Copyright Convention ('UCC') or if the distribution occurs in such a country"; and we noted that this was not inconsistent with a contrary definition of "publication" under the UCC since it did not conflict with any use of the term "publication" in the Convention, or any Convention obligation to treat published or unpublished works in a specified manner. Although one comment questioned these observations, we believe it appropriate to state our understanding of this matter as a basis for determining and explaining the operation of our regulations, and we adhere to the position expressed.



The proposed regulations are adopted, with changes, as set forth following the Appendix below.

Dated: December 29, 1977.

BARBARA RINGER,  
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,  
Librarian of Congress.

APPENDIX—"BEST EDITION" OF PUBLISHED COPYRIGHTED WORKS FOR THE COLLECTIONS OF THE LIBRARY OF CONGRESS

The Copyright Law (Title 17, United States Code) requires that copies or phonorecords deposited in the Copyright Office be of the "best edition" of the work. The law states that "The 'best edition' of work is the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes."

When two or more editions of the same version of a work have been published, the one of the highest quality is generally considered to be the best edition. In judging quality, the Library of Congress will adhere to the criteria set forth below in all but exceptional circumstances.

Where differences between editions represent variations in copyrightable content, each edition is a separate version and "best edition" standards based on such differences do not apply. Each such version is a separate work for the purposes of the Copyright Law.

Appearing below are lists of criteria to be applied in determining the best edition of each of several types of material. The criteria are listed in descending order of importance. In deciding between two editions, a criterion-by-criterion comparison should be made. The edition which first fails to satisfy a criterion is to be considered of inferior quality and will not be an acceptable deposit. For example, if a comparison is made between two hardbound editions of a book, one a trade edition printed on acid-free paper and the other a specially bound edition printed on average paper, the former will be the best edition because the type of paper is a more important criterion than the binding.

Under regulations of the Copyright Office, potential depositors may request authorization to deposit copies or phonorecords of other than the best edition of a specific work (e.g., a microform rather than a printed edition of a serial).

I. PRINTED TEXTUAL MATTER

A. Paper, Binding, and Packaging:

1. Archival-quality rather than less-permanent paper.
2. Hard cover rather than soft cover.
3. Library binding rather than commercial binding.
4. Trade edition rather than book club edition.
5. Sewn rather than glue-only binding.
6. Sewn or glued rather than stapled or spiral-bound.
7. Stapled rather than spiral-bound or plastic-bound.
8. Bound rather than looseleaf, except when future looseleaf insertions are to be issued.
9. Slipcased rather than nonslipcased.
10. With protective folders rather than without (for broadsides).
11. Rolled rather than folded (for broadsides).
12. With protective coatings rather than without (except broadsides, which should not be coated).

B. Rarity:

1. Special limited edition having the greatest number of special features.
2. Other limited edition rather than trade edition.
3. Special binding rather than trade binding.

C. Illustrations:

1. Illustrated rather than unillustrated.
2. Illustrations in color rather than black and white.

D. Special Features:

1. With thumb notches or index tabs rather than without.
2. With aids to use such as overlays and magnifiers rather than without.

E. Size:

1. Larger rather than smaller sizes. (Except that large-type editions for the partially-sighted are not required in place of editions employing type of more conventional size.)

II. PHOTOGRAPHS

A. Size and finish, in descending order of preference:

1. The most widely distributed edition.
2. 8 x 10-inch glossy print.
3. Other size or finish.
4. B. Unmounted rather than mounted.
5. C. Archival-quality rather than less permanent paper stock or printing process.

III. MOTION PICTURES

A. Film rather than another medium. Film editions are listed below in descending order of preference.

1. Preprint material, by special arrangement.
2. Film gauge in which most widely distributed.
3. 35 mm rather than 16 mm.
4. 16 mm rather than 8 mm.
5. Special formats (e.g., 65 mm) only in exceptional cases.
6. Open reel rather than cartridge or cassette.

B. Videotape rather than videodisc. Videotape editions are listed below in descending order of preference.

1. Tape gauge in which most widely distributed.
2. Two-inch tape.
3. One-inch tape.
4. Three-quarter-inch tape cassette.
5. One-half-inch tape cassette.

IV. OTHER GRAPHIC MATTER

A. Paper and Printing:

1. Archival quality rather than less-permanent paper.
2. Color rather than black and white.
3. Size and Content:
1. Larger rather than smaller size.
2. In the case of cartographic works, editions with the greatest amount of information rather than those with less detail.

C. Rarity:

1. The most widely distributed edition rather than one of limited distribution.
2. In the case of a work published only in a limited, numbered edition, one copy outside the numbered series but otherwise identical.
3. A photographic reproduction of the original, by special arrangement only.

D. Text and Other Materials: 1. Works with annotations, accompanying tabular or textual matter, or other interpretative aids rather than those without them.

E. Binding and Packaging:

1. Bound rather than unbound.
2. If editions have different binding, apply the criteria in I.A.2-I.A.7, above.
4. Rolled rather than folded.
5. With protective coatings rather than without.

V. PHONORECORDS

- A. Disc rather than tape.
- B. With special enclosures rather than without.
- C. Open-reel rather than cartridge.
- D. Cartridge rather than cassette.
- E. Quadraphonic rather than stereophonic.
- F. True stereophonic rather than monoaural.
- G. Monoaural rather than electronically rechanneled stereo.

VI. MUSICAL COMPOSITIONS

A. Fullness of Score: 1. Vocal music: a. With orchestral accompaniment—

1. Full score and parts, if any, rather than conductor's score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to full score only.)
11. Conductor's score and parts, if any, rather than condensed score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to conductor's score only.)
- b. Unaccompanied: Open score (each part on separate staff) rather than closed score (all parts condensed to two staves).

2. Instrumental music:

- a. Full score and parts, if any, rather than conductor's score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to full score only.)
- b. Conductor's score and parts, if any, rather than condensed score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to conductor's score only.)

B. Printing and Paper: 1. Archival-quality rather than less-permanent paper.

- C. Binding and Packaging:
1. Special limited editions rather than trade editions.
2. Bound rather than unbound.
3. If editions have different binding, apply the criteria in I.A.2-I.A.12, above.
4. With protective folders rather than without.

VII. MICROFORMS

A. Related Materials: 1. With indexes, study guides, or other printed matter rather than without.

B. Permanence and Appearance:

1. Silver halide rather than any other emulsion.
2. Positive rather than negative.
3. Color rather than black and white.

C. Format (newspapers and newspaper-formatted serials): 1. Reel microfilm rather than any other microform.

D. Format (all other materials):

1. Microfiche rather than reel microfilm.
2. Reel microfilm rather than microform cassettes.
3. Microfilm cassettes rather than microopaque prints.

E. Size: 1. 35 mm rather than 16 mm.

VIII. WORKS EXISTING IN MORE THAN ONE MEDIUM

Editions are listed below in descending order of preference.

A. Newspapers, dissertations and theses, newspaper-formatted serials:

1. Microform.
2. Printed matter.
- B. All other materials:
1. Printed matter.
2. Microform.
3. Phonorecord.

(Effective: January 1, 1978.)

FINAL REGULATIONS

Part 202 of 37 CFR, Chapter II is amended as follows:

§ 202.15 [Revoked]

§ 202.16 [Revoked]

1. By revoking §§ 202.15 and 202.16; and
2. By adding new §§ 202.19, 202.20, and 202.21, to read as follows:

§ 202.19 Deposit of published copies of phonorecords for the Library of Congress.

(a) General. This section prescribes rules pertaining to the deposit of copies and phonorecords of published works for the Library of Congress under section 407 of title 17 of the United States Code, as amended by Pub. L. 94-553. The provisions of this section are not applicable to the deposit of copies and phonorecords for purposes of copyright registration under section 408 of title 17, except as expressly adopted in § 202.20 of these regulations.

(b) Definitions. For the purposes of this section:

(1) (i) The "best edition" of a work is the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes.

(ii) Criteria for selection of the "best edition" from among two or more published editions of the same version of the same work are set forth in the statement entitled "Best Edition of Published Copyrighted Works for the Collections of the Library of Congress" (hereafter referred to as the "Best Edition Statement") in effect at the time of deposit. Copies of the Best Edition Statement are available upon request made to the Acquisitions and Processing Division of the Copyright Office.

(iii) Where no specific criteria for the selection of the "best edition" are established in the Best Edition Statement, that edition which, in the judgment of the Library of Congress, represents the highest quality for its purposes shall be considered the "best edition". In such cases: (A) When the Copyright Office is aware that two or more editions of a work have been published it will consult with other appropriate officials of the Library of Congress to obtain instructions as to the "best edition" and (except in cases for which special relief is granted) will require deposit of that edition; and (B) when a potential depositor is uncertain which of two or more published editions comprises the "best edition", inquiry should be made to the Acquisitions and Processing Division of the Copyright Office.

(iv) Where differences between two or more "editions" of a work represent variations in copyrightable content, each edition is considered a separate version, and hence a different work, for the purpose of this section, and criteria of "best edition" based on such differences do not apply.

(2) A "complete" copy includes all elements comprising the unit of publication of the best edition of the work, including elements that, if considered

separately, would not be copyrightable subject matter or would otherwise be exempt from mandatory deposit requirements under paragraph (c) of this section. In the case of sound recordings, a "complete" phonorecord includes the phonorecord, together with any printed or other visually perceptible material published with such phonorecord (such as textual or pictorial matter appearing on record sleeves or album covers, or embodied in leaflets or booklets included in a sleeve, album, or other container). In the case of a musical composition published only by the rental, lease, or lending of copies consisting of a full score and parts, a full score is a "complete" copy; in the case of a musical composition published only by the rental, lease, or lending of copies consisting of a conductor's score and parts, a conductor's score is a "complete" copy.

(3) The terms "copies", "collective work", "device", "fixed", "literary work", "machine", "motion picture", "phonorecord", "publication", "sound recording", and "useful article", and their variant forms, have the meanings given to them in section 101 of title 17.

(4) "Title 17" means title 17 of the United States Code, as amended by Pub. L. 94-553.

(c) Exemptions from deposit requirements. The following categories of material are exempt from the deposit requirements of section 407(a) of title 17:

(1) Diagrams and models illustrating scientific or technical works or formulating scientific or technical information in linear or three-dimensional form, such as an architectural or engineering blueprint, plan, or design, a mechanical drawing, or an anatomical model.

(2) Greeting cards, picture postcards, and stationery.

(3) Lectures, sermons, speeches, and addresses when published individually and not as a collection of the works of one or more authors.

(4) Literary, dramatic, and musical works published only as embodied in phonorecords. This category does not exempt the owner of copyright, or of the exclusive right of publication, in a sound recording resulting from the fixation of such works in a phonorecord from the applicable deposit requirements for the sound recording.

(5) Literary works, including computer programs and automated data bases, published in the United States only in the form of machine-readable copies (such as magnetic tape or disks, punched cards, or the like) from which the work cannot ordinarily be visually perceived except with the aid of a machine or device. Works published in a form requiring the use of a machine or device for purposes of optical enlargement (such as film, filmstrips, slide films and works published in any variety of microform), and works published in visually perceptible form but used in connection with optical scanning devices, are not within this category and are subject to the applicable deposit requirements.

(6) Three-dimensional sculptural works, and any works published only as reproduced in or on jewelry, dolls, toys, games, plaques, floor coverings, wallpaper and similar commercial wall coverings, textile and other fabrics, packaging material, or any useful article. Globes, relief models, and similar cartographic representations of area are not within this category and are subject to the applicable deposit requirements.

(7) Prints, labels, and other advertising matter published in connection with the rental, lease, lending, licensing, or sale of articles of merchandise, works of authorship, or services.

(8) Tests, and answer material for tests, when published separately from other literary works.

(9) Works first published as individual contributions to collective works. This category does not exempt the owner of copyright, or of the exclusive right of publication, in the collective work as a whole from the applicable deposit requirements for the collective work.

(10) Works first published outside the United States and later published in the United States without change in copyrightable content, if: (i) registration for the work was made under § 17 U.S.C. 408 before the work was published in the United States; or (ii) registration for the work was made under 17 U.S.C. 408 after the work was published in the United States but before a demand for deposit is made under 17 U.S.C. 407(d).

(11) Works published only as embodied in a soundtrack that is an integral part of a motion picture. This category does not exempt the owner of copyright, or of the exclusive right of publication, in the motion picture from the applicable deposit requirements for the motion picture.

(12) Motion pictures that consist of television transmission programs and that have been published, if at all, only by reason of a license or other grant to a nonprofit institution of the right to make a fixation of such programs directly from a transmission to the public, with or without the right to make further uses of such fixations.

(d) Nature of required deposit. (1) Subject to the provisions of paragraph (d)(2) of this section, the deposit required to satisfy the provisions of section 407(a) of title 17 shall consist of (i) in the case of published works other than sound recordings, two complete copies of the best edition; and (ii) in the case of published sound recordings, two complete phonorecords of the best edition.

(2) In the case of certain published works not exempt from deposit requirements under paragraph (c) of this section, the following special provisions shall apply:

(i) In the case of published three-dimensional cartographic representations of area, such as globes and relief models, the deposit of one complete copy of the best edition of the work will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(c)(2) of this section, the deposit required to accompany an application for

material in compliance with § 202.21 of these regulations may be made and will

(A) For published or unpublished computer programs, one copy of identi-



(ii) In the case of published motion pictures, the deposit of one complete copy of the best edition of the work will suffice in lieu of the two copies required by paragraph (d)(1) of this section. Any deposit for a published motion picture must be accompanied by a separate description of its contents, such as a continuity, pressbook, or synopsis. Unless selected by the Library of Congress for addition to its collections within thirty days from the date the deposit is received in the Copyright Office, all copies of motion pictures deposited under this section will be returned to the depositor by the Copyright Office, without right of recall.

(iii) In the case of any published work deposited in the form of a hologram, the deposit shall be accompanied by: (A) Two sets of precise instructions for displaying the image fixed in the hologram; and (B) two sets of identifying material in compliance with § 202.21 of these regulations and clearly showing the displayed image.

(iv) In any case where an individual author is the owner of copyright in a published pictorial or graphic work and (A) less than five copies of the work have been published, or (B) the work has been published and sold or offered for sale in a limited edition consisting of no more than three hundred numbered copies, the deposit of one complete copy of the best edition of the work or, alternatively, the deposit of photographs or other identifying material in compliance with § 202.21 of these regulations, will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(v) In the case of a musical composition published only by the rental, lease, or lending of copies, the deposit of one complete copy of the best edition will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(vi) In the case of published multimedia kits that are prepared for use in systematic instructional activities and that include literary works, audiovisual works, sound recordings, or any combination of such works, the deposit of one complete copy of the best edition will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(e) *Special relief.* (1) In the case of any published work not exempt from deposit under paragraph (c) of this section, the Register of Copyrights may, after consultation with other appropriate officials of the Library of Congress and upon such conditions as the Register may determine after such consultation: (i) Grant an exemption from the deposit requirements of section 407(a) of title 17 on an individual basis for single works or series or groups of works; or (ii) permit the deposit of one copy or phonorecord, or alternative identifying material, in lieu of the two copies or phonorecords required by paragraph (d)(1) of this section; or (iii) permit the deposit of incomplete copies or phonorecords, or copies or phonorecords other than those normally comprising the best edition.

(2) Any decision as to whether to grant such special relief, and the conditions under which special relief is to be granted, shall be made by the Register of Copyrights after consultation with other appropriate officials of the Library of Congress, and shall be based upon the acquisition policies of the Library of Congress then in force.

(3) Requests for special relief under this paragraph shall be made in writing to the Chief, Acquisitions and Processing Division of the Copyright Office, shall be signed by or on behalf of the owner of copyright or of the exclusive right of publication in the work, and shall set forth specific reason: why the request should be granted.

(f) *Submission and receipt of copies and phonorecords.* (1) All copies and phonorecords deposited in the Copyright Office will be considered to be deposited only in compliance with section 407 of title 17 unless they are accompanied by: (i) An application for registration of claim to copyright, or (ii) a clear written request that they be held for connection with a separately forwarded application. Copies or phonorecords deposited without such an accompanying application or written request will not be connected with or held for receipt of separate applications, and will not satisfy the deposit provisions of section 408 of title 17 or § 202.20 of these regulations. Any written request that copies or phonorecords be held for connection with a separately forwarded application must appear in a letter or similar document accompanying the deposit; a request or instruction appearing on the packaging, wrapping or container for the deposit will not be effective for this purpose.

(2) All copies and phonorecords deposited in the Copyright Office under section 407 of title 17, unless accompanied by written instructions to the contrary, will be considered to be deposited by the person or persons named in the copyright notice on the work.

(3) Upon request by the depositor made at the time of the deposit, the Copyright Office will issue a Certificate of Receipt for the deposit of copies or phonorecords of a work under this section. Certificates of Receipt will be issued in response to requests made after the date of deposit only if the requesting party is identified in the records of the Copyright Office as having made the deposit. In either case, requests for a Certificate of Receipt must be in writing and accompanied by a fee of \$2. A Certificate of Receipt will include identification of the depositor, the work deposited, and the nature and format of the copy or phonorecord deposited, together with the date of receipt.

§ 202.20 Deposit of copies and phonorecords for copyright registration.

(a) *General.* This section prescribes rules pertaining to the deposit of copies and phonorecords of published and unpublished works for the purpose of copy-

right registration under section 408 of title 17 of the United States Code, as amended by Pub. L. 94-553. The provisions of this section are not applicable to the deposit of copies and phonorecords for the Library of Congress under section 407 of title 17, except as expressly adopted in § 202.19 of these regulations.

(b) *Definitions.* For the purposes of this section:

(1) The "best edition" of a work has the meaning set forth in § 202.19(b)(1) of these regulations.

(2) A "complete" copy or phonorecord of an unpublished work is a copy or phonorecord representing the entire copyrightable content of the work for which registration is sought. A "complete" copy or phonorecord of a published work includes all elements comprising the applicable unit of publication of the work. In the case of a contribution to a collective work, a "complete" copy or phonorecord is the entire collective work including the contribution or, in the case of a newspaper, the entire section including the contribution. In the case of published sound recordings, a "complete" phonorecord has the meaning set forth in § 202.19(b)(2) of these regulations. In the case of a musical composition published only by the rental, lease, or lending of copies consisting of a full score and parts, a full score is a "complete" copy; in the case of a musical composition published only by the rental, lease, or lending of copies consisting of a conductor's score and parts, a conductor's score is a "complete" copy.

(3) The terms "copy", "collective work", "device", "fixed", "literary work", "machine", "motion picture", "phonorecord", "publication", "sound recording", "transmission program", and "useful article", and their variant forms, have the meanings given to them in section 101 of title 17.

(4) A "secure test" is a non-marketed test administered under supervision at specified centers on specific dates, all copies of which are accounted for and either destroyed or returned to restricted locked storage following each administration. For these purposes a test is not marketed if copies are not sold but it is distributed and used in such a manner that ownership and control of copies remain with the test sponsor or publisher.

(5) "Title 17" means title 17 of the United States Code, as amended by Pub. L. 94-553.

(6) For the purposes of determining the applicable deposit requirements under this § 202.20 only, the following shall be considered as unpublished motion pictures: motion pictures that consist of television transmission programs and that have been published, if at all, only by reason of a license or other grant to a nonprofit institution of the right to make a fixation of such programs directly from a transmission to the public, with or without the right to make further uses of such fixations.

(c) *Nature of required deposit.* (1) Subject to the provisions of paragraph

(c)(2) of this section, the deposit required to accompany an application for registration of claim to copyright under section 408 of title 17 shall consist of:

(i) In the case of unpublished works, one complete copy or phonorecord.

(ii) In the case of works first published in the United States before January 1, 1978, two complete copies or phonorecords of the work as first published.

(iii) In the case of works first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition.

(iv) In the case of works first published outside of the United States, whenever published, one complete copy or phonorecord of the work as first published. For the purposes of this section, any works simultaneously first published within and outside of the United States shall be considered to be first published in the United States.

(2) In the case of certain works, the special provisions set forth in this clause shall apply. In any case where this clause specifies that one copy or phonorecord may be submitted, that copy or phonorecord shall represent the best edition, or the work as first published, as set forth in paragraph (c)(1) of this section.

(i) *General.* In the following cases the deposit of one complete copy or phonorecord will suffice in lieu of two copies or phonorecords: (A) Published three-dimensional cartographic representations of area, such as globes and relief models; (B) published diagrams illustrating scientific or technical works or formulating scientific or technical information in linear or other two-dimensional form, such as an architectural or engineering blueprint, or a mechanical drawing; (C) published greeting cards, picture postcards and stationery; (D) lectures, sermons, speeches, and addresses published individually and not as a collection of the works of one or more authors; (E) published contributions to a collective work; (F) musical compositions published only by the rental, lease, or lending of copies; and (G) published multimedia kits that are prepared for use in systematic instructional activities and that include literary works, audiovisual works, sound recordings, or any combination of such works.

(ii) *Motion pictures.* In the case of published motion pictures, the deposit of one complete copy will suffice in lieu of two copies. The deposit of a copy or copies for any published or unpublished motion picture must be accompanied by a separate description of its contents, such as a continuity, pressbook, or synopsis. Unless selected by the Library of Congress for addition to its collections within thirty days from the effective date of registration, all copies of motion pictures deposited under this section will be returned to the applicant by the Copyright Office, without right of recall. In the case of unpublished motion pictures (including television transmission programs that have been fixed and transmitted to the public, but have not been published), the deposit of identifying

material in compliance with § 202.21 of these regulations may be made and will suffice in lieu of an actual copy.

(iii) *Holograms.* In the case of any work deposited in the form of a hologram, the copy or copies shall be accompanied by: (A) Precise instructions for displaying the image fixed in the hologram; and (B) photographs or other identifying material complying with § 202.21 of these regulations and clearly showing the displayed image. The number of sets of instructions and identifying material shall be the same as the number of copies required.

(iv) *Certain pictorial and graphic works.* In any case where an individual author is the owner of copyright in a pictorial or graphic work and (A) the work is unpublished, or (B) less than five copies of the work have been published, or (C) the work has been published and sold or offered for sale in a limited edition consisting of no more than three hundred numbered copies, the deposit of identifying material in compliance with § 202.21 of these regulations may be made and will suffice in lieu of actual copies. As an alternative to the deposit of such identifying material, in any such case the deposit of one complete copy will suffice in lieu of two copies.

(v) *Commercial prints and labels.* In the case of prints, labels, and other advertising matter published in connection with the rental, lease, lending, licensing, or sale of articles of merchandise, works of authorship, or services, the deposit of one complete copy will suffice in lieu of two copies. Where the print or label is published in a larger work, such as a newspaper or other periodical, one copy of the entire page or pages upon which it appears may be submitted in lieu of the entire larger work. In the case of prints or labels physically inseparable from a three-dimensional object, identifying material complying with § 202.21 of these regulations must be submitted rather than an actual copy or copies.

(vi) *Tests.* In the case of tests, and answer material for tests, published separately from other literary works, the deposit of one complete copy will suffice in lieu of two copies. In the case of any secure test the Copyright Office will return the deposit to the applicant promptly after examination: *Provided*, That sufficient portions, description, or the like are retained so as to constitute a sufficient archival record of the deposit.

(vii) *Machine-readable works.* In cases where an unpublished literary work is fixed, or a published literary work is published in the United States, only in the form of machine-readable copies (such as magnetic tape or disks, punched cards, or the like) from which the work cannot ordinarily be perceived except with the aid of a machine or device, the deposit shall consist of:

1. Works published in a form requiring the use of a machine or device for purposes of optical enlargement (such as film, filmstrips, slide films, and works published in any variety of microform), and works published in visually perceptible form but used in connection with optical scanning devices, are not within this category.

(A) For published or unpublished computer programs, one copy of identifying portions of the program, reproduced in a form visually perceptible without the aid of a machine or device, either on paper or in microform. For these purposes, "identifying portions" shall mean either the first and last twenty-five pages or equivalent units of the program if reproduced on paper, or at least the first and last twenty-five pages or equivalent units of the program if reproduced in microform, together with the page or equivalent unit containing the copyright notice, if any.

(B) For published and unpublished automated data bases, compilations, statistical compendia, and other literary works so fixed or published, one copy of identifying portions of the work, reproduced in a form visually perceptible without the aid of a machine or device, either on paper or in microform. For these purposes: (1) "identifying portions" shall mean either the first and last twenty-five pages or equivalent units of the work if reproduced on paper, or at least the first and last twenty-five pages or equivalent units of work if reproduced on microform, or, in the case of automated data bases comprising separate and distinct data files, representative portions of each separate data file consisting of either 50 complete data records from each file or the entire file, whichever is less; and (2) "data file" and "file" mean a group of data records pertaining to a common subject matter, regardless of the physical size of the records or the number of data items included in them. (In the case of revised versions of such data bases, the portions deposited must contain representative data records which have been added or modified.) In any case where the deposit comprises representative portions of each separate file of an automated data base as indicated above, it shall be accompanied by a typed or printed descriptive statement containing: The title of the data base; the name and address of the copyright claimant; the name and content of each separate file within the data base, including the subject matter involved, the origin(s) of the data, and the approximate number of individual records within the file; and a description of the exact contents of any machine-readable copyright notice employed in or with the work and the manner and frequency with which it is displayed (e.g., at user's terminal only at sign-on, or continuously on terminal display, or on printouts, etc.). If a visually-perceptible copyright notice is placed on any copies of the work (such as magnetic tape reels) or their container, a sample of such notice must also accompany the statement.

(viii) *Works reproduced in or on sheet-like materials.* In the case of any unpublished work that is fixed, or any published work that is published, only in the form of a two-dimensional reproduction on sheet-like materials such as textile and other fabrics, wallpaper and similar commercial wall coverings, car-

peting floor tile, and similar commercial

of the Library of Congress and upon such

to holograms, only one set of such com-

credits appearing on the work, if any. FOR FURTHER INFORMATION CON-

(v) The interim regulation follows the



peting, floor tile, and similar commercial floor coverings, and wrapping paper and similar packaging material, the deposit shall consist of one copy in the form of an actual swatch or piece of such material sufficient to show all elements of the work in which copyright is claimed and the copyright notice appearing on the work, if any. If the work consists of a repeated pictorial or graphic design, the complete design and at least one repetition must be shown. If the sheet-like material in or on which a published work has been reproduced has been embodied in or attached to a three-dimensional object, such as wearing apparel, furniture, or any other three-dimensional manufactured article, and the work has been published only in that form, the deposit must consist of identifying material complying with § 202.21 of these regulations instead of a copy.

(ix) *Works reproduced in or on three-dimensional objects.* In the following cases where the deposit of an actual copy of the work would not lend itself to shelving or flat storage, the deposit must consist of identifying material complying with § 202.21 of these regulations instead of a copy or copies: (A) Any three-dimensional sculptural work, including any illustration or formulation of artistic expression or information in three-dimensional form, including statues, carvings, ceramics, moldings, constructions, models, and maquettes (but not including works reproduced by intaglio or relief printing methods on two-dimensional materials such as paper or fabrics); and (B) any two-dimensional or three-dimensional work that, if unpublished, has been fixed or, if published, has been published only in or on jewelry, dolls, toys, games, or any three-dimensional useful article. However, where the work has been fixed or published in or on a useful article that comprises one of the elements of the unit of publication of an educational or instructional kit which also includes a literary or audiovisual work, a sound recording, or any combination of such works, the requirement of this paragraph for the deposit of identifying material shall not apply.

(x) *Soundtracks.* For separate registration of an unpublished work that is fixed, or a published work that is published, only as embodied in a soundtrack that is an integral part of a motion picture, the deposit of identifying material in compliance with § 202.21 of these regulations will suffice in lieu of an actual copy or copies of the motion picture.

(xi) *Oversize deposits.* In any case where the deposit otherwise required by this section exceeds ninety-six inches in any dimension, identifying material complying with § 202.21 of these regulations must be submitted instead of an actual copy or copies.

(d) *Special relief.* (1) In any case the Register of Copyrights may, after consultation with other appropriate officials

of the Library of Congress and upon such conditions as the Register may determine after such consultation: (i) Permit the deposit of one copy or phonorecord, or alternative identifying material, in lieu of the one or two copies or phonorecords otherwise required by paragraph (c) (1) of this section; or (ii) permit the deposit of incomplete copies or phonorecords, or copies or phonorecords other than those normally comprising the best edition.

(2) Any decision as to whether to grant such special relief, and the conditions under which special relief is to be granted, shall be made by the Register of Copyrights after consultation with other appropriate officials of the Library of Congress, and shall be based upon the acquisition policies of the Library of Congress then in force and the archival and examining requirements of the Copyright Office.

(3) Requests for special relief under this paragraph may be combined with requests for special relief under § 202.19 (e) of these regulations. Whether so combined or made solely under this paragraph, such requests shall be made in writing to the Chief, Examining Division of the Copyright Office, shall be signed by or on behalf of the person signing the application for registration, and shall set forth specific reasons why the request should be granted.

(e) *Use of copies and phonorecords deposited for the Library of Congress.* Copies and phonorecords deposited for the Library of Congress under section 407 of title 17 and § 202.19 of these regulations may be used to satisfy the deposit provisions of this section if they are accompanied by an application for registration of claim to copyright in the work represented by the deposit, or connected with such an application under the conditions set forth in § 202.19(f) (1) of these regulations.

§ 202.21 Deposit of identifying material instead of copies.

(a) *General.* Subject to the specific provisions of paragraphs (f) and (g) of this section, in any case where the deposit of identifying material is permitted or required under § 202.19 or § 202.20 of these regulations, the material shall consist of photographic prints, transparencies, photostats, drawings, or similar two-dimensional reproductions or renderings of the work, in a form visually perceivable without the aid of a machine or device. In the case of pictorial or graphic works, such material shall reproduce the actual colors employed in the work. In all other cases, such material may be in black and white or may consist of a reproduction of the actual colors.

(b) *Completeness; number of sets.* As many pieces of identifying material as are necessary to show clearly the entire copyrightable content of the work for which deposit is being made, or for which registration is being sought, shall be submitted. Except in cases falling under the provisions of § 202.19 (d) (2) (iii) or § 202.20 (c) (2) (iii) with respect

to holograms, only one set of such complete identifying material is required.

(c) *Size.* All pieces of identifying material must be of uniform size. Photographic transparencies must be 35 mm. in size, and must be fixed in cardboard, plastic, or similar mounts to facilitate identification, handling, and storage. All other types of identifying material must be not less than 5 x 7 inches and not more than 9 x 12 inches, but preferably 8 x 10 inches. Except in the case of transparencies, the image of the work must be either lifesize or larger, or if less than lifesize must be at least four inches in its greatest dimension.

(d) *Title and dimensions.* At least one piece of identifying material must, on its front, back, or mount, indicate the title of the work and an exact measurement of one or more dimensions of the work.

(e) *Copyright notice.* In the case of works published with notice of copyright, the notice and its position on the work must be clearly shown on at least one piece of identifying material. Where necessary because of the size or position of the notice, a separate drawing or the like showing the exact appearance and content of the notice, its dimensions, and its specific position on the work shall be submitted.

(f) For separate registration of an unpublished work that is fixed, or a published work that is published, only as embodied in a soundtrack that is an integral part of a motion picture, identifying material deposited in lieu of an actual copy or copies of the motion picture shall consist of: (1) a transcription of the entire work, or a reproduction of the entire work on a phonorecord; and (2) photographs or other reproductions from the motion picture showing the title of the motion picture, the soundtrack credits, and the copyright notice for the soundtrack, if any. The provisions of paragraphs (b), (c), (d), and (e) of this § 202.21 do not apply to identifying material deposited under this paragraph (f).

(g) In the case of unpublished motion pictures (including transmission programs that have been fixed and transmitted to the public, but have not been published), identifying material deposited in lieu of an actual copy shall consist of either: (1) an audio cassette or other phonorecord reproducing the entire soundtrack or other sound portion of the motion picture, and a description of the motion picture; or (2) a set consisting of one frame enlargement or similar visual reproduction from each ten minute segment of the motion picture, and a description of the motion picture. In either case the "description" may be a continuity, a pressbook, or a synopsis, but in all cases it must include: (i) the title or continuing title of the work, and the episode title, if any; (ii) the nature and general content of the program; (iii) the date when the work was first first and whether or not fixation was simultaneous with first transmission; (iv) the date of first transmission, if any; (v) the running time; and (vi) the

credits appearing on the work, if any. The provisions of paragraphs (b), (c), (d), and (e) of this § 202.21 do not apply to identifying material submitted under this paragraph (g).

(17 U.S.C. 207, and under the following sections of Title 17 of the United States Code as amended by Pub. L. 94-553: §§ 407, 408, 702.)

[FR Doc. 77-37417 Filed 12-30-77; 12:24 pm]

[1410-03]

[Docket RM 77-15]

#### PART 201—GENERAL PROVISIONS

Corrections and Amplifications of Copyright Registrations; Import Statements; and Recordation of Transfers and Other Documents

AGENCY: Library of Congress, Copyright Office.

ACTION: Interim Regulations.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is adopting an interim regulation to implement sections 205, 408(d), and 810(b) (2) of the Act for General Revision of the Copyright Law. Section 205 pertains to the recordation of transfers of copyright and other documents pertaining to a copyright; section 408(d) pertains to the filing of applications for supplementary registration to correct or amplify the information in an earlier registration; and section 810(b) (2) pertains to statements to be issued for the importation of copyrighted works in certain cases. The effect of the interim regulations is to establish requirements governing the recordation of documents, application for supplementary registration, and issuance of import statements under these sections.

These regulations are issued on an interim basis in order to allow persons to take action under the indicated sections of the statute, while permitting full public comment before the issuance of final regulations.

DATES: The interim regulations are effective on January 1, 1978. Comments should be received on or before March 31, 1978.

ADDRESSES: Five copies of all written comments should be provided, if by hand, to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Crystal Mall Building No. 2, room 519, Arlington, Va., or, if by mail to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Caller No. 2999, Arlington, Va. 22202.

Copies of all written comments will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, in the Public Information Office of the Copyright Office, room 101, Crystal Mall, Building No. 2, 1921 Jerguson Davis Highway, Arlington, Va.

FOR FURTHER INFORMATION CONTACT:

Jon Baumgarten, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

#### SUPPLEMENTARY INFORMATION:

(1) *Corrections and amplifications of copyright registrations; applications for supplementary registration.* Section 408 (d) of the first section of Pub. L. 94-553 (90 Stat. 2541) provides that the Register of Copyrights "may . . . establish, by regulation, formal procedures for the filing of an application for supplementary registration, to correct an error in a copyright registration or to amplify the information given in a registration." We are implementing this section, on an interim basis, by revising § 201.5 of the regulations of the Copyright Office. Although the interim regulation is essentially self explanatory, the following points should be noted:

(i) A supplementary registration is not a substitute for a renewal registration. For works originally copyrighted between January 1, 1950 and December 31, 1977, registration of a renewal claim within strict time limits is necessary to extend the first copyright term. This cannot be done by a supplementary registration. (A supplementary registration may be made to correct or amplify the information in a separate renewal registration under the conditions set forth in interim § 201.5(b) (2) (iv).)

(ii) A supplementary registration is not a substitute for recording a document reflecting a transfer of copyright, or another document pertaining to a copyright. Recording the actual document under section 205 of the Act, and interim regulation § 201.4 (discussed below), has important legal consequences which are not achieved by supplementary registration.

(iii) A supplementary registration may be made to correct or amplify the information in any completed original or renewal registration, whether that registration was made before or after January 1, 1978.

(iv) In a Notice of Inquiry published on September 26, 1977 (42 FR 48944) we raised the possibility of making supplementary registration (in addition to recordation of a transfer) to reflect the ownership of rights, other than those owned by the claimant of the basic registration. Several comments received in response to that notice were strongly opposed to this suggestion. We agree that supplementary registration was not designed to reflect the allocation or division of rights under a copyright, and that to use it for that purpose would produce a confusing and inadequate public record. Accordingly, paragraphs (b) (ii) and (b) (iii) of interim § 201.5 make clear that supplementary registration is not appropriate for such purposes. (Similarly, the concept of "claimant" under a basic registration will, in a separate proceeding, adopt the basis of the comments made to the Notice of Inquiry.)

(v) The interim regulation follows the statute in distinguishing between "corrections" (for example, where a work was given a wrong date of publication, or where an author's name was incorrectly given) and "amplifications" (for example, where a co-author was omitted, or the title of the work has been changed, or a clarification of a statement of additional matter in a new version is desired). We recognize that, in some cases, the line between these categories will not be entirely clear. As a practical matter, however, the Copyright Office will accept an application for supplementary registration clearly stating the necessary information, even if the Office differs with the applicant as to whether the change amounts to a "correction" or an "amplification".

(2) *Import Statements.* Section 601 of the new Act provides that, as a general rule, the copies of a work "consisting preponderantly of nondramatic literary material that is in the English language" must be manufactured in the United States or Canada in order to be lawfully imported and publicly distributed in the United States. There are a number of exceptions to this provision. One exception permits the importation of up to 2,000 copies of a foreign edition under an "import statement" issued by the Copyright Office to the copyright owner, or a person designated by the owner. We are implementing this section, on an interim basis, by revising § 201.8 of the regulations of the Copyright Office. The interim regulation is self-explanatory.

Under the law in effect before January 1, 1978, the Copyright Office issued import statements, at the time of "ad interim" copyright registration, to permit the importation of 1500 copies of certain works. We have considered whether the number of copies permitted to be imported in such cases should be increased by an additional 500 copies. Under the language of the new Act, however, statements permitting the importation of 2000 copies may only be issued "at the time of registration for the work under section 408 (of the new Act) or at any time thereafter." Since works for which import statements were issued before January 1, 1978 were not registered "under section 408 of the new Act", we are not persuaded that such an increase is authorized. (At the same time, interim § 201.8(a) (3) makes clear that import statements issued before January 1, 1978 remain valid.)

(3) *Recordation of transfers and other documents.* Section 205(a) of the Act permits the recordation, in the Copyright Office, of "any transfer of copyright ownership or other document pertaining to a copyright" if certain conditions of authenticity are met. Recordation will place the document in the public records of the Office, and has important legal consequences in certain cases. We are implementing this section, on an interim basis, by revising § 201.4 of the Copyright Office regulations. The interim regulation is self-explanatory.

(4) *Interim Basis.* The regulations is-

may be recorded in the Copyright Office

(2) After the issuance of an initial

owner (whose identity shall also be

grounds of application. (1) Supplemen-

(1) The title of the work as it appears



(4) *Interim Basis.* The regulations issued under this notice are made effective on January 1, 1978 in order to allow persons to correct or amplify registrations, request and receive import statements, record documents, and secure the benefits of these actions immediately upon and after the effective date of the new Act. At the same time we wish to give the public an opportunity to comment on the regulations. Accordingly, they are issued on an interim basis and comments will be received until the date set forth above. After the close of the comment period, and after considering the comments and the experience of the Office under the interim regulations, final regulations will be issued.

#### INTERIM REGULATIONS

Part 201 of 37 CFR Chapter II is amended, on an interim basis: 1. By revising § 201.4 to read as follows:

§ 201.4 Recordation of transfers and certain other documents.

(a) *General.* (1) This section prescribes conditions for the recordation of transfers of copyright ownership and other documents pertaining to a copyright under section 205 of title 17 of the United States Code, as amended by Pub. L. 94-553. The filing or recordation of the following documents is not within the provisions of this section:

(i) Certain contracts entered into by cable systems located outside of the forty-eight contiguous states (17 U.S.C. 111(e); see 37 CFR 201.12);

(ii) Notices of identity and signal carriage complement, and statements of account, of cable systems (17 U.S.C. 111(d); see 37 CFR 201.11; 201.17);

(iii) Original, signed notices of intention to obtain compulsory license to make and distribute phonorecords of nondramatic musical works (17 U.S.C. 115(b); see 37 CFR 201.18);

(iv) License agreements, and terms and rates of royalty payments, voluntarily negotiated between one or more public broadcasting entities and certain owners of copyright (17 U.S.C. 118; see 37 CFR 201.9);

(v) Notices of termination (17 U.S.C. 203, 304(c); see 37 CFR 201.10); and

(vi) Statements regarding the identity of authors of anonymous and pseudonymous works, and statements relating to the death of authors (17 U.S.C. 302).

(2) A "transfer of copyright ownership" has the meaning set forth in section 101 of title 17 of the United States Code, as amended by Pub. L. 94-553. A document shall be considered to "pertain to a copyright" if it has a direct or indirect relationship to the existence, scope, duration, or identification of a copyright, or to the ownership, division, allocation, licensing, transfer, or exercise of rights under a copyright. That relationship may be past, present, future, or potential.

(b) *Recordable documents.* Any transfer of copyright ownership, or any other document pertaining to a copyright,

may be recorded in the Copyright Office if it is accompanied by the fee set forth in paragraph (c) of this section, and if:

(i) It is an original document bearing the actual signature or signatures of the persons who executed it; or it is a legible photocopy or other full size facsimile reproduction of an original, accompanied by a sworn certification,<sup>1</sup> signed by at least one of the persons who executed it or by an authorized representative of that person, or by an official certification,<sup>2</sup> that the reproduction is a true copy of the original, signed document; and

(ii) It is complete on its face, and includes any schedules, appendices, or other attachments referred to in the document as being a part of it.

(c) *Fee.* For a document consisting of six pages or less covering no more than one title, the basic recording fee is \$10. An additional charge of 50 cents is made for each page over six and each title over one. For these purposes:

(i) A fee is required for each separate transfer or other document, even if two or more documents appear on the same page;

(ii) The term "title" generally denotes "appellation" or "denomination" rather than "registration", "work", or "copyright"; and

(iii) In determining the number of pages in a document, each side of a leaf bearing textual matter is regarded as a "page".

(d) *Recordation.* The date of recordation is the date when a proper document under paragraph (b) of this section and a proper fee under paragraph (c) of this section are all received in the Copyright Office. After recordation the document is returned to the sender with a certificate of record.

2. By revising § 201.8 to read as follows:

§ 201.8 Import statements.

(a) *General.* (1) Upon receipt of a proper request under paragraph (b) of this section, and a fee of \$3, the Copyright Office will issue import statements for works consisting preponderantly of nondramatic literary material that is in the English language, copies of which are to be imported into the United States under section 601(b)(2) of title 17 of the United States Code, as amended by Pub. L. 94-553.

<sup>1</sup> A sworn certification shall consist of an affidavit under the official seal of any officer authorized to administer oaths within the United States, or if the original is located outside of the United States, under the official seal of any diplomatic or consular officer of the United States or of a person authorized to administer oaths whose authority is proved by the certificate of such an officer, or a statement in accordance with section 1746 of title 28 of the United States Code.

<sup>2</sup> An official certification is a certification, by the appropriate government official, that the original of the document is on file in a public office and that the reproduction is a true copy of the original.

(2) After the issuance of an initial import statement for a work in accordance with a request made under paragraph (b) of this section, and upon receipt of a statement from an appropriate official of the United States Customs Service showing importation of less than two thousand copies of a work, the Copyright Office will issue an additional import statement permitting importation of the number of copies representing the difference between the number of copies already imported and two thousand copies. Additional import statements under this paragraph (a)(2) will be issued without request and shall not require payment of a fee.

(3) Any import statement issued by the Copyright Office before January 1, 1978 shall remain valid to permit the importation of the number of copies stated therein.

(b) *Requests for Import Statements and Issuance.* (1) Import statements will not be issued until after the effective date of registration for the work. However, a request for an import statement may be submitted simultaneously with an application for registration.

(2) Requests for import statements shall be made by the copyright owner of the work as shown in the records of the Copyright Office, or by the duly authorized agent of such owner. For the purpose of this section, the "copyright owner" is a person or organization that owns the exclusive right to import copies of the work into the United States at the time the request is made. The "copyright owner" may be either: (i) The author of the work (including, in the case of a work made for hire, the employer or other person for whom the work was prepared); or

(ii) A claimant, other than the author, identified in the registration for the work; or

(iii) A person or organization that has obtained ownership of one or more exclusive rights, initially owned by the author, including the exclusive right to import copies into the United States.

(3) Requests for import statements shall be made on a form prescribed by the Copyright Office, and shall contain the following information: (i) The title of the work;

(ii) The name or names of the author or authors of the work;

(iii) The name or names of the copyright claimants in the work;

(iv) If registration has already been made for the work, the registration number and effective date of registration;

(v) The full name, mailing address, and telephone number of an individual person who may be contacted if further information is needed;

(vi) The full name and mailing address of the person or entity to whom or which the statement is to be issued; and

(vii) A certification of the request. The certification shall consist of: (A) the handwritten signature of the copyright owner of the work as shown in the records of the Copyright Office, or the duly authorized agent of such copyright

owner (whose identity shall also be given); (B) the typewritten or printed name and address of such copyright owner or agent; (C) the date of signature; and (D) a statement that the person signing the request is the copyright owner or a duly authorized agent of the copyright owner, and that the Copyright Office is authorized to issue an import statement to the name and address given under paragraph (vi) of this § 201.8(b)(3).

(4) The form prescribed by the Copyright Office for the foregoing purposes is designated "Request for Issuance of an Import Statement under § 601 of the U.S. Copyright Law (Form IS)". Copies of the form are available free upon request to the Public Information Office, United States Copyright Office, Washington, D.C. 20559.

(5) After the effective date of registration for the work named in the request, the Copyright Office will issue an import statement permitting the importation of two thousand copies of the work to the name and address given under paragraph (vi) of this § 201.8(b)(3).

3. By revising § 201.5 to read as follows:

§ 201.5 Corrections and amplifications of copyright registrations; applications for supplementary registration.

(a) *General.* (1) This section prescribes conditions relating to the filing of an application for supplementary registration, to correct an error in a copyright registration or to amplify the information given in a registration, under section 408(d) of title 17 of the United States Code, as amended by Pub. L. 94-553. For the purposes of this section:

(i) A "basic registration" means any of the following: (A) a copyright registration made under sections 408, 409, and 410 of title 17 of the United States Code, as amended by Pub. L. 94-553; (B) a renewal registration made under section 304 of title 17 of the United States Code, as so amended; (C) a registration of claim to copyright made under title 17 of the United States Code as it existed before January 1, 1978; or (D) a renewal registration made under title 17 of the United States Code as it existed before January 1, 1978; and

(ii) A "supplementary registration" means a registration made upon application under section 408(d) of title 17 of the United States Code, as amended by Pub. L. 94-553, and the provisions of this section.

(2) No correction or amplification of the information in a basic registration will be made except pursuant to the provisions of this § 201.5. As an exception, where it is discovered that the record of a basic registration contains an error that the Copyright Office itself should have recognized at the time registration was made, the Office will take appropriate measures to rectify its error.

(b) *Persons entitled to file an application for supplementary registration;*

*grounds of application.* (1) Supplementary registration can be made only if a basic copyright registration for the same work has already been completed. After a basic registration has been completed, any author or other copyright claimant of the work, or the owner of any exclusive right in the work, or the duly authorized agent of any such author, other claimant, or owner, who wishes to correct or amplify the information given in the basic registration for the work may file an application for supplementary registration.<sup>3</sup>

(2) Supplementary registration may be made either to correct or to amplify the information in a basic registration. For the purposes of this section: (i) A "correction" is appropriate if information in the basic registration was incorrect at the time that basic registration was made, and the error is not one that the Copyright Office itself should have recognized;

(ii) An "amplification" is appropriate: (A) to reflect additional information that could have been given, but was omitted, at the time basic registration was made; or (B) to reflect changes in facts, other than those relating to transfer, license, or ownership of rights in the work, that have occurred since the basic registration was made; or (C) to clarify information given in the basic registration;

(iii) Supplementary registration is not appropriate: (A) as an amplification, to reflect the ownership, division, allocation, licensing, or transfer of rights in a work, whether at the time basic registration was made or thereafter; or (B) to correct errors in statements or notices on the copies of phonorecords of a work, or to reflect changes in the content of a work; and

(iv) Supplementary registration to correct a renewal claimant or basis of claim in a basic renewal registration may be made only if the application for supplementary registration and fee are received in the Copyright Office within the statutory time limits for renewal. If the error or omission in a basic renewal registration is extremely minor, and does not involve the identity of the renewal claimant or the legal basis of the claim, supplementary registration may be made at any time. Supplementary registration is not appropriate to add a renewal claimant.

(c) *Form and content of application for supplementary registration.* (1) An application for supplementary registration shall be made on a form prescribed by the Copyright Office, shall be accompanied by a fee of \$10,<sup>4</sup> and shall contain the following information:

<sup>3</sup> If the person who, or on whose behalf, an application for supplementary registration is submitted is the same as the person identified as the copyright claimant in the basic registration, the Copyright Office will place a note referring to the supplementary registration on its records of the basic registration.

<sup>4</sup> The \$10 fee applies to all applications for supplementary registration, including those made to correct or amplify the information in a renewal registration.

(i) The title of the work as it appears in the basic registration, including previous or alternative titles if they appear;

(ii) The registration number of the basic registration;

(iii) The year when the basic registration was completed;

(iv) The name or names of the author or authors of the work, and the copyright claimant or claimants in the work, as they appear in the basic registration;

(v) In the case of a correction: (A) The line number and heading or description of the part of the basic registration where the error occurred; (B) a transcription of the erroneous information as it appears in the basic registration; (C) a statement of the correct information as it should have appeared; and (D) if desired, an explanation of the error or its correction;

(vi) In the case of an amplification: (A) The line number and heading or description of the part of the basic registration where the information to be amplified appears; (B) a clear and succinct statement of the information to be added; and (C) if desired, an explanation of the amplification;

(vii) The name and address: (A) To which correspondence concerning the application should be sent; and (B) to which the certificate of supplementary registration should be mailed; and

(viii) A certification. The certification shall consist of: (A) the handwritten signature of the author, other copyright claimant, or owner of exclusive right(s) in the work, or of the duly authorized agent of such author, other claimant or owner (who shall also be identified); (B) the typed or printed name of the person whose signature appears, and the date of signature; and (C) a statement that the person signing the application is the author, other copyright claimant or owner of exclusive right(s) in the work, or the authorized agent of such author, other claimant, or owner, and that the statements made in the application are correct to the best of that person's knowledge.

(2) The form prescribed by the Copyright Office for the foregoing purposes is designated "Application for Supplementary Copyright Registration (Form CA)". Copies of the form are available free upon request to the Public Information Office, United States Copyright Office, Library of Congress, Washington, D.C. 20559.

(3) Copies, phonorecords, or supporting documents cannot be made part of the record of a supplementary registration and should not be submitted with the application.

(d) *Effect of supplementary registration.* (1) When a supplementary registration is completed, the Copyright Office will assign it a new registration number in the appropriate class, and issue a certificate of supplementary registration under that number.

(2) As provided in section 408(d) of title 17, the information contained in a supplementary registration augments but does not supersede that contained in



the basic registration. The basic registration will not be expunged or cancelled.

(17 U.S.C. 207, and under the following sections of Title 17 of the United States Code as amended by Pub. L. 94-553; §§ 205; 408 (d); 601(b); 702; 708.)

Dated: December 29, 1977.

BARBARA RINGER,  
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,  
Librarian of Congress.

[FR Doc. 77-37418 Filed 12-30-77; 3:26 pm]

[1410-03]

[Docket No. RM 77-12]

**PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES**

**PART 204—PRIVACY ACT: POLICIES AND PROCEDURES**

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulations.

**SUMMARY:** This notice is to inform the public that the Copyright Office of the Library of Congress is adopting new regulations implementing portions of Pub. L. 94-553 (90 Stat. 2541), the Act for General Revision of the Copyright Law, and the Administrative Procedure Act pertaining to public information and privacy. The effect of the new regulations is to establish the rules and procedures by which members of the public may obtain information as authorized under the Freedom of Information Act and the Privacy Act provisions of the Administrative Procedure Act.

EFFECTIVE DATE: January 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Victor Marton, Senior Information Specialist, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8743.

**SUPPLEMENTARY INFORMATION:** Section 701(d) of Pub. L. 94-553, 90 Stat. 2541, provides that, except as set forth in section 106(b)<sup>1</sup> and the regulations issued in accordance with that section, all actions taken by the Register of Copyrights under title 17, U.S.C., are subject to the provisions of the Administrative Procedure Act of June 11, 1946, as amended (c. 324, 60 Stat. 237, title 5, United States Code, Chapter 5, Subchapter II and Chapter 7). In order to conform with the requirements of the Administrative Procedure Act, the Copyright Office is required to publish certain information in the FEDERAL REGISTER,

<sup>1</sup>Section 706(b) provides that copies or reproductions of deposited articles retained under the control of the Copyright Office shall be authorized or furnished only under the conditions specified by Copyright Office regulations. These regulations will be the subject of a separate rulemaking procedure.

and is required to adopt rules, regulations, and procedures for the guidance of members of the public in exercising their rights under that statute. Although the Copyright Office is a department of the Library of Congress, the application of 5 U.S.C. 552 and 552a to the Library of Congress as a legislative agency is not to be inferred (36 CFR 703).

On December 5, 1977, we published in the FEDERAL REGISTER (42 FR 61476) a proposal that the requirements of 5 U.S.C. 552 and 552a be met by the addition of new §§ 203 and 204 to the regulations of the Copyright Office. Interested parties were given until December 27, 1977 to submit comments.

One comment,<sup>2</sup> which raises two objections to the proposed regulations, has been received.

The first objection is that the proposed regulations make no provision for public inspection and copying of records related to pending copyright applications. However, this is not the case. A Freedom of Information Act request for pending copyright applications and related files would be a request made for "records" under section 552(a)(3) of the Act. The procedures governing such Freedom of Information Act requests are set forth in § 203.4 (d), (e) and (f). The Office will make records of pending applications promptly available under the Freedom of Information Act upon receipt of a proper request as specified in the proposed regulation.

The second objection is that the procedures for inspection and copying of Office records are unnecessarily complicated. The procedures in the proposed regulations, however, are required to comply with the Freedom of Information and Privacy Acts, including provisions that obligate us to isolate and report requests made under those statutes. The procedures must be followed only when a request for Office records invokes the Freedom of Information or Privacy Acts.

It should not be inferred that all requests for Office records must follow the procedures set forth in these regulations. The Copyright Office is an office of public record, and section 705 of title 17 requires that records of all deposits, registrations, recordings, and other actions taken under title 17 be open to public inspection. Section 706 provides that copies may be made of any public records or indexes of the Office. Regulations concerning access to, and public inspection and copying of, Office records when the Freedom of Information or Privacy Acts are not invoked by the requester will be the subject of a separate rulemaking procedure.

The proposed regulations are adopted without change and are set forth below.

<sup>2</sup>A second comment has been received related to the application of these regulations to information proposed to be required to be filed by cable systems in a separate proceeding (Docket RM 77-2). That comment will be addressed in the final rulemaking in that proceeding.

Since the purpose of these regulations is to aid the public in exercising their rights under the Freedom of Information and Privacy Acts, the Office believes that it would not be in the public interest to delay the effective date of the regulations, and therefore the regulations are made effective on January 4, 1978.

(17 U.S.C. 701; and under the following sections of Title 17 of the U.S. Code as amended by Pub. L. 94-553: 705; 706; 707; 708.)

Dated: December 29, 1977.

BARBARA RINGER,  
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,  
Librarian of Congress.

37 CFR chapter II is amended by adding new Parts 203 and 204 to read as follows:

**PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES**

**ORGANIZATION**

- Sec. 203.1 General.
- 203.2 Authority and functions.
- 203.3 Organization.

**PROCEDURES**

- 203.4 Methods of operations.

**AVAILABILITY OF INFORMATION**

- 203.5 Inspection and copying.

**CHARGES FOR SEARCH FOR REPRODUCTION**

- 203.6 Schedule of fees and method of payment for services rendered.

AUTHORITY: Copyright Act, Pub. L. 94-553; 90 Stat. 2541-2602 (17 U.S.C. 101-710).

**ORGANIZATION**

**§ 203.1 General.**

This information is furnished for the guidance of the public and in compliance with the requirements of section 552 of title 5, United States Code, as amended.

**§ 203.2 Authority and functions.**

(a) The administration of the copyright law was entrusted to the Library of Congress by an act of Congress in 1870, and the Copyright Office has been a separate department of the Library since 1897. The statutory functions of the Copyright Office are contained in and carried out in accordance with the Copyright Act, Pub. L. 94-553, (90 Stat. 2541-2602), 17 U.S.C. 101-710.

**§ 203.3 Organization.**

The organization of the Copyright Office consists of— (a) The Office of the Register of Copyrights, which includes the Register of Copyrights and the Assistant Registers. The Register of Copyrights provides overall direction of the work of the Copyright Office. The Register is assisted by Assistant Registers of Copyright, who have delegated responsibilities for particular aspects of the activities of the Copyright Office, by the General Counsel and the legal staff, and by the administrative staff.

(b) The Assistant Register of Copyrights for Registration serves as a dep-

uty to the Register of Copyrights and has oversight of the operating divisions primarily involved in the registration of materials for copyright. These operating divisions are:

(1) the Acquisitions and Processing Division which receives incoming materials, dispatches outgoing materials, establishes controls over fiscal accounts and controls over the collections of the Library of Congress through implementation of the deposit requirements of the copyright statute.

(2) the Examining Division which examines all applications and material presented to the Copyright Office for registration of original and renewal copyright claims and which determines whether the materials deposited constitutes copyrightable subject matter and whether the other legal and formal requirements of Title 17 have been met.

(c) The Assistant Register of Copyrights for Automation and Records oversees offices and divisions concerned with planning and preparation for application of automation equipment and techniques to appropriate activities in the Copyright Office; preparation, preservation, and service of official copyright records; storage and preservation of copyright deposits; and implementation of licensing provisions in the copyright statute. These offices and divisions are:

(1) The Planning and Technical Office which has immediate responsibility for studies and recommendations concerned with automation of copyright procedures and related organizational studies and for implementation of approved automation applications in the Copyright Office.

(2) The Cataloging Division which prepares the bibliographic description of all copyrighted works registered or received in the Copyright Office, produces catalog cards for such works, and prepares the Catalog of Copyright Entries.

(3) The Information and Reference Division which provides a national copyright information service through the public information office, educates staff and the public on the copyright law, issues and distributes information materials, responds to reference requests regarding copyright matters, prepares search reports based upon copyright records, certifies copies of legal documents concerned with copyright, and maintains liaison with the United States Customs Service, the Department of the Treasury, and the United States Postal Service.

(4) The Licensing Division which implements the sections of Pub. L. 94-553 dealing with secondary transmissions of radio and television programs, compulsory licenses for making and distributing phonorecords of nondramatic musical works, public performances through coin-operated phonorecord players, and use of published nondramatic musical, pictorial, graphic, and sculptural works in connection with noncommercial broadcasting.

(5) The Records Management Division which develops, services, stores, and

preserves the official records and catalogs of the Copyright Office, including applications for registration, biographic and other historical records, and materials deposited for copyright registration that are not selected by the Library of Congress for addition to its collections.

(d) The Office has no field organization.

(e) The Office is presently located in Building No. 2, Crystal Mall, 1921 Jefferson Davis Highway, Crystal City, Va. 22202. The Public Information Office is located in Room 101. Its hours are 8 a.m. to 4 p.m., Monday through Friday. The phone number of the Public Information Office is: 557-8700. Informational material regarding the copyright law, the registration process, fees, and related information about the Copyright Office and its functions may be obtained free of charge from the Public Information Office upon request.

(f) All Copyright Office forms may be obtained free of charge from the Public Information Office.

**PROCEDURES**

**§ 203.4 Methods of operation.**

(a) In accordance with section 552(a)(2) of the Freedom of Information Act, the Copyright Office makes available for public inspection and copying records of copyright registrations and of final refusals to register claims to copyright; statements of policy and interpretations which have been adopted but are not published in the FEDERAL REGISTER; and administrative staff manuals and instructions to the staff that affect a member of the public.

(b) The Copyright Office also maintains and makes available for public inspection and copying current indexes providing identifying information as to matters issued, adopted, or promulgated after July 4, 1967, that are within the scope of 5 U.S.C. 552(a)(2). The Copyright Office has determined that publication of these indexes is unnecessary and impractical. Copies of the indexes will be provided to any member of the public upon request at the cost of reproduction.

(c) The material and indexes referred to in paragraphs (a) and (b) of this section are available for public inspection and copying at the Public Information Office of the Copyright Office, room 101, Building No. 2, Crystal Mall Annex, 1921 Jefferson Davis Highway, Crystal City, Va. 22202, between the hours of 8 a.m. and 4 p.m., Monday thru Friday.

(d) The Supervisory Copyright Information Specialist is responsible for responding to all initial requests submitted under the Freedom of Information Act. Individuals desiring to obtain access to Copyright Office information under the Act should make a written request to that effect either by mail to the Supervisory Copyright Information Specialist, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C., 20559, or in person between the hours of 9 a.m. and 4

p.m. on any working day at room 101, Copyright Office, Building No. 2, Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Va. If a request is made by mail, both the request and the envelope carrying it should be plainly marked Freedom of Information Act Request. Failure to so mark a mailed request may delay the Office response.

(e) Records must be reasonably described. A request reasonably describes records if it enables the Office to identify the records requested by any process that is not unreasonably burdensome or disruptive of Office operations. The Supervisory Copyright Information Specialist will, upon request, aid members of the public to formulate their requests in such a manner as to enable the Office to respond effectively and reduce search costs for the requester.

(f) The Office will respond to all properly marked mailed requests and all personally delivered requests within 10 working days of receipt by the Supervisory Copyright Information Specialist. The Office response will notify the requester whether or not the request will be granted. If the request is denied, the written notification will include the basis for the denial and also include the names of all individuals who participated in the determination and a description of procedures available to appeal the determination.

(g) In the event a request is denied and that denial is appealed, the Supervisory Copyright Information Specialist will refer the appeal to the General Counsel. Appeals shall be set forth in writing and addressed to the Supervisory Copyright Information Specialist at the address listed in paragraph (d) of this section. The appeal shall include a statement explaining the basis for the appeal. Determinations of appeals will be set forth in writing and signed by the General Counsel or his or her delegate within 20 working days. If, on appeal, the denial is in whole or in part upheld, the written determination will include the basis for the appeal denial and will also contain a notification of the provisions for judicial review and the names of the persons who participated in the determination.

(h) In unusual circumstances, the General Counsel may extend the time limits prescribed in paragraphs (f) and (g) of this section for not more than 10 working days. The extension period may be split between the initial request and the appeal but the total period of extension shall not exceed 10 working days. Extensions will be by written notice to the person making the request. The Copyright Office will advise the requester of the reasons for the extension and the date the determination is expected. As used in this paragraph "unusual circumstances" means:

(1) The need to search for and collect the requested records from establishments that are physically separate from the office processing the request;

(2) The need to search for, collect, and examine a voluminous amount of sep-



arate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practical speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Copyright Office which have a substantial subject matter interest therein.

#### AVAILABILITY OF INFORMATION

##### § 203.5 Inspection and copying.

(a) When a request for information has been approved, the person making the request may make an appointment to inspect or copy the materials requested during regular business hours by writing or telephoning the Supervisory Copyright Information Specialist at the address or telephone number listed in § 203.4(d). Such material may be copied manually without charge, and reasonable facilities are available in the Public Information Office for that purpose. Also, copies of individual pages of such materials will be made available at the price per page specified in paragraphs (a) and (b) of § 203.6.

#### CHARGES FOR SEARCH FOR REPRODUCTION

##### § 203.6 Schedule of fees and method of payment for services rendered.

(a) Fees shall be charged according to the schedule in paragraph (b) of this section for services rendered in responding to requests for Copyright Office records under this section. The Copyright Office will furnish the documents without charge or at a reduced charge where the Office determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public or where the requester claims indigency. When the request is for a copy of a record for which a specific fee is required under section 708 of Pub. L. 94-553, that fee shall be charged. Copies of Copyright Office publications are offered for sale to the public at prices based on the cost of reproduction and distribution, as required under section 707 of Pub. L. 94-553.

(b) The following charges will be assessed for the services listed:

(1) For copies of certificates of copyright registration, \$4.

(2) For copies of all other Copyright Office records not otherwise provided for in this section, \$.45 per page for 24 pages or less, and \$.35 per page for 25 pages or more, with a minimum fee of \$4.00.

(3) For each hour or fraction of an hour spent in searching for a requested record, \$10.

(4) For certification of each document, \$4.

(5) Other costs incurred by the Copyright Office, in fulfilling a request will be chargeable at the actual cost to the Office.

(c) No charge will be made for time spent in resolving legal or policy issues

affecting access to Office records. No charge will be made for the time involved in examining records to determine whether some or all of such records may or will be withheld. Normally, no charge will be made if the records requested are not found. However, if the time expended in processing the request is substantial, and if the requester has been notified in advance that the Copyright Office cannot determine if the requested record exists or can be located fees may be charged.

(d) Where it is anticipated that the fees chargeable under this section will amount to more than \$50.00, and the requester has not indicated in advance willingness to pay fees as high as are anticipated, the Copyright Office shall furnish the requester an estimate of the anticipated fee. In such cases, a request will not be deemed to have been received until the requester is notified of the anticipated fee and agrees to bear it. Such a notification will be transmitted as soon as possible, but in any event, within five working days after the receipt of the initial request. The Supervisory Copyright Information Specialist will, when appropriate, consult with the requester in an effort to formulate the request so as to reduce the total fees chargeable.

(e) Payment should be made by check or money order payable to the Register of Copyrights.

#### PART 204—PRIVACY ACT: POLICIES AND PROCEDURES

Sec.	Purposes and scope.
204.1	Definitions.
204.2	General policy.
204.3	Procedures for notification of the existence of records pertaining to individuals.
204.4	Procedures for requesting access to records.
204.5	Fees.
204.6	Requests for correction or amendment of a record.
204.7	Appeal of refusal to correct or amend an individual's record.
204.8	Judicial review.

AUTHORITY: Copyright Act, Pub. L. 94-553; 90 Stat. 2541-2602 (17 U.S.C. 101-710).

##### § 204.1 Purposes and scope.

The purposes of these regulations are:

(a) the establishment of procedures by which an individual can determine if the Copyright Office maintains a system of records in which there is a record pertaining to the individual; and

(b) the establishment of procedures by which an individual may gain access to a record or information maintained on that individual and have such record or information disclosed for the purpose of review, copying, correction, or amendment.

##### § 204.2 Definitions.

For purposes of this Part:

(a) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) the term "maintain" includes maintain, collect, use, or disseminate;

(c) the term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history, and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(d) the term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual; and

(e) the term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

##### § 204.3 General policy.

The Copyright Office serves primarily as an office of public record. Section 705 of title 17, United States Code, requires the Copyright Office to open for public inspection all records of copyright deposits, registrations, recordings, and other actions taken under title 17. Therefore, a routine use of all Copyright Office systems of records created under Title 17 will be disclosure to the public. All Copyright Office systems of records will also be available for public copying as required by section 706(a), with the exception of copyright deposits, whose reproduction will be governed as authorized by Section 706(b) and the regulations issued under that section.

##### § 204.4 Procedure for notification of the existence of records pertaining to individuals.

(a) The Copyright Office will publish annually in the FEDERAL REGISTER notices of all Copyright Office systems of records subject to the Privacy Act. Individuals desiring to know if a Copyright Office system of records contains a record pertaining to them should submit a written request to that effect either by mail to the Supervisory Copyright Information Specialist, Information and Publications Section, Copyright Office, Library of Congress, Washington, D.C. 20559, or in person between the hours of 9 a.m. and 4 p.m. on any working day at room 101, Copyright Office, Building No. 2, Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Va.

(b) The written request should identify clearly the system of records which is the subject of inquiry, by reference, whenever possible, to the system number and title as given in the notices of systems of records in the FEDERAL REGISTER. Both the written request and the envelope carrying it should be plainly marked "Privacy Act Request." Failure to so mark the request may delay the Office response.

(c) The Office will acknowledge all properly marked requests within ten working days of receipt and will notify the requester within 30 working days of receipt of the existence or non-existence of records pertaining to the requester.

(d) Since all Copyright Office records are open to public inspection, no identity verification is necessary for individuals who wish to know whether a specific system of records pertains to them.

##### § 204.5 Procedures for requesting access to records.

(a) Individuals desiring to obtain access to Copyright Office information pertaining to them should make a written request to that effect either by mail to the Supervisory Copyright Information Specialist, Information and Publications Section, Copyright Office, Library of Congress, Washington, D.C. 20559, or in person between the hours of 9 a.m. and 4 p.m. on any working day at room 101, Copyright Office, Building No. 2, Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Va.

(b) The written request should identify clearly the system of records which is the subject of inquiry, by reference, whenever possible, to the system number and title as given in the notices of systems of records in the FEDERAL REGISTER. Both the written request and the envelope carrying it should be plainly marked "Privacy Act Request." Failure to so mark the request may delay the Office response.

(c) The Office will acknowledge all properly marked requests within ten working days of receipt; and will notify the requester within 30 working days of receipt when and where access to the record will be granted. If the individual requested a copy of the record, the copy will accompany such notification.

##### § 204.6 Fees.

(a) The Copyright Office will provide, free of charge, one copy to an individual of any record pertaining to that individual contained in a Copyright Office system of records, except where the request is for a copy of a record for which a specific fee is required under section 708 of Pub. L. 94-553, in which case that fee shall be charged. For additional copies of records not covered by section 708 the fee will be computed at the rate of \$.45 per page for 24 pages or less, and \$.35 per page for 25 pages or more, with a minimum fee of \$4.00. The Office will require prepayment of fees estimated to exceed \$25.00 and will remit any excess paid or bill an additional amount according to the differences between the final fee charged and the amount prepaid. When prepayment is required, a request will not be deemed "received" until prepayment has been made.

(b) The Copyright Office may waive the fee requirements whenever it determines that such waiver would be in the public interest.

##### § 204.7 Request for correction or amendment of records.

(a) Any individual may request the correction or amendment of a record pertaining to her or him. With respect to an error in a copyright registration,

the procedure for correction and fee chargeable is governed by section 408(d) of Pub. L. 94-553, and the regulations issued as authorized by that section. With respect to an error in any other record, the request shall be in writing and delivered either by mail addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Copyright Office, Library of Congress, Washington, D.C. 20559, or in person at room 101, Copyright Office, Building No. 2, Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Va. The request shall explain why the individual believes the record to be incomplete, inaccurate, irrelevant, or untimely.

(b) With respect to an error in a copyright registration, the time limit for Office response to requests for correction is governed by section 408(d) of Pub. L. 94-553, and the regulations issued as authorized by that section. With respect to other requests for correction or amendment of records, the Office will respond within 10 working days indicating to the requester that the requested correction or amendment has been made or that it has been refused. If the requested correction or amendment is refused, the Office response will indicate the reason for the refusal and the procedure available to the individual to appeal the refusal.

##### § 204.8 Appeal of refusal to correct or amend an individual's record.

(a) An individual has 90 calendar days from receipt of the Copyright Office's response to appeal the refusal to correct or amend a record pertaining to the individual. The individual should submit a written appeal to the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559 for the final administrative determination. Appeals, and the envelopes carrying them, should be plainly marked "Privacy Act Appeal". Failure to so mark the appeal may delay the Register's response. An appeal should contain a copy of the request for amendment or correction and a copy of the record alleged to be untimely, inaccurate, incomplete or irrelevant.

(b) The Register will issue a written decision granting or denying the appeal within 30 working days after receipt of the appeal unless, after showing good cause, the Register extends the 30 day period. If the appeal is granted, the requested amendment or correction will be made promptly. If the appeal is denied, in whole or part, the Register's decision will set forth reasons for the denial. Additionally, the decision will advise the requester that he or she has the right to file with the Copyright Office a concise statement of his or her reasons for disagreeing with the refusal to amend the record and that such statement will be attached to the requester's record and included in any future disclosure of such record.

##### § 204.9 Judicial Review.

Within two years of the receipt of a final adverse administrative determination, an individual may seek judicial review of that determination as provided in 5 U.S.C. 552a(g) (1).

[FR Doc. 77-37419 Filed 12-30-77; 3:26 pm]

#### [ 3510-22 ]

#### Title 50—Wildlife and Fisheries CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

##### PART 651—ATLANTIC GROUND FISH

##### Haddock, Cod, and Yellowtail Flounder; Correction

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Correction to emergency regulations.

SUMMARY: Emergency regulations implementing an amendment to the fishery management plan for Atlantic groundfish (Plan) were published in the FEDERAL REGISTER on December 30, 1977. Those regulations became effective on January 1, 1978. Due to inadvertent oversight on the part of the submitting agency, two errors occurred in that publication. This document is being published to correct those errors.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone: 617-281-3600.

SUPPLEMENTARY INFORMATION: The two corrections are these: 1. The original draft text contained two paragraphs which would have simplified the fishing vessel marking requirements. Those two paragraphs did not appear in the text which was submitted to the FEDERAL REGISTER, even though the news media had been informed of this change. This correction restores those two paragraphs to the original text.

2. The draft text of the emergency regulation contained a provision which required the Assistant Administrator for Fisheries to take certain actions when the catch of cod, or the catch of yellowtail flounder east of 69°00' W. long., reached 70 percent of the quarterly allocation. Subsequently, it was decided that this percentage was too high, and that the Assistant Administrator for Fisheries needed more flexibility than the draft text provided. Unfortunately, the text which appeared in the FEDERAL REGISTER did not reflect these changes.

Signed at Washington, D.C., this 30th day of December 1977.

WINFRED H. MEYBOHM,  
Associate Director,  
National Marine Fisheries Service.



## RULES AND REGULATIONS

## § 651.11 [Amended]

The corrections are as follows: Section 651.11 Vessel Identification. Delete paragraphs (a) and (b), as they appeared in the June 10, 1977 *FEDERAL REGISTER* (42 FR 29876), and substitute the following:

"(a) Each fishing vessel subject to this Part over 25 feet (7.65 m) in length shall display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from above.

"(b) The identifying markings shall be permanently affixed to the vessel in contrasting block Arabic numerals at least 18 inches (45.72 cm) for vessels over 65 feet (19.812 m) and at least 10 inches (25.4 cm) in height for all other vessels over 25 feet (7.62 m) in length."

## § 651.8 [Amended]

Section 651.8(a)(2). Change "70 percent" to "50 percent"; and change " \* \* \* the Assistant Administrator for Fisheries shall publish \* \* \* " to " \* \* \* the Assistant Administrator for Fisheries may publish \* \* \* ".

[FR Doc.78-103 Filed 1-3-78; 8:45 am]

## proposed rules

This section of the *FEDERAL REGISTER* contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## [ 3410-02 ]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Part 1001 ]

[Docket No. AO-14-A56]

MILK IN THE NEW ENGLAND  
MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions.

SUMMARY: This notice extends the date for filing exceptions to the recommended decision which previously set January 3, 1978, as such date. Interested parties requested the additional time to study the findings, conclusions and amendatory provisions of the decision.

DATE: Exceptions now are due on or before January 17, 1978.

ADDRESS: Exceptions (four copies) should be filed with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250.

## FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of hearing—Issued October 15, 1976; published October 21, 1976 (41 FR 46454). Recommended decision—Issued December 6, 1977; published December 12, 1977 (42 FR 62444).

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New England marketing area which was issued December 6, 1977 (42 FR 62444) is hereby extended to January 17, 1978.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure govern-

ing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on December 29, 1977.

ROBERT B. BROWN,  
Acting Deputy Administrator  
for Program Operations.

[FR Doc.78-61 Filed 1-3-78; 8:45 am]

## [ 6750-01 ]

## FEDERAL TRADE COMMISSION

[ 16 CFR Part 4 ]

ORGANIZATION, PROCEDURES, AND  
RULES OF PRACTICE

Availability of Public Information

AGENCY: Federal Trade Commission.

ACTION: Proposed rule.

SUMMARY: This proposed rule would change the uniform fee schedule used to assess members of the public for reproduction and search costs incurred in processing Freedom of Information Act requests. The new fee schedule is necessary to enable the Commission to meet the increased costs of new services, especially automated information retrieval, and the increased costs of personnel and reproduction materials.

DATES: All interested persons may file written comments concerning the proposed amendment on or before February 3, 1978.

ADDRESSES: All comments should be mailed to the Secretary, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580.

The comments received on the proposed amendment will be available for examination at the Public Reference Room, Room 130, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the final amendment of the rule.

## FOR FURTHER INFORMATION CONTACT:

John E. Bokel, Director of Information Division, Office of the Secretary, Federal Trade Commission, Washington, D.C. 20580, 202-523-3564.

Accordingly, the Commission proposes that § 4.8(c)(2) and (3) be amended to read as follows:

## § 4.8 Availability of public information.

(c) \* \* \* \* \*

(2) The following uniform schedule of fees applies to all constituent units of the Commission:

REPRODUCTION	
Paper copy.....	12¢/page.
MICROFILM SERVICES—PRODUCTION OF MICROFILM	
16 MM.....	6¢/frame.
Microfiche 4" x 6".....	Do.
DUPLICATION OF MICROFILM	
16 MM.....	\$4.30/100-ft. roll.
16 MM developing.....	\$1.70/100-ft. roll.
Microfiche 4" by 6".....	15¢ each.
Load cartridge.....	\$1.28 each.
Load cartridge.....	50¢ each.
COMPUTER SERVICES—INFORMATION RETRIEVAL	
Programmer.....	\$8.75/h.
Hard copy (paper) of each request.....	30¢.
SEARCH FEES	
Clerical, 1st hour.....	Free.
2d and subsequent hours.....	\$5.50/h.
Para-professional, 1st hour.....	Free.
2d and subsequent hours.....	\$6.15/h.
Professional, 1st hour.....	Free.
2d and subsequent hours.....	\$13.25/h.
Certification.....	\$3 each.

(3) Payment should be made by check or money order payable to the Treasury of the United States.

(5 U.S.C. 552; 15 U.S.C. 46(g).)

By direction of the Commission dated December 14, 1977.

CAROL M. THOMAS,  
Secretary.

[FR Doc.78-20 Filed 1-3-78; 8:45 am]

## [ 4310-70 ]

## DEPARTMENT OF THE INTERIOR

National Park Service

[ 36 CFR Part 7 ]

HAWAII VOLCANOES NATIONAL PARK,  
HAWAII

Backcountry Camping Registration  
Required

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The purpose of this revision is to require all persons planning



to camp anywhere in the backcountry of the park to register with the Superintendent. This is necessary to allow such persons to be readily notified of emergency conditions which frequently occur in the park.

**DATES:** Written comments, suggestions, or objections regarding this proposal will be accepted until February 4, 1978.

**ADDRESSES:** Comments should be directed to: Superintendent, Hawaii Volcanoes National Park, Hawaii 96718.

**FOR FURTHER INFORMATION CONTACT:**

Robert D. Barbee, Superintendent, Hawaii Volcanoes National Park, telephone: 808-967-7311.

**SUPPLEMENTARY INFORMATION:** This proposed regulation is based on public safety considerations. Most of the park's backcountry is subject to frequent earthquakes, volcanic eruptions, and lava flows, and the entire thirty mile coastline of the park is subject to occasional tsunamis, or "tidal waves." Public use of this backcountry has greatly increased in recent years and now totals approximately 3,000 overnight visits per year.

The ability to quickly determine who is located where in the backcountry can be very important in emergency situations, and a mandatory registration system is the only practical way to assure this capability. Under this proposal, registration will be free and may be accomplished in person at either of the park's visitor centers which are open from 7:30 a.m.-5:00 p.m. every day of the year.

(Sec. 3 of the Act of August 25, 1916, 39 Stat. 535, as amended (16 U.S.C. 3); Sec. 4 of the Act of August 1, 1916, 39 Stat. 434 (16 U.S.C. 394); 245 DM-1 (42 FR 12931); National Park Service Order No. 77 (38 FR 7478); and Regional Director, Western Region, Order No. 7 (37 FR 6326).)

**NOTE.**—The National Park Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

DANIEL J. TOBIN,  
Associate Director,  
National Park Service.

In consideration of the foregoing, it is proposed to amend 36 CFR 7.25 by revising paragraph (b) (1) to read as follows:

**§ 7.25 Hawaii Volcanoes National Park.**

(b) *Backcountry registration.* (1) No person shall camp overnight in the backcountry without first registering with the Superintendent. "Backcountry" is defined as all areas of the park which are more than 250 yards from a paved road.

[FR Doc. 78-42 Filed 1-3-78; 8:45 am]

#### [4110-35]

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration  
[42 CFR Parts 405, 449, and 450]

##### MEDICAID AND MEDICARE

**Disclosure of Information and Access to Provider Records: Requirements and Conditions for Participation**

**AGENCY:** Health Care Financing Administration (HCFA), HEW.

**ACTION:** Notice of Decision to Develop Regulations.

**SUMMARY:** The regulations will: 1. Require Medicare and Medicaid providers and fiscal agents to disclose to the Secretary certain information about owners, employees, subcontractors and suppliers; 2. Authorize the Secretary to refuse to enter into or renew an agreement with a provider if any of its owners or managing employees has been convicted of a criminal offense involving any of the programs under Titles XVIII, XIX, or XX of the Social Security Act; 3. Authorize the Secretary to terminate an agreement with a provider that failed to disclose fully and accurately the identity of any of its owners or managing employees who had been convicted of a criminal offense at the time the agreement was entered into; and, 4. Authorize access by the Secretary to Medicaid provider records.

The regulations will implement, in part, sections 3, 8, 9, and 15 of the Medicare-Medicaid Anti-Fraud and Abuse amendments (Public Law 95-142).

**FOR FURTHER INFORMATION CONTACT:**

Mr. Irwin Cohen, Office of Program Integrity, HCFA, Room 588, East High Rise, 6401 Security Boulevard, Baltimore, Md. 21235, telephone: 301-594-5415.

Dated: December 12, 1977.

WILLIAM D. FULLERTON,  
Acting Administrator, Health  
Care Financing Administration.  
[FR Doc. 78-48 Filed 1-3-78; 8:45 am]

#### [4110-35]

##### [42 CFR Parts 405 and 450]

**MEDICAID AND MEDICARE PROGRAMS**  
Suspension of Physicians and Other  
Individual Practitioners

**AGENCY:** Health Care Financing Administration (HCFA), HEW.

**ACTION:** Notice of Decision to Develop Regulations.

**SUMMARY:** The regulations will establish procedures for (1) suspending physicians and individual practitioners who have been convicted of criminal

offenses involving the Medicare or Medicaid programs; (2) lifting these suspensions. They will also revoke the regulations that provide for Program Review Teams and provide instead that the Secretary will consult with professional groups in determining program abuse. These regulations are necessary to implement Section 7 and 13 of the Medicare - Medicare - Medicaid Anti-Fraud and Abuse amendments (Public Law 95-142).

The purpose is to assure that no payments are made to convicted practitioners and thus to discourage fraudulent practices under the Medicaid and Medicare programs.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Irwin Cohen, Office of Program Integrity, HCFA, Room 588, East High Rise, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-5415.

Dated: December 12, 1977.

WILLIAM D. FULLERTON,  
Acting Administrator, Health  
Care Financing Administration.  
[FR Doc. 78-46 Filed 1-3-78; 8:45 am]

#### [4110-35]

##### [42 CFR Part 450]

**MEDICAL ASSISTANCE PROGRAMS**

State Medicaid Fraud Control Units

**AGENCY:** Health Care Financing Administration (HCFA), HEW.

**ACTION:** Notice of Decision to Develop Regulations.

**SUMMARY:** The regulations will establish the requirements for 90 percent Federal financial participation in the cost of State Medicaid Fraud Control Units, and the mechanisms for reimbursement. Section 17 of Pub. L. 95-142 provides for these units and their reimbursement, and requires that the Department publish effective implementing regulations by January 23, 1978. The functions of these new units will be the investigation and prosecution of Medicaid fraud and the recovery of payments improperly made to providers who have criminally defrauded the program.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Irwin Cohen, Office of Program Integrity, HCFA, Room 588, East High Rise, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-5415.

A draft regulation has been developed and is being sent to all State Governors. Any interested person may obtain a copy through Mr. Irwin Cohen.

Dated: December 12, 1977.

WILLIAM D. FULLERTON,  
Acting Administrator, Health  
Care Financing Administration.  
[FR Doc. 78-47 Filed 1-3-78; 8:45 am]

#### [4310-31]

##### DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 211]

##### COAL MINING OPERATING REGULATIONS

Extension of Comment Period

**AGENCY:** Geological Survey, Interior.

**ACTION:** Extension of comment period for proposed rulemaking.

**SUMMARY:** This notice extends the period for submitting comments on the proposed rulemaking published in the **FEDERAL REGISTER** November 29, 1977, (42 FR 60890) which would modify coal mining operating regulations on Federal lands to conform to the requirements of

the Surface Mining Control and Reclamation Act of 1977. The Department has determined that an extension of the comment closing date to January 13, 1978, is required because the initial regulations of the Office of Surface Mining, which are proposed to be incorporated into the 30 CFR Part 211 regulations, were not published as final rulemaking until December 13, 1977, (42 FR 62639). The Department has determined that the public should have a full 30 days to comment on the proposed regulations amending 30 CFR Part 211 which incorporate the final Office of Surface Mining regulations.

**DATE:** Written comments deadline extended until January 13, 1978.

**ADDRESS:** Comments should be addressed to Director, U.S. Geological Survey, U.S. Department of the Interior, Reston, Virginia 22092.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Tom Leshendok, Conservation Division, Branch of Mining Operations, U.S. Geological Survey, Reston, Va. 22092, 703-860-7506; or Mr. Carl Close, Regulatory Program Work Group, Office of Surface Mining, U.S. Department of Interior, Washington, D.C. 20240, 202-343-4237.

Dated: December 30, 1977.

HOPE BABCOCK,  
Acting Assistant Secretary,  
Energy and Minerals.

[FR Doc. 78-132 Filed 1-3-78; 8:45 am]



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operation with the New England Fishery Management Council.

Dated: December 30, 1977.

WINFRED H. MEIBOHM,  
Associate Director, National  
Marine Fisheries Service.

[FR Doc. 78-166 Filed 1-3-78; 8:45 am]

#### [3510-22]

##### NEW ENGLAND REGIONAL FISHERY MANAGEMENT COUNCIL

###### Public Hearing on Cod, Haddock, and Yellowtail Flounder Fishery Management Plan

The New England Regional Fishery Management Council announces a series of Public Hearings on the 1978 groundfish (cod, haddock, yellowtail flounder) management plan. The hearings will be held to receive public comment on the proposed regulation of the fisheries for cod, haddock and yellowtail flounder, in the Fishery Conservation Zone established under the 200 mile Act.

The hearings will be held from 7:30 p.m. to 9:30 p.m. at the following locations and dates:

January 30, 1978: Holiday Inn, U.S. Route 1 and Route 3, Ellsworth, Maine.  
January 31, 1978: Dutch Inn, Great Island Road, Galilee, Rhode Island.  
February 1, 1978: Holiday Inn, Hathaway Road, New Bedford, Mass.  
February 2, 1978: Holiday Inn, Route 132, Hyannis, Mass.  
February 3, 1978: Holiday Inn, Cooks Corner, Brunswick, Maine.  
February 6, 1978: Gloucester House Restaurant, Seven Seas Wharf, Gloucester, Mass.

The proposed plan will include the same regulations as in 1977 for licensing, mesh sizes, closed areas and minimum sizes for cod, haddock and yellowtail flounder, and quarterly quotas and landings restrictions for yellowtail flounder. It will amend the requirements for vessel identification, and it will set quarterly quotas for cod and haddock. Other modifications to the 1977 plan which may be considered by the Council at its regular meeting on January 18-19 will be presented for consideration of the public at the Public Hearings.

For further information, contact Mr. Spencer Apollonio, Executive Director, New England Regional Fishery Management Council, Peabody Office Building, 1 Newbury Street, Peabody, Mass. 01960; 617-535-5450.

Dated: December 30, 1977.

WINFRED H. MEIBOHM,  
Associate Director, National  
Marine Fisheries Service.

[FR Doc. 78-165 Filed 1-3-78; 8:45 am]

#### [3510-22]

##### NEW ENGLAND REGIONAL FISHERY MANAGEMENT COUNCIL

###### Public Hearing on Cod, Haddock, and Yellowtail Flounder Fishery Management Plan

The Secretary of Commerce, pursuant to section 305(e)(2) of the Fishery Conservation and Management Act of 1976, as amended 16 U.S.C. 1801 et seq., promulgated emergency regulations to amend the 1977 New England groundfish plan by extending it for the first part of 1978, and to make other changes. These regulations appeared in the FEDERAL REGISTER on December 30, 1977, page 65186, effective January 1, 1978.

These regulations, which are effective for 45 days and which may be extended for an additional 45-day period, were issued after consultation with the New England Regional Fishery Management Council; they will function as an interim plan, while the New England Council prepares a final groundfish plan for 1978. In general the emergency regulations provide for the continuation of the June 10, 1977, regulations, published at 42 FR 29876, with the following additional provisions:

1. Quarterly quotas for cod and haddock.
2. Establishment of new criteria for termination of directed fisheries.
3. New limitations on the incidental catch that can be landed per trip after the closing of a directed fishery, and
4. Prohibition against retention of groundfish after a quota has been reached.

Pursuant to section 302(h)(3) of the Act, the New England Regional Fishery Management Council will hold a public hearing on these emergency regulations. The purpose of the hearing will be to receive public comment on the substance of these regulations, with a view toward making them a formal amendment to the groundfish plan.

The hearing will be held at 9 a.m., on January 19, 1978, at the Holiday Inn, Junction of Routes 1 and 128, Peabody, Mass.

For more information contact Spencer Apollonio, Executive Director, New England Regional Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Mass. 01960, telephone 617-535-5450.

Dated: December 30, 1977.

WINFRED H. MEIBOHM,  
Associate Director, National  
Marine Fisheries Service.

[FR Doc. 78-163 Filed 1-3-78; 8:45 am]

#### [3510-12]

##### National Oceanic and Atmospheric Administration

###### WEATHER MODIFICATION ADVISORY BOARD Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., App. 1 (Supp. V, 1975), notice is hereby given of the eighth meeting of the Weather Modification Advisory Board.

The Weather Modification Advisory Board will meet from 9 a.m. to 6 p.m., on January 18, 1978, in the Conference Center, O'Hare Hilton, Airport, Chicago, Ill.

The Board was established in January 1977 (42 FR 4512, January 25, 1977), to advise the Secretary of Commerce on matters of a national policy, a national research and development program, and other aspects of weather modification as outlined in the national Weather Modification Policy Act of 1976 (Pub. L. 94-490), enacted on October 13, 1976. The Board consists of 17 members, with a balanced representation selected from scientific, academic, commercial, consumer, legal, and environmental groups, who are appointed by the Secretary of Commerce.

The purpose of this meeting is to discuss the final draft of the Board's summary report, to make necessary changes in the text, and to approve its submittal to the Secretary of Commerce. A brief period will be used to discuss progress in preparing the Board's final report and to plan future meetings.

Notice of this meeting could not be given earlier because the Chairman's decision on the date was not obtained until December 29, 1977.

The agenda for this meeting is:

###### JANUARY 18, 1978 (WEDNESDAY)

- 9 a.m. to 12:30 p.m.—Discussion of the contents of a draft summary report of the Board's views on issues, policies, and programs in weather modification.
- 12:30 p.m. to 1:30 p.m.—Lunch and continuation of discussions on draft summary report.
- 1:30 p.m. to 5 p.m.—Continuation of discussion on draft summary report and approval of its submittal to the Secretary of Commerce.
- 5 p.m. to 6 p.m.—Discussion of progress in preparing final report and of future meeting dates.
- 6 p.m.—Adjournment.

The meeting will be open to the public and a period will be set aside at the discretion of the Chairman for oral comments or questions by the public which do not exceed 10 minutes each. More extensive questions or comments should be submitted in writing before January 16, 1978. Other public statements regarding Board affairs may be submitted at any time before or after the meeting. Seating

will be available for the public on a first-come-first-served basis in a conference room at the O'Hare Hilton, Airport, Chicago, Ill.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to Dr. Ronald L. Lavofe, Director, Science and Academic Affairs Office, National Oceanic and Atmospheric Administration, Rockville, Md. 20852, phone 301-443-8721.

Dated: December 29, 1977.

T. P. GLEITER,  
Assistant Administrator  
for Administration.

[FR Doc. 78-88 Filed 1-3-78; 8:45 am]

#### [3510-17]

##### Office of the Secretary

[Department Organization Order 10-5;

Amdt. 4]

##### ASSISTANT SECRETARY FOR ADMINISTRATION

###### Organization and Functions

This order effective December 9, 1977, further amends the materials appearing at 38 FR 34133 of December 11, 1973, of 41 FR 19996 of May 14, 1976, of 41 FR 38658 of August 26, 1976, and of 42 FR 44829 of September 7, 1977.

Department Organization Order 10-5, dated November 23, 1973, is hereby further amended as shown below. The purpose of this amendment is to include a delegation of authority which was previously omitted from the order.

SECTION 3. Scope of authority. A new subparagraph .02e is added to read as follows:

e. Carrying out the Secretary's responsibilities under 15 U.S.C. 1525-1527 (Pub. L. 91-412).

ELSA A. PORTER,  
Assistant Secretary for  
Administration.

[FR Doc. 78-35 Filed 1-3-78; 8:45 am]

#### [3510-17]

[Department Organization Order 35-1B;  
Amdt. 3]

##### BUREAU OF ECONOMIC ANALYSIS

###### Organization and Functions

This order effective December 7, 1977, further amends the materials appearing at 40 FR 58878 of December 19, 1975, of 42 FR 1064 of January 5, 1977, and of 42 FR 60946 of November 30, 1977.

Department Organization Order 35-1B, dated October 24, 1975, is hereby further amended as shown below.

1. SECTION 5. Associate director for national analysis and projections. A new paragraph .04 is added to read as follows:

.04 The Environmental and Nonmarket Economics Division shall maintain, improve, and interpret measures of expenditures for pollution abatement and control by consumers, business, and government within the framework of the national economic accounts, and measures of pollutant emissions per dollar of output for each of the major polluting industries, and relate these measures to the pollution abatement expenditures by these industries; prepare and interpret measures relevant for evaluating changes in the economic well-being of the Nation within the framework of the national economic accounts; and do research in the techniques required to interpret the environmental and economic well-being measures.

2. The organization chart, Exhibit 1, attached to this amendment supersedes the organization chart dated October 1, 1977. A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

ELSA A. PORTER,  
Assistant Secretary for  
Administration.

[FR Doc. 78-37 Filed 1-3-78; 8:45 am]

#### [3510-17]

[Department Organization Order 20-14;  
Amdt. 2]

##### OFFICE OF AUTOMATIC DATA PROCESSING MANAGEMENT

###### Organization and Functions

This order effective December 9, 1977, further amends the material appearing at 41 FR 50320 of November 15, 1976 and of 42 FR 41467 of August 17, 1977.

Department organization order 20-14 of November 1, 1976, is hereby further amended as shown below. The purpose of this amendment is to prescribe a functional statement for OADPM which is more in conformance with the overall activities of that office.

SECTION 3. Functions. Section 3. Is revised to read as follows:

SECTION 3. Functions. Pursuant to the authority vested in the Assistant Secretary for Administration by department organization order 10-5, and subject to such policies and directives that the Assistant Secretary may prescribe, the Office shall provide a full range of ADP services, including development of departmentwide ADP policy, procurement of ADP equipment and services, and operation of a central computer facility for the Office of the Secretary and designated operating units. The office shall conduct or sponsor studies and applied research specific to the needs of the department's planning, procurement, and operational utilization of ADP equipment and systems. The office shall serve as a focal point for dealing with the Office of Management and Budget (OMB), the General Services Administration (GSA), the General Accounting Office (GOA), and other central man-

agement agencies on ADP Matters relating to the department.

ELSA A. PORTER,  
Assistant Secretary for  
Administration.

[FR Doc. 78-36 Filed 1-3-78; 8:45 am]

#### [3810-71]

##### DEPARTMENT OF DEFENSE

###### Department of the Navy

##### ENTRY REGULATIONS FOR KAHOO LAWE ISLAND, HAWAII

###### Notice of New Instruction

Notice is hereby given of the contents of COMFOURTEENINST 5510.35A:

###### COMFOURTEEN INSTRUCTION 5510.35A

From: Commandant, Fourteenth Naval District.

To: All Concerned.  
Subj: Entry regulations for Kahoolawe Island, Hawaii.

Ref: (a) Executive Order No. 10436 of 20 February 1953. (b) Title 18, United States Code, Section 1382. (c) Internal Security Act of 1950, Section 21 (50 U.S.C. 797). (d) DOD Directive 5200.8. (e) OPNAVINST 5511.9A of 1 October 1954. (f) SECNAVINST 5400.14 of 30 July 1974. (g) OPNAVINST 5450.190 of 22 February 1975. (h) OPNAVINST 5400.24A of 17 April 1975.

1. Purpose. To promulgate regulations governing entry upon Kahoolawe Island, Hawaii.

2. Cancellation. COMFOURTEENINST 5510.35 is hereby cancelled and superseded. This regulation does not cancel or abrogate any other regulation or order of this command.

3. Definition. For purposes of this instruction, Kahoolawe Island includes only that portion reserved for naval purposes by reference (a).

4. Background. (a) Kahoolawe Island has been used and will continue to be used as a target area for the foreseeable future for bombing and gunnery practice in order to maintain and improve combat readiness of U.S. Armed Force. It is vital to National defense that this use of Kahoolawe Island be continued without undue or unnecessary interruption. Because of the large amounts of unexploded ordnance present on the island and in adjacent waters, inherently dangerous conditions exist in these areas. (b) For prevention of interruption of the stated use of Kahoolawe Island by any unauthorized person on the island, and prevention of injury to any such person as a consequence of the dangerous conditions which exist, as well as for other reasons, it is essential to restrict entry upon the island to authorized persons only.

5. Entry Restrictions. Except for military personnel and civilian employees of the United States in the performance of their official duties, entry upon Kahoolawe Island or remaining upon Kahoolawe Island by any person for any purpose whatsoever without the advance consent of the Commandant, Fourteenth Naval District, or his authorized representative, is prohibited. References (b) through (h) apply.

6. Entry Procedures. (a) Any person or group of persons desiring the advance con-



sent of the Commandant, Fourteenth Naval District or his representative shall, in writing, submit a request to the Commandant, Fourteenth Naval District at the following address: Commandant, Fourteenth Naval District, Box 110, Pearl Harbor, Hawaii 96860. (b) Each request for entry will be considered on an individual basis weighing the OP128 operational and training commitments of Kahoolawe Island, security, and safety with the purpose, size of party, duration of visit, destination, and military resources which would be required by the granting of the request.

7. Violations. (a) Any person entering or remaining on Kahoolawe Island without the advance consent of the Commandant, Fourteenth Naval District, or his authorized representative shall be subject to the penalties prescribed by reference (b), which provides in pertinent part: "Whoever, within the jurisdiction of the United States, goes upon any military, naval . . . reservation, post, fort, arsenal, yard, station, or installation, for any purpose prohibited by law or lawful regulation . . . shall be fined not more than \$500 or imprisoned not more than six months, or both." (b) Moreover, any person who willfully violates this regulation is subject to a fine not to exceed \$500 or imprisonment for not more than one (1) year, or both as provided in reference (c).

K. S. WENTWORTH, JR.

Effective date: This instruction shall become effective on January 3, 1978.

K. D. LAWRENCE,  
Captain, JAGC, U.S. Navy,  
Deputy Assistant Judge Advocate General (Administrative Law).

DECEMBER 30, 1977.

(FR Doc. 78-93 Filed 1-3-78; 8:45 am)

[3910-01]

#### Department of the Air Force

#### USAF SCIENTIFIC ADVISORY BOARD

##### Meeting

DECEMBER 14, 1977.

The USAF Scientific Advisory Board ad hoc Committee on Wide Area Munitions will hold meetings at the Pentagon on January 19 and 20, 1978, from 8:30 a.m. to 5 p.m. each day.

The Committee will receive classified briefings and hold classified discussions on Air Force munitions research and procurement programs. The meeting will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

FRANKIE S. ESTEP,

Air Force Federal Register Liaison Officer, Directorate of Administration.

(FR Doc. 78-113 Filed 1-3-78; 8:45 am)

FEDERAL REGISTER, VOL. 43, NO. 2—WEDNESDAY, JANUARY 4, 1978

[3128-01]

#### DEPARTMENT OF ENERGY

##### Economic Regulatory Administration

#### NOTICE OF CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

December 2 through December 9, 1977

Notice is hereby given that during the week of December 2 through December 9, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE

action sought in this case may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Administrative Review, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461.

DECEMBER 27, 1977.

MELVIN GOLDSTEIN,  
Director,  
Office of Administrative Review.

#### APPENDIX.—List of cases received by the Office of Administrative Review, Dec. 2 through Dec. 9, 1977

Date	Name and location of applicant	Case No.	Type of submission
12/2/77	Bunting Oil Co., Lancaster, Pa. (If granted: The DOE region III's Nov. 15, 1977 remedial order would be rescinded and the Bunting Oil Co. would not be required to refund overcharges made on sales of No. 2 heating oil.)	DRA-0067	Appeal of DOE region III's Remedial Order issued Nov. 15, 1977.
12/2/77	C.A.C.I.-Federal, Arlington, Va. (If granted: The DOE's Oct. 27, 1977 information request denial would be rescinded and C.A.C.I. would receive access to data requested in its Freedom of Information Act request dated June 23, 1977.)	DFA-0064	Appeal of DOE's information request denial dated Oct. 27, 1977.
12/2/77	Cities Service Co., Tulsa, Okla. (If granted: Crude oil produced and sold from Cities Service Co.'s Corff "A" lease located in Oklahoma County, Okla., would be sold at upper tier ceiling prices.)	DEE-0353	Price exception (sec. 212.73).
12/2/77	OSRO Cobb, et al., Little Rock, Ark. (If granted: The Smackover Nacatoch Sand 985 acre unit located in Smackover, Ark., would be classified as a stripper well property.)	DEE-0354	Price exception (sec. 212.73).
12/2/77	DEPCO, Inc., Denver, Colo. (If granted: The DOE region VIII's Nov. 14, 1977 remedial order would be rescinded and DEPCO, Inc. would not be required to refund overcharges made on sales of crude oil produced from the Bryans lease located in Renville County, N. Dak.)	DRA-0068	Appeal of DOE region VIII's remedial order issued Nov. 14, 1977.
12/2/77	Deshazo Oil Co., Inc., Martinsville, Va. (If granted: A remedial order issued to the firm by DOE Region III on Nov. 15, 1977 would be rescinded.)	DRA-0069	Appeal of DOE region III's remedial order dated Nov. 15, 1977.
12/2/77	Franconia Propane Gas Co., Inc., Harleysville, Pa. (If granted: The DOE region III's Nov. 15, 1977 remedial order would be rescinded and Franconia Propane Gas Co., Inc. would not be required to refund overcharges made on sales of propane.)	DRA-0066, DRS-0077	Appeal of DOE region III's remedial order issued Nov. 15, 1977. Stay requested.
12/2/77	J. & W. Refining, Inc., Dallas, Tex. (If granted: The DOE would review the entitlements exception relief granted to J. & W. Refining, Inc. during the first half of its 1978 fiscal year in order to determine whether the level of exception relief approved was appropriate.)	DEX-0010	Review of entitlements exception relief (supplemental order).
12/2/77	Leonard E. Belcher, Inc., Alexandria, Va. (If granted: The FEA's Aug. 17, 1977 decision and order would be modified and Leonard E. Belcher, Inc. would not be required to post a letter of credit for the total amount of overcharges stated in the June 18, 1977 remedial order pending a final determination of the firm's appeal of that order.)	DRR-0008	Request for modification Leonard E. Belcher, Inc., FEA par. 85.023 (Aug. 17, 1977).
12/2/77	Ramco Oil & Gas Corp., Hollywood, Fla. (If granted: Ramco Oil & Gas Corp.'s Gordon Hughes wells No. 2 and No. 3 located in Mason County, W. Va., would retroactively be classified as a stripper well property.)	DEE-0355	Price exception (sec. 212.73).
12/2/77	Southern Natural Resources, Inc., Birmingham, Ala. (If granted: Southern Natural Resources, Inc. would receive an extension of the exception relief granted in the FEA's July 25, 1977 and June 8, 1977 decisions and orders which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Lapeyrouse, Patterson, and Sea Robin plants.)	DXE-0356, DXE-0357, DXE-0358	Extension of exception relief granted in Southern Natural Resources, Inc., case Nos. FEE-4320 and FEE-4321 (decided July 25, 1977) (unreported decision); Southern Natural Resources, Inc., case No. FEE-4073 (decided June 8, 1977) (unreported decision).

#### APPENDIX.—List of cases received by the Office of Administrative Review, Dec. 2 through Dec. 9, 1977—Continued

Date	Name and location of applicant	Case No.	Type of submission
12/5/77	Texaco, Inc., Houston, Tex. (If granted: Texaco, Inc. would receive an extension of the exception relief granted in the DOE's July 25, 1977, June 30, 1977, and June 6, 1977 decisions and orders which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Coalinga No. 1, Headlee Cycling, Headlee Gas, Lamesa, Lockridge, Mermentau, N. Cowden, Pampa and Toca plants.)	DXE-0366, DXE-0375, FEE-4081, FEE-4082, FEE-4083 (decided June 6, 1977) (unreported decision); Texaco, Inc., case Nos. FEE-4308 through FEE-4317 (decided June 30, 1977) (unreported decision); Texaco, Inc., case No. FEE-4343 (decided July 25, 1977) (unreported decision).	Extension of exception relief granted in Texaco, Inc., cases Nos. FEE-4081 through FEE-4083 (decided June 6, 1977) (unreported decision); Texaco, Inc., case Nos. FEE-4308 through FEE-4317 (decided June 30, 1977) (unreported decision); Texaco, Inc., case No. FEE-4343 (decided July 25, 1977) (unreported decision).
12/5/77	Victory Oil Co., Long Beach, Calif. (If granted: The DOE region IX's Nov. 15, 1977 remedial order would be rescinded and the Victory Oil Co. would not be required to refund overcharges made on sales of crude oil produced from the Anderson-Grosvain property and sold to the Union Oil Co. of California.)	DRA-0065	Appeal of DOE region IX's remedial order dated Nov. 15, 1977.
12/6/77	Damson Oil Co., Houston, Tex. (If granted: Crude oil produced from Damson Oil Co.'s Venice Beach lease located in Los Angeles, Calif., would be sold at upper tier ceiling prices.)	DEE-0362	Price exception (sec. 212.73).
12/6/77	Rickelson Oil and Gas Co., Tulsa, Okla. (If granted: Crude oil produced from the Rickelson Oil and Gas Co.'s Chapman "A" No. 1 well located in Hughes County, Okla., would be sold at upper tier ceiling prices.)	DEE-0363	Price exception (sec. 212.73).
12/7/77	Northern Oil Co., Inc., Burlington, Vt. (If granted: The DOE region IX's Nov. 18, 1977 remedial order would be rescinded and the Northern Oil Co. would not be required to refund overcharges made on sales of No. 2 heating oil and kerosene.)	DRA-0071	Appeal of DOE region IX's remedial order issued Nov. 18, 1977.
12/7/77	Permian Corp., Houston, Tex. (If granted: The Permian Corp. would receive an extension of the exception relief granted in the DOE's June 20, 1977 decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Possum Run and Todd Ranch plants.)	DXE-0378, DXE-0379	Extension of exception relief granted in Permian Corp., case Nos. FEE-4156 and FEE-4157 (decided June 20, 1977) (unreported decision).
12/7/77	Romaco, Inc., Monticore, Ala. (If granted: The DOE region IV's May 20, 1977 order of termination of supplier/purchaser relationship would be rescinded and the Advanced Sales Corp. would be assigned a new, lower-priced supplier of motor oil to replace its base period supplier, Gulf Oil Corp.)	DSG-0007	Request for special redress.
12/7/77	Sun Co., Inc., Dallas, Tex. (If granted: Sun Co., Inc. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Burnell, Dragon Trail, Okarche, and Van plants.)	DSG-0007	Request for special redress.

#### APPENDIX.—List of cases received by the Office of Administrative Review, Dec. 2 through Dec. 9, 1977—Continued

Date	Name and location of applicant	Case No.	Type of submission
12/2/77	Superior Linen and Apparel Services, Inc., Cincinnati, Ohio. (If granted: Superior Linen and Apparel Services, Inc. would receive a stay of the provisions of Section 211.12(g) pending a final determination of its application for exception.)	DES-0203	Stay request.
12/2/77	Robert and Teresa Wampler d.b.a. Duden Store, Waterloo, Iowa. (If granted: Robert and Teresa Wampler d.b.a. Duden Store, would be assigned a new, lower-priced supplier of propane to replace their base period supplier, Northern Propane Co.)	DEE-0348	Exception to change supplier (sec. 211.9).
12/5/77	Chevron U.S.A., Inc., San Francisco, Calif. (If granted: The DOE's Oct. 19, 1977 assignment order would be rescinded and Chevron U.S.A., Inc. would not be required to sell to Plateau, Inc. 397,953 barrels of crude oil during the allocation period beginning Oct. 1, 1977.)	DEE-0364	Exception to crude oil buy/sell program (sec. 211.63).
12/5/77	Chevron U.S.A., Inc., San Francisco, Calif. (If granted: The DOE's Sept. 22, 1977 notice of refiners' crude oil allocation program would be modified to reduce the amount of crude oil which Chevron U.S.A., Inc. is required to sell to Plateau, Inc. at its Roosevelt refinery.)	DEE-0365	Exception to crude oil buy/sell program (sec. 211.63).
12/5/77	Commercial Bottle Gas, Oxford, N.C. (If granted: Commercial Bottle Gas would be granted an exception to sec. 212.93 which would permit recovery as a nonproduct cost increased labor costs of its plants in North Carolina.)	DEE-0361	Price exception (sec. 212.93).
12/5/77	Consumer Fuel Co., Inc., Newburgh, N.Y. (If granted: The DOE's Nov. 7, 1977 decision and order would be modified and Consumer Fuel Co. would be allowed additional time to make the refunds of overcharges required by the remedial order issued to the firm on Apr. 28, 1977.)	DRR-0009	Request for modification, Consumers Fuel Co., DOE par. — (Nov. 7, 1977).
12/5/77	Marathon Oil Co., Findlay, Ohio. (If granted: The DOE's Nov. 1, 1977 decision and order would be modified to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Elk Basin and Susan Peak plants.)	DEE-0376, DEE-0377	Price exception (sec. 212.165).
12/5/77	M. J. Mitchell, Dallas, Tex. (If granted: M. J. Mitchell would receive an extension of the exception relief granted in the DOE's Nov. 25, 1977 decision and order which would permit a certain amount of the crude oil produced from the Mitchell-Schmidt Mine methane Sand unit located in Campbell County, Wyo., to be sold at upper tier ceiling prices.)	DXE-0360	Extension of exception relief granted in M. J. Mitchell, DOE par. — (Nov. 25, 1977).
12/5/77	A. L. Sauder, Wichita Falls, Texas. (If granted: A. L. Sauder's "A" lease located in Stonewall County, Tex., would be classified as a stripper well property.)	DEE-0359	Price exception (sec. 212.73).
12/5/77	Sun Co., Inc., Philadelphia, Pa. (If granted: The DOE region III's Nov. 1, 1977 decision and order would be rescinded and Sun Co., Inc. on the basis of its sales to all resellers in the Oklahoma and Texas marketing areas rather than the limited number of resellers in those areas as required by the region III order.)	DEA-0070	Appeal of DOE region III's decision and order issued Nov. 1, 1977 in re application of Amel, Inc. for exception.



## NOTICES

APPENDIX.—List of cases received by the Office of Administrative Review, Dec. 2 through Dec. 9, 1977—Continued

Date	Name and location of applicant	Case No.	Type of submission
12/8/77	Baltimore Gas and Electric Co., Baltimore, Md. (If granted: The DOE's Nov. 8, 1977 assignment order would be modified and the Baltimore Gas and Electric Co. would be granted a waiver of the use limitation contained in 10 CFR 212.29(b) which permits the firm to use as feedstock such volumes of naphtha as required for the operation of its synthetic natural gas manufacturing facility located at Sollers Point, Baltimore County, Md.).	DEA-0072.....	Appeal of DOE's assignment order issued Nov. 8, 1977.
12/8/77	Bredfeldt Oil Co., Dodge City, Kans. (If granted: The DOE region VII's remedial order would be rescinded.).	DRA-0074.....	Appeal of DOE region VII's remedial order.
12/8/77	General Crude Oil Co., Houston, Tex. (If granted: The General Crude Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Silsbee plant.).	DEE-0387.....	Price exception (sec. 212.165).
12/8/77	Michigan Hydrocarbons, Inc., Grayling, Mich. (If granted: Michigan Hydrocarbons, Inc. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Gaylord plant.).	DEE-0384.....	Price exception (sec. 212.165).
12/8/77	Phillips Petroleum Co., Bartlesville, Okla. (If granted: Crude oil produced from Phillips Petroleum Co.'s Bridger Lake Unit located in Summit County, Utah, would be sold at upper tier ceiling prices.).	DEE-0386.....	Price exception (sec. 212.73).
12/8/77	Villarreal Butane Co., San Benito, Tex. (If granted: The Villarreal Butane Co. would receive a stay of the provisions of the DOE region VI's remedial order pending a final determination of its appeal of that order which the firm intends to file.).	DRS-0073.....	Stay request.
12/8/77	Whitco, Inc., Dallas, Tex. (If granted: Whitco, Inc. would receive an extension of the exception relief granted in the DOE's Nov. 7, 1977 decision and order which would require the Sun Co. to continue supplying Whitco directly without the use of an intermediate supplier.).	DXE-0385.....	Extension of exception relief granted in Whitco, Inc., 1 DOE par. — (Nov. 7, 1977).

NOTICE OF OBJECTION RECEIVED, WEEK OF DEC. 2 THROUGH DEC. 9, 1977

Date	Name and location of applicant	Case No.
Dec. 2, 1977.	Hanover Management Co., Dallas, Tex.	DXE-0099
Dec. 5, 1977.	Bayou State Oil Corp., Shreveport, La.	FEE-4264
	Continental Oil Co., Houston, Tex.	FEE-3998
	L&H Gas and Electric Co., Sharon Springs, Kans.	DRC-0007
	Monsanto Co., Houston, Tex.	FEE-4152
Dec. 7, 1977.	Merwin Hoxsey, d.b.a. Hoxsey Shell Service, San Diego, Calif.	FEE-4292
Dec. 8, 1977.	William C. Kirkwood, Casper, Wyo.	FEE-4358 FEE-4359 FEE-4360 FEE-4361 FEE-4555
	Ward S. Merrick, Oklahoma City, Okla.	

[FR Doc. 78-11 Filed 1-3-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission  
[Docket No. RP76-135]

CITIES SERVICE GAS CO.

Order Approving Proposed Stipulation and Agreement

DECEMBER 21, 1977.

On October 1, 1977, pursuant to the provisions of the Department of

Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC

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## NOTICES

takes action in this proceeding in accordance with the above mentioned authorities.

On September 13, 1977, Cities Service Gas Co. (Cities) filed a proposed stipulation and agreement in the captioned docket together with a motion for approval of same. This stipulation and agreement resolves all cost of service issues and provides for refunds based on resolution of cost classification, allocation, and rate design. For the reasons stated below, the Commission approves the proposed stipulation and agreement in its entirety.

Cities filed its application in this docket on July 23, 1976, by order issued August 19, 1976, the Commission accepted this application for filing and suspended its effectiveness until January 23, 1977. Cities filed substitute tariff sheets on December 18, 1977, to reflect increased purchased gas costs in its filed rates. These sheets were accepted for filing by order issued January 19, 1977, and made effective January 23, 1977, in lieu of the originally filed sheets. Staff's top sheets were mailed to all parties on February 18, 1977. Subsequent settlement conferences led to the agreement presently before the Commission.

The settlement rates are based upon a total settlement cost of service of \$280,330,875. (Appendix A). This reflects a reduction of approximately \$9 million from the proposed cost of service in Cities' filing of \$289,144,424. The settlement cost of service reflects use of an overall rate of return of 10.15 percent with a rate on common equity of 10.68 percent. (Appendix B). This rate of return is the same as that agreed to in Docket No. RP76-13, Cities' prior rate filing. The settlement cost of service reflects also use of these depreciation rates: 5.10 percent for gathering and products extraction plant; 3.60 percent for transmission plant; and, 3.15 percent for storage plant. Cities will revise its book depreciation accruals from February 1, 1977, forward to show these depreciation rates. Under the agreement, these depreciation rates will remain in effect until January 22, 1980. Included in this cost of service are amounts associated with certain alleged research and development projects of Cities. The propriety of including these costs as research and development is the subject of hearing and decision in Docket No. RP74-4. The Commission's final decision in that docket will govern the rate treatment for these amounts under the terms of the agreement.

With regard to cost classification and allocation, the settlement provides

for the use of different methods to calculate refunds and rates during an interim period and then prospectively after the interim. The interim is defined as "the period beginning on January 23, 1977, the effective date of the increased rates in this proceeding, and ending on the earlier of (1) the last day of the billing month in which the Commission issues its order approving this Stipulation and making it fully effective in accord with Article XIII hereof, or (2) January 22, 1978." During the interim, Cities shall calculate refunds in accordance with the Seaboard method of cost classification and allocation. At the end of the interim period, Cities shall calculate refunds and rates in accordance with the United method of cost classification and allocation. The rates during the prospective period shall remain in force until the Commission's final decision in Docket No. RP74-4 on cost classification, allocation, and rate design. At that time, Cities shall revise its cost classification and allocation to conform to the requirements of the decision.

In the order of February 2, 1976, in Docket No. RP74-4, the Commission stated:

The Commission's determination of the issues of classification, allocation and rate design shall take effect prospectively from the date of the Commission's order with respect to reserved issues herein. However, if Cities files a general rate change after the date of this order, the Commission's determination shall take effect the date the new rates go into effect or the date of the order on the reserved issues, whichever is sooner.

This provision requires Cities to implement the cost classification and allocation found to be reasonable in Docket No. RP74-4 on the date the rates in the instant docket became effective. However, in view of the fact that a final decision has not been issued, uncertainty as to the outcome still exists. The terms of the agreement, by providing definite methods of calculation during the two periods involved, permit a certainty to Cities and its customers as to the charges which will be due during this time. Furthermore, the settlement provides that Cities will abide by the Commission's decision from its issuance. Thus the agreement does not attempt to abrogate the final decision. In these circumstances, the Commission believes that the certainty obtained in the rates for this period provides a benefit to Cities and its customers which outweighs the earlier requirement of implementing the final decision in Docket No. RP74-4 on the effective

date of the instant rates. Accordingly, the Commission shall approve the settlement provision relating to cost classification and allocation.

The rate designs employed in the interim period and the prospective period are designed to recover the settlement cost of service under the applicable classification and allocation methods. The settlement rate design expires on the issuance of the final decision in Docket No. RP74-4. For the same reasons discussed in connection with cost classification and allocation, the Commission believes the settlement of rate design for this period is in the public interest and, therefore, should be approved. The stipulation and agreement reserves the issue as to the propriety of a 100 percent load factor rate for certain of Cities' jurisdictional customers for possible separate hearing.

A provision of the agreement permits Cities to file concurrently with its PGA filings an advance payment adjustment to reflect increases and decreases in the advance payment amounts included in rate base. This tracking will commence at the time of Cities' next semi-annual PGA filing after approval of the settlement. The settlement cost of service reflects inclusion of \$47,217,900 of advance payments in rate base; this is the amount which will be actually spent by the producers within 30 days of the effective date of the rates. The agreement requires Cities to account for underground storage injections and withdrawals on a monthly last-in-first-out method in the computation of its deferred purchased gas cost account for its PGA filings. The agreement provides for the inclusion of a tariff provision which will allow Cities to include carrying charges on the balance in its deferred purchased gas cost account at the rate of 9% per annum. The carrying charge is subject to refund and may be retained, deleted or modified in accordance with this Commission's final and non-appealable order in the pending rulemaking in Docket No. R-406.

The settlement cost of service reflects a deduction from rate base of \$5,207,813 for deferred federal income taxes for liberalized tax depreciation. The Commission is requested to confirm that such amount is determined in accordance with section 1.167(1)-1(h)(6) of the Income Tax Regulations and is not in excess of the amount permitted by such regulations and section 167(1) of the Internal Revenue Code. The Commission so confirms.

FEDERAL REGISTER, VOL. 43, NO. 2—WEDNESDAY, JANUARY 4, 1978

## NOTICES

## NOTICES



APPENDIX A—Cities Service Gas Co., Docket No. RP76-135, Settlement cost of service, 12 months ended Mar. 31, 1976, adjusted—Continued

Description	Total	Gas supply	Gathering	Products extraction	Storage	Transmission
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Depreciation expense.....	14,322,573		4,054,242	49,907	817,110	9,401,314
Amortization expense.....	35,028		6,892	85	2,231	25,720
Taxes other than income.....						
Federal income tax.....	6,895,704		1,526,709	20,687	625,440	4,722,868
State income tax.....	2,786,760		378,872	594,569	281,398	1,527,281
Other taxes.....	26,708,681		5,697,998	44,470	2,696,750	14,836,559
Return on rate base.....	24,564,216		4,631,215	46,161	2,852,554	12,241,869
Other gas revenues.....	(1,237,209)		(21,361)	(6,114)	(1,015,974)	(8,788)
Subtotal.....	280,330,875		27,844,412	(325,355)	10,603,625	63,176,375
Transfer between functions.....						
To other functions.....						
From other functions.....						
Total cost of service.....	280,330,875	178,906,463	27,844,412	(325,355)	10,603,625	63,176,375

APPENDIX B—Cities Service Gas Co., Docket No. RP76-135, Capitalization<sup>1</sup> and Rate of Return

Line No. and description	Amount	Capital ratios (percent)	Cost (percent)	Weighted return (percent)
(1)	(2)	(3)	(4)	(5)
1. Long-term debt.....	\$53,000,000	22.25	8.31	1.85
2. Common equity.....	185,146,746	77.75	10.66	8.30
3. Total.....	238,146,746	100.00		10.15

<sup>1</sup> Per books capitalization at December 31, 1976, adjusted to eliminate undistributed and unappropriated earnings of subsidiaries.

[FR Doc. 77-37227 Filed 12-30-77; 8:45 am]

APPENDIX A—Cities Service Gas Co., Docket No. RP76-135, Settlement cost of service, 12 months ended Mar. 31, 1976, adjusted

Description	Total	Gas supply	Gathering	Products extraction	Storage	Transmission
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Operation and maintenance:						
Gas purchased.....	\$177,132,003	\$177,132,003				
Net gas stored.....	(1,004,988)	(1,004,988)				
Underground.....	(6,116,310)	(6,116,310)				
Gas used by company.....	2,535,800	440,106				
Other gas supply expense.....	4,952,873					
Gathering expense.....			4,952,873			
Products extraction.....				\$461,138		
Underground storage.....					\$2,662,444	
Transmission expense.....	2,662,444					\$14,052,608
Customer accounts.....	14,052,608					
Sales expense.....	684,051					
Administrative and general expenses.....	301,257					
Total operation and maintenance expense.....	10,566,473		3,097,128	63,531	674,466	6,753,328
Total operation and maintenance expense.....	206,257,142	170,450,806	11,138,801	524,669	3,336,930	20,805,936

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Public notice of the proposed stipulation and agreement was issued on September 30, 1977, with comments due on or before October 14, 1977. Staff, the only party to file comments, requested approval of the agreement as written.

The Commission believes that approval of the proposed stipulation and agreement is in the public interest. The settlement cost of service will provide a just and reasonable level of revenues to Cities. The resolution and rate cost classification, allocation and rate design issues provides certainty and an orderly transition pending the final decision in Docket No. RP74-4. The other provisions of the stipulation and agreement are consistent with the Commission's policy and practice on these issues.

The Commission finds: The proposed stipulation and agreement filed by Cities in this docket is in the public interest and should be approved and adopted.

The Commission orders: (A) The proposed stipulation and agreement filed by Cities on September 13, 1977, and incorporated herein by reference, is hereby approved.

(B) Within 15 days from the date of this order, Cities shall file revised

tariff sheets in accordance with the terms of the settlement agreement and of this order.

(C) Within 45 days from the date of this order, Cities shall refund to its jurisdictional customers all amounts collected in excess of the settlement rates together with interest at the rate of 9 percent per annum. Within 15 days thereafter Cities shall file a report of refunds and interest with the Commission.

(D) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Cities or any other party.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,

Secretary.

[6740-02]

NOTICE OF APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES

DECEMBER 23, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described herein.

This notice does not provide for consolidation for hearing of the several matters covered herein.

scribed in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene

in accordance with the Commission's Rules. Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the au-

thorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft <sup>3</sup>	Pressure base
G-10012 D 12-1-77	Coastal States Gas Producing Co., Five Greenway Plaza East, Houston, Tex. 77046.	Trunkline Gas Co., Hidalgo field area, Hidalgo County, Tex.	Depleted, plugged and abandoned, and lease expired.	
G-14840 C 12-5-77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Vinegarone field, Val Verde County, Tex.	( <sup>1</sup> )	14.73
CI78-147 F 11-10-77	CIG Exploration, Inc. (Partial Successor in Interest to Colorado Oil Co., Inc.), Five Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., Certain acreage of the Mathis, et al. lease located in Keyes field, Cimmaron County, Okla.	( <sup>1</sup> )	14.65
CI78-183 CI54-1530 B 11-25-77	Jack L. Phillips, et al., P.O. Box 392, Gladewater, Tex. 75647.	Lone Star Gas Co. and Natural Gas Pipe Line Co. of America, Southwest Carthage field, Panola County, Tex.	Depleted, plugged and abandoned and leases expired.	
CI78-184 G-16990 B 11-17-77	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	United Gas Pipe Line Co., Corpus Christi Bay area, San Patricio and Nueces Counties, Tex.	Depleted, plugged, and abandoned.	
CI78-185 G-16991 B 11-18-77	American Petrofina Co. of Texas.	United Gas Pipe Line Co., Carthage field, Panola County, Tex.	Do.	
CI78-199 F 12-2-77	Bethlehem Steel Corp. (Partial Successor in Interest to the Preston Oil Co. and Forest Oil Corp.), Bethlehem, Pa. 18016.	Columbia Gas Transmission Corp., certain acreage of Vermillion block 161, Federal domain, offshore, Louisiana.	( <sup>1</sup> )	15.025
CI78-200 A 11-30-77	The Louisiana Land and Exploration Co., 225 Baronne St., P.O. Box 60350, New Orleans, La. 70160.	Mid Louisiana Gas Co., certain acreage from Lake Washington field, Plaquemines Parish, La.	( <sup>1</sup> )	14.73
CI78-201 A 12-2-77	Louisiana Land Offshore Exploration Co., Inc., 225 Baronne St., P.O. Box 60350, New Orleans, La. 70160.	Transco Gas Supply Co., certain acreage from Vermillion area block 331 field, Gulf of Mexico.	( <sup>1</sup> )	15.025
CI78-202 A 12-2-77	The Louisiana Land and Exploration Co.	Transco Gas Supply Co., certain acreage from Vermillion area block 331 field, Gulf of Mexico.	( <sup>1</sup> )	15.025
CI78-203 CI75-336 B 12-2-77	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Transcontinental Gas Pipe Line Corp., South Tilden field, McMullen County, Tex.	Lease expired. Well No. 1 plugged back to 5525 ft and turned over to landowner for water-well purposes.	
CI78-204 B 12-5-77	Elliott Davis Mineral Trust and Leon Davis Mineral Trust, P.O. Box 1255 Liberal, Kans. 67901.	Northern Natural Gas Co., Mokane-Laverne, Beaver, Okla.	Depleted and plugged.	
CI78-205 CI62-1077 B 12-5-77	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Colorado Interstate Gas Co., all of sec. 23-33S-42W and the N/2 of sec. 26-33S-42W in Boehm field, Morton County, Kans.	Nonproduction.	
CI78-206 A 12-5-77	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Mountain Fuel Supply Co., Whiskey Buttes Area, Lincoln and Sweetwater Counties, Wyo.	( <sup>1</sup> )	15.025
CI78-207 B 12-5-77	Aztec Gas Systems, Inc. (Operator), et al., P.O. Box 1184, Midland, Tex. 79702.	The Nueces Co., Poquito and Ward County, Tex.	Depleted, plugged, and abandoned.	
CI78-208 A 12-5-77	Chevron U.S.A. Inc., 1111 Tulane Ave., New Orleans, La. 70112.	Southern Natural Gas Co., block 64, E/2 block 65 and block 74, Eugene Island Area, offshore, Louisiana.	( <sup>1</sup> )	15.025

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Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft. <sup>3</sup>	Pressure base
C178-209 A 12-5-77	Ashland Exploration, Inc., P.O. Box 1503, Houston, Tex. 77001.	Northern Natural Gas Co., Weaver No. 1-28 well, located in sec. 28, T20N, R20W, Woodward County, Okla.	( <sup>1</sup> )	14.85
C178-210 A 12-5-77	CSG Exploration Co., P.O. Box 25128, Oklahoma City, Okla. 73125.	Cities Service Gas Co., Boyd east field, Beaver County, Okla.	( <sup>1</sup> )	14.65
C178-211 A 12-5-77	Cities Service Co.	Panhandle Eastern Pipeline Co., certain acreage in Sweetwater County, Wyo.	( <sup>1</sup> )	15.025
C178-212 B 11-30-77	Jack E. Trigg, 1942 Broadway, Suite 410 Boulder, Colo. 80302.	Panhandle Eastern Pipeline Co., Northeast Horace, Meade County, Kans.	Depleted and plugged.	
C178-214 A 12-6-77	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Montana-Dakota Utilities Co., Northeast sec. 8, T23N, R58E, Richland County, Mont., limited to oilwell gas production from the Red River formation.	( <sup>1</sup> )	15.025
C178-215 C167-80 B 12-7-77	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Arkansas-Louisiana Gas Co., Wilburton field, Latimer County, Okla.	Last producing well abandoned and acreage surrendered.	
C178-216 A 12-7-77	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Montana-Dakota Utilities Co., Taylor No. 1 well, Pavillion field, Fremont County, Wyo.	( <sup>1</sup> )	15.025
C178-217 C164-1415 B 12-5-77	Eastern Pipe Line Co., Inc., 1618 C&I Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Co., East Bernard field, Wharton County, Tex.	Uneconomical, plugged, and abandoned.	
C178-218 C165-53 B 12-5-77	Woods Exploration & Producing Co., Inc., 1618 C&I Bldg., Houston, Tex. 77002.	Eastern Pipe Line Co., East Bernard field, Wharton County, Tex.	Do.	
C178-219 A 12-7-77	Liquid Energy Corp., 3900 1 Shell Plaza Houston, Tex. 77002.	Panhandle Eastern Pipeline Co., Converse County plant, Converse County, Wyo.	( <sup>1</sup> )	14.65
C178-220 C160-550 B 12-8-77	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	Valley Gas Transmission, Inc., McNeil field, Live Oak County, Tex.	Depleted, plugged, and abandoned.	
C178-221 B 12-9-77	Lohmann-Johnson Drilling Co., Inc., 1302 Old National Bank Bldg., Evansville, Ind. 47708.	Texas Gas Transmission Corp., Hopkins County, Ky.	Depleted.	
C178-222 B 12-9-77	Lohmann-Johnson Drilling Co., Inc.	Do.	Do.	
C178-223 A 12-12-77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Trunkline Gas Co., West Cameron block 830 field, offshore, Louisiana.	( <sup>1</sup> )	14.73
C178-224 A 12-11-77	Exxon Corp.	Natural Gas Pipeline Co. of America, West Cameron block 830 field, offshore, Louisiana.	( <sup>1</sup> )	14.73
C178-225 A 12-12-77	do	Columbia Gas Transmission Corp., West Cameron block 830 field, offshore, Louisiana.	( <sup>1</sup> )	14.73
C178-226 A 12-12-77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Northern Natural Gas Co., West Cameron block 830 field, offshore, Louisiana.	( <sup>1</sup> )	14.73
B 12-12-77	Connally Oil Co., Inc., P.O. Box 768, 744 Hickory, Abilene, Tex. 79604.	Phillips Petroleum Co., Gordon St. (Wolfcamp 9300), Martin County, Tex.	Uneconomical and depleted.	

<sup>1</sup> Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

Filing code:

A—Initial service. C—Amendment to add acreage. E—Succession.  
B—Abandonment. D—Amendment to delete acreage. F—Partial succession.

[FR Doc. 77-37226 Filed 12-30-77; 8:45 am]

[6740-02]

[Docket Nos. C178-136, et al.]

**NOTICE OF APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES<sup>1</sup>**

DECEMBER 21, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before January 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed

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Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft. <sup>3</sup>	Pressure base
C178-148 A 11-10-77	Belco Petroleum Corp., El Paso Natural Gas Co., One Day Hammarskjöld Plaza, New York, N.Y. 10017.	Edwards No. 1 well (Fusselman formation), Glasscock County, Tex.	( <sup>1</sup> )	14.73
C178-148 A 11-10-77	Gas Producing Enterprises, Inc., Five Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., Hugoton area, Kearny County, Kans.	( <sup>1</sup> )	14.65
C178-149 A 11-11-77	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Transcontinental Gas Pipe Line Corp., W. C. English No. 1 (Wilcox A. Sand), Bear field, Beauregard Parish, La.	( <sup>1</sup> )	15.025
C178-150 A 11-11-77	Arkla Exploration Co., P.O. Box 21734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., IMC-Heard Trust, No. 1 well, Section 8, T. 18 N., R. 3 W., IMC-Wilder No. 1 well, Section 9, T. 18 N., R. 3 W., and IMC-Sturgis No. 1 well, Section 4, T. 18 N., R. 3 W., Lincoln Parish, La.	( <sup>1</sup> )	15.025
C178-151 C167-40 B 11-14-77	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Depleted, plugged and abandoned and leases terminated.	
C178-152 B 11-14-77	Mesa Petroleum Co. et al.	Colorado Interstate Gas Co., Sparks field, Morton County, Kans.	( <sup>1</sup> )	15.025
C178-153 A 11-14-77	Monsanto Co., 1300 Post Oak Tower, 5051 Westchester, Houston, Tex. 77056.	Michigan Wisconsin Pipe Line Co., Long Butte No. 1 well, located in Section 32, T. 39 N., R. 91 W., Fremont County, Wyo., limited to the interval between 15,102' subsurface on Schlumberger Compensated Neutron-Formation Density Log, and 16,646' subsurface total depth by driller measurement.	( <sup>1</sup> )	15.025
C178-154 A 11-14-77	Monsanto Co.	Texas Eastern Transmission Corp., Well SUA-5, Givens No. 1-T, M C/F-SUE, Hedgepeth V-18 and S. J. Colvin No. V-17, Hico Knowles field, Lincoln Parish, La.	( <sup>1</sup> )	15.025
C178-156 A 11-16-77	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, applicant's interest in the Government "AB" No. 4 well, in Section 9.20 S., 28E., Fiddy County, N. Mex.	( <sup>1</sup> )	14.65
C178-158 A 11-16-77	Louisiana Land Offshore Exploration Co., Inc., 225 Baronne St., P.O. Box 60350, New Orleans, La. 70160.	United Gas Pipeline Co., certain acreage from block A-323, High Island area, east addition, south extension, offshore Tex.	( <sup>1</sup> )	14.65
C178-159 A 11-16-77	do	Florida Gas Transmission Co., certain acreage from the Newsom field area, Marion County, Miss.	( <sup>1</sup> )	15.025
C178-176 B 11-21-77	W. R. W. Enterprises, Inc., 5622 South Post Rd., Indianapolis, Ind. 46229.	Penova interests, Cairo Rtr. Nonproduction, chie, W. Va.	( <sup>1</sup> )	15.025

is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the petitioners parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft. <sup>3</sup>	Pressure base
C178-136 A 11-1-77	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Natural Gas Pipeline Co., certain field (Gorow), Eddy County, N. Mex. Pipe Line Co., certain acreage of the Archie "A" No. 1 well in the Langdon field, Reno County, Kans.	( <sup>1</sup> )	14.65
C178-137 A 11-1-77	J. Roy McCoy, 205 Insur. Lubbock, Tex. 79405.	Astro-Tex Oil Co., two states, Cochran County, Tex.	( <sup>1</sup> )	14.65
C178-138 B 11-1-77	Ashland Exploration, Inc., (Successor in Interest to Ashland Oil, Inc.), P.O. Box 1503, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Millie 1-20 well located in Section 20, Township 17 N., Range 17 W., Dewey County, Okla.	The purchaser is no longer in existence and there is no pipeline to deliver gas.	
C178-139 A 11-2-77	O. G. McClain, 529 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Coastal States Gas Producing Co., Alfred West field, Jim Wells County, Tex.	( <sup>1</sup> )	14.65
C178-140 B 11-1-77	Gulley Oil Co., P.O. Box 1464, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., Rice Bayou field, Terrebonne Parish, La.	( <sup>1</sup> )	15.025
C178-142 A 11-3-77	Atlantic Richfield Co., P.O. Box 2319, Dallas, Tex. 75221.	Northern Natural Gas Co., Ella Sugg (Wolfcamp) field, Iron County, Tex., limited to gas well gas produced from the interval between the surface of the earth and a depth of 8,150 feet below the surface of the earth.	( <sup>1</sup> )	14.65
C178-143 A 11-2-77	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Pioneer Gas Products Co., Southeast Aftersworth field, Bryan County, Okla.	( <sup>1</sup> )	14.73
C178-144 A 11-10-77	CIG Exploration, Inc., Five Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., Hugoton area, Kearny and Finney Counties, Kans.	( <sup>1</sup> )	14.65
C178-145 B 10-10-77	J. Roy McCoy	Natural gas, thru Amoco (Slaughter plant), Slaughter field, Hooker County, Tex.	Uneconomical.	

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Docket No. and	Applicant	Purchaser and Location	Price per 1,000 ft. <sup>3</sup>	Pressure
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Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft. <sup>1</sup>	Pressure base
CI78-187 A 11-25-77	Southland Royalty Co., 1600 First National Bldg., Fort Worth, Tex. 76102.	Southern Natural Gas Co., Marg 8 Sand, encountered between electric log depths of 10,438 feet and 10,485 feet, from the Grief Brothers No. 2 well and the acreage compris- ing the production unit established for such well located at a surface point 330 feet from the west line and 2,205 feet from the north line of Section 23, Township 9 S., Range 8 E., St. Martin Parish, La.	( <sup>1</sup> )	15.025
CI78-188 CI71-542 B 11-28-77	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Nonproductive and aban- doned. Cleveland Community No. 1 well, NE <sup>1</sup> / <sub>4</sub> of Section 23, 12S., 32E., Bagley field, Lea County, N. Mex.		
CI78-189 O-18014 B 11-28-77	Cities Service Co.	Texas Eastern Transmission Co., the old Waverly field in San Jacinto County, Tex.	Leases expired.	
CI78-190 B 11-23-77	Shenandoah Oil Corp. (Op- erator), 1500 Commerce Bldg., Fort Worth, Tex. 76102.	Trunkline Gas Co., West Alta Loma field, Galves- ton County, Tex.	Depleted, nonproductive, and leases expired.	
CI78-191 A 11-25-77	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Red Lake field, Eddy County, N. Mex.	( <sup>1</sup> )	14.85
CI78-194 A 11-30-77	American Natural Gas Pro- duction Co., 5075 West- heimer, 1100 Galleria Towers West, Houston, Tex. 77058.	Northern Natural Gas Co., Texas County, Okla.	( <sup>1</sup> )	14.65
CI78-195 A 12-2-77	Union Oil Co., of Califor- nia, Union Oil Center, Rm. 901, P.O. Box 7800, Los Angeles, Calif. 90051.	Natural Gas Pipeline Co. of America, Cox-Stump unit, Section 20, 2 N., 20ECM Camrick field, Beaver County, Okla.	( <sup>1</sup> )	14.73
CI78-196 G-18991 B 11-21-77	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	United Gas Pipe Line Co., Josquin field, Panola County, Tex.	Depleted, plugged, and aban- doned.	
CI78-197 A 12-1-77	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	United Gas Pipe Line Co., Urbana field, San Jacinto County, Tex.	( <sup>1</sup> )	14.65
CI78-198 B 12-2-77	George W. Strake, Jr., 3300 Gulf Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Co., North Elton field, Allen Parish, La.	Plugged and abandoned.	

<sup>1</sup>Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

Filing Code:

A—Initial Service.  
B—Abandonment.  
C—Amendment to add acreage.

D—Amendment to delete acreage.  
E—Total Succession.  
F—Partial Succession.

[FR Doc. 77-37228 Filed 12-30-77; 8:45 am]

[6740-02]

[Docket Nos. CI78-101, et al.]

NOTICE OF APPLICATIONS FOR CERTIFICATES,  
ABANDONMENT OF SERVICE AND PETI-  
TIONS TO AMEND CERTIFICATES<sup>1</sup>

DECEMBER 21, 1977.

Take notice that each of the appli-  
cants listed herein has filed an appli-  
cation or petition pursuant to section  
7 of the Natural Gas Act for authori-  
zation to sell natural gas in interstate  
commerce or to abandon service as de-  
scribed herein, all as more fully de-  
scribed in the respective applications  
and amendments which are on file  
with the Commission and open to  
public inspection.

<sup>1</sup>This notice does not provide for consoli-  
dation for hearing of the several matters  
covered herein.

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Any person desiring to be heard or  
to make any protest with reference to  
said applications should on or before  
January 12, 1978, file with the Federal  
Energy Regulatory Commission,  
Washington, D.C. 20426, petitions to  
intervene or protests in accordance  
with the requirements of the Commis-  
sion's rules of practice and procedure  
(18 CFR 1.8 or 1.10). All protests filed  
with the Commission will be consid-  
ered by it in determining the appropri-  
ate action to be taken but will not  
serve to make the protestants parties  
to the proceeding. Persons wishing to  
become parties to a proceeding or to  
participate as a party in any hearing  
therein must file petitions to intervene  
in accordance with the Commission's  
rules.

Take further notice that, pursuant  
to the authority contained in and sub-  
ject to the jurisdiction conferred upon  
the Federal Energy Regulatory Com-

mission by sections 7 and 15 of the  
Natural Gas Act and the Commission's  
rules of practice and procedure a hear-  
ing will be held without further notice  
before the Commission on all applica-  
tions in which no petition to intervene  
is filed within the time required  
herein if the Commission on its own  
review of the matter believes that a  
grant of the certificates or the au-  
thorization for the proposed abandon-  
ment is required by the public conve-  
nience and necessity. Where a petition

KENNETH F. PLUMB,  
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. <sup>1</sup>	Pressure base
CI78-101 B 10-31-77	Natural Gas Processing Co., Kansas-Nebraska formerly David L. Ham- ilton d/b/a Natural Gas Processing Co., P.O. Box 512, Thermopolis, Wyo. 82443. (successor to the Shan- rock Oil & Gas Corp.) P.O. Box 631, Amarillo, Tex. 79173.	Natural Gas Processing Co., Kansas-Nebraska Gas Co., Inc., SESE of sec- tion 28, T. 35 N., R. 66 W., N. Mex. Co. Wyo., Nobara County, Wyo.		
CI78-102 A 10-31-77	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartles- ville, Okla. 74004.	El Paso Natural Gas Co., Granite Wash formation through the Gulf Energy & Minerals Co., Jenkie Campbell No. 1-1 well and applicant's Willis E. Fillin- gim No. 1-44 well, Hem- phill County, Tex.	( <sup>1</sup> )	14.65
CI78-104 A 11-2-77	Texas Eastern Exploration Co., P.O. Box 2521, Hous- ton, Tex. 77001.	Texas Eastern Transmission Corp., block 60 field, Ver- million area, offshore Lou- isiana.	( <sup>1</sup> )	15.025
CI78-105 A 10-31-77	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartles- ville, Okla. 74004.	Willow Lake unit, Federal No. 1 well, section 22 ft. 24 S., R. 28 E., Eddy County, N. Mex.	( <sup>1</sup> )	14.73
CI78-106 A 11-1-77	Keweenaw Oil Co., P.O. Box 2239, Tulsa, Okla. 74101.	Natural Gas Pipeline Co. of America, Eddy of section 24, 18 S., 26 E., Eddy County, N. Mex.	( <sup>1</sup> )	14.65
CI78-107 A 10-31-77	Napoco Inc., 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, Bass No. 1 well, section 11, T. 22 S., R. 27 E., Eddy County, N. Mex.	( <sup>1</sup> )	14.65
CI78-108 A 10-31-77	Austral Oil Co., Inc. (suc- cessor in interest to Resler & Sheldon), 2700 Exxon Bldg., Houston, Tex. 77002.	El Paso Natural Gas Co., limited to the extent that the leases conveyed cover the surface of the ground down to the base of the formation unitized by the Shelly Myers Langlie- Matti Myers, Lea County, N. Mex.	( <sup>1</sup> )	14.65
CI78-109 A 10-31-77	Namco, Inc. (Del.), 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, State No. 1 well, N. Mex. Co. Wyo., Nobara County, Wyo.	( <sup>1</sup> )	15.025
CI78-110 A 10-31-77	Harper Oil Co., 904 High- tower Bldg., 105 North Hudson, Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Shepherd No. 1 well, sec. 15 N., 18 W., Custer County, Okla.	( <sup>1</sup> )	14.65
CI78-111 A 1-1-77	Shell Oil Co., Two Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Montana-Dakota Utilities, Coral Creek field, Fallon County, Mont.	( <sup>1</sup> )	15.025

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Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. <sup>1</sup>	Pressure base
CI78-112 B 10-28-77	Southwestern Exploration Consultants, Inc., 404 Local Federal Bldg., Oklahoma City, Okla. 73102.	Shell Oil Co., gasoline plant, Hewitt-Carter County, Okla.	Last sale March 1978. Aban- doned.	
CI78-113 B 10-28-77	Southwestern Exploration Consultants, Inc.	Signal Oil & Gas Co., Dixie- Jefferson County, Okla.	Sold to H. A. Paramore, Duncan, Okla., effective March 1, 1974. Last sale March 1973. De- pleted and abandoned.	14.65
CI78-114 B 10-28-77	.....do.....	.....do.....	.....do.....	.....do.....
CI78-115 A 11-3-77	American Natural Gas Pro- duction Co., 5075 West- heimer, Suite 1100 West, Houston, Tex. 77058.	Pot-Noble County, Okla. Line Co., Roger Mills County, Okla.		14.65
CI78-116 A 11-3-77	Odessa Natural Corp. (op- erator), P.O. Box 3908, Odessa, Tex. 79760.	El Paso Natural Gas Co., plat of communized area covering N <sup>1</sup> / <sub>2</sub> of section 25, T. 25 N., R. 10 W., San Juan County, N. Mex.		14.65
CI78-117 A 11-3-77	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Northwestern Natural Gas Co., certain depths underlying section 40, Block A, H. and GN RR survey, Rob- erts County, Tex.		
CI78-118 B 11-3-77	Robert White, Operator, et al., 1014 Union Center, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., W <sup>1</sup> / <sub>2</sub> section 24, 26 S., 9 W., Reno County, Kans.	Uneconomical and aban- doned.	
CI78-119 G-19499 B 11-3-77	Robert White, Operator, et al.	Northern Natural Gas Co., S <sup>1</sup> / <sub>2</sub> section 32, 21 S., 32 W., and W <sup>1</sup> / <sub>2</sub> section 28, 21 S., 32 W., Finney County, Kans.	Do	
CI78-120 B 11-3-77	.....do.....	.....do.....	.....do.....	.....do.....
CI78-121 B 11-3-77	.....do.....	.....do.....	.....do.....	.....do.....
CI78-122 B 11-3-77	.....do.....	.....do.....	.....do.....	.....do.....
CI78-123 B 11-3-77	.....do.....	.....do.....	.....do.....	.....do.....
CI78-124 B 11-3-77	Robert White, operator, et al., 1014 Union Center, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., SW <sup>1</sup> / <sub>4</sub> and NE <sup>1</sup> / <sub>4</sub> , section 18, 26 S., 8 W., Reno County, Kans.	Do	
CI78-125 B 11-3-77	Robert White, operator, et al.	Panhandle Eastern Pipe Line Co., SE <sup>1</sup> / <sub>4</sub> , section 13, 28 S., 9 W., Reno County, Kans.	Do	
CI78-126 B 11-3-77	.....do.....	.....do.....	.....do.....	.....do.....
CI78-127 B 11-3-77	.....do.....	.....do.....	.....do.....	.....do.....

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(1) The application was sent by reg-  
tion, 400 Maryland Avenue SW. Room  
dures were limited under the terms of



## NOTICES

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. <sup>3</sup>	Pressure base
CI78-129 B 11-2-77	Blake Gas Co., 510 First National Bank Bldg., El Dorado, Ark. 71730.	Consolidated Gas Supply Corp., Sherman District, Boone County, W. Va.	Uneconomical.	
CI78-130 CI60-290 B 11-3-77	American Petrofina Co. of Texas (operator), et al., P.O. Box 2159, Dallas, Tex. 75221.	Panhandle Eastern Pipe Line Co., Wil field, Edwards County, Kans.	Depleted, plugged, and abandoned.	
CI78-131 A 11-3-77	Shell Oil Co., Two Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Montana-Dakota Utilities Co., Pennel field, Fallon County, Mont.		( <sup>1</sup> ) 15.025
CI78-132 B 11-7-77	Connally Oil Co., Inc., P.O. Box 768, Abilene, Tex. 79604.	El Paso Natural Gas Co., Spraberry (Trend area), Reagan County, Tex.	Depleted and uneconomical.	
CI78-133 A 11-3-77	HNG Oil Co., P.O. Box 1188, Houston, Tex. 77001.	Northern Natural Gas Co., S $\frac{1}{4}$ of section 28, Twp. 22 S., Rge. 35 E., Abra (Morrow) field, Lea County, N. Mex.		( <sup>1</sup> ) 14.73

<sup>1</sup> Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.  
<sup>2</sup> Applicant and purchaser are affiliated.

## Filing code:

A—Initial service.

B—Abandonment.

C—Amendment to add acreage.

D—Amendment to delete acreage.

E—Succession.

F—Partial succession.

Doc. 77-37229 Filed 12-30-77; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

## Office of Education

## EMERGENCY SCHOOL AID ACT

Notice of Closing Date for Receipt of  
Applications for Fiscal Year 1978

Under the authority contained in the Emergency School Aid Act, Title VII of Pub. L. 92-318, as amended (20 U.S.C. 1601-1619), the Commissioner of Education invites applications for assistance from local educational agencies for the following programs:

1. Basic Grants under section 706(a) of the Act;
2. Pilot Project grants under section 706(b) of the Act;
3. Bilingual Project grants under section 708(c) of the Act; and
4. Special Project grants under section 708(a) of the Act to assist in implementing nonrequired plans described in section 706(a)(1)(D) of the Act and 45 CFR 185.11(b)(4), providing for the enrollment of non-resident children.

The Commissioner also invites other applicants, indicated below, to submit applications for the following types of assistance:

1. Grants under section 708(b) of the Act to public or private nonprofit organizations other than local educational agencies;
2. Bilingual Project grants under section 708(c) to private nonprofit organizations;
3. Special Project grants under section 708(a) of the Act to the central public education agencies in Puerto Rico, Guam, American Samoa, the Virgin Islands and the Trust Territories of the Pacific Islands;
4. Special Arts Project grants under section 708(a) of the Act to public agencies responsible for the administration of statewide arts programs;

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5. Special Mathematics Project grants under section 708(a)(3) of the Act to private nonprofit agencies; and
6. Special Student Concerns Project grants under section 708(a) of the Act to public agencies other than local educational agencies.

The Assistant Secretary for Education has determined that awards for Special Projects described in this notice will make substantial progress toward meeting the purposes of the Act.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information packages.

Closing date: February 28, 1978.

A. *Applications sent by mail.* An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Washington, D.C. 20202. The address for applications should be marked as follows: Attention: 13.525A (for Basic Grants); Attention: 13.526A (for Pilot Projects); Attention: 13.528A (for Bilingual LEA Projects); Attention: 13.532K (for Special Projects for section 706(a)(1)(D) plans); Attention: 13.529A (for Non-profit Organization Projects under section 708(b)); Attention: 13.528B (for Bilingual Nonprofit Organization Projects); Attention: 13.532C (for Special Projects in jurisdictions other than States); Attention: 13.532D (for Special Arts Projects); Attention: 13.532E (for Special Mathematics Projects); Attention: 13.532F (for Special Student Concerns Projects). Applications must be received by the Application Control Center on or before the closing date. In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that applicants consider the use of registered or certified mail as explained below.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 23, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. *Hand-delivered applications.* An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays and Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information.* (1) The fiscal year 1978 appropriation level for various types of assistance has not yet been set. The amount of funds available for each type will be established after enactment of appropriation legislation.

(2) In fiscal year 1977, funds were expended as follows: (a) 430 Basic Grants, in an average amount of \$307,580;

(b) 162 Pilot Project grants, in an average amount of \$198,462;

(c) 24 Bilingual Project grants to local educational agencies, in an average amount of \$338,520;

(d) 4 Special Project grants to support nonrequired plans described in section 706(a)(1)(D) of the Act, in an average amount of \$378,144;

(e) 205 grants to nonprofit agencies, in an average amount of \$83,881;

(f) 5 Special Project grants to public agencies in jurisdictions other than States, in average amount of \$560,000;

(g) 15 Special Arts Project grants, in an average amount of \$99,747;

(h) 1 Special Mathematics Project grant, in the amount of \$750,000; and

(i) 7 Special Student Concerns Project grants, in an average amount of \$205,403.

D. *Project periods.* Grants made pursuant to this notice will be for projects starting no earlier than July 1, 1978, and ending no later than September 30, 1979, but in no case for more than a 12-month period.

E. *For further information and forms contact:* Division of Program Operations, Equal Educational Opportunity Programs, U.S. Office of Educa-

tion, 400 Maryland Avenue SW., Room 2007A, Washington, D.C. 20202; 202-245-7965.

F. *Applicable regulations.* Grant awards made pursuant to this notice will be subject to the following regulations: (1) Regulations relating only to assistance under the Emergency School Aid Act (45 CFR Part 185), and

(2) The Office of Education general provisions regulations (45 CFR Parts 100, 100a and appendixes) except to the extent that these regulations are inconsistent with 45 CFR Part 185.

(20 U.S.C. 1601-1619.)

(Catalog of Federal Domestic Assistance Number 13.525, Basic Grants; 13.526, Pilot Projects; 13.528, Bilingual Projects; 13.529, Public and Nonprofit Private Organization Grants; 13.532, Special Projects-Emergency School Aid.)

Dated: December 28, 1977.

ERNEST L. BOYER,

U.S. Commissioner of Education.

(FR Doc. 78-12 Filed 1-3-78; 8:45 am)

[4210-01]

DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT

## Office of the Secretary

(Docket No. N-77-780)

PROCEDURES FOR PROTECTION AND  
ENHANCEMENT OF THE ENVIRONMENT

## Amendments to Departmental Handbook

AGENCY: Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: This Notice removes the expiration date of December 11, 1977, for the special procedures for the first segment of large scale subdivisions requiring an Environmental Impact Statement. In addition, this Notice makes modifications to the special procedures consistent with major recommendations resulting from a staff evaluation of the procedures to determine whether the interim regulations should be implemented on a permanent basis or not.

FOR FURTHER INFORMATION CONTACT:

Shirley J. Griffith/James Miller, Office of Environmental Quality, room 7262, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: On June 11, 1976, the Secretary amended Handbook 1390.1 (38 FR 19182, July 18, 1973) and provided, among other things, for certain special procedures for the first segment of large scale subdivisions requiring an Environmental Impact Statement (41 FR 23878, 23879). These special proce-

dures were limited under the terms of the amendment to a period of 1 year from the date the amendment was published, or until June 11, 1977. (Paragraph 5.a (10)(c), Handbook 1390.1, as amended.)

The expiration date was subsequently extended to December 11, 1977 (42 FR 37605, on July 22, 1977). At the time the special procedures were extended, public comments were requested. There were three responses received from developers, and they were in favor of continuing the early start program with certain modifications and changes as follows: (1) that there be an educational provision for clientele as to the advantages of early start; (2) that there be made in the proposed regulations a clear distinction between subdivision and multifamily projects; and (3) that the term "subdivision" used with respect to early start provision be changed to "subdivision or multifamily project."

A staff evaluation of 20 project cases was conducted jointly by the Office of Community Planning and Development, Policy Development and Research, and the Inspector General. Their findings and recommendations are as follows: (1) that HUD should change the regulations to include both subdivisions and multifamily projects on a case-by-case decision where separability can be shown; (2) that special provisions for early starts should apply flexibility to projects according to overall project size, and the early start should be available for 200 units or 15 percent of the total units in a project not to exceed 499 units, the current upper limit of the Special Clearance threshold; (3) that the Regional Office have an expanded role of providing review and recommendations prior to early start approval; (4) that HUD should provide training for field staff on early start procedures; and (5) that HUD should provide additional guidance in interpreting criteria on the early start procedures.

The Secretary now finds that the effectiveness of those special procedures shall be continued on a permanent basis and that there will be no interruption in the early start program.

Public comments were requested on these procedures when they were initially published and when the expiration date was extended. In view of these prior reviews, in addition to the current time limitation, there shall be no opportunity for further comment.

A finding has been made that these amendments do not significantly affect the quality of the human environment and a finding of this effect has been prepared and is available for copying and inspection in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.



The requirements of OMB Circular A-107 and Executive Order 11923 have been complied with.

Accordingly, HUD Handbook 1390.1 is amended as follows:

1. Paragraph 5.a(10) is changed to read: (10) Special Procedures for First Segment of Large Scale Projects (Subdivision or Multifamily) Requiring an Environmental Impact Statement:

(a) Where Appendix A-2 requires an Environmental Impact Statement on a large scale project, processing of the first segment of the large scale project may begin and be completed prior to the completion of the Environmental Impact Statement processing if the first segment would form a project which would be financially and functionally separate and complete, without regard to whether the total large scale project is developed, and the following criteria are also satisfied for such first segment:

(i) It is not located such that it would have an environmental impact on an area designated under Federal, State or local law as a park, outdoor recreation, wildlife, historic, archaeological, scenic, or aesthetic preservation or conservation district or area;

(ii) It is not located in a pristine natural area;

(iii) It has received a Special Environmental Clearance as further set forth in subparagraph (b), below, and it has been found to have no significant environmental impacts;

(iv) It is less than 200 lots/units;

(v) It is in an existing urbanized area with a population density of 1,000 or more persons per square mile or within 2 miles of such areas;

(vi) It can currently be served with existing roads, sewer and water, and other utilities located off-site.

(b) Documentation must be provided which clearly demonstrates the first segment of a large scale project proposed for approval to be in compliance with the criteria of paragraph (a), above. The documentation is subject to the following further conditions:

(i) A Special Environmental Clearance (ECO %) shall be completed and concurred in by the Area/Insuring Office Environmental Clearance Officer (ECO) on the proposed segment, thus making the determination that the project has no significant impact on the natural or man-made environment in terms of NEPA, Council on Environmental Quality guidelines, and HUD environmental policies;

(ii) The Special Environmental Clearance shall include information on the entire development plan and its consistency with areawide planning. In addition, the condition and use of the surrounding land if the remainder of the large scale project were not to be developed;

(iii) A letter from HUD will inform the developer that there will be no

further application approvals until the EIS has been satisfactorily completed, and any actions taken by the developer that would foreclose future options to be explored in the EIS may jeopardize approval of the larger project;

(iv) The segment must not have received any substantive, unresolved adverse comment on environmental grounds by any State, regional or any local agencies commenting on the proposal;

(v) A statement requesting early start permission and setting forth conditions requiring the early start will be prepared by the appraiser and concurred in by the Area/Insuring Office ECO and Director;

(vi) A Notice of Intent to File an EIS with respect to the entire large scale project shall be published in a newspaper of general circulation in the area of the proposed large scale project.

(c) A copy of the early start request and supporting documentation along with a management plan for the preparation of the requisite EIS, indicating timetable, staffing, and responsibility for its preparation and how the schedule is coordinated with the contemplated rate of development by the project sponsor will be sent to the Regional Environmental Clearance Officer (Attention: Environmental Officer) for review and recommendation prior to approval. Any comments and recommendations by the Regional Environmental Clearance Officer shall be provided within 10 working days from receipt.

Issued at Washington, D.C., December 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary Department of  
Housing and Urban Development.  
(FR Doc. 78-72 Filed 1-3-78; 8:45 am)

#### [4310-02]

##### DEPARTMENT OF THE INTERIOR

###### Bureau of Indian Affairs

##### CONFEDERATED TRIBES OF THE SILETZ RESERVATION

###### General Council Meeting—January 7, 1978

DECEMBER 27, 1977.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 2.

Notice is hereby given that a general council meeting of the Confederated Tribes of the Siletz will be held on January 7, 1978, at 1 p.m., at the Grange Hall in Siletz, Ore. The purpose of this council meeting will be to nominate candidates for election to the nine-member Interim Council as provided by Pub. L. 95-195 (Siletz Restoration Act).

All members who are eighteen (18) years of age or older are entitled and eligible to be given notice of, attend, participate in, and vote at general council meetings and to nominate candidates for, to run for any office in, and to vote in elections of members to the interim council.

Pursuant to Pub. L. 95-195, a person shall be a member of the tribe if—

(A) His name is listed on the final membership roll;

(B) He was entitled on August 13, 1954, to be on the final membership roll but his name was not listed on that roll; or

(C) He is a descendant of a person specified in subparagraph (A) or (B) possesses at least one-fourth degree of blood of members of the tribe or their Siletz Indian ancestors.

Before election of the interim council, verification of descendancy, age, and blood degree shall be made upon oath before the Secretary and his determination thereon shall be final.

Identification and registration of those entitled to participate in the nomination process or to be nominated as a candidate for a position on the Siletz Interim Council will commence prior to the meeting in the Grange Hall. At 1 p.m., the meeting will be called to order for the purpose of receiving nominations. Following the conclusion of receiving nominations, and if time permits, there will be a general tribal discussion period.

The general election for those nominated at this meeting will be held February 18, 1978, at the Grange Hall in Siletz, Ore. For certification for voter registration forms for those persons unable to attend the January 7, 1978, meeting, request forms from:

Bureau of Indian Affairs, Portland Area Office, Attention: Tribal Operations, P.O. Box 3785, Portland, Ore. 97208, or Confederated Tribes of Siletz, P.O. Box 137, Siletz, Ore. 97380.

FORREST J. GERARD,  
Assistant Secretary—  
Indian Affairs.

(FR Doc. 78-33 Filed 1-3-78; 8:45 am)

#### [4310-84]

##### Bureau of Land Management

###### CALIFORNIA

##### ORV Designation for Randsburg/Johannesburg (Squaw Spring)

The California Desert Vehicle program (BLM's Interim Critical Management program for vehicle use on the California Desert), restricts area No. 14 (Red Mountain/Cuddeback), to Existing Vehicle Routes.

The unimproved access route into Squaw Spring, in area No. 14, is now designated as closed to vehicle use beginning at a point approximately 200

yards north of Squaw Spring wildlife guzzler, A-91, to the end of the road, a total distance of approximately 0.7 miles. Foot travel and loitering within the immediate area of the wildlife guzzler will be restricted to a maximum of 30 minutes. Camping within the closed area is prohibited.

This closure is situated near the town of Red Mountain, Calif., in the Mojave Desert at the following location:

SAN BERNARDINO BASE AND MERIDIAN,  
CALIFORNIA

T. 29 S., R. 41 E.,  
Sec. 34, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .

The purpose of the road closure is to protect cultural and wildlife values associated with Squaw Spring from unnecessary damage. This closure will provide for better resource management and will allow for the programmed implementation of the Squaw Spring Activity Plan.

The area contains unique cultural values that are candidates for the National Register of Historic Places (80 Stat. Pub. L. 89-665). These warrant special protection from inordinate damage which will destroy the integrity of the site complex. Damage is presently taking place. Additional damage to the sites will significantly reduce their scientific value.

The wildlife guzzler, A-91, represents a critical water source for small birds and some large mammals. The primary species of concern are the Mourning Dove, Gambel's Quail, Chukar, deer, and Desert Bighorn Sheep. This guzzler is the only reliable wildlife water source for an area in excess of 100 square miles.

The closed designation will be effective immediately and remain in effect until further notice.

Authority for this closure is contained in Title 43, Subchapter F—Outdoor Recreation and Wildlife Management, 6010.3, 6010.4, and is consistent with the National Environmental Policy Act, regulations as contained in 36 CFR 800, Executive Order 11593, and Executive Order 11644, as amended.

Effective date: January 4, 1978.

Dated: December 7, 1977.

GERALD E. HILLIER,  
District Manager, Riverside.  
(FR Doc. 78-4 Filed 1-3-78; 8:45 am)

#### [4310-70]

##### National Park Service

##### INDIANA DUNES NATIONAL LAKESHORE GENERAL MANAGEMENT PLAN

###### Notice of Meetings

Notice is hereby given of meetings, which will be conducted as informal workshops, to provide for public input

into a new General Management Plan for Indiana Dunes National Lakeshore. Times and places of the workshops:

Monday, January 16, 1978, at 7:30 p.m. (e.s.t.), Central Careers Center Auditorium, 317 Washington Street, South Bend, Ind.

Wednesday, January 18, 1978, at 6:30 p.m. (e.s.t.), City Council Chambers, Second Floor, Municipal Building, 401 Broadway, Gary, Ind.

Thursday, January 19, 1978, at 7:30 p.m. (e.s.t.), Elletson Senior High School, Career Center Cafeteria, 317 Detroit Street, Michigan City, Ind.

The planning process is in its initial stage and the National Park Service is developing alternatives for use, interpretation, preservation and protection of the area. The workshops will offer the public its first opportunities for expression on the matters involved. It is the intent of the Service to provide other opportunities for public input and comment as the planning process progresses.

Information on the workshops or the planning process may be obtained from James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139-A, Chesterton, Ind. 46304, telephone area code 219-926-7561.

Dated: December 22, 1977.

MERRILL D. BEAL,  
Regional Director,  
Midwest Region.

(FR Doc. 78-86 Filed 1-3-78; 8:45 am)

#### [4310-10]

##### Office of the Secretary

##### BUREAU OF INDIAN AFFAIRS REORGANIZATION TASK FORCE

###### Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that the third meeting of the Bureau of Indian Affairs Reorganization Task Force will be held on Wednesday, January 18, 1978, and Thursday, January 19, 1978, commencing at 10 a.m. on both dates in Room 5160, at the Department of the Interior, 18th and C Streets NW., Washington, D.C.

The purpose of these meetings is to permit 15 Bureau of Indian Affairs Superintendents to present their views on structural reorganization of the Bureau of Indian Affairs. In addition, representatives of the National Congress of American Indians, National Tribal Chairmen's Association and Bureau of Indian Affairs Area Office Directors will discuss their views on reorganization of the Bureau of Indian Affairs. There will be presentations by the Acting Director of the Office of Trust Responsibility and the Director of the Office of Indian Services on the

structure, responsibilities, and problem areas that their respective offices address. Finally, each meeting day time will be set aside for each of the five committees of the Reorganization Task Force to meet to consider specific issues or problems before each committee.

The meeting is open to the public. Space will permit at least 15 persons to attend the meeting in addition to task force members, task force staff, and official observers. Any member of the public may file written statements with the Task Force Director concerning any issue or problem the person wishes to bring to the attention of the task force.

Persons wishing further information concerning this meeting may contact Jack Rushing, Task Force Director, Office of the Secretary, Room 7353, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-6010.

Tribes wishing further information concerning either this meeting or the Reorganization Task Force may contact the Task Force Director, Mr. Rushing, at the aforementioned address or on telephone number (202) 343-4118.

Minutes of each meeting will be available for public inspection one week after each task force meeting in Room 7353, Interior Building, 18th and C Streets NW., Washington, D.C.

Dated: December 28, 1977.

JACK RUSHING,  
Task Force Director, BIA  
Reorganization Task Force.

(FR Doc. 78-74 Filed 1-3-78; 8:45 am)

#### [4310-70]

##### National Park Service

###### (INT DES 77-37)

##### PROPOSED COLORADO RIVER MANAGEMENT PLAN, GRAND CANYON NATIONAL PARK, ARIZ.

###### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for the proposed river management plan, Grand Canyon National Park, Ariz.

The statement considers actions regulating river running activities on the Colorado River from Lee's Ferry to Grand Wash Cliffs (277 miles) in Grand Canyon. Management proposals include the elimination of motorized craft, an increase in total use, an increase in noncommercial use, extension of the river running season, and resource protection measures.

Written comments on the environmental statement are invited and will be accepted on or before March 6,



1978. Comments should be addressed to the Superintendent, Grand Canyon National Park.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

National Park Service, Southern Arizona Group, 1115 North 1st Street, Phoenix, Ariz. 85004.

Grand Canyon National Park, P.O. Box 129, Grand Canyon, Ariz. 86023.

Dated: December 23, 1977.

DAVID USHIO,  
Acting Deputy Assistant,  
Secretary of the Interior.

[FR Doc. 78-17 Filed 1-3-78; 8:45 am]

#### [7020-02]

##### INTERNATIONAL TRADE COMMISSION

[TA-406-1]

##### CERTAIN GLOVES FROM THE PEOPLE'S REPUBLIC OF CHINA

###### Investigation and Hearing

*Investigation instituted.*—Following receipt of a petition on December 15, 1977, filed by the Work Glove Manufacturers Association, Washington, D.C., the U.S. International Trade Commission on December 28, 1977, instituted an investigation under section 406(a) of the Trade Act of 1974 to determine, with respect to imports of gloves of cotton, without fourchettes or sidewalls, provided for in items 704.40 and 704.45 of the Tariff Schedules of the United States, which are the product of the People's Republic of China, whether market disruption exists with respect to an article produced by a domestic industry. Section 406(e)(2) of the Trade Act defines market disruption to exist within a domestic industry "whether imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry."

*Public hearing order.*—A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.d.t. on February 7, 1978, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street NW. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in Washington not later than noon, Tuesday, January 31, 1978.

There will be a prehearing conference in connection with this investiga-

tion which will be held in Washington, D.C., at 10 a.m., e.d.t., on January 30, 1978, in Room 117, U.S. International Trade Commission Building, 701 E St. NW.

*Inspection of petition.*—The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission and at the New York City office of the Commission located at 6 World Trade Center.

Issued: December 29, 1977.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc. 78-79 Filed 1-3-78; 8:45 am]

#### [7020-02]

[Investigation No. 337-TA-36]

##### CERTAIN PLASTIC FASTENER ASSEMBLIES

###### Extension of Suspension of Investigation

Notice is hereby given that the United States International Trade Commission on December 28, 1977, accepted the Presiding Officer's recommendation of December 27, 1977, that the suspension of Commission investigation No. 337-TA-36 of Certain Plastic Fastener Assemblies be extended from January 2, 1978, until a date two weeks subsequent to the date set by the United States District Court for the Southern District of New York for the filing of post-trial briefs in *Dennison Manufacturing Co. v. Ben Clements & Sons, Inc.*, 74 Civ. 979 (CES). The Commission will issue an appropriate notice for the resumption of the investigation after the date is set for the filing of such briefs.

Notice of institution of the investigation was published in the FEDERAL REGISTER on August 11, 1977 (42 FR 40786); notice of suspension of the investigation was published in the FEDERAL REGISTER on October 18, 1977 (42 FR 55654); notice of date of resumption of the investigation was published in the FEDERAL REGISTER on November 10, 1977 (42 FR 58581).

Issued: December 29, 1977.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc. 78-78 Filed 1-3-78; 8:45 am]

#### [6820-35]

##### LEGAL SERVICES CORPORATION

###### GRANTS AND CONTRACTS

DECEMBER 29, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-

29961. Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

(1) Three Rivers Legal Services, Inc., in Gainesville, Fla., to serve Alachua, Bradford, Columbia, Hamilton, Lafayette, Suwanee, and Union counties.

(2) North-Central Louisiana in Natchitoches, La., to serve Natchitoches, DeSoto, Red River, Sabine, Grant, and Winn counties.

(3) Acadiana Legal Services, Inc., in Lafayette, La., to serve Acadia, Iberia, Lafayette, St. Landry, St. Martin, and Vermilion counties.

(4) Legal Services of North Carolina in Lexington, N.C., to serve Bertie, Martin, Washington, Hertford, Robeson, Bladen, Scotland, Burke, Caldwell, McDowell, Catawba, Randolph, Rockingham, Davidson, Pender, Lee, Cherokee, Clay, Macon, Alamance, Caswell, Columbus, and Brunswick counties.

(5) North Alabama Legal Services Corp. in Birmingham, Ala., to serve Jefferson County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street NE, 9th Floor, Atlanta, Ga. 30308.

THOMAS EHRLICH,  
President.

[FR Doc. 78-29 Filed 1-3-78; 8:45 am]

#### [6820-35]

##### GRANTS AND CONTRACTS

DECEMBER 29, 1977.

The Legal Services Corp. was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-29961. Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project . . ."

The Legal Services Corp. hereby announces publicly that it is considering the grant applications submitted by:

(1) Legal Services Corp. of Iowa in Des Moines, Iowa 50309, to serve Linn, Benton, Muscatine, Webster, Boone, Hamilton, Humboldt, Calhoun, Wright, Jasper, Story, Cerro Gordo, Floyd, Butler, Franklin, Hancock, and Winnebago Counties.

(2) Legal Services Organization of Indiana, Inc., in Indianapolis, Ind., to serve Decatur, Jennings, Shelby, Owen, Greene, Vanderburgh, Posey, Spencer, Warrick, Gibson and Pike Counties.

(3) Legal Services Program of Northern Indiana Inc., in South Bend, Ind. 46625, to serve Montgomery, Clinton, Tippecanoe, Miami, Cass, White, LaGrange, and Noble Counties.

(4) Central Minnesota Legal Aid Society in Minneapolis, Minn. 55415, to serve Todd, Morrison, Mille Lacs, and Wright Counties.

(5) Southern Minnesota Regional Legal Services in St. Paul, Minn. 55102, to serve Washington, Dakota, Olmstead, Winona, Rice, Goodhue, and Wabasha Counties.

(6) Legal Aid Service of Northeastern Minnesota in Duluth, Minn. 55802, to serve Itasca and Carlton Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corp., Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Ill. 60604.

THOMAS EHRLICH,  
President.

[FR Doc. 78-30 Filed 1-3-78; 8:45 am]

#### [6820-35]

##### GRANTS AND CONTRACTS

DECEMBER 29, 1977.

The Legal Services Corp. was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-29961. Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project . . ."

The Legal Services Corp. hereby announces publicly that it is considering the grant applications submitted by:

(1) Legal Aid of Chester County, Inc., in West Chester, Pa. 19380, to serve Chester County.

(2) Legal Aid Society of Morris County in Morristown, N.J. 07960, to serve Morris County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above

applications to the Regional Office of the Legal Services Corp. at:

Legal Services Corp., Philadelphia Regional Office, 101 North 33d Street, Suite 115, Philadelphia, Pa. 19104.

THOMAS EHRLICH,  
President.

[FR Doc. 78-31 Filed 1-3-78; 8:45 am]

#### [6820-35]

##### GRANTS AND CONTRACTS

DECEMBER 29, 1977.

The Legal Services Corp. was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-29961. Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project . . ."

The Legal Services Corp. hereby announces publicly that it is considering the grant applications submitted by:

(1) New Haven Legal Assistance Association in New Haven, Conn., to serve the town of Shelton, Conn.

(2) Connecticut Legal Services, Inc., in Bridgeport, Conn., to serve, Litchfield County and towns of Eaton, Monroe, Fairfield, Stratford and Trumbull, Conn.

(3) OnBoard Legal Services, Inc., in New Bedford, Mass., to serve the town of Brockton and environs.

(4) Merrimack Valley Legal Services in Lowell, Mass., to serve the town and vicinity of Haverhill.

(5) Central Massachusetts Legal Services in Worcester, Mass., to serve Worcester County.

(6) Neighborhood Legal Services, Inc., in Lynn, Mass., to serve the North Shore in Essex County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corp. at:

Legal Services Corp., Boston Regional Office, 84 State Street, Room 520, Boston, Mass. 02101.

THOMAS EHRLICH,  
President.

[FR Doc. 78-32 Filed 1-3-78; 8:45 am]

#### [6820-41]

##### NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS PRIVACY ACT OF 1974

###### Revocation and Transfer of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93-579, 5

U.S.C. 552a, the National Commission on Electronic Fund Transfers published in the FEDERAL REGISTER (42 FR 1317) notice of the existence of the following system of records subject to the Privacy Act: NCEFT-1, Payroll Records; NCEFT-2, General Financial Records; NCEFT-3, General Informal Personnel Files. The Commission will terminate operations on December 27, 1977, and the above system of records is revoked as of that date.

Following is a summary of the disposition of the Commission's system of records, subsequent to the termination date:

###### Payroll Records, NCEFT-1

To be retained by General Services Administration, Region 3, Washington, D.C. for use in concluding administrative operations of the National Commission on Electronic Fund Transfers as part of the GSA system of records, Manpower and Payroll Statistics.

###### General Financial Records, NCEFT-2

To be retained by General Services Administration, Central Office, Washington, D.C. for use in concluding administrative operations of the National Commission on Electronic Fund Transfers.

###### General Informal Personnel Files, NCEFT-3

To be destroyed or returned to employees upon their request.

JOHN B. BENTON,  
Executive Director.

DECEMBER 16, 1977.

[FR Doc. 78-7 Filed 1-3-78; 8:45 am]

#### [7590-01]

##### NUCLEAR REGULATORY COMMISSION

[Docket No. STN 50-484]

##### NORTHERN STATES POWER CO. OF MINNESOTA, ET AL.

###### Issuance of Construction Permit

Notice is hereby given that, pursuant to the Partial Initial Decision, dated May 3, 1977, and the Initial Decision, dated December 23, 1977, of the Atomic Safety and Licensing Board, the Nuclear Regulatory Commission (the Commission) has issued Construction Permit No. CPPR-157 to the Northern States Power Co. of Minnesota, Northern States Power Co. of Wisconsin, Cooperative Power Association, Dairyland Power Cooperative, and Lake Superior District Power Co. for construction of a pressurized water nuclear reactor at the applicants' site in Dunn County, Wis. The proposed reactor, known as the Tyrone Energy



Park, Unit No. 1 is designed for a rated power of 3,411 megawatts thermal with a net electric output of 1,150 megawatts.

The Partial Initial Decision and the Initial Decision are subject to review by the Atomic Safety and Licensing Appeal Board prior to their becoming final. Any decision or action taken by the Atomic Safety and Licensing Appeal Board in connection with these decisions may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permit. The application for the construction permit complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permit is effective as of its date of issuance. The earliest date for the completion of the facility is April 1, 1983, and the latest date for completion is October 1, 1985. The permit shall expire on the latest date for completion of the facility.

A copy of (1) the Partial Initial Decision, dated May 3, 1977; (2) the Initial Decision, dated December 23, 1977; (3) Construction Permit No. CPPR-157; (4) the report of the Advisory Committee on Reactor Safeguards, dated December 11, 1975; (5) the Office of Nuclear Reactor Regulation's Safety Evaluation Report, dated October 31, 1975 and Supplement Nos. 1, 2, and 3, thereto, dated July 19, 1976, September 14, 1976 and December 1, 1976, respectively; (6) the Preliminary Safety Analysis Report and amendments thereto; (7) the applicants' Environmental Report, dated April 30, 1974; (8) the Draft Environmental Statement, dated June 1976; and (9) the Final Environmental Statement, dated April 1977, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555, and at the University of Wisconsin, Stout Library, Menomonie, Wis. 54751. A copy of the construction permit may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Copies of the Safety Evaluation Report (Document No. NUREG-75/102) and Supplement Nos. 1, 2, and 3 (Document No. NUREG-0092), and the Final Environmental Statement (Document No. NUREG-0226) may be purchased, at current rates, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Bethesda, Md., this 27th day of December 1977.

For the Nuclear Regulatory Commission.

OLAN D. PARR,  
Chief, Light Water Reactors  
Branch No. 3, Division of Project Management.

[FR Doc. 78-14 Filed 1-3-78; 8:45 am]

[7590-01]

[Docket No. 50-216]

**POLYTECHNIC INSTITUTE OF NEW YORK**

**Order Terminating Facility License**

By application dated July 1, 1977, as supplemented August 5, 1977, the Polytechnic Institute of New York (the licensee) requested authorization to terminate Facility License No. R-107 for the AGN 201M Reactor (the facility), a research reactor located in University Heights, Bronx, N.Y. A "Notice of Proposed Issuance of Order Authorizing Termination of Facility License" was published in the FEDERAL REGISTER on November 17, 1977 (42 FR 59436). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has found that the facility has been dismantled and decontaminated, and that satisfactory disposition has been made of the component parts and fuel in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public. The facility was dismantled pursuant to the Commission's Order dated September 29, 1976 (41 FR 44765, October 12, 1976).

The facility area has been inspected by the Commission's Office of Inspection and Enforcement and radiation surveys confirm that radiation levels meet the values defined in the decommissioning plan, and the area is available for unrestricted access.

Therefore, pursuant to the application by the Polytechnic Institute of New York, Facility License No. R-107 is hereby terminated as of the date of this Order.

For further details with respect to this action, see (1) application for authorization to terminate facility license dated July 1, 1977, as supplemented August 5, 1977, (2) the Commission's Order Authorizing Dismantling of Facility dated September 29, 1976, and (3) the Commission's related Safety Evaluation. Each of these items is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 21st day of December 1977.

For the Nuclear Regulatory Commission.

KARL R. GOLLER,  
Assistant Director for Operating  
Reactors, Division of Operating  
Reactors.

[FR Doc. 78-15 Filed 1-3-78; 8:45 am]

[7590-01]

[Docket No. 50-272]

**PUBLIC SERVICE ELECTRIC AND GAS CO., ET AL**

**Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co. and Atlantic City Electric Co. (the licensees), which revised the operating license for Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, N.J. The amendment is effective as of its date of issuance.

The amendment will (1) revise the section dealing with routine reports and reportable occurrences to be consistent with a recent change to Commission guidance, (2) change the title of one member of the Nuclear Review Board and designate a different Vice Chairman in order to maintain the same professional qualifications of the Board as originally reviewed and approved by the Commission, (3) revise the pressurizer heatup rate to be consistent with design limits, and (4) make certain editorial corrections to rectify errors contained in the Specifications as originally issued with DPR-70.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated October 19, September 20, September 26, October 7, October 28, November 17, and November 17, 1977, (2) Amendment No. 9 to License No. DPR-70 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, N.J. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of December 1977.

For the Nuclear Regulatory Commission.

DAVID M. VERRELLI,  
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-16 Filed 1-3-78; 8:45 am]

[7590-01]

**RISK ASSESSMENT REVIEW GROUP**

**Extension of Termination Date**

In accordance with sections 9 and 14 of Pub. L. 92-463 (Federal Advisory Committee Act), notice is given that the Nuclear Regulatory Commission has determined that extension of the Risk Assessment Review Group for the period January 1, 1978 through July 1, 1978, is necessary and in the public interest. An appropriate amendment to the charter for this committee has been filed in accordance with section 9(c).

Dated: December 30, 1977.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc. 78-107 Filed 12-30-77; 3:01 pm]

[8010-01]

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 10073; 811-2164]

**EPOCH RESOURCES FUND, INC.**

**Order Declaring That Company Has Ceased To Be an Investment Company**

DECEMBER 27, 1977.

Notice is hereby given that Epoch Resources Fund, Inc. ("Epoch"), registered under the Investment Company Act of 1940 (the "Act"), as a diversified, open-end, management investment company, filed an application on April 14, 1977, and amendments there-

to on July 1, 1977, and July 14, 1977, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Epoch has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Epoch was incorporated under the laws of Maryland on January 11, 1971, and has been registered under the Act since 1971. Epoch states that it has never been successful in selling a significant number of its shares; that its total net assets have never exceeded one million dollars; that it has never had more than 150 shareholders at any one time; and that, as of December 31, 1976, it had only 26 shareholders and total net assets of \$137,117. It represents that as of March 31, 1977, it had no shareholders and no net assets, all of its shareholders having voluntarily redeemed their shares prior to that date. According to the application, on March 7, 1977, Epoch's Board of Directors authorized it to file for dissolution under Maryland law. Epoch states that it does not have any current operations and has no plans or intentions to continue as either an investment company or a corporation, and that as of July 1, 1977, it does not have any debts or liabilities outstanding.

Section 8(f) of the Act provides, in part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 20, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate), shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own

motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

SHIRLEY E. HOLLIS,  
Assistant Secretary.

[FR Doc. 78-27 Filed 1-3-78; 8:45 am]

[8010-01]

**GEARHART-OWEN INDUSTRIES, INC.**

**Application to Withdraw from Listing and Registration**

DECEMBER 22, 1977.

In the matter of Gearhart-Owen Industries, Inc., Common Stock, \$0.50 Par Value, File No. 1-4975, Securities Exchange Act of 1934 Section 12(d).

The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of Gearhart-Owen Industries, Inc. has been listed for trading on the Amex since November 30, 1964. On October 5, 1976 the stock was also listed for trading on the New York Stock Exchange, Inc. ("NYSE"). The Company does not see any particular advantage in the dual listing of its stock, inasmuch as trading of such stock on the Amex has dwindled to a nominal amount, and believes that continued dual trading would no longer serve the purpose of stimulating competition among the market makers of such stock.

This application relates solely to the withdrawal from listing and registration on the Amex and shall have no effect upon the continued listing of such common stock on the NYSE.

Any interested person may, on or before January 20, 1978, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application any other information submitted to it, issue an order grant-



ing the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary,  
(FR Doc. 78-5 Filed 1-3-78; 8:45 am)

## [8010-01]

(Release No. 14308; SR-MSE-77-39)

## MIDWEST STOCK EXCHANGE, INC.

## Order Approving Proposed Rule Change

DECEMBER 23, 1977.

On October 27, 1977, the Midwest Stock Exchange, Inc., filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The rule change would establish uniformity among the exchanges which provide markets for standardized listed options with respect to the application of the restricted options rule to dually listed exchange traded options. By this proposal an option would be restricted on that exchange only when such option would meet the criteria for restriction on all exchanges where a transaction has occurred with respect to such option on the previous day.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14160 (November 10, 1977)), and by publication in the FEDERAL REGISTER (42 FR 59577 (November 18, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, That the proposed rule change filed with the Commission on October 27, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary,  
SHIRLEY E. HOLLIS,  
Assistant Secretary,  
(FR Doc. 78-28 Filed 1-3-78; 8:45 am)

## [8010-01]

(Release No. 34-14271; File No. SR-NYSE-77-36)

## NEW YORK STOCK EXCHANGE, INC.

## Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 30, 1977, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

## TEXT OF PROPOSED RULE CHANGE

The text of the proposed amendment to the Constitution of the Exchange is attached as Exhibit 1-A. The text of proposed new Rule 475 and rescissions are attached as Exhibit 1-B.

## PROCEDURE OF SELF-REGULATORY ORGANIZATIONS

The Board of Directors of the New York Stock Exchange at its October 6, 1977 meeting, approved the proposed rule amendments and rescissions. The membership approved the proposed amendment to the Constitution of the Exchange by vote on November 9, 1977. No further Board action or actions by the membership of the Exchange is required.

## NYSE'S STATED PURPOSE OF PROPOSED RULE CHANGE

(a) The primary purpose of the proposed changes is to conform the Exchange Constitution and rules with the Securities Acts Amendments of 1975, sections 6(d)(2) and (3). Basically, new Rule 475 is a restatement of the language of sections 6(d)(2) and (3) of the Exchange Act. The provisions proposed for deletion are either redundant or inconsistent with the proposed new Rule.

(b) As stated above, Rule 475(a) reflects essentially the language set forth in 6(d)(2) of the Securities' Acts Amendments of 1975. The Act establishes a mandatory due process requirement, repeated herein, as a safeguard concerning those rules which permit the Exchange to act summarily in matters involving its members and non-members.

(c) Rule 475(b) is subdivided into three sections which consolidates and otherwise revises Section 16 of Article XIV and Exchange Rule 345(d). Section (b) provides for summary procedures (viz., suspensions and limitations) that the Exchange may take: (i) due to disciplinary action imposed by other self-regulatory organizations on members and other persons; (ii) as a result of financial or operating difficulty of a member or member organization; (iii) in limiting or prohibiting

persons with respect to access to Exchange services if either subsections (i) or (ii) above are applicable or, if such person is not a member or member organization, if he fails to meet the prerequisites for such access and cannot be permitted to have such access with safety to investors, creditors, members, member organizations or the Exchange. This section further provides an opportunity for a hearing for any person aggrieved by such summary action.

(d) Subsection (c) through (h) of proposed Rule 475 restate, with some modification, the provisions currently embodied in Article XIII, establishing and clarifying the rights and jurisdictional limitations with respect to members and other associated persons, that necessarily arise subsequent to the imposition of any summary suspension.

However, it is to be noted that paragraph (d) provides that in the event a member is suspended and not reinstated within one year, the membership shall be disposed of by the Board, unless the Board has extended the time for settlement. This assures the Exchange that the prescribed number of memberships shall remain viable and active.

(e) The question of due process was a major concern of the SEC when it formulated the Securities Acts Amendments of 1975. Proposed new Rule 475 reflects the mandatory due process requirements of the Amendments. Thus, all current constitutional and rule provisions which are either inconsistent or redundant when compared with this proposal should be deleted. Accordingly, sections 1 and 2 of Article XIII should be rescinded since they do not conform to the procedural requirements of the Act. Subsection (b) of the proposed Rule consolidates and otherwise revises Section 16 of Article XIV and Exchange Rule 345(d).

## NYSE'S STATED BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

(i) The Exchange has the express authority and responsibility, under sections 6(d)(2) and (3) of the 1975 Amendments, to prohibit or limit access by members or non-members to Exchange or member services, and to summarily suspend or limit or prohibit a member or non-member from such services, i.e., to do exactly what is provided for under the proposed herein.

Section 6(d)(2) of the 1975 Amendments, in brief, requires notice, a hearing, maintenance of a record, and preparation of a specific statement supporting any regulatory action, in any proceeding by a national securities exchange to determine whether a person shall be denied membership, barred from becoming associated with a member, or prohibited or limited with respect to access to services offered by the Exchange or a member

thereof. This section corresponds to new Rule 475(a).

Section 6(d)(3) of the 1975 Amendments provides for summary action by a national securities exchange in situations involving:

(a) a member or person associated with a member who has been and is expelled or suspended from any self-regulatory organization, or barred or suspended from being associated with a member of any self-regulatory organization;

(b) a member who is in such financial or operating difficulty such as to pose a problem of safety to investors, creditors, other members, or exchanges;

(c) any person with respect to access to services offered by the Exchange if above paragraph (a) or (b) is applicable to such person or if such person does not meet the prerequisites of access and cannot be permitted such access with safety to investors, creditors, members, member organizations or the Exchange.

Any person aggrieved by any such summary action shall promptly be afforded an opportunity for an Exchange hearing as set forth in paragraph 6(d)(1) or (2).

(ii) Paragraph 475(a) states that, except as provided for in summary proceedings, the Exchange shall not prohibit or limit any person with respect to access to services offered by the Exchange or any member or member organization, without first giving such person notice and an opportunity to be heard on the specific grounds for the Exchange's proposed prohibition or limitation. A record is to be kept of such proceedings and any adverse determination is to be supported by a statement setting forth the specific grounds for the prohibition or limitation.

(iii) Not applicable.

(iv) Not applicable.

(v) Except for the stated conditions in summary proceedings, the Exchange's authority to prohibit or limit access by any person to services offered by the Exchange or members cannot be effected unless such person is afforded due process by the Exchange. The right to a hearing following Exchange Summary Proceedings is also provided for in new Rule 475. These procedures were discussed in detail above.

Such proceedings are consistent with the Exchange's obligation to promote just and equitable principles of trade; to the removal of impediments to and perfection of the mechanism of a free and open market and a national market system, and for the protection of investors and of the public interest.

(vi) In accordance with the provisions of the within proposal, any person subject to a Summary Proceeding is afforded an opportunity for a

prompt hearing. Therefore, although the Exchange can act expeditiously under its summary proceeding's authority, the due process requirements imposed by the 1975 amendments assure any such aggrieved person of a quick hearing.

(vii) The proposed rule changes carry out the purposes of Section 6(d) of the Act by providing for a fair procedure for limiting or denying access to services offered by the Exchange or any member, including ample notice of any action and a hearing. Should the Exchange take summary action, the aggrieved party is afforded an opportunity for a prompt hearing.

The within proposal conforms to Section 6(d) of the Act in all respects.

## COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

Comments were not solicited on this proposal.

## NYSE'S STATEMENT ON BURDEN ON COMPETITION

This proposal will not impose any burden on competition.

By February 8, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 25, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 14, 1977.

GEORGE FITZSIMMONS,  
Secretary,  
Words in CAPS pending SEC approval.

## EXHIBIT 1-A

## [ARTICLE XIII-INSOLVENT MEMBER-SUSPENSION-REINSTATEMENT]

## [1601 Notice from Member-Suspension]

Sec. 1. A member who fails to perform his contracts, or is insolvent, shall immediately inform the Secretary of the Exchange in writing that he is unable to meet his engagements and prompt notice thereof shall be given to the Exchange. Such member shall thereby become suspended from membership until he has been reinstated as provided in Section 5 of this Article [1605].

## Suspension for insolvency on declaration

A member or allied member who is a general partner in a member firm or a MEMBER OR ALLIED MEMBER in a member corporation, which firm or corporation fails to perform its contracts, or is insolvent, or is in such financial or operating condition that it cannot be permitted to continue in business with safety to its creditors or the Exchange, shall immediately inform the Secretary of the Exchange in writing of such fact and prompt notice thereof shall be given to the Exchange. Such member firm or member corporation shall thereby become suspended as a member firm or as a member corporation and every member or allied member who is a general partner in SUCH MEMBER FIRM AND EVERY MEMBER OR ALLIED MEMBER IN SUCH MEMBER CORPORATION shall thereby become suspended from membership or allied membership, until reinstated as provided in Section 5 of this Article [1605].

## [1602 Notice from Exchange-Suspension]

Sec. 2. Whenever it shall appear to the Chairman of the Board that a member has failed to meet his engagements, or is insolvent, or the Chairman of the Board has been advised by the Board of Directors of the Exchange that such member is in such financial or operating condition that he cannot be permitted to continue in business with safety to his creditors or the Exchange, prompt notice thereof shall be given to the Exchange. Such member shall thereby become suspended from membership until he has been reinstated as provided in Section 5 of this Article [1605].

## Suspension by Exchange for insolvency

Whenever it shall appear to the Chairman of the Board that a member firm or member corporation has failed to meet its engagements, or is insolvent, or the Chairman of the Board has been advised by the board of Directors of the Exchange that such member firm or member corporation is in such financial or operating condition that it cannot be permitted to continue in business with safety to its creditors or the Exchange, prompt notice thereof shall be given to the Exchange. Such member firm or member corporation shall thereby become suspended as a member firm or as a member corporation and every member or allied member who is a general partner IN SUCH MEMBER FIRM AND EVERY MEMBER OR ALLIED MEMBER IN SUCH MEMBER CORPORATION SHALL thereby become suspended from membership or allied membership, until reinstated as provided in Section 5 of this Article.

## [1603 Investigation of Insolvency]

Sec. 3. Every member and allied member suspended under the provisions of this Arti-



cle shall at the request of the Board of Directors or any committee authorized thereby submit to the Board or any such committee his books and papers or the books and papers of his firm or of any employee thereof or the books and papers of the member corporation in which he is AN OFFICER or of any employee thereof and furnish information to and appear and testify before or cause any such employee to appear and testify before the Board or any such committee.

#### § 1604 Time Limit for Reinstatement

Sec. 4. If the Board of Directors determines, after not less than 10 days notice to a member DESCRIBED IN SECTION 1(A) OF ARTICLE IX WHO IS suspended under the provisions of this Article, that the protection of the persons, firms and corporations entitled to make claim against the proceeds of the transfer of the membership under Section 3 of Article XI or of the creditors of the member firm or member corporation in which such member is or was last a general partner or AN OFFICER, requires the transfer of the membership of such member, such membership may be disposed of by the Board of Directors.

In any case, if SUCH member suspended under the provisions of this Article is not reinstated as provided in Section 5 of this Article within one year from the time of his suspension, or within such further time as the Board of Directors may grant, his membership shall be disposed of by the Board of Directors.

#### Extension of Time

The Board of Directors may, by the affirmative vote of a majority of the Directors then in office, extend the time of settlement for periods not exceeding one year each.

#### § 1605 Reinstatement of Insolvent Member-Vote Required

Sec. 5. A member, allied member, member firm or member corporation suspended under the provisions of this Article may, at any time, be reinstated by the Board of Directors.

#### § 1606 Disciplinary Measures During Suspension for Insolvency

Sec. 6. A member, allied member, or member organization suspended under the provisions of this Article may be proceeded against for any offense committed by him or it either before or after his or its suspension in all respects as if he or it were not under such suspension.

#### § 1607 Rights of Member Suspended for Insolvency

Sec. 7. A member suspended under the provisions of this Article shall be deprived during the term of his suspension of all rights and privileges of membership. His suspension shall create a vacancy in any office or position held by him. No such suspension shall operate to bar or affect the payments provided for by Article XVI in the event of the death of the suspended member. The suspension of an allied member under the provisions of this Article shall create a vacancy in any office or position held by him.

#### ARTICLE XIV—Expulsion and Suspension from Membership or from Allied Membership—Disciplinary Proceedings

##### Suspension or Expulsion After Action Taken by Other Exchange or Association

Sec. 16. Whenever a person who is a member or allied member is suspended or expelled from any other securities exchange or any national securities association, or is suspended or barred from being associated with any member of such exchange or association, or is suspended or barred by any governmental securities agency from dealing in securities or being associated with any broker or dealer in securities, the Board of Directors may, in view of such suspension, expulsion or bar, suspend or expel such person as a member or allied member of the Exchange, but no such suspension imposed by the Board shall commence before or expire after the suspension imposed by such other exchange, association or agency, and no such expulsion shall be imposed by the Board unless such person has been expelled or barred by such other exchange, association or agency. Nothing in this Section shall preclude any proceeding against any member or allied member under any other Section of this Article.

##### Member Organizations

Whenever a member organization is suspended or expelled from any other securities exchange or any national securities association, or is suspended or barred by any governmental securities agency from dealing in securities, the Board of Directors may, in view of such suspension, expulsion or bar, suspend or expel such member organization, but no such suspension imposed by the Board shall commence before or expire after the suspension imposed by such other exchange, association or agency, and no such expulsion shall be imposed by the Board unless such member organization has been expelled or barred by such other exchange, association or agency. Nothing in this Section shall preclude any proceeding against any member organization under any other Section of this Article.

##### Procedure

In any proceeding under this Section, the method of procedure required by the fifth paragraph of Section 14 of this Article shall not apply but the accused shall be given not less than ten days notice in writing that the Board will determine whether or not to suspend or expel the accused, as the case may be, as provided in this Section. The accused member or allied member, or any representative of an accused member firm or member corporation (who shall be a general partner of such firm or a holder of voting stock of such corporation) shall be afforded an opportunity to explain why it would be inappropriate for the Board to accept the finding of the other exchange, association or agency or to suspend or expel the accused, notwithstanding the suspension, expulsion or bar by such other exchange, association or agency. In the event that the Board determines not to accept the finding of guilt by the other exchange, association or agency, the Board may order a proceeding under any other Section of this Article. In the event that the accused fails or refuses to appear, the Board may nevertheless determine the matter and suspend or expel the accused as provided in this Section. A written notice of the result shall be served upon the accused in the manner provided by Section 14 of this Article. The findings of the Board shall be final and conclusive.)

#### EXHIBIT 1-B

(Rule 345(d))

##### Employees—Registration, Approval, Records, Discipline

(d) Whenever a person who is a registered or non-registered employee is suspended or expelled from any other securities exchange or any national securities association, or is suspended or barred from being associated with any member of such exchange or association, or is suspended or barred by any governmental securities agency from dealing in securities or being associated with any broker or dealer in securities, the Board of Directors may, in view of such suspension, expulsion or bar, suspend or expel or bar such person as a registered or non-registered employee of a member, or member organization corporation of the Exchange, but no such suspension imposed by the Board shall commence before or expire after the suspension imposed by such other Exchange, association or agency, and no such expulsion or bar shall be imposed by the Board unless such person has been expelled or barred by such other exchange, association or agency. Nothing in this subsection (d) of Rule 345 shall preclude any proceeding against any registered or non-registered employee under any other subsection of this Rule.

In any proceeding under this subsection (d) of Rule 345, the method of procedure required by subsection (c)(2) of Rule 345 shall not apply, but the accused shall be given not less than ten days notice in writing that the Board will determine whether or not to suspend, expel, or bar the accused, as the case may be, as provided in this subsection. The accused registered or non-registered employee shall be afforded an opportunity to explain why it would be inappropriate for the Board to accept the finding of the other exchange, association or agency or to suspend, expel, or bar the accused notwithstanding the suspension, expulsion or bar by such other exchange, association or agency.

In the event that the Board determines not to accept the finding of guilt by the other exchange, association or agency, the Board may order a proceeding under any other provision of Rule 345. In the event that the accused fails or refuses to appear, the Board may nevertheless determine the matter and suspend, expel or bar the accused as provided in this subsection. A written notice of the result shall be served upon the accused in the manner provided by subsection (c)(2) of this Rule. The findings of the Board shall be final and conclusive.)

##### Proposed New Rule 475

#### PROHIBITION OR LIMITATION WITH RESPECT TO ACCESS TO SERVICES OFFERED BY THE EXCHANGE OR A MEMBER OR MEMBER ORGANIZATION—SUMMARY PROCEEDINGS

(a) Except as provided in subsection (b) of this Rule, the Exchange shall not prohibit or limit any person with respect to access to services offered by the Exchange or any member or member organization thereof unless the Exchange shall have notified such person and shall have given such person an opportunity to be heard upon the specific grounds for such prohibition or limitation. The Exchange shall keep a record of any proceeding pursuant to this Rule. Any determination by the Exchange to prohibit or limit any person with respect to access to services offered by the Exchange or a member or member organization thereof shall be supported by a statement setting forth the spe-

cific grounds on which the prohibition or limitation is based.

(b) The Exchange may summarily—

(i) suspend a member, member organization, allied member, approved person, or registered or non-registered employee of a member or member organization who has been and is expelled or suspended from any other self-regulatory organization, as defined in Section 3(a)(26) of the Securities Exchange Act of 1934, or barred or suspended from being associated with a member or any such self-regulatory organization provided, however, that any such summary suspension imposed by the Exchange shall not exceed the termination of the suspension imposed by such other self-regulatory organization on such member, member organization, allied member, approved person, or registered or non-registered employee;

(ii) suspend a member or member organization who is in such financial or operating difficulty that the Exchange determines and so notifies the Securities and Exchange Commission that the member or member organization cannot be permitted to continue to do business as a member or member organization with safety to investors, creditors, other members or member organizations, or the Exchange;

(iii) limit or prohibit any person with respect to access to services offered by the Exchange if subparagraph (i) or (ii) of this subsection is applicable to such person or, in the case of a person who is not a member or member organization, if the Exchange determines that such person does not meet the qualification requirements or other prerequisites for such access and such person cannot be permitted to continue to have such access with safety to investors, creditors, members, member organizations, or the Exchange.

Any person aggrieved by any such summary action shall be promptly offered an opportunity for a hearing by the Exchange as required by the provisions of the Securities Exchange Act of 1934.

(c) Whenever a member or member organization fails to perform his or its contracts, becomes insolvent, or is in such financial or operating difficulty that he or it cannot be permitted to continue to do business as a member with safety to investors, creditors, other members or member organizations, or the Exchange, such member or member organization shall promptly give written notice thereof to the Secretary of the Exchange.

(d) If the Board of Directors determines, after not less than ten days written notice to a member described in Section 1(a) of Article IX who is suspended under the provisions of this Rule, that the protection of the persons entitled to make claim against the proceeds of the transfer of the membership of such member under Section 3 of Article XI of the Constitution or of the creditors of the member organization with which such member is or was last associated as such, requires the transfer of the membership of such member, such membership may be disposed of by the Board of Directors. In any case, if a member suspended under the provisions of this Rule is not reinstated within one year from the time of his suspension, or within such further time as the Board of Directors may grant, his membership shall be disposed of by the Board of Directors; but the Board may, by the affirmative vote of a majority of the directors then in office, extend the time for settlement for periods not exceeding one year each.

(e) Any person suspended under the provisions of this Rule shall, at the request of the

Exchange, submit to the Exchange his or its books and records (including those books and records with respect to which such person has access or control) or the books and records of any employee thereof and furnish information to or to appear or testify before or cause any such employee to appear or testify before the Exchange.

(f) Any person suspended under the provisions of this Rule may, at any time, be reinstated by the Board of Directors.

(g) Any person suspended under the provisions of this Rule may be disciplined in accordance with the rules of the Exchange for any offense committed by him or it either before or after his or its suspension in all respects as if he or it were not under such suspension.

(h) A member suspended under the provisions of this Rule shall be deprived during the term of his suspension of all rights and privileges of membership, but such suspension shall not operate to bar or affect the payments provided for by Article XVI of the Constitution in the event of his death. Any suspension under the provisions of this Rule of a member or allied member shall create a vacancy in any office or position held by such member or allied member.

[FR Doc. 78-26 Filed 1-3-78; 8:45 am]

[4910-06]

#### DEPARTMENT OF TRANSPORTATION

##### Federal Railroad Administration

#### COMMONWEALTH OF PENNSYLVANIA, ET AL.

##### Petitions for Waiver of Track Safety Standards

As required by 45 U.S.C. 431(c) notice is hereby given that four interested parties have submitted waiver petitions to the Federal Railroad Administration (FRA). Each petition requests that the interested party be granted a waiver of compliance with certain provisions of the track safety standards (49 CFR Part 213).

Each of the interested parties, which are identified below, are seeking a waiver of compliance with certain provisions of the standards on a temporary basis. A brief description of the particular facts involved in each request as well as the particular regulatory provision is identified below to the extent that such information has been furnished by the petitioner.

Interested persons are invited to participate in these proceedings by submitting written comments or views. The FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. However, the FRA will provide an opportunity for oral comment if requested to do so by any interested party. Such requests must be in writing and must be submitted to the FRA before January 16, 1978.

All communications concerning these proceedings should identify the appropriate docket number (e.g., FRA Waiver Petition Docket No. RST-77-14) and must be submitted in triplicate to the Docket Clerk, Office

of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before January 30, 1978, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination, both before and after the closing date for comments, during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Portions of the trackage which are the subject of these individual waiver requests have been the subject of prior public notice (41 FR 1312 and 42 FR 11090). Consequently, the FRA may take interim action on these requests prior to the end of the comment period provided for in this notice. Such interim action will occur only if the FRA determines that the public interest will best be served by permitting rail service to be continued until final action is taken in these proceedings.

[Waiver Petition Docket RST-77-14]

#### COMMONWEALTH OF PENNSYLVANIA

The Commonwealth of Pennsylvania (Pennsylvania) seeks a temporary waiver for a nine month period terminating no later than September 30, 1978. The provisions for which this waiver is sought involve the minimum safety requirements for crossties set forth in section 213.109 and unspecified sections of the track geometry requirements.

Pennsylvania seeks this waiver for approximately 41 miles of track. The trackage involves five track segments identified as follows: (1) USRA line No. 177 described as the Pomeroy Branch, running from Pomeroy, Pa., to Buck Run, Pa., consisting of approximately 3 miles of track; (2) USRA line Nos. 196 and 197b described as the Schuylkill Branch, consisting of approximately 25 miles of track; (3) USRA line No. 198 described as the Frederick Secondary, running from Hanover, Pa., to Littlestown, Pa., consisting of approximately 6 miles of track; (4) USRA line No. 260a described as the Valley Branch, running from Warren, Pa., to North Warren, Pa., consisting of approximately 3 miles of track; and (5) USRA line No. 651 described as the Ridgway Secondary, running from Falls Creek, Pa., to Minns Coal, Pa., consisting of approximately 4 miles of track.

Pennsylvania wishes to continue operation of the above identified branch lines. At the present time these lines do not meet class 1 safety standards. However, track restoration programs have been established for all of the lines and work is nearly complete on three of them. Upon completion of the



track restoration program, all five branch lines will be in compliance with class 1 safety standards.

(Waiver Petition Docket RST-77-15)

#### COMMONWEALTH OF MASSACHUSETTS

The Commonwealth of Massachusetts (Massachusetts) seeks a temporary waiver for an unspecified period. The provisions for which this waiver is sought involve unspecified requirements for track structure and geometry.

Massachusetts seeks this waiver for trackage operated by Consolidated Rail Corporation (ConRail), consisting of three track segments which are identified in the following manner: (1) USRA line No. 8, described as the Ware River, consisting of an unspecified number of miles of track; (2) USRA line No. 17 described as the West Hanover, running between North Abington, Mass., and West Hanover, Mass., approximately 4 miles in length, of which 0.6 miles contains track deficiencies; and (3) USRA line Nos. 21 and 22, identified as the Hyannis Secondary, running between East Sandwich, Mass., and Hyannis, Mass., approximately 17 miles in length, of which 1.1 mile contains track deficiencies.

Massachusetts states that track rehabilitation programs are underway to bring the above trackage into compliance with either class II or class III standards. Considerable progress has been made on each of the three lines. Delays resulting from weather and other conditions have postponed completion of the track rehabilitation.

(Waiver Petition Docket RST-77-16)

#### STATE OF NEW YORK

The State of New York (New York) seeks a temporary waiver for an eight month period, terminating no later than September 1, 1978. The provisions for which this waiver is sought involve unspecified requirements for track structure and geometry.

New York seeks this waiver for four track segments identified as follows: (1) USRA line Nos. 102, 103, and 104 described as the Ontario Secondary, running between Oswego, N.Y. and Winsor Beach, N.Y., consisting of 8.6 miles of deficient track out of 66 miles of trackage; (2) USRA line Nos. 105 and 107 described as Ontario Secondary (Hojack West), running between Charlotte, N.Y., and Model City, N.Y., consisting of 68.9 miles of deficient track out of 72.5 miles of trackage; (3) USRA line No. 81 described as the West Shore, running between South Amsterdam, N.Y., and S. Fort Plain, N.Y., consisting of 26.5 miles of deficient track out of 29.7 miles of trackage; and (4) USRA line Nos. 109 and 110, described as the Marion Branch, running between Newark, N.Y., and

Marion, N.Y., consisting of approximately 9 miles of track.

New York states that track rehabilitation programs are being conducted under the supervision of the operator, Consolidated Rail Corporation (ConRail). Compliance activities are already underway. Delays resulting from weather, funding, and other conditions have postponed construction. New York wishes to continue operation over this trackage while the trackage is being brought into compliance with FRA Standards.

(Waiver Petition Docket RST-77-17)

#### STATE OF CONNECTICUT

The State of Connecticut (Connecticut) seeks a temporary waiver for a one year period terminating no later than December 31, 1978. The provisions for which this waiver is sought involve the minimum safety requirements for crossties set forth in section 213.109 and unspecified sections of the track geometry requirements.

Connecticut seeks this waiver for approximately 12 miles of track. This light density line trackage consists of three track segments identified as follows: (1) USRA line No. 47 described as the Wethersfield Secondary; (2) USRA line No. 50 described as the Griffins Secondary; and (3) USRA line Nos. 55 and 54 described as the Holyoke Secondary.

These light density lines are owned by the Trustees of Penn Central Transportation Co. and are operated by the Consolidated Rail Corporation (ConRail).

This trackage does not meet FRA class 1 standards at the present time, but a track rehabilitation program is underway. Delays have resulted from certain financial and procedural considerations that precluded Connecticut from entering into a contract for the completion of the necessary work. Federal rail assistance funds have now been received. Connecticut has approved a bidder for accelerated maintenance and has authorized ConRail to sign a contract with the bidder to perform the work. Accelerated maintenance will be performed when all documents are in order and when weather conditions permit.

**AUTHORITY:** Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by sec 5(b) of the Federal Railroad Authorization Act of 1976, Pub. L. 94-348, 90 Stat. 817, July 8, 1976; section 1.49(n) of the regulations of the Office of the Secretary, 49 CFR 1.49(n).

Issued in Washington, D.C., on December 28, 1977.

ROBERT H. WRIGHT,  
Acting Chairman,  
Railroad Safety Board.

(FR Doc. 78-57 Filed 1-3-78; 8:45 am)

[4910-06]

Federal Railroad Administration  
(Docket No. 401-2; Notice 1)

#### DEVELOPMENT OF A MIDWESTERN RAIL SYSTEM PLAN

##### Notice of Public Meetings

**AGENCY:** Federal Railroad Administration ("FRA"), DOT.

**ACTION:** Notice of public meetings.

**SUMMARY:** Pursuant to section 5 of the Department of Transportation Act ("Act"), 49 U.S.C. 1654, FRA intends to develop a plan which will contain the recommendations of FRA on the physical plant restructuring needed to achieve a viable rail system in the midwestern region of the United States. In connection with the development of the plan, FRA has scheduled public meetings on January 18 and 19, 1978, to receive comments on its intention to plan the unification or coordination of operations and facilities with respect to railroads in the midwestern region. The public is invited to submit written comments and, subject to prior notification, oral testimony at the meetings on the development of the FRA plan.

**DATES:** Public meetings will be held on January 18 and 19, 1978, at the Conrad Hilton Hotel, 720 South Michigan Avenue, Chicago, Ill. Each meeting will commence at 9 a.m.

**ADDRESSEE:** All written comments should be submitted to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:**

Steven R. Ditmeyer, Associate Administrator for Policy and Program Development, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-8254.

**SUPPLEMENTARY INFORMATION:** On December 19, 1977, the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. became the second midwestern railroad in the last three years to file for reorganization under section 77 of the Bankruptcy Act; the Chicago, Rock Island and Pacific Railroad Co., had filed for reorganization on March 17, 1975. The financial plight of these two railroads and the marginal nature of several other midwestern railroads is attributable in large part to redundant rail facilities in the region. FRA has concluded that it can assist the railroads in the midwestern region and the national rail system in general by implementing its planning authority under section 5 of the Act.

Pursuant to 49 CFR 1.49(u), the Secretary has delegated his authority

under section 5 (with the exception of authority to issue subpoenas), to the Administrator of FRA.

**COMMENTS:** Interested persons are invited to submit written comments on the subject matter of the public meetings and to present oral testimony at such meetings. Comments, both oral and written, may address the operations and financial condition of railroad carriers in the region, restructuring concepts for a single railroad, a combination of railroads or other specially tailored forms of restructuring, and the economic impacts of such restructuring. Comments may also address the following specific issues:

- (1) Mainline redundancy;
- (2) The problem of unprofitable branch lines;
- (3) Continuation of competitive service; and
- (4) Regulatory factors.

All written comments should indicate the docket number shown above. Any person desiring to present oral testimony must submit written notification to the Docket Clerk of FRA's Office of Chief Counsel at the aforementioned address not later than January 12, 1978.

**INSPECTION:** Copies of all written comments received will be available for examination by interested persons in Room 5101, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C., between the hours of 9 a.m. and 5:30 p.m., on Mondays through Fridays with the exception of Federal holidays.

Dated: December 30, 1977.

JOHN M. SULLIVAN,  
Administrator.

(FR Doc. 77-37416 Filed 12-30-77; 12:10 pm)

[4910-59]

National Highway Traffic Safety  
Administration

(Docket No. 75-16; Notice 16)

#### AIR BRAKE SYSTEMS

##### Requirements for Air-Braked Buses

**AGENCY:** National Highway Traffic Safety Administration, DOT. (NHTSA), Department of Transportation.

**ACTION:** Denial of petitions for amendment of the standard.

**SUMMARY:** This notice denies a petition of the American Public Transit Association to exclude transit buses from the "no lockup" requirement of Standard No. 121, Air Brake Systems, and a joint petition of the American Bus Association, the Greyhound Corp., Trailways, Inc., and Motor Coach Industries to extend until January 1, 1979, the present suspension of

bus service brake stopping distance requirement. The petitions arise because of transit and intercity bus operators' dissatisfaction with the adequacy of testing conducted with the one anti-lock system used to meet the "no lockup" requirement on buses. The NHTSA concludes that the single reported case of erratic service brake performance does not justify further delay of the standard's benefits.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Duane Perrin, Office of Crash Avoidance, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2153.

**SUPPLEMENTARY INFORMATION:** Standard No. 121 (49 CFR 571.121) regulates the braking system performance of air-braked trucks, buses, and trailers. The standard has been in effect for trailers since January 1, 1975, and for trucks and buses since March 1, 1975. Following implementation of the requirements for buses, a pattern of erratic behavior developed in the performance of the antilock system used by manufacturers of transit and intercity buses to satisfy the "no lockup" requirements of the standard (S5.3.1). The NHTSA suspended the service brake stopping distance requirements (including the "no lockup" requirement) to provide a period in which modified antilock hardware and newly-introduced systems could be field-evaluated (41 FR 1598; January 9, 1976). Several vehicle manufacturers and user groups argued that the suspension should be for a longer period and the suspension was extended from January 1, 1977, to September 1, 1977 (41 FR 52055; November 28, 1976), and subsequently to January 1, 1978 (42 FR 30188; June 13, 1977), with an additional 3-month delay for school buses.

#### PETITIONS AND REQUESTS FOR DELAY

The American Bus Association (ABA), the Greyhound Corp., Trailways, Inc., and Motor Coach Industries (MCI) petitioned in the case of intercity and transit buses for a continuation until January 1, 1979, of the suspension of the bus service brake stopping distance requirements (S5.3.1) of Standard No. 121, including the "no lockup" requirement that provides for lateral stability of the vehicle during stopping maneuvers. The petition is based on the experience of one bus involved in antilock testing which experienced several intermittent losses of brakes when stopped on an incline, on July 15 and July 23, 1977. No accident or injury occurred in either case, but the antilock system was removed at the request of the operator following these occurrences.

A second basis for the requested delay was testing of antilock-equipped

and non-antilock-equipped buses in which shorter stopping distances were obtained without antilock action in some straight-line, low-speed stops. The longer stopping distances were further increased by inducing an electrical failure in the antilock system.

A separate request for similar delay by Trailways, Inc. (October 26, 1977, letter from D. Wayne Strout), apparently was based on the same straight-line, low-speed testing. Trailways also requested prohibition of the "recognition factor" incorporated in antilock logic which delays reversion of the system to "fail-safe" mode in certain cases for a short period after a malfunction is detected.

The American Public Transit Association (APTA) petition for permanent exclusion of transit buses from the "no lockup" requirement of the standard. The petition was based on numerous reports of malfunctioning truck antilock systems, claims that truck antilock system malfunctions have caused accidents and injuries, the low average operating speed of transit buses, and the assertion that "the incidence of skidding in the transit industry is extremely slight". In addition, APTA believes that the size of the antilock test fleet whose experience was used as the basis for the June 1977 decision to reimplement the service brake stopping distances on January 1, 1978, was inadequate. As an alternative to permanent exclusion, APTA petitioned for a 2-year delay while further testing is conducted.

Eagle International, Inc., a major manufacturer of intercity buses, requested a 150-day delay in reimplementing of the requirements in order to obtain parts not available as of November 15, 1977, to train personnel, and to conduct testing on the test track and in service. It has since been orally verified that the parts are available and that the relief is no longer needed.

Although all of the issues raised by the petitioners are in reference to antilock systems, it is noted that the standard does not require the use of antilock systems. Further most bus manufacturers have determined that the "no lockup" portion of the requirement can be met without the use of antilock systems.

#### DISPOSITION OF THE PETITIONS

The suspension of bus stopping distance requirements was granted in January 1976 because of documented erratic and potentially unsafe behavior of the only antilock system then available to intercity and transit bus manufacturers to comply with the "no lockup" performance requirement.

A second antilock supplier (AC Spark Plug Division of General Motors) began bus antilock testing in November 1975 and has since become



the sole supplier in the market. The agency stated in November 1976 that the performance of the AC system as installed on intercity and transit buses justified reimplementation of the "no lockup" requirement in September 1977. In its June 1977 reconsideration of this decision, the agency noted the malfunction-free performance of "second-generation" AC components but delayed reimplementation for three months to confirm the reliability of the new components.

General Motors installed the AC system on its own intercity and transit coaches, MCI and Prevost intercity coaches, and on Rohr-Flxible transit coaches for a total of 34 buses. Initial heat build-up problems and water intrusion with first generation sensors were solved with a more resistant, sealed sensor design, and an upgrading of controller design was effected to obtain commonality with similar AC truck systems incorporating improved diagnostic features. One intercity bus experienced two instances of intermittent loss of brakes on both axles, allowing it to roll several feet after it had been stopped on an incline. The brake loss was apparently due to the antilock system because the loss of brakes could not be duplicated with the system disconnected. General Motors performed a series of tests with the vehicle but could not diagnose or duplicate the problem. Although no accident occurred, the antilock system was removed from the vehicle.

The 11 intercity buses in the AC test fleet had operated 1,493,000 miles as of the October 1977 status report. Counting both the single case of brake loss and the seven cases of fail-safe sensor malfunction, a failure rate of one failure per 187,000 vehicle miles is obtained. The failure rate is further improved when only the data from improved sensors and controllers is considered (206,000 miles per failure) and should be further improved when the encapsulated sensor design is generally introduced. The failure rate of the 22 transit buses in a total 842,000 miles is one failure per 94,000 miles, and the malfunctions have all been failsafe. Six of the nine failures involved the sensor, and the encapsulated design is expected to improve system performance dramatically.

Notwithstanding the case of the single bus demonstrating two instances of brake loss, the agency is satisfied that the AC system has shown itself reliable in the 2.3 million miles of vehicle testing on intercity and transit buses. When an engineer is presented with isolated behavior that cannot be replicated in any other vehicle or environment or even in the single bus in which it occurred, and has not experienced brake loss in any of the remainder of its test fleet, the

responsible judgement is that the inexplicable single case must be evaluated as an isolated phenomenon. It is the NHTSA's judgement in this case that the benefits of "no lockup" performance should be put in place and not delayed in view of the isolated nature of the one failure.

The associations representing both intercity and transit bus operators agree with the agency about the benefit of "no lockup" performance. The ABA, Greyhound, Trailways, and MCI all stated in their joint petition—

So that this record is clear, petitioners do not in any way object to the improved safety and safety objectives performance [sic] of Standard No. 121. In fact, petitioners share the Agency's view, as stated in its June 13, 1977, Order, of the desirability, from a safety point of view, of "no lockup" performance on transit buses.

The APTA stated in its petition that "the transit industry is not opposed to the concept of preventing skidding if the designs used to meet the performance requirement are fail-safe, require only reasonable maintenance, present no risk to bus passengers, and are adequately tested." In the December 15, 1977, public meeting on antilock systems, Mr. Jack Schnell of APTA reiterated the position that the concept of antilock is good.

However, APTA asserted in its petition that the low operating speed of transit buses and their low likelihood of skidding make this category of vehicle inappropriate for "no lockup" performance. The agency has treated the issue of transit bus duty cycles previously (41 FR 52056; November 26, 1976) and concluded that available data on bus accidents (Bureau of Motor Carrier Safety data on intercity bus operation for the most part) support the conclusion that bus skidding occurs from relatively low pre-accident speeds and commonly in business and residential areas typical of transit-bus operation. The average speed of transit bus operations are not determinative, in that they represent time stopped and stopping as well as time underway. APTA provided no data in its petition to support the contention that transit buses do not share the lateral instability problems of straight trucks and combinations.

The contentions of the APTA about antilock systems reliability are based on information from antilock systems other than the AC system that will be used on the few transit and intercity buses that need antilock systems. The Chicago Transit Authority (CTA) objection about radio frequency interference is repeated, despite the agency's finding in its June 1977 notice that the RFI complaints apparently refer to the Rockwell International antilock system which is no longer available for installation in new bus production. The APTA reference to 1975 testing refers to the Rockwell system also.

The APTA listed reports of experience with antilock systems installed in trucks but did not discuss the AC test program for the only system that will be installed on few buses that will use antilock systems. APTA makes the conclusory statement that the AC test fleet was too small, without explaining why it disputes the validity of the conclusions derived from the AC test data. The agency's analysis of the few malfunctions experienced in the AC test fleet is that performance of production-installed systems in highway service should substantially exceed test experience to date because of the use of the improved encapsulated sensor design. Even without this anticipated improvement, maintenance is expected to fall within completely reasonable bounds. As of the October 1977 report from GM on its AC system, the 22 transit buses in its test fleet had accumulated a total of 842,000 miles with only 8 antilock equipment failures and one instance of an antilock sensor that was damaged due to improper maintenance. Of this total, 99,000 miles have been accumulated using the encapsulated sensor design (available since June 1977), and no failures on these buses have occurred.

In its separate request for continuation of the suspension of "no lockup" performance requirements, Trailways pointed out that stopping distances of antilock-equipped buses can under some circumstances be longer than stopping distances of non-antilock equipped vehicles, because of the series of momentary brake releases that is integral to antilock operation. Braking on split traction coefficient surfaces is an example of a situation where this could occur. Somewhat greater increases can be induced by certain intermittent electrical failures because of the time necessary for the antilock logic to detect the failure (called the "recognition factor") and reapply the brakes. Because of these characteristics of antilock controlled braking, the ABA, Greyhound, Trailways, and MCI ask for a continuation of the suspension. Trailways also suggested a prohibition on the "recognition factor" in the case of differential wheel speed analysis.

The agency is aware of the possible trade-off between stopping distance and lateral stability in the design of brake systems. Although vehicle tests show that antilock-equipped vehicles will generally stop in somewhat shorter distances than equivalent vehicles without antilock, there are certain conditions where some stopping capability of the loaded vehicle must be sacrificed to preserve lateral stability of the unloaded vehicle. The installation of antilock systems provides a compromise between these competing needs. It is noteworthy that, in all

cases, the tested bus stopped within the stopping distances specified by the standard.

A comparable balancing of benefits was involved in the NHTSA's agreement that "recognition factors" are an important, necessary aspect of antilock system design. As stated in a December 1974 letter of interpretation to Eaton Corp.

The NHTSA believes that this period of initial recognition is desirable to detect and eliminate incorrect indications of malfunction without interfering with the antilock function \* \* \*. The NHTSA interprets S5.5.1 to permit an increase in actuation time while antilock logic circuitry first recognizes a failure occurring during brake actuation, and deactivates that antilock system.

It is clear from this interpretation that Trailways is mistaken in thinking that the AC system fails to comply with the standard and that therefore no complying antilock system exists with which to comply with the air brake standard. As evidenced by the above discussion, the agency has previously considered the issues raised by Trailways in detail, and judges that the probability of somewhat increased stopping distances under some circumstances is vastly outweighed by the improved lateral stability of the vehicle in stopping and turning maneuvers in service. For this reason, the agency declines to modify with the standard with regard to "recognition factor" as requested by Trailways.

The cost of reimplementing the stopping and "no lockup" requirements should be minor since most of the manufacturers do not need to install antilock systems to meet the requirements. Under an interpretation issued by this agency in response to an inquiry by AM General, a test driver can "modulate" the braking effort during compliance testing. Most buses do not need antilock to be successfully stopped without wheel lockup within the 293-foot stopping distance and the 12-foot wide lane.

For the foregoing reasons, the petitions of Trailways, Greyhound, MCI, the ABA, and APTA are denied.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on December 30, 1977.

JOAN CLAYBROOK,  
Administrator.

[FR Doc. 77-164 Filed 12-30-77; 4:57 pm]

[7035-01]

INTERSTATE COMMERCE  
COMMISSION

[Notice No. 554]

ASSIGNMENT OF HEARINGS

DECEMBER 29, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 141465 (Sub 3), Geneva Lake Area Joint Transit Commission, now being assigned March 20, 1978 (1 week) at Lake Geneva, Wis., in a hearing room to be later designated.

MC 134022 (Sub-Nos. 25, 26, and 29), Richard A. Zima, d.b.a. Zipco, now being assigned March 15, 1978 (3 days) at Chicago, Ill., in a hearing room to be later designated.

MC 134970 (Sub 16), Unzicker Trucking, Inc., now being assigned March 14, 1978 (1 day) at Chicago, Ill., in a hearing room to be later designated.

MC 113855 (Sub 391), International Transport, Inc., now being assigned February 2, 1978 (2 days) at Birmingham, Ala., and will be held in GSA Conference Room 430, Federal Building, 1800 5th Avenue North. No. 36887, Chicago North Western Transportation v. The Belt Railway Co. of Chicago, now assigned January 23, 1978, at Chicago, Ill., will be held in Room 834, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 139577 (Sub 3), Adams Transit, Inc., now assigned January 18, 1978, at Chicago, Ill., will be held in Room 834, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 135684 (Sub 40), Bass Transportation, Inc., now assigned January 17, 1978, at Chicago, Ill., will be held in Room 834, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 142941 (Sub 5), Scarborough Truck Lines, now assigned January 17, 1978, at Chicago, Ill., will be held in Room 280, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 106920 (Sub 69), Riggs Food Express Inc., now assigned January 18, 1978, at Chicago, Ill., will be held in Room 280, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 118273 (Sub 211), D & L Transport, Inc., and MC 124048 (Sub 725), Schwer-

man Trucking Co., now assigned January 20, 1978, at Chicago, Ill., will be held in Room 280, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 200 (Sub 291), Riss International Corp., now assigned January 19, 1978, at Chicago, Ill., will be held in Room 280, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 128256 (Sub 32), O. W. Blosser, d.b.a. Blosser Trucking, now assigned January 25, 1978, at Chicago, Ill., will be held in Room 280, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 107496 (Sub 1080), Ruan Transport, Inc., now assigned January 23, 1978, at Chicago, Ill., will be held in Room 280, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 2900 (Sub 296), Ryder Truck Lines, Inc., now assigned January 23, 1978, at Charlestown, W. Va., will be held in the Sheraton Inn, Charlestown Downtown, 50 Virginia Street East, and continued to January 30, 1978, at Pittsburgh, Pa., will be held at the Hilton Hotel, Gateway Center.

H. G. HOMME, JR.,  
Acting Secretary.

[FR Doc. 78-65 Filed 1-3-78; 8:45 am]

[7035-01]

[AB 136 (SDM)]

CHICAGO SOUTH SHORE AND SOUTH BEND  
RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Chicago South Shore and South Bend Railroad Co., has filed with the Commission its color-coded system diagram map in docket No. AB 136 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on December 12, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 136 (SDM).

H. G. HOMME, JR.,  
Acting Secretary.

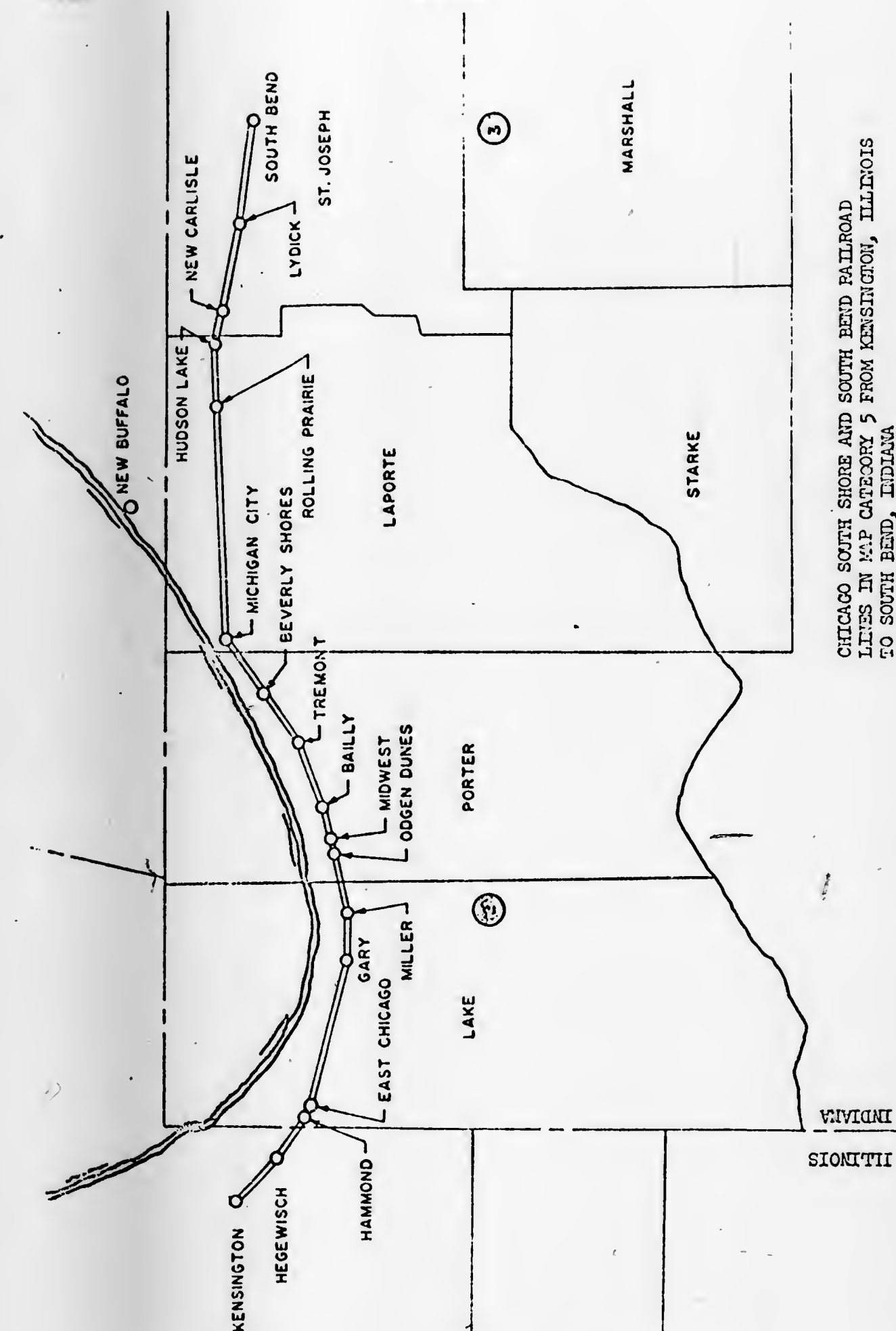
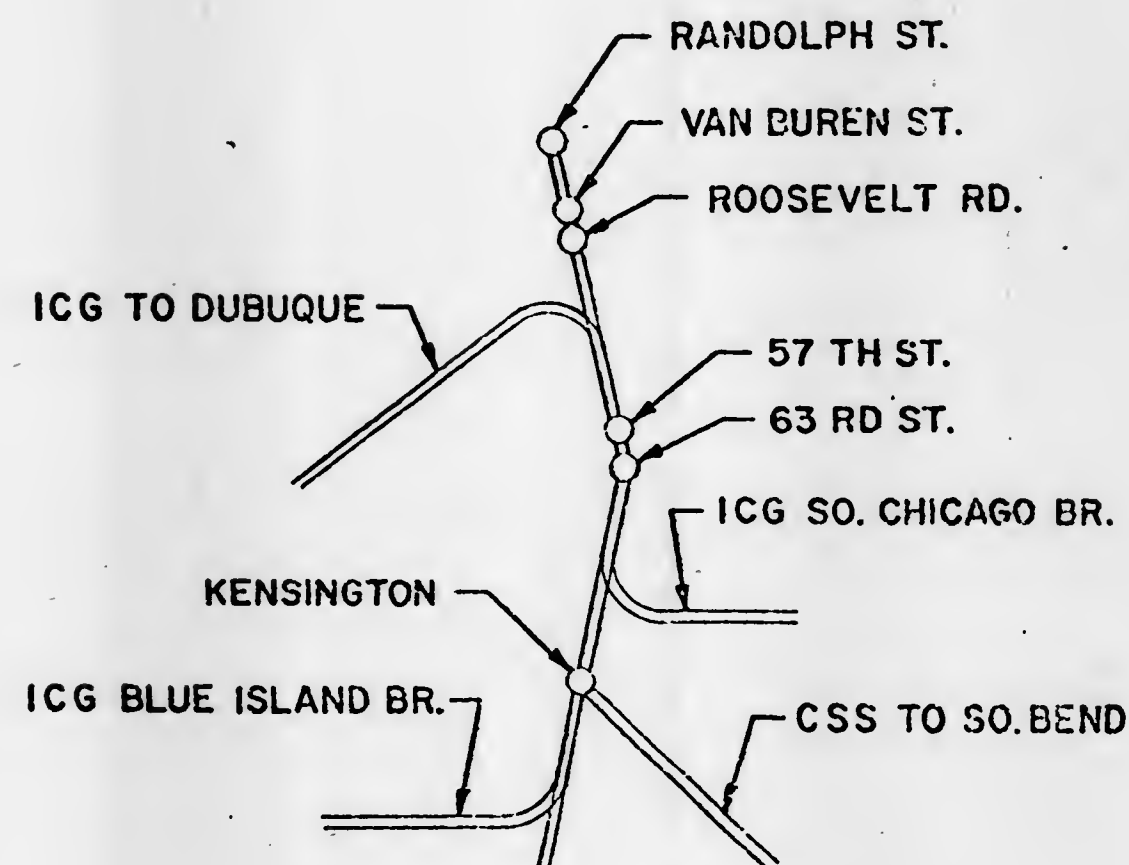


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Map  
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DOCKET NO. AB-136 (SDM)

- 1
- (a) Kensington to Randolph St. Trackage Rights on Illinois Central Gulf Railroad.
  - (b) Located in State of Illinois.
  - (c) Located in Cook County.
  - (d) ICG MP 0.33 to MP 14.66, 14.2 Miles.
  - (e) Agency Stations - Randolph St. MP 0.33, VanBuren St. MP 0.80, Roosevelt Rd. MP 1.43 and Kensington MP 14.49.



CHICAGO SOUTH SHORE AND SOUTH BEND FAIRROAD  
LIES IN MAP CATEGORY 5 FROM KENSINGTON, ILLINOIS  
TO SOUTH BEND, INDIANA

## [7035-01]

[AB 1 (Sub-No. 40)]

CHICAGO AND NORTH WESTERN  
TRANSPORTATION CO.

Abandonment Between Gillett and Scott Lake,  
in Oconto, Forest, and Florence Counties,  
Wis., and Iron County, Mich.

DECEMBER 22, 1977.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Section of Energy and Environment to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment.

These comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7011.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-67 Filed 1-3-78; 8:45 am]

## [7035-01]

## FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 29, 1977.

These applications for long-and-short-haul relief have been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43482, Sea-Land Service, Inc.'s No. 96, on intermodal rates on general commodities, between ports in Puerto Rico and the Virgin Islands, on the one hand, and, on the other, rail terminals at Los Angeles and Oakland, Calif., by way of New Orleans, La., and Houston, Tex., in its tariffs Nos. 289 and 290, ICC Nos. 122 and 123, respectively, to become effective January 22, 1978. Grounds for relief—water competition.

FSA No. 43483, Western Trunk Line Committee, Agent's No. A-2747, on rail rates on boards or sheets, from Hudson Bay, Saskatchewan, and Thunder Bay and Twin City, Ontario, Canada, to western trunk-line territory, in sup. 54 to its tariff 490, ICC A-4928, to become effective January 21, 1978. Grounds for relief—motor carrier competition.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-66 Filed 1-3-78; 8:45 am]

## [7035-01]

[AB 43 (Sub-No. 40)]

## ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Soso and Laurel in  
Jones County, Miss.

DECEMBER 22, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Illinois Central Gulf Railroad Co. of its line between Soso and Laurel, a distance of 9.3 miles, in Jones County, Miss., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that no significant environmental impacts would result from abandonment because no traffic has traversed the line in more than 2 years. There are no development plans in the area which would be dependent on the continuation of rail service over the branch line.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 30, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-68 Filed 1-3-78; 8:45 am]

## [7035-01]

[AB 43 (Sub-No. 39)]

## ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Milepost 50.5 Near  
Hermanville, Miss. and Milepost 70.0 at Har-  
rison, Miss. in Claiborne and Jefferson  
Counties, Miss.

DECEMBER 22, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment of 19.85 miles of branch line between Hermanville and Harrison, in Claiborne and Jefferson Counties, Miss., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that diversion of rail traffic would add approximately 2 trucks each working day to area highways and would not create any significant changes in current highway or environmental conditions. The subject line traverses rural and agricultural lands for which no developmental plans apparently exist. The proposed abandonment could negatively impact a pulpwood dealer at Pattison, the sole shipper on the line. However, due to the transitory nature of pulpwood operations, wood harvesting should not be significantly impeded. Consequently, approval of the action should not have a serious adverse effect on community development.

The right-of-way is not considered suitable for alternative public use upon abandonment as the corridor lies in a rural area, does not connect any population, and has aroused no state or local interest. Finally, no historic sites or endangered species will be affected by the proposed action.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 30, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently,

ly, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-69 Filed 1-3-78; 8:45 am]

## [7035-01]

[Finance Docket No. 28334]

## OCTORARO RAILWAY, INC.

Operation—Over Southeastern Pennsylvania  
Transportation Authority at Wawa, Dela-  
ware, and Chester Counties, Pa., and Colara,  
Cecil County, Md.

NOVEMBER 17, 1977.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Section of Energy and Environment to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.

Said comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7011.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-71 Filed 1-3-78; 8:45 am]

## [7035-01]

[Finance Docket No. 28532]

WILLIAM M. GIBBONS, TRUSTEE OF THE PROP-  
ERTY OF CHICAGO, ROCK ISLAND & PACIFIC  
RAILROAD CO., DEBTOR

Petition To Discontinue Trains 5 and 6 Between  
Rock Island, Ill. and Chicago, Ill., and Trains  
11 and 12 Between Peoria, Ill., and Chicago,  
Ill.

DECEMBER 22, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed discontinuance of train Nos. 5 and 6 between

Rock Island and Chicago, a distance of 181 miles, and train Nos. 11 and 12 between Peoria and Chicago, a distance of 161 miles, all in Illinois, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that passenger traffic handled by the affected trains is low and diversion to alternative modes would not significantly affect the environment. Some of the affected communities would continue to have rail passenger service from Amtrak. Moreover, alternative transportation is available by bus, automobile, and airplane. Several interstate highways also serve the region. The subject discontinuance may create some inconveniences for passengers adjusting to time schedules and locations of alternative transportation.

The subject discontinuance is not expected to influence development within the affected corridor. The action, however, is contrary to the policies and plans of state and local officials who are currently investigating options for improving rail service between Chicago and both Peoria and Rock Island.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 30, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the involved passenger service. Consequently, com-

ments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-70 Filed 1-3-78; 8:45 am]

## [7035-01]

[No. 36765]

## ELECTRIC RAILWAYS

Exemption of Amtrak from Uniform System of  
Accounts for Railroads

AGENCY: Interstate Commerce Commission.

ACTION: Order.

SUMMARY: The Interstate Commerce Commission has exempted the National Railroad Passenger Corporation (Amtrak) from the new railroad system of accounts which becomes effective January 1, 1978. The exemption was granted because: (1) Amtrak is exempted from Commission proceedings which the new rules were designed to provide data for; (2) existing accounting rules will provide sufficient information for Commission needs; and (3) since the Commission is planning to adopt separate accounting rules just for Amtrak, effective January 1, 1980, it would be an unnecessary burden to require them to also adopt new rules on January 1, 1978.

Amtrak will follow the railroad system of accounts in effect on December 31, 1977, except for subsequent changes adopted by the Commission to maintain conformity with generally accepted accounting principles. Also, Amtrak will file quarterly and annual reports with the Commission which are similar to those filed by other class 1 railroads, except as they are amended to reflect differences in accounting rules.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Ronald Young, Chief, Section of Accounting, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423. Phone No.: 202-275-7448.

Issued at Washington, D.C., December 12, 1977.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-75 Filed 1-3-78; 8:45 am]



## sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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Civil Aeronautics Board .....	Item 1
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## [6320-01]

## CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., January 5, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratification of items adopted by notation.

2. Delegation of Authority to Managing Director for Establishing Target Dates for Board Decisions (Memo No. 7674, OGC).

3. Docket 27372, *Pan American World Airways v. Seaboard World Airlines*, and Docket 27459, *Seaboard World Airlines*, Enforcement Proceeding (Memo No. 7663, OGC).

4. Sample Certificate for Section 418 Carriers (Memo No. 7675, BOR, OGC).

5. Docket 31439, Application by Summa Corp. (Summa), and Lineas Aereas de Nicaragua, S.A. (Lanica), for approval of an agreement between the parties (Memo 7676, BOR, BIA).

6. Docket 29952, Pan American's application for New York-Dallas/Ft. Worth fill-up authority (Memo No. 6980-G, BOR).

7. Docket 30656, ALIA-The Royal Jordanian Airlines Corp. (Memo No. 3634-F, BIA, BOR, OGC).

8. Docket 31090, increase in mainland-Puerto Rico/Virgin Islands promotional fares proposed by American (Memo No. 7668, BFR).

9. Docket 29591, Complaint of Donald L. Pevsner, Esq., regarding

refund provisions for unused tickets, (Memo No. 7670, BFR, BIA).

10. Docket 31749, Transatlantic specific commodity rate on books proposed by TWA (Memo No. 7685, BFR, BIA).

11. Dockets 31682 and 31685-NACA and ACTOA complaints against U.S.-Mexico APEX and ITX fares proposed by American (Memo No. 7683, BFR, BIA).

12. Dockets 31561 and 31672, Complaints of Trans International Airlines against North/Central and South Pacific Budget Fares proposed by Pan American (BFR).

13. Dockets 31574, 31722, 31723, 31720, 31710, 31775, 31718, 31706, 31725, 31724, 31717, 31719. *California-Nevada Low-Fare Route Proceeding* and related matters (Memo No. 7686, BLJ, OGC).

14. Proposed Legislation (Memo No. 7187-A, BOE).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-2192-77 Filed 12-30-77; 3:34 pm]

## [6210-01]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 65372.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, January 4, 1978.

CHANGES IN THE MEETING: Postponement of the meeting. The matters that had been announced for consideration on January 4 will be considered on January 5, following the previously announced open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: December 30, 1977.

THEODORE E. ALLISON,  
Secretary of the Board.  
[S-2193-77 Filed 12-30-77; 3:25 pm]

## [4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, January 5, 1978 (NM-78-1).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first four items will be open to the public; the fifth item will be closed. A majority of the Board voted that no earlier notice was possible.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—Commonwealth of Pennsylvania, Piper PA-31T, N631PT, Bressler, Pa., February 24, 1977.

2. *Discussion of recommendation* closeouts A-74-106, A-77-20, and A-74-110.

3. *Railroad Accident Report*—Rear End Collision of Two ConRail Freight Trains, Stemmers Run, Baltimore, Md., June 12, 1977.

4. *Recommendation to Secretary*, DOT, republication of official hazardous materials reference list.

5. *Opinion and Order*—Commandant v. Torres, Dkt. ME-66; disposition of appellant's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Fleming, 202-755-4930.

[S-2191-77 Filed 12-30-77; 3:29 pm]

Federal Register

WEDNESDAY, JANUARY 4, 1978  
PART IIDEPARTMENT OF  
HEALTH,  
EDUCATION, AND  
WELFAREHealth Care Financing  
AdministrationSTATEWIDE  
PROFESSIONAL  
STANDARDS REVIEW  
COUNCILSMembership, Organization, and Duties  
of Advisory Groups



## [4110-35]

## Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING  
ADMINISTRATION, DEPARTMENT OF  
HEALTH, EDUCATION, AND WELFARE  
PART 478—STATEWIDE PROFESSIONAL  
STANDARDS REVIEW COUNCILSSubpart B—Advisory Groups to Statewide  
Professional Standards Review Councils  
MEMBERSHIP, ORGANIZATION, AND DUTIES  
OF ADVISORY GROUPS

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

**SUMMARY:** These regulations prescribe the membership, organization, and duties of advisory groups to Statewide Professional Standards Review Councils. The regulations require the advisory groups to assist Statewide Councils in their activities by assuring the involvement of health care practitioners other than physicians and by developing effective relationships with organizations representing these practitioners and health care facilities. The advisory groups also assist the councils in other functions, including the coordination of activities and dissemination of information among PSROs, the evaluation of PSROs, and if necessary, development of replacement PSROs.

Section 1162(e) of the Social Security Act requires that the councils be advised and assisted by advisory groups, and that the Secretary of Health, Education, and Welfare issue regulations governing their establishment.

**EFFECTIVE DATE:** These regulations are effective January 4, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Rhoda Abrams, Director, Office of Program Development, Health Standards and Quality Bureau, Room 16A-44, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, phone 301-443-4086.

**SUPPLEMENTARY INFORMATION:** On July 12, 1976, there was published in the *FEDERAL REGISTER* (41 FR 28690) a notice of proposed rulemaking to add a new Subpart V to Part 101 of Title 42 of the Code of Federal Regulations. Since that date a new Chapter IV in Title 42 of the Code of Federal Regulations has been established for regulations governing programs of the Health Care Financing Administration. These final regulations are codified as Subpart B of Part 478, Subchapter D, Professional Standards Review, of 42 CFR Chapter IV.

All comments, suggestions, and objections received in response to the NPRM were considered and are summarized below along with the Department's responses and the changes made in the proposed rule.

(1) One comment stated that Statewide Councils already represented the health community and urged that these rules not be promulgated and Advisory

Groups not be established. Section 1162(e) of the Social Security Act, however, requires the establishment of Advisory Groups to Statewide Councils.

(2) Several comments requested that, one or more positions on the Advisory Group be reserved for representatives of special groups of health care practitioners, such as pharmacists, or representatives of particular health agencies, such as rehabilitation facilities. (See § 478.102.) The suggestions were rejected because the number of interested groups and agencies is great and limitation of member positions to representatives of specific groups would result in reducing the variety of representatives of other groups which may be appropriately designated as Advisory Group members. The general definition of membership categories which is in the rule permits flexible membership selection that is consistent with local needs and conditions.

(3) Comments recommended an increase in the size of the Advisory Group. This suggestion could not be taken because the statute specifies that the number of Advisory Group members be not less than seven nor more than eleven.

(4) One objection was made to the requirement that at least one-half of the Advisory Group be representatives of health care practitioners (other than physicians) and urged instead that there be greater representation for hospitals. This change was not made because the statute requires that hospitals be represented on the Statewide Council itself. Also there are a large number of health care practitioner (other than physician) groups that require representation on the Advisory Group and expanding hospital representation would limit the positions available for these other groups. (See § 478.102(a)(3)(i).)

(5) Several comments requested changes regarding the length of terms and the limit on the number of terms of Advisory Group members. There was no consensus among these comments and the provisions of the proposed rule were retained. The rule now provides for appointing members for one year terms, but allowing an individual member to serve continuously up to three terms. This provides for cumulative development of the skills of some members while affording an opportunity for participation on the Advisory Group to a large number of group representatives. (See § 478.102(a)(2).)

(6) One comment recommended that the public be allowed to attend Advisory Group meetings, but that some meetings be closed on the basis of reasonable confidentiality policy. This suggestion was incorporated into the final rule under § 478.103(e).

(7) Several recommendations urged the inclusion of a time requirement for the initiation of the actual operation of the Advisory Group. This addition has been made in the final regulation under § 478.103(a).

Accordingly, with these changes and additions, the proposed rules are adopted as set forth below.

Subchapter D of Chapter IV of 42 CFR is amended by adding a new Subpart B to Part 478 to read as follows:

Subpart B—Advisory Groups to Statewide  
Professional Standards Review Councils

Sec.  
478.101 Scope.  
478.102 Membership.  
478.103 Organizational requirements.  
478.104 Reporting requirements.  
478.105 Duties and functions.  
478.106 Employment nondiscrimination.

AUTHORITY: Secs. 1102 and 1162(c), Social Security Act (42 U.S.C. 1302, 1320c-11(e)).

Subpart B—Advisory Groups to Statewide  
Professional Standards Review Councils  
§ 478.101 Scope.

Section 1162(e) of the Social Security Act ("the Act") provides that the Statewide Professional Standards Review Council for any State ("Statewide Council") shall be advised and assisted in carrying out its functions by an Advisory Group. This subpart establishes the requirements for Statewide Councils to follow in establishing and utilizing such Advisory Groups.

## § 478.102 Membership.

(a) *Composition, terms and qualifications.* (1) Each Advisory Group shall have a minimum of seven and a maximum of eleven members.

(2) Advisory Group members shall be appointed for terms of one year. An appointed member shall not be eligible to serve more than three consecutive full terms. To the extent practicable, no more than one-half of the members of the Advisory Group shall be appointed for an initial term in any year subsequent to the first year.

(3) The membership of each Advisory Group shall consist of representatives of health care practitioners (other than physicians), of hospitals and of other health care facilities which provide within the State health care services for which payment, in whole or in part, may be made under Titles V, XVIII or XIX of the Act and who are knowledgeable about the types of health care services being reviewed in the State. In addition, the membership of each Advisory Group shall meet the following requirements:

(i) *Representatives of health care practitioners (other than physicians).* At least one-half of the members of each Advisory Group shall be representatives of health care practitioners (other than physicians). For purposes of this subpart, health care practitioners (other than physicians) are those health professionals who do not hold a Doctor of Medicine or Doctor of Osteopathy degree, meet all applicable State or Federal requirements for practice of their profession, and are actively involved in the delivery of patient care or services which are directly or indirectly paid for under Titles V, XVIII and/or XIX of the Act. Each such representative shall practice his or her profession in the State.

(ii) *Representatives of hospitals.* One or more members of each Advisory Group shall be representatives of hospitals.

Each such representative shall be actively involved in the administration of or provision of services in a hospital which is located in the State and which has in effect arrangements for reimbursement for services under Titles V, XVIII and/or XIX of the Act.

(iii) *Representatives of other health care facilities.* One or more members of each Advisory Group shall be representatives of health care facilities other than hospitals. At least one such member shall be a representative of a skilled nursing facility (as defined in section 1861(j) of the Act) or an intermediate care facility (as defined in 42 CFR 449.10(b)(15)). Each such representative shall be actively involved in the administration of or provision of services in a health care facility other than a hospital which is located in the State and which has in effect arrangements for reimbursement for services under Titles V, XVIII and/or XIX of the Act.

(b) *Selection procedures.* (1) Each Statewide Council shall have a standing committee, called the Advisory Group Nominating Committee, which shall solicit recommendations and nominate persons for Advisory Group membership. Each Advisory Group Nominating Committee shall have no fewer than five members and shall include at least one representative of each of the three membership categories set forth in section 1162(b)(1), (2) and (3) of the Act.

(2) Each Statewide Council shall develop a written plan for the selection of Advisory Group members. Such plan shall be submitted to the Secretary no later than 90 days after the date of execution of an agreement between the Secretary and the Statewide Council under section 1162(d) of the Act and must be approved by the Secretary prior to the selection of any Advisory Group members. Such plan shall include the following provisions:

(i) Specification of the composition of the Advisory Group, including plans to rotate membership among practitioner and health care facility groups.

(ii) A list of all the organizations representing health care practitioners other than physicians, hospitals, other health care facilities and consumer and other interested groups in the State from which recommendations will be sought by the Advisory Group Nominating Committee.

(iii) Criteria and procedures for review of recommendations by the Advisory Group Nominating Committee.

(iv) Criteria and procedures for selection of Advisory Group members by the Statewide Council from nominations of the Advisory Group Nominating Committee.

## § 478.103 Organizational requirements.

(a) Each Statewide Council shall convene the first meeting of the Advisory Group no later than 120 days after approval of the described plan in § 478.102(b)(2).

(b) Each Advisory Group shall establish its own organizational structure, elect its own chairperson, and develop written operating procedures, consistent with this subpart.

(c) Each Advisory Group shall report directly to its Statewide Council.

(d) Each Advisory Group shall meet as a whole at least quarterly.

(e) Meetings, or any portion thereof, of the Advisory Group shall be open to the public, except when the meeting concerns review of:

(i) Sanction reports or recommendations forwarded to the Statewide Council pursuant to section 1157 of the Act;

(ii) Review of PSRO reconsiderations pursuant to section 1159(a) of the Act;

(iii) Internal personnel rules and practices of the Statewide Council;

(iv) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Matters prohibited from disclosure by statute;

(vi) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; and

(vii) Information the premature disclosure of which would be likely to significantly frustrate implementation of a Statewide Council action except where the Statewide Council has already disclosed to the public the content or nature of the action, or where the Statewide Council is required by law to make such disclosure on its own initiative prior to taking final Statewide Council action.

(f) Minutes shall be recorded for all Advisory Group meetings and shall be available to the public consistent, as appropriate with regulations to be issued by the Secretary concerning confidentiality.

(g) Each Statewide Council shall provide its Advisory Group with staff support sufficient to enable the Advisory Group to carry out its duties and functions under this subpart.

(h) Expenses reasonably and necessarily incurred, as determined by the Secretary, by an Advisory Group in carrying out its duties and functions under this subpart shall be considered to be expenses necessarily incurred by its Statewide Council.

## § 478.104 Reporting requirements.

(a) Each Statewide Council shall prepare annually for submission to the Secretary a report containing the following information:

(1) The plan described in § 478.102(b)(2).

(2) The membership of the Advisory Group Nominating Committee.

(3) The membership of the Advisory Group.

(4) The organization of the Advisory Group.

(5) The Advisory Group's activities for the year, including the number of meetings, and a description of specific projects, accomplishments, and recom-

mendations made by the Advisory Group to its Statewide Council.

(b) Each Advisory Group shall prepare an annual report assessing the involvement of health care practitioners (other than physicians), and of hospitals and other health care facilities in the Professional Standards Review Organization program in its State.

## § 478.105 Duties and functions.

Each Advisory Group shall advise and assist its Statewide Council in the performance of the Council's functions, specifically in the following areas and in any other areas considered appropriate by the Statewide Council:

(a) (1) In assuring maximum effective involvement of health care practitioners (other than physicians) in the Professional Standards Review Organization activities in its State.

(2) In developing effective relationships with organizations representing health care practitioners (other than physicians), hospitals and/or health care facilities within its State.

(3) In carrying out the functions of the Statewide Council under section 1160(c) of the Act as they relate to health care practitioners (other than physicians), hospitals and other health care facilities.

(4) In carrying out the Statewide Council's functions under section 1162(c) of the Act.

(b) An Advisory Group may undertake other activities with the approval of its Statewide Council.

## § 478.106 Employment nondiscrimination.

Attention is called to the requirements of Executive Order 11246 (42 U.S.C. 2000e) which prohibits discrimination against any employee or applicant for employment because of race, color, religion, sex or national origin. Regulations implementing such Executive Order 11246, which are applicable to Advisory Groups under this Subpart, have been issued by the Secretary of Labor (41 CFR Ch. 60).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program Nos. 13.714—Medical Assistance Program; 13.800—Medicare-Hospital Insurance; 13.801—Medicare-Supplementary Medical Insurance.)

**NOTE.**—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: August 10, 1977.

ROBERT A. DERSON,  
Administrator, Health Care  
Financing Administration.

Approved: November 12, 1977.

JOSEPH A. CALIFANO, JR.,  
Secretary.

[FR Doc. 78-00001 Filed 1-3-78; 8:45 am]



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WEDNESDAY, JANUARY 4, 1978

PART III



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## DEPARTMENT OF TRANSPORTATION

Federal Railroad  
Administration

■

### ASSISTANCE TO STATES FOR RAIL SERVICE

Procedures and Requirements Regarding  
Applications and Disbursements



[4910-06]

## Title 49—Transportation

## CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[FRA Economic Docket No. 4, Notice No. 2]

## PART 266—ASSISTANCE TO STATES FOR RAIL SERVICE ASSISTANCE UNDER SECTION 5 OF THE DEPARTMENT OF TRANSPORTATION ACT

## Procedures and Requirements Regarding Applications and Disbursements

AGENCY: Federal Railroad Administration ("FRA"), Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule sets forth procedures and requirements of the Federal Railroad Administrator ("Administrator") in connection with the filing of applications with the FRA for rail service assistance under section 5 of the Department of Transportation Act (49 U.S.C. 1654) ("Act") as amended by section 803 of the Railroad Revitalization and Regulatory Reform Act of 1976 ("RRRRA").

EFFECTIVE DATE: February 3, 1978.

## FOR FURTHER INFORMATION CONTACT:

JoAnne McGowan, Program Analyst, Office of State Assistance Programs, Federal Railroad Administration, Washington, D.C. 20590, 202-426-1677; or

Mark Tessler, Attorney-Advisor, Office of Chief Counsel, State Rail and Passenger Programs Division, Federal Railroad Administration, Washington, D.C. 20590, 202-426-7737, who are the persons principally responsible for the preparation of this document.

**SUPPLEMENTARY INFORMATION:** On August 9, 1976, Proposed Procedures and Requirements Regarding Applications and Disbursements were published in the FEDERAL REGISTER (21 FR 33354) as proposed Part 266 of Title 49 of the Code of Federal Regulations. The Administrator is the delegate of the Secretary for all purposes under subsections 5(f) through 5(o) of the Act. The Administrator has determined, in accordance with the policies of the Department of Transportation as published in 41 FR 16200, April 16, 1976, that an evaluation of the regulatory impact of these regulations is not required. As stated in those policies, an evaluation is not required if the grant program requirement, or publication of the proposed regulations is expressly mandated by statute. The Administrator has also determined, under Department of Transportation Order No. 5610.1B (39 FR 35234), September 30, 1974, that projects under these regulations do not significantly affect the quality of the human environment (except where highways or highway-related facilities are involved or the project is to construct or improve facilities for which the ac-

quisition of real estate is required). A negative declaration has been prepared pursuant to this determination and is available to the public upon request. Therefore, applicants for financial assistance pursuant to this part are not required to prepare or submit data on the environmental impact of the projects proposed in the applications, except (1) where the proposed project is to construct or improve facilities which necessitate the purchase of real estate, in which case an environmental assessment shall be submitted with the application, or (2) where the proposed project involves highways or highway-related facilities, in which case the Federal Highway Administration regulations on environmental assessments shall apply (23 CFR Part 771).

Section 5 of the Act establishes a five-year program ("Section 5 Program") similar to the rail service continuation assistance program ("Title IV Program") authorized under section 402 of Title IV of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. § 701 et seq.) ("Rail Act"). The Section 5 Program provides financial assistance to States for rail freight assistance programs that are designed to cover:

- (1) The cost of rail service continuation payments;
- (2) The cost of purchasing a line of railroad or other rail properties to maintain existing or provide for future rail service;
- (3) The cost of rehabilitating and improving rail properties on a line of railroad to the extent necessary to permit adequate and efficient rail freight service on such line; and
- (4) The cost of reducing the costs of lost rail service in a manner less expensive than continuing rail service.

For the period from July 1, 1976, to April 1, 1978, section 5 of the Act authorizes rail service assistance to States outside the Northeast and Midwest Region as defined by the Rail Act. Beginning April 2, 1978, the Section 5 Program will extend to all States pursuant to the expanded eligibility provisions of section 5(n) of the Act.

## DISCUSSION OF MAJOR COMMENTS

Interested persons were invited to participate in this rulemaking by submitting written comments to the FRA. The public docket on this rulemaking contains correspondence from 22 commentators. Many comments were adopted, in whole or in part, and some were rejected. The significant issues are discussed in the following paragraphs. Due to various additions and deletions, section numbers may have changed from those used in the proposed rules. References in this preamble refer to the revised section numbers.

§ 266.1. One comment suggested that the definition of "planning assistance" be amended to include planning assistance costs incurred in revising or amending the original State Rail Plan. This was intended in the original definition and it has been changed to clarify this.

§ 266.5(d). Several of the comments received recommended that the FRA clarify the scope of "substitute service assistance" to be provided pursuant to section 5(f) (4) of the Act. This section provides for rail freight assistance programs designed to cover the cost of reducing the costs of lost rail service in a manner less expensive than continuing rail service. It was suggested that both the relocation of shippers located on eligible lines and operating subsidies for use of nonrail freight transportation be included as eligible assistance programs. The FRA recognizes the apparent eligibility of programs of this type. However, because the question of substitute service assistance was not widely addressed in either the proposed regulations or in the comments received, more information and discussion of the subject is felt to be necessary before specific regulations governing such programs are established.

Therefore, comments and suggestions regarding the scope and eligibility requirements of substitute service assistance will be solicited by an advance notice of proposed rulemaking to be published in the FEDERAL REGISTER in the near future. Until such specific regulations are issued, applications will be handled on a case-by-case basis.

§ 266.7(b). Many commentators have stated that eligible mileage should not be limited solely to lines of railroad for which the Commission has found that the public convenience and necessity permit the abandonment of, or the discontinuance of service on such line. They suggested that marginal lines which might in the future be the subject of abandonment petitions be included as eligible mileage. The determination as to what constitutes eligible mileage is governed by sections 5 (h) and (k) of the Act. Those statutory provisions cannot be modified or waived by the Administrator.

§ 266.9. This section has been expanded to clarify the available sources of funds which may comprise the State share of the costs of providing rail service assistance under section 5(g) of the Act. Such costs may be provided through in-kind benefits such as forgiveness of taxes, trackage rights, and facilities which would not otherwise be provided. Standards and procedures regarding in-kind benefits shall be governed by 49 CFR Part 267.

§ 266.11. This section has been revised to clarify that costs may be incurred prior to the date of the execution of the grant agreement only under specified circumstances and only with the prior written approval of the Administrator.

§ 266.13. This section has been revised to provide for an allocation of funds as of April 2, 1978, the date on which the Title IV program merges into the Section 5 Program. On that date, appropriated sums transferred into the program by section 5(o) of the Act are allocated to all States. Additionally, funds appropriated to the Section 5 Program for fiscal year 1978 and which are not the subject of a grant agreement executed by both

parties by April 2, 1978, are reallocated among the other States. On that date, all mileage eligible for rail service assistance under the Title IV Program will also be eligible under the Section 5 Program. This section has therefore been revised to reflect that merger and the increased eligible mileage resulting from it. In addition, the requirement of an annual certification by the Governor that each line is suitable for rail freight service has been deleted with the view that the statutory five-year Federal assistance limitation contained in section 5(k) (2) provides sufficient safeguards as intended by Congress.

Subsection 266.13(c) governs all reallocations except the reallocation occurring as of the merger date (April 2, 1978). This subsection provides for reallocation of funds which are in excess of a State's certified program of projects. The program of projects is based on those projects for which the State intends to submit specific project applications during the program period. Reallocation based on the program of projects will enable a State to plan for, and retain funding for, the assistance of lines which it reasonably expects will become eligible during the ensuing fiscal year.

For fiscal year 1978, there will be a reallocation of funds distributed as of April 2, 1978, as a result of the merger of the Section 5 and Title IV Programs. This reallocation will be based on (1) a program of projects submitted prior to May 1, 1978, by the States in the original Section 5 Program and (2) a program of projects which will be submitted by May 1, 1978, by States eligible due to the termination of the Title IV Program and which will cover the period from the date of submission through September 30, 1978.

States should be aware that § 266.17 contains provisions for amending a program of projects and thus programs of projects submitted early in the fiscal year can be updated prior to the fiscal year 1978 reallocation.

This section has also been revised to prevent administrative bottlenecks similar to those which have occurred under the September 30 reallocation deadline of the Title IV Program (49 CFR 255.7 (d) (3)). The September 30 reallocation resulted in placing a paperwork burden on both the States and FRA with all parties rushing to complete the necessary work on applications and grants before the close of the fiscal year. To eliminate this burden, the September 30 reallocation has not been incorporated into these regulations. Instead, reallocations, in addition to those mentioned above, will take place during the year only when necessary, and upon written notice to the States.

In a further effort to reduce the burdens on both the States and FRA to complete the paperwork process according to an inflexible timetable, the annual reallocation and the 1978 reallocation resulting from the merger of the two programs will be accomplished as soon as practicable after receipt of the States' programs of projects.

§ 266.15(a). It has been suggested that the "local and regional governmental bodies" referred to in this section be designated as the Metropolitan Planning Organizations in those areas where such bodies exist. The designated State agency has the responsibility under this section to establish procedures whereby local and regional governmental bodies may review and comment on appropriate elements of the State Rail Plan. The FRA expects that such review and comment procedures will involve all affected local and regional governmental bodies, thereby negating the need to designate a specific organization.

§ 266.15(c). Many commentators felt that the required contents of the State Rail Plan impose unnecessary burdens upon the States. Based on the experience gained in administering the Title IV Program, in which the requirements are very similar, the FRA has determined that the listed requirements are the minimum upon which a useful and effective State Rail Plan can be based. Additionally, experience has shown that States in the Title IV Program have been quite successful in drafting their plans according to the requirements of that program.

One suggestion that was made by many was that the specific rail project justifications should more appropriately be included as part of the project application rather than as part of the State Rail Plan. The data and analyses required as part of the State Rail Plan are data and analyses which a State must have in order to develop its overall strategy for resolving local rail freight problems. Because this data is indispensable to an informed decision as to where best to apply program funds, it has been determined that it is appropriate to require the data prior to the individual project application. It should be noted that pursuant to § 266.19(b) (3) of this part, exhibits filed with the State Rail Plan or pursuant to a prior application need not be refiled in a subsequent application as long as the prior filing is appropriately referenced. Also, where required data are available from secondary sources, the States are encouraged to use such data rather than develop it themselves.

§ 266.15(c) (3) (vi). One State suggested that this section, which requires the identification of projects for which a State wishes to receive assistance under the Act, including, where practicable, projects not yet eligible for Federal assistance but expected to become eligible during the ensuing year, be expanded to include projects expected to become eligible during the life of the program. A State is of course free to expand the scope of this section; however, the requirement will remain limited to lines expected to become eligible during the ensuing year.

§ 266.15(c) (4). It has been suggested that the requirements of this section should apply to projects listed in subdivision 266.15(c) (3) (vi) in addition to the lines or projects listed in subdivi-

sions 266.15(c) (3) (iii), (iv) and (v). The stated purpose of this addition would be to include in the analysis procedure projects potentially eligible for assistance. Such projects are already included in the scope of the analysis procedure of this section because subdivision (3) (vi) is the product of the analysis of the three preceding categories. Subdivision (3) (iii) refers to rail lines in the State which are eligible for assistance under section 5(k) of the Act. Subdivision (3) (iv) refers to lines of railroad in the State which, pursuant to section 1a(5) (a) of the Interstate Commerce Act, as amended ("ICA") and 49 CFR 1121.20 (b) (1) and (2), are designated as potentially subject to abandonment as well as those which are anticipated to be the subject of an abandonment or discontinuance application. Subdivision (3) (v) refers to rail freight services in the State for which abandonment applications are pending before the Commission. Subdivisions (3) (iv) and (3) (v) include lines which, while they are not yet eligible under section 5(k) of the Act, are potentially eligible due to the possibility of their abandonment in the future. Thus reference to subdivision (3) (vi) in this section is not necessary because potentially eligible lines will be analyzed pursuant to subdivisions (3) (iv) and (3) (v).

Another issue regarding lines included in subdivision (3) (iv), lines which are designated as potentially subject to abandonment as well as those which are anticipated to be the subject of an abandonment or discontinuance application, involves the availability of data with respect to these lines. The Commission has issued branch line accounting regulations (49 CFR Part 1201, Subpart B) requiring rail carriers to collect and publish cost and revenue data for lines designated as potentially subject to abandonment and those anticipated to be the subject of an abandonment or discontinuance application within a specified time period. Since the cost and revenue data for these lines will not be available until such time as it is reported to the Commission under the branch line accounting regulations, subsection 266.13(c) (4) has been revised to require certain analyses and information with respect to these lines only when the cost and revenue data necessary for the analyses is provided in accordance with 49 CFR Part 1201, Subpart B.

§ 266.15(c) (6). The necessity and extent of public hearings as part of a State's planning process were questioned by several commentators. One State felt that while public participation in the planning process should be encouraged, formal public hearings should not be required because they do not provide an adequate forum for the exchange of ideas. Another State expressed the view that public hearings should not be required for annual updates and revisions.

The regulations require that an opportunity for a public hearing be afforded the public as one element of the

public participation requirement of section 4910-06. This interest can only be determined on September 12, 1978 (42 FR 45828) on September 12,

facilities to be maintained in compliance with FRA Class 1 Track Safety Stand-

"Rehabilitation or improvement" means replacing ties, and other track

(d) The cost of reducing the costs of lost rail service in a manner less expen-



public participation requirement of section 5(i)(3)(C) of the Act. It is intended that other methods of eliciting the public views be used in addition to public hearings. It is felt that the importance of assuring the public a voice in the planning process as required by the Act outweighs any possible duplication of time and energy.

The public must also be afforded an opportunity to participate in the selection of projects to be assisted or dropped from the program due to developments occurring between annual updates of the State Rail Plan. For that reason, the requirement concerning public hearings on the annual update or revisions will be retained.

§ 266.19(c)(9). On January 24, 1977, a new Part 265 of the Code of Federal Regulations was published in the *FEDERAL REGISTER* (41 FR 4286). Those regulations, entitled "Nondiscrimination in Federally Assisted Railroad Programs" ("Nondiscrimination Regulations"), implement section 905 of the RRRRA and require recipients of financial assistance under the RRRRA and certain of their contractors and subcontractors to take affirmative action to ensure that minority persons and minority businesses have a fair opportunity to participate in employment and contractual opportunities which may result from projects, programs and activities funded by such assistance.

The certification requirement of § 266.19(c)(9) has been revised to incorporate the Nondiscrimination Regulations. Included in those regulations at 49 CFR 265.11 are deadline requirements critically important to the receipt of funding approval.

Additionally attention is directed to 28 CFR Part 42, Subpart F, published in the *FEDERAL REGISTER* on December 1, 1976 (41 FR 52669). Those regulations, entitled "Nondiscrimination; Equal Employment Opportunity, Policies and Procedures—Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs", set forth minimum requirements for implementation by Federal agencies of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4). The Department of Transportation ("DOT") has issued DOT Order 1000.2B implementing those regulations. FRA will be issuing an order in the near future implementing the DOT order.

§ 266.19(e)(5). The proposed regulations required that the planning work statement include analytical methodology to be used in the planning process. Such methodology was to include consideration of the advisory criteria published by the Rail Services Planning Office under subsection 205(d)(3) of the Rail Act. Because such advisory criteria are required only under the Title IV Program, reference to it has been deleted from this section.

§ 266.19(f). This section has been slightly expanded to clarify the requirements for appraisals related to the acquisition of rail lines. In order to be valid, appraisals must be based on the extent of the property interest to be acquired.

This interest can only be determined on the basis of a title search. Therefore, this section has been revised to require that the two independent valuation appraisals be based on the results of a title search. This section has also been clarified to require that comparable land sales be used in appraising the value of the land involved. Additionally, a State Review Appraiser is required to review the two appraisals and on the basis of the appraisals establish just compensation. This approach is consistent with that utilized by the Federal Highway Administration and will be useful both to the States and FRA in evaluating appraisals.

This section also has been revised to incorporate the requirements of the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

§ 266.21. This section has been revised to provide more detailed instructions regarding consideration of the environmental impact of projects to construct or improve facilities for which the acquisition of real estate is required. An environmental assessment is required of all such projects. If the assessment concludes that a project will not significantly affect the quality of the human environment a negative declaration to that effect is required. However, if the assessment concludes that the quality of the human environment is significantly affected, an environmental impact statement is required.

The form and content of such documents will be governed by FRA Procedures for Considering Environmental Impacts. Proposed procedures were published in the *FEDERAL REGISTER* on January 27, 1977 (41 FR 5171). Until such time as the procedures are issued in final form, the proposed procedures should be considered an adequate guide for the preparation of the necessary documents. Copies of the proposed procedures, and of the final procedures when issued, will be made available to interested parties upon request.

§ 266.23. This section has been revised to clarify the situation occurring when cash contributions are provided by the State as part of its matching share. The State must expend a pro-rata share of its cash contribution at the same rate that payments of the Federal share are made to the State. If the State share is not expended at the same rate as the Federal payments are made, the Federal share could exceed the statutory maximum. The provision or performance of in-kind benefits is governed by 49 CFR Part 267.

Also included in this section is the requirement that third party agreements must be executed before funds can be disbursed to the State to cover costs incurred under such agreements. Additionally, at least 30 days prior to the anticipated receipt of advance payments, the State must provide evidence that it is eligible to receive such payments pursuant to Attachment J of Office of Management and Budget Circular No. A-102 Revised, published in the *FEDERAL REGISTER* (42 FR 45828) on September 12, 1977, ("OMB Circular A-102"). This requirement is necessary in order to provide sufficient time to complete reviews and resolve any problems which might delay disbursements to the State.

The remaining revisions to this section relate to the information which must be supplied before funds can be disbursed for acquisition. It is recognized that because of the nature of the acquisition process a State may not be able to fulfill certain requirements, particularly those relating to title, at the time an application for assistance is submitted. Accordingly, the regulations require that this essential information be provided before funds can be disbursed.

§ 266.25. Clarification was requested regarding this section's record keeping requirements for audit purposes. This section has thus been revised to reflect the record keeping requirements contained in Attachment C of OMB Circular A-102.

Unless otherwise required by statute, the administrative requirements governing this program are those contained in OMB Circular A-102.

NOTE.—The Federal Railroad Administrator has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

In consideration of the foregoing, 49 CFR, Chapter II, is amended by adding a new Part 266 as set forth below.

Dated: December 29, 1977.

ROBERT E. GALLAMORE,  
Deputy Administrator.

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AUTHORITY: Sec. 5, Department of Transportation, as amended, 49 U.S.C. 1654; Sec. 806, Railroad Revitalization and Regulatory Reform Act of 1976, 90 Stat. 143; 49 CFR 1.49(u).

#### § 266.1 Definitions.

As used in this part:

"Acquisition" means the purchase of a line of railroad or other rail properties under section 5(f)(2) of the Act and § 266.5(b) of this part.

"Accelerated maintenance" means replacing ties, and other track and structural materials, sufficient functionally to restore the existing rail service facilities to the level necessary for such

facilities to be maintained in compliance with FRA Class 1 Track Safety Standards.

"Act" means the Department of Transportation Act, as amended.

"Administrator" means the Federal Railroad Administrator or his or her delegate.

"Applicant" means the designated State agency of a State meeting the requirements of § 266.7 of this part.

"Commission" means the Interstate Commerce Commission.

"Designated State agency" means the State agency designated by the Governor under section 5(j)(2) of the Act and § 266.7(a)(2) of this part.

"Line of railroad" or "related project" means (1) (i) a line of railroad with respect to which the Commission has found under section 1a of the Interstate Commerce Act, as amended, ("ICA") on or after February 5, 1976, that the public convenience and necessity permit the abandonment of, or the discontinuance of rail service thereon, or (ii) a line of railroad or related project which was eligible for assistance under Title IV of the Regional Rail Reorganization Act, as amended ("Rail Act"), and (2) such line or related project has not previously been the subject of Federal rail service assistance under section 5 of the Act for more than five (5) fiscal years.

"Other rail properties" means property or facilities, excluding rolling stock, related to a line of railroad, as defined in (h) above.

"Planning assistance" means funds granted to a State under section 5(i) of the Act to meet the cost of establishing, implementing and updating the State's Rail Plan.

"Planning work statement" means the planning work statement required under § 266.19(e) of this part.

"Rail service assistance" means payments provided for rail freight assistance programs for the purposes enumerated in section 5(f) of the Act and § 266.5 of this part. As used in this part, such assistance shall include planning assistance unless specifically excluded.

"Rail service continuation payments" means payments which cover the difference between the revenue attributable to a line of railroad and the avoidable costs of providing rail service on such line of railroad, together with a reasonable return on the value of such line of railroad and other rail properties related to that line of railroad, all as determined in accordance with 49 CFR Part 1121 with the following exceptions: (1) Where service is eligible to be subsidized under section 402(c)(2)(A) and (B) of the Rail Act, rail service continuation payments means payments determined in accordance with 49 CFR Part 1125; and (2) where service is eligible to be subsidized under section 402(c)(2)(C) of the Rail Act, rail service continuation payments means payments calculated, to the greatest extent possible, in a manner consistent with 49 CFR Part 1121.

"Rehabilitation or improvement" means replacing ties, and other track and structural materials, to the extent necessary to permit safe, adequate and efficient rail freight service on a line of railroad.

"Routine maintenance" means inspection and light repairs, emergency repairs and a planned program of periodic maintenance which is necessary to keep the track at its existing condition or to comply with FRA Class 1 Safety Standards.

"State" means (1) during the period from February 5, 1976, through April 1, 1978, any State in which a carrier by railroad subject to Part I of the ICA maintains any line of railroad, except that the term shall not include the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Michigan and Illinois, the District of Columbia, and that portion of the State of Wisconsin eligible for, and receiving assistance pursuant to Commission order (Ex Parte No. 293) published on January 28, 1974 39 FR 3605; and (2) during the period following April 1, 1978, any State in which a carrier by railroad subject to Part I of the ICA maintains any line of railroad.

"State Rail Plan" means a current plan, including all updates, revisions and amendments thereto, required under section 5(j)(1) of the Act and § 266.7 of this part.

"Substitute service assistance" means assistance pursuant to section 5(f)(4) of the Act designed to reduce the costs of lost rail service in a manner less expensive than continuing rail service. Such assistance may include the acquisition, construction, or improvement of facilities for the provision of substitute freight transportation services.

#### § 266.3 Applicability.

The provisions of this part apply to the requirements regarding applications for and disbursement of financial assistance for the development of State Rail Plans, for the continuation of rail freight services, for the acquisition or improvement of rail properties and for substitute service assistance under subsections 5(f) through 5(o) of the Act ("Section 5 Program"). Compliance with the provisions of this part is a prerequisite for the receipt of such financial assistance.

#### § 266.5 Purposes.

Rail service assistance is provided by the Administrator to enable an eligible applicant to cover:

- The cost of rail service continuation payments;
- The cost of purchasing a line of railroad or other rail properties to maintain existing or provide for future rail service;
- The cost of rehabilitating and improving rail properties on a line of railroad to the extent necessary to permit adequate and efficient rail freight service on such line;

(d) The cost of reducing the costs of lost rail service in a manner less expensive than continuing rail service;

(e) The cost of program operations. Rail service assistance for program operations shall not exceed five (5) percent of the total funds granted to the State for the purposes listed in paragraphs (a) through (d) of this section; and

(f) The cost of developing a planning work statement and the cost of establishing, implementing, and updating the State Rail Plan. Planning assistance is made available by the Administrator in accordance with § 266.19(e) of this part during the course of the State rail planning process and shall be distributed by the Administrator as needed by the States. The amount of planning assistance to which each State is entitled is proportionate to the amount of rail service assistance to which each State is entitled under section 5(h) of the Act. Planning costs constitute a cost of providing rail service assistance under section 5(h) of the Act and are subject to the Federal-State cost sharing provisions of that section.

#### § 266.7 Eligibility.

(a) *State eligibility.*—(1) *Eligibility requirements for planning assistance.* A State is eligible to receive planning assistance under section 5(i) of the Act and § 266.19(e) of this part if the Administrator approves in writing the State's application after determining that:

(i) The State has submitted, as part of its application for assistance in accordance with § 266.19(e) of this part, a planning work statement documenting the State's rail planning process which will result in an initial or revised State Rail Plan; and

(ii) The State has provided satisfactory assurances, pursuant to section 5(j)(4) of the Act, that it has or will adopt and maintain adequate procedures for financial control, accounting, and performance evaluation in order to assure proper use of Federal funds.

(2) *Eligibility requirements for rail service assistance excluding planning assistance.* A State is eligible to receive rail service assistance other than planning assistance under section 5(h) of the Act if:

(i) The State has established an adequate plan for rail services in the State which (A) meets the requirements of § 266.15 of this part; (B) is part of an overall planning process for all transportation services in the State; and (C) includes a suitable process for updating, revising, and amending such plan, and the plan as updated, revised and amended has been approved by the Administrator;

(ii) Such State plan (A) is administered or coordinated by a designated State agency; and (B) provides for the equitable distribution of resources;

(iii) The State agency (A) has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail transportation services; (B) employs or will employ, directly or indirectly, sufficient



trained and qualified personnel, (C) maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation; and (D) is designated and directly solely or in cooperation with other State agencies to take all practicable steps to improve transportation safety and to reduce transportation-related energy utilization and pollution;

(iv) The State has provided satisfactory assurances pursuant to section 5(j) (4) of the Act, that it has or will adopt and maintain adequate procedures for financial control, accounting, and performance evaluation in order to assure proper use of Federal funds; and

(v) The State complies with the requirements of this part and with the terms and conditions included in the grant of assistance.

(b) *Eligible Mileage.* A line of railroad in a State is eligible mileage for rail service assistance if (1) (i) the Commission has found after February 5, 1976, that the public convenience and necessity permit the discontinuance of service on or abandonment of such line pursuant to section 1a of the ICA, or (ii) the line of railroad or related project was eligible for assistance under Title IV of the Rail Act ("Title IV Program"), provided, however, that such lines under subparagraph (ii) are not eligible hereunder until the termination of the Title IV Program pursuant to section 806 of the RRRRA; and (2) such line or related project has not previously been the subject of Federal rail service assistance under section 5 of the Act for more than five (5) fiscal years.

#### § 266.9 Federal/Non-Federal Share.

The Federal share of the costs of providing rail service assistance under section 5(h) of the Act is:

- (a) 100 percent for the 12-month period from July 1, 1976, to June 30, 1977;
- (b) 90 percent for the 12-month period from July 1, 1977, to June 30, 1978;
- (c) 80 percent for the 12-month period from July 1, 1978, to June 30, 1979; and

(d) 70 percent for the period from July 1, 1979, to June 30, 1981.

The Federal share of assistance for rail service continuation payments (excluding accelerated maintenance) and program operations shall be determined as of the date the work is performed. The Federal share of assistance other than that specified in the preceding sentence is governed by the date funds are granted to the State. For purposes of this section, funds are considered to be granted on the date that a grant agreement or amendment thereto has been executed by both parties in accordance with § 266.23(a) of this part. The State share of the costs of providing rail service assistance shall be provided by the State from its own funds, or funds contributed to it by third parties. The State share may also be provided through in-kind benefits such as forgiveness of taxes, trackage rights, and facilities which would not otherwise be provided. Standards and procedures regarding in-

kind benefits are governed by the provisions of 49 CFR Part 267. The State share of such costs may not be augmented by any Federal funds, directly or indirectly, unless the funds are provided through a Federal program which specifically authorizes the augmentation of a non-Federal share of a federally subsidized program with such funds.

#### § 266.11 Allowable costs.

Allowable planning, program operation, and project related costs shall consist of those costs allowed under Federal Management Circular 74-4 which are properly attributable and allocable to the work performed. Costs may only be incurred prior to the date of the execution of the grant agreement if the Administrator determines in response to a written request by a State, that immediate action by a State is necessary to prevent a significant opportunity being lost, and the Administrator gives written approval prior to a State incurring such costs. Costs incurred prior to the date of the execution of the grant agreement are reimbursable to a State only if the costs are shown to have been incurred in conformity with all procedural and substantive requirements of the grant agreement subsequently entered into. Allowable costs of third-party contracts shall be governed by the provisions of 41 CFR 1-15. Project related costs shall consist of those costs directly attributable to the purpose for which the assistance is provided. Project related acquisition costs shall include the costs of the valuation appraisals required under § 266.19(g) of this part. Project related improvement costs shall include necessary engineering and inspection costs. Project related costs with respect to the provision of rail service continuation payments shall include the costs of valuation appraisals when such appraisals are necessary to establish the value of property to be leased.

#### § 266.13 Allocation and reallocation of funds.

(a) *Allocation, general.* Funds appropriated for each Federal fiscal year ("fiscal year") are allocated for that fiscal year to each State in the ratio which, as of the preceding August 1, such State's eligible rail mileage under section 5(k) of the Act bears to the total eligible rail mileage in all of the States. However, a State shall not get less than one (1) percent of such funds.

(b) *Allocation and reallocation as of April 2, 1978 (merger date).* Appropriated sums remaining after the repeal of section 402 of the Rail Act and transferred into the Section 5 Program by section 5(o) of the Act are allocated to all States in the same manner as in paragraph (a) of this section. Funds appropriated to the Section 5 Program for fiscal year 1978, which are not the subject of a grant agreement executed by both parties by April 2, 1978, are reallocated among the other States as of that date. For purposes of this paragraph, eligible mileage is based on eligible mileage of all States, including that

of the States under the Title IV Program, as of February 1, 1978.

(c) *Reallocation, general.* Funds not used or committed by a State are reallocated immediately, to the extent practicable, among the other States. Funds are reallocated among the other States in accordance with the formula set forth in the first sentence of section 5(h) of the Act and on the basis of the most recent computation of eligible mileage. For purposes of this subsection, funds are deemed used or committed if their use is reflected in the State's most recent certified program of projects, as approved by the Administrator. If the Administrator determines that it will not be practicable to reallocate funds within 30 days of the date such programs of projects are required to be submitted, he will so notify the State in writing and will establish a new date for reallocation of those funds. When necessary, the Administrator will, upon notice in writing to the States, make additional reallocations when sufficient unused or uncommitted funds are available for such purpose.

#### § 266.15 Requirements for State Rail Plan for rail transportation services.

(a) *State planning process.* Consistent with the purposes of the Act, the State Rail Plan required under § 266.7(a) (2) of this part shall be based on a comprehensive, coordinated and continuing planning process for all transportation services in the State. The Plan shall be developed with opportunity for participation by those public and private agencies interested in rail activity in the State and adjacent States where appropriate. Procedures shall be established to provide an opportunity for a public hearing on the contents of the Plan prior to final adoption of the Plan by the State. Such hearings shall be held in accordance with paragraph (c) (6) of this section. Also as part of the planning process, the designated State agency shall establish procedures whereby local and regional governmental bodies may review and comment on appropriate elements of the State Rail Plan. Provisions shall also be made for updating, revising, and amending the State Rail Plan.

(b) *Format of the State Rail Plan.* All State submissions under this section shall reasonably conform to the format of this section, and each item submitted in response to a requirement of this section shall reference such requirement by subsection, paragraph, and subparagraph.

(c) *Contents of the State Rail Plan.* Each State Rail Plan shall: (1) Describe the planning process utilized in the development of the State Rail Plan, specifying the particulars as to State rail policy and objectives, data sources, assumptions, analytical methodology, and other special problems or conditions which would be essential to the understanding of the setting in which the State Rail Plan was developed. In particular, the State shall note any modification of the

planning process set forth in its planning work statement.

(2) Contain an illustration of the entire State rail system on suitable scale maps of the State highway system (such as a reduction of the County Highway Planning Series of maps), designating with respect to each line listed under paragraphs (c) (3) (iii), (iv), and (v) of this section, including all lines connecting to them:

- (i) The operating carrier or carriers,
- (ii) Freight traffic density, and
- (iii) Location of passenger service on such lines. These maps shall be accompanied by a written description of the service provided on each line, including an identification, at the two digit level of the Standard Transportation Commodity Code, of commodity types carried on each line.

(3) Identify the following classes of rail service within the State providing both a written description and illustration of each category of service on appropriate scale maps:

- (i) Lines over which oversized loads (high and wide loads) or excessively heavy loads are normally routed due to dimension or weight restrictions on alternate routes;
- (ii) Rail freight services to military installations;

(iii) Rail lines in the State which are eligible for assistance under section 5(k) of the Act;

(iv) Lines of railroad in the State which are identified as potentially subject to abandonment as well as those which are anticipated to be the subject of an abandonment or discontinuance application within 3 years following the date on which the system diagram map is submitted by a railroad pursuant to section 1a(5)(a) of the ICA and 49 CFR 1121.20(b) (1) and (2);

(v) Rail freight services in the State for which abandonment applications are pending before the Commission;

(vi) Projects for which a State plans to apply for rail service continuation assistance, including where practicable, projects not yet eligible for assistance, but expected to become eligible during the ensuing year (all projects listed shall be from among those listed in paragraphs (c) (3) (iii), (iv), and (v) of this section); and

(vii) Rail projects for which a State provides or plans to provide assistance from sources other than the Section 5 Program, including the estimated cost of each such project.

(4) Contain with respect to each line or project listed under paragraphs (c) (3) (iii) and (v) of this section the following information and contain with respect to each line or project listed under paragraph (c) (3) (iv) the following information to the extent that the cost and revenue data necessary for the development of this information is made available in accordance with 49 CFR Part 1201, Subpart B:

- (i) Freight traffic and characteristics of shippers on the line of railroad;

(ii) Revenues derived from rail freight services on each line and the cost of providing these services;

(iii) A discussion of the condition of the rail plant, equipment, and facilities;

(iv) An economic and operational analysis of present and future freight service needs;

(v) An analysis of the effects of abandonment with respect to the transportation needs of the State;

(vi) The relative economic, social, environmental, and energy costs and benefits involved in the use of alternate rail services or alternate modes, including costs resulting from lost jobs, energy shortages, and the degradation of the environment;

(vii) An evaluation of methods of achieving economies in the cost of rail service operations on lines on which service will be continued including consolidation, pooling, and joint use or operation of lines, facilities, and operating equipment;

(viii) The competitive or other effects on or by profitable railroads;

(ix) For lines or projects which the State may consider for rail banking, a description of future economic potential such as development of fossil fuel reserves or agricultural production;

(x) A statement of the State's projected future for the line or project upon the expiration of Federal assistance under section 5 of the Act (including such considerations as: profitability; State or shipper subsidy; State, shipper, or carrier acquisition; termination of rail service; and, the substitution of other transportation);

(xi) A detailed description of alternatives evaluated, including subsidy and discontinuance or abandonment of service and potential for moving freight by alternate rail service or alternate modes, an explanation of the analysis of each alternative, including the criteria considered in selecting or rejecting the proposed line or project for assistance and identification of the relative costs and benefits of each alternative;

(xii) The conclusion of the State as to whether or not the line or project should be selected for Federal or State assistance; and

(xiii) A discussion of how each line or project selected for assistance is related to the criteria established as part of the overall State rail planning process.

(5) Group projects for which the State may seek assistance (continuation payments, acquisition, rehabilitation, rail banking, rail service substitution) in order of compliance with the State's criteria and goals for assistance as determined under paragraph (c) (4) of this section. This shall be set forth as a summary table which clearly identifies the location of the project and describes the type (subsidy, rehabilitation to Class "X", etc.), estimated amount, and expected timing and duration of assistance to be sought.

(6) Describe the participation in the planning process by local and regional governmental bodies, the railroads, railroad labor, rail service users, and the public generally. In the project selection stage, public participation should be specifically sought regarding each project described and analyzed in accordance with paragraph (c) (4) of this section and regarding the determination of which of these projects will be implemented and the grouping of such projects under paragraph (c) (5) of this section. As one element of this participation, the State shall afford an opportunity for a public hearing. Public notice shall be given (in accordance with applicable State law and practice concerning comparable matters) that a draft of the Plan is available for public inspection at a reasonable time in advance of the hearing.

(7) A description of the overall planning process for all transportation services in the State.

(d) *Inclusion of additional information.* If the scope of the State's rail planning process covers matters additional to those required under this section, the State shall, where practicable, include such additional information in its State Rail Plan. Additional information may also be required by the Administrator to clarify specific elements of the plan.

(e) *Adoption and submission of State Rail Plan.* An original and nine (9) copies of the State Rail Plan, and any amendments or revisions, shall be submitted with a certification by the Governor, or by his or her delegate, that the submission constitutes the State Rail Plan or portion thereof established by the State as provided in section 5(j) of the Act. In accordance with Office of Management and Budget Circular No. A-95 Revised, 41 FR 2052 (1976), the State Rail Plan shall also be submitted with a certification by the chief executive officer of the designated State agency that the Governor or his or her delegated agency for plan coordination has been afforded a period of 45 days in which to comment on the State Rail Plan. Such submittal shall include an original and nine (9) copies of either these comments or a statement to the effect that there were no comments. The State Rail Plan, and all updates, amendments and revisions shall be submitted to the Administrator through the appropriate Regional Director of Federal Assistance. A listing of the States and the appropriate mailing addresses of the above officials is contained in Appendix A to this part. The FRA will notify all affected States in the event of a change of address.

(f) *Review of the State Rail Plan.* The State Rail Plan and all updates, amendments and revisions thereto shall be submitted to the Administrator for review and approval prior to the filing of any application in which the applicant seeks rail service assistance (except



planning assistance) under section 5 of the Act. If the Administrator determines pursuant to section 5(j)(5) of the Act that the State Rail Plan is not in accordance with this part, he notifies the State setting forth his reasons for such determination.

(g) *Updates, revisions, and amendments of the State Rail Plan.*—(1) *Submission.* State Rail Plans shall be updated at least on an annual basis but may be revised more frequently at the discretion of the State. The annual update shall be submitted to FRA no later than August 1 of each year. However, if a State's original State Rail Plan is submitted to FRA within six (6) months prior to August 1, no update shall be required for that year. All such updates, revisions, or amendments shall be adopted by the State as provided for in paragraph (e) of this section and shall be subject to the same review, public participation, and approval procedures by the State and FRA as the original State Rail Plan.

(2) *Contents.* Annual updates shall include as a minimum the following:

(i) A response to FRA comments on previous submittals, other than those comments imposing immediate requirements for grant approval;

(ii) An update of information in previous submittals which has proven to be incomplete or incorrect as a result of plan implementation;

(iii) Inclusion of revenue and cost information from the past year's operating experience and a reevaluation of service for which assistance is received based on these new data;

(iv) Identification of lines and services which have been discontinued or abandoned since the last submission of the State's plan;

(v) Changes in constitutional or legislative position of the designated agency, including appropriation of State funds for rail purposes;

(vi) Changes in agency designation or responsibilities;

(vii) Revisions in the State's policies, goals or long-range expectations; and

(viii) Other updates and analyses which may be appropriate as a result of recent Commission, FRA, or railroad activities (such as changes in lines designated as potentially subject to abandonment on the transportation system diagrams published under section 1a(5) (a) of the ICA and 49 CFR 1121.20 or petitions for abandonment) and FRA's comments on funding applications, program of projects, or grant agreement conditions.

(ix) Other amendments or revisions may be limited to the matter which produces the need for such amendments or revisions.

§ 266.17 Certified program of projects.

(a) *Contents.* Except as provided in paragraph (b)(1) of this section, a State shall annually submit a program of projects for which the State expects to submit specific project applications. This program shall be based on the State Rail Plan and shall be certified to by the

chief executive officer of the designated State agency. The program shall consist only of those projects for which the State reasonably expects to receive funds and shall

(1) Except as provided in paragraph (b)(1) of this section, cover the period of October 1 through September 30 of each year.

(2) List all projects for which applications are expected to be submitted during such period.

(3) Provide the anticipated timing of such applications and a written statement by the chief executive officer that the State intends to file such applications during the period, and

(4) Include the anticipated amount of funds to be obligated and disbursed for the project during the term of the Section 5 Program, including a quarterly breakdown of needs for the current Federal fiscal year. The chief executive officer shall certify that these costs represent the State's best estimate of costs for the period. The program shall also be the product of the planning process required by § 266.15(c) of this part.

(b) *Filing and execution.*—(1) *Fiscal year 1978.* The program of projects shall be submitted to the Administrator for review as soon as practical, but no later than May 1, 1978, and shall cover the period from the date of submission through September 30, 1978. States newly eligible for the Section 5 Program as a result of the repeal of Title IV of the Rail Act shall submit to the Administrator for review a program of projects covering the period from the date of submission through September 30, 1978. Such program of projects shall be submitted no later than May 1, 1978.

(2) *Fiscal year 1979 and thereafter.* The program of projects shall be submitted to the Administrator for review no later than November 1 of each year beginning in 1978, and shall cover the period from October 1 through September 30 of each year.

(3) The chief executive officer of the designated State agency shall certify to the program of projects by executing a certificate in the form of Appendix A to this part. Each original program of projects and certificate, and five (5) copies thereof, shall be filed with the Federal Railroad Administrator, 400 Seventh St. SW., Washington, D.C. 20590. Each copy shall show the dates and signatures that appear in the original and shall be complete in itself. When the Administrator has approved a program or portion thereof, he notifies the State in writing.

(c) *Amendments.* A certified program of projects may be amended during the fiscal year at the discretion of the State when circumstances so warrant. Such amended certified program of projects shall conform to the requirements of paragraphs (a) and (b)(3) of this section.

§ 266.19 Applications.

(a) *General.* (1) Applications for rail planning assistance shall comply with paragraphs (b), (c) and (e) of this section.

(2) Applications for rail service continuation payments shall comply with paragraphs (b), (c), (d) and (f) of this section.

(3) Applications for acquisition assistance shall comply with paragraphs (b), (c), (d) and (g) of this section.

(4) Applications for accelerated maintenance and rehabilitation or improvement assistance shall comply with paragraphs (b), (c), (d) and (h) of this section.

(5) Applications for substitute service assistance shall comply with paragraphs (b), (c), (d) and (i) of this section.

(b) *Submission.* (1) Applications for rail service assistance shall be submitted by the designated State agency using the standard forms contained in Attachment M of Office of Management and Budget Circular No. A-102, Revised ("OMB Circular A-102"). Each item submitted in response to a requirement of this section shall reference each requirement by subsection, paragraph, and subparagraph. All applications for assistance shall be consistent with the current State Rail Plan and with the program of projects. Such applications for assistance shall be submitted only for those projects related to eligible services, lines of railroad, or improvements specifically identified in the current State Rail Plan, including where appropriate, revisions and amendments thereto.

(2) States may apply for planning assistance at any time during the planning process.

(3) Exhibits previously filed with the State Rail Plan or pursuant to a prior application under this part need not be refiled unless the prior filing has been rendered obsolete by changed circumstances. Such prior filing shall be appropriately referenced.

(c) *Contents.* All applications for rail service assistance shall include:

(1) Full and correct name and principal business address of applicant;

(2) Name, title, and address of the person to whom correspondence regarding the application should be addressed;

(3) Budget estimates for the total amount of assistance required for the projects (or development of the State Rail Plan) during the term of the Section 5 Program;

(4) Evidence of the applicant's ability and intent to furnish its share of the total assistance, as well as copies of executed agreements between the applicant and any third party which may be providing the matching share or a portion thereof;

(5) Assurance by the applicant that the Federal funds provided under the Act will be used solely for the purpose for which the assistance is sought and in conformance with the limitations on the expenditures allowed under the Act and applicable regulations;

(6) Evidence that the applicant has established, in accordance with Attachment G of OMB Circular A-102, adequate procedures for financial control, accounting and performance evaluation in order to assure proper use of Federal funds;

(7) A statement as to whether the applicant desires to receive disbursement of Federal funds by advance payment or reimbursement;

(8) An opinion of the applicant's legal counsel showing that he or she is familiar with the corporate or other organizational powers of the applicant, that the applicant is authorized to make the application, that the applicant is eligible to receive rail service assistance under the requirements of the Act and of this part, and that the applicant has the requisite authority to carry out actions proposed in the application and to assume the responsibilities and obligations created thereby;

(9) Assurances that the applicant will comply with the following Federal laws, policies, regulations and pertinent directives:

(i) Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d et seq., and all requirements imposed by 49 CFR Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation;

(ii) Section 905 of the Railroad Revitalization and Regulatory Reform Act of 1976, 90 Stat. 148, 45 U.S.C. 803, and all requirements imposed by 49 CFR Part 265 (41 FR 4286, January 24, 1977), Nondiscrimination in Federally-Assisted Railroad Programs;

(iii) Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, 42 U.S.C. 4601 et seq. and all requirements imposed by 49 CFR Part 25, Relocation Assistance and Land Acquisition under Federal and Federally-Assisted Programs;

(iv) Where applicable, the Rehabilitation Act of 1973, 87 Stat. 394, 29 U.S.C. 794, with regard to nondiscrimination under Federal grants.

(v) The Hatch Act, 5 U.S.C. 1501 et seq. which limits the political activities of employees; and

(vi) Where applicable, the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq. and all requirements imposed by 31 CFR Part 51; and

(10) such other information as the Administrator may require.

(d) *Additional contents.* In addition to meeting the requirements of paragraphs (b) and (c) of this section, each application for rail service assistance, with the exception of applications for rail planning assistance, shall include evidence that the applicant has the statutory authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail services; that it employs or will employ, directly or indirectly, sufficient trained and qualified personnel; that it maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation; that it is designated and directed solely, or in cooperation with other State agencies, to take all practicable steps to improve transportation safety and to reduce transportation-related energy utilization and pollution; and that it has the statutory and other

authority to perform its obligations under the Act and this part.

(e) *Applications for rail planning assistance.* In addition to meeting the requirements of paragraphs (b) and (c) of this section, a State shall submit a design of the State rail planning process (planning work statement) which is consistent with the purposes of the Act and which shall highlight the work planned for the period covered by the State's application for planning assistance and shall include:

(1) An explanation of the policy framework to be used in guiding the development of the State Rail Plan. Part of this explanation should be devoted to the expectations of the State for the future of rail services subsequent to the expiration of rail service assistance under the Act including such considerations as likelihood of profitability, continued State or local subsidy, acquisition, substitution of alternate modes, and other long-term alternatives.

(2) Description of the methods by which the State will involve local and regional governmental bodies and the public generally in its rail planning process, including its methods of providing for the equitable distribution of resources.

(3) Criteria and goals for rail services or properties to be considered for assistance.

(4) An identification of the data to be obtained on the rail network and rail services in the State (see § 266.15(c) of this part), the sources of this data, and the methodology to be employed in data collection. In considering the scope of data collection activities and subsequent analysis, the State should provide an overview of all rail services in the State while concentrating most of its efforts on the specific services which are eligible for assistance or which are expected to become eligible during the period of the program.

(5) Analytical methodology to be used in the planning process. Such analytical methodology shall include criteria to be used in selecting lines to be considered for assistance.

(6) A management plan for the development of the State Rail Plan which shall include an identification of responsible individuals, an indication of activities with milestones and a budget, by task, for the period to be covered by the State's application for planning assistance.

(f) *Applications for rail service continuation payments.* In addition to meeting the requirements of paragraphs (b), (c), and (d) of this section, each application for rail service continuation payments shall include the following:

(1) The amount of the required rail service continuation payment for each project; and

(2) A description of the arrangements which the applicant has made for operation of the rail services to be subsidized including copies of the proposed operating agreements, leases, or other compensation agreements under which the service is to be provided.

(g) *Applications for acquisition assistance.* In addition to meeting the requirements of paragraphs (b), (c), and (d) of this section, each application for acquisition including each application for the preservation of future rail freight service, shall include, to the extent applicable, the following:

(1) Copies of the offer of purchase, the proposed contract of sale, the results of a title search, and the basis for the proposed acquisition price including two independent valuation appraisals by qualified and certified appraisers. Such appraisals shall be performed in accordance with the "Uniform Appraisal Standards for Federal Land Acquisition" proposed by the Interagency Land Acquisition Conference and shall be based on the results of a title search as well as comparable sales and shall take cognizance of all easements, encumbrances and restrictions that may affect the value of the property. Such appraisals shall be reviewed by a State Review Appraiser to establish just compensation.

(2) Written assurance that the acquisition is being undertaken in accordance with 49 CFR §§ 25.253, 25.255, 25.257, and 25.259 to the greatest extent practicable under State law and fully in compliance with 49 CFR 25.261(a) and 25.263;

(3) Written assurance that the owner of the property to be acquired has been advised of the requirements of 49 CFR 25.259 or will be advised of such requirements prior to the consummation of the acquisition;

(4) A description of the steps necessary, and timing thereof, for completion of the acquisition;

(5) A description of the arrangements which the applicant has made for operation of rail service over the property to be acquired, including copies of the proposed operating agreements, leases, or other compensation agreements under which the service is to be provided, as well as a description of the means by which the State will continue rail service on the property to be acquired once assistance under the Act is terminated; and

(6) For applications regarding rail banking, evidence that the properties for which assistance is requested have potential for rail freight service such as plans for agricultural development or existence of fossil fuel reserves, including analysis of alternative mode potential or alternative rail service.

(h) *Applications for accelerated maintenance and rehabilitation or improvement assistance.* In addition to meeting the requirements of paragraphs (b), (c), and (d) of this section, all applications for accelerated maintenance or rehabilitation or improvement assistance shall include the following:

(1) A detailed estimate of the materials and labor required to complete the work, including the estimated costs for the current calendar year and each succeeding year until completion, the estimated numbers and kinds of ties and

other material involved, and the mile-

(1) The goals and related objectives which the project is designed to achieve:

ance shall be submitted to the Administrator for review and approval. When

the applicable provisions of FRA projected to involve annual payments ag-



other material involved, and the milepost termini involved;

(2) A description of the method by which the work will be completed, including proposed contracts, and a schedule for accomplishing the work, as well as an identification of whether such work will be performed;

(i) As force account work by the operator or the applicant;

(ii) By either the operator or the applicant contracting with the lowest qualified bidder based on appropriate solicitation; or

(iii) Under an existing continuing contract between the operator and another firm for such work, provided the applicant can demonstrate that the costs are comparable to those under paragraphs (h) (2) (i) and (ii) of this section; and

(3) A description of the applicant's plans for inspection of the work including identification and qualifications of the staff to be responsible for the inspection as well as a discussion of the proposed frequency of the inspections;

(4) A description of the arrangements which the applicant has made for operation of rail service over the property including copies of the proposed operating agreements, leases, or other compensation agreements under which service is to be provided; and

(5) If rehabilitation or improvement is proposed, the long range plan of the State for operation of the line, accompanied by an evaluation of the merit of attaining the higher track safety standard and an economic analysis of the benefits to be achieved by the higher standard within the State's proposed minimum period of operation of the line, including:

(i) Evidence that the applicant has considered the costs and benefits of alternatives including use of alternate modes of transportation and alternate facilities, acquisition, discontinuance, and abandonment of service, and other pertinent alternatives in accordance with § 266.15(c) (4) of this part;

(ii) Projected financial statements identifying the anticipated revenues and expenses over the proposed minimum operating period including a comparison of the revenues and expenses associated with the proposed level of rehabilitation and those associated with accelerated maintenance;

(iii) The proposed method of financing the operation of such rail services; and

(iv) Any additional financial or supporting data as requested by FRA.

(1) *Applications for substitute service assistance.* In addition to meeting the requirements of paragraphs (b), (c), and (d) of this section and of § 266.21 of this part, all applications for substitute service assistance shall include where appropriate:

(i) For construction or improvement of fixed facilities, a description of the steps necessary for such improvement, and the cost and timing thereof;

(2) A detailed description of the substitute service project which the applicant plans to accomplish, including:

(i) The goals and related objectives which the project is designed to achieve;

(ii) Reference to the section of the State Rail Plan containing the evaluation of alternatives;

(iii) An analysis demonstrating that the total allowable cost of the proposed substitute service project is less than continued rail service on the line during the term of the program, including the annualized cost of routine maintenance necessary to maintain the line in compliance with FRA Class 1 Track Safety Standards;

(iv) The proposed method of repayment of assistance if the properties are abandoned, sold, or converted to non-freight uses; and

(v) Any additional financial or supporting data requested by FRA;

(3) A description of the arrangements which the applicant has made for operation of service where rail service is to be provided in conjunction with a substitute service project, including copies of the proposed operating agreements, leases, or other compensation agreements under which the service is to be provided;

(4) Assurance that further Federal assistance will not be requested after the facilities for substitute service are in place or provision for substitute service has been made;

(5) Assurance that funds provided for highway or bridge construction will not be used to pay the State share of any highway projects under Title 23, United States Code; and

(6) Evidence that the cost and scope of the proposed project is limited to that necessary to replace the rail service being discontinued.

(j) *Execution and filing of application.* (1) Each original application shall bear the date of execution and be signed by the chief executive officer of the applicant. Each person required to execute the application shall execute a certificate in the form of Appendix B to this part.

(2) Each planning assistance application and certificate, and nine (9) copies, shall be filed with the Administrator through the appropriate Federal Highway Administration Division Office. Each copy shall show dates and signatures that appear in the original and shall be complete in itself. A listing of the States and the appropriate mailing addresses of the above offices is contained in Appendix C to this part. All affected States will be notified by FRA in the event of a change of address.

(3) Each financial assistance application and certificate (excluding planning assistance applications) and five (5) copies, shall be filed with the Administrator through the appropriate Regional Director of Federal Assistance. Each copy shall show the dates and signatures that appear in the original and shall be complete in itself. A listing of the States and the appropriate mailing addresses of the above offices is contained in Appendix A to this part. All affected States will be notified by FRA in the event of a change of address.

(k) *Review and approval of applications.* Applications for rail service assist-

ance shall be submitted to the Administrator for review and approval. When the Administrator has approved an application he notifies the applicant in writing.

#### § 266.21 Environmental impact.

(a) The Administrator has determined that assistance provided for the purposes of planning, rail service continuation payments, acquisition, rehabilitation, or improvement or substitute service (other than service involving highway or highway-related facilities) does not significantly affect the quality of the human environment, except when the activity for which assistance is provided involves the construction or improvement of facilities for which the acquisition of real estate is involved.

(b) *Acquisition of real estate.*—(1) *Environmental assessment.* When applicants request assistance for a project involving the construction or improvement of facilities for which the acquisition of real estate is required, an environmental assessment must be prepared to determine whether the acquisition and future use of the property will significantly affect the quality of the human environment. The environmental assessment shall utilize an interdisciplinary approach in identifying the type, degree of effect, and probability of occurrence of primary, secondary and cumulative potential environmental impacts (positive and negative) of the proposed action and of alternative courses of action. The depth of coverage shall be consistent with the magnitude of the project and its expected environmental effects. The environmental assessment and all documents used as a basis for the assessment shall be submitted together with the application for assistance.

(2) *Environmental impact statement.* An environmental impact statement shall be submitted with an application requesting assistance for a project involving the construction or improvement of facilities for which the acquisition of real estate is required when the environmental assessment concludes that such acquisition and future use significantly affect the quality of the human environment. The form and content of the environmental impact statement shall be governed by the applicable provisions of FRA Procedures for Considering Environmental Impacts.

(3) *Negative declaration.* A negative declaration shall be submitted with an application requesting assistance for a project involving the construction or improvement of facilities for which the acquisition of real estate is involved when the assistance project's environmental assessment concludes that such acquisition and future use does not significantly affect the quality of the human environment. The negative declaration shall include and identify clearly a description of the project, and sufficient data and environmental findings to support the conclusions as to the impact upon the quality of the human environment. The form and content of the negative declaration shall be governed by

the applicable provisions of FRA Procedures for Considering Environmental Impacts.

(4) *(f) Determination.* When applicants request assistance for which the acquisition of real estate involves the use of any land from any public park, recreation area, wildlife and waterfowl refuge, or historic site of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, a determination pursuant to section 4(f) of the Act shall be submitted together with the application. Such 4(f) determination shall document that

(i) There is no feasible and prudent alternative to the use of such land, and

(ii) Such assistance project includes all planning to minimize harm resulting from such use.

(c) *Highway or highway-related facilities.* Substitute service projects involving highway or highway-related facilities are subject to the applicable substantive Federal Highway Administration regulations on environmental considerations (23 CFR Part 771).

#### § 266.23 Grant agreement and disbursement.

(a) *Grant Agreement.* (1) After receipt, review, and approval of an application meeting the requirements of § 266.19 of this part, a grant agreement is executed by the Administrator and the grantee for the Federal share of the estimated amount of approved program costs. Such grant agreement shall be deemed fully executed when signed by both parties. If no date is shown for the execution by the grantee, the date of receipt by FRA shall be placed thereon and considered the effective date of execution by the grantee.

(2) Such grant agreement shall identify the amount of the State share of program costs which will be furnished in cash and through in-kind benefits. The State shall expend a pro-rata share of its cash contribution at the same time payments of the Federal share are made to the State pursuant to such grant agreement.

(b) *Disbursement.* (1) Payments of the Federal share with respect to rail service continuation payments are made either in advance by a letter-of-credit or a Treasury check or by reimbursement in accordance with Attachment J of OMB Circular A-102.

(2) Prior to receipt of advance payments, the grantee must have fulfilled the requirements of § 266.19(c) (7) of this part as well as have demonstrated to the satisfaction of the Administrator that it has established procedures to comply with OMB Circular A-102, Attachment J, including procedures that will minimize the time elapsing between the receipt of funds by the grantee and their disbursement. Evidence of such compliance shall be provided to the Administrator at least 30 days prior to the anticipated date of receipt of advance payments. An advance by letter-of-credit is used when the rail service assistance is expected to be provided for a minimum of one (1) year, and involves or is ex-

pected to involve annual payments aggregating at least \$120,000. Otherwise, advance payments are made by Treasury check in a manner that will minimize the time elapsing between the receipt of funds by the grantee and their disbursement.

(3) If the grantee is not eligible for advance payments or does not desire them, the grantee will be reimbursed for eligible expenditures at the end of each fiscal quarter upon submission of a request for reimbursement.

(4) Before disbursement of Federal funds can be made to a grantee for payment to third parties under this subsection, the grantee must have executed an agreement with the third party.

(5) The settlement under the grant agreement is made on the basis of a Federal audit which has determined the actual allowable costs over the entire term of the agreement, provided that any additional payments of Federal assistance may not be made unless:

(i) The Administrator determines that the grantee has fulfilled its responsibilities for ensuring the proper and efficient administration of its program;

(ii) The required State share is available;

(iii) The necessary Federal funds are available; and

(iv) The parties execute a grant agreement or grant agreement amendment for the additional funds determined due. If the Federal audit determines that the actual allowable costs under the grant agreement are less than the amount of the grant, the difference shall be refunded to FRA for distribution among all the States. Such refunds are made as part of the settlement process.

(6) Disbursement of assistance for acquisition can be made only if:

(i) A title opinion of the chief legal officer of the grantee has been submitted to the Administrator. The opinion must describe the type of title being acquired and if a warranty deed is not being given it must explain why it could not be given. The opinion must also state that the officer has examined appropriate documents and materials and has made appropriate inquiries and is of the opinion that the property is free and clear of defects, other than those disclosed by the title search. In addition, the opinion must explain how the defects disclosed by the title search affect the marketability of the property and the ability of the grantee to enjoy quiet title;

(ii) A written determination is submitted to and concurred in by the Administrator that the property acquired is limited to the land and facilities that are needed for the rail freight services that would have been curtailed or abandoned but for the acquisition; and

(iii) A written determination is submitted to and concurred in by the Administrator that the purchase price is commensurate with the value of the property interest being acquired and the evidence upon which the determination is based is described in or submitted with such determination.

#### § 266.25 Record, audit, and examination.

(a) Retention and custodial requirements for financial records, supporting documents, statistical records, and all other records pertinent to a grant provided under this part shall be governed by Attachment C of OMB Circular A-102.

(b) The Administrator and the Comptroller General of the United States or any of their duly authorized representatives shall, until the expiration of three (3) years after submission to the Administrator of the grantee's final accounting of all program funds, and for any longer period necessary to resolve audit findings, have access for the purpose of audit and examination to any books, documents, papers, and records which in the opinion of the Administrator or the Comptroller General of the United States may be related or pertinent to the grants, contracts, or other arrangements referred to in paragraph (a) above.

#### § 266.27 Waivers and modifications.

The Administrator may, with respect to individual requests, upon good cause shown, waive or modify any requirement of this part not required by law or make any additional requirements he deems necessary. Procedures for submission and consideration of petitions for waiver or modification are governed by 49 CFR Part 211.

#### APPENDIX A

##### REGIONAL DIRECTORS OF FEDERAL ASSISTANCE

*FRA Eastern Region.* States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

Federal Railroad Administration, Independence Building, Room 1020, 434 Walnut St., Philadelphia, Pa. 19106.

*FRA Southern Region.* States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Federal Railroad Administration, 1568 Wil-  
lingham Dr., Suite 216B, College Park,  
Ga. 30337.

*FRA Central Region.* States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

Federal Railroad Administration, 536 S. Clark  
St., Room 210, Chicago, Ill. 60605.

*FRA Southwest Region.* States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Federal Railroad Administration, Federal  
Office Building, Room 11A23, 819 Taylor  
St., Fort Worth, Tex. 76102.

*FRA Western Region.* States of Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

Federal Railroad Administration, No. 2 Em-  
barcadero Center, Suite 630, San Francisco,  
Calif. 94111.

#### APPENDIX B—CERTIFICATE

The following is the form of the certificate to be made by each person signing an application or program of projects: \_\_\_\_\_ certifies that he or (Name of Person)



RULES AND REGULATIONS

she is the chief executive officer of \_\_\_\_\_; that he or she is authorized to sign and file with the Federal Railroad Administrator this application/program of projects; that he or she has carefully examined all of the statements contained in the application/program of projects relating to \_\_\_\_\_; that he or she has (Name of Agency) knowledge of the matters set forth therein and that all statements made and matters set forth therein are true and correct to the best of his or her knowledge, information and belief.

(Date)

(Signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

APPENDIX C

FEDERAL HIGHWAY ADMINISTRATION  
DIVISION OFFICES

Alabama

441 High St., Montgomery, Ala. 36104.

Alaska

9th and Glacier Ave., P.O. Box 1648, Juneau, Alaska 99801.

Arizona

8600 N. Central Ave., Phoenix, Ariz. 85012.

Arkansas

700 West Capitol Ave., Little Rock, Ark. 72201.

California

P.O. Box 1915, Sacramento, Calif. 95809.

Colorado

10488 W. 6th Place, Denver, Colo. 80215.

Connecticut

990 Wethersfield Ave., Hartford, Conn. 06114.

Delaware

800 South New Street, P.O. Box 517, Dover, Delaware 19901.

District of Columbia

McLachlen Bldg., Room 1000, 666 11th Street, NW., Washington, D.C. 20001.

Florida

223 W. College Ave., P.O. Box 1079, Tallahassee, Fla. 32302.

Georgia

1422 W. Peachtree St., NE., Atlanta, Ga. 30309.

Hawaii

677 Ala Moana Blvd., Suite 612, Honolulu, Hawaii 96813.

Idaho

8010 West State St., P.O. Box 7527, Boise, Idaho 83707.

Illinois

3085 East Stevenson Dr., P.O. Box 3307, Springfield, Ill. 62708.

Indiana

Federal Office Bldg., 575 N. Pennsylvania St., Indianapolis, Ind. 42804.

Iowa

105 6th St., P.O. Box 627, Ames, Iowa 50010.

Kansas

Federal Office Bldg., 444 South East Quincy St., Topeka, Kans. 66683.

Kentucky

330 West Broadway St., P.O. Box 536, Frankfort, Ky. 40602.

Louisiana

Federal Office Bldg., Room 237, 750 Florida Blvd., Baton Rouge, La. 70801.

Maine

Room 614, Federal Bldg., USPO, 40 Western Ave., Augusta, Maine 04330.

Maryland

The Rotunda, Suite 220, 711 West 40th St., Baltimore, Md. 21211.

Massachusetts

100 Summer St., Suite 1517, Boston, Mass. 02110.

Michigan

Room 211, Federal Bldg., P.O. Box 147, Lansing, Mich. 48901.

Minnesota

Suite 490, Metro Square Bldg., 7th and Roberts Sts., St. Paul, Minn. 55101.

Mississippi

Suite 105, 666 North St., Jackson, Miss. 39201.

Missouri

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Montana

501 N. Fee St., Helena, Mont. 59601.

Nebraska

100 Centennial Mall North, Lincoln, Nebr. 68508.

Nevada

1050 E. Williams St., Suite 300, Carson City, Nev. 89701.

New Hampshire

Room 219, Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

New Jersey

Suburban Square Bldg., 25 Scotch Rd., 2nd Floor, Trenton, N.J. 08628.

New Mexico

117 U.S. Court House, Santa Fe, N. Mex. 87501.

New York

Leo W. O'Brien, Federal Bldg., 9th Floor, Albany, N.Y. 12207.

North Carolina

4th Floor, Federal Bldg., 310 New Bern Ave., P.O. Box 26806, Raleigh, N.C. 27611.

North Dakota

3rd St. and Rosser Ave., P.O. Box 1755, Bismarck, N. Dak. 58501.

Ohio

200 North High St., P.O. Box 15008, Columbus, Ohio 43215.

Oklahoma

Federal Office Bldg., Room 454, 200 NW. Fifth St., Oklahoma City, Okla. 73102.

Oregon

477 Cottage St., NE., P.O. Box 300, Salem, Oreg. 97308.

Pennsylvania

228 Walnut St., P.O. Box 1086, Harrisburg, Pa. 17108.

Puerto Rico

U.S. Courthouse and Federal Bldg., Carlos Chardon St., Hato Rey, P.R. 00918.

Rhode Island

Suite 250, Federal Bldg. and USPO, Exchange Terrace, Providence, R.I. 02903.

South Carolina

2001 Assembly St., Suite 203, Columbia, S.C. 29201.

South Dakota

Federal Office Bldg., P.O. Box 700, Pierre, S.D. 57501.

Tennessee

Federal Bldg., Room A926, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

Texas

Room 226, Federal Office Bldg., 300 East Eighth St., Austin, Tex. 78701.

Utah

P.O. Box 11563, Salt Lake City, Utah 84147.

Vermont

Federal Bldg., P.O. Box 568, Montpelier, Vt. 05602.

Virginia

Federal Bldg., P.O. Box 10045, Richmond, Va. 23240.

Washington

711 South Capitol Way, P.O. Box 29, Olympia, Wash. 98501.

West Virginia

Courthouse and Federal Office Bldg., 800 Quarrier St., Charleston, W. Va. 25301.

Wisconsin

4502 Vernon Blvd., P.O. Box 5428, Madison, Wis. 53705.

Wyoming

Federal Building and Courthouse, 2120 Capital, P.O. Box 1127, Cheyenne, Wyo. 82001.

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WEDNESDAY, JANUARY 4, 1978

PART IV



DEPARTMENT OF  
COMMERCE

National Oceanic and  
Atmospheric Administration

DEPARTMENT OF  
THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES  
ACT OF 1973

Interagency Cooperation Regulations



[4310-55]

[3510-12]

## Title 50—Wildlife and Fisheries

CHAPTER IV—JOINT REGULATIONS  
(UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR AND NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE)

## PART 402—INTERAGENCY COOPERATION—ENDANGERED SPECIES ACT OF 1973

## Interagency Cooperation

AGENCY: United States Fish and Wildlife Service, Department of the Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking establishes the procedural regulations governing interagency consultation under section 7 of the Endangered Species Act of 1973. Section 7 requires Federal agencies to consult with the United States Fish and Wildlife Service and the National Marine Fisheries Service in order to insure that actions that they authorize, fund, or carry out do not jeopardize the continued existence of an endangered or threatened species or result in the adverse modification or destruction of their critical habitat.

EFFECTIVE DATE: January 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert Jacobsen, Chief, Branch of Management Operations, Office of Endangered Species, United States Fish and Wildlife Service, Suite 1100, 1612 K Street, NW., Washington, D.C. 20240, 202-343-5687; or Robert Gorrell, Acting Endangered Species Program Manager, Division of Marine Mammals and Endangered Species, National Marine Fisheries Service, Room 406-A, Page Building No. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235, 202-634-7471.

## SUPPLEMENTARY INFORMATION:

## BACKGROUND

The Director, U.S. Fish and Wildlife Service, U.S. Department of the Interior, and the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, jointly issue a final rulemaking that establishes rules and procedures for interagency consultation pursuant to section 7 of the Endangered Species Act of 1973, 16 U.S.C. §§ 1531-1543 (hereinafter cited as the Act). The final regulations established by the U.S. Fish and Wildlife Service (hereinafter cited as FWS) and the National Marine Fisheries Service (hereinafter cited as NMFS) will be located in Part 402 of Chapter IV of Title 50, Code of Federal Regulations. This final rulemaking had originally been jointly pro-

posed as separate but substantially identical rulemaking by the FWS and NMFS and would have been located in Parts 17 and 223 of Title 50, respectively. However, in order to simplify the consultation process and avoid the publication of duplicate sets of regulations, the FWS and NMFS are jointly publishing these final section 7 regulations in an entirely new Part 402 in Chapter IV of Title 50. Chapter IV of Title 50 already contains a joint set of FWS/NMFS regulations at Part 401 dealing with anadromous fish. This Chapter of Title 50 will now contain all future sets of joint regulations issued by the two Services and the heading for the Chapter has been changed accordingly. For the convenience of the reader, the original section numbers for the FWS's proposed rulemaking will be enclosed in parentheses after any citation of a new section number in Part 402.

Recognizing that all Federal agencies must cooperate to conserve and protect endangered and threatened species (hereinafter cited as listed species) and their habitat, section 7 of the Act states:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

By internal memorandum of October 16, 1974, the Secretary of the Interior further defined Interior's responsibilities under § 7 and designated the FWS as the lead agency for the Act within the Department of Interior.

In a joint letter to all Federal agencies on December 3, 1974, the Secretaries of Interior and Commerce pointed out the responsibilities of the agencies under section 7 and asked for their cooperation in implementing the Act. The letter of December 3 also clarified the responsibilities of the FWS and the NMFS as the lead agencies of the two Departments for the implementation of the Act.

On April 22, 1975, the Directors of the FWS and NMFS published a joint notice in the FEDERAL REGISTER (40 FR 17764-17765) describing how "critical habitat" would be determined for listed species pursuant to section 7 of the Act.

On May 29, 1975, the FWS and NMFS convened a conference for Federal agencies to discuss the Act and its implications for the activities and programs of the agencies. At this meeting, the Federal agencies requested that guidelines be developed to assist them in meeting their responsibilities under section 7.

In response to that request, the FWS and NMFS convened an Ad-Hoc

Interagency Committee of representatives from 11 Federal agencies to advise the two Services in developing the necessary guidelines.

On April 22, 1976, "Guidelines to Assist the Federal Agencies in Complying with Section 7 of the Endangered Species Act of 1973" were transmitted to all Federal agencies by the FWS and NMFS. These guidelines were an interim measure designed to furnish a broad and flexible framework within which Federal agencies could prepare internal procedures to fulfill their responsibilities under section 7. However, as stated in the guidelines, they were "a starting point for the development and promulgation of regulations" and as such, are now superseded by this final rulemaking.

At the request of the Office of Management and Budget (hereinafter OMB), copies of the guidelines were again transmitted to the Federal agencies on May 20, 1976, for a "Quality of Life" review. The Federal agencies were requested to submit comments on the guidelines by August 1, 1976. As of September 28, 1976, 40 comments had been received from Federal agencies. Although 8 comments expressed unequivocal support for the guidelines and 3 comments were opposed, the remaining 29 did not express general support or opposition, limiting themselves to comments on particular language, organization or approach. Seven of the 29 simply stated that they had no comment at that time.

The guidelines were subsequently revised by the FWS and NMFS for publication as a proposed rulemaking, incorporating many of the comments of the Federal agencies. At the request of OMB, the draft version of the proposed rulemaking was sent to the Federal agencies on November 11, 1976, for a second "Quality of Life" review, with comments due no later than December 1, 1976. As of January 5, 1977, 4 Federal agencies had commented. The draft proposed rulemaking was revised somewhat and then published in the FEDERAL REGISTER as proposed regulations on January 26, 1977 (42 FR 4868) (42 FR 4873). Interested parties were given until March 28, 1977, to comment.

At the request of OMB, the FWS met on May 15, 1977, with a number of representatives from various Federal Agencies to respond to question and objections concerning the proposed regulations. As a result of this meeting, OMB requested that the FWS consider modifications to the regulations concerning the use of counterpart regulations, aggregate consultation, the designation of "lead" agencies, and the role of outside parties in consultation. Upon consideration of the comments received on the proposed rulemaking and at the May 15, 1977, meeting at OMB, the FWS and NMFS have revised their proposed regulations as set forth in the following final rulemaking.

These regulations have been subjected to more critical review by other Fed-

eral agencies than any other set of regulations issued by the FWS and the NMFS, and it is the position of those two Services that the vast majority of Federal agency comments have been incorporated into this final rulemaking.

## SUMMARY OF COMMENTS RECEIVED ON PROPOSED RULEMAKING

A total of 65 comments were received on the proposed rulemaking of January 26, 1977. Twenty-three of the comments expressed unequivocal support for the proposal or offered no substantive comments at that time. Seven of the comments expressed opposition to the proposal while the remaining 35 comments expressed neither general support nor opposition, limiting themselves to comments on particular language, organization or approach. Thirty-one comments were received from Federal agencies or commissions, 9 comments from State or regional organizations, 7 comments from private environmental organizations, and 18 comments from private commercial enterprises.

Perhaps the issue that received the most attention and comment concerned the mandatory, versus discretionary, nature of the proposed regulations. Some Federal agencies and private commercial groups suggested that the use of the consultation process should be discretionary with each agency. The Council on Environmental Quality and a number of private environmental groups took the opposite position and cited two recent United States Court of Appeals decisions as the basis for their conclusions.

The case of *National Wildlife Federation v. Coleman*, 529 F.2d 359 (5th Cir. 1976) concerned the adverse impacts upon Mississippi sandhill cranes, an endangered species, which would have resulted from completion of a portion of Interstate Highway 10 in Mississippi. In enjoining completion of the project until protective modifications were made, the Court stated, "The primary responsibility for implementing section 7 is on the Secretary of the Interior. Federal agencies are required to consult and obtain the assistance of the Secretary before taking any actions which may affect endangered species or critical habitat. However, once an agency has had meaningful consultation with the Secretary of Interior concerning actions which may affect an endangered species, the final decision of whether or not to proceed with the action lies with the agency itself. Section 7 does not give the Department of Interior a veto over the actions of other federal agencies, provided that the required consultation has occurred." Id. at 371.

Furthermore, one week after the publication of the January 26th proposed rulemaking, the Sixth Circuit Court of Appeals expressly affirmed the mandatory nature of consultation under section 7 in the case of *Hill v. TVA*, 549 F.2d 1064 (6th Cir. 1977). In enjoining the closure of Tellico Dam because of the expected destruction of the critical habitat of the snail darter, an endangered fish, the Court stated, "The Secretary of

Interior is not empowered to veto the final actions of such agencies, even when he is convinced, after the requisite consultation has ensued, that they violate the Act." Id. at 1070 (emphasis added).

The FWS and the NMFS consider these legal interpretations binding and persuasive and have substituted the word "shall" for the word "should" in the final rulemaking. Section 7's mandatory directive is quite clear in requiring the initiation of consultation upon a determination that an activity or program may affect a listed species or its critical habitat. Since consultation is mandatory in those situations, the FWS and NMFS contend that they cannot adequately fulfill their responsibilities under section 7 unless there is established a rational and uniform procedure for coordinating the consultation process. Anything short of a uniform, general approach would be unnecessarily inefficient and would ultimately work to the disadvantage of the listed species and perhaps to the Federal agencies as well.

The FWS and NMFS recognized this problem in the preamble to the January 26th proposed rulemaking: "The proposal establishes a fixed procedure of consultation because the FWS and NMFS believe they cannot responsibly fulfill their obligations under section 7 unless there is a rational and uniform procedure for the provision of biological advice to agencies considering actions within the borders of section 7." (42 FR 4868, 4869).

The FWS and NMFS are authorized under the Act to issue such regulations as they deem appropriate for the conservation of listed species. The two Services believe that these procedural regulations promote the conservation of listed species by implementing a uniform general framework as the starting point for consultation. Once the mandatory consultation has taken place, however, the ultimate responsibility for determining agency action in light of section 7 still rests with the particular Federal agency that was engaged in consultation. In this fashion, a standardized consultation process is established which preserves ultimate agency administrative control over its activities or programs.

The FWS and NMFS recognize, nonetheless, that general consultation procedures under section 7 must be sufficiently flexible to accommodate the myriad of activities that are authorized, funded, or carried out by the Federal Government. For example, the statutory responsibilities and needs of an HEW grant-in-aid program are considerably different than those of a construction agency such as the Bureau of Reclamation. The need for counterpart regulations to deal with this problem was commented upon by numerous organizations, agencies, the Council on Environmental Quality and OMB.

In response to these suggestions, the FWS and NMFS have added a new section at § 402.04(i) which authorizes the drafting of joint counterpart regulations by Federal agencies and the FWS and

NMFS. These counterpart regulations would allow individual Federal agencies to "fine tune" the general consultation framework to reflect their particular program responsibilities and obligations.

Such counterpart regulations would have to be first published as proposed and final rulemakings with at least a 60-day period for public comment. The joint participation and approval of the FWS and NMFS would also be required on those rulemakings in order to guarantee that the efficiency of consultation and the overall degree of protection afforded listed species is not diminished as a result of an agency's counterpart regulations. Changes in the general consultation framework established by this final rulemaking must, therefore, be designed to enhance the efficiency of the consultation process, without decreasing the availability of biological information or eliminating ultimate Federal agency responsibility for compliance with section 7. As long as the general consultation framework is used as a starting point, Federal agencies can anticipate little difficulty in securing approval of the FWS and NMFS for counterpart regulations. Finalized counterpart regulations for a particular agency would supersede the regulations established by this final rulemaking.

A third modification suggested by a number of Federal agencies, a private conservation organization, and OMB concerned the need to authorize consultation on a broader scale than for each separate agency activity. Similar or identical activities that are being implemented within a given administrative unit, or in accordance with a comprehensive plan, can be expected to have similar effects upon listed species or their habitats. Thus the timber cutting practices adopted by the U.S. Forest Service as part of a conservation program for the red-cockaded woodpecker could be the same from timber lease to timber lease within a given National Forest. Consultation on every single timber lease in such a situation would be repetitive and inefficient.

The FWS and NMFS have, therefore, added a new provision in § 402.04(a)(3) (§ 17.93(a)(3)) which expressly acknowledges the possibility of "aggregate" consultation. The concurrence of the FWS or NMFS on the scope of "aggregate" consultation would be required, however, in order to guarantee that it does not render biological analysis inaccurate or impossible.

A fourth common objection to the proposed rulemaking concerned the procedure for designating "lead" agencies under § 402.04(b)(2) (§ 17.93(b)(2)). When an activity or program involves more than one Federal agency, the designation of a "lead" agency for consultation may prove to be advantageous. The proposed wording of § 402.04(b)(2) (§ 17.93(b)(2)) required the concurrence of the Director of the FWS or NMFS, as appropriate, for any such designations. It was pointed out that this was more restrictive than is required for the designation

of a "lead" agency under the National Environmental Policy Act (hereinafter

regulations authorize the delegation of consultation responsibilities to the

part upon the ability of the parties engaged in consultation to avoid antec-

irreversible commitments of resources during consultation which involves the

made more explicit. The FWS and NMFS had assumed that it was clear that al-

mental Coordination and not the Office of Endangered Species. The latter Office



of a "lead" agency under the National Environmental Policy Act (hereinafter NEPA). Accordingly, the FWS and NMFS have deleted the concurrence requirement from § 402.04(b)(2) (§ 17.93(b)(2)). As an alternative, additional language has been added to § 402.04(b)(2) (§ 17.93(b)(2)) which sets out the factors that agencies should consider in designating a lead agency for section 7 consultation.

A number of other comments were received concerning the need to include maps or geographical coordinates in rulemakings designating critical habitat. The two Services acknowledge the benefit to agency planning which would result from the incorporation of this suggestion and § 402.05(a) (§ 17.94(a)) has been modified accordingly.

A sixth area of common concern dealt with the retroactive application of section 7 to activities or programs that were substantially completed at the time of the listing of a species or the determination of its critical habitat. As proposed, § 402.03 (§ 17.92) stated that section 7 applied to all activities or programs wherein Federal involvement or control remains which in itself could jeopardize the continued existence of a listed species or modify or destroy its critical habitat. In discussing the application of § 402.03 (§ 17.92), the FWS and NMFS stated in the preamble for the proposed regulation that "Neither FWS nor NMFS intends that section 7 bring about the waste that can occur if an advanced project is halted. . . . The affected agency must decide whether the degree of completion and extent of public funding of particular projects justify an action that may be otherwise inconsistent with section 7." (42 FR 4868, 4869.)

This discussion in the preamble was based on an analysis of the case law on retroactivity under NEPA. It was originally believed that retroactive situations under NEPA and the Act were analogous enough to warrant the incorporation of the NEPA case law into the section 7 regulations.

The Sixth Circuit Court of Appeals in the recent case of *Hill v. TVA*, 549 F.2d 1064, supra, specifically considered this analogy and rejected it. The Court concluded that the extinction of a species was too severe a consequence to warrant exempting a substantially completed activity solely on the basis of dollars already spent. The Court noted that as long as some Federal discretionary control or involvement remained that could avoid jeopardizing the listed species or adversely modifying or destroying its critical habitat, the degree of completion of a project was irrelevant. In light of the Sixth Circuit Court of Appeals' analysis, therefore, the FWS and NMFS now reject the analysis of retroactivity in the proposed rulemaking's preamble and adopt the rationale of the Sixth Circuit.

Seven comments were received from Federal, State and private entities which sought to expand the participation of outside parties in the consultation process. In particular, EPA suggested that the

regulations authorize the delegation of consultation responsibilities to the States, project grantees and permit applicants. In addition, the Department of HUD and the Federal Highway Administration both recommended that grant recipients be allowed to consult in place of the responsible Federal agency.

The FWS and NMFS acknowledge that outside parties directly connected with an activity or program should be accorded a greater role during the consultation process itself. This could be especially helpful for grant-in-aid programs of the Federal Government. Nonetheless, the clear language of section 7 cannot be ignored. Section 7 sets out the endangered species responsibilities for Federal departments and agencies, not for private citizens or State agencies. Thus it is the position of the FWS and NMFS that the ultimate responsibility for section 7 compliance remains with each Federal agency and cannot be delegated by it.

The FWS and NMFS believe that a compromise solution exists for this problem. Section 402.04(d) (§ 17.93(d)) has been reworded to indicate that non-Federal representatives may be authorized by a Federal agency in approved counterpart regulations to participate in the consultation process. Although the request for consultation must come from the responsible Federal agency, the actual consultation itself could take place with a State or private grantee or permit applicant. The final biological opinion of the FWS or NMFS would be sent to the responsible Federal agency, which then must decide in light of section 7 whether to authorize or fund the activity or program under review. The use of counterpart regulations could thus provide additional flexibility for Federal agencies, while leaving ultimate responsibility for section 7 compliance intact.

In a related series of comments, three private environmental organizations suggested that requests for consultation and final biological opinions be published in the *Federal Register*. In addition, it was suggested that the public be provided with a 60-day opportunity for comment on activities or programs that were in need of further consultation after a threshold examination. The FWS and NMFS believe that it would be administratively too burdensome to publish consultation requests and final biological opinions in the *Federal Register*, since it is estimated that requests for consultation could run from between 10,000 to 20,000 per year. The biological opinions rendered as a result of consultation, however, will be made available to the public upon request.

The FWS and NMFS also feel compelled to reject the suggested opportunity for public comment for two reasons. First, the time frame for consultation is long enough as it is without additional delays in the process. Federal agencies will be reluctant to initiate consultation unless they can be assured of receiving a prompt and efficient reply.

Secondly, the success of the entire consultation process may depend in large

part upon the ability of the parties engaged in consultation to avoid antagonistic positions and unnecessary defensiveness. Consultation discussions should be limited to the expected biological impacts of an activity or program upon a listed species or its critical habitat. Political considerations or the popularity of a particular proposal are irrelevant. Federal agencies may avoid the consultation process if they are given the impression that they are going to be subjected to protracted political battles under the guise of public comment and participation.

This is not to say that individual Federal agencies in their counterpart regulations could not voluntarily include a provision for public comment on their request for consultation. Rather, it merely reflects the belief of the FWS and NMFS that the consultation process would be best served if active participation were limited to those parties with a direct involvement in the proposed activity or program.

A ninth subject for comment concerned the inclusion of nonbiological factors into the critical habitat determination criteria. Two Federal agencies and a private commercial enterprise suggested that socioeconomic or cultural factors unrelated to the biological needs of a listed species be included within the criteria set forth in § 402.05 (§ 17.94). The FWS and NMFS strongly oppose this suggestion. Critical habitat is just that—habitat which is critical to the survival and recovery of the species. The focus is entirely on the biological and ecological needs of the listed species. The consideration of various socioeconomic factors is irrelevant in determining what those biological needs are. The inclusion of socioeconomic considerations would diminish the effectiveness of conservation programs for the recovery of a listed species by distorting the estimate of its true habitat needs. Therefore, the criteria in § 402.05 (§ 17.94) are limited to biological factors alone.

A tenth suggested modification concerned an agency's commitment of resources for an activity or program while consultation was in progress. Two private environmental groups suggested that a provision be included prohibiting the irretrievable or irreversible commitment of resources during consultation which would foreclose the consideration of alternatives or modifications to the identified activity or program.

The FWS and NMFS recognize the merit in this suggestion and have adopted appropriate language into § 402.04(a)(3) (§ 17.93(a)(3)). It is the position of the FWS and NMFS that Congress intended Federal agencies to consult in good faith under section 7. The ultimate goal of consultation is to identify conflicts with listed species and their habitats as early as possible in the planning process. This enables the responsible Federal agency to make any necessary modifications in the proposed activity or program which would eliminate the adverse effects upon a particular species.

The consultation process becomes a sham, however, if an agency can make

irreversible commitments of resources during consultation which foreclose the adoption of the very alternatives being discussed. Such a commitment could easily lead to the waste of millions of dollars if the activity or program is subsequently enjoined for noncompliance with section 7. This is especially true in light of the ruling in *Hill v. TVA*, 549 F.2d 1064, supra, that even substantially completed projects are not immune from the requirements of section 7. The adopted language in § 402.04(a)(3) (§ 17.93(a)(3)) is designed to prevent this needless waste. The two Services are confident that Federal agencies will recognize that this adopted language is a logical extension of the obligation to consult in good faith.

An eleventh area of concern dealt with the 60-day time frames proposed for the consultation process. Under the proposal, a 60-day limit was established for threshold examinations. Furthermore, an additional 60-day limit was set for further consultation, pending receipt of adequate biological information. Suggested changes in these time frames ranged from 30 to 45 days.

While recognizing the need for expediting the consultation process, the FWS and NMFS nonetheless believe that these proposed modifications would provide an inadequate opportunity for reviewing the potential impacts of an activity or program. In light of the expected volume of consultation requests, the complexity of the biological issues involved and the frequent lack of available information, as a general rule a 60-day limit appears to be the shortest time frame possible. It is anticipated that many requests for consultation will be processed before the expiration of 60 days. Nonetheless, the FWS and NMFS contend that a potential maximum of 60 days must be reserved for biological analysis.

Five Federal agencies and private commercial enterprises suggested that the proposed definitions contained in § 402.02 (§ 17.03) be expanded and made more specific. The FWS and NMFS disagree as to the need for, or the wisdom of, further delineation of those definitions. Definitions concerning jeopardy and the adverse modification or destruction of critical habitat must be flexible enough to deal with every possible consultation situation. In a similar fashion, the definition of critical habitat must be broad enough to cover the habitat needs of an endless variety of species. Overly specific and narrow definitions of these concepts would ultimately operate to the disadvantage of listed species by excluding them from coverage in unique situations. The definitions presently contain adequate criteria and guidelines to be utilized by the FWS and NMFS and provide a rational basis for the two Services to implement section 7.

A thirteenth area of concern dealt with the failure of the proposed rulemaking to set forth the procedure for modifying or withdrawing existing critical habitat determinations. Two Federal agencies and a private commercial enterprise requested that this process be

made more explicit. The FWS and NMFS had assumed that it was clear that alterations of critical habitat determinations would be governed by the regulation provisions in section 4 of the Act. In order to eliminate any confusion on this point, § 402.05 (§ 17.94) has been reworded to indicate that modifications or withdrawals of critical habitat will require proposed and final rulemaking with an opportunity for public comment.

A final subject for comment concerned the relationship between the Act and NEPA. Comments on this issue generally fell into two categories. First, it was suggested by some Federal agencies and private commercial enterprises that a separate consultation process under section 7 was unnecessary in light of the EIS review process under NEPA. Secondly, it was suggested that Environmental Impact Statements be prepared for all designations of critical habitat. The FWS and NMFS must reject both suggestions.

To begin with, it has always been the position of the FWS and NMFS that the Act and NEPA share common goals and must be implemented in a harmonious fashion. The two Services have consistently maintained that section 7 consultation should be closely linked to established procedures for interagency review of EIS's in order to avoid unnecessary paper work. Furthermore, the proposed regulations stated that where consultation has been coordinated with interagency cooperation required by other statutes such as NEPA or the Fish and Wildlife Coordination Act, the biological opinions resulting from section 7 consultation should be included within the documents required by those statutes. This approach has been specifically designed to integrate consultation into NEPA.

This does not mean, however, that procedural compliance with NEPA adequately satisfies an agency's consultation responsibilities under section 7. To begin with, there is no guarantee that every proposed activity or program that may affect a listed species will generate an Environmental Impact Statement. For probably the majority of Federal agency activities, Environmental Impact Assessments, and not Impact Statements, are prepared. Assessments are rarely circulated for interagency comment. This is clearly a situation where procedural compliance with NEPA fails to satisfy the consultation requirements under section 7.

Additional problems exist as well. It has already been noted that 60-day time frames are generally required for an adequate biological review under section 7. Yet agencies are required to circulate draft Environmental Impact Statements for only 45 days. Furthermore, the fact that a draft EIS has been sent to the FWS or NMFS does not guarantee that it will be reviewed within that agency by people with endangered species expertise. Within the Department of Interior, draft EIS's received from the Department's office of Environmental Project Review are routed through the FWS's branch of Environ-

mental Coordination and not the Office of Endangered Species. The latter Office is only brought into the draft EIS review process if someone else has spotted in the EIS a potential conflict with listed species or their habitat. By that time, a good part of the 45-day comment period has usually expired. The intensity of review would thus be diminished and become more haphazard without an independent consultation process under these regulations.

Finally, consultation is only going to be effective if undertaken as early as possible in an agency's planning process. Large amounts of money and manpower are invested in draft Environmental Impact Statements. By the time a draft EIS is circulated for comment, the proposed activity or program has usually generated a considerable degree of momentum within an agency. So much momentum is generated, in fact, that an agency might resist modifying or abandoning the activity, in spite of a conflict with section 7. The optimal time for consultation, therefore, is prior to completion of a draft EIS. That is the point in the planning process where the flexibility is the greatest and the commitment of resources the least. For the foregoing reasons, the FWS and NMFS contend that consultation cannot adequately take place through the NEPA interagency review process alone.

The two Services must also reject the second suggestion that EIS's be prepared for every single critical habitat determination. Critical habitat proposals must be reviewed on a case by case basis. An Environmental Impact Assessment will first be prepared for each proposal. Based upon a review of that Assessment and comments received on the proposal, it will subsequently be decided whether an EIS is required prior to final rulemaking. The automatic preparation of impact statements under these circumstances, therefore, must be rejected as being unwarranted, inflexible and not required by NEPA.

#### DESCRIPTION OF FINAL RULEMAKING

The purpose of this rulemaking is to establish joint rules and procedures for interagency cooperation pursuant to section 7 of the Act. This joint rulemaking is summarized below, with citation to the original section numbers contained in the FWS proposed rulemaking in parentheses:

Section 402.01 (§ 17.3) is established by defining the following terms which are used in section 7 and in this rulemaking: "Activities and programs," "Critical habitat," "Destruction or adverse modification," "Director or Regional Director," "Federal agency," "Jeopardize the continued existence of," "Listed species," and "Recovery."

Section 402.02 (§ 17.91) sets out the scope of section 7 under the Act. This section discusses the responsibilities of the Federal agencies under section 7 to carry out conservation programs for listed species, and to insure that their activities and programs do not jeopardize the continued existence of listed species or result in the destruction or

modification of critical habitat. The section affirms that the prohibition

gram will promote the conservation of listed species or their habitat, the Federal agency

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stituent elements thereof, the loss of

gram to be carried out by a non-Federal

expertise with respect to the environmental



modification of critical habitat. The section affirms that the prohibition against causing "jeopardy" applies extraterritorially.

Section 402.03 (§ 17.92) describes the application of section 7 to previously initiated Federal agency actions.

Section 402.04 (§ 17.93) sets forth the procedures that Federal agencies shall follow in meeting the consultation and assistance requirements of section 7:

(a) *Initiation.* (1) The consultation process shall be initiated by Federal agencies after review and identification of activities or programs that may affect listed species.

(2) If the review indicates no effect on listed species or their habitat, consultation is not required unless requested by the FWS or NMFS.

(3) If a Federal agency identifies any activity or program that may affect listed species or their habitat, that agency shall initiate consultation by sending a written request to the appropriate FWS or NMFS official. If foreign countries or the high seas are involved, a copy of the request and all subsequent correspondence shall be sent to the Secretary of State as well. The request may with the approval of the appropriate FWS or NMFS official, encompass a number of similar, related activities.

(4) Consultation may also be requested by either the FWS or NMFS if they should become aware of a Federal activity or program that may affect listed species and has not received the benefit of section 7 consultation.

(5) Informal consultation at the field level may be initiated, but is not a substitute for formal consultation. Federal agencies may obtain assistance from any source so long as they retain ultimate responsibility for consultation.

(b) *Forms of consultation.* (1) Consultation may be coordinated with interagency review under the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), and other appropriate statutes. However, such coordination does not relieve the Federal agencies from compliance with the consultation procedures contained in this rulemaking.

(2) When several Federal agencies are involved in a common activity or program, they may, after notifying the FWS or NMFS, choose a lead agency to carry out consultation.

(c) *Assistance from the Service.* It is the responsibility of the affected Federal agencies to obtain the biological data necessary to evaluate the effect of an activity or program. The FWS or NMFS will assist with available data when requested, but are not obligated to fund the basic studies.

(d) *Assistance from other sources.* A Federal agency may seek biological information from any source and may authorize non-Federal representatives to participate in consultation pursuant to approved counterpart regulations; however, the agency remains ultimately responsible for compliance with the procedures of this section.

(e) *Threshold examination.* Upon receipt of a written request for consultation from a Federal agency, the FWS or NMFS will conduct a threshold examination. A threshold examination is a preliminary assessment to ascertain if an activity or program will adversely affect listed species or their habitat.

(1) If, in the Director's or Regional Director's opinion, the Federal activity or pro-

gram will promote the conservation of listed species or their habitat, the Federal agency will be notified within 60 days of initiation, and further consultation will not be required.

(2) If an activity or program is not specifically for the conservation of listed species and the threshold examination reveals that it is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat, the Federal agency shall be notified within 60 days after initiation and further consultation will not be required.

(3) If an activity or program is not specifically for the conservation of listed species and the threshold examination reveals that it is likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat, the Federal agency shall be notified within 60 days after initiation and further consultation will not be required.

(4) All biological opinions issued after a threshold examination shall be accompanied by the facts and documentation on which they are based, and may include recommendations for modifications to the activity or program.

(f) *Further consultation.* If the threshold examination reveals that there is insufficient information to conclude that the activity or program is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat, the Federal agency will be notified within 60 days of initiation. The Federal agency then has the responsibility to gather sufficient information. The Service will issue a biological opinion and end consultation within 60 days of receipt of adequate information.

(g) *Responsibilities after consultation.* Upon receipt of the biological opinion from the FWS or NMFS, it will be the responsibility of the Federal agency to determine whether and how to proceed, in light of its section 7 obligations.

(h) *Reinitiation.* Consultation shall be reinitiated: (1) If new information reveals impacts that may hinder the survival or recovery of listed species;

(2) If the activity or programs is modified in a fashion not contemplated by the consultation process;

(3) If a new species is listed that may be affected by the activity or program;

(i) *Counterpart regulations.* The procedures in Section 402.04 (§ 17.93) may be superseded by counterpart regulations jointly drafted by individual Federal agencies and the FWS and NMFS.

Section 402.05 (§ 17.94) sets forth the procedures for determining critical habitat, states the criteria for making such determinations, and provides for emergency determinations.

Accordingly, Chapter IV of Title 50, Code of Federal Regulations, is amended as set forth below: 1. Amend the heading of Chapter IV by deleting the present language and substituting instead the following: "Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce).

2. Add an Index for new Part 402 to read as follows:

#### PART 402—INTERAGENCY COOPERATION—ENDANGERED SPECIES ACT OF 1973

Sec.	
402.01	Scope.
402.02	Definitions.
402.03	Applicability to previously initiated actions.
402.04	Consultation.
402.05	Determination of critical habitat.

AUTHORITY: Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)

3. Add §§ 402.01 through 402.05 of Part 402, Chapter IV, to read as follows:

##### § 402.01 Scope.

This Part interprets and implements section 7 of the Endangered Species Act of 1973 (hereinafter the Act). Section 7 (16 U.S.C. 1536) applies to all listed species of fish, wildlife, or plants and imposes three burdens upon the Federal agencies. First, it directs them to utilize their authorities to carry out conservation programs for listed species. Such affirmative conservation programs must comply with any applicable permit requirements of 50 CFR Parts 17, 220, 222 and 227 for listed species and should be fully coordinated with the appropriate Director. Second, it requires every Federal agency to insure that its activities or programs in the United States, upon the high seas, and in foreign countries will not jeopardize the continued existence of a listed species. And third, section 7 directs all Federal agencies to insure that their activities or programs do not result in the destruction or adverse modification of critical habitat. The United States Fish and Wildlife Service and the National Marine Fisheries Service share responsibilities for the Act. A Federal agency can determine which Service to initiate consultation with by scanning the list of species under the jurisdiction of the National Marine Fisheries Service located at 50 CFR 222.23(a) and 227.4. If the Federal agency's activity or program may affect a listed species which is cited in 50 CFR 222.23(a) or 227.4, then the agency shall initiate consultation with the National Marine Fisheries Service. If the listed species is not cited in 50 CFR 222.23(a) or 227.4, the Federal agency shall initiate consultation with the Fish and Wildlife Service.

##### § 402.02 Definitions.

"Activities or programs" means all actions of any kind authorized, funded, or carried out by Federal agencies, in whole or in part, examples of which include, but are not limited to: (1) actions intended to conserve listed species or their habitat; (2) the promulgation of regulations; (3) the granting of licenses, contracts, leases, easements, rights-of-way, permits, or grants-in-aid; or (4) actions directly or indirectly causing modifications to the land, water, or air.

"Critical habitat" means any air, land, or water area (exclusive of those existing man-made structures or settlements which are not necessary to the survival and recovery of a listed species) and con-

stituent elements thereof, the loss of which would appreciably decrease the likelihood of the survival and recovery of a listed species or a distinct segment of its population. The constituent elements of critical habitat include, but are not limited to: physical structures and topography, biota, climate, human activity, and the quality and chemical content of land, water, and air. Critical habitat may represent any portion of the present habitat of a listed species and may include additional areas for reasonable population expansion.

"Destruction or adverse modification" means a direct or indirect alteration of critical habitat which appreciably diminishes the value of that habitat for survival and recovery of a listed species. Such alterations include, but are not limited to those diminishing the requirements for survival and recovery listed in § 402.05(b). There may be many types of activities or programs which could be carried out in critical habitat without causing such diminution.

"Director or Regional Director" means the Director or one of the Regional Directors of the United States Fish and Wildlife Service or the National Marine Fisheries Service, as appropriate, for purposes of consultation.

"Federal agency" means each authority of the Government of the United States except for the Congress, the Courts of the United States, the Governments of the Territories, Commonwealths, or possessions of the United States, or the Government of the District of Columbia.

"Jeopardize the continued existence of" means to engage in an activity or program which reasonably would be expected to reduce the reproduction, numbers, or distribution of a listed species to such an extent as to appreciably reduce the likelihood of the survival and recovery of that species in the wild. The level of reduction necessary to constitute "jeopardy" would be expected to vary among listed species.

"Listed species" means any species of fish, wildlife, or plant which is designated as endangered or threatened under the Act.

"Recovery" means improvement in the status of listed species to the point at which listing is no longer required.

##### § 402.03 Applicability to previously initiated actions.

Section 7 applies to all activities or programs where Federal involvement or control remains which in itself could jeopardize the continued existence of a listed species or modify or destroy its critical habitat.

##### § 402.04 Consultation.

(a) *Initiation.* (1) It is the responsibility of each Federal agency to review its activities or programs and to identify any such activity or program that may affect listed species or their habitat. Reviewing Federal agencies may obtain advice from the Service, but this is supplemental to, and not a substitute for, the formal consultation process set forth in this Part. Where a Federal agency funds or authorizes an activity or pro-

gram to be carried out by a non-Federal entity, the Federal agency shall initiate the formal consultation process and not the non-Federal entity.

(2) If a Federal agency decides that its activities or programs will not affect listed species or their habitat, consultation shall not be initiated unless requested by the Service.

(3) When a Federal agency identifies activities or programs that may affect listed species or their habitat, the agency shall convey a written request for consultation with available information to: the Regional Director for the Region where the activity or program is or will be carried out; or to the Director or Regional Director for the Region where the Federal agency is headquartered, if more than one Region is involved; or to the Director if foreign countries or the high seas are involved. In addition, if foreign countries or the high seas are involved, a copy of the request for consultation and all subsequent correspondence shall be forwarded to the Secretary of State c/o the Director, Office of Environmental Affairs. Any request for consultation may encompass, subject to the approval of the Director or Regional Director, a number of similar individual activities within a given geographical area, administrative unit, or segment of a comprehensive plan. Until consultation has been completed and a biological opinion issued, good faith consultation shall preclude a Federal agency from making an irreversible or irretrievable commitment of resources which would foreclose the consideration of modifications or alternatives to the identified activity or program.

(4) In addition, the Director or Regional Director will request initiation of consultation if he identifies any activity or program of a Federal agency that has not received prior consultation and that may affect listed species or their habitat.

(5) Informal consultation may be initiated at the field level between the Service and the Federal agencies or their authorized representatives. Such informal consultation is supplemental to, and not a substitute for, the formal consultation process set forth in this part.

(b) *Form.* (1) Consultation under section 7 may be consolidated with interagency cooperation required by other statutes, such as the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) or the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The satisfaction of the requirements of these other statutes, however, does not in itself relieve a Federal agency of its obligation to comply with the consultation procedures set forth in this part.

(2) When particular programs or activities involve more than one Federal agency, these agencies may, upon notification of the Director or Regional Director, fulfill their consultation responsibilities through a single lead agency. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement and their relative ex-

pertise with respect to the environmental effects of the activity or program.

(c) *Assistance from the Service.* It is the primary responsibility of each Federal agency requesting consultation to conduct the appropriate studies and to provide the biological information necessary for an adequate review of the effect an identified activity or program has upon listed species or their habitat. To the extent it is available, the Service will upon request provide all relevant data and reports, personnel, and recommendations for additional studies or surveys, but the Service is not obligated to fund any such additional studies or surveys.

(d) *Assistance from other sources.* Federal agencies may seek assistance from any source to obtain the biological information necessary for a review of the effect an activity or program has upon listed species or their habitat. Such assistance may include, but is not limited to, that obtained by contract or required by regulations of the Federal agency. Although it may authorize a non-Federal representative to participate in the consultation process pursuant to approved counterpart regulations, the ultimate responsibility for compliance with the procedures of this section remains with the Federal agency and cannot be delegated by it.

(e) *Threshold examination.* Upon receipt of a written request for consultation, the Director or Regional Director will conduct a threshold examination of the identified activity or program. A threshold examination will include a review of available information and may include an on-site inspection of the area.

(1) If, in the opinion of the Director, an identified activity or program will promote the conservation of listed species, the appropriate Federal agency shall be notified in writing within 60 days after consultation is initiated, and additional section 7 consultation shall be unnecessary. The Service, to the extent feasible, will assist in carrying out such programs if requested by the Federal agency.

(2) If an identified activity or program is not specifically for the conservation of listed species, but the Director or Regional Director concludes from the threshold examination that the activity or program is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of its critical habitat, the appropriate Federal agency shall be notified in writing within 60 days after consultation is initiated and further section 7 consultation shall be unnecessary.

(3) If an identified activity or program is not specifically for the conservation of listed species and the Director or Regional Director concludes from the threshold examination that the activity or program is likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of its critical habitat, the appropriate Federal agency shall be notified in writing within 60 days after



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RULES AND REGULATIONS

consultation is initiated and further section 7 consultation shall be unnecessary.

(4) The biological opinions issued pursuant to subparagraphs (1), (2) and (3) of this subsection shall be accompanied by a statement of the facts and documentation on which they are based and may include recommendations for modifications in the identified activity or program which would enhance the conservation and protection of a listed species or its critical habitat. Such opinions will be released pursuant to the Freedom of Information Act.

(f) *Further consultation.* If the Director or Regional Director determines as a result of the threshold examination that insufficient information exists to conclude that an identified activity or program is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of its critical habitat, the Federal agency will be so notified in writing within 60 days after formal consultation is initiated. The Federal agency, with assistance as feasible from the Service and other sources of expertise, shall then obtain additional information and conduct, as appropriate, biological surveys or studies to determine how the activity or program may affect listed species or their critical habitat. Within 60 days of receipt of adequate information and documentation, unless special circumstances require negotiation of a longer period, the Service will end consultation by issuing a biological opinion pursuant to the provisions of paragraphs (e) (1), (2), (3), and (4) of this section, as appropriate.

(g) *Responsibilities after consultation.* Upon receipt and consideration of the biological opinion and recommendations of the Service, it is the responsibility of the Federal agency to determine whether to proceed with the activity or program as planned in light of its section 7 obligations. Where the consultation process has been consolidated with interagency cooperation required by other statutes such as the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) or the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the final biological opinion and recommendations of the Service shall be stated in the documents required by those statutes.

(h) *Reinitiation.* Consultation shall be reinitiated by the Service or by the Fed-

eral agency if: (1) New information reveals impacts of the identified activity or program that may affect listed species or their habitats;

(2) The identified activity or program is subsequently modified, whether as a result of a biological opinion issued after consultation or not; or

(3) A new species is listed that may be affected by the identified activity or program.

(i) *Counterpart regulations.* The consultation procedures set forth in this section may be superseded for a particular Federal agency by joint counterpart regulations drafted by that agency and the Fish and Wildlife Service and the National Marine Fisheries Service. Such counterpart regulations shall be published in the FEDERAL REGISTER as proposed and final rulemakings and shall provide for a minimum 60-day period for public comment.

§ 402.05 Determination of critical habitat.

(a) *Procedure.* Whenever deemed necessary and appropriate, the Director shall determine critical habitat for a listed species. After exchange of biological information, as appropriate, with the affected States and Federal agencies with jurisdiction over the lands or waters under consideration, the Director shall publish proposed and final rulemakings, accompanied by maps and/or geographical descriptions in the FEDERAL REGISTER. Comments of the scientific community and other interested persons will also be considered in promulgating final rulemakings. The modification or revocation of a critical habitat determination shall also require the publication in the FEDERAL REGISTER of a proposed and final rulemaking with an opportunity for public comment.

(b) *Criteria.* The Director will consider the physiological, behavioral, ecological, and evolutionary requirements for the survival and recovery of listed species in determining what areas or parts of habitat (exclusive of those existing man-made structures or settlements which are not necessary to the survival and recovery of the species) are critical. These requirements include, but are not limited to:

- (1) Space for individual and population growth and for normal behavior;
- (2) Food, water, air, light, minerals, or other nutritional or physiological requirements;
- (3) Cover or shelter;
- (4) Sites for breeding, reproduction, or rearing of offspring; and generally,
- (5) Habitats that are protected from disturbances or are representative of the geographical distribution of listed species.

(c) *Emergency determination.* Paragraphs (a) and (b) of this section notwithstanding, the Director may make an emergency determination of critical habitat if he finds that an impending action poses a significant risk to the well-being of a listed species by the destruction or adverse modification of its habitat. Emergency determinations will be published in the FEDERAL REGISTER and will remain in effect for no more than 120 days.

This final rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) and the primary author is Donald Barry, Attorney Advisor, Solicitor's Office, Department of the Interior, 202-343-2174.

NOTE.—The United States Fish and Wildlife Service and the National Marine Fisheries Service have determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

It was previously noted that these regulations have been submitted to over two years of review and comment by Federal agencies. During this drafting period, however, agencies were still held accountable for compliance with their section 7 obligations. The limited consultation that took place often occurred in an ad-hoc and haphazard fashion. Because of the extensive familiarity of the Federal agencies with these regulations and the need to expeditiously initiate the formal consultation process, the FWS and NMFS find that "good cause" exists within the meaning of 5 U.S.C. § 553(d) of the Administrative Procedure Act, thereby warranting that these regulations become effective immediately upon publication.

Dated: October 21, 1977.

LYNN A. GREENWALT,  
Director, Fish and Wildlife Service.  
JACK GEHRINGER,  
Deputy Director,  
National Marine Fisheries Service.  
[FR Doc.78-6 Filed 1-3-78; 8:45 am]

Not for Distribution

WEDNESDAY, JANUARY 4, 1978

PART V



# SECURITIES AND EXCHANGE COMMISSION

## OIL AND GAS PRODUCERS

Accounting Practices; Solicitation of Comments



[ 8010-01 ]

SECURITIES AND EXCHANGE  
COMMISSION

[ 17 CFR Part 210 ]

[ Release Nos. 33-5892, 34-14305, 35-20337;  
File No. S7-715 ]ACCOUNTING PRACTICES—OIL AND  
GAS PRODUCERS

## Solicitation of Comments

AGENCY: Securities and Exchange  
Commission.ACTION: Request for comments from  
interested persons.

**SUMMARY:** The Energy Policy and Conservation Act of 1975, Pub. L. 94-163 (the "EPCA"), requires the Commission, for purposes of developing a reliable energy data base, to assure the development of accounting practices to be followed by persons, including those not subject to the filing requirements of the Federal securities laws, engaged in the production of crude oil or natural gas in the United States. The EPCA authorizes the Commission to prescribe rules with respect to such accounting practices or, alternatively, under certain circumstances, to recognize or otherwise rely on accounting practices developed by the Financial Accounting Standards Board (the "FASB"). The Commission has previously proposed for public comment rules relating to financial accounting measurement standards (Release No. 33-5861) and related disclosure standards (Release No. 33-5877). Both of these rulemaking proposals embodied the financial accounting and reporting standards published in July, 1977, by the FASB in an Exposure Draft of a proposed Statement on "Financial Accounting and Reporting by Oil and Gas Producing Companies." As anticipated in the Commission's rulemaking proposals, the FASB has recently finalized its standards which were published in Statement of Financial Accounting Standards No. 19. As a result, the Commission is soliciting further public comment on whether the Commission should rely on the determinations of the FASB in its Statement No. 19 as authorized by the EPCA and, furthermore, on whether the standards in FASB Statement No. 19, or some alternative accounting standards, would be appropriate for the preparation of financial statements to be included in filings pursuant to the Federal securities laws and in reports filed with the Department of Energy (the "DOE") pursuant to the EPCA. Information relating to public hearings on this matter, to be announced in the near future, is also provided.

DATE: Comments on or before February 24, 1978.

ADDRESS: Comments should refer to File S7-715 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection. Comments previously filed in these rulemak-

ing proceedings and with the FASB in its proceedings leading to the issuance of Statement No. 19 are available for public inspection and commentators may incorporate their previous comments by reference in submissions in response to this release.

FOR FURTHER INFORMATION CON-  
TACT:

Richard C. Adkerson, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-1671.

**SUPPLEMENTAL INFORMATION:** In Release No. 33-5877 (42 FR 57661), the Commission described its longstanding concern about the diversity in the accounting and financial reporting practices followed by companies engaged in the oil and gas producing industry, and traced the history of a number of past undertakings by the Commission, the accounting profession, and the industry to address this issue. The lack of reliable financial and related operating data caused the Congress in 1975 to enact provisions in the EPCA which mandate the development of accounting practices to be followed by oil and gas producers for purposes of developing a reliable energy data base pertaining to the production of oil and gas.

In October, 1975, the FASB added to its technical agenda a project entitled "Financial Accounting and Reporting in the Extractive Industries." In accordance with its customary procedures, the FASB appointed a task force to advise it in preparing a Discussion Memorandum, a neutral document analyzing issues related to the project. The Discussion Memorandum, issued in December, 1976, provided the basis for the FASB's solicitation of written comments on the issues under consideration, and for related public hearings conducted on March 30 and 31 and April 1 and 4, 1977. The FASB received 140 written submissions and heard 39 oral presentations at the public hearings in response to the Discussion Memorandum. The Commission issued Release No. 33-5801 (42 FR 8237) in January, 1977, calling attention to the publication of the FASB Discussion Memorandum and encouraging interested persons to comment on the issues presented and to participate in the FASB's proceedings. The written submissions in response to the FASB Discussion Memorandum and a transcript of the FASB's public hearings have been made part of File S7-715.

In June, 1977, the Commission issued Release No. 33-5837 (42 FR 33135) to solicit comments on matters relating to the reporting of financial and operating data on oil and gas operations pursuant to the EPCA and also relating to the disclosure of data of this nature in filings pursuant to the Federal securities laws. The public file for that release, File S7-708, has been made a part of File S7-715.

On July 15, 1977, the FASB solicited public comment on an Exposure Draft of a proposed Statement on "Financial

Accounting and Reporting by Oil and Gas Producing Companies." In the Exposure Draft, the FASB proposed that oil and gas producing companies should follow a form of the successful efforts method of accounting and that, among other things, companies should disclose information on quantities of oil and gas reserves and certain related financial data in their financial statements. The 195 written submissions received by the FASB in response to its Exposure Draft have also been made part of File S7-715.

In August, 1977, the Commission proposed rules for public comment, pursuant to the EPCA and to the Federal securities laws, in Release No. 33-5861 (42 FR 44972). These proposed rules dealt only with financial accounting measurement standards and did not consider issues relating to the disclosure of financial and operating data in or supplemental to financial statements. In that release, the Commission noted that the FASB was expected to complete deliberations on its Exposure Draft and issue a final statement prior to December 22, 1977.

In Release No. 33-5861, the Commission encouraged interested persons to submit comments to the FASB in response to its Exposure Draft. In addition, the Commission solicited comments in response to its rulemaking proposals.

In October, 1977, the Commission in Release No. 33-5877 (42 FR 57661) proposed rules for public comment which supplemented the rules proposed in Release No. 33-5861 to provide for the disclosure in financial statements of certain operating and financial data relating to oil and gas producing activities. The rules proposed in Release No. 33-5877 were generally consistent with the disclosure standards proposed in the FASB's Exposure Draft, but did provide for the reporting of certain data in addition to those proposed by the FASB. Copies of the submissions are available for public inspection in File S7-715.

On December 5, 1977, the FASB issued Statement of Financial Accounting Standards No. 19, "Financial Accounting and Reporting by Oil and Gas Producing Companies." Statement No. 19 affirms the FASB's tentative conclusion announced in its July, 1977, Exposure Draft that oil and gas producing companies should follow a form of the successful efforts method of accounting for costs incurred in exploring for and developing oil and gas reserves. Although the FASB's conclusions in Statement No. 19 generally reflect the reasoning set forth in the Exposure Draft, certain modifications to the proposed statement were adopted. Statement No. 19 would become effective for financial statements for fiscal years beginning after December 15, 1978; accordingly, no company is required to apply the standards reflected in Statement

<sup>1</sup> FASB Statement No. 19 is available for public inspection in File S7-715. Copies may also be obtained from: Publications Department, Financial Accounting Standards Board, High Ridge Park, Stamford, Conn. 06905.

No. 19 until 1979. The Commission expects to conclude its proceedings described in this release prior to that time.

PURPOSES OF THE COMMISSION'S  
PROCEEDINGS

Pursuant to Section 503 of the EPCA, the Commission is required to afford interested persons an opportunity to submit written comment with respect to whether the Commission, in fulfilling its responsibilities under that Act, should exercise its discretion to recognize or otherwise rely on accounting practices developed by the FASB in lieu of prescribing such practices by rule. The Commission hereby solicits written comments on this issue.

The accounting practices were to be developed no later than December 22, 1977, 24 months after enactment of the EPCA; however, pursuant to Section 503, the Commission is authorized to extend this 24-month period to allow for a meaningful comment period with respect to the determination of whether to rely on the FASB's standards as described in the preceding paragraph. The Commission hereby extends the 24-month period to provide sufficient time for such determination. In addition, the Commission, because of the importance of this matter and in response to a number of requests, has decided to hold public hearings.

The objective of soliciting written comments and conducting public hearings is to determine whether the Commission should adopt, with any appropriate revisions, the rules proposed in Release Nos. 33-5861 and 33-5877. Specifically, in light of the issuance of FASB Statement No. 19, these proceedings are expected to provide information to the Commission concerning the following questions:

1. What are the most appropriate financial accounting and reporting standards for oil and gas producing activities for purposes of reporting to the DOE pursuant to the EPCA?

2. What are the most appropriate such standards for purposes of the preparation of financial statements to be included in filings with the Commission under the Federal securities laws?

## REPORTING TO THE DEPARTMENT OF ENERGY

One of the purposes of the EPCA, as stated in Section 2 of the Act, is " . . . to provide a means for verification of energy data to assure the reliability of energy data." The accounting practices to be developed pursuant to the EPCA are "(f) or purposes of developing a reliable energy data base related to the production of crude oil and natural gas." Such accounting practices must, to the greatest extent practicable, permit the compilation of an energy data base consisting of financial and operating data to facilitate an evaluation of financial effort and result and to facilitate correlation of financial information with oil and gas reserves and operating statistics.

The Commission has previously indicated that it considers its responsibilities under the EPCA to be divided between two related areas: (1) financial reporting standards applicable to financial

statements of entities involved in oil and gas production and (2) accounting practices necessary for oil and gas producers to report the financial and operating data required by the EPCA to the DOE (see Release Nos. 33-5837 and 33-5877). DOE is developing a petroleum company financial reporting system which will require the filing of financial statements and other data with DOE. The accounting practices developed pursuant to the EPCA will govern the preparation of financial statements included in such filings.

Based on the provisions of the EPCA and on the intent of the DOE to collect financial statement data from oil and gas producers, the Commission requests comments on whether the financial accounting and reporting standards promulgated by the FASB in Statement No. 19, or some other alternative standards, are appropriate for purposes of reporting to the DOE.

REPORTING UNDER THE FEDERAL  
SECURITIES LAWS

Under the Federal securities laws, the Commission has the responsibility and is given broad authority to prescribe accounting practices to be applied in the preparation and presentation of financial statements and other financial data to be included in filings with the Commission pursuant to such laws. In 1938, the Commission, in Accounting Series Release ("ASR") No. 4 (11 FR 10913), stated its administrative policy with respect to financial statements included in these filings. ASR No. 4 provides that the Commission would presume that financial statements which were prepared in accordance with accounting principles for which there was no substantial authoritative support were misleading notwithstanding disclosure of those principles. If there was a difference of view with the Commission, the Commission would accept disclosure in lieu of a change in the financial statements only when there was substantial authoritative support for the proposed accounting principle and the Commission had not expressed a contrary view in an official release. Thus, rather than exercise its extensive authority to adopt specific accounting principles and methods, the Commission elected, in large part, to accept, in the first instance, principles which already had substantial precedent—accounting principles which were generally accepted in the private sector.

The FASB was created in 1973 as the first independent, full-time body designated by the accounting profession to formulate and issue financial accounting and reporting standards. Previously, accounting principles were established by standard-setting bodies within the American Institute of Certified Public Accountants.

With the establishment of the FASB, which it had supported, the Commission believed that it was appropriate to reaffirm publicly its policy of looking, in the first instance, to the private sector to establish generally accepted accounting principles. On December 20, 1973, therefore, the Commission issued ASR

150 (39 FR 1260), in which it reaffirmed its policy of relying, in the first instance, on the private sector for the establishment of accounting principles, and recognized that the FASB was the entity designated by the private sector to have that responsibility. That release states in part:

For purposes of this policy, principles, standards and practices promulgated by the FASB in its Statements and Interpretations (footnote omitted) will be considered by the Commission as having substantial authoritative support, and those contrary to such FASB promulgations will be considered (footnote omitted) to have no such support.

The Commission's policy recognizes that the FASB operates to establish accounting standards, but it does not involve a delegation of the Commission's substantive rulemaking authority to the FASB. In all cases, the Commission may issue rules on accounting matters which would govern the preparation and presentation of financial statements included in filings by registrants under the Federal securities laws.

In light of the Commission's proceedings under the EPCA and the issuance of Statement No. 19 by the FASB, the Commission is also soliciting comments on whether the financial accounting and reporting standards reflected in FASB Statement No. 19, or alternative standards, are appropriate for purposes of preparing financial statements to be included in filings under the Federal securities laws by registrants engaged in oil and gas producing activities.

ECONOMIC IMPACT OF ESTABLISHING AN OIL  
AND GAS ACCOUNTING STANDARD

It has been asserted by some commentators that the adoption of the successful efforts method of accounting, as required by FASB Statement No. 19, would have a substantial adverse economic impact. Companies which presently follow the full cost method of accounting would, if required to apply the successful efforts method, report lower shareholders' equity and, in many cases, lower and more volatile earnings. A number of commentators have contended that such reporting would not reflect the economics of companies' operations and would hamper their ability to raise capital to finance their operations.

Adverse economic consequences which have been mentioned or discussed by those commentators include the following:

1. New competitors will be discouraged and, in some cases, prevented from undertaking oil and gas exploration activities;

2. Presently successful independent exploration companies will face a barrier to an expansion of their operations and will be encouraged to reduce the scope or alter the nature or timing of their existing exploration programs;

3. As a result of these factors, an increased concentration will occur in the oil and gas industry, where serious ques-



tions have already been raised about the extent of competition; and

4. Exploration for oil and gas, particularly domestic exploration, will be reduced because of decreased availability of capital for many of the smaller independent companies which now follow full cost accounting and which conduct substantial exploration programs.

Some of those commentators advocating this view have contended that the solution lies in permitting companies to continue to use either of the accepted accounting methods—full cost or successful efforts—for financial reporting to investors and to provide separately the uniform information needed by the DOE to compile a national energy data base.

Other commentators have emphasized, however, that an important goal of accounting should be the reporting of data that are uniform to the extent practicable so that comparisons of companies' financial statements are facilitated. For example, an analyst group in a submission to the FASB stated that " . . . the multiplicity of accounting methods employed by companies which operate in (the extractive) industries works a serious hardship on investors. Given current standards of accounting and disclosure, it is virtually impossible to make meaningful comparisons of the financial position or operating results of these companies."

This position was also reflected in the November, 1977, report of the Subcommittee on Reports, Accounting and Management of the Senate Committee on Governmental Affairs. That report indicated that "(t)he subcommittee strongly believes that the clarity and comparability of corporate financial statements will be substantially improved if uniform accounting standards are used to report the same type of business transactions."

As discussed above, a number of commentators have expressed the view that many companies which now follow the full cost accounting method would have difficulties in raising capital if they were required to adopt successful efforts accounting. This view involves the general issue of the relationship between reported financial data and the market prices of companies' securities, an issue which has been the subject of a number of research studies in recent years. The FASB discussed these studies in Statement No. 19, and quoted Stanford University Professor William H. Beaver from a 1973 summary of the findings of these research studies. Professor Beaver stated that " . . . the formal research in this area is remarkably consistent in finding that the market, at least as manifested in the way in which security prices react, is quite sophisticated in dealing with financial statement data."

The FASB acknowledged that not all empirical evidence supports the view that the securities markets are entirely able to take into account the differences in accounting methods used by different

companies. However, it stated that research undertaken at the Board's request to examine the effect of its Exposure Draft on the market prices of the common stock of certain companies "corroborates that the securities markets are generally able to assimilate financial information and to understand the underlying economics of the oil and gas exploration and production industry."

The FASB concluded that the arguments advanced in its proceedings that companies will be prevented from raising capital as a result of applying the successful efforts method of accounting were not persuasive. The FASB stated in Statement No. 19:

In a free enterprise economy in which capital is allocated among enterprises largely on the basis of individual investors' decisions, if a company is an economically successful enterprise, it will continue to attract capital. Its financial statements should provide those who supply capital with information that assists them in determining whether the expected returns on that capital are commensurate with the risks involved. In the Board's judgment, financial statements that are prepared in conformity with the provisions of this Statement will provide investors and creditors with that type of information. Many small oil and gas producing companies use the successful efforts method, not full costing; have done so for many years; and have generally been able to obtain capital to finance their exploration activities."

With regard specifically to competition, the FASB stated its view that " . . . far from inhibiting competition, the removal of one of two significantly different optional alternative methods of accounting in similar situations will facilitate competition. The weight of the evidence before the Board is that independent oil and gas producing companies using successful efforts accounting do compete successfully and conduct effective exploration and production programs that they are able to finance through a variety of capital sources."

The FASB also stated:

Any national economic or policy goal that involves the use of data reported in or derived from financial statements can, in the Board's judgment, be best pursued if the relevant financial statements are prepared on a common basis, so that lenders, investors, government regulators, and others involved directly or indirectly in allocating capital can analyze and reach informed decisions on the basis of consistent and comparable financial data. To the extent that furtherance of competition in oil and gas exploration and production and the availability of increased capital resources to finance those efforts are perceived as national economic or policy goals and in the interest of the general public, those goals can best be fostered—and the likelihood of their attainment substantially increased—if all competitors disclose financial data in a marketplace free from the burdens of inconsistency, noncomparability, and misunderstanding, a marketplace in which risks and rewards are reported as objectively and as evenhandedly as possible."

<sup>3</sup> FASB Statement No. 19, pars. 169-171.

<sup>4</sup> FASB Statement No. 19, par. 158.

<sup>5</sup> *Ibid.*, par. 174.

<sup>6</sup> *Ibid.*, par. 172.

In Release No. 33-5861, the Commission indicated that it had reviewed the submissions to the FASB concerning the potential impact on competition resulting from the proposed selection of a method of accounting and solicited additional comments on this matter. Comments were again solicited in Release No. 33-5877.

A number of comments received in response to these releases and by the FASB presented views, as discussed above, on the related issues of the impact on competition in the oil and gas producing industry and on the level of domestic exploration for oil and gas which would result from requiring the use of the successful efforts method of accounting. The Commission solicits additional comments on this matter. Commentators are encouraged to address the views previously presented by other commentators in previous submissions to the Commission and to the FASB and the position expressed by the FASB in its Statement No. 19.

Comments are also solicited on other issues, if any, relating to the impact on competition which might result from adoption of the Commission's proposed rules, with any appropriate revisions, appearing in Release Nos. 33-5861 and 33-5877.

#### RULEMAKING UNDER THE EPCA

Section 503(b)(2) states that the Commission shall—

. . . have authority to prescribe rules applicable to persons engaged in the production of crude oil or natural gas, or make effective by recognition, or by other appropriate means indicating a determination to rely on, accounting practices developed by the Financial Accounting Standards Board, if the Securities and Exchange Commission is assured that such practice will be observed by persons engaged in the production of crude oil or natural gas to the same extent as would result if the Securities and Exchange Commission had prescribed such practices by rule.

This provision was in recognition of the relationship between the FASB and the Commission in developing accounting standards applicable to financial statements included in filings under the Federal securities laws. Such financial statements are required to be accompanied by an auditors' report issued by an independent public accountant conforming with Article 2 of Regulation S-X (17 CFR 210.2-01 to 2-05). This requirement, together with the ethical standards of the independent public accounting profession, assures that financial statements filed with the Commission conform with standards issued by the FASB, absent Commission rules covering particular matters.

This mechanism will not be available to ensure that the FASB's standards will be observed with respect to financial statements filed with the DOE. Even if the Commission concludes as a result of these deliberations to support FASB Statement No. 19, it may nevertheless be required to adopt rules governing financial data to be filed with DOE pursuant to the Commission's authority under the EPCA.

Comments are solicited on this question as well.

#### STAFF ACCOUNTING BULLETIN No. 16

On September 1, 1977, the staff of the Commission issued an interpretive release, Staff Accounting Bulletin ("SAB") No. 16 (42 FR 44983), which described the staff's view of appropriate disclosure by registrants relating to the issuance of the July 15, 1977, FASB Exposure Draft. In SAB No. 16, the Commission's staff indicated that registrants whose financial statements would be substantially changed if the FASB's proposals were required to be applied should disclose certain information about the relationship between their existing accounting policies and the FASB's proposal. Such disclosures, according to SAB No. 16, should include an indication of the general magnitude of the potential impact on earnings and shareholders' equity and a discussion of any significant implications that adoption of the FASB's proposed standards might have concerning the registrant's dividend policy and its ability to comply with covenants in its debt or other agreements.

The view of the Commission's staff on appropriate disclosure in this instance was published in response to requests for guidance by interested persons. The staff has indicated that its action is based on the fact that the authoritative body responsible for establishing financial accounting standards in the private sector reached conclusions after extended deliberations on the appropriate accounting standards in this area. The staff noted that the quantitative disclosures discussed in SAB No. 16 need not be presented in precise amounts, but rather in terms of broad ranges, percentages or otherwise, if desired, and that the attendant circumstances involved in this matter, including the Commission's proceedings, may be discussed in whatever manner registrants consider appropriate.

In the staff's view, the varying impact of applying the FASB's standards on dif-

ferent companies requires that the disclosure provide some indication of the magnitude of the potential impact on the financial statements of individual registrants. The staff believes that these disclosures are required so that investors are informed of all pertinent information relating to the current considerations involving oil and gas accounting. Thus, the staff has concluded that communication of the impact of the FASB's determinations together with a discussion of the uncertainty of the outcome of the Commission's deliberations will assist investors in assessing the significance of these matters.

The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission, nor are they published as bearing the Commission's approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws. While the Commission takes no view on the ultimate outcome of the issues presently pending before it, the staff's belief that investors should be informed of the FASB's determinations in Statement No. 19, in connection with their reviews of financial statements of oil and gas producing companies which would be substantially affected by application of those determinations, appears reasonable notwithstanding the contingencies described in this release.

In expressing these views, the Commission reaches no conclusions with respect to either the substantive merits of the actions taken by the FASB or the issues upon which the Commission seeks public comment and intends to hold public hearings. Moreover, not only will the disclosures suggested by SAB No. 16 enable investors to assess the significance of FASB Statement No. 19 on the financial statements of oil and gas producing companies, they may also provide information which could be useful in connection with the resolution of the issues which are now before the Commission.

#### ADMINISTRATIVE MATTERS

##### WRITTEN COMMENTS

Public File S7-715 for these deliberations will contain all submissions and other related data pertaining to previous Commission releases on this project (Release Nos. 33-5801 (42 FR 8237), 33-5837 (42 FR 33135), 33-5861 (42 FR 44972), and 33-5877 (42 FR 57661)). In addition, written submissions to the FASB and transcripts of oral presentations at the public hearing conducted by the FASB during the course of its deliberations leading to the issuance of Statement No. 19 have been made part of Public File S7-715. In providing comments in response to this release, interested persons may assume that the Commission has available all previous submissions to the FASB and the Commission on this issue.

##### PUBLIC HEARINGS

A formal announcement of the public hearings discussed previously will be issued by the Commission in a separate release. Tentatively, the Commission plans to conduct the hearings beginning approximately March 27, 1978, in Washington, D.C., and Houston, Tex.

To assist the Commission in scheduling these hearings, the Commission requests that persons desiring to make oral presentations at one of these locations contact by January 13, 1978:

Richard C. Adkerson, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, 202-755-1671.

The Commission expects to include in its formal notice of public hearings a requirement that participating persons submit any prepared testimony to be presented at the hearings by February 24, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 22, 1977.

[FR Doc.78-10 Filed 1-3-78; 8:45 am]

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WEDNESDAY, JANUARY 4, 1978

PART VI



# COMMITTEE FOR IMPLEMENTATION OF TEXTILE AGREEMENTS

CORRELATION: TEXTILE  
AND APPAREL  
CATEGORIES WITH  
TARIFF SCHEDULES OF  
THE UNITED STATES  
ANNOTATED



[ 3510-25 ]

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS  
TEXTILE CATEGORY SYSTEM EFFECTIVE  
JANUARY 1, 1978**

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Publication of the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated.

SUMMARY: A notice, published in the FEDERAL REGISTER on August 10, 1977, announced the adoption of a new Textile

Category System to be effective January 1, 1978. This system is used in the bilateral textile agreements negotiated with other countries under the Arrangement Regarding International Trade in Textiles. It is based on the existing system but streamlines and consolidates that system and is designed to improve the implementation of the bilateral agreements by strengthening category uniformity among fibers and reducing the incidence of category classification problems. This system is based on the Tariff Schedules of the United States Annotated (TSUSA) numbers effective 1978 and full descriptions of the com-

position of the categories are available in the TSUSA.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Leonard A. Mobley, Director, Trade Analysis Division, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-4212.

ARTHUR GAREL,

*Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce.*



**CORRELATION:**

**TEXTILE AND  
APPAREL CATEGORIES  
WITH  
TARIFF SCHEDULES  
OF THE  
UNITED STATES  
ANNOTATED**

Cotton  
Wool  
Man-Made Fibers

Revised  
JANUARY 1978

U.S. DEPARTMENT OF COMMERCE Industry and Trade Administration  
Office of Textiles

**CORRELATION: TEXTILE AND APPAREL  
CATEGORIES WITH TARIFF SCHEDULES  
OF THE UNITED STATES ANNOTATED**

JANUARY 1978



U.S. Department of Commerce  
Juanita M. Kreps, Secretary

Prepared by: Malton V. Evans  
Commodity Specialist  
Under the Supervision of:  
Leonard A. Mobley  
Director  
Trade Analysis Division

Arthur Garel,  
Director, Office of Textiles

FOREWORD

This publication presents the Tariff Schedules of the United States Annotated numbers as revised through January 1, 1978, under each of the Cotton, Wool and Man-Made Fiber categories (or groupings) used by the United States in monitoring import shipments of these textile products and to administer the United States textile trade agreements programs. In order to facilitate the use of this publication, the descriptions of the Tariff Schedules of the United States Annotated numbers have been simplified. The simplified descriptions, however, are not intended to modify, change, or contradict in any way the substance or meaning of the descriptions presented in the Tariff Schedules of the United States Annotated. In any case where the descriptions in this publication conflict with those in the Tariff Schedules of the United States Annotated, the descriptions in the latter document shall prevail.

Also presented are certain Tariff Schedules of the United States Annotated numbers, as Annex I, which are used to cover imports of specified handloomed and folklore products from specific agreement countries. Imports of products under these numbers are exempted from restraint levels. Imports of items identical to those covered by Annex I which are not specifically exempted under the individual agreements are entered under appropriate CORRELATION numbers and are subject to the restraint levels.

INDEX AND CONVERSION TABLE

CATEGORY NUMBER	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	PAGE
SECTION 1 - YARN:				
300	Cotton	4.6	Lb.	1
301	Combed	4.6	Lb.	1
400	Wool	2.0	Lb.	1
	Tops & Yarn			
600	Man-Made Fiber	3.5	Lb.	2
601	Textured	5.2	Lb.	3
602	Cont. Cell.	11.6	Lb.	4
603	Cont. non-cell.	3.4	Lb.	5
604	Non-cont. cell	4.1	Lb.	5
605	Other yarns	3.5	Lb.	5
SECTION 2 - FABRIC:				
310	Cotton	1.0	Syd.	7
311	Gingham	1.0	Syd.	7
312	Velveteen	1.0	Syd.	7
313	Corduroy	1.0	Syd.	8
314	Sheeting	1.0	Syd.	9
315	Poplin & broadcloth	1.0	Syd.	10
316	Printcloth	1.0	Syd.	11
317	Shirting	1.0	Syd.	11
318	Yarn-dyed, n.e.s.	1.0	Syd.	12
319	Twill & sateen	1.0	Syd.	16
320	Duck	1.0	Syd.	17
	Woven fabrics, n.e.s.	1.0	Syd.	20
410	Wool	1.0	Syd.	31
411	Woolen & Worsted	1.0	Syd.	34
425	Tapestry & Upholstery	2.0	Lb.	34
429	Knit	1.0	Syd.	35
	Other fabrics, n.e.s.	1.0	Syd.	
610	Man-Made Fiber	1.0	Syd.	37
611	Cont. cell., woven	1.0	Syd.	37
612	Spun cell., woven	1.0	Syd.	37
613	Spun non-cell., woven	1.0	Syd.	38
614	Woven fabrics, n.e.s.	1.0	Syd.	38
625	Knit	1.0	Lb.	40
626	Pile & tufted	7.8	Syd.	41
627	Specialty	7.8	Lb.	41

V.

INDEX AND CONVERSION TABLE

CATEGORY NUMBER	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	PAGE
SECTION 3 - APPAREL:				
431	Cotton	1.7	Dpr.	76
432	Handkerchiefs	3.5	Dpr.	76
433	Gloves	4.6	Dpr.	76
434	Hosiery	36.2	Dpr.	77
435	Suit-type coats, M&B	41.3	Dpr.	77
436	Other coats, M&B	41.3	Dpr.	77
437	Coats, V.G.I.	45.3	Dpr.	78
438	Dresses	25.0	Dpr.	79
439	Playnits	21.3	Dpr.	80
440	Knit shirts, M&B	13.0	Dpr.	80
441	Knit shirts & blouses, V.G.I.	13.0	Dpr.	81
442	Shirts, not knit, M&B	24.0	Dpr.	82
443	Blouses, not knit, V.G.I.	14.5	Dpr.	82
444	Skirts	17.8	Dpr.	83
445	Sweaters	4.5	No.	84
446	Trousers, M&B	36.8	No.	84
447	Trousers, V.G.I.	36.8	No.	85
448	Brassieres, etc.	17.8	No.	85
449	Dressing gowns	4.8	No.	86
450	Nightwear	51.0	No.	87
451	Underwear	52.0	No.	88
452	Other apparel	16.0	No.	89
453	Wool	7.8	Lb.	89
454	Gloves	2.1	Dpr.	
455	Hosiery	2.1	Dpr.	
456	Suit-type coats, M&B	3.0	No.	
457	Other coats, M&B	4.5	No.	
458	Coats, V.G.I.	4.5	No.	
459	Dresses	15.0	No.	
460	Knit shirts & blouses	24.0	No.	
461	Shirts & blouses, not knit	1.5	No.	
462	Skirts	4.5	No.	
463	Suits, M&B	4.5	No.	
464	Suits, V.G.I.	4.5	No.	
465	Sweaters, M&B	36.8	No.	
466	Sweaters, V.G.I.	36.8	No.	
467	Trousers, M&B	1.5	No.	
468	Trousers, V.G.I.	1.5	No.	
469	Other Wool Apparel	2.0	No.	
SECTION 4 - MAKE-UPS & MISG.:				
360	Cotton	1.1	No.	93
361	Pillowcases	6.2	No.	93
362	Sheets	6.9	No.	93
363	Bedspreads & quilts	0.5	No.	93
364	Terry & other pile towels	4.6	Lb.	94
365	Other cotton manufactures			
464	Wool	1.3	Lb.	103
465	Blankets	0.1	Sct.	103
466	Floor coverings	2.0	Lb.	104
467	Other wool manufactures			

VI.

VII.



EXPLANATORY NOTES

INDEX AND CONVERSION TABLE

CATEGORY NUMBER	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	PAGE
SECTION 4 - MADE-UPS & MISCELLANEOUS				
Man-Made Fiber				
665	Floor coverings	0.1	Sq. Yd.	108
666	Other furnishings	7.8	Lb.	108
669	Other man-made manufactures	7.8	Lb.	110
SECTION 5 - CROSS REFERENCES				
Correlation of Tariff Schedules of the United States Annotated Numbers in Numerical Sequence by Textile and Apparel Category				
ANNEX - CERTIFIED HANDLOOMED AND FOLKLORE PRODUCTS				
				112
				117

- A- FIBER: COVERAGE
- 1.- Cotton: includes all yarns, fabrics, apparel and articles wholly or in chief value cotton.
- 2.- Wool: includes all yarns, fabrics, apparel and articles wholly or in chief value wool or hair and textile manufactures containing wool as defined below.

The term "Hair" is limited to the hair of the Camel and to hair of the Alpaca, Cashmere goat, Angora goat and the hair of other animals including llama, and the Vicuna and the Angora rabbit.

The term "Containing wool" refers to articles, not in chief value cotton, wool or man-made fiber, in which the wool component equals or exceeds by weight the man-made fiber component provided that such articles contain 5 percent or more but not over 17 percent of wool by weight; or articles containing over 17 percent of wool by weight, regardless of the weight of all other textile components.

- 3.- Man-Made fibers: includes all yarns, fabrics, apparel and articles wholly or in chief value of the filaments, strips and fibers covered in sub-part E-2a of the Tariff Schedules of the United States Annotated (TSUSA).

Subject to the limitations set forth in TSUSA, the respective provisions in this publication for filaments, strips and fibers cover such articles whether they are formed by extrusion or by other processes, of substances derived by man from cellulosic or non-cellulosic materials by chemical processes.

The provisions of this publication include grouped glass filaments and glass fibers suitable for the manufacture of textile manufactures only if they have been made into yarns or cordage or if they are present in fabrics or other articles in the form of yarns or cordage.

The term "Containing man-made fiber" refers to articles not in chief value cotton, wool or man-made fibers and not described under the term "Containing wool" in which the man-made fiber component is 5 percent or more by weight.

VIII.

B- YARNS:

The fourth and fifth digits of TSUSA classifications for cotton yarns represent yarn number or yarn number groupings. To simplify and shorten the listing of many such items, we have here omitted these two digits and have shown only the first three plus the sixth and seventh digits. Any TSUSA with these digits, regardless of the fourth and fifth digits, appears in the category indicated.

The terms used in defining the various types of man-made fiber yarns are defined fully in the TSUSA.

IX.

EXPLANATORY NOTES

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

YARNS - COTTON AND WOOL  
Section I

C- FABRICS:

The fourth and fifth digits of TSUSA classes for cotton fabrics represent the average yarn number of such fabrics and are not pertinent to the assignment of these classes to categories. As in the case of the cotton yarns, we have omitted these segments of the numbers in this publication.

The term "Fancy or Figured" means fabrics which have been woven with two or more colors or kinds of filling; with eight or more harnesses; with jacquard, rappet or swivel attachments, or by any combination of these weaving methods.

D- APPAREL AND ARTICLES:

Definitive headnotes covering such items as "Entireties", "Ornamented", etc. are to be found in the TSUSA. For the purpose of this publication, such descriptions are abbreviated in order to help identify the classes for category assignment. Users should refer to the TSUSA for full descriptions.

E- CONVERSION FACTOR:

"Conversion factors" as used in this publication, denotes the factor specified to convert the "Unit of measure" to square yard equivalent. Thus, the "conversion factor" times the "Unit of measure" equals the "square yard equivalent" for the category.

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
300		<b>YARNS:</b>		
		<b>COTTON:</b>	3.2	Yd.
		IN CHIEF VALUE, BUT NOT WHOLLY OF COTTON:		
		Singles:		
		Not Bleached or Colored		
	300.6020	Bleached or Colored		
	300.6022	Filed		
	300.6024	OTHER, OF COTTON:		
		Singles:		
		Not Bleached or Colored:		
301		<b>WOOL:</b>	3.2	Yd.
		IN CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		Singles		
	301.6026	Filed		
	301.6028	OTHER, OF COTTON:		
		Singles		
	301.-26	Filed		
	301.-28			
		<b>WOOL:</b>		
		IN CHIEF VALUE, BUT NOT WHOLLY COTTON:		
302		<b>YARNS &amp; YARNS:</b>	2.0	Yd.
		WOOL YARNS AND WOOL ADVANCED:		
		PROCESSED BEFORE WASHING, SOURED OR CARBONIZED CONDITION:		
		Tops		
		Other		
303	303.5000	YARNS OF ANGORA RABBIT HAIR		
	303.5000	OTHER YARNS OF WOOL AND HAIR		
	303.6000	Handknitting and Knitting		
	303.6003			

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I.

Textile and Apparel Categories by Tariff Schedules  
of the United States Annotated  
YARN - WOOL AND MAN-MADE  
Section I

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
500	cont'd	YARN, cont'd WOOL Wool yarns of wool and hair: cont'd OTHER: Measuring Over 22,399 Yards Per Pound Measuring Over 11,199 Yards But Not Over 22,399 Measuring Over 5,599 Yards But Not Over 11,199 Measuring Not Over 5,599 Yards Per Pound MAN-MADE FIBER TEXTURED YARN WHOLLY OF CONTINUOUS FILAMENT: WITH TWIST NOT OVER 20 TURNS PER INCH: SINGLES: Not Over \$1 Per Pound: Cellulose Rayon Polyester Other, Non-Cellulose Over \$1 Per Pound: Cellulose Rayon Polyester Other, Non-Cellulose PLIED: Not Over \$1 Per Pound Over \$1 Per Pound: Cellulose Rayon Polyester Other, Non-Cellulose	2.0	lb.
	501	YARN, cont'd MAN-MADE FIBER, cont'd TEXTURED YARN, cont'd WHOLLY OF NON-CONTINUOUS FILAMENT: TEXTURED YARN: SINGLES: Of Cellulose Of Non-Cellulose PLIED: Of Cellulose Of Non-Cellulose OTHER: Of Cellulose Of Non-Cellulose YARN WHOLLY OF CONTINUOUS FILAMENT, WHOLLY CELLULOSIC: SINGLES: WITH TWIST NOT OVER 20 TURNS PER INCH: Not Over \$1 Per Pound Over \$1 Per Pound WITH TWIST OVER 20 TURNS PER INCH: Not Over \$1 Per Pound Over \$1 Per Pound PLIED: WITH TWIST NOT OVER 20 TURNS PER INCH: Not Over \$1 Per Pound Over \$1 Per Pound WITH TWIST OVER 20 TURNS PER INCH: Not Over \$1 Per Pound Over \$1 Per Pound	3.5	lb.

U.S. CUSTOMS SERVICE

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Textile and Apparel Categories by Tariff Schedules  
of the United States Annotated  
YARN - MAN-MADE  
Section I

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
500	cont'd	YARN, cont'd MAN-MADE FIBER, cont'd YARN WHOLLY OF CONTINUOUS FILAMENT, OTHER SINGLES: WITH TWIST NOT OVER 20 TURNS PER INCH: NOT OVER \$1 PER POUND: WHOLLY NON-CELLULOSIC: Rayon Polyester Other OVER \$1 PER POUND: WHOLLY NON-CELLULOSIC: Rayon Polyester Other WITH TWIST OVER 20 TURNS PER INCH: NOT OVER \$1 PER POUND: Of Non-Cellulose Other OVER \$1 PER POUND: Non-Cellulose Other PLIED: WITH TWIST NOT OVER 20 TURNS PER INCH: NOT OVER \$1 PER POUND: Of Non-Cellulose Of Other OVER \$1 PER POUND: OF NON-CELLULOSIC: Of Rayon Of Polyester Of Other Non-Cellulose	3.5	lb.
	501	YARN, cont'd MAN-MADE FIBER, cont'd YARN WHOLLY OF CONTINUOUS FILAMENT, OTHER SINGLES: WITH TWIST NOT OVER 20 TURNS PER INCH: NOT OVER \$1 PER POUND: Of Non-Cellulose Other OVER \$1 PER POUND: Of Non-Cellulose Other YARN WHOLLY OF NON-CONTINUOUS FILAMENT, OF CELLULOSIC: Singles PLIED YARN WHOLLY OF NON-CONTINUOUS FILAMENT, OTHER SINGLES: Of Rayon Of Polyester Other PLIED YARN, OTHER WHOLLY OF MAN-MADE FIBERS AND NON-CONTINUOUS SINGLE FIBERS: SINGLES: Not Bleached and Not Colored BLEACHED OR COLORED: Not Colored, Measuring Over 50,000 Yds. Per Pound Other PLIED: Not Colored, Measuring Over 29,400 Yds. Per Pound Other Other	3.5	lb.

U.S. CUSTOMS SERVICE

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Textile and Apparel Categories by Tariff Schedules  
of the United States Annotated

FABRICS  
COTTON, WOOL AND MAN-MADE  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
310		FABRICS: cont'd		
		MAN-MADE FIBER: cont'd		
		WHOLLY OF MAN-MADE FIBERS AND NON-CONTINUOUS SILK FIBERS: cont'd		
		PAID: cont'd		
		OF GLASS:		
		Not Colored		
		Colored		
		Other (Not Elsewhere Specified)		
		Elastic Yarns, Cordage, and Tubular Braids With Rubber Core		
		Chenille Yarns of Man-Made Fiber		
311		FOR HATBANDS AND SEWING THREADS:		
		Valued Not Over 9¢ Per Pound		
		VALUED OVER 9¢ PER POUND:		
		Yarns Sp For Handwork		
		Sewing Thread		
		CORDAGE OF MAN-MADE FIBER:		
		Measuring Under 3/16" In Diameter		
		Other		
		Elastic Yarns, Cordage, and Tubular Braids With Rubber Core		
		Plain Weave		
312		OTHER, INCLUDING TWILL BACK:		
		Valued Not Over 8¢ Per Yd.		
		Valued Over 8¢ But Not Over \$1.10 Per Yd.		
		Valued Over \$1.10 Per Yd.		
		Corduroy:		
		50" or More In Width and Valued 50¢ Or More Per Yd.		
		Other		
		Valued Over \$1.10 Per Yd.		
		Not Fancy or Figured		
		Chief, Valued, But Not Wholly Cotton:		

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Textile and Apparel Categories by Tariff Schedules  
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FABRICS  
COTTON, WOOL AND MAN-MADE  
Section 1

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
605		FABRICS: cont'd		
		MAN-MADE FIBER: cont'd		
		WHOLLY OF MAN-MADE FIBERS AND NON-CONTINUOUS SILK FIBERS: cont'd		
		PAID: cont'd		
		OF GLASS:		
		Not Colored		
		Colored		
		Other (Not Elsewhere Specified)		
		Elastic Yarns, Cordage, and Tubular Braids With Rubber Core		
		Chenille Yarns of Man-Made Fiber		
310		FOR HATBANDS AND SEWING THREADS:		
		Valued Not Over 9¢ Per Pound		
		VALUED OVER 9¢ PER POUND:		
		Yarns Sp For Handwork		
		Sewing Thread		
		CORDAGE OF MAN-MADE FIBER:		
		Measuring Under 3/16" In Diameter		
		Other		
		Elastic Yarns, Cordage, and Tubular Braids With Rubber Core		
		Plain Weave		
311		OTHER, INCLUDING TWILL BACK:		
		Valued Not Over 8¢ Per Yd.		
		Valued Over 8¢ But Not Over \$1.10 Per Yd.		
		Valued Over \$1.10 Per Yd.		
		Corduroy:		
		50" or More In Width and Valued 50¢ Or More Per Yd.		
		Other		
		Valued Over \$1.10 Per Yd.		
		Not Fancy or Figured		
		Chief, Valued, But Not Wholly Cotton:		

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Textile and Apparel Categories by Tariff Schedules  
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FABRICS  
COTTON, WOOL AND MAN-MADE  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
313		FABRICS: Cont'd		
		COTTON: cont'd		
		WHOLLY OF COTTON:		
		Unbleached:		
		Ornament		
		Classes A, B, C		
		Soft Filled Sheeting		
		Other Carded Sheeting		
		Unbleached:		
		Other Sheeting		
314		PRINTED, DIED OR COLORED:		
		Whether or Not Bleached		
		Chief Value, But Not Wholly Cotton:		
		Unbleached:		
		Ornament		
		Classes A, B, C		
		Soft Filled Sheeting		
		Other Carded Sheeting		
		Unbleached:		
		Other Sheeting		
315		PRINTED, DIED, OR COLORED:		
		Whether or Not Bleached		
		Chief Value, But Not Wholly Cotton:		
		Unbleached:		
		Ornament		
		Classes A, B, C		
		Soft Filled Sheeting		
		Other Carded Sheeting		
		Unbleached:		
		Other Sheeting		
316		PRINTED, DIED, OR COLORED:		
		Whether or Not Bleached		
		Chief Value, But Not Wholly Cotton:		
		Unbleached:		
		Ornament		
		Classes A, B, C		
		Soft Filled Sheeting		
		Other Carded Sheeting		
		Unbleached:		
		Other Sheeting		
317		PRINTED, DIED, OR COLORED:		
		Whether or Not Bleached		
		Chief Value, But Not Wholly Cotton:		
		Unbleached:		
		Ornament		
		Classes A, B, C		
		Soft Filled Sheeting		
		Other Carded Sheeting		
		Unbleached:		
		Other Sheeting		
318		PRINTED, DIED, OR COLORED:		
		Whether or Not Bleached		
		Chief Value, But Not Wholly Cotton:		
		Unbleached:		
		Ornament		
		Classes A, B, C		
		Soft Filled Sheeting		
		Other Carded Sheeting		
		Unbleached:		
		Other Sheeting		
319		PRINTED, DIED, OR COLORED:		
		Whether or Not Bleached		
		Chief Value, But Not Wholly Cotton:		
		Unbleached:		
		Ornament		
		Classes A, B, C		
		Soft Filled Sheeting		
		Other Carded Sheeting		
		Unbleached:		
		Other Sheeting		

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Textile and Apparel Categories by Tariff Schedules  
of the United States Annotated

FABRICS  
COTTON, WOOL AND MAN-MADE  
Section 2

TEXTILE Category	TEXTILE Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
315 cont'd		FABRICS: cont'd COTTON: cont'd PERFECTED: cont'd CARDED: cont'd NOT FANCY OR FIGURED: cont'd CHIEF VALUE BUT NOT WHOLLY OF COTTON: cont'd COLORED, WHETHER OR NOT BLEACHED: Shirting Type 8x50 Other Shirting OTHER THAN SHIRTING: NOT FANCY OR FIGURED: WHOLLY OF COTTON: Not Bleached or Colored Bleached But Not Colored Colored, Whether or Not Bleached CHIEF VALUE, BUT NOT WHOLLY COTTON: Not Bleached or Colored Bleached But Not Colored Colored, Whether or Not Bleached SHIRTING: JACKKNIFE OR DEEY: CARDED: FANCY OR FIGURED: WHOLLY OF COTTON: Not Bleached or Colored Bleached But Not Colored Colored, Whether or Not Bleached CHIEF VALUE, BUT NOT WHOLLY COTTON: Not Bleached or Colored Bleached But Not Colored Colored Whether or Not Bleached	1.0	Syd.

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Textile and Apparel Categories by Tariff Schedules  
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FABRICS  
COTTON, WOOL AND MAN-MADE  
Section 2

TEXTILE Category	TEXTILE Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
317 cont'd		FABRICS: cont'd COTTON: cont'd PERFECTED: cont'd CARDED: cont'd WHOLLY OF COTTON: cont'd FANCY OR FIGURED: cont'd BLEACHED BUT NOT COLORED: Sateen Twill COLORED WHETHER OR NOT BLEACHED: Sateen Dens Twill CHIEF VALUE, BUT NOT WHOLLY COTTON: NOT FANCY OR FIGURED: NOT BLEACHED OR COLORED: Sateen Twill BLEACHED, BUT NOT COLORED: Sateen Twill COLORED WHETHER OR NOT BLEACHED: Sateen Dens Twill FANCY OR FIGURED: NOT BLEACHED OR COLORED: Sateen Twill BLEACHED BUT NOT COLORED: Sateen Twill	1.0	Syd.

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Textile and Apparel Categories by Tariff Schedules  
of the United States Annotated

FABRICS - COTTON  
Section 2

TEXTILE Category	YUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
117 cont'd		FABRICS: cont'd COTTON: cont'd TWILLS AND SATENS: cont'd COMBED: cont'd CHIEF VALUE, BUT NOT WHOLLY COTTON: NOT FANCY OR FIGURED: NOT BLEACHED OR COLORED: Sateen Twills BLEACHED BUT NOT COLORED: Sateen Twills COLORED, WHETHER OR NOT BLEACHED: Sateen Denim Twills FANCY OR FIGURED: NOT BLEACHED OR COLORED: Sateen Twills BLEACHED, BUT NOT COLORED: Sateen Twills COLORED, WHETHER OR NOT BLEACHED: Sateen Denim Twills	1.0	Sq.

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Textile and Apparel Categories by Tariff Schedules  
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FABRICS - COTTON  
Section 2

TEXTILE Category	YUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
118 cont'd		FABRICS: cont'd COTTON: cont'd OTHER YARN DYED FABRICS: cont'd COMBED: cont'd COLORED, WHETHER OR NOT BLEACHED: cont'd WHOLLY OF COTTON: cont'd FANCY OR FIGURED: Yarn-Dyed Hopped Fabrics Yarn-Dyed Fabrics, N.E.S., 8 os. or Over Per Sq. Yd. and 52" or Over Wide Other Yarn-Dyed Fabrics, N.E.S. CHIEF VALUE, BUT NOT WHOLLY COTTON: NOT FANCY OR FIGURED: Yarn-Dyed Hopped Fabrics Yarn-Dyed Fabrics, N.E.S., 8 os. or Over Per Sq. Yd. and 52" or Over Wide Other Yarn-Dyed Fabrics, N.E.S. FANCY OR FIGURED: Yarn-Dyed Hopped Fabrics Yarn-Dyed Fabrics, N.E.S., 8 os. or Over Per Sq. Yd. and 52" or Over Wide Other Yarn-Dyed Fabrics, N.E.S. PICK, COMBED: WHOLLY COTTON: NOT FANCY OR FIGURED: NOT BLEACHED OR COLORED: SINGLE VAMP, SINGLE FILLING: Under 7/8 Os. Per Square Yard 7/8 or Over Per Square Yard SINGLE VAMP, FLY FILLING: Under 7/8 Os. Per Square Yard 7/8 or Over Per Square Yard	1.0	Sq.

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FABRICS - COTTON  
Section 2

TEXTILE Category	YUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
118		FABRICS: cont'd COTTON: cont'd OTHER YARN DYED FABRICS: COMBED: COLORED, WHETHER OR NOT BLEACHED: WHOLLY OF COTTON: NOT FANCY OR FIGURED: Yarn-Dyed Hopped Fabrics Yarn-Dyed Fabrics, N.E.S., 8 os. or Over and 52" or Over Wide Other Yarn-Dyed Fabrics, N.E.S. FANCY OR FIGURED: Yarn-Dyed Hopped Fabrics Yarn-Dyed Fabrics, N.E.S., 8 os. or Over and 52" or Over Wide Other Yarn-Dyed Fabrics, N.E.S. CHIEF, VALUE, BUT NOT WHOLLY COTTON: NOT FANCY OR FIGURED: Yarn-Dyed Hopped Fabrics Yarn-Dyed Fabrics, N.E.S., 8 os. or Over and 52" or Over Wide Other Yarn-Dyed Fabrics, N.E.S. FANCY OR FIGURED: Yarn-Dyed Hopped Fabrics Yarn-Dyed Fabrics, N.E.S., 8 os. or Over and 52" or Over Wide Other Yarn-Dyed Fabrics, N.E.S. COMBED: COLORED, WHETHER OR NOT BLEACHED: WHOLLY OF COTTON: NOT FANCY OR FIGURED: Yarn-Dyed Hopped Fabrics Yarn-Dyed Fabrics, N.E.S., 8 os. or Over Per Sq. Yd. and 52" or Over Wide Other Yarn-Dyed Fabrics	1.0	Sq.

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Textile and Apparel Categories by Tariff Schedules  
of the United States Annotated

FABRICS - COTTON  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
310 cont'd		FABRICS: cont'd COTTON: cont'd WHEAT, GARMENT: cont'd IN CHIEF VALUED, BUT NOT WHOLLY OF COTTON, CONTAINING SILK OR MAN-MADE FIBERS OR BOTH: NOT FANCY OR FIGURED: NOT BLEACHED OR COLORED: SINGLE VAMP, SINGLE FILLING: Under 7/8 oz. Per Square Yard 7/8 oz. or Over Per Square Yard SINGLE VAMP, PLY FILLING: Under 7/8 oz. Per Square Yard 7/8 oz. or Over Per Square Yard PLY VAMP: Single Filling Ply Filling REACHED, BUT NOT COLORED: SINGLE VAMP, SINGLE FILLING: Under 7/8 oz. Per Square Yard 7/8 oz. or Over Per Square Yard SINGLE VAMP, PLY FILLING: Under 7/8 oz. Per Square Yard 7/8 oz. or Over Per Square Yard PLY VAMP: Single Filling Ply Filling COLORED, WHETHER OR NOT BLEACHED: SINGLE VAMP, SINGLE FILLING: Under 7/8 oz. Per Square Yard 7/8 oz. or Over Per Square Yard SINGLE VAMP, PLY FILLING: Under 7/8 oz. Per Square Yard 7/8 oz. or Over Per Square Yard PLY VAMP: Single Filling Ply Filling	1.0	Sq. Yd.

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FABRICS - COTTON  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
320 cont'd		FABRICS: cont'd COTTON: cont'd OTHER THAN FABRICS: N.E.S.: cont'd WHOLLY OF COTTON: cont'd NOT FANCY OR FIGURED: cont'd NOT BLEACHED OR COLORED: cont'd OTHER FABRICS: cont'd NOT 8 OZ. OR OVER AND NOT 52" OR OVER WIDE: Carded Combed BLEACHED BUT NOT COLORED: Typewriter Ribbon Cloth LAWN: Carded Combed VOILE: Carded Combed NAILED FABRIC OTHER THAN TANN-DIED: Carded Combed OTHER FABRICS: 8 OZ. OR OVER PER SQ. YD. AND 52" OR OVER WIDE: Carded Combed NOT 8 OZ. OR OVER AND NOT 52" OR OVER WIDE: Carded Combed	1.0	Sq. Yd.

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Textile and Apparel Categories by Tariff Schedules  
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FABRICS - COTTON  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
310 cont'd		FABRICS: cont'd COTTON: cont'd WHEAT, GARMENT: cont'd IN CHIEF VALUED, BUT NOT WHOLLY OF COTTON, CONTAINING SILK OR MAN-MADE FIBERS OR BOTH: NOT FANCY OR FIGURED: cont'd COLORED, WHETHER OR NOT BLEACHED: PLY VAMP: Single Filling Ply Filling OTHER THAN FABRICS: N.E.S.: WHOLLY OF COTTON: NOT FANCY OR FIGURED: NOT BLEACHED OR COLORED: TYPewriter RIBBON CLOTH: OF AVERAGE YARN NUMBER: 51-59 60-79 80-140 LAWN: Carded Combed VOILE: Carded Combed NAILED FABRICS, OTHER THAN TANN-DIED: Carded Combed OTHER FABRICS: 8 OZ. OR OVER PER SQ. YD. AND 52" OR OVER WIDE: Carded Combed	1.0	Sq. Yd.

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Textile and Apparel Categories by Tariff Schedules  
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FABRICS - COTTON  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
320 cont'd		FABRICS: cont'd COTTON: cont'd OTHER FABRICS: J.E.S.: cont'd WHOLELY OF COTTON: cont'd PANT OR PIGMENT: cont'd NOT BLEACHED OR COLORED: cont'd NAILED FABRIC, OTHER THAN YARN-DIED: Carded Combed OTHER FABRICS: 8 OZ. OR OTHER PER SQ. YD. AND 52" OR OVER WIDE: Carded Combed NOT 8 OZ. OR OTHER AND NOT 52" OR MORE WIDE: Carded Combed BLEACHED, BUT NOT COLORED: LAWN: Carded Combed VOILE: Carded Combed NAILED FABRIC, OTHER THAN YARN-DIED: Carded Combed OTHER FABRICS: 8 OZ. OR OTHER PER SQ. YD. AND 52" OR OVER WIDE: Carded Combed	1.0	Sq.

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Textile and Apparel Categories by Tariff Schedules  
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FABRICS - COTTON  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
320 cont'd		FABRICS: cont'd COTTON: cont'd OTHER FABRICS: J.E.S.: cont'd WHOLELY OF COTTON: cont'd PANT OR PIGMENT: cont'd NOT BLEACHED OR COLORED: LAWN: Carded Combed VOILE: Carded Combed NAILED FABRIC, OTHER THAN YARN-DIED: Carded Combed OTHER FABRICS: 8 OZ. OR OTHER PER SQ. YD. AND 52" OR OVER WIDE: Carded Combed NOT 8 OZ. OR OTHER AND NOT 52" OR MORE WIDE: Carded Combed BLEACHED, BUT NOT COLORED: LAWN: Carded Combed VOILE: Carded Combed	1.0	Sq.

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Textile and Apparel Categories by Tariff Schedules  
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FABRICS - COTTON  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
320 cont'd		FABRICS: cont'd COTTON: cont'd OTHER FABRICS, N.E.S.: cont'd CHEEP VALUE, BUT NOT WHOLLY COTTON: cont'd FANCY OR FIGURED: NOT BLEACHED OR COLORED: LAWN: Carded Comb'd VOILE: Carded Comb'd NAILED FABRIC, OTHER THAN YARN-DIED: Carded Comb'd OTHER FABRICS: 8 OZ. OR OVER PER SQ. YD. AND 52" OR MORE WIDE: Carded Comb'd NOT 8 OZ. OR MORE AND NOT 52" OR MORE WIDE: Carded Comb'd BLEACHED, BUT NOT COLORED: LAWN: Carded Comb'd VOILE: Carded Comb'd NAILED FABRIC, OTHER THAN YARN-DIED: Carded Comb'd	1.0	Sq. Yd.

UFCOM-DC 4445-PM

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Textile and Apparel Categories by Tariff Schedules  
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FABRICS - COTTON  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
320 cont'd		FABRICS: cont'd COTTON: cont'd OTHER FABRICS, N.E.S.: cont'd CHEEP VALUE, BUT NOT WHOLLY COTTON: cont'd FANCY OR FIGURED: cont'd BLEACHED, BUT NOT COLORED: cont'd NAILED FABRIC, OTHER THAN YARN-DIED: Carded Comb'd OTHER FABRICS: 8 OZ. OR OVER PER SQ. YD. AND 52" OR MORE WIDE: Carded Comb'd NOT 8 OZ. OR OVER AND NOT 52" OR MORE WIDE: Carded Comb'd COLORED, WHETHER OR NOT BLEACHED: LAWN: Carded Comb'd VOILE: Carded Comb'd NAILED FABRIC, OTHER THAN YARN-DIED: Carded Comb'd OTHER FABRICS: 8 OZ. OR OVER PER SQ. YD. AND 52" OR MORE WIDE: Carded Comb'd NOT 8 OZ. OR OVER PER SQ. YD. AND NOT 52" OR OVER WIDE: Carded Comb'd	1.0	Sq. Yd.

UFCOM-DC 4445-PM

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Textile and Apparel Categories by Tariff Schedules  
of the United States Annotated

FABRICS - COTTON  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
320 cont'd		FABRICS: cont'd COTTON: cont'd OTHER FABRICS, N.E.S.: cont'd CHEEP VALUE, BUT NOT WHOLLY COTTON: cont'd FANCY OR FIGURED: cont'd BLEACHED, BUT NOT COLORED: cont'd OTHER FABRICS: 8 OZ. OR MORE PER SQ. YD. AND 52" OR MORE WIDE: Carded Comb'd NOT 8 OZ. OR MORE AND NOT 52" OR MORE WIDE: Carded Comb'd COLORED, WHETHER OR NOT BLEACHED: LAWN: Carded Comb'd VOILE: Carded Comb'd NAILED FABRIC, OTHER THAN YARN-DIED: Carded Comb'd OTHER FABRICS: 8 OZ. OR OVER PER SQ. YD. AND 52" OR MORE WIDE: Carded Comb'd NOT 8 OZ. OR OVER AND NOT 52" OR MORE WIDE: Carded Comb'd	1.0	Sq. Yd.

UFCOM-DC 4445-PM

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Textile and Apparel Categories by Tariff Schedules  
of the United States Annotated

FABRICS - COTTON  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
320 cont'd		FABRICS: cont'd COTTON: cont'd OTHER FABRICS, N.E.S.: cont'd CHEEP VALUE, BUT NOT WHOLLY COTTON: cont'd FANCY OR FIGURED: cont'd COLORED, WHETHER OR NOT BLEACHED: cont'd OTHER FABRICS, N.E.S.: Woven Fabrics In Chief Value, But Not Wholly Of Cotton, Containing Not More Than 5% Of Other Fibers Or Both, But Not Containing Other Fibers: Carded Comb'd OTHER WOVEN FABRICS, CHEEP VALUE BUT NOT WHOLLY COTTON: Carded Comb'd Terry Fabrics Valued Not Over \$1.25 Per Pound Carded Comb'd Terry Fabrics Valued Over \$1.25 Per Pound Carded Comb'd VELVET FLUSH AND VELVET: Woven 18" IN WIDTH WITH COT WARP PLUS WEAVING LESS THAN 6 OZ. PER STD.: Carded Comb'd OTHER: Carded Comb'd Chenille Other Pile Fabrics, Not Knit OTHER CASHMERE: Turted Fabrics In Which The Pile Or Turted Surface Is Formed Into A Predominant Part Of The Or Turt Covering The Entire Surface	1.0	Sq. Yd.

UFCOM-DC 4445-PM

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## Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
320 coat'd		<p>FABRICS coat'd</p> <p>COTTON coat'd</p> <p>OTHER FABRICS, E.A.S. coat'd</p> <p>CHIEF VALUE, NOT WHOLLY COTTON: coat'd</p> <p>FANCY OR PLOUGHED: coat'd</p> <p>COLORS, WHETHER OR NOT BLEACHED: coat'd</p> <p>OTHER CLOTHED: coat'd</p> <p>WOVEN OR KNT FABRICS, IPT TPE FIBRE OR IN UNITS:</p> <p>Clothed, Pilled or Otherwise Prepared For Use As Artists Canvas</p> <p>OTHER:</p> <p>TAPESTRY FABRIC, JACQUARD-PLOUGHED:</p> <p>Clothed</p> <p>Combod</p> <p>UNPLEATED FABRIC, JACQUARD-PLOUGHED, EXCEPT FINE:</p> <p>Clothed</p> <p>Combod</p> <p>Tapestries, etc., Except Gobelin, Jacquard-PloUGHED, Not File</p>	L.O.	Sq.
	355.5000			
	357.0512			
	357.0514			
	357.0516			
	357.0518			
	364.0700			

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## Section 2

TEXTILE Category	YUSIA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
330		FABRICS: cont'd WOOL. WOOLLEN AND WOOLSTEL. WOOL FABRICS OF WOOL (INCLUDING BLANKETS CARPETS, RUGS, MATS, RUGS AND STAIRS RUGS), OVER 3 YARDS IN LENGTH WOVEN FABRICS OF VEGETABLE FIBER, CONTAINING OVER 1% OF WOOL BY WEIGHT OTHER FABRICS: FABRICS, BLANKETS, WITH A LOOM WIDTH OF 12868 TILL 30 INCHES; Weighing Not Over 4 Ounces Per Square Yard With Vary Of Vegetable Fiber OTHER: Not Over 10 Ounces Per Square Yard Over 10 Ounces Per Square Yard SERIES, WEIGHING NOT OVER 4 OUNCES PER SQUARE YARD AND WITH FABRICS INCLUDING NOT OVER 4 OUNCES PER SQUARE YARD NOT INCLUDING HANDWOVEN FABRICS WITH A LOOM WIDTH OF LESS THAN 30" OF SHEEP'S WOOL, VALUED OVER \$4 PER POUND, IN WHICH COLORED YARN IS USED TO REPRODUCE THE EFFECTS OF YARN FOR HANDLOOM OR Weighing Not Over 4 Ounces Per Square Yard With Vary Of Vegetable Fiber OTHER Weighing Not Over 4 Ounces Per Square Yard With Vary Of Vegetable Fiber OTHER: WEIGHING NOT OVER 4 OUNCES PER SQUARE YARD WITH VARY OF VEGETABLE FIBER: Valued Not Over \$1.26 2/3 Per Pound Valued Over \$1.26 2/3 Not Not Over \$2 Per Pound Valued Over \$2 Per Pound OTHER: Valued Not Over \$1.26 2/3 Per Pound Valued Over \$1.26 2/3 Not Not Over \$2 Per Pound	1.0	Sq. Yd.
	335-5500			
	336-1000			
	336-1500			
	336-1540			
	336-2000			
	336-2500			
	336-3000			
	336-3500			
	336-4000			
	336-5000			
	336-5500			

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**FABRICS - WOOL**

TEXTILE Category	TISSUE Number	DESCRIPTION	CONVERSION FACTOR	UNIT MEASURE
310 cont'd		<p>FABRICS: cont'd</p> <p>WOOL cont'd</p> <p>WOOLLEN AND WOOLSTEN cont'd</p> <p>WATER FABRICS OF WOOL INCLUDING HANKERS, CARBONIZED, RIBBED, LAP, BONES AND STRAPERS, BROS. OVER 3 LARDS IN LENGTH cont'd</p> <p>OTHER: cont'd</p> <p>VALUED OVER \$2 PER POUND:</p> <p>VALUED OVER \$2 BUT NOT OVER \$4 PER POUND:</p> <p>WHOLLY OR IN PART OF HAIR SIMILAR TO WOOL OF SHEEP.</p> <p>Net Over 10 Ounces Per Square Yard</p> <p>Over 10 Ounces Per Square Yard</p> <p>OTHER:</p> <p>Net Over 6 Ounces Per Square Yard</p> <p>OTHER BUT NOT OVER 8 OZ. PER STD:</p> <p>Worsted</p> <p>Woolens</p> <p>Over 8 But Not Over 10 Ounces Per Syd.</p> <p>Over 10 But Not Over 12 Ounces Per Syd.</p> <p>Over 12 Ounces Per Square Yard</p> <p>VALUED OVER \$4 BUT NOT OVER \$6 PER POUND:</p> <p>WHOLLY OR IN PART OF HAIR SIMILAR TO WOOL OF SHEEP.</p> <p>Net Over 6 Ounces Per Square Yard</p> <p>Over 6 But Not Over 8 Ounces Per Syd.</p> <p>Over 8 But Not Over 10 Ounces Per Syd.</p> <p>Over 10 But Not Over 12 Ounces Per Syd.</p> <p>Over 12 Ounces Per Square Yard</p>	1.0	Syd.
	336.6041			
	336.6043			
	336.6047			
	336.6049			
	336.6051			
	336.6053			
	336.6055			
	336.6057			
	336.6038			
	336.6040			
	336.6042			
	336.6044			
	336.6045			

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FABRICS - WOOL

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT MEASURE
345 cont'd		<p>YARNAGE cont'd</p> <p>Wool cont'd</p> <p>WOOLENS AND WORSTEDS cont'd</p> <p>WORTH PRICES OF WOOL INCLUDING BLENDS, CARCASSES, LINTS, WASTE, TRIMMINGS AND EXCESS FIBER OVER A WASH IN LENGTH, count.</p> <p>VALUED OVER \$4 BUT NOT OVER \$6 PER POUND: cont'd</p> <p>OTHER:</p> <p>Net Over 6 Ounces Per Square Yard</p> <p>OVER 6 BUT NOT OVER 8 OUNCES PER SQUARE YARD:</p> <p>Worsted</p> <p>Woolens</p> <p>Over 8 But Not Over 10 Ounces Per Syd.</p> <p>Over 10 But Not Over 12 Ounces Per Syd.</p> <p>Over 12 Ounces Per Square Yard</p> <p>VALUED OVER \$6 PER POUND:</p> <p>WHOLLY OR IN PART OF HAIR SIMILAR TO WOOL OF SHEEP:</p> <p>Net Over 6 Ounces Per Square Yard</p> <p>Over 6 But Not Over 8 Ounces Per Syd.</p> <p>Over 8 But Not Over 10 Ounces Per Syd.</p> <p>Over 10 But Not Over 12 Ounces Per Syd.</p> <p>Over 12 Ounces Per Square Yard</p> <p>OTHER:</p> <p>Net Over 6 Ounces Per Square Yard</p> <p>OVER 6 BUT NOT OVER 8 OUNCES PER STD:</p> <p>Worsted</p> <p>Woolens</p> <p>Over 8 But Not Over 10 Ounces Per Syd.</p> <p>Over 10 But Not Over 12 Ounces Per Syd.</p> <p>Over 12 Ounces Per Square Yard</p>	1.0	Syd.
346 cont'd	336.6046			
	336.6048			
	336.6050			
	336.6052			
	336.6054			
	336.6056			
	336.6058			
	336.6060			
	336.6062			
	336.6064			
	336.6065			
	336.6066			
	336.6068			
	336.6070			
	336.6072			
	336.6074			
	336.6076			

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Textile and Apparel Categories by Tariff Schedules  
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FABRICS - WOOL  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
510 cont'd		FABRICS: cont'd		
		WOOL: cont'd		
		Woolen & Worsted: cont'd		
		Woolen Fabrics of Silk, Containing Over 1% of Wool by Weight:	1.0	Syd.
		Not Jacquard Figured:		
		Valued Not Over \$2 Per Pound		
	337.5030	Valued Over \$2 Per Pound		
	337.5050	Valued Over \$2 Per Pound		
	337.5000	Jacquard Figured		
	339.0900	Other Woollen Fabrics, N.E.P.: Containing Over 1% of Wool by Weight		
511		Blankets, Over 3 Yards in Length: Ornamented		
	363.1500	Not Ornamented		
	363.7000	Blankets, Over 3 Yards in Length: Ornamented		
	363.7000	Blankets, Over 3 Yards in Length: Ornamented		
	363.7000	Blankets, Over 3 Yards in Length: Ornamented		
	363.7000	Blankets, Over 3 Yards in Length: Ornamented		
	363.7000	Blankets, Over 3 Yards in Length: Ornamented		
	363.7000	Blankets, Over 3 Yards in Length: Ornamented		
	363.7000	Blankets, Over 3 Yards in Length: Ornamented		
	363.7000	Blankets, Over 3 Yards in Length: Ornamented		
512		Tapestries and Upholstery Fabrics: Woolen, Jacquard Figured (Excluding HFD Ticking and Pile Fabrics):	1.0	Syd.
	357.1000	Valued Not Over \$2 Per Pound		
	357.1500	Valued Over \$2 Per Pound		
	364.2000	Handwoven, Plain-Point and Other Needle-Point Tapestries:		
	364.2000	Valued Not Over \$2 Per Pound		
	364.2000	Valued Over \$2 Per Pound		
	364.2000	Valued Over \$2 Per Pound		
	364.2000	Valued Over \$2 Per Pound		
	364.2000	Valued Over \$2 Per Pound		
	364.2000	Valued Over \$2 Per Pound		

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Textile and Apparel Categories by Tariff Schedules  
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FABRICS - WOOL  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
520		FABRICS: cont'd		
		WOOL: cont'd		
		Other Fabrics, N.E.P.: Pile and Tufted Fabrics: Pile Fabrics:	1.0	Syd.
		Of Vegetable Fiber, Except Cotton, Containing Wool		
	346.5015	Of Wool, in Which the Pile Was Inserted Or Knitted During the Weaving Or Knitting, Whether or Not the Pile Covers the Entire Surface		
	346.5000	Of Silk, Containing Wool		
	346.5615	Tufted Fabrics: In Which the Pile Or Tuft Was Inserted Or Knitted Into A Pre-Existing Base, With The Pile Or Tuft Covering The Entire Surface		
	346.8200	Billiard Cloth: Woolen, Green Billiard Cloth, Weighing Over 11 But Not Over 15 Ounces Per Square Yard		
	357.2000	Woolen, Green Billiard Cloth, Weighing Over 11 But Not Over 15 Ounces Per Square Yard		
	357.2000	Woolen, Green Billiard Cloth, Weighing Over 11 But Not Over 15 Ounces Per Square Yard		

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Textile and Apparel Categories by Tariff Schedules  
of the United States Annotated

FABRICS - MAN-MADE  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
610		FABRICS: cont'd		
		MAN-MADE FIBER:		
		Woolen Fabrics, Cellulosic, Woolen or Other Man- Made Fiber:	1.0	Syd.
		Not Bleached and Not Colored:		
	338.3022	Acetate		
	338.3023	Rayon		
	338.3040	Other:		
	338.3040	Beetle Fabric		
	338.3051	Other:		
	338.3052	Acetate		
611		Woolen Fabrics, Cellulosic, Woolen or Other Man- Made Fiber:	1.0	Syd.
		Not Bleached and Not Colored:		
	338.3062	Acetate		
	338.3063	Rayon		
	338.3082	Other:		
	338.3083	Acetate		
	338.3083	Rayon		
	338.3083	Other:		
	338.3083	Acetate		
	338.3083	Rayon		
612		Woolen Fabrics, Cellulosic, Woolen or Other Man- Made Fiber:	1.0	Syd.
		Not Bleached and Not Colored:		
	338.3027	Acetate		
	338.3028	Rayon		
	338.3030	Other:		
	338.3031	Acetate		
	338.3031	Rayon		
	338.3031	Other:		
	338.3031	Acetate		
	338.3031	Rayon		

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Textile and Apparel Categories by Tariff Schedules  
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FABRICS - MAN-MADE  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
613		FABRICS: cont'd		
		MAN-MADE FIBER: cont'd		
		Woolen Fabrics, Cellulosic, Woolen or Other Man- Made Fiber:	1.0	Syd.
		Not Bleached and Not Colored:		
	338.3067	Acetate		
	338.3068	Rayon		
	338.3070	Other:		
	338.3071	Acetate		
	338.3071	Rayon		
	338.3071	Other:		
614		Woolen Fabrics, Cellulosic, Woolen or Other Man- Made Fiber:	1.0	Syd.
		Not Bleached and Not Colored:		
	338.3087	Acetate		
	338.3088	Rayon		
	338.3090	Other:		
	338.3091	Acetate		
	338.3091	Rayon		
	338.3091	Other:		
	338.3091	Acetate		
	338.3091	Rayon		

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Textile and Apparel Categories by Tariff Schedules  
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FABRICS - MAN-MADE  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
625		FABRICS cont'd MAN-MADE FIBER cont'd		
		WIT FABRICS Of Vegetable Fiber, Except Cotton, Containing Man- Made Fiber Of Silk, Containing Man-Made Fiber Of Man-Made Fiber, But Containing Over 17% By Weight Of Wool OTHER MAN-MADE FIBER WIT FABRICS: WHOLLY CONTIGUOUS: NOT BLEACHED AND NOT COLORED: Acetate Rayon Acrylic Nylon Polyester Other OTHER: Acetate Rayon Acrylic Nylon Polyester Other NOT BLEACHED AND NOT COLORED: Acetate Rayon OTHER: Acetate Rayon Acrylic Nylon Polyester Other	7.8	Lb.

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FABRICS - MAN-MADE  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
625		FABRICS cont'd MAN-MADE FIBER cont'd		
		OTHER WOVEN FABRICS, E.T.C., cont'd WOVEN FABRICS, OTHER, OF MAN-MADE FIBER (INCLUDING FABRIC CONTAINING MORE THAN 17% BY WEIGHT OF WOOL GLASS FABRICS AND MIXED YARN FABRICS) cont'd OF MAN-MADE FIBER CONTAINING OVER 17% BY WEIGHT OF WOOL: cont'd VALUED OVER \$2 PER POUND: cont'd OTHER: Of Rayon Or Acetate Of Nylon Of Polyester Other Not Colored Colored OTHER: SUITABLE FOR MAKING TYPEWRITER RIBBON CLOTH: Silk, With Flat Edges Other OTHER: NOT BLEACHED AND NOT COLORED: Acetate Rayon Nylon Polyester Acrylic Other OTHER: Acetate Rayon Nylon Polyester Acrylic Other	1.0	Sq. Yd.

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FABRICS - MAN-MADE  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
625		FABRICS cont'd MAN-MADE FIBER cont'd		
		WIT AND WITTED FABRICS FIBER: Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber Of Silk, Containing Man-Made Fiber OF MAN-MADE FIBER: VELVETS: Velvete, Under 1 1/2" In Width, With Cut Warp Pile Weighing Less Than 8 oz. Per Sq. Yd. Other OTHER: Corduroys Velvetines Terry Fabrics Other Tufted Fabrics SPECIALTY FABRICS: RANOW FABRICS: Pile Ribbons Typewriter and Machine Ribbons Other Ribbons Seamless Tubings OTHER: OF GLASS: Not Colored Colored Other Fabrics Not Braided, Elastic Other, Elastic Yelling Made On A Lace Machine Or On A Net Machine, Whether Or Not Ornamented	1.0	Sq. Yd.

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FABRICS - MAN-MADE  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
627		FABRICS cont'd MAN-MADE FIBER cont'd		
		SPECIALTY FABRICS cont'd RANOW FABRICS: cont'd LACE AND NETTING WHETHER OR NOT ORNAMENTED, AND ORNAMENTED FABRICS IN THE PIECE AND IN NOTES, ETC.: HAND-MADE LACE, WHETHER OR NOT ORNAMENTED: Valued Not Over \$50 Per Pound, In The Piece Or Motifs Valued Over \$50 Per Pound, In The Piece Or Motifs MADE ON A LEATHERS MACHINE: 12 Points Or Finer In The Piece Or Motifs Not 12 Points Or Finer In The Piece Or Motifs Made On A Bobbinette-Jacquard Machine, In The Piece Or Motifs Made On A Nottingham Lace-Curtain Machine Made On Any Other Machine Other NETTING IN THE PIECE, MADE ON A LACE, NET OR KNITTING MACHINE: Ornamented Not Ornamented ORNAMENTED FABRICS, IN THE PIECE AND IN NOTES A.S.P.P. OF MAN-MADE FIBER BY WEIGHT: Woven Knit Other Woven Or Knit Fabrics, In The Piece Or Unit Coated, Filled, Or Otherwise Prepared For Use As Artificial Canvas Other	7.8	Lb.

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FABRICS - MAN-MADE  
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
327 cont'd		FABRICS, cont'd MAN-MADE FIBER, cont'd SPECIALTY FABRICS, cont'd WOVEN OR KNT FABRICS (PROOF FILE OR TUPPED FABRICS) COATED OR FILLED WITH RUBBER, PLASTIC, OR LAMINATED WITH RUBBER OR PLASTIC WOVEN OR KNT FABRICS (PROOF FILE OR TUPPED) COATED OR FILLED, N.I.P.F.: Woven Bolting Cloth Woven Fabric Chiefly Used For Stenciling Purposes In Screen Process Printing Fabrics With Pinks In Parallel Rows Formed In The Weaving Or Knitting Process Or By Folding And Sewing Fabrics For Use In Pneumatic Tires TEXTILE FABRICS, INCLUDING LAMINATED FABRICS, N.I.P.F.: Of Man-Made Fiber	2.6	Yds.
	371.3000			
	371.5000			
	371.6060			
	371.8060			
	379.5000			

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APPAREL - COTTON  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
330		APPAREL, cont'd COTTON, cont'd HATS, HATBANDS, HATBANDS OR NOT IN THE PIECE LACE HATBANDS, WHETHER OR NOT ORNAMENTED; NOT INCLUDING ANY HATBAND LACE OR NOT ORNAMENTED IN ANY PART BY HAND: Valued Not Over \$1.50 Per Dozen Valued Over \$1.50 Per Dozen Containing Machine Laid Or Ornamented In Part By Hand HATBANDS, NOT HEMMED, NOT ORNAMENTED; NOT PART OR FINISHED OR COLORED: Not Over 50s Average Turn Number Over 50s But Not Over 70s Average Turn Number Over 70s Average Turn Number PART OR FINISHED, COLORED OR BOTH: Not Over 50s Average Turn Number: Colored Not Colored OVER 50s BUT NOT OVER 70s AVERAGE TURN NUMBER: Colored Not Colored OVER 70s AVERAGE TURN NUMBER: Colored Not Colored.	3.7	Doz.
	370.0400			
	370.0800			
	370.1600			
	370.2400			
	370.2800			
	370.3200			
	370.3600			
	370.4000			
	370.4400			
	370.4800			
	370.5200			
	370.5600			
	370.6000			
	370.6400			
	370.6800			
	370.6900			

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Textile and Apparel Categories by Tariff Schedules  
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APPAREL - COTTON  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
331		APPAREL, cont'd COTTON, cont'd GLOVES AND MITTENS: GLOVES AND GLOVE LININGS: CONTAINING: MADE FROM PRE-EXISTING MACHINE-KNT OR WOVEN FABRIC: WOVEN: Of Cotton Of Other, Containing Cotton NOT WOVEN: Of Cotton Of Other, Containing Cotton OTHER THAN MADE FROM PRE-EXISTING MACHINE- KNT OR WOVEN FABRIC: Of Cotton Of Other, Containing Cotton NOT ORNAMENTED: MADE FROM PRE-EXISTING MACHINE-KNT OR WOVEN FABRIC: WOVEN: Without Pouchettes Or Signalls: OTHER: Of Cotton Of Other, Containing Cotton NOT WOVEN: WITHOUT POUCHETTES OR SIGNALLS: Terry Cloth Type, Looped Pile Fabric Jersey Type, Brushed or Napped Fabric Lisle Type, No Pile, Not Brushed or Napped Other WITH POUCHETTES OR SIGNALLS: Jersey Type, Brushed or Napped Fabric Lisle Type, No Pile, Not Brushed or Napped	3.5	Doz.
	704.0520			
	704.0555			
	704.1020			
	704.1055			
	704.1520			
	704.1555			
	704.4010			
	704.4025			
	704.4055			
	704.4502			
	704.4504			
	704.4506			
	704.4508			
	704.4522			
	704.4524			

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Textile and Apparel Categories by Tariff Schedules  
of the United States Annotated

APPAREL - COTTON  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
332		APPAREL, cont'd COTTON, cont'd GLOVES AND MITTENS: GLOVES AND GLOVE LININGS: NOT ORNAMENTED; cont'd MADE FROM PRE-EXISTING MACHINE-KNT OR WOVEN FABRIC; cont'd NOT WOVEN: cont'd WITH POUCHETTES OR SIGNALLS: cont'd Other Of Other, Containing Cotton OTHER THAN MADE FROM A PRE-EXISTING MACHINE- KNT OR WOVEN FABRIC: Of Cotton Of Other, Containing Cotton HOSE AND PAIR HOSE: ROSETTE, LACE, NET OR ORNAMENTED: FEMINIZED: Valued Not Over \$5 Per Doz Pair Valued Over \$5 Per Doz Pair Not Fertilized OTHER HOSIERY NOT ORNAMENTED: Not Made Or Cut From Pre-Existing Fabric Made Or Cut From Pre-Existing Fabric SUIT-TYPE COATS, JACKET-TYPE COATS, AND SUIT- TYPE JACKETS: NOT WITH: Ornamented NOT ORNAMENTED: VALUED NOT OVER \$4 EACH: SUIT-TYPE COATS IMPORTED WITH SUITS: Corduroy Other	3.5	Doz.
	704.4526			
	704.4555			
	704.5015			
	704.5055			
	374.0500			
	372.1000			
	374.1500			
	374.4000			
	374.4500			
	380.0043			
	380.0940			
	380.0960			

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Textile and Apparel Categories by Tariff Schedules  
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APPAREL - COTTON

## Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
33A cont'd		<p><u>AFRAMEL</u> cont'd</p> <p><u>COATINGS</u> cont'd</p> <p><u>OTHER COATS, NOT L.S. &amp; ROTS</u> cont'd</p> <p>OTHER COATS: cont'd</p> <p>NOT EIT:</p> <p>UNARMED:</p> <p>3/4 Length or Longer</p> <p>NOT UNARMED:</p> <p>VALUED NOT OVER \$4 EACH:</p> <p>RUBBERS, 3/4 LENGTH OR LONGER:</p> <p>Corduroy</p> <p>Other</p> <p>OTHER COATS, 3/4 LENGTH OR LONGER:</p> <p>Corduroy</p> <p>Other</p> <p>VALUED OVER \$4 EACH:</p> <p>RUBBERS, 3/4 LENGTH OR LONGER:</p> <p>Corduroy</p> <p>Other</p> <p>OTHER COATS, 3/4 LENGTH OR LONGER:</p> <p>Corduroy</p> <p>Other</p> <p>Other Coats, of Vegetable Fiber Containing Cotton</p> <p>Other Coats of Leather, Containing Cotton</p>	11.3	Poz.
		<p><u>COATS, RUBBER, OTHER, AND STAPLE</u></p> <p>EIT:</p> <p>Unarmament</p> <p>Not Unarmament</p> <p>NOT EIT:</p> <p>UNARMED:</p> <p>OTHER COATS:</p> <p>3/4 Length or Longer</p> <p>Other</p>	11.3	Poz.
		<p>300.0045</p> <p>300.0910</p> <p>300.0920</p> <p>300.0980</p> <p>300.0990</p> <p>300.1210</p> <p>300.1220</p> <p>300.1280</p> <p>300.1290</p> <p>300.5108</p> <p>791.7413</p>		
		<p>302.0007</p> <p>302.0514</p> <p>302.0094</p> <p>302.0095</p>		

TEXTILE Category	THUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
333 cont'd		ATANKS cont'd		
		SUITS cont'd		
		SUIT-TYPE COATS, MEN'S AND BOYS' cont'd		
		SUIT-TYPE COATS, SUIT-TYPE SPORT COATS AND SUIT-TYPE JACKETS cont'd		
		BOY SUIT: cont'd		
		NOT OBSERVED: cont'd		
		VALUED OVER \$4 EACH:		
		Suit-Type Coats Imports With Suits		
		OTHER:		
		SUIT-TYPE COATS & JACKETS:		
		Of Corduroy		
		Of Other		
		Other, Of Vegetable Fiber		
		OTHER, OF LEATHER:		
		COATS AND JACKETS:		
		MEN'S AND BOYS':		
		Suit-Type Coats and Jackets		
		OTHER COATS, MEN'S AND BOYS':		
		Coats, Jackets, Etc., Designed For Rainwear, Hunting, Fishing and Similar Uses		
		OTHER COATS:		
		WIT:		
		CONSUMED:		
		3/4 Length or Longer		
		Other Coats Of Other Fiber, Containing Cotton		
		NOT OBSERVED:		
		3/4 Length Or Longer		
334		791.7412	31.3	Doz.
		376.5410		
		390.0002		
		390.0901		
		390.0611		

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RECORD OF SALES

Textile and Apparel Categories by Tariff Schedules  
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1200 - CONT

TEXTILE Category	THUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
336		APRIL cont'd		
		OTHER: cont'd		
		WELSH KITT:		
		UNWASHED:		
		Women's		
	382.0012	Girls' and Infants'		
	382.0014	NOT UNWASHED:		
		Women's		
	382.0635	Girls' and Infants'		
	382.0640	OTHER WOMEN'S, GIRLS' AND INFANTS':		
	382.3968	Of Vegetable Fiber Containing Cotton		
	382.6968	OF SILK, Containing Cotton		
		NOT KITT:		
		UNWASHED:		
	382.0057	Women's		
	382.0063	Girls' and Infants'		
		NOT UNWASHED:		
		VELVET:		
	382.3314	Women's		
	382.3316	Girls' and Infants'		
		CORSET:		
	382.3318	Women's		
	382.3320	Girls' and Infants'		
		OTHER THAN CORSET OR VELVET:		
	382.3322	Women's		
	382.3324	Girls' and Infants'		
		OTHER:		
	382.4212	Of Vegetable Fiber Containing Cotton		
	382.7208	OF SILK, Containing Cotton		

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
335 cont'd		<p>ATLASEZ cont'd</p> <p>COARSE cont'd</p> <p>OTHER COATS, WOMEN'S, GIRLS' AND INFANTS' cont'd</p> <p>NOT EASY: cont'd</p> <p>NOT ORNAMENTED:</p> <p>Valued Not Over \$4 Each</p> <p>Valued Over \$4 Each:</p> <p>RAINCOATS, 3/4 LENGTH OR LONGER:</p> <p>WOMEN'S:</p> <p>Of Corduroy</p> <p>Of Velveteen</p> <p>Of Other</p> <p>GIRLS' AND INFANTS':</p> <p>Of Corduroy</p> <p>Of Velveteen</p> <p>Of Other</p> <p>OTHER COATS, 3/4 LENGTH OR LONGER:</p> <p>Corduroy</p> <p>Velveteen</p> <p>OTHER:</p> <p>Women's</p> <p>Girls' and Infants'</p> <p>OTHER THAN 3/4 LENGTH OR LONGER:</p> <p>Corduroy</p> <p>Velveteen</p> <p>OTHER:</p> <p>Women's</p> <p>Girls' and Infants'</p> <p>OTHER:</p> <p>Coats and Jackets</p> <p>Of Vegetable Fiber, Containing Cotton</p> <p>Of Leather, Containing Cotton</p>	34.3	Yds
	352.0903			
	352.1202			
	352.1204			
	352.1206			
	352.1208			
	352.1210			
	352.1212			
	352.1214			
	352.1216			
	352.1217			
	352.1219			
	352.1220			
	352.1222			
	352.1223			
	352.1225			
	352.3313			
	352.4208			
	791.7415			

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Textile and Apparel Categories by Tariff Schedules  
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APPAREL - COTTON  
Section 3

TEXTILE Category	TUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
338		ATANK, cont'd		
		COTTON, cont'd		
		KNIT SHIRTS AND BLOUSES, V.O. & I.	7.2	Doz.
		ORNAMENTED:		
		BLOUSES:		
		TANK TOPS:		
		Women's		
		Girls' & Infants'		
		OTHER:		
		Women's		
		Girls' & Infants'		
		T-Shirts		
		Sweatshirts		
	Other			
		NOT ORNAMENTED:		
		BLOUSES:		
		TANK TOPS:		
		Women's		
		Girls' & Infants'		
		OTHER:		
		Women's		
		Girls' & Infants'		
		T-Shirts		
		Sweatshirts		
		OTHER:		
		Women's		
		Girls' & Infants'		
		OTHER BLOUSES, VALETS AND SHIRTS; Of Vegetable Fiber Containing Cotton Of Silk, Containing Cotton		
		</		



Textile and Apparel Categories by Tariff Schedules  
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APPAREL - COTTON  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
345		APPAREL, cont'd COTTON, cont'd SWEATERS KNIT:	36.8	DOL.
		ORNA MENTED:		
	380.0030	Men's & Boys'		
	382.0030	Women's, Girls' and Infants'		
		NOT ORNA MENTED:		
		SWEATERS:		
	380.0658	Men's		
	380.0659	Boys'		
		WOMEN'S, GIRLS' AND INFANTS': OF COTTON:		
	382.0680	Women's		
347		TRUSERS, MEN'S AND BOYS': KNIT:	37.8	DOL.
		ORNA MENTED:		
	380.0033	Not Orna mented		
	380.0660	NOT KNIT:		
		ORNA MENTED:		
	380.0071	Shorts		
	380.0072	Trousers and Slacks		
		NOT ORNA MENTED:		
		MEN'S AND BOYS':		
	380.3380	Shorts		
		TRUSERS AND SLACKS: Denim, Including Brushed Denim	37.8	DOL.
		OF Corduroy		
	380.3921	Of Other		
	380.3923	BOYS':		
	380.3924	Of Denim, Including Brushed Denim		
	380.3926	OF Corduroy		
	380.3928			

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347		APPAREL, cont'd COTTON, cont'd TRUSERS, MEN'S AND BOYS': cont'd NOT KNIT:	37.8	DOL.
		NOT ORNA MENTED:		
		BOYS': cont'd		
	380.3930	Of Other		
	380.5124	Other, Of Vegetable Fiber, Containing Cotton		
	791.7418	Other, Trussers, Slacks & Shorts Of Leather		
		TRUSERS, WOMEN'S, GIRLS' AND INFANTS': KNIT:		
	382.0032	Orna mented		
		NOT ORNA MENTED:		
	382.0673	Shorts		
349		TRUSERS & SLACKS: Women's	37.8	DOL.
	382.0686	Girls' and Infants'		
	382.0692	OTHER:		
		Of Vegetable Fiber, Containing Cotton		
	382.3922	Of Silk, Containing Cotton		
	382.6616	NOT KNIT:		
		ORNA MENTED:		
	382.0079	Shorts		
		TRUSERS & SLACKS:		
	382.0085	Women's		
		TRUSERS & SLACKS: Denim, Including Brushed Denim	37.8	DOL.
		OF Corduroy		
	382.0087	Of Other		
		NOT ORNA MENTED:		
		Shorts		
	382.3333	TRUSERS & SLACKS:		
		Women's		
	382.3347	Girls' and Infants'		
	382.3349			

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
348		APPAREL, cont'd COTTON, cont'd TRUSERS, WOMEN'S, GIRLS' AND INFANTS': cont'd NOT KNIT:	37.8	DOL.
		CORONA Y:		
	382.3353	Women's		
	382.3355	Girls' and Infants'		
		VELVET:		
	382.3357	Women's		
	382.3359	Girls' and Infants'		
		OF OTHER THAN TANG-TOED FABRICS, R.E.S., TWILL, CORDUROY OR VELVET:		
	382.3361	Women's		
	382.3363	Girls' and Infants'		
349		OTHER:	37.8	DOL.
		Of Vegetable Fiber Containing Cotton		
	382.4626	Of Silk, Containing Cotton		
	382.7218	Of Leather, Containing Cotton		
	791.7420	BRASSIERS, ETC.		
		LACE, NET OR ORNA MENTED:		
	376.2425	Brassiers		
	376.2466	Body Supporting Garments, (Except Brassiers)		
		NOT ORNA MENTED:		
		Brassiers		
350		Body Supporting Garments, Except Brassiers	52.0	DOL.
		DRESSING GOWNS		
		KNIT:		
		MEN'S AND BOYS':		
	380.0009	Orna mented		
	380.0620	Not Orna mented		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0016	Orna mented		
	382.0645	Not Orna mented		
		Valued Not Over \$1.50 Per Suit		

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350		APPAREL, cont'd COTTON, cont'd DRESSING GOWNS, cont'd NOT KNIT:	52.0	DOL.
		MEN'S AND BOYS':		
	380.0049	Lace, Net Or Orna mented		
		NOT ORNA MENTED:		
		VALUED NOT OVER \$2.50 EACH:		
	380.1520	Of Corduroy		
	380.1540	Of Other		
		VALUED OVER \$2.50 EACH:		
	380.1520	Of Corduroy		
	380.1540	Of Other		
351		WOMEN'S, GIRLS' AND INFANTS':	52.0	DOL.
		Lace, Net, Or Orna mented		
		Valued Not Over \$2.50 Each		
	382.1530	Valued Over \$2.50 Each:		
		Of Corduroy		
		Of Other		
	382.1520	Other Of Silk, Containing Cotton		
	382.1570	KNIT:		
	382.7212	MEN'S AND BOYS':		
		Orna mented		
		WOMEN'S, GIRLS' AND INFANTS':	52.0	DOL.
		Orna mented		
	380.0011	Not Orna mented		
	380.0625	WOMEN'S, GIRLS' AND INFANTS':		
		Orna mented		
	382.0018	Not Orna mented		
	382.0650	NOT KNIT:		
		MEN'S AND BOYS':		
	380.0050	Orna mented		
		NOT ORNA MENTED:		
		PAJAMAS:	52.0	DOL.
		Valued Not Over \$1.50 Per Suit		
	380.2100			

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
352 cont'd		APPAREL, cont'd		
		COTTON, cont'd		
		KNITTING, cont'd		
		NOT KNIT: cont'd		
		WOMEN'S, GIRLS' AND INFANTS':		
		Other Highwear		
		Valued Over \$1.50 Per Suit		
		Valued Over \$1.50 Per Suit		
		Other Highwear		
		Other of Silk, Containing Cotton		
353		APPAREL, cont'd		
		COTTON, cont'd		
		KNITTING, cont'd		
		NOT KNIT: cont'd		
		WOMEN'S, GIRLS' AND INFANTS':		
		Other Highwear		
		Valued Over \$1.50 Per Suit		
		Valued Over \$1.50 Per Suit		
		Other Highwear		
		Other of Silk, Containing Cotton		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
352 cont'd		APPAREL, cont'd		
		COTTON, cont'd		
		KNITTING, cont'd		
		NOT KNIT: cont'd		
		WOMEN'S, GIRLS' AND INFANTS':		
		Other Highwear		
		Valued Over \$1.50 Per Suit		
		Valued Over \$1.50 Per Suit		
		Other Highwear		
		Other of Silk, Containing Cotton		
353		APPAREL, cont'd		
		COTTON, cont'd		
		KNITTING, cont'd		
		NOT KNIT: cont'd		
		WOMEN'S, GIRLS' AND INFANTS':		
		Other Highwear		
		Valued Over \$1.50 Per Suit		
		Valued Over \$1.50 Per Suit		
		Other Highwear		
		Other of Silk, Containing Cotton		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
352 cont'd		APPAREL, cont'd		
		COTTON, cont'd		
		KNITTING, cont'd		
		NOT KNIT: cont'd		
		WOMEN'S, GIRLS' AND INFANTS':		
		Other Highwear		
		Valued Over \$1.50 Per Suit		
		Valued Over \$1.50 Per Suit		
		Other Highwear		
		Other of Silk, Containing Cotton		
353		APPAREL, cont'd		
		COTTON, cont'd		
		KNITTING, cont'd		
		NOT KNIT: cont'd		
		WOMEN'S, GIRLS' AND INFANTS':		
		Other Highwear		
		Valued Over \$1.50 Per Suit		
		Valued Over \$1.50 Per Suit		
		Other Highwear		
		Other of Silk, Containing Cotton		

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APPAREL - COTTON  
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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
352 cont'd		APPAREL, cont'd		
		COTTON, cont'd		
		KNITTING, cont'd		
		NOT KNIT: cont'd		
		WOMEN'S, GIRLS' AND INFANTS':		
		Other Highwear		
		Valued Over \$1.50 Per Suit		
		Valued Over \$1.50 Per Suit		
		Other Highwear		
		Other of Silk, Containing Cotton		
353		APPAREL, cont'd		
		COTTON, cont'd		
		KNITTING, cont'd		
		NOT KNIT: cont'd		
		WOMEN'S, GIRLS' AND INFANTS':		
		Other Highwear		
		Valued Over \$1.50 Per Suit		
		Valued Over \$1.50 Per Suit		
		Other Highwear		
		Other of Silk, Containing Cotton		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
411		APPAREL, cont'd		
		WOOL		
		GLASSES AND MITTENS		
		ORNAMENTED, LACE OR NET; OF WOOL:	2.1	Doz.
	704.2000	Rebroiladed		
		NOT ORNAMENTED;		
	704.2500	Not Appliqed		
	704.3000	Appliqed		
		NOT ORNAMENTED, NOT OF LACE OR NET; OF WOOL:		
		VALUED NOT OVER \$1.75 PER DOZEN PAIR:		
412	704.5500	Knit		
	704.5600	Not Knit		
	704.6000	Valued Over \$1.75 But Not Over \$4 Per Dozen Pair		
	704.6500	Valued Over \$4 Per Dozen Pair		
	704.4000	Glove Linings		
		HOSIERY		
		ORNAMENTED:	2.8	Doz.
		LACE OR NET;		
		EMBROIDERED:		
	374.2000	Valued Not Over \$3.50 Per Dozen Pair		
374	374.2500	Valued Over \$3.50 Per Dozen Pair		
	374.3000	Not Rebroiladed		
		NOT ORNAMENTED;		
		ALL OTHER HOSIERY:		
	374.5000	Women's, Girls' & Infants' Pull and Knee Length		
	374.5040	Other		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
352		APPAREL, cont'd		
		COTTON; cont'd		
		OTHER APPAREL, cont'd	4.6	Doz.
		NOT KNIT; cont'd		
		NOT ORNAMENTED; cont'd		
		WOMEN'S, GIRLS' & INFANTS'; VESTS:		
	382.2730	Valued Not Over \$2 Each		
	382.3030	Valued Over \$2 Each		
	382.3380	Shoe Uppers		
	382.3383	Judo, Karate & Other Martial Art Uniforms		
382	382.3388	Infants' Sate Up To And Including 24 Months		
	382.3391	Other		
		SUITS, WOMEN'S, GIRLS' & INFANTS'; OF Vegetable Fibers, Containing Cotton		
	382.4222	OTHER:		
	382.4230	Of Vegetable Fiber, Containing Cotton		
	382.7222	Of Silk Containing Cotton		
	382.8705	Of Other, Containing Cotton		
	702.1220	Headwear, Of Cotton, Flax Or Both		
	791.7406	Other, Of Leather Containing Cotton		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
411		APPAREL, cont'd		
		WOOL, cont'd		
		COATS, WOMEN'S, GIRLS' AND INFANTS'; KNIT:	4.5	Doz.
		NOT ORNAMENTED;		
	382.5820	Valued Over \$5 Per Pound		
		NOT KNIT;		
	382.6255	ORNAMENTED		
		NOT ORNAMENTED;		
	382.6236	Of Vegetable Fiber Containing Wool		
		OF WOOL:		
412	382.6014	Valued Not Over \$4 Per Pound		
		VALUED OVER \$4 PER POUND; 3/4 Length or Longer		
	382.6315	Other		
	382.6320	WESSES, WOMEN'S, GIRLS' AND INFANTS'; KNIT:	4.1	Doz.
		VALUED NOT OVER \$5 PER POUND;		
	382.5420	Not Ornamented		
		VALUED OVER \$5 PER POUND;		
	382.6210	Ornamented		
		NOT ORNAMENTED;		
	382.3936	Of Vegetable Fiber Containing Wool		
382	382.4930	Of Wool		
	382.6928	Of Silk		
		NOT KNIT;		
		NOT ORNAMENTED;		
	382.4242	Of Vegetable Fiber Containing Wool		
		OF WOOL:		
	382.6025	Valued Not Over \$4 Per Pound		
	382.6325	Valued Over \$4 Per Pound		
	382.7228	Of Silk, Containing Wool		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
411		APPAREL, cont'd		
		WOOL, cont'd		
		SUITS, WOMEN'S, GIRLS' & INFANTS'; NOT KNIT:	3.0	Doz.
		ORNAMENTED;		
	380.0240	Of Wool		
		NOT ORNAMENTED;		
	380.5134	Of Vegetable Fiber, Containing Wool		
		OF WOOL:		
	380.6310	Valued Not Over \$4 Per Pound		
		VALUED OVER \$4 PER POUND;		
412	380.6611	Men's		
	380.6612	Boys'		
		OTHER COATS, MEN'S AND BOYS'; NOT KNIT;	4.5	Doz.
		ORNAMENTED;		
	380.0245	Of Wool		
		NOT ORNAMENTED;		
		OF VEGETABLE FIBER CONTAINING WOOL:		
	380.5136	Overcoats, Topcoats, Carcoats		
	380.5137	Other Separate Coats		
		OF WOOL:		
380	380.6320	Valued Not Over \$4 Per Pound		
		VALUED OVER \$4 PER POUND;		
	380.6615	Overcoats, Topcoats, Carcoats		
	380.6616	Other Separate Coats		
		KNIT;		
		NOT ORNAMENTED;		
	380.5710	Valued Not Over \$5 Pound		
	380.6310	Valued Over \$5 Per Pound		

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TEXTILE Category	TUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
440		APPAREL cont'd WOOL cont'd SHIRTS AND BLOUSERS - <u>KNIT</u> Valued Not Over \$5 Per Pound: NOT ORNAMENTED: Men's and Boys' Shirts Women's, Girls' and Infants' Blouses Valued Over \$5 Per Pound: ORNAMENTED: Shirts, Men's and Boys' Blouses, Women's, Girls' and Infants' NOT ORNAMENTED: Shirts, Men's and Boys' Blouses, Waist and Shirts: Of Vegetable Fiber Containing Wool Of Wool Of Silk, Containing Wool SHIRTS AND BLOUSERS - <u>NOT KNIT</u> Men's and Boys': ORNAMENTED: Shirts NOT ORNAMENTED: Shirts SHIRTS: Of Vegetable Fiber, Containing Wool Of Wool: Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound Women's, Girls' and Infants': ORNAMENTED: Blouses, Waists and Shirts	15.0	Doz.
	380.5720			
	380.5810			
	380.0205			
	380.0205			
	380.6120			
	382.3934			
	382.5810			
	382.6924			
	380.0255			
442		APPAREL cont'd WOOL cont'd SHIRTS AND BLOUSERS - <u>NOT KNIT</u> cont'd Women's, Girls' and Infants': cont'd NOT ORNAMENTED: Blouses, Waists and Shirts: Of Vegetable Fiber Containing Wool Of Wool: Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound Of Silk, Containing Wool SHIRTS KNIT: ORNAMENTED: Valued Over \$5 Per Pound NOT ORNAMENTED: Of Vegetable Fiber Containing Wool Of Wool: Valued Not Over \$5 Per Pound Valued Over \$5 Per Pound NOT KNIT: ORNAMENTED: Of Wool NOT ORNAMENTED: Of Vegetable Fiber Containing Wool Of Wool: Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound	24.0	Doz.
	382.4234			
	382.6010			
	382.6310			
	382.7224			
	382.0215			
	382.3942			
	382.5425			
	382.5940			
	382.0255			
446		APPAREL cont'd WOOL cont'd SHIRTS AND BLOUSERS - <u>NOT KNIT</u> cont'd Women's, Girls' and Infants': cont'd NOT ORNAMENTED: Blouses, Waists and Shirts: Of Vegetable Fiber Containing Wool Of Wool: Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound	24.0	Doz.
	382.5142			
	380.6340			
	380.6640			
448		APPAREL cont'd WOOL cont'd SHIRTS AND BLOUSERS - <u>NOT KNIT</u> cont'd Women's, Girls' and Infants': cont'd NOT ORNAMENTED: Blouses, Waists and Shirts: Of Vegetable Fiber Containing Wool Of Wool: Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound	24.0	Doz.
	382.0250			

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443		APPAREL cont'd WOOL cont'd SHIRTS, MEN'S AND BOYS' Valued Not Over \$5 Per Pound: NOT ORNAMENTED: Of Wool: Wholly Or In Part Of Cashmere Wholly Or In Part Of Hair Similar To Wool Of Sheep Other Valued Over \$5 Per Pound: ORNAMENTED: Of Wool NOT ORNAMENTED: Wholly Cashmere, Valued Over \$18 Per Pound OTHER: Wholly Or In Part Of Cashmere Wholly Or In Part Of Hair Similar To Wool Of Sheep OTHER: Men's Boys' SHIRTS, WOMEN'S, GIRLS' AND INFANTS' Valued Not Over \$5 Per Pound: NOT ORNAMENTED: Of Wool Valued Over \$5 Per Pound: ORNAMENTED: NOT ORNAMENTED: Of Vegetable Fiber, Containing Wool Of Wool: Wholly Cashmere, Valued Over \$18 Per Pound	36.8	Doz.
	380.5730			
	380.5740			
	380.5750			
	380.0209			
	380.5900			
	380.6130			
	380.6140			
	380.6145			
	380.6155			
446		APPAREL cont'd WOOL cont'd SHIRTS, MEN'S AND BOYS' Valued Not Over \$5 Per Pound: NOT ORNAMENTED: Of Wool Wholly Or In Part Of Cashmere Wholly Or In Part Of Hair Similar To Wool Of Sheep Other Valued Over \$5 Per Pound: ORNAMENTED: Of Wool NOT ORNAMENTED: Wholly Cashmere, Valued Over \$18 Per Pound OTHER: Wholly Or In Part Of Cashmere Wholly Or In Part Of Hair Similar To Wool Of Sheep OTHER: Men's Boys' SHIRTS, WOMEN'S, GIRLS' AND INFANTS' Valued Not Over \$5 Per Pound: NOT ORNAMENTED: Of Wool Valued Over \$5 Per Pound: ORNAMENTED: NOT ORNAMENTED: Of Vegetable Fiber, Containing Wool Of Wool: Wholly Cashmere, Valued Over \$18 Per Pound	36.8	Doz.
	382.5431			
	382.0219			
	382.3946			
	382.5600			
	380.0260			
	380.5146			
	380.6350			
	380.6651			
	380.6652			
448		APPAREL cont'd WOOL cont'd SHIRTS, MEN'S AND BOYS' Valued Not Over \$5 Per Pound: NOT ORNAMENTED: Of Wool Wholly Or In Part Of Cashmere Wholly Or In Part Of Hair Similar To Wool Of Sheep Other Valued Over \$5 Per Pound: ORNAMENTED: Of Wool NOT ORNAMENTED: Wholly Cashmere, Valued Over \$18 Per Pound OTHER: Wholly Or In Part Of Cashmere Wholly Or In Part Of Hair Similar To Wool Of Sheep OTHER: Men's Boys' SHIRTS, WOMEN'S, GIRLS' AND INFANTS' Valued Not Over \$5 Per Pound: NOT ORNAMENTED: Of Wool Valued Over \$5 Per Pound: ORNAMENTED: NOT ORNAMENTED: Of Vegetable Fiber Containing Wool Of Wool: Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound	36.8	Doz.
	382.0235			
	382.0266			
	380.5846			
	382.5847			
	382.4252			
	382.6040			
	382.6340			
	380.6653			
	380.6654			
448		APPAREL cont'd WOOL cont'd SHIRTS, MEN'S AND BOYS' Valued Not Over \$5 Per Pound: NOT ORNAMENTED: Of Wool Wholly Or In Part Of Cashmere Wholly Or In Part Of Hair Similar To Wool Of Sheep Other Valued Over \$5 Per Pound: ORNAMENTED: Of Wool NOT ORNAMENTED: Wholly Cashmere, Valued Over \$18 Per Pound OTHER: Wholly Or In Part Of Cashmere Wholly Or In Part Of Hair Similar To Wool Of Sheep OTHER: Men's Boys' SHIRTS, WOMEN'S, GIRLS' AND INFANTS' Valued Not Over \$5 Per Pound: NOT ORNAMENTED: Of Wool Valued Over \$5 Per Pound: ORNAMENTED: NOT ORNAMENTED: Of Vegetable Fiber Containing Wool Of Wool: Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound	36.8	Doz.
	382.0235			
	382.0266			
	380.5846			
	382.5847			
	382.4252			
	382.6040			
	382.6340			
	380.6653			
	380.6654			

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
552		APPAREL, cont'd WOOL, cont'd SEATERS, WOMEN'S, OTHERS, AND INFANTS', cont'd VALUED OVER \$5 PER POUND; cont'd NOT ORNAMENTED; cont'd OTHER: Wholly Or In Part Of Cashmere Wholly Or In Part Of Hair Similar To Wool Of Sheep OTHER: Women's Girls' and Infants' Of Silk, Containing Wool TROUSERS, MEN'S AND BOYS' NOT ENIT: Ornamented NOT ORNAMENTED: Of Vegetable Fiber, Containing Wool OF WOOL: Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound TROUSERS, WOMEN'S, OTHERS, AND INFANTS' ENIT: NOT ORNAMENTED: Of Vegetable Fiber, Containing Wool Of Wool Of Silk, Containing Wool NOT ENIT: NOT ORNAMENTED: Of Vegetable Fiber, Containing Wool OF WOOL: VALUED NOT OVER \$4 PER POUND: Shorts Trousers And Slacks	34.8	Yds.
	382.5850			
	382.5860			
	382.5871			
	382.5872			
	382.6932			
	380.0265			
	380.5154			
	380.6360			
	380.6660			
553		APPAREL, cont'd WOOL, cont'd TROUSERS, WOMEN'S, OTHERS, AND INFANTS', cont'd NOT ENIT; cont'd NOT ORNAMENTED; cont'd OF WOOL; cont'd Valued Over \$4 Per Pound OF SILK, Containing Wool OTHER APPAREL ENIT: MUFFLERS, SCARVES OR SHAWLS: Lace Or Net For Infants' OTHER: Valued Not Over \$5 Per Pound Valued Over \$5 Per Pound REPTILES: MEN'S AND BOYS': Ornamented Net Ornamented UNDERWEAR: NOT ORNAMENTED: Men's & Boys' Women's, Girls' & Infants' OTHER: MEN'S AND BOYS': ORNAMENTED: Of Other Fiber NOT ORNAMENTED: Of Vegetable Fiber Containing Wool OF WOOL: Valued Not Over \$5 Per Pound Valued Over \$5 Per Pound	1.5	No.
	382.6345			
	382.7238			
	372.1000			
	372.2900			
	372.3000			
	372.3500			
	373.0500			
	373.1500			
	376.3510			
554		APPAREL, cont'd WOOL, cont'd TROUSERS, WOMEN'S, OTHERS, AND INFANTS', cont'd NOT ENIT; cont'd NOT ORNAMENTED; cont'd OF WOOL; cont'd Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound TROUSERS, WOMEN'S, OTHERS, AND INFANTS' ENIT: NOT ORNAMENTED: Of Vegetable Fiber, Containing Wool Of Wool Of Silk, Containing Wool NOT ENIT: NOT ORNAMENTED: Of Vegetable Fiber, Containing Wool OF WOOL: VALUED NOT OVER \$4 PER POUND: Shorts Trousers And Slacks	1.5	No.
	382.5952			
	382.5985			
	382.6936			
	382.4256			
	382.6033			
	382.6046			

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Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
552		APPAREL, cont'd WOOL, cont'd OTHER APPAREL, cont'd ENIT; cont'd OTHER: cont'd MEN'S AND BOYS': cont'd NOT ORNAMENTED; cont'd OF WOOL; cont'd OF SILK, Containing Wool WOMEN'S, OTHERS, & INFANTS': ORNAMENTED: Of Wool Of Other Fiber, Containing Wool NOT ORNAMENTED: Of Vegetable Fiber, Containing Wool OTHER OF WOOL: Articles For Infants' OTHER: Valued Not Over \$5 Per Pound VALUED OVER \$5 PER POUND: Of Wool Other Of Silk, Containing Wool Other Of Leather, Containing Wool NOT ENIT: Mufflers, Scarves, Shawls, Other Than Vests OTHER ARTICLES: Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound	2.0	Yds.
	380.7215			
	382.0240			
	382.0518			
	382.3956			
	382.4800			
	382.5445			
	382.5895			
	382.6942			
	791.7430			
553		APPAREL, cont'd WOOL, cont'd OTHER APPAREL, cont'd NOT ENIT; cont'd MEN'S AND BOYS' WEARABLES: Ornamented OTHER UNDERWEAR, NOT ORNAMENTED: Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound OTHER MEN'S AND BOYS' WEARABLE APPAREL: ORNAMENTED: OF WOOL: Dressing Gowns, Including Bathrobes, Bathrobes, Etc. Other Of Vegetable Fiber Except Cotton, Containing Wool NOT ORNAMENTED: OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING WOOL: Other OF WOOL: VALUED NOT OVER \$4 PER POUND: Dressing Gowns, Including Bathrobes, Bathrobes, Etc. Other VALUED OVER \$4 PER POUND: Dressing Gowns, Including Bathrobes, Bathrobes, Etc. Other Valued Not Over \$4 Per Pound: Dressing Gowns, Including Bathrobes, Bathrobes, Etc. Other Of Silk, Containing Wool Of Other, Containing Wool	2.0	Yds.
	373.0550			
	378.4000			
	378.4500			
	380.0250			
	380.0270			
	380.0533			
	380.5158			
	380.6330			
	380.6390			
554		APPAREL, cont'd WOOL, cont'd OTHER APPAREL, cont'd NOT ENIT; cont'd MEN'S AND BOYS' WEARABLES: Ornamented OTHER UNDERWEAR, NOT ORNAMENTED: Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound OTHER MEN'S AND BOYS' WEARABLE APPAREL: ORNAMENTED: OF WOOL: Dressing Gowns, Including Bathrobes, Bathrobes, Etc. Other Of Vegetable Fiber Except Cotton, Containing Wool NOT ORNAMENTED: OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING WOOL: Other OF WOOL: VALUED NOT OVER \$4 PER POUND: Dressing Gowns, Including Bathrobes, Bathrobes, Etc. Other VALUED OVER \$4 PER POUND: Dressing Gowns, Including Bathrobes, Bathrobes, Etc. Other Valued Not Over \$4 Per Pound: Dressing Gowns, Including Bathrobes, Bathrobes, Etc. Other Of Silk, Containing Wool Of Other, Containing Wool	2.0	Yds.
	380.0250			
	380.0270			
	380.0533			
	380.5158			
	380.6330			
	380.6390			
	380.6690			
	380.7315			
	380.9015			

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APPAREL - WOOL  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
533 cont'd		APPAREL cont'd WOOL cont'd OTHER APPAREL cont'd NOT KNIT: cont'd WOMEN'S, GIRLS' & INFANTS': ORNAMENTED: Dressing Gowns, Bathrobes, Beachrobes, etc. Other OF OTHER NOT ORNAMENTED: OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING WOOL: Other OF WOOL: VALUED NOT OVER \$4 PER POUND: Dressing Gowns, including Bathrobes, Beachrobes, etc. Other VALUED OVER \$4 PER POUND: Dressing Gowns, including, Bathrobes, Beachrobes, etc. Other OF SILK, CONTAINING WOOL: Dressing Gowns, including Bathrobes, Beachrobes, etc. Pejamas and Other Nightwear Other Of Other Containing Wool OTHER: Sleeve and Upper of Wool Suit: For Men For Trousers and Boys' For Women For Misses For Children For Infants'	2.0	Lb.
	382.0560			
	382.0575			
	382.0583			
	382.4882			
	382.6030			
	382.6090			
	382.6130			
	382.6190			
	382.7232			
	382.7234			
	382.7242			
	382.8715			
	700.75			
	10			
	20			
	30			
	40			
	50			
	60			

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APPAREL - MAN-MADE  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
632	370.2100	APPAREL cont'd MAN-MADE HATS Less Handkerchiefs, Ornamented Lace Handkerchiefs, NOT ORNAMENTED: Trimmed Not Trimmed GLOVES AND GLOVE LININGS: LACE OR NOT WHETHER OR NOT ORNAMENTED: OF MAN-MADE FIBER: Made From A Pre-Existing Fabric Other NOT OF LACE OR NOT WHETHER OR NOT ORNAMENTED: OF MAN-MADE FIBER: KNIT: Made Or Cut From A Pre-Existing Knit Fabric Other Not Knit	1.7	Doz.
633	370.8500			
	370.8540			
	704.3220			
	704.3240			
	704.6520			
	704.6550			
	704.9000			
634	374.3530	APPAREL cont'd HOSIERY ORNAMENTED: Women's, Girls' and Infants' Full and Knee Length Other NOT ORNAMENTED: Women's, Girls' and Infants' Full and Knee Length Other	1.6	Doz.
	374.3550			
	374.6020			
	374.6040			

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APPAREL - WOOL  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
533 cont'd		APPAREL cont'd WOOL cont'd OTHER APPAREL cont'd NOT KNIT: cont'd WOMEN'S, GIRLS' & INFANTS': cont'd NOT ORNAMENTED: cont'd HATS, GAYS AND SIMILAR ITEMS Valued Not Over \$2 Per Pound Valued Over \$2 Per Pound HATS, GAYS, NOT BLACKED Felts, Not Knit Or Voles, Not Pulled, Stamped Or Blacked And Not Trimmed HATS, GAYS, BLACKED, JTHRETT PULLED, STAMPED, BLOCKED OR TRIMMED: Valued Not Over \$12 Per Dozen Valued Over \$12 Per Dozen OTHER HEADWEAR OF WOOL: Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound Other, Of Leather Containing Wool	2.0	Lb.
	702.5400			
	702.5600			
	702.6000			
	702.6500			
	702.7000			
	702.7500			
	702.8000			
	703.7440			

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APPAREL - MAN-MADE  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
632	382.0405	APPAREL cont'd MAN-MADE cont'd HOSIERY cont'd PART HOSIERY: WOMEN'S, GIRLS' AND INFANTS': Ornamented Not Ornamented SUIT-TYPE COATS, NOT FOR BOYS' KNIT: Ornamented NOT ORNAMENTED: SUIT-TYPE SPORT COATS: Men's Boys' OTHER OF LEATHER CONTAINING MAN-MADE FIBER: Men's and Boys' NOT KNIT: Ornamented NOT ORNAMENTED: OF Vegetable Fiber, Containing Man-Made OF MAN-MADE FIBER: SUIT-TYPE SPORT COATS AND JACKETS: Men's Boys' OF Leather Containing Man-Made Fiber OTHER COATS, NOT FOR BOYS' KNIT: Ornamented NOT ORNAMENTED: Raincoats, 3/4 Length or Longer	1.6	Doz.
633	382.7827			
	380.0402			
	380.8104			
	380.8105			
	703.7459			
	380.0443			
	380.5164			
	380.8411			
	380.8412			
	703.7470			
634	380.0405			
	380.8101			

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APPAREL - MEN-MALE  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
634 cont'd		APPAREL cont'd		
		MALE-MALE FIBER cont'd		
		OTHER COATS, MEN'S AND BOYS' cont'd		
		KNIT: cont'd		
		NOT ORNAMENTED: cont'd		
		OTHER:		
	382.0109	Overcoats, Topcoats, Carcoats		
	382.0111	Other		
	791.7460	Other Men's and Boys' Coats of Leather Containing Man-Made		
		NOT KNIT:		
	376.5610	Coats, Jackets Designed For Hunting, Fishing And Similar Uses		
		OTHER COATS:		
	380.0445	Ornamented		
		NOT ORNAMENTED:		

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
635 cont'd		APPAREL cont'd		
		MALE-MALE FIBER cont'd		
		COATS, WOMEN'S, GIRLS' AND INFANTS' cont'd		
		NOT KNIT:		
		ORNAMENTED:		
	382.0462	Raincoats, 3/4 Length or Longer		
	382.0464	Other		
		NOT ORNAMENTED:		
	382.4268	Of Vegetable Fiber, Containing Man-Made Fiber		
		OF MAN-MADE FIBER:		
		3/4 LENGTH OR LONGER:		
		RAINCOATS:		
	382.8107	Women's		
	382.8109	Girls' and Infants'		

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APPAREL - MEN-MALE  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
636 cont'd		APPAREL cont'd		
		MALE-MALE FIBER cont'd		
		KNIT: cont'd		
		NOT KNIT:		
		ORNAMENTED:		
	382.0466	Women's		
	382.0468	Girls' and Infants'		
		NOT ORNAMENTED:		
	382.4272	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.7248	Of Silk, Containing Man-Made Fiber		
		OF MAN-MADE FIBER:		
	382.8119	Women's		
	382.8121	Girls' and Infants'		
		PLAUSIBLE		

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APPAREL - MEN-MALE  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
638 cont'd		APPAREL cont'd		
		MALE-MALE FIBER cont'd		
		KNIT: SHIRTS, MEN'S AND BOYS' cont'd		
		NOT ORNAMENTED:		
		T-SHIRTS:		
	380.8133	All White		
	380.8135	Other		
		OTHER THAN T-SHIRTS:		
	380.8136	Tank Tops		
	380.8139	Other		
		KNIT: SHIRTS & BLOUSES, WOMEN'S, GIRLS' AND INFANTS'		
		ORNAMENTED:		
		BLOUSES:		
	382.0402	TANK TOPS:		

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APPAREL - MALE-MALE  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
641 cont'd		APPAREL, cont'd		
		MALE-MALE FIBER, cont'd		
		BLANKETS, NOT KNIT, cont'd	14.5	Yds.
		NOT ORNAMENTED; cont'd		
		OF MALE-MALE FIBER:		
		Women's		
	382.8102	Girls' and Infants'		
	382.8104	Slacks	12.8	Yds.
		KNIT:		
		ORNAMENTED:		
		Blouses & Collared		
	382.8106	NOT ORNAMENTED:		
		Of Vegetable Fiber, Containing Man-Made Fiber		
	382.3972	OF MALE-MALE FIBER:		
	382.7615	Culottes		
	382.7616	Slacks		
	382.7617	Women's		
	382.7618	Girls' & Infants'		
		NOT KNIT:		
		ORNAMENTED:		
	382.0476	Women's, Girls' and Infants'		
		NOT ORNAMENTED:		
	382.8276	Of Vegetable Fiber Except Cotton Containing		
		Man-Made Fiber		
	382.8130	OF MALE-MALE FIBER:		
	382.8132	Women's		
		Girls' and Infants'		

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APPAREL - MALE-MALE  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
643 cont'd		APPAREL, cont'd		
		MALE-MALE FIBER, cont'd		
		KNIT SHIRTS & BLOUSES, WOMEN'S, GIRLS' & INFANTS', cont'd	15.0	Yds.
		NOT ORNAMENTED; cont'd		
		Blouses, cont'd		
		Other:		
	382.7604	Women's		
	382.7605	Girls' and Infants'		
	382.7611	T-Shirts		
		OTHER SHIRTS:		
	382.7613	Women's		
	382.7615	Girls' and Infants'		
	382.7619	Top and Vests		
		SHIRTS, NOT KNIT		
		ORNAMENTED:		
	382.0455	Dress	24.0	Yds.
	382.0458	Work		
	382.0461	Sport		
		NOT ORNAMENTED:		
	382.5172	Of Vegetable Fiber, Containing Man-Made Fiber		
		OF MALE-MALE FIBER:		
	382.8135	Dress		
	382.8140	Work		
	382.8145	Sport		
		BLOUSES, NOT KNIT		
		BLOUSES, WAISTS AND SHIRTS:		
		ORNAMENTED:		
	382.0459	Women's		
	382.0461	Girls' and Infants'		
		NOT ORNAMENTED:		
	382.4264	Of Vegetable Fiber, Except Cotton Containing		
		Man-Made Fiber		
	382.7614	OF SILK, Containing Man-Made Fiber		

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APPAREL - MALE-MALE  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
645 cont'd		APPAREL, cont'd		
		MALE-MALE FIBER, cont'd		
		SEPARATE, MEN'S & BOYS', cont'd	36.8	Yds.
		KNIT: cont'd		
		NOT ORNAMENTED; cont'd		
		Other of Leather, Containing Man-Made		
	791.7454	SEPARATE, WOMEN'S, GIRLS' AND INFANTS'		
		ORNAMENTED:		
	382.0427	Infants'		
	382.0430	Other		
		NOT ORNAMENTED:		
	382.3976	Of Vegetable Fiber		
	382.6952	OF SILK		
		OF MALE-MALE FIBER:		
	382.7670	Infants'		
	382.7673	Other		
	791.7455	Of Leather Containing Man-Made		
		TRUSERS, MEN'S AND BOYS'	17.8	Yds.
		KNIT:		
		ORNAMENTED:		
	382.0435	Shorts		
	382.0436	Trousers & Slacks		
		NOT ORNAMENTED:		
	382.8142	Shorts		
		TRUSERS & SLACKS:		
	382.8166	Men's		
	382.8167	Boys'		
		NOT KNIT:		
		ORNAMENTED:		
	382.0468	Shorts		
	382.0469	Trousers & Slacks		
		NOT ORNAMENTED:		
	382.5184	Of Vegetable Fiber Containing Man-Made		

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APPAREL - MAN-MADE  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
647 cont'd		APPAREL, cont'd		
		MAN-MADE FIBER: cont'd		
		TRUSERS, MEN'S & BOYS': cont'd		
		NOT KNIT: cont'd		
		NOT ORNAMENTED: cont'd		
		OF MAN-MADE FIBER: cont'd		
		Shorts		
		Men's		
		Boys'		
		Other: Of Leather Containing Man-Made		
648		TRUSERS, WOMEN'S, GIRLS' & INFANTS':		
		KNIT:		
		ORNAMENTED:		
		Shorts		
		TRUSERS & SLACKS:		
		Women's		
		Girls' & Infants'		
		NOT ORNAMENTED:		
		Of Vegetable Fiber Containing Man-Made		
		Of Silk		
649		OF MAN-MADE FIBER:		
		Shorts		
		TRUSERS & SLACKS:		
		Women's		
		Girls' & Infants'		
		Of Leather Containing Man-Made		
		NOT KNIT:		
		ORNAMENTED:		
		Shorts		
		TRUSERS & SLACKS:		
650		Women's		
		Girls' & Infants'		
		NOT KNIT:		
		ORNAMENTED:		
		Shorts		
		TRUSERS & SLACKS:		
		Women's		
		Girls' & Infants'		
		NOT KNIT:		
		ORNAMENTED:		

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Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
647 cont'd		APPAREL, cont'd		
		MAN-MADE FIBER: cont'd		
		TRUSERS, MEN'S, GIRLS' & INFANTS': cont'd		
		NOT KNIT: cont'd		
		NOT ORNAMENTED:		
		OF Vegetable Fiber Containing Man-Made		
		Of Silk		
		OF MAN-MADE FIBER:		
		Shorts		
		TRUSERS & SLACKS:		
648		Women's		
		Girls' & Infants'		
		Other: Of Leather Containing Man-Made		
		BRASSIERES, ETC.		
		Body Supporting Garments: Of Man-Made		
		Fabric of or of Fish Fiber and Rubber or Plastic		
		CONSETS, CIGARETTES, BRASSIERES AND EMBROIDERED BODY		
		SUPPORTING GARMENTS FOR MEN AND BOYS', WOMEN,		
		GIRLS' & INFANTS':		
		ORNAMENTED, LACE OR NOT:		
649		Brassieres, Women's and Girls'		
		Body Supporting Garments, Except Brassieres		
		NOT ORNAMENTED:		
		Brassieres		
		Body Supporting Garments, Except Brassieres		
		BRASSIERES, ETC.		
		KNIT:		
		Men's & Boys':		
		Ornamented		
		Not Ornamented		
650		WOMEN'S, GIRLS' & INFANTS':		
		Ornamented		
		Not Ornamented		
		Body Supporting Garments, Except Brassieres		
		Brassieres		
		Body Supporting Garments, Except Brassieres		
		BRASSIERES, ETC.		
		KNIT:		
		Men's & Boys':		
		Ornamented		

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APPAREL - MAN-MADE  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
650 cont'd		APPAREL, cont'd		
		MAN-MADE FIBER: cont'd		
		TRUSERS, MEN'S & BOYS': cont'd		
		NOT KNIT:		
		NOT ORNAMENTED:		
		OF MAN-MADE FIBER: cont'd		
		Shorts		
		Men's & Boys':		
		Ornamented		
		Not Ornamented		
651		WOMEN'S, GIRLS' & INFANTS':		
		Ornamented		
		NOT ORNAMENTED:		
		OF SILK, Containing Man-Made Fiber		
		OF Man-Made Fiber		
		ELONGATED:		
		KNIT:		
		PALMERS AND OTHER NIGHTWEAR:		
		Men's & Boys':		
		Ornamented		
652		NOT ORNAMENTED:		
		WOMEN'S, GIRLS' & INFANTS':		
		Ornamented		
		NOT ORNAMENTED:		
		OF SILK, Containing Man-Made Fiber		
		OF Man-Made Fiber		
		ELONGATED:		
		KNIT:		
		PALMERS AND OTHER NIGHTWEAR:		
		Men's & Boys':		
653		NOT ORNAMENTED:		
		WOMEN'S, GIRLS' & INFANTS':		
		Ornamented		
		NOT ORNAMENTED:		
		OF SILK, Containing Man-Made Fiber		
		OF Man-Made Fiber		
		ELONGATED:		
		KNIT:		
		PALMERS AND OTHER NIGHTWEAR:		
		Men's & Boys':		

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APPAREL - MAN-MADE  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
650		APPAREL, cont'd		
		MAN-MADE FIBER: cont'd		
		TRUSERS, MEN'S & BOYS': cont'd		
		NOT KNIT:		
		NOT ORNAMENTED:		
		OF MAN-MADE FIBER: cont'd		
		Shorts		
		Men's & Boys':		
		Ornamented		
		Not Ornamented		
651		WOMEN'S, GIRLS' & INFANTS':		
		Ornamented		
		NOT ORNAMENTED:		
		OF SILK, Containing Man-Made Fiber		
		OF Man-Made Fiber		
		ELONGATED:		
		KNIT:		
		PALMERS AND OTHER NIGHTWEAR:		
		Men's & Boys':		
		Ornamented		
652		NOT ORNAMENTED:		
		WOMEN'S, GIRLS' & INFANTS':		
		Ornamented		
		NOT ORNAMENTED:		
		OF SILK, Containing Man-Made Fiber		
		OF Man-Made Fiber		
		ELONGATED:		
		KNIT:		
		PALMERS AND OTHER NIGHTWEAR:		
		Men's & Boys':		
653		NOT ORNAMENTED:		
		WOMEN'S, GIRLS' & INFANTS':		
		Ornamented		
		NOT ORNAMENTED:		
		OF SILK, Containing Man-Made Fiber		
		OF Man-Made Fiber		
		ELONGATED:		
		KNIT:		
		PALMERS AND OTHER NIGHTWEAR:		
		Men's & Boys':		

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Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
653 cont'd		APPAREL, cont'd MAN-MADE FIBER, cont'd OTHER WEARING APPAREL, cont'd KNIT: cont'd OTHER WEARING APPAREL: cont'd MEN'S AND BOYS': cont'd NOT ORNAMENTED: Of Vegetable Fiber Containing Man-Made Of Silk, Containing Man-Made OF MAN-MADE FIBER: Overalls, Overalls, Jumpsuits Swimming Trunks & Other Swimwear Other WOMEN'S, GIRLS' & INFANTS': ORNAMENTED: Bodyshirts & Bodysuits Overalls, Overalls, Jumpsuits Swimming Trunks & Other Swimwear Infants' Sets Up To And Including 24 Months Other Of Other Fiber Containing Man-Made NOT ORNAMENTED: Of Vegetable Fiber Containing Man-Made Of Silk Containing Man-Made OF MAN-MADE FIBER: Overalls, Overalls, Jumpsuits Bodyshirts and Bodysuits Swimming Suits and Other Swimwear Infants' Sets Up To And Including 24 Months Other Headwear, Not In Part Of Braid, Knit Other, Of Leather Containing Man-Made	7.6	Do.
	380.4925			
	380.7225			
	380.8113			
	380.8163			
	380.8192			
	380.0406			
	380.0409			
	380.0449			
	380.0456			
	380.0458			
	380.0527			
	380.3986			
	380.6962			
	380.7011			
	380.7066			
	380.7077			
	380.7090			
	380.7095			
	703.1000			
	791.7464			

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VALUE-UP AND MISCELLANEOUS  
COTTON  
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
653 cont'd		APPAREL, cont'd MAN-MADE FIBER, cont'd OTHER WEARING APPAREL, cont'd NOT KNIT: cont'd WOMEN'S, GIRLS' AND INFANTS': ORNAMENTED: OF MAN-MADE FIBER: Swimsuits and Other Swimwear Judo, Karate and Other Martial Arts Uniforms OTHER WEARING APPAREL: Infants' Sets Up To And Including 24 Months Other Of Other Fiber Containing Man-Made NOT ORNAMENTED: Of Vegetable Fiber, Except Cotton Containing Man-Made Fiber Of Silk, Containing Man-Made Fiber OF MAN-MADE FIBER: Swimsuits and Other swimwear Judo, Karate and Other Martial Arts Uniforms OTHER WEARING APPAREL: Infants' Sets Up To And Including 24 Months Other Of Other Fiber Containing Man-Made HEADWEAR: Wholly Or In Part Of Braid Not In Part Of Braid, Not Knit Other, Of Leather Containing Man-Made	7.6	Do.
	380.0479			
	380.0486			
	380.0487			
	380.0488			
	380.0572			
	380.4292			
	380.7262			
	380.8140			
	380.8148			
	380.8153			
	380.8156			
	380.8725			
	703.0500			
	703.1500			
	791.7404			

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
653 cont'd		APPAREL, cont'd MAN-MADE FIBER, cont'd OTHER WEARING APPAREL, cont'd NOT KNIT: KNITTING, SCANTIES, SHAWLS: ORNAMENTED MEN'S & BOYS': KNITTING: Not Ornamented GARMENTS DESIGNED FOR BATHING, COATED, FILLED OR LAMINATED WITH RUBBER OR PLASTICS; Other Than Coats, Jackets, Etc. LACE OR NET WEARING APPAREL, OTHER: MEN'S AND BOYS': ORNAMENTED: OF MAN-MADE FIBER: Swimming Trunks and Other Swim- wear Judo, Karate and Other Martial Arts Uniforms Other Of Silk, Containing Man-Made NOT ORNAMENTED: Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber Of Silk, Containing Man-Made Fiber OF MAN-MADE FIBER: Swimming Trunks and Other Swimwear Judo, Karate and Other Martial Arts Uniforms Other Wearing Apparel Of Other, Containing Man-Made Fiber	7.6	Do.
	372.1060			
	373.0560			
	373.2700			
	376.5620			
	380.0465			
	380.0472			
	380.0475			
	380.0536			
	380.5188			
	380.7525			
	380.8453			
	380.8460			
	380.8486			
	380.9025			

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
360	363.0320	PIZZA/CASHE, INCLUDING BUSTER CASES Ornamented NOT ORNAMENTED: Carded Combed SHEETS Ornamented NOT ORNAMENTED: Carded Combed BEDSPREADS & QUILTS LACE OR NET BEADING, WHETHER OR NOT ORNAMENTED: LACE, NET OR ORNAMENTED: Bedspreads Coverlets, Quilts and Comforters NOT ORNAMENTED: BLOCK-PRINTED BY HAND: Bedspreads Other NOT BLOCK-PRINTED BY HAND: Bedspreads Other JACKQUARD-FIGURED: Bedspreads Other OTHER: Quilt Covers Other FIBER & OTHER FINE TOWELS NOT ORNAMENTED: VALUES NOT OVER 15¢ EACH: Terry Towels, Other Than Dish Towels Towels of Pile or Turt Construction, Other Than Dish Towels	1.1	No.
361	363.3000 363.3040 363.0340 363.3010 363.3030		6.2	No.
362	363.0515 363.0520		6.2	No.
363	363.5015 363.5030 363.5115 363.5130 363.5515 363.5530 363.6015 363.6030 366.1060 366.1080		0.5	No.

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## Textile and Apparel Categories by Tariff Schedules

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## Textile and Apparel Categories by Tariff Schedules

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MADE-UP AND MISCELLANEOUS

COTTON

Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
363 cont'd		MADE-UP & MISG. cont'd COTTON cont'd TERRY & OTHER PILE TOWELS: cont'd NOT ORNAMENTED: cont'd VALUED OVER 45¢ EACH BUT NOT OVER \$1.45 PER POUND: Terry Towels, Other Than Dish Towels Towels of Pile or Tuft Construction, Other Than Dish Towels VALUED OVER 45¢ EACH AND OVER \$1.45 PER POUND: Terry Towels, Other Than Dish Towels Towels of Pile or Tuft Construction, Other Than Dish Towels OTHER TOWELS, NOT ORNAMENTED: Jacquard-Figured, Not Pile OTHER COTTON WVL: TANGS: Chamille Tarns Sewing Threads Knitting, Darning, Embroidery and Tatting Tarns For Handwork in Length Not Over 640 Yards COTTON CORDAGE: Rot of Stranded Construction OF STRANDED CONSTRUCTION: Under 3/16 Inch in Diameter 3/16 Inch or Over in Diameter TABLE DAMASK AND MANUFACTURES: TABLE DAMASK, PART OR FIGURED: WHOLLY OF COTTON: Not Bleached or Colored Bleached But Not Colored Colored, Whether or Not Bleached	0.5	Yds.
363	366.2720	OTHER COTTON WVL: TANGS: Chamille Tarns Sewing Threads Knitting, Darning, Embroidery and Tatting Tarns For Handwork in Length Not Over 640 Yards COTTON CORDAGE: Rot of Stranded Construction OF STRANDED CONSTRUCTION: Under 3/16 Inch in Diameter 3/16 Inch or Over in Diameter TABLE DAMASK AND MANUFACTURES: TABLE DAMASK, PART OR FIGURED: WHOLLY OF COTTON: Not Bleached or Colored Bleached But Not Colored Colored, Whether or Not Bleached	4.6	Lbs.
	363.1000	Chamille Tarns		
	363.2040	Sewing Threads		
	363.2042	Knitting, Darning, Embroidery and Tatting Tarns For Handwork in Length Not Over 640 Yards		
	315.0500	COTTON CORDAGE: Rot of Stranded Construction OF STRANDED CONSTRUCTION: Under 3/16 Inch in Diameter 3/16 Inch or Over in Diameter		
	315.1000	Under 3/16 Inch in Diameter		
	315.1500	3/16 Inch or Over in Diameter		
	363.3000	TABLE DAMASK AND MANUFACTURES: TABLE DAMASK, PART OR FIGURED: WHOLLY OF COTTON: Not Bleached or Colored Bleached But Not Colored Colored, Whether or Not Bleached		
	363.3002	Not Bleached or Colored		
	363.3004	Bleached But Not Colored		
	363.3006	Colored, Whether or Not Bleached		

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## Textile and Apparel Categories by Tariff Schedules

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MADE-UP AND MISCELLANEOUS

COTTON

Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
363 cont'd		MADE-UP & MISG. cont'd COTTON cont'd OTHER COTTON WVL: cont'd VELVET AND LACE: LACE: IN THE PIECE OR NOT: WHETHER OR NOT ORNAMENTED: MADE WHOLLY BY HAND: Not Over \$50 Per Pound Over \$50 Per Pound MADE ON A LEAVES MACHINE: 12 Points or Finer Not 12 or Finer Made On a Bobbinet-Jacquard Machine Made On a Nottingham Lace-Curtain Machine Other Machine Made Partly Handmade NETTING: IN THE PIECE, MADE ON A LACE, NET OR KNITTING MACHINE: Netting, Ornamented OTHER THAN QUILLING, IN THE PIECE: NOT ORNAMENTED: Made On a Bobbinet, Not Over 200 Holes Per Square Inch Made On a Lace, Not Or Knitting Machine Other Than a Bobbinet or Bobbinet Machine Burnt-out Lace, In The Piece or In Motifs ORNAMENTED FABRICS AND ORNAMENTED MOTIFS, N.S.P.F. IN THE PIECE: Woven Kalt Other Wool, Wedding, Tatting and Non-Woven Fabrics, Etc. Fish Netting and Fish Nets	4.6	Lbs.
	351.0500	MADE WHOLLY BY HAND: Not Over \$50 Per Pound		
	351.2510	Over \$50 Per Pound		
	351.4010	MADE ON A LEAVES MACHINE: 12 Points or Finer		
	351.4510	Not 12 or Finer		
	351.5010	Made On a Bobbinet-Jacquard Machine		
	351.6010	Made On a Nottingham Lace-Curtain Machine		
	351.8010	Other Machine Made		
	351.9095	Partly Handmade		
	352.1000	NETTING: IN THE PIECE, MADE ON A LACE, NET OR KNITTING MACHINE: Netting, Ornamented		
	352.2000	OTHER THAN QUILLING, IN THE PIECE: NOT ORNAMENTED: Made On a Bobbinet, Not Over 200 Holes Per Square Inch		
	352.8010	Made On a Lace, Not Or Knitting Machine Other Than a Bobbinet or Bobbinet Machine		
	353.1000	Burnt-out Lace, In The Piece or In Motifs ORNAMENTED FABRICS AND ORNAMENTED MOTIFS, N.S.P.F. IN THE PIECE: Woven		
	353.5012	Kalt		
	353.5014	Other		
	353.5016	Wool, Wedding, Tatting and Non-Woven Fabrics, Etc.		
	355.0000	Fish Netting and Fish Nets		

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MADE-UP AND MISCELLANEOUS

COTTON

Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
363 cont'd		MADE-UP & MISG. cont'd COTTON cont'd OTHER COTTON WVL: cont'd NETTING: cont'd IN THE PIECE, MADE ON A LACE, NET OR KNITTING MACHINE: cont'd ORNAMENTED FABRICS AND ORNAMENTED MOTIFS, N.S.P.F. IN THE PIECE: cont'd Engines, Inserting, Calicoes, Pringles, Etc., Whether in The Piece or Otherwise Textile Fabrics For Use in Pneumatic Tires Belting and Belts For Machinery, Not In Part of Rubber or Plastic Belting and Belts For Machinery In Part of Rubber or Plastic Textile Fabrics, Including Laminated Fabrics, N.S.P.F. FLOOR COVERINGS: Chenille Imitation Oriental, With Pile Not Hand-Inserted And Not Hand-Knotted Of Pile, Or Tuft Construction, Other Than Chenille Or Imitation Oriental, Pile Not Hand-Inserted And Not Hand-Knotted Of Pile Or Tuft, Hand-Knotted, In Which Pile Or Tuft Were Inserted Or Knotted Into A Pre-existing Base Wholly Or In Part Of Braids, Except Tubular Braids With A Core OTHER: With Over 50% By Weight Of The Fibers, Exclusive Of Any Core, Being Cotton, Man-Made Fiber Or Both "Hit-and-Miss" Bag Floor Coverings OTHER FLOOR COVERINGS, N.S.P.F.: Woven But Not Made On A Power-Driven Loom Other	4.6	Lbs.
	357.7010	Engines, Inserting, Calicoes, Pringles, Etc., Whether in The Piece or Otherwise		
	357.8010	Textile Fabrics For Use in Pneumatic Tires		
	358.0910	Belting and Belts For Machinery, Not In Part of Rubber or Plastic		
	358.0910	Belting and Belts For Machinery In Part of Rubber or Plastic		
	359.1000	Textile Fabrics, Including Laminated Fabrics, N.S.P.F.		
	360.2000	Chenille		
	360.2500	Imitation Oriental, With Pile Not Hand-Inserted And Not Hand-Knotted		
	360.3000	Of Pile, Or Tuft Construction, Other Than Chenille Or Imitation Oriental, Pile Not Hand-Inserted And Not Hand-Knotted		
	360.7000	Of Pile Or Tuft, Hand-Knotted, In Which Pile Or Tuft Were Inserted Or Knotted Into A Pre-existing Base		
	361.8100	Wholly Or In Part Of Braids, Except Tubular Braids With A Core		
	361.0510	OTHER: With Over 50% By Weight Of The Fibers, Exclusive Of Any Core, Being Cotton, Man-Made Fiber Or Both		
	361.1000	"Hit-and-Miss" Bag Floor Coverings		
	361.5000	OTHER FLOOR COVERINGS, N.S.P.F.: Woven But Not Made On A Power-Driven Loom		
	361.5022	Other		
	361.5630	Other		

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Textile and Apparel Categories by Tariff Schedules  
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MADE-UPS AND MISCELLANEOUS

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
362 cont'd		MADE-UPS & MISCELLANEOUS: cont'd COTTON: cont'd OTHER COTTON: cont'd LACE OR NET BEIDING, ORNAMENTED; Blankets of Lace Or Net And Other Blankets Ornamented Other Bedding BLANKETS: NOT ORNAMENTED: Valued Not Over 47.5 Cents Per Pound Valued Over 47.5 Cents Per Pound Other Bedding, Not Ornamented TAPESTRIES, ETC., EXCEPT GORDELIN, ETC.: JACQUARD-FIGURED: Pile Not Jacquard-FIGURED HAND-MADE LACE FURNISHINGS: Valued Not Over \$50 Per Pound LACE FURNISHINGS: MADE ON A LEAVERS MACHINE (INCLUDING GO-THEROPE); Made On A Nottingham Lace-Curtain Machine Made On Other Machines NET CURTAINS AND DRAPES INCLUDING PANELS AND VALANCES: Furnishings of Lace, Beiting On Both And Made On Both And Made On Both And Made On Both Substantial Part By Joining (By Impulse or Otherwise) Machine-Made Or Hand-Made Materials by Handwork Curtains and Drapes, Including Panels and Valances Whether Or Not Machine Manufactured But Not Otherwise Ornamented OTHER NET FURNISHINGS: OTHER THAN CURTAINS, Drapes, and Valances, WHETHER OR NOT MACHINE MANUFACTURED BUT NOT OTHERWISE ORNAMENTED: Other Towels and Wash Cloths Wall Hangings Curtains and Drapes Other	4.6	Lb.
	363.0510			
	363.0525			
	363.4000			
	363.4500			
	363.6040			
	364.1300			
	364.1620			
	365.0020			
	365.4010			
	365.5010			
	365.7510			
	365.7700			
	365.7817			
	365.7825			
	365.7855			
	365.7865			

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MADE-UPS AND MISCELLANEOUS

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
362 cont'd		MADE-UPS & MISCELLANEOUS: cont'd COTTON: cont'd OTHER COTTON: cont'd NET CURTAINS AND DRAPES INCLUDING PANELS AND VALANCES: cont'd OTHER NET FURNISHINGS: OTHER THAN CURTAINS, Drapes, and Valances, WHETHER OR NOT MACHINE MANUFACTURED BUT NOT OTHERWISE ORNAMENTED: cont'd NOT ORNAMENTED: Of Velveteen, Velvet, Plush, Velour Or Any Combination Thereof Of Corduroy Of Pile, Or Tuft, Construction Other Than Corduroy, Velvet, Velveteen, Plush, Velour Or Any Combination Thereof Of Other Than Pile Or Tuft Construction TOWELS, OTHER: OTHER TOWELS NOT ORNAMENTED: VALUED NOT OVER 45¢ EACH: Dish Towels, Terry Dish Towels of Pile Or Tufted Construction VALUED OVER 45¢ EACH BUT NOT OVER \$1.45 PER POUND: Dish Towels, Terry Dish Towels, Of Pile Or Tuft Construction VALUED OVER 45¢ EACH AND OVER \$1.45 PER POUND: Dish Towels, Terry Dish Towels of Pile Or Tuft Construction NOT JACQUARD-FIGURED: Bath Towels (Dedicated To Use In Garages, Filling Stations and Machine Shops) Dish Towels, Not Jacquard-FIGURED, Not Ornamented Other TABLECLOTHS AND NAPKINS: NOT ORNAMENTED: Damask	4.6	Lb.
	366.0300			
	366.0600			
	366.0900			
	366.1520			
	366.1820			
	366.1940			
	366.2120			
	366.2140			
	366.2420			
	366.2440			
	366.2740			
	366.2760			
	366.2780			
	366.4200			

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MADE-UPS AND MISCELLANEOUS

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
362 cont'd		MADE-UPS & MISCELLANEOUS: cont'd COTTON: cont'd OTHER COTTON: cont'd TABLECLOTHS AND NAPKINS: cont'd NOT ORNAMENTED: cont'd OTHER: Black-Printed By Hand NOT BLACK-PRINTED BY HAND: Plain Weave Other OTHER FURNISHINGS: OTHER THAN CURTAINS AND DRAPES, TOWELS, TABLE- CLOTHS, NAPKINS, ETC.: NOT ORNAMENTED: Knit (Except Pile or Tuft) PILE OR TUFT CONSTRUCTION: Velveteen, Velvet, Plush, Velour Or Any Combination Thereof Corduroy Terry Other Furnishings, Damask, Except Curtains and Drapes, Pile, Towels, Tablecloths and Napkins, Not Ornamented OTHER (NOT KNIT, NOT PILE OR TUFTED): Plain-Weave Wall Hangings Other	4.6	Lb.
	366.4500			
	366.4600			
	366.4730			
	366.5720			
	366.6000			
	366.6300			
	366.6500			
	366.6900			
	366.7500			
	366.7730			
	366.7825			
	366.7930			

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Textile and Apparel Categories by Tariff Schedules  
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MADE-UPS AND MISCELLANEOUS

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
362		MADE-UPS & MISCELLANEOUS: cont'd COTTON: cont'd OTHER COTTON: cont'd Lace, Not Or Ornamented Tulle Garters, Garter Hairs and Suspenders, Of Cotton Or Cotton and Rubber or Plastic DISH CLOTHS, MOP CLOTHS AND POLISHING CLOTHS: Of Pile Construction Not Of Pile Construction Ladder Tapes Rags and Rags, Or Other Shipping Containers Labels, Not Ornamented Tessels and Cordis and Tassels CORSET LACING, FOOTWEAR LACING, WIFE OR WITHOUT CORDS OR STAPLER LACING: Braided Other Than Braided LUGGAGE AND HANDBAGS, WHETHER OR NOT FITTED WITH BOTTLES, BOTTLES, DRINKING, MANICURE, SMILING, OR SIMILAR SETS, AND PLAT GOODS: WEATHER OR NOT ORNAMENTED: Wholly or in Part of Braid OTHER: NOT OF PILE OR TUFT CONSTRUCTION: Handbags OTHER: Luggage Flat Goods OTHER: Handbags Luggage Flat Goods	4.6	Lb.
	372.0400			
	376.0400			
	385.2500			
	385.3000			
	385.4000			
	385.5520			
	385.6020			
	385.7000			
	385.7500			
	385.8020			
	706.2015			
	706.2240			
	706.2250			
	706.2280			
	706.2406			
	706.2411			
	706.2421			

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NAHS-179 and MISCELLANEOUS

WOOL  
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
453		MADE-UPS & MISCEL. cont'd		
		WOOL		
		Blankets	1.1	lb.
		NOT OVER 3 Yds. in Length:		
		Unfinished:		
	363.1000	Baby Carriage Robes, Lap Robes, Steamer Rugs		
	363.1040	Other		
		NOT OBLONGATED:		
	363.6520	Baby Carriage Robes, Lap Robes, Steamer Rugs		
	363.6540	Other		
455		FLOOR COVERINGS:		
		WOOL RUGS AND CARPETS, KNIT	0.1	sq. yd.
		FLOOR COVERINGS OF FIBRE OR TYPIC CONSTRUCTION:		
		WITH FIBRE OR TYPIC BEING HAND-INSERTED OR		
		HAND-SPUN DURING THE WEAVING OR KNOTTING		
	360.0500	With Over 50% by Weight of Fibre Being Hair		
		of the Alpaca, Quacaco, Buarico, Llama,		
		Mari, Suri or Any Combination of These		
		OTHER:		
	360.1000	Valued Not Over 66 2/3¢ Per Square Foot		
	360.1200	Valued Over 66 2/3¢ Per Square Foot		
		WITH FIBRE NOT HAND-INSERTED OR HAND-SPUN:		
	360.4000	Carpeting		
		WILLOW AND VELVET FLOOR COVERINGS:		
	360.4615	Imitation Oriental Floor Coverings		
	360.4625	Other		
		OTHER:		
	360.4635	Amishier		
	360.4625	Other		
		WITH FIBRE OR TYPIC BEING HAND-INSERTED OR		
		INTO A PRE-EXISTING BASE:		
	360.6500	WITH OVER 50% BY WEIGHT BEING WOOL:		
	360.7000	Valued Not Over 40¢ Per Square Foot		

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NAHS-179 and MISCELLANEOUS

COTTON  
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
453		MADE-UPS & MISCEL. cont'd		
		COTTON cont'd		
		OTHER COTTON YARN, cont'd	1.6	lb.
		PILLOWS, CUSHIONS, MATTRESSES AND SIMILAR		
		FURNISHINGS, WHETHER OR NOT FITTED WITH COVERS		
		AND WITH OR WITHOUT HEATING ELEMENTS:		
		Pillows and Cushions		
	727.8210	Other		
	727.8220			

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WOOL  
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CON- VER- SION FACTOR	UNIT OF MEAS- URE
453		MADE-UPS & MISCEL. cont'd		
		WOOL cont'd		
		FLOOR COVERINGS: cont'd	0.1	sq. yd.
		WOOL RUGS AND CARPETS, BRAIDED		
	361.0520	Braided Wool Floor Coverings		
		FLOOR COVERINGS COMPOSED OF BRAIDS, CORDS, FABRIC		
		STRIPS, ETC., BUT NOT WOVEN:		
	361.0700	WITH OVER 50% BY WEIGHT BEING WOOL:		
	361.1000	Valued Not Over 40¢ Per Square Foot		
	361.2025	Other		
459		FLOOR COVERINGS, N.S.P.P.:		
		WOVEN BUT NOT ON A PUGH-DRIVEN LOOM:		
	361.4000	Valued Not Over 30¢ Per Square Foot		
	361.4400	Valued Over 30¢ Per Square Foot		
		OTHER:		
	361.4600	Valued Not Over 40¢ Per Square Foot		
	361.4800	Valued Over 40¢ Per Square Foot		
		OTHER WOOL YARN:		
	307.3000	Flock, Fiber Recovered From Tanned-Skin Scrapes and		
		Fibers Cut To Length		
	307.6000	Yarns Of Wool, Colored, And Cut Into Uniform Lengths		
		Of Not Over 3 Inches		
	316.4000	Cordage		
	347.4000	Narrow Fabrics Of Wool		
		BRAIDS NOT SUITABLE FOR MAKING OR OBLONGATING		
		RAINWEAR:		
		Other		
	348.0540	ELASTIC YARNS, CORDAGE, BRAIDS AND FABRICS:		
	349.3040	Other		
		HANDMADE LACE, IN THE PIECE OR IN MOTIFS:		
	351.2040	Valued Not Over \$50 Per Pound		
	351.2540	Valued Over \$50 Per Pound		
	351.8040	Lace Made On Any Machine		

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MADE-UPS AND MISCELLANEOUS  
WOOL  
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
562		MADE-UPS & MISG. cont'd	2.0	Lb.
		WOOL cont'd		
		OTHER WOOL WOL. cont'd		
		OTHER ARTICLES:		
		NOT ORNAMENTED:		
		KNIT:		
	363.2000	Valued Not Over \$5 Per Pound		
	363.7500	Valued Over \$5 Per Pound		
	365.1110	Pile Or Tuft Construction		
	365.8610	Other		
	365.8620	Other		
	367.0500	Valued Not Over \$5 Per Pound		
	367.1000	Valued Over \$5 Per Pound		
	367.1500	Pile Or Tuft Construction		
	367.2000	Other		

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Textile and Apparel Categories by Tariff Schedules  
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MADE-UPS AND MISCELLANEOUS  
MAN-MADE  
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEAS- URE
565		MADE-UPS & MISG. cont'd	7.8	Lb.
		MAN-MADE FIBER cont'd		
		OTHER FURNISHINGS cont'd		
		OTHER BEDDING:		
		NOT ORNAMENTED:		
	363.8520	Blankets		
	363.8545	Bedspreads		
	363.8550	Coverslets, Quilts & Comforters		
	363.8555	Other:		
	364.3000	Sheets		
	365.1120	Pillowcases		
	365.2000	Other		
	365.3160	Textiles, Including Hand-Woven Petit-Point and Other Needle Point Reproductive		
	365.3560	Handmade-Lace Furnishings, Ornamented:		
	365.3560	Valued Not Over \$50 Per Pound		

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Textile and Apparel Categories by Tariff Schedules  
of the United States Annotated  
— MAJL-UPS AND MISCELLANEOUS

TEXTILE Category	TEXTILE Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASUREMENT
669 cont'd		<p>NAUZE-TPPS &amp; MISC. cont'd</p> <p>NAU-NAU PAPER cont'd</p> <p>OTHER NAU-NAU MAUZE/TPPES cont'd</p> <p>PAINTS NOT SUITABLE FOR MAKING OR CONSUMING HEADWEAR: cont'd</p> <p>CLOTHING FOR PAPER MAKING, PRINTING OR OTHER MACHINES:</p> <p>Printers Rubberized Blankets</p> <p>Other</p> <p>OTHER:</p> <p>Veils, Ornamented</p> <p>Bags, Sacks and Other Shipping Containers</p> <p>LABELS, NOT ORNAMENTED:</p> <p>Venon</p> <p>Other</p> <p>Tassels and Cords of Textile Materials</p> <p>CORSET LACING, FOOTWEAR LACING, OR SEWING LACING:</p> <p>Braided, With Or Without Core</p> <p>Other Than Braided</p> <p>OTHER ARTICLES, E. G. P.P.:</p> <p>Tarpaulins and Tents</p> <p>NEW-ELASTIC PAINTS AND OTHER PAINTS SUITABLE FOR MAKING OR CONSUMING HEADWEAR</p> <p>In Substantial Part of Man-Made Fibers</p> <p>Of Other Textile Material</p>	7.2	1b
	358,5020			
	358,5040			
	372,0600			
	385,3300			
	385,6120			
	385,6140			
	385,7040			
	385,7540			
	385,8900			
	389,6010			
	703,9000			
	703,9500			

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FEDERAL REGISTER, VOL. 43, NO. 2—WEDNESDAY, JANUARY 4, 1978

# Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- CROSS REFERENCE -

COTTON, WOOL AND MAN-MADE FIBER TISSUE CLASSES BY CATEGORY

Section 5

SSICA	CAT	TSSEA	CAT	TSSEA	CAT	TSSEA	CAT	TSSEA	CAT
300.6020	300	310.2010	601	321.01	319	323.01	369	336.08	314
300.6030	300	310.2020	602	321.02	319	323.02	369	336.09	315
300.6040	300	310.2030	603	321.03	319	323.03	369	336.10	316
301.26	301	320.06	604	321.04	319	323.04	369	336.11	317
301.27	301	320.07	605	321.05	319	323.05	369	336.12	318
301.28	301	320.08	606	321.06	319	323.06	369	336.13	319
301.29	301	320.09	607	321.07	319	323.07	369	336.14	320
301.30	301	320.10	608	321.08	319	323.08	369	336.15	321
301.31	301	320.11	609	321.09	319	323.09	369	336.16	322
301.32	301	320.12	610	321.10	319	323.10	369	336.17	323
301.33	301	320.13	611	321.11	319	323.11	369	336.18	324
301.34	301	320.14	612	321.12	319	323.12	369	336.19	325
301.35	301	320.15	613	321.13	319	323.13	369	336.20	326
301.36	301	320.16	614	321.14	319	323.14	369	336.21	327
301.37	301	320.17	615	321.15	319	323.15	369	336.22	328
301.38	301	320.18	616	321.16	319	323.16	369	336.23	329
301.39	301	320.19	617	321.17	319	323.17	369	336.24	330
301.40	301	320.20	618	321.18	319	323.18	369	336.25	331
301.41	301	320.21	619	321.19	319	323.19	369	336.26	332
301.42	301	320.22	620	321.20	319	323.20	369	336.27	333
301.43	301	320.23	621	321.21	319	323.21	369	336.28	334
301.44	301	320.24	622	321.22	319	323.22	369	336.29	335
301.45	301	320.25	623	321.23	319	323.23	369	336.30	336
301.46	301	320.26	624	321.24	319	323.24	369	336.31	337
301.47	301	320.27	625	321.25	319	323.25	369	336.32	338
301.48	301	320.28	626	321.26	319	323.26	369	336.33	339
301.49	301	320.29	627	321.27	319	323.27	369	336.34	340
301.50	301	320.30	628	321.28	319	323.28	369	336.35	341
301.51	301	320.31	629	321.29	319	323.29	369	336.36	342
301.52	301	320.32	630	321.30	319	323.30	369	336.37	343
301.53	301	320.33	631	321.31	319	323.31	369	336.38	344
301.54	301	320.34	632	321.32	319	323.32	369	336.39	345
301.55	301	320.35	633	321.33	319	323.33	369	336.40	346
301.56	301	320.36	634	321.34	319	323.34	369	336.41	347
301.57	301	320.37	635	321.35	319	323.35	369	336.42	348
301.58	301	320.38	636	321.36	319	323.36	369	336.43	349
301.59	301	320.39	637	321.37	319	323.37	369	336.44	350
301.60	301	320.40	638	321.38	319	323.38	369	336.45	351
301.61	301	320.41	639	321.39	319	323.39	369	336.46	352
301.62	301	320.42	640	321.40	319	323.40	369	336.47	353
301.63	301	320.43	641	321.41	319	323.41	369	336.48	354
301.64	301	320.44	642	321.42	319	323.42	369	336.49	355
301.65	301	320.45	643	321.43	319	323.43	369	336.50	356
301.66	301	320.46	644	321.44	319	323.44	369	336.51	357
301.67	301	320.47	645	321.45	319	323.45	369	336.52	358
301.68	301	320.48	646	321.46	319	323.46	369	336.53	359
301.69	301	320.49	647	321.47	319	323.47	369	336.54	360
301.70	301	320.50	648	321.48	319	323.48	369	336.55	361
301.71	301	320.51	649	321.49	319	323.49	369	336.56	362
301.72	301	320.52	650	321.50	319	323.50	369	336.57	363
301.73	301	320.53	651	321.51	319	323.51	369	336.58	364
301.74	301	320.54	652	321.52	319	323.52	369	336.59	365
301.75	301	320.55	653	321.53	319	323.53	369	336.60	366
301.76	301	320.56	654	321.54	319	323.54	369	336.61	367
301.77	301	320.57	655	321.55	319	323.55	369	336.62	368
301.78	301	320.58	656	321.56	319	323.56	369	336.63	369
301.79	301	320.59	657	321.57	319	323.57	369	336.64	370
301.80	301	320.60	658	321.58	319	323.58	369	336.65	371
301.81	301	320.61	659	321.59	319	323.59	369	336.66	372
301.82	301	320.62	660	321.60	319	323.60	369	336.67	373
301.83	301	320.63	661	321.61	319	323.61	369	336.68	374
301.84	301	320.64	662	321.62	319	323.62	369	336.69	375
301.85	301	320.65	663	321.63	319	323.63	369	336.70	376
301.86	301	320.66	664	321.64	319	323.64	369	336.71	377
301.87	301	320.67	665	321.65	319	323.65	369	336.72	378
301.88	301	320.68	666	321.66	319	323.66	369	336.73	379
301.89	301	320.69	667	321.67	319	323.67	369	336.74	380
301.90	301	320.70	668	321.68	319	323.68	369	336.75	381
301.91	301	320.71	669	321.69	319	323.69	369	336.76	382
301.92	301	320.72	670	321.70	319	323.70	369	336.77	383
301.93	301	320.73	671	321.71	319	323.71	369	336.78	384
301.94	301	320.74	672	321.72	319	323.72	369	336.79	385
301.95	301	320.75	673	321.73	319	323.73	369	336.80	386
301.96	301	320.76	674	321.74	319	323.74	369	336.81	387
301.97	301	320.77	675	321.75	319	323.75	369	336.82	388
301.98	301	320.78	676	321.76	319	323.76	369	336.83	389
301.99	301	320.79	677	321.77	319	323.77	369	336.84	390
302.00	302	320.80	678	321.78	319	323.78	369	336.85	391
302.01	302	320.81	679	321.79	319	323.79	369	336.86	392
302.02	302	320.82	680	321.80	319	323.80	369	336.87	393
302.03	302	320.83	681	321.81	319	323.81	369	336.88	394
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302.05	302	320.85	683	321.83	319	323.83	369	336.90	396
302.06	302	320.86	684	321.84	319	323.84	369	336.91	397
302.07	302	320.87	685	321.85	319	323.85	369	336.92	398
302.08	302	320.88	686	321.86	319	323.86	369	336.93	399
302.09	302	320.89	687	321.87	319	323.87	369	336.94	400
302.10	302	320.90	688	321.88	319	323.88	369	336.95	401
302.11	302	320.91	689	321.89	319	323.89	369	336.96	402
302.12	302	320.92	690	321.90	319	323.90	369	336.97	403
302.13	302	320.93	691	321.91	319	323.91	369	336.98	404
302.14	302	320.94	692	321.92	319	323.92	369	336.99	405
302.15	302	320.95	693	321.93	319	323.93	369	337.00	406
302.16	302	320.96	694	321.94	319	323.94	369	337.01	407
302.17	302	320.97	695	321.95	319	323.95	369	337.02	408
302.18	302	320.98	696	321.96	319	323.96	369	337.03	409
302.19	302	320.99	697	321.97	319	323.97	369	337.04	410
302.20	302	320.100	698	321.98	319	323.98	369	337.05	411
302.21	302	320.101	699	321.99	319	323.99	369	337.06	412
302.22	302	320.102	700	322.00	319	324.00	369	337.07	413
302.23	302	320.103	701	322.01	319	324.01	369	337.08	414
302.24	302	320.104	702	322.02	319	324.02	369	337.09	415
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302.27	302	320.107	705	322.05	319	324.05	369	337.12	418
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302.29	302	320.109	707	322.07	319	324.07	369	337.14	420
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302.33	302	320.113	711	322.11	319	324.11	369	337.18	424
302.34	302	320.114	712	322.12	319	324.12	369	337.19	425
302.35	302	320.115	713	322.13	319	324.13	369	337.20	426
302.36	302	320.116	714	322.14	319	324.14	369	337.21	427
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302.38	302	320.118	716	322.16	319	324.16	369	337.23	429
302.39	302	320.119	717	322.17	319	324.17	369	337.24	430
302.40	302	320.120	718	322.18	319	324.18	369	337.25	431
302.41	302	320.121	719	322.19	319	324.19	369	337.26	432
302.42	302	320.122	720	322.20	319	324.20	369	337.27	433
302.43	302	320.123	721	322.21	319	324.21	369	337.28	434

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**Textile and Apparel Categories by Tariff Schedules  
of the United States Annotated**

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Textile and Apparel Categories by Tariff Schedules  
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- CROSS REFERENCE -

COTTON, WOOL AND MAN-MADE FIBER TSURA CLASSES BY CATEGORY

Section 5

- CROSS REFERENCE -  
COTTON, WOOL AND MAN-MADE FIBER TSHIRT CLASSES BY CATEGORY  
Section 5

[illegible][illegible]

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Section 5

**COTTON, WOOL AND MAN-MADE FIBER TENTS CLASSES BY CATEGORY**  
**Section 5**

[illegible]

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# I FELONY

**CERTIFIED HANDLOOMED AND FOLKLORE PRODUCTS**

**TSUSA Numbers**

382.0901	382.1505	365.7810	382.0901
382.1201	380.1805	366.1510	382.1201
382.1510	380.2705	366.2710	382.1510
382.1810	380.3305	366.4710	382.1810
382.2710	380.3605	366.7710	382.2710
382.3010	380.3905	366.7910	382.3010
382.3301	380.6305	380.0001	382.3301
382.6005	380.6605	380.0203	382.6005
382.6305	380.8405	380.0605	382.6305
382.8101	382.0001	380.0905	382.8101
	382.0202	380.1205	

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[FR Doc. 77-37333 Filed 12-30-77; 8:45 am]

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Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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## [ 4910-13 ]

## Title 14—Aeronautics and Space

## CHAPTER 1—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17527; Amdt. 39-3115]

## PART 39—AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault-Breguet Aviation  
Falcon 10 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) which requires inspections for cracks in the engine fire extinguishing system discharge lines and enlargement of the skin openings through which these lines are routed on Avions Marcel Dassault-Breguet Aviation Model Falcon 10 airplanes. The AD is prompted by reports of cracks found in engine fire extinguishing system discharge lines which could make the engine fire extinguishing system ineffective in controlling an engine compartment fire.

**EFFECTIVE DATE:** January 19, 1978.  
**Compliance schedule—**As prescribed in body of AD.

**ADDRESSES:** The applicable service bulletins may be obtained from: Avions Marcel Dassault-Breguet Aviation, B. P. No. 24, 33700 Merignac, France; or

Falcon Jet Corp., 90 Moonachie Avenue, Moonachie, N.J. 07074.

A copy of each of the service bulletins is contained in the Rules Docket, room 918, 800 Independence Avenue SW., Washington, D.C. 20591.

## FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

**SUPPLEMENTARY INFORMATION:** The FAA has received reports of deterioration and cracking of the engine fire extinguishing system discharge lines installed in Avions Marcel Dassault Model Falcon 10 airplanes. Cracks in the discharge lines can render the engine fire extinguishing system incapable of performing its intended function in the event of a fire in the engine compartment. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires an initial inspection of the engine fire ex-

tinguishing discharge lines for cracking, enlargement of the two openings in the skin through which the system lines are routed, repetitive inspections at 300 hour intervals until certain modifications prescribed in the AD are incorporated, and replacement of cracked lines on Avions Marcel Dassault-Breguet Aviation Model Falcon 10 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

## DRAFTING INFORMATION

The principal authors of this document are M. F. Rammelsberg, Europe, Africa, and Middle East Region, F. Kelley, Flight Standards Service, and S. Podberesky, Office of the Chief Counsel.

## ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

AVIONS MARCEL DASSAULT-BREGUET AVIATION—Applies to Model Falcon 10 Airplanes, Certification in all Categories

Compliance is required as indicated, unless already accomplished.

To prevent the loss of engine fire extinguishing system capability as a result of cracking in the discharge lines, accomplish the following:

(a) Within 10 hours time in service after the effective date of this AD, comply with paragraphs (a)(1) through (a)(4) of this paragraph and thereafter continue to comply with paragraphs (a)(1), (a)(2), and (a)(3) at intervals not to exceed 300 hours time in service until paragraph (b) is met: (1) Remove the engine fire extinguishing system lines, P/N's F10A791106 and F10A791115, and inspect for cracks using a dye penetrant method in accordance with paragraph 2C of Avions Marcel Dassault-Breguet Aviation Alert Service Bulletin F10-A-26-002, AMD-BA F10-A-0141, dated April 4, 1977, or an FAA-approved equivalent (hereinafter referred to as "Alert Service Bulletin").

(2) If a crack is found in a line, replace the line with a line of the same part number or an FAA-approved equivalent that is found to be free of cracks. Mark cracked lines to identify them as unairworthy.

(3) Comply with paragraph 2D of the Alert Service Bulletin when reinstalling lines.

(4) Enlarge the diameter of the openings which permit passage of the fire extinguishing system lines through the fuselage skin between frames 29 and 30 in accordance with paragraph 2B of the Alert Service Bulletin.

(b) The repetitive inspections required by paragraphs (a)(1) through (a)(3) of this AD may be discontinued after the following is accomplished:

(1) Paragraph (a)(4) of this AD has been accomplished.

(2) A clamp is installed at frame 29 in accordance with paragraph 2D of the Avions Marcel Dassault-Breguet Aviation Service Bulletin F10-26-002, AMD-BA-F10-0141, dated June 17, 1977, or an FAA-approved equivalent (hereinafter referred to as "June Service Bulletin").

(3) Lines, P/N F10 A 791105A2 and F10 A 791115A2, have been installed in accordance with the June Service Bulletin.

(c) Airplanes may be flown in accordance with FAR 21.197 and FAR 21.199 to a maintenance base where the repairs and maintenance required by this AD are to be performed.

(d) Upon request of an operator, the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, FAA, c/o American Embassy, Brussels, Belgium, may adjust the inspection interval specified in paragraph (a) of this AD or approve modifications equivalent to those specified in paragraph (b) of this AD provided that such requests are made through an FAA maintenance inspector and the request contains substantiating data to justify the request for that operator.

This amendment becomes effective January 19, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 1.158.)

**NOTE:**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on December 23, 1977.

J. A. FERRARESE,  
Acting Director,  
Flight Standards Service.

[FR Doc. 78-52 Filed 1-4-78; 8:45 am]

## [ 4910-13 ]

[Docket No. 17525; Amdt. 39-3114]

## PART 39—AIRWORTHINESS DIRECTIVES

Short Brothers, Ltd., Model SD3-30  
Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) which requires drainage of water that collects in the plumbing to the empennage de-icing boots on early production Short Brothers, Ltd., Models SD3-30 airplanes. The AD is needed to prevent freezing of water in the system plumbing which



would prevent inflation of the empennage de-icing boots which could result in loss of control of the aircraft in flight.

**DATES:** Effective January 19, 1978. Compliance schedule. As prescribed in the body of the AD.

**ADDRESSES:** The applicable service bulletin may be obtained from: SD3-30 Coordinator, Product Support Department, Short Brothers Limited, P.O. Box 241 Airport Road, Belfast BT3 9DZ, Northern Ireland.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:**

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

**SUPPLEMENTARY INFORMATION:** The FAA has determined that water can collect in the plumbing of early production Short Brothers Ltd., Model SD3-30 airplanes in sufficient quantity that subsequent freezing of the water could prevent inflation of the empennage de-icing boots and thus prevent ice removal. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued which requires manual drainage before dispatch of the airplane into known icing conditions until the system is modified to provide automatic water drainage.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

#### DRAFTING INFORMATION

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, F. Kelley, Flight Standards Service, and P. Lynch, Office of the Chief Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

**SHORT BROTHERS LIMITED:** Applies to Model SD3-30 airplanes, S/N 3003 through 3011, certificated in all categories.

To prevent inability to inflate de-icing boots of pneumatic deicing system on the empennage caused by water freezing in system plumbing, accomplish the following:

(a) Prior to each flight in which the airplane may be subject to known icing conditions, manually drain the water that collects in the plumbing of the pneumatic de-icing system to the empennage in accordance with Section 2 entitled "Accomplishment Instructions" of Short Brothers Ltd., Alert Service Bulletin SD3-30-A04, dated October 4, 1977, or an FAA-approved equivalent.

**NOTE:**—For the requirements regarding the listing of compliance and method of compliance with this AD in the airplane's permanent maintenance record, see FAR 91.173.

(b) Compliance with paragraph (a) of this AD may be terminated upon incorporation of automatic water drainage provisions in accordance with Short Brothers Ltd., Modification Service Bulletin SD3-30-04 (modification 5332), Revision 1, dated November 4, 1977, or an FAA-approved equivalent.

This amendment becomes effective January 19, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

**NOTE:**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on December 27, 1977.

J. A. FERRARESE,  
Acting Director,  
Flight Standards Service.

[FR Doc.78-39 Filed 1-4-78; 8:45 am]

#### [4910-13]

[Docket No. 77-NW-24-AD; Amdt. 39-3110]

#### PART 39—AIRWORTHINESS DIRECTIVES

**Sundstrand Angle of Attack Sensors Installed on DC-10 and L-1011 Airplanes**  
**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment requires modifications to Sundstrand Data Control, Inc. angle of attack sensors, P/Ns 965-4020-003/004. This action is considered necessary because some angle of attack sensors do not comply with FAA Technical Standard Order C54 (TSO-C54) high temperature qualification requirements and malfunction at higher ambient temperatures. Sensor malfunctions cause either the loss of stall warning capability or a false warning, both of which may result in an unsafe condition. Additional sensor failures may occur at any time in the future. The required modifications will reduce the probability of malfunctions.

**DATE:** Effective date January 30, 1978.

Compliance times as described in the body of the AD.

**ADDRESSES:** Sundstrand service bulletins specified in this directive may be obtained upon request from Sundstrand Data Control, Inc., Overlake Industrial Park, Redmond Wash. 98052. Collins-Lear Siegler service bulletins specified in this directive may be obtained upon request from Lear Siegler, Inc., Astronics Division, Santa Monica, Calif. 90406. These documents may also be examined at the FAA Northwest Region Headquarters, 9010 East Marginal Way South, Seattle, Wash. 98108.

ters, 9010 East Marginal Way South, Seattle, Wash. 98108.

**FOR FURTHER INFORMATION CONTACT:**

Charles H. Mackal, Systems and Equipment Field Section, ANW-213, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone: 206-767-2500.

**SUPPLEMENTARY INFORMATION:** A Notice of Proposed Rulemaking (NPRM) (42 FR 46929) was published on September 19, 1977, proposing that a new Airworthiness Directive be issued to require modifications to Sundstrand Data Control, Inc. angle of attack sensors, P/N 965-4020-003/004.

In response to the NPRM the Air Transport Association (ATA) submitted comments from ATA member airlines. ATA member DC-10 operators agree with the need to improve the reliability of the Sundstrand P/N 965-4020-003 sensors but questioned the feasibility of modifying all the units within 1,000 hours and suggested a 3,000 hour compliance time for the -003 sensor and a 6,000 hour compliance time for the -004 sensor. The McDonnell Douglas Company stated that the proposed 1,000 hour compliance time was unreasonable and recommended 3,000 hours. Sundstrand Data Control, Inc. responded that the P/N 965-4020-003 modifications cannot be accomplished within the 1,000 hours compliance time because calibrations and tests of each sensor are accomplished through use of a wind tunnel and recommended 3,600 hours. The Association of European Airlines (AEA) proposed extending the compliance time to minimum of 2,000 hours time in service, because there is only one facility in Europe able to perform the modifications to the P/N 965-4020-003 sensors.

ATA member L-1011 operators and the Lockheed Corporation objected to the requirement for the modification of the Sundstrand P/N 965-4020-004 sensors since there have been no reports of problems on the L-1011 airplane installation. The FAA has included the P/N 965-4020-004 sensor because some of the -004 sensors do not meet the high temperature qualification requirements of TSO-C54. FAR 37.17 requires correction of design defects in TSO approved articles. The FAA believes that additional compliance time for the -004 sensor is justified.

The ATA also suggested the removal of the TSO-C54 label from unmodified units as an alternative procedure to the AD. The FAA does not agree.

As a result of the above comments, the FAA agrees that the 1,000 hour compliance time may be increased for the P/N 965-4020-003 angle of attack sensors. Since approximately 80 of the 343 units in the field have been modified by Sundstrand as of December 1, 1977, the FAA now believes modification of the remaining units by June 30, 1978, is reasonable. Additional compliance time to December 31, 1978, for modification of the P/N 965-4020-004 is provided.

#### DRAFTING INFORMATION

The principal authors of this document are C. H. Mackal, Engineering and Manufacturing Branch, Northwest Region, and Jonathan Howe, Regional Counsel, Northwest Region.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (CFR 39.13) is amended by adding the following new Airworthiness Directive:

**SUNDSTRAND:** Applies to all angle of attack sensors, P/Ns 965-4020-003 and 965-4020-004 manufactured under Technical Standard Order (TSO-C54) authorization installed in McDonnell-Douglas DC-10 series airplanes and Lockheed L-1011 series airplanes, respectively. Compliance time required as indicated.

A. Prior to July 1, 1978, unless already accomplished, modify the Sundstrand probe P/N 965-4020-008 in accordance with Sundstrand Service Bulletin No. 2 (Doc. No. 012-0125-102), Rev. 2, dated August 1977 and No. 3 (Doc. No. 012-0125-103), Rev. 2, dated August 1977, or subsequent FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. Prior to January 1, 1979, unless already accomplished: (1) modify the self-test circuit in the Sundstrand probe P/N 965-4020-004 (345D-2), in accordance with Collins-Lear Siegler, Inc. Service Bulletin No. 345D-2-22-03 dated February 15, 1975; and (2) modify the pressure pickoff assembly in the Sundstrand probe P/N 965-4020-004 (345D-2), in accordance with the Collins-Lear Siegler, Inc. Service Bulletin No. 345D-2-22-06 to be released, or subsequent FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

This amendment becomes effective January 30, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

**NOTE:**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Seattle, Wash., on December 22, 1977.

J. H. TANNER,  
Acting Director,  
Northwest Region.

**NOTE:**—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1987.

[FR Doc.78-49 Filed 1-4-78; 8:45 am]

#### [4910-13]

[Airspace Docket No. 77-CE-18]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

**Alteration of Transition Area—Boone, Iowa**  
**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The nature of this federal action is to alter the existing transition area at Boone, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Boone Municipal Airport which is based on a Non-directional Radio Beacon (NDB) navigational aid installed at the airport.

**EFFECTIVE DATE:** March 23, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, Federal Building, 601 East 12th Street, Kansas City, Missouri 64106; telephone, 816-374-3408.

**SUPPLEMENTARY INFORMATION:** The City of Boone, Iowa, has installed a Non-directional Radio Beacon (NDB) on the Boone Municipal Airport. This navigational aid will provide new navigational guidance for aircraft utilizing this airport. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the existing Boone, Iowa, transition area at and above 700 feet above ground level (AGL) within which aircraft will be provided additional controlled airspace protection.

#### DRAFTING INFORMATION

The principal authors of this document are Dwaine E. Hiland, Operations, Procedures and Airspace Branch, Air Traffic Division and John L. Fitzgerald, Jr., Office of the Regional Counsel.

#### DISCUSSION OF COMMENTS

On page 56341 of the FEDERAL REGISTER dated October 25, 1977, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Boone, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, Section 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1977 (42 FR 440), is amended, effective 0901 G.m.t. March 23, 1978 (42

FR 440), by altering the following existing transition area:

BOONE, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Boone Municipal Airport (latitude 42°03'-00"N., longitude 93°50'45"W.) and within 3 miles each side of the 338° bearing from the Boone Municipal Airport, extending from the 5-mile radius area to 8 miles north of the airport, and within 3 miles each side of the 164° bearing from the Boone Municipal Airport extending from the 5-mile area to 8 miles south of the airport, excluding that portion which overlies the Ames, Iowa, transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1948); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

**NOTE:**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri, on December 20, 1977.

JOHN E. SHAW,  
Acting Director,  
Central Region.

[FR Doc.78-53 Filed 1-4-78; 8:45 am]

#### [4910-13]

[Airspace Docket No. 77-SW-49]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

**Alteration of Transition Area: Henderson, Texas**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment alters the Henderson, Tex., transition area to provide controlled airspace for aircraft executing the new NDB instrument approach procedure to Rusk County Airport.

**EFFECTIVE DATE:** March 23, 1978.

**FOR FURTHER INFORMATION CONTACT:**

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

**SUPPLEMENTARY INFORMATION:**  
**HISTORY**

On September 26, 1977, a notice of proposed rule making was published in the FEDERAL REGISTER (42 FR 56344) stating that the Federal Aviation Administration proposed to alter the Henderson, Tex., transition area. Interested persons

**SUMMARY:** This amendment redefines with control zone extensions described as

were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Issued in Fort Worth, Tex., on December 20, 1977.



were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Four comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

#### THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Henderson, Tex., transition area. This action provides additional controlled airspace from 700 feet above the ground for the protection of aircraft executing NDB instrument approach procedures to the Rusk County Airport.

#### DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 GMT, March 23, 1978, as follows:

In Subpart G, 71.181 (42 FR 440), the Henderson, Tex., transition area is amended as follows:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Rusk County Airport, Henderson, Tex., (latitude 32°08'30" N., longitude 94°51'15" W.); within 5 miles each side of the Gregg County, Texas VORTAC 197° radial extending from the 8.5-mile radius area to 11.5 miles south of the VORTAC; and within 3.5 miles each side of a 350° bearing from the Henderson NDB (latitude 32°11'16" N., longitude 94°51'39" W.) extending from the 8.5-mile radius area to 11.5 miles northwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on December 19, 1977.

PAUL J. BAKER,  
Acting Director, Southwest Region.  
[FR Doc.78-50 Filed 1-4-78; 8:45 am]

#### [4910-13]

[Airspace Docket No. 77-GL-32]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Control Zone: Clarification of Description  
AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Clarifying amendment.

SUMMARY: This amendment redesignates the Sault Ste. Marie, Michigan (Kincheloe AFB) control zone. The present description is based on the Kincheloe AFB TACAN which is no longer in operation. Therefore, it is necessary to describe the control zone by geographic coordinates to identify the control zone.

EFFECTIVE DATE: January 5, 1978.

#### FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Ave., Des Plaines, Ill. 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: On August 22, 1977, a Notice to Airmen was issued stating that, effective September 1, 1977, the Sault Ste. Marie, Michigan (Kincheloe AFB) Control Zone would be decommissioned. The intent of the notice was to advise the public that, by reason of the closure of Kincheloe Air Force Base, the control zone would not be effective until further notice. Since the wording of the notice was misleading, a Notice to Airmen has been issued clarifying the August 22, 1977, notice. The control zone description as it now appears in Subpart F of Part 71 is based on the Kincheloe AFB TACAN which has been removed. In order to assure the continued safe operation in this airspace, it is necessary to redescribe the control zone in identifiable terms. The airport at the former Air Force Base is being transferred to Chippewa County, Michigan, and it will become the municipal airport for Sault Ste. Marie, Michigan. The control zone must be continued in order to provide the necessary protection for aircraft using the IFR approaches to the airport. Before further use of the IFR approaches to the airport, notification of the effectiveness of the control zone will be made by a Notice to Airmen. Since this amendment is clarifying in nature and does not impose an additional burden on the users of this airspace, it has been determined that notice and public procedures thereon are unnecessary and that good cause exists for making this amendment effective in less than thirty (30) days.

#### DRAFTING INFORMATION

The principal authors of this document are Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

In Section 71.171 (42 FR 355), the following control zone is amended to read: § 71.171 [Amended]

#### SAULT STE. MARIE, MICHIGAN

That area within a 5 mile radius of latitude 46°15'00" N., longitude 84°28'00" W.

with control zone extensions described as starting at a point on the 5 mile radius circle at: latitude 46°17'15" N., longitude 84°33'20" W.; thence to latitude 46°18'50" N., longitude 84°34'50" W.; thence to latitude 46°19'15" N., longitude 84°34'05" W.; thence to latitude 46°19'45" N., longitude 84°34'20" W.; thence to latitude 46°20'55" N., longitude 84°29'50" W.; thence to latitude 46°19'20" N., longitude 84°28'50" W.; thence clockwise to a point along the five mile radius circle at latitude 46°12'20" N., longitude 84°23'05" W.; thence to latitude 46°09'30" N., longitude 84°20'30" W.; thence to latitude 46°07'20" N., longitude 84°24'20" W.; thence to latitude 46°10'40" N., longitude 84°27'40" W.; thence clockwise along the 5 mile radius circle to latitude 46°17'15" N., longitude 84°33'20" W.

This amendment is made under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Illinois, on December 28, 1977.

LEON C. DAUGHERTY,  
Acting Director,  
Great Lakes Region.

[FR Doc.78-104 Filed 1-4-78; 8:45 am]

#### [4910-13]

[Airspace Docket No. 77-SW-54]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area:  
Jacksonville, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This designates a transition area at Jacksonville, Tex., to provide controlled airspace for aircraft executing the newly established NDB instrument approach procedure to the Cherokee County Airport.

EFFECTIVE DATE: March 23, 1978.

#### FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

#### SUPPLEMENTARY INFORMATION:

##### HISTORY

On November 3, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 57469) stating that the Federal Aviation Administration proposed to designate the Jacksonville, Tex., transition area. Interested persons

were invited to participate in this rule-making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

#### THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates the Jacksonville, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Cherokee County Airport.

#### DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 GMT, March 23, 1978, as follows:

In Subpart G, 71.181 (42 FR 440), the following transition area is added:

#### JACKSONVILLE, TEX.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Cherokee County Airport (latitude 31°52'09" N., longitude 95°13'22" W.) and within 3.5 miles each side of a 299° bearing from the Cherokee County NDB (latitude 31°52'12" N., longitude 95°13'15" W.) extending from the 6.5-mile radius area to 11.5 miles northwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on December 23, 1977.

HENRY L. NEWMAN,  
Director, Southwest Region.  
[FR Doc.78-40 Filed 1-4-78; 8:45 am]

#### [4910-13]

[Airspace Docket No. 77-SW-58]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area: Mooreland, Oklahoma

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This designates a transition area at Mooreland, Okla., to provide controlled airspace for aircraft ex-

cuting the newly established NDB instrument approach procedure to Mooreland Municipal Airport.

EFFECTIVE DATE: March 23, 1978.

#### FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

#### SUPPLEMENTARY INFORMATION:

##### HISTORY

On October 31, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 56957) stating that the Federal Aviation Administration proposed to designate the Mooreland, Okla., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Three comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

#### THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) designates the Mooreland, Okla., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Mooreland Municipal Airport.

#### DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 GMT, March 23, 1978, as follows:

In Subpart G, 71.181 (42 FR 440), the following transition area is added:

#### MOORELAND, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mooreland Municipal Airport, Mooreland, Okla., (latitude 36°29'08" N., longitude 99°11'39" W.) within 3.5 miles each side of the 359° bearing from the Mooreland NDB (latitude 36°29'04" N., longitude 99°11'38" W.) extending from the 5-mile radius to 11.5 miles north of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on December 19, 1977.

PAUL J. BAKER,  
Acting Director, Southwest Region.  
[FR Doc.78-51 Filed 1-4-78; 8:45 am]

#### [4910-13]

[Airspace Docket No. 77-SW-51]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area: Olney, Tex.  
AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This designates a transition area at Olney, Tex., to provide controlled airspace for aircraft executing instrument approach procedures to the Olney Municipal Airport using the newly established NDB located on the airport.

EFFECTIVE DATE: March 23, 1978.

#### FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

#### SUPPLEMENTAL INFORMATION:

##### HISTORY

On October 25, 1977, a notice of proposed rule making was published in the FEDERAL REGISTER (42 FR 56342) stating that the Federal Aviation Administration proposed to designate the Olney, Tex., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Five comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

#### THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates the Olney, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Olney Municipal Airport.

#### DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 G.m.t., March 23, 1978, as follows.



In Subpart G, § 71.181 (42 FR 440), the following transition area is added:

OLNEY, TEX.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Olney Municipal Airport (latitude 33°21'00" N., longitude 98°49'00" W.) and within 4 miles each side of the 329° bearing from the Olney NDB (latitude 33°21'15" N., longitude 98°48'57" W.) extending from the 6.5-mile radius area to 8.5 miles north-west of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1346(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on December 23, 1977.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc.78-41 Filed 1-4-78;8:45 am]

#### [ 6750-01 ]

##### Title 16—Commercial Practices

##### CHAPTER I—FEDERAL TRADE COMMISSION

##### SUBCHAPTER B—GUIDES AND TRADE PRACTICE RULES

##### PART 195—BEDDING MANUFACTURING AND WHOLESALE DISTRIBUTING INDUSTRY

###### Rescission of Obsolete Part

AGENCY: Federal Trade Commission.  
ACTION: Final rescission of certain trade practice rules.

SUMMARY: Action taken is rescission of trade practice rules for the bedding manufacturing and wholesale distributing industry. The Commission is reviewing its trade practice rules and other industry guides to rescind those not considered useful in obtaining compliance with laws it administers. After carefully considering requests by trade association and a manufacturer for retention is not in the public interest.

EFFECTIVE DATE: January 5, 1978.

FOR FURTHER INFORMATION WRITE OR CALL:

Charles H. Slayman, Jr., Attorney, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, telephone 202-724-1037.

##### SUPPLEMENTARY INFORMATION:

The Commission invited (January 16, 1976 at 41 FR 2398) interested persons to comment on proposed rescissions of trade practice rules for 50 industries including these for the bedding industry. The Commission in actions announced periodically has rescinded all trade prac-

tice rules for the other 49 industries on the 41 FR 2398 list.

Comments on the public record (No. 215-55) about 16 CFR Part 195, Bedding Manufacturing and Wholesale Distributing Industry, were submitted by a trade association and by a nationally advertised brand name mattress licensee-manufacturer. The trade association asked that the rules "be retained substantially in the same form as they exist today." The manufacturer agreed to rescission of standard general application sections but requested retention of several rules more or less particularized for this industry, modification of one on wholesale and retail sales in the same establishment, substitution of a suggested rule prohibiting price preticketing in place of present § 195.6 on deceptive pricing and issuance of such suggested rules as trade regulation rules.

The Commission carefully considered these requests and determined that they should be denied for the following reasons:

(a) There is no showing that any of these rules has been used in recent years to obtain compliance with Commission administered laws;

(b) Proposed revisions of Part 233, guides against deceptive pricing, applicable to everyone subject to Commission jurisdiction, are pending;

(c) The Commission does not expect to deal with price preticketing for only one industry;

(d) Wholesale and retail sales in the same establishment present problems not confined to this industry;

(e) The Commission has tried to select industries for trade regulation rule-making proceedings where possibilities of consumer deception are peculiar to practices in the particular industry; and

(f) The bedding industry does not appear to need special trade regulation rules.

The Commission concludes that retention of Part 195 is not in the public interest.

Accordingly the Commission hereby announces its final rescission and removal of trade practice rules published in the following Part of Title 16 of the Code of Federal Regulations:

The Commission notes that rescission of trade practice rules and industry guides does not relieve anyone of duties to comply with Commission administered laws. Therefore rescission is not an invitation to engage in unfair or deceptive or anticompetitive acts or practices in violation of law.

(Secs. 5, 6, 18(a) (1) (A), amended FTC Act, 38 Stat. 719, 721, 88 Stat. 2193 (15 U.S.C. 45, 46, 57a); 16 CFR 1.5, 1.8, 17.1.)

By the Commission.

CAROL M. THOMAS,  
Secretary.

[FR Doc.78-102 Filed 1-4-78;8:45 am]

#### [ 4810-22 ]

##### Title 19—Customs Duties

##### CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-13]

##### PART 153—ANTIDUMPING

##### Elemental Sulphur From Mexico

AGENCY: United States Treasury Department.

ACTION: Modification of dumping finding.

SUMMARY: This notice is to inform the public that Azufrera Panamericana S.A. of Mexico is no longer selling elemental sulphur from Mexico at less than fair value under the Antidumping Act, 1921. Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries. In addition, Azufrera has given assurances that future sales will not be at less than fair value. As a result of this action, Azufrera's shipments of this merchandise from Mexico which were entered, or withdrawn from warehouse, for consumption on or after September 8, 1977, will not be liable for special dumping duties.

EFFECTIVE DATE: January 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. David P. Mueller, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On June 28, 1972, a finding of dumping with respect to elemental sulphur from Mexico was published in the FEDERAL REGISTER as Treasury Decision 72-179 (37 FR 12727). A "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to this merchandise from Mexico, produced and sold by Azufrera Panamericana, S.A. (Azufrera), was published in the FEDERAL REGISTER of September 8, 1977 (42 FR 45059).

Reasons for the tentative determination were published in the above-mentioned notice and interested persons were afforded an opportunity to provide written submissions or request the opportunity to present oral views in connection therewith.

No written submission or requests having been received, I hereby determine that, for the reasons stated in the "Notice of Tentative Determination to Modify or Revoke Dumping Finding,"

elemental sulphur from Mexico, produced and sold by Azufrera, is not being, nor likely to be, sold at less than fair value, and T.D. 72-179 is hereby modified to exclude the subject merchandise produced and sold by Azufrera.

Accordingly, § 153.46 of the Customs Regulations (19 CFR 153.46) is amended to exclude elemental sulphur from Mexico, produced and sold by Azufrera from that finding of dumping:

Merchandise	Country	T.D.	Modified by—
Elemental sulphur, except that produced and sold by Azufrera Panamericana S.A.	Mexico.....	72-179	78-13

This notice is published pursuant to § 153.44(d) of the Customs Regulations (19 CFR 153.44(d)).

(Sec. 201, 407, 42 Stat. 11, as amended, 18; (19 U.S.C. 160, 173).)

HENRY C. STOCKWELL, JR.,  
Acting General Counsel of the Treasury.

DECEMBER 29, 1977.

[FR Doc.78-133 Filed 1-4-78;8:45 am]

#### [ 4810-22 ]

[T.D. 78-11]

##### PART 159—LIQUIDATION OF DUTIES

##### Butter Cookies From Denmark

AGENCY: United States Treasury Department.

ACTION: Waiver of countervailing duty.

SUMMARY: This notice is to inform the public that a determination has been made to waive the countervailing duties that would otherwise be required by section 303 of the Tariff Act of 1930. The countervailing duties are waived on bounties or grants paid on imports of Danish butter cookies. The waiver will expire on January 4, 1979, unless revoked earlier.

EFFECTIVE DATE: This waiver of countervailing duties becomes effective on January 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard B. Self, Office of Tariff Affairs, U.S. Treasury Department, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220, 202-566-8585.

SUPPLEMENTARY INFORMATION: In T.D. 78-12, published concurrently with this determination, it has been determined that bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), are being paid or bestowed, directly or indirectly upon the manufacture, production, or exportation of butter cookies from Denmark.

Section 303(d) of the Tariff Act of 1930, as added by the Trade Act of 1974 (Pub. L. 93-618, January 3, 1975), authorizes the Secretary of the Treasury to waive the imposition of countervailing duties during the 4-year period beginning on the date of enactment of the Trade Act of 1974 if he determines that:

(1) Adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or grant which he has determined is being paid or bestowed with respect to any article or merchandise;

(2) There is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and

(3) The imposition of the additional duty under this section with respect to such article or merchandise would be likely to seriously jeopardize the satisfactory completion of such negotiations. Based upon analysis of all the relevant factors and after consultation with interested agencies, I have concluded that adequate steps have been taken to reduce substantially the adverse effects, or potential adverse effects, of the bounties or grants by virtue of assurances received from the Danish Cake and Biscuit Alliance, which represents all Danish butter cookie exporters, that for the duration of the waiver:

(1) There will be no aggressive marketing by any Danish butter cookie manufacturer of its butter cookie exports to the United States; (The Treasury would interpret aggressive marketing for these purposes as sales in quantities that exceed historic marketing levels.)

(2) There will be no downward adjustments in prices of Danish butter cookie imports quoted C.I.F. at U.S. ports of entry from December 9, 1977, and

(3) Danish butter cookie exporters will not apply for or accept any restitutions, refunds or deposits in connection with purchase of intervention stocks, or other rebates of any kind paid by or through the European Economic Community on exports of the butter content of the Danish butter cookies, in excess of the amounts payable on December 9, 1977.

It is noted that in connection with these undertakings, imports of butter cookies from Denmark were only \$6.7 million in 1976 without having shown measurable increases from previous years. In addition, Danish butter cookies are a high quality food product, generally sold at high prices. Further, a majority of sales are at prices which exceed those of the equivalent U.S. product.

Based on these factors it would appear that the actions taken by the Danish butter cookie exporters not to receive additional benefits reduce substantially the adverse effect caused by the bounties by reducing their potential ability to disrupt seriously sales of U.S. prepackaged butter cookies.

After consulting with appropriate agencies, including the Department of State, the Office of the Special Representative for Trade Negotiations, and the Department of Agriculture, I have further concluded (1) that there is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and (2) that the imposition of countervailing duties on butter cookies from Denmark would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Accordingly, pursuant to section 303(d) of the Tariff Act of 1930, as amended, (19 U.S.C. 1303(d)), I hereby waive the imposition of countervailing duties as well as the suspension of liquidation ordered in T.D. 78-12 on butter cookies from Denmark.

This determination may be revoked, in whole or in part, at any time and shall be revoked whenever the basis supporting such determination no longer exists. Unless sooner revoked or made subject to a resolution of disapproval adopted by either House of the Congress of the United States pursuant to section 303(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(e)), this waiver of countervailing duties will, in any event, by statute cease to have force and effect on January 4, 1979.

On or after the date of publication in the FEDERAL REGISTER of a notice revoking this determination in whole or in part, the day after the date of adoption by either House of the Congress of a resolution disapproving this "Waiver of Countervailing Duties," or January 4, 1979, whichever occurs first, countervailing duties will be assessable on butter cookies imported directly or indirectly from Denmark in accordance with T.D. 78-12, published concurrently with this determination.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)), is amended by inserting after the last entry for Denmark under the commodity heading "Butter Cookies", the number of this Treasury Decision in the column heading "Treasury Decision", and the words "Imposition of countervailing duties waived" in the column headed "Action".

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2050; (19 U.S.C. 68, 1303), as amended, 1624.)

PETER D. EHRENFHART,  
Deputy Assistant Secretary and  
Special Counsel, Tariff Affairs.

DECEMBER 28, 1977.

[FR Doc.78-159 Filed 1-4-78;8:45 am]



[4810-22]

[T.D. 78-12]

**PART 159—LIQUIDATION OF DUTIES**  
**Butter Cookies From Denmark**

AGENCY: United States Treasury Department.

ACTION: Final Countervailing Duty Determination.

**SUMMARY:** This notice is to inform the public that a countervailing duty investigation has resulted in a determination that the Government of Denmark has given benefits which constitute bounties or grants under the Countervailing Duty Law (19 U.S.C. 1303), on the manufacture or exportation of butter cookies. However, countervailing duties are being waived under the temporary waiver provisions of the Act.

EFFECTIVE DATE: January 5, 1978.

FOR FURTHER INFORMATION CONTACT:

David P. Mueller, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone 202-566-5492.

**SUPPLEMENTARY INFORMATION:** On July 6, 1977, a "Notice of Preliminary Countervailing Duty Determination" was published in the Federal Register (42 FR 34562). The notice stated that on the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), a preliminary countervailing duty determination had been made stating that bounties or grants were being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act") on the manufacture, production or exportation of butter cookies from Denmark. Measures preliminarily determined to constitute bounties or grants included the sale of butter from EEC intervention stocks at below market prices, and export restitution payments on eggs, wheat flour, and sugar used in the production of butter cookies.

The notice further states that before a final determination would be made, consideration would be given to any relevant data, views or arguments submitted in writing within 30 days from the date of publication of the "Notice of Preliminary Determination."

After consideration of all information received, it is hereby determined that bounties or grants are paid or bestowed directly or indirectly, on exports of butter cookies from Denmark within the meaning of section 303 of the Act. The bounties or grants are in the form of rebates of deposits when intervention stock butter is sold for use in baked goods and export restitution payments on the content of eggs, flour, sugar, and butter in exported butter cookies.

Accordingly, notice is hereby given that butter cookies imported directly or indirectly from Denmark, if entered, or

withdrawn from warehouse, for consumption on or after January 5, 1978, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of the bounties or grants has been ascertained and determined, or estimated, to be refunds referred to in Regulation (EEC) No. 2682/72 applicable on the exportation of butter cookies, as set forth by the regulations of the European Communities as published in the "Official Journal of the European Communities." Rules governing sales of butter from EC intervention stocks are contained in Regulation (EEC) No. 232/75.

To the extent that it has been or can be established to the satisfaction of the Commissioner of Customs that imports of butter cookies from Denmark are subject to a bounty or grant in an amount other than that applicable under the above declaration, the amount so established shall be assessed and collected on such dutiable imports of butter cookies.

Effective on or after January 5, 1978, and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable butter cookies imported directly or indirectly from Denmark, which benefit from bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

The liquidation of all entries for consumption of such dutiable butter cookies imported directly or indirectly from Denmark, which benefit from these bounties or grants, and are subject to this order, shall be suspended pending declarations of the net amounts of the bounties or grants paid.

Notwithstanding the above, a notice of "Waiver of Countervailing Duties" is being published concurrently with this order in accordance with section 303(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(d)). At such time as the waiver ceases to be effective, in whole or in part, a notice will be published setting forth the deposit of estimated countervailing duties which will be required at the time of entry, or withdrawal from warehouse, for consumption of each product then subject to the payment of countervailing duties.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry for Denmark the words "Butter Cookies" in the column headed "Commodity."

The column headed "Treasury Decision" is amended by inserting the number of this Treasury Decision and the words "bounty declared—rate" in the column headed "Action". This notice is published pursuant to section 303 of the Act. (R.S. 251, as amended, sections 303, 624, 46 Stat. 687, as amended, 759 (19 U.S.C. 66, 1303, 1624)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department

Order 190 Revision 14, July 1, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47(d), insofar as they pertain to countervailing duty orders by the Commissioner of Customs, are hereby waived.

PETER D. EHRENHART,  
Deputy Assistant Secretary and  
Special Counsel, Tariff Affairs.

DECEMBER 28, 1977.

[FR Doc. 78-160 Filed 1-4-78; 8:45 am]

[4910-14]

**Title 33—Navigation and Navigable Waters****CHAPTER I—COAST GUARD,**  
**DEPARTMENT OF TRANSPORTATION**  
[CGD 77-101]**PART 117—DRAWBRIDGE OPERATION**  
**REGULATIONS**

Chester Creek, Pa.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment revises the regulations for the Consolidated Rail Corporation (ConRail) drawbridge across Chester Creek to require at least 24 hours notice at all times. This change is being made because of very little use of this reach of Chester Creek by navigation. ConRail will be relieved of the obligation of manning the bridge.

**EFFECTIVE DATE:** This amendment is effective on February 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-0942.

**SUPPLEMENTARY INFORMATION:** On June 13, 1977, the Coast Guard published a proposed rule (42 FR 30217) concerning this amendment. The Commander, Third Coast Guard District, also published a public notice on this proposal on July 14, 1977. Interested persons were given until July 15, 1977 and August 15, 1977, respectively, to submit comments.

**DRAFTING INFORMATION:** The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Project Attorney, Office of the Chief Counsel.

**DISCUSSION OF COMMENTS**

One comment was received which offered no objection to the proposal.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations, is amended by revising § 117.229 to read as follows: § 117.229 Chester Creek (Front Street) Pa.

(a) The draw shall open on signal if at least 24 hours notice is given.

(b) The owner or agency controlling this bridge shall conspicuously post a

notice stating how the authorized representative may be reached.

(Sec. 5, 28 Stat. 362, as amended, sec. 6 (g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1656(g) (2); 49 CFR 1.46(c) (5).)

**NOTE:**—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: December 27, 1977.

O. W. SILER,  
Admiral,

U.S. Coast Guard Commandant.

[FR Doc. 78-153 Filed 1-4-78; 8:45 am]

[4910-14]

[CGD 77-231]

**PART 117—DRAWBRIDGE OPERATION**  
**REGULATIONS**

Flint River, Ga.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment revokes the regulations for the drawbridge across the Flint River, mile 28.4, because the bridge has been replaced by a fixed bridge.

**EFFECTIVE DATE:** This amendment is effective on January 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-0942.

**DRAFTING INFORMATION:** The principal persons involved in drafting this revocation of regulations are Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

§ 117.245 [Amended]

In consideration of the above facts, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking § 117.245 (1) (7a).

(Sec. 5, 28 Stat. 362, as amended, Sec. 6 (g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5).)

Dated: December 27, 1977.

O. W. SILER,  
Admiral,

U.S. Coast Guard Commandant.

[FR Doc. 78-164 Filed 1-4-78; 8:45 am]

[4910-14]

[CGD 75-035]

**PART 117—DRAWBRIDGE OPERATION**  
**REGULATION**

Fox River, Wisconsin

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment revises the regulations governing the operation

of the highway drawbridges across the Fox River at Oshkosh, Wisconsin, to allow closed periods during the noon and afternoon peak vehicular traffic periods and to require at least two hours notice from 12 midnight to 8 a.m. An increase in vehicular traffic and few requests for drawbridge openings from midnight to 8 a.m. are the reasons for this change. The changes should provide for a smoother flow of vehicular traffic.

**EFFECTIVE DATE:** This amendment is effective on February 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-0942.

**SUPPLEMENTARY INFORMATION:** On March 21, 1977, the Coast Guard published a proposed rule (42 FR 15341) concerning this amendment. The Commander, Ninth Coast Guard District, also published these proposals on May 9, 1977 as a public notice. Interested persons were given until April 26, 1977 and June 8, 1977, respectively, to submit comments. No comments were received.

**DRAFTING INFORMATION**

The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations, is amended by adding a new paragraph (d) to § 117.643 to read as follows:

§ 117.643 Fox River and Portage Canal, Wis.

(d) Highway bridges at Oshkosh, Wisconsin.

(1) The owners of or agencies controlling the bridges shall provide the necessary draw tenders and properly maintain operating machinery to insure the safe opening of the draws.

(2) Signals. The signal for opening the bridges shall be three blasts of a whistle, horn or other sound producing device.

(3) The draws shall be opened on signal between the hours of 8 a.m. and 12 midnight except that on Monday through Friday from 11:45 a.m. to 12:15 p.m., 12:45 p.m. to 1:15 p.m., and 3 p.m. to 5 p.m. the draw need not open for the passage of vessels other than public vessels of the United States. However, the draws shall open promptly on signal from 8 a.m. to 12 midnight on Memorial Day, 4th of July, and Labor Day.

**NOTE:**—During the times when the "draw need not open" the draw may open if vehicular traffic permits.

(4) From 12 midnight to 8 a.m., the draws shall open for the passage of the vessels if at least two hours notice is

given via radiotelephone to the Main Street draw tender or the Winnebago County Sheriff's Department.

(Sec. 5, 28 Stat. 362, as amended, sec. 6 (g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5).)

**NOTE:**—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: December 27, 1977.

O. W. SILER,  
Admiral, U.S. Coast  
Guard Commandant.

[FR Doc. 78-150 Filed 1-4-78; 8:45 am]

[4910-14]

[CGD 77-098]

**PART 117—DRAWBRIDGE OPERATION**  
**REGULATIONS**

Hackensack River, N.J.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The draw of the Bergen County, N.J., swing bridge across the Hackensack River, mile 16.5, need not open for the passage of vessels. This change is made because there is no commercial navigation above this bridge and because the last opening for navigation was in 1973.

**EFFECTIVE DATE:** This amendment is effective on February 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-0942.

**SUPPLEMENTARY INFORMATION:** On June 13, 1977, the Coast Guard published a proposed rule (42 FR 30216) concerning this amendment. The Commander, Third Coast Guard District, also published these proposals as a Public Notice dated July 14, 1977. Interested persons were given until July 15, 1977 and August 15, 1977, respectively, to submit comments.

**DRAFTING INFORMATION:** The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Project Attorney, Office of the Chief Counsel.

**DISCUSSION OF COMMENTS**

One comment was received which had no objection to this change.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.225(f) (1-c) immediately after § 117.225(f) (1-b) to read as follows:



§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of drawtenders is not required.

(f) . . .

(1-c) Hackensack River, N.J., Midtown Bridge, mile 16.5. The draws need not open for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to this bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: December 29, 1977.

E. L. PERRY,  
Vice Admiral, U.S. Coast Guard  
Acting Commandant.

[FR Doc.78-156 Filed 1-4-78; 8:45 am]

#### [4910-14]

[CGD 78-228]

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

New Smyrna Beach, Florida Drawbridge Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: This document corrects the citation of authority for the revised regulations for the Harris Saxon bridge appearing at page 61041 of the December 1, 1977 issue of the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

§ 117.433a Harris Saxon Bridge, AIWW New Smyrna Beach, Florida.

In FR Doc. 77-34252 appearing at page 61041 in the FEDERAL REGISTER of December 1, 1977, the last item of the citation of authority is corrected to read "49 CFR 1.46(c) (5)."

Dated: December 30, 1977.

E. L. PERRY,  
Vice Admiral U.S. Coast  
Guard Acting Commandant.

[FR Doc.78-176 Filed 1-4-78; 8:45 am]

#### [1410-03]

#### Title 37—Patents, Trademarks, and Copyrights

#### CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

[Docket RM 77-2]

#### PART 201—GENERAL PROVISIONS Compulsory License for Cable Systems

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulations.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is adopting new regulations to implement portions of section 111 of the Act for General Revision of the Copyright Law. That section prescribes various conditions under which cable systems may obtain a compulsory license to retransmit copyrighted works, including the filing of certain notices and statements of account. The new regulations establish requirements governing the form, content and filing of such notices and statements.

EFFECTIVE DATE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Jon Baumgarten, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

SUPPLEMENTARY INFORMATION: Section 111(c) of the first section of Pub. L. 94-553 (90 Stat. 2541) establishes a compulsory licensing system under which cable systems may make secondary transmissions of copyrighted works. The compulsory license is subject to, among other conditions, requirements that the cable system comply with certain provisions regarding recordation of notices under section 111(d) (1) and deposit of statements of account under section 111(d) (2).

On December 1, 1977 the Copyright Office published in the FEDERAL REGISTER (42 FR 61051) a proposal to adopt new regulations §§ 201.11 and 201.17 establishing requirements governing the form, content and filing of such notices and statements. Sixteen initial and reply comments were received in response to the Notice of Proposed Rulemaking. After careful consideration of all the comments, we have decided to make several changes in the proposed regulations. A discussion of the major substantive comments appears below. It should be noted at the outset, however, that we are dealing with an entirely new area of copyright law in which all parties concerned lack practical experience. Moreover,

<sup>1</sup> The Notice of Proposed Rulemaking was issued after full consideration of testimony received at a two-day hearing in April, 1977 under an Advance Notice of Proposed Rulemaking in this docket. (42 FR 15431; March 22, 1977). Many of the issues raised in the comments to the proposed regulation were considered at the hearing and fully discussed in the preamble of the December 1st Notice.

future actions by the Copyright Royalty Tribunal and Federal Communications Commission can be expected to affect the theory and application of our rules. Accordingly, these regulations must be considered somewhat experimental and subject to reconsideration as circumstances and experience develop.

#### 1. DEFINITION OF "CABLE SYSTEM"

Several copyright owners objected to our proposal to define an "individual" cable system "as a distinct entity under the rules, regulations, and practices of the Federal Communications Commission in effect on the date of recordation or deposit", subject to certain qualifications (§§ 201.11(a) (3), 201.17(b) (2)). They asserted that this definition would cause confusion because a "cable system" for copyright purposes is not the same as a "cable system" for FCC purposes. Representatives of cable systems generally agreed with our proposal. We are not persuaded that our original purpose in adopting this definition, namely, "to minimize confusion and benefit all interested parties", will fail. Accordingly, we have adopted the definition as proposed. If the FCC changes its definition of a cable system in the future, we can then consider whether the change is consistent with the provisions of the Copyright Act, and if it is not, make appropriate changes in our rules.

Proposed §§ 201.11(a) (3) and 201.17(b) (2) also interpreted the final sentence of the definition of "cable system" in section 111(f) of the Act to mean that "two or more cable facilities (A) in contiguous communities under common ownership or control or (B) operating from one headend shall be considered as one individual cable system". Although one comment suggested that the words "contiguous communities" were intended to modify both the "common ownership" and "one headend" clauses, we do not agree. As stated in our Notice of Proposed Rulemaking, "the legislative history of the Act indicates that the purpose of this sentence is to avoid the artificial fragmentation of cable systems", and we believe our interpretation is more consistent with this purpose.

One comment argued that this interpretation would lead to the artificial combination of two completely separate systems into a single system merely because, for economic reasons, they use a single headend. It was suggested that our regulation be modified so that "two or more cable facilities (A) in contiguous communities under common ownership or control or (B) operating from one headend and under common ownership or control shall be considered as one individual cable system." This modification, however, would be an inappropriate addition of language to the act.

#### 2. ALL-BAND FM

Comments from cable operators criticized our proposed solution to the problem of identifying FM stations carried by a cable system as part of an all-band transmission. Our proposal required re-

peated reassessment of FM signal strengths. The thrust of these comments was that the proposed requirement would place considerable financial and administrative burdens on cable systems. After reconsideration, we agree with this objection. However, none of the various alternatives suggested by these comments was sufficient to meet, with any certainty, copyright owners' interests in identifying the carriage of their work by cable systems.

On the present record and in the absence of practical experience, the problem posed by all-band FM signal identification is a difficult one. We have decided to amend our proposal in an attempt to provide copyright owners and the Copyright Royalty Tribunal with a reasonably accurate list of individual FM stations generally receivable by "all-band" cable systems, without imposing a disproportionate burden on those systems.

The amendment consists of two parts: (i) § 201.11(a) (4) and, by reference, § 201.17(b) (4), have been modified to identify a "generally receivable" FM signal as one that "as a result of monitoring at reasonable times and intervals . . . can be expected to be" received at the system's headend at a specified frequency and with a specified signal strength; and (ii) § 201.17(e) (9) (iii) requires statements of account filed by all-band systems to describe the monitoring employed to identify such signals. The intent of the first part is to permit cable systems to adopt monitoring systems, such as the periodic use of a good FM receiver during optimum weather conditions for the area, which can reasonably be expected to identify signals meeting the specified time and strength standards. Such monitoring systems will not require the expenditure of the time, and the investment in specialized equipment, needed to make the precise measurements required by our proposal. Since at present, without any practical experience to guide us, it is impossible for the regulations to offer any detailed definition of the monitoring systems required, the second part of our amendment is designed to provide a record for later consideration by copyright owners, the Copyright Royalty Tribunal, and the Copyright Office.

#### 3. REGULARLY CARRIED

Section 111(d) (1) of the act requires that notices of identity include a list of all "primary transmitters whose signals are regularly carried by the cable system", and that a notice of change be filed whenever there is a change in these regularly carried signals. Our proposed § 201.11(a) (5) defined "regularly carried" as "one hour each week for 13 or more consecutive weeks." Representatives of some cable operators argued that one hour per week is too short a time. However, we believe that a station whose signal is retransmitted by a cable system for one or more hours per week for 13 consecutive weeks should be considered regularly carried under any reasonable

definition of the word "regular"; accordingly, § 201.11(a) (5) is adopted as proposed.

#### 4. OWNERSHIP

In response to inquiry made in one comment, we confirm that the regulations do not require disclosure of parent corporations or stockholders. To avoid possible confusion on this point, references to designating "corporate" names used to identify the business of the cable system (except when giving the legal name of the owner) have been deleted.

#### 5. FEES

Copyright owners argued that a filing fee should be required to accompany the deposit of statements of account. Cable systems asserted that a filing fee for permissive amendments under § 201.11(e) (1) should not be required. For the reasons stated in paragraph I 8. of the preamble to our Notice of Proposed Rulemaking, we believe that the Act prohibits our imposition of a filing fee for the deposit of statements of account, but does permit a filing fee for permissive amendments.

#### 6. DEFINITION OF RECEIPTS

Proposed § 201.17(b) (1) defined "amounts attributable to the basic service of providing secondary transmissions . . ." to include "additional set fees". Although representatives of cable operators objected, we have adopted the proposed definition without change.

A family with two television sets attached to a cable system pays for the availability, on both sets, of the entire basic cable television service, so that two or more members of the family can, separately but at the same time, view different retransmitted programs. The additional set fee is, we believe, clearly a payment for basic secondary transmission service, and this conclusion is supported by FCC practice.

#### 7. TRANSLATORS

Proposed § 201.17(b) (6) stated: "A translator station is, with respect to programs both originally transmitted and retransmitted by it, a primary transmitter for the purposes of this section and § 201.11 of these regulations." Although some cable operators urged us to modify this provision, we believe it necessarily follows from the definitions of "primary transmission" and "secondary transmission" in 17 U.S.C. 111(f).

#### 8. ACCOUNTING PERIODS AND FILING DATES

Proposed § 201.17(c) required that statements of account cover the periods

<sup>2</sup> The discussion of fees in the Notice of Proposed Rulemaking was specifically directed to the filing of Notices of Identity. However, the reasons given for not imposing a filing fee on those notices are equally applicable to the recording of statements of account. Copyright owners argued that our position was inconsistent with our charging a filing fee for the recordation of contracts by "off-shore" cable systems under 37 CFR 201.12 and 17 U.S.C. 111(e) (2). We believe this point may be well taken, and we are willing to reconsider the provision requiring a fee to be charged under the latter section.

January 1 through June 30 and July 1 through December 31, and that they be deposited not later than sixty days from the expiration of the accounting period. Some cable operators urged us to base the accounting period on the system's fiscal year, and to establish a filing period of 90 calendar days or 105 calendar days after the expiration of each accounting period.

For the reasons set forth in paragraph II 2. of the preamble to our Notice of Proposed Rulemaking we are adopting the proposed section without change. Sixty days is ample time for the preparation of statements of account, and we find no justification for possible delay of the review of such statements or distribution of royalties. We note that the Copyright Royalty Tribunal has filed a comment in this proceeding, indicating that the proposed accounting periods will not interfere with its duties.

#### 9. SUBSCRIBER INFORMATION

Comments from several cable operators questioned our proposed requirement (§ 201.17(e) (6)) that statements of account include information as to the number of subscribers in each category for which a charge is made for the basic service of providing secondary transmissions, and the applicable charge. As stated in paragraph II 4. of the preamble to our Notice of Proposed Rulemaking, although this information "will not provide a definitive or detailed comparison with the reported gross receipts", it will be useful for at least a rough comparison with the reported gross receipts, and gives meaning to the statutory requirement that the "number of subscribers" be given. Proposed § 201.17(e) (6) is therefore adopted without change.

#### 10. TOTAL ACTUAL RECEIPTS

In their initial comments, several copyright owners approved the proposed requirement (§ 201.17(e) (8)) that cable systems be required to furnish, on an annual basis, information as to "total actual receipts" from subscribers for all services provided by the cable system. These comments pointed to section 801 (b) (2) (A) (ii) of the Act, which authorizes the Copyright Royalty Tribunal to adjust the section 111 royalty rates "to reflect . . . changes in the average rates charged cable subscribers for the basic service of providing secondary transmissions . . .". Copyright owners in their initial comments also urged that we require cable systems to furnish information as to the number of subscribers in each category of service and the "monthly or other periodic charge for each service provided." In reply comments, however, some of these copyright owners indicated they would accept deletion of the requirement that total actual receipts be provided if the information about subscribers and rates is required.

Cable interests strongly opposed the requirement for total actual receipts. They contended that this information is confidential, that it could be used by copyright owners in bargaining for the

right to exhibit copyrighted works on posal would impose an unfair burden of the filing of Notices of Identity and No-

entity under the rules, regulations, and sponse to paragraph (c) (1) (i) of this

Notice: (B) the designation "New Own-

Notice: (B) the designation "New Own-



right to exhibit copyrighted works on pay-cable, that the collection and public disclosure of this information by the Copyright Office might be inconsistent with other statutes, and that total actual receipts would be an inaccurate and irrelevant basis for determining whether there had been a change in average rates charged cable users under 17 U.S.C. 801(b)(2)(A)(ii).

After considering the various positions taken by the parties in their initial and reply comments, we have decided to amend the proposed regulation to delete the requirement for reporting of total actual receipts. This category of revenue is a meaningful measure of changes in rates charged subscribers for various services, but only if other factors remain constant over several accounting periods. These other factors are: The number of subscribers, and the number of services offered. Any substantial changes in either of these two categories would make "total actual receipts" relatively meaningless.

We have accepted the copyright owners' suggestion that each statement of account include a complete listing of the rates charged to subscribers for all services furnished or offered by the cable system. However, we do not believe that additional information concerning the number of subscribers to such services is necessary to enable the Copyright Royalty Tribunal to review changes in "rates" under section 801(b)(2)(A)(ii) of the Act.

#### 11. DESIGNATION OF DISTANT STATIONS AND OF THE BASIS AND TIME OF CARRIAGE OF PART-TIME STATIONS

Some cable operators urged us to delete the requirements of proposed § 201.17(e)(9)(i)(E) and (F) that cable systems indicate whether a primary transmitter is distant and the basis of carriage of certain part-time stations. They argued that these requirements would unduly burden small systems, that many cable operators do not have this information, and that the information should not be required until it has become apparent that it is necessary for royalty distribution proceedings. However, for the reasons given in paragraph II 5. of the preamble to our Notice of Proposed Rulemaking, we have not accepted this suggestion.

Copyright owners urged us to expand § 201.17(e)(9)(i)(F) to require identification of all distant signals carried on a part-time basis (rather than those carried only pursuant to certain FCC rules) and specification of the times of such part-time carriage. These comments argued that such information would be necessary to identify particular copyright owners, or classes of owners, entitled to certain allocations or distributions of royalties.<sup>3</sup> Cable operators argued that such an expansion of our pro-

<sup>3</sup> In cases where a cable system's gross receipts exceed certain levels, and part-time carriage is made under certain FCC rules, time of carriage information is also relevant to the calculation of statutory royalties.

posal would impose an unfair burden of reporting, if not recording, the information.

As in other aspects of these regulations, we do not believe we can refrain, at this time and particularly before determinations are made by the Copyright Royalty Tribunal, from requiring information that may reasonably be anticipated to be relevant to the question of royalty distribution.<sup>4</sup> Also, since part-time carriage requires that certain actions be taken by a cable operator at particular times (even if these actions are automated), we are not persuaded that the making and reporting of such actions would impose an undue burden. Accordingly we have amended paragraph (F) to require time of carriage information in cases of part-time carriage of distant stations. However, since it has not been shown on this record that part-time carriage, other than that under the FCC rules referred to in 17 U.S.C. 111(f) occurs with any significant frequency, the suggestion that this information be required for all part-time cases has not been accepted.

#### 12. SPECIAL STATEMENT AND PROGRAM

Cable operators argued that they should not be required by proposed § 201.17(e)(10)(ii)(F) to indicate the reason for deletion of substituted programs. However, as this requirement affects the calculation of royalties under the Act, and as the reasons for substitution are known to the cable operator, we have not accepted this argument.

#### 13. RADIO STATION INFORMATION

One comment argued that cable systems should be required to state whether radio stations covered by the system are "distant". For the reasons stated in paragraph II 6. of the preamble to our Notice of Proposed Rulemaking, we do not agree.

#### 14. FORMS

As stated in our Notice of Proposed Rulemaking, the purpose of this proceeding was to establish the substantive nature of the information to be filed by cable systems. We are continuing to explore the possibility of providing standard forms for the filing of information. In that connection, we are reviewing the responses to the questions of interpretation raised in paragraph II 7. of the preamble to our Notice of Proposed Rulemaking, as well as questions raised by one comment concerning the reporting of receipts on a cash or accrual basis.

#### 15. EFFECTIVE DATE

The effective date of the regulations is February 10, 1978. (Before that date,

<sup>4</sup> The Copyright Royalty Tribunal has advised us, in a comment filed in this proceeding, that: "The principal concern of the CRT is that the regulations and forms of the Copyright Office provide all the information that may be reasonably required by this agency to perform its statutory functions with regard to both the determination of royalty fees and the distribution of royalty fees."

the filing of Notices of Identity and Notices of Change is governed by interim § 201.11 as adopted on March 18, 1977 (42 FR 15065).) However, with one exception noted in the regulations (§ 201.17(e)(9)(i)(F)), the information to be included in the first 1978 statement of account under the regulations, and under the Act, should cover the entire January 1 through June 30 accounting period.

The proposed regulations are adopted, with changes, and are set forth below.

Dated: December 30, 1977.

BARBARA RINGER,  
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,  
Librarian of Congress.

Part 201 of 37 CFR Chapter II is amended by § 201.11 and adding a new § 201.17 to read as follows:

§ 201.11 Notices of identity and signal carriage complement of cable systems.

(a) *Definitions.* (1) An "Initial Notice of Identity and Signal Carriage Complement" or "Initial Notice" is a notice under section 111(d)(1) of title 17 of the United States Code as amended by Pub. L. 94-553 and required by that section to be recorded in the Copyright Office "at least one month before the date of commencement of operations of the cable system or within one hundred and eighty days after (October 19, 1976), whichever is later", for any secondary transmission by the cable system to be subject to compulsory licensing.

(2) A "Notice of Change of Identity or Signal Carriage Complement" or "Notice of Change" is a notice under section 111(d)(1) of title 17 of the United States Code as amended by Pub. L. 94-553 and required by that section to be recorded in the Copyright Office "within thirty days after each occasion on which the ownership or control or signal carriage complement of the cable system changes" for any secondary transmission by the cable system to be subject to compulsory licensing.

(3) A "cable system" is a facility, located in any State, Territory, Trust Territory, or Possession, that in whole or in part receives signals transmitted or programs broadcast by one or more television broadcast stations licensed by the Federal Communications Commission, and makes secondary transmissions of such signals or programs by wires, cables, or other communications channels to subscribing members of the public who pay for such service. The Notices required to be recorded by this section, and the statements of account and royalty fees to be deposited under § 201.17 of these regulations, shall be recorded and deposited by each individual cable system desiring its secondary transmissions to be subject to compulsory licensing. For these purposes, and the purpose of § 201.17 of these regulations, an "individual" cable system means each cable system recognized as a distinct

entity under the rules, regulations, and practices of the Federal Communications Commission in effect on the date of recordation or deposit. *Provided,* That (i) any rule, regulation, or practice of the Federal Communications Commission which excludes facilities from consideration as a "cable system" because of the number or nature of subscribers or nature of the secondary transmissions made shall not be given effect for the purposes of this section or § 201.17 of these regulations; and (ii) two or more cable facilities (A) in contiguous communities under common ownership or control or (B) operating from one headend shall be considered as one individual cable system.

(4) In the case of cable systems which make secondary transmissions of all available FM radio signals, which signals are not electronically processed by the system as separate and discrete signals, an FM radio signal is "generally receivable" if (i) it is usually carried by the system whenever it is received at the system's headend, and (ii) as a result of monitoring at reasonable times and intervals, it can be expected to be received at the system's headend, with the system's FM antenna, at least three consecutive hours each day at the same time each day, five or more days a week, for four or more weeks during any calendar quarter, with a strength of not less than fifty microvolts per meter measured at the foot of the tower or pole to which the antenna is attached.

(5) The signals of a primary transmitter are "regularly carried" if they are carried by the cable system for at least one hour each week for thirteen or more consecutive weeks, or if, in the cases described in paragraph (a)(4) of this section, they comprise generally available FM radio signals.

(b) *Forms.* The Copyright Office does not provide printed forms for the use of persons recording Initial Notices or Notices of Change.

(c) *Initial Notices.* (1) An Initial Notice of Identity and Signal Carriage Complement shall be identified as such by prominent caption or heading, and shall include the following:

(i) The designation "Owner", followed by: (A) The full legal name of the person who, or entity which, owns the cable system; (B) any fictitious or assumed name used by that person or entity for the purpose of conducting the business of the cable system; and (C) the full mailing address of that person or entity.

(ii) The designation "System", followed by: (A) All trade, or business names or styles used to identify the business and operation of the cable system; and (B) the full mailing address of the system. To the extent any portion of this information is identical to the information given in response to paragraph (c)(1)(i) of this section it need not be repeated. If all of the information called for by this paragraph is identical to the information given in re-

(d) *Forms.* [Reserved]

sponse to paragraph (c)(1)(i) of this section, the designation "System" shall be followed by the statement "as given above", or like reference.

(iii) The designation "Area Served", followed by the name of the community or communities served by the system.

(iv) The designation "Signal Carriage Complement", followed by the name and location of the primary transmitter or primary transmitters whose signals are, or are expected to be, regularly carried by the cable system.

(A) The "name" of the primary transmitter(s) shall be given by station call sign, accompanied by a brief statement of the type of signal carried (for example, "TV", "FM", or "AM"). The "location" of the primary transmitter(s) shall be given as the name of the community to which the transmitter is licensed by the Federal Communications Commission (in the case of domestic signals) or with which the transmitter is identified (in the case of foreign signals).

(B) In the case of cable systems which make secondary transmissions of all available FM radio signals, which signals are not electronically processed by the system as separate and discrete signals, the Notice shall identify that portion of its signal carriage as "all-band FM" or the like, and shall separately identify the name and location of each primary transmitter of such signals whose signals are generally receivable by the system. In any case where such generally receivable FM signals cannot be determined at the time of recording of the initial Notice, they shall be subsequently identified in a Special Amendment recorded in compliance with paragraph (e)(3) of this section.

(v) The individual signature of the person identified as the person who owns the cable system, or of a duly authorized representative of that person; or, if an entity is identified as the owner, the signature of an officer if the entity is a corporation, or of a partner if the entity is a partnership. In any case, the date of signature shall also be given.

(2) The requirements of paragraph (c)(1) of this section shall apply only to Initial Notices of Identity and Signal Carriage Complement recorded on or after February 10, 1978. Initial Notices recorded before February 10, 1978 shall be governed by the applicable Copyright Office regulations in effect on the date of recordation.

(d) *Notices of change.* (1) A Notice of Change of Identity or Signal Carriage Complement shall be identified as such by prominent caption or heading, and shall include the following:

(i) In the case of a change of ownership: (A) The designation "Former Owner", followed by the full legal name of the person who, or entity which, owned the cable system as given in the Initial Notice recorded by the cable system or, if an earlier Notice of Change affecting ownership has been recorded by the cable system, as given in the last such

Notice;<sup>5</sup> (B) the designation "New Owner", followed by the full legal name of the person who, or entity which, now owns the cable system, together with any fictitious or assumed name used by that person or entity for the purpose of conducting the business of the cable system and the full mailing address of that person or entity; (C) the designation "System", followed by the information required by paragraph (c)(1)(ii) of this section; and (D) the effective date of the change of ownership.

(ii) In the case of a change of signal carriage complement: (A) The designation "Owner", followed by the information called for by paragraph (c)(1)(i) or (d)(1)(i)(B) of this section, as given in the Initial Notice recorded by the cable system or, if an earlier Notice of Change affecting ownership has been recorded by the cable system, as given in the last such Notice;<sup>6</sup> (B) the designation "System", followed by the information required by paragraph (c)(1)(ii) of this section; (C) the names and locations of the primary transmitter or primary transmitters whose signals have been added to or deleted (as shall be stated in the Notice) from the system's signal carriage complement, given as set forth in paragraphs (c)(1)(iv) (A) and (B) of this section; and (D) the approximate date of each such addition or deletion.

(iii) In the case of either a change in ownership or in signal carriage complement, the Notice of Change shall be signed and dated in accordance with paragraph (s)(1)(iv) of this section.

(2) Unless accompanying a change in ownership and required to be given by paragraph (d)(1)(i) of this section, a Notice of Change is not required to be recorded to reflect changes occurring on or after February 10, 1978 in: (i) Fictitious or assumed names used by the owner of a cable system for the purpose of conducting the business of the cable system; (ii) trade or business names or styles used to identify the business and operation of the cable system; (iii) mailing addresses of the owner of the cable system or of the system; (iv) the name of the operator of the cable sys-

<sup>5</sup> In the case of a change of ownership (i) for which a Notice of Change was not recorded before February 10, 1978 and (ii) which involves a cable system that recorded an Initial Notice or Notice of Change before February 10, 1978 without identifying the owner of the system, the designation "Former Owner" shall be followed by the name of the person who, or entity which, was given as the operator or person or entity exercising primary control in the Initial Notice or last Notice of Change.

<sup>6</sup> In the case of a change of signal carriage complement (i) for which a Notice of Change was not recorded before February 10, 1978 and (ii) which involves a cable system that recorded an Initial Notice or Notice of Change before February 10, 1978 without identifying the owner of the system, the designation "Owner" shall be followed by the name of the person who, or entity which, was given as the operator or person or entity exercising primary control in the Initial Notice or last Notice of Change.

tem" or (v) the name of the person or band FM". "broad-band FM" or the like, company any General Amendment per-

(7) The designation "Gross Receipts", approximate ending hour may be given



tem; or (v) the name of the person or entity exercising primary control over the system. A Notice of Change is not required to be recorded to reflect changes in, or in the names of, the community or communities served by the cable system.

(3) In the case of cable systems which make secondary transmissions of all available FM radio signals, which signals are not electronically processed by the system as separate and discrete signals, and which have not recorded an Initial Notice identifying the primary transmitters of FM signals generally receivable by the system, a Notice of Change shall not be required to be recorded to reflect changes in the complement of such signals until the expiration of one hundred and twenty days from the date of recordation of a Special Amendment under paragraph (e) (2) or (e) (3) of this section.

(4) The provisions of paragraphs (d) (1) and (d) (2) of this section shall apply only to Notices of Change recorded on or after February 10, 1978. Notices of Change recorded before February 10, 1978 shall be governed by the applicable Copyright Office regulations in effect on the date of recordation.

(5) Notice of change in ownership and in signal carriage complement may be combined in one Notice of Change, if the information required under paragraph (d) (1) of this section is given for each change.

(e) *Amendment of Notices*—(1) *General (Permissive) Amendments to Correct Errors or Omissions.* The Copyright Office will record amendments to Initial Notices or Notices of Change submitted to correct an error or omission in the information given in the earlier document. An amendment is not appropriate to reflect developments or changes in facts occurring after the date of signature of an Initial Notice or Notice of Change. An amendment shall (i) be clearly and prominently identified as an "Amendment to Initial Notice of Identity and Signal Carriage Complement" or "Amendment to Notice of Change of Identity or Signal Carriage Complement"; (ii) identify the specific Notice intended to be amended so that it may be readily located in the records of the Copyright Office; (iii) clearly specify the nature of the amendment to be made; and (iv) be signed and dated in accordance with paragraph (c) (1) (v) of this section. The signature shall be accompanied by the printed or typewritten name of the owner of the system as given in the Notice sought to be amended. The recordation of an amendment under this paragraph shall have only such effect as may be attributed to it by a court of competent jurisdiction.

(2) *Special (Required) Amendments for Certain Systems which Recorded Initial Notices before February 10, 1978.* Any cable system which before February 10, 1978, recorded an Initial Notice of Identity and Signal Carriage Complement which identified all or a portion of its signal carriage complement as "all-

band FM", "broad-band FM" or the like, or which otherwise did not identify individual primary transmitters of FM signals generally receivable by the system, shall, no later than June 30, 1978, record an amendment to that Notice identifying the primary transmitter or primary transmitters of FM signals generally receivable by the system as of the date of the amendment in accordance with paragraphs (c) (1) (iv) (A) and (B) of this section. Such amendment shall: (i) Be clearly and prominently identified as an "Amendment to Initial Notice of Identity and Signal Carriage Complement"; (ii) specifically identify the Initial Notice intended to be amended so that it may be readily located in the records of the Copyright Office; and (iii) be signed and dated in accordance with paragraph (c) (1) (v) of this section. The signature shall be accompanied by the printed or typewritten name of the owner of the system as given in the Notice sought to be amended.

(3) *Special (Required) Amendments for Certain Cable Systems which Recorded Initial Notices on or after February 10, 1978.* Any cable system which records an Initial Notice of Identity and Signal Carriage Complement on or after February 10, 1978 and is required by the last sentence of paragraph (c) (1) (iv) (B) of this section to record a special amendment shall, no later than one hundred and twenty days after recordation of the Initial Notice, record an amendment to that Notice identifying the primary transmitter or primary transmitters of FM signals generally receivable by the system as of the date of the amendment in accordance with paragraphs (c) (1) (iv) (A) and (B) of this section. Such amendment shall: (i) be clearly and prominently identified as an "Amendment to Initial Notice of Identity and Signal Carriage Complement"; (ii) specifically identify the Initial Notice intended to be amended so that it may be readily located in the records of the Copyright Office; and (iii) be signed and dated in accordance with paragraph (c) (1) (v) of this section. The signature shall be accompanied by the printed or typewritten name of the owner of the system as given in the Notice sought to be amended.

(f) *Recordation.* (1) The Copyright Office will record the Notices and amendments described in this section by placing them in the appropriate public files of the Office.

(2) No fee shall be required for the recording of Initial Notices, Notices of Change, or the Special Amendments identified in paragraphs (e) (2) and (e) (3) of this section. A fee of \$10 shall ac-

\*In the case of an amendment to an Initial Notice or Notice of Change recorded before February 10, 1978 which did not identify the owner of the system, the signature shall be accompanied by the printed or typewritten name of the operator, or person or entity exercising primary control over the system, as given in the Notice sought to be amended.

company any General Amendment permitted by paragraph (e) (1) of this section.

(3) Upon request and payment of a fee of \$3, the Copyright Office will furnish a certified receipt for any Notice or amendment recorded under this section.

#### § 201.17 Statements of account covering compulsory licenses for secondary transmissions by cable systems.

(a) *General.* This section prescribes rules pertaining to the deposit of statements of account and royalty fees in the Copyright Office as required by section 111(d) (2) of title 17 of the United States Code, as amended by Pub. L. 94-553, in order for secondary transmissions of cable systems to be subject to compulsory licensing.

(b) *Definitions.* (1) Amounts attributable to the "basic service of providing secondary transmissions of primary broadcast transmitters" include monthly (or other periodic) service fees for television and radio retransmission service and additional set fees. They do not include installation (including connection, relocation, disconnection, or reconnection) fees, charges for pay-cable, security, alarm or facsimile services, or charges for late payments.

(2) A "cable system" and "individual cable system" have the meanings set forth in § 201.11(a) (3) of these regulations.

(3) "F.C.C." means the Federal Communications Commission.

(4) In the case of cable systems which make secondary transmissions of all available FM radio signals, which signals are not electronically processed by the system as separate and discrete signals, an FM radio signal is "generally receivable" under the conditions set forth in § 201.11(a) (4) of these regulations.

(5) The terms "primary transmission," "secondary transmission," "local service area of a primary transmitter," "distant signal equivalent," "network station," "independent station," and "non-commercial educational station" have the meanings set forth in section 111(f) of title 17 of the United States Code, as amended by Pub. L. 94-553.

(6) A translator station is, with respect to programs both originally transmitted and re-transmitted by it, a primary transmitter for the purposes of this section and § 201.11 of these regulations.

(c) *Accounting Periods and Deposit.*

(1) Statements of account shall cover semiannual accounting periods of (i) January 1 through June 30 and (ii) July 1 through December 31, and shall be deposited in the Copyright Office, together with the total royalty fee for such accounting periods as prescribed by section 111(d) (2) (B), (C), or (D) of title 17, within sixty calendar days from the expiration of each such accounting period.

(2) The date of deposit will be the date when both a proper statement of account and appropriate royalty fee are received in the Copyright Office.

(d) *Forms.* [Reserved]

(e) *Contents.* A Statement of Account shall be clearly and prominently identified as a "Statement of Account for Secondary Transmissions By Cable Systems," and shall include the following information:

(1) A clear designation of the accounting period covered by the statement.

(2) The designation "Owner," followed by: (A) The full legal name of the person who, or entity which, owns the cable system; (B) any fictitious or assumed name used by that person or entity for the purpose of conducting the business of the cable system; and (C) the full mailing address of that person or entity.

(3) The designation "System," followed by: (A) All trade, or business names or styles used to identify the business and operation of the cable system; and (B) the full mailing address of the system. To the extent any portion of this information is identical to the information given in response to paragraph (e) (2) it need not be repeated. If all of the information called for by this paragraph is identical to the information given in response to paragraph (e) (2) of this section, the designation "System" shall be followed by the statement "as given above," or like reference.

(4) The designation "Area Served," followed by the name of the community or communities served by the system.

(5) The designation "Channels," followed by the number of channels on which the cable system made secondary transmissions to its subscribers during the period covered by the statement.

(6) The designation "Subscriber Information," followed by: (i) A brief description of each subscriber category for which a charge is made by the cable system for the basic service of providing secondary transmissions of primary broadcast transmitters; (ii) the number of subscribers to the cable system in each such subscriber category; and (iii) the charge or charges made per subscriber to each such subscriber category for the basic service of providing such secondary transmissions. For these purposes (A) the description, the number of subscribers, and the charge or charges made shall reflect the facts existing on the last day of the period covered by the statement; and (B) each entity (for example, the owner of a private home, the resident of an apartment, the owner of a motel, or the owner of an apartment house) which is charged by the cable system for the basic service of providing secondary transmissions shall be considered one subscriber.

\*In the case of the first statement of account deposited by a cable system which has not earlier filed an Initial Notice or Notice of Change under § 201.11 of these regulations identifying the owner of the system, that statement of account shall also give the name of the person who, or entity which, was given as the operator or person or entity exercising primary control in the Initial Notice or last Notice of Change.

(7) The designation "Gross Receipts", followed by the gross amount paid to the cable system by subscribers, during the period covered by the statement, for the basic service of providing secondary transmissions of primary broadcast transmitters.

(8) The designation "Rates", followed by a description of each service furnished or made available to the cable system's subscribers for which a separate charge was made or established during the period covered by the statement, together with the amount of such charge.

(9) The designation "Primary Transmitters", followed by an identification of all primary transmitters whose signals were carried by the cable system, other than the primary transmitters of programs required to be specially identified in paragraph (e) (10) of this section, in form and together with the information listed below:

(i) For each primary transmitter which is a television station:

(A) The station call sign of the primary transmitter.

(B) The name of the community to which that primary transmitter is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(C) The number of the channel upon which that primary transmitter broadcasts in the community to which that primary transmitter is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(D) A designation as to whether that primary transmitter is a "network station", an "independent station", or a "noncommercial educational station".

(E) A designation as to whether that primary transmitter is a distant station. For this purpose, a primary transmitter is a "distant" station if the programming of such transmitter is carried by the cable system in whole or in part beyond the local service area of such primary transmitter.

(F) If that primary transmitter is a "distant" station a specification of whether the signals of that primary transmitter are (1) carried pursuant to the part-time specialty programming rules of the F.C.C.; or (2) carried pursuant to the late-night programming rules of the F.C.C.; or (3) carried on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals which it is authorized to carry. If the signals of that primary transmitter are carried on such part-time or late-night basis, the statement shall also include the dates on which such carriage occurred, and the hours during which such carriage occurred on those dates. In any case where such part-time or late-night carriage extends to the end of the broadcast day of the primary transmitter, an

approximate ending hour may be given if it is indicated as an estimate.\*

(G) The information indicated by paragraphs (e) (9) (i) (E) and (F) of this section is not required to be given by any cable system whose gross receipts from subscribers for the period covered by the statement, for the basic service of providing secondary transmissions of primary broadcast transmitters, total less than \$40,000.

(ii) For each primary transmitter which is an AM radio station, or an FM radio station the signals of which were electronically processed by the system as separate and discrete signals:

(A) The station call sign of the primary transmitter, and whether it is AM or FM.

(B) The name of the community to which that primary transmitter is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(iii) In the case of cable systems which made secondary transmissions of all available FM radio signals, which signals were not electronically processed by the system as separate and discrete signals, the statement shall: (A) identify that portion of its signal carriage as "all-band FM" or the like; (B) and shall separately identify the station call sign and community of license (or, in the case of foreign signals, of identification) of each primary transmitter of such signals whose signals were generally receivable by the system during the period covered by the statement; and (C) include a clear description of the nature and frequency of the monitoring activities and equipment used during the period to determine the identity of such signals.

(10) A special statement and program log, which shall consist of the information indicated below for all nonnetwork television programming that, during the period covered by the statement, was carried in whole or in part beyond the local service area of the primary transmitter of such programming under (i) rules or regulations of the F.C.C. requiring a cable system to omit the further transmission of a particular program and permitting the substitution of another program in place of the omitted transmission; or (ii) rules, regulations or authorizations of the F.C.C. in effect on October 19, 1976 permitting a cable system, at its election, to omit the further transmission of a particular program and permitting the substitution of another program in place of the omitted transmission:

(A) The name or title of the substitute program.

(B) Whether the substitute program was transmitted live by its primary transmitter.

\*The requirement of this § 201.17(e) (9) (i) (F) that the statement include the dates and hours of carriage applies only to carriage on and after February 10, 1978.

(C) The station call sign of the primary transmitter of the substitute program.

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(C) The station call sign of the primary transmitter of the substitute program.

(D) The name of the community to which the primary transmitter of the substitute program is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(E) The full date when the secondary transmission of the substitute program occurred, and the hours during which such secondary transmission occurred on that date.

(F) A designation as to (1) whether deletion of the omitted program was required by the rules or regulations of the F.C.C., or was permitted by the rules, regulations, or authorizations of the F.C.C. in effect on October 19, 1976; and (2) a brief statement clearly describing the legal basis for such deletion (for example: "Syndicated program exclusivity", or "program primarily of local interest to distant community").

(11) A statement of the total royalty fee payable for the period covered by the statement of account, together with a royalty fee analysis which gives a clear, complete and detailed presentation of the determination of such fee. This analysis shall present in appropriate sequence all facts, figures and mathematical processes used in determining such fee, and shall do so in such manner as will permit the Copyright Office to readily verify, from the face of the statement of account, the accuracy of such determination and fee.

(f) *Certification and Signature.* The statement of account shall be signed on its last page by the individual person identified as the person who owns the cable system, or by a duly authorized representative of such person; or, if an entity is identified as the owner, by an officer if the entity is a corporation, or by a partner if the entity is a partnership. The signature shall (1) be accompanied by the printed or typewritten name of the person signing the notice, and by the date of signature; and (2) shall be immediately preceded by the following printed or typewritten statement:

I certify that I have examined this statement of account and that all statements of fact contained herein are true, complete, and correct to the best of my knowledge, information, and belief, and are made in good faith.

[FR Doc. 78-168 Filed 1-3-78; 8:45 am]

[1410-03]

[Docket RM 77-17]

#### PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

##### Renewal of Copyright

AGENCY: Library of Congress, Copyright Office.

ACTION: Interim regulation.

SUMMARY: This notice is issued to advise the public that the Copyright Office

of the Library of Congress is adopting an interim regulation to implement section 304(a) of the Act for General Revision of the Copyright Law. This section pertains to claims to renewal copyright in subsisting copyrights in their first term on January 1, 1978. The effect of the interim regulations is to prescribe conditions for the registration of such claims to renewal copyright. These regulations are issued on an interim basis in order to allow persons to apply for and secure renewal registration immediately on and after the effective date of the statute, while permitting full public comment before the issuance of final regulations.

**DATES:** The interim regulations are effective on January 1, 1978. Comments should be received on or before March 31, 1978.

**ADDRESSES:** Five copies of all written comments should be provided, if by hand, to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Crystal Mall Building No. 2, Room 519, Arlington, Va., or, if by mail to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Caller No. 2999, Arlington, Va. 22202.

Copies of all written comments will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, in the Public Information Office of the Copyright Office, Room 101, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va.

#### FOR FURTHER INFORMATION CONTACT:

Jon Baumgarten, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

**SUPPLEMENTARY INFORMATION:** Paragraph (a) of section 304 of the first section of Pub. L. 94-553 (90 Stat. 2541) provides that "any copyright, the first term of which is subsisting on January 1, 1978," endures for 28 years from the date it was originally secured, and that a second term of copyright, lasting 47 years, can be secured by certain designated claimants if an application for renewal is made to the Copyright Office "within one year prior to the expiration of the original term of copyright." With one exception, this provision is essentially a reenactment of the renewal provision in effect before 1978; the exception involves the lengthening of the second (renewal) term from 28 to 47 years. It applies to works originally copyrighted between January 1, 1950, and December 31, 1977.

We are implementing the provisions of paragraph (a) of section 304, by the revision of § 202.17 of the regulations of the Copyright Office. In order to allow persons to apply for and secure renewal registration immediately upon and after the effective date of the new Copyright Act, this regulation is effective on January 1, 1978. However, we do wish to give the public full opportunity to comment on the regulations, and to give both the public and our Office the benefit of ex-

perience with the new renewal form before issuing final regulations. Accordingly, the regulation is issued on an interim basis and comments will be received until the date set forth above. Final regulations will be issued after the close of the comment period.

The interim regulation is essentially self-explanatory; however, the following points should be noted:

(1) Section 305 of the new law provides that "all terms of copyright provided by sections 302 through 304 run to the end of the calendar year in which they would otherwise expire." This involves a change in the renewal time-limits. Since all copyright terms will expire on December 31 of their last year, and since renewal claims must be registered "within one year prior to the expiration of the original term of copyright," all periods for renewal registration will run from December 1st of the 27th year of the copyright, and will end on December 31st of the following year. This change is reflected in the revised regulation.

(2) Comments are invited generally on problems that have arisen under the pre-1978 renewal provisions that could be considered in Copyright Office regulations. In addition, specific comments are invited on two points:

(i) The necessity for original registration as a basis for renewal registration in the case of foreign works protected under the Universal Copyright Convention; and

(ii) The correct renewal claimant and statement of claim in cases where the author has no surviving widow, widower, or children and left a will naming executors, but the executors have been discharged. *Interim Regulation, Part 202 of 37 CFR, Chapter II, is amended by revising § 202.17, on an interim basis, to read as follows:*

#### § 202.17 Renewals.

(a) *Renewal Time-Limits.* (1) For works originally copyrighted between January 1, 1950 and December 31, 1977, claims to renewal copyright must be registered within the last year of the original copyright term, which begins on December 31 of the 27th year of the copyright, and runs through December 31 of the 28th year of the copyright. The original copyright term for a published work is computed from the date of first publication; the term for a work originally registered in unpublished form is computed from the date of registration in the Copyright Office. Unless the required application and fee are received in the Copyright Office during the prescribed period before the first term of copyright expires, copyright protection is lost permanently and the work enters the public domain. The Copyright Office has no discretion to extend the renewal time limits.

(2) Whenever a renewal applicant has cause to believe that a formal application for renewal (Form RE), if sent to the Copyright Office by mail, might not be received in the Copyright Office before the expiration of the time limits provided by 17 U.S.C. section 304(a), he or she

may apply for renewal registration by means of a telephone call, telegram, or other method of telecommunication. An application made by this method will be accepted if: (i) The message is received in the Copyright Office within the specified time limits; (ii) the applicant adequately identifies the work involved, the date of first publication or original registration, the name and address of the renewal claimant, and the statutory basis of the renewal claim; and (iii) the fee for renewal registration, if not already on deposit, is received in the Copyright Office before the time for renewal registration has expired.

(b) *Application for Renewal Registration.* (1) For the purpose of renewal registration, the Register of Copyrights has prescribed a form (Form RE) to be used for all renewal applications submitted on and after January 1, 1978. Copies of Form RE are available free upon request to the Public Information Office, United States Copyright Office, Library of Congress, Washington, D.C. 20559.

(2) (i) An application for copyright registration may be submitted by any renewal claimant, or the duly authorized agent of any such claimant.

(ii) An application for renewal registration shall be submitted on Form RE, and shall be accompanied by a fee of \$6. The application shall contain the information required by the form and its accompanying instructions, and shall include a certification. The certification shall consist of: (A) A designation of whether the applicant is the renewal claimant, or the duly authorized agent of such claimant (whose identity shall also be given); (B) the handwritten signature of such claimant or agent, accompanied by the typed or printed name of that person; (C) a declaration that the statements made in the application are correct to the best of that person's knowledge; and (D) the date of certification.

(c) *Renewal Claimants.* Renewal claims may be registered only in the names of persons falling within one of the classes of renewal claimants specified in the copyright law. If the work was a new version of a previous work, renewal may be claimed only in the new matter.

(17 U.S.C. 207, and under the following sections of title 17 of the U.S. Code as amended by Pub. L. 94-553: Secs. 304, 305, 702, 708.)

Dated: December 30, 1977.

BARBARA RINGER,  
Register of Copyrights.

Approved:

DANIEL J. BOORSTEIN,  
Librarian of Congress.

[FR Doc. 78-164 Filed 1-3-78; 8:45 am]

[1410-03]

[Docket RM 77-16]

#### PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

##### Copyright Registrations

AGENCY: Library of Congress, Copyright Office.

ACTION: Interim regulation.

**SUMMARY:** This notice is issued to advise the public that the Copyright Office of the Library of Congress is adopting an interim regulation to implement sections 408 and 409 of the Act for General Revision of the Copyright Law. These sections pertain to copyright registration. The effect of the interim regulations is to establish requirements governing the classification of works for copyright registration and the form and content of applications for copyright registration. These regulations are issued on an interim basis in order to allow persons to apply for and secure copyright registration immediately on and after the effective date of the statute, while permitting full public comment before the issuance of final regulations.

**DATES:** The interim regulations are effective on January 1, 1978. Comments should be received on or before March 31, 1978.

**ADDRESSES:** Five copies of all written comments should be provided, if by hand, to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Crystal Mall Building No. 2, Room 519, Arlington, Virginia, or, if by mail to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Caller No. 2999, Arlington, Va. 22202.

Copies of all written comments will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, in the Public Information Office of the Copyright Office, Room 101, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va.

#### FOR FURTHER INFORMATION, CONTACT:

Jon Baumgarten, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

**SUPPLEMENTARY INFORMATION:** Paragraph (a) of section 408 of the first section of Pub. L. 94-553 (90 Stat. 2541) provides that "at any time during the subsistence of copyright in any published or unpublished work, the owner of copyright or of any exclusive right in the work may obtain registration of the copyright claim by delivering to the Copyright Office" an application for registration, together with the necessary fee and deposit. Paragraph (c) of that section authorizes the Register of Copyrights to "specify by regulation" the administrative classes into which works are to be placed for purposes of registration. Section 409 provides that the application

for registration "shall be made on a form prescribed by the Register of Copyrights" and include certain specified items of information, as well as "any other information regarded by the Register of Copyrights as bearing upon the preparation or identification of the work or the existence, ownership, or duration of the copyright."

We are implementing these provisions by the revision of § 202.3 of the regulations of the Copyright Office. In order to allow persons to apply for and secure copyright registration immediately upon and after the effective date of the new Copyright Act, this regulation is effective on January 1, 1978. However, we do wish to give the public full opportunity to comment on the regulations, and to give both the public and the Copyright Office the benefit of experience with the new application forms before issuing final regulations. Accordingly, the regulation is issued on an interim basis and comments will be received until the date set forth above. Final regulations will be issued after the close of the comment period.

The interim regulation is essentially self-explanatory; however, the following points should be noted:

(1) In a Notice of Inquiry published on September 16, 1977 (42 FR 48944) we raised certain issues related to registration. Prompted by the implications of that Notice, several comments, including a persuasive practical and legal analysis prepared by the Authors League of America, Inc., strongly urged that the copyright "claimant" to be identified in an application and registration under section 409(c) of the Act not be equated with the owner of one or more, but less than all, of the rights under a copyright. We agree with the view expressed in these comments; we do not believe that the concept of "divisibility of copyright" was intended to allow the owner of an individual right or rights to claim, or appear to claim, on our records, ownership of the entire copyright. As pointed out in the comments, such a result would lead to a misleading and inaccurate public record, and subvert the purpose of the registration system. Accordingly, interim § 202.3(a)(3) makes clear that the copyright "claimant" for purposes of copyright registration is the author of the work for which registration is sought, or a person or organization that has obtained ownership of all rights under the copyright initially belonging to the author.

(2) In the same Notice of Inquiry, we stated that the general rule envisioned by the new Act, as under the current law, was that only one registration should be made for the same version of a particular work. Although a few comments questioned this principle, we believe that the history, language and structure of the statute is clear on the point, and we adhere to the position expressed. Indeed, the allowance of multiple registrations for the same work

would thoroughly confuse the public

(3) For the purposes of this section, forth in paragraph (b)(1) of this sec-

(ii) In the case of applications for

(6) One Registration Per Work. As a cation is earlier than the date of publica-



would thoroughly confuse the public record designed to be made by the registration system, and would serve no purpose under the definition of "claimant". Moreover, as explained in the Notice, the allowance of multiple registrations could be taken to suggest that, in view of the inducements to registration offered by the statute, the owner of each particular right would be forced, as a practical matter, to make registration to enforce that right. This was certainly not the intention of the statute. Accordingly, interim § 202.3(b) (6) adopts the principle of "one basic registration per work," and sets forth the exceptions to that principle discussed in the Advance Notice.

(3) Section 408(c) (2) of the Act directs the Register of Copyrights to establish regulations permitting a single registration, on the basis of a single application and fee, for a group of contributions to periodicals by the same individual author in certain cases. These regulations, which essentially follow the conditions set forth in the statute, are incorporated in paragraph (b) (5) of interim § 202.3. Also, interim § 202.3(b) (3), which is based on existing Copyright Office practices, provides for a single registration, as a single work and with a single fee, of "collections" of unpublished works and multiple copyrightable elements included in a single published work. However, we have reserved for implementation in a separate proceeding, the possibility of providing for "a single registration for a group of 'related works'" under paragraph (c) (1) of section 408. We invite comments and suggestions as to the types of related works that could appropriately be covered by group registration under section 408(c) (1), together with suggestions as to the deposit and registration requirements that might be applicable in these cases.

**Interim Regulation.** Part 202 of 37 CFR, Chapter II is amended by: (i) Revoking §§ 202.4, 202.5, 202.6, 202.7, 202.8, 202.9, 202.11, 202.13, and 202.15a in their entirety; (ii) revoking paragraphs (a) and (c) of § 202-10, paragraphs (a) and (b) of § 202.12, and paragraphs (a) and (b) of § 202.14; and (iii) revising § 202.3, on an interim basis, to read as follows:

**§ 202.3 Registration of copyright.**

(a) **General.** (1) This section prescribes conditions for the registration of copyright, and the application to be made for registration, under sections 408 and 409 of title 17 of the United States Code, as amended by Pub. L. 94-553.

(2) For the purposes of this section, the terms "audiovisual work", "compilation", "copy", "derivative work", "device", "fixation", "literary work", "motion picture", "phonorecord", "pictorial, graphic and sculptural works", "process", "sound recording", and their variant forms, have the meanings set forth in section 101 of title 17. The term "author" includes an employer or other person for whom a work is "made for hire" under section 101 of title 17.

(3) For the purposes of this section, a copyright "claimant" is either:

(i) The author of a work;

(ii) A person or organization that has obtained ownership of all rights under the copyright initially belonging to the author.<sup>1</sup>

(b) **Administrative Classification and Application Forms.**—(1) **Classes of Works.** For the purpose of registration, the Register of Copyrights has prescribed four classes of works in which copyright may be claimed. These classes, and examples of works which they include, are as follows:

(i) **Class TX: Nondramatic Literary Works.** This class includes all published and unpublished nondramatic literary works. Examples: Fiction; nonfiction; poetry; textbooks; reference works; directories; catalogs; advertising copy; periodicals and serials; and compilations of information.

(ii) **Class PA: Works of the Performing Arts.** This class includes all published and unpublished works prepared for the purpose of being performed directly before an audience or indirectly by means of a device or process. Examples: Musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; and motion pictures and other audiovisual works.

(iii) **Class VA: Works of the Visual Arts.** This class includes all published and unpublished pictorial, graphic, and sculptural works. Examples: Two dimensional and three dimensional works of the fine, graphic, and applied arts; photographs; prints and art reproductions; maps, globes, and charts; technical drawings, diagrams, and models; and pictorial or graphic labels and advertisements.

(iv) **Class SR: Sound Recordings.** This class includes all published and unpublished sound recordings fixed on and after February 15, 1972. Claims to copyright in literary, dramatic, and musical works embodied in phonorecords may also be registered in this class under paragraph (b) (3) of this section if: (A) Registration is sought on the same application for both a recorded literary, dramatic, or musical work and a sound recording; (B) the recorded literary, dramatic, or musical work and the sound recording are embodied in the same phonorecord; and (C) the same claimant is seeking registration of both the recorded literary, dramatic, or musical work and the sound recording.

(2) **Application Forms.** For the purpose of registration, the Register of Copyrights has prescribed four basic forms to be used for all applications submitted on and after January 1, 1978. Each form corresponds to a class set

<sup>1</sup> This category includes a person or organization that has obtained, from the author or from an entity that has obtained ownership of all rights under the copyright initially belonging to the author, the contractual right to claim legal title to the copyright in an application for copyright registration.

forth in paragraph (b) (1) of this section and is so designated ("Form TX"; "Form PA"; "Form VA"; and "Form SR"). Copies of the forms are available free upon request to the Public Information Office, United States Copyright Office, Library of Congress, Washington, D.C. 20559. Applications should be submitted in the class most appropriate to the nature of the authorship in which copyright is claimed. In the case of contributions to collective works, applications should be submitted in the class representing the copyrightable authorship in the contribution. In the case of derivative works, applications should be submitted in the class most appropriately representing the copyrightable authorship involved in recasting, transforming, adapting, or otherwise modifying the preexisting work. In cases where a work contains elements of authorship in which copyright is claimed which fall into two or more classes, the application should be submitted in the class most appropriate to the type of authorship that predominates in the work as a whole. However, in any case where registration is sought for a work consisting of or including a sound recording in which copyright is claimed, the application shall be submitted on Form SR.

(3) **Registration as a Single Work.** (i) For the purpose of registration on a single application and upon payment of a single registration fee, the following shall be considered a single work:

(A) In the case of published works: All copyrightable elements that are otherwise recognizable as self-contained works, that are included in a single unit of publication, and in which the copyright claimant is the same; and

(B) In the case of unpublished works: all copyrightable elements that are otherwise recognizable as self-contained works, and are combined in a single unpublished "collection". For these purposes, a combination of such elements shall be considered a "collection" if: (1) The elements are assembled in an orderly form; (2) the combined elements bear a single title identifying the collection as a whole; (3) the copyright claimant in all of the elements, and in the collection as a whole, is the same; and (4) all of the elements are by the same author, or, if they are by different authors, at least one of the authors has contributed copyrightable authorship to each element. Registration of an unpublished "collection" extends to each copyrightable element in the collection and to the authorship, if any, involved in selecting and assembling the collection.

<sup>2</sup> A "sound recording" does not include the sounds accompanying a motion picture or other audiovisual work (17 U.S.C. 101). For this purpose, "accompanying" does not require physical integration in the same copy. Accordingly, registration may be made for a motion picture or audiovisual kit in Class PA and that registration will cover the sounds embodied in the "sound track" of the motion picture or on disks, tapes, or the like included in the kit. Separate application in Class SR is not appropriate for these elements.

(ii) In the case of applications for registration made under paragraphs (b) (3) and (b) (5) of this section, the "year in which creation of this work was completed", as called for by the application, means the latest year in which the creation of any copyrightable element was completed.

(4) **Group Registration of Related Works.** [Reserved]

(5) **Group Registration of Contributions to Periodicals.** (i) As provided by section 408(c) (2) of title 17 of the United States Code, as amended by Pub. L. 94-553, a single registration, on the basis of a single application, deposit, and registration fee, may be made for a group of works if all of the following conditions are met:

(A) All of the works are by the same author;

(B) The author of each work is an individual, and not an employer or other person for whom the work was made for hire;

(C) Each of the works first published as a contribution to a periodical (including newspapers) within a twelve-month period;

(D) Each of the works as first published bore a separate copyright notice, and the name of the owner of copyright in each work (or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner) was the same in each notice; and

(E) The deposit accompanying the application consists of one copy of the entire issue of the periodical, or of the entire section in the case of a newspaper, in which each contribution was first published.

(ii) An application for group registration under section 408(c) (2) of title 17 and this § 202.3(b) (5) shall consist of:

(A) A basic application for registration on Form TX, Form PA, or Form VA,<sup>2</sup> which shall contain the information required by the form and its accompanying instructions; (B) an adjunct form prescribed by the Copyright Office and designated "Adjunct Application for Copyright Registration for a Group of Contributions to Periodicals (Form GR/CP)", which shall contain the information required by the form and its accompanying instructions; and (C) a fee of \$10 and the deposit required by paragraph (b) (5) (i) (E) of this section.

<sup>1</sup> This does not require that each of the works must have been first published during the same calendar year; it does require that, to be grouped in a single application, the earliest and latest contributions must not have been first published more than twelve months apart.

<sup>2</sup> The basic application should be filed in the class appropriate to the nature of authorship in the majority of the contributions. However, if any of the contributions consists preponderantly of nondramatic literary material that is in the English language, the basic application for the entire group should be submitted on Form TX.

(6) **One Registration Per Work.** As a general rule only one copyright registration can be made for the same version of a particular work. However:

(i) Where a work has been registered as unpublished, another registration may be made for the first published edition of the work, even if it does not represent a new version;

(ii) Where someone other than the author is identified as copyright claimant in a registration, another registration for the same version may be made by the author in his or her own name as copyright claimant;<sup>3</sup>

(iii) Where an applicant for registration alleges that an earlier registration for the same version is unauthorized and legally invalid, a registration may be made by that applicant; and

(iv) Supplementary registrations may be made, under the conditions of § 201.5 of these regulations, to correct or amplify the information in a registration made under this section.

(c) **Application for Registration.** (1) An application for copyright registration may be submitted by any author or other copyright claimant of a work, or the owner of any exclusive right in a work, or the duly authorized agent of any such author, other claimant, or owner.

(2) An application for copyright registration shall be submitted on the appropriate form prescribed by the Register of Copyrights under paragraph (b) of this section, and shall be accompanied by a fee of \$10 and the deposit required under 17 U.S.C. 408 and § 202.20 of these regulations.<sup>4</sup> The application shall contain the information required by the form and its accompanying instructions, and shall include a certification. The certification shall consist of: (i) A designation of whether the applicant is the author of, or other copyright claimant or owner of exclusive rights in, the work, or the duly authorized agent of such author, other claimant, or owner (whose identity shall also be given); (ii) the handwritten signature of such author, other claimant, owner, or agent, accompanied by the typed or printed name of that person; (iii) a declaration that the statements made in the application are correct to the best of that person's knowledge; and (iv) the date of certification. An application for registration of a published work will not be accepted if the date of certification is earlier than the date of publication given in the application.

<sup>3</sup> An "author" includes an employer or other person for whom a work is "made for hire" under 17 U.S.C. 101. This paragraph does not permit an employee or other person working "for hire" under that section to make a later registration in his or her own name. In the case of authors of a joint work, this paragraph does permit a later registration by one author in his or her own name as copyright claimant, where an earlier registration identifies only another author as claimant.

<sup>4</sup> In the case of applications for group registration of contributions to periodicals under paragraph (b) (5) of this section, the deposit shall comply with paragraph (b) (5) (i) (E). Only one \$10 fee is required in such cases.

cation is earlier than the date of publication given in the application.

§§ 202.4, 202.5, 202.6, 202.7, 202.8, 202.9, 202.11, 202.13 and 202.15 [Revoked]

§§ 202.10, 202.12 and 202.14 [Amended]

(17 U.S.C. 207; and under the following sections of title 17 of the U.S. Code as amended by Pub. L. 94-553: Secs. 408; 409; 410; 702.)

Dated: December 30, 1977.

BARBARA RINGER,  
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,  
Librarian of Congress.

[FR Doc.78-167 Filed 1-3-78;8:45 am]

**[1505-01]**

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

[FRL 810-8]

PART 15-1—GENERAL

Miscellaneous Amendments

Correction

In FR Doc. 77-36268 appearing at page 63783 in the issue for Tuesday, December 20, 1977, make the following changes:

(1) On page 63784, second column, in § 15-1.313(d) (29), in the second and third lines, "(see FPR 1-103(b))"; should have read "(see FPR 1-3.103(b))";

(2) On page 63785, at the bottom of the first column, under "Subpart 15-7.1—Small Business Concerns", in the amendatory sentence, § 15-1.704 was incorrectly referred to as "Section 15-704".

(3) On page 63787, middle column, the section heading numbered "§ 15-15.5002-2" should have been numbered "§ 15-1.5002-2".

**[4910-14]**

Title 46—Shipping

CHAPTER 1—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-226]

PART 188—GENERAL PROVISIONS

Vessels Carrying Hazardous Liquids in Bulk; Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** On page 49027 of the FEDERAL REGISTER of September 26, 1977 (42 FR 49016, CGD 73-96), the Coast Guard amended table 188.05-1(a) to include tankers carrying hazardous chemicals in bulk. This rule corrects that amendment.

**EFFECTIVE DATE:** January 5, 1978.

**FOR FURTHER INFORMATION CONTACT:**



Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

#### DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Mr. Robert Query, Project Manager, Office of Merchant Marine Safety, and Michael N. Mervin, Project Attorney, Office of the Chief Counsel.

#### DISCUSSION OF THE REGULATION

Table 188.05-1(a) of Title 46 shows what regulations various types of vessels come under. The same table is repeated a number of times in Title 46.

In 42 FR 49016 the Coast Guard amended table 188.05-1(a) and the du-

plicate tables in other parts of Title 46 by making some additions to column 8 and its footnotes. However, an earlier change to the tables had failed to add column 8 to table 188.05-1(a). This final rule corrects the earlier omission by adding column 8 and its footnotes. Accordingly, the Coast Guard finds under 5 U.S.C. 553(b) (3) (B) that a notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Title 46 of the Code of Federal Regulations is amended as follows:

1. In §188.05-1(a) the table is amended by adding column 8 and footnotes 10, 11, and 12 to read as follows:

§ 188.05-1 Vessels subject to requirements of this subchapter.

Col. 1	Col. 2	...	Col. 8
Steam.....	Vessels not over 65 ft in length.....		All vessels carrying in bulk the cargoes listed in table 1 of pt. 153 and table 4 of pt. 154. <sup>10</sup>
Motor.....	Vessels over 65 ft in length.....		Do.
	Vessels not over 15 gross tons.....		Do.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.....		Do.
	Seagoing motor vessels of 300 gross tons and over.....		Do.
Sail.....	Vessels not over 700 gross tons.....		Do.
	Vessels over 700 gross tons.....		Do.
Non-self-propelled.....	Vessels less than 100 gross tons.....		All tank barges <sup>11</sup> carrying certain flammable and combustible liquid and liquefied gases in bulk.
	Vessels 100 gross tons or over.....		Do.

<sup>10</sup> Bulk dangerous cargoes are cargoes specified in table 151.01-10(b), in table 1 of pt. 153, and in table 4 of pt. 154 of this chapter.

<sup>11</sup> For manned tankbarges see sec. 151.01-10(e) of this chapter.

<sup>12</sup> Except those excluded under 46 U.S.C. 170 or 391a, as the case may be.

(49 USC 1804(a), 49 CFR 1.46(t))

Effective date: This rule is effective immediately under 5 U.S.C. 553(d) because this column appears in other tables in the title and it has no substantive effect.

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: December 28, 1977.

E. L. PERRY,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.

[FR Doc.78-157 Filed 1-4-78;8:45 am]

#### [ 4310-55 ]

##### Title 50—Wildlife and Fisheries

#### CHAPTER 1—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

##### PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

##### Republication of the List of Species; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: This corrects an error that appeared in the Republication of the list of species which was published in the FEDERAL REGISTER on July 14, 1977.

DATES: Effective immediately.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director, Federal Assistance, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (202) 343-4646.

#### SUPPLEMENTARY INFORMATION:

##### BACKGROUND

In FR Doc. 77-19985, appearing at page 36421 in the FEDERAL REGISTER of Thursday, July 14, 1977, the following changes should be made:

1. Under common name, the entry for "Gazelle, Dorcas" is corrected to read "Antelope, Bontebok."

2. Under scientific name, the entry for "Gazella dorcas dorcas" is corrected to read "Damaliscus dorcas dorcas."

The author of this correction is John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

NOTE.—The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: December 23, 1977.

ROBERT S. COOK,  
Acting Director,  
Fish and Wildlife Service.

[FR Doc.78-111 Filed 1-4-78;8:45 am]

#### [ 4310-55 ]

##### PART 21—MIGRATORY BIRD PERMITS

States Meeting Federal Falconry Standards  
AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service adds eleven States to the list of States where falconry laws have been determined by the Director to meet or exceed the minimum Federal standards. Falconry may now be practiced in the States listed in 50 CFR 21.29.

DATE: January 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Danny M. Searcy, Special Agent, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20040, telephone 202-343-9242.

SUPPLEMENTARY INFORMATION: On January 15, 1978 (41 FR 2237) the Service issued regulations which provided for the review and approval of State falconry laws. If a given State's laws were approved, the State would be listed in 50 CFR 21.29(k), and falconry permitted therein pursuant to a system of joint Federal-State permits. Utilizing the criteria established in 50 CFR 21.29, the Director reviewed and approved falconry laws of 25 States, and on August 23, 1977, published the list of States in the FEDERAL REGISTER (42 FR 42353).

The Director has now reviewed and approved the falconry laws of the eleven States listed below.

Upon publication of this amended § 21.29(k) in the FEDERAL REGISTER, the practice of falconry in the States listed shall be governed by 50 CFR 21.28 as amended, and 21.29.

The primary author of this document is Margaret Cash, Regulations Coordinator, Divisions of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

Accordingly, § 21.29(k) of Part 21 of Chapter I of Title 50 of the Code of Federal Regulations is amended by alphabetically adding the following:

§ 21.29 Federal falconry standards.

(k) . . . . .

\*California  
\*Illinois  
\*Louisiana  
\*Maine  
\*Maryland  
\*Michigan  
\*Montana  
\*Nevada  
\*Oregon  
\*Texas  
\*Wisconsin

NOTE.—The Service has determined that this document does not contain a major action requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: December 29, 1977.

ROBERT S. COOK,  
Acting Director,  
Fish and Wildlife Service.

[FR Doc. 78-106 Filed 1-4-78;8:45 am]

#### [ 3410-01 ]

##### Title 7—Agriculture

#### SUBTITLE A—OFFICE OF SECRETARY OF AGRICULTURE

[Amdt. 2]

##### PART 16—LIMITATION ON IMPORTS OF MEAT

##### Section 204 Import Regulations; Transshipment

RESTRICTIONS WITH RESPECT TO AUSTRALIAN AND NEW ZEALAND MEAT

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: The regulations set forth in this Subpart are amended to prohibit entry of certain meats from Australia and New Zealand unless such meats are exported to the United States as direct shipments or on a through bill of lading. This action is necessary to carry out agreements with Australia and New Zealand concluded pursuant to Section 204 of the Agricultural Act of 1956.

EFFECTIVE DATE: January 1, 1978. See supplementary information.

FOR FURTHER INFORMATION CONTACT:

John E. Riesz (FAS), 202-447-7217  
Dairy, Livestock and Poultry Division,  
FAS, USDA, Room 6621, South Building,  
Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: These agreements cover meat of Australian or New Zealand origin described in items 106.10 and 106.20 of the Tariff Schedules of the United States (TSUS) and meat which would fall within such TSUS items, but for processing in Foreign-Trade Zones, territories or possessions of the United States prior to entry, or withdrawal from warehouse, for consumption in the United States Customs Territory.

This regulation limits the entry or withdrawal from warehouse for consumption in the United States of such meat of Australian or New Zealand origin unless such meat is exported into the Customs Territory of the United States, as direct shipments or on a through bill of lading to the United States. The regulations also provides that such meat if processed in Foreign-Trade Zones, territories or possessions of the United States may not be entered or withdrawn from warehouse for consumption in the United States unless exported into the Customs Territory of the United States as direct shipments or on a through bill of lading to the United States from the Foreign-Trade Zone, territory or possession of the United States in which it was processed.

sion of the United States in which it was processed.

By E.O. 11539, dated June 30, 1970, the Secretary of Agriculture was authorized with the concurrence of the Secretary of State and the Special Representative for Trade Negotiations, to issue regulations governing the entry or withdrawal from warehouse for consumption in the United States of meat to carry out such bilateral agreements and to request the Commissioner of Customs to implement such action.

#### EFFECTIVE DATE

In order to carry out these agreements, the regulations must be effective January 1, 1978. Since the action taken herewith involves foreign affairs functions of the United States, this regulation falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

Subpart A, Section 204 Import Regulations, of Part 16, Limitation on Imports of Meat, of Title 7 of the Code of Federal Regulations is amended as follows:

1. Section 16.4 is amended to read as follows:

§ 16.4 Transshipment restrictions.

(a) No meat of Australian or New Zealand origin may be entered or withdrawn from warehouse for consumption in the United States unless (1) it is exported into the Customs Territory of the United States as direct shipments or on a through bill of lading from the country of origin or (2) if processed in Foreign-Trade Zones, territories or possessions of the United States it is exported into the Customs Territory of the United States as direct shipments or on a through bill of lading from the Foreign-Trade Zone, territory or possession of the United States in which it was processed.

§ 16.5 [Reserved]

2. Paragraphs (a), (b) and (c) of § 16.5 "Quantitative restrictions" are deleted and reserved.

(Sec. 204, Pub. L. 540, 84th Cong., 70 Stat. 200, as amended (7 U.S.C. 1854) and Executive Order 11539 (35 FR 10733).)

Issued at Washington, D.C. this 30th day of December 1977.

BOB BERGLAND,  
Secretary.

[FR Doc.78-105 Filed 1-4-78;8:45 am]

#### [ 3410-02 ]

##### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 423, Amdt. 1; Navel Orange Reg. 424]

##### PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

FEDERAL REGISTER, VOL. 43, NO. 3—THURSDAY, JANUARY 5, 1978

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 6-12, 1978, and increases the quantity of such oranges that may be so shipped during the period December 30, 1977-Jan. 5, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective January 6, 1978, and the amendment is effective for the period December 30, 1977-Jan. 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on December 30, 1977, and January 3, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good on all sizes at this time.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.724 Navel orange regulation 424.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period January 6, 1978 through January 12, 1978, are established as follows:

(1) District 1: 800,000 cartons;

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

CONTINUANCE OF HEARING DATE

#### [ 7035-01 ]

poration elevator located at Westwego, Louisiana. Any railroad holding a car

(h) Expiration date. The provisions of this order shall expire at 11:59 p.m.



- (1) District 1: 800,000 cartons;  
 (2) District 2: unlimited movement;  
 (3) District 3: unlimited movement.  
 (b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.
2. The provisions of paragraph (a) (1) (2) and (3) in § 907.723 Navel Orange Regulation 423 (42 FR 64897), are hereby amended to read:

**§ 907.723 Navel orange regulation 423.**

- (a) \* \* \*
- (1) District 1: 800,000 cartons;  
 (2) District 2: unlimited movement;  
 (3) District 3: unlimited movement.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: January 4, 1977.

CHARLES R. BRADER,  
 Director, Fruit and Vegetable  
 Division, Agricultural Mar-  
 keting Service.

[FR Doc. 72-3764 Filed 1-4-78; 11:29 am]

**[3410-02]**

[Lemon Regulation 125, Amdt. 2]

**PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**Limitation of Handling**

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

**SUMMARY:** This action increases the quantity of California-Arizona lemons that may be shipped during the period December 25-31, 1977. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

**DATES:** The amendment is effective for the period December 25-31, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Charles R. Brader, 202-447-6393.

**SUPPLEMENTARY INFORMATION:** Findings. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on December 28, 1977, to consider supply and market conditions and other factors affecting the need for regulation, and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports order business for lemons is much heavier than anticipated for the current week.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until February 6, 1977 (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. This amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

**§ 910.425 Lemon Regulation 125.**

The provisions of paragraph (a) in § 910.425 Lemon Regulation 125 (42 FR 64360) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period December 25 through 31, 1977, is established at 240,000 cartons."

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: December 30, 1977.

FLOYD F. HEDLUND,  
 Director, Fruit and Vegetable  
 Division, Agricultural Mar-  
 keting Service.

[FR Doc. 77-101 Filed 1-4-78; 8:45 am]

**[7590-01]**

**Title 10—Energy**

**CHAPTER I—NUCLEAR REGULATORY COMMISSION**

[Docket No. RM-50-3]

**PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION**

**Uranium Fuel Cycle Impacts From Spent Fuel Reprocessing and Radioactive Waste Management; Continuance of Hearing Date**

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of continuance of hearing date.

**SUMMARY:** The notice advises the parties in the proceeding that the hearing, scheduled for January 9, 1978, is continued by the Hearing Board to January 16, 1978. An earlier notice of reopened hearing establishing procedures was published May 26, 1977 (42 FR 26987).

**DATE:** January 16, 1978 at 10:00 a.m.

**ADDRESS:** Commission's Hearing Room (fifth floor), East-West Towers Building, 4350 East-West Highway, Bethesda, Md.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Frank L. Ingram, Office of Public Affairs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-492-7715.

**CONTINUANCE OF HEARING DATE**

In the matter of Amendment of 10 CFR Part 51—Licensing of Production and Utilization Facilities (Environmental Effects of the Uranium Fuel Cycle).

In the matter of Uranium Fuel Cycle Impacts From Spent Fuel Reprocessing and Radioactive Waste. Docket No. RM-50-3.

**ORDER**

The parties to the above captioned rule making proceeding are advised that the hearing will not commence as scheduled on Monday, January 9, 1978 at 10 a.m., because of the unavailability of the Chairman of the Hearing Board. Accordingly, the Hearing Board is continuing the date for commencement of the hearing until Monday, January 16, 1978, when the Chairman of the Hearing Board is expected to be available to preside.

The Hearing Board will issue an Order by Wednesday, January 4, 1978 outlining further procedures which the parties to this proceeding will be expected to adhere to during the course of oral presentations. In addition, the Hearing Board will act on a number of late-filed petitions and pleadings, and otherwise dispose of matters raised by various parties in this proceeding for consideration by the Hearing Board.

It is so ordered.

Hearing Board.

MICHAEL L. GLASER,  
 Chairman.

[FR Doc. 78-195 Filed 1-4-78; 8:45 am]

**[1505-01]**

**Title 49—Transportation**

**CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION**

[Docket No. HM-103/112; Amdt No. 172-39]

**PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS**

**Extension of Placarding Compliance Date Correction**

In FR Doc. 77-32522, appearing at page 58522 in the issue of Thursday, November 10, 1977, the table on page 58524 should read as follows:

The motor vehicle may be marked or placarded in the format, letter size and color prescribed in 49 CFR 177.823 in effect on June 30, 1976:

Explosives A.....	Explosives A.....
Explosives B.....	Explosives B.....
Nonflammable Gas..	Compressed Gas.
Flammable Gas.....	Flammable Gas..
Combustible .....	Combustible or Flammable.
Flammable .....	Flammable .....
Flammable Solid....	Do.
Corrosive .....	Corrosives.
Poison .....	Poison.
Oxidizer .....	Oxidizers.
Radioactive .....	Radioactive .....
Dangerous .....	Dangerous .....

**[7035-01]**

**CHAPTER X—INTERSTATE COMMERCE COMMISSION**

**SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

[S.O. NO. 1292]

**PART 1033—CAR SERVICE**

**Railroads Authorized To Divert Traffic Consigned to Continental Grain Corp. Elevator Located at Westwego, La.**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1292).

**SUMMARY:** The grain elevator owned by Continental Grain Corp. at Westwego, La., was destroyed by explosion and fire on December 22, 1977. Service Order No. 1292 authorizes diversion of carloads of grain on hand or enroute to this elevator on or before December 24, 1977, to any other grain elevator on the Gulf of Mexico without assessment of diversion or reconsigning charges and subject to the through rates from origin to the new destination.

**DATES:** Effective December 30, 1977. Expires January 31, 1978.

**FOR FURTHER INFORMATION CONTACT:**

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone 202-275-7840, Telex 89-2742.

**SUPPLEMENTARY INFORMATION:** The Order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of December 1977.

On December 22, 1977, the grain elevator owned by Continental Grain Corporation at Westwego, Louisiana, was destroyed by an explosion and fire. Approximately three hundred (300) carloads of grain were on hand or in transit for unloading by this elevator at the time of its destruction.

Rebuilding of the elevator cannot be accomplished within a reasonable time. Other arrangements for the unloading of these cars will require diversion and reconsignment of many of them in a manner prohibited by the applicable tariffs. It is the opinion of the Commission that such diversions and reconsignments are necessary in the public interest to enable the prompt unloading of these cars and their continued use in transportation service and to enable the fulfillment of export grain commitments; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1292 Service Order No. 1292.

(a) Railroads authorized to divert traffic consigned to Continental Grain Cor-

poration elevator located at Westwego, Louisiana. Any railroad holding a car loaded with grain consigned, reconsign or intended for unloading by the grain elevator owned by Continental Grain Corporation, and located at Westwego, Louisiana, which originated on or before December 24, 1977, and which cannot be unloaded by Continental Grain Corporation because of the destruction of its grain elevator, may be reconsigned, diverted or reshipped to any other grain elevator in the United States which is located on the Gulf of Mexico. In the application of this section grain elevators located on the lower Mississippi River from Port Allen, Louisiana, to the mouth of the river and grain elevators located on the Houston, Texas, ship channel shall be deemed to be located on the Gulf of Mexico.

(b) *Reconsignment and diversions charges.* Carloads of grain reconsigned, diverted, or reshipped under the provisions of this order shall not be subject to reconsignment or diversion charges provided in the applicable tariffs.

(c) *Rates applicable.* The rates applicable to carloads of grain reconsigned, diverted or reshipped under the provisions of this order shall be the rates that would have been applicable on the shipments at the time of shipment had they been originally destined to the point to which reconsigned, diverted or reshipped. When the applicable tariffs provide routes from origin to the new destination via the line and the point at which the car is held, such routes must be utilized for the rerouting, diversion or reshipment. When no such route exists any available route may be used. In the application of this section cars which have arrived at Westwego, Louisiana, and which are located on a line performing only terminal or intermediate switching service shall be considered as being held by the inbound line-haul carrier.

(d) *Divisions of Revenues.* In executing the directions of the Commission provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Waybills to be endorsed.* Waybills authorizing movement of cars reconsigned, diverted or reshipped under this order shall be endorse as follows: "(Reconsigned) (Diverted) (Reshipped) authority I.C.C. Service Order No. 1292".

(f) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(g) *Effective date.* This order shall become effective at 12:01 a.m., December 30, 1977.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

It is further ordered. That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns and John R. Michael. Member Robert S. Turkington not participating.

H. G. HOMME, Jr.,  
 Acting Secretary.

[FR Doc. 78-169 Filed 1-4-78; 8:45 am]

**[7035-01]**

[S.O. No. 1291]

**PART 1033—CAR SERVICE**

**Lamoille Valley Railroad Co. Authorized to Operate Over Tracks Owned by State of Vermont and Formerly Operated by Vermont Northern Railroad Co.**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1291).

**SUMMARY:** The State of Vermont owns a line of railroad between St. Johnsbury and Swanton, Vermont, which has been operated by Vermont Northern Railroad Company on behalf of the State. This operating lease is being cancelled, and the State has entered into an operating agreement with Lamoille Valley Railroad Company to operate this line commencing January 1, 1978. Service Order No. 1291 authorizes the Lamoille Valley Railroad Company to operate this line pending disposition of its application for permanent authority in order to provide uninterrupted rail service to shippers in northern Vermont.

**DATES:** Effective 11:59 p.m., January 1, 1978. Expires 11:59 p.m., June 30, 1978.

**FOR FURTHER INFORMATION CONTACT:**

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of December 1977.

The State of Vermont (State) owns 99.4 miles of railroad extending between St. Johnsbury, Vermont, and Swanton,

Vermont. On December 31, 1977, the State will terminate its operating agree-

the carriers; or upon failure of the carriers to so agree, the divisions shall be

**SUPPLEMENTARY INFORMATION:** By order served January 7, 1971, the

Sec 1059.2 Notice of delay in performance

of such notice shall be mailed to the common carrier of property subject to



Vermont. On December 31, 1977, the State will terminate its operating agreement with the Vermont Northern Railroad Company (VTN) which presently operates this line. The State has designated the Lamolille Valley Railroad Company as its agent to operate this line and has entered into an operating agreement with the Lamolille Valley Railroad to commence immediate operation of this line upon obtaining appropriate authority from this Commission. Application will be filed with the Commission seeking permanent authority for Lamolille Valley Railroad Company to operate over the aforementioned trackage. If service over this line is not continued, numerous shippers on the line will be left without essential railroad service.

It is the opinion of the Commission that operation by the Lamolille Valley Railroad Company over these tracks owned by the State and formerly operated by VTN is necessary in the interest of the public pending disposition of the application of Lamolille Valley seeking permanent authority to operate over these tracks; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

**§ 1033.1291 Service Order No. 1291.**

(a) *Lamolille Valley Railroad Company is authorized to operate over tracks owned by State of Vermont and formerly operated by Vermont Northern Railroad Company.* The Lamolille Valley Railroad Company is authorized to operate over tracks owned by the State of Vermont between St. Johnsbury, Vermont, and Swanton, Vermont, formerly operated by the Vermont Northern Railroad Company, together with all necessary auxiliary tracks, spurs, etc., a total distance of 99.4 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of the application of the Lamolille Valley seeking authority to operate over these aforementioned tracks.

(d) *Rates applicable.* Inasmuch as this operation by the Lamolille Valley over tracks previously operated by the Vermont Northern is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via Vermont Northern, until tariffs naming rates and routes specifically applicable via the Lamolille Valley become effective.

(e) In transporting traffic over these lines, the Lamolille Valley and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between

the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., January 1, 1978.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a summary with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Robert S. Turkington not participating.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc.78-171 Filed 1-4-78; 8:45 am]

**[ 7035-01 ]**

**SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

**SUBCHAPTER D—TARIFFS AND SCHEDULES**  
[Ex Parte No. 272]

**AMENDMENTS TO REGULATIONS GOVERNING CONTENT OF TARIFFS AND EMBARGOES**

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission is eliminating some of the regulations which govern provision of c.o.d., freight-collect, and order-notify services. These broad regulations are being replaced with a case-by-case approach because the regulations would have created more problems than would have been solved. The Commission intends to regulate c.o.d., freight-collect, and order-notify services in the manner in which other similar services are regulated. The amendments are intended to reinstate the regulations which were in effect prior to the institution of this proceeding.

EFFECTIVE DATE: February 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Janice Rosenak, Deputy Director, or Harvey Gobetz, Assistant Deputy Director, Office of Proceedings, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693.

**SUPPLEMENTARY INFORMATION:** By order served January 7, 1971, the Commission undertook a general investigation and rulemaking proceeding to study problems surrounding the provision of c.o.d., freight-collect, and order-notify services by regulated carriers. In C.O.D. and Freight-Collect Shipments, 343 I.C.C. 692 (1973), the Commission prescribed regulations intended to effect its findings that regulated carriers should provide c.o.d., freight-collect, and order-notify services upon reasonable request, and that carriers should end restrictions on the provision of these services. The effectiveness of these regulations was stayed pending disposition of petitions for reconsideration, and the regulations never became effective.<sup>1</sup> However, the regulations were inadvertently published in the Code of Federal Regulations.

Upon reconsideration, the Commission concluded that the prescribed regulations would be unduly burdensome because they would create more problems than they would solve. A case-by-case approach was found to be a more efficient way of regulating c.o.d., freight-collect, and order-notify services. Accordingly, the Code of Federal Regulations must be amended to restore the regulations which were in effect prior to the institution of this proceeding.

The prescribed regulations added nine new subparts, and deleted one existing subpart. Correction requires reversal of that process. Therefore, the Code of Federal Regulations will be amended by deleting the subparts which the prescribed regulations added, and by restoring the subpart which the prescribed regulations deleted.

H. G. HOMME, Jr.,  
Acting Secretary.

**PART 1300—FREIGHT TARIFFS: RAILROADS, WATER CARRIERS, AND PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT AND CARRIERS JOINTLY THEREWITH**

**PART 1304—EXPRESS COMPANIES SCHEDULES AND CLASSIFICATIONS**

**PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS**

**PART 1308—FREIGHT TARIFFS AND SCHEDULES OF WATER CARRIERS**

**PART 1309—TARIFFS AND CLASSIFICATIONS OF FREIGHT FORWARDERS**

Chapter X of Title 49 of the Code of Federal Regulations is amended by deleting §§ 1006.1, 1006.2, 1006.3, 1006.4, 1300.4 (e), 1304.4(k), 1307.27(k) (3), 1308.4(k), and 1309.6; and by adding part 1059, Embargoes, as set forth below:

**PART 1059—EMBARGOES**

Sec.  
1059.1 Carriers to give public notice of embargoes.

<sup>1</sup> EDITORIAL NOTE: The stay of effectiveness was not published in the FEDERAL REGISTER.

Sec.  
1059.2 Notice of delay in performing service  
1059.3 Carrier's duty to transport unaffected

AUTHORITY 49 Stat 546, as amended, 49 U.S.C. 304, unless otherwise noted

**§ 1059.1 Carriers to give public notice of embargoes.**

(a) Whenever any motor common carrier of property subject to the Interstate Commerce Act finds that because of a lack of facilities or personnel, or because it is required to give preference and precedence to other traffic legally entitled to such priority, or because of other compelling circumstances not within the control of the carrier, it is or will be unable to perform all authorized transportation services requested of it and that it will be necessary for it temporarily to suspend the offering of service in the transportation of any commodity, commodities, or class of traffic, to or from any territory, point, shipper, consignee, or connecting carrier, or over any route, it shall immediately give public notice of such fact by a written notice of an embargo, specifying the extent thereof, the date the embargo is to become effective, its duration, if known, and the reasons why the placing of the embargo is necessary.

(b) Immediately upon the issuance of a notice of an embargo as required by paragraph (a) of this section, one copy

of such notice shall be mailed to the Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423, two copies shall be mailed or delivered to the Regional Director of the Interstate Commerce Commission in the Region where the principal headquarters of the carrier is located, one copy shall be posted for public inspection in each office of the carrier where the embargo is to be made effective, one copy shall be served upon each connecting carrier with whom the issuing carrier interchanges traffic in cases where traffic so interchanged is affected, and, so far as is reasonably practicable in each case, the embargo shall be brought to the attention of interested shippers and consignees.

(c) Except in instances when the notice of an embargo specifies the date of its expiration, a notice of the termination or modification of an embargo shall be issued, posted, and filed by the carrier, and notice of such termination shall be given to interested shippers, consignees, and connecting lines, in the same manner as prescribed for notice of the establishment of an embargo in paragraph (b) of this section.

**§ 1059.2 Notice of delay in performing service.**

In all instances, other than those specified in § 1059.1, when a motor

common carrier of property subject to the Interstate Commerce Act, is unable to perform authorized transportation promptly upon request, it shall notify the person requesting the service of the anticipated delay and the reason therefor, and shall promptly notify the Bureau of Operations, Interstate Commerce Commission, Washington, D.C., and the Regional Director of the Bureau of Operations, Interstate Commerce Commission, in the Region where the carrier has its principal headquarters, of any inability to perform requested transportation within a reasonable time, and the reason therefor. Upon the termination of the conditions which render the carrier unable to perform desired transportation within a reasonable time, the carrier shall notify the Bureau of Operations and the Regional Director, mentioned above of the changed conditions.

**§ 1059.3 Carrier's duty to transport unaffected.**

The provisions of §§ 1059.1 and 1059.2 shall not be construed to relieve any carrier of the duty to furnish transportation service, nor to relieve any carrier of the duty to observe all requirements of law and the regulations prescribed by the Commission.

[FR Doc 78-384 Filed 1-4-78; 11:54 am]



# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 915]

### AVOCADOS GROWN IN SOUTH FLORIDA

Proposed Amendment of Budget of Expenses

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

**SUMMARY:** This notice invites written comments on a proposed increase of expenses from \$67,760 to \$88,210 for the 1977-78 fiscal year, to be used to fund a market development and promotion project for avocados by the Avocado Administrative Committee, which locally administers the Federal marketing order covering fresh avocados. The funds would be transferred from the committee's reserve, and no assessments would be collected from avocado handlers.

**DATES:** Comments must be received on or before January 23, 1978. Proposed effective dates: April 1, 1977, through March 31, 1978.

**ADDRESS:** Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during business hours (7 CFR 1.27(b)).

**FOR FURTHER INFORMATION CONTACT:**

Charles R. Brader, 202-447-6393.

**SUPPLEMENTARY INFORMATION:** The proposal under consideration was submitted by the committee, established under Marketing Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer its terms and provisions. The proposal would:

Amend paragraph (a) of § 915.216 Expenses and carryover of unexpended funds (42 FR 35142 63636) to read as follows:

§ 915.216 Expenses and carryover of unexpended funds.

(a) Expenses. Expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee dur-

ing the fiscal year April 1, 1977, through March 31, 1978, will amount to \$88,210.

Dated December 30, 1977.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Market-  
ing Service

[FR Doc 78-148 Filed 1-4-78; 8:45 am]

[4910-13]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 17524]

### AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Limited Model DH-104 "Dove" Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

**SUMMARY:** This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspections of the center section main spar top boom and replacement of the boom as necessary on Hawker Siddeley Aviation Limited Model DH-104 "Dove" airplanes. The proposed AD is needed to detect cracks in the lugs at each end of the boom which could result in separation of the wing in flight.

**DATES:** Comments must be received on or before February 20, 1978.

**ADDRESSES:** Send comments on the proposal in duplicate to Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24), Docket No. 17524, 800 Independence Ave. SW., Washington, D.C.

The applicable Technical News Sheet may be obtained from: Hawker Siddeley Aviation Limited, Hatfield Hertfordshire, England, Product Support Department, telephone Hatfield 62345.

A copy of the technical news sheet is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:**

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

### SUPPLEMENTARY INFORMATION

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been reports of cracks in the center lug of the three lugs located at each end of the center section main spar boom which affect the structure integrity of the wing to fuselage attachment and could result in separation of the wing in flight on Hawker Siddeley Aviation Limited model DH-114 Heron airplanes. The cracks are believed to be caused by stress corrosion and an airworthiness directive (AD 76-16-03), (Amendment 39-2869) has been issued to correct this problem. Since the corresponding lug arrangement on the DH-104 Dove airplane is almost identical in configuration and of the same material as the Heron, it is likely that similar cracking exists or will develop on these airplanes. The proposed AD would require repetitive inspections and replacement of the boom as necessary on Hawker Siddeley Aviation Limited model DH-104 airplanes.

### DRAFTING INFORMATION

The principal authors of this document are F. J. Karnowski, Europe, Africa, and Middle East Region, J. Soderquist and F. Kelley, Flight Standards Service, and K. May, Office of the Chief Counsel.

### THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

**HAWKER SIDDELEY AVIATION, LIMITED:** Applies to DH-104 "Dove" airplanes, all series, certificated in all categories.

Compliance required as indicated.

To prevent possible failure of the wing to fuselage attachment and loss of wing in flight, accomplish the following:

(a) Within the next 100 hours time in service after the effective date of this AD, unless already accomplished, remove the port and starboard wing root fairings and inspect the upper three lugs at each end of the center section main spar top boom, P/N 4FS.135 A/1, for cracks using an ultrasonic method of inspection in accordance with appendix 1 of Hawker Siddeley Aviation, Ltd., Technical News Sheet TNS 237, (HSA TNS 237) dated September 9, 1976, or an FAA-approved equivalent.

**Note.**—This inspection can be conducted with the wing installed.

(b) If no cracks are found during the inspection required by paragraph (a) of this AD, repeat the inspection at intervals not to exceed 1200 flight hours or 2 calendar years, whichever occurs sooner, until the wings are removed for compliance with AD 72-16-07 at which time the area must be further inspected using an ultrasonic method in accordance with appendix 2 of Hawker Siddeley Aviation, Ltd., Technical News Sheet TNS 237, dated September 9, 1976, or an FAA-approved equivalent. Thereafter, if no cracking is found, the area must continue to be inspected in accordance with the following schedule:

(1) In accordance with paragraph (a) of this AD at an interval not to exceed 3 calendar years from each time compliance with the inspection defined above is required in conjunction with the wing removal required by AD 72-16-07.

(2) In accordance with the ultrasonic and dye penetrant method specified in appendix 2 of Hawker Siddeley Aviation, Ltd., Technical News Sheet TNS 237, dated September 9, 1976, or an FAA-approved equivalent at each time the wings are removed for compliance with AD 72-16-07.

(c) If cracks are found during any of the wing installed inspections required by this AD, remove the wing and further inspect by ultrasonic and dye penetrant methods in accordance with appendix 2 of Hawker Siddeley Aviation, Ltd., TNS 237, dated September 9, 1976, or an FAA-approved equivalent.

(d) If, during any inspection required by this AD, cracking of the lugs is found which is confined to only one of the lugs per side of the aircraft and exists only on the outboard side of the bolt hole in a horizontal direction, the center section carry through boom may remain on the aircraft and continued flight is permitted provided the wing is removed at intervals not to exceed 300 flight hours or 3 months, whichever is sooner, and the cracked lug is inspected for crack propagation and the remaining two lugs are inspected for further cracking, all in accordance with appendix 2 of Hawker Siddeley Aviation, Ltd., TNS 237, dated September 9, 1976, or an FAA-approved equivalent, until the boom is replaced with a new or serviceable used boom of the same part number as defined in paragraph (e) of this AD.

(e) If, during any inspection required by this AD, cracking is found in more than one lug per side of the aircraft or the cracking of any one lug extends to both sides (inboard and outboard) of the bolt hole, before further flight, replace the carry through boom with a new boom of the same part number or a used boom of the same part number determined serviceable in accordance with the inspection criteria established in this AD. Replacement booms must continue to be

inspected in accordance with the following schedule:

(1) For replacement booms that have had previous time in service, inspect the lug area in accordance with paragraph (a) of this AD within 3 years from replacement and thereafter inspect in accordance with appendix 2 of Hawker Siddeley Aviation, Ltd., TNS 237, dated September 9, 1976, or an FAA-approved equivalent, at each wing removal.

(2) For new replacement booms, inspect the lug area in accordance with appendix 2 of Hawker Siddeley Aviation, Ltd., TNS 237, dated September 9, 1976, or an FAA-approved equivalent, at each wing removal.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

**Note.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on December 23, 1977.

J. A. FERRARESE,  
Acting Director,  
Flight Standards Service.

[FR Doc. 78-54 Filed 1-4-78; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 17524]

### AIRWORTHINESS DIRECTIVES

Rolls Royce Dart Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

**SUMMARY:** This notice proposes to adopt an airworthiness directive (AD) that would require inspections for wear, and replacement, as necessary, of the flame tube liners and suspension pins on Rolls Royce Dart engines Series 542 and 543 to prevent possible overheating and failure of the turbine rotors on these engines.

**DATE:** Comments must be received on or before February 20, 1978.

**ADDRESSES:** Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24), Docket No. 17524, 800 Independence Avenue, SW., Washington, D.C. 20591.

The applicable service bulletin may be obtained from: Rolls Royce Ltd., P.O. Box 31, Derby DE 2 8BJ, England.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:**

Don C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal

Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

### SUPPLEMENTARY INFORMATION

Interested parties are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been failures in the flame tube support system on certain Rolls Royce Dart engines that resulted in overheating and failure of the high pressure turbine rotor. Since this condition is likely to exist or develop in other engines of the same type design, the proposed airworthiness directive would require an initial inspection for wear, and replacement, if necessary, of flame tube liners and suspension pins on Rolls Royce Dart Series 542 and 543 engines. The proposal would also require the establishment of a repetitive inspection schedule for these components based on the initial inspection, including a reduction in the time interval whenever a later inspection reveals flame tube liner wear in excess of 0.030 inches on any flame tube of any engine in the operator's fleet.

### DRAFTING INFORMATION

The principal authors of this document are P. A. Cormaci, Europe, Africa, and Middle East Region, F. Kelley, Flight Standards Service, and P. Lynch, Office of the Chief Counsel.

### THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

**ROLLS ROYCE, LTD.:** Applies to Dart engines Series 542-4, 542-10, 543-10, and variants, featuring any of the following, Modifications 1243, 1244, 1432, 1448, or 1607, used on, but not limited to, Conquest 600 and 640 aircraft, and Nihon YS-11 and YS-11A series aircraft.

Compliance is required as indicated. To prevent excessive wear in flame tube liners and suspension pins that may result in loss of flame tube support causing overheating and failure of the turbine rotors, accomplish the following:

(a) Within the next 500 hours engine time in service after the effective date of this AD, unless already accomplished, inspect the flame tube liners and suspension pins for wear in accordance with the instructions contained in paragraph 4A, of Rolls Royce



Dart Service Bulletin Da 72-431, dated July 1, 1977 (hereafter RR SB 72-431), or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, New York 09667 (hereafter FAA-approved equivalent).

(b) If, during an inspection required by this AD, flame tube liner or suspension pin wear is found to exceed the limits given in paragraph 4A(1) or RR SB 72-431, or an FAA-approved equivalent, before further flight, except that the aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed, replace the affected part with a serviceable part and reinspect in accordance with either paragraph (c) or (d) of this AD, as applicable.

(c) If, during an inspection required by this AD, flame tube liner wear is 0.030 or greater inches on any one flame tube of any engine in the operator's fleet, determine the flame tube time in service since new or overhauled, and establish a fleet repetitive inspection time interval in accordance with paragraph 4A(1)(c)(ii) or 4A2 as applicable, of RR SB 72-431 or an FAA-approved equivalent.

(d) If, during an inspection required by this AD, flame tube liner wear is less than 0.030 inches on any one flame tube of any engine in the operator's fleet, replace, if necessary, the affected parts according to paragraph (b) of this AD and reinspect in accordance with paragraph 4A(4) of RR SB 72-431, or an FAA-approved equivalent at intervals not to exceed 2000 hours engine time in service from the last inspection.

(e) If, during a repetitive inspection required by paragraph (c) or (d) of this AD, flame tube liner wear is 0.030 or greater inches on any one flame tube of an engine in the operator's fleet, reduce the Repetitive Inspection Interval for all engines in the fleet in accordance with paragraph 4A(2) of RR SB 72-431, or an FAA-approved equivalent.

(f) Record the repetitive inspection time intervals established pursuant to paragraphs (c), (d), and (e) in the aircraft maintenance records.

(Sees. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR (1.85).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on December 27, 1977.

J. A. FERRARESE,  
Acting Director,  
Flight Standards Service.

[FR Doc. 78-38 Filed 1-4-78; 8:45 am]

[4830-01]

#### DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1 and 20]

[LR-1-77]

#### GROUP-TERM LIFE INSURANCE

##### Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document contains proposed regulations relating to group-term life insurance purchased for employees. Questions have arisen concerning the tax treatment of insurance provided employees under policies that include permanent benefits. The proposed regulations help employers and others determine when insurance is group-term life insurance the cost of which may be excludable from the income of insured employees.

**DATES:** Written comments and requests for a public hearing must be delivered or mailed by February 21, 1978. The amendments are proposed to be generally effective for taxable years beginning on or after January 1, 1977.

**ADDRESS:** Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-1-77), Washington, D.C. 20224.

**FOR FURTHER INFORMATION CONTACT:**

John H. Parcell of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3287, not a toll-free call.

#### SUPPLEMENTARY INFORMATION:

##### BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 79 of the Internal Revenue Code of 1954 (the Code). These proposed amendments would prescribe rules for the tax treatment of insurance provided employees under policies that include permanent benefits. They are to be issued under the authority of section 7805 of the Code (68A Stat. 917; 26 U.S.C. 7805).

A notice of proposed rulemaking published in the *Federal Register* on January 28, 1977 (42 FR 5371) also contained proposed amendments to the regulations under section 79. That notice would have provided rules for the tax treatment of insurance that includes a permanent benefit and changed the uniform premium rate table of § 1.79-3(d)(2). However, it was withdrawn on March 21, 1977 (42 FR 15340) for further study.

##### PERMANENT BENEFITS

The tax treatment of insurance provided employees under policies that include permanent benefits is currently based on Service policies that predate the enactment, in 1964, of section 79. In 1950, the Service determined that premiums paid by an employer for permanent life insurance could not be excluded from an employee's income. However, the Service held that premiums paid by an employer for the term life insurance in a combination policy containing, as separate elements, both term life insurance and paid-up or level premium insurance could be excluded from an employee's income. *Mim.* 6477, 1950-1 C.B. 16. The regulations under section 79 issued in

1966 adopted the latter rule, but did not specifically deny favorable section 79 treatment for permanent life insurance. T.D. 6888, 31 FR 9200, July 6, 1966. Some persons interpreted this omission in the 1966 regulations as permitting section 79 treatment for some part of a permanent life insurance policy. This interpretation was disavowed in Rev. Rul. 71-360, 1971-2 C.B. 87, and in revised section 79 regulations issued in 1972, T.D. 7236, 37 FR 28624, December 28, 1972.

Despite these attempted clarifications by the Service, confusion has persisted. This confusion is attributable, in large part, to the difficulty of distinguishing between policies of permanent life insurance (to which section 79 does not apply) and combination policies containing both term life insurance and paid-up or level premium insurance.

To eliminate this confusion, these amendments would replace the distinction between permanent life insurance and combinations of term and paid-up or level premium insurance with a list of specific rules applicable to a policy that includes a permanent benefit. These rules tell how much of this kind of policy is term insurance and how much is permanent benefit and require that an employee be permitted to decline the permanent benefit without affecting the amount of term insurance that he or she is provided. This restriction is necessary because section 79 applies only to term life insurance. If insurance is provided only in conjunction with a permanent benefit, the insurance and the permanent benefit are inseparable and no part of the insurance is term life insurance. However, if the insurance would be provided without a permanent benefit, it may qualify as term life insurance.

The amendments would set forth a formula for determining the minimum amount that must be included in income as the cost of permanent benefits. The formula does not include a specific loading factor, but loading is reflected through the use of conservative interest and mortality assumptions. The amendments also would set forth a formula for determining the amount of dividends includible in income. Although policy dividends ordinarily are excluded from income as a return of premium, this rule is not appropriate if the employee has included in income only the cost of permanent benefits determined under a formula.

##### GROUPS OF LESS THAN 10 EMPLOYEES

The proposed amendments include nonsubstantive conforming changes to the special rules applicable to groups of fewer than 10 employees.

##### UNIFORM PREMIUM TABLE

The proposed amendments do not change Table I of § 1.79-3(d)(2). The Service has concluded that Table I adequately reflects the cost of group-term life insurance.

##### CROSS-REFERENCE REVISIONS

Because § 1.79-1 would be substantially rewritten, the proposed amend-

ments also contain nonsubstantive revisions of certain cross-references in the Income Tax Regulations (26 CFR Part 1) under sections 61, 79, and 6052 of the Code and the Estate Tax Regulations (26 CFR Part 20) under section 2042 of the Code.

##### EFFECTIVE DATES

These proposed amendments apply generally to insurance provided in taxable years beginning on or after January 1, 1977. However, certain exceptions apply to insurance provided under policies in existence on November 4, 1976.

##### COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the *FEDERAL REGISTER*.

##### DRAFTING INFORMATION

The principal author of these proposed regulations was John H. Parcell of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, other personnel in the Internal Revenue Service and Treasury Department participated in developing the regulation both on matters of substance and style.

##### PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Parts 1 and 20 are as follows:

##### INCOME TAX REGULATIONS (26 CFR PART 1)

##### § 1.79 [Deleted]

PARAGRAPH 1. Section 1.79 is deleted.

PAR. 2. A new § 1.79-0 is added and § 1.79-1 is amended. The added and amended provisions read as follows:

##### § 1.79-0 Group-term life insurance—definitions of certain terms.

The following definitions apply for purposes of section 79, this section, and §§ 1.79-1, 1.79-2, and 1.79-3.

*Carried directly or indirectly.* A policy of life insurance is "carried directly or indirectly" by an employer if—

(a) The employer pays any part of the cost of the life insurance directly or through another person; or

(b) The employer or two or more employers arrange for payment of the cost of the life insurance by their employees and charge at least one employee less than the cost of his or her insurance, as determined under Table I of § 1.79-3(d)(2), and at least one other employee more than the cost of his or her insurance, determined in the same way.

*Employee.* An "employee" is—

(a) A person who performs services if his or her relationship to the person

for whom services are performed is the legal relationship of employer and employee described in § 31.3401(c)-1; or

(b) A full-time life insurance salesperson described in section 7701(a)(20); or

(c) A person who formerly performed services as an employee.

A person who formerly performed services as an employee and currently performs services for the same employer as an independent contractor is considered an employee only with respect to insurance provided because of the person's former services as an employee.

*Group of employees.* A "group of employees" is all employees of an employer, or less than all employees if membership in the group is determined solely on the basis of age, marital status, or factors related to employment. Examples of factors related to employment are membership in a union some or all of whose members are employed by the employer, duties performed, compensation received, and length of service. Ownership of stock in the employer corporation is not a factor related to employment. However, a "group of employees" may include an employee who owns stock in the employer corporation.

*Permanent benefit.* A "permanent benefit" is an economic value extending beyond one policy year (for example, a paid-up or cash surrender value) that is provided under a life insurance policy. However, a permanent benefit does not include—

(a) A right to convert (or continue) life insurance after group life insurance coverage terminates; or

(b) A feature under which term life insurance is provided at a level premium for a period of five years or less.

*Policy.* The term "policy" includes two or more obligations of an insurer (or its affiliates) if the obligations are interrelated or are sold in conjunction. For example, a group of individual contracts under which life insurance is provided to a group of employees may be a policy. Similarly, two benefits provided to a group of employees, one term life insurance and the other a permanent benefit or life insurance that provides a permanent benefit, may be a policy. The two benefits may be a policy even if they are not provided under a single document and even if one of the benefits is provided only to employees who decline the other benefit.

##### § 1.79-1 Group-term life insurance—general rules.

(a) *What is group-term life insurance?* Life insurance is not group-term life insurance for purposes of section 79 unless it meets the following conditions: (1) It provides a general death benefit that is excludable from gross income under section 101(a).

(2) It is provided to a group of employees.

(3) It is provided under a policy carried directly or indirectly by the employer.

(4) The amount of insurance provided to each employee is computed under a

formula that precludes individual selection. This formula must be based on factors such as age, years of service, compensation, or position. This condition may be satisfied even if the amount of insurance provided is determined under a limited number of alternative schedules that are based on the amount each employee elects to contribute. However, the amount of insurance provided under each schedule must be computed under a formula that precludes individual selection.

(b) *May group-term life insurance be combined with other benefits?* (1) No part of the life insurance provided under a policy that provides a permanent benefit is group-term life insurance unless—

(i) The policy specifies the part of the death benefit provided to each employee that is group-term life insurance;

(ii) The part of the death benefit that is provided to an employee and designated as the group-term life insurance benefit for any policy year is not less than the difference between the total death benefit provided under the policy and the paid-up death benefit that would be provided if the policy were not renewed at the end of the policy year;

(iii) Employees may elect to decline or drop the permanent benefit; and

(iv) The amount of group-term life insurance provided to an employee is identical whether the employee accepts, declines, or later drops the permanent benefit. Thus, if the amount of group-term life insurance provided to employees who elect a permanent benefit decreases, then the amount of group-term life insurance provided to employees who do not elect the permanent benefit decreases in the same manner.

(2) The condition of paragraph (b)(1)(iv) of this section is illustrated by the following examples:

*Example 1.* A policy permits each employee the option of having his or her employer purchase (a) \$10,000 of group-term life insurance each year, or (b) declining amounts of term insurance which, when added to units of paid-up insurance purchased by the employee, amount to \$10,000 each year of total insurance coverage. The amount excludable from income under either option is the cost of term insurance that would have been purchased for the employee had he or she elected option (b). If all the other requirements of section 79 are met, the additional term insurance under option (a) is not group-term life insurance within the meaning of section 79.

*Example 2.* A policy permits each employee to purchase units of paid-up whole life insurance but provides \$10,000 of term life insurance to each employee whether or not the employee purchases the units of paid-up whole life insurance. The term life insurance is group-term life insurance for purposes of section 79 if all other requirements of section 79 are met.

*Example 3.* A policy permits each employee to purchase a \$100 unit of paid-up, whole life insurance in each policy year. In the first policy year an employee is insured, the policy provides \$10,000 of term life insurance. In each subsequent policy year, the amount of term life insurance provided is reduced by \$100 whether or not the employee purchases a unit of paid-up whole life insurance. The term life insurance is group-term life insurance



ance for purposes of section 79 if all other requirements of section 79 are met.

(c) *May a group include fewer than 10 employees?* (1) As a general rule, life insurance provided to a group of employees cannot qualify as group-term life insurance for purposes of section 79 unless, at some time during the calendar year, it is provided to at least 10 full-time employees who are members of the group of employees. However, this general rule does not apply if the conditions of paragraph (c) (2) or (3) of this section are met.

(2) The general rule of paragraph (c) (1) of this section does not apply if the following conditions are met:

(i) The insurance is provided to all full-time employees of the employer or, if evidence of insurability affects eligibility, to all full-time employees who provide evidence of insurability satisfactory to the insurer.

(ii) The amount of insurance provided is computed either as a uniform percentage of compensation or on the basis of coverage brackets established by the insurer. However, the amount computed under either method may be reduced in the case of employees who do not provide evidence of insurability satisfactory to the insurer. In general, no bracket may exceed  $2\frac{1}{2}$  times the next lower bracket and the lowest bracket must be at least 10 percent of the highest bracket. However, the insurer may establish a separate schedule of coverage brackets for employees who are over age 65, but no bracket in the over-65 schedule may exceed  $2\frac{1}{2}$  times the next lower bracket and the lowest bracket in the over-65 schedule must be at least 10 percent of the highest bracket in the basic schedule.

(iii) Evidence of insurability affecting employee's eligibility for insurance or the amount of insurance provided to that employee is limited to a medical questionnaire completed by the employee that does not require a physical examination.

(3) The general rule of paragraph (c) (1) of this section does not apply if the following conditions are met:

(i) The insurance is provided under a common plan to the employees of two or more unrelated employers.

(ii) The insurance is restricted to, but mandatory for, all employees of the employer who belong to or are represented by an organization (such as a union) that carries on substantial activities in addition to obtaining insurance.

(iii) Evidence of insurability does not affect an employee's eligibility for insurance or the amount of insurance provided to that employee.

(4) For purposes of paragraphs (c) (2) and (3) of this section, employees are not taken into account if they are denied insurance for the following reasons:

(i) They are not eligible for insurance under the terms of the policy because they have not been employed for a waiting period, specified in the policy, which does not exceed six months.

(ii) They are part-time employees. Employees whose customary employ-

ment is for not more than 20 hours in any week, or 5 months in any calendar year, are presumed to be part-time employees.

(iii) They have reached the age of 65.

(5) For purposes of paragraphs (c) (1) and (2) of this section, insurance is considered to be provided to an employee who elects not to receive insurance.

(d) *How much must an employee receiving permanent benefits include in income?*—(1) *In general.* If an insurance policy that meets the requirements of this section provides permanent benefits to an employee, the cost of the permanent benefits reduced by the amount paid for permanent benefits by the employee is included in the employee's income. The cost of the permanent benefits is determined under the formula in paragraph (d) (2) of this section.

(2) *Formula for determining cost of the permanent benefits.* In each policy year the cost of the permanent benefits for any particular employee must be no less than:

$$X (DDB - DDB_1)$$

where

DDB is the employee's deemed death benefit at the end of the policy year;

DDB<sub>1</sub> is the employee's deemed death benefit at the end of the preceding policy year; and

X is the net single premium for insurance (the premium for one dollar of paid-up, whole-life insurance) at the employee's attained age at the beginning of the policy year.

(3) *Formula for determining deemed death benefit.* The deemed death benefit (DDB) at the end of any policy year for any particular employee is equal to:

$$R/Y$$

where

R is the net level premium reserve at the end of that policy year for all permanent benefits provided by the policy or, if greater, the cash value of the policy at the end of that policy year; and

Y is the net single premium for insurance (the premium for one dollar of paid-up, whole-life insurance) at the employee's age at the end of that policy year.

(4) *Mortality tables and interest rates used.* For purposes of paragraphs (d) (2) and (d) (3) of this section, the net level premium reserve (R) and the net single premium (X or Y) shall be based on the 1958 CSO Mortality Table and 4 percent interest.

(5) *Dividends.* If an insurance policy that meets the requirements of this section provides permanent benefits, part or all of the dividends under the policy may be includible in the employee's income. If the employee pays nothing for the permanent benefits, all dividends under the policy that are actually or constructively received by the employee are includible in the employee's income. In all other cases, the amount of dividends included in the employee's income is equal to

$$(D+C) - (PI+DI+AP)$$

where

D is the total amount of dividends actually or constructively received under the policy

in the current and all preceding taxable years of the employee;

C is the total cost of the permanent benefits for the current and all preceding taxable years of the employee determined under the formulas in paragraphs (d) (2) and (d) (3) of this section;

PI is the total amount of premium included in the employee's income under paragraph (d) (1) of this section for the current and all preceding taxable years of the employee;

DI is the total amount of dividends included in the employee's income under this paragraph (d) (5) in all preceding taxable years of the employee; and

AP is the total amount paid for permanent benefits by the employee in the current and all preceding taxable years of the employee.

(6) *Different policy and taxable years.*

(i) If a policy year begins in one employee taxable year and ends in another employee taxable year, the cost of the permanent benefits, determined under the formula in paragraph (d) (2) of this section, is allocated between the employee taxable years.

(ii) The cost of permanent benefits for a policy year is allocated first to the employee taxable year in which the policy year begins. The cost of permanent benefits allocated to that policy year is equal to:

$$F \times C$$

where

F is the fraction of the premium for that policy year that is paid on or before the last day of the employee taxable year; and

C is the cost of permanent benefits for the policy year determined under the formula in paragraph (d) (2) of this section.

(iii) Any part of the cost of permanent benefits that is not allocated to the employee taxable year in which the policy year begins is allocated to the subsequent employee taxable year.

(iv) The cost of permanent benefits for an employee taxable year is the sum of the costs of permanent benefits allocated to that year under paragraphs (d) (6) (i) and (iii) of this section.

(7) *Example.* The provisions of this paragraph may be illustrated by the following example:

*Example.* An employer provides insurance to employee A under a policy that meets the requirements of this section. Under the policy, A, who is 47 years old, received \$70,000 of group-term life insurance and elects to receive a permanent benefit under the policy. A pays \$2 for each \$1,000 of group-term life insurance through payroll deductions and the employer pays the remainder of the premium for the group-term life insurance. The employer also pays one-half of the premium specified in the policy for the permanent benefit. A pays the other one-half of the premium for the permanent benefit through payroll deductions. The policy specifies that the annual premium paid for the permanent benefit is \$300. However, the amount of premium allocated to the permanent benefit by the formula in paragraph (d) (2) of this section is \$350. A is a calendar year taxpayer; the policy year begins on January 1. In 1980, \$200 is includible in A's income because of insurance provided by the employer. This amount is computed as follows:

(1) Cost of permanent benefits.....	\$350
(2) Amounts considered paid by A for permanent benefits ( $\frac{1}{2} \times \$300$ ).....	150
(3) Line (1) minus line (2).....	200
(4) Cost of \$70,000 of group-term life insurance under Table I of § 1.79-3.....	336
(5) Cost of \$50,000 of group-term insurance under Table I of § 1.79-3.....	240
(6) Cost of group-term life insurance in excess of \$50,000 (line (4) minus line (5)).....	96
(7) Amount considered paid by A for group-term life insurance ( $70 \times \$2$ ).....	140
(8) Line (6) minus line (7) (but not less than 0).....	0
(9) Amount includible in income (line (3) plus line (8)).....	200

(e) *What is the effect of state law limits?* Section 79 does not apply to life insurance in excess of the limits under applicable state law on the amount of life insurance that can be provided to an employee under a single contract of group-term life insurance.

(f) *Cross references.* (1) See section 79(b) and § 1.79-2 for rules relating to group-term life insurance provided to certain retired individuals.

(2) See section 61(a) and the regulations thereunder for rules relating to life insurance not meeting the requirements of section 79, this section, or § 1.79-2, such as insurance provided on the life of a non-employee (for example, an employee's spouse), insurance not provided as compensation for personal services performed as an employee, insurance not provided under a policy carried directly or indirectly by the employer, or permanent benefits.

(3) See sections 106 and § 1.106-1 for rules relating to certain insurance that does not provide general death benefits, such as travel insurance or accident and health insurance (including amounts payable under a double indemnity clause or rider).

(g) *Effective date.* Sections 1.79-0 through 1.79-3 apply to insurance provided in employee taxable years beginning on or after January 1, 1977 with the following exceptions:

(1) If the insurance is provided under a binding arrangement between an employer and an insurer in effect on November 4, 1976, or a renewal of such a binding arrangement, §§ 1.79-0 through 1.79-3 do not apply to the insurance provided in employee taxable years beginning before January 1, 1978. Insurance provided to additional employees or in greater amounts after November 4, 1976 is considered provided under a binding arrangement in effect on November 4, 1976 if the additional employees or greater amounts can be determined by reference to the terms of the binding arrangement.

(2) If the insurance is described in paragraph (g) (1) of this section and did not satisfy the requirement of paragraph (b) (1) (iv) of this section on November 4, 1976, paragraph (b) (1) (iv) of this section does not apply to the insur-

ance provided in employee taxable years beginning before January 1, 1983.

See 26 CFR 1.79-1 through 1.73-3 (revised as of April 1, 1977) for rules applicable to insurance provided in taxable years beginning before January 1, 1977 (January 1, 1978, if the insurance is described in paragraph (g) (1) of this section).

§ 1.79-2 [Amended]

PAR. 3. Paragraph (b) (4) (ii) (a) of § 1.79-2 is amended by deleting "paragraph (a) (2) of § 1.79-1" and inserting in its place "section 79(a)".

§ 1.79-3 [Amended]

PAR. 4. Section 1.79-3 is amended by deleting "paragraph (a) (2) of § 1.79-1" each time it appears and inserting in its place "section 79(a)".

§ 1.61-2 [Amended]

PAR. 5. Paragraph (d) (2) (ii) (a) of § 1.61-2 is amended by deleting "group-term life insurance on the employee's life as defined in paragraph (b) (1) of § 1.79-1" and inserting in its place "certain group-term life insurance on the employee's life".

§ 1.6051-2 [Amended]

PAR. 6. Paragraph (a) (1) (i) of § 1.6051-2 is amended by deleting "set forth in paragraph (a) (2) of § 1.79-1" and inserting in its place "provided in section 79(a)".

PAR. 7. Paragraph (a) (2) of § 1.6051-2 is amended to read as follows:

§ 1.6051-2 Information returns regarding payment of wages in the form of group-term life insurance.

(a) *Requirement of reporting.* . . .

(2) *Definitions.* Terms used in paragraph (a) (1) of this section and in section 79 and the regulations thereunder have the meaning ascribed to them in section 79 and the regulations thereunder.

PAR. 8. Paragraph (e) of § 1.6052-2 is amended to read as follows:

§ 1.6052-2 Statements to be furnished employees with respect to wages paid in the form of group-term life insurance.

(e) *Definitions.* Terms used in this section and in section 79 and the regulations thereunder have the meaning ascribed to them in section 79 and the regulations thereunder.

#### ESTATE TAX REGULATIONS (26 CFR PART 20)

PAR. 9. Paragraph (c) (6) of § 20.2042-1 is amended by deleting "paragraph (b) (1) (i) and (iii) of § 1.79-1 of this chapter (Income Tax Regulations)" and inserting in its place "the regulations under section 79".

WILLIAM E. WILLIAMS,  
Acting Commissioner  
of Internal Revenue.

[FR Doc. 77-37412 Filed 12-30-77; 10:34 am]

[4310-68]

## DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety  
Administration

[30 CFR Parts 11, 70, 71, 90]

### RESPIRABLE DUST

Coal Mine Health Standards and Redefinition; Extension of Comment Period

AGENCY: Department of the Interior, Mining Enforcement and Safety Administration (MESA).

ACTION: Extension of time.

SUMMARY: In the FEDERAL REGISTER for Wednesday, November 16, 1977, (42 FR 59294) proposed amendments and revisions to coal mine health standards were published. The proposed amendments will: (1) Revise standards for silica dust and other airborne contaminants to conform with improved standards recently developed by the National Institute for Occupational Safety and Health, Center for Disease Control, Public Health Service, and recommended by the American Conference of Governmental Hygienists; (2) provide for increased training in the maintenance and calibration of sampling equipment and in the collection of samples of respirable coal mine dust and other airborne contaminants; (3) substitute area sampling for periodic sampling of miners working in areas not directly associated with removal of coal from its seam; (4) revise sampling schedules and procedures to remove ambiguities and extraneous requirements; and (5) revise the definition of respirable dust.

Interested persons were given 30 days after publication to December 16, 1977, within which to submit comments, suggestions, objections, and requests for hearing. The period of time is extended to February 28, 1978.

DATES: Comments, suggestions, objections, and requests for hearing on such objections, in response to the notice of proposed rulemaking must be received by February 28, 1978.

ADDRESS: Comments, suggestions, objections, and requests for hearing on such objections should be sent to: The Assistant Administrator, Coal Mine Health and Safety, Mining Enforcement and Safety Administration, Department of the Interior, room 818, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Va. 22203.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph Lamonica, Chief, Division of Health, Coal Mine Health and Safety, Mining Enforcement and Safety Administration, room 830, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Va. 22203, phone: 703-235-1358.

SUPPLEMENTARY INFORMATION: Numerous requests for an extension of time to submit comments, suggestions, objections, and requests for hearing have been received from operators, organizations representing mine opera-



tors, and other interested parties. These parties point out that significant and substantive changes are made in existing regulations; that the proposed changes raise substantive scientific and policy issues; that the coal mining industry is, and has been, engaged in basic national labor agreement negotiations; that the proposed changes may impact upon other Federal agency regulations; and that for these and other reasons the period of time of 30 days is insufficient within which to submit substantive and meaningful comments, suggestions, and objections. The requests for extension of time range from 45 to 105 days.

Careful consideration has been given to the requests for extension of time, and it has been determined that an extension of time should be granted.

Therefore, the date for the submission of comments, suggestions, objections, and requests for hearing upon such objections, on the proposed amendments and revisions published in the FEDERAL REGISTER for Wednesday, November 16, 1977, (42 FR 59294) is extended to February 28, 1978.

Interested parties who have submitted comments, suggestions, and objections may submit additional and further comments, suggestions, and objections within the time specified.

Dated: December 29, 1977.

CHARLES P. EDDY,  
Acting Assistant  
Secretary of the Interior.

[FR Doc.78-87 Filed 1-4-78; 8:45 am]

[3910-01]

#### DEPARTMENT OF DEFENSE

Department of the Air Force

[32 CFR Part 832]

#### SUPPORT FOR CIVIL AIR PATROL

Proposed Rulemaking

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Proposed rule.

SUMMARY: The Civil Air Patrol is provided support by the Air Force under Title 10 statute (Section 9441). This statute directs the Secretary of the Air Force to prescribe regulations applicable to the support authorized for Civil Air Patrol. AFR 46-6 is the updated regulation on Civil Air Patrol support.

DATES: Comments must be received on or before February 9, 1978.

ADDRESS: Mail comments to: Special Assistant for Civil Air Patrol Affairs, The Pentagon, Washington, D.C. 20330.

FOR FURTHER INFORMATION CONTACT:

Lt. Col. Hettinger, The Pentagon, Room BF655, Washington, D.C. 202-697-2463.

SUPPLEMENTARY INFORMATION: The Department of the Air Force proposes to add a new Subpart D to Part 832 of 32 CFR, entitled Support for Civil Air Patrol. This new subpart tells how support is set up for the Civil Air Patrol

(CAP). It applies to Air Force activities only. Interested persons are invited to participate in this rulemaking by submitting comments to the above contact person.

The legal authority for this subpart is 10 U.S.C. 8012, 9441. The new subpart is proposed to read as follows:

#### PART 832—CIVIL AIR PATROL

##### Subpart D—Support for Civil Air Patrol

Sec. 832.40 Background information.  
832.41 Legal authority.  
832.42 Air Force liaison function.  
832.43 Limitations on CAP support.  
832.44 Screening and acquiring DOD property.  
832.45 Accounting and disposing of DOD property.  
832.46 CAP use of Air Force services and facilities.

##### Subpart D—Support for Civil Air Patrol

#### § 832.40 Background information.

This subpart tells how support is set up for the Civil Air Patrol (CAP). It applies to Air Force activities only.

#### § 832.41 Legal authority.

Support for CAP is provided for by law, 10 U.S.C. 9441. This law allows the Air Force to assign members to CAP for liaison and training duty; makes CAP eligible to receive DOD excess personal property, and allows CAP to use Air Force services and facilities.

#### § 832.42 Air Force liaison function.

The Air Force assigns both active and reserve military members as well as civilians to liaison duty with CAP. Subpart C of this part sets up the organization and responsibilities of the active duty liaison program, and Air Force Regulation 45-10, Reserve Assistance Program for Civil Air Patrol (CAP), describes the Reserve Assistance Program for CAP.

#### § 832.43 Limitations on CAP support.

(a) *Acquiring DOD property for CAP.* DOD property turned over to CAP becomes CAP property. CAP is required to maintain an account of all property it receives from the DOD and obtains CAP-USAF approval prior to disposing of any DOD item.

(b) *Loaning property to CAP.* Headquarters, U.S. Air Force Reserve, through CAP-USAF, sets up the loan of Air Force property to CAP.

(c) *Obligating Government funds.* Air Force commanders must not use appropriated funds for CAP except as set out in this subpart, or other 46 series Air Force regulations.

(d) *Using Air Force Form 15, USAF Invoice.* Air Force liaison officers may use Air Force Form 15 to obtain fuel or lubricants for approved CAP missions.

(e) *Misusing property.* Should CAP misuse DOD property it receives or misuse the funds it obtains from an approved sale of such property, the offending CAP unit may be suspended from receiving DOD items.

#### § 832.44 Screening and acquiring DOD property.

(a) *Defense Property Disposal Service (DPDS).* DOD personal property no longer needed by a Military Service/Defense Agency is transferred to a Defense Property Disposal Office (DPDO). The DPDO makes sure property turned over to them is made available to meet the needs of all DOD agencies. Once these needs are met, property items are made available to fill the needs of CAP before being offered to Federal civil agencies or donee activities. The DPDS uses two ways to dispose of property:

(1) *Reportable property.* Based on the condition and value of available property, the DPDS publishes Declared Excess Personal Property Lists. These lists are put together at a central control point for distribution.

(i) Declared Excess Personal Property Lists are sent to CAP-USAF and to their regional liaison offices by DPDS. CAP-USAF or the region liaison offices send a request for changes to the distribution of these lists to DPDS-U, Battle Creek, MI 49016.

(ii) Liaison personnel review property listings to find out what items of property are suitable for CAP. CAP-USAF or the region liaison office sends these requirements to DPDS. When property becomes available for transfer, DPDS tells CAP-USAF or the region liaison office.

(iii) CAP-USAF or the region liaison office sends a Department of Defense Form 1149, Requisition and Invoice/Shipping Document, to the activity which reported the property to pick up the items needed.

(2) *Nonreportable property.* Property not offered in writing is made available for screening at the local DPDO.

(i) Nonreportable property is kept for screening at a disposal facility for 21 calendar days.

(ii) The region liaison office verifies CAP requirements for nonreportable property.

(b) *General Services Administration (GSA).* The regional offices publish lists of property available for disposal within their regional area. These catalogs or bulletins list property from both DOD and Federal civil agencies. These publications tell when the property is available, where it is located, and what the condition of the property is.

(1) *Distributing GSA catalogs/bulletins.* GSA sends their catalogs or bulletins to CAP-USAF or region liaison offices. Any request for change to these publications is forwarded to a GSA regional office.

(2) *Reviewing GSA catalogs or bulletins.* Liaison officers review GSA catalogs or bulletins only for DOD property suitable for CAP. These publications set out DOD items by the location reporting the property.

(3) *Procedure for acquiring property from GSA.* GSA catalogs or bulletins identify the procedures to follow for picking up property items.

(c) *Limitations on property items.* (1) DOD personal property items are acquired to support CAP programs and

activities recognized by the Air Force within these limits:

(i) Obtaining DOD property for the purpose of sale is prohibited.

(ii) Property obtained for CAP is to be in usable condition or need only minimum repair.

(iii) DOD property may be acquired for spare parts provided it is used for that purpose only and not as an item by itself.

(2) The Commander, CAP-USAF may delegate authority to liaison region commanders to acquire DOD property for CAP. This does not include aircraft. CAP-USAF screens and acquires excess DOD aircraft for CAP.

(d) *Handling and transportation costs.* (1) The Air Force pays for moving property acquired for CAP to a location approved by CAP-USAF. Property sent from Air Force installations uses funds from that facility.

(2) AFLC pays the handling and transportation costs for property from other military installations.

(3) DOD property acquired for CAP is authorized to be shipped in the Defense Transportation System to a location approved by the Commander, CAP-USAF. Property is shipped at the same rates as other military cargoes.

#### § 832.45 Accounting and disposing of DOD property.

(a) CAP maintains an account of all property received from the DOD. These basic rules apply:

(1) CAP must maintain an account of all items it receives so that an audit identifies from where the item came, where it is being used in CAP or tells of when and how it was disposed of.

(2) A written release from CAP-USAF is needed for CAP to dispose of any former DOD property. The funds that are received from an authorized sale of such property items are sent to the National Headquarters, CAP, to be used for support of approved CAP programs. CAP-USAF is sold when the items are disposed and the amount of funds from any sale.

(3) The Commander, CAP-USAF, must approve of any former DOD aircraft that CAP wants to dispose of. He may approve the trade of these aircraft for commercial aircraft that cost less to operate and maintain. The commercial aircraft received in trade are accounted for and disposed of in the same manner as aircraft received directly from the DOD.

(b) CAP-USAF establishes the procedures for control of any Air Force property that is loaned to CAP.

(c) An annual audit of each CAP region and wing supply account is made to determine if DOD property is being properly managed.

#### § 832.46 CAP use of Air Force services and facilities.

(a) *Air Force policy.* (1) CAP may use Air Force services or facilities that are needed to assist CAP approved programs. However, use of any service or facility is not to interfere with the mission assigned to an Air Force unit or installation.

(2) A request to use any service or facility of the Air Force by CAP members is sent to the appropriate Air Force liaison office.

(b) *Maintenance support.* (1) CAP equipment requiring maintenance that a CAP unit cannot perform, may be done at an Air Force facility. Payment for this service is not required; however, the parts, supplies or instructions needed to complete the work are to be provided by CAP.

(2) Organizational maintenance is done by the CAP unit.

(3) Field maintenance that a CAP unit cannot do may be done by the nearest Air Force facility.

(4) Depot maintenance may be done at an Air Force facility serving the geographical area of the CAP unit needing this type of assistance.

(c) *Using real property.* CAP uses Air Force real property under the guidelines in the 87-series of Air Force regulations on Real Property Management.

(d) *Air Force mission support.* CAP resources may be used on Air Force non-combat missions. The Air Force reimburses CAP for the fuel, lubricants and communications expenses used on these missions. The procedures used for reimbursing CAP are provided in Subpart A of this part.

(e) *Other services.* There are other Air Force services which CAP may use. These services are identified in Air Force regulations and include emergency medical treatment (168 series), temporary billeting (30 series), transportation (DOD 4515.13R), and limited exchange privileges (147 series). In addition to reviewing the regulation that applies to a service being provided to CAP, an Air Force unit or installation member should contact the nearest Air Force liaison office for CAP to get further assistance.

FRANKIE S. ESTEP,  
Air Force Federal Register Liaison,  
Directorate of Administration.

[FR Doc.78-130 Filed 1-4-78; 8:45 am]

#### DEPARTMENT OF TRANSPORTATION

[33 CFR Part 117]

[CGD 77-229]

#### DRAWBRIDGE OPERATION REGULATIONS

Albemarle and Chesapeake Canal, Va.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the City Council, City of Chesapeake, Va., the Coast Guard is considering revising the regulations for the drawbridge across the Albemarle and Chesapeake Canal, mile 12.0, Great Bridge, to make them more restrictive to navigation. This change is being considered because of a significant increase in vehicular traffic.

DATE: Comments must be received on or before February 4, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander

(can), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Va. 23705.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Each person submitting comments should include his name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Fifth Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

#### DISCUSSION OF THE PROPOSED REGULATIONS

The vehicular traffic across Great Bridge has been increasing at the rate of six percent per year for the past few years. The latest traffic count taken in May 1977 showed a daily average of 21,000 vehicles. The bridge was designed to handle a daily average of 6,000 vehicles. The number of vessels requiring openings has remained reasonably constant.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.350 to read as follows:

§ 117.350 Albemarle and Chesapeake Canal (AIWW), Va., U.S. Government bridge at Great Bridge.

(a) From 10 p.m. to 5 a.m. the draw shall open on signal.

(b) From 5 a.m. to 10 p.m. the draw need open only on the hour. However, if any vessel is approaching the drawbridge, and cannot reach the draw exactly on the hour, the draw tender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass.

(c) The draw tender shall open the bridge promptly for the passage of any vessel with an emergency condition which presents danger to life or property. The signal to request emergency opening is four or more short blasts of a whistle or horn.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937, 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5).)

FEDERAL REGISTER, VOL. 43, NO. 3—THURSDAY, JANUARY 5, 1978



## PROPOSED RULES

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: December 27, 1977.

O. W. SILER,  
Admiral,  
U.S. Coast Guard, Commandant.  
[FR Doc 78-152 Filed 1-4-78; 8:45 am]

## [4910-14]

## [33 CFR Part 117]

[CGD 77-181]

### DRAWBRIDGE OPERATION REGULATIONS Broad Causeway, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Town of Bay Harbor Islands, the Coast Guard is considering extending the regulations governing the operation of the Broad Causeway drawbridge from November 30 through April 30 to year-round operation. This is being considered because of an increase in vehicular traffic.

DATE: Comments must be received on or before February 4, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Seventh Coast Guard District, Room 1002, Federal Building, 51 SW First Avenue, Miami, Fla. 33130.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Each person submitting comments should include his name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Seventh Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

### DISCUSSION OF THE PROPOSED REGULATIONS

The present regulations governing the operation of the Broad Causeway drawbridge provide that from November 1 through April 30 from 8 a.m. to 6 p.m., the draw need open only on the hour and half-hour. The proposed regulations would extend the restricted periods from 8 a.m. to 6 p.m., on a year-round basis. This is being considered because of a significant increase in vehicular traffic.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.446 to read as follows:

§ 117.446 Broad Causeway, 123rd Street, Atlantic Intracoastal Waterway, Biscayne Bay, Miami, Fla.

(a) The draw shall open on signal from 6 p.m. to 8 a.m. From 8 a.m. to 6 p.m., the draw need not open except on the hour and half-hour to allow any accumulated vessels to pass, and except as provided in paragraph (b) of this section.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, cruise boats operated on a regular schedule, or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(c) The owner of or agency controlling the bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2), 49 CFR 146(c) (5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: December 27, 1977.

O. W. SILER,  
Admiral,  
U.S. Coast Guard Commandant.

[FR Doc 78-155 Filed 1-4-78; 8:45 am]

## [4910-14]

## Coast Guard

## [33 CFR Part 117]

[CGD 77-184]

### DRAWBRIDGE OPERATION REGULATIONS

## Jamaica Bay, N.Y.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Triborough Bridge and Tunnel Authority, the Coast Guard is considering amending the regulations for the Marine Parkway drawbridge across Jamaica Bay, Queens, N.Y., to require at least eight hours notice for openings of the draw from 4 p.m. to 8 a.m. This change is being considered because of a steady decrease in requests for openings during this

period (157 in 1974, 134 in 1975, and 81 in 1976).

DATE: Comments must be received before February 4, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Third Coast Guard District, Governors Island, New York, N.Y. 10004.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Each person submitting comments should include his name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Third Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulation may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Project Attorney, Office of the Chief Counsel.

Accordingly, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.175(d) to read as follows:

§ 117.175 Jamaica Bay and Connecting Waterways, N.Y.

(d) Marine Parkway Drawbridge. The draw shall open on signal from 8 a.m. to 4 p.m. From 4 p.m. to 8 a.m., the draw shall open on signal if at least eight hours notice is given, except the draw shall open for U.S. Navy, and National Oceanic and Atmospheric Administration vessels, in the event of an emergency, if one hour notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 146(c) (5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: December 27, 1977.

O. W. SILER,  
Admiral,  
U.S. Coast Guard Commandant.

[FR Doc 78-151 Filed 1-4-78; 8:45 am]

## PROPOSED RULES

## [4910-60]

## Office of Hazardous Materials Operations

## [49 CFR Parts 173, 174, 175, 177, 178]

[Docket No. HM-139 Notice No. 77-9]

### CONVERSION TO REGULATIONS OF GENERAL APPLICABILITY

#### Individual Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe.

DATES: Comments should be received by February 6, 1978.

ADDRESS COMMENTS TO: Dockets Section, Office of Hazardous Materials Operations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

#### Proposed amendments of hazardous materials regulations to terminate special permits and exemptions

Identification No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 3305-No.	Reichhold Chemicals, Inc.	173.154(a)(14)	Authorizes shipments of 50 and 55 per benzoyl peroxide paste in 9-pt polyethylene jars overpacked in a DOT specification 12B fiberboard box (Modes 1, 2.)	To revise par. (a)(14) to read: (14) Specification 12B (sec. 178.205 of this subchapter). Fiberboard boxes with inside polyethylene bottles not over 1-gal capacity each or polyethylene jars not over 9-pt capacity each. Each jar shall contain not more than 30 lb net weight of product. Not more than 4 bottles or jars may be packed in 1 outside container.
E 3307-No.	Hercules, Inc., Trojan-U.S. Powder, IAC Chemical Group, E. I. du Pont, Monsanto Co., Atlas Powder Co., Austin Powder Co., Phillips Petroleum Co., Apache Powder Co., Ireco Chemicals, R. L. Fortner, Inc.	173.192(c)	Authorizes shipments of nitro carbamate in all-plastic bags, polyethylene lined cotton fabric bags, polyethylene lined 13-par bags, polyethylene lined bags and polyethylene bags of various thicknesses. (Modes 1, 2, and 3.)	To add par. (5) to read: (5) In all-plastic bags, polyethylene lined cotton fabric bags, or polyethylene lined 13-par bags. Maximum authorized net weight is 100 lb. Each bag must be capable of withstanding the test requirements of sec. 178.241-4 and each bag must be in compliance with the requirements of sec. 178.241-3 of this subchapter for bag closures. Bags other than cross laminated valeron must be at least 4 mils thick. Bags may be overpacked in a spiral fiber tube of 5-ply construction which is closed at one end by a tapered crimp and open at the other end except for a single strand of tape which serves both as a closure and as a lowering tape.
E 3744-X	MC/B Manufacturing Chemists, E. I. du Pont, FMC Corp., Mallinckrodt, Inc., Lehigh Valley Chemical Co., Burris Chemical, Van Waters and Rogers, McKesson Chemical Co., Thompson-Hayward Chemical Co.	173.266(b)(7)	Authorizes shipments of hydrogen peroxide solution in water containing not over 52 per hydrogen peroxide by weight in a DOT specification 21P fiber drum overpack with inside specification 2SL polyethylene container, not over 55 gal capacity. (Modes 1 and 2.)	To revise par. (b)(7) to read: (7) Specification 21P sec. 178.225 of this subchapter. Fiber drum overpack with inside specification 2SL (sec. 178.35a of this subchapter) polyethylene container, not over 55 gal capacity, or specification 2U (sec. 178.24 of this subchapter) polyethylene container not over 15 gal capacity. The closure of the inside 2SL and 2U container must be vented to prevent accumulation of internal pressure and the head with the closure must be marked "Keep This End Up" or "Keep Plug Up To Prevent Spillage."
E 4175-No.	Allied Chemical Corp.	173.302(a)(3)	Authorizes shipments of boron trifluoride in DOT specification 3AAX cylinders having a water capacity of approximately 4,700 lb, mounted on trailers and manifolded. (Mode 1.)	To revise par. (a)(3) to read: (3) Specifications 3AAX, 3AAX or 3T (secs. 178.36, 178.37, and 178.45 of this subchapter) cylinders are authorized only for the following nonhazardous gases: Air, argon, boron trifluoride, carbon monoxide, ethane, ethylene, helium, hydrogen, methane, neon, nitrogen, or oxygen, except that specification 3T is not authorized for hydrogen.
E 4239-X	Fenwal Inc.	178.53-2(a)	Authorizes shipments of nonregulated liquids pressurized by nonflammable compressed gas in steel inside containers complying with DOT specification 4D except for a 2.55 in <sup>3</sup> capacity. (Modes 1, 2, and 4.)	To revise par. (a) to read: (a) Type and size. Welded steel spheres (2 seamless hemispheres) or circumferentially welded cylinders (2 seamless drawn shells) not over 100 lb water capacity. Cylinders closed in by spinning process not authorized.



## Proposed amendments of hazardous materials regulations to terminate special permits and exemptions—Continued

Identification No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 7418 No.	Mallinckrodt Inc., MC B Manufacturing Chemists, Allied Chemical Corp., Sargent-Welch Scientific Co., J. T. Baker Chemical Co.	173.245(a)(27)	Authorizes shipments of fuming nitric acid, phosphoric acid and solutions thereof, ammonium hydroxide and other corrosive liquids in DOT specification 33A polystyrene case having not more than four 5-pt capacity glass bottles. (Modes 1, 2, and 3.)	To revise par. (a)(27) to read: (27) Specification 33A (sec. 174.150 of this subchapter). Polystyrene case (nonresistable container) with inside glass bottles not over 5 pt capacity each. Not more than four 5-pt bottles may be packed in 1 outside packaging.
		173.258(b)		To add par. (b)(6) to read: (6) Specification 33A (sec. 174.150 of this subchapter). Polystyrene case (nonresistable container) with inside glass bottles not over 5 pt capacity each. Not more than four 5-pt bottles may be packed in 1 outside packaging.
E 7434 No.	W. A. Murphy, Inc., Sierra Chemical Co., M. J. Baxter Drilling Co., Austin Powder Co., Co. Chemical Group, Monsanto Co., Maytag Explosives, Inc., Strawn Explosives, Inc., Explosives Inc., Monsanto Co., Austin Powder Co.	173.258(f)	Authorizes shipments of nitro carbide in bulk hopper-type tanks which may be equipped with mechanical unloading devices. (Mode 1.)	To delete par. (f)(6) and reserve as follows: (6) (Reserved).
E 7436 No.		173.182(c)		To add par. (c) to read: (c) In bulk, in hopper-type tanks which may be equipped with mechanical unloading devices, the equipment must be cleaned frequently enough to assure against any accumulation of product or its packing.
E 7447 No.	Martin Marietta Corp., MC B Manufacturing Chemists.	173.193(a)	Authorizes shipments of picric acid, wet, with not less than 10 pct water and not exceeding 25 lb dry weight in a 5 mil polyethylene bag overpacked in a 6 1/2 gal DOT specification 21C fiber drum designed for a maximum weight of 25 lb. Drums must have a 7 mil polyethylene duplex interior lining and 1 1/2 mil of polyethylene buried in the inside ply of the drum. Drums must be made liquid tight by the use of a 24 gage metal lid with a 10 mil preformed sealing disc glued to a rubber gasket cover and locked with a lever activated locking band and a puller proof seal. (Mode 1.)	To add par. (a)(2) to read: (2) Specification 21C (sec. 174.224 of this subchapter). Fiber drums of not over 6 1/2 gal capacity with one inside 5 mil polyethylene container having a dry net weight not exceeding 25 lb. Drums must be liquid tight and locked with a lever type locking ring and a puller proof seal.
E 7451 No.	Dow Chemical Co., Hercules Inc., Merck Chemical Co., Dow Corning Corp., EMI Corp., Natick, Inc.	Sec. 174.47	Authorizes the use of overpacks for damaged or leaking DOT specification drums containing certain hazardous materials. Overpack may be other larger drums of the same DOT specification as the damaged or leaking drum, or may be a non-specification, 65-gal drum of equivalent or greater structural integrity than drums authorized for the material involved. (Modes 1 and 2.)	To amend sec. 174.47 to read as follows: sec. 174.47 <i>Correction of regulations.</i> A shipment of explosives discovered to be in violation of any of the requirements of this subchapter may not be forwarded until all discovered violations have been corrected. (See secs. 171.15 and 171.16 of this subchapter for reporting requirements.) b. Unless leaking, or in a manifestly insecure condition, each package of hazardous materials other than explosives in transit must be forwarded to its destination and a report made of any violation observed.
		Sec. 174.48		To add sec. 174.48 to read as follows: Sec. 174.48 <i>Leaking packages other than tank cars.</i> a. Leaking packages other than tank cars may not be forwarded until repaired, reconditioned or overpacked as required by paragraph (b) of this section. (See sec. 171.15 and 171.16 of this subchapter for reporting requirements.) b. During transit, damaged or leaking packages which contain corrosive liquids, corrosive solids, flammable liquids, flammable solids, Poison B liquids, Poison B solids or irritating agents may be overpacked in a DOT specification drum that is compatible with the lading, and has sufficient cushioning and absorption material to prevent movement of their inner containers and to absorb leaking liquid. Alternatively, a non-DOT specification drum, not exceeding 65 gal capacity having equal or greater structural integrity than that prescribed in the Hazardous Materials Regulations for the respective material, may be used as an overpack.
		Sec. 177.85(c)(1)		Such overpacked packages may be forwarded to destination or returned to the shipper for disposal or repackaging.
				To revise sec. 177.85(c) to read as follows: (c) <i>Repairing or overpacking packages.</i> (1) Packages may be repaired when safe and practicable, such repairing to be in accordance with the best and safest practice known and available.
				(2) During transit, damaged or leaking packages which contain corrosive liquids, corrosive solids, flammable liquids, flammable solids, oxidizing materials, Poison B liquids, Poison B solids or irritating agents may be overpacked in a DOT specification drum that is compatible with the lading, and has sufficient cushioning and absorption material to prevent excessive movement of the inner containers and to absorb leaking liquid. Alternatively, a non-DOT specification drum, not exceeding 65 gal capacity, having equal or greater structural integrity than that prescribed in the Hazardous Materials Regulations for the respective material, may be used as the overpack.
		Sec. 177.85(d)		To amend the introductory portion of sec. 177.85(d) to read as follows: (d) <i>Transportation of repaired packages.</i> Any package repaired in accordance with the requirements of paragraph (c)(1) of this section, except as provided in secs. 177.85(c), 177.856(c), and 177.856(b), may be transported to the nearest place at which it may safely be disposed of only in compliance with the following requirements.
				To revise par. (b) to read: (b) Limited quantities of these materials in strong outside wooden or fiberboard packages with inside packaging of glass not over 5 lb capacity each, or with inside metal or plastic packaging not over 10 lb capacity each, are excepted from labeling (except labeling is required for transportation by air) and the specification packaging requirements of this subchapter. In addition, shipments are not subject to Subpart F of pt. 172 of this subchapter, to pt. 174 of this subchapter except sec. 174.24 and to pt. 177 of this subchapter except sec. 177.817.
E 7449	Bio Lab, Inc., Airwick Industries, Inc., GPS Industries, Tesco Chemicals, Chem Lab Products, Inc.	Sec. 173.217(b)	Authorizes shipments of certain oxidizing materials in accordance with sec. 173.217(b) except the inside containers are plastic drums instead of bottles. (Modes 1, 2, and 3.)	

## Proposed amendments of hazardous materials regulations to terminate special permits and exemptions—Continued

Identification No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 7480 No.	Air Products and Chemicals	173.134(a)	Authorizes shipments of ammonium nitrate with 15 pct or more water in solution at a maximum temperature of 240° F. in DOT specification MC 307 and MC 311 insulated cargo tanks designed for operation over temperature range of ambient to 250° F. and DOT specification 103ALW and 111A0ALW insulated tank cars designed for operation at temperatures up to 250° F. (Modes 1 and 2.)	To add par. (16) to read: (16) Specification 103ALW or 111A0ALW (secs. 173.200, 173.201 of this subchapter). Insulated tank cars designed for operation at temperatures up to 250° F. Authorized only for ammonium nitrate with 15 pct or more water in solution at a maximum temperature of 240° F.
E 7745 No.	Air Products and Chemicals, Inc.	173.148(a)	Authorizes shipment of monoethylamine in DOT specification MC 330 and MC 331 cargo tanks and specification 51 portable tanks. (Modes 1, 2, and 3.)	To add par. (17) to read: (17) Specification MC 307 or MC 311 (secs. 173.340, 173.342 of this subchapter). Insulated tank motor vehicles designed for operation at temperatures up to 250° F. Authorized only for ammonium nitrate with 15 pct or more water in solution at a maximum temperature of 240° F.
E 7790-N	Monsanto Co., Dow Chemical Co.	173.369(a)	Authorizes shipments of carbolic acid (phenol), not liquid, in DOT specification MC 307 cargo tanks. (Mode 1.)	To revise par. (a)(14) to read: (14) Specifications MC 300, MC 301, MC 302, MC 303, MC 305, MC 306, MC 307, MC 310, MC 311, or MC 312 (secs. 173.341, 173.342, or 173.343 of this subchapter). Tank motor vehicles.
E 7792 No.	Dow Chemical Vistron Corp.	173.29(f)(2)	Authorizes the return of empty tank cars which have not been purged or reloaded with a non-hazardous material in accordance with sec. 173.29(f)(2) except that certification on shipping papers is not required. (Mode 2.)	To revise par. (f)(2) to read: "(2) Except for the shipper certification required by sec. 172.204(a) and as otherwise specified in this subchapter, it is offered for transportation in the same manner as was required when it previously contained a greater quantity of a hazardous material. This requirement, as well as other provisions in this subchapter, does not apply to any tank that has been cleaned or purged of all hazardous materials residue or when it is reloaded with a material not subject to this subchapter."
E 7801-X	International Proteins Corp.	173.995(a)	Authorizes shipments of fish meal containing at least 6 pct but not more than 12 pct water in bulk in freight containers. (Mode 3.)	To revise sec. 173.995 to read: sec. 173.995 <i>Fish scrap and fish meal.</i> (a) Except as provided in paragraph (b) of this section, fish scrap and fish meal, containing at least 6 pct but not more than 12 pct water, when offered for transportation by water, must be prepared for shipment in compliance with sec. 173.510 and must be packaged as follows: (1) Burlap (jute) bag; (2) Multi-wall paper bag; (3) Polyethylene-lined burlap or paper bag; (4) Rail car; or (5) Freight container. (b) Fish scrap and fish meal may not be offered for transportation if the temperature of the material exceeds 120° F. (49° C.) (c) When fish scrap or fish meal is offered for transportation by vessel in bulk in freight containers the following additional requirements must be met: (i) The fish meal must contain at least 100 p.p.m. antioxidant (ethoxyquin) at the time of shipment. (ii) Each shipment must be accompanied by a statement in which the shipper certifies: (I) The moisture content of the fish meal; (II) The concentration of antioxidant (ethoxyquin) in the material in parts per million at the time of loading into the freight container; (III) The fat content of the fish meal; (iv) Date and place of production of the fish meal; (v) The physical state of the material (ground, pelletized or mixture).
E 7900-N	Agrico Chemical Co.	173.315	Requested an exemption to authorize private carriage of anhydrous ammonia, for agricultural purposes, in non-DOT specification "nurse tanks" having a minimum design pressure of 250 lb/in <sup>2</sup> . (Mode 1.)	To add par. (m) to read: (m) A cargo tank transporting anhydrous ammonia and operated by a private carrier exclusively for agricultural purposes does not have to meet the specification requirements of pt. 178 of this subchapter if it: 1. Has a minimum edgewise pressure of 250 lb/in <sup>2</sup> and meets the requirements of the edition of the ASME Code in effect at the time it was manufactured and is marked accordingly; 2. Is equipped with safety relief valves meeting the requirements of CGA Pamphlet S1.2; 3. Is painted white or aluminum; 4. Has a capacity of 3,000 gal. or less; 5. Is loaded to a filling density no greater than .56 pct; 6. Is drawn as full trailer at a speed not to exceed 25 mi/h and is appropriately marked with a slow-moving vehicle sign; and 7. Is operated on a public highway only during daylight hours.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a) (4) of Appendix A to Part 102.)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C. on December 23, 1977.

ALAN I. ROBERTS,  
Director, Office of Hazardous Materials Operations.

[FR Doc.78-9 Filed 1-4-78; 8:45 am]



# V 4 3 3 J A 5 7 8 UMI

## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11]

### DEPARTMENT OF AGRICULTURE

#### Forest Service

#### SPRUCE KNOB LAKES RECREATION COMPLEX MONONGAHELA NATIONAL FOREST

##### Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement on the proposed development of Spruce Knob Lakes Recreation Complex for the Monongahela National Forest, USDA-FS-R9-DES-(ADM)-78-01.

The environmental statement concerns the proposed construction of an impoundment with associated recreation facilities adjacent to the Spruce Knob-Seneca Rocks National Recreation Area, Monongahela National Forest, Randolph County, W. Va.

This draft environmental statement was transmitted to EPA on December 21, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., room 3231, 12th St. and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wis. 53203.

USDA, Forest Service, Monongahela National Forest, Sycamore Street, Elkins, W. Va. 26241.

A limited number of single copies are available upon request to Forest Supervisor, Monongahela National Forest, Sycamore Street, Box 1548, Elkins, W. Va. 26241.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the EPA Guidelines.

Written comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be ad-

ressed to Forest Supervisor, Monongahela National Forest, Sycamore Street, Box 1548, Elkins, W. Va. 26241. Written comments must be received by March 8, 1978, in order to be considered in the preparation of the final environmental statement.

JOHN F. KUHR,  
Acting Director, Planning,  
Programming and Budgeting.  
[FR Doc. 78-112 Filed 1-4-78; 8:45 am]

[3410-02]

#### Packers and Stockyards Administration

##### RATE POLICY

##### Public Hearings

Notice is hereby given that the Packers and Stockyards Administration will hold public hearings to provide an opportunity for livestock producers, stockyard operators, market agencies and other interested persons to present data, views, and comments as to whether a program of rate regulation at posted stockyards is necessary in the public interest and if so, whether alternatives to, or modifications of the present program may be warranted.

Data, views, and comments concerning different types of tariffs under the present provisions of the Act (percentage, valuation, and per head) will not be received during these hearings. The issues concerning these matters under the current statutory provisions have been decided by the Department's Judicial Officer and his decisions are now on appeal to the U.S. Courts of Appeals for the 5th and 8th Circuits.

##### BACKGROUND

One basic purpose for passage of the Packers and Stockyards Act was to insure that livestock producers selling their livestock at public markets would receive reasonable services and facilities at reasonable charges. During the course of the administration of the rate provisions of the Act, the Secretary of Agriculture, through formal proceedings, has established just, reasonable, and nondiscriminatory rates and charges at many stockyards. The rates and charges at other stockyards have been accepted for filing following informal proceedings. The rates and charges have been modified from time to time to accommodate changes in marketing methods and costs, and other relevant changes.

The reasonableness of rates and charges has been determined by the cost of service concept of evaluation. Under this concept, the rates and charges in the tariff should pay all the market operator's reasonable operating expenses in furnishing the stockyard services and facilities plus a fair return on the investment and a reasonable compensation for any personal services furnished by the market operator. Similar principles apply to a market agency tariff determined under this concept.

Posted stockyards serve hundreds of thousands of livestock producers each year. During 1975, posted stockyards handled over 95 million head of livestock valued in excess of \$13 billion. For services rendered, producers paid \$263 million as commission and yardage.

The Packers and Stockyards Act requires that each stockyard operator and market agency operating at a posted stockyard file a schedule of the rates and charges (tariff) they will assess consignors. The Act requires that all rates and charges be just, reasonable, and nondiscriminatory. Before a tariff may become effective, the market operator or market agency must notify the public and the Packers and Stockyards Administration at least 10 days in advance of the effective date of the proposed change.

##### PRESENT PROGRAM

The Packers and Stockyards Administration's present program is to review each proposed change in rates and charges based on each firm's latest 12-month statement of operation and other financial data to determine if the proposed changes appear reasonable. If the analysis discloses that the proposed rates and charges appear reasonable, they are accepted for filing.

When the analysis shows the proposed rates and charges may be unreasonable, the market operator or market agency is advised of this analysis. If the financial data discloses that a partial increase appears acceptable for filing, the operator or agency is advised of the rates and charges which appear to be reasonable based on the information available.

A market operator or market agency who believes the informal decision is incorrect, may request that a formal proceeding be started for the establishment, by the Secretary of Agriculture,

of the reasonable rates and charges at the market. If the proposed changes in the tariff appear violative of the Act and are not withdrawn or modified with agreement of the Administration, and a formal proceeding is not so requested, the Administration suspends the changed tariff and institutes a formal proceeding. All decisions and orders of the Secretary in such proceedings are reviewable by the U.S. Courts of Appeals.

As there have been numerous changes in the livestock marketing industry over the years, the Packers and Stockyards Administration is considering whether changes should be made in the present rate program. Some of the alternatives to be reviewed are outlined below. Other options may be proposed.

##### ALTERNATIVES

1. Continue present program of establishing reasonable rates and charges for each stockyard operator and market agency.

2. Eliminate all regulation of the rates and charges.

3. Permit the filing, after proper notice to livestock producers, of any tariff without determining its reasonableness if no complaints are received from livestock producers.

4. Establish reasonable rates and charges for stockyard services on an area, state, or national basis.

5. Permit the establishment of reasonable maximum rates for stockyard operators and market agencies. (Market operators and market agencies could elect to file schedules of charges lower than the maximums set.)

6. Limit the rate regulatory authority to certain types of stockyards.

Some of the alternatives would require changes in the Packers and Stockyards Act.

##### THE HEARINGS

The hearings will be conducted from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m., local time, at the locations and on the dates listed below:

1. Sioux Falls, S. Dak., Ramada Inn, 2400 North Louis (located at the intersection of Interstate 29 and Highway 38), Monday, January 23, 1978.
2. Boise, Idaho, Royal Inn of Boise, 1115 N. Curtis Road (Interstate 80 at West Boise Hospital exit), Wednesday, January 25, 1978.
3. Fresno, Calif., Fresno Hilton Inn, 1055 Ban Ness, Friday, January 27, 1978.
4. Amarillo, Tex., Quality Inn Motel, 2915 Interstate 40E, Monday, January 30, 1978.
5. Macon, Ga., Ramada Inn West 1, 5009 Harrison Road (located at intersection of Interstate 475 and U.S. 80), Tuesday, February 7, 1978.
6. Indianapolis, Ind., Hilton Inn Airport, 2500 S. High School Road (Weir-Cook

Municipal Airport exits on Interstate 465, Interstate 70 and Interstate 74), Thursday, February 9, 1978.

7. Lancaster, Pa., Treadway Resort Inn, 222 Eden Road (located at intersection of Highway 30 and Highway 272), Tuesday, February 14, 1978.

##### HEARING PROCEDURE

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator.

Since the hearings will not be adversary, or judicial in nature, there will be no cross-examination or other adjudicatory procedures applied. However, the Presiding Officer may ask questions if he deems it necessary to clarify the record, and may, in his discretion, permit relevant questions for purposes of clarification or fully developing the data, views, and comments in any manner he deems appropriate.

Interested persons are invited to attend the hearings and to participate by making oral or written statements containing their data, views, and comments on the alternatives listed or other proposals concerning a rate regulatory program for stockyard operators and market agencies. Written statements should be submitted in duplicate and will be made a part of the record of proceedings. Persons wishing to make oral statements at the hearings should notify the Packers and Stockyards Administration that they desire to be heard, indicating the amount of time requested for their statements, and indicating their preference for day time or evening presentations. However, any person who wishes to be heard at the hearings will be afforded opportunity to be heard, whether or not they have given such notice.

Request to be heard or to receive additional information should be made to the Administrator, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, prior to the respective hearing dates.

##### OTHER WRITTEN COMMENTS INVITED

Persons not participating in the hearings or who wish to submit written statements in addition to oral statements are invited to submit written data, views, and comments on the matters to be covered at the hearings. They should be submitted to the Administrator, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, on or before February 21, 1978.

##### AVAILABILITY OF TRANSCRIPT AND COMMENTS

The transcripts of the hearings, together with all the written submissions filed pursuant to this notice, will

be made available for public inspection during normal business hours at the office of the Administrator, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250.

After the hearings, the Packers and Stockyards Administration will evaluate all relevant material presented at the hearing, filed with the Administrator within the time specified above, or otherwise in possession of the Administration, and determine what action if any should be taken with respect to the rate policies and procedures.

Done at Washington, D.C., December 30, 1977.

CHAS. B. JENNINGS,  
Administrator, Packers and  
Stockyards Administration.

[FR Doc. 78-162 Filed 1-4-78; 8:45 am]

##### Office of the Secretary

##### MEAT IMPORT LIMITATIONS

##### First Quarterly Estimates

Pub. L. 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following first quarterly estimates for 1978 are published.

1. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1978 is 1,183.9 million pounds.

2. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1978 is less than 110 percent of the estimated quantity prescribed by section 2(a) of the Act.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by Section 2(a) of the Act, limitations for the calendar year 1978 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Pub. L. 88-482 at this time.

This estimate is based upon the successful completion of a voluntary restraint program being negotiated by the State Department with supplying countries. The negotiations are expect-



ed to be concluded before the close of 1977.

Were it not for these expected voluntary arrangements with supplying countries, the estimate of imports would have exceeded 110 percent of the estimated quantity prescribed by Section 2(a) of the Act.

Done at Washington, D.C. this 30th day of December 1977.

BOB BERGLAND,  
Secretary.

[FR Doc. 78-99 Filed 1-4-78; 8:45 am]

#### CIVIL AERONAUTICS BOARD

[Order 77-12-141; Docket 31921, etc.]

#### HOUSTON-TAMPA/ORLANDO INVESTIGATION

##### Applications, Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of December 1977.

In the matter of:

Houston-Tampa/Orlando Investigation (Docket 31921).

Applications of Continental Air Lines, Inc., Texas International Airlines, Inc., Delta Air Lines, Inc. (Docket 29958, 30019, 30120) for nonstop Houston-Tampa/Orlando authority.

Application of Braniff Airways, Inc. (Docket 26927) to add Orlando to Segment 10 of Route 9.

Application of Delta Air Lines, Inc. (Docket 24776) for authority between Houston and San Francisco via intermediate points.

Application of Western Air Lines, Inc. (Docket 31644) to add Tampa to Segment 6 of Route 135.

Continental Air Lines, Delta Air Lines, and Texas International Airlines (TXI) have applied for nonstop authority between Houston, on the one hand, and Tampa/St. Petersburg/Clearwater (Tampa) and Orlando, on the other hand.<sup>1</sup> Continental and TXI have filed motions for hearing on their applications, and Delta has moved for consolidation of its applications in Dockets 30120 and 24776 with those of the other two carriers.<sup>2</sup> Braniff Airways has also moved for consoli-

<sup>1</sup>Continental requests the addition of Tampa and Orlando as intermediate points on segment 18 of Route 29 between Houston and Miami/Ft. Lauderdale. Delta has applied for a new segment between the terminal point Houston, the intermediate point Tampa, and the terminal point Orlando. TXI requests a segment designating Houston as a terminal point, and Tampa and Orlando as coterminal points.

<sup>2</sup>In Docket 24776, Delta requests a route between Houston and San Francisco via San Antonio, El Paso, Albuquerque, Tucson, Phoenix, Las Vegas, San Diego and Los Angeles. Answers in opposition to that portion of Delta's motion requesting consolidation of its application in Docket 24776 were filed by Continental and American Airlines. Continental's answer was accompanied by a motion for leave to file late, which will be granted.

dation of its application to add Orlando to Segment 10 of Route 9 (Dallas/Ft. Worth-New Orleans-Tampa-Miami) with those in Dockets 29958 and 30019, and Western Air Lines has similarly moved to consolidate its application in Docket 31644 to add Tampa to segment 6 of Route 35 (Miami/Ft. Lauderdale-Los Angeles).<sup>3</sup>

Continental and TXI make similar arguments in their motions for hearing. Specifically, the carriers contend that there is no meaningful single-plane service between Houston and Tampa/Orlando although these markets have tremendous potential, providing a good opportunity for carrier strengthening. To support their claims of poor existing service, both carriers cite a high number of passengers using connecting, rather than available single-plane services, particularly via the circuitous, congested Atlanta gateway. They also argue that Orlando and Tampa should be considered a single destination for purposes of assessing their traffic potential. Continental cites the dramatic increases in Houston-Miami traffic which occurred when it entered the market as analogous to what will happen if it enters the Houston-Tampa/Orlando markets.<sup>4</sup> On the other hand, TXI argues that a carrier that would not be distracted by its Miami authority would provide the best service to Tampa and Orlando. Finally, Continental urges the Board to employ Subpart N-type procedures in this case.

Answers in support of one or both motions for hearing were filed by nine civic interests.<sup>5</sup> Northwest Airlines, Southern Airways, Trans World Airlines, and TXI also filed answers to Continental's motion, urging that various pretrial restrictions be imposed if Continental's application is set for hearing. Braniff, Delta and Eastern

<sup>3</sup>Delta answered in opposition to Braniff's motion to consolidate, and Continental, TXI, and National oppose Western's motion to consolidate.

<sup>4</sup>In its traffic forecast, Continental first adjust the traffic upward to offset the influence of the work stoppages affecting National Airlines, the incumbent carrier in both markets. After allowing for growth, Continental then applies various stimulation factors, based on its Miami experience, as well as its experience in other markets.

<sup>5</sup>City of Amarillo and Amarillo Chamber of Commerce; City of El Paso, El Paso Airport and Mass Transit Board, and El Paso Chamber of Commerce; City of Houston and Houston Chamber of Commerce; City and Chamber of Commerce of McAllen; Cities and Chambers of Commerce of Midland and Odessa; City of Orlando and Greater Orlando Aviation Authority; City of San Antonio and Greater San Antonio Chamber of Commerce; Counties of Hillsborough and Pinellas, Florida, Greater Tampa Chamber of Commerce and City of Tampa; and Tucson Airport Authority. The Orlando parties also petitioned for leave to intervene in Dockets 29958 and 30019.

Air Lines answered both motions for hearing, arguing that it is more important for the Board to set various other applications for hearing before those involving Houston-Tampa/Orlando.

National answered in opposition to both motions for hearing. It disagrees with the arguments of Continental and TXI that Tampa and Orlando should be considered in tandem when assessing their traffic potential, since they have never been so treated before and, in fact, Orlando was specifically excluded from the Oklahoma-Denver-Southeast Points Investigation, while Tampa was included. For that reason, National also attacks TXI's reliance on the inclusion of both Tulsa and Oklahoma City in the Oklahoma case, and points out that the initial decision in that proceeding would have awarded Tulsa authority to one carrier and Oklahoma City authority to another.<sup>6</sup> National asserts that Continental's growth and stimulation factors have no relationship to reality. Moreover, National argues that Continental's monopoly services in markets of similar size to Houston-Tampa/Orlando are inferior to National's services in the Houston-Tampa/Orlando markets and that the National service discussed by Continental was that in effect before the November 15 schedule changes. National also asserts that the Board's refusal to hear the issue of new authority in the Houston-Las Vegas market (Order 76-6-161, June 24, 1976) is valid precedent for refusing to hear Houston-Tampa issues, since the markets are of similar size and receive similar service. Finally, the carrier states that Continental's real desire is for authority from Florida to Texas, New Mexico, Arizona, and California, so that the proper forum for hearing Houston-Tampa/Orlando issues would be a southern transcontinental area case.

Continental and TXI filed replies to the various answers, accompanied by motions for leave to file otherwise unauthorized documents, which we will grant.

We have decided to institute the Houston-Tampa/Orlando Investigation, Docket 31921, to consider the need for competitive nonstop authority in the Houston-Tampa market and first nonstop authority between Houston and Orlando.<sup>7</sup>

In accordance with the policy announced in our order instituting the Chicago-Albany/Syracuse-Boston

<sup>6</sup>The Board has now issued a decision in the Oklahoma case in which the major Tulsa and Oklahoma routes were in fact awarded to separate carriers.

<sup>7</sup>Although Continental asks the Board to order expedited Subpart N-type procedures for this case, it has provided no persuasive rationale for giving this case a higher priority than the other Subpart A cases we have instituted.

Competitive Service Investigation (Order 77-12-50), the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and if so, which carrier(s) should be selected. We therefore expect the instituted proceeding to include an examination of the need for and feasibility of various new price/quality options and related issues, as we explained in Order 77-12-50. We repeat, however, that traditional service benefits, including the benefits of city-pair competition, constitute an important consideration, which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, and whether multiple awards are consistent with encouraging real price competition under the Federal Aviation Act.

We will not consolidate the applications in Dockets 24776, 26927, and 31644 with the proceeding we are instituting. None of the carriers seriously argues that consolidation is required as a matter of law, but they urge discretionary consolidation, arguing that a larger case would be a more efficient use of the Board's resources. Braniff, Delta, and Western have not shown any relationship between the Houston-Tampa/Orlando markets and the markets they seek to have consolidated, other than that one of the same cities is involved (Orlando for Braniff, Houston for Delta, and Tampa for Western). This is not a sufficient basis for consolidation, particularly when the requested consolidations would enlarge the case we are instituting from one involving two markets to one involving at least fourteen markets. If we consolidated these unrelated markets, it would be difficult to draw the line so as to prevent further enlargement of the case.

We will not impose any of the pretrial restrictions proposed by various carriers. Taking them individually, Southern wants a restriction prohibiting Continental from operating in the Orlando-Miami market and a determination that the applications of Southern and Continental for Tampa-Miami authority are not mutually exclusive.<sup>8</sup> In the first place, Continental already has long-haul restricted authority be-

<sup>8</sup>These issues arise because Continental asks that Tampa and Orlando be added to its Miami-Houston route. Southern has applied for Miami-Tampa authority in connection with its application in Docket 31680. (The portion of its application in Docket 29312 seeking Miami-Tampa authority was dismissed by Order 77-3-167.)

tween Miami and Tampa as a result of the Denver-Tulsa-Tampa-Miami segment it received in the Oklahoma-Denver-Southeast Points Investigation, Order 77-4-146, served April 29, 1977. Any Miami-Tampa authority it received in the proceeding we are instituting would also be long-haul restricted.<sup>9</sup> As Southern recognizes, the Miami-Tampa segment is used primarily as entry mileage to support long-haul services,<sup>10</sup> and Southern is proposing the same type of service.<sup>11</sup> The local market obviously is well-served, so long-haul restricted entry would not be based on a finding of need for more service. In all of these circumstances, the applications of Southern and Continental are not mutually exclusive. We will not preclude Orlando-Miami local traffic rights for Continental at the outset of the proceeding we are instituting. Southern has now shown any reason why such a restriction should be imposed before the hearing. It is free to present evidence on the issue and argue that Continental should not receive this authority or should be restricted in some way.

At the time it filed its answer to Continental's motion for hearing, TWA was concerned that Continental, if awarded the authority it seeks in Docket 29958, would, in effect, receive one-stop authority in three Tampa markets (Denver, Tulsa, and Oklahoma City) then at issue in the Oklahoma-Denver-Southeast Points Investigation. As we stated above, Continental has now received Tampa-Denver/Tulsa authority as a result of the Oklahoma case, and Braniff received nonstop Tampa-Oklahoma City authority, thus making TWA's concern moot. TWA also asks for pretrial restrictions to preclude Continental from providing single-plane service between Tampa, on the one hand, and San Francisco, Los Angeles, Phoenix, Tucson, Albuquerque, Amarillo, and Wichita, on the other hand. TWA argues that it is so precluded and that the restriction was procedurally inspired, so it should receive this single-plane authority instead of Continental.<sup>12</sup> The Board has been moving in

<sup>9</sup>See footnote 12 below.

<sup>10</sup>Out of a total of 28 flights in the market, only one is operated on a turnaround basis. We note also that, in fiscal year 1976, there were 231,840 true O&D plus interline connecting passengers, or only 23 per flight.

<sup>11</sup>See its motion for hearing in Docket 31680.

<sup>12</sup>We note that Continental's award in the Oklahoma case gives it the ability to provide one-stop service in the Tampa-Los Angeles market over Denver, and in the Tampa-Albuquerque market over Denver and Tulsa. Houston, of course, would be a much less circuitous intermediate. Continental also now has one-stop Tampa-Wichita authority over Tulsa, a noncircuitous intermediate.

the direction of imposing fewer, not more, restrictions on a carrier's operating flexibility, and we are not going to restrict Continental's ability to tack at the outset of this case just because a procedural restriction was imposed on TWA in an old case. The correct remedy for TWA is to present evidence on this issue in the proceeding and/or seek the single-plane authority for itself.

Northwest seeks either a pretrial restriction prohibiting single-plane service by Continental in the Tampa-Seattle/Portland markets, or simultaneous consideration of Northwest's application for nonstop authority between Seattle and Portland, on the one hand, and Atlanta, Tampa, and Miami, on the other hand.<sup>13</sup> Northwest's pleading was filed before the Board's decision in the Oklahoma case, and since Continental now has direct one-stop authority over Denver in the Seattle/Portland-Tampa markets as a result of the Denver-Tampa authority received in that case, Northwest's concerns are no longer relevant.

Finally, TXI argues that Miami-Tampa/Orlando issues should not be included in the proceeding we are instituting because (1) this could complicate the proceeding by bringing in carrier and civic parties whose only interest is in the Miami markets, and (2) although Continental does not propose Tampa/Orlando-Houston service via Miami, its application, if granted, would allow it to do so, at the expense of the Tampa/Orlando passengers. We believe the latter argument should properly be made in the context of the proceeding itself, rather than now, when there is no concrete evidence on the issue. We also reject TXI's first argument since, as we have indicated, an award to Continental of Orlando-Miami local traffic rights and a further award of Miami-Tampa local traffic rights would not necessarily preclude an award of the same authority to another carrier. Thus, since we are not required to consolidate other applications for Miami-Orlando/Tampa authority, TXI's concern that the case will be complicated and delayed by this issue is not a valid one.

Accordingly, *It is ordered That:* 1. The motions for hearing of Continental Air Lines and Texas International Airlines in Dockets 29958 and 30019 be granted;

2. A proceeding designated as the Houston-Tampa/Orlando Investigation, Docket 31921, be instituted and set for hearing before an administrative law judge of the Board at a time and place to be designated later;

3. This proceeding shall consider whether the public convenience and necessity require that new authority be granted in the Houston-Tampa and Houston-Orlando markets; if so, which air carrier(s) should be authorized; and whether the new or existing au-



thority should be subject to any terms, conditions, or limitations."

4. Any authority awarded in this proceeding shall be ineligible for subsidy;

5. The applications of Continental Air Lines in Docket 29958, Delta Air Lines in Docket 30120, and Texas International Airlines in Docket 30019 be consolidated into the proceeding instituted by paragraph 2;

6. To the extent it requests consolidation of Docket 30120, Delta Air Lines' motion to consolidate be granted; to the extent it requests consolidation of Docket 24776, it be denied;

7. The motions to consolidate of Braniff Airways (Docket 26927) and Western Air Lines (Docket 31644) be denied;

8. The motions of Continental Air Lines and Texas International Airlines for leave to file otherwise unauthorized documents and the motion of Continental Air Lines for leave to file late be granted;

9. The petitions for leave to intervene of the City or Orlando and the Greater Orlando Aviation Authority in Dockets 29958 and 30019 be granted;

10. The following be made parties to the proceeding instituted by paragraph 1: Braniff Airways, Continental Air Lines, Delta Air Lines, National Airlines, Southern Airways, Texas International Airlines, Trans World Airlines, City of Amarillo and Amarillo Chamber of Commerce, City of El Paso, El Paso Airport and Mass Transit Board, and El Paso Chamber of Commerce, City of Houston and Houston Chamber of Commerce, City and Chamber of Commerce of McAllen, Cities and Chambers of Commerce of Midland and Odessa, City of Orlando and Greater Orlando Aviation Authority, City of San Antonio and Greater San Antonio Chamber of Commerce, Counties of Hillsborough and Pinellas, Florida, Greater Tampa Chamber of Commerce, and City of Tampa, and Tucson Airport Authority;

"This is intended to subsume the question of whether both Tampa and Orlando should be included on the same segment with local traffic rights between them, and whether Tampa and Orlando should be added to Continental's Miami-Houston segment, with local traffic rights between Miami and Tampa, Miami and Orlando, and Tampa and Orlando. We will require, however, that any services operated as a result of new authority awarded in this proceeding serve Houston.

"We have included as parties everyone who filed pleadings considered in this order, with four exceptions. The pleadings of American, Eastern, and Western relate solely to markets other than Houston-Tampa/Orlando which were not consolidated into and are not relevant to the proceeding we are instituting. Northwest's pleading relates to the Seattle/Portland-Tampa market, and, although this market is relevant to the instituted proceeding, we believe Northwest's concern has already been addressed in the Oklahoma-Denver-South-east Points Investigation and resolved in Continental's favor. If we are wrong and any of these four carriers are interested in the instituted proceeding, such carriers need only petition to intervene.

11. Applications, amendments to applications, motions to consolidate, and petitions for reconsideration of this order shall be filed 20 days from the date of service of this order and answers shall be filed 10 days later; and

12. Delta Air Lines, Texas International Airlines, and all other Carriers filing applications they seek to have consolidated in the proceeding instituted by paragraph 1 shall file environmental evaluations pursuant to section 312.12 of the Board's Regulations within 30 days of the date of service of this order."

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board."

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-128 Filed 1-4-78; 8:45 am]

[6320-01]

[Order No. 77-12-122; Docket No. 30332; Agreement CAB 27037 R-1 through R-9 Agreement CAB 27038 R-1 through R-10]

Order

INTERNATIONAL AIR TRANSPORT ASSOCIATION

DECEMBER 22, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other

carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreements are limited in nature (i.e., binding only upon certain conference members) and were adopted at the reconvened 75th Meeting of Traffic Conference 2, held in Geneva during July 1977.

The agreements pertain to cargo air transportation within the Middle East and between Europe and the Middle East, and are intended for effect through September 30, 1979. In general, they would increase general cargo rates, minimum charges, and assorted container rates and charges; would establish charges for the use of member-owned unit load devices; and would amend the specific commodity rate structures in the areas concerned.

We will approve those portions of the agreements governing rates and charges which are combinable with those to/from United States points, and thus have indirect application in air transportation as defined by the Act. Jurisdiction will be disclaimed on the remaining portions of the agreements, which involve noncombinable specific commodity rates between foreign points and thus have no application in air transportation.

Pursuant to authority duly delegated by the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement IATA CAB No.	Title	Application
27037:		
R-1.....	LA10 TC2 Limited Agreement Within Middle East (New).....	2
R-2.....	001j 2 Year Effectiveness Escape—Cargo (Readopting).....	2 (Within M. East).
R-3.....	001x Review of Cargo Rates (Readopting).....	2 (Within M. East).
R-4.....	002mm Standard Revalidation Resolution.....	2 (Within M. East).
R-5.....	501 Minimum Charges for Cargo (Revalidating and Amending).....	2 (Within M. East).
R-6.....	521 Charges for the Use of Unit Load Devices (Revalidating and Amending).....	2 (Within M. East).
R-7.....	522 Charges for the Use of Member Owned Unit Load Devices (New).....	2 (Within M. East).
R-8.....	552 TC2 General Cargo Rates.....	2 (Within M. East).
27038:		
R-1.....	LA11 TC2 Limited Agreement Europe—Middle East (New).....	2
R-2.....	001j 2 Year Effectiveness Escape—Cargo (Readopting).....	2 (Europe-M. East).
R-3.....	001k Special Europe—Middle East Escape Resolution—Cargo (New).....	2
R-4.....	001x Review of Cargo Rates (Readopting).....	2 (Europe-M. East).
R-5.....	002nn Standard Revalidation Resolution.....	2 (Europe-M. East).
R-6.....	501 Minimum Charges for Cargo (Revalidating and Amending).....	2 (Europe-M. East).
R-7.....	521 Charges for the Use of Unit Load Devices (Revalidating and Amending).....	2 (Europe-M. East).
R-8.....	522 Charges for the Use of Member Owned Unit Load Devices (New).....	2 (Europe-M. East).
R-9.....	552 TC2 General Cargo Rates.....	2 (Europe-M. East).

2. It is not found that the following resolutions affect air transportation within the meaning of the Act:

evant to the instituted proceeding, we believe Northwest's concern has already been addressed in the Oklahoma-Denver-South-east Points Investigation and resolved in Continental's favor. If we are wrong and any of these four carriers are interested in the instituted proceeding, such carriers need only petition to intervene.

"Continental filed an environmental evaluation with its motion for hearing.

"All Members concurred.

"Resolutions R-4 (Agreement CAB 27037), which involve unit load device charges, are intended for effect only through September 29, 1978.

Agreement IATA CAB No.	Title	Application
27037:		
R-9.....	590 Specific Commodity Rates Board (Revalidating and Amending)....	2 (Within M. East).
27038:		
R-10.....	590 Specific Commodity Rates Board (Revalidating and Amending)....	2 (Europe-M. East).

Accordingly, *It is ordered*, That:

1. Those portions of Agreements CAB 27037 and CAB 27038 described in finding paragraph 1 above be approved; and

2. Jurisdiction be disclaimed with respect to those portions of Agreements CAB 27037 and CAB 27038 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review the order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,  
Chief, Passenger and Cargo Rates Division, Bureau of Fares and Rates.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-58 Filed 1-4-78; 8:45 am]

[6320-01]

[Order No. 77-12-124; Docket No. 30777; Agreement CAB 27036 Agreement CAB 27048 R-1 through R-3 Docket No. 29123; Agreement CAB 27050]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

DECEMBER 22, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the

Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). Agreements CAB 27036 and CAB 27048 were adopted by mail vote; Agreement CAB 27050 was adopted at the Reconvened TC Passenger Traffic Conference held in Geneva during November 1977.

Agreement CAB 27036 would, in general, increase passenger fares between points in Europe, on the one hand, and Afghanistan/Bangladesh/India/Male/Nepal/Pakistan/Sri Lanka, on the other hand, by five percent effective January 1, 1978. Agreement CAB 27048 would establish normal first-and economy-class fares and creative fares between points within Africa effective January 1, 1978, and would increase these fares by three percent effective April 1, 1978. Agreement CAB 27050 would amend currency adjustment factors for application to fares between points within Europe, in order to relate local currency selling fares more closely to recent fluctuations in the values of the various currencies involved. We will approve those portions of the agreements which involve fares which are combinable with fares to/from United States points, and thus have indirect application in air transportation as defined by the Act. Jurisdiction will be disclaimed on the remaining portion, which governs non-combinable fares between foreign points and thus has no application in air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement IATA CAB No.	Title	Application
27036.....	005r General Increase in Passenger Fares (New).....	2/3.
27048:		
R-1.....	052 First-Class Fares (Amending).....	2 (within Africa).
R-2.....	062 TC 2 Economy-Class Fares (Amending).....	2 (within Africa).
27050.....	022a TC 2 (within Europe) Adjustment Factors for Sales of Passenger 2 Air Transportation (Amending).....	

2. It is not found that the following resolution affects air transportation within the meaning of the Act:

Agreement IATA CAB No.	Title	Application
R-3.....	072b TC Creative Fares Except Europe (Amending).....	2 (within Africa).

Accordingly, *IT IS ORDERED THAT:*

1. Agreements C.A.B. 27036, C.A.B. 27048, R-1 and R-2, and C.A.B. 27050, described in finding paragraph 1 above, be approved; and

2. Jurisdiction be disclaimed with respect to agreement C.A.B. 27048, R-3, described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,  
Chief, Passenger and Cargo Rates Division, Bureau of Fares and Rates.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-58 Filed 1-4-78; 8:45 am]

[6320-01]

[Docket 31738]

INTERNATIONAL AIR CARGO CORPORATION EGYPT

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on January 31, 1978, at 9:30 a.m. (local time), in room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before January 20, 1978.

This notice supersedes the notice of prehearing conference issued December 16, 1977 (42 FR 64386; December 23, 1977).

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., December 29, 1977.

RICHARD V. BACKLEY,  
Administrative Law Judge.  
[FR Doc. 78-126 Filed 1-4-78; 8:45 am]



[6320-01]

[Docket 31935; Order 77-12-156]

## PAN AMERICAN WORLD AIRWAYS, INC.

Passenger-Fare Increases in the Honolulu-Pago Pago Market; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of December 1977.

By tariff revisions<sup>1</sup> marked to become effective December 30, 1977, Pan American World Airways, Inc. (Pan American) proposes a two-fold revision of its economy and first-class fares in the Honolulu-Pago Pago market. The first revision would set the economy fare at \$149, as determined by the Board's decision in the Pacific Overseas Fares Investigation, Docket 28004 (Order 77-10-134). The first-class fare would be retained at its present level of \$245. The second revision would increase the economy fare to \$169, and the first-class fare to \$254, the latter representing 150 percent of the former. U.S. mainland-Pago Pago fares would reflect the sum of local fares constructed via Honolulu.<sup>2</sup>

In support of its proposal, Pan American contends that the fares are being filed in accordance with the Board's decision in Order 77-10-134, which found that existing economy fares were unlawfully high and should be cancelled; that it should file economy fares as developed in that order; that it may file economy fares which reflect costs for a more recent period; and that the proposed economy fare of \$169 is predicated on cost for the year ended September 30, 1977, escalated to March 31, 1978, consistently with the cost-projection methodology used by the Board in its 48-state rate-of-return analysis.

A complaint has been filed by the Legislature of American Samoa (Samoa) which alleges that Pan American has not adequately documented its actual cost experience or justified the high rates of increase realized during the year ended September 30, 1977, which may be "the result of unusual circumstances and therefore not indicative of the immediate future"; maintenance and depreciation costs have increased at an unusually high rate during the base year (at rates of 26.88 percent and 18.05 percent, respectively); and there is no reason to expect them to continue to

escalate at those rates as Pan American's projections assume.

In answer to the complaint, Pan American states that the increases in maintenance and depreciation arise from the fact that it is carrying heavier loads in the Pacific as well as other operating sectors, which necessitate higher throttle settings. This in turn has caused increased wear on its engines, thus adding maintenance cost and requiring the purchase of more engine parts, which are capitalized and depreciated.

The Board has determined that the second revision proposed by Pan American, which would increase fares as described in the first paragraph of this order, may be unjust, unreasonable, unduly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the fares should be suspended pending investigation.

Pan American has projected very high rates of cost increase from September 30, 1977, to March 31, 1978—14.7 percent for direct costs and 7.3 percent for indirect costs. We simply cannot accept this projection without more adequate backup support than Pan American has provided, particularly when it would produce a fare increase of \$20 in nine months.<sup>3</sup>

It seems to us that at least part of the cost increase realized in the base year ended September 1977, upon which the March 31, 1978, projection is based, may not be of a continuing nature or, if so, not at the rate incurred in the base year. For example, the extremely large increase in B-747 maintenance costs allegedly created by higher throttle setting from carrying heavier loads could well have been a one-time development, which—unlike general, economy-wide inflation—may not reasonably be expected to continue. Moreover, we question whether these unit cost increases, which were experienced in the totality of Pan American's Pacific operations, should be applied in their entirety to the Pago Pago-Honolulu service in question, since this segment has not experienced the greatly increased loads which allegedly explain these sudden increases.

In short, we have a responsibility to look at the end result of the recently implemented anticipatory cost concept, and to gauge that result against inflation rates in general, and what can be reasonably expected to happen

in the near term. Because we are inevitably dealing in speculation, we have a responsibility to go beyond mere arithmetic projections, and examine the reasonableness of doing so in each case in terms of the probability that the experience of the recent past will in fact be replicated in the immediate future—lest the traveling public be saddled with excessively high fares on the basis of faulty projections. We would, therefore, be prepared to accept a cost projection beyond the tariff effective date, similar to that used in determining revenue need in the 48-contiguous states, only if we are reasonably assured that the projection reflects expected cost inflation and not abnormal, one-time cost increases experienced during the base period.<sup>4</sup>

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002, *It is ordered*, That: 1. An investigation be instituted to determine whether the fares and provisions in Table 305, on 10th and 11th Revised Pages 145 to Transpacific Passenger Fares Tariff No. 1, CAB No. 67, issued by Air Tariffs Corp., Agent, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unduly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Paragraph 1 above are suspended and their use deferred to and including March 29, 1978, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint by the Legislature of American Samoa in Docket 31815 is dismissed; and

4. Copies of this order shall be filed in the above tariff and served upon Pan American World Airways, Inc., and the complainant in Docket 31815. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-129 Filed 1-4-78; 8:45 am]

<sup>1</sup>This is entirely consistent with our anticipated cost adjustment used in 48-state analyses. For example, there we have isolated one major expense element, fuel, which tends to change at a different rate than airline costs in general.

<sup>2</sup>All Members concurred.

<sup>1</sup>Revisions to Air Tariffs Corp., Agent, Tariff CAB No. 67.

<sup>2</sup>First-class fares in the Los Angeles/Portland/San Francisco/Seattle markets would be increased to reflect the minimum 150-percent difference in fares required by the Board.

<sup>3</sup>The \$149 economy fare derived by the Board as set forth in Order 77-10-134, is based on projected results for the year ended June 30, 1977. Pan American's proposed economy fare of \$169 is based on projected costs as at March 31, 1978.

[6320-01]

[Docket 31491]

ST. LOUIS-SAN FRANCISCO  
BAY AREA NONSTOP CASE<sup>1</sup>

## Further Prehearing Conference

Notice is hereby given that a prehearing conference in the above entitled proceeding will be held on January 24, 1978, at 10:00 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C. The matters to be considered at the prehearing conference will be the subject of a separately issued Order of Administrative Law Judge.

Dated at Washington, D.C., December 29, 1977.

STEPHEN J. GROSS,  
Administrative Law Judge.

[FR Doc. 78-127 Filed 1-4-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION  
OF TEXTILE AGREEMENTS

EXPORT VISA REQUIREMENT FOR COTTON, WOOL, AND MAN-MADE FIBER APPAREL FROM HONG KONG, EFFECTIVE JANUARY 1, 1978

DECEMBER 30, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Implementing a visa requirement for cotton, wool, and man-made fiber apparel, produced or manufactured in Hong Kong and exported to the United States, effective on January 1, 1978.

SUMMARY: On August 8, 1977, the Governments of the United States and Hong Kong exchanged notes establishing a new bilateral agreement which includes a visa requirement for cotton, wool, and man-made fiber apparel exported to the United States. The visa will be required for apparel exported to the United States after December 31, 1977.

EFFECTIVE DATE: Effective on January 1, 1978, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton, wool, and/or man-made fiber apparel in Categories 330-359, 431-459, and 630-659, produced or manufactured in Hong Kong and exported to the United States, for which Hong Kong has not issued a visa will be prohibited. Cotton, wool, and/or man-made fiber apparel in Categories

<sup>1</sup>Name changed from St. Louis-San Francisco/Oakland/San Jose Nonstop Route Proceeding pursuant to Board Order 77-12-113.

39-63, 111-125, and 214-240, exported before January 1, 1978, will not be denied entry until June 1, 1978, provided it is issued in accordance with previously established procedures.

FOR FURTHER INFORMATION  
CONTACT:

Leonard A. Mobley, Director, Trade Analysis Division, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230; 202-377-4212.

SUPPLEMENTARY INFORMATION: The visa for apparel products subject to the ceilings in the agreement will be a signed copy of a Hong Kong export license with a stamp on the front side reading: "Approved for export to the U.S.A. and debited against restraint limits."

The category or categories and quantities shall be correctly indicated on the visa, i.e., the export license; otherwise, the goods will be denied entry. The only exception will be instances in which the quantity indicated exceeds the actual quantity of the shipment.

Visas covering cotton, wool, and/or man-made fiber apparel products classified in categories which have been merged under the terms of the bilateral agreement, i.e., Categories 333/334, 338/339, 445/446, 633/634, 638/639, and 645/646 shall show either the combination of categories or a constituent category in the combination.

Visas or apparel products, valued under U.S. \$250, need not show the correct category or quantity but shall indicate: "Approved for export to the U.S.A. goods valued under U.S. \$250 and not debited against restraint limits."

There is published below a letter of December 30, 1977, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs implementing the new visa requirement.

ARTHUR GAREL,  
Acting Chairman, Committee for  
the Implementation of Textile  
Agreements.

COMMITTEE FOR THE IMPLEMENTATION OF  
TEXTILE AGREEMENTS

DECEMBER 30, 1977.

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directive of August 16, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements which established an export visa requirement for certain cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported to the United States, effective on September 6, 1976.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 8, 1977, between the Governments of the United States and Hong Kong, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1978 and until further notice, entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Categories 330-359 (formerly Categories 39-63), wool textile products in Categories 431-459 (formerly Categories 111-125), and man-made fiber textile products in Categories 630-659 (formerly Categories 214-240), produced or manufactured in Hong Kong and exported to the United States after December 31, 1977, for which Hong Kong has not issued an appropriate visa. Cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported before January 1, 1978 in accordance with the previously established visa procedures shall not be denied entry until June 1, 1978.

The new visa will be a signed copy of a Hong Kong export license (Form 4 or 5) with a stamp on the front side reading, "Approved for export to the U.S.A. and debited against restraint limits."

The category or categories and quantities in the shipment shall be correctly indicated on the export license; otherwise, the goods will be denied entry. The only exception will be instances in which the quantity indicated on the export license exceeds the actual quantity of the shipment.

Visas covering cotton, wool and/or man-made fiber apparel products classified in the following categories which are merged, i.e., Categories 333/334, 338/339, 445/446, 633/634, 638/639, and 645/646 shall show either the combination of categories or a constituent category in the combination.

Visas for shipments valued under U.S.\$250 need not show the correct category or quantity but shall indicate, "Approved for export to the U.S.A. goods valued under U.S.\$250 and not debited against restraint limits."

Facsimiles of the visas with stamps thereon are enclosed.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Hong Kong and with respect to imports of cotton, wool and made fiber textile products from Hong Kong have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,  
Acting Chairman, Committee for the  
Implementation of Textile Agree-  
ments.

## NOTICES

**EXPORT LICENCE (TEXTILES) FORM 5**

**COPY**

Audit No. B 033733

<small>Exporter (Name &amp; Address)</small>		<b>HONG KONG GOVERNMENT</b> <b>Import and Export Ordinance (Cap. 60)</b> <b>Import and Export (General) Regulations</b>			
<small>B.R. No.</small> _____		<small>Tel. No.</small> _____		<small>License No. and Date of Issue</small> _____	
<small>Consignee</small> _____		<small>Issue of this licence is approved. \$</small> _____			
		<small>for Director of Commerce &amp; Industry.</small> _____			
		<b>MANUFACTURER'S DECLARATION</b>			
		I, _____ <small>principal official of</small> _____ <small>(Name and Address of Manufacturer's Co.)</small> _____ hereby declare that I am the manufacturer of the goods in respect of which this application is made, ** and that I agree to supply the quota as stated below. <small>** Delete if not applicable.</small>			
<small>Carrier</small> _____		<small>Date of Departure</small> _____		<small>Country of Destination</small> _____	
<b>FOR CONDITIONS OF ISSUE PLEASE SEE OVERLEAF</b>		<b>WARNING:</b> All alterations must be carried out by authorized officers. Heavy penalties are provided for false declaration and information, unauthorized alterations and misuse of this licence.			
<small>Mark(s) and Number(s):</small> _____		<small>No. of packages</small> _____		<small>Full Description of Goods (State Country of Origin of raw materials)</small> _____	
<div style="border: 2px solid black; padding: 10px; width: fit-content; margin: auto;"> <p>Approved for export to the USA and debited against restraint limits</p> <p>for Director of Trade Industry &amp; Customs Hong Kong</p> </div>		<div style="border: 2px solid black; padding: 10px; width: fit-content; margin: auto;"> <p>152</p> </div>		<small>No. of Units</small> _____	
				<small>Value f.o.b. HK\$</small> _____	
				<small>c.i.f. value in currency of payment</small> _____	
				<small>Total Amount</small> _____	
<small>Item No.</small> _____		<small>Category/Sub-Category or Commodity Item Code No.</small> _____		<small>Name of Quota/Export Authorization/Permit Holder</small> _____	
<small>Quota Reference (see * below)</small> _____		<small>Quantity Shipped in Quota Units</small> _____		<small>Total Amount</small> _____	
<small>* Insert here —Type of Quota: Export Authorization Number, Swing Transfer or A—Type Transfer Number or Quota Permit Number as appropriate.</small>		<b>EXPORTER'S DECLARATION</b>			
		I, _____ <small>principal official of</small> _____ <small>(Name and Address of Exporter's Co.)</small> _____			
		hereby declare that I am the exporter of the _____ package of goods in respect of which this application is made and that the particulars given hereon are true.			
		<small>Date</small> _____ <small>Signature and Chop.</small> _____			

## EXPORT LICENCE (TEXTILES) FORM 4

**COPY**

<b>Exporter</b> (Name & Address)		<b>HONG KONG GOVERNMENT</b> <b>Import and Export Ordinance (Cap. 60)</b> <b>Import and Export (General) Regulations</b>	
B.R. No.	Tel. No.	Licence No. and Date of Issue ..... Receipt No. and Date of Receipt .....	
Consignee		Issue of this licence is approved  <div style="text-align: right;">..... for Director of Commerce &amp; Industry</div>	
		Name and Address of Hong Kong Manufacturer or Country of Manufacture (if not Hong Kong)	
		C.O./C.P.C. Number  Tel. No. ....	
Carrier	Date of Departure	Country of Destination	
<b>FOR CONDITIONS OF ISSUE PLEASE SEE OVERLEAF</b>		<b>WARNING:—All alterations must be carried out by authorized officers. Heavy penalties are provided for false declaration and information, unauthorized alterations and misuse of this licence.</b>	
Mark(s) and Number(s)	No. of packages	Full Description of Goods (State Country of Origin of raw materials)	No. of Units
			Value for HK\$
			Net Value in currency of payment
<div style="border: 2px solid black; padding: 10px; transform: rotate(-5deg); display: inline-block;"> <b>SPECIMEN</b> </div>			
<div style="border: 1px solid black; padding: 10px; display: inline-block;"> <p>Approved for export to the USA and debited against restraint limits</p> <p>for Director of Trade Industry &amp; Customs Hong Kong</p> </div>			
Item No.	Commodity Item Code No.	<b>EXPORTER'S DECLARATION</b>	
		I, ..... principal official ..... (Name and Address of Exporter's Co.) ..... hereby declare that I am the exporter of the ..... package of goods in respect of which this application is made and that the particulars given herein are true	
		Date ..... Signature and Chop .....	



## EXPORT LICENCE (TEXTILES) FORM 4

COPY

Exporter (Name & Address)		<b>HONG KONG GOVERNMENT</b> Import and Export Ordinance (Cap. 60) Import and Export (General) Regulations	
B.R. No.	Tel. No.	Licence No. and Date of Issue	Receipt No. and Date of Receipt
Consignee		Issue of this licence is approved.  for Director of Commerce & Industry	
Name and Address of Hong Kong Manufacturer or Country of Manufacture (if not Hong Kong)		C.O./C.P.C. Number	
Carrier		Date of Departure	Country of Destination
<b>WARNING:</b> All alterations must be carried out by authorized officers. Heavy penalties are provided for false declaration and information, unauthorized alterations and misuse of this licence.			
Mark(s) and Number(s)	No. of packages	Full Description of Goods (State Country of Origin of raw materials)	No. of Units
		Value to b. HK\$	c.f.f. Value in currency of payment
		Total Amount	Total Amount
<b>EXPORTER'S DECLARATION</b>  I, _____, principal official of _____ (Name and Address of Exporter's Co.)  hereby declare that I am the exporter of the _____ packages of goods in respect of which this application is made and that the particulars given herein are true.  Date _____ Signature and Chop. _____			

Approved for export to the USA  
goods valued under US\$250 and not  
debited against restraint limits

for Director of Trade Industry & Customs  
Hong Kong

CROWN COPYRIGHT RESERVED

[FR Doc. 77-37415 Filed 12-30-77; 11:43 am]

FEDERAL REGISTER, VOL. 43, NO. 3—THURSDAY, JANUARY 5, 1978

[6351-01]

COMMODITY FUTURES TRADING  
COMMISSIONPROPOSED 30 INDUSTRIAL STOCK AVERAGE  
FUTURES CONTRACT

## Availability

In accordance with its established policy, the Commodity Futures Trading Commission ("Commission") is making available copies of the proposed 30 Industrial Stock Average futures contract submitted for contract market designation by the Kansas City Board of Trade pursuant to section 5 and 5a of the Commodity Exchange Act, as amended, 7 U.S.C. 7, 7a (Supp. V. 1975). Copies of the proposed contract will be available for inspection at the Commission's offices in Washington, New York, Chicago, Minneapolis, Kansas City, and San Francisco. Additionally, the Commission will furnish copies of the proposed contract upon request to the Executive Secretariat.

Any person interested in expressing his views on the terms and conditions of the proposed contract should send his comments by February 6, 1978 to Ms. Jane Stuckey, Executive Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20585, 202-254-6316. Copies of all comments will be available for inspection at the Commission's Washington office.

Issued in Washington, D.C., on December 30, 1977.

WILLIAM T. BAGLEY,  
Chairman.

[FR Doc. 78-131 Filed 1-4-78; 8:45 am]

[3128-01]

## DEPARTMENT OF ENERGY

## FEDERAL ENERGY REGULATORY COMMISSION

Amendment of Delegation Order No. 0204-1  
From the Secretary of Energy

AGENCY: Department of Energy.

ACTION: Notice.

**SUMMARY:** Notice is hereby given of the amendment of Delegation Order No. 0204-1 of the Department of Energy, which was a delegation and assignment of certain matters by the Secretary of Energy to the Federal Energy Regulatory Commission. The amendment delegates and assigns to the Commission functions under sections 4 and 24 of the Federal Power Act, which the Secretary had reserved to himself in Delegation Order No. 0204-1.

**EFFECTIVE DATE:** December 23, 1977.

FOR FURTHER INFORMATION  
CONTACT:

Nancy E. Williams, Department of Energy, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 7132, Washington, D.C. 20461 202-566-2454.

Robert L. Baum, Deputy General Counsel, Federal Energy Regulatory Commission, Washington, D.C. 20426, 202-275-4333.

**SUPPLEMENTARY INFORMATION:** The Department of Energy (DOE) was established by the DOE Organization Act, Pub. L. 95-91, 42 U.S.C. 7101, et seq. (1977) (the Act), which was enacted on August 4, 1977. The effective date of the Act was prescribed as October 1, 1977, by Executive Order 12009, dated September 13, 1977 (42 FR 46267, September 15, 1977).

Sections 401-407, 503 and 504 of the Act set forth the jurisdiction and authorities of the Federal Energy Regulatory Commission (the Commission), the independent regulatory commission within DOE. These sections describe those functions previously performed by the Federal Power Commission and the Interstate Commerce Commission that are transferred to, and vested in, the Commission by the Act. These sections also describe the role of the Commission in DOE Rule-making proceedings, its role with respect to appeals of certain Remedial Orders issued by the Secretary, and its role with respect to denials of adjustments to certain rules, regulations, and orders issued by the Secretary.

In addition, section 402(e) of the Act provides that the Commission will have jurisdiction over any other matter assigned to it by the Secretary, upon public notice being given of the assignment.

In addition to the other provisions of this section, the Commission shall have jurisdiction over any other matter which the Secretary may assign to the Commission after public notice. . . .

Section 642 of the Act gives the Secretary a general power of delegation:

Except as otherwise expressly prohibited by law, and except as otherwise provided in this act, the Secretary may delegate any of his functions to such officers and employees of the Department as he may designate, and may authorize such successive redelegations of such functions within the Department as he may deem to be necessary or appropriate.

Pursuant to the above provisions, public notice is hereby given that the Secretary delegates and assigns to the Commission the authority to carry out certain functions which by the act are transferred to, and vested in, the Secretary. The assignment is in the form of a delegation, in accordance with all delegations of authority made by the Secretary.

The delegation order set forth below amends Delegation Order No. 0204-1

by abrogating the reservation of sections 4(a) and 24 of the Federal Power Act contained in paragraph 1 of that Order. The amendment of the Delegation Order with respect to section 4(a) amends the original paragraph 1 to the extent it reserved "Section 4(a) of the Federal Power Act as it relates to river basin appraisals", since it has become apparent, subsequent to execution of the original Delegation Order, that the Commission may have need to gather data for river basin appraisals in order to carry out its responsibility to assess whether or not a project considered for hydroelectric licensing is best adapted to comprehensive development of the waterway on which the project would be located. The determination of adaptability must be made by the Commission pursuant to section 10(a) of the Federal Power Act. The amendment makes clear that the authority vested in the Commission pursuant to the Delegation Order is co-extensive with its authority under the DOE Act, in particular section 402(a) (2) of the act, which provides:

The Commission may exercise any power under the following sections to the extent the Commission determines such power to be necessary to the exercise of any function within the jurisdiction of the Commission:

(A) Sections 4, 301, 302, 306 through 309, and 312 through 316 of the Federal Power Act. . . .

By the amendment, the Commission is given authority to exercise any power under section 4 of the Federal Power Act to the extent the Commission determines utilization of the power is necessary for the Commission to perform the functions assigned to it by the Delegation Order.

The abrogation of the reservation of section 24 as it was included in the original Delegation order is a delegation and assignment only for a period of 6 months. The authority is delegated because section 24 applications do relate to hydroelectric licensing functions carried out by the Commission. Furthermore, the Commission presently has an efficient method of handling section 24 applications, and the applications are of a type which must be acted upon rapidly and daily. For these reasons, it is believed to be in the public interest to have the Commission continue to process section 24 applications for a period of 6 months. During this time period, the Commission will provide the Assistant Secretary for Resource Applications with a copy of each section 24 application filed with it, and afford the Assistant Secretary a reasonable time period to comment on the application. At the end of the 6-month time period, the Commission will prepare a report for the Secretary on its activities of those 6 months with respect to the section 24 applications. At that time, a deci-

FEDERAL REGISTER, VOL. 43, NO. 3—THURSDAY, JANUARY 5, 1978



sion will be made as to which entity or officer of the Department should from henceforth have responsibility for the section 24 applications.

(Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

Issued in Washington, D.C. on December 29, 1977.

WILLIAM P. DAVIS,  
Acting Director of Administration.

DEPARTMENT OF ENERGY, DELEGATION ORDER No. 0204-1, AMENDMENT No. 1, TO THE FEDERAL ENERGY REGULATORY COMMISSION

Pursuant to the authority vested in me as Secretary of Energy ("Secretary") and by sections 642 and 402(e) of the Department of Energy Organization Act (Pub. L. 95-91) (the "DOE Act"), paragraph 1 of Delegation Order No. 0204-1 is hereby amended to read as follows:

1. Part I of the Federal Power Act (Pub. L. 280, 66th Cong., 2d Sess., as amended), to the extent that such authority is not transferred to, and vested in, FERC by section 402(a)(1)(A) of the DOE Act, provided that this paragraph delegates (A) section 4 of the Federal Power Act to the extent FERC determines the exercise of such authority is necessary for it to exercise any function transferred to, and vested in, FERC by this delegation, and (B) Section 24 of the Federal Power Act (relating to the granting of entry, location, or other disposition of lands of the United States reserved or classified as power sites), provided that, upon receipt of an application under section 24, FERC shall provide a copy of such application to the Assistant Secretary for Resource Applications and allow such office a reasonable time to comment on the application; and, provided further, that, at a date six months from the date of this Order, FERC shall submit a report to the Secretary identifying the number and type of applications which have been filed with FERC under section 24 in that time period.

This amendment to Delegation Order No. 0204-1 is effective December 23, 1977.

JAMES R. SCHLESINGER,  
Secretary of Energy.

[FR Doc. 77-37413 Filed 12-30-77; 8:45 am]

#### [6740-02]

#### FEDERAL ENERGY REGULATORY COMMISSION

[Docket Nos. ER78-110 et al.]

#### KENTUCKY UTILITIES CO.

#### Proposed Rate Schedule Change

DECEMBER 27, 1977.

Take notice that on December 14, 1977, Kentucky Utilities Co. (Kentucky) (Docket Nos. ER78-110, ER78-111, ER78-112, ER78-113, ER78-114, ER78-115, ER78-116, ER78-117, ER78-118, ER78-119, ER78-120, ER78-121, ER78-122, ER78-123, ER78-124, ER78-125, ER78-126, ER78-127, and ER78-128) tendered for filing a change in its Rate Schedule FPC No. 82, which is for service to Jackson Purchase Electric Cooperative Corp. (JPECC).

Kentucky states that the proposed rate schedule for the delivery points, listed below, provides for delivery at 69,000 or 34,500 volts, billing on rate WPS-73. Kentucky proposes an effective date of January 16, 1978.

Kentucky submitted a separate filing for each of the delivery points which are identified as:

La Center—ER78-112  
Grand Rivers No. 2—ER78-111  
Reed Crushed Stone—ER78-110  
Calvert City—ER78-119  
Kevil—ER78-118  
Culp Road—ER78-117  
Kansas—ER78-116  
Carsville—ER78-114  
Palma—ER78-115  
Ledbetter—ER78-113  
Shell Oil Pump—ER78-123  
Cairo Road—ER78-121  
Coleman Road—ER78-122  
Little Union—ER78-124  
Kreb Road—ER78-125  
Freemont—ER78-120  
Lovelaceville—ER78-128  
New York—ER78-127  
Husband Road—ER78-126

According to Kentucky copies of this filing were mailed to the Public Service Commission of Kentucky and Jackson Electric Cooperative Corp.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-96 Filed 1-4-78; 8:45 am]

#### [6740-02]

[Docket No. ER78-130]

#### PUBLIC SERVICE CO. OF OKLAHOMA

#### Rate Schedule

DECEMBER 27, 1977.

Take notice that Public Service Co. of Oklahoma (PSO), on December 14, 1977, tendered for filing a Power Sales and Service Contract with KAMO Electric Cooperative, Inc. (KAMO), which provides that KAMO has contracted to provide electric service to certain distribution cooperative members not presently adjacent to KAMO transmission system and desires PSO

to serve those off-system distribution cooperatives.

PSO also tendered for filing a Power Interchange Contract dated November 11, 1977, between PSO and KAMO providing for Interchange Power and Energy.

PSO states that the Power Sales and Service Contract will allow KAMO to purchase electric power and energy to be supplied from PSO system to the distribution cooperative members of KAMO. PSO further states that the Power Interchange Contract will allow KAMO to furnish Interchange Power and Energy from KAMO system to PSO customers at the same rate as applied to the Power Sales and Service Contract.

PSO requests waiver of the minimum 30-day filing period and requests an effective date of January 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-95 Filed 1-4-78; 8:45 am]

#### [6560-01]

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL 838-61]

#### CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

#### Waiver of Federal Preemption

#### I. INTRODUCTION

This decision, issued under section 209(b) of the Clean Air Act, as amended (hereinafter "the Act"), will address three requests for waiver of Federal preemption by California pertaining to amendments, specified infra, to its motorcycle emissions control program. Pursuant to several bona fide requests,<sup>1</sup> this decision will also recon-

<sup>1</sup>42 U.S.C. 7543(b) (1977), formerly 42 U.S.C. 1857f-6a(b), as amended by Pub. L. 95-95 § 207, 91 Stat. 755 (Aug. 7, 1977).

<sup>2</sup>Letter from Mr. Keith Eml, Manager, Engineering Division, Yamaha International Corp., to Mr. Russell Train, (Former) Administrator, Environmental Protection Agency (EPA) (January 7, 1977); letter from

sider the waiver of Federal preemption granted on October 1, 1976 (hereinafter "prior motorcycle waiver decision"),<sup>2</sup> but only with regard to those portions of California's motorcycle program affected by California's subsequent actions, discussed below. The reconsideration will be made in light of the promulgation of Federal standards, certification and test procedures and emission regulations for 1978 and subsequent model year motorcycles published on January 5, 1977 (hereinafter "Federal regulations").<sup>3</sup>

Section 209(b)(1) of the Act requires the Administrator to grant the State of California a waiver of Federal preemption, after opportunity for public hearing, if California determines that its standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. He cannot grant a waiver if he finds that (1) the California determination is arbitrary and capricious, (2) the State does not need such standards to meet compelling and extraordinary conditions, or (3) such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed not to be consistent with

Stuart Philip Ross, Esq., of Hogan & Hartson on behalf of the Motorcycle Industry Council, Inc., to Mr. Russell E. Train, (Former) Administrator, EPA (January 10, 1977); letter from Mr. Dennis E. David, Manager-Legislative Section, Kawasaki Motors Corp., U.S.A. to Administrator, EPA, (February 10, 1977).

<sup>3</sup>41 FR 44209 (October 7, 1976).

<sup>4</sup>42 FR 1122 (January 5, 1977) (to be codified in 40 CFR 86.401-78 *et seq.*). The Federal motorcycle exhaust emission standards expressed in grams per kilometer are as follows:

Model year	Engine displacement (in cubic centimeters)	Carbon monoxide	Hydrocarbons
1978 and 1979	50 to less than 170. 170 to less than 750. 750 or larger.		
1980 and subsequent.	All (50cc or larger).		
1978 and 1979	17		
1980 and subsequent.	12		
1978 and 1979	5.0 5.0+0.0155×(D-170)*		
1980 and subsequent.	14 5.0		

\*D=engine displacement of the motorcycle in cubic centimeters.

section 202(a) if there is inadequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame, or if the Federal and California test procedures are inconsistent.

This decision grants a waiver of Federal preemption for California's 1978 and subsequent model year motorcycle exhaust emission standards and test procedures specified in sections 1958 (a)-(e), Title 13, California Administrative Code, last amended on September 30, 1977, and motorcycle compliance testing and inspection as set forth in section 2100 *et seq.*, Title 13, California Administrative Code, as amended June 30, 1977, and in "California New Motorcycle Compliance Test Procedures," adopted on June 30, 1977. This decision denies California's request for a waiver of Federal preemption for section 1958(f), Title 13, California Administrative Code, adopted March 24, 1977.

#### II. BACKGROUND

The prior motorcycle waiver decision granted California a waiver of Federal preemption for its 1978, and subsequent production year, motorcycle standards and accompanying enforcement procedures adopted on July 15, 1975, as amended February 20, 1976.<sup>5</sup> California substantially amended its motorcycle program on March 24, 1977,<sup>6</sup> and requested a waiver therefor.

<sup>5</sup>13 Cal. Admin. Code § 1958, adopted July 15, 1975, as amended February 20, 1976, and "California Exhaust Emission Standards and Test Procedures for 1978 and Subsequent Production Motorcycles." The California standards were as follows:

Production year	Hydrocarbons (grams per kilometer)
1978 and 1979 (manufactured after January 1, 1978)	10.0
1980 and 1981 (manufactured after January 1, 1980)	5.0
1982 and subsequent (manufactured after January 1, 1982)	1.0

<sup>6</sup>The California Air Resources Board (CARB), adopted the Federal hydrocarbon, but not the carbon monoxide exhaust emission standards for 1978 through 1981 model year motorcycles. 13 Cal. Admin. Code § 1958(b) (March 24, 1977); see note 4, *supra*. The CARB also adopted the Federal test procedures for all model years, including 1982 and subsequent model years. 13 Cal. Admin. Code § 1958(e) (March 24, 1977). This action resulted in differences in the definition of useful life, test vehicle requirements, provisions concerning adjustability and minor test procedures. The major test procedures change concerned the effective date on which more stringent standards become applicable. "California Exhaust Emission Standards and Test Procedures for

A public hearing was held to consider these waiver matters on May 16, 1977.<sup>7</sup>

On June 30, 1977, the California Air Resources Board (CARB), again amended its motorcycle program by adopting compliance testing and inspection regulations.<sup>8</sup> EPA held a public hearing on August 3, 1977 which considered, among other matters, California's request for a waiver for those regulations.<sup>9</sup>

The Clean Air Act Amendments of 1977 (hereinafter "the Amendments"), were enacted on August 7, 1977.<sup>10</sup> EPA held a public hearing on October 13, 1977, to consider the effect of the amendments on all pending waiver requests.<sup>11</sup>

Prior to the EPA hearing, California took two actions pertaining to its motorcycle program. First, it adopted carbon monoxide standards, identical to the Federal standards, for 1978 and subsequent model year motorcycles.<sup>12</sup>

Second, it made the newly required public health and welfare determination regarding its entire motorcycle

1978 and Subsequent Production Motorcycles" §§ 85.402(3), 85.478-1(a) (February 20, 1976). Following January 1, 1978, the Federal, and now the California, standards take effect on a model year basis. See 42 FR 1122, 1128 (January 5, 1977) (to be codified in 40 CFR § 86.402-78, 86.410-78, 86.410-80). 13 Cal. Admin. Code § 1958(b) (March 24, 1977). The net effect all of these changes is that for a manufacturer to sell motorcycles in California, it needs only to submit copies of its EPA application for certification and its Certificate of Conformity. 13 Cal. Admin. Code §§ 1958(d) and (e) (March 24, 1977). See Letter from Mr. William H. Lewis, Jr., Executive Officer, CARB, to Douglas Costle, Administrator, EPA, (April 15, 1977). Lastly, the CARB provided that in the event the Federal test procedures became invalid or unenforceable, the California test procedures, or the equivalent portion thereof, would govern. 13 Cal. Admin. Code § 1958(f) (March 24, 1977); Letter from Mr. William H. Lewis, Jr., Executive Officer, CARB to Douglas Costle, Administrator, EPA, 2 (April 15, 1977).

<sup>7</sup>42 FR 19372 (April 13, 1977).

<sup>8</sup>13 Cal. Admin. Code § 2101 and "California New Motorcycle Compliance Test Procedures" (June 30, 1977).

<sup>9</sup>Mailgram from Kingsley Macomber, Chief Counsel, CARB, to Ben Jackson, Director, Mobile Source Enforcement Division, EPA (June 30, 1977); letter from Mr. William H. Lewis, Jr., Executive Officer, CARB, to Douglas Costle, Administrator, EPA (July 15, 1977); 42 FR 36009 (July 13, 1977).

<sup>10</sup>Pub. L. 95-95, 91 Stat. 685 (August 7, 1977).

<sup>11</sup>42 FR 45942, 45943 (September 13, 1977).

<sup>12</sup>13 Cal. Admin. Code § 1958(b), adopted March 24, 1977, last amended September 30, 1977. The California new motorcycle exhaust emission standards, expressed in grams per kilometer are now as follows:



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program.<sup>13</sup> The EPA considered both of these actions at its October 13, 1977 public hearing.

As a result of these actions, I have made determinations regarding the following four issues:

(1) Whether the 1982 and subsequent model year 1.0 gram per kilometer hydrocarbon standard remains technologically feasible in light of the adoption of a carbon monoxide standard and the change from January 1, 1982 to spring of 1981 of the effective date for the hydrocarbon standard with the concurrent effect on lead time.

(2) Whether California is entitled to a waiver of Federal preemption for its amended 1978 through 1981 model year motorcycle exhaust emission standards and test procedures.

(3) Whether California is entitled to a waiver of Federal preemption for its motorcycle compliance testing and inspection procedures, and

(4) Whether California's public health and welfare determination regarding its motorcycle exhaust emission regulation program is arbitrary and capricious.

III. DISCUSSION

**Public Health and Welfare.** The Act now requires me to grant a waiver if California determines that its standards are at least as protective of public health and welfare as the applicable Federal standards. If I find California's determination is arbitrary and capricious, I cannot grant the waiver.<sup>14</sup> Section 209(b)(2) of the Act provides,

Model year	Engine displacement (in cubic centimeters)	
1978 and 1979	50 to less than 170; 170 to less than 750; 750 or larger.	
1980 and 1981	All (50cc or larger).	
1982 and subsequent.	All (50cc or larger).	
Carbon Monoxide		
1978 and 1979		17
		17
1980 and 1981		17
1982 and subsequent.		12
Hydrocarbons		
1978 and 1979		5.0
5.0 + 0.0155 × (D-170) <sup>a</sup>		14
1980 and 1981		5.0
1982 and subsequent.		1.0

<sup>a</sup>D = engine displacement of the motorcycle in cubic centimeters.

<sup>13</sup>State of California Air Resources Board, Resolution 77-48 at 4 (September 30, 1977).

<sup>14</sup>42 U.S.C. 7543(b)(1)(A), added by Pub. L. 95-95 § 207, 91 Stat. 755 (Aug. 7, 1977).

in addition, that "if each State standard is at least as stringent as the comparable applicable Federal standards, such State standard shall be deemed to be at least as protective of public health and welfare as such Federal standards."

Therefore, because California's motorcycle exhaust emission standards are identical to the Federal standards for the 1978 through 1981 model years, I cannot find that the California determination is arbitrary and capricious.<sup>15</sup>

For 1982 and subsequent model years, California's one gram per kilometer hydrocarbon standard (hereinafter "1982 hydrocarbon standard"), is clearly more stringent than the applicable Federal hydrocarbon standard of five grams per kilometer. The California carbon monoxide standard of twelve grams per kilometer is identical to the applicable Federal standard. Again, I cannot find that California's determination is arbitrary and capricious.

**Need and Compelling Conditions.** The Act now provides that I cannot grant a waiver if I find that California does not need its standards to meet compelling and extraordinary conditions.<sup>16</sup> Throughout the course of my consideration of California's amended motorcycle program, the manufacturers have contended that California—failed to demonstrate a need for a motorcycle regulatory program to enforce standards which are virtually identical to the Federal standards.<sup>17</sup> However, California is entrusted with the power to select "the best means to protect the health of its citizens and the

<sup>15</sup>42 U.S.C. 7543(b)(2), added by Pub. L. 95-95 § 207, 91 Stat. 755 (Aug. 7, 1977).

<sup>16</sup>Compare notes 4 and 11, supra.

<sup>17</sup>42 U.S.C. 7543(b)(1)(B) added by Pub. L. 95-95 § 207, 91 Stat. 755 (Aug. 7, 1977).

<sup>18</sup>See generally Transcript of Public Hearing on California Waiver Request 88-212 (May 16, 1977) (hereinafter "May 16 Tr."); Transcript of Public Hearing on California Waiver Request 43-86 (August 3, 1977) (hereinafter "August 3 Tr."); Transcript of Public Hearing on California Waiver Requests 52-67 (October 13, 1977) (hereinafter "October 13 Tr."); note 17, supra. Letter from Joseph R. Austin, Esq., of Tuttle & Taylor, Inc., on behalf of Harley-Davidson Motor Co., Inc., to (Mr. Benjamin R. Jackson), Director, Mobile Source Enforcement Division, EPA (May 1, 1977); letter from Joseph R. Austin, Esq., of Tuttle & Taylor, Inc., on behalf of Harley-Davidson Motor Co., Inc., to (Mr. Benjamin R. Jackson), Director, Mobile Source Enforcement Division, EPA (August 1, 1977); Yamaha Comment on Proposed Waiver for Title 13 Compliance and Inspection Testing for Motorcycles (August 3, 1977); letter from Gene H. Hansen Esq., of Keck, Cushman, Mahin & Cate on behalf of Kawasaki Motors Corp., U.S.A. to Mr. Benjamin Jackson (Director), Mobile Source Enforcement Division, EPA (June 10, 1977); letter and comments from

public welfare."

The CARB has continually demonstrated the existence of compelling and extraordinary conditions in California.<sup>19</sup> In an attempt to reduce these high air pollution levels, California may adopt a set of motorcycle exhaust emission control standards identical to Federal standards, so that California can implement its own vigorous enforcement program. Based on the CARB's testimony and actions, I cannot find that California does not need its motorcycle standards to meet compelling and extraordinary conditions.

**Consistency.** Under section 209(b)(1)(C), I must deny a California waiver request if I find that the California "standards and accompanying enforcement procedures are not consistent with section 202(a)" of the Act. Because the California test procedures are identical to the Federal procedures, I cannot find that the California test procedures are inconsistent with the Federal test procedures. Consideration of California's more stringent 1982 hydrocarbon standard is included within the scope of this finding. I believe, however, that one issue, handled by implication in my finding, merits discussion.

A number of manufacturers have argued that the California certification program represents nothing more than a duplicative and wasteful regulatory effort.<sup>20</sup> These contentions ignore the fact that California does not require any separate effort as a prerequisite to certification. The current regulations impose only an informational filing requirement on a manufacturer who intends to sell motorcycles in California.<sup>21</sup>

**Technology and Lead Time.** Although this is traditionally the key issue in waiver decisions, it only arose in conjunction with two of the matters under consideration herein. They are the 1982 hydrocarbon standard as defined and affected by the Federal test procedures, including the carbon monoxide standard, and the compliance testing and inspection regulations. The remaining amended California

Mr. Dennis E. David, Manager-Legislative Section, Kawasaki Motors Corp., U.S.A. to Mr. Benjamin Jackson (Director), Mobile Source Enforcement Division, EPA (June 10, 1977); letter from Mr. John B. Walsh, Senior Staff Engineer, Safety and Legislation Department, U.S. Suzuki Motor Corp. to (Mr. Benjamin R. Jackson) (Director), Mobile Source Enforcement Division, EPA (September 2, 1977).

<sup>19</sup>H.R. Rept. No. 95-294, 95th Cong. 1st Sess. 301-302 (1977).

<sup>20</sup>May 18 Tr. 16-18; August 3 Tr. 11-13; October 13 Tr. 23-24.

<sup>21</sup>May 16 Tr. 92, 157-158; October 13 Tr. 54, 64.

<sup>22</sup>13 Cal. Admin. Code §§ 1958 (d) and (e), as amended September 30, 1977.

standards and test procedures<sup>22</sup> are identical to the Federal standards and test procedures. The Federal regulations had to meet the requirements of section 202(a)(2) of the Act, pertaining to available technology, lead time and the cost of compliance, at the time of their promulgation.<sup>23</sup> I, therefore, find the California provisions, applicable to 1978 through 1981 model year motorcycles, to be consistent with section 202(a) of the Act.

Harley-Davidson, Kawasaki, Yamaha, and Suzuki raised a new, lead time objection to the 1982 Hydrocarbon standard.<sup>24</sup> Each manufacturer contended that the effective date change from January 1, 1982, to the beginning of the 1982 model year<sup>25</sup> eliminated six to ten months of the remaining lead time.<sup>26</sup> They argued that based on this reduction in available lead time, I must find that the 1982 hydrocarbon standard is no longer technologically feasible within the lead time available. However, from the data submitted by my staff, I cannot agree with these contentions.<sup>27</sup> Furthermore, Yamaha stated their intention to offer four stroke motorcycles to replace those two stroke motorcycles which could not meet the 1982 hydrocarbon standard.<sup>28</sup> Accordingly, I find that the change in available lead time does not alter my prior finding with regard to the 1982 hydrocarbon standard.

<sup>23</sup>See 13 Cal. Admin. Code §§ 1958(a)-(e), amended September 30, 1977.

<sup>24</sup>42 U.S.C. 5721(a)(2), formerly 42 U.S.C. § 1857f-1(a)(2) as amended by Pub. L. 95-95 § 207, 91 Stat. 755 (August 7, 1977), provides that any regulation prescribed by the Administrator to implement standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles:

"... shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance with such period.

<sup>25</sup>May 16 Tr. 91, 93, 135, 139, 160-161, 201. Additional comments Re: Reconsideration of October 1, 1976, Waiver by Kawasaki Motors Corp., U.S.A. 5-6 (June 10, 1977).

<sup>26</sup>See note 6, supra.

<sup>27</sup>Note 24, supra.

<sup>28</sup>Memorandum on California Motorcycle Waiver-Relative Stringency of California 1g/km HC vs. EPA 12 G/km CO Standards from Charles L. Gray, Jr., Chief, Standards Development and Support Branch, EPA, to Benjamin R. Jackson, Director, Mobile Source Enforcement Division, EPA, 4-5 (August 17, 1977) (hereinafter "Technical Memo"). My staff found 15 motorcycle emission test points, measured on 8 different motorcycle configurations that produced a hydrocarbon level of one gram per kilometer or less and a carbon monoxide level of twelve grams or less. This is a dramatic change from the time of the prior motorcycle waiver decision when only one prototype motorcycle had achieved hydrocarbon emissions within the one gram per kilometer standard. See 41 FR 44209, 44212 (October 7, 1976).

<sup>29</sup>May 16 Tr. 152-153.

The other technological issue raised by the 1982 hydrocarbon standard concerned the manufacturers' ability to meet both the 1982 hydrocarbon standard and the 1982 and subsequent model year 12 gram per kilometer carbon monoxide standard (hereinafter "1982 carbon monoxide standard"). Harley-Davidson,<sup>30</sup> and Yamaha,<sup>31</sup> testified that they saw little difficulty in reaching the carbon monoxide standard if and when they develop the technology to meet the 1982 hydrocarbon standard. Kawasaki was unsure as to its ability to meet both standards.<sup>32</sup> Suzuki did not comment on this issue. Based on the foregoing testimony, on the findings in the prior waiver decision,<sup>33</sup> and on the analysis of my staff,<sup>34</sup> I cannot find that sufficient lead time does not exist to permit the development and application of the requisite technology to meet the 1982 carbon monoxide standard.<sup>35</sup>

Suzuki objected to compliance testing due to allegedly insufficient lead time. Suzuki submitted that it would require three years to develop and implement a program to ensure that production variability would not lead to its motorcycles failing a compliance test.<sup>36</sup> California takes into account production variability in both of its compliance testing procedures.<sup>37</sup> Suzuki has failed to present sufficient data on which to base the conclusion that its variability is great enough so as to preclude Suzuki from passing a compliance test. Accordingly, I cannot find Suzuki's request for three years lead time to implement a quality control program to be reasonable. On these grounds, I must reject Suzuki's objection.

The last lead time issue pertains to section 1958(f) of Title 13 of the California Administrative Code, adopted on March 24, 1977 (hereinafter "section 1958(f)"). In response to litigation challenging the Federal regulations,<sup>38</sup>

<sup>30</sup>May 16 Tr. 104.

<sup>31</sup>May 16 Tr. 144.

<sup>32</sup>May 16 Tr. 175.

<sup>33</sup>41 FR 44209, 44213 (October 7, 1977).

<sup>34</sup>Technical Memo 4-5.

<sup>35</sup>This finding does not reconsider my prior lead time and technology finding regarding the 1982 California one gram per kilometer hydrocarbon standard. This finding concerns only a manufacturer's ability to comply with the 1982 Federal and California twelve gram per kilometer carbon monoxide standard in conjunction with meeting the 1982 hydrocarbon standard.

<sup>36</sup>August 3 Tr. 53, 59-63, 65; Letter from Mr. John B. Walsh, Senior Staff Engineer, Safety & Legislation Department, U.S. Suzuki Motor Corp. (September 2, 1977).

<sup>37</sup>"California New Motorcycle Compliance Test Procedures," adopted June 30, 1977, see CARB Staff Report 77-15-2 at 5-8 (June 30, 1977).

<sup>38</sup>Kawasaki Motors Corp. v. Environmental Protection Agency, (No. 77-1102 and Harley-Davidson Motor Co., Inc., consolidated March 22, 1977).

California provided in section 1958(f) for reinstating the "California Exhaust Emission Standards and Test Procedures for 1978 and Subsequent Production Motorcycles," as amended February 20, 1976, should the Federal test procedures be found to be invalid or unenforceable. Suzuki and Kawasaki contended that a change to the California procedures in the middle of certification would force them to start again, creating procedural inconsistencies and, thus, a lead time problem.<sup>39</sup> I agree with this contention. I, therefore, find that section 1958(f), as now drafted, is inconsistent with section 202(a) of the Act and hereby deny California's request for a waiver of preemption for that section.

With regard to all remaining portions of California's motorcycle regulatory program, including compliance testing and inspection, I find that sufficient lead time exists to permit the development and application of the requisite technology.<sup>40</sup>

**Cost of Compliance.** California estimated a sixty percent reduction in certification costs attributable to its adoption of Federal standards and certification procedures.<sup>41</sup> It also found no additional cost caused by the adoption of carbon monoxide standards due to existence of Federal standards.<sup>42</sup> With regard to compliance testing and inspection, the CARB estimated an industry wide cost of \$200,000 or about two dollars per motorcycle.<sup>43</sup> The cost-benefit relationship will depend on the number of noncomplying engine families discovered or deterred, but the CARB did estimate a net benefit.<sup>44</sup> Kawasaki,<sup>45</sup> Suzuki,<sup>46</sup> and Harley-Davidson<sup>47</sup> each contended that compliance testing would not yield any net benefits. However, these objections fall within the discretion of California to adopt a program which it feels will best protect the public health and welfare of California's citizens. Inquiry into the wisdom behind California's judgment is beyond my province.<sup>48</sup> Accordingly, I cannot find that the costs of complying with California's compliance and inspection program present sufficient grounds for denying California's waiver request.

<sup>39</sup>May 16 Tr. 162-164, 204.

<sup>40</sup>CARB Staff Report 77-6-2 at 12 (March 24, 1977).

<sup>41</sup>CARB Staff Report 77-20-2 at 12 (September 29, 1977).

<sup>42</sup>CARB Staff Report 77-15-2 at 14 (June 30, 1977).

<sup>43</sup>Id. at 15.

<sup>44</sup>August 3 Tr. 71-72.

<sup>45</sup>August 3 Tr. 54.

<sup>46</sup>Letter from Joseph R. Austin, Esq., of Tuttle & Taylor, Inc., on behalf of Harley-Davidson Motor Co., Inc., to (Benjamin R. Jackson), Director, Mobile Source Enforcement Division, EPA (August 1, 1977).

<sup>47</sup>41 FR 44210 (October 7, 1976); H.R. Rept. No. 95-294, 95th Cong., 1st Sess. 301-302 (1977); see 40 FR 23102, 23104 (May 28, 1975).



## FINDINGS AND DECISION

**Findings.** Having given due consideration to the record of the public hearing, all material submitted for that record, and other relevant information, I hereby make the following findings:

1. The State of California had, prior to March 30, 1966, adopted standards (other than crankcase emission standards), for the control of emissions from new motor vehicles.

2. That I cannot find that California's determination that its 1978 and subsequent model year motorcycle exhaust emission standards are at least as protective of public health and welfare as applicable Federal standards is arbitrary and capricious.

3. California needs motorcycle exhaust emission standards to meet compelling and extraordinary conditions.

4. California's current 1978 and subsequent model year motorcycle exhaust emission standards and compliance testing and inspection programs with the exception of section 1958(f) are consistent with section 202(a) of the Act, taking into account the cost of compliance and the availability of sufficient lead time to develop and apply the requisite technology."

**Decision.** Based upon the above discussion and findings, I hereby waive application of section 209(a) of the Act to the State of California with respect to section 1958 (a)-(e), Title 13, California Administrative Code, as amended September 30, 1977, including California's New Motorcycle Compliance Testing and Inspection Program set forth in sections 2100 et. seq., Title 13, California Administrative Code, as amended June 30, 1977 and "California New Motorcycle Compliance Testing Procedures," adopted June 30, 1977.

A copy of the above standards and procedures, as well as the record of the hearing and those documents used in arriving at this decision, is available for public inspection during normal working hours (8 a.m. to 4:30 p.m.), at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request

"This finding incorporates the prior finding that sufficient lead time appears to be available to permit the development and application of the requisite technology to meet California's 1982 and subsequent model year one gram per kilometer hydrocarbon standard. 41 FR 44209, 44213 (October 7, 1976).

## NOTICES

from the California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, Calif. 95812.

Dated December 30, 1977.

DOUGLAS M. COSTLE,  
Administrator.

[FR Doc. 78-161 Filed 1-4-78; 8:45 am]

## [6730-01]

## FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY  
(OIL POLLUTION)

## Notice of Certificate Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311 (p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

In addition, notice is also given that the following operators\* have established evidence of financial responsibility, with respect to the vessels indicated, as required by subsection (c) of Section 204 of the Trans-Alaska Pipeline Authorization Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Alaska Pipeline) pursuant to Part 543 of Title 46 CFR.

Certificate No.	Owner/operator and vessels
01105	Tschudi & Eltzen: <i>Seacamel 393-10</i> .
01458	Palm Line Ltd.: <i>Apapa Palm</i> .
02194	Compagnie Generale Maritime: <i>Monsart</i> .
02317	Irgens Larsen A/S: <i>Hilco Girl, Golar Bora</i> .
02470	La Crosse Dredging Corp.: <i>Alabama</i> .
02715	Allied Towing Corp.: <i>Huoh</i> .
03505	Showa Yusen Kabushiki Kaisha: <i>Saga Maru</i> .
03619	United Towing Co.: <i>UT-153</i> .
03690	The Harbor Tug & Barge Co.: <i>Barge 102, San Juan</i> .
03708	Puget Sound Tug & Barge Co.: <i>514, 542, 541, 507, 505, ATB 99, 551, 513, NOATAK, KAVIK, AGLOO, Inland Chief, Tucc</i> .
04172	Eklöf Marine Corp.: <i>E-18</i> .
04413	Leif Hoegh & Co. A/S: <i>Hoegh Gandria, Hoegh Swallow, Hoegh Swift</i> .
04679	Ratnakar Shipping Co. Ltd.: <i>Ratna Vandana</i> .
04884	Hall Corp. Shipping Ltd.: <i>Cartiercliffe Hall</i> .
05577	Far Eastern Shipping Co.: <i>Khudozhnik, Prorokov, Kapitlan Sherchenko</i> .
05670	Vasco Madrilena De Navegacion S.A.: <i>Valle De Cadagua</i> .
05743	Reederei Barthold Richters: <i>Wilri</i> .

Certificate No.	Owner/operator and vessels
06034	Sincere Industrial Corp.: <i>Francis Sincere No. 6</i> .
08392	Athenian Seatrade Co. S.A. of Panama: <i>Anna K.</i>
09990	Alaska Brick Co. Inc.: <i>Tvonek</i> .
11260	Intercontinental Transportation Services Ltd.: <i>Estrella</i> .
11999	Companhia Maritima Nacional: <i>Maria De Paula</i> .
12260	Deborah Maritime Corp.: <i>Sibregheh</i> .
12507	Daewonsa Co., Ltd.: <i>Dae Dong</i> .
12592	The Musch-Vilicich Corp.: <i>Mauritania, Conte Bianco</i> .
12621	Marine Expediting Co.: <i>BT 2, SJT 4, GW-100, Sarah E. Thomas, BU-45, NBC-992, T 100 SL, T 150 SL, T 200 SL, T 250 SL</i> .
12713	Mosswood (Bahamas) Ltd.: <i>Mercator One</i> .
12861	Lambda Pisser KG & Co.: <i>Messberg</i> .
12874	Maritima Polux S.A.: <i>Maposa Serlo</i> .
12887	Caribbean Mini-Tankers Ltd.: <i>United Sun</i> .
12893	Gulf Oil Belgium S.A.: <i>Belgu/Strength</i> .
12911	Partrederiet Wind Tankers: <i>Wind Enterprise, Wind Eagle, Wind Escort</i> .
12912	Arnald Maritime Co. Ltd.: <i>Cretan History</i> .
12913	Massitos Shipping Co. S.A.: <i>Eleni K.</i>
12949	Wilton Maritime Transport Ltd.: <i>Patricia V.</i>
12950	Denali Fisheries Inc.: <i>Denali</i> .
12960	Pallas Shipping Agency Ltd.: <i>Fairfield Sunrise, Senhorita, Fairfield Jason, Ananda, Pacific Jasmin, Southern Cross I, World Atlas, World Commander, Golden Laurel, Carica, Asia Falcon, Asia Hunter, Regent Violet, Halo, Golden Pine, Eastern Mary, Regent Cedar, Begonia, Regent Bolan, Eastern Matsu, Regent Marigold, Regent Cosmos, Regent Fleur, Bellis</i> .
12963	Sypros Shipping Co. S.A.: <i>Proodos C.</i>
12967	Antilean Coastal Traders Ltd. & M. Forshaw: <i>Catfish</i> .
12983	Chemlink Co., Inc.: <i>Arcaadian 90, Arcaadian 93, Arcadian 95</i> .
12990	Gemini Maritime Corp.: <i>Gemini Pioneer</i> .
12994	Transport Desgagnes Inc.: <i>Mont St. Martin, Jacques Desgagnes</i> .
13001	Angelica Shipping Inc.: <i>Sean Eastern</i> .
13011	Summit II Inc.: <i>LNG Arles</i> .
13014	Atlantic Overseas Tankers Inc.: <i>Brazilian Friendship</i> .
13016	Captain Hans-Erich Ludtke: <i>Sybilie</i> .
13018	Hadjiassan Shipping Corp. S.A.: <i>Hassan B.</i>
13023	Merak Shipping Co.: <i>Merak</i> .
13025	Federal Pacific (Liberia) Ltd.: <i>Federal Schelde</i> .
13034	Tres Estrella Ltd.: <i>El Gato Blanco</i> .
13043	Partrederiet Tarcoola: <i>Tarcoola</i> .
13051	Cove Trading Inc.: <i>Cove Trader</i> .
13052	United Maritime Tanker Transportation Inc.: <i>Oriental Explorer</i> .
13054	Scandinavian Partnership Nine: <i>Atlantic Prosperity</i> .
13055	Compania Comercial Y Naviera "San Martin" S.A.: <i>Coslanza M, Carlo M.</i>
13056	Koch Dock Co.: <i>H &amp; S Barge No. 2, Koch Fueler No. 1, H &amp; S Barge No. 3</i> .
13057	Nautical Shipping of Tortola Ltd.: <i>Roamin Brio</i> .
13058	Gulf Brownsville Shipping Ltd.: <i>Gaspeien</i> .
13059	Suncoast Ltd.: <i>Sun Coast</i> .
13060	Union Ocean Marine Co. S.A.: <i>Union New York</i> .
13061	Yamasan Tsubo Suisan Kabushiki Kaisha: <i>Azuma Maru No. 11</i> .
13062	Taisei Kisen K.K.: <i>Shinsei Maru</i> .
13063	Partrederiet Tennessee: <i>Tennessee</i> .
13064	Iskip H.P.: <i>Janes</i> .
13065	Regent Scorpio Shipping Inc.: <i>Regent Scorpio</i> .

## NOTICES

Certificate No.	Owner/operator and vessels
13066	Rederij Adine: <i>Adine</i> .
13067	Almarino Navigation Ltd.: <i>Falcon Arrow</i> .
13069	South Rainbow Shipping Inc.: <i>South Rainbow</i> .
13072	Granreunion Co.: <i>Reunion</i> .
13073	Hood Co. Ltd.: <i>Akbar</i> .
13074	Kythera Shipping Corp.: <i>Kythera</i> .
13075	Rolaco Trading & Contracting Abdul Aziz Al-Abdulla Al-Suleiman and Co.: <i>Dima</i> .
13077	Shannon Navigation Co. Inc.: <i>Maritime Hawk</i> .
13078	Thermaito Gulf Shipping Co. S.A.: <i>Thermaitos Gulf</i> .
13079	James Bay Exploration Co. Inc.: <i>James Bay</i> .
13081	Flying Turtle Charter & Trading Co., Ltd.: <i>Gretchen</i> .
13082	Eviros Shipping Co. S.A.: <i>Regina</i> .
13083	Shibco 668 Inc.: <i>Tosina</i> .
13085	Diamond Star Shipping S.A.: <i>Irene Pateras</i> .
13086	Greekland Shipping Co. Ltd. Panama: <i>Fita</i> .
13087	Queensway Tankers Inc.: <i>Stuyvesant</i> .
13088	Rim Maritime Ltd.: <i>Gardania</i> .
13090	Caspar Shipping Inc.: <i>Casparia</i> .
13091	Metropolitan Sea Trade Corp.: <i>Mandolina</i> .
13092	Pacific Union Container Transports Ltd.: <i>Hong Kong Container</i> .
13093	Mano Shipping & Trading Corp., Monrovia: <i>Evniki</i> .
13094	K/S Merc Scandia XXI: <i>Mercandian Atlantic</i> .
13095	Kingston Shipping Co. Inc.: <i>Bunker Capricorn</i> .
13096	Amherst Shipping Co. Inc.: <i>Trader</i> .
13097	Mount Ocean Line S.A.: <i>Cellarose</i> .
13098	Hyo Subsea Inc.: <i>Hudson Handler</i> .
13099	Regent Leo Shipping Inc.: <i>Regent Leo</i> .
13100	Morgan Marine Corp.: <i>MR 1, MR 2</i> .
13101	Pacific Sunshine S.A.: <i>Ocean Symphony</i> .
13102	Ismos Shipping Co. S.A.: <i>Good Friend</i> .
13107	United Baltic Corp. Ltd.: <i>Baltic Viking</i> .
13108	Partrederiet MS Gotland: <i>Gotland</i> .
13110	Belco Petroleum Corp. of Peru: <i>Mr. Pat</i> .
13111	Polykyn Navigation Corp.: <i>San Nicolas</i> .
13112	Ateniense Armadora S.A. Panama: <i>Georlina</i> .
13113	United Petroleum Carriers Inc.: <i>Energy Concentration</i> .
13114	United Maritime No. 1 Tanker Transport Inc.: <i>Oceanic Winner</i> .
13115	United Maritime No. 2 Tanker Transport Inc.: <i>Atlantic Conqueror</i> .
13116	Mallard Maritime Inc. of Monrovia: <i>Bravo Exporter</i> .
13117	Iyo Kosan (Panama) S.A.: <i>Hillstar, Sweet Sultan</i> .
13118	Transocean Ro Ro Corp.: <i>Seaspeed America</i> .
13119	Fragomaris Kuhlshiff Reederi G.m.b.H.: <i>Castra</i> .
13120	Bahia Shipping Enterprises Corp.: <i>Pambola</i> .
13121	Allamanda Ltd.: <i>John Ross</i> .
13122	Partrederiet Takamine: <i>Takamine</i> .
13123	Pegasus Shipping Co.: <i>Noslos</i> .
13124	South Asia Shipping Co. Ltd.: <i>Marine Star</i> .
13125	Tenei Kaiun K.K.: <i>Hokko Maru, Toko Maru, Seiko Maru</i> .
13128	Salgaocar Shipping Co. Private Ltd.: <i>Dava Parvati</i> .
13129	Sari Shipping Private Ltd.: <i>Goldensari I</i> .
13130	Good Sailor Shipping Co. Ltd.: <i>Good Sailor</i> .
13131	Sterna Navigation Co. S.A.: <i>Sterna Trader</i> .
13132	Oceanic Reefer Corp.: <i>Antarctic</i> .
13133	Southport Maritime Corp.: <i>Aristotle S. Onassis</i> .
13134	Cast Motor Vessels Ltd.: <i>Cast Otter</i> .
13135	Consolidated Dock Inc.: <i>W. C. Richardson</i> .
13136	Nova Scotia Navigation Ltd.: <i>Oceanus Carrier</i> .
13137	Loutra Shipping Co. Ltd.: <i>Irenes Sun</i> .
13138	Yosonas Shipping Co. Ltd.: <i>Irenes Sky</i> .
13139	Irvington Investments Inc.: <i>Apple Blossom</i> .
13140	Evgar Compania Naviera S.A.: <i>Tofalos G</i> .

Certificate No.	Owner/operator and vessels
13141	Seafort Shipping Corp.: <i>St. Nicolas</i> .
13143	Trans Caribbean Maritime Inc.: <i>Ocean Freec</i> .
13144	Dhalit Rosentfeld (Shipowners) Ltd.: <i>Dhalit</i> .
13145	Jay Shree Shipping Prop: <i>Jay Shree Tea &amp; Industries Ltd.: Jay Ambika</i> .
13148	Maritima de Cementos y Graneles S.A.: <i>Argueteo Herrera</i> .
13149	Maritima Clisante S.A.: <i>Emma</i> .
13150	Shenandoah Shipping Co.: <i>Heron</i> .
13151	Buckeye Shipping Corp.: <i>Gem</i> .
13152	Celina Shipping Co. Ltd.: <i>Isclou</i> .
13154	Koal Shipping Corp.: <i>See Falcon</i> .
13155	Taizan Kaiun Kabushiki Kaisha: <i>Oceanic Maru</i> .

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-81 Filed 1-4-78; 8:45 am]

## [6730-01]

CERTIFICATES OF FINANCIAL RESPONSIBILITY  
(OIL POLLUTION)

## Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

In addition, notice is also given that the operators indicated by an asterisk (\*) have established evidence of financial responsibility, with respect to the vessels indicated, as required by subsection (c) of section 204 Trans-Alaska Pipeline Authorization Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Alaska Pipeline) pursuant to Part 543 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01062	Concord Line A/S: <i>Gunter Cord</i> .
01092	Thor Dahlis Hvalfangerselskap A/S: <i>Thorscape</i> .
01146	Joklar H.F.: <i>Hofstokull</i> .
01258	Skjelbred Rederi A/S: <i>Nortrans Egera</i> .
01352	Korea United Lines Inc.: <i>Korean Amber</i> .
01453	Aiden Shipping Co. Ltd: <i>Shropshire</i> .
01758	Chotin Transportation Inc.: <i>ETT-116</i> .
01887	Carbocoe Societa di Navigazione S.P.A.: <i>Enrico Fermi</i> .
01910	Deutsche Dampfschiffahrts Gesellschaft Hansa: <i>Reichenfels</i> .
01935	Partnership between Steamship Co. Svendborg Ltd. and Steamship Co. of 1912 Ltd.: <i>Nora Maersk</i> .
02039	Gryl Deep Sea Fishing Co. Bogaar.
02234	Gulf Mississippi Marine Corp.: <i>Gulf Fleet 251, Gulf Fleet 260, Gulf Fleet 268, Gulf Fleet 290, Gulf Fleet 291</i> .
02301	Naviera Vizcaina S.A.: <i>Munguia</i> .
02380	Concord Trading Corp.: <i>Caspiana</i> .
02418	Sidermar S.P.A.: <i>Ursa Major</i> .
02429	G & C Towing, Inc.: <i>GTC-8, GTC-9</i> .
02603	Empresa Hondurena De Vapores S.A.: <i>Turrialba</i> .
02721	Healy Tibbitts Construction Co.: <i>Pacific Driller</i> .
02862	Ocean Shipping & Enterprises, Ltd.: <i>Ocean Esperance</i> .



Certificate No.	Owner/Operator and Vessels	Certificate No.	Owner/Operator and Vessels
08777	Jebsens (UK) Ltd.: <i>Clarknes, Cladenes.</i>	12811	OHG Vineta Seereederel GMBH & CO.: <i>Maritime Carrier.</i>
08789	S. Bartz-Johannessen A/S: <i>Bravado.</i>	12834	Central Rivers Inc.: <i>Scott Cholin.</i>
08884	Arclic Shipping (PTE) Ltd.: <i>Tai Ping, Taanlay.</i>	12837	Ming Kyo Fisheries Co. Ltd.: <i>Ming Kuo No. 31.</i>
08999	Sause Bros. Ocean Towing Co. Inc.: <i>Stus-lau.</i>	12844	Y H Shipping Co. Ltd.: <i>Yecomico II.</i>
09002	Commercial Transport Corp.: <i>J.A.R. 3, J.A.R. 1, J.A.R. 6.</i>	12847	China Overseas Shipping Co. Ltd.: <i>East-ern Dolphin.</i>
09003	VTG Vereinigte Tanklager und Transportmitte G.m.b.H.: <i>Wasserio, Stein-tor.</i>	By the Commission.	
09021	Daeyang Shipping Corp. Ltd.: <i>Aeneas.</i>	FRANCIS C. HURNEY, Secretary.	
09031	Union Meeching Corp.: <i>957, 958, 960, 961, 962, 963, 964.</i>	[FR Doc. 78-82 Filed 1-4-78; 8:45 am]	
09252	Ocean Victory Ltd.: <i>Silver Star.</i>	[6730-01]	
09353	K/S A/S Vapere & Co.: <i>Sand Shore.</i>	[Docket No. 73-24; Agreement No. T-2635-2]	
09390	Seacoast Products Inc.: <i>Bull Dog.</i>	PACIFIC MARITIME ASSOCIATION FINAL PAY GUARANTEE PLAN	
10051	Reederei Kapitan Heyo Janssen: <i>Scan-train.</i>	Reopening of Proceeding	
10153	Johan Reksten Rederi A/S: <i>Jorek Con-tender.</i>	Agreement No. T-2635-2, the subject of this proceeding, is an agreement between members of the Pacific Maritime Association (PMA), an association of employers of longshore labor, containing a formula by which PMA members are assessed to cover certain longshoremen's benefits under a collective bargaining agreement with the International Longshoremen's and Warehousemen's Union. Under this formula automobile and trucks cargoes, exclusive of truck trailers, are assessed on a measurement ton basis at a rate one-fifth the amount of assessment per revenue ton applicable to general cargo.	
10199	Williams-McWilliams Co. Inc.: <i>CTCO 302-6.</i>	Wolfsburger Transport-Gesellschaft m.b.h. (Wobtrans) had protested approval of the Agreement, alleging that it unlawfully treated automobile cargoes, and we instituted this proceeding to determine:	
10214	Arc Iris Naviera S.A.: <i>Alaska.</i>	(1) Whether Agreement T-2635-2 is unjustly discriminatory or unfair as regards to carriage of automobiles, and accordingly whether it should be approved, modified, or disapproved pursuant to section 15 of the Shipping Act, 1916;	
10260	Hollywood Marine Inc.: <i>Hollywood 2201, Hollywood 1601.</i>	(2) Whether automobiles are subject to any undue or unreasonable disadvantage because of the assessment in violation of section 16 of that Act; and	
10190	Union Gulf Marine Co. S.A.: <i>Union San Francisco.</i>	(3) Whether the assessment being charged against automobiles is an unreasonable practice related to receiving, handling, storing, or delivering property in violation of section 17 of that Act.	
10433	Estonian Shipping Co.: <i>Mikhail Kedror.</i>	In our decision of June 25, 1975, we had found the automobile assessment lawful and approved the agreement, on the basis that the benefits accruing to automobiles under the assessment fund were sufficient to justify an assessment against such cargo at what the Commission found to be the effective rate of the assessment under the agreement, i.e., approximately 1½ times that imposed against breakbulk	
10772	Flota Global S.A.: <i>Pacific Princess.</i>		
10903	Romen Inc. S.A.: <i>Ciudad De Iquique, Pro-videncia, Irazu.</i>		
10971	Luria Brothers and Co. Inc.: <i>General H.W. Butler.</i>		
11256	Field-Swice Drilling Co.: <i>Mike G. Ruther-ford.</i>		
11344	Brusco Towboat Co.: <i>Sause Brothers No. 12, 2B 45.</i>		
11503	Sea Horse Marine Inc.: <i>STC 412.</i>		
11515	Palmer Barge Line Inc.: <i>Wasson 8.</i>		
11614	Chung Gai Ship Management Co. Ltd.: <i>Saturn Diamond.</i>		
11714	Global Transport Organisation: <i>450 10, 450 11.</i>		
11963	Kabushiki Kaisha Sakyu Shoten: <i>Ruho Maru No. 18.</i>		
12041	Uiterwijk Corp.: <i>Patricia U. Polar Brazil, Polar Paragau.</i>		
12098	World Rudder Maritime Corp.: <i>South Light.</i>		
12105	Transocean Liners (PTY) Ltd.: <i>Talana.</i>		
12115	Nippon Kyodo Hokei K.K.: <i>Toshi Maru No. 11, Toshi Maru No. 17.</i>		
12131	Parimar S.A.: <i>Chaparral, Aquadulce.</i>		
12261	Anchor Trading Co. Ltd.: <i>Bunker Anti-qua.</i>		
12296	Kal Union S.A.: <i>Union Carrier.</i>		
12316	Gansymed: <i>Schiffahrtsgesellschaft M.B.H. Morillo, Ierland, Cherry, Nord-lund, Clementina, Pecan.</i>		
12339	Gulf Water Fueling Inc.: <i>Gulf Intercoas-tal 102.</i>		
12389	Tradeships Ltd. Inc.: <i>Wandayan.</i>		
12405	Secon Schiffahrtsskontor G.m.b.H.: <i>Iluk, Mundsburg.</i>		
12413	Eiyu Kaifu K.K.: <i>Eiyu Maru No. 1.</i>		
12434	United Arab Shipping Co. (S.A.G.): <i>Ahmed Al-Fateh, Al Yamamah, Jilfar, Thorkar.</i>		
12438	Oceaneering International Inc.: <i>Sea Rigger I, SS-12, SS-18.</i>		
12453	Diades Navigation Inc. of Panama: <i>Kato.</i>		
12575	Ro Ro Charterers Corp.: <i>Seespeed Asia.</i>		
12643	Empire Navigation Ltd.: <i>Argdep Jr.</i>		
12666	Bodega Randolph, S. de R.L. de C.V.: <i>Theta.</i>		
12676	Oriental Pearl Line Kabushiki Kaisha: <i>Sun Diamond.</i>		
12709	Childress Co.: <i>CT 3, CT 4.</i>		
12711	Golden Triangle Towing and Fueling Co. Inc.: <i>NBL-1001, NBL-1002, NBL-1400, NBL-1401, NBL-2005, NBL-2006.</i>		
12739	Leader Marine Co. S.A.: <i>Fresco.</i>		
12757	Internare KG KS Kuhlischiff GMBH & Co.: <i>Alaska, Nectarine, Anona, Sal-suma.</i>		
12758	Internare II KS Kuhlischiff GMBH & Co.: <i>Munchen, Antaretic.</i>		
12789	American Wind Symphony Orchestra: <i>Point Counterpoint II.</i>		
12795	Ergon Inc.: <i>MM-107.</i>		
12798	Safety Management Corp.: <i>Mnyre.</i>		

before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the Presiding Administrative Law Judge, but in any event, the hearing shall commence no later than June 23, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

*It is further ordered.* That a copy of this Order be forthwith served upon PMA and its members, Wobtrans, and the Commission's Bureau of Hearing Counsel, who are and shall remain parties herein, and be published in the FEDERAL REGISTER, and that such parties be duly served with notice of time and place of hearing;

*It is further ordered.* That any person (including individuals, corporations, associations, firms, partnerships and public bodies), other than the above named parties, having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission immediately, and petition for leave to intervene in accordance with Rule 5(1) of the Commission's Rules of Practice and Procedure (46 CFR 502.72), with a notice to the Commission's Bureau of Hearing Counsel and other parties to this proceeding; and

*It is further ordered.* That all future notices issued by or on behalf of the Commission in this proceeding be mailed directly to all of the parties of record.

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-107 Filed 1-4-78; 8:45 am]

## [6210-01]

## FEDERAL RESERVE SYSTEM

## HAWKEYE BANCORPORATION

## Acquisition of Bank

Hawkeye Bancorporation, Des Moines, Iowa, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares of Second Bancorporation, Eldora, Iowa, and thereby to acquire indirectly 100 percent of the voting shares of Second National Bank, Eldora, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 26, 1978.

Board of Governors of the Federal Reserve System, December 29, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 78-90 Filed 1-4-78; 8:45 am]

## [6210-01]

## MADISON NATIONAL CO.

## Formation of Bank Holding Company

Madison National Company, Madison, Neb., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 94.13 percent or more of the voting shares of the Farmers National Bank of Madison, Madison, Nebr. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than January 23, 1978.

Board of Governors of the Federal Reserve System, December 29, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 78-91 Filed 1-4-78; 8:45 am]

## [6210-01]

[Docket No. R-0138]

## NET SETTLEMENT OF MEMBER BANK RESERVE ACCOUNTS AND AUTOMATED CLEARING HOUSES

## Announcement of Proposed Actions

**SUMMARY STATEMENT:** The Board of Governors has announced its intention to take two actions regarding its funds transfer and clearing services. The first action is the approval of a request from a group of member banks participating in a private clearing and settlement organization that Federal Reserve Banks make available to them a net settlement service for their funds transfer messages. In the second action, the Board has approved plans to provide, by year end 1978, interregional clearing and settlement

services for funds transfers originated at automated clearing house associations. The Board intends to take these actions in order to improve the efficiency of the nation's payments mechanism and to encourage private-sector development of electronic payments services for the public. The Board has invited public comment on these actions by February 28, 1978.

## FOR FURTHER INFORMATION CONTACT:

James R. Kudlinski, Director, Division of Federal Reserve Bank Operations, 202-452-3985; or Allen L. Raiken, Assistant General Counsel, 202-452-3625, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

## I. INTER-DISTRICT NET SETTLEMENT BY FEDERAL RESERVE BANKS FOR MEMBER BANKS

The Board of Governors has considered a request from an organization of member banks that Federal Reserve assistance be provided to member banks participating in an independent privately owned organization providing interbank funds transfer services. The member banks participating in this organization have requested assistance from the Federal Reserve System in an arrangement to use their reserve account balances at Federal Reserve Banks to settle for payment transactions that have been exchanged through a private clearing organization known as the Bankwire to which these member banks belong. Bankwire is operated by the Payment & Administrative Communications Corp., a privately owned corporation. The proposed arrangement would allow the Federal Reserve member banks in this organization, during daily operations, to transfer among themselves payment instructions throughout the country via Bankwire and then to settle for those funds transfers on that same day using the Federal Reserve Communications System to make appropriate adjustments to member bank reserve account balances.

The member banks participating in the Bankwire organization have indicated that significant efficiencies in their current clearing and settlement services will be achieved through the receipt of the net settlement service requested. The proposed net settlement service would consist of Federal Reserve Banks making debit and credit entries to the reserve accounts of member banks that are members of Bankwire. Bankwire would be appointed the agent of the participating member banks, and would be responsible for providing a designated Federal Reserve office with a list of debit and credit settlement instructions necessary to effect the net settlement. Upon



obtaining this information, which would be received through a link-up of the Federal Reserve Communications System and the Bankwire system, the designated Federal Reserve office would distribute the accounting entries to the Federal Reserve Banks for posting to the reserve accounts of the participating member banks. This posting would represent the net amount "due from" or "due to" the member bank resulting from payment transactions exchanged that day through the Bankwire system.

For some time the Federal Reserve has provided settlement services for member banks that, within individual Federal Reserve Districts, participate in privately run local and regional clearing organizations by charging and crediting net entries to the member banks' reserve accounts. The proposed settlement service differs from such existing services in that it will be offered on an inter-District, rather than on an intra-District basis. The Board perceives that adoption of this proposal will enhance the settlement services that it offers to member banks. The Board expects that the availability of these settlement services will facilitate member bank participation in private-sector payments clearing arrangements and will result in same-day funds availability for member banks participating in this private-sector clearing organization. The Board views these services as consistent with the Federal Reserve System's commitment to provide assistance to private sector initiatives directed toward improving the efficiency of the nation's payments mechanism. Providing this net settlement service should permit the Bankwire organization and its member banks to offer improved funds transfer services to the public.

Should other requests by member banks for specialized settlement services be received in the future, the Board will review these requests on a case-by-case basis considering among other matters overall System capabilities and consistency with the Federal Reserve's traditional payments mechanism responsibilities.

## II. INTERREGIONAL CLEARING AND SETTLEMENT SERVICES THROUGH AUTOMATED CLEARING HOUSES

On the basis of its review of the recently completed pilot study, the Board of Governors has determined that it is appropriate for the Federal Reserve System to establish an Interregional Automated Clearing House system. The Board believes that interregional clearings will facilitate the development of a more efficient nationwide payments system available to depository institutions and will provide research and development data and experience that should be of assistance to other potential developers of

automated clearing services. Provision of this interbank service also should enhance the opportunities open to depository institutions for developing improved "retail" payments services for the public. The Board intends to have the Federal Reserve interregional ACH system operational by the end of 1978.

Since 1968 the Federal Reserve System has assisted groups of depository institutions in the development and operation of automated clearing houses (ACHs) that provide facilities for the exchange of payment information on magnetic tape (1976 Fed. Res. Bull. 481). These facilities were developed as a means of reducing the growing volume and increased cost of processing paper checks. At the present time, the Federal Reserve provides processing, settlement and delivery services on a regional basis for 31 automated clearing house associations and makes available settlement and delivery services for two privately operated ACHs. These facilities are also used in connection with the Federal Reserve's participation as fiscal agent in the Federal Government's recurring payments program. At the present time the major portion of Federal Reserve System ACH transactions consist of direct deposit and other funds transfers for the United States Treasury.

In 1976, the National Automated Clearing House Association (NACHA) requested Federal Reserve participation in a pilot study to determine the feasibility of handling inter-District ACH items over the Federal Reserve Communications System. Ten ACHs participated in the interregional pilot. Depository institutions belonging to the participating ACH associations received instructions from corporate customers to pay out or collect funds from customers who elected to participate in the program. Generally, under the pilot, the instructions were for the collection of insurance payments and for income payments. The customers deposited these instructions on magnetic tape with their local Federal Reserve clearing and settlement facility, and the instructions were transmitted to the receiving facility using the Federal Reserve Communications System. The receiving Federal Reserve ACH facility processed and delivered the instructions to the appropriate depository institutions for debiting and crediting to the accounts of their customers. Settlement for the funds transferred was through the reserve accounts of member banks.

The feasibility and potential benefits of a nationwide ACH facility has been demonstrated in the Treasury's direct deposit program and in the pilot test of interregional commercial payments. The Board believes that the probable long run efficiencies resulting from interconnection of all operat-

ing ACH facilities justify the Board's action at this time to provide these services to the Treasury, member banks, and other members of ACH associations. Moreover, the Board regards its action to interconnect the current regional ACH facilities as a research and development program that will provide technical data and experience in the operation of nationwide ACH facilities. The Federal Reserve System intends to make this information available to those in the private sector interested in the development of alternative systems.

The Board intends to continue to reevaluate Federal Reserve participation in the ACH program in order to assure that its actions remain consistent with its payment mechanism responsibilities. In this regard, the Board views its participation in a nationwide ACH facility providing services to member banks, other depository institutions and the U.S. Treasury as an appropriate activity. The Board has carefully considered the report of the National Commission on Electronic Fund Transfers to the President and Congress with regard to the Federal Reserve's role in the development of ACH systems. The Board's participation in a national ACH system for depository institutions was specifically considered by the Commission and was determined to be a proper action for the Federal Reserve (Final Report—National Commission on Electronic Fund Transfers (1977), p. 214). In addition, upon review of the results of the interregional pilot, the National Automated Clearing House Association, comprised of 9,000 member and nonmember banks and 1,000 thrift institutions offering ACH retail payment services to their customers, has requested that the Federal Reserve take action to interconnect local ACH facilities nationwide in order to provide financial depository institutions with access to a basic level of automated clearing and settlement nationwide, as in the check system.

The technical procedures and time schedule employed in the pilot test of interregional clearing and settlement are expected to serve as the model to be used in providing such service nationwide. The longer-term objective, is to provide a clearing and settlement system that is more efficient than the check system. The Board anticipates that Reserve Banks will work closely with the national and the local ACH associations in implementing interregional ACH services as it believes such cooperative efforts are necessary and have been successful in the past.

Currently, member banks and members of automated clearing house associations, including thrift institutions, may utilize the ACH clearing and settlement facilities operated by Reserve

Banks locally in 31 regions for commercial payments. The procedures described in Treasury regulations for the delivery of government payments nationwide by Reserve Banks are not affected by today's announcement.

In a related matter, the Board is continuing to develop a regulatory framework for Federal Reserve Bank ACH clearing and settlement operations that will accommodate current ACH arrangements. The proposed Subpart C to Regulation J has been revised since its most recent publication for comment in January 1976 (30 FR 32952 and 41 FR 3097) when it was proposed along with Subpart B to that Regulation. Subpart B was adopted by the Board in September 1977 (42 FR 31763). The Board intends to republish the proposed Subpart C in revised form for public comment in the near future.

To aid the Board in its final consideration of these plans, interested persons are invited to submit comments, views or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 28, 1978. Such material will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's rules regarding availability of information.

Board of Governors of the Federal Reserve System, December 23, 1977.

THEODORE E. ALLISON,  
Secretary of the Board.  
(FR Doc. 78-110 Filed 1-4-78; 8:45 am)

## [6210-01]

### WEDGE HOLDING CO.

#### Formation of Bank Holding Company

The Wedge Holding Co., Alton, Ill., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 81.9 percent of the voting shares of Alton Banking and Trust Co., Alton, Ill. The factors that are considered in acting on the applications are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 25, 1978.

Board of Governors of the Federal Reserve System, December 28, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
(FR Doc. 78-92 Filed 1-4-78; 8:45 am)

## [6820-23]

### GENERAL SERVICES ADMINISTRATION

(Temporary Regulation H-19)

#### FEDERAL PROPERTY MANAGEMENT REGULATIONS

##### Delegation of authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Interior to outlease oil and gas deposits underlying the properties listed in attachment A.

2. *Effective date.* This delegation of authority is effective immediately.

3. *Background.* The Department of the Interior, by letters dated July 20, 1977, July 29, 1977, and November 16, 1977, advised that the properties listed in attachment A contain oil and gas deposits in significant quantities. The Secretary of the Interior recommends that, because of the short supply of such minerals, the deposits be outleased, to control development in a timely manner, and the Bureau of Land Management, Department of the Interior, would act as the Federal leasing agent. It is considered that the best interest of the Government would be served by GSA's delegating authority to the Department of the Interior to outlease the oil and gas deposits in these properties since the Department of the Interior has expertise and organizational support for leasing and controlling the development of these deposits.

4. *Delegation.* (a) Pursuant to the authority vested in me by sections 203 and 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484, 486(d)), authority is delegated to the Secretary of the Interior to outlease the oil and gas deposits in the properties shown in the attachment. Any proposed mineral exploration will require prior approval of the owner of the surface rights of each property. When the Department of the Interior has completed the disposal of all the oil and gas that is commercially salable, it shall notify GSA that the project has been completed.

(b) The Secretary of the Interior may redelegate this authority to any officer, official, or employee of the Department of the Interior.

(c) This authority shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, other applicable statutes and regulations issued pursu-

ant thereto. In this regard, the Department of the Interior, as the disposal agency, shall be responsible for: (1) Securing, in accordance with FPMR 101-47.303-4, any appraisals deemed necessary by the Secretary; (2) complying with the provisions of the National Environmental Policy Act of 1969; (3) complying with section 106 of the National Historic Preservation Act of 1966, if appropriate; and (4) ensuring that lands that are disturbed or damaged are restored after removal of the oil and gas is completed.

(d) A copy of any documents executed under this delegation shall be forwarded immediately to the General Services Administration (PK), Washington, D.C. 20405.

Dated: December 20, 1977.

JAY SOLOMON,  
Administrator.

FPMR TEMP. REG. H-19—ATTACHMENT A

GSA Control No. and Name and Location

D-Calif.-966—U.S. Army Strategic Communications Command, Yolo County, Calif.  
D-Calif.-1023—Davis Communication Annex, Yolo County, Calif.  
D-Tex.-548Y—Fort Wolters, Mineral Wells, Tex.  
D-Okl.-480-B—Clinton-Sherman Air Force Base, Burns Flat, Okla.  
GR-La.-430Q1—Chennault Air Force Base, Lake Charles, La.  
G-Tex.-925—Border Patrol Sector Headquarters, Laredo, Tex.

(FR Doc. 78-80 Filed 1-4-78; 8:45 am)

## [4110-89]

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Assistant Secretary for Education

#### COMMENTS ON COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The U.S. Office of Education has proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.



These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before February 6, 1978, and should be addressed to Administrator, National Center for Education Statistics, ATTN: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

MARY GOLLADAY,  
Acting Administrator, National  
Center for Education Statistics.

Dated: December 30, 1977.

#### DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity. The Vocational Education Equity Study. (A Study of the Extent of Sex Discrimination and Sex Stereotyping in Vocational Education Programs and Assessment of Methods to Reduce or Eliminate Such Inequities.)

2. Agency/bureau/office. U.S. Office of Education/Office of Planning, Budgeting and Evaluation.

3. Agency form No. OE-568.

4. Legislative authority for this activity. "The Commissioner of Education shall carry out a study of the extent to which sex discrimination and sex stereotyping exist in all vocational education programs assisted under the Vocational Education Act of 1963, and of the progress that has been made to reduce or eliminate such discrimination and stereotyping in such programs and in the occupations for which such programs prepare students. The Commissioner shall report the results of such study, together with any recommendations with respect thereto, to the Congress within two years after the date of the enactment of this Act." Pub. L. 94-482, Sec. 523(a); 20 U.S.C. 2563.

5. Voluntary/obligatory nature of response. Voluntary.

6. How information collected will be used. The Vocational Education Equity Study is primarily an information gathering effort to determine the extent of sex stereotyping and sex discrimination in vocational education programs and the extent of progress that has already been made in reducing or eliminating such inequities.

Data will be used for reports to meet the legislative mandate and to provide Congress, the U.S. Office of Education, State and local administrators and others with information to make policy decisions to reduce sex inequities in vocational education.

7. Data acquisition plan. (a) Method of collection: Personal interviews and questionnaires.

(b) Time of collection: February-May, 1978.

(c) Frequency: Single time only.

8. Respondents. (a) Type: State directors of vocational education.

(b) Number: 51.

(c) Estimated average man-hours per respondent: .75.

(a) Type: Director of State advisory council for vocational education.

(b) Number: 51.

(c) Estimated average man-hours per respondent: .33.

(a) Type: State sex fairness coordinator.

(b) Number: 51.

(c) Estimated average man-hours per respondent: 1 hour.

(a) Type: State program specialists.

(b) Number: 153.

(c) Estimated average man-hours per respondent: .5.

(a) Type: State vocational guidance and counseling director.

(b) Number: 51.

(c) Estimated average man-hours per respondent: .5.

(a) Type: State director of professional development.

(b) Number: 51.

(c) Estimated average man-hours per respondent: .5.

(a) Type: State director of research, management, and/or evaluation.

(b) Number: 51.

(c) Estimated average man-hours per respondent: .5.

(a) Type: Local education agencies/director of vocational education.

(b) Number: Sample-100 (Based on an average of 1 at each school site).

(c) Estimated average man-hours per respondent: .5.

(a) Type: Program specialists-LEA.

(b) Number: Sample-200.

(c) Estimated average man-hours per respondent: .5.

(a) Type: Director of vocational guidance and counseling-LEA.

(b) Number: Sample-100.

(c) Estimated average man-hours per respondent: .5.

(a) Type: Vocational education instructor (Instructors in vocational education programs at comprehensive high schools, area vocational-technical schools, and community colleges).

(b) Number: Sample-800.

(c) Estimated average man-hours per respondent: .75.

(a) Type: Counselors (Counselors from comprehensive high schools, area vocational-technical schools, and community colleges and appropriate "feeder schools").

(b) Number: Sample-400.

(c) Estimated average man-hours per respondent: .75.

(a) Type: Students.

(b) Number: Sample-3,500.

(c) Estimated average man-hours per respondent: .75.

(a) Type: Personnel from related organizations (Outside the formal vocational education structure such as the commission on the status of women).

(b) Number: Sample-102.

(c) Estimated average man-hours per respondent: .5.

9. Information to be collected. Data will be collected primarily by personal interviews. Topic areas are related directly to activities mandated in Pub. L. 94-482 and the rules and regulations. Sex and ethnicity items are included for all.

(a) State director of vocational education interview. Information collected relates to Pub. L. 94-482. It includes the employment status of the staff assigned to specific activities aimed at reducing sex stereotyping as

specified in section 104(b)(1) of the Education Amendments, 1976 (Pub. L. 94-482); State provisions for planning and/or implementing sex fairness in relation to developing or sponsoring programs/activities that are designed to reduce sex stereotyping in all vocational education programs; dissemination information about programs and activities to reduce sex stereotyping in all vocational education programs; gathering, analyzing, and disseminating information on the status of women and men students and employees in vocational education programs; correcting any sex bias problems identified through such activities; assisting local education agencies and other interested parties in the state in improving vocational education opportunities for women; making information available pursuant to section 104(b)(1); perceived constraints to achieving sex equity in vocational education.

(b) Executive director of the State advisory council will be asked to provide information regarding numbers of women and minority members on advisory council; status, funding, and results of advisory council evaluations and other activities related to sex stereotyping in vocational education; status of State advisory council assistance to local advisory councils.

(c) State sex fairness coordinator will be asked information about professional experience, kinds, status and effects of programs and strategies related to reducing sex inequities in vocational education; status of title IX activities related to sex fairness activities; financial expenditures for and priorities of activities related to section 104(b)(1) of Pub. L. 94-482; factors inhibiting sex fairness vocational education and similar items.

(d) State program specialists' interviews will include items relating to professional experience of respondents; kinds, status and effects of programs and strategies related to reducing sex inequities in vocational education; comparison of past and present vocational education practices related to sex bias; status of activities to identify and overcome sex inequities; status of monitoring activities related to sex inequities; status of title IX activities related to vocational education; status of sex fairness activities related to section 104(b)(1) of the Act; perceived constraints to achieving sex equity in vocational education.

(e) State vocational guidance and counseling director will be queried about similar items as (d) with items relating to guidance and counseling needs and activities.

(f) State director of professional development will be asked similar items as (d) with special emphasis on items relating to teacher training and needs and relationships with teacher training institutions.

(g) State director of research, management and/or evaluation will respond to similar items as (d) in regard to knowledge of kinds, status and effects of programs relating to reducing sex inequities; the status of data collection, dissemination or monitoring activities relating to sex inequities, and similar items.

(h) Director of vocational education/LEA will be asked professional experience of respondent; kinds, status and effects of efforts to reduce sex inequities in staffing patterns in vocational education; comparison of past and present vocational education practices related to sex bias; status of activities to identify and overcome sex inequities; status of data collection; dissemination or monitoring activities related to vocational education.

tion; awareness of sex fairness activities; attrition of traditional and nontraditional students; steps taken to meet the needs of minority group students and women re-entering the labor market and perceived constraints to achieving sex equity in vocational education.

(i) Program specialists/LEA will be asked general perceptions relating to activities regarding sex inequities and specific information about activities and strategies and similar items as (h) which relate to their program specialty.

(j) Director of guidance and counseling/LEA will include items similar to those of (h) which relate to knowledge of activities relating to sex fairness and specific items regarding guidance and counseling practices.

(k) Vocational education instructor interview. Information collected will include the professional, and occupational experience of respondent; attrition to traditional and nontraditional students; perceived competencies of male and female students in vocational education; kinds, status, and effects of efforts to reduce inequities in vocational education staffing patterns; comparison of past and present vocational education practices in regard to sex bias; status of activities to identify and overcome sex inequities; status of Title IX activities related to vocational education; functions of work study and cooperative education and how placements are determined.

(l) Counselor Interview. The director of guidance and counseling at the LEA level and a sample of school counselors will be asked similar questions as described in the instructor interview, with additional questions related to counseling activities and how the processes work which recruit and refer students into occupational programs, and how the decisions are made when more students apply for certain occupations than can be enrolled.

(m) Organizations interview. Information collected from organizations such as the State commission on the status of women, and organizations which commented on the rules and regulations relating to the 1976 amendments will include: knowledge of vocational education programs/activities to place staff or students in nontraditional roles or positions; reviews of vocational education programs related to sex inequities; perceived response to title IX as it applies to vocational education; evidence of existing sex inequities in vocational education; evidence of successful students in nontraditional programs; evidence of employer willingness to hire nontraditional students; satisfaction with vocational education programs; perceptions of constraints in achieving sex equity in vocational education; awareness of exemplary programs effective in reducing sex inequities in vocational education or in the labor force and similar items.

(n) Vocational education student interview and questionnaire. Information collected will include educational background of student and parents, occupational program characteristics; attendance in school sponsored programs/activities related to sex equity; participation in work study or cooperative education programs; career plans and aspirations; expectation of earnings, method of acquaintance with vocational education programs; sources of encouragement-discouragement regarding enrollment in nontraditional programs; nature of influence on decision making; attitudes about sex inequities in the labor force and in vocational

education; attitudes about roles and responsibilities of women and men in the labor force; satisfaction with vocational education programs. The last three types of items are included in a questionnaire at the end of the student interview. This reduces the length of the interviews and allows the students to examine the optional responses.

(o) Staff attitude questionnaire. The staff attitude questionnaire will be administered at the conclusion of State Education Agency interviews, Local Education Agency interviews, Vocational Education Instructor and Counselor interviews. Information collected will include: attitudes about traditional and nontraditional students and their ultimate success; opinions on the importance of women preparing to work; perceptions about sex discrimination in the labor force; opinions as to the suitability of women and men for various positions in the labor force; and accessibility to all occupations; opinions about appropriate administrative action in response to inequities; opinions regarding the capability of vocational educators and counselors to influence student career choices and attitudes and similar items.

(p) Data collection sheets for contractor to complete at sample schools. Information collected will include the number of students enrolled in the various occupational areas; the sex and race/ethnicity of these students; the numbers of instructors in the various occupational areas; the sex and race/ethnicity of the instructors; the number of counselors; and their sex and race/ethnicity.

These data will be collected from schools where such data are accessible. A member of the contractor's staff will transfer data from school records to the data collection sheet.

#### DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity. The Status and Impact of Bilingual Vocational Training: Program Impact Evaluation.

2. Agency/bureau/office. U.S. Office of Education—Office of Planning, Budgeting and Evaluation.

3. Agency form No. OE 586-1-2-3-4.

4. Legislative authority for this activity. "The Commissioner and the Secretary of Labor together shall . . . evaluate the impact of . . . bilingual vocational training on the shortages of well-trained personnel, the unemployment or underemployment of persons with limited English-speaking ability, and the ability of such persons to acquire sufficient job skills and English language skills to contribute fully to the economy of the United States . . ." (Pub. L. 94-482, Sec. 182(a)(2); 20 U.S.C. 2412).

5. Voluntary/obligatory nature of response. Voluntary.

6. How information will be used. The information to be collected will be used to meet the Congressionally mandated evaluation requirements, and the results will be included in annual reports to Congress on the status of bilingual vocational training. Information from the evaluation also will be used by program administrators at the national, state and local levels to aid in program policy and operation.

7. Data acquisition plan.

(a) Method of collection: Personal interviews.

(b) Time of collection: Spring 1978 and Winter 1978-79.

(c) Frequency: Twice.

8. Respondents.

(a) Type: Other—bilingual vocational training program directors.

(b) Number: 54—universe.

(c) Estimated average man-hours per respondent: .50.

(a) Type: Other—bilingual vocational training program occupational skills instructors.

(b) Number: 106—universe.

(c) Estimated average man-hours per respondent: .50.

(a) Type: Other—English-as-a-second language instructors.

(b) Number: 90—universe.

(c) Estimated average man-hours per respondent: .40.

(a) Type: Other—trainees in bilingual vocational training programs.

(b) Number: 1050—sample.

(c) Estimated average man-hours per respondent: .75—first wave and .60—second wave.

9. Information to be collected. The types of information to be collected from each of the respondent categories are as follows:

Program Directors will provide information regarding overall operations, including types of skills training and English language instruction available to limited English-speaking adults; types of non-instructional services, including stipends, provided to trainees; types of instructional materials used; coordination of instructional activities between instructors of occupational skills and English language classes; and media of instruction, including use of English and non-English languages.

Occupational skills instructors will provide detailed data regarding instructional content and methods. Information will be obtained specifically on bilingual aspects of the instruction, problems in instructing the limited English-speaking, etc. Other services provided by the skills instructors, such as job placement, also will be identified. For purposes of evaluating the progress of the trainee sample, skills instructors also will supply ratings of the job readiness and the job-specific English language proficiency of the trainees.

English-as-a-Second Language instructors will provide information on methods of teaching English to limited English-speaking adults, materials used, and coordination of English language instruction with the occupational skills training.

The trainees will be asked questions regarding their demographic characteristics, including age, sex, marital status, and language/ethnic group. Detailed information will be obtained from trainees on their language background and usage and on their proficiency in speaking and understanding spoken English. During the first wave of interviews, trainees will supply information regarding their pre-training education and work history. The second wave of interviews will focus on changes in the trainees' labor force status and in English proficiency.

#### DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity. Public School Finance Programs, 1978-79.

2. Agency/bureau/office. U.S. Office of Education, Bureau of Elementary and Secondary Education.

3. Agency form No. OE form 608.

4. Legislative authority for the activity. "Section 431(a). The commissioner shall carry out a program . . . (3) for strengthening the leadership resources of State and



local educational agencies, and for assisting those agencies on the establishment and improvement of programs to identify and meet educational needs of States and of local school districts. \* \* \* (20 U.S.C. 1831) Pub. L. 93-380.

Section 422(a). The Commissioner shall—  
(1) prepare and disseminate to State \* \* \* agencies information covering applicable programs \* \* \* (20 U.S.C. 1231a) Pub. L. 91-230.

5. Voluntary/obligatory nature of response. Voluntary.

6. How information collected will be used. School finance information will be compiled for all the States, published in a compendium and distributed to all State Educational Agencies. This publication is the only source available which provides descriptions of existing State school aid programs in each State. It also provides information on the local financing of public schools. The compendium enables SEAs to compare alternative methods of school funding currently in effect in the various States. Information on these alternative funding methods is particularly important to States which are contemplating changes in their school aid systems. This compilation is undertaken by USOE as a form of technical assistance designed to strengthen the leadership resources of State educational agencies.

7. Data acquisition plan. (a) Method of collection: Mail.

(b) Time of collection: Spring.

(c) Frequency: Once every three years.

8. Respondent. (a) Type: State educational agencies.

(b) Number: 50.

(c) Estimated average man-hours per respondent: 5.

9. Information to be collected. A. State Financial Support to Local School Districts:

1. State revenues for education: Principal sources of State revenues, share of State/local revenues provided by State, earmarked revenues for public schools, rebates to school districts, if any.

2. Basic equalization program—essential features.

3. Programs fully supported by State.

4. State laws pertaining to any programs of property tax relief.

5. Major court cases affecting a State's school finance system.

7. State Assessment Equalization Practices.

B. Local School Finance: 1. Sources of local revenues.

2. Availability of county revenues.

3. Local taxes required by State law for public school support.

4. Procedures for raising local taxes in fiscally independent school.

5. Tax rate—levy limits.

C. Calculation of district entitlement of aid for each State-aided program.

D. Survey of State supervision of requirements of local assessment practices.

[FR Doc. 78-97 Filed 1-4-78; 8:45 am]

## [4110-08]

Office of the Assistant Secretary for Health

## NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

## Notice of Meeting

The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on January 13 and 14, 1978, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. The meeting will convene at 9 a.m. each day and will be open to the public, subject to the limitations of available space. Topics included in the mandate to the Commission under the National Research Act (Pub. L. 93-348), as amended, including the performance of Institutional Review Boards, the basic ethical principles that should underlie the conduct of research on human subjects, and other matters identified in the legislative mandate to the Commission, will be the agenda for this meeting.

Written materials of any length may be submitted to the Commission at any time. Requests for information should be directed to Ms. Betsy Singer, Information Officer, 301-496-7776, Westwood Building, Room 125, 5333 Westbard Avenue, Bethesda, Md. 20016.

Dated: December 21, 1977.

MICHAEL S. YESLEY,  
Staff Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc. 78-224 Filed 1-4-78; 8:45 am]

## [4310-84]

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## AREA MANAGERS, ELKO DISTRICT, NEVADA

## Delegation of Authority in General

Under authority of Bureau Order 701, dated July 23, 1964, and as amended, and subject to the limitations in Part III of that order, the area managers administering the Elko and Wells resource areas of the Elko District, Nevada, are authorized to act on the following matters within their respective areas of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the Elko District manager:

## DELEGATIONS OF AUTHORITY IN SPECIFIC MATTERS

SEC. 3.3 Fiscal affairs. \* \* \*  
(d) Trespass. Determine liability and issue notice of trespass; recommend as to acceptance of settlement.

SEC. 3.6 Minerals. \* \* \*  
(m) Oil and gas exploration operations.  
(n) Geothermal resource exploration operations.

SEC. 3.7 Range management. \* \* \*  
(a) Grazing district administration.  
(1) Process applications for the issuance of licenses and permits to graze or trail livestock.

(2) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(3) Expenditures of funds appropriated by Congress or contributed by individuals, associations, advisory boards, or others for the construction, purchase, or maintenance of range improvements.

(d) Soil and moisture conservation including control of Halogeton glomeratus.

(e) Controlled brush burning in accordance with plans and specifications approved by the State director.

(f) Protection of wild free-roaming horses and burros.

SEC. 3.8 Forest management. \* \* \*  
(a) Disposition of forest products including sales of timber not exceeding \$1,000 in value.

SEC. 3.9 Land use. \* \* \*  
(g) Disposition of materials other than forest products, not exceeding \$2,000 in value.

(z) Recreation. All actions relating to recreation management and protection pursuant to 43 CFR 6000 through 6290.

SEC. 3.10 Designation of acting officials. \* \* \* (a) Area managers may, by written order, designate qualified employees of the resource area to perform the function of the area manager in his absence.

(b) Each employee who serves in an acting capacity shall document that service on Form 1203-01.

The district manager may at any time temporarily reserve, restrict, or

withhold any portion of the above delegated authority through use of Form 1213-1 District Office Authority and Responsibility Guide.

This order will become effective January 15, 1978, and revokes previous delegation published November 28, 1977 (42 FR 60617).

ROGER J. McCORMACK,  
Associate State Director, Nevada.  
[FR Doc. 78-118 Filed 1-4-78; 8:45 am]

## [4310-84]

[C-0126472]

## COLORADO

## Opportunity for Public Hearing and Replication of Notice of Proposed Withdrawal

DECEMBER 22, 1977.

The U.S. Forest Service filed application, Serial No. Colorado 0126472 on November 12, 1965, for withdrawal of the following described lands:

## RIO GRANDE NATIONAL FOREST

## NEW MEXICO PRINCIPAL MERIDIAN

## Salthouse Campground

T. 44 N., R. 2 E.,

Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  and  
NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

## Love Lake Campground

T. 39 N., R. 1 W.,

Sec. 6, beginning at corner No. 1, a point 2,000 feet south of the N $\frac{1}{4}$  corner of sec. 6, by metes and bounds, east, 750 feet to corner No. 2; south, 2,640 feet to corner No. 3; west, 2,640 feet to corner No. 4; north, 2,640 feet to corner No. 5; east, 1,890 feet to corner No. 1, the place of beginning.

## North Clear Creek Falls Observation Site

T. 42 N., R. 3 W.,

Sec. 36, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

The areas described aggregate 270 acres in Hinsdale, Mineral, and Saguache Counties.

A notice of proposed withdrawal was published in the FEDERAL REGISTER on November 25, 1965, on page 14691.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Colorado State Bank Building, 1600 Broadway, Denver, Colo., on or before February 8, 1978.

Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual sec. 2351.16B. All previous

comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before February 8, 1978.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

RODNEY A. ROBERTS,  
Leader, Canon City-Grand Junction Team, Branch of Adjunction.

[FR Doc. 78-114 Filed 1-4-78; 8:45 am]

## [4310-84]

[C-16210]

## COLORADO

## Opportunity for Public Hearing and Replication of Notice of Proposed Withdrawal

DECEMBER 21, 1977.

The U.S. Forest Service Filed application, Serial No. Colorado 16210, on April 7, 1972, for withdrawal of the following described lands:

## NEW MEXICO PRINCIPAL MERIDIAN

## RIO GRANDE NATIONAL FOREST

## Agua Ramon Electronic Site

T. 40 N., R. 3 E.,  
Sec. 12, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

## Grayback Mountain Electronic Site

T. 37 N., R. 4 E.,  
Sec. 9, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 16, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  and  
NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

## Ivy Creek Campground

T. 40 N., R. 1 W.,  
Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$ .

## Ute Creek Trailhead

T. 40 N., R. 4 W.,

Sec. 5, L ot 4;  
Sec. 6, Lot 1.  
T. 41 N., R. 4 W.,  
Sec. 31, Lot 15;  
Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

## SAN JUAN NATIONAL FOREST

U.S. Highway 550 Travel Influence Zone  
A strip of land 200 feet wide on each side of the U.S. Highway 550 centerline through the following described lands:

T. 41 N., R. 8 W., Protraction 24B, dated May 5, 1965,

Sec. 2 W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 3, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 11, NW $\frac{1}{4}$  and S $\frac{1}{2}$  except lands being withdrawn for Mineral Creek Campground Site;

Sec. 12, SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 13, NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 42 N., R. 8 W., Protraction 24B, dated May 5, 1965,

Sec. 14, the portion of SW $\frac{1}{4}$ NE $\frac{1}{4}$  from Red Mountain Pass to the south line, E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 22, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 23, NW $\frac{1}{4}$  and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ NW $\frac{1}{4}$ .

Also a strip of land 200 feet in width east of the centerline and 400 feet in width on the west side of the centerline of U.S. Highway 550 through the following described lands:

T. 42 N., R. 8 W.,

Sec. 26, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 27, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 34, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 35, W $\frac{1}{2}$ W $\frac{1}{2}$ , excluding all or portions of mineral patents lying within these strips including M.S. 558B, 559B, 560B, 570B, 1496, 1523, 2486, 6792, 6794, 16099 A and B, 16677 A and B, 18179, 19335, and 20863, with an estimated acreage of 30 acres, and subject to other unperfected mining claims as may exist.

GRAND MESA-UNCOMPAHGRE NATIONAL FOREST

## Antone Springs Campground

T. 47 N., R. 12 W.,

Sec. 15, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  and  
W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

## Benchmark Lookout

T. 41 N., R. 15 W.,

Sec. 31, East 10 chains of lot 4, and  
W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

## SIXTH PRINCIPAL MERIDIAN

## GUNNISON NATIONAL FOREST

## McClure Campground

T. 11 S., R. 89 W.,

Sec. 2, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$ , less 10 acres, more or less, of State Highway 133 roadside zone previously withdrawn under P.L.O. 4579.

The areas described aggregate approximately 852.00 acres.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on June 21, 1972, on page 12245, FR Doc. 72-9347.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a



## NOTICES

public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Colorado State Bank Building, 1600 Broadway, Denver, Colo., on or before February 7, 1978.

Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before February 7, 1978.

Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before February 7, 1978.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo., on or before February 8, 1978.

ing, 1600 Broadway, Denver, Colo. 80202.

MERRILL G. ANDERSON,  
Leader, Montrose Team,  
Branch of Adjudication.

[FR Doc. 78-115 Filed 1-4-78; 8:45 am]

[4310-84]

[C-15959]

## COLORADO

## Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

DECEMBER 22, 1977.

The U.S. Forest Service filed application, Serial No. Colorado 15959, on March 23, 1972, for withdrawal of the following described lands:

## PIKE NATIONAL FOREST

## SIXTH PRINCIPAL MERIDIAN

## Springdale Campground

T. 12 S., R. 68 W.,

Sec. 20, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

## Clyde Campground

T. 15 S., R. 68 W.,

Sec. 20, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and  
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

## Crags Campground

T. 13 S., R. 69 W.,

Sec. 32, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 33, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

## Wildhorn Campground

T. 11 S., R. 70 W.,

Sec. 29, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

The areas described aggregate 235 acres.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on May 11, 1972, at page 9500.

The applicant desires that the lands be reserved for use as campgrounds.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Colorado State Bank Building, 1600 Broadway, Denver, Colo., on or before February 8, 1978.

Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before February 8, 1978.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

RODNEY A. ROBERTS,  
Leader, Canon City-Grand Junction Team,  
Branch of Adjudication.

[FR Doc. 78-116 Filed 1-4-78; 8:45 am]

[4310-84]

[C-14442]

## COLORADO

## Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

DECEMBER 21, 1977.

The U.S. Forest Service filed application, Serial No. Colorado 14442, on November 19, 1971, for withdrawal of the following described lands:

## SAN JUAN NATIONAL FOREST

## NEW MEXICO PRINCIPAL MERIDIAN

## Treasure Falls Rest Stop Addition

T. 37 N., R. 1 E.,

Sec. 16, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

## U.S. Highway 160 Roadside Zone

A strip of land two hundred (200) feet on each side of the centerline of U.S. Highway 160 through the following legal subdivisions:

T. 37 N., R. 1 E.,

Sec. 1, Lot 1;

Sec. 2, Lot 4;

Sec. 3, N $\frac{1}{2}$ ;

Sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and

S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 9, All;

Sec. 16, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

## NOTICES

Sec. 21, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
T. 38 N., R. 1 E.,  
Sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 35, S $\frac{1}{2}$ ;  
Sec. 38, S $\frac{1}{2}$ ;  
T. 37 N., R. 2 E.,  
Sec. 6, Lot 4.

## Henderson Lake Campground

T. 37 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964. That part of Section 2 described as follows:

Beginning at the SW corner of section 35, T. 38 N., R. 8 W., thence due south 15 chains, thence easterly 40 chains on a line parallel with the north section line of Section 2, thence due north 15 chains to a point on the north boundary of Section 2, thence westerly 40 chains along the north boundary of Section 2 to the point of beginning.

T. 38 N., R. 8 W.,  
Sec. 35, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ ;

## Molas Pass Observation Site

T. 40 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964. A parcel of land in Section 13 described as follows:

Beginning at a point which bears N. 74° E. 1056 feet from the junction of U.S. 550 and Forest Road 2590, thence due East 792 feet, thence due North 1056 feet, thence due West 792 feet, thence due South 1056 feet to the point of beginning.

## East Lime Rest Site

T. 40 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964. A parcel of land in Section 14 described as follows:

Beginning at a point in section 14, which point is due west 68 chains from the junction of U.S. Highway 550 and Forest Road 2590 (Andrews Lake Road), thence due south 12 chains, thence due west 20 chains, thence due north 12 chains, thence due east 20 chains to the point of beginning.

## Deer Creek Observation Site

T. 40 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964. A parcel of land in Section 21, described as follows:

Beginning at a point in the SE $\frac{1}{4}$ , from which the junction of U.S. Highway 550 and Forest Road 2591 bears N. 66° E. 31 chains, thence due W. 10 chains, thence due S. 15 chains, thence due E. 10 chains, thence due N. 15 chains to the point of beginning.

## Coal Bank Pass Observation Site

T. 40 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964. A parcel of land in Section 32 described as:

Beginning at a point on the north boundary of section 32 from which the junction of U.S. Highway 550 and Forest Road 2591 bears N. 42° E. 163.5 chains, thence due W. 16 chains, thence due S. 16 chains, thence due E. 16 chains, thence due N. 16 chains to the point of beginning.

## Mineral Creek Campground Site

T. 41 N., R. 8 W., Protraction Diagram No. 24, and 24B, dated May 5, 1965.

A parcel of land in Sections 11 and 14 beginning at a point in the NE $\frac{1}{4}$  of Section 14 from which the junction of U.S. Highway and Forest Road 585 bears S. 70° E. 60 chains.

Thence due North 16 chains, Thence due West 20 chains, Thence due North 12 chains, Thence due West 20 chains, Thence due South 24 chains, Thence due East 20 chains, Thence due South 4 chains, Thence due East 20 chains, to the point of beginning.

## Chris Park Organization Campground

T. 38 N., R. 9 W.,

Sec. 36, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

## Purgatory Ski Area

T. 39 N., R. 9 W.,

Sec. 22, NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;

Sec. 23, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ ,  
E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 25, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , and  
SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 26, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 27, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;

## Stoner Ski Area

T. 38 N., R. 13 W.,

Sec. 6, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

The areas described aggregate approximately 2746.80 acres.

A notice of proposed withdrawal was published in the FEDERAL REGISTER on January 18, 1972, on pages 745, 746, FR Doc. 72-692.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Colorado State Bank Building, 1600 Broadway, Denver, Colo., on or before February 7, 1978.

Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before February 7, 1978.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation.

tion. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

MERRILL G. ANDERSON,  
Leader, Montrose Team,  
Branch of Adjudication.

[FR Doc. 78-117 Filed 1-4-78; 8:45 am]

[4310-10]

## Office of Hearings and Appeals

[Docket No. M 78-22]

## D. C. COAL CO., INC.

## Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), D.C. Coal Co., Inc., c/o George H. Buxton, P.O. Box 3447, Oak Ridge, Tenn. 37830, has filed a petition to modify the application of 30 CFR 77.1605, berms and guardrails, to its Mine 001, located in Anderson County, Tenn.

The substance of Petitioner's statement is as follows:

1. Petitioner requests that the Secretary modify the application of an order of the Bureau of Mines that berms and guardrails be provided on the elevated roadways leading from its designated mine openings to the county road commonly known as "Windrock Road."

2. The grounds upon which the Petitioner seeks relief are as follows:

(a) The roadway in question is gravel surface, 18 to 20 feet wide, with numerous passing zones. The roadway has a total length of 1 $\frac{1}{2}$  (1.1) miles from petitioner's mining operation to the said county road.

(b) Where steep portions of roadway are sloped, they are sloped toward the bank and away from the lower side of the roadway. Some locations have had berms constructed; however, no guardrails have been installed.

(c) Installation of guardrails and berms, except where needed, would take away portions of the useable driving surface and would thereby render the roadways more dangerous than if berms and guardrails were installed.

(d) Installation of berms on the side of the level portions of said roadway would be particularly harmful to the



roadway in that it would interfere with drainage. With reference to water, as well as snow and ice, such construction would present more of a danger to persons using the roadway than now exist.

(e) Where steep portions do not have berms, their installation would occupy such a large portion of the existing useable roadway as to greatly diminish the road's usefulness for hauling. Widening the roadway would entail blasting the existing stable rock highwall. Guardrails would have to be installed on the fill material and it would be very difficult to make them substantial to a reasonable degree of safety.

(f) Petitioner will maintain traffic control signs along the entire length of the roadway.

(g) Petitioner has an excellent safety record in its hauling and traveling over said roadway which record results from proper maintenance, supervised traffic systems, and the condition of vehicles using the roadway.

(h) Petitioner will ultimately phase out this operation and consequently the use of this roadway.

(i) This is a relatively small operation and the installation of berms and guardrails in this particular situation would involve great expense and for the reasons stated in the foregoing paragraphs would not provide additional safety for the operation.

3. The petitioner believes that the precautions already taken and the maintenance and traffic systems presently being used will afford a higher degree of protection for truck drivers and other traffic using said roadway than will be afforded by the installation of berms and guardrails as required by the Bureau of Mines.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by February 6, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID B. GRAHAM,  
Director, Office of  
Hearings and Appeals

DECEMBER 28, 1977.

[FR Doc. 78-119 Filed 1-4-78; 8:45 am]

#### [4310-10]

[Docket No. M 77-260]

IMPERIAL COALS, INC.

Petition for Modification of Application of  
Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section

301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Imperial Coals, Inc., P.O. Box 42B, Oneida, Tenn. 37841, has filed a petition to modify the application of 30 CFR 77.1605, loading and haulage equipment installations, to its Imperial Coals, Inc. No. 1 Surface Mine, Sun Ray Coal Co., Inc. No. 1 Surface Mine, and Scarlett Fuels, Inc. No. 1 Surface, and Scarlett Coals, Inc. No. 1 Surface Mine, located in Campbell County, Tenn.

The substance of Petitioner's statement is as follows:

1. Berms, and to a certain extent, guardrails, would create a drainage hazard. Proper drainage would be extremely difficult to maintain and wash-outs and hazardous conditions would result in wet weather conditions.

2. Berms and guardrails would hamper snow removal and would result in the road icing over during winter months.

The road grader now used for road maintenance could no longer be used.

4. Additional man-hours and equipment would be needed for road maintenance, particularly during the winter months. This, in itself, would increase the accident potential during the winter months.

5. The width is not available to build berms. Solid rock would have to be blasted and the resulting highwall along the road would be another hazard.

6. Petitioner has planned to use an existing road for haulage. This road has been maintained for several years by the various coal companies that have used it. It is well bedded with "red dog" and limestone gravel.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by February 6, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID B. GRAHAM,  
Director, Office of  
Hearings and Appeals.

DECEMBER 28, 1977.

[FR Doc. 78-120 Filed 1-4-78; 8:45 am]

#### [4310-10]

[Docket No. M 78-23]

ISLAND CREEK COAL CO.

Petition for Modification of Application of  
Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section

301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Island Creek Coal Co., 2355 Harrodsburg Road, P.O. Box 11430, Lexington, Ky. 40511, has filed a petition to modify the application of 30 CFR 75.1710-1, cabs or canopies, to its Guyan No. 1 Mine, located in Pike County, Ky.

The substance of Petitioner's statement is as follows:

1. The height of the coalbed in Petitioner's mines varies from 62 inches at the highest point to 56 inches at the lowest point.

2. At the present time, Petitioner operates the following types of self-propelled electric face equipment at its mines: a Joy continuous miner, Torkar shuttle cars, and a 320 Galis roof bolter.

3. Because of the variation of the physical characteristics of each of these types of equipment (i.e., heights, width, location of operator compartment and positioning of controls) each may require a different style of canopy.

4. Petitioner has developed on its own, or there are available from equipment manufacturers, canopies, for each type of the above-listed equipment, which meet the structural capacity requirements of 30 CFR 75.1710-1(d). However, to meet these requirements it is necessary that these canopies be constructed of heavy gauge steel. The result is a canopy which is both bulky and extremely heavy. Because of the bulk and weight of these canopies, structural modifications to each piece of face equipment are necessary before these canopies can be installed on face equipment.

5. Petitioner states that in some, but not all, instances the installation of available certified canopies on the face equipment at Petitioner's mines creates, among others, the following safety hazards:

(a) The field of vision of the operator is significantly reduced as a result of the close proximity of the canopy top to the operator's compartment.

(b) The operator's arm and leg movements in operating the equipment are more restricted as a result of reduced space in the operator's compartment.

(c) Operator fatigue is greatly increased as a result of reduced operator compartment space.

6. Petitioner states that it is at present unable to construct itself, or to procure from equipment manufacturers, canopies which, if installed on face equipment at Petitioner's mine will both meet the required structural capacity and at all times allow operation of face equipment without creating the safety hazards herein stated. Petitioner further states that there are no new types or designs of face equipment immediately available from

equipment manufacturers which eliminate the safety hazards herein stated.

7. Petitioner states that, for the reasons herein set forth, the application of the standard of 30 CFR 75.1710-1(a) to the electric face equipment at Petitioner's mine will result in a diminution of safety to the miners at its mines.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by February 6, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID B. GRAHAM,  
Director,  
Office of Hearings and Appeals.

DECEMBER 28, 1977.

[FR Doc. 78-121 Filed 1-4-78; 8:45 am]

#### [4310-10]

[Docket No. M 78-25]

SEWELL COAL CO.

Petition for Modification of Application of  
Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Sewell Coal Co., c/o Paul Given, Nettie, W. Va. 26681, has filed a petition to modify the application of 30 CFR 75.1105, housing of underground transformer stations, etc., to its Sewell No. 4 Mine, located in Nicholas County, W. Va.

The substance of Petitioner's statement is as follows:

1. Petitioner's mine has a locomotive station located near the No. 1 Shaft and the 5 West Entries adjacent to the supply track. No persons are stationed in this area, and only a very small amount of burning or welding is performed. An average of less than one man shift per week is devoted to work of any type at this location.

2. This is ventilated directly by intake air. Only a very small portion of the air passing through the entries where the locomotive station is located would reach any working areas.

3. Petitioner proposed to ventilate said locomotive station in the manner aforesaid rather than causing the air ventilating this area to be directly coursed into the return airway. In addition to this ventilating plan, Petitioner will provide extra firefighting materials (water and dry chemicals) in this area.

4. Additionally, the following safeguards will be employed:

a. The area will be made fire-proof as required by section 75.1105 of the Federal Coal Mine Health and Safety Act of 1969.

b. The area will be examined by a qualified person immediately following each welding or burning operation.

c. Within 2 hours, and no sooner than 30 minutes, following welding or burning operation, the area will be fire-bossed by a West Virginia state certified fire boss for evidence of hot or smoldering materials.

5. Petitioner states that the proposed method of ventilating said locomotive station together with the additional fire protection installed thereon would at all times guarantee no less than the same measure of protection afforded mine personnel in the affected mine than would be provided by application of the mandatory standard.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by February 6, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID B. GRAHAM,  
Director,  
Office of Hearings and Appeals.

DECEMBER 28, 1977.

[FR Doc. 78-122 Filed 1-4-78; 8:45 am]

#### [7020-02]

INTERNATIONAL TRADE  
COMMISSION

[TA-201-31]

UNALLOYED UNWROUGHT ZINC

Investigation and Hearing

Investigation instituted. Following receipt of a petition on December 20, 1977, filed by the Lead-Zinc Producers Committee, Washington, D.C., the U.S. International Trade Commission on December 29, 1977, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether unwrought zinc, other than alloys of zinc, provided for in item 626.02 of the Tariff Schedules of the United States, is being imported into the United States in such increased quantities as to be substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.s.t. on March 21,

1978, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in Washington not later than noon, Monday, March 13, 1978.

There will be a prehearing conference in connection with this investigation which will be held in Washington, D.C., at 10 a.m., e.s.t. on Monday, March 13, 1978, in Room 117, U.S. International Trade Commission Building, 701 E Street, NW.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, and at the New York City office of the U.S. International Trade Commission located at 6 World Trade Center.

Issued: December 30, 1977.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc. 78-158 Filed 1-4-78; 8:45 am]

#### [4410-01]

DEPARTMENT OF JUSTICE

Bureau of Prisons

ADVISORY CORRECTIONS COUNCIL

Meeting

Notice is hereby given that the Advisory Corrections Council in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Thursday and Friday, January 19-20, 1978, in San Francisco, Calif. The Council will tour the California State Prison at San Quentin and the Federal Correctional Institution at Pleasanton, Calif. on January 19. On January 20, the Council will meet at 9 a.m. in the Chambers of Senior Judge Albert C. Wollenberg, U.S. District Court of Northern California, 19th Floor, 450 Golden Gate Avenue, San Francisco.

This meeting has two major purposes: (1) to discuss the role of the Federal Government in corrections; and (2) to discuss uniform standards for prisons and jails throughout the country.

Signed at Washington, D.C., this 30th day of December, 1977.

NORMAN A. CARLSON,  
Director, Bureau of Prisons.

[FR Doc. 78-125 Filed 1-4-78; 8:45 am]



[1410-03]

**NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS****MEETING**

The National Commission on New Technological Uses of Copyrighted Works (CONTU) will hold its nineteenth meeting on Thursday, January 12, and Friday, January 13, 1978, in Los Angeles, Calif. The Commission will meet in the Law School Building, University of California at Los Angeles, which is located at Hilgard Avenue and Dixon Court. Thursday's session will begin at 10 a.m. and Friday's at 9:30 a.m. The meeting will be open to the public.

All members of the public are invited to submit written comments relating to any matters under the Commission's consideration. Such comments should be addressed to Dolores K. Dougherty, Administrative Officer, National Commission on New Technological Uses of Copyrighted Works, Washington, D.C. 20558.

ARTHUR J. LEVINE,  
*Executive Director, National Commission on New Technological Uses of Copyrighted Works.*

[FR Doc. 78-123 Filed 1-4-78; 8:45 am]

[7536-01]

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES****ARTISTS-IN-SCHOOLS ADVISORY PANEL****Meeting**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Artists-in-Schools Advisory Panel to the National Council on the Arts will be held January 18-20, 1978, in the Columbia Plaza Office Building, Room 1422, 2401 E Street, Northwest, Washington, D.C. On January 18, 1978, the meeting will convene at 10 a.m. and will adjourn at 5:30 p.m. On January 19, the meeting will begin at 9:30 a.m. and adjourn at 5:30 p.m.; on January 20, the meeting begins at 9:30 a.m. and adjourns at 1 p.m.

A portion of this meeting will be open to the public on January 18, from 10 a.m.-5:30 p.m.; on January 19, from 1 p.m.-5:30 p.m.; and on January 20, from 9:30 a.m.-1 p.m. The agenda for these discussions will be on policy and guidelines.

The remaining sessions of this meeting on January 19, 1978, from 9:30 a.m.-1 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications

for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,  
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

DECEMBER 22, 1977.

[FR Doc. 78-124 Filed 1-4-78; 8:45 am]

[7555-01]

**NATIONAL SCIENCE FOUNDATION****DIRECTORATE FOR SCIENTIFIC, TECHNOLOGICAL, AND INTERNATIONAL AFFAIRS****Science Resources Analyses Program**

**ACTION:** Program of science resources; manpower, funding, and output analyses.

**SUMMARY:** The National Science Foundation has combined its analyses awards, scientific and technological manpower forecasting activities, and science indicators effort into the new program of science resources analyses. The awards will be for in-depth analysis and integration of data of the Division of Science Resources Studies on scientific and technical personnel activities, and for related studies; for scientific and technological manpower forecasting efforts; and for development of new measures of outputs of scientific and technological activity, especially of indicators of technological innovation. The average award is expected to be in the \$25,000-\$50,000 range.

The deadline for fiscal year 1978 proposals is March 15, 1978. Doctoral candidates may be principal investigators in proposals received from universities and colleges. For further information contact the following personnel in the Division of Science Resources Studies:

National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.  
Funding: Mr. Norman Friedman, telephone 202-634-4625.  
Manpower: Mr. Joseph Gannon, telephone 202-634-4656.  
Science indicators: Dr. Donald Buzzelli, telephone 202-634-4682.

Address proposals to:

Central Processing Section, National Science Foundation, Washington, D.C. 20550.

M. REBECCA WINKLER,  
*Acting Committee, Management Officer.*

DECEMBER 27, 1977.

[FR Doc. 78-94 Filed 1-4-78; 8:45 am]

[7590-01]

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-286]

**POWER AUTHORITY OF THE STATE OF NEW YORK****Notice of Proposed Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to facility operating license No. DPR-64 issued to the Power Authority of the State of New York (PASNY) and Consolidated Edison Co. of New York, Inc. (Con Edison), for operation of the Indian Point nuclear generating unit No. 3 (the facility) located in Westchester County, N.Y.

In accordance with PASNY's application for a license amendment dated September 1, 1977, the amendment would modify the technical specifications by providing additional conditions for the storage of the spent fuel. The amendment would also permit modification of the spent fuel element storage pool in order to provide for additional storage capacity. PASNY's September 1 proposal replaces in its entirety PASNY's and Con Edison's proposal dated June 28, 1976, on which the Commission issued a "Notice of Proposed Issuance of Amendment to Facility Operating License" on August 25, 1976 (41 FR 37172, September 2, 1976).

Under the present terms of the license, Con Edison is the facility's operator. There is, however, pending before the Commission an application, dated March 16, 1977, to transfer sole responsibility for the operation of the facility to PASNY. As part of that application, PASNY will have to demonstrate to the satisfaction of the Commission that it is technically qualified to operate the facility. Among other things, PASNY will be required to establish onsite and offsite nuclear safety review committees. The Commission will not act upon the application regarding the spent fuel pool unless and until: (1) The Commission has approved transfer of operating responsibility for the facility to PASNY, and (2) PASNY has, thereafter, submitted documentation of the approval of the amendment application by its

onsite and offsite nuclear safety review committees. Any preliminary consideration by the Commission of the proposed spent fuel pool storage amendment will be entirely without prejudice to the Commission's consideration of the transfer amendment.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The license amendment will not be approved until the Commission has reviewed the safety aspects and has concluded that approval of the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

By February 6, 1978, PASNY may file a request for a hearing and any person whose interest may be affected by the amendment may file a request for a hearing in the form of a petition for leave to intervene with respect to issuance of the amendment to the facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Lex K. Larson, Esq., 1757 N Street NW., Washington, D.C. 20036, attorney for PASNY.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed

or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see PASNY's application for amendment dated September 1, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. 10601.

Dated at Bethesda, Md., this 27th day of December 1977.

For the Nuclear Regulatory Commission:

ROBERT W. REID,  
*Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.*

[FR Doc. 78-13 Filed 1-4-78; 8:45 am]

[4910-58]

**NATIONAL TRANSPORTATION SAFETY BOARD**

(N-AR 78-1)

**ACCIDENT REPORT; SAFETY RECOMMENDATION RESPONSES****Availability and Receipt**

*Aircraft Accident Report: Knob Hill, Inc., Cessna-421, Nogales, Ariz., January 22, 1977 (Report No. NTSB-AAR-77-11).*—The National Transportation Safety Board announces that printed copies of its investigation report on this accident are now available. Single copies may be obtained by writing to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Multiple copies may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

This report and related safety recommendation No. A-77-69 resulted from Board investigation of the crash of the Cessna in mountainous terrain following issuance of an improper departure clearance, climb restriction, and altitude clearance. The recommendation asked the Federal Aviation Administration to revise the Airman's Information Manual and other official guidance materials to clarify pilots' and controllers' responsibilities in implementing an instrument flight rules departure from an airport which has published departure procedures. (See 42 FR 59437, November 17, 1977, for summary.)

*Response from the California Department of Transportation (Caltrans)*

to Recommendation H-77-16.—Letter of November 28 relates to the May 21, 1976, accident involving a charter bus which vaulted over the Marina Vista off-ramp of Interstate 680 near Martinez, Calif. The recommendation asked Caltrans to erect at the approach to the Marina Vista off-ramp an exit sign that incorporates a diagram of the curvature of the ramp to illustrate its severity and relocate or supplement the advisory exit speed sign to improve its warning to approaching drivers. (See 42 FR 55957, October 20, 1977.)

Caltrans states that as a result of its review of the design and traffic engineering features and the operational history of the Marina Vista off-ramp, the erection or relocation of a warning sign as recommended is not appropriate. Caltrans notes that all California highway projects are designed in accord with California design guidelines, which are based on operational experience and which have been acceptable to the Federal Highway Administration.

Caltrans notes that its standard design practice is to construct loop ramps with radii of 150-200 feet. Each facility is designed on an individual basis, compatible with the main line facility, traffic conditions, terrain, and other physical controls. This general guideline is applied to all Federal interstate highways in California, based on the consideration that the very slight increase in "comfortable" speed permitted by a larger radius does not offset the substantial increase in travel time and distance, right-of-way requirements, and construction costs. Caltrans notes for example that the southbound Marina Vista off-ramp has a 175-foot radius with a comfortable speed of  $\pm 28$  mph. An increased radius to 230 feet would result in only a  $\pm 4$ -miles-per-hour increase in comfortable speed. The slightly lower comfortable speed on the 175-foot radius ramp is offset by appropriate advisory speed signing.

Appropriate advisory speed signs are posted on all loop ramps, according to Caltrans, and such facilities are kept under surveillance for the development of any operational difficulties. Where there is a demonstrated need for supplemental signing, a special advisory sign of the type described in safety recommendation H-77-16 may be installed. However, Caltrans states, the policy is to limit the use of special signs to those facilities only where the operational history does in fact demonstrate a need. Caltrans states, "It has been California's experience that overuse of signs results in a loss of credibility among motorists. We have reviewed our signing policy and its actual field application with representatives of the FHWA, who have concurred with and confirmed its applicability and effectiveness."



## SAFETY BOARD COMMENTS ON OTHER AGENCIES' PROPOSED RULES

Comments on notices of proposed rulemaking which relate to earlier safety recommendations have within recent weeks been provided by the Board, in three instances to the Federal Aviation Administration and in one instance to the Bureau of Motor Carrier Safety, U.S. Department of Transportation.

On November 30, the Safety Board wrote to FAA concerning its Operation Review Program Notice No. 6, Docket No. 17154, Notice No. 77-20, published September 1 at 42 FR 44204. The Board supports proposed amendments 6-1 through 6-4, dealing with metal-to-metal type safety belt buckles, because they comply with the intent of Board recommendations A-70-47 and A-72-66.

The Board, however, notes with disappointment that two of its proposals (159, 160) were removed from consideration after the Operations Review Conference which was held in Arlington, Va., on December 1 through 5, 1975. Proposal 159 would have amended 14 CFR Part 91 to require shoulder harnesses to be installed and used in all small airplanes. The Board agrees that recent amendments to Parts 23 and 91 partially comply with the intent of Proposal 159 and its supporting Safety Recommendation A-70-42 by requiring shoulder harnesses on small aircraft manufactured after July 18, 1979. However, the Board believes that pilots and passengers on all existing small aircraft should be afforded the safety benefits of shoulder harnesses.

Proposal 160 would have amended Part 91 to require the use of a white flashing strobe light of high intensity, when required by the aircraft's airworthiness certificate, in place of incandescent lights. The Board believes that FAA misunderstood the intent of its proposal. The Board is concerned with the incidence of midair or near-midair collisions and believes that a high-intensity flashing white light would be the most conspicuous means currently available to alert pilots of the presence of other aircraft. The Board believes that FAA should specify performance standards for aircraft lights to insure their visibility.

Concerning FAA's proposal No. 77-17 to amend Part 135, Regulatory Review Program, published August 29 at 42 FR 43490, Safety Board comments dated December 1 refer to a 1972 safety recommendation, No. A-72-171. This recommendation asked the FAA to expedite redrafting of FAR 135 in its entirety, recognizing that the commuter air carrier operators are separate entities from the smaller air taxi charter operators.

The Safety Board continues to believe that Part 135 should distinguish

between commuter air carrier operators and small air taxi charter operators. Further, the wide range of aircraft performing under this proposed Part 135—light, single reciprocating engine aircraft, helicopters, and high performance turbojet aircraft operating in low- or high-density areas—cannot receive the same safety benefits under the same rules and regulations, the Safety Board stated.

However, the Safety Board finds the proposed new 14 CFR 135 an improvement over the current rule and therefore supports the intent of the proposed amendments and new rules, with the following exceptions:

**Proposed § 135.77(b)(2).**—This subparagraph should be revised to require that one pilot wear an oxygen mask and use oxygen whenever the aircraft is operating at or above 35,000 feet m.s.l. The Board is concerned because decompression can be as rapid as 2 seconds in small-cabin-volume aircraft when operating at high altitudes.

**Proposed § 135.105(c).**—The Board believes that the oral briefing should be supplemented by printed cards for the use of each passenger. Therefore, the Board suggests that the word "may" in paragraph (c) be changed to "shall."

**Proposed § 135.125(d).**—The Board strongly opposes the limitations proposed in the rule regarding installation of cockpit voice recorders, flight data recorders, and ground proximity warning systems. The proposed rule would require such equipment only in turbojet powered aircraft. The Board fails to understand why the type of propulsion—turbojet, turboprop, or reciprocating—should be a factor in such requirements and urges that the rule be expanded to include all aircraft capable of carrying 10 or more passengers.

**Proposed § 135.145.**—The Board concurs with this new rule but believes that descriptive language should be consistent within the rules when referring to the same type of equipment. In this rule, the equipment is described as "airborne thunderstorm detection equipment" while in § 131.357, the equipment is referred to as "airborne weather radar equipment." The Board believes that "airborne weather radar" is the more appropriate term because the equipment can detect more than thunderstorms.

**Proposed §§ 135.151(a)(2), 135.153, and 135.155.**—The Board believes that these rules belong under Subpart I, Airplane Performance, to consolidate performance requirements.

**Proposed § 135.157.**—The Board believes that this section should be made applicable to all operations without regard to the number of engines on the aircraft to provide the same safety benefits to all passengers of air taxi and commuter operations.

**Proposed §§ 135.91, 135.151(b)(2) (i), (ii), (iii), and 135.169.**—The Board is aware that comments are requested only on those areas where changes are proposed. However, the Board takes the following position about the three referenced, unchanged rules which permit certain flight operations under VFR, VFR over-the-top, or limited IFR conditions: During the field investigation phase of the "Air Taxi Study," air taxi operators were asked to explain how their pilots used the provisions of sections of the current 135.75, 135.145 and 135.99. Most operators replied that they did not understand

how to realistically abide by the provisions of these sections; therefore, they instructed their pilots not to use them. At the ensuing Air Taxi Public Hearing an FAA representative, testifying as an operations specialist, could not describe how these provisions could be safely applied under all conditions. It is the Board's opinion that §§ 135.75, 135.145, and 135.99 should be removed from the proposed rules or rewritten so their intent cannot be misunderstood and misapplied. The Safety Board in its recommendation A-72-180 recommended that these parts be revised.

**Proposed § 135.29.**—The Board has previously expressed concern that air taxi commuter airlines, which perform substitute service (replacement service) for Part 121 certificate holders, are identified by the public with the scheduled air carrier. At public hearings and in correspondence to the Civil Aeronautics Board (CAB) and FAA, the Safety Board has stated that public identification of both the small and large air carrier should be separate and distinct. New § 135.29 applies to "use of business names" and states that "No certificate holder may operate an aircraft in operations subject to this part under a business name that is not on his ATCO certificate." 14 CFR 298.6 "Limitation on use of business name" states " \* \* \* that the Board (CAB) may require an air taxi operation to change such name or names where they appear contrary to the public interest." (Emphasis added.) To be responsive to the Board's position, the language of 14 CFR 298.6 should be incorporated in proposed § 135.29 and the content of the rule expanded to deny Part 135 operators the use of business names or trademarks which are the same as or similar to those names or trademarks used by other air carriers.

Also to the Federal Aviation Administration, the Safety Board on November 18 commented on notice of proposed rulemaking, Docket Nos. 78-SW-41 and 78-SW-52, published at 42 FR 56339 on October 25. The Board supports the proposed Airworthiness Directives which would require replacement of certain tension-torsion straps every 600 hours on all Bell Model 206 series helicopters. The Board understands that this action is in response to its recommendations A-77-54 and A-77-55, issued last July 26. (See 42 FR 39514, August 4, 1977.)

The Board points out that it does not believe that the actual cause of strap failures has been determined. Metallurgical examination by the Board's laboratory and an independent laboratory has revealed no evidence of corrosion as a factor in the strap failures. Additional metallurgical tests are being conducted and the results of those tests will be included in the Board's final reports.

In its December letter to the Bureau of Motor Carrier Safety commenting on Docket No. 77, Notice 77-6 (and NHTSA Docket No. 1-11, Notice 07) published at 42 FR 43414 last August 29, the Safety Board reemphasizes its longtime concern about the rear end underride protection problem. The Safety Board first made a recommen-

dation to the National Highway Traffic Safety Administration in 1971, recommendation H-71-77. The Board believes that the need is even greater today because of the increased number of smaller passenger automobiles on the Nation's highways.

The Board believes that the maximum allowable clearance for the rear underride protection on a truck should be based on the height of a small passenger automobile tire. An underride guard that is not more than about 18 inches above the ground would be struck by a small automobile tire and would provide additional energy absorption capability. This height also should insure that the automobile's engine block will strike the underride guard. The longitudinal strength should be based on human survivability tolerances for an established set of conditions including the impacting vehicle's size, design, and speed, the Board said.

**NOTE.**—The above items are summaries. Copies of the full text of all referenced correspondence may be obtained at a cost of \$4 for service and 10¢ per page for reproduction by writing to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please provide the date of publication of this notice in the FEDERAL REGISTER.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,  
Federal Register Liaison Officer.

DECEMBER 30, 1977.

[FR Doc. 78-108 Filed 1-4-78; 8:45 am]

[3110-01]

## OFFICE OF MANAGEMENT AND BUDGET

## CLEARANCE OF REPORTS

## List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 20, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

## NEW FORMS

## DEPARTMENT OF ENERGY

Doctorates in Energy—1977, single, time, Ph. D.'s in energy work, Strasser, A. C. Louis Kincannon, 395-6132.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Services, Survey of Laboratory Animal Facilities and Resources, single time, laboratory animal facilities, Richard Eisinger, Office of Federal Statistical Policy and Standard, 395-3214.

Food and Drug Administration, Products License Application for the Manufacture of Blood Grouping Serum, FDA-3066, on occasion, manufacturers of blood grouping serum, Richard Eisinger, 395-3214.

Center for Disease Control, Characterization of Bysynosis in Segments of the Cotton Industry, single time, secondary cotton industry, Richard Eisinger, Ellett, C. A., 395-3214.

Public Health Service, National Inventory of Family Planning Service, Sites 1978 Survey, single time, providers of family planning services, Richard Eisinger, 395-3214, Office of Federal Statistical Policy and Standard.

## REVISIONS

## DEPARTMENT OF COMMERCE

Bureau of Census: Survey of Local Government Finances Major Special Agencies, F-29, annually, multipurpose special districts, Ellett, C. A., 395-6132. 1978 Survey of Municipal or Township Finances, F-21, annually, city and town government officials, Ellett, C. A., 395-6132, Office of Federal Statistical Policy and Standard.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Survey of Neurological Disease, single time, households in Copiah, County, Miss., Richard Eisinger, 395-3214, Office of Federal Statistical Policy and Standard.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, Request for Release of Funds and Certification, HUD 7015.15, on occasion, block grant grantees, Budget Review Division, 395-4775.

## EXTENSIONS

## DEPARTMENT OF COMMERCE

Bureau of Census, Survey of Local Government Finances (Special Agencies), F-32, annually, single purpose special districts, Ellett, C. A., 395-6132, Office of Federal Statistical Policy and Standard.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Safety and Security Survey, other (See SF-83), 3 preselected public housing sites, Laverne

V. Collins, 395-3214, Office of Federal Statistical Policy and Standard. Community Planning and Development Satisfaction of Conditional Approval, HUD 7015.14, on occasion, community development block grantees, Budget Review Division, 395-4775.

PHILLIP D. LARSEN,

Budget and Management Officer.  
[FR Doc. 78-228 Filed 1-4-78; 8:45 am]

[3110-01]

## CLEARANCE OF REPORTS

## List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 27, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

## NEW FORMS

## U.S. INTERNATIONAL TRADE COMMISSION

Western U.S. Steel Market Study, single time, steel producers, importers, distributors, C. Louis Kincannon, 395-3211.

## DEPARTMENT OF ENERGY

Monthly Report of Natural Gas Pipeline Curtailments, monthly, natural gas pipeline companies, C. Louis Kincannon, 395-3211.

Monthly Report of Cost and Quality of Fuels for Electric Plants, monthly electric utility companies, C. Louis Kincannon, 395-3211.

Report of Gas Supply, Requirements and Curtailments, semiannually, natural gas pipeline companies, C. Louis Kincannon, 395-3211.

Reporting of New Nonjurisdictional Sales of Natural Gas by Natural Gas Companies Subject to Jurisdiction of the FPC, monthly, natural gas companies, C. Louis Kincannon, 395-3211.

Licensed Projects Recreation Report, Other (See SF-83), electric utilities, C. Louis Kincannon, 395-3211.

Report of Events Affecting Bulk Power Supply, on occasion, electric energy generation or transmission entities, C. Louis Kincannon, 395-3211.



## U.S. INTERNATIONAL TRADE COMMISSION

Sugar: Corn Sweetener Producers' Questionnaire, single time, U.S. corn sweetener producers, C. Louis Kincannon, 395-3211.

## GENERAL SERVICES ADMINISTRATION

Solicitation, Offer, and Award, GSA-1424 A, B, on occasion, tool suppliers, Caywood, D. P., 395-3443, Office of Federal Statistical Policy and Standard.

## DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Title VI—Civil Rights Act of 1964, FNS-64, on occasion, State agencies, Laverne V. Collins, 395-3214.  
Statistical Reporting Service, 1978 Crop Acreage Set-Aside Participation Survey, single time, sample of farms, Lowry, R. L., 395-3772, Office of Federal Statistical Policy and Standard.

## DEPARTMENT OF COMMERCE

Bureau of Census, Letters to Non-Government Sources of "Farm" Operations Not Likely to Be Included as Farms in Administrative Records of Farm Operation Addresses, single time, originals holding lists of typical farm operations, Lowry, R. L., 395-3772, Office of Federal Statistical Policy and Standard.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Income Survey Development Program—1978, Research Panel, OS-19-77, quarterly, household members in national probability sample, Strasser, A., 395-6132, Office of Federal Statistical Policy and Standard.

Alcohol, Drug Abuse and Mental Health Administration, Evaluation of the National Drug Abuse Prevention Campaign, single time, Persons 12 years of age and older in 10 market areas, Human Resources Division, C. Louis Kincannon, 395-3532.

Health Resources Administration, Evaluation of the Expanded Function Dental Auxiliary Training Program, single time, dental auxiliary schools, Human Resources Division, Richard Elsinger, 395-3532.

Office of Human Development, Development of Intercountry Adoption Guidelines, single time, private sector agencies and individuals, Laverne V. Collins, 395-3214.

## DEPARTMENT OF LABOR

Employment and Training Administration: Men in WIN, MT-283, single time, food stamp registrants, Lowry, R. L., 395-3772.

Disaster Unemployment Assistance Handbook, ETA-8-1 to 4, on occasion, applicants for DUA, Lowry, R. L., Strasser, A., 395-3772.

## REVISIONS

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

TV Film Usage Inquiry, NHQ 468, quarterly, TV program managers or news directors, Marsha Traynham, 395-3773.

## DEPARTMENT OF COMMERCE

Bureau of Census: Construction Project Report, C-700, monthly, owners of privately owned nonresidential construction projects,

Lowry, R. L., 395-3772, Office of Federal Statistical Policy and Standard.  
Construction Project Report—State and Local Governments, C-700SL, monthly, State and local government officials, Lowry, R. L., 395-3772, Office of Federal Statistical Policy and Standard.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration, Study of Housing for Migratory Agricultural Workers, single time, persons or agencies who provide migrant housing, Caywood, D. P., 395-3443, Office of Federal Statistical Policy and Standard.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Assistant Secretary), Title I Claim for Loss (Property Improvement), FH-7, on occasion, banks, savings, loans, credit unions, Housing, Veterans and Labor Division, 395-3532.

## DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, Vehicle Information Request (Audits), HS 161, on occasion, vehicle owners, lease/rental agencies, new car dealers, Strasser, A., 395-6132.

## EXTENSIONS

## VETERANS ADMINISTRATION

Notice of Authorization of Subsistence Allowance, 22-1923, on occasion, veterans, Caywood, D. P., 395-3443.

## FEDERAL RESERVE SYSTEM

Report of Negotiable Orders of Withdrawal (NOW) Accounts, FR 2015, monthly all depository institutions in New England, C. Louis Kincannon, 395-3211, Office of Federal Statistical Policy and Standard.

## DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service, Record of Animals on Hand (Other Than Dogs and Cats), VS 18-19, Other (See SF-83), USDA licensed and registered animal dealers and exhibitors, Lowry, R. L., 395-3772.

Food Safety and Quality Service, Regulations—Inspection, Certification, and Standards for Fresh Fruit, Vegetable and Other Products, on occasion, business firms, Lowry, R. L., 395-3772.

Animal and Plant Health Inspection Service, Application for Import or In-Transit Permit—Animal Semen, Poultry, and Hatching Eggs, VS17-129, on occasion, zoos and small firms, Lowry, R. L., 395-3772.

Forest Service, Collection and Analysis of Timber Purchasers' Cost and Sales Data, annually, Sample of national forest timber purchasers, Lowry, R. L., 395-3772.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Loan Transfer Statement, DO-1074, on occasion, participant lenders, Laverne V. Collins, 395-3214.

Social Security Administration: Report of Student About To Attain Age 22, SSA-1389, on occasion, student beneficiaries who will soon attain age 22, Human Resources Division, Caywood, D. P., 395-3532.

Partnership Questionnaire To Determine Whether an Actual Partnership Exists,

SSA-7104, annually, individuals alleging partnership in a business, Human Resources Division, Caywood, D. P., 395-3532.

Annual Report of Earnings and Estimate of Earnings (Beneficiaries Whose Annual Earnings Exceed Twelve Hundred), SSA-777, annually, beneficiaries who have had benefits suspended, Human Resources Division, Caywood, D. P., 395-3532.

## DEPARTMENT OF LABOR

Bureau of Labor Statistics, Survey for Government Printing Office—Employer Contributions for Insurance, BLS 3028, annually, printing firms, industry, associations, labor unions, Strasser, A., Office of Federal Statistical Policy and Standard, 395-6132.

Employment and Training Administration, Report of Activities Related to Expanded PSE Program, ETA 1 & 8, monthly, State and local agencies, Strasser, A., 395-6132.

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management: Crossing Federal Range Application and Permit, 4115-10, on occasion, livestock ranchers, Lowry, R. L., 395-3772.  
Recreation Visitor Survey, Outdoor Recreation Interview, 6160-2, other (see SF-83), recreation visitors, Lowry, R. L., Office of Federal Statistical Policy and Standard, 395-3772.

Bureau of Sport Fisheries and Wildlife: Report of Migratory Birds Taken, 3-430A, annually, federal individuals with permits, Lowry, R. L., Office of Federal Statistical Policy and Standard, 395-3772.  
Application for Fur Trapping Permit, 3-2001, annually, individual fur trappers, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,  
Budget and Management Officer.

[FR Doc. 78-229 Filed 1-4-78; 8:45 am]

## [7040-01]

## SUSQUEHANNA RIVER BASIN COMMISSION

## HYDROPOWER AT RAYSTOWN LAKE PROJECT

## Public Meeting

The Susquehanna River Basin Commission and U.S. Army Corps of Engineers, Baltimore District, will hold a joint public meeting to receive public comments on the results of the Corps study on the feasibility of including hydropower at the existing Raystown Lake project, Juniata County, Pa. The meeting will be held on January 25, 1978, beginning at 7:30 p.m. in Alumni Hall, Juniata College, Huntingdon, Pa.

Under Article 12.1 of the Susquehanna River Basin Compact, no Federal project will be deemed authorized unless it has first been included by the Commission, after public hearing, in its Comprehensive Plan. The Commission will separately review the Corps' study and testimony received at this meeting when evaluating the Corps final recommendations for inclusion in the Comprehensive Plan. By holding a joint meeting, the Commission hopes

to reduce the public's time and effort to express their opinions on the study results.

A notice containing details of the study results to date will be issued by the Baltimore District Corps of Engineers. Anyone interested in receiving a copy of the notice may send their request to the Corps' office at P.O. Box 1715, Baltimore and Charles Streets, Baltimore, Md. 21203.

All interested governmental agencies and citizens are urged to attend the meeting and present their views

ROBERT J. BIELO,  
Executive Director.

[FR Doc. 78-109 Filed 1-4-78; 8:45 am]

## [4910-14]

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

[CGD 77-245]

## PROPOSED BRIDGE ACROSS STATION CREEK, MILE 2.6, BEAUFORT COUNTY, S. C.

## Notice of Public Hearing

The Commandant has authorized a public hearing to be held by the Commander, Seventh Coast Guard District in the Beaufort National Guard Armory, 1500 Rodgers Street, Beaufort, S. C., on February 1, 1978, from 2 to 5 p.m. and from 7 p.m. until necessary to complete the hearing. The purpose of the hearing is to consider the permit application from Mr. O. Stanley Smith, Jr., d.b.a. St. Phillips Development Co., to construct a fixed bridge across Station Creek, mile 2.6, Beaufort County, S.C. The proposed bridge will cross Station Creek to provide access to St. Phillips Island. There are also seven bridges proposed on St. Phillips itself to facilitate the movement of traffic within the planned residential development proposed for the island.

A revised Draft Environmental Impact Statement (DEIS) on the project was filed with the Council on Environmental Quality on September 30, 1977, in compliance with the National Environmental Policy Act of 1969 (Pub. L. 91-190). Copies of the DEIS are available on request by writing the office of the Commander (oan), Seventh Coast Guard District, Federal Building, Room 1002, 51 S.W. First Avenue, Miami, Fla. 33130. Copies of the DEIS are available for inspection at the above address.

The determination of whether a Coast Guard bridge permit will be issued must rest primarily on the project's impact on navigation and the environment.

The hearing will be informal. A Coast Guard representative will preside at the hearing, make a brief opening statement, and announce the pro-

cedures to be followed at the hearing. Each person who wishes to make an oral statement should notify the Commander (oan), Seventh Coast Guard District by January 30, 1978. Such notification should include the approximate time required to make the presentations. Comments previously submitted are a matter of record and need not be resubmitted at the hearing. Speakers are encouraged to provide written copies of their oral statements to the hearing officer at the time of the hearing. Those wishing to make written comments only may submit those comments at the hearing, or to the Commander (oan), Seventh Coast Guard District. Comments must be received by March 3, 1978. Written comments will be available for public inspection in the office of the Commander (oan), Seventh Coast Guard District. A transcript of the hearing will also be available for inspection approximately 30 days after the hearing.

All comments, oral and written, will be considered before a final determination is made of the subject application by the Commandant, U.S. Coast Guard, Washington, D.C. 20590.

(Section 502, 60 Stat. 847, as amended; 33 U.S.C. 525, 49 U.S.C. 1655(g)(6)(C), 49 CFR 1.46(c)(10).)

Dated: December 30, 1977.

A. F. FUGARO,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc. 78-174 Filed 1-4-78; 8:45 am]

## [4910-59]

## National Highway Traffic Safety Administration

## AIR BRAKE SYSTEMS

## Requirements for Air-braked Buses

NOTE.—This document originally appeared in the FEDERAL REGISTER for Wednesday, January 4, 1978. It is reprinted in this issue to meet assigned day-of-the-week publication requirements.

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petitions for amendment of the standard.

SUMMARY: This notice denies a petition of the American Public Transit Association to exclude transit buses from the "no lockup" requirement of Standard No. 121, Air Brake Systems, and a joint petition of the American Bus Association, the Greyhound Corp., Trailways, Inc., and Motor Coach Industries to extend until January 1, 1979, the present suspension of bus service brake stopping distance requirement. The petitions arise because of transit and intercity bus operators' dissatisfaction with the adequacy of

testing conducted with the one anti-lock system used to meet the "no lockup" requirement on buses. The NHTSA concludes that the single reported case of erratic service brake performance does not justify further delay of the standard's benefits.

## FOR FURTHER INFORMATION CONTACT:

Mr. Duane Perrin, Office of Crash Avoidance, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2153.

SUPPLEMENTARY INFORMATION: Standard No. 121 (49 CFR 571.121) regulates the braking system performance of air-braked trucks, buses, and trailers. The standard has been in effect for trailers since January 1, 1975, and for trucks and buses since March 1, 1975. Following implementation of the requirements for buses, a pattern of erratic behavior developed in the performance of the antilock system used by manufacturers of transit and intercity buses to satisfy the "no lockup" requirements of the standard (S5.3.1). The NHTSA suspended the service brake stopping distance requirements (including the "no lockup" requirement) to provide a period in which modified antilock hardware and newly-introduced systems could be field-evaluated (41 FR 1598; January 9, 1976). Several vehicle manufacturers and user groups argued that the suspension should be for a longer period and the suspension was extended from January 1, 1977, to September 1, 1977 (41 FR 52055; November 26, 1976), and subsequently to January 1, 1978 (42 FR 30188; June 13, 1977), with an additional 3-month delay for school buses.

## PETITIONS AND REQUESTS FOR DELAY

The American Bus Association (ABA), the Greyhound Corp., Trailways, Inc., and Motor Coach Industries (MCI) petitioned in the case of intercity and transit buses for a continuation until January 1, 1979, of the suspension of the bus service brake stopping distance requirements (S5.3.1) of Standard No. 121, including the "no lockup" requirement that provides for lateral stability of the vehicle during stopping maneuvers. The petition is based on the experience of one bus involved in antilock testing which experienced several intermittent losses of brakes when stopped on an incline, on July 15 and July 23, 1977. No accident or injury occurred in either case, but the antilock system was removed at the request of the operator following these occurrences.

A second basis for the requested delay was testing of antilock-equipped and non-antilock-equipped buses in which shorter stopping distances were obtained without antilock action in some straight-line, low-speed stops.

The longer stopping distances were justified reimplementation of the "no lockup" per-

that the benefits of "no lockup" per-

program for the only system that will the stopping distances specified by the

[7035-01]



The longer stopping distances were further increased by inducing an electrical failure in the antilock system.

A separate request for similar delay by Trailways, Inc., (October 26, 1977, letter from D. Wayne Strout) apparently was based on the same straight-line, low-speed testing. Trailways also requested prohibition of the "recognition factor" incorporated in antilock logic which delays reversion of the system to "fail-safe" mode in certain cases for a short period after a malfunction is detected.

The American Public Transit Association (APTA) petition for permanent exclusion of transit buses from the "no lockup" requirement of the standard. The petition was based on numerous reports of malfunctioning truck antilock systems, claims that truck antilock system malfunctions have caused accidents and injuries, the low average operating speed of transit buses, and the assertion that "the incidence of skidding in the transit industry is extremely slight". In addition, APTA believes that the size of the antilock test fleet whose experience was used as the basis for the June 1977 decision to reimplement the service brake stopping distances on January 1, 1978, was inadequate. As an alternative to permanent exclusion, APTA petitioned for a 2-year delay while further testing is conducted.

Eagle International, Inc., a major manufacturer of intercity buses, requested a 150-day delay in reimplementation of the requirements in order to obtain parts not available as of November 15, 1977, to train personnel, and to conduct testing on the test track and in service. It has since been orally verified that the parts are available and that the relief is no longer needed.

Although all of the issues raised by the petitioners are in reference to antilock systems, it is noted that the standard does not require the use of antilock systems. Further most bus manufacturers have determined that the "no lockup" portion of the requirement can be met without the use of antilock systems.

#### DISPOSITION OF THE PETITIONS

The suspension of bus stopping distance requirements was granted in January 1976 because of documented erratic and potentially unsafe behavior of the only antilock system then available to intercity and transit bus manufacturers to comply with the "no lockup" performance requirement.

A second antilock supplier (AC Spark Plug Division of General Motors) began bus antilock testing in November 1975 and has since become the sole supplier in the market. The agency stated in November 1976 that the performance of the AC system as installed on intercity and transit buses

justified reimplementing of the "no lockup" requirement in September 1977. In its June 1977 reconsideration of this decision, the agency noted the malfunction-free performance of "second-generation" AC components but delayed reimplementing for three months to confirm the reliability of the new components.

General Motors installed the AC system on its own intercity and transit coaches, MCI and Prevost intercity coaches for a total of 34 buses. Initial heat build-up problems and water intrusion with first generation sensors were solved with a more resistant, sealed sensor design, and an upgrading of controller design was effected to obtain commonality with similar AC truck systems incorporating improved diagnostic features. One intercity bus experienced two instances of intermittent loss of brakes on both axles, allowing it to roll several feet after it had been stopped on an incline. The brake loss was apparently due to the antilock system because the loss of brakes could not be duplicated with the system disconnected. General Motors performed a series of tests with the vehicle but could not diagnose or duplicate the problem. Although no accident occurred, the antilock system was removed from the vehicle.

The 11 intercity buses in the AC test fleet had operated 1,493,000 miles as of the October 1977 status report. Counting both the single case of brake loss and the seven cases of fail-safe sensor malfunction, a failure rate of one failure per 187,000 vehicle miles is obtained. The failure rate is further improved when only the data from improved sensors and controllers is considered (206,000 miles per failure) and should be further improved when the encapsulated sensor design is generally introduced. The failure rate of the 22 transit buses in a total 842,000 miles is one failure per 94,000 miles, and the malfunctions have all been fail-safe. Six of the 9 failures involved the sensor, and the encapsulated design is expected to improve system performance dramatically.

Notwithstanding the case of the single bus demonstrating two instances of brake loss, the agency is satisfied that the AC system has shown itself reliable in the 2.3 million miles of vehicle testing on intercity and transit buses. When an engineer is presented with isolated behavior that cannot be replicated in any other vehicle or environment or even in the single bus in which it occurred, and has not experienced brake loss in any of the remainder of its test fleet, the responsible judgement is that the inexplicable single case must be evaluated as an isolated phenomenon. It is the NHTSA's judgement in this case

that the benefits of "no lockup" performance should be put in place and not delayed in view of the isolated nature of the one failure.

The associations representing both intercity and transit bus operators agree with the agency about the benefit of "no lockup" performance. The ABA, Greyhound, Trailways, and MCI all stated in their joint petition:

So that this record is clear, petitioners do not in any way object to the improved safety and safety objectives performance [sic] of Standard No. 121. In fact, petitioners share the Agency's view, as stated in its June 13, 1977, Order, of the desirability, from a safety point of view, of "no lockup" performance on transit buses.

The APTA stated in its petition that "the transit industry is not opposed to the concept of preventing skidding if the designs used to meet the performance requirement are fail-safe, require only reasonable maintenance, present no risk to bus passengers, and are adequately tested." In the December 15, 1977, public meeting on antilock systems, Mr. Jack Schnell of APTA reiterated the position that the concept of antilock is good. However, APTA asserted in its petition that the low operating speed of transit buses and their low likelihood of skidding make this category of vehicle inappropriate for "no lockup" performance. The agency has treated the issue of transit bus duty cycles previously (41 FR 52056; November 26, 1976) and concluded that available data on bus accidents (Bureau of Motor Carrier Safety data on intercity bus operation for the most part) support the conclusion that bus skidding occurs from relatively low pre-accident speeds and commonly in business and residential areas typical of transit-bus operation. The average speed of transit bus operations are not determinative, in that they represent time stopped and stopping as well as time underway. APTA provided no data in its petition to support the contention that transit buses do not share the lateral instability problems of straight trucks and combinations.

The contentions of the APTA about antilock systems reliability are based on information from antilock systems other than the AC system that will be used on the few transit and intercity buses that need antilock systems. The Chicago Transit Authority (CTA) objection about radio frequency interference is repeated, despite the agency's finding in its June 1977 notice that the RFI complaints apparently refer to the Rockwell International antilock system which is no longer available for installation in new bus production. The APTA reference to 1975 testing refers to the Rockwell system also.

The APTA listed reports of experience with antilock systems installed in trucks but did not discuss the AC test

program for the only system that will be installed on few buses that will use antilock systems. APTA makes the conclusory statement that the AC test fleet was too small, without explaining why it disputes the validity of the conclusions derived from the AC test data. The agency's analysis of the few malfunctions experienced in the AC test fleet is that performance of production-installed systems in highway service should substantially exceed test experience to date because of the use of the improved encapsulated sensor design. Even without this anticipated improvement, maintenance is expected to fall within completely reasonable bounds. As of the October 1977 report from GM on its AC system, the 22 transit buses in its test fleet had accumulated a total of 842,000 miles with only 8 antilock equipment failures and one instance of an antilock sensor that was damaged due to improper maintenance. Of this total, 99,000 miles have been accumulated using the encapsulated sensor design (available since June 1977), and no failures on these buses have occurred.

In its separate request for continuation of the suspension of "no lockup" performance requirements, Trailways pointed out that stopping distances of antilock-equipped buses can under some circumstances be longer than stopping distances of non-antilock equipped vehicles, because of the series of momentary brake releases that is integral to antilock operation. Braking on split traction coefficient surfaces is an example of a situation where this could occur. Somewhat greater increases can be induced by certain intermittent electrical failures because of the time necessary for the antilock logic to detect the failure (called the "recognition factor") and reapply the brakes. Because of these characteristics of antilock controlled braking, the ABA, Greyhound, Trailways, and MCI ask for a continuation of the suspension. Trailways also suggested a prohibition on the "recognition factor" in the case of differential wheel speed analysis.

The agency is aware of the possible trade-off between stopping distance and lateral stability in the design of brake systems. Although vehicle tests show that antilock-equipped vehicles will generally stop in somewhat shorter distances than equivalent vehicles without antilock, there are certain conditions where some stopping capability of the loaded vehicle must be sacrificed to preserve lateral stability of the unloaded vehicle. The installation of antilock systems provides a compromise between these competing needs. It is noteworthy that, in all cases, the tested bus stopped within

the stopping distances specified by the standard.

A comparable balancing of benefits was involved in the NHTSA's agreement that "recognition factors" are an important, necessary aspect of antilock system design. As stated in a December 1974 letter of interpretation to Eaton Corp.:

The NHTSA believes that this period of initial recognition is desirable to detect and eliminate incorrect indications of malfunction without interfering with the antilock function . . . The NHTSA interprets S5.5.1 to permit an increase in actuation time while antilock logic circuitry first recognizes a failure occurring during brake actuation, and deactivates that antilock system.

It is clear from this interpretation that Trailways is mistaken in thinking that the AC system fails to comply with the standard and that therefore no complying antilock system exists with which to comply with the air brake standard. As evidenced by the above discussion, the agency has previously considered the issues raised by Trailways in detail, and judges that the probability of somewhat increased stopping distances under some circumstances is vastly outweighed by the improved lateral stability of the vehicle in stopping and turning maneuvers in service. For this reason, the agency declines to modify with the standard with regard to "recognition factor" as requested by Trailways.

The cost of reimplementing the stopping and "no lockup" requirements should be minor since most of the manufacturers do not need to install antilock systems to meet the requirements. Under an interpretation issued by this agency in response to an inquiry by AM General, a test driver can "modulate" the braking effort during compliance testing. Most buses do not need antilock to be successfully stopped without wheel lockup within the 293-foot stopping distance and the 12-foot wide lane.

For the foregoing reasons, the petitions of Trailways, Greyhound, MCI, the ABA, and APTA are denied.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50).

Dated: December 30, 1977.

JOAN CLAYBROOK,  
Administrator.

[FR Doc. 77-37421 Filed 12-30-77; 4:57 pm]

[7035-01]

#### INTERSTATE COMMERCE COMMISSION

[Docket No. AB-71 (Subj. No. 1)]

ANNE ARUNDEL COUNTY AND CITY OF ANNAPOLIS ABANDONMENT OVER BALTIMORE AND ANNAPOLIS RAILROAD CO. FROM GLEN BURNIE TO CITY OF ANNAPOLIS, MD.

#### Findings

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a (6)(a)) that by a report and order entered June 20, 1977, and the order of the Commission, Division 3, as modified, adopted the report and order of the Commission, Review Board Number 5, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Oregon Short Line R. Co.—Abandonment—Goshen, 354 I.C.C. 76 (1977) and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Anne Arundel County and the City of Annapolis of a portion of the line of the Baltimore and Annapolis Railroad, Co. beginning at Glen Burnie and extending in a southeasterly direction to the city of Annapolis, all in Anne Arundel County, Md., a distance of 15.4 miles. A certificate of abandonment will be issued to the Anne Arundel County and the City of Annapolis based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of



rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-144 Filed 1-4-78; 8:45 am]

#### [7035-01]

[Notice No. 555]

#### ASSIGNMENT OF HEARINGS

DECEMBER 30, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

#### CORRECTION

MC 113855 (Sub-No. 376), International Transport, Inc., now being assigned February 22, 1978 (1 day), at Omaha, Nebr., in a hearing room to be later designated, instead of January 27, 1978.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-136 Filed 1-4-78; 8:45 am]

#### [7035-01]

[Notice No. 556]

#### ASSIGNMENT OF HEARINGS

DECEMBER 30, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

#### CORRECTION

MC 143129, B.J.T. Transport, Inc., now being assigned March 14, 1978 (4 days), for hearing at Providence, R.I., in a hearing room to be later designated and continued to May 2, 1978, at the Office of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-137 Filed 1-4-78; 8:45 am]

#### [7035-01]

[Notice No. 557]

#### ASSIGNMENT OF HEARINGS

DECEMBER 30, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

#### CORRECTION

MC 113882 (Sub-No. 18), Nelsen Bros., Inc., now being assigned February 27, 1978 (1 day), at Omaha, Nebr., in a hearing room to be later designated, instead of January 27, 1978.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-138 Filed 1-4-78; 8:45 am]

#### [7035-01]

[Notice No. 558]

#### ASSIGNMENT OF HEARINGS

DECEMBER 30, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

#### CORRECTION

MC 70470 (Sub-No. 8), Film Transport Co., now being assigned January 23, 1978 (1 week), at Lincoln, Nebr., and will be held in Bankruptcy Court Room 543, Federal Building and Courthouse, 100 Centennial Mall North.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-139 Filed 1-4-78; 8:45 am]

#### [7035-01]

[Notice No. 559]

#### ASSIGNMENT OF HEARINGS

DECEMBER 30, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F-13275, Consolidated Freightways Corp. of Delaware—Purchase—G. E. Wolfe Transportation Lines, Inc. and MC 42487 (Sub-No. 887), Consolidated Freightways Corp. of Delaware, now assigned January 9, 1978, at Buffalo, N.Y., is cancelled and transferred to Modified Procedure.

MC 143379 (Sub-No. 2), Cox Transport Corp. and MC 139882 (Sub-No. 4), Glen M. Barney, d.b.a. Barney & Sons, now being assigned March 9, 1978 (2 days), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 117565 (Sub-No. 97), Motor Service Co., Inc., now assigned January 9, 1978, at Columbus, Ohio, is postponed indefinitely.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-140 Filed 1-4-78; 8:45 am]

#### [7035-01]

[Docket No. AB-18 (Sub-No. 24)]

CHESAPEAKE & OHIO RAILWAY CO., ABANDONMENT WITHIN CITY LIMITS OF CINCINNATI, HAMILTON COUNTY, OHIO

#### Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on November 22, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the

\*This notice corrects the title from Film Transit Co. to Film Transport Co.

protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), the present and future public convenience and necessity permit the abandonment by the Chesapeake & Ohio Railway Co. of that portion of its line of railroad known as the Cheviot Subdivision which extends from valuation station 10+37 to valuation station 98+86.5, a distance of 1.57 miles, within the city limits of Cincinnati, in Hamilton County, Ohio. A certificate of abandonment will be issued to the Chesapeake & Ohio Railway Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or (b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-145 Filed 1-4-78; 8:45 am]

#### [7035-01]

#### FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 30, 1977.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43484, Chicago & North Western Transportation Co.'s, No. 110, on multiple carload rates on corn and soybeans from origins in Illinois to Chicago, Ill., in its tariff 17194-C, ICC 214, to become effective February 2, 1978. Grounds for relief—market competition.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-142 Filed 1-4-78; 8:45 am]

#### [7035-01]

[Docket No. AB-2 (Sub-No. 11)]

LOUISVILLE & NASHVILLE RAILROAD CO., ABANDONMENT BETWEEN ROWLAND AND LANCASTER, IN LINCOLN AND GARRARD COUNTIES, KY.

#### Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on July 15, 1977, a finding, which is administratively final, was made by the Commission, Review Board No. 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 ICC 700, the present and future public convenience and necessity permit the abandonment by the Louisville & Nashville Railroad Co. of its branch line extending from milepost RB 104.82, near Rowland, Ky., in a north northeasterly direction to the end of the track at milepost RB 113.15, near Lancaster, Ky., approximately 8.33 miles, in Lincoln and Garrard Counties, Ky. A certificate of abandonment will be issued to the Louisville & Nashville Railroad Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad

and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or (b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-146 Filed 1-4-78; 8:45 am]

#### [7035-01]

[Notice No. 277]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 5, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77450. By application filed December 29, 1977, CHIPPEWA TRANSPORT CO., 1616 Terminal Drive, Saginaw, Mich. 48601, seeks temporary authority to lease the operating rights of MACKINAW CO., 1500 Pine Street, Essexville, Mich. 48632, under section 210a(b). The transfer to Chippewa Transport Co., of the operating rights of Mackinaw Co., is presently pending.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-141 Filed 1-4-78; 8:45 am]

#### [7035-01]

mentation—National Environmental

Rules of Practice (49 CFR 1100.247)\*

that portion of the New York, N.Y.

the plantsite of the Wheeling Corru-

in No. MC 57591 (Sub-No. E-1); this



## [7035-01]

(Finance Docket No. 28641)

## MISSOURI PACIFIC RAILROAD CO.

## Trackage Rights Over the Atchison, Topeka &amp; Santa Fe Railway Co. Between Arkansas City and Winfield, Kans.

Missouri Pacific Railroad Co. (MoPac), 210 North 13th Street, St. Louis, Mo. 63103, represented by Robt. S. Davis, Commerce Counsel, Missouri Pacific Railroad Co., 2008 Missouri Pacific Building, 210 North 13th Street, St. Louis, Mo. 63103 hereby give notice that on the 27th day of December, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 5(2) of the Interstate Commerce Act for an order approving and authorizing the MoPac to acquire trackage rights for joint use with the Atchison, Topeka & Santa Fe Railway Co., of the Santa Fe tracks between Arkansas City, Kans., and Winfield, Kans., a distance of 14.51 miles, all of which is located in Cowley County, Kans., which application is assigned Finance Docket No. 28641.

MoPac serves both Arkansas City and Winfield, Kans., but its operation between these two points is around two sides of a triangle viz Dexter, Kans., which tracks are subject to almost annual flood damage. Santa Fe has tracks between Arkansas City and Winfield, which it has agreed to permit MoPac to use, and a trackage rights agreement has been signed.

If the trackage rights agreement is approved, MoPac will abandon its tracks between Arkansas City and Dexter and Dexter and Winfield (which application has been concurrently filed and docketed AB-3 (Sub-No. 15)) and operate over the Santa Fe tracks between Arkansas City and Winfield.

MoPac's tracks washed out in June, 1977, and MoPac is now operating over the Santa Fe tracks under Service Order No. 1269, which will expire on March 31, 1978.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 ICC 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Imple-

## NOTICES

mentation—National Environmental Policy Act, 1969, supra, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28641 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

H. G. HOMME, JR.,  
Acting Secretary.

(IFR Doc. 78-143 Filed 1-4-78; 8:45 am)

(Volume No. 51)

## PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

DECEMBER 30, 1977.

## [7035-01]

## PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket," "sub," and "suffix" (e.g., M1, M2) numbers identified by the FEDERAL REGISTER notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General

Rules of Practice (49 CFR 1100.247) and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 19227 (Sub-No. 173) M2 (correction) (notice of filing of petition to modify a certificate), filed August 29, 1977, published in the FEDERAL REGISTER issue of October 27, 1977, and republished, as corrected, this issue. Petitioner: LEONARD BROS. TRUCKING CO., INC., 2515 Northwest 20th Street, Miami, Fla. 33152. Petitioner's representative: Thomas A. Leonard (same address as applicant). Petitioner holds a motor common carrier certificate in No. MC 19227 (Sub-No. 173) issued June 27, 1975, authorizing transportation, over irregular routes, of Signs, sign parts, and accessories and equipment used in the installation of signs and sign parts, between the plantsites of Federal Sign and Signal Corp., at Los Angeles, Calif., Louisville, Ky., Knoxville, Tenn., and Arlington, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). By the instant petition, petitioner seeks to modify the above authority by substituting Cucamonga, Calif., in lieu of Los Angeles, Calif., as a plantsite location. The purpose of this republication is to designate the requested authority under "M2" in lieu of M1 as previously published for clarity.

No. MC 8973 (Sub-No. 42G) M1 (petition to modify a certificate), filed October 6, 1977. Petitioner: METROPOLITAN TRUCKING, INC., 2424, 95th Street, North Bergen, N.J. 07047. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Petitioner holds a certificate of public convenience and necessity, issued August 18, 1977, authorizing operations, as a common carrier, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) Aluminum sheet, (a) from the facilities of Alcan Aluminum Corp., at Oswego, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., with no transportation for compensation on return except as otherwise authorized; (b) from the facilities of Alcan Aluminum Corp., at Warren, Ohio, and Fairmont, W. Va., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., and points in New York in

<sup>1</sup>Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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## NOTICES

that portion of the New York, N.Y. commercial zone as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 202(b)(8) of the Interstate Commerce Act (the "exempt" zone), with no transportation for compensation on return except as otherwise authorized. (1) Such aluminum sheet as is building materials, equipment, and supplies, and as is hardware, (a) from the facilities of Alcan Aluminum Corp., at Oswego, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and Virginia, with no transportation for compensation on return except as otherwise authorized; (b) from the facilities of Alcan Aluminum Corp., at Warren, Ohio, and Fairmont, W. Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner requests modification of the aforesaid certificate, so as to delete from the second granting paragraph of the aforesaid certificate, the language such aluminum sheet as is building materials, equipment, and supplies, and as is hardware, and the substitution therefor of aluminum sheet.

No. MC 30844 (Sub-No. 360) (M1), (notice of filing of petition to broaden commodity description), filed November 29, 1977. Petitioner: KROBLIN REFRIGERATED EXPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Petitioner's representative: John P. Rhodes (same address as applicant). Petitioner holds a motor common carrier certificate in No. MC 30844 (Sub-No. 360), issued April 28, 1972, authorizing transportation, over irregular routes, of Glass rods and glass tubing, from the plantsite and storage facilities of Becton, Dickinson and Co., at Sumter, S.C., to Broken Bow, Columbus and Holdrege, Nebr. By the instant petition, petitioner seeks to broaden the commodity description by adding: Rubber laboratory stoppers and rubber syringe stoppers.

No. MC 65941 (Sub-No. 28) (M1) (notice of filing of petition to modify commodity description), filed November 21, 1977. Petitioner: TOWER LINES, INC. P.O. Box 6010, Wheeling, W. Va. 26003. Petitioner's representative: K. Edward Wolcott, Suite 1600 First Federal Bldg., Atlanta, Ga. 30303. Petitioner holds a motor common carrier certificate in No. MC 65941 (Sub-No. 28), issued March 17, 1970, authorizing transportation, over irregular routes, of: Roof deck, from

the plantsite of the Wheeling Corrugating Co., a division of the Wheeling-Pittsburgh Steel Co., at Beech Bottom, W. Va., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, Georgia, Florida, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, and the District of Columbia. By the instant petition, petitioner seeks to change the commodity description to read: Iron and steel articles.

No. MC 65941 (Sub-No. 32) (M1) (notice of filing of petition to broaden commodity description), filed November 23, 1977. Petitioner: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Petitioner's representative: K. Edward Wolcott, Suite 1600 First Federal Bldg., Atlanta, Ga. 30303. Petitioner holds a motor common carrier certificate in No. MC 65941 (Sub-No. 32), issued March 8, 1971, authorizing transportation, over irregular routes, of: Electrical conduit and fittings, from the plantsite of Wheeling-Pittsburgh Steel Corp. at Benwood, W. Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, Rhode Island, Virginia, Vermont, Wisconsin, points in that part of Georgia south and east of a line extending from the South Carolina-Georgia State line, at Augusta, Ga., along U.S. Highway 1 to Louisville, Ga., thence along Georgia Highway 24 to junction Georgia Highway 22 near Milledgeville, Ga., and thence along Georgia Highway 22 to the Georgia-Alabama State line, points in that part of Pennsylvania east of U.S. Highway 219, points in that part of Tennessee west of U.S. Highway 31W north of Nashville, Tenn. and west of U.S. Highway 31 south of Nashville, and points in the District of Columbia, restricted to transportation of traffic, originating at the above-named plantsite. By the instant petition, petitioner seeks to add pipe, so that the commodity description would read: Electrical conduit, pipe, and fittings therefore.

No. MC 57591 (Sub-Nos. 12, E-1 and 17G) M1 (notice of filing of petition to modify a restriction), filed October 3, 1977. Petitioner: EVANS DELIVERY CO., INC., P.O. Box 268, Pottsville, Pa. 17901. Petitioner's representative: Albert L. Evans, Jr. (same address as applicant). Petitioner holds motor common carrier certificates in MC 57591 (Sub-Nos. 12 and 17G) issued April 5, 1971 and March 23, 1977, respectively and has filed a letter notice

in No. MC 57591 (Sub-No. E-1); this notice was filed May 31, 1974 and published in the FEDERAL REGISTER issue of March 23, 1977. The certificate in No. MC 57591 (Sub-No. 12) authorizes transportation over irregular routes, of General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, commodities requiring mechanical refrigeration, and those injurious or contaminating to other lading) between Pottsville, Pa. on the one hand and, on the other, points in the Philadelphia, Pa. Commercial Zone as defined by the Commission. Restriction: The operations authorized herein originating at or are destined to points in Pennsylvania in the Philadelphia, Pa. Commercial Zone, are restricted to movement in interstate commerce via carriers other than applicant; in MC 57591 (Sub-No. E-1), General Commodities (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities requiring mechanical refrigeration), between Philadelphia, Pa. on the one hand and, on the other, points in Schuylkill, Columbia, Montour, and Northumberland Counties, Pa. and Dauphin County, Pa. (except points in Dauphin County on and south of a line beginning at the Dauphin-Schuylkill County line and extending along Pennsylvania Highway 325 to the Susquehanna River), and points in Luzerne County on, south, and east of a line beginning at the Columbia-Luzerne County line and extending along U.S. Highway 11 to the Nanticoke bypass entrance to Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 437, thence along Pennsylvania Highway 437 to junction Pennsylvania Highway 940 at White Haven, thence along Pennsylvania Highway 940 to junction unnumbered highway, thence along unnumbered highway to the Carbon-Luzerne County line at or near Eckley, Pa. Restriction: The operations authorized herein originating at or destined to points in Pennsylvania in the Philadelphia, Pa. Commercial Zone, are restricted to movement in interstate commerce via carriers other than applicant; in MC 57591 (Sub-No. 17G), General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities requiring mechanical refrigeration), between Philadelphia, Pa. on the one hand and, on the other, points in that part of Penn-

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Pennsylvania State Line, under a continuing authority, to operate over the Pottawattam County, Iowa, and points

Box 81849, Lincoln, Nebr. 68501. Petitioner's representative: K. Edward Wolcott, Suite 1600

cause of size or weight, when moving

Seattle, Wash., under a continuing

## NOTICES



sylvania within 50 miles of Pottsville (except points in Schuylkill, Columbia, Montour, Northumberland, and Dauphin (except points south of Pennsylvania Highway 325 extending from the Dauphin-Schuylkill County line to the Susquehanna River) Counties, and points in that part of Luzerne County on, south, and east of a line beginning at the Columbia-Luzerne County line, thence along U.S. Highway 11 extending east of the Nanticoke bypass entrance to Interstate Highway 81, over the Nanticoke bypass to Interstate Highway 81, thence over Interstate Highway 81 to its junction with Pennsylvania Highway 309, thence over Pennsylvania Highway 309 to its junction with Pennsylvania Highway 437, thence over Pennsylvania Highway 437 to its junction with Pennsylvania Highway 940 at White Haven, thence over an unnumbered highway to the Carbon-Luzerne County line near Eckley, Pa. By this instant Petition, Petitioner seeks to delete the restrictions in the above-described commodity which reads as follows: "except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities requiring mechanical refrigeration."

No. MC 108305 (Sub-No. 7) (M1) (notice of filing of petition to broaden territory), filed November 28, 1977. Petitioner: MCCARTHY TRANSPORT, INC., 217 Read Street, Portland, Maine 04104. Petitioner's representative: James F. Martin, Jr., 8 W. Morse Road, Bellingham, Mass. 02019. Petitioner holds a motor contract carrier permit in No. MC 108305 (Sub-No. 7), issued December 26, 1968, authorizing transportation, over irregular routes, of *Such merchandise* as is dealt in by wholesale, retail, and chain stores and food business houses, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk). Between Portland, Maine on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New Jersey, and those in that part of New York on and south of a line beginning at the Vermont-New York State line and extending along New York Highway 7 to Binghamton, thence along Interstate Highway 81 to the New York-Pennsylvania State Line; Between Somerville and Southboro, Mass., Hartford, Conn., South Kearny, N.J. on the one hand and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, and those in that part of New York on and south of a line beginning at the Vermont-New York State line and extending along New York Highway 7 to Binghamton, thence along Interstate Highway 81 to the New York-

Pennsylvania State Line, under a continuing contract or contracts with First National Stores, Inc., of Somerville, Mass. By the instant petition, petitioner seeks to add Windsor Locks, Conn. as a base point in the above authority.

No. MC 11343 (Sub-No. 82)(M1)(notice of filing of petition to broaden commodity description), filed November 23, 1977. Petitioner: GRABELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Petitioner's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Petitioner holds a motor common carrier certificate in No. MC 113434 (Sub-No. 82), acquired from Dubose Trucking Co., Inc. (MC 135065 (Sub-No. 7), in MC-F-13010), authorizing transportation of *Book Pages*, from Versailles, Ky. to Chicago, Ill., and from Hammond, Ind. to Versailles, Ky., restricted to the transportation of Traffic originating at the plantsites of Rand McNally and Co., at or near Versailles, Ky. and Hammond, Ind. By the instant petition, petitioner seeks to change the commodity description to read: *Printed matter*.

No. MC 113678 (Sub-No. 407) (M1) (notice of filing of petition to modify territorial description), filed October 13, 1977. Petitioner: CURTIS, INC., P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Petitioner's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor common carrier certificate in No. MC 113678 (Sub-No. 407) issued December 9, 1971, authorizing transportation, over irregular routes, of restaurant *equipment, materials, and supplies*, (except foodstuffs), when moving in mixed loads with foodstuffs (otherwise authorized), from the facilities of Mr. Steak, Inc., at Denver, Colo., to points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at the above-named facilities and destined to Mr. Steak restaurants (which are publicly so designated) in the above-named destination area. By the instant petition, petitioner seeks to modify the above authority by deleting the facility restrictions in the origin description, and in the restriction also.

No. MC 124211 (Sub-No. 279) (M1) (notice of filing of petition to broaden commodity), filed November 28, 1977. Petitioner: HILT TRUCK LINE, INC., P.O. Box 988 DTS, Omaha, Nebr. 68101. Petitioner's representative: Thomas L. Hilt (same address as applicant). Petitioner holds a motor common carrier certificate in No. MC 124211 (Sub-No. 279), issued July 27, 1977, authorizing transportation, over irregular routes, of: *Printed Advertising matter*, between points in

Pottawattam County, Iowa, and points in Dodge, Douglas, Sarpy, Saunders, and Washington Counties, Nebr. on the one hand and, on the other, points in the United States (except Alaska and Hawaii). By the instant petition, petitioner seeks to change the commodity description to read: *Printed matter*.

No. MC 126642 (Sub-No. 2) (M1) (notice of filing of petition to delete restriction), filed November 23, 1977. Petitioner: BLACK HILLS MOVERS, INC., 610 East Omaha Street, Rapid City, S. Dak. 57701. Petitioner's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Petitioner holds a motor common carrier certificate in No. MC 126642 (Sub-No. 2), issued March 3, 1976, authorizing transportation, over irregular routes, of: *Household goods*, as defined by the Commission, between points in that part of South Dakota on and west of the Missouri River, and points in Campbell, Crook, and Weston Counties, Wyo. on the one hand and, on the other, points in Colorado, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wyoming, restricted against the transportation of military shipments. By the instant petition, petitioner seeks to delete the above restriction.

No. MC 133591 (Sub-No. 3) (M1) (notice of filing of petition to modify commodity description) filed October 14, 1977. Petitioner: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, Mo. 65712. Petitioner's representative: Harry Ross, 58 South Main Street, Winchester, Ky. 40391. Petitioner holds a motor common carrier certificate in No. MC 133591 (Sub-No. 3), issued August 5, 1976, authorizing transportation, as pertinent, over irregular routes, of *Electrical appliances, lawn care products, home care products, personal care products, barbecue grills, and barbecue equipment*, from the facilities of Neosho Products Co., Division of Sunbeam Corp., at or near Neosho, Mo., to El Paso, Tex., and points in California, Nevada, Utah, Washington, Oregon, New Mexico, Arizona, Colorado, and Idaho, restricted against the transportation of commodities in bulk. By the instant petition, petitioner seeks to modify the above authority by broadening the commodity description to read: "*Electrical appliances, electrical motors, home care products, lawn care products, personal care products, barbecue grills and barbecue equipment, recreational equipment, kitchen chairs, and household stools*."

No. MC 134323 (Sub-Nos. 7, 59, and 81) (M1) (notice of filing of petition to add origin), filed October 11, 1977. Petitioner: JAY LINES, INC., P.O. Box 4146, Amarillo, Tex. 79105. Petitioner's representative: Gailyn L. Larsen, P.O.

Box 81849, Lincoln, Nebr. 68501. Petitioner holds motor common carrier permits in Nos. MC 134323 (Sub-Nos. 7, 59, and 81), issued February 10, 1972, October 17, 1975, and June 27, 1977, respectively, authorizing transportation over irregular routes, in MC 134323 (Sub-No. 7) of *Plastic materials and plastic products* (except in bulk), from points in Bergen, Camden, Middlesex, Somerset, and Union Counties, N.J., to points in Arkansas, California, Colorado, Kansas, Missouri, Nebraska, and Texas, under a continuing contract with Union Carbide Corp., of New York, N.Y.; in MC 134323 (Sub-No. 59), of *Plastic materials and plastic products* (except in bulk), from points in Bergen, Middlesex, and Somerset Counties, N.J., to points in Arizona, Idaho, Louisiana, New Mexico, Oklahoma, Tennessee, Oregon, and Washington, under a continuing contract or contracts with Union Carbide Corp., of New York, N.Y.; and in MC 134323 (Sub-No. 81), of *Chemicals* (except in bulk), from points in Camden, Middlesex, and Somerset Counties, N.J., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Oregon, Tennessee, Texas, and Washington, under a continuing contract or contracts with Union Carbide Corp., of New York, N.Y.; and in MC 134323 (Sub-No. 81), of *Chemicals* (except in bulk), from points in Camden, Middlesex, and Somerset Counties, N.J., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Oregon, Tennessee, Texas, and Washington, under a continuing contract or contracts with Union Carbide Corp. By the instant petition, petitioner seeks to add points in Burlington County, N.J., as origins in each of the above permits.

No. MC 135234 (Sub-No. 9) (notice of filing of petition to broaden commodity description), filed October 25, 1977. Petitioner: TRENCO, INC., 2109 Marydale Avenue, Williamsport, Pa. 17701. Petitioner's representative: Dwight L. Koerber, Jr., 666 Eleventh Street NW., Washington, D.C. 20001. Petitioner holds a motor contract carrier permit in No. MC 135234 (Sub-No. 9), acquired from Commercial Cartage, Inc. (MC 135234 (Sub-No. 9), in MC-FC-76938), authorizing transportation of (1) *Electrical cable, and aluminum rod*, in coils, from the facilities of Alcan Aluminum Corp., at or near Williamsport, Pa., and Tucker, Ga., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia, and (2) *Aluminum rod*, in coils, from the destination points named in (1) above to the facilities of Alcan Aluminum Corp., at or near Williamsport, Pa., and Tucker, Ga., restricted to the transportation of (a) commodities which by reason of size or weight require the use of special equipment or (b) commodities which do not require special equipment, be-

cause of size or weight, when moving in mixed loads with the commodities described in (a) above, under a continuing contract or contracts with Alcan Aluminum Corp., of Cleveland, Ohio. By the instant petition, petitioner seeks to change the commodity description in part (2) above to read: *Materials and supplies used in the manufacture or distribution of electric cable and aluminum rod*.

No. MC 136952 (Sub-No. 1) (M1) (notice of filing of petition to broaden territory), filed October 27, 1977. Petitioner: ADAMIC TRUCKING, INC., 15522 Rider Rd., Burton, Ohio 44021. Petitioner's representative: Lewis S. Witherspoon, Suite 930, 88 East Broad Street, Columbus, Ohio 43215. Petitioner holds a motor contract carrier permit in No. MC 136952 (Sub-No. 1), issued June 27, 1973, authorizing transportation, over irregular routes, of *plastic articles*, from Middlefield, Ohio, to Galesburg, Ill., under a continuing contract or contracts with Sajar Plastics, Inc., of Middlefield, Ohio. By the instant petition, Petitioner seeks to add the destination points of Brockport, N.Y., and Bloomington, Ill.

MC 139217 (Sub No. 3) M1 (notice of filing of petition to modify a permit) filed September 27, 1977. Petitioner: CHARIOT TRUCKING, INC., 1127 Belle Pasi Road, Woodburn, Ore. 97071. Petitioner's representative: Philip G. Skofstad, P.O. Box 594, Gresham, Ore. 97030. Petitioner holds a motor contract carrier permit in MC 139317 (Sub No. 3), issued September 8, 1976, authorizing transportation over irregular routes of: (1) *Axles and component parts*, from Montgomery, Ala., Los Angeles, Calif., and Kenton, Ohio, to Tualatin, Ore., and Seattle, Wash.; (2) *Trailer suspensions and steel springs*, from Springfield, Mo., to Paragould, Ark., Tualatin, Ore., and Seattle, Wash.; (3) *Fabricated steel parts, component trailer pieces, wheels, springs, axles and trailer parts*, between Paragould, Ark., and Tualatin, Ore.; (4) (a) *Cast spoke wheels and brake drums*, from Siloam Springs, Ark., and Dayton, Ohio, to Tualatin, Ore. and Seattle, Wash.; (b) *Hydraulic cylinders*, from Lancaster, Tex., and Willits, Calif., to Tualatin, Ore., and Seattle, Wash.; (c) *Steel wheels, hubs, and drums*, from Detroit, Wyandotte, and Lansing, Mich., and Akron, Ohio, to Tualatin, Ore., and Seattle, Wash.; (d) *Aluminum wheels*, from Cleveland, Ohio, to Tualatin, Ore., and Seattle, Wash.; (e) *Air springs*, from Noblesville, Ind., to Tualatin, Ore., and Seattle, Wash.; (f) *Trailer suspensions*, from Paris, Ky., and Muskegon, Mich., to Tualatin, Ore., and Seattle, Wash.; (g) *Trailer suspensions parts*, from Warm Springs, Calif., to Tualatin, Ore., and

Seattle, Wash., under a continuing contract or contracts with Peerless Division, Royal Industries. By this instant petition, petitioner seeks to modify its permit by adding Columbia Trailer Co., Inc., as an additional contract shipper, and to add Orenco, Ore., as additional destination point with respect to Parts 1/2, and 4 (a through g), above, for furtherance into foreign commerce.

#### REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

##### NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such pleading shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 133095 (Sub-No. 150) (Republication) filed February 18, 1977, published in the FEDERAL REGISTER issue of April 14, 1977, and republished this issue. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. An Order of the Commission, Review Board Number 2, decided September 29, 1977, and served October 13, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting: *Cosmetic mirrors*, from the plantsite of Lake Center Industries, located at or near Rochester, Minn., to Baltimore, Md.; Stamford, Conn.; Atlanta, Ga.; Memphis, Tenn.; Detroit, Mich.; and points in the United States in and west of Wisconsin, Illinois, Missouri, Arkansas, and Mississippi (except Alaska, Minnesota, and Hawaii); that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of

the Interstate Commerce Act and the

and things relied upon, but shall not

and pile-driving equipment and ma-

No. MC 51146 (Sub-No. 545), filed

No. MC 69833 (Sub-No. 124), filed

NOTE.—If a hearing is deemed necessary,



the Interstate Commerce Act and the Commission's rules and regulations.

The purpose of this republication is to indicate applicant's actual grant of authority and to also indicate that the application is not a conversion of existing authority as originally published.

No. MC 141045 (Sub-No. 1) (Republication) filed July 23, 1975, published in the FEDERAL REGISTER issue of August 28, 1975, and republished this issue. Applicant: PARK CITY COACH SERVICE, INC., 959 Main St., Stratford, Conn. 06497. Applicant's representative: John E. Fay, 630 Oakwood Ave., West Hartford, Conn. 06110. A Decision and Order of the Commission, Division 1, decided November 2, 1977, and served November 16, 1977, authorizes service, by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of passengers and their baggage, in charter operations, beginning and ending at Bridgeport, Conn., and points within 10 miles of Bridgeport, Conn., and extending to the District of Columbia, points in Delaware, Florida, Georgia, Illinois, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and to the port of entry on the international boundary line between the United States and Canada which is located at Presque Isle, Me. The purpose of this republication is to indicate applicant's actual grant of authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER, OPERATING RIGHTS APPLICATIONS

## NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters,

and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 9812 (Sub-No. 8), filed November 17, 1977. Applicant: C. F. KOLB TRUCKING CO., INC., R.R. 1, Box 294, Mount Vernon, Ind. 46260. Applicant's representative: Edwin J. Simcox, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Concrete products (except in bulk), from the plant and warehouse sites of American Precast Concrete, Inc. at Indianapolis and Westfield, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Missouri, and Ohio, and (2) raw materials (except in bulk), used in the manufacture of concrete products, from points in Ohio, Virginia, and West Virginia, to the plant and warehouse sites of American Precast Concrete, Inc., at Indianapolis and Westfield, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or St. Louis, Mo.

No. MC 11207 (Sub-No. 407), filed November 9, 1977. Applicant: DEATON, INC., 317 Avenue West, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Steel piling

and pile-driving equipment and machinery, from Jacksonville, Fla., to points in Alabama, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Jacksonville, Fla., or Tampa, Fla.

No. MC 21227 (Sub-No. 12), filed November 2, 1977. Applicant: MIDLAND TRUCK LINES, INC., 311 Marion Street, St. Louis, Mo. 63104. Applicant's representative: George M. Catlett, 708 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Evansville, Ind. at Mount Vernon, Ind., from Evansville, Ind. over Indiana Highway 62, to Mount Vernon, Ind., and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Evansville, Ind., or St. Louis, Mo.

No. MC 41136 (Sub-No. 25), filed November 14, 1977. Applicant: FLEET CARRIER CORP., 586 South Boulevard East, Pontiac, Mich. 48053. Applicant's representative: Walter N. Biene-man, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motor vehicles, in initial movements, in driveway and truckaway service, from points in Gaston County, N.C., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., Seattle, Wash., or San Francisco, Calif.

No. MC 45630 (Sub-No. 5), filed November 17, 1977. Applicant: OSAR TRUCKING CO., INC., 94 Sylvan Avenue, Clifton, N.J. 07011. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Solidified carbon dioxide (dry ice), in containers, from Burlington and Gibbstown, N.J., Lima and Oregon, Ohio, Tewksbury, Mass., to points in Connecticut, Massachusetts, New Jersey, and New York, and Philadelphia, Pa., and Providence, R.I., and (2) containers on return, from the destination points to the origin points named in (1) above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 51146 (Sub-No. 545), filed November 11, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages and related advertising materials, and returned empty malt beverage containers, between South Volney, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, Maine, Vermont, New Hampshire, New Jersey, New York, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 59640 (Sub-No. 63), filed November 21, 1977. Applicant: PAULS TRUCKING CORP., Three Commerce Drive, Cranford, N.J. 07106. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in and sold by supermarkets, catalogue showroom stores, and homes center stores, and equipment materials, and supplies, used in the conduct of such businesses (except commodities in bulk), from points in Alabama, Georgia, Illinois, Iowa, Mississippi, and Wisconsin, to South Plainfield, Linden, Somerset, and Eatontown, N.J., North Berwick, Maine, Baltimore, Md., and White Plains, N.Y., under a continuing contract or contracts with Supermarkets General Corp. located at Woodbridge, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York, N.Y.

No. MC 61592 (Sub-No. 410), filed November 17, 1977. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Roofing asphalt, in drums, from Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Texas; and (2) materials and supplies utilized in the manufacture and distribution of roofing asphalt (except commodities in bulk, in tank vehicles), from points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Texas, to Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn. Common control may be involved.

No. MC 69833 (Sub-No. 124), filed November 10, 1977. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue N.W., 6th Floor, Grand Rapids, Mich. 49503. Applicant's representative: Harry Pohlard, 200 Monroe Avenue N.W., 6th Floor, Grand Rapids, Mich. 49503. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Fremont, Mich., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 69981 (Sub-No. 15), filed November 14, 1977. Applicant: AUSTIN W. HULCHER, d.b.a. HULCHER TRUCKING, P.O. Box 167, Virden, Ill. 62690. Applicant's representative: Robert T. Lawley, 300 Reich Building, Springfield, Ill. 62701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Washing machines, dishwashers, laundry dryers, and food waste disposers, from the facilities of the Maytag Co. at Newton, Iowa, to points in Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Wayne, White, and Williamson Counties, Ill.; and (2) dishwashers, from the facilities of the Maytag Co. at Newton, Iowa, to points in Adams, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Clinton, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Effingham, Fayette, Fulton, Greene, Hancock, Henderson, Henry, Jasper, Jersey, Knox, Logan, McDonough, Macon, Macoupin, Madison, Marion, Mason, Menard, Mercer, Montgomery, Morgan, Moultrie, Piatt, Peoria, Pike, Rock Island, Sangamon, Scott, Shelby, Stark, Tazewell, Vermilion, Warren, Washington, Whiteside, and Woodford Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 72495 (Sub-No. 19), filed November 17, 1977. Applicant: DON SWART TRUCKING, INC., BOX 49, Route 2, Wellsburg, W. Va. 26070. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority is sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Mine safety dust from Benwood, W. Va., to points in West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 105120 (Sub-No. 16), filed November 15, 1977. Applicant: FREIGHTWAYS EXPRESS, INC., 2700 Sterick Building, Memphis, Tenn. 38103. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, over regular routes, transporting: General commodities (except household goods as defined, class A and B explosives, commodities which because of size or weight require the use of special equipment and commodities in bulk), serving the plantsite of American Greetings Corp. at or near Harrisburg, Ark., as an off-route point in conjunction with its other authorized routes.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis, Tenn.

No. MC 105375 (Sub-No. 73), filed November 14, 1977. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr., 1680 Fourth Avenue, Newport, Minn. 55055. Authority sought as a common carrier, over irregular routes, to transport: Liquefied petroleum gas, in bulk, in tank vehicles, from the facilities of the Cochran Pipeline Co. located at or near New Hampton, Iowa; Mankato and Benson, Minn.; and Carrington, N. Dak., to points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn. Applicant also holds contract carrier authority in MC 113410 and subs thereunder, therefore dual operations may be involved.

No. MC 105984 (Sub-No. 18), filed October 13, 1977. Applicant: JOHN B. BARBOUR TRUCKING CO., a corporation, P.O. Box 577, Iowa Park, Tex. 76361. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Iron and steel articles, as defined in descriptions in motor carrier certificates, 61 MCC 209; (2) Tanks, iron and steel, or aluminum, and parts, attachments, and accessories therefor; (3) pressure vessels and chemical process equipment; (4) superchargers; and (5) electric switch control cabinets, from points in Wichita County, Tex., to points in the United States (except Alaska and Hawaii), and (6) materials, supplies, and equipment used in the manufacture, installation, and repair of the commodities named in (1) through (5) above from points in the United States

(except Alaska and Hawaii) to points

SCHULI MOTOR LINES, INC., P.O.

homa, Kansas, Arkansas, Louisiana,

B explosives, household goods as de-

LIQUID TRANSPORTERS, INC.,

The purpose of this republication is



(except Alaska and Hawaii) to points in Wichita County, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Ft. Worth or Dallas, Tex.

No. MC 106223 (Sub-No. 71), filed November 9, 1977. Applicant: GREEN-LEAF MOTOR EXPRESS, INC., 4606 State Road, P.O. Box 667, Ashtabula, Ohio 44004. Applicant's representative: James R. Stiverson, 1398 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except toluene diisocyanate, cryogenic liquids and Petrochemicals), in bulk, in tank vehicles, from Ashtabula, Ohio, to points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia (except to points in Kanawha County, W. Va.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, and Washington, D.C.

No. MC 106497 (Sub-No. 150), filed November 10, 1977. Applicant: PARK-HILL TRUCK CO., A corporation, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel, sewage treatment disposal plants, sewage lift stations, and parts, attachments, and accessories* used in the installation, operation, and maintenance thereof, from Nashville and Tullahoma, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Nashville or Memphis, Tenn.

No. MC 106497 (Sub-No. 151), filed November 21, 1977. Applicant: PARK-HILL TRUCK CO., A corporation, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Pollution control systems, and parts, attachments, equipment, materials, and supplies* used in the installation, operation, or maintenance of pollution control systems, from points in Jefferson County, Ky., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Louisville, Ky., or Nashville, Tenn.

No. MC 106674 (Sub-No. 268), filed November 21, 1977. Applicant:

SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundry, P.O. Box 123, Remington, Ind. 47977. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Balling, padding, and wadding* from Henderson, N.C., to Hammond and Lowell, Ind. Restriction: Restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Burkart-Randall Co. and destined to the plantsite and warehouse facilities of Globe Industries, Inc., at Hammond and Lowell, Ind.

NOTE.—If hearing is deemed necessary, applicant requests it be held in either Chicago, Ill., or Indianapolis, Ind.

No. MC 107295 (Sub-No. 867), filed November 10, 1977. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Composition board*, from Otsego, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Columbus, Ohio.

No. MC 107323 (Sub-No. 49), filed November 16, 1977. Applicant: GILL-LAND TRANSFER CO., a corporation, 7180 West 48th Street, Fremont, Mich. 49412. Applicant's representative: Donald B. Levine, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Such commodities* (except foodstuffs) as are manufactured, sold, or distributed by manufacturers of baby foods, from the plantsite of Gerber Products Co., located at or near Three Oaks, Mich., to the warehouse facilities of Gerber Products Co., located at or near Indianapolis, Ind. Restricted to traffic originating at the named origin and destined to the named destination.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 471), filed November 16, 1977. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Food, food products and food ingredients*, in vehicles equipped with mechanical refrigeration, from the plant and storage facilities of Archer Daniels Midland Co., at Decatur, Ill., to points in Texas, Okla-

homa, Kansas, Arkansas, Louisiana, and New Mexico. Restriction: Restricted to traffic originating at the above-named origin and destined to the above-named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo., or Dallas, Tex.

No. MC 108375 (Sub-No. 42), filed November 10, 1977. Applicant: LeROY L. WADE & SON, INC., P.O. Box 27053, 10550 I Street, Omaha, Nebr. 68127. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Power generating equipment, transformers and heavy electrical equipment* which because of size or weight require the use of special equipment and related parts and accessories when moving in connection therewith; (1) between points in Nebraska; (2) between points in Iowa; (3) between points in North Dakota; (4) between points in South Dakota; (5) between points in Colorado; (6) between points in Wyoming; (7) between points in Kansas; and (8) between points in Nebraska, on the one hand, and points in Iowa, South Dakota, Kansas, Wyoming and Missouri, on the other. Restriction: Restricted in (1), (2), (3), (4), (5), (6) and (7) above to traffic having an immediately prior or subsequent movement by rail or water.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr. Common control may be involved.

No. MC 108375 (Sub-No. 43), filed November 21, 1977. Applicant: LeROY L. WADE & SON, INC., P.O. Box 27053, 10550 I Street, Omaha, Nebr. 68127. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemical processing equipment including but not limited to reactors, tanks, compressors, pumps and motors*, between points in Nebraska, on the one hand, and, on the other, points in Iowa, Kansas, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Omaha, Nebr.

No. MC 108649 (Sub-No. 9), filed November 7, 1977. Applicant: STURM FREIGHTWAYS, INC., 8919 North University, Peoria, Ill. 61614. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and

B explosives, household goods as defined by the Interstate Commerce Commission, commodities in bulk and those requiring special equipment), serving the plantsite and facilities of L. R. Nelson Corp. located at Manning, Iowa as an off-route point in connection with carrier's authorized routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Des Moines, Iowa.

No. MC 108676 (Sub-No. 113), filed November 9, 1977. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Bill R. Privitt, P.O. Box 3507, Knoxville, Tenn. 37917. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Racks and Shelving*, from the plantsite of UNARCO, located at Springfield, Tenn., to points in and east of Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests that the hearing be held in Nashville or Knoxville, Tenn.

No. MC 109397 (Sub-No. 371), filed November 15, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tires and related accessories, equipment and supplies*, when the transportation thereof is incidental to the transportation of tires, from points in Los Angeles County, Calif.; Multnomah County, Oreg.; King County, Wash.; and Harris and Galveston Counties, Tex.; to points in the United States (excluding Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Los Angeles, Calif. or Portland, Oreg.

MC 109397 (Sub-No. 372), filed November 10, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Plywood and composition board*, from points in Randolph County, Ga., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Atlanta, Ga. or Birmingham, Ala.

No. MC 112617 (Sub-No. 379), filed November 10, 1977. Applicant:

LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *salt and salt products*, from the facilities of Cargill, Inc. located at or near Clarksville, Ind. to points in Indiana, Kentucky, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or Washington, D.C. Common control may be involved.

No. MC 113024 (Sub-No. 153), filed November 21, 1977. Applicant: AR-LINGTON J. WILLIAMS, INC., 1398 South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought as a contract carrier by motor vehicle, over irregular routes, transporting: (a) *Garden and industrial hose, and materials and supplies* used in the manufacture and distribution thereof, between Cornwells Heights, Pa., on the one hand, and, on the other, Olney, Tex.; Alliance and McCook, Nebr.; (b) *synthetic yarn*, from Front Royal, Va. to Alliance and McCook, Nebr.; (c) *steel wire*, from Mt. Joy, Pa., to Alliance, Nebr.; and (d) *uncured rubber*, in cartons, from Elizabeth, N.J., to McCook, Nebr., under a continuing contract with Electric Hose & Rubber Co.

NOTE.—Applicant holds common carrier authority in MC 135046 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 113362 (Sub-No. 312) (Correction), filed September 19, 1977, published in the FEDERAL REGISTER issue of November 25, 1977, and republished, as corrected, this issue. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105 1/2 Eighth Avenue NE., P.O. Box 429, Austin, Minn. 55912. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packing plants* (except hides and commodities in bulk), from the plantsite and/or storage facilities of Geo. A. Hormel & Co. at or near Springfield, Mo., to points in Wisconsin and the upper Michigan peninsula. Restricted to traffic originating at the named origin and destined to the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

The purpose of this republication is to correct the spelling of applicant's name as "ELLSWORTH FREIGHT LINES, INC." in lieu of "ELLIS-WORTH" as previously published.

No. MC 113362 (Sub-No. 313), filed November 21, 1977. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105 1/2 Eighth Avenue NE., P.O. Box 429, Austin, Minnesota 55912. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Part No. 1. *Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound* (except in bulk) and *filters*: from points in Marion County, Tenn. to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and District of Columbia. Restriction: Restricted to traffic originating at points in Marion County, Tenn. Part No. 2. *Materials, supplies, and equipment used in the manufacture, sale and distribution of the commodities named in part No. 1 above* (except in bulk), from points in Ohio, West Virginia, Pennsylvania, Alabama, Georgia, Virginia, and Kentucky to Marion County, Tenn. Restriction: Restricted to traffic destined to points in Marion County, Tenn. Part No. 3. *Petroleum and petroleum products vehicle body sealer and/or sound deadener compound* (except in bulk) and *filters*, from points in Ohio, New York, Rhode Island, Pennsylvania, West Virginia to points in Marion County, Tenn. Restriction: Restricted to traffic destined to Marion County, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant request that it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 113651 (Sub-No. 244), filed November 18, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., Riffin Road, P.O. Box 552, Muncie, Ind. 47305. Applicant's representative: H. Barney Firestone, 10 South LaSalle Street, Suite No. 1600, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Sections A, B, and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk; from



Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, and Union Counties, N.J.; New York, N.Y.; and Philadelphia, Pa., to points in Michigan; Minnesota; Iowa; Wisconsin; Nebraska; Illinois north of U.S. Highway 136 and points in Tennessee east of U.S. Highway 231.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York City, N.Y.

No. MC 114118 (Sub-No. 7), filed November 18, 1977. Applicant: MARSHALL McFARLAND, 145 Neville Street, Circleville, Ohio 43113. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, animal and poultry feed ingredients, and health products* used in the care and maintaining of animals and poultry, between Circleville, Ohio on the one hand and, on the other, points in Pennsylvania, West Virginia, Maryland, Kentucky, Indiana, and Michigan, under a continuing contract or contracts with Carnation Co.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Columbus, Ohio, or Washington, D.C.

MC 114273 (Sub-No. 312), filed November 21, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel forms and parts and accessories* used in the installation thereof when moving in the same vehicle at the same time with iron and steel forms, from the plantsite and storage facilities of Economy Forms Corp. at or near Des Moines, Iowa to Connecticut, Delaware, Indiana, Maryland, Maine, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and Wisconsin. Restricted to traffic destined to the above-named states.

NOTE.—Applicant states it is presently providing a limited service for the supporting shipper.

The purpose of this application is to eliminate the interline carrier and provide a more complete service. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Chicago, Ill. or Washington, D.C.

No. MC. 114457 (Sub-No. 341), filed November 17, 1977. Applicant: DART TRANSIT CO., a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from plant and warehouse facilities of the Green Giant Co., located at or near Belvidere, Ill., to points in Indiana, Kentucky, Ohio, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Chicago, Ill.

No. MC 114569 (Sub-No. 201), filed November 16, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* used by, dealt in, or distributed by wholesale or retail grocery, department, drug and variety stores and institutional supply firms; and (2) *supplies and materials* used in the manufacture and sale of such merchandise described in (1) above, between Byhalia, Miss. on the one hand, and, on the other, points in the United States (except Hawaii and Alaska).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn. or Washington, D.C.

No. MC 115311 (Sub-No. 249), filed November 14, 1977. Applicant: J. & M. TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniel, P.O. Box 872, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air conditioners, air coolers, air conditioning equipment, heaters, furnaces, heating equipment, water heaters, hydronic pneumatic tanks, water heater tanks, solar collectors, solar heating and cooling systems, and parts and accessories* for all of the aforementioned commodities, from the plantsite and warehouse facilities of Rheem Manufacturing Co. located at Montgomery and Greenville, Ala., and at or near Fort Smith, Ark., and Chicago, Ill., to points in the United States in and east of Texas, Oklahoma, Colorado, Nebraska, South Dakota, and North Dakota; and (2) *Materials, equipment and supplies* used in the manufacturing, distribution, and installation of all of the commodities named in (1) above (except commodities in bulk), from points in the United States in and east of Texas, Oklahoma, Colorado, Nebraska, South Dakota, and North Dakota, to the plantsite and warehouse facilities of Rheem Manufacturing Co. at Montgomery and Greenville, Ala., and at or near Fort Smith, Ark., and Chicago, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 115496 (Sub-No. 73), filed November 10, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of, *plastic, plastic articles, plastic pipe, tubing, fittings, connections, and materials, supplies and accessories* used in the manufacture and installation thereof (except in bulk and tank vehicles), between the facilities utilized by Robintech, Inc. located at or near Vestal, N.Y., Anderson, S.C. and Springfield, Ky. on the one hand and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115826 (Sub-No. 274), filed September 16, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Terminal Annex, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by Motor Vehicle, over irregular routes, transporting: *Carpets, carpeting, rugs, floor covering, textiles, and textile products*: from points in Georgia, North Carolina, South Carolina, Tenn., and Virginia, to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming.

NOTE.—If an oral hearing is deemed necessary, applicant requests it be held at Denver, Colo. and Los Angeles, Calif., or San Francisco, Calif. Common control may be involved.

No. MC 115841 (Sub-No. 574), filed November 17, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC. Suite 110, 9041 Executive Park Drive, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from the plantsite and warehouse facilities utilized by Banquet Foods Corp., located at or near Carrollton, Macon, Marshall, and Moberly, Mo., to points in Alabama, Kentucky, Tennessee, Georgia, North Carolina, and South Carolina. Restriction: Restricted to traffic originating at the above named origins and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant

requests that it be held at Nashville, Tenn., or Washington, D.C.

No. MC 115904 (Sub-No. 86), filed November 10, 1977. Applicant: GROVER TRUCKING CO., a Corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Gypsum wall-board*, from Hamlin and San Antonio, Tex. and Albuquerque, N. Mex., to points in Idaho, Montana, Oregon, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boise, Idaho. Common control may be involved.

No. MC 116544 (Sub-No. 159), filed November 8, 1977. Applicant: ALTRUK FREIGHT SYSTEMS, a Corporation, P.O. Box 1159, St. Joseph, Mo. 64502. Applicant's representative: Kirk W. Horton, 260 Sheridan Avenue, Palo Alto, Calif. 94306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Columbia Foods, Inc., at or near Wallula, Wash., to points in California and Arizona.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Sioux City, Iowa or Sioux Falls, S. Dak.

No. MC 117088 (Sub-No. 11), filed November 21, 1977. Applicant: ASPHALT TRANSPORT, INC., P.O. Box 29504, New Orleans, La. 70189. Applicant's representative: Edward A. Winter, 235 Rosewood Drive, Metairie, La. 70005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling mud*, in bulk, in tank vehicles, from Galveston and Houston, Tex., to Cameron, La.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either New Orleans or Baton Rouge, La.

No. MC 117686 (Sub-No. 189), filed November 15, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as above). Applicant seeks authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except frozen foods and commodities in bulk), from the plantsite of Joan of Arc Company, Inc., at or near St. Francisville and Belledeau, La., to Montana, Wyoming,

Colorado, New Mexico, Washington, Idaho, Oregon, Utah, Nevada, California, and Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill. or Washington, D.C.

No. MC 117940 (Sub-No. 239), filed November 7, 1977. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such Commodities* as are dealt in or used in the operation of retail department stores (except foodstuffs, commodities in bulk, and household goods as defined by the Commission) from points in the St. Louis, Mo. Commercial Zone and the Chicago, Ill. Commercial Zone, to the facilities of Nordstrom, Inc., at Tukwila, Wash., and the stores of Nordstrom, Inc., at Seattle, Tacoma, Yakima, Spokane, Bremerton, Bellingham, and Bellevue, Wash., restricted to traffic originating at named origin points and destined to the specified facilities at named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Seattle, Wash. Applicant holds contract carrier authority in MC 114789 Sub 16, and other subs thereunder, therefore dual operations may be involved.

No. MC 117940 (Sub-No. 241), filed November 14, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, 5300 Highway 12, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* from the facilities of Oregon Fruit Products at or near Salem and West Salem, Ore., to the District of Columbia, and points in Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Maryland, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Virginia, West Virginia, Wisconsin, and Louisville, Kentucky, (restricted to traffic originating at the facilities of Oregon Fruit Products at named origins and destined to named destinations).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Seattle, Wash. or San Francisco, Calif. Applicant holds contract carrier authority in No. MC 114789 (Sub-No. 16) and other subs thereunder, therefore dual operations may be involved.

No. MC 117986 (Sub-No. 4), filed November 7, 1977. Applicant: ALFRED DELUCA, d.b.a. GILBERT AND AL TRANSFER, 8605 Howell Road, Be-

thesda, Md. 20034. Applicant's representative: Alfred DeLuca (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Bananas, plantain, pineapples, and fruits*, from Charleston, S.C., to the District of Columbia and its commercial zone, and points in Maryland.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 118159 (Sub-No. 232), filed November 15, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366—Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Paper and paper products* (except commodities in bulk), from Medina, Ohio to points in Maryland, Virginia, North Carolina, South Carolina, and the District of Columbia; and (2) *materials and supplies* used in the manufacture and distribution of paper and paper products, and paper (except commodities in bulk) from points in Maryland, Virginia, North Carolina, South Carolina, Florida, Georgia, Louisiana, Alabama, Mississippi, Arkansas, Kentucky, Texas, and the District of Columbia to Medina, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 118377 (Sub-No. 7), filed November 16, 1977. Applicant: RICHARD R. JOHNCOX, Route 104, Williamson, N.Y. 14589. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by food business houses, from points in Massachusetts, New Jersey, and Pennsylvania, to points in Albany, Rensselaer, Onondaga, Franklin and Cheung Counties, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Albany, N.Y.

No. MC 118989 (Sub No. 170), filed November 14, 1977. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic containers*, (a) from Lockport, Ill. to points in the United States (except Alaska and Hawaii); (b) from Cabery, Ill., to points in the United States (except



Alaska and Hawaii); and (c) from Elk Grove Village and Hebron, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies*, used or useful in the manufacture and distribution of plastic containers, from points in the United States (except Alaska and Hawaii), to the origin points in (a), (b) and (c) of Part (1).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119547 (Sub-No. 48), filed November 21, 1977. Applicant: EDGAR W. LONG, INC., 3815 Old Wheeling Road, Zanesville, Ohio 43701. Applicant's representative: E. H. van Deusen, Post Office Box 97, 220 West Bridge Street, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rolling doors, grilles and components and parts thereof*, from the plant-site of the Klnnear Division of Harsco Corp., Columbus, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant request that it be held at Columbus, Ohio.

No. MC 119789 (Sub-No. 387), filed November 10, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformers and parts* (except commodities which because of size and weight require the use of special equipment) from Pine Bluff, Ark., to Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Little Rock, Ark.

No. MC 119789 (Sub-No. 388), filed November 10, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces; air conditioners; furnaces and air conditioners combined; and parts thereof* between Utica, N.Y., on the one hand, and, on the other, points in Louisiana and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at San Antonio or Dallas, Tex.

No. MC 119789 (Sub-No. 391), filed November 18, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material* from Ft. Worth, Tex. to Macon, Albany and Valdosta, Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Macon or Atlanta, Ga.

No. MC 119789 (Sub-No. 392), filed November 21, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials* from Eden, N.C., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, Louisiana, Tennessee, and Texas; (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of malt beverages, and returned empty malt beverage containers, (except commodities in bulk), from points in Alabama, Florida, Georgia, Kentucky, Mississippi, Louisiana, Tennessee, and Texas, to Eden, N.C.; (3) *malt beverages and related advertising materials* between Eden, N.C., and Fort Worth, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 119789 (Sub-No. 395), filed November 21, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products* (except frozen) from the bakery plant and bakery warehouse of the Kroger Co. at Columbus, Ohio to points in California and Georgia, (2) *such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, and materials and supplies used in the conduct of such business (except commodities in bulk) between Cincinnati, Ohio, and Livonia, Mich., on the one hand, and, on the other, points in Arkansas, California, Georgia, and Texas. Restricted to the transportation of shipments originating at or destined to the facilities of The Kroger Co.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Cincinnati, Ohio.

No. MC 123048 (Sub-No. 379), filed November 15, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021-21st Street, Post Office Box 1557, Racine, Wis. 53401. Applicant's representative: Paul

C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain Drying, Storage, Handling, Conditioning and Aeration Equipment and Attachments, Accessories and Parts*, from Mattoon, Ill., to points in the United States (except Alaska and Hawaii); (2) *materials, equipment and supplies* used in the manufacture, sale or distribution of commodities in (1) above, from points in the United States (except Alaska and Hawaii) to Mattoon, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held either at Chicago, Ill. or Washington, D.C.

No. MC 123255 (Sub-No. 129), filed November 16, 1977. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *Common Carrier* by motor vehicle over irregular routes transporting: *Plastic products* (except commodities in bulk), from Seymour, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123534 (Sub-No. 6), filed November 15, 1977. Applicant: ADDIEVILLE TRUCKING CO., INC., 22 Dennis Drive, Belleville, Ill. 62221. Applicant's representative: Gregory M. Rebman, Suite 1230 Marquette Building, 314 N. Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, dairy products, and food stuffs and ice cream*: (1) from St. Louis, Mo., to Hammond and Westville, Ind., and (2) from Huntington, Indiana, Peoria, and Champaign, Ill., to St. Louis, Mo., under a continuing contract with Kraft Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 123819 (Sub-No. 50), filed November 14, 1977. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, Memphis, Tenn. 38116. Applicant's representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, Ga. 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from Miami, Fla., to points in the United States (excluding Alaska, Hawaii, and Memphis, Tenn., and points within its commercial zone).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 124083 (Sub-No. 55), filed November 21, 1977. Applicant: SKIN-

NER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the facilities of Cargill, Inc., at or near Clarksville, Ind., to points in Indiana and Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 124887 (Sub-No. 42), filed November 9, 1977. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Composition Board, Plywood, and Plywood Wall Paneling*, from Norfolk, Va., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tallahassee, Fla., or Atlanta, Ga.

No. MC 124887 (Sub-No. 45), filed November 17, 1977. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Georgetown, Rock Hill, and Andrews, S.C., and Wilmington, N.C., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tallahassee, Fla., or Atlanta, Ga.

No. MC 124896 (Sub-No. 40), filed November 21, 1977. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Kansas City, Kans., to points in Mississippi, Alabama, Georgia, Tennessee, Kentucky, Louisiana, North Carolina, South Carolina, Florida, West Virginia, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Kansas City or St. Louis, Mo.

No. MC 125433 (Sub-No. 133), filed November 11, 1977. Applicant: F-B

TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *forklifts, parts, accessories, attachments and supplies*, between Fresno, Calif. on the one hand and, on the other, points in the United States (excluding Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant requests that the hearing in regard to this application be consolidated with a similar application filed by International Transport, Inc., under Docket No. MC 113855 (Sub-No. 382), but does not specify a location.

No. MC 125533 (Sub-No. 19), filed November 21, 1977. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, Ohio 44309. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority is sought as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Pipe, cable, conduit, wire and strip steel and attachments therefor*, between the plantsite of Triangle PWC, Inc., Glendale (Marshall County), W. Va. on the one hand and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, Wisconsin, and the District of Columbia.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Columbus, Ohio.

No. MC 126111 (Sub-No. 8), filed November 15, 1977. Applicant: LYLE W. SCHAEZEL, doing business as SCHAEZEL TRUCKING CO., 520 Sullivan Drive, Fond du Lac, Wis. 54935. Applicant's representative: Richard C. Alexander, Suite 412, Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Sweetened condensed milk*, in bulk, in tank vehicles, from Fond du Lac, Wis., to Elizabethtown, Pa., and Dallas, Sulphur Springs, and Waco, Tex., under a continuing contract or contracts with Galloway-West Co., a division of Borden, Co., Inc., located at Fond du Lac, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Milwaukee, Wis.

No. MC 126383 (Sub-No. 5), filed November 11, 1977. Applicant: G&W TRANSPORT, INC., 465 East Diamond Avenue, Gaithersburg, Md. 20760. Applicant's representative:

James E. Savitz, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *animal and poultry feed* (except in bulk), from Lancaster and Everson, Pa., to Gaithersburg, Md., under a continuing contract or contracts with Wayne Feeds, Division of Allied Mills, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 126844 (Sub-No. 44), filed November 16, 1977. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Road, Vineland, N.J. 08360. Applicant's representative: Terrence D. Jones, 2033 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Malt beverages*, from the facilities of the Pabst Brewing Co., located at points in Houston County, Ga., to Camden, Vineland, Trenton, and Atlantic City, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 127042 (Sub-No. 194), filed November 14, 1977. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tassar, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coatings, adhesives, tape, sound deadeners, caulking and sealing compounds, glue and paint* (except in bulk) in vehicles equipped with mechanical refrigeration, from Wichita, Kans. to points in Iowa, Minnesota, and Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127047 (Sub-No. 31), filed November 15, 1977. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, Kans. 67219. Applicant's representative: William B. Barker, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, particleboard, hardboard, mouldings, plastic articles and the accessories used in the installation thereof*, from the plant and storage facilities of Weyerhaeuser Co. located in Chesapeake, Va., to the states of Nebraska, Kansas, Missouri, and Oklahoma, and to Shreveport, La., and Carrollton, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

Docket No. MC 128313 (Sub-No. 7), filed November 14, 1977. Applicant: TEMPO TRUCKING, INC., R.F.D.



No. 5, Washington C.H., Ohio 43160. Applicant's representative: David A. Turano, 100 East Broad Street, Columbus, Ohio 43215. Applicant seeks authority, as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Fresh and processed pork, and porkskins*, from the plantsites of Sugar Creek Packing Co., Inc. located at or near Dayton, Ohio and Bloomington, Ill. to points in the United States (except Alaska, Arizona, Hawaii, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Vermont, Wyoming, and the District of Columbia); and (2) *meats, meat products, and meat by-products*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except commodities in bulk) from points in Iowa, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, Pennsylvania, Virginia, and West Virginia, to the plantsites of Sugar Creek Packing Co., at or near Dayton, Ohio and Bloomington, Ill., under a continuing contract, or contracts, with Sugar Creek Packing Co., Inc.

NOTE.—If oral hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio or Washington, D.C.

No. MC 129631 (Sub-No. 58), filed November 9, 1977. Applicant: PACK TRANSPORT, INC., 3975 S. 300 West St., Salt Lake City, Utah 84107. Applicant's representative: G. D. Davidson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane foam boards* (except commodities in bulk) from Salt Lake City, Utah to points in the United States in and west of Montana, Wyoming, Colorado, and New Mexico (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 134405 (Sub-No. 42), filed November 21, 1977. Applicant: BACON TRANSPORT CO., a corporation, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Bayrite*, in bulk, in tank vehicles, from Houston, Texas to points in Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 134467 (Sub-No. 25), filed November 21, 1977. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, Ark. 75764. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman

Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound (except in bulk) and filters*, from points in Marion County, Tenn., to points in and west of Minnesota, South Dakota, Nebraska, Missouri, Arkansas, and Texas, restricted to traffic originating at points in Marion County, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Atlanta, Ga.

No. MC 134752 (Sub-No. 4) (Correction), filed September 27, 1977, published in the *FEDERAL REGISTER* issue of November 25, 1977, and republished this issue. Applicant: HILL AND WILLIAMS BROS., INC., 799 44th Street, Marion, Iowa 52302. Applicant's representative: Delbert L. Williams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded cellular plastic products* from Marion, Iowa to points in Arkansas, Colorado, Idaho, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, West Virginia, Wisconsin, and Wyoming; and equipment, materials and supplies used in the manufacturing of expended cellular plastic products from said destination states to Marion, Iowa, under a continuing contract, or contracts, with Poly Cell Industries, Inc.

NOTE.—The purpose of this republication is to include Oklahoma as a destination state. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Kansas City, Mo.

No. MC 134755 (Sub-No. 123), filed November 21, 1977. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I. Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound (except in bulk) and filters, from points in Marion County, Tenn., to points in Missouri, Arkansas, Oklahoma, Texas, Kansas, Colorado, Nebraska, Iowa, New Mexico, Arizona, California, Washington, Oregon, Utah, Nevada, Illinois, Indiana, Wisconsin, Minnesota, and Michigan, restricted to traffic originating at points in Marion County, Tenn.; II. Material, supplies and equipment used in the manufacture, sale and distribution of the commodities named in Part I above (except in bulk), from

points in Ohio, West Virginia, Pennsylvania, Alabama, Georgia, Virginia, and Kentucky, to Marion County, Tenn., restricted to traffic destined to points in Marion County, Tenn.; III. Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound (except in bulk) and filters, from points in Ohio, New York, Rhode Island, Pennsylvania, and West Virginia, to points in Marion County, Tenn., restricted to traffic destined to Marion County, Tenn.

NOTE.—Applicant holds motor contract carrier authority in MC-138398 and subnumbers thereunder, therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Atlanta, Ga.

MC 134888 (Sub-No. 5), filed November 14, 1977. Applicant: MOROSA BROS. TRANSPORTATION CO., INC., 4800 Stine Road, Bakersfield, Calif. 93309. Applicant's representative: R. Y. Schureman, Suite 606, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcined fluid petroleum coke*, in bulk, from the plantsite of IMC Carbon Products at or near Bakersfield, Calif., to points in Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136123 (Sub-No. 1) (Amendment), filed September 1, 1977, published in the *FEDERAL REGISTER* issues of October 14, 1977, and November 3, 1977, as amended, and republished, as further amended, this issue. Applicant: MEAT DISPATCH, INC., 2103 17th Street East, Palmetto, Fla. 33561. Applicant's representative: S. Michael Richards, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Port Edwards, Wisconsin Rapids, Brokaw, Green Bay, Nekoosa, and Stevens Point, Wis., to Rochester, N.Y.

NOTE.—Applicant holds motor contract carrier authority in No. MC 128555, and subs thereunder, therefore dual operations may be involved. The purpose of this republication is to delete Ashdown, Ark., as an origin, and to add Nekoosa and Stevens Point, Wis., as origins in the above-requested authority.

No. MC 136828 (Sub-No. 20), filed November 16, 1977. Applicant: COOK TRANSPORTS, INC., Highway 79 Gilmer Industrial Park, P.O. Drawer D, Pinson, Ala. 35126. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Pipe; conduit; fittings; valves; hy-*

*drants; from points in Talladega, Calhoun, and Jefferson Counties, Ala., to points in the United States (except Alaska and Hawaii); and (2) machinery, equipment, materials and supplies*, used in, or in connection with, the commodities described in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to points in Talladega, Calhoun, and Jefferson Counties, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 138000 (Sub-No. 34), filed November 21, 1977. Applicant: ARTHUR H. FULTON, INC., Post Office Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials* from Eden, N.C., to points in Maryland, Virginia, West Virginia, and the District of Columbia; (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, and returned empty malt beverage containers, (except commodities in bulk), from points in Maryland, Virginia, West Virginia and the District of Columbia to Eden, N.C.

NOTE.—Applicant holds motor carrier contract authority in No. MC 129613 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Milwaukee, Wis.

No. MC 138073 (Sub-No. 1), filed November 7, 1977. Applicant: BUF-AIR FREIGHT, INC., 160 Sugg Road, Cheektowaga, N.Y. 14225. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: General commodities, restricted to individual articles not exceeding 100 pounds in weight, moving as shipments not exceeding 500 pounds in weight from one consignor to one consignee in a single day, on bills of lading of surface, interstate freight forwarders, between points in (1) Niagara, Erie, Chautauqua, Orleans, Genesee, Wyoming, Cattaraugus, Monroe, Livingston, Allegany, Wayne, Ontario, Stueben, Cayuga, Seneca, Yates, Schuyler, Chemung, Oswego, Onondaga, Cortland, Tompkins, Tioga, and Broome Counties, N.Y., (2) Erie, Crawford, Mercer, and Venango Counties, Pa.; and (3) Geauga, Ashtabula, Trumbull, Portage, Mahoning, Cuyahoga, and Lake Counties, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at

Buffalo, N.Y. Common control may be involved.

No. MC 139014 (Sub-No. 2), filed November 13, 1977. Applicant: COHEY TRUCKING CO., INC., 3015 Vermont Avenue, Baltimore, Md. 21227. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, 425, 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: Suspension ceiling grid systems and components, from the plantsite of Chicago-Metallic Corp., at Baltimore, Md., to the District of Columbia, Virginia, New Jersey, New York, Pennsylvania and Maryland.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Baltimore, Md.

No. MC 139615 (Sub-No. 9), filed November 21, 1977. Applicant: D.R.S. TRANSPORT, INC., P.O. Box 29, Oskaalosa, Iowa 52577. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and construction materials* (except in bulk), and (2) *materials, equipment, and supplies* (except in bulk) used in the manufacture and distribution of the commodities in (1), between Lansing, Grand Rapids, Petoskey, Holland, and Detroit, Mich., Chicago, Blue Island, and Joliet, Ill., Kokomo, Fort Wayne, North Judson, Cicero, and Elkhart, Ind., Columbus and Toledo, Ohio, and Milwaukee, Wis., on the one hand, and, on the other, points in Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, New Mexico, Colorado, Wyoming, Montana, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California, between Cabot and Nazareth, Pa., and North Arlington, N.J., on the one hand, and on the other, points in Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, New Mexico, Colorado, Wyoming, Montana, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California, between Denver, Colo., Albuquerque, N. Mex., Newton, Kans., Centerville and West Des Moines, Iowa, on the one hand, and, on the other points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New Jersey, and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Kansas City, Mo., or Chicago, Ill.

No. MC 140829 (Sub-No. 63), filed November 16, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plant site and storage facilities utilized by La Choy Food Products, at or near Archbold, Ohio, to points in Arkansas, Louisiana, Oklahoma, and Texas, restricted to the transportation of traffic originating at the named origin and destined to points in the above named destination states.

NOTE.—Applicant holds contract carrier authority in MC 136408 Sub 7, and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary the applicant requests it to be held in Washington, D.C.

No. MC 140849 (Sub-No. 14), filed November 14, 1977. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271 South, P.O. Drawer G, Poteau, Okla. 74953. Applicant's representative: Prentiss Shelley, P.O. Drawer G, Poteau, Okla. 74953. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabrics, piece goods, materials and supplies used in the manufacture of clothing*, (2) clothing, from (1) Pauls Valley and Idabel, Okla., to Roswell, Ga., Hopkingsville, Ky., and Nashville, Tenn., (2) from Roswell, Ga., Hopkingsville, Ky., and Nashville, Tenn., to Pauls Valley, Okla., and Idabel, Okla., under a continuing contract or contracts with Kellwood Co.

NOTE.—Applicant holds common carrier authority in MC 126243 Sub 8, and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 143097 (Sub-No. 1), filed November 18, 1977. Applicant: EGGS INC., 27 East Square, Washington, Ga. 30673. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Applicant hereby applies for authority to engage in operation, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of *malt beverages* (except in bulk) from Fort Worth, Tex., to Fort Smith, Ark. and Hot Springs, Ark., under a continuing contract, or contracts, with Frasier Sales Co. and Burford Distributing, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Little Rock, Ark., or Fort Smith, Ark.

No. MC 143514 (Sub-No. 1), filed November 14, 1977. Applicant: ROBERT L. WELBORN AND WANDA S. WEL-

from points in Lancaster County, Pa.,

to sell or offer to sell the transporta-

ING CO., INC., 151 Easton Boulevard,



BORN, a partnership, doing business as ORIENT EXPRESS, 4322 West Greenway Road, Glendale, Ariz. 85306. Applicant's representative: A. Michael Bernstein, 1441 East Thomas Road, Phoenix, Ariz. 85014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Restaurant and institutional food, supplies, and equipment*, between points in Arizona, Nevada, and California, under a continuing contract or contracts with International Foodservice Corp., at Los Angeles, Calif., and its subsidiaries: International Foodservice/Bakersfield, Inc., at Bakersfield, Calif., International Foodservice/Fresno, Inc., at Fresno, Calif., International Foodservice/Las Vegas, Inc., at Las Vegas, Nev., International Foodservice/LA, Inc., at Carson, Calif., and Davidson-Chudacoff/Kol-Pak Arizona, Inc., at Phoenix, Ariz.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 143587 (Sub-No. 1), filed August 1, 1977. Applicant: SOUTH-EAST PAPER STOCK CO., a corporation, P.O. Box 622, Spartanburg, S.C. 29304. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from the facilities of Union Camp Corp., at or near Prattville, Ala., to the facilities of Union Camp Corp., at or near Spartanburg, S.C., and *waste or scrap paper*, from Spartanburg, S.C., to the facilities of Union Camp Corp., at or near Prattville, Ala. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with Union Camp Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 143642 (Sub-No. 1), filed November 9, 1977. Applicant: J. A. K. LEASING, INC., P.O. Box 1323, Beltingham, Wash. 98225. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes and shingles, from points in Washington to points in California*.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Seattle, Wash.

No. MC 143719 (Sub-No. 2), filed November 21, 1977. Applicant: GROVER BISHOP WIGINGTON, R.F.D. No. 5., Stuart, Va. 24171. Applicant's representative: (Same). Applicant hereby seeks authority to operate as a *common carrier*, over irregular routes,

transporting: *Unfinished rubber sheets* from the plantsite of Easthampton Rubber Thread Co., Division of J. P. Stevens & Co., Inc., located at or near Stuart, Va., to the plantsite of the United Elastic Co., Division of J. P. Stevens & Co., Inc., located at or near Westfield, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Roanoke or Richmond, Va.

No. MC 143815 (Sub-No. 1), filed November 15, 1977. Applicant: R & D TRUCKING CO., INC., Church Street, Lauderdale Industrial Park, Florence Ala. 35630. Applicant's representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Composition facing and flooring tile, machinery, materials, and supplies* used in the manufacture of the above commodities, between the facilities of Natural Vinyl Floor Co., Inc., near Killen, Ala., on the one hand, and points in the United States (excluding Alaska and Hawaii) on the other, under a continuing contract or contracts with Natural Vinyl Floor Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Florence, Ala., or Nashville, Tenn.

No. MC 143900 (Sub-No. 1), filed November 21, 1977. Applicant: HEAVY MACHINERY & TOOL TRANSPORTERS, INC., P.O. Box 605, Orange Park, Fla. 32073. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Heavy machinery*, and (2) *parts and attachments*, between Jacksonville, Fla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) under a continuing contract, or contracts, with Ring Power Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 143971 (Sub-No. 1), filed November 10, 1977. Applicant: JESSEE TRUCKING CO., INC., Route 1, P.O. Box 100 Dryden, Va. 24243. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Surface mining, earthmoving, and construction equipment*, (a) from Norton, Va., to points in Pike, Harlan, Letcher, and Bell Counties, Ky.; and Greenbrier, Summers, McDowell, Pocahontas, Mingo, Monroe, Mercer, Wyoming, and Logan Counties, W. Va., (b) from Wise, Va., to points in Green-

brier, Summers, McDowell, Pocahontas, Mingo, Monroe, Mercer, Wyoming, and Logan Counties, W. Va.; and Pike, Harlan, Leslie, Johnson, Knott, Letcher, Bell, Pery, Floyd, and Knox Counties, Ky.; and (c) from Kingsport, Tenn., to points in Scott, Wise, Buchanan, Tazewell, Smyth, Pulaski, Washington, Lee, Dickenson, Russell, Wythe, and Roanoke Counties, Va., and Bristol, Va., under continuing contract or contracts with Shelton-Witt Equipment Corp., Power Equipment Co., and Carter Machinery Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Norton, Va., or Washington, D.C.

No. MC 143991 (Sub-No. 1), filed November 21, 1977. Applicant: BICENTENNIAL TRANSPORT, INC., 317 North Point Road, Baltimore, Md. 21224. Applicant's representative: William J. Little, 1212 W. R. Grace Building, Baltimore, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers, container chassis and trailers*; (2) *general commodities* (except commodities of unusual value, commodities requiring special equipment, commodities in bulk, classes A and B explosives), between points in the commercial zone and terminal area of Baltimore, Md.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Baltimore, Md., or Washington, D.C.

No. MC 143997, filed November 8, 1977. Applicant: WESTERN EXPRESS, INC., 2920 131st Place NE., Bellevue, Wash. 98005. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk and hides), from the plantsite and storage facilities utilized by Columbia Foods, Inc., a subsidiary of Iowa Beef Processors, Inc., at or near Wallula, Wash., to points in Oregon, Nevada, and California.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Sioux City, Iowa, or Sioux Falls, S. Dak.

No. MC 144024 (Sub-No. 1), filed November 14, 1977. Applicant: BURGE, INC., 17 North Cox Street, Middletown, Del. 19709. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk,

from points in Lancaster County, Pa., to Townsend, Del., under a continuing contract or contracts with Ralph G. Faries & Son.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held in Washington, D.C. Applicant holds common carrier authority in No. MC 128614, therefore dual operations may be involved.

## BROKERS

No. MC 130398 (Sub-No. 1), filed December 13, 1977. Applicant: RIDGE TRAVEL AGENCY, INC., 151 East Center Street, Sebring, Fla. 33870. Applicant's representative: Jeremy Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker*, at Sebring, Lake Placid, and Avon Park, Fla., to sell or offer to sell the transportation, by motor vehicle: *passengers and their baggage*, individually or in groups, in special and charter operations, in sightseeing and pleasure tours, between points in the United States, including Alaska and Hawaii, restricted to tours originating and terminating in Brevard, Lake, Orange, Seminole, Volusia, Highlands, and Pinellas Counties, Fla.

NOTE.—Applicant presently holds authority in MC 130398 authorizing broker operations at Sebring, Lake Placid, and Avon Park, Fla., and broker activities beginning and ending at points in Highlands County, Fla. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests that it be held at Orlando, Fla.

No. MC 130467, filed November 18, 1977. Applicant: DORRIS AND PAMELA BRENNER, a partnership, d.b.a. BRENNER TOURS, Route No. 1, 132nd Avenue, Hopkins, Mich. 49328. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Hopkins, Mich., to sell or offer to sell the transportation of: *Passengers and their baggage*, in round-trip sightseeing and pleasure tours, in special and charter bus operations and travel to be rendered under arrangement between motor, rail, and water carriers, beginning and ending at points in Allegan and Ottawa Counties, Mich., and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Lansing or Grand Rapids, Mich.

No. MC 130468, filed November 25, 1977. Applicant: SUMMER SITES, INC., 95 Phillips Hill Road, New City, N.Y. 10956. Applicant's representative: Morton Levine (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New City, N.Y.,

to sell or offer to sell the transportation of: *Passengers and groups of passengers and their baggage*, in special and charter operations, in round-trip sightseeing, pleasure, and educational tours, by motor, beginning and ending at points in Rockland County, N.Y., and Bergen County, N.J., and extending to points in New York, New Jersey, Connecticut, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either New City or New York, N.Y.

## FREIGHT FORWARDER

No. FF 434 (Sub-No. 3), filed December 1, 1977. Applicant: TRANSCONEX, INC., 3000 Northwest 74th Avenue, Miami, Fla. 33148. Applicant's representative: Alan F. Wohlsetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate and foreign commerce, as a *freight forwarder*, through the use of the facilities of common carriers by rail, motor, water, and express, in the transportation of: *General commodities* (except those of unusual value, classes A and B explosives, household goods, motor vehicles, commodities in bulk, commodities requiring special equipment, and commodities in vehicles equipped with mechanical refrigeration), in containers or van-type trucks or trailers, from the Ports of Miami and Jacksonville, Fla., to points in the commercial zones and terminal areas of Miami and Jacksonville, Fla., restricted to the transportation of shipments having an immediately prior movement by water and air from a point beyond the United States.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Miami, Fla.

## FINANCE APPLICATIONS

## NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carriers pursuant to section 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100.240), and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13449. Authority sought for purchase by PRESTON TRUCK-

ING CO., INC., 151 Easton Boulevard, Preston, Md. 21655, of the operating rights of Paul McClain, d.b.a. Eddy Truck Line, 201 Fowler Street, Kirksville, Mo. 63501, of control of such rights through the transaction. Applicants' representative: Frank V. Klein, 151 Easton Boulevard, Preston, Md. 21655. Operating rights sought to be purchased: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Kirksville, Mo., and Quincy, Ill.: From Kirksville over Missouri Highway 6 to junction U.S. Highway 24, thence over U.S. Highway 24 to Quincy, and return over the same route. Service is authorized to and from all intermediate points on westbound traffic only. *General commodities*, with exceptions, as a *common carrier*, over regular routes between Brashear, Mo., and Quincy, Ill.: From Brashear over Missouri Highway 6 to junction U.S. Highway 24, and thence over U.S. Highway 24 to Quincy, and return over the same routes. Service is authorized to and from intermediate points, and the off route points of Baring, Locust Hill, Novelty, Plevna, and Newark, Mo., and points in Missouri within 15 miles of Missouri Highway 6 between Brashear and Taylor, Mo. Vendee is authorized to operate as a *common carrier*, in Maryland, New York, Delaware, New Jersey, Virginia, Pennsylvania, the District of Columbia, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Ohio, West Virginia, North Carolina, Indiana, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13452. Authority sought for control by WILLIAM J. BURNS (noncarrier), 631 Santa Fe, Kansas City, Mo. 64101, of Stewart Motor Freight, Inc., 1508 Woodweather Road, Kansas City, Mo. 64101, and for acquisition by William J. Burns, 631 Santa Fe, Kansas City, Mo. 64101, of control of Stewart Motor Freight, Inc., through the acquisition by William J. Burns. Applicants' attorney: Charles J. Fain, 612 Central Trust Building, P.O. Box 853, Jefferson City, Mo. 65101. Operating rights sought to be controlled: Under a certificate of Registration in Docket No. MC 121030 (Sub-No. 1), as follows: Intrastate irregular route: Between Lawson, Mo., and its contiguous trade territory on the one hand and, all points in Missouri on the other hand, in the transportation of *property*, except as noted, subject to the limitation that no service is to be rendered between points on the regular route of an authorized motor carrier. Exception: The authority herein described does not include the transportation of uncrated household goods as defined by the Missouri Public Service Commission in its Order in Case No. T-504, et al., dated July 1, 1955.







Commission, and commodities requiring special equipment), over regular routes: Between Indianapolis, Ind. and Vincennes, Ind., serving no intermediate points, as an alternate route for operating convenience only, from Indianapolis over Indian Highway 67 to Vincennes, and return over the same route; between Elliston, Ind. and Washington, Ind., serving no intermediate points, as an alternate route for operating convenience only; from Elliston over Indiana Highway 57 to Washington, and return over the same route; between Washington, Ind. and Evansville, Ind., serving no intermediate points, as an alternate route for operating convenience only, from Washington over Indian Highway 57 to junction U.S. Highway 41, and thence over U.S. Highway 41 to Evansville, and return over the same route.

(5) *General commodities* (except those of unusual value, Classes A and B explosives (other than small arms ammunition), household goods as defined by the Commission, and liquids in bulk, in tank vehicles), over regular routes, serving the plantsite of Indiana-Michigan Electric Co. located approximately two and one-half miles west of Fairbanks, Ind., as an off-route point in connection with carrier's authorized regular-route operations between St. Louis, Mo. and Indianapolis, Ind., and between Effingham, Ill. and Indianapolis, Indiana.

(6) *General commodities* (except Classes A and B explosives, livestock, grain, petroleum products, in bulk, household, goods as defined by the Commission, and commodities requiring special equipment), over regular routes, serving the plantsite of the General Electric Co. on Indiana Highway 69 approximately two miles southwest of Mount Vernon, Ind., as an off-route point. No service shall be rendered to or from any point west of the Ohio-Pennsylvania line.

(7) *General commodities* (except those of unusual value, Classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), over regular routes, serving the facilities of Anaconda Aluminum Co. at or near Seebree, Ky., as an off-route point in connection with carrier's existing regular-route operations.

(8) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over regular routes, serving Santa Claus, Ind., as an off-route point in connection with carrier's authorized regular-route operations.

NOTE.—This application is directly related to MC-F-13461, United Trucking Service, Inc.—Purchase portion—Eastern Express,

Inc., published in a previous section of this FEDERAL REGISTER issue.

The purpose of this filing is to eliminate certain restrictions contained in the authority of Eastern Express, Inc., sought to be purchased by applicant. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Detroit, Mich. or Washington, D.C.

No. MC 121030 (Sub-No. 2), filed November 25, 1977. Applicant: STEWART MOTOR FREIGHT, INC., 1508 Woodsweather Road, Kansas City, Mo. 64105. Applicant's representative: Charles J. Fain, P.O. Box 853, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which require special equipment), between Lawson, Mo. on the one hand and, on the other, points in Missouri.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity, and is a matter directly related to a Section 5(2) proceeding in No. MC-F-13452, published in a previous section of this FEDERAL REGISTER issue. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Kansas City, Kans., Jefferson City, Mo., or St. Louis, Mo.

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4 (c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

#### MOTOR CARRIERS OF PROPERTY

No. MC 1494 (Deviation No. 2), GROSS COMMON CARRIER, INC., 660 W. Grand Ave., Wisconsin Rapids, Wis. 54494, filed December 20, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 10 and Interstate Highway 94 in St. Paul, Minn., over Interstate Highway 94 to

Tomah, Wis., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Paul, Minn., over U.S. Highway 10 to Mondovi, Wis., thence over Wisconsin Highway 37 to junction Wisconsin Highway 88, thence over Wisconsin Highway 88 to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to Bluff Siding, Wis., thence across the Mississippi River to Winona, Minn., thence over U.S. Highway 61 to LaCrescent, Minn., thence over U.S. Highway 16 to Tomah, Wis., and return over the same route.

No. MC 1494 (Deviation No. 3), GROSS COMMON CARRIER, INC., 660 W. Grand Ave., Wisconsin Rapids, Wis. 54494, filed December 20, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 10 and Interstate Highway 94 in St. Paul, Minn., over Interstate Highway 94 to junction U.S. Highway 10 near Osseo, Wis., thence over U.S. Highway 10 to Stevens Point, Wis., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Paul, Minn., over U.S. Highway 10 to Mondovi, Wis., thence over Wisconsin Highway 37 to junction Wisconsin Highway 88, thence over Wisconsin Highway 88 to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to Bluff Siding, Wis., thence across the Mississippi River to Winona, Minn., thence over U.S. Highway 61 to LaCrescent, Minn., thence over U.S. Highway 16 to New Lisbon, Wis., thence over Wisconsin Highway 80 to Necedah, Wis., thence over Wisconsin Highway 21 to junction Wisconsin Highway 13, thence over Wisconsin Highway 13 to junction Wisconsin Highway 13 to junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to junction Wisconsin Highway 54, thence over Wisconsin Highway 54 to junction U.S. Highway 51, thence over U.S. Highway 51 to Stevens Point, Wis., and return over the same route.

No. MC 1494 (Deviation No. 4), GROSS COMMON CARRIER, INC., 660 W. Grand Ave., Wisconsin Rapids, Wis. 54494, filed December 20, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 10 and Interstate Highway 94 in St. Paul, Minn., over Interstate Highway 94 to junction U.S. Highway 10 near Osseo,

Wis., thence over U.S. Highway 10 to junction Wisconsin Highway 73 at Neillsville, Wis., thence over Wisconsin Highway 73 to Wisconsin Rapids, Wis., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Paul, Minn., over U.S. Highway 10 to Mondovi, Wis., thence over Wisconsin Highway 37 to junction Wisconsin Highway 88, thence over Wisconsin Highway 88 to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to Bluff Siding, Wis., thence across the Mississippi River to Winona, Minn., thence over U.S. Highway 61 to LaCrescent, Minn., thence over U.S. Highway 16 to New Lisbon, Wis., thence over Wisconsin Highway 80 to Necedah, Wis., thence over Wisconsin Highway 21 to junction Wisconsin Highway 13, thence over Wisconsin Highway 13 to junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to Wisconsin Rapids, Wis., and return over the same route.

No. MC 89723 (Deviation No. 43), MISSOURI PACIFIC TRUCK LINES, INC., 210 N. 13th St., St. Louis, Mo. 63103, filed December 19, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Harrisonville, Mo., over Missouri Highway 7 to junction Missouri Highway 13, thence over Missouri Highway 13 to Springfield, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Harrisonville, Mo., over U.S. Highway 71 to Carthage, Mo., thence over U.S. Highway 66 to junction Missouri Highway 39, thence over Missouri Highway 39 to Aurora, Mo., thence over U.S. Highway 60 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction supplemental highway A, thence over supplemental highway A to junction supplemental highway K, thence over supplemental highway K to junction Missouri Highway 14, thence over Missouri Highway 14 to junction supplemental highway P, thence over supplemental highway P to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 66, thence over U.S. Highway 66 to Springfield, Mo., and return over the same route.

No. MC 111383 (Deviation No. 52), BRASWELL MOTOR FREIGHT LINES, INC., 10990 Roe Ave., Shawnee Mission, Kans., 66207, filed December 20, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with

certain exceptions, over a deviation route as follows, from Brookhaven, Miss., over Mississippi Highway 550 to junction Mississippi Highway 28 near Union Church, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows, from Brookhaven, Miss., over U.S. Highway 51 to junction Mississippi Highway 28, thence over Mississippi Highway 28 to Union Church, Miss., and return over the same route.

#### MOTOR CARRIER INTRASTATE APPLICATION(S) NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's general rules of practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

North Carolina Docket No. T-1889, filed November 9, 1977. Applicant: MILTON AND KATHERINE MOORE, d.b.a. SHOPPERS INSTANT DELIVERY & MESSAGE SERVICE, 1402 42nd Street, Wilmington, N.C. 28401. Applicant's representative: J. Ruffin Bailey, 336 Fayetteville Street, Raleigh, N.C. 27601. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *Pick up, delivery and drayage of general commodities and retail store delivery*, between Wilmington, N.C., and points and places within a 35-mile radius of Wilmington. Intrastate, interstate, and foreign commerce authority sought. Hearing: Wednesday, January 25, 1978, at 9:30 a.m., room 217, Dobbs Building, 430 North Salisbury Street, Raleigh, N.C. Requests for procedural information should be addressed to North Carolina Utilities Commission, P.O. Box 991, Raleigh, N.C. 27602, and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 23461 (Sub-No. 3), filed November 30, 1977. Applicant: H. A. DAY, d.b.a. H. A. DAY TRUCK LINES, 801 East Reno,

Oklahoma City, Okla. 73104. Applicant's representative: T. Earl Curb, 2628 Southwest 69th Street, Oklahoma City, Okla. 73159. Certificate of Public Convenience and Necessity sought to operate a freight service over regular routes, as follows: Transportation of *General commodities*, between Oklahoma City, Okla., and Asher, Konowa, Stratford, and Ada, Okla., via routes as follows: (1) From Oklahoma City via U.S. Highway 270 to its junction with State Highway 3 approximately 4 miles west of McLoud; and (2) from Oklahoma City, via State Highway 3, to same junction with U.S. Highway 270, serving the off-route point of Tinker Air Force Base; thence east via both U.S. Highway 270 and State Highway 3, to Shawnee and Tecumseh, Okla.; thence south via both U.S. Highway 177 and State Highway 3-West to Asher, serving the off-route points of Maud, Okla. (via State Highway 59) and Wanette, Okla. (via State Highway 39); thence east from Asher via State Highway 39, to Konowa, Okla.; thence south from Asher via U.S. Highway 177, to Stratford; and thence south and southeast from Asher, via State Highways Nos. 3-West, and 13, to Ada, serving all intermediate points on all proposed routes. Applicant requests authority to tack the proposed authority at Asher, Konowa, Stratford, and Ada, points named on existing authority per Certificate No. MC 23461, Sub-1, as modified by Commission Order No. 132773; for the transportation of both intrastate and interstate traffic to all points on said existing authority. Intrastate, interstate, and foreign commerce sought. Hearing: January 12, 1978; time and place not yet fixed. Requests for procedural information should be addressed to Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 41653, filed December 6, 1977. Applicant: TURNPIKE TRANSIT, INC., 5416 South Yale, Suite 402, Tulsa, Okla. 74135. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, Okla. 73112. Certificate of Public Convenience and Necessity sought to operate a freight service over regular routes, as follows: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points over the routes as follows: (1) Between Tulsa and Oklahoma City, Okla., serving the intermediate points of Bristow, Depew, Stroud, Davenport, and Chandler. From Tulsa via U.S. Highway 66 to Oklahoma City and return via the same route. (2) Between Tulsa and



Oklahoma City, Okla., serving no intermediate points, for operating convenience only, and as an alternate route. From Tulsa via Interstate Highway 44, to Oklahoma City, and return via the same route. Intrastate, interstate, and foreign commerce authority sought. Hearing February 8, 1978, at 9 a.m., 2nd Floor, Jim Thorpe Building, Oklahoma City, Okla. Requests for procedural information should be addressed to Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-135 Filed 1-4-78; 8:45 am]

# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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Commodity Futures Trading Commission .....	1
Consumer Product Safety Commission .....	2
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### [6351-01]

#### COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., January 6, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-2-78 Filed 1-3-78; 10:45 am]

### [6355-01]

#### CONSUMER PRODUCT SAFETY COMMISSION.

"FEDERAL REGISTER" CITATION: December 21, 1977 (42 FR 64028).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., January 5, 1978.

CHANGES IN THE MEETING: The Commission decided to add the following matters to its agenda of January 5, 1978. These matters will be considered in open session.

*Petition on Special Labeling for Paint Strippers Containing Methylene Chloride, HP 76-8.*—Judy Braiman, president, Empire State Consumer Association, has petitioned the Commission to require special labeling for paint strippers containing methylene chloride to warn heart patients and heavy smokers of the hazards of carbon monoxide allegedly associated with these products.

*Petitions on Hand-Held Hairdryers and Similar Products, CP 75-25 and CP 76-2.*—These two petitions request the Commission to initiate a proceeding to develop a mandatory safety standard for hand held hair dryers and similar products to address the alleged hazards of flaming and overheating.

*Petition on Meeting Policy, AP 77-3.*—David A. Swit has requested that the Commission clarify its meetings policy with regard to pre-proposal meetings which are held by the Commission at the time a contract solicitation is issued.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, 1111 18th Street NW., Suite 300, Washington, D.C. 20207, telephone 202-634-7700.

[S-1-78 Filed 1-3-78; 10:45 am]

### [6730-01]

#### FEDERAL MARITIME COMMISSION.

TIME AND DATE: January 11, 1978, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Agreement No. 10137-5: Modification of the Barber-Blue Sea Line Joint Service Agreement to permit the use of a different trade name and define "multi-purpose vessels."

2. Agreements Nos. 2846-28, 5660-21, 9522-30, 9548-14 and 9615-23: Modifications to conference agreements to authorize discussion with other conferences on inland movement of containers in Europe.

3. Notice of Proposed Rulemaking covering time limit on the filing of overcharge claims.

Portions closed to the public:

1. Sea-Land Service, Inc. (Sea-Land) proposed 10.4 percent general increase

in the U.S. Gulf Coast/Puerto Rico trades.

2. Sea-Land Service, Inc. (Sea-Land) new tariffs proposing through rail-water service between U.S. Pacific seaport cities on the one hand and Puerto Rico and the U.S. Virgin Islands on the other hand.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-4-77 Filed 1-3-78; 3:41 pm]

### [7590-01]

#### NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Thursday, December 29, 1977 (additional items).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

3 p.m.—1. Discussion of EBTB Budget Requests (approximately ½ hour) (closed—Exemption 9).

2. Discussion of Status of Draft Legislation (approximately ½ hour) (closed—Exemption 9).

6 p.m.—1. Continuation of Discussion of Hearing Board for Clearance Rule Proceeding (approximately 5 minutes) (closed—Exemption 6).

2. Continuation of Discussion of Domestic Safeguards Technical Assistance and Research Contractual Projects (approximately 5 minutes) (public meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,  
Office of the Secretary.

DECEMBER 30, 1977.

[S-3-78 Filed 1-3-78; 2:26 pm]



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THURSDAY, JANUARY 5, 1978  
PART II



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DEPARTMENT  
OF HEALTH,  
EDUCATION, AND  
WELFARE

Office of the Secretary



PROTECTION OF  
HUMAN SUBJECTS

Proposed Regulations on Research  
Involving Prisoners

[ 4110-08 ]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Office of the Secretary

[ 45 CFR Part 46 ]

## PROTECTION OF HUMAN SUBJECTS

Proposed Regulations on Research  
Involving PrisonersAGENCY: Department of Health, Edu-  
cation, and Welfare.

ACTION: Proposed rule.

**SUMMARY:** The Department of Health, Education, and Welfare (DHEW) is proposing regulations in order to implement the recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research on research involving prisoners. The proposed regulations will provide additional protection for prisoners involved in research activities conducted or supported by DHEW.

**DATE:** In order to receive full consideration, comments and suggestions should be received on or before March 6, 1978.

**ADDRESS:** Comments, requests for information, and requests for additional copies of this part of the FEDERAL REGISTER to: Dr. Normand R. Goulet, Office for Protection from Research Risks, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, 301-496-7005.

**SUPPLEMENTARY INFORMATION:** Basic regulations governing the protection of human subjects involved in research, development, and related activities supported by DHEW through grants and contracts were published in the FEDERAL REGISTER on May 30, 1974 (39 FR 18914).

These were extended on August 8, 1975 (40 FR 33530) to activities conducted by DHEW employees.

In the preamble to the publication of May 30, 1974, it was indicated that notices of proposed rulemaking would be developed to provide additional protection for subjects of research who may have diminished capacity to provide informed consent, including prisoners. On August 23, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER proposing additional safeguards for the protection of prisoners (30 FR 30654).

In the meantime, on July 12, 1974, the National Research Act (Pub. L. 93-348) was signed into law, creating the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. One of the charges to the Commission was to identify the requirements for informed consent to participation in biomedical and behavioral research by prisoners. The Commission was also required to investigate and study biomedical and behavioral research conducted or supported under programs administered by the Secretary of DHEW and involving prisoners to determine the nature of the consent obtained from such persons or their legal representatives be-

fore such persons were involved in research; the adequacy of the information given them respecting the nature and purpose of the research, procedures to be used, risks and discomforts, anticipated benefits from the research, and other matters necessary for informed consent; and the competence and the freedom of the persons to make a choice for or against involvement in such research. On the basis of this investigation and study, the Commission was to make such recommendations to the Secretary as it determined appropriate to assure that biomedical and behavioral research conducted or supported under programs administered by him met the requirements respecting informed consent identified by the Commission. In addition, the Commission was authorized to make recommendations to Congress regarding the protection of subjects involved in research not subject to regulation by DHEW.

To carry out its mandate, the Commission studied the nature and extent of research involving prisoners, the conditions under which such research is conducted, and the possible grounds for continuation, restriction or termination of such research. In order to obtain first-hand information on the conduct of biomedical research and the operation of behavioral programs involving inmates, Commission members and staff made site visits to four prisons and two research facilities outside prisons that use prisoners. During the visits, interviews were conducted with many inmates who have and have not participated in research programs.

The Commission then held a public hearing at which research scientists, prisoner advocates, providers of legal services to prisoners, representatives of the pharmaceutical industry, and members of the public presented their views on research involving prisoners. This hearing was duly announced and no request to testify was denied. The National Minority Conference on Human Experimentation, which was convened by the Commission in order to assure that viewpoints of minorities would be considered, made recommendations to the Commission on research in prisons. In addition to papers, surveys and other materials prepared by the Commission staff, studies on the following topics were prepared under contract: (1) Alternatives to the involvement of prisoners; (2) foreign practices with respect to drug testing; (3) philosophical, sociological and legal perspectives on the involvement of prisoners in research; (4) behavioral research involving prisoners; and (5) a survey of research review procedures, investigators and prisoners at five prisons. Finally, at public meetings commencing in January 1976, the Commission conducted extensive deliberations and developed its recommendations on the involvement of prisoners in research.

## ACTION ON RECOMMENDATIONS

Pursuant to Section 205 of the National Research Act (Pub. L. 93-348) the recommendations of the National

Commission for the Protection of Human Subjects of Biomedical and Behavioral Research on research involving prisoners were published in the FEDERAL REGISTER (42 FR 3076) on January 14, 1977. Comments were received from 49 individuals. After reviewing the recommendations and the comments, the Secretary has prepared the notice of proposed rulemaking set forth below, which in essence adopts the recommendations, though the proposed rules go slightly beyond the recommendations of the Commission in two respects.

1. In accordance with Pub. L. 93-348, the Commission defined the term "prisoner" with reference to section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781). In the proposed regulations, a somewhat broader definition is used which includes individuals detained in non-penal institutions by virtue of statutes or commitment procedures which provide alternatives to criminal prosecution or incarceration in penal institutions. These individuals are not technically covered by the Commission's definition.

2. The Commission recommended that HEW support research using prisoners that involves more than minimal risk only if three requirements are satisfied:

(1) The research fulfilled an important social need, and the reasons for involving prisoners were compelling;

(2) The involvement of prisoners in the research satisfied "conditions of equity";

(3) A high degree of voluntariness on the part of research subjects and openness on the part of the institution characterized the conduct of the research.

The Commission specified that to meet its standards of voluntariness and openness a prison would need to provide uncensored communication with certain people (e.g., a prisoner's lawyer, members of the prison's accrediting committee, etc.), an effective grievance procedure, and a minimum standard of living that satisfied 17 detailed and specific standards itemized by the Commission.

The Department has concluded that these requirements are so stringent that it is doubtful that any existing prison and few research projects could satisfy them. The Commission laid down these conditions because the Commission "did not find in prisons the conditions requisite for a sufficiently high degree of voluntariness and openness." In addition, the Commission stressed the "strong evidence of poor conditions generally prevailing in prisons and the paucity of evidence of any necessity to conduct research in prisons." Finally, the Commission noted that research:

Has already been prohibited in all Federal prisons;

Has been prohibited in eight States; Is conducted in only about seven of the states that either permit it or don't regulate it;

And is not conducted in countries outside the United States.

In light of these considerations, the proposed rules would prohibit the Department from conducting or supporting

research that used prisoners as subjects if the research did not represent minimal risk research on incarceration or on penal institutions, and was not intended to improve the health of individual prisoners. The proposed regulations contain no exceptions. In view of the stringent conditions the Commission found would be needed to assure that consent by prisoners was voluntary, the Department could not identify any exception procedure that was both administratively practical and likely to provide the protections sought by the Commission.

In Recommendation No. (4), the Commission indicates that provision should be made " . . . for providing compensation for research-related injury." In this regard, proposed § 46.305(a)(6) requires that where the Institutional Review Board finds there may be a need for follow-up examination or care of participants after the end of their participation, " . . . adequate provision has been made for such examination or care, taking into account the varying lengths of individual prisoners' sentences, and for informing participants of this fact." With regard to financial compensation, a DHEW task force has recently completed a report on compensation of injured research subjects. (NOTE.—Copies may be obtained from National Institutes of Health, Building 31, Room 1-B-58, 9000 Rockville Pike, Bethesda, Md. 20014. Ask for Publication No. OS-77-003.) In view of the complexity of the issues involved in providing such compensation, it would be preferable to treat the matter of compensating prisoners along with the broader question of compensating subjects generally for injuries sustained in research projects.

The proposed regulations set forth below cover only research conducted or supported by DHEW. They do not cover the non-DHEW supported research which is submitted to the Food and Drug Administration to satisfy its regulatory requirements. The Secretary's rulemaking authority with respect to FDA activities has been delegated to the Commissioner of FDA. The Secretary has directed the Commissioner to issue, as soon as possible, regulations that apply the standards set out in these regulations to research that the FDA accepts to satisfy its regulatory requirements.

## RESPONSES TO COMMENTS

As has already been said, 49 individuals submitted comments in response to publication in the FEDERAL REGISTER of the Commission's recommendations on research involving prisoners. These comments dealt with 13 issues, set forth below according to the frequency with which the comment was made. Also included is the Department's response to each comment.

1. *Comment:* The standards for living conditions in prisons, as listed in Section (iii) of the Commission's comment on Recommendation No. (3), are too restrictive.

*Response:* The Commission's intent appears to be to severely limit research which is not of direct benefit to prisoners

and to insure a high degree of voluntariness in the consent offered by prisoners. Studies by scientists engaged in prison research, by professional correctional groups concerned with prison operations, and by prison law projects have reached similar conclusions with respect to the coercive nature of the environment created by the inadequate standards of living existing in the overwhelming majority of the prisons. Since one of the fundamental provisions of the Department's regulations on protection of human subjects (§ 46.103(c)) states that informed consent must be "without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion," the Commission's overall view appears to be well founded.

2. *Comment:* The Commission went beyond its mandate in coupling penal reform to research involving prisoners at the expense of the nation's research effort.

*Response:* The Commission could not consider research involving prisoners without looking at a wide variety of conditions in prisons which could have a bearing on informed consent.

Examination by the Commission of prison conditions, health care practices, and rehabilitation programs revealed many deficiencies which need to be corrected.

3. *Comment:* Local committees, rather than the head of a Federal department or agency, should determine investigator competency as well as the adequacy of the research facilities involved. The Federal department or agency head does not have the ability to determine the competency of the investigator, the adequacy of the research facilities, or the social value of research programs.

*Response:* Since 1937, the Department has been making, through its advisory committees and national advisory councils, similar determinations with respect to highly successful grant and contract programs that now support almost half of all health-related research. There seems to be no compelling reason why Federal department or agency heads, through the use of special or regular national advisory groups and councils or other appropriate mechanisms, should not be able to make determinations related to the competency of the investigators, the adequacy of the research facilities, and the social value of research programs.

4. *Comment:* Under Recommendation No. (2), Phase I drug studies would be prohibited because the control groups of prisoners (e.g., placebo, no treatment, historical control) could not expect an improvement in their health or well-being.

*Response:* In Phase I studies, the Commission recommended such extensive and strict conditions to assure voluntariness that the Department now proposes to prohibit reliance on prisoners in such research completely. The Commission found a paucity of evidence that such research testing of drugs on prisoners was necessary. The Department has concluded that the need to assure

that research on human subjects is performed only on individuals who have knowingly and voluntarily consented to participate far outweighs any need that has been shown for the use of prisoners in these studies.

5. *Comment:* Research involving prisoners does not carry excessive risks, and is not of a nature such as to reduce the likelihood of participation by free volunteers.

*Response:* The Commission's findings indicate that prison conditions can be viewed as being coercive. Since there are other environments in which research can be carried out, prisoners should not be involved in most research.

6. *Comment:* The requirement in Recommendation No. (3)(B), that the involvement of prisoners in more than minimal risk research satisfy conditions of equity, is too vague. A regulatory agency applying this criterion would need a considerable degree of discretion or face prolonged debate, and even litigation, as to whether the agency had properly applied the criterion.

*Response:* The proposed regulations would impose a simple prohibition on the use of prisoners as subjects in research conducted or supported by HEW if the research involves more than minimal risks and is not intended to improve the health of the individual prisoners.

7. *Comment:* Section (iii)(9) of the Commission's comment on Recommendation No. (3), requiring medical facilities in the prison, might imply that every prison should have an accredited hospital within its walls. The implementation of such an interpretation would lead to a wasteful use of resources needed to upgrade other prison areas.

*Response:* The Commission's recommendation refers to "facilities," not hospitals, and need not be interpreted to require hospital accreditation. When research involves minimal or no risk, it would seem sufficient to have good quality medical facilities in the prison such as a well staffed and equipped infirmary and suitable, accredited hospital facilities available within a short distance from the prison for referral and treatment of medical emergencies. Where research involves substantial risk, the proposed regulations would prohibit DHEW support for such research.

8. *Comment:* Adequate remuneration rates, as required by Section iii(11) of the Commission's comment on Recommendation No. (3) should be set by institutional review boards and any differences between such compensation and prevailing prison wages should be placed in escrow to be paid to each participant at the time of his/her release.

*Response:* The remuneration referred to is that for prison labor, not research. Such rates are necessarily set by the jurisdiction in which the correctional facility lies. Essentially, Section iii(11) would limit the opportunities to conduct research in prison systems to those prisons that provide work opportunities and pay for prison labor at wages competitive with those offered for participation in research. The proposed rules avoid

requiring preparation of an Inflation Impact make a truly voluntary and uncoerced



the complexity and difficulty of making this determination by prohibiting the Department from conducting or supporting research covered by Recommendation No. (3).

9. *Comment:* The stipulation in Section iii(15) of the Commission's comment on Recommendation No. (3), that the racial composition of the prison staff reasonably correspond to that of the prison population, is unrealistic since minorities often represent only a small percentage of a State's population but sometimes constitute a majority of the State's prison population.

*Response:* This recommendation provides prison officials with adequate latitude and flexibility for exercising practical and attainable racial goals. Again, however, the proposed rules avoid the difficulty of assessing this question as it affects voluntariness by proposing a simple prohibition on DHEW support for research covered by this recommendation.

10. *Comment:* The establishment of the proposed accrediting office would be redundant and would superimpose an additional regulatory stratum.

*Response:* This issue is academic since the Department proposes to prohibit project covered by Recommendation No. 3.

11. *Comment:* No action should be taken with respect to the issue of compensation for research-related injury mentioned in Recommendation No. (4) (B) until the Department's task force report on the subject has been thoroughly evaluated.

*Response:* This is the Department's intention.

12. *Comment:* Recommendation No. (5), providing for the discontinuation of research currently in progress within one year following issuance of the regulations, might cause valid data to be lost or new studies to be jeopardized by the sudden termination of the therapeutic regimen afforded by the ongoing study.

*Response:* In anticipation of the issuance of final regulations, the DHEW is phasing out all supported and conducted research involving prisoners which would have been covered by Recommendation No. 3. The Commissioner of FDA will consider this matter in issuing regulation affecting non-DHEW supported research.

13. *Comment:* In Recommendation No. (1), clause (A) should be deleted and the following clause substituted: "that (A) because there will always be possible risks involved in behavioral research, specific safeguards must be provided for each risk identified, and the beneficial effects must outweigh these risks."

*Response:* Recommendation No. (4) would accomplish what has been suggested above.

Notice is given that it is proposed to make any amendments that are adopted effective upon publication in the FEDERAL REGISTER.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal

requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 29, 1977.

JOYCE C. LASHOF,  
Acting Assistant  
Secretary for Health.

Approved: December 29, 1977.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

It is therefore proposed to amend Part 46 of 45 CFR, Subtitle A, by:

**§ 46.106 [Amended]**

1. Revising the second sentence of § 46.106(b) (1) to read: "The Board must be sufficiently qualified through the maturity, experience, and expertise of its members, and the diversity of the members' racial and cultural backgrounds, to insure respect for its advice and counsel for safeguarding the rights and welfare of human subjects."

2. Renumbering §§ 46.106(b) (3) through 46.106(b) (6) as §§ 46.106(b) (4) through 46.106(b) (7), and inserting the following new § 46.106(b) (3):

(3) No Board shall consist entirely of members of only one sex.

**§ 46.301 [Redesignated]**

3. Redesignating Subpart C and § 46.301 as Subpart D and § 46.401 respectively.

4. Adding the following new Subpart C.

**Subpart C—Additional Protections Pertaining to Biomedical and Behavioral Research Involving Prisoners as Subjects**

Sec.

46.301 Applicability.

46.302 Purpose.

46.303 Definitions.

46.304 Composition of Institutional Review Boards where prisoners are involved.

46.305 Additional Duties of the Institutional Review Boards where prisoners are involved.

46.306 Permitted activities involving prisoners.

AUTHORITY: 5 U.S.C. 301.

**Subpart C—Additional Protections Pertaining to Biomedical and Behavioral Research Involving Prisoners as Subjects**

**§ 46.301 Applicability.**

(a) The regulations in this subpart are applicable to all biomedical and behavioral research conducted or supported by the Department of Health, Education, and Welfare involving prisoners as subjects.

(b) Nothing in this subpart shall be construed as indicating that compliance with the procedures set forth herein will authorize research involving prisoners as subjects, to the extent such research is limited or barred by applicable State or local law.

(c) The requirements of this subpart are in addition to those imposed under the other subparts of this part.

**§ 46.302 Purpose.**

Inasmuch as prisoners may be under constraints because of their incarceration which could affect their ability to

make a truly voluntary and uncoerced decision whether or not to participate as subjects in research, it is the purpose of this subpart to provide additional safeguards for the protection of prisoners involved in activities to which this subpart is applicable.

**§ 46.303 Definitions.**

As used in this subpart:

(a) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom authority has been delegated.

(b) "DHEW" means the Department of Health, Education, and Welfare.

(c) "Prisoner" means any individual involuntarily confined or detained in a penal institution. The term is intended to encompass individuals sentenced to such an institution under a criminal or civil statute, individuals detained in other facilities by virtue of statutes or commitment procedures which provide alternatives to criminal prosecution or incarceration in a penal institution, and individuals detained pending arraignment, trial, or sentencing.

**§ 46.304 Composition of Institutional Review Boards where prisoners are involved.**

In addition to satisfying the requirements in § 46.106 of this part, an Institutional Review Board, carrying out responsibilities under this part with respect to research covered by this subpart, shall also meet the following specific requirements:

(a) A majority of the Board (exclusive of prisoner members) shall have no association with the prison(s) involved, apart from their membership on the Board.

(b) At least one member of the Board shall be a prisoner, or a prisoner advocate with appropriate background and experience to serve in that capacity, except that where a particular research project is reviewed by more than one Board only one Board need satisfy this requirement.

**§ 46.305 Additional duties of the Institutional Review Boards where prisoners are involved.**

(a) In addition to all other responsibilities prescribed for Institutional Review Boards under this part, the Board shall review research covered by this subpart and approve such research only if it finds that:

(1) Any possible advantages accruing to the prisoner through his or her participation in the research, when compared to the general living conditions, medical care, quality of food, amenities, and opportunity for earnings in the prison, are not of such a magnitude that his or her ability to weigh the risks of the research against the value of such advantages in the limited choice environment of the prison is impaired;

(2) The risks involved in the research are commensurate with risks that would be accepted by nonprisoner volunteers;

(3) Procedures for the selection of subjects within the prison are fair to all prisoners and immune from arbitrary intervention by prison authorities or prisoners;

(4) The information is presented in language which is appropriate for the subject population;

(5) Adequate assurance exists that parole boards will not take into account a prisoner's participation in the research in making decisions regarding parole, and each prisoner is clearly informed in advance that participation in the research will have no effect on his or her parole; and

(6) Where the Board finds there may be need for follow-up examination or care of participants after the end of their participation, adequate provision has been made for such examination or care, taking into account the varying

lengths of individual prisoners' sentences, and for informing participants of this fact;

(b) The Board shall carry out such other duties as may be assigned by the Secretary.

(c) The institution shall certify to the Secretary, in such form and manner as the Secretary may require, that the duties of the Board under this section have been fulfilled.

**§ 46.306 Permitted research involving prisoners.**

(a) Biomedical or behavioral research conducted or supported by DHEW may involve prisoners as subjects only if:

(1) The institution responsible for the conduct of the research has certified to the Secretary that the Institutional Review Board has approved the research under § 46.305 of this subpart; and

(2) In the judgment of the Secretary the proposed research involves solely the following:

(A) Study of the possible causes, effects, and processes of incarceration, provided that the study presents minimal or no risk and no more than inconvenience to the subjects;

(B) Study of prisons as institutional structures or of prisoners as incarcerated persons, provided that the study presents minimal or no risk and no more than inconvenience to the subjects; or

(C) Research on practices, both innovative and accepted, which have the intent and reasonable probability of improving the health and well-being of the subject.

(b) Except as provided in paragraph (a) of this section, biomedical or behavioral research conducted or supported by DHEW shall not involve prisoners as subjects.

[FR Doc.78-100 Filed 1-4-78;8:45 am]

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THURSDAY, JANUARY 5, 1978

PART III



# DEPARTMENT OF TRANSPORTATION

Coast Guard

SEVENTH COAST  
GUARD DISTRICT

Boundary Realignments



## [ 4910-14 ]

## Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD,  
DEPARTMENT OF TRANSPORTATION

[CGD 76-212]

PART 3—COAST GUARD AREAS, DIS-  
TRICTS, MARINE INSPECTION ZONES,  
AND CAPTAIN OF THE PORT AREASBoundary Realignments Within the Seventh  
Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** These amendments realign the boundaries of the Marine Inspection Zones and Captain of the Port Areas in the Seventh Coast Guard District. The realignment of these boundaries places all of the land area in this District under the jurisdiction of the Captain of the Port Offices and makes the boundary lines of the Marine Inspection Zones and Captain of the Port Areas identical. The realignment of these boundaries is intended to enable the Coast Guard to operate more effectively.

**EFFECTIVE DATE:** These amendments are effective on January 5, 1978.

FOR FURTHER INFORMATION CON-  
TACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

**SUPPLEMENTARY INFORMATION:** Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A), and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(d)(2).

**DRAFTING INFORMATION:** The principal persons involved in the drafting of this rule are: Ensign George W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems, and Mr. Stephen D. Jackson, Project Attorney, Office of Chief Counsel.

## DISCUSSION OF REGULATION

These boundary realignments are a result of Coast Guard organizational changes in recent years. The first phase of these organizational changes was to place all the land area within each District under the jurisdiction of the Captain of the Port Offices in each District. The second phase was to make the Captain of the Port boundaries coincide with the Marine Inspection Zone boundaries wherever possible. These amendments accomplish all of these changes for the Seventh Coast Guard District.

The sections that described only the Captain of the Port Areas (§§ 3.35-55, 60, 65, 70, 75, 80, and 85) have been deleted and their descriptions are in-

cluded in the descriptions of the combined Marine Inspection Zones and Captain of the Port Areas as set forth below.

In accordance with the foregoing, Part 3 of Chapter 1, Title 33 of the Code of Federal Regulations is amended as follows:

1. Section 3.35-10 is amended to read as follows:

§ 3.35-10 Miami Marine Inspection  
Zone and Captain of the Port.

(a) The Miami Marine Inspection Office and the Miami Captain of the Port Office are located in Miami, Florida.

(b) The boundary of the Miami Marine Inspection Zone, and of the Miami Captain of the Port Area, starts at the eastern Florida coast at 28°00' N. latitude; thence due west to 28°00' N. latitude, 81°30' W. longitude; thence due south to 26°00' N. latitude, 81°30' W. longitude; thence southwesterly to the southern tip of Cape Romano; and includes all of the Florida Keys and the Dry Tortugas area.

2. Section 3.35-15 is amended to read as follows:

§ 3.35-15 Charleston Marine Inspec-  
tion Zone and Captain of the Port.

(a) The Charleston Marine Inspection Office and the Charleston Captain of the Port Office are located in Charleston, South Carolina.

(b) The boundary of the Charleston Marine Inspection Zone, and of the Charleston Captain of the Port Area, starts at the sea at the intersection of the North Carolina-South Carolina boundary; thence westerly along the North Carolina-South Carolina boundary to the intersection of the North Carolina-South Carolina-Georgia boundary; thence southerly along the South Carolina-Georgia boundary to its intersection with the federal dam at the southern end of Hartwell Reservoir; thence southerly along the eastern bank of the Savannah River to 32°30' N. latitude; thence easterly to the eastern bank of the Edisto River at 32°41' N. latitude; thence southerly along the eastern bank of the Edisto River to the southern tip of Bay Point, Edisto Island, South Carolina.

3. Section 3.35-20 is amended to read as follows:

§ 3.35-20 Jacksonville Marine Inspec-  
tion Zone and Captain of the Port.

(a) The Jacksonville Marine Inspection Office and the Jacksonville Captain of the Port Office are located in Jacksonville, Florida.

(b) The boundary of the Jacksonville Marine Inspection Zone, and of the Jacksonville Captain of the Port Area, starts at the eastern Florida coast at 30°50' N. latitude; thence due west to 30°50' N. latitude, 82°15' W. longitude; thence due south to the intersection of the Florida-Georgia boundary at 82°15' W. longitude; thence westerly along the Florida-Georgia boundary to 83°00' W. longitude; thence southeasterly to 28°00'

N. latitude; 81°30' W. longitude; thence due east to the sea at 28°00' N. latitude.

4. Section 3.35-25 is amended to read as follows:

§ 3.35-25 San Juan Marine Inspection  
Zone and Captain of the Port.

(a) The San Juan Marine Inspection Office and the San Juan Captain of the Port Office are located in San Juan, Puerto Rico.

(b) The San Juan Marine Inspection Zone and the San Juan Captain of the Port Area is comprised of the area of both the Commonwealth of Puerto Rico and the Territory of the Virgin Islands.

5. Section 3.35-30 is amended to read as follows:

§ 3.35-30 Savannah Marine Inspection  
Zone and Captain of the Port.

(a) The Savannah Marine Inspection Office and the Savannah Captain of the Port Office are located in Savannah, Georgia.

(b) The boundary of the Savannah Marine Inspection Zone, and of the Savannah Captain of the Port Area, starts at the southern tip of Bay Point, Edisto Island, South Carolina; thence northerly along the eastern bank of the Edisto River to 32°41' N. latitude; thence westerly to the eastern bank of the Savannah River at 32°30' N. latitude; thence northerly along the eastern bank of the Savannah River to the intersection of the South Carolina-Georgia boundary with the federal dam at the southern end of Hartwell Reservoir; thence northerly along the South Carolina-Georgia boundary to the intersection of the North Carolina-South Carolina-Georgia boundary; thence westerly along the Georgia-North Carolina boundary and continuing westerly along the Georgia-Tennessee boundary to the intersection of the Georgia-Tennessee-Alabama boundary; thence southerly along the Georgia-Alabama boundary to 32°53' N. latitude; thence southeasterly to the eastern bank of the Flint River at 32°20' N. latitude; thence southerly along the eastern bank of the Flint River and continuing southerly along the southeastern bank of Jim Woodruff Reservoir to 84°45' W. longitude; thence southerly to the intersection of the Florida-Georgia boundary; thence easterly along the Florida-Georgia boundary to 82°15' W. longitude; thence due north to 30°50' N. latitude, 82°15' W. longitude; thence due east to the sea at 30°50' N. latitude.

6. Section 3.35-35 is amended to read as follows:

§ 3.35-35 Tampa Marine Inspection  
Zone and Captain of the Port.

(a) The Tampa Marine Inspection Office and the Tampa Captain of the Port Office are located in Tampa, Florida.

(b) The boundary of the Tampa Marine Inspection Zone, and of the Tampa Captain of the Port Area, starts at the Florida coast at 83°50' W. longitude; thence due north to 30°15' N. latitude, 83°50' W. longitude; thence due west to 30°15' N. latitude, 84°45' W. longitude;

§§ 3.35-55, 3.35-60, 3.35-65, 3.35-70, 3.35-75, 3.35-80 and 3.35-85  
[Deleted]

(5 U.S.C. 552; 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46.)

Dated: December 29, 1977.

O. W. SILER,  
Admiral, U.S. Coast  
Guard Commandant.

[FR Doc.78-134 Filed 1-4-78; 8:45 am]

thence due north to the Florida-Georgia boundary at 84°45' W. longitude; thence easterly along the Florida-Georgia boundary to 83°00' W. longitude; thence southeasterly to 28°00' N. latitude, 81°30' W. longitude; thence due south to 26°00' N. latitude, 81°30' W. longitude; thence southwesterly to the southern tip of Cape Romano.

7. Sections 3.35-55, 3.35-60, 3.35-65, 3.35-70, 3.35-75, 3.35-80 and 3.35-85 are deleted.

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Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
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	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

**Rules Going Into Effect Today**

NRC—Operational use of small quantities of source material; general license for Government agencies.. 61853; 12-7-77

Treasury/CS—Nogales, Ariz.; Extension of port limits..... 61860; 12-7-77

DOT/FAA—McDonnell Douglas Model DC-10 Series Airplanes; airworthiness directives..... 61036; 12-1-77

Hiller Model UH-12; C, D, E (4-place), L, EL and L-4s Converted from E-4s; airworthiness directives..... 61034; 12-1-77

**List of Public Laws**

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of PUBLIC LAWS.

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[ 3410-30 ]

Title 7—Agriculture  
CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

[Amdt. 16]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

National School Lunch, School Breakfast or Child Care Food Programs

AGENCY: Food and Nutrition Service.

ACTION: Final rule.

**SUMMARY:** Special Milk Program regulations are amended to limit the eligibility of children in schools and child care institutions which participate in the National School Lunch, School Breakfast, or Child Care Food Programs for free milk under the Special Milk Program. No Special Milk Program reimbursement at the free rate may be claimed for milk served to a child during the meal service period, if the child receives a reimbursable meal under another program. The regulations are also amended to provide for annual adjustment of the Special Milk Program reimbursement rate on a "school year" rather than "fiscal year" basis; and to define "school year". Minor changes are also made for purposes of clarification and conformity. These regulatory changes are required by Pub. L. 95-166 which amends the National School Lunch Act and the Child Nutrition Act of 1966.

**EFFECTIVE DATE:** February 1, 1978 for all provisions except the announced rate and provisions (i) and (ii) under § 215.8(b)(1) which shall be effective July 1, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Mr. William G. Boling, Manager, Child Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8130.

**SUPPLEMENTARY INFORMATION:** Section 3 of the Child Nutrition Act of 1966, as amended by Pub. L. 95-166, provides that children who qualify for free lunches under guidelines set forth by the Secretary shall also be eligible for free milk, when milk is made available at times other than the periods of meal service in outlets that operate the National School Lunch, School Breakfast or Child Care Food Programs. The language

of this amendment has been construed not "to deny any child in the lunchroom from receiving the milk that the child was entitled to." (Congressional Record H 11672) Therefore, in order to ensure that all qualified children receive free milk at meal times either as a component of free meals or as a separate beverage item, the Special Milk Program regulations are amended to require participating schools and institutions to make free milk available to all eligible children when the Program is operated at times other than meal service periods, and to furnish free milk during meal service periods to children determined eligible for free meals and milk, but who elect not to take the free meal under another program. This means that needy children who do not participate in the school lunch program (such as children who bring a bag lunch from home) will continue to be eligible for free milk during the lunch period.

This regulatory change does not affect the milk served to children as part of their National School Lunch, School Breakfast or Child Care Food Program meals. It permits schools and institutions, at meal service periods, to make free milk available to eligible needy children who do not choose to take a free meal, and to make low cost milk available to all other children during such periods. Further, it encourages the availability of free milk to all needy children at times other than the meal service periods.

Pub. L. 95-166 also amended the Child Nutrition Act of 1966 to delete certain references to "fiscal year" and to substitute therefor "school year". Implementing changes are made in this amendment.

Since these regulatory changes implement nondiscretionary provisions of Pub. L. 95-166, it is determined that proposed rule making and public participation procedures thereon are unnecessary and contrary to the public interest.

Accordingly, Part 215 is amended as follows:

1. In § 215.1, the fifth and sixth sentences of the quoted statute are revised to read as follows:

§ 215.1 General purpose and scope.

... Children who qualify for free lunches under guidelines set forth by the Secretary shall also be eligible for free milk, when milk is made available at times other than the periods of meal service in outlets which operate a food service program authorized under sections 4 and 17 of the National School Lunch Act and section 4 of this Act. For the fiscal year ending June 30, 1975, and

for subsequent school years, the minimum rate of reimbursement for a half pint of milk served in schools and other eligible institutions shall not be less than 5 cents per half pint served to eligible children, and such minimum rate of reimbursement shall be adjusted on an annual basis each school year thereafter to reflect changes in the series of food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.

2. In § 215.2, paragraphs (k) and (x) are revised; and paragraphs (e-2) and (k-1) are added, as follows:

§ 215.2 Definitions.

(e-2) "CND" means the Child Nutrition Division of the Food and Nutrition Service of the Department.

(k) "Fiscal year" means the period of 12 calendar months beginning October 1, 1977, and each October 1 of any calendar year thereafter and ending September 30 of the following calendar year.

(k-1) "Meal service period" means a time period scheduled by a School Food Authority or child care institution for the service of meals under the National School Lunch Program, the School Breakfast Program or the Child Care Food Program.

(x) "School year" means the period of 12 calendar months beginning July 1, 1977, and each July 1 of any calendar year thereafter and ending June 30 of the following calendar year.

3. In § 215.7, paragraphs (d)(1) and (2) are revised as follows:

§ 215.7 Requirements for participation.

(d) ...

(1) Operate a nonprofit milk service or, if food service is also maintained, operate a nonprofit food and milk service.

(2)(i) Make free milk available to all needy children whenever milk is made available under the Program at times other than during a meal service period; (ii) make free milk available to needy children who elect not to take a free meal reimbursable under the Act or under the National School Lunch Act, when milk is made available under the Program during a meal service period; and (iii) make no discrimination



against any needy child because of inability to pay for the milk.

4. In § 215.8, paragraph (b) is revised as follows, paragraph (c) is deleted, and paragraph (d) is redesignated (e):

**§ 215.8 Reimbursement payments.**

(b) (1) The rate of reimbursement per half pint (236 ml) of milk purchased and (i) served in nonpricing programs to all children; (ii) served in pricing programs to children other than needy children; and (iii) served in pricing programs during a meal service period to needy children who elect to take a free meal shall be the rate announced by the Secretary for the applicable school year. However, in no event shall the reimbursement for each half pint (236 ml) of milk served to children exceed the cost of the milk to the school or child care institution. (2) The rate of reimbursement for milk purchased at a single price and served free in pricing programs (i) at times other than a meal service period to all needy children, and (ii) during a meal service period to needy children who elect not to take a free meal shall be equal to the cost per half pint (236 ml) of milk. If milk so served is purchased at more than one price, the average cost (i.e., the total cost of all milk purchased during the claim period, divided by the total number of purchased half pints) shall be used.

5. In § 215.9, paragraph (b) is revised as follows:

**§ 215.9 Effective date for reimbursement.**

(b) Reimbursement payments pursuant to § 215.8 shall be made for milk purchased and served to children at any time during the effective period of an agreement between a School Food Authority or child care institution and the State agency or the Department.

6. In § 215.10, the last sentence in paragraph (c) is deleted, and paragraphs (a) and (f) are revised as follows:

**§ 215.10 Reimbursement procedure.**

(a) Each State agency, or FNSRO where applicable, shall require School Food Authorities and child care institutions to submit a Claim for Reimbursement on a calendar month basis by the 10th day of the month following the month covered: *Provided, however*, That not more than 10 days of a beginning or ending month of Program operations in the fiscal year may be combined with the claim of the month immediately following the beginning month or preceding the ending month. Any Claim for Reimbursement combining the ending month of one fiscal year and the beginning month of the next fiscal year shall not be permitted.

(f) Any School Food Authority or child care institution which operates

both a nonpricing and pricing milk program in the same school or child care institution, may elect to claim reimbursement for: (1) All milk purchased and served to children under the Program at the nonpricing rate prescribed in § 215.8(b)(1), or (2) only milk purchased and served to children in the pricing program at the rates prescribed in § 215.8(b)(1) and (2) for pricing programs.

7. In § 215.11, the first sentence of paragraph (c) (1) is revised, and a new paragraph (c) (3) is added to read as follows:

**§ 215.11 Special responsibilities of State agencies.**

(c) *Records and Reports.* (1) Each State agency shall submit information on Program operations on a form provided by FNS, and shall maintain current accounting records of Program operations which will adequately identify fund authorizations, obligations, unobligated balances, outlays and income.

(3) Revised reports shall be submitted within one month after the initial submission and continue to be submitted whenever appreciable changes from the prior submission have occurred.

8. In § 215.13a, paragraphs (a), (b), (c), the first sentence of paragraph (d), and the first sentence of paragraph (e) are revised to read as follows:

**§ 215.13a Determining eligibility for free milk in child care institutions.**

(a) *General.* Participating child care institutions which operate pricing programs shall make free milk available as forth in § 215.7(d)(2) to children who meet approved eligibility criteria. It is the responsibility of such child care institutions to determine the children who are eligible to receive free milk, and to assure that there is no physical segregation of, or other discrimination against, or overt identification of, children unable to pay the full price of milk. Child care institutions operating nonpricing programs are not required to make free milk eligibility determinations.

(b) *Action by State agencies and FNSROs.* Each State agency, or FNSRO where applicable, shall annually inform each child care institution under its jurisdiction which operates a pricing program of its responsibility to provide free milk to all eligible children upon request when milk is made available under the program at times other than the meal service period, and to provide free milk to eligible children who elect not to take a free meal under another Federal program during the meal service period. It shall provide to each a copy of the State's family-size income standards for determining eligibility for free meals under the National School Lunch Program and School Breakfast Program to assist the institution in meeting its responsibility.

(c) *Action by institutions.* Each child care institution which operates a pricing program shall be required to develop and submit, at the time it applies for Program participation and thereafter at the time the Program agreement is renewed, a written free milk policy statement for determining free milk eligibility of children under its jurisdiction, which shall contain the items specified in paragraph (d) of this section. Such institutions shall not be approved for Program participation nor their agreements renewed unless the free milk policy statement has been reviewed and approved. Pending approval of a revision of a policy statement, the existing policy shall remain in effect.

(d) *Policy statement.* A free milk policy statement as required in paragraph (c) of this section shall contain the following:

(e) *Public announcement of eligibility criteria.* Each child care institution which is required to make free milk available under the Program shall annually make a public release, announcing the availability of free milk to children who meet the approved eligibility criteria, available to the information media serving the area from which its attendance is drawn.

9. In § 215.16, the addresses in paragraphs (b) and (g) are revised as follows:

**§ 215.16 Program information.**

(b) . . . Mid-Atlantic Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, One Vahlsing Center, Robbinsville, N.J. 08691.

(g) . . . Mountain Plains Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, 2420 West 26th Avenue, Denver, Colo. 80211.

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: January 4, 1978.

CAROL TUCKER FOREMAN,  
Assistant Secretary for Food  
and Consumer Services.

[FR Doc. 78-345 Filed 1-5-78; 8:45 am]

**[3410-02]**

**CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE**

[Lemon Reg. 126, 127; Amdt. 1]

**PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**Limitation of Handling**

AGENCY: Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period January 8-14, 1978, and increases the quantity of such lemons that may be so shipped during the period January 1-7. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

**DATES:** The regulation becomes effective January 8, 1978, and the amendment is effective for the period January 1-7, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Charles R. Brader, 202-447-6393.

**SUPPLEMENTARY INFORMATION:** Findings. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on January 3, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues strong.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

1. § 910.427 Lemon Regulation 127. Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period January 8, 1978, through January 14, 1978, is established at 215,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

2. Paragraph (a) of § 910.426 Lemon Regulation 126 (42 FR 65133) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period January 1, 1978, through January 7, 1978, is established at 240,000 cartons." (Secs. 1-19, 48 Stat. 31 as amended; 7 U.S.C. 601-674)

Dated: January 4, 1978.

CHARLES R. BRADER,  
Director, Fruit and Vegetable  
Division Agricultural Market-  
ing Service.

[FR Doc. 78-505 Filed 1-5-78; 11:22 am]

**[3410-05]**

**CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE**

**SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS**

**PART 1430—DAIRY PRODUCTS**

**Subpart—Price Support Program for Milk 1977-1978 Price Support**

AGENCY: Commodity Credit Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** Based on a review of the dairy situation prior to October 1, 1977, it has been determined that the support price for manufacturing milk will remain at \$9.00 per hundredweight. This support price is applicable as of October 1, 1977, the beginning of the new marketing year. The marketing year has been changed so as to begin on October 1 to enable the Secretary to make decisions when more complete information on prospective feed supplies and prices is available for a full year ahead.

The announced price is for milk with the national average milkfat content of 3.67 percent. The equivalent support price for 3.5 percent milkfat content is \$8.79.

**EFFECTIVE DATE:** October 1, 1977.

**ADDRESSES:** Procurement and Sales Division, ASCS, USDA, 5741 South Building, P.O. Box 2415, Washington, D.C. 20013.

**FOR FURTHER INFORMATION CONTACT:**

Donald E. Friedly, Agricultural Economist, Dairy Branch, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 5741 South Building, P.O. Box 2415, Washington, D.C. 20013, 202-447-3571.

**SUPPLEMENTARY INFORMATION:** Pursuant to the announcement appearing in the FEDERAL REGISTER on May 2, 1977, (42 FR 22126) the support price for milk was reviewed before October 1, 1977, to determine whether an adjustment of the support price was needed. Section 201 of the Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977, requires that milk be sup-

ported at a level between 80 and 90 percent of parity to assure an adequate supply of milk, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. Section 201 also requires that the price of milk be adjusted at midyear to reflect any estimated change in the parity index during the first six months of the marketing year. In that regard, during the review, it was estimated that parity index would be the same on April 1 and October 1, 1977. In fact, this estimate was confirmed when the parity index for October 1 was published.

On July 29, 1977, a notice was published in the FEDERAL REGISTER (42 FR 38598) inviting comments concerning whether an adjustment should be made in the price for milk effective October 1, 1977. Comments were also invited concerning whether the marketing year should be changed from April 1-March 31 to October 1-September 30. A similar notice was also issued in a USDA press release.

**DISCUSSION OF COMMENTS**

The Department received 87 written comments from dairy cooperatives and associations, farm organizations, farmers, dairy product manufacturers and dealers, consumers and consumer organizations, and a State government agency. Five comments included recommendations to increase the support price. Of these, three commenters recommended an increase to 83 percent of parity, one to 90 percent of parity, and one to 100 percent of parity. In addition, 18 commenters, most of which were dairy farmers or dairy cooperatives and associations recommend continuing the \$9.00 support price. Twenty commenters, most of which were consumers and dairy product manufacturers, were against a support price increase. Eight commenters recommended that support be set at 80 percent of parity and seven recommended lowering the support price. Twenty-seven commenters recommended changing the marketing year to begin October 1, and 4 were against changing the marketing year. Of the 18 dairy farmer cooperatives and associations responding, their recommendations are summarized as follows: Fifteen recommended changing the marketing year to begin October 1, one recommended against changing the marketing year, nine recommended announcing the support price on a 3.5 percent butterfat basis (the announced price is for milk with the national average butterfat content of 3.67 percent), eight recommended increasing the manufacturing margins used in calculating Commodity Credit Corporation's (CCC's) purchase prices, five recommended increasing CCC's prices for unrestricted use sales of dairy products to 115 percent of their current purchase prices, and four recommended purchasing process cheese at an announced price. Recommendations received from 26 consumers and one consumer organization concerning the



level of support are summarized as follows: Three recommended continuing the \$9.00 support price, five lowering the support price, 14 against increasing the support, and one increasing the support.

#### MARKETING YEAR DATES

In order to enable the Secretary to make decisions regarding milk price support when more complete information on prospective feed supplies and prices is available for a full year ahead, the beginning of the marketing year was changed to October 1. This is the first change since 1950 when the April 1-March 31 marketing year was established. This change should allow dairy producers to make better production decisions as they move into the more expensive barn-feeding season.

#### SUPPORT PRICE

After considering the comments received and reviewing the supply-demand situation, it was determined necessary that the support price for manufacturing milk remain at \$9.00 per hundred-weight, which is 82.3 percent of the parity equivalent price as of October 1, 1977. This determination results from a review of the dairy situation prior to October 1, 1977, to determine if adjustments to the support price would be necessary to assure an adequate supply, reflect changes in the cost of production, and assure an adequate level of farm income to maintain productive capacity sufficient to meet anticipated future needs.

The results of the midyear review and the price support program for the new marketing year were described in a US DA press release. The latest available statistics of the Federal Government were used in making determinations under this rule.

An increase in the support price was not necessary to assure an adequate supply of milk and dairy products. Milk production during the April-August months was the highest since 1965 and more than 2 percent above a year ago. Milk production in August was 2.9 percent more than a year earlier and the 23rd consecutive month in which production was above a year earlier. Supplies of milk and dairy products have been in excess of commercial demand as CCC purchases of surplus butter, nonfat dry milk and cheese have increased rapidly in 1977. The rate of CCC's purchases of dairy products since April 1, 1977, has been greater than any year since 1972, and is expected to remain at high levels during the new marketing year.

In accordance with the Food and Agriculture Act of 1977, the support price will be adjusted, effective April 1, 1978, to reflect any estimated change in the parity index during the six months beginning October 1.

#### INCREASE MANUFACTURING MARGINS

The Department will make a special study of the manufacturing margins

used in calculating CCC's purchase prices and submit a report to the Board of Directors, CCC, at a later date.

#### INCREASE SALES PRICES FOR CCC-OWNED DAIRY PRODUCTS

On April 1, 1977, CCC prices of dairy products for sale for unrestricted use were increased from 105 to 110 percent of current purchase prices in order to encourage the industry to store its own dairy products for use in the short production season of fall and winter. It was estimated that the 10 percent add-on to the purchase prices would cover storage costs and risks and is sufficient incentive to encourage the industry to store dairy products in the spring and summer for sale in the fall and winter. A further increase in CCC sales prices to 115 percent of the current purchase prices would result in a markup that exceeds estimated storage costs and risks. The sales prices of CCC-owned dairy products serve as a ceiling on market prices when CCC has large inventories. Therefore, the 15 percent add-on could have an undue inflationary effect on wholesale and retail prices of dairy products.

#### PURCHASE PROCESS CHEESE AT AN ANNOUNCED PRICE

CCC purchases natural cheese in 40-pound blocks and in approximately 500-pound barrels at announced prices that are calculated to result in an annual U.S. average price for manufacturing milk at least equal to the announced support price. CCC obtains process cheese for use in the domestic school lunch and other feeding programs either by contracting with the industry to process CCC-owned natural cheese or by purchasing process cheese under competitive offers. It has been determined that it is not advisable to announce a fixed price for process cheese because CCC would lose control over the quantities of process cheese contracted for specific program uses and CCC would lose the flexibility it now has on sales of Cheddar cheese back to the industry. Moreover, purchasing process cheese would add an additional marketing tier between CCC and dairy farmers and thereby reduce the assurance that does exist that farmers will derive the maximum benefit from the program. Although CCC continued to pay the same price for all process cheese offered in April and May, market prices for barrel cheese dropped sharply and prices paid to farmers for cheese declined. Since then CCC has made several changes in its natural cheese purchase contract requirements to better assure that dairy farmers delivering milk to cheese plants will receive the support price for their milk.

#### FINAL RULE

Based on the \$9.00 support price, the October 1-September 30 marketing year, and the reorganization of Agricultural Stabilization and Conservation Service

which was effective August 25, 1977, paragraphs (a) (1) and (a) (4) of 7 CFR 1430.282 are revised to read as follows:

#### § 1430.282 Price support program for milk.

(a) (1) The general level of prices to producers for milk will be supported from October 1, 1977, through September 30, 1978, at \$9 per hundredweight for manufacturing milk, subject to adjustment as provided for by law.

(4) Purchase announcements setting forth terms and conditions of purchase may be obtained upon request from:

United States Department of Agriculture, Agricultural Stabilization and Conservation Service, Procurement and Sales Division, P.O. Box 2415, Washington, D.C. 20013; or

United States Department of Agriculture, Agricultural Stabilization and Conservation Service, Kansas City ASCS Commodity Office, P.O. Box 8377, Shawnee Mission, Kans. 66208.

(Sec. 201, 401, Pub. L. 439, 81st Cong., 63 Stat. 1052, 1054, as amended (7 U.S.C. 1446, 1421); sec. 4(d), Pub. L. 806, 80th Cong., 62 Stat. 1070, as amended (15 U.S.C. 714b(d)).)

NOTE.—The Commodity Credit Corporation has determined that this document contains a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107 and certifies that an Economic Impact Statement has been prepared.

Signed at Washington, D.C. on December 1, 1977.

RAY FITZGERALD,  
Executive Vice President,  
Commodity Credit Corporation.

[FR Doc. 78-279 Filed 1-5-78; 8:45 am]

#### [3410-34]

#### Title 9—Animals and Animal Products

#### CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

#### PART 73—SCABIES IN CATTLE

#### Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Texas County in Oklahoma because of the existence of cattle scabies. Psoroptic cattle scabies was confirmed December 21, 1977, in Texas County. Therefore, in order to prevent the dissemination of cattle scabies it is necessary to quarantine the infested area.

EFFECTIVE DATE: December 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goat, Equine and Ectoparasites Staff, USDA, APHIS, VS, Federal Building, Room 737, 6505 Belcrest Road, Hyattsville, Md. 20782, 301-436-8322.

SUPPLEMENTARY INFORMATION: This amendment quarantines a portion of Texas County in Oklahoma because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, a new paragraph (f) relating to the State of Oklahoma is added to read:

#### § 73.1a Notice of quarantine.

(f) Notice is hereby given that cattle in a certain portion of the State of Oklahoma are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Texas County comprised of North ½ of sec. 18, T. 5 N., R. 11 E.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-128, 134b, 134f); 37 FR 28484, 28477; 38 FR 19141.)

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of December 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

NORVAN L. MEYER,  
Acting Deputy Administrator,  
Veterinary Services.

[FR Doc. 78-149 Filed 1-5-78; 8:45 am]

#### [8010-01]

#### Title 17—Commodity and Securities Exchanges

#### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5895, 34-14317, 35-20344, AS-237]

#### PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

#### Marketable Securities and Other Security Investments

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission hereby amends rules recently adopted regarding disclosures by commercial and industrial companies of investments and marketable securities and other security investments to clarify or modify the requirements of certain instructions to the schedule in which the securities are required to be listed. The effective date for these amendments coincides with the effective date specified for the rules previously adopted on September 8, 1977, in Accounting Series Release No. 226.

DATE: Effective for financial statements for fiscal years ending after December 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert R. Love, 202-755-1773, or Edward R. Cheramy, 202-376-8020, office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In Accounting Series Release No. 226, dated September 8, 1977 (originally published in the FEDERAL REGISTER at 42 FR 46512 and correction of § 210.12-02 schedule published at 42 FR 51569), the Commission revised the disclosure requirements for commercial and industrial companies regarding investments in marketable securities and other security investments. The revisions were effected by amendments to Regulation S-X (17 CFR Part 210) in Captions 2 and 12 of § 210.5-02, Schedule I of § 210.5-04, and the captions and instructions in § 210.12-02.

Inquiries have been received, as summarized below, regarding certain of the revised captions and instructions to the schedule under § 210.12-02, "Marketable securities—other security investments," to which this release is responsive.

A. Clarification was requested for the term "agency" as used in Instruction 1 of the schedule under § 210.12-02, e.g., the U.S. Government and its agencies are to

be classed as one issuer of securities, in regard to whether a corporation in the private sector whose securities are guaranteed in whole or in part by a governmental unit could be considered an agency of that governmental unit for purposes of this instruction. For this purpose a corporation would not be considered an agency of the governmental unit unless it is wholly or partially owned by the governmental unit. The instruction with respect to the cross-referencing required between two issuers when one has guaranteed or otherwise supported the securities of the other is clarified in order to provide disclosure of any such supportive relationship between two issuers which cannot be grouped together as one issuer to enable a better evaluation of the investment risks of the securities of each issuer held by the registrant.

B. Modification of Instruction 2a of the schedule under § 210.12-02 regarding the grouping of securities was requested to permit grouping of individual issues whose cost or market value does not exceed two percent of total assets in order that extensive listings by individual issue of securities, the amounts of which are not significant for any issue, may be avoided, and to permit grouping of all security issues of the U.S. Government and its agencies whether or not they exceed two percent of total assets in view of their virtually risk free nature. Instruction 2a is amended to permit groupings for the U.S. Government and its agencies and reasonable groupings for other governmental and corporate issues.

C. Requests were made for modification of the requirements of Schedule I of § 210.5-04 to permit omission of the schedule prescribed by § 210.12-02 if data required to be disclosed in the schedule are included in the related financial statements or in a note thereto. Registrants are reminded that omission of this or any other schedule may be permitted in these circumstances by paragraph (b) of § 210.5-04 which states in part: "If the information required by any schedule (including the notes thereto) may be shown in the related financial statement or in a note thereto without making such statement unclear or confusing, that procedure may be followed and the schedule omitted."

#### COMMISSION ACTION

The Commission hereby amends Part 210 of 17 CFR Chapter II by revision of Instructions 1 and 2a in § 210.12-02 to read as given below.

#### § 210.12-02 Marketable securities—other security investments.

(Instruction) 1 For the purpose of this schedule, each of the following groups of entities shall be considered as one issuer: (a) The United States Government and its agencies; (b) any state of the United States and its agencies; (c) a political subdivision of a state of the United States and its agen-



cles; (d) a foreign government and its agencies and political subdivisions; and (e) a corporation and its majority owned subsidiaries. If a security listed herein is guaranteed, sponsored or otherwise supported by another issuer, provide, in a note keyed to the issuing entity and to the supporting entity if present in the listing, a brief description of the terms of such guarantee or other arrangements.

(Instruction) 2 (a):  
(1) All securities of the United States Government and its agencies (category 1(a) above) may be grouped together and shown as a single item.

(11) For other governmental and corporate securities (categories 1 (b), (c), (d), and (e) above):

(1) State separately each individual issue with a cost or market value which equals or exceeds two percent of total assets:

(2) Reasonable groupings (e.g. by industry, type of security, similar investment risk, etc.), without enumeration, may be made of all other securities: *Provided*, That the aggregate cost or aggregate market value of each group does not exceed two percent of total assets. Governmental securities (categories 1 (b), (c), and (d)) should generally be grouped separately from corporate securities (category 1(e)). Securities with investment risk factors that are significantly greater than normal for that class of issuer (e.g. interest in default, corporation in bankruptcy, etc.) should be listed or grouped separately with a brief explanation of the abnormal risk factors.

Inasmuch as the above described amendments merely clarify one instruction and relieve a restriction in a narrow area in another instruction under § 210.12-02, the Commission as authorized by section 4 (b) and (c) (5 U.S.C. 553 (b), (d)), of the Administrative Procedure Act, for good cause finds that notice and public procedure thereon is unnecessary and these amendments shall be effective for fiscal years ending after December 24, 1977.

(Secs. 6, 7, 8, 10 and 19(a) (15 U.S.C. 77f, 77g, 77h, 77i, and 77j) of the Securities Act of 1933; sections 12, 13, 15(d) and 23(a) (15 U.S.C. 78d, 78e, 78f(d) and 78g) of the Securities Exchange Act of 1934; and sections 5(b), 14 and 20(a) (15 U.S.C. 79e, 79n, and 79f) of the Public Utility Holding Company Act of 1935.)

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 29, 1977.

[FR Doc.78-187 Filed 1-5-78; 8:45 am]

[4830-01]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7531; LR-176-77]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Definition of Pension Plan Reserves and Special Elections for Section 403(b) Annuity Contracts Purchased by Educational Institutions, etc.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations, temporary regulations.

SUMMARY: This document amends the Income Tax Regulations relating to the definition of pension plan reserves. It also amends the Temporary Income Tax Regulations Under the Employee Retirement Income Security Act of 1974 relating to section 403(b) annuity contracts and salary reduction agreements. The amendments have been prepared in response to requests by the public. The amendment of the Income Tax Regulations affects life insurance companies and corrects an unintentional error in a recently adopted regulation. The amendment of the Temporary Regulations affects employees of some tax-exempt organizations and provides them with somewhat easier rules for complying with the law.

DATES: The amendments have varying effective dates. The amendment of the Income Tax Regulations is effective as of August 23, 1977. The amendment of the Temporary Income Tax Regulations is generally applicable to all limitation and taxable years ending before and with or within the taxable year in which applicable final regulations under section 415 are first published in the FEDERAL REGISTER. However, with respect to salary reduction agreements the amendment is applicable only to those agreements which are entered into for the taxable year beginning in 1977.

FOR FURTHER INFORMATION CONTACT:

Norman J. Misher of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3737 not a toll-free number.

#### BACKGROUND

This document amends § 1.805-7(b) of the Income Tax Regulations (26 CFR Part 1), relating to the definition of pension plan reserves. This document also amends § 11.415(c) (4)-1(b) of the Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974, relating to annuity contracts and salary reduction agreements. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

#### PENSION PLAN RESERVES

Section 805(d) (4) of the Code and § 1.805-7(b) of the Income Tax Regulations define the term "pension plan reserves". In general, life insurance companies receive favorable income tax treatment with respect to these reserves. Treasury Decision 7501 (42 FR 42342, August 23, 1977), which amended this regulation, inadvertently deleted a provision that included reserves allocable to contracts to provide retirement annuities purchased for employees in public school

systems and universities in the term "pension plan reserves". The amendment restores the inadvertently deleted material. It also deletes two paragraphs reflecting a statutory provision that was deleted by the "Deadwood" title of the Tax Reform Act of 1976.

#### SPECIAL RULES FOR ELECTIONS PURSUANT TO ANNUITY CONTRACTS

The regulations provide guidance for an individual who wishes to make a special election with respect to amounts contributed for section 403(b) annuity contracts. Before this amendment, the special rules pertaining to the making of the special election (whether by filing a statement of intention or by the individual's determining his income tax liability in a way consistent with one of the special elections) was available only for a limitation year which ended with or within a taxable year beginning in 1976. This amendment extends the applicability of these special rules to all limitation years that end before, or with or within, the taxable year in which applicable final regulations under section 415 are first published in the FEDERAL REGISTER. The amendment also provides that, if an individual makes the special election, he will be precluded from making an alternative election for all limitation or taxable years ending before and with or within the taxable year in which applicable final regulations under section 415 are first published in the FEDERAL REGISTER.

#### SPECIAL RULES FOR SALARY REDUCTION AGREEMENTS

This amendment also extends the time that the special rules for salary reduction agreements will be applicable. Some salary reduction agreements enable taxpayers to make special elections allowed under section 415(c) (4) of the Internal Revenue Code of 1954 for annuity contracts purchased by educational institutions, hospitals and home health service agencies.

Before this amendment, the regulations provided that if a salary reduction agreement for the taxable year beginning in 1976, taking into account one of the special elections, was entered into before the end of that year, it would not be considered a new agreement. (The general rule is that only one salary reduction agreement may be effective for a taxable year.) This was later amended on April 19, 1977 (42 FR 20297) to provide that a salary reduction agreement for 1976 could be entered into on or before June 15, 1977. However, because the regulations were first published on November 29, 1976 (41 FR 52295) and many salary reduction agreements for 1977 were entered into before the end of 1976, some of the people affected by the regulations were unaware of the special elections when they entered into their 1977 agreements.

This amendment, therefore, provides that the special rules for 1976 salary reduction agreements will also be applicable to salary reduction agreements entered into for the 1977 taxable year, so long as the agreement for 1977 is entered

into on or before April 17, 1978. This amendment also requires an amended Form W-2 to be filed on behalf of the taxpayer if the agreement is entered into after December 31, 1977.

Because there has been ample opportunity for affected individuals to familiarize themselves with the special elections, the Internal Revenue Service intends that there will be no future amendments which would extend the special rules to salary reduction agreements for 1978 and future taxable years.

#### DRAFTING INFORMATION

The principal author of this regulation was Norman J. Misher of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

#### ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, § 1.805-7 of the Income Tax Regulations (26 CFR Part 1) and subparagraphs (1), (2) and (3) of § 11.415(c) (4)-1(b) of the Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974 (26 CFR Part 11) are amended as follows:

PARAGRAPH 1. Section 1.805-7 is amended by (1) deleting paragraphs (c) and (d) and (2) revising paragraph (b) (4) to read as follows:

§ 1.805-7 Pension plan reserves.

(b) Pension plan reserves defined.

(4) Purchased to provide retirement annuities.—(i) For its employees by an organization which (as of the time the contracts were purchased) was an organization described in section 501(c) (3) which was exempt from tax under section 501(a) or was an organization exempt from tax under section 101(6) of the Internal Revenue Code of 1939 or the corresponding provisions of prior revenue laws, or

(ii) For taxable years beginning after December 31, 1963, for employees described in section 403(b) (1) (A) (ii) by an employer which is a State, a political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing.

The definition of pension plan reserves described in paragraph (b) (4) (i) of this section includes only life insurance reserves held under contracts purchased by those organizations described in section 501(c) (3) and exempt from tax under section 501(a), and does not include life insurance reserves held under contracts purchased by organizations described under any other provision of section 501(c). Accordingly, the reserves held under contracts purchased by such other exempt organizations, or by entities not subject to Federal income tax (such as a State, municipality, etc.),

shall not be treated as pension plan reserves unless they qualify as such under section 805(d) (1), (2), (3), or (5) or paragraph (b) (4) (ii) of this section.

PAR. 2. Subparagraphs (1), (2) and (3) of § 11.415(c) (4)-1(b) are amended to read as follows:

§ 11.415(c) (4)-1 Special elections for section 403(b) annuity contracts purchased by educational institutions, hospitals, and home health service agencies.

(b) Special rules for elections and salary reduction agreements for years before final regulations are published—

(1) Election. (i) For a limitation year which ends before or with or within the taxable year in which applicable final regulations under section 415 are first published in the FEDERAL REGISTER, an individual may wish to take advantage of the alternative limitations described in section 415(c) (4). One way of doing this is to attach a statement of intention to his individual tax return for the taxable year. The statement should provide that the individual intends to elect one of those alternative limitations. It should also specify which alternative he intends to elect. No form is prescribed for the statement of intention, but it must include the individual's name, address and Social Security number. If the individual is not required to file an income tax return for the taxable year to which the statement of intention is to apply, the statement of intention may still be filed at the Internal Revenue Service Center where that individual would file the return if he were required to file. It should be filed by the time he would have filed his return. The Internal Revenue Service will treat the statement of intention as an actual election for all taxable years through the taxable year in which applicable final regulations under section 415 are first published in the FEDERAL REGISTER for all purposes, except that it will not be irrevocable. If, pursuant to this subdivision, an individual takes advantage of an alternative limitation for a taxable year, then, except as provided in subdivision (iii) of this subparagraph, the individual may not take advantage of any other alternative limitation pursuant to this subdivision for any taxable year. If an individual does not file a statement of intention, he will still be able to take advantage of the alternative limitations for these taxable years. He will be able to do this if he determines his income tax liability for the taxable year in a way which is consistent with one of the alternative limitations.

(ii) The actual election for all taxable years through the taxable year in which applicable final regulations under section 415 are first published in the FEDERAL REGISTER will be made by filing the election with the Internal Revenue Service at the time and in the manner to be described by final regulations under section 415.

(iii) If the salary reduction agreement for 1976 is entered into at any time after December 31, 1976, or if the salary reduction agreement for 1977 is entered into at any time after December 31, 1977, an amended Form W-2 must be filed on behalf of the individual.

(3) Election is irrevocable. The election described in paragraph (a) (3) of this section, once made in accordance with the provisions of subparagraph (1) of this paragraph, shall be irrevocable with respect to the limitation years or

(iii) When an individual makes the actual election for any taxable year year through the taxable year in which applicable final regulations under section 415 are published in the FEDERAL REGISTER, he may choose any of the alternative limitations, even if his choice is inconsistent with the alternative limitation which he used in determining his income tax liability for that taxable year. He may also choose not to elect any of the alternative limitations, even if he used one of them in determining his income tax liability for that taxable year. However, if his choice is different from the choice which he used in determining his income tax liability for the taxable year, there may be an adjustment in his tax for that year. For purposes of section 6654 (relating to failure of an individual to pay estimated tax), a difference in tax for such a year resulting from a difference in these choices will not be treated as an underpayment. This rule applies to the extent the difference in tax is due to the actual election of one of the alternative limitations or to a final decision not to use one of the alternative limitations for the taxable year.

(2) Salary Reduction Agreements for 1976 and 1977. (i) An individual who is employed by an organization described in paragraph (a) (3) may make a salary reduction agreement for his taxable year beginning in 1976 or 1977 at any time before the end of the 1976 or 1977 taxable year, respectively, without the agreement's being considered a new agreement within the meaning of § 1.403(b)-1(b) (3) (i). The agreement for 1976 may be made on or before June 15, 1977, if that date is later than the end of the individual's 1976 taxable year. The agreement for 1977 may be made on or before April 17, 1978, if that date is later than the end of the individual's 1977 taxable year.

(ii) This subparagraph applies only if the individual actually elects one of the alternative limitations under section 415 (c) (4) for 1976 or 1977 (as the case may be).

(iii) The salary reduction agreement for 1976 may be made effective with respect to any amount earned during the taxpayer's most recent one-year period of service (as described in § 1.403(b)-1 (f)) ending not later than the end of the 1976 taxable year, notwithstanding § 1.403(b)-1(b) (3) (i). Similarly, the salary reduction agreement for 1977 may be made effective with respect to such period of service ending not later than the end of the 1977 taxable year.

(iv) If the salary reduction agreement for 1976 is entered into at any time after December 31, 1976, or if the salary reduction agreement for 1977 is entered into at any time after December 31, 1977, an amended Form W-2 must be filed on behalf of the individual.

(3) Election is irrevocable. The election described in paragraph (a) (3) of this section, once made in accordance with the provisions of subparagraph (1) of this paragraph, shall be irrevocable with respect to the limitation years or



taxable years to which the election relates.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 415(c) (4) (D) and 7806 of the Internal Revenue Code of 1954 (88 Stat. 983 and 68A Stat. 917; 26 U.S.C. 415(c) (4) (D) and 7806) .)

JEROME KURTZ,  
Commissioner of Internal Revenue.

Approved: December 27, 1977.

EMIL M. SUNLEY,  
Acting Assistant Secretary of  
the Treasury.

[FR Doc. 78-315 Filed 1-5-78; 8:45 am]

#### [4410-01]

##### Title 28—Judicial Administration CHAPTER I—DEPARTMENT OF JUSTICE PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

[Order No. 761-77]

##### Subpart C-1—Office of the Associate Attorney General

AUTHORITY TO REDELEGATE CERTAIN  
ATTORNEY PERSONNEL MATTERS

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: Existing Department regulations assign to the Associate Attorney General authority to take final action in attorney personnel matters and to appoint Assistant U.S. Attorneys and other attorneys to assist U.S. Attorneys. This order authorizes the Associate Attorney General to redelegate this authority, except with respect to supergrade positions, to a Deputy Associate Attorney General. The purpose of the order is to relieve the Associate Attorney General of the administrative burden of handling these matters.

EFFECTIVE DATE: December 19, 1977.

FOR FURTHER INFORMATION CONTACT:

John M. Harmon, Assistant Attorney General, Office of Legal Counsel, Department of Justice, Washington, D.C. 20530, telephone 202-739-2041.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Subpart C-1 of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new § 0.19(a) immediately after § 0.19:

§ 0.19a Redlegation of authority.

The Associate Attorney General is authorized to redelegate to a Deputy Associate Attorney General the authority provided in § 0.19(b) to take final action in matters pertaining to the employment, separation and general administration of attorneys in grade GS-15 and below, and the appointment of Assistant U.S. Attor-

neys and other attorneys to assist U.S. Attorneys and fixing their salaries in positions for which the pay is equivalent to grade GS-15 or below.

Dated: December 19, 1977.

GRIFFIN B. BELL,  
Attorney General.

[FR Doc. 78-310 Filed 1-5-78; 8:45 am]

#### [4410-01]

[Order No. 763-77]

##### PART 43—RECOVERY OF COST OF HOS- PITAL AND MEDICAL CARE AND TREAT- MENT FURNISHED BY THE UNITED STATES

Settlement and Waiver of Claims

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order increases from \$20,000 to \$40,000 the amount of certain claims of the United States for furnishing medical care and treatment which may be settled by agencies without prior approval of the Department of Justice. The increase reflects inflationary increases in costs of medical care and is designed to reduce unnecessary administrative delays in settling claims by agencies.

EFFECTIVE DATE: December 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Barbara Allen Babcock, Assistant Attorney General, Civil Division, Department of Justice, Washington, D.C. 20530, 202-739-3301.

By virtue of the authority vested in the President by section 2 of the act of September 25, 1962, 76 Stat. 592, 42 U.S.C. 2652, and delegated to me by section 2 of Executive Order No. 11060 of November 7, 1962, § 43.3 of Part 43 of Chapter I of Title 28, Code of Federal Regulations, is amended by substituting the figure "40,000" for the figure "20,000" each place it appears.

Dated: December 27, 1977.

GRIFFIN B. BELL,  
Attorney General.

[FR Doc. 78-208 Filed 1-5-78; 8:45 am]

#### [3810-70]

##### Title 32—National Defense

##### CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

##### SUBCHAPTER M—MISCELLANEOUS

[DoD Directive 1000.10]

##### PART 230—CREDIT UNIONS SERVING DEPARTMENT OF DEFENSE PERSONNEL

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule revises and updates Department of Defense policies governing the establishment, support of and relationships with credit unions serving DoD personnel. The revision changes overall responsibilities for the

DoD credit union program from the Assistant Secretary of Defense (Manpower and Reserve Affairs) to the Assistant Secretary of Defense (Comptroller). It also revises specific policies, procedures and definitions, and expands on the volunteer aspects of DoD personnel serving on credit union boards and committees.

EFFECTIVE DATE: June 22, 1977

FOR FURTHER INFORMATION CONTACT:

Mr. Ronald L. Adolph, Office of the Deputy Assistant Secretary of Defense, (Management Systems), OASD (Comptroller), telephone 202-967-8281.

SUPPLEMENTARY INFORMATION: In FR Doc. 69-8791 on July 26, 1969 (34 FR 12337) this part was published as a final rule. It was partially amended in FR Doc. 72-21705 on December 19, 1972 (37 FR 27629). In FR Doc. 76-35928 published in the FEDERAL REGISTER on December 7, 1976 (41 FR 53488) the Office of the Secretary of Defense published a proposed revision of this part. A total of 13 comments were received. All comments, insofar as they related to the subject matter were considered, and some aspects contained in 11 comments were incorporated into this final rule.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, Washington Head-  
quarters Services, Department  
of Defense.

DECEMBER 30, 1977.

Accordingly, Part 230 reads as follows:

Sec.  
230.1 Reissuance and purpose.  
230.2 Applicability.  
230.3 Responsibilities.  
230.4 General policies.  
230.5 Specific policies and procedures.  
230.6 Logistical support.  
230.7 Definitions.

AUTHORITY: Sec 301, 50 Stat. 370; 5 U.S.C. 301 and sec. 1-38, 48 Stat. 1216 (12 U.S.C. 1751 et seq.; 10 U.S.C. 131 et seq.).

§ 230.1 Reissuance and purpose.

This Part reissues Part 230 to update Department of Defense policies governing the establishment, support of and relationships with credit unions serving DoD personnel, and reassign overall responsibility for policy direction of the DoD credit union program from the ASD (MRA&L) to the ASD(C). ASD (MRA&L) retains responsibility for morale and welfare aspects of the program.

§ 230.2 Applicability.

The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands and the Defense Agencies (hereinafter referred to collectively as "DoD Components").

§ 230.3 Responsibilities.

(a) The Assistant Secretary of Defense (Comptroller) shall:

(1) Administer the overall DoD credit union program and assure its effective

implementation to include analyses of services rendered and cost-benefit relationships.

(2) Maintain liaison, as appropriate, with the National Credit Union Administration (NCUA) and equivalent State regulatory agencies.

(3) Maintain liaison with associations, leagues of credit unions and councils which include DoD credit unions in order to provide DoD policies to the industry and as an aid in solving mutual problems in the conduct of credit union operations.

(4) Coordinate all aspects of the credit union program which pertain to morale and welfare with ASD (MRA&L).

(5) Take final action on requests for exceptions to the provisions of this Part.

(b) The Secretaries of the Military Departments shall:

(1) Have responsibility for recognizing and assisting credit unions in developing and expanding necessary credit union services for DoD personnel under their jurisdiction, consistent with the provisions of this Part.

(2) Establish liaison, as appropriate, with the National Credit Union Administration, the State agencies involved, as well as associations, leagues and councils which include DoD credit unions.

(3) Coordinate the development of credit unions with other Military Departments when required.

(4) Maintain a current listing of all credit unions, branches and facilities serving their Departments.

(c) All DoD Components shall:

(1) Recognize the right of military and civilian personnel to organize and join credit unions formed under duly constituted authority, and encourage the application and expansion of the principles of the credit union movement in the DoD worldwide.

(2) Recognize and support credit union associations, leagues of credit unions and councils which include DoD credit unions.

(3) Encourage DoD personnel who volunteer to serve on credit union boards and committees on a nonreimbursable basis where neither conflict of duty nor interest is involved as prescribed by 32 CFR 40. These personnel may be allowed to attend credit union conferences and meetings in accordance with DoD Directive 1327.5<sup>1</sup> and DoD Instruction 1424.2<sup>1</sup>.

§ 230.4 General policies.

(a) As stated in 12 U.S.C. 1751 and 12 CFR Chapter VII credit unions are recognized as cooperative associations created for the purpose of stimulating systematic savings and creating a source of credit for provident or productive purposes. Credit unions will be recognized and assisted by DoD Components at all echelons because of their important contributions to morale and welfare since

<sup>1</sup> Filed as part of original. Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120. Attention: Code 301.

they provide benefits to DoD personnel by (1) encouraging habits of thrift through the accumulation of savings, (2) lending money for personal loans at low-cost interest rates, and (3) extending full counseling services on personal and family financial planning problems, true costs of installment buying contracts (Pub. L. 93-495), and related matters of financial interest to members and their dependents.

(b) Credit union services shall be made available to DoD personnel of all ranks and grades under conditions and in the manner set forth in § 230.5.

(c) Existing DoD credit unions worldwide will continue to operate in accordance with present agreements, as applicable.

§ 230.5 Specific policies and procedures for DoD Credit Unions.

(a) General.—(1) *New Stateside DoD Credit Unions.* (i) Where there is a demonstrated need for credit union services and when sufficient personnel capability and interest exist, primary emphasis shall be placed on service to the member by (a) establishing a full-service credit union, or (b) using a branch office of an existing credit union under the common bond principle (e.g., Army credit unions servicing Army personnel at Army installations). However, credit union services should not be denied or delayed merely because commonality between the Military Departments cannot be satisfied.

(ii) Any group of persons seeking to establish a full-service credit union on an installation without a full-service credit union shall submit a proposal to the installation commander for review. The proposal will be forwarded, with a recommendation for approval or denial, through channels to the Military Department concerned for final determination in coordination with the ASD(C) and the appropriate credit union regulating agency.

(iii) When neither of the conditions in § 230.5(a) (1) (i) prevail, and provided qualified financial counseling service is available, a facility employing teletype or other communications liaison with the main credit union may be established.

(iv) Where none of the possibilities above exist, service by mail is permitted by any credit union whose charter authorizes such membership.

(2) *Share Insurance.* Credit unions sponsored by DoD activities or operating branch offices or facilities on military installations must qualify for Federal share insurance as provided by the Federal Credit Union Act, or participate in the State-sponsored share insurance program of the State in which the credit union is operating, or in a private insurance plan. State and private insurance plans must provide essentially the same insurance coverage as provided by the National Credit Union Administration. Credit unions located on DoD installations which do not have share insurance as of the date of this Directive must provide such insurance within 2 years. Failure to provide insurance will result in a

removal from the installation and a request by DoD to the appropriate regulatory body for charter revocation.

(3) *Dual Credit Unions.* At certain installations, two credit unions, each with independent and/or overlapping fields of membership, now exist. These credit unions are encouraged to take voluntary action to request charter amendments which would permit full credit union services without discrimination to all eligible personnel.

(i) Where charter amendment is neither desired nor deemed appropriate by the officials of the credit union or where such proposed amendment is disapproved by the National Credit Union Administration or the appropriate State agency, affected credit unions should be encouraged to consider the advantages of merger. Mergers may not be directed by military officials.

(ii) Where neither charter amendments nor mergers are possible, existing credit unions, as an exception to § 230.5 (c), may retain but not expand existing facilities or may elect to operate from an off-base location. Priority in space allocation and facility support will be tendered to that credit union offering full services.

(iii) Where neither of two existing credit unions on a military installation offers full services and another credit union receives approval to provide full credit union services to all personnel at the installation, the installation commander shall:

(A) Withdraw on-base space and support functions for credit unions which do not provide full services.

(B) Require their removal to an off-base operating location.

(iv) Except for those already in existence, only one credit union on a military installation is permitted, and its field of membership shall include all assigned DoD personnel.

(4) *Credit Union Service Overseas.* Credit unions established as a full-service branch or facility of a stateside DoD Federal credit union will be limited to on-base operations, and will confine their membership to DoD personnel and their dependents.

(i) Affected unified commanders and/or designated component commanders and the Military Departments shall issue appropriate instructions consistent with this Directive, governing existing branches or facilities under their jurisdictions, and encourage the extension of credit union service overseas consistent with the principles established for stateside DoD credit unions and any international arrangements related to the presence of U.S. Force in the country concerned. One copy of any instructions so issued, and subsequent changes thereto, will be forwarded to the Assistant Secretary of Defense (Comptroller).

(A) The ASD(C) will be notified through military channels when a local commander determines that there is need for credit union services in an overseas location. This notification shall include the name of a designated project officer and a statement that the require-



ment has been coordinated with the U.S. Chief of Mission or U.S. Embassy involved and that the country involved will permit the operation.

(1) The ASD(C) will then notify, or cause to be notified, stateside DoD Federal credit unions of the existence of this need. A list of interested credit unions, along with their specific proposals for operation in the subject area, will then be forwarded to the unified commander and/or the designated component commander, and to the appropriate Military Department, requesting recommendations. Concurrently, the proposals will be provided to the National Credit Union Administration for information.

(2) Upon receipt of recommendations a DoD position will be developed and a recommendation will be provided to the NCUA. The NCUA will make the final selection of the credit union to provide service in the overseas area.

(B) The NCUA will assign each approved branch office a primary installation from which to operate and a geographical territory for further expansion through additional branches and facilities. These may be permanent locations or traveling services through mobile outlets. The ASD(C) will be notified in advance of any expansions proposed in accordance with this paragraph.

(C) These branches and facilities will be authorized an exclusive on-site franchise; however, any credit union having an approved charter which authorizes it to serve its members while stationed overseas may continue to do so by direct mail, including the use of available media for commercial solicitation through advertising.

(i) Should a credit union propose to provide any substantially new service (e.g., share drafts) to members which is an addition to or a departure from the original charter, a request detailing the proposal shall be informally coordinated with the U.S. Chief of Mission or U.S. Embassy involved to determine if the country involved will permit the new service. A statement citing such discussions shall be included when forwarding the Command recommendation through military channels to the ASD(C) for review and approval in concert with the NCUA.

(iii) Overseas credit union branch offices and facilities shall conduct business in accordance with this Part. Additionally, implementing regulations of the affected unified commanders and/or the designated Component commander or the Military Departments shall govern.

(A) The recommendations and direction of the National Credit Union Administration through its rules, regulations, procedural forms, reports and manuals (including the Board of Directors Manual for Federal Credit Unions) apply directly to all overseas credit union branch offices and facilities.

(B) Funds shall be deposited and/or invested in accordance with the authority applicable to Federal credit unions.

Overseas credit union branch offices and facilities shall deposit funds in accordance with instructions issued by the National Credit Union Administration (NCUA) giving full consideration to use of the services of military banking facilities whenever available.

(C) Operation of overseas credit union branch offices and facilities will be reviewed by the NCUA during examination of the main credit union.

(D) All overseas credit union transactions must either be in U.S. currency or Military Payment Certificates in accordance with DOD Instruction 7360.5<sup>1</sup> prescribed for the area in which the overseas credit union is operating.

(E) No credit union loans may be made for the purpose of purchasing real property or for the purpose of purchasing or erecting any type of residence in any foreign country.

(5) *Joint Operations.* Joint operations at the same location by multiple credit unions normally are not appropriate or necessary. However, in unusual circumstances when required in order to provide proper service to DOD personnel, such operation may be approved as an exception to policy. Requests for approval of joint operations must be submitted through the Military Department concerned to the ASD(C). Approved requests will be provided to the appropriate regulatory agency for final confirmation.

(b) *Operating policies.* Credit unions organized by and for DoD personnel shall operate in accordance with the provisions of this Part and DoD Instruction 1000.15.<sup>2</sup> Credit unions may be provided with the property and logistic support contemplated by § 230.5(c), providing operating policies are consistent with the following:

(1) *Lending.* (i) In accordance with accepted credit union practice, lending policies will be as liberal as possible and still be consistent with the interests of the credit union membership and the individual member. Credit unions must strive to provide the best possible service, to include minimum interest on loans, to all of their members.

(A) To be avoided are unnecessarily restrictive, unreasonable, or out-of-date rules on the size of loans, type and amount of security, or waiting periods before loan eligibility can be granted.

(B) Special attention will be given to the counseling of military members in pay grades of E-1, E-2 and E-3 who apply for loans.

(ii) Credit unions which evidence a policy of discrimination in their loan services will be in violation of this part. A continuing failure to reflect a fair proportion of loan services to all ranks, grades, or classes of personnel is one of the factors to be considered in determining that a credit union is practicing discrimination. The procedures to be followed by the installation commander in resolving complaints of discrimination are specified in § 230.5(b)(5).

(2) *Counseling.* (i) Counseling service shall be made available to DoD credit union members without charge, and shall include helping members, particularly youthful and inexperienced servicemen and young married families, to solve money problems and to budget.

(ii) The importance of this service cannot be overstressed. Individual financial counseling service must be available to all; however, its needs by younger personnel and their dependents is of special value and it can contribute substantially to morale.

(3) *Savings.* Members will be encouraged to participate in a regular savings plan which:

(i) Meets their individual needs and provides a reasonable return on savings; and

(ii) Is dictated by good management principles as to amounts that may be deposited at any one time or the total amount which may be held in savings.

(4) *Relations.* (i) It is a mutual responsibility of the installation commander and the credit union manager to build a viable relationship in which there is an in-depth understanding of each others requirements. This relationship should be one in which continuous communications are maintained and problems anticipated and resolved as smoothly as possible.

(ii) Credit unions operating on military installations shall:

(A) Keep the installation commander advised of the credit union operations.

(B) Furnish him a copy of the monthly financial report and other local credit union publications.

(C) Invite him or his designees to attend annual meetings and other appropriate functions.

(iii) Credit unions will, to the extent resources permit and when so requested, provide the installation commander with lecturers and material on consumer credit matters in support of educational programs for DoD personnel as prescribed by 32 CFR Part 43.

(iv) Cooperation, liaison and exchange of information between credit unions of all DoD Components will be encouraged. Credit union associations, credit union leagues, and councils formed by DoD credit unions can provide an excellent means of communication.

(v) The support and sympathetic understanding intended by this Directive will not be construed as representing control, supervision, or financial responsibility for credit unions by installation commanders or DoD Components.

(5) *Complaints Processing.*—(i) *Discrimination.* Installation commanders who suspect or receive complaints of discrimination or violations of standards of service may first attempt to solve the problem by negotiation. Failing this, a request in writing for investigation shall be made to the regional representative of the NCUA in the case of a Federal credit union, or to the State authority in the case of a State-chartered credit

union. The request will clearly describe the problem. These regulatory bodies will attempt to resolve the situation. Information copies of all correspondence relating to the matter shall be sent through channels to the Military Department concerned for forwarding to ASD(C), as appropriate.

(ii) *Malpractice.* Any evidence of suspected malpractice shall be reported in writing by the installation commander suspecting such malpractice to the regional representative of the NCUA in the case of Federal credit unions, or to the State regulatory agency in the case of a State-chartered credit union.

(iii) *Reporting.* If action by the appropriate regulatory agency's local representative fails to solve the problem, a full report with recommendations shall be submitted through military channels to the ASD(C). Appropriate follow-up action, directly to the Administrator, NCUA, or to a State regulatory agency, if appropriate, which may include a request for charter revocation, will be accomplished by the ASD(C), keeping the Military Department concerned informed.

(6) *Facilities and staffing.* (i) Full services shall be provided by on-site credit unions staffed by (a) a loan officer authorized to act for the credit committee, (b) an individual authorized to sign checks, and (c) a qualified financial counselor available to the membership during operating hours. Exceptions to this requirement may be approved by the Military Department concerned in the case of newly organized credit unions.

(A) Where an on-site credit union requires only minimum staffing, the counselor duties may be assumed by § 230.5(b)(6)(i) (a) or (b).

(B) Where an on-site credit union extends its services to one or more areas of the same installation and direct courier or message service is available to the main office, a one-person operation is authorized for the extended operation.

(ii) All staffing shall be accomplished in full compliance with the spirit and intent of the equal employment opportunity policies and programs of the Department of Defense in accordance with 32 CFR 191.

(7) *Hours of Operation.* Credit unions will be permitted to conduct operations during normal duty hours, providing there is no undue interference with the performance of official duties. Credit unions are encouraged to establish operating hours consistent with the needs of the military installation to best serve the overall needs of the membership within sound management principles. Automated teller machines (ATMs) may be used by credit unions as a means to provide service and expand operating hours.

(8) *Advertising.* (i) Advertising in official Armed Forces newspapers and periodicals (32 CFR 202 and DoD Directive 5120.43<sup>3</sup>), is prohibited. DoD credit unions may be afforded advertising space in civilian enterprise newspapers on a paid basis.

(ii) The use of informational bulletin boards for promotional material is authorized.

(iii) Competitive literature from other credit unions will not be disseminated at that installation. This does not preclude any credit union whose approved charter permits it to serve its members while stationed overseas from utilizing a direct mail approach or a commercial advertising campaign in the same area. Distribution of competing credit union literature through Military Exchange outlets in areas where an on-site credit union exists is not authorized.

(iv) The use of the American Forces Radio and Television Service (DoD Instruction 5120.20<sup>4</sup> to promote a specific credit union is prohibited.

(9) *Support of Pay Allotment Privileges.* DoD personnel may use the allotment of pay privileges to make allotments to the credit union of their choice to meet existing obligations and establish sound credit and savings practices as prescribed by 32 CFR Part 59.

(i) Members who elect to deposit funds by allotment shall have their accounts credited on the date the credit union is authorized to deposit funds received on behalf of the members.

(ii) Under no circumstances will the initiation of an allotment of pay become a prerequisite for a loan approval or delivery of funds to the credit union member. Allotments voluntarily initiated to a credit union under 32 CFR Part 59 may continue in force at the pleasure of the allotter.

(10) *Change of Address.* Members of credit unions having an outstanding loan balance should contact the credit union prior to departure from the installation and report a change of address. Individuals who are members of a credit union, but do not have an outstanding loan balance, shall be encouraged to file a change of address.

(11) *Locator Service.* Requests for central locator service for military addresses of active duty personnel by credit unions located on a military installation will be provided at no cost in accordance with 32 CFR 288. Credit unions should cite this authority when requesting such service. This service is provided only when necessary to locate individuals for settlement of accounts including bad checks and delinquent loans in accordance with DoD Directive 1344.9.<sup>5</sup>

(c) *UTILIZATION OF MILITARY REAL PROPERTY AND SPACE.* One full-service credit union, including branches and facilities, at each DoD installation will be furnished space, when available, by no-cost permit for periods of 5 years as prescribed in DoD Directive 4165.6.<sup>6</sup> The furnishing of office space and related real property to credit unions will be governed by Section 1770 of the Federal Credit Union Act. Credit unions providing less than full service are not authorized to be furnished space. Credit unions assigned military real property and space will reimburse the DoD for all services such as telephone lines, long-

distance toll calls, space alterations, air conditioning, heat, light, etc. However, no reimbursement will be made for janitorial services, fixtures and maintenance when provided.

(1) Criteria governing the assignment of existing space facilities and construction of new space facilities (when authorized) for credit unions will be in accordance with those specified in DoD Manual 4270.1-M.<sup>7</sup>

(2) Proposals by credit union officials for the construction of structures on DoD installations at credit union expense must receive the prior approval of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) and the Assistant Secretary of Defense (Comptroller) and must be reported to Congress in accordance with DoD Instruction 7700.18.<sup>8</sup> The following provisions are emphasized:

(i) The building must be confined to the needs of the credit union. The building will not be used to house other commercial enterprises or Government instrumentalities.

(ii) Credit unions submitting such plans for consideration must also agree to be financially responsible for and to reimburse the DoD for any maintenance, utilities and other services furnished.

(iii) Land required for approved construction at credit union expense shall be made available only at fair rental by real estate lease, not to exceed 25 years in duration in accordance with DoD Directive 4165.6.<sup>9</sup> Leases will include the provision that, at the option of the Government, structures and other improvements erected thereon shall be conveyed to the Government without reimbursement, or removed and the land restored to its original condition in the event of (a) installation inactivation, closing or other disposal action, liquidation of the credit union, or revocation or other termination of the credit union lease.

(3) Logistical support for overseas credit unions will be in accordance with the above and with DoD Directive 4000.6.<sup>1</sup>

(4) Military Postal Service for overseas credit unions may be authorized in accordance with DoD Directive 4635.1.<sup>1</sup>

#### § 230.6 Logistical support.

Credit unions organized by and for DoD personnel may be provided logistical support as set forth in section (c) of § 230.5 and DoD Directive 4000.6.<sup>1</sup>

#### § 230.7 Definitions.

(a) *Automated Teller Machine (ATM).* A machine which dispenses cash, accepts deposits and transfers funds between a member's various accounts. Equipment generally is activated by a plastic card in combination with pushbuttons.

(b) *Credit Union Branch.* A subsidiary office of an existing full-service credit union.

(c) *Credit Union Facility.* A facility employing teletype or other communications systems with the main credit union to conduct business at remote locations

<sup>1</sup> Now being revised. Estimated completion: May 1978.



where a full-service credit union branch is impracticable. Credit union facilities need not provide cash transaction services, but do disburse loans and shares via check or draft. They provide qualified financial counseling service during normal working hours.

(d) *Discrimination.* Any differential treatment in the provision of services, including loan services, by a credit union to DoD credit union members and their dependents on the basis of race, color, religion, national origin, sex or marital status, age, rank or grade.

(e) *DoD Credit Union.* A credit union organized primarily to serve DoD personnel.

(f) *DoD Personnel.* DoD personnel as used in this part, unless the context indicates otherwise, means all military personnel, Civil Service employees, and other civilian employees including special Government employees of all offices, agencies and departments carrying on functions on a Defense installation (including non-appropriated fund instrumentalities).

(g) *Fair Rental.* Fair rental is a reasonable charge for on-base land and is not necessarily comparable with the rental charges in the local civilian economy. The charge will be primarily based on costs of administering the lease and will be as established by the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics). Once determined, the charges will be applicable for the entire term of the lease.

(h) *Federal Credit Union.* Credit unions established and operated under the authority granted by the Federal Credit Union Act, as amended, as legal entities with specific powers and authorities as approved by law. They are supervised and examined periodically by the National Credit Union Administration.

(i) *Full-Service Credit Union.* A full-service credit union provides normal counter transaction services and is staffed with a loan officer, a person authorized to sign checks and a qualified financial counselor. (Counseling functions may be assumed by the loan officer or the person authorized to sign checks of the credit union.)

(j) *Malpractice.* Any action or inaction in the operation of a credit union that may result in injury, loss or damage to a member, or members, of that credit union or the violation of the State or Federal chartering agency's regulations of a DoD credit union whether intentional, criminal, or merely negligent.

(k) *Overseas Credit Union.* A Federally chartered full-service credit union which serves its members through a branch or facility at U.S. military installations in foreign countries.

(l) *Share Drafts.* A negotiable (or nonnegotiable) draft or other order prepared by the credit union member and used to withdraw shares from a share draft account, normally through the commercial banking system.

(m) *State Credit Union.* Credit unions organized under State laws which op-

erate on the same, general principles as Federal credit unions and are supervised and examined by State regulatory bodies.

(n) *Stateside DoD Credit Union.* A DoD credit union located in any State of the United States, the District of Columbia, the several territories and possessions of the United States, the Panama Canal Zone, and the Commonwealth of Puerto Rico.

[FR Doc.78-317 Filed 1-5-78;8:45 am]

#### [3910-01]

#### CHAPTER VII—DEPARTMENT OF THE AIR FORCE

#### PART 816—RECREATION ACTIVITIES AND SERVICE PROGRAM

##### PART 861—AIR FORCE AERO CLUBS

##### Redesignation of Parts

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is adding a new Subchapter to Chapter VII, 32 CFR and redesignating two parts to move them into the new Subchapter. This is being done to place the parts under the subchapter heading which best suits them. Previously they were located under headings which were not homogeneous to their content. The result intended by this action is better organized listing of parts, conforming with the Air Force series titles now in use within the Department of the Air Force.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Ms. F. S. Estep, Headquarters USAF, the Pentagon, Washington, D.C. 20330, 202-697-1861.

SUPPLEMENTARY INFORMATION: Part 816, Recreation Activities and Service Program is now listed in 32 CFR, Chapter VII, under Subchapter B—Sales and Services; Part 816 is redesignated Part 983. Part 861, Air Force Aero Clubs, is now listed in the same chapter under Subchapter F—Aircraft; Part 861 is redesignated Part 984. Both of these parts are Air Force regulations which are in the Air Force 215 series, entitled Recreation. Therefore, a new Subchapter S is added to 32 CFR, Chapter VII, entitled Recreation, beginning with Parts 983 and 984. Parts 816 and 861 are reserved.

The Department of the Air Force eventually will realign all Air Force parts in 32 CFR, Chapter VII, to match the corresponding Air Force series of regulations.

FRANKIE S. ESTEP,  
Air Force Federal Register Liaison,  
Directorate of Administration.

[FR Doc.78-209 Filed 1-5-78;8:45 am]

#### [6560-01]

#### Title 40—Protection of Environment

#### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

#### SUBCHAPTER C—AIR PROGRAMS

[FRL 834-4]

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

#### Pennsylvania State Implementation Plan; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: This notice corrects an erroneous statement made in the Supplementary Information portion of a previous notice of final rulemaking pertaining to the Administrator's approval of a revision of the Pennsylvania SIP. The approved SIP revision consisted of providing emission offset measures in order to accommodate the construction and operation of the Volkswagen Manufacturing Company of America (VWMA) automobile assembly plant in New Stanton, Pa. See Supplementary Information for further explanation.

EFFECTIVE DATE: Immediately January 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Glenn Hanson, Regional Air New Source Coordinator, Air and Hazardous Materials Division, Environmental Protection Agency, Region III, Curtis Building, 6 and Walnut Street, Philadelphia, Pa. 19106, 215-597-8170.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 6, 1977 (42 FR 54416), the Environmental Protection Agency (EPA) approved a revision to the Commonwealth of Pennsylvania's State Implementation Plan to include the requirement that the Pennsylvania Department of Transportation restrict the usage of liquid bituminous cutback asphalt material in its paving and road surface maintenance program. This action was taken in order to obtain non-methane hydrocarbon (NMHC) emission offsets, pursuant to the requirements of Section 110 of the Clean Air Act (as amended, 1977) and EPA's December 21, 1976 Interpretative Ruling (41 FR 55524), for the accommodation of the construction and operation of the Volkswagen Manufacturing Company of America (VWMA) automobile assembly plant in New Stanton, Pa.

Some question has arisen as a result of language in the Supplementary Information section of the October 6 notice. Some of the language in that section could be read to impose restrictions on VWMA different from those contained in the permit issued by the Pennsylvania Department of Environmental Resources (Penn DER). In particular, the notice could be read to impose a one-shift limitation on the plant, and an eventual emission limitation of 280 tons of

NMHC's a year. In fact, the Penn DER permit does not impose a one-shift limitation on the plant, and it was not EPA's intent to impose such a limit. The 280-ton figure was calculated on a per-shift basis; the Penn DER permit does not impose this figure as an overall annual limitation on emissions from a two-shift operation, and this was not EPA's intent.

Rather, EPA's intent was to approve the limitations set forth in the permit issued by Penn DER, subject to the terms and conditions set forth therein. That permit imposes on VWMA a maximum limitation of 927 tons of NMHC emissions a year, and commits VWMA to achieving a level of 493 tons of NMHC a year by December 31, 1981.

(Sec. 110, sec. 301, Clean Air Act, as amended (42 U.S.C. 7410, 7601).)

Dated: December 29, 1977.

DOUGLAS M. COSTLE,  
Administrator.

[FR Doc.78-186 Filed 1-5-78;8:45 am]

#### [6560-01]

#### SUBCHAPTER H—OCEAN DUMPING

[FRL 839-1]

#### FINAL REVISION OF REGULATIONS AND CRITERIA; CORRECTION

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction to final rule.

SUMMARY: Final Revisions of the Ocean Dumping Regulations and Criteria were published in the Federal Register on January 11, 1977 (42 FR 2462 et seq.). Experience with implementing the new regulations has indicated that some ambiguities exist in the language. In addition, there were omissions and typographical errors in the list of dump sites. The corrections listed below will remedy these problems.

DATES: These corrections will become effective on January 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-548), EPA, Washington, D.C. 20460; telephone 202-245-3051.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-900 appearing at page 2462 in the Federal Register of January 11, 1977, the following changes should be made:

#### PART 220—GENERAL

1. On page 2470, paragraph (d) of § 220.3 should be changed so that the parenthetical expression beginning on line 33 of that paragraph is moved to the end of the sentence (line 39), and an additional sentence should be added as follows: "Interim permits shall specify an expiration date no later than one year from the date of issue."

#### PART 227—CRITERIA FOR THE EVALUATION OF PERMIT APPLICATIONS FOR OCEAN DUMPING OF MATERIALS

2. On page 2477, paragraph (c) (3) of § 227.6 should be changed so that the seventh line reads " \* \* \* with appropriate sensitive benthic marine organisms. \* \* \* "

3. On page 2481, paragraph (b) of § 227.27, the last word in the eleventh line should be "and" instead of "or".

#### PART 228—CRITERIA FOR THE MANAGEMENT OF DISPOSAL SITES FOR OCEAN DUMPING

4. On page 2484, paragraph (b) of § 228.11 should be changed on the eleventh line to refer to "the provisions of § 232.2" instead of "228.2"

5. On page 2485 under Approved interim dumping sites, an additional site should be added as follows: Location (lat., long.)—40°00'00" N to 40°04'20" N, 73°41'00" W to 73°38'10" W.

EPA REGION—II

PRIMARY USE—INCINERATION OF WOOD

6. In the first column under Dredged Material Sites—Location, an additional site should be added to appear at the beginning of the listing as follows:

Newburyport, MA—42°48'50" N, 70°47'00" W; (1/2 N. Mi. square).

7. The four Puerto Rico sites should be changed to read as follows:

San Juan Harbor, PR—18°30'10" N, 66°09'31" W; 18°30'10" N, 66°08'29" W; 18°31'10" N, 66°08'29" W; 18°31'10" N, 66°09'31" W.

Mayaguez Harbor, PR—18°15'30" N, 67°14'31" W; 18°15'30" N, 67°13'29" W; 18°14'30" N, 67°13'29" W; 18°14'30" N, 67°14'31" W.

Arecibo Harbor, PR—18°30'00" N, 66°42'45" W; 18°30'00" N, 66°43'47" W; 18°31'00" N, 66°42'45" W.

Ponce Harbor, PR—17°55'30" N, 66°38'29" W; 17°55'30" N, 66°39'31" W; 17°54'30" N, 66°38'29" W; 17°54'30" N, 66°39'31" W.

8. In the Wilmington Harbor entry, the third line, second full entry should read 33°48'45".

9. In the Georgetown Harbor entry, the second and third lines should be changed to read W.: 33°11'18" N, 79°05'23" W; 33°10'38" N, 79°05'24" W; 33°10'38" N, 79°07'21" W.

10. In the last entry in that column, Charleston Harbor, the last line, first entry, should be changed to read 79°49'21" W.

11. In the second column, first entry, Port Royal Harbor, the second and third lines should be changed to read W.: 32°10'06" N, 80°36'35" W; 32°08'38" N, 80°36'23" W; 32°08'41" N, 80°35'49" W.

12. In the second entry, Port Royal Harbor, the second and third lines should be changed to read W.: 32°05'42" N, 80°36'27" W; 32°04'22" N, 80°36'16" W; 32°04'27" N, 80°35'18" W.

13. In the third entry, Brunswick Harbor, the last coordinate on the next to

last line should be changed to read 81°17'40" W.

14. In the fourth entry, Savannah River, the eighth line through the last line should be corrected to read 80°46'48" W.; thence due east to 31°57'55" N. and 80°44'20" W., thence due south to 31°55'53" N. and 80°44'20" W., thence due west to 31°55'53" N. and 80°46'48" W., thence northward to the point of beginning.

15. In the third column, first Withlacoochee River entry, the first coordinate should be changed to read 28°59'54" N.

16. In the first Gulfport entry, the second coordinate on the third line should be corrected to read 88°56.5' W.

17. On page 2486, second column, fourth entry, Mississippi River Outlets, Venice, La.—Tiger Pass, should be changed to read Maintenance dredging disposal area 0.5 miles wide by 2.5 miles long, parallel and adjacent to the channel and located on the south side. Beginning at 29°08'24" W. and 89°25'35" N. following 270° azimuth to 29°08'24" W. and 89°28'05" N., thence to 29°07'54" W. and 89°28'05" N., thence to 29°07'54" W. and 89°25'35" N., thence to the point of beginning.

18. The sixth entry, Barataria Bay Waterway, La.—Bar channel, should be changed to read Maintenance dredging disposal area 0.5 miles wide by 2 miles long parallel to the channel and located on the east side 1,500 feet distance from the channel. Beginning at 29°16'13" N. and 89°55'54" W., following azimuth 312°07' to 29°14'45" N. and 89°54'05" W., thence to 29°14'30.5" N. and 89°53'45" W., thence to 29°15'54" N. and 89°55'34" W., thence to the point of beginning.

19. The final entry in that column, Houma Navigation Canal, La.—Cat Island Pass, should be changed to read Maintenance dredging disposal area approximately 0.5 miles wide by 5 miles long parallel to the Cat Island Channel and located on the west side 1,000 feet from the channel centerline. Beginning at 29°05'30" N. and 90°34'41" W., following azimuth 358°41' to 29°03'39.5" N. and 90°34'38.5" W., following azimuth 354° to 29°01'10" N. and 90°34'20" W., thence to 29°01'10" N. and 90°34'54" W., thence to 29°03'39.5" N. and 90°35'12" W., thence to 29°05'30" N. and 90°35'14" W., thence to the point of beginning.

20. On page 2487, first column, fourth entry from the bottom, Moss Landing 100 fathom, the first coordinate should be changed to read 36°47'53" N.

21. Following Moss Landing 100 fathom, an additional site should be added as follows:

Moss Landing—36°48'05" N, 121°47'22" W. (50 yds. seaward of pier).

22. On page 2487, second column, second entry from the bottom, Nome, should be changed to read Nome—West Site and the first coordinate should be changed to read 64°30'04" N.

23. Following Nome—West Site, an additional site should be added as follows:



Nome—East Site—64°29'54" N., 165°24'41" W.; 64°29'45" N., 165°23'27" W.; 64°28'57" N., 165°23'29" W.; 64°29'07" N., 165°24'25" W.

24. On page 2487, third column, the coordinates of the Gulf Ocean Incineration Site should read as follows:

28°20'00" N. to 27°00'00" N.; 93°20'00" to 94°00'00" W.

Dated: December 28, 1977.

THOMAS C. JORLING.

Assistant Administrator for  
Water and Hazardous Materials.

[FR Doc.78-173 Filed 1-5-78; 8:45 am]

#### [ 4310-10 ]

##### Title 43—Public Lands: Interior

##### SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

##### PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

##### Appendices C, D, E, and F to Part 20 of Title 43 of the Code of Federal Regulations

AGENCY: Office of the Secretary of the Interior, U.S. Department of the Interior.

ACTION: Annual update of Appendices C, D, E, and F to Part 20 of Title 43 of the Code of Federal Regulations.

SUMMARY: In accordance with the provisions of 43 CFR 20.735-18, 19, 20 and 22, Appendices C, D, E, and F to Part 20 of Title 43 of the Code of Federal Regulations are published in their entirety in order to update the appendices.

EFFECTIVE DATE: January 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Department Ethics Counselor, Office of Audit and Investigation, U.S. Department of the Interior, Washington, D.C. 20240, AC 202-343-5745.

SUPPLEMENTARY INFORMATION: Appendix C lists Department of the Interior positions, in addition to GS-15's and higher, who are required by Executive Order 11222 and by 43 CFR 20.735-22 to file a Confidential Statement of Employment and Financial Interests. The positions in addition to GS-15's and higher identified in Appendix C are effective for the February 1, 1978, filing date.

Appendices D, E and F are published to show bureaus and offices, or subunits thereof, performing functions or duties under the Federal Land Policy and Management Act (Pub. L. 94-579), the Mining in the Parks Act (Pub. L. 94-429), and the Energy Policy and Conservation Act (Pub. L. 94-163) respectively and positions within those bureaus and offices which the Secretary has determined to be exempt from public disclosure requirements. As provided in 43 CFR 20.735-18, 19 and 20, all officers and employees of the Department who are employed in offices and bureaus, or subunits thereof, performing functions or duties under any of the three Acts are required to file applicable public disclosure statements un-

less specifically exempted by the Secretary. Such exemptions are identified in Appendices D, E and F and are effective for the February 1, 1978, filing date.

Appendix C was approved by the Civil Service Commission on December 14, 1977.

These appendices were compiled by Gene Fredriksen and Gabe Paone of the Department Ethics Counselor's staff, in coordination with Bureau and Office Ethics and Deputy Ethics Counselors.

Dated: December 30, 1977.

LEO M. KRULITZ.

Acting Secretary of the Interior.

(Appendices C, D, E and F to Part 20 of Title 43 of the Code of Federal Regulations are published under E.O. 11222 of May 8, 1965, 30 FR 4669, 3 CFR 1964-1965, Comp. 5 CFR 735.104; 5 U.S.C. 301; Pub. L. 94-579; Pub. L. 94-429; Pub. L. 94-163; and 43 CFR 20.735-18, 19, 20 and 22.)

APPENDIX C—LIST OF EMPLOYEES, IN ADDITION TO GS-15'S AND HIGHER, REQUIRED TO FILE CONFIDENTIAL STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS

##### ETHICS COUNSELORS

Deputy Department Ethics Counselor, Washington, D.C.

Assistant Department Ethics Counselor, Washington, D.C.

All Deputy Office and Bureau Ethics Counselors.

All Assistant Office and Bureau Ethics Counselors.

##### SECRETARY'S IMMEDIATE OFFICE

Special Assistant to the Secretary.

Confidential Assistant.

Staff Assistant.

Deputy Executive Secretary.

Desk Officers.

##### OFFICE OF PUBLIC AFFAIRS

Visual Information Officer, Washington, D.C.

OFFICE FOR EQUAL OPPORTUNITY, DIVISION OF MINORITY BUSINESS ENTERPRISE

Minority Business Enterprise Specialist, Washington, D.C.

##### DIVISION OF TITLE VI COMPLIANCE

Supervisory Equal Opportunity Specialist (Employment), Washington, D.C.

Equal Opportunity Specialist (Employment), Washington, D.C.

##### DIVISION OF CONTRACT COMPLIANCE

Equal Opportunity Specialist (Employment), Washington, D.C.

Supervisory Equal Opportunity Specialist (Employment), Arlington, Va.

Equal Opportunity Specialist (Employment), Arlington, Va.

Supervisory Equal Opportunity Specialist (Employment), Lakewood, Colo.

Equal Opportunity Specialist (Employment), Lakewood, Colo.

Equal Opportunity Specialist (Employment), Anchorage, Alaska.

##### OFFICE OF TERRITORIAL AFFAIRS

##### Virgin Islands

Supervisory Auditor, St. Thomas.

Supervisory Auditor, St. Croix.

Auditor, St. Thomas, GS-12 and above.

Auditor, St. Croix, GS-12 and above.

##### Guam

Supervisory Auditor, Agaña.

Supervisory Auditor, Saipan Mariana Islands.

Auditor, Agaña, GS-12 and above.

Auditor, Saipan, Mariana Islands, GS-12 and above.

Systems Accountant, Saipan, Mariana Islands.

##### Saipan, Mariana Islands

Supervisor Auditor.

Auditor, GS-12 and above.

Supply Management Officer.

Supply Officer, GS-12.

Agriculturist, GS-12.

Personnel Management Specialist (San Francisco), GS-13.

Economist, GS-12.

Deputy Director, Resource and Development, GS-14.

Business Organization and Management Advisor, GS-12.

Realty Officer, GS-12.

##### Liaison Offices

Guam, Liaison Officer, GS-12.

Kwajalein, Administrative Officer, GS-13.

Honolulu, Liaison Officer, GS-13.

##### Marshall Islands

Administrative Officer, GS-12.

##### Kosrae District

District Administrator, GS-13.

Agricultural Management Specialists, GS-11.

##### Ponape District

Agricultural Management Specialist, GS-11 (2).

##### Truk District

Agricultural Management Specialist, GS-10.

Chief, Transportation Staff, Washington, D.C.

Environmental Review Officers, GS-11 and above (regardless of official classification title), Washington, D.C.

Regional Environmental Officers: Boston, Mass.; Atlanta, Ga.; Chicago, Ill.; Albuquerque, N. Mex.; Denver, Colo.; San Francisco, Calif.; Portland, Oreg.; Anchorage, Alaska.

##### OFFICE OF BUDGET

Budget Analyst, Washington, D.C.

OFFICE OF OUTER CONTINENTAL SHELF PROGRAM COORDINATION

Staff Assistant, Los Angeles, Calif.

Staff Assistant, New York, N.Y.

Economist, Washington, D.C.

##### OFFICE OF POLICY ANALYSIS

Program Analyst, Washington, D.C.

Economists.

ASSISTANT SECRETARY—POLICY, BUDGET AND ADMINISTRATION

Committee Management Officer, Washington, D.C.

OEO Officer, Washington, D.C.

##### OFFICE OF AUDIT AND INVESTIGATION

Supervisory Auditors, (Washington, D.C.; Arlington, Va.; Denver, Colo.; Albuquerque, N. Mex.; Sacramento, Calif.; Portland, Oreg.; and Anchorage, Alaska).

Auditors, GS-12, (Arlington, Va.; Denver, Colo.; Albuquerque, N. Mex.; Sacramento, Calif.; and Portland, Oreg.).

Management Analysts, GS-12 and above, (Arlington, Va.; and Denver, Colo.).

Investigators (General), GS-12 and above, Washington, D.C.

##### OFFICE OF AIRCRAFT SERVICES

Supervisory Contract Specialist, Boise, Idaho.

Chief, Division of Technical Services, Anchorage, Alaska.

Regional Director, Office of Aircraft Services, Anchorage, Alaska.

Chief, Division of Technical Services, Anchorage, Alaska.

Supervisory Contract Specialist, Boise, Idaho.

Chief, Division of Technical Services, Anchorage, Alaska.

Supervisory Contract Specialist, Boise, Idaho.

Chief, Division of Technical Services, Anchorage, Alaska.

Contract Specialist, Anchorage, Alaska.

##### OFFICE OF ADP & TELECOMMUNICATIONS MANAGEMENT

Communications Specialist.

Computer Specialists.

##### OFFICE OF MANPOWER TRAINING AND YOUTH ACTIVITIES

GS-14, Chief, Operations Division.

GS-14, Chief, Program Planning and Support Division.

GS-13, Conservation Center Director, Ft. Simcoe, Wash.

Regional Directors and Deputy Regional Directors from: Boston, Mass.; New York, N.Y.; Philadelphia, Pa.; Atlanta, Ga.; Chicago, Ill.; Dallas, Tex.; Kansas City, Mo.; Denver, Colo.; San Francisco, Calif.; Seattle, Wash.

##### OFFICE OF LIBRARY AND INFORMATION SERVICES

Supervisory Librarian, Washington, D.C.

Administrative Officer, Washington, D.C.

##### OFFICE OF ADMINISTRATIVE SERVICES

Chief, Division of General Services, Washington, D.C.

Contract Specialist, Washington, D.C.

Procurement Agent, Washington, D.C.

Procurement and Grants Specialist, Washington, D.C.

##### OFFICE OF ADMINISTRATIVE AND MANAGEMENT POLICY

Procurement Analyst, Washington, D.C.

Grants Policy Specialist, Washington, D.C.

Management Analyst, Washington, D.C.

##### OFFICE OF PERSONNEL MANAGEMENT

Employee Development Specialist (Supervisory Training).

Employee Development Specialist (Skills Training) GS-12.

##### WASHINGTON COMPUTER CENTER DIVISION

Digital Computer Systems Administrator, Washington, D.C.

Computer Specialist, Washington, D.C.

Administrative Officer, Washington, D.C.

##### OFFICE OF CONGRESSIONAL AND LEGISLATIVE AFFAIRS

Attorney Advisor, Washington, D.C.

Staff Assistant.

##### OFFICE OF MINERALS POLICY AND RESEARCH ANALYSIS

Economists.

Operations Research Analysts.

##### OFFICE OF THE ASSISTANT SECRETARY—FISH, WILDLIFE AND PARKS

Special Assistant, Washington, D.C.

##### OFFICE OF THE ASSISTANT SECRETARY—LAND AND WATER RESOURCES

Staff Assistants (2).

##### BUREAU OF INDIAN AFFAIRS

##### Central Office Headquarters, Washington, D.C.

Supervisory Auditor, report to Washington, D.C. (3) GS-14 (1); GS-13 (2).

Contract Specialist, Washington, D.C. (4) GS-14 (3); GS-13 (1).

Grants Administrator, Washington, D.C.

Grants Management Specialist, Washington, D.C.

Chief, Branch of Supply and Office Services, Washington, D.C.

Supply Management Officer, Washington, D.C.

Rights Protection Officer, Washington, D.C.

Auditor, report to Washington, D.C. (11) GS-12 (6); GS-11 (5).

Auditing Assistant, report to Washington, D.C. (GS-12).

Contract Specialist, Washington, D.C. (3) GS-11 (1); GS-9 (2).

President, Haskell Indian Junior College, Anadarko Area, Lawrence, Kans.

Coordinator of Institutional Enrollment (Business Manager), Haskell Indian Junior College, Lawrence, Kans.

Administrative Officer, Haskell Indian Junior College, Lawrence, Kans. (GS-12).

Education Program Administrator, Institute of American Indian Arts, Santa Fe, N. Mex.

Education Program Administrator, Southwestern Indian Polytechnic Institute, Albuquerque, N. Mex.

Administrative Officer, Southwestern Indian Polytechnic Institute, Albuquerque, N. Mex.

Field Administrative Office, Albuquerque, New Mexico

Joint Use Project Officer, Joint Use Office, Flagstaff, Ariz.

Administrative Officer, Joint-Use Office, Flagstaff, Ariz. (GS-11).

Field Administrator, Administrative Service Center, Albuquerque, N. Mex.

Supply Management Officer, Administrative Services Center, Albuquerque, N. Mex.

Supervisory Civil Engineer, Albuquerque, N. Mex.

Supervisory Contract Specialist, Albuquerque, N. Mex. (2) GS-13 (1); GS-12 (1).

Chief, Division of Accounting Management, Albuquerque, N. Mex.

Chief, Division of ADP Services, Field Administrative Office, Albuquerque, N. Mex.

Computer Systems Administrator, Field Administrative Office, Albuquerque, N. Mex.

Contract Specialist, Field Administrative Office, Albuquerque, N. Mex. (5) GS-12 (1); GS-9 (4).

Procurement Officer, Field Administrative Office, Albuquerque, N. Mex.

Procurement Agent, Field Administrative Office, Albuquerque, N. Mex. (3) GS-11 (1); GS-9 (1); GS-7 (1).

Administrator, Indian Education Resource Center, Albuquerque, N. Mex.

Program Officer, Indian Technical Assistance Center, Denver, Colo.

Supervisory General Engineer, Indian Technical Assistance Center, Denver, Colo. (3) GS-9 (1); GS-7 (1); GS-5 (1).

##### ABERDEEN AREA

##### Aberdeen Area Office

Deputy Area Director, Aberdeen, S. Dak.

Contract Specialist, Aberdeen, S. Dak. (6) GS-13 (1); GS-11 (2); GS-9 (1); GS-7 (2).

Contract Compliance Specialist, Aberdeen, S. Dak. (GS-11).

Education Program Administrator, Aberdeen, S. Dak.

Area Special Officer, Aberdeen, S. Dak.

Area Credit Officer, Aberdeen, S. Dak.

Trust and Natural Resources Officer, Aberdeen, S. Dak.

Area Realty Officer, Aberdeen, S. Dak.

Area Appraiser, Aberdeen, S. Dak.

Appraiser (9) GS-12 (1) at Mobridge, S. Dak.; GS-11 (7) at Aberdeen, Mobridge, Winner and Martin, S. Dak.; GS-9 (1) at Martin, S. Dak.

##### Cheyenne River Agency

Superintendent, Cheyenne River Agency, Eagle Butte, S. Dak.

Administrative Manager, Cheyenne River Agency, Eagle Butte, S. Dak. (GS-12).

Education Program Administrator, Cheyenne River Agency, Eagle Butte, S. Dak.

Agency Special Officer, Cheyenne River Agency, Eagle Butte, S. Dak. (GS-12).

Agency Credit Officer, Cheyenne River Agency, Eagle Butte, S. Dak. (GS-9).

Agency Land Operations Officer, Cheyenne River Agency, Eagle Butte, S. Dak. (GS-12).

Agency Realty Officer, Cheyenne River Agency, Eagle Butte, S. Dak. (GS-12).

Agency Employment Assistance Officer, Cheyenne River Agency, Eagle Butte, S. Dak. (GS-12).

##### Crow Creek Agency

Superintendent, Crow Creek Agency, Fort Thompson, S. Dak.

Administrative Officer, Crow Creek Agency, Fort Thompson, S. Dak. (GS-11).

Education Program Administrator, Crow Creek Agency, Fort Thompson, S. Dak. (GS-12).

Agency Special Officer, Crow Creek Agency, Fort Thompson, S. Dak. (GS-11).

Loan Specialist, Crow Creek Agency, Fort Thompson, S. Dak. (GS-5).

Realty Specialist, Crow Creek Agency, Fort Thompson, S. Dak. (GS-7).

##### Flandreau School

Field Representative, Flandreau Santee Field Office, Flandreau, S. Dak. (GS-9).

School Superintendent, Flandreau School, Flandreau, S. Dak.

##### Fort Berthold Agency

Superintendent, Fort Berthold Agency, New Town, N. Dak.

Administrative Officer, Fort Berthold Agency, New Town, N. Dak. (GS-11).

Program Officer, Fort Berthold Agency, New Town, N. Dak. (GS-12).

Agency Special Officer, Fort Berthold Agency, New Town, N. Dak. (GS-11).

Trust and Natural Resources Officer, Fort Berthold Agency, New Town, N. Dak. (GS-12).

Loan Specialist (General), Fort Berthold Agency, New Town, N. Dak. (GS-7).

Realty Specialist, Fort Berthold Agency, New Town, N. Dak. (GS-9).

Agency Employment Assistance Officers, New Town, N. Dak. (GS-11).



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*Pine Ridge Agency*

Superintendent, Pine Ridge Agency, Pine Ridge, S. Dak.  
Administrative Manager, Pine Ridge Agency, Pine Ridge, S. Dak.  
Education Program Administrator, Pine Ridge Agency, Pine Ridge, S. Dak.  
Natural Resource Officer, Pine Ridge Agency, Pine Ridge, S. Dak.  
Loan Assistant, Pine Ridge Agency, Pine Ridge, S. Dak. (GS-9).  
Agency Realty Officer, Pine Ridge Agency, Pine Ridge, S. Dak. (GS-11).  
Agency Employment Assistance Officer, Pine Ridge Agency, Pine Ridge, S. Dak. (GS-12).

*Rosebud Agency*

Superintendent, Rosebud Agency, Rosebud, S. Dak.  
Administrative Manager, Rosebud Agency, Rosebud, S. Dak. (GS-12).  
Supervisory Education Specialist, Rosebud Agency, Rosebud, S. Dak. (GS-12).  
Agency Special Officer, Rosebud Agency, Rosebud, S. Dak. (GS-12).  
Agency Credit Officer, Rosebud Agency, Rosebud, S. Dak. (GS-11).  
Economic Development Officer, Rosebud Agency, Rosebud, S. Dak. (GS-12).  
Land Resources Officer, Rosebud Agency, Rosebud, S. Dak. (GS-12).  
Agency Employment Assistance Officer, Rosebud Agency, Rosebud, S. Dak. (GS-12).

*Sisseton Agency*

Superintendent, Sisseton Agency, Sisseton, S. Dak.  
Administrative Officer, Sisseton Agency, Sisseton, S. Dak. (GS-12).  
Education Program Administrator, Sisseton Agency, Sisseton, S. Dak. (GS-11).  
Agency Employment Assistance Officer, Sisseton Agency, Sisseton, S. Dak. (GS-12).  
Agency Special Officer, Sisseton Agency, Sisseton, S. Dak. (GS-11).  
Loan Assistant, Sisseton Agency, Sisseton, S. Dak. (GS-7).  
Agency Realty Officer, Sisseton Agency, Sisseton, S. Dak. (GS-11).  
Trust and Natural Resources Manager, Sisseton Agency, Sisseton, S. Dak. (GS-12).

*Standing Rock Agency*

Superintendent, Standing Rock Agency, Fort Yates, N. Dak.  
Administrative Manager, Standing Rock Agency, Fort Yates, N. Dak. (GS-12).  
Education Program Administrator, Standing Rock Agency, Fort Yates, N. Dak. (GS-12).  
Agency Special Officer, Standing Rock Agency, Fort Yates, N. Dak. (GS-11).  
Agency Credit Officer, Standing Rock Agency, Fort Yates, N. Dak. (GS-12).  
Agency Realty Officer, Standing Rock Agency, Fort Yates, N. Dak. (GS-12).  
Land Operations Officer, Standing Rock Agency, Fort Yates, N. Dak. (GS-12).  
Agency Employment Assistance Officer, Standing Rock Agency, Fort Yates, N. Dak. (GS-11).  
Resources Development Officer, Standing Rock Agency, Fort Yates, N. Dak. (GS-12).

*Turtle Mountain Agency*

Superintendent, Turtle Mountain Agency, Belcourt, N. Dak.  
Field Representative, Trenton Field Office (Turtle Mountain Agency), Trenton, N. Dak. (GS-9).  
Administrative Manager, Turtle Mountain Agency, Belcourt, N. Dak. (GS-12).  
Education Program Administrator, Turtle Mountain Agency, Belcourt, N. Dak.  
Agency Special Officer, Turtle Mountain Agency, Belcourt, N. Dak. (GS-12).  
Agency Credit Officer, Turtle Mountain Agency, Belcourt, N. Dak. (GS-11).

Agency Realty Officer, Turtle Mountain Agency, Belcourt, N. Dak. (GS-12).  
Agency Employment Assistance Officer, Turtle Mountain Agency, Belcourt, N. Dak. (GS-12).  
Resources Development Officer, Turtle Mountain Agency, Belcourt, N. Dak. (GS-12).

*Wahpeton School*

School Superintendent, Wahpeton School, Wahpeton, N. Dak.  
Administrative Officer, Wahpeton School, Wahpeton, N. Dak. (GS-9).

*Winnnebago Agency*

Superintendent, Winnnebago Agency, Winnnebago, Nebr.  
Administrative Officer, Winnnebago Agency, Winnnebago, Nebr. (GS-7).  
Education Specialist, Winnnebago Agency, Winnnebago, Nebr. (GS-12).  
Supervisory Police Officer, Winnnebago Agency, Winnnebago, Nebr. (GS-6).  
Resources Development Officer, Winnnebago Agency, Winnnebago, Nebr. (GS-12).  
Agency Credit Officer, Winnnebago Agency, Winnnebago, Nebr. (GS-11).  
Agency Realty Officer, Winnnebago Agency, Winnnebago, Nebr. (GS-11).  
Agency Employment Assistance Officer, Winnnebago Agency, Winnnebago, Nebr. (GS-12).

*Yankton Agency*

Superintendent, Yankton Agency, Wagner, S. Dak.  
Administrative Officer, Yankton Agency, Wagner, S. Dak. (GS-11).  
Loan Assistant, Yankton Agency, Wagner, S. Dak. (GS-7).  
Agency Realty Officer, Yankton Agency, Wagner, S. Dak. (GS-9).  
Natural Resources Specialist, Yankton Agency, Wagner, S. Dak. (GS-11).

*ALBUQUERQUE AREA**Albuquerque Area Office*

Deputy Area Director, Albuquerque Area, Albuquerque, N. Mex.  
Assistant Area Director (Administration), Albuquerque Area, Albuquerque, N. Mex.  
Financial Manager, Albuquerque Area, Albuquerque, N. Mex.  
Supervisory Contract Specialist, Albuquerque Area, Albuquerque, N. Mex. (3) GS-13 (2); GS-12 (1).  
Contract Specialist, Albuquerque Area, Albuquerque, N. Mex. (6) GS-11 (3); GS-9 (1); GS-7 (2).  
Office Services Manager, Albuquerque Area, Albuquerque, N. Mex. (GS-11).  
Education Program Administrator, Albuquerque Area, Albuquerque, N. Mex.  
Community Service Officer, Albuquerque Area, Albuquerque, N. Mex.  
Area Special Officer, Albuquerque Area, Albuquerque, N. Mex. (GS-12).  
Area Credit Officer, Albuquerque Area, Albuquerque, N. Mex.  
Area Realty Officer, Albuquerque Area, Albuquerque, N. Mex.  
Appraiser, Albuquerque Area, Albuquerque, N. Mex. (3) GS-12 (1); GS-11 (2).  
Housing Development Officer, Albuquerque Area, Albuquerque, N. Mex. (GS-12).  
Natural Resource Manager, Albuquerque Area, Albuquerque, N. Mex.  
Employment Assistance Officer, Denver Job Placement and Services Unit, Denver, Colo. (GS-11).

*Jicarilla Agency*

Superintendent, Jicarilla Agency, Dulce, N. Mex.  
Administrative Officer, Jicarilla Agency, Dulce, N. Mex. (GS-11).  
Agency Special Officer, Jicarilla Agency, Dulce, N. Mex. (GS-12).

Agency Credit Officer, Jicarilla Agency, Dulce, N. Mex. (GS-11).  
Natural Resource Manager, Jicarilla Agency, Dulce, N. Mex. (GS-12).  
Agency Realty Officer, Jicarilla Agency, Dulce, N. Mex. (GS-11).  
Agency Program Officer, Jicarilla Agency, Dulce, N. Mex. (GS-12).

*Mescalero Agency*

Superintendent, Mescalero Agency, Mescalero, N. Mex.  
Administrative Manager, Mescalero Agency, Mescalero, N. Mex. (GS-9).  
Agency Special Officer, Mescalero Agency, Mescalero, N. Mex. (GS-12).  
Natural Resource Manager, Mescalero Agency, Mescalero, N. Mex. (GS-12).  
Realty Specialist, Mescalero Agency, Mescalero, N. Mex. (GS-7).

*Northern Pueblos Agency*

Superintendent, Northern Pueblos Agency, Santa Fe, N. Mex.  
Administrative Manager, Northern Pueblos Agency, Santa Fe, N. Mex. (GS-12).  
Education Program Administrator, Northern Pueblos Agency, Santa Fe, N. Mex.  
Community Services Officer, Northern Pueblos Agency, Santa Fe, N. Mex.  
Housing Officer, Northern Pueblos Agency, Santa Fe, N. Mex. (GS-11).  
Agency Special Officer, Northern Pueblos Agency, Santa Fe, N. Mex. (GS-11).  
Natural Resource Officer, Northern Pueblos Agency, Santa Fe, N. Mex. (GS-12).  
Agency Realty Officer, Northern Pueblos Agency, Santa Fe, N. Mex. (GS-12).  
Agency Credit Officer, Northern Pueblos Agency, Santa Fe, N. Mex. (GS-11).

*Ramah-Navajo Agency*

Superintendent, Ramah-Navajo Agency, Ramah, N. Mex.  
Administrative Officer, Ramah-Navajo Agency, Ramah, N. Mex. (GS-11).  
Police Officer, Ramah-Navajo Agency, Ramah, N. Mex. (GS-7).  
Housing Development Officer, Ramah-Navajo Agency, Ramah, N. Mex. (GS-12).  
Employment Assistance Officer, Ramah-Navajo Agency, Ramah, N. Mex. (GS-9).  
Natural Resource Manager, Ramah-Navajo Agency, Ramah, N. Mex. (GS-12).  
Realty Specialist, Ramah-Navajo Agency, Ramah, N. Mex. (GS-9).

*Southern Pueblos Agency*

Superintendent, Southern Pueblos Agency, Albuquerque, N. Mex.  
Administrative Officer, Southern Pueblos Agency, Albuquerque, N. Mex. (GS-11).  
Property and Supply Officer, Southern Pueblos Agency, Albuquerque, N. Mex. (GS-9).  
Education Program Administrator, Southern Pueblos Agency, Albuquerque, N. Mex.  
Vocational Development Specialist, Southern Pueblos Agency, Albuquerque, N. Mex. (GS-12).  
Agency Special Officer, Southern Pueblos Agency, Albuquerque, N. Mex. (GS-12).  
Housing Development Officer, Southern Pueblos Agency, Albuquerque, N. Mex.  
Agency Credit Officer, Southern Pueblos Agency, Albuquerque, N. Mex. (GS-12).  
Natural Resources Manager, Southern Pueblos Agency, Albuquerque, N. Mex.  
Agency Realty Officer, Southern Pueblos Agency, Albuquerque, N. Mex.

*Southern Ute Agency*

Superintendent, Southern Ute Agency, Ignacio, Colo.  
Education Program Administrator, Southern Ute Agency, Ignacio, Colo. (GS-12).  
Natural Resources Manager, Southern Ute Agency, Ignacio, Colo. (GS-12).

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Agency Credit Officer, Southern Ute Agency, Ignacio, Colo. (GS-12).  
Agency Realty Officer, Southern Ute Agency, Ignacio, Colo. (GS-11).

*Ute Mountain Ute Agency*

Superintendent, Ute Mountain Ute Agency, Towaoc, Colo.  
Administrative Officer, Ute Mountain Ute Agency, Towaoc, Colo. (GS-9).  
Agency Special Officer, Ute Mountain Ute Agency, Towaoc, Colo. (GS-11).  
Natural Resources Manager, Ute Mountain Ute Agency, Towaoc, Colo.  
Agency Realty Officer, Ute Mountain Ute Agency, Towaoc, Colo. (GS-11).  
Program Officer, Ute Mountain Ute Agency, Towaoc, Colo. (GS-12).

*ANADARKO AREA**Anadarko Area Office*

Special Assistant to Area Director, Anadarko Area, Anadarko, Okla.  
Program Analysis Officer, Anadarko Area, Anadarko, Okla.  
Education Program Administrator, Anadarko Area, Anadarko, Okla.  
Administrative Officer, Anadarko Area, Anadarko, Okla.  
Indian Services Officer, Anadarko Area, Anadarko, Okla.  
Housing Officer, Anadarko Area, Anadarko, Okla.  
Indian Career Development Officer, Anadarko Area, Anadarko, Okla.  
Trust Responsibilities Officer, Anadarko Area, Anadarko, Okla.  
Realty Officer, Anadarko Area, Anadarko, Okla.  
Contract Specialist, Anadarko Area, Anadarko, Okla. (3) GS-11 (1); GS-9 (1); GS-7 (1).  
Appraisers, Anadarko Area, Anadarko, Okla. (5) GS-12 (3); GS-11 (2).  
Supervisory Appraiser, Anadarko Area, Anadarko, Okla.  
Supervisory Loan Specialist, Anadarko Area, Anadarko, Okla.

*Chillico School*

School Superintendent, Chillico School, Anadarko Area, Chillico, Okla.  
Administrative Officer, Anadarko Area, Chillico, Okla. (GS-11).

*Concho School*

School Superintendent, Concho School, Anadarko Area, Concho, Okla.  
Administrative Officer, Concho School, Anadarko Area, Concho, Okla. (GS-7).

*Fort Sill School*

School Superintendent, Fort Sill School, Anadarko Area, Lawton, Okla.  
Administrative Assistant, Fort Sill School, Anadarko Area, Lawton, Okla. (GS-9).

*Riverside School*

School Superintendent, Riverside School, Anadarko Area, Anadarko, Okla.  
Administrative Officer, Riverside School, Anadarko Area, Anadarko, Okla. (GS-11).

*Anadarko Agency*

Superintendent, Anadarko Agency, Anadarko, Okla.  
Administrative Officer, Anadarko Agency, Anadarko, Okla. (GS-11).  
Education Specialist, Anadarko Agency, Anadarko, Okla. (GS-12).  
Supervisory Social Service Representative, Anadarko Agency, Anadarko, Okla. (GS-12).  
Housing Development Officer, Anadarko Agency, Anadarko, Okla. (GS-12).  
Grants Specialist, Anadarko Agency, Anadarko, Okla. (GS-11).

Loan Specialist, Anadarko Agency, Anadarko, Okla. (GS-11).  
Career Development Officer, Anadarko Agency, Anadarko, Okla. (GS-12).  
Land Operation Officer, Anadarko Agency, Anadarko, Okla. (GS-12).  
Realty Officer, Anadarko Agency, Anadarko, Okla. (GS-11).

*Concho Agency*

Superintendent, Concho Agency, Concho, Okla.  
Administrative Assistant, Concho Agency, Concho, Okla. (GS-7).  
Supervisory Social Service Representative, Concho Agency, Concho, Okla. (GS-12).  
Loan Specialist, Concho Agency, Concho, Okla. (GS-11).  
Employment Assistance Officer, Concho Agency, Concho, Okla. (GS-11).  
Land Operations Officer, Concho Agency, Concho, Okla. (GS-12).  
Realty Officer, Concho Agency, Concho, Okla. (GS-12).

*Horton Agency*

Superintendent, Horton Agency, Horton, Kans.  
Housing Development Officer, Horton Agency, Horton, Kans. (GS-12).  
Appraiser, Horton Agency, Horton, Kans. (GS-11).  
Agency Employment Assistance Officer, Horton Agency, Horton, Kans. (GS-12).

*Pawnee Agency*

Superintendent, Pawnee Agency, Pawnee, Okla.  
Housing Development Officer, Pawnee Agency, Pawnee, Okla. (GS-12).  
Agency Credit Officer, Pawnee Agency, Pawnee, Okla. (GS-12).  
Agency Realty Officer, Pawnee Agency, Pawnee, Okla. (GS-12).  
Employment Assistance Officer, Pawnee Agency, Pawnee, Okla. (GS-12).

*Shawnee Agency*

Superintendent, Shawnee Agency, Shawnee, Okla.  
Administrative Services Assistant, Shawnee Agency, Shawnee, Okla. (GS-7).  
Housing Development Officer, Shawnee Agency, Shawnee, Okla. (GS-12).  
Employment Assistance Officer, Shawnee Agency, Shawnee, Okla. (GS-12).  
Agency Realty Officer, Shawnee Agency, Shawnee, Okla. (GS-12).  
Agency Credit Officer, Shawnee Agency, Shawnee, Okla. (GS-11).

*BILLINGS AREA**Billings Area Office*

Assistant Area Director (Administration), Billings Area Office, Billings, Mont.  
Administrative Officer, Billings Area Office, Billings, Mont.  
Education Program Administrator, Billings Area Office, Billings, Mont.  
Financial Officer, Billings Area Office, Billings, Mont. (GS-12).  
Employment Assistance Officer, Billings Area Office, Billings, Mont. (GS-12).  
Tribal Operations Specialist, Billings Area Office, Billings, Mont.  
Supervisory Criminal Investigator, Billings Area Office, Billings, Mont.  
Housing Coordinator, Billings Area Office, Billings, Mont.  
Resources Development Officer, Billings Area Office, Billings, Mont.  
Supervisory Loan Specialist, Billings Area Office, Billings, Mont.  
Realty Officer, Billings Area Office, Billings, Mont.  
Supervisory Supply Officer, Billings Area Office, Billings, Mont.

Supervisory Highway Engineer, Billings Area Office, Billings, Mont.  
Rights Protection Officer, Billings Area Office, Billings, Mont.  
Social Worker, Billings Area Office, Billings, Mont.  
Supervisory Contract Specialist, Billings Area Office, Billings, Mont.  
Contract Specialist, Billings Area Office, Billings, Mont. (2) (GS-9) and (GS-11).  
Grants Specialist, Billings Area Office, Billings, Mont.  
Supervisory Appraiser, Billings Area Office, Billings, Mont. (2) GS-13 (1); GS-12 (1).  
Appraiser, Billings Area Office, Billings, Mont. (5) GS-11 (5).  
Director, Missouri River Basin Investigation Project, Billings Area Office, Billings, Mont.

*Blackfeet Agency*

Superintendent, Blackfeet Agency, Browning, Mont.  
Administrative Manager, Blackfeet Agency, Browning, Mont. (GS-12).  
Agency Special Officer, Blackfeet Agency, Browning, Mont. (GS-11).  
Housing Coordinator, Blackfeet Agency, Browning, Mont. (GS-12).  
Natural Resource Officer, Blackfeet Agency, Browning, Mont. (GS-12).  
Employment Assistance Officer, Blackfeet Agency, Browning, Mont. (GS-11).  
Agency Realty Officer, Blackfeet Agency, Browning, Mont. (GS-11).  
Appraiser, Blackfeet Agency, Browning, Mont. (GS-9).  
Agency Credit Officer, Blackfeet Agency, Browning, Mont. (GS-12).

*Crow Agency*

Superintendent, Crow Agency, Crow Agency, Mont.  
Administrative Manager, Crow Agency, Crow Agency, Mont. (GS-12).  
Employment Assistance Officer, Crow Agency, Crow Agency, Mont. (GS-11).  
Agency Special Officer, Crow Agency, Crow Agency, Mont. (GS-12).  
Agency Credit Officer, Crow Agency, Crow Agency, Mont. (GS-11).  
Agency Realty Officer, Crow Agency, Crow Agency, Mont. (GS-12).  
Land Operations Officer, Crow Agency, Crow Agency, Mont. (GS-12).  
Housing Coordinator, Crow Agency, Crow Agency, Mont. (GS-11).

*Flathead Agency*

Superintendent, Flathead Agency, Ronan, Mont.  
Administrative Manager, Flathead Agency, Ronan, Mont.  
Agency Special Officer, Flathead Agency, Ronan, Mont. (GS-11).  
Housing Coordinator, Flathead Agency, Ronan, Mont. (GS-11).  
Natural Resource Officer, Flathead Agency, Ronan, Mont. (GS-12).  
Appraiser, Flathead Agency, Ronan, Mont. (GS-11).  
Forester (Administration), Flathead Agency, Ronan, Mont. (GS-12).

*Flathead Irrigation Project*

Supervisory General Engineer, Flathead Irrigation Project, St. Ignatius, Mont.  
Administrative Officer, Flathead Irrigation Project, St. Ignatius, Mont. (GS-12).

*Fort Belknap Agency*

Superintendent, Fort Belknap Agency, Harlem, Mont.  
Administrative Manager, Fort Belknap Agency, Harlem, Mont. (GS-12).  
Community Services Officer, Fort Belknap Agency, Harlem, Mont. (GS-12).



Agency Special Officer, Fort Belknap Agency, Harlem, Mont. (GS-11).  
Housing Coordinator, Fort Belknap Agency, Harlem, Mont. (GS-11).  
Agency Credit Officer, Fort Belknap Agency, Harlem, Mont. (GS-11).  
Land Operations Officer, Fort Belknap Agency, Harlem, Mont. (GS-11).  
Agency Realty Officer, Fort Belknap Agency, Harlem, Mont. (GS-11).

#### Fort Peck Agency

Superintendent, Fort Peck Agency, Poplar, Mont.  
Administrative Manager, Fort Peck Agency, Poplar, Mont. (GS-12).  
Vocational Development Specialist, Fort Peck Agency, Poplar, Mont. (GS-9).  
Agency Special Officer, Fort Peck Agency, Poplar, Mont. (GS-11).  
Housing Development Officer, Fort Peck Agency, Poplar, Mont. (GS-11).  
Agency Credit Officer, Fort Peck Agency, Poplar, Mont. (GS-11).  
Natural Resource Manager, Fort Peck Agency, Poplar, Mont. (GS-12).  
Agency Realty Officer, Fort Peck Agency, Poplar, Mont. (GS-12).

#### Northern Cheyenne Agency

Superintendent, Northern Cheyenne Agency, Lame Deer, Mont.  
Administrative Manager, Northern Cheyenne Agency, Lame Deer, Mont. (GS-12).  
Community Services Officer, Northern Cheyenne Agency, Lame Deer, Mont. (GS-11).  
Agency Special Officer, Northern Cheyenne Agency, Lame Deer, Mont. (GS-11).  
Housing Coordinator, Northern Cheyenne Agency, Lame Deer, Mont. (GS-11).  
Land Operations Officer, Northern Cheyenne Agency, Lame Deer, Mont. (GS-11).  
Forester (Administration), Northern Cheyenne Agency, Lame Deer, Mont. (GS-11).  
Agency Realty Officer, Northern Cheyenne Agency, Lame Deer, Mont. (GS-11).  
Appraiser, Northern Cheyenne Agency, Lame Deer, Mont. (GS-9).  
Loan Specialist (General), Northern Cheyenne Agency, Lame Deer, Mont. (GS-9).

#### Rocky Boy's Agency

Superintendent, Rocky Boy's Agency, Box Elder, Mont.  
Administrative Assistant, Rocky Boy's Agency, Box Elder, Mont. (GS-9).  
Community Development Specialist, Rocky Boy's Agency, Box Elder, Mont. (GS-11).  
Police Officer, Rocky Boy's Agency, Box Elder, Mont. (GS-7).  
Agency Credit Officer, Rocky Boy's Agency, Box Elder, Mont. (GS-11).  
Natural Resource Manager, Rocky Boy's Agency, Box Elder, Mont. (GS-11).

#### Wind River Agency

Superintendent, Wind River Agency, Fort Washakie, Wyo.  
Administrative Manager, Wind River Agency, Fort Washakie, Wyo. (GS-12).  
Community Development Specialist, Wind River Agency, Fort Washakie, Wyo. (GS-11).  
Agency Special Officer, Wind River Agency, Fort Washakie, Wyo. (GS-12).  
Agency Credit Officer, Wind River Agency, Fort Washakie, Wyo. (GS-11).  
Land Operations Officer, Wind River Agency, Fort Washakie, Wyo. (GS-12).  
Agency Realty Officer, Wind River Agency, Fort Washakie, Wyo. (GS-12).  
Appraiser, Wind River Agency, Fort Washakie, Wyo. (GS-11).

#### EASTERN AREA

##### Eastern Area Office

Community Services Officer, Eastern Area, Washington, D.C.  
Liaison Officer, New York Liaison Office, Syracuse, N.Y.  
Employment Assistance Office, Cleveland FEA, Cleveland, Ohio (GS-12).  
Employment Assistance Officer, Washington, D.C. (GS-12).

##### Cherokee Agency

Superintendent, Cherokee Agency, Cherokee, N.C.  
Administrative Officer, Cherokee Agency, Cherokee, N.C. (GS-12).  
Reservation Principal, Cherokee Agency, Cherokee, N.C.  
Education Specialist (Adult Educ.), Cherokee Agency, Cherokee, N.C. (GS-11).  
Housing Development Officer, Cherokee Agency, Cherokee, N.C. (GS-12).  
Economic Program Manager, Cherokee Agency, Cherokee, N.C.  
Loan Specialist, Cherokee Agency, Cherokee, N.C. (GS-12).  
Employment Assistance Officer, Cherokee Agency, Cherokee, N.C. (GS-11).  
Forester (Admin.), Cherokee Agency, Cherokee, N.C. (GS-11).  
Supervisory Highway Engineer, Cherokee Agency (Snowbird), Cherokee, N.C. (GS-12).  
Supervisory Engineer Technician, Cherokee Agency (Snowbird), Cherokee, N.C. (GS-12).  
Supervisory Soil Cons., Cherokee Agency, Cherokee, N.C. (GS-11).

##### Choctaw Agency

Superintendent, Choctaw Agency, Philadelphia, Miss.  
Administrative Officer, Choctaw Agency, Philadelphia, Miss. (GS-12).  
Education Program Administrator, Choctaw Agency, Philadelphia, Miss. (GS-12).  
Agency Special Officer, Choctaw Agency, Philadelphia, Miss. (GS-12).  
Agency Programs Officer, Choctaw Agency, Philadelphia, Miss. (GS-12).  
Employment Assistance Officer, Choctaw Agency, Philadelphia, Miss. (GS-12).  
Supervisory Highway Engineer, Choctaw Agency, Philadelphia, Miss. (GS-12).  
Forester (Administration), Choctaw Agency, Philadelphia, Miss. (GS-11).  
Buildings and Grounds Manager, Choctaw Agency, Philadelphia, Miss. (GS-12).

##### Seminole Agency

Superintendent, Seminole Agency, Hollywood, Fla.  
Administrative Manager, Seminole Agency, Hollywood, Fla. (GS-12).  
Community Services Officer, Seminole Agency, Hollywood, Fla. (GS-11).  
Loan Specialist, Seminole Agency, Hollywood, Fla. (GS-12).  
Land Operations Officer, Seminole Agency, Hollywood, Fla. (GS-12).  
Realty Officer, Seminole Agency, Hollywood, Fla. (GS-11).  
Plant Manager, Seminole Agency, Hollywood, Fla. (GS-12).  
Forester, Seminole Agency, Hollywood, Fla. (GS-11).  
Supervisory Highway Engineering Technician, Seminole Agency, Hollywood, Fla. (GS-11).

#### JUNEAU AREA

##### Juneau Area Office

Assistant Area Director (Admin.), Juneau Area, Juneau, Alaska.  
Area Supply Management Officer, Juneau Area, Juneau, Alaska.  
Supervisory Contract Specialist, Juneau Area, Juneau, Alaska.  
Area Field Representative (Southeast Agency), Juneau Area, Juneau, Alaska.  
Accounting Officer, Juneau Area, Juneau, Alaska (GS-12).  
Highway Engineer, Juneau Area, Juneau, Alaska.  
Housing Development Officer, Juneau Area, Juneau, Alaska.  
Tribal Operations Officer, Juneau Area, Juneau, Alaska.  
Supervisory Financial Analyst, Juneau Area, Juneau, Alaska.  
Industrial Development Specialist, Juneau Area, Juneau, Alaska.  
Realty Officer, Juneau Area, Juneau, Alaska.  
Forester, Juneau Area, Juneau, Alaska.  
Employment Assistance Officer, Juneau Area, Juneau, Alaska.  
Contract Specialist, Juneau Area, Juneau, Alaska (GS-12).  
Procurement Officer, Juneau Area, Juneau, Alaska (GS-12).  
Loan Specialist, Juneau Area, Juneau, Alaska (GS-11).

##### Anchorage Agency

Superintendent, Anchorage Agency, Anchorage, Alaska.  
Administrative Officer, Anchorage Agency, Anchorage, Alaska (GS-11).  
Employment Assistance Officer, Anchorage Agency, Anchorage, Alaska (GS-12).  
Housing Development Officer, Anchorage Agency, Anchorage, Alaska (GS-11).  
Loan Specialist (Commercial), Anchorage Agency, Anchorage, Alaska (GS-11).  
Realty Officer, Anchorage Agency, Anchorage, Alaska (GS-11).

##### Bethel Agency

Superintendent, Bethel Agency, Bethel, Alaska.  
Education Program Administrator, Bethel Agency, Bethel, Alaska.  
Administrative Manager, Bethel Agency, Bethel, Alaska (GS-11).  
Land Operations Officer, Bethel Agency, Bethel, Alaska (GS-11).  
Housing Development Officer, Bethel Agency, Bethel, Alaska (GS-11).  
Realty Officer, Bethel Agency, Bethel, Alaska (GS-12).  
Loan Specialist, Bethel Agency, Bethel, Alaska (GS-12).  
Employment Assistance Officer, Bethel Agency, Bethel, Alaska (GS-11).  
Supervisory Engineering Tech., Bethel Agency, Bethel, Alaska (GS-12).

##### Fairbanks Agency

Superintendent, Fairbanks Agency, Fairbanks, Alaska.  
Administrative Officer, Fairbanks Agency, Fairbanks, Alaska (GS-9).  
Education Program Coordinator, Fairbanks Agency, Fairbanks, Alaska (GS-12).  
Loan Specialist, Fairbanks Agency, Fairbanks, Alaska (GS-11) (2).  
Realty Specialist, Fairbanks Agency, Fairbanks, Alaska (GS-12) (2).

##### Nome Agency

Superintendent, Nome Agency, Nome, Alaska.  
Administrative Officer, Nome Agency, Nome, Alaska (GS-11).

Education Program Administrator, Nome Agency, Nome, Alaska (GS-12).  
Housing Development Officer, Nome Agency, Nome, Alaska (GS-11).  
Vocational Development Specialist, Nome Agency, Nome, Alaska (GS-9).  
Realty Specialist, Nome Agency, Nome, Alaska (GS-12).  
Loan Specialist, Nome Agency, Nome, Alaska (GS-12).

#### Mt. Edgecumbe School

School Superintendent, Mt. Edgecumbe School, Nome Agency, Nome, Alaska.  
Administrative Officer, Mt. Edgecumbe School, Nome Agency, Nome, Alaska (GS-12).

#### Seattle Liaison Office

Administrative and Special Representative (Liaison Officer Seattle, Wash., Juneau Area), Seattle, Wash.  
Assistant Administrative Officer and Special Representative, Seattle Liaison Office, Seattle, Wash.  
Supply Officer, Seattle Liaison Office, Seattle, Wash. (GS-11).

#### MINNEAPOLIS AREA

##### Minneapolis Area Office

Assistant Area Director, Minneapolis Area, Minneapolis, Minn.  
Administrative Officer, Minneapolis Area, Minneapolis, Minn.  
Supervisory Contract Specialist, Minneapolis Area, Minneapolis, Minn. (GS-12).  
Education Program Administrator, Minneapolis Area, Minneapolis, Minn.  
Area Special Officer, Minneapolis Area, Minneapolis, Minn.  
Housing Development Officer, Minneapolis Area, Minneapolis, Minn.  
Area Credit Officer, Minneapolis Area, Minneapolis, Minn.  
Supervisory Forester, Minneapolis Area, Minneapolis, Minn.  
Realty Officer, Minneapolis Area, Minneapolis, Minn.  
Supervisory Appraiser, Minneapolis Area, Minneapolis, Minn.  
Resources Development Officer, Minneapolis Area, Minneapolis, Minn.  
Contract Administrator, Minneapolis Area, Minneapolis, Minn. (GS-11).  
Employment and Vocational Guidance Officer, Minneapolis Area, Minneapolis, Minn.  
Appraiser, Minneapolis Area, Minneapolis, Minn. (GS-12).  
Employment Assistance Officer, Chicago Field Employment Assistance Office, Chicago, Ill.

##### Great Lakes Agency

Superintendent, Great Lakes Agency, Ashland, Wis.  
Administrative Manager, Great Lakes Agency, Ashland, Wis. (GS-12).  
Housing Development Officer, Great Lakes Agency, Ashland, Wis. (GS-11).  
Agency Credit Officer, Great Lakes Agency, Ashland, Wis. (GS-11).  
Employment Assistance Officer, Great Lakes Agency, Ashland, Wis. (GS-11).  
Supervisory Forester, Great Lakes Agency, Ashland, Wis. (GS-12).  
Agency Special Officer, Great Lakes Agency, Ashland, Wis. (GS-12).

##### Michigan Agency

Superintendent, Michigan Agency, Sault Ste. Marie, Mich.  
Administrative Officer, Michigan Agency, Sault Ste. Marie, Mich. (GS-11).  
Contract Specialist, Michigan Agency, Sault Ste. Marie, Mich. (GS-11).  
Agency Special Officer, Michigan Agency, Sault Ste. Marie, Mich. (GS-11).  
Employment Assistance Officer, Michigan Agency, Sault Ste. Marie, Mich. (GS-11).

Resources Development Officer, Michigan Agency, Sault Ste. Marie, Mich. (GS-11).

#### Minnesota Agency

Superintendent, Minnesota Agency, Bemidji, Minn.  
Agency Special Officer, Minnesota Agency, Bemidji, Minn. (GS-12).  
Administrative Officer, Minnesota Agency, Bemidji, Minn. (GS-12).  
Housing Development Officer, Minnesota Agency, Bemidji, Minn. (GS-11).  
Agency Credit Officer, Minnesota Agency, Bemidji, Minn. (GS-11).  
Employment Assistance, Minnesota Agency, Bemidji, Minn. (GS-11).  
Supervisory Forester, Minnesota Agency, Bemidji, Minn. (GS-12).  
Agency Realty Officer, Minnesota Agency, Bemidji, Minn. (GS-12).

#### Red Lake Agency

Superintendent, Red Lake Agency, Red Lake, Minn.  
Administrative Manager, Red Lake Agency, Red Lake, Minn. (GS-12).  
Agency Special Officer, Red Lake Agency, Red Lake, Minn. (GS-12).  
Housing Development Officer, Red Lake Agency, Red Lake, Minn. (GS-11).  
Supervisory Loan Specialist (General), Red Lake Agency, Red Lake, Minn. (GS-11).  
Employment Assistance Officer, Red Lake Agency, Red Lake, Minn. (GS-11).  
Supervisory Forester, Red Lake Agency, Red Lake, Minn. (GS-12).  
Mill Manager, Red Lake Agency, Red Lake, Minn.  
Administrative Officer, Red Lake Agency, Red Lake, Minn. (GS-11).

#### Sac and Fox Area Field Office

Field Office Manager, Sac and Fox Area Field Office, Tama, Iowa (GS-9).

#### MUSKOGEE AREA

##### Muskogee Area Office

Deputy Area Director, Muskogee Area, Muskogee, Okla.  
Supply Management Officer, Muskogee Area, Muskogee, Okla.  
Supervisory Contract Specialist, Muskogee Area, Muskogee, Okla. (GS-12).  
Area Realty Office, Muskogee Area, Muskogee, Okla.  
Area Credit Officer, Muskogee Area, Muskogee, Okla.  
Self-Determination Office, Muskogee Area, Muskogee, Okla. (GS-12).  
Industrial Development Specialist, Muskogee Area, Muskogee, Okla. (GS-12).  
Program Analysis Officer, Muskogee Area, Muskogee, Okla.  
Education Program Administrator, Muskogee Area, Muskogee, Okla.  
Area Tribal Operations Officer, Muskogee Area, Muskogee, Okla.  
Area Employment Assistance Officer, Muskogee Area, Muskogee, Okla.  
Supervisory Maintenance Engineer, Muskogee Area, Muskogee, Okla.  
Area Appraiser, Muskogee Area, Muskogee, Okla.  
Area Roads Engineer, Muskogee Area, Muskogee, Okla.  
Housing Development Officer, Muskogee Area, Muskogee, Okla.  
Contract Specialist, Muskogee Area, Muskogee, Okla. (3 GS-11 (1); GS-9 (1); GS-7 (1)).  
Procurement, Muskogee Area, Muskogee, Okla. (GS-11).  
Principal, Eufaula Dormitory, Muskogee Area, Eufaula, Okla. (GS-12).  
Principal, Carter Seminary, Muskogee Area, Ardmore, Okla. (GS-12).

Principal, Jones Academy, Muskogee Area, Ardmore, Okla. (GS-12).

#### Ardmore Agency

Superintendent, Ardmore Agency, Ardmore, Okla.  
Housing Development Officer, Ardmore Agency, Ardmore, Okla. (GS-12).  
Vocational Development Officer, Ardmore Agency, Ardmore, Okla. (GS-12).  
Appraiser, Ardmore Agency, Ardmore, Okla. (GS-12).  
Agency Credit Officer, Ardmore Agency, Ardmore, Okla. (GS-11).

#### Miami Agency

Superintendent, Miami Agency, Miami, Okla.  
Realty Specialist, Miami Agency, Miami, Okla. (GS-11).  
Vocational Development Officer, Miami Agency, Miami, Okla. (GS-12).  
Land Operations Officer, Miami Agency, Miami, Okla. (GS-12).

#### Okmulgee Agency

Superintendent, Okmulgee Agency, Okmulgee, Okla.  
Housing Development Officer, Okmulgee Agency, Okmulgee, Okla. (GS-12).  
Vocational Development Officer, Okmulgee Agency, Okmulgee, Okla. (GS-12).  
Appraiser, Okmulgee Agency, Okmulgee, Okla. (GS-12).  
Administrative Officer, Osage Agency, Pawhuska, Okla. (GS-11).  
Assistant to the Superintendent, Osage Agency, Pawhuska, Okla. (GS-9).

#### Osage Agency

Superintendent, Osage Agency, Pawhuska, Okla.  
Administrative Officer, Osage Agency, Pawhuska, Okla. (GS-11).  
Assistant to the Superintendent, Osage Agency, Pawhuska, Okla. (GS-9).  
Realty Officer, Osage Agency, Pawhuska, Okla. (GS-12).  
Supervisory Petroleum Engineer, Osage Agency, Pawhuska, Okla.  
Appraiser, Osage Agency, Pawhuska, Okla. (GS-12).  
Employment Assistance Officer, Osage Agency, Pawhuska, Okla. (GS-12).  
Loan Specialist (General), Osage Agency, Pawhuska, Okla. (GS-11).

#### Seneca Indian School

School Superintendent, Seneca Indian School, Muskogee Area, Wyandotte, Okla.

#### Sequoyah High School

School Superintendent, Sequoyah High School, Muskogee Area, Tahlequah, Okla.

#### Tahlequah Agency

Superintendent, Tahlequah Agency, Tahlequah, Okla.  
Appraiser, Tahlequah Agency, Tahlequah, Okla. (GS-12).  
Housing Development Officer, Tahlequah Agency, Tahlequah, Okla. (GS-11).  
Realty Officer, Tahlequah Agency, Tahlequah, Okla. (GS-11).  
Agency Credit Officer, Tahlequah Agency, Tahlequah, Okla. (GS-11).  
Land Operations Officer, Tahlequah Agency, Tahlequah, Okla. (GS-12).

#### Talihina Agency

Superintendent, Talihina Agency, Talihina, Okla.  
Housing Development Officer, Talihina Agency, Talihina, Okla. (GS-12).  
Loan Specialist (General), Talihina Agency, Talihina, Okla. (2) GS-9.  
Employment Assistance Officer, Talihina Agency, Talihina, Okla. (GS-12).



Land Operations Officer, Tallihina Agency, Tallihina, Okla. (GS-12).  
Agency Realty Officer, Tallihina Agency, Tallihina, Okla. (GS-11).  
Appraiser, Tallihina Agency, Tallihina, Okla. (GS-12).

#### Wewoka Agency

Superintendent, Wewoka Agency, Wewoka, Okla.  
Housing Development Officer, Wewoka Agency, Wewoka, Okla. (GS-12).  
Loan Specialist, Wewoka Agency, Wewoka, Okla. (GS-9).  
Vocational Development Officer, Wewoka Agency, Wewoka, Okla. (GS-12).  
Natural Resources Officer, Wewoka Agency, Wewoka, Okla. (GS-12).

#### Dallas FEAO

Supervisory Vocational Development Specialist, Muskogee Area, Dallas, Tex. (GS-12).

#### NAVAJO AREA

##### Navajo Area Office

Tribal Operations Officer, Navajo Area, Window Rock, Ariz.  
Program Officer, Navajo Area, Window Rock, Ariz.  
Assistant Area Director, Division of Administration, Navajo Area, Gallup, N. Mex.  
Supervisory Contract Specialist, Navajo Area, Gallup, N. Mex. (2) GS-13 (1); GS-12 (1).  
Supply Management Officer, Navajo Area, Gallup, N. Mex. (2) GS-12 (1); GS-11 (1).  
Procurement Officer, Navajo Area, Gallup, N. Mex. (GS-12).  
Financial Manager, Navajo Area, Gallup, N. Mex.  
Supervisory Maintenance Engineer, Navajo Area, Window Rock, Ariz.  
Supervisory Highway Engineer, Navajo Area, Window Rock, Ariz.  
Natural Resources Manager, Navajo Area, Window Rock, Ariz.  
Supervisory Highway Engineer, Navajo Area, Window Rock, Ariz.  
Supervisory Forester (Administration), Navajo Area, Window Rock, Ariz.  
Realty Officer, Navajo Area, Window Rock, Ariz.  
Supervisory Criminal Investigator, Navajo Area, Window Rock, Ariz. (GS-12).  
Housing Development Officer, Navajo Area, Window Rock, Ariz.  
Appraiser, Navajo Area, Window Rock, Ariz. (4) GS-13 (1); GS-12 (2); GS-11 (1).  
Special Liaison Representative, Navajo Area, Window Rock, Ariz. (GS-12).  
Contract Specialist, Navajo Area, Gallup, N. Mex. (7) GS-12 (1); GS-11 (3); GS-9 (2).  
Procurement Agent, Navajo Area, Gallup, N. Mex. (3) GS-11 (2); GS-9 (1).  
Auditor, Navajo Area, Gallup, N. Mex. (GS-12).  
Safety Manager, Navajo Area, Window Rock, Ariz.  
Supervisory Social Worker, Navajo Area, Ariz.  
Supervisory Vocational Development Specialist, Navajo Area, Window Rock, Ariz. (GS-12).

#### Chinle Agency

Superintendent, Chinle Agency, Chinle, Ariz. Administrative Manager, Chinle Agency, Chinle, Ariz. (GS-12).  
Education Program Administrator, Chinle Agency, Chinle, Ariz.  
Employment Assistance Officer, Chinle Agency, Chinle, Ariz. (GS-12).  
Supervisory Social Worker, Chinle Agency, Chinle, Ariz. (GS-11).  
Agency Special Officer, Chinle Agency, Chinle, Ariz. (GS-11).

Housing Development Officer, Chinle Agency, Chinle, Ariz. (GS-12).  
Supervisory Highway Engineer, Chinle Agency, Chinle, Ariz. (GS-12).  
Natural Resource Manager, Chinle Agency, Chinle, Ariz. (GS-12).  
Program Analysis Officer, Chinle Agency, Chinle, Ariz. (GS-11).

#### Eastern Navajo Agency

Superintendent, Eastern Navajo Agency, Crownpoint, N. Mex.  
Administrative Manager, Eastern Navajo Agency, Crownpoint, N. Mex. (GS-12).  
Education Program Administrator, Eastern Navajo Agency, Crownpoint, N. Mex.  
Supervisory Vocational Development Specialist, Eastern Navajo Agency, Crownpoint, N. Mex. (GS-12).  
Supervisory Social Worker, Eastern Navajo Agency, Crownpoint, N. Mex. (GS-12).  
Agency Special Officer, Eastern Navajo Agency, Crownpoint, N. Mex. (GS-11).  
Housing Development Officer, Eastern Navajo Agency, Crownpoint, N. Mex. (GS-12).  
Agency Credit Officer, Eastern Navajo Agency, Crownpoint, N. Mex. (GS-11).  
Natural Resource Manager, Eastern Navajo Agency, Crownpoint, N. Mex.  
Realty Officer, Eastern Navajo Agency, Crownpoint, N. Mex. (GS-12).  
Supervisory Engineer Technician, Eastern Navajo Agency, Crownpoint, N. Mex.  
Program Officer, Eastern Navajo Agency, Crownpoint, N. Mex. (GS-12).

#### Fort Defiance Agency

Superintendent, Fort Defiance Agency, Fort Defiance, Ariz.  
Administrative Manager, Fort Defiance Agency, Fort Defiance, Ariz. (GS-12).  
Education Program Administrator, Fort Defiance Agency, Fort Defiance, Ariz.  
Supervisory Social Worker, Eastern Navajo Agency, Fort Defiance, Ariz. (GS-12).  
Supervisory Criminal Investigator, Fort Defiance Agency, Fort Defiance, Ariz. (GS-11).  
Housing Development Officer, Fort Defiance Agency, Fort Defiance, Ariz. (GS-12).  
Loan Specialist, Fort Defiance Agency, Fort Defiance, Ariz. (GS-11).  
Vocational Development Officer, Fort Defiance Agency, Fort Defiance, Ariz. (GS-12).  
Natural Resource Manager, Fort Defiance Agency, Fort Defiance, Ariz. (GS-12).  
Supervisory Maintenance Engineer, Fort Defiance Agency, Fort Defiance, Ariz.  
Supervisory Highway Engineer, Fort Defiance Agency, Fort Defiance, Ariz. (GS-12).  
Program Officer, Fort Defiance Agency, Fort Defiance, Ariz. (GS-11).

#### Navajo Irrigation Project

Project Manager, Navajo Irrigation Project, Farmington, N. Mex.  
General Engineer, Navajo Irrigation Project, Farmington, N. Mex.  
Land Use and Management Specialist, Navajo Irrigation Project, Farmington, N. Mex.  
Supervisory Highway Engineer, Navajo Irrigation Project, Farmington, N. Mex.  
Supervisory Civil Engineer Technician, Navajo Irrigation Project, Farmington, N. Mex. (GS-11).

#### Shiprock Agency

Superintendent, Shiprock Agency, Shiprock, N. Mex.  
Administrative Manager, Shiprock Agency, Shiprock, N. Mex. (GS-12).  
Supervisory Supply Specialist, Shiprock Agency, Shiprock, N. Mex. (GS-11).  
Education Program Administrator, Shiprock Agency, Shiprock, N. Mex.  
Vocational Development Officer, Shiprock Agency, Shiprock, N. Mex. (GS-12).

Supervisory Social Worker, Shiprock Agency, Shiprock, N. Mex. (GS-12).  
Agency Special Officer, Shiprock Agency, Shiprock, N. Mex. (GS-11).  
Housing Development Officer, Shiprock Agency, Shiprock, N. Mex. (GS-12).  
Agency Credit Officer, Shiprock Agency, Shiprock, N. Mex. (GS-12).  
Natural Resource Officer, Shiprock Agency, Shiprock, N. Mex.  
Program Officer, Shiprock Agency, Shiprock, N. Mex.  
Supervisory General Engineer, Shiprock Agency, Shiprock, N. Mex. (GS-12).  
Supervisory Highway Engineer, Shiprock Agency, Shiprock, N. Mex. (GS-12).

#### Western Navajo Agency

Superintendent, Western Navajo Agency, Tuba City, Ariz.  
Administrative Manager, Western Navajo Agency, Tuba City, Ariz. (GS-11).  
Supervisory Supply Specialist, Western Navajo Agency, Tuba City, Ariz. (GS-9).  
Education Program Administrator, Western Navajo Agency, Tuba City, Ariz.  
Supervisory Social Service Representative, Western Navajo Agency, Tuba City, Ariz. (GS-12).  
Agency Special Officer, Western Navajo Agency, Tuba City, Ariz. (GS-11).  
Housing Development Officer, Western Navajo Agency, Tuba City, Ariz. (GS-11).  
Vocational Development Specialist, Western Navajo Agency, Tuba City, Ariz. (GS-12).  
Natural Resource Manager, Western Navajo Agency, Tuba City, Ariz. (GS-12).  
Supervisory Maintenance Engineer Technician, Western Navajo Agency, Tuba City, Ariz. (GS-12).  
Supervisory Civil Engineer Technician, Western Navajo Agency, Tuba City, Ariz. (GS-12).

#### PHOENIX AREA

##### Phoenix Area Office

Special Assistant to the Area Director, Phoenix Area Office, Phoenix, Ariz.  
Assistant to the Area Director (Administration), Phoenix Area Office, Phoenix, Ariz.  
Tribal Operations Officer, Phoenix Area Office, Phoenix, Ariz. (2).  
Indian Trust Protection Officer, Phoenix Area Office, Phoenix, Ariz.  
Supervisory General Engineer, Phoenix Area Office, Phoenix, Ariz.  
Financial Manager, Phoenix Area Office, Phoenix, Ariz.  
Supervisory General Supply Specialist, Phoenix Area Office, Phoenix, Ariz.  
Education Program Administrator, Phoenix Area Office, Phoenix, Ariz.  
Employment Assistance Officer, Phoenix Area Office, Phoenix, Ariz.  
Area Special Officer, Phoenix Area Office, Phoenix, Ariz.  
Industrial Development Specialist, Phoenix Area Office, Phoenix, Ariz.  
Area Credit Officer, Phoenix Area Office, Phoenix, Ariz.  
Forester, Phoenix Area Office, Phoenix, Ariz.  
Realty Officer, Phoenix Area Office, Phoenix, Ariz.  
Supervisory Appraiser, Phoenix Area Office, Phoenix, Ariz. (2) GS-14 (1); GS-13 (1).  
Supervisory Highway Engineer, Phoenix Area Office, Phoenix, Ariz.  
Supervisory Contract Specialist, Phoenix Area Office, Phoenix, Ariz. (GS-12).  
Contract Specialist, Phoenix Area Office, Phoenix, Ariz. (9) GS-11 (1); GS-9 (7); GS-7 (1).  
Property Management Officer, Phoenix Area Office, Phoenix, Ariz. (GS-12).  
Supervisory Social Worker, Phoenix Area Office, Phoenix, Ariz.

Land Operations Officer, Phoenix Area Office, Phoenix, Ariz.  
Appraiser, Phoenix Area Office, Phoenix, Ariz. (7) GS-12 (6); GS-11 (1).  
Housing Development Officer, Phoenix Area Office, Phoenix, Ariz.  
Indian Self-Determination Specialist, Phoenix Area Office, Ariz. (GS-12).

#### Colorado River Agency

Superintendent, Colorado River Agency, Parker, Ariz.  
Administrative Manager, Colorado River Agency, Parker, Ariz. (GS-12).  
Agency Credit Officer, Colorado River Agency, Parker, Ariz. (GS-12).  
Education Coordinator, Colorado River Agency, Parker, Ariz. (GS-11).  
Agency Land Operations Officer, Colorado River Agency, Parker, Ariz.  
Agency Special Officer, Colorado River Agency, Parker, Ariz. (GS-12).  
Agency Realty Officer, Colorado River Agency, Parker, Ariz. (GS-12).  
Agency Employment Assistant Officer, Colorado River Agency, Parker, Ariz. (GS-12).  
Supervisory Civil Engineer, Colorado River Agency, Parker, Ariz. (GS-12).  
Supervisory General Engineer, Colorado River Agency, Parker, Ariz.  
Housing Development Officer, Colorado River Agency, Parker, Ariz. (GS-12).

#### Eastern Nevada Agency

Superintendent, Eastern Nevada Agency, Owyhee, Nev.  
Administrative Manager, Eastern Nevada Agency, Owyhee, Nev. (GS-11).  
Agency Credit Officer, Eastern Nevada Agency, Owyhee, Nev. (GS-11).  
Agency Housing Officer, Eastern Nevada Agency, Owyhee, Nev. (GS-12).  
Agency Land Operations, Eastern Nevada Agency, Owyhee, Nev. (GS-12).  
Agency Special Officer, Eastern Nevada Agency, Owyhee, Nev. (GS-11).  
Agency Realty Officer, Eastern Nevada Agency, Owyhee, Nev. (GS-11).  
Commercial and Industrial Development Specialist, Eastern Nevada Agency, Owyhee, Nev. (GS-12).  
Employment Assistance Specialist, Eastern Nevada Agency, Owyhee, Nev. (GS-11).  
Tribal Operations Officer, Eastern Nevada Agency, Owyhee, Nev. (GS-12).

#### Fort Apache Agency

Superintendent, Fort Apache Agency, White-river, Ariz.  
Administrative Manager, Fort Apache Agency, White-river, Ariz. (GS-12).  
Agency Credit Officer, Fort Apache Agency, White-river, Ariz. (GS-12).  
Education Program Administrator, Fort Apache Agency, White-river, Ariz.  
Agency Forester, Fort Apache Agency, White-river, Ariz.  
Agency Housing Officer, Fort Apache Agency, White-river, Ariz. (GS-12).  
Agency Land Operations, Fort Apache Agency, White-river, Ariz. (GS-12).  
Agency Special Officer, Fort Apache Agency, White-river, Ariz. (GS-12).  
Agency Realty Officer, Fort Apache Agency, White-river, Ariz. (GS-9).  
Supervisory Civil Engineer, Fort Apache Agency, White-river, Ariz. (GS-12).  
Roads Manager, Fort Apache Agency, White-river, Ariz. (GS-11).

#### Fort Yuma Agency

Superintendent, Fort Yuma Agency, Yuma, Ariz.  
Vocational Development Specialist, Fort Yuma Agency, Yuma, Ariz. (GS-9).  
Realty Officer, Fort Yuma Agency, Yuma, Ariz. (GS-12).

Natural Resource Manager, Fort Yuma Agency, Yuma, Ariz. (GS-12).

#### Hopi Agency

Superintendent, Hopi Agency, Keams Canyon, Ariz.  
Administrative Manager, Hopi Agency, Keams Canyon, Ariz. (GS-12).  
Agency Credit and Financing Officer, Hopi Agency, Keams Canyon, Ariz. (GS-12).  
Agency Housing Officer, Hopi Agency, Keams Canyon, Ariz. (GS-12).  
Agency Land Operations, Hopi Agency, Keams Canyon, Ariz. (GS-12).  
Agency Special Officer, Hopi Agency, Keams Canyon, Ariz. (GS-11).  
Employment Assistance Officer, Hopi Agency, Keams Canyon, Ariz. (GS-12).  
Education Program Administrator, Hopi Agency, Keams Canyon, Ariz.

#### Intermountain School

School Superintendent, Intermountain School, Brigham City, Utah.  
Administrative Manager, Intermountain School, Brigham City, Utah (GS-12).  
Supervisory Maintenance Engineer, Intermountain School, Brigham City, Utah.

#### Papago Agency

Superintendent, Papago Agency, Sells, Ariz. Administrative Manager, Papago Agency, Sells, Ariz. (GS-12).  
Program Officer, Papago Agency, Sells, Ariz. (GS-12).  
Education Program Administrator, Papago Agency, Sells, Ariz.  
Employment Assistance Officer, Papago Agency, Sells, Ariz. (GS-12).  
Agency Housing, Papago Agency, Sells, Ariz. (GS-12).  
Agency Land Operations, Papago Agency, Sells, Ariz. (GS-12).  
Agency Special Officer, Papago Agency, Sells, Ariz. (GS-12).  
Agency Realty Officer, Papago Agency, Sells, Ariz. (GS-12).  
Facility Manager, Papago Agency, Sells, Ariz. (GS-12).  
Supervisory Civil Engineer, Papago Agency, Sells, Ariz. (GS-12).

#### Phoenix Indian School

School Superintendent, Phoenix Indian School, Phoenix, Ariz.  
Administrative Manager, Phoenix Indian School, Phoenix, Ariz. (GS-11).

#### Pima Agency

Superintendent, Pima Agency, Sacaton, Ariz. Administrative Manager, Pima Agency, Sacaton, Ariz. (GS-12).  
Education Program Administrator, Pima Agency, Sacaton, Ariz. (GS-12).  
Agency Housing Officer, Pima Agency, Sacaton, Ariz. (GS-12).  
Agency Land Operations, Pima Agency, Sacaton, Ariz. (GS-12).  
Agency Special Officer, Pima Agency, Sacaton, Ariz. (GS-12).  
Agency Realty Officer, Pima Agency, Sacaton, Ariz. (GS-12).  
Employment Assistance Officer, Pima Agency, Sacaton, Ariz. (GS-12).  
Facility Manager, Pima Agency, Sacaton, Ariz. (GS-12).  
Supervisory Highway Engineer, Pima Agency, Sacaton, Ariz. (GS-12).

#### Salt River Agency

Coordinator, Salt River Agency, Scottsdale, Ariz.

#### San Carlos Agency

Superintendent, San Carlos Agency, San Carlos, Ariz.

Administrative Manager, San Carlos Agency, San Carlos, Ariz. (GS-12).  
Education Specialist, San Carlos Agency, San Carlos, Ariz. (GS-12).  
Supervisory Forester, San Carlos Agency, San Carlos, Ariz. (GS-12).  
Housing Development Officer, San Carlos Agency, San Carlos, Ariz. (GS-12).  
Land Operations, San Carlos Agency, San Carlos, Ariz. (GS-12).  
Agency Special Officer, San Carlos Agency, San Carlos, Ariz. (GS-12).  
Facility Manager, San Carlos Agency, San Carlos, Ariz. (GS-12).  
Program Officer, San Carlos Agency, San Carlos, Ariz. (GS-12).  
Employment Assistance Specialist, San Carlos Agency, San Carlos, Ariz. (GS-11).

#### Sherman Indian School

School Superintendent, Sherman Indian School, Riverside, Calif.  
Administrative Manager, Sherman Indian School, Riverside, Calif. (GS-12).

#### Stewart Boarding School

School Superintendent, Stewart Indian School, Stewart, Nev.  
Administrative Manager, Stewart Boarding School, Stewart, Nev. (GS-11).

#### Truxton Canon Agency

Superintendent, Truxton Canon Agency, Valentine, Ariz.  
Administrative Manager, Truxton Canon Agency, Valentine, Ariz. (GS-11).  
Education Specialist, Truxton Canon Agency, Valentine, Ariz. (GS-12).  
Housing Development Officer, Truxton Canon Agency, Valentine, Ariz. (GS-12).  
Natural Resources Manager, Truxton Canon Agency, Peach Springs, Ariz. (GS-12).  
Agency Special Officer, Truxton Canon Agency, Peach Springs, Ariz. (GS-11).

#### Uintah and Ouray Agency

Superintendent, Uintah and Ouray Agency, Fort Duchesne, Utah.  
Administrative Manager, Uintah and Ouray Agency, Fort Duchesne, Utah (GS-12).  
Program Officer, Uintah and Ouray Agency, Fort Duchesne, Utah (GS-12).  
Realty Officer, Uintah and Ouray Agency, Fort Duchesne, Utah (GS-12).  
Land Operations Officer, Uintah and Ouray Agency, Fort Duchesne, Utah (GS-12).  
Roads Manager, Uintah and Ouray Agency, Fort Duchesne, Utah (GS-11).  
Criminal Investigator, Uintah and Ouray Agency, Fort Duchesne, Utah (GS-9).

#### Western Nevada Agency

Superintendent, Western Nevada Agency, Stewart, Nev.  
Administrative Manager, Western Nevada Agency, Stewart, Nev. (GS-12).  
Agency Credit Officer, Western Nevada Agency, Stewart, Nev. (GS-12).  
Housing Development Officer, Western Nevada Agency, Stewart, Nev.  
Agency Special Officer, Western Nevada Agency, Stewart, Nev. (GS-12).  
Realty Officer, Western Nevada Agency, Stewart, Nev. (GS-12).  
Land Operations Officer, Western Nevada Agency, Stewart, Nev.  
Employment Assistance Officer, Western Nevada Agency, Stewart, Nev. (GS-12).  
Education Program Administrator, Western Nevada Agency, Stewart, Nev.  
Supervisory Civil Engineer Technician, Western Nevada Agency, Stewart, Nev. (GS-12).



RULES AND REGULATIONS

PORTLAND AREA

Portland Area Office

Assistant Area Director (Administration), Portland Area, Portland, Ore.  
Education Program Administrator, Portland Area, Portland, Ore.  
Vocational Development Officer, Portland Area, Portland, Ore.  
Area Special Officer, Portland Area, Portland, Ore.  
Housing Development Officer, Portland Area, Portland, Ore.  
Finance Specialist, (Credit), Portland Area, Portland, Ore.  
Forester, Portland Area, Portland, Ore.  
Real Property and Management Officer, Portland Area, Portland, Ore.  
Supervisory Appraiser, Portland Area, Portland, Ore.  
General Engineer, Portland Area, Portland, Ore.  
Supervisory Highway Engineer, Portland Area, Portland, Ore.  
Supervisory Contract Specialist, Portland Area, Portland, Ore.  
Contract Specialist, Portland Area, Portland, Ore. (4) GS-11(1); GS-9(1); GS-7(2).  
Property and Supply Officer, Portland Area, Portland, Ore. (GS-11).  
Land Operations Officer, Portland Area, Portland, Ore.  
Appraiser, Portland Area, Portland, Ore. (8) GS-12 (6); GS-11 (2).

Chemawa School

School Superintendent, Chemawa School, Chemawa, Ore.  
Administrative Manager, Chemawa School, Chemawa, Ore. (GS-11).  
Facility Manager, Chemawa School, Chemawa, Ore. (GS-12).

Colville Agency

Superintendent, Colville Agency, Nespelem, Wash.  
Assistant Superintendent, Colville Agency, Nespelem, Wash.  
Education Specialist, Colville Agency, Nespelem, Wash. (GS-11).  
Agency Credit Officer, Colville Agency, Nespelem, Wash. (GS-12).  
Supervisory Forester, Colville Agency, Nespelem, Wash.  
Facility Manager, Colville Agency, Nespelem, Wash. (GS-11).  
Agency Realty Officer, Colville Agency, Nespelem, Wash. (GS-12).  
Supervisor Highway Engineer, Colville Agency, Nespelem, Wash. (GS-11).  
Reservation Programs Officer, Colville Agency, Nespelem, Wash. (GS-12).

Fort Hall Agency

Superintendent, Fort Hall Agency, Pocatello, Idaho.  
Administrative Manager, Fort Hall Agency, Pocatello, Idaho (GS-12).  
Education Specialist, Fort Hall Agency, Pocatello, Idaho (GS-12).  
Vocational Development Officer, Fort Hall Agency, Pocatello, Idaho (GS-11).  
Agency Special Officer, Fort Hall Agency, Pocatello, Idaho (GS-11).  
Facility Manager, Fort Hall Agency, Pocatello, Idaho (GS-9).  
Agency Credit Officer, Fort Hall Agency, Pocatello, Idaho (GS-7).  
Realty Officer, Fort Hall Agency, Pocatello, Idaho (GS-12).

Northern Idaho Agency

Superintendent, Northern Idaho Agency, Lapwai, Idaho.  
Administrative Officer, Northern Idaho Agency, Lapwai, Idaho (GS-11).

Reservation Programs Officer, Northern Idaho Agency, Lapwai, Idaho (GS-12).  
Agency Credit Officer, Northern Idaho Agency, Lapwai, Idaho (GS-12).  
Education Specialist (Adult Ed.), Northern Idaho Agency, Lapwai, Idaho (GS-11).  
Employment Assistance Officer, Northern Idaho Agency, Lapwai, Idaho (GS-12).  
Supervisory Forester (Administrator), Northern Idaho Agency, Lapwai, Idaho (GS-12).  
Housing Development Officer, Northern Idaho Agency, Lapwai, Idaho (GS-12).  
Agency Special Officer, Northern Idaho Agency, Lapwai, Idaho (GS-12).  
Natural Resource Manager, Northern Idaho Agency, Lapwai, Idaho (GS-12).  
Agency Realty Officer, Northern Idaho Agency, Lapwai, Idaho (GS-12).

Spokane Agency

Superintendent, Spokane Agency, Wellpinit, Wash.  
Reservations Program Officer, Spokane Agency, Wellpinit, Wash. (GS-11).  
Administrative Officer, Spokane Agency, Wellpinit, Wash. (GS-11).  
Community Services Officer, Spokane Agency, Wellpinit, Wash. (GS-11).  
Supervisory Highway Engineer, Spokane Agency, Wellpinit, Wash. (GS-12).  
Forester (Admin.), Spokane Agency, Wellpinit, Wash. (GS-12).  
Agency Realty Officer, Spokane Agency, Wellpinit, Wash. (GS-11).

Umatilla Agency

Superintendent, Umatilla Agency, Pendleton, Ore.  
Administrative Officer, Umatilla Agency, Pendleton, Ore. (GS-11).  
Education Specialist, Umatilla Agency, Pendleton, Ore. (GS-12).  
Agency Credit Officer, Umatilla Agency, Pendleton, Ore. (GS-9).  
Natural Resource Officer, Umatilla Agency, Pendleton, Ore. (GS-12).  
Forester, Umatilla Agency, Pendleton, Ore. (GS-11).  
Realty Officer, Umatilla Agency, Pendleton, Ore. (GS-11).  
Housing Development Officer, Umatilla Agency, Pendleton, Ore. (GS-12).

Wapato Irrigation Project

Supervisory General Engineer, Wapato Irrigation Project, Wapato, Wash.  
Administrative Officer, Wapato Irrigation Project, Wapato, Wash. (GS-11).

Warm Springs Agency

Superintendent, Warm Springs Agency, Warm Springs, Ore.  
Administrative Manager, Warm Springs Agency, Warm Springs, Ore. (GS-12).  
Reservation Programs Officer, Warm Springs Agency, Warm Springs, Ore. (GS-12).  
Community Services Officer, Warm Springs Agency, Warm Springs, Ore.  
Agency Special Officer, Warm Springs Agency, Warm Springs, Ore. (GS-11).  
Supervisory Forest (Administrator), Warm Springs Agency, Warm Springs, Ore.  
Agency Realty Officer, Warm Springs Agency, Warm Springs, Ore. (GS-12).  
Land Operations Officer, Warm Springs Agency, Warm Springs, Ore. (GS-12).  
Highway Engineer, Warm Springs Agency, Warm Springs, Ore. (GS-12).  
Supervisory Maintenance Engineer Technician, Warm Springs Agency, Warm Springs, Ore. (GS-12).

Western Washington Agency

Superintendent, Western Washington Agency, Everett, Wash.  
Assistant Superintendent, Western Washington Agency, Everett, Wash.

Administrative Manager, Western Washington Agency, Everett, Wash.  
Reservation Programs Officer, Western Washington Agency, Everett, Wash.  
Tribal Operations Officer, Western Washington Agency, Everett, Wash.  
Agency Credit Officer, Western Washington Agency, Everett, Wash. (GS-12).  
Community Services Officer (Ed. Prog.), Western Washington Agency, Everett, Wash. (GS-12).  
Housing Development Officer, Western Washington Agency, Everett, Wash.  
Agency Special Officer, Western Washington Agency, Everett, Wash.  
Agency Realty Officer, Western Washington Agency, Everett, Wash.  
Natural Resource Officer, Western Washington Agency, Everett, Wash.  
Assistant Superintendent (Hoquiam Field Station), Hoquiam.  
Forester (Admin.), Western Washington Agency, Neah Bay (GS-11).  
Community Services Officer, Western Washington Agency, Hoquiam (GS-12).  
Employment Assistance Officer, Western Washington Agency, Hoquiam (GS-11).  
Housing Development Officer, Western Washington Agency, Hoquiam (GS-11).  
Forester (Admin.), Western Washington Agency, Hoquiam.  
Reservation Programs Officer, Western Washington Agency, Hoquiam (GS-12).  
Supervisory Highway Engineer Technician, Western Washington Agency, Hoquiam (GS-12).  
Loan Specialist, Western Washington Agency, Hoquiam (GS-9).

Yakima Agency

Superintendent, Yakima Agency, Toppenish, Wash.  
Administrative Officer, Yakima Agency, Toppenish, Wash. (GS-11).  
Reservation Programs Officer, Yakima Agency, Toppenish, Wash. (GS-12).  
Agency Credit Officer, Yakima Agency, Toppenish, Wash. (GS-12).  
Supervisory Vocational Development Specialist, Yakima Agency, Toppenish, Wash. (GS-12).  
Supervisory Forester (Administrator), Yakima Agency, Toppenish, Wash.  
Housing Development Officer, Yakima Agency, Toppenish, Wash. (GS-12).  
Land Operations Officer, Yakima Agency, Toppenish, Wash. (GS-12).  
Agency Special Officer, Yakima Agency, Toppenish, Wash. (GS-11).  
Supervisory Maintenance Engineer Technician, Yakima Agency, Toppenish, Wash. (GS-12).  
Agency Realty Officer, Yakima Agency, Toppenish, Wash.  
Supervisory Highway Engineer, Yakima Agency, Toppenish, Wash. (GS-12).  
Forester (Fire Control), Yakima Agency, White Swan, Wash. (GS-11).  
Forester (Administrator), Yakima Agency, Glenwood, Wash. (GS-11).

Seattle FEAO

Employment Assistance Officer, Seattle FEAO, Seattle, Wash. (GS-12).

SACRAMENTO AREA

Sacramento Area Office

Assistant to the Area Director, Sacramento Area, Sacramento, Calif.  
Administrative Officer, Sacramento Area, Sacramento, Calif.  
Supervisory Contract Specialist, Sacramento Area, Sacramento, Calif.  
Education Specialist, Sacramento Area, Sacramento, Calif.  
Housing Development Officer, Sacramento Area, Sacramento, Calif.

Employment Assistance Officer, Sacramento Area, Sacramento, Calif.  
Assistant Area Director (Resources), Sacramento, Calif.  
Area Credit Officer, Sacramento Area, Sacramento, Calif.  
Industrial Development Specialist, Sacramento Area, Los Angeles, Calif.  
Supervisory Appraiser, Sacramento Area, Sacramento, Calif. (GS-13) (2); (GS-14).  
Realty Officer, Sacramento Area, Sacramento, Calif. (GS-11).  
Supervisory Highway Engineer, Sacramento Area, Sacramento, Calif.  
Forester, Sacramento Area, Sacramento, Calif. (GS-12).  
Contract Specialist, Sacramento Area, Sacramento, Calif. (2) GS-9.  
General Supply Specialist, Sacramento Area, Sacramento, Calif. (GS-9).  
Community Services Officer, Sacramento Area, Sacramento, Calif.  
Appraiser, Sacramento Area, Sacramento, Calif. (5) GS-12 (4); GS-7 (1).  
Natural Resource Specialist, Sacramento Area, Sacramento, Calif. (GS-12).  
Program Officer, Sacramento Area, Sacramento, Calif. (GS-12).  
Administrative Officer, Los Angeles Field Employment Assistance Officer, Los Angeles, Calif. (GS-7).  
Administrative Officer, Oakland/San Francisco FEAO, Alameda, Calif. (GS-9).  
Employment Assistance Officer, Los Angeles Field Employment Assistance Office, Los Angeles, Calif.  
Employment Assistance Officer, Oakland/San Francisco FEAO, Alameda, Calif.

Central California Agency

Superintendent, Central California Agency, Sacramento, Calif.  
Administrative Manager, Central California Agency, Sacramento, Calif. (GS-11).  
Education Specialist, Central California Agency, Sacramento, Calif. (GS-12).  
Housing Development Officer, Central California Agency, Sacramento, Calif. (GS-12).  
Employment Assistance Officer, Central California Agency, Sacramento, Calif. (GS-12).  
Forester (Admin.), Central California Agency, Sacramento, Calif. (GS-11).  
Realty Officer, Central California Agency, Sacramento, Calif. (GS-12).  
Supervisory Civil Engineer Technician, Central California Agency, Sacramento, Calif. (GS-12).  
Tribal Operations Officer, Central California Agency, Sacramento, Calif. (GS-12).

Hoopa Agency

Superintendent, Hoopa Agency, Hoopa, Calif. (GS-9).  
Administrative Manager, Hoopa Agency, Hoopa, Calif. (GS-9).  
Community Services Officer, Hoopa Agency, Hoopa, Calif. (GS-11).  
Forester (Admin.), Hoopa Agency, Hoopa, Calif. (GS-12).  
Facility Manager, Hoopa Agency, Hoopa, Calif. (GS-11).  
Realty Officer, Hoopa Agency, Hoopa, Calif. (GS-12).  
Supervisory Civil Engineer Technician, Hoopa Agency, Hoopa, Calif. (GS-9).

Palm Springs AFO

Area Field Representative, Palm Springs Area Field Office, Palm Springs, Calif. (GS-14).  
Realty Officer, Palm Springs Area Field Office, Palm Springs, Calif.  
Administrative Manager, Palm Springs Area Field Office, Riverside, Calif. (GS-9).

Southern California Agency

Superintendent, Southern California Agency, Riverside, Calif.

RULES AND REGULATIONS

Administrative Manager, Southern California Agency, Riverside, Calif. (GS-12).  
Employment Assistance Officer, Southern California Agency, Riverside, Calif. (GS-12).  
Realty Officer, Southern California Agency, Riverside, Calif. (GS-12).  
Supervisory Civil Engineer Technician, Southern California Agency, Riverside, Calif. (GS-12).  
Tribal Operation Officer, Southern California Agency, Riverside, Calif. (GS-12).  
Natural Resources Specialist, Southern California Agency, Riverside, Calif.  
Housing Development Officer, Southern California Agency, Riverside, Calif. (GS-12).  
Forester (Admin.), Southern California Agency, Riverside, Calif. (GS-12).

BUREAU OF MINES

OFFICE OF THE DIRECTOR

Officer-in-Charge, Audio Visual.  
Chief, Division of Public Information.  
Supervisory Public Information Specialist, GS-13 (1).  
Chief, Division of Production and Distribution.

MINERAL AND MATERIALS RESEARCH AND DEVELOPMENT

Helium—Physical Science Administrator, Division of Helium (1); Administrative Officer Helium Operations (1).  
Mining—Headquarters Staff: Staff Engineers, GS-12 and above, Washington Office (regardless of official classification title); Environmental Field Office, Wilkes-Barre, Pa.; Administrative Officer and Staff Engineers, GS-12 and above; Research Centers: Technical Project Officers, GS-12 and above (regardless of official classification title).  
Metallurgy—Headquarters Staff: Staff Engineers, Washington Office GS-12 and above (regardless of official classification title); Research Centers: Technical Project Officers GS-12 and above, regardless of official classification title; Chief, Boulder City Metallurgical Engineering Laboratory.

MINERAL AND MATERIALS SUPPLY/DEMAND ANALYSIS

Liaison Program Staff Specialists.  
State Liaison Officers (37).  
Metals, Minerals and Materials—Commodity Specialists, GS-12 and above (regardless of official classification title).  
Field and Environmental Activities—Mineral Assessment Specialists, GS-12 and above (regardless of official classification title).  
Interindustry and Economic Analysis—Staff Specialists, GS-12 and above (regardless of official classification title).  
International Data and Analysis—Area Specialists, GS-12 and above (regardless of official classification title).  
Program Development and Evaluation—Planning and Evaluation Staff Specialists, GS-13 and above (regardless of official classification title).

ADMINISTRATION

Division of ADP—Chief, Branch of Planning and Review (1).  
Pittsburgh/Bruceton Administration Office—Chief, Branch of Procurement and Property; Contract Specialists, GS-13 and above.

DIVISION OF PROCUREMENT

Deputy Procurement Officer.  
Chief, Branch of Procurement.  
Contract Specialists and Analysts, GS-13 and above (regardless of official classification title).  
Chief, and Deputy Chief, Branch of Procurement (Denver).

Contract Specialists, GS-13 and above.  
NOTE.—Any supervisor not otherwise covered will be required to file if he/she supervises an employee who is required to file.

GEOLOGICAL SURVEY

OFFICE OF THE DIRECTOR

Program Analysts, Reston, Va.  
Economist, Reston, Va.  
Congressional Liaison Officer, Reston, Va.

LAND INFORMATION AND ANALYSIS OFFICE

Administrative Officer, Reston, Va.  
Operations Research Analyst, Reston, Va.  
Physical Scientists, Reston, Va.  
Geographers, Reston, Va.  
Geologists, Reston, Va.  
Hydrologist, Reston, Va.  
Hydrologist (Ground Water), Reston, Va.  
Environmental Scientists, Reston, Va.  
Environmental Scientists (Geology), Reston, Va.  
Research Geographer, Reston, Va.  
Supervisory Physical Scientists, Reston, Va.  
Administrative Officer, EROS Data Center, Sioux Falls, S. Dak.  
Research Forester, Sioux Falls, S. Dak.  
Supervisory Remote Sensing Scientists, Sioux Falls, S. Dak.  
Remote Sensing Scientist, Sioux Falls, S. Dak.  
General Engineer, Sioux Falls, S. Dak.  
Physical Scientists, Sioux Falls, S. Dak.  
Principal Remote Sensing Specialist (Geologic Applications), Sioux Falls, S. Dak.  
Data Management Officer, Sioux Falls, S. Dak.  
Supervisory Computer Specialists, Sioux Falls, S. Dak.  
Computer Specialist, Sioux Falls, S. Dak.  
Photographic Technologist, Sioux Falls, S. Dak.—GS-12 (1).  
Environmental Planner, Orange, Mass.  
Physical Scientist, Denver, Colo.  
Geologist, Denver, Colo.

OFFICE OF NATIONAL PETROLEUM RESERVE IN ALASKA

Assistant Chief, NPRA Operations Office.  
Environmental Specialists, all locations.  
Physical Scientists, all locations.  
Geophysicists, all locations.  
Geologists, all locations—GS-11 and above.  
Petroleum Engineers, all locations.  
Civil Engineers, all locations.  
Plans and Program Officer, Anchorage, Alaska.  
Industrial Property Management Specialist, Anchorage, Alaska—GS-12 (1).  
Administrative Officer, Anchorage, Alaska—GS-12 (1).  
Contract Administrator, Anchorage, Alaska—GS-12 (1).  
Contract Specialist, Anchorage, Alaska.  
Contract Analyst, Anchorage, Alaska.  
Petroleum Engineering Technicians, Anchorage, Alaska—GS-9 and above.

ADMINISTRATIVE DIVISION

Supervisory Contract Specialists, Reston, Va.  
Contract Specialists, Reston, Va.—GS-11 and above.  
Procurement Analysts, Reston, Va.—GS-9 and above.  
Procurement Agents, Reston, Va.—GS-11 and above.  
Contract Price Analyst, Reston, Va.—GS-12 (1).  
Supervisory Contract Specialist, Lakewood, Colo.  
Contract Specialists, Lakewood, Colo.—GS-11 and above.  
Procurement Officer, Menlo Park, Calif.  
Contract Specialists, Menlo Park, Calif.—GS-11 and above.



CONSERVATION DIVISION

Area Oil and Gas Supervisor—Resource Evaluation, Metairie, La.  
 Assistant Oil and Gas Supervisor—Resource Evaluation, Metairie, La.  
 Deputy Oil and Gas Supervisor—Resource Evaluation, Washington, D.C.  
 Section Chief (Tract Selection and Evaluation), Washington, D.C.  
 Section Chief (Hazards Analysis), Washington, D.C.  
 Section Chief (Frontier Data Analysis), Washington, D.C.  
 Area Oil and Gas Supervisor—Operations, Washington, D.C.  
 District Supervisor (Mid-Atlantic District), Washington, D.C.  
 District Supervisor (North Atlantic District), Washington, D.C.  
 District Supervisor (South Atlantic District), Washington, D.C.  
 District Engineer, Washington, D.C.  
 Assistant Conservation Manager, Anchorage, Alaska.  
 Assistant Conservation Manager, Los Angeles, Calif.  
 Meteorologist, Grand Junction, Colo.  
 Staff Assistant for Oil and Gas, Lakewood, Colo.  
 Staff Assistants for Mining, Lakewood, Colo.  
 Staff Assistant for Programs, Lakewood, Colo.  
 Staff Assistant for Environment, Lakewood, Colo.  
 Senior Coal Evaluation Chief, Lakewood, Colo.  
 Program Officer, Washington, D.C.  
 Staff Assistant for Environmental Analysis, Metairie, La.  
 Staff Assistant for Operations and Regulations, Metairie, La.  
 Staff Assistant for Programs, Metairie, La.  
 Digital Computer Systems Administrator, Metairie, La.  
 Scientific Staff Assistant, Reston, Va.  
 Legal Staff Assistant, Reston, Va.  
 Contracts Liaison Specialist, Reston, Va.  
 Production Rate Control Coordinator, Reston, Va.  
 Manpower Utilization Specialist, Reston, Va.  
 Program Analyst, Reston, Va.  
 Program Analysis Officer, Reston, Va.  
 Mathematical Statistician, Reston, Va.  
 Transportation Specialist, Reston, Va.—GS-12 (1).  
 Administrative Officers, all locations—GS-12 and above.  
 Accountants and Auditors, all locations—GS-9 and above.  
 Accounting Assistants, all locations—GS-7 and above.  
 Chemical Engineers, all locations—GS-9 and above.  
 Computer Equipment Analyst, Reston, Va.—GS-12 (1).  
 Computer Programmers, all locations—GS-9 and above.  
 Computer Specialists, all locations—GS-9 and above.  
 Computer Systems Analysts, all locations—GS-9 and above.  
 Economists, all specialties, all locations—GS-12 and above.  
 Electrical Engineers, all locations—GS-9 and above.  
 Biologists, all locations—GS-9 and above.  
 Environmental Specialists and Environmental Scientists, all locations—GS-9 and above.  
 General Engineers, all locations—GS-9 and above.  
 Geologists, all locations—GS-9 and above.  
 Geophysicists, all locations—GS-9 and above.  
 Hydraulic Engineers, all locations—GS-9 and above.  
 Hydrologists, all locations—GS-9 and above.  
 Mechanical Engineers, all locations—GS-9 and above.

Mine Inspectors, all locations—GS-9 and above.  
 Mining Engineering Technicians, all locations—GS-9 and above.  
 Mining Engineers, all locations—GS-9 and above.  
 Oceanographers, all locations—GS-9 and above.  
 Operations Research Analysts, all locations—GS-12 and above.  
 Petroleum Engineers, all specialties, all locations—GS-9 and above.  
 Petroleum Engineering and Drilling Technicians, all locations—GS-9 and above.  
 Physical Science Technicians, all locations—GS-9 and above.  
 Physical Scientists, all specialties, all locations—GS-9 and above.  
 Structural Engineers, all locations—GS-9 and above.

GEOLOGIC DIVISION

Administrative Officers, Reston, Va.  
 Assistant Deputy Chief Geologist for Program and Budget, Reston, Va.  
 Deputy Western Regional Geologist, Menlo Park, Calif.  
 Staff Geologist for Marine Engineering and Geology, Reston, Va.  
 Staff Geologist for Outer Continental Shelf Environmental Studies, Reston, Va.  
 Staff Geologist for Outer Continental Shelf Leasing Activities, Reston, Va.  
 Staff Geologist for Onshore Oil and Gas Resources, Reston, Va.  
 Mining Engineer, Office of Energy Resources, Branch of Uranium and Thorium Resources, Lakewood, Colo.  
 Staff Geologist for Land Resource Programs, Reston, Va.  
 Staff Geologist for Special Programs, Office of Environmental Geology, Reston, Va.  
 Staff Geologist for Grants and Contracts, Reston, Va.  
 Program Manager, Office of Environmental Geology, Denver, Colo.  
 Program Manager, Office of Environmental Geology, Menlo Park, Calif.  
 Staff Geophysicist for Remote Sensing, Reston, Va.  
 Staff Geologist for Remote Sensing, Reston, Va.  
 Staff Botanist for Geochemistry and Geophysics, Reston, Va.  
 Chief, Branch of Analytical Laboratories, Reston, Va.  
 Chief, Branch of Regional Geochemistry, Lakewood, Colo.  
 Staff Geologist, Alaska Programs, Reston, Va.  
 Staff Geologist, Office of Mineral Resources, Reston, Va.  
 Chief, Branch of Exploration Research, Golden, Colo.  
 Assistant to Office Chief, Office of International Geology, Reston, Va.  
 International Activities Officer, Reston, Va.

PUBLICATIONS DIVISION

Chief, Branch of Administrative Services, Reston, Va.  
 Deputy Assistant Chief (Research and Technical Coordination), Reston, Va.  
 Printing Liaison Officer, Reston, Va.  
 Chief, Branch of Distribution, Eastern Region, Arlington, Va.  
 Assistant Chief, Eastern Region, Reston, Va.  
 Chief, Administrative Services, Eastern Region, Reston, Va.  
 Assistant Chief, Administrative Services, Eastern Region, Reston, Va.—GS-11 (1).  
 Chief, Branch of Technical Editing, Eastern Region, Reston, Va.  
 Chief, Branch of Visual Services, Eastern Region, Reston, Va.  
 Chief, Branch of Printing, Eastern Region, Reston, Va.

Chief, Branch of Exhibits, Eastern Region, Reston, Va.  
 Chief, Branch of Visual Services, Eastern Region, Reston, Va.  
 Chief, Central Region, Lakewood, Colo.  
 Chief, Branch of Technical Editing, Central Region, Lakewood, Colo.  
 Chief, Branch of Cartography, Central Region, Lakewood, Colo.  
 Chief, Branch of Distribution, Central Region, Lakewood, Colo.  
 Chief, Branch of Exhibits, Central Region, Lakewood, Colo.—GS-12 (1).  
 Chief, Western Region, Menlo Park, Calif.  
 Chief, Branch of Technical Editing, Western Region, Menlo Park, Calif.  
 Chief, Branch of Cartography, Western Region, Menlo Park, Calif.  
 Chief, Branch of Exhibits, Western Region, Menlo Park, Calif.—GS-12 (1).  
 Chief, Flagstaff Cartographic Section, Western Region, Flagstaff, Ariz.—GS-12 (1).

TOPOGRAPHIC DIVISION

Cartographers, Reston, Va.—GS-12 (1); GS-11 (1); GS-9 (1).  
 Research Cartographers, Reston, Va.  
 Mechanical Engineers, Reston, Va.  
 Electronics Engineers, Reston, Va.  
 Physical Scientist, Reston, Va.  
 Photographic Technologists, Reston, Va.

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Chief, State Grant Program Office.  
 Subdistrict Managers, Coal Mine Health and Safety and Metal and Nonmetal.  
 Supervisors, inspectors and engineers performing inspection work GS-9 and above.  
 Deputy Assessment Officer.  
 Assessment Specialists.  
 Collection Officers.  
 Supervisors and Assessment Conference Specialists GS-11 and above.  
 Procurement Officers.

NATIONAL PARK SERVICE

Washington, D.C.

Chief, Budget Division.  
 Chief, Park Planning and Environmental Compliance Division.  
 Chief, Design and Technology Division.  
 Chief, Maintenance Division.  
 Chief, Ranger Activities and Protection Division.  
 Realty Officers.  
 Realty Specialists, GS-13 and above.  
 Appraisers, GS-13 and above.  
 Concessions Analysts, GS-13 and above.  
 Safety Officer.  
 Environmental Sanitation Officer.  
 Chief, WASO Personnel Officer.  
 Chief, Youth Activities Division.  
 Chief, Training Division.  
 Chief, General Services Division.  
 Contract Specialist, GS-12.  
 Chief, Grants Administration Division.  
 Chief, Historic American Engineering Record Division.  
 Chief, Historic American Buildings Survey Division.  
 Chief, Historic Sites Survey Division.  
 Chief, Federal and State Liaison Division.

HARPERS FERRY CENTER

Harpers Ferry, West Virginia

Administrative Officer.  
 Chief, Division of Museum Services.  
 Chief, Division of Reference Services.  
 Chief, Division of Interpretive Planning.  
 Chief, Branch of Procurement and Property Management.

ROCKY MOUNTAIN REGION

Denver, Colo.

Associate Regional Directors.  
 Assistant to Regional Director, Utah.  
 Superintendents, GS-13 and above.  
 Regional Chief, Division of Contracting and Property Management.  
 Administrative Officers, GS-13 and above.  
 Realty Officer.  
 Chief Appraiser.  
 Appraiser.  
 Chief, Operations Evaluation.  
 Equal Opportunity Officer.  
 Assistant to Regional Director, Public Affairs.  
 Chief, Division of Finance.  
 Supervisory Archeologist, Denver Archeological Office.  
 Deputy Associate Manager, Denver Service Center.  
 Chief, Contract Administration Division, Denver Service Center.  
 Chief, Quality Control and Compliance Division, Denver Service Center.  
 Chief, Surveys Division, Denver Service Center.  
 Chief, Graphics Services Division, Denver Service Center.  
 Chief, Historic Preservation Division, Denver Service Center.  
 Chief, Professional Support Division, Denver Service Center.  
 Chief, Branch of Construction Contracts, Denver Service Center.  
 Chief, Branch of Professional Service Contracts, Denver Service Center.

NORTH ATLANTIC REGION

Boston, Massachusetts

Associate Regional Directors.  
 Executive Assistant to Regional Director.  
 Superintendents, GS-13 and above.  
 Assistant Superintendents.  
 Regional Realty Officer.  
 Realty Officer.  
 Regional Chief, Division of Programs and Budget.  
 Superintendents, GS-13 and above.  
 Assistant Superintendents, GS-13 and above.  
 Realty Officer.  
 Public Information Officer.  
 Regional Scientist.  
 Unit Manager.  
 Administrative Officers, GS-13 and above.  
 Concessions Specialists, GS-9 and above.

NATIONAL CAPITAL REGION

Washington, D.C.

Chief, Division of Property Management.  
 Chief, Division of Contracting and Procurement.  
 Superintendents, GS-11 and above.  
 General Managers.  
 Director, Wolf Trap Farm Park.  
 Chief, U.S. Park Police.  
 Assistant Chief, U.S. Park Police.

MID-ATLANTIC REGION

Philadelphia, Pennsylvania

Associate Regional Directors.  
 Superintendents, GS-11 and above.  
 Assistant Superintendents, GS-13 and above.  
 Regional Chief, Division of Contracting and Property Management.  
 Regional Chief, Division of Programming and Budget.  
 Administrative Officers, GS-13 and above.  
 Regional Chief, Division of Finance.  
 Appraisers, GS-12 and above.  
 Realty Specialists, GS-12 and above.  
 Supervisory General Supply Specialist.  
 Park Manager.  
 Architect.  
 Park Planner.  
 General Biological Scientist.  
 Public Information Officer.  
 Staff Curator.  
 Supervisory Museum Curator.  
 Archeologist.  
 Supervisory Park Ranger.

Program Manager.  
 Paralegal Assistant.

SOUTHEAST REGION

Atlanta, Georgia

Associate Regional Directors.  
 Superintendents, GS-13 and above.  
 Assistant Superintendents.  
 Conservation Center Directors.  
 Realty Officers, GS-13 and above.  
 Appraisers, GS-13 and above.  
 Supervisory Archeologist, Southeast Archeological Center.  
 Supervisory Archeologist, Atlanta Archeological Center.  
 Chief, Contracting and Property Management.  
 Accounting Officer.

SOUTHWEST REGION

Santa Fe, New Mexico

Associate Regional Directors.  
 Assistant to the Regional Director, Tex.  
 Chief, Operations Evaluation.  
 Chief, Contracting and Property Management.  
 Chief, Land Acquisition.  
 Public Information Officer.  
 Superintendents, GS-13 and above.  
 General Superintendent.  
 Park Ranger (Management Consulting).  
 Realty Officer, GS-13 and above.

MIDWEST REGION

Omaha, Nebraska

Associate Regional Directors.  
 Executive Assistant to Regional Director.  
 Superintendents, GS-13 and above.  
 Assistant Superintendents.  
 Regional Realty Officer.  
 Realty Officer.  
 Realty Specialists.  
 Regional Appraiser.  
 Concessions Management Specialist, GS-12.  
 Regional Contracting and Property Officer.  
 Chief, Midwest Archeological Center.

WESTERN REGION

San Francisco, California

Superintendents, GS-13 and above.  
 Assistant Superintendents, GS-13 and above.  
 Regional Chief, Division of Contracting and Property Management.  
 Regional Chief, Division of Finance.  
 Administrative Officers, GS-13 and above.  
 Regional Chief, Programming and Budget.  
 Manager, Western Archeological Center.  
 Concessions Analysts and Specialists, GS-13 and above.  
 Realty Officers and Specialists, GS-13 and above.  
 Appraisers, GS-13 and above.

PACIFIC NORTHWEST REGION

Seattle, Washington

Associate Regional Directors.  
 Superintendents, GS-13 and above.  
 General Superintendent, Klamath Falls Group.  
 Chief Scientist.  
 Realty Officers.  
 Mining Engineers.  
 Chief, Contracting and Property Management.  
 Area Director, Alaska.  
 Staff Assistant, Alaska.  
 Management Assistant, Alaska.  
 Concessions Analysts.  
 Appraisers.

GS-12 AND BELOW POSITIONS

Washington, D.C.

Contract Specialist, GS-12.  
 A delegation of authority has been prepared which provides for responsibilities within the Washington Office for entering

into contractual agreements for supplies, materials, equipment and services with unlimited dollar restriction.

BUREAU OF OUTDOOR RECREATION

Area Director, Alaska.  
 Management Officer, Washington, D.C.  
 Accounting Officer, Washington, D.C.  
 Staff Assistant to the Director, Washington, D.C.  
 Staff Assistant to the Regional Director, Denver, Colo.  
 All Assistant Regional Directors (16).  
 Regional Supervisory Outdoor Recreation Planners—State Grants (7).  
 Employees detailed to the Alaska Natural Gas Transportation System Task Force (1).

U.S. FISH AND WILDLIFE SERVICE

Deputy Assistant Director, Public Affairs, Washington, D.C.  
 Chief, Office of Audio Visual Services, Public Affairs, Washington, D.C.  
 Chief, Office of Current Information, Public Affairs, Washington, D.C.  
 Chief, Office of Radio and TV Program Coordination, Public Affairs, Washington, D.C.  
 Contract Specialist—Contracting and General Services—Duty Station—Denver, Colo.  
 Chief, Branch of Contracting, Washington, D.C.  
 Staff Biologists, Federal Aid, Washington, D.C.—All GS-13 and above.  
 Assistant Chief, Division of Ecological Services, Washington, D.C.  
 Leader, Stream Alteration Team, OBS, Washington, D.C.  
 Leader, Power Plant Team, OBS, Washington, D.C.  
 Special Agents, Washington, D.C.—All.  
 Program Coordinators, Washington, D.C.  
 Chief, Office of Wildlife Assistance, Washington, D.C.  
 Chief, Youth Conservation Programs, Washington, D.C.  
 Assistant Chief, Division of Engineering, Washington, D.C.  
 Assistant Chief, Division of National Fish Hatcheries, Washington, D.C.  
 Assistant Chief, Division of Realty, Washington, D.C.  
 Chief Appraiser, Washington, D.C.  
 Realty Specialists and Appraisers, GS-13 and above, Washington, D.C.  
 Assistant Chief, Migratory Bird Management, Laurel, Md.  
 Chief, Alaska Native Claims Staff, Washington, D.C.  
 Regional Staff Biologists, Federal Aid, GS-12 and above, Portland, Ore.; Albuquerque, N. Mex.; Twin Cities, Minn.; Atlanta, Ga.; Boston, Mass.; Denver, Colo.  
 Deputy Alaska Area Director, Anchorage, Alaska.  
 Chief, Regional Contracting and General Services Officer, GS-12 and above, Portland, Ore.; Albuquerque, N. Mex.; Twin Cities, Minn.; Atlanta, Ga.; Boston, Mass.; Denver, Colo.  
 Assistant Regional Directors, Portland, Ore.; Albuquerque, N. Mex.; Twin Cities, Minn.; Atlanta, Ga.; Boston, Mass.; Denver, Colo.  
 Assistant Alaska Area Director, Anchorage, Alaska.  
 Chiefs, Office of Support Services, Portland, Ore.; Albuquerque, N. Mex.; Twin Cities, Minn.; Atlanta, Ga.; Boston, Mass.; Denver, Colo.  
 Regional Public Affairs Officer, Portland, Ore.; Albuquerque, N. Mex.; Twin Cities, Minn.; Atlanta, Ga.; Boston, Mass.; Denver, Colo.  
 Regional Safety Officers, Portland, Ore.; Albuquerque, N. Mex.; Twin Cities, Minn.; Atlanta, Ga.; Boston, Mass.; Denver, Colo.



Regional Activity Leaders and Environmental Specialists, GS-12 and above, Portland, Oreg.; Albuquerque, N. Mex.; Twin Cities, Minn.; Atlanta, Ga.; Boston, Mass.; Denver, Colo.; Alaska.

Regional Realty Specialists and Appraisers, GS-11 and above, Portland, Oreg.; Albuquerque, N. Mex.; Twin Cities, Minn.; Atlanta, Ga.; Boston, Mass.; Denver, Colo.

Regional Manpower Specialists, All regions.

Regional Pesticide Specialists, GS-12 and above, Portland, Oreg.; Albuquerque, N. Mex.; Twin Cities, Minn.; Atlanta, Ga.; Boston, Mass.; Denver, Colo.

Regional Chief Engineer, Portland, Oreg.; Albuquerque, N. Mex.; Twin Cities, Minn.; Atlanta, Ga.; Boston, Mass.; Denver, Colo.

Coordinator, Indian Programs, Technical Assistance, Portland, Oreg.

## FIELD LEVEL

Area Managers, All—Various locations.

Unit Leaders, Cooperative Fish and Wildlife Research Units, All—Various locations.

Area Supervisors, Division of Ecological Services, All—Various locations.

Special Agents, All—Various locations.

Project Leaders, National Wildlife Refuges, All—Various locations.

Project Leaders, National Fish Hatcheries, All—Various locations.

Research Center and Laboratory Directors, All—Various locations.

Center Directors, Job Corps Centers, Puxico, Mo.; Indianola, Okla.

State Supervisors, Animal Damage Control Programs, All—Various locations.

Field and Area Level Staff Specialists for Wildlife Assistance, GS-11 and above, Portland, Oreg.; Albuquerque, N. Mex.; Twin Cities, Minn.; Atlanta, Ga.; Boston, Mass.; Denver, Colo.

Field and Area Level Staff Specialists for Fisheries Assistance, GS-11 and above, Portland, Oreg.; Albuquerque, N. Mex.; Twin Cities, Minn.; Atlanta, Ga.; Boston, Mass.; Denver, Colo.

Environmental Specialists, GS-12 and above—All Regions and Alaska.

## OFFICE OF HEARINGS AND APPEALS

Board of Mine Operations Appeals—Attorney-Advisers (General), Washington, D.C. GS-13 and above.

Board of Land Appeals—Attorney-Advisers (General), Washington, D.C. GS-12 and above.

Alaska Native Claims Appeal Board—Board Members, Anchorage, Alaska, GS-14's. Attorney-Advisers (General), Anchorage, Alaska, GS-14's.

BUREAU OF RECLAMATION  
WASHINGTON OFFICE

Chief, Division of General Services, Commissioner's Office, Washington, D.C.

Chief, Construction and Contracting Activities Branch, Commissioner's Office, Washington, D.C.

Chief, Operations Branch, Division of Procurement and Property, Commissioner's Office, Washington, D.C.

Chief, Lands and Recreation Branch, Commissioner's Office, Washington, D.C.

Realty Officer, Commissioner's Office, Washington, D.C.

Contract and Repayment Specialists, Commissioner's Office, Washington, D.C.

Chief, Division of Youth Conservation Programs, Commissioner's Office, Washington, D.C.

Chief, Procurement Branch, Division of Procurement and Property, Commissioner's Office, Washington, D.C.

## ENGINEERING AND RESEARCH CENTER

Supervisory General Engineer (7), Denver, Colo.

General Engineer, Denver, Colo.

Supervisory Civil Engineer, Denver, Colo.

Civil Engineers (4), Construction, Denver, Colo.

Environmental Specialist, Denver, Colo.

Supervisory Contract Procurement Officer, Denver, Colo. (GS-12).

Supervisory Procurement Agent, Denver, Colo. (GS-12).

Procurement Officer, Denver, Colo.

Supervisory Research Physical Scientists (2), Denver, Colo.

Research Physical Scientist, Denver, Colo.

Supply Management Officer, Denver, Colo.

Supervisory Computer Specialist, Denver, Colo.

Contract and Procurement Specialist, Property and Purchasing, Denver, Colo. (GS-11).

## PACIFIC NORTHWEST REGIONAL OFFICE

Regional Engineer, Boise, Idaho.

Chief, Construction Branch, Boise, Idaho.

Chief, Design Branch, Boise, Idaho.

Chief, Division of Water and Land Operations, Boise, Idaho.

Chief, Repayment and Statistics Branch, Boise, Idaho.

Chief, Lands Branch, Boise, Idaho.

Supervisory Soil Scientist, Boise, Idaho.

Regional Supervisor of Power, Boise, Idaho.

Chief, Resources and Contracts Branch, Boise, Idaho.

Regional Planning Officer, Boise, Idaho.

Assistant Regional Planning Officer, Boise, Idaho.

Chief, Engineering and Surveys Branch, Boise, Idaho.

Chief, Economic Resources Branch, Boise, Idaho.

Chief, Recreation Branch, Boise, Idaho.

Regional Procurement and Property Officer, Boise, Idaho.

Supervisory Civil Engineer, Oroville-Tonasket Branch, Boise, Idaho.

Chief, Resource Utilization Branch, Boise, Idaho.

Regional Public Affairs Officer, Boise, Idaho.

Chief, Procurement Branch, Boise, Idaho (GS-12).

Contract Specialist, Boise, Idaho (GS-12).

Appraiser, Boise, Idaho (GS-11).

Realty Specialists (4), Boise, Idaho (GS-11 and above).

Chief, Water Operations Branch, Boise, Idaho.

Chief, Salem Field Branch, Salem, Oreg.

Project Superintendent, Central Snake Projects Office, Boise, Idaho.

Chief, Lands and Recreation Division, Central Snake Projects Office, Boise, Idaho (GS-12).

Center Director, Columbia Basin Civilian Conservation Center, Moses Lake, Wash.

Project Manager, Columbia Basin Project Office, Ephrata, Wash.

Chief, Engineering and Drainage Division, Ephrata, Wash.

Chief, General Construction Branch, Ephrata, Wash.

Chief, Construction Division, Ephrata, Wash.

Chief, Water and Lands Operations Division, Ephrata, Wash.

Chief, Realty Branch, Ephrata, Wash. (GS-12).

Appraiser, Ephrata, Wash. (GS-11).

Chief, Construction Field Branch, Coulee City, Wash.

Project Superintendent, Hungry Horse Project, Hungry Horse, Mont.

Project Superintendent, Minidoka Project Office, Burley, Idaho.

Realty Specialist, Minidoka Project Office, Burley, Idaho (GS-12).

Center Director, Marsing Civilian Conservation Center, Marsing, Idaho.

Project Construction Engineer, Tualatin Project Office, Forest Grove, Oreg.

Field Engineer, Forest Grove, Oreg.

Office Engineer, Forest Grove, Oreg.

Realty Specialists (2), Forest Grove, Oreg. (GS-11 and above).

Project Superintendent, Yakima Project Office, Yakima, Wash.

Chief, Construction Field Division, Cle Elum, Wash.

Field Engineer, Grand Coulee, Wash.

Chief, Engineering and Resources Division, Grand Coulee, Wash.

Office Engineer, Grand Coulee, Wash.

Chief, Maintenance Division, Grand Coulee, Wash.

Chief, Operations Division, Grand Coulee, Wash.

Project Public Affairs Officer, Grand Coulee, Wash. (GS-12).

Chief, Administrative Services, Grand Coulee, Wash.

Chief, Teton Claims Officer, Idaho Falls, Idaho.

Idaho Falls Claims Officer, Idaho Falls, Idaho (GS-12).

Assistant Claims Officer, Idaho Falls, Idaho (GS-12).

Assistant Claims Officer, Rexburg, Idaho (GS-12).

Review Team Coordinator, Idaho Falls, Idaho.

Rexburg Claims Officer, Rexburg, Idaho.

## MID-PACIFIC REGIONAL OFFICE

Assistant Regional Director—Administration, Sacramento, Calif.

Project Construction Engineer, Fresno, Calif.

Chief, Office Engineering Division, Fresno, Calif.

Project Manager, Klamath Falls, Oreg.

Conservation Corps Coordinator, Sacramento, Calif.

Chief, Office Engineering Division, Auburn, Calif.

Chief, Right-of-Way Division, Auburn, Calif.

Administrative Officer, Auburn, Calif.

Project Manager, Carson City, Nev.

Regional Loan Engineer, Sacramento, Calif.

Regional Finance Officer, Sacramento, Calif.

Regional Supervisor of Water and Land Operations, Sacramento, Calif.

Chief, Repayment Branch, Division of Water and Land Operations, Sacramento, Calif.

Regional Supervisor of Power, Sacramento, Calif.

Chief, Marketing and Sales Branch, Sacramento, Calif.

Regional Engineer, Sacramento, Calif.

Chief, Construction Branch, Division of Design and Construction, Sacramento, Calif.

Chief, Design Branch, Division of Design and Construction, Sacramento, Calif.

Regional Planning Officer, Sacramento, Calif.

Project Construction Engineer, Auburn, Calif.

Regional Supply and Services Officer, Sacramento, Calif.

Chief, Procurement Branch, Division of Supply and Services, Sacramento, Calif.

Regional Real Estate Officer, Sacramento, Calif.

Supervisory Appraiser, Division of Real Estate, Sacramento, Calif.

Chief, Acquisition Branch, Division of Real Estate, Sacramento, Calif.

Project Superintendent, Folsom, Calif.

Project Superintendent, Fresno, Calif.

Supervisory Repayment Specialist, Contract Administration Division, Fresno, Calif.

Project Superintendent, Tracy, Calif.

Project Superintendent, Redding, Calif.

Project Construction Engineer, Willows, Calif.

Chief, Office Engineering Division, Willows, Calif.

Project Construction Engineer, Gilroy, Calif.

Recreation Manager, Lake Berryessa, Calif.

## LOWER COLORADO REGIONAL OFFICE

Assistant Regional Director (Administration), Boulder City, Nev.

Regional Public Affairs Officer, Boulder City, Nev.

Regional Engineer, Boulder City, Nev.

Regional Supervisor of Water and Land Operations, Boulder City, Nev.

Chief, Land Management Branch, Boulder City, Nev.

Regional Supervisor of Power, Boulder City, Nev.

Assistant Regional Supervisor of Power, Boulder City, Nev.

Regional Supply and Services Officer, Boulder City, Nev.

Chief, Procurement Branch, Boulder City, Nev.

Chief, Contracts and Repayment Branch, Boulder City, Nev.

Regional Planning Officer, Boulder City, Nev.

Regional Loan Program Coordinator, Boulder City, Nev. (GS-12).

Project Manager, Boulder City, Nev.

Assistant Project Manager, Lower Colorado Dams Project Office, Boulder City, Nev.

Project Construction Engineer, Southern Nevada Construction Office, Henderson, Nev.

Office Engineer (SNCO), Henderson, Nev.

Assistant Projects Manager, Arizona Projects Office, Phoenix, Ariz.

Chief, Administrative Division, Phoenix, Ariz.

Chief, Procurement and Property Branch, Phoenix, Ariz. (GS-12).

Chief, Appraisal Branch, Phoenix, Ariz.

Chief, Lands Division, Phoenix, Ariz.

Construction Engineer, Phoenix, Ariz.

Assistant Project Manager, Yuma Projects Office, Yuma, Ariz.

Chief, Lands Branch, Yuma, Ariz.

Chief, Property and Procurement Branch, Yuma, Ariz. (GS-12).

## UPPER COLORADO REGIONAL OFFICE

U.S. Representative on the Bear River Commission (Expert), Salt Lake City, Utah.

U.S. Commissioner and Chairman, Upper Colorado River Commission, Salt Lake City, Utah.

Assistant to Regional Director—Administrative Management, Salt Lake City, Utah.

Public Information Officer, Salt Lake City, Utah.

Regional Engineer, Salt Lake City, Utah.

Regional Supervisor of Water and Land Operations, Salt Lake City, Utah.

Chief, Operations and Repayment Branch, Salt Lake City, Utah.

Chief, Lands Branch, Salt Lake City, Utah.

Appraisers, (2) Salt Lake City, Utah (GS-12).

Regional Planning Officer, Salt Lake City, Utah.

Regional Finance Officer, Salt Lake City, Utah.

Regional Procurement Officer, Salt Lake City, Utah (GS-11).

Administrative Officer, Central Utah Projects Office, Provo, Utah (GS-11).

Supervisory Civil Engineer, Tyack Field Engineering Branch, Provo, Utah.

Administrative Officer, Montrose, Colo.

Manager, Flaming Gorge Field Division, Duth John, Utah.

Administrative Officer, Page, Ariz. (GS-12).

Supervisory General Supply Specialist, Page, Ariz. (GS-9).

Project Manager, Western Colorado Projects Office, Grand Junction, Colo.

Administrative Officer, Grand Junction, Colo. (GS-12).

Supervisory Civil Engineer, Montrose Construction Field Division, Grand Junction, Colo.

Supervisory Civil Engineer, Dolores Construction Field Division, Grand Junction, Colo. (GS-9).

Center Director, Colibran Job Corps Civilian Conservation Center, Colibran, Colo.

Assistant Center Director, Colibran, Colo. (GS-12).

Administrative Officer, Colibran, Colo. (GS-11).

Center Director, Weber Basin Job Corps Civilian Conservation Center, Ogden, Utah.

Assistant Center Director, Ogden, Utah (GS-12).

Administrative Officer, Ogden, Utah (GS-11).

## SOUTHWEST REGIONAL OFFICE

Assistant to the Regional Director—Administrative Management, Amarillo, Tex.

Regional Public Information and General Services Officer, Amarillo, Tex. (GS-12).

Regional Engineer, Amarillo, Tex.

Regional Planning Officer, Amarillo, Tex.

Regional Supervisor of Water and Land Operations, Amarillo, Tex.

Chief, Land Operations Branch, Division of Water and Land Operations, Amarillo, Tex.

Chief, Repayment and Economics Branch, Division of Water and Land Operations, Amarillo, Tex.

Regional Finance Officer, Amarillo, Tex.

Regional Procurement and Property Officer, Amarillo, Tex.

Youth Programs Coordinator, Amarillo, Tex.

Projects Superintendent, Upper Rio Grande Basin Projects Office, Albuquerque, N. Mex.

Project Superintendent, Rio Grande Basin Projects Office, El Paso, Tex.

Project Construction Engineer, Navajo Indian Irrigation, Project, Farmington, N. Mex.

Planning Officer, Albuquerque, N. Mex.

Planning Officer, Austin, Tex.

Planning Officer, Oklahoma City, Okla.

Project Manager, Pecos River Projects Office, Carlsbad, N. Mex.

Project Construction Engineer, Mountain Park Project, Altus, Okla.

Project Construction Engineer, Palmetto Bend Project, Edna, Tex.

Project Construction Engineer, Nueces River Project, Three Rivers, Tex.

Chief, Right-of-Way Division, Nueces River Project, Three Rivers, Tex.

Special Government Employee, U.S. Commissioner and Chairman of the Canadian River Commission (Expert), Office of the Regional Director, Amarillo, Tex.

## UPPER MISSOURI REGIONAL OFFICE

Assistant Regional Director, Administration, Billings, Mont.

Regional Public Affairs Officer, Billings, Mont.

Regional Engineer, Billings, Mont.

Regional Supervisor of Water and Land, Billings, Mont.

Assistant Regional Supervisor of Water and Land, Billings, Mont.

Chief, Reviewing Appraiser, Billings, Mont. (GS-12).

Regional Planning Engineer, Billings, Mont.

Regional Procurement and Property Officer, Billings, Mont.

Chief, Procurement Branch, Billings, Mont. (GS-12).

Chief, Right-of-Way Branch, Billings, Mont.

Youth Program Specialist, Billings, Mont. (GS-12).

Assistant Project Manager, Bismarck, N. Dak.

Chief, Administrative Services Division, Bismarck, N. Dak.

Chief, Procurement and Property, Bismarck, N. Dak. (GS-12).

Chief, Appraisal Branch, Bismarck, N. Dak. (GS-12).

Chief, Acquisition Branch, Bismarck, N. Dak. (GS-12).

Chief, Right-of-Way Division, Bismarck, N. Dak.

Realty Specialist, Bismarck, N. Dak. (GS-12).

Public Information Officer, Bismarck, N. Dak. (GS-12).

Appraisers (3), Bismarck, N. Dak.

Realty Specialists (4), Bismarck, N. Dak.

Assistant Project Manager, Huron, S. Dak.

Chief, Right-of-Way Branch, Huron, S. Dak. (GS-12).

Realty Specialist, Huron, S. Dak. (GS-11).

Appraiser, Huron, S. Dak. (GS-11).

Chief, Administrative Services Division, Huron, S. Dak.

Chief, Procurement and Property Branch, Huron, S. Dak. (GS-12).

Project Manager, Great Falls, Mont. (GS-12).

Project Manager, Riverton, Wyo.

Administrative Officer, Riverton, Wyo. (GS-9).

Project Superintendent, Canyon Ferry, Mont.

Chief, Administrative Services Division, Canyon Ferry, Mont. (GS-7).

Project Superintendent, Fort Smith, Mont.

Administrative Assistant, Fort Smith, Mont. (GS-7).

Project Construction Engineer, Tiber Dam near Chester, Mont.

Administrative Officer, Tiber Dam near Chester, Mont. (GS-9).

## LOWER MISSOURI REGION

Assistant to the Regional Director Administrative Management, Denver, Colo.

Regional Public Affairs Officer, Denver, Colo.

Public Information Specialist, Denver, Colo. (GS-11).

Regional Engineer, Denver, Colo.

Chief, Construction Coordination and Estimates Branch, Denver, Colo.

Construction Representative, Denver, Colo.

Civil Engineer, Denver, Colo. (GS-12).

Regional Planning Officer, Denver, Colo.

Civil Engineer (Small Loans Officer), Denver, Colo. (GS-12).

Regional Supervisor of Water and Land, Denver, Colo.

Chief, Repayment Branch, Denver, Colo.

Contract and Repayment Specialists (2) Denver, Colo. (GS-11).

Regional Youth Programs Coordinator Denver, Colo. (GS-12).

Chief, Land Acquisition Branch, Denver, Colo.

Appraisers, (3) Denver, Colo. (GS-9, GS-12).

Realty Specialists, (2) Denver, Colo. (GS-9, GS-11).

Regional Supervisor of Power, Denver, Colo.

Regional Finance Officer, Denver, Colo.

Chief, Division of Supply and Services, Denver, Colo.

Procurement Officer, Denver, Colo. (GS-12).

Procurement Agent, Denver, Colo. (GS-11).

Chief, Construction Field Division, Salida, Colo.

Administrative Officer, Pueblo, Colo.

Chief, Engineering-Operations Division, Pueblo, Colo.

Realty Specialists, (3) Pueblo, Colo. (GS-9 and above).

Project Manager, Loveland, Colo.

Project Manager, Casper, Wyo.

Project Manager, McCook, Nebr.

Kansas Reclamation Representative, Topeka, Kans.

Wyoming Reclamation Representative, Cheyenne, Wyo.



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Project Manager, Central Nebraska Projects Office, Grand Island, Nebr.  
Construction Engineer (Chief, North Loups Construction Field Division) Ord, Nebr.  
Chief, Engineering Resources Division, Grand Island, Nebr.  
Realty Specialists (2) Grand Island, Nebr. (GS-11 and 12).  
Construction Engineer, Fort Morgan, Colo.  
Realty Specialist (Narrow Construction Representative) Fort Morgan, Colo.  
Chief, Lands Division, Fort Morgan, Colo.

## BUREAU OF LAND MANAGEMENT

All Natural Resource Specialists, GS-14. Alaska Natural Gas Transportation System Project, Washington, D.C. (2).  
Pipeline Coordinator, Alaska Pipeline Project, Washington, D.C.  
Chief, Division of Access and Transportation Rights-of-Way, Washington, D.C.  
Chief, Branch of Upland Minerals Leasing, Washington, D.C.  
Chief, Branch of Marine Minerals Leasing, Washington, D.C.  
Chief, Branch of Mining, Washington, D.C.  
Chief, Branch of Upland Minerals Environmental Assessment, Washington, D.C.  
Chief, Branch of Marine Minerals Environmental Assessment, Washington, D.C.  
Chief, Branch of Environmental Studies, Washington, D.C.  
Chief, Branch of Minerals Policy Development, Washington, D.C.  
Chief, Branch of Minerals Economics Analysis, Washington, D.C.  
Appraiser, Division of Appraisal, Washington, D.C.  
Chief, Branch of Procurement, Washington, D.C.  
All Procurement Analysts, GS-13, Washington, D.C. (2).  
Chief, Branch of Contract Operations, Washington, D.C.  
All Contract Specialists, GS-13, Washington, D.C. (3).  
Contract Specialist, GS-12, Washington, D.C.  
All Associate State Directors, GS-14 (5).  
All Chiefs, Division of Technical Services (11).  
All Chiefs, Division of Resources (12).  
All Chiefs, Lands and Minerals Operations (11).  
All Chief State Appraisers, GS-12 and above (11).  
All District Managers (56).  
All Assistant District Managers (27).  
Chief, Appraisal Staff, Denver Service Center (DSC), Denver, Colo.  
All Staff Appraisers, DSC, Denver, Colo. (2).  
Chief, Division of Administrative Services, DSC, Denver, Colo.  
Chief, Branch of Procurement, DSC, Denver, Colo.  
Chief, Construction Section, DSC, Denver, Colo.  
Chief, Specialty and Supply Section, DSC, Denver, Colo.  
Chief, Office of Scientific Systems Development, DSC, Denver, Colo.  
Chief, Division of Data Processing, DSC, Denver, Colo.  
Deputy BLM Director, Boise Interagency Fire Control Center, Boise, Idaho.  
Chief, Branch of Construction, Alaska Pipeline Project, Anchorage, Alaska.  
All Authorized Officer's Field Representatives, Branch of Construction, Alaska Pipeline Project, Anchorage, Alaska (11).  
Supervisory Natural Resource Specialist, GS-14 (Naval Petroleum Reserve) Anchorage, Alaska.  
All Managers, Outer Continental Shelf Offices, GS-14 (1).  
All Assistant Managers, Outer Continental Shelf Offices (4).

All Chiefs, Division of Operations, Outer Continental Shelf Offices (2).  
All Chiefs, Division of Environmental Assessment, Outer Continental Shelf Offices (2).  
Supervisory Natural Resource Specialist, Alaska OCS Office.  
Supervisory Mineral Leasing Specialist, Alaska OCS Office.  
Supervisory Environmental Specialist, Atlantic OCS Office.  
Supervisory Mineral Leasing Specialist, Atlantic OCS Office.  
Chief, Division of Cadastral Survey, Anchorage, Alaska.  
Chief, Branch of Contract Survey, Anchorage, Alaska.  
Chief, Branch of Forestry, Portland, Ore.  
Chief, Sales Contracts and Trespass Section, Portland, Ore.  
Chief, Appraisals Section, Portland, Ore.  
Chief, Development Section, Portland, Ore.  
Chief, Planning Section, Portland, Ore.  
Project Manager, Northern Tier Environmental Statement Team, Portland, Ore.  
Assistant to the Project Manager, Northern Tier Environmental Statement Team, Portland, Ore.  
Technical Team Supervisor, Northern Tier Environmental Statement Team, Portland, Ore.  
Chief, Division of Cadastral Survey, Eastern States Office, Silver Spring, Md.  
Chief, Lake States Office, Eastern States Office, Duluth, Minn.  
Project Manager, Tuscaloosa Coal Environmental Impact Study, Tuscaloosa, Ala.

## OFFICE OF WATER RESEARCH AND TECHNOLOGY

Budget and Program Analyst, Office of Assistant Director, Program Planning and Evaluation, Washington, D.C.  
General Engineer, Office of Assistant Director, Program Planning and Evaluation, Washington, D.C.  
Assistant Manager, Water Resources Scientific Information Center, Washington, D.C.  
Computer Systems Analyst, Water Resources Scientific Information Center, Washington, D.C.  
Physical Scientist, Water Resources Scientific Information Center, Washington, D.C.  
Staff Assistant, Office of Administrative Manager, Washington, D.C.  
Assistant Chief, Contracts and Grants Management Division, Washington, D.C.  
Contract Specialist, Contracts and Grants Management Division, Washington, D.C.  
Chief, Management Services Division, Washington, D.C.  
Chemical Engineer (2), Membrane Processes Division, Washington, D.C.  
Chemical Engineer, Thermodynamic Processes Division, Washington, D.C.  
Desalting Project Specialist (2), Tel Aviv, Israel.  
Desalting Project Specialist (3), Jeddah, Saudi Arabia.  
Manager, Wrightsville Beach Test Facility, Wrightsville Beach, N.C.  
Manager, Roswell Test Facility, Roswell, N. Mex.  
Physical Scientist, Fountain Valley, Calif.

## OFFICE OF THE SOLICITOR

Special Assistants to the Solicitor.  
Deputy Ethics Counselor.  
Assistant Ethics Counselor.  
Administrative Management Assistant.  
Confidential Assistant to the Solicitor.  
Secretarial or Confidential Assistant to the Deputy Solicitor.  
Secretarial Assistants to the Special Assistants to the Solicitor.  
Field Solicitors.  
Attorneys: GS-13 and above.

## OFFICE OF POLICY ANALYSIS

All employees in the following bureaus, offices, and subunits thereof, are subject to the filing requirements of the Act except for the following positions which do not involve policymaking or regulatory responsibility under the Act.

## APPENDIX D—LIST OF BUREAUS AND OFFICES, OR SUBUNITS THEREOF, PERFORMING FUNCTIONS OR DUTIES UNDER THE FEDERAL LAND POLICY AND MANAGEMENT ACT AND POSITIONS WHICH THE SECRETARY HAS DETERMINED TO BE EXEMPT FROM REPORTING REQUIREMENTS OF SECTION 313

All employees in the following bureaus, offices, and subunits thereof, are subject to the filing requirements of the Act except for the following positions which do not involve policymaking or regulatory responsibility under the Act.

## SECRETARY'S IMMEDIATE OFFICE

GS-14, Confidential Assistant, Washington, D.C.  
GS-12, Staff Assistant, Washington, D.C.  
GS-12, Confidential Assistant to the Under Secretary, Washington, D.C.  
GS-12, Secretarial Assistant, Washington, D.C.  
GS-11, Staff Assistant, Washington, D.C.  
GS-11 and below, Confidential Assistants, Washington, D.C.  
GS-11 and below, Secretarial Assistants, Washington, D.C.  
GS-11 and below, secretarial and clerical personnel, Washington, D.C.  
GS-11 and below, Correspondence Management Specialists, Washington, D.C.  
GS-9 and below, Correspondence Analysts, Washington, D.C.  
GS-7, Correspondence Assistant (Typing), Washington, D.C.  
GS-13 and below, Staff Assistants, Secretary's regional offices.  
GS-13, Staff Officer, Secretary's regional offices.  
GS-9 and below, secretarial, stenographic and clerical personnel, Secretary's regional offices.  
Desk Officer, Energy and Minerals.  
Desk Officer, Fish, Wildlife and Parks.

## OFFICE OF CONGRESSIONAL AND LEGISLATIVE AFFAIRS

GS-9, Staff Assistant to the Director (Steno). Division of Congressional Liaison:  
GS-12, Management Specialist.  
GS-11, Management Specialist.  
GS-11, Liaison Specialist.  
GS-8 and below, administrative, clerical and secretarial personnel.  
Division of Legislation:  
GS-14, Attorney-advisors.  
GS-13, Attorney-advisors.  
GS-12, Attorney-advisors.  
GS-10, Legislative Assistant.  
GS-9, Legislative Assistant.  
GS-8 and below, secretaries, clerks and administrative personnel.

## OFFICE OF POLICY ANALYSIS

GS-9 and below, secretarial, clerical, and administrative personnel.

## OFFICE OF BUDGET

All employees are exempt except:  
GS-17, Director.  
GS-16, Deputy Director.  
GS-15, Program and Budget Specialist.  
GS-14, 15, Budget Analysts.

## OFFICE OF PUBLIC AFFAIRS

All employees are exempt except:  
Assistant to the Secretary and Director of Public Affairs, GS-16.

OFFICE OF ENVIRONMENTAL PROJECT REVIEW  
GS-9 and below; administrative, secretarial, and clerical personnel.

## OFFICE OF AUDIT AND INVESTIGATION

GS-15, Manager, Staff Development and Resources.

GS-15, Program Audit Manager, Fish, Wildlife, and Parks.  
GS-15, Program Audit Manager, Bureau of Indian Affairs.  
GS-14, Supervisory Auditor, Contract and Grant.  
GS-14, Supervisory Auditor, ADP.  
GS-12, Administrative Officer.  
GS-9 and below, Auditors.  
GS-9 and below, secretarial and clerical personnel.

## OFFICE OF PERSONNEL MANAGEMENT

All employees are exempt except for the Director of Personnel.

## OFFICE OF SECRETARIAL OPERATIONS—PERSONNEL

All employees.

## OFFICE OF MINERALS POLICY AND RESEARCH ANALYSIS

GS-14, Mathematical Statistician.  
GS-14, Computer Specialist.  
GS-11, Statistician.  
GS-10, Administrative Assistant.  
GS-9 and below, secretarial and clerical personnel.

## ASSISTANT SECRETARY—ENERGY AND MINERALS

GS-15, Industrial Specialist.  
GS-11, Staff Assistant.  
GS-11, Confidential Assistant.  
GS-11, Administrative Officer.  
GS-9 and below, administrative, clerical and secretarial personnel.

## ASSISTANT SECRETARY—POLICY, BUDGET &amp; ADMINISTRATION

GS-15, Staff Assistants.  
GS-15, International Program Officers.  
GS-15, Management Resources Officer.  
GS-14, Committee Management Officer.  
GS-13, Equal Opportunity Officer.  
GS-12 and below, support, secretarial and clerical personnel.

## ASSISTANT SECRETARY—FISH, WILDLIFE AND PARKS

GS-16, Special Assistant.  
GS-15, Special Assistants.  
GS-15, Staff Assistant.  
GS-11, Special Assistant.  
GS-11, Confidential Assistant.  
GS-10, Secretarial Assistant.  
GS-9 and below, secretaries and student assistants.

## ASSISTANT SECRETARY—LAND AND WATER RESOURCES

GS-16, Special Assistant (Emergency Water Planning).  
GS-15, Deputy Assistant Secretary (Intergovernmental Affairs).  
GS-15, Public Information Officer.  
GS-11, Confidential Assistant.  
GS-7, Special Assistant.  
GS-8 and below, secretarial, stenographic and clerical personnel.

## SOLICITOR

All employees of the following subunits of the Solicitor's office perform duties under the Act. Clerical, administrative and paralegal employees of such subunits are exempt from filing.  
Immediate Office of the Solicitor.  
Division of Energy and Resources, Immediate Office of the Associate Solicitor.  
Division of Energy and Resources, Branch of Land Utilization.  
Division of Energy and Resources, Branch of Realty.  
Division of Energy and Resources, Branch of Onshore Minerals.  
Division of General Law, Immediate Office of the Associate Solicitor.

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Division of General Law, Branch of General Legal Services.  
Division of General Law, Branch of Procurement.  
All Regional Offices.  
All Field Offices, except Aberdeen, S. Dak.  
Office of Conservation Manager, Western Region.

The following categories of personnel, engaged only in matters relating to the Outer Continental Shelf in the offices listed below, are exempt:

Electrical Engineers, General Engineers, Mechanical Engineers, Petroleum Engineers, Petroleum Engineering Technicians, Structural Engineers, Environmental Specialists, Oceanographers, Geologists, Geophysicists, Physical Science Technicians, Accountants.  
GS-7 and above, Cartographic Technicians.  
Offices required to file, in which some personnel are engaged solely in outer continental shelf activities:

Office of Area Geologist, Eastern Region.  
Office of District Geologist, Los Angeles, Calif.  
Office of District Geologist, Ventura, Calif.  
Office of Area Oil and Gas Supervisor, Los Angeles, Calif.  
Office of Area Oil and Gas Supervisor, Anchorage, Alaska.  
Office of Area Geologist, Anchorage, Alaska.

## GEOLOGICAL SURVEY, OFFICE OF THE DIRECTOR, RESTON, VA., IMMEDIATE OFFICE

Assistant Director—Program Analysis.  
Assistant Director—Environmental Conservation.  
Assistant Director—Eastern Region.  
Program Analysts.  
Economist.  
Physical Scientists (3).  
Legislative Specialist.  
Congressional Liaison Officer.  
Biological Scientist.  
Staff Scientist.  
Public Information Officers (2).  
Operations Research Analyst.  
Technical Information Specialist.  
Special Assistant for Environmental Analysis.  
Staff Assistant.  
Computer Specialist.  
Computer Systems Analyst.  
Secretarial, clerical, and administrative personnel.

## GEOLOGIC DIVISION, IMMEDIATE OFFICE OF THE CHIEF GEOLOGIST

Deputy Chief Geologist for Program and Budget.  
Administrative Officer.  
Fiscal Officer.

Clerical, secretarial, and other administrative personnel.

## OFFICE OF MINERAL RESOURCES, IMMEDIATE OFFICE OF CHIEF

## Reston, Va.

Deputy Chief for Mineral Resources Specialist Program.  
Secretarial and clerical personnel.

## Denver, Colo.

Secretarial and clerical personnel.

## Menlo Park, Calif.

Secretarial and clerical personnel.

## CONSERVATION DIVISION

In addition to the specific exemptions identified below by office, the following groups are exempt in all offices required to file:

All secretarial personnel.  
All accounting assistants. GS-6 and below.  
All clerical personnel.

All cartographic, engineering, and physical science aids.  
All engineering, geologic, hydrologic, and topographic field assistants.  
All cartographic, engineering, petroleum engineering, and physical science technicians. GS-6 and below.

Offices required to file:  
Office of the Division Chief.  
Branch of Mining Operations.  
Branch of Onshore Evaluation.  
Office of Conservation Manager, Eastern Region.  
Office of Conservation Manager, Central Region.

## BUREAU OF MINES

[List of Covered Offices and Exempted Positions]

Immediate Office of the Associate Director—Mineral and Material Supply/Demand Analysis.

Administrative Officer (1).  
Professional, administrative, secretarial and clerical employees GS-9 and below.

Immediate Office of the Assistant Director—Field and Environmental Activities.  
All secretarial and administrative employees.

Immediate Office of the Chief, Office of Environmental Coordination.  
Water Resources Specialist (1).  
Chemist (1).

All secretarial and clerical employees.  
Alaska Field Operations Center.

Eastern Field Operations Center.  
Intermountain Field Operations Center.

Western Field Operations Center.  
Employees paid under the Federal Wage System; employees in secretarial, clerical, maintenance, and technician/aid positions.

Mineral Assessment Specialists not performing Wilderness Evaluation Studies under the Wilderness Act.

Mineral Assessment Specialists, GS-11 and below performing Wilderness Evaluation Studies.

The positions in the above organizations are exempt because they are non-regulatory and non-policy making positions or because they perform no duties under the act.

## BUREAU OF LAND MANAGEMENT

All personnel in the following offices of the Bureau are exempt since these offices have no functions or duties under the Act:

Alaska Outer Continental Shelf Office.  
Atlantic Outer Continental Shelf Office.  
Gulf Outer Continental Shelf Office.  
Pacific Outer Continental Shelf Office.

All personnel in other offices are exempt if they are incumbents of the positions listed below, since these positions are non-policy-making and non-regulatory:

All positions under the Federal Wage System.  
All General Schedule positions in the occupational codes and grade levels indicated below:

018, Safety Management Series.  
020, Community Planning Series.  
023, Outdoor Recreation Planning Series at GS-12 and below.

026, Park Technician Series.  
055, Guard Series.

102, Social Science Aid and Technician Series.  
110, Economist Series at GS-12 and below.

160, Equal Opportunity Series.  
170, History Series.

184, Sociology Series at GS-12 and below.  
193, Archeology Series at GS-12 and below.

201, Personnel Management Series at GS-11 and below.

203, Personnel Clerical and Assistance Series.  
212, Personnel Staffing Series.

221, Position Classification Series.



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235, Employee Development Series.  
301, General Clerical and Administrative Series at GS-11 and below.  
302, Messenger Series.  
304, Information Receptionist Series.  
305, Mail and File Series.  
312, Clerk-Stenographer and Reporter Series.  
313, Stenographic or Typing Unit Supervising Series.  
316, Clerk-Dictating Machine Transcribing Series.  
318, Secretary Series.  
322, Clerk-Typist Series.  
330, Digital Computer Systems Administration Series at GS-13 and below.  
332, Computer Operation Series.  
334, Computer Specialist Series at GS-12 and below.  
335, Computer Aid and Technician Series.  
340, Program Management Series at GS-11 and below.  
341, Administrative Officer Series.  
342, Office Services Management and Supervision Series.  
343, Management Analysis Series.  
344, Management Clerical and Assistance Series.  
345, Program Analysis Series at GS-13 and below.  
350, Office Machine Operating Series.  
356, Data Transcriber Series.  
382, Telephone Operating Series.  
389, Radio Operating Series.  
391, Communications Management Series.  
392, General Communications Series.  
393, Communications Specialist Series.  
401, General Biological Science Series at GS-12 and below.  
404, Biological Technician Series.  
410, Zoology Series.  
430, Botany Series.  
454, Range Conservation Series.  
455, Range Technician Series.  
457, Soil Conservation Series.  
460, Forestry Series at GS-12 and below.  
462, Forestry Technician Series.  
470, Soil Science Series at GS-11 and below.  
471, Agronomy Series.  
480, General Fish and Wildlife Administration Series.  
482, Fishery Biology Series at GS-11 and below.  
486, Wildlife Biology Series at GS-11 and below.  
501, General Accounting Clerical and Administrative Series.  
520, Accounts Maintenance Clerical Series at GS-13 and below.  
525, Accounting Technician Series.  
530, Cash Processing Series.  
540, Voucher Examining Series.  
544, Payroll Series.  
560, Budget Administration Series at GS-12 and below.  
801, General Engineering Series at GS-12 and below.  
802, Engineering Technician Series.  
803, Safety Engineering Series.  
807, Landscape Architecture Series.  
808, Architecture Series.  
810, Civil Engineering Series.  
817, Surveying Technician Series.  
818, Engineering Drafting Series.  
819, Sanitary Engineering Series.  
830, Mechanical Engineering Series.  
850, Electrical Engineering Series.  
855, Electronics Engineering Series.  
856, Electronics Technician Series.  
880, Mining Engineering Series.  
881, Petroleum Engineering Series.  
890, Agricultural Engineering Series.  
898, Industrial Engineering Series.  
899, Engineering and Architecture Student Trainee Series.  
962, Contact Representative Series.  
963, Legal Instruments Examining Series.  
965, Land Law Examining Series at GS-11 and below.

966, Legal Clerk and Technician Series at GS-9 and below.  
1001, General Arts and Information Series.  
1020, Illustrating Series.  
1047, Interpreter Series.  
1060, Photography Series.  
1081, Public Information Series at GS-14 and below.  
1082, Writing and Editing Series.  
1084, Visual Information Series.  
1087, Editorial Assistance Series.  
1101, General Business and Industry Series.  
1102, Contract and Procurement Series at GS-10 and below.  
1104, Property Disposal Series.  
1105, Purchasing Series.  
1108, Procurement Clerical and Assistance Series.  
1107, Property Disposal Clerical and Technician Series.  
1150, Industrial Specialist Series.  
1170, Realty Series at GS-11 and below.  
1171, Appraising and Assessing Series at GS-10 and below.  
1301, General Physical Science Series.  
1311, Physical Science Technician Series.  
1315, Hydrology Series.  
1320, Chemistry Series.  
1340, Meteorology Series.  
1350, Geology Series.  
1380, Oceanography Series at GS-12 and below.  
1370, Cartography Series.  
1371, Cartographic Technician Series.  
1372, Geodesy Series.  
1373, Land Surveying Series at GS-12 and below.  
1410, Librarian Series.  
1411, Library Technician Series.  
1412, Technical Information Services Series.  
1421, Archives Technician Series.  
1515, Operations Research Series.  
1530, Statistician Series.  
1531, Statistical Assistant Series.  
1640, Facility Management Series.  
1654, Printing Management Series.  
1670, Equipment Specialist Series.  
1702, Education and Training Technician Series.  
1710, Education and Vocational Training Series.  
1712, Training Instruction Series.  
1811, Criminal Investigating Series at GS-11 and below.  
2001, General Supply Series.  
2003, Supply Program Management Series at GS-13 and below.  
2005, Supply Clerical and Technician Series.  
2010, Inventory Management Series.  
2150, Transportation Operations Series.  
2151, Dispatching Series.  
2181, Aircraft Operation Series.

APPENDIX E—LIST OF BUREAUS AND OFFICES, OR SUBUNITS THEREOF, PERFORMING FUNCTIONS OR DUTIES UNDER THE MINING IN THE PARKS ACT AND POSITIONS WHICH THE SECRETARY HAS DETERMINED TO BE EXEMPT FROM REPORTING REQUIREMENTS OF SECTION 13

All employees in the following bureaus, offices, and subunits thereof, are subject to the filing requirements of the Act except for the following positions which do not involve policymaking or regulatory responsibility under the Act.

SECRETARY'S IMMEDIATE OFFICE  
GS-12, Confidential Assistant, Washington, D.C.  
GS-12, Staff Assistant, Washington, D.C.  
GS-12, Confidential Assistant to the Under Secretary, Washington, D.C.

GS-12, Secretarial Assistant, Washington, D.C.  
GS-11, Staff Assistant, Washington, D.C.  
GS-11 and below, Confidential Assistants, Washington, D.C.  
GS-11 and below, Secretarial Assistants, Washington, D.C.  
GS-11 and below, secretarial and clerical personnel, Washington, D.C.  
GS-11 and below, Correspondence Management Specialists, Washington, D.C.  
GS-9 and below, Correspondence Analysts, Washington, D.C.  
GS-7, Correspondence Assistant (Typing), Washington, D.C.  
GS-13 and below, Staff Assistants, Secretary's regional offices.  
GS-13, Staff Officer, Secretary's regional offices.  
GS-9 and below, secretarial, stenographic and clerical personnel, Secretary's regional offices.  
Desk Officers, Land and Water Resources and Indian Affairs.  
Desk Officers, Energy and Minerals.

OFFICE OF CONGRESSIONAL AND LEGISLATIVE AFFAIRS  
GS-9, Staff Assistant to the Director (Steno), Division of Congressional Liaison:  
GS-12, Management Specialist.  
GS-11, Management Specialist.  
GS-11, Liaison Specialist.  
GS-8 and below, administrative, clerical and secretarial personnel.  
Division of Legislation:  
GS-14, Attorney-advisors.  
GS-13, Attorney-advisors.  
GS-12, Attorney-advisors.  
GS-10, Legislative Assistant.  
GS-9, Legislative Assistant.  
GS-8 and below, secretaries, clerks and administrative personnel.

OFFICE OF THE SECRETARY  
GS-13, staff assistants and officers, field offices (delete exemption for environmental review personnel).

OFFICE OF ENVIRONMENTAL PROJECT REVIEW  
All personnel on the Water Resources Staff.  
GS-12, Staff Assistant.  
GS-9 and below, administrative, secretarial, and clerical personnel.

OFFICE OF AUDIT AND INVESTIGATION  
GS-15, Manager, Staff Development and Resources.  
GS-15, Program Audit Manager, Land and Water.  
GS-15, Program Audit Manager, Bureau of Indian Affairs.  
GS-14, Supervisory Auditor, Contract and Grant.  
GS-14, Supervisory Auditor, ADP.  
GS-15, Chief, Division of Investigations.  
GS-14, Investigator.  
GS-13, Investigators.  
GS-12, Investigator.  
GS-12, Administrative Officer.  
GS-9 and below, Auditors.  
GS-9 and below, secretarial and clerical personnel.

OFFICE OF PERSONNEL MANAGEMENT  
All employees are exempt except for the Director of Personnel.

OFFICE OF SECRETARIAL OPERATIONS—PERSONNEL  
All employees.

OFFICE OF POLICY ANALYSIS  
GS-9 and below, secretarial, clerical, and administrative personnel.

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OFFICE OF OUTER CONTINENTAL SHELF PROGRAM COORDINATION  
All employees are exempt except: Director, GS-16.

OFFICE OF BUDGET  
All employees are exempt except: GS-17, Director.  
GS-16, Deputy Director.  
GS-15, Program and Budget Specialist.  
GS-14, 16, Budget Analysts.

OFFICE OF PUBLIC AFFAIRS  
All employees are exempt except: Assistant to the Secretary and Director of Public Affairs, GS-16.

ASSISTANT SECRETARY—POLICY, BUDGET AND ADMINISTRATION  
GS-15, Staff Assistants.  
GS-15, International Program Officers.  
GS-15, Management Resources Officer.  
GS-14, Committee Management Officer.  
GS-13, Equal Opportunity Officer.  
GS-12 and below, support, secretarial and clerical personnel.

ASSISTANT SECRETARY—ENERGY AND MINERALS  
Director, Ocean Resources:  
GS-15, Industrial Specialist.  
GS-11, Staff Assistant.  
GS-11, Confidential Assistant.  
GS-11, Administrative Officer.  
GS-9 and below, administrative, clerical, and secretarial personnel.

ASSISTANT SECRETARY—FISH, WILDLIFE AND PARKS  
GS-16, Special Assistant.  
GS-16, Special Assistants.  
GS-15, Staff Assistant.  
GS-11, Special Assistant.  
GS-11, Confidential Assistant.  
GS-10, Secretarial Assistant.  
GS-9 and below, secretaries and student assistants.

ASSISTANT SECRETARY—LAND AND WATER RESOURCES  
GS-16, Special Assistant (Emergency Water Planning).  
GS-16, Staff Assistant (Economics).  
GS-15, Deputy Assistant Secretary (Intergovernmental Affairs).  
GS-15, Special Assistant (2).  
GS-15, Staff Assistant.  
GS-15, Public Information Officer.  
GS-14, Staff Assistant (2).  
GS-11, Confidential Assistant.  
GS-7, Special Assistant.  
GS-8 and below, secretarial, stenographic, and clerical personnel.

GEOLOGICAL SURVEY, OFFICE OF THE DIRECTOR, RESTON, VA., IMMEDIATE OFFICE  
Assistant Director—Program Analysis.  
Assistant Director—Environmental Conservation.  
Assistant Director—Eastern Region.  
Program Analysts.  
Economist.  
Physical Scientists (3).  
Legislative Specialist.  
Congressional Liaison Officer.  
Biological Scientist.  
Staff Scientist.  
Public Information Officers (2).  
Operations Research Analyst.  
Technical Information Specialist.  
Special Assistant for Environmental Analysis.  
Staff Assistant.  
Computer Specialist.  
Computer Systems Analyst.  
Secretarial, clerical, and administrative personnel.

GEOLOGIC DIVISION  
Immediate Office of the Chief Geologist  
Deputy Chief Geologist for Program and Budget.  
Administrative Officer.  
Fiscal Officer.  
Clerical, secretarial, and other administrative personnel.  
Office of Mineral Resources, Immediate Office of Chief  
Reston, Va.  
Deputy Chief for Mineral Resources Specialist Program.  
Secretarial and clerical personnel.  
Denver, Colo.  
Secretarial and clerical personnel.  
Menlo Park, Calif.  
Secretarial and clerical personnel.

CONSERVATION DIVISION  
In addition to the specific exemptions identified below by office, the following groups are exempt in all offices required to file:  
All secretarial personnel.  
All accounting assistants, GS-6 and below.  
All clerical personnel.  
All cartographic, engineering, and physical science aids.  
All engineering, geologic, hydrologic, and topographic field assistants.  
All cartographic, engineering, petroleum engineering, and physical science technicians, GS-6 and below.  
Offices Required to file:  
Office of the Division Chief.  
Branch of Mining Operations.  
Branch of Onshore Evaluation.  
Office of Conservation Manager, Eastern Region.  
Office of Conservation Manager, Central Region.  
Office of Conservation Manager, Western Region.  
The following categories of personnel, engaged only in matters relating to the Outer Continental Shelf in the offices listed below, are exempt:  
Electrical Engineers.  
General Engineers.  
Mechanical Engineers.  
Petroleum Engineers.  
Petroleum Engineering Technicians.  
Structural Engineers.  
Environmental Specialists.  
Oceanographers.  
Geologists.  
Geophysicists.  
Physical Science Technicians.  
Accountants, GS-7 and above.  
Cartographic Technicians.  
Offices required to file, in which some personnel are engaged solely in outer continental shelf activities:  
Office of Area Geologist, Eastern Region.  
Office of District Geologist, Los Angeles, Calif.  
Office of District Geologist, Ventura, Calif.  
Office of Area Oil and Gas Supervisor, Los Angeles, Calif.  
Office of Area Oil and Gas Supervisor, Anchorage, Alaska.  
Office of Area Geologist, Anchorage, Alaska.

NATIONAL PARK SERVICE  
List of Covered Offices, Parks and Areas:  
All employees in the following organizational units perform duties under the Mining in the Parks Act. Employees paid under the Federal Wage System; employees in

clerical, secretarial and maintenance positions; and employees in positions GS-8 and below are exempted from the filing requirements of the act since their positions do not involve policymaking or regulatory responsibility under the act.  
Immediate Office of the Director.  
Immediate Office of the Associate Director, Management and Operations.  
Immediate Office of the Assistant Director, Special Services.  
Immediate Office of the Division of Mining and Minerals.  
Division of Land Acquisition.  
Immediate Office of the Regional Director, Western Region.  
Immediate Office of the Associate Regional Director, Management and Operations.  
Immediate Office of the Division of Mining and Minerals.  
Immediate Office of the Division of Land Acquisition.  
Immediate Office of the Superintendent, Division of Mining, and Division of Administration in the following parks and areas:  
Death Valley National Monument.  
Organ Pipe Cactus National Monument.  
Grand Canyon National Park.  
Lake Mead National Recreation Area.  
Whiskeytown-Shasta-Trinity National Recreation Area.  
Coronado National Memorial.  
Joshua Tree National Monument.  
Immediate Office of the Regional Director, Rocky Mountain Region.  
Immediate Office of the Assistant to the Regional Director, Utah.  
Immediate Office of the Associate Regional Director, Management and Operations.  
Immediate Office of the Division of Mining and Minerals.  
Immediate Office of the Division of Land Acquisition.  
Immediate Office of the Superintendent, Division of Mining, and Division of Administration in the following parks and areas:  
Arches National Park.  
Glacier National Park.  
Canyonlands National Park.  
Capitol Reef National Park.  
Grand Teton National Park.  
Rocky Mountain National Park.  
Bighorn Canyon National Recreation Area.  
Glen Canyon National Recreation Area.  
Natural Bridges National Monument.  
Rockefeller National Parkway.  
Theodore Roosevelt National Memorial Park.  
Immediate Office of the Regional Director, Pacific Northwest Region.  
Immediate Office of the Associate Regional Director, Management and Operations.  
Immediate Office of the Division of Mining and Minerals.  
Immediate Office of the Superintendent, Division of Mining, and Division of Administration in the following parks and areas:  
North Cascades National Park.  
Crater Lake National Park.  
Olympic National Park.  
Ross Lake-Lake Chelan National Recreation Area.  
Mount McKinley National Park.  
Glacier Bay National Monument.  
Katmai National Monument.  
Immediate Office of the Regional Director, Southwest Region.  
Immediate Office of the Associate Regional Director, Management and Operations.  
Immediate Office of the Division of Land Acquisition.  
Immediate Office of the Superintendent and Division of Administration in the following park:  
Big Bend National Park.



Immediate Office of the Regional Director, Midwest Region.  
 Immediate Office of the Associate Regional Director, Management and Operations.  
 Immediate Office of the Division of Land Acquisition.  
 Immediate Office of the Superintendent in the following area:  
 Grand Portage National Monument.  
 Immediate Office of the Regional Director, Southeast Region.  
 Immediate Office of the Associate Regional Director, Planning and Assistance.  
 Immediate Office of the Associate Regional Director, Management and Operations.  
 Immediate Office of the Division of Land Acquisition.  
 Immediate Office of the Superintendent and Division of Administration in the following parks and areas:  
 Big Cypress National Preserve.  
 Everglades National Park.  
 Gulf Islands National Seashore.

## OFFICE OF HEARINGS AND APPEALS

GS-12 and below, Attorney Advisors.  
 All clerical, paralegal, and administrative personnel.

## SOLICITOR

All employees of the following subunits of the Solicitor's office perform duties under the Act. Clerical, administrative and paralegal employees of such subunits are exempt from filing.  
 Immediate Office of the Solicitor.  
 Division of Conservation and Wildlife, Immediate office of the Associate Solicitor.  
 Division of Conservation and Wildlife, Branch of Parks and Recreation.  
 Division of Energy and Resources, Branch of Onshore Minerals.  
 Division of General Law, Immediate office of the Associate Solicitor.  
 Division of General Law, Branch of General Legal Services.  
 All Regional Offices.  
 All Field Offices, except Aberdeen, South Dakota.

APPENDIX F—LIST OF BUREAUS AND OFFICES, OR SUBUNITS THEREOF, PERFORMING FUNCTIONS OR DUTIES UNDER THE ENERGY POLICY AND CONSERVATION ACT AND POSITIONS WHICH THE SECRETARY HAS DETERMINED TO BE EXEMPT FROM REPORTING REQUIREMENTS OF SECTION 522

All employees in the following bureaus, offices, and subunits thereof, are subject to the filing requirements of the Act except for the following positions which do not involve policymaking or regulatory responsibility under the Act.

## SECRETARY'S IMMEDIATE OFFICE

GS-14, Confidential Assistant, Washington, D.C.  
 GS-12, Staff Assistant, Washington, D.C.  
 GS-12, Confidential Assistant to the Under Secretary, Washington, D.C.  
 GS-12, Secretarial Assistant, Washington, D.C.  
 GS-11, Staff Assistant, Washington, D.C.  
 GS-11 and below, Confidential Assistants, Washington, D.C.  
 GS-11 and below, Secretarial Assistants, Washington, D.C.  
 GS-11 and below, Secretarial and Clerical Personnel, Washington, D.C.  
 GS-11 and below, Correspondence Management Specialists, Washington, D.C.  
 GS-9 and below, Correspondence Analysts, Washington, D.C.  
 GS-7, Correspondence Assistant (Typing), Washington, D.C.  
 GS-13 and below, Staff Assistants, Secretary's regional offices.

GS-13, Staff Officer, Secretary's regional offices.  
 GS-9 and below, Secretarial, Stenographic and Clerical personnel, Secretary's regional offices.  
 Desk Officers, Land and Water Resources and Indian Affairs.  
 Desk Officer, Fish and Wildlife and Parks.

## OFFICE OF THE SECRETARY

GS-13, Staff Assistants and Officers, Field Offices.

## OFFICE OF ENVIRONMENTAL PROJECT REVIEW

All personnel on the Water Resources and Transportation Staff.  
 GS-12, Staff Assistant.  
 GS-9 and below, administrative, secretarial, and clerical personnel.

## OFFICE OF CONGRESSIONAL AND LEGISLATIVE AFFAIRS

GS-9, Staff Assistant to the Director (Steno).  
 Division of Congressional Liaison:  
 GS-12, Management Specialist.  
 GS-11, Management Specialist.  
 GS-11, Liaison Specialist.  
 GS-8 and below, administrative, clerical and secretarial personnel.  
 Division of Legislation:  
 GS-14, Attorney-advisors.  
 GS-13, Attorney-advisors.  
 GS-12, Attorney-advisors.  
 GS-10, Legislative Assistant.  
 GS-9, Legislative Assistant.  
 GS-8 and below, secretaries, clerks and administrative personnel.

## OFFICE OF AUDIT AND INVESTIGATION

Headquarters Audit Office:  
 GS-15, Manager, Staff Development and Resources.  
 GS-12, Administrative Officer.  
 GS-15, Program Audit Manager for Fish, Wildlife and Parks.  
 GS-15, Program Audit Manager for Land and Water.  
 GS-14, Supervisory Auditor, Contract and Grant.  
 GS-13, Supervisory Auditor, Contract and Grant.  
 GS-14, Supervisory Auditor, ADP.  
 GS-9 and below, Secretarial and Administrative personnel.

## OFFICE OF PERSONNEL MANAGEMENT

All employees are exempt except for the Director of Personnel.

OFFICE OF SECRETARIAL OPERATIONS—PERSONNEL  
 All Employees.

## OFFICE OF MINERALS POLICY AND RESEARCH ANALYSIS

GS-14, Mathematical Statistician.  
 GS-14, Computer Specialist.  
 GS-11, Statistician.  
 GS-10, Administrative Assistant.  
 GS-8 and below, secretarial and clerical personnel.

## OFFICE OF ADMINISTRATIVE &amp; MANAGEMENT POLICY

All employees are exempt except:  
 GS-16, Director.  
 GS-12, Staff Assistant-Departmental Energy Management Coordinator.

## OFFICE OF POLICY ANALYSIS

GS-9 and below, secretarial, clerical, and administrative personnel.

## OFFICE OF OUTER CONTINENTAL SHELF PROGRAM COORDINATION

GS-14, Staff Assistants.  
 GS-9 and below, secretarial and administrative personnel.

## OFFICE OF BUDGET

All employees are exempt except:  
 GS-17, Director.  
 GS-16, Deputy Director.  
 GS-15, Program and Budget Specialist.  
 GS-14, 15, Budget Analysts.

## OFFICE OF PUBLIC AFFAIRS

All employees are exempt except:  
 Assistant to the Secretary and Director of Public Affairs, GS-16.

## ASSISTANT SECRETARY—POLICY, BUDGET AND ADMINISTRATION

GS-15, Staff Assistants.  
 GS-15, International Program Officers.  
 GS-15, Management Resources Officer.  
 GS-14, Committee Management Officer.  
 GS-13, Equal Opportunity Officer.  
 GS-12 and below, support, secretarial and clerical personnel.

## ASSISTANT SECRETARY—ENERGY AND MINERALS

GS-11, Staff Assistant.  
 GS-11, Confidential Assistant.  
 GS-11, Administrative Officer.  
 GS-9 and below, administrative, clerical and secretarial personnel.

## ASSISTANT SECRETARY—LAND AND WATER RESOURCES

GS-16, Special Assistant (Emergency Water Planning).  
 GS-15, Deputy Assistant, Secretary (Intergovernmental Affairs).  
 GS-15, Special Assistant (2).  
 GS-15, Staff Assistant.  
 GS-15, Public Information Officer.  
 GS-14, Staff Assistant (2).  
 GS-11, Confidential Assistant.  
 GS-7, Special Assistant.  
 GS-8 and below, secretarial, stenographic, clerical personnel.

## GEOLOGICAL SURVEY, OFFICE OF THE DIRECTOR, RESTON, VA.

## Immediate Office

Assistant Director—Program Analysis.  
 Assistant Director—Environmental Conservation.  
 Assistant Director—Eastern Region.  
 Program Analysts.  
 Economist.  
 Physical Scientist.  
 Legislative Specialist.  
 Congressional Liaison Officer.  
 Biological Scientist.  
 Staff Scientist.  
 Public Information Officers (2).  
 Operations Research Analyst.  
 Technical Information Specialist.  
 Special Assistant for Environmental Analysis.  
 Staff Assistant.  
 Geologist.  
 Computer Specialist.  
 Computer Systems Analyst.  
 Secretarial, clerical, and administrative personnel.

## Conservation Division

Immediate Office of the Division Chief  
 Secretarial and clerical personnel.

## BUREAU OF LAND MANAGEMENT

The following subunits of the Bureau perform duties under the Act. Exempt positions are listed for each subunit.

## Office of the Director:

Personal Assistant.  
 Secretary.  
 Office of the Associate Director:  
 Secretary.  
 Supervisory Pipeline Coordinator.  
 Clerk.

Office of the Assistant Director, Legislation and Plans:  
 Secretary.

Clerk.  
 Division of Legislation and Regulatory Management:  
 Secretary.  
 Clerk-Stenographer.

Clerk.  
 Student Assistant.  
 Office of the Assistant Director, Minerals Management:

Secretary.  
 Division of Mineral Resources: Office of the Division Chief:

Secretary.  
 Administrative Assistant.  
 Branch of Marine Mineral Leasing:  
 Secretary.  
 Writer-Editor.

Clerk.  
 Division of Minerals Environment Assessment: Office of the Division Chief:

Secretary.  
 Branch of Upland Minerals Environmental Assessment:

Secretary.  
 Natural Resource Specialist.

## OFFICE OF HEARINGS AND APPEALS

GS-12 and below, Attorney Advisors.  
 All clerical, paralegal, and administrative personnel.

## SOLICITOR

All employees of the following subunits of the Solicitor's office perform duties under the Act. Clerical, administrative and paralegal employees of such subunits are exempt from filing.  
 Immediate Office of the Solicitor:  
 Division of Energy and Resources, Immediate Office of the Associate Solicitor.  
 Division of Energy and Resources, Branch of Onshore Minerals.  
 Division of Energy and Resources, Branch of Offshore Minerals and International Law.  
 Division of General Law, Immediate Office of the Associate Solicitor.  
 Division of General Law, Branch of General Legal Services.

[FR Doc.78-230 Filed 1-5-78; 8:45 am]

## [4910-06]

## Title 49—Transportation

## CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[FRA State Rail Docket No. 1; Notice No. 2]

## PART 255—ASSISTANCE TO STATES AND PERSONS IN THE NORTHEAST AND MIDWEST REGION FOR LOCAL RAIL SERVICES UNDER SECTION 402 OF THE REGIONAL RAIL REORGANIZATION ACT OF 1973

## Procedures and Requirements Regarding Applications; Correction

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Correction of Amendment to Final Rule.

SUMMARY: This document is issued to correct a typographical error contained in an amendment to 49 CFR 255.7 which was published in the FEDERAL REGISTER (42 FR 62005) on December 8, 1977, as FR Doc. 77-35144. Line 1 of Item 2, appearing on page 62005 incorrectly reads "Section 225.7(d)(3) is changed to". It

is corrected to read as follows: "Section 255.7(d)(3) is changed to".

EFFECTIVE DATE: January 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Mark H. Tessler, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, 202-426-7737.

Accordingly, FR Doc. 77-35144 is amended by deleting line 1 of item 2 and substituting "Section 255.7(d)(3) is changed to" therefor. (45 U.S.C. 701 et seq., 49 U.S.C. 1651 et seq., 49 CFR 1.49 (q) and (u)).

Dated: January 3, 1978.

JOHN M. SULLIVAN,  
 Administrator.

[FR Doc.78-269 Filed 1-5-78; 8:45 am]

## [7035-01]

## CHAPTER X—INTERSTATE COMMERCE COMMISSION

## SUBCHAPTER A—GENERAL RULES AND REGULATIONS

## PART 1011—COMMISSION ORGANIZATION; DELEGATIONS OF AUTHORITY

## Chairman

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: Part 1011 of Title 49 of the Code of Federal Regulations, which becomes effective January 1, 1978, provides for the assignment of responsibilities and authority vested by law in the Interstate Commerce Commission or the Chairman of the Commission. The Chairman of the Commission is assigned certain authority to act for the Commission, largely in matters of a procedural nature. Section 1011.7 of Title 49, which is the subject of this issuance, redelegates to specified Commission employees the authority to act in certain matters assigned to the Chairman of the Commission. Because these rules involve the internal organization and procedures of the Commission, they are issued by the Chairman of the Commission in final form, and public comments are not being requested.

EFFECTIVE DATE: January 3, 1978.

FOR FURTHER INFORMATION CONTACT:

George M. Chandler, Director, Policy Review Office, Interstate Commerce Commission, Washington, D.C. 20423, Phone: 202-275-1912.

Section 1011.7 is added to 49 CFR Part 1011 as follows:

§ 1011.7. Delegations of authority by the Chairman of the Interstate Commerce Commission.

(a) (1) This section provides for delegations of authority by the Chairman of the Interstate Commerce Commission to individual employees of the Commission.

(2) The Chairman of the Commission may remove for disposition any matter delegated under this section, and an employee of the Commission may refer any matter delegated to him or her under this section to the Chairman of the Commission for disposition.

(b) (1) Appeals from the decision of employees acting under authority delegated pursuant to this section will be acted upon by the Chairman of the Commission. Appeals must be filed within 10 days of the date of the action taken by the employee, and responses to appeals must be filed within 10 days thereafter. Such appeals are not favored; they will be granted only in exceptional circumstances to correct a clear error of judgment or to prevent manifest injustice.

(2) The Chairman may, on his or her own motion, review, reverse, or modify any decision of an employee acting under authority delegated under this section.

(c) (1) As used in this paragraph, the term "procedural matter" includes, but is not limited to, the assignment of the time and place of hearing; the assignment of proceedings to Administrative Law Judges; the issuance of orders directing special hearing procedures; the establishment of dates for filing statements in cases assigned for handling under modified (non-oral hearing) procedure; the consolidation of proceedings for hearing or disposition; the postponement of hearings and of procedural dates; the waiver of formal specifications for pleadings; and extensions of time for filing pleadings. It does not include interlocutory appeals from the rulings of hearing officers; nor does it include the postponement of the effective date of (i) decisions pending judicial review, (ii) decisions of the entire Commission, (iii) cease and desist orders, (iv) orders suspending or revoking operating authority, or (v) final decisions where petitions for discretionary review have been filed under Rule 98 (e) of the general rules of practice, 49 CFR 1100.98(e).

(2) Unless otherwise ordered by the Commission in individual proceedings, authority to dispose of procedural matters arising prior to the issuance of an initial decision in proceedings assigned for handling under oral hearing procedure or assigned to an administrative law judge under modified procedure is delegated to the Chief Administrative Law Judge of the Commission. Notwithstanding this delegation, Commissioners, Administrative Law Judges, and Joint Boards appointed under 49 U.S.C. 305 retain the authority to dispose of procedural matters in proceedings assigned to them.

(3) Unless otherwise ordered by the Commission in individual proceedings, authority to dispose of procedural matters in proceedings assigned for handling under modified procedure, other than those assigned to an administrative law judge, or arising in a proceeding after the issuance of an initial decision of a hearing officer in proceedings which have been the subject of an oral hearing



is delegated to the Director of the Office of Proceedings of the Commission.

(d) Except as provided in Rule 66(a) of the general rules of practice, 49 CFR 1100.66(a), authority to dismiss complaints at the request of the complainant, or applications at the request of applicants, is delegated to the Director of the Office of Proceedings of the Commission.

(e) The entry of reparation orders, responsive to findings authorizing the filing of statements of claimed damages as provided in Rule 95 of the general rules of practice (49 CFR 1100.95), is delegated to the Director of the Bureau of Traffic of the Commission.

These delegations of authority are made under the authority contained in Section 2 of the Reorganization Plan No. 1 of 1969, 5 U.S.C. Appendix (38 Stat. 59); and 49 CFR 1011.5(a) (1), (2) and (4).

By the Commission, A. Daniel O'Neal, Chairman.

H. G. HOMME, Jr.,  
Acting Secretary.

DECEMBER 28, 1977.

[FR Doc. 78-312 Filed 1-5-78; 8:45 am]

#### [7035-01]

[Service Order 1293]

#### PART 1033—CAR SERVICE

**Railroads Authorized to Divert Traffic Consigned to Farmers Export Elevator Located at Galveston, Tex.**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1293).

SUMMARY: The Export Farmers grain elevator at Galveston, Tex., was destroyed by explosion and fire on December 27, 1977. Service Order No. 1293 authorizes diversion or reconsignment of carloads of grain on hand or enroute to this elevator on or before December 29, 1977, to any other grain elevator on the Gulf of Mexico without assessment of diversion or reconsigning charges and subject to the through rates from origin to the new destination.

DATES: Effective December 30, 1977. Expires January 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423. Telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of December, 1977.

On December 27, 1977, the Farmers Export grain elevator located at Galves-

ton, Tex., was destroyed by an explosion and fire. Approximately sixteen hundred (1600) carloads of grain were on hand or in transit for unloading by this elevator at the time of its destruction. Rebuilding of the elevator cannot be accomplished within a reasonable time. Other arrangements for the unloading of these cars will require diversion and reconsignment of many of them in a manner prohibited by the applicable tariffs. It is the opinion of the Commission that such diversions and reconsignments are necessary in the public interest to enable the prompt unloading of these cars and their continued use in transportation service and to enable the fulfillment of export grain commitments; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1293 Service Order 1293.

(a) *Railroads authorized to divert traffic consigned to Farmers Export elevator located at Galveston, Tex.* Any railroad holding a car loaded with grain consigned, reconsigning or intended for unloading by the Farmers Export grain elevator located at Galveston, Tex., which originated on or before December 29, 1977, and which cannot be unloaded by Farmers Export because of the destruction of its grain elevator, may be reconsigning, diverted or reshipped to any other grain elevator in the United States which is located on the Gulf of Mexico. In the application of this section grain elevators located on the lower Mississippi River from Port Allen, La. to the mouth of the river and grain elevators located on the Houston, Tex., ship channel shall be deemed to be located on the Gulf of Mexico.

(b) *Reconsignment and diversions charges.* Carloads of grain reconsigning, diverted, or reshipped under the provisions of this order shall not be subject to reconsigning or diversion charges provided in the applicable tariffs.

(c) *Rates applicable.* The rates applicable to carloads of grain reconsigning, diverted or reshipped under the provisions of this order shall be the rates that would have been applicable on the shipments at the time of shipment had they been originally destined to the point to which reconsigning, diverted or reshipped. When the applicable tariffs provide routes from origin to the new destination via the line and the point at which the car is held, such routes must be utilized for the rerouting, diversion or reshipment. When no such route exists any available route may be used. In the application of this section cars which have arrived at Galveston, Tex., and which are located on a line performing only terminal or intermediate switching service shall be considered as being held by the inbound line-haul carrier.

(d) *Divisions of Revenues.* In executing the directions of the Commission provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Waybills to be endorsed.* Waybills authorizing movement of cars reconsigning, diverted or reshipped under this order shall be endorsed as follows: "(Reconsigning) (Diverted) (Reshipped) authority I.C.C. Service Order No. 1293".

(f) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(g) *Effective date.* This order shall become effective at 12:01 a.m., December 30, 1977.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns and John R. Michael. Member Robert S. Turkington not participating.

H. G. HOMME, Jr.,  
Acting Secretary,

[FR Doc. 78-314 Filed 1-5-78; 8:45 am]

#### [7035-01]

[Service Order 1294]

#### PART 1033—CAR SERVICE

**Indiana Interstate Railway Co., Inc. Authorized To Operate Over Tracks Owned by City of Bicknell, Ind.**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1294).

SUMMARY: Service Order No. 1294 authorizes the Indiana Interstate Railway Company, Inc., to operate over 1.1 miles of track leased from the City of Bicknell, Ind., in order to provide essential railroad service to industries served by that track.

DATES: Effective January 3, 1978. Expires June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423. Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of December, 1977.

Operation of the line of the former Penn Central Transportation Co. (PC) between Bicknell, Ind., (City), and Vincennes, Ind., was discontinued on April 1, 1976, in accordance with the Final System Plan of Reorganization of the bankrupt eastern railroads authorized by the Regional Rail Reorganization Act of 1973. Operation of the PC line between Indianapolis, Ind., and Bicknell was assumed by the Consolidated Rail Corp. (CR) on that same date. The city has acquired 1.1 miles of the former PC commencing at a connection with CR at Bicknell, in order to enable rail service to be restored to industries located adjacent to such trackage. A major industry has purchased and rehabilitated an unused factory served by city's trackage and is in need of immediate restoration of railroad service in order to commence operations. The city has leased its tracks to the Indiana Interstate Railway Co., Inc. (II), and has requested that the II commence operations immediately in order to serve the new industry.

It is the opinion of the Commission that an emergency exists requiring the immediate resumption of operations over this line in the interest of the public; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1294 Service Order 1294.

(a) *Indiana Interstate Railway Co., Inc. authorized to operate over tracks owned by the city of Bicknell, Ind.* The Indiana Interstate Railway Co., Inc. (II) is authorized to operate over tracks owned by the city of Bicknell, Ind. (city), commencing at a connection with tracks of the Consolidated Rail Corp. in the city and extending approximately 1.1 miles southwest from that connection, pending disposition of the application of the II in Finance Docket No. 28640 seeking permanent authority to operate over these tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(d) *Effective date.* This order shall become effective at 12:01 a.m., January 2, 1978.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1978.

(49 U.S.C. 1(10-17).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns and John R. Michael. Member Robert S. Turkington not participating.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-313 Filed 1-5-78; 8:45 am]

#### [4310-55]

#### Title 50—Wildlife and Fisheries

#### CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

#### PART 20—MIGRATORY BIRD HUNTING

#### Emergency Closure of Canada Goose Season in Certain Illinois Counties

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rulemaking closes the Canada goose hunting season in the Illinois counties of Alexander, Jackson, Williamson and Union. The Canada goose season in these counties opened November 21, 1977, with a January 20, 1978, closing date, provided that the harvest quota of 29,000 birds was not filled prior to that date. It is now expected the quota will be filled by 3 p.m., Tuesday, January 3, 1978. Therefore, the season for taking Canada geese in the Illinois counties of Alexander, Jackson, Williamson and Union will close effective at 3 p.m., Tuesday, January 3, 1978, and no Canada geese shall be killed in those counties after 3 p.m. on that date. The season for taking Canada geese in the remainder of Illinois closed at sunset on Friday, December 20, 1977, as previously established.

EFFECTIVE DATE: January 6, 1978.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-343-8827.

SUPPLEMENTARY INFORMATION: Dr. John P. Rogers is also the principal author of this document. Regulations allowing the hunting of Canada geese in

Illinois were published in the FEDERAL REGISTER dated September 9, 1977 (42 FR 45310) and September 29, 1977 (42 FR 51587), and took effect immediately. The September 9, 1977, FEDERAL REGISTER established a harvest quota of 35,000 Canada geese for Illinois of which 29,000 were allotted to Alexander, Jackson, Williamson and Union Counties. The September 29, 1977, FEDERAL REGISTER established a season closing date of January 20, 1978, for these four counties providing the 29,000 Canada goose quota was not filled prior to that date. The Service monitoring of the Canada goose take in the area leads it to conclude that the 29,000 quota will be filled by 3 p.m., Tuesday, January 3, 1978. Therefore, the Service gives notice as required by 50 CFR 20.26 that the season for taking Canada geese in the Illinois Counties of Alexander, Jackson, Williamson and Union will be closed at 3 p.m., Tuesday, January 3, 1978, and no Canada geese shall be killed in those four counties after 3 p.m. on January 3, 1978. The season for taking Canada geese in the remainder of Illinois closed at sunset on Friday, December 20, 1977, as established in the September 29, 1977, FEDERAL REGISTER. Because of time constraints, the Service finds that publication of a proposed rule and the solicitation of comments thereon are impracticable and contrary to the public interest and provide good cause for these regulations to take effect upon publication pursuant to 5 U.S.C. § 553(b) and (d).

#### ECONOMIC IMPACT REVIEW

NOTE.—The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-167.

Dated: January 3, 1978.

HARVEY K. NELSON,

Acting Director,

U.S. Fish and Wildlife Service.

[FR Doc. 78-225 Filed 1-5-78; 8:45 am]

#### [3510-22]

#### CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

#### PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

#### Importation of Yellowfin Tuna and Tuna Products

AGENCY: National Marine Fisheries Service.

ACTION: Final rule.

SUMMARY: The Assistant Administrator for Fisheries, National Marine Fisheries Service (NMFS), in consultation with the Department of State, finds that Panama is in substantial conformance with U.S. regulations governing the taking of marine mammals (i.e., porpoise) incidental to commercial fishing operations. In finding that this nation is not fishing in a manner proscribed for per-



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sons subject to the jurisdiction of the United States, the Assistant Administrator for Fisheries exempts this nation from the importation prohibition provisions affecting yellowfin tuna and tuna products.

EFFECTIVE DATE: December 30, 1977.  
FOR FURTHER INFORMATION CONTACT:

William P. Jensen, Marine Mammal Program Manager, Marine Mammal and Endangered Species Division, National Marine Fisheries Service, Washington, D.C. 20235; telephone, 202-634-7461.

**SUPPLEMENTARY INFORMATION:** The NMFS published regulations in the FEDERAL REGISTER on December 23, 1977, 42 FR 64551-64560 governing the taking of marine mammals incidental to commercial fishing operations. (50 CFR 216.24.) These regulations include provisions concerning the importation of yellowfin tuna and tuna products from nations known to be involved in the tuna purse seine fishery in the eastern tropical Pacific Ocean (ETP). Effective January 1, 1978, importation of certain yellowfin tuna and tuna products from these countries will be contingent upon certain findings by the Assistant Administrator for Fisheries in accordance with § 216.24 (e) (5).

Canada, Ecuador, Mexico, the Netherlands Antilles, and Nicaragua previously supplied the NMFS with adequate information to indicate that their tuna purse seine operations in the ETP are in substantial conformance with U.S. regulations. Subsequently, the Assistant Administrator for Fisheries published in the FEDERAL REGISTER (42 FR 56617, October 21, 1977, and 42 FR 64121, December 22, 1977) notice that yellowfin tuna and tuna products from those five nations are exempted from the importation prohibition provisions which would have affected them after December 31, 1977. Panama is hereby given a similar exemption.

This finding by the Assistant Administrator for Fisheries, made in accordance with § 216.24 (e) (5) (i), exempts Panama from the import provisions concerning yellowfin tuna and tuna products listed in § 216.24 (e) (2) (ii). However, the requirements listed in § 216.24 (e) (4) will continue to apply. The Assistant Administrator considered all available information in making this finding. Information submitted by Panama is available to the public at the information contact address set out above, and is summarized in the following:

#### PANAMA

(a) *Fleet.* Five Panamanian tuna purse seine vessels will operate in the ETP in 1978. The majority of these vessels are equipped with porpoise rescue gear similar to that required on U.S. vessels. The remainder of the gear is on order. The skippers on their vessels are familiar with the U.S. requirements and will follow them while fishing in the ETP. Arrangements have been made to provide

skipper training sessions in Panama by U.S. gear experts, to bring Panamanian skippers up to date on the latest porpoise release techniques.

(b) *Porpoise Mortality.* The Panamanian government is presently gathering data on the estimated porpoise mortality by their seiners during the 1977 season. This information will be transmitted to the National Marine Fisheries Service as soon as it is available.

(c) *Miscellaneous.* Panama, as a member of the Inter-American Tropical Tuna Commission (IATTC), will participate in the IATTC international tuna-porpoise research and observer program. Panama has already informed the National Marine Fisheries Service that they intend to send two biologists to San Diego, California to attend an observer training course in late January, 1978, prior to placement on their vessels.

This finding will be subject to an annual review. NMFS will require an update of the items listed in § 216.24 (e) (5) (i) to ensure that the conditions which supported the original finding continue to exist. Submission of the 1977 porpoise mortality information, as stated in paragraph (b) above, will be expected before July 1, 1978.

NMFS will continue monitoring the status of the international tuna purse seine fleet operating in the ETP. Changes to the list of nations affected by the importation prohibitions of yellowfin tuna and tuna products under § 216.24 (e) (5) will be published in the FEDERAL REGISTER.

Dated: December 30, 1977.

WINFRED H. MEIBOHM,  
Associate Director,  
National Marine Fisheries Service.  
[FR Doc.78-172 Filed 1-5-78;8:45 am]

#### [ 3510-22 ]

**SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS**

#### PART 260—INSPECTION AND CERTIFICATION

##### Fees and Charges

AGENCY: National Marine Fisheries Service, Commerce.

ACTION: Final rule.

**SUMMARY:** The purpose of this rule is to increase the hourly rates for inspection fees.

On September 28, 1977, the President, by Executive Order 12010 (42 FR 52365), increased the rates of basic pay of General Schedule employees. Section 260.81 (a) requires that the hourly rates for inspection fees be automatically increased on the effective date of the pay adjustment by an amount equal to the increase received by the average General Schedule grade level of fishery product inspectors receiving such pay increases. This pay increase resulted in a 7.0 percent increase in the basic pay of fishery product inspectors.

**DATES:** These amended rates became effective October 1, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Irving D. Sackett, Jr., Director, Inspection Services, Seafood Quality and Inspection Division, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7458.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970 (35 FR 15627), § 260.70 of Part 260, Inspection and Certification is hereby amended by adjusting the rates for fees and charges to provide for the recovery of increased costs attributable to the upward adjustment of the rates of basic pay of fishery product inspectors.

In § 260.70, paragraphs (b) (1), and (2), and (3) are revised as follows:

#### § 260.70 Schedule of fees.

(b) \* \* \*

(1) Type I—Official establishment and product inspection-contract basis:

	Per hour
Regular time.....	\$17.20
Overtime .....	23.10
Sunday and legal holidays (2 h minimum) .....	27.95

The contracting party shall be charged at an hourly rate of \$17.20 per hour for regular time; \$23.10 per hour for overtime in excess of 8 hours per shift per day; and \$27.95 per hour for Sunday and national legal holidays for service performed by inspectors at official establishment(s) operating under Federal inspection. The contracting party shall be billed monthly for services rendered in accordance with contractual provisions at the rates prescribed in this section. At an official establishment designated in a contract, products also designated therein will be inspected during processing at the hourly rate for regular time, plus overtime, when appropriate. Products not designated in the contract will be inspected upon request on a lot inspection basis at lot inspection rates as prescribed in this section.

(2) Type II—Lot inspection—Officially and unofficially drawn samples:

	Per hour
Regular time.....	\$25.85
Overtime .....	33.80
Sunday and legal holidays (2 h minimum) .....	43.10
Minimum fee.....	19.40

For lot inspection services performed between the hours of 7 a.m. and 5 p.m.; Monday through Friday—\$25.85 per hour;

For lot inspection services performed at times Monday through Friday other than 7 a.m. to 5 p.m. and on Saturdays (2 hour minimum)—\$33.80 per hour;

Sunday and national legal holidays (2 hour minimum)—\$43.10 per hour; The minimum service fee to be charged and collected for inspection of any lot or lots of products requiring less than 1 hour shall be \$19.40.

(3) Type III—Miscellaneous inspection and consultative services. When any

inspection or related service, such as, but not limited to, initial and final establishment surveys, appeal inspection, sanitation evaluation, SIFE inspections, sampling product evaluation, and label and product specification review, rendered is such that charges based on the foregoing sections are clearly inapplicable, charges will be based on the rates set forth below:

	Per hour
Regular time.....	\$21.55
Overtime .....	27.50
Sunday and legal holidays (2 h minimum) .....	35.00
Minimum fee.....	16.25

For miscellaneous inspection and consultative services performed between the hours of 7 a.m. and 5 p.m., Monday through Friday—\$21.55 per hour;

For miscellaneous inspection and consultative services performed at times Monday through Friday other than 7 a.m. to 5 p.m. and on Saturdays (2 hr. minimum)—\$27.50 per hour;

For miscellaneous inspection and consultative services performed on Sunday and national legal holidays (2 hr. minimum)—\$35.00 per hour. The minimum service fee to be charged and collected for miscellaneous inspection and consultative services requiring less than 1 hour shall be \$16.25.

Dated: December 27, 1977.

THEODORE P. GLEITER,  
Assistant Administrator  
for Administration.

[FR Doc.78-210 Filed 1-5-78;8:45 am]



# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 945]

[Docket No. AO-150-A4]

## POTATOES GROWN IN IDAHO—MALHEUR COUNTY, OREG.

## Decision on Proposed Further Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

**SUMMARY:** This decision would amend the Federal marketing agreement and order for potatoes grown in Idaho and Malheur County, Ore. The amendment was requested by the Idaho Potato Committee, the industry group established under the program to administer its terms and provisions. The changes would improve procedural operations and program effectiveness.

The proposed amendment would authorize a public member on the administrative committee, change the term of office of committee members to two years rather than one, authorize a reserve about equal to one fiscal period's operating expenses, and make a few minor changes.

Potato growers will vote in a referendum to determine whether they favor the proposed changes in the order.

**DATES:** Referendum period January 13-23, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20258, telephone: 202-447-6393.

**SUPPLEMENTARY INFORMATION:** Prior documents in this proceeding: Notice of Hearing—Issued April 8, 1977; published April 12, 1977 (42 FR 19148) with a minor correction on April 20 (42 FR 20476).

Notice of Recommended decision—Issued November 9, 1977; published November 14, 1977 (42 FR 58951).

## PRELIMINARY STATEMENT

A public hearing was held upon proposed further amendment of the marketing agreement, as amended, and Order No. 945, as amended (7 CFR Part 945), (hereinafter referred to collectively as the "order") regulating the handling of Irish potatoes grown in Idaho and Mal-

heur County, Ore. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Pocatello, Idaho, on April 28, 1977, pursuant to notice thereof.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, on November 9, 1977, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. One exception was filed by the Malheur County Potato Growers Association stating it opposes the amendment dealing with an additional public member to serve with the eight potato producers and handlers who now make up the committee. No evidence, brief or arguments supporting that position was included. However, the exception was considered.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision published November 14, 1977, in Volume 42 of the FEDERAL REGISTER (42 FR 58951) are hereby incorporated by reference herein and made a part hereof.

**Rulings on exceptions.** In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception to the recommended decision was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reason previously stated in this decision.

**Marketing agreement and order.** Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Irish Potatoes Grown in Idaho-Malheur County, Oregon", and "Order Amending the Order, as Amended, Regulating the Handling of Irish Potatoes Grown in Idaho-Malheur County, Ore.", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, that this entire decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with this decision.

**Referendum order.** It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 et seq.), to determine whether the issuance of the annexed order as amended and as hereby proposed to be further amended, regulating the handling of Irish potatoes grown in Idaho-Malheur County, Oregon, is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production area in the production of the regulated commodity for fresh market.

The representative period for the conduct of such referendum is hereby determined to be June 1, 1976 through May 31, 1977.

The agent of the Secretary to conduct such referendum is hereby designated to be Dennis L. West and Robert F. Matthews.

Signed at Washington, D.C., on December 30, 1977.

JERRY C. HILL,  
Deputy Assistant Secretary  
for Marketing Services.

**Order Amending the Order, as Amended, Regulating the Handling of Irish Potatoes Grown in Idaho-Malheur County, Oregon.**

**Findings and determinations.** The findings and determinations hereinafter set forth are supplementary to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the marketing agreement, as amended, and Order No. 945, as amended (7 CFR Part 945), regulating the handling of Irish potatoes

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

grown in Idaho-Malheur County, Oregon.

Upon the basis of the record it is found that: (1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industry activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

## ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of potatoes shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, as follows:

The provisions of the proposed marketing agreement and order, amending the order, contained in the recommended decision issued by the Deputy Administrator on November 9, 1977, and published in the FEDERAL REGISTER on November 14, 1977, shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

**Recommended amendment of the marketing agreement and order.** The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Amend § 945.20 by revising paragraph (a) and adding a new paragraph (d) as follows:

§ 945.20 Establishment and membership.

(a) The Idaho-Eastern Oregon Potato Committee is hereby established and shall include at least five producers and three handlers. Upon recommendation of the committee and approval by the

## PROPOSED RULES

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Secretary it may be increased by one public member who shall be nominated by the committee and selected by the Secretary. Each member shall have a respective alternate with the same qualifications as the member.

(d) Each person selected as a public member or alternate shall be a resident of the production area. Also, each shall at the time of selection and during the term of office not be engaged in the commercial production, buying, grading or processing of any agricultural commodity, except as a consumer, nor shall such person be a director, officer or employee of any firm so engaged.

2. Revise § 945.21 to read as follows:

§ 945.21 Term of office.

(a) Except as otherwise provided for in this section, the term of office of committee members and alternates shall be for two years beginning June 1 or such other date as recommended by the committee and approved by the Secretary. The term of office of members and alternates shall be so determined that approximately one-half of the total producer and handler committee membership shall terminate each May 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified and continue until their successors are selected and have qualified.

§ 945.24 [Amended]

3. Amend § 945.24 Selection by adding the following to the end: "and (d) any public member or public alternate from the production area-at-large."

4. Amend § 945.25 as follows: 1. Revise paragraphs (a) and (c). 2. Reletter paragraph (f) as paragraph (e). 3. Reletter paragraph (g) as paragraph (f). 4. Revise paragraph (e) and reletter it as paragraph (g). 5. Add a new paragraph (h).

§ 945.25 Nominations.

(a) In order to provide nominations for producer and handler committee members and alternates, the committee shall hold, or cause to be held, prior to April 1 of each year, or such other date as the Secretary may designate, one or more meetings of producers and of handlers in each district to nominate such members and alternates; or the committee may conduct nominations by mail in a manner recommended by the committee and approved by the Secretary.

(c) At least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

(g) Names of nominees shall be supplied to the Secretary in such manner

and form as he may prescribe not later than May 1 of each year, or such other date as the Secretary may specify.

(h) Nominations for public member and alternate shall be made at a committee meeting. The names of nominees shall be submitted to the Secretary prior to May 1 of the year nominations are made, or such other date as the Secretary may designate. The Secretary shall establish rules, based on the committee's recommendations or other available information, for the following:

(1) Establishing eligibility requirements for the public member and alternate positions;

(2) Publicizing the positions and receiving names of persons to be considered for nomination; and

(3) Electing the nominees.

§ 945.28 [Amended]

5. Amend § 945.28 Vacancies by deleting the words "from the district involved" at the end of the first sentence and inserting in lieu thereof "for the position involved."

6. Revise § 845.31 to read as follows:

§ 945.31 Expenses and compensation.

Committee members and alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart. In addition they may receive reasonable compensation at a rate to be determined by the committee and approved by the Secretary, for each day or portion thereof, spent in conducting committee business.

7. Revise paragraph (b) of § 945.42 to read as follows:

§ 945.42 Assessments.

(b) Assessments shall be levied upon handlers at a rate per unit established by the Secretary. Such a rate may be established by the Secretary upon the basis of the committee's recommendation or other available information.

8. In § 945.44 revise the heading; delete the introductory paragraph; revise paragraph (b) and reletter it as paragraph (a); revise paragraph (a) and reletter it as paragraph (b) to read as follows:

§ 945.44 Excess funds.

(a) The funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Such reserve may be established at an amount not to exceed approximately one fiscal period's budgeted expenses. Funds in such reserve shall be available for use by the committee for expenses authorized under § 945.40.

(b) Funds in excess of those placed in the operating reserve shall be credited proportionately against each handler's



operations of the following fiscal period, provided that if he demands payment, such proportionate refund shall be paid to him.

[FR Doc.78-280 Filed 1-5-78;8:45 am]

[ 3410-02 ]

[ 7 CFR Part 980 ]  
ONION IMPORTS

Inspection; Extension of Time for Filing Comments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing comments.

SUMMARY: At the request of the Association of Food Distributors, Inc., the time for filing comments regarding proposed onion import requirements is extended from January 3 to January 13, 1978.

DATES: Comments due by January 13, 1978.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone, 202-447-6393.

SUPPLEMENTARY INFORMATION: Notice was given in the December 21, 1977 FEDERAL REGISTER (42 FR 63894) of proposed grade, size, quality and maturity requirements to be made applicable to the importation of onions into the United States under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) Interested persons were given until January 3, 1978 to file data, views, or comments. The date by which comments are due is changed to January 13, 1978 to afford producers and other interested parties additional time in which to comment on the proposed regulation.

Dated: January 3, 1978.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

CHARLES R. BRADER,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[FR Doc.78-281 Filed 1-5-78;8:45 am]

[ 3510-15 ]

Rural Electrification Administration  
[ 7 CFR Part 1701 ]

RURAL TELEPHONE PROGRAM

Proposed New REA Specification for  
Carbon Arresters and Protectors

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to issue REA Bulletin 345-78 to announce the issuance of REA Specification PE-78 for Carbon Arresters and Protectors. This specification was developed to provide performance requirements for surge protective devices containing carbon block electrodes. The effect of this action is to take advantage of the latest carbon block technology to achieve improved performance for those applications where the use of carbon arresters and protectors are considered acceptable. On issuance of REA Bulletin 345-78, Appendix A to Part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than: February 6, 1978.

ADDRESS: Persons interested in the new specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Claude F. Buster, Jr., Chief, Station Equipment and Protection Branch, Telephone Operations and Standards Division, Rural Electrification Administration, room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3173.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue REA Bulletin 345-78. A copy of the new REA Specification PE-78 may be secured in person or by written request from the Director, Telephone Operations and Standards Division. The text of the new REA Bulletin 345-78 announcing the issuance of the new REA Specification PE-78 is as follows:

REA BULLETIN 345-78

SUBJECT: REA SPECIFICATION FOR CARBON  
ARRESTERS AND PROTECTORS

I. Purpose: To announce the issuance of a new REA Specification PE-78 for Carbon Arresters and Protectors.

II. General: REA Specification PE-78 has been developed to cover performance requirements for carbon arresters and protectors utilizing the latest technology in the manufacture of carbon block electrodes. Arresters and protectors produced to meet these requirements are expected to provide satisfactory service for those applications where the use of carbon arresters and protectors are considered acceptable.

This specification becomes effective July 1, 1978. All carbon arresters and protectors bid or ordered by REA telephone borrowers after that date shall comply with the specification. This does not preclude the adoption of its requirements by manufacturers prior to the effective date.

III. Availability of Specification: Copies of the new PE-78 will be furnished by REA upon request. Questions concerning this new specification may be referred to the Chief, Station Equipment and Protection Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3173.

Dated: December 28, 1977.

C. R. BALLARD,  
Assistant Administrator—Telephone.

[FR Doc.78-62 Filed 1-5-78;8:45 am]

[ 3410-07 ]

Farmers Home Administration

[ 7 CFR Part 1823 ]

[FmHA Instruction 442.11]

ASSOCIATION LOANS AND GRANTS, COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Loans to Indian Tribes and Tribal Corporations

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration proposes an amendment which provides that the amount of loan funds used to acquire property will not exceed its market value. The intended effect of this amendment is to allow more loans for land purchase by permitting applicants to use their own funds to pay the difference between market value and purchase price.

DATE: Comments must be received on or before February 6, 1978.

ADDRESSES: Submit written comments to the office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington,

D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Carl O. Opstad, 202-447-4573.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration (FmHA) proposes to revise § 1823.410 of Subpart N of Part 1823, Title 7 in the Code of Federal Regulations. This revision will provide that the amount of loan funds used to acquire land will not exceed its market value.

As proposed, § 1823.410 will read as follows:

§ 1823.410 Appraisals.

The amount of loan funds used to acquire property will not exceed its market value as determined by FmHA. Market value will be based on an appraisal made by authorized FmHA personnel, BIA appraisers, or appraisers approved by the State Director. The value of any existing buildings that pass with the land will be deducted from the market value.

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of

authority by the Asst. Sec. for Rural Development 7 CFR 2.70.)

NOTE.—The FmHA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 27, 1977.

JAMES E. THORNTON,  
Associate Administrator,  
Farmers Home Administration.

[FR Doc. 78-207 Filed 1-5-78;8:45 am]

[ 1505-01 ]

Food Safety and Quality Service

[ 9 CFR Parts 317 and 381 ]

MEAT OR POULTRY PRODUCTS

Proposed Net Weight Labeling  
Correction

In FR Doc. 77-34601 appearing at page 61279 in the issue of Friday, December 2, 1977 the format of Table II, which appeared in § 317.18(b)(2)(vi), page 61283, and in § 381.121a(b)(2)(vi) page 61284, was incorrect. Table II should read as follows:

TABLE II

Limits for Immediate Containers  
for Groups 1 through 6<sup>1/2/</sup>

GROUP 1	GROUP 2	GROUP 3	GROUP 4	GROUP 5	GROUP 6
10%	4.15 gm. 0.15 oz.	8.31 gm. 0.29 oz.	20.77 gm. 0.73 oz.	41.53 gm. 1.47 oz.	4/ "
of	4/32 oz.	9/32 oz.	23/32 oz.	1 15/32 oz.	"
label	2/16 oz.	4/16 oz.	11/16 oz.	1 7/16 oz.	"
weight	1/10 oz.	2/10 oz.	7/10 oz.	1 4/10 oz.	"
	1/8 oz.	2/8 oz.	5/8 oz.	1 3/8 oz.	"
	3/ 0.01 lbs.	1/4 oz.	2/4 oz.	1 1/4 oz.	"
		0.02 lbs.	0.04 lbs.	0.09 lbs.	"

1/ Use the limits recorded in terms of calibrations of the scale being used. E.g. - If the scale is in 16ths, use limits in 16th; if in grams, use gram limits. Do not convert.

2/ If a sample of packages marked with random weights spans two or more groups, the limits for the smallest number group represented shall apply to all packages in the sample.

3/ The limit is the labeled net weight when the sensitivity of the scales being used does not permit calibrations as precise as those recorded above.

4/ The limit for Group 6 shall be 4 ounces.

[ 4810-22 ]

DEPARTMENT OF THE TREASURY

Customs Service

[ 19 CFR Part 153 ]

ANTIDUMPING

Proposed Amendments to Customs Regulations Relating to Disclosure Conferences in Connection With Full-Scale Antidumping Investigations

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Proposed rulemaking.

SUMMARY: This proposed amendment applies to an administrative procedure under the Antidumping Act, 1921, as amended. During the course of an antidumping investigation, the Customs Service traditionally has followed a procedure whereby it will, if requested, provide interested persons with an informal oral disclosure of the bases for a tentative, and in some cases for a final, antidumping determination. Such disclosures are as detailed as possible, consistent with the need to protect confidential or other information, as authorized by law. It is now desired to reflect this procedure in regulations, as well as effect a change in the timing of such disclosure conferences.

EFFECTIVE DATE: Comments must be received on or before: February 6, 1978.

ADDRESS: Comments must be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Theodore Hume, Office of the General Counsel, Treasury Department, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220, 202-566-2941.

SUPPLEMENTARY INFORMATION: Under the Antidumping Act of 1921, as amended, the Secretary of the Treasury is required to make a determination whether a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value (19 U.S.C. 160(a)). In order to inform interested persons of the bases for tentative findings and conclusions, it has been found helpful, in addition to providing such statements in a notice of tentative determination published in the FEDERAL REGISTER, to disclose to such persons orally the bases for the tentative disposition of an antidumping investigation. In the past, on an informal basis, the Customs Service has disclosed the bases for calculations leading to tentative determinations prior to the publications of the tentative de-



## [4110-03]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 343]

[Docket No. 77N-0094]

## OVER-THE-COUNTER DRUGS

Establishment of a Monograph for OTC  
Internal Analgesic, Antipyretic and Anti-  
rheumatic Products; Extension of TimeAGENCY: Food and Drug Administra-  
tion.ACTION: Extension of time for reply  
comments.

SUMMARY: The Food and Drug Ad-  
ministration is extending by 30 days the  
time for filing reply comments on a pro-  
posal to establish conditions under  
which over-the-counter (OTC) internal  
analgesic, antipyretic and antirheu-  
matic drugs are generally recognized as  
safe and effective and not misbranded.  
The extension is in response to requests  
for such extensions.

DATE: Reply comments by February 8,  
1978.ADDRESS: Written comments to the  
Hearing Clerk (HFC-20), Food and  
Drug Administration, Rm. 4-65, 5600  
Fishers Lane, Rockville, MD 20857.FOR FURTHER INFORMATION CON-  
TACT:

William E. Gilbertson, Bureau of  
Drugs (HFD-510), Food and Drug Ad-  
ministration, Department of Health,  
Education, and Welfare, 5600 Fishers  
Lane, Rockville, MD 20857, 301-443-  
4960.

SUPPLEMENTARY INFORMATION:  
In the FEDERAL REGISTER of July 8, 1977  
(42 FR 35345), the Commissioner of  
Food and Drugs issued a proposed regu-  
lation containing the monograph recom-  
mended by the Advisory Review Panel on  
OTC Internal Analgesic and Antirheu-  
matic Products establishing: (1) condi-  
tions under which OTC internal anal-  
gesic, antipyretic and antirheumatic  
drugs are generally recognized as safe  
and effective and not misbranded; (2) a  
statement of the conditions excluded  
from the monograph on the basis of a  
determination by the Panel that they  
would result in the drugs' not being gen-  
erally recognized as safe and effective or  
would result in misbranding; (3) a state-  
ment of the conditions excluded from  
the monograph on the basis of a deter-  
mination by the Panel that the available  
data are insufficient to classify such con-  
ditions under either (1) or (2) above;  
and (4) the conclusions and recommen-  
dations of the Panel to the Commission-  
er. Interested persons were given until

October 6, 1977 to submit comments on  
the proposal and until November 7, 1977  
to reply to any comments so filed.

In response to several requests, an ex-  
tension of time of 60 days was granted  
both for comments and reply comments  
until December 5, 1977 and January 8,  
1978, respectively. This extension was  
published in the FEDERAL REGISTER of Oc-  
tober 4, 1977 (42 FR 53980).

The agency has received subsequent  
requests from the Proprietary Associa-  
tion, McNeil Laboratories, and Sterling  
Drug, Inc. to extend the time for reply  
comments, arguing that 30 days after  
the comment period, as granted in the  
proposal, is insufficient time to respond,  
in view of the delay encountered in re-  
ceiving requested copies of comments on  
file in the office of the Hearing Clerk.  
The requests for extension are on file in  
the office of the Hearing Clerk, Food and  
Drug Administration.

The Commissioner is persuaded that  
granting additional time for reply com-  
ments is appropriate. Accordingly, in-  
terested persons are invited to submit  
reply comments (preferably four copies  
and identified with the Hearing Clerk  
docket number found in brackets in the  
heading of this document) regarding the  
comments on the July 8, 1977 proposal  
on file with the Hearing Clerk. Such re-  
ply comments should be addressed to the  
office of the Hearing Clerk (HFC-20),  
Food and Drug Administration, Rm. 4-  
65, 5600 Fishers Lane, Rockville, Md.  
20857 and submitted on or before Febru-  
ary 6, 1978. Received comments may be  
seen in the above-named office between  
9 a.m. and 4 p.m., Monday through Fri-  
day.

This action is taken under the Federal  
Food, Drug, and Cosmetic Act (secs. 502,  
505, 701(a), 52 Stat. 1050-1053 as amend-  
ed, 1055 (21 U.S.C. 352, 355, 371(a))) and  
under authority delegated to the Com-  
missioner (21 CFR 5.1).

Dated: December 30, 1977.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc.78-188 Filed 1-3-78;12:14 pm.]

## [4110-03]

[21 CFR Part 511]

[Docket No. 77N-0338]

EXPORT OF NEW ANIMAL DRUGS FOR  
INVESTIGATIONAL USE

Proposed Rule Making

AGENCY: Food and Drug Administra-  
tion.

ACTION: Proposed rule.

SUMMARY: This is a proposal to amend  
the new animal drug regulations to set

forth requirements for the export of  
new animal drugs for investigational  
use. The Federal Food, Drug, and Cos-  
metic Act provides for the distribution of  
unapproved new animal drugs for inves-  
tigational use. However, the existing regu-  
lations do not address the matter of  
export of such drugs to perform clinical  
investigational studies. These require-  
ments are necessary so that authoriza-  
tion for foreign clinical investigation of  
new animal drugs may be accomplished  
with the same assurances of control as  
provided by the new animal drug regu-  
lations for domestic investigations.

DATE: Comments by March 7, 1978.

ADDRESS: Written comments to the of-  
fice of the Hearing Clerk, Food and Drug  
Administration, room 4-65, 5600 Fishers  
Lane, Rockville, Md. 20857.FOR FURTHER INFORMATION CON-  
TACT:

Robert S. Brigham, Bureau of Vet-  
erinary Medicine (HFV-238), Food and  
Drug Administration, Department of  
Health, Education, and Welfare, 5600  
Fishers Lane, Rockville, Md. 20857,  
301-443-6243.

SUPPLEMENTARY INFORMATION:  
Section 512(j) of the Federal Food,  
Drug, and Cosmetic Act (21 U.S.C. 360b  
(j)) provides for the distribution of un-  
approved new animal drugs for investi-  
gational use. A new animal drug for in-  
vestigation that conforms with the terms  
of an investigational exemption is not  
deemed unsafe by section 512(a)(3) of  
the act (21 U.S.C. 360b(a)(3)). Under  
this section of the act, § 511.1 *New ani-  
mal drugs for investigational use ex-  
empt from section 512(a) of the act* (21  
CFR 511.1) establishes the controls nec-  
essary for safe distribution of investiga-  
tional new animal drugs. The section,  
however, does not address the matter of  
export of such drugs to perform clinical  
investigational studies. The Commis-  
sioner of Foods and Drugs proposes to  
amend § 511.1 to set forth such require-  
ments.

In the Commissioner's opinion, these  
requirements are necessary so that au-  
thorization for extra-territorial clinical  
investigations of new animal drugs may  
be accomplished with the same assur-  
ances of control as provided by Part 511  
(21 CFR Part 511) of the new animal  
drug regulations for domestic investiga-  
tions. Foreign governments should be  
aware of the existence of investigational  
drug studies in their countries and given  
the opportunity to object to such test-  
ing of unproven drugs. They can then  
apply any necessary controls to pro-  
tect the health of their citizenry, par-  
ticularly with regard to the disposition  
of the edible products of treated ani-  
mals. Edible products of treated animals  
should also be subject to control so that  
they are not imported into the United  
States unless they are in compliance  
with Part 511 requirements.

The Commissioner believes the obli-  
gation of the Food and Drug Admin-

istration (FDA) to assure compliance  
with the requirements of Part 511 can  
best be accomplished by requiring writ-  
ten assurances from the sponsor cover-  
ing each of the items discussed above.

Therefore, under the Federal Food,  
Drug, and Cosmetic Act (secs. 512, 701  
(a), 52 Stat. 1055, 82 Stat. 343-351 (21  
U.S.C. 360b, 371(a))) and under author-  
ity delegated to the Commissioner (21  
CFR 5.1), it is proposed that § 511.1 be  
amended by adding a new paragraph (f)  
to read as follows:

§ 511.1 New animal drugs for investiga-  
tional use exempt from section 512  
(a) of the act.

(f) *Export of new animal drugs for  
investigational use.* New animal drugs  
intended for clinical investigation in  
animals may be exported, provided:

(1) A "Notice of Claimed Investiga-  
tional Exemption for a New Animal  
Drug" is filed in accordance with para-  
graph (b) of this section, and;

(2) The notice is accompanied by  
written statements, as follows:

(i) By the sponsor that the govern-  
ment of the country to which the drug  
is to be exported has been notified of  
the intended investigational use of the  
drug in that country, and;

(ii) By the foreign investigator that:  
(a) He is aware that the drug is an un-  
approved new animal drug intended  
solely for investigational purposes.

(b) The drug may be legally used by  
the foreign investigator in that country  
for such investigations.

(c) If the target species and level of  
drug are not the subject of a prior ap-  
proval, the investigator understands that  
the Food and Drug Administration has  
not established by regulation withdrawal  
times to assure the absence of unsafe re-  
siduals in edible products of treated ani-  
mals.

(iii) By the foreign investigator that  
neither the treated animals nor food  
from the animals will be exported to the  
United States unless authorization is ob-  
tained in accordance with paragraph (b)  
(5) of this section and that neither the  
treated animals nor food from the ani-  
mals will be used for food in that foreign  
country in any manner that is contrary  
to the legal requirements of that coun-  
try.

(3) The drug bears labeling to show  
both that it is intended for export and  
the following statement: "Caution. Con-  
tains a new animal drug for use only in  
investigational clinical trials. Not for use  
in humans. Edible products of investiga-  
tional animals are not to be used for food  
in any manner contrary to the require-  
ments of the country in which the clini-  
cal trials are to be conducted".

Interested persons may, on or before  
March 7, 1978 submit to the Hearing  
Clerk (HFC-20), Food and Drug Admin-  
istration, Rm. 4-65, 5600 Fishers Lane,  
Rockville, Md. 20857, written comments  
regarding this proposal. Four copies of

all comments shall be submitted, except  
that individuals may submit single cop-  
ies of comments, and shall be identified  
with the Hearing Clerk docket number  
found in brackets in the heading of this  
document. Received comments may be  
seen in the above office between the  
hours of 9 a.m. and 4 p.m., Monday  
through Friday.

NOTE.—The Food and Drug Administration  
has determined that this document does not  
contain a major proposal requiring prepara-  
tion of an economic impact statement under  
Executive Order 11821 (as amended by Ex-  
ecutive Order 11949) and OMB Circular A-  
107. A copy of the economic impact assess-  
ment is on file with the Hearing Clerk, Food  
and Drug Administration.

Dated: December 28, 1977.

WILLIAM F. RANDOLPH,  
Acting Associate  
Commissioner for Compliance.

[FR Doc.78-55 Filed 1-5-78;8:45 am]

## [4110-03]

[21 CFR Part 740]

[Docket No. 77P-0353]

COAL TAR HAIR DYES CONTAINING 4-  
METHOXY-M-PHENYLENEDIAMINE (2,4-  
DIAMINOANISOLE) OR 4-METHOXY-M-  
PHENYLENEDIAMINE SULFATE (2,4-  
DIAMINOANISOLE SULFATE)

Proposed Warning Statement

AGENCY: Food and Drug Administra-  
tion.

ACTION: Proposed rule.

SUMMARY: This is a proposal to require  
a warning statement and warning post-  
ers concerning coal tar hair dyes con-  
taining 4-methoxy-m-phenylenediamine  
(also known as 2,4-diaminoanisole) or  
4-methoxy-m-phenylenediamine sulfate  
(also known as 2,4-diaminoanisole sul-  
fate). The proposed warning will inform  
consumers about the risk of cancer that  
may result from the use of hair dyes con-  
taining these ingredients.

DATES: Comments by March 7, 1978.  
Proposed effective date for final regula-  
tion is April 6, 1978.

ADDRESS: Written comments to the  
Hearing Clerk (HFC-20), Food and Drug  
Administration, Rm. 4-65, 5600 Fishers  
Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CON-  
TACT:

John A. Wenninger, Bureau of Foods  
(HFF-441), Food and Drug Adminis-  
tration, Department of Health, Edu-  
cation, and Welfare, 200 C St. SW.,  
Washington, D.C. 20204, 202-245-  
1061.

SUPPLEMENTARY INFORMATION:  
The decision of the Commissioner of  
Food and Drugs to propose warning label  
and poster requirements is based on  
scientific studies employing currently ac-  
cepted methods for determining whether  
compounds can cause cancer, including  
a recent study sponsored by the Na-  
tional Cancer Institute (NCI), which in-



icates that 4-methoxy-*m*-phenylenediamine sulfate is carcinogenic in animals. It or its closely related compound, 4-methoxy-*m*-phenylenediamine, is widely used in permanent hair dyes. Under conditions of use, these substances may be absorbed through the scalp during hair dyeing, and pose a risk of cancer to users. Coal tar hair dyes are exempt from the adulteration and color additive provisions found in sections 601 and 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 361, 376) provided that the label bears a statutory caution statement and "patch test" instructions to determine if the product causes skin irritation. Therefore, the use of 4-methoxy-*m*-phenylenediamine and 4-methoxy-*m*-phenylenediamine sulfate in coal tar hair dyes cannot be prohibited. However, consumers need to be alerted to the potential risk posed by hair dyes containing these ingredients. Therefore, under sections 201(n), 602, and 701(a) of the act, the Commissioner proposes to require a conspicuous warning on coal tar hair dyes containing them and the displaying of warning posters in beauty salons.

The National Cancer Institute (NCI) has recently issued a preliminary report (Ref. 1) on a bioassay of 4-methoxy-*m*-phenylenediamine sulfate conducted by the Mason Research Institute, Worcester, Massachusetts. (The NCI refers to this compound as 2,4-diaminoanisole sulfate. The terminology of that report will be used when references to the report are made in this document. However, the term "4-methoxy-*m*-phenylenediamine sulfate" is the established name for cosmetic ingredient labeling, and is the name used in ingredient statements.) The NCI study showed that under test conditions technical grade 4-methoxy-*m*-phenylenediamine sulfate is an animal carcinogen in rats and mice. The summary of the preliminary NCI report states:

2,4-Diaminoanisole sulfate was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species. The time-weighted average dietary concentrations used in the chronic bioassay were 0.12 percent for the low dose rats and 0.5 percent for the high dose rats. The dietary concentrations used for low and high dose mice were 0.12 and 0.24 percent, respectively. After a 78-week treatment period, observation of the rats continued for an additional 26 weeks and observation of the mice continued for an additional 13 weeks. For each species, 50 animals of each sex were placed on test as controls.

In both species, survival in all groups was adequate for meaningful statistical analysis of tumor incidence.

In high dose rat groups, the proportion of animals having one or more of the following malignant thyroid tumors: Papillary adenocarcinomas, follicular-cell carcinomas, papillary cystadenocarcinomas, or unspecified adenocarcinomas, was significantly greater than the proportion in corresponding control groups. For high dose male rats the proportion of animals having either a C-cell adenoma or C-cell carcinoma was significantly increased.

The incidence of malignant skin tumors (squamous-cell carcinomas, basal-cell carcinomas, or sebaceous adenocarcinomas) and

the incidence of preputial tumors (carcinomas, cystadenomas, papillary adenomas, and unspecified adenomas) was significantly increased among high dose male rats. Malignant tumors (sebaceous adenocarcinomas or squamous-cell carcinomas) of either the Zymbal's gland or the ear canal were significantly increased among high dose rats of both sexes.

Among high dose female mice, the combined incidence of thyroid follicular-cell adenomas and carcinomas was significantly increased. Among high dose male mice, the incidence of thyroid follicular-cell adenomas was significantly increased, but no follicular-cell carcinomas were observed. The incidence of malignant lymphomas was increased among female mice at both dose levels, but statistical significance was established only for the low dose group.

Under the conditions of this bioassay, technical-grade 2,4-diaminoanisole sulfate was carcinogenic to the thyroid gland and integumentary system of Fischer 344 rats of both sexes, and also carcinogenic to the thyroid gland and lymphatic system of B6C3F<sub>1</sub> mice.

In a letter to the Commissioner dated October 18, 1977, Dr. Richard Griesemer, Associate Director for the Carcinogenesis Testing Program for NCI, stated that "minor changes will appear in the statistical evaluation in the final draft but the conclusion that this chemical is carcinogenic in animals will not change." (Ref. 2.)

The NCI study augments an accumulating literature on the suspected carcinogenic and mutagenic hazards posed by coal tar hair dyes and by 4-methoxy-*m*-phenylenediamine sulfate in particular (Refs. 3 through 22). Reportedly, about 40 percent of U.S. women are regular users of hair dyes, and approximately three out of every four dollars spent on hair coloring is spent on the permanent type of dye (Ref. 23). 4-Methoxy-*m*-phenylenediamine sulfate is present in many if not most permanent hair dyes at concentrations generally not greater than 1 percent, although it has been reported as high as 2 to 4 percent in some formulations. The exposure to 4-methoxy-*m*-phenylenediamine sulfate among the general population and among hair dressers is therefore widespread and significant.

The NCI study firmly establishes that technical grade 4-methoxy-*m*-phenylenediamine sulfate is carcinogenic in two rodent species. The FDA, other Federal agencies and scientific organizations have long recognized that animal studies are the best available means of assessing the possible carcinogenic effect of chemical substances on human beings, as discussed in the April 15, 1977 FEDERAL REGISTER (42 FR 19995). Experience has indicated that compounds that are carcinogenic in humans usually are also carcinogenic in one or more experimental animal systems. Additionally, compounds first detected as carcinogens in experimental animals have later been found to cause human cancer. Therefore, the clear demonstration that a compound causes cancer in animals must be taken as evidence that it has a potential for causing cancer in humans, unless there is strong evidence to the contrary.

4-Methoxy-*m*-phenylenediamine sulfate has also been demonstrated to be mutagenic on the Ames *Salmonella* microsome test (Refs. 10 and 11). This test, particularly when confirmed by other mutagenic assays (Refs. 12 through 20), serves as collateral supporting evidence in establishing the substance's probable carcinogenicity.

These data are supported by data on percutaneous absorption, which indicate that 4-methoxy-*m*-phenylenediamine sulfate is absorbed through the skin and thus poses a risk under conditions of hair dye use (Refs. 30 through 33). The findings of the NCI study and the preceding studies, in the absence of strong evidence to the contrary, lead the Commissioner to conclude that 4-methoxy-*m*-phenylenediamine sulfate is potentially carcinogenic to humans.

#### DERMAL ABSORPTION

During application, hair dye ingredients such as 4-methoxy-*m*-phenylenediamine sulfate, undergo complex chemical reactions which result in the formation of dyes which color the hair. The amount of 4-methoxy-*m*-phenylenediamine sulfate present at the start of the hair dyeing procedure decreases during the process. However, some of the unreacted ingredients are certainly in contact with the skin at the start of application and possibly throughout most of the 20 to 30 minutes required to dye the hair. Evidence indicates, as discussed below, that during this dyeing process, 4-methoxy-*m*-phenylenediamine sulfate penetrates the skin of the scalp and enters the blood.

The skin penetrability of a closely related phenylenediamine, *p*-phenylenediamine, is a fact established by very broad clinical experience with its sensitizing capacity (Ref. 29). It was the known sensitizing property of *p*-phenylenediamine that produced the requirement for the cautionary legend on coal tar hair dyes as part of the adulteration provisions of section 601(a) of the act.

It has been reported (Refs. 30 and 32) that the phenylenediamines are absorbed through the skin of dogs when applied in a manner similar to that used in dyeing human hair. In another study (Ref. 31), an average of 3.7 milligrams (mg) of *N,N*-diacetyl-*p*-toluenediamine was found in the urine of humans in the 48 hour period following treatment with an oxidation hair dye containing 2.5 grams of *p*-toluenediamine. From studies with intravenously ingested doses of *p*-toluenediamine it was determined that an average of 47.6 percent of the *p*-toluenediamine absorbed by the body is converted to the diacetyl metabolite. Therefore, the concentration of *N,N*-diacetyl-*p*-toluenediamine in the urine serves to detect only approximately half of the *p*-toluenediamine absorbed. On this basis, it was estimated that during hair dyeing approximately 4.6 milligrams of the *p*-toluenediamine was either directly absorbed through the skin or produced in vivo as a consequence of the absorption of other intermediates produced during the hair dyeing process.

The excretion rate of *p*-toluenediamine was slow; some of the absorbed material was still detectable in the urine 2 days after hair dyeing. In a preliminary unpublished study, the absorption of 4-methoxy-*m*-phenylenediamine in humans and monkeys was in the same range (Ref. 33).

It should be noted that these studies were conducted on unbroken skin. Several common dermatologic diseases occurring in the scalp area may result in a damaged stratum corneum, which can markedly increase skin permeation.

#### RELEVANT ROUTE OF EXPOSURE

Available evidence (Refs. 31 and 33) indicates that the 4-methoxy-*m*-phenylenediamine is absorbed through the skin and is distributed systemically. In the NCI ingestion study, 4-methoxy-*m*-phenylenediamine was absorbed from the digestive tract into the bloodstream, and tumors occurred in the skin, lymph system and thyroid. If tumors can occur at sites other than the site of application, it would appear reasonable that any route of administration capable of delivering an adequate systemic dose would be appropriate unless there is substantial evidence indicating that a given route of administration is metabolically or pharmacologically inappropriate for the compound tested.

The National Cancer Advisory Board in a report (58 JNCI 461, Feb. 1977, NCI Subcommittee on Environmental Carcinogenesis) has recommended:

Any substance which is shown conclusively to cause tumors in animals should be considered carcinogenic and therefore a potential cancer hazard for man. Exceptions should be considered only where the carcinogenic effect is clearly shown to result from physical, rather than chemical, induction, or where the route of administration is shown to be grossly inappropriate in terms of conceivable human exposure.

A recent Occupational Safety and Health Administration (OSHA) proposal (Identification, Classification and Regulation of Toxic Substances Posing a Potential Occupational Carcinogenic Risk, FEDERAL REGISTER No. 192, Vol. 42, October 4, 1977) stated:

In cases where the test compound is absorbed by the experimental animals and is circulated systemically, giving rise to tumors at sites other than the point of application, it seems reasonable to regard the route of administration as irrelevant to weighing the potential risks to man.

#### DOSEAGE

Under the conditions of the NCI study, 4-methoxy-*m*-phenylenediamine sulfate is an animal carcinogen when ingested at doses approaching 250 mg/kg/day. These results indicate that 4-methoxy-*m*-phenylenediamine sulfate poses a risk of cancer to humans. The Commissioner recognizes that the estimated dose to which hair dye users would be exposed is considerably less than the dose level at which cancer was found in animals. High doses must be used in animal cancer studies in order to provide a reasonable chance of detecting weak carcinogens.

Tests using a feasible number of animals without any exaggeration of the dose level simply do not provide a reasonable assurance of safety.

The significance of the NCI study is that it shows that 4-methoxy-*m*-phenylenediamine sulfate can produce cancer in animals and has the potential for producing cancer in man.

The Commissioner believes that the established carcinogenic threat posed by 4-methoxy-*m*-phenylenediamine sulfate cannot be disregarded simply because the anticipated exposure levels are low. At the present time, it is not possible to determine a safe exposure level for carcinogens. Furthermore, the population exposed to hair dyes is estimated at 30 million, and people vary in their susceptibility to carcinogens.

As the Commissioner has previously stated in the FEDERAL REGISTER of April 15, 1977 (42 FR 19996), "The predominant opinion among experts in the field of carcinogenesis is that the dose-response principle extends to very low doses of the carcinogens—that is, that there is no dose, however small, at which one can be certain that there is no risk. In other words, there is no threshold dose below which a carcinogen may be considered safe in the absolute sense." The preamble to the OSHA proposed rule establishing its cancer policy, referred to earlier (42 FR 54148) reviews the scientific basis for questioning the existence of threshold doses for carcinogens and for believing that no safe level can be established for any carcinogen on the basis of current scientific knowledge. Furthermore, to reduce the total incidence of cancer, it is important to reduce the prolonged general exposure of the public to numerous carcinogenic substances in our environment by eliminating exposure whenever possible.

The Commissioner recognizes that there continue to be differences of view among experts about these matters, and that some may question whether some secondary toxic effect at the high dose levels may have been associated with the cancer induction, or whether recovery processes might be unable to operate at high dose levels but be more effective at lower levels. Not all substances tested at high dose levels in animals produce carcinogenic responses, however, and there is no scientific evidence that a high dose of a substance alone causes the carcinogenic response. In an NCI sponsored study from 1965-68, for example, approximately 130 pesticide and industrial chemicals were tested for carcinogenic activity in two strains of mice at a maximum tolerated dose. These substances were selected in part because of their high biologic activity and because of their similarity to known carcinogens. Despite this biased selection, less than 10 percent proved tumorigenic and most of the others gave no evidence of carcinogenicity notwithstanding the high dose administered. (T.R.M. Innis et al., *J. Natl. Cancer Inst.*, 42:1101, 1969.) Furthermore, there is no process in this case that would show that the carcinogenic re-

sponses at the observed levels were caused by factors that would not be present at lower dose levels.

#### INDUSTRY STUDIES

Representatives of the hair dye industry have questioned the relevance of feeding studies to hair dyes since these are used on the skin and are not likely to be ingested. They argue that the route of administration used in the NCI study is inappropriate in terms of human exposure and that skin painting tests should be used to evaluate the carcinogenic hazard. Under the auspices of the Cosmetic, Toiletry, and Fragrance Association (CTFA), the hair dye industry established a cooperative program for the safety evaluation of hair dye ingredients, under which a number of tests were conducted, including carcinogenicity tests in mice and rats.

All of these tests involved only repeated topical application of the test material to the animal under conditions resembling those used in hair dyeing except that the site of application was shaved before application and the formulation was left on the skin rather than being rinsed off after a short period of time as in the normal use of the product.

No adverse effects were found in any of these studies. However, they cannot be weighted as heavily as the positive NCI data in the same species. It is generally held that negative results of biological testing are less significant than positive results in evaluating human risk. This is all the more true when, as with topical application, the testing procedures are insensitive.

The National Cancer Advisory Board Subcommittee on Environmental Carcinogenesis addressed this issue:

Because of the limitations inherent in animal bioassays, a negative result obtained in a particular animal bioassay does not exclude the potential carcinogenicity of a compound in humans. The inappropriate experimental species may have been chosen; the number of animals tested may have been too small; or the duration of observation may have been too short. Alternatively, test conditions may have been inappropriate in terms of their predictive value for the response of humans.

The Cosmetic, Toiletry, and Fragrance Association states that their choice of topical application rather than ingestion was in conformity with NCI Guidelines for Carcinogenesis Testing in Small Rodents in that it more closely resembles the route of human exposure. However, the method of application used in the CTFA studies resulted in the dose that the animals absorbed systemically being reduced since only a fraction of the amount applied penetrated the skin. Since the NCI studies failed to show any statistically significant positive effects at one half of the maximum tolerated dose, one would clearly not expect to observe tumors at even lower doses.

Skin painting tests, as commonly conducted, are not statistically reliable bioassays for detecting the potential of compounds to produce malignancies in



internal organs. To make such tests statistically meaningful, the effect of the skin in reducing the quantity absorbed and the tissue concentrations produced must be compensated for by very much larger numbers of animals, so large as to become unfeasible. The skin, by impeding absorption, effectively decreases the ability of an animal bioassay to reveal the potential for tumors of internal organs. It lowers the dose absorbed and, unless this effect is compensated for by a much larger number of animals, many carcinogens would not be detected.

By not compensating for the reduction in the dose absorbed through the skin, the CTFA studies lost the dose exaggeration necessary to overcome the statistical limitations inherent in a test with a limited number of animals. They therefore fail to show that hair dyes containing 4-methoxy-*m*-phenylenediamine are safe.

The Commissioner is aware that other hair dye intermediates are also under study with respect to their carcinogenic potential. In particular, 2,4-toluenediamine (2,4-TDA), a compound closely related to 4-methoxy-*m*-phenylenediamine, has been reported to cause cancer in laboratory tests (Ref. 5). The NCI is currently evaluating the results of a bioassay on this chemical but their evaluation is not yet available. Other aromatic amines are also being tested by NCI. The Commissioner intends to monitor the results of the NCI studies and will take appropriate action should the results show that other hair dye ingredients are animal carcinogens.

#### LEGAL AUTHORITY

The warning statement is being proposed pursuant to sections 201(n) and 602 of the act to alert consumers that the hair dyes containing 4-methoxy-*m*-phenylenediamine and 4-methoxy-*m*-phenylenediamine sulfate may pose a cancer risk. Section 602 prohibits false and misleading labeling, and section 201(n) makes relevant in judging deception the failure to reveal material facts with respect to the consequences which may result from use.

The Commissioner believes that the information about 4-methoxy-*m*-phenylenediamine and 4-methoxy-*m*-phenylenediamine sulfate indicates that it may pose a risk of serious harm to users. This is a material fact about the consequences of use that consumers should be informed about when considering purchase and use. Cosmetic manufacturers make an implied representation of safety when offering a product for sale, and consumers should be alerted to information that indicates the product poses a risk of grave harm.

Warnings about safety risks can clearly be required on cosmetics under the act. The Food and Drug Administration's authority to require warnings on cosmetics about the risks of harm from improper storage and intentional misuse has been upheld on judicial review. *Cosmetic Toiletry and Fragrance Assn. v. Schmidt*, 409 F. Supp. 57 (D.D.C. 1976),

affirmed without opinion, C.A. No. 76-1242 (D.C. Cir., August 19, 1977). These warnings were required pursuant to the misbranding provisions of sections 201(n) and 602 of the act, as well as the adulteration provisions of section 601 of the act. Explicit warnings can be required under section 201(n) about the toxic properties of a product subject to the act. *United States v. 12 Bottles of Esterex*, (E.D. Mo. 1946), reported in V. Kleinfeld & C. Dunn, "Federal Food, Drug, and Cosmetic Act 1938-1949" at 523. The agency has required warnings on an interim basis pending further regulatory action to reduce the risks of health and environmental harm from ozone depletion that may result from the use of chlorofluorocarbon propellants in aerosolized foods, drugs, and cosmetics, e.g., 21 CFR 740.11. The agency has also issued regulations requiring other warning statements on cosmetics (21 CFR 740.1, 740.10, 740.12).

Thus, through both administrative and judicial interpretation, it is established that explicit warnings can be required on cosmetics to alert consumers to risks. The Commissioner does not believe a warning or cautionary statement should be required for every possible question that might be raised about the safety of a product. A plethora of warnings about insubstantial questions would be difficult for consumers to evaluate. A warning is appropriate, though, when the information indicates that a risk is a material one in light of the gravity of the harm posed. In the case of 4-methoxy-*m*-phenylenediamine and 4-methoxy-*m*-phenylenediamine sulfate, the Commissioner concludes that the risk is material and therefore warrants informing the consumer. Since customers of beauty salons may not see the labels on hair dye containers, it is appropriate to require the displaying of warning posters in beauty salons in order to bring the warning to the attention of those customers.

Coal tar hair dyes are exempt from the adulteration and color additive provisions of the act provided the label bears the statutory caution statement alerting consumers to the risk of skin irritation. Consequently, no action can be taken to prohibit the use of coal tar hair dye ingredients in hair colors bearing the caution statement because of risk of cancer or any other harm posed by the use of the coal tar color in the product. The agency attempted to limit the statutory exemption for coal tar hair dyes to only those hazards for which the patch test caution was applicable and adequate to safeguard the consumer. The administrative interpretation was ruled invalid in *Toilet Goods Assn. v. Finch*, 419 F.2d 27 (2d Cir. 1969). The court held:

The Government's argument should indeed be appealing to a legislator—what good is the warning to make a patch test if the test will not disclose the danger? But a court must take the statute as it is, and Congress wrote with great specificity. Whether it relied solely on that patch test warning because it was unaware in 1938 that coal-tar dyes might have damaging effects not detectable by such

a test, as the Government asserts but the industry denies, or because it thought such instances so rare as not to warrant indentation of the exemptions, the language is too clear for us to read it as meaning something different from what it so plainly says . . . 419 F.2d 21, 29 (1969).

The Food and Drug Administration has urged repeal of the hair dye exemption, but the exemption is still found in the law.

The statutory exemption for coal tar hair dyes does not encompass the misbranding provisions of the act, which prohibit false and misleading claims. As discussed above, the misbranding provisions of sections 201(n) and 602 of the act authorize warnings to alert consumers to risks posed by the product. Consequently, the Commissioner believes that he may take the proposed action to require warnings based on the misbranding provisions. This action is consistent with the congressional policy, with respect to skin irritation potential, of alerting consumers to the risks posed so that they can make an informed decision.

Hair dyes constitute a risk whose possible consequences appear grave and irreversible. Prudence dictates the urging of caution, even before the risks are known precisely. Consumers should be alerted to the existence of the risk associated with use so that they can make an informed judgment about use of hair dyes containing 4-methoxy-*m*-phenylenediamine.

#### TEXT OF THE WARNING

The Commissioner proposes to require the following warning statement:

Warning—Contains an ingredient that can penetrate your skin and has been determined to cause cancer in laboratory animals.

The text of the warning reflects the available information about the risks from 4-methoxy-*m*-phenylenediamine and 4-methoxy-*m*-phenylenediamine sulfate. The text is similar to that urged by the Environmental Defense Fund (EDF) in a petition based primarily on the results of the NCI bioassay requesting the Commissioner to require all hair dye products containing 4-methoxy-*m*-phenylenediamine and 4-methoxy-*m*-phenylenediamine sulfate to bear a cancer warning label. The suggested EDF warning reads:

This product contains a chemical that can enter your bloodstream through the scalp and has been shown to cause cancer in animals.

The Commissioner has proposed to use "Warning" as the introductory signal word, since this term is used in the other warning statements for cosmetics required by regulation (21 CFR Part 740), and it alerts consumers to the nature of the statement.

The warning statement on packages of hair dye containing 4-methoxy-*m*-phenylenediamine and 4-methoxy-*m*-phenylenediamine sulfate should be sufficient to apprise home users of these products of the risk involved. However, a considerable number of consumers have

their hair dyed by hairdressers at beauty salons and are unlikely to see any warning on the package. These consumers should also be alerted to the risk from these products. To ensure that the warning reaches consumers in these circumstances, the Commissioner has proposed that with each shipment of hair dye containing 4-methoxy-*m*-phenylenediamine or 4-methoxy-*m*-phenylenediamine sulfate, the manufacturer distribute to beauty salons posters containing an appropriate notice for prominent display.

The proposed posters are needed to ensure that the consumer is alerted to the warning statement under the conditions of purchase and use in beauty salons.

Under section 602(c) of the act, a cosmetic is misbranded if required information is not "prominently placed" on the label or labeling with "such conspicuousness (as compared with other words . . . in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use." It is clear that the labeling requirements of the act extend to written material relating to a product that is separate from the immediate package. Leaflets containing misleading representations mailed separately from a drug and medical device have been regarded as labeling that made the articles misbranded.

*Kordel v. United States*, 335 U.S. 345 (1948), *United States v. Urbeteit*, 335 U.S. 355 (1948). Display cards have also been specified as optional places for some required cosmetic labeling (21 CFR 701.3). Thus, the Commissioner believes he has authority to require that labeling be provided for display to customers, in addition to that appearing on the package, when the additional labeling is needed, under the conditions of sale and use, to bring a required warning to the consumer's attention.

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The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 602 (a) and (c), 701(a), 52 Stat. 1041 as amended, 1054-1055 (21 U.S.C. 321(n), 362 (a) and (c), 371(a), and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that 21 CFR Part 740 be amended by adding a new section to read as follows:

§ 740.18 Coal tar hair dyes posing a risk of cancer.

(a) The label of a coal tar hair dye containing any ingredient listed in paragraph (c) of this section shall bear on the principal display panel the following:

Warning—Contains an ingredient that can penetrate your skin and has been determined to cause cancer in laboratory animals.

(b) Each shipment of hair dyes containing an ingredient listed in paragraph (c) of this section distributed for professional application in beauty salons shall be accompanied by at least one 11-by 14-inch poster meeting the conspicuousness requirements of this part, with instructions for distributors to distribute them to hairdressers and with instructions for hairdressers that they be prominently displayed to customers. Hairdressers shall place the posters at locations where hair dyes are applied. The posters shall be displayed in places in beauty salons where they are fully visible to, and are likely to attract the attention of, customers whose hair may be dyed. The posters shall continue to be so displayed



throughout the period the beauty salon is open for business. The posters shall bear the words "Hair Dye Notice" in letter of not less than 1 inch in height, and the following in letters of not less than 1/2 inch in height:

Some hair dyes contain ingredients which may cause cancer. These hair dyes are required to bear a label warning. Ask to see the label of the product intended for your hair.

(c) Hair dyes containing any of the following ingredients shall comply with the requirements of this section: (1) 4-methoxy - m - phenylenediamine (2,4 - diaminoanisole) and (2) 4-methoxy-m-phenylenediamine sulfate (2,4-diaminoanisole sulfate).

Interested persons may, on or before March 7, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: January 3, 1978.

DONALD KENNEDY,  
Commissioner of Food and Drugs.  
[FR Doc. 78-254 Filed 1-5-78; 8:45 am]

#### [ 1505-01 ]

##### [ 21 CFR Part 800 ]

[Docket No. 77N-0218]

##### MEDICAL DEVICES

##### Proposed Administrative Detention Procedures

##### Correction

In FR Doc. 77-29336 appearing at page 54574 in the issue of Friday, October 7, 1977, on page 54577, in § 800.55(g) (3), in the third line, between the words "conducted" and "with" insert "in accordance".

#### [ 4110-03 ]

##### [ 21 CFR Part 801 ]

[Docket No. 77N-0354]

##### MEDICAL DEVICES

##### Impact-Resistant Lenses in Eyeglasses and Sunglasses

AGENCY: Food and Drug Administration.

#### ACTION: Proposed rule.

**SUMMARY:** This is a proposal to amend the medical device regulations by providing technological alternatives in the testing of impact-resistant lenses for eyeglasses and sunglasses. The current method of testing, known as the "impact" or the "drop ball test," would be designated by the Food and Drug Administration (FDA) as a "referee test" under this proposal. All lenses required to be impact resistant must currently pass the drop ball test, but under the proposed amendment, a manufacturer or dispenser would be able to use any other equivalent or superior test.

**DATES:** Written comments by March 7, 1978.

**ADDRESS:** Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

#### FOR FURTHER INFORMATION CONTACT:

Peter B. Carstensen, Bureau of Medical Devices (HFK-300), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7222.

#### SUPPLEMENTARY INFORMATION:

For many years prior to 1970, a number of public and private organizations advocated the universal use of impact-resistant lenses to better protect the eyeglass-wearing public from breakage of lenses and any resulting injury to the eyes. Model lens bills and voluntary lens standards had been advanced by interested organizations, such as the National Society for the Prevention of Blindness, and had been adopted by several States.

In June 1970, the final report of the National Commission on Product Safety to the Congress and the President (Ref. 1) listed as one item of unfinished business the need to investigate the frequency and severity of eye injuries. The Commission concluded that the use of "protective eyeglasses and sunglasses" made with heat-treated glass or hard resin plastic lenses might reduce the number and severity of such injuries and protect the eyesight of those who wear glasses.

The Food and Drug Administration published a proposal on the use of impact-resistant lenses in eyeglasses and sunglasses in the FEDERAL REGISTER of October 2, 1970 (35 FR 15402). The final regulation was published in the FEDERAL REGISTER of May 15, 1971 (36 FR 8939). A proposal to amend the regulation with regard to technical matters and record-keeping requirements was published in the FEDERAL REGISTER of September 23, 1971 (36 FR 18871). These amendments were finalized by publication in the FEDERAL REGISTER of February 2, 1972 (37 FR 2503) under § 801.410 (21 CFR 801.410).

Section 801.410 currently requires that all eyeglasses and sunglasses must be fitted with impact-resistant lenses and that

they must be tested in accordance with the test method described in the regulation. An exception to this requirement is allowed in § 801.410(c), which provides that when a physician or optometrist finds such lens will not fulfill the visual requirements of the patient, he may direct in writing the use of other lenses and give written notification thereof to the patient. The current regulation contemplates future amendments to § 801.410 to permit use of such an alternate test method if it can be shown that the method is equal to or superior to the method described in the regulation. The basic test requirement under § 801.410 is that the lens must not fracture.

In the drop ball test, heat-treated glass lenses, plastic lenses, laminated glass lenses, or glass lenses made impact-resistant by other methods must be capable of withstanding the impact of a steel ball weighing approximately 0.56 ounce dropped from a height of 50 inches upon the horizontal upper surface of the lens. Under current § 801.410, each finished impact-resistant lens for prescription use must be subjected to the impact test described under § 801.410(d).

#### DESCRIPTION OF PROPOSAL

Proposed § 801.410(d) (1) defines the "referee" test as the one which will be utilized to determine compliance with a regulation.

A recent FDA survey (Ref. 2) of designations similar to "referee test" shows that there is no current use of this term for another concept. Additionally, the concept of "referee test" is well recognized by two of the principal organizations that develop voluntary standards, the American Society for Testing and Materials and the Association for the Advancement of Medical Instrumentation, although no definitive definition of this term has yet been developed (Ref. 3). In designating the drop ball test as the "referee test," the Commissioner does not intend to evaluate other methods of testing before they are used but is requiring that the testing of lenses under other methods produce results equal or superior to those obtained by the drop ball test.

Several studies indicate that it would be desirable to develop test methodologies that are more efficient than the drop ball test, since the drop ball test only indicates flaws that may be present near the point of impact, but does not indicate flaws located at the periphery of a lens.

Nevertheless these same studies suggest that lenses sold today are far more safe than those sold just a few years ago and that the drop ball test requirement has been a significant factor in this regard (Ref. 4 through 9).

The Commissioner may at a later date reconsider his designation of the drop ball test as a referee test if it can be demonstrated that such other test can produce results more consistent and more reliable than the drop ball test.

Under the proposed amendments, a manufacturer would not be inhibited from using other test methods that are equal to or better than the drop ball test.

Proposed § 801.410(d) (1) also would identify the "referee test" for the purposes of these amendments, namely, the impact, or drop ball, test.

Proposed § 801.410(d) (2) would delete the following sentence: "This statement of policy will be appropriately amended to provide for use of alternate methods of testing the impact resistance of lenses if it can be shown that the alternate method is equal or superior to the method prescribed in this paragraph." The deletion of this provision and the adoption of the definition of referee test eliminate the need for prior FDA approval and publication of alternate equal or superior test methods before they are used.

Proposed § 801.410(f) requires that the test data kept by manufacturers include a description of the test method and of the test apparatus used for the testing of impact resistance. This proposed amendment would provide FDA an opportunity, through investigations, to determine that the required testing of lenses continues, regardless of which method is used, and to assure the assembly of data to enable FDA to compare alternate test methods with the drop ball test, i.e., the referee test.

The Commissioner of Food and Drugs has received information indicating that there may be other acceptable testing methods available and is not requiring that these methods undergo prior FDA approval. However, the Commissioner intends to maintain adequate surveillance and inspections over manufacturers of eyeglasses and sunglasses to assure compliance with § 801.410. The burden will continue to be on the manufacturer, not only to continue testing but to assure that any testing done achieves results at least equal to those that would be obtained using the drop ball test. The proposed amendments require that the test data that must be kept by every lens manufacturer for 3 years under the present regulation include a description of the apparatus used for testing and the test methodology.

A number of changes in the present regulations are proposed to assure consistency and clarity.

Section 801.410(c) has been redesignated § 801.410(c) (1). For clarity, the first seven lines of § 801.410(d) have been redesignated § 801.410(c) (2).

The provision in § 801.410(d) relating to the testing of finished lenses has been redesignated § 801.410(c) (3), and the requirement that such lenses be subjected to the drop ball test has been eliminated.

#### REFERENCES

The following information has been placed in the office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be viewed by interested persons from 9 a.m. to 4 p.m., Monday through Friday, except on Federal holidays:

1. The National Commission on Product Safety, Final Report, U.S. Government Printing Office, Washington, D.C., June 1970.

2. Memorandum to Mr. J. Mamana from Mr. J. Lamb, on survey on use of term "referee method," March 27, 1977.

3a. Memorandum to D. S. Woloshen from Mr. J. Lamb on revision of Federal regulation on impact resistance, October 17, 1977.

3b. Memorandum to Mr. Robert J. Cangelosi from Mr. J. Lamb on the September 30 to October 1, 1977 meeting on Foley catheter, October 2, 1977.

4. Lynch, Ben, "Chemtempering: The State of the Art," Opt. Management, 23-27, April 1974.

5. Berger, Robert E., "Impact Testing of Ophthalmic Lenses: Stress Distribution and the Search Theory," *Journal of the American Optometric Association*, 47(1): 86-92, 1976.

6. Berger, Robert E., "Testing for the Impact Resistance of Ophthalmic Lenses," Center for Consumer Product Technology, National Bureau of Standards, NBSIR 76-996, March 1976.

7. Berger, Robert E., "The Role of Edge Failures in Impact Testing of Ophthalmic Lenses," *Journal of the American Optometric Association*, 47(5): 599-605, 1976.

8. Berger, Robert E., "Dynamic Strain Gauge Measurements of Ophthalmic Lenses Impacted by Low Energy Missiles," *American Journal of Optometry and Physiological Optics*, 53(b): 279-286, 1976.

9. Berger, Robert E., "An Interpretation of the Drop-ball Test in Terms of a Statistical Model for Fracture," *American Journal of Optometry and Physiological Optics*, 53(8): 396-407, 1976.

10. Correspondence to and from FDA concerning the Wright Lens Hammer.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 502, 519, 701(a), 52 Stat. 1040-1042 as amended, 1049-1051 as amended, 1055, 90 Stat. 564-565 (21 U.S.C. 321, 351, 352, 360i, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend § 801.410 by redesignating the existing text of paragraph (c) as (c) (1) and adding (c) (2) and (3), and by revising paragraphs (d) and (f) to read as follows:

§ 801.410 Use of impact-resistant lenses in eyeglasses and sunglasses.

(c) (1) To protect the public more adequately from potential eye injury, eyeglasses and sunglasses must be fitted with impact-resistant lenses, except in those cases where the physician or optometrist finds that such lenses will not fulfill the visual requirements of the particular patient, directs in writing the use of other lenses, and gives written notification thereof to the patient.

(2) The physician or optometrist shall have the option of ordering heat-treated glass lenses, plastic lenses, laminated glass lenses, or glass lenses made impact-resistant by other methods; however, all such lenses shall be capable of withstanding the impact test described in paragraph (d) (2) of this section.

(3) Each finished impact-resistant glass lens for prescription use shall be capable of withstanding the impact test described in paragraph (d) (2) of this section. Raised ledge multifocal lenses must be impact-resistant but need not be

tested beyond initial design testing. To demonstrate that all other types of impact-resistant lenses, including impact-resistant laminated glass lenses, are capable of withstanding the impact test described in this regulation, the manufacturer of such lenses shall subject to the impact test a statistically significant sampling of lenses from each production batch, and the lenses so tested shall be representative of the finished forms as worn by the wearer, including finished forms that are of minimal lens thickness and have been subjected to any treatment used to impart impact resistance. Plastic prescription and all non-prescription lenses, tested on the basis of statistical significance, may be tested in uncut finished or semifinished form at the point of original manufacture.

(d) (1) For the purpose of this regulation, the impact test described in paragraph (d) (2) of this section shall be the "referee test," defined as "one which will be utilized to determine compliance with a regulation." The referee test method provides the Food and Drug Administration with the means of examining a medical device for performance and does not inhibit the manufacturer from using equal or superior test methods. A lens manufacturer shall conduct tests of lenses for prescription use, using the impact test described in paragraph (d) (2) of this section or any equal or superior test. Whatever test is used, the lenses shall be capable of withstanding the impact test described in paragraph (d) (2) of this section in the event the Food and Drug Administration examines them for performance.

(2) In the impact test, a 5/16-inch steel ball weighing approximately 0.56 ounces is dropped from a height of 50 inches upon the horizontal upper surface of the lens. The ball shall strike within a 5/16-inch diameter circle located at the geometric center of the lens. The ball may be guided, but not restricted, in its fall by being dropped through a tube extending to within approximately 4 inches of the lens. In order to pass the test, the lens must not fracture; for the purpose of this section, a lens will be considered to have fractured if it cracks through its entire thickness, including a laminar layer, if any, and across a complete diameter into two or more separate pieces or if any lens material visible to the naked eyes becomes detached from the ocular surface. The test shall be conducted with the lens supported by a tube (1-inch inside diameter, 1 1/4-inch outside diameter, and approximately 1-inch high) affixed to a rigid iron or steel base plate. The total weight of the base plate and its rigidly attached fixtures shall be not less than 27 pounds. For lenses of small minimum diameter, a support tube having an outside diameter of less than 1 1/4 inches may be used. The support tube shall be made of rigid acrylic plastic, steel or other suitable substance and shall have securely bonded on the top edge a 3/8- by 1/2-inch neoprene gasket having a hardness of 40±5, as deter-



mined by ASTM Method D1415;<sup>1</sup> a minimum tensile strength of 1,200 pounds, as determined by ASTM Method D 412;<sup>1</sup> and a minimum ultimate elongation of 400 percent, as determined by ASTM Method D 412. The diameter and/or contour of the lens support may be modified as necessary so that the 1/8- by 1/8-inch neoprene gasket supports the lens at its periphery.

(f) In addition, those persons conducting tests in accordance with paragraph (d) of this section shall keep and maintain the results thereof for a period of 3 years. The test data shall include a description of the test method and of the test apparatus. Such records and results shall be made available upon request at all reasonable hours by any officer or employee acting on behalf of the Secretary of Health, Education, and Welfare. Such persons shall permit such officer or employee to inspect and copy such records, to make such inventories of stock as he deems necessary, and otherwise to check the correctness of such inventories.

Interested persons may, on or before March 7, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: December 21, 1977.

JOSEPH P. HILE,  
Associate Commissioner  
for Compliance.

[FR Doc.78-25 Filed 1-5-78;8:45 am]

#### [ 6560-01 ]

#### ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 86 ]

[FRL-755-1]

#### NEW MOTORCYCLES

#### Selective Enforcement Auditing

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to propose regulations.

<sup>1</sup> Copies may be obtained from: American Society for Testing Materials (ASTM), 1916 Race St., Philadelphia, Pa. 19103.

**SUMMARY:** The Environmental Protection Agency (EPA) is considering establishment of a program to test new motorcycles at the assembly line for compliance with applicable emission standards under the Clean Air Act. The program would apply to those classes of motorcycles covered by the January 5, 1977 FEDERAL REGISTER publication by EPA which promulgated emission standards for new gasoline-fueled motorcycles (42 FR 1122).

#### FOR FURTHER INFORMATION CONTACT:

Mr. Stephen Turchen, Environmental Protection Agency, Mobile Source Enforcement Division (EN-340), 401 M Street, SW., Washington, D.C. 20460, 202-755-1572.

**SUPPLEMENTARY INFORMATION:** Testing would be done by a sampling procedure termed "Selective Enforcement Auditing" or "SEA." The Agency has had such a program in effect for light-duty vehicles since January 1, 1977 (40 CFR Part 86, Subpart G, promulgated on July 28, 1976 at 41 FR 31472). Relatively few changes are expected to be required to adapt the present SEA procedures to motorcycle auditing. Some distinctions will probably exist due to apparent differences in the production system of light-duty vehicles and those of motorcycles. These will be explained and discussed in the preamble to the proposed regulations. Otherwise, few issues are anticipated to be raised, other than the overall question of whether a motorcycle SEA program should be established.

The Agency expects an SEA program to be a cost-effective method of encouraging compliance with emission standards of new production vehicles. EPA will consider having motorcycles undergo a certification process similar to but not as extensive as that for light-duty vehicles today, less confirmatory testing by EPA being involved.

Statutory authority for this intended action would be provided by sections 206, 208 and 301 of the Clean Air Act as amended, 42 U.S.C. 1857f-5, 1857f-6 and 1857g.

Dated: December 29, 1977.

DOUGLAS M. COSTLE,  
Administrator.

[FR Doc.78-221 Filed 1-5-78;8:45 am]

#### [ 4310-84 ]

#### DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 4100]

#### PAYMENT OF GRAZING FEES

#### Notice of Public Meeting

On November 23, 1977, the Departments of the Interior and Agriculture published proposed regulations by which public land grazing fees will be governed in 1978 and beyond. The time for public comments expires on February 21, 1978.

In order to provide the general public an opportunity to receive information and offer comments on the proposed rulemaking, public meetings were announced in the December 18, 1977 FEDERAL REGISTER. An additional public meeting will be held in Winnemucca, Nev., on January 20, 1978 at the National Guard Armory, 735 W. Fourth St. at 9:30 a.m.

Representatives of the Bureau of Land Management, U.S. Department of the Interior and Forest Service, U.S. Department of Agriculture, will participate in the meetings. A brief explanation of the proposed rulemaking will be presented at the opening of each session. Following the presentation, the public will be invited to offer comments on the proposed rulemaking. Comments may be offered in writing and summarized by the author. Comments may also be offered orally. A verbatim transcript will not be made of the meeting; however, summaries will be made of each oral comment. The summaries and any written statements presented during the meeting will be analyzed in conjunction with development of final regulations setting grazing fees for 1978 and beyond. Further information is available from Bureau of Land Management, Public Affairs Staff, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89509; telephone 702-784-5311.

Dated: December 30, 1977.

E. I. ROWLAND,  
State Director.

[FR Doc.78-263 Filed 1-5-78;8:45 am]

#### [ 4910-06 ]

#### DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[ 49 CFR Part 266 ]

[FRA Economic Docket No. 4; Notice No. 3]

#### SUBSTITUTE SERVICE ASSISTANCE

**Advance Notice of Proposed Rulemaking**  
AGENCY: Federal Railroad Administration ("FRA"), Department of Transportation.

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** FRA is considering amending 49 CFR Part 266 to provide more comprehensive regulations dealing with substitute service assistance under section 5(f) (4) of the Department of Transportation Act as amended by section 803 of the Railroad Revitalization and Regulatory Reform Act of 1976. This action is taken because of public inquiries as to the scope of "substitute service assistance" under the local rail services program.

**DATES:** Written comments must be received on or before February 6, 1978. Comments received after that date will be considered to the extent practicable.

**ADDRESSES:** (1) Submission of written comments: Written comments should identify the docket number and notice

number and be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

(2) Examination of written comments: All written comments received will be available for examination both before and after the closing date for written comments, during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

#### FOR FURTHER INFORMATION CONTACT THE AUTHORS OF THIS DOCUMENT:

JoAnne McGowan, Program Analyst, Office of State Assistance Programs, Federal Railroad Administration, Washington, D.C. 20590, 202-426-1677

or  
Mark Tessler, Attorney-Advisor, Office of Chief Counsel, State Rail and Passenger Programs Division, Federal Railroad Administration, Washington, D.C. 20590, 202-426-7737.

**SUPPLEMENTARY INFORMATION:** FRA is considering amending 49 CFR Part 266 to provide more comprehensive regulations implementing section 5(f) (4) of the Department of Transportation Act ("Act") (49 U.S.C. 1654) as amended by section 803 of the Railroad Revitalization and Regulatory Reform Act of 1976 ("RRRA") (Pub. L. 94-210). That section states:

The Secretary shall, in accordance with this section, provide financial assistance to states for rail freight assistance programs that are designed to cover—

(4) The cost of reducing the costs of lost rail service in a manner less expensive than continuing rail service.

This advance notice of proposed rulemaking is being issued pursuant to the FRA's policy of involving the public at the earliest possible stage of rulemaking proceedings. An "advance" notice is issued to invite public participation in the identification and selection of a course or alternate courses of action with respect to a particular rulemaking problem. Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. The proposal contained in this notice may be changed in light of comments received. If it is determined to be in the public interest to proceed further after consideration of the available data and comments received in response to this notice, a notice of proposed rulemaking will be issued.

On August 9, 1976, Proposed Procedures and Requirements Regarding Applications and Disbursements for Assistance to States for Rail Service Assistance under Section 5 of the Department of Transportation Act were published in the FEDERAL REGISTER (41 FR 33354) as proposed Part 266 of the Code of Federal Regulations. Comments received in response to the proposed rules requested clarification of the scope of "substitute service assistance" to be provided pursuant to section 5(f) (4) of the act.

It was also suggested that both the relocation of shippers located on eligible lines and operating subsidies for use of non-rail freight transportation be included as eligible assistance programs. Adoption of these suggestions and promulgation of eligibility criteria, procedures and requirements to implement them would have significant implications with respect to the scope of assistance provided under the act. In light of this and because the question of substitute service assistance was not widely addressed in either the proposed rules or in the comments received, it is felt that interested parties should be given an opportunity to participate in the formulation of specific rules regarding such assistance.

Comments are requested regarding the potential impact, both positive and negative, upon the States, railroads, shippers, and the general public resulting from such assistance programs. Comments are specifically requested regarding the following areas of interest:

A. *Relocation of shippers.* 1. Should relocation of shippers be considered substitute service assistance?

2. If relocation is included as substitute service assistance what should such assistance consist of?

3. What should be allowed as proper relocation costs? If necessary explain the methods of arriving at such costs.

4. What eligibility criteria should govern receipt of relocation assistance? To what extent should such assistance be limited by shipper location, duration of use, and traffic density?

5. To what extent are administrative problems foreseen as a result of such assistance?

B. *Operating subsidies for use of non-rail freight transportation.* 1. Should such operating subsidies be considered substitute service assistance?

2. If such subsidies are to be provided, what geographic or modal requirements should be considered?

3. What should be considered proper allowable costs? If necessary explain the methods of arriving at such costs. Suggest methods for determining substitute service costs.

4. What eligibility criteria should govern receipt of such assistance. To what extent should such assistance be limited by shipper location, duration of use, and traffic density?

5. To what extent are any administrative problems foreseen as a result of such assistance?

C. *General.* What other assistance programs, if any, should be considered substitute service assistance?

This advance notice of proposed rulemaking is issued under authority of section 5 of the Department of Transportation Act, as amended, 49 U.S.C. 1654 and 49 CFR 1.49(u).

Issued in Washington, D.C., on December 23, 1977.

JOHN M. SULLIVAN,  
Administrator.

[FR Doc.78-268 Filed 1-5-78;8:45 am]

#### [ 7035-01 ]

#### INTERSTATE COMMERCE COMMISSION

[ 49 CFR Part 1057 ]

[Ex Parte No. MC-43 (Sub-No. 7)]

#### LEASE AND INTERCHANGE OF VEHICLES

#### Extension of Time for Filing Comments

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing comments in the above-entitled rulemaking proceeding.

**SUMMARY:** The purpose of this document is to announce an extension of the time for filing comments in the above-entitled rulemaking proceeding.

**DATES:** Comments must be received on or before February 22, 1978.

**ADDRESSES:** Send comments to: Interstate Commerce Commission, 12th St., and Constitution Ave., NW., Washington, D.C. 20423. All written submissions will be available for public inspection during regular business hours at the same address.

#### FOR FURTHER INFORMATION CONTACT:

Edward J. Schack, Associate Director, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

**SUPPLEMENTARY INFORMATION:** The time for filing comments in the above-entitled proceeding, originally set as January 23, 1978, is now extended to February 22, 1978. No further extensions will be granted.

H. G. HOMME, JR.,  
Acting Secretary.

[FR Doc.78-385 Filed 1-5-78;8:45 am]



# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-07]

## DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation No. A544]

### ARKANSAS

#### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Arkansas Counties as a result of various adverse weather conditions shown in the following chart:

#### ARKANSAS (6 COUNTIES)

Clay: drought April 1 through June 30, 1977 excessive rainfall September 1 through 30, 1977.

Craighead: drought April 20 through September 24, 1977 Cache River overflow September 25 through 30, 1977.

Greene: drought June 1 to September 13, 1977 flood conditions September 14 to 30, 1977.

Lawrence: flooding along Cache River, Village Creek, and other tributaries September 24 through 30, 1977 (with high winds).

Mississippi: drought May 10 through August 31, 1977 excessive rainfall September 5 through 25, 1977 frost October 12, 1977.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904 Subpart C, Exhibit B, Paragraph V B, including the recommendation of Governor David H. Pryor that such designation be made.

Applications for emergency loans must be received by this Department no later than June 15, 1978, for physical losses and December 18, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 23d day of December 1977.

GORDON CAVANAUGH,  
Administrator,  
Farmers Home Administration.  
[FR Doc. 78-211 Filed 1-5-78; 8:45 am]

[3410-07]

[Designation Number A545]

### VIRGINIA

#### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Nelson County, Va., as a result of intermittent freeze and/or frost April 6 through May 10, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor Mills E. Godwin, Jr. that such designation be made.

Applications for emergency loans must be received by this Department no later than June 19, 1978, for physical losses and December 20, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 23rd day of December 1977.

GORDON CAVANAUGH,  
Administrator,  
Farmers Home Administration.

[FR Doc. 78-212 Filed 1-5-78; 8:45 am]

[3410-30]

#### Food and Nutrition Service

### NATIONAL SCHOOL LUNCH PROGRAM AND CHILD CARE FOOD PROGRAM

National Average Minimum Value of Donated Foods for the Period July 1, 1977-June 30, 1978

Pursuant to sections 8(e), and 17(e) of the National School Lunch Act, as amended by Pub. L. 95-166, and the regulations governing the Donation of Foods (7 CFR Part 250) and Cash in Lieu of Commodities (7 CFR Part 240); notice is hereby given that the national average minimum value of donated foods, or cash in lieu thereof, per lunch under the National School Lunch Program (7 CFR Part 210) and per lunch and supper under the Child Care Food Program (7 CFR Part 226), shall be 12.75 cents for the period July 1, 1977-June 30, 1978. This value was derived by applying the percentage increase in the series for food away from home of the Consumer Price Index during the period June 1976 to May 1977 (from 184.8 in May 1976 to 199.3 in May 1977) to the national average minimum value prescribed for the period July 1, 1976-September 30, 1977, adjusted to the nearest one-fourth cent.

(Catalog of Federal Domestic Assistance Numbers 10.555 and 10.558.)

Effective date: This notice shall be effective as of July 1, 1977.

Dated: December 22, 1977.

CAROL TUCKER FOREMAN,  
Assistant Secretary for Food  
and Consumer Services.

[FR Doc. 78-444 Filed 1-5-78; 8:45 am]

[3410-30]

#### SPECIAL MILK PROGRAM FOR CHILDREN

Rate of Reimbursement for the Period July 1, 1977-June 30, 1978

Pursuant to section 3 of the Child Nutrition Act of 1966 and section 215.8 of the regulations governing the Special Milk Program for Children (7 CFR Part 215), notice is hereby given that the rate of reimbursement per half pint (236 ml) of milk shall be 6.25 cents for the period July 1, 1977-June 30, 1978. This rate applies to all milk served to children in nonpricing programs and to children other than

needy children in pricing programs. This rate was derived by applying the percentage increase in the series for food away from home of the Consumer Price Index during the twelve month period June 1976-May 1977 (from 184.8 in May 1976 to 199.3 in May 1977) to the unrounded rate of reimbursement prescribed for the period July 1, 1976-September 30, 1977. The new rate is adjusted to the nearest one-fourth cent as required by law.

(Catalog of Federal Domestic Assistance Number 10.558.)

Effective date: This notice shall be effective as of July 1, 1977.

Dated: December 22, 1977.

CAROL TUCKER FOREMAN,  
Assistant Secretary for Food  
and Consumer Services.

[FR Doc. 78-445 Filed 1-5-78; 8:45 am]

[3410-11]

#### Forest Service Land Management Plan

### TRABUCO PLANNING UNIT—CLEVELAND NATIONAL FOREST

#### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the U.S. Forest Service, Department of Agriculture, has prepared a Draft Environmental Statement for the Land Management Plan, Trabuco Planning Unit, Cleveland National Forest, Calif., USDA-FS-R5-DES (Adm)-78-01.

This draft statement concerns a proposed land management plan for 134,500 acres of National Forest lands known as the Trabuco Ranger District on the Cleveland National Forest, in Orange, Riverside, and San Diego Counties, Calif. 79,800 acres of land have been inventoried as unroaded and undeveloped. Four alternatives have been developed for consideration but none has been identified as preferred at this time.

This draft statement was transmitted to the Council on Environmental Quality on November 1, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agricultural Building, Room 3210, 12th Street & Independence Avenue SW., Washington, D.C. 20250.

Regional Forester, U.S. Forest Service, Room 529, 830 Sansome Street, San Francisco, Calif. 94111.

Cleveland National Forest, 880 Front Street, Room 6-S-5, San Diego, Calif. 92188.

Trabuco District Ranger, 34 Civic Center Plaza, Room 926, Santa Ana, Calif. 92701.

A limited number of copies are available, upon request, from Forest Supervisor Frederik G. deHoll, Cleveland

National Forest, 880 Front Street, Room 6-S-5, San Diego, Calif. 92188.

Comments are invited from the public, from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental effect for which comments have not been specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Frederik G. deHoll, Forest Supervisor, Cleveland National Forest, 880 Front Street, Room 6-S-5, San Diego, Calif. 92188. Comments must be received by February 6, 1978 in order to be considered in preparation of the Final Environmental Statement and Land Management Plan.

CURTIS L. SMITH,  
Deputy Regional Forester.  
[FR Doc. 78-213 Filed 1-5-78; 8:45 am]

[3410-11]

### SILVICULTURAL TREATMENTS WITH HERBICIDES NORTH IDAHO FORESTS

#### Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Silvicultural Treatments with Herbicides, North Idaho Forests, USDA-FS-DES-R-1 (adm).

The environmental statement concerns a proposed reduction of competing vegetation, with herbicides, as a part of the timber resource management activities on National Forest lands.

This draft environmental statement was transmitted to EPA on December 28, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, Federal Building, Missoula, Mont. 59807.

USDA, Forest Service, 1201 Ironwood Drive, Coeur D'Alene, Idaho 83814.

USDA, Forest Service, Route 4, Orofino, Idaho 83544.

USDA, Forest Service, 319 East Main Street, Grangeville, Idaho 83530.

A limited number of single copies are available upon request to Forest Supervisor, Idaho Panhandle National Forests, P.O. Box 310, Coeur D'Alene, Idaho 83814.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in CEQ guidelines.

Comments are invited from the public, and from State and local agen-

cies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to the Forest Supervisor, Idaho Panhandle National Forests, Box 310, Coeur d'Alene, Idaho 83814. Comments must be received by February 27, 1978, in order to be considered in the preparation of the final environmental statement.

Dated December 28, 1977.

RALPH D. KIZER,  
Forest Supervisor.

[FR Doc. 78-259 Filed 1-5-78; 8:45 am]

[6320-01]

### CIVIL AERONAUTICS BOARD

[Docket Nos. 31870, 31791 and Order 77-12-115]

### BALTIMORE/WASHINGTON-HOUSTON LOW-FARE ROUTE CASE AND TEXAS INTERNATIONAL AIRLINES

Order Instituting Investigation; Houston-Baltimore/Washington Low Fare "Peanuts Route" Extension; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22nd day of December 1977.

In FR Doc. 77-37251, appearing at page 65226 in the issue of December 30, 1977, ordering paragraph No. 9 on page 65227 should read as follows:

"9. Texas International Airlines, Delta Air Lines, Eastern Air Lines, the Department of Justice, the Department of Transportation, the City of Houston, the Houston Chamber of Commerce, the City of Harlingen, and the State of Maryland be made parties to the proceeding instituted by paragraph 2, above; and"

By the Civil Aeronautics Board.

Dated: December 27, 1977.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-276 Filed 1-5-78; 8:45 am]

[6320-01]

[Dockets 31818, 31823, 31824, and Order 77-12-149]

### SOCIETE ANONYME BELGE D'EXPLOITATION DE LA NAVIGATION AERIENNE AND NATIONAL AIRLINES, INC.

Proposed United States-Italy Fares, Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington,



D.C., on the 29th day of December 1977.

By tariff revisions filed December 7, 1977, for effect January 6, 1978, Societe Anonyme Belge d'Exploitation de la Navigation Aerienne (Sabena) and National Airlines, Inc. (National), propose to match reduced fares recently implemented by Alitalia-Linee Aeree Atallane, S.p.A. (Alitalia) and other carriers in the United States-Italy Market. Sabena's fares would apply on routings via Belgium, and National's fares would apply on its routings from Miami via London or Paris.<sup>1</sup>

Complaints requesting suspension pending investigation of both tariff filings have been submitted by Alitalia, and a complaint against Sabena's filing has been filed by Trans World Airlines, Inc. (TWA).

In its complaints, Alitalia asserts that neither Sabena nor National is authorized to serve the U.S.-Italy market; the proposed tariffs are an unlawful extension of those carriers' operating rights rather than a mere "matching" competitive filing; although Sabena's tariff implies that it would conduct U.S.-Italy services without stopovers, in fact its passengers would have to disembark in Belgium and take a different Sabena flight to Italy; since Sabena's New York-Brussels and New York-Italy promotional fares would be approximately equal, the Brussels/Italy segment would provide no revenue to cover its total costs; and National's fares would be basically interline fares since National has no authority to carry passengers through to Italy and therefore does not qualify to match Alitalia's fares.

In its complaint against Sabena, TWA alleges that Sabena's tariff would allow stopovers on the reduced normal economy fare; although TWA does not serve Belgium, it is concerned about the implications in other U.S.-Europe markets; and if TWA chooses to match liberal stopover tariffs such as Sabena's, it will incur substantial prorated losses when it hands off the traffic to foreign carriers, with the result that there will be continued cross-subsidization between point-to-point and stopover passengers.

In answer to Alitalia's complaint, National contends that, although Alitalia argues that it should not be allowed to participate in U.S.-Italy traffic by applying the recently reduced fares, if an IATA agreement were in effect there would be no question about its ability to construct Miami-Italy fares at the New York level; National's filing only provides Florida passengers the opportunity to travel at the reduced New York-Italy fares using routings and construction rules already in effect, which is clearly in

<sup>1</sup>National would apply the New York-Italy levels from Miami.

the public interest; and Alitalia merely wishes to force all U.S.-Italy traffic to move over routings in which it participates and thus restrain competition.

In answer to the Alitalia and TWA complaints, Sabena states that it considers it has the right to file matching fares to Italy even though the traffic may move via connecting services; if Alitalia presses the point the Board should investigate all of Alitalia's fares beyond Italy to third countries; and Sabena is amending its tariff to prohibit all stopovers on the proposed fares, which should meet TWA's principal objection.

Upon consideration, the Board finds that the complaints do not state facts sufficient to warrant suspension or investigation, and they will therefore be dismissed. The pre-existing U.S.-Italy fares were available on Sabena and National via their respective European gateways, and there is no reason to prevent the new reduced U.S.-Italy fares from being available to the public on these routings, or to prevent carriers from competing for the traffic over their own routes. The existing IATA fare structure and construction rules allow up to 20-percent circuitry over the direct route mileage at no extra charge and, as Sabena points out, Alitalia itself has numerous fares on file to third countries beyond Italy on services which operate via its country.

Although the Board has expressed its concern with excessive circuitry and stopovers, which is an issue in Docket 27918, *North Atlantic Fare Investigation*, the U.S.-Italy fares proposed by Sabena and National allow no stopovers, and there is no basis for discriminating against passengers desiring to use the new low U.S.-Italy fares by restricting their availability to only three carriers,<sup>2</sup> especially since other U.S.-Europe fares are generally available on almost any choice of carrier and routing.

In 1971, the Board conditioned the IATA Permanent Effectiveness Resolution to provide that U.S.-flag carriers be permitted to compete directly with foreign-government ordered fares, using their own on-line services as well as connecting services provided with other carriers.<sup>3</sup> This essential principal of equal opportunity to compete applies equally to all fares whether government-ordered or not.

<sup>2</sup>Only Alitalia, TWA, and Pan American are authorized to provide direct U.S.-Italy passenger service.

<sup>3</sup>Order 71-4-103, April 15, 1971. The situation arose when National had received an order of the United Kingdom Government to transport ships' crews at reduced rates to London. However, before the Board's action, it could not compete effectively with BOAC for this traffic to beyond third countries because it had not received government orders from countries which it did not have the authority to serve.

Accordingly, pursuant to sections 102, 204, 403, and 1002(j) of the Federal Aviation Act,

It is ordered, That: 1. Except to the extent granted here, the complaints of Alitalia-Linee Aeree Italiane, S.p.A. in Dockets 31823 and 31824, and of Trans World Airlines, Inc., in Docket 31818, are dismissed; and

2. Copies of this order shall be served upon Alitalia-Linee Aeree Italiane, S.p.A., Trans World Airlines, Inc., National Airlines, Inc., and Societe Anonyme Belge d'Exploitation de la Navigation Serienne.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.\*

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-277 Filed 1-5-78; 8:45 am]

#### [6335-01]

##### COMMISSION ON CIVIL RIGHTS

###### ALASKA ADVISORY COMMITTEE

###### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Alaska Advisory Committee (SAC) OF the Commission will convene at 6:30 p.m. and will end at 10 p.m. on January 20, 1978 in the Anchorage Westward Hilton, Third at E Street, Anchorage, Alaska 99501.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwest Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Wash. 98174.

The purpose of this meeting is to discuss and review preliminary outline of report written from field interviews. This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 3, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 78-265 Filed 1-5-78; 8:45 am]

#### [6335-01]

##### IOWA ADVISORY COMMITTEE

###### Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting

\*All Members concurred.

#### [3510-07]

##### DEPARTMENT OF COMMERCE

###### Bureau of the Census

###### CENSUS ADVISORY COMMITTEE ON HOUSING FOR THE 1980 CENSUS

###### Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I, and Office of Management and Budget Circular A-63 (revised), it has been determined that the renewal of the Census Advisory Committee on Housing for the 1980 Census is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was established in 1976 by the Secretary of Commerce under the Federal Advisory Committee Act (Pub. L. 92-463). Its present charter is scheduled to expire December 31, 1977. The present objective of the Committee is to provide technical advice and guidance in planning the forthcoming decennial census of housing to ensure that the major statistical requirements of decisionmakers are provided by the 1980 Census of Housing program. The Committee provides advice on housing subject-matter concepts, questionnaire content, tabulations, data dissemination plans and other relevant aspects of the overall 1980 census program. The Committee is strictly advisory. In renewing the Committee, no significant change of objectives or emphasis is planned.

The Committee will continue to consist of 18 members including a representative from each of nine major national organizations with different interests, and nine members appointed by the Secretary of Commerce. These represent as widely as possible the data users vitally concerned with the many aspects of the Nation's housing. The Chairperson and Chairperson Elect will continue to be elected for a 1-year term by the Committee which will operate in compliance with the Federal Advisory Committee Act.

Copies of the Committee's charter will be filed with the appropriate committees of the Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Arthur F. Young, Housing Division, Room 303, Scuderi Building, Bureau of the Census, Washington, D.C. 20233, telephone 301-763-2863.

Dated: December 22, 1977.

DAVID S. NATHAN,  
Acting Assistant Secretary  
for Administration.

[FR Doc. 78-214 Filed 1-5-78; 8:45 am]

#### [3510-25]

##### Industry and Trade Administration

###### NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

###### Periodically Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Monday, January 31, 1978, at 10:00 a.m. in Room 5611, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology (C) licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has five parts:

###### GENERAL SESSION

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Discussion of industrial robot performance criteria.
- (4) Discussion of dimensional inspection machine performance criteria.

###### EXECUTIVE SESSION

- (5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined



on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Industry and Trade Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 1, 1977, (42 FR 5991).

Dated: December 30, 1977.

LAWRENCE J. BRADY,  
Acting Director, Office of Export  
Administration, Department  
of Commerce.

[FR Doc. 78-204 Filed 1-5-78; 8:45 am]

#### [3510-25]

##### MICROCIRCUIT SUBCOMMITTEE OF THE SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

###### Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee will be held on Thursday, January 12, 1978, at 9:30 a.m., in Conference Room D, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. The meeting will continue January 13, in Confer-

ence Room D, Main Commerce Building, to its conclusion. In view of the urgent need of the Department of Commerce and other agencies advising it on export control matters, it is necessary for this Subcommittee to complete its review of the International List of embargoed commodities as it pertains to semiconductors and related commodities. This review must be completed at the earliest possible date to assure that the U.S. negotiating position for the International List Review negotiations will be tabled on time. Therefore, this notice is being published less than 15 days in advance of the meeting.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Microcircuit Subcommittee was established on December 28, 1977, with the approval of the Assistant Secretary for Industry and Trade, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Microcircuit Subcommittee was formed to study microcircuit devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409 that the matters to be discussed in the Executive

Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the meeting have been properly classified under Executive Order 11652. All Subcommittee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone area code 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on March 2, 1977 (42 FR 12078).

Dated: January 3, 1978.

RAUER H. MEYER,  
Director, Office of Export Ad-  
ministration, Bureau of Trade  
Regulation, U.S. Department  
of Commerce.

[FR Doc. 78-329 Filed 1-5-78; 8:45 am]

#### [3510-25]

##### MATERIALS AND ACOUSTIC WAVE, MEMORY AND PHOTO CONDUCTIVE DEVICE SUBCOMMITTEE OF THE SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

###### Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Materials and Acoustic Wave, Memory and Photo Conductive Device Subcommittee of the Semiconductor Technical Advisory Committee will be held on Thursday, January 12, 1978, at 9:30 a.m., in Conference Room B, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. The meeting will continue January 13, in Conference Room B, Main Commerce Building, to its conclusion. In view of the urgent need of the Department of Commerce and other agencies advising it on export control matters, it is necessary for this Subcommittee to complete its review of the International List of embargoed commodities as it pertains to semiconductors and related commodities. This review must

be completed at the earliest possible date to assure that the U.S. negotiating position for the International List Review negotiations will be tabled on time. Therefore, this notice is being published less than 15 days in advance of the meeting.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Materials and Acoustic Wave, Memory and Photo Conductive Device Subcommittee was established on December 28, 1977, with the approval of the Assistant Secretary for Industry and Trade, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including the proposed revisions of any such multilateral controls. The Materials and Acoustic Wave, Memory and Photo Conductive Device Subcommittee was formed to study materials, acoustic wave devices, memory devices and photo conductive devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409 that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein,

because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the meeting have been properly classified under Executive Order 11652. All Subcommittee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone area code 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on March 2, 1977 (42 FR 12078).

Dated: January 3, 1978.

RAUER H. MEYER,  
Director, Office of Export Ad-  
ministration, Bureau of Trade  
Regulation, U.S. Department  
of Commerce.

[FR Doc. 78-343 Filed 1-5-78; 8:45 am]

#### [3510-25]

##### TRANSISTOR, DIODE AND THYRISTOR SUBCOMMITTEE OF THE SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

###### Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Transistor, Diode and Thyristor Subcommittee of the Semiconductor Technical Advisory Committee will be held on Thursday, January 12, 1978, at 9:30 a.m., in Conference Room A, Main Commerce Building, 14th and Constitution Avenue NW., Washington D.C. The meeting will continue January 13 in Conference Room A, Main Commerce Building, to its conclusion. In view of the urgent need of the Department of Commerce and other agencies advising it on export control matters, it is necessary for this Subcommittee to complete its review of the International List of embargoed commodities as it pertains to semiconductors and related commodities. This review must be completed at the earliest possible date to assure that the U.S. negotiating position for the International List Review negotiations will be tabled on time. Therefore, this notice is being published less than 15 days in advance of the meeting.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Transistor, Diode and Thyristor Subcommittee was established on December 28, 1977, with the approval of the Assistant Secretary for Industry and Trade, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Transistor, Diode and Thyristor Subcommittee was formed to study the transistor, diode and thyristor semiconductor devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409 that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the meeting have been properly classified



under Executive Order 11652. All Subcommittee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone area code 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the **FEDERAL REGISTER** on March 2, 1977 (42 FR 12078).

Dated January 3, 1978.

RAUER H. MEYER,  
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-344 Filed 1-5-78; 8:45 am]

### [3510-03]

Maritime Administration

LYKES BROS. STEAMSHIP CO., INC.

Application for Twenty-Year Operating-Differential Subsidy Agreement

Notice is hereby given that with respect to the application of Lykes Bros. Steamship Co., Inc. (Lykes) for a twenty-year operating-differential subsidy agreement (ODSA), and in consideration of Lykes' application involving major essential trade routes and the operation thereon of vessels, including technologically advanced vessels, the Maritime Subsidy Board has decided, in the exercise of its discretion, to extend an opportunity for interested parties to present their views on the section 601(a)(4) aspects of the application. These views will aid the Board in determining, pursuant to section 601(a)(4) of the Merchant Marine Act, 1936, as amended, whether the granting of operating-differential subsidy aid sought is necessary to place the proposed operations of the vessel or vessels on a parity with foreign competitors and is reasonably calculated to carry out effectively the purposes and policy of the Act. The comments will be considered separately from any consideration of the 605(c) issues under Docket No. S-451.

Any person, firm or corporation having an interest in the section 601(a)(4) findings is invited to file written comments by the close of business on February 3, 1978 with the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230. Any

reply to submitted comments shall be filed with the Secretary by close of business on March 6, 1978.

Dated: December 29, 1977.

By Order Of The Maritime Subsidy Board/Maritime Administration.

ROBERT J. PATTON, Jr.,  
Assistant Secretary.

[FR Doc. 78-147 Filed 1-5-78; 8:45 am]

### [3510-03]

STATES STEAMSHIP CO.

Application for Twenty-Year Operating-Differential Subsidy Agreement

Notice is hereby given that with respect to the application of States Steamship Co. (States) for a twenty-year operating-differential subsidy agreement (ODSA), and in consideration of States' application involving major essential trade routes and the operation thereon of vessels, including technologically advanced vessels, the Maritime Subsidy Board has decided, in the exercise of its discretion, to extend an opportunity for interested parties to present their views on the section 601(a)(4) of the Merchant Marine Act, 1936, as amended, whether the granting of operating-differential subsidy aid sought is necessary to place the proposed operations of the vessel or vessels on a parity with those of foreign competitors and is reasonably calculated to carry out effectively the purposes and policy of the Act. The comments will be considered separately from any consideration of the 605(c) issues under Docket No. S-447.

Any person, firm or corporation having an interest in the section 601(a)(4) findings is invited to file written comments by the close of business on February 3, 1978 with the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230. Any reply to submitted comments shall be filed with the Secretary by close of business on March 6, 1978.

Dated: December 29, 1977.

By Order Of The Maritime Subsidy Board/Maritime Administration.

ROBERT J. PATTON, Jr.,  
Assistant Secretary.

[FR Doc. 78-309 Filed 1-5-78; 8:45 am]

### [3510-12]

National Oceanic and Atmospheric Administration

PRE-ACT ENDANGERED SPECIES PRODUCTS

Issuance of Certificates of Exemption

On November 18, 1977, notice was published in the **FEDERAL REGISTER** (42

FR 59317-59318) that applications had been filed with the National Marine Fisheries Service by Barbara Curtis, Daniel A. Krapf, Lesley S. Zaret, and William R. Haffenreffer, and Shulton, Inc. for Certificates of Exemption to engage in certain commercial activities with respect to their declared inventories of pre-Act endangered species products.

Notice is hereby given that on December 30, 1977, as authorized by Public Law 94-359, and the regulations issued thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued Certificates of Exemption to the following:

1. Barbara Curtis, 1538 Earl Road, Wadsworth, N.Y. 11793.

*Parts or products exempted:* Finished scrimshaw products consisting of approximately 27 etched sperm whale teeth and 12 pieces of etched baleen. Finished scrimshaw products to be made from approximately 60 sperm whale teeth, 25 pieces of baleen and 1 piece of sperm whale pan bone.

2. Daniel A. Krapf, 2050 Wooster Road, Apt. No. 4, Rocky River, Ohio 44118.

*Parts or products exempted:* Finished scrimshaw products to be made from approximately 85 pounds of sperm whale teeth.

3. Lesley S. Zaret and William R. Haffenreffer, Box 561 Madaket, Nantucket, Mass. 02554.

*Parts or products exempted:* Finished scrimshaw products to be made from approximately 87 sperm whale teeth.

4. Shulton, Inc., 1725 South Third Street, Memphis, Tenn. 38108.

*Parts or products exempted:* Approximately 975 pounds of hydrogenated sperm whale oil.

The Certificates of Exemption are available for review during normal business hours in the office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Dated: December 30, 1977.

WINFRED H. MEIBOHM,  
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-271 Filed 1-5-78; 8:45 am]

### [5820-33]

COMMITTEE FOR PURCHASE FROM BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1978 commodities to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: January 6, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On September 16, 1977, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 46570), of proposed additions to Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1978:

CLASS 5440

Stepladder, Aluminum (IB), 5440-00-514-4483; 5440-00-514-4485; 5440-00-514-4487; (For GSA Region 7 only).

C. W. FLETCHER,  
Executive Director.

[FR Doc. 77-255 Filed 1-5-77; 8:45 am]

### [6820-3]

PROCUREMENT LIST 1978

Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Deletion from procurement list.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1978 a commodity produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: January 6, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On November 11, 1977, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 58774), of proposed deletion from Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed

below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodity is hereby deleted from Procurement List 1978:

CLASS 7510

Refill, List Finder, Automatic (SH), 7510-00-53-7191.

C. W. FLETCHER,  
Executive Director.

[FR Doc. 78-256 Filed 1-5-78; 8:45 am]

### [6820-33]

PROCUREMENT LIST 1978

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1978 services to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: February 9, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1978, November 14, 1977 (42 FR 59015):

SIC 0782

Grounds Maintenance, Air Route Traffic Control Center, Federal Aviation Administration, Ronkonkoma, N.Y.

SIC 7349

Janitorial Services, Human Resources Spaces only of Building 119, Ault Field, Naval Air Station, Whidbey Island, Wash.

C. W. FLETCHER,  
Executive Director.

[FR Doc. 78-257 Filed 1-5-78; 8:45 am]

### [6820-33]

PROCUREMENT LIST 1978

Proposed Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: proposed deletion from procurement list.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1978 military resale items produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: February 9, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

It is proposed to delete the following military resale items from Procurement List 1978, November 14, 1977 (42 FR 59015):

Military Resale Item No. and Name

No. 998—Dish, plastic, pet.

No. 999—Dish, plastic, pet.

C. W. FLETCHER,  
Executive Director.

[FR Doc. 78-258 Filed 1-5-78; 8:45 am]

### [3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR UNIVERSITY BOARD OF VISITORS

Meeting

The Air University Board of Visitors will hold an open meeting on March 14, 1978, at 1 p.m. in the Air University Conference Room, Austin Hall (Building 800), Maxwell Air Force Base, Ala.

The purpose of this meeting is to give the board an opportunity to present to the Commander, Air University, a report of the findings and recommendations concerning Air University educational programs.

For further information on this meeting contact Dorothy D. Reed, Coordinator, AU Board of Visitors, Office of the Deputy Chief of Staff, Education, Headquarters Air University (EDV), telephone 205-293-7423.

FRANKIE S. ESTEP,

Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-215 Filed 1-5-78; 8:45 am]



[3810-70]

## Office of the Secretary

## PRESIDENT'S COMMISSION ON MILITARY COMPENSATION

## Notification of Meeting and Public Hearing

Pursuant to Pub. L. 92-463 notice is hereby given of a public hearing and a meeting of the President's Commission on Military Compensation that will be held on January 18, 1978, in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C. The hours for the public hearing are 9 a.m. to 12 noon and for the meeting, 1:30 p.m. to 4:30 p.m.

## MEETING

The subject of the meeting will be military retirement. The meeting is open to the public, but observers may not participate in the discussion.

## PUBLIC HEARING

The witnesses scheduled for the public hearing, as follows:

- 9 a.m.—The Honorable Clifford L. Alexander, Jr., Secretary of the Army.
- 9:30 a.m.—The Honorable W. Graham Clayton, Jr., Secretary of the Navy.
- 10 a.m.—The Honorable John C. Stetson, Secretary of the Air Force.
- 10:30 a.m.—Admiral J. L. Holloway, USN, Chief of Naval Operations.
- 11 a.m.—General George S. Brown, USAF, Chairman, Joint Chiefs of Staff.
- 11:30 a.m.—The Honorable John P. White, Assistant Secretary of Defense (MRA&L).

Questions on these matters may be addressed to the President's Commission on Military Compensation, 666 11th Street NW., Suite 520, Washington, D.C. 20001.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, Washington Headquarters Services, Department  
of Defense.

DECEMBER 28, 1977.

[FR Doc. 78-216 Filed 1-5-78; 8:45 am]

[6740-02]

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

[Project No. 460]

## CITY OF TACOMA, WASH.

## Extension of Time

DECEMBER 27, 1977.

On December 22, 1977, Staff Counsel filed a motion to extend the time for filing a response to the motion filed by the Skokomish Indian Tribe on December 13, 1977, in the above referenced proceeding. The motion states

that the city of Tacoma, Wash., does not oppose the requested extension. Upon consideration, notice is hereby given that the date for filing responses to the December 13, 1977, motion is extended to and including January 12, 1978.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-235 Filed 1-5-78; 8:45 am]

[6740-02]

[Projects Nos. 2576, 2604, 2632 and 2646]

## CONNECTICUT LIGHT &amp; POWER CO.

## Order Consolidating Proceedings and Requiring the Filing of Application for License

DECEMBER 19, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 204(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR , provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

By order of May 24, 1976, the FPC affirmed the Presiding Administrative Law Judge's initial decision issued August 19, 1975, finding that the Housatonic River is a navigable waterway of the United States within the meaning of section 3(8) of the Federal Power Act, 16 U.S.C. § 796(8), and that Projects Nos. 2576, 2604, 2632, and 2646 are subject to the FPC's licensing jurisdiction. Connecticut Light &

Power Co., Order Affirming Initial Decision, Projects Nos. 2576, 2604, 2632, and 2646, issued May 24, 1976; also, Connecticut Light & Power Co., Order Denying Application For Rehearing, Projects Nos. 2576, 2604, 2632, 2646, issued July 23, 1976. On June 27, 1977, the Second Circuit Court of Appeals upheld the FPC's finding that the Housatonic River was a navigable waterway of the United States. *Connecticut Light and Power Co. v. FPC*, 557 F. 2d 348 (1977).

Currently on file are incomplete applications for licenses for the four projects: Project No. 2576 filed on February 28, 1966; Project No. 2604 filed on July 1, 1966; Project No. 2632 filed on December 29, 1966; and Project No. 2646 filed on April 28, 1967. Since these applications were filed, the regulations governing the content of applications for license, § 4.41, 18 CFR 4.41 (1977), have changed substantially.

Therefore, it is necessary that Connecticut Light & Power Co. make such revisions as are necessary to comply with the current regulations. Further, in view of the inter-relationship of the various project operations, both hydraulically and electrically, we believe that it is appropriate to consolidate these proceedings and require that a revised application be filed incorporating therein under Project No. 2576 all four developments on the Housatonic River.

The Commission finds: (1) It is appropriate to consolidate the applications for license for Projects Nos. 2576, 2694, 2632, and 2646 into a single proceeding designated as Project No. 2576.

(2) It is appropriate under the Federal Power Act and in the public interest that Connecticut Light & Power Co. file a revised application for license for designated Project No. 2576, incorporating therein all four developments on the Housatonic River.

The Commission orders: (A) The license applications for Project Nos. 2576, 2604, 2632, and 2646 are hereby consolidated into a single proceeding designated as Project No. 2576.

(B) Connecticut Light & Power Co. shall file within 180 days of the date of issuance of this order a revised application for license for Project No. 2576 in accordance with the applicable Rules and Regulations, including §§ 4.30, 4.40, and 4.41, 18 CFR 4.30, 4.40, and 4.41 (1977).

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-236 Filed 1-5-78; 8:45 am]

\*E.g. Alpena Power Co., 39 FPC 158 (1968).

[6740-02]

[Docket No. ES78-15]

## EL PASO ELECTRIC CO.

## Application

DECEMBER 28, 1977.

Take notice that on December 13, 1977, El Paso Electric Co. (Applicant), filed an application with the Federal Energy Regulatory Commission (Commission), pursuant to section 204 of the Federal Power Act seeking authorization to issue up to 500,000 shares of Common Stock and requesting exemption of such Common Stock from the competitive bidding requirements under the Commission's regulations.

The Applicant states that the Common Stock is to be issued from time to time pursuant to the provisions of the Applicant's Employee Stock Ownership Plan and Trust (Plan), which is intended to qualify as a stock bonus plan under section 401 of the Internal Revenue Code of 1954 and as an employee stock ownership plan under section 301(d) of the Tax Reduction Act of 1975. The Applicant further states that the price at which the Common Stock will be issued into the Plan shall be the average of the last bid and asked prices as quoted by the National Association of Securities Dealer's Automated Quotation System for the 20 consecutive trading days immediately preceding the date of transfer to the Plan.

In addition, the Applicant reports that it will realize from the issuance of such Common Stock an additional investment credit against Federal income tax liability equivalent to the value of the Common Stock issued to such Plan. The proceeds in the form of a Federal income tax credit will be added to the general funds of the Applicant and will be used to refund a portion of its short term debt.

The Applicant is a Texas corporation with its principal business office at El Paso, Tex., and is engaged in the electric utility business in Texas and New Mexico in an area in the Rio Grande Valley extending approximately 110 miles northwesterly from El Paso to the Caballo Dam in New Mexico and approximately 120 miles southeasterly from El Paso to Van Horn. The area contains a population of approximately 480,000, of whom 365,000 reside in metropolitan El Paso.

Any person desiring to be heard or to make any protest with reference to such application should on or before January 6, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions or protests in accordance with the requirements of §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18

CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-237 Filed 1-5-78; 8:45 am]

[6740-02]

[Docket No. RP74-50-1, et al.]

## FLORIDA GAS TRANSMISSION CO.

## Public Conference

DECEMBER 27, 1977.

Take notice that a public conference in the captioned docket, will be convened at 9 a.m. on January 16, 1978, in a conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An administrative law judge to be designated by the chief administrative law judge for that purpose (see delegation of authority, 18 CFR 3.5(d)), shall preside at the conference in this proceeding with authority to establish and change all procedural dates and rule on such matters necessary for the expeditious determination of this proceeding as further provided for in the Commission's rules of practice and procedure.

The purpose of the meeting is to discuss the merits of a proposed compensation plan in connection with the grants of extraordinary relief per the mandate from the United States Court of Appeals for the Fifth Circuit in *Fort Pierce Utility Authority of the City of Fort Pierce, et al. v. Federal Power Commission*, 526 F.2d 993 (5th Cir. 1976).

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission or the United States Court of Appeals for the Fifth Circuit, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the compensation plan and any procedural matters preparatory to a full evidentiary hearing or such other procedures as may be ordered.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-238 Filed 1-5-78; 8:45 am]

[6740-02]

## IOWA PUBLIC SERVICE CO.

[Docket No. ES78-4]

## Application

DECEMBER 28, 1977.

Take notice that on December 15, 1977, the Iowa Public Service Co. (Applicant), filed an application pursuant to section 204 of the Federal Power Act for authorization to issue up to 150,000 shares of Class A Preferred Stock (approximately \$15 million), via competitive bidding.

The Applicant is incorporated under the laws of the State of Iowa, with its principal business office at Sioux City, Iowa, and is engaged in the electrical utility business in Northwestern, Northcentral, and Eastcentral Iowa, and a few small communities in South Dakota.

The Applicant proposes to sell the Preferred Stock at competitive bidding in accordance with the applicable requirements of section 34.1a of the Commission's regulations.

The Applicant proposes to use the proceeds from the issuance of the securities to reduce short term loans incurred and to be incurred prior to the sale of the securities and to secure funds for construction purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-239 Filed 1-5-78; 8:45 am]

[6740-02]

[Docket No. CP77-193]

## NORTHERN NATURAL GAS CO.

## Extension of Time

DECEMBER 27, 1977.

On December 16, 1977, Staff Counsel filed a motion to extend the date for filing of testimony by supporting intervenors and staff counsel, as re-



quired by Commission order issued September 19, 1977, in the above referenced proceeding.

Upon consideration, notice is hereby given that the date within which supporting intervenors and staff counsel shall file testimony and exhibits comprising their cases-in-chief is extended to and including January 9, 1978.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-240 Filed 1-5-78; 8:45 am]

#### [6740-02]

[Docket Nos. CI77-701, CI77-799]

THE CITY OF PERRYTON, TEX., ET AL.

Order Consolidating Proceedings, Denying Declaratory Order, Setting Matters for Hearing, Adding Respondents, Granting Interventions, and Commencing Show Cause Proceeding

DECEMBER 28, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC), which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402 of the DOE Act.

The joint regulation on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On July 26, 1977, The City of Perryton, Tex. (City), filed in Docket No. CI77-701 a petition for a declaratory order pursuant to section 1.7 of the Commission's rules of practice and procedure (18 CFR 1.7). The petition filed by City was noticed on November 18, 1977; the period for filing protests and petitions to intervene expired on December 9, 1977.

On September 7, 1977, Falcon Petroleum Co. (Falcon), filed in Docket No. CI77-779 a similar petition for a declaratory order, reciting as support therefor the same facts as were included in City's prior filing. The Commission noticed Falcon's petition on September 19, 1977, and established a deadline of October 7, 1977, for filing protests and petitions to intervene. Northern Natural Gas Co. (Northern), filed a timely petition for leave to intervene and answer in Docket No. CI77-799 on September 28, 1977; on October 21, 1977, Transwestern Pipeline Co. (Transwestern), filed a late petition to intervene in Docket No. CI77-799.

Falcon and City (jointly referred to as Petitioners), seek a declaratory order finding that Amoco Production Co. (Amoco), has abandoned the interstate sale of natural gas to Northern from Well No. 1 on the 641.1 acre Purdum Unit located in section 901, block 43, H. & T. C. Railway Survey, Lipscomb County, Tex. Petitioners state that Amoco had made deliveries to Northern from the well in question pursuant to a certificate issued in Docket No. CI63-805, and its FPC Gas Rate Schedule No. 366. Petitioners allege that Amoco ceased deliveries in December, 1975. Falcon and City have pointed to no FPC abandonment authorization permitting Amoco to cease making these deliveries. Accordingly, we cannot find that Amoco has abandoned the sale to Northern pursuant to section 7(b) authorization, and do hereby deny the instant petitions for declaratory orders. The issue of whether Amoco violated the Natural Gas Act is addressed below.

In the alternative, Petitioners request the Commission to issue abandonment authorization pursuant to section 7(b) of the Natural Gas Act, permitting Falcon, Amoco's successor in interest, to discontinue the interstate sale to Northern. Hence, we will treat these filings as applications for abandonment pursuant to section 7(b) of the Natural Gas Act. As justification for their request, Petitioners state that the city of Perryton, Tex. will be severely curtailed by its intrastate supplier, High Plains Natural Gas Co. (High Plains), and that unless it is able to purchase additional supplies for this winter, it will be faced with serious economic disruption and potential danger to life and property. City further states that it has conducted negotiations with Falcon for the purchase of gas from the No. 1 Purdum Well, and with Transwestern for the transportation of such gas. Petitioners propose that in the event abandon-

The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, refers to the FERC.

ment authorization is granted, Transwestern be permitted to transport the gas from the Purdum well, that 50 percent of the gas be sold to City, and that the remainder of the gas be retained by Transwestern for its interstate system.

Falcon's interest in the Purdum Unit arose in the following manner: Amoco's interest, the N/2, consisted of 50 percent of the Purdum Unit, and was dedicated to interstate commerce pursuant to a contract between Amoco and northern, and the certificate referred to above. The remaining 50 percent of the unit was also dedicated to interstate commerce. On August 16, 1976, Amoco, surrendered its interest in the Unit to the original leaseholders. Under various agreements with the leaseholders, Falcon acquired the oil, gas, and mineral rights covering the entire 641.1 acre Unit. Subsequent to its acquisition of the rights of the Unit, Falcon undertook additional drilling, deepening the existing well and discovering additional gas. It is this additional gas that the Petitioners propose should be sold to City rather than to Northern.

Northern opposes the abandonment, stating that the gas from the Purdum well remains dedicated to Northern, and that it desires to purchase any volumes of gas produced. Transwestern has also sought permission to intervene, stating that it has no contractual arrangements with Falcon for transportation of the gas in question, and that in fact it was unaware that Falcon intended to file for abandonment authorization. We will allow Transwestern to intervene, notwithstanding the tardiness of its filing. We can see no prejudice to any party by permitting this late intervention.

The question presented under section 7(b) of the Natural Gas Act is whether abandonment is justified either because the gas is depleted to

\*The S/2 is covered under contract dated June 19, 1958, between Gulf Oil Corp. and Transwestern, designated as Gulf's FPC Gas Rate Schedule No. 195, authorized under certificate issued to Gulf in Docket No. G-18139.

\*Falcon acquired the Purdum Unit as follows:

(A) The S/2: By agreement executed July 9, 1976, with Pauline Hunter, a widow.

(B) The N/2: (i) By agreement executed June 22, 1976, with Pauline Pell, a widow, et al.

(ii) By agreement executed June 22, 1976, with Hazel P. Lockhart, a widow.

(iii) By agreement executed June 22, 1976, with Julia Bell, a widow.

(iv) By agreement executed June 22, 1976, with Edward L. and Leona Puls.

(v) By agreement executed August 16, 1976, with Elva May Cook.

All of the above agreements were recorded in Lipscomb County, Tex., on October 4, 1976.

the extent that continued service is unwarranted, or because the present or future public convenience or necessity permit the abandonment. It is apparent that, given the additional gas discovered, abandonment due to depletion is not warranted. So that the question here is whether the present or future public convenience and necessity permit the withdrawal of service to Northern and the transfer of that service to the city of Perryton. We will afford Petitioners herein an opportunity to demonstrate that such a switch is warranted here.

Inasmuch as the separate petitions filed by City in Docket No. CI77-701, and by Falcon in Docket No. CI77-799 rest on the same facts, we will provide herein that these Dockets will be consolidated.

Based on the allegations made by City and Falcon, it would appear that Amoco may have ceased certificated sales of natural gas in interstate commerce without having first obtained abandonment authorization pursuant to section 7(b) of the Natural Gas Act. We therefore find it necessary to join Amoco and Northern as respondents in these dockets so that they might be afforded the opportunity to show cause why they should not be held in violation of section 7(b) of the Act. Thus, the hearing ordered in this proceeding shall consider the question of possible violations of the Natural Gas Act as well as the abandonment applications. With respect to possible violation of the hearing shall consider: First, whether Amoco did cease deliveries to Northern without FPC authorization; secondly, if it did cease such deliveries, whether it was acting in violation of the Act; thirdly, whether Amoco acted as a prudent operator in not deepening its well, as Falcon subsequently did, prior to expiration of its lease; and fourthly, whether Northern's failure to notify the Commission of any unauthorized cessation of deliveries constitutes a separate violation. In addition to determining whether any violations occurred, the parties shall address themselves to the question of what action, if any, the Commission should take in this matter in the event that it is determined that there has been a violation of the Natural Gas Act, and to what remedies the Commission should adopt.

If it appears on the basis of an administrative proceeding before the Commission, or on the basis of other information available to the Commission, that a violation of the Natural

\*See Natural Gas Act Section 21(a): "Any person who willfully and knowingly does or causes to be done or suffers to be done any act . . . prohibited . . . or who willfully and knowingly omits or fails to do any act . . . or willfully and knowingly causes or suffers such omission or failure . . ." (Emphasis supplied.)

Gas Act has occurred and that the alleged acts or omissions may fall within the sanctions set forth in sections 20 and 21 of the Natural Gas Act, or the Commission's rules, regulations, conditions, restrictions, or orders, the Commission will pursue all available civil and criminal sanctions should it be found that the nature of the violation and the surrounding circumstances thereof warrant such action. In the event that it appears to be a "willful and knowing" violation of either statutes or regulations thereunder, the Commission may refer the case to the Department of Justice for appropriate action or pursue such relief in the Courts.

We set these matters for hearing and will provide that an early prehearing conference be convened.

The Commission orders: (A) The petitions for declaratory order filed in these dockets are denied.

(B) The applications for abandonment authorization filed in Docket No. CI77-701 and Docket No. CI77-799 are consolidated for all purposes.

(C) Amoco and Northern are joined as respondents in these dockets. Amoco and Northern are hereby ordered to show cause why they should not be held in violation of the Natural Gas Act.

(D) Pursuant to the authority set forth in the Natural Gas Act, particularly sections 4, 5, 7, 14, 15, and 16, and the Commission's rules of practice and procedure, a public hearing shall be held in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on the issues presented here.

(E) A presiding administrative law judge shall be designated by the chief administrative law judge for such purposes. Such presiding administrative law judge shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of motions to intervene, consolidate and sever, and motions to dismiss, as provided by the rules of practice and procedure).

(F) The presiding administrative law judge shall preside at a prehearing conference to be held at 9:30 a.m., January 26, 1978, in a hearing room of the Federal Energy Regulatory Commission at the address noted in Ordering Paragraph (C). The presiding administrative law judge shall establish dates for filing evidence and testimony, all of which shall be served upon the presiding administrative law judge, the Commission staff and all parties to this proceeding.

(G) Northern and Transwestern are permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however, That the participation of*

such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in these proceedings.*

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-247 Filed 1-5-78; 8:45 am]

#### [6740-02]

[Docket No. RP76-73]

DISTRIGAS OF MASSACHUSETTS CORP.

Order Approving Pipeline Rate Settlement

DECEMBER 29, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC or Commission) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be effected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer on Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

On June 3, 1977, DISTRIGAS of Massachusetts Corp., (DOMAC) filed a settlement agreement which, if approved,



would resolve all issues in the captioned proceeding. The settlement proposal is supported by all parties to the proceeding including DOMAC's customers and the commission staff. For the reasons set forth below, the Commission shall approve the settlement agreement.

The instant proceeding was initiated by DOMAC on March 18, 1976, when it filed proposed tariff sheets designed to (1) standardize the rates, terms and conditions under which DOMAC sells and provides its services to 10 gas distribution companies and (2) increases rates by \$8.3 million annually. By order issued April 16, 1976, the Federal Power Commission (FPC) accepted the proposed sheets upon the condition that DOMAC eliminate rate base treatment for the LNG barge *Massachusetts* and that the filed cost of service be reduced to reflect depreciation reserves accrued through December 31, 1975. The April 16, 1976, order also suspended the effectiveness of the filing for a 5-month period. On May 17, 1976, the FPC issued an order in the instant docket which rejected the tariff filing insofar as it sought to apply to DOMAC's sales to Boston Gas Co. (Boston Gas). On September 19, 1976, DOMAC's tariff, revised pursuant to the suspension order, became effective subject to refund for all of DOMAC's customers except Boston Gas.

DOMAC, on March 30, 1977, filed with the FPC a substitute gas tariff which incorporated all changes in rates and service pursuant to the provisions of the proposed settlement. The substitute filing was accepted by letter order dated April 29, 1977, to be effective April 2, 1977. Since April 2, 1977, therefore, DOMAC has collected settlement rates, subject to refund, and has rendered service in accordance with the tariff provisions agreed upon by the parties.

Notice of the filing of the proposed settlement was issued on June 17, 1977. All of DOMAC's customers, jointly, and the commission staff have filed comments supporting the proposed settlement.

The proposed settlement provides for rates based on a cost of service of \$21,146,633 as set forth in appendix A. The settlement cost of service is approximately \$3.4 million less than the originally filed cost of service and about \$2.4 million less than the cost of service underlying the revised rates which became effective at the end of the suspension period, subject to refund. The overall return allowed DOMAC is 11.69 percent including an allowance on equity capitalization of 14 percent. The depreciation rate provided for in the settlement cost of service is 4 percent on plant other than general plant. This represents a reduction from the filed-for depreciation rate of 6.1 percent.

The rate levels for the four service and sales classifications provided by DOMAC are set forth in appendix B. These rates are designed to recover the cost of service over estimated annual volumes of 12,810,000 MMBtu.

Article III of the settlement pertains to revenues DOMAC may receive from the terminalling of off-system cargoes. It provides that DOMAC will apportion, between itself and its regular customers, such revenues under a three-part formula. The purpose of this provision is to provide an incentive for DOMAC to fully utilize existing terminal capacity while recognizing that the otherwise stipulated rates are designed to recover for DOMAC the full costs of its facilities on the sales and terminalling of only Decartes and Interim volumes (12,810,000 MMBtu).

The parties have also agreed to a tariff, Substitute FERC Gas Tariff Original Volume No. 1 as set forth in appendix C to the Settlement Agreement. If approved, the settlement tariff would control the terms and conditions of sales and services by DOMAC to all of its regular customers. The tariff has been in effect for all of DOMAC's customers, including Boston Gas, since April 2, 1977, subject to final Commission approval. The Tariff will replace the numerous existing contracts between DOMAC and each of its customers under which DOMAC has previously rendered its sales and services.

In principal part, the settlement tariff provides for the following: (1) A minimum bill provision which can be invoked by DOMAC only upon the tender of gas; (2) A three-tiered rate structure for Rate Schedule TS-1 customers designed to allow DOMAC to recover fixed costs of terminal operation over estimated volumes of 12,810,000 MMBtu, i.e., the first and second tiers of the rate schedule; (3) A provision controlling tender rights which entitles DOMAC to tender 50 percent of LNG volumes in the first 10 days after delivery and the remaining 50 percent thereafter only if DOMAC requires terminalling capacity and (4) A SS-1 Rate Schedule available to two of DOMAC's customers which had rights to storage services under pre-existing contracts.

The Commission notes that certain provisions in the settlement tariff were approved in Docket Nos. CP70-196, et al. by orders issued June 14, 1977, and November 23, 1977. The Commission now finds that the entire Substitute Original Volume No. 1 appears reasonable and in the public interest. Accordingly, it shall be approved.

Based on a review of the record in this proceeding including the settlement agreement itself and the pleadings and comments submitted in support thereof, the Commission finds

that the proposed settlement represents a reasonable resolution of the issues in this proceeding in the public interest. Accordingly, the agreement shall be approved and adopted as hereinafter ordered.

The Commission orders: (A) The Settlement Agreement filed on June 3, 1977, is incorporated by reference and is approved and adopted.

(B) Within 45 days from the date of this order, DOMAC shall make refunds of all amounts collected in excess of settlement rates, together with interest at the rate of 9 per annum. Within 15 days of making refunds, DOMAC shall submit a report of such refunds and interest to the Commission.

(C) Upon compliance by DOMAC with the terms of this order the proceeding shall be terminated.

(D) This order is without prejudice to any findings or orders which have been made or which may subsequently be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the staff or any other party or person affected by this order in any proceeding now pending or which may in the future be instituted by or against DOMAC or any other person or party.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

APPENDIX A

Distrigas of Massachusetts Corp., Docket No. RP76-73, Settlement Cost of Service

Line No. and description (1)	Total (2)
Operation and Maintenance Expenses:	
1. Cost of gas withdrawn from storage.....	\$9,590,400
2. Other operation and maintenance expenses.....	3,335,471
3. Total operation and maintenance expenses.....	12,925,871
4. Depreciation.....	1,091,364
5. Taxes other than income taxes.....	1,075,358
6. Federal income taxes.....	2,273,703
7. State income taxes.....	462,093
8. Return.....	3,318,244
9. Total cost of service.....	21,146,633

APPENDIX B

Distrigas of Massachusetts Corp., Docket No. RP76-73, Settlement Rates

Line No. and rate schedule	Rate per MMBtu
1. TS-1 first 6,405,000 MMBtu.....	\$1.05
2. TS-1 next 6,405,000 MMBtu.....	.90
3. TS-1 all other <sup>1</sup> .....	.16
4. BO-1 (cents).....	78.758
5. GS-1 (cents).....	78.758
6. SS-1 <sup>2</sup> (cents 1 month).....	12.5

<sup>1</sup>In the event that volumes in excess of 12,810,000 MMBtu are received, it has been agreed that a TS

[6740-02]

[Docket No. RP77-17]

EASTERN SHORE NATURAL GAS CO.

Order Approving Pipeline Rates Settlement Agreement

DECEMBER 28, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC or Commission) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

On June 10, 1977, Eastern Shore Natural Gas Co. (Eastern Shore) filed a settlement proposal which would resolve all issues in this proceeding. For the reasons set forth below, the Commission finds that the proposed settlement is reasonable and should be approved.

This proceeding was initiated on November 24, 1976, when Eastern Shore tendered for filing tariff sheets designed to produce an annual increase in revenues from jurisdictional sales and services in the amount of \$138,048 annually based upon costs and sales volumes for the 12-month period ending June 30, 1976, as adjusted.

rate of 18 cents per MMBtu shall be charged.  
<sup>1</sup>All SS-1 revenues are to be proportionately refunded to all TS customers pursuant to Article IV of the Settlement Agreement.

[FR Doc. 78-233 Filed 1-5-78; 8:45 am]

Eastern Shore requested that the proposed tariff sheets be permitted to become effective on January 1, 1977. On December 29, 1976, the FPC accepted the proposed tariff sheets for filing, suspended their effectiveness until June 1, 1977, and set the matter for hearing. The order questioned the cost classification, allocation, and rate design in the filing, which was based on the unmodified *Seaboard* methodology.

Following service of top sheets by the FPC's staff on April 1, 1977, and settlement discussions between the company and the staff, the only other party to the proceeding, Eastern Shore filed a motion on June 10, 1977, to approve a Stipulation and Agreement. The settlement would resolve all issues in the proceeding.

Prior to the filing of this settlement, Eastern Shore on May 20, 1977, tendered for filing revised rates based upon the settlement cost of service. These rates, which are based on the *United* method of cost classification, were accepted for filing and permitted by the FPC to become effective, subject to refund, on June 1, 1977, in lieu of those originally filed on November 24, 1976.

Public notice of the proposed settlement was issued on July 11, 1977. On July 29, 1977, the staff filed comments recommending that the settlement be approved.

The settlement rates are based on a total system cost of service of \$5,734,268 of which \$4,366,747 is allocated to jurisdictional service as shown in Appendix A. The settlement cost of service includes an overall rate of

return of 9.51 percent with a return on common equity of 11.49 percent also as shown in appendix A. Cost classification, allocation, and rate design are based on the *United* method. The settlement further provides that the jurisdictional portion of demand-charge adjustments received by Eastern Shore from its supplier, Transcontinental Gas Pipe Line Corp., shall be credited to Eastern Shore's jurisdictional customers.

Based on a review of the record in this proceeding, the Commission finds that the proposed settlement represents a reasonable resolution of the issues in this proceeding and should be adopted as hereinafter ordered.

The Commission orders: (A) The settlement agreement filed in this proceeding on June 10, 1977, by Eastern Shore is approved and adopted.

(B) Eastern Shore is relieved of refund obligations in this docket, and this proceeding is terminated.

(C) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, the staff or any party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Eastern Shore or any other person or party.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

APPENDIX A

Eastern Shore Natural Gas Co., Docket No. RP77-17, Settlement Cost of Service, 12 months ended June 30, 1976, as adjusted

Description (a)	Settlement (b)
Operating expenses.....	\$4,817,859
Depreciation and amortization expenses.....	231,265
Taxes other than income taxes.....	183,282
Federal income tax.....	263,346
State income tax.....	40,222
Return on rate base.....	398,314
Total cost of service.....	5,734,268
Allocated jurisdictional cost of service.....	4,366,747

CAPITALIZATION AND RATE OF RETURN

	Amount	Ratio	Cost	Weighted Cost
		Percent	Percent	Percent
Long-term debt.....	\$1,493,000	29.8	6.13	1.83
Preferred stock.....	350,000	7.0	6.00	.42
Common equity.....	3,168,842	63.2	11.49	7.26
Total.....	5,011,842	100.0		

<sup>1</sup>Opinion No. 225, *Atlantic Seaboard Corporation, et al.*, 11 FPC 43 (1952).  
<sup>2</sup>Opinion No. 671, *United Gas Pipe Line Company*, 50 FPC 1349 (1973), *reh. denied*,

51 FPC 1014 (1974), *aff'd sub nom., Consolidated Gas Supply Corporation v. FPC*, 520 F.2d 1176 (D.C. Cir. 1975).



## APPENDIX A—Continued

Eastern Shore Natural Gas Co., Docket No. RP77-17, Settlement Cost of Service, 12 months ended June 30, 1976, as adjusted

## CAPITALIZATION AND RATE OF RETURN

	Percent
Overall Rate of Return .....	9.51

[FR Doc. 78-232 Filed 1-5-78; 8:45 am]

## [6740-02]

[Docket No. ER77-196]

FLORIDA POWER CORP.

## Compliance Filing

DECEMBER 28, 1977.

Take notice that Florida Power Corp. (Florida), on December 14, 1977, tendered for filing, in compliance with the Commission order of December 13, 1977, approving the settlement agreement in the above-noted docket, settlement agreement revisions to the Florida FERC Electric Tariff schedules. Florida indicates that the revised rate schedule sheets are identical to those included in Appendix A of the settlement agreement approved by the Commission.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Northeast, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-241 Filed 1-5-78; 8:45 am]

## [6740-02]

[Docket No. ER78-33]

GREEN MOUNTAIN POWER CORP.

## Proposed Tariff Agreement

DECEMBER 28, 1977.

Take notice that on October 25, 1977, Green Mountain Power Corp. (GNPC) tendered for filing the following tariff agreements between Green Mountain and:

(1) Village of Morrisville Water & Light Department (VMWLD); The sale of generation from GMP's No. 5 gas turbine plant. VMWLD requested and GMPC agreed to sell capacity from this gas turbine plant. The contract provides that VWLD will purchase 2.3 MW of capacity and associated energy from the aforementioned plant. By separate contract, included in the rate filing, GMPC will provide

transmission services to VMWLD for the power provided under the generation contract and for power furnished by others.

(2) Village of Stowe Water & Light Department (VSWLD); The sale of generation from GMP's No. 5 gas turbine plant. VSWLD requested and GMPC agreed to sell capacity from this gas turbine plant. The contract provides that VSWLD will purchase 5.8 MW of capacity and associated energy from the aforementioned plant. By separate contract, included in the rate filing, GMPC will provide transmission services to VSWLD for the power provided under the generation contract and for power furnished by others.

(3) Village of Hardwick Electric Department (VHED); The sale of generation from GMP's No. 5 gas turbine plant. VHED requested and GMPC agreed to sell capacity from this gas turbine plant. The contract provides that the VHED will purchase 1.7 MW of capacity and associated energy from the aforementioned plant. By separate contract, included in the rate filing, GMPC will provide transmission services to VHED for the power provided under the generation contract and for power furnished by others.

GMPC proposes an effective date of November 1, 1977, and therefore requests waiver of the Commission's notice requirements.

According to GMPC, copies of this filing have been sent to the Vermont Public Service Board and the aforementioned municipal electric system.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-242 Filed 1-5-78; 8:45 am]

## [6740-02]

[Docket No. ER78-133]

THE HARTFORD ELECTRIC LIGHT CO.

## Proposed Purchase Agreement

DECEMBER 28, 1977.

Take notice that on December 18, 1977, The Hartford Electric Light Co. (HELCO) tendered for filing a proposed Purchase Agreement with Respect to Middletown Station (Purchase Agreement), dated August 25, 1977 between HELCO and Village of Hardwick Electric Department (Hardwick).

HELCO states that the Purchase Agreement provides for a sale to Hardwick of a specified percentage of capacity and energy from four oil-fired steam generating units (Middletown Unit Nos. 1, 2, 3, and 4) during the period from November 1, 1977 to October 31, 1979, together with related transmission service.

HELCO further states that the capacity charge rate for the proposed service is a rate determined on a cost-of-service basis. The monthly transmission charge is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts of winter capability which Hardwick is entitled to receive. HELCO indicates that the energy charge is based on Hardwick's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive this charge.

HELCO requests that the Commission waive the thirty-day notice period and permit the rate schedule to become effective on November 1, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-243 Filed 1-5-78; 8:45 am]

## [6740-02]

[Docket No. CI78-213]

IMC EXPLORATION CO.

## Limited-Term Application

DECEMBER 29, 1977.

Take notice that on December 5, 1977, IMC Exploration Co. (Applicant), 2500 First City National Bank Bldg., Houston, Tex. 77002, filed in Docket No. CI78-213 an application for a limited-term certificate of public convenience and necessity with pre-granted abandonment authorizing it to engage in the sale of gas.

Applicant states that it is seeking certificate authorization for the sale of natural gas by Applicant for a limited term of one year with pregranted abandonment at the end of said limited term to Mid-Louisiana Gas Co. (Mid-Louisiana) from Applicant's interests in the Monroe Field in Ouachita, Union and Morehouse Parishes, La. The sale of natural gas for which a limited term certificate is sought is covered by a contract dated November 23, 1977. The price at which certification is sought is \$1.85 per Mcf, subject to adjustments.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-244 Filed 1-5-78; 8:45 am]

## [6740-02]

[Docket No. ER78-93]

NORTHERN STATES POWER CO.

Supplement No. 1 to Manitoba-United States-Winnipeg-Grand Forks 230 KV Interconnection Agreement; Errata

DECEMBER 29, 1977.

The filing made by Northern States Power Co. on December 5, 1977, and noticed on December 19, 1977, in the above-noted docket, was made pursuant to Section 202(e) of the Federal Power Act. Pursuant to the Department of Energy Organization Act (Pub. L. 95-91) and the Department of

Energy Delegation Order No. 0204-4 issued pursuant thereto, the Secretary of Energy delegated the power to administer Section 202(e) of the Federal Power Act to the Administrator of the Economic Regulatory Administration.

Hence, this filing made by Northern States Power Co. is not subject to the jurisdiction of the Federal Energy Regulatory Commission. Consequently, the above-noted docket is cancelled.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-245 Filed 1-5-78; 8:45 am]

## [6740-02]

[Project No. 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

## Application for Use of Project Property

DECEMBER 28, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected, and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued, and further actions shall be taken by the appropriate component of DOE now responsible for the functions under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by Section 402(a)(1) or Section 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary of Energy and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above authorities.

Public notice is hereby given that an application was filed on July 28, 1977, under the Federal Power Act, 16 U.S.C. 719a-825r, by the South Carolina Electric & Gas Co. (Applicant) (Correspondence to: Randolph R. Mahan, Esq., South Carolina Electric & Gas Co., P.O. Box 764, Columbia,

S.C. 292181; Brian J. McManus, Esq., Reid & Priest, 1701 K Street NW., Washington, D.C. 20006), the licensee for the Saluda Project, FERC No. 516, requesting authorization to lease project land for the construction of a causeway between an island and the mainland of Lake Murray. The Saluda Project (Lake Murray) is located in Lexington, Newberry, Richland, and Saluda Counties, near the City of Columbia and the Town of Lexington, S.C.

Applicant requests Commission authorization to lease to certain individuals approximately 2,500 square feet of the lake bed at Lake Murray, located approximately 1.1 miles west of the intersection of State Highway 6 and County Road No. 239 in Lexington County, S.C. The 25-foot by 100-foot parcel of lake bed to be leased would be filled in, and a causeway would be constructed thereon to permit the connection of a 1.58-acre island to the shore land. The volume of fill to be placed is about 800 cubic yards. Construction of the causeway would permit vehicular access to the privately-owned island, upon which the owners intend to build a home.

The application is on file with the Commission and is available for public inspection.

Any person desiring to be heard or to make any protest with reference to this application should, on or before February 21, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing in the proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-246 Filed 1-5-78; 8:45 am]

## [6740-02]

[Docket No. RP77-94]

WESTERN GAS INTERSTATE CO.

## Order Approving Pipeline Rate Settlement Agreement

DECEMBER 28, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the



Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled, "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, *Provided*, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

On November 28, 1977, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement in the captioned proceeding. If approved, the certified settlement agreement would resolve all issues in this proceeding. For the reason set forth below, the Commission finds that the proposed settlement agreement is reasonable and should be approved.

This proceeding was initiated on May 2, 1977, when Western Gas Interstate Co. (Western) tendered for filing tariff sheets designed to produce an annual increase in jurisdictional revenues of \$774,452 based upon the base period ending December 31, 1976, as adjusted. Western's tariff filing also proposed to modify Western's purchased gas cost adjustment clause to allow Western: (1) To determine its gas cost adjustment by utilizing estimated annual purchase and sales volumes rather than actual volumes, and (2) to debit or credit its unrecovered purchased gas cost account monthly balance with a 9 percent per annum carrying charge. The May 2 tariff filing became effective subject to refund on November 1, 1977, as a result of the filing by Western of a motion pursuant to section 4(e) of the Natural Gas Act. Subsequently, on November 23, 1977, pursuant to the agreement of the parties and to article II of the proposed settlement agreement, Western filed proposed revised tariff sheets to reflect the currently

effective cost of gas as well as the current surcharge adjustment under Western's PGA clause, and to adjust the filed rate under rate schedule T-1 so as to reflect that portion of the settlement cost of service allocated to service under that rate schedule. By letter order of December 15, 1977, the Commission granted Western's request that the November 23 tariffs be accepted and considered effective as of November 1, 1977.

Following the conclusion of settlement discussions among the parties, the proposed settlement agreement was submitted to the Presiding Administrative Law Judge with a request that it be certified to the Commission. Public notice of the certification was issued calling for the filing of comments on or before December 12, 1977. The Commission staff filed timely comments in support of the agreement. There are no other parties to the proceeding.

The settlement rates, as shown in appendix A hereto, are predicated upon a total cost of service of \$7,141,133 as set forth in appendix B. The settlement cost of service includes a rate of return on Western's net investment rate base of 10.39 percent, including a return on common equity of 13.25 percent. (See appendix C.) The settlement rates reflect estimated annual sales of 3,880,703 Mcf, 496,400 Mcf, and 187,703 Mcf for the G-N, T-1, and G-S services respectively. Such rates also reflect Western's current cost of gas and the current surcharge from its PGA clause. Finally, the settlement provides that Western shall determine its PGA gas cost adjustment through use of estimated annual sales volumes rather than actual volumes. Western shall not, however, recover carrying charges on the monthly balance in its unrecovered purchased gas cost account.

Article I of the proposed settlement suggests the termination of refund liability associated with the service rendered by Western under its T-2 rate schedule. That service was authorized by the Federal Power Commission by order issued August 29, 1977, in Docket No. CP77-347. The settlement agreement states that, pursuant to the directive in ordering paragraph (D) of that order, the commission staff reviewed the T-2 rate schedule and con-

cluded that the effective rate of 17.13 cents per Mcf is not excessive. The settlement further states that no change in the T-2 rate is required and that the refund condition imposed by the certificate in Docket No. CP77-347 should be terminated. Inasmuch as staff's comments filed on December 2, 1977, generally support the proposed settlement and suggest nothing inconsistent with the above conclusion, we shall terminate the refund condition established by the August 29, 1977, order in Docket No. CP77-347.

Based upon a review of the record in this proceeding including the settlement agreement itself and the pleadings, evidence, and comments submitted in support thereof, the Commission finds that the proposed settlement represents a reasonable resolution of the issues in this proceeding in the public interest and that the settlement agreement should accordingly be approved and adopted, as hereinafter ordered.

The tariff sheets which would implement the settlement are attached thereto as appendix C. They are identical to the substitute tariff sheets which were filed on November 23, 1977, and which are allowed by our letter order of December 15 to become effective pending our determination in this proceeding. Given this identity, we will approve the proposed settlement agreement without imposing a refund condition or requiring a further filing of compliance tariffs.

*The Commission orders:* (A) The settlement agreement in this proceeding, certified to the Commission on November 28, 1977, is incorporated by reference and is approved and adopted.

(B) This order is without prejudice to any findings or orders which may have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the staff, or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Western or any other person or party.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

APPENDIX A—Western Gas Interstate Co., Derivation of Settlement Rates

	Rate Schedule				
	G-N	T-1	G-S	X-1	T-2
Allocated cost of service (\$) (production-gathering).....	3,339,228		260,173		
Transmission.....	317,309	40,589	11,255		
Volumes (Mcf).....	3,880,703	496,400	187,703		
Unit rate for settlement (cents/Mcf).....	94.22	8.18	144.61	18.10	17.13
Effective Rate.....	97.80	7.12	145.80	18.10	17.13
Increase or (Decrease).....	(3.58)	1.06	(1.19)		

APPENDIX B—Western Gas Interstate Co., Overall Cost of Service

Description	Southern Division	Northern Division	Western Division (Nonjurisdictional Portion)
Gas purchased.....	\$260,173	\$3,346,659	\$2,974,163
Other gas supply expenses.....		4,625	
Operation and maintenance expenses.....	86	238,984	57,418
Depreciation, depletion and amortization.....	2,453	57,129	
Taxes other than income.....	1,441	30,067	
Federal and State income taxes.....	2,381	46,878	383
Return at 10.39 percent.....	4,894	117,728	746
Sub-total.....	271,428	3,842,070	3,032,690
Field sales deducted from cost of service.....		5,055	
Total cost of service.....	271,428	3,837,015	3,032,690

APPENDIX C—Western Interstate Gas Co., Rate of Return

	Ratio	Cost	Weighted return
	(Percent)	(Percent)	(Percent)
Long-term debt.....	46.58	8.21	3.82
Preferred stock.....	9.62	7.98	.77
Common equity.....	43.80	13.25	5.80
Total.....			10.39

[FR Doc. 78-231 Filed 1-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-135]

DUKE POWER CO.

Notice of Supplement to Electric Power Contract

JANUARY 3, 1978.

Take notice that Duke Power Co. (Duke Power) tendered for filing on December 19, 1977, a supplement to the Company's Electric Power Contract with Blue Ridge Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Co. Rate Schedule FPC No. 142.

Duke Power states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for increases in designated demand as follows: Delivery Point No. 2, from 4,500 kW to 5,200 kW; Delivery Point No. 4 from 2,600 kW to 3,500 kW; Delivery Point No. 5, from 5,000 kW to 6,500 kW; Delivery Point No. 6 from 6,500 kW to 7,800 kW; Delivery Point No. 7, from 9,800 kW to 11,600 kW; Delivery Point No. 9, from 8,000 kW to 9,000 kW; Delivery Point No. 10, from 3,500 kW to 3,700 kW; Delivery Point No. 11 from 6,000 kW to 6,800 kW; Delivery Point No. 12, from 2,600 kW to 2,900 kW and Delivery Point No. 14, from 3,600 kW to 4,200 kW.

Duke Power further states that the supplement also includes an estimate of sales and revenue for the twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of January 20, 1978.

According to Duke Power copies of this filing were mailed to Blue Ridge Electric Cooperative, Inc. and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 9, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-379 Filed 1-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-136]

DUKE POWER CO.

Notice of Supplement to Electric Power Contract

JANUARY 3, 1978.

Take notice that Duke Power Co. (Duke Power) tendered for filing on December 19, 1977 a supplement to the Company's Electric Power Contract with Piedmont Electric Membership Corp. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Co. Rate Schedule FPC No. 138.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in designated demand: Delivery Point No. 2, from 7,000 kW to 9,600 kW; Delivery Point No. 5, from 7,000 kW to 9,200 kW; and Delivery Point No. 6, from 6,500 to 6,800 kW. Duke Power indicates that this supplement also includes an estimate of sales and revenue for 12 months immediately preceding and for the 12 months immediately succeeding the effective date. Duke Power proposes an effective date of January 20, 1978.

According to Duke Power copies of this filing were mailed to Piedmont Electric Membership Corporation and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 9, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-380 Filed 1-5-78; 8:45am]

[6740-02]

[Docket No. ER78-137]

DUKE POWER CO.

Notice of Supplement to Electric Power Contract

JANUARY 3, 1978.

Take Notice that Duke Power Co. (Duke Power) tendered for filing on



December 19, 1977, a supplement to the Company's Electric Power Contract with the Town of Landis. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Co. Rate Schedule FPC No. 230.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for an increase in contract demand from 6,500 kW to 7,200 kW. Duke Power indicates that the supplement also includes an estimate of sale and revenue for the 12 months immediately preceding and for the 12 months immediately succeeding the effective date. Duke Power requests an effective date of January 20, 1978.

According to Duke Power copies of this filing were mailed to the Town of Landis and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 9, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-381 Filed 1-5-78; 8:45 am]

#### [6740-02]

[Docket No. ER78-138]

#### HARTFORD ELECTRIC LIGHT CO.

##### Notice of Proposed Purchase Agreement

JANUARY 3, 1978.

Take notice that on December 19, 1977, the Hartford Electric Light Co. (HELCO) tendered for filing a proposed Purchase Agreement with Respect to Middletown Station (Purchase Agreement), dated August 25, 1977, between HELCO and Village of Morrisville Water and Light Department (Morrisville).

HELCO states that the Purchase Agreement provides for a sale to Morrisville of a specified percentage of capacity and energy from four oil-fired steam generating units (Middletown Unit Nos. 1, 2, 3 and 4) during the period from November 1, 1977 to October 31, 1979, together with related transmission service.

HELCO further states that the capacity charge rate for the proposed service is a rate determined on a cost-of-service basis. The monthly transmission charge is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts of winter capability which Morrisville is entitled to receive. HELCO indicates that the energy charge is based on Morrisville's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive this charge.

HELCO requests that the Commission waive the 30-day notice period and permit the rate schedule filed to become effective November 1, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 9, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-382 Filed 1-5-78; 8:45 am]

#### [3128-01]

Office of Assistant Secretary for Energy Technology

#### SEAFLOOR EARTHQUAKE MEASUREMENT SYSTEM

##### Meeting

Pursuant to provisions of Pub. L. 92-463, notice is hereby given that a meeting to discuss a Seafloor Earthquake Measurement System will be held on January 19, 1978, at the Host International Hotel, Houston Intercontinental Airport, Houston, Tex. The meeting will be open to the public and begin at 9:30 a.m.

The Department of Energy in response to requirements of the U.S. Geological Survey is sponsoring a project at Sandia Laboratories to develop and demonstrate a Seafloor Earthquake Measurement System. The system will be used to gather earth-

quake information in the seismically active areas of the Outer Continental Shelf. The topic for discussion will be an invitation for financial participation of interested parties in this project.

Copies of the Seafloor Earthquake Measurement System technical project plan are available from H. M. Stoller, Sandia Laboratories, P.O. Box 5800, Albuquerque, N. Mex. 87115.

The Chairman is Mr. Hugh D. Guthrie, Department of Energy, Fossil Energy, Washington, D.C. The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

Seating will be made available on a first-come, first-served basis.

Copies of any minutes will be made available following their certification by the Chairman and Program Director/Fossil Energy at the Department of Energy's Public Document room, 20 Massachusetts Avenue, Washington, D.C. 20545, upon payment of all charges required by law.

Dated: January 3, 1977.

WILLIAM S. HEFFELFINGER,  
Director of Administration.

[FR Doc. 78-347 Filed 1-5-78; 8:45 am]

#### [6560-01]

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL 839-3]

#### MANAGEMENT ADVISORY GROUP TO THE MUNICIPAL CONSTRUCTION DIVISION

##### Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Management Advisory Group to the Municipal Construction Division (MAG) will be held January 23, 1978. The meeting will begin at 9 a.m. and will be held at Waterside Mall, Room 3906-08, 401 M Street SW., Washington, D.C.

The purpose of the meeting is to brief MAG on the provisions of the new Clean Water Act of 1977 that represents the Mid-Course Correction of the Federal Water Pollution Control Act of 1972 (Pub. L. 92-500).

The meeting will be open to the public. Any member of the public wishing to attend the meeting should contact the Executive Secretary, Mr. Harold P. Cahill, Jr., Director, Municipal Construction Division, EPA, Washington, D.C. 20460. The telephone number is area code 202-426-8986.

THOMAS C. JORLING,  
Acting Assistant Administrator  
for Water and Hazardous Materials.

JANUARY 3, 1978.

[FR Doc. 78-320 Filed 1-5-78; 8:45 am]

#### [6714-01]

#### FEDERAL DEPOSIT INSURANCE CORPORATION

#### ADVISORY COMMITTEE ON STATE AND FEDERAL REGULATION OF BANKS

##### Notice of Meeting

The Federal Deposit Insurance Corporation Advisory Committee on State and Federal Regulation of Banks will meet on Tuesday, January 24, 1978, at 10:30 a.m., in the 6th floor conference room of the Federal Deposit Insurance Corporation Building, 550 17th Street NW., Washington, D.C.

This Committee was established to advise the director, in charge of a major study of State and Federal bank regulation, on the content and direction of the study, and to review sections of the study as they are completed. The Committee consists of nine members broadly representative of groups which are impacted by banking and the regulation of banks. Notice of the establishment of this committee was published in the FEDERAL REGISTER on December 15, 1977 (Vol. 42, No. 241, page 63219).

The agenda for this meeting is: (1) Progress report;

(2) Discussion, comments, and suggestions concerning the study plan.

This meeting will be open to the public, with approximately 30 seats available for the public on an unreserved basis. Questions, comments, or statements to the committee may be submitted in writing prior to the opening of the meeting.

Copies of the minutes of the meeting will be available upon written request 30 days after the meeting.

Inquiries may be directed to Dr. Leonard Lapidus, Special Assistant to the Chairman, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, telephone 202-389-4213.

Dated: January 3, 1978.

For the Federal Deposit Insurance Corporation.

EDWIN C. HOULDSWORTH,  
Advisory Officer.

[FR Doc. 78-264 Filed 1-5-78; 8:45 am]

#### [6210-01]

#### FEDERAL RESERVE SYSTEM

##### ASSETS, INC.

##### Formation of Bank Holding Company

Assets, Inc., Alexander City, Ala., has applied for the Board's approval under §3(a)(1) of the Bank Holding Company Act (12 U.S.C. §1842(a)(1)) to become a bank holding company by acquiring 73.7 percent of the voting shares of Citibanc Group, Inc., Alex-

ander City, Ala., a registered bank holding company that owns 100 percent of Citibanc of Alabama, Andalusia, Ala., Citibanc of Alabama, Goodwater, Ala., Citibanc of Alabama, Lineville, Ala., Citibanc of Alabama, Roanoke, Ala., Citibanc of Alabama, Tuskegee, Ala., and 83.4 percent of Citibanc of Alabama, Anniston, Ala. The factors that are considered in acting on the application are set forth in §3(c) of the Act (12 U.S.C. §1842(c)).

Assets, Inc., Alexander City, Ala., has also applied, pursuant to §4(c)(8) of the Bank Holding Company Act (12 U.S.C. §1843(c)(8)) and §225.4(b)(2) of the Board's Regulation Y (12 CFR §225.4(b)(2)), for permission to indirectly acquire Citibanc Money Store, Inc., Alexander City, Ala., and Citibanc Computer Systems, Inc., Alexander City, Ala., and to engage through Citibanc Group, Inc., in the sale as agent or broker of credit related life, accident and health insurance activities. Notice of the application was published in newspapers circulated in the communities to be served.

Applicant states that the subsidiaries would engage in finance company activities and data processing activities for the internal operations of the holding company. Such activities have been specified by the Board in §225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of §225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 27, 1978.

Board of Governors of the Federal Reserve System, December 30, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 78-272 Filed 1-5-78; 8:45 am]

#### [6210-01]

#### EQUITABLE BANCORPORATION

##### Proposed Retention of Branch Offices of Equitable Financial Corp.

Equitable Bancorporation, Baltimore, Md. ("Applicant"), has applied, pursuant to §4(c)(8) of the Bank Holding Company Act (12 U.S.C. §1843(c)(8)) and §225.4(b)(2) of the Board's Regulation Y (12 CFR §225.4(b)(2)), for permission to retain eight branch offices of Equitable Financial Corp., located in Glen Burnie, Luthersville, Rockville, and Camp Springs, Md., McLean, Va., Wilmington, Del., and Raleigh and Greensboro, N.C. Such offices were opened without the Board's prior approval. Notice of the application has been published in newspapers of general circulation in each of the above communities.

Applicant states that the proposed subsidiary would continue to engage in mortgage banking, factoring, finance company activities, and the servicing of loans and other extensions of credit for any person. Such activities have been specified by the Board in §225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of §225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 26, 1978.

Board of Governors of the Federal Reserve System, December 29, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 78-273 Filed 1-5-78; 8:45 am]



[6210-01]

**FINANCIAL BANCSHARES, INC.**

**Formation of Bank Holding Company**

Financial Bancshares, Inc., Topeka, Kans., has applied for the Board's approval under §3(a)(1) of the Bank Holding Company Act (12 U.S.C. §1842(a)(1)) to become a bank holding company by acquiring 95.9 percent of the voting shares of the Kansas State Bank in Holton, Holton, Kans. The factors that are considered in acting on the application are set forth in §3(c) of the Act (12 U.S.C. §1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 20, 1978.

Board of Governors of the Federal Reserve System, December 30, 1977.

GRIFFITH L. GARWOOD,  
*Deputy Secretary of the Board.*

[FR Doc. 78-274 Filed 1-5-78; 8:45 am]

[6210-01]

**SNOWMASS BANCORPORATION**

**Formation of Bank Holding Company**

Snowmass Bancorporation, West Village, Colo., has applied for the Board's approval under §3(a)(1) of the Bank Holding Company Act (12 U.S.C. §1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Snowmass, West Village, Colo. The factors that are considered in acting on the application are set forth in §3(c) of the Act (12 U.S.C. §1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 23, 1978.

Board of Governors of the Federal Reserve System, December 30, 1977.

GRIFFITH L. GARWOOD,  
*Deputy Secretary of the Board.*

[FR Doc. 78-275 Filed 1-5-78; 8:45 am]

[6820-24]

**GENERAL SERVICES  
ADMINISTRATION**

**FEDERAL PROPERTY MANAGEMENT  
REGULATIONS**

**(TEMPORARY REGULATION F-42)**

**Delegation of Authority**

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in a gas, electric, and steam rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*—(a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the New York Public Service Commission involving the application of the Niagara Mohawk Gas and Electric Corp., for increases in its gas, electric, and steam rates, Case No. 27215, 27216, 27217.

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROBERT T. GRIFFIN,  
*Acting Administrator of  
General Services.*

DECEMBER 23, 1977.

[FR Doc. 77-26 Filed 1-5-77; 8:45 am]

[6820-24]

**(Intervention Notice 48)**

**Proposed Intervention in Rate Increase  
Proceeding; Formal Case No. 7711-1107**

**NEW JERSEY BOARD OF PUBLIC UTILITIES;  
PUBLIC SERVICE ELECTRIC AND GAS CO.**

The Administrator of General Services seeks to intervene in a proceeding before the New Jersey Board of Public Utilities concerning an application of the Public Service Electric and Gas Co., for an increase in its tariffed rates for intrastate electric services. The Administrator of General Services represents the interests of the executive agencies of the United States Government, as users of utility services.

Persons desiring to make inquiries concerning this case to GSA should

submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, telephone 202-566-0750, on or before February 6, 1978, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 210(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4).)

Dated: December 22, 1977.

ROBERT T. GRIFFIN,  
*Acting Administrator  
of General Services.*

[FR Doc. 77-261 Filed 1-5-77; 8:45 am]

[6820-24]

**(Intervention Notice 49)**

**Proposed Intervention in Rate Increase  
Proceeding; Formal Case No. 57666**

**CALIFORNIA PUBLIC UTILITIES COMMISSION;  
PACIFIC GAS AND ELECTRIC CO.**

The Administrator of General Services seeks to intervene in a proceeding before the California Public Utilities Commission concerning an application of the Pacific Gas and Electric Co., for an increase in its tariffed rates for intrastate electric services. The Administrator of General Services represents the interests of the executive agencies of the United States Government, as users of utility services.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, telephone 202-566-0750, on or before February 6, 1978, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 210(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4).)

Dated: December 23, 1977.

ROBERT T. GRIFFIN,  
*Acting Administrator  
of General Services.*

[FR Doc. 78-262 Filed 1-5-78; 8:45 am]

[4110-88]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

**Alcohol, Drug Abuse, and Mental Health  
Administration**

**ADVISORY COMMITTEES**

**Filing of Annual Reports**

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463 (5 U.S.C. Appendix I), Annual Reports for all Alcohol, Drug Abuse, and Mental Health Administration Committees have been filed with the Library of Congress. These are:

Alcohol Research Review Committee  
Alcohol Training Review Committee  
Biological Sciences Training Review Committee  
Board of Scientific Counselors, NIMH  
Clinical Program-Projects Research Review Committee  
Clinical Projects Research Review Committee  
Clinical Psychopharmacology Research Review Committee  
Committee on Mental Health and Illness of the Elderly  
Community Alcoholism Services Review Committee  
Continuing Education Review Committee  
Crime and Delinquency Review Committee  
Developmental Problems Research Review Committee  
Drug Abuse Demonstration Review Committee  
Drug Abuse Prevention Review Committee  
Drug Abuse Research Review Committee  
Drug Abuse Training Review Committee  
Epidemiologic Studies Review Committee  
Experimental and Special Training Review Committee  
Experimental Psychology Research Review Committee  
Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism  
Mental Health Services Research Review Committee  
Mental Health Small Grant Committee  
Metropolitan Mental Health Problems Review Committee  
Minority Advisory Committee, ADAMHA  
Minority Group Mental Health Programs Review Committee  
National Advisory Council on Alcohol Abuse and Alcoholism  
National Advisory Council on Drug Abuse  
National Advisory Mental Health Council  
National Panel on Alcohol, Drug Abuse, and Mental Health  
Neuropsychology Research Review Committee  
Paraprofessional Manpower Development Review Committee  
Personality and Cognition Research Review Committee  
Precinical Psychopharmacology Research Review Committee  
Psychiatric Nursing Education Review Committee  
Psychiatry Education Review Committee  
Psychological Sciences Fellowship Review Committee  
Psychology Education Review Committee  
Rape Prevention and Control Advisory Committee  
Research Scientist Development Review Committee

Social Problems Research Review Committee  
Social Sciences Research Review Committee  
Social Sciences Training Review Committee  
Social Work Education Review Committee

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, and on weekdays between 9 a.m. and 4:30 p.m., at the Department of Health, Education, and Welfare, Department Library, North Building, room 1436, 330 Independence Avenue SW., Washington, D.C. 20201, 202-245-6791.

Dated: December 29, 1977.

GERALD L. KLERMAN,  
*Administrator, Alcohol, Drug  
Abuse, and Mental Health Ad-  
ministration.*

[FR Doc. 78-194 Filed 1-5-78; 8:45 am]

[4110-03]

**Food and Drug Administration**

**(Docket No. 77F-0386)**

**AMERICAN CYANAMID CO.**

**Filing of Food Additive Petition**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: American Cyanamid Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of sulfosuccinic acid 4-ester with polyethylene glycol dodecyl ether disodium salt in the production of food-packaging materials.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204; 202-472-5690.

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B3350) has been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that §175.105 *Adhesives* (21 CFR 175.105) be amended to provide for the safe use of sulfosuccinic acid 4-ester with polyethylene glycol dodecyl ether disodium salt in the production of food-packaging materials.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report

may be seen in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 27, 1977.

HOWARD R. ROBERTS,  
*Acting Director,  
Bureau of Foods.*

[FR Doc. 78-85 Filed 1-5-78; 8:45 am]

[4110-03]

**(Docket No. 77N-0409)**

**FIBRINOGEN (HUMAN)**

**Revocation of Licenses**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces that all licenses issued for the manufacture of the biological product fibrinogen (human) were revoked as of December 7, 1977, and the sale, barter, or exchange of fibrinogen (human) by any manufacturer was prohibited as of that date. This action was taken at the request of the licensed manufacturers because the effectiveness of fibrinogen (human) is questionable and other products that carry lower risks of transmitting hepatitis may be used in its place. The Commissioner further gives notice that fibrinogen (human) already sold and delivered by the manufacturer may not be resold after July 1, 1978.

DATES: Effective date of revocation of all licenses for the manufacture of fibrinogen (human) was December 7, 1977. Existing stocks of fibrinogen (human) were prohibited from sale, barter, or exchange by the manufacturer as of that date. Fibrinogen (human) in distribution as of that date is prohibited from sale, barter, or exchange by owners or custodians after July 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael L. Hooton or Al Rothschild, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, Md. 20014; 301-443-1920.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs revoked product licenses issued to Merck Sharp & Dohme, Division of Merck & Co., Inc., establishment license No. 2; Cutter Laboratories, Inc., establishment license No. 8; E.R. Squibb & Sons, Inc., establishment license No. 52; Bureau of Laboratories, Michigan Department of Public Health, establishment license No. 99;



and Travenol Laboratories, Inc., Hyland Division, establishment license No. 140, for the manufacture of fibrinogen (human) and prohibited the sale, barter, or exchange of fibrinogen (human) by the manufacturers as of December 7, 1977.

Fibrinogen is the component of blood that forms clots. Deficiencies or abnormalities of fibrinogen, whether hereditary or acquired, may lead to poor blood clotting and abnormal bleeding.

Fibrinogen (human) is a biological product that has been licensed since 1947. The product has been recommended for treating patients who are bleeding and have low fibrinogen levels and for prophylaxis in patients with abnormally low fibrinogen levels when a major stress to the blood coagulation system is anticipated. Because the human hemostatic process consists of a series of complex vascular and biochemical reactions, fibrinogen level alone is not always a valid measure of appropriate therapy. In most cases where the administration of fibrinogen is indicated, many abnormalities exist and simple infusion of fibrinogen will not produce normal coagulation. For this reason, the clinical effectiveness of fibrinogen (human) is difficult to assess, and there are few valid indications for its use.

Fibrinogen (human) is prepared from plasma pooled from a large number of donors. Heat treatment to inactivate hepatitis B virus in fibrinogen (human) will adversely affect the potency of the product. For these reasons, fibrinogen (human) administration is associated with a higher risk of transmitting hepatitis B than products derived from single units of plasma. In those few clinical cases in which fibrinogen replacement is deemed necessary by the attending physician, cryoprecipitated antihemophilic factor (human) and other products prepared from single units of plasma may be used as a source of fibrinogen. This will diminish the hepatitis risk.

The Advisory Panel for Review of Blood and Blood Derivatives, established pursuant to § 601.25 (21 CFR 601.25), therefore recommended that fibrinogen (human) be withdrawn from the marketplace and that other products, such as cryoprecipitated antihemophilic factor (human), be used as a source of fibrinogen in the few clinical cases in which such therapy is indicated. In response to the panel's recommendations, all licensed manufacturers of fibrinogen (human) requested that their licenses be revoked and waived the opportunity for a hearing pursuant to § 601.5(a) (21 CFR 601.5(a)).

Accordingly, the Commissioner announces the revocation, effective December 7, 1977, of all product licenses for the manufacture of fibrinogen

(human). To facilitate the orderly transition by physicians, hospitals, and blood banks from the use of fibrinogen (human) to other appropriate products used for treatment of clotting problems, and pursuant to section 351(a) of the Public Health Service Act (42 U.S.C. 282(a)), the Commissioner is hereby giving notice that fibrinogen (human) which has already been sold and delivered by licensees may be resold through July 1, 1978, or the expiration date, whichever is earlier.

Dated: December 27, 1977.

JOSEPH P. HILE,  
Associate Commissioner  
for Compliance.

[FR Doc. 78-84 Filed 1-5-78; 8:45 am]

#### [4110-03]

[Docket No. 77F-0406]

ROHM & HAAS CO.

Notice of Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Rohm & Haas Co. has filed a petition proposing that the food additive regulations be amended to provide for the use of allyl methacrylate in acrylic and modified acrylic plastics, semirigid and rigid, intended for repeated food-contact use.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3172) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing that the food additive regulations be amended to provide for the use of allyl methacrylate in acrylic and modified acrylic plastics, semirigid and rigid, intended for repeated food-contact use.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 27, 1977.

HOWARD R. ROBERTS,  
Acting Director,  
Bureau of Foods.

[FR Doc. 78-83 Filed 1-5-78; 8:45 am]

#### [1505-01]

[Docket No. 75N-0223; DESI 597, 3265, 4881]

CERTAIN ANTICHLINERGIC DRUGS IN CONTROLLED-RELEASE DOSAGE FORM

Withdrawal of Approval of New Drug Applications

Correction

In FR Doc. 77-29182 appearing at page 54617 in the issue for Friday, October 7, 1977, on page 54618, in the middle column, the center hearing "DESI 3825" should be changed to read "DESI 3265".

#### [1505-01]

[Docket Nos. 76N-0377, 78N-0356; DESI Nos. 7661, 1543]

CERTAIN DRUGS CONTAINING FLUOXYMETERONE AND ETHINYL ESTRADIOL; DIETHYLSTILBESTROL AND METHYLTESTOSTERONE; CHLOROTRIANISENE AND METHYLTESTOSTERONE; OR TESTOSTERONE ENANTHATE AND ESTRADIOL VALERATE; AND CERTAIN ESTROGEN-CONTAINING DRUGS FOR ORAL OR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing; Amendment

Correction

In FR Doc. 77-29312 appearing on page 54621 in the issue for Friday, October 7, 1977, in the second paragraph under "Supplementary Information", in the third line, after the word "preparations", insert ". This was an error in that there were no conjugated estrogen preparations".

#### [4110-03]

DERMATOLOGY ADVISORY COMMITTEE

Notice of Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Dermatology Advisory Committee by the Secretary, Department of Health, Education, and Welfare.

DATE: Authority for this committee will expire on October 31, 1979, unless the Secretary formally determines

that continuance is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Officer (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

Dated: December 30, 1977.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc. 78-190 Filed 1-5-78; 8:45 am]

#### [4110-03]

PANEL ON REVIEW OF ANTIPERSPIRANT DRUG PRODUCTS

Notice of Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Antiperspirant Drug Products by the Secretary, Department of Health, Education, and Welfare.

DATE: Authority for this committee will expire on December 31, 1978, unless the Secretary formally determines that continuance is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Officer (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

Dated: December 30, 1977.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc. 78-193 Filed 1-5-78; 8:45 am]

#### [4110-03]

PANEL ON REVIEW OF CONTRACEPTIVE AND OTHER VAGINAL DRUG PRODUCTS

Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the re-establishment of the Surgical Drugs Advisory Committee by the Secretary, Department of Health, Education, and Welfare.

DATE: Authority for this committee will expire on June 30, 1978, unless the Secretary formally determines that continuance is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Officer (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

Dated: December 30, 1977.

WILLIAM F. RANDOLPH,  
Acting Associate  
Commissioner for Compliance.

[FR Doc. 78-191 Filed 1-5-78; 8:45 am]

#### [4110-83]

Health Resources Administration

GRADUATE MEDICAL EDUCATION NATIONAL ADVISORY COMMITTEE

Filing of Annual Report

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Report for the following Health Resources Administration Federal Advisory Committee has been filed with the Library of Congress:

GRADUATE MEDICAL EDUCATION NATIONAL ADVISORY COMMITTEE

Copies are available to the public for inspection at the library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue SW., Washington, D.C. 20201, telephone 202-245-6791. Copies may be obtained from Frederick V. Featherstone, M.D., Bureau of Health Manpower, Room 4-42, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-6430.

Dated: December 23, 1977.

JAMES A. WALSH,  
Associate Administrator for  
Operations and Management.

[FR Doc. 78-197 Filed 1-5-78; 8:45 am]

#### [4110-84]

Health Services Administration

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee



Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of February 1978:

Name: Maternal and Child Health Research Grants Review Committee.

Date and time: February 1-3, 1978, 9 a.m.

Place: Conference Room C, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

Open February 1, 9 a.m.-10 a.m. Closed for remainder of meeting.

Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.

Agenda: The Committee will be performing the review of grant applications for Federal assistance. This meeting will be open to the public from 9 to 10 a.m., February 1 for the Opening Remarks. The remainder of the meeting will be closed to the public for the review of grant applications, in accordance with the provisions set forth in section 552(b)(6), Title 5, U.S. Code and the Determination by the Administrator, Health Services Administration, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of the members, minutes of meeting, or other relevant information should contact Vince L. Hutchins, M.D., Bureau of Community Health Services, Room 7-39, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, telephone 301-443-2170.

Agenda items are subject to change as priorities dictate.

Dated: December 27, 1977.

WILLIAM H. ASPDEN, Jr.,  
Associate Administrator for  
Management.

[FR Doc. 78-198 Filed 1-5-78; 8:45 am]

#### [4110-02]

Office of Education

#### REGIONAL OFFICES OF EDUCATIONAL PROGRAMS

Statement of Organization, Functions, and Delegations of Authority

Part EE.10 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is hereby amended to reflect the creation of Regional Offices of Educational Programs as required by the Secretary's reorganization memorandum of July 19, 1977. The Secretary's memorandum abolished the previous Office of Education regional office structures and replaced it with two others. The statements creating the regional Offices of Student Financial Assistance have been previously published at 42 FR 45378 (September 9, 1977).

The specific changes are as follows:

1. Functional statements for the new Offices of Educational Programs are added immediately following the title

and statement for the Editorial Services Division, Office of Public Affairs:

*Office of the Regional Commissioner for Educational Program (EED1P-EEDXP).*—Represents and acts on behalf of the Commissioner of Education and officials in the Education Division in directing an effective pattern of technical assistance and dissemination on the region. Provides educational leadership in resolving educational issues of a new, complex or evolving nature. Organizes regional staff to foster public understanding and utilization of federal legislation, programs, and policies of the Office of Education and of other components of the Education Division, including the Office of the Assistant Secretary for Education, the National Institute of Education and the National Center for Education Statistics. Provides leadership in fulfilling regional interagency service needs and in this capacity provides educational leadership in resolving cross-cutting issues of an interprogram or intergovernmental nature. Provides coordination with the Office of the Principal Regional Official in Congressional relations, in external relations with chief elected an appointed officials at State and local levels, in assessment of program service delivery effectiveness and in actively determining the views of the regional education community of present and future programs, policies, regulations, and legislation. Convenes workshops, policy seminars, and inservice meetings as needed. Directs staff in the development of coordinated service plans with central office program and policy elements to ensure uniform policy interpretation in the provision of technical assistance and dissemination services to the region. Provides overall management and leadership of regional office educational program services, personnel, and resource utilization.

*Office of Intergovernmental and Special Services (EED1PS-EEDXPS).*—Serves as a center for activities of a special assignment nature as required by the Commissioner of Education or the Principal Regional Official. Serves as a principal staff resource in cross-cutting efforts which are directed toward achieving the goals of the Department in the region. Prepares special studies relative to the unique educational needs of the region as a basis for policy recommendations at the national level in educational program, program budget, evaluation, and legislative planning. Provides Office of Education assistance to the Office of Intergovernmental and Congressional Affairs, and responds to the Office of Service Delivery Assessment, both of which are elements of the Office of the Principal Regional Official. Acts as the principal communication link with central office staff in the Planning, Budget and Legislation. Provides

technical liaison with the HEW administrative support center.

*Division of Educational Services (EED1PE-EEDXPE).*—Serves as a technical assistance resource in resolving issues and educational problems of a new, evolving and complex nature in elementary and secondary education, occupational education, adult education, higher and continuing education, and education for the Handicapped. Particular emphasis is upon service to all institutions, groups, and individuals seeking access to an equity in the use of Federal resources for the development of improved educational programs. Through a comprehensive knowledge of all Office of Education and Education Division Programs, staff provides expert assistance in developing new educational strategies and alternatives in the initial planning and implementation of educational programs utilizing Federal resources. Provides technical assistance through interpretation of Federal policies, programs, and directives for the entire education community of a region. Through the Regional Commissioner for Educational Programs provides the Commissioner of Education and responsible central office program heads with a continuous communication network on the impact of Federal education programs, implementation issues, and problems and unique regional needs of the educational community. Provides expert technical assistance to the Office of the Principal Regional Official and serves as an expert resource staff in resolving education program and administrative issues of a cross-cutting or interagency nature. Provides staff expertise for technical assistance at regional conferences, workshops, and policy seminars.

*Division of Educational Dissemination (EED1PD-EEDXPD).*—Provides a regional center for the dissemination of information about the program and activities of the agencies in the Education Division and provides such services in a manner consistent with the policies and procedures of the agencies involved. Directs systematic communication activities with the education community of the region on legislation, program priorities, research findings, evaluation results, and policy directions which involve the agencies of the Education Division. Provides leadership in identifying and disseminating proven research findings and validated practices and acts as a catalyst in implementing and diffusing proven practices. Provides dissemination workshops and briefings in the region as a basic responsibility in dissemination services. Identifies exemplary projects and programs in the region and provides assistance in submission for such projects to the Joint Dissemination Review Panel consistent with policies and procedures. Develops sys-

tematic background and interpretive information on educational programs for the agencies in the Education Division through the Office of the Regional Commissioner for Educational Programs. Serves as an expert staff resource to the National Institute of Education by providing regional feedback on N.I.E. programs, research, and products. Serves as focal point for coordinating the dissemination activities of the Education Division. Develops and maintains a regional service center of available research, policy documents and educational models for the improvement of educational services and classroom practices.

2. The titles and statements for the Regional Offices published at 41 FR 36233f (August 26, 1976) are deleted in their entirety.

Dated: December 27, 1977.

CHARLES MILLER,  
Acting Assistant Secretary  
for Management and Budget.

[FR Doc. 78-223 Filed 1-5-78; 8:45 am]

#### [4110-12]

Office of the Secretary

#### PRIVACY ACT OF 1974

New Routine Use and Minor Technical Amendments to Notice of System of Records

AGENCY: Department of Health, Education, and Welfare.

ACTION: Notification of new routine use and minor technical amendments to the notice of systems of records investigative files of the Inspector General, DHEW, No. 09-90-0003.

SUMMARY: The Department of Health, Education, and Welfare (DHEW) proposes to establish an additional new routine use applicable to the system of records entitled investigative files of the Inspector General, DHEW under the Privacy Act. The Department also proposes certain minor technical amendments to the system of records notice primarily to include records collected by means of computer processing.

DATES: The routine use and minor technical amendments shall become effective as proposed without further notice on February 5, 1978, unless comments are received on or before February 5, 1978, which would result in a contrary determination.

ADDRESS: Comments should be addressed to Acting Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 526-E, Hubert H. Humphrey Building, at the above address.

FOR FURTHER INFORMATION CONTACT:

John M. Allen, Privacy Coordinator, Office of the Inspector General, Department of Health, Education, and Welfare, Room 5547, North Building, 330 Independence Avenue SW., Washington, D.C. 20201, or call 202-472-6735.

**SUPPLEMENTARY INFORMATION:** The Department of Health, Education, and Welfare has initiated a major project called Project Match, to reduce fraud and abuse in the aid to families with dependent children (AFDC) program as administered by DHEW. This project seeks to identify and take action, where appropriate, against those Federal employees who are illegally receiving such benefits. The project uses as its primary source of information data collected by means of a comparison by computer of the entire Federal civilian and military workforce obtained from the Civil Service Commission and the Department of Defense with the AFDC rolls provided by State agencies. As soon as the data has been collected all original source computer tapes are promptly returned to the source or destroyed. The records collected by this process will be carefully validated to confirm that each individual identified is or has been in fact employed by the Federal agency and at the same time illegally in receipt of AFDC payments. The new routine use proposed for the system of records investigative files of the Inspector General will facilitate DHEW's disclosure of information about the cases identified to the Federal agency listed as the employing agency in order to validate employment and provide back to HEW information about the employment status and income earned for the period 1974 through 1977.

The minor technical amendments indicate the location where the records used in the project will be maintained and provide information on the safeguards that will be applied to those records. Accordingly, the Department of Health, Education, and Welfare proposes to add an additional routine use and make the minor technical amendments as indicated in the following system of records notice.

CHARLES MILLER,  
Acting Assistant Secretary  
for Management and Budget.

System name:

Investigative files of the Inspector General, HEW/OS/OIG.

Security classification:

None.

System location:

Office of Inspector General, DHEW, Room 5246, North Building, 330 Inde-

pendence Avenue SW., Washington, D.C. 20201.

Office of the Inspector General, DHEW, Room 4044, ROB 3, 7th and D Streets SW., Washington, D.C. 20201.

Categories of individuals covered by the system:

Employees and former employees of the Department, grantees, contractors, subcontractors, carriers, State agencies, State employees, providers and recipients under DHEW programs, providers and recipients under State programs funded by the Department and others doing business with the Department.

Categories of records in the system:

Criminal investigation files.

Authority for maintenance of the system:

28 U.S.C. 535(b); 18 U.S.C.; Pub. L. 94-505, October 15, 1976.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See appendix B, departmental regulations (45 CFR Part 5b), items (1)(4), (5). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. In the event of litigation where one of the parties is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

A record from this system of records may be disclosed as a "routine use" to a Federal, State, or local agency maintaining pertinent records, if necessary to obtain a record relevant to a Department decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records, which take the form of index cards, computer tape files, and



computer printed listings, are maintained in security type safes or lock bar file cabinets with manipulation proof combination locks.

#### Retrievability:

The records are retrieved by manual search of alphabetical index and cross-index cards listing individuals, companies and organizations.

#### Safeguards:

Direct access is restricted to authorized staff members of the Office of Inspector General. Access within DHEW is limited to the Secretary, Under-Secretary, Inspector General, and other officials and employees on a need-to-know basis. Intra-agency transfers are made in accordance with the statement of Organization, Functions, and Delegations of Authority as set out in a notice concerning the Office of Inspector General (42 FR 17531, April 1, 1977). All computer files and printed listings are safeguarded in accordance with the provisions of the National Bureau of Standards Federal Information Processing Standards 41 and 31, and the HEW Information Processing Standards, HEW ADP Systems Manual, A5-10-3. All computer tapes are password protected prohibiting unauthorized access.

#### Retention and disposal:

Investigative files are retained for 5 years after completion of the investigation and/or actions based thereon. Index and cross-reference cards are retained permanently. In instances of computer matching of files, only those records which meet predetermined criteria for investigation are maintained. All records which do not meet these criteria are destroyed. All original source computer tapes are returned or destroyed once computer matching has been accomplished.

#### System manager(s) and address:

Inspector General/Deputy Inspector General, Room 5262, North Building, U.S. Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201.

#### Notification procedure:

Exempt, however consideration will be given requests addressed to the system manager. For general inquiries include the name and date of birth of the individual.

#### Record access procedures:

Exempt, however consideration will be given to requests addressed to the system manager.

#### Contesting record procedures:

Contact System Manager.

#### Record source categories:

Departmental and other Federal, State, and local government records;

interviews of witnesses; documents and other material furnished by non-government sources. Sources may include confidential sources.

#### Systems exempted from certain provisions of the act:

General exemption (j)(2), this system was formerly known as the Investigatory materials compiles for law enforcement purposes system. Pursuant to 45 CFR 5b.11, (b)(2)(i)(B), 40 FR 47413 (October 8, 1975) this system is exempt from the following subsections of the Act (c)(3), (d)(1)-(4), (e)(3), and (e)(4) (G) and (H).

[FR Doc. 78-170 Filed 1-3-78; 9:38 am]

#### [4110-03]

##### Public Health Service

##### FOOD AND DRUG ADMINISTRATION

##### Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration), of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 FR 3685-92 dated February 25, 1970, as amended by 39 FR 18698-18700, May 29, 1974), is amended to reflect a reorganization of the Compliance Division and title and functional changes for the Division of Food Service in the Bureau of Foods.

Section HF-B, Organization, is amended in paragraph (k), Bureau of Foods (HFF), as follows:

(1) Delete paragraph (k-3-i) in its entirety and substitute the following:

(k-3-i) *Division of Regulatory Guidance (HFFG)*. Develops or participates in the development of regulations which implement, interpret, and grant exemptions to those provisions of the laws pertinent to Bureau responsibilities.

Develops and recommends adoption of Agency compliance policy on food, cosmetic, pesticide, and food chemical matters.

Recommends legislation or reviews proposed legislation to solve compliance problems.

Manages the development of controversial or precedent-setting cases; develops and maintains legal guidelines for field use in specific areas and recommends delegations of authority to the field/district offices for direct handling of regulatory actions as necessary.

Reviews and approves or disapproves proposed regulatory actions in areas where authority for direct case handling has not been delegated to the field/district offices; provides guidance to the field/district offices in these areas and provides technical support for case development and contested court cases.

Manages and coordinates headquarters activities associated with injunctions, seizures, and prosecutions. Provides Bureau position on recalls with technical guidance to the field, as requested, and coordinates recall actions with other regulatory actions.

Issues letters providing informal comments in response to specific requests from industry trade associations, other Government agencies, and Congress. Drafts and recommends issuance by the Commissioner of formal advisory opinions.

Reviews and evaluates present and prospective compliance problems involving foods, cosmetics, pesticides, and food chemicals and recommends solutions.

Plans and develops approaches to implement responsibilities in interstate travel sanitation under the Public Health Service Act and through enforcement of applicable provisions of the Interstate Quarantine Regulations.

Develops and issues sanitation handbooks and standards relating to the sanitary design, construction, and operation of aircraft, buses, trains, and vessels.

Reviews and approves or disapproves plans for design and construction details of food service, water, and waste disposal facilities and equipment aboard conveyances.

(2) Delete paragraph (k-3-ii) in its entirety and substitute the following:

(k-3-ii) *Division of Compliance and Industry Programs (HFFJ)*. Develops and issues, with the concurrence of the Executive Director of Regional Operations (EDRO), and the Office of Compliance, surveillance and compliance programs relating to the food and cosmetic industries; coordinates the establishment of priorities for program activities.

Plans and assists in the development of information retrieval and appraisal systems for each compliance program. Manages the development of compliance program evaluations and revises as necessary.

Coordinates the development of annual field workplans in conjunction with other Bureau units and EDRO.

Serves as the Bureau focal point for information concerning the compliance status of the food and cosmetic industries.

Promotes a better understanding in the food, cosmetic, and related industries of the requirements and objectives of the laws and regulations enforced by FDA.

Develops and distributes, with assistance from the Office of Public Affairs (OPA), informational, instructional, and motivational materials designed to encourage voluntary compliance by the regulated industries.

Promotes and develops source country certification Memoranda of Under-

standing with foreign governments to obtain compliance with Federal Food, Drug, and Cosmetic Act requirements for imported food products. Maintains liaison with the Office of Compliance on matters relating to such agreements.

Directs the registration of domestic and foreign low-acid canned food manufacturers and their process filing under the requirements of 21 CFR 108.

Assists field offices, upon request, in the planning and implementation of workshops and seminars for the food, cosmetic, and related industries on current good manufacturing practices and various problem areas.

Assists in the conduct of conferences, seminars, and meetings on specific industry compliance problems and on consumer educational activities in cooperation with the Office of Professional and Consumer Programs (OPCP), and other FDA components, trade associations, and professional and academic groups.

Monitors the implementation of industry quality assurance activities designed to prevent compliance failures; develops plans to help industry improve quality control capabilities.

Develops and issues, with the concurrence of EDRO, OPCA, and OPA, consumer education programs for field implementation; coordinates the development and distribution to the field of program support material.

(k-3-iii) *Delete and Reserve*.

(3) Delete paragraph (k-6-ii) in its entirety and substitute the following:

(k-6-ii) *Division of Retail Food Protection (HFFS)*. Plans, develops, and directs FDA activities to reduce consumer hazards by assisting State and local governments in maintaining effective food protection programs for the retail segment of the food industry including food service, retail food markets, and food vending.

Develops, revises, and interprets Model Ordinances and guides pertinent to food service, retail food markets, and food vending in cooperation with other components of FDA. Promotes the adoption and uniform application of Model Ordinances by States and municipalities in conjunction with the Executive Director of Regional Operations (EDRO).

Provides technical assistance and advice, as requested, regarding retail food sanitation problems and the development of sanitation standards for food service, retail food market, and food vending equipment.

Assists FDA field offices in maintaining and increasing the competence, uniformity, and consistency of State and local government regulatory work.

Develops model programs and initiatives to assist State and local governments in retail food protection programs.

Provides technical and instructor support to the Cincinnati Training Facility, EDRO in the development and presentation of food training courses for State and local governments; promotes and supports industry training in food protection.

Promotes and coordinates, in cooperation with EDRO, field activities relating to the inspection of food service establishments in Federal buildings under reimbursable agreements with the General Services Administration.

Develops programs for field investigations to solve current and emerging problems of food safety in the retail segment of the industry and evaluates related industry innovations.

Dated: December 21, 1977.

CHARLES MILLER,  
Acting Assistant Secretary  
for Management and Budget.  
[FR Doc. 78-18 Filed 1-5-78; 8:45 am]

#### [4110-85]

##### HEALTH RESOURCES ADMINISTRATION

##### Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HA (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (38 FR 18571, July 12, 1973, as amended most recently at 42 FR 61317, December 2, 1977) is amended to reflect the organizational relocation of the Office of Health Information and Health Promotion and the President's Council on Physical Fitness and Sports, correct the functions of the Office of Health Programs including the functions of the Office of Health Practice Assessment, and effect editorial changes to correct publishing errors.

In the third paragraph of the preamble to the FEDERAL REGISTER (42 FR 61317, December 2, 1977), change the parenthetical reference to "(Surgeon General of the U.S. Public Health Service)" to read "(Surgeon General of the Public Health Service)."

Under Section HA-10 Organization, in item 1 change the parenthetical reference to "(Surgeon General of the U.S. Public Health Service)" to read "(Surgeon General of the Public Health Service); and change item 3 to read "Office of Special Health Initiatives (HAR)."

Under Section HA-20 Functions, make the following changes:

Delete the statement for the Deputy Assistant Secretary for Special Health Initiatives (HAR) in its entirety and substitute the following:

*Office of Special Health Initiatives (HAR)*. The Deputy Assistant Secretary for Special Health Initiatives Ad-

resses health matters of particular interest to the Assistant Secretary for Health, such as immunization and health promotion and Saint Elizabeths Hospital initiatives; provides direction to health information and health promotion activities, and to the development and coordination of a comprehensive national program for physical fitness and sports.

Change the code designation of President's Council on Physical Fitness and Sports from "(HAS2)" to "(HAR-2);" change that portion of item (2) that reads "the Deputy Assistant Secretary for Health Programs" to read "the Deputy Assistant Secretary for Special Health Initiatives;" remove President's Council on Physical Fitness and Sports (HAR-2) with its amended functional statement in its entirety and place under the Office of Special Health Initiatives (HAR).

Change the code designation of Office of Health Information and Health Promotion from "(HAT-1)" to "(HAR-1);" change that portion of item (5) that reads "Office of Health Policy Analysis and Planning" to read "Office of Health Policy, Research and Statistics;" remove Office of Health Information and Health Promotion (HAR-1) with the amended functional statement in its entirety and place under the Office of Special Health Initiatives (HAR).

Amend the statement for Office of Health Programs (HAS) by adding in item (9) the words "reimbursable services," between the words "quality assurance" and "and health care financing;" and by deleting item (12) in its entirety. Renumber items (13) and (14) to read items (12) and (13) respectively.

Amend the statement for Office of Health Policy, Research and Statistics (HAT) by deleting that portion of item (16) that reads "health information, health promotion."

Delete the statements for the Office of Health Practice Assessment (HAS5) and its Division of Policy Development and Review (HAS51) and Division of Science Technology Transfer (HAS52) in their entirety and substitute the following:

*Office of Health Practice Assessment (HAS5)*. The Office of Health Practice Assessment: (1) Provides scientific, professional, and technical advice and serves as the principal advisor to the Assistant Secretary for Health concerning the assessment of health and medical practice and the assurance of quality of care; (2) has lead responsibility for PHS efforts to assess health technologies (drugs, devices, and procedures) and encourages their appropriate transfer into medical practice; (3) coordinates for the Assistant Secretary for Health PHS activities to disseminate information to the practicing community and health insurers re-



garding assessments of the effectiveness of drugs, devices, and procedures, as well as the results of biomedical research, and coordinates efforts to integrate scientific and technical findings with ongoing quality assurance activities; (4) serves as the focal point for the Assistant Secretary for Health to provide scientific, professional, and technical advice to HCFA for the determination of reimbursable services, the establishment of health standards, and the development of quality assurance programs; (5) has primary responsibility on behalf of the Assistant Secretary for Health to review and comment on departmental regulations regarding health standards and quality assurance; (6) acts as the Assistant Secretary for Health's and the Department's principal liaison with the National Professional Standards Review Council; and (7) serves as the Assistant Secretary for health's focal point for coordination of policies and PHS regulatory activities dealing with clinical laboratories.

**Division of Quality Assurance Policy (HASS1).** (1) Carries out the health standards and quality assurance responsibilities of the Office of Health Practice Assessment; (2) develops broad policy guidelines on health standards for the certification of providers and suppliers of services, quality assurance programs, and health care financing for provision by the Assistant Secretary for Health to HCFA; (3) coordinates the scientific, professional, and technical advice from PHS to be provided by the Assistant Secretary for Health to HCFA on health standards and quality assurance programs for providers qualified under the Medicare and Medicaid programs; (4) serves as the Executive Secretariat to the National Professional Standards Review Council and provides administrative support to that Council; (5) in collaboration with the Division of Health Maintenance Organizations Qualification and Compliance, Office of Health Maintenance Organizations, develops policy for the quality assurance activities of HMOs; (6) advises the Assistant Secretary for Health in carrying out his responsibilities for pharmaceutical reimbursement programs; (7) coordinates the Assistant Secretary for Health's review and comments on departmental regulations for health care and provider standards and quality assurance programs; and (8) serves as the focal point for the coordination of PHS policy on regulation of clinical laboratories, coordinates PHS agency programs affecting regulation of clinical laboratories, and supports the Assistant Secretary for Health in the provision of technical guidance and assistance to HCFA regarding implementation of the Department's clinical laboratory programs.

**Division of Health Technology Assessment and Transfer (HASS2).** (1) Carries out the responsibilities of the Office of Health Practice Assessment to coordinate PHS efforts regarding health technology assessment and transfer; (2) develops mechanisms and relationships, including approaches for identifying priority issues and developing technical consensus, to facilitate assessment of the effectiveness of drugs, devices, and procedures, and to foster the appropriate adoption of these health technologies by the practicing community; (3) coordinates PHS efforts to disseminate information regarding the effectiveness of medical technologies to the medical profession through Professional Standards Review Organizations and other channels; and (4) coordinates PHS resources required for the Assistant Secretary for Health to provide to HCFA professional advice and recommendations regarding reimbursable (covered) services under the Department's health care financing programs.

Amend the statement for Division of Extramural Research (HAT13) at item (6) by deleting the words "Policy Analysis and" between the words "Office of" and "Program Development."

Amend the statement for Office of Program Support (HAT21) by adding the words "Within guidance and policies provided by the Office of Management," between "(HAT21)" and "directs and conducts."

Amend the statement for Office of Management (HAU) by adding in item (3) the words "personnel management, organizational analysis, management" between the words "manpower management" and "systems and studies."

Part H, Chapter HR (Health Resources Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (42 FR 61317, December 2, 1977) is amended for editorial accuracy as follows:

Under Section HR-B Organization and Functions, at the statement for Division of Health Planning (HRP6) in item (7), change the word "appropriations" to read "appropriateness."

Dated: December 27, 1977.

CHARLES MILLER,  
Acting Assistant Secretary for  
Management and Budget.

[FR Doc. 78-222 Filed 1-9-78; 8:45 am]

#### [4310-84]

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Land Management

##### COLORADO

#### Order Providing for Opening of Public Land

DECEMBER 28, 1977.

1. In exchanges of lands made under the provisions of Section 8 of the Act

of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1970) the following lands have been reconveyed to the United States:

#### NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 46 N., R. 1 W.,

Sec. 6, lot 1.

T. 47 N., R. 1 W.,

Sec. 31, lots 2, 3, 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 43 N., R. 4 W.,

In sec. 19, Patent No. 27879, as described by Mineral Survey No. 9774, Eureka lode; Patent No. 27850, as described by Mineral Survey No. 9773, Spokane lode.

T. 43 N., R. 5 W. (Protracted).

In secs. 23 and 24, Patent No. 9252, as described by Mineral Survey No. 1194, Telegraph lode, and Patent No. 8444, as described in Mineral Survey No. 1092, Martha L. lode.

T. 36 N., R. 7 W.,

Sec. 18, E $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 19, NE $\frac{1}{4}$ NW $\frac{1}{4}$  and a portion of Lot 1 described as follows: Beginning at the west  $\frac{1}{4}$  corner between sections 18 and 19, by metes and bounds: westerly between sections 18 and 19 10.26 chains to the W-W  $\frac{1}{4}$  corner; southerly 20.177 chains to the C-W-NW  $\frac{1}{4}$  corner; easterly 9.98 chains to the NW  $\frac{1}{4}$  corner; northerly 21.60 chains to the west  $\frac{1}{4}$  corner between sections 18 and 19, the place of beginning.

T. 51 N., R. 8 W.,

Sec. 15, S $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 16, S $\frac{1}{4}$ S $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 17, E $\frac{1}{4}$ ;

Sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 51 N., R. 9 W.,

Sec. 2, lots 1, 2, and 3;

Sec. 13, NW $\frac{1}{4}$  and N $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 23, SW $\frac{1}{4}$ SE $\frac{1}{4}$  and E $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 24, NW $\frac{1}{4}$ , N $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 26, NE $\frac{1}{4}$ NW $\frac{1}{4}$  and N $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 43 N., R. 10 W.,

In sec. 26, Mineral Survey No. 14438, Willow Placer.

T. 47 N., R. 10 W.,

Sec. 11, W $\frac{1}{4}$  and W $\frac{1}{4}$ E $\frac{1}{4}$ ;

Sec. 14, SW $\frac{1}{4}$ ;

T. 37 N., R. 20 W.,

Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 11, E $\frac{1}{4}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ ;

Sec. 12, S $\frac{1}{4}$ ;

Sec. 13, N $\frac{1}{4}$ ;

Sec. 14, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;

T. 38 N., R. 20 W.,

Sec. 23, NE $\frac{1}{4}$ SW $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 39 N., R. 18 W.,

Sec. 7, lot 6 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 20, NE $\frac{1}{4}$ .

#### 6TH PRINCIPAL MERIDIAN

T. 7 N., R. 95 W.,

Sec. 10, lots 5, 6, 7, 8, 10, 11, 14, and 15;

Sec. 15, lots 2 and 3.

T. 15 S., R. 70 W.,

Sec. 4, lots 10, 14, S $\frac{1}{4}$ NW $\frac{1}{4}$  and N $\frac{1}{4}$ SW $\frac{1}{4}$ , and Patent No. 33913, as described by Mineral Survey 13831, Diamond lode;

Patent No. 35304, as described by Mineral Survey 14521, Navy Blue lode and Patent No. 37024 as described by Mineral Survey 14730, Los Angeles lode;

Sec. 8, Patent No. 42481, as described by Mineral Survey 16913, Gold Hill, Gold Koyné, and Nellie Bly lodes;

Sec. 21, lots 12 and 19, and Patent No. 30102 as described by Mineral Survey

11662, Battle, Battle No. 1, Big Horse and Diamond lodes;

Secs. 21 and 22, patent No. 34947 as described by Mineral Survey 14345, Summit Nos. 1, 2, 3, 4, and 5 lodes, Patent No. 35440 as described by Mineral Survey 14639, Little Topsy lode, and Patent No. 37909, as described by Mineral Survey 15752, Marie N. lode, exclusive of areas of these claims within Cripple Creek Ranches Filing No. 2, as recorded in plat book F at pages 46 and 47 and Filing No. 3, as recorded in plat book F at pages 52 and 53, Office of the Clerk and Recorder, Teller County, Cripple Creek, Colo.

T. 5 S., R. 81 W.,

Sec. 23, N $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 13 S., R. 90 W.,

Sec. 12, S $\frac{1}{4}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 15 S., R. 93 W.,

Sec. 19, N $\frac{1}{4}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 20, NW $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 31, NE $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;

Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 5 S., R. 95 W.,

Sec. 4, E $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 15 S., R. 97 W.,

Sec. 23, lots 4, 6, 8, 9, E $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{4}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 24, lot 4;

Sec. 25, lot 2, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 26, N $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 12 S., R. 101 W.,

A tract of land in Lot 2 Tract 61; beginning at corner No. 1, identical with corner No. 1 of Tract 61, from corner No. 1, by metes and bounds: south 89°58' W., 660 feet to corner No. 2, south 1,319.62 feet, to corner No. 3, east 660 feet, to corner No. 4, identical with the true point for corner No. 6 of Tract 61, north 1,320 feet to corner No. 1, the place of beginning.

The areas described aggregate 6,288.57 acres in Mesa, Delta, Montezuma, LaPlata, Teller, Montrose, Garfield, Moffat, Gunnison, Hinsdale, San Miguel, and Eagle Counties.

2. The areas described are native rangelands widely scattered in western Colorado. They are being managed, together with adjoining public lands for multiple resource use.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, these lands will be open to operation of the public land laws, including the mining laws, chapter 2, Title 30 U.S.C., and the mineral leasing laws at 10 a.m. on February 2, 1978. All valid applications received at or prior to 10:00 a.m. February 2, 1978, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. Mineral interests were not conveyed to the United States with the lands described above in T. 36 N., R. 7 W.; T. 51 N., Rgs. 8 and 9 W.; T. 39 N., R. 18 W.; Twps. 37 and 38 N., R. 20 W., New Mexico Principal Meridian; and T. 7 S., R. 95 W.; T. 13 S., R. 90 W.; T. 15 S., R. 93 W.; T. 5 S., R. 95 W.; Lots 6, 8, and 9 of section 23, T. 15 S., R. 97 W., and T. 12 S., R. 101 W., Sixth Principal Meridian.

4. Inquiries concerning the lands should be addressed to the undersigned, Bureau of Land Management, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

THOMAS N. HARDIN,  
Chief, Branch of Adjudication.  
[FR Doc. 78-217 Filed 1-5-78; 8:45 am]

#### [4310-84]

[Serial No. 1-4874]

#### IDAHO

#### Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

DECEMBER 30, 1977.

The Fish and Wildlife Service filed application Serial No. I-4874, on March 6, 1972, for a withdrawal in relation to the following described lands:

#### BOISE MERIDIAN

T. 11 N., R. 3 E.,

Sec. 3, lot 7;

Sec. 10, unsurveyed island lying in E $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 15, unsurveyed island lying in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , unsurveyed island lying in sections 14 and 15, unsurveyed island lying in sections 15 and 22.

The area described aggregates 8.2 acres, more or less, in Valley County.

The applicant desires the land for public purposes, for management of migrating waterfowl and other wildlife as a part of the Deer Flat National Wildlife Refuge.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on April 5, 1972, page 6875, volume No. 38, document No. 72-5185.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Federal Building, 550 West Fort Street, Box 042, Boise, Idaho 83724, on or before February 8, 1978. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual, sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned autho-

rized officer of the Bureau of Land Management on or before February 8, 1978.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, but not the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, 550 West Fort Street, Box 042, Boise, Idaho 83724.

WILLIAM E. IRELAND,  
Acting Chief, Branch of  
Lands and Minerals Operations.  
[FR Doc. 78-218 Filed 1-5-78; 8:45 am]

#### [4310-84]

[Wyoming 619111]

#### WYOMING

#### Application

DECEMBER 30, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Co. of Oklahoma City, Okla., filed an application for a right-of-way to construct a 4 inch natural gas pipeline for the purpose of transporting natural gas across the following described public lands:

#### SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 23 N., R. 94 W.,

Sec. 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The proposed pipeline will extend from the Champlin 450 wellhead located in the SW $\frac{1}{4}$  of section 21, T. 23 N., R. 94 W., and will connect with Cities Service Gas Co.'s existing gathering line located in the SW $\frac{1}{4}$  of section 29, T. 23 N., R. 94 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address



and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

LARRY L. STEWARD,  
Acting Chief, Branch of  
Lands and Minerals Operations.  
[FR Doc. 78-219 Filed 1-5-78; 8:45 am]

[4310-84]

(Wyoming 61157)

## WYOMING

## Application

DECEMBER 27, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Co. of Oklahoma City, Okla., filed an application for a right-of-way to construct one 4 inch and one 6 inch pipeline and related anode facilities for the purpose of transporting natural gas across the following described public lands:

## SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 94 W.,  
Sec. 4.  
T. 22 N., R. 94 W.,  
Secs. 6, 30, and 32.  
T. 23 N., R. 94 W.,  
Sec. 32.  
T. 22 N., R. 95 W.,  
Secs. 12, 14, and 24.

The pipelines will transport natural gas from points in the SW¼ sec. 29., T. 23 N., R. 94 W., SE¼ sec. 11, T. 22 N., R. 95 W., and the SE¼ sec. 33, T. 22 N., R. 94 W., to an existing Colorado Interstate Gas Co. pipeline in sec. 4, T. 21 N., R. 94 W., in Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, Wyo. 82301.

LARRY L. STEWARD,  
Acting Chief, Branch of Lands  
and Minerals Operations.

[FR Doc. 78-220 Filed 1-5-78; 8:45 am]

[1505-01]

## JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

## ADVISORY COMMITTEE ON JOINT BOARD ACTUARIAL EXAMINATIONS

## Meeting

## Correction

In FR Doc. 77-36853 appearing at page 64747 in the issue for Wednesday, December 28, 1977, in the first paragraph, the date of the meeting now reading "January 15, 1978" should have read "January 25, 1978".

[4510-30]

## DEPARTMENT OF LABOR

## Employment and Training Administration

## EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

## Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be ap-

proved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 30th day of December 1977.

ERNEST G. GREEN,  
Assistant Secretary for  
Employment and Training.

## APPLICATIONS RECEIVED DURING THE WEEK ENDING DECEMBER 30, 1977

## Name of Applicant, Location of Enterprise, and Principal Product or Activity

Laurels Country Club Inc., Thompson, N.Y., Resort hotel complex.  
Phillips Deck Forms, Inc., Jefferson County, W. Va., Manufacture of steel bridge deck form, steel roof deck, and steel bridge plank.  
Tamroy Mining, Inc., Pax, W. Va., Coal mining.  
Oley Emerson Perry, Florence, Miss., Small shopping center.  
Farmer's Peanut Co. of Sowega, Inc., Whigham, Ga., Buying and/or marketing of peanuts, soybeans, and corn.  
Bettlee Industries, Inc., Dalton, Ga., Manufacture and sale of chenille bedspreads and tufted carpet; contract latexing for products of other manufacturers.  
Wesley Myron Bol, Baldwin, Wis., Bowling alley.  
Lifestyle Homes, Inc., Casa Grande, Ariz., Manufacture of mobile homes.  
Quality Wholesale, Inc., Caldwell, Idaho, Wholesale of prefab kitchen cabinets.

[FR Doc. 78-73 Filed 1-5-78; 8:45 am]

[4510-29]

## Pension and Welfare Benefit Programs

## ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

## Meeting

Pursuant to section 512 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142), a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 9:30 a.m. on Tuesday, January 24, 1978, in the Federal Ballroom North, Quality Inn, Capitol Hill, 415 New Jersey Avenue NW., Washington, D.C.

The meeting will be open to the public. The purpose of the meeting is to discuss the items listed in the following agenda:

1. Swearing-In of New Members.
2. Department of Labor Progress Report Since Last Advisory Council Meeting.
3. Investment Work Group Report.
4. Communications Work Group Report.
5. Relationship Between Private and Public Pensions and the Social Security System.
6. Council Suggestions for New Study Projects and Advisory Council Work Groups.
7. Election of Advisory Council Coordinator.

Any member of the public may file a written statement concerning the topics under this agenda by submitting 30 copies on or before the close of business Monday, January 23, 1978, to the Administrator of Pension and Welfare Benefit Programs, New Department of Labor Building, 200 Constitution Avenue NW., Room S4516, Washington, D.C. 20216.

Persons desiring to attend should notify Edward F. Lysczek, Executive Secretary of the Advisory Council, New Department of Labor Building, 200 Constitution Avenue NW., Room S4522, Washington, D.C. 20216, or may call area code 202-523-8753.

Signed at Washington, D.C., this 29th day of December 1977.

IAN D. LANOFF,  
Administrator of Pension  
and Welfare Benefit Programs.  
[FR Doc. 78-89 Filed 1-5-78; 8:45 am]

[4510-28]

## Office of the Secretary

[TA-W-1910]

## ATLANTIC TUBING AND RUBBER CO.

## Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1910: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 28, 1977 in response to a worker petition received on March 24, 1977 which was filed by the United Rubber Workers of America on behalf of workers and former workers producing polyvinyl chloride (PVC) film and sheeting and PVC compound at Atlantic Tubing and Rubber Co., Cranston, R.I.

The Notice of Investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19178). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Atlantic Tubing and Rubber Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of the Treasury, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The Department's investigation revealed that the products manufactured by Atlantic Tubing and Rubber Co., Cranston, R.I. included PVC film and sheeting, PVC compound, plastic garden hose, and floor tile (vinyl and vinyl asbestos). The largest proportion of Atlantic's sales (approximately 75 percent in 1976) consisted of PVC sheet and film and PVC compound.

Customers surveyed who purchased PVC compound from Atlantic indicated that they did not purchase imported PVC compound. The majority of PVC sheet and film customers surveyed either decreased import purchases or bought no imports at all during 1976 and the first six months of 1977. Customers surveyed who decreased purchases from Atlantic indicated they did not increase purchases from foreign sources.

The major decline in Atlantic's sales and employment occurred during the last half of 1974 and throughout 1975. Total sales by Atlantic decreased 45 percent from 1974 to 1975; however, imports of PVC sheet and film and of PVC compound also declined from 1974 to 1975. Sales by Atlantic remained stable from 1975 to 1976.

As a result of this low sales plateau in 1975 and 1976, company officials decided to cease production in February 1977 and to permanently close the Atlantic Tubing and Rubber Co. in July 1977. The decision to close the entire company was made because the overhead costs of operating the floor tile and garden hose departments without the two major PVC departments would have been too costly.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with flexible PVC sheet and film and PVC compound produced at Atlantic Tubing and Rubber Co., Cranston, R.I. have not contributed importantly to the decline in sales and to the total or partial separations of workers of that firm as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc. 78-282 Filed 1-5-78; 8:45 am]

[4510-28]

[TA-W-2189]

## DANA CORP., SPICER TRANSMISSION DIVISION

## Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2189: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 5, 1977 in response to a worker petition received on June 28, 1977, which was filed by the United Automobile Workers of America on behalf of workers and former workers producing heavy duty truck transmissions, transfer cases and replacement parts of the same at the Toledo, Ohio plant of Dana Corp., Spicer Division.

The notice of investigation was published in the FEDERAL REGISTER on July 15, 1977 (42 FR 36313). No public hearing was requested and none was held.

The information upon which the determination was made was obtained



principally from officials of Dana Corp., Spicer Transmission Division, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

In the Department's previous investigation (TA-W-872) workers at Dana's Toledo, Ohio plant engaged in employment related to the production of truck transmissions and parts who became separated on or after April 20, 1975 and before April 2, 1976 were certified eligible to apply for adjustment assistance. The termination date was included because of declining imports in 1976. Imports of truck transmissions declined 48.7 percent from 1975 to 1976 and declined 20.3 percent in the first half of 1977 compared to the same period in 1976. The ratio of imports to domestic production declined from 3.5 percent in 1975 to 1.8 percent in 1976 and again dropped in the first half of 1977 to 1.5 percent compared to 2.0 percent for the same period in 1976.

Imports of transfer cases were negligible in 1976 and 1977 according to industry and government sources.

#### CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increases of imports of articles like or directly competitive with heavy duty truck transmissions and transfer cases produced by the Toledo, Ohio plant of Dana Corp., Spicer Transmission Division did not contribute importantly to the decline in sales or production or separations of workers of that firm as required in Section 222 of the Trade Act of 1974. The petition is, therefore denied.

Signed at Washington, D.C. this 22nd day of December, 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc. 78-283 Filed 1-5-78; 8:45 am]

[4510-28]

[TA-W-2115]

#### DURY CLOTHING CO., INC.

##### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2115: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 1, 1977 in response to a worker petition received on May 31, 1977 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's, boys' and ladies' slacks at Dury Clothing Co., Inc., West Pittston, Pa. During the course of the investigation it was revealed that Dury Clothing Co. also produces men's and women's shorts and that Dury does not produce boys' slacks.

The notice of investigation was published in the FEDERAL REGISTER on June 17, 1977, (42 FR 30938). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dury Clothing Co. Inc., its manufacturers, the customers of the manufacturers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is impor-

tant but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers increased 2 percent from 1974 to 1975, declined 8 percent from 1975 to 1976 and then declined 23 percent in the first five months of 1977 when compared to the same period in 1976.

The plant was closed for lack of work during the last week in July 1976 and the first week of August 1976.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales of Dury Clothing, in value, increased 22 percent from 1974 to 1975, declined 23 percent from 1975 to 1976 and then declined 44 percent in the first five months of 1977 when compared to the same period in 1976.

Total company production of men's and women's slacks and shorts, in quantity, increased 9 percent from 1974 to 1975, declined 28 percent from 1975 to 1976 and then declined 47 percent in the first five months of 1977 when compared to the same period in 1976.

#### INCREASED IMPORTS

Imports of men's and boys' dress and sport trousers and shorts declined in absolute terms, from 1972 to 1974 and increased from 1974 to 1975. Imports increased 32 percent from 1975 to 1976 and declined 17 percent in the first six months of 1977 compared to the same period in 1976. The ratios of imports to domestic production and consumption increased from 34.1 percent and 25.4 percent, respectively, in 1975 to 41.9 percent and 29.5 percent, respectively, in 1976.

Imports of women's, misses' and children's slacks and shorts declined in absolute terms, from 1972 to 1974 and increased from 1974 to 1975. Imports increased 10 percent from 1975 to 1976 and increased 4 percent in the first six months of 1977 compared to the same period in 1976. The ratios of imports to domestic production and consumption increased from 35.2 percent and 26.0 percent, respectively, in 1975 to 36.4 percent and 26.7 percent, respectively, in 1976.

#### CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that Dury Clothing Co., Inc. produces men's and women's slacks and shorts on a contract basis for other manufacturers. A Department survey of manufacturers representing 78 percent of Dury's sales in 1975, 70 percent in 1976 and 100 percent in the first five months of 1977, revealed that none of the six manufacturers with

which Dury contracted switched orders from Dury to offshore contractors. However, the survey revealed that retail customers of manufacturers (manufacturers which represented 53 percent of Dury's sales in 1975, 26 percent in 1976 and 0 percent in 1977), decreased purchases from the manufacturers and increased purchases of imported men's slacks. As a result of this switch by retail customers to imported men's slacks, the manufacturers reduced contracts with Dury from 1975 to 1976 and then stopped contracting with Dury for the production of men's slacks in 1977. The reduced contracts for men's slacks lead to a change in Dury's product mix as men's slacks and shorts accounted for 90 percent of Dury's production in 1975 and 1976 and 60 percent in the first five months of 1977. The reduced contracts and the change in product mix in turn resulted in the decline in Dury's sales and production from 1975 to 1976 and in the first five months of 1977 when compared to the same period in 1976.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's and women's slacks and shorts produced by Dury Clothing Co., Inc., West Pittston, Pa. contributed importantly to the declines in sales and production and to the total or partial separation of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Dury Clothing Co., Inc., West Pittston, Pa. who became totally or partially separated from employment on or after May 25, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of December, 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc. 78-284 Filed 1-5-78; 8:45 am]

[4510-28]

[TA-W-1975]

#### ELLWOOD CITY FORGE CORP.

##### Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1975: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 12, 1977 in response to a worker petition received on April 11, 1977 which was filed on behalf of workers

and former workers producing open die steel forgings at Ellwood City Forge Corp., Ellwood City, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on April 29, 1977 (42 FR 21873). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ellwood City Forge Corp. and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met with respect to open die forged engine parts. The investigation further revealed that criterion (4) has not been met with respect to steel forgings.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly workers Ellwood City Forge increased 1 percent from 1974 to 1975 and then declined 14 percent from 1975 to 1976. The average number of hourly workers increased 2 percent in the third quarter of 1976, and increased 3 percent in the fourth quarter of 1976, when compared to the previous quarters. The average number of hourly workers declined 9 percent in the first quarter of 1977 compared to the first quarter of 1976.

#### SALES OR PRODUCTION OR BOTH, HAVE DECREASED ABSOLUTELY

Total company sales declined 5 percent, in quantity, from 1974 to 1975 and then increased 3 percent from 1975 to 1976. Total company sales declined 29 percent, in quantity, in the first quarter of 1977 compared to the first quarter of 1976.

The above data was not available by product lines.

All forgings are produced according to customers' orders, therefore, production is equivalent to sales.

#### INCREASED IMPORTS

Imports of steel forgings increased 1 percent from 1972 to 1973, increased 50 percent from 1973 to 1974 and increased 18 percent from 1974 to 1975. Imports then declined 47 percent in 1976 to 57.1 thousand short tons, the lowest level of imports for the five year period.

Imports of open die forged engine parts increased by 13.2 percent from 1975 to 1976, and by 18.1 percent in January-September 1977 compared to the same period in 1976.

#### CONTRIBUTED IMPORTANTLY

Imports of open die forged engine parts have increased absolutely from 1972 to 1976. Imports of open die forged engine parts have increased by 13.2 percent from 1975 to 1976. There has been an 18.1 percent increase in engine parts from January-September 1976 compared to the same period in 1977.

Ellwood's largest customers of a particular engine part were surveyed regarding their purchases of crankshafts. All of these customers purchased imported crankshafts. One of the customers who reduced purchases from Ellwood and increased purchases of imported crankshafts represented 6 percent of Ellwood's crankshaft sales in 1975 and 11 percent in 1976.

Imports of steel forgings increased absolutely in each year from 1972 through 1975. Imports then declined 47 percent from 1975 to 1976. In the first quarter of 1977, imports increased 9 percent compared to the first quarter of 1976. The ratios of imports to domestic production and consumption declined from 5.7 percent and 5.6 percent, respectively, in 1975 to 3.3 percent and 3.2 percent, respectively in 1976.

During the investigation, Ellwood's customers were surveyed by OTAA regarding their purchases of steel forgings. The representative sample of firms contacted either did not purchase imported steel forgings in 1976 and 1977 or decreased purchases from all sources.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of steel forgings like or directly competitive with steel forgings, not engine parts, produced at Ellwood City Forge Corp., Ellwood City, Pa. did not contribute importantly to the absolute decline in sales or production and to the total or partial separation of workers at that



plant. Therefore workers engaged in employment related to steel forgings, not engine parts, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that increases in imports of engine parts like or directly competitive with open die forged engine parts produced at Ellwood City Forge Corp., Ellwood City, Pa. contributed importantly to the absolute decline in sales or production and to the total or partial separation of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Ellwood City Forge Corp., Ellwood City, Pa., engaged in employment related to the production of open die forged engine parts, who became totally or partially separated from employment on or after April 7, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of December 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.  
[FR Doc. 78-285 Filed 1-5-78; 8:45 am]

## [4510-28]

[TA-W-2,050-2,056]

## FORD MOTOR CO.

## Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2,050-2,056: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 10, 1977, in response to worker petitions received on May 10, 1977, which were filed by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW) on behalf of workers and former workers engaged in the production of subcompact car parts at seven (7) plants of the Ford Motor Co., Dearborn, Mich.

The notice of investigation was published in the FEDERAL REGISTER on May 10, 1977 (42 FR 27330). No public hearing was requested and none was held.

The information upon which the determinations were made was obtained principally from officials of Ford Motor Co., the U.S. Department of Commerce, the U.S. International Trade Commission, the Motor Vehicle Manufacturers Association, Automotive News, Ward's Automotive Reports, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the investigation has revealed that the first criterion has not been met with respect to all petitioning plants with the exception of the Lima, Ohio, engine plant (TA-W-2055). The investigation has revealed that all of the criteria have been met with respect to the Lima engine plant.

## SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly workers employed at the Lima, Ohio, engine plant declined 5.7 percent in the April 1976-March 1977 period compared to the April 1975-March 1976 period.

The average number of hourly workers employed at the remaining six petitioning plants increased during the period April 1976-March 1977 compared to the April 1975-March 1976 period by the following percentages: Cleveland Stamping, Cleveland, Ohio (TA-W-2050): 13.5 percent; Dearborn Stamping, Dearborn, Mich. (TA-W-2051): 1.4 percent; Woodhaven Stamping, Woodhaven, Mich. (TA-W-2052): 7.7 percent; Sterling Transmission, Warren, Ohio (TA-W-2053): 7.9 percent; and Van Dyke Transmission, Warren, Mich. (TA-W-2054): 12 percent. Employment at Utica Trim, Utica, Mich. (TA-W-2056), declined 0.2 percent during the same period.

## SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Adjusted sales of parts produced for use in subcompact cars at the Lima, Ohio, engine plant declined 39.7 percent in the April 1976-March 1977 period compared to the April 1975-March 1976 period.

## INCREASED IMPORTS

Imports of subcompact cars increased from 1,393.4 thousand units in MY 1974 to 1,437.9 thousand units in MY 1975 and then declined to 1,325.4 thousand units in MY 1976. In the first quarter of MY 1977, imports numbered 350.5 thousand units, up from 301.3 thousand units in the first quarter of MY 1976.

The ratio of imports to domestic production increased from 108.6 percent in MY 1974 to 180.8 percent in MY 1975 and then fell to 142.9 percent in MY 1976. The ratio of imports to domestic production increased steadily from 101.4 percent in the first quarter of MY 1976 to 260.8 percent in the first quarter of MY 1977.

## CONTRIBUTED IMPORTANTLY

In a previous Department of Labor investigation (TA-W-1937-1939), it was determined that increased imports of subcompact cars contributed importantly to the separation of workers at three Ford Motor Co. assembly plants producing such cars.

The Department's investigation revealed that during the period April 1976-March 1977, the Lima, Ohio, engine plant produced a substantial proportion of its output for use in subcompact cars and therefore was integrated into the production of those cars.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with Ford Motor Co. subcompact cars contributed importantly to the decrease in sales and to the total or partial separation of workers producing parts for such Ford cars at the Lima, Ohio, engine plant (TA-W-2055) of the Ford Motor Co.

I further conclude that a significant number or proportion of workers at the remaining six (6) petitioning auxiliary plants of the Ford Motor Co. did not become totally or partially separated as required for certification under section 222 of the Trade Act of 1974.

In accordance with the provisions of the Act, I make the following certification:

All workers of the Ford Motor Co., Lima, Ohio, engine plant (TA-W-2055), engaged in employment related to the production of parts for use in Ford subcompact cars who became totally or partially separated on or after March 28, 1976, and before August 8, 1977, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974. All workers separated on or after August 8, 1977 are denied eligibility.

Signed at Washington, D.C., this 22nd day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc. 78-286 Filed 1-5-78; 8:45 am]

## [4510-28]

[TA-W-1937-1939]

## FORD MOTOR CO.

## Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1937-1939: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 31, 1977, in response to a worker petition received on March 31, 1977, which was filed by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW) on behalf of workers and former workers engaged in the production of subcompact cars at the Metuchen, N.J., Dearborn, Mich., and San Jose, Calif., assembly plants of the Ford Motor Co., Dearborn, Mich.

The notice of investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19937). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Ford Motor Co., the U.S. Department of Commerce, the U.S. International Trade Commission, the Motor Vehicle Manufacturers Association, Automotive News, Ward's Automotive Reports, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed im-

portantly" means a cause which is important, but not necessarily more important than any other cause.

## SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly workers employed at the Metuchen, N.J., plant declined 19 percent from MY 1974 to MY 1975, 8.1 percent from MY 1975 to MY 1976, and 31.2 percent in the first half of MY 1977 compared to the same period of MY 1976. Average hourly employment declined 27.1 percent in the period April 1976-March 1977 compared to the April 1975-March 1976 period.

The average number of hourly workers employed at the Dearborn, Mich., plant declined 26.7 percent from MY 1974 to MY 1975, 21.3 percent from MY 1975 to MY 1976, and 11.1 percent in the first half of MY 1977 compared to the last half of MY 1976. Average hourly employment decreased 3.6 percent in the period April 1976-March 1977 compared to the April 1975-March 1976 period.

The average number of hourly workers engaged in employment related to the production of subcompact cars at the San Jose, Calif., plant declined 53.8 percent from MY 1974 to MY 1975, increased 4.9 percent from MY 1975 to MY 1976, declined 23.2 percent from the first half of MY 1976 to the first half of MY 1977, and declined 17.1 percent in the period April 1976-March 1977 compared to the April 1975-March 1976 period.

## SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of subcompact cars at the Metuchen plant declined 44.2 percent from MY 1974 to MY 1975, 4.8 percent from MY 1975 to MY 1976, and 50.9 percent in the first half of MY 1977 compared to the first half of MY 1976.

Production of subcompact cars at the Dearborn plant declined 52.2 percent from MY 1974 to MY 1975, increased 0.5 percent from MY 1975 to MY 1976, and declined 10.1 percent in the first half of MY 1977 compared to the first half of MY 1976.

Production of subcompact cars at the San Jose plant declined 53.8 percent from MY 1974 to MY 1975, increased 4.9 percent from MY 1975 to MY 1976, and declined 23.2 percent in the first half of MY 1977 compared to the first half of MY 1976.

## INCREASED IMPORTS

Imports of subcompact cars increased from 1,393.4 thousand units in MY 1974 to 1,437.9 thousand units in MY 1975 and then declined to 1,325.4 thousand units in MY 1976. In the first quarter of MY 1977, imports numbered 350.5 thousand units, up from 301.3 thousand units in the first quarter of MY 1976.

The ratio of imports to domestic production increased from 108.6 percent in MY 1974 to 180.8 percent in MY 1975 and then fell to 142.9 percent in MY 1976. The ratio of imports to domestic production increased steadily from 101.4 percent in the first quarter of MY 1976 to 260.8 percent in the first quarter of MY 1977.

## CONTRIBUTED IMPORTANTLY

Subcompact car imports are produced by American-based companies, primarily in Canada, and by foreign-based companies in countries other than Canada. In MY 1976, 19 percent of subcompact imports were built in Canada and 81 percent were built overseas. The cars produced in Canada are indistinguishable from the same make and model cars produced at U.S. plants.

Ford's imports of subcompact cars from Canada increased 47.1 percent from MY 1975 to MY 1976 and then declined 38.1 percent in the first half of MY 1977 compared to the same period of MY 1976.

Imports of subcompact cars from Canada by Ford, indistinguishable from those produced at the Metuchen and San Jose plants, increased from 29.1 percent of Ford's domestic market for these cars in the first half of MY 1976 to 41.5 percent in the first half of MY 1977.

Imports have penetrated the domestic market for subcompact cars to the extent that during MY 1974-1976 more than 50 percent of all subcompacts sold domestically were imported. From the first quarter of MY 1976 to the first quarter of MY 1977 the share of the domestic subcompact market held by imports rose steadily from 51 percent to 61.6 percent. During the same period, the market share held by domestically built Ford subcompacts decreased from 22.3 percent to 15.9 percent and the share held by other domestically built subcompacts fell from 26.7 percent to 22.5 percent.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with subcompact cars produced at the Metuchen, N.J., Dearborn, Mich., and San Jose, Calif., assembly plants of the Ford Motor Co. contributed importantly to the decline in production and to the total or partial separation of the workers at such plants. In accordance with the provisions of the Trade Act of 1974, I make the following certifications:

All workers of the Ford Motor Co., Metuchen, N.J., assembly plant (TA-W-1937) who became totally or partially separated on or after March 28, 1976, and before August 8, 1977, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974. All workers sepa-



rated on or after August 8, 1977, are denied eligibility.

All workers of the Ford Motor Co., Dearborn, Mich., assembly plant (TA-W-1938) who became totally or partially separated on or after March 28, 1976, and before August 8, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers separated on or after August 8, 1977, are denied eligibility.

All workers of the Ford Motor Company, San Jose, Calif., assembly plant (TA-W-1939), engaged in employment related to the production of subcompact cars, who became totally or partially separated on or after March 28, 1976, and before August 8, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers separated on or after August 8, 1977 are denied eligibility.

Signed at Washington, D.C., this 22nd day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc. 78-287 Filed 1-5-78; 8:45 am]

## [4510-28]

[TA-W-2244]

## GREAT EASTERN TEXTILE PRINTING CO.

## Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2244: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 8, 1977 in response to a worker petition received on August 3, 1977 which was filed on behalf of workers and former workers producing printed textile fabrics at Great Eastern Textile Printing Co., Mahwah, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on August 23, 1977 (42 FR 42397). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Great Eastern Textile Printing Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (4) has not been met.

Great Eastern produces printed textile fabric exclusively for two converters. A survey of clothing manufacturers who decreased their purchases of finished fabric from these two converters revealed that the manufacturers did not shift their orders of printed textile fabric from the two converters to imports.

Imported wearing apparel cannot be considered to be like or directly competitive with printed and dyed fabric. Imports of all types of finished fabric must be considered in determining import injury to workers producing printed and dyed fabric at Great Eastern Textile Printing Company. Aggregate imports of finished fabric declined in each quarter of 1976 compared to the respective previous quarters and declined in the first half of 1977 compared to the first half of 1976. The ratio of imports to domestic production remained at two percent or less since 1973.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with printed fabric produced at Great Eastern Textile Printing Co., Mahwah, N.J. did not contribute importantly to the decline in sales or to the total or partial separations of workers at that firm, as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc. 78-288 Filed 1-5-78; 8:45 am]

## [4810-28]

[TA-W-2190]

## HOLLISTON MILLS, INC.

## Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of

TA-W-2190: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 5, 1977 in response to a worker petition received on July 1, 1977 which was filed by former workers producing coated cloth, paper, and plastic film at the Lincoln, R.I. plant of the Holliston Mills, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on July 15, 1977 (42 FR 36513). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Holliston Mills, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The Department contacted a representative sample of former coated paper and cloth customers of the Lincoln, R.I. plant. None of these had purchased any imported products similar to those formerly produced at the Lincoln, R.I. plant.

Moreover, trade and industry analysis by the Department indicated negligible imports of those products.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles, like or directly competitive with coated cloth, paper and film at the Lincoln, R.I. plant of Holliston Mills did not contribute importantly to the total or partial separations of workers at the plant as required for certification in section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of December 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.  
[FR Doc. 78-289 Filed 1-5-77; 8:45 am]

## [4510-28]

[TA-W-2191]

## HOLLISTON MILLS, INC.

## Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2191: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 5, 1977, in response to a worker petition received on July 1, 1977, which was filed by former workers producing coated cloth, paper, and plastic film at the Lincoln, R.I. plant of the Holliston Mills, Inc., on behalf of workers at the Hyannis, Mass., office of the same company.

The notice of investigation was published in the FEDERAL REGISTER on July 15, 1977 (42 FR 36513). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Holliston Mills, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The Hyannis, Mass., facilities of Holliston Mills, Inc., consists of administrative and corporate offices for the firm.

The Department contacted a representative sample of former coated paper and cloth customers of the Lincoln, R.I., and Kingston, Tenn., plants. None of these had purchased any imported products similar to those formerly produced at the Lincoln, R.I., and Kingsport, Tenn., plants of Holliston Mills, Inc.

Moreover, trade and industry analysis by the Department indicated negligible imports of those products.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles, like or directly competitive with coated cloth, paper and film produced at the Lincoln, R.I., and Kingsport, Tenn., plants of Holliston Mills did not contribute importantly to the total or partial separations of workers at the Hyannis office as required for certification by section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc. 78-290 Filed 1-5-78; 8:45 am]

## [4510-28]

[TA-W-2192]

## HOLLISTON MILLS, INC.

## Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2192: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 5, 1977, in response to a worker petition received on July 1, 1977, which was filed by former workers producing coated cloth, paper, and plastic film at the Lincoln, R.I., plant of the Holliston Mills, Inc., on behalf of the workers at the Kingston, Tenn., plant of the same company.

The notice of investigation was published in the FEDERAL REGISTER on July 15, 1977 (42 FR 36513). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Holliston Mills, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The Department contacted a representative sample of the coated paper and cloth customers of the Kingsport, Tenn., plant. None of these had purchased any imported products similar to those produced at the Kingsport, Tenn., plant.

In addition, trade and industry analysis by the Department indicated negligible imports of those products.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles, like or directly competitive with coated cloth, paper and film produced at the Kingsport, Tenn., plant of the Holliston Mills have not contributed importantly to the total or partial separations of workers at that plant as required for certification of eligibility for adjustment assistance in section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of December 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.  
[FR Doc. 78-291 Filed 1-5-78; 8:45 am]

## [4510-28]

[TA-W-1888]

## HOLLY DRESS CO.

## Negative Determination of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1888: Investigation regarding certification of eligibility to



apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 23, 1977, in response to a worker petition received on March 23, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's dresses at the Nanticoke, Pa., plant of Holly Dress Co.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19176). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Holly Dress Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the fourth criterion has not been met.

Evidence developed during the course of the investigation revealed that the impact of imports in the domestic market for women's and misses' dresses has been small and did not change appreciably from 1975 to 1976 or in the first nine months of 1977 compared to the first nine months of 1976. From 1975 to 1976 the ratio of imports to domestic production remained constant at 4.5 percent while imports increased by only 2.2 percent in absolute terms. Imports fell by 12.8 percent in the first nine months of 1977 compared to the first nine months of 1976.

Holly Dress produced women's dresses under contract from a manufacturer which accounted for almost 100 percent of the subject firm's production in 1976 and the first six months of

1977. A survey of the manufacturer's customers indicated no significant switch in purchases to imported dresses.

#### CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that increased imports like or directly competitive with dresses produced at the Nanticoke, Pennsylvania plant of Holly Dress Co. did not contribute importantly to the decrease in production or to the total or partial separations of workers at that plant.

Signed at Washington, D.C., this 23rd day of December 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.  
[FR Doc. 78-292 Filed 1-5-78; 8:45 am]

[4510-28]

[TA-W-1727]

#### HOLLY SUGAR CORP.

#### Correction of Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In FR Doc. 77-28885 appearing at page 52510 in the FEDERAL REGISTER of September 30, 1977, the impact date on which total or partial separations began was inaccurate. Data obtained in the original investigation was in error with respect to certain workers separated on or before the plant closing. Reevaluation of the data revealed that workers were separated prior to the March 1, 1977, impact date. Therefore, the following change should be made:

1. The 3rd column, 5th paragraph, 4th line, is corrected by changing March 1, 1977 to February 11, 1977.

Signed at Washington, D.C., this 23rd day of December 1977.

HARRY GRUBER,  
Director, Office of  
Foreign Economic Research.  
[FR Doc. 78-293 Filed 1-5-78; 8:45 am]

[4510-28]

[TA-W-1851]

#### KENNETH MANUFACTURING CO.

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1851: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 22, 1977, in response to a

worker petition received on March 22, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's and misses' dresses at the Kenneth Manufacturing Co., Wilkes-Barre, Pa.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kenneth Manufacturing Co., its customer, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, criterion (4) has not been met.

Evidence developed during the Department's investigation revealed that Kenneth Manufacturing Co. is a contractor for women's and misses' dresses for one manufacturer. Sales of Kenneth Manufacturing Co.'s manufacturer increased in 1976 compared to 1975 and in the first 9 months of 1977 compared to the first 9 months of 1976. This manufacturer's purchases of imported dresses are negligible.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with women's and misses' dresses produced at Kenneth Manufacturing Co., Wilkes-Barre, Pa., have not contributed importantly to the decline in sales or production of the firm and to the total or partial separations of workers of that firm as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc. 78-294 Filed 1-5-78; 8:45 am]

[4510-28]

[TA-W-1859]

#### MANER SPORTSWEAR, INC.

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1859: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 22, 1977, in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's dresses, suits, and pantsuits at Maner Sportswear, Inc., Sugar Notch, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Maner Sportswear, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Imports of women's, misses and children's suits, and pantsuits decreased

from 412 thousand dozen in 1975 to 408 thousand dozen in 1976 and declined from 178 thousand dozen in the first half of 1976 to 168 thousand dozen in the first half of 1977. Imports of women's and misses' dresses decreased from 395 thousand dozen in the first half of 1976 to 346 thousand dozen in the first half of 1977.

Maner Sportswear is a clothing contractor, producing women's dresses, suits, and pantsuits for clothing manufacturers. A survey of clothing manufacturers, who represented over 66 percent of dollar sales by Maner Sportswear in 1976, indicated that these clothing manufacturers did not import any women's dresses, suits, or pantsuits.

Dollar sales and employment at Maner Sportswear increased 158 percent and 46 percent, respectively, from 1975 to 1976. Temporary layoffs occurred at the plant in August 1976, when a major customer of Maner Sportswear decided to start in-house production of women's sportswear and to discontinue all outside contract work. Employment at Maner Sportswear rose in September 1976 due to new contract work with other clothing manufacturers. Dollar sales and employment at Maner Sportswear in the first half of 1977 were 127 percent and 49 percent higher than respective levels in the first half of 1976.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's dresses, suits, and pantsuits produced by Maner Sportswear, Inc., Sugar Notch, Pa., did not contribute importantly to sales declines or to separations of workers of that firm, as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc. 78-295 Filed 1-5-78; 8:45 am]

[4510-28]

[TA-W-2161]

#### PERENNIAL PRINT WORKS, INC.

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2161: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 20, 1977, in response to a worker

petition received on June 16, 1977, which was filed by the Machine Printers and Engravers Association on behalf of workers and former workers engaged in the printing of fabric at Perennial Print Works, Inc., Paterson, N.J.

The notice of investigation was published in the FEDERAL REGISTER on June 28, 1977 (42 FR 32853). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Perennial Print Works Inc., fabric converters who are customers of Perennial, customers of the fabric converters, The National Cotton Council, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that without regard to any of the other criteria, criterion four (4) was not met.

Perennial Print Works, Paterson, N.J. is a commission fabric printer. Fabric converters send unfinished material to the company. Perennial prints the fabric and returns the finished fabric to the customers. Perennial prints all types of fabric.

Fabric converters, who represented 100 percent of Perennial's sales in 1976 were surveyed by the Department concerning their purchases of finished fabric. Over fifty percent of the converters surveyed responded. Of these, only one converter shifted purchases of finished fabric from Perennial to imports in 1976 or in 1977.

In addition, apparel manufacturers, who are customers of the fabric converters, were also surveyed concerning purchases of finished fabric. In general, these customers did not shift purchases of finished fabric from domestic sources to imports.



Inasmuch as all types of finished fabric, flocked, dyed, and printed, are generally interchangeable and substitutable in their end uses, all types of finished fabric may be considered like or directly competitive with the fabric printed at Perennial Print Works.

Aggregate imports of finished fabric (including dyed, printed, and flocked), in absolute terms, declined from 1972 to 1973 declined from 1973 to 1974, and increased from 1974 to 1975. Imports increased 20 percent from 1975 to 1976.

Imports of finished fabric declined in each quarter of 1976 when compared to the previous quarter. Imports declined 38 percent in the first six months of 1977 compared to the like period of 1976.

Since 1973 the ratio of imports to domestic production has not exceeded 2.0 percent.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fabric printed at Perennial Print Works, Inc., Paterson, N.J. did not contribute importantly to the decline in sales or production and to the total or partial separation of workers of that plant.

Signed at Washington, D.C., this 23rd day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc. 78-297 Filed 1-5-78; 8:45 am]

[4510-28]

[TA-W-2345]

#### PLESCO PRODUCTS, INC.

##### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2345: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 14, 1977 in response to a worker petition received on September 13, 1977 which was filed on behalf of workers and former workers producing disposable hospital garments at the St. Petersburg, Fla. plant of Plesco Products, Inc.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Plesco Products, Inc. and its sales agent, cus-

tomers of the sales agent, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Customs Service, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers at the St. Petersburg plant increased from October 1976 (when the plant opened) through February 1977, remained fairly stable through September 1977 and then began to decline. Most workers were laid off by October 1977 when the plant closed.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at Plesco Products, Inc., in terms of unadjusted value, increased 86 percent in the fiscal year ending February 28, 1977 compared to the fiscal year ending February 28, 1976. Sales increased 16 percent in the seven month period ending September 1977 compared to the same period ending September 1976. Sales declined 24 percent in the July-September 1977 period compared to the July-September 1976 period.

The St. Petersburg plant was opened for approximately one year, from October 1976 to October 1977.

Sales, at the St. Petersburg plant, in terms of unadjusted value, increased in each of the four quarters in which the plant was operating, compared to the respective previous quarter.

Production at the St. Petersburg plant, in terms of quantity, increased in each of the first three quarters in which the plant was operating and then declined in the fourth quarter, compared to the respective previous quarter.

All production and sales ceased in October 1977 when the plant closed.

#### INCREASED IMPORTS

Imports of disposable apparel, linens, and accessories (non-wovens) for hospital and medical use, which includes caps and shoe covers increased in absolute terms in each year from 1972 through 1976. Imports increased 49 percent from 1975 to 1976 and increased 11 percent in the first seven months of 1977 compared to the same period in 1976. Information on domestic production and consumption of these products is confidential.

#### CONTRIBUTED IMPORTANTLY

The disposable garments industry is highly labor-intensive. Many domestic firms have found it profitable to have a twin plant in Mexico to sew, assemble, and pack their products. The Mexican firm ships the finished products back to the U.S. where they are sterilized and then sold. These imports from Mexico enter under Tariff Provision 807.00.

Plesco sells most of its production through its sales agent (over 70 percent in the first six months of FY 1977). The remainder is sold outside, mostly to government agencies. Plesco's sales agent indicated that a substantial portion of their business was lost when their own customers began purchasing imports. The sales agent also indicated that many of Plesco's competitors were manufacturing offshore.

Customers of the sales agent confirmed that they began purchasing disposable hospital garments from firms that maintained offshore facilities, and accordingly, reduced purchases from firms that produced solely domestically.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with disposable hospital garments (caps and shoe covers) produced at the St. Petersburg, Fla. plant of Plesco Products, Inc. contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the St. Petersburg, Fla. plant of Plesco Products, Inc. who became totally or partially separated from employment on or after September 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of December 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.

[FR Doc. 78-298 Filed 1-5-78; 8:45 am]

[4510-28]

[TA-W-2346]

#### PLESCO PRODUCTS, INC.

##### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2346: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 14, 1977 in response to a worker petition received on September 13, 1977 which was filed on behalf of workers and former workers producing disposable hospital garments at the Worcester, Massachusetts plant of Plesco Products, Inc.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Plesco Products, Inc. and its sales agent, customers of the sales agent, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Customs Service, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers at the Worcester plant declined 22 percent in the first ten months of 1977 compared to the same period in 1976. Employment declines began in February 1977.

#### SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Sales at Plesco Products, Incorporated, in terms of unadjusted value, increased 86 percent on the fiscal year ending February 28, 1977 compared to the fiscal year ending February 28, 1976. Sales increased 16 percent in the seven month period ending September 1977 compared to the same period ending September 1976. Sales declined 24 percent in the July-September 1977 period compared to the July-September 1976 period.

Sales by the Worcester plant, in terms of unadjusted value, increased 66 percent in the fiscal year ending February 28, 1977 compared to the fiscal year ending February 28, 1976. Sales declined 43 percent in the eight month period ending October 1977 compared to the same period ending October 1976.

Production at the Worcester plant, in terms of quantity, declined 23 percent in the first ten months of 1977 compared to the same period in 1976.

#### INCREASED IMPORTS

Imports of disposable apparel, linens, and accessories (non-wovens) for hospital and medical use, which includes caps and shoe covers, increased in absolute terms in each year from 1972 through 1976. Imports increased 49 percent from 1975 to 1976 and increased 11 percent in the first seven months of 1977 compared to the same period in 1976. Information on domestic production and consumption of these products is confidential.

#### CONTRIBUTED IMPORTANTLY

The disposable garments industry is highly labor-intensive. Many domestic firms have found it profitable to have a twin plant in Mexico to sew, assemble, and pack their products. The Mexican firm ships the finished products back to the U.S. where they are sterilized and then sold. These imports from Mexico enter under Tariff Provision 807.00.

Plesco sells most of its production through its sales agent (over 70 percent in the first six months of FY 1977). The remainder is sold outside, mostly to government agencies. Plesco's sales agent indicated that a substantial portion of their business was lost when their own customers began purchasing imports. The sales agent also indicated the many of Plesco's competitors were manufacturing offshore.

Customers of the sales agent confirmed that they began purchasing disposable hospital garments from firms that maintained offshore facilities, and accordingly, reduced purchases from firms that produced solely domestically.

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with disposable hospital garments (caps and shoe covers) produced at the Worcester, Mass. plant of Plesco Products, Inc. contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Worcester, Mass. plant of Plesco Products, Inc. who became totally or partially separated from employment on or after February 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 23d day of December, 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.

[FR Doc. 78-299 Filed 1-5-78; 8:45 am]

[4510-28]

[TA-W-2205]

#### REID STEVENS, INC.

##### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2205: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 13, 1977 in response to a worker petition received on July 12, 1977 which was filed by the workers of Reid Stevens, Inc. on behalf of workers and former workers producing ladies' coats at Reid Stevens, Inc., Commack, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on August 2, 1977 (42 FR 39157). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Reid Stevens, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;



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(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and  
(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

This investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

The average number of production workers employed by Reid Stevens, Inc. decreased during the last six months of 1976 compared to the same period in 1975, and decreased during the first seven months of 1977 compared to the same period in 1976.

The average number of weekly hours worked by production workers decreased during the last six months of 1976 compared to the same period in 1975, and decreased during the first seven months of 1977 compared to the same period in 1976.

SALES, PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of ladies' coats manufactured by Reid Stevens, Inc. decreased during the last six months of 1976 compared to the same period in 1975, and decreased during the first seven months of 1977 compared to the same period in 1976.

INCREASED IMPORTS

United States imports of women's, misses' and children's coats and jackets were recorded at 1,769 thousand dozen in 1972, increased to 1,807 thousand dozen in 1973, decreased to 1,478 thousand dozen in 1974, increased in 1975 to 1,517 thousand dozen, increased in 1976 to 2,252 thousand dozen, and increased to 1,231 thousand dozen during the first six months of 1977 compared to 961 thousand dozen for the same period in 1975.

The imports to domestic production ratio for women's, misses' and children's coats and jackets decreased from 39.3 percent in 1972 to 37.3 percent in 1973, decreased to 30.9 percent in 1974, increased in 1975 to 38.9 percent, and increased in 1976 to 57.5 percent.

CONTRIBUTED IMPORTANTLY

A survey of Reid Stevens, Inc. sole manufacturer revealed that the manufacturer increased its imports of ladies' coats during the first three quarters of 1977 compared to the same period in 1976, while at the same time decreasing its utilization of Reid Stevens.

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' coats produced by Reid Stevens Inc., Commack, New York contributed importantly to the total or partial separation of the workers at the Plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Reid Stevens Inc., Commack, N.Y. who became totally or partially separated from employment on or after July 8, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc. 78-300 Filed 1-5-78; 8:45 am]

[4510-28]

[TA-W-2196]

ROCKWELL INTERNATIONAL ADMIRAL GROUP  
Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2196: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 7, 1977, in response to a worker petition received on July 1, 1977, which was filed by the International Brotherhood of Electrical Workers on behalf of workers and former workers producing television yokes and tuners at the McHenry, Ill., plant of Rockwell International, Admiral Group.

The notice of investigation was published in the FEDERAL REGISTER on July 15, 1977 (42 FR 36513). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rockwell International, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

Average weekly employment at the McHenry, Ill., plant decreased in 1976 compared to 1975. The McHenry plant closed permanently on November 11, 1976. All workers were separated at this time.

Production of television components at the McHenry, Ill., plant decreased in 1976 compared to 1975.

Imports of monochrome televisions increased 45.5 percent in 1976 compared to 1975. Imports of monochrome televisions dominate the black and white television market, with 99.8 percent of these imports coming from Asia. The ratio of imports to domestic production increased from 193.8 percent in 1975 to 311.3 percent in 1976.

Imports of color televisions increased 179.8 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 23.4 percent in 1975 to 55 percent in 1976.

The McHenry, Ill., plant supplied television components to the Harvard, Ill., television assembly plant that was certified eligible for trade adjustment assistance benefits on May 16, 1977 (TA-W-1571). This integrated affiliation with the Harvard plant makes the level of television component production at the McHenry plant contingent upon the sales and/or production of televisions by the Admiral Group or by the Harvard plant.

Admiral Group sales of color televisions and monochrome televisions decreased 21 percent and 28 percent, respectively, in quantity in 1976 compared to 1975.

Production of color televisions and monochrome televisions at the Harvard, Ill., plant decreased 19 percent and increased 18 percent, respectively in quantity in 1976 compared to 1975.

The proportion of Rockwell International's total company sales in quantity of color televisions which were completed in Taiwan in 1976 was almost double the proportion in 1975. The very high proportion of company sales of monochrome televisions completed in Taiwan remained unchanged in 1976 compared to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude

that increases of imports of articles like or directly competitive with color and monochrome televisions produced at the Harvard, Ill., plant of Rockwell International (Admiral Group) contributed importantly to the separations of workers at the McHenry, Ill., plant of Rockwell International (Admiral Group). In accordance with the provisions of the Act, I make the following certification:

All workers at the McHenry, Ill., plant of Rockwell International (Admiral Group) who became totally or partially separated from employment on or after June 25, 1976, and before November 28, 1976, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974. All workers separated on or after November 28, 1976 are denied eligibility.

Signed at Washington, D.C., this 23rd day of December 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.  
[FR Doc. 78-301 Filed 1-5-78; 8:45 am]

[4510-28]

[TA-W-1927]

ROCKWELL INTERNATIONAL, GRAPHIC SYSTEMS GROUP, GOSS DIVISION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1927: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 30, 1977, in response to a worker petition received on March 29, 1977, which was filed by supervisory personnel formerly engaged in the production of web-fed letter printing presses at the Graphic Systems Group, Goss Division plant of Rockwell International in Cicero, Ill. On April 28, 1977, a petition was received which was filed by the International Association of Machinists and Aerospace Workers on behalf of production workers employed at that plant.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19178). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the U.S. International Trade Commission, the U.S. Department of Commerce, Rockwell International's Graphic Systems Division and its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of

eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Evidence developed in the Department's investigation revealed that the utilization of web-fed letter presses is being phased out in favor of web-fed offset presses which offer superior technological advantages. By late 1976, according to industry analysts, this conversion process had reached more than three-fourths of all domestic newspaper printing plants, the principal users of web-fed printing presses. The domestic production of web-fed letter presses was sharply reduced in response to this technological shift. No imported web-fed letter presses had been purchased by any of the customers surveyed during the course of the Department's investigation nor had any customers indicated that imported web-fed offset presses were purchased in replacement of letter presses. Customers furthermore indicated that web-fed offset presses manufactured in the United States have a technological and serviceability advantage over foreign made presses and, in most instances, a price advantage.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that increases of imports of articles like or directly competitive with the web-fed letter presses produced at the Graphic Systems Group, Goss Division plant of Rockwell International in Cicero, Ill., did not contribute importantly to the decline in sales and production and to the total or partial separations of the workers from that plant as required for a certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc. 78-302 Filed 1-5-78; 8:45 am]

[4510-28]

[TA-W-2362]

ROTH TRANSFER PRINT, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2362: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 19, 1977, in response to a worker petition received on September 15, 1977, which was filed on behalf of workers and former workers producing print fabric at Roth Transfer Print, Inc., Fair Lawn, N.J.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54032). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Roth Transfer Print, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Evidence developed in the Department's investigation revealed that



Roth Transfer Print, Inc., is a commissioned printing firm which prints fabric for converters and manufacturers. The single plant company was founded to transfer print from paper to cloth using a heat transfer process.

A survey of customers accounting for 90 percent of Roth Transfer Print, Inc.'s sales in the first three quarters of 1977, revealed the customers switched to other domestic sources and did not switch to imports.

Aggregate imports of finished fabric, which include dyed cotton broadwoven, dyed man-made broadwoven, dyed cotton knit, dyed man-made knit, cotton broadwoven printcloth, man-made woven printed, flocked cotton and flocked man-made, declined absolutely from 1972 to 1973 and from 1973 to 1974 and increased from 1974 to 1975. Imports increased 20 percent from 1975 to 1976.

Imports of finished fabric declined in each quarter of 1976 compared to the respective previous quarters and declined 38 percent in the first half of 1977 compared to the first half of 1976.

The ratios of imports of finished fabric to domestic production and consumption reached a peak in the most recent five year period at 2.2 percent in 1972. Since 1972 the ratios have been 2 percent or less.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with printed fabric produced at Roth Transfer Print, Inc., Fair Lawn, N.J., have not contributed importantly to the decline in sales or production of the firm or to the total or partial separations of workers at that firm as required in section 222 of the Trade Act of 1974. The petition is, therefore, denied.

Signed at Washington, D.C., this 23rd day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc. 78-303 Filed 1-5-78; 8:45 am]

#### [4510-28]

[TA-W-2134]

#### SPEAKMAN CO.

##### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2134: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 8, 1977, in response to a worker

petition received on June 8, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing plumbing fixtures and fittings at the Wilmington, Del., plant of Speakman Co.

The notice of investigation was published in the FEDERAL REGISTER on June 17, 1977 (42 FR 30936). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Speakman Co. and the United Steelworkers of America.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (1) has not been met.

Speakman Co. is a manufacturer of plumbing fittings and has been in this business since 1869. The Wilmington, Delaware plant is the company's only manufacturing facility and also serves as its headquarters. Speakman Co. makes plumbing fixtures such as kitchen and bathroom faucets, and shower fittings primarily for residential use.

Average annual employment increased 11 percent in 1976 compared to 1975 and increased 27 percent in the first six months of 1977 compared to the first six months of 1976.

Sales at the Speakman Co. increased 8 percent in 1976 compared to 1975. Sales increased 18 percent in the first half of 1977 compared to the like period in 1976. The increasing sales at the Speakman Co. are an indication that there is no current threat of separations of workers.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or propor-

tion of the workers at the Wilmington, Del., plant of the Speakman Co. have not become totally or partially separated, as required for certification in section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 22nd day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc. 78-304 Filed 1-5-78; 8:45 am]

#### [4510-28]

[TA-W-2618]

#### TOY-MARK CORP.

##### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2618: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 17, 1977, in response to a worker petition received on November 2, 1977, which was filed by the company president of the Toy-Mark Corp., on behalf of workers and former workers of the corporation who were engaged in the retail sale of earth shoes at the Earth Shoe Store, Providence, R.I.

The Notice of Investigation was published in the FEDERAL REGISTER on December 13, 1977 (42 FR 82556). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Toy-Mark Corp., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Toy-Mark Corp., was the sole franchise holder in the state of Rhode

Island for the sale of "earth shoes" manufactured by Kalso Systemet Inc. They operated only one store, Earth Shoe Store, at 311 Westminster Ave., Providence, R.I. 02903.

The Earth Shoe Store opened on or about October 1, 1975, and closed permanently in the first week of September 1977. There was no corporate or other financial relationship between Toy-Mark Corp., and Kalso Systemet Inc., the franchisor.

The Department of Labor has previously determined that the performance of services is not included within the term "articles" as used in section 222 (3) of the Act. See Notice of Negative Determination in *Pan American World Airways, Inc.* (TA-W-153; 40 FR 54639).

The employees of the Toy-Mark Corp., were engaged in the retail sales of earth shoes. The Toy-Mark Corp., was not involved in the production of an article within the meaning of section 222 (3) of the Act.

#### CONCLUSION

After careful review of the issues, I have determined that the services provided by Toy-Mark Corp., are not articles within the meaning of section 222 (3) of the Trade Act of 1974 and that workers should therefore be denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 23rd day of December 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.

[FR Doc. 78-305 Filed 1-5-78; 8:45 am]

#### [4510-28]

[TA-W-2659]

#### VULCAN MOLD AND IRON, INC.

##### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2659: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 23, 1977, in response to a worker petition received on November 14, 1977, which was filed by three workers on behalf of workers and former workers producing ingot molds at the Trenton, Mich., plant of Vulcan Mold and Iron, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61695). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of Vulcan Mold and Iron, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

The evidence developed in a survey of consumers of ingot molds conducted by the Department revealed that imports of ingot molds are negligible. The product, ingot molds, is not listed as a separate item on any U.S. Tariff Schedule.

Vulcan Mold and Iron produces ingot molds principally for the steel industry where they are used in the production of steel. The production of ingot molds is directly dependent upon the production of steel which is currently at depressed levels.

Imports of ingot molds are not "like or directly competitive" with steel products within the meaning of section 222 (3) of the Trade Act of 1974.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with the ingot molds produced at the Trenton, Mich., plant of Vulcan Mold and Iron have not increased as required for certification in section 222 of the Trade Act of 1974 and that the workers at the plant should therefore be denied eligibility to apply for adjustment assistance benefits.

Signed at Washington, D.C., this 23rd day of December 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.

[FR Doc. 78-306 Filed 1-5-78; 8:45 am]

#### [4510-28]

[TA-W-2075]

#### WAKEFIELD INDUSTRIES, INC.

##### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2075: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 16, 1977, in response to a worker petition received on May 16, 1977, which was filed on behalf of workers and former workers producing modular and console stereo units at the Norwich, Conn., plant of Wakefield Industries, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on May 24, 1977 (42 FR 26481-2). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wakefield Industries, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers employed at Wakefield Industries, Inc., declined 4.7 percent in 1976 compared to 1975. Employment declined 48 percent between November 1976 and June 1977.



# SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of modular and console stereo units produced by Wakefield declined 3.3 percent in value in 1976 compared to 1975 and further declined 21.2 percent in the first quarter of 1977 compared to the first quarter of 1976.

## INCREASED IMPORTS

Imports of radio-phonograph-tape player combinations increased from 7,274.0 thousand units in 1972 to 7,869.8 thousand units in 1973. Imports declined to 5,623.1 thousand units in 1974, declined again to 4,631.9 thousand units in 1975 and increased to 7,966.0 thousand units in 1976. Imports increased from 2,959.6 thousand units in the first half of 1976 to 4,288.6 thousand units in the first half of 1977.

The ratio of imports to domestic production declined from 295.0 percent in 1972 to 276.2 percent in 1973, to 193.3 percent in 1974 and to 177.0 percent in 1975. In 1976 the ratio increased to 360.3 percent while in the first half of 1977 the ratio was 366.5 percent, compared to 255.7 percent in the first half of 1976.

## CONTRIBUTED IMPORTANTLY

A survey of some of the customers of Wakefield Industries, Inc., found that some of these customers have reduced purchases of modular and console stereo units from Wakefield while increasing their purchases of imported units.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with modular and console stereo units produced by Wakefield Industries, Inc., Norwich, Conn., contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Wakefield Industries, Inc., Norwich, Conn., who became totally or partially separated from employment on or after May 9, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23d day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

(FR Doc. 78-307 Filed 1-5-78; 8:45 am)

[4510-28]

[TA-W-2248]

# WENTWORTH MANUFACTURING CO.

## Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2248: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 8, 1977, in response to a worker petition received on August 5, 1977, which was filed by the International Ladies' Garment Workers Union, on behalf of workers and former workers producing junior, misses, and half size pantsuits and dresses at the Lake City, S.C. production facility of Wentworth Manufacturing Co. the investigation was expanded to include company sales offices in New York, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on August 23, 1977 (42 FR 42397). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Wentworth Manufacturing Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

## SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Lake City, S.C. plant of the Wentworth Manufactur-

ing Co. increased 1 percent in 1976 compared to 1975 and decreased 93 percent in the first eight months of 1977 compared to the first eight months of 1976. All production workers were laid off on January 31, 1977.

Employment at the New York, N.Y. sales office increased 4 percent in 1976 compared to 1975 and decreased 88 percent in the first six months of 1977 compared to the first six months of 1976. All sales operations at the New York, N.Y. sales office were terminated in June 1977.

## SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales by Wentworth Manufacturing Co. decreased by less than one percent from 1975 to 1976 and declined 81 percent in the first half of 1977 compared to the first half of 1976. Wentworth ceased sales operations in June 1977.

Production at the Wentworth Manufacturing Co. decreased 7 percent in 1976 compared to 1975 and decreased 70 percent in January 1977 compared to January 1976. All production operations were permanently terminated on January 31, 1977.

## INCREASED IMPORTS

Imports of women's and misses' dresses increased from 613 thousand dozen in 1974 to 645 thousand dozen in 1975 and to 659 thousand dozen in 1976.

## CONTRIBUTED IMPORTANTLY

Customers accounting for 38 percent of total sales in 1976 indicated in a survey that they increased purchases of imported junior, missy, and half size dresses while decreasing purchases from Wentworth during the same time period.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with junior, missy, and half size pantsuits and dresses produced at the Lake City, S.C. production facility and sold by the New York, N.Y. sales office of the Wentworth Manufacturing Co. contributed importantly to declines in sales and production and to the total or partial separations of workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the Lake City, S.C. production facility and the New York, N.Y. sales office of the Wentworth Manufacturing Co. who became totally or partially separated from employment on or after November 13, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
(FR Doc. 78-308 Filed 1-5-78; 8:45 am)

[4510-28]

[TA-W-2108]

# MICHAEL BERKOWITZ CO., INC.

## Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2108: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 31, 1977, in response to a worker petition received on May 31, 1977, which was filed by the Amalgamated Clothing & Textile Workers' Union on behalf of workers and former workers producing disposable operating room gowns at the Uniontown, Pa. (Route 51), plant of the Michael Berkowitz Co., Inc. The investigation revealed that the Uniontown plant also produces surgical face masks.

The notice of investigation was published in the FEDERAL REGISTER on June 17, 1977 (42 FR 30939). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Michael Berkowitz Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met.

- (1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

## CONTRIBUTED IMPORTANTLY

The Michael Berkowitz Co., Inc., manufactures disposable surgical gowns for one customer, exclusively. This customer decreased purchases of surgical gowns produced by Berkowitz in 1976 compared to 1975 and decreased purchases of surgical gowns in the first three quarters of 1977 compared to the first three quarters of 1976. This customer increased purchases of imported surgical gowns in 1976 compared to 1975 and in the first three quarters of 1977 compared to the first three quarters of 1976.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production of disposable surgical face masks at the Uniontown, Pa., plant of the Michael Berkowitz Co., Inc., located on Route 51 did not decrease absolutely as required for certification under section 222 of the Trade Act of 1974.

I further conclude that increases of imports like or directly competitive with disposable operating room gowns produced at the Uniontown, Pa., plant of the Michael Berkowitz Co., Inc., located on Route 51 contributed importantly to the decrease in sales or production and to the total or partial separation of the workers producing such articles at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Uniontown, Pa., plant of the Michael Berkowitz Co., Inc., located on Route 51, engaged in employment related to the production of disposable operating room gowns, who became totally or partially separated from employment on or after May 2, 1976, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
(FR Doc. 78-296 Filed 1-5-78; 8:45 am)

[7555-01]

## NATIONAL SCIENCE FOUNDATION

### ADVISORY COMMITTEE FOR INTERNATIONAL PROGRAMS Establishment

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463); it is hereby determined that the establishment of the Advisory Committee for International Programs is necessary, appropriate, and in the public interest in connection with the performance of the duties imposed upon the Director, National Science Foundation (NSF) by the National Science Foundation Act of 1950, as amended, and other appli-

The investigation has revealed that all four criteria have been met by workers engaged in the production of disposable operating room gowns. Furthermore, the investigation has revealed that criterion two has not been met by workers engaged in the production of surgical face masks.

## SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Production workers are not separately identifiable by product line in company employment records. The average number of production workers declined 23.8 percent in 1975 compared to 1974 and declined 19.4 percent in 1976 compared to 1975. Employment declined 1.4 percent in the first three quarters of 1977 compared to the first three quarters of 1976.

## SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Since Berkowitz produces only on order, plant sales and production are the same.

Plant production of operating room gowns declined 38.9 percent in 1975 compared to 1974 and declined 12.8 percent in 1976 compared to 1975. Plant production of operating room gowns declined 10.6 percent in the first three quarters of 1977 compared to the first three quarters of 1976.

Plant production of surgical face masks declined 4.7 percent in 1975 compared to 1974 and declined 2.9 percent in 1976 compared to 1975. In the relevant time period under investigation, from May 1976 to the present, production of surgical masks at the Uniontown plant increased. Production increased 10 percent in the May-December 1976 period when compared to the same period in 1975. Plant production of surgical face masks increased 28 percent in the first three quarters of 1977 compared to the first three quarters of 1976. Plant production of surgical face masks increased in each quarter from the third quarter of 1976 through the third quarter of 1977 when compared to the like quarters of the preceding year.

## INCREASED IMPORTS

The value of imports of disposable apparel, linens, and accessories (non-wovens) for hospital and medical use was 6,626 thousand dollars in 1972 and increased to 10,363 thousand dollars and 14,669 thousand dollars, respectively, in 1973 and 1974. The value of imports increased to 16,406 thousand dollars and 24,488 thousand dollars, respectively, in 1975 and 1976. The value of imports increased from 14,671 thousand dollars in the first seven months of 1976 to 16,213 thousand dollars in the first seven months of 1977.



cable law. This determination follows consultation with the Committee Management Secretariat, pursuant to the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Name of committee: Advisory Committee for International Programs.

Purpose: To provide advice, recommendations, and oversight concerning support for activities related to international scientific and technical cooperation.

Effective date of establishment and duration: The establishment of the Committee is effective upon filing the charter with the Director, NSF, and the standing committees of Congress having legislative jurisdiction of the NSF. The Committee will operate on a continuing basis contingent upon its renewal every 2 years.

Membership: Membership of the Committee shall be fairly balanced in the terms of the point of view represented and the Committee's functions. The Committee will consist of approximately 12 persons selected from the U.S. scientific and foreign affairs communities. Members of the Committee will be chosen so that they will reasonably represent the scientific areas and international scientific and technological interests of the Division of International Programs (INT), the different types and sizes of U.S. institutions having scientific programs of interest to INT, the sexes, minority scientists, and geographical regions of the United States.

Operation: The Committee will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463); NSF policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act.

RICHARD C. ATKINSON,  
Director.

DECEMBER 3, 1978.

[FR Doc. 78-250 Filed 1-5-78; 8:45 am]

#### [7555-01]

##### SUBCOMMITTEE ON POPULATION BIOLOGY AND PHYSIOLOGICAL ECOLOGY

###### Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

##### SUBCOMMITTEE ON POPULATION BIOLOGY AND PHYSIOLOGICAL ECOLOGY OF THE ADVISORY COMMITTEE FOR ENVIRONMENTAL BIOLOGY

Date and time: January 23 and 24, 1978; 8:30 a.m. to 5 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Donald W. Kaufman, Associate Program Director, Population

Biology and Physiological Ecology Program, Room 338, National Science Foundation, Washington, D.C. 20550, telephone 202-632-7317.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in population biology and physiological ecology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b)(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

DECEMBER 3, 1978.

[FR Doc. 78-248 Filed 1-5-78; 8:45 am]

#### [7555-01]

##### FEDERAL SCIENTIFIC AND TECHNICAL INFORMATION MANAGERS

###### Meeting

The next meeting of the Federal Scientific and Technical Information Managers will be held on Wednesday, January 11, 1978, from 9:30 a.m. to 12 noon, at the National Science Foundation, Conference Room 540, 1800 G Street NW., Washington, D.C. The theme of this meeting will be "New Information Technology: Prospects and Impacts."

These meetings, sponsored by the National Science Foundation, provide a forum for the interchange of information concerning common problems and coordination in the areas of Federal scientific and technical information and communications.

These meetings are designed solely for the benefit of Federal employees and officers, and do not fall under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463). However, this meeting is believed to be of sufficient importance and interest to the public to be announced in the FEDERAL REGISTER.

Any persons wishing to attend this meeting or requiring further information should contact me, Division of Science Information, National Science

Foundation, Washington, D.C. 20550, telephone 202-632-5824.

LEE G. BURCHINAL,  
Director, Division of  
Science Information.

DECEMBER 29, 1977.

[FR Doc. 78-249 Filed 1-5-78; 8:45 am]

#### [7590-01]

##### NUCLEAR REGULATORY COMMISSION

###### ABNORMAL OCCURRENCE EVENT

###### Occupational Overexposure of a Radiographer's Hand

Section 208 of the Energy Reorganization Act of 1974, as amended, required the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the FEDERAL REGISTER on February 24, 1977 (42 FR 10950). Appendix A (Example I, A, 1) of the Policy Statement notes that an exposure of the extremities of any individual to 375 rems or more of radiation can be considered an abnormal occurrence.

**Date and place.**—On November 12, 1977, Pittsburgh-Des Moines Steel Company, Neville Island, Pittsburgh, Pa. notified the NRC that a radiographer was exposed to radiation while working at the company's Neville Island facility. The company estimated that the left hand of the individual was exposed to 300-600 rems.

**Nature and probable consequences.**—Approximately at 3 a.m. on November 12, 1977, a radiographer using a 75 curie iridium-192 source was radiographing objects manufactured by the licensee. Radiographers make X-ray like pictures of metal objects by remotely cranking a sealed radioactive source out of a shielded container into a guide tube which positions the source near the object to be examined. The radioactive source then exposes photographic film which has been placed in appropriate locations. At the conclusion of one of the radiographic exposures, the radiographer failed to retract the source into its shielded container. He approached the shielded container carrying a radiation survey instrument and placed the survey instrument on top of the shielded container, but did not perform a complete survey of the area. Such a survey would have indicated that the source was not in the shielded position. He then adjusted the source guide tube in preparation for the next exposure, picked up his survey meter and returned to the control crank. He then

noted that the crank was in the wrong position. He immediately retracted the source into its shielded container and called his supervisor. From re-enactments, it is estimated the fingers of his left hand were in close proximity to the source for 3-5 seconds.

Data from a film badge worn by the individual, re-enactment of the incident and additional dosimetry are consistent with the estimate that this individual received a whole body dose of approximately 0.6 rem and a dose to the fingers of his left hand of 300-600 rems.

The consequences of this type of incident are limited to the individual involved. At the licensee's instigation, the exposed individual was hospitalized briefly after the incident for medical observation. The licensee has retained a medical consultant to follow the case.

**Cause or causes.**—The direct cause of this incident was the failure of the radiographer to retract the sealed source into its safe, shielded position. Contributing to the cause was the failure of the radiographer to conduct a complete survey of the area at the conclusion of the radiographic exposure to ensure that the source had been completely retracted into its shield.

###### ACTIONS TAKEN TO PREVENT RECURRENCE

**Licensee.**—The licensee initiated a new formal management audit system to augment the present program of internal audits. These audits will be performed by an individual with extensive experience in radiographic operations who is not a member of the licensee's radiography staff. The details of this incident will be discussed with all of the licensee's radiographers during retraining of all personnel. In addition, the licensee plans to conduct retraining of each radiographer and to confirm each radiographer's level of comprehension with written tests and observation of on-the-job activities.

**NRC.**—The NRC has conducted an inspection on November 14, 15, 22, and 23, 1977. The NRC staff met with the licensee's management on November 17, 1977, to express concern about this overexposure and review the licensee's planned corrective and preventive actions. Appropriate enforcement action is being planned.

Dated at Washington, D.C. this 30th day of December, 1977.

For the Nuclear Regulatory Commission.

JOHN C. HOYLE,  
Assistant Secretary  
of the Commission.

[FR Doc. 78 200 Filed 1-5-78; 8:45 am]

#### [7590-01]

##### DRAFT ENVIRONMENTAL STANDARD REVIEW PLANS, PART III

###### Availability of Draft for Public Comment

The Nuclear Regulatory Commission is developing Environmental Standard Review Plans for the purpose of directing the NRC staff's environmental review of applications for nuclear power plant construction permits. When completed, these plans will serve to inform interested parties of the nature of the technical portion of the environmental review and the basis for the various technical conclusions made.

The first group of draft Environmental Standard Review Plans, NUREG-0158 Part I, was issued in January 1977. The second group of plans, NUREG-0158 Part II, was issued in May 1977. The notices of availability of the plans were published in the FEDERAL REGISTER on February 10, 1977 (42 FR 8443) and May 31, 1977 (42 FR 27702). Public comment was invited on the plans at that time. At this time a third group of plans, NUREG-0158 Part III, is available for review and comment. This completes the preparation of the draft Environmental Standard Review Plans, and after a period for analysis of comments, the Commission will issue final Environmental Standard Review Plans.

Interested persons may submit comments on the third group of draft Environmental Standard Review Plans for the Commission's consideration. Comments on this group of plans are due by January 31, 1978. Comments should be addressed to the Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Draft Environmental Standard Review Plans (NUREG-0158 Parts I, II, and III) are available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Requests for single copies of Part III should be addressed to the Division of Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Md. this 23rd day of December 1977.

For the Nuclear Regulatory Commission.

WM. H. REAGAN, Jr.,  
Chief, Environmental Projects  
Branch 2, Division of Site  
Safety and Environmental  
Analysis.

[FR Doc. 78 206 Filed 1 5-78, 8 45 am]

#### [7590-01]

[Docket No. 50-389A]

##### FLORIDA POWER & LIGHT CO. (ST. LUCIE PLANT, UNIT 2)

###### Order

On October 19, 1977, the Commission decided to review ALAB-420, and requested briefing on questions set out in the order of that date. The Commission will hear oral argument in this case on Thursday, January 12, 1978, at 11 a.m., in the Commission's conference room, 11th floor, 1717 H Street NW., Washington, D.C. The parties should be prepared to address whether and how licensing boards might take into account the lateness of a request for an antitrust hearing in: (1) determining the scope of the hearing, and (2) granting relief. The parties should also discuss whether the Licensing Board, in view of the lateness of the request for hearing, should have looked behind the allegations contained in the Florida Cities affidavits filed with the Board in determining whether good cause existed to have a late antitrust hearing. The order and time limits for argument will be as follows:

Florida Power & Light Co., 20 minutes.  
The Florida Cities<sup>1</sup>, 20 minutes.  
NRC Staff and U.S. Department of Justice, 20 minutes—to be divided by them by agreement. If there is no agreement, then divided equally.

Each party may elect to reserve a portion of its allotted time for rebuttal. It is so Ordered.

Dated at Washington, D.C. on this 29th day of December, 1977.

By the Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.  
[FR Doc. 78-196 Filed 1-5-78; 8:45 am]

#### [7590-01]

[Docket No. 50-309]

##### MAINE YANKEE ATOMIC POWER CO.

###### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 32 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Co. (the Licensee), which revised technical specifications for operation of the Maine Yankee Atomic Power Co. (the Facility) located in Lincoln County,

<sup>1</sup>The "Florida Cities" is the collective name used in this litigation for twenty-one Florida municipalities and utility commissions and the Florida Municipal Utilities Association. The individual names have been specified in previous filings before the Commission and in Commission orders.



Maine. The amendment is effective as of its date of issuance.

The amendment to the technical specifications grants an extension for submitting the report on the 5-year nonradiological environmental monitoring program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 25, 1977, and (2) amendment No. 32 to License No. DPR-36. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of December 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-201 Filed 1-5-78; 8:45 am]

#### [7590-01]

[Docket No. 50-289]

#### METROPOLITAN EDISON CO., ET AL.

#### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 35 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Co., Jersey Central Power and Light Co. and Pennsylvania Electric Co. (the licensees), which revised Technical Specifications for operation of the Three Mile Island

Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pa. The amendment becomes effective December 29, 1977.

This amendment deletes the requirements of the Technical Specifications dealing with respiratory protection since these requirements are now stipulated in 10 CFR 20.103.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 15, 1977, (2) Amendment No. 35 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pa.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 29th day of December 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-202 Filed 1-5-78; 8:45 am]

#### [7590-01]

[Docket No. 27-39]

#### NUCLEAR ENGINEERING COMPANY, INC.

#### Receipt of Application for License Amendment and Request for Exemption; Notice of Opportunity for Public Comment

Nuclear Engineering Co., Inc. (NECO), 9200 Shelbyville Road, Suite

526, P.O. Box 7246, Louisville, Ky. 40207, has asked for approval of additional compacted fill burial trenches, in particular "Trench 15", within the currently licensed 20.45 acres at the existing low-level waste burial facility located near Sheffield, Illinois, operated by NECO. The 20.45 acre site has been used for low level waste burial since 1968, and is owned by the State of Illinois. Because preparation of an Environmental Impact Statement for the site is in progress, the staff has informed NECO that it will allow use of Trench 15 only after a review following the criteria of 10 CFR 30.11(b), in addition to the regular safety and health review. NECO has requested permission to use Trench 15 prior to the completion of the overall environmental review under 10 CFR Part 51 of the license renewal and site expansion applications (see 42 FR 61522, December 5, 1977), based upon satisfactory consideration and balancing of the criteria in 10 CFR 30.11(b). These criteria are:

(1) Whether conduct of the proposed activities will give rise to a significant adverse impact on the environment and the nature and extent of such impact, if any;

(2) Whether redress of any adverse environmental impact from conduct of the proposed activities can reasonably be effected should such redress be necessary;

(3) Whether conduct of the proposed activities would foreclose subsequent adoption of alternatives; and

(4) The effect of delay in conducting such activities on the public interest. During the period of any exemption granted pursuant to this paragraph (b), any activities conducted shall be carried out in such a manner as will minimize or reduce their environmental impact.

A licensing decision on Trench 15 is needed by early February, 1978 if NECO is to continue to bury radioactive wastes at the Sheffield, Illinois, facility. Any interested person may comment concerning the staff's approach for authorizing the use of Trench 15 and on the four criteria as applied to Trench 15. Comments should be filed by January 31, 1978 with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Silver Spring, Md., this 30th day of December 1977.

For the Nuclear Regulatory Commission.

PAUL H. LOHAUS,  
Acting Chief, Low-Level Waste  
Branch, Division of Fuel Cycle  
and Material Safety.

[FR Doc. 78-199 Filed 1-5-78; 8:45 am]

#### [7590-01]

[Docket No. 50-133]

#### PACIFIC GAS AND ELECTRIC CO.

#### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission), has issued Amendment No. 17 to Facility Operating License No. DPR-7, issued to Pacific Gas and Electric Co. (the licensee), which revised Technical Specifications for operation of the Humboldt Bay Power Plant, Unit No. 3 (the facility), located near Eureka, Calif. The amendment becomes effective December 29, 1977.

This amendment: (1) Adds the requirement that the Monthly Operating Report include a narrative summary of operating experience; (2) deletes the requirement for an Annual Operating Report while retaining the requirement that occupational exposure data be reported on an annual basis; and (3) deletes the Respiratory Protection Program from the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 4, 1977, (2) The Commission's letter to the licensee dated July 28, 1977, (3) Amendment No. 17 to License No. DPR-7, and (4) the Commission's Related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Humboldt County Library, 636 F Street, Eureka, Calif. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 29th day of December 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-203 Filed 1-5-78; 8:45 am]

#### [7590-01]

[Docket No. 50-271]

#### VERMONT YANKEE NUCLEAR POWER CORP.

#### Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission), has issued Amendment No. 42 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corp. (the licensee), which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility), located near Vernon, Vt. The amendment becomes effective on December 29, 1977.

The amendment revises the Technical Specifications to allow the use of a modified Monthly Operating Report format, deletes the requirement for an Annual Operating Report, and deletes the requirements concerning respiratory protection which are now stipulated in 10 CFR 20.103.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application dated November 22, 1977, (2) the Commission's letter to the licensee dated August 4, 1977, (3) Amendment No. 42 to License No. DPR-28, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vt. A copy of items (2), (3), and (4) may be obtained upon request addressed to the

U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 29th day of December 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-205 Filed 1-5-78; 8:45 am]

#### [6820-27]

#### OFFICE OF THE FEDERAL REGISTER

#### LEGAL DRAFTING WORKSHOPS SCHEDULED

February and March 1978

The Legal Drafting Workshop covers the following material:

1. Drafting conventions—preferred usage, the rule of consistency.
2. Drafting exercises—proposed and final rules and preambles.
3. Review techniques that improve your work.
4. What you can do to make regulations easier to read and easier to use.

The aim of this workshop is to improve the quality of Federal regulations by teaching you how to design and draft clear documents.

WHO: Any Federal employee who drafts or reviews documents for publication in the FEDERAL REGISTER.

WHEN: February 13, 14, 15, and 16, 1978 for people who are new to the Federal Government or to the rule-making process and want a basic course.

March 27, 28, 29, and 30, 1978 for people who are familiar with the rule-making process and want a more advanced course.

WHERE: Office of the Federal Register, Washington, D.C.

COST: \$150 for each person. Send an Optional Form 37 or a Form 170 to: Special Projects Unit, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

FOR MORE INFORMATION: Write: Special Projects Unit, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408, or phone 202-523-4534.

FRED J. EMERY,  
Director of the Federal Register.  
DECEMBER 29, 1977.

[FR Doc. 78-44 Filed 1-5-78; 8:45 am]



[8010-01]

SECURITIES AND EXCHANGE  
COMMISSION(File Nos. SR-Amex-77-3; SR-Amex-77-18;  
Release No. 14328)

## AMERICAN STOCK EXCHANGE, INC.

## Order Extending Comment Period

DECEMBER 30, 1977.

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, N.Y. 10006.

On November 29, 1977, the Commission issued an order instituting proceedings to determine whether SR-Amex-77-18 (proposed amendments to the American Stock Exchange's foreign company listing requirements), should be disapproved and granting the Exchange's request for a rehearing on SR-Amex-77-3 (proposed amendments to the Exchange's original listing requirements and provisions governing suspension and delisting).<sup>1</sup>

The American Stock Exchange, Inc. (Amex), has informed the Commission that it requires additional time to prepare its comments on these matters and, therefore, requests that the comment period be extended until January 13, 1978.<sup>2</sup>

We believe that an extension of the comment period may be useful in providing a more complete record for review in relation to the disposition of the subject rule change proposals. Further, in fairness to other commentators, we are extending the period for filing rebuttal responses to January 30, 1978.

Accordingly, as set forth above, we hereby order that interested persons may file submissions addressing the issues set forth in the Order Instituting Disapproval Proceedings issued on November 29, 1977, until January 13, 1978 and that persons may file rebuttal responses to comments received until January 30, 1978. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, 500 North Capitol Street, Washington, D.C. 20549. All subdivisions should refer to the file numbers captioned above and should be submitted within the time period set forth above.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

(FR Doc. 78-176 Filed 1-5-78; 8:45 am)

<sup>1</sup> Securities Exchange Act Release No. 34-14214 (Nov. 29, 1977).

<sup>2</sup> Concomitant with its request, the Exchange consents to a 2 week extension of the time specified in section 19(b)(2) of the Exchange Act for conclusion of the disapproval proceedings.

## NOTICES

[8010-01]

(Release No. 20350)

## COLUMBIA GAS SYSTEM, INC., ETC.

Proposal by Subsidiary To Issue Common Stock to Parent Holding Company; Issuance of Installment Notes by Subsidiary and Acquisition Thereof by Parent Holding Company; Short Term Advances by Parent to Subsidiary

DECEMBER 29, 1977.

In the matter of The Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Del. 19807, and Columbia Gas of Maryland, Inc., Columbia Gas of West Virginia, Inc., 99 North Front Street, Columbus, Ohio 43215 (70-5991).

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and two of its wholly owned subsidiary companies, Columbia Gas of Maryland, Inc. ("Columbia of Maryland"), and Columbia Gas of West Virginia, Inc. ("Columbia of West Virginia"), have filed a post-effective amendment to an application-declaration previously

filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(b), 9, 10, 12(b), and 12(f) of the Act and rules 43, 45, and 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By orders dated April 22, 1977, October 17, 1977, and November 23, 1977 (HCAR Nos. 19996, 20219 and 20269), Columbia and certain of its subsidiary companies, including Columbia of Maryland and Columbia of West Virginia, were authorized to engage in intrasystem financing to enable the subsidiaries to meet projected expenditures for construction programs and gas supply projects and working capital requirements. Columbia of Maryland and Columbia of West Virginia now estimate that their capital expenditures and working capital requirements will exceed those projected in the application-declaration and that additional intrasystem financing will be required. The increases in expenditures are estimated as follows:

	Gross additions	Net salvage and noncash items	Net capital expenditures
Columbia of Maryland			
Original estimate	\$829,000	\$88,000	\$743,000
Increase	174,000	(26,000)	200,000
Amended estimate	1,003,000	60,000	943,000
Columbia of West Virginia			
Original estimate	4,384,000	639,000	3,745,000
Increase	815,000	63,000	752,000
Amended estimate	5,199,000	702,000	4,497,000

The increased construction activity is due to the need to replace more pipelines which were damaged due to last winter's severe cold weather. In addition to funds required due to higher construction costs, Columbia of West Virginia requires additional funds to make refunds to its customers in accordance with an order of the Public Service Commission of West Virginia in a recent rate case.

It is therefore proposed that Columbia of Maryland will issue an additional \$200,000 principal amount of installment notes to Columbia and Columbia of West Virginia will issue and sell an additional 200,000 shares of common stock, par value \$25 per share, to Columbia for an aggregate sale price of \$5,000,000. It is also proposed that Columbia will make additional short term advances of up to \$500,000 to Co-

lumbia of Maryland to enable the subsidiary to meet state excise taxes which have been accelerated by the State of Maryland. The purchase of additional installment notes from and the short term advances to Columbia of Maryland and the purchase of additional common stock equity from Columbia of West Virginia shall be subject to the same terms and conditions as the original transactions authorized by the Commission's Order in this file dated April 22, 1977 (HCAR No. 19996).

The fees and expenses to be incurred in connection with the proposed transactions are estimated at \$1,000. The sale of common stock by Columbia of West Virginia has been authorized by the Public Service Commission of West Virginia. It is stated that no other State commission and no Feder-

al commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 20, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be sent personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate), should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

(FR Doc. 78-177 Filed 1-5-78; 8:45 am)

[8010-01]

(Release No. 14322)

## DEPOSITORY TRUST CO.

Order Approving Rule Change Submitted Establishing Conditional Delivery Order Program for its Institutional Delivery System

DECEMBER 29, 1977.

In the matter of The Depository Trust Co., 55 Water Street, New York, N.Y., 10041 (SR-DTC-77-9).

On October 5, 1977, The Depository Trust Co. ("DTC"), submitted, pursuant to rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change which would establish a Conditional Delivery Order Program for its Institutional Delivery System. DTC believes the program will make it easier and more economical to borrow and return securities needed to complete transactions in the Institutional Delivery System.

In accordance with section 19(b) of the Act and rule 19b-4 thereunder,

## NOTICES

notice of the proposed rule change was published in the FEDERAL REGISTER (42 FR 57995, November 7, 1977), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-14107, October 27, 1977. No letters of comment were received.<sup>1</sup>

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore Ordered, pursuant to section 19(b)(2) of the Act, That the proposed rule change contained in File No. SR-DTC-77-9 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

(FR Doc. 78-178 Filed 1-5-78; 8:45 am)

[8010-01]

(Release No. 14324)

## MUNICIPAL SECURITIES RULEMAKING BOARD

## Order Approving Proposed Rule Change

In the matter of Municipal Securities Rulemaking Board, Suite 587, 1150 Connecticut Avenue NW, Washington, D.C. 20036 (SR-MSRB-77-13).

On September 28, 1977, the Municipal Securities Rulemaking Board filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change which would specify the minimum scope and frequency of periodic compliance examinations of municipal securities brokers and municipal securities dealers.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14053 (October 18, 1977)) and by publication in the FEDERAL REGISTER (42 FR 56656 (October 27, 1977)). Interested persons were invited to submit written data, views and arguments concerning the proposal by November 17, 1977. One commentator expressed the view that all municipal securities brokers and municipal securities dealers should be subject to an annual examination cycle.

The Commission believes, however, that the minimum twenty-four month

<sup>1</sup> Three letters of comment received by DTC prior to filing were submitted with the filing and considered in the course of Commission review.

cycle established by Rule G-16 will offer self-regulatory and regulatory organizations maximum flexibility in the conduct and scheduling of their examination programs and will be sufficient to ensure compliance with applicable regulations.<sup>1</sup>

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Municipal Securities Rulemaking Board, and in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the act, that the above-mentioned proposed rule change be, and it hereby is, approved.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 29, 1977.

(FR Doc. 78-179 Filed 1-5-78; 8:45 am)

[8010-01]

(Release No. 34-14319; File No. SR-Amex-77-38)

## AMERICAN STOCK EXCHANGE, INC.

## Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78b(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 16, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF TERMS OF  
SUBSTANCE OF THE PROPOSED RULE  
CHANGE

The American Stock Exchange, Inc. ("Amex") proposes to amend Exchange Rule 950(c), the text of the proposed amendment is set forth below (Italics indicate new language):

Rule 950. (c) Rules of General  
Applicability

Rule 950. (c) The provisions of Rule 126, with the exception of subparagraphs (a) and (b) thereof, shall apply to Exchange option transactions and the following additional commentary shall also apply:

## Commentary

.01 When a member holding a spread or straddle order and bidding or offer-

<sup>1</sup> The standard established in the rule is a minimum standard, and examining authorities may establish for themselves more stringent standards consistent with the rule. Furthermore, examining authorities should continue to conduct examinations as frequently as necessary and as circumstances require.



ing on the basis of a total credit or debit for the order has determined that the order may not be executed by a combination of transactions with or within the bids and offers established in the marketplace, then the order may be executed as a spread or straddle at the total credit or debit with one other member without giving priority to either bids or offers established in the marketplace that are not better than the bids or offers comprising such total credit or debit, provided that, in executing a spread order, the member does not buy at the established bid for the option contract to be bought and sell at the established offer for the option contract to be sold or, in executing a straddle order, the member does not either buy both sides of the order at the established bids or sell both sides of the order at the established offers.

The purpose of the proposed rule change is to facilitate the execution of spread and straddle orders by adding an exception to the priority rules for such orders. Such an exception will be applicable only in those circumstances when a spread or straddle order could not be executed by accepting the bid and offer or either of them established in the marketplace.

A spread or straddle order is a contingent order representing a combination of two orders (frequently referred to as the "legs" of the order) requiring simultaneous execution. In the case of a spread order, a simultaneous purchase and sale must occur, while a straddle order involves either two simultaneous purchases or sales. Under Exchange rules, neither spread nor straddle orders may be left with a Specialist; instead, they must either be executed immediately or held in the trading crowd.

Under present Exchange rules, each "leg" of a spread or straddle order is treated as a separate order and no recognition is given to the uniqueness of such orders. Accordingly, situations can result whereby one "leg" of an order may be executed while the other "leg" cannot because of the existence of a prior bid or offer which, under Rule 126, has precedence.

Other options exchanges have taken cognizance of the unique nature of spread and straddle orders and the difficulty of executing them and have adopted rules to permit one "leg" of a spread or straddle order to take priority over either the best bid or the best offer in the marketplace (Note existing priority rules of the CBOE (Rule 6.45(d)), Pacific Stock Exchange (Rule VI, Section 49, Commentary .02) and Midwest Stock Exchange (Article XL, Rule 6, Interpretation .02)). These rules, however, will not permit a spread or straddle order to take priority over both the bid and offer established in the marketplace. In recogni-

tion of the uniqueness of spread and straddle orders and the difficulty involved in their execution the Amex proposes to adopt a similar rule. This rule will facilitate execution of spread and straddle transactions, thus giving overall greater depth and liquidity to the Amex options market.

It is important to point out that the spread or straddle "priority" will become applicable only when one member executes the spread and straddle with a single member on the other side of the trade. In other words, a member executing a spread order, for example, may not go ahead of an established bid or offer by executing one leg of his spread with one member and the other leg with another member.

The basis for the proposed rule change is found in Section 6(b)(5) of the Securities Exchange Act of 1934 (the "1934 Act") as amended, which provides, in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and protect investors and the public interest.

The proposed amendment to Rule 950(c) was considered and approved by the Options Committee of the Amex which is composed of Amex members and representatives of Amex member organizations.

The Amex has determined that the proposed amendment will not impose any burden on competition; rather, it will foster competition between the Amex and other options exchanges who already have adopted rules similar to the proposed rule.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submis-

sions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 29, 1977.

[FR Doc. 78-180 Filed 1-5-78; 8:45 am]

[8010-01]

[Release No. 34-14318; File No. SR-CBOE-1977-29]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

#### Proposed Rule change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 21, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows (Additions are italicized):

#### EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

##### Rule 8.1 Interpretation and Policies

.01 Options transactions effected on the Exchange which result from orders transmitted from off the floor of the Exchange by a Market-Maker shall be deemed to be initiated on the floor of the Exchange and shall count as Market-Maker transactions for the purposes of this Chapter and Rule 3.1 provided that (i) at the time such orders are transmitted to the floor of the Exchange the Market-Maker is temporarily absent from the Exchange floor and (ii) such orders result in options transactions which provide a bona fide hedge of options positions previously opened by the Market-Maker in and Exchange transaction effected by the Market-Maker while on the floor of the Exchange.

.02 For the purposes of Interpretation .01, a bona fide hedge shall occur when an adverse change in the market price of the initial option position would be reasonably anticipated to be offset by a countervailing change in the market price of the subsequent options position, provided that such subsequent position respects the same underlying security as the initial options position.

#### EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to allow Market-Makers to effect a limited number of options transactions from off the Exchange

floor, which transactions hedge previously established options positions, when such Market-Makers are temporarily absent from the Exchange floor. This proposed interpretation recognizes that since Rule 8.1 requires that Market-Makers be individuals who are either individual members or nominees of member organizations, such persons must necessarily be absent from the Exchange floor from time to time for brief periods. As such, it provides Market-Makers with the capability of reducing the market risk inherent in those options positions previously established pursuant to their obligations under Chapter VIII of the Exchange Rules at times when the Market-Maker must be absent for short periods from the trading floor.

In addition, this proposed interpretation should result in greater on-floor adherence to Market-Maker obligations, for Market-Makers able to anticipate a temporary absence will not feel compelled to limit the size of their options positions during the time prior to the commencement of such absence. It is understood that previously many Market-Makers who knew they would be away from the Exchange for a short time often performed in a way that left them with no open positions during their absence. Consequently, Market-Makers, under this proposal, can more vigorously respond to their continuous obligation to provide liquid markets during the time preceding planned absences, since they will have the ability to protect such options positions during such absences, if necessary. This then should also lead to greater competition among Market-Makers.

Moreover, this proposal will also give Market-Makers the capability to compete more effectively with the specialist units on other exchanges which trade the same options as those traded on CBOE. Specialist units with their interchangeable personnel, unlike CBOE Market-Makers, are able to maintain a constant presence on the floors of the exchanges of which they are members. By enabling Market-Makers to offset, to a certain extent, previously established options positions with options orders directed from off the Exchange floor, Market-Makers may engage in greater on-floor competition with the specialists of such other exchanges through establishing larger positions in multiple traded options and quoting tighter and deeper markets.

The basis under the Act for the proposed rule change are sections 6(b)(5) and 11A(a)(1)(c)(ii). The proposed change will promote just and equitable principles of trade and protect investors and the public interest, for it will encourage greater competition among Market-Makers and facilitate the performance of Market-Maker obliga-

tions. Such circumstances will produce deeper, tighter, more liquid options markets on the Exchange. In addition, enabling Exchange Market-Makers to compete more effectively with specialists on other exchanges in multiple traded options is consistent with, and in furtherance of, the objectives stated by Congress in sections 11A(a)(1)(c)(ii). Comments were not solicited nor were comments received regarding this proposed rule change.

The Exchange, as stated more fully above, believes this proposed rule change will enhance competition not only on the Exchange floor, but between the Exchange and other exchange markets as well.

By February 10, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in caption above and should be submitted by February 6, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 29, 1977.

[FR Doc. 78-181 Filed 1-5-78; 8:45 am]

[8010.01]

[Release No. 34-14323; File No. SR-NYSE-77-71]

NEW YORK STOCK EXCHANGE, INC.

#### Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29 (June 4, 1975), notice is hereby given that on December 19,

1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

#### TEXT OF PROPOSED RULE CHANGE

##### FIDELITY BONDS

##### Rule 319 \*\*\*

(c) Members and member organizations subject to this rule are required to maintain basic and specific coverages, which apply both to Stockbrokers Partnership Bond and Brokers Blanket Bond, in amounts not less than those prescribed in this Rule. Where applicable, such coverage must also extend to limited partners as employees, [persons in a securities or kindred business in which the member or member organization has a controlling interest,] outside organizations providing electronic data processing services and the handling of U.S. government securities in bearer form.

The New York Stock Exchange, Inc., requests to withdraw from consideration the bracketed portion of Rule 319(c) which was deferred by the Commission when it approved amendments to this filing by Release No. 34-13577 on May 27, 1977, because it had not yet taken action on another filing (SR-NYSE-77-13) wherein the bracketed portion is proposed to be defined.

#### EXCHANGE'S STATEMENT OF PURPOSE OF PROPOSED RULE CHANGE

Upon reevaluation, the Exchange feels that the question of extending fidelity bonding requirements to "persons in a securities or kindred business in which the member or member organization has a controlling interest" can be more appropriately addressed in its restructuring of rules relevant to affiliates and subsidiaries. The Exchange continues to maintain that the extension of fidelity bonding to certain other areas of a member organization's business is necessary to insure adequate protection for investors where the potential risk to the member or member organization is significant. However, these major areas of concern to the Exchange are now being reviewed in a much broader context.

By February 10, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.



Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 27, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 29, 1977.

[FR Doc. 78-182 Filed 1-5-78; 8:45 am]

#### [8010-01]

[Release No. 34-14314; File No. SR-NYSE-77-35]

#### NEW YORK STOCK EXCHANGE, INC.

##### Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 14, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

##### TERMS OF SUBSTANCE OF THE PROPOSED CONSTITUTIONAL AND RULE CHANGES

(a) The Exchange may deny, limit or revoke its approval of a member or member organization's telephonic or electronic communication with the Exchange whenever it determines that such communication is inconsistent with the public interest, the protection of investors or the maintenance of a fair and orderly market.

(b) Such denial, limitation or revocation shall be in accordance with the procedural requirements set forth in proposed Rule 475, which is referenced in the rule filed herein and which is the subject of a separate filing with the Commission. Such action shall not be taken unless (i) notice and an opportunity to be heard on the specific grounds is given to the person subject to such action, and any such action is supported by a statement setting forth the specific grounds on which such action is based, or (ii) the grounds for summary action, as set forth in Section 6(d)(3)

of the Securities Exchange Act of 1934, exist and the person subject to such summary action is promptly afforded an opportunity to be heard.

(c) The provision which allows the Exchange to deny a member access to the Floor based on the knowledge of entry or filing against such member of any legal process which does not affect the membership is being rescinded. The Exchange may deny a member access to the Floor if the conditions set forth in the rule exist and provided such action is pursuant to the hearing procedure in proposed Rule 475 as outlined in (b) above.

(d) The rule which allows the Exchange to discontinue at any time, any means of communication in or between the offices of a member or member organization, is being rescinded.

(e) The rule requiring that a non-member enter into an agreement with the Exchange whenever it establishes or maintains a communication system with a member for the transmission of Exchange continuous quotations, and that each such member report the continued existence of such arrangements to the Exchange annually, is being rescinded.

##### PURPOSE OF PROPOSED RULE CHANGE

(a) Amendments to rules, which regulate any means of communication between the Exchange and its member and member organizations, as well as members' access to the Floor, are proposed to conform these rules to the requirements of the 1975 amendments to the Securities Exchange Act. The amendments would require that any action, by the Exchange to limit or prohibit such communication or access by a member must be taken pursuant to procedural requirements set forth in the Act. Proposed Rule 475, which is referenced in the rules filed herein and which is the subject of a separate filing with the Commission, will authorize the Exchange to deny a member electronic or physical access, subject to notice and an opportunity for a hearing.

(b) The proposed amendments would rescind the provision which allows the Exchange to deny a member access to the Floor based on the knowledge of entry or filing against such member of any legal process which does not affect the membership. Such access could be denied, pursuant to a hearing procedure consistent with the Act, if any legal proceeding is instituted which in any way affects the disposition of the seat of a member or the proceeds thereof.

It is essential for the administration of the Exchange and the protection of the assets of membership that the Exchange have the authority to act prior to the completion of any legal proceeding which purports to encumber

the membership. The use and proceeds of membership are subject to the claims of the Exchange, and other members and member organizations arising from losses directly related to the closing out of contracts entered in the market on the Floor of the Exchange for the purchase, sale, borrowing or loaning of securities.

(c) The rule requiring Exchange approval for members' communication with the Exchange has been drafted broadly to permit the Exchange, to establish such standards as are consistent with the public interest, the protection of investors or the maintenance of a fair or orderly market. As the Commission itself has recognized, flexibility in policy development by exchanges on the basis of practical experience with a good faith effort in pacing and timing of necessary action, could prove beneficial to the self-regulatory process. Furthermore, any denial or limitation imposed by the Exchange would be in accordance with the procedures set forth in Rule 475 and would be subject to SEC review.

(d) The provision which allows the Exchange to discontinue at any time, any means of communication in or between the offices of a member or member organization, is being rescinded.

(e) The proposed amendments would rescind the regulatory requirements that a non-member enter into an agreement with the Exchange whenever it establishes or maintains a communication system with a member for the transmission of Exchange continuous quotations, and that each such member report the continued existence of such arrangements to the Exchange annually. The Exchange does retain a proprietary interest in bid-asked quotations and last sale price information and is entitled to impose charges for the privilege of receiving such information. These interests are protected by the Exchange's contracts with vendors and subscribers, including member organizations.

##### BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The proposed amendments to Article III, Section 6, Rules 38 and 303, and the rescission of Rules 356 and 359 are consistent with sections 6(b), (c), (d), and 11A of the Act as follows:

The proposed rule changes carry out the purposes of the Act by facilitating competition and providing for a procedure for limiting or denying members' access to services.

The Exchange's authority to deny physical or electronic access to a member, subject to notice and an opportunity for a hearing, is consistent with the Exchange's obligation to prevent fraudulent and manipulative practices, to promote just and equitable principles of trade and to protect investors and the public interest. Furthermore, eliminating certain restrictions on a member organization's means of communication be-

tween its own offices and between another member or non-member broker/dealers, including those systems used for the transmission of continuous quotations, remove impediments to and facilitate perfection of the mechanism of a free and open market and a national market system.

The proposed rule changes carry out the purposes of section 6(d) of the Act by providing for a fair procedure for limiting or denying access to services offered by the Exchange and by limiting the Exchange's authority to deny a member access to the Floor to those legal proceedings wherein the membership of the member or the proceeds thereof, is at risk.

Inapplicable.

##### COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

No comments were solicited or received with respect to the proposed rule changes.

##### BURDEN ON COMPETITION

There will be no burden on competition.

By February 10, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by January 27, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 28, 1977.

[FR Doc. 78-183 Filed 1-5-78; 8:45 am]

#### [8010-01]

[Release No. 34-14316; File No. SR-PHLX 77-14]

#### PHILADELPHIA STOCK EXCHANGE, INC.

##### Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 19, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

##### PHILADELPHIA STOCK EXCHANGE, INC. ("PHLX's")

##### STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Philadelphia Stock Exchange, Inc. (PHLX), proposes an amendment to Bylaw 3-2 whereby the date of the Exchange's annual meeting and election will be moved from the first Monday in March to the second Monday in March. The text of the amendment follows: (brackets indicate deletions, new material italicized).

Sec. 3-2. An annual meeting of the members shall be held, commencing with the year [1973] 1978, on the [first] second Monday in March. At such annual meeting there shall be elected, by ballot, a Chairman of the Board of Governors and two Vice-Chairmen of the Board of Governors for the term of 1 year each, and eight Broker Governors for the term of 3 years. Beginning with the annual meeting in 1977, and at every third annual meeting thereafter, there shall be elected by ballot one Public Governor for the term of three years. At each annual meeting there shall also be elected by ballot Governors to fill vacancies in the Board of Governors which may have occurred during the preceding year. In any election of Governors, due regard shall be given to the provisions of article IV, section 4-1, of the bylaws with respect to the composition of the Board of Governors of the Corporation.

##### PHLX'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule amendments is as follows:

The purpose of the amendment is to afford members more time between the initial mailing date and the election date to receive their proxies and ballots and return them by the election date to be counted in the voting. The proposed amendment is consistent with the fair administration of the Exchange and by expanding the time period within which members can submit their votes, facilitates under section 6(b)(3) of the Act, assurance of a fair representation of the Ex-

change's members in the selection of its directors and the administration of its affairs. PHLX states that no comments have been received from members or others on the proposed rule change and believes no burden on competition will be imposed by the proposed amendments.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit views, data, and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organizations. All submissions should refer to the file number referenced in the caption above and should be submitted by January 27, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 28, 1977.

[FR Doc. 78-184 Filed 1-5-78; 8:45 am]

#### [8010-01]

[Release No. 34-14315; File No. SR-PHLX 77-16]

#### PHILADELPHIA STOCK EXCHANGE, INC.

##### Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 19, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

##### PHILADELPHIA STOCK EXCHANGE, INC. ("PHLX"), STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Philadelphia Stock Exchange, Inc. (PHLX), proposes an amendment



to its listing fee schedule for securities listed on the Exchange. The supplemental listing fee for additional shares or warrants is to be increased from \$500 to \$1,000 where 100,000 or more shares or warrants are involved. The annual maintenance fee involving stocks and warrants is to be increased from \$500 to \$750 for one issue, and from \$100 to \$150 for each additional issue. The complete listing fee schedule is attached as exhibit 3 for purposes of information.

#### PHLX'S STATEMENT OF BASIS AND PURPOSE

The purpose of the change is partially to offset rising administrative costs by an increase in a fixed charge. The new fees are comparable to charges made by other exchanges for similar services.

The listing fee change is consistent with equitable allocation of reasonable dues, fees, and charges among members, issuers, and other persons using the facilities of the Exchange, as contemplated by section 6(b) of the Act.

PHLX states that no comments have been received from members or issuers on the proposed change and believes that no burden on competition will be imposed by the proposed amendment.

By February 10, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be

appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by January 27, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 28, 1977.

EXHIBIT 3—PHILADELPHIA STOCK EXCHANGE, INC.

Deletions [ ], additions italicized

#### LISTING FEE SCHEDULE

##### STOCKS AND WARRANTS

Original listing, \$5,000 per issue. Substitute original listing (any change in a corporation the result of which requires the filing of a new Registration Statement under the Securities Exchange Act of 1934), \$1,000 per issue.

Supplemental listing (additional shares or warrants), \$250 for less than 100,000 shares or warrants; [\$500] \$1,000 for 100,000 or more shares or warrants.

##### BONDS AND SIMILAR SECURITIES

Original listing, \$100 per million dollars principal amount, or fraction thereof, to a maximum of \$2,000 per application.

Substitute original listing, one-half original listing fee.

##### GENERAL

Change in name and/or par value (all listings), \$100.

Annual maintenance fee (payable each January following year of listing) (stocks and warrants), [\$500] \$750 for one issue; [\$100] \$150 for each additional issue.

Checks should be drawn to the order of Philadelphia Stock Exchange, Inc., and should accompany the listing application.

If an application is withdrawn prior to its consideration by the Exchange, any fee paid will be refunded in full. If the application has been approved by the Exchange and is subsequently withdrawn or if the application is not approved, \$250 will be retained by the Exchange and the balance refunded.

[FR Doc. 78-185 Filed 1-5-78 8:45 am]

## sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

#### CONTENTS

	Item
Commodity Futures Trading Commission .....	1
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#### [6351-01]

#### COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m. January 10, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Study on regulation of forward contracting.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-12-78 Filed 1-4-78; 2:45 pm]

#### [6714-01]

#### FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 10:30 a.m., January 11, 1978.

PLACE: Room 8135, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

Baca State Bank, a proposed new bank to be located at 1030 Main Street, Springfield, Colo., for Federal deposit insurance.

Broadway Bank, a proposed new bank to be located at 5960 North Broadway, Chicago, Ill., for Federal deposit insurance.

Orland Park Plaza Bank, a proposed new bank to be located at 153d Street and La-Grange Road, Orland Park, Ill., for Federal deposit insurance.

Amherst Savings Bank, an operating noninsured mutual savings bank located in Amherst, Mass., for Federal deposit insurance.

Randolph Bank & Trust Co., a proposed new bank to be located at 175 North Fayetteville Street, Asheville, N.C., for Federal deposit insurance.

United Savings Bank, Mutual, to be located in Salem, Oreg., for Federal deposit insurance coincident with the conversion of the First Federal Savings and Loan Association of Salem, Salem, Oreg., into a mutual savings bank.

Request for an extension of time in which to establish a branch:

First Vermont Bank and Trust Company, Brattleboro, Vt., for an extension of time to December 4, 1978, in which to establish a branch on the east side of Route 100 in Waterbury, Vt.

Recommendations regarding the liquidation of assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,299—NR, United States National Bank (Addendum) San Diego, Calif.

Case No. 43,329—SR, The Peoples Bank of the Virgin Islands, Charlotte Amalie, St. Thomas, V.I.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, Calif., in connection with the receivership of United States National Bank, San Diego, Calif.

Schall, Boudreau & Gore, Inc., San Diego, Calif., in connection with the receivership of United States National Bank, San Diego, Calif.

Bronson, Bronson & McKinnon, San Francisco, Calif., in connection with the liquidation of First State Bank of Northern California, San Leandro, Calif.

Sidley & Austin, Chicago, Ill., in connection with the liquidation of First State Bank of Northern California, San Leandro, Calif.

White and Steele, Denver, Colo., in connection with the liquidation of Skyline National Bank, Denver, Colo.

Stone, Pigman, Walther, Wittmann & Hutchinson, New Orleans, La., in connection with the liquidation of Republic National Bank of Louisiana, New Orleans, La.

Kaye, Scholer, Fierman, Hays & Handler, New York, N.Y., in connection with the re-

ceivership of American Bank & Trust Company, New York, N.Y.

Kaye, Scholer, Fierman, Hays & Handler, New York, N.Y., in connection with the liquidation of Franklin National Bank, New York, N.Y.

Sahn, Shapiro & Epstein, New York, N.Y., in connection with the liquidation of Franklin National Bank, New York, N.Y.

J. Randolph Pelzer, North Charleston, S.C., in connection with the liquidation of American Bank & Trust, Orangeburg, S.C. (Two memorandums.)

Recommendations with respect to the amendment of Corporation rules and regulations:

Memorandum and resolution proposing the publication for comment of amendments to Part 335 of the Corporation's rules and regulations, entitled "Securities of Insured State Nonmember Banks," to bring the securities disclosure regulations of the Corporation into substantial similarity with those of the Securities and Exchange Commission.

Memorandum and resolution proposing the publication for comment of amendments to section 337.3 of the Corporation's rules and regulations, relating to insider transactions.

Memorandum and resolution proposing the adoption of a statement of policy to be entitled "Policy Concerning Improper or Illegal Payments by Banks and Bank Holding Companies."

Appeals, pursuant to the Freedom of Information Act, from the Corporation's earlier denial or partial denial of requests for records.

Memorandum proposing the renewal of a lease agreement relating to the Division of Bank Supervision Training Center lodging facilities.

Reports of committees and officers:

Report of the Executive Secretary regarding his transmittal of "no significant effect" competitive factor reports.

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Division of Liquidation detailing all disbursements in excess of \$10,000 and all sales of real estate properties in connection with the liquidation of The Hamilton National Bank of Chattanooga, Chattanooga, Tenn., during the period October 16-December 16, 1977.

Reports of security transactions authorized by the Chairman.

The meeting will be held in the Board Room on the sixth floor of the



FDIC Building located at 550 17th Street NW., Washington, D.C.

# CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary,  
202-389-4446.

[S-13-78; Filed 1-4-78; 2:45 pm]

[6714-01]

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# FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 11 a.m., January 11, 1978.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

# MATTERS TO BE CONSIDERED:

Applications for Federal deposit insurance:

Bank of the Sierra, a proposed new bank to be located at 90 North Main Street, Porterville, Calif., for Federal deposit insurance.

Aledo State Bank, a proposed new bank to be located at Farm Road 5 North, Aledo, Tex., for Federal deposit insurance.

Associated Bank of Appleton, a proposed new bank to be located at 720 East Northland Avenue, Appleton, Wis. for Federal deposit insurance.

Application for consent to change a main office location:

Bank of Lake Helen, Lake Helen, Fla., for consent to move its main office from 121 Lakeview Avenue to the northwest corner of the intersection of Summit Avenue and Main Street, both locations within Lake Helen, Fla.

Applications for consent to establish branches:

The Islamorada Bank, Unincorporated Monroe County (P.O. Islamorada), Fla., for consent to establish a branch at the northeast quadrant of the intersection of U.S. Highway 1 and Ocean Bay Drive, Unincorporated Monroe County (P.O. Key Largo), Fla.

Total Bank, Miami, Fla., for consent to establish a branch at 765 East 9th Street, in the LeJeune Plaza Shopping Center, Hialeah, Fla.

Capital Bank of North Bay Village, North Bay Village, Fla., for consent to establish a branch at 5900 Northwest 37th Street, Virginia Gardens, Fla.

Banco Popular de Puerto Rico, San Juan (Hato Rey), P.R., for consent to establish a branch at Insular Road No. 3, Kilometer 10.2 and Ignacio Arzuaga Street, Carolina, P.R.

Request for modification of a condition previously imposed in connection with the approval of a branch application:

First Marine Bank & Trust Company of the Palm Beaches, Riviera Beach, Fla., for modification of a condition previously imposed in connection with approval of the

# SUNSHINE ACT MEETINGS

bank's application for consent to establish a branch at 1201 East Blue Heron Boulevard, Riviera Beach, Fla.

Application for consent to exercise limited trust powers:

Bank of Springfield, Springfield, Ill., for consent to exercise limited trust powers, namely, to exercise the powers of executor, administrator, trustee, guardian, committee, agent, custodian, corporate trustee, and corporate agent.

Applications or requests pursuant to section 19 of the Federal Deposit Insurance Act for the Corporation's consent to service of persons convicted of an offense involving dishonesty or a breach of trust as directors, officers, or employees of insured banks:

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Application for consent to a purchase and assumption transaction and for consent to establish branches:

American Pacific State Bank, Los Angeles, Calif., an insured State nonmember bank, for consent to purchase a portion of the assets of and assume the liability to pay a portion of the deposits made in the Hongkong Bank of California, San Francisco, Calif., and for consent to establish the latter's North Hollywood Branch, Los Angeles, Calif., as a branch of American Pacific State Bank.

Application for consent to merge and establish branches:

Southeast Everglades Bank of Fort Lauderdale, Fort Lauderdale, Fla., an insured State nonmember bank, for consent to merge under its charter, and with the title of "Southeast Bank of Broward," with Southeast Bank of Broward, Fort Lauderdale, Fla.; Southeast Bank of Deerfield Beach, Deerfield Beach, Fla.; Southeast Bank of Galt Ocean Mile, Fort Lauderdale, Fla.; Southeast Bank of Hollywood Hills, Hollywood Hills, Fla.; and Southeast Bank of Miramar, Miramar, Fla.; and for consent to establish the seven offices of the latter five banks as branches of the resultant bank.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,312-L—The Bank of Bloomfield, Bloomfield, N.J.

Case No. 43,313-L—International City Bank and Trust Co., New Orleans, La.

Case No. 43,315-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,317-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,322-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,324-L—American City Bank & Trust Co., National Association, Milwaukee, Wis.

Case No. 43,326-L—American City Bank & Trust Co., National Association, Milwaukee, Wis.

Case No. 43,327-L—American City Bank & Trust Co., National Association, Milwaukee, Wis.

Case No. 43,328-SR—The Peoples Bank of the Virgin Islands, Charlotte Amalie, St. Thomas, V.I.

Case No. 43,332-L—The Monroe Bank and Trust Co., Monroe, Conn.

Case No. 43,334-L—Northern Ohio Bank, Cleveland, Ohio.

Case No. 43,335-L—American City Bank & Trust Co., National Association, Milwaukee, Wis.

Case No. 43,336-SR—Franklin Bank, Houston, Tex.

Case No. 43,337-L—Franklin National Bank, New York, N.Y.

Case No. 43,339-L—Franklin National Bank, New York, N.Y.

Case No. 43,341-NR—San Francisco National Bank, San Francisco, Calif.

Case No. 43,342-SR—Franklin Bank, Houston, Tex.

Case No. 43,345-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,348-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,350-SR—Sharpstown State Bank, Houston, Tex.

Case No. 43,354-L—Franklin National Bank, New York, N.Y.

Case No. 43,355-NR—United States National Bank, San Diego, Calif.

Case No. 43,356—Farmers Bank of the State of Delaware, Dover, Del.

Case No. 43,357-SR—Franklin Bank, Houston, Tex.

Case No. 43,358-L—Franklin National Bank, New York, N.Y.

Case No. 43,359-L—Request for approval of proposed adjustments to reserves for losses and allotments for insurance expenses on the books of the Corporation as of December 31, 1977.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings or termination-of-insurance proceedings against certain insured bank:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Memorandum proposing the conduct of an investigation, pursuant to section 10(c) of the Federal Deposit Insurance Act, of the activities of certain persons as they relate to the liquidation of a closed insured bank:

Names of persons and of bank authorized to be exempt from disclosure by subsections (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(9)(B), and (c)(10)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6)).

The meeting will be held in Room 6135 of the FDIC Building located at 550 17th Street NW., Washington, D.C.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary,  
202-389-4446.

[S-14-78 Filed 1-4-78; 3:47 pm]

[6740-02]

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# FEDERAL ENERGY REGULATORY COMMISSION.

JANUARY 3, 1978.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

# FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: January 11, 1978, 10 a.m.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda).

Note.—Items listed on the agenda may be deleted without notice.

# CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Office of Public Information, Room 1000.

GAS AGENDA, 47TH MEETING, JANUARY 11, 1978, REGULAR MEETING

# I. PIPELINE RATE MATTERS

## A. Pipeline Rates (PGA)

RP-1.—RP72-149 (PGA77-10) Mississippi River Transmission Corp.

RP-2.—Reserved.

RP-3.—Reserved.

RP-4.—Reserved.

## B. Pipeline Rates

RP-5.—Docket No. RP78-28, Algonquin Gas Transmission Co., Docket No. CP77-313 et al., Texas Eastern Transmission Corp.

RP-6.—Docket Nos. RP73-3 (PGA76-2), RP73-69 and RP72-99 (EPGA76-3), Transcontinental Gas Pipe Line Corp.

RP-7.—Docket No. RP77-140, Consolidated Gas Supply Corp.

RP-8.—Docket Nos. RP71-77 (remand), RP72-104, RP73-107, RP74-90 and RP75-91, Consolidated Gas Supply Corp.

RP-9.—Docket No. RP76-158, North Penn Gas Co.

RP-10.—Docket No. RP77-3, Northern Natural Gas Co.

RP-11.—Docket Nos. RP77-56, RP71-107 (PGA78-1), Northern Natural Gas Co.

RP-12.—Docket No. RP78-2, Columbia Gas Transmission Corp.

RP-13.—Docket No. RP76-140, Natural Gas Pipeline Co. of America; Docket No. RP77-4, Tennessee Gas Pipeline Co., a division of Tenneco Inc.

# SUNSHINE ACT MEETINGS

## II. PRODUCER MATTERS

### A. Producer Certificates

CI-1.—Docket No. CI77-718, South Louisiana Production Co., Inc. (operator), et al.

CI-2.—Docket No. CI77-497, Mesa Petroleum Co.; Docket No. RP77-62, Tennessee Gas Pipeline Co.

CI-3.—Docket No. CI77-721, Harkins & Co. (operator) et al.; Docket No. CI77-724, C & K Petroleum, Inc. et al.; Docket No. CI77-758, Amerada Hess Corp.

CI-4.—Docket No. CP74-322 et al., Michigan Gas Storage Co., et al.

CI-5.—Reserved.

CI-6.—Reserved.

CI-7.—Reserved.

### B. Producer Rates

CI-8.—Pennzoil Co., FPC Gas Rate Schedule No. 10.

CI-9.—Reserved.

CI-10.—Reserved.

CI-11.—Reserved.

### C. Special Relief

CI-12.—Docket No. RI77-88, Texas Energies, Inc.; Docket Nos. G-11122 and G-12972, FERC Gas Rate Schedule Nos. 338 and 86, Sun Oil Co.; Docket No. G-11150 and FERC Gas Rate Schedule No. 66, Champlin Petroleum Co.

## III. PIPELINE CERTIFICATE MATTERS

### A. Pipeline Certificates

CP-1.—Docket No. CP74-304, *Secretary of the Army v. Cities Service Gas Co.*

CP-2.—Docket No. CP77-477, Panhandle Eastern Pipe Line Co.

CP-3.—Docket No. CP77-527, Transcontinental Gas Pipe Line Corp.

CP-4.—Reserved.

CP-5.—Reserved.

CP-6.—Reserved.

### B. Liquefied Natural Gas

CP-7.—Docket No. CP71-264, Southern Energy Co.; Docket No. CP71-276, Southern Natural Gas Co.

CP-8.—Reserved.

CP-9.—Reserved.

CP-10.—Reserved.

### C. Curtailments

CP-11.—Docket No. RP72-99, Transcontinental Gas Pipe Line Corp.

CP-12.—Docket Nos. CP74-149, RP73-115, and RP72-47, Consolidated Gas Supply Corp.

GAS AGENDA, 47TH MEETING, JANUARY 11, 1978, REGULAR MEETING

CAG-1.—Docket No. RP73-8 (PGA No. 78-3), North Penn Gas Co.

CAG-2.—Docket No. RP73-36 (PGA No. 78-1a), Panhandle Eastern Pipe Line Co.

CAG-3.—Docket No. RP74-42, Alabama-Tennessee Natural Gas Co.

CAG-4.—Docket No. CP75-17, Transwestern Pipeline Co.

CAG-5.—Docket Nos. G-5236 et al., Cabot Corp. et al.

CAG-6A.—*Mitchell Energy Corp. v. FERC*, 5th Cir. No. 77-3163.

B.—*Arizona Electric Power Cooperative, Inc. et al. v. FERC*, D.C. Cir. No. 77-2053.

C.—*Boston Gas Co. v. FERC*, 1st Cir. No. 77-1473.

D.—*Elizabethtown Gas Co. v. FERC*, D.C. Cir. No. 77-1666.

MISCELLANEOUS AGENDA, 47TH MEETING, JANUARY 11, 1978, REGULAR MEETING

M-1.—Docket No. RM75-27, amendments to uniform system of accounts for public utilities and licensees and for natural gas companies (Classes A, B, C, and D) to provide for the determination of rate for computing the allowance for funds used during construction and revision of certain schedule pages of FPC Reports.

M-2.—Re-examination of special relief and related cost issues involving gas producers.

M-3.—Docket No. RM- , treatment of refunds under purchased gas adjustment clauses.

M-4.—Docket No. RM77-20, pipeline transportation rate schedules.

MISCELLANEOUS AGENDA, 47TH MEETING, JANUARY 11, 1978, REGULAR MEETING

CAM-1.—Central Louisiana Electric Co., Inc.

CAM-2.—Central Kansas Power Co., Inc.

CAM-3.—San Diego Gas & Electric Co.

CAM-4.—St. Joseph Light & Power Co.

POWER AGENDA, 47TH MEETING, JANUARY 11, 1978, REGULAR MEETING

## I. LICENSED PROJECT MATTERS

P-1.—Project No. 2402, Upper Peninsula Power Co.

## II. ELECTRIC RATE MATTERS

ER-1.—Docket No. ER78-33, Green Mountain Power Corp.

ER-2(A).—Docket Nos. E-8641, E-8476, E-8251, and E-8169, New England Power Co.

(B).—Docket Nos. E-7738 and E-7784, Boston Edison Co.

ER-3.—Docket No. , Florida Power & Light Co.

ER-4.—Docket No. ER77-511, New York Power Pool.

ER-5.—Docket No. ER76-532, Pacific Gas and Electric Co.

ER-6.—Docket Nos. ER76-304 et al., and Docket Nos. ER77-97 et al., New England Power Co.

ER-7.—Docket No. ER77-90, Holyoke Water Power Co. and Holyoke Power & Electric Co.

ER-8.—Docket No. ER77-278, Arkansas Power & Light Co.

ER-9.—Docket No. E-9605, Black Hills Power & Light Co.

ER-10.—Docket No. E-9598, Cleveland Electric Illuminating Co.

POWER AGENDA, 47TH MEETING, JANUARY 11, 1978, REGULAR MEETING

CAP-1. Docket No. ER77-618, Wisconsin Michigan Power Co.

CAP-2. Docket Nos. ER78-110 through 128, Kentucky Utilities Co.

CAP-3. Docket No. ER76-556, Boston Edison Co.

CAP-4. Docket No. E-9548, Florida Power Corp.

CAP-5. Project No. 2105, Pacific Gas & Electric Co.

CAP-6. Project Nos. 2337 and 2643—Oregon, Pacific Power & Light Co.

CAP-7(A).—*Indiana & Michigan Electric Co. v. FERC*, D.C., Cir. No. 77-2058.



(B).—*The Cities of New London and Shavano, Wis. v. FERC*, D.C., Cir. No. 77-2045.

KENNETH F. PLUMB,  
Secretary.

[S-8-78 Filed 1-4-78; 11:58 am]

[6210-01]

5

FEDERAL RESERVE SYSTEM  
(BOARD OF GOVERNORS).

TIME AND DATE: 10 a.m., Wednesday, January 11, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposal by the Board of Governors of the Federal Reserve System, Comptroller of the Currency, Federal Deposit Insurance Corporation, and Federal Home Loan Bank Board to hold a joint hearing in connection with the rulemaking provisions of the Community Reinvestment Act of 1977.

2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

GRIFFITH L. GARWOOD,  
Deputy Secretary of  
the Board.

JANUARY 3, 1978.

[FR Doc. S-7-78 Filed 1-4-78; 9:56 am]

[6750-01]

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, January 11, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:

The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Wednesday, January 11, 1978, the meeting will automatically be cancelled. Any item that placed on the agenda before that time will be announced in accordance with the additional information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public

# SUNSHINE ACT MEETINGS

Information, 202-523-3830; recorded message, 202-523-3806.

[S-18-78 Filed 1-4-78; 3:47 pm]

[6750-01]

7

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, January 10, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

*Nonadjudicative Matters:*

(1) Approval of Minutes of Nonadjudicative Matters Considered at Meetings of November 4, and December 13, 1977.

(2) Consideration of initiation of a consumer redress civil action and/or issuance of an investigational resolution authorizing compulsory process in Las Animas Ranch, Inc., Docket No. C-2877.

*Adjudicative Matters Under Part 3 of the Rules of Practice:*

(1) Approval of Minutes of Adjudicative Matters Considered at Meeting of December 13, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message, 202-523-3806.

[S-15-78 Filed 1-4-78; 3:47 pm]

[7030-01]

8

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., January 11, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Closed to the Public.

Personnel.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone 202-653-6174.

[S-6-78 Filed 1-4-78; 9:56 am]

[4910-58]

9

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 816, January 4, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, January 5, 1978, 9:30 a.m. [NM-78-1]

CHANGE IN THE MEETING: The following item (Item No. 1) has been removed from the agenda:

*Aircraft Accident Report.*—Commonwealth of Pennsylvania, Piper PA-31PT, Bressler, Pa., February 24, 1977.

A majority of the Board has approved this change by recorded vote, and no earlier announcement was possible.

[S-17-78 Filed 1-4-78; 3:47 pm]

[7590-01]

10

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (to be published).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Wednesday, January 4, 1978, 1:30 p.m.

CHANGES IN THE MEETINGS: Time reserved for FY 1978 domestic safeguards technical assistance and research contractual projects is cancelled. Affirmation of proposed rule on avoidance of contractor organizational conflict of interest is cancelled.

CONTACT FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated: January 4, 1978.

WALTER MAGEE,  
Chief, Operations  
Branch Office of the  
Secretary.

[S-11-78 Filed 1-4-78; 2:45 pm]

[7910-01]

11

RENEGOTIATION BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 65374, December 30, 1977.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, January 10, 1978; 10 a.m.

CHANGES IN MEETING: Addition of matters 6 through 9 to the previously announced agenda.

MATTERS TO BE CONSIDERED:

6. Recommendation for clearance or assignment to a division of the board: MB Associates, fiscal year ended April 1, 1973.

7. Recommendation for assignment to division of the board: Lasko Metal Products, Inc., fiscal year ended April 30, 1972.

8. Recommendation for clearance: Grumman Aerospace Corp. (Consol.), fiscal year ended December 31, 1972.

# SUNSHINE ACT MEETINGS

9. Segmentation.

STATUS: Matters 6 through 9 are open to public observation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: January 3, 1978.

GOODWIN CHASE,  
Chairman.

[S-10-78 Filed 1-4-78; 12:44 pm]

[8010-01]

12

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of January 9, 1978, in room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Tuesday, January 10, 1978, at 10 a.m. A closed meeting will be held immediately following the open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may

be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i), and (10).

Chairman Williams, Commissioners Loomis, Pollack, Evans, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, January 10, 1978, at 10 a.m., will be:

1. Consideration of the adoption of rules defining the term "common trust fund" so as to exempt from the Federal securities laws, common trust funds for constituent banks of a bank holding company to the same extent that common trust funds are exempt for single banks.

2. Consideration of the Commission's statement of policy governing sales literature of registered investment companies, previously published for comment in September 1977.

3. Discussion of the recommendations for Commission consideration from the Advisory Committee on Corporate Disclosure.

The subject matter of the closed meeting scheduled for Tuesday, January 10, 1978, immediately following the open meeting, will be:

Referral of files to Federal, State, or self-regulatory authorities.

Formal orders.

Institution of injunctive actions.

Settlement of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceedings.

Freedom of Information Act appeal.

Opinions.

Other litigation matters.

FOR FURTHER INFORMATION CONTACT:

Michael Blount at 202-755-1224 or Katherine A. Malfa at 202-376-8004.

JANUARY 3, 1978.

[S-5-78 Filed 1-4-78; 9:56 am]

[7905-01]

13

U.S. RAILROAD RETIREMENT BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: January 3, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., January 10, 1978.

CHANGES IN THE MEETING: Additional items to be considered at the portion of the meeting closed to the public:

(8) Appeal from referee's denial of disability annuity application, Eddie Bailey.

(9) Appeal from referee's denial of child's insurance annuity application, Marion P. Russell.

CONTACT PERSON FOR MORE INFORMATION:

R. F. Butler, Secretary of the Board, COM No. 312-751-4920, FTS No. 387-4920.

[S-9-78 Filed 1-4-78; 12:37 pm]



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FRIDAY, JANUARY 6, 1978  
PART II



DEPARTMENT OF  
HEALTH,  
EDUCATION,  
AND WELFARE

Food and Drug Administration

OTC TOPICAL  
ANTIMICROBIAL  
PRODUCTS

Over-the-Counter Drugs Generally  
Recognized as Safe, Effective and Not  
Misbranded



[ 4110-03 ]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 333 ]

[Docket No. 75N-0183]

OVER-THE-COUNTER DRUGS GENERALLY  
RECOGNIZED AS SAFE, EFFECTIVE AND  
NOT MISBRANDED

## OTC Topical Antimicrobial Products

AGENCY: Food and Drug Administration.

ACTION: Tentative Final Order.

SUMMARY: This tentative final monograph would establish conditions for the safety, effectiveness, and labeling of over-the-counter (OTC) products such as antibacterial soaps, surgical scrubs, skin cleansers and first-aid preparations. The monograph is based on the recommendations and findings of the OTC Antimicrobial I Panel and a proposal by the Commissioner of Food and Drugs, in accordance with procedures for the agency's ongoing review of OTC drug products.

DATE: Objections and/or requests for oral hearing before the Commissioner by February 6, 1978.

ADDRESS: Written objections and/or requests for hearing to the Hearing Clerk (HFC-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

## FOR FURTHER INFORMATION CONTACT:

William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of September 13, 1974 (39 FR 33103), the Commissioner issued a proposal, pursuant to the OTC drug review procedures in § 330.10 (a) (6) (21 CFR 330.10(a)(6)), to establish a monograph for OTC topical antimicrobial products for repeated daily human use, together with the report of the OTC Antimicrobial I Panel, which is the advisory review panel responsible for evaluating data on drugs in that category. Interested persons were invited to submit comments on the proposal within 60 days—on or before November 12, 1974. Reply comments in response to comments filed during the initial 60-day period were allowed until December 12, 1974.

The Commissioner advises that some of the labeling terminology proposed in this document, especially those terms relating to indications and directions for use, may not yet be fully informative to some persons. The Commissioner invites further public comment on the present content and format of the labeling required in the tentative final monograph so that all interested persons may have an opportunity to submit their views and the agency has the benefit of

as broad a spectrum of opinion as possible on this aspect of the proposal.

All comments and the proposed labeling will be carefully evaluated, and any changes deemed necessary will, if appropriate, be made in the final monograph.

Numerous comments requested extension of the deadlines for comments and reply comments because of the complexity of the Panel report and proposed monograph and because the information evaluated by the Panel would not, in accordance with § 330.10(a)(2) of the OTC drug review procedures, be available until 30 days after publication. The Commissioner granted the request and issued a notice in the FEDERAL REGISTER of October 3, 1974 (39 FR 35675) granting a 30-day extension of the deadline for comments until December 15, 1974, and the reply comment period was extended until January 1, 1975. The data and information considered by the Advisory Review Panel were put on public display 30 days after publication, i.e., on October 13, 1974, in the office of the Hearing Clerk, Food and Drug Administration, after deletion of a small amount of trade secret information.

In response to the proposal, 86 comments and reply comments were received from 16 trade associations, 45 drug manufacturers, 1 consumer group, 24 consumers, and 4 professional or scientific associations.

The Commissioner has reviewed the report and proposed monograph and all the comments and reply comments. The Commissioner has decided, for clarity, to divide his conclusions in this document in the following sections:

1. The Commissioner's conclusions on the comments and reply comments.

2. The Commissioner's restatement of the Panel's recommendations and conclusions for Category II (not generally recognized as safe and effective or would result in misbranding) and Category III (available data insufficient for classification) and the Category III testing guidelines. The Commissioner will adopt these findings by restating the appropriate sections of the Panel's report in this document, with modifications for clarity and regulatory accuracy, and by accounting for new data or information that has come from this rulemaking proceeding. Extraneous or unsupported statements will be excluded. If the Commissioner agrees with a comment that suggests a modification of the Panel findings, he will incorporate appropriate changes in the restated version of these sections.

3. The Commissioner's conclusions and tentative final monograph. All of the Commissioner's decisions regarding the Panel's recommendations and conclusions for Category I conditions (generally recognized as safe and effective), including his modifications justified by the comments, will appear in the tentative final monograph. The Commissioner advises that for purposes of clarity the format of the labeling section of the tentative final monograph has been revised from that originally contained in the proposed monograph.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

I. THE COMMISSIONER'S CONCLUSIONS ON  
THE COMMENTS AND REPLY COMMENTS

## A. GENERAL COMMENTS

1. Several comments contended that the agency does not have the authority under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) to establish substantive rules other than by formal rule making.

This subject was dealt with in detail in paragraphs 85 through 91 of the preamble to the procedures for classification of OTC drugs, published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464, 9471-9472), and the Commissioner reaffirms the conclusions stated there.

2. One comment contended that the Commissioner's preamble statement relating to the question of whether long-term use of antimicrobial bar soaps alters the normal balance of organisms on the body (published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33103)) is a "disclaimer that contravenes paragraph 74 of the May 11, 1972, preamble to the procedures for classification of OTC drugs (37 FR 9470), which rejected as unnecessary a suggestion that the OTC drug procedures specifically state that the Commissioner is not bound by a Panel's monograph.

The cited paragraph, which stated the Commissioner's conclusion that a boilerplate explanation of the function of an advisory committee need not be included in the OTC drug procedures, cannot sensibly be read as a prohibition on the Commissioner's right to comment on a Panel report, to explain or highlight a particular problem, or to emphasize that controversial Panel decisions are subject to additional public procedure and do not represent the final judgment of the agency. The Commissioner will identify areas of controversy or doubt in future Panel reports when, in his judgment, to do so will stimulate maximum public response to these documents.

That long-term use of antimicrobial soaps may alter the normal balance of gram-positive and gram-negative organisms on the body was plainly characterized by the OTC Antimicrobial I Panel's report as a hypothesis, not a proven fact. However, the contrary impression may have been created by the emphasis that the news media gave this one section of the report. The Commissioner therefore included a statement in the preamble designed to bring the matter into perspective and encourage debate on the scientific merits of both sides.

3. One comment stated that "the Panel's duty was to evaluate antimicrobial ingredients, but it made recommendations clearly extending to nonantimicrobial ingredients." The comment

claimed that such recommendations exceeded the legal boundaries of the Panel's responsibility. The comment requested that "the Commissioner modify the monograph to make it clear that its effect is limited to products with antimicrobial ingredients."

Some products that have been traditionally considered first-aid for minor skin wounds are also designed to protect against infection, either by chemical or physical means. These products contain ingredients intended to exclude contamination by microbes, together with antimicrobial ingredients to inhibit the growth of the microbes. These differing functions are interdependent and logically can be considered together as part of a total system aimed at excluding harmful microorganisms from wounds in the human body. The Commissioner believes that consideration of all the ingredients in such a system is within the charge of the Antimicrobial I Panel.

4. Several comments objected to the degree of testing recommended by the Panel. They argued that such testing was unnecessary and a waste of time, resources, and money. This conclusion was predicated on the belief that ingredients listed in Category III have been used safely and effectively for many years. The comments called upon FDA to issue a financial impact statement. The costs of such testing would exceed the sales of some products, it was contended, and, according to one comment, such products would be withdrawn from the market in spite of past successful marketing. The comment suggested that the cost of required testing be underwritten by the government rather than by manufacturers.

In performing the task it was assigned, the Panel used its best judgment about what testing requirements are required for ingredients placed in Category III. The OTC drug review regulations and the historical evidence negate the generality that longtime use of an OTC product without obvious toxic consequences, or with apparently beneficial results based on clinical observation, constitutes, in and of itself, the kind of proof of safety and effectiveness that is demanded by current scientific standards.

The Commissioner does not intend to create testing regimens more burdensome than needed to prove safety and effectiveness, as required by the law. The fact that testing must be scientifically valid and adequate to reach reliable conclusions, and therefore may be costly, is a product of the statutory standard as applied by experts to the principles of drug investigation. The Commissioner does not believe that such testing will place undue burdens on the industry and the research community. Although the cost of testing a product to meet FDA regulations may in exceptional cases exceed the sales of a product in any given year, it is improbable that such cost would exceed sales over a significant fraction of the market life of a product. The financial impact state-

ment requested by these comments is on file in the office of the Hearing Clerk, Food and Drug Administration.

The Commissioner is alert to the need to conduct scientifically valid tests in an economical manner and without unnecessary duplication of effort. However, the public must be assured that marketing of products with Category III ingredients or claims is permitted only on condition that appropriate testing is concurrently carried out to resolve questions that have been identified by the Panel concerning safety and effectiveness. Testing requirements for Category III have been established with these considerations in view.

5. One comment requested "that those employees who served the Panel in an official capacity not take an active role in the preparation of the tentative final regulation."

There is no statutory requirement for separation of functions in rule making proceedings. The Commissioner, however, in the exercise of his discretion, does require in 21CFR Part 10 a separation of functions with respect to any matter subject by statute to an opportunity for a formal evidentiary public hearing and to any matter subject to a public hearing before a Public Board of Inquiry. He is not prepared at this time to consider extending the separation of functions beyond these matters. He believes, moreover, that it would be disruptive to require separation functions at this late date in the OTC drug review, that it is unnecessary in view of the essentially nonadversarial character of the review, and that it would be wasteful given the limited staff resources of the agency. It is imperative that those with the greatest expertise be used both to assist the Panel and to participate in preparing the tentative final and final monographs. Employees who have worked with the Panel best understand its reasoning and deliberations. They are therefore best qualified to review comments on the Panel's report. Of course, the comments on the proposed monograph are reviewed not just by those individuals who served on the Panel, but by many others in the agency. Consequently, the views of those persons who assisted the Panel will not prevail unless they are scientifically reasonable and sustainable on the record.

6. Several comments stated that FDA "bears the burden of proving the statutory solution" with respect to OTC drug regulations, and that the "agency must demonstrate by a preponderance of the evidence that a drug is not generally recognized as safe and effective."

It is not clear what was intended by these statements. If the comments mean that the agency must establish a basis and purpose for the regulations it issues, they are correct. Section 4 of the Administrative Procedure Act (5 U.S.C. § 553) requires that the agency incorporate in each regulation a concise general statement of its basis and purpose. As noted above (paragraph I.A.1.), the legal status of OTC drug monographs is discussed elsewhere.

7. A comment stated that "If each and every company must submit active ingredients, vehicle and total product tests recommended by the Panel this would be tantamount to a pre-clearance requirement on every product. It is our understanding that FDA chose the OTC Drug Review route to avoid this."

The Commissioner will not require every company to test and will ordinarily not require testing of the active ingredient, vehicle, and total product. However, within the broad and varied field of OTC drugs there may possibly be circumstances in which review and testing of individual products is the only way to determine whether the statutory and regulatory criteria are met. While this may result in more extensive testing for a very few classes of OTC products than was envisioned at the beginning of the OTC drug review, the requirements applicable to those products will be nowhere near as extensive and detailed as the new drug application (NDA) requirements. For certain product classes in this monograph, where issues of skin sensitivity and irritation are of importance, data will have to be submitted on active ingredients, vehicles, and/or total products. Those ingredients or product classes will be delineated in appropriate testing guidelines.

8. A comment claimed that "there is no provision in the law for Category III." The gist of the comment is that Category III status is incompatible with continued lawful marketing of a product without an approved NDA.

This issue is currently the subject of litigation in the U.S. District Court for the District of Columbia, *Health Research Group v. Kennedy*, Civ. Action No. 77-0734. The Commissioner's position on the matter will be explained in that forum.

9. One comment suggested that all Category III products should bear the label statement "WARNING . . . the safety of this product has not been determined."

Products in Category III have been on the market for many years. Classification in this category permits them to remain on the market for a brief additional period while evidence is developed to permit their final classification into either Category I or Category II. A product may be in Category III for a number of reasons having nothing to do with safety, including questions about its effectiveness. To require all Category III products to bear a safety-related warning for a brief period of time while these questions are resolved would be misleading in many cases. The warning as phrased is, moreover, misleading even for products that have been placed in Category III to obtain more safety data. It implies a complete absence of information supporting the safety of products for which there will ordinarily be a lengthy history of safe use and a considerable body of expert opinion that they present no hazard. The Commissioner advises that drugs are not placed in Category III if currently available data raise serious concerns about their safety. Such drugs are either placed in Category II or sub-



jected to expedited regulatory action outside the OTC Drug Review procedures, depending on the reliability and conclusiveness of the data and the degree of harm the drug might cause.

10. Numerous comments objected to the 1-year limit for testing products with claims based on Category III ingredients, primarily because of the large number of products in Category III that require testing and the resulting bottlenecks in personnel and laboratory facilities that would make it impractical to carry out the required safety and stability tests within the 1-year period.

The Commissioner concludes that because of the extensive testing requirements and the many ingredients in Category III, a 2-year testing period would be appropriate. He therefore concludes that Category III conditions should be permitted to remain in use for 2 years after the date of publication of the final monograph in the FEDERAL REGISTER.

11. A comment contended that the Panel appears to have set standards contrary to the concept that OTC drugs are generally symptom-oriented, in contrast to prescription drugs, which are disease-oriented, and, therefore, that the Panel exceeded its charge.

The Panel was charged with judging the scientific merit of claims for safety and effectiveness of OTC products containing antimicrobial ingredients for topical human use, which include soaps, surgical scrubs, skin washes, skin cleansers and first-aid preparations, pursuant to § 330.10(a) (1). Those claims are made by manufacturers, repackers, and relabelers of OTC drugs, not by the agency. The Commissioner must judge the merit of these claims no matter what their specific nature. There need be no unanimity of opinion on whether a particular claim made for an OTC product is symptom- or disease-oriented. The merit of a claim for safety or effectiveness can be judged regardless of whether the claim deals with a disease- or symptom-oriented characteristic. The symptom or disease nature of a phenomenon is of scientific interest, but is not relevant to the Commissioner in judging whether or not the consumer is receiving what he is paying for in terms of a particular claim made for a product.

Although the Commissioner recognizes that OTC drugs are generally symptom-oriented rather than disease-oriented, he is aware of several areas in which OTC products are used to treat disease, e.g., athlete's foot and acne. Since the difference between symptom and disease is not well defined, each OTC drug ingredient claim will be judged on its own merit for safety and effectiveness regardless of whether the claim is directed to a disease condition or symptom.

12. A comment expressed concern over the Panel's recommendation that, if it were not possible to adequately control antimicrobial ingredients in cosmetics, "the Food and Drug Administration institute whatever action is necessary to reclassify cosmetic products containing antimicrobial agents as drugs," and

stated that NDA's should be required only when drug claims are made.

The Commissioner does not intend at this time to require NDA's for products that contain a Category I antimicrobial ingredient at greater than preservative levels, but make no drug claim for such ingredient. Nor will Category III safety testing be required for cosmetics containing antimicrobial agents so classified. However, all drug ingredients now requiring safety or effectiveness testing will eventually be reclassified into either Category I or Category II. Any antimicrobial ingredient for drug use that is placed in Category II for safety reasons will, under separate regulations, be banned from use, or restricted to preservative level use, in cosmetics.

13. There was comment from authors of papers describing the use of antimicrobial soaps on patients isolated in hospital "life island" facilities. It was said that Panel statements about the papers do not clearly distinguish between the authors' and the Panel's opinions. The authors wished to make it clear that their work shows major reduction of bacterial-colony-forming units on all body sites tested, including reductions in gram-negative bacterial counts. The comment, further discussing bacterial reduction, stated that the bacteriostatic soap preparations used in these studies were "certainly equivalent to preparations containing hexachlorophene."

The Commissioner agrees that the language of the report should have made it clear that the Panel was stating its own analyses and conclusions rather than those of the authors of the cited scientific papers.

14. Comments criticized the composition of the Panel, which included no surgeons, because surgeons routinely recommend and use antimicrobial cleansing products.

The Commissioner recognizes that antimicrobial ingredients are contained in marketed surgical scrubs that are used by surgeons, but does not believe that including surgeons on the Panel would have substantially improved the reliability of the advice rendered. Judgments about the safety and effectiveness of antimicrobials are made on the basis of microbiological, toxicological, epidemiological, and biostatistical data. The Panel members were qualified to judge such data in fact cited scientific literature published by surgeons. In addition, the procedures employed for developing the monograph include opportunities for surgeons to express their views. The Panel itself requested advice from the appropriate committee of the American College of Surgeons, but received no response.

15. Numerous comments referred to the hypothesis that elimination of gram-positive skin bacteria is inevitably followed by shifts in environmental pressures toward gram-negative bacteria. They contended that the concept is not supported by a preponderance of existing evidence, and that, therefore, the danger that might exist from the postulated phenomenon is speculative. Comments cited scientific literature to support the claim that gram-negative bacterial overgrowth after use of an antimicrobial soap is a theoretical expectation not verified by experience. The existence of an unsubstantiated hypothesis provides no scientific or legal justification for banning the normal household use of antimicrobial soap, the comments argued.

The Panel's statements did not imply the inevitability stressed in the comments, but rather were intended to call attention to the published literature indicating such a potential and to encourage studies of the normal flora balance. A few studies completed since the Panel's report have verified that shifts, and more probably, simplifications, of flora do occur.

The Commissioner advises that the nature and quantity of evidence required to support a judgment of safety and effectiveness is determined on the merits of the individual case. The unproven hypothesis that danger may exist in particular circumstances does not, in itself, constitute a sufficient basis for banning the use of a product. The Commissioner is aware of the theory that gram-negative bacteria, which may be undesirable, will replace gram-positive bacteria that are reduced in number or eliminated by use of an antimicrobial soap. The theory is still the subject of experimentation, documentation, and debate. The Commissioner encourages research aimed at testing the validity of the theory with reference to the use of OTC antimicrobial products.

The Panel has served a useful purpose in highlighting the need for research on the microbial ecology of the skin. The Panel was concerned with the need to understand the factors involved in maintaining the balance among species of microorganisms that constitute the normal skin microflora. This balance is more likely to be threatened by overuse of antimicrobials with a limited spectrum than by broad-spectrum antimicrobials, and the imbalance can involve certain gram-positive bacteria and fungi as well as gram-negative bacteria.

The Panel was particularly concerned about the effect of overuse of antimicrobial products in closed populations, such as hospitals or nursing homes, where a variety of ecological pressures combine to favor the growth of gram-negative organisms. In such health care facilities, gram-positive organisms are often drastically reduced by the use of disinfectants, antibiotics, and other antimicrobial products with limited spectra that are effective against gram-positive organisms, but not against gram-negative organisms, such as *Pseudomonas*. Serious effects can be expected in severely debilitated patients or in patients at high risk, such as burn victims, the elderly, and newborns, if gram-negative organisms are encouraged to multiply unchecked by the selective eradication

of gram-positive organisms. The results can be devastating.

The Commissioner concludes that professional labeling (labeling for health professionals but not for the general public) for certain antimicrobial ingredients approved for OTC drug use, but primarily used in health-care facilities, should therefore state: "Caution: Overuse of this and other antimicrobial products may result in an overgrowth of gram-negative organisms, particularly *Pseudomonas*. These effects could be serious in severely debilitated patients or patients at high risk, such as burn victims, the elderly or newborns."

However, it is the conclusion of the Commissioner that the limited consumer use of antimicrobial-containing products under normal conditions in the population at large does not constitute a risk that would warrant the above label warning or removal of such products from the OTC marketplace.

16. A comment referred to evidence that the gram-positive bacterial flora of skin cannot be considered entirely non-pathogenic. The comment asked for modification of the Panel's statement in the report that gram-positive staphylococci on the skin that are coagulase negative are regarded as harmless.

The Commissioner agrees that the gram-positive flora of the skin cannot be considered totally benign. Scientific literature recognizes a correlation between the ability of staphylococci to cause disease and their ability to produce the enzyme coagulase. However, some staphylococci that are unable to synthesize coagulase are pathogenic and have been implicated in a number of disease conditions, including bacterial endocarditis and soft tissue infections.

17. Several comments discussed the relationship of the type of microbial flora to production of body odor. The comments asked that a quantitative standard for reduction of the total count of microbes as an index of deodorancy not be fixed. The comments based their criticism on the absence of a known exact correlation between a decrease in total microbial count and odor reduction.

The Commissioner recognizes that reduction in total microbial count is not necessarily correlated with deodorancy. Yet the use of an antimicrobial in a deodorant soap is based on knowledge that microbial metabolism is responsible for production of offensive body odor. It is also true that the specific contributions of particular species of microorganisms to odor production vary and that the predominant species of organism contributing to a total count of organisms in a laboratory procedure may not be the primary agents involved in odor production. On the other hand, antimicrobials employed in soap are not so specific in their activity as to inhibit or kill only those organisms responsible for odor production. Consequently, while a perfect correlation between reduction of the number of microbes and decrease in body odor does not exist, it is reasonable to use a general decrease of anti-

microbial activity to establish the deodorancy effectiveness of an antimicrobial soap.

The Commissioner concludes that claims of effectiveness of antimicrobials as deodorants will be accepted if they are based on a direct demonstration of odor reduction correlated with either a reduction in total microbial count of one log (log<sub>10</sub>) or a significant inhibition of microbial species shown to be responsible for odor production. The Commissioner intends that the testing guidelines include these testing procedures.

18. A number of comments objected to the restriction on the use of antimicrobial soaps in the first 6 months of neonatal life as being arbitrary. The comments stated that skin and other infections in infants require that antimicrobial soaps be used in the nursery.

If an antimicrobial is safe because it is not absorbed from the skin, or because the amount absorbed is nontoxic or is capable of being excreted by normal mechanisms, then there would be no reason to ban the use on neonates of a soap containing an antimicrobial. If, however, the safety of an antimicrobial depends for its detoxification and excretion on an enzymatic action or other mechanism that is not fully operative in the newborn, then an antimicrobial should not be used until the infant has matured. It is also proper, given reasonably expected deviations from the average for all infants, to caution against the use of an antimicrobial until a "safety factor of time" has elapsed after the point at which the typical infant's detoxification and excretory mechanisms have become fully effective. The magnitude of the appropriate safety factor is a matter of informed judgment rather than established scientific fact, and a decision about its length should err on the side of caution. The Commissioner therefore accepts the Panel's recommendation that antimicrobial soaps not be used in the first 6 months of neonatal life, subject to evidence from studies suggested in the testing guidelines that show that the 6-month restriction is not required to fully protect these infants. In addition, the Commissioner sees little or no need to use antimicrobial soaps on infants. Also, though he is aware that recent studies on triclosan in rhesus monkey neonates indicate an alternate metabolic pathway, he cannot be completely assured that, when the major metabolic pathway (the glucuronide pathway) is unavailable or saturated, the metabolic system can adapt to excrete active ingredients contained in antimicrobial soaps by either sulfonation or some other metabolic route. Accordingly, labeling for antimicrobial bar soaps will be modified to reflect this condition of use by including the warning, "Do not use this product on infants under 6 months of age."

The Commissioner also wishes to note that he has received a petition to delete the general labeling requirement in § 330.1(g) (21 CFR 330.1(g)) for antimicrobial bar soaps. This section states: Keep this and all drugs out of the reach of children. In case of accidental overdose, seek professional assistance or

contact a Poison Control Center immediately.

The Commissioner has carefully reviewed the safety considerations relating to any possible way that young children could ingest a sufficient quantity of such soaps to result in toxic or life-threatening reactions. He concludes that it is virtually impossible for a child to ingest a sufficient quantity of any antimicrobial soap to result in toxic symptoms without first inducing emesis. Accordingly, the Commissioner will grant this petition and amend the tentative final monograph to exclude the labeling requirement of § 330.1(g) for antimicrobial bar soaps.

19. A comment expressed concern that the recommendation of the Panel of a 100-fold safety factor as guidance in evaluating antimicrobials would be made a rigid requirement.

The Panel statement does provide for flexibility. The Panel took into account common practice in the field of toxicology, which has been to use a 100-fold safety factor. The Panel recognized that such a limit was a matter of both of knowledge and of judgment, and in considering this particular safety factor for antimicrobials, it drew upon experience and custom. The Panel also recognized that the safety factor used in a given case should reflect the gravity of the adverse effects anticipated and the amount of data available from human studies. The Commissioner will retain a minimum of a 100-fold safety factor applied to the exposure dose for ingredients in products labeled for repeated daily use, i.e., antimicrobial soaps, health-care personnel handwashes, and surgical hand scrubs. Modifications of the safety factor will be allowed for specific ingredients where justified by risk-benefit considerations and where requests are based on submitted data.

20. A comment objected to the Panel's calculation of safety factors for human dosage levels based upon extrapolation of surface area calculations in animals.

The Panel was aware of the limitations of extrapolation from oral doses per kg weight to surface areas for comparing toxic effects among different animal species, but surface area is commonly used in the scientific community to estimate and compare toxic effects of compounds in different mammalian species. Indeed, surface area is a particularly appropriate factor for comparing the toxic effects of substances for topical application.

Because the Panel's method of extrapolation is scientifically reasonable and because no better method of extrapolation is proposed by the comment, the Commissioner concludes that the Panel's recommendation should be retained.

#### E. COMMENTS ON DEFINITIONS

21. A comment discussed the Panel's definition of active "antimicrobial ingredient": "An agent which kills or inhibits the growth and reproduction of microorganisms" (39 FR 33107). The comment stated that the Panel discussion is not clear and leads to illogical and bizarre results. The comment suggests



the following definitions for an active antimicrobial ingredient: "The active ingredients of an antimicrobial product are those ingredients which contribute functionally to the uses of that product claimed in its label. An active antimicrobial ingredient is an agent which, when appropriately formulated and used, kills or inhibits the growth and reproduction of micro-organisms."

The comment poses two basic problems: First, the need for a clear definition of active versus inactive ingredients; second, some clarity in the basic definition of "antimicrobial."

As to the first point, the Commissioner agrees with the comment that for regulatory purposes, the dividing line between an active antimicrobial ingredient considered as a preservative is dependent upon the relationship of the ingredient to the claim(s) that appear in the labeling of the product. The Commissioner, therefore, defines an "active" antimicrobial ingredient as a compound or substance that contributes to the claimed effect of the product. An "inactive" antimicrobial ingredient is defined as an antimicrobial agent that is included in a product strictly as a preservative for the product itself (at concentrations below those set forth in this document) and that does not contribute to the claimed effect(s) of the product.

As to the second point, the Commissioner believes that by highlighting the difference between active and inactive antimicrobial ingredients, he has clarified the definition of "antimicrobial" and that the definition of an active (antimicrobial) agent proffered in the comment is somewhat ambiguous due to inclusion of the phrase "contributes functionally."

Accordingly, the Commissioner is adopting the following definitions in § 333.3 of the tentative final monograph:

(a) *Antimicrobial (active) ingredient.* A compound or substance that kills microorganisms or prevents or inhibits their growth and reproduction and contributes to the claimed effects of the product in which it is included.

(b) *Antimicrobial preservative (inactive) ingredient.* A compound or substance that kills microorganisms or prevents or inhibits their growth and reproduction and is included in a product formulation only at a concentration sufficient to prevent spoilage or prevent growth of inadvertently added microorganisms, but does not contribute to the claimed effects of the product to which it is added.

22. Two comments stated that the definition of "soap" is "metallic salts of organic fatty acids," a definition which has also been used by FDA, and claimed that the Panel's definition of "antimicrobial soap" could exclude antimicrobial bars containing synthetic detergents. The comments expressed the hope that "there is no intention to exclude" such soap preparations.

The word "soap" has a strict chemical definition, and is also perceived by consumers as any cleanser or product that

includes soap (according to the chemical definition) as an essential part of the formulation. The definition of "antimicrobial soap" for purposes of the monograph relates only to the presence or absence of an antimicrobial ingredient, not to the manner in which "soap" generally is formulated.

The Commissioner concludes that soap formulations containing synthetic detergents are within the scope of the term "antimicrobial soap" if they also contain an antimicrobial ingredient.

23. A comment suggested that antimicrobials not intended for repeated daily use, and that skin antiseptics, for example, should have a label statement limiting the number of days during which the product should be used without visible improvement in the user's condition, and emphasizing the need to consult a physician after that time.

Although the Commissioner believes that OTC products should be available for symptomatic relief of normally self-limiting conditions that can be diagnosed by a lay person, he agrees that labeling should warn that, if complications arise or if the diagnosis appears to have been incorrect because the condition fails to improve, the lay person should seek appropriate professional treatment.

Accordingly, the Commissioner concludes that the following warning will be required on labeling of skin antiseptics, skin wound cleansers, and skin wound protectants: "Do not use this product for more than 10 days. If the infection worsens or persists, see your physician." The time limit was chosen on the basis of the average length of time for the completion of the normal healing process for a minor wound, which has been reported by Anderson to be 7 to 10 days (Anderson V., "Over-the-Counter Topical Antibiotic Products: Data on Safety and Efficacy," supplement to *International Journal of Dermatology*, 15:1-118, 1976). In addition, the Commissioner concludes that all product categories (other than antimicrobial bar soaps) should contain the warning, "For external use only."

24. A comment suggested that the definition of antimicrobial soap in § 333.3 (a) of the proposed monograph (§ 333.3 (c) in the tentative final monograph) be changed by deleting "in vitro."

The Commissioner agrees with the Panel that there is a need to include results of in vitro testing to delineate or characterize activity of an ingredient as an antimicrobial. Results of in vitro testing will then give some guidance by which safety and effectiveness tests can be confirmed in later in vivo testing. The Panel's definition will therefore be retained because it is more inclusive than the one suggested in the comment.

However, the comment has also raised a problem with regard to inclusion of definitions in labeling. The Panel recommended that any phrase(s) used in definitions of the various product classes be permitted in labeling. Although some of the phrases in the definitions would add clarity to the claims for these prod-

uct classes, the inclusion of phrases such as "in vitro" or "in vivo" in antimicrobial soaps would not be informative and would likely be misleading. Accordingly, the Commissioner will modify the Panel's recommendation in the monograph to include only selected phrases from the product class definitions. The monograph will provide for specific labeling indications and other allowable statements.

25. A comment asked that additional terms be allowed for labeling of the product category "antimicrobial soap." The additional terms requested are those presently suggested by the Panel for the category "health-care personnel handwash": "decreases bacteria on the skin, reduces risk and/or chance of cross-infection, recommended for repeated use."

The Commissioner notes that products in the category of "health-care personnel handwashes" are intended to serve a different purpose than products in the category "antimicrobial soaps." "Health-care personnel handwashes" are intended to be used as often as 50 to 100 times daily by a single user. They are also intended for use in a hospital setting by health-care personnel who understand the need for almost constant removal of transient flora to prevent cross-infection between patients. Labeling for this product category has been designed to have maximum meaning for these individuals.

By contrast, antimicrobial soaps are intended to be used by the general public only in nonhospital settings. In fact, antimicrobial bar soaps are frequently banned in many hospitals because they may promote cross-contamination. The different circumstances of use require different labeling for these two types of products.

Moreover, use of terms permissible for health-care personnel handwash products could be confusing or misleading to the average member of the lay public. The statement "recommended for repeated use" would mean little to the average consumer, though it has specific meaning for health-care personnel who may wash 50 to 100 times a day and who thus require a product that will not be irritating. The statement would be inappropriate for an antimicrobial soap; safe antimicrobial ingredient levels in antimicrobial soaps are established by reference to use a few times daily, not 100 times daily.

"Reduces risk and/or chance of cross-infection" does not relate to the circumstances of use by the average consumer and would instill in him a false expectation of greater health benefits. Health-care personnel ascribe much more specific meaning to this claim.

"Decreases bacteria on skin" applies literally to both an antimicrobial soap and a health-care personnel handwash (provided it contains an antimicrobial). However, this type of claim could be misleading to the lay person unless accompanied by clarifying language, such as "decreases bacteria on the skin which cause odor." Absent such a qualification, the Commissioner believes, the average consumer could mistakenly conclude

that a decrease in bacteria necessarily signifies a decreased likelihood of infection. This could lead an individual who develops a minor infection in a skin wound to use an antimicrobial soap instead of a skin antiseptic. Accordingly, the Commissioner concludes that the additional terms should not be included in labeling for antimicrobial soaps.

26. There was comment that extensive trials conducted with antimicrobial soaps (some containing tribromsalan as an ingredient) to show usefulness in the prophylaxis of minor skin infections support the effectiveness of these products, as do testimonials from recognized experts.

The Panel analyzed the clinical trials that were submitted and published in the scientific literature. The Commissioner concurs with the Panel's conclusion that clinical effectiveness has not been shown unequivocally. Under the requirements of the OTC drug review regulations (21 CFR 330.10(a)(4)(ii)) and section 201(p) of the act (21 U.S.C. 321(p)), opinions of experts, unsupported by adequate and well-controlled clinical investigations substantiating effectiveness, are not evidence of general recognition of effectiveness. It remains to conduct adequate, well-controlled trials to demonstrate clinical effectiveness of these products, as set forth in the testing guidelines.

27. A comment suggested that the definition of health-care personnel handwash in proposed § 333.3(b) be revised to delete the requirements that the products be "nonirritating" and, "if possible, persistent."

The Panel was concerned with the need for frequent, repeated use of these products according to an established regimen intended to reduce the risk of cross-infection in health care facilities. To assure proper use, the products, which may be used as often as 100 times daily, must be nonirritating. Persistence, defined as prolonged activity, is a valuable attribute that assures antimicrobial activity during the interval between washings. The Commissioner agrees with the Panel that these two attributes are important to a safe and effective health-care personnel handwash, and is, therefore, retaining the Panel's definition in § 333.3(d) of the tentative final monograph. In addition, the Commissioner has provided directions for use as follows: "Wet skin and spread a small amount on hands and forearms. Scrub well and rinse thoroughly after washing."

28. A comment objected to permitting a patient preoperative skin preparation to be an OTC product, especially since it is primarily used in hospitals. The reason given was that the surgeon usually "prescribes" for his patient the types of antimicrobial to be employed in preparing the site of incision. It was also suggested that surgical hand scrubs be limited to prescription use because their use is directed or supervised by the practicing surgeon.

"Prescribe" can mean to specify use of a drug legally restricted to dispensation, or simply to specify with authority.

It is common for physicians, on the basis of their professional knowledge, to direct the use of various products, such as OTC drugs and certain foods, that are not limited to prescription sale. The OTC or prescription status of patient preoperative skin preparations or surgical hand scrubs, therefore, does not affect the surgeon's ability to control what product will be used to prepare his patient for surgery or by those participating in the procedure. Nor does it relate to the effectiveness of the products. The difference between an OTC or prescription product does not lie in effectiveness, but in whether it can be labeled for safe and effective use by the lay person. Since patient preoperative skin preparations and surgical hand scrubs can be so labeled for use by health-care personnel, there is no reason to reclassify them as prescription drugs.

29. A comment suggested that the proposed monograph definitions of skin antiseptic in § 333.3(d), skin wound cleanser in § 333.3(e), and skin wound protectant in § 333.3(f) be changed to delete the requirement that the product classes be nonirritating and that the definitions of skin wound cleanser in § 333.3(e) and skin wound protectant in § 333.3(f) be further revised to delete the requirement that such products do not delay wound healing.

The Panel considered those factors that would assure safety and effectiveness of these products. One of the factors considered was the relationship of irritation to delay in wound healing. The Panel believed, and the Commissioner agrees, that such products should not be irritating because irritation may delay wound healing. Therefore, the term "nonirritating" is retained in the cited definitions, as is the requirement that skin wound cleansers and skin wound protectants not delay wound healing.

The Commissioner has further reviewed the proposed warnings for skin wound protectants and skin wound cleansers. Based upon a review of all the data available, he concludes that the labeling should be revised to the statements proposed in the tentative final monograph below.

30. A comment asked for a judicious rather than an absolute interpretation of the requirement that a skin wound cleanser and a skin wound protectant not delay wound healing. It emphasized that a product may compensate for delay in healing with other benefits, such as pain relief. Similar comments were received regarding the nonirritation requirement for a skin wound cleanser, skin wound protectant, skin antiseptic, surgical hand scrub, and health-care personnel handwash.

The Commissioner recognizes, as did the Panel, that in a definition goals must be stated, and that in arriving at goals, as long as the public health is fully protected, there may have to be compromises because the state of the art does not permit an ideal solution. The Commissioner believes that the comment has merit. In interpreting the Panel's definitions of antimicrobials, the agency will

examine the totality of benefits and risks of a specific product and arrive at a decision for categorizing it on the basis of its overall value. Thus, a particular product that causes slight irritation or delays wound healing for a relatively short period can be generally recognized as safe and effective if those side effects are offset by a compensating benefit.

31. A comment stated that the requirement that a skin wound cleanser not delay wound healing is meaningless unless it is compared to something. Since no standard is specified by the Panel, the requirement cannot be met.

The comment is incorrect. The Panel asks for controlled observations or experiments in which the product would necessarily be compared to an objective method. For example, a test might include a comparison of wounds on the same subject: one wound treated with the product minus the antimicrobial ingredient, another wound treated with the product itself. Under the Panel's definition, the test must show that the product is not formulated in such a way as to prolong healing, or it must show that healing delay is minimal and is offset by a compensating benefit.

32. A comment suggested that the proposed monograph definition of skin antiseptic in § 333.3(d) be modified to delete the requirement that claims for activity against specific microorganisms be supported by controlled human studies demonstrating prevention of infection.

The Commissioner agrees. The Panel was aware that there is testimonial evidence for prevention of overt skin infection by skin antiseptics, but that there is an absence of controlled studies to validate this hypothesis. The Panel's intent was to emphasize the importance of proving effectiveness and to eliminate confusion in the use of that term. The Commissioner recognizes and agrees with the Panel's concern for adequate testing; but, in the interest of consistency with the other product category definitions, which do not include the details of testing requirements, the Commissioner is modifying the definition of skin antiseptic to delete the reference to this testing requirement. Controlled human studies to prove effectiveness of skin antiseptics will, however, be required and will be included in the testing guidelines discussed in this document.

33. A number of comments objected to the Panel's definition of skin antiseptic as inconsistent with section 201(o) of the act, which states:

The representation of a drug, in its labeling, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

The comments contended that, under this provision, a skin antiseptic need only have germicidal properties and need not demonstrate clinical effectiveness.

The comments erroneously equate the minimum standard of performance established by Congress for products



labeled as antiseptics with the appropriate definition of effectiveness for such products in relation to the standards for determining when drugs are generally recognized as safe and effective. Section 201(o) establishes that, at a minimum, a drug claiming to be an antiseptic must be germicidal rather than merely germistatic or bacteriostatic. That is, it must actually kill the organisms, not merely inhibit their growth and/or reproduction. An exception was made for certain types of drugs, such as wet dressings, where inhibition alone might be sufficient due to prolonged contact with the body. That a product has germicidal properties, i.e., the minimum pharmacologic effect required by section 201(o) of the act, however, does not mean that it is "effective" under section 201(p) of the act. Effectiveness refers to the ability of a drug to achieve its intended purpose. Drugs are generally not considered effective simply because they demonstrate pharmacologic activity; a pharmacologic effect without a corresponding therapeutic benefit is of no use to the patient. Specifically, it is not established that a patient will benefit solely from germicidal action of skin antiseptics, which, therefore, cannot be considered effective within the meaning of the act unless they can be shown to accomplish a useful therapeutic purpose, i.e., prevent skin infection. Accordingly, skin antiseptics must prove effectiveness by means of controlled human studies using the testing guidelines discussed elsewhere in this document.

34. A comment pointed out that "controls infection" is a permissible label term for skin antiseptic, and yet is prohibited in another section of the Panel's report, under "Labeling" (39 FR 33123).

The Commissioner agrees that the inconsistency pointed out in the comment should be corrected. In the Category II discussion below the Commissioner will delete references that this claim is misleading.

35. A comment asked that the phrase "contains antimicrobial ingredient(s)" be permitted in labels for skin antiseptics.

The Commissioner agrees and will permit this term to be used in labeling for skin antiseptics.

36. A comment contended that "evaluations must be restricted to judgment based on the literature and long market experience in the case of skin antiseptics."

The Commissioner concludes that the Panel has acted reasonably and in full accord with the regulations governing this review identified in § 330.10 in requiring that claims be supported by controlled human studies. Specifically, § 330.10(a)(4)(ii) states:

... Proof of effectiveness shall consist of controlled clinical investigations as defined in § 314.111(a)(5)(ii) \* \* \*, unless this requirement is waived on the basis of a showing that it is not reasonably applicable to the drug or essential to the validity of the investigation and that an alternative method of investigation is adequate to substantiate effectiveness. \* \* \*

The comment is in error in stating that "evaluations must be restricted to judgment based on the literature and long market experience in the case of skin antiseptics." The regulation specifically states that "Isolated case reports, random experience, and reports lacking the details which permit scientific evaluation will not be considered" (21 CFR 330.10(a)(4)(ii)). The relationship of marketing history to effectiveness was discussed in paragraphs 55 through 59 of the preamble to the final OTC drug regulations published in the *FEDERAL REGISTER* of May 11, 1972 (37 FR 9469), which noted that marketing experience could only be considered to corroborate adequate scientific evidence.

37. A comment objected to defining a skin wound cleanser without a requirement for the presence of an antimicrobial agent. The comment noted that the word "antimicrobial" does not occur in the definition of skin wound cleanser.

The Panel stated that the primary purpose of a skin wound cleanser is to remove foreign material, dirt, and debris (39 FR 33112, paragraph 7). The Commissioner concludes that the Panel's definition, which reflects that purpose, is reasonable. The definition does not preclude incorporating an effective antimicrobial in such products. Moreover, it preserves freedom of choice to the consumer as to whether treatment of a wound will be a two-step treatment (cleansing a wound of debris and foreign matter and subsequently applying an antimicrobial), or a single-step treatment (applying a cleanser combined with an antimicrobial).

The Panel, it should be noted, did not believe that antimicrobials available for addition to a cleanser are effective in the prevention of wound infections. Therefore, to make proof of prevention of infection mandatory in the definition of a skin wound cleanser, as would be necessary if the definition required the presence of an antimicrobial agent, would preclude placing any skin wound cleanser in Category I at this time because the kind of evidence needed for this classification was not available to the Panel.

38. Comments asked for a subcategory of skin wound cleanser that would specifically recognize products containing an antimicrobial.

The Commissioner agrees that the public should be fully informed of the contents of the products it uses. In the case of skin wound cleansers, it is important that the consumer know that an antimicrobial ingredient has been included in such a product. So long as the labeling claims remain unchanged, the Commissioner does not believe that the consumer will be misled by identifying the presence of such an ingredient in the active ingredient section of the label. Accordingly, though the Commissioner will permit the label to state that the product contains an antimicrobial by listing it as an active ingredient subject to the labeling limitations for skin

wound cleansers, no subcategory with additional labeling will be permitted.

If a manufacturer wishes to make a broader range of claims for the antimicrobial ingredient in his product, there is nothing that prohibits a product from meeting the requirements applicable to skin antiseptics identified below in § 333.3(f) of the tentative final monograph.

39. A comment objected to the phrase "nor favors the growth of microorganisms" in the definition of skin wound protectant in § 333.3(f) of the September 1974 proposed as superfluous.

The Panel recognized that a skin wound protectant as a physical barrier can exclude contamination, but also that it might itself be capable of being colonized by microorganisms already present in the wound. Thus, there is justification for requiring that the protectant both prevent admission to a wound of microorganisms from the environment and not provide environmental conditions within the wound that encourage growth of microorganisms by alteration of the wound environment itself. The requirement that the protectant not favor the growth of microorganisms is important, given the ability of anaerobic bacteria to establish themselves in a wound. The Commissioner therefore concludes that, except for the changes set forth in paragraph 40 below, the definition of skin wound protectant in § 333.3(h) of the tentative final monograph should remain as recommended by the Panel.

40. A comment pointed out that part of the definition in the Panel's report that a skin wound protectant must act as a physical barrier is not consistent with the monograph's definition referring to either physical or chemical barriers to infection.

The Commissioner believes that the comment has misinterpreted the requirements of a skin wound protectant. Such products were intended to serve as a barrier against contamination of a cleansed wound. The Panel through its definition of skin wound protectant and its discussion of skin wound protectants in the testing guidelines of their report (39 FR 33140) attempted to make clear its view that this class of products must in all cases provide a physical barrier for minor wounds and might also contain an antimicrobial ingredient, a "chemical barrier," to inhibit growth of microorganisms that might remain after a wound is cleansed. These products might include the antimicrobial ingredients reviewed by this Panel, or topical antibiotic ingredients now being reviewed by the OTC Antimicrobial II Panel, or ingredients now being reviewed by the OTC Miscellaneous External Drug Products Review Panel. It is even possible that the latter Panel might suggest non-chemical ingredients to be used solely as physical barriers. However, the Panel made no recommendations on skin wound protectants with only physical barriers. Unless and until such recommendations come to the Commissioner's attention, skin wound protectants must

be viewed as products that provide both a physical and a chemical (antimicrobial) barrier to cleansed small wounds. Accordingly, for purposes of this tentative final monograph, the word "and" is substituted for the words "and/or" in the definition of skin wound protectant identified in § 333.3(h); the paragraph thus refers to "a protective physical barrier and a chemical (antimicrobial) barrier."

41. A comment suggested modifying the directions for use of skin wound protectants to delete the statement "cleanse wound thoroughly before applying."

The Panel's discussion made it clear why it is necessary to cleanse wounds of debris and extraneous foreign matter before application of a skin wound protectant. The Commissioner believes that the consumer should be informed of the requirements for self-care of wounds. Accordingly, the Commissioner is retaining the Panel's suggested language, with slight modifications for clarity.

42. A comment suggested that the definition of surgical hand scrub be revised to delete the requirement that the product be nonirritating.

As noted in the response to comments in paragraphs 29 through 31 above, irritation may have an adverse effect on wound healing. Although surgical hand scrubs are not intended for treatment of wounds, the surgeon or other health-care personnel often wash frequently with such a product. If the product has the property of causing irritation it would be unsuited for use as a surgical hand scrub. Consequently, the Commissioner is retaining in the tentative order the Panel's requirement that the product be nonirritating. He is also providing labeling indications and directions for their use in the tentative final monograph.

#### C. COMMENTS ON COMBINATIONS

43. Several comments, citing the OTC drug combination policy set forth in § 330.10(a)(4)(iv) (21 CFR 330.10(a)(4)(iv)), objected to what was perceived as a requirement in the Panel report that combinations of antimicrobials be synergistic in their activity.

The Commissioner advises that the Panel recognized synergism as one justification for combining antimicrobials, but not the only one. Section 330.1(a)(4)(iv) requires that a combination of active ingredients be at least as active as each single ingredient would be separately and that each ingredient make a contribution to the claimed effect(s). A combination of antimicrobials will be recognized as safe and effective when the combination does not decrease the safety and effectiveness of the individual active ingredients. The contribution of an ingredient to the effectiveness of a combination must be measurable in some manner. The Commissioner reiterates current FDA policy that a combination product must be as safe as its constituent ingredients alone.

44. Several comments stated that the criteria in the Panel's report (39 FR 33106) for antimicrobial ingredients combined with nonantimicrobial ingredi-

ents are unclear. The comment requested that, since the monograph does not "provide for the combination of antimicrobial ingredients with active nonantimicrobial ingredients," a new subsection be added to the monograph stating that "an antimicrobial may be combined with any generally recognized as safe and effective nonantimicrobial ingredient(s) if it is indicated for use safely for the condition indicated for the ingredients," and that the requirements of the Panel's five criteria be clarified.

The Commissioner agrees that the five criteria established by the Panel for combinations of antimicrobial and non-antimicrobial active ingredients are lacking in detail. However, the criteria must be somewhat general and theoretical because, at present, no such combinations are known to exist. The Commissioner, at this time, therefore rejects the suggestion of adding an additional subsection to the monograph. Petitions to amend the monograph that deal with specific combination products would, of course, be considered. The Commissioner concludes that it is not feasible or necessary to clarify the Panel's criteria until such combinations are submitted to the agency in the form of petitions to amend the OTC topical antimicrobial monograph.

#### D. COMMENTS ON PRESERVATIVES

45. Many comments expressed concern that preservatives limited to the minimum inhibitory concentration as determined in accordance with the *United States Pharmacopeia* (USP) XVIII (p. 845, "Antimicrobial Agents—Effectiveness Test") would not be effective in practice. They argued that the USP procedure is inadequate for the following reasons:

The test was designed for ophthalmics and parenterals and is not suitable for topical preparations intended for repeated use. Repeated use means repeated entry into the container with accompanying opportunity for contamination by a great variety of microorganisms.

No single test for assessing a preservative is adequate because of the great differences in formulation of OTC topicals and the variety of uses of OTC topicals.

The test is inadequate for products with a long shelf life.

The same comments suggested using either the 1973 Cosmetic Toiletry and Fragrance Association (CTFA) preservative test or the proposed preservative test of Committee E-35 on Pesticides of the American Society for Testing and Materials (ASTM). All the comments sought guidance on which preservative tests are acceptable to the agency for these classes of products.

The Commissioner has carefully reviewed the background of the Panel recommendation and the objections to using the "Antimicrobial Agents—Effectiveness Test" of USP XVIII as the sole standard for judging the minimum inhibitory concentration of preservatives. The Commissioner notes that since the publication of the Panel report, the USP test was modified by the nineteenth revision

of the USP (USP XIX), effective July 1, 1975, and is now referred to as the "Antimicrobial Preservatives—Effectiveness Test." The Commissioner believes there should be flexibility in test requirements for setting the minimum inhibitory concentration of preservatives. The Commissioner therefore concludes that the procedures described in the USP XIX (p. 587, "Antimicrobial Preservatives—Effectiveness Test") or the CTFA preservative tests published in 1970, both with appropriate modifications, may be employed.

Appropriate modifications to the USP XIX test include the addition of a rechallenge procedure, as well as inclusion of the requirement of "organic load." These modifications are intended to test the ability of the preservative to keep the product from spoiling or becoming heavily contaminated with microorganisms under stress conditions. The rechallenge procedure simulates conditions produced by the common multiple-usage container, which involves frequent reentry by the user. The organic load requirement is a test in which a small quantity of horse serum or killed yeast cells simulates actual use conditions involving contamination with dirt or oil from the hand that results from frequent use.

Appropriate modifications to the 1973 CTFA preservative test include addition of specific microorganisms to be used in the test as well as interpretative criteria.

Both modified preservative tests will be placed on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. The Commissioner believes that the objections raised in this comment are met by requiring use of the CTFA and USP XIX testing requirements as modified.

The Commissioner notes that a collaborative study of the proposed preservative test of Committee E-35 on Pesticides of the ASTM is underway, but results are not yet available. Furthermore, this test is designed to test chemical ingredients that are proposed for formulation as a preservative and would not be entirely appropriate for preservative systems and/or testing of formulated products. Therefore, the Commissioner believes only the CTFA and USP XIX tests as modified are appropriate.

46. A comment objected to the "establishment of a uniform specific maximum preservative level for all products which completely ignores the factors of use pattern, dosage form, formula, and the particular microbial contaminants encountered in the manufacturing process of raw materials."

The comment misunderstands the intent of the Panel, which stated that "If an antimicrobial ingredient is to be used as a preservative, evidence should be available to demonstrate that the concentration used is the minimum at which it is effective as a preservative" (39 FR 33106). That is, a given ingredient can be used at different concentrations for preservative purposes in different products. What must be available for inspection is evidence that the concentration used in a particular product



is safe and is the minimum effective concentration. This is stated in § 333.65 of the tentative final monograph below, which provides that "All antimicrobial ingredients used singly or as part of a preservative system . . . shall be tested by the manufacturer to establish the minimal effective preservative concentration for every product formulation . . ."

47. A comment objected to the Panel's recommendation to prohibit use, as preservatives, of antimicrobials placed in Category II. It was noted that one such substance, hexachlorophene, is permitted under § 250.250(d) (21 CFR 250.250(d)) as a preservative, because at the preservative dosage level it is not toxic and is very effective. The comment argued that other antimicrobials might also be safe for use as preservatives even though they are not considered safe for use as active ingredients.

The Commissioner appreciates the concern that sufficient ingredients be available for use as preservatives to assure that products are uncontaminated with microorganisms. The comment correctly states the agency's position that even if ingredients are unsafe at active concentrations they may be employed as preservatives if at those concentrations no hazard exists. However, the Commissioner notes that § 250.250(d) states that hexachlorophene is only permitted to be included as a preservative where other preservatives are not available and when it is part of a preservative system, not by itself.

Accordingly, the Commissioner will accept use of a Category II ingredient as a preservative, but only if the following conditions are met: It is not a carcinogen, a significant contact sensitizer, or a photosensitizer; it acts as a preservative at concentrations below those causing pathology in mammals; and no adequate substitute is available. Such data must be submitted to the agency in the form of a petition to amend the OTC topical antimicrobial monograph to permit use of such ingredients at preservative levels.

48. A comment stated that contrary to the statement of the Panel (39 FR 33106), methylparaben and propylparaben were not listed as active ingredients by the manufacturer who submitted the data referred to in Reference 1 (OTC volume 020054). The comment further contended that these compounds should not be subject to review by the Panel because FDA on September 23, 1974, affirmed their generally recognized as safe (GRAS) status, under the food additive provisions of the Federal Food, Drug, and Cosmetic Act, at a maximum level of 0.1 percent in food. According to the comment, the use of methylparaben and propylparaben at concentrations of 0.18 and 0.02 percent, respectively, in the formulation in question need not be further evaluated because, in topical application, the amounts absorbed would be less than those absorbed orally at the levels FDA has found acceptable for food.

The Commissioner advises that while these compounds were not listed on the

manufacturer's label, they were listed in the formula information submitted to the Panel. There was no differentiation between active and inactive ingredients in this formula, and the Panel assumed that the manufacturer had considered them active ingredients. As the comment points out, this was a misunderstanding since both the manufacturer and the Panel considered both these ingredients to have only a preservative function at the concentrations found in the submitted product. In fact, the Panel clearly acknowledged the preservative function of the parabens in the list of antimicrobial preservatives that it suggested by deferred to and reviewed by the OTC Antimicrobial II Panel (39 FR 33106). However, the Commission has determined that review of inactive ingredients, such as preservatives, is not possible within the present framework of the OTC drug review. With its limited resources, the OTC drug review can presently evaluate only active ingredients, i.e., ingredients for which therapeutic claims are made. Consequently, though the Commissioner appreciates the suggestion of the OTC Antimicrobial I Panel that preservatives be reviewed, he advises that currently it is not possible to do so.

Further, the comment is incorrect that affirmation of a substance as GRAS for food use resolves all safety questions about its drug use. For example, although the parabens are not sensitizing when ingested with food, they may sensitize skin when applied topically. Because of these safety considerations, the parabens may be reviewed by appropriate OTC advisory review panels.

49. A comment stated that it was not clear from the original charge that this Panel would review preservatives, or that the same safety and labeling standards would be applied to preservatives as to active antimicrobial levels of ingredients, and requested that oxyquinoline sulfate be submitted to the OTC Antimicrobial II Panel for review, with opportunity to present data to that Panel.

The Panel recognized that the issue of preservatives is difficult. The question, however, was not one of effectiveness and labeling so much as one of determining the dividing line between active ingredients and preservatives.

Although the Panel report states (39 FR 33106) that oxyquinoline sulfate and the question of preservatives in antimicrobials should be deferred to the OTC Antimicrobial II Panel for review, the Commissioner, as noted in paragraph 48 above, has determined that a review of inactive ingredients, such as preservatives, is not possible within the present framework of the OTC drug review.

#### E. COMMENTS ON QUATERNARY AMMONIUM COMPOUNDS

50. Numerous comments objected, and cited exceptions, to two of the Panel's generalizations about quaternary ammonium compounds: that the quaternary ammonium compounds are inactive against gram-negative bacteria, and that modifications of a quaternary ammonium compound molecule lead to pre-

dictable antimicrobial and toxicity changes.

Concerning statements about the general characteristics of quaternary ammonium compounds, the language of the Panel was reasonable. The Commissioner agrees, however, that the language in the discussion of Category III ingredients relating to the quaternary ammonium compounds should be modified to make it clear that the characteristics of newly synthesized quaternary ammonium compounds should be modified to make it clear that the characteristics of newly synthesized quaternary ammonium compounds are not always accurately predictable and that gram-negative bacteria may not always be resistant to the quaternary ammonium compounds.

51. A comment objected to Panel statements that outbreaks of gram-negative bacterial infections, as well as other kinds of infection, have been reported as the result of contamination of solutions of quaternary ammonium compounds in laboratory and hospital environments. The comment said that such examples of pathology could just as easily be attributed to misuse, improper storage, or contamination of the quaternary ammonium compound solution with neutralizing chemicals.

The comment correctly notes that outbreaks of infections have been reported as part of the clinical experience associated with these antimicrobials. It appears that practices in the health-care facility environments where quaternary ammonium compounds are commonly used often fall short of the minimum necessary to prevent outbreaks of infection. It should be noted that the Panel was obliged to recognize that though the quaternary ammonium compounds have useful properties, such as nonirritancy, these benefits are often offset by poor sanitary practices or by lack of knowledge about the limitations of these ingredients. For example, though discussed in the September 1974 preamble to the proposal (39 FR 33131), it is not generally known that some quaternary ammonium compounds are inactive in hard water, and some are rendered ineffective in the presence of acidic solutions commonly found in laboratory and hospital environments. The Panel also noted that cationic "quats" are also inactivated by anionic compounds, soaps, Tween 80, and sodium lauryl sulfate as well as by certain metallic ions. Advocacy of use of quaternary ammonium compounds should properly recognize these limitations through adequate label warnings.

With some slight modification of language in the Category III discussion below, the Commissioner accepts the Panel discussion as a judicious warning against uncritical use of the quaternary ammonium compounds.

In addition, the tentative final monograph requires that labeling of concentrated products containing quaternary ammonium compounds include the following warning: "Dilute with distilled water before use because acidic or hard water may render the product inactive".

Also, for products distributed only to professionals the Commissioner is including in § 333.99 of the tentative final monograph the warnings: "Caution: Overuse of this and other antimicrobial products may result in an overgrowth of gram-negative organisms, particularly *Pseudomonas*. These effects could be serious in severely debilitated patients or patients at high risk such as burn victims, the elderly or newborns" and "this product is rendered inactive by hard water, acidic water, anionic compounds, soaps, Tween 80, and sodium lauryl sulfate".

52. A comment stated that there is ambiguity in "calculating the use concentration for quaternary ammonium compounds as skin wound cleansers in aerosol form," as suggested in the Panel's report. The comment requested that calculation of the use concentration be permitted on a weight-in-weight basis. The comment referred to a similar weight-in-weight calculation for hexachlorophene (21 CFR 250.250) as a precedent for using it as a standard method of calculation.

Because quaternary ammonium compounds are usually diluted to a use concentration and because that concentration is calculated on a weight-in-weight basis, the Panel, in its discussion of these ingredients (39 FR 33116 and 33131), most likely assumed that readers would be familiar with this calculation. In any event, the comment points out an ambiguity in the calculations of the use concentration of the ingredients that requires clarification.

The Commissioner concludes that the weight-in-weight calculation is an acceptable method for specifying the concentration of quaternary ammonium compounds.

However, the Commissioner notes that there is a question about whether the propellant for an aerosol should be considered in the weight-in-weight calculation. The Commissioner concludes that to consider the propellant in this calculation could lead to potential safety problems since, as the propellant evaporates, the concentration of the residual active ingredient increases and could possibly reach high levels. This is particularly a problem for aerosolized quaternary ammonium compounds. Accordingly, propellants may not be considered as part of the weight-in-weight calculation of the concentration of any active ingredient in aerosolized form.

53. One comment noted that the Panel had placed quaternary ammonium compounds in Category I at a use concentration not greater than 1/750 (39 FR 33116). The comment requested that the Panel's reference to 1/750 in the Category III discussion of quaternary ammonium compounds (39 FR 33132) be considered as not having "substantive significance", and that other use concentrations be permitted in Category III.

The Commissioner does not interpret the Panel's statement as prohibiting concentrations of quaternary ammonium compounds greater than 1/750 if their use is shown to be safe and effective. The Panel statement was merely intended

as a guide, with minimum and maximum use levels to be established at such time as sufficient data are generated to place these compounds in Category I. However, when the Commissioner considers data submitted under the testing guidelines for quaternary ammonium compounds, he will require the minimum and maximum concentrations of those compounds to be included in the monograph.

54. A comment cited the existence of newer quaternary ammonium compounds whose antimicrobial activity is not adversely affected in the presence of acidic or hard water. It was asked that the existence of such quaternary ammonium compounds be recognized.

The Commissioner is aware of the existence of quaternary ammonium compounds that can act as antimicrobials in acidic and hard water environments and has acknowledged their existence in the discussion of quaternary ammonium compounds elsewhere in this document. He also recognizes that not all quaternary ammonium compounds are similar in this regard. To alert the consumer to how individual quaternary ammonium compounds behave in different environmental conditions, labeling of these antimicrobials will be required to include the statement of their effectiveness in the presence of acidic or hard water, as set forth in the response in paragraph 51.

55. A comment objected to the statement in the report that quaternary ammonium compounds are inactive against the gram-negative bacteria *Pseudomonas*.

The Commissioner is aware that some quaternary ammonium compounds at very high concentrations can inhibit or kill *Pseudomonas*. The Panel concluded, however, that the concentrations required are so high that they are very irritating and not desirable for use on the skin. But the Panel statement does not preclude the Commissioner from approving any new quaternary ammonium preparation at any concentration that is safe and effective against *Pseudomonas*.

56. A comment pointed out that the quaternary ammonium compounds have been classified as generally recognized as safe and effective for antiseptic use by the OTC Topical Analgesic, Antirheumatic, Otic, Burn, and Sunburn Treatment and Prevention Panel. Recognition of a new class of antimicrobials, "minor antiseptics," to include these compounds was suggested by the comment.

It is premature to anticipate inconsistency on this question between the two Panels. The OTC Topical Analgesic Panel will most likely direct its review of antimicrobial agents toward the effects of products or infections accompanying burns or sunburns, and will be aware of the OTC Antimicrobial I Panel's findings. The OTC topical analgesic final report will therefore be prepared with this report in view, and any conflicts can be eliminated at that time.

The Commissioner rejects as unnecessarily confusing the suggestion for a category of "minor antiseptics." It would increase the number of categories of

antimicrobial products with no compensating gain. Further, defining a new category of antimicrobial products does not reduce the amount of evidence needed to establish safety and effectiveness.

57. A comment suggested that the section of the proposed monograph dealing with labeling for skin wound cleansers containing quaternary ammonium compounds (proposed § 333.90, redesignated § 333.92 below) be revised to read as follows:

§ 333.90 Skin wound cleanser.

(b) Warnings. The labeling for quaternary ammonium products marketed as concentrates contains the following warnings:

(i) Caution: May cause eye irritation or damage unless diluted.

(ii) Dilute before each use to avoid spoilage.

(iii) Do not bandage tightly as to exclude air.

The labeling for quaternary ammonium products marketed at use concentration contains the following warnings:

(i) Do not bandage tightly.

The labeling for this product shall contain the recommended dosage for use and the method by which the product shall be used in preventing overt infection due to organisms against which the product is effective.

The Commissioner agrees that the format of this section should be revised, as suggested, to more clearly distinguish between warnings required for products intended as concentrates and products marketed at use concentrations. The Commissioner further agrees that the Panel's recommended warning against "occlusive dressing" is more comprehensively phrased in terms of tight bandaging, and is therefore adopting, with slightly modified wording, the suggestion in the comment. The warning "Do not use solution with occlusive dressing" may be substituted, however, in labeling of products intended for distribution to health care professionals.

The Commissioner does not agree that the directions-for-use requirement recommended by the Panel is improved by the change suggested in the comment. The tentative final monograph requires that labeling contain the statement "Apply to affected area" and a statement of the recommended dosage for use and method by which the product shall be used to cleanse a small wound without further damage to the injured area. The Commissioner concludes that directions for use that conform to these requirements will be more instructive to the user than directions for use that meet the more general requirements suggested in the comment.

58. A comment contended that a particular mixture of three benzalkonium halide compounds with varying chain lengths meets the definition and requirements of a surgical hand scrub, and that as a result the Panel condemnation of all quaternary compounds as not having broad spectrum antimicrobial activity is not accurate. The comment further pointed out that the combination



differs significantly from the characteristics of the quaternary ammonium compounds that formed the basis for the Panel's generalization, i.e., benzalkonium chloride, benzethonium chloride, and methylbenzethonium chloride.

The benzalkonium halide compounds in the product referred to in the comment are similar to benzalkonium chloride, which was reviewed by the Panel. None of the compounds was submitted to or reviewed by the Panel. The data in the comment were fragmentary and based on tests designed for disinfectant sanitizers subject to the Environmental Protection Agency's regulations for disinfectants. The Commissioner is not aware that the compounds have been subjected to the testing required to establish general recognition of safety and effectiveness for topical antimicrobial products, which is set forth in the testing guidelines below.

In addition, the data submitted in the comment do not establish a significant difference in safety or effectiveness from the quaternary compounds reviewed by the Panel. For example, the effectiveness data do not establish any difference in spectrum from the quaternaries discussed in the Panel's report.

For the above reasons, no modification of the Panel's statements relating to the limitations on quaternary ammonium compounds is required. The three ingredients discussed in the comment are placed in Category III. They will have to be tested separately and as a combination under the testing guidelines to fully determine general recognition of safety and effectiveness for OTC antimicrobial use.

#### F. COMMENTS ON CLOFLUCARBANS

59. A comment stated that the further rat-feeding studies requested by the Panel are unnecessary for cloflucarban because data on file in the OTC submissions, and in a submission to the master file record, contain adequate data on toxicity. The comment claimed that although the Panel stated that inadequate data were presented, and referred to testicular effects of cloflucarban on male rats, the data were preliminary and not confirmed by the additional data later reported to the agency. The comment went on to note that the Panel was "incorrect in stating that changes (testicular) occurred in the Cox rat at 1,000 mg/kg since such a dose was not used."

The Commissioner has reviewed the data in question. The comment is correct that the 1,000 milligrams per kilogram (mg/kg) dose was not used. However, the Commissioner finds that there is sufficient question raised by some aspects of these data, especially with respect to possible testicular damage, to justify the Panel's request for further feeding studies to finally resolve the issue of the long-term toxic effects of this drug.

60. A comment, referring to a chart of the relationship of product classes to ingredients (39 FR 33115), requested that cloflucarban be classified as "NA" (not applicable) rather than in Category II for use as a patient preoperative skin

preparation, skin antiseptic, skin wound protectant and surgical hand scrub. The request is based on the fact that the Panel so categorized a number of other ingredients that have never been included in commercially marketed products in a given category or that cannot feasibly be used in a product.

The Commissioner advises that the designation "NA" (not applicable) means that the ingredient is considered outside the purview of the monograph. All ingredients beyond the purview of the monograph are considered to be in Category II (no general recognition of safety or effectiveness), and may not be marketed unless there exists an approved new drug application or an amendment to the applicable OTC drug monograph. To avoid any further confusion or misunderstanding on this issue, all NA (not applicable) designations for all ingredients and all product classes will be changed to Category II in the discussion below.

#### G. COMMENT ON HEXACHLOROPHENE

61. One comment discussed in great detail the Panel's findings and conclusion with respect to hexachlorophene, and stated that "It is our belief that there is documented efficacy for hexachlorophene (HCP) for indicated claims and there is no evidence of lack of safety in infants over 1,450 grams as well as adults, including extreme exposure conditions such as ingestion and burns."

The Commissioner has reviewed the arguments and data presented in the comment and finds no convincing basis for changing its classification as a prescription drug, as set forth in the FEDERAL REGISTER of September 27, 1972 (37 FR 20160), and contained in the regulations in § 250.250 (21 CFR 250.250).

#### H. COMMENTS ON IODINE AND IODOPHORS

62. A comment questioned the placement of elemental iodine in Category II for safety on the basis of irritancy and delay in wound healing. The comment stated that such products have been proven effective and contended that they have been marketed for many years without a serious problem of delay in wound healing.

The Commissioner has little doubt about elemental iodine's broad spectrum microbiocidal activity. The Commissioner is also aware of the 136-year marketing history of elemental iodine for use on skin and mucous membranes. The issue before the Commissioner is therefore limited to the Panel's view of the safety of iodine's use as a "first-aid" product for treatment of minor superficial wounds. The Panel, in weighing the issues of irritation and delay in wound healing, concluded that the benefits to be derived from iodine's use were outweighed by its known irritancy and the consequent possibility that its use delays wound healing.

The Commissioner does not dispute this finding with regard to effects on occluded areas treated with elemental iodine. The Panel stated that iodine is irritating to broken skin and delays

wound healing, especially when occlusive dressings are applied. However, the Commissioner finds that insufficient information was cited by the Panel to sustain their risk-benefit decision with respect to minor, superficial wounds that are not occluded or that are only slightly bandaged. Without such data, the Commissioner cannot conclude at this time that elemental iodine should be classified in Category II or, instead, in Category I with appropriate label warnings against use in situations where the irritancy of the ingredient may inhibit wound healing. For this reason, and because questions remain with regard to the minimally effective dose (use dilution), and the effect of organic load and pH (acidity) on effectiveness, the Commissioner has placed iodine tincture in Category III for use as a skin antiseptic, skin wound cleanser, and skin wound protectant, with testing guidelines for how these questions can be resolved.

63. A comment criticized the statement of the Panel on the toxic effects said to be associated with the use of iodophors in body cavities and large wounds. The criticism was that the Panel had not distinguished between iodophors complexed with a surfactant and those complexed without a surfactant, and that toxic effects can be experienced from iodophors complexed with a surfactant which would not be associated with iodophors complexed with a nonsurfactant.

The Commissioner recognizes that different complexing agents are used with different iodophors; some are surfactants while the povidone (polyvinyl pyrrolidone) portion of the povidone-iodine complex was the only nonsurfactant considered by the Panel. The Commissioner recognizes that insufficient data have been accumulated on the toxicity of complexing agents for iodophors. As noted in paragraph 71 below, the Commissioner is concerned about the problems associated with povidone-iodine when it is placed in deep wounds or body cavities because the larger sized molecules of the povidone portions of the complex cannot be excreted by the kidney, nor is their toxicity known if the molecules are retained by the body's reticuloendothelial system. The Commissioner wishes to confirm that this particular effect does not occur with surfactant-complexed iodophors, such as poloxamer-iodine. However, the Commissioner notes that the toxicity that may be associated with the use of iodine/surfactant complexed formulations has not been well characterized. The Commissioner is concerned about the possibility of delay in wound healing if the surfactant complexes were to be used in deep wounds.

64. A comment objected to the Panel's statement that all iodophors are dependent on the release of free iodine as the active agent and that the complexing molecule acts only as a carrier.

The Panel's statement reflects a carefully considered and commonly accepted opinion in the scientific community. As will be discussed in the response to paragraph 69 below, the Commissioner has carefully reviewed the available docu-

mentation concerning this question and concludes that there is no reason to modify the Panel's statement in the Category III discussion below. The Commissioner realizes that this is an evolving scientific area and that future data may shed new light on the nature of iodophors. Thus the submission of compelling evidence in the future will guide the Commissioner's decision on this question.

65. A comment complained that the Panel in its discussion of iodine-containing antimicrobials confused simple soluble iodine with iodophors containing iodine in a complex. The comment stated that the Panel did not recognize a distinction between free iodine and available iodine and that it gave undue emphasis to the kinetics of conversion of available iodine to free iodine in explaining antimicrobial activity.

The comment deals with a semantic distinction and presents no reasons why the suggested change in language would materially affect the Panel's categorization of particular iodine-containing antimicrobials. The Commissioner is unconvinced that modification of the language in the Panel report in the Category III discussion below would serve any useful purpose. Because of the discussions in paragraphs 64 and 69 of this preamble concerning the nature of povidone-iodine (polyvinyl pyrrolidone-iodine or PVP-I) as a complex or compound, the Commissioner concludes that the activity of both available and free iodine is important; additionally, it is necessary to determine the kinetics of conversion of available iodine to active free iodine to finally resolve the issue.

66. A comment pointed out the danger in an iodophor and detergent (surfactant) preparation coming in contact with starch granules during a surgical procedure, and submitted a reprint of a paper dealing with the problem (Goodrich, E. O., J. R. Frine, and J. S. Wilson, "Iodized starch granules as a cause of starch peritonitis," *Surgical Forum*, 35: 372-374, 1974). The paper, which had not been available to the Panel, concluded that surgical gloves lubricated with powdered starch can cause idiopathic pathology in operations. The starch can adsorb iodophors or detergents; the resultant complex can cause serosal adhesion (abnormal union of serous membrane) and other undesirable effects in the body.

The Commissioner concludes that practicing surgeons should be made aware of the danger cited in the comment. Therefore, he will require a warning for povidone-iodine and iodophor-surfactant products employed in the surgical suite that may come in contact with starch preparations such as those used for lubricating surgical gloves. Professional labeling for products containing povidone-iodine complex, should they be classified as Category I and included in the monograph, shall contain the warning, "Caution: Do not use this product in the presence of starch-containing products. Starch can adsorb iodophors and the resulting complex can cause serosal adhesions (abnormal union of the

serous membrane) and other undesirable effects in the body."

67. A comment asked that the stability of poloxamer-iodine be recognized as lasting for 2 years at ambient temperature.

Based upon the data submitted, a 2-year shelf life for the poloxamer-iodine at ambient temperature is reasonable. Therefore, the Commissioner will require a 2-year expiration date on this ingredient should it be included in the monograph.

68. A comment stated that there had been confusion in the categorization of poloxamer-iodine. Although finally placed in Category III as a skin wound cleanser, this substance had been initially placed in Category I during the Panel's deliberations.

The Commissioner notes that the preliminary Category I categorization was only tentative. The Panel's final categorization of poloxamer-iodine for this product class was not due to serious safety considerations, but to the lack of data on whether poloxamer-iodine delays wound healing.

69. A comment objected to attributing the antimicrobial activity of povidone-iodine to the free iodine released from the product. The comment claimed that povidone-iodine was a compound and not a complex, and that it was the molecule as a whole rather than dissociated iodine that was responsible for the antimicrobial activity.

A complex results from the interaction of two individual compounds, which are held together by weak bonds easily broken to yield the original components. The Commissioner has reviewed the arguments set forth by the comment, and concludes that povidone-iodine is properly considered a complex. Povidone-iodine is listed in the National Formulary, edition XIII, and the United States Pharmacopeia, edition XIX, as a complex that gives a positive starch test for the presence of free iodine, which is well known for its antimicrobial property. This iodine can be present in povidone-iodine only as a contaminant or as a dissociant from the complex. The presence of free iodine undercuts the hypothesis that the povidone-iodine molecule alone is responsible for the product's antimicrobial action. By dismissing the free iodine as the active moiety of povidone-iodine, the comment assumes the burden of proving that the free iodine present in these preparations is not responsible for the claimed antimicrobial activity and that the source of the free iodine is not from the dissociation of povidone-iodine. The comment contains no evidence for this. In fact, the comment refers to the active ingredient in povidone-iodine as "povidone-iodine N.F." As noted, both the National Formulary, edition XIII, and the United States Pharmacopeia, edition XIX, describe the ingredient as a complex. Other standard reference sources, such as AMA Drug Evaluations and the Physicians' Desk Reference, also refer to povidone-iodine as a complex. The description in the latter reference is attributed to the coop-

eration of the manufacturers whose products are described. The weight of current opinion does not conflict with the Panel's description of povidone-iodine as a complex, and the comment presents no evidence to the contrary.

70. A comment asked for deletion of the statement that povidone-iodine is not capable of being included in a soap formulation. The comment said that the statement is inaccurate.

At the time of the Panel's deliberations, the prevailing view was that formulations containing povidone-iodine (polyvinyl pyrrolidone-iodine or PVP-I) could not be successfully combined with other soap ingredients in a soap formulation. However, since publication of the Panel report, the comment suggests that such a formulation has become possible using povidone-iodine. The Commissioner agrees to delete the statement of incompatibility of povidone-iodine in soap formulation.

71. A comment contended that there should be restrictions on the use of povidone-iodine (PVP-I) according to molecular size. Published research cited in the comment indicates that povidone-iodine molecules larger than 35,000 daltons cannot be excreted by the kidneys, can cause nodules to appear in the lymphatic system, and may induce cosmetic deformities in the area of healing skin wounds.

The Panel recognized a relationship between molecular size and nodular lymphatic changes accompanying exposure to povidone-iodine, but made no decision on limiting the molecular size causing such pathology. The Commissioner, based on expert opinion and the extensively documented comment, has determined that a molecular weight of 35,000 daltons is the safe upper limit for parenteral exposure to povidone-iodine. This calculation assumes that a povidone-iodine molecule with this molecular weight would be too large to pass through the kidney.

The Commissioner is also aware of inappropriate use of povidone-iodine products in open wounds and in the abdominal cavity during surgery. To promote proper use of povidone antimicrobials, therefore, should they be included in the monograph, he proposes to recognize two categories of such products. Products with povidone-iodine molecular weights greater than 35,000 daltons will be limited to use on intact skin; those with molecular weights less than 35,000 daltons will be permitted for general use. Appropriate labeling would place each product in its proper category of use. The professional labeling of povidone-iodine products containing molecules greater than 35,000 daltons would also include warnings against parenteral use of, and exposure of open surgical wounds or deep wounds to, the product.

72. Comments asked for transfer of povidone-iodine from Category III to Category I for use as a skin wound cleanser, health-care personnel hand-wash, patient preoperative skin preparation, and surgical hand scrub. The comments contended that povidone-iodine



is less toxic and less irritating than, and just as effective as, tincture of iodine, which received a Category I classification for use as a patient preoperative skin preparation. The comments also argued that many of the concerns stressed by the Panel are not applicable to claims for the particular product classes in this report or are irrelevant due to the size of the povidone-iodine molecule.

The Commissioner has carefully considered whether the problems identified in the Panel report are substantial enough to preclude classification of povidone-iodine in Category I. On the basis of the submissions made to the Panel, information in the comments on the Panel's report, and his independent review of all the available data, the Commissioner concludes that there still remains a lack of sufficient data to reclassify povidone-iodine in Category I.

#### I. COMMENTS ON PARA-CHLORO-META-XYLENOL

73. A comment asked that para-chloro-meta-xylene (PCMX) be reclassified in Category I for use as a skin antiseptic and skin wound cleanser when formulated in an aqueous alcoholic base containing pine oil and vegetable soap diluted before use with water to a concentration of not more than 0.5 percent.

The Commissioner concludes that the data submitted in the comment do not provide sufficient additional information by which to establish the safety and effectiveness of products containing PCMX. The comment relies on the long marketing history of the product as support for both safety and effectiveness. Much of the early published data were resubmitted. As the comment noted, some of the early studies are well done for the time. However, they are not sufficient to satisfy the testing guidelines set forth below.

One of the Commissioner's continuing concerns is the absorption of topically applied products, particularly if these products are used repeatedly by consumers over many years. Very little data were submitted concerning absorption of PCMX. Studies to establish the safety of topically applied PCMX should be available before a determination is made about the final classification of the ingredient.

#### J. COMMENTS ON PHENOL

74. Several comments requested transfer of phenol at less than 1.5 percent from Category III into Category I for all product categories. The comments stated that phenol at less than 1.5 percent has been placed in Category I by the ongoing OTC Oral Cavity and OTC Topical Analgesic Drug Panels, and contended that it is contradictory for different Panels to place the same ingredient in different categories.

That one Panel places a substance in a given category does not require another Panel to place it in that category for a different use on a different part of the body. Additionally, the Commissioner notes that he has not yet received the

final report of either of the two Panels referred to in the comment. When the Commissioner has those reports, he will be able to compare the scientific basis and reasoning for the differences in the Panel recommendations on phenol. If these differences are based on different claimed uses or upon intended uses in different body sites sufficient to justify different recommendations, he will most likely not modify those recommendations.

The Panel, in its review of phenol at less than 1.5 percent in aqueous or alcoholic solution (39 FR 33133), noted potential safety issues, and the Commissioner agrees that these must be resolved before phenol at less than 1.5 percent concentration can be reclassified in Category I for all the product classes reviewed by this Panel.

#### K. COMMENTS ON POLOXAMER 188

75. A comment was received requesting that pluronic F-68 (poloxamer 188) be placed in Category I as a safe and effective skin wound cleanser.

Poloxamer 188 is a member of a family of block copolymers called pluronic polyols. It contains 80 percent ethylene oxide by weight and has a molecular weight of 8,350. There is a long history of its use as a nonionic surfactant detergent in a variety of preparations, including certain intravenous products. It is generally regarded as nontoxic and is rapidly excreted intact by the body. Although it has no antimicrobial activity, it has been employed widely as a detergent and fat emulsifier and is recognized as nonirritating and efficient for minor wound cleansing when employed in aqueous solutions.

After reviewing the comment and the submitted supporting data, the Commissioner places poloxamer 188 in aqueous solutions in Category I as a skin wound cleanser. The use concentration of poloxamer 188 as a skin wound cleanser is limited to 20 to 40 percent aqueous solutions since this is the range of concentrations most studied and reported on. Since this compound has no antimicrobial activity, it cannot make those claims permitted for an active antimicrobial ingredient in a skin wound cleanser, e.g., "contains antibacterial ingredient", "contains antimicrobial ingredient", nor can it be generally recognized as safe and effective for the other product classes. This classification does not, of course, prohibit its use as an inactive ingredient or pharmaceutical aid for its detergent and surfactant properties.

#### L. COMMENTS ON TRICLOCARBAN

76. A comment indicated a belief that data would be forthcoming that would resolve the issue of the degree of absorption of triclocarban through the skin such that triclocarban could be placed in Category I as an ingredient in an antimicrobial soap.

The Commissioner has received recent data from a study on the percutaneous penetration (absorption) and metabolic decomposition of triclocarban in man. These data were determined after total body showering with a liquid soap con-

taining 2 percent radioactively labeled triclocarban (approximately 7 gm). The amount of triclocarban absorbed from topical application in one shower closely corresponds with the amount yielded by the calculations of the Panel. The study thus confirmed a number of key assumptions relating to absorption of this ingredient that the Panel made in the absence of data. The Commissioner concludes that the Panel accurately computed the safety factor for one shower per day to be 1,000-fold and for two showers per day to be 500-fold. These far exceed the 100-fold minimum safety factor suggested by the Panel.

Although the safety questions the Panel raised about the degree of absorption in humans have been resolved to his satisfaction, the Commissioner is unable to modify the tentative final monograph to include triclocarban in Category I for use as an OTC antimicrobial soap. This is due to a question that has arisen regarding the validity of one of the basic long-term toxicity studies performed on this drug, a 2-year oral chronic toxicity animal study. The Commissioner has reached the conclusion, in another forum, that though the study design is adequate this particular study is invalid. The Commissioner will therefore retain triclocarban in Category III as an antimicrobial bar soap at a concentration of 1.5 percent until such time as this study is duplicated. Upon reviewing all evidence surrounding the study in question, the Commissioner has also reached the conclusion that omission of these data is not sufficient justification for classifying triclocarban in Category II as an antimicrobial bar soap at this time. Since the bulk of the data are based upon absorption characteristics of bar soap formulations, Category III status for antimicrobial soaps will be restricted to bar soaps. Because no data were presented to the Panel during its deliberations or to the Commissioner during the comment period concerning the safety and effectiveness of triclocarban for use in other types of products, triclocarban remains in Category II for all product categories except antimicrobial bar soaps, health-care personnel handwashes (bar soaps only), and skin wound cleansers (bar soaps only).

77. A comment stated that determination of substantivity of triclocarban (the degree to which it binds to the cells of the outer layer of the skin) is irrelevant to normal use of bar soaps and is only of academic interest, and that the only important concern is the determination of blood levels of the active ingredient.

The comment is apparently arguing that, with knowledge of blood levels of triclocarban, determinations of the amount and persistence of triclocarban on the skin is not needed. The Commissioner agrees with this contention insofar as it relates to antimicrobial soaps. However, adequate knowledge for a determination of the safety and effectiveness of triclocarban for the other product classes within the purview of this document includes data on substantivity.

Greater substantivity may increase effectiveness by permitting the ingredient to remain at the site of action for a longer period of time. In addition, substantivity affects the duration and maximum concentration of the ingredient in the blood. The Commissioner therefore concludes that knowledge of substantivity is a necessary part of the toxicologic profile of all topical antimicrobial product classes except antimicrobial soaps. Whether an ingredient is adsorbed onto the skin, held for a long time, and, when accumulated to the maximum extent possible, causes skin pathology, are important factors in evaluating the safety of the ingredient.

78. A comment stated, on the basis of personal experience, that, after stopping use of triclocarban soap and using another kind of soap, skin blotches cleared up.

The report is testimonial and is not supported by independent verification from a physician. Although the incident cited might be attributable to contact sensitivity to triclocarban, it cannot be considered a definitive demonstration of the phenomenon because the possibility of sensitivity to other ingredients in the soap was not eliminated.

79. A comment stated that the Panel relied solely upon unpublished and non-public data to support its conclusion that triclocarban and cloflucarban should be limited to a 1.5 percent concentration in soaps. The comment objected to sole reliance on unpublished data, contending that this makes it impossible for interested parties and the public to make meaningful comments on the Panel's conclusions.

The comment disregards the fact that virtually all data relied upon by the Panel were placed in the public record in the office of the Hearing Clerk, Food and Drug Administration, 30 days after publication of the report and proposed monograph. In fact, the Commissioner extended the period for public review and comment specifically to permit greater time to analyze any data that had not been publicly available before the report was published.

80. Comments contended that the scientific literature does not show cloflucarban and triclocarban to be photosensitizers. The comments objected to the language of the Panel discussion that implied that these antimicrobials could be photosensitizers. The comment noted that the paper of Masuda, et al., listed in the references under cloflucarban, did not record any evidence for photopatch-test positive reaction with triclocarban or cloflucarban among 140 patients tested.

The Commissioner agrees that the literature cited by the Panel and the comment contains no data that triclocarban and cloflucarban cause photosensitization. Consequently, the Commissioner will not require testing of either ingredient for photosensitivity.

#### M. COMMENTS ON TRICLOSAN

81. A comment contended that a double standard was applied to place triclosan in Category II but benzalkonium

chloride in Category III for use as a health-care personnel handwash, patient preoperative skin preparation and surgical hand scrub. The comment argued that application of the same standard to both compounds would place them in the same category, and requested reclassification of triclosan into Category III.

The Panel clearly indicated in its report that triclosan was placed in Category II for the uses mentioned on the basis of its known lack of activity against *Pseudomonas* species of microorganisms. In fact, triclosan is used in isolation medium to bring about the selective growth of *Pseudomonas* species. The Panel action was based on its opinion that triclosan presents a greater selective ecological pressure for growth of *Pseudomonas* in the closed hospital environment than do the quaternary ammonium compounds. Today the *Pseudomonas* infections constitute the greatest bacteriological threat of infection in the hospital environment. The questions and risk associated with the increased use of triclosan in multiple daily-use products have continued to increase since the publication of the Panel's report and resolution of these issues becomes even more important. The Commissioner concludes that the Panel's classification of triclosan in relation to benzalkonium chloride was based on a relevant difference between the two ingredients and was entirely proper.

82. A comment asked that the use of triclosan be allowed up to a 2 percent concentration to ensure effectiveness and claimed that such a concentration is well within appropriate safety limits for toxicity. The comment included calculations on safety factors that indicated a range of from 821- to 5,000-fold over the concentrations requested.

The Commissioner has reviewed the data and the Panel discussion pertinent to the comments. Because of the possibility that increasing use of triclosan in consumer products may raise blood levels to an unacceptable degree, the Commissioner will restrict the concentration of triclosan to 1 percent for the Category III conditions. The Commissioner wishes to emphasize that he is in accord with the Panel's view that no more than the minimal effective concentration should be used in these products, as determined by the results of the tests in the testing guidelines.

83. A comment asked for reclassification of triclosan from Category III to Category I for use in skin antiseptic, skin wound cleanser, and skin wound protectant products. Another comment requested that triclosan be placed in Category I as an antimicrobial bar soap in view of additional data submitted with the comment. Other comments expressed no dissatisfaction with the Category III classification for the "first aid" product classes and indicated a willingness to perform the testing required to justify Category I classification for such indications.

The Commissioner notes that until the summer of 1976 no data were available that would justify reclassifying triclosan

from Category III to Category I for use in skin antiseptic, skin wound cleanser, and skin wound protectant products. Even though additional animal data have been reported since the Panel's report, questions have recently arisen regarding the validity of key animal studies with triclosan. In view of these questions and in view of the apparent ever widening distribution of triclosan in consumer products, the final resolution of risk to benefit for triclosan cannot be made at this time. Accordingly, triclosan is retained in Category III for these indications.

84. Comments pointed out that a report, cited by the Panel, of hyperpigmentation associated with the use of a triclosan-containing soap should not be interpreted to mean that triclosan caused the hyperpigmentation. The case referred to by the Panel showed development of hyperpigmentation on both the nonexposed control hand and on the hand washed with triclosan soap. No other test subjects showed development of hyperpigmentation.

The comment is accurate. Therefore, the Commissioner is deleting from the Category III discussion of triclosan any reference to its being known to cause skin hyperpigmentation.

#### N. INGREDIENTS DEFERRED TO OTHER PANELS

85. A number of comments requested that 3 percent hydrogen peroxide solution, and methyl, ethyl and isopropyl alcohol, be included in the antimicrobial monograph because of their long and widespread use as antimicrobials. The comment stated that otherwise, these products would not be available for use as antimicrobials. Another comment requested that gentian violet 1 percent and 2 percent solutions, thimerosal tincture, and mercurochrome be included in the OTC antimicrobial monograph as Category I skin antiseptics.

The Commissioner recognizes that these ingredients have a lengthy history of use and that data on their toxicity and antimicrobial activity are readily available. These preparations have, however, been assigned for review to the OTC Miscellaneous External Drug Products Panel. Relevant data may be submitted to that Panel in the form required by 21 CFR 330.10(a)(2) and addressed to: Food and Drug Administration, Division of OTC Drug Evaluation, Rm. 16-85, HFD-510, 5600 Fishers Lane, Rockville, Md. 20857. In accordance with the policy announced by the Commissioner in the preamble to the Procedures for Classification of OTC Drugs published in the FEDERAL REGISTER of May 11, 1972 (39 FR 9464), no action will be taken to remove them from the marketplace pending completion of their review by the External Miscellaneous Panel and publication of a final monograph for them.

#### O. COMMENTS ON TESTING REQUIREMENTS AND GUIDELINES

86. Several comments objected to the requirement for testing both the individual antimicrobial ingredient and the finished formulation, contending that



such testing is duplicative and only of academic interest.

While (as noted in paragraph 7 above) the amount of such testing will be limited to certain products, the Commissioner disagrees that testing both the ingredient and the product is duplicative. For certain product classes specific product formulations may render an ingredient ineffective or unsafe. If the ingredient and the formulation have not both been tested, it is not possible to determine if there is a difference in the safety and effectiveness of the active ingredient as compared with the finished product. Once an ingredient has been classified as generally recognized as safe and effective, no further data on finished formulations need be submitted to the agency. However, such data should be on file for inspection.

87. Several comments objected to use of the phenol coefficient determination as a requirement in the testing guidelines because phenol coefficients have the most value in comparing the relative bactericidal activity of modified phenolic compounds with phenol. They further argued that the phenol coefficient is not a valid criterion for testing effectiveness of bacteriostatic preparations and is not even completely adequate for bactericidal preparations because many effective nonphenolic antimicrobials may, because of their chemical structure, not have a high phenol coefficient.

The Commissioner agrees that the phenol coefficient is not always the best way of judging the value of an antimicrobial. The textbook *Basic Bacteriology* by C. Lamanna, M. F. Mallette, and L. Zimmerman (1973) states that "it is probable that the search for a single test, numerical value, or coefficient (i.e., phenol coefficient) to express the relative worth of disinfectants will remain a will-o-the-wisp as a scientific venture" (p. 1044).

The phenol coefficient has the merit of expressing the degree of disinfection by a number, thus permitting ready comparison among antimicrobials. This exercise, however, is only as meaningful as the numbers that are used. Bacteriologists agree on the weakness of the phenol coefficient, although some are willing to rely on it for want of a better method.

The Commissioner concludes that, in light of the diversity of opinion and the strong feelings throughout the scientific community on the value of the phenol coefficient, the testing guidelines should be modified to make it clear that this method is optional. Therefore, the testing requirements for effectiveness, which call for a phenol coefficient determination, will be deleted, and paragraph f. will be modified by adding the term "and phenol coefficient" after "Sykes-Kelsey." See paragraph (4) of the testing requirements later in this document.

These changes meet the criticisms in the comments and are fully consistent with the intent of the Panel that the activity of an antimicrobial ingredient be fully characterized. The phenol coefficient

determination will be one of several standard tests permitted, depending on the circumstances.

88. A comment requested clarification of the meaning of subchronic and chronic exposure tests of a product on intact and abraded skin, as discussed in the Panel's safety testing requirements (39 FR 33135).

Although the Panel did not specifically define chronic and subchronic testing, these terms have a generally accepted meaning in the scientific community. Subchronic testing means repeated application or dosing of the test material for up to 90 days. Chronic testing means repeated exposure for more than 90 days.

89. A comment argued that investigation of the degree of absorption of an ingredient from intact and abraded skin and mucous membranes in subchronic animal testing (less than 90 days) is superfluous once results of chronic human studies are obtained.

Absorption tests are necessary for the determination of blood levels of antimicrobials in chronic use. The Commissioner is primarily concerned with the time it takes for blood levels to plateau. It is possible to extrapolate chronic absorption data to subchronic conditions. Therefore, when there is no sacrifice in the quality of the data, the Commissioner will not require subchronic absorption testing when adequate chronic testing has been performed. However, blood levels after acute or short-term use will also have to be determined.

90. A comment stated that it is improper to require carcinogenicity, mutagenicity, teratogenicity or other reproduction studies with finished antimicrobial products. The comment did not object to such testing of the active ingredients.

The Commissioner agrees that it is not necessary to conduct such studies with the marketed product where adequate data are available on the active ingredients alone.

91. A comment objected to the Panel's calculation of the safety factor for triclocarban. The calculation assumed 100 percent retention and absorption, whereas data for triclocarban show less than 100 percent retention and absorption. The comment said, "The comment pressed concern that the Panel's assumption would be interpreted as a requirement for making calculations in disregard of real life situations for particular compounds, such as triclocarban, for which it can be demonstrated that retention and absorption are less than 100 percent."

The Panel clearly stated that due to the lack of objective data its calculations were based on assumptions intended to illustrate the kind of calculation required in evaluating retention and absorption. The Panel statement did not preclude use of objective data to replace the assumption of 100 percent retention and absorption for a specific ingredient or product. Subsequent to publication of the Panel report, a study was carried out which measured percutaneous penetration (absorption) and metabolic decomposition of radioactively labeled triclo-

carban in humans (see paragraph 76). The Panel's assumptions relating to absorption and retention of 100 percent of the available antimicrobial on the skin were not confirmed. However, the quantity of triclocarban absorbed was remarkably close to the calculations based on those assumptions. Accordingly, for the other ingredients reviewed, but not yet tested for the degree of absorption in the same manner as triclocarban, the Commissioner agrees that when reliable data are available for retention and absorption of that particular ingredient or product, the safety factor calculation ought not be made on the basis of an assumption of 100 percent retention and absorption.

92. A number of comments objected to the requirement in the guidelines for obtaining the LD<sub>50</sub> and the LD<sub>01</sub> in addition to the LD<sub>50</sub>.

The Panel's guidelines for testing call for "The LD<sub>50</sub>, highest dose killing no animals and lowest dose killing all the test animals by oral and topical routes, if possible" (39 FR 33135). The LD<sub>50</sub> and LD<sub>01</sub> can be estimated from the dose-response curve necessary to determine the LD<sub>50</sub>. Since the guidelines impose no requirement beyond obtaining the LD<sub>50</sub>, other than performing additional calculations, the Commissioner concludes that no change is appropriate.

93. Several comments objected to the requirement that the fungicidal and viricidal activity of antimicrobial soaps be tested even when the products make no such claims. The comments stated that testing of products for effectiveness against microorganisms for which they are not labeled should not be required.

In characterizing the activity of an active ingredient for antimicrobial soaps, the Panel limited labeling claims to "reduction of odor." The Commissioner believes that a deodorancy claim must be substantiated by testing to characterize the antimicrobial activity of the active ingredient because odor is generally caused by gram-positive or gram-negative bacteria. Since odor is not usually caused by fungus or virus conditions, testing of the active ingredient for fungicidal and viricidal activity will not be required. Of course, there must be no claims, either direct or by implication, that a product has activity against organisms for which it has not been tested.

The Commissioner notes that this testing requirement is limited to effectiveness. If there is a reasonable scientific indication that the activity of an ingredient will affect the microbial flora, resulting in a possibly harmful rise in the fungus or virus level, then testing for fungicidal and viricidal activity would be required.

94. A comment objected to the Panel's recommendation of the Sykes-Kelsey procedure for antimicrobial effectiveness testing because it measures only the effectiveness of hard surface disinfectants.

The Sykes-Kelsey test is designed to determine the effect of organic material, i.e., killed yeast cells on the antimicrobial activity of an ingredient or formula-

tion. The test is not limited to testing products for use on hard surfaces, and is equally applicable to testing products for topical use on humans. Moreover, the Panel did not recommend that only the Sykes-Kelsey procedure be used, but suggested other procedures "where applicable."

95. A comment referred to the safety testing guidelines and stated that "skin pigmentation is a routine observation made as part of all Repeated Insult Patch Tests, and separate tests seem superfluous."

The Panel's test requires observation for skin pigmentation; it does not prohibit observation for that phenomenon concomitant with patch tests for other purposes, and the testing guidelines below are modified to make this clear.

96. A comment requested clarification of the age group required be tested for phototoxicity and photoallergy.

The appropriate age group is males over 40 years of age. The reported incidence of photoallergy is highest in this group.

97. A comment noted that the Panel's testing requirements called for determining the primary irritation potential of the active ingredient both alone and in its final product formulation on the skin, with special attention devoted to eyes, mucous membranes, and genitalia. The comment did not object to testing the active ingredient alone on skin and eyes because employees engaged in the manufacture of antimicrobial ingredients would have their skin and eyes exposed to the active ingredient in its raw form. However, the comment contended that since mucous membranes and genitalia would be exposed to the active ingredient only in the final product formulation, and not in its raw form, testing of those areas of the body with the active ingredient alone is not necessary.

The importance of accurately determining the safety of these products and their ingredients makes it necessary that both the active ingredient and the finished product be tested for primary irritation potential. The Panel recognized the merit of carrying out this primary irritation potential test in animal models first, which would permit the elimination of obviously irritating materials without the need for further testing in humans. Because the use of antimicrobial bar soaps exposes the entire human body to the active ingredients they contain, it is important to test each active ingredient, as well as the finished product, on the most sensitive tissues of the body, such as the mucous membranes and genitalia. The purpose of testing the active ingredient alone is not to duplicate anticipated conditions of actual use, but to reveal any drastic irritation potential of the ingredient that might be masked in the finished product.

98. One comment stated that it is not necessary to test the effect of the active ingredient alone on wound healing, and that substantivity studies on the active ingredient are not appropriate. Only the final product should be tested, the comment contended.

The Commissioner disagrees. The purpose of the testing required by the Panel is to identify the toxicologic profile of the active ingredient and to determine the possible effects on its activity of the formulation of which it is a part. This information is necessary to the Commissioner's application of the statutory criteria governing drug safety and effectiveness. As explained in the preceding comment, testing of the active ingredient alone, in relation to delay in wound healing or any other significant adverse potential, is necessary to eliminate the possibility that its effects are concealed by other ingredients in the formulation of the finished product. Substantivity testing (testing to determine retention of the ingredient in the horny layer of the skin) is also a necessary part of the toxicologic profile. It should be carried out with the formulated product and, for the reasons indicated, with the active ingredient in an innocuous vehicle.

99. A comment stated that it is not necessary to require in vivo controlled human studies with a skin antiseptic such as povidone-iodine in cases where the product claims are limited to degerming, microbiocidal, bacterostatic and bactericidal properties. These claims, the comment contended, can be adequately demonstrated by in vitro testing, especially when the product is not for use as a skin antiseptic, but only in conjunction with medical devices, such as catheterization products, to reduce the potential that skin organisms will be transferred by the device to the body parts in contact with it.

The comment refers to preparations associated with procedures intended for lay use either by patients at home or by paramedical personnel on the advice of physicians. The uses are for special or limited circumstances, including needs of colostomy hygiene and urinary catheterization by individuals at home who have suffered loss of certain bodily functions. When such products are used, they are applied to the site of insertion into the body and frequently to the device at the site it enters the body. Because of the serious nature of infections at these sites, the Commissioner believes that antimicrobial ingredients to be used for such purposes must be both safe and effective and must, therefore, meet the requirements of patient preoperative skin preparations set forth in the definition of this product class and in the testing guidelines. Although such testing would necessarily include clinical studies, the Commissioner is prepared to accept suggested modifications to the testing guidelines because of the ethical considerations relating to the control aspect of the studies.

In addition, the Commissioner notes that no submissions were received during the OTC review for the indications described above. Consequently, specialized labeling for such products will only be permitted through an amendment to the OTC topical antimicrobial monograph or through approval of a new drug application.

100. A comment, referring to the Panel's recommended testing for isolation of

gram-negative and other organisms from the skin," suggested deletion of triclosan containing agar as a selective medium for isolation of *Pseudomonas* because work has shown that triclosan has limited effectiveness for this purpose.

Triclosan-containing agar medium is not the only bacteriologically selective medium of limited effectiveness. It is currently accepted, available, and marketed as a selective medium for use in diagnostic and other laboratories. Until the consensus of expert opinion on the usefulness of triclosan agar changes, it would be inappropriate for the Commissioner not to permit the use of triclosan agar medium for isolation of *Pseudomonas* species.

101. A comment suggested that there is no need to demonstrate effectiveness of antiseptics on superficial skin wounds against viruses or the *Neisseria* species of bacteria, both of which are virulent microorganisms that cause serious diseases, e.g., meningitis and gonorrhea, and neither of which is found in the normal environment of the skin or in a superficial wound.

The testing required for proof of effectiveness against microorganisms, which appears in the testing guidelines below, is in vitro and is intended to characterize the activity of the antimicrobial ingredient and product in the normal environment and not under every possible circumstance. Therefore, though the Commissioner expects representatives of the various microbial groups to be tested in vitro, use of the claim "skin antiseptic" will be permitted without demonstration of antimicrobial action against viruses and *Neisseria* species. However, the Commissioner cautions that such in vitro testing will not be the sole determinant of effectiveness and that clinical testing in accordance with the testing guidelines will be required to place an ingredient in Category I. The Commissioner also notes that because of the limited spectrum of antimicrobial activity for which testing must be done, the labeling under the monographs for skin antiseptics (21 CFR 333.90), skin wound cleansers (21 CFR 333.92), and skin wound protectants (21 CFR 333.94) is modified to include a warning that the product is not to be employed in wounds as a prophylactic against rabies infection in the case of animal bites unless proof for this use is provided to the agency. The warning states: "This product is not for use on wild or domestic animal bites. If you have an animal bite, consult your physician immediately."

102. Comments referring to both the product class definitions and the Panel's testing guidelines discussed the difficulties of in vivo testing in humans for the effectiveness of skin antiseptics and skin wound protectants against experimentally induced wounds (39 FR 33108, 33136). The comments raised questions about the ethics of such experimentation and noted constraints imposed on the scientific value of such tests by the current state of the art. The comment noted



that the Panel did not specify what pathogens should be used to induce the experimental infections, and argued that data on effectiveness against one pathogen are of limited predictive value with respect to effectiveness against other pathogens. For this reason, the comment suggested that there should be a requirement only for in vitro tests. This would make it practical to test a wide spectrum of pathogens and would avoid ethical questions about experimentally infecting wounds in humans.

The Commissioner agrees that the comment raises serious questions. However, the Panel's statements do not imply a rigid limitation to testing in experimentally infected human wounds. Rather, they recommend that antimicrobial ingredients be tested for their effectiveness in the normal wound healing process in the presence of those organisms (including pathogens) encountered in the normal environment. The kinds of tests to be performed, which are determined by the scope of the claims made for the products, are set forth in the testing guidelines below. Since the subjects of studies will be volunteers who have given informed consent and since there is no intent to expose volunteers to known virulent microorganisms, the Commissioner concludes that the testing procedure described in the testing guidelines are ethical and should be retained.

There are three kinds of tests that can be considered: (1) Controlled study of experimental wounds in humans conducted in accordance with accepted ethical standards; (2) controlled study of wounds in experimental animals; (3) in vitro tests employing human tissue culture models. Which test is employed will be determined both by the state of the art and by the nature of the claims made for the product. However, under the present testing guidelines, delay of wound healing by antimicrobial ingredients will be considered a separate issue from determination of effectiveness against specific pathogens that affect healing.

The Commissioner has received recent information on the use of hygrometry to assess wound repair and has included it in the testing guidelines. The Commissioner encourages further research and development of wound models employing human tissue cultures. Potentially, such research should lead to scientifically valid substitutes for the experimental wounding of humans and thus eliminate the need for testing in human volunteers.

103. A comment suggested that in testing the effectiveness of health-care personnel handwash products, the requirements for dipping the hands of volunteers into a liquid culture of microorganisms be replaced by one for spreading a known aliquot (sample) of bacterial culture on the hands. The comment said that this is a more scientific procedure because it assures better control of the number of microorganisms deposited on the skin.

The Commissioner concludes based on the submitted data that either procedure is acceptable. Spreading a known aliquot of culture may give greater cer-

tainty about the number of organisms deposited on the hands, but it may not assure a uniform distribution of microorganisms over the entire area of the hand unless care is taken.

104. A comment stated that it is unreasonable to require testing of health-care personnel handwash products by having "an individual wash for 6 hours which is the total time required for 100 washes in a day required by the Panel."

The comment misinterprets the Panel's requirement. The Panel merely reported that a product should be safe enough to be used repeatedly, "perhaps 100 times a day." It did not suggest that 100 washes a day is the norm for testing. Rather, it recommended 25 washes in succession, with not less than a 5-minute interval between each wash. The Commissioner intends to retain this testing procedure.

105. Several comments suggested substituting the micro-organism, *Escherichia coli* for *Serratia marcescens* in tests for the effectiveness of health-care personnel handwash products. The comments pointed to a potential risk of human infection from *Serratia marcescens*.

The Panel was aware of reports of *Serratia marcescens* infections. However, there is a long history of safe use of segmented laboratory-cultured strains of this species. *Serratia marcescens* is superior to other organisms for use in tests because it is easily isolated and grown in the laboratory and because its characteristic pigmentation makes for reliable identification. The Commissioner concludes that the microorganism *Serratia marcescens* should continue to be used as a marker species in the testing guidelines for health-care personnel handwashes as well as for certain other categories of antimicrobial products.

106. A comment contended that there is no justification for the Panel's recommendation that health-care personnel handwash products be tested in a manner that exposes test subjects to the risk of infection from bacteria not normally part of the microbial flora of the skin.

The Panel did not suggest that virulent microorganisms be used to contaminate the hands and forearms of test subjects. Marker strains of bacteria to be used in this type of test should be avirulent, as will be noted in the testing guidelines.

107. A comment asked that the millipore filter procedure be permitted for isolation of microorganisms from wash water used in testing the effectiveness of health-care personnel handwash products.

The Commissioner agrees. The millipore filter technique is well established, the necessary equipment is readily available, and modern academic courses of instruction in microbiological techniques teach it. The millipore filter technique will be included as an option in the testing guidelines.

108. A comment objected to excluding persons taking oral contraceptives from participating in the glove juice tests required to prove the effectiveness of surgical hand scrubs. The comment cited an

unpublished reference that oral contraceptives have a stabilizing rather than an adverse effect on the microbial flora of the skin.

These data have not been subject to independent verification. Even if they are correct, use of persons taking oral contraceptives adds another variable that can easily be eliminated because there is an adequate pool of subjects who do not take such drugs. The Commissioner therefore concludes that the Panel's recommendation should be retained.

109. A comment asked that in the case of nonpowdered gloves, and when the hands are wet, the glove juice test should proceed without a prewash or wetting of the gloves.

The requirements of the glove juice test were carefully considered by the Panel to eliminate certain variables. The prewash removes superficial transient microbiological flora prior to the test. The gloves are required to be wet when the gloves are donned to assure a better controlled test. Because of the importance of these factors to the reliability of the results of the glove juice test, the Commissioner concludes that the testing protocol should remain as recommended by the Panel.

110. A comment asked that, in the glove juice test, tap water rather than sterile distilled water be permitted in baseline period and sampling fluids.

The Commissioner does not agree that tap water is an acceptable replacement for sterile distilled water in the glove juice test. Use of sterile distilled water helps assure control of variables among different laboratories. Any institution with the technical sophistication required to run the glove juice test would have a readily available source of sterile distilled water.

111. A comment suggested that lecithin replace serum in the bacteriological recovery medium used in the glove juice test.

The use of either serum or lecithin will be permitted. In either case, however, the neutralizer employed in the bacteriological medium must be shown not to be toxic to the cells being isolated and to neutralize the biological activity of the antimicrobial under test.

112. Several comments asked that the baseline handcount requirement in the glove juice test protocol be modified because most human subjects do not give hand counts of bacteria in the narrow range of log<sub>10</sub> 6.176 to 6.602 required for eligibility of volunteers by the Panel's test protocols. Data were presented to show that the glove juice test gives uniform results with subjects who have hand counts of bacteria in the broader range of log<sub>10</sub> 4.0 to 7.0.

The Commissioner has reviewed the data and does not find them sufficient to assure that results will be uniform if hand counts in the range suggested are used. The requirement will therefore not be modified at this time without further independent corroboration. When such supporting evidence becomes available, a change in the requirement will be considered.

## CATEGORY II ACTIVE INGREDIENTS

## Antimicrobial soap

Benzalkonium chloride.<sup>1</sup>  
Benzethonium chloride.<sup>1</sup>  
Hexylresorcinol.<sup>1</sup>  
Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.<sup>1</sup>  
Iodine tincture.<sup>1</sup>  
Methylbenzethonium chloride.<sup>1</sup>  
Nonyl phenoxypoly (ethyleneoxy) ethanol iodine.<sup>1</sup>  
Poloxamer-iodine complex.<sup>1</sup>  
Triple dye.<sup>1</sup>  
Undecylmethyl chloride-iodine complex.<sup>1</sup>  
Phenol greater than 1.5 percent aqueous/alcoholic.

## Health-care personnel handwash

Cloflucarban.<sup>1</sup>  
Phenol greater than 1.5 percent aqueous/alcoholic.  
Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.  
Iodine tincture.  
Nonyl phenoxypoly (ethyleneoxy) ethanol iodine.  
Poloxamer-iodine complex.  
Triclosan.  
Triple dye.<sup>1</sup>

## Patient preoperative skin preparation

Cloflucarban.  
Phenol greater than 1.5 percent aqueous/alcoholic.  
Triclocarban.  
Triclosan.  
Triple dye.<sup>1</sup>

## Skin antiseptic

Cloflucarban.  
Phenol greater than 1.5 percent aqueous/alcoholic.  
Triclocarban.  
Triple dye.<sup>1</sup>

## Skin wound cleanser

Cloflucarban.<sup>1</sup>  
Phenol greater than 1.5 percent aqueous/alcoholic.  
Triclocarban.<sup>1</sup>  
Triple dye.<sup>1</sup>

## Skin wound protectant

Cloflucarban.  
Phenol greater than 1.5 percent aqueous/alcoholic.  
Triclocarban.  
Triple dye.<sup>1</sup>

## Surgical hand scrub

Cloflucarban.  
Iodine tincture.  
Phenol greater than 1.5 percent aqueous/alcoholic.  
Triclocarban.  
Triclosan.  
Triple dye.<sup>1</sup>

## A. PHENOL GREATER THAN 1.5 PERCENT AQUEOUS/ALCOHOLIC SOLUTION

The Commissioner has reviewed the Panel's report on a number of products containing phenol in a variety of vehicles.

The Commissioner concludes that phenol in concentrations greater than 1.5 percent in aqueous or alcoholic vehicles is not safe for general use as an OTC antimicrobial agent in man.

<sup>1</sup>Placed in Category II due to a physical and/or chemical incompatibility in formulation.

<sup>2</sup>Category II when formulated in any manner other than as a bar soap.

<sup>3</sup>Category II for use outside the neonatal nursery.

113. A comment asked for a reduction in the total number of time intervals for taking samples for bacterial counts in the glove juice test. Instead of taking samples at the 1-minute, and the 1-, 2-, 3-, 4-, 5- and 6-hour intervals, samples would be taken at the 1-minute, and the 1-, 3- and 6-hour intervals. The comment stated that this would be more economical and would not reduce the reliability of the result.

The time intervals were chosen on the basis of advice from expert consultants in biostatistics, who advised that the sampling times are required to establish the rate of re-growth of the bacterial flora after the gloves are donned. The comment does not substantiate its conclusion that fewer sampling intervals will not decrease the reliability of the result. The protocol accordingly will not be changed.

114. A comment asked that the requirement for a 1-minute massage of the gloved hand be eliminated from the glove juice test because the bacterial count can vary with the vigor of the massage, independent of its duration.

Although the bacterial count may vary with the vigor of massage, without massage there will be an inherent variation among samples due to differences in the strength of adhesion of various bacteria to the skin surface. The Commissioner concludes that careful execution of the procedure will minimize differences in the vigor with which hands are massaged, and that completely abandoning the procedure would merely introduce another variable that could not be dealt with by any technique, other than massage, known to the Commissioner.

115. A comment stated that a 1-day prohibition on hand washing is an excessive demand to place on persons volunteering as subjects for glove juice tests (39 FR 33138).

The Panel stated that "Subjects should not wash prior to the counting procedure on the day of the test." The prohibition recommended by the Panel would extend from awakening to the point at which the counting takes place. Since counting can be scheduled at any time, it is open to the investigators to schedule it early in the day, thus minimizing inconvenience to the participants. This is clarified in the testing procedures included in this document.

116. A comment characterized the proposed glove juice test as so expensive that only the largest manufacturers can afford it. The testing requirements were said to be unnecessary and a waste of time, resources, and money and that insistence upon the testing would make it desirable, if not necessary, for the government to take over the costs involved.

The criticism ignores the general acceptance by industry, the scientific community, and the medical profession of the need for the glove juice test. For a given ingredient, the glove juice test is a one-time requirement for entrance into the marketplace as a surgical hand scrub, not a recurring cost. The Commissioner realizes that the cost factors involved are of importance to industry.

However, public health considerations are an overriding concern. Moreover, the requirement that Category III testing be carried out by each manufacturer has been changed by a regulation published in the FEDERAL REGISTER of April 12, 1977 (42 FR 19137).

## F. MISCELLANEOUS COMMENTS

117. A comment suggested that the section of the monograph dealing with the labeling of patient preoperative skin preparations (§ 333.80, redesignated § 333.87 below) is somewhat confusing and should be rewritten to indicate which labeling requirements apply generally to patient preoperative skin preparations and which apply specifically to tincture of iodine.

The Commissioner has reviewed the request and finds it reasonable. This section is rewritten and reorganized into both general and specific labeling requirements.

## II. THE COMMISSIONER'S CONCLUSIONS ON THE CATEGORY II RECOMMENDATIONS

The Commissioner's conclusions and restatement of the Panel's recommendations and conclusions for Category II are set forth below. The Commissioner adopts these findings by restating the appropriate sections of the Panel's findings in this document, with modifications for clarity and regulatory accuracy, as well as for new data and information that have come to his attention. Changes based on new data and information are discussed in the preamble. Gratuitous or unsupported statements have been excluded. The Commissioner's agreement with comments suggesting modification of the Panel's findings are incorporated in the Commissioner's restatement of them.

The Commissioner is not restating those parts of the Panel's findings that are not directly relevant to his decision on the content of Category II. Specifically, he has omitted sections of the Panel report relating to preservatives, inactive ingredients, balance of normal flora, effectiveness for erythrasma (a chronic bacterial infection of the skin), uses of the various product classes, as well as discussions relating to definitions of such classes. In addition, because the Commissioner has already taken final regulatory action against hexachlorophene (21 CFR 250.250) and the halogenated salicylamides, particularly tribromsalan and fluorosalan (21 CFR 310.508), they will not be discussed in this document.

Therefore, based upon the record before him (all data submitted, the minutes of the Panel meetings, the Panel report, and all comments), the Commissioner determines that the use of topical antimicrobial products under the following conditions is unsupported by scientific data, and in many instances by sound theoretical reasoning. The Commissioner concludes that the ingredients, labeling, and combination drugs involved should not be permitted in interstate commerce effective as of 6 months after publication of the final monograph in the FEDERAL REGISTER, until scientific testing supports their use.



Several references document the toxicity of phenol when applied topically. For example, authors have noted that a 2 percent ointment resulted in blood levels of 0.8 milligram (mg) of free phenol or 2.3 mg of conjugated phenol per 100 milliliters (ml) of blood. It should be noted that 30 mg of free and 1 mg of conjugate are fatal concentrations. One to 5 percent phenol applied as a dressing or compress has caused gangrene.

It has also been recorded that 2 percent and higher concentrations of phenol in aqueous vehicles have caused serious hazards, including gangrene, anesthesia, mummification, and even coma. Phenol is more soluble in alcohol than in water and would penetrate to deeper layers of the skin, producing severe burns, and might be systemically absorbed in higher concentrations.

The acute systemic toxic effects of phenol in man and animals is observed primarily as an effect on the central nervous system. Sudden physical collapse has been observed in man after systemic exposure associated with other effects such as myocardial depression and marked blood pressure fall. There may also be marked dyspnea and a decrease in body temperature. These systemic effects are related to the amount of free phenol in the blood. A blood level of 30 mg of free phenol per 100 ml of blood can be fatal, and death is usually the result of respiratory failure.

Chronic poisoning in man results in digestive disturbances, such as vomiting, difficulty in swallowing, diarrhea, and anorexia. Nervous disorders, such as headache, fainting, vertigo, and mental disturbances also occur. There is a report that phenol is a carcinogen in animal tissue. In severe cases, sometimes fatal, there may be extensive damage to the kidneys and liver. Most of the reported cases of chronic poisoning have resulted from ingestion or inhalation. However, it is possible that repeated topical application over large surfaces of the body could lead to the systemic effects described above.

After absorption, phenol is excreted in the free form in the urine or is conjugated in the liver to the glucuronide or sulfate, prior to excretion in the urine. Some is expired in the air. In the rabbit, after a single oral dose, 23 percent was oxidized in the body to carbon dioxide and water plus pyrocatechol and hydroquinone. Of the 72 percent excreted in the urine, 48 percent was excreted as the free phenol and 52 percent as the conjugates. Only 1 percent of the total administered dose was excreted in the feces. In addition, two authors have reported that phenol is a cocarcinogen in animals.

With local dermal application of high concentrations, a pellicle of denatured protein is formed, which may turn red and slough, leaving a brown stain. Prolonged contact of phenol with the skin, resulting in deep penetration of the skin, can produce gangrene and necrosis. Ochronosis (darkening of the tissue) can also result from prolonged dermal contact. If applied to mucous membranes or

swallowed, phenol can cause swelling, corrosion, necrosis, and hemorrhages of the mucous membranes of the throat or gastrointestinal tract.

In the past, preparations of 1 to 5 percent phenol in aqueous solutions have been used with dressing and compresses. This has resulted in gangrene, primarily when applied to fingers and toes. Preparations containing 1 to 2 percent phenol have been formulated frequently in salves or ointments and with vegetable oil or calamine lotion for antipruritic effects. The use of 2 percent phenol ointment has resulted, as reported above, in blood levels of 0.8 mg of free phenol and 2.3 mg of conjugated phenol per 100 ml blood. Blood levels of phenol attained after application of phenol in liquid preparation have not been presented.

The use of low concentrations of phenol (1 to 2 percent) in ointments, lotions, salves, or solutions can cause toxicity leading to severe incidence of gangrene with prolonged contact and/or occlusion of the treated area. Rat studies have shown that a 1.78 percent phenol-liquid petrolatum solution will cause gangrene in the same period of time. The posture in 2 to 3 days. A 4.15-percent aqueous phenol solution caused gangrene in the same period of time. The use of oil in the formulation may enhance the toxicity.

Camphor also has been used in formulations containing phenol. Camphor may in fact retard the absorption and availability of phenol from the solution. However, the local toxicity of phenol in a camphor-containing preparation depends upon the aqueous/phenol phase resulting from the presence of tissue fluids or perspiration. Camphor, if present with phenol, will "hold" the phenol, as is evidenced by the study that demonstrated that, while 60 percent of the phenol in a saturated solution of liquid petrolatum is in the aqueous phase, only 22 percent of the phenol in a 4.6 percent phenol/10 percent camphor combination in liquid petrolatum is in the aqueous phase. When the camphor concentration was raised to 21 percent, only 10 percent of the phenol was in an aqueous phase. The presence of camphor also retards the absorption of phenol after topical application.

A 1-hour exposure of the rat tail to a 4.8 percent aqueous phenol solution resulted in the absorption of 71 mg of phenol; whereas, the presence of 10.9 percent camphor combined with 4.5 percent phenol resulted in the absorption of only 16 mg phenol.

#### B. CLOFLUCARBAN

After reviewing the data and the Panel's recommendation, the Commissioner concludes that cloflucarbon is not generally recognized as safe or effective for use as a patient preoperative skin preparation, skin antiseptic, skin wound protectant, and surgical hand scrub. This ingredient has been marketed only as a bar soap to be used with water; no safety and effectiveness data for its use in products in the other classes were

submitted to the OTC drug review; no data were received or reviewed by the Panel; and no comments were received by the Commissioner in response to the proposed monograph. The ingredient is therefore outside this monograph and may not be marketed in products in any product classification except skin wound cleanser, health-care personnel handwash (only when used in a bar soap), and antimicrobial soap (for which it is classified in Category III) unless there exists an approved new drug application.

#### C. TRICLOCARBAN

After reviewing the data and the Panel's recommendation, the Commissioner concludes that triclocarban is not generally recognized as safe or effective for the following product uses: Patient preoperative skin preparation, skin antiseptic, skin wound protectant, surgical hand scrub, health-care personnel handwash, and skin wound cleanser (except when formulated in a bar soap). This ingredient has never been marketed or formulated in any of these product classes; no safety and effectiveness data for these product classes were submitted to the OTC drug review; no data were received or reviewed by the Panel; and no comments were received by the Commissioner in response to the proposed monograph. The ingredient is therefore outside this monograph and may not be marketed in products in any product classification except antimicrobial soap, unless there exists an approved new drug application or an amendment to the applicable OTC drug monograph.

#### D. TRICLOSAN

The Commissioner recognizes that a health-care personnel handwash, patient preoperative skin preparation, or a surgical hand scrub are designed primarily for extensive use in the hospital or other closed environment.

The Commissioner concludes that formulations containing this ingredient should not be used in these environments because of possible increased one-way environmental pressures toward gram-negative (especially *Pseudomonas*) infections. (See part III, Paragraph C. below—Triclosan.) He therefore concludes that triclosan in the above-mentioned topical antimicrobial product classes is not generally recognized as safe and effective and is misbranded.

#### CATEGORY II LABELING

The Commissioner has reviewed the claims which the Panel found misleading to the consumer and which they recommended be placed in Category II. While no discussion of these claims was included in the report, the Commissioner has reviewed the administrative record and concludes that, with the exception of the claim, "controls infection," as noted in paragraph 34, these claims are vague, false, or misleading and that their use with topical antimicrobial products described in this document will result in the product being misbranded. His spe-

cific conclusions and reasons therefore are set forth as follows:

#### A. "SPEEDS, PROMOTES OR AIDS HEALING" OR "HEALS (WOUNDS)"

The above claims imply to the consumer that antimicrobial products play a primary role in the healing process and thereby shorten healing time. In fact, their only action is to remove pathogenic microorganisms that might slow the healing process from the wound. This allows the body's healing process to follow its usual course at a normal rate. Since the ingredients reviewed do not directly affect healing, as the claims imply, the Commissioner concludes that these or similar phrases are false and misleading to the average consumer.

#### B. "DISINFECTS" OR "SANITIZES" THE SKIN OR WOUND

The Commissioner realizes that these terms are intended to imply cleansing of human tissue. However, there is some discrepancy between the commonly understood or lay meaning of these terms and their scientific meaning. The Commissioner is concerned that, as he attempts to set general standards in this area, terms and claims not be ambiguous or have dual meanings. Such is the case with the terms "disinfect" and "sanitize," which when used scientifically, refer to antimicrobial action or inanimate objects, but when used in the labeling of antimicrobial products, refer to antimicrobial activity on the body (39 FR 33114).

The Commissioner concludes that to assure clarity and conciseness of the meaning of these claims, as well as to eliminate the confusion caused by the dual meaning, their use should be limited to denoting antimicrobial action only on inanimate objects. Therefore, the above claims (or similar claims) will be considered misleading when applied to the use of topical antimicrobial products on humans.

#### C. "STERILIZES" THE SKIN OR WOUND

"Sterilize" is defined and commonly understood to mean a process by which all microorganisms are removed from an object. Such removal would include removal from the skin of both pathogenic and nonpathogenic microorganisms. The concentrations of ingredients in the OTC topical antimicrobial products under review are not high enough to render the skin or wound completely free from all microorganisms. Further, as noted by the Panel in its report, complete elimination of all microorganisms is not necessarily desirable since it would include removal of the normal microbial flora of the skin. The claim "sterilizes" the skin or wound, therefore, is presumably intended to apply only to the destruction of pathogenic microorganisms. However, the ambiguity between the intended meaning and the actual definition of the term "sterilize" renders the claim vague and misleading.

#### D. "ENSURES BACTERIALLY CLEAN SKIN"

While the purpose of this claim may be to suggest removal only of pathogenic organisms from the skin, the Commissioner concludes that it is reasonably likely to convey to many consumers the idea that removal of all microorganisms from the skin will result from the use of products for which such claims are made, and that such a result is beneficial. As explained above, the removal of all bacteria on the skin cannot be accomplished with the concentrations of the ingredients found in OTC topical antimicrobial products. Further, the removal of all microorganisms including normal flora is not necessarily desirable. The Commissioner concludes that this or similar phrases are vague and misleading when applied to use of topical antimicrobial products on humans.

#### III. THE COMMISSIONER'S CONCLUSIONS ON THE CATEGORY III RECOMMENDATIONS

The Commissioner's conclusions on and restatement of the Panel's recommendations and conclusions for Category III are set forth below. The Commissioner adopts these findings by restating the appropriate sections of the Panel's findings in this document, with modifications for clarity and regulatory accuracy, as well as for new data and information that have come to his attention. Changes based on new data and information are discussed in the preamble. Gratuitous or unsupported statements have been excluded. The Commissioner's agreement with comments suggesting modification of the Panel's findings are incorporated in the Commissioner's restatement of them.

As with the discussion of Category II above, the Commissioner is not restating those parts of the Panel's findings that are not directly relevant to his decision on the content of Category III.

Therefore, based upon the record before him (all data submitted, the minutes of the Panel meetings, the Panel report, and all comments), the Commissioner determines that adequate and reliable scientific evidence is not available at this time to permit final classification of the following conditions pertaining to the use of topical antimicrobial products.

The Commissioner concludes that category III ingredients may be permitted to remain in use until 2 years after publication of the final monograph in the FEDERAL REGISTER provided tests and studies of any such product are conducted according to the testing guidelines below to satisfy the questions raised in this document. (See part IV. below—FINAL TESTING GUIDELINES FOR SAFETY AND EFFECTIVENESS OF OTC TOPICAL ANTIMICROBIALS.) For further requirements relating to Category III testing, see 42 FR 19137 (April 12, 1977).

#### CATEGORY III ACTIVE INGREDIENTS

##### Antimicrobial soaps

Cloflucarbon.  
Para-chloro-meta-xyleneol.  
Povidone-iodine complex.

1.5 percent phenol or less aqueous/alcoholic.  
Triclocarban.<sup>1</sup>  
Triclosan.<sup>1</sup>

##### Health-care personnel handwash

Benzalkonium chloride.  
Benzethonium chloride.  
Cloflucarbon.<sup>1</sup>  
Hexylresorcinol.  
Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.  
Methylbenzethonium chloride.  
Nonyl phenoxypoly (ethyleneoxy) ethanol-iodine.  
Para-chloro-meta-xyleneol.  
Povidone-iodine complex.  
1.5 percent phenol or less aqueous/alcoholic.  
Poloxamer-iodine complex.  
Triclocarban.<sup>1</sup>  
Undecylm chloride-iodine complex.

##### Patient preoperative skin preparation

Benzalkonium chloride.  
Benzethonium chloride.  
Hexylresorcinol.  
Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.  
Methylbenzethonium chloride.  
Nonyl phenoxypoly (ethyleneoxy) ethanol-iodine.  
Para-chloro-meta-xyleneol.  
1.5 percent phenol or less aqueous/alcoholic.  
Poloxamer-iodine complex.  
Povidone-iodine complex.  
Undecylm chloride-iodine complex.

##### Skin antiseptic

Benzalkonium chloride.  
Benzethonium chloride.  
Hexylresorcinol.  
Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.  
Iodine tincture.  
Methylbenzethonium chloride.  
Nonyl phenoxypoly (ethyleneoxy) ethanol-iodine.  
Para-chloro-meta-xyleneol.  
1.5 percent phenol or less aqueous/alcoholic.  
Poloxamer-iodine complex.  
Povidone-iodine complex.  
Triclosan.  
Triple Dye.<sup>2</sup>  
Undecylm chloride-iodine complex.

##### Skin wound cleanser

Cloflucarbon.<sup>1</sup>  
Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.  
Iodine tincture.  
Nonyl phenoxypoly (ethyleneoxy) ethanol-iodine.  
Para-chloro-meta-xyleneol.  
1.5 percent phenol or less aqueous/alcoholic.  
Poloxamer-iodine complex.  
Povidone-iodine complex.  
Triclocarban.<sup>1</sup>  
Triclosan.  
Undecylm chloride-iodine complex.

##### Skin wound protectant

Benzalkonium chloride.  
Benzethonium chloride.  
Hexylresorcinol.  
Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.  
Iodine tincture.  
Methylbenzethonium chloride.  
Nonyl phenoxypoly (ethyleneoxy) ethanol-iodine.  
Para-chloro-meta-xyleneol.

<sup>1</sup> Category III only when formulated in a bar soap to be used with water.  
<sup>2</sup> Restricted to use only in neonatal nursery.



1.5 percent Phenol or less aqueous/alcoholic.  
Poloxamer-iodine complex.  
Povidone-iodine complex.  
Triclosan.  
Undecoylum chloride-iodine complex.

#### Surgical hand scrub

Benzalkonium chloride.  
Benzethonium chloride.  
Hexylresorcinol.  
Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.  
Methylbenzethonium chloride.  
Nonyl phenoxypoly (ethyleneoxy) ethanol-iodine.  
Para-chloro-meta-xyleneol.  
1.5 percent phenol or less aqueous/alcoholic.  
Poloxamer-iodine complex.  
Povidone-iodine complex.  
Undecoylum-chloride iodine complex.

In addition, the Commissioner wishes to note that after extensive review of the administrative record and the data submitted in comments, he has determined that there are sufficient data to consider poloxamer 188 as generally recognized as safe and effective and not misbranded (Category I) for use as a skin wound cleanser.

#### CATEGORY III LABELING

Since the Panel suggested no Category III claims and none were suggested in the comments to the report, the Commissioner concludes there are none. He is therefore deleting any discussion of Category III claims in this document.

#### GENERAL COMMENT APPLICABLE TO ALL INGREDIENTS IN CATEGORY III

The Commissioner concludes that adequate and well-controlled studies are not available at this time to permit the final classification of the active ingredients listed above.

The hexachlorophene experience has made apparent to the scientific community that toxic levels of antimicrobial chemicals applied to the skin are absorbed into the body. The greatest lack of substantial data is in the following areas: retention and/or substantivity, absorption, blood level, organ distribution, possible tissue depositing, and excretion.

#### A. CLOFLUCARBAN

The Commissioner has reviewed the safety and effectiveness data submitted and concludes that cloflucarbon (TFC, CF<sub>3</sub>, 3-trifluoromethyl, 4,4' dichlorocarbaniide) is effective as an antimicrobial soap but that adequate safety data are not yet available to permit its final classification in this product class.

The Commissioner concludes that enough data were submitted to convince him that there is no known hazard to the public from the continued use of cloflucarbon in antimicrobial soaps at the maximum concentration and for the interim period specified below. The basis for this was the oral LD<sub>50</sub> of cloflucarbon in rats as compared with hexachlorophene. The oral LD<sub>50</sub> for cloflucarbon is reported to be in excess of 5 gm/kg body weight while the LD<sub>50</sub> for hexachlorophene is only 0.12 gm/kg. Also, based on blood level data for cloflucarbon, which are not complete at this time, the Com-

missioner does not consider cloflucarbon to be as toxic as hexachlorophene. Therefore, the Commissioner concludes that cloflucarbon (or a combination of cloflucarbon with triclocarbon), when used in antimicrobial soaps, should not exceed a total concentration of 1.5 percent and that this should be permitted to extend for a period of 2 years following publication of the final monograph in the FEDERAL REGISTER in order to allow interested parties time to conduct the necessary research to correct the deficiencies listed below.

The Commissioner still finds several areas of deficiencies in the safety data base. One of these is the lack of blood level data following topical application. In fact, he has received no data showing the following:

1. Substantivity of cloflucarbon to the skin following one and several baths using a cloflucarbon-containing antimicrobial soap.

2. Degree of absorption of cloflucarbon following deposition on the various types of skin (young, mature, aged, diseased).

3. Peak blood levels following multiple baths.

4. Metabolic rate of cloflucarbon excretion from the body.

5. Tissue storage of cloflucarbon.

It is the Commissioner's opinion that final classification of cloflucarbon for use in antimicrobial soaps cannot be made until such data are provided.

From a purely toxicological viewpoint, the Commissioner believes that inadequate data were submitted showing a dose/effect relationship. Conflicting data were submitted that were at such variance that interlaboratory differences could not possibly account for the discrepancies. For example, data showed that cloflucarbon caused testicular effects in rats after 4, 8, 11, and 13 weeks of study at the lowest oral feeding level, 25 mg/kg, and liver changes at 1,000 mg/kg. This study showed that a "no-effect" oral feeding level was somewhere below 25 mg/kg. In contrast to this study, another study indicated that the "no-effect" oral level was 100 mg/kg with no testicular or other pathologic finding.

The Commissioner therefore was presented two controlled studies with widely varying results. It is the conclusion of the Commissioner that these discrepancies be resolved through adequately controlled research, which will show the "effect" and "no-effect" level in the same study. Just as important is a determination of the "effect" and "no-effect" blood level of cloflucarbon. As a word of caution, it should be pointed out that the Commissioner was presented suggestions that an adequate analytical procedure for cloflucarbon in biologic fluids was not available.

In view of these conflicting data and in the absence of definitive data on absorption through human skin, the Commissioner concludes that a limit of 1.5 percent cloflucarbon (or a combination of cloflucarbon and triclocarbon) be set until such time as adequate data relating blood levels and toxic effects are made available.

Data submissions to the Commissioner are adequate at this time to assure him that cloflucarbon has no significant potential for the induction of carcinogenesis, teratogenesis, or mutagenesis. The Commissioner therefore does not consider these to be problem areas.

The Commissioner is concerned about the potential for cloflucarbon to cause contact sensitization. More to the point, perhaps, is the lack of adequate research addressing this potential. There are reports drawing attention to contact sensitization concerning cloflucarbon. These authors indicated that the potential for contact sensitization from cloflucarbon is greater than that from triclocarbon, but far less than that from certain other antimicrobial agents. On the other hand, the existence of photosensitization cases was not found and therefore does not have to be studied.

In summary, the Commissioner concludes that cloflucarbon or a combination of cloflucarbon with triclocarbon can be used in antimicrobial soap at a total concentration not to exceed 1.5 percent and only for a period of 2 years following publication of the final monograph in the FEDERAL REGISTER. The toxicity studies outlined in the guidelines will be required and should include determination of the oral toxicity, including target organ determination, with blood levels and "effect" and "no-effect" dose in the same study.

#### B. THE COMBINATION OF TRICLOCARBAN AND CLOFLUCARBAN IN BAR SOAP

The Commissioner is placing the combination of triclocarbon and cloflucarbon in Category III. These two chemicals are quite similar in their use, mode, and spectrum of antimicrobial action, and, in all likelihood, toxicity. However, it is the view of the Commissioner that additional data are needed on the cloflucarbon component. Also, no data were submitted on the toxicity of the combination of ingredients, although it is the understanding of the Commissioner that such studies are currently being conducted. If used in combination with triclocarbon, toxicity studies will be required to demonstrate that there is no increased toxicity with the combination. The studies to characterize the toxicity of the individual chemicals, as outlined in the safety testing guidelines under the discussion of triclocarbon and cloflucarbon, also apply to the combination and should include determination of substantivity, absorption, distribution, blood levels, excretion, and effect/no-effect dose with the establishment of toxic effects, especially on the target organ determined in the same study.

Until adequate studies are submitted to make a final determination, the Commissioner concludes that there should be a limitation of the total combination of triclocarbon and cloflucarbon to 1.5 percent for a period not to exceed 2 years after publication of the final monograph in the FEDERAL REGISTER.

#### C. TRICLOSAN

The Commissioner has reviewed additional data submitting during the com-

ment period in response to questions raised by the Panel. The Panel stated that further studies are necessary to determine whether the triclosan molecule, the metabolite(s) or both produce liver toxicity in rats and dogs. In addition, the Panel concluded that more data on human blood levels following topical application were needed. A variety of skin areas, types, and conditions should be studied. The Panel expressed concern over the possibility of increased blood levels of triclosan resulting from widespread use of triclosan in soaps and deodorant products and recommended that this should also be investigated.

After reviewing these additional data, the Commissioner concludes that triclosan should remain in Category III for use in antimicrobial bar soap because adequate data are not yet available to permit final classification of this ingredient. Even though industry has submitted additional data (discussed below) subsequent to the Panel's report, questions have arisen regarding the validity of these studies as well as some data originally reviewed by the Panel.

Triclosan is one of the most highly absorbed antimicrobial ingredients reviewed by the Antimicrobial Panel. Even though additional data were submitted during the comment period, human absorption data from exaggerated human use (similar to the data from use of radiolabeled triclocarbon discussed above) are not available for triclosan. The results of such a study are critical to assessing whether the increasing number of products now being formulated with triclosan, such as cosmetics, infant clothing, and diaper rinses will increase the blood levels of triclosan to an appreciable degree. Because data contained in a recently received comment have shown that triclosan has a higher rate of absorption than other currently marketed antimicrobials used in bar soaps (i.e., approximately 3 percent topical absorption for triclocarbon compared to approximately 12 percent topical absorption for triclosan), concentrations of triclosan in antimicrobial bar soaps must be limited to 1 percent.

The Commissioner finds that the safety factor in submitted data is based on the assumption that the population will be exposed to triclosan only in antimicrobial soaps and related antimicrobial products. This is no longer the situation, and in view of the increasing use of triclosan in consumer products, the final resolution of risk to benefit, particularly with respect to increasing body burden of triclosan, cannot be made at this time.

In addition, adequate safety and effectiveness data are not yet available to permit final classification for this ingredient in skin antiseptics, skin wound cleansers, and skin wound protectants. From the data submitted, the Commissioner concludes that there is no known hazard to the general public from the use of triclosan in concentrations not greater than 1 percent. He therefore concludes that triclosan should be permitted for use in antimicrobial bar soap, as a

skin antiseptic, skin wound cleanser and skin wound protectant and allowed to be sold to the general public for a period of 2 years following publication of the final monograph in the FEDERAL REGISTER in order to allow interested parties time to conduct the necessary research to supply data in the areas indicated as deficient in the following summary:

It has been shown in animal experiments that triclosan can be absorbed through intact skin. This has been verified and reported in a submission which details human blood levels following the use of a triclosan-containing soap on intact skin.

The primary target organ for toxicity from triclosan is the liver. There is still a question as to whether the damage to the liver is due to the intact molecule, a metabolite, or a combination of the two (triclosan and/or triclosan metabolite).

A subchronic (90-day) oral study in dogs revealed liver damage at blood levels of 67.4 parts per million (ppm) total triclosan (free triclosan plus metabolite) resulting from an oral dose of 25 mg/kg/day. A no-effect oral dose of 12.5 mg/kg/day, in the same study, resulted in a total blood level of 36.1 ppm. Similar studies, using the same oral dosage regimen, showed liver toxicity in dogs, but actual blood levels were not measured. The dose-related histopathological damage in the dogs was described as periportal to midzonal hepatocytic degeneration, which led to focal necrotic hepatitis. This change appears to be reversible when exposure to triclosan is terminated. In other studies, when triclosan was administered in the diet to dogs or rats for 90 days at doses equivalent to those used in previously discussed studies, no liver damage resulted. Triclosan absorption varies in animal species; therefore, the amount of intestinal and topical absorption needs to be established.

Taking into consideration animal toxicity and human absorption and blood levels, safety factors were calculated. It was found in subchronic 90-day dog studies that the highest no-effects dose was 12.5 mg/kg. The absolute dose given the dog was 75 mg (12.5 mg/kg X 6 kg/dog). Extrapolating to man, by surface area, using the technique of Paget and Barnes, (Panel report (39 FR 33113)), the no-effect level might be expected to be 232.5 mg in the human. The value was calculated by multiplying the absolute dose in dogs showing no-effect by the conversion factor for surface area (75 mg X 3.1). Similar calculations were also possible with a 90-day monkey study.

If, as assumed by the Panel, an antimicrobial bar soap contains 1 percent triclosan as the active ingredient and an average bath consumes 7.0 gm of soap, then the total available triclosan per bath would be 70 mg. Since 1 percent of the 70 mg of the available triclosan remains on the skin then a total of 0.7 mg of triclosan is available for absorption after each bath. Also, since the data show that approximately 8.9 percent of the 0.7 mg of triclosan is absorbed, then

0.062 mg would be in the blood. Thus, the following hypothetical safety factor, using surface area, can be calculated:

$$\frac{232.5 \text{ mg (expected no-effect dose level in man)}}{0.062 \text{ mg (expected exposure dose in man from one bath)}} = 3,750\text{-fold safety factor}$$

Another way to calculate a safety factor is to assume that an average size human has 5,000 ml of blood. Since the data show that 0.062 mg of triclosan is instantaneously absorbed from the skin after exposure, the concentration of free triclosan in the blood would be approximately 12 parts per billion (ppb). Assuming that some persons take two baths per day, and that the total triclosan per bath is absorbed and accumulates, the blood level would be 24 ppb. Data from the submission suggest that rapid conversion of free triclosan to the glucuronide occurs and that within a few minutes, most of the absorbed triclosan exists only as the metabolite.

If the lowest "no-effect" blood level data (36,110 ppb triclosan/triclosan metabolite) is taken in dogs, and recognizing that the data were reported from a 90-day study, the following safety factor could be calculated:

$$\frac{36,110 \text{ ppb}}{12 \text{ ppb (blood level of triclosan from a single bath)}} = 3,000\text{-fold safety factor.}$$

$$\frac{36,110 \text{ ppb}}{24 \text{ ppb (blood level of triclosan from two baths)}} = 1,500\text{-fold safety factor.}$$

Based on the highest "effect" blood level (67,400 ppb triclosan/triclosan metabolite), the following calculation could be made:

$$\frac{67,400 \text{ ppb}}{12 \text{ ppb (single bath)}} = 5,600\text{-fold safety factor.}$$

or

$$\frac{67,400 \text{ ppb}}{24 \text{ ppb (two baths)}} = 2,800\text{-fold safety factor.}$$

Data from humans revealing a blood level of 44 ppb of triclosan/triclosan metabolite allowed the Panel to make the following calculations:

$$\frac{67,400 \text{ ppb (blood level at effect dose in dogs)}}{44 \text{ ppb}} = 1,531\text{-fold safety factor.}$$

$$\frac{36,110 \text{ ppb (blood level at no effect dose in dogs)}}{44 \text{ ppb}} = 821\text{-fold safety factor.}$$

These calculations would indicate a substantial safety factor, but it should be pointed out that studies relating blood levels to toxic effects, are short-term studies. Humans may be exposed to bar soap daily over their entire life span. The Panel made several assumptions based on unresolved data, particularly on the degree of substantivity and rate and amount of absorption. But these are only assumptions and must be tested. Research should be on humans in various age groups and with varying skin conditions.

No evidence of potential mutagenesis or teratogenesis was found in studies on various rodent species. The study on the carcinogenicity potential of triclosan has been declared invalid by the agency and must be repeated or validated.



Data indicate that triclosan cannot be considered a primary sensitizing or photosensitizing agent in animals or in humans. But studies have not eliminated possible cross-reactivity following previous sensitization with hexachlorophene, salicylanilides, or carbanilides and further cross-sensitization studies should be performed. (The halogenated salicylanilides have been removed from OTC use (40 FR 50530, October 30, 1975; see 21 CFR 310.508).

The Commissioner now feels that adequate data concerning elimination and toxicity in young animals have been submitted. Research in young animals with unavailable glucuronide systems has been conducted in order to define the toxicity potential for human infants and individuals with inadequate liver function. Recently received data, including a 90-day monkey study, establish the rate of absorption of triclosan and indicate that rhesus monkey neonates can eliminate topically applied triclosan. Although the major route of elimination of triclosan from the body (conjugation to the glucuronide in the liver) is not available to newborn primates, an alternate means of elimination (sulfonation) is well developed at birth and apparently permits subhuman neonates to safely handle any absorbed triclosan.

However, as noted in paragraph 18 above, the Commissioner sees little or no need to use antimicrobial soaps on newborn babies. Also, there are inadequate data to prove that human infants, who do not have an adequate glucuronide pathway, can adapt to excrete triclosan by sulfonation, as can rhesus monkeys. Thus, in order not to risk exposure of human neonates to inordinately high blood levels of triclosan, triclosan will have a label warning "Do not use this product on infants under 6 months of age".

Data submissions and a series of reports regard to the antimicrobial activity of triclosan have been reviewed. These reports suggest that numerous gram-positive bacteria are susceptible to its action at levels comparable to other substituted phenols, such as hexachlorophene. However, some gram-positive skin bacteria appeared somewhat less susceptible than others, and the lack of susceptibility of the gram-positive streptococci is a potential hazard. In attempts to define the spectrum of triclosan, some of the gram-negative bacterial strains listed in the reports were revealed to be susceptible to triclosan. Those gram-negative bacteria showing in vitro susceptibility to triclosan included strains of the various coliforms, *Proteus* and *Salmonella*. One type of gram-negative organism of increasing importance in the hospital environment that was found to be quite resistant was *Pseudomonas aeruginosa*. Other microorganisms showing low levels of susceptibility included various fungi and viruses, such as the polio virus. Influenza, adenovirus and vaccinia viruses are inhibited at a lower concentration. The reports suggest that reduction of the number of microorga-

nisms in the skin microflora with the use of triclosan in soaps is similar to that with other bisphenols.

Some reports suggest that *Pseudomonas* can be selectively established at high levels on the skin with the topical use of bisphenols. In addition, triclosan can be utilized for the selective isolation of *Pseudomonas* from materials containing both gram-positive and gram-negative organisms. These materials include food and microflora samples from the skin. This isolation is facilitated with the use of a patented *Pseudomonas* isolation triclosan-containing agar.

Triclosan differs from some other bacteriostatic chemicals active primarily against gram-positive bacteria, in that it does have limited in vitro and probable in vivo activity against some gram-negative bacteria, but unfortunately not against *Pseudomonas*. With the widespread use of antibiotics and disinfectants selectively active, primarily against gram-positive bacteria in the hospital environment, gram-negative, nosocomial infections, especially *Pseudomonas*, are increasingly life-threatening. With the environmental pressures being pushed in one direction (one-way selective pressure) toward the selection of gram-negative organisms, i.e., *Pseudomonas*, in the hospital environment, unexpected reservoirs and mechanisms of transmission are being reported. It is essential to eliminate sources of gram-negative bacteria in particular areas of the hospital such as burn units, neonatal nurseries and intensive care units in which immunosuppressive drugs are administered. One study describes the use of a triclosan-containing soap in hospitalized and immunosuppressed patients. This study reports the results of the bathing of leukemic patients in a protected environment (Life Island) with a bar soap containing 1 percent tribromsalan and 1 percent triclosan. The authors report reduction in total counts of staphylococcal species, including some potential pathogens and gram-negative bacteria on various body sites. It is the Commissioner's view that the results of this in vivo study cannot be projected to a normal environment.

The patients in this uncontrolled study were all immunosuppressed and receiving concomitant antibiotic therapy, both oral and topical. In addition, the skin sampling and culture techniques were not optimal for the isolation of *Pseudomonas* from the skin. The serious possibility of carryover of inhibitory antimicrobial residue from topical therapy would invalidate the cultural results. And there is a risk involved in using a soap that has no activity against *Pseudomonas* on immunosuppressed patients. A subsequent study of a similar type concluded that, although 76 percent of aerobic bacteria, including gram-negative bacteria, were eliminated by cleansing with a soap containing a combination of triclosan and tribromsalan, strains of potential pathogens such as *Enterobacter* species, a *Klebsiella* species, *Proteus* species, and *Pseudomonas aeruginosa* persisted.

Thirty-three percent of the patients had persistent pathogenic bacteria and 40 percent had persistent fungi. Despite intensive systemic and topical antibiotic therapy and washing with an antimicrobial soap as a protective measure, the organisms persisting are those most likely to cause fatal infections in these seriously ill patients.

The Commissioner concludes that clinical effectiveness in the prophylaxis and treatment of superficial pyrogenic infections of the skin has not been established.

The Commissioner notes that triclosan can be used in an isolation medium which will permit the selective isolation of *Pseudomonas* from the skin. Additionally, it is known that triclosan is effective in vitro primarily against gram-positive organisms and against some gram-negative organisms, but is not effective against *Pseudomonas*. Human skin is a culture medium superior in many instances to those devised by microbiologists. This raises the possibility that use of triclosan by health-care personnel in closed environments such as hospitals and nursing homes would act to selectively promote the growth of *Pseudomonas*, especially on their hands, in an environment where *Pseudomonas* is ubiquitous and may be life-threatening to many patients.

Because of this potential for influencing the gram-negative population and/or the addition of another potential selective agent for *Pseudomonas*, the Commissioner concludes that triclosan-containing products should not be used in the hospital or other closed environments, such as nursing homes, where individuals are present who may be highly susceptible to infection with microorganisms not normally pathogenic (opportunistic pathogens). Accordingly, the Commissioner has determined that triclosan as a single ingredient is not safe for use in health-care personnel handwashes, surgical scrubs, and patient preoperative preparations.

This restriction on the use of triclosan also applies to any combination products containing triclosan unless the deficiency in the microbial spectrum is compensated for by another antimicrobial ingredient. Triclosan should be used only in products where there is no exposure to persons who have debilitating diseases, or who are physically debilitated, or immunologically compromised, or where the closed environment in the hospital or other institution would possibly allow the shift of environmental pressures toward *Pseudomonas*.

Many animal toxicity studies for this ingredient have been submitted, and they are discussed above. Before triclosan can be considered safe as a skin wound cleanser, skin wound protectant or skin antiseptic, further work is necessary to determine what produces the toxic effect. More data on human blood levels following topical application on abraded skin are needed, and a variety of skin areas, types, and conditions should be studied.

The Commissioner concludes that in vitro data indicate that triclosan has

some activity against some gram-negative microorganisms, but that further verification of the spectrum is required, as well as in vivo demonstration of activity against *Proteus*, *Salmonella*, and *Pseudomonas aeruginosa* before this ingredient can be placed in Category I as a skin antiseptic or skin wound protectant.

The Commissioner concludes that there are insufficient data to demonstrate whether it is the triclosan molecule or its metabolite(s) that cause liver toxicity. It is also unclear whether a newborn can metabolize and eliminate triclosan, since the newborn does not have an adequately developed glucuronide conjugating system. In the absence of these data the Commissioner has determined that infants should not be exposed to triclosan. Labeling must contain a warning to prohibit use of any triclosan-containing bar soap on infants under 6 months of age.

Data submitted after the publication of the Panel Report indicate that absorption of triclosan is significant after topical administration and is increased with occlusion such as clothing. Further complicating the issue is the evidence presented by these studies that some persons metabolize and eliminate triclosan or its metabolite(s) much more slowly than others. These studies indicate that hand scrubbing combined with even one shower increase the levels of triclosan and its metabolite(s), especially in persons who are slow metabolizers, perhaps as much as a thousandfold. After reviewing these data, the Commissioner concludes that there is not sufficient evidence to determine the total blood level resulting from repeated or exaggerated use of triclosan bar soaps, as with daily showers. More studies are necessary to demonstrate absorption from different body areas and increased doses to which the bar-soap user may be exposed.

The Commissioner is concerned about the multitude of sources from which the consumer can, often unknowingly, be exposed to triclosan. A variety of cosmetic products contain triclosan, and the Commissioner is aware that the Environmental Protection Agency's Office of Special Pesticide Review is presently preparing a report about the proliferation of triclosan-containing products marketed to the American consumer. If the number of sources of triclosan appears dangerously high, the Commissioner may conclude that the availability of triclosan should be curtailed, especially in bar-soaps which provide total body exposure on a repeated daily basis.

The Commissioner has carefully reviewed the animal data submitted to the Panel and that submitted subsequent to publication of the Panel's report and proposed monograph, and has determined that certain key animal studies describing the toxicity and metabolism of triclosan must be validated or repeated before these studies can be relied upon to move triclosan from Category III to Category I.

## D. TRICLOCARBAN

The Commissioner had determined that the only permitted use of triclocarban (TCC, 3, 4, 4'-trichlorocarbanilide) at the present time should be as an antimicrobial ingredient in bar soap and only when used as a health-care personnel handwash, skin wound cleanser, or antimicrobial soap.

The Commissioner reviewed the available effectiveness and safety data on triclocarban and concludes that adequate data are not yet available to permit final classification of triclocarban for use in bar soap. The available evidence does not indicate that the use of triclocarban in bar soaps presents any known hazard to the general public. Based on blood level data, triclocarban does not appear to be as toxic as hexachlorophene.

A primary area of concern is the data defining the target organ for toxicity. At high blood levels of triclocarban (in excess of 200 ppm TCC/TCC metabolite), the apparent target organ in rats is the testicles. In the opinion of the Commissioner, the data relating the blood level of triclocarban to testicular damage are still not definitive. For example, one set of data in OTC Volume 020189 estimated that blood concentrations of 50 to 70 ppm TCC/TCC metabolite caused pathological changes in the testicles of test animals. More recent data from a 2-year chronic animal toxicity feeding study at 400 mg/kg/day, in OTC Volume 020165, suggest that 200 ppm TCC/TCC metabolite in the blood was an "effect level" and that a dose of 200 mg/kg/day giving a blood concentration of 100 ppm TCC/TCC metabolite was a "no-effect" level. Still other data in the OTC Volume 020139 suggested testicular lesions at oral doses lower than those which resulted in the "no-effect" blood levels mentioned above (100 ppm). In view of these conflicting data regarding blood levels and ensuing testicular damage and in view of the fact that the 2-year chronic animal toxicity feeding study mentioned in OTC Volume 020165 has recently been found to be invalid, the Commissioner regards this as an area of significant deficiency in the data.

Adequate data relating blood level to target organ toxicity and "no-effect" levels will be required in the form of a 2-year chronic animal toxicity study to replace the above-described study, which the Commissioner now considers invalid. As was shown by Maibach (Maibach, H. I., "Skin Penetration of Hexachlorophene in Living Man," Draft of unpublished paper is included in OTC Volume 020186) and confirmed by more recent data for humans, submitted as a comment to the Panel Report, triclocarban may be absorbed through human skin after topical application at a rate of approximately 14 percent of the dose applied. Elimination of triclocarban after topical application is slower than after ingestion, suggesting possible accumulation in the body. However, the adequacy of analytical methods for the detection

of triclocarban and all its metabolites is still questionable, and is made more difficult by the very low levels that must be detected in blood or tissue. Based on some theoretical and some actual data, calculations of potential blood levels in man were made. It is the conclusion of the Commissioner that, until definitive data are accumulated to show blood levels in man from actual use, the concentration of triclocarban in bar soaps should be limited to 1.5 percent. The calculation that led to this conclusion follows, but it should be emphasized that the cause of testicular lesions has not yet been determined to be triclocarban (parent compound), TCC-metabolite or the combination, (TCC/TCC metabolite).

Recently received data confirm that TCC is absorbed at approximately 14 percent under human-use conditions. These data correspond closely to the calculation originally made by the Panel without this information and using certain assumptions:

If a bar soap contains 1.5 triclocarban and an average bath uses 7.0 gm of soap, the total available triclocarban, if instantaneous absorption occurred, would be 105 mg.

1.5 percent of this 105-mg triclocarban remains on the skin as a substantive agent. This retention presents to the body a total of 2.1 mg of triclocarban for absorption.

Since 14 percent of the available 2.1 mg is absorbed, as shown by Maibach, this would allow 0.294 mg of triclocarban to be absorbed from a single bath.

Since an average size human has 5,000 ml of blood, and 0.294 mg of triclocarban is absorbed, the concentration of triclocarban in the blood would be 0.075 ppm. Considering that some part of the population takes two baths per day, and assuming that the total triclocarban to which the individual was exposed accumulated during that day, the blood level would be 0.150 ppm. Data from the submissions to the Panel indicate that triclocarban as the parent compound disappears from the blood within minutes. The exact mechanism(s) of absorption and elimination is not yet clear.

If the most recent data indicating that 100 ppm total TCC (TCC/TCC metabolite) in the blood is the "no-effect" level are confirmed by the additional chronic toxicity study being required, then a safety factor could be calculated as follows:

$$\frac{100 \text{ ppm}}{0.075 \text{ ppm}} = 1,330\text{-fold safety factor (single bath)}$$

$$\frac{100 \text{ ppm}}{0.15 \text{ ppm}} = 665\text{-fold safety factor (2 baths per day)}$$

A major route of elimination of triclocarban from the body is reported to be via conjugation to the glucuronide in the liver. This mechanism is deficient in young animals and human infants. The Commissioner feels that although recent data have shown that an additional metabolic pathway for detoxification exists, this ingredient should be restricted.



from use in infants. The label for the preparation containing the ingredient should therefore state: "Not to be used on infants under 6 months of age".

The Commissioner recognizes that the triclocarban will decompose at elevated temperatures in aqueous solution to yield chloroanilines. There are reported incidences of methemoglobinemia resulting from high-temperature decomposition of triclocarban by Johnson et al (Johnson, R., R. Navone and E. L. Larson, "An Unusual Epidemic of Methemoglobinemia," *Pediatrics*, 31:222-225, 1963). Therefore, soaps or soap products containing triclocarban should not be heated and subsequently used in or on the human body. Additionally, since chloroanilines do have a potential for inducing methemoglobinemia at higher blood levels, the chloroaniline content in bar soaps containing triclocarban should be monitored to limit it to less than 100 ppm. The Commissioner feels that adequate data were presented to the Panel to indicate that 100 ppm chloroaniline, or less, in bar soaps would present no hazard to humans even after multiple baths with such soaps.

The Commissioner further concludes from the references and data submissions reviewed that photosensitization and contact dermatitis from triclocarban are of such rarity that they present no major problem to the general user of a soap containing triclocarban.

Therefore the Commissioner concludes that the only permitted use of triclocarban should be as an antimicrobial ingredient in bar soap formulations at a concentration not to exceed 1.5 percent for use as an antimicrobial soap, health-care personnel handwash, and skin wound cleanser and only for a period of 2 years following publication of the final monograph in the FEDERAL REGISTER. During this period a 2-year chronic toxicity study in animals via oral feeding must be performed to replace the 2-year chronic feeding study involving over 400 rats, which the Commissioner has recently declared invalid. This new chronic toxicity study will be required to resolve any questions of potential testicular, brain, or splenic changes with concomitant blood levels where changes occur. Other possible depots of drug after absorption, such as the lymphatic system, should be determined in the 2-year study.

#### E. IODOPHORS

The Commissioner recognizes the existence of at least three categories of iodophors: (1) solubilized inorganic elemental iodine, such as iodine tincture, USP, or the aqueous iodine-iodide solubilized product; (2) iodine complexed or combined with various surfactant compounds such as poloxamer-iodine complex; and (3) iodine complexed with various nonsurfactant compounds such as PVP-iodine complex (polyvinyl pyrrolidone-iodine). The antimicrobial activity of all of these agents is dependent upon the release of elemental iodine. Iodine is recognized to be a broad spectrum antimicrobial with activity against fungi, viruses, and both gram-positive and gram-negative bacteria.

1. *Solubilized inorganic elemental iodine.* Iodine has a long history of use as a broad spectrum antimicrobial agent. There is extensive literature documenting the effectiveness of aqueous and alcoholic solutions of elemental iodine as an antimicrobial. In fact, the *United States Pharmacopeia* has listed iodine preparations since 1840. The Commissioner concludes that elemental iodine hydroalcoholic solution is safe and effective when properly used on unbroken skin as a patient preoperative skin preparation and is effective for first-aid use on minor wounds as a skin antiseptic, skin wound protectant, or skin wound cleanser. However, he has insufficient information on the effects of its irritating properties and delay in wound healing to classify it in Category I at this time.

A variety of values has been proposed for the minimum concentration at which iodine is lethal to cells. It has been reported that all microorganisms are killed by the same concentration, but the organic load (in a wound, with serum, or on the skin) and pH (acidity) may dramatically change the concentration required to achieve the desired killing effect on the skin. It is difficult to set a level of free iodine that is effective against all types of microbial flora, viruses, fungi, spores, and vegetative bacteria. However, 136 years of clinical experience with this ingredient at a 2-percent hydroalcoholic strength seems to indicate effectiveness at that strength for small minor wounds. The Commissioner, though disagreeing with the Panel's ultimate conclusion declaring iodine tincture unsafe (Category II) for "first-aid" uses, nevertheless is concerned about delay in wound healing, and therefore requiring that either of the wound-healing procedures outlined in the testing guidelines be carried out at the 2-percent hydroalcoholic strength before determining whether iodine can be considered generally recognized as safe and effective for such uses. In addition, because elemental iodine causes burns on occluded skin, label warnings for such products should contain the following warning:

"Do not apply this product with a tight bandage, as a burn may result".

2. *Iodine complexed with various surfactant compounds.* The Commissioner recognizes that elemental iodine complexed with a surfactant type "carrier" molecule reduces the amount of immediate "free" iodine, since most of the formulated iodine is bound in the complex. The Commissioner believes that effectiveness of all iodophors is dependent on the release of free iodine as the active agent and the complexing molecule acts only as a carrier. The Commissioner was not presented adequate data to determine if the complex is really a micellar solubilization of iodine at the molecular level or whether loose chemical bonding exists producing what could be termed a "sociable moiety." Indeed, the complexation of iodine with the carrier molecule is responsible for the changes in characteristics observed in staining, burning, or irritation of the skin. The amount of "free" elemental iodine in solution is a

function of the equilibrium constant of each complexing formulation. If all of the "free" elemental iodine is removed from solution (as in the case of application to a wound where potentially all iodine present is bound by total organic load), then a finite period of time would be required before a new equilibrium would be established. Once the iodine is released from the complex, it acts as elemental iodine, a broad spectrum antimicrobial agent. After release of iodine, the carrier molecule remains at the site as any other similar surfactant molecule.

The Commissioner concludes from the data submissions that iodine complexed with a surfactant is an acceptable way of presenting iodine as an antimicrobial agent to a wound site or the skin. The purpose of presenting iodine in such a form is to reduce the staining and toxic (locally) properties inherent in the iodine molecule. Since most of the formulated iodine is tied up in the complex, the amount of "free" iodine available at any given instant is relatively small. Therefore, theoretically, the degree of irritation should be lessened. Indeed, the data submitted substantiate a reduced degree of iodine burn from the complex. In many cases, because the amount of "free" elemental iodine released from the complex is not enough to cause tissue burns, the area covered by it may safely be covered with adhesive tape or bandaged. This is a significant advantage for these iodine preparations over older iodine formulations, such as tincture of iodine. The concern of the Commissioner has been that this advantage of complexed iodine may also be its most serious disadvantage. The advantage of the iodophor is that the area can be treated and bandaged without irritation, while the serious disadvantage may be that actually there is less free iodine as an active antimicrobial. The Commissioner was presented no significant data about the "release" or dissociation of iodine from the complex. Additionally, the Commissioner is concerned about the lack of stability data of iodophor formulations.

The Commissioner is aware of the proposed mechanism, which has been described in U.S. Pat. 3,028,299 (Winicov, M. W. and W. Schmidt, "Germicidal Compositions and Methods for Preparing the Same," United States Patent No. 3,028,299, issued April 3, 1962), and the theory of the establishment of an equilibrium between free iodine and complexed iodine. The labeling for a given product states the amount of available or titratable iodine in the formulation. However, only a fraction is in the "free" elemental iodine form at the time of use. The concern of the Commissioner is the lack of data in the cases of actual use of the product which identifies the fraction that is "free." For example, once the "free" elemental iodine is bound to an organic load (in a wound, with serum, or on the skin), how rapidly is new elemental "free" iodine available from the complex? Does pH influence rate of release? Only preliminary data were presented to the Panel in the form of rapidity of titration with thiosulfate or ra-

pidity of partitioning between two immiscible solvents. The Commissioner considers this form of data inadequate since it does not reflect actual conditions of use. For example, will the dissociation of iodine from the complex take place at the same rate in the presence of iodine bound to an organic load? No such data were submitted and before final classification of these iodophors for most applications can be made, such data are necessary.

Another area of concern for the Commissioner was the lack of stability data submitted for the several iodophor preparations. It is recognized that elemental iodine is a rather powerful oxidizing agent, as are all the halogens. It was suggested that some iodophors are not stable over a 2-year shelf life period. The Commissioner concludes that until data to the contrary are submitted, stability of iodophor products is sufficiently in question to require an expiration date not to exceed 2 years after manufacture and that stability data be submitted to the agency.

The Commissioner concludes that inadequate data on stability and availability of free iodine were presented for all applications to permit final classification of these surfactant iodophors at this time. Some data submitted suggest that with certain of the surfactant iodophors the volatile characteristics of iodine are not changed. In an occluded environment such formulations may corrode the tissue resulting in tissue burns. It was also suggested that all surface active agents cause hemolysis and tissue irritation and for this reason all surfactant-containing iodophors should be removed from soft tissue or surgical wounds prior to their closure. The Commissioner notes only a very small number of clinical studies with the surfactant iodophors which could shed light on these problems. The Commissioner therefore also concludes that surfactant iodophors must be studied to define retardation of wound healing before they are labeled as skin wound cleansers, skin antiseptics, and skin wound protectants. For all other product categories the following controlled studies should be conducted: blood levels of iodine (and iodide) and/or the carrier or complexing molecule following various types of usage of the product; systemic toxicity after absorption of the carrier molecule (animals only); and the target organ for toxicity from the carrier molecule.

As noted above, one of the primary concerns of the Commissioner is the influence of surfactant iodophors on rate of wound healing. Conflicting data were presented in the area of effect on wound healing. For example, several citations were submitted indicating little or no effect from the iodophor on rate of wound healing. In contrast to these, data were presented suggesting that certain nonsurfactant iodophors (povidone-iodine type) delay the rate of wound healing. In attempting to resolve this question, the Commissioner notes a paucity of controlled research that would define whether any delay in wound healing is

due to iodine, carrier molecule, or the combination. He recommends that either the skin wound-healing procedure for rabbits or the procedure employing the use of hygrometry to assess wound repair on humans be carried out on iodine, the carrier molecule, and the combination (see testing guidelines).

Another primary area of concern to the Commissioner is the paucity of clinical evaluation data dealing with the claimed effectiveness of most of the surfactant iodophors. There were many in vitro tests reported, and the Commissioner is satisfied that, under the specific conditions of test for the in vitro evaluation, the specified iodophor had the stated antimicrobial effects. The Commissioner does feel, however, that clinical claims made from extension of the in vitro data were largely unwarranted in the absence of clinical data. The Commissioner will therefore require that appropriate controlled clinical studies for effectiveness of all product classes except skin wound cleanser and skin wound protectants be conducted on each surfactant iodophor in accordance with the testing guidelines below.

The Commissioner recognizes a danger in the use of iodophor and detergent (surfactant) preparations when there is contact with starch granules during a surgical procedure. Surgical gloves lubricated with powdered starch can cause idiopathic pathology after surgery. Such starch can absorb iodophors or detergents and the resultant complex can cause serosal adhesion and other undesirable effects in the body. The Commissioner will therefore require an appropriate label warning for products containing both povidone-iodine complex and surfactant-iodine complexes should they be classified as Category I in the monograph.

In specifying some shortcomings in the data submitted, the Commissioner does not mean to imply that a known hazard exists from these products. On the contrary, the Commissioner received enough toxicity data to convince him that there is no known hazard to the public from the use of these iodophors.

3. *Iodine complexed with nonsurfactant compounds.* The only example of this nonsurfactant type iodophor was povidone-iodine (polyvinyl pyrrolidone-iodine) complex. Some testimony was presented suggesting that povidone-iodine is a distinct chemical entity, while other testimony suggested that povidone-iodine is only a complex of polyvinyl pyrrolidone and iodine. In the absence of definitive data, the Commissioner is referring to povidone-iodine as a complex. Some evidence was presented that indicates iodine is released more slowly from povidone-iodine complex than from the surfactant-iodine complex. For skin antiseptics the Commissioner will require the same rate-of-release data in the presence of an organic load for the povidone-iodine complex as is required of the surfactant-iodine complex.

The Commissioner has reviewed the data available to the Panel as well as

data submitted in the comments and concludes that the data proving the safety and effectiveness of povidone-iodine are still inadequate and the product must remain in Category III.

Data were presented that indicate that povidone-iodine preparations are used in volume on large burn areas, on vaginal mucosa, in large open wounds, and in abdominal surgery. Following such indiscriminate use, it was shown that some individuals exhibited altered protein bound iodine (PBI) levels and thyroid function. Therefore, the Commissioner cautions against such use in large volume or areas until more controlled research is conducted to show the conditions of use under which thyroid function would or would not be altered, and the amount of povidone-iodine required to induce alteration.

While reviewing the data submissions and comments to the Panel report, the Commissioner was concerned about label claims made without adequate supporting clinical effectiveness data. Statements implying "long-acting germicidal" activity or prolonged viricidal or sporicidal activity with iodine suggested clinical effectiveness over relatively long periods of time. Two questions relating to effectiveness of skin antiseptics arose from such implication: (1) What is the rate of release of "free" iodine from the complex in a clinical application and (2) what is the evidence of "germicidal" activity over a period of time in a clinical application? The Commissioner concludes that definitive research must be conducted to answer these questions as well as to define the limiting conditions for the antimicrobial activity of iodine, whether free or bound in an iodophor before povidone-iodine complex can be placed in Category I.

Reports have appeared in the literature which have indicated possible lymph node changes by circulating povidone-iodine. The Commissioner recognizes that certain molecular weights of povidone have been used as plasma expanders, which have caused the node changes. Povidone-iodine preparations have been used in large open wounds and in the abdominal cavity, but the Commissioner feels that inadequate data were made available to prove positively that such lymph node changes do not take place following such uses of povidone-iodine. The primary recommendation for additional work in this area is to show the extent of scavenging of residual povidone-iodine molecules by the reticuloendothelial system and possible lymph node involvement following use in abdominal cavities or in large wounds. As noted in paragraphs 71 and 72 above, in the event that povidone-iodine is classified as Category I and included in the monograph, it would need to carry a warning against use in deep or puncture wounds and a warning in professional labeling against use of this ingredient parenterally, use in the body cavities, and exposure of open surgical wounds to it. The Commissioner is convinced by the Panel report that there is little, if any, danger of



carcinogenesis from residual povidone-iodine molecules.

4. **Conclusions on iodophors.** The general deficiencies noted with the iodophors involve both safety and effectiveness, while the issues related to elemental iodine primarily involve safety questions of wound-healing delay. For iodophors, the question of iodine release from the complexed molecule, including rate of release and binding to other materials, as well as the influence of the release rate on effectiveness, must be resolved.

The stability of complexed iodine over time and with varying environmental conditions must be known and controlled so a stable product is marketed and effectiveness can be assured. Because of this stability problem, all topical antimicrobial products containing complexed iodine must bear an expiration date. The systemic absorption of topically applied iodine must be measured using the currently accepted assay procedures. In some cases, the toxicity of the carrier molecule has been only superficially characterized.

Neither the Commissioner nor the Panel was presented any data to show that iodine (elemental) or iodophors can be formulated into antimicrobial soaps. Accordingly, these ingredients are not generally recognized as safe or effective for such use (Category II).

#### F. QUATERNARY AMMONIUM COMPOUNDS

Since the first introduction in 1935 of quaternary ammonium salts ("quats") with surface active characteristics used as antimicrobial agents, there has been wide use and acceptance of these compounds as antiseptics and disinfectants. There has also been much controversy concerning their microbial spectrum, inactivation with incompatible materials, and potential hazard as a result of gram-negative contamination, particularly with *Pseudomonas*.

Quaternary ammonium compounds are cationic surface active agents. They can be differentiated from nonionic and anionic surface active agents in that they are essentially organically substituted ammonium compounds which can be characterized by the following general representation:  $[R_4N^+R_5]X^-$ . "R" represents a lipophilic group such as long chain hydrogen alkyl or aryl-alkyl radicals or other groups; "X" represents a negative ion such as a halide, sulfate or other radical; and "N" represents nitrogen.

The inherent nature of this type of molecular structure allows the synthesis of a large number of variants. The challenge has been met by the production of extremely large numbers of these compounds. The Commissioner has reviewed only three of these, and restricts his comments to those for which data were submitted: Benzalkonium chloride, benzethonium chloride, and methyl benzethonium chloride. It should be understood, however, that these compounds have characteristics that are common to the whole class of quaternary ammonium compounds. While the microbial

spectrum does not vary significantly among these compounds, an expanding list of new synthesized compounds could lead to a wider variation in the spectrum of microbes attacked. However, because only these three quaternary ammonium active ingredients were submitted to and reviewed by the Panel, all other quaternary ammonium compounds are not generally recognized as safe or effective unless and until appropriate petitions are received and approved modifying the monograph. Only holders of new drug applications may continue to market quaternary ammonium compounds other than benzalkonium chloride, benzethonium chloride, and methyl benzethonium chloride.

There is an interference action between cationic and anionic surface active agents with the result that these ionic types of compounds cannot be formulated together without inactivation of the germicidal activity of both compounds. In contrast, the nonionic compounds are often formulated with cationic "quats" in products known as germicidal detergents.

"Quats" and all surface antibacterials have been shown to affect membrane permeability. Indeed, this group of compounds has been called membrane-active. Many authors have recorded the loss or leakage of cell contents after exposure to "quats." Specific transport mechanisms may also be affected. "Quats" probably produce a generalized breakdown in the semipermeable characteristics of the membrane.

Gram-positive microorganisms are generally more susceptible to the effect of the "quats" than gram-negatives.

The "quats" are nonspecifically adsorbed to the cell membrane. In any case, the unprotected cell membrane is sensitive to the action of the "quats." Difference in sensitivity is conferred by access to the cell membranes.

This difference is probably due to the differences in the cell wall of gram-positive and gram-negative microorganisms. The adsorptive character of the cell wall probably determines the ability of the quaternary to reach and affect the cell membrane beneath the cell wall.

Early reports of the bactericidal activity of "quats" in low concentrations could not be supported when adequate neutralizing chemicals were added to the culture medium for testing antibacterial activity. In early tests, enough "quat" molecules adsorbed to the cells were carried over into the subculture medium to prevent the cells from growing when transferred to culture media. The meaning of the results of such tests was misjudged and misinterpreted during the early effectiveness testing of the "quats."

The gram-negative *Pseudomonas* species are frequently resistant to destruction by "quats." The lack of lethal activity of "quats" against *Mycobacterium tuberculosis* has been well established. The fungicidal activity of "quats" is generally less than against bacteria and only some of the newer "quats" show any significant antiviral activity. Tables listing the spectrum of "quats" against

a variety of microorganisms are numerous.

The presence of organic materials substantially reduces the antimicrobial effectiveness of "quats." Their surface active nature permits easy adsorption on surfaces of even glass and plastic, and consequently, residues of "quats" may remain. In fact, the adsorption of "quats" onto the bacterial cell surface and subsequent carryover to the subculture medium in testing accounts for early exaggerated claims of effectiveness for "quats."

The cationic "quats" are inactivated by anionic compounds, soaps, Tween 80, and sodium lauryl sulfate as well as by certain metallic ions. Hard water and acidity also reduce the activity of the "quats." On the other hand, among newer "quats" synthesized there are some which are not adversely affected by hard water and acidity.

Because of their reported low toxicity and ease of use, especially with detergents, these compounds have been widely used for dipping solutions and "cold" instrument sterilization in hospitals. Organic material is commonly added to the solutions; and as a result of failure to clean materials or replace old solutions, added microorganisms are not inactivated and can grow and reproduce. Several serious outbreaks of gram-negative infection, as well as infections caused by other organisms, have been reported as a result of contaminated quaternary ammonium solutions.

Preservative ingredients can be added to quaternary ammonium salts to prevent the growth of gram-negative microorganisms, particularly *Pseudomonas*. Such a preservative system must be adequately challenged by effectiveness testing. The minimum acceptable standard for challenge testing of the preservative system and the chemical content would be the USP XIX Antimicrobial Preservative-Effectiveness Test (pp. 587-588) and the Antimicrobial Agents-Content Test (pp. 621-622).

The Commissioner is not seriously concerned with the safety of "quats" for "first-aid" uses, i.e., in skin wound cleansers, skin wound protectants, and skin antiseptics. However, before "quats" in general can be finally classified for such uses, the following minor issues must be resolved: delay of skin wound repair, contact dermatitis, and sensitivity to "quats." Data on the effectiveness of quats for these uses must also be developed. The three "quats" for which data were submitted have, however, had these questions sufficiently resolved to be classified in Category I for use in skin wound cleansers.

While human systemic absorption and toxicity after topical application cannot be precisely established based on a review of the scientific literature or submitted data, the systemic toxicity of "quats" in animals is low. The LD<sub>50</sub> and chronic oral study values in several animal species are reported. The toxicity reported is indicative of and reflects the surfactant nature of the molecule. The

"use dilution" for the "quats" is usually about 1/750 for topical application.

Further, even though specific absorption and systemic levels in humans have not been reported for the three "quats" reviewed, considering the concentrations applied, and extrapolating from animal studies, toxic effects at use levels would be unlikely.

The irritating nature of quaternary compounds on the skin, mucous membranes, and in the eye have been reported extensively. The degree of irritation is dependent on concentration and/or occlusion. However, there is little irritation potential with the use concentrations.

Various reports of toxicity related to the detergent nature of these compounds have been published. Two authors reported that repeated application of 1 percent benzethonium chloride to the skin caused damage with cellular degeneration. "Quats" have been shown to alter the permeability of the human skin to sodium and potassium ions and to cause enhanced percutaneous absorption. Also, occasional reports of non-allergic and allergic contact dermatitis have been made in several reports.

Necrotic ulceration has occurred where detergent creams containing "quats" have been applied to moist areas of the skin of the genitals and buttocks under occlusion.

A number of published articles that deal with the toxicity of the specific "quats" have been reviewed. References to sensitivity and contact dermatitis produced with "quats" have been reported.

One aspect of the result of the use of "quats" deals with both effectiveness and safety. Over the years since their introduction, the variety and frequency of their use have increased. Several reports indicate systemic infections by *Pseudomonas aeruginosa* and other gram-negative bacteria resulting from contamination of detergent fluids in which surgical instruments had been stored. These untoward episodes are not all necessarily due to inherent properties of the "quats," but can result from misuse, contamination with neutralizing substances, and improper conditions of storage.

The Commissioner is aware that use or misuse of quaternary ammonium compounds in health-care facility environments has in certain instances been associated with outbreak of *Pseudomonas* and other gram-negative bacterial infections. Such modifications in microbial environments must be studied. In addition, until such studies have been reviewed by the agency the warning will have to appear on professional labeling for all quaternary ammonium compounds intended for use in health-care facility environments that misuse or overuse may lead to *Pseudomonas* or other gram-negative pathogen overgrowth with attendant health risk to debilitated patients.

The Commissioner concludes that the effectiveness of the "quats" appears to be limited and that their effects in vivo on

either resident cutaneous flora or on potentially pathogenic transients on the skin have not been clearly demonstrated. This conclusion is based on the relevant factors which follow.

While the growth of *Staphylococcus aureus* and certain other gram-positive bacteria is inhibited by low concentrations of the "quats" in vitro, their reaction to these substances within the cutaneous ecosystem has not received sufficient attention. Since it has been shown that "quats" are rapidly adsorbed to proteins and to cotton fibers and their germicidal activity is reduced in the presence of serum and soap, their effectiveness on the skin or in superficial wounds is much less than would appear from results obtained with in vitro procedures.

Many gram-negative bacteria are resistant to the germicidal action of "quats," and some strains of *Pseudomonas* can survive and multiply in aqueous solutions of these substances. Such strains may be resistant to related preparations. Strains of the same species can also vary in their sensitivity to the "quats," and this attribute can change as a result of artificial culture. In vitro testing of a series of strains recently isolated from human infections and other appropriate habitats must be undertaken before the germicidal effects of the "quats" on gram-negative species can be satisfactorily assessed.

*Mycobacterium tuberculosis*, some species of *Clostridia*, most dermatophytes, and many viruses are not inactivated by the "quats." There are few reports on the in vitro or in vivo susceptibility of pathogenic fungi or protozoa to "quats."

Various reports show that the application of "quats" to the skin reduces both the bacterial count on hands and in the axilla with subsequent reduction of body odor. However, the Commissioner concludes that since the three quaternary ammonium compounds cannot be formulated into antimicrobial soaps, they are not generally recognized as safe or effective for such use.

The three quaternary compounds reviewed by the Commissioner have been widely used for many years. Further safety data need only be developed where appropriate for particular product classes as set forth above in this discussion. In addition, the in vivo effectiveness of these ingredients for the product categories other than skin wound cleanser and antimicrobial soap needs to be evaluated as set forth in the testing guidelines below, including the use of specific neutralizers.

#### G. PHENOL 1.5 PERCENT OR LESS IN AQUEOUS/ALCOHOLIC SOLUTION

Lister first demonstrated the usefulness of carbolic acid (phenol) as a germicide in the surgical theater in 1867. Although it has been used since then, the topical use in particular has declined in recent years with the availability of new antimicrobials. Its microbicidal mode of action is as a protein denaturant. An easily dissociated complex of the phenol

molecule and protein is formed. This complex formation permits the penetration of phenol through intact or abraded skin, mucous membranes or subcutaneous tissues with which it comes in contact. Phenol also may gain access to the pulmonary circulation through inhalation of its vapors. Many of the toxic effects discussed occur when phenol is absorbed at levels of 1.5 percent or less. However, toxic effects are more serious at concentrations greater than 1.5 percent. (See discussion of phenol greater than 1.5 percent.)

Although phenol is no longer a significantly used antimicrobial, it is still formulated in topical products, and there is a large body of literature concerning its effectiveness. Phenol was widely used and accepted as an antiseptic when little else was available, and its use is certainly historically important. However, it is now obvious that the level of phenol required in a formulation to be effective is frequently so high that it cannot be used safely on the skin.

Phenol can be bacteriostatic or bactericidal depending on the concentration. Phenol is not sporicidal.

The mechanism of action on the microbial cell is very likely the disruption of the cell wall and precipitation of the cellular proteins.

Because phenols have a high oil/water partition coefficient (tendency for phenol to remain in the oil phase), the antimicrobial activity may be decreased in the presence of excess oil or fats. Since many phenol products are formulated as ointments or creams, in vivo studies must be conducted to show the antimicrobial effectiveness of phenol in these formulations. In addition, many of the reported effectiveness tests for phenol published in the literature and/or submitted to the OTC Panel were carried out before the development and use of neutralizers in antiseptic testing.

Phenol is a classic example of a chemical which is metabolized and eliminated from the body by glucuronide conjugation in the liver. This mechanism may be deficient in young animals and human infants. The Commissioner finds that inadequate data concerning elimination and toxicity in young animals were submitted. The Commissioner concludes that adequate research in young animals with blocked formation or unavailable glucuronide systems be conducted in order to define the toxicity potential for human infants. Since the liver is considered the major organ for conjugation, the effect of inadequate or impaired liver function on elimination and toxicity should also be determined.

Therefore, the Commissioner recommends that unless such studies as described above are conducted within 1 year following publication of the final monograph in the FEDERAL REGISTER this ingredient should not be used on infants. The label for the preparation containing the ingredient would need to state: "Not to be used on infants under 6 months of age."

The Commissioner notes that the Panel reviewed a published report that doses of



phenol above 5 percent act as a tumor promoter in mice when applied topically (Boutwell, R. K. and D. K. Bosch, "The Tumor-Promoting Action of Phenol and Related Compounds for Mouse Skin," *Cancer Research*, 19:413-424, 1959), and that the Panel concluded that carcinogenicity studies should be done to determine whether in fact phenol itself may have any carcinogenic potential. The Panel also said that data on the teratogenic and mutagenic potential of phenol should be developed.

The Commissioner recognizes that the accepted protocol for determining the potential for the carcinogenicity or cocarcinogenicity (tumor promotion) of any drug is the National Cancer Institute (NCI) standard bioassay program. Phenol has been included in this program, but the results are not yet available. The Commissioner will carefully review the results of the NCI study and will determine at that time whether any regulatory action is appropriate. The Commissioner concludes that, since no evidence of teratogenicity or mutagenicity was presented to and reviewed by the Panel, and since there are no reports in the many years of experience with phenol suggesting that it has a teratogenic or mutagenic potential, mutagenicity and teratogenicity studies are not required.

The Commissioner concludes that the total concentration of phenol in powders and in aqueous, alcoholic, or oil formulations be restricted to less than 1.5 percent. When camphor is used with phenol in an oil formulation, the concentration of phenol should be no more than 5 percent. Chemicals with phenol activity, such as sodium phenolate and secondary-amyltrichlorosols, should be considered as phenol in the calculation of the total phenol in any formulation. The amount of phenol available as an antimicrobial will, of course, depend upon the particular formulation and the amount of phenol in a free state. The Commissioner further concludes that phenol may be used as an inactive ingredient for its aromatic characteristics in formulations, but at a concentration of less than 0.5 percent of phenol in a free state.

It seems apparent that even with phenol's long history of use, the Commissioner must now recognize that the levels at which phenol in aqueous and alcoholic formulations is effective topically are also the levels at which topical and systemic toxicity may occur, even though severity of toxicity is dependent on concentration. The fact that these two elements converge has made it necessary for the Commissioner to limit the concentration which may be marketed while testing for safety is concomitantly performed to less than 1.5 percent. Because the Commissioner is aware of rather severe toxicity with the use of phenol in animals and man, concentrations greater than 1.5 percent are not generally recognized as safe. (See discussion of phenol greater than 1.5 percent.) Even though the effects of phenol toxicity at lower concentrations are similar, the severity is dependent on the concentration. It is the Commissioner's view that the demonstration of effectiveness at 1.5 percent or

less may be exceedingly difficult but that the use of this concentration does not present a known hazard to the consumer. The toxicity of phenol has been extensively described. The major lack of data is in vivo efficacy studies with concentration at 1.5 percent or less. In vivo studies performed with modern testing and skin sampling procedures, including the use of neutralizers, are required.

Because of the reports of local and systemic toxicity after the use of phenol-containing products covered with bandages over large areas of the body, the use of phenol is restricted to small areas of the skin, and occlusive dressings, bandages, or diapers in any form should not be used. Phenol-containing preparations should not be used for the treatment of diaper rash. The label should state: "Warning: Do not use for diaper rash or over large areas of the body or cover the treated area with a bandage or dressings". Because of this safety consideration, this warning will be required to appear on all phenol-containing preparations within the purview of this document at the time labeling required in the monograph must appear on OTC antimicrobial products.

#### H. PARA-CHLORO-META-XYLENOL

Very little information was submitted to the Panel with regard to para-chloro-meta-xylene (PCMX). Only a few acute oral and inhalation studies were submitted. These studies do not indicate a high degree of acute toxicity with an oral LD<sub>50</sub> of greater than 3 gm/kg in rats.

However, because the information that could be obtained from subchronic dosing by various routes of application, determination of target organ, dermal and mucosal absorption, and metabolic studies are not available, an evaluation of the safety of this chemical in a topical preparation could not be made. There were two reports of contact dermatitis associated with PCMX. In addition, information is not available regarding the effects of para-chloro-meta-xylene on wound healing. The Commissioner notes that the Panel did not review any studies evaluating the carcinogenic, mutagenic, or teratogenic potential of PCMX, and that to the Panel's knowledge no such studies had ever been performed on PCMX.

It has been reported that PCMX is metabolized by glucuronide and sulfate conjugation. Due to the reported deficiency of metabolic conjugating mechanisms in infants, the Commissioner concludes that toxicological safety evaluation of PCMX should include studies to demonstrate safety in animals deficient in these detoxification mechanisms. Since the liver is considered the major organ for conjugation, the effect of impaired liver function on elimination and toxicity would be important.

Therefore, the Commissioner concludes that unless such studies as described above are conducted within 1 year following publication of the final monograph in the FEDERAL REGISTER this ingredient should not be used on infants.

The label for a preparation containing the ingredient would need to state: "Not to be used on infants under 6 months of age".

PCMX is a halogen substituted phenol compound. Many of the comments made for the effectiveness testing of phenol apply here. Halogen substitution increases the antimicrobial activity of phenol derivatives. The halogen in the para-position to the hydroxy group is considered the most effective substitution. Thus, the indications are that this compound would show good in vitro activity. Very little information about the in vivo activity on the skin is published or was submitted to FDA for review. At least one report, using a serial washing technique, indicated only a slight effect on resident bacterial flora of the skin. Another study reported approximately a 70 percent reduction in microbial count of the flora of the hands after 10 days of use.

PCMX is primarily active against gram-positive organisms with activity against gram-negative microorganisms in vitro. Fungicidal activity in vitro is also reported. The phenol coefficient is reported to be around 40, but the results vary.

Claims for broad spectrum activity have been made for this compound; however, the Commissioner finds that inadequate effectiveness data were submitted. Many studies were old and not performed with modern antiseptic testing procedures. The Commissioner concludes that effectiveness testing both in vitro and in vivo should be done in accordance with the Guidelines elsewhere in this document.

Only the most superficial toxicity data in animals were submitted to and reviewed by the Panel. The Commissioner concurs with the Panel that toxicity in rodent and nonrodent species, substantivity, blood levels, distribution and metabolism as well as any subsequent systemic absorption studies must be characterized before this ingredient can be considered for placement in Category I.

Although additional data were submitted after publication of the Panel's report, the Commissioner has reviewed these data and finds that they are not sufficient to permit classification of PCMX in Category I. The additional material consists of routine toxicity tests and some in vitro testing. The techniques used and the level of sophistication displayed do not meet the Guidelines discussed elsewhere in this document.

The degree of absorption of PCMX following topical administration has not been established. The target organ for PCMX toxicity in animals also remains unidentified and should be shown in a long-term animal toxicity study. Therefore, the Commissioner concludes that those studies described above should be conducted within 2 years following publication of the final monograph in the FEDERAL REGISTER. PCMX should not be used in infants until these studies have been completed and evaluated. In vitro and in vivo efficacy studies with up to date sampling techniques, including the use of neutralizers, are also required. The

Commissioner disagrees with the Panel that carcinogenicity, mutagenicity, or teratogenicity studies must be completed. The Commissioner concludes that, in the absence of any data suggesting that PCMX has any carcinogenic, mutagenic, or teratogenic potential, testing for these properties should not be required.

#### I. HEXYLRESORCINOL

The Commissioner has reviewed the Panel's report as well as other data regarding the safety and effectiveness of hexylresorcinol and has determined that though this ingredient is safe, he has insufficient information regarding its effectiveness to place it in Category I.

Hexylresorcinol has a history of use as an oral anthelmintic in humans. In these cases the dose used in children has been 600 to 800 mg and in adults 1,000 mg, without systemic toxicity. However, irritation and ulceration of the oral and gastrointestinal mucosa have been reported from these high doses. The few animal toxicity studies submitted as summaries indicate a low order of toxicity.

During its long history of use, there have been a few reports of dermatitis and allergic reactions following the topical application of hexylresorcinol to skin and of irritation of the oral mucosa from the use of cough drops and toothpaste containing hexylresorcinol. The Commissioner concludes that hexylresorcinol does not present a known hazard to the general public from use as a topical preparation.

Data have been submitted demonstrating in vitro effectiveness using techniques available some years ago. Neutralizers for antiseptic testing were not in general use at the time these studies were performed and their use was often ignored. Nevertheless, that effectiveness data looked very promising.

The Commissioner has reviewed rather extensive reports of the oral administration of hexylresorcinol to humans with other accompanying animal toxicity data and has concluded that topical application, even where absorption might occur at high levels, is safe. The area in which data are lacking concerns the in vitro and in vivo effectiveness of the ingredient and of formulations containing it. Appropriate effectiveness data for the different product classes must be generated using testing procedures and skin-sampling techniques, including the use of neutralizers as set forth in the testing guidelines.

#### J. TRIPLE DYE

The Commissioner has reviewed the safety and effectiveness of the combination of antibacterial dyes (crystal violet, 2.29 gm, brilliant green, 2.29 gm, and proflavine hemisulfate, 1.14 gm and sufficient water to make 1,000 ml) known as triple dye for the treatment of the umbilicus prior to the availability of hexachlorophene for this purpose. He has also reviewed its recent use in the prevention of staphylococcal colonization of neonates as a possible replacement for

hexachlorophene. He concludes that the evidence indicates that a single application of triple dye to the umbilicus is effective in the reduction of staphylococcal colonization in infants in the hospital nursery. However, additional safety data, including the degree of percutaneous absorption and concomitant toxicity of the combination, are required.

Additional effectiveness data are needed to determine the duration of protection following a single application of dye. The difficulty in establishing effectiveness by skin sampling for staphylococcal colonization is increased by the presence of small quantities of transferred dye in the culture medium used to isolate staphylococci and must be considered in further tests of effectiveness.

It is the opinion of the Commissioner that the data reviewed were not sufficient to permit final classification of triple dye.

The application of triple dye to the umbilicus is a potential replacement for hexachlorophene bathing of infants in the nursery to reduce staphylococcal colonization. Further data on the absorption and possible carcinogenicity of the dye ingredients should be generated before triple dye can be placed in Category I for this limited indication.

#### K. COMBINATION ANTIMICROBIAL PRODUCTS

The Commissioner has reviewed data on antimicrobial bar soaps containing a combination of active ingredients. One of these, containing triclocarban and cloflucarban, is classified in Category III. The other, containing tribromsalan and triclosan, is placed in Category II. No information on the safety and effectiveness of other combinations of ingredients was received. Therefore, for lack of data, they are not generally recognized as safe or effective. Conditions possibly exist where the benefit-to-risk ratio is such that their use may be valuable, if not necessary. However, such combination antimicrobial agents should not be available for over-the-counter use until sufficient safety and effectiveness data are submitted. In addition, information on a third combination, containing quaternary ammonium compounds, was submitted during the comment period. Data contained in the submission were sufficient to show that the combination does not pose a health risk of any kind, but insufficient to show whether the individual ingredients or the combination is generally recognized as safe and effective. Accordingly, that combination is placed in Category III.

For all combinations the level of each antimicrobial ingredient in the combination must make a contribution to the claimed effect for the product. The total amount of individual antimicrobial ingredients, in combination, should result in an effect that is at least equal to that achieved when any one of the individual ingredients is used alone at the same total concentration without significantly reducing safety. In some instances the Commissioner has established maximum dose levels of an antimicrobial when used alone. If such antimicrobials are

placed in combinations, no individual antimicrobial in the combination may exceed the dose level approved by the Commissioner.

The Commissioner believes that antimicrobial agents are somewhat different from combinations of other OTC ingredients in that they act upon a foreign entity, the microorganism, rather than the host. In combinations of nonantimicrobial ingredients, the advantage of the combination may be that therapeutic activity is obtained at lower dosages for each component ingredient, whereas there can be no contribution to effectiveness of an antimicrobial ingredient by combining it with antimicrobial ingredients having identical bactericidal, virucidal, and fungicidal properties. Consequently, the Commissioner concludes that a rational combination of antimicrobials should have one of the following purposes: expansion of the microbial spectrum relevant to the product class for which the combination is intended, reduction of the toxicity of one or both of the ingredients, or a synergistic effect.

Furthermore, when two or more ingredients are combined as antimicrobial soaps, toxicity data must be available to show that the metabolism, excretion, or target organ toxicity are not enhanced or synergistically affected by the combination, for example, through the metabolism or excretion of one of the ingredients. When two or more antimicrobial ingredients are combined for the other product class, data must be available to show no decrease in safety.

#### IV. FINAL TESTING GUIDELINES FOR SAFETY AND EFFECTIVENESS OF OTC TOPICAL ANTIMICROBIALS

##### A. INTRODUCTION

As noted above, the Commissioner adopts the findings of the Panel for Category III testing guidelines by restating them in this document. However, these guidelines have been extensively modified to incorporate new data, new testing approaches, and to reflect more accurately the needs of the agency in determining general recognition. The Panel's findings have also been modified for clarity, regulatory accuracy, and to delete gratuitous or unsupported statements. In addition, the Commissioner's agreement with comments that suggested modification of the Panel's findings are reflected in the Commissioner's version of this section.

Important substantive modifications made by the Commissioner are: 1. Addition of the safety factor calculations discussion contained in the Panel report (39 FR 33112);

2. Modification of the topical safety discussion in section A.1 (39 FR 33135), relating to the effect of an antimicrobial ingredient on shifts in the body's normal microbial flora, to require the shift not to result in evident pathological changes;

3. Modification of the systemic safety discussion in section A.2. (39 FR 33135) to: a. Delete the requirement of development of chemical analysis and/or bioassay techniques for detection of the chemical or its metabolites in biological tissues and secretions;



b. Require determination of blood levels reaching plateau and other long-term pharmacologic effects; and

c. Delete the requirement of determining metabolic fate of an ingredient as it is metabolized in the body. Such a requirement is far beyond the intended scope of testing guidelines for general recognition of safety and effectiveness.

4. Modification of the in vitro effectiveness testing requirements in section B.1 (39 FR 33136) to: a. Accept the concept that reduction of normal microbial flora, both resident and transient, is beneficial;

b. Set limits of microbial flora reduction needed before certain claims can be made, e.g., 1 log<sub>10</sub> reduction for antimicrobial soap effectiveness; and

c. Set forth those organisms upon which these antimicrobials must be tested.

5. Modification of the in vivo effectiveness testing requirements in section B.2. (39 FR 33136) to: a. Require a determination of the minimum concentrations of active ingredients required to produce the claimed effect for particular product classes; and

b. Delete the Quinn Handwashing Test for antimicrobial soap effectiveness.

6. Set forth several additional testing protocols including: a. Animal and human tests for determining delay in wound healing for "first-aid" product classes;

b. A test for demonstration of the ability of a skin wound protectant to act as a barrier against further contamination with microorganisms; and

c. A test for determining that a skin wound protectant does not favor growth of microorganisms.

7. Inclusion of U.S.P. and CTFA tests, with modifications, for determination of the effectiveness of antimicrobial ingredients as preservatives.

The Commissioner considers these testing guidelines to be final, subject to modification upon a properly supported request. These guidelines, and future modifications thereto, will be available in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. No further changes in these guidelines will be published in the FEDERAL REGISTER. However, notification of amendments to the guidelines will appear as a notice in the FEDERAL REGISTER pursuant to § 10.90 (b) (5) of the agency's regulations on Administrative Practices and Procedures (21 CFR 10.90 (b) (5)), formerly § 2.20 (b) (5) prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553).

After review of the data submitted for antimicrobial ingredients in soaps, surgical scrubs, skin washes, skin cleansers, and first-aid products submitted to and considered by the Panel, the Commissioner has developed the following guidelines for safety and effectiveness studies. These guidelines, which must satisfy the requirements for adequate and well-controlled studies as specified in 21 CFR 314.111(a) (5) (ii), may be followed to develop data for specific ingredients

where the information does not currently exist

The Commissioner recognizes that antimicrobial use ranges from total body exposure to application on small areas of the body. Such use may extend from daily and repeated, to intermittent and occasional application. The Commissioner also recognizes that the list of products may include solids, liquids, creams, powders, and aerosols formulated with various chemical excipients. Those manufacturers or distributors who desire to move Category III ingredients or combinations into Category I should select from the guidelines those tests appropriate for their type of product and its intended use. They should be prepared to explain and justify their test selections. Test data submissions will not be required beyond those which the Commissioner has stated are required in the Category III discussion above. For example, the Commissioner will not require long-term toxicity studies for product classes of the short-term or single-use variety, such as the "first-aid" product classes.

The Commissioner recognizes that there may be honest disagreement among scientists about the most appropriate design of a protocol for a test to provide data on which a final determination of general recognition of safety and effectiveness can reasonably be made. The Commissioner also recognizes that some of the studies are in areas or require procedures for which precedents are not common and for which agency guidance is necessary. In these events, conferences with expert consultants and with representatives of the Food and Drug Administration are recommended and requests for modification of these guidelines will be considered. Such requests should be submitted to the agency. All such submissions shall be mailed or delivered in person to the office of the Hearing Clerk (HFC-20), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, MD 20857 and identified with Docket No. 75N-0183.

#### B. TESTING GUIDELINES

Since topical antimicrobial products frequently have a considerable placebo effect, there should be some demonstration that the formulated product is better than the vehicle alone. Testing of the complete formulation for Category III ingredients for effectiveness and safety is necessary to judge the importance of the vehicle in the release of the active ingredient as well as the influence of formulation on aspects of effectiveness and safety. Once an ingredient is placed in Category I for a particular product class, no further final product formulation data need be submitted to the agency. However, manufacturers should have data on file to show that the vehicles and other inactive ingredients used in the formulation of the various antimicrobial product classes included in the monograph do not materially affect either the safety or the effectiveness of Category I active ingredients.

1. Safety—Tests below should be performed on suitable animals and then on humans when applicable, appropriate, and ethically feasible.

The following tests should be performed for all product classes, except skin wound cleansers without antimicrobials, unless otherwise specified, using the active ingredient alone and in the final complete formulation to judge the effect of vehicle in the release of active ingredient(s).

a. *Safety factor calculations.* The Commissioner concludes that a minimum of a 100-fold safety factor should apply to the exposure dose for ingredients labeled for repeated daily use. At present this limit is applied to antimicrobial soaps, health-care personnel hand-washes, and surgical hand scrubs. The Commissioner has reviewed the Panel's discussion of safety factors for topically applied antimicrobial agents (39 FR 33112-33114). He fully concurs with the conclusions reached by the Panel and adopts them as part of the testing guidelines. However, he will not restate the whole discussion on safety factors, only the methods for calculating such factors.

Calculations were made from data presented for various ingredients. Toxicological studies, where appropriate, should contain applicable administered doses, achieved blood levels, and observed pathological alterations in the same study and the same species. The calculations presented here are hypothetical, show the assumptions made, and are intended to explain the method. They are as follows:

(1) Expected no-effect dose level in man: Determine the lowest toxic effect and the highest no-effect dose in mg/kg topically applied in an animal species. (If an effect cannot be determined in a topical application, the oral route of administration should be employed.) Take the highest no-effect dose in that animal species and calculate the absolute dose. From the absolute dose the multiplication can be made with the factor given for the specific animal used in the test and this, then, is the dose level at which no-effect might also be expected in man.

(2) Expected blood level from product use in man: Assume a bar soap with 3 percent active antimicrobial is used for one bath per day. Assume that 7 gm of soap are used in one bath. This would give an exposure of 0.21 gm, or 210 mg per bath of active ingredient. Assume retention of all 210 mg active ingredient on the skin (there is very little firm data presently available on the amount of antimicrobial retained on the skin after exposure). If 3 percent of the applied active ingredient is absorbed into the blood stream, the dose per bath would be:

$0.03 \times 210.0 \text{ mg} = 6.30 \text{ mg active ingredient absorbed.}$

If the assumption is made that the total dose is immediately absorbed, the dose distributed in the blood of a 70 kg human would be:

$\frac{6.30 \text{ mg}}{5,000 \text{ ml blood/70 kg human}} = 1.26 \text{ mcg active ingredient per ml of blood.}$

The assumption is made here that the amount of chemical presented to the individual in a single bath is all retained on the skin and absorbed and distributed in the blood, giving a blood level of 1.26 mcg/ml.

As a further example, assuming retention of 0.5 mcg of active ingredient per sq cm of skin and that the product is to be used over the entire skin area, as in a bar of soap, the total dose retained would be 9.25 mg over the entire body. The calculation would be 0.5 mcg per sq cm  $\times$  18,500 sq cm of skin (based on a 70 kg, 5'10" human). Assuming, for this case, a 10 percent absorption:

$9.25 \text{ mg} \times 0.10 = 0.93 \text{ mg dose per bath}$

If the assumption is also made that the total dose is immediately absorbed, the dose distributed in the blood of a 70 kg human would be:

$\frac{0.93 \text{ mg}}{5,000 \text{ ml blood/70 kg human}} = 0.18 \text{ mcg active ingredient per ml of blood.}$

Safety factors were calculated using the available evidence. For the specific calculations, see the individual ingredient statements.

These two hypothetical calculations using known facts with stated assumption are examples of the type of safety factor calculations considered by the Commissioner. In this calculation, the information required is the retention of the chemical by the skin after exposure. The missing information here is the absorption-excretion kinetics for that chemical.

A direct comparison can be made, and thus a safety factor can be estimated, by a comparison of the calculated human blood level with the blood level in animals, if known. A comparison of the dose where there is no effect in animals translated to the dose in which no effect may be expected in humans against the hypothetical dose to which a person is exposed from the use of a product containing the ingredient can be made if blood level data are not available.

It must be stressed again that the best calculations and judgments are made when all of the pertinent data are available and frequent assumptions do not have to be made. The variety of calculations presented to the Panel and then to the Commissioner are based on assumptions because the data are not available. Subsequent to the publication of the Panel report data were received on the absorption of a radioactively labeled triclocarban soap formulation applied in a shower (see paragraph 74 above). These data were remarkably close to the hypothetical calculations of the Panel.

If the safety factor is extrapolated from an animal species to man, considering surface area, the highest no-effect dose should be used for the multiplier. In the absence of complete data, a 100-fold safety factor should be applied when translating the animal highest no-effect dose to man.

The ideal situation would occur where enough animal data have been collected to construct a dose response curve with

concurrent blood levels so that analysis for threshold effect and safe level estimation for the animal can be made.

b. *Topical (skin).* Determine: (1) Primary irritation potential following acute and subacute exposure. Special attention devoted to eyes, mucous membranes, and genitalia.

(2) Allergic contact dermatitis potential following acute and subacute exposure.

(3) Photosensitivity potential (photo-toxic and photoallergic). The appropriate age group would be males over 40 since the reported incidence of photoallergy is highest in this group.

(4) Effect on wound healing (only for skin antiseptic, skin wound cleanser, skin wound protectant, and patient preoperative skin preparation).

(5) Effect on skin pigmentation. (This observation can be made concomitant with photopatch testing to determine photosensitivity potential.)

(6) Effect on total skin flora to ensure no detrimental overgrowth of a particular bacterial or fungal species that results in evident pathology.

(7) Substantivity, accumulation, or persistence in or on the skin. Although several product classes are single use or very short-term use type products, e.g., patient preoperative skin preparation, this requirement for all product classes will help to assure safety for more long-term abusive use, e.g., daily use of a patient preoperative skin preparation for a long period.

c. *Systemic.* Determine: (1) Degree of absorption (and subsequent blood level) through intact and abraded (damaged, diseased) skin and mucous membrane after single and multiple exposures. Testing to determine plateauing of blood levels and other pharmacologic effects that may take sometime to be evident should be performed. If the product is an aerosol, adequate inhalation studies should be conducted.

(2) The target organ(s) for toxicity effects via oral, topical and/or parenteral routes. Relate toxicity to blood levels of ingredient. Determine the "no-effect" and "effect" level in the same species and in the same study.

(3) Analytical chemical techniques must be utilized to determine concentrations of ingredients in the blood. This permits correlation of the topically applied dose to blood levels and any resultant pathological alterations.

(4) The LD<sub>50</sub> obtained by the Wilcoxon-Litchfield method or other appropriate methods.

(5) Tissue distribution, metabolic rates, and rate and routes of excretion. For purposes of this testing procedure, the Commissioner defines metabolic rate as the time frame within which an active ingredient seems to disappear as it is metabolically modified.

(6) Teratogenic, mutagenic, carcinogenic, and reproductive effects. It is not necessary to conduct such studies with the marketed product where adequate data are available on the active ingredient alone.

2. *Effectiveness.* The Commissioner accepts the proposition that in the defini-

tion and/or historical use of all product categories except skin antiseptics, the reduction of the normal flora, both transient and resident, has been sufficiently supported to be considered a benefit. The only determination that remains, therefore, is how much of a reduction in microbial flora will be required to permit claims for the various product classes.

The Commissioner concludes that claims of effectiveness of antimicrobials as deodorants will be accepted if they are based on correlation between direct demonstration of odor reduction and a reduction in total microbial count of one log (1 log<sub>10</sub>), or by inhibition of microbial species shown to be responsible for odor production. The Commissioner notes that he has as of this date been unable to describe a specific protocol to prove effectiveness of antimicrobial ingredients as skin antiseptics. He will therefore accept suggested protocols and modify the testing guideline for this product class in the future.

Since product categories which did not exist previously have been defined, there has been a need to develop adequate testing procedures in some of these new areas, particularly in vivo testing procedures. The guidelines that follow are designed as an outline of procedures that the Commissioner believes will characterize the effectiveness of an antimicrobial ingredient for each of these product categories.

a. *In vitro testing.* The following tests should be performed for all product classes (except skin wound cleansers without antimicrobial ingredients) unless otherwise specified.

(1) Determine the antimicrobial spectrum of the chemical(s) alone and in its final formulation using both standard cultures and recently isolated strains of each species. Cultures representing normal skin flora and skin pathogens should be selected as set forth below.

Develop techniques for adequate neutralization of the active ingredient, before testing its antimicrobial spectrum. Ensure that the neutralizer is not toxic to the test organisms.

The following outline has been prepared to serve as a basic guide for the in vitro characterization of the activity of an antimicrobial ingredient:

(2) Determine the minimal inhibitory concentration (MIC) under standard conditions against standard organisms with known phenol resistance and susceptibilities to other antimicrobial chemicals.

A series of recently isolated mesophilic strains, including members of the normal flora and cutaneous pathogens (100 isolates), should be selected.

The list of organisms to be tested are those considered to exist in the "normal environment" (normal skin flora or pathogens likely to be found in a minor wound). The Commissioner requires that they be used in testing unless data can be presented to the agency that other organisms are equally representative of those found in the "normal environment." There must be no claims, either direct or by implication, that a product



has any activity against an organism, or that it reduces the number of organisms, for which it has not been tested.

The Commissioner notes that, if there is some reasonable scientific indication that the activity of an ingredient will affect the microbial flora, and thereby causes a rise in the fungus or virus level that might result in greater harm, then further testing will be required.

Representatives of the following groups should be included (note: special media and/or environmental conditions may be required):

- (i) Staphylococci-5 groups.
- (ii) Micrococci.
- (iii) Pyogenic *Streptococci* (Groups A, C, and D should be included).
- (iv) Diphtheroids-Lipophilic, Anaerobic (*Propionibacterium*).
- (v) Gram-negative enteric bacilli:
  - (a) *Escherichia*, *Enterobacter*, *Klebsiella*, *Proteus*, and *Serratia*.
  - (b) *Pseudomonas aeruginosa* and *Pseudomonas* species.
  - (vi) Yeast—*Candida albicans*, *Candida parapsilosis*.
  - (vii) Selected Filamentous Dermatophytic species. (Required only for health-care personnel handwash, surgical hand scrub, skin wound cleanser, skin wound protectant, and skin antiseptic.)

(3) Determine possible development of resistance to the chemical. Sublethal levels of the active ingredient(s) can be incorporated into the culture medium for an extended series of exposures. Use standard methods to determine the emergence of resistance.

(4) Data substantiating antimicrobial action by standard procedures, such as the Sykes-Kelsey procedure, phenol coefficient, or others where applicable, should be provided. It would be advisable to include in the in vitro test a chemical(s) with recognized antimicrobial activity, for purposes of comparison.

b. *In vivo*. (1) The following tests, approximating use conditions for the clinical evaluation of each label claim of the formulated product, should be carried out for the product classes specified:

(i) For all product classes, a determination should be made of the quantitative and qualitative estimation of reduction of the skin flora, both transient and resident through the skin-stripping or cup-scrubbing techniques (discussed below in the specific protocols). All product classes should include not only alteration in total numbers of microorganisms, but qualitative changes (such as dominance of a different type or change in antimicrobial resistance) in the residual cutaneous populations. For antimicrobial soaps only, sampling should be carried out on microbial communities in several different areas of the body, such as axilla, groin, feet and hands, along with a showing of a 1 log<sub>10</sub> reduction of skin flora or a significant inhibition of microbial species shown to be responsible for odor production.

(ii) Glove juice procedure (surgical hand scrubs only).

(iii) Antimicrobial soap effectiveness (odor reduction)—Cade handwashing test (antimicrobial soap only).

(iv) Handwash effectiveness preliminary contamination (health-care personnel handwash only).

(v) Preoperative skin preparation effectiveness (patient preoperative skin preparation only).

(vi) Procedure for determining delay in wound healing (skin wound cleanser, skin wound protectant, skin antiseptic, patient preoperative skin preparation only).

(vii) Absence of contamination in wound (skin wound protectants only) would require testing to show no microorganisms except "normal flora" and no significant increase in microorganisms.

(2) The minimal concentration of the active ingredient necessary to produce the results required for the labeled claim(s) in each of the product classes, e.g. for antimicrobial soaps, the minimal concentration to produce deodorancy (1 log<sub>10</sub> microbial reduction or significant inhibition of microbial species known to produce odor); for skin antiseptic, the concentration to "prevent skin infection" or "control infection", as the labeling provides.

#### V. SPECIFIC PROTOCOLS TO PROVE SAFETY AND EFFECTIVENESS OF CATEGORY III INGREDIENTS

The Commissioner has extensively reviewed certain suggestions and recommendations of the Panel, as well as comments on the Panel's report, in developing specific protocols. Some of these comments and protocols follows:

#### A. DETERMINATION OF QUALITATIVE AND QUANTITATIVE ESTIMATION OF SKIN FLORA (OTHER THAN ON THE HANDS)

1. *Skin stripping technique*. Of the techniques which have been developed, a reliable procedure for the determination of qualitative changes in the microbial skin flora consists of skin stripping of microorganisms using cellophane tape. The skin can be stripped in consecutive layers, followed by culturing and identification of organisms removed by consecutive strippings. This method can also be used to remove layers of epidermal cells to expose the glistening layer for creation of a "standard" wound for testing effectiveness of "first-aid" product classes.

2. *Cup scrubbing technique*. Cup-scrubbing technique procedures utilize a scrubbing solution placed in a cup that is attached to the skin. Some means of agitation of the liquid for more efficient removal is used.

In actual practice, the volar aspect of the forearm and the small of the back have been selected as areas for study of the flora because of ease of sampling and greater uniformity in type of flora. Individuals with a high microbial skin count should be selected as subjects for studies in which there is to be a determination of change in the number of microorganisms in any given area of the body surface. Such individuals will probably show changes in various elements of

the flora more easily than those with a lower number of organisms in their normal microbial flora or in those who lack certain types of organisms.

The Commissioner is fully aware of the difficulties involved in the examination and identification of microorganisms living on the human skin. He would welcome the development of new sampling techniques and media especially selective for cutaneous microbial strains. Elaboration and improvement of the methods currently used in investigation of cutaneous ecology is desirable.

#### B. EFFECTIVENESS TESTING OF SURGICAL HAND SCRUB (GLOVE JUICE TEST)

The Commissioner concludes that the following test must be performed to support the effectiveness of a product labeled as a surgical hand scrub:

1. *Criteria for subject selection*. a. Mixed male and female. Race should be recorded.

b. Adults.

c. Subjects will vary greatly in the number of microorganisms carried on the skin. Subjects with a high hand count as measured by sampling with the glove juice procedure should be used for the test. Counts should be in the range from  $1.5 \times 10^4$  to  $4 \times 10^6$  per hand.

d. Medication. Subjects receiving antibiotics or taking oral contraceptives should be excluded from the test.

e. Thirty subjects per test.

2. *Pretest period (2 weeks)*. The subjects for this test should not use any products containing antimicrobials for at least 2 weeks prior to the test. This restriction includes antimicrobial antiperspirants and deodorants, shampoos, creams, lotions, soaps, or powders. Subjects receiving antibiotic therapy or taking oral contraceptives should be disqualified.

Subjects should be issued rubber gloves to be worn during their daily routine when they come in contact with detergents, acids, bases, or solvents.

3. *Gloves for test*. Gloves should be washed with sterile distilled water before use, and they should be applied wet. Gloves that are prepowdered should be carefully washed free of powder, as many of these powders contain antimicrobials.

4. *Baseline period and sampling*. The baseline period should be 1 week following the 2 weeks of the pretest period. The baseline count should begin on day one of the baseline period. The initial count is a screen to determine eligibility. The day-one count is also one count to be included for the mean baseline count. The counting procedure should be performed on day seven and also on either day three or five for a total of three estimations of the baseline count.

The baseline counts should be performed using exactly the same sampling and recovery techniques used for the test products under the testing procedure. This information will also be used to provide evidence to assess the assumption that the right and left hand gave comparable results.

Both hands should be sampled for the baseline count. Subjects should not wash prior to the counting procedure on the day of the test. This should not be construed as a 24-hour pretest ban on washing. If the test is to be run in the morning, subjects should not wash after retiring to bed on the previous night.

Baseline procedure is as follows: Hands and  $\frac{2}{3}$  of the forearm are washed for 30 seconds with Camay soap and sterile distilled water at 35° to 40° C. The excess water is shaken from the hands and the gloves are donned with the hands wet. Sampling solution (*Sampling Solution*: Triton X-100—0.1 percent in 0.075 molar phosphate buffer at a pH of 7.9) is added to the gloves (volume of sampling solution should remain constant for all tests). The glove is held closed at the wrist by the subject while an attendant massages the hand for 1 minute. A measured volume is withdrawn for the count.

5. *Scrubbing procedure*. The scrubbing procedure should be exactly as directed on the label of the product being tested, including the use of nail cleaner and/or a brush, if indicated. The hand and  $\frac{2}{3}$  of the forearm should be scrubbed.

6. *Sampling technique and times*. After the scrub is performed, loose-fitting surgeon's or examining gloves are donned. Leave the hands wet by shaking off excess water when the gloves are donned. Immediately, the designated control hand is sampled for the 1-minute count as follows: Sampling solution containing buffer and surfactant is added to the glove, the hand is massaged for 1 minute, and a measured sample removed for plating. The volume of the sampling solution added to the glove should be kept constant for all tests. The fluid should be shaken vigorously prior to dilution or culturing. If diluent is used, neutralizer should be added to dilution blanks.

The glove is to remain on the other hand for the duration of the time of the test. It is suggested that at least 1, 2, 3, 4, 5, and 6 hours post scrub should be tested.

The times for which a glove remains on one of the hands after scrub should be allocated by random selection among the subjects in groups of five. This procedure is performed on day one and day two of the test period. The procedure should be repeated on day five after scrubbing with the product according to directions two additional times on day two and three times per day on day three and day four at 1-hour intervals. One scrub should be performed on day five and the gloves allowed to remain on the left hand for 1, 2, 3, 4, 5, or 6 hours.

The number of subjects used for the test should be 30, with randomization into six groups (n=five per group) corresponding to 1 hour, 2 hours, 3 hours, 4 hours, 5 hours, and 6 hours. The allocation of subjects to groups remains constant after initial randomization.

7. *Recovery media*. A medium containing a neutralizer specific for the antimicrobial being tested should be used. Media that have been used in the past include: Lethen and Trypticase Soy

Agar with Tween 80 and serum or lecithin added.

The neutralizing system used for antimicrobial agents should be tested, and the data from the tests submitted, to show that the system is adequate. The neutralizer should not be toxic to cells and must be effective in neutralizing the specific chemical.

The cultures should be incubated at  $30 \pm 2^\circ$  C for 48 to 72 hours. If culturing for specific organisms, such as fungi or anaerobes, is undertaken, appropriate culturing procedures should be instituted.

Duplicate plates have been routinely used for plating in the past. Because of the inherent variability in counts and the presence of clumps of cells from skin sampling, at least triplicate plating should be used. A larger number may be required, depending on the variability. The counts should be reported as count per hand.

There are variations of this procedure in use. For instance, instead of sampling directly from the glove, the glove is removed, turned inside out into stripping fluid, and the hand rinsed with sampling solution as well. The sampling fluid consists of potassium phosphate (monobasic) 0.4 gm, sodium phosphate (dibasic) 10.1 gm, triton X-100 1.8 gm, and enough distilled water to make 1 liter. (Final pH=7.8). If variations of this test are to be used, the protocol should be checked with Food and Drug Administration personnel first.

8. *Data handling, design, and statistical aspects*. It is assumed that there are no right versus left hand differences in microbial count. It is known that microbial handedness (a difference in count between hands) exists; however, there is apparently no relationship to whether the subject is left- or right-handed. The possible difference in count should be compensated for with the initial random allocation of subjects.

This should be tested using the baseline count to validate assumptions about the influence of handedness. It is necessary, therefore, to keep data for the left and right hand distinct.

The assignment of hands is as follows: Right hand at 1 minute for determination of initial reduction from baseline (right hand baseline) on all subject (30 subjects).

Left hand glove remains on hand for measurement of extended time period (1 to 6 hours) as discussed under sampling technique and times (section V. B. 6. above).

The objective of the design is to test as follows: a. Test the log<sub>10</sub> reduction from baseline 1 minute after scrubbing with fast-acting broad spectrum antimicrobials.

b. Test the initial log<sub>10</sub> reduction from baseline 1 minute after scrubbing with a substantive antimicrobial.

c. Test the log<sub>10</sub> reduction from baseline 1 minute after scrubbing following 3 days with three consecutive scrubs per day performed at 1-hour intervals.

9. *A test of the assumption*. A test of the assumption that the agent produces a given log<sub>10</sub> reduction, such as 1-log<sub>10</sub>, 2-log<sub>10</sub>, or 3-log<sub>10</sub>, should be made using

the data from the 1-minute result from the right hand compared to the average baseline (right hand baseline). A method like a paired t-test could be used.

10. *Left hand comparison*. Left hand at a time designated by random assignment to one of six time periods (five subjects in each of six groups) should be compared to left hand baseline.

The objective here is to characterize the trend (in microbial growth) with time up to 6 hours. It is desirable that the count, over 6 hours, with fast-acting, broad-spectrum antimicrobials not exceed the baseline. It is expected that the count will not exceed baseline in 6 hours in the testing of substantive antimicrobials.

The analyses should be performed first on each replication. There is replication of the entire test on day two and on day five after three consecutive washes at hourly intervals on day three, day four, and day five. Use the original group assignments of subjects observed for the same time periods as determined by random allocation.

Tests of trends may be done using either an orthogonal procedure or some suitable regression method. A combined analysis using the results of the three replications is possible using an appropriate analysis of variance technique. For example, an analysis of variance on the total set of experimental results using the model described on page 519 of *Statistical Principles in Experimental Design* (B. J. Winer, McGraw-Hill Book Co., 1961) where hours correspond to factor A and replications correspond to factor B. Baseline could be introduced as a covariant. Tests of trends using the orthogonal procedures should be employed.

The comments on the use of multiple plates in the culturing procedures and on the evaluation of specific neutralizers for use in the testing of antimicrobial agents apply to all in vivo testing.

#### C. TEST FOR ANTIMICROBIAL SOAP EFFECTIVENESS

The following test will be used to determine deodorancy effectiveness of ingredients with claims for antimicrobial soaps:

*Modified Cade procedure*. The Cade handwashing test was developed to standardize exposure to a given test product, usually an antimicrobial soap. The washing period was standardized in Cade's original publication. The techniques for sampling and recovery of microbiological flora have been refined over the time since the original publication. Some of these refinements are incorporated into the following discussion of the Cade test.

The data that can be derived from a Cade handwashing test are greatly expanded if a baseline level is established prior to the controlled washing with the test antimicrobial product. Thus the analyses can be expanded to give reductions from a baseline with samples from the first basin, with subsequent basins or combinations from subsequent basins.

Some adaptations of the test employ a technique for this study, which in-



volves utilizing the numbers of microorganisms determined in the first basin used for washing as a representation of the level of the transient flora. They also utilize the fourth and fifth basin to average what is considered the reduction of the resident flora achieved by the repeated handwashings. Any protocol with significantly altered procedures should be checked with FDA personnel. A proposed statistical analysis and interpretation of the data should be planned as part of the protocol. Particular care should be taken that adequate neutralization of both the soap and the antimicrobial is effected in the test procedures. Adequate selective media should be utilized to enumerate both gram-positive and gram-negative organisms.

The following outline contains only those modifications deemed necessary to approximately modify the Cade handwashing procedure (Cade, A. R., "A Method for Testing Degerming Efficiency of Hexachlorophene Soaps," *Journal of the Society of Cosmetic Chemists*, 2:281-290, 1951.):

- a. Baseline should be established prior to test with at least three determinations with either Cade procedures or Glove Juice procedures.
- b. *Standardized handwashing.* (1) Exposure to bar handling—at least 30 seconds.
- (2) Work lather on hands—at least 60 seconds.
- (3) Rinse, using a standardized treatment—at least 30 seconds.
- c. *Microbial enumeration.* (1) Typti-case Soy Agar.
- (2) Adequate neutralization in either broth or solid medium.
- (3) At least triplicate samples.
- (4) Millipore filter sampling of fluid as an alternative to plating.
- (5) Three-day minimum incubation at 32° to 35° C.
- (6) 1-liter basin to 2-liter basin sterile water without added chlorine.
- d. *Wash hands plus 2/3 of forearm.*
- e. *Analysis of either:* (1) First basin or;
- (2) First and/or fourth and/or fifth;
- (3) Reduction from baseline to first basin;
- (4) Reduction from baseline to fourth and/or fifth basin.
- f. *Duration of test.* At least 10 consecutive days, optimally 14 days duration.
- g. *Frequency of exposure*—3 times daily. Washout period before subjects are used in another test should be established so that no substantial residual action remains. Periods from 2 weeks to 2 months have been proposed, but actual time should be established.
- h. *At least 35 subjects in test with a selected high-count subject population.* If groups are split, the analysis should specify this prior to the test and be statistically acceptable.
- i. *Correlation of microbial reduction on the hands is an indication of microbial population reduction.* Actual claims of deodorancy should correlate such a microbial reduction to an adequately designed and executed deodorancy test, such as a controlled sniff test.

**Data Analysis.** Much data derived from this study have been analyzed with analysis of variance or other procedures to determine if a significant reduction has occurred after known exposure to the test soap. A more desirable procedure for analysis is to set a null hypothesis that a given reduction, i.e., a 1-log<sub>10</sub> or 2-log<sub>10</sub> reduction, has taken place and to then test that hypothesis. Determination of a statistically significant reduction alone when dealing with microbial count is a naive approach since significance can be achieved with a small reduction. Therefore the approach described above should be used.

#### D. TEST FOR HEALTH CARE PERSONNEL HAND-WASH EFFECTIVENESS

Since the result expected from the use of this type of product is the reduction of the transient flora acquired as a result of patient care or as a part of hospital routine, the testing should involve the artificial contamination of the hands and forearms. This procedure can be executed by dipping the hands into a liquid culture with at least 10<sup>8</sup> organisms per ml and/or by spreading a known aliquot of the inoculum on the hands allowing 1 minute before proceeding. The artificial contamination of the hands may also be produced by handling heavily contaminated materials to simulate actual practice.

The product under test should be used according to the directions on the label. Since these products are designed to be used with multiple replication, the effectiveness testing procedure of hand contamination and washing followed by evaluation of the count of the contaminating organisms should be done at least 25 times in succession. A minimum of 5 minutes should be allowed between repeats. Evaluation of the count on the hands can be done approximately every 5 washes. The millipore filter is a well-established procedure for isolation of microorganisms from the wash water. Either the procedure recommended by the Panel or the millipore filter technique with the specifications described in the testing guidelines for the testing of health-care personnel handwashing products may be used.

In order to reliably carry out this test, a marker strain of a microorganism should be selected for use that is not part of the normal flora and that may be easily identified on culture plates. Two organisms frequently selected for this purpose are *Serratia marcescens* (pigmented strain) and *Bacillus subtilis* var. *niger* (strain globigii), Detrich isolate—American Type Culture Collection (ATCC) 9372.

#### E. EFFECTIVENESS OF A PATIENT PREOPERATIVE SKIN PREPARATION

The in vivo effectiveness testing procedures should utilize the skin sampling procedures set forth above (see test for antimicrobial soap effectiveness). Since any given area of skin surface can be tested, the control area can be the same location on the other half of the same subject (bilateral paired comparison).

Since the definition states that rapid activity is required, the time for testing

activity should be 30-minutes maximum.

The baseline count on the control area matching the test area should be established using cup-scrubbing, tape-stripping techniques or other appropriate sampling techniques set forth above (see test for antimicrobial soap effectiveness). The same procedure should be used for skin area treated with the active product. The test must be done using an adequate population and with sampling from skin areas on various parts of the body and certainly including the genital areas.

It is essential that the sample from the skin be properly neutralized to inactivate active chemicals carried over from the skin. The neutralizer used must be tested for toxicity to cells and for effectiveness as a neutralizer. A minimum of three-log reduction will be required to establish effectiveness for a product labeled as a preoperative skin preparation.

#### F. EFFECTIVENESS OF A SKIN WOUND CLEANSER

Inherent in the definition is a demonstration of the product's ability to assist in the cleansing and removal of foreign material while causing no delay in wound healing.

The Commissioner recognizes that the testing of delay in wound healing, particularly in human subjects, is difficult. There is a need for the development of procedures to determine whether topical products applied to minor skin wounds would delay healing in human subjects. Until adequate human testing procedures are available, data from animal models will be required to support safety of a product to be labeled as a skin wound cleanser.

1. *Animal test for delay in wound healing.* The Commissioner concludes that the following animal test will evaluate and compare the skin wound healing delay effects of skin wound cleansers or bar soap with and without antimicrobials as well as for skin wound protectants and skin antiseptics:

a. The subjects should consist of 12 young adult male New Zealand rabbits. Both antimicrobial-treated and antimicrobial-untreated control animals should be used.

b. The back of the rabbit should be shaved so that approximately 20 percent of the total body surface area is shaved.

c. Make a wound by dermal incision in the shaved area 24 hours after clipping. A sterile technique must be followed in making the dermal incision. Disinfect the area with 70 percent isopropyl alcohol solution. Using a scalpel, six 1-inch long freehand incisions (approximately 0.5 to 1 mm deep) should be made through the dorsal skin, three on each side of the midline. These incisions should be full thickness wounds. One-half of the wounds (three incisions) should be sutured. Treatments should begin within 1 hour after wound induction. The three treatment conditions should be soap solution with antimicrobial, soap solution without antimicrobial, and no treatment. Soap solutions should be prepared daily in tap water immediately before use. Each set of two incisions (1 sutured and 1 nonsutured

wound) should be subject to one of the treatments. One ml of soap solution (5 percent) should be gently applied for 1 to 2 minutes daily for 14 consecutive days. These daily applications should be 6 hours apart. The applied material should be allowed to dry. After the initial application, each incision should be rinsed with tap water immediately prior to subsequent treatments and gently dried. The animals should wear collars throughout the study to prevent oral ingestion of test material.

d. To evaluate the test the following parameters should be utilized: Body weight should be determined for each rabbit on days 0, 7, and 14; wound-healing progress and general conditions should be observed and described daily. This is to be supplemented by color photographs; two animals each should be sacrificed on days 1, 3, 5, 7, 10, and 14 by air injection. Wound sections should be evaluated and compared microscopically.

2. *Human test for assessment of wound repair by use of hygrometry.* The Commissioner concludes that the following test will evaluate and compare the skin wound-healing delay effects of skin wound cleansers or bar soaps with and without antimicrobials, as well as those of skin wound protectants and skin antiseptics:

a. *Insensible water loss.* The reduction of insensible water loss that occurs during the healing of adhesive tape-stripped wounds has been widely reported in the literature. The insensible water loss that is measured is often referred to as transepidermal water loss (TWL). Because of the great difference in TWL values between damaged and intact skin (50- to 100-fold), the return to normal water loss can be easily measured. This nondestructive technique allows one to follow the repair process by measuring an important physiological skin function, the ability of the body to limit loss of water to its environment. The adhesive tape-stripped wound is fairly representative of mild abrasion-type wounds for which OTC "first-aid" products are recommended. It represents a high surface area wound involving only epidermal repair, provided further physical or chemical trauma is not incurred.

b. *Method.* Strips of an industrial adhesive tape are faced to silicone release paper and cut to 1" x 1" segments for sequential stripping of the horny layer. A stripping tape is placed on the surface to be stripped and outlined at the corners with a ballpoint pen to define the area. The tapes are applied, pressed down firmly, and removed sequentially until a smooth, even, glistening surface is achieved. This usually requires 20 to 30 strips, but varies widely with the subjects used.

Adhesive tape-stripped wounds (1" x 1") are made on the upper backs of six volunteer subjects. Initial TWL values for the stripped areas are determined using an air flow hygrometry system as follows

c. *Airflow hygrometry system.* The system essentially involves the passing of dehumidified air over a 4 sq cm area of skin surface. Inflowing commercially dried air is first pressurized to maintain a constant flow, and then passed through a freeze trap at -80° C. This process reduces the probability of the "dried" air containing traces of water. The air is then passed into a heat exchanger, a radiator, and a fan to bring it to room temperature. Before the air reaches the skin, its humidity is recorded. This value is calibrated to "zero." After the air leaves the skin surface area its humidity and temperature are again monitored. The change in water content of the air after passing over the skin is determined and is equal to the TWL value.

Further information on technology and evaluation of this test (Baker, H. and A. Kligman, "Measurement of Transepidermal Water Loss by Electrical Hygrometry," *Archives of Dermatology*, 96:441-452, 1967) is on file and available through the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

d. *Treatment of wounds.* After initial TWL readings are taken, the wounds are treated with the various test materials. An untreated control wound is always included on each subject. The wounds are treated twice daily for 4 days. Transepidermal water loss readings are taken on all wounds on days 2 and 4 following wounding.

e. *Evaluating the data.* The transepidermal water loss values are converted to "percent damage" values according to the formula:

$$\text{Percent damage} = \frac{x}{y} \times 100$$

x = TWL values for days 2 or 4

y = TWL values for day 0

The "percent damage" figures are analyzed statistically to compare the healing rates of treated wounds with the untreated control wounds.

G. *Effectiveness Testing Of A Skin Wound Protectant.*—1. *Demonstration of the ability of a skin wound protectant to act as a barrier against further contamination with microorganisms.* a. A skin wound protectant must act as a physical barrier. The testing of barrier materials can be done with a model system and fluorescent particle challenge to the system with subsequent detection of the challenge particles on the other side of the barrier.

b. In another method acceptable to the Commissioner, the product is placed on to an area on the surface of each of six agar plates that have been prepared for use in the Andersen Air Sampler. After the Sampler has been assembled, an aerosol of bacteria is directed into the air intake opening. The aerosol is drawn through the apparatus at the standard rate of 1 cubic foot per minute. The particles drawn through the holes in the perforated metal plate in each stage of the Sampler are impinged on the agar

plates beneath. After the agar plates have been incubated, they are examined. The bacterial colonies will conform to the pattern of the holes in the metal plates except those on areas that have been protected by an effective product.

2. *Determination that a skin wound protectant does not favor the growth of microorganisms.* The second aspect of this definition to be tested is the lack of promotion of the growth of microorganisms.

a. Areas on the ventral surface of the forearms of human subjects are stripped to the glistening layer. The epidermal cells are removed by successive applications of cellophane tape to the same area. One site on each arm is treated with an amount of the test preparation sufficient to cover the wound. The treated site and an untreated site on one arm are covered with an occlusive patch. Commercially available Saran Wrap secured onto the area with adhesive tape is a satisfactory occlusive dressing. Comparable sites on the other arm are left air-exposed. The air-exposed area is treated 3 times daily. The occluded area is treated once a day.

b. Treated and control areas are sampled daily for 5 days to determine the number of bacteria present.

c. The procedure is as follows. A sterile polycarbonate cylinder 28 mm in diameter is centered on the test site. A 1.5-ml aliquot of sterile physiological saline is pipetted into the cylinder, which is held firmly against the skin. The skin is scraped with the tip of the pipette for 30 seconds. One ml of the resulting suspension is then removed to a tube containing 9 ml of diluent. Aliquots from this tube and from serial dilutions made from it are plated in an appropriate agar culture medium. After 48 hours aerobic incubation the colonies on the plates are counted, and the numbers of microorganisms recovered from the skin sites are calculated.

d. *Evaluation.* This procedure is used for accurate sampling of cutaneous microflora. This method utilizes a buffered nonionic detergent to remove all bacteria from the skin and disperse these microorganisms so the colony counts reflect single bacterial cells rather than aggregates.

Further information on evaluation of this test (Williamson, P. and A. M. Kligman, "A New Method for the Quantitative Investigation of Cutaneous Bacteria," *Journal of Investigative Dermatology*, 45:498-503, 1965) is on file and available through the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

#### VI. PRESERVATIVE LEVELS OF ACTIVE INGREDIENTS

The active antimicrobial ingredients reviewed by the Panel can be formulated in topical products at various concentrations. The minimal concentration required for effectiveness as an active ingredient will be established by in vitro and in vivo efficacy testing as will the range of concentrations that can be safely used. The Commissioner recog-



nizes that many of these antimicrobial ingredients might also be added to products at much lower concentrations to prevent spoilage or growth of microorganisms, inadvertently added, introduced as a result of customer use. Many of the antimicrobials reviewed are primarily active against gram-positive microorganisms and would not generally be considered good candidates for use as preservatives. However, some of these may be considered for use of a preservative system.

Effectiveness levels for antimicrobials as preservatives can be determined by use of the antimicrobial preservatives effectiveness test of the USP XIX (p. 587) with the addition of a rechallenge procedure and stressing with an "organic load" or use of the Cosmetic Toiletry and Fragrance Association preventive tests published in 1970, with the addition of specific organisms to be tested and interpretive criteria. The specifics of these additions to the USP and CTFA tests are set forth in § 333.65 below.

Such data do not have to be submitted to the agency, but must be available upon request for inspection.

The Commissioner has reviewed the potential environmental impact of the proposed regulation and has concluded that the proposed action will not significantly affect the quality of the human environment and that an environmental impact statement is not required. The Commissioner has also considered the economic impact of the proposed regulation and no major economic impact has been found, as defined in Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A-107, and guidelines issued by the Department of Health, Education, and Welfare. Copies of the environmental impact analysis report (or statement of exemption) and environmental and economic impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371)) and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243, as amended (5 U.S.C. 553, 554, 702, 703, 704)) and under authority delegated to him (21 CFR 5.1) the Commissioner of Food and Drugs is issuing as a tentative final order new Part 333 to read as follows:

**PART 333—TOPICAL ANTIMICROBIAL PRODUCTS FOR OVER-THE-COUNTER HUMAN USE**

Subpart A—General Provisions	
Sec.	
333.1	Scope.
333.3	Definitions.
Subpart B—Active Ingredients	
333.20	Antimicrobial soap. [Reserved]
333.30	Patient preoperative skin preparation.
333.40	Skin wound cleanser.
333.45	Skin wound protectant. [Reserved]
333.50	Surgical hand scrub. [Reserved]

Subpart C—Testing Procedures	
Sec.	
333.65	Preservative testing.
Subpart D—Labeling	
333.80	Antimicrobial soap.
333.85	Health-care personnel handwash.
333.87	Patient preoperative skin preparation.
333.90	Skin antiseptic.
333.92	Skin wound cleanser.
333.93	Skin wound protectant.
333.97	Surgical hand scrub.
333.99	Professional labeling.

AUTHORITY: Secs. 201, 502, 505, 701, 52 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371); (5 U.S.C. 553, 554, 702, 703, 704).

**Subpart A—General Provisions**

**§ 333.1 Scope.**

An over-the-counter antimicrobial product in a form suitable for topical use is generally recognized as safe and effective and is not misbranded if it meets each of the following conditions and each of the general conditions established in § 330.1 of this chapter.

**§ 333.3 Definitions.**

For topical preparations when applied at acceptable use concentrations as used in this part:

(a) *Antimicrobial (active) ingredient.* A compound or substance that kills microorganisms or prevents or inhibits their growth and reproduction and contributes to the claimed effects of the product in which it is included.

(b) *Antimicrobial preservative (inactive) ingredient.* A compound or substance that kills microorganisms or prevents or inhibits their growth and reproduction and is included in a product formulation only at a concentration sufficient to prevent spoilage or prevent growth of inadvertently added microorganisms, but does not contribute to the claimed effects of the product in which it is included.

(c) *Antimicrobial soap.* A soap containing an active ingredient with both in vitro and in vivo activity against skin microorganisms.

(d) *Health-care personnel handwash.* A nonirritating antimicrobial-containing preparation designed for frequent use; it reduces the number of transient microorganisms on intact skin to an initial baseline level after adequate washing, rinsing, and drying; and it is broad-spectrum, fast-acting, and, if possible, persistent.

(e) *Patient preoperative skin preparation.* A fast-acting broad-spectrum antimicrobial-containing preparation that significantly reduces the number of microorganisms on intact skin.

(f) *Skin antiseptic.* A nonirritating, antimicrobial-containing preparation that prevents overt skin infection.

(g) *Skin wound cleanser.* A nonirritating, liquid preparation (or product to be used with water) that assists in the removal of foreign material from small superficial wounds, does not delay wound healing, and that may contain an antimicrobial ingredient.

(h) *Skin wound protectant.* A nonirritating antimicrobial-containing preparation applied to small cleansed wounds; it provides a protective physical barrier and a chemical (antimicrobial) barrier that neither delays healing nor favors the growth of microorganisms.

(i) *Surgical hand scrub.* A nonirritating antimicrobial-containing preparation that significantly reduces the number of microorganisms on the intact skin. A surgical hand scrub should be broad-spectrum, fast-acting, and persistent.

(j) *Use concentration.* The dilution recommended for use as distinguished from marketed concentrates.

**Subpart B—Active Ingredients**

**§ 330.20 Antimicrobial soap. [Reserved]**

**§ 333.30 Patient preoperative skin preparation.**

The active ingredient of the product consists of any of the following, within the maximum dosage limit established:

(a) *Iodine tincture.* Topical dosage is for use as a solution or tincture containing not less than 1.8 gm. and not more than 2.2 gm. of iodine (I), and not less than 2.1 gm. and not more than 2.6 gm. of sodium iodide (NaI) in each 100 ml of purified water U.S.P. or 44 to 50 percent ethyl alcohol (or an appropriate denatured alcohol).

(b) [Reserved]

**§ 333.40 Skin wound cleanser.**

The active ingredient of the product consists of any of the following, within the potency (or concentration) established:

(a) *Quaternary ammonium-containing active ingredients.* Topical dosage for use of quaternary ammonium compounds (as benzalkonium chloride, benzethonium chloride, and methylbenzethonium chloride) is limited to a use concentration not greater than 1/750 in water. All preservative systems included in any such product formulation shall be tested according to the procedure identified in § 333.65.

(b) *Hexylresorcinol.* Topical dosage is limited to a use concentration not greater than 1/1000.

(c) *Poloxamer 188.* Topical dosage for poloxamer 188 is limited to an aqueous solution of 20 to 40 percent use concentration. The solution shall contain not less than 85 percent nor more than 100 percent of the labeled amount of poloxamer 188. All preservative systems included in any such product formulation shall be tested according to the procedure identified in § 333.65.

**§ 333.45 Skin wound protectant. [Reserved]**

**§ 333.50 Surgical hand scrub. [Reserved]**

**Subpart C—Testing Procedures**

**§ 333.65 Preservative testing.**

(a) *Determination of effective preservative concentration.* All antimicrobial ingredients used singly or as part of a preservative system for use in a topical

product identified in § 333.3(c) through (i) shall be tested by the manufacturer to establish the minimal effective preservative concentration for every product formulation by one of the following two methods:

(1) Determine the minimal effective preservative concentration according to the procedures described in the *United States Pharmacopeia* (USP) XIX (page 587) (antimicrobial preservatives effectiveness test) with the addition of a rechallenge procedure and stressing with "organic load." The preserved formulation should be tested by adding a challenge of cells (final concentration  $1 \times 10^7$ /milliliter) in the presence of the organic load described below. The microbial challenge should be in contact with the preserved formulation containing the organic load for a period of 15 minutes before inoculation into the preserved formulation. Then the first sample can be taken either immediately or 12 hours after inoculation. After the initial challenge, the rechallenge level should be  $1 \times 10^7$  cells/milliliter. The test culture is incubated for the time specified in the USP test (2 weeks), and then the same tube is reinoculated with the rechallenge cells and again incubated for 2 weeks. The organic load consists of heat-killed yeast cells and inactivated horse or bovine serum. The yeast culture must be quantitated first and then heated to kill the cells. Then  $10^7$  yeast cells (*Saccharomyces cerevisiae*) per milliliter of preserved formulation should be added as the particulate organic load. The yeast cells should be added to horse or bovine serum (inactivated at 55° C for 30 minutes). Whole bovine serum should be used as the protein organic load. The results of the rechallenge test should be the same as those described in the USP test for the original challenge.

(2) The minimal effective preservative concentration of these ingredients may also be determined according to the procedures of the *Cosmetic, Toiletry and Fragrance Association Preservative Test*, with the addition of specific organisms to be used as a challenge in the test as well as the interpretive criteria described below. This test was published in the *Toilet Goods Association, Cosmetic Journal*, 2(1): 20-23, 1970, and is also available in the office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. Use cultures of the following microorganisms: *Candida albicans* (ATCC No. 10231), *Aspergillus niger* (ATCC No. 16404), *Escherichia coli* (ATCC No. 8739), *Pseudomonas aeruginosa* (ATCC No. 9027), and *Staphylococcus aureus* (ATCC No. 6538). Mixed culture inoculation should not be used. Other microorganisms, in addition to those listed, may be included in the test, particularly if it appears likely that such microorganisms may represent resistant contaminants likely to be introduced during manufacture or use of the article or that such organisms may constitute a risk to the user of the final product formulation.

(b) *Preservative effectiveness.* The preservative should not allow growth of the

challenge organisms in the preserved formulation. The preservative is therefore effective in the product if:

(1) The concentrations of viable bacteria are reduced to not more than 0.1 percent of the initial concentration by the 14th day;

(2) The concentrations of viable yeasts and molds remain at or below the initial concentrations during the first 14 days; and

(3) The concentration of each test microorganism remains at or below these designated levels during the remainder of the 28-day test period. The preservative is not effective if, after several days, repeated isolation of the microorganisms contained in the initial inoculum occurs.

(c) *Test data retention.* The resulting data from testing for every product formulation shall be available for inspection by the Food and Drug Administration.

**Subpart D—Labeling**

**§ 333.80 Antimicrobial soap.**

(a) *Statement of identity.* The labeling of the product shall contain the established name of the drug, if any, and shall identify the product as either an "antimicrobial soap" or "antibacterial soap".

(b) *Indications.* (1) *Required statements.* The labeling of the product shall contain a statement of the indications under the heading "Indications" that shall be limited to one or more of the following phrases: "Antimicrobial soap", "antibacterial soap", "antibacterial".

(2) *Other allowable statements.* The labeling may also contain the phrases "reduces odor" and "deodorant soap"; provided such phrases are neither placed in direct conjunction with information required to appear in the labeling nor occupy labeling space with greater prominence or conspicuousness than the required information.

(c) *Warnings.* The warning required by § 330.1(g) of this chapter is not required for an antimicrobial bar soap. However, the labeling of antimicrobial bar soap shall contain the following warning under the heading "Warnings": "Do not use this product on infants under 6 months of age".

(d) *Directions.* None applicable due to customary conditions of use.

**§ 333.85 Health-care personnel handwash.**

(a) *Statement of identity.* The labeling of the product shall contain the established name of the drug, if any, and shall identify the product as a "health-care personnel handwash".

(b) *Indications.* (1) *Required statements.* The labeling of the product shall contain a statement of the indications under the heading "Indications" that shall be limited to one or more of the following phrases: "decreases bacteria on the skin", "reduces risk and/or chance of cross-infection".

(2) *Other allowable statements.* The labeling may also contain any of the following phrases: "recommended for repeated use", "contains antibacterial ingredient", "contains antimicrobial in-

redient", "fast-acting" (if applicable), and "broad-spectrum"; provided such phrases are neither placed in direct conjunction with information required to appear in the labeling nor occupy labeling space with greater prominence or conspicuousness than the required information.

(c) *Warnings.* The labeling of the product shall contain the following warning, under the heading "Warnings": "For external use only".

(d) *Directions.* The labeling of the product shall contain the following statement, under the heading "Directions": "Wet skin and spread a small amount on hands and forearms. Scrub well and rinse thoroughly after washing".

**§ 333.87 Patient preoperative skin preparation.**

(a) *Statement of identity.* The labeling of the product shall contain the established name of the drug, if any, and shall identify the product as a "patient preoperative skin preparation".

(b) *Indications.* (1) *Required statements.* The labeling of the product shall contain a statement of the indications under the heading "Indications" that shall be limited to one or more of the following phrases: "Kills microorganisms", "reduces the number of microorganisms in the treated area", "antibacterial", "antimicrobial".

(2) *Other allowable statements.* The labeling may also contain the phrases "broad-spectrum" and "fast-acting" (if applicable); provided such phrases are neither placed in direct conjunction with information required to appear in the labeling nor occupy labeling space with greater prominence or conspicuousness than the required information.

(c) *Warnings.* The labeling of the product shall contain the following warnings under the heading "Warnings":

(1) "For external use only".

(2) For products containing iodine tincture: "Do not apply this product with a tight bandage, as a burn may result".

(d) *Directions.* The labeling of the product shall contain the following statement under the heading "Directions" for products containing iodine tincture: "Apply to (paint) the operative site prior to surgery and remove immediately upon drying after application with 70 percent alcohol, or use as directed by a physician".

**§ 333.90 Skin antiseptic.**

(a) *Statement of identity.* The labeling of the product shall contain the established name of the drug, if any, and shall identify the product as a "skin antiseptic".

(b) *Indications.* (1) *Required statements.* The labeling of the product shall contain a statement of the indications under the heading "Indications" that shall be limited to one or more of the following phrases: "Prevents skin infection", "controls infection", "degerming", "kills germs", "bacteriostatic" (if applicable) "bactericidal" (if applicable), "reduces the risk of infection and cross-



infection", "microbiocidal", "first-aid product", "contains antimicrobial ingredient(s)", "contains antibacterial ingredient(s)".

(2) *Other allowable statements.* The labeling may also contain the phrase "nonirritating"; provided such phrase is neither placed in direct conjunction with information required to appear in the labeling nor occupies labeling space with greater prominence or conspicuousness than the required information.

(c) *Warnings.* The labeling of the product shall contain the following warnings under the heading "Warnings":

(1) "For external use only."  
(2) "This product is not for use on wild or domestic animal bites. If you have an animal bite, consult your physician immediately."

(3) "Do not use this product for more than 10 days. If the infection worsens or persists, see your physician."

(d) *Directions.* The labeling of the product shall contain the following statement under the heading "Directions": "Apply to affected area." The labeling shall also contain the recommended dosage for use, time interval (if any), and method by which the product shall be used to prevent overt skin infection for those particular organisms for which the product is generally recognized as safe and effective.

#### § 333.92 Skin wound cleanser.

(a) *Statement of identity.* The labeling of the product shall contain the established name of the drug, if any, and shall identify the product as a "skin wound cleanser".

(b) *Indications.* (1) *Required statements.* The labeling of the product shall contain a statement of the indications under the heading "Indications" that shall be limited to one or more of the following phrases: "To clean superficial wounds," "for washing small superficial wounds," "aids in removal of foreign material such as dirt and debris," "first-aid product."

(2) *Other allowable statements.* The labeling may also contain any of the following phrases: "Nonirritating," "does not delay wound healing," "contains antibacterial ingredient" (if applicable), and "contains antimicrobial ingredient" (if applicable); provided such phrases are neither placed in direct conjunction with information required to appear in the labeling nor occupy labeling space with greater prominence or conspicuousness than the required information.

(c) *Warnings.* The labeling of the product shall contain the following warnings under the heading "Warnings":

(1) "For external use only."  
(2) "This product is not for use on wild or domestic animal bites. If you have an animal bite, consult your physician immediately."

(3) "Do not use this product for more than 10 days. If condition worsens or persists, see your physician."

(4) "Do not bandage tightly"

(5) For products marketed as concentrates: "Caution: Use only after dilution to use concentration. May cause eye irritation or eye damage unless diluted."

(6) For concentrated products containing quaternary ammonium compounds: "Dilute with distilled water before use because acidic or hard water may render the product inactive."

(d) *Directions.* The labeling of the product shall contain the following statement under the heading "Directions": "Apply to affected area." The labeling shall also contain the recommended dosage for use and method by which the product shall be used to cleanse a small wound without further damage to the injured area.

#### § 333.93 Skin wound protectant.

(a) *Statement of identity.* The labeling of the product shall contain the established name of the drug, if any, and shall identify the product as a "skin wound protectant."

(b) *Indications.* (1) *Required statements.* The labeling of the product shall contain a statement of the indications under the heading "Indications" that shall be limited to one or more of the following phrases: "Protectant," "protects wounds," "firstaid product," "first-aid for small (minor) cuts, abrasions and burns," "protectant for small (minor) cuts, abrasions, and burns," "protects against wound contamination."

(2) *Other allowable statements.* The labeling may also contain any of the following phrases: "Nonirritating," "provides a protective physical (and chemical) barrier," "does not delay wound healing," "contains antibacterial ingredient(s)" and "contains antimicrobial ingredient(s)"; provided such phrases are neither placed in direct conjunction with information required to appear in the labeling nor occupy labeling space with greater prominence or conspicuousness than the required information.

(c) *Warnings.* The labeling of the product shall contain the following warnings, under the heading "Warnings":

(1) "For external use only."  
(2) "This product is not for use on wild or domestic animal bites. If you have an animal bite, consult your physician immediately."

(3) Do not use this product for more than 10 days. If the conditions worsen or persist, see your physician."

(4) *Caution:* In case of deep or puncture wounds or serious burns consult your physician."

(5) "If itching, redness, irritation, swelling or pain develops and persists for more than 1 week or increases, it may be a sign of infection or allergy. Discontinue use at once and consult your physician."

(6) "Do not use in the eyes."  
(7) "Do not use on chronic skin conditions such as leg ulcers, diaper rash, or hand eczema."

(d) *Directions.* The labeling of the product shall contain the following

statement under the heading "Directions": "After gentle washing with soap and water, apply a small amount directly to the affected area and cover with sterile gauze if desired. May be applied 1 to 3 times daily."

#### § 333.97 Surgical hand scrub.

(a) *Statement of identity.* The labeling of the product shall contain the established name of the drug, if any, and shall identify the product as a "surgical hand scrub".

(b) *Indications.* (1) *Required statements.* The labeling of the product shall contain a statement of the indications under the heading "Indications" that shall be limited to one or more of the following phrases: "Kills microorganisms", "significantly reduces the number of microorganisms on the hands and forearms prior to surgery or patient care", "bacteriostatic", "bactericidal".

(2) *Other allowable statements.* The labeling may also contain any of the following phrases: "Nonirritating", "fast-acting" (if applicable), "broad-spectrum" (if applicable), "contains antimicrobial ingredients", and "contains antibacterial ingredient(s)" provided such phrases are neither placed in direct conjunction with information required to appear in the labeling nor occupy labeling space with greater prominence or conspicuousness than the required information.

(c) *Warnings.* The labeling of the product shall contain the following warning under the heading "Warnings": "For external use only."

(d) *Directions.* The labeling of the product shall contain the following statement under the heading "Directions": "Wet hands. Apply 5 ml (teaspoonful) or appropriate quantity to hands and forearms. Scrub thoroughly for 5 minutes or other appropriate time. Rinse and repeat." The labeling shall also contain such other directions as the product formulation and good medical practice dictate.

#### § 333.99 Professional labeling.

The labeling for each type of product defined in § 333.3 (c) through (i) that is provided only to health professionals and the labeling for those products primarily used in health-care facilities shall contain, in addition to the warnings required by each monograph, the following:

(a) "Caution: Overuse of this and other antimicrobial products may result in an overgrowth of gram-negative organisms, particularly *Pseudomonas*. These effects could be serious in severely debilitated patients or patients at high risk such as burn victims, the elderly, or newborns."

(b) For products containing quaternary ammonium compounds: "This product is rendered inactive by hard water, acidic water, anionic compounds, soaps Tween 80 and sodium lauryl sulfate".

(c) The warning "Do not use solution with occlusive dressing" may be used instead of the warning "Do not bandage tightly" in the "Warnings" section of the labeling for a skin wound cleanser product.

Interested persons may file written objections and request an oral hearing before the Commissioner regarding this tentative order on or before February 6, 1978. Requests for an oral hearing must specify points to be covered and time requested. All objections and requests shall be submitted (in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) to the Hearing Clerk (HFC-20), Food and Drug Administration (HFC-20), room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be accompanied by a memorandum or brief in support thereof. Objections and requests may be seen in the above office, between 9 a.m. and 4 p.m., Monday through Friday. Any scheduled oral hearing will be announced in the FEDERAL REGISTER.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: December 23, 1977.

DONALD KENNEDY,  
Commissioner of Food and Drugs.  
[FR Doc.78-3 Filed 1-5-78;8:45 am]



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FRIDAY, JANUARY 6, 1978  
PART III



## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

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## HEALTH SYSTEMS AGENCIES

Designation and Funding



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Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE,  
DEPARTMENT OF HEALTH, EDUCATION,  
AND WELFARE

PART 122—HEALTH SYSTEMS AGENCIES

Miscellaneous Amendments

AGENCY: Public Health Service, HEW.

ACTION: Final regulations.

SUMMARY: These amendments revise several sections of the regulations governing the designation and funding of health systems agencies (42 CFR Part 122), in order to make those regulations consistent with recent statutory changes in Title XV of the Public Health Service Act (hereinafter "the Act") and to conform to a recent court decision concerning the regulations.

EFFECTIVE DATE: January 6, 1978.

FOR FURTHER INFORMATION:

Harry P. Cain II, Ph. D., Director, Bureau of Health Planning and Resources Development, Health Resources Administration, Room 6-22, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Health, Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare amends Part 122 of Title 42, Code of Federal Regulations, to make these regulations consistent with statutory changes in the Public Health Service Act made by Pub. L. 94-237, Pub. L. 94-484, and a recent court decision.

Section 14 of Pub. L. 94-237 (March 19, 1976), as is relevant here, amended two sections of Title XV of the Act. It amended section 1512(b)(3)(C)(ii), which contains a list of facilities that must be represented on the governing body of a health systems agency, to include substance abuse treatment facilities, and it amended section 1531(3)(A),

which contains a list of facilities the administration of which could result in an individual being determined to be a direct provider of health care, also to include substance abuse treatment facilities. Section 122.109(b)(2)(ii) and 122.1(o)(1) of the regulations are revised accordingly.

Section 902 of the Health Professions Educational Assistance Act of 1976, Pub. L. 94-484 (October 1976) also amended the same two sections of Title XV of the Act. It amended section 1512(b)(3)(C)(ii)(I), which contains a list of health professionals who must be represented on the governing body of a health systems agency, to include optometrists, and it amended section 1531(3)(A) of the Act, which contains a list of health professionals who may be determined to be direct providers of health care, also to include optometrists. Sections 122.109(b)(2)(i) and 122.1(o)(1) are revised to accommodate these statutory changes.

On April 28, 1977, the U.S. District Court for the District of Columbia in the case of *State of Missouri v. F. David Mathews*, USDC DC, Civil Action 76-1065, held that the portion of 42 CFR 122.109(b)(3)(i) which limited the number of public elected officials, representatives of governmental authorities, and representatives of public agencies concerned with health that could serve on a health systems agency governing body to not more than one-third of the total membership on the governing body, was unreasonable in light of the legislative history of the Act. The Department has decided not to appeal this decision. Accordingly, § 122.109(b)(3)(i) is revised to delete the one-third limitation.

Because the amendments described above are technical in nature, the Secretary has determined, pursuant to 5 USC 553 and applicable Department policy, that it would be impracticable, unnecessary, and contrary to the public interest to follow proposed rulemaking procedures or to delay the effective date of these amendments. These amend-

ments will therefore be effective January 6, 1978.

Accordingly, 42 CFR Part 122 is amended as set forth below.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular 821 and OMB Circular 8-107.

Dated: November 9, 1977.

JULIUS B. RICHMOND,  
Assistant Secretary for Health

Approved: December 23, 1977.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

§ 122.1 [Amended]

1. Section 122.1(o)(1) is amended by inserting "optometrist," after "podiatrist," and by inserting "substance abuse treatment facilities" after "long-term care facilities."

§ 122.109 [Amended]

2. Section 122.109(b)(2)(i) is amended by inserting "optometrists," after "nurses."

3. Section 122.109(b)(2)(ii) is amended by inserting "substance abuse treatment facilities," after "long-term care facilities."

4. Section 122.109 is amended by revising paragraph (b)(3)(i) to read as follows:

§ 122.109 Governing body: executive and other committees.

(b) \* \* \*

(3) \* \* \*

(i) Include (either through consumer or provider members) public elected officials and other representatives of governmental authorities in the agency's health service area and representatives of public agencies in the area concerned with health;

\* \* \*

[FR Doc 78-2 Filed 1-5-78, 8 45 am]



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FRIDAY, JANUARY 6, 1978  
PART IV



## ENVIRONMENTAL PROTECTION AGENCY

### STATE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Proposed Rulemaking



[ 6560-01 ]

## ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 124 ]

[ FRL 818-5 ]

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

## Proposed Rulemaking

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

**SUMMARY:** These proposed amendments will revise EPA's regulations governing State National Pollutant Discharge Elimination System (NPDES) Programs for two purposes: to conform the regulations to the requirements of the Settlement Agreement approved by the United States District Court for the District of Columbia issued on June 8, 1976, in "Natural Resources Defense Council, Inc., et al. v. Russell E. Train," and to clarify the procedures under which EPA will exercise its power to object to (veto) the issuance of State NPDES permits. Both of these proposed changes are necessary to assure national uniformity in water pollution control efforts, particularly with respect to toxic and hazardous pollutants.

**DATES:** All comments received on or before February 6, 1978, will be considered.

**ADDRESSES:** Interested persons may participate in this proposed rulemaking by submitting comment or suggestions to Mr. Edward A. Kramer, Permits Division (EN-336), Office of Water Enforcement, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Each person submitting a comment should include his or her name and address and give reasons for any recommendations. A copy of all public comments will be available for inspection and copying at EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

## FOR FURTHER INFORMATION CONTACT:

Edward A. Kramer (EN-336), Office of Water Enforcement Environmental Protection Agency, Washington, D.C. 20460, 202-755-0750.

## SUPPLEMENTARY INFORMATION:

## CONSENT DECREE REQUIREMENTS

The Settlement Agreement approved by the United States District Court for the District of Columbia issued on June 8, 1976, in "Natural Resources Defense Council, Inc. et al. v. Train," 8 ERC 2120 (D.D.C. 1976) (hereinafter the "Consent Decree") establishes a new program for, among other actions, the establishment by EPA of effluent limitations guidelines, new source performance standards, and pretreatment standards

## PROPOSED RULES

in 21 major categories of industries, focusing on 65 classes of pollutants of particular concern. When these guidelines and standards are promulgated, Paragraph 10(a) of the Consent Decree contains specific requirements for their prompt application to all point sources and discharges into publicly owned treatment works.

To assure national uniformity in water pollution control, the proposed regulations will implement the requirements of the Consent Decree as they apply to States with approved NPDES programs. Under the proposed regulations, these states must modify, or alternatively, revoke and reissue permits when new guidelines for best available technology economically achievable (BAT) are issued. Permits issued by EPA are subject under the Consent Decree to similar requirements.

It is EPA's position that permits subject to the Consent Decree which are reissued prior to the time that new guidelines are promulgated in accordance with the Consent Decree should be reissued to require continued compliance with best practicable control technology currently available (BPT) as specified in the expiring permits (making any necessary adjustments), as well as compliance with the requirements of water quality standards and other applicable requirements under sections 208, 301, 302, 307, and 403 of the Federal Water Pollution Control Act (hereinafter the "Act"). Nevertheless, where there is a known discharge of a substance posing a threat to the public health, or where other unusual circumstances exist, prompt action to relieve the problem must be taken.

These new procedures and requirements have been established in order to assure expeditious compliance with requirements for the control of pollutants of particular national concern, as well as to meet the July 1, 1983, deadline established in the Act for the achievement of BAT effluent limitations.

## VETO PROCEDURES

Under section 402(d)(2) of the Act, States with approved NPDES programs must submit draft permits to the Administrator for review. If the Administrator objects to issuance of the permit "as being outside the guidelines and requirements of the Act," a State may not issue the permit. While this veto authority is a basic device ensuring a nationally uniform water pollution control effort, the existing regulations do not spell out detailed procedures for its exercise, nor do they identify the circumstances under which the Administrator will exercise this power. These proposed regulations clarify both the procedures which are to be followed in reviewing State NPDES permits and the scope of the Administrator's review. Where these regulations conflict with existing agreements between the Regional Administrator and the NPDES State, the regulations would be controlling.

## A. PROCEDURES

The present regulations (40 CFR 124.46) leave the procedures for EPA re-

view of State NPDES permits to be worked out in the agreement between the Regional Administrator and the State at the time a State NPDES program is approved.

Under these proposed regulations, the Regional Administrator and the State would work together in both formulating the permits and ensuring that the supporting record is complete. Thus, before the State formally transmits a draft permit to the Regional Administrator for review, the Regional Administrator will have reviewed the tentative determinations prepared by the State under § 124.31(a) and the draft NPDES permit prepared under § 124.31(b). Under this procedure, any concerns the Regional Administrator has with respect to the State's draft permit will be identified and made known to the State before the Regional Administrator's opportunity for formal review. This early review system also will allow the Regional Administrator to provide to the State any information or data (such as research reports, draft effluent limitation guideline development documents, and information about attainable levels of control) the State must consider in formulating its final proposed permit.

EPA expects that this proposed system will in most cases allow EPA to resolve any differences with the State prior to public notice of the NPDES permit issuance by the State. If not, the public notice should identify the State's tentative position and the concerns expressed by EPA on issues underlying the permit issuance, and seek public comment on those issues. EPA believes that this proposed approach will facilitate informed public participation in the permit issuance process.

The provisions relating to transmittal of the final draft permit from the State to EPA are based upon the present requirements, except that comments on the permit presented at any State public hearing must be submitted to the Regional Administrator where the Regional Administrator does not inform the Director in writing of his lack of objection to the tentative determinations; where the draft permit differs from or is less stringent than the tentative determinations; or where significant objections to the tentative determinations were raised.

The proposed regulations do not provide for a hearing or other mandatory public procedure in connection with the exercise of the Regional Administrator's review responsibility. An opportunity for hearing must be provided by the State in connection with permit issuance. The Act does not require a hearing on EPA vetoes. Moreover, the Regional Administrator's responsibility under these regulations is to make a determination of law. The Regional Administrator will thus be bound by State factual determinations, except as provided in § 124.48(b) (4) and (5), and a hearing or other public procedure would be unnecessary. ("C." FCC v. WJR," 337 U.S. 265 (1949).)

The purpose of section 101(e) of the Act, which requires public participation in the EPA actions, will be served by the Regional Administrator's responsibility

to make his concerns known to the State and to air those concerns at any State public hearing. However, where deemed appropriate, the Regional Administrator may request additional public comment on the draft permit transmitted by the State and the exercise of veto authority. In some unusual circumstances, the use of these public notice procedures might be mandatory. For example, if the Regional Administrator sought to consider documentary material which was not before the State, the public must be offered an opportunity to review such material. Otherwise, the Regional Administrator will be limited under § 124.48(c) (4) to the record made before the State.

## B. SCOPE OF REVIEW

The permissible grounds on which an objection by the Regional Administrator may be based are listed in the proposed § 124.48. As noted above, the grounds for objection listed involve legal determinations, not factual determinations. The Regional Administrator will not attempt, in most cases, to review State factual determinations, except as provided in proposed § 124.48(b) (4) and (5). Thus, if the Regional Administrator finds under proposed § 124.48(b) (4) that determinations made by the Director are "arbitrary and capricious, or an abuse of discretion," the Regional Administrator is not redetermining facts, but engaging in a legal review analogous to that performed by courts. It will be necessary to engage in this review because the Regional Administrator cannot determine whether the "guidelines and requirements" of the Act are met unless there is assurance that the State has assembled a full and complete factual record, and made careful and accurate determinations on the basis of that record.

Clarification is provided of the Regional Administrator's authority to object in the case of "pre-guidelines" permits. Frequently permits must be issued before the promulgation of effluent guidelines for an industrial category or subcategory. Section 402(a) (1) of the Act authorizes the Administrator to issue permits in these cases under "such conditions as the Administrator determines are necessary to carry out the provisions of this Act." Where effluent limitation guidelines representing BPT have not been promulgated, for example, the Administrator has interpreted this section of the Act as requiring a determination of "individualized" BPT on a case-by-case basis for incorporation into the discharger's permit. See, e.g., Decision of the General Counsel No. 38 (January 28, 1976); "United States Steel Corp. v. Train," 556 F. 2d 822, 844 (7th Cir. 1977). The present regulations (40 CFR 124.42(a) (6)) authorize the State to issue such "pre-guidelines" permits. However, these regulations have been misconstrued by a few States as committing the effluent limitations in these permits to the absolute discretion of the Director. These proposed regulations revise § 124.42 to eliminate ambiguity on this point, and, in proposed § 124.48, clarify the authority of the Regional Administrator to veto "pre-guidelines" permits where the State in-

## PROPOSED RULES

correctly determines the limitations necessary to meet the provisions of the Act.

## C. CONTENTS OF RECORD

In the existing regulations, States are required to transmit to the Regional Administrator for review only the draft permit and documents which are part of the permit or which affect the authorization to discharge. The proposed amendments require the transmission of a more complete record to the Regional Administrator for review in some cases. Thus, in the circumstances identified in proposed § 124.47(c), a summary of the public hearing and all significant comments presented must be transmitted to the Regional Administrator. Moreover, if the Regional Administrator is unable, on the basis of the information provided by the State, to determine whether the permit meets the "guidelines and requirements" of the Act, proposed § 124.48(c) (2) authorizes the Regional Administrator to require the State to submit for the Regional Administrator's review the complete record supporting the permit or such portions thereof as the Regional Administrator determines are necessary. Such complete record may include, but not be limited to, letters, telephone memoranda or any other supplementary documentation used by the State in its formulation of the proposed permit conditions. A requirement for transmittal of a more complete record would constitute an interim objection, and the Regional Administrator would have the full 90 days authorized by section 402(d) (2) of the Act (or lesser period, if specified by agreement with the State) for review when the State supplied the requested record or portions.

As noted above, in certain limited circumstances, the Regional Administrator may consider material outside this record after making it available for public comment, including review by the State and the discharger.

**NOTE.**—The Environmental Protection Agency has determined that this document does not constitute a major regulation requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and under OMB Circular A-107.

Dated: December 28, 1977.

DOUGLAS M. COSTLE,  
Administrator.

## Subpart D—Notice and public participation

Sec. 124.31 Formulation of tentative determinations and draft NPDES permits.

## Subpart E—Terms and Conditions of NPDES Permits

124.42 Application of effluent standards and limitations water quality standards, and other requirements.

124.46 Requirements under consent decree.

124.47 Transmission to Regional Administrator of proposed NPDES permits.

124.48 Objection to proposed permits.

124.49 Transmission to Regional Administrator of issued NPDES permits.

## Subpart D—Notice of Public Participation

Section 124.31 is proposed to be amended by inserting new paragraphs (c) and (d) as follows:

§ 124.31 Formulation of tentative determinations and draft NPDES permits.

(c) The tentative determinations prepared pursuant to paragraph (a) of this section and the draft NPDES permit prepared pursuant to paragraph (b) of this section shall be transmitted to the Regional Administrator not less than thirty (30) days prior to circulation of the public notice provided for by § 124.32. The Regional Administrator may, by agreement with the State, modify the requirement of this subsection, provided that the agreement ensures the Regional Administrator's opportunity to comment on, object to, or make recommendations with respect to, the tentative determination and draft NPDES permit prior to public notice.

(d) The Regional Administrator may comment upon, object to or make recommendations with respect to the draft NPDES permit prior to circulation of such public notice and may request that such circulation be postponed until the Director has had an opportunity to reconsider the terms of the draft NPDES permit in light of such comments, objections or recommendations.

## Subpart E—Terms and Conditions of NPDES Permits

1. Section 124.42 is proposed to be amended by revising paragraph (a) (6) to read as follows:

§ 124.42 Application of effluent standards and limitations, water quality standards and other requirements.

(a) \* \* \*

(6) Prior to promulgation by the Administrator of applicable effluent standards and limitations pursuant to sections 208, 301, 302, 306 and 307, such conditions as are necessary to carry out the provisions of the Act.

2. Section 124.47 is proposed to be renumbered as § 124.49 and § 124.46 is proposed to be deleted and replaced by new §§ 124.46, 124.47 and 124.48 as follows:

§ 124.46 Requirements under consent decree.

(a) As used in this section, the term "Consent Decree" shall mean the Settlement Agreement approved by the United States District Court for the District of Columbia and issued on June 8, 1976, in "Natural Resources Defense Council, Inc. et al. v. Russell E. Train," 8 ERC 2120 (D.D.C. 1976).

(b) Any permit issued to a discharger within any industrial category listed in Appendix B of the Consent Decree shall apply, and assure compliance with, all applicable effluent standards and limitations promulgated pursuant to the Consent Decree. Where applicable standards or limitations required by the Consent Decree have not yet been issued, the Director shall include in the permit a condition stating that if an applicable effluent standard or limitation is issued under the Consent Decree, and such effluent standard or limitation is more stringent than any effluent limitation in



the permit, or controls a pollutant or pollutant parameter not limited in the permit, the permit shall be promptly modified or, alternatively, revoked and reissued in accordance with such effluent standard or limitations.

[Comment: The following language is an acceptable permit condition for the purposes of this section:

"This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent limitation promulgated pursuant to the order of the United States District Court for the District of Columbia issued on June 8, 1976, in "Natural Resources Defense Council, Inc. et. al. v. Russell E. Train," 8 ERC 2120 (D.D.C. 1976), if the effluent limitation so issued:

(1) Is different in conditions or more stringent than any effluent limitation in the permit; or

(2) Controls any pollutant not limited in the permit."]

(c) Where the Director follows the procedures set forth in paragraph (b) of this section for an NPDES permit, and an applicable effluent standard or limitation under the Consent Decree is issued which is more stringent than any effluent limitation in the permit, or controls a pollutant or pollutant parameter not limited in the permit, the Director shall promptly modify or, alternatively, revoke and reissue the permit under § 124.72(a) in accordance with such effluent standard or limitation.

§ 124.47 Transmission to regional administrator of proposed NPDES permits.

(a) Any State or interstate agency participating in the NPDES shall transmit to the Regional Administrator copies of NPDES permits proposed to be issued by such agency in such manner as the Director and Regional Administrator shall agree upon. Any agreement between the State or interstate agency and the Regional Administrator shall be consistent with the requirements of this section.

(b) The Director shall transmit to the Regional Administrator all terms, conditions, requirements or documents that are a part of any proposed permit or that affect the authorization by the proposed permit of the discharge of pollutants.

(c) The Director shall transmit to the Regional Administrator a copy of any significant comments presented in writing pursuant to the public notice and a summary of any significant comments presented at any hearing, in the case of any NPDES application for which:

(1) The Regional Administrator has not informed the Director in writing of a lack of objection to the tentative determinations transmitted to the Regional Administrator pursuant to § 124.31(c); or

(2) The proposed permit embodies requirements different from or less stringent than those embodied in such tentative determinations; or

(3) Significant comments adverse to such tentative determinations have been presented at the hearing or in writing pursuant to the public notice.

(d) Within 90 days following receipt of the proposed permit, or such lesser

time as the Regional Administrator and the Director may agree upon, the Regional Administrator, pursuant to the right to object provided in section 402 (d) (2) of the Act and § 124.48, may comment upon, object to, or make recommendations with respect to the proposed permit.

(e) The Regional Administrator may, by agreement at the time an NPDES program is submitted for approval, waive rights to receive, review, object to, or comment upon proposed NPDES permits for classes, types or sizes of discharges within any category of point sources, including the right to receive information under paragraphs (b) and (c) of this section.

(f) No waivers granted under sections 402(e) or 402(f) of the Act prior to the effective date of this subsection, nor any such waivers which may thereafter be granted, shall apply to any permit which is subject to § 124.46(b), and which does not comply with that subsection.

§ 124.48 Objections to proposed permits.

(a) Within the period of time provided pursuant to § 124.47(d), the Regional Administrator may notify the Director of an objection to issuance of the proposed permit. Such notification shall set forth in writing the nature of the objection, the section of the Act or regulations that support the objection, and the actions that must be taken by the Director in order to eliminate the objection.

(b) An objection by the Regional Administrator may be based on one or more of the following grounds:

(1) The permit fails to apply, or to ensure compliance with, any applicable requirement of sections 208, 301, 302, 304, 306, 307 and 403, or of any applicable regulations promulgated thereunder;

(2) In the case of any proposed permit for which notification to the Administrator is required under section 402(b) (5) of the Act, the written recommendations of an affected State have not been accepted by the permitting State and the Regional Administrator finds inadequate the reasons for nonacceptance;

(3) The procedures followed in connection with formulations of the proposed permit failed in a material respect to comply with procedures required by the Act or regulations and guidelines thereunder or required by any agreement between the State or interstate agency and the Regional Administrator;

(4) Any findings of fact made by the Director or necessarily implied by the Director's determination to issue the proposed permit are arbitrary and capricious, or an abuse of discretion;

(5) With respect to the interpretation of the Act or any guideline or regulation thereunder, or the application of the Act, guidelines and regulations to the facts found by the Director, any conclusion made by the Director or necessarily implied by his determination to issue the proposed permit is erroneous in the judgment of the Regional Administrator;

(6) Any provisions of the proposed permit relating to the maintenance of records, reporting, monitoring, sampling, or the provision of any other information by the permittee are inadequate, in the judgment of the Regional Administrator, to assure compliance with the effluent standards and limitations required by the Act, by the guidelines and regulations thereunder, or by the proposed permit;

(7) In the case of any proposed permit with respect to which applicable effluent standards and limitations pursuant to sections 208, 301, 302, 306 and 307 of the Act have not yet been promulgated by the Agency, the proposed permit, in the judgment of the Regional Administrator, fails to carry out the provisions of the Act; or

(8) Issuance of the proposed permit would in any other respect be outside the requirements of the Act, or regulations and guidelines thereunder.

(c) Prior to notifying the Director of an objection based upon any of the grounds set forth in paragraph (b) of this section, the Regional Administrator:

(1) Shall consider all data transmitted pursuant to §§ 124.33 and 124.47;

(2) Shall, if the information provided is inadequate to determine whether the proposed permit meets the guidelines and requirements of the Act, request the Director to transmit to the Regional Administrator the complete record of the permit proceedings before the State, or such portions thereof as the Regional Administrator determines are necessary for review. Any such request shall constitute an interim objection to the issuance of the permit, and the full period of time specified in accordance with § 124.47(d) for the Regional Administrator's review shall start over when the Regional Administrator has received such record or portions;

(3) May, in his discretion and to the extent feasible within the period of time available pursuant to § 124.47(d), afford to every interested person an opportunity to comment on the basis for an objection; and

(4) Shall not consider any data or information that were not before the Director in connection with the application for the proposed permit, except to the extent provided in subparagraph (3) of this paragraph or except for any data or materials generally available to the public, which may be officially noticed by the Regional Administrator.

(d) Upon receipt of an objection pursuant to this section, the State or interstate agency participating in the NPDES shall insure that the permit in its proposed form is not issued and shall either take such steps as necessary to eliminate such objection or shall deny the application for a permit. Where the Director takes steps to eliminate such objection and then proposes to issue an NPDES permit, such proposed permit shall be transmitted to the Regional Administrator for review pursuant to § 124.47 and this part.

[FR Doc.78-383 Filed 1-5-78;8:45 am]

FRIDAY, JANUARY 6, 1978

PART V



## DEPARTMENT OF LABOR

Employment Standards  
Administration

### MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions



[ 4510-27 ]

DEPARTMENT OF LABOR

Employment Standards Administration  
MINIMUM WAGES FOR FEDERAL AND  
FEDERALLY ASSISTED CONSTRUCTION  
General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756).

The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein

shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be based in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

North Carolina..... NC78-1005.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication

in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL78-1002 .....	Jan. 9, 1978.
AL78-1125 .....	Oct. 29, 1978.
AL77-1063; AL77-1064; AL77-1066 .....	May 13, 1977.
AL77-1089 .....	July 8, 1977.
Georgia:	
AQ-4108 .....	Apr. 26, 1974.
AQ-4124 .....	June 14, 1974.
AQ-4037 .....	Sept. 20, 1974.
GA76-1039 .....	Apr. 11, 1975.
GA76-1113 .....	Dec. 12, 1975.
GA76-1015 .....	Jan. 23, 1976.
GA76-1035 .....	Mar. 5, 1976.
Indiana:	
IN77-2009; IN77-2012; IN77-2013 .....	Feb. 11, 1977.
IN77-2084; IN77-2085 .....	May 13, 1977.
IN77-2101 .....	June 24, 1977.
IN77-2134 .....	Sept. 30, 1977.
Kentucky:	
AR-4002 .....	July 5, 1974.
KY76-1093 .....	Sept. 3, 1976.
KY76-1097 .....	Sept. 10, 1976.
KY76-1136 .....	Dec. 3, 1976.
Louisiana:	
LA77-4031 .....	Feb. 18, 1977.
LA77-4220 .....	Sept. 23, 1977.
Maryland:	
MD77-3036 .....	Mar. 4, 1977.
MD77-3130 .....	Sept. 23, 1977.
Mississippi:	
MS75-1076 .....	Aug. 22, 1975.
MS76-1076 .....	July 16, 1976.
MS77-1033 .....	Mar. 25, 1977.
MS77-1055; MS77-1056 .....	May 8, 1977.
MS77-1078 .....	June 17, 1977.
Nevada:	
NV77-5072 .....	July 8, 1977.
New Mexico:	
NM77-4103 .....	May 20, 1977.
New York:	
NY77-3003 .....	July 1, 1977.
North Carolina:	
NC76-1049 .....	Apr. 25, 1976.
NC76-1042 .....	Mar. 19, 1976.
NC76-1068 .....	May 28, 1976.
NC77-1017; NC77-1018 .....	Feb. 11, 1977.
NC77-1145 .....	Nov. 18, 1977.
Oklahoma:	
OK77-4036; OK77-4038 .....	Feb. 18, 1977.
OK77-4060 .....	Mar. 11, 1977.
OK77-4216 .....	Sept. 2, 1977.
South Carolina:	
SC76-1029 .....	Mar. 7, 1975.
SC76-1031 .....	Mar. 14, 1975.
SC76-1045 .....	Apr. 11, 1975.
SC76-1055 .....	May 23, 1975.
SC76-1008 .....	Jan. 9, 1976.
SC76-1063 .....	May 14, 1976.
SC76-1088 .....	Aug. 27, 1976.
SC76-1115 .....	Oct. 8, 1976.
SC76-1126 .....	Oct. 29, 1976.
SC77-1019 .....	Feb. 11, 1977.
SC77-1070 .....	May 20, 1977.
SC77-1077 .....	June 10, 1977.
Tennessee:	
TN76-1098 .....	Sept. 26, 1975.
TN76-1140 .....	Dec. 20, 1976.
Texas:	
TX76-4039 .....	Feb. 13, 1976.
TX77-4026; TX77-4029 .....	Feb. 16, 1977.
TX77-4193; TX77-4197; TX77-4201 .....	Aug. 19, 1977.
TX77-4221; TX77-4222 .....	Sept. 23, 1977.
TX77-4239; TX77-4240; TX77-4242; TX77-4243; TX77-4252; TX77-4253; TX77-4254; TX77-4256; TX77-4257; TX77-4258; TX77-4259; TX77-4260; TX77-4261; TX77-4263; TX77-4264; TX77-4265; TX77-4280 .....	Sept. 30, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Louisiana:  
LA77-4219 (LA76-4001) ... Sept. 23, 1977.

Signed at Washington, D.C., this 30th day of December 1977.

RAY J. DOLAN,  
Assistant Administrator,  
Wage and Hour Division.



FOOTNOTES:

- a. Employer contributes 8% of basic hourly rate for 5 years or more of service and 6% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- b. 7 paid holidays: New Year's Day; Christmas Day; 4th of July; Labor Day; Memorial Day; Thanksgiving Day; and Friday after Thanksgiving Day.

NEW DECISION

STATE: North Carolina  
COUNTY: Guilford  
DECISION NO.: NC78-1005  
DATE: Date of Publication  
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	6.14				
Carpenters	5.23				
Cement masons	4.67				
Drywall installer	6.00				
Electricians	5.36				.05
Elevator constructors	7.77	.745	.58	a+b	
Elevator constructors helpers	5.44	.745	.56	a+b	.05
Elevator constructors helpers (prob.)					
Glaziers	3.885				
Ironworkers:	4.85				
Structural & Ornamental Reinforcing	5.50				
Laborers:	5.00	.25		.10	.05
Laborers	3.00				
Mason tenders	3.68				
Mortar mixers	3.71				
Pipelayers	4.25				
Painters, brush	4.17				
Plasterers	6.25				
Plumbers & steamfitters	5.75				
Roofers	4.32				
Sheet metal workers	4.85				
Soft floor layers	4.02				
Sprinkler fitters	7.70	.65	.95		.08
Tile setters	5.19				
Terrazzo workers	5.76				
Truck drivers	3.76				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	4.45				
Bulldozer	4.25				
Cranes, derrick, dragline	6.00				
Distributor	4.75				
Finishing machine	4.75				
Fork lift operator	4.00				
Front end loader	4.25				
Motor grader	4.76				
Roller	4.03				

MODIFICATIONS P. 2

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # AL77-1066 - Mod. # 1 (42 FR-24554 - May 13, 1977) Blount, Cherokee, Clay, Claiborne, Colbert, Cullman, DeKalb, Fayette, Franklin, Jackson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Randolph, Winston Counties, Alabama. Change: Laborers				
2.65				
Decision # AL77-1089 - Mod. # 1 (42 FR-35537 - July 8, 1977) Baldwin, Mobile, Clarke, Conecuh, Monroe, and Washington Counties, Alabama. Change: Dry wall Sanders Laborers: Unskilled Mason tenders				
2.65				
2.65				
2.65				
Decision No. AQ-4108 - Mod. #1 (39 FR 14811 - April 26, 1974) Barrow, Clarke, Elbert, Greene, Hart, Jackson, Madison, Morgan, Newton, Oconee, Oglethorpe, & Walton Counties, Georgia Change: Laborers Truck drivers Power Equipment Operators: Asphalt roller				
2.65				
2.65				
2.65				
Decision No. AQ-4124 - Mod. #2 (39 FR 20912 - June 14, 1974) Laurens County, Georgia Change: Laborers: Laborers Mason tenders Mortar mixers Power Equipment Operators: Backhoe Roller				
2.65				
2.65				
2.65				
2.65				

MODIFICATIONS P. 1

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # AL76-1002 - Mod. # 2 (42 FR-1693 - January 9, 1976) Montgomery County, Alabama Change: Laborers: Laborers Mortar mixers Power Equipment Operators: Tractors				
2.65				
2.65				
2.65				
Decision # AL77-1063 - Mod. # 1 (42 FR-24553 - May 13, 1977) Autauga, Barbour, Bibb, Bullock, Butler, Chambers, Chilton, Coffee, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Geneva, Hale, Henry, Houston, Lee, Lowndes, Macon, Montgomery, Perry, Pike, Russell, Tallapoosa, Counties, Alabama. Change: Laborers: Laborers Truck Drivers				
2.65				
2.65				
2.65				
Decision # AL77-1064 - Mod. # 1 (42 FR-24553 - May 13, 1977) Autauga, Barbour, Bibb, Bullock, Butler, Chambers, Chilton, Coffee, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Geneva, Hale, Henry, Houston, Lee, Lowndes, Macon, Montgomery, Perry, Pike, Russell, Tallapoosa, Counties, Alabama. Change: Truck Drivers				
2.65				
2.65				
2.65				



MODIFICATIONS P. 4

MODIFICATIONS P. 4

DECISION NO. IN77-2009 - Mod. #5 (42 FR 8910 - February 11, 1977) Clark, Floyd, & Harrison Counties, Indiana  Change: CARPENTERS: Carpenters; Soft floor layers Piledrivermen	Basic Hourly Rates	Fringe Benefits Payments			Education And/or Appr. Tr.
		M & W	Pensions	Vacation	
	\$10.15 10.40	.45 .45	.45 .45		.05 .05

DECISION NO. IN77-2012 - Mod. #2 (42 FR 8913 - February 11, 1977) Jackson County, Indiana  Change: Laborers	\$2.65				
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DECISION NO. IN77-2013 - Mod. #1 (42 FR 8913 - February 11, 1977) Jefferson County, Indiana  Change: Laborers	2.65				
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DECISION NO. IN77-2084 - Mod. #5 (42 FR 24555 - May 13, 1977) Brown, Crawford, Jackson, Jefferson, Jennings, Lawrence, Orange, Scott, Switzerland, & Washington Counties, Indiana  Change: Carpenters; Millwrights; Piledrivermen; & Soft floor layers Washington Co.: Carpenters; & Soft floor layers Piledrivermen	\$10.15 10.40	.45 .45	.45 .45		.05 .05
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DECISION NO. IN77-2085 - Mod. #5 (42 FR 24562 - May 13, 1977) Fayette, Franklin, Henry, Ohio, Randolph, Ripley, Rush, Union, & Wayne Counties, Indiana  Change: Carpenters; Millwrights; Piledrivermen; & Soft floor layers Fayette, Henry, Randolph, Rush (Cartage Twp.), Union, & Wayne Cos.: Carpenters; Soft floor layers Millwrights Piledrivermen	\$9.95 10.25 10.15	.55 .55 .55	.40 .40 .40		.08 .08 .08
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MODIFICATIONS P. 3	Basic Hourly Rates	Fringe Benefits Payments				Education Appr. Tr.
		M & W	Pensions	Vacation		
DECISION No. AR-1037 - Mod. #3 (39 FR 33919 - September 20, 1974) Charlton, Pierce & Ware Counties, Georgia  Change: Laborers: Laborers Mason tenders Truck drivers	2.65 2.65 2.65 2.65					
DECISION No. GA75-1039 - Mod. #6 (40 FR 16471 - April 11, 1975) Chattahoochee & Muscogee Counties, Georgia  Change: Laborers: Laborers Mason tenders Roofers Truck drivers	\$ 2.65 2.65 2.65 2.65 2.65					
DECISION No. GA75-1113 - Mod. #1 (40 FR 58034 - December 12, 1975) Ware County, Georgia  Change: Laborers - common	2.65					
DECISION No. GA76-1015 - Mod. #1 (41 FR 3590 - January 23, 1976) Burke, Columbia, Glascock, Bacon, Jefferson, Jenkins, Lincoln, McRiffe, Richmond, Taliferro, Warren, Washington, & Wilkes Counties, Georgia  Change: Laborers	2.65					
DECISION No. GA76-1035 - Mod. #2 (41 FR 9758 - March 5, 1976) Chattahoochee, Harris, Macon, Marion, Meriwether, Muscogee, Sobley, Stewart, Sumter, Talbot, Taylor, Troup, & Webster Counties, Georgia  Change: Glaziers Laborers Truck drivers	2.65 2.65 2.65					

MODIFICATIONS P. 5

DECISION NO. IN77-2101 - Mod. #3 (42 FR 32480 - June 24, 1977) Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo Counties, Indiana	Basic Hourly Rates	Fringe Benefits Payments			Education And/or Appr. Tr.
		M & W	Pensions	Vacation	
Change: Carpenters; Millwrights; Piledrivermen; & Soft floor Layers: Allen Co.: Carpenters; Soft floor Layers Millwrights; Piledrivermen Bartholomew Co. (Camp Atterbury) & Marion Co.: Carpenters; Millwrights Benton & Tippecanoe Cos.: Carpenters; Soft floor Layers Millwrights; Piledrivermen Delaware Co.: Carpenters; Soft floor Layers Millwrights Piledrivermen	\$10.17 10.50 11.70 10.06 10.41 9.95 10.25 10.15	6% 6% .70 .60 .60 .55 .55 .55			.07 .07 .08 .02 .02 .08 .08 .08
DECISION NO. IN77-2134 - Mod. #1 (42 FR 53032 - September 30, 1977) Adams, Blackford, Boone, Carroll, Cass, Clinton, DeKalb, Fountain, Fulton, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Miami, Montgomery, Morgan, Noble, Shelby, Steuben, Tippecanoe, Wabash, Warren, Wells, White, & Whitley Counties, Indiana					

MODIFICATIONS P. 6

DECISION NO. IN77-2134 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education And/or Appr. Tr.
		M & W	Pensions	Vacation	
Change: Carpenters; Millwrights; Piledrivermen; & Soft floor layers Blackford, Jay, & Madison Cos.: Carpenters; Soft floor layers Millwrights Piledrivermen Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (excl. Edinburg), Montgo- mery, Morgan, Shelby (Camp Atterbury Area, Moral, & Van Buren Twp.), & Warren Cos.: Carpenters; Millwrights Carroll, Clinton, & White Cos.: Carpenters; Soft floor layers Millwrights; Piledrivermen DeKalb, Noble, Steuben, & Whitley Cos.: Carpenters; Soft floor layers Millwrights; Piledrivermen	\$9.95 10.25 10.15 11.70 10.06 10.41 10.17 10.50	.55 .55 .55 .70 .60 .60 6% 6%	.40 .40 .40 .60 .50 .50		.08 .08 .08 .08 .02 .02 .07 .07



MODIFICATIONS P. 7

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION No. AR-1002 - Mod. #1 (39 FR 24777 - July 5, 1974) Floyd & Pike Counties, Kentucky Change: Truck drivers	\$ 2.65			
DECISION No. KY76-1093 - Mod. #1 (41 FR 37472 - September 3, 1976) Adair, Cumberland, Green, Hart, Letcher, Metcalfe, Monroe, & Taylor Counties, Kentucky Change: Laborers	2.65			
DECISION No. KY76-1097 - Mod. #1 (41 FR 38707 - September 10, 1976) Clay, Estill, Jackson, Lee, Owsley, Powell, & Wolfe Counties Kentucky Change: Laborers	2.65			
DECISION No. KY76-1136 - Mod. #1 (41 FR 53260 - December 3, 1976) Davies, Hancock, Henderson, Hopkins, McLean, Muhlenberg, Union, & Webster Counties, Kentucky Change: Laborers	2.65			

MODIFICATIONS P. 8

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #LA77-4031 - Mod. #1 (42 FR 10237 - February 18, 1977) Ouachita Parish, Louisiana Change: Laborers	\$ 2.65				
DECISION #LA77-4220 - Mod. #4 (42 FR 48658 - September 23, 1977) Bossier, Calcasieu Parishes, Louisiana Change: Carpenters (Bossier & Calcasieu Parishes); Carpenters Millwrights Piledrivers Electricians (Bossier & Calcasieu Parishes); Electricians Cable splicers Elevator constructors: Bossier & Calcasieu Parishes; Mechanics Helpers Helpers (Prob.) Calcasieu Parish; Mechanics Helpers (Prob.) Footnotes for elevator constructors: b - Paid Holidays A thru G Paid Holidays for elevator constructors: Add - G-the Friday after Thanksgiving Day Lathers (Bossier & Calcasieu Parishes) Painters: Bossier & Calcasieu Parishes-Group 1 Group 2 Group 3 Group 4 Calcasieu Parish - Group 1 Group 2 Group 3 Group 4 Group 5 Plasterers(Bossier & Calcasieu Parishes) Plumbers & pipefitters: Bossier & Calcasieu Parishes Calcasieu Parish Roofers (Bossier & Calcasieu Parishes); Roofers Fettlers Sheet metal workers: Bossier & Calcasieu Parishes Soft floor layers: Bossier & Calcasieu Parishes	.40 .40 .40 1.00 1.00 .745 .745 502JR 9.76 502JR 502JR 9.94 11.15 .67 9.10 6.31 6.34 9.30   <				

MODIFICATIONS P. 9

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MD77-3036 - Mod. #1 (42 FR 12613 - March 4, 1977) Alomato County, Maryland Change: Laborers: Mortar mixers Unskilled Truck Drivers	\$2.65 2.65 2.65			
DECISION #MD77-3130 - Mod. #3 (42 FR 18661 - September 23, 1977) Baltimore County, Maryland Change: Line Constructors: To include, but not limited to, the construction of overhead lighting Decision # MS75-1076 - Mod. # 2 (40 FR 36935 - August 22, 1975) Forest and Jones Counties Mississippi. Change: Laborers: Laborers				
Decision # MS76-1076 - Mod. # 1 (41 FR 29651 - July 16, 1976) Iasqueña, Sharkey, Sunflower, and Washington Counties, Mississippi Change: Laborers: Laborers Truck Drivers	2.65 2.65			
Decision # MS77-1033 - Mod. # 2 (42 FR 16361 - March 25, 1977) Warren County, Mississippi. Change: Laborers: Laborers	2.65			

MODIFICATIONS P. 10

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # MS77-1055 - Mod. # 1 (42 FR 23285 - May 6, 1977) LaFlore County, Mississippi. Change: Laborers: Laborers	2.65			
Decision # MS77-1056 - Mod. # 1 (42 FR 23266 - May 6, 1977) Yalobusha County, Mississippi. Change: Laborers: Laborers	2.65			
Decision # MS77-1078 - Mod. # 2 (42 FR 31044 - June 17, 1977) Lowndes County (excluding Columbia Lock and Dam and Tennessee Tombigbee Project ), Mississippi Change: Electricians Laborers	9.10 2.65	.38	.14	.01
DECISION #NV77-5072 - Mod. #5 (42 FR 35562 - July 8, 1977) Nevada Test Site including Tonopah Test Range in Clark and Nye Counties, Nevada Change: Bricklayers	\$12.27	.60		.06
DECISION NO. NV77-4103 - Mod. #3 (42 FR 26169 - May 20, 1977) Statewide, New Mexico CHANGE: LABORERS: Common laborers; carpenters tender; concrete buggy operator (hand); concrete workers		.15		







MODIFICATIONS P. 16

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation	Education and/or App. Tr.	
Decision # SC75-1029 - Mod. # 2 (40 FR-10900 - March 7, 1975) Aiken, Barnwell, and Edgefield Counties, South Carolina: Change: Laborers: Mason tenders & mortar mixers Power Equipment Operators: Asphalt distributor Asphalt finisher Asphalt rollers & rollers Steel wheel roller Omit: Truck Drivers: Single axle Double axle Add: Truck Drivers 2.65 2.65 2.65 2.65 2.65 2.30 2.33 2.65					
Decision # SC75-1031 - Mod. # 4 (40 FR-12058 - March 14, 1975) Statewide, South Carolina: Change: Laborers, common Luteman Power Equipment Operators: Asphalt plant helper Cold feed attendant Roller operator Sweeper Truck driver (single-rear axle) Weighman scales 2.65 2.65 2.65 2.65 2.65 2.65 2.65					
Decision # SC75-1045 - Mod. # 2 (40 FR-16636 - April 11, 1975) Allendale, Bamberg, Calhoun, and Orange Counties, South Carolina: Change: Drywall hangers Laborers: Laborers Mason tenders Mortar mixers Painters, brush Roofers Truck drivers 2.65 2.65 2.65 2.65 2.65 2.65 2.65					

MODIFICATIONS P. 15

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation	Education and/or App. Tr.	
Decision NO. OK77-4036 - Mod. #1 (42 FR 10261 - February 18, 1977) Bryan County, Oklahoma Change: GLAZIERS LABORERS TRUCK DRIVERS 2.65 2.65 2.65					
Decision NO. OK77-4038 - Mod. #1 (42 FR 10262 - February 18, 1977) Oklahoma, Cleveland, Canadian, Lincoln and Pottawatomie Counties, Oklahoma Omit: TILE SETTERS HELPER Add: TILE SETTERS FINISHERS 2.30 2.65					
Decision NO. OK77-4060 - Mod. #1 (42 FR 13786 - March 11, 1977) Comanche County, Oklahoma Change: TRUCK DRIVERS 2.65					
Decision NO. OK77-4216 - Mod. #2 (42 FR 44485 - September 2, 1977) Statewide, Oklahoma (except heavy construction within the city of Muskogee) Change: ZONE B WELL DRILLER HELPER 2.65					

MODIFICATIONS P. 18

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation	Education and/or App. Tr.	
Decision # SC76-1126 - Mod. # 1 (41 FR-47907 - October 29, 1976) Lexington and Richland Counties, South Carolina: Change: Laborers: Unskilled 2.65					
Decision # SC77-1019 - Mod. # 3 (42 FR-8900 - February 11, 1977) Chester, Fairfield and Lancaster Counties, South Carolina: Change: Laborers: Truck drivers Power Equipment Operators: Asphalt taker Roller operator 2.65 2.65 2.65 2.65					
Decision # SC77-1070 - Mod. # 2 (42 FR-26182 - May 20, 1977) Beaufort County, South Carolina: Change: Laborers: Truck drivers Power Equipment Operators: Oilers 2.65 2.65 2.65 2.65					
Decision # SC77-1077 - Mod. # 1 (42 FR-30080 - June 10, 1977) Chester, Chesterfield, Fairfield, Kershaw, Lancaster, and York Counties, South Carolina: Change: Laborers: Mason tenders Truck drivers 2.65 2.65 2.65					

MODIFICATIONS P. 17

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation	Education and/or App. Tr.	
Decision # SC75-1055 - Mod. # 4 (40 FR-22785 - May 23, 1975) Berkeley and Charleston Counties, South Carolina: Change: Laborers: Unskilled Mason tenders Truck drivers 2.65 2.65 2.65					
Decision # SC76-1008 - Mod. # 3 (41 FR-1699 - January 9, 1976) Sumter County, South Carolina Change: Laborers: Truck drivers Power Equipment Operators: Bulldozer Front end loader 2.65 2.65 2.65 2.65					
Decision # SC76-1053 - Mod. # 2 (41 FR-20146 - May 14, 1976) Abbeville, Cherokee, Laurens, Newberry, and Union Counties, South Carolina: Change: Laborers: Laborers 2.65					
Decision # SC76-1088 - Mod. # 1 (41 FR-36399 - August 27, 1976) Clarendon, Darlington, Dillon, Florence, Lee, Marion, Marlboro, Sumter, and Williamsburg Counties, South Carolina: Change: Laborers: Laborers 2.65					
Decision # SC76-1115 - Mod. # 1 (41 FR-44657 - October 8, 1976) Anderson, Greenville, Oconee, and Pickens Counties, South Carolina: Change: Laborers: Laborers 2.65					



MODIFICATIONS P. 19

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
Decision # TN75-1098 - Mod. # 1 40 FR-4476 - September 26, 1975 Carter, Sullivan Counties, Tennessee Change: Laborers Truck Drivers					
2.65 2.65					
Decision # TN76-1140 - Mod. # 1 41 FR-56593 - December 20, 1976 Dyer, Gibson, Lake, Lauderdale, Oslen, and Weakley Counties, Tennessee. Change: Laborers Mortar mixers					
2.65 2.65					

MODIFICATIONS P. 20

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
Decision #TX76-4039 - Mod. #2 (41 FR 7014 - February 13, 1976) Dummit, Jim Hogg, LaSalle, Maverick, Webb, Zapata & Zavala Counties, Texas Change: Ironworkers Laborers - Laborers Asphalt makers Truck drivers Power equipment operators: Asphalt finishers Backhoes Bulldozers Front end loaders Rollers	\$ 2.65 2.65 2.65 2.65 2.65 2.65 2.65 2.65				
Decision #TX77-4026 - Mod. #1 (42 FR 10270 - February 16, 1977) Bastrop, Blanco, Caldwell, Fayette, Hays, Lee, Travis & Williamson Counties, Texas Change: Laborers	2.65				
Decision #TX77-4029 - Mod. #1 (42 FR 10271 - February 16, 1977) Tarrant County, Texas Change: Laborers: Laborers Truck drivers	2.65 2.65				
Decision #TX77-4193 - Mod. #3 (42 FR 42121 - August 19, 1977) Bexar County, Texas Change: Carpenters: Carpenters Plasterers	8.49 10.00	.48	.40	.05 .01	
Decision #TX77-4197 - Mod. #4 (42 FR 42127 - August 19, 1977) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Coas., Texas Change: Carpenters: Zone 1 - Carpenters Millwrights Electricians	10.225 10.625 10.725	.30 .30 .30			.005 .005 .005

MODIFICATIONS P. 21

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
Decision #TX77-4197 (CONT'D) Elevator constructors: Mechanics Helpers Footnotes for elevator constructors: a - Paid Holidays A thru G b - Paid Holidays A thru G Paid Holidays for elevator constructors: Add - G-the Friday after Thanksgiving Day	9.91 70LJR 50LJR 7.45 7.45	.35 .35	42+4b 42+4b	.02 .02	
Decision #TX77-4201 - Mod. #3 (42 FR 42136 - August 19, 1977) Howard County, Texas Change: Ironworkers, structural & ornamental Truck drivers	8.83 2.65	.55	1.00	.10	
Decision #TX77-4221 - Mod. #6 (42 FR 48725 - September 23, 1977) Travis County, Texas Change: Elevator constructors: Mechanics Helpers Footnotes for elevator constructors: a - Paid Holidays A thru G b - Paid Holidays A thru G Paid Holidays for elevator constructors: Add - G-the Friday after Thanksgiving Day Glaziers Plasterers	9.59 70LJR 50LJR 7.45 7.45 7.45 8.56 9.54	.56 .56 .20 .50	42+4b 42+4b	.025 .025 .01 .01	
Decision #TX77-4222 - Mod. #6 (42 FR 48725 - September 23, 1977) Bell, Bosque, Coryell, Falls, Hill & McLennan Coas., Texas Change: Bricklayers Elevator constructors: Mechanics Helpers Footnotes for elevator constructors: a - Paid Holidays A thru G b - Paid Holidays A thru G Paid Holidays for elevator constructors: Add - G-the Friday after Thanksgiving Day Glaziers Plasterers	9.60 9.91 70LJR 50LJR 7.45 7.45 7.45 7.00 9.54	.55 .35 .35 .50	42+4b 42+4b	.03 .02 .02 .01	

MODIFICATIONS P. 22

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
Decision #TX77-4239 - Mod. #1 (42 FR 53124 - September 30, 1977) Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Coas. Change: Asphalt shoveler Batterboard setter Laborer, common	\$ 2.65 2.65 2.65				
Decision #TX77-4240 - Mod. #1 (42 FR 53126 - September 30, 1977) Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMillen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties, Texas Change: Asphalt shoveler Laborer, common Foardman helper	2.65 2.65 2.65				
Decision #TX77-4242 - Mod. #1 (42 FR 53130 - September 30, 1977) Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Kainer, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Coas., Texas Change: Air tool man Concrete finisher helper(paving) Laborer, common Vibrator man (hand type)	2.65 2.65 2.65				
Decision #TX77-4243 - Mod. #1 (42 FR 53132 - September 30, 1977) Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties, Texas Change: Laborer, common	2.65				



MODIFICATIONS P. 24

MODIFICATION P. 24

DECISION #TX77-4257 - Mod. #3 (42 FR 53156 - September 30, 1977) El Paso County, Texas		Fringe Benefits Payments			Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
<u>Change:</u> Elevator constructors: Mechanics Helpers Footnotes for elevator constructors: a - Paid Holidays A thru G Paid Holidays for elevator constructors: Add - G-the Friday after Thanksgiving Day Sheet metal workers		.745 .745	.35 .35	42+brc 42+brc	\$ 8.37 70ZJR 50ZJR				.02 .02
DECISION #TX77-4258 - Mod. #7 (42 FR 53158 - September 30, 1977) Galveston & Harris Cos., Texas					9.62	34.51	.385		.04
<u>Change:</u> Elevator constructors: Mechanics Helpers Footnotes for elevator constructors: b - Paid Holidays A thru G Paid Holidays for elevator constructors: Add - G-the Friday after Thanksgiving Day Marble masons, terrazzo workers & tile setters - Galveston Co.		.745 .745	.35 .35	42+arh 42+arh	10.35 70ZJR 50ZJR				.02 .02
DECISION #TX77-4259 - Mod. #2 (42 FR 53161 - September 30, 1977) Gregg County, Texas					10.21				
<u>Change:</u> Bricklayers Carpenters Millwrights Piledriverman		9.35 8.25 10.50 8.75	.35						.05 .015 .015
DECISION #TX77-4260 - Mod. #5 (42 FR 53162 - September 30, 1977) Jefferson & Orange Cos., Texas									
<u>Change:</u> Bricklayers & stonemasons Elevator constructors: Mechanics Helpers Footnotes for elevator constructors: b - Paid Holidays A thru G Paid Holidays for elevator constructors: Add - G-the Friday after Thanksgiving Day		.63 .745 .745	.50 .35 .35	42+arh 42+arh	11.705 10.35 70ZJR 50ZJR				.04 .02 .02

MODIFICATIONS P. 23

MODIFICATIONS P. 23

DECISION #TX77-4252 - Mod. #5 (42 FR 53167 - September 30, 1977) Armatrong, Carson, Castro, Child- ress, Collingsworth, Dallas, Deaf Smith, Donley, Gray, Ham- ford, Hartley, Hemphill, Hutchin- son, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Suther & Wheeler Cos., Texas	Fringe Benefits Payments			Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change: Asbestos workers Sheet metal workers				10.15 10.30	.70 .35	.70 .55		.07 .10
DECISION #TX77-4253 - Mod. #4 (42 FR 53169 - September 30, 1977) Armatrong, Carson, Castro, Child- ress, Collingsworth, Dallas, Deaf Smith, Donley, Gray, Ham- ford, Hartley, Hemphill, Hutchin- son, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Suther & Wheeler Cos., Texas				6.70	.35	.55		.10
Change: Sheet metal workers								
DECISION #TX77-4254 - Mod. #5 (42 FR 53150 - September 30, 1977) Bee, Klueberg & Nueces Cos., Texas								
Change: Asbestos workers Painters - Brush Sprey Sign Roofers: Roofers, battlemen, waterproofers, deckmen				10.09 7.75 8.15 8.00 6.775	.50 .40 .25 .25 .25	.50 .25 .25 .25 .25		2/10Z 2/10Z 2/10Z
DECISION #TX77-4256 - Mod. #7 (42 FR 53154 - September 30, 1977) Brazos County, Texas								
Change: Elevator constructors: Mechanics Helpers Footnotes for elevator constructors: b - Paid Holidays A thru G Paid Holidays for elevator constructors: Add - G-the Friday after Thanksgiving Day				9.91 70ZJR 50ZJR	.745 .745	.35 .35	42+arh 42+arh	.02 .02

MODIFICATIONS P. 25

MODIFICATIONS P. 25

DECISION #TX77-4261 - Mod. #4 (42 FR 53165 - September 30, 1977) Lubbock County, Texas	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Change: Asbestos workers Carpenters Ironworkers: Structural; Ornamental; Rein- forcing All ironworkers on jobs 30 miles or more from the city of Lub- bock	\$10.15 8.97 8.83 8.955	.70 .48 .55 .55	.70 .40 1.00 1.00		.07 .01 .10 .10	
DECISION #TX77-4263 - Mod. #2 (42 FR 53167 - September 30, 1977) Taylor County, Texas						
Change: Painters: Brush, tape & bedding, paper- hanger Spray Plumbers & pipefitters	7.65 8.525 8.63	.30 .30 .30	.30 .30 .65		.05	
DECISION #TX77-4264 - Mod. #2 (42 FR 53168 - September 30, 1977) Tom Green County, Texas					.02	
Change: Carpenters Laborers	8.65 2.65					
DECISION #TX77-4265 - Mod. #3 (42 FR 53169 - September 30, 1977) Wichita County, Texas						
Change: Elevator constructors: Mechanics Helpers Footnotes for elevator constructors: b - Paid Holidays A thru G Paid Holidays for elevator constructors: Add - G-the Friday after Thanksgiving Day Ironworkers: Structural; Ornamental; Rein- forcing Ironworkers on jobs 30 miles or more from the city of Wichita Pails Plasterers Sheet metal workers Truck drivers	9.91 70ZJR 50ZJR	.745 .745 .35 .35 1.00 1.00 1.00 1.00 10.50 10.28 2.65	42+arh 42+arh		.02 .02 .10 .10 .01 .07	

MODIFICATIONS P. 26

MODIFICATIONS P. 26

DECISION #TX77-4280 - Mod. #2 (42 FR 53171 - September 30, 1977) Cameron, Hidalgo, Starr & Willacy Counties, Texas	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Change: Asbestos workers Electricians Laborers: Common laborers Air tool operators Mason tenders Mortar mixers Plasterers' tenders Truck drivers	\$10.09 6.425 2.65 2.65 2.65 2.65 2.65	.50	.50		



**DEPOSITION NO. LA78-4001**

**UNITED STATES DEPARTMENT OF JUSTICE**

ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita,  
Richland, Tensas, Union, West Carroll & Winn Parishes  
 ZONE 9 - Iberia, Lafayette, St. Martin, St. Mary & Vermillion Parishes

STATE: Louisiana  
 DECISION NO.: LA78-4001  
 PARISH: Statewide  
 DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories) & Construction of Highway, Roads, Streets (does not include building structures in rest area projects) & Parking Area (except those let with a building contract). Building Construction includes construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment or supplies. It includes all construction of such structures, the installation of utilities & the installation of equipment, both above & below ground level, as well as excavation & foundation, includes site preparation & incidental paving & utilities outside the building.

	Basic Monthly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS - ZONE 1	\$10.593	.525	.90	.04	
ZONE 2	10.03	.40	.76	.025	
ZONE 3	9.45	.30	1.50	.05	
ZONE 4	9.63	.45	.50		

- Acadia, Allen, Bainsbridge, Calcasieu, Cameron, Evangeline, Jefferson Davis,  
Julesburg, Vermilion & Vernon Parishes  
- Blountville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln,  
Natchitoches, Orleans, Rapides, Richland, Union, Webster & Winn Parishes, Boone, East  
Favre, Grand Isle, Iberville, Lafayette, Lake Charles, Lasalle, Livingston, Madison,  
Barria, Iberville, Jefferson, Lafourcade, LaFourche, St. Charles, St. Helena, St. James, St.  
Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne,  
Tensas, West Baton Rouge & West Feliciana Parishes

- East Carroll, Franklin, Madison, Morehouse, Nicholls, Thomas & West Carroll Parishes	
<b>POLEMAKERS</b>	
10.00	.50
1.00	1.00
.02	
<b>BRICKLAYERS &amp; STONEMASONS</b>	
9.98	.80
8.95	.55
10.85	.25
10.60	.30
10.60	.25
10.25	.40
9.55	.45
8.60	.30
10.00	.25
10.20	

Acension, Assumption, East Bacon House, East Feliciana, Iberville, Livingston,  
Albany, Terrebonne, West Baton Rouge & West Feliciana Parishes  
Amoville, Cadezoules, Concordia, Evangeline, Grant, Iberville, Pointe Coupee,  
and St. Landry Parishes  
Arde, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes  
Bayou Lafourche, Bayou Lafourche, Bayou Lafourche, St. Charles, St. John  
Bayou, St. James, St. Landry, St. Martin, St. Mary, St. Peter, St. Thomas,  
from the bayou, St. James, St. Landry, St. Martin, St. Mary, St. Peter, St. Thomas,  
the Tangipahoa Parishes on the west along N. E. Hwy. 190 through the lower limits of  
Jefferson, along State Hwy. 29, through the lower limits of Abita Springs & Tallahassee &  
line due east from Tallahassee to the Mississippi State line) & Terrebonne Parishes  
St. Tammany (north half including Grand Isle north of Hwy. 190) & Washington Par.  
Blenville, Bozart, Caldo, Claiborne, DeSoto, Red River & Webster Parishes  
Brumleycoches & Sabine Parishes

FEDERAL REGISTER, VOL. 43, NO. 4—FRIDAY, JANUARY 6, 1978

DECISION NO. LA78-4001

**2018 8 -** Bismville, Mossier, Gaddo, Glasbome, DeSoto, Red River & Webster Parishes  
**2018 9 -** Natchitoches & Sabine Parishes  
**2018 10 -** Galloway, Carthoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appn. Tr.
		H & W	Pension	Vacation	
<b>CERENT MASONS (BUILDING CONSTRUCTION)</b>	\$ 9.31				
ZONE 1	9.45				.05
ZONE 2	8.60	.50	.50		.04
ZONE 3	9.945	.45	.30		
ZONE 4	9.35				
ZONE 5	6.75				
ZONE 6	8.75	.35			
ZONE 7	8.72		.25		
ZONE 8	6.85		.10		

ZONE 1	Albemarle	East Baton Rouge	East Feliciana	Dorville	Livinston	Parrish
ZONE 2	Attala	Calhoun	Franklin	Madison	St. Helena	St. James
ZONE 3	Bartholomew	Chicot	Jefferson Davis	Vernon	Parishes	Parrish
ZONE 4	Blanchard	St. Charles	St. Landry	St. Martin	St. Mary	Vermilion
ZONE 5	Jefferson	Lafayette	Orleans	Plaquemine	St. Bernard	St. John the Baptist
ZONE 6	St. Tammany	(the lower half)	Terrebonne	Parishes		
ZONE 7	St. Tammany	(northern half including Covington north of Hwy. 190)	Washington	Parishes		
ZONE 8	Azules	Catahoula	Concordia	Exchange	Grant	LaSalle
ZONE 9	Brennells	Bossier	Caddo	Clasiborne	DeSoto	Red River
ZONE 10	Calderwell	East Carroll	Franklin	Jackson	Lincoln	Madison
ZONE 11	Richland	Texas	Union	West Carroll	Winn	Parishes
ZONE 12	Vachitoches	and Sabine	Parishes			

CONCRETE MASONRY (HIGHWAY CONSTRUCTION)				
ZONE 1	9.00	.45	.30	
ZONE 2	8.45			
ZONE 3	8.75	.35		
ZONE 4	9.10			
ZONE 5	8.60			
ZONE 6	8.60			
On concrete lined ditches	8.60	.50	.50	.05
ZONE 7	8.10			
On concrete lined ditches	8.60	.50	.50	.05
ZONE 8	6.30			
ZONE 9	5.72			

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes  
 ZONE 2 - Ascension, East Baton Rouge, U.S. Hwy. 61 in East Feliciana & West Feliciana Parishes  
 ZONE 3 - Bossier & Caddo Parishes  
 ZONE 4 - Calcasieu Parish  
 ZONE 5 - Cameron Parish  
 ZONE 6 - Acadia, Iberia, Lafayette, St. Landry, St. Martin & Vermilion Parishes  
 ZONE 7 - St. Mary Parish  
 ZONE 8 - Allen, Assumption, Avoyelles, Beauregard, Bienville, Claiborne, DeSoto, East Feliciana (excluding U.S. Hwy. 61), Evangeline, Iberville, Jefferson Davis, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Helena, St. James, St. John the Baptist, St. Landry, Tangipahoa, Terrebonne, Vernon, Webster & West Baton Rouge Parishes  
 ZONE 9 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Morehouse, Sabine, Tensas, Union, Washington, West Carroll & Winn Parishes

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**2018 8 -** Bismville, Mossier, Gaddo, Glasbome, DeSoto, Red River & Webster Parishes  
**2018 9 -** Natchitoches & Sabine Parishes  
**2018 10 -** Galloway, Carthoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appn. Tr.
		H & W	Pension	Vacation	
<b>CERENT MASONS (BUILDING CONSTRUCTION)</b>	\$ 9.31				
ZONE 1	9.45				.05
ZONE 2	8.60	.50	.50		.04
ZONE 3	9.945	.45	.30		
ZONE 4	9.35				
ZONE 5	6.75				
ZONE 6	8.75	.35			
ZONE 7	8.72		.25		
ZONE 8	6.85		.10		

ZONE 1	Alexandria	East Baton Rouge	East Feliciana	Dorville	Livinston	Parr.
ZONE 2	Couper	St. Helena	Tangipahoa	Hatch Boggs	& West Feliciana	Parr.
ZONE 3	Adams	Calcasieu	Grant	Jacques	Jefferson Davis	& Vernon Parish
ZONE 4	Allen	Thibodaux	Greene	St. Landry	St. Martin	& Vermilion Parishes
ZONE 5	Jefferson	Lafayette	Oreana	Plaquemine	St. Bernard	St. Charles St. John the Baptist
ZONE 6	St. Tammany	(the lower half)	Terrebonne	Parishes		
ZONE 7	St. Tammany	(northern half including Covington north of Hwy. 190)	& Washington Parr.			
ZONE 8	Azoville	Catahoula	Concordia	Evangeliste	Grant	LaSalle & Rapides Parishes
ZONE 9	Brenville	Bossier	Caddo	Glasborome	DeSoto	Rd River & Webster Parishes
ZONE 10	Galveston	East Carroll	Framklin	Jackson	Lincoln	Nadison, Morehouse, Ouachita,
ZONE 11	Richland	Texas	Union	West Carroll	& Winn Parishes	
ZONE 12	Vachtchouches	& Sabine Parr shas				

CONCRETE MASONRY (HIGHWAY CONSTRUCTION)				
ZONE 1	9.00	.45	.30	
ZONE 2	8.45			
ZONE 3	8.75	.35		
ZONE 4	9.10			
ZONE 5	8.60			
ZONE 6	8.60			
On concrete lined ditches	8.60	.50	.50	.05
ZONE 7	8.10			
On concrete lined ditches	8.60	.50	.50	.05
ZONE 8	6.30			
ZONE 9	5.72			

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes  
 ZONE 2 - Ascension, East Baton Rouge, U.S. Hwy. 61 in East Feliciana & West Feliciana Parishes  
 ZONE 3 - Bossier & Caddo Parishes  
 ZONE 4 - Calcasieu Parish  
 ZONE 5 - Cameron Parish  
 ZONE 6 - Acadia, Iberia, Lafayette, St. Landry, St. Martin & Vermilion Parishes  
 ZONE 7 - St. Mary Parish  
 ZONE 8 - Allen, Assumption, Avoyelles, Beauregard, Bienville, Claiborne, DeSoto, East Feliciana (excluding U.S. Hwy. 61), Evangeline, Iberville, Jefferson Davis, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Helena, St. James, St. John the Baptist, St. Landry, Tangipahoa, Terrebonne, Vernon, Webster & West Baton Rouge Parishes  
 ZONE 9 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Morehouse, Sabine, Tensas, Union, Washington, West Carroll & Winn Parishes

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Basic Hourly Rates		H & W		Fringe Benefits Payments	
		Pensions	Vacation	Education end/or Appr. Tr.	
<u>ELECTRICIANS</u>					
<u>ZONE 1 -</u>	Electricians				
	Cable splicers	\$11.60	5%	8%	3/10%
	Electricians	11.85	5%	8%	3/10%
<u>ZONE 2 -</u>	Cable splicers	10.85	.35	5%	
	Cable splicers	11.15		5%	
<u>ZONE 3 -</u>	Electricians	12.30	.35	5%*, 20	1/10%
	Cable splicers	12.55	.35	5%*, 20	1/10%
<u>ZONE 4 -</u>	Electricians	11.55	.35	5%	2/10%
	Cable splicers	11.80	.35	5%	2/10%
<u>ZONE 5 -</u>	Electricians	11.30	.35	5%*, 30	.03
	Cable splicers	11.30	.35	5%*, 30	.03
<u>ZONE 6 -</u>	Electricians	10.85	.65	5%	
	Cable splicers	11.35	.65	5%	1/2%
<u>ZONE 7 -</u>	Electricians	11.00	1.00	5%	1%
	Cable splicers	11.50	1.00	5%	1%
<u>ZONE 8 -</u>	Electricians	10.95		5%	1/2%
	Cable splicers	10.75		5%	1/2%
				.30	
				.30	

\* - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, Helena, St. Landry, West Baton Rouge & West Feliciana Parishes

St. Mary, Imbabuasha & Washington Parishes  
Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes  
Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion west of the Atchafalaya River) & Vermilion Parishes  
Assumption, Jefferson, Lafourche, Orleans, Plaquemine, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion east of the Atchafalaya River) & Terrebonne Parishes  
Avoyelles, Cadeaux, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion west of the Red River), Rapides, Sabine, Vernon & Winn Parishes  
Bienville, Bossier, Cadeaux, Claiborne, De Cadeaux, Natchitoches (that portion northeast of the Red River), and River Parishes  
Cadeaux, Calcasieu, Franklin, Iberville, Lincoln, Madison, Morehouse, Ouachita, St. Landry, St. Martin, St. Patrick, St. Tammany & Vermilion Parishes

CONTRACTOR	ESTIMATED COST	ESTIMATED COST	ESTIMATED COST
<b>ELEVATOR CONSTRUCTORS</b>			
<b>ZONE 1 - Mechanical</b>			
Helpars	9.76	.545	.35
Helpars (Probationary)	70ZJR	.545	.42+etb
Helpars	9.595	.35	.42+etb
<b>ZONE 2 - Mechanical</b>			
Helpars	70ZJR	.765	.42+etb
Helpars (Probationary)	50ZJR	.765	.42+etb

**PAY RATES FOR ELEVATOR CONSTRUCTORS**  
 6 mos., none; 3 mos., 2¢; over 3 yrs., 4¢ of basic hourly rate  
 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Thanksgiving  
 Day; the Friday after Thanksgiving Day; Christmas Day  
 — Asda, Allen, Ascension, Assumption, Bourgeois, Calcasieu, Cameron, East Baton  
 Rouge, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette  
 Parish, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St.  
 James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany,  
 Tensas, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Para.  
 — Kowalek, Bienville, Bossier, Cadeo, Caldwell, Catahoula, Claiborne, Concordia,  
 Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse,  
 Ouachita, Ouachita, Rapides, Red River, Richland, Sabine, Innes, Union, Vernon,  
 et West Carroll, et West Feliciana



	Fringe Benefits Payments		
	Basic Hourly Rates	H & W	Vacation
GLAZIERS - ZONE 1	\$ 9.15	.17	.30
ZONE 2	8.15		
ZONE 3	9.825		
ZONE 4	7.50		
ZONE 5	6.80		
ZONE 6	8.10		

ZONE 1 - All of Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes  
ZONE 2 - Acadia, Assumption (north & west of Hwy. 22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston (north & west of Hwy. 22), Pointe Coupee, St. Helena, St. Landry (north half), St. Martin, St. Mary (except Morgan City Area), Tangipahoa (west of Hwy. 51), Vermilion, West Baton Rouge & West Feliciana Parishes  
ZONE 3 - Assumption (east & south of Hwy. 22), Assumption (south of Grand Bayou), Jefferson Davis, Lafourche, Livingston (east & south of Hwy. 22), Orleans, Plaquemine, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. James  
ZONE 4 - Newville (eastern half), Caldwell, Concordia, East Carroll, Franklin, Jackson, (southern portion) & Terrebonne Parishes  
ZONE 5 - Newville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes  
ZONE 6 - Newville (eastern half), Lincoln, Madison, Natchitoches, Orleans, West Carroll & Winn (north half) Parishes  
ZONE 7 - St. Tammany (northern portion), Tangipahoa (east of Hwy. 51) & Washington Parishes

IRONWORKERS (BUILDING CONSTRUCTION)		
	Basic Hourly Rates	Vacation
ZONE 1	9.86	.35
ZONE 2	10.69	.45
ZONE 3	10.75	.45
ZONE 4	10.30	.45
ZONE 5	8.15	.35
ZONE 6	10.30	.35

ZONE 1 - All of Jefferson, Orleans, Plaquemine, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes; Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the La-Missas border, east of the city limits of Warrenton, southwest through Hammond to the Gulf of Mexico)  
ZONE 2 - All of Assumption, Beauregard, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Landry, St. Mary, West Baton Rouge & West Feliciana Parishes; Parts of Acadia, Bossier, Calcasieu, St. Landry & Vermilion Parishes (east of a line drawn from the meeting point of the Mississippi River, east of the Gulf of Mexico, to the southern limit of the city limits of the Gulf of Mexico)  
ZONE 3 - Parts of Assumption, Beauregard, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Landry, St. Mary, West Baton Rouge & West Feliciana Parishes (west of a line drawn from the meeting point of the Mississippi River, east of the Gulf of Mexico, to the southern limit of the city limits of the Gulf of Mexico)  
ZONE 4 - Parts of Assumption, Beauregard, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Landry, St. Mary, West Baton Rouge & West Feliciana Parishes (west of a straight line drawn from the La-Missas border, west of the city limits of Warrenton, southwest through Hammond to the Gulf of Mexico); Parts of Calcasieu, Concordia & Lafourche Parishes (south of a line drawn from the southern border of Rapides Par.)  
ZONE 5 - All of Bossier, Caddo, DeSoto, Red River & Webster Parishes; Parts of Assumption, Bossier, Natchitoches & Winn Parishes (west of a line drawn directly south from the La-Missas border through the cities of Acadia & Cloutierville); Part of Madison Par. (north of a line drawn from the Natchitoches Par. boundary west through the city of Fusion to the Par.-La. border)  
ZONE 6 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, Natchitoches, Orleans, Rapides, Richland, Tensas, Union & West Carroll Parishes; Parts of Iberville, Tangipahoa, Natchitoches & Winn Parishes (east of a line drawn directly south from the Ark.-La. border)

through the cities of Acadia & Cloutierville); Part of Madison Par. (except the cities of Hound, Delta & adjacent areas); Parts of Calcasieu, Concordia & LaSalle Parishes (north of a line drawn from Hatches through the city of Carter Point to the Rapides Par. line)  
ZONE 5 - That part of Madison Par. (including the cities of Hound, Delta & adjacent areas)  
ZONE 6 - All of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes; Parts of Acadia, Bossier, Lafayette, St. Landry & Vermilion Parishes (southwest of Rapides Par. & west of a line south of the western most border between Rapides & Evangeline Parishes)

	Fringe Benefits Payments		
	Basic Hourly Rates	H & W	Vacation
IRONWORKERS (HIGHWAY CONSTRUCTION)			
ZONE 1	\$10.92		
ZONE 2	10.92		
ZONE 3	8.70		
ZONE 4	10.50		
ZONE 5	10.36		
ZONE 6	6.99		
ZONE 7	6.45		
ZONE 8	5.84		

ZONE 1 - Jefferson & Orleans Parishes  
ZONE 2 - Plaquemine, St. Bernard & St. Charles Parishes  
ZONE 3 - East Baton Rouge Parish  
ZONE 4 - Calcasieu Parish  
ZONE 5 - Bossier & Caddo Parishes  
ZONE 6 - Lafayette, Ouachita & Rapides Parishes  
ZONE 7 - Acadia, Assumption, Iberville, Cameron, DeSoto, Iberia, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Par.), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes  
ZONE 8 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Calcasieu, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Par.), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

LABORERS (BUILDING CONSTRUCTION)		
	Basic Hourly Rates	Vacation
ZONE 1 - GROUP 1	6.15	.15
GROUP 2	6.30	.15
GROUP 3	6.40	.15
ZONE 2 - GROUP 1	6.07	.15
GROUP 2	6.27	.15
GROUP 3	6.35	.15
ZONE 3 - GROUP 1	7.35	.15
GROUP 2	7.45	.15
GROUP 3	7.70	.15
ZONE 4 - GROUP 1	8.31	.15
GROUP 2	8.07	.15
GROUP 3	8.31	.15
ZONE 5 - GROUP 1	7.81	.15
GROUP 2	7.60	.15
GROUP 3	6.87	.20
ZONE 6 - GROUP 1	6.97	.20
GROUP 2	7.03	.20
GROUP 3	6.47	.20
ZONE 7 - GROUP 1	6.57	.20
GROUP 2	6.37	.20
GROUP 3	6.42	.20

LABORERS (BUILDING CONSTRUCTION)

	Fringe Benefits Payments		
	Basic Hourly Rates	H & W	Vacation
ZONE 6 - GROUP 1	\$ 7.45	.20	.27
GROUP 2	7.35	.20	.27
GROUP 3	7.70	.20	.27
ZONE 7 - GROUP 1	7.61	.20	.27
GROUP 2	7.71	.20	.27
GROUP 3	7.125	.20	.27
ZONE 8 - GROUP 1	7.275	.20	.27
GROUP 2	7.325	.20	.27
GROUP 3	5.71	.15	.10
ZONE 9 - GROUP 1	5.91	.15	.10
GROUP 2	5.96	.15	.10
GROUP 3	6.01	.15	.10
ZONE 10 - GROUP 1	6.36	.15	.10
GROUP 2	6.25	.15	.10
GROUP 3	6.35	.15	.10
ZONE 11 - GROUP 1	6.40	.15	.10
GROUP 2	6.45	.15	.10
GROUP 3	6.00	.15	.10
ZONE 12 - GROUP 1	6.10	.15	.10
GROUP 2	6.25	.15	.10
GROUP 3	6.25	.15	.10

LABORERS - ZONE 1 (CLASSIFICATION DEFINITIONS)  
GROUP 1 - Building and labor construction  
GROUP 2 - Stone mason helpers; mechanical tool operators; mason tenders (other than cement); plasterers  
GROUP 3 - Stone mason helpers; mechanical tool operators; mason tenders (other than cement); plasterers  
GROUP 4 - Joint wipers, hot pot, grade carriers, layers & ditchers of all crafts; sandblaster (nozzlemen); sandblaster (pot tender); laying non-metallic pipe over 4 ft. deep, including sewer, drain & underground tile; septic tank diggers & installers, over 4 ft. deep; gas & oil pipeline laborers & wrappers  
GROUP 5 - Quince tool operators  
LABORERS - ZONE 2  
GROUP 1 - Building laborer; rotary drill laborers; foundation drill crewmen  
GROUP 2 - Mason mixer; plaster mixer; mechanical tool op.; sandblaster; laying clay, plastic, asbestos cement, casing & corrugated metal pipe, as sewer, drain & underground tile (caulkers, joint wrappers, hot pot & pipe layers); gas & oil pipeline laborers, wrappers & dopers  
LABORERS - ZONE 3  
GROUP 1 - Building & general laborer; tenders (carpenter, plaster, cement finisher, mason); tank & vessel cleaners  
GROUP 2 - Air tool op. (except jackhammer); interior of closed tanks & vessels power equip.  
GROUP 3 - Mortar mixers & jackhammer ops.  
LABORERS - ZONE 4  
GROUP 1 - Blaster helpers; concrete cutters behind paving machine & puddlers; form setters & liner asphalt worker  
GROUP 2 - Hipping joints, laying pipe & tile from pumpcrete  
LABORERS - ZONE 5  
GROUP 1 - Building and general laborers, carpenter tenders  
GROUP 2 - Power tool ops. (hammer men, tapper, vibrator, power buggies, concrete chippers or cutters, chain saw ops., etc.); pipelayers (non-metallic)  
GROUP 3 - Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)



Site on the east bank of the Miss. River as far as the Sycamore Inn at Litcher & north to Blind River & Merichac) & St. Tammany (north as far as Bayou LaCombe, east to the Miss. State Line at Vicksburg) Parishes

ZONE 7 - Assumption (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank & including the town of Vacherie) & Terrebonne Parishes

ZONE 8 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides & Winn Parishes

ZONE 9 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes

ZONE 10 - Caldwell, Calcasieu, Concordia, East Feliciana, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

LADYBURN (HIGHWAY CONSTRUCTION)	Fringe Benefits Payments			
	Basic Hourly Rates	M & W	Pensions	Vacation
GROUP 1 - ZONE 1	\$ 6.13	.20	.27	.05
ZONE 2	4.80	.15	.10	.05
ZONE 3	5.58	.20	.12	.05
ZONE 4	6.28	.20	.12	.05
ZONE 5	4.10	.15	.10	.05
ZONE 6	3.85	.15	.10	.05
ZONE 7	3.75	.15	.10	.05
GROUP 2 - ZONE 1	6.23	.20	.27	.05
ZONE 2	4.90	.15	.10	.05
ZONE 3	5.68	.20	.12	.05
ZONE 4	6.38	.20	.12	.05
ZONE 5	4.20	.15	.10	.05
ZONE 6	3.95	.15	.10	.05
ZONE 7	3.85	.15	.10	.05
GROUP 3 - ZONE 1	6.68	.20	.27	.05
ZONE 2	5.35	.15	.10	.05
ZONE 3	6.13	.20	.12	.05
ZONE 4	6.83	.20	.12	.05
ZONE 5	4.65	.15	.10	.05
ZONE 6	4.40	.15	.10	.05
ZONE 7	4.30	.15	.10	.05
GROUP 4 - ZONE 1	6.93	.20	.27	.05
ZONE 2	5.60	.15	.10	.05
ZONE 3	6.38	.20	.12	.05
ZONE 4	7.08	.20	.12	.05
ZONE 5	4.85	.15	.10	.05
ZONE 6	4.60	.15	.10	.05
ZONE 7	4.50	.15	.10	.05

GROUP 1 - Laborers, including but not limited to signalman, foundation driller & demolition & dismantling men

GROUP 2 - Baker, concrete spreader, carpenter helpers, distributor men, finisher helpers, formsetter helpers, jackhammer op., jacking laborer, painter helpers, pit man, pipelayer or tile layer, power monkey helper, camper, tree pruner, stone mason helpers, stoker, asphalt taker, concrete shovellers, power cool op. & motorized buggy op.

GROUP 3 - Foreman, head or master-high type pavement

GROUP 4 - Foreman

ZONE 1 - Jefferson, Orleans, Plaquemine, St. Bernard & St. Charles Parishes

ZONE 2 - East Baton Rouge Parish

ZONE 3 - Bossier & Caddo Parishes

ZONE 4 - Calcasieu Parish

ZONE 5 - Lafourche, Ouachita & Rapides Parishes

ZONE 6 - Acadia, Assumption, Bienville, Camerun, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Par.), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes

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ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Calcasieu, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Par.), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

LADYBURN - ZONE 1	Fringe Benefits Payments			
	Basic Hourly Rates	M & W	Pensions	Vacation
ZONE 2	\$ 8.90	.20	.30	.01
ZONE 3	9.28	.20	.30	.01
ZONE 4	10.585	.30		
ZONE 5	10.75			

ZONE 1 - All of Acadia, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, Vermilion, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (up to a 40 mile radius of Baton Rouge); Parts of Evangeline & St. Mary Parishes (up to a 40 mile radius of Lafayette)

ZONE 2 - All of Jefferson, Lafourche, Orleans, Plaquemine, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne & Washington Parishes; Parts of Assumption & St. James Parishes (beyond a 40 mile radius of Baton Rouge); Part of St. Mary Par. (beyond a 40 mile radius of Lafayette)

ZONE 3 - Allen, Beauregard, Calcasieu, Camerun, Evangeline (that portion beyond a 40 mile radius of Lafayette), Jefferson Davis & Vernon Parishes

ZONE 4 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River & Webster Parishes

ZONE 5 - Rapides Parish

LINE CONSTRUCTION	Fringe Benefits Payments			
	Basic Hourly Rates	M & W	Pensions	Vacation
ZONE 1 - GROUP 1	11.30	.33	.34-.30	.03
GROUP 2	752JR	.35	.34-.30	.03
GROUP 3	652JR	.35	.34-.30	.03
GROUP 4	452JR	.35	.34-.30	.03
GROUP 5	502JR	.35	.34-.30	.03

GROUP 1 - Linemen

GROUP 2 - Op. hole digging equipment; op. tractor with winch & derrick; op. line truck with winch & derrick working hot lines

GROUP 3 - Op. using hole truck & trailer, or pole hauling & setting truck (not in emergency lines)

GROUP 4 - Op. using truck without winch; Groundmen (carrying rods to 1 1/2 yrs. service)

GROUP 5 - Groundmen (1 1/2 yrs. service or over)

ZONE 2	Fringe Benefits Payments			
	Basic Hourly Rates	M & W	Pensions	Vacation
Linemen, line equipment & line truck ops.	11.60	.52	.82	.102
Cable splicers	11.85	.52	.82	.102
ZONE 3				
Linemen, equipment ops.	12.30	.35	.34-.20	.102
Cable splicers	12.55	.35	.34-.20	.102
Groundmen	10.30	.35	.34-.20	.102
ZONE 4				
Linemen, equipment ops.	11.55	.35	.32	.202
Cable splicers	11.80	.35	.32	.202
Groundmen	502JR	.35	.32	.202

LADYBURN - ZONE 1	Fringe Benefits Payments			
	Basic Hourly Rates	M & W	Pensions	Vacation
LINEMEN & EQUIPMENT OPS.	\$10.70	.32	.32	.102
Cable splicers	10.95	.32	.32	.102
Groundmen	602JR	.32	.32	.102
ZONE 6				
Linemen & equipment ops.	10.85	.65	.32	.102
Cable splicers	11.35	.65	.32	.102
Groundmen, 1st 6 months	2.65	.65	.32	.102
Groundmen, 2nd 6 months	3.24	.65	.32	.102
Groundmen, after 1 year	3.53	.65	.32	.102
ZONE 7				
Linemen; Operators	11.00	1.00	.32	.12
Cable splicers	11.50	1.00	.32	.12
Groundmen	9.00	1.00	.32	.12

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemine, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northwest of the Atchafalaya River) & Terrebonne Parishes

ZONE 2 - Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes

ZONE 3 - Allen, Beauregard, Calcasieu, Camerun & Jefferson Davis Parishes

ZONE 4 - Acadia, Iberia, Lafourche, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes

ZONE 5 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 6 - Avoyelles, Calcasieu, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes

MARBLE, TILE & TERRAZZO WORKERS & FINISHERS	Fringe Benefits Payments			
	Basic Hourly Rates	M & W	Pensions	Vacation
ZONE 1 - Marble setters	10.60	.40	.25	.035
Tile & terrazzo workers	9.10	.25		
Marble, tile & terrazzo finishers	6.75	.25	.30	.02
ZONE 2 - Marble & terrazzo workers	10.85	.53	.30	.02
Tile setters	7.65	.48		
ZONE 3 - Marble workers	10.20			
Terrazzo workers	8.75			
ZONE 4 - Marble, tile & terrazzo workers	8.97		.25	
Marble, tile & terrazzo workers	8.55	.30		
ZONE 5 - Marble, tile & terrazzo workers	10.35			
Marble, tile & terrazzo workers	6.75	.25		
Marble finishers	10.25			
ZONE 7 - Tile setters	6.75	.25		

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemine, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Par. from the Tangipahoa Par. Line on the west along U.S. Hwy. 190 through the lower limits of Covington, along State Hwy. 58 through the lower limits of Abita Springs & Tallahassee & on a line due east from Tallahassee to the Miss. State Line) & Terrebonne Parishes

ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Camerun, Jefferson Davis & Vernon Parishes

ZONE 3 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Parishes

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ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 6 - Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

ZONE 7 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington Parishes

PAINTERS	Fringe Benefits Payments			
	Basic Hourly Rates	M & W	Pensions	Vacation
ZONE 1 - GROUP 1	\$10.36			
GROUP 2	10.485			
GROUP 3	10.56			
GROUP 4	10.705			
GROUP 5	10.845			
ZONE 2 - GROUP 1	8.65		.25	.05
GROUP 2	9.72		.25	.05
ZONE 3 - GROUP 1	8.575	.275	.30	.05
GROUP 2	8.95	.275	.30	.05
GROUP 3	9.825	.275	.30	.05
ZONE 4 - GROUP 1	8.10			
GROUP 2	8.40			
GROUP 3	8.15			
GROUP 4	9.00			
GROUP 5	9.25			
GROUP 6	8.55			
GROUP 7	8.40			
ZONE 5 - GROUP 1	8.50			
GROUP 2	9.00			
GROUP 3	9.50	.40	.30	.05
GROUP 4	8.85	.40	.30	.05
GROUP 5	9.10	.40	.30	.05
GROUP 6	9.35	.40	.30	.05
GROUP 7	7.30	.30		
ZONE 7 - GROUP 1	8.30			
GROUP 2	7.80			
GROUP 3				

ZONE 1 - GROUP 1 - Brush, wood or wall, rollers

GROUP 2 - Brush on steel, buffer on wood or wall

GROUP 3 - Paperhanging, taping & floating

GROUP 4 - Spray, wood or wall

GROUP 5 - Scaffolding, sandblasting, spider op.; rubberizing & pyroflexing, steam jennies, spray on steel

ZONE 2 - GROUP 1 - Brush; taping; floating & texture

GROUP 2 - Sandblasting; industrial & steel

ZONE 3 - GROUP 1 - Painters, paperhangers & sheetrock tapers & floaters

GROUP 2 - Structural steel painters of new buildings under construction; the following overall of 30 ft.; tanks, air conditioning, towers, smoke stacks, sprinkler systems, wharves & structural steel in old buildings; spray painters, swing stage painter

ZONE 4 - GROUP 1 - Industrial

GROUP 2 - Brush swing stage

GROUP 3 - Brush industrial

GROUP 4 - Spray; spray steel; sandblasting

GROUP 5 - Spray swing stage

GROUP 6 - Paperhanger

GROUP 7 - Sheetrock finishers







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ZONE 1 - Blenville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes  
ZONE 2 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry & Winn Parishes  
ZONE 3 - All of Acadia, Lafayette & Vermilion Parishes; Parts of Iberia, St. Martin & St. Mary Par. (west of a line drawn from the city of Berwick to the junction of the Iberville-St. Landry Par. border)  
ZONE 4 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Natchitoches, Ouachita, Richland, Tensas, Union & West Carroll Parishes  
ZONE 5 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes  
ZONE 6 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Par. (northwest of a straight line drawn from the city of Berwick to the city of Litcher); Part of Iberville & southern northern St. Martin Par. (east of a line from the city of Berwick north to the eastern boundary of the city of Natchitoches); Parts of Livingston, Terrebonne & Washington Par. (west of a line drawn north from the city of Litcher to the east side of the city of Hammond to the La.-Miss. border)  
ZONE 7 - All of Jefferson, Lafourche, Orleans, Plaquemine, St. Bernard, St. Charles, St. John the Baptist, St. Tammy & Terrebonne Parishes; Parts of Assumption, Livingston, St. James, St. Martin, St. Mary, Tangipahoa & Washington Par. (that portion of southeastern La. bounded on the north by the State of Miss. on the east by the State of Miss. & the Miss. Sound, on the south by the Gulf of Mexico & on the west by a line drawn as follows: beginning at a point on the La.-Miss. boundary in Washington Par., due north of the town of Hackley, thence southeasterly in a straight line to a point on the east bank of the Miss. River at the southernmost point of a straight line to midstream of the Atchafalaya River in a more southeasterly direction in a straight line to midstream of the Atchafalaya River at Morgan City-Berwick (including Morgan City in this area), thence southerly on a line following midstream of the Atchafalaya River to Atchafalaya Bay & in a line due south to the Gulf of Mexico)

POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION)		Fringe Benefits Payments			
GROUP 1 - ZONE 1	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	\$ 9.76	.55	.65		.05
ZONE 2	8.31	.25	.39		.05
ZONE 3	9.23	.55	.65		.05
ZONE 4	9.41	.55	.65		.05
ZONE 5	7.45	.55	.65		.05
ZONE 6	6.69	.25	.30		.05
ZONE 7	6.14	.25	.30		.05
ZONE 8	5.53	.25	.30		.05
GROUP 2 - ZONE 1	10.01	.55	.65		.05
ZONE 2	8.56	.25	.39		.05
ZONE 3	9.48	.55	.65		.05
ZONE 4	9.66	.55	.65		.05
ZONE 5	7.70	.55	.65		.05
ZONE 6	6.94	.25	.30		.05
ZONE 7	6.39	.25	.30		.05
ZONE 8	5.78	.25	.30		.05
GROUP 3 - ZONE 1	9.31	.55	.65		.05
ZONE 2	8.06	.25	.39		.05
ZONE 3	8.98	.55	.65		.05
ZONE 4	9.16	.55	.65		.05
ZONE 5	7.20	.55	.65		.05
ZONE 6	6.44	.25	.30		.05
ZONE 7	5.89	.25	.30		.05
ZONE 8	5.28	.25	.30		.05

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Basic Hourly Rates		Fringe Benefits Payments			
GROUP 4 - ZONE 1	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	\$ 8.26	.55	.65		.05
ZONE 2	7.13	.25	.39		.05
ZONE 3	7.93	.55	.65		.05
ZONE 4	7.94	.55	.65		.05
ZONE 5	6.23	.55	.65		.05
ZONE 6	5.58	.25	.30		.05
ZONE 7	5.02	.25	.30		.05
ZONE 8	4.46	.25	.30		.05
GROUP 5 - ZONE 1	7.91	.55	.65		.05
ZONE 2	6.39	.25	.39		.05
ZONE 3	7.34	.55	.65		.05
ZONE 4	7.33	.55	.65		.05
ZONE 5	5.91	.55	.65		.05
ZONE 6	5.02	.25	.30		.05
ZONE 7	4.48	.25	.30		.05
ZONE 8	3.97	.25	.30		.05
GROUP 6 - ZONE 1	7.11	.55	.65		.05
ZONE 2	5.75	.25	.39		.05
ZONE 3	6.53	.55	.65		.05
ZONE 4	6.53	.55	.65		.05
ZONE 5	4.98	.55	.65		.05
ZONE 6	4.86	.25	.30		.05
ZONE 7	4.21	.25	.30		.05
ZONE 8	3.81	.25	.30		.05
GROUP 7 - ZONE 1	6.80	.55	.65		.05
ZONE 2	5.46	.25	.39		.05
ZONE 3	6.19	.55	.65		.05
ZONE 4	6.19	.55	.65		.05
ZONE 5	4.69	.55	.65		.05
ZONE 6	4.86	.25	.30		.05
ZONE 7	4.31	.25	.30		.05
ZONE 8	3.81	.25	.30		.05
GROUP 8 - ZONE 1	8.16	.55	.65		.05
ZONE 2	7.13	.25	.39		.05
ZONE 3	7.83	.55	.65		.05
ZONE 4	7.84	.55	.65		.05
ZONE 5	6.18	.55	.65		.05
ZONE 6	5.58	.25	.30		.05
ZONE 7	5.02	.25	.30		.05
ZONE 8	4.46	.25	.30		.05
GROUP 9 - ZONE 1	8.41	.55	.65		.05
ZONE 2	7.38	.25	.39		.05
ZONE 3	8.08	.55	.65		.05
ZONE 4	8.09	.55	.65		.05
ZONE 5	6.43	.55	.65		.05
ZONE 6	5.83	.25	.30		.05
ZONE 7	5.27	.25	.30		.05
ZONE 8	4.71	.25	.30		.05
GROUP 10 - ZONE 1	7.05	.55	.65		.05
ZONE 2	5.71	.25	.39		.05
ZONE 3	6.44	.55	.65		.05
ZONE 4	6.44	.55	.65		.05
ZONE 5	4.94	.55	.65		.05

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Basic Hourly Rates		Fringe Benefits Payments			
ZONE 6	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 6	\$ 5.11	.25	.30		.05
ZONE 7	4.56	.25	.30		.05
ZONE 8	4.06	.25	.30		.05

GROUP 1 - 60 ton crane & over; Crane with 125' boom  
GROUP 2 - Crane with 175' boom  
GROUP 3 - Crane all types; deck winches (2); Hi-ho & similar type equipment; 3 drums (or more) stabilizers; pulls all types; concrete mixer 1 yd. & over; all pavers; ditching or trenching machines (track type); mechanics & equipment welders; well point systems; hoist, 2 drums or more; hoist, 1 drum, 40 vertical ft. or more; scrapers; bulldozers, rubber-tired or track other than farm-type; motor patrol; gradall; rollers on hot mix; asphalt paving machines; front and loaders, other than farm-type, 1 cu. yd. or over; trucks & backhoes, all types, & equivalent equipment; pile-drivers; sideboom cats; A-frame cranes when handling steel or pipe; work boats requiring licensed ops.; tugboats; fork lifts over 10 ton capacity; foundation drilling machines  
GROUP 4 - 2 drums stabilizers; front and loaders under 1 cu. yd.; A-frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; tow tractor (crawler type); 1 drum hoist under 40 vertical ft.; fireman; concrete spreader; pugmill; bituminous distributor on surface treatment & equivalent; bullfrogs & equivalent; job grease man; unit ops; work boats not requiring licensed ops.; inboard motor crew boats  
GROUP 5 - Single drum stabilizers; concrete mixer under 1 yd.; spray curing machines; rollers on subgrade; 1 air compressor over 125 cu. ft.; form graders; asphalt finisher screed man; pump over 4"; scale ops.; crusher ops.; concrete jointing machines; concrete saw; tack machines & equivalent equipment; pumpcrete; electric elevator (inside); roller-driver; farm-type, rubber-tired tractor, with attachments, except backhoes; kolum buff & similar equipment; fork lifts, 10 ton capacity & under; outboard crew boats  
GROUP 6 - Mechanic helper; batch plant operator  
GROUP 7 - Oiler  
GROUP 8 - Fireman  
GROUP 9 - Fireman operating steam valve  
GROUP 10 - Oiler on crane using air to drive piles

ZONE 1 - Jefferson, Orleans, Plaquemine, St. Bernard & St. Charles Parishes  
ZONE 2 - Ascension, East Baton Rouge, Iberville & West Baton Rouge Parishes  
ZONE 3 - Bossier & Caddo Parishes  
ZONE 4 - Calcasieu Parish  
ZONE 5 - Cameron, Jefferson Davis & Red River Parishes  
ZONE 6 - Lafayette, Ouachita & Rapides Parishes  
ZONE 7 - Acadia, Bienville, DeSoto, Iberia, Livingston, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Par.), St. Tammy, Tangipahoa, Vermilion, Washington & Webster Parishes  
ZONE 8 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Par.), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

ROOFERS	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - Roofers	9.73	.70	.10	.20	.70
ZONE 2 - Roofers	8.06	.55	.05		.04
ZONE 3 - Roofers	8.61	.55	.10		
ZONE 4 - Roofers	7.90	.55	.10		
ZONE 5 - Kettlemen	7.35	.55	.10		

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Basic Hourly Rates		Fringe Benefits Payments			
ZONE 5 - Roofers	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 5 - Roofers	\$ 9.10	.20	.20		.02
ZONE 6 - Kettlemen	6.31	.20	.20		.02

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Vermilion & Vernon Parishes  
ZONE 2 - Assumption, Jefferson, Lafourche, Orleans, Plaquemine, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Martin, St. Mary, St. Tammy, Terrebonne & Washington Parishes  
ZONE 3 - Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes  
ZONE 4 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll & Winn Parishes  
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

SHEET METAL WORKERS - ZONE 1	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	10.67	.40	.27		.10
ZONE 2	10.16	.34-.45	.70		.14
ZONE 3	11.05	.40	.50		.12
ZONE 4	9.94	.34-.55	.40		.10

ZONE 1 - Calcasieu Parish  
ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemine, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammy, Terrebonne & Washington Parishes  
ZONE 3 - Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes  
ZONE 4 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

SPRINKLER FITTERS	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (BUILDING CONSTRUCTION)	10.35	.65	.95		.08
ZONE 1 - GROUP 1	4.91				
GROUP 2	5.34				
GROUP 3	5.55				
GROUP 4	5.35				
GROUP 5	5.45				
GROUP 6	5.37				
GROUP 7	5.76				
GROUP 8	6.20				
ZONE 2 - GROUP 1	6.45				
GROUP 2	7.00				
GROUP 3	6.85				
GROUP 4	7.30				
GROUP 5	7.40				
GROUP 6	7.70				
GROUP 7	7.85				



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Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
	H & W	Pensions	Vacation	
ZONE 3 - GROUP 1	\$ 5.47			
GROUP 2	5.55			
GROUP 3	5.80			
GROUP 4	5.95			
GROUP 5	6.10			
GROUP 6	6.30			
GROUP 7	6.45			
GROUP 1	7.55			
GROUP 2	7.85			
GROUP 3	8.00			
GROUP 4	8.20			
GROUP 5	8.35			
GROUP 6	8.15			

ZONE 1 - TEAMSTERS, Pick-up drivers & chauffeurs  
GROUP 2 - Skids bodies (all sizes)  
GROUP 3 - Trucks trailer & dumps over 8 yds.; Mixers on trucks over 3 yds.; Misc. wagons & Koehring dumpsters & similar dirt moving equipment (up to & incl. 8 yds.)  
GROUP 4 - Mixers on trucks up to & including 3 yds.  
GROUP 5 - Winch trucks  
GROUP 6 - Trucks, dump  
GROUP 7 - Misc. wagons & Koehring dumpsters & similar dirt moving equip. over 8 yds.

ZONE 2 - TEAMSTER, pick-up drivers  
GROUP 2 - Skids bodies (all sizes); platform dump  
GROUP 3 - Truck & trailer; dump  
GROUP 4 - Mixers on trucks, up to and including 3 yds.  
GROUP 5 - Mixers over 3 yds.  
GROUP 6 - Winch trucks  
GROUP 7 - Misc. wagons & Koehring dumpsters, tandem dumps & similar dirt moving equipment, up to and including 8 yds.  
GROUP 8 - Misc. wagons, Koehring dumpsters, tandem dumps & similar dirt moving equipment, over 8 yds.

ZONE 3 - GROUP 1 - Pick-up drivers, spotters & dumpers of dirt, gravel, asphalt & rock  
GROUP 2 - Skids bodies; flat beds (all sizes)  
GROUP 3 - Single axle dumps & water trucks; transit mix, up to & including 3 yds.  
GROUP 4 - Tandem axle dump, batch & water trucks over 3 tons, pickups with trailer  
GROUP 5 - Misc. wagons, floats, tractor trailers; rubber tired tractors & wobble wheels  
GROUP 6 - Euclids, lowboys, dumpsey dumpsters, Koehring-dumps, 5 axle trucks, transit mix over 3 yds., fuel truck

GROUP 7 - Fork lift  
GROUP 1 - Pick-ups  
GROUP 2 - Over 1 ton, up to but not including 3 tons  
GROUP 3 - 3 tons up to but not including 5 tons  
GROUP 4 - 5 tons & over including but not limited to: winch, dumpsey dumper; lowboy, semi-trailer, euclid, towpull & similar equipment when used for transporting material  
GROUP 5 - Larger trucks carrying capacity rear axles 50,000 lbs. & over  
GROUP 6 - Winch truck with A-frame when used for transporting material  
GROUP 7 - Allen, Baucard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 4 - Acadia, Iberia, Lafayette, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes  
ZONE 5 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes  
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeBato, Red River & Webster Parishes  
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Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS (HIGHWAY CONSTRUCTION)				
GROUP 1 - ZONE 1	6.38			
ZONE 2	5.49			
ZONE 3	5.56			
ZONE 4	5.99			
ZONE 5	4.43			
ZONE 6	4.35			
ZONE 7	4.25			
GROUP 2 - ZONE 1	6.51			
ZONE 2	5.61			
ZONE 3	6.66			
ZONE 4	7.12			
ZONE 5	4.56			
ZONE 6	4.46			
ZONE 7	4.36			
GROUP 3 - ZONE 1	6.57			
ZONE 2	5.66			
ZONE 3	6.89			
ZONE 4	7.18			
ZONE 5	4.61			
ZONE 6	4.51			
ZONE 7	4.41			
GROUP 4 - ZONE 1	6.65			
ZONE 2	5.73			
ZONE 3	7.10			
ZONE 4	7.25			
ZONE 5	4.67			
ZONE 6	4.57			
ZONE 7	4.47			
GROUP 5 - ZONE 1	6.84			
ZONE 2	5.89			
ZONE 3	7.52			
ZONE 4	7.44			
ZONE 5	4.83			
ZONE 6	4.73			
ZONE 7	4.63			

GROUP 1 - 1 ton & under; warehouseman, material checker, receiving clerk, spotter & dumper  
GROUP 2 - 1 1/2 tons to & including 2 tons (exclusive of dump trucks), truck mechanic helper  
GROUP 3 - Single axle dump trucks, single axle water trucks  
GROUP 4 - Heavy equipment, tandem axle dump & tandem axle water trucks, winch lift, transit mix, floats, pole trailers, 4 axle trailers & truck mechanic  
GROUP 5 - Special equipment, euclids & 5 axle moving equipment

ZONE 1 - Jefferson, Orleans, Plaquemine, St. Bernard & St. Charles Parishes  
ZONE 2 - East Baton Rouge Parish  
ZONE 3 - Bagdad & Gado Parishes  
ZONE 4 - Calcasieu Parish  
ZONE 5 - Lafayette, Ouachita & Rapides Parishes

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ZONE 6 - Acadia, Assumption, Bienville, Cameron, DeBato, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Par.), St. Tammany, Terrebonne, Vermilion, Washington, Webster & West Baton Rouge Parishes

ZONE 7 - Allen, Assumption, Avovelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Par.), St. Mary, Tensas, Terrebonne, Union, Vernon, West Feliciana & West Feliciana Parishes

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.



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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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[3410-37]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revisions of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

**SUMMARY:** This document revises the delegations of authority from the Secretary and general officers as previously published in the FEDERAL REGISTER on Monday, July 11, 1977 (42 FR 35625). This revision is necessary to correct certain oversights, omissions, and typographical errors contained in the July 11, 1977, delegation. The amended delegation of authorities will clarify certain functional responsibilities associated with the Agricultural Marketing Act of 1946, as amended, and place other functions in their proper organizational setting as was the original intention of the July 11, 1977, publication in the FEDERAL REGISTER.

**EFFECTIVE DATE:** January 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Penelope S. Farthing, 202-447-7089, Food Safety and Quality Service, U.S. Department of Agriculture, Room 3185 South Building, Washington, D.C. 20250.

**SUPPLEMENTARY INFORMATION:** The delegations of the Department of Agriculture as published in the FEDERAL REGISTER on Monday, July 11, 1972 (42 FR 35625), are amended by revising the delegations to the Assistant Secretaries for Marketing Services and Food and Consumer Services. Similarly, the delegations to the Administrators, Agricultural Marketing Service, Animal and Plant Health Inspection Service, and Food Safety and Quality Service are also changed. The responsibility for exercising the functions of the Secretary of Agriculture with respect to the Process or Renovated Butter Act (26 U.S.C. 4817, 4818) is transferred to the Assistant Secretary for Food and Consumer Services and

the Food Safety and Quality Service. The delegations are amended to clarify that the Assistant Secretary for Food and Consumer Services and the Food Safety and Quality Service is charged with the responsibility for the voluntary inspection of technical animal fat and certified products for dogs, cats, and other carnivora, and that the Assistant Secretary for Marketing Services and the Animal and Plant Health Inspection Service is responsible for exercising the functions of the Secretary of Agriculture with respect to inedible animal byproducts such as any inedible part or combination of inedible parts of carcasses of livestock or poultry, such as tankage, blood meal, bones, bone meal, hides, skins, wool, and hair. In addition, corrections required by minor oversights, typographical errors, and printing omissions have been made in the delegations. The Department believes this alignment of functions conforms to the missions of the agencies involved and will enable the Department to serve the public more efficiently.

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

Subpart C—Delegations of Authority to the Deputy Secretary, Assistant Secretaries, the Director of Economics, Policy Analysis and Budget, and the Director, Office of Governmental and Public Affairs

1. Section 2.15 is amended by revising paragraph (a)(1) and by adding a new paragraph (a)(2)(x) to read as follows:

§ 2.15 Delegations of authority to the Assistant Secretary for Food and Consumer Services.

(a) \* \* \*

(1) Exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627) relating to meat and poultry grading and standardization; grading and standardization of eggs; voluntary inspection of egg products; voluntary inspection of poultry and edible products thereof; voluntary inspection and certification of technical animal fat; certified products for dogs, cats, and other carnivora; inspection, grading, and standardization of dairy products; standardization and voluntary grading and

inspection of fresh and processed fruits and vegetables and related products; grading and standardization and voluntary inspection of rabbits and edible products thereof and voluntary inspection and certification of edible meat and other products.

(2) \* \* \*  
(x) Process or Renovated Butter Act (26 U.S.C. 4817-4818).

2. Section 2.17 is amended by revoking and reserving paragraph (a)(3)(xxi) and by revising paragraph (b)(28) to read as follows:

§ 2.17 Delegations of authority to the Assistant Secretary for Marketing Services.

(a) \* \* \*  
(3) \* \* \*  
(xxi) [Revoked and reserved]

(b) \* \* \*  
(28) The Agricultural Marketing Act of 1946, sections 203, 205, as amended (7 U.S.C. 1622, 1624), with respect to voluntary inspection and certification of inedible animal byproducts and inspection, testing, treatment, and certification of animals.

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing Services

3. Section 2.50 is amended by revoking and reserving paragraph (a)(3)(xxi) as follows:

§ 2.50 Administrator, Agricultural Marketing Service.

(a) \* \* \*  
(3) \* \* \*  
(xxi) [Revoked and reserved]

4. Section 2.51 is amended by revising paragraph (a)(28) to read as follows:

§ 2.51 Administrator, Animal and Plant Health Inspection Service.

(a) \* \* \*  
(28) The Agricultural Marketing Act of 1946, sections 203, 205 as amended



(7 U.S.C. 1622, 1624), with respect to voluntary inspection and certification of inedible animal byproducts and inspection, testing, treatment, and certification of animals.

**Subpart L—Delegations of Authority by the Assistant Secretary for Food and Consumer Services**

5. Section 2.92 is amended by revising paragraph (a)(1) and adding a new paragraph (a)(2)(xi) to read as follows:

**§ 2.92 Administrator, Food Safety and Quality Service.**

(a) \* \* \*

(1) Exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627) relating to meat and poultry grading and standardization; grading and standardization of eggs; voluntary inspection of egg products; voluntary inspection of poultry and edible products thereof; voluntary inspection and certification of technical animal fat; certified products for dogs, cats, and other carnivora; inspection, grading, and standardization of dairy products; standardization and voluntary grading and inspection of fresh and processed fruits and vegetables and related products; grading and standardization and voluntary inspection of rabbits and edible products thereof and voluntary inspection and certification of edible meat and other products.

(2) \* \* \*

(xi) Process or Renovated Butter Act (26 U.S.C. 4817, 4818).

(5 U.S.C. 301 and Reorganization Class No. 2 of 1953.)

For Subpart C, dated: January 3, 1978.

BOB BERGLAND,  
Secretary of Agriculture.

For Subpart F, dated: January 3, 1978.

JERRY C. HILL,  
Deputy Assistant Secretary  
for Marketing Services.

For Subpart L, dated: January 3, 1978.

CAROL TUCKER FOREMAN,  
Assistant Secretary for  
Food and Consumer Services.  
[FR Doc. 78-399 Filed 1-6-78; 8:45 am]

**[3410-07]**

**CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE**

**SUBCHAPTER K—PROPERTY MANAGEMENT**  
(FmHA Instruction 1955-B)

**PART 1955—REAL ESTATE AND CHATTEL PROPERTIES**

**Subpart B—Management of Property**

**AFFIRMATIVE FAIR HOUSING MARKETING PLAN**

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

**SUMMARY:** The Farmers Home Administration (FmHA) amends its regulation to incorporate affirmative fair housing marketing plan requirements and to provide for payment of real estate taxes which became due and payable after January 1, 1977, on Government-owned Rural Housing property. This action is intended to insure that individuals of similar income levels in a housing market area will have similar housing choices available regardless of their race, religion, sex, or national origin, and to provide for payment or certain real estate taxes on Government-owned Rural Housing property.

**EFFECTIVE DATE:** This amendment is effective on January 9, 1978. Comments must be received on or before February 8, 1978.

**ADDRESSES:** Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

**FOR FURTHER INFORMATION CONTACT:**

Mr. R. M. Yates, 202-447-3752.

**SUPPLEMENTARY INFORMATION:** The FmHA amends § 1955.63 (a) and (f) of Subpart B of Part 1955, Title 7 in the Code of Federal Regulations (41 FR 32698). Paragraphs (a)(1) and (a)(2) of this section are amended by adding new paragraphs (a)(1)(i) and (a)(2)(i) identically entitled, "Affirmative Fair Housing Marketing Plan." The new paragraphs (a)(1)(i) and (a)(2)(i) incorporate the Agency's implementations of its affirmative action requirement, published at 42 FR 45893, that certain participants in its Rural Housing programs submit a fair housing affirmative marketing plan or be a signatory to a voluntary fair housing affirmative marketing agreement approved by the Department of Housing and Urban Development. Implementation of this plan is placed

under "Methods of Managing Property" in two categories—First: Lease; and secondly: Management agreement, and involves the redesignation of the following paragraphs under § 1955.63: The present paragraphs (a)(1)(i) through (a)(1)(iii); (a)(2)(i) through (a)(2)(v) are redesignated (a)(1) (ii) through (iv) and (a)(2) (ii) through (vi), respectively. Paragraph (f) of this section is amended to permit FmHA to pay real estate taxes which were levied after January 1, 1977, on Rural Housing property that is in Government inventory, as the result of legislative changes in Title V of the Housing Act of 1949.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since to reconcile this Subpart with other regulations previously published and implement legislative changes on real estate taxes which allow Rural Housing property in Government inventory to be handled like farms and urban housing and any delay in implementing the rule would be contrary to public interest. The Agency is, however, interested in receiving public comments. Such comments may be sent to the address given above. Accordingly, as amended § 1955.63 (a) and (f) read as follows:

**§ 1955.63 [Amended]**

1. In § 1955.63, paragraphs (a)(1)(i) through (a)(1)(iii) are redesignated as (a)(1)(ii) through (a)(1)(iv) without change; a new paragraph (a)(1)(i) is added as follows:

(a) *Methods of managing property.*

\* \* \*

(1) *Lease.* \* \* \*

(i) *Affirmative fair housing marketing plan.* In cases where acquired property is to be leased, the county supervisor will, in accordance with § 1901.203(c) of this chapter, make a special effort to reach those prospective tenants in the marketing area who traditionally would not be expected to apply for such housing because of existing racial or socio-economic patterns.

2. In § 1955.63, paragraphs (a)(2)(i) through (a)(2)(v) are redesignated as (a)(2)(ii) through (a)(2)(vi) without change; a new paragraph (a)(2)(i) is added as follows:

(a) \* \* \*

(2) *Management agreement.* \* \* \*

(i) *Affirmative fair housing marketing plan.* The manager or management firm operating five or more rental housing units under a management agreement will submit an affir-

mative fair housing marketing plan on Form HUD 935.2, "Affirmative Fair Housing Marketing Plan," or be signatory to a voluntary affirmative marketing agreement approved by FmHA.

3. In § 1955.63, paragraphs (f) (1) and (2) are amended as follows:

(f) *Taxes.* (1) Property acquired by FmHA is subject to taxation by State, Commonwealth, territory, district, and local political subdivisions in the same manner and to the same extent as other property, unless State law specifically exempts taxation of real estate owned by the Federal Government. However, taxes and assessments on RH inventory property may not be paid for any time prior to January 1, 1977. For taxes levied on such property prior to January 1, 1977, FmHA may pay such tax prorated from January 1, 1977, for the time the property was owned by FmHA.

(2) The county supervisor will notify the appropriate taxing authority in writing when title to real estate has been acquired by the Government, and that claims for taxes during the Government's ownership will be billed to FmHA at the county office address. If taxes become due and payable while the Government owns the property and are not paid by a prior lien holder, the county supervisor will pay taxes by using Standard Form 1034.

(7 U.S.C. 1989, 42 U.S.C. 1480, 42 U.S.C. 2942, 5 U.S.C. 301, sec. 10, Pub. L. 93-357, 88 Stat. 392, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70, delegations of authority by Director, OEO 29 FR 14764, 33 FR 9850.)

**NOTE.**—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 19, 1977.

GORDON CAVANAUGH,  
Administrator,  
Farmers Home Administration.  
[FR Doc. 78-400 Filed 1-8-78; 8:45 am]

**[3410-07]**

**SUBCHAPTER N—OTHER LOAN PROGRAMS**  
(FmHA Instruction 1980-A1)

**PART 1980—GUARANTEED LOAN PROGRAMS**

**Subpart A—General**

**INSPECTIONS**

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

**SUMMARY:** The Farmers Home Administration (FmHA) amends its regulation to clarify the provisions relating to FmHA inspections made during construction and after issuance of the loan note guarantee.

**EFFECTIVE DATE:** January 9, 1978. Comments may be submitted on or before February 8, 1978.

**ADDRESSES:** Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

**FOR FURTHER INFORMATION CONTACT:**

Darryl H. Evans, Loan Specialist,  
telephone 202-447-4150.

**SUPPLEMENTARY INFORMATION:** The Farmers Home Administration amends § 1980.60(b) of Subpart A of Part 1980, chapter XVIII, Title 7, Code of Federal Regulations (41 FR 47462, 42 FR 12036, 42 FR 24252, and 42 FR 33263).

Section 1980.60(b) is amended to make it clear that FmHA's position is that any inspections or reviews it makes are for the benefit of FmHA only and not for other parties who may have an interest in the loan. The lender is responsible for supervising any construction and to conduct periodic inspections. The lender is not to rely upon any FmHA inspections to fulfill its responsibilities. This amendment is intended to eliminate any misunderstanding concerning inspections involved in the FmHA guaranteed loan programs.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking, such procedure being unnecessary since the purpose of the change is clarification of the FmHA position, and not a revision of this position. The change is, therefore, procedural and not substantive.

However, we encourage submission of any comments pertaining to this amendment which we will review for possible incorporation as a further amendment.

Until such time as further changes are made on the basis of comments received, or otherwise, this revision shall remain in effect.

Accordingly, as amended § 1980.60(b) reads as follows:

§ 1980.60 Conditions precedent to issuance of the Loan Note Guarantee.

\* \* \*

(b) *Inspections.* The lender will notify FmHA of any scheduled field inspections during construction and after issuance of the loan note guarantee. FmHA may attend such field inspections. Any inspections or reviews conducted by FmHA, including those with the lender, are for the benefit of FmHA only and not for other parties of interest. FmHA inspections do not relieve any parties of interest of their responsibilities to conduct necessary inspections, nor can these parties rely on FmHA's inspections in any manner whatsoever.

(7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

**NOTE.**—The Farmers Home Administration has determined this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 23, 1977.

GORDON CAVANAUGH,  
Administrator,  
Farmers Home Administration.  
[FR Doc. 78-401 Filed 1-6-78; 8:45 am]

**[3128-01]**

**Title 10—Energy**

**CHAPTER II—FEDERAL ENERGY ADMINISTRATION, DEPARTMENT OF ENERGY**

**PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS**

**Termination of Crude Oil Supplier/Purchaser Relationships by a Producer**

AGENCY: Department of Energy.

ACTION: Ruling.

**SUMMARY:** The appended Ruling is issued by the Department of Energy (DOE) Office of General Counsel pursuant to 10 CFR 205.150 to set forth DOE's determination as to certain issues that have arisen with respect to the termination of crude oil supplier/purchaser relationships by a producer. A written comment on or objection to the appended Ruling may be filed at any time with the DOE Office of General Counsel pursuant to the provisions of 10 CFR 205.153.

**FOR FURTHER INFORMATION CONTACT:**

Ted Gerarden (Office of General Counsel), 12th and Pennsylvania

**Editorial Note.** Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.



Avenue NW., Room 1119, Washington, D.C. 20461, 202-566-9070.

Issued in Washington, D.C.

Dated: January 3, 1978.

WILLIAM S. HEFFELFINGER,  
Director of Administration.

[RULING 1977-8]

TERMINATION OF CRUDE OIL SUPPLIER/  
PURCHASER RELATIONSHIPS BY A PRODUCER

I. INTRODUCTION

On September 30, 1977, the Federal Energy Administration (FEA), a predecessor agency to the Department of Energy (DOE), amended the crude oil supplier/purchaser rule (the rule) of the Mandatory Petroleum Allocation Regulations, as set forth in 10 CFR 211.63, to permit a crude oil producer to unilaterally terminate its crude oil supplier/purchaser relationship with a reseller, subject to certain conditions. 42 FR 54261 (October 5, 1977). The amendments, which became effective on December 1, 1977, generally permit a crude oil producer to terminate its crude oil supplier/purchaser relationship with a reseller, and to substitute a new reseller, provided that the new reseller offers to continue to supply the crude oil involved to the refiners which had been purchasing that crude oil from the existing reseller. As will be discussed in more detail below, the amendments are intended to foster competition in the crude oil reseller industry while providing adequate protection to refiners' domestic crude oil supplies.

Refiners purchase crude oil from crude oil producers for a number of reasons: (1) For direct use as a refinery feedstock; (2) for exchange (through direct exchanges, matching purchase and sale agreements, time trades, etc.) to obtain suitable crude oil for refinery feedstock; (3) for use in accommodation sales; and (4) to resell for profit.

In light of the fact that no definition of the term "reseller" appears in 10 CFR Part 211, it is necessary to clarify which of these activities of a refiner will be deemed to be "reseller" transactions for purposes of permitting the termination of a supplier/purchaser relationship pursuant to 10 CFR 211.63(d)(1)(iv).

Purchases of crude oil by a refiner from a producer for direct use as refinery feedstock clearly do not involve resales of that crude oil. Likewise, crude oil exchange agreements do not constitute resales, because in each such arrangement the refiner receives an equivalent volume of crude oil (subject to customary quality and location differentials) for use as refinery feedstocks.<sup>1</sup> On the other hand, resales of crude oil by a refiner for profit, often accomplished through a trading subsidiary, are obviously reseller activities to which the termination provisions of 10 CFR 211.63(d)(1)(iv) apply. Less clear, however, is the treatment to be accorded crude oil accommodation sales by refiners, and whether a refiner may be deemed to be a reseller for purposes of terminating crude oil supplier/purchaser relationships. Therefore, this Ruling is intended to interpret the meaning of the term "reseller" in the con-

<sup>1</sup>In the Preamble to the amendments to the price regulations applicable to resales of crude oil, effective January 1, 1978, exchanges are not treated as resales. 42 FR 64856 (December 29, 1977).

text of the crude oil supplier/purchaser rule.

II. EVOLUTION AND PURPOSES OF THE RESELLER  
TERMINATION PROVISION

The crude oil supplier/purchaser rule was adopted by the Federal Energy Office (FEO), in January 1974, to maintain intact the national crude oil distribution system as it existed on December 1, 1973, and thereby to assure refiners, particularly small and independent refiners, continued access to domestic crude oil supplies. 39 FR 1974 (January 15, 1974). The FEA (and now the DOE) was concerned, however, with the possible anticompetitive effects of freezing domestic crude oil supplier/purchaser relationships between producers and resellers. Accordingly, the rule was amended on three occasions to provide increasing amounts of flexibility in those relationships.

In November 1975, 10 CFR 211.63(d) was promulgated to permit a producer to substitute a new reseller for its previous reseller, provided that the refiners receiving the producer's crude oil consented to the substitution. 40 FR 5422 (November 24, 1975). In June 1976, § 211.63(d) was amended to permit a producer to terminate the supplier/purchaser relationship with its reseller without the consent of the refiners processing the producer's crude oil, so long as the new reseller offered to continue to supply the crude oil to the same refiners with no increase in handling and transportation charges. 41 FR 24338 (June 16, 1976). The latest amendment permits a producer to terminate its supplier/purchaser relationship with a reseller without the consent of the refiners, provided that the new reseller offers the refiners a right of first refusal to continue to purchase the crude oil. Where the refiner is a small refiner, however, it must consent to the substitution for the termination to be effective.

When § 211.63(d) was first proposed in April 1975, the FEA emphasized that it was attempting to devise a rule that would: . . . promote efficiency in the transportation and marketing of crude oil by providing greater flexibility for producers and refiners to arrange for transportation and other services normally performed by resellers of crude oil on the most favorable terms available. 40 FR 18182 (April 25, 1975).

Each successive amendment to the rule has provided measures carefully designed to foster competition without endangering refiners' continued access to crude oil supplies. The FEA noted its concern for stable crude oil supplies to refiners in the preamble promulgating the rule currently in effect:

The FEA believes that the reseller substitution method set forth . . . today is reasonably well adapted to accomplishing the goal of permitting greater flexibility on the part of producers to select the resellers with which they do business, while at the same time avoiding undue disruption in the crude oil supply system and protecting the crude oil supply of refiners. . . . (By providing all refiners the right of first refusal as to their volumes of crude oil, the amendments provide a means for all refiners to assure continuation of their supplies of domestic crude oil. 42 FR 54261 (October 5, 1977).

The thrust of the successive amendments to the crude oil supplier/purchaser rule is unmistakable. It is to increase competition in the crude oil distribution system while preserving stable sources of domestic crude oil supplies to refiners for refinery operations.

III. RESELLERS

The FEA has described the functions of crude oil resellers as follows:

Resellers generally purchase crude oil from producers (and occasionally from other resellers) and transport such crude oil by truck and/or pipeline to a delivery point where the crude oil is sold, generally to refiners for processing. Producers of small volumes of crude oil and producers of crude oil at locations which are inconveniently located with respect to delivery points often are unable to obtain direct access to major pipelines because of the volume or location of the crude oil they produce . . . . (C) Crude oil resellers began to enter the marketplace in the late 1940's and early 1950's in response to the need of such producers to move small and/or inconveniently located volumes of crude oil to the major pipelines . . . . The purchase and resale of crude oil by such firms appears to be an important historical element in the crude oil distribution chain. 41 FR 47077 (October 27, 1976).

Resellers' profits are based upon the increased prices they charge to refiners (or subsequent resellers) for the crude oil they purchase from producers. This price, of course, is subject to the restraints imposed by the price rule of the Mandatory Petroleum Price Regulations.

The term "reseller" is not presently defined in the Mandatory Petroleum Allocation Regulations. However, a definition did appear in the allocation regulations initially adopted by the FEO, which defined a reseller as "any person, firm, corporation or sub-division thereof that carries on the trade or business of purchasing any allocated substance and reselling it without substantially changing its form." 39 FR 1924 (January 15, 1974). This definition was deleted on May 1, 1974, as part of amendments which introduced the definitions of "wholesale purchaser-reseller" and "wholesale purchaser-consumer." 39 FR 15980 (May 6, 1974). Through an apparent oversight, when 10 CFR 211.63(d) was added in November 1975, a definition of reseller was not reinserted into the regulations.

IV. REFINERS

Refiners are firms which own facilities for "processing crude oil feedstock and manufacturing refined petroleum products . . ." (10 CFR 211.51). In some cases, however, refiners may nonetheless perform some of the functions traditionally associated with resellers of crude oil.<sup>2</sup> Often refiners, particularly major, integrated refiners, will purchase crude oil directly from producers for use in their refineries. While most of this crude oil is destined to become part of that refiner's crude oil feedstocks, either directly or by exchange, in some cases a portion of the crude oil is sold by the refiner.

Since a refiner may act in a reseller capacity (most obviously in the case of a refiner which owns a crude oil reseller entity), it is necessary, in light of the purposes underlying the promulgation of the September 30, 1977, amendments to § 211.63, to determine if accommodation sales of crude oil by refiners constitute sales in which the refiner is acting in the capacity of a "reseller."

<sup>2</sup>The concept of a firm acting in dual capacities is explicitly recognized in the allocation regulations. For example, pursuant to 10 CFR 211.9(e), a supplier (which may include a refiner), may also act in the capacity of a wholesale purchaser-reseller.

stitution not only among resellers, but also between resellers and refiners. Thus, it would have permitted a reseller to be inserted between a producer and a refiner that had a direct supplier/purchaser relationship, as well as permitting a refiner to "eliminate" a reseller. However, several refiners expressed the concern that allowing a reseller to be inserted (against the refiner's wishes) would be likely to result in higher costs, by introducing a middleman's margin where none previously existed. Of course, whether increased costs would in fact result would be partly dependent upon the relative efficiencies of the refiner and the reseller in the performance of the same functions; but the possibility of increased costs occurring simply as a result of the introduction of a third party must be recognized and addressed.

FEA continues to be of the view that it would be generally desirable to further open up the crude oil distribution chain to competition, and thus to provide further flexibility in supplier/purchaser relationships in this chain, to the extent that this can be done consistent with the need to protect crude oil supplies to refiners and in a manner that does not result in unjustified increases in crude oil prices. Therefore, the FEA will attempt to formulate specific criteria and necessary safeguards under which such substitutions might be permitted . . . .

When the preliminary formulation of such criteria is accomplished, the FEA anticipates that it will issue a notice of proposed rulemaking requesting comments upon whether it would be feasible to permit certain additional substitutions under certain specified conditions. (42 FR 54261, October 5, 1977).

FEA's concern over inserting a reseller into the crude oil distribution system was clearly aimed at preventing a reseller from becoming an additional layer in the relationship between producers and refiners. That is, where a refiner is purchasing crude oil directly from a producer, the FEA was fearful that the insertion of a reseller (who would then be required, pursuant to 10 CFR 211.63(d)(iv)(B)(2)(c), to offer to sell that same crude oil to the refiner) would unnecessarily increase the cost of the crude oil the refiner would ultimately receive.

Since refiners utilize exchanges and accommodation sales of their crude oil purchased from producers as a means to obtain suitable crude oil for use in their refineries, the insertion of a reseller into the producer-refiner relationship may in such cases increase the cost of that crude oil to the refiner.

On the other hand, in those cases when, for example, a refiner owns a crude oil trading subsidiary which purchases crude oil from producers for sale at a profit, such activity is not incidental to refinery operations and is identical to that performed by independent crude oil resellers. Where a refiner is reselling crude oil in this manner, the underlying purposes expressed in the preamble to the September 30, 1977, amendments, require that such transactions not be shielded from competition from independent crude oil resellers.

VI. CONCLUSION

There is a fundamental difference between the sale of crude oil for profit by resellers and accommodation sales of crude oil utilized of necessity by refiners for the efficient operation of their refineries. In promulgating the September 30, 1977, amend-

ments to § 211.63(d), the FEA did not intend to broaden the regulatory concept of "reseller" to include refiners who engage in these accommodation sales. As indicated above a refiner's accommodation sales, made on an acquisition cost basis, are incidental to the operation of its refineries and, although not constituting an exchange of crude oil, are made in the expectation that such sales will be balanced through accommodation purchases at a later date. Accordingly, § 211.63(d)(1)(iv) does not permit a producer to terminate its supplier/purchaser relationship with a refiner who engages in an accommodation sale of crude oil purchased from a producer.

VII. ADDITIONAL MATTERS

As indicated in the preamble to the September 30, 1977, amendments to the crude oil supplier/purchaser rule, the DOE is continuing to study means to increase competition in the crude oil distribution chain, and is considering issuing a notice of proposed rulemaking that would extend the termination provisions of 10 CFR 211.63(d)(1)(iv) to refiners generally, including their accommodation sales, subject to safeguards that will prevent unnecessary increases in the cost of marketing domestic crude oil. The DOE would welcome comments (as provided by 10 CFR 205.153), as to the effect of this ruling on competition in the crude oil marketing industry, and will consider such comments in any future notice of proposed rulemaking on terminations of supplier/purchaser relationships.

Issued in Washington, D.C., December 30, 1977.

ERIC J. FYGI,  
Acting General Counsel,  
Department of Energy.

[FR Doc. 78-373 Filed 1-6-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-NW-30-AD; Amdt. 39-3112]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707-300/300B/300C/400 Series  
Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Airworthiness Directive (AD) requires visual inspections of the horizontal stabilizer center section rear spar upper chord. The inspections are required to assure the structural capability of the center section.

DATE: January 15, 1978.

ADDRESSES: Boeing service bulletins specified in this directive may be obtained upon request to Boeing Commercial Airplane Co., P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.



## FOR FURTHER INFORMATION CONTACT:

Harold N. Wantiez, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2516.

**SUPPLEMENTARY INFORMATION:** This AD provides the necessary instructions for inspecting the horizontal stabilizer center section rear spar. A fracture of the upper chord and web could lead to a situation in which the remaining structure with additional cyclic fatigue damage would be marginal in carrying failsafe loads. As long as the upper chord and web are intact, all design loads can be carried.

This AD was coordinated with The Boeing Company and the operators through the Air Transport Association (ATA) prior to issuance.

## DRAFTING INFORMATION

The principal authors of this document are Harold N. Wantiez, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, FAA Northwest Region.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure thereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

## ADOPTION OF THE AMENDMENT

Accordingly, 39.13 of the Federal Aviation Regulations (14 CFR 39), is amended as follows:

**BOEING.** Applies to all Boeing 707-300/400/300B/300C series airplanes upon the accumulation of, or with more than 8,000 landings.

Visually inspect the center section rear spar upper chord for cracks between terminal fittings in accordance with Boeing Service Bulletin 3331 or with the method specified in paragraph B at the time interval specified in paragraph A below. Chords found cracked are to be reworked in accordance with one of the methods noted in paragraph C or replaced with a chord of the same part number prior to further flight.

A. Inspect within the next 375 landings after the effective date of this AD and thereafter at intervals not to exceed 375 landings. Report all cracks found during the initial inspection to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, noting airplane identification, hours time in service, crack locations and magnitude.

B. Inspection may be accomplished by gaining access to the upper rear surface of the center section and examining the exposed surfaces of the upper chord using a bright light and a mirror at the aft upper and lower surfaces of the chord. If indications of a crack are found, eddy-current or penetrant inspection should be used to confirm presence of crack.

C. Rework in accordance with one of the following:

1. An FAA approved repair provided by The Boeing Co.

2. A method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

D. With permission of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, the airplane may be flown in accordance with FAR 21.197 to a base where the inspection or repair can be accomplished.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Co., P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

This amendment becomes effective January 15, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.89).)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring the preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Seattle, Wash., on December 27, 1977.

J. H. TANNER,  
Acting Director,  
Northwest Region.

**NOTE.**—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 78-253 Filed 1-6-78; 8:45 am]

## [4910-13]

[Docket No. 77-NW-18-AD; Amdt. 39-3113]

## PART 39—AIRWORTHINESS DIRECTIVE

## Boeing 727 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive to require that thrust lever actuated switches which operate autospeed brake and auto wheel brake inhibit circuits for Boeing Model 727 airplanes be set to provide positive operation down to -65° F temperatures.

This AD action is necessary because at low temperatures, it is possible to set the thrust levers at a position insufficient to actuate the inhibit switches, with the result that the autospeed brake or auto wheel brakes

could be actuated during the takeoff roll, causing an unsafe condition.

**DATES:** Effective date January 16, 1978.

Compliance times as described in the body of the AD.

**ADDRESSES:** Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 77-NW-18-AD, 9010 East Marginal Way South, Seattle, Wash. 98108.

Boeing Service Bulletins specified in this directive may be obtained upon request to Boeing Commercial Airplane Co., P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at the Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

**FOR FURTHER INFORMATION CONTACT:**

A. V. Rasmussen, 767-2500.

**SUPPLEMENTARY INFORMATION:** The autospeed brake and auto wheel brake inhibit systems on Boeing Model 727 airplanes use thrust lever actuated switches to assure that the speed brake and wheel brakes will not operate when thrust levers are advanced for takeoff. When thrust requirements are obtained by thrust lever action insufficient to actuate the switches, such as would be the case on a cold day or planned reduced thrust takeoff, autospeed brake and auto wheel brake inhibit circuits would not be engaged, and the takeoff warning would not be armed.

Inadvertent speed brake extension or wheel brake application during takeoff will create an unsafe condition.

This proposed AD will require adjustment of the throttle switches to provide actuation down to a minimum temperature of -65° F.

In response to the NPRM a number of comments were received from affected operators. Several objected to specifying thrust lever switch settings of 12.5±1° in addition to requiring the activation of these switches down to minimum temperature of -65° F since coverage to this temperature can be achieved with the switch settings higher than 12.5±1°, depending upon the rating of engines in use by these operators. The FAA agrees with this objection and the adopted rule will specify only that the switch actuation coverage must be good to -65° F.

A commentator also pointed out that the proposed AD only referenced setting of switches S197 and S784, which are in the autospeed brake circuit, and not switches S553 and S555 which are in the auto wheel brake circuit. This was an oversight, and the adopted rule will list all of the above switches as needing adjustment.

## DRAFTING INFORMATION

The principal authors of this document are A. V. Rasmussen, Engineering and Manufacturing Branch, Northwest Region, and Jonathan Howe, Regional Counsel, Northwest Region.

## ADOPTION OF THE AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend paragraph 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

**BOEING.** Applies to all Model 727 series airplanes certificated in all categories with autospeed brake system installed and airplanes with auto wheel brakes in conjunction with JT8D-17R engines and Boeing automatic throttle clutches, except airplanes with Engine Pressure Ratio (EPR) activated takeoff warning system.

Compliance required as indicated. This amendment is effective January 16, 1978.

Within 2,000 hours time in service after the effective date of this AD, unless already accomplished, set the thrust lever operated switches S197, S784, S553, and S555 to provide actuation down to and including -65° F per applicable part of Boeing Service Bulletin 727-31-30, or later FAA approved revisions, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

For airplanes which have automatic throttles not designed by Boeing, the modification kits available from Boeing may not be applicable. Operators of those airplanes must submit their proposed modifications to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.89).)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparing of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Seattle, Wash., on December 28, 1977.

J. H. TANNER,  
Acting Director,  
Northwest Region.

**NOTE.**—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 78-252 Filed 1-6-78; 8:45 am]

## [4910-13]

[Docket No. 77-EA-53; Amdt. 39-3111]

## PART 39—AIRWORTHINESS DIRECTIVES

## DeHavilland Aircraft

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule (AD) adopts an airworthiness directive (AD) that would require alteration to wiring and shielding of relays in the reverse current relay box of DHC-6 type airplanes. The AD is needed to prevent a fire in one generating system destroying the remaining generating system, which could result in complete loss of electrical power.

**EFFECTIVE DATE:** January 9, 1978. Compliance is required within 800 hours of service.

**ADDRESSES:** DeHavilland Service Bulletins may be obtained from the manufacturer at DeHavilland of Canada, Ltd., at Downsview, Ontario, Canada.

**FOR FURTHER INFORMATION CONTACT:**

M. Mavricos, Systems and Equipment Section, AEA-213, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430; telephone 212-995-3373.

**SUPPLEMENTARY INFORMATION:** There have been reports of in-flight electrical fires in the reverse current relay box which resulted in a total loss of electrical power. While the electrical system has two parallel d.c. sources, the collocation of the reverse current relays permitted a fire in one to disable the other. Since this condition exists in other airplanes of similar type design, the proposal would require alteration of the wiring and installation of shielding around the relays in the reverse current relay box. A notice of proposed rulemaking was published in the FEDERAL REGISTER on October 6, 1977 (42 FR 54428). Interested parties were given time to submit comments. The Airline Transport Association (ATA) objected to an 800-hour requirement and urged 1,400 hours in service. However, there was no substantiation commensurate with the overriding safety aspect and thus no change will be made in the rule. No other objections have been received.

## DRAFTING INFORMATION

The principal authors of this document are M. Mavricos, Flight Standards Division, and Thomas C. Haloran, Esq., Office of the Regional Counsel.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

## ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adopting the new airworthiness directive as published.

**Effective date:** This amendment is effective January 9, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); and 14 CFR 11.89.)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, N.Y., on December 23, 1977.

WILLIAM E. MORGAN,  
Director, Eastern Region.

**DeHavilland.** Applies to DeHavilland of Canada DHC-6 series aircraft serial Nos. 1 through 530.

Compliance required within 800 hours in service after the effective date of this AD unless already accomplished, or DeHavilland modification 6/1591 is incorporated.

To preclude the possibility of total electrical failure due to contact welding of the reverse current relay and subsequent burning of the adjacent wiring, the other reverse current relay and the battery circuit wiring, install DeHavilland modification 6/1598 in accordance with DeHavilland Service Bulletin No. 6/353 dated May 13, 1977, or later revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

[FR Doc. 78-251 Filed 1-6-78; 8:45 am]

## [4910-13]

[Docket No. 17532; Amdt. 39-3122]

## PART 39—AIRWORTHINESS DIRECTIVES

Kawasaki Heavy Industries, Ltd., Model KV-107 Helicopters

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), which requires inspections, replacements and/or modifications, as necessary, of certain components on Kawasaki models KV-107-II and KV-107-IIA helicopters. The AD is needed to detect and prevent certain unsafe conditions found on these Kawasaki models which had been earlier found on the similar Boeing Vertol Model 107-II helicopters, and which could result in the loss of the helicopter.

**DATE:** Effective January 23, 1978.

Compliance required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.



**ADDRESS:** The applicable service bulletins may be obtained from Kawasaki Heavy Industries, Ltd., Aircraft Manufacturing Division, 346-299 Sohara Mikakino-cho, Kagamihara-shi, Gifu Prefecture, Japan.

A copy of each of the service bulletins referenced in this AD is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:**

Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC-210, Pacific-Asia Region, Federal Aviation Administration, P.O. Box 4009, Honolulu, Hawaii 96813, telephone 808-546-8650.

**SUPPLEMENTARY INFORMATION:** Kawasaki KV-107-II and KV-107-IIA model helicopters are manufactured in Japan under a licensing agreement with the Boeing-Vertol Co., and derive from the Boeing-Vertol Model 107-II helicopter for which a number of airworthiness directives have been previously issued. In view of the similarity of the type design of the Kawasaki model and the Boeing-Vertol model, it is likely that the same unsafe conditions exist on the Kawasaki models. Accordingly, an airworthiness directive is being issued which requires inspections, replacements and/or modifications as necessary of the following components on the Kawasaki models KV-107-II and KV-107-IIA helicopters.

A copy of each of the service bulletins referenced in this AD is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

Component	To prevent
1. Forward rotor transmission shaft and aft rotor drive shaft.	Fatigue cracks on forward and aft rotor drive shafts.
2. Quill shafts and collector gears.	Fatigue failure of the aft rotor transmission quill shaft.
3. Rotor drive system.....	Cracking in the synchronizing shaft splined adapter.
4. Sockets and rotor housings.	Fatigue failure of the rotor pitch housing.
5. Fire detection system..	Simultaneous engine false fire warnings caused by electrical wiring system malfunction.
6. Aft transmission collector gear.	Failure of the aft transmission collector gear and separation of the aft transmission planetary carrier retention nut.
7. Aft transmission quill shaft.	Failure of the aft transmission quill shaft due to surface defects.
8. Installation of rotor blade integral spar inspection system (ISIS).	Failure of rotor blade due to undetected cracks in spar.
9. Main rotor blade spars	Cracking of the main rotor blade spars due to corrosion.
10. Forward rotor shaft and carrier, and aft planetary carrier.	Fatigue cracks on forward and aft carriers.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The principal authors of the document are G. K. Nakagawa, Pacific-Asia Region, H. Hellebrand and F. Kelley, Flight Standards Service, and P. Lynch, Office of the Chief Counsel.

**ADOPTION OF AMENDMENT**

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

**KAWASAKI HEAVY INDUSTRIES, LTD.** Applies to models KV-107-II and KV-107-IIA helicopters certificated in all categories.

Compliance is required as indicated.

1. To prevent fatigue cracks on the forward and aft rotor drive shafts, accomplish the following:

Within the next 25 hours time in service after the effective date of this AD, unless already accomplished, replace the forward transmission rotor shaft, P/N 107D1259, and aft rotor shaft extension, P/N 107D3147, in accordance with Kawasaki Service Bulletin No. KSB107-2 dated September 30, 1977, or an FAA-approved equivalent. Prior to the accumulation of the hours specified in KSB107-2 Section 1.d., retire from service all rotor drive shafts. Compliance with Boeing-Vertol Service Bulletin No. 107-3(R-3) dated March 20, 1963, is considered an FAA-approved equivalent.

2. To prevent fatigue failure of the aft rotor transmission quill shaft, P/N 107D2067-1, accomplish the following:

Within the next 25 hours time in service after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 120 hours time in service from the last inspection, remove the aft transmission assembly, inspect the mix box and aft transmission assemblies and replace parts in accordance with Kawasaki Service Bulletin No. KSB107-55 dated September 30, 1977, or an FAA-approved equivalent. Prior to installation on certificated aircraft inspect spare mix box and spare aft transmission assemblies. Compliance with Boeing-Vertol Service Bulletins No. 107-113 dated October 28, 1963, No. 107-113A dated November 22, 1963, and No. 107-182 dated October 7, 1964, is considered an FAA-approved equivalent.

3. To prevent cracking in the synchronizing shaft splined adapter, accomplish the following:

Within the next 25 hours time in service after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 120 hours time in service from the last inspection, inspect synch shaft splined adapter P/N 107D3154-2 in accordance with Kawasaki Service Bulletin No. KSB107-56(R-1) dated September 30, 1977, or an FAA-approved equivalent. Prior to the accumulation of 500 hours of operation retire from service the adapter. Adapter which is modified in accordance with KSB107-56(R-1) may continue to remain in service for up to 2,500 hours of operation.

Compliance with Boeing-Vertol Service Bulletin No. 107-116(R-1) dated April 6, 1965, is considered an FAA-approved equivalent.

4. To prevent fatigue failure of the rotor pitch housing, accomplish the following:

Within the next 25 hours time in service after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 25 hours time in service from the last inspection, inspect the rotor pitch housing P/N 107R2553, and blade root sockets, P/N 42R1043, in accordance with Kawasaki Service Bulletin No. KSB107-4(R-1) dated September 30, 1977, or an FAA-approved equivalent. Prior to the accumulation of the hours stated in KSB107-4(R-1) retire from service the rotor pitch housing and blade root sockets. Compliance with Boeing-Vertol Service Bulletin No. 107-19 dated November 6, 1962, is considered an FAA-approved equivalent.

5. To prevent simultaneous engine false fire warnings caused by electrical wiring system malfunction, accomplish the following:

Within the next 25 hours time in service after the effective date of this AD, unless already accomplished, remove the engine fire detector test switch, P/N BAC-S30-AZ-3-1N5 (JANCO No. 1-1919-1N5) or P/N 1-1917-2N5, and install test switch, P/N BAC-S30AZ-3-2N5 (JANCO No. 1-1919-2N5), and modify the wiring arrangements in accordance with Kawasaki Service Bulletin No. KSB107-137 dated September 30, 1977, or an FAA-approved equivalent. Compliance with Boeing-Vertol Service Bulletin No. 107-219 dated September 20, 1965, and No. 107-219A dated October 22, 1965, is considered an FAA-approved equivalent.

6. To prevent failure of the aft transmission collector gear and separation of the aft transmission planetary carrier retention nut either of which may cause dephasing of the main rotors, accomplish the following:

Within the next 25 hours time in service after the effective date of this AD, unless already accomplished, inspect for cracks and modify the aft transmission collector gear, P/N 107D2066-10, -12, -14, -16, and -18, in accordance with Kawasaki Service Bulletin No. KSB-V107-336, dated September 25, 1972, or an FAA-approved equivalent. Additionally, torque and install lock pins in the aft transmission planetary carrier retention nut, P/N BAC-N10GR39, P/N VS10304-39 or P/N 107D1276-7, in accordance with Kawasaki Service Bulletin KSB-V107-332 dated January 26, 1972, or an FAA-approved equivalent. Compliance with Boeing-Vertol Service Bulletin No. A107-316(R-1) dated June 19, 1972, is considered an FAA-approved equivalent.

7. To prevent failure of the aft transmission quill shaft, P/N 107D2067, due to surface defects, accomplish the following:

Within the next 25 hours time in service after the effective date of this AD, unless already accomplished, inspect the quill shaft in accordance with Kawasaki Service Bulletin No. KSB-V107-370B dated September 30, 1977, or an FAA-approved equivalent. Compliance with Boeing-Vertol Service Bulletins No. A107-320 dated April 30, 1973, No. 107-320A dated December 21, 1973, No. A107-320B dated February 25, 1974, and No. 107-320C dated September 25, 1974, is considered an FAA-approved equivalent.

8. To prevent failure of the rotor blade, P/N 107R1202, due to undetected cracks in the spar, accomplish the following:

Within the next 25 hours time in service after the effective date of this AD, unless al-

ready accomplished, modify the rotor blades and install the Integral Spar Inspection System (ISIS) in accordance with Kawasaki SB No. KSB-V107-478 dated September 30, 1977, or an FAA-approved equivalent. Additionally, operate, inspect, and maintain the ISIS rotor blades in accordance with Kawasaki Service Bulletin No. KSB-V107-495 dated September 30, 1977, or an FAA-approved equivalent. The visual checks of the rotor blade ISIS indicator may be performed by the pilot. Compliance with Boeing-Vertol Service Bulletins No. 107-319 dated November 12, 1973, No. 107-326 dated May 20, 1974, and No. 107-329 dated June 7, 1974 is considered an FAA-approved equivalent.

**NOTE.**—Installation of the rotor blade leading edge protective strip, P/N WR1017-1, is not mandatory.

9. To prevent cracking of the main rotor blade spars due to corrosion, accomplish the following:

Within the next 25 hours time in service after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 36 months, inspect for corrosion and alter, as necessary, in accordance with Kawasaki SB KSB-V107-547 dated September 30, 1977, or an FAA-approved equivalent. Compliance with Boeing-Vertol Service Bulletin No. 107-334 dated October 28, 1976, is considered an FAA-approved equivalent.

10. To prevent fatigue cracks on the forward transmission rotor shaft and carrier, and aft transmission planetary carrier, accomplish the following:

Within 25 hours time in service after the effective date of this AD, unless already accomplished, replace or modify forward transmission rotor shaft and carrier, P/N A02D1259 or P/N A07D1269, in accordance with the retirement times specified in Kawasaki SB No. KSB-V107-558 dated September 30, 1977, or an FAA-approved equivalent. Additionally, replace aft rotor transmission planetary carrier with parts of the same design, P/N 107D2419-1, prior to the accumulation of 10,000 hours of operation. Compliance with Boeing-Vertol Service Bulletin No. 107-335 dated May 15, 1977, is considered an FAA-approved equivalent.

11. The equivalent means of compliance specified in paragraphs 1 through 10 of this AD must be approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

This amendment becomes effective January 23, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on December 30, 1977.

J. A. FERRARESE,  
Acting Director,  
Flight Standards Service.

[FR Doc. 78-331 Filed 1-6-78; 8:45 am]

**ADOPTION OF AMENDMENT**

Accordingly, pursuant to the authority delegated to me by the Administrator § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-265 (39 FR 10074), AD 66-19-01, as follows:

§ 39.13 [Amended]

(1) By striking out the words "5,000 hours" where it appears in paragraph (c) and inserting the words "10,000 hours" in its place.

(2) By striking out the words "15,000 hours" where it appears in paragraph (d) and inserting the words "30,000 hours" in its place.

(3) By adding a new paragraph (e) to read as follows:

(e) For a ram rod eye end assembly, P/N P183.45.363, which has expended part of its life on pre-modification PM 1715 (Mark I) rudder jacks, determine the remaining life of the ram rod eye end on a post-modification PM 1715 (Mark II) rudder jack on a pro-rata basis by which the established life limit for the part as installed on the post modification PM 1715 rudder jack is reduced by the percentage of the life limit expended prior to incorporation of modification PM 1715.

This amendment becomes effective January 23, 1978.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on December 30, 1977.

J. A. FERRARESE,  
Acting Director,  
Flight Standards Service.

[FR Doc. 78-332 Filed 1-6-78; 8:45 am]

**[4910-13]**

[Docket No. 77-GL-25; Amdt. 39-3120]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Two Bladed Feathering and Constant Speed McCauley Model D2AF34C305 Propellers**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), which requires periodic inspection of the hub of some Model D2AF34C305 propellers for cracks. The affected propellers are installed on the rear

**[4910-13]**

[Docket No. 7360; Amdt. 39-3121]

**PART 39—AIRWORTHINESS DIRECTIVES**

**British Aircraft Corp. BAC 1-11 200 and 400 Series Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment amends an existing airworthiness directive (AD) applicable to British Aircraft Corp. BAC 1-11 200 and 400 Series airplanes by extending the replacement time intervals of certain components of the rudderjacks. The amendment is needed to relieve an unnecessary burden on operators because the FAA has determined that longer life limits have been substantiated.

**EFFECTIVE DATE:** January 23, 1978. Compliance schedule—as prescribed in the body of the AD.

**ADDRESSES:** The applicable service bulletin may be obtained from British Aircraft Corp., Inc., 13850 McLearn Road, Herndon, Va. 22070, telephone 703-435-9100.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:**

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

**SUPPLEMENTARY INFORMATION:** This amendment amends Amendment 39-265 (39 FR 10074) AD 66-19-01 which requires retirement of ram rod eye ends of the rudder jacks on British Aircraft Corp. BAC 1-11, 200 and 400 Series airplanes. After issuing Amendment 39-265, the FAA has determined that the manufacturer has substantiated longer life limits. Therefore, the FAA is amending Amendment 39-265 to increase the service life of these components.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

**DRAFTING INFORMATION**

The principal authors of this document are F. Karnowski, Europe, Africa, and Middle East Region, AEU-100, F. Kelley, Flight Standards Service, and P. Lynch, Office of the Chief Counsel.



engine of certain Cessna T337G and FT337GP "Turbo Super" Skymaster aircraft. This action is considered necessary to preclude failures of the hub which could result in separation of the propeller from the aircraft.

**DATES:** Effective: January 16, 1978. Compliance schedule: As prescribed in the body of the AD.

**ADDRESSES:** Information relating to the service documents referenced in the body of the AD may be obtained from McCauley Accessory Division, Cessna Aircraft Co., Box 7, Roosevelt Station, Dayton, Ohio 45417.

Copies of the service information incorporated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Ill. 60018; and at FAA Headquarters, Room 918, 800 Independence Avenue SW., Washington, D.C. 20591.

#### FOR FURTHER INFORMATION CONTACT:

Henry L. Weiss, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 308.

**SUPPLEMENTARY INFORMATION:** There have been several instances of cracks which were found around the circumference of the hub extension between the spinner bulkhead and the engine mounting face of the McCauley D2AF34C305 propellers. These cracks were discovered as the source of engine oil leakage. Since this condition is likely to exist in other propellers of the same design, an airworthiness directive is being issued requiring periodic inspection of the hubs of the D2AF34C305 rear engine propellers on the 1973 and 1974 Cessna T337G and FT337GP aircraft. Cracked propeller hubs must be removed and replaced prior to further flight.

Since a situation exists that required immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In accordance with departmental regulatory reform, dated March 23, 1976, we have determined that the expected impact of this final regulation is so minimal that it does not warrant an evaluation.

#### DRAFTING INFORMATION

The principal authors of this document are H. L. Weiss, Flight Standards Division, Great Lakes Region, and J. W. Hacker, Office of the Regional Counsel, Great Lakes Region.

#### ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Admin-

istrator, § 39.13 of the Federal Aviation regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

**McCauley Propellers.** Applies to the Model D2AF34C305 propellers installed on the rear engine of certain Cessna T337G aircraft (having Serial Nos. P337-0001 through P337-0193), and Cessna FT337GP aircraft (having Serial Nos. FP33700001 through FP33700013).

Compliance requires as indicated, unless already accomplished.

To detect propeller hub cracks and prevent possible failures, accomplish the following:

(a) Propellers with less than 490 hours time in service, as of the effective date of this AD, inspect in accordance with paragraph (c) within 500 hours total time in service and reinspect every 50 hours from the last inspection in accordance with paragraph (c).

(b) Propellers with 500 or more hours in service, or whose total time in service is unknown, as of the effective date of this airworthiness directive inspect in accordance with paragraph (c) within the next 10 hours time in service and reinspect every 50 hours from the last inspection in accordance with paragraph (c).

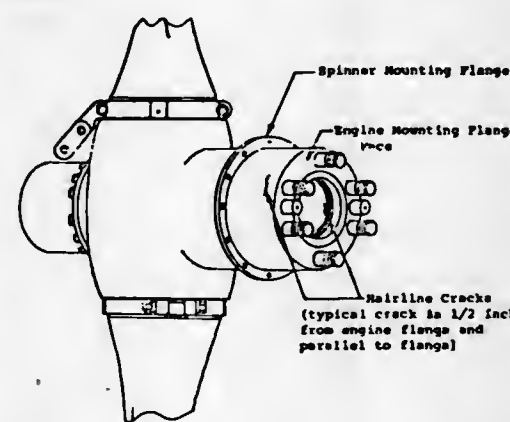
(c) The following inspection(s) (1) or (2), as applicable, should be made by a Federal Aviation Administration certificated A & P Mechanic, or an appropriately rated certificated repair station:

(1) Visually inspect hub extension exterior surface for cracks with a 10X (power) glass between the spinner bulkhead and engine flange. Refer to notes and sketch which follow. Removal of the cowl or propeller spinner is not necessary for this inspection. Replace before further flight any cracked hub with an airworthy hub.

(2) In the event that the propeller is removed from the engine, remove the 'O' ring from the hub and clean. Inspect the interior and exterior surfaces for cracks within the first inch and a half from the engine mounting flange by dye penetrant method. Refer to notes and sketch which follow. Replace before further flight any cracked hub with an airworthy hub.

**NOTES.**—(i) Excessive paint overspray from the exterior painting of aircraft may be present in this area and must be removed prior to inspection.

(ii) If a new hub is installed, inspection requirements will again return to the start of the 500 hour inspection requirement then followed by the 50 hour inspection requirement.



(McCauley Service Bulletin No. 128-A and Cessna Service Letter ME77-21, or later Federal Aviation Administration approved revisions, also pertain to this subject.)

The manufacturer's specifications and procedures identified in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by the directive who have not already received these documents from the manufacturer, may obtain copies upon request to McCauley Accessory Division, Cessna Aircraft Co., Box 7, Roosevelt Station, Dayton, Ohio 45417. These documents may also be examined at the Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Ill. 60018, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. A historical file on this airworthiness directive which includes incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and the Great Lakes region.

This amendment becomes effective January 16, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1555(c)); and 14 CFR 11.89.)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Ill., on December 28, 1977.

LEON C. DAUGHERTY,  
Acting Director,  
Great Lakes Region.

**NOTE.**—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on June 19, 1967.

(FR Doc. 78-334 Filed 1-6-78; 8:45 am)

#### [4910-13]

(Docket No. 77-WE-26-AD; Amdt. 39-3119)

#### PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9 Series Airplanes Including Military Type C-9A, C-9B, and VC-9C

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts an airworthiness directive which requires repetitive inspections of the McDonnell Douglas Model DC-9 Series airplane elevator spar for stress corrosion cracking that could, if allowed to grow beyond certain limits, result in structural failure and loss of an elevator surface.

**DATES:** Effective February 13, 1978.

Compliance required within the next 3,400 hours time in service, unless already accomplished within the past 200 hours time in service, and thereafter at intervals not to exceed 3,600 hours time in service, on all airplanes with over 5,000 hours time in service as of, and after, the effective date of this AD.

**ADDRESSES:** Persons affected by this AD may obtain copies of applicable McDonnell Douglas service information cited in this AD by writing to: McDonnell Douglas Corp., 3855 Lakewood Boulevard, Long Beach, Calif. 90846. Attention: L. A. Eisenberg, CI-750, 54-60.

Also, a copy of the service information may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591; or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

#### FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone 213-536-6351.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspections of the elevator spar on McDonnell Douglas Model DC-9 Series airplanes was published in the *FEDERAL REGISTER* at 42 FR 54429. The proposal was prompted by several reports of stress corrosion cracking of the spar that could, if allowed to grow beyond certain limits, result in structural failure and loss of an elevator surface.

Interested persons have been afforded an opportunity to participate in the making of the amendment and two comments were received, one of which represented the inputs of several operators. Most of the operators agreed with the basic intent of the proposed AD, but several requested an increase in the initial inspection time to allow large fleet operators to establish an inspection schedule that would not require disruption of service. In support of this request, the commenters felt the structural redundancy inherent in the design of the DC-9 elevator would permit the requested increase without compromising safety. The FAA agrees and the initial inspection time has been increased to 3,400 hours.

Another comment requested that the AD include a repair method developed by one operator which can be accomplished without removing the ele-

vator from the airplane. The AD visualizes the acceptability of FAA approved repair manual data for this purpose. The repair scheme proposed by the commenter is considered acceptable in principle and is scheduled to be published in a future revision of the applicable service bulletin as an alternate method.

#### DRAFTING INFORMATION

The principal authors of this document are Everett W. Pittman, Aircraft Engineering Division, and F. C. Woodruff, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, section 39.13 of Part 39 of the Federal Aviation regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive.

**McDONNELL DOUGLAS:** Applies to Model DC-9 Series airplanes, certificated in all categories, including: Military Type C-9A, C-9B, and VC-9C, F/N's 1 through 839.

Compliance required within the next 3,400 hours time in service, unless already accomplished within the past 200 hours time in service, and thereafter at intervals not to exceed 3,600 hours time in service, on all airplanes with over 5,000 hours time in service as of, and after, the effective date of this AD.

To detect cracks and prevent failure of the elevator spar, comply with the following:

(a) Perform an X-ray or dye-penetrant inspection of the elevator spars, P/N (9918450-1 or -501), in accordance with the inspection procedures of McDonnell Douglas DC-9 Service Bulletin 55-28, dated August 29, 1977, or later FAA approved revision, or McDonnell Douglas All Operators Letter AOL 9-1000, dated November 3, 1976.

(b) Cracked parts found during any of the inspections of paragraph (a) which do not exceed the crack limits in McDonnell Douglas DC-9 Service Bulletin 55-28, dated August 29, 1977, or later FAA approved revisions, may be continued in service. However, in addition to the 3600 hour repetitive general inspection requirements of paragraph (a), the area 12 inches inboard and outboard of all cracks must be X-ray or dye penetrant inspected at intervals not to exceed the following:

(1) Length of longest crack up to two inches—800 hours time in service.

(2) Length of longest crack between two and four inches—400 hours time in service.

(c) If cracks are found during any of the inspections of paragraph (a) or (b) which exceed the crack limits of McDonnell Douglas DC-9 Service Bulletin 55-28, dated August 29, 1977, or later FAA approved revision, the cracked spar must be repaired or replaced before further flight.

(d) Equivalent inspections may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(e) If the original 7075-T651 spars (P/N 9918450-1 or -501) are replaced with 7075-T7351 spars (P/N 9918450-503), the inspection requirements of this AD will not apply to that airplane.

(f) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to

authorize operation of an airplane to a base for the accomplishment of the inspections required by this AD.

(g) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1555(c)); and 14 CFR 11.89.)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, Calif., on December 29, 1977.

ROBERT H. STANTON,  
Director,  
FAA Western Region.

(FR Doc. 78-335 Filed 1-6-78; 8:45 am)

#### [4910-13]

(Docket No. 77-WE-27-AD; Amdt. 39-3118)

#### PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-8 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts an airworthiness directive (AD) which requires modifications to increase clearances on McDonnell Douglas Model DC-8 Series airplanes to reduce the possibility of jamming of the elevator and the installation of an elevator position indicator system to give the pilot positive indication of elevator movement.

**DATES:** Effective—February 13, 1978. Compliance schedule—As prescribed in body of AD.

**ADDRESSES:** Persons affected by this AD may obtain copies of McDonnell Douglas DC-8 Service Bulletins 27-254, 27-262, and 27-264 by writing to: McDonnell Douglas Corp., 3855 Lakewood Boulevard, Long Beach, Calif. 90846. Attention: L. A. Eisenberg, CI-750, 54-60. Also, a copy of the service bulletins may be reviewed at, or a copy obtained from: Rules Docket in room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591; or Rules Docket in room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

**FOR FURTHER INFORMATION CONTACT:**



Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone 213-536-6351.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring installation of an elevator position indicator system and modifications to improve clearances on McDonnell Douglas DC-8 Series airplanes to preclude jamming of the elevator was published in the *FEDERAL REGISTER* at 42 FR 43407. The proposal was prompted by the takeoff accident of a DC-8 airplane which apparently had the elevator jammed due to an over-travel condition caused by gusty wind conditions while parked with the gust lock disengaged.

Interested persons have been afforded an opportunity to participate in the making of the amendment. At the request of the ATA, a meeting with operator airlines, the manufacturer and the FAA was held on October 7, 1977, to allow an in-depth discussion of the airlines comments on the NPRM. Several of the commenters requested that the AD include a procedure developed by one operator which allows the necessary clearance improvements to be made without removing the elevator. The FAA agrees that the procedure is acceptable and is desirable from a time-savings standpoint in doing the modification. Accordingly the manufacturer is preparing a revision to DC-8 Service Bulletin 27-262 to include the new procedure as an alternative to removing the elevator. Several commenters asked that the AD allow specific maintenance and operational procedures as an alternate means of compliance to the installation of the elevator position indicator system. They expressed their belief that the elevator position indicator installation was too costly and time-consuming to incorporate in large fleets and that it only added to the workload of the cockpit crew, without adding safety beyond that obtained by certain operational procedures. At the October 7 meeting, the FAA agreed to review a new pre-takeoff procedure developed by one operator as a possible alternative to the position indicator system. After an extensive review of that procedure, the FAA has determined that the procedure has merit but is not acceptable as an alternate to the installation of the elevator position indicator.

Another commenter suggested that, if the AD requires an elevator position indicator system to be installed, provision should be made for continued flight if the system malfunctions. The FAA agrees that provision for limited flight until repairs can be accom-

plished is necessary and a paragraph has been added to the final rule to allow flights to continue until a base is reached where the necessary repairs can be made, provided the operational procedure of DC-8 Alert Service Bulletin A27-264 is followed.

The AD differs from the NPRM in the above, relieving respect and in the incorporation of editorial changes and minor changes for clarification.

#### DRAFTING INFORMATION

The principal authors of this document are Everett W. Pittman, Aircraft Engineering Division, and Fred C. Woodruff, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive.

**McDONNELL DOUGLAS:** Applies to Model DC-8 Series airplanes, certificated in all categories.

Compliance required as indicated.

To prevent failure of the elevator geared tab crank arms and to provide a means of detecting jamming of the elevator surface, comply with the following:

(a) Within the next 12 months after the effective date of this AD, unless already accomplished, increase the elevator geared tab crank assembly clearance by modifying the elevator leading edge cutouts and covers, and modify and reidentify the elevator geared tab links, modify rod ends as required, and chamfer the horizontal stabilizer box fittings in accordance with McDonnell Douglas DC-8 Service Bulletin 27-262 dated July 15, 1977, or later FAA approved revisions.

**NOTE:** Compliance with the following requirements of Service Bulletin 27-262 is optional:

(1) The installation of steel geared-tab links to replace the existing links. 3802767-1 (new) for 4710541; 3802768-1 (new) for 4710542.

(2) The provision of additional clearance between the elevator hinge support fitting Part No. 3619433 and the elevator leading edge spar (view D-D, page 8 of DC-8 Service Bulletin 27-262.)

(b) Within the next 18 months after the effective date of this AD, unless already accomplished, install an elevator position indicator system in accordance with McDonnell Douglas DC-8 Service Bulletin 27-254 dated March 5, 1975, or later FAA approved revision.

(c) Equivalent modifications or operational procedures may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to authorize operation of an airplane to a base for the accomplishment of the modifications required by this AD.

(e) Aircraft which have been modified in accordance with Paragraph (b) may be operated with the elevator position indicator system inoperative provided:

(1) Prior to each takeoff verify proper elevator operation by a ground observer, and by utilizing the elevator flight control check procedure of McDonnell Douglas DC-8 Alert Service Bulletin A27-264 dated May 14, 1977, or later FAA approved revision.

(2) The aircraft is not dispatched from a station where repairs or replacements on the elevator position indicator system can be made.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

**NOTE:**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, Calif., on December 29, 1977.

ROBERT H. STANTON,  
Director, FAA Western Region.

[FR Doc. 78-336 Filed 1-6-78; 8:45 am]

#### [4910-13]

[Docket No. 77-WE-22-AD; Amdt. 39-3117]

#### PART 39—AIRWORTHINESS DIRECTIVES

**McDonnell Douglas Model DC-9 and Military C-9 Series Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) which requires repetitive inspections or replacement of the engine pylon rear spar upper straps (caps) on the McDonnell Douglas Model DC-9 and Military C-9 Series airplanes for fatigue cracks to preclude failure that could result in separation of the engine from the aircraft.

**DATES:** Effective date—February 13, 1978. Compliance schedule—As prescribed in the body of the AD.

**ADDRESSES:** The applicable service bulletin may be obtained from: McDonnell Douglas Corp., 3855 Lakeview Boulevard, Long Beach, Calif. 90848. Attention: L. A. Eisenbert, C1-75, (54-60). Also, a copy of the service bulletin may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591; or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

**FOR FURTHER INFORMATION CONTACT:**

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los

Angeles, Calif. 90009, telephone 213-536-6351.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspections for cracks and replacement, if necessary, of the engine pylon rear spar upper strap (cap) on McDonnell Douglas DC-9 airplanes was published in the *FEDERAL REGISTER* at 42 FR 43989. The proposal was prompted by two reported failures of the engine pylon rear spar upper strap (cap) which results in drooping of the engine and possible separation of the engine from the aircraft.

Interested persons have been afforded an opportunity to participate in the making of the amendment.

One commenter felt that the AD should be published as proposed. A second commenter stated his opinion that the AD was not necessary based upon his inspection results which failed to reveal evidence of cracks leading the commenter to conclude that the two cracks previously reported were isolated cases. This commenter further stated that, if an AD were still considered necessary by the FAA, the reinspection intervals should be extended from 2,400 landings to 5,000 landings to better fit the established inspection interval of certain operators.

After careful consideration of all the data including an additional failure discussed below, the FAA concludes that the AD is required and that the reinspection interval cannot be safely extended to the 5,000 landings requested in the comment. Rather, the 2,400 landing reinspection requirements proposed in the NPRM is being retained based upon crack propagation data supporting the lower value.

In addition, subsequent to the publication of the NPRM, a crack in the engine pylon rear spar upper strap was found on a DC-9 aircraft with less than 20,000 landings. In light of this new information, the FAA has reevaluated the initial inspection requirement contained in the NPRM and has determined that the AD should be issued with an initial inspection at 15,000 landings rather than 20,000 landings as proposed in the NPRM.

Further, the FAA is of the opinion that publication of a new NPRM covering this new initial inspection requirement would result in a delay inconsistent with safety and would be impractical.

In addition to the above noted change, this AD includes editorial changes for purposes of clarification. The effective date of this AD is unchanged.

Since a situation exists requiring immediate adoption of this regulation, additional notice and public procedure thereon are impracticable.

#### DRAFTING INFORMATION

The principal authors of this document are Stanton R. Wood, Aircraft Engineering Division, and Frederick C. Woodruff, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

**McDONNELL DOUGLAS:** Applies to Model DC-9 and Military C-9 Series Airplanes certificated in all categories. Fuselage Numbers 1 through 851, inclusive which correspond to the factory serial numbers listed in Douglas DC-9 Service Bulletin No. 54-31, dated August 24, 1976, or later FAA approved revisions.

To detect cracks and prevent possible failure of the engine pylon aft upper spar straps (caps) comply with the following:

(a) For airplanes with 35,000 or more landings on the effective date of this AD, within the next 600 landings unless already accomplished within the last 1,800 landings and thereafter at intervals not to exceed 2,400 landings, accomplish Paragraph (f).

(b) For airplanes with 30,000 to 34,999 landings on the effective date of this AD, within the next 900 landings, unless already accomplished within the last 1,500 landings, and thereafter at intervals not to exceed 2,400 landings, accomplish Paragraph (f).

(c) For airplanes with 25,000 to 29,999 landings on the effective date of this AD, within the next 1,200 landings, unless already accomplished within the last 1,200 landings, and thereafter at intervals not to exceed 2,400 landings, accomplish Paragraph (f).

(d) For airplanes with 15,000 to 24,999 landings on the effective date of this AD, within the next 2,000 landings, unless already accomplished within the last 400 landings, and thereafter at intervals not to exceed 2,400 landings, accomplish Paragraph (f).

(e) For airplanes with less than 15,000 landings on the effective date of this AD, within the first 2,000 landings, after accumulating 15,000 landings, and thereafter at intervals not to exceed 2,400 landings, accomplish Paragraph (f).

(f) As required by Paragraphs (a) through (e):

(1) Ultrasonically inspect the engine pylon aft upper spar straps (caps). Part Number 9958154-5/-6 or 9958154-37/-38 per Paragraph 2.B of Douglas DC-9 Service Bulletin A54-31 dated December 22, 1976, or later FAA approved revision, or an alternate method approved by the Chief, Aircraft Engineering Division, Western Region. If there is evidence of cracking, magnetic particle inspection per Paragraph 2.C may be used to confirm the evidence of cracking.

(2) If cracks are detected, before further flight replace the strap with new Part Numbers 9958154-5/-6 or 9958154-37/-38 and resume the inspections after the part has accumulated 15,000 landings or modify in accordance with Douglas Service Bulletin 54-31 dated August 24, 1976, or later FAA approved revision.

(3) At the option of the operator, the ultrasonic inspection may be deleted if the

magnetic particle inspection is accomplished. If the magnetic particle inspection procedure is used, after two bearing replacements it is necessary to replace the strap with a new Part Number 9958154-5/-6 or 9958154-37/-38 or modified per Douglas Service Bulletin 54-31 dated August 24, 1976, or later FAA approved revision.

(g) Upon completion of modification of the engine pylon rear spar straps (caps) per Douglas Service Bulletin 54-31 dated August 24, 1976, or later FAA approved revision the inspection requirements of this AD are terminated.

(h) For the purpose of complying with this AD, if records of landings are not available, the number of landings for the purpose of establishing initial compliance may be determined by dividing each airplane's hours in service by the operator's appropriate fleet average time from takeoff to landing. This procedure is subject to acceptance by the assigned FAA maintenance inspector.

(i) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to authorize operation of an airplane to a base for the accomplishment of the inspections required by this AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

**NOTE:**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, Calif., on December 29, 1977.

ROBERT H. STANTON,  
Director, FAA Western Region.

[FR Doc. 78-337 Filed 1-6-78; 8:45 am]

#### [4910-13]

[Docket No. 77-WE-20-AD; Amdt. 39-3116]

#### PART 39—AIRWORTHINESS DIRECTIVES

**McDonnell Douglas Model DC-9 Series Airplanes including Military Type C-9A, C-9B, and VC-9C**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) which modifies the tail cone emergency exit release handle locating and operating markings on passenger and passenger/cargo McDonnell Douglas DC-9 airplanes. The AD is prompted by one incident in which the inability to locate and operate the tail cone release handle caused a delay in evacuating the airplane during an emergency.

**DATE:** Effective date February 13, 1978.

Compliance required within the next 180 days after the effective date of this AD.

The applicable service bulletin may be obtained from: McDonnell Douglas



Corp., Douglas Aircraft Co., 3855 Lakewood Boulevard, Long Beach, Calif. 90801. Attention: Product Support.

Also, a copy of this service bulletin may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA, Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

#### FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. Telephone: 213-536-6351.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the tail cone emergency exit release handle locating and operating markings on McDonnell Douglas DC-9 airplanes was published in the *FEDERAL REGISTER* at 41 FR 41647. The proposal was prompted by one incident in which the inability to locate and operate the tail cone emergency exit release handle caused a delay in evacuating the airplane during an emergency.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The FAA received six separate comments to this proposed rulemaking.

One commenter suggested the AD be worded to indicate applicability to passenger carrying aircraft only because the tail cone emergency exit is not required on DC-9s operated exclusively in an all cargo configuration. The FAA agrees with this comment and the AD has been revised to apply to passenger and passenger/cargo configurations only.

Four separate comments were received which stated that the addition of markings to locate and operate the tail cone emergency exit release handle are not sufficient to solve the problem. In view of the comments received the FAA again evaluated the tail cone emergency exit release handle location, operation, and markings under night lighting conditions. Based upon our subsequent review, the FAA has determined that the tail cone emergency exit release handle can be located and operated by both crewmembers and passengers under day and night lighting conditions when the modifications described in McDonnell Douglas Service Bulletin 53-134, Revision 1, are accomplished.

While reviewing the markings in the tail cone area, it was noted that the current production airplanes include

the markings "Arrow" "Exit" "Arrow" on the catwalk which leads from the pressure bulkhead door at the end of the cabin to the tail cone emergency exit release handle location. These markings are not on the first 160 production DC-9 airplanes. The FAA considers these markings on the catwalk to be necessary to mark the exit path which leads from the cabin to the location of the tail cone emergency exit release handle. The McDonnell Douglas Service Bulletin 53-134 has been revised to include these markings on the catwalk and they will be required by this AD.

One commenter suggested that an additional light source should be located in close proximity to the release handle or the handle should be self-illuminating. Those comments further urge that extensive trials be performed on the McDonnell Douglas paint schemes before approval is given in the AD. The manufacturer, before submitting Service Bulletin 53-134 to the FAA for approval, performed extensive Human Factor studies on methods to increase the visual awareness of the tail cone release handle. Different paint schemes were evaluated along with reflective paint and radioactive markings. From these Human Factor studies the manufacturer presented Service Bulletin 53-134 to the FAA for review and the FAA determined during the initial and subsequent reviews that these modifications provide the minimum level of safety required. In addition, the FAA observed a test in which the test subject, a person unfamiliar with the tail cone area, was able to locate and operate the tail cone exit release handle under night lighting conditions. The two reviews by the FAA, along with the above noted test, and the manufacturer's Human Factor studies all indicate that the tail cone exit release handle can be located and operated without extensive further tests.

Another commenter suggested the AD require a high intensity light to be installed in the tail cone exit along with self-illuminating directional placards and a self-illuminating release handle containing the word "PULL". In addition, it was stated that painting the release handle red is unsafe. The FAA reviewed the present light level in the tail cone area and determined that it does provide the minimum illumination level required by the Federal Aviation Regulations (FARs). In addition, the FAA does not agree that painting the release handle red is unsafe. The manufacturer tested different shades of red in combination with the background colors before deciding on the specific color combinations specified in the AD.

Another commenter recommended that the AD be issued requiring both the implementation of Service Bulletin

53-134, and the installation of additional lights to shine on the release handle. These comments stated that additional placards and operating instructions would have little effect unless they can be read and interpreted. Based upon the FAA's evaluation, it was determined that the additional marking at the release handle can be read and operated with the present emergency lights operating in the tail cone area.

One commenter did not feel that improved markings to point out the location of the DC-9 tail cone release handle were appropriate for adoption as an AD and recommended a light source be placed near the exit release handle. Again the FAA does not agree and has determined that these additional markings will provide the required minimum level of safety.

Another comment received which had no objection to the proposed AD stated that a 90 day compliance time with a 45 day delivery time for parts is unrealistic and requested the compliance time be increased to 180 days. Also questioned was the need to specify exact shades of red and white paint in the service bulletins and this commenter further suggested that the AD allow use of a broader range of colors so that airlines could use paint presently in their inventories. Since this AD will require additional markings on the catwalk and envisions a 45 day delivery time for parts, the FAA has extended the compliance time to 180 days. With regard to a wider variety of colors, the specific colors listed in the service bulletin were selected by the manufacturer after evaluating different color combinations and are considered satisfactory by the FAA. An alternate color combination or method of compliance with this AD may be used if approved by the Chief, Aircraft Engineering Division, Western Region, as specified in the AD.

#### DRAFTING INFORMATION

The principal authors of this document are Robert M. Stacho, Aircraft Engineering Division, and DeWitte T. Lawson, Jr., Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive.

**McDONNELL DOUGLAS:** Applies to all passenger and passenger/cargo Model DC-9 airplanes certificated in all categories, including C-9A, C-9B, and VC-9C. Compliance required within 180 days from the effective date of this AD, unless already accomplished.

To identify the location and operation of the tail cone emergency exit release handle, accomplish the following:

Modify the tail cone emergency exit release handle locating and operating markings in accordance with McDonnell Douglas Service Bulletin 53-134, Revision 1, dated December 18, 1977 or later FAA approved revision, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, Calif., on December 29, 1977.

ROBERT H. STANTON,  
Director, FAA Western Region.

(FR Doc. 78-338 Filed 1-6-78; 8:45 am)

#### [4910-13]

(Airspace Docket No. 77-SW-53)

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area: Higgins, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This designates a transition area at Higgins, Tex., to provide controlled airspace for aircraft executing instrument approach procedures to the Higgins Municipal Airport, using the Gage, Oklahoma VORTAC. Coincident with this action the airport is changed from VFR to IFR.

**EFFECTIVE DATE:** March 23, 1978.

#### FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

#### SUPPLEMENTARY INFORMATION:

##### HISTORY

On October 27, 1977, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (42 FR 56621) stating that the Federal Aviation Administration proposed to designate the Higgins, Tex., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Three responses were received in which two commenters posed no objection to the proposal.

#### RULES AND REGULATIONS

##### DISCUSSION OF COMMENTS

The Department of Air Force representative objected to the proposed rule. The commenter expressed concern that establishment of the transition area would require realignment and/or renegotiations of an All Weather Low Altitude Route (AWLAR) which overlies a portion of the proposed airspace and delay scheduled military training operations. The FAA concludes that changes to the published AWWLAR route are unnecessary since they can overlap transition areas. Utilization of the controlled airspace by IFR flights will be separated by the appropriate air traffic control facility to avoid conflict. Military flights on the AWWLAR can be conducted under Visual Flight Rules (VFR) only when weather conditions are equal to or better than 3,000 feet ceiling and 5 miles visibility. Under these conditions, both civil and military aircraft are governed by the "see and be seen" concepts in accordance with Federal Aviation Regulations.

##### THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) designates the Higgins, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Higgins Municipal Airport.

##### DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

##### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 GMT, March 23, 1978, as follows.

In Subpart G, § 71.181 (42 FR 440), the following transition area is added:

##### HIGGINS, TEX.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Higgins Municipal Airport, Higgins, Tex., (latitude 36°06'20" N., longitude 100°01'30" W.), and within 2 miles each side of the 207° radial of the Gage, Okla., VORTAC, extending from the 5.5-mile radius to 6.5 miles Northeast of the Airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

**NOTE.**—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order

11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on December 27, 1977.

HENRY L. NEWMAN,  
Director, Southwest Region.  
(FR Doc. 78-339 Filed 1-6-78; 8:45 am)

#### [4910-13]

(Airspace Docket No. 77-SW-52)

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area: Sweetwater, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This designates a transition area at Sweetwater, Tex., to provide controlled airspace for aircraft executing the newly established NDB instrument approach procedure to Sweetwater Municipal Airport.

**EFFECTIVE DATE:** March 23, 1978.

#### FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

#### SUPPLEMENTARY INFORMATION:

##### HISTORY

On October 27, 1977, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (42 FR 56620) stating that the Federal Aviation Administration proposed to designate the Sweetwater, Tex., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Five comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

##### THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) designates the Sweetwater, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Sweetwater Municipal Airport.

##### DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C.



Nelson, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 GMT, March 23, 1978, as follows.

In Subpart G, § 71.181 (42 FR 440), the following transition area is added:

#### SWEETWATER, TEX.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Sweetwater Municipal Airport (latitude 32°28'00" N., longitude 100°28'00" W.) and within 3.5 miles each side of the 350° bearing from the Sweetwater RBN (latitude 32°27'41" N., longitude 100°27'59" W.) extending from the 9-mile radius area to 11.5 miles north of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on December 27, 1977.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc. 78-340 Filed 1-8-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-44]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Transition Area: Hobart, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This alters the transition area at Hobart, Okla., to provide controlled airspace for aircraft executing a newly established VOR/DME instrument approach procedure to Tipton Municipal Airport.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

#### SUPPLEMENTARY INFORMATION:

##### HISTORY

On October 17, 1977, a notice of proposed rulemaking was published in the

#### RULES AND REGULATIONS

FEDERAL REGISTER (42 FR 55477) stating that the Federal Aviation Administration proposed to alter the Hobart, Okla., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Four comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

#### THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Hobart, Okla., transition area. This action provides additional controlled airspace from 700 feet above the ground for the protection of aircraft executing newly established instrument approach procedures to the Tipton Municipal Airport.

#### DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 GMT, March 23, 1978, as follows.

In Subpart G, § 71.181 (42 FR 440), the Hobart, Okla., transition area is amended by adding the following:

• • • and within a 8-mile radius of the Tipton Municipal Airport excluding the portion which overlies the Frederick, Okla., transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on December 27, 1977.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc. 78-341 Filed 1-6-78; 8:45 am]

[4910-13]

#### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 17530; Amdt. No. 95-276]

#### PART 95—IFR ALTITUDES

##### Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: January 26, 1978.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8277.

#### SUPPLEMENTARY INFORMATION:

This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribe new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provides for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

#### RULES AND REGULATIONS

#### ADOPTION OF THE AMENDMENT

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective: January 26, 1978.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 25 FR 6489 and paragraph 802 of Order FSP 1100.1, as amended March 9, 1973.)

NOTE.—The Federal Aviation Administration has determined that this amendment does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on December 29, 1977.

JAMES M. VINES,  
Chief,  
Aircraft Programs Division.



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RULES AND REGULATIONS

§95.1001 DIRECT ROUTES—U.S.				§95.1001 DIRECT ROUTES—U.S.			
is amended to delete:				is amended to read in part:			
FROM	TO	MEA		FROM	TO	MEA	
Kalamazoo, Mich. VOR	Centreville INT, Mich.	2500		Dillon, Mont. VORTAC	Sheridan, Wyo. VORTAC	*33000	
St. Johns INT, Mich.	Lyons INT, Mich.	*4000				MAA—45000	
*2200—MOCA				MEAs established with a gap in navigational signal coverage:			
§95.1001 DIRECT ROUTES—U.S.				Battle Creek, Mich. VOR			
is amended by adding:				Battle Creek, Mich. VOR			
FROM	TO	MEA		*2200—MOCA			
Silver City, N.M. VOR	Albuquerque, N.M. VOR	*14000		Battle Creek, Mich. VOR			
*12200—MOCA	COP SVC 50			Sherwood INT, Mich.			
Alamosa, Colo. VORTAC	Shrew INT, Colo.	18000		*2800			
		MAA—35000		Flint, Mich. VOR			
Kremmling, Colo. VOR	Kremmling, Colo. VOR	13000		*2200—MOCA			
	R-128 10 NM			St. Johns INT, Mich.			
Kremmling, Colo. VOR	Gorey INT, Colo.	*16000		Bellevue INT, Mich.			
R-128 10 NM				*2700			
*14700—MOCA				Lings INT, Mich.			
Gorey INT, Colo.	Funds INT, Colo.	*16000		*2900			
*15400—MOCA				Bellevue INT, Mich.			
Lampasas, Tex. VOR	Waco, Tex. VOR	*3500		*2700			
*2500—MOCA				Kaiser, Mo. NDB			
Lampasas, Tex. VOR	Acton, Tex. VOR	*3500		*3000			
*2700—MOCA				Natchez, Miss. VOR			
Salmon, Id. VOR	Missoula, Mont. VOR	18000		Vicksburg, Miss. RBN			
		MAA—45000		*2000			
Missoula, Mont. VOR	Kalispell, Mont. VOR	18000		INT 331 M rad Ukiah VOR &			
		MAA—45000		SE Crs Arcata ILS			
Kalispell, Mont. VOR	U.S. Canadian Border	18000		*11000			
Flying Cloud, Minn. VOR	COP 82 FCA	MAA—45000		Bridgeville INT, Calif.			
	Sioux Falls, S.D. VORTAC	17000		*11000			
Pendleton, Ore. VORTAC	Dillon, Mont. VORTAC	*24000		Yager INT, Calif.			
*MEA is established with a gap in navigational signal coverage.				*7000			
				Atlantic Routes			
				AR 2 is deleted.			
				AR 7 is amended to read in part:			
				*Aadar INT, Fla.			
				Panal INT, Fla.			
				*30000—MRA			
				Panal INT, Fla.			
				Haw, N.C. NDB			
				25000			
				MAA—45000			
				2500			
				MAA—45000			

§95.5000 HIGH ALTITUDE RNAV ROUTES						
FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE	FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
J810R is amended to delete:						
Avast, Pa. W/P	113.1	22.0	Avast	106/286 to COP	18000	45000
Penns, N.J. W/P		41-04-11N	76-54-17W	112/292 to Penns		
J810R is amended by adding:						
Avast, Pa. W/P	113.1	22	Avast	106/286 to COP	18000	45000
Sweet, N.J. W/P				112/292 to Sweet		
J860R is amended to read:						
Ashop, Tenn. W/P	201	55	Ashop	044/224 to COP	18000	45000
Lepol, Ind. W/P				046/226 to Lepol		
J875R is amended to read in part:						
Birmingham, Ala. W/P	145	45	Birmingham	295/115 to COP	18000	45000
Banks, Miss. W/P				294/114 to Banks		
§95.5000 HIGH ALTITUDE RNAV ROUTES						
FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE	FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
J938R is amended to delete:						
Palis, Calif. W/P	112			260/080 to Alcoa	28000	45000
Alcoa, Calif. W/P						
J938R is amended by adding:						
Palis, Calif. W/P	80			226/046 to COP	18000	45000
Bebop, Calif. W/P				228/048 to Aroco		
J964 is amended to delete:						
Merle, Calif. W/P	122			216/036 to Clukh	29000	45000
Clukh, Calif. W/P						
J964 is amended by adding:						
Merle, Calif. W/P	106			243/063 to Aroco	18000	45000
Bebop, Calif. W/P						

RULES AND REGULATIONS

§95.6002 VOR FEDERAL AIRWAY 2				VOR FEDERAL AIRWAY 7—cont'd.			
is amended to read in part:				is amended by adding:			
FROM	TO	MEA		Ruthy INT, Fla.	Ft. Myers, Fla. VOR		
Milwaukee, Wis. VOR	Squib INT, Mich.			Via E alter.	Via E alter.		2000
Via S alter.	Via S alter.	2900		Ft. Myers, Fla. VOR	Rinse INT, Fla.		*2000
Squib INT, Mich.	Muskegon, Mich. VOR			Via E alter.	Via E alter.		
Via E alter.	Via E alter.	*2700		*1300—MOCA	Lakeland, Fla. VOR		2000
*2100—MOCA				Rinse INT, Fla.	Via E alter.		
§95.6002 VOR FEDERAL AIRWAY 2				§95.6007 VOR FEDERAL AIRWAY 7			
is amended by adding:				is amended to read in part:			
FROM	TO	MEA		FROM	TO	MEA	
*Ellensburg, Wash. VOR	Rubel INT, Wash.	6000		Chicago Heights, Ill. VOR	Hites INT, Ill.		2500
Via S alter.	Via S alter.			Via E alter.	Via E alter.		
*6700—MCA Ellensburg, W-bound				Hites INT, Ill.	*Story INT, Ill.		**3000
Rubel INT, Wash.	Moses Lake, Wash. VOR	4000		Via E alter.	Via E alter.		
Via S alter.	Via S alter.			*3000—MRA			
§95.6003 VOR FEDERAL AIRWAY 3				*1700—MOCA			
is amended to read in part:				Story INT, Ill.			
FROM	TO	MEA		Via E alter.	Taylor INT, Wis.		*3000
Biscayne Bay, Fla. VOR	Ft. Lauderdale, Fla. VOR	2000		*1700—MOCA	Via E alter.		
Ft. Lauderdale, Fla. VOR	Palm Beach, Fla. VOR	2000		*Baunt INT, Ala.	**False INT, Ala.		3000
§95.6004 VOR FEDERAL AIRWAY 4				Via E alter.			
is amended to read in part:				*4000—MRA			
FROM	TO	MEA		*7000—MRA			
Gill, Colo. VOR	*Hudds INT, Colo.	7000		§95.6008 VOR FEDERAL AIRWAY 8			
Via N alter.	Via N alter.			is amended to read in part:			
*9000—MRA				FROM	TO	MEA	
Hudds INT, Colo.	Denver, Colo. VOR	7000		Goren INT, Ind.	*Grabi INT, Ind.		**4000
Via N alter.	Via N alter.			*4000—MRA			
Kansas City, Mo. VOR	Lexington INT, Mo.	2700		*2200—MOCA			
Ellensburg, Wash. VOR	INT 086 M rad Ellensburg VOR			Grabi INT, Ind.	Twerp INT, Ind.		*4000
Via N alter	& 210 M rad Moses Lake VOR	6000		*2200—MOCA			
INT 086 M rad Ellensburg VOR	Via N alter.			Twerp INT, Ohio	Fridley, Ohio VOR		2600
& 210 M rad Moses Lake VOR	Pasco, Wash. VOR	4700		Bellaire, Ohio VOR	Galls INT, Pa.		3600
Via N alter.	Via N alter.			Galls INT, Pa.	Grantsville, Md. VOR		5000
§95.6006 VOR FEDERAL AIRWAY 6				§95.6009 VOR FEDERAL AIRWAY 9			
is amended to read in part:				is amended to read in part:			
FROM	TO	MEA		FROM	TO	MEA	
Waterville, Ohio VOR	Cleveland, Ohio VOR	2600		St. Louis, Mo. VOR	Capital, Ill. VOR		*2700
§95.6007 VOR FEDERAL AIRWAY 7				*2000—MOCA			
is amended to delete:				Capital, Ill. VOR			
FROM	TO	MEA		Pontiac, Ill. VOR			
Miami, Fla. VOR	*Westo INT, Fla.	*2000		Jayar INT, Ill.			
*2500—MRA				Swett INT, Ill.			
*1200—MOCA				*2100—MOCA			
Miami, Fla. VOR	Wimco INT, Fla.	*2000		Swett INT, Ill.			
Via E alter.	Via E alter.			*5000—MRA			
*1200—MOCA				Belvi INT, Ill.			
Wimco INT, Fla.	Ft. Myers, Fla. VOR	2000		Milwaukee, Wis. VOR			
Via S alter.	Via S alter.			Oshkosh, Wis. VOR			
§95.6007 VOR FEDERAL AIRWAY 7				Green Bay, Wis. VOR			
is amended by adding:				*2100—MOCA			
FROM	TO	MEA		Green Bay, Wis. VOR			
Biscayne Bay, Fla. VOR	Westo INT, Fla.	*6000		Iran Mountain, Mich. VOR			
*1500—MOCA				Houghton, Mich. VOR			
Biscayne Bay, Fla. VOR	Miami, Fla. VOR	2000		§95.6010 VOR FEDERAL AIRWAY 10			
Via E alter.	Via E alter.			is amended to read in part:			
Miami, Fla. VOR	Gilbi INT, Fla.	2000		FROM	TO	MEA	
Via E alter.	Via E alter.			Emporia, Kans. VOR	Napoleon, Mo. VOR		3000
Gilbi INT, Fla.	Ruthy INT, Fla.	*3500		Napoleon, Mo. VOR	Lawson INT, Mo.		2700
Via E alter.	Via E alter.			Via N alter.	Via N alter.		
*1500—MOCA				§95.6011 VOR FEDERAL AIRWAY 11			
				is amended to read in part:			
				FROM	TO	MEA	
				Evansville, Ind. VOR	Mackey INT, Ind.		2300
				Mackey INT, Ind.	Scato INT, Ind.		*4000
				*2000—MOCA			



## VOR FEDERAL AIRWAY 11—cont'd.

is amended to read in part:	
Evansville, Ind. VOR Via E alter.	Augusta INT, Ind. Via E alter.
Augusta INT, Ind. Via E alter.	*Jiger INT, Ind. Via E alter.
*3500—MRA **1900—MOCA	
Jiger INT, Ind. Via E alter.	Bloomington, IND. VOR Via E alter.
Bloomington, Ind. VOR Via E alter.	Indianapolis, Ind. VOR Via E alter.
Marion, Ind. VOR	Ft. Wayne, Ind. VOR
Ft. Wayne, Ind. VOR *4000—MRA	*Grabi INT, Ind.
Grabi INT, Ind.	Edgee INT, Ind.
Edgee INT, Ind. *2100—MOCA	Hudson INT, Mich.
Hudson INT, Mich.	Salem, Mich. VOR
Salem, Mich. VOR	Blaamer INT, Mich.

## §95.6012 VOR FEDERAL AIRWAY 12

is amended to read in part:	
FROM Cofax INT, Pa. *4300—MOCA	TO Germs INT, Pa.
Germs INT, Pa. *4300—MOCA	Harrisburg, Pa. VOR
Emporia, Kans. VOR	Napoleon, Mo. VOR
Tray, Ill. VOR	Bible Grove, Ill. VOR
Lewis, Ind. VOR	Shelbyville, Ind. VOR
Shelbyville, Ind. VOR	Richmond, Ind. VOR
Richmond, Ind. VOR	Dayton, Ohio VOR

## §95.6014 VOR FEDERAL AIRWAY 14

is amended to read in part:	
FROM Prairie INT, Ill.	TO Vandalia, Ill. VOR
Vandalia, Ill. VOR	Terre Haute, Ind. VOR
Terre Haute, Ind. VOR	Indianapolis, Ind. VOR
Terre Haute, Ind. VOR Via S alter.	Indianapolis, Ind. VOR Via S alter.
Indianapolis, Ind. VOR	Muncie, Ind. VOR
Muncie, Ind. VOR	Findlay, Ohio VOR
Cleveland, Ohio VOR	Jefferson, Ohio VOR
Cleveland, Ohio VOR Via N alter.	Fairport INT, Ohio
Fairport INT, Ohio Via N alter.	Erie, Pa. VOR
	Via N alter.

## §95.6015 VOR FEDERAL AIRWAY 15

is amended to read in part:	
FROM Bismarck, N.D. VOR	TO Minot, N.D. VOR

## §95.6016 VOR FEDERAL AIRWAY 16

is amended to read in part:	
FROM Statesville INT, Tenn. *2400—MOCA	TO Hinch Mountain, Tenn. VOR
Hinch Mountain, Tenn. VOR	Bucky INT, Tenn.
Bucky INT, Tenn.	Knoxville, Tenn. VOR

## §95.6017 VOR FEDERAL AIRWAY 17

is amended to read in part:	
FROM Catulla, Tex. VOR *1800—MOCA	TO Milet INT, Tex.

## VOR FEDERAL AIRWAY 17—cont'd.

is amended to read in part:	
Milet INT, Tex. *1900—MOCA	Somer INT, Tex.
Somer INT, Tex. *2400—MOCA	San Antonio, Tex. VOR
Catulla, Tex. VOR Via E alter.	Milet INT, Tex. Via E alter.
*1800—MOCA	Lemig INT, Tex. Via E alter.
Milet INT, Tex. Via E alter.	*1900—MOCA
Lemig INT, Tex. Via E alter.	San Antonio, Tex. VOR
San Antonio, Tex. VOR Via E alter.	Micky INT, Tex. Via E alter.
Micky INT, Tex. Via E alter.	Austin, Tex. VOR Via E alter.
*2300—MOCA	
San Antonio, Tex. VOR Via Walter.	Dents INT, Tex. Via Walter.
*2500—MOCA	
Dents INT, Tex. Via Walter.	Cedit INT, Tex. Via Walter.
*3500—MRA **2700—MOCA	

## §95.6018 VOR FEDERAL AIRWAY 18

is amended to read in part:	
FROM Atlanta, C. VOR	TO Conni INT, Ga.
*2300—MOCA	
Conni INT, Ga. *3500—MRA **2100—MOCA	*Maddi INT, Ga.

## §95.6020 VOR FEDERAL AIRWAY 20

is amended to read in part:	
FROM Monroeville, Ala. VOR *3500—MRA	TO *Picks INT, Ala.
Picks INT, Ala.	Montgomery, Ala. VOR

## §95.6024 VOR FEDERAL AIRWAY 24

is amended to read in part:	
FROM Caldia INT, Minn.	TO Lone Rock, Wis. VOR
Waukon, Iowa VOR Via S alter.	Lone Rock, Wis. VOR Via S alter.

## §95.6026 VOR FEDERAL AIRWAY 26

is amended to read in part:	
FROM Farmington, Minn. VOR Via S alter.	TO Eau Claire, Wis. VOR Via S alter.
*2400—MOCA	
Eau Claire, Wis. VOR *3500—MRA	*Cadott INT, Wis.
Cadott INT, Wis.	Edger INT, Wis.
Wausau, Wis. VOR	Wolf INT, Wis.
Wolf INT, Wis.	Green Bay, Wis. VOR
Green Bay, Wis. VOR	Nero INT, Wis.

## VOR FEDERAL AIRWAY 26—cont'd.

is amended to read in part:	
Lansing, Mich. VOR Via N alter.	Chems INT, Mich. Via N alter.
Chems INT, Mich. Via N alter.	Salem, Mich. VOR Via N alter.
Walkerville INT, Mich.	White Cloud, Mich. VOR
White Cloud, Mich. VOR *2300—MOCA	Orleans INT, Mich.
Orleans INT, Mich.	Lansing, Mich. VOR

## §95.6027 VOR FEDERAL AIRWAY 27

is amended to read in part:	
FROM Ventura, Calif. VOR	TO Gale INT, Calif.
Gale INT, Calif.	Gavito, Calif. VOR

## §95.6030 VOR FEDERAL AIRWAY 30

is amended to read in part:	
FROM Milwaukee, Wis. VOR	TO Squib INT, Mich.
Squib INT, Mich. *1900—MOCA	Pullman, Mich. VOR
Milwaukee, Wis. VOR Via S alter.	Pike INT, Wis. Via S alter.

## §95.6035 VOR FEDERAL AIRWAY 35

is amended to delete:	
FROM Ft. Myers, Fla. VOR Via Walter.	TO St. Petersburg, Fla. VOR Via Walter.

## §95.6035 VOR FEDERAL AIRWAY 35

is amended by adding:	
FROM Ft. Myers, Fla. VOR Via Walter.	TO Sarasota, Fla. VOR Via Walter.
Sarasota, Fla. VOR Via Walter.	St. Petersburg, Fla. VOR Via Walter.

## §95.6038 VOR FEDERAL AIRWAY 38

is amended to read in part:	
FROM Medan INT, Ill.	TO Peatone, Ill. VOR
Peatone, Ill. VOR	Lucit INT, Ill.
Lucit INT, Ill. *2400—MOCA	Cleft INT, Ind.
Cleft INT, Ind.	Ft. Wayne, Ind. VOR
Findlay, Ohio VOR	Appleton, Ohio VOR
Zanesville, Ohio VOR	Parkersburg, W. Va. VOR

## §95.6042 VOR FEDERAL AIRWAY 42

is amended to read in part:	
FROM Flint, Mich. VOR	TO U.S. Canadian Border

## §95.6043 VOR FEDERAL AIRWAY 43

is amended to read in part:	
FROM Youngstown, Ohio VOR	TO Erie, Pa. VOR

## §95.6044 VOR FEDERAL AIRWAY 44

is amended to read in part:	
FROM Mounds INT, Ill.	TO Centralia, Ill. VOR
Centralia, Ill. VOR	Samsville, Ill. VOR
Samsville, Ill. VOR	Decker INT, Ill.
Decker INT, Ill.	Nabb, Ind. VOR

## §95.6045 VOR FEDERAL AIRWAY 45

is amended to read in part:	
FROM Waterville, Ohio VOR	TO Japer INT, Mich.
Saginaw, Mich. VOR Via Walter.	Benet INT, Mich. Via Walter.
Benet INT, Mich. Via Walter.	*Banja INT, Mich. Via Walter.
*3000—MRA	
Banja INT, Mich. Via Walter.	Zable INT, Mich. Via Walter.
*2600—MOCA	
Zable INT, Mich. Via Walter.	Alpena, Mich. VOR Via Walter.

## §95.6047 VOR FEDERAL AIRWAY 47

is amended to read in part:	
FROM Rosewood, Ohio VOR Via Walter.	TO Bremen INT, Ohio Via Walter.
Cincinnati, Ohio VOR	Mizza INT, Ohio
Mizza INT, Ohio	Rosewood, Ohio VOR

## §95.6049 VOR FEDERAL AIRWAY 49

is amended to read in part:	
*Bount INT, Ala. *4000—MRA **7000—MRA	**Falso INT, Ala.

## §95.6048 VOR FEDERAL AIRWAY 48

is amended to read in part:	
FROM Ottumwa, Iowa VOR	TO Burlington, Iowa VOR
Burlington, Iowa VOR	Peoria, Ill. VOR

## §95.6050 VOR FEDERAL AIRWAY 50

is amended to read in part:	
FROM Quincy, Ill. VOR	TO Capital, Ill. VOR
Decatur, Ill. VOR	Terre Haute, Ind. VOR
Terre Haute, Ind. VOR	Indianapolis, Ind. VOR
Indianapolis, Ind. VOR Via N alter.	Muncie, Ind. VOR Via N alter.

## §95.6051 VOR FEDERAL AIRWAY 51

is amended to delete:	
FROM Miami, Fla. VOR *1300—MOCA	TO Newer INT, Fla.
Newer INT, Fla. *1300—MOCA	Pahokee, Fla. VOR
Biscayne Bay, Fla. VOR Via E alter.	Anemo INT, Fla. Via E alter.
Anemo INT, Fla.	INT. 178 M rad Vera Beach VOR & 348 M rad Biscayne Bay VOR Via E alter.
Via E alter. *1300—MOCA	Vera Beach, Fla. VOR
INT. 178 M rad Vera Beach VOR & 348 M rad Biscayne Bay VOR Via E alter.	
*1300—MOCA	

## §95.6051 VOR FEDERAL AIRWAY 51

is amended by adding:	
FROM Miami, Fla. VOR	TO Pahokee, Fla. VOR
Biscayne Bay, Fla. VOR Via E alter.	Ft. Lauderdale, Fla. VOR Via E alter.



VOR FEDERAL AIRWAY 51—cont'd.

is amended to read in part:  
Ft. Lauderdale, Fla. VOR      Arkes INT, Fla.      \*2000  
Via E alter.      Via E alter.  
\*1500—MOCA  
Arkes INT, Fla.      Pahakee, Fla. VOR  
Via E alter.      Via E alter.      1500

§95.6051 VOR FEDERAL AIRWAY 51

is amended to read in part:  
FROM      TO      MEA  
Nabb, Ind. VOR      Shelbyville, Ind. VOR      2600  
Shelbyville, Ind. VOR      Ockel INT, Ind.      2900  
Ockel INT, Ind.      Lafayette, Ind. VOR      2500

§95.6052 VOR FEDERAL AIRWAY 52

is amended to read in part:  
FROM      TO      MEA  
Quincy, Ill. VOR      \*Hardin INT, Ill.      2600  
\*3700—MRA  
Troy, Ill. VOR      Carter INT, Ill.      2300  
Carter INT, Ill.      Evansville, Ind. VOR      \*4500  
\*2100—MOCA

§95.6053 VOR FEDERAL AIRWAY 53

is amended to read in part:  
FROM      TO      MEA  
House INT, Ind.      Mouth INT, Ind.      \*2800  
\*2200—MOCA  
Indianapolis, Ind. VOR      Jakks INT, Ind.      2700  
Jakks INT, Ind.      Lafayette, Ind. VOR      2600  
Lafayette, Ind. VOR      Kenla INT, Ind.      2600  
Kenla INT, Ind.      Peatone, Ill. VOR      \*2600  
\*2000—MOCA

§95.6054 VOR FEDERAL AIRWAY 54

is amended to read in part:  
FROM      TO      MEA  
Little Rock, Ar. VOR      Walel INT, Miss. VOR      \*4000  
\*1800—MOCA  
Walel INT, Miss. VOR      Holly Springs, Miss. VOR      \*2500  
\*1800—MOCA

§95.6055 VOR FEDERAL AIRWAY 55

is amended to read in part:  
FROM      TO      MEA  
Bonnie INT, Ohio      Ft. Wayne, Ind. VOR      \*2600  
\*2000—MOCA  
South Bend, Ind. VOR      Keeler, Mich. VOR      2600  
Pullman, Mich. VOR      Muskegon, Mich. VOR      2500  
Whitehall INT, Mich.      Nera INT, Wis.      \*5000  
\*2100—MOCA  
Nera INT, Wis.      Green Bay, Wis. VOR      3000  
Green Bay, Wis. VOR      Stevens Point, Wis. VOR      3000  
Stevens Point, Wis. VOR      Eau Claire, Wis. VOR      3000

§95.6059 VOR FEDERAL AIRWAY 59

is amended to read in part:  
FROM      TO      MEA  
Parkersburg, W. Va. VOR      Newcomerstown, Ohio VOR      \*3000  
\*2400—MOCA

§95.6063 VOR FEDERAL AIRWAY 63

is amended to read in part:  
FROM      TO      MEA  
Burlington, Iowa VOR      Moline, Ill. VOR      \*2600  
\*2000—MOCA  
Davenport, Iowa VOR      Rockford, Ill. VOR      2600  
Rockford, Ill. VOR      Janesville, Wis. VOR      2600  
Janesville, Wis. VOR      Milwaukee, Wis. VOR      3000  
Milwaukee, Wis. VOR      Oshkosh, Wis. VOR      3000  
Oshkosh, Wis. VOR      Stevens Point, Wis. VOR      3000

§95.6066 VOR FEDERAL AIRWAY 66

is amended to read in part:  
FROM      TO      MEA  
Abilene, Tex. VOR      \*Breckenridge INT, Tex.      \*\*4000  
\*5000—MRA  
\*3400—MOCA  
Chapel INT, Tex.      Bridgeport, Tex. VOR      3000

§95.6067 VOR FEDERAL AIRWAY 67

is amended to read in part:  
FROM      TO      MEA  
Cunningham, Ky. VOR      Marion, Ill. VOR      2600  
Marion, Ill. VOR      Centralia, Ill. VOR      2300  
Centralia, Ill. VOR      Vandalia, Ill. VOR      2500  
Vandalia, Ill. VOR      Capital, Ill. VOR      2500  
Capital, Ill. VOR      Burlington, Iowa VOR      2500

§95.6068 VOR FEDERAL AIRWAY 68

is amended by adding:  
FROM      TO      MEA  
San Antonio, Tex. VOR      Marcs INT, Tex.      \*3500  
\*3000—MOCA  
Marcs INT, Tex.      Crays INT, Tex.      \*2500  
\*2000—MOCA  
Crays INT, Tex.      Industry, Tex. VOR      2200  
Industry, Tex. VOR      Sealy INT, Tex.      2000  
Sealy INT, Tex.      Hobby, Tex. VOR      2000

§95.6069 VOR FEDERAL AIRWAY 69

is amended to read in part:  
FROM      TO      MEA  
Capital, Ill. VOR      Pontiac, Ill. VOR      2600  
Troy, Ill. VOR      Capital, Ill. VOR      2400

§95.6072 VOR FEDERAL AIRWAY 72

is amended to read in part:  
FROM      TO      MEA  
Bible Grove, Ill. VOR      Mattoon, Ill. VOR      2500  
Mattoon, Ill. VOR      Bloomington, Ill. VOR      2700  
Rosewood, Ohio VOR      Mansfield, Ohio VOR      3000

§95.6078 VOR FEDERAL AIRWAY 78

is amended to read in part:  
FROM      TO      MEA  
Eau Claire, Wis. VOR      Rhinelander, Wis. VOR      3700  
Pellston, Mich. VOR      \*Rabba INT, Mich.      2600  
\*4000—MRA  
Rabba INT, Mich.      Alpena, Mich. VOR      2600

§95.6080 VOR FEDERAL AIRWAY 80

is amended by adding:  
FROM      TO      MEA  
Denver, Colo. VOR      Wiggi INT, Colo.      7500  
Wiggi INT, Colo.      Akron, Colo. VOR      7000

§95.6082 VOR FEDERAL AIRWAY 82

is amended to read in part:  
FROM      TO      MEA  
Dells, Wis. VOR      Timmerman, Wis. VOR      3000

§95.6084 VOR FEDERAL AIRWAY 84

is amended to read in part:  
FROM      TO      MEA  
Northbrook, Ill. VOR      \*Story INT, Ill.      \*\*2500  
\*3000—MRA  
\*1900—MOCA  
Story INT, Ill.      \*Todds INT, Mich.      \*\*3500  
\*3200—MRA  
\*1900—MOCA  
Pullman, Mich. VOR      Lansing, Mich. VOR      3000  
Flint, Mich. VOR      Peck, Mich. VOR      2800

§95.6085 VOR FEDERAL AIRWAY 85

is amended by adding:  
FROM      TO      MEA  
Denver, Colo. VOR      Maboy INT, Colo.      7600  
Maboy INT, Colo.      \*Drako INT, Colo.      10500  
\*13400—MCA Drako INT NW-bound  
Drako INT, Colo.      Benam INT, Colo.      13400  
Benam INT, Colo.      Estus INT, Colo.      15600  
Estus INT, Colo.      Medicine Bow, Wya. VOR      \*15600  
\*14700—MOCA

§95.6089 VOR FEDERAL AIRWAY 89

is amended to read in part:  
FROM      TO      MEA  
Denver, Colo. VOR      \*Hudds INT, Colo.      7000  
Via E alter.  
\*9000—MRA  
Hudds INT, Colo.      Gill, Colo. VOR      7000  
Via E alter.

§95.6092 VOR FEDERAL AIRWAY 92

is amended to read in part:  
FROM      TO      MEA  
Goshen, Ind. VOR      Bagel INT, Ind.      2700  
Bagel INT, Ind.      Edgee INT, Ohio      \*3000  
\*2400—MOCA  
Waterville, Ohio VOR      Mansfield, Ohio VOR      2900

§95.6096 VOR FEDERAL AIRWAY 96

is amended to read in part:  
FROM      TO      MEA  
Indianapolis, Ind. VOR      Kakamo, Ind. VOR      2700

§95.6097 VOR FEDERAL AIRWAY 97

is amended to delete:  
FROM      TO      MEA  
Biscayne Bay, Fla. VOR      Miami, Fla. VOR      2000

§95.6097 VOR FEDERAL AIRWAY 97

is amended to read in part:  
FROM      TO      MEA  
Miami, Fla. VOR      Gilbi INT, Fla.      2000  
Via E alter.  
Gilbi INT, Fla.      LaBelle, Fla. VOR      \*2000  
Via E alter.  
\*1300—MOCA  
Cincinnati, Ohio VOR      Shelbyville, Ind. VOR      2800  
Shelbyville, Ind. VOR      Ockel INT, Ind.      2900  
Ockel INT, Ind.      Lafayette, Ind. VOR      2500  
Indianapolis, Ind. VOR      Leban INT, Ind.      \*2400  
Via Walter.  
\*2300—MOCA  
Leban INT, Ind.      Ockel INT, Ind.      2900  
Via Walter.  
Ockel INT, Ind.      Lafayette, Ind. VOR      2500  
Via Walter.  
Chicago O'Hare, Ill. VOR      Form INT, Ill.      2700  
Form INT, Ill.      Janesville, Wis. VOR      \*2900  
\*2300—MOCA  
Janesville, Wis. VOR      Theba INT, Wis.      \*2900  
\*2300—MOCA

§95.6098 VOR FEDERAL AIRWAY 98

is amended to read in part:  
FROM      TO      MEA  
Carleton, Mich. VOR      U.S. Canadian Border      2400

§95.6103 VOR FEDERAL AIRWAY 103

is amended to read in part:  
FROM      TO      MEA  
U.S. Canadian Border      Salem, Mich. VOR      \*2800  
\*2200—MOCA

§95.6111 VOR FEDERAL AIRWAY 111

is amended by adding:  
FROM      TO      MEA  
Patty INT, Calif.      Modesto, Calif. VOR      \*3000  
\*2500—MOCA

§95.6114 VOR FEDERAL AIRWAY 114

is amended to read in part:  
FROM      TO      MEA  
Gregg Co., Tex. VOR      Carthage INT, Tex.      2300  
Gregg Co., Tex. VOR      \*Woodlawn INT, Tex.      2300  
Via N alter.  
\*3000—MRA

§95.6115 VOR FEDERAL AIRWAY 115

is amended to read in part:  
FROM      TO      MEA  
Parkersburg, W. Va. VOR      Newcomerstown, Ohio VOR      \*3000  
\*2400—MOCA  
Pigon INT, Ala.      \*Reddi INT, Ala.      2500  
\*5500—MRA  
Reddi INT, Ala.      Montgomery, Ala. VOR      2500

§95.6116 VOR FEDERAL AIRWAY 116

is amended to read in part:  
FROM      TO      MEA  
Quincy, Ill. VOR      Bryant INT, Ill.      2500  
Bryant INT, Ill.      Peoria, Ill. VOR      2300  
Peoria, Ill. VOR      Massville, Ill. VOR      2300  
Massville, Ill. VOR      Joliet, Ill. VOR      2500  
Nepts INT, Mich.      Keeler, Mich. VOR      \*2600  
\*2000—MOCA

§95.6125 VOR FEDERAL AIRWAY 125

is added to read:  
FROM      TO      MEA  
Cape Girardeau, Mo. VOR      Engen INT, Ill.      \*3500  
\*MOCA—2700  
Engen INT, Ill.      St. Louis, Mo. VOR      \*3500  
\*MOCA—2600

§95.6126 VOR FEDERAL AIRWAY 126

is amended to read in part:  
FROM      TO      MEA  
Waterville, Ohio VOR      Cleveland, Ohio VOR      2600  
Goshen, Ind. VOR      Bagel INT, Ind.      2700  
Bagel INT, Ind.      Edgee INT, Ohio      \*3000  
\*2400—MOCA  
Cleveland, Ohio VOR      Jefferson, Ohio VOR      3000

§95.6127 VOR FEDERAL AIRWAY 127

is amended to read in part:  
FROM      TO      MEA  
Bradford, Ill. VOR      Wynet INT, Ill.      2700  
Wynet INT, Ill.      Pala, Ill. VOR      2600  
Pala, Ill. VOR      Rockford, Ill. VOR      2600

§95.6127 VOR FEDERAL AIRWAY 127

is amended to read in part:  
FROM      TO      MEA  
Malra INT, Ill.      \*Noah INT, Ill.      2700  
Via E alter.  
\*5000—MRA  
Noah INT, Ill.      Rockford, Ill. VOR      2700  
Via E alter.



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§95.6128 VOR FEDERAL AIRWAY 128  
is amended to read in part:

FROM	TO	MEA
Peotone, Ill. VOR	Kenla INT, Ind.	*2600
*2000-MOCA		
Kenla INT, Ind.	*Swani INT, Ind.	2600
*4000-MRA		
*Swani INT, Ind.	Vages INT, Ind.	2600
Vages INT, Ind.	*Pates INT, Ind.	**4000
*4000-MRA		
**2100-MOCA		
Pates INT, Ind.	Jakks INT, Ind.	*4000
*2100-MOCA		
Jakks INT, Ind.	Indianapolis, Ind. VOR	2700
Indianapolis, Ind. VOR	Heron INT, Ind.	2600
Heron INT, Ind.	Cincinnati, Ohio VOR	2800

§95.6129 VOR FEDERAL AIRWAY 129  
is amended to read in part:

FROM	TO	MEA
Coatit, Ill. VOR	Peoria, Ill. VOR	2500
Peoria, Ill. VOR	Gensa INT, Ill.	2500
Gensa INT, Ill.	Davenport, Iowa VOR	2600
Nadine, Minn. VOR	Eau Claire, Wis. VOR	3000

§95.6133 VOR FEDERAL AIRWAY 133  
is amended to read in part:

FROM	TO	MEA
Hometown INT, W. Va.	Zanesville, Ohio VOR	3000
Zanesville, Ohio VOR	Tiverton, Ohio VOR	3000
Salem, Mich. VOR	Russell INT, Mich.	2900
Russell INT, Mich.	Flint, Mich. VOR	*2900
*2300-MOCA		
Flint, Mich. VOR	*Flupe INT, Mich.	2700
*3000-MRA		
Flupe INT, Mich.	Saginaw, Mich. VOR	2400
Saginaw, Mich. VOR	Wheeler INT, Mich.	2400
Wheeler INT, Mich.	*Lake City INT, Mich.	**3500
*4000-MRA		
**2600-MOCA		
Lake City INT, Mich.	Broadman INT, Mich.	*3500
*2600-MOCA		

§95.6134 VOR FEDERAL AIRWAY 134  
is amended to read in part:

FROM	TO	MEA
Grand Junction, Colo. VOR	Traci INT, Colo.	9000
Traci INT, Colo.	*Paces INT, Colo.	11000
*12700-MCA Paces INT, E-bound		
Paces INT, Colo.	Conti INT, Colo.	*13000
*12200-MOCA		
Conti INT, Colo.	Gleno INT, Colo.	13000
Gleno INT, Colo.	Basam INT, Colo.	*14000
*12000-MOCA		
Basam INT, Colo.	*Herls INT, Colo.	16000
	E-bound	
	W-bound	14000
*17000-MCA Herls INT, E-bound		
*15500-MRA		
Herls INT, Colo.	Funds INT, Colo.	*17000
*16000-MOCA		
Funds INT, Colo.	Comas INT, Colo.	17000
Comas INT, Colo.	*Golde INT, Colo.	17000
	W-bound	
	E-bound	12800
*12800-MCA Golde INT, W-bound		
Golde INT, Colo.	Denver, Colo. VOR	7600
Funds INT, Colo.	Shrew INT, Colo.	
Via S alter.	Via S alter.	16000

VOR FEDERAL AIRWAY 134—cont'd.

FROM	TO	MEA
Shrew INT, Colo.	Byson INT, Colo.	14500
Via S alter.	Via S alter.	
Byson INT, Colo.	Muris INT, Colo.	*13000
Via S alter.	Via S alter.	
*12000-MOCA		
*Muris INT, Colo.	Denver, Colo. VOR	9000
Via S alter.	Via S alter.	
*11300-MCA Muris INT, SW-bound		

§95.6144 VOR FEDERAL AIRWAY 144  
is amended to read in part:

FROM	TO	MEA
Peotone, Ill. VOR	Lucit INT, Ill.	2500
Lucit INT, Ill.	Cleft INT, Ind.	*4000
*2400-MOCA		
Cleft INT, Ind.	Ft. Wayne, Ind. VOR	2600
Findlay, Ohio VOR	Appleton, Ohio VOR	3000

§95.6156 VOR FEDERAL AIRWAY 156  
is amended to read in part:

FROM	TO	MEA
Moscow INT, Iowa	Maline, Ill. VOR	2600
Bradford, Ill. VOR	Peotone, Ill. VOR	*2700
*2100-MOCA		
Peotone, Ill. VOR	Lucit INT, Ill.	2500
Lucit INT, Ill.	Mapps INT, Ind.	*4000
*2400-MOCA		
Mapps INT, Ind.	Knox, Ind. VOR	*3000
*2200-MOCA		
Knox, Ind. VOR	South Bend, Ind. VOR	2600

§95.6157 VOR FEDERAL AIRWAY 157  
is amended to read in part:

FROM	TO	MEA
Kinston, N.C. VOR	Tar River, N.C. VOR	2200
Tar River, N.C. VOR	Lawrenceville, Va. VOR	2000

§95.6158 VOR FEDERAL AIRWAY 158  
is amended to read in part:

FROM	TO	MEA
Dubuque, Iowa VOR	Palo, Ill. VOR	2800

§95.6161 VOR FEDERAL AIRWAY 161  
is amended to read in part:

FROM	TO	MEA
Napoleon, Mo. VOR	Lawson INT, Mo.	2700

§95.6161 VOR FEDERAL AIRWAY 161  
is amended by adding:

FROM	TO	MEA
Llano, Tex. VOR	*Pridy INT, Tex.	**3400
*5000-MRA		
**2800-MOCA		
Pridy INT, Tex.	Duffa INT, Tex.	*3400
*2700-MOCA		
Duffa INT, Tex.	Polka INT, Tex.	*3400
*2500-MOCA		
Polka INT, Tex.	Millsap, Tex. VOR	*3000
*2400-MOCA		
Millsap, Tex. VOR	Bridgeport, Tex. VOR	*3000
*2500-MOCA		

§95.6163 VOR FEDERAL AIRWAY 163  
is amended by adding:

FROM	TO	MEA
San Antonio, Tex. VOR	Lampases, Tex. VOR	*3500
*2800-MOCA		
Lampases, Tex. VOR	Acton, Tex. VOR	3000

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VOR FEDERAL AIRWAY 163—cont'd.

FROM	TO	MEA
Acton, Tex. VOR	Bridgeport, Tex. VOR	*3000
*2500-MOCA		
San Antonio, Tex. VOR	*Guada INT, Tex.	**3300
Via W alter.	Via W alter.	
*4300-MRA		
**2600-MOCA		
Guada INT, Tex.	Stonewall, Tex. VOR	*4000
Via W alter.	Via W alter.	
*3200-MOCA		
Stonewall, Tex. VOR	Llano, Tex. VOR	*4000
Via W alter.	Via W alter.	
*3200-MOCA		
Llano, Tex. VOR	*Pridy INT, Tex.	**4500
Via W alter.	Via W alter.	
*5000-MRA		
*2800-MOCA		
Pridy INT, Tex.	Acton, Tex. VOR	*3000
Via W alter.	Via W alter.	
*2500-MOCA		

§95.6163 VOR FEDERAL AIRWAY 163  
is amended to delete:

FROM	TO	MEA
San Antonio, Tex. VOR	Winters INT, Tex.	*3300
*3100-MOCA		
Winters INT, Tex.	*Wirtz INT, Tex.	**4000
*3300-MRA		
*3000-MOCA		
Wirtz INT, Tex.	Lometa, Tex. VOR	*3200
*2800-MOCA		
San Antonio, Tex. VOR	*Guada INT, Tex.	**3000
Via W alter.	Via W alter.	
*4300-MRA		
*2500-MOCA		
Guada INT, Tex.	Llano, Tex. VOR	*4000
Via W alter.	Via W alter.	
*3200-MOCA		
Llano, Tex. VOR	Lometa, Tex. VOR	*3200
Via W alter.	Via W alter.	
*2700-MOCA		
Lometa, Tex. VOR	*Adann INT, Tex.	**4000
*5000-MRA		
*2800-MOCA		
Adann INT, Tex.	Mills INT, Tex.	*4000
*2800-MOCA		
Mills INT, Tex.	Millsap, Tex. VOR	*3000
*2400-MOCA		
Lometa, Tex. VOR	*Carou INT, Tex.	**3400
Via E alter.	Via E alter.	
*4000-MRA		
**2700-MOCA		
Carou INT, Tex.	Acton, Tex. VOR	*3000
Via E alter.	Via E alter.	
*2400-MOCA		
Acton, Tex. VOR	Millsap, Tex. VOR	*2800
Via E alter.	Via E alter.	
*2100-MOCA		
Millsap, Tex. VOR	Bridgeport, Tex. VOR	*3000
*2500-MOCA		

§95.6163 VOR FEDERAL AIRWAY 163  
is amended to read in part:

FROM	TO	MEA
*Carou INT, Tex.	Acton, Tex. VOR	3000
Via E alter.	Via E alter.	
*4000-MRA		
Three Rivers, Tex. VOR	Lemig INT, Tex.	2000
Via W alter.	Via W alter.	
Lemig INT, Tex.	San Antonio, Tex. VOR	2500
Via W alter.	Via W alter.	

§95.6170 VOR FEDERAL AIRWAY 170  
is amended to read in part:

FROM	TO	MEA
Dells, Wis. VOR	Milwaukee, Wis. VOR	3000
Hickory INT, Mich.	Lessy INT, Mich.	*4500
*3000-MOCA		
Milwaukee, Wis. VOR	Squib INT, Mich.	2900
Squib INT, Mich.	Pullman, Mich. VOR	*2700
*1900-MOCA		

§95.6171 VOR FEDERAL AIRWAY 171  
is amended to read in part:

FROM	TO	MEA
Louisville, Ky. VOR	Maize INT, Ind.	2900
Maize INT, Ind.	Honos INT, Ind.	*2700
*2000-MOCA		
Honos INT, Ind.	Scoto INT, Ind.	2700
Louisville, Ky. VOR	Maize INT, Ind.	2900
Via E alter.	Via E alter.	
Maize INT, Ind.	Honos INT, Ind.	*2700
Via E alter.	Via E alter.	
*2000-MOCA		
Lewis, Ind. VOR	*Clinton INT, Ind.	2400
*2600-MRA		
Clinton INT, Ind.	Danville, Ill. VOR	2400
Danville, Ill. VOR	Peotone, Ill. VOR	2500
Peotone, Ill. VOR	Joliet, Ill. VOR	2400
Joliet, Ill. VOR	*Noche INT, Ill.	2700
*5000-MRA		
Noche INT, Ill.	Rockford, Ill. VOR	2700
Rockford, Ill. VOR	Glars INT, Wis.	2900

§95.6172 VOR FEDERAL AIRWAY 172  
is amended to read in part:

FROM	TO	MEA
Denver, Colo. VOR	Wiggi INT, Colo.	7500
Wiggi INT, Colo.	*Fowls INT, Colo.	**8000
*8000-MRA		
*6600-MOCA		
Fowls INT, Colo.	Holyo INT, Colo.	*13000
*6600-MOCA		
Holyo INT, Colo.	North Platte, Neb. VOR	*6000
*4800-MOCA		
Cedar Rapids, Iowa VOR	Lisbon INT, Iowa	2500
Lisbon INT, Iowa	Charlotte INT, Iowa	2700
Charlotte INT, Iowa	Polo, Ill. VOR	2700
Polo, Ill. VOR	Du Page, Ill. VOR	2700
Du Page, Ill. VOR	Chicago O'Hare, Ill. VOR	2600
Chicago O'Hare, Ill. VOR	Nepts INT, Mich.	*4000
*2500-MOCA		
Nepts INT, Mich.	South Bend, Ind. VOR	2600

§95.6173 VOR FEDERAL AIRWAY 173  
is amended to read in part:

FROM	TO	MEA
Capital, Ill. VOR	Kenns INT, Ill.	2300
Kenns INT, Ill.	*Theme INT, Ill.	2700
*6000-MCA Theme INT, NE-bound		

§95.6176 VOR FEDERAL AIRWAY 176  
is amended to read:

FROM	TO	MEA
Pontiac, Mich. VOR	U.S. Canadian Border	*3000
*2400-MOCA		

§95.6177 VOR FEDERAL AIRWAY 177  
is amended to read in part:

FROM	TO	MEA
Du Page, Ill. VOR	Janesville, Wis. VOR	2800
Janesville, Wis. VOR	Madison, Wis. VOR	2800



VOR FEDERAL AIRWAY 177-cont'd.

is amended to read in part:		
Madison, Wis. VOR	Stevens Point, Wis. VOR	2800
Dells, Wis. VOR	Stevens Point, Wis. VOR	3000
Via Walter.	Via Walter.	3700
Wausau, Wis. VOR	Westboro INT, Wis.	*6000
Westboro INT, Wis.	Union INT, Wis.	
*2800-MOCA		

§95.6186 VOR FEDERAL AIRWAY 186

is amended to read in part:		
FROM	TO	MEA
Santa Barbara, Calif. VOR	INT 250 M rad Fillmore VOR	6000
	& 107 M rad Santa Barbara VOR	
INT 250 M rad Fillmore VOR	Hener INT, Ca.	5000
& 107 M rad Santa Barbara VOR	Fillmore, Calif. VOR	6000
Hener INT, Ca.		

§95.6189 VOR FEDERAL AIRWAY 189

is amended to read:		
FROM	TO	MEA
Tar River, N.C. VOR	Franklin, Va. VOR	2000
Franklin, Va. VOR	Hopewell, Va. VOR	2000

§95.6190 VOR FEDERAL AIRWAY 190

is amended to read in part:		
FROM	TO	MEA
Farmington, Ma. VOR	Marian, Ill. VOR	3000

§95.6191 VOR FEDERAL AIRWAY 191

is amended to read in part:		
FROM	TO	MEA
Tray, Ill. VOR	Decatur, Ill. VOR	2500
Roberts, Ill. VOR	Herscher INT, Ill.	2800
Northbrook, Ill. VOR	Milwaukee, Wis. VOR	2800
Milwaukee, Wis. VOR	Oshkosh, Wis. VOR	3000
Oshkosh, Wis. VOR	Rhineland, Wis. VOR	*4500
*3000-MOCA		
Rhineland, Wis. VOR	Ironwood, Mich. VOR	3500
Rhineland, Wis. VOR	Ironwood, Mich. VOR	3500
Via E alter.	Via E alter.	3500
Ironwood, Mich. VOR	Duluth, Minn. VOR	3500

§95.6192 VOR FEDERAL AIRWAY 192

is amended to read:		
FROM	TO	MEA
Champaign, Ill. VOR	Terre Haute, Ind. VOR	2500

§95.6193 VOR FEDERAL AIRWAY 193

is amended to read in part:		
FROM	TO	MEA
Musky INT, Mich.	Pullman, Mich. VOR	2400
Pullman, Mich. VOR	Camstock INT, Mich.	2700
Camstock INT, Mich.	White Cloud, Mich. VOR	*2800
*2200-MOCA		
White Cloud, Mich. VOR	Traverse City, Mich. VOR	3400
Manistee, Mich. VOR	Traverse City, Mich. VOR	*2800
Via Walter.	Via Walter.	
*2200-MOCA		
Traverse City, Mich. VOR	Pellston, Mich. VOR	3000

§95.6194 VOR FEDERAL AIRWAY 194

is amended to read in part:		
FROM	TO	MEA
Raleigh-Durham, N.C. VOR	Tar River, N.C. VOR	2000
Tar River, N.C. VOR	Cofield, N.C. VOR	*1800
*1400-MOCA		

§95.6198 VOR FEDERAL AIRWAY 198

is amended by adding:		
FROM	TO	MEA
Junction, Tex. VOR	*Arper INT, Tex.	**4000
Via N alter.	Via N alter.	
*5500-MRA		
*3400-MOCA		

§95.6198 VOR FEDERAL AIR 198

is amended by adding:		
Arper INT, Tex.	Stonev Jll, Tex. VOR	*4000
Via N alter.	Via N alter.	
*3300-MOCA		
Stonewall, Tex. VOR	Gobby INT, Tex.	*3500
Via N alter.	Via N alter.	
*3000-MOCA		
Gobby INT, Tex.	Dents INT, Tex.	*3500
Via N alter.	Via N alter.	
*2800-MOCA		
Dents INT, Tex.	Marcs INT, Tex.	*3500
Via N alter.	Via N alter.	
*2600-MOCA		
Marcs INT, Tex.	Weimar INT, Tex.	*4500
Via N alter.	Via N alter.	
*2000-MOCA		
Weimar INT, Tex.	Eagle Lake, Tex. VOR	2100
Via N alter.	Via N alter.	

§95.6207 VOR FEDERAL AIRWAY 207

is amended to read in part:		
FROM	TO	MEA
Denver, Colo. VOR	*Hudds INT, Colo.	7000
*9000-MRA		
Hudds INT, Colo.	Gill, Colo. VOR	7000

§95.6210 VOR FEDERAL AIRWAY 210

is amended to read in part:		
FROM	TO	MEA
Indianapolis, Ind. VOR	Muncie, Ind. VOR	2900

§95.6213 VOR FEDERAL AIRWAY 213

is amended to read in part:		
FROM	TO	MEA
Eureka INT, N.C.	Tar River, N.C. VOR	*2000
*1400-MOCA		
Tar River, N.C. VOR	Mason INT, Va.	*2000
*1500-MOCA		

§95.6214 VOR FEDERAL AIRWAY 214

is amended to read in part:		
FROM	TO	MEA
Kokomo, Ind. VOR	Marion, Ind. VOR	2600
Marion, Ind. VOR	Muncie, Ind. VOR	2700
Muncie, Ind. VOR	Richmond, Ind. VOR	2900

§95.6215 VOR FEDERAL AIRWAY 215

is amended to read in part:		
FROM	TO	MEA
*Tadds INT, Mich.	Sales INT, Mich.	**3500
*3200-MRA		
*1600-MOCA		
White Cloud, Mich. VOR	Cargo INT, Mich.	4000
Cargo INT, Mich.	Gaylord, Mich. VOR	3000

§95.6216 VOR FEDERAL AIRWAY 216

is amended to read in part:		
FROM	TO	MEA
Wacks INT, Ill.	Janesville, Wis. VOR	2800
Janesville, Wis. VOR	Wind Lake INT, Wis.	3000
Muskegon, Mich. VOR	Trufa INT, Mich.	*2800
*2200-MOCA		

VOR FEDERAL AIRWAY 216-cont'd.

is amended to read in part:		
Trufa INT, Mich.	Elm INT, Mich.	*3000
*2400-MOCA		
Saginaw, Mich. VOR	Peck, Mich. VOR	3000
Via S alter.	Via S alter.	
Pike INT, Wis.	Squib INT, Mich.	*5000
*2000-MOCA		
Squib INT, Mich.	Muskegon, Mich. VOR	*2700
*2100-MOCA		

§95.6217 VOR FEDERAL AIRWAY 217

is amended to read in part:		
FROM	TO	MEA
Chicago O'Hare, Ill. VOR DME	Taylor INT, Wis.	*4000
*2100-MOCA		
*Pike INT, Wis.	Milwaukee, Wis. VOR	2700
*7000-MCA Pike INT, S-bound		
Milwaukee, Wis. VOR	Chilton INT, Wis.	3000
Chilton INT, Wis.	Sherwood INT, Wis.	2700
Sherwood INT, Wis.	Green Bay, Wis. VOR	2500
Green Bay, Wis. VOR	Cecil INT, Wis.	*2700
*2100-MOCA		
Cecil INT, Wis.	Rhineland, Wis. VOR	*3600
*3000-MOCA		
Rhineland, Wis. VOR	Duluth, Minn. VOR	*6000
*4000-MOCA		

§95.6218 VOR FEDERAL AIRWAY 218.

is amended to read in part:		
FROM	TO	MEA
Fowler INT, Mich.	Pontiac, Mich. VOR	*2900
*2300-MOCA		
Pontiac, Mich. VOR	Novi INT, Mich.	2800
Novi INT, Mich.	U.S. Canadian Border	3000

§95.6220 VOR FEDERAL AIRWAY 220

is amended to read in part:		
FROM	TO	MEA
Platt INT, Colo.	*Hudds INT, Colo.	**9000
*9000-MRA		
*6900-MOCA		
Hudds INT, Colo.	Wiggi INT, Colo.	*9000
*6700-MOCA		
Wiggi INT, Colo.	Akron, Colo. VOR	7000

§95.6221 VOR FEDERAL AIRWAY 221

is amended to read in part:		
FROM	TO	MEA
Muncie, Ind. VOR	Ft. Wayne, Ind. VOR	2700
Ft. Wayne, Ind. VOR	Garen INT, Ind.	2600
Garen INT, Ind.	Litchfield, Mich. VOR	3000

§95.6222 FOR FEDERAL AIRWAY 222

is amended to delete:		
FROM	TO	MEA
Junction, Tex. VOR	*Arper INT, Tex.	**4000
*5500-MRA		
*3400-MOCA		
*Arper INT, Tex.	Stonewall INT, Tex.	**4000
*5500-MRA		
*3300-MOCA		
Stonewall INT, Tex.	*Guada INT, Tex.	**4000
*4300-MRA		
*3200-MOCA		
Guada INT, Tex.	San Antonio, Tex. VOR	*3000
*2500-MOCA		
San Antonio, Tex. VOR	Stage INT, Tex.	*3000
*2600-MOCA		
Stage INT, Tex.	Lippy INT, Tex.	*2600
*2000-MOCA		

VOR FEDERAL AIRWAY 222-cont'd.

Lippy INT, Tex.	Industry, Tex. VOR	*2200
*1900-MOCA		

§95.6222 VOR FEDERAL AIRWAY 222

is amended by adding:		
FROM	TO	MEA
Junction, Tex. VOR	*Arper INT, Tex.	**4000
*5500-MRA		
*3400-MOCA		
Arper INT, Tex.	Stonewall, Tex. VOR	*4000
*3300-MOCA		
Stonewall, Tex. VOR	Gobby INT, Tex.	*3500
*3000-MOCA		
Gobby INT, Tex.	Dents INT, Tex.	*3500
*2800-MOCA		
Dents INT, Tex.	Marcs INT, Tex.	*3500
*2600-MOCA		
Marcs INT, Tex.	Crays INT, Tex.	*2500
*2000-MOCA		
Crays INT, Tex.	Industry, Tex. VOR	2200

§95.6222 VOR FEDERAL AIRWAY 222

is amended to read in part:		
FROM	TO	MEA
Kentt INT, Ala.	La Grange, Go. VOR	2500

§95.6022 VOR FEDERAL AIRWAY 222

is amended to read in part:		
Monroeville, Ala. VOR	*Picks INT, Ala.	2300
*3500-MRA		
Picks INT, Ala.	Montgomery, Ala. VOR	2300
Montgomery, Ala. VOR	*Morst INT, Ala.	2000
*3500-MRA		

§95.6224 VOR FEDERAL AIRWAY 224

is amended to read:		
FROM	TO	MEA
Marquette, Mich. VOR	Schoolcraft County, Mich. VOR	3000

§95.6227 VOR FEDERAL AIRWAY 227

is amended to read in part:		
FROM	TO	MEA
Lafayette, Ind. VOR	*Swani INT, Ind.	2600
*4000-MRA		
Swani INT, Ind.	Roberts, Ill. VOR	2600
Roberts, Ill. VOR	Pontiac, Ill. VOR	2500
Pontiac, Ill. VOR	Tride INT, Ill.	2600
Tride INT, Ill.	Rockford, Ill. VOR	2700

§95.6228 VOR FEDERAL AIRWAY 228

is amended to read in part:		
FROM	TO	MEA
Northbrook, Ill. VOR	Nepts INT, Mich.	2500
Nepts INT, Mich.	South Bend, Ind. VOR	2600

§95.6233 VOR FEDERAL AIRWAY 233

is amended to read in part:		
FROM	TO	MEA
Capitol, Ill. VOR	Kenns INT, Ill.	2300
Kenns INT, Ill.	Roberts, Ill. VOR	2700
Roberts, Ill. VOR	Knox, Ind. VOR	*3000
*2200-MOCA		
Knox, Ind. VOR	Gashen, Ind. VOR	2600
Gashen, Ind. VOR	Litchfield, Mich. VOR	2800
Litchfield, Mich. VOR	Lansing, Mich. VOR	*3000
*2400-MOCA		
Largo INT, Mich.	Gaylord, Mich. VOR	3000
Gaylord, Mich. VOR	Pellston, Mich. VOR	3000
Traverse City, Mich. VOR	Pellston, Mich. VOR	3000
Via W alter.	Via W alter.	3000



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§95.6243 VOR FEDERAL AIRWAY 243 is amended to read in part:		§95.6275 VOR FEDERAL AIRWAY 275 is amended to read in part:	
FROM Cloverport INT., Ky. *3500-MRA *2000-MOCA Jiger INT., Ind.	TO *Jiger INT., Ind. Lewis, Ind. VOR	FROM Cincinnati, Ohio VOR Richmond, Ind. VOR Via Walter. Kline INT., Ohio *2100-MOCA	TO Dayton, Ohio VOR Dayton, Ohio VOR Via Walter. Mater INT., Ohio *5500
MEA **4000 2300		MEA 2800 2900 *5500	
§95.6244 VOR FEDERAL AIRWAY 244 is amended to read in part:		§95.6277 VOR FEDERAL AIRWAY 277 is amended to read:	
FROM Stockton, Calif. VOR	TO Woodward INT., Calif. E-bound W-bound	FROM Rosewood, Ohio VOR Ft. Wayne, Ind. VOR	TO Ft. Wayne, Ind. VOR Keeler, Mich. VOR
MEA 3000 2000		MEA 3000 2700	
§95.6246 VOR FEDERAL AIRWAY 246 is amended to read in part:		§95.6279 VOR FEDERAL AIRWAY 279 is amended to read:	
FROM Nadine, Wis. VOR	TO Milto INT., Wis.	FROM Columbus, Ohio LF RBN Grindell INT., Ohio *2300-MOCA	TO Grindell INT., Ohio Findlay, Ohio VOR *3000
MEA 3000		MEA 3000 *3000	
§95.6251 VOR FEDERAL AIRWAY 251 is amended to read:		§95.6285 VOR FEDERAL AIRWAY 285 is amended to read in part:	
FROM Decatur, Ill. VOR Champaign, Ill. VOR Danville, Ill. VOR	TO Champaign, Ill. VOR Danville, Ill. VOR Lafayette, Ind. VOR	FROM Indianapolis, Ind. VOR Indianapolis, Ind. VOR Via E alter. Welda INT., Ind. Via E alter. Kokomo, Ind. VOR *2000-MOCA Grand Rapids, Mich. VOR Comstock INT., Mich. *2200-MOCA	TO Kokomo, Ind. VOR Welda INT., Ind. Via E alter. Kakama, Ind. VOR Via E alter. Gashen, Ind. VOR Comstock INT., Mich. White Cloud, Mich. VOR *2800
MEA 2500 2500 2500		MEA 2700 2900 2700 *2600 2600 *2800	
§95.6262 VOR FEDERAL AIRWAY 262 is amended to read in part:		§95.6297 VOR FEDERAL AIRWAY 297 is amended to read in part:	
FROM Peoria, Ill. VOR *3000-MRA Dunlap INT., Ill. Bradford, Ill. VOR	TO *Dunlap INT., Ill. Bradford, Ill. VOR Joliet, Ill. VOR	FROM Akron, Ohio VOR Carleton, Mich. VOR Livingston INT., Mich. *2600-MOCA Saginaw, Mich. VOR Benet INT., Mich. *3000-MRA Banja INT., Mich. *2600-MOCA Zable INT., Mich.	TO U.S. Canadian Border Livingston INT., Mich. Owassa INT., Mich. Benet INT., Mich. *Banja INT., Mich. Zable INT., Mich. Pellston, Mich. VOR
MEA 2700 2700 2700		MEA 3500 2900 *4000 2200 2500 *5000 3000	
§95.6267 VOR FEDERAL AIRWAY 267 is amended to delete:		§95.6300 VOR FEDERAL AIRWAY 300 is amended to read in part:	
FROM Biscayne Bay, Fla. VOR Miami, Fla. VOR Via E alter.	TO Miami, Fla. VOR Palm Beach, Fla. VOR Via E alter.	FROM U.S. Canadian Border *2300-MOCA *MEA is established with a gap in navigational signal coverage. Grade INT., Mich. *2400-MOCA	TO Engen INT., Ill. Marion, Ill. VOR
MEA 2000 2000		MEA *9000 *3000	
§95.6267 VOR FEDERAL AIRWAY 267 is amended by adding:		§95.6310 VOR FEDERAL AIRWAY 310 is amended to read in part:	
FROM Biscayne Bay, Fla. VOR *1600-MOCA Gremm INT., Fla. *1300-MOCA Daug's INT., Fla. Biscayne Bay, Fla. VOR Via E alter. *1600-MOCA Gremm INT., Fla. Via E alter.	TO Gremm INT., Fla. Daug's INT., Fla. Pahokee, Fla. VOR Gremm INT., Fla. Via E alter. Palm Beach, Fla. VOR Via E alter.	FROM Raleigh-Durham, N.C. VOR Tar River, N.C. VOR *1500-MOCA	TO Tar River, N.C. VOR Elizabeth City, N.C. VOR *1800
MEA *5000 *5000 1500 *5000 2000		MEA 2000 *1800	
§95.6271 VOR FEDERAL AIRWAY 271 is amended to read:		§95.6313 VOR FEDERAL AIRWAY 313 is amended to read in part:	
FROM Muskegon, Mich. VOR *2200-MOCA Manistee, Mich. VOR *2100-MOCA	TO Manistee, Mich. VOR Escanaba, Mich. VOR	FROM Cape Girardeau, Mo. VOR	TO Gents INT., Ill.
MEA *2800 *3000		MEA 3500	
§95.6274 VOR FEDERAL AIRWAY 274 is amended to read:			
FROM Pullman, Mich. VOR Grand Rapids, Mich. VOR	TO Grand Rapids, Mich. VOR Saginaw, Mich. VOR		
MEA 2700 2600			

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VOR FEDERAL AIRWAY 313—cont'd. is amended to read in part:		§95.6353 VOR FEDERAL AIRWAY 353 is amended to read:	
Gents INT., Ill. *2400-MOCA Centralia, Ill. VOR	Centralia, Ill. VOR Decatur, Ill. VOR	FROM Jackson, Mich. VOR	TO Flint, Mich. VOR
*3000 2500		MEA 2800	
§95.6316 VOR FEDERAL AIRWAY 316 is amended to read:		§95.6356 VOR FEDERAL AIRWAY 356 is added to read:	
FROM Ironwood, Mich. VOR *3000-MOCA Hermly INT., Mich. Marquette, Mich. VOR Train INT., Mich. *2300-MOCA Eckerman INT., Mich. *2100-MOCA Sault Ste. Marie, Mich. VOR	TO Hermly INT., Mich. Marquette, Mich. VOR Train INT., Mich. Eckerman INT., Mich. Sault Ste. Marie, Mich. VOR U.S. Canadian Border	FROM Cheyenne, Wyo. VOR Gill, Colo. VOR	TO Gill, Colo. VOR Keann INT., Colo.
MEA *4100 3600 3300 *5500 *2800 2400		MEA 8500 7500	
§95.6320 VOR FEDERAL AIRWAY 320 is amended to read:		§95.6358 VOR FEDERAL AIRWAY 358 is amended by adding:	
FROM Peck, Mich. VOR *2000-MOCA	TO U.S. Canadian Border	FROM San Antonio, Tex. VOR *4300-MRA *2600-MOCA Guada INT., Tex. *3200-MOCA Stonewall, Tex. VOR *3000-MOCA Feltz INT., Tex. Kevin INT., Tex. Kevin INT., Tex. Lampasas, Tex. VOR *2300-MOCA Bandi INT., Tex. *2000-MOCA	TO *Guada INT., Tex. Stonewall, Tex. VOR Feltz INT., Tex. Kevin INT., Tex. Lampasas, Tex. VOR Bandi INT., Tex. Waco, Tex. VOR
MEA *2600		MEA *3300 *4000 *3800 3000 3000 *3000 *2800	
§95.6329 VOR FEDERAL AIRWAY 329 is amended to read in part:		§95.6361 VOR FEDERAL AIRWAY 361 is added to read:	
Andal INT., Ala. *5000-MRA *2500-MOCA Hemmo INT., Ala. *2500-MOCA	*Hemmo INT., Ala. Montgomery, Ala. VOR	Kremmling, Colo. VOR Benom INT., Colo.	Benom INT., Colo. Cheyenne, Wyo. VOR
MEA **3000 *3000		15000 13000	
§95.6335 VOR FEDERAL AIRWAY 335 is amended to read in part:		§95.6371 VOR FEDERAL AIRWAY 371 is amended to read:	
FROM Crystal City INT., Mo. *2100-MOCA Engen INT., Ill.	TO Engen INT., Ill. Marion, Ill. VOR	FROM Lafayette, Ind. VOR	TO Knox, Ind. VOR
MEA *3500 2400		MEA 2500	
§95.6337 VOR FEDERAL AIRWAY 337 is amended to read in part:		§95.6421 HAWAII VOR FEDERAL AIRWAY 21 is amended to read in part:	
FROM Calcutta INT., Ohio U.S. Canadian Border Dyke INT., Mich. Bloomer INT., Mich. Saginaw, Mich. VOR Mt. Pleasant, Mich. VOR *2300-MOCA	TO Akron, Ohio VOR Dyke INT., Mich. Bloomer INT., Mich. Saginaw, Mich. VOR Mt. Pleasant, Mich. VOR White Cloud, Mich. VOR	FROM Lanai, Hawaii VOR	TO Merla INT., Hawaii
MEA 3000 2100 2500 3000 2600 *3000		MEA 5000	
§95.6341 VOR FEDERAL AIRWAY 341 is amended to read in part:		§95.6420 VOR FEDERAL AIRWAY 420 is amended to read in part:	
FROM Madison, Wis. VOR	TO Oshkosh, Wis. VOR	FROM Traverse City, Mich. VOR Gaylord, Mich. VOR	TO Gaylord, Mich. VOR Alpena, Mich. VOR
MEA 2700		MEA 3000 3000	
§95.6345 VOR FEDERAL AIRWAY 345 is amended to read in part:		§95.6422 VOR FEDERAL AIRWAY 422 is amended to read:	
FROM Fallen INT., Wis. *2400-MOCA	TO Falen INT., Wis. Eau Claire, Wis. VOR	FROM Chicago Heights, Ill. VOR Knox, Ind. VOR Wofflake, Ind. VOR *2100-MOCA Twierp INT., Ohio	TO Knox, Ind. VOR Wofflake, Ind. VOR Twierp INT., Ohio Findlay, Ohio VOR
MEA 3500 *3000		MEA 2500 2700 *2700 2600	
§95.6347 VOR FEDERAL AIRWAY 347 is amended to read:		§95.6426 VOR FEDERAL AIRWAY 426 is amended to read in part:	
FROM Ironwood, Mich. VOR *3000-MOCA	TO Houghton, Mich. VOR	FROM Godfrey INT., Ill. Gifts INT., Ill.	TO Gifts INT., Ill. Pamer INT., Ill.
MEA *3700		MEA 2500 *4000	
		§95.6429 VOR FEDERAL AIRWAY 429 is amended to read in part:	
FROM Cape Girardeau, Mo. VOR *2100-MOCA	TO Marian, Ill. VOR	FROM Cape Girardeau, Mo. VOR	TO Marian, Ill. VOR
MEA *2000		MEA *2000	

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VOR FEDERAL AIRWAY 429—cont'd. is amended to read in part:			\$95.6443 VOR FEDERAL AIRWAY 443 is amended to read in part:		
Marion, Ill. VOR	Bible Grove, Ill. VOR	2300	FROM	TO	MEA
Bible Grove, Ill. VOR	Mattoon, Ill. VOR	2500	Tipton, Ohio VOR	Cleveland, Ohio VOR	3000
Mattoon, Ill. VOR	Champaign, Ill. VOR	2400	Fairport INT, Ohio	U.S. Canadian Border	*3000
Champaign, Ill. VOR	Roberts, Ill. VOR	2600	*1700—MOCA		
Roberts, Ill. VOR	Medan INT, Ill.	2500	\$95.6446 VOR FEDERAL AIRWAY 446 is amended to read:		
Medan INT, Ill.	Joliet, Ill. VOR	2400	FROM	TO	MEA
\$95.6430 VOR FEDERAL AIRWAY 430 is amended to read in part:			Troy, Ill. VOR	Somerville, Ill. VOR	2300
FROM	TO	MEA	\$95.6450 VOR FEDERAL AIRWAY 450 is amended to read in part:		
Duluth, Minn. VOR	Ironwood, Mich. VOR	3500	FROM	TO	MEA
Ironwood, Mich. VOR	Iron Mountain, Mich. VOR	*3700	Lorabee INT, Wis.	Muskegon, Mich. VOR	2600
*3000—MOCA			Muskegon, Mich. VOR	Comstock INT, Mich.	*2700
\$95.6434 VOR FEDERAL AIRWAY 434 is amended to read in part:			*2100—MOCA		
FROM	TO	MEA	Comstock INT, Mich.	Owosso INT, Mich.	2700
Grandview INT, Iowa	Moline, Ill. VOR	2500	Owosso INT, Mich.	Flint, Mich. VOR	2600
Moline, Ill. VOR	Peoria, Ill. VOR	2600	Flint, Mich. VOR	Hunter INT, Mich.	2800
Peoria, Ill. VOR	Champaign, Ill. VOR	2700	\$95.6454 VOR FEDERAL AIRWAY 454 is amended to read in part:		
Champaign, Ill. VOR	Indianapolis, Ind. VOR	2700	Liberty, N.C. VOR	Lawrenceville, Va. VOR	*5000
\$95.6435 VOR FEDERAL AIRWAY 435 is amended to read in part:			*2000—MOCA		
FROM	TO	MEA	\$95.6493 VOR FEDERAL AIRWAY 493 is amended to read in part:		
Rosewood, Ohio VOR	INT 042 M rad Rosewood VOR & 255 M rad Cleveland VOR	*3500	FROM	TO	MEA
*2500—MOCA			Upper Sandusky INT, Ohio	Waterville, Ohio VOR	2600
			Owosso INT, Mich.	Mt. Pleasant, Mich. VOR	3000

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\$95.7010 JET ROUTE NO. 10 is amended to read in part:			
FROM	TO	MEA	MAA
Denver, Colo. VORTAC	North Platte, Neb. VORTAC	18000	45000
\$95.7013 JET ROUTE NO. 13 is amended to read in part:			
FROM	TO	MEA	MAA
Cheyenne, Wyo. VORTAC	Casper, Wyo. VORTAC	18000	45000
Casper, Wyo. VORTAC	Billings, Mont. VORTAC	18000	45000
\$95.7017 JET ROUTE NO. 17 is amended to read in part:			
FROM	TO	MEA	MAA
Amarillo, Tex. VORTAC	Tobe, Colo. VORTAC	18000	45000
Tobe, Colo. VORTAC	Pueblo, Colo. VORTAC	18000	45000
\$95.7024 JET ROUTE NO. 24 is amended by adding:			
FROM	TO	MEA	MAA
Myton, Utah VORTAC	Hayden, Colo. VOR	18000	45000
Hayden, Colo. VOR	Kiowa, Colo. VORTAC	18000	45000
\$95.7044 JET ROUTE NO. 44 is amended by adding:			
FROM	TO	MEA	MAA
Farmington, N. Mex. VORTAC	Alamosa, Colo. VORTAC	18000	45000
Alamosa, Colo. VORTAC	Int. 351 M rad Alamosa VORTAC & 214 M rad Denver VORTAC	24000	45000
Int. 351 N rad Alamosa VORTAC & 214 M rad Denver VORTAC	Byson INT, Colo.	18000	45000
\$95.7049 JET ROUTE NO. 49 is amended to delete:			
FROM	TO	MEA	MAA
Presque Isle, Me. VORTAC	U.S. Canadian Border	18000	45000
\$95.7053 JET ROUTE NO. 53 is amended to delete:			
FROM	TO	MEA	MAA
Key West, Fla. VORTAC	Miami, Fla. VORTAC	18000	45000
Miami, Fla. VORTAC	Orlando, Fla. VORTAC	18000	45000
\$95.7053 JET ROUTE NO. 53 is amended by adding:			
FROM	TO	MEA	MAA
Biscayne Bay, Fla. VORTAC	Orlando, Fla. VORTAC	18000	45000
\$95.7056 JET ROUTE NO. 56 is amended to delete:			
FROM	TO	MEA	MAA
Salt Lake City, Utah VORTAC	Meeker, Colo. VORTAC	18000	45000
Meeker, Colo. VORTAC	Denver, Colo. VORTAC	18000	45000
\$95.7056 JET ROUTE NO. 56 is amended by adding:			
FROM	TO	MEA	MAA
Salt Lake City, Utah VORTAC	Hayden, Colo. VOR	#22000	45000
#MEA is established with a gap in navigational signal coverage.			
Hayden, Colo. VOR	Drako INT, Colo.	18000	45000
\$95.7079 JET ROUTE NO. 79 is amended to delete:			
FROM	TO	MEA	MAA
Biscayne Bay, Fla. VORTAC	Vero Beach, Fla. VORTAC	18000	45000

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§95.7079 JET ROUTE NO. 79 is amended by adding:

FROM	TO	MEA	MAA
Key West, Fla. VORTAC	Miami, Fla. VORTAC	18000	45000
Miami, Fla. VORTAC	Palm Beach, Fla. VORTAC	18000	45000
Palm Beach, Fla. VORTAC	Vero Beach, Fla. VORTAC	18000	45000

§95.7085 JET ROUTE NO. 85 is amended to delete:

FROM	TO	MEA	MAA
Miami, Fla. VORTAC	Lakeland, Fla. VORTAC	18000	45000

§95.7085 JET ROUTE NO. 85 is amended by adding:

FROM	TO	MEA	MAA
Biscayne Bay, Fla. VORTAC	Lakeland, Fla. VORTAC	18000	45000

§95.7130 JET ROUTE NO. 130 is amended by adding:

FROM	TO	MEA	MAA
Grand Junction, Colo. VORTAC	Int. 074 M rad Grand Junction VORTAC & 245 M rad Kiowa VORTAC	26000	45000
Int. 074 M rad Grand Junction VORTAC & 245 M rad Kiowa VORTAC	Byson INT, Colo.	18000	45000

§95.7137 JET ROUTE NO. 137 is added to read:

FROM	TO	MEA	MAA
Capital, Ill. VORTAC	Farmington, Mo. VORTAC	18000	45000
Farmington, Mo. VORTAC	Walnut Ridge, Ar. VORTAC	18000	45000
Walnut Ridge, Ar. VORTAC	Little Rock, Ar. VORTAC	18000	45000

§95.7157 JET ROUTE NO. 157 is added to read:

FROM	TO	MEA	MAA
Keann INT, Colo.	Scottsbluff, Neb. VORTAC	18000	45000
Scottsbluff, Neb. VORTAC	Rapid City, S.D. VORTAC	18000	45000

§95.7163 JET ROUTE NO. 163 is added to read:

FROM	TO	MEA	MAA
Rock Springs, Wyo. VORTAC	Hayden, Colo. VOR	18000	45000
Hayden, Colo. VOR	Kiowa, Colo. VORTAC	18000	45000
Kiowa, Colo. VORTAC	Hugo, Colo. VORTAC	18000	45000
Hugo, Colo. VORTAC	Lamar, Colo. VORTAC	18000	45000

§95.7170 JET ROUTE NO. 170 is added to read:

FROM	TO	MEA	MAA
Crazy Woman, Wyo. VORTAC	Casper, Wyo. VORTAC	18000	45000
Casper, Wyo. VORTAC	Medicine Bow, Wyo. VORTAC	18000	45000
Medicine Bow, Wyo. VORTAC	Drake INT, Colo.	18000	45000

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§95.7171 JET ROUTE NO. 171 is added to read:

FROM	TO	MEA	MAA
Tobe, Colo. VORTAC	Hugo, Colo. VORTAC	18000	45000
Hugo, Colo. VORTAC	Kiowa, Colo. VORTAC	18000	45000

§95.7172 JET ROUTE NO. 172 is added to read:

FROM	TO	MEA	MAA
Keann INT, Colo.	Sidney, Neb. VORTAC	18000	45000

By amending Sub-part D as follows:

## §95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM
V-190 is amended to delete: Phoenix, Ariz. VOR	St. Johns, Ariz.	69 Phoenix
V-12 is amended by adding: Johnstown, Pa. VOR	Harrisburg, Pa. VOR	73 Johnstown
V-213 is amended to delete: Rocky Mt., N.C. VOR	Hopewell, Va. VOR	43 Rocky Mt.
V-213 is amended by adding: Tar River, N.C. VOR	Hopewell, Va. VOR	43 Tar River
V-163 is amended to delete: Llano, Tex. VOR Via Walter.	Lometa, Tex. VOR Via Walter.	13 Llano
Lometa, Tex. VOR Via E alter.	Acton, Tex. VOR Via E alter.	37 Lometa

## §95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM
J-56 is amended to delete: Salt Lake City, Utah VORTAC	Meeker, Colo. VORTAC	47 Salt Lake City
J-115 is amended to delete: Nikolski, Alas. NDB	Cold Bay, Alas. VORTAC	131 Cold Bay

[FR Doc. 78-227 Filed 1-6-78; 8:45 am]



[6320-01]

CHAPTER II—CIVIL AERONAUTICS BOARD  
SUBCHAPTER A—ECONOMIC REGULATIONS  
(Reg. ER-1038, Amdt. 40)

PART 221—CONSTRUCTION, PUBLICATION,  
FILING AND POSTING OF TARIFFS OF AIR  
CARRIERS AND FOREIGN AIR CARRIERS

## Statutory Filing Periods

AGENCY: Civil Aeronautics Board.  
ACTION: Final rule.

SUMMARY: These amendments will conform the Board's tariff filing rules to the amended statutory filing periods specified in Pub. L. 95-163, and will provide for filing periods other than the statutory period where such other dates are specified in bilateral agreements executed between the United States and a foreign government.

DATES: Effective: December 30, 1977.  
Adopted: December 30, 1977.

FOR FURTHER INFORMATION  
CONTACT:

Richard Juhnke, Associate General  
Counsel, Rates and Agreements,  
1825 Connecticut Avenue NW.,  
Washington, D.C. 20428, 202-673-  
5436.

SUPPLEMENTARY INFORMATION:  
Pub. L. 95-163 amends section 403(c) of the Federal Aviation Act to require air carriers and foreign air carriers to file any proposed change in passenger fares 45 days before the effective date of the proposed change. It also amends section 403(c) to require direct air carriers to file any change in freight rates 60 days before the effective date of the proposed change, and indirect air carriers to file any change in freight rates 45 days before the effective date of the proposed change. This rule amends § 221.160(a) to replace the prior 30-day notice period with the new statutory notice periods.

Bilateral agreements such as Bermuda II may specify filing periods other than those provided by statute. We need not decide at this point how we might resolve any direct conflict between a bilateral agreement and our statutory mandate because, in our view, we can give effect to the advance tariff filing provisions of those agreements without raising such conflict. We will therefore add additional language to § 221.160(a) clarifying that we will recognize the advance filing periods provided for in bilateral agreements for any tariffs subject to such agreements. Additional amendments are technical in nature and, by reference to the statutory notice requirements provided by the amended language of § 221.160(a), will conform various other sections to the filing provisions of Pub. L. 95-163.

In addition, § 302.505(b) of the Procedural Regulations is being amended contemporaneously to change the deadline for filing complaints requesting suspension of tariffs. Previously such complaints were required to be filed at least 18 days before the effective date of the tariff. In view of the fact that Pub. L. 95-163 now requires the Board to act on tariff filings at least 15 days before the effective date, this amendment will insure that the Board continues to have an 18-day period in which to consider such complaints. The amendment does not affect the amount of time parties have to prepare complaints requesting suspension or answers to such complaints.

Because this rule concerns our rules of practice and because of the need to conform our rules to the already effective statutory amendment as quickly as possible, we find good cause why this amendment can be accomplished by final rule effective immediately upon adoption, without providing for notice, responsive comments, and without advance publication.

Accordingly, the Board amends Part 221 of its Economic Regulations (14 CFR Part 221) as follows:

1. Section 221.4 is amended by adding the definition of "statutory notice," in the appropriate place to read as follows:

## § 221.4 Definitions.

"Statutory Notice" means the number of days required for tariff filings in § 221.160(a).

2. Section 221.22 is amended by revising paragraph (b)(6) to read as follows:

## § 221.22 Specifications applicable only to loose-leaf tariff publications.

(b) Information required on all interior pages. Each original page and revised page following the title page of a loose-leaf tariff shall contain the following information in the location specified:

(6) In the lower right corner, the effective date on which the fares, rates, charges, rules, and other provisions will become effective (see § 221.160). When a page which is published back-to-back with another page on the same leaf is reissued without change in its provisions, the same general effective date shall be shown on both pages: *Provided, however,* That the general effective date on the page which reissues matter without change shall

allow at least the statutory notice (see § 221.160) and shall not be earlier than the general effective date of the prior issue of such page.

3. Section 221.31 is amended by revising subparagraph (a)(10), to read as follows:

## § 221.31 Title page.

(a) Contents. Except as otherwise required in this part, or by other regulatory agencies, the title page of every tariff shall contain the following information to be shown in the order named in subparagraphs (1) to (12) of this paragraph and shall contain no other matter:

(10) Issued date or posting date. The date on which the tariff is issued shall be shown in the lower left-hand portion of the title page in the following manner:

Issued: —, 19—. (Show month, date, and year in full, using no abbreviations.)

*Provided, however,* That a posting date may be set forth in the lower left-hand portion of the title page in lieu of an issued date. Notwithstanding the notice of provisions of § 221.160 and the posting periods required by § 221.171, any tariff on which a posting date is shown must be received by the Board on or before the designated posting date; must be posted by each carrier part thereto at its stations, terminals or offices on or before the designated posting date; and must contain a posting date that is earlier than the last day on which the tariff could be filed on statutory notice (see § 221.160). The posting date and accompanying "Note" shall be set forth as follows:

Posting date: —, 19—. (Show month, date, and year in full, using no abbreviations.)

NOTE.—In accordance with § 302.505 of this chapter (CAB Procedural Regulations) any complaints as to this tariff must be filed within 12 days after this date.

4. Section 221.160 is amended by revising paragraphs (a), (b)(1), (b)(3), and (b)(4) to read as follows:

## § 221.160 Required notice.

(a) Statutory notice required. Unless otherwise authorized by the Board, or otherwise provided in a bilateral agreement between the United States and the Government of a foreign country, all tariffs, supplements, and

Tariffs filed in accordance with bilateral agreements, such as the Air Services Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, signed at Bermuda July 23, 1977 (Bermuda II), are governed by the filing dates specified in such bilateral agreements.

loose-leaf tariff pages and all fares, rates, charges, ratings, routings, rules, amendments and other tariff provisions therein (including initial rates, fares, charges, and tariff provisions) as required by this part shall be filed with the Board at least the following number of days before the date they are to become effective regardless of whether or not any changes are effected thereby:

(1) For tariffs pertaining to air transportation of persons, at least 45 days;

(2) For tariffs pertaining to air transportation of property, at least 60 days if filed by an air carrier or foreign air carrier directly engaged in the operation of aircraft, or at least 45 days if filed by an air carrier not directly engaged in the operation of aircraft.

(b) When single publication contains changes effective on different dates. Each tariff, supplement, or loose-leaf tariff page which contains various changes to become effective on different dates shall:

(1) Bear a general effective date which shall allow at least the statutory notice,

(3) Show in connection with each change which is to become effective earlier or later than such general effective date, its specific effective date which shall allow at least the statutory notice unless the Board authorized the change to be filed on less notice.

(4) When matter is authorized by the Board to be filed on less than the statutory notice, show reference to the Board's order, regulation, or special tariff permission authorizing such filing. Such reference shall be shown (immediately following the specific effective date of such matter) in the manner required by the order, regulation, or special tariff permission, for example:

Effective: —, —, —, Issued on — days' notice under Special Tariff Permission No. — of the Civil Aeronautics Board. (See also § 221.194.)

5. Section 221.171 is amended by revising paragraph (c), to read as follows:

§ 221.171 Posting at stations, offices, or locations other than principal or general office.

(c) Each tariff publication bearing an issued date shall be posted by each carrier party thereto no later than the last day on which such tariff could be

filed on statutory notice, and each tariff publication bearing a posting date shall be posted on or before the designated posting date as provided in § 221.31(a)(10), except that in the case of carrier stations, offices or locations situated outside the United States, its territories and possessions, the time shall be not later than five days after the last day a publication bearing an issue date could be filed on statutory notice, and except that a tariff publication which the Board has authorized to be filed on shorter notice shall be posted by the carrier on like notice as authorized for filing.

§§ 221.190, 221.191, 221.192, 221.211, 221.221 and 221.233 [Amended]

6. The term "thirty days" is hereby deleted, and the term "statutory" inserted in its place in the following sections and subsections: 221.190(a); 221.190(b) (1), (2), (3), and (4); 221.190(c); 221.191(a); 221.191(c); 221.192; 221.211(d); 221.221(d); and 221.233.

(Secs. 204, 403 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, as amended (49 U.S.C. 1324, 1373).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

FR Doc. 78-453 Filed 1-6-78; 8:45 am]

[6320-01]

## SUBCHAPTER B—PROCEDURAL REGULATIONS

(Reg. PR-169, Amdt. 34)

PART 302—RULES OF PRACTICE IN ECONOMIC  
PROCEEDINGS

Complaints Requesting Suspension of Tariffs—  
Answers to Such Complaints

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This amendment changes the due date for complaints requesting suspension of a tariff governing interstate and overseas air transportation from 18 to 33 days prior to the effective date of the tariff. The amendment is necessary to maintain the current 18-day period between complaints and the date Board suspension action is required, because Pub. L. 95-163 requires the Board to suspend at least 15 days prior to the effective date of the tariff. Further information concerning this amendment is set forth in the Supplemental Information to ER-1038, issued contemporaneously with this amendment.

For the reasons expressed in that Supplemental Information, we find good cause

DATES: Effective: December 30, 1977.  
Adopted: December 30, 1977.

FOR FURTHER INFORMATION  
CONTACT:

Richard Juhnke, Associate General  
Counsel, Rates and Agreements,  
1825 Connecticut Avenue NW.,  
Washington, D.C. 20428, 202-673-  
5436.

Accordingly, the Board amends Part 302 of its Procedural Regulations (14 CFR Part 302) as follows:

Section 302.505 is amended by revising paragraph (b) to read as follows.

§ 302.505 Complaints requesting suspension of tariffs—answers to such complaints.

(b) A complaint requesting suspension, pursuant to section 1002(g) of the Act, of a tariff for interstate or overseas air transportation ordinarily will not be considered unless made in conformity with this section and filed at least thirty-three (33) days before the effective date of the tariff, or, in the event a posting date is printed on the tariff, unless the complaint is filed within twelve (12) days after said posting date.

(Secs. 204 and 403 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, as amended (49 U.S.C. 1324, 1373).)

By the Civil Aeronautics.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-454 Filed 1-6-78; 8:45 am]

[6351-01]

## Title 17—Commodity and Securities Exchanges

CHAPTER 1—COMMODITY FUTURES TRADING  
COMMISSION

PART 1—GENERAL REGULATIONS UNDER THE  
COMMODITY EXCHANGE ACT

Revision of Form to Report Changes in  
Registration Information

AGENCY: Commodity Futures Trading Commission.

ACTION: Adoption of revised form.

SUMMARY: In May 1977, the Commodity Futures Trading Commission ("Commission") revised its registration forms for all categories of registrants. Form 3-R, which is used by registrants to report deficiencies, inaccuracies and changes in their registration applications subsequent to their original filings, was not revised at that time. Form 3-R has now been revised primarily to substitute references to the new forms and the items thereon in place of the old forms and items.

why this rule can be made effective immediately upon adoption, without notice, responsive comments, and advance publication.



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EFFECTIVE DATE: January 16, 1978. See "Effective Date" under SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT:

Robert Shiner, Office of Qualifications and Registration, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, 202-254-9703.

**SUPPLEMENTARY INFORMATION:** On May 10, 1977, the Commission revised the forms used for registration and renewal of registration by futures commission merchants, floor brokers, associated persons, commodity trading advisors and commodity pool operators and amended the related rules under the Commodity Exchange Act ("Act"), 7 U.S.C. 1 et seq. (Supp. V, 1975).<sup>1</sup> Amended § 1.14 of the regulations requires that registrants and applicants keep certain items on their application forms, Forms 7-R and 8-R, accurate and current between registration dates. For this purpose, they are required to file a Form 3-R if changes have occurred.

The instructions to Form 3-R have been revised to bring them into conformity with amended rule 1.14 which refers to the new Forms 7-R and 8-R and supplemental statements thereto. The items to be kept current are generally the same as previously required.

The revised Form 3-R allows a person who is registered in more than one capacity on Form 7-R (e.g., as a futures commission merchant and a commodity pool operator) to file one Form 3-R to correct all of the information on its registration applications instead of two or more separate forms as previously. Also, the revised Form 3-R may be used to comply with the notification provisions of § 32.3 of the Commission's regulations which

<sup>1</sup> 42 FR 23988, May 11, 1977.

permit persons already registered with the Commission as a futures commission merchant, associated person or floor broker to engage in certain activities in connection with commodity option transactions without reregistration, provided notification is given to the Commission that a person has commenced, or intends to commence, engaging in those activities (41 FR 51808, November 24, 1976). As in the past, the form may also be used to report the discontinuance of business. Of course, notification of discontinuance of business does not effect a withdrawal of registration. The Commission intends shortly to publish regulations regarding the procedure to be followed to effect a withdrawal.

However, Form 3-R may not be used for certain types of changes. Instead, in accordance with § 1.15 of the regulations, a new application for registration must be filed in the event of a change in the name of the registrant, the form of organization of the registrant, the ownership of the business in the case of a sole proprietorship, or the personnel of a partnership resulting from the death, withdrawal, or addition of a partner. (If the latter change does not, as a matter of law, create a new partnership, the change may be reported by the registrant on Form 3-R within 10 days of the change and, if so reported, a new application for registration is not required.)

EFFECTIVE DATE

Revised Form 3-R becomes effective on January 16, 1978. On and after that date, those persons who have applied for registration on Form 7-R (futures commission merchants, commodity trading advisors and commodity pool operators) or Form 8-R (associated persons and floor brokers) and individuals affiliated with these registrants who are also required to file Form 8-R

must use revised Form 3-R to report changes as required by § 1.14 of the Commission's regulations. (42 FR 23989, May 11, 1977). Current registrants who applied for registration on Forms 1-R, 2-R, 4-R, 5-R, or 6-R and whose registrations remain in effect may continue to report changes on the old Form 3-R until such registration expires, in accordance with the provisions of § 1.14, prior to its amendment on May 10, 1977.

AVAILABILITY OF FORMS

The revised Form 3-R will be available after January 10, 1978 from the Commission's main office in Washington, D.C. or from any regional office. Addresses are listed below:

Washington, D.C. Office, 2033 K Street NW., Washington, D.C. 20581.  
Eastern Regional Office, One World Trade Center, Suite 4747, New York, N.Y. 10048.  
Central Regional Office, 233 South Wacker Drive, 46th Floor, Chicago, Ill. 60606.  
Minneapolis Office, Central Region, 510 Grain Exchange Building, Minneapolis, Minn. 55415.  
Western Regional Office, 4901 Main Street, Room 208, Kansas City, Mo. 64112.  
San Francisco Office, Western Region, Two Embarcadero Center, Suite 975, San Francisco, Calif. 94111.

The Commission hereby adopts revised Form 3-R, as set forth below.

(7 U.S.C. 6f, 6k, 6n, and 12a (Supp. V, 1975).)

The Commission finds that these revisions in Form 3-R are technical in nature to conform to existing requirements and that, therefore, the notice and other public procedures provided for in the Administrative Procedure Act, as codified, 5 U.S.C. 553, are not required.

Issued in Washington, D.C., on December 30, 1977, by the Commission.

WILLIAM T. BAGLEY,  
Chairman, Commodity Futures  
Trading Commission.

COMMODITY FUTURES TRADING COMMISSION		(Check where applicable)	
SUPPLEMENTAL STATEMENT TO APPLICATION FOR REGISTRATION (Changes and corrections in registration information)		<input type="checkbox"/> FUTURES COMMISSION MERCHANT <input type="checkbox"/> COMMODITY TRADING ADVISOR <input type="checkbox"/> COMMODITY POOL OPERATOR <input type="checkbox"/> FLOOR BROKER <input type="checkbox"/> ASSOCIATED PERSON <input type="checkbox"/> OTHER INDIVIDUAL	
NAME OF REGISTRANT OR, IF "OTHER INDIVIDUAL" BOX IS CHECKED, NAME OF INDIVIDUAL		STATEMENT NO. (Number in order of filing)	
BUSINESS ADDRESS (Include name of firm, if not shown above)			
APPLICATION FORM AND SCHEDULE	ITEM NUMBER	CHANGES AND CORRECTIONS OF INFORMATION CONTAINED IN APPLICATION FOR REGISTRATION OR IN SUPPLEMENTAL STATEMENTS (Indicate whether you are reporting a change or correcting information previously reported)	EFFECTIVE DATE
SAMPLE			
Willful falsification or misrepresentation or willful omission of any material fact constitutes cause for suspension or revocation of registration and prosecution under criminal statutes.			
CERTIFICATION			
We (I) hereby represent that all statements contained or incorporated herein are true to the best of our (my) knowledge and belief.			
DATE		SIGNATURE	
<small># This is a report filed by a futures commission merchant, commodity trading advisor or commodity pool operator. Show title (i.e., corporate officer, partner or sole proprietor) of individual signing on behalf of registrant.</small>			



## RULES AND REGULATIONS

## INSTRUCTIONS TO FORM 3-R

1. The filing of this form is required by section 1.14 of the regulations under the Commodity Exchange Act, if the information reported in any of the items listed below in an application for registration on Form 7-R or Form 8-R, or on any schedule or supplemental statement thereto, is found to be incorrect or incomplete or if changes occur which no longer render accurate and current this information.
  - (a) For a FUTURE COMMISSION MERCHANT — ANY ITEM on Form 7-R\* and the following items on Schedule A of Form 7-R: Item 3 (correspondents and agents operating within the United States authorized to solicit or accept orders in the name of the registrant); Item 4 (memberships in United States commodity markets); and Item 5 (participation in commodity option transactions). Futures commission merchants must remit appropriate fees for new domestic branch offices and new correspondents and agents.
  - (b) For a COMMODITY TRADING ADVISOR — ANY ITEM on Form 7-R\* and the following items on Schedule B of Form 7-R: Item 4(a) (manner of furnishing advisory services); and Item 6 (ownership in, control or management authority over, or reciprocal business arrangements with futures commission merchants or their agents, commodity pools, commodity pool operators, floor brokers, associated persons or other commodity trading advisors).
  - (c) For a COMMODITY POOL OPERATOR — ANY ITEM on Form 7-R\* and the following items on Schedule C of Form 7-R: Item 3 (name and form of organization of each pool); and Item 8 (ownership in, control or management authority over, or reciprocal business arrangements with futures commission merchants or commodity trading advisors).
  - (d) For a FLOOR BROKER — the following items on Form 8-R: Item 1 (name of individual); Item 2 (any other names by which the individual has been known); Item 5 (business address); and Items 11 and 12 (adverse actions as specified in Form 8-R). Also the following items on Schedule A of Form 8-R: Item 3 (name of each clearing member through whom the registrant clears commodity futures transactions for accounts which he controls or in which he has a financial interest), and Item 4 (name of each clearing member for whom the registrant is currently engaged as floor broker).
  - (e) For an ASSOCIATED PERSON AND OTHER INDIVIDUALS REQUIRED TO FILE ON FORM 8-R — the following items on Form 8-R: Item 1 (name of individual); Item 2 (any other names by which the individual has been known); Item 4 (home address and telephone number, if an associated person); and Items 11 and 12 (adverse actions as specified in Form 8-R).
2. Whenever there is an addition of the name of a natural person in Items 5 or 6 of Form 7-R, such person must complete a Form 8-R which should be attached to this form. If the individual is registered or applying for registration as an associated person or floor broker, or has previously submitted a Form 8-R in connection with an existing registration or application of another futures commission merchant, commodity trading advisor or pool operator, no Form 8-R need be filed with this form. The futures commission merchant, commodity trading advisor or pool operator should note on its statement the reason for not attaching a Form 8-R for these individuals and, if the individual is a registered associated person, also furnish his or her license number.
3. If a futures commission merchant, commodity trading advisor or pool operator is registered in more than one capacity, the same Form 3-R may be used to amend all applications by checking the appropriate boxes at the top of the form. (See special instructions on "WHERE TO FILE," below.)
4. This form may be used to comply with the notification provisions of section 32.3 of the Commission's regulations which permit persons already registered with the Commission as a futures commission merchant, associated person or floor broker to engage in certain activities in connection with commodity option transactions without reregistration, provided notification is given to the Commission that a person has commenced, or intends to commence, engaging in those activities.
5. This form may also be used to amend an application for registration before the effective date of the registration, unless instructed otherwise.
6. This form may also be used to report the discontinuance of business.
7. WHERE TO FILE:
  - (a) FUTURE COMMISSION MERCHANT OR FLOOR BROKER — File original of this statement with the nearest regional office of the Commodity Futures Trading Commission.
  - (b) COMMODITY TRADING ADVISOR OR COMMODITY POOL OPERATOR — File original of this statement with the Eastern Regional Office of the Commodity Futures Trading Commission.
  - (c) MULTIPLE REGISTRANTS ON FORM 7-R — If you are registered with the Commission as a futures commission merchant and a commodity trading advisor and/or pool operator, or registered as a commodity trading advisor and a pool operator, you may file only one Form 3-R to report changes. If you elect to do so, file the original of this statement with the Eastern Regional Office of the Commodity Futures Trading Commission. Be sure to check all appropriate boxes at the top of the form.
  - (d) ASSOCIATED PERSON — File original of this statement with the Central Regional Office of the Commodity Futures Trading Commission.
  - (e) OTHER INDIVIDUAL (i.e., NOT registered or applying for registration as an associated person or floor broker) — If you filed a Form 8-R as a supplement to the application for registration of a futures commission merchant, commodity trading advisor or pool operator, file the original of this statement in accordance with (a), (b) or (c), above.

A duplicate copy of this statement should be kept for your files.

\* Current registrants who applied for registration on Forms 1-R, 2-R, 4-R, 5-R or 6-R and whose registrations remain in effect may continue to report changes on the old Form 3-R until such registration expires, in accordance with the provisions of section 1.14, prior to its amendment on May 10, 1977.

\*\* Please note that section 1.15 of the regulations under the Commodity Exchange Act requires that a NEW application for registration be filed in the event of a change in: (a) the name of the registrant; (b) the form of organization of the registrant; (c) the ownership of the business of the registrant in the case of a sole proprietorship; and (d) the personnel of a partnership resulting from the death, withdrawal, or addition of a partner. Provided, that if such change does not, as a matter of law, create a new partnership, it may be reported by the registrant to the Commission on Form 3-R within 10 days of the date of such change, and if so reported a new registration shall not be required.

[FR Doc. 78-278 Filed 1-6-78; 8:45 am]

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## RULES AND REGULATIONS

[8010-01]

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14325; File No. 4-180]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Off-Board Agency Trading Restrictions

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The rule amendment expands the scope of off-board agency restrictions which an exchange is prohibited from imposing on its members, the effect of which is to eliminate all such restrictions except those relating to "in-house" agency cross transactions. The restrictions removed by the rule amendment represented a continuing burden on competition not necessary or appropriate in furtherance of the purposes of the Securities Exchange Act of 1934.

EFFECTIVE DATE: March 1, 1978.

FOR FURTHER INFORMATION CONTACT:

John Osborn, Division of Market Regulation, room 392, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-8961.

SUPPLEMENTARY INFORMATION: The Commission has announced the adoption, effective March 1, 1978, of an amendment to Rule 19c-1 (17 CFR 240.19c-1) under the Securities Exchange Act of 1934 ("act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)), which expands the scope of the existing rule to require that a member of a national securities exchange ("exchange") be permitted to effect over-the-counter agency transactions in securities listed or admitted to unlisted trading privileges on an exchange ("listed equity securities") with any other person not also represented as agent by that member (i.e., precluding only "in-house" agency cross transactions). Rule 19c-1, adopted by the Commission in December 1975,<sup>1</sup> amended exchange rules which theretofore prevented exchange members from effecting over-the-counter transactions in listed equity securities as agent with third market makers and non-member block positioners.<sup>2</sup> The Commission

<sup>1</sup>Securities Exchange Act Release No. 11942 (December 19, 1975), 41 FR 4507 ("December Release").

<sup>2</sup>Since March 31, 1976, the effective date of Rule 19c-1, exchange members have been permitted to effect over-the-counter transactions as agent in listed equity securities. Until January 2, 1977, however, the Rule permitted each exchange to continue to require its members to satisfy public limit orders on that exchange, at prices equal or superior to the over-the-counter transaction price, as a condition to effecting any such transactions.

determined in the December Release that remaining exchange rules which preclude members from effecting over-the-counter transactions in listed equity securities as agent "in-house" or otherwise ("remaining off-board agency restrictions"), or as principal ("off-board principal restrictions"), have anti-competitive effects, effects the Commission believed were significant in the case of off-board principal restrictions. Nevertheless, the Commission determined at that time to allow those restrictions to remain in effect pending further review and receipt of the views of the National Market Advisory Board.

On June 23, 1977, the Commission issued a release<sup>3</sup> announcing a proceeding pursuant to section 19(c) of the act to consider various rule proposals, including the amendment to rule 19c-1.<sup>4</sup> The Commission stated that its analysis in the December Release of the burdens on competition represented by off-board agency restrictions, as they existed prior to adoption of rule 19c-1, focused primarily on two particular effects of those restrictions: (i) The boycott of third-market makers (who thus were deprived of an opportunity to compete for agency orders handled by exchange members); and (ii) the impediment represented by those restrictions to the exercise of brokerage judgment in seeking favorable execution opportunities for customers. Rule 19c-1 effectively eliminated the third market maker boycott, at least to the extent that that boycott was the result of off-board agency restrictions theretofore imposed by exchange rules. While existing rule 19c-1 does permit brokers greater latitude in exercising judgment as to how best to serve agency customers than previously existed,<sup>5</sup> their exercise of such judgment is still encumbered to some degree by remaining off-board agency restrictions. For example, nonmembers other than

<sup>3</sup>Securities Exchange Act Release No. 13662 (June 23, 1977), 42 FR 33510 ("June Release").

<sup>4</sup>In the June release, supra note 3, the Commission also published for comment proposed rule 19c-2 under the act, which would remove exchange restrictions on "in-house" agency cross and off-board principal transactions, and a series of rules (rules 15c5-1[A], 15c5-1[B], 15c5-1[C] and 15c5-1[D] under the act), which were designed to prevent the overreaching of nonprofessional customers which might occur in certain over-the-counter transactions if proposed rule 19c-2 were adopted.

<sup>5</sup>Rule 19c-1, which removed most exchange restrictions on the ability of members to effect over-the-counter agency trades, appears to have had virtually no impact to date on historical patterns of market selection by exchange members acting as brokers. See June release, supra note 3.

third-market makers and nonmember block positioners, such as third-market brokers, still are precluded from effecting transactions in listed equity securities for exchange members seeking the most favorable execution of customer orders for listed equity securities.<sup>6</sup> The Commission announced in the June release that, in connection with the off-board trading proceeding, it would conduct public hearings in August 1977 ("August Hearings"), concerning the rule proposals contained therein and solicited comment on those rule proposals and associated issues.

The proposed amendment to rule 19c-1 drew limited comment during the August Hearings and the formal comment period. Of those specifically commenting on the amendment, Institutional Networks Corp. ("Instinet"), urged that the amendment be promptly adopted and stated that for the Commission to delay action on the amendment until it had concluded its consideration of all issues raised in the June release would be "to continue the inequitable boycott of Instinet's marketplace," which Instinet did not believe was intended by the Commission.<sup>7</sup> The New York Stock Exchange, Inc. ("NYSE"), stated that it did not object to the amendment and that it did not believe that adoption of the amendment "would have a significant adverse impact upon the auction market as it exists today."<sup>8</sup>

In light of such comments and its own further study of the issues associated with the amendment, the Commission has concluded that the remaining off-board agency restrictions which would be removed by the amendment (i.e., all such restrictions other than those on "in-house" agency cross transactions<sup>9</sup>), represent a continuing burden on competition which is neither necessary nor appropriate in furtherance of the purposes of the act. Moreover, removal of those remaining restrictions should further the pur-

<sup>6</sup>See letter from Jerome M. Pustilnik, president, Institutional Networks Corp., to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, February 11, 1977 (File No. 4-180).

<sup>7</sup>Prepared statement of Jerome M. Pustilnik before the Securities and Exchange Commission in respect of the elimination of rule 390 (August 24, 1977), at 4 (File No. 4-180).

<sup>8</sup>NYSE, response to Securities Exchange Act Release No. 13662 (August 31, 1977), attachment B at 2-3 (File No. 4-180).

<sup>9</sup>"In-house" agency cross transactions appear to raise many of the same problems (e.g., fragmentation and "internalization"), that are raised by the possible removal of off-board principal restrictions and, accordingly, such transactions are addressed as part of the consideration of proposed rule 19c-2. See December release, supra note 1, and June release, supra note 3.

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poses of the act. Thus, for example, where a member seeks to execute a customer's order otherwise than on an exchange, removal of those restrictions would eliminate an unfair competitive advantage for third-market makers and nonmember block positioners over other nonmembers, including third-market brokers.<sup>10</sup> In addition, removal of those restrictions will enhance the practicability of brokers executing investors' orders in the best market,<sup>11</sup> improve customers' ability to achieve the most economically efficient executions of their securities transactions<sup>12</sup> and enhance the opportunity for investors' orders to be executed without the participation of a dealer.<sup>13</sup>

The Commission is not aware of any reasons to support the retention of remaining off-board agency restrictions (other than those on "in-house" agency crosses), which have not already been considered and rejected in the context of the Commission's deliberations leading to the adoption of rule 19c-1.<sup>14</sup> Further, in view of the limited change in trading patterns following the adoption of rule 19c-1,<sup>15</sup> it appears that adoption of the proposed amendment would not significantly alter those patterns. However, notwithstanding its limited significance, adoption of the proposed amendment should provide certain persons, including third-market brokers such as Instinet, with a fairer opportunity to compete.

The Commission is continuing its consideration of the issues related to the other rule proposals<sup>16</sup> announced in the June release. Since those proposals present more complex problems than those posed by the amendment to rule 19c-1, the Commission has determined to adopt the amendment to avoid unnecessary delay while its deliberations continue with respect to the remaining proposals.

The Securities and Exchange Commission hereby adopts the amendment to rule 19c-1 (17 CFR 240.19c-1), effective March 1, 1978, pursuant to its authority under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)), and particularly sections 2, 3, 6,

<sup>10</sup> See section 11A(a)(1)(C)(ii) of the act.  
<sup>11</sup> See section 11A(a)(1)(C)(iv) of the act.  
<sup>12</sup> See section 11A(a)(1)(C)(i) of the act.  
<sup>13</sup> See section 11A(a)(1)(C)(v) of the act.

<sup>14</sup> See, SEC, "Report of the Securities and Exchange Commission on Rules of National Securities Exchanges Which Limit or Condition the Ability of Members to Effect Transactions Otherwise Than on Securities Exchanges" (September 2, 1975); and December Release, supra note 1. See also June release, supra note 3.

<sup>15</sup> See June release, supra note 3.  
<sup>16</sup> See note 4 supra.

11, 11A, 17, 19, and 23 thereof (15 U.S.C. 78b, 78c, 78f, 78k, 78k-1, 78q, 78s, and 78w). The Commission deems, for the reasons expressed in this release, that the adoption of the amendment is necessary or appropriate in furtherance of the purposes of the act, and in order to conform rules of exchanges to the requirements of the act. The Commission finds that the amendment does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the act.

Accordingly, 17 CFR Part 240 is amended by revising § 240.19c-1 to read as follows:

§ 240.19c-1 Governing certain off-board agency transactions by members of national securities exchanges.

The rules of each national securities exchange shall provide as follows:

(a) No rule, stated policy, or practice of this exchange shall prohibit or condition, or be construed to prohibit or condition or otherwise limit, directly or indirectly, the ability of any member acting as agent to effect any transaction otherwise than on this exchange with another person (except when such member also is acting as agent for such other person in such transaction), in any equity security listed on this exchange or to which unlisted trading privileges on this exchange have been extended.

(Secs. 2, 3, 6, 11, 17, 19, 23, Pub. L. 78-291, 48 Stat. 881, 882, 885, 891, 897, 898, 901, as amended by secs. 2, 3, 6, 14, 16, 18, Pub. L. 94-29, 89 Stat. 97, 104, 110, 137, 146, 155 (15 U.S.C. 78b, 78c, 78f, 78k, 78q, 78s, 78w, as amended by Pub. L. 94-29 (June 4, 1975)); sec. 7, Pub. L. 94-29, 89 Stat. 111 (15 U.S.C. 78k-1).)

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 30, 1977.

(FR Doc. 78-420 Filed 1-6-78; 8:45 am)

[4910-22]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

(FHWA Docket No. 77-2, Notice 21)

PART 640—CERTIFICATION ACCEPTANCE

PART 642—SECONDARY ROAD PLAN

AGENCY: Federal Highway Administration, DOT.

ACTION: Interim rule on Part 640—Certification Acceptance and final rule on Part 642—Secondary Road Plan.

SUMMARY: Certification Acceptance (CA), and Secondary Road Plan (SRP), regulations are revised to implement amendments to Title 23 U.S.C. which were made by the Federal-Aid Highway Act of 1976.

The regulations are intended to provide an alternative procedure for processing Federal-aid highway projects in a more efficient manner by using State laws, regulations, directives and standards, and reducing Federal involvement.

DATES: The effective date for these CA interim regulations and SRP final regulations is: January 13, 1978. Comments on the interim CA regulations are invited and must be received on or before February 23, 1978.

ADDRESS: All comments should refer to FHWA Docket No. 77-2, Notice 2, and should be submitted in triplicate to the Federal Highway Administration, 400 Seventh Street SW., room 4230, Washington, D.C. 20590. Copies of all written communications received will be available for examination during normal business hours, 7:45 a.m. to 4:15 p.m., at the foregoing address.

FOR FURTHER INFORMATION CONTACT:

Joseph W. Burdell, Jr., Chief, Federal-Aid Division, 202-426-0442; Ruth R. Johnson, Office of the Chief Counsel, 202-426-0780, Federal Highway Administration, Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: The SRP regulations were originally published on May 7, 1973 (38 FR 11341), and codified as 23 CFR Part 305. These regulations were later redesignated at 39 FR 10430 on March 20, 1974, and codified as 23 CFR Part 642. Regulations on CA were first published on May 15, 1974 (30 FR 17309), and codified as 23 CFR Part 640 at that time to implement Section 116 of the Federal-Aid Highway Act of 1973. They were amended on November 19, 1975 (40 FR 53728). The regulations were then revised and interim regulations were published on February 13, 1976 (41 FR 6914).

On June 10, 1976, following enactment of the Federal-Aid Highway Act of 1976, FHWA published an Advance Notice of Proposed Rulemaking (41 FR 23421), to revise the interim CA regulations. A Notice of Proposed Rulemaking was published on March 29, 1977 (42 FR 16734), FHWA Docket No. 77-2, covering both CA and the SRP. These previous publications describe the development of CA and the regulations to implement it.

Section 116 of the Federal-Aid Highway Act of 1976 (Pub. L. 94-280 May 5,

1976), amended section 117 of title 23 to achieve the original purpose of certification acceptance by requiring only that the States have State laws and standards which will "accomplish the policies and objectives contained in or issued pursuant to (title 23)." The Secretary must find that affected projects will be carried out in accordance with such laws and standards. In addition, the pre-1973 SRP was reinstated to undergird section 117.

The CA and SRP regulations are being revised to implement these two major changes which were made by the 1976 act. Both regulations are complete rewritings of their predecessor regulations and are intended to be in accord with President Carter's policy of brevity and simplicity in the writing of Federal regulations. They incorporate appropriate changes which were suggested in the comments received.

The CA regulations are being issued as interim regulations as substantial changes have been made from the version proposed in the notice of proposed rulemaking.

DISCUSSION OF COMMENTS: There were 32 comments submitted to the Docket in response to the March 29 Notice of Proposed Rulemaking. All but 3 of these were from State or local governments. Most of the comments endorse the certification acceptance program principle, but many State and county agencies think that the proposed CA and SRP regulations do not go far enough. The Commission on Federal Paperwork also endorses the concept and urges FHWA to consider further steps to reduce unnecessary paperwork and red tape. The Center for Auto Safety and the Atlanta Coalition on the Transportation Crisis, two public interest groups, are highly critical of the proposed regulations and the way FHWA has implemented 23 U.S.C. 117. After the closing of the docket, the FHWA "Regulations Reduction Task Force" completed its study report which recommends further expansion of CA to improve the Federal-aid delivery system.

The Center for Auto Safety's comments stressed the importance of a requirement that a finding of capability be made as a prerequisite to CA approval, assessing both past and future performance. The Center maintains that this should include a careful and detailed review of a State's performance and resources. This capability finding is also at issue in pending litigation between the Center and FHWA in the U.S. District Court for the District of Columbia, *Center for Auto Safety v. Tiemann*, 428 F. Supp. 118 (D.D.C. 1977).

Certainly a State must be capable of performing Federal-aid highway project responsibilities. Since the enactment of 23 U.S.C. 302 in 1921, it has

been a normal procedure of FHWA to evaluate State highway department operations on a continuing basis with the objective of upgrading State capability and efficiency. Over the years the States have been required to gear up and adjust their operations (including organization, staffing etc.), to accommodate evolving changes in the Federal-aid highway programs. Thus CA procedures place considerable emphasis on evaluation of State performance, but it is not uniquely a CA requirement. The March 29, 1977, notice of proposed rulemaking (42 FR 16734), contained a discussion of State capability. The new CA regulations issued today further expand upon and clarify the concept of evaluating State performance before accepting State certifications (CA applications).

Section 640.109 below specifically requires a finding by FHWA based upon an evaluation of both a State's performance and its resources. It is also more specific on the materials which may be considered by FHWA in arriving at a determination that the State highway agency will accomplish title 23 policies and objectives under CA. A new subsection (c) has been added to express current agency practice with regard to the acceptance or rejection of a State certification in the event of deficiencies.

The Commission on Federal Paperwork, while endorsing CA, commented that the proposed regulations fail to meet the intent of substantially reducing paperwork due to the required lists and copies of State laws, regulations, etc., as well as an extensive description of other procedures. The Commission recommends a simple certification form or check-off sheet which would indicate administrative functions and projects to be assigned by the State; it recommends that only a signature by the responsible State official certifying that sufficient staff capability, State laws, regulations, directives and standards exist to accomplish the policies and objectives in title 23 be required. A number of State Highway agencies commented that the submission and review of State laws, directives and standards along with revisions and amendments to keep the CA document current will require considerable effort, additional paperwork, and delays.

We have carefully considered these comments but have not adopted the recommendations. The language of 23 U.S.C. 117 requires the Secretary to make a finding that projects "••• will be carried out in accordance with State laws, regulations, directives and standards which will accomplish the policies and objectives contained in or issued pursuant to title 23." This language is not interpreted to permit the acceptance of a certification in lieu of an objective FHWA evaluation of how

State laws address title 23 policies. Even under more simplified procedures for the SRP, the Secretary must actually approve State standards and procedures. (23 U.S.C. 117(f).)

The Center for Auto Safety and the Atlanta Coalition on the Transportation Crisis urged that the requirements be more specific in regard to the standards for State compliance, and the Center requested an explanation of the deletions from former CA regulations. Both the CA and SRP regulations are complete rewritings of the former issuances. They focus on policy rather than detailed procedures. They conform with President Carter's mandate to shorten and simplify Federal regulations. One State highway agency commented that the efforts to reduce the lengthy CA directive from 17 pages to 8 pages is commendable. One comment expressed the view that requirements would be simplified if a State could use its own laws, regulations, and policies or include the requirements of applicable Federal laws by reference as was specifically allowed in a prior version. The regulations do not preclude a State from adopting Federal requirements as their own if the State chooses to do so.

A number of comments expressed the view that little savings in overall time and paperwork will actually be accomplished since other requirements such as environmental evaluation and section 404 permits remain unchanged. The legislation does not permit FHWA to discharge responsibilities under other Federal laws by State certification. Only time and experience will prove the savings in time and paperwork.

Six State highway agencies and the Commission on Federal Paperwork specifically endorsed the limited CA provision for projects which are both nonmajor actions and estimated to cost less than \$500,000. The Center for Auto Safety alleges that FHWA lacks the statutory authority to adopt this provision. Federal legislation authorizes the Secretary to promulgate such guidelines and regulations as may be necessary to carry out section 117. Nothing in the section prevents the Secretary from making reasonable classifications for limited CA applications. The major-nonmajor classification is consistent with the reasons the Congress distinguished the SRP from CA generally. Limiting distinctions to system classifications would be unrealistic when the projects are similar and this flexibility is both desirable and permissible.

Several comments questioned the merit of the \$500,000 limitation in this option and recommended elimination of the dollar limit, using the nonmajor criteria by itself. This cost figure was inserted in order to insure that "limit-



ed coverage" State Certifications would apply only to projects similar to typical SRP projects. In response to one comment for clarification, the regulation now states that the \$500,000 limitation applies to physical construction costs.

Two local agencies commented that the regulations should specifically recognize that States may in turn transfer administrative responsibilities to local agencies so that the regulations cannot be construed to preclude such delegation. Both the CA and SRP regulations have been revised to specifically provide that the States may permit performance and project certification by capable local governments.

A number of comments questioned the need to revise existing State SRP agreements and to include the additional information called for in proposed 23 CFR 642.109 (b) and (c). In response to the comments received, subsection 109 has been revised and clarified. The necessity for an outline or flowchart of project activities has been eliminated and the requirements now more closely follow the contents of existing SRP's. While the SRP regulations do not add any more procedures, most existing SRP's will have to be reviewed and possibly revised because the requirements of Federal law outside of title 23 (such as NEPA and the Uniform Act), were not in effect when earlier SRP's were approved.

One comment expressed the opinion that a conflict exists in applying the proposed SRP regulations to projects on the Federal-aid secondary system regardless of funding category. 23 U.S.C. 117(f)(1) applies to plans, specifications, estimates, surveys, contract awards, design, inspection and construction of all projects on the Federal-aid secondary system. The law is not limited to the projects constructed with Federal-aid secondary funds.

Several States suggested that the regulations permit coverage of projects which are not on a Federal-aid highway system. Since 23 U.S.C. 117(a) specifies "projects on Federal-aid systems," it was not believed appropriate to specifically authorize off-system coverage in these regulations. However, wording has been added to allow off-system projects to be administered under CA or the SRP if the legislation which authorized the affected program and the implementing regulations for that program permit. The legislation and regulation covering the Safer Off-System Road program do permit such coverage.

The Center for Auto Safety expressed the view that the previous detailed rules on evaluation, particularly with regard to phase reviews, should be reinstated and that evaluations should be made by the Division Administrator along with Federal officials who are not a part of the FHWA

Division or Region offices. In response to the Center's comments, the requirement for reviews has been clarified consistent with our intent to conduct phase reviews of various program areas on a continuing basis. However, the Center's comments relating to the internal management of FHWA and personnel assignments is not a proper subject for rulemaking procedures. As a matter of interest, FHWA Headquarters personnel do periodically participate in field reviews.

Our field offices pointed out that the proposed regulations were inconsistent in requiring a 5 year evaluation cycle for SRP and a 3 year cycle for CA. They also asserted that a 3 year cycle is too short to be practical. In response to these comments phase evaluations are to be made periodically, with coverage of all phases of the State's operations at least once every 4 years for both CA and SRP.

Several States objected to the unilateral authority of FHWA to rescind CA or withdraw from the SRP as described in previous issuances. The regulations are now written to permit a State, as well as FHWA, to withdraw from use of the alternative certification procedures.

In consideration of the foregoing, and under the authority of 23 U.S.C. 101(e), 117, and 315 and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b), Chapter I, Parts 640 and 642 are revised as set forth below.

**NOTE.**—The FHWA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

Issued on December 29, 1977.

L. P. LAMM,  
Executive Director.  
23 CFR Part 640 is revised as follows:

#### PART 640—CERTIFICATION ACCEPTANCE

- Sec.  
640.101 Purpose.  
640.103 Definitions.  
640.105 Effect of certification acceptance.  
640.107 Coverage.  
640.109 Requirements for certification acceptance.  
640.111 Content of State certification.  
640.113 Procedures.  
640.115 Evaluation.  
640.117 Rescission.

Appendix A—FHWA reports.

**AUTHORITY:** 23 U.S.C. 101(e), 117, and 315; delegation of authority by the Secretary of Transportation, 49 CFR 1.48(b).

##### § 640.101 Purpose

The purpose of this regulation is to provide instructions for preparation and acceptance of State certification proposals to accomplish the policies and objectives of Title 23, using State laws, regulations, directives, and standards. Also covered are procedures for

administering projects under certification acceptance and evaluating State performance.

##### § 640.103 Definitions.

As used in this directive:

(a) Certification acceptance (CA).—The alternative procedure authorized by 23 U.S.C. 117(a) for administering Federal-aid projects not on the Interstate System.

(b) Secondary road plan is described in 23 CFR Part 642.

(c) State certification.—A written statement prepared by a State highway agency setting forth the laws, regulations, directives, and standards it will use, or cause to be used, in the administration of certain highway projects.

(d) An approved action plan is as described in FHPM 7-7-1 (23 CFR Part 795).

(e) All other definitions are in accordance with 23 U.S.C. 101.

##### § 640.105 Effect of certification acceptance

(a) Acceptance of a State certification permits a State to discharge certain responsibilities otherwise assigned to the Secretary under Title 23 for Federal-aid projects. A State may permit performance and project certification by capable local governments.

(b) Acceptance of a State certification does not constitute a commitment or obligation of Federal funds.

(c) Acceptance of a State certification does not preclude FHWA access to and review of a Federal-aid project at any time.

(d) Certification acceptance as an alternative procedure does not replace the fundamental provisions of law in Title 23 with respect to the basic structure of the Federal-aid highway program, such as the authorization of funds (23 U.S.C. 102), Federal-aid systems (23 U.S.C. 103), apportionments (23 U.S.C. 104), programs (23 U.S.C. 105), designation of urbanized area boundaries (23 U.S.C. 101(a)), allocation of urban system funds (23 U.S.C. 150), Federal share payable (23 U.S.C. 120), toll roads and bridges (23 U.S.C. 129), and maintenance (23 U.S.C. 116). Acceptance of a CA proposal does not preclude application of any provision of Title 23 that may be advantageous to the State.

(e) Nothing in this directive shall affect or discharge any responsibility or obligation of the FHWA under any Federal law other than Title 23.

##### § 640.107 Coverage

(a) Certification acceptance may apply to projects on all Federal-aid highway systems except the Interstate System. If other FHWA regulations and Title 23 permit, projects not on a Federal-aid system may be administered under the provisions of an ac-

cepted State certification. A State may elect to include all or only a part of the eligible programs or project phases in its State certification.

(b) The CA procedure shall not apply to transportation planning and research (23 U.S.C. 134 and 307), highway safety (Chapter 4, Title 23), or those public transportation projects not administered by FHWA under Title 23.

(c) A State certification may provide for either full or partial coverage of the eligible systems, programs, phases of work, and classes of projects as described in subsection (a) above.

(d) A simplified CA application procedure is provided in § 640.109(c) of this chapter, should a State desire to limit coverage to projects which are both: (1) Determined to be a nonmajor action in accordance with 23 CFR 771.9, and (2) estimated to cost less than \$500,000 for physical construction. Such limited-coverage State certification will apply only to the FHWA responsibilities for project plans, specifications, estimates, surveys, contract award, design, inspection, and/or construction.

##### § 640.109 Requirements for certification acceptance.

(a) Acceptance of either a full or partial coverage State certification as described in § 640.107(c) above, will be based upon:

(1) A State request and submission of the State laws, regulations, directives, and standards that will accomplish the policies and objectives contained in or issued pursuant to Title 23, and

(2) A FHWA finding that the State highway agency has the capability to carry out projects in accordance with such State requirements.

State laws, regulations, directives, and standards, either separately or collectively, must be aimed at accomplishing the following Title 23 policies and objectives:

(1) Public involvement in the development of projects in the location and design stages.

(2) Application of appropriate design and construction standards.

(3) Emphasis on increasing safety in location, design, and construction of projects.

(4) Controls to assure quality and economy of construction and maintenance.

(5) Provision of adequate signing, marking, and traffic control devices.

(6) Minimizing adverse economic, social and environmental impacts of any project.

(7) Equal employment opportunity and highway construction training.

(8) Competitive bidding and payment of prevailing wage rates on construction contracts, and

(9) Preservation of natural beauty.

(b) The finding that the State highway agency has the capability to carry out project responsibilities will be based on an FHWA evaluation of the State's performance and resources.

(1) Evaluation of a State's performance shall be based on previously conducted reviews, including Secondary road plan reviews, action plan reviews, safety reviews and reports, audit reports, reviews of State bidding practices, inspections in depth, and/or maintenance inspections. If these reviews are considered to be insufficient to form a conclusive judgment, they may be supplemented by inquiries or additional reviews in specific areas to determine the State's performance. These additional reviews may involve examination of a sample of typical projects in varying degrees of development.

(2) Evaluation of a State's resources shall be based on previously conducted reviews, including financial and administrative studies and reports, or on FHWA's general knowledge of the State and its highway agency. If this information is considered to be insufficient to form a reasonable judgment of State resource adequacy, inquiries or additional reviews may be made of the State highway agency. These inquiries or reviews may include such things as the availability of professional and technical personnel, training provided State personnel, control of contract administration, the planned reassignment of responsibilities and/or personnel if the State certification is accepted, and the State's internal review practices.

(c) Acceptance of a limited-coverage State certification as described in § 640.107(d) above will be based on an evaluation of the State's operations and performance under an approved secondary road plan. These evaluations must support findings that:

(1) The policies and objectives of Title 23 are being accomplished under the State's approved secondary road plan and action plan. Supplementary standards and procedures appropriate to the types of projects to be added to the coverage must provide similar assurance, and

(2) The State's performance under the plan has been found to be satisfactory in the last 4 years by an FHWA evaluation of the State's operation.

(d) A State certification may be accepted in whole or in part, depending on FHWA findings. Where minor deficiencies are found, acceptance may be conditioned or may exclude the affected State operations until the deficiencies are corrected. Where deficiencies are found which are of such magnitude as to create doubt that the policies and objectives of Title 23 would be accomplished, the State certification will not be accepted until the deficiencies are corrected.

##### § 640.111 Content of State certification.

(a) The State certification shall include the following:

(1) The name of the State highway agency and the legal authority which permits such agency to accomplish the policies and objectives contained in or issued pursuant to Title 23, U.S.C.,

(2) A statement of the systems, programs, phases of work, and classes of projects or combinations thereof that the State is including in the certification being submitted for acceptance.

(3) For submissions providing general coverage of projects as described in § 640.109(a) above, a listing and a copy of the State laws, regulations, directives, and standards marked to show coverage to accomplish the objectives of Title 23. For submissions providing limited coverage as described in § 640.109(c) above, supplementary standards and procedures, which, together with the State's approved secondary road plan, will apply to the types of projects to be covered. Design standards include noise, geometric, hydraulic, structural (pavements), and traffic control device standards. Construction standards include standards plans and standard specifications covering contract, construction, and material requirements.

(4) A description of the State's methods for assuring local government knowledge of and compliance with State and Federal requirements where they perform services on projects administered under this alternative procedure.

(b) Existing assurances and formal agreements between the State and FHWA with respect to equal employment opportunity, current billing, and control of outdoor advertising will continue in full force and effect and may be incorporated by reference. Likewise, the State's approved action plan may be incorporated by reference.

(c) State certifications are to be signed by the chief official of the State highway agency and submitted through the FHWA Division Administrator.

(d) Revisions or amendments to State certifications will be made when necessary and processed as provided in paragraph (4)(c) above. The existing State certification is to be reviewed periodically to determine its adequacy in light of this regulation, the statutes in effect at the time of the review and the operational reviews made by FHWA.

##### § 640.113 Procedures.

(a) Established procedures for system revisions, program actions, and record retention will not be affected by acceptance of a State certification.

(b) Authorization by FHWA to proceed with any phase of a CA project shall be in writing in response to a request from the State highway agency.



Such authorization shall be issued only after applicable prerequisite requirements of Federal laws and implementing regulations and directives have been satisfied (e.g., NEPA, 4f, Civil Rights, and the Uniform Act).

(c) If the State finds that exceptions to CA procedures or standards are appropriate on a project, such exceptions shall be brought promptly to the attention of the FHWA for consideration.

(d) A project agreement shall be executed on Form PR-2 (Federal-Aid Project Agreement). Contract prices shall be used in the project agreement for physical construction items.

(e) Reports requested by FHWA are to be furnished by the State for projects administered under CA. (See Appendix A).

(f) The FHWA shall make an inspection of each physical construction project upon its completion. The State is to notify FHWA when a project is complete and/or ready for such inspection. Form FHWA 1446C may be used for this purpose.

(g) Final vouchers shall be submitted to the FHWA on Form FHWA 1447, on which the State certifies that the plans, design, and construction for

the project were in accord with the laws, regulations, directives and standards contained in the State certification or such project exceptions as were approved by the FHWA.

§ 640.115 Evaluations.  
(a) Periodically, evaluations of the State's operations under CA shall be made. These evaluations shall include coverage of all areas of the State's administration of CA projects at least once every 4 years.

(b) If a failure to comply with Federal or State laws occurs and the State is unable or unwilling to effect corrective action of the deficiency, an evaluation report, together with recommendations of the regional office, shall be furnished to FHWA Headquarters office for advice.

§ 640.117 Rescission.  
The acceptance of a State certification may be rescinded at any time upon request of the State or if considered necessary by FHWA to protect the Federal interest. The rescission may be applied to all or part of the programs or projects covered in the State certification.

FHWA REPORTS

(Originating in the field and in program areas that can be included under CA)

Original office	Title	Format	Frequency	Due date	Respondents
Associate Administrator for Engineering and Traffic Operations (HEO)					
HNG	Force account affirmative finding (except projects on FAS system).	Nar.	SA	January 15, July 15.	States.
HNG	Bid price data.	PR-45	AR	Award of contract.	Do.
HNG	Rejection of opening of bids (except projects on FAS system).	Tabulation.	AR	Do.	Do.
HGO	Federal-aid highway construction contractor's semiannual training report.	FHWA-1409	SA	January 20, July 20.	Contractors.
HGO	Federal-aid highway construction semiannual training report.	FHWA-1410	SA	January 30, July 30.	States.
HNG	Statement of materials and labor used by contractors on highway	PR-47	AR	Completion of project.	Contractors.

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FHWA REPORTS—Continued

(Originating in the field and in program areas that can be included under CA)

Original office	Title	Format	Frequency	Due date	Respondents
Associate Administrator for Safety (HHS)					
HNG	construction involving Federal funds. List of candidate bridges for replacement.	Punched computer cards (5).	AR	ASAP.	States.
HNG	Urban railroad demonstration project status.	Nar.	Q	EOQ + 30.	Do.
Associate Administrator for Right-of-Way and Environment (HRE)					
HHS	Progress and effectiveness of unified safety improvement programs (4).	Nar.	A	August 31.	Do.
HHS	Progress and effectiveness of pavement marking demonstration program.	Nar with FHWA 1451.	A	September 30.	Do.
HRW	Outdoor advertising and junkyard report.	FHWA 1424	Q	EOQ + 45.	Do.
Associate Administrator for Administration (HAD)					
HPS	Accounting statement, accrued unbillable costs.	FHWA-186	Q	EOQ + 8th work day.	Do.
HPS	Project status record.	PR-37	AR	ASAP.	Division-Region.
Office of Chief Counsel (HCC)					
HCC	Semiannual labor compliance enforcement report.	PR-1286	SA	January 10, July 10.	States, Division, Region.

\*Except any project on FAS system, or projects on the FAP or FAU systems costing less than \$500,000.

23 CFR Part 642 is revised as follows:  
§ 642.101 Purpose.

The purpose of this regulation is to prescribe policies and procedures for the development and administration of secondary road plans.

PART 642—SECONDARY ROAD PLAN

§ 642.103 Definition.  
Secondary road plan.—A written statement setting forth the standards and procedures adopted by the State highway agency to be used in the administration of Federal-aid projects on the Federal-aid secondary (FAS) system. It provides for certifying that all work undertaken on covered pro-

jects was in accord with those standards and procedures. (The term "secondary road plan" is hereinafter referred to as the "plan.")

§ 642.105 Policy.  
(a) It is the policy of the Federal Highway Administration (FHWA) to extend to States maximum flexibility in selection of standards, procedures, and operations under the plan and to encourage maximum local involvement in selecting, developing, and constructing projects under the plan. Secondary road plans may include performance and project certification by capable local governments.

(b) The Federal Highway Administrator's responsibilities and obligations under Federal laws other than Title 23 will not be affected by approval of a State plan.

(c) Personnel of the FHWA are available to the State for consultation and advice on plan projects.

(d) All plan projects are subject to review by FHWA at any time.

§ 642.107 Applicability.  
The plan shall apply to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of projects financed with Federal-aid highway funds on the Federal-aid secondary (FAS) system. When other FHWA directives so provide, other projects may be administered under the provisions of an approved plan.

§ 642.109 Content.  
(a) The plan shall include:  
(1) An organization chart of the State highway agency and a description of the secondary road unit prescribed in 23 U.S.C. 302(a), which will administer the plan. Positions within the organization responsible for administration of plan project activities shall be identified.

(2) Operating procedures to be used in administering plan projects. These may be covered in State directives, manuals, operating guides or other issuances. Safety provisions and fiscal responsibility shall be specifically addressed in plan operating procedures. Procedures that are adequately cov-

ered in the State's action plan may be incorporated by reference.

(3) A statement of the design and construction standards applicable to plan projects. Design standards include noise, geometric, hydraulic, structural, and traffic control device standards; construction standards include standard plans and standard specifications covering contract, construction, and materials requirements, and

(4) A description of the State highway agency's methods for assuring local government knowledge of and compliance with State and Federal requirements on plan projects when such local governments accomplish any phase of the work.

(b) The plan and any subsequent revision shall be signed by the chief official of the State highway agency and submitted to the FHWA for approval.

§ 642.111 Procedures.  
(a) Established procedures for system revisions, program actions and record retention will not be affected by approval of a plan.

(b) Authorization by FHWA to proceed with any phase of a plan project shall be in writing in response to a request from the State highway agency. Such authorization shall be issued only after applicable prerequisite requirements of Federal laws and implementing regulations and directives have been satisfied (e.g., NEPA, 4(f), Civil Rights, and the Uniform Act).

(c) If the State finds that exceptions to plan procedures or standards are appropriate on a project, such exceptions shall be brought promptly to the attention of the FHWA for consideration.

(d) A project agreement shall be executed on Form PR-2 (Federal-Aid Project Agreement). Contract prices shall be used in the project agreement for physical construction items.

(e) Reports requested by FHWA are to be furnished by the State for projects administered under the plan. (See Appendix A.)

(f) The FHWA shall make an inspection of each physical construction project upon its completion. The State is to notify FHWA when a project is

complete and/or ready for such inspection. Form FHWA 1446 C may be used for this purpose.

(g) Final vouchers shall be submitted to the FHWA on Form FHWA 1447, on which the State certifies that the plans, design, and construction for the project were in accord with the laws, regulations, directives and standards contained in the State certification or such project exceptions as were approved by the FHWA.

§ 642.113 Evaluations.  
(a) Periodically, evaluations of the State's operations under the plan shall be made. These evaluations shall include coverage of all areas of the State's administration of plan projects or responsibilities in the plan.

(b) If a failure to comply with Federal or State laws occurs and the State is unable or unwilling to effect corrective action of the deficiency, an evaluation report, together with recommendations of the regional office, shall be furnished to FHWA Headquarters Office for advice.

§ 642.115 Withdrawal.  
The approval of a secondary road plan may be withdrawn at any time upon request of the State or if considered necessary by FHWA to protect the Federal interest. The withdrawal may be applied to all or part of the projects or responsibilities in the plan.

FHWA REPORTS  
(Originating in the field and in program areas that can be included under the Plan)

Associate Administrator for Engineering and Traffic Operations (HEO)

HGO Federal-aid highway construction contractor's semiannual training report.

HGO Federal-aid highway construction semiannual training report.

HNG Lists of candidate bridges for replacement.

HHS Progress and effectiveness of unified safety improvement programs (4).

HHS Progress and effectiveness of pavement marking demonstration program.

Associate Administrator for Administration (HAD)

HPS Accounting statement, accrued unbillable costs.

HPS Project status record.

Office of Chief Counsel (HCC)

HCC Semiannual labor compliance enforcement report.

SA January 10, July 10.

States, Division, Region.

PR-1286

SA January 10, July 10.

States, Division, Region.

PR-37

AR ASAP.

Office of Chief Counsel (HCC)

PR-1286

SA January 10, July 10.

States, Division, Region.

PR-37

AR ASAP.

Office of Chief Counsel (HCC)

SA January 10, July 10.

States, Division, Region.

PR-37

AR ASAP.

Office of Chief Counsel (HCC)

SA January 10, July 10.

States, Division, Region.

PR-37

AR ASAP.

Office of Chief Counsel (HCC)

SA January 10, July 10.

States, Division, Region.

PR-37

AR ASAP.

Office of Chief Counsel (HCC)

SA January 10, July 10.

States, Division, Region.

PR-37

AR ASAP.

Office of Chief Counsel (HCC)

SA January 10, July 10.

States, Division, Region.

PR-37

AR ASAP.

Office of Chief Counsel (HCC)

SA January 10, July 10.

States, Division, Region.

PR-37

AR ASAP.

Office of Chief Counsel (HCC)

SA January 10, July 10.

States, Division, Region.

PR-37

AR ASAP.

Office of Chief Counsel (HCC)

SA January 10, July 10.

States, Division, Region.

PR-37

AR ASAP.

Office of Chief Counsel (HCC)

SA January 10, July 10.

States, Division, Region.

PR-37

AR ASAP.

Office of Chief Counsel (HCC)

SA January 10, July 10.

States, Division, Region.

PR-37

AR ASAP.

Office of Chief Counsel (HCC)

SA January 10, July 10.

States, Division, Region.

PR-37

AR ASAP.

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[7708-01]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT  
GUARANTY CORPORATION

PART 2615—DETERMINATION OF PLAN SUFFICIENCY AND TERMINATION OF SUFFICIENT PLANS—FINAL RULE ON PROVIDING EARLY RETIREMENT BENEFITS

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This regulation sets forth as a final rule that portion of the proposed regulation on "Determination of Plan Sufficiency and Termination of Sufficient Plans" dealing with the conditions under which the Pension Benefit Guaranty Corporation ("PBGC") will provide the early retirement benefit of a participant who had not retired before his plan terminated.

It is necessary to make that portion of the proposed regulation final at this time because a terminating plan is required to distribute its assets; a participant's right to elect early retirement may continue after a plan terminates; and a terminating plan might not be able to purchase from an insurer a contract that would provide the same benefit as the plan if the participant chooses to retire early.

The effect of this regulation is to allow the plan administrator of a terminating sufficient plan to arrange for the PBGC to become responsible for providing an early retirement benefit if three conditions are met. The first condition is that the participant has not retired on or before the date plan assets are distributed. The second condition is that the participant does not elect a different form of benefit, and the third condition is that the participant's benefit, including the early retirement option, cannot be purchased from an insurer at a price that reflects the possibility that the participant might not retire immediately.

EFFECTIVE DATE: January 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerald E. Cole, Jr., Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006, telephone 202-254-4895.

SUPPLEMENTARY INFORMATION:

INTRODUCTION

On November 3, 1976, the PBGC published in the FEDERAL REGISTER a proposed regulation on "Determination of Plan Sufficiency and Termination of Sufficient Plans." (41 FR

48504.) Under proposed § 2615.6(b), the PBGC would provide the annuity benefit of a participant in a sufficient plan who was entitled to retire early as of the date of plan termination but had not retired if:

(1) The participant did not retire before the date plan assets were distributed;

(2) The participant's benefit (including the early retirement option) could not be purchased from an insurer at a cost that reasonably reflected the benefit's value; and

(3) Plan assets had been allocated to the benefit.

This regulation sets forth the final rule for provision of early retirement benefits by the PBGC. The remainder of the Sufficiency Regulation will be issued in final form at a later date, after the PBGC completes its review of the proposal and of the comments received on it. The reason for making the early retirement rule final now is that many plan administrators that have received a Notice of Sufficiency are unable or unwilling to close out the plan because either (1) they cannot obtain bids for the early retirement benefits, or (2) the bids obtained are substantially higher than the present value of the early retirement benefits.

Only three of the seventeen comments on the proposal referred to the early retirement area. One of the comments suggested that PBGC should not publish rules for valuing the early retirement benefit because of the difficulty of doing so in a terminating plan. The second comment opposed publication of any PBGC rate assumptions. It noted, however, that insurers' initial estimates of the cost of the early retirement benefit would be high because insurers have not had to deal with this risk in the past.

The comment further noted that in pricing the benefit some insurers apparently have assumed that all eligible participants would retire immediately. If an insurer prices the early retirement benefit on that assumption, it is charging for an annuity that is payable immediately but would in fact be paid only upon retirement.

PBGC proposed to offer early retirement benefits and promulgated a method for valuing those benefits in order to remedy the problems noted in these comments. If early retirement benefits are not available from insurers, the PBGC realized that it must provide the benefits so that plans can wind up their affairs. If the benefits are only available at unreasonably high rates, PBGC should provide the benefits so that the drain on plan assets to provide such benefits is not excessive.

The third comment suggested that to avoid the problems of valuing early retirement rights, participants should

be required to elect irrevocably an early retirement age at the time of plan termination. The difficulties with this alternative are: (1) It deprives participants of their options under the plan, and (2) participants would, in many cases, elect the earliest retirement age but not retire until a later age and thereby distort the allocation of assets. Because of these problems, the PBGC has decided not to adopt the comment's recommendation.

THE REGULATION

Section 2615.1 sets forth the purpose and scope of the regulation. The purpose is to allow plans that receive a Notice of Sufficiency to make arrangements with the PBGC for the PBGC to provide early retirement benefits for participants who had vested in an early retirement benefit on or before the date the plan terminated but had not yet retired. This regulation applies to all plans that receive a Notice of Sufficiency.

Section 2615.3 contains the rules prescribing the conditions necessary for PBGC to provide the early retirement annuity. The rules have been changed from the proposal to make it clear that they apply to vested deferred early retirement benefits as well as early retirement benefits of participants who had reached early retirement age before the plan terminated.

The PBGC will provide the benefit of a participant only to the extent plan assets have been allocated to the benefit and only in the annuity form to which the participant was entitled on the date of plan termination. That form is the normal form of benefit payable under the terms of the plan upon retirement, unless the participant elected an optional form before the date of plan termination. For example, if the normal form of early retirement benefit under the plan is a single life annuity, but the plan allows a participant to elect a 10 year certain and continuous benefit, the PBGC will provide only the single life annuity unless the participant had elected the optional form before the plan terminated. The value of an early retirement benefit is computed under the Valuation of Plan Benefits regulation by determining the age at which a participant is expected to retire and computing the value of the benefit payable at the expected retirement age.

See 29 CFR 2610.7 (41 FR 48489, November 3, 1976).

Because this rule is needed to allow plans to complete the termination process, the PBGC finds that good cause exists for making this regulation effective immediately.

In consideration of the foregoing, Chapter XXVI of Title 29, Code of Federal Regulations is amended by adding thereto a new Part 2615 to read as follows:

Sec.

2615.1 Purpose and scope.

2615.2 Definitions.

2615.3 Provision of early retirement benefits.

AUTHORITY: Secs. 4002(b)(3), 4041, and 4044, Pub. L. 93-408, 88 Stat. 1004, 1020-21, 1025-27, (29 U.S.C. 1302(b)(3)), 1341, 1344 (Supp. V, 1975).

§ 2615.1 Purpose and scope.

(a) *Purpose.* The purpose of this regulation is to prescribe the conditions under which the plan administrator of a terminating plan may arrange for the PBGC to become responsible for the payment of an early retirement benefit.

(b) *Scope.* This part applies to terminating pension plans covered by Title IV of the Act for which the PBGC issues a Notice of Sufficiency.

§ 2615.2 Definitions.

"Act" means the Employee Retirement Income Security Act of 1974.

"Early retirement" means retirement before the normal retirement age.

"Insurer" means a company authorized to do business as an insurance carrier under the laws of a State or the District of Columbia.

"Normal form of benefit" means the form in which a benefit is payable under a plan absent an election by the participant.

"Notice of Sufficiency" means a notice that the PBGC has determined that plan assets are sufficient to pay guaranteed benefits when due after such assets have been allocated to benefits in accordance with section 4044 of the Act.

"PBGC" means the Pension Benefit Guaranty Corporation.

§ 2615.3 Provision of early retirement benefits.

(a) *Application of section.* This section applies to the annuity benefit of a participant (to the extent plan assets have been allocated to the benefit under section 4044 of the Act) who before the date of plan termination has obtained a nonforfeitable right to early retirement but who has not retired as of that date if:

(1) The participant does not retire on or before the date plan assets are distributed;

(2) The participant does not elect before the date plan assets are distributed to receive his annuity benefit in a form other than the form to which he was entitled on the date of plan termination; and

(3) The plan administrator is unable to obtain a bid from an insurer for the annuity benefit that reasonably reflects the probabilities that the participant might not retire until some future date.

(b) *Annuity to which participant entitled.* For purposes of this part, the

annuity, if any, to which a participant is entitled on the date of plan termination is:

(1) The normal form of benefit payable under the plan, unless before the date of plan termination, the participant has elected an optional form of benefit payable under the plan; or

(2) If the participant has elected an optional form of benefit payable under the plan before the date of plan termination, the optional annuity form, if any, that he or she elected.

(c) *Obtaining the benefit from PBGC.* The PBGC will provide a benefit to which this section applies if the plan administrator (or other person acting as the plan administrator) of a terminating plan notifies the PBGC that the conditions of paragraph (a) of this section apply and pays the PBGC the value of the benefit. The value of the benefit is computed by the PBGC under § 2610.7 of this chapter. The PBGC may require such proof as it considers necessary that this section applies to any benefit that PBGC is asked to provide. The plan administrator shall furnish any information requested by the PBGC that is necessary to calculate and pay an early retirement benefit to be provided by the PBGC under this part (e.g. name, address, and age of the participant, copies of the plan and the trust agreement, and any records of the participant's service and earnings necessary to compute the benefit).

Issued in Washington, D.C., on this 19th day of December 1977.

Issued on the date set forth above pursuant to a resolution of the Board of Directors approving these regulations and authorizing its Chairman to issue them.

RAY MARSHALL,  
Chairman, Board of Directors,  
Pension Benefit Guaranty  
Corporation.

HENRY ROSE,  
Secretary, Pension Benefit  
Guaranty Corporation.

[FR Doc. 78-485 Filed 1-6-78; 8:45 am]

[4810-25]

Title 31—Money and Finance: Treasury

CHAPTER V—OFFICE OF FOREIGN ASSETS  
CONTROL, DEPARTMENT OF THE TREASURY

PART 500—FOREIGN ASSETS CONTROL  
REGULATIONS

Remittances to Close Relatives in Vietnam

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending its Foreign Assets Control Regulations by the addition of § 500.565. The purpose of the

amendment is to authorize persons in the United States to send up to \$300 in any three-month period to close relatives in Vietnam. Additional remittances of \$750, on a one-time basis per person, are authorized for the purpose of enabling the payee to emigrate from Vietnam. The amendment does not allow any remittances to be made from blocked accounts. The need for the amendment is to authorize these remittances despite the general prohibition on such remittances, so as to implement developments in U.S. Government policy toward Vietnam. The effect of the amendment is to authorize limited remittances.

EFFECTIVE DATE: January 4, 1978.

FOR FURTHER INFORMATION CONTACT:

George F. Hazard, Chief of Licensing, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, 202-376-0428.

SUPPLEMENTARY INFORMATION: Since this amendment relaxes existing restrictions and involves a foreign affairs function, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation, and a delay in effective date are inapplicable.

Section 500.565 is added to read as follows:

§ 500.565 Family Remittances to Vietnam.

(a) Remittances to any close relative of the remitter or of the remitter's spouse, who is a national of Vietnam and who is a resident of and within Vietnam, are authorized, provided they are not made from blocked accounts. Such remittances may be made only as follows:

(1) For the support of the payee, or for the support of the payee and members of his household, in amounts not exceeding \$300 in any consecutive three-month period to any one payee or to any one household; and

(2) For the purpose of enabling the payee to emigrate from Vietnam, in an amount not exceeding \$750, to be made only once to any one payee.

(b) The term "close relative" used with respect to any person means spouse, child, grandchild, parent, grandparent, uncle, aunt, brother, sister, nephew, niece, or spouse, widow, or widower of any of the foregoing.

(c) The term "member of a household" used with respect to any person means a close relative sharing a common dwelling with such person.

Dated: December 22, 1977.

STANLEY L. SOMMERFIELD,  
Acting Director.



Approved:

BETTE B. ANDERSON,  
Under Secretary.

(FR Doc. 78-393 Filed 1-6-78; 8:45 am)

[4810-25]

**PART 515—CUBAN ASSETS CONTROL REGULATIONS**

**Remittances to Close Relatives in Cuba**

AGENCY: Office of Foreign Assets Control, Department of the Treasury.  
ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending its Cuban Assets Control Regulations by the addition of § 515.563. The purpose of the amendment is to authorize persons in the United States to send a maximum of \$500 in any three-month period to close relatives in Cuba. Additional remittances of \$500, on a one-time basis per person, are authorized for the purpose of enabling the payee to emigrate from Cuba. The amendment does not allow any remittances to be made from blocked accounts. The need for the amendment is to authorize these remittances despite the general prohibition on such remittances, so as to implement developments in U.S. Government policy toward Cuba. The effect of the amendment is to authorize limited remittances.

EFFECTIVE DATE: January 4, 1978.

FOR FURTHER INFORMATION CONTACT:

George F. Hazard, Chief of Licensing, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, 202-376-0428.

SUPPLEMENTARY INFORMATION: Since this amendment relaxes existing restrictions and involves a foreign affairs function, the provisions of the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rule making, opportunity for public participation, and a delay in effective date are inapplicable.

Section 515.563 is added to read as follows:

**§ 515.563 Family Remittances to Cuba**

(a) Remittances to any close relative of the remitter or of the remitter's spouse, who is a national of Cuba and who is a resident of and within Cuba, are authorized, provided they are not made from blocked accounts. Such remittances may be made only as follows:

(1) For the support of the payee, or for the support of the payee and members of his household, in amounts not exceeding \$500 in any consecutive three-month period to any one payee or to any one household; and

(2) For the purpose of enabling the payee to emigrate from Cuba, in an amount not exceeding \$500, to be made only once to any one payee.

(b) The term "close relative" used with respect to any person means spouse, child, grandchild, parent, grandparent, uncle, aunt, brother, sister, nephew, niece, or spouse, widow, or widower of any of the foregoing.

(c) The term "member of a household" used with respect to any person means a close relative sharing a common dwelling with such person.

Dated: December 22, 1977.

STANLEY L. SOMMERFIELD,  
Acting Director.

Approved:

BETTE B. ANDERSON,  
Under Secretary.

(FR Doc. 78-392 Filed 1-6-78; 8:45 am)

[3710-08]

**Title 32—National Defense**

**CHAPTER V—DEPARTMENT OF THE ARMY**

[Army Reg. 340-21]

**PART 505—PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS**

**Exemptions**

AGENCY: Department of Defense, Department of the Army.

ACTION: Final rule.

SUMMARY: In 42 FR 20314 of the FEDERAL REGISTER, April 19, 1977, a proposed exemption rule was published to add an exemption to the Department of the Army Privacy Act rules for a system of records identified as A0713.09aTRADOC, entitled "Skill Qualification Test". No comments were received. Through administrative oversight, the final rule was inadvertently not published.

EFFECTIVE DATE: This exemption rule is effective on January 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Cyrus H. Fraker, 202-693-0973.

SUPPLEMENTARY INFORMATION: The system of records for which this exemption may be invoked was published in 42 FR 50547, September 28, 1977. The following exemption rule, under the provisions of 5 U.S.C. 552a(k)(6), is added and should be inserted before exemption rule ID-

A0720.04aDAPE, SYSNAME-Individual Correctional Treatment Files (42 FR 51511).

MAURICE W. ROCHE,  
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

JANUARY 4, 1978.

§ 505.9 Exemption rules for Army systems of records.

**EXEMPTED RECORD SYSTEMS**

(Specific Exemptions)

ID:

A0713.09aTRADOC.

SYSNAME:

Skill Qualification Test.

Exemption:

All portions of this system which fall under 5 U.S.C. 552a(k)(6) are exempt from the following provisions of Title 5 U.S.C., Section 552a(d).

Authority:

5 U.S.C. 552a(k)(6).

Reasons:

An exemption is required for those portions of the Skill Qualification Test system pertaining to individual item responses and scoring keys to preclude compromise of the test and to insure fairness and objectivity of the evaluation system.

(FR Doc. 78-490 Filed 1-6-78; 8:45 am)

[4910-14]

**Title 33—Navigation and Navigable Waters**

**CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION**

[CGD 75-216]

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

Norwalk River, Conn.

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This amendment changes the operation regulations governing the Conrail drawbridge across the Norwalk River to provide more restrictive openings during the night. The data submitted demonstrated that the nighttime openings were not sufficient to justify full-time attendance at this drawbridge. The amendment relieves Conrail of the obligation of providing a full-time drawtender during the night.

EFFECTIVE DATE: This amendment is effective on February 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: On November 21, 1975, the Coast Guard published a proposed rule (40 FR 54258) concerning this amendment. The Commander, Third Coast Guard District, also issued a public notice on November 25, 1975. Interested persons were given until December 31, 1975, to submit comments.

**DRAFTING INFORMATION**

The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Project Attorney, Office of the Chief Counsel.

**DISCUSSION OF COMMENTS**

Eight comments were received. Five supported the proposal or had no comment thereon. Three objected to the original proposal that evening openings would be made only if the bridge owner was notified before 4 p.m. After these objections were made known to the bridge owner, Conrail agreed to open the draw if at least four hours notice is given. The Coast Guard feels that this compromise will provide for the reasonable needs of navigation, and the four hour notice provision is incorporated in the final rule. If conditions change significantly these regulations may be further amended.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.145(d) to read as follows:

§ 117.145 Norwalk River, Norwalk, Conn., bridges.

(d) . . .

(2) The railroad bridge. (i) The draw shall open on signal from 5 a.m. to 9 p.m. except that—

(A) Monday through Friday, excluding holidays or an emergency, the draw need not open from 7 a.m. to 8:45 a.m., and from 4 p.m. to 6 p.m.; and

(B) The draw need not open more than once in any 60-minute period from 5:45 a.m. to 7 a.m., and from 6 p.m. to 7:45 p.m.

(ii) From 9 p.m. to 5 a.m., the draw shall open on signal if at least four hours notice is given.

(iii) A delay of up to 20 minutes in the opening of the draw may be expected if a train is approaching the

bridge so closely that the train may not be safely stopped.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended and OMB Circular A-107.

Dated: December 29, 1977.

E. L. PERRY,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.  
(FR Doc. 78-463 Filed 1-6-78; 8:45 am)

[4910-14]

[CGD 77-094]

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

Grand River, Mich.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These amendments will provide more restrictive opening periods for the U.S. 31 Highway bridge. The purpose of these amendments is to relieve congestion caused by heavy vehicular traffic in the area of the bridge, particularly during periods of greatest use (midspring to midfall).

EFFECTIVE DATE: This amendment is effective on February 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), room 7300, Nassif Building, 400 7th Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: On August 22, 1977, the Coast Guard published a proposed rule (42 FR 42234) concerning this amendment. The Commander, Ninth Coast Guard District, also published these proposals as a Public Notice dated September 19, 1977. Interested persons were given until September 23, 1977, to submit comments.

**DRAFTING INFORMATION**

The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Project Attorney, Office of the Chief Counsel.

**DISCUSSION OF COMMENTS**

No comments were received. In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations, is amended by:

§ 117.641 [Amended]

1. Revoking § 117.641(f) (3) and (4).  
2. Revising § 117.685 to read as follows:

§ 117.685 Grand River and the channel at the mouth of Spring Lake, Mich., bridges.

(a) Grand Trunk Western Railroad bridge, mile 2.8.

(1) The draw shall open on signal from March 16 through December 14.

(2) The draw shall open on signal from December 15 through March 15 if at least 24 hours notice is given.

(3) The opening signal is one blast of a whistle, horn, or by shouting.

(b) U.S. Highway 31 bridge, mile 2.9.

(1) From March 16 through May 14, and from October 15 through December 14, the draw shall open on signal.

(2) From May 15 through October 14, the draw shall open on signal from 9:03 p.m. until 6:03 a.m. From 6:03 a.m. until 9:03 p.m., the draw shall open on signal from three minutes before to three minutes after the hour and half-hour.

(3) From December 15 through March 15, the draw shall open on signal if at least 24 hours notice is given.

(4) Commercial vessels, public vessels of the United States, vessels in distress, and state or local government vessels used for public safety shall be passed through the draw as soon as possible at any time even though the closed periods may be in effect.

(5) The owner of or agency controlling this bridge shall keep a copy of these regulations conspicuously posted both upstream and downstream, either on the bridge or elsewhere in such a manner that it can easily be read from an approaching vessel at all times, with a notice stating exactly how notice is to be given to the authorized representative of the bridge owner to effect an opening.

(6) The opening signal for this bridge is one long blast followed by one short blast of a whistle, horn, or by shouting.

(c) Railroad drawbridge across the mouth of Spring Lake.

(1) The draws shall open on signal from March 16 through December 14. From December 15 through March 15 the draws shall open on signal if at least 24 hours notice is given.

(2) The opening signal is two blasts of a whistle, horn, or by shouting.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.



Dated: December 30, 1977.

E. L. PERRY,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.  
(FR Doc. 78-461 Filed 1-6-78; 8:45 am)

[4910-14]

(CGD 77-119)

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

Missouri River, S. Dak.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment allows the draw of the highway bridge across the Missouri River at Yankton, S. Dak., and the draw of the railroad bridge at Pierre, S. Dak., to remain closed to the passage of vessels. The highway bridge has been opened once in the past five years for the passage of a vessel, and the railroad bridge has been opened once in the past 10 years for the passage of a vessel. These changes will provide for decreased costs for maintaining the bridges.

**EFFECTIVE DATE:** This amendment is effective on February 8, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

**SUPPLEMENTARY INFORMATION:** On August 1, 1977, the Coast Guard published a proposed rule (42 FR 38920) concerning this amendment. The Commander (obr), Second Coast Guard District, also published these proposals as a Public Notice dated August 2, 1977. Interested persons were given until August 31, 1977, to submit comments.

**DRAFTING INFORMATION**

The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Project Attorney, Office of the Chief Counsel.

**DISCUSSION OF COMMENTS**

Three comments were received. Two had no objection or no comment to the proposal. One suggested that the draws be closed on a temporary basis until a determination of future river traffic in this reach of the Missouri River is made. If such changes in navigation should occur, the Coast Guard would make whatever change in the regulations are deemed appropriate at that time.

In consideration of the foregoing, Part 117 of Title 33 of the Code of

Federal Regulations, is amended by revising § 117.560(g)(9) to read as follows:

§ 117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(g) \* \* \*

(9) Missouri River at Yankton and Pierre, S. Dak. The draw of the Yankton Highway bridge at Yankton and the draw of the Chicago Northwestern Railroad bridge at Pierre need not be opened for the passage of vessels in paragraphs (b) to (e) of this section shall not apply to these bridges.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1855(g)(2)); 49 CFR 1.46(c)(5).)

**NOTE:**—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: December 30, 1977.

E. L. PERRY,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.  
(FR Doc. 78-462 Filed 1-6-78; 8:45 am)

[6560-01]

Title 40—Protection of Environment

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

SUBCHAPTER A—GENERAL  
(FRL 825-5)

**PART 3—EMPLOYEE RESPONSIBILITIES AND CONDUCT**

Filing of Public Financial Disclosure

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** This rule prescribes procedures to be followed by Environmental Protection Agency (EPA) employees in filing public financial disclosure statements under the Environmental Research, Development, and Demonstration Authorization Act of 1978 (ERDDAA). Section 12 of ERDDAA requires each officer or employee of EPA who performs any function or duty under ERDDAA and has any known financial interest in any person who applies for or receives grants, contracts, or other forms of financial assistance under ERDDAA to file a written statement of such interests. Under this rule each EPA employee who is not specifically exempted must file a statement of known financial interests

on February 1 of each year beginning in 1978. These statements will be available to the public for examination and copying in the EPA Public Information Reference Unit. Due to the internal nature of this rule and the short time available for promulgation in order to meet the February 1, 1978 initial filing deadline, this rule is published as a final rule and is effective immediately.

**EFFECTIVE DATE:** January 9, 1978.

**FOR FURTHER INFORMATION CONTACT:**

James C. Nelson, Office of General Counsel, Contracts and General Administration Branch (A-134), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Telephone: 202-755-0794.

40 CFR Chapter I, Part 3, is amended as follows:

1. The Table of Sections, Subpart C is amended by adding § 3.308 and Appendix H and by revising Appendix F to read as follows:

Subpart C—Financial Interests and Investments  
Sec. —

3.308 Statements of known financial interests under the Environmental Research, Development, and Demonstration Authorization Act of 1978.

Appendix F—Positions whose incumbents are exempt from filing statements of known financial interests under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976.

Appendix H—Positions whose incumbents are exempt from filing statements of known financial interests under the Environmental Research, Development, and Demonstration Authorization Act of 1978.

2. Section 3.301 is amended by revising the fourth sentence of paragraph (a) and the first sentence of paragraph (d) to read as follows:

§ 3.301 General.

(a) \* \* \* The third type is the requirement under four specific statutes: the Toxic Substances Control Act (15 U.S.C. 2601 et seq., 90 Stat. 2003, Pub. L. 94-469), the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq., 90 Stat. 2795, Pub. L. 94-580), the Clean Air Act, as amended (42 U.S.C. 7401 et seq., 91 Stat. 685, Pub. L. 95-95), and the Environmental Research, Development, and Demonstration Authorization Act of 1978 (91 Stat. 1257, Pub. L. 95-155), that employees performing any functions or duties under any of the stat-

utes must file a written statement of known financial interests in persons subject to or receiving benefits under any of the statutes. \* \* \*

(d) All employees must file the statements of known financial interests referred to in paragraph (a) of this section in accordance with §§ 3.305, 3.306, 3.307, and 3.308 and with the procedures set forth in Appendix D of this subpart. \* \* \*

3. Subpart C is amended by adding the following new section after § 3.307:

§ 3.308 Statements of known financial interests under the Environmental Research, Development, and Demonstration Authorization Act of 1978.

(a) Under section 12 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (P.L. 95-155) each employee who performs any function or duty under the Act shall submit on February 1 of each year a statement of known financial interests the employee had in the preceding calendar year in any person who applies for or receives grants, contracts, or other forms of financial assistance under the Act. Any employee who knowingly violates this section may be subject to a fine of not more than \$2,500 or imprisonment for not more than one year, or both.

(b) Certain employees are exempted from the requirement to file the statement of known financial interests. These employees are specified in Appendix H to this subpart.

(c) Each nonexempt employee shall submit the statement of known financial interests in accordance with the procedures set forth in Appendix D to this subpart.

(d) The following definitions apply to this section:

(1) "Known financial interest" has the meaning given in § 3.305(d)(1) which is incorporated by reference.

(2) "Person who applies for or receives grants, contracts, or other forms of financial assistance under the Act" means any natural person, corporation, partnership, association, consortium, governmental entity, or any entity organized for a common business purpose that is an applicant or bidder for or recipient of a grant, contract, or other form of financial assistance under the Act.

(3) "Policy" has the meaning given in § 3.305(d)(3) which is incorporated by reference.

(4) "Policymaking position" has the meaning given in § 3.305(d)(4) which is incorporated by reference.

(e) Section 12 of the act specifies that statements of known financial interests filed under the act are available to the public.

(f) If an employee believes that the position he holds should be listed in

Appendix H as exempt from the requirement to submit a statement of known financial interests because (1) he does not perform any function or duty under the act, or (2) if he does perform a function or duty, his position is not a policymaking position under the act, the employee may file a request with his Deputy Counselor for exemption of his position from the requirements of this section. The Deputy Counselor shall evaluate the request within 30 days of receipt and submit his recommendation to the Agency Counselor. The Agency Counselor shall make a decision and notify the employee within 30 days of receipt of the recommendation. The Agency Counselor may, with the approval of the Administrator, amend Appendix H whenever appropriate, on his own initiative or in response to a request for exemption. Any amendments shall be distributed to affected employees and all Deputy Counselors and shall be available for inspection in the office of the Agency Counselor.

(g) Each December, each Deputy Counselor shall review the exemptions in Appendix H to determine whether amendments would be appropriate. The Deputy Counselor shall report any recommended changes to the Agency Counselor. The Agency Counselor shall, with the approval of the Administrator, publish any amendments to Appendix H, including any exemptions granted under paragraph (f) of this section, in the FEDERAL REGISTER by December 31 to be applicable to the statements of known financial interests to be filed the following February 1. (Sec. 12, Pub. L. 95-155, 91 Stat. 1257.)

4. Subpart C is amended by adding the following new appendix after Appendix G:

APPENDIX H—POSITIONS WHOSE INCUMBENTS ARE EXEMPT FROM FILING STATEMENTS OF KNOWN FINANCIAL INTERESTS UNDER THE ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1978

Employees who occupied positions listed below for the entire preceding calendar year and who continue to occupy a position listed below through the February 1 filing date are exempt from filing statements of known financial interest under the Environmental Research, Development, and Demonstration Authorization Act of 1978. If at any time during the preceding calendar year or through the February 1 filing date an employee occupies a position not listed below, the employee must file a statement of known financial interests. Whenever the title of a position is used in the list below, it includes any person who occupies the position as "acting."

5. Section 3.607 is amended by adding a new paragraph (f) to read as follows:

§ 3.607 Other Statutes.

\* \* \* \* \*

(f) Under section 12 of the Environmental Research, Development, and Demonstration Authorization Act of 1978, special Government employees are required to file a statement of known financial interests unless specifically exempted from the requirement to file. Special Government employees shall be subject to the requirements and procedures of § 3.308.

Dated: December 23, 1977.

DOUGLAS M. COSTLE,  
Administrator.  
(FR Doc. 78-327 Filed 1-6-78; 8:45 am)

[6560-01]

(FRL 816-4)

**Part 20—Certification of Facilities**

Revision of EPA Regulations for Certification of Pollution Control Facilities To Conform to Section 2112 of the Tax Reform Act of 1976

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** These regulations revise EPA regulations for certification of pollution control facilities to implement reinstated provisions of the Internal Revenue Code authorizing rapid amortization of certified pollution control facilities.

**EFFECTIVE DATE:** These regulations are effective on January 9, 1978.

**ADDRESS:** Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:**

Donnell L. Nantkes, Office of General Counsel at the above address, telephone 202-755-0775.

**SUPPLEMENTARY INFORMATION:** On August 4, 1977, the Environmental Protection Agency published proposed regulations (42 FR 39414) to revise EPA provisions for certification of pollution control facilities to be consistent with section 2112 of the Tax Reform Act of 1976 (Pub. L. 94-455, Oct. 4, 1976), which reinstated the provisions of the Internal Revenue Code (26 U.S.C. 169) authorizing rapid amortization of certified pollution control facilities. Section 2112 of the Act changed the definition of "certified pollution control facilities" to include equipment which "prevents" the creation of pollutants; e.g. fuel desulfurization equipment used in connection with a taxpayer's plant. The new law further provides that the term "certified pollution control facility" does



not include a facility which "significantly" increases the output or capacity, extends the useful life, or reduces the total operating costs of the plant or other property with which it is used. (The Conference Committee indicated that any increase, extension, or reduction greater than 5 percent was to be considered "significant" and that this percentage was to be applied to the "operating unit" of the plant most directly associated with the pollution control facility. See House Report No. 94-1515, page 498).

The benefits of section 169 are now available with respect to facilities used in connection with a plant or other property in operation before January 1, 1976 (the former law established January 1, 1969, as the operable date).

Further, as to facilities installed after December 31, 1976, a taxpayer may claim 50 percent of the investment credit otherwise allowable under section 48 of the Code in addition to rapid amortization (the former law required an election between rapid amortization and any investment credit).

Three comments were received. Since none of the comments has been adopted, the regulations will be published as proposed except for a revision to § 20.2(f) to make the definition of "facility" conform to the new statutory definition by addition of the words "or prevents the creation of" to modify "pollutants, contaminants, wastes, or heat."

#### DISCUSSION OF MAJOR COMMENTS

Two commenters suggested that proposed § 20.8(a)(2) be revised to eliminate the requirement that a certifiable pollution control facility may not extend the useful life or increase the output or capacity of the plant or other property by a factor or more than 5 percent. One commenter stated that taxpayers should not be penalized because a new pollution control facility costs less to maintain than the facility it replaces.

This comment is not adopted because the legislative history of the 1976 amendments clearly indicates that Congress intended that any extension of useful life, reduction in total operating costs, or increase in the output or capacity of a plant greater than 5 percent was to be considered "significant."

Moreover, the regulation applies the 5 percent rule to the "plant or other property" and not to the pollution control facility. A new pollution control facility which costs less to maintain may thus be certified, if otherwise eligible, where the "operating unit of the plant or other property" is separate and distinct from the pollution control facility itself and the output or capacity has not been increased by more than 5 percent.

One commenter suggested that the "extension of useful life" limitation be

reconsidered because plant rearrangement necessary to meet pollution control requirements could possibly extend the useful life of the relevant operating unit of the plant.

This comment is likewise not adopted because (1) pollution control expenditures which "significantly" extend useful plant life are ineligible for certification under the statute and (2) costs of plant rearrangement are not eligible in any event, since a mere rearrangement would not be a "facility" within the definition of § 20.2(f) of the regulation. However, where plant rearrangement is necessary to accommodate a separate pollution control facility, an extension of useful life caused by the rearrangement would not necessarily render the facility ineligible because the facility itself would not have caused the extension.

Another commenter suggested that the regulations be revised to list specific types of pollution control facilities which would automatically be eligible for certification, thus eliminating the requirement of § 20.5 that detailed information accompany applications for certification of these types of facilities.

This comment is rejected at this time. EPA guidelines for certification under the former section 169 published September 29, 1971 (36 FR 19132), presently list examples of eligible facilities for guidance of EPA Regional Offices. These guidelines will be revised in the near future to include discussion of eligibility limits under section 2112 of the Tax Reform Act of 1976.

It is impractical to eliminate the requirement for data to accompany applications for certification, even for facilities generally recognized as eligible, because of the need to determine whether a new facility increases output or capacity, extends useful life or reduces the operating costs of a taxpayer's plant by more than 5 percent. Moreover, it is also necessary to determine whether a facility will be used in connection with more than one plant, one of which was not in operation before January 1, 1976, to determine whether a facility performs a function other than pollution abatement, and to allocate eligible costs accordingly (see CFR 20.8(d) and (e)).

1. Accordingly, 40 CFR, Part 20 is amended by revising § 20.1 as follows:

#### § 20.1 Applicability.

The regulations of this part apply to certifications by the Administrator of water or air pollution control facilities for purposes of section 169 of the Internal Revenue Code of 1954, as amended, 26 U.S.C. 169, as to which the amortization period began after December 31, 1975. Certification of air or water pollution control facilities as to which the amortization period

began before January 1, 1976, will continue to be governed by Environmental Protection Agency regulations published November 25, 1971, at 36 FR 22382. Applicable regulations of the Department of Treasury are at 26 CFR 1.189 et seq.

2. By revising paragraph (a) and subparagraph (1) of paragraph (b) and paragraph (f) of § 20.2 as follows:

#### § 20.2 Definitions.

(a) "Act" means, when used in connection with water pollution control facilities, the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.) or, when used in connection with air pollution control facilities, the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(b) \* \* \*

(1) For water pollution control facilities, the State pollution control agency as defined in section 502 of the Act.

(f) "Facility" means property comprising any new identifiable treatment facility which removes, alters, disposes of, stores, or prevents the creation of pollutants, contaminants, wastes, or heat.

3. By revising the last sentence of paragraph (h) of § 20.3 to read as follows:

#### § 20.3 General provisions.

(h) \* \* \* Within 60 days after receipt of such appeal the Administrator shall affirm, modify, or revoke the decision of the Regional Administrator, stating in writing his reasons therefor.

#### § 20.5 [Amended]

4. By revising paragraphs (d), (e), (f), (g), and (n) of § 20.5 and by adding a new paragraph (o) as follows:

(d) A general description of the operation in connection with which the facility is (or will be) used and a description of the specific process or processes resulting in discharges or emissions which are (or will be) controlled or prevented by the facility.

(e) If the facility is (or will be) used in connection with more than one plant or other property, one or more of which were not in operation before January 1, 1976, a description of the operations of the facility in respect to each plant or other property, including a reasonable allocation of the costs of the facility among the plants being serviced, and a description of the reasoning and accounting method or methods used to arrive at these allocations.

(f) A description of the effect of the facility in terms of type and quantity of pollutants, contaminants, wastes, or heat, removed, altered, stored, disposed of, or prevented by the facility.

(g) If the facility performs a function other than removal, alteration, storage, prevention, or disposal of pollutants, contaminants, wastes, or heat, a description of all functions performed by the facility, including a reasonable identification of the costs of the facility allocable to removal, alteration, storage, prevention, or disposal of pollutants, contaminants, wastes, or heat and a description of the reasoning and accounting method or methods used to arrive at the allocation.

(n) The percentage (if any, and if the taxpayer claims that the percentage is 5 percent or less) by which the facility (1) increases the output or capacity, (2) extends the useful life, or (3) reduces the total operating costs of the operating unit of the plant or other property most directly associated with the pollution control facility and a description of the reasoning and accounting method or methods used to arrive at this percentage.

(o) Such other information as the Administrator deems necessary for certification.

(5) By revising subparagraphs (2) and (3) of paragraph (a); subparagraphs (1), (2), and (3) of paragraph (B); paragraph (d); and paragraph (e) of § 20.8 to read as follows:

#### § 20.8 Requirements of certification

(2) That the facility: (i) Removes, alters, disposes of, stores, or prevents the creation of pollutants, contaminants, wastes, or heat, which, but for the facility, would be released into the environment;

(ii) Does not by a factor or more than 5 percent: (A) Increase the output or capacity, (B) extend the useful life, or (C) reduce the total operating costs of the operating unit (of the plant or other property) most directly associated with the pollution control facility; and

(iii) Does not significantly alter the nature of the manufacturing or production process or facility.

(3) The applicant is in compliance with all regulations of Federal agencies applicable to use of the facility, including conditions specified in any NPDES permit issued to the applicant under section 402 of the Act.

(1) All applicable water quality standards, including water quality criteria and plans of implementation and enforcement established pursuant to section 303 of the Act or State laws or regulations;

(2) Decisions issued pursuant to section 310 of the Act;

(3) Water pollution control programs required pursuant to any one or more of the following sections of the Act: Section 306, section 307, section 311, section 318, or section 405; or in order to be consistent with a plan under section 208.

(d) A facility that removes elements or compounds from fuels that would be released as pollutants when such fuels are burned is eligible for certification if the facility is—

(1) Used in connection with a plant or other property in operation before January 1, 1976 (whether located and used at a particular plant or as a centralized facility for one or more plants), and

(3) Is otherwise eligible for certification.

(e) Where a facility is used in connection with more than one plant or other property, one or more of which were not in operation before January 1, 1976, or where a facility will perform a function other than the removal, alteration, storage, disposal, or prevention of pollutants, contaminants, wastes, or heat, the Regional Administrator will so indicate on the notice of certification and will approve or disapprove the applicant's suggested method of allocating costs. If the Regional Administrator disapproves the applicant's suggested method, he shall identify the proportion of costs allocable to each such plant, or to the removal, alteration, storage, disposal, or prevention of pollutants, contaminants, wastes, or heat.

(90 Stat. 1905 (Sec. 2112 of Pub. L. 94-455, Oct. 4, 1976), 80 Stat. 379; (26 U.S.C. 169, 5 U.S.C. 301).)

NOTE.—The EPA has determined that this document does not contain a major regulation requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: December 28, 1977.

DOUGLAS M. COSTLE,  
Administrator.

(FR Doc. 78-324 Filed 1-6-78; 8:45 am)

[6560-01]

(FRL 823-51)

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Air Pollution Control, State Regulations, State of Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: It is the purpose of this action to approve, with exceptions, amendments to the Nevada Air Quality Regulations (NAQR) submitted to

EPA by the Governor on February 20, June 14, and November 12, 1974; and October 31, 1975 as revisions to the Air Quality Implementation Plan for the State of Nevada. The amendments pertain to motor vehicle inspection and testing, power plants, public availability of emission data, and other miscellaneous items. Action was proposed in the FEDERAL REGISTER on August 15, 1975 and May 20, 1977.

EFFECTIVE DATE: February 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, Attn.: Morris I. Goldberg, Air Programs Branch, EPA Region IX, 215 Fremont Street, San Francisco, Calif. 94105, telephone 415-445-7473.

SUPPLEMENTARY INFORMATION:

#### BACKGROUND

On November 12, 1974 the Governor of Nevada submitted amendments to the NAQR as revisions to the State implementation plan (SIP). On August 15, 1975 (40 FR 34408) EPA proposed approval of four regulations of this submittal. Final action has been taken on all other items except as noted in this rulemaking.

Also on February 20 and June 14, 1974; and October 31, 1975 the Governor of Nevada submitted amendments to the NAQR as revisions to the SIP. On May 20, 1977 (42 FR 25878) EPA proposed approval, with exceptions, of the items submitted in these revisions.

Both of the proposed rulemaking notices provided for a 30-day public comment period. Copies of the regulations proposed for approval and disapproval, the EPA evaluation reports and the proposed rulemaking notices were made available during the public comment periods at Carson City, Nev. and at the EPA offices in San Francisco, Calif. and Washington, D.C. In addition, the information for the May 20, 1977 notice was also made available in Reno and Las Vegas, Nev.

#### DISCUSSION OF ACTION

Pursuant to Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP.

Differences from the proposed actions. Final rulemaking differs from that proposed on August 15, 1975 and May 20, 1977 because of public comment. Two comments were received on the State regulations, each attributing to a change from the actions proposed. The comments addressed particulate emission limitations applicable to Basic, Inc. and the State's odor regulation. As a result of the comments no final action is being taken on the three regulations.



## PUBLIC COMMENTS

1. *Particulate Matter Emission Limitations Applicable to Basic, Inc.* In response to the August 15, 1975 proposed approval of NAQR, Articles 7.2.5 and 7.2.6, the commentor recommended that the proposed approval of the subject regulations be rescinded. The proposed approval was based on air quality diffusion modeling performed by the State which intended to show that the National Ambient Air Quality Standards (NAAQS) for particulate matter would be attained and maintained as a result of compliance with the new emission limitations. The commentor provided data showing that violations of the applicable NAAQS have continued even after control equipment was installed for the purpose of meeting the new emission limitations. The commentor also pointed out that the emission limitations are not sufficiently stringent to require the installation of reasonably available control technology (RACT).

2. *Odor Regulations.* In response to the May 20, 1977 proposed approval of the revision to NAQR, Article 10.1, one commentor recommended that no action be taken on the revision and that the previous approval be rescinded. The regulations do not relate to the control of pollutants for which NAAQS have been promulgated, no demonstration of the effect of this regulation is possible, and the regulation is unenforceable.

As a result of the public comments no action is being taken on NAQR, Articles 7.2.5 and 7.2.6 applicable to Basic, Inc. and NAQR, Article 10.1 regarding odors. EPA will address Articles 7.2.5 and 7.2.6 in a separate FEDERAL REGISTER notice. EPA is also retracting its proposed approval of revisions to Article 10.1 and will propose to rescind the previous approval in a separate FEDERAL REGISTER notice.

*Approvals, disapprovals, non-actions and rescissions, as proposed.* Final rulemaking on State regulations is identical to that proposed on August 15, 1975 and May 20, 1977 with the exception of those items discussed above. Approval is being promulgated for all items except those discussed in response to public comments and those proposed for disapproval or non-action.

1. *Disapproval Actions—(a) State Regulations.* Disapproval is being promulgated for NAQR, Article 2.11.4.2 on public hearings on the renewal of variances.

(b) *Control Strategy Portions of the SIP.* Disapproval is being promulgated for the control strategy for carbon monoxide and hydrocarbons/photochemical oxidants in the Nevada portion of the Clark-Mohave Interstate Air Quality Control Region (Las Vegas area).

2. *Non-Actions—(a) Plan Revisions.* No action is being taken through this

notice on any portion of the February 20 and June 14, 1974 revisions because they have been superseded by the October 31, 1975 revision.

(b) *State Regulations.* No action is being taken on the following regulations from the November 12, 1974 and October 31, 1975 revisions.

i. NAQR, Articles 1.14 and 13 on complex sources,

ii. NAQR, Articles 7.2.5 and 7.2.6 on particulate emissions applicable to Basic, Inc.,

iii. NAQR, Article 8.1.3 on sulfur emissions from existing copper smelters,

iv. NAQR, Article 10.1 on odors, and v. NAQR, Article 14 on supplementary control systems.

3. *Rescission Actions.* Action is being taken to rescind previous disapproval actions promulgated by EPA. In each instance the State has revised the disapproved element of the SIP. EPA is approving the applicable regulations. The following are affected:

(a) *State Regulations.* The May 31, 1972 (37 FR 10878) and September 26, 1974 (39 FR 34537) disapproval of NAQR, Article 2.7.1 on the public availability of emission data is being rescinded because the October 31, 1975 revision to this regulation is being approved. EPA is therefore rescinding the disapproval of NAQR, Article 2.7.1 at 40 CFR 52.1473(a), as it affects portions of the State other than Washoe County, and at 40 CFR 52.1473(c).

(b) *State Regulations.* The May 14, 1974 (38 FR 12708) disapproval of the emergency episode portion of the SIP relating to open burning is being rescinded because the November 12, 1974 revision to NAQR, Articles 5.2.3 and 5.2.4 on open burning are being approved. EPA is therefore rescinding the disapproval at 40 CFR 52.1477(a) relating to open burning during emergency episodes.

*Miscellaneous clarifying changes to the Code of Federal Regulations (CFR).* The Identification of plan section (40 CFR 52.1470) applicable to Nevada is being revised through this notice for the following reasons. Revisions are being made to 40 CFR 52.1470 at (c)(6) through (c)(9) for clarification purposes. These changes correct the name of the State's regulations and the nomenclature of regulations in same, and insert numerical identifications for the various regulations already included in the various subparagraphs. Also, a revision at (c)(8) and an addition at (c)(11) are being made as dictated by this final rulemaking.

(Secs. 110, 301(a), Clean Air Act as amended (42 U.S.C. 1857c-5, 1857g(a)), respectively.)

Dated: December 28, 1977.

DOUGLAS M. COSTLE,  
Administrator.

Subpart DD of Part 52 of Chapter 1, Title 40, of the Code of Federal Regulations is amended as follows:

## Subpart DD—Nevada

1. In § 52.1470, paragraph (c) is amended by the revision of subparagraphs (6), (7), (8), and (9) and by the addition of subparagraph (11) as follows:

§ 52.1470 Identification of plan.

• • • • •

(c) • • • • •  
(6) Amendments to the Nevada Air Quality Regulations (NAQR), to regulate the construction of complex sources (Article 13), submitted on April 1, 1974, by the Governor.

(7) Amendments to the NAQR to regulate sulfur emissions from nonferrous smelters (Article 8.1); to regulate and monitor visible emissions from stationary sources (Article 4); and to allow supplementary control systems (Article 14), submitted on June 14, 1974, by the Governor.

(8) Amendments to the NAQR to regulate open burning (Article 5.2.3 and 5.2.4), and to regulate the construction of complex sources (Article 13), submitted on November 12, 1974, by the Governor.

(9) Administrative procedures for the review of complex sources submitted on December 11, 1974, by the Governor's representative.

(11) Amendments to the NAQR, as amended through September 18, 1975, submitted on October 31, 1975, by the Governor, as follows:

Article 1—Definitions: 1.6-1.13, 1.15-1.33, 1.35-1.69;

Article 2—General Provisions: 2.4.1-2.4.4, 2.5.1, 2.5.2, 2.5.4, 2.6.1-2.6.4, 2.7.1, 2.8.1, 2.8.4, 2.8.5.1, 2.9.1-2.9.3, 2.9.5-2.9.7, 2.10.1.2, 2.10.2-2.10.4, 2.11.4.2;

Article 3—Registration Certificates and Operating Permits: 3.1.3, 3.1.5, 3.1.6, 3.1.8a & d-1, 3.1.9, 3.2.2-3.2.6, 3.3.2, 3.3.5, 3.4.1, 3.4.6-3.4.14;

Article 4—Visible Emissions From Stationary Sources: 4.1, 4.2, 4.3.5, 4.4-4.4.2;

Article 5—Open Burning: 5.2.3, 5.2.4;

Article 6—Incinerator Burning: 6.3-6.6.2;

Article 7—Particulate Matter: 7.1.3, 7.2.1-7.2.3, 7.3.1-7.3.3;

Article 8—Sulfur Emissions: 8.1.1, 8.1.2, 8.1.4, 8.2.2.1, 8.3-8.4;

Article 9—Organic Solvent, Other Volatile Compounds: 9.1, 9.2-9.2.1.1, 9.2.2, 9.2.3;

Article 10—Odors: 10.2.1.1, 10.2.1.2;

Article 11—Mobile Equipment: 11.3-11.7.1, 11.7.4-11.7.5, 11.10, 11.10.1, 11.11-11.14.17.

2. In § 52.1473, the first sentence of paragraph (a) is revised and paragraph (c) is revoked as follows:

§ 52.1473 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met in Washoe County, since the plan does not pro-

vide procedures for making emission data, as correlated with allowable emissions, available to the public. • • •

(b) • • • • •  
(c) [Revoked]

3. Section 52.1477 and paragraph (a) of that section are revoked as follows:

§ 52.1477 [Revoked]

(a) [Revoked]

4. Section 52.1484 and paragraph (a) of that section are added as follows:

§ 52.1484 Control strategy: Carbon monoxide.

(a) The requirements of § 51.14 of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standards for carbon monoxide in the Nevada (Las Vegas area), portion of the Clark-Mohave Interstate Region (§ 81.80 of this chapter).

5. Section 52.1486 and paragraph (a) of that section are added as follows:

§ 52.1486 Control strategy: Hydrocarbons and photochemical oxidants.

(a) The requirements of § 51.14 of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standard for photochemical oxidants in the Nevada (Las Vegas area), portion of the Clark-Mohave Interstate Region (§ 81.80 of this chapter).

6. Section 52.1487 and paragraph (a) of that section are added as follows:

§ 52.1487 Public hearings.

(a) The requirements of § 51.4(a)(2) of this chapter are not met since NAQR, Article 2.11.4.2 allows variances (compliance schedules), to be renewed without a public hearing, thus allowing further postponement of the final compliance date for sources whose emissions contribute to violations of the national standards. Therefore, NAQR, Article 2.11.4.2 is disapproved.

[FR Doc. 78-326 Filed 1-6-78; 8:45 am]

[6560-01]

SUBCHAPTER N—EFFLUENT LIMITATIONS,  
GUIDELINES, AND STANDARDS  
[FRL 839-4]

PART 458—CARBON BLACK MANUFACTURING  
POINT SOURCE CATEGORY

*Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards*

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On May 18, 1976, the Environmental Protection Agency pro-

mulgated, in interim final form, effluent limitations guidelines for the Carbon Black Manufacturing Point Source Category, 40 CFR Part 458. In addition, on that date it proposed other effluent limitations guidelines, new source performance standards, and pretreatment standards for new sources.

With the exception of effluent limitations guidelines for the furnace black process subcategory (subpart A), the interim final regulations and proposed regulations are today promulgated in the identical form as they were proposed or promulgated on May 18, 1976. The effluent limitations guidelines based upon the use of the best practicable control technology currently available for the furnace process subcategory (subpart A), have been withdrawn.

The effluent limitations guidelines and new source performance standards issued today, when applicable, will be incorporated in National Pollutant Discharge Elimination System permits issued by Federal EPA or by States with approved programs.

DATE: January 9, 1978.

FOR FURTHER INFORMATION  
CONTACT:

Harold B. Coughlin, Effluent Guidelines Division, (WH-552), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-426-2560.

**SUPPLEMENTARY INFORMATION:** The Environmental Protection Agency today promulgates regulations pursuant to sections 301, 304, 306, and 307 of the Federal Water Pollution Control Act, as amended, Pub. L. 92-500, for four subcategories of the 40 CFR Part 458, Carbon Black Manufacturing Point Source Category. These subcategories are the carbon black furnace process (subpart A), the carbon black thermal process (subpart B), the carbon black channel process (subpart C), and the carbon black lamp black process (subpart D). With respect to subparts B-D (thermal process, channel process, and lamp process), the regulations are being promulgated in forms unchanged from the regulations proposed or published in interim final form for these subparts on May 18, 1976 (41 FR 20496 et seq. and 41 FR 20502 et seq.). The Agency received only one comment with respect to subpart B and no comments with respect to subparts C or D.

The focus of criticism of the effluent limitations guidelines, announced in interim final form on May 18, was with respect to the carbon black furnace process (subpart A). The major change announced today is with respect to those regulations. The effluent limitations guidelines based upon the application of best practicable con-

trol technology currently available for the carbon black furnace process, subpart A, is being withdrawn. Furthermore, the effluent limitations guidelines based upon the use of best available technology economically achievable for the carbon black furnace process is being promulgated in final form as no discharge of process waste water, as defined below. The new source performance standards and pretreatment standards for new sources are unchanged from the forms proposed on May 18.

SUMMARY AND BASIS OF REGULATIONS

Following the May 18 promulgations of interim final effluent limitations guidelines based on the use of best practicable technology currently available (BPT), petitions for review were filed in the United States Court of Appeals for the Fifth Circuit (No. 76-3051), by Ashland Oil, Inc., Cabot Corp., Cities Service Co., Continental Carbon Co., and Phillips Petroleum Co. After the filing of this action on July 28, 1976, the petitioners submitted a substantial amount of new information to the Agency, and both parties to the action conducted several meetings to discuss factual contentions with respect to the BPT regulations. The Agency also reviewed all outstanding National Pollutant Discharge Elimination System (NPDES), permits to determine the present extent of discharges from the facilities which fall within subpart A of part 458. This review indicated that there was only one manufacturing facility with a point source discharge which did not possess an NPDES permit. It was determined that for all other point sources covered by subpart A, the NPDES permits would expire at the earliest in 1978, and that the BPT regulations would, in effect, apply to only one facility.

After carefully reviewing recent monitoring information submitted by the companies and by EPA Region VI (Dallas, Tex.), the Agency determined that little environmental degradation would occur if the BPT regulations were withdrawn and the effluent limitations guidelines based on the use of best available technology economically achievable (1983 level technology), were promulgated, as proposed, to require zero discharge by the date set forth in section 301(b)(2)(A) of the act. Today's announcement executes an agreement which resolves the litigation in the Fifth Circuit and which, in effect, means that when dischargers apply for renewal of NPDES permits they will be placed on a schedule which will result in zero discharge of process waste waters by the date set forth in section 301(b)(2)(A) of the act. Of course, dischargers which are presently achieving zero discharge or which discharge small amounts of pro-



cess waste water pollutants will not be allowed to initiate a discharge or to increase the quantities or concentration of pollutants discharged without appropriate issuance of NPDES permits. The one facility which does not have a final NPDES permit will be considered by EPA Region VI on an ad hoc basis in the absence of national regulations, and be issued a section 402 permit.

The comments submitted by manufacturers of furnace black indicated that there was some confusion over the meaning of "process waste water" as that phrase is used in the regulations.

To clarify that definition with respect to the furnace black subcategory, section 458.11 has been modified to indicate that the BAT effluent limitations guidelines, standards of performance for new sources, and pretreatment standards for new sources for the furnace black subcategory are intended to apply to waters that come from baghouse operations and all integral parts of the product collection system. Waters included in this definition are washout waters, reaction quench waters or condensate, and storm waters falling directly on the production process and collection units. Uncontaminated storm water runoff, as such, is not intended to be covered by these regulations and will be addressed, if at all, by the appropriate EPA Regional Office in an NPDES permit. However, where process waste water and storm water intermingle, the regulations do apply to any resultant discharge into the navigable waters of the United States, except that these regulations do not address discharges from containment facilities that result from unusually large rainfall events. This definition applies equally well to § 458.21 for the carbon black thermal process (subpart B).

#### SUMMARY OF PUBLIC PARTICIPATION

Upon publication of interim final regulations, public comments were solicited. Comments with respect to the carbon black furnace process were submitted only by the parties to the litigation in the petition to review 40 CFR Part 458. The summary of public comments with respect to carbon black furnace process (subpart A), appears above in the summary and basis for the regulations.

On November 5, 1976, the Agency received comments from the International Minerals and Chemical Corp., Thermatomic Carbon Operations, suggesting that its facility in Sterlington, La., producing carbon black by the thermal process (subpart B), is different from the facilities relied upon by the Agency to establish thermal black effluent limitations guidelines (subpart B). Those comments indicate that the Thermatomic facility is a net water discharger and that it uses a

process which is different from other processes employed by thermal carbon black manufacturers. The information submitted by this commenter is insufficient to provide the basis for the creation of a separate subcategory in the regulations. However, it may be appropriate for this discharger to submit this information, perhaps in more detailed form, to the EPA Regional Office with jurisdiction over the discharge. The discharger has the opportunity to seek a variance from the nationally applicable BPT effluent limitations guidelines pursuant to § 458.22 of title 40. The evaluation of the variance request, which is conducted by the EPA Region, is not a proper subject of this final rulemaking.

No comments were submitted on either the channel process (subpart C), or the lamp process (subpart D), carbon black subcategories.

A copy of all public comments are on file in the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street SW., Washington, D.C. 20460. The EPA information regulations, 40 CFR Part 2, provide that a reasonable fee may be charged for copying.

In consideration of the foregoing, 40 CFR Part 458 is revised to read as follows:

Dated: December 29, 1977.

DOUGLAS M. COSTLE,  
Administrator.

#### Subpart A—Carbon Black Furnace Process Subcategory

Sec.  
458.10 Applicability; description of the carbon black furnace process subcategory.

458.11 Specialized definitions.

458.12 [Reserved]

458.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

458.14 [Reserved]

458.15 Standards of performance for new sources.

458.16 Pretreatment standards for new sources.

#### Subpart B—Carbon Black Thermal Process Subcategory

458.20 Applicability; description of the carbon black thermal process subcategory.

458.21 Specialized definitions.

458.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

458.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

458.24 [Reserved]

458.25 Standards of performance for new sources.

458.26 Pretreatment standards for new sources.

#### Subpart C—Carbon Black Channel Process Subcategory

458.30 Applicability; description of the carbon black channel process subcategory.

458.31 Specialized definitions.

458.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

458.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

458.34 [Reserved]

458.35 Standards of performance for new sources.

458.36 Pretreatment standards for new sources.

#### Subpart D—Carbon Black Lamp Process Subcategory

458.40 Applicability; description of the carbon black lamp process subcategory.

458.41 Specialized definitions.

458.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

458.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

458.44 [Reserved]

458.45 Standards of performance for new sources.

458.46 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306(b), 307 (b) and (e), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (e), 1816(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act).

#### Subpart A—Carbon Black Furnace Process Subcategory

§ 458.10 Applicability; description of the carbon black furnace process subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of carbon black by the furnace process.

#### § 458.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "product" shall mean carbon black manufactured by the furnace process.

(c) The term "process waste water" shall mean waters which result from baghouse operations or thermal quench operations.

§ 458.12 [Reserved]

§ 458.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black furnace process by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 458.14 [Reserved]

§ 458.15 Standards of performance for new sources

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black furnace process by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 458.16 Pretreatment standards for new sources

The pretreatment standard under section 307(c) of the Act for a new source within the carbon black furnace process subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property.—Oil and grease.  
Pretreatment standard.—100 mg/l.

#### Subpart B—Carbon Black Thermal Process Subcategory

§ 458.20 Applicability; description of the carbon black thermal process subcategory

The provisions of this subpart are applicable to discharges resulting from the production of carbon black by the thermal process.

#### § 458.21 Specialized definitions

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "product" shall mean carbon black manufactured by the thermal process.

(c) The term "process waste water" shall mean waters which result from baghouse operations or thermal quench operations.

§ 458.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black by the thermal process from a point source subject to the provisions of this paragraph after applica-

tion of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

Pollutant or pollutant property.—Oil and grease.  
Pretreatment standard.—100 mg/l.

tion of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 458.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph which may be discharged from the carbon black thermal process by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 458.24 [Reserved]

§ 458.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black thermal process by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 458.26 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the carbon black thermal process subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property.—Oil and grease.  
Pretreatment standard.—100 mg/l.

#### Subpart C—Carbon Black Channel Process Subcategory

§ 458.30 Applicability; description of the carbon black channel process subcategory.

The provisions of this subpart are applicable to discharges resulting from



the production of carbon black by the channel process.

#### § 458.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "product" shall mean carbon black manufactured by the channel process.

#### § 458.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop, and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available, and as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of carbon black by the channel process from a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available:

visions of this paragraph after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants into navigable waters.

#### § 458.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black channel process by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

#### § 458.34 [Reserved]

#### § 458.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black channel process by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

#### § 458.36 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the carbon black channel process subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property.—Oil and grease.  
Pretreatment standard.—100 mg/l.

#### Subpart D—Carbon Black Lamp Process Subcategory

#### § 458.40 Applicability: description of the carbon black lamp process subcategory.

The provisions of this subpart are applicable to discharges resulting from

the production of carbon black by the lamp process.

#### § 458.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "product" shall mean carbon black manufactured by the lamp process.

#### § 458.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of carbon black by the lamp process from a point source

subject to the provisions of this paragraph after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants into navigable waters.

#### § 458.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black lamp process by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

#### § 458.44 [Reserved]

#### § 458.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black lamp process by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

#### § 458.46 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the carbon black lamp process subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property.—Oil and grease.  
Pretreatment standard.—100 mg/l.

[FR Doc. 78-325 Filed 1-8-78; 8:45 am]

#### [6820-24]

#### Title 41—Public Contracts and Property Management

#### CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

[FSS P 2800.8B CHGES 15-18]

#### MISCELLANEOUS AMENDMENTS

AGENCY: Federal Supply Service, General Services Administration.

ACTION: Final Rule.

SUMMARY: This amendment of the General Services Administration Procurement Regulations (GSPR 5A) adds or revises contract clauses to clarify Government requirements and contract administration procedures, revises or adds instructions to contracting officers to standardize operational practices, and updates procurement forms containing contract clauses. The purpose of this regulation is to improve Federal Supply Service contract clauses and procurement procedures.

EFFECTIVE DATE: January 9, 1978.

#### FOR FURTHER INFORMATION CONTACT:

Einar Windlingland, Director, Policy and Procedures Division, Office of Procurement, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-8344.

#### SUPPLEMENTARY INFORMATION:

1. The following changes were made to clauses applicable to Federal Supply Schedule contracts. The Urgent Requirements clause was revised to require contractors to confirm in writing telephonic agreements to accelerate deliveries. The Blanket Purchase Arrangements clause was revised to indicate that the total amount of a blanket purchase arrangement (BPA) may exceed the maximum order limitation (MOL) of the contract, provided no single order placed under the BPA exceeds the MOL. The Preference for Small Business Concerns and Labor Surplus Area Concerns clause was revised to reference both the FPR and the ASPR provisions concerning the processing of equal low bids. The Procurement of Foreign Products clause was revised to include a reference to the balance of Payments evaluation procedures in both the FPR and the ASPR. A new Payments clause provides more flexibility in making payments under the Federal Supply Schedule Program. 2. A new subpart sets forth revised procedures which limit the application of priority ratings to contracts for stock items.

#### PART 5A-1—GENERAL

#### Subpart 5A-1.3—General Policies

1. Section 5A-1.305-50(c) is revised as follows:

§ 5A-1.305-50 Use and availability of specifications and standards.

(c) When formal specifications or standards are referenced in the solicitation for offers, the following clause (included in GSA Form 1424) shall be included in the solicitation:

#### COPIES OF GOVERNMENT SPECIFICATIONS AND STANDARDS

The Government specification(s) or standard(s), if any, applicable to each article is stated in the Solicitation for Offers in connection with the general description of the article. A single copy of the referenced Federal or Interim Federal Specification or Standard is available without charge from the General Services Administration Business Service Centers in Boston; New York; Atlanta; Chicago; Kansas City, Mo.; Ft. Worth; Houston; Denver; San Francisco; Los Angeles; and Seattle; or from Specification Sales, GSA, Bldg. 197, Washington Navy Yard, Washington, D.C. 20407. Additional copies may be purchased from the Specification Sales Office, Washington, D.C. Military Specifications, Standards, and Qualified Products Lists may be obtained from Commanding Officer, Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120. If other specifications or standards are applicable, the Solicitation for Offers will state where copies of such specifications may be obtained.

2. Section 5A-1.311 is revised as follows:

§ 5A-1.311 Priorities, allocations, and allotments.

See Subpart 5A-72.7 for instructions regarding application of priority ratings to contracts for stock items.

#### PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

#### Subpart 5A-2.2—Solicitation of Bids

Section 5A-2.201-70(e)(1) is revised as follows:

§ 5A-2.201-70 Forms to be used.

(e) GSA forms containing standardized supplemental provisions.

(1) GSA Form 1424, GSA Supplemental Provisions, June 1977, shall be incorporated by reference in each solicitation for offers, except solicitations for offers under the AID buying program, by using the following provision:

GSA Form 1424, GSA Supplemental Provisions, June 1977, receipt of which is acknowledged by the bidder, is hereby incorporated by reference. A copy of GSA Form 1424, if not enclosed, is available upon request.



**PART 5A-16—PROCUREMENT FORMS**

The table of contents for Part 5A-16 is amended to revise the following entries:

Sec.  
5A-16.950-2891 GSA Form 2891, Instructions to Users of Federal Supply Schedules.

5A-16.950-2894, GSA Form 2894, Value Incentive Clause (Fixed Price Supply Contract).

**Subpart 5A-16.9—Illustrations of Forms**

§§ 5A-16.950-1424 and 5A-16.950-2891 [Revised]

Sections 5A-16.950-1424 and 5A-16.950-2891 are revised to illustrate new editions of GSA Form 1424 and GSA Form 2891, respectively.

**PART 5A-72—PROCUREMENT OF STOCK ITEMS**

The table of contents for Part 5A-72 is amended to add the following new entries:

**Subpart 5A-72.7—Priority Ratings**

Sec.  
5A-72.701 Authority.  
5A-72.702 Federal supply classes excluded from priority rating.  
5A-72.703 Priority eligibility.  
5A-72.704 Quantity limitations.  
5A-72.705 Procedures.  
5A-72.706 Reports.

Part 5A-72 is amended to add the following new subpart:

**Subpart 5A-72.7—Priority Ratings**

§ 5A-72.701 Authority.

The U.S. Department of Commerce (BDC), Domestic and International Business Administration, issued a revised delegation of authority effective March 26, 1976, to the Administrator of General Services. This delegation of authority, "BDC Del. 3", authorizes GSA to place DO rated orders bearing the program identification K-1 to meet certain GSA supply distribution program needs for DOD, CIA, FAA, NASA, and ERDA. This authority is limited to those FSC's and the dollar volume in each of such classes approved by the Bureau of Domestic Commerce as specified in the Statement of Conditions to BDC Del. 3 (see § 5A-76.312).

§ 5A-72.702 Federal supply classes excluded from priority rating.

DO K-1 priority ratings shall not be used for procurement of the groups and classes listed in § 5A-76.312.

§ 5A-72.703 Priority eligibility.

BDC has established priority eligibility criteria. Before an FSC class or national stock number(s) is eligible for priority rating it must meet both a "use" and "availability" criteria as follows:

(a) The item(s) is stocked for predominant use by DOD, CIA, FAA, NASA, and ERDA. "Predominant use" is defined as at least 97 percent of total demand for stock item; and

(b) In connection with the availability of item(s), DO K-1 rating shall not be used for procurement of FSC classes or items when the following three conditions exist:

(1) The items are the types commonly available in commercial markets for general consumption;

(2) The items do not require major modifications when purchased for military or other ratable Government use; and

(3) The items are in sufficient supply as to cause no hindrance to the accomplishment of military or other national defense objectives.

§ 5A-72.704 Quantity limitations.

The use of this delegation of authority shall be limited to the quantities of current procurement of each class or item based upon and not exceeding the ratio of rated purchases to the total purchases for that class or item that was consumed during the same period of the previous year.

§ 5A-72.705 Procedures.

(a) When the contract or any delivery order thereunder is to be priority rated, the rating symbol DO K-1 or notation "see delivery order" shall be entered in block 3 of SF 33, Solicitation, Offer, and Award, and the following clause shall be included in the solicitation:

**PRIORITIES, ALLOCATIONS, AND CONTROLLED MATERIALS**

If this contract or any delivery order thereunder is rated and certified for national defense use (see block 3 on the face of Standard Form 33), the Contractor shall follow the provisions of DPS Regulation 1 and/or DMS Regulation 1 in obtaining controlled materials and other products and materials needed to fulfill the requirements of this contract.

NOTE.—The Contractor shall fill unrated delivery orders in the same sequence in which they are received or as otherwise directed by the Contracting Officer.

(b) Criteria and procedures for requesting assistance from the U.S. Department of Commerce, Bureau of Domestic Commerce (BDC), under the Defense Materials System, are set forth in GSA Order, Assistance under the Defense Priorities System and the Defense Materials System (FSS 2800.21B), dated September 7, 1977.

§ 5A-72.706 Reports.

A report shall be submitted to Bureau of Domestic Commerce by the Office of Procurement (FPX) twice a year showing (a) the value of shipments made to the Department of Defense and its associated agencies and

the Energy Research and Development Administration, and (b) the value of stores replenishments rated by General Services Administration for the preceding 6-month period. The report is due within 60 days after the close of each 6-month period.

**PART 5A-73—FEDERAL SUPPLY SCHEDULE PROGRAM**

The table of contents for Part 5A-73 is amended to revise or add the following entries:

Sec.  
5A-73.205-7 Procurement of similar articles or services.  
5A-73.218 Payments clause.

**Subpart 5A-73.2—Preparation and Issuance of Solicitations**

1. Section 5A-73.205-3 is revised as follows:

§ 5A-73.205-3 Urgent Requirements clause.

The following Urgent Requirements clause shall be included in each schedule solicitation and resulting schedule (included in GSA Form 2891).

**URGENT REQUIREMENTS**

When the Federal Supply Schedule contract delivery period does not meet the bona fide urgent delivery requirements of an ordering agency, use of the Federal Supply Schedule is not mandatory. However, agencies shall, if time permits, contact the Contractor for the purpose of obtaining accelerated delivery in the case of urgent requirements. The Contractor shall reply to the inquiry within 3 workdays after receipt. (Telephonic replies shall be confirmed by the Contractor in writing.) If the Contractor offers an accelerated delivery time acceptable to the ordering agency, any order(s) placed pursuant to this offer shall be delivered within this shorter delivery time and in accordance with all other terms and conditions of the contract.

2. Section 5A-73.205-5(e) is amended as follows:

§ 5A-73.205-5 Maximum order limitation.

(e) Whenever a maximum order limitation is used, the applicable clauses prescribed in paragraphs (1) through (4), below, with the monetary limitations inserted, shall be included in the solicitation. These clauses may be revised to express the maximum order limitation as a quantity rather than as a dollar value. Other situations require approval of the procuring director. In addition, the provision below shall be included in the solicitation immediately following the Maximum Order Limitation clause:

**CONSOLIDATION OF REQUIREMENTS**

For the information of offerors, agencies will, in accordance with FPMR 101-26.106, consolidate their requirements whenever feasible so as to take advantage of price sav-

ings available through separate procurement of quantities which exceed the maximum order limitation.

(1) When the maximum order limitations, both as to total value of orders and single items, will apply uniformly to all items in the schedule, the following clause shall be used:

**MAXIMUM ORDER LIMITATION**

(All dollar amounts are exclusive of any discount for prompt payment.) The total dollar value of any order placed under this contract shall not exceed \$—: Provided, That the dollar value for any single item ordered, whether ordered separately or in combination with other items, shall not exceed \$—. The Contractor agrees not to accept or fulfill any order in violation of this clause. Violation may result in termination of the contract pursuant to the clause of the General Provisions entitled "Default."

3. Section 5A-73.205-6 is revised as follows:

§ 5A-73.205-6 Requirements in Excess of Maximum Order Limitations clause.

Except as noted below, schedules resulting from solicitations containing a Maximum Order Limitation clause shall include the clause shown below (included in GSA Form 2891). See § 5A-73.508 for procedures for processing requisitions for requirements in excess, or below, a schedule's maximum order limitation.

**REQUIREMENTS IN EXCESS OF MAXIMUM ORDER LIMITATIONS**

Agencies required to use Federal Supply Schedules as a mandatory source shall forward purchase requests for items included therein which exceed the applicable maximum order limitation to the GSA regional office serving the consignee. Non-mandatory users may, at their option, forward such purchase requests to the above office for purchase action in accordance with appropriate FEDSTRIP/MILSTRIP procedures.

NOTE.—The above clause shall be modified when included in schedules covering FSC Group 58, Part V, Section C; FSC Group 70, Part XI; or FSC Group 75, Part VIII, to require submission of excess MOL requirements to the "office issuing the schedule" in lieu of the "GSA regional office servicing the consignee." (See FPMR 101-26.508-2 and 101-26.509-2(a).)

4. Section 5A-73.205-7 is revised as follows:

§ 5A-73.205-7 Procurement of similar articles or services.

The following clause shall be included in each solicitation and resulting schedule (included in GSA Form 2891).

**PROCUREMENT OF SIMILAR ARTICLES OR SERVICES**

When an agency required to use this Federal Supply Schedule as a mandatory source

determines that an article or service contained in the schedule will not serve the functional end-use purpose required by the agency, procurement of a similar article or service having the same general characteristics of the schedule article or service is authorized: Provided, That a prior written waiver of the requirement for using the schedule is obtained from the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406, in accordance with FPMR 101-26.401-3 and any implementing regulations of the requesting agency.

5. Section 5A-73.213 is revised as follows:

§ 5A-73.213 Blanket purchase arrangements.

The following clause shall be included in each schedule solicitation and resulting schedule (included in GSA Form 2891).

**BLANKET PURCHASE ARRANGEMENTS**

The Contractor agrees to enter into blanket purchase arrangements with ordering activities: Provided, That:

(a) Only items covered by the contract are ordered under such arrangements;

(b) The period of time covered by such arrangements shall not exceed the period of the contract; and

(c) Orders placed under such arrangements shall be issued in accordance with all applicable regulations and the terms and conditions of the contract.

NOTE.—The maximum order limitation of the contract applies solely to individual orders placed against the blanket purchase arrangement and has no bearing on the cumulative or total value of these orders.

6. Section 5A-73.217-5(b) is revised as follows:

§ 5A-73.217-5 Price Reductions clause.

(b) Whenever the above Price Reductions clause is contained in a solicitation, the resulting schedule shall include the following notice (included in GSA Form 2891).

**NOTICE OF PURCHASE AT REDUCED PRICE**

If any article or service available from multiple award Federal Supply Schedule contracts has been ordered from the schedule Contractor at a price lower than the schedule contract price, the agency shall, within 10 calendar days, notify the GSA Contracting Officer of this purchase.

7. Section 5A-73.217-7 is revised as follows:

§ 5A-73.217-7 Preference for Small Business Concerns and Labor Surplus Area Concerns clause.

The following clause shall be included in each multiple award schedule solicitation and resulting schedule (included in GSA Form 2891).

**PREFERENCE FOR SMALL BUSINESS CONCERNS AND LABOR SURPLUS AREA CONCERNS**

Offerors are advised that the following statement will be included in the resulting Federal Supply Schedule:

Where two or more items at the same delivered price will meet the ordering agency's needs equally well, selection should be based on preference for the item of a labor surplus area concern or a small business concern. In making a selection on that basis, the same order of priority shall be used as that established for processing equal low bids in FPR 1-2.407-6 or ASPR 2-407.6. In making such a selection, the information in the Federal Supply Schedule as to the business size status or points of production of Contractors may be used for preliminary, but not conclusive, determination as to whether small business or labor surplus area policies might be furthered through preferential award of the order. The extent to which additional and current information is obtained by an ordering agency is left to the discretion of the agency which should take into account the size of the order and other factors which the agency considers pertinent.

8. Section 5A-73.217-8 is revised as follows:

§ 5A-73.217-8 Foreign Products clause.

The following clause shall be included in each multiple award schedule solicitation and resulting schedule (included in GSA Form 2891).

**PROCUREMENT OF FOREIGN PRODUCTS**

If awards are made to concerns offering foreign items, ordering agencies will be subject to the following instructions:

When two or more items listed in the Federal Supply Schedule will meet the requirements of an agency for a particular job and both foreign and domestic items are involved, the ordering agency must apply the Buy American Act or the Balance of Payments evaluation procedures in FPR 1-6.1 or 1-6.8 and ASPR 6-1 or 6-8, as appropriate.

9. Section 5A-73.218 is added as follows:

§ 5A-73.218 Payments clause.

The following provision shall be included in all Federal Supply Schedule solicitations and resultant schedules (included in GSA Form 2891).

**PAYMENTS**

Offerors are advised that the following provision will be included in any resultant schedule:

(a) Timely payment by the Government is essential to avoid loss of prompt payment discounts and the imposition of a financing burden on the Contractor. Article 7, Payments, of Standard Form 32 provides that the Government has an obligation to pay Contractors promptly. Accordingly, nothing shall limit or restrict agencies placing orders under this Federal Supply Schedule from paying Contractors promptly in accordance with their own internal regulations and applicable laws; e.g., when specifically authorized by agency regulations or procedures, payment may be made upon receipt of evidence of delivery to port of embarkation; upon receipt of evidence of shipment in accordance with Comptroller General Deci-



sion B-158487 dated April 4, 1966; on the basis of an invoice and a certificate of conformance; or, in accordance with a fast-pay procedure such as that provided in ASPR 3-606. In the absence of applicable internal regulations covering payment by an ordering agency, payment shall be made in accordance with the contract terms.

(b) When prices cover delivery to destination, the Government assumes title upon delivery and acceptance at destination, and payment should be made upon the Contractor's submission of proper invoices or vouchers. When the delivery order specifies delivery to a port within the U.S.A. and the contract provides only for the delivery to destination within the conterminous United States, payment should be made promptly upon receipt of evidence of delivery to port notwithstanding the fact that the ultimate destination of the supplies may be abroad, provided earlier payment is not otherwise authorized in accordance with (a), above.

(c) When supplies are purchased f.o.b. shipping point/origin, the Government assumes title upon acceptance by the common carrier, and payment should be made upon the Contractor's submission of proper invoices and proof of shipment without regard as to whether supplies have reached their ultimate destination. If the Contractor is prepaying for the freight to destination, payment for the material, excluding freight charges, should not be delayed pending receipt of proof of the exact amount for the freight charges. Payment for the actual freight charges should be made upon receipt of acceptable proof of the amount;

e.g., carrier's freight bill. Such payment may be made at the time of shipment if proof of freight charges has been received by that time; or it may be made subsequently, notwithstanding the fact that payment for the materials (less freight charges) may have been made earlier.

**Subpart 5A-73.4—Composition of Federal Supply Schedules**

Section 5A-73.404-1 is revised as follows:

**§ 5A-73.404-1 General provisions.**

Specify in the general provisions (a) prescribed use of the schedule; e.g., geographic coverage, mandatory users, etc., and (b) the forms applicable to the schedule; e.g., SF 32, General Provisions (Supply Contract), GSA Form 1424, GSA Supplemental Provisions, and GSA Form 2891, Instructions to Users of Federal Supply Schedules. GSA Form 2891 is exhibited in § 5A-16.950-2891, and contains provisions applicable to all advertised and multiple award schedules.

**PART 5A-76—EXHIBITS**

The table of contents for Part 5A-76 is amended to add the following new entry:

Sec.  
5A-76.312 BDC Del. 3—Delegation of DO

Priority Rating to the Administrator of General Services.

**Subpart 5A-76.3—Miscellaneous Exhibits**

Section 5A-76.312 is added to set forth Bureau of Domestic Commerce (BDC) Delegation 3 as revised March 26, 1976.

**Subpart 5A-76.4—Procurement Assignments**

Subpart 5A-76.4 is revised to reflect current procurement assignments.

NOTE.—Copies of the forms illustrated in Part 5A-16 and copies of the exhibits shown in Part 5A-76 are filed with the original document.

(Sec. 205(c), 83 Stat. 390; 40 U.S.C. 486(c).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: November 30, 1977.

ROBERT P. GRAHAM,  
Commissioner,  
Federal Supply Service.

(FR Doc. 78-270 Filed 1-6-78; 8:45 am)

## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-05]

**DEPARTMENT OF AGRICULTURE**

**Commodity Credit Corporation**

[7 CFR Part 1464]

**TOBACCO**

**Tobacco Loan Program**

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation (USDA) is considering changes in the tobacco price support regulations which will modify the limitation on the acreage which as a condition of price support eligibility may be planted to flue-cured tobacco. This document invites all interested parties to submit views and recommendations with respect to the proposed changes.

DATE: Written comments must be received by February 8, 1978, in order to be sure of consideration.

ADDRESS: Send comments to Director, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Robert P. Hieronymus, 202-447-7801.

SUPPLEMENTARY INFORMATION: Under present regulations set forth in §1464.7 of this part, a flue-cured tobacco producer to be eligible for price support must, among other things, have not planted flue-cured tobacco on acreage in excess of 110 percent of the acreage allotment established for his farm. Price support is available to eligible producers on 110 percent of the farm marketing quota which is expressed in pounds.

Flue-cured tobacco, which grows on the lower stalk positions, is generally lacking in certain characteristics desired by buyers, particularly export buyers. There is a substantial surplus of the lower stalk grades which constitute about 30 percent of a normal flue-cured tobacco crop. Large portions of the lower stalk marketings of recent years are under price support loans.

Consideration is being given to changing the conditions of price support eligibility to (1) increase the limitation of the acreage, which as a con-

dition of price support eligibility may be planted to flue-cured tobacco, from 110 to 120 percent of the farm acreage allotments of producers who agree not to harvest and do not harvest the 4 lower leaves produced on each stalk of flue-cured tobacco grown on the farm, and (2) decrease such acreage limitation to 100% of the farm acreage allotment of producers who do not enter into or do not comply with such agreements. The larger acreage will enable the producer who does not harvest the 4 lower leaves to increase his production and marketings of upper stalk grades in substitution for lower stalk grades for which demand and prices are expected to be lower.

To the extent producers agree not to harvest the 4 lower leaves, the anticipated grade percentages of the crop

will change. There will be larger percentages of the upper stalk grades and correspondingly smaller percentages of the lower stalk grades. The level of support is provided by grade loan rates which, weighted by the respective grade percentages, average the level of support. Because the grade loan rates are higher for the upper stalk grades than for the lower stalk grades, any increase in the anticipated percentage of the upper stalk grades will lower the grade loan rates required to average the level of support. This is demonstrated in the table below, which shows examples of the average grade loan rates which may be applied to provide a level of support of \$1.22 a pound, if the anticipated percentage distributions of the upper and lower stalk grades are as shown.

	Anticipated percent	Average Grade Loan Rates  (cents per lb.)	Anticipated percent	Average Grade Loan Rates  (cents per lb.)
Lower Stalk Grades.....	30	101	24	99.53
Upper Stalk Grades.....	70	131	76	129.10
All Grades .....	100	122.00	100	122.00

Proposed Rule: Accordingly, it is proposed that 7 CFR 1464.7(a) be amended to read as follows:

**§ 1464.7 Eligible producers.**

(a) All producers of Puerto Rican tobacco are eligible producers, since Puerto Rican tobacco is not under U.S. marketing quotas. All producers of any kind of tobacco for which marketing quotas have been terminated are eligible producers during the periods for which the terminations are effective. Any producer of another kind of tobacco is an eligible producer if:

(1) An acreage allotment or marketing quota has been established for his farm under the applicable regulations issued by the Secretary of Agriculture with respect to marketing quota and acreage allotments (Parts 724, 725, and 726 of this title) for the applicable marketing year;

(2) All the tobacco produced on his farm is produced on acreage which does not exceed the acreage allotment, or if flue-cured tobacco, does not exceed:

(i) The acreage allotment established for his farm, or

(ii) 120 percent of the acreage allot-

ment established for his farm in instances where the producer has left unharvested the 4 lower leaves on each stalk of tobacco produced on his farm and has entered into an agreement to do so with the local ASC county committee in accordance with procedures to be established by the Deputy Administrator, State and County Operations, ASCS; and

(3) If acreage allotments and marketing quotas are in effect for a kind of tobacco, the producer has reported the acreage planted to tobacco on his farm to the local ASC county committee in accordance with regulations issued by the Secretary of Agriculture with respect to determinations of acreage and compliance (Part 718 of this title) for the applicable year, and has complied with any agreement which he may have entered into with the local ASC county committee with respect to not harvesting certain lower stalk leaves of flue-cured tobacco; and

(4) Pesticides containing DDT, TDE, toxaphene and endrin have not been used on the tobacco in the field or after being harvested and the absence of such use of the pesticides has been reported to the local ASC county committee in accordance with applicable



regulations issued under Parts 724, 725, and 726 of this title.

Prior to making any determination, the Department will give consideration to comments, views, and recommendations submitted in writing to the Director, Price Support and Loan Division.

All written submission will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday in Room 3741-South Building, USDA, 14th and Independence Avenue SW., Washington, D.C. 20013.

Signed at Washington, D.C., on December 30, 1977.

STEWART N. SMITH,  
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 78-322 Filed 1-6-78; 8:45 am]

#### [4910-13]

#### DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 77-NW-31-AD]

#### AIRWORTHINESS DIRECTIVE

Boeing 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed amendment would supersede an existing Airworthiness Directive, to require repetitive inspections and eventual modification of the two gates of each pressurization system outflow valve assembly on Boeing B-747 airplanes by adding mechanical fasteners to secure the gates to the outflow valve gate hinge. The modification will prevent the loss of the gate due to delamination of the gate-to-hinge bond and prevent the resulting rapid decompression of the airplane in flight.

DATES: Comments must be received on or before February 21, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 77-NW-31-AD, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION, CONTACT:

Weston B. Slifer, Systems and Equipment Section, ANW-213, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash.

98108 (206-767-2500).

**SUPPLEMENTARY INFORMATION:** On November 3, 1977, a B-747 airplane, while cruising at 31,000 feet, suffered a rapid depressurization that resulted in a cabin pressure altitude of 19,000 feet. The incident was caused by delamination of a gate-to-hinge bond on one pressurization system outflow valve assembly. On December 8, 1977, Airworthiness Directive, 77-25-06, Amendment 39-3098, (42 FR 63637) was issued to require visual inspection of the gate-to-hinge bond. At that time, it was indicated that an amendment would be issued to require modification by adding mechanical fasteners to secure the gate to the gate hinge, because of the inherent difficulty in performing adequate visual inspections. This Notice proposes such an amendment.

#### DRAFTING INFORMATION

The principal authors of this document are Weston B. Slifer, Engineering and Manufacturing Branch, Northwest Region, and Jonathan Howe, Regional Counsel, Northwest Region.

#### THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) superseding 77-25-06, Amendment 39-3098 (42 FR 63637) as follows:

**BOEING:** Applies to Model 747 Series airplanes certificated in all categories and equipped with pressurization system outflow valve assemblies, Boeing P/N 60B00025-3, -11, -12, and -17 (Hamilton Standard P/N 719201-2, -3, -4, -5, -6, -7, -8, and -9). Compliance required as indicated.

To prevent rapid loss of pressurization in flight accomplish the following:

A. Within 350 hours time in service after the effective date of this Airworthiness Directive, unless already accomplished, and thereafter at intervals not to exceed 350 hours time in service until modified in accordance with part B or C of this AD, as applicable, inspect forward and aft gates of each outflow valve assembly in accordance with the instructions contained in Boeing Service Bulletin No. 747-21-2139 dated November 23, 1977, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Gates found with delamination or cracks in the hinge-to-gate bonds must be removed and replaced with a part free of delamination or cracks. Removed gates may be forwarded to Hamilton Standard for further evaluation or modified in accordance with part B or C of this AD, as applicable, prior to being returned to service.

B. Within 1800 hours time in service after the effective date of this Airworthiness Directive modify the outflow valve assemblies, Hamilton Standard P/N 719201-2, -3, -4, and -5, as applicable, in accordance with the instructions contained in Hamilton Standard Service Bulletin H.S. Code 747 AC-16, AC-83, and AC-114 or by an equivalent

method approved by the Chief, Engineering and Manufacturing Branch, FAA NW Region.

C. Within 2500 hours time in service after the effective date of this Airworthiness Directive, modify the outflow valve assemblies, Hamilton Standard P/N 719201-6, -7, -8, and -9, as applicable, in accordance with the instructions contained in Hamilton Standard Service Bulletins H.S. Code 747 AC-114 or by an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

D. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the inspection compliance time and/or modification compliance time specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

Amendment 39-3098 (42 FR 63637) is hereby superseded.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Seattle, Wash., on December 28, 1977.

J. H. TANNER,  
Acting Director,  
Northwest Region.

[FR Doc. 78-226 Filed 1-6-78; 8:45 am]

#### [4910-13]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 17531]

#### AIRWORTHINESS DIRECTIVES

British Aircraft Corp. BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require inspection for cracks and repair as necessary of the windshield glazing frame on British Aircraft Corp. Model BAC 1-11 200 and 400 Series airplanes. The proposed AD is needed to detect cracks in the frame which if left undetected and not repaired could result in failure of the adjacent fuselage frame and loss of cabin pressurization.

DATE: Comments must be received on or before February 24, 1978.

#### THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

**BRITISH AIRCRAFT CORPORATION (BAC).** APPLIES TO MODEL BAC 1-11 200 AND 400 SERIES AIRPLANES, CERTIFICATED IN ALL CATEGORIES EXCEPT THOSE AIRPLANES INCORPORATING EITHER BAC MODIFICATION PM 2857, PART (a), OR BAC MODIFICATION PM 3346.

Compliance is required as indicated.

To detect cracking of the windshield glazing frame and prevent possible failure of the adjacent fuselage frame, accomplish the following:

(a) For airplanes that have accumulated less than 25,000 total landings on the effective date of this AD, comply with the following:

(1) Prior to the accumulation of 15,000 landings or within the next 500 landings after the effective date of this AD, whichever occurs later, unless accomplished within the previous 2,000 landings, visually inspect the windshield glazing frame for cracks internally and externally in accordance with the instructions contained in Section 4, entitled "Guidance to Operators" of British Aircraft Corp. Alert Service Bulletin 53-A-PM5425, issue 2, dated December 1, 1976 (hereinafter ASB 53-A-PM5425) or an FAA-approved equivalent.

(2) Repeat the inspection specified in paragraph (a)(1) of this AD at intervals not to exceed 2,500 landings from the last inspection until 25,000 landings are accumulated, and thereafter comply with the inspection interval specified in paragraph (b) of this AD.

(b) For airplanes that have accumulated 25,000 landings or more on the effective date of this AD, inspect the area in accordance with paragraph (a)(1) of this AD within the next 250 landings after the effective date of this AD, unless accomplished within the last 750 landings, and thereafter continue to inspect the area at intervals not to exceed 1,000 landings from the last inspection.

(c) If cracks are found, that do not extend forward of the cutouts for the windshield wiper shafts, during any inspection required by this AD, accomplish the repair modification specified in BAC Modification PM2857, Part (a), or an FAA-approved equivalent:

(1) Within the next 750 landings after discovery of the cracks on airplanes with less than 25,000 landings at the time of the inspection.

(2) Within the next 250 landings after discovery of the cracks on airplanes with 25,000 or more landings at the time of the inspection.

(d) If cracks are found, during any inspection required by this AD, that extend forward of the cutouts for the windshield wiper shafts (refer to Figure 1) of ASB 53-A-PM5425, before further flight, except that the aircraft may be flown in accordance with FAR 21.197 and FAR 21.199 to a base where the work can be accomplished, accomplish the repair modification specified in BAC Modification PM 2857, Part (a) of an FAA-approved equivalent.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a),

1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on December 29, 1977.

J. A. FERRARESE,  
Acting Director,  
Flight Standards Service.  
[FR Doc. 78-328 Filed 1-6-78; 8:45 am]

#### [4910-13]

[14 CFR Part 39]

[Docket No. 17533]

#### AIRWORTHINESS DIRECTIVES

British Aircraft Corp., BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD), that would require inspection for cracks and repair as necessary of the rear passenger door leading to the ventral exit on certain British Aircraft Corp. BAC 1-11 200 and 400 Series airplanes. The AD is prompted by reports of cracks, which could result in cabin depressurization.

DATE: Comments must be received on or before February 24, 1978.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-24) Docket No. 17533, 800 Independence Avenue SW., Washington, D.C. 20591.

The applicable service bulletin may be obtained from: British Aircraft Corp., Inc., 399 Jefferson Davis Highway, Arlington, Va. 22202, telephone 703-979-1400.

A copy of the Service Bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION, CONTACT:

D. C. Jacobsen, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may



desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been reports of cracking of the skin and structure of the rear passenger door in the pressure bulkhead of high time BAC 1-11 200 Series airplanes which if left undetected and unrepaired could result in lowering the structural integrity of the pressure vessel to a hazardous level. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would establish a threshold based on landings (pressure cycles), for initial and recurrent inspections of the door skin and structure and specify repairs as necessary.

#### DRAFTING INFORMATION

The principal authors of this document are F. J. Karnowski, Europe, Africa, and Middle East Region, F. H. Kelley, Flight Standards Service and P. Lynch, Office of the Chief Counsel.

#### THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), by adding the following new Airworthiness Directive:

**BRITISH AIRCRAFT CORPORATION.** Applies to Model BAC 1-11 200 and 400 Series airplanes certificated in all categories, which have a rear passenger door installed in the aft pressure bulkhead. Compliance is required as indicated.

To detect cracking and prevent possible failure of the door structure under pressure loads, accomplish the following:

(a) Prior to accumulating 30,000 landings or within 800 flight hours time in service after the effective date of this AD, whichever occurs later unless accomplished within the last 800 flight hours, and thereafter at intervals not to exceed 800 flight hours from the last crackfree inspection, inspect the passenger door in the aft pressure bulkhead for cracks in accordance with paragraph 2.2 of the section entitled "Accomplishment Instructions" of British Aircraft Corp. Alert Service Bulletin 52-A-PM5448, issue 2, dated July 4, 1977, or an FAA-approved equivalent.

(b) If horizontal cracks are found during the inspection required by paragraph (a) of this AD which do not exceed the combined

limitations of (b)(1) and (b)(2) noted below, the doors may remain in service provided the cracks are stop drilled and inspected for crack propagation at intervals not to exceed 50 flight hours from initial crack detection.

(1) Cracks in the skin panel must not exceed 3 inches in length and must be limited to one crack per bay or one crack adjacent to and on either side of a horizontal member of the primary backup structure of the door.

(2) Cracks in the horizontal members of the primary backup structure which are parallel to and between the heel line and lightening holes must not exceed 2 inches in length, must be limited to one crack per horizontal member and adjacent horizontal members must be crackfree.

(c) If horizontal cracks are found during the inspection required by paragraph (a) of this AD which do not exceed the combined limitations noted in (c)(1) and (c)(2) below, the doors may remain in service provided the cracks are stop drilled and inspected for crack propagation at intervals not to exceed 50 flight hours from initial crack detection and the cabin pressure differential is limited to a maximum of 5.5 pounds per square inch for flight operations with cracks unrepaired.

(1) Cracks in the skin panel must not exceed 6 inches in length and must be limited to one crack per bay or one crack adjacent to and on either side of a horizontal member of the primary backup structure of the door.

(2) Cracks in the horizontal members of the primary backup structure are of the type and do not exceed the limitations of paragraph (b)(2) of this AD.

(d) Within 300 flight hours from the initial detection of a skin crack in excess of 3 inches in length, repair cracks in doors which are allowed to remain in service subject to the conditions in paragraphs (b) and (c) of this AD in accordance with sections 51-20-0 and 52-02-5 of the Structural Repair Manual for the Model, and thereafter continue to inspect the door in accordance with paragraph (a) of this AD at intervals not to exceed 800 flight hours time in service.

(e) If cracks are found during any of the inspections required by this AD that exceed the limitations specified in subparagraphs (b)(2) or (c)(1) of this AD, or are of a type which extend across the door frame, vertically across horizontal members from a lightening hole to the heel line of the horizontal member, or between lightening holes, before further pressurized flight, repair the cracks in accordance with sections 51-20-0 and 52-02-5 of the Structural Repair Manual for the Model and thereafter continue to inspect the door in accordance with paragraph (a) of this AD at intervals not to exceed 800 flight hours from the time of the repair.

(f) Upon incorporation of British Aircraft Corp. Modification 52-PM 5448, compliance with this AD is no longer required.

(g) For the purpose of complying with this AD where number of landings has not been recorded, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing the total airplane flight hours by the operator fleet average time from takeoff to landing for the airplane type.

**NOTE.**—For additional clarification of types of cracking to be expected and crack limitations, refer to British Aircraft Corp. Alert Service Bulletin 52-A-PM5448, issue 2 (pages 1 and 2), dated July 4, 1977, and issue 1 (pages 3-5), dated March 18, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.85).)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on December 29, 1977.

J. A. FERRARESE,  
Acting Director,  
Flight Standards Service.

(FR Doc. 78-330 Filed 1-6-78; 8:45 am)

[4910-13]

[14 CFR Part 39]

[Docket No. 77-CE-25-AD]

#### AIRWORTHINESS DIRECTIVE

Cessna 402B, 421B, and 421C Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rule Making.

**SUMMARY:** This notice proposes to add an Airworthiness Directive (AD), that would require structural reinforcement of Enviroform type passenger seats in certain Cessna Model 402B, 421B, and 421C airplanes to preclude failure which could result in injury in those situations where the seats and seat belts are relied on to restrain the passengers.

**DATE:** Comments must be received on or before February 16, 1978.

**ADDRESSES:** Send comments on the proposal to: FAA Central Region, Office of the Regional Counsel, ACE-7, Attn: Rules Docket Clerk, Docket No. 77-CE-25-AD, 601 East 12th Street, Kansas City, Mo. 64106.

Cessna multiengine Service Letter No. ME77-30 dated October 31, 1977, applicable to this proposal may be obtained from Cessna Aircraft Co., Marketing Division, Attn: Customer Service Department, Wichita, Kans. 67201, telephone 316-685-9111. A copy of the service instructions cited above is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591, and at the Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo. 64106.

**FOR FURTHER INFORMATION CONTACT:**

William L. Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3446.

#### SUPPLEMENTARY INFORMATION:

##### COMMENTS INVITED

Interested persons are invited to participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the AD Docket Number, and be submitted in duplicate to the address specified above. All comments received on or before the closing date for comments will be considered by the Administrator before action is taken on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

##### AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

##### THE PROPOSAL

The FAA has received reports on Cessna Models 402B and 421B airplanes in which structural failure of Enviroform type passenger seats occurred when occupants were entering or exiting the seats under normal conditions. Inspection of the failed seats shows that separation of the seat and back assembly (upper part), from the pedestal (bottom part), was due to improper bonding during manufacture. Seat belts on Enviroform type seats are anchored to the seat and back assembly (upper part). Failure of the bond between this portion of the seat and the pedestal (bottom part), at a time when seat belts are relied on to restrain occupants could result in injuries. In view of the lack of an acceptable inspection technique for the bonded area in question the manufacturer has issued Cessna Service Letter ME77-30 making available a structural reinforcement, consisting of an aluminum ring, seventeen screws, washers and nuts for in-service Enviroform type seats suspected of having improper bonds. The manufacturer is now applying a proof load to each Enviroform type seat manufactured for current production airplanes to assure the integrity of the bond. The FAA has concluded that improper bonding on in-service Enviroform seats is an unsafe condition that is likely to exist

on other airplanes of the same type design. Accordingly, an AD is being proposed that would require installation of the structural reinforcement of all Enviroform type passenger seats in the cabins of certain Cessna Model 402B, 421B, and 421C airplanes manufactured prior to the time when the manufacturer began proof loading each seat produced. Accomplishment of the structural reinforcement proposed herein will correct the existing unsafe condition noted herein.

##### DRAFTING INFORMATION

The principal authors of this document are: William L. Schroeder, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

##### THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), by adding the following new airworthiness directive:

Cessna. Applies to the following models and serial numbered airplanes certified in all categories:

##### Model and Serial Numbers

402B—402B0802, 402B0806, 402B0810 thru 402B0812, 402B0814, 402B0817, 402B0818, 402B0820, 402B0822 thru 402B0824, 402B0826, 402B0829, 402B0834, 402B0837, 402B0840, 402B0841, 402B0844 thru 402B0849, 402B0851 thru 402B0853, 402B0855, 402B0860, 402B0861, 402B0865 thru 402B0867, 402B0869, 402B0871 thru 402B0873, 402B0875, 402B0877, 402B0881, 402B0882, 402B0886, 402B0888, 402B0889, 402B0891 thru 402B0893, 402B0895, 402B0897, 402B0899, 402B0903, 402B0906, 402B0910, 402B0914 thru 402B0919, 402B0921, 402B0922, 402B0928 thru 402B0930, 402B0932, 402B0933, 402B1002, 402B1008, 402B1011, 402B1014, 402B1016, 402B1018, 402B1020, 402B1023, 402B1025, 402B1028, 402B1028, 402B1034, 402B1045, 402B1046.

421B—421B0833, 421B0878, 421B0880, 421B0913, 421B0942, 421B0943, 421C—421C0026, 421C0054.

Compliance: Required as indicated unless already accomplished.

To assure structural integrity of the bond between seat and seat back assemblies (upper part), to seat pedestal (bottom part), assemblies of Enviroform type passenger seats, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following in accordance with Cessna Service Letter No. ME77-30 dated October 31, 1977 or later approved revisions and Cessna Service Kit No. SK 421-78 or later approved revisions:

(A) Install the structural reinforcement provided with Cessna Service Kit SK 421-78 on each Enviroform type passenger seat in the cabin of airplanes affected by this AD.

(B) The 100 hour compliance time for paragraph "A" may be extended up to a maximum of 110 hours time-in-service to

allow compliance at previously scheduled maintenance periods.

(C) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.85).)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on December 29, 1977.

JOHN E. SHAW,  
Acting Director, Central Region.

(FR Doc. 78-333 Filed 1-6-78; 8:45 am)

[4910-13]

[14 CFR Part 39]

[Docket No. 77-NE-27]

#### AIRWORTHINESS DIRECTIVES

Pratt & Whitney R985 Aircraft Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice (NPRM) proposes to adopt an Airworthiness Directive that would require inspection of cylinder heads on Pratt & Whitney R985 model engines. The proposed AD is needed to provide a more positive means of detecting cracked cylinder heads than is currently required by AD 76-20-01, which will be canceled upon publication of the proposed AD.

**DATE:** Comments must be received on or before February 9, 1978.

**ADDRESSES:** Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No., 12 New England Executive Park, Burlington, Mass. 01803.

The applicable service bulletin may be obtained from: Pratt & Whitney Aircraft Group, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Mass. 01803.

**FOR FURTHER INFORMATION CONTACT:**

Lewis Smith, Propulsion Section



(ANE-214), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, telephone 617-273-7347.

**SUPPLEMENTARY INFORMATION:** Amendment 39-2728 (41 FR 41685) AD 76-20-01 currently requires a visual inspection and water pressure test of R985 cylinder assemblies. After issuing Amendment 39-2728 the FAA has determined that cracks continue to occur even shortly after these inspections have been made. Therefore, the FAA is proposing to cancel AD 76-20-01 and issue a new one to provide a more detailed visual inspection, and to replace the water pressure test with an ultrasonic test. Interested persons are invited to participate in the making of the proposed amendment by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

#### DRAFTING INFORMATION

The principal authors of this document are Lewis Smith, Propulsion Section, Engineering and Manufacturing Branch, and George L. Thompson, Office of the Regional Counsel, New England Region.

#### THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend §39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

**PRATT & WHITNEY AIRCRAFT:** Applies to Pratt & Whitney Aircraft Wasp, Jr. and R985 model engines.

Compliance required as indicated, unless already accomplished.

To prevent cylinder head separation from the barrel, perform the following in accordance with Pratt & Whitney Aircraft Service Bulletin Number 1785 or later FAA approved revision:

1. Visually inspect cylinder heads in accordance with Part B of the bulletin as follows:
  - A. Cylinders not ultrasonically inspected—inspect within 50 hours time in service after effective date of this AD, and thereafter at intervals not to exceed 100 hours times in service.

B. Cylinders ultrasonically inspected—inspect within 150 hours time in service after effective date of this AD, and thereafter at intervals not to exceed 150 hours time in service.

2. Remove visibly cracked cylinders and cylinders with black combustion leakage from service before further flight.

3. After the effective date of this AD, inspect all cylinder assemblies, prior to installation on an engine, by the ultrasonic test procedure in Part A of Service Bulletin 1785 or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

4. Remove from service cylinders which show cracks in excess of the limits of Part A, Section IV, of the bulletin.

**NOTE.**—Cylinders which have been ultrasonically tested are stamped "UT" over the intake port.

The manufacturer's service bulletin identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655); 14 CFR 11.85.)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular 107.

Issued in Burlington, Mass., on December 29, 1977.

WILLIAM E. CROSBY,  
Acting Director,  
New England Region.

**NOTE.**—The incorporation by reference provisions of this document was approved by the Director of the FEDERAL REGISTER on June 19, 1967.

[FR Doc. 78-342 Filed 1-6-78; 8:45 am]

[4810-22]

#### DEPARTMENT OF THE TREASURY

##### Customs Service

[19 CFR Part 153]

##### ANTIDUMPING

**Proposed Amendments Pertaining to Merchandise From State-Controlled-Economy Countries**

**AGENCY:** U.S. Customs Service, Treasury Department.

**ACTION:** Proposed rulemaking.

**SUMMARY:** These proposed amendments would modify procedures as they relate to investigations under the Antidumping Act, 1921, as amended, covering merchandise imported from state-controlled-economy countries. The amendments would provide that when merchandise from a state-controlled-economy country is being compared with the constructed value of merchandise in a non-state-controlled-economy country or countries, adjustments may be made to reflect differences in economic factors between the state-controlled-economy country and a non-state-controlled-economy country. Such a procedure would tend to recognize and preserve any relative efficiencies or natural advantages in the state-controlled-economy country. In addition, the requirements for a petition covering merchandise from a state-controlled-economy country to be in satisfactory form are proposed to be modified.

**EFFECTIVE DATE:** Comments must be received on or before: February 8, 1978.

**ADDRESS:** Comments must be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229

**FOR FURTHER INFORMATION CONTACT:**

Theodore Hume, Office of the General Counsel, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, D.C., 20220 202-566-2941.

**SUPPLEMENTARY INFORMATION:** The Trade Act of 1974 amended the Antidumping Act, 1921, as amended (19 U.S.C. 160 et. seq.) (hereafter referred to as "the Act") by providing that where information indicates that:

"The economy of the country from which the merchandise is exported is state-controlled to an extent that sales or offers of sales of such or similar merchandise in that country or to countries other than the United States do not permit a determination of foreign market value under subsection (a), the Secretary shall determine the foreign market value of the merchandise on the basis of the normal costs, expenses, and profits as reflected by either—

(1) The prices, determined in accordance with subsection (a) and section 202, at which such or similar merchandise of a non-state-controlled-economy country or countries is sold either (A) for consumption in the home market of that country or countries, or (B) to other countries, including the United States; or

(2) the constructed value of such or similar merchandise in a non-state-controlled-economy country or countries as determined under section 206." (19 U.S.C. 164(c))

Section 153.7 of the Customs Regulations (19 CFR 153.7) reflects the statutory language in Section 205(c) (19 U.S.C. 164(c)).

Based upon experience since enactment of the Trade Act of 1974 and in an effort to make comparisons on more equivalent and realistic bases, consistent with the Act, it has been concluded that § 153.7 of the Customs Regulations (19 CFR 153.7) should be amended. It is proposed that if such or similar merchandise is sold in a non-state-controlled-economy country or countries which is (are) concluded to be comparable in terms of economic

development to the state-controlled-economy country under investigation, then, for comparison purposes, prices will be used at which such or similar merchandise is sold either (1) for consumption in the home market of that country or countries, or (2) to other countries, including the United States. If such or similar merchandise is not sold in a non-state-controlled-economy country having a level of economic development comparable to that in the state-controlled-economy country under investigation, then generally the constructed value of such or similar merchandise in a non-state-controlled-economy country or countries will be employed, with adjustments to that constructed value for differences in economic factors as reflected by the normal costs in a non-state-controlled-economy country or countries determined to be comparable in terms of economic development to the state-controlled-economy country under investigation.

Alternatively, in the situation where constructed value is being employed, adjustments may be made for difference in cost of production as reflected by the costs of specific factors of production in a non-state-controlled-economy country or countries determined to be comparable in economic development to the state-controlled-economy country under investigation. Such specific objective factors, as hours of labor required, quantity of materials employed, and amount of energy consumed, in the state-controlled-economy country would have to be verified to the satisfaction of the Secretary and then could be valued in the more comparable non-state-controlled-economy country or countries where production of such or similar merchandise is not actually occurring.

In the case of § 153.27(a)(3)(ii) of the Customs Regulations (19 CFR 153.27(a)(3)(ii)), it is proposed that if the class or kind of merchandise in question is exported from a state-controlled-economy country, the information specified in the regulations should include not only the information presently set forth in § 153.27(a)(3)(ii), but also constructed value information of such or similar merchandise produced in a non-state-controlled-economy country, including the United States, if constructed value information for such or similar merchandise in another non-state-controlled-economy country is not available. It is also proposed that § 153.27(a)(3)(iii) (19 CFR 153.27(a)(3)(iii)) be amended to reflect the changes in § 153.27(a)(3)(ii).

Accordingly, it is proposed that section 153.7 and § 153.27(a)(3) (ii), (iii) of the Customs Regulations (19 CFR 153.7, 153.27(a)(3) (ii), (iii)) be revised to read as follows:

§ 153.7 Merchandise from state-controlled-economy country

If the information available indicates to the Secretary that the economy of the country from which the merchandise is exported is state-controlled to an extent that sales or offers of sales of such or similar merchandise in that country or to countries other than the United States do not permit a determination of fair value under §§ 153.2, 153.3, 153.4, the Secretary shall determine fair value in the basis of the normal costs, expenses, and profits as reflected by either:

(a) The prices, determined in accordance with section 205(a) and section 202 of the Act (19 U.S.C. 164(a), 161) at which such or similar merchandise of a non-state-controlled-economy country or countries, including the United States, is sold either (1) for consumption in the home market of that country or countries, or (2) to other countries, including the United States; or

(b) In cases where such or similar merchandise is not produced in a non-state-controlled-economy country or countries which is (are) concluded to be comparable in terms of economic development to the state-controlled-economy country from which the merchandise is exported, the constructed value of such or similar merchandise in a non-state-controlled-economy country or countries, including the United States, as determined under section 206 of the Act (19 U.S.C. 165), will be used for comparison purposes.

(1) When constructed value is used, the constructed value of such or similar merchandise in a non-state-controlled-economy country may be adjusted for differences in economic factors between the non-state-controlled-economy country or countries actually producing such or similar merchandise and a non-state-controlled-economy country or countries determined to be comparable in terms of economic development to the state-controlled-economy country under investigation. Such adjustments to the constructed value will be based upon differences in normal costs of producing the subject merchandise between the non-state-controlled-economy countries being compared.

(2) Alternatively, when constructed value is used, the constructed value of such or similar merchandise in a non-state-controlled-economy country may be adjusted for differences in cost of production as reflected by differences in the costs of specific objective components or factors of production, including but not limited to, hours of labor required, quantities of raw materials employed, and amount of energy consumed, will be obtained from the state-controlled-economy country under investigation. If verification of such figures in the state-controlled-economy country is concluded to the satisfaction of the Secretary, such components or factors may be valued in a non-state-controlled-economy country determined to be comparable in economic development to the state-controlled-economy country under investigation. In addition to the values thus obtained an amount for general expenses and profits, as required by section 206(a)(2) of the Act (19 U.S.C. 165(a)(2)), will be made.

(c) The prices or the constructed value of the United States produced merchandise generally will be utilized where sales of such or similar merchandise in any other non-state-controlled-economy country are not available or do not provide an adequate basis for comparison.

§ 153.27 Suspected dumping; nature of information to be made available

(a) General. . . .

(3) Price Information; fair value. . . .

(ii) If the merchandise is being exported from a state-controlled-economy country.

(a) The price or prices at which such or similar merchandise of a non-state-controlled-economy country or countries is sold for consumption in the home market of that country or countries or to other countries (including the United States if such or similar merchandise is not sold or offered for sale in any other non-state-controlled-economy country), and

(b) The constructed value of such or similar merchandise in a non-state-controlled-economy country (including the United States if constructed value information from any other non-state-controlled-economy country is not available), such constructed value to be determined in accordance with § 153.7(b).

(iii) If the information required under paragraph (a)(3)(i) is not available, the constructed value (as defined in section 206 of the Act (19 U.S.C. 165)) of such merchandise in the country of exportation.

The Customs Service invites comments from all interested persons on the proposed amendments to the Customs Regulations. Comments submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

R. E. CHASEN,  
Commissioner of Customs.



Approved: December 30, 1977.

HENRY STOCKELL,  
Acting General Counsel of the  
Treasury.

[FR Doc. 78-417 Filed 1-6-78; 8:45 am]

[4810-22]

Customs Service  
[19 CFR Part 153]

#### ANTIDUMPING PETITIONS

##### Proposed Amendments Pertaining to Requirements

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Proposed Rulemaking.

**SUMMARY:** This proposed amendment would modify the requirements for petitions being filed under the Antidumping Act, 1921, as amended. For a petition to be considered to have been received in acceptable form, additional information should be included indicating a loss of sales, actual or anticipated, or price depression or suppression by reason of the alleged sales or offers for sale of less than fair value imports. The purpose of this proposed amendment is to allow the Department to consider adequately whether, and to what extent, a causal link exists between the alleged less than fair value imports and any resulting injury as specified in the act.

**EFFECTIVE DATE:** Comments must be received on or before February 8, 1978.

**ADDRESS:** Comments must be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

**FOR FURTHER INFORMATION CONTACT:**

Theodore Hume, Office of the General Counsel, U.S. Treasury Department, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220, 202-566-2941.

**SUPPLEMENTARY INFORMATION:** The Antidumping Act of 1921, as amended by the Trade Act of 1974, provides that if the Secretary, in making a determination as to whether to initiate an antidumping investigation concludes that:

There is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, he shall forward to the Commission the reasons for such substantial doubt (19 U.S.C. 160(d)(2)).

In order to assist the Treasury Department in concluding whether there is "substantial doubt," present regulations provide that certain injury infor-

mation should be supplied for a communication (hereinafter referred to as a "petition"), to have been received in acceptable form and to make sufficient allegations to warrant a formal full-scale investigation (19 CFR 153.27(a)). Based upon experience since the Trade Act of 1974, it has been decided that it would further assist the Treasury Department in fulfilling its responsibilities under the law, to seek information which more specifically relates to the causal link, the "by reason of," between the alleged less than fair value imports and any injury being suffered by the United States industries concerned.

In order to allow the Department to consider adequately whether, and to what extent, such a causal link exists, it is proposed that § 153.27(a)(4)(vi) of the Customs Regulations (19 CFR 153.27(a)(4)(vi)), be amended to indicate as information which should be included in a petition, information showing whether there have been, or are anticipated to be, either a loss of sales as a direct result of sales or offers for sale of the specific less than fair value imports alleged, or a depression or suppression of prices directly occasioned by sales or offers for sale of such imports.

Accordingly, it is proposed to revise § 153.27(a)(4)(vi) of the Customs Regulations (19 CFR 153.27(a)(4)(vi)), to read as follows:

§ 153.27 Suspected dumping; nature of information to be made available.

(a) \* \* \*

(4) \* \* \*

(vi) Information which indicates specifically either that sales have been, or are likely to be, lost as a direct result of the sales alleged to be at less than fair value, or that sales or offers for sale of such merchandise alleged to be sold at less than fair value have directly caused price depression or suppression. Additionally, information concerning any margin of underselling of the less than fair value imports, i.e., the extent to which the price discrimination permits the foreign exporter to undersell or offer to undersell the domestic merchandise. Such information, with details, should be supplied for the petitioner and for the industry.

\* \* \*

The Customs Service invites comments from all interested persons on the proposed amendments to the Customs Regulations. Comments submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitu-

tion Avenue NW., Washington, D.C. 20229.

R. E. CHASEN,  
Commissioner of Customs.

Approved: December 30, 1977.

HENRY STOCKELL,  
Acting General Counsel  
of the Treasury.

[FR Doc. 78-481 Filed 1-6-78; 8:45 am]

[7708-01]

#### PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Parts 2605 and 2608]

##### MANDATORY EMPLOYEE CONTRIBUTIONS

###### Proposed Rulemaking

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed Rule.

**SUMMARY:** This is a proposed amendment to the Guaranteed Benefits regulation and the Interim Regulation on Allocation of Assets. If adopted, the amendment to the Guaranteed Benefits regulation would allow the Pension Benefit Guaranty Corporation to guarantee a plan benefit that returns a participant's mandatory employee contributions upon the participant's death or to pay to a participant in a terminating pension plan the value of the benefit derived from his or her own mandatory contributions in a single installment, if the participant so elects. The effect of the amendment is to better conform the PBGC's guarantee to the intent of the Employee Retirement Income Security Act of 1974 and to permit distributions of mandatory employee contributions in a single installment consistent with plan provisions.

The amendment is necessary because the Guaranteed Benefits regulation (1) does not permit the Pension Benefit Guaranty Corporation to pay in a single installment guaranteed benefits with a value greater than \$1,750; and (2) does not explicitly provide for the PBGC to guarantee the return of an employee's mandatory employee contributions upon his or her death. The effect of the amendment will be to: (1) Assure participants of the return of their mandatory contributions upon death even if their plan terminates without sufficient funds to cover the death benefit; and (2) allow participants in terminating pension plans to elect to receive all of their mandatory contributions to the plan in a single lump-sum payment, in lieu of the pension attributable to those contributions.

The amendment to the Allocation of Assets regulation is necessary to implement the Pension Benefit Guaranty Corporation's proposal to guarantee

the benefit in a pension plan that returns, upon an employee's death, all or a portion of his or her mandatory contributions that remain in the plan. The effect of the amendment is to make the return of the employee's contributions a guaranteeable type of benefit for purposes of allocating plan assets.

The proposal contains other technical changes in the Allocation of Assets regulation that are designed to clarify the treatment of mandatory employee contributions and to assure that the portion of a participant's benefits attributable to his or her mandatory employee contributions does not change upon termination of the plan.

**DATES:** Comments must be received on or before February 23, 1978.

**ADDRESSES:** Send comments to the Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006. Written comments will be available for public inspection in the PBGC's Office of Communications, at the same address, on weekdays between 9 a.m. and 4 p.m.

**FOR FURTHER INFORMATION CONTACT:**

Gerald E. Cole, Jr., Special Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006; telephone 202-254-4695.

**SUPPLEMENTARY INFORMATION:**

##### GUARANTEED BENEFITS

The return of a participant's mandatory employee contributions upon his or her death is not guaranteed in all cases under the existing Guaranteed Benefits regulation. The Pension Benefit Guaranty Corporation ("PBGC") has reexamined this issue in light of the provisions in Titles I and II of the Employee Retirement Income Security Act of 1974 ("Act") that address mandatory employee contributions and the Internal Revenue Service minimum vesting regulations, and the PBGC has determined that return of an employee's mandatory contributions upon the employee's death is an integral part of the employee's accrued benefit derived from his or her mandatory contributions to the plan. Accordingly, the PBGC proposes to amend §§ 2605.4(c), 2605.5(a), 2605.6(a), and 2605.8(c) of the Guaranteed Benefits regulation in order to guarantee a benefit under a pension plan that provides for the return of mandatory employee contributions upon an employee's death. The guarantee applies both to pre-retirement and post-retirement returns.

Benefits that qualify for the guarantee are only guaranteed to the extent they do not exceed the limitations on PBGC's guarantee contained in

§ 4022(b) of the Act, which are implemented by the Limitations on Guaranteed Benefits regulation (Part 2610 of this chapter). The existing Limitations on Guaranteed Benefits regulation includes a method of determining the guarantee limits for a form of annuity that includes a death benefit (e.g., a joint and survivor annuity or a cash refund annuity). PBGC will amend the regulation to provide other limits for cases in which a participant is entitled both to an annuity and to a return of employee contributions upon death that is not included in the form of the annuity payable at retirement. The new limits may result in less than a full guarantee of the annuity, the death benefit, or both, in cases in which an employee's accumulated contributions are very large.

The proposal also addresses return of mandatory employee contributions at the request of the employee. Many participants in terminating pension plans have asked for return of their accumulated mandatory employee contributions. In many cases, the PBGC has been unable to return the guaranteed portion of an employee's accumulated mandatory contributions because the existing regulation does not permit lump-sum payments from an insufficient plan if the value of a participant's guaranteed benefits under the plan exceeds \$1,750. Therefore, the PBGC also proposes to amend 29 CFR 2605.8(b) by adding a new subparagraph (2), which would allow payment in one or more installments of the portion of an employee's guaranteed benefit attributable to his or her own contributions, if the employee so elects, and if such payment is consistent with the plan's provisions.

Payment in the installment(s) would be in lieu of the guaranteed benefits derived from mandatory employee contributions. To receive the value of the basic-type benefit in one or more installments, instead of as an annuity or death benefit, the individual must so elect before the sixty-first (61st) day after the date the individual receives notice that he or she may elect payment in one or more installments.

##### ALLOCATION OF ASSETS

Benefits derived from an employee's mandatory contributions, including the return of those contributions upon the employee's death, are in the second priority category in the allocation of assets. (29 CFR 2608.7, 42 FR 48480, Nov. 3, 1976). Under the existing Allocation of Assets regulation, a benefit that returns an employee's mandatory contributions if he or she dies before retirement is treated as a non-basic, i.e., non-guaranteeable, type benefit. Since PBGC proposes to guarantee the return of employee contributions upon death, it is necessary to

change priority category 2 to treat the return of contributions as a basic type benefit instead of a non-basic type benefit.

As explained in PBGC's original proposal on allocation of assets (40 FR 51368, Nov. 4, 1975), the priority category 2 non-basic type benefit consists of two components. The first component is the value of returning an employee's contributions in the event he or she dies before retiring. The second component is a valuation surplus that arises, in part, because the factors used by PBGC to determine the value of the basic type priority category 2 benefit may reflect less conservative assumptions than those used to value the benefit in on-going plans. A valuation surplus may also arise because a particular participant's accrued benefit derived from mandatory employee contributions is subject to the limitation contained in § 204(c)(2)(E) of the Act. Under this proposal the component attributable to the return of an employee's contributions upon death will be changed from a non-basic type to a basic type benefit.

For example, a participant in a terminated plan has accumulated mandatory employee contributions of \$9,000 (\$6,000 of contributions plus \$3,000 of interest). The participant's accrued benefit under the plan is \$300 per month, of which \$200 per month is derived from the employee's mandatory contributions. The value of the \$200 per month employee-provided benefit is \$5,000. The plan also provides for return of the employee's accumulated contributions upon death before retirement. The value of this death benefit is \$1,500. The value of the participant's basic type priority category 2 benefit under this proposal would be \$6,500, which is the sum of the value of the employee-provided annuity (\$5,000) and the value of the death benefit (\$1,500). The value of the non-basic type priority category 2 benefit under this proposal would be \$2,500, which is the excess of the participant's accumulated contributions over the value of the basic type priority category 2 benefit (\$9,000 minus \$6,500). If plan assets are sufficient to cover all priority category 2 benefits, the participant or beneficiary will receive \$2,500, the value of the non-basic type benefit, in addition to the basic type benefit. Under the existing Allocation of Assets regulation, the value of the non-basic type category 2 benefit is \$4,000, instead of \$2,500. The difference of \$1,500 is the value of the pre-retirement death benefit.

Assets allocated to a participant's non-basic type priority category 2 benefits may either be paid to the participant (or beneficiary) or used to provide additional benefits which the participant (or beneficiary) would not receive otherwise. In no event may



those assets be used to reduce the amount of plan assets allocated to the participant's employer-provided benefits or to increase the benefits payable to other participants. When PBGC is trustee of a plan, it will distribute to participants (or beneficiaries) in a single installment the assets allocated to their non-basic type priority category 2 benefits. Administrators of other plans may also distribute in a lump-sum assets allocated to such benefits.

In addition to changing the death benefit from a non-basic type to a basic type benefit, the proposal contains two other substantive changes in the existing allocation rules. The first change is a change in the amount of interest on mandatory employee contributions that is included in priority category 2. The purpose of the change is to make the priority category 2 rules consistent with Internal Revenue Service rules implementing § 204(c) of the Act and § 411(c) of the Internal Revenue Code, which deal with the allocation between employer and employee-provided benefits. The proposal would change the rules in § 2608.7(b) of the existing regulation so that the amount of interest in priority category 2 would be the amount of interest, if any, credited on mandatory contributions under the plan, or, if greater, the amount of interest that is required under §§ 204(c) or 411(c). This change is necessary because the existing regulation credits every participant's contributions with interest of 5 percent after the plan becomes subject to § 204(c) of the Act or § 411(c) of the Code, even though a particular terminating plan might credit interest either (1) at a rate greater than 5 percent or (2) at a rate less than 5 percent if the participant's accrued benefit derived from mandatory employee contributions is subject to the limitation contained in § 204(c)(2)(E) of the Act (limitation on accrued benefit derived from mandatory employee contributions).

For example, a participant's mandatory employee contributions in a terminated plan total \$5,400. Interest is not credited to the participant's contributions under the plan. The participant's accrued benefit under the plan and the benefit derived from mandatory employee contributions (without interest) each equal \$45 per month (\$5,400 in contributions converted to a monthly benefit using the Internal Revenue Service rules). The value of this benefit is \$920. The plan also provides a benefit of \$5,400 payable upon death before retirement which has a value of \$620. The value of the basic type priority category 2 benefit under this proposal would be \$1,540 (\$920 plus \$620). The value of the non-basic type benefit would be \$3,860 (\$5,400—total mandatory employee contributions, minus \$1,540—the value of the

basic type priority category 2 benefits). Interest is not credited on the participant's mandatory contributions because (1) the plan does not credit interest and (2) interest is not required under the minimum vesting standards. Under the existing regulation, the non-basic type benefit would be more than \$3,860 because the employee contributions of \$5,400 would be credited with 5 percent interest for all years that the plan was subject to section 204(c) of the Act.

The second change would revise the rules in existing § 2608.7(d), which concern reductions in accumulated mandatory employee contributions for the cost of life insurance, health insurance, or other ancillary type benefits that are provided by those contributions. Internal Revenue Service rules implementing the minimum vesting standards do not deduct from accumulated mandatory employee contributions the cost of ancillary type benefits that are provided by those contributions. Therefore, the proposal would change the allocation of assets regulation by substituting for existing § 2608.7(d) two new sections, 2608.7(b)(3) and 2608.7(d)(3), which provide that employee contributions used to purchase ancillary type benefits are treated as distributions only in plans that are not subject to the minimum vesting standards. This change would assure that a participant's accrued benefit derived from his or her mandatory employee contributions will be the same before and after the date of plan termination.

Certain minor technical amendments have also been made to simplify the regulation. Under the existing regulation, the accrued benefit derived from a participant's mandatory employee contributions is computed using detailed steps provided in the regulation. Under the proposal the accrued benefit derived from mandatory employee contributions is determined under the plan (or under the minimum vesting standards, if the benefit computed under the plan does not satisfy those standards). To implement this change, accumulated mandatory employee contributions are computed under § 2608.7(b), employee-provided benefits in plans subject to the minimum vesting standards are computed under § 2608.7(c), and employee-provided benefits in plans not subject to those standards are computed under § 2608.7(d).

Implementation of the proposal to guarantee the return of employee contributions upon death also requires changes in the PBGC's limitations on guaranteed benefits and valuation of plan benefits regulations. PBGC is drafting proposed amendments to these regulations which will be published later for public comment.

Because the changes contained in this proposal are necessary to better

conform treatment of mandatory employee contributions with the rules and policy of the Act, the PBGC proposes to make the changes effective retroactive to the dates of original applicability of the existing regulations.

Interested persons may submit comments on this proposal. Each person submitting comments should include his or her name and address, identify this notice and give reasons for any recommendations. The proposal may be changed in light of the comments received.

In consideration of the foregoing, the PBGC proposes to amend Chapter XXVI of Title 29, Code of Federal Regulations as follows:

1. Section 2605.2 is amended by adding the following definitions:

§ 2605.2 Definitions.

"Accumulated mandatory employee contributions" means mandatory employee contributions plus interest credited on those contributions under the plan, or, if greater, interest required by section 204(c) of the Act.

"Mandatory employee contributions" means amounts contributed to the plan by a participant which are required as a condition of employment, as a condition of participation in such plan, or as a condition of obtaining benefits under the plan attributable to employer contributions.

2. Section 2605.4 is amended by revising paragraph (c) as follows:

§ 2605.4 Limitations.

(c)(1) Except as provided in paragraph (c)(2) of this section, the PBGC does not guarantee a benefit payable in a single installment (or substantially so) upon the death of a participant or his surviving beneficiary unless that benefit is substantially derived from a reduction in the pension benefit payable to the participant or surviving beneficiary.

(2) Paragraphs (a) and (c)(1) of this section do not apply to that portion of accumulated mandatory employee contributions payable under a plan upon the death of a participant, and such a benefit is a pension benefit for purposes of this part.

3. Section 2605.5 is amended by adding a new paragraph (a)(5) as follows:

§ 2605.5 Entitlement to a benefit.

(a) . . . .

(5) In the case of a benefit that returns all or a portion of a participant's accumulated mandatory employee contributions upon death, the participant (or beneficiary) had satisfied the conditions of the plan necessary to establish the right to the benefit other than death or designation of a beneficiary.

4. Section 2605.6 is amended by revising paragraph (a) as follows:

§ 2605.6 Determination of nonforfeitable benefits.

(a) For purposes of this part, a benefit payable with respect to a participant is considered to be nonforfeitable, if on the date of termination of the plan the participant (or beneficiary) has satisfied all of the conditions required of him or her under the provisions of the plan to establish entitlement to the benefit, except the submission of a formal application, retirement, completion of a required waiting period, or death in the case of a benefit that returns all or a portion of a participant's accumulated mandatory employee contributions upon his or her death.

5. Section 2605.8 is amended by revising paragraphs (b) and (c) as follows:

§ 2605.8 Benefits payable in a single installment.

(b)(1) *Payment in single installments.* Notwithstanding paragraph (a) of this section, in any case in which the value of a guaranteed benefit is \$1,750 or less, or in any case in which a benefit is payable under a plan for which the PBGC has issued a notice of sufficiency pursuant to section 4041 of the Act, the total value of the guaranteed benefit may be paid in a single installment. For purposes of determining the value of the guaranteed benefit, subtract from the value of the guaranteed benefit, any amounts that are returned under paragraph (b)(2) of this section, but only to the extent such amounts do not exceed the value of the portion of an individual's benefit derived from mandatory employee contributions that is guaranteed.

(2) *Return of employee contributions.*—(i) *General.* Notwithstanding any other provision of this part, the PBGC may pay in a single installment (or a series of installments) instead of as an annuity, the value of the portion of an individual's basic type benefit derived from mandatory employee contributions, if:

(A) The individual elects payment in a single installment (or a series of in-

stallments) before the sixty-first (61st) day after the date he or she receives notice that such an election is available; and

(B) Payment in a single installment (or a series of installments) is consistent with the plan's provisions.

For purposes of this part, the portion of an individual's basic type benefit derived from mandatory employee contributions is determined under § 2608.7 (priority category 2 benefits) of this chapter, and the value of that portion is computed under the applicable rules contained in Part 2610 (Valuation of Benefits) of this chapter.

(ii) *Set-off for distributions after termination.* The amount to be returned under paragraph (b)(2)(i) of this section is reduced by the set-off amount. The set-off amount is the amount by which distributions made to the individual after the date of plan termination exceed the amount that would have been distributed, exclusive of mandatory employee contributions, if the individual had withdrawn the mandatory employee contributions on the date of termination.

*Example:* Participant A is receiving a benefit of \$600 per month when the plan terminates, \$200 of which is derived from mandatory employee contributions. If the participant had withdrawn his contributions on the date of termination, his benefit would have been reduced to \$400 per month. The participant receives two monthly payments after the date of plan termination. The set-off amount is \$400. (The \$600 actual payment minus the \$400 the participant would have received if he had withdrawn his contributions multiplied by the two months for which he received the extra payment.)

(c) *Death benefits.*—(1) *General.* Notwithstanding paragraph (a) of this section, a benefit which would otherwise be guaranteed under the provisions of this part, except for the fact that it is payable solely in a single installment (or substantially so) upon the death of a participant, shall be paid by the PBGC as an annuity which has the same value as the single installment. The PBGC will in each case determine the amount and duration of the annuity based on all the facts and circumstances.

(2) *Exception.* Upon the death of a participant the PBGC may pay in a single installment (or a series of installments) that portion of the participant's accumulated mandatory employee contributions that is payable under the plan in a single installment (or a series of installments) upon the participant's death.

6. Section 2608.7 is revised as follows:

§ 2608.7 Priority category 2 benefits.

(a) *General.* The benefit in priority category 2 of each participant (or

beneficiary) is the sum of the basic type and non-basic type benefits derived from the participant's accumulated mandatory employee contributions as of the date of plan termination. The accumulated mandatory employee contributions are determined under paragraph (b) of this section. The basic type and non-basic type benefits derived from accumulated mandatory employee contributions and the values of those benefits are determined under paragraph (c) of this section for plans subject to the minimum vesting standards contained in section 203 or in section 1012 of the Act, and under paragraph (d) of this section for plans that are not subject to the minimum vesting standards.

(b) *Accumulated mandatory employee contributions.*—(1) *Definition.* The accumulated mandatory employee contributions of a participant as of the date of plan termination are equal to the sum of the participant's mandatory employee contributions plus applicable interest, if any, on those contributions, reduced (but not below zero) by distributions from the plan to the participant (or beneficiary) that were made before the date of plan termination.

(2) *Computation.* The amount of a participant's accumulated mandatory employee contributions as of the date of plan-termination is computed by:

(i) Adding:

(A) The participant's total mandatory employee contributions to the plan;

(B) Interest, if any, credited on mandatory employee contributions under plan provisions to the beginning of the first plan year to which the minimum vesting standards contained in section 203 or in section 1012 of the Act apply; and

(C) Interest, if any, under the plan on the sum of the amounts determined under paragraph (b)(2)(i)(A) and (b)(2)(i)(B) of this section from the beginning of the first plan year to which the minimum vesting standards contained in section 203 or in section 1012 of the Act apply until the earliest of the date of the participant's retirement, the date of the participant's death, or the date of plan termination.

For purposes of this paragraph, the interest credited on mandatory employee contributions is equal to the greater of the amount of interest computed under paragraphs (b)(2)(i)(B) and (b)(2)(i)(C) of this section or the minimum amount of interest, if any, required to be credited on mandatory employee contributions under section 204(c) of the Act; and

(ii) Subtracting from the amounts determined under paragraph (b)(2)(i) of this section:

(A) Any payments or distributions from the plan to the participant or to his or her beneficiary before the date of plan termination, other than:



(1) Payments or distributions of benefits derived from voluntary employee contributions; or

(2) Payments or distributions on account of disability, to the extent such payments or distributions exceeded the participant's accumulated mandatory contributions at the time the payments or distributions were made; and

(B) Interest under paragraphs (b)(2)(i)(B) and (b)(2)(i)(C) of this section on any amounts described in paragraph (b)(2)(i)(A) of this section, calculated from the date of such payments or distributions until the earliest of the date of the participant's retirement, the date of the participant's death or the date of plan termination.

(3) *Employee contributions used to provide current benefits.* Except as provided in paragraph (d) of this section (plans not subject to the minimum vesting rules), that portion of a participant's accumulated mandatory employee contributions used to provide ancillary benefits, such as life insurance or health insurance, may not be subtracted in determining accumulated employee contributions.

(c) *Plans subject to minimum vesting standards.* The amounts and values of the basic type and non-basic type priority category 2 benefits payable to a participant or beneficiary in a plan that is subject to the minimum vesting standards contained in section 203 or in section 1012 of the Act are determined under this paragraph.

(1) *Definition.* For purposes of this paragraph: "Net mandatory employee contributions" means the total mandatory contributions made by a participant exclusive of interest, less any payments or distributions that are subtracted under paragraph (b)(2)(ii)(A) of this section.

(2) *Basic-type benefit.* A participant's (or beneficiary's) basic type priority category 2 benefits are:

(i) The portion of the accrued benefit that is derived from the participant's net mandatory employee contributions, computed using plan provisions, except that the accrued benefit derived from net mandatory employee contributions may not be less than the accrued benefit derived from net mandatory employee contributions as computed under rules contained in section 204(c) of the Act or section 411(c) of the Internal Revenue Code, as amended by the Act. For purposes of this section, the accrued benefit is the benefit to which the participant (or beneficiary) is entitled as of the date of plan termination under § 2605.5 (Entitlement to a benefit) of this chapter; and

(ii) The benefit, if any, under the plan that returns upon the death of the participant all or a portion of the participant's accumulated mandatory employee contributions, except: (A) A benefit that became payable in a

single installment (or substantially so) because the participant died before the date of plan termination; and (B) benefits payable upon the participant's death that are included in the annuity form of the accrued benefit derived from net mandatory employee contributions described under paragraph (c)(2)(i) of this section (e.g., the survivor's portion of a joint and survivor annuity or the cash refund portion of a cash refund annuity).

(3) *Value of basic type benefit.* The value of the basic type priority category 2 benefit is the sum of the values of the benefits described in paragraphs (c)(2)(i) and (c)(2)(ii) of this section. The values are computed using the valuation factors contained in Part 2610 of this chapter that are applicable as of the date of plan termination.

(4) *Non-basic type benefit.* The value of the non-basic type priority category 2 benefit is the excess, if any, of the accumulated mandatory contributions determined under paragraph (b) of this section over the value of the basic type priority category 2 benefit determined under paragraph (c)(3) of this section.

(d) *Plans not subject to minimum vesting standards.* The amounts and values of the basic type and non-basic type priority category 2 benefits payable to a participant or beneficiary in a plan that is not subject to the minimum vesting standards contained in section 203 or in section 1012 of the Act are determined under this paragraph.

(1) *Value of basic type benefit.* The value of the basic type priority category 2 benefit is the sum of the value of the death benefit computed under paragraph (d)(4) of this section and the value of the accrued benefit computed under paragraph (d)(5) of this section;

(2) *Value of non-basic type benefit.* (i) If the participant's accumulated mandatory employee contributions computed under paragraph (d)(3) of this section exceed the value of the basic type benefit computed under paragraph (d)(1) of this section, the value of the non-basic type priority category 2 benefit is the excess of the value of the participant's accumulated mandatory employee contributions computed under paragraph (d)(3) of this section over the value of the basic type benefit computed under paragraph (d)(1) of this section.

(ii) If the accumulated mandatory employee contributions computed under paragraph (d)(3) of this section do not exceed the value of the participant's basic type benefit computed under paragraph (d)(1) of this section, the value of the non-basic type benefit is zero.

(3) *Accumulated mandatory employee contributions.* For purposes of this paragraph "accumulated mandatory

employee contributions" are mandatory employee contributions as defined in paragraph (b) of this section, except that the cost of ancillary benefits, such as life insurance or health insurance, that were provided by mandatory employee contributions is treated as a distribution for purposes of § 2608.7(b)(2)(ii)(A) (subtractions from mandatory employee contributions). The cost of such ancillary benefits for any given year is computed under the rules of the Internal Revenue Service used to compute such costs, and the portion of the participant's accumulated mandatory employee contributions used to provide such benefits is determined by multiplying the cost of the benefits by the percentage of the cost that was paid with mandatory employee contributions.

(4) *Death benefit.* For purposes of this paragraph, the value of the death benefit is the value of that portion of any benefit under the plan that would refund all or a portion of the participant's accumulated mandatory employee contributions upon his or her death, except: (i) A benefit that became payable in a single installment (or substantially so) because the participant died before the date of plan termination; and (ii) benefits payable upon the participant's death that are included in the participant's accrued benefit described under paragraph (d)(5) of this section (e.g., the survivor's portion of a joint and survivor benefit or the cash refund portion of a cash refund annuity). The value of the death benefit is computed under the valuation factors contained in Part 2610 of this chapter that are applicable as of the date of plan termination.

(5) *Accrued benefit.* For purposes of this paragraph, the value of the accrued benefit is the value of the accrued benefit under the plan, which value is computed under the valuation factors contained in Part 2610 of this chapter that are applicable as of the date of plan termination.

(Secs. 4002(b)(3), 4022, 4044, Pub. L. 93-408, 88 Stat. 1004, 1016-19, 1025-27 (29 U.S.C. 1302(b)(3), 1322, 1344 (Supp. V, 1975)).)

Issued on this 27th day of December 1977.

RAY MARSHALL,  
Chairman, Board of Directors,  
Pension Benefit Guaranty  
Corporation.

Issued on the date set forth above pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this notice of proposed rule-making.

HENRY ROSE,  
Secretary, Board of Directors,  
Pension Benefit Guaranty  
Corporation.

[FR Doc. 78-407 Filed 1-6-78; 8:45 am]

[4910-14]

## DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 77-214]

POCOMOKE, RIVER, MD.

## Proposed Drawbridge Operation Regulations

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

**SUMMARY:** At the request of the Maryland Department of Transportation the Coast Guard is considering revising the regulation for its drawbridge across the Pocomoke River, mile 15.6, Pocomoke City, Md., to permit the draw to remain closed from 10 p.m. to 6 a.m. This is being considered because of infrequent openings during this period. The proposed change would reduce the bridge operating cost since it would no longer be necessary to have a draw tender available to open the bridge between 10 p.m. and 6 a.m.

**DATE:** Comments must be received on or before February 8, 1978.

**ADDRESS:** Comments should be submitted to and are available for examination at the office of the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Va. 23705.

**FOR FURTHER INFORMATION CONTACT:**

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data, or arguments. Each person submitting comments should include his name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Fifth Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

## DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems,

and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

## DISCUSSION OF THE PROPOSED REGULATIONS

Data submitted by the applicant appears to justify their request. Openings from 10 p.m. to 6 a.m. for the five-year period beginning in 1972 follow:

1972-21  
1973-19  
1974-13  
1975-5  
1976-6

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.245(f)(18) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(f) . . .  
(18) Pocomoke River, Md.; Maryland Department of Transportation drawbridge at Pocomoke, Md. The draw need not open from 10 p.m. to 6 a.m. At all other times the draw shall open on signal.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1855(g)(2)); 49 CFR 1.46(c)(5).)

**NOTE.**—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: December 20, 1977.

E. L. PERRY,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.

[FR Doc. 78-464 Filed 1-6-78; 8:45 am]

[4110-12]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

[45 CFR Part 1351]

## RUNAWAY YOUTH PROGRAM

Decision to Develop Regulations

**AGENCY:** Office of Human Development Services, HEW.

**ACTION:** Notice of Decision to Develop Regulations.

**SUMMARY:** The Runaway Youth Program awards grants primarily to local private nonprofit agencies and some State umbrella agencies to pro-

vide temporary shelter, counseling, aftercare and other services to runaway and other homeless youth and their families. The Act mandates that services must be provided outside the law enforcement structure and juvenile justice system.

The December 13, 1976, regulations (45 CFR Part 1351) will be revised and the additional mandates of the new statute will be incorporated: Services to homeless youth, short-term training to runaway service providers, grants for the development of coordinated networks of runaway shelter and service facilities (groups of runaway houses, State and other umbrella agencies, etc.).

The proposed regulations will clarify Department policy regarding the Runaway Youth Act, implement the legislative requirements and provide the administrative requirements. They will respond to public comment regarding unclear provisions or necessity for simplification and will enable the Department to achieve the goal of the Act to expand community based services to runaway and other youth in crisis.

**FOR FURTHER INFORMATION CONTACT:**

Mrs. Patricia Jefferson, Youth Development Bureau, CYF, HDS, HEW Room 3260N, 330 Independence Avenue SW., Washington, D.C. 20201, 202-245-2862.

Dated: December 20, 1977.

ARABELLA MARTINEZ,  
Assistant Secretary for  
Human Development Services.

[FR Doc. 78-319 Filed 1-6-78; 8:45 am]

[3510-03]

## DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR 283]

## CONSERVATIVE DIVIDEND POLICY

Amendment of Standards for Dividend Declarations

**AGENCY:** Maritime Administration, Department of Commerce.

**ACTION:** Proposed rulemaking.

**SUMMARY:** This action by the Maritime Subsidy Board (Board), Maritime Administration, proposes to amend 46 CFR Part 283, Conservative Dividend Policy, to make more appropriate for the marine industry the financial requirements which an operator of vessels receiving operating differential subsidy (ODS) must satisfy before declaring a dividend. Pursuant to the policy embodied in Part 283, operators receiving ODS are required to adopt a dividend policy which will enable them to maintain the financial ability to re-



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invest adequately and timely in the U.S. Merchant Marine. Briefly, the amendments to Part 283 would (1) reduce the present working capital requirement, (2) establish a new reporting requirement for the operator regarding its Capital Construction Fund (CCF), and (3) substitute revised financial requirements. These amendments are being proposed because it has been determined that the present financial requirements in Part 283 are more restrictive than necessary to achieve the purposes of the conservative dividend policy.

DATE: Comments must be received, in triplicate, on or before February 15, 1978.

ADDRESS: Secretary, Maritime Subsidy Board, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:

Murray A. Bloom, 202-377-4631.

**SUPPLEMENTARY INFORMATION:** The amendments proposed by this action would adjust the conservative dividend requirements of 46 CFR 283 to reflect more appropriately the financial nature of the maritime industry and certain financial standards utilized by the Maritime Administration (Marad) in other Marad programs. It has been determined that the requirements of Part 283 are more restrictive than necessary to achieve the conservative dividend policy of the Maritime Subsidy Board (the Board).

Since Part 283 was promulgated in 1973, various members of the maritime community have taken issue with the prescribed working capital requirements.

By letter dated April 29, 1977, the American Institute of Merchant Shipping (AIMS), following preliminary discussions with members of the staff, proposed an amendment to Part 283. Basically, the new criteria under the AIMS proposal are as follows:

- (1) The operator must demonstrate that it has sufficient funds to meet a funds required test under which equity funds for replacement vessels are accumulated annually, pro-rated from the determination date to the contract signing date with the requirements adjusted annually for inflation;
- (2) The operator must have a minimum working capital ratio of 1:1;
- (3) The operator must demonstrate that it is meeting the deposit requirements as set forth in its CCF Agreement; and
- (4) The long-term debt shall be no more than 2.25 times the operator's equity.

A copy of the AIMS letters is available in the Office of the Secretary, Maritime Subsidy Board.

An analysis of the effects of the AIMS proposal No. 1 regarding funds required on the ability of subsidized

operators to pay dividends indicates that for those operators not having to meet replacement obligations in the near future, the proposed funds required criterion would allow operators greater leeway to pay dividends when the construction is a significant number of years in the future but such leeway would lessen each year as the year of construction draws nearer and the amount of funds required progressively increases each year. In the years prior to the replacement date, the operators must meet drastic funding requirements. The analysis assumed that under the present funds available and funds required computation, the operator included in funds available the depreciated book value of his vessel and included in funds required the outstanding indebtedness for the vessel (75 percent of vessel costs) and his equity requirements for replacement at current prices. The analysis assumed a one-for-one in-kind replacement of existing vessels, although an ODS operator is not necessarily required to replace existing vessels on this basis, provided that the annual carrying capacity of the new vessels equals or exceeds the annual carrying capacity of the existing vessel.

Under the present funds required criterion, an operator with a new vessel in his first year of operation would have no excess of funds from which to pay dividends unless income was generated from vessel operations. The agency believes that this is as it should be—the operator should be able to pay dividends only out of earnings, current or past, and not from any dissipation of invested capital.

The agency believes that the present funds required criterion allows for a more stable level of required funding than the AIMS proposal and should be retained. It is noted that funds available would be enhanced by the reduction of the working capital requirements from one-half of average voyage expenses in that the entire amount of working capital would be included in funds available rather than only that portion of working capital in excess of the one-half average voyage expenses standard.

AIMS proposals Nos. 2 and 4 are similar to the standard Title XI Reserve Fund and Financial Agreement, dated December 1, 1974. Under section 13 of that standard agreement the following criteria, among others, are established for eligibility to declare dividends:

- (a) \$1 of working capital plus one-half of all annual charter hire and other lease obligations (having a term of 6 months or more) due and payable within the next succeeding fiscal year,
- (b) Long-term debt not to exceed two times net worth, and
- (c) A floor net worth.

The requirements of (a) are essentially the same as proposed by AIMS in the minimum working capital ratio of 1:1. The requirements of (b) are similar to AIMS proposal that the long-term debt shall be no more than 2.25 times the operator's equity. The agency is not persuaded that the minor changes proposed by AIMS to (a) and (b) are appropriate, particularly in view of the additional problems that would result from administering slightly different criteria under Title XI and the conservative dividend policy. The agency believes that the requirements of (c) are necessary under the conservative dividend policy in order to assure that an operator will not dissipate its net worth as its debts are retired.

AIMS proposal No. 3 is that the operator must demonstrate that it is meeting the deposit requirement as set forth in its CCF Agreement. The CCF minimum deposit requirement is considered appropriate since every ODS operator has or will have a CCF agreement, and the purposes of a conservative dividend policy would not be met if dividends were allowed when an operator is in arrears in meeting its CCF minimum deposit schedule.

Aside from these changes to Part 283, a § 283.2(b) has been added which includes a revised definition of financial terms. Section 283.3 has been changed to reflect the new criteria discussed above. A new paragraph (b) has been added to incorporate the section 13 requirements of the Title XI Reserve Fund and Financial Agreement requirement. The former paragraph (b) is redesignated paragraph (c). In addition, the specific procedures for determining the present value of capitalized leases have been replaced by a reference to the Financial Accounting Standards Board Statement of Financial Accounting Standards No. 13—Accounting for Leases. The previous paragraph (c) is deleted as unnecessary in light of the new paragraph (b) criteria. Paragraph (c)(2)(ii), which provides that the Assistant Secretary may determine an alternate standard for working capital when an operator can demonstrate to the satisfaction of the Assistant Secretary that the prescribed standard for working capital is not an appropriate measure of working capital, is considered unnecessary in view of the revised working capital standard and the Assistant Secretary's authority to approve requests to pay dividends under § 283.5. Accordingly, paragraph (c)(2)(ii) has been deleted.

The amendments to § 283.6 are conforming amendments which change the reporting requirements to meet the financial standards. Paragraph (b)(1), which required that operators show on Schedule A surplus available for distribution to stockholders, is considered unnecessary and is replaced by

a new paragraph (1), which sets forth the requirement that operators show their ratio of debt to net worth. Schedule A has been changed accordingly. Paragraph (2) has been amended so that funds available and funds required, which were formerly required to be shown on Schedule B, must now be shown on Schedule B2 and the extent of the operator's compliance with its CCF agreement minimum deposit schedule must be shown on a new Schedule B1. To facilitate the administering of the conservative dividend policy, operators will now be required to send notices and requests directly to the Secretary, Maritime Administration, with a copy to the appropriate Region Director.

It is deemed that the proposed amendments to Part 283 will have no material inflationary impact.

Accordingly, 46 CFR Part 283 is proposed to be amended as follows:

1. In § 283.2 by adding a new paragraph (b); by redesignating the existing paragraph as (a); and by changing the section heading all to read as follows:

§ 283.2 In general and definitions.

(a) In general. . . .

(b) Definitions. (1) The term "Working Capital" shall mean the excess of current assets over current liabilities, both determined in accordance with generally accepted accounting principles and adjusted as follows:

(i) In determining current assets there shall be deducted: (A) Amounts in and/or required to be set aside in any Reserve Fund required to be maintained pursuant to any agreement covering a vessel owned or leased by the operator and insured or guaranteed by the Secretary or in any other similar fund under any other mortgage indenture or agreement of the operator;

(B) Any securities, obligations or evidences of indebtedness of an Affiliate of the operator or of any stockholder, director, officer or employee (or any member of his family) of the operator or of such Affiliate, except advances to agents required for the normal current operation of the operator's vessels and current receivables arising out of the ordinary course of business and not outstanding for more than 60 days;

(2) The term "Net Worth" shall mean, as of any date, the total of paid-in capital stock, paid-in surplus, earned surplus and appropriated surplus, and all other amounts that would be included in net worth in accordance with generally accepted accounting principles, but exclusive of (i) any receivables from any stockholder, director, officer, or employee of the operator or from any Affiliate of the operator (other than current receivables arising out of the ordinary course of business and not outstanding for more

than 60 days) and (ii) any increment resulting from the reappraisal of assets, but Net Worth shall include subordinated long term debt which is subordinated in form and substance satisfactory to the Board on which payment of principal and interest can be made only if dividends are permitted under the Conservative Dividend Policy.

(3) The term "Deferred Lease Hire" shall mean, as of any date, the long term portion of obligations (Title XI and otherwise) relating to vessels, equipment or facilities leased or chartered by the operator on a long term basis as determined by the Board other than charter hire and other lease obligations already included in Long-Term Debt.

(4) The term "Long-Term Debt" shall mean, as of any date, the total of notes, bonds, debentures, equipment obligations and other evidences of indebtedness that would be included in long-term debt in accordance with generally accepted accounting principles and any guarantees, Deferred Lease Hire or other liability for the obligations of any other corporation, person or entity, except in respect of any undertaking of the operator as to the fees and expenses of an indenture trustee, and except endorsements for deposit of checks and other negotiable instruments acquired in the ordinary course of business, but exclusive of deferred income taxes, but Long-Term Debt shall exclude subordinated long term debt which is subordinated in form and substance satisfactory to the Board on which payment of principal and interest can be made only if dividends are permitted under the Conservative Dividend Policy.

(5) The term "Affiliate" shall mean any individual, corporation, partnership, joint venture, etc. directly or indirectly controlled by or under common control with another individual, corporation, partnership, joint venture, etc.

2. In § 283.3, by adding an entirely new paragraph (b); by redesignating existing paragraph (b) as (c); by amending redesignated paragraph (c) by revising the introductory text (c)(1)(vi) and (vii), and (c)(2)(iii); and by eliminating the previous paragraph (c), all to read as follows:

§ 283.3 Conservative dividend policy criteria.

(b) Operator's obligations with respect to financial condition. An operator will be deemed to have met the requirements of this paragraph if (1) the operator's Working Capital is equal to at least one dollar plus one-half of all annual charter hire and other lease obligations (having a term of more than 6 months) due and payable

within the succeeding fiscal year, other than charter hire and such other lease obligations already included and reported as a current liability on the operator's balance sheet, (2) the operator's Long-Term Debt does not exceed two times the operators Net Worth, and (3) the operator's Net Worth is not less than an amount equal to the greater of 50 percent of the operator's Long-Term Debt or 90 percent of the operator's Net Worth, as evidenced by a financial statement of the operator showing its financial condition as of the end of the regular intermediate accounting period immediately prior to the date of the adoption in final form of this proposed amendment or in the case of a new ODS operator, the date of award of such ODS agreement.

(c) Operator's obligation with regard to funding for replacement vessels. An operator will be deemed to have given due regard to its contractual obligations to construct and acquire vessels and related barges and containers and to retire indebtedness on, or secured by, subsidized vessels and related barges and containers, or incurred in connection with the acquisition, construction or reconstruction of such vessels and related barges and containers if the operator can demonstrate that it is meeting the minimum deposit requirement as set forth in its Capital Construction Fund agreement and that it has an excess of "funds available" over "funds required" as both terms are defined in this paragraph.

(1) . . . .

(vi) The present value of leases capitalized in accordance with the Financial Accounting Standards Board Statement of Financial Accounting Standards No. 13—Accounting for Leases; and

(vii) Working capital as defined in subparagraph 283.2(b).

(2) . . . .

(iii) The present value of leases capitalized under (c)(1)(vi) of this section, excluding that portion of any such amount payable within one year; and

(3) In § 283.6, by revising paragraphs (b)(1) and (2) and (c) to read as follows:

§ 283.6 Notification and reporting requirements.

(b) . . . .

(1) The ratio of debt to equity in the format set forth in Schedule A;

(2) The extent of compliance with its Capital Construction Fund agreement minimum deposit schedule in the format as set forth in schedule B1, and excess of "funds available" over "funds required" in the format as set forth in Schedule B2;



(c) Officials to whom notices and reports are to be directed. All notices, reports and requests prescribed in this part are to be submitted to the Secretary, Maritime Administration, Washington, D.C. 20230, in triplicate, with a copy of such notice or request to the appropriate Maritime Administration Region director.

(3) By revising the suggested format for schedules attached to § 283.6 to read as follows:

SCHEDULE A.—Ratio of Debt to Net Worth

.....19.....  
(Company)  
Long-term debt.....\$.....  
Net worth.....\$.....  
Ratio of debt to net worth.....  
(Signature of Chief Financial Officer)

SCHEDULE B1.—Capital Construction Fund Minimum Deposits

.....19.....  
(Company)  
(a) Actual cumulative deposits as of completion of last 3-year period.....\$.....  
(b) Cumulative required deposits as of completion of last 3-year period.....  
(c) Cumulative actual deposits over/under cumulative required deposits (a-b).....  
(d) Actual deposits during current 3-year period.....  
(e) Required deposits for current 3-year period, pro-rated for amount of elapsed time.....  
(f) Current deposits over/under current pro-rated required deposits (d-e).....  
(g) Total deposits over/under required deposits (c+f).....  
(Signature of Chief Financial Officer)

SCHEDULE B2.—Funds Available and Funds Required

.....19.....  
(Company)  
I. Funds available

A. On deposit in statutory funds:  
Capital reserve fund.....\$.....  
Capital construction fund.....  
Construction reserve fund.....  
Construction and Escrow funds.....  
Plus accrued deposits to funds (or less accrued withdrawals from funds).....\$.....  
B. Gross book value of vessels and related barges and containers employed in subsidized services:  
Subsidized vessels.....  
Related barges.....  
Related containers.....  
Less accumulated depreciation.....  
C. Progress payments made on subsidized vessels and related barges and containers undergoing construction, reconstruction or reconditioning.....  
D. Progress payments made on additional vessels and related barges and containers agreed to be constructed or acquired.....  
E. Balance of trade-in allowances (§ 510 of the Act).....  
F. Capitalized Financing Leases.....  
G. Net Working Capital (from Schedule C).....  
Total funds available.....

II. FUNDS REQUIRED

A. Cost of current commitments:

1. OOSA vessels under construction or reconstruction:

Number of Vessels Total Cost Less Government Contributions (\$ ) \$ Cost to Operator \$  
25% of Cost to Operator \$

2. Additional vessels under construction, reconstruction or reconditioning pursuant to a contract with the Assistant Secretary or the Board:

Number of Vessels Total Cost Less Government Contributions (\$ ) \$ Cost to Operator \$  
25% of Cost to Operator \$

3. Barges and containers under construction or contract to purchase:

Number of Barges: \$ Cost to Operator \$  
Containers: \$ 25% of Cost to Operator \$

B. Estimated cost of additional vessels:

1. Subsidized vessels to be replaced under OOSA:

Number of Vessels Total Cost Less Government Contributions (\$ ) \$ Cost to Operator \$  
25% of Cost to Operator \$

2. Additional vessels agreed to be constructed or acquired:

Number of Vessels Total Cost Less Government Contributions (\$ ) \$ Cost to Operator \$  
25% of Cost to Operator \$

3. Additional barges and containers required as the complement of vessels agreed to be constructed or acquired in items B1 and B2 above.

Number of Barges: \$ Cost to Operator \$  
Containers: \$ 25% of Cost to Operator \$

C. Outstanding indebtedness on, or secured by, subsidized vessels and related barges and containers, or incurred in connection with the acquisition, construction, or reconstruction of such vessels and related barges and containers:

\$

D. The present value of leases capitalized under 283.3(c)(1)(vi), excluding that portion of any such amount payable within one year:

\$

TOTAL FUNDS REQUIRED: \$

III. EXCESS FUNDS (DEFICIENCY OF FUNDS) \$

(Signature of Chief Financial Officer)



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SCHEDULE C.—Operator's Working Capital

Dated: December 29, 1977.

19—  
(Company)

ROBERT J. PATTON, Jr.,  
Assistant Secretary.

ATTACHMENT

A. Current assets:  
Cash and marketable securities ..... \$ .....  
Other current assets (as defined in  
subparagraph 283.2(b)(1)) .....  
Total current assets .....  
B. Less accrued deposits:  
Capital construction fund .....  
Other Funds (specify) .....  
Total accrued deposits .....  
Net current assets .....  
C. Current liabilities:  
(As defined in subparagraph  
283.2(b)(1)) .....  
Other current liabilities .....  
Total current liabilities .....  
D. Working capital (B-C) (deficiency of  
working capital) .....  
(Signature of Chief Financial Officer) .....

This study shows how the proposed changes to G.O. 114 by AIMS would affect the ability of a hypothetical operator to pay dividends over a 22-year period.

Assumptions: the operator is awarded an ODSA in year 1 and has a vessel built in year 1. The operator must contract for replacement of the vessel by year 22.

Funds available arise from the book value of the vessel, which cost \$25M in year 1, depreciated on a straight-line basis for 25 years.

Under the existing G.O. 114 funds are required to retire existing indebtedness, here 75 percent of the cost of the vessel, and fund the equity cost (25 percent) of the replacement vessel. The cost of the new vessel escalates by 5 percent of the base cost of the vessel or \$312,500 yearly.

Under the proposed G.O. 114, funds for the replacement vessel are prorated in proportion to the amount of elapsed time from the determination date to the replacement contract date.

(Section 204(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1981 (75 Stat. 840), as amended by Pub. L. 91-489 (84 Stat. 1026); Department of Commerce Organization Order 10-8 (38 FR 19707), July 23, 1973.)

By Order of the Maritime Subsidy Board.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidy (ODS).)

PRESENT G.O. 114

		Funds available book value of vessel	Equity cost of new vessel	Existing indebtedness	Total funds required	Excess of funds (deficiency)
Replacement determination date.....	1	\$25,000	\$6,250	\$18,750	\$25,000	\$0
Do.....	2	24,000	8,562	18,000	24,562	(562)
Do.....	3	23,000	6,875	17,250	24,125	(1,125)
Do.....	4	22,000	7,187	18,500	23,687	(1,887)
Do.....	5	21,000	7,500	15,750	23,250	(2,250)
Do.....	6	20,000	7,812	15,000	22,812	(2,812)
Do.....	7	19,000	8,125	14,250	22,375	(3,375)
Do.....	8	18,000	8,437	13,500	21,937	(3,937)
Do.....	9	17,000	8,750	12,750	21,500	(4,500)
Do.....	10	16,000	9,062	12,000	21,062	(5,062)
Do.....	11	15,000	9,375	11,250	20,625	(5,625)
Do.....	12	14,000	9,687	10,500	20,187	(6,187)
Do.....	13	13,000	10,000	9,750	19,750	(6,750)
Do.....	14	12,000	10,312	9,000	19,312	(7,312)
Do.....	15	11,000	10,625	8,250	18,875	(7,875)
Do.....	16	10,000	10,937	7,500	18,437	(8,437)
Do.....	17	9,000	11,250	6,750	18,000	(9,000)
Do.....	18	8,000	11,562	6,000	17,562	(9,562)
Do.....	19	7,000	11,875	5,250	17,125	(10,125)
Do.....	20	6,000	12,187	4,500	16,687	(10,687)
Do.....	21	5,000	12,500	3,750	16,250	(11,250)
Contract date.....	22	4,000	12,812	3,000	15,812	(11,812)
Do.....	23	3,000		2,250		
Do.....	24	2,000		1,500		
Do.....	25	1,000		750		

PROPOSED G.O. 114

		Funds available book value of vessel	Pro-ration	Prorated equity cost of new vessel	Existing indebtedness	Total funds required	Excess of funds (deficiency)
Replacement determination date.....	1	\$25,000	.045	\$281	\$18,750	\$19,031	\$5,969
Do.....	2	24,000	.091	597	18,000	18,597	5,403
Do.....	3	23,000	.136	935	17,250	18,185	4,815
Do.....	4	22,000	.181	1,300	16,500	17,800	4,200

PROPOSED G.O. 114

		Funds available book value of vessel	Pro-ration	Prorated equity cost of new vessel	Existing indebtedness	Total funds required	Excess of funds (deficiency)
Do.....	5	21,000	.227	1,702	15,750	17,452	3,548
Do.....	6	20,000	.272	2,124	15,000	17,124	2,876
Do.....	7	19,000	.318	2,583	14,250	16,833	2,176
Do.....	8	18,000	.363	3,062	13,500	16,562	1,438
Do.....	9	17,000	.409	3,578	12,750	16,328	872
Do.....	10	16,000	.454	4,114	12,000	16,114	(51)
Do.....	11	15,000	.500	4,687	11,250	15,937	(937)
Do.....	12	14,000	.545	5,279	10,500	15,779	(1,779)
Do.....	13	13,000	.590	5,900	9,750	15,650	(2,650)
Do.....	14	12,000	.636	6,558	9,000	15,558	(3,558)
Do.....	15	11,000	.681	7,235	8,250	15,485	(4,485)
Do.....	16	10,000	.727	7,951	7,500	15,451	(4,549)
Do.....	17	9,000	.772	8,685	6,750	15,435	(6,425)
Do.....	18	8,000	.818	9,457	6,000	15,457	(7,457)
Do.....	19	7,000	.863	10,248	5,250	15,498	(8,498)
Do.....	20	6,000	.909	11,077	4,500	15,577	(9,577)
Do.....	21	5,000	.954	11,925	3,750	15,675	(10,675)
Contract date.....	22	4,000	1.000	12,812	3,000	15,812	(11,812)
Do.....	23	3,000			2,250		
Do.....	24	2,000			1,500		
Do.....	25	1,000			750		

[FR Doc. 78-316 Filed 1-6-78; 8:45 a.m.]

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 171, 173]

[Docket No. HM-22; Notice No. 78-1]

MATTER INCORPORATED BY REFERENCE

Proposed Rulemaking

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The MTB proposes to amend §§ 171.7(d)(3)(ii) and 173.34(e)(10) of the Hazardous Materials Regulations to permit the use of the updated edition of Compressed Gas Association's (CGA) Pamphlet C-6 for visual inspection of compressed gas cylinders. In addition, the proposed amendments would clarify an inconsistency existing between §§ 173.34(e)(5) and 173.34(e)(10). It is the intended effect of these amendments to improve procedures in the visual inspection of compressed gas cylinders and to clarify the time requirements for retention of cylinder reinspection and retest records.

DATE: Comments must be received on or before February 10, 1978.

ADDRESS: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, 2100 Second Street SW., Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 Second Street SW., Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION:

The CGA has petitioned the MTB to update § 171.7(d)(ii), which incorporates by reference CGA Pamphlet C-6 setting out the standards for visual inspection of compressed gas cylinders, from the referenced 1968 edition to the 1975 edition. The CGA periodically reviews its standards and publishes revisions when clarification, improvement, or addition are necessary. The revisions in the 1975 pamphlet were coordinated with the MTB and it was agreed by the MTB that each of the changes made were necessary. In order for the Hazardous Materials Regulations to contain these necessary revisions, this amendment is being proposed.

The CGA also petitioned to amend § 173.34(e)(10) to eliminate inconsis-

tency between that paragraph and paragraph (e)(5) with respect to the length of time cylinder reinspection and retest records are to be retained. Currently, § 173.34(e)(10) requires inspection results to be kept as a permanent record, while paragraph (e)(5) does not. This proposed amendment would correct the inconsistency and require the owner or his authorized agent to keep the records until expiration of the retest period or until the cylinder is reinspected or retested.

The primary drafters of this document are Joseph T. Horning, Regulations Development Branch, Office of Hazardous Materials Operations, and George W. Tenley Jr., Office of the Chief Counsel, Research and Special Programs Directorate.

In consideration of the foregoing, it is proposed to amend Parts 171 and 173 of Title 49, Code of Federal Regulations, as follows:

§ 171.7 [Amended]

1. In § 171.7 paragraph (d)(3)(ii) would be amended by changing "1968" to read "1975."

2. In § 173.34 paragraph (e)(10) would be amended by revising the fourth sentence to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

(e) \* \* \*

(10) \* \* \* Inspections shall be made only by competent persons and the results shall be recorded on a suitable data sheet, the completed copies of which shall be kept in accordance with the requirements of paragraph (e)(5) of this section. \* \* \*

(49 U.S.C. 1803, 1804, 1806, 1808; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C., on January 3, 1978.

ALAN I. ROBERTS,  
Director, Office of Hazardous  
Materials Operations.

[FR Doc. 78-403 Filed 1-6-78; 8:45 am]



[4910-59]

National Highway Traffic Safety  
Administration

[49 CFR Parts 523 and 533]

[Docket No. FE-77-05; Notice 21]

NONPASSENGER AUTOMOBILE AVERAGE  
FUEL ECONOMY STANDARDS

Change of Location of Public Hearing

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Change of location of public hearing.

SUMMARY: On Thursday, December 15, 1977, a notice of proposed rulemaking and public hearing was published (42 FR 63184) by this agency, proposing the establishment of fuel economy standards for pickup trucks, vans, and other "nonpassenger automobiles" manufactured in model years 1980-81. That notice also announced a public hearing to commence January 16, 1978. Subsequently, it has become necessary to change the location of that hearing to the Department of Commerce Auditorium in Washington, D.C.

DATE: The hearing will commence at 8:30 a.m. on Monday, January 16, 1978.

ADDRESS: The hearing will be held at the Department of Commerce Auditorium, on 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:

Mr. George L. Parker, Office of Automotive Fuel Economy, Room 4102, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-472-6902.

(Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 502, Pub. L. 94-163, 89 Stat. 902 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976.)

Issued on January 3, 1978.

JOAN CLAYBROOK,  
Administrator, National Highway Traffic Safety Administration.

[FR Doc. 78-402 Filed 1-6-78; 8:45 am]

## PROPOSED RULES

[7035-01]

INTERSTATE COMMERCE  
COMMISSION

[49 CFR Part 1200]

[Docket No. 36483]

MAINTAINING COMMISSION'S ACCOUNTING  
REGULATIONS IN CONFORMANCE WITH  
GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP), BY PROCEDURES TO EXPEDITE ADOPTION OF NEWLY ISSUED ACCOUNTING PRONOUNCEMENTS

Proposed Rulemaking

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule.

SUMMARY: The Interstate Commerce Commission proposes to establish abridged rulemaking procedures for expeditiously adopting certain new accounting standards issued by the Financial Accounting Standards Board (FASB). These procedures are intended to enable carriers to use the latest accounting and reporting standards in reports to the Commission, almost immediately after they are issued.

DATES: Written comments (an original and, if possible, 15 copies), must be received on or before February 15, 1978.

ADDRESS: The Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

FOR FURTHER INFORMATION CONTACT:

Mr. Ronald Young, Chief, Section of Accounting, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7448.

SUPPLEMENTARY INFORMATION: Pursuant to sections 12, 20, 304, 913, and 1012 of the Interstate Commerce Act and Sections 553 and 559 of the Administrative Procedure Act, we are instituting this proceeding on our own motion to consider establishing abridged rulemaking procedures when adopting newly issued pronouncements by the FASB.

Our objective now and in the past has been to conform our accounting systems to generally accepted accounting principles (GAAP). In recent years, we have adopted many changes which have aligned our accounting systems with GAAP and, as a result, the systems are in virtual agreement with GAAP. We believe that these

The Financial Accounting Standards Board was designated by the American Institute of Certified Public Accountants as the authoritative body to establish accounting principles. The FASB assumes the responsibilities of its predecessor, the Accounting Principles Board.

changes have resulted in improved presentation of financial condition and operating results. The revisions have also alleviated the burden of duplicate recordkeeping by those carriers that follow ICC accounting in reports submitted to the Commission, and follow GAAP in reports to stockholders and others.

Under our present procedures, the problem has been the significant time lag between the promulgation of new accounting standards by the FASB, and the subsequent adoption of these rules by the Commission. The delay is caused by the many administrative requirements of our formal rulemaking proceedings. Because of this time lag, the regulated carriers must follow our existing rules in preparing reports submitted to the Commission, while using the new rules in preparing financial statements for stockholders and others. This practice often confuses users of the financial statements because statements prepared for the Commission differ from those prepared for others.

We propose to reduce this significant time lag by initiating the following procedures:

(1) First, we will immediately review all new FASB standards to determine if their provisions are appropriate for the Commission's use;

(2) If determined appropriate, we will issue an Accounting Series Circular (ASC), to carriers, which will explain the new rule and outline the accounting procedures that the carriers must follow. We will allow the carriers a 45-day response period to comment on the ASC;

(3) Subsequently, we will issue a Report and Order to include the detailed changes to the Uniform System of Accounts (USOA), and

(4) If the FASB pronouncement is not appropriate for Commission's use or if we disagree with it, we will issue an ASC to explain our position. In this case, no revisions to the USOA would be necessary.

We have recently used these procedures, and they have proven to be effective. Last year, we issued ASC's following each of the FASB Statements Nos. 5, 6, and 12. These circulars required the carriers to adopt accounting standards specified in the FASB Statements. We later amended our accounting systems to adopt formally these FASB Statements. By issuing the circulars first, we eliminated the delay that would have been caused by formal rulemaking procedures. Therefore, we believe that similar results can be obtained if these abridged procedures are used on a regular basis.

\*FASB No. 5—Accounting for Contingencies.

FASB No. 6—Classification of Short-Term Obligations Expected to be Refinanced.

FASB No. 12—Accounting for Certain Marketable Equity Securities.

Issued at Washington, D.C., November 29, 1977.

H. G. HOMME, Jr.,  
Acting Secretary.

Part 1200 of Subchapter C of Chapter X of Title 49 of the Code of Federal Regulations is amended as follows:

§1200.2 Adoption of generally accepted accounting principles issued by the Financial Accounting Standards Board (FASB).

(a) *Accounting Series Circulars.* Following the release of a Statement of Financial Accounting Standards by the FASB, and provided that the Bureau of Accounts of the Commission considers such standards appropriate for the Commission's accounting regulation, the Bureau of Accounts shall issue an Accounting Series Circular (ASC), requiring carriers under the Commission's jurisdiction to follow the new standards in their accounts and reports filed with the Commission. The Bureau shall also specify in the ASC the proper accounting procedures that the carriers shall follow.

(b) *Carrier's Comments on the ASC.* The ASC issued by the Bureau of Accounts will remain effective until revoked by the Bureau of Accounts. After an ASC is issued, the Bureau of Accounts shall allow carriers 45 days following the service date of the ASC during which the carriers may submit to the Bureau their comments and reasons either supporting or opposing the ASC.

(c) *Formal Adoption of the New Accounting Standards.* After considering the carriers' comments submitted in response to the ASC, and based on the proposal of the Bureau of Accounts, the Commission shall issue a Report and Order to adopt the new accounting standards specified in the ASC by revising the Uniform Systems of Accounts (49 CFR Parts 1201-1210).

(d) *Accounting Standards Not Appropriate for Commission's Use.* The Bureau of Accounts may determine that a new FASB Statement of Financial Accounting Standards is not appropriate for use by carriers under the Commission's jurisdiction. In such instances, the Bureau shall issue an ASC to advise the carriers that the new standards shall not be used in their reports filed with the Commission. The carriers shall be allowed 45 days following the ASC's service date to submit comments on the Commission's position.

[FR Doc. 78-483 Filed 1-6-78; 8:45 am]

RAILROADS AND MOTOR CARRIERS OF  
PASSENGERS

[49 CFR Parts 1201 and 1206]

[Docket No. 36767]

Accounting for Certain Government Transfers

AGENCY: Interstate Commerce Commission.

## PROPOSED RULES

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed rule would provide accounting and reporting regulations for certain transfers of cash and other assets to railroads and bus companies from Federal, state, or local governments. In recent years, government transfers have become an important source of income for some railroads and bus companies. This proposed rule is intended to assure that these transfers are disclosed in a manner which does not distort the recipients' financial statements.

DATE: Written comments must be received on or before January 31, 1978.

ADDRESS: Send comments (with 15 copies, if possible) to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

James B. Thomas, Jr., Director, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7565.

SUPPLEMENTARY INFORMATION: In recent years, Federal, state and local authorities have provided several of the nation's railroads and bus companies with large amounts of cash and other assets. These transfers have been for a variety of purposes, and take the form of (1) subsidies given to improve either working capital or productive capacity, or (2) payments of a continuing nature designed to reimburse the carrier for losses sustained on specific lines, in certain regions, etc.

With large sums often involved, proper accounting and reporting of these transfers is necessary to prevent misinterpretation of the recipients' financial statements. Improper treatment may understate the level of losses a firm suffers, distort operating and other ratios, and preclude meaningful comparisons with prior years financial statements.

## APPLICABILITY

This notice applies to the following types of government transfers:

(1) Payments of a continuing nature designed to reimburse a carrier for operating losses sustained on a specific line, in a certain region, etc. Examples are commuter operations run by railroads or bus companies, and paid for in part by regional transit authorities. These may be characterized by their contractual nature; the carrier's services are dependent upon continued reimbursement.

(2) Periodic subsidies to alleviate cash shortages.

(3) Periodic subsidies designated for acquisition, addition to, or improvement of plant and equipment.

(4) Periodic subsidies to be applied to operations or capital expenditures at the discretion of the recipient.

This notice does not apply to government contributions in connection with routine construction projects in which government agencies and railroads participate. Instruction 2-16 of the Uniform System of Accounts for Railroads prescribes appropriate accounting for these projects, and specifies which projects are covered.

## ACCOUNTING TREATMENT

We believe that, with certain exceptions, government transfers within the scope of this notice should be accounted for as operating revenue by the recipient. These transfers are essentially payment for current or future services of the recipient, which it earns in connection with profit-oriented activities. Some payments, such as those of a contractual nature, are associated with specific services. Others, such as subsidies given to alleviate cash shortages, or donations of equipment, are not directly related to particular services. However, we consider these to be compensation for the recipient's services in general.

We further believe that recognition of a government transfer as operating revenue should correspond to the duration of benefits provided by that transfer. Accordingly, subsidies or other payments which only offer benefits to the current period should be accounted for as operating revenue when received and transfers which provide future benefits should be deferred when received, and recognized over several periods.

Government transfers benefiting only the current period include those given to replenish working capital, and include payments specifically designated for continuation of a particular service, subsidies provided to cover operating expenses, and subsidies provided for use at the discretion of management. Government transfers providing future benefits include those in the form of depreciable fixed assets and funds designated by the transferor for the purchase of specific depreciable assets. Transfers of this type should be recognized as operating revenue over the depreciable lives of the assets to which they apply, because their benefit corresponds to the usefulness of the related assets.

In certain circumstances, government transfers should be regarded as contributed capital. Such treatment is appropriate for (1) transfers in the form of, or designated for the purchase of nondepreciable assets, and (2) transfers from the Federal government to Amtrak and ConRail relating to capital expenditures.

Nondepreciable assets provide benefits to the recipient indefinitely and cannot be related to specific account-



ing periods. For these reasons, their transfer represents a contribution to the permanent capital structure of the recipient and they are appropriately accounted for as contributed capital. The acts of Congress which established Amtrak and ConRail required the Federal government to occupy certain positions of authority in these firms. We believe that these positions give the Federal government a special economic interest in the continued financial viability of both Amtrak and ConRail, and that the transfers are provided to protect this interest. Therefore, transfers relating to capital expenditures more closely resemble stockholder donations than payments for services.

This conclusion was reached after consideration of the general economic relationships which prevail between the Federal Government, Amtrak and ConRail. These findings should not be construed as evidence concerning any corresponding legal relationships which may exist.

RECOMMENDED DISCLOSURE

Proper reporting of government transfers is also necessary to prevent misinterpretation of the recipient's financial statements. These transfers should be reported in a manner which highlights their effect on the financial statements. In the income statement, they should be shown as a separate classification of operating revenues. In the balance sheet, transfers representing deferred revenue should be shown separately from other deferred credits, and those regarded as contributed capital should be separated from other paid-in capital. Reporting government transfers in this manner will facilitate analysis of the recipients' financial statements both with and without the effect of government transfers.

Appendices A and B detail the proposed revisions to the Uniform System of Accounts for Railroads and Motor Carriers of Passengers, respectively. Appendix C provides a sample schedule to be included in the annual reports submitted to the Commission by Railroads and Motor Carriers of Passengers.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

This rulemaking is instituted under the authority of Sections 20 and 220, as amended, of the Interstate Commerce Act and pursuant to Sections 553 and 559 of the Administrative Procedure Act.

Issued at Washington, D.C., November 30, 1977, by the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

AMEND PART 1201—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Balance Sheet Accounts," the following revision is made:

The following item is added after line item 782, "Other Liabilities."

783 Deferred Revenues—Transfers from Government Authorities

Under "Income Accounts" the following revisions are made:

Line item 501 is revised as follows:

501 Railway Operating Revenues (Exclusive of Transfers from Government Authorities).

The following items are added after item 501:

502 Railway Operating Revenues—Transfers from Government Authorities for Current Operations.

503 Railway Operating Revenues—Amortization of Deferred Transfers from Government Authorities.

INCOME STATEMENT ACCOUNTS

The title and text of account 501 is revised as follows:

501 Railway Operating Revenues (Exclusive of Transfers from Government Authorities)

This account shall include the total revenues derived from operations, as shown in the primary revenue accounts provided elsewhere in the regulations.

NOTE.—Transfers from government authorities shall be accounted for in accordance with the provisions of Instruction 1-15.

The following account and texts are added:

502 Railway Operating Revenues—Transfers from Government Authorities for Current Operations

This account shall include amounts received or receivable from Federal, State or municipal authorities which are specifically designated to offset operating expenses, or which may be applied at the discretion of the railroad to operating expenses and/or railroad property.

This account shall also include amounts received from government authorities to offset operating costs

sustained on specific lines or in certain regions. Examples are: (1) Local Rail Service Assistance Subsidies granted to the carrier under authority of the Railroad Revitalization and Regulatory Reform Act of 1976, and (2) payments by regional transit authorities in connection with specified operations performed by the carrier.

This account shall also include indirect receipts which reduce operating expenses, such as assumption of station maintenance costs, abatement of taxes, or other indirect contributions by government agencies, if clearly identifiable and measurable.

NOTE.—This account shall not include receipts from government authorities designated for the acquisition, addition to, or improvement of railway operating property (See Instruction 1-15).

503 Railway Operating Revenues—Amortization of Deferred Transfers from Government Authorities

This account shall include the amortization applicable to amounts representing the cost of acquisition, addition to, or improvement of depreciable operating property received from Federal, State or municipal authorities (see Instruction 1-15, and Account 783, "Deferred Revenues—Transfers from Government Authorities").

The "Form of Income Statement" is revised as follows:

599 Form of Income Statement

501 Railway Operating Revenues (Exclusive of Transfers from Government Authorities)

502 Railway Operating Revenues—Transfers from Government Authorities for Current Operations

503 Railway Operating Revenues—Amortization of Deferred Transfers from Government Authorities

GENERAL BALANCE SHEET ACCOUNTS

The following account and text is added:

783 Deferred Revenues—Transfers from Government Authorities

This account shall include amounts representing the cost of acquisition, addition to, or improvement of depreciable operating property received, or receivable from Federal, State or local authorities. Items to be included in this account shall be determined in accordance with Instruction 1-15.

An appropriate record shall be maintained of each asset associated with these transfers showing: (1) Original cost to carrier (or fair value if not purchased); (2) accumulated depreciation; and (3) estimated salvage value, if any.

This account shall be charged periodically, and Account 503, "Railway Operating Revenues—Amortization of Deferred Transfers from Government Authorities," shall be credited with amounts equal to the depreciation costs of the assets to which they apply. When such assets are retired or otherwise disposed of, this account shall be charged, and Account 503 concurrently credited with any remaining associated amounts (See Instruction 1-15).

NOTE A.—This account shall not include government transfers in the form of, or designated for the purchase of land or other non-depreciable property. Transfers of this type are includible in Account 796, "Other Capital Surplus."

NOTE B.—This account shall not include transfers from the Federal Government to either Amtrak or ConRail representing the cost of depreciable and non-depreciable operating property.

The text of account 795, "Other Capital" is revised to read:

795 Other Capital

(d) This account shall be subdivided to show the cumulative amounts representing the cost of non-depreciable operating property received from government authorities, in accordance with the provisions of Instruction 1-15.

(e) This account shall also be subdivided to show the cumulative amounts representing the cost of depreciable and non-depreciable operating property received by Amtrak or ConRail from the Federal Government (see Instruction 1-15).

The "Form of General Balance Sheet Statement" is amended as follows:

799 Form of General Balance Sheet Statement

782 . . .

Deferred Credits:

783 Deferred Revenues—Transfers from Government Authorities

GENERAL INSTRUCTIONS

The following general instruction is added:

1-14 . . .

1-15 Transfers from Government Authorities

When a Federal, State, or municipal government transfers cash or other

assets to a railroad, the transaction shall be accounted for in accordance with the provisions set forth hereunder.

(a) The following forms of government transfers shall be included in Account 502, "Railway Operating Revenues—Transfers from Government Authorities for Current Operations" when received:

(1) Payments as reimbursement for operating losses sustained on a specific line, or in a certain region. Examples include support of commuter operations of a railroad, and local rail service assistance subsidies granted to a railroad under authority of the Railroad Revitalization and Regulatory Reform Act of 1976;

(2) Subsidies designated by the donor to offset operating expenses of the railroad, and

(3) Subsidies which may be applied at the discretion of the recipient to operating expenses and/or operating property.

(b) Government transfers relating to the acquisition, addition to, or improvement of depreciable operating property shall be included in Account 783, "Deferred Revenues—Transfers from Government Authorities" when received. Account 783 shall be periodically charged, and Account 503, "Railway Operating Revenues—Amortization of Deferred Transfers from Government Authorities" shall be credited with amounts equal to the depreciation costs of the assets to which they apply.

(c) Government transfers in the form of, or designated for the purchase of non-depreciable operating property shall be included in Account 796, "Other Capital Surplus" in the manner described in the text of that account.

(d) (1) Transfers from the Federal Government to Amtrak and ConRail relating to the acquisition, addition to, or improvement of depreciable or non-depreciable operating property shall be included in Account 796 in the manner described in the text of that account.

(2) Transfers from the Federal Government to Amtrak and ConRail other than those described in paragraph (d)(1) shall be accounted for in accordance with paragraph (a) of this section.

(e) The provisions of this section do not apply to the following forms of government transfers:

(1) Government contributions in connection with construction projects in which government agencies and railroads participate. Transfers of this type shall be accounted for in accordance with the provisions of Instruction 2-17. Paragraph (b) of that instruction lists applicable construction projects.

(2) Government payment for specific services rendered by the carrier in

transporting property or persons by rail line other than services described in paragraph (a)(1) of this section. Such payments shall be included in Account 501, "Railway Operating Revenues (Exclusive of Transfers from Government Authorities)."

(3) Government transfers relating to other than carrier operations.

(f) Government transfers shall generally be recorded when made available to the railroad. However, transfers relating to specific operations shall be recorded as earned.

(g) Government transfers in the form of assets other than cash shall be recorded at fair value when received.

AMEND PART 1206—UNIFORM SYSTEM OF ACCOUNTS FOR COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

LIST OF DEFINITIONS, INSTRUCTIONS, AND ACCOUNTS

Under "Balance Sheet Accounts," the following revision is made:

The following line item is added after line item 2360, "Other Long-term Obligations":

2410 Deferred Revenues—Transfer from Government Authorities.

Under "Income Accounts" the following revisions are made:

Line item 3000 is revised as follows:

3000 Operating Revenues (Exclusive of Transfers from Government Authorities).

The following line items are added after item 3600, "Miscellaneous Station Revenue":

3700 Operating Revenues—Transfers from Government Authorities for Current Operations.

3800 Operating Revenues—Amortization of Deferred Transfers from Government Authorities.

INCOME STATEMENT ACCOUNTS

The title text of account 3000 is revised as follows:

3000 Operating revenues (exclusive of transfers from government authorities).

This account shall include the total operating revenues as provided in the primary operating revenue accounts, derived by the carrier from its motor carrier operations during the period covered by the income account.

NOTE.—Transfers from Government authorities shall be accounted for in accordance with the provisions of Instruction 2-35.



The following accounts and texts are added:

**3700 Operating revenues—transfers from government authorities for current operations.**

This account shall include amounts received or receivable from Federal, State, or municipal authorities which are specifically designated to offset operating expenses, or which may be applied at the discretion of the carrier to operating expenses and/or carrier operating property.

This account shall include amounts received from government authorities to offset operating costs sustained on specific routes, such as payments by regional transit authorities in connection with specified commuter operations performed by the carrier.

This account shall also include indirect receipts which reduce operating expenses such as assumption of station maintenance costs, abatement of taxes, or other indirect contributions by government agencies, if clearly identifiable and measurable.

**NOTE.**—This account shall not include receipts from government agencies in the form of, or designated for the acquisition, in addition to, or improvement of carrier operating property (See Instruction 2-35).

**3800 Operating revenues—amortization of deferred transfers from government authorities.**

This account shall include the amortization applicable to amounts representing the cost of acquisition, addition to, or improvement of depreciable operating property received from Federal, State, or municipal authorities. (See Instruction 2-35, and account 2410, "Deferred Revenues—Transfers from Government Authorities.")

The text of account 9999, "Form of Income Statement" is revised as follows:

- 9999 Form of income statement.
- 3000 Operating revenues (exclusive of transfers from government authorities)
- 3700 Operating revenues—transfers from government authorities for current operations
- 3800 Operating revenues—amortization of deferred transfers from government authorities

**BALANCE SHEET ACCOUNTS**

The following account and text is added:

**2410 Deferred revenues—transfers from government authorities.**

This account shall include amounts representing the cost of acquisition, addition to, or improvement of depreciable operating property received or receivable from Federal, State or local

authorities. Items to be included in this account shall be determined in accordance with Instruction —.

An appropriate record shall be maintained of each asset associated with these transfers showing: (1) original cost to carrier (or fair value if not purchased), (2) accumulated depreciation, and (3) estimated salvage value, if any.

This account shall be charged periodically, and Account 3800, "Operating Revenues—Amortization of Deferred Transfers from Government Authorities," shall be credited with amounts equal to the depreciation costs of the assets to which they apply. When such assets are retired or otherwise disposed of, this account shall be charged, and Account 3800 concurrently credited with any remaining associated amounts (See Instruction 2-35).

**NOTE.**—This account shall not include government transfers in the form of, or designated for the purchase of land or other non-depreciable property. Transfers of this type are includible in Account 2900, "Unearned Surplus."

The text of account 2900, "Unearned Surplus" is revised to read:

**2900 Unearned surplus.**

(a) This account shall include all surplus not classified in this part as earned surplus. It shall include such items as surplus arising from the donations by stockholders of the carrier's capital stock; surplus recorded at reorganization or in connection with recapitalization; net credits resulting from reacquisition or resales of carrier's capital stock (see instruction 14); amortization of discount and expenses on capital stock (see instruction 12); and from a reduction of the par or stated value of the carrier's capital stock where allowed by statute.

(b) This account shall be subdivided into accounts to show each source of unearned surplus (including the cumulative amounts representing the cost of nondepreciable property received from government authorities, in accordance with the provisions of Instruction 2-35).

(c) No entry shall be made in this account to create unearned surplus arising out of the revaluation of carrier operating property except upon written order of the Commission.

The text of account 2999, "Form of Balance Sheet Statement" is revised to read:

**2999 Form of balance sheet statement.**

2360 ...

**2410 Deferred Revenues—Transfers from Government Authorities**

**INSTRUCTIONS**

The following instruction is added:  
2-34 ...

**2-35 Transfers from government authorities.**

When a Federal, State, or municipal government transfers cash or other assets to a motor carrier of passengers, the transaction shall be accounted for in accordance with the provisions set forth hereunder.

(a) The following forms of government transfers shall be included in account 3700, "Operating Revenues—Transfers from Government Authorities for Current Operations" when received:

(1) payments as reimbursement for operating losses sustained on a specific route or in a certain region, such as support of bus line commuter operations;

(2) subsidies designated by the donor to offset operating expenses of the recipient, and

(3) subsidies which may be applied at the discretion of the recipient to operating expenses and/or operating property.

(b) Government transfers relating to the acquisition, addition to, or improvement of depreciable operating property shall be included in account 2410, "Deferred Revenues—Transfers from Government Authorities" when received. Account 2410 shall be periodically charged, and Account 3800, "Operating Revenues—Amortization of Deferred Transfers from Government Authorities" shall be credited with amounts equal to the depreciation costs of the assets to which they apply.

(c) Government transfers in the form of, or designated for the purchase of nondepreciable operating property shall be included in account 2900, "Unearned Surplus" in the manner described in the text of that account.

(d) The provisions of this section do not apply to government payments for specific services rendered by the carrier in transporting passengers by bus line (other than services described in paragraph (a)(1) of this section). Such payments shall be included in account 3000, "Operating Revenues (Exclusive of Government Transfers)."

(e) The provisions of this section do not apply to government transfers relating to other than carrier operations.

(f) Government transfers shall generally be recorded when made available to the carrier. However, transfer relating to specific operations shall be recorded as earned.

(g) Government transfers in the form of assets other than cash shall be recorded at fair value when received.

**APPENDIX C**

**SCHEDULE  
TRANSFERS FROM GOVERNMENT AUTHORITIES**

A. Source and Description of Subsidies Received During Year	Amount	Applied to Current Operations	Deferred to Future Periods	Applied to Contributed Capital
Total Received During Year				
B.	Balance Beginning of Year	Net Increase (Decrease) During Year		Balance End of Year
Deferred Revenue - Govt. Transfers				
Contributed Capital - Govt. Transfers				
Cum. Total Applied to Current Operations				
Cum. Total of Govt. Transfers				

**EXAMPLES OF PROPOSED ACCOUNTING FOR SUBSIDIES**

I. On 1/1/77, Municipal Authority transfers passenger car to railroad company providing commuter service.

Depreciable Life (years).....	5
Appraised Value.....	\$10,000
<b>Accounting:</b>	
Jan. 1, 1977..... Dr. 731.....	Road and equipment property..... \$10,000
Do..... Cr. 783.....	Deferred revenues—transfers from government authorities..... 10,000
Dec. 31, 1977..... Dr. 783.....	Railway operating expenses (Depreciation)..... 2,000
Do..... Cr. 735.....	Accumulated depreciation—road and equipment property..... 2,000
Do..... Cr. 503.....	Railway operating revenues—amortization of deferred transfers from government authorities..... 2,000

II. On 1/1/77, Federal Government provides railroad with \$5,000,000 emergency funds to meet payroll expenses.

<b>Accounting:</b>	
Jan. 1, 1977..... Dr. 701.....	Cash..... \$5,000,000
Do..... Cr. 502.....	Railway operating revenues—transfers from government authorities for current operations..... 5,000,000

III. On 1/1/77, Federal Government provides ConRail \$1,000,000 to purchase operating equipment.

Average Depreciable Life of Purchased Equipment (years).....	10
<b>Accounting:</b>	
Jan. 1, 1977..... Dr. 731.....	Road and equipment property..... 1,000,000
Do..... Cr. 796.....	Other capital surplus..... 1,000,000
Dec. 31, 1977..... Dr. 531.....	Railway operating expenses (Depreciation)..... 100,000
Do..... Cr. 735.....	Accumulated depreciation—road and equipment property..... 100,000

IV. On 6/30/77, state authority donates building and land to bus company for commuter bus terminal.

Appraised value of land.....	\$50,000
Appraised value of building.....	200,000
Depreciable life of building (years).....	20
<b>Accounting:</b>	
June 30, 1976..... Dr. 1201.....	Land and land rights..... \$50,000
Do..... Dr. 1211.....	Structures..... 200,000
Do..... Cr. 2410.....	Deferred revenues—transfers from government authorities..... 200,000
Do..... Cr. 2900.....	Unearned surplus..... 50,000
Dec. 31, 1976..... Dr. 5000.....	Depreciation expense..... 5,000
Do..... Dr. 2410.....	Operating revenues—amortization of transfers from government authorities..... 5,000
Do..... Cr. 3800.....	Reserve for depreciation—carrier operating property..... 5,000



## Accounting:—Continued

V. On 6/30/77, bus company sells buses to municipal authority at \$1,000,000 fair value (book value—\$500,000), and simultaneously leases them back at a nominal charge. There are no stipulations concerning how the funds from the sale are to be spent.

Accounting:			
June 30, 1977.....	Dr. 1000.....	Cash.....	\$1,000,000
Do.....	Cr. 3700.....	Operating revenues—transfers from government authorities for current operations.....	1,000,000

NOTE.—This transfer is in substance a subsidy of \$1,000,000 to the bus company.

[FR Doc. 78-311 Filed 1-6-78; 8:45 am]

## [7035-01]

[49 CFR Part 1241]  
[Docket No. 36725]

## RAILROAD ANNUAL REPORT FORMS R-1 AND R-2

## Proposed Revision

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule.

SUMMARY: The Interstate Commerce Commission proposed to make revisions to Railroad Annual Report Forms R-1 and R-2 for the 1978 reporting year. The proposed revision to the annual reports for railroads includes (1) requiring consolidated reporting, (2) introducing materiality reporting standards, (3) eliminating certain schedules, (4) requiring corporate disclosure information, and (5) aligning reporting requirements with generally accepted accounting principles. The modifications are intended to reduce the carriers' reporting burden and to make the annual reports easier to use and complete. A copy of the proposed revision to Railroad Annual Report Forms R-1 and R-2 is filed with the Office of the Federal Register and may be obtained by writing to the Commission.

DATES: Written comments (and original and if possible, 15 copies) must be received on or before February 17, 1978. Proposed effective date: January 1, 1978.

ADDRESS: The Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

## FOR THE FURTHER INFORMATION CONTACT:

Mr. Andrew J. Lee, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, phone 202-275-7206.

## SUPPLEMENTARY INFORMATION:

Pursuant to section 20 of the Interstate Commerce Act and sections 553 and 559 of the Administrative Procedure Act, we are instituting this proceeding on our own motion to consider revising the Railroad Annual Report Forms R-1 (R-1) and R-2 (R-2). These reports pertain to Class I and Class II railroads.

The major revisions to the proposed reports are detailed below:

1. *Consolidated Reporting.* Certain schedules require that disclosures must be submitted for the consolidated entities in which the railroads are members. Specific details as to which affiliates and subsidiaries must be included in the consolidated group are presented in the instructions for preparing the proposed reports.

2. *Materiality Standards.* The proposed reports incorporate materiality standards in many schedules, which will permit certain data to be omitted. In the past, most schedules were required to be completed, regardless of the amount or significance of the fi-

nancial disclosures. The materiality feature will serve as an instrument for eliminating disclosures of little importance or impact, thereby alleviating the carriers' reporting burden.

3. *Elimination of Certain Schedules.* In order to reduce the carriers' reporting burden, we eliminated schedules found to be of minor importance, and consolidated other schedules that were closely related. In the R-1, for example, a total of 20 schedules were eliminated, representing a 19 percent reduction in reporting requirements.

4. *Corporate Disclosures.* The proposed reports contain nine schedules entitled "Annual Report on Corporate Ownership and Structure." This section requires that carriers disclose information on the corporate foundation, the affiliated group of companies of which the railroad is a member, debtholdings, and business transactions between related parties.

5. *Other Modifications.* The proposed reports contain several other new features which will improve the annual reporting for railroads. Foremost is the fact that the reporting requirements for many items have been made comparable to those mandated by generally accepted accounting principles. Second, the schedule instructions have, in many cases, been clarified and refined.

We believe these revisions will prove to effect more informative and comprehensible annual reports for railroads. We invite respondents to comment on these revisions. All responses will be reviewed, and changes will be made if determined appropriate.

## §§ 1241.11 and 1241.12 [Reports revised]

Accordingly, Part 1241, Chapter X, Title 49 of the Code of Federal Regulations is amended by revising, adding and eliminating certain schedules included in the annual reports that are referenced in § 1241.11 and § 1241.12.

H. G. HOMME, Jr.  
Acting Secretary.

DECEMBER 13, 1977.

[FR Doc. 78-491 Filed 1-6-78; 8:45 am]

## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## [6320-01]

## CIVIL AERONAUTICS BOARD

[Docket No. 30277]

## CHICAGO-MIDWAY LOW-FARE ROUTE PROCEEDING

## Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on January 31, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, North Universal Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served September 26, 1977, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 3, 1978.

GREER M. MURPHY  
Administrative Law Judge.

[FR Doc. 78-449 Filed 1-6-78; 8:45 am]

## [6320-01]

[Docket No. 28981]

## HUGHES AIRWEST, INC.

## Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on February 7, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., January 3, 1978.

JANET D. SAXON,  
Administrative Law Judge.

[FR Doc. 78-450 Filed 1-6-78; 8:45 am]

## [6320-01]

[Docket No. 31786; Order 77-12-148]

## PHILIPPINE AIRLINES, INC.

## Order Dismissing Complaint Regarding Transpacific Budget Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of December 1977.

By tariffs filed November 30, 1977, for effect December 30, 1977, Philippine Airlines, Inc. (PAL) proposes new one-way economy class "Budget" fares of \$275 in the Honolulu-Manila market and \$345 in the west coast-Manila market; round-trip travel would be at twice the applicable one-way fare.<sup>1</sup> The fares would be available throughout the year except during December and would exclude weekend travel;<sup>2</sup> would permit no stopovers, and would be sold subject to a capacity limitation of 300 seats per week in each direction. For the outbound portion of travel, full payment would be required and tickets issued between seven and 21 days before departure; for the return portion, reservations could be made only in the Philippines and would not be confirmed before seven days of the requested departure date. Cancellation of confirmed space by the passenger would be subject to a penalty of 50 percent of the fare paid. PAL states that its filing is being made to match Pan American's Budget plan, albeit with some modification in period of application, ticketing and reservations procedures, and fare level.

Pan American World Airways, Inc. (Pan American) has complained against the fares, requesting their suspensions pending investigation. Pan American considers its own Budget fares economic because passengers are assigned a date and flight at the carrier's option. On the other hand, it contends that PAL's proposed fares are predatory and uneconomic since they lack capacity controls and sufficient restrictions to prevent diversion and undercut its own U.S.-Philippine Budget fares by \$4; PAL's new fares

are not true "fill-up" fares because passengers, rather than the carrier, can choose the date and flight of travel; without these uncertainties of choice, PAL's fares are really diversionary seven-day advance-purchase excursion fares; traffic generated by the fares will have a direct impact upon capacity; and in the past the Board has stated that, for low "fill-up" fares to be viable, capacity must be limited for the flight or the overall operation will not be profitable.

In reply to Pan American, PAL contends that its proposed fares are neither predatory nor diversionary, but rather are both stimulative and generative; all arguments advanced in support of Pan American's own transpacific Budget fares apply equally to PAL's new fare proposal; the proposed fares are capacity controlled, although in a manner different from that used by Pan American; Pan American's method is not the only proper or intelligent means of controlling capacity; even were there no capacity control, that absence alone would be an insufficient ground for suspension since no allegations have been made that existing capacity in the U.S.-Philippine market, which PAL believes quite adequate, is insufficient to handle the additional traffic; Pan American's apparent belief that any Budget fare plan which deviates from its own is flawed and should be suspended flies in the face of recent public statements by the Board and the President on the desirability of diverse, innovative and pro-competitive filings by all carriers; and inasmuch as PAL believes its proposed fare plan is more suited to the U.S.-Philippine market than is Pan American's, the Board should permit it to be tested in the marketplace.

Upon consideration, the Board has determined to dismiss the complaint and permit PAL's new fares to become effective.

While the Board has found the capacity and reservations procedures which apply to Pan American's Budget fares reasonable,<sup>3</sup> this does not mean that other procedures would not be acceptable. Although less precise in certain aspects PAL's method also seems

<sup>1</sup> Air Tariffs Corporation, Agent, Tariff C.A.B. No. 67, 4th Revised Page 134-D and Rule 189.

<sup>2</sup> The fares would be blacked out for Friday and Saturday departures from the west coast and for Saturday and Sunday departures from Honolulu.

<sup>3</sup> PAL also points out that, on a round-trip basis, its proposed west coast-Manila Budget fare is \$140 higher than the retail price for Advance Booking Charters already on file for summer 1978.

<sup>4</sup> See Order 77-9-55, September 16, 1977.



reasonable. Its proposed fares would not be available for travel on weekends or for travel during December when, PAL states, its flights are heavily booked. Thus, availability would be limited to those periods in which experienced demand has shown them to be off-peak.

PAL's capacity restrictions are also similar to restrictions on capacity either approved by the Board or otherwise in effect in connection with the 14/45-day advance-purchase excursion (APEX) and super-APEX fares offered in North Atlantic markets. Under its proposed rules, sale of the proposed fares would be restricted to a maximum of 300 seats in each direction—about 25 percent of the total economy-class seating available, after excluding the blacked-out periods.<sup>3</sup> Sales of both North Atlantic APEX fares are similarly restricted to 25 percent of each carrier's total weekly economy-class capacity in each direction.

In addition, the relationship between PAL's proposed fares and the applicable normal-economy fares in the U.S.-Philippine market suggests that reservation and capacity procedures as strict as those applied by Pan American may not be necessary. The proposed fare offers a discount of about 43 percent from the normal-economy fares, a relationship similar to that of many promotional fares approved by the Board over the years. By contrast, Pan American's Budget-fare procedures were initially established for a "fill-up" fare in the New York-London market, where more stringent capacity control was needed in the face of its discount approaching 60 percent of the normal-economy fare. With such a deep discount, unusually precise procedures were clearly needed if the carrier was to be able to identify this traffic and, once identified, to accommodate it on a "fill-up" basis. It has apparently decided to maintain the same system in its Pacific markets.

As indicated, the proposed PAL fares do not appear to be offered primarily as "fill-up" fares which, by virtue of their deep discounts, require strict controls. Instead, they appear to be offered as a developmental promotional fare and as such provide discounts not out of line with those provided by many other approved and appropriately restricted promotional fares. For example, the former New York-London 14/45-day APEX fare was discounted 44 percent and the existing super-APEX fare in that market is discounted 54 percent. In addition, while not bearing minimum/maximum stay restrictions and while not requiring as

<sup>3</sup>PAL operates daily DC-10 flights between San Francisco and Manila via Honolulu. Of the 260 seats on each flight, 238 are in the economy section. Since weekends are blacked out, a total of 1,190 one-way seats are available during the week.

long an advance-purchase period as do either of those APEX fares, the proposed fares carry a very heavy cancellation penalty—50 percent of the fare paid. In contrast, both APEX fares are subject to cancellation penalties of 10 percent of the fare paid or \$50, whichever is higher.

In summary, we conclude that suspension and investigation of PAL's proposed fares is not warranted. The capacity controls, other conditions of use, and discount relationship to normal-economy fares are not out of line with what the Board has approved for other promotional fares. Neither does the proposal appear to be directed against charters, nor does it appear to be a strictly "fill-up" fare where more stringent limitations on its use might be necessary. Rather, it appears to be a promotional fare aimed at the ethnic U.S.-Philippine market. To the extent that it generates new traffic and fills otherwise empty seats, it will improve the carrier's financial position. Furthermore, we are not convinced that it would significantly inconvenience normal-fare or higher-rated fare passengers. The proposal appears to be responsive to the Board's desires for innovative and pro-competitive filings in international aviation. In the last analysis, the marketplace will determine whether PAL's proposed fares or Pan American's Budget fares are best suited to the U.S.-Philippine market.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), 403 and 1002(j) thereof:

*It is ordered, That:*

1. The complaint of Pan American World Airways, Inc. in Docket 31786 be dismissed; and
2. Copies of this order be served upon Pan American World Airways, Inc. and Philippine Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,\*  
Secretary.

[FR Doc. 78-452 Filed 1-6-78; 8:45 am]

#### [3510-12]

##### DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

##### DEEP OCEAN MINING

Extension of Comment Period on Preliminary Environmental Guidelines

On Tuesday, December 13, 1977, at 42 FR 62521, NOAA published Deep Ocean Mining Preliminary Environmental Guidelines and requested comments by December 31, 1977. In re-

\*All Members concurred.

sponse to requests for additional time for comments, NOAA has determined that the comment period should be extended to January 31, 1978. Comments should be forwarded to the following address not later than January 31, 1978: Marine Minerals Division, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Md 20852, 301-443-8323.

Dated: December 29, 1977.

RICHARD A. FRANK,  
Administrator.

[FR Doc. 78-396 Filed 1-6-78; 8:45 am]

#### [3810-70]

##### DEPARTMENT OF DEFENSE

Armed Forces Epidemiological Board

##### AD HOC SUBCOMMITTEE ON INFLUENZA OF THE SUBCOMMITTEE ON DISEASE CONTROL

##### Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following advisory committee meeting:

AD HOC SUBCOMMITTEE ON INFLUENZA OF THE ARMED FORCES, EPIDEMIOLOGICAL BOARD SUBCOMMITTEE ON DISEASE CONTROL

Date of Meeting: January 13, 1978.

Place: Conference Room 3092, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, D.C.

Time: 0900-1630.  
Purpose: This notice is being published giving less than 15 days notice of the meeting because of the emergency nature of the problem to be considered. The currently administered influenza vaccine will not protect against the A/H<sub>1</sub>N<sub>1</sub> influenza strain which is expected to cause serious outbreaks of disease in the United States in 1978. An AFEB recommendation is needed to enable to DOD to procure an appropriate vaccine for protection of military personnel. The proposed agenda includes discussion of the data on the epidemiology and virology of the A/H<sub>1</sub>N<sub>1</sub> influenza strain and preparation of a recommendation on an appropriate vaccine formulation, dosage, and administration schedule for protection of military personnel.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 1B472 Pentagon, Washington, D.C. 20310.

Dated: January 5, 1978.

DUANE G. ERICKSON,  
Executive Secretary.

[FR Doc. 78-542 Filed 1-6-78; 8:45 am]

#### [3810-71]

Department of the Navy

##### CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

##### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Technology Sub-Panel of the Chief of Naval Operations (CNO), Executive Panel Advisory Committee will meet on January 24-25, 1978, at the Pentagon, Washington, D.C. Sessions of the meeting will commence at 8:30 a.m. and terminate at 5:30 p.m. on both days. All sessions will be closed to the public.

The agenda will consist of matters required by Executive order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive order, including discussions on anti-submarine warfare, ocean surveillance plans, Navy command, control and communications, and related intelligence. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact Commander William A. Armbruster, USN, Executive Secretary of the CNO Executive Panel Advisory Committee, 1401 Wilson Boulevard, Room 405, Arlington, Va. 22209, phone 202-0X4-3191.

Dated: January 4, 1978.

K. D. LAWRENCE,  
Captain, JAGC, U.S. Navy,  
Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 78-418 Filed 1-6-78; 8:45 am]

#### [3810-70]

Office of the Secretary

##### DEFENSE SCIENCE BOARD TASK FORCE ON COMMAND AND CONTROL SYSTEMS MANAGEMENT

##### Advisory Committee Meeting

The Defense Science Board Task Force on Command and Control Sys-

tems Management will meet in closed session on February 6-7, 1978, in the Pentagon, room 1E801 No. 5.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force is examining possible improvements in the process by which the Department of Defense plans for, develops and acquires defense command and control systems.

In accordance with section 10(d) of Appendix I, Title 5, United States Codes, it has been determined that this Task Force meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: January 4, 1978.

MAURICE W. ROCHE,  
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

[FR Doc. 78-375 Filed 1-6-78; 8:45 am]

#### [3810-70]

Office of the Secretary

##### JOINT STRATEGIC TARGET PLANNING STAFF SCIENTIFIC ADVISORY GROUP

##### Closed Meeting

Pursuant to the provisions of Section 10 of Pub. L. 92-463, effective January 5, 1973, as amended by Pub. L. 94-409, notice is hereby given that a closed meeting of the Joint Strategic Planning Staff Scientific Advisory Group will be held at Offutt Air Force Base, Nebr., during the period: Tuesday, March 7, 1978 through Wednesday, March 8, 1978.

The entire meeting is devoted to the discussion of classified information within the meaning of Section 552b(c)(1), Title 5 of the U.S. Code, and therefore will be closed to the public.

MAURICE W. ROCHE,  
Director, Correspondence and Directives OASD (Comptroller).

JANUARY 4, 1978.

[FR Doc. 78-448 Filed 1-6-78; 8:45 am]

#### [6740-02]

##### DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. C170-129, et al.]

##### CITIES SERVICE CO. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>

DECEMBER 21, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 11, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or

<sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein.



where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

Docket No. and date filed	Applicant	Purchaser and Location	Price Per 1,000 ft. Base	Leases expired.
CI78-129 D 12/1/77	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Consolidated Gas Supply Corp., Coopers Creek W. Va. Kanawha County.		
CI78-52 A 10/19/77	Ladd Petroleum Corp., 830 Southwest Club Building, Denver, Colo. 80202.	Southwest Gas Corp., certain acreage in the Blanco Pictured Cliffs Field, San Juan County, N. Mex.	14.73	( )
CI78-53 A 10/19/77	Phillips Petroleum Co., 5 Mountain Fuel Supply Co., Bridge Lake Field, Geaville, Okla. 74004.	Mountain Fuel Supply Co., certain acreage in the Blanco Pictured Cliffs Field, San Juan County, N. Mex.	15.025	( )
CI78-54 A 10/19/77	Ladd Petroleum Corp.	Blanco Pictured Cliffs Field, San Juan County, N. Mex.	14.73	( )
CI78-55 A 10/21/77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., White City Field, Eddy County, N. Mex.	14.73	( )
CI78-56 A 10/21/77	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	El Paso Natural Gas Co., certain acreage in the Coates Field, Pecos County, Tex.	14.65	( )
CI78-59; CI68-1382 B 10/25/77	American Petrofina Co. of Texas (Operator), et al., P.O. Box 2159, Dallas, Tex. 75221.	Grice East Field, Loving County, Tex.		Depleted, plugged and abandoned.
CI78-60 B 10/25/77	Suexco, Inc., 256 Denver Club Bldg., Denver, Colo. 80202.	Kansas-Nebraska Gas Co., Inc., Twin Mills Field, Logan County, Colo.		Nonproductive, plugged and abandoned. Lease will expire Oct. 16, 1978.
CI78-61 B 10/25/77	Paul E. Spaulugh, 862 Fair Foundation Building, Tyler, Tex. 75701.	Texas Gas Transmission Co., Eastern Hico Northwest Pipeline Corp., Northwest Pipeline Corp., 315 East Second South, Salt Lake City, Utah 84110.		Non-commercial well. Depleted, plugged and abandoned.
CI78-62 A 10/21/77	McCulloch Oil Corp. of Texas, 10880 Wilshire Boulevard-Suite 1500, Los Angeles, Calif. 90024.	Young Estate Well No. 10-34, Section 34, Block A-2, H&GN Survey, Hemphill County, Tex.	14.65	( )
CI78-65 A 10/25/77	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Tennessee Gas Pipeline Co., a Division of "Tenneco", Block A-330, High Island, Offshore, Tex.	15.025	( )
CI78-66 A 10/25/77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, High Island Offshore, Tex.	14.73	( )
CI78-67 A 10/25/77	Exxon Corp.	Columbia Gas Transmission Corp., High Island Area, Offshore, Tex.	14.73	( )
CI78-68 A 10/25/77	Exxon Corp.	Trunkline Gas Co., High Island Area, Offshore, Tex.	14.73	( )
CI78-69 A 10/25/77	Mobil Oil Corp., Three Greenway Plaza East-Suite 800, Houston, Tex. 77046.	Northern Natural Gas Co., Vacuum North Field, Lea County, N. Mex.	14.73	( )
CI78-70, G-7902, G-13005, B 10/25/77	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	Illinois Natural Gas Pipeline Co., Knott Field, Nueces County, Tex.		Per Order of Federal Power Commission issued in sub. set in Docket under date of February 11, 1980.

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Docket No. and date filed	Applicant	Purchaser and Location	Price Per 1,000 ft. Base	Production has ceased and all leases expired.
CI78-71, G-6252, B 10/25/77	Basic Enterprises Production Co., 3100 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Southern Natural Gas Co., Greenville Field, Jefferson Davis County, Miss.		
CI78-72, CI72-144, B 10/25/77	McCulloch Oil Corp., 10880 Wilshire Boulevard-Suite 1500, Los Angeles, Calif. 90024.	Northern Natural Gas Co., Vict Field, Section 11, Township 19 North, Range 13 West, Dewey County, Okla.		Depleted.
CI78-73 B 10/21/77	Arkansas Western Production Co., P.O. Box 1286, Fayetteville, Ark. 72701.	Pennate Eastern Pipeline Co., State No. 1 Well in Section 16, Township 25 North, Range 13 West, Dewey County, Okla.		Depleted, plugged and abandoned and leases terminated.
CI78-74 A 10/25/77	Tenneco Oil Co., P.O. Box 2911, Houston, Tex. 77001.	Northwest Pipeline Corp., Eddy No. 1 Well, Basin Dakota Field, San Juan County, N. Mex.	15.025	( )
CI78-75 A 10/25/77	Napco, Inc., 122 South Michigan Avenue, Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, Hickey No. 1-32 Well, Section 32-T15N-R28W, Roger Mills County, Okla.	14.65	( )
CI78-76 A 10/25/77	Petroleum, Inc. (operator) (Succ. in Interest to Phillips Petroleum Co.), R. H. Garvey Building, 300 West Douglas, Wichita, Kans. 67202.	Michigan Wisconsin Pipeline Co., certain acreage in Harper County, Okla.	14.73	( )
CI78-77 A 10/26/77	Belco Petroleum Corp., Agent for the Belco 1972, Oil & Gas Fund, Ltd., One Dag Hammarskjold Plaza, New York, N.Y. 10017.	Transwestern Pipeline Co., E/2 Section 18-22S-27E, Eddy County, N. Mex.	14.73	( )
CI78-78, CI70-581, B 10/26/77	Cosmos States Gas Production (Operator), et al., Five Greenway Plaza East, Houston, Tex. 77046.	Transcontinental Gas Pipeline Corp., South Delcambre Field, Vermillion Parish, La.		Nonproduction, depleted, plugged and abandoned and leases expired.
CI78-79 A 11/1/77	CNG Producing Co., 445 West Main Street, Clarkburg, W. Va. 26301.	Consolidated Gas Supply Corp., Block A-350, High Island Area, East Addition, South Extension, Offshore, Tex.	14.73	( )
CI78-97, G-15822, B 10/31/77	Elm Grove Gathering System, Inc., P.O. Box 910, Shreveport, La. 71101.	Texas Gas Transmission Corp., West Elm Grove, Bossier Parish, La.		Depleted.
CI78-98 A 10/31/77	Ashland Exploration, Inc. (Succ. in Interest to Ashland Oil, Inc.), P.O. Box 1503, Houston, Tex. 77001.	Mid-Louisiana Gas Co., Schuchardt "CC" Wells No. 1, 3, and 4, located in Lot 1, Linwood Plantation, Adams County, Miss.	15.025	( )
CI78-100 A 10/31/77	Odesa Natural Corp. (Operator), P.O. Box 3908, Odessa, Tex. 79760.	El Paso Natural Gas Co., O.N.C. Arco Little, Federal Well, Chacon Dakota Pool, Rio Arriba County, N. Mex.	14.65	( )
CI78-103 A 11/2/77	Texas Eastern Exploration Co., P.O. Box 2521, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Block 64 Field, Vermillion Area, Offshore, La.	15.025	( )

\* Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.  
\* Applicant and Purchaser are affiliated.

Filing code:  
A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

[FPR Doc. 78-234 Filed 1-6-78; 8:45 am]

# NOTICES

[6740-02]

[Docket Nos. ER78-19, ER78-81]

## FLORIDA POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Increased Rates, Suspending Notice of Cancellation, Denying Motion To Reject, Denying Motion To Consolidate, Granting Interventions, Consolidating Proceedings and Establishing Procedures

DECEMBER 30, 1977.

On October 14, 1977, Florida Power & Light Co. (FP&L) submitted for filing a proposed rate increase for electric service to nine wholesale customers under its FPC Electric Tariff, First Revised Volume No. 1. The proposed charges would result in additional revenue of \$6,725,163 (13.07 percent) for the twelve month period succeeding the proposed effective date of January 1, 1978. The proposed increase results in a \$6,487,749 increase to the cooperative customers and a \$237,414 increase to municipal customers.

The proposed rates for the total requirements customers (SR-2) have a demand ratchet that is 70 percent of the highest demand established during the preceding eleven months. They contain a minimum bill provision consisting of the customer charge plus a charge for the higher of (1) 250 kW, or (2) the billing demand. All new delivery points established subsequent to January 1, 1978, shall have a minimum monthly billing demand of 500 kW.

Proposed rate schedules SR-2 and PR contain limitations on the availability of total and partial requirements service. SR-2 limits the availability of total requirements service to those electric utility systems presently being furnished such service. It further provides that it is not applicable as replacement power to a generating utility system for which interchange power agreements are available or to which partial requirements Rate Schedule PR is applicable. Proposed rate PR is only available to those electric utility systems for partial power requirements if the systems have in-

sufficient generating capacity and/or firm power purchases to meet their own loads. It also provides that it shall not apply as a substitute or replacement power to a generating utility system for which full service interchange power agreements are applicable. In addition, standby and emergency service is not permitted.

In an implementation of the limiting provisions of proposed rate PR, FP&L submitted for filing on December 1, 1977, in Docket No. ER78-81, a notice of cancellation for firm partial requirements service to the City of Homestead. Homestead has an Interchange Power Agreement with FP&L on file with the Commission (Rate Schedule FPC No. 22), and therefore no longer qualifies for firm power under the SR-2 rate pursuant to the terms of the proposed tariff.

The Partial Requirement Rate PR is available to Florida Keys Electric Cooperative, New Smyrna Beach and Starke. The billing demand under the PR rate schedule is the maximum recorded 60 minute demand during the billing month, but never less than 90 percent of the contract demand plus 75 percent of peak demand, both subject to a 12-month ratchet. Peak demand is defined as that demand which exceeds 110 percent of contract demand. In effect, the first month that demand exceeds 110 percent of contract demand, the customers pay for all kW at the applicable demand charge plus \$6/kW for kW exceeding 110 percent of contract demand. Thereafter, peak demand is subject to a 12 month 75 percent ratchet.

Notice of FP&L's filing in Docket No. ER78-19 was issued on October 20, 1977, with responses due on or before November 7, 1977. On November 7, 1977, the City of Homestead, the Fort Pierce Utilities Authority, the City of Starke, and the Utilities Commission of New Smyrna Beach, Fla. (Florida Cities) filed their Petition To Intervene, Protest, Motion To Reject, or in the Alternative, Request for Five Months Suspension, Expedited Hearing and Investigation, and Documents Request and Consolidation. Also on that date, the Seminole Electric Cooperative, Inc. (Seminole), Clay Electric Cooperative, Inc. (Clay), Glades Electric Cooperative, Inc. (Glades), Okefenokee Rural Electric Membership Corp. (Okefenokee), Suwannee Valley Electric Cooperative, Inc. (Suwannee), Lee County Electric Cooperative, Inc. (Lee), and Peace River Electric Cooperative, Inc. (Peace River), filed their Protest and Petition To Intervene. On November 14, 1977, the Florida Keys Electric Cooperative Association filed a protest to FP&L's rate increase.

Notice of the filing of the Notice of Cancellation in Docket No. ER78-81

\* Hereinafter collectively referred to as Cooperatives.

## NOTICES

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was issued on December 9, 1977, with responses due on or before December 19, 1977.

## FLORIDA CITIES' ALLEGATIONS

In summary form, Florida Cities protest:

(1) FP&L's tariff that would (a) force abandonment of service to Homestead, (b) limit wholesale service to a limited class of customers and (c) exclude service availability to municipalities in Florida who have adequate generation, but desire to purchase firm power services for their economic benefit;

(2) The tariff's bar on service to new customers and possible limitations on service to new delivery points;

(3) The denial of full interchange service to any system purchasing wholesale power and the denial of wholesale power availability to systems having "full service interchange power agreements";

(4) The refusal to sell firm power to customers at 69 Kv or below that do not isolate sections of their systems;

(5) The refusal of FP&L to sell wholesale power to Fort Pierce;

(6) FP&L's rate design for partial requirements' service because of its arbitrariness and lack of cost justification and its discriminatory and anticompetitive effect;

(7) FP&L's failure to serve the filing on the City of Homestead;

(8) The use of a single annual peak allocator;

(9) Changes in FP&L's depreciation rates without cost justification;

(10) The use of CWIP in the rate base through the devise of including costs associated with a transmission line under construction under materials and supplies;

(11) Proposed payment of expenditures associated with the proposed acquisition and operation of the Vero Beach system;

(12) The use of a 90 percent contract demand plus a 75 percent ratchet on peaking demand as arbitrary and unjustified; and

(13) FP&L's systematic anticompetitive conduct.

Florida Cities contend that FP&L's action in limiting the availability of wholesale power to existing purchasers and to supplemental power "is so plainly unlawful on its face that rejection of the proposed tariff is demanded, lest FP&L make the Commission the agent of its anticompetitive design." Florida Cities state that FP&L's actions are designed to discriminate against those systems that can potentially compete with FP&L at wholesale and retail; thus the restrictions apply (1) to new sales, and (2) to generating systems having load sufficiency. Additionally they posit that FP&L's filing should be rejected because of the denial of full interchange to systems purchasing wholesale



power, and because the costs for Homestead are excluded, casting in doubt the accuracy of the costs of partial requirements service. Alternatively, if the Commission accepts FP&L's proposed rates for filing, Florida Cities maintain that a full five month suspension is warranted during which time an expedited hearing should be convened to determine the lawfulness of FP&L's proposed tariff.

Florida Cities argue that FP&L's refusals to deal and discriminatory and unjustified terms and conditions for wholesale service constitute an unlawful price squeeze (citing *FPC v. Conway Corp.*, 426 U.S. 271 (1976)). They state that the most pernicious form of price squeeze is a total refusal to deal or a limitation on service.

Florida Cities state that since FP&L's proposed rates in Docket No. ER78-19 include costs associated with providing transmission service, it should be consolidated with docket No. ER77-175, a proceeding in which the reasonableness of FP&L's transmission rates to New Smyrna Beach is being tried. The Cities opine that since transmission service is a component of wholesale service, there should be a number of issues in common. Florida Cities request that they be allowed to intervene in this proceeding.

#### COOPERATIVES' PROTEST

Cooperatives protest the availability restrictions contained in the first paragraphs of Rate Schedules SR-2 and PR. They state that these provisions are inconsistent with the antitrust laws in that the purpose of the offending provisions is to prevent Seminole from engaging in the power supply business. In addition, the Cooperatives object to:

- (1) FP&L's requested overall return of 10.65 percent based upon a 15 percent return on common equity;
- (2) FP&L's purported improper inclusion in its capital structure of unmortized investment tax credits;
- (3) FP&L's change in depreciation rates which did not have the prior approval of the Commission;
- (4) FP&L's use of a single annual peak allocator; and
- (5) FP&L's utilization of the standard 45-days formula for the calculation of the cash working capital allowance.

The Cooperatives request that they be allowed to intervene in this proceeding and that FP&L's proposed rate schedules be suspended for the full five month statutory period.

#### FP&L'S ANSWER TO FLORIDA CITIES' FILING

On December 1, 1977, FP&L filed an answer to Florida Cities' petition to intervene and protest. FP&L states that it is cognizant of Homestead's, New Smyrna Beach, and Starke's interests

in Docket No. ER78-19 and does not oppose their intervention. However, with respect to Fort Pierce, it states that the City has never been a wholesale customer of FP&L's and therefore has not shown that it has an interest in the proceeding. Consequently, FP&L opposes Fort Pierce's intervention herein.

FP&L contends that there is no reason for the Commission to reject its filing. It states that its filing complies with all applicable sections of the Commission's Regulations, especially section 35.13 dealing with changes in rates. It maintains that while Florida Cities may argue that its filing should be suspended, there is no basis for their arguing for rejection.

FP&L states that Florida Cities' request for an expedited hearing to determine the lawfulness of FP&L's proposed tariff should be denied. It avers that there is no reason for the Commission to order a separate hearing of the tariff issues since none of the Florida Cities has shown that it has been injured by FP&L's filing.

FP&L asserts that contrary to the allegations made by Florida Cities, it has not engaged in any unlawful, anti-competitive or discriminatory conduct as to the Cities or to any other party.

FP&L maintains that Florida Cities' contention that its tariff's terms and rate design constitute an unlawful price squeeze is without merit. It additionally belittles Florida Cities' assertion that the Federal Power Act explicitly requires approval of new depreciation rates before they are placed into effect. Finally, FP&L states that the Cities' motion to consolidate Docket No. ER78-19 with Docket No. ER77-175 should be denied: The two proceedings do not share common questions of law or fact.

#### FP&L'S ANSWER TO THE COOPERATIVES' FILING

FP&L, on December 1, 1977, also filed an answer to the Cooperatives' protest and petition to intervene. It does not object to the intervention of any of the Cooperatives. It states that the assertions made by Cooperatives are without merit and that it has not engaged in any unlawful, anticompetitive, or discriminatory conduct as to Cooperatives or any other party.

#### DISCUSSION

Florida Cities' discrimination and anticompetitive allegations are serious and warrant close Commission scrutiny. However, the Commission cannot summarily reject FP&L's filing on the basis that it is unlawful on its face. Its filing is in compliance with all applicable sections of the Commission's Regulations. The Commission, after considering Florida Cities' arguments to the contrary, does not find that FP&L's proposed tariff is a nullity as a matter

of law. Whether its proposed rates are in fact unduly discriminatory and anti-competitive should be resolved in an evidentiary hearing. Accordingly, Florida Cities' motion to reject should be denied.

However, due to the potential anti-competitive impact of FP&L's purportedly restrictive availability provisions, an expedited hearing should be convened to determine the lawfulness thereof. Therefore, Florida Cities' motion for an expedited hearing and investigation on the limitation provisions of SR-2 and PR should be granted.

In its answer, FP&L stated that it is willing to furnish Florida Cities with documents responsive to the document request attached to their motion to request documents. Since the Company has indicated that it will voluntarily comply with the Cities' request, there is no need at this time to compel the production of documents. Florida Cities' motion for documents request should therefore be denied without prejudice. If it eventuates that FP&L fails to fully respond to the Cities' requests, a motion for the documents can be filed with the Presiding Administrative Law Judge assigned to this case.

The Commission perceives no benefits to be derived from consolidating this proceeding with Docket No. ER77-175. There is a general lack of commonality of issues and the filings are based on different test years (Docket No. ER77-175-1976, Docket No. ER78-19-1978). Instead of saving time and expense, consolidation would more likely lead to unnecessary delay in both proceedings. Florida Cities' motion to consolidate should accordingly be denied.

The Commission does find that good cause exists to consolidate Docket Nos. ER78-19 and ER78-81. As was stated above, the notice of cancellation filed in Docket No. ER78-81 applicable to Homestead is consistent with the availability limitations of proposed Rate Schedule PR. Due to common issues of law and fact, the consolidation of these dockets will save time and expense for all parties.

Good cause exists to permit Florida Cities and the Cooperatives to intervene in this proceeding. Though FP&L objects to the intervention of Fort Pierce on the grounds that it is not now, nor has ever been an FP&L wholesale customer, the Commission finds that Fort Pierce has sufficient interest in the outcome of this proceeding to warrant its participation. Fort Pierce asserts that its repeated requests for the opportunity to purchase wholesale power from FP&L have been denied. FP&L's proposed filing would preclude Fort Pierce from becoming one of its wholesale customers.

Commission review of the filings and pleadings in Docket No. ER78-19 indicates that the proposed rate schedules filed by FP&L have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The Commission shall therefore suspend the proposed rate schedules and establish hearing procedures. Consideration of all relevant factors indicates that the proposed rates should be suspended for two months. The availability provisions for SR-2 and PR should be suspended for five months pending the outcome of an expedited hearing thereon. Accordingly, Florida Cities' motion for a five month suspension should be granted in part and denied in part.

Commission review of FP&L's notice of cancellation in Docket No. ER78-81 indicates that the proposed cancellation has not been shown to be consistent with the public interest and therefore, may not be lawful. The Commission will therefore suspend FP&L's notice of cancellation for five months and order an expedited hearing thereon to determine whether the proposed cancellation is consistent with the public interest. The expedited hearing to adjudicate the alleged restrictive language in proposed rates SR-2 and PR and the notice of cancellation to Homestead contain similar questions of law and fact and, therefore, should be consolidated for purposes of hearing and decision as ordered below.

In view of Florida Cities' price squeeze allegations, the Commission will direct the Presiding Administrative Law Judge to convene a prehearing conference within 15 days from the date of this order for the purpose of hearing their requests for data necessary to present their prima facie showing on the price squeeze issue.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges tendered by FP&L on October 14, 1977, and that the proposed increased rates and charges be accepted for filing, suspended, and the use thereof deferred, all as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of FP&L's proposed notice of cancellation to Homestead filed on December 1, 1977, and suspended the proposed notice of cancellation for five months.

(3) Participation by Florida Cities and Cooperatives in Docket No. ER78-19 may be in the public interest.

(4) Good cause exists to deny Florida Cities' motions to reject, for documents request, and for consolidation of Docket Nos. ER78-19 and ER77-175.

(5) Good cause exists to grant Florida Cities' motion for expedited hearing and investigation and to deny in part and grant in part their motion for five months' suspension.

(6) Good cause exists to consolidate Docket Nos. ER78-19 and ER78-81.

(7) Good cause exists to establish price-squeeze procedures to effectuate the Commission's policy announced in Order No. 563.

The Commission orders (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and by the Federal Power Act, particularly Sections 205 and 206 thereof, and pursuant to the Commission's rules of practice and procedure and the Regulations under the Federal Power Act (18 CFR Chapter I), a hearing shall be held concerning the justness and reasonableness of the rates proposed by FP&L in this proceeding.

(B) Pending such hearing and decision thereon, the proposed increased rates and charges filed by FP&L on October 14, 1977, and identified in Attachment A are hereby accepted for filing, suspended and the use thereof deferred until March 1, 1978, when they shall become effective, subject to refund. The availability clauses in SR-2 and PR are hereby suspended and deferred for five months until June 1, 1978.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before April 20, 1978. (See Administrative Order 157.)

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see, Delegation of Authority, 18 CFR § 33.5(d)), shall convene a conference in this proceeding to be held within ten days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(E) Florida Cities and the Cooperatives are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however*, That participation of such intervenors shall be limited to the matters specifically set forth in the petitions to intervene;

And *provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any orders entered in this proceeding.

(F) The Administrative Law Judge shall convene a prehearing conference within 15 days from the date of this order for the purpose of hearing Florida Cities' request for data required to present their case, including a prima facie showing on the price squeeze issue. FP&L shall be required to respond to the discovery requests authorized by the Administrative Law Judge within 30 days, and Florida Cities shall file its case-in-chief on the price squeeze issue within 30 days of FP&L's response.

(G) Florida Cities' motions to reject, for documents request and for consolidation of the Docket Nos. ER78-19 and ER77-175 proceedings are hereby denied.

(H) Florida Cities' motion for an expedited hearing and investigation is hereby granted.

(I) Florida Cities' motion for five months' suspension of FP&L's rate is hereby granted in part and denied in part.

(J) Pursuant to the authority of Section 402(a) of the DOE Act and by the Federal Power Act, particularly Sections 205, 206, 307, and 308 thereof, a hearing shall be held concerning the lawfulness of FP&L's notice of cancellation to Homestead in Docket No. ER78-81.

(K) FP&L's notice of cancellation filed on December 1, 1977, in Docket No. ER78-81 is hereby suspended for five months.

(L) Docket Nos. ER78-19 and ER78-81 are hereby consolidated for an expedited hearing on the lawfulness of the availability limitations of SR-2 and PR and the notice of cancellation for the City of Homestead. The Presiding Administrative Judge shall convene a prehearing conference within 15 days of this order to establish procedural dates for the expedited hearing ordered herein. A decision on these issues should be rendered prior to the expiration of the suspensions of the applicability of the availability provisions of SR-2 and PR and the expiration of the suspension of the notice of cancellation.

(M) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(N) The Secretary shall cause prompt publication of this order to be published in the FEDERAL REGISTER.



By the Commission.

KENNETH F. PLUMB,  
Secretary.

ATTACHMENT A.—FLORIDA POWER & LIGHT  
Co.

(Docket No. ER78-19)

Dated: Undated.

Filed: October 14, 1977.

First Revised Volume No. 1, FPC Electric  
Tariff

#### DESIGNATION

1st Revised Sheet No. 5  
1st Revised Sheet No. 6  
1st Revised Sheet No. 7  
1st Revised Sheet No. 8  
1st Revised Sheet No. 9  
1st Revised Sheet No. 10

#### SUPERSEDES

Original Sheet No. 5  
Original Sheet No. 6  
Original Sheet No. 7  
Original Sheet No. 8  
Original Sheet No. 9  
Original Sheet No. 10

#### DESCRIPTION

Rate Schedule SR-2  
Rate Schedule SR-2  
Rate Schedule PR  
Rate Schedule PR  
Appendix A  
Appendix B

Filed: December 1, 1977, Docket No. ER78-81.

#### DESIGNATION

Supplement to Service Agreement under  
FPC Electric Tariff, First Revised Volume  
No. 1

#### DESCRIPTION

Notice of Cancellation  
(FR Doc. 78-378 Filed 1-6-78; 8:45 am)

[6740-02]

(Docket Nos. ER78-78, ER78-79)

#### NEW ENGLAND POWER CO.

Order Accepting for Filing and Suspending  
Proposed Increased Rates, Providing for  
Hearing, Denying Motions To Reject and  
Motion for Partial Summary Judgment,  
Granting Interventions and Consolidating  
Proceedings

DECEMBER 30, 1977.

On December 1, 1977, New England Power Co. (NEP or Company) tendered for filing in Docket No. ER78-78 a new Rate R-12<sup>1</sup> to replace R-11 which NEP states would result in an annual increase in revenues from 19 wholesale contract demand (CD) customers of \$854,166 and from 11 wholesale primary customers of \$13,409,660 based on a calendar year 1978 test period. The total proposed increase in revenues would be \$14,265,000 or 2.5%. NEP states that it is filing the CD rate coincidentally with the rate for prima-

<sup>1</sup> See Appendix for designations.

ry service and based on the same cost of service in accordance with the settlement agreement approved by the Commission in Docket No. ER76-158. A requested effective date of January 1, 1978 is strongly urged for both rates by NEP, which emphasizes that the percentage increase is very small. The filing also provides for a revision in the determination of firm capacity as applicable to the transmission of outside entitlements for partial requirements customers.

On December 1, 1977, NEP also tendered for filing in Docket No. ER78-79 an amendment to the Service Agreement between NEP and its affiliate, the Narragansett Electric Co. (Narragansett).<sup>2</sup> NEP states that the amendment is the result of the annual review of the agreement for an integrated facilities arrangement under which Narragansett's generation and transmission facilities are made available to NEP and are paid for by means of monthly credits (designated "G" and "T" credits) on the purchased power bill which NEP renders Narragansett. The proposed changes would increase the fixed credits by \$454,500 annually, based on the costs associated with the facilities NEP will use during calendar year 1978. NEP states that the increase is due primarily to an increased rate of return requirement caused by the maturity of Narragansett's 3% Series B Bonds. The Company requests an effective date of January 1, 1978, for the agreement, emphasizing that the filing affects only inter-affiliate payments between NEP and Narragansett. Since the costs incurred by NEP as a result of this filing are included in its R-12 rate increase filing in Docket No. ER78-78, the Company suggests that consolidation of the two filings would seem appropriate.

Public notice of both filings was issued on December 9, 1977, with protests and petitions to intervene due on or before December 19, 1977.

On December 12, 1977, Julius C. Michaelson, Attorney General of the State of Rhode Island, Rhode Island Division of Public Utilities and Carriers and the Rhode Island Consumers' Council filed a petition to intervene in Docket No. ER78-78, and a request that the Commission either reject the filing as unjustified under established regulatory principles and law or to suspend it for the full five-month statutory period, citing NEP's pending cases in R-10 and R-11. On December 19, 1977, petitions to intervene in Docket No. ER78-78 were filed by Green Mountain Power Corp. (Green Mountain); Francis X. Bellotti, Attorney General of the Commonwealth of Massachusetts and the Massachusetts Consumers' Council (Massachusetts); and by the NEPCO Customer Rate

<sup>2</sup> See Appendix for designations.

Committee (Committee)<sup>3</sup> and the Unaffiliated Resale Customers (Customers).<sup>4</sup> Committee and Customers also filed in Docket No. ER78-79 a protest, petition to intervene, motion to reject and a motion to consolidate with Docket No. ER78-78.

The Massachusetts petition also requests rejection of NEP's filing or a full five-month suspension, citing the pendency of NEP's R-10 and R-11 rate proceedings as reasons for delaying an additional rate increase.

Committee's filing in Docket No. ER78-78 includes a motion to reject or alternatively, to suspend the R-12 rate for five months, and a motion for summary disposition of certain issues if the filing is not rejected. In support of the motion to reject, Committee states that NEP has failed to explain as required by § 35.13(b)(4)(iii) the bases of the estimated figures included for additions to rate base; increases in maintenance, administrative and general and load dispatching expenses; assumptions about boiler fuel and fuel procurement plans; and its forecasts of little, if any, growth. Committee contends that NEP, in Docket No. ER78-79, has failed to justify the additional revenues requested.

The Commission's regulations require rejection of material which "patently fails to substantially comply with the applicable requirements" (§ 35.5). The courts have held that the Commission need not reject a filing which substantially complies with the filing requirements even though it does not comply rigorously with the letter of the regulations. *Municipal Light Boards, etc. Mass. v. Federal Power Commission*, 450 F. 2d 1341 (CA DC 1971) at 1348. We find that NEP's filings have substantially complied with our regulations and should not be rejected.

If the filing is not rejected, Committee requests summary disposition of three portions of NEP's filing in Docket N. ER78-78. First, Committee contends that Opinion No. 809-A<sup>5</sup> indicates that NEP could not justify a rate of return higher than the 12.75% return on common equity that the Commission allowed to Boston Edison in that proceeding. As we said in Opinion No. 809-A, the rate of return in Opinion No. 809 was based upon the

<sup>3</sup> Electrical Departments and Plants of the Massachusetts Towns and Cities of Ashburnham, Boylston, Danvers, Georgetown, Groton, Hingham, Holden, Hudson, Hull, Ipswich, Littleton, Mansfield, Marblehead, Merrimac, Middleton, North Attleboro, Paxton, Peabody, Princeton, Shrewsbury, Sterling, Templeton, Wakefield, and West Boylston, together with Littleton, N.H.

<sup>4</sup> The Manchester Electric Co. and the New Hampshire Electric Cooperative, Inc.

<sup>5</sup> Boston Edison Co., Docket Nos. E-7738 and E-7784, Opinion No. 809-A, issued December 9, 1977.

record before us.<sup>6</sup> Rate of return is determined by this Commission upon the "particularized presentations for the record" of each case,<sup>7</sup> and Committee's motion for summary disposition of this issue on the basis of a return supported by the record in another proceeding is unfounded and inappropriate.

Next, Committee argues that the question of whether NEP may include its joint venture investments in the Yankee Atomic companies in the common equity component of its capitalization for rate purposes has been decided by Opinions Nos. 803 and 803-A<sup>8</sup> and should not be relitigated herein. While we did find in those Opinions that the investment in the atomic plants should not be included in the capitalization used in rate proceedings for NEP itself, the question of what capital is used to finance these investments and from which portion of the capital structure the amounts should be removed was an issue decided on the evidence of that record.<sup>9</sup> The question is therefore one of fact which may be developed in an evidentiary hearing and cannot be disposed of summarily.

Finally, Committee contends that the inclusion of Wyman No. 4 in rate base, a plant addition which will purportedly be available for service for only two months of Period II, must be accompanied by normalization of rate base or the use of a 13-month average rate base, under Opinions 803 and 803-A and that NEP has failed to show that it has done either. The question of what inclusions in rate base are proper is a question of fact<sup>10</sup> and one that must be decided on the basis of a full evidentiary hearing and not on the basis of NEP's filing. We shall, therefore, deny Committee's motion for partial summary judgment of the above issues. Committee states in support of its alternative request for a five month suspension of the R-12 rate that the return earned under both the R-11 and R-12 rates is excessive, and that the R-12 cost of service is premised upon prohibited rate-making theories.

On December 22, 1977, NEP filed an answer to the petitions to intervene in which it vigorously protests the motions to reject, for partial summary judgment and for a five month suspen-

<sup>6</sup> Id. at 7.

<sup>7</sup> Public Service Commission of Indiana, Docket Nos. E-8566 and E-8587, Opinion No. 783, issued November 10, 1976 at 51.

<sup>8</sup> New England Power Co., Docket Nos. E-8641, E-8476, E-8251 and E-8169, Opinion Nos. 803 and 803-A, issued June 6, 1977 and August 1, 1977, respectively.

<sup>9</sup> Opinion No. 803-A, supra, at 2.

<sup>10</sup> Opinion No. 783, supra, mimeo at 26.

sion citing, inter alia, alleged hyperbole and misstatements in the Committee's pleading. A limited response to NEP's Answer was filed by the Committee and the Customers on December 23, 1977.

Our review of the filing and pleadings indicates that the proposed rates filed by NEP have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. We shall therefore suspend the proposed rates and established hearing procedures. Because of the common issues of law and fact in the two proceedings, Docket No. ER78-79 should be consolidated with Docket No. ER78-78 for hearing and all other purposes.

The Company strongly urges that the rates be suspended one day and the intervenors argue just as strongly for the full statutory suspension period. Our review of the pleadings of the parties, as well as of the filing, indicates that the rates should be suspended for the maximum five months period to become effective subject to refund on June 1, 1978.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges tendered by NEP on December 1, 1977, and that the proposed increased rates and charges be accepted for filing, suspended, and the use thereof deferred, all as hereinafter ordered.

(2) Participation by petitioners in this proceeding may be in the public interest.

(3) Good cause exists to consolidate Docket Nos. ER78-78 and ER78-79.

(4) Good cause does not exist to reject NEP's filing in Docket No. ER78-78.

(5) Good cause does not exist to grant Committee's motion for partial summary judgment.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR Chapter 1), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by NEP in these proceedings.

(B) Pending such hearing and decision thereon, the proposed increased

rates and charges filed by NEP on December 1, 1977 and identified in the Appendix attached below are hereby accepted for filing, suspended and the use thereof deferred until June 1, 1978, when they shall become effective, subject to refund.

(C) Docket Nos. ER78-78 and ER78-79 are hereby consolidated for the purposes of investigation, hearing and decision.

(D) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before April 1, 1978 (see, Administrative Order No. 157).

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see, Delegation of Authority, 18 CFR 33.5(d)), shall convene a conference in this proceeding to be held within ten days after the serving of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's Rules of Practice and Procedure.

(G) Petitioners are hereby permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission: *Provided, however*, That participation of such intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in the petition to intervene; *And provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any orders entered in this proceeding.

(H) The motions to reject NEP's filings in Docket No. ER78-78 and ER78-79 are hereby denied.

(I) Committee's motion for partial summary judgment in Docket No. ER78-78 is hereby denied.

(J) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

APPENDIX.—NEW ENGLAND POWER CO.  
(Docket No. ER78-78)

DESIGNATIONS UNDER FPC ELECTRIC TARIFF  
ORIGINAL VOLUME NO. 1

Filed: December 1, 1977 (Tariff Rate R-12).



*Schedule II A*

Ninth Revised Page No. 1 (Supersedes Eighth Revised Page No. 1).  
Ninth Revised Page No. 2 (Supersedes Eighth Revised Page No. 2).

*Schedule II CD*

Third Revised Page No. 1 (Supersedes Second Revised Page No. 1).  
Third Revised Page No. 2 (Supersedes Second Revised Page No. 2).

*Schedule III-T*

Second Revised Page No. 2 (Supersedes First Revised Page No. 2).

The above designations apply to the following customers:

Massachusetts Electric  
Naragansett Electric  
Granite State Electric  
Ashburnham  
Danvers  
Georgetown  
Groton  
Groveland  
Hingham  
Holden  
Hull  
Ipswich  
Littleton, Mass.  
Littleton, N.H.  
USA—Fort Devens  
Wakefield  
West Boylston  
Manchester Electric Co.  
Mansfield  
Marblehead  
Merrimack  
N.H. Electric Co-op  
North Attleboro  
Paxton  
Peabody  
Princeton  
Shrewsbury  
Stamford—GMP  
Sterling  
Templeton

[Docket No. ER78-79]

Designated as:

(A) New England Power Co., Fourth Revised Sheet No. 4 Superseding Second Revised Sheet No. 4, Naragansett Service Agreement Under FPC Electric Tariff, Volume No. 1, Schedule No. IV.

(B) Naragansett Electric Co., Supplement No. 4 to Rate Schedule FPC No. 38 (Concurs in A).

[FR Doc. 78-377 Filed 1-6-78; 8:45 am]

**[6740-02]****Federal Energy Regulatory Commission**

[Docket No. ER78-63]

**CENTRAL TELEPHONE & UTILITIES CORP.**

**Order Conditionally Accepting for Filing and Suspending Proposed Rate Schedule, Providing for Hearing, and Establishing Procedures**

DECEMBER 30, 1977.

On November 22, 1977, Central Telephone & Utilities Co. (Central), tendered for filing a proposed rate increase of \$2,471,469 for the 12-month period succeeding the proposed effective date of January 1, 1978. The proposed increase would apply to REA co-

operative customers, municipal wholesale customers, Central Kansas Electric Cooperative, and the Cities of Anthony, Attica, Beloit, Hoisington, Kingman, Pratt, Russell, Osborn, and Washington, Kans. These customers consist of 23 full requirements customers, 10 of which are REA cooperatives, and 13 of which are municipals; and 10 partial requirements customers, of which nine are municipals and one is a cooperative. Only two partial requirements customers (the Cities of Attica and Osborn), are taking power under the operative firm power service schedule A-1. The proposed rate schedule would increase revenues by \$1,368,920 for the full requirements REA cooperatives, \$274,305 for the full requirements municipals, \$775,400 for the partial requirements Cooperative, and \$52,844 for the partial requirements municipal customers, based on the 12-month period ending December 31, 1978. Central states that the rates under which it presently provides service to its REA and municipal wholesale customers are prohibitively low and confiscatory. Central states that the rates proposed for these customers will provide an adequate rate of return on the company's investment.

Notice of the filing was given on November 29, 1977, with all protests or petitions to intervene due on or before December 19, 1977. On December 19, 1977, the Kansas Municipal Defense Group, composed of Municipal wholesale customers, filed a Motion to Reject, Protest, and Petition to Intervene. On that day, a group of Cooperative wholesale customers filed a Protest and Petition to Intervene. The Commission will respond to the substantive contentions of those filings in a subsequent order. We will, however, conditionally accept for filing Central's proposed rate increases pending determination of the issues involved in the pleadings filed by Central's customers.

The proposed increased rates and charges tendered by Central Telephone & Utilities Corp., on November 22, 1977, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Our review of the pleadings and the filings indicates that the proposed rates should be suspended for 5 months.

*The Commission finds:* It is necessary and proper in the public interest and to aid in the enforcement of the provision of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges tendered by Central Telephone & Utilities Corp., on November 22, 1977, establishing procedures for that hearing, and that the proposed increased rates and charges be conditionally accepted for filing suspended,

and the use thereof deferred, all as hereinafter ordered.

*The Commission orders:* (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205, 206, 207, 301, 308, and 309 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by Central Telephone & Utilities Corp., in this proceeding.

(B) Pending such hearing and decision thereon, the proposed increased rates and charges filed by Central on November 22, 1977, and identified in the appendix attached below are hereby conditionally accepted for filing, suspended and the use thereof deferred until June 1, 1978, when they shall become effective, subject to refund.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before May 1, 1978 (see Administrative Order No. 157).

(D) A presiding administrative law judge to be designated by the chief administrative law judge for that purpose (see, Delegation of Authority, 18 CFR 3.5(d)) shall preside at an initial conference in this proceeding to be held on May 15, 1978, at 10 a.m. (ET), in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said law judge is authorized to establish all procedural dates and to rule upon all motions (except, petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Commission's rules of practice and procedure.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

**APPENDIX**

Substitute Rate Schedule 78-CWh-2 for Rate Schedule 77-CWh-2.  
Substitute Rate Schedule 78-MWh-2 for Rate Schedule 77-MWh-2.  
Substitute revised Schedule A for firm power service for present Schedule 78-A.

Substitute revised Schedule 78-A1 for firm power service for present Schedule A1.

[FR Doc. 78-358 Filed 1-6-78; 8:45 am]

**[6740-02]**

(Project No. 2806)

**CITY OF CARLYLE, ILL.****Application for Preliminary Permit**

DECEMBER 29, 1977.

Public notice is hereby given that an application was filed on July 22, 1977, under the Federal Power Act, 16 U.S.C. 791a-825r, by the City of Carlyle, Ill. (Correspondence to: Charles F. Wheatley, Jr., Esq., Suite 1112, Watergate Office Building, 2600 Virginia Avenue NW., Washington, D.C. 20037) for Commission approval of an application for a preliminary permit for the Carlyle Project, FERC No. 2806, to be located on the Kaskaskia River in the City of Carlyle, Clinton County, Ill.

Applicant seeks a preliminary permit for the purpose of conducting studies concerned primarily with financing plans, further hydrologic analysis, and design of a powerplant, and studies of the economic feasibility of constructing a potential hydroelectric project. The proposed project would consist of a powerhouse, to be constructed adjacent to the spillway channel immediately downstream of the U.S. Corps of Engineers' existing Carlyle dam, containing either one or two generating units with a total nameplate rating of 8,000 kW, and all other facilities and interests appurtenant to operation of the project. The project would be operated on a "run of the river" basis.

As proposed, the power produced at the project would serve existing and future customers of the Applicant.

A preliminary permit does not authorize construction. A permit, if issued, gives the permittee a right of priority of application for a license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that

proceedings pending before the Federal Power Commission on the date the DOE Act takes effect shall not be affected, and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued, and further actions shall be taken by the appropriate component of DOE now responsible for the functions under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary of Energy and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR , provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before March 17, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-348 Filed 1-6-78; 8:45 am]

**[6740-02]**

[Docket No. CP75-231]

**COLORADO INTERSTATE GAS, CO.****Petition To Amend**

DECEMBER 30, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of

Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR : *Provided*, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on December 13, 1977, Colorado Interstate Gas Co. (Petitioner), P.O. Box 1087, Colorado Springs, Colo. 80944, filed in Docket No. CP75-231 a petition to amend the order of October 1, 1975 (54 FPC ), as amended August 3, 1977 (57 FPC—), issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the sale and exchange of natural gas from the entire Shell Creek Federal Unit in Moffat County, Colo., with Mountain Fuel Supply Co. (Mountain Fuel), all as more fully set forth in the petition to amend on file with the FERC—and open to public inspection.

It is indicated that pursuant to the FPC order of October 1, 1975, Petitioner was granted authorization to sell and/or transport and exchange natural gas it controls in the North Hiawatha Field area in Sweetwater County, Wyo., with Mountain Fuel. It is stated that requisite authority was granted to Mountain Fuel in Docket No. CP75-242, and that pursuant to the authority granted in the instant docket and Docket No. CP75-242, Petitioner delivers certain volumes from the North Hiawatha Field area to Mountain Fuel at a point on Mountain Fuel's 20-inch pipeline in Moffat County, Colo. Mountain Fuel purchases up to 25 percent of the volume received and delivers the balance to Petitioner from Mountain Fuel's Spearhead Ranch and Antelope area supplies, it is said.

It is indicated that pursuant to the FPC order of August 3, 1977, in the instant docket, the October 1 order was amended under the North Hiawatha exchange arrangement to include the



sale and exchange of gas from the acreage attributable to the Shell Creek Unit Well No. 2. Requisite authority to transport and exchange the Shell Creek gas was granted to Mountain Fuel in Docket No. CP77-422, including the addition of a new delivery point on Mountain Fuel's existing 20-inch line in Moffat County, Colo., it is indicated.

The petition states that a development and well drilling program is continuing in the Shell Creek Federal Unit area, and that it is anticipated that gas from a recently completed well, currently undergoing testing, would be available soon. Petitioner states that by an amendment dated August 1, 1977, Mountain Fuel has agreed to include the entire Shell Creek Federal Unit area under the January 2, 1975, gas purchase and exchange agreement between Petitioner and Mountain Fuel. It is asserted that the existing benefits of the exchange to both Petitioner and Mountain Fuel would be enhanced with the approval of the expanded Shell Creek Unit area as requested herein since it is fully anticipated that added quantities of natural gas would be produced in the expanded area.

Therefore, Petitioner requests that the FERC—amend the order of October 1, 1975, as amended August 3, 1977, to include the entire Shell Creek Federal Unit. Petitioner indicates that the delivery point on Mountain Fuel's 20-inch line in Moffat County, Colo., which was established pursuant to authority granted in Docket No. CP77-422, would be used to accommodate gas from the expanded Shell Creek area.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-359 Filed 1-6-78; 8:45 am]

[6740-02]

[Docket Nos. RP78-19; RP78-20]

COLUMBIA GULF TRANSMISSION CO.,  
COLUMBIA GAS TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed Rate Increases, Consolidating Proceedings, Initiating Hearings, Denying Request To Amend Tariff, and Granting Interventions

DECEMBER 30, 1977.

On November 30, 1977, Columbia Gulf Transmission Co. (Columbia Gulf) tendered for filing in Docket No. RP78-19 proposed changes to its FERC Gas Tariff<sup>1</sup> which would increase its jurisdictional revenues by approximately \$3 million annually based on costs and volumes for the 12 months ended July 31, 1977, as adjusted for known and measurable changes through April 30, 1978. Columbia Gulf requests that the proposed increase become effective on January 1, 1978.

Also on November 30, 1977, Columbia Gas Transmission Corp. (Columbia) tendered for filing in Docket No. RP78-20 proposed changes to its FERC Gas Tariff<sup>2</sup> which would increase its jurisdictional revenues by approximately \$67,100,000 annually based on costs and volumes for the 12 months ended July 31, 1977, as adjusted for known and measurable changes through April 30, 1978. Columbia requests that the proposed increase become effective on January 1, 1978.

For the reasons stated below, and subject to the conditions set forth below, the Commission shall accept for filing the proposed rate increases of both Columbia and Columbia Gulf, suspend them as discussed herein, and set the matters for joint hearing.

Public notice of the filings of Columbia and Columbia Gulf was issued on December 14, 1977, providing for pro-

<sup>1</sup>Twenty-fourth Revised Sheet No. 7 to Columbia Gulf's FERC Gas Tariff, Original Volume No. 1; and the following sheets to Columbia Gulf's FERC Gas Tariff, Original Volume No. 2.

Fifth Revised Sheet No. 72  
Fifth Revised Sheet No. 73  
Second Revised Sheet No. 92  
Second Revised Sheet No. 93  
Second Revised Sheet No. 126  
Third Revised Sheet No. 145  
Third Revised Sheet No. 146  
Second Revised Sheet No. 256  
Second Revised Sheet No. 263  
First Revised Sheet No. 278  
First Revised Sheet No. 320  
First Revised Sheet No. 337  
First Revised Sheet No. 338  
First Revised Sheet No. 386  
First Revised Sheet No. 387  
First Revised Sheet No. 417  
First Revised Sheet No. 440  
First Revised Sheet No. 493

<sup>2</sup>Thirty-ninth Revised Sheet No. 16 to Columbia's FERC Gas Tariff, Original Volume No. 1.

test or petitions to intervene to be filed on or before December 23, 1977. Timely petitions to intervene in both of the captioned dockets were filed by the City of Charlottesville, Va., UGI Corp., and West Ohio Gas Co. Timely petitions to intervene in Docket No. RP78-19 were filed by Baltimore Gas and Electric Co. and New York State Electric & Gas Corp. A timely notice of intervention was filed in Docket No. RP78-19 by the New York Public Service Commission. Timely petitions to intervene in Docket No. RP78-20 were filed by Washington Gas Light Co., Virginia Pipe Line Co., Virginia Electric and Power Co., Peoples Natural Gas Co., National Fuel Gas Supply Corp., Columbia Gas of West Virginia, Columbia Gas of Virginia, Columbia Gas of Pennsylvania, Columbia Gas of Ohio, Columbia Gas of New York, Columbia Gas of Maryland, Columbia Gas of Kentucky, CNG Transmission Co., and Elizabethtown Gas Co. Untimely petitions to intervene in Docket No. RP78-20 were filed by Central Hudson Gas & Electric Corp., Dayton Power and Light Co., and Roanoke Gas Co. A timely notice of intervention was filed in Docket No. RP78-20 by the Maryland Public Service Commission. A timely protest was filed in Docket No. RP78-20 by Washington Gas Light Co. The Commission finds the petitioners have demonstrated an interest in these proceedings warranting their participation, and the petitions to intervene shall accordingly be granted.

Columbia states that its proposed higher rates are required because of increased operating expenses, increased federal and state income taxes, increased costs attributable to Columbia's production operations in the Appalachian Area, increased depreciation expense, and increased gas purchase costs due to the initiation of LNG purchases from Columbia LNG Corp. Of these cost factors, the one that predominates is the onset of the LNG purchases, which Columbia states may commence as early as February 1978. Columbia claims an overall rate of return of 10.69 percent on net investment rate base, including a 14.50 percent return on common equity.

Columbia Gulf states that its proposed higher rates reflect an increase to 10.69 percent in its overall rate of return, including an allowance of 14.50 percent on common equity. The change proposed by Columbia Gulf to volume No. 1 of its Gas Tariff would result in the automatic allowance to Columbia Gulf of the same rate of return allowed to Columbia by the Commission in Columbia's future rate proceedings. Columbia Gulf states that its proposal to assume the rate of return allowed to Columbia is intended to simplify its rate case filings without restricting the Commission

from investigating its costs. The changes proposed by Columbia Gulf to Volume 2 of its Gas Tariff reflect the effect of the proposed increased rate of return and other cost changes upon transportation service rates.

Because of the proposed provision for identical rates of return, matters in the subject Columbia proceeding bear upon interests in the Columbia Gulf docket. Conversely, since transportation services rendered by Columbia Gulf for Columbia are on a cost of service basis, Columbia Gulf's annualized costs are essential factors in Docket No. RP78-20. There being such common questions in the subject proceedings, we shall order their consolidation and joint resolution.

Based on a review of the filings of Columbia and Columbia Gulf the Commission finds that the proposed rate increases have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept for filing the proposed tariff sheets of Columbia Gulf, and, except as indicated below, shall suspend their use for five months or until June 1, 1978, when they shall be permitted to become effective, subject to refund. We shall further set the consolidated matters for hearing.

Columbia's filing states that the purchases of revaporized LNG from Columbia LNG Corp. are expected to commence prior to the end of the five month suspension period which we have determined to impose on its tariff filing. Since its current rates do not reflect the purchase of LNG volumes, Columbia projects that revenue deficiencies will result from those purchases. Given a 10.69 percent rate of return allowance to Columbia LNG Corp., and assuming the resale of the revaporized LNG at Columbia's currently effective rate levels, Columbia forecasts an annual net revenue deficiency of \$42,000,000. Columbia states that such a deficiency renders it imperative that the net increase in costs associated with the revaporized LNG purchases be recovered simultaneously with the commencement of those purchases.

Columbia's concerns in this regard are meritorious. Accordingly, we will limit the suspension period on that portion of Columbia's proposed rate increase resulting from the purchase of revaporized LNG to the date of commencement of such purchase, subject to two conditions. In the first instance, we will condition such limitation of the suspension period upon the filing by Columbia, at least thirty days prior to the commencement date of the purchase, of interim tariff sheets which will be effective from the commencement date of the purchase until June 1, 1978, and which shall reflect

only that portion of Columbia's proposed rate increase attributable to the revaporized LNG purchase. Secondly, Columbia states in its filing that the initial unit costs for the revaporized LNG volumes will be higher than the average cost for the first twelve months of purchases, and that if a shortened suspension period is imposed Columbia would agree to file revised tariff sheets to be effective June 1, 1978, which would eliminate the impact of those higher initial unit costs. Consequently, as a second condition to our limitation of the suspension period, Columbia shall be required to refile the rates set forth on its November 30, 1977 filing in order to reflect the elimination of the impact of the initial higher unit costs recovered during the interim period. These revised tariff sheets shall be filed at least thirty days prior to June 1, 1978, and will be permitted to become effective June 1, 1978, subject to refund. Subject to the above conditions, we shall permit that portion of Columbia's proposed rate increase relating to the purchase of revaporized LNG to become effective on the date of commencement of that purchase, subject to refund.

Finally, Columbia's filing requests approval to amend Columbia's gas tariff to allow the application of its PGA provisions to the purchased gas costs associated with revaporized LNG, in order that Columbia may recover through PGA filings any future changes in the cost of revaporized LNG. Because there exists no record regarding factual considerations essential to disposition of Columbia's request (such as the magnitude of the costs of this gas supply and the impact of the new supply upon the total costs and operations of Columbia's system), we decline to grant that request at this time. Accordingly, we will deny Columbia's request as premature and direct the parties to address the issue in the course of the proceedings established herein.

The Commission finds it is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates proposed by Columbia and Columbia Gulf and that the same be accepted for filing and suspended as hereinafter ordered.

The Commission orders. (A) Proceedings in the subject dockets relating to the tariff filings of Columbia and Columbia Gulf are consolidated.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Columbia and Columbia Gulf.

(C) Pending hearing and decision, and except as stated in Ordering Paragraph (D) below, the proposed rate increases of Columbia and Columbia Gulf are accepted for filing and suspended until June 1, 1978, when they shall be permitted to become effective, subject to refund, upon motions filed in accordance with the provisions of the Natural Gas Act.

(D) Pending hearing and decision, that portion of Columbia's proposed rate increase relating to the purchase of revaporized LNG is suspended until the date of commencement of those purchases, when it shall be permitted to become effective, subject to refund, upon motion filed by Columbia in accordance with the provisions of the Natural Gas Act: *Provided, however*, That Columbia shall file interim tariff sheets, at least thirty days prior to the commencement date of the LNG purchases, which sheets shall be effective from that commencement date until June 1, 1978, and which shall reflect only that portion of Columbia's proposed rate increase attributable to the revaporized LNG purchases; *And provided, further*, That Columbia shall, at least thirty days prior to June 1, 1978, refile the rates set forth on its November 30, 1977 filing in order to reflect the elimination of the impact of the higher initial unit LNG costs recovered during the interim period.

(E) Columbia's request for authorization to amend its PGA tariff provision is denied without prejudice.

(F) The Commission staff shall prepare and serve top sheets on all parties on or before May 1, 1978.

(G) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5 (d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(H) The above-named petitioners are permitted to intervene in these proceedings, subject to the Commission's rules and regulations.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-360 Filed 1-6-78; 8:45 am]



[6740-02]

[Docket No. CP78-118]

**EL PASO NATURAL GAS CO.****Application**

DECEMBER 30, 1977.

Take notice that on December 13, 1977, El Paso Natural Gas Co. (Applicant), P.O. Box 1492, El Paso, Tex. 79978, filed in Docket No. CP78-116 an application pursuant to section 7(c) of the Natural Gas Act authorizing the transportation and delivery of natural gas to Northwest Pipeline Corp. (Northwest), pursuant to the authorized San Juan Gathering Agreement (Gathering Agreement) dated January 31, 1974, as amended, between Applicant and Northwest, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport and deliver to Northwest 13,413 Mcf of natural gas through October 31, 1977, pursuant to the Gathering Agreement. Applicant states that such deliveries are necessary to return to Northwest volumes of natural gas delivered by Northwest at certain field taps to Northern Natural Gas Co., operating as Peoples Natural Gas Co. (Peoples), and to Southern Union Gas Co. (Southern Union) for Applicant's account since January 31, 1974, the date of divestiture by Applicant to Northwest of facilities and service comprising Applicant's then Northwest Division System.

The application states that on June 16, 1972, the United States District Court for the District of Colorado, in Civil Action C-2626 ordered that certain assets, properties and services of Applicant, consisting primarily of Applicant's Northwest Division pipeline system, be divested by Applicant, and that the United States Supreme Court affirmed this order on March 5, 1973. It is indicated that pursuant to the Federal Power Commission (FPC) order of September 21, 1973, in Docket No. CP73-331, et al., Applicant was authorized to abandon and Northwest to acquire and operate the assets and properties to be divested, recognizing Northwest as successor to Applicant's interests in such assets and properties and the services rendered thereby. It is stated that in accordance with the court order and FPC authority, a conveyance of assets, properties and services was executed and delivered by Applicant to Northwest effective as of January 31, 1974, which conveyed Applicant's interest ordered divested, and that thereafter, on January 22, 1974, the FPC authorized the arrangements between Applicant and Northwest respecting the operations of gathering system facilities in the San Juan Basin area in accordance with the provision of the Gathering Agreement.

The application states that included as part of the facilities required to be divested to Northwest were five tap delivery point locations to Peoples and three delivery point locations to Southern Union, all situated on divested gathering system pipelines in the San Juan Basin area. The application further states that at the same time of such conveyance, however, the arrangements necessary for Northwest to continue service to Peoples and to Southern Union at such delivery points had not been finalized. Consequently, since February 1, 1974, Applicant has continued the sale of gas to Peoples at the five taps and to Southern Union at the three taps, it is said. Applicant states that it has received payment for such sales and deliveries from Peoples in accordance with the provisions of the Service Agreement dated December 31, 1971, between Applicant and Peoples and from Southern Union in accordance with the provisions of the Service Agreement dated November 1, 1971, between Applicant and Southern Union.

It is indicated that since divestiture, the deliveries at the subject taps have been made for Applicant's account from Northwest's acquired gathering facilities, and from Northwest's gas supply. It is further indicated that for the period commencing February 1, 1974, and extending through October 31, 1977, Applicant has received from Peoples and Southern Union total payments of approximately \$3,647.46 and \$4,365.98 respectively, for deliveries by Northwest at said taps during said period of approximately 6,200 Mcf and 7,214 Mcf to Southern Union and Peoples, respectively, and that until the authorizations sought herein by Applicant and the related authorizations sought by Northwest are issued by the Commission, the existing arrangements would be continued by Applicant to preserve continuity of service to those customers. Applicant indicates that Peoples and Northwest have entered into a service agreement dated February 16, 1977, providing for, inter alia, the sale and delivery of natural gas at the five tap facilities served by Applicant under the service agreement dated December 31, 1971, and that by letter agreement dated July 19, 1977, Applicant and Peoples have agreed to terminate the service agreement dated December 31, 1971, between them, effective as of the date on which the service agreement dated February 16, 1977, between Peoples and Northwest, is accepted and made effective by the Commission.

It is indicated that Southern Union Gathering Co. and Northwest have entered into a gas gathering and exchange agreement dated December 1, 1976, (exchange agreement), which, inter alia, converts the three tap facilities into exchange delivery points, and

that on and on and after the effective date designated by the Commission for the exchange agreement, natural gas under the service agreement dated November 1, 1971, would no longer be necessary. By letter agreement dated July 19, 1971, Applicant and Gas Company of New Mexico have agreed to terminate the sale by Applicant and the purchase by Southern Union of natural gas at the three tap facilities herein described, effective as of the date on which the exchange agreement between Southern Union Gathering Co. and Northwest is accepted and made effective by the Commission, it is said.

It is indicated that pursuant to a letter agreement dated November 17, 1977, between Applicant and Northwest, the total deliveries made by Northwest to Peoples and Southern Union, respectively, at the subject tap facilities during the period commencing February 1, 1974, and extending to the effective date of the authorizations required by both parties to implement the arrangements described therein, would be repaid in kind by Applicant to Northwest by means of the balancing of deliveries as herein-after described. Applicant and Northwest have agreed that the delivery of the small quantities of natural gas by Applicant to Northwest as payback balancing deliveries would be made at certain existing points of interconnection between Applicant's and Northwest's pipeline facilities and as part of the existing balancing arrangements established pursuant to the gathering agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene

is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-361 Filed 1-6-78; 8:45 am]

[6740-02]

[Docket No. RP78-18]

**EL PASO NATURAL GAS CO.**

**Order Rejecting Proposed Rate Increase, Accepting for Filing and Suspending Proposed Alternative Rate Increase, Initiating Hearing, Establishing Procedures, and Granting Interventions**

DECEMBER 30, 1977.

On November 29, 1977, El Paso Natural Gas Co. (El Paso) filed in Docket No. RP78-18 revised tariff sheets which would increase jurisdictional revenues by \$234,519,465 annually based on costs and sales volumes for the twelve months ended August 31, 1977, as adjusted. El Paso requests that the proposed increase become effective January 1, 1978.

El Paso states that the principal reasons for its proposed rate increase are declining gas supplies and increases in virtually all cost items including special overriding royalties, labor, capital, materials and supplies, regular royalties and taxes. The claimed overall rate of return is 11.17 percent which includes a return of 17 percent on common equity.

El Paso's revised tariff sheets reflect an increase of \$172 million in gas well royalty costs and production tax expenses. About \$44 million of this total increase is attributable to periodic increases in the national rate through June 1, 1978, under Opinion Nos. 770 and 770-A. The remainder, about \$128 million, represents El Paso's estimate of the increase in royalty costs and production taxes which may result from current Federal legislative proposals to increase the wellhead price

\*Twenty-second Revised Sheet No. 3-B and Sixth Revised Sheet No. 63-C.6 of Original Volume No. 1; Twelfth Revised Sheet No. 1-D, Fifth Revised Sheet No. 1-D.2, and Sixth Revised Sheet No. 1-M.6 of Third Revised Volume No. 2; and, Fourteenth Revised Sheet No. 1-C and Sixth Revised Sheet No. 7-MM.6 of Original Volume No. 2A.

of natural gas. El Paso's estimate assumes that the wellhead price of natural gas will become \$2.87 per Mcf by June 1, 1978, i.e., the price which would be established if the Pearson-Bentsen II deregulation proposal, as passed by the Senate, is enacted into law.

El Paso also filed alternative revised tariff sheets which include only the effect of natural gas price increases pursuant to Opinion Nos. 770 and 770-A. The alternative sheets, therefore, set out rates about \$128 million lower than the revised tariff sheets.

Upon review of El Paso's filing, the Commission finds that the revised tariff sheets incorporating royalty cost increases resulting from possible deregulation of natural gas prices must be rejected. Deregulation and possible resulting price increases are entirely speculative at this time. El Paso's claims based thereon are premature and unsupported. El Paso's request to track increases in production taxes and royalty costs subsequent to June 1, 1978, in the event the lower alternative rate increase is accepted by the Commission, shall likewise be denied as premature. In the event El Paso becomes liable for increased production taxes or royalty costs subsequent to June 1, 1978, due to deregulation, it may make appropriate filings with this Commission. The Commission's decision with respect to any such filing will be based on the facts and circumstances existing at that time.

The Commission further finds that El Paso's alternative rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. The Commission shall therefore accept the alternative rates for filing, suspend their use for five months, and set the matter for hearing.

El Paso requests waiver of 18 CFR 154.63(e)(2)(i) and 154.63(e)(2)(ii). Waiver of the former section is requested to permit El Paso to include in its proposed rates the effect of royalty cost increases not associated with deregulation and which will actually become effective pursuant to contracts

\*Twenty-second Revised Sheet No. 3-B of Original Volume No. 1; Twelfth Revised Sheet No. 1-D of Third Revised Volume No. 2; and Fourteenth Revised Sheet No. 1-C of Original Volume No. 2A. El Paso asserts that the alternative tariff sheets reflect a rate increase which is known and measurable and which represent the absolute minimum increase necessary under existing circumstances. If the alternative sheets are accepted for filing, El Paso requests that it be authorized to track increases in production taxes and royalty costs subsequent to June 1, 1978. The revised tariff sheets have been filed. El Paso indicates, to insure the opportunity of full cost recovery of royalty and production tax expenses should current legislative proposals be enacted into law.

with overriding royalty owners on June 1, 1978, one day beyond the test period. Waiver of the latter section is requested so that facilities not yet placed in service but expected to be placed in service by June 1, 1978, can be reflected in rates. Waiver of both sections shall be granted, provided, however, that if the subject facilities are not in service by June 1, 1978, El Paso shall file substitute rates reflecting elimination of the costs associated with such facilities.

El Paso's filing also includes pro forma tariff sheets which, if approved, would allow the periodic tracking of royalty costs and production tax expenses in rates. El Paso requests that an investigation into the justness and reasonableness of the proposed tracking provision be conducted as part of the proceeding upon the general rate increase application. El Paso requests that any decision on the pro forma sheets have prospective effect only. El Paso's request shall be granted.

The Commission notes that on June 3, 1977, a show cause proceeding was instituted in Docket Nos. CP74-314, et al., to determine the question of whether the Commission has jurisdiction over certain owners of overriding royalty interests. Since the outcome of the show cause proceeding may affect the level of payments El Paso is required to make to overriding royalty interest owners, the rates associated with such payments, including the rates accepted for filing and suspended by this order, shall be collected subject to the Commission's final disposition in Docket Nos. CP74-314, et al., and subject to any refund-order entered in that proceeding.

Public notice of El Paso's filing was issued on December 14, 1977, providing for protests or petitions to intervene to be filed on or before December 23, 1977. Timely petitions to intervene have been filed by Juarez Gas Co., S.A., Arizona Public Service Co., Tucson Gas & Electric Co., Arizona Electric Power Cooperative and the City of Wilcox, Ariz., California Gas Producers Association, Navajo Tribal Utility Authority, Energy Resources Board of New Mexico, Salt River Project Agricultural Improvement and Power District, and Southern Union Co. Late petitions to intervene were filed by Southwest Gas Corp. and Pacific Gas and Electric Co. A timely notice of intervention was filed by the People of the State of California and the Public Utilities Commission of California. The Commission finds the petitioners have demonstrated an interest in this proceeding warranting their participation and the petitions shall accordingly be granted.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing



concerning the lawfulness of the increased rates and charges proposed by El Paso, and that the same be accepted for filing and suspended as herein-after ordered.

The Commission orders: (A) El Paso's proposed rate increase, predicated in part on estimated costs associated with the possible deregulation of natural gas prices, is rejected.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the alternative rates proposed by El Paso.

(C) Pending hearing and decision, El Paso's proposed alternative rate increase is accepted for filing and suspended for five months, or until June 1, 1978, when it shall be permitted to become effective subject to refund, upon motion filed by El Paso in accordance with the provisions of the Natural Gas Act.

(D) Waiver of §§154.63(e)(2)(i) and 154.63(e)(2)(ii) of the Commission's regulations is granted: *Provided, however*, That El Paso shall file revised rates before June 1, 1978, reflecting the elimination of all costs associated with facilities not placed in service on or before June 1, 1978. El Paso shall also file supporting cost of service data which shows the elimination of such facilities from the cost of service.

(E) El Paso's request to track increases in production tax and royalty costs subsequent to June 1, 1978, is denied.

(F) The pro forma tariff sheets filed by El Paso will be a subject for review in this proceeding and any determination by this Commission with respect to the pro forma sheets will have prospective effect only.

(G) Any increased rates associated with payments by El Paso to overriding royalty interest owners shall be collected subject to final disposition in Docket Nos. CP74-314, et al. and subject to possible refund.

(H) The above-named petitioners are permitted to intervene in this proceeding subject to the Commission's rules and regulations.

(I) The Commission staff shall prepare and serve top sheets on all parties on or before April 3, 1978.

(J) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and

to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(K) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

(FR Doc. 78-362 Filed 1-6-78; 8:45 am)

[6740-02]

(Docket Nos. CS77-299; RI78-19)

ENERCO, INC., AND SOUTHERN NATURAL GAS CO.

Informal Conference

DECEMBER 30, 1977.

Take notice that an informal conference will be held on January 19, 1978, beginning at 10 a.m. in Room 8402, at the office of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

All interested persons will be permitted to attend, but attendance will not be deemed to authorize intervention as a party in these proceedings.

This conference will be for discussion purposes only without commitments.

KENNETH F. PLUMB,  
Secretary.

(FR Doc. 78-363 Filed 1-6-78; 8:45 am)

[6740-02]

(Project No. 1494)

GRAND RIVER DAM AUTHORITY

Application for Approval of Change in Land Rights

DECEMBER 29, 1977.

Public notice is hereby given that an application was filed on May 16, 1977, under the Federal Power Act, 16 U.S.C. 791a-825r, by Grand River Dam Authority (applicant) (correspondence to: Mr. Robert W. Sullivan, Jr., General Counsel, Grand River Dam Authority, Administrative Headquarters, Drawer G, Vinita, Okla. 74301) for Commission approval of a change in land rights at Project No. 1494, located on the Grand River in Mayes, Craig, Del., and Ottawa Counties, Okla., and McDonald County, Mo.

Applicant seeks Commission approval of the sale of a 0.4677-acre triangular tract of land located in the SW¼SE¼, section 9, T. 24 N., R. 23 E., Delaware County, Okla. The land would be sold to a development company for possible housing construction.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act),

Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 20, 1978, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

(FR Doc. 78-349 Filed 1-6-78; 8:45 am)

[6740-02]

(Project No. 2551)

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Application for Amendment of License

DECEMBER 29, 1977.

Public notice is hereby given that an application was filed on September 19, 1977, under the Federal Power Act, 16 U.S.C. 791a-825r, by Indiana & Michigan Electric Co. (correspondence to: Mr. H. B. Cohn, vice president, Indiana & Michigan Electric Co., P.O. Box 18, Bowling Green Station, New York, N.Y. 10004) for Federal Energy Regulatory Commission approval of an amendment to the license for the Buchanan project No. 2551. The Buchanan project is located on the St. Joseph River, in Berrien County, Mich., and affects navigable waters of the United States.

Article 32 of the license for project No. 2551 issued on December 15, 1975, required the Licensee to consult and cooperate with the Michigan Department of Natural Resources (DNR) and the U.S. Fish and Wildlife Service (FWS) in studies to determine the minimum flow releases necessary to maintain and develop fish habitat below the project dam. Applicant was

given on year in which to carry out the studies and submit a report and schedule of the flow releases found to be necessary and feasible. Based on this study, Applicant has recommended a minimum flow release of 1,500 cfs except in emergency situations. DNR and FWS concur with the recommended flow release. The project license would be amended to reflect establishment of the minimum flow release.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the Federal Power Commission on the date of the DOE Act takes effect shall not be affected, and that orders shall be issued in such proceedings as if the DOE Act has not been enacted. All such proceedings shall be continued, and further actions shall be taken by the appropriate component of DOE now responsible for the functions under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a) (1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary of Energy and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —; *Provided*, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

Any person desiring to be heard or to make any protest with reference to the above-mentioned application should, on or before March 6, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

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KENNETH F. PLUMB,  
Secretary.

(FR Doc. 78-350 Filed 1-6-78; 8:45 am)

[6740-02]

(Docket No. E-9130)

IOWA PUBLIC SERVICE CO.

Application

DECEMBER 30, 1977.

Take notice that on December 19, 1977, Iowa Public Service Co. (applicant) filed an application pursuant to section 204 of the Federal Power Act seeking authority to issue \$50 million of short-term unsecured promissory notes to commercial banks and commercial paper dealers. All proposed notes are to be issued on or before March 31, 1979, and will bear final maturity dates not later than March 31, 1980.

The application states that the bank notes will bear interest at the prime rate in effect at the lending bank at the date of each borrowing. The commercial paper, having maturities not to exceed nine months, will be sold directly to commercial paper dealers and will bear interest rates determined by the market conditions at the time of each borrowing. The aggregate amount of commercial paper outstanding at any one time will not exceed 25 percent of the applicant's gross operating revenues for the twelve months ending December 31, 1977.

Applicant proposes to use the funds for construction or acquisition of permanent improvements, extensions, and additions to applicant's property and/or to pay off maturing short-term loans. Its estimated construction expenditures for the year 1978 are \$99,670,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

(FR Doc. 78-351 Filed 1-6-78; 8:45 am)

[6740-02]

(Project No. 2765)

JEAN LARA AND MICHAEL HANAGAN

Application of Minor License

DECEMBER 29, 1977.

Public notice is hereby given that an application was filed under the Federal Power Act, 16 U.S.C. 791a-825r, on June 7, 1976, and revised on July 1, 1977, by Jean Lara and Michael Hanagan (correspondence to: Mr. Harvey A. Katz, 294 New London Turnpike, Glastonbury, Conn. 06033) for a minor license for project No. 2765 known as the Shafer Holdings project. Project No. 2765 is located on the Scantic River in the Town of Somersville, Tolland County, Conn.

The Shafer Holdings project, originally constructed in 1820, consists of: (1) a stone and concrete dam 15-feet high and 92-feet long which forms a pond with a storage capacity of 125 acre-feet; (2) a 7-foot deep by 12-foot wide canal 270-feet long from an intake at the dam to the turbine; (3) one 140 kW generator located in the basement of a small industrial building adjacent to the dam; and (4) an outlet canal from the turbine to the Scantic River. The project is operated as run-of-the-river. The project supplies electricity during the winter months for heating and industrial building where motorcycle parts are manufactured.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 13, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.



DOE Act takes effect shall not be affected. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-352 Filed 1-6-78; 8:45 am]

[6740-02]

[Docket No. RP78-23]

**MIDWESTERN GAS TRANSMISSION CO.**

Order Accepting for Filing and Suspending Proposed Increase in Rates, Initiating Hearing and Establishing Procedures, and Granting Interventions

DECEMBER 30, 1977.

On December 1, 1977, Midwestern Gas Transmission Co. (Midwestern) tendered for filing in the above-captioned docket proposed changes to its FERC Gas Tariff<sup>1</sup> which would increase its rates for jurisdictional natural gas sales and services by \$1,962,806 for the northern system and \$504,339 for the southern system or a total of \$2,467,145 annually. The increased rates are predicated on a test period of 12 months ended August 31, 1977, adjusted for known and measurable changes through May 31, 1978. Midwestern requests the proposed increased rates be permitted to become effective on January 1, 1978. For the reasons set forth below, the Commission shall accept the proposed rate increase for filing, suspend it for five months, and set the matter for hearing.

Public notice of Midwestern's filing was issued on December 14, 1977, providing for protests or petitions to intervene to be filed on or before December 23, 1977. [Timely petitions to intervene have been filed by Northern Illinois Gas Co., jointly by Northern States Power Co. (Minnesota) and Northern States Power Co. (Wisconsin), Central Illinois Light Co., Central Illinois Public Service Co., Great Plains Natural Gas Co., Michigan Wisconsin Pipe Line Co., and Wisconsin Gas Co. Late petitions to intervene were filed by North Central Public Service Co. and Northern Indiana Public Service Co. The Commission finds that the petitioners have demonstrated an interest in this proceeding warranting their participation and the petitions shall accordingly be granted.]

Based upon a review of Midwestern's filing, the Commission finds that the

proposed higher rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept the proposed increase for filing, suspend its use for five months or until June 1, 1978, when it shall be permitted to become effective, subject to refund, and shall set the matter for hearing.

Midwestern states the principal reasons for its proposed rate increase are: (1) increases in the cost of materials, supplies, wages and services, taxes and other costs of pipeline operation, and (2) a claimed increase in Midwestern's overall rate of return to 11.70 percent including a return on common equity of 14.25 percent.

Based upon a review of Midwestern's filing, the Commission finds that the proposed higher rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept the proposed increase for filing, suspend its use for five months or until June 1, 1978, when it shall be permitted to become effective, subject to refund, and shall set the matter for hearing.

For purposes of its filing, Midwestern has used the *Atlantic Seaboard*<sup>2</sup> method of cost classification in determining rates for the northern system. The Commission believes that the use of the *Atlantic Seaboard* method may be inadequate and contrary to the public interest under the present conditions of gas supply shortages and resulting curtailments of service. The Commission also notes that because of successive pipeline rate filings which create locked-in periods, the Commission's efforts to adopt a just and reasonable cost classification, allocation and rate design differing from *Atlantic Seaboard* may be frustrated. To the extent that the rate structure found just and reasonable for Midwestern after hearing and decision departs from the *Atlantic Seaboard* methodology by assigning additional fixed costs to the commodity component of its rates, undercollections may occur. Midwestern is hereby placed on notice that it may be subject to undercollections if, after hearing and decision, the Commission finds its proposed use of the *Atlantic Seaboard* method to be improper.

*The Commission finds:* It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed by Midwestern, and that the same be accepted for filing and suspended as hereinafter ordered.

<sup>2</sup>Atlantic Seaboard Corp., 11 FPC 43 (1952).

*The Commission orders:* (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed herein by Midwestern.

(B) Pending hearing and decision, Midwestern's proposed rate increase is accepted for filing and suspended for five months, or until June 1, 1978, when it shall be permitted to become effective, subject to refund, upon motion filed by Midwestern in accordance with the provisions of the Natural Gas Act.

(C) The Commission staff shall prepare and serve top sheets on all parties on or before April 3, 1978.

(D) The above-named petitioners are permitted to intervene in this proceeding, subject to the Commission's rules and regulations.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule on all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-364 Filed 1-6-78; 8:45 am]

[6740-02]

**MONTANA-DAKOTA UTILITIES CO.**

[Docket No. RP74-97 (PGA No. 78-1)]

Order Accepting for Filing and Suspending PGA Rate Increase, Instituting Investigations, and Prescribing Procedures

DECEMBER 30, 1977.

On December 1, 1977, Montana-Dakota Utilities Company (MDU) tendered for filing proposed rate increases<sup>1</sup> under the purchased gas adjustment (PGA) provision in its tariff to recoup a balance of \$160,500 in its unrecovered purchased gas cost account. MDU proposes to increase by 3.88 cents per Mcf, to 9.724 cents per Mcf, the PGA surcharge to two of its three jurisdictional customers and to

<sup>1</sup>Eighth Revised Sheet No. 3A to FPC Gas Tariff, Original Volume No. 4 and Second Revised Sheet No. 10 to FPC Gas Tariff, First Revised Volume No. 2.

impose a single "lump sum" charge of \$48,341.08 on its third jurisdictional customer, Northern Gas Company. An effective date of January 1, 1978, is requested. For the reasons stated below, the proposed rate increases will be accepted for filing and suspended for one day until January 2, 1978, when they will be permitted to become effective subject to refund upon completion of an investigation into the lawfulness of the proposed rates. Pursuant to Section 5 of the Natural Gas Act, an investigation will also be instituted into the lawfulness of MDU's current PGA tariff provisions.

The Commission's review of MDU's filing indicates that the balance in MDU's unrecovered purchased gas cost account includes purchases at prices in excess of the national rates established in Opinion Nos. 770 and 770-A, and that MDU has not demonstrated that such gas costs are proper. The Commission finds that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Therefore, MDU's proposed rate increases will be accepted for filing and suspended for one day until January 2, 1978, when they will be permitted to become effective, subject to refund; and this matter will be set for hearing.

Additionally, MDU has included in its total system gas costs and allocated to all customers the costs of intrastate purchases of approximately 910,000 Mcf to supply MDU's Sheridan System. This is consistent with the terms of MDU's PGA tariff provision which permits MDU to reflect the costs of gas purchased for its entire system in its PGA rate adjustments. The Sheridan System is isolated from MDU's other facilities and previously has been operated separately as a non-jurisdictional, intrastate distribution system. By order issued February 25, 1977, in Docket No. CP75-227, the Commission certificated an exchange agreement with Northern Gas Company (Northern) which permits MDU to provide volumes from its interstate system to Northern which are then exchanged for volumes provided by Northern to the Sheridan System. This certificate was issued upon condition that this exchange arrangement be used only to the extent necessary to make up deficiencies in MDU's intrastate supplies for the Sheridan system.

The Commission has determined that MDU's current PGA tariff, which permits the costs of intrastate supplies for the Sheridan System to be allocated to all of MDU's customers, may not be just, reasonable and non-discriminatory. Therefore, pursuant to Section 5 of the Natural Gas Act, an investiga-

tion and hearing on the lawfulness of MDU's current PGA tariff will be instituted. Thus, any change in MDU's PGA tariff which may be ordered will be made effective prospectively from the date on which a new or revised tariff provision is approved. Finally, as a procedural matter this investigation of the lawfulness of MDU's PGA tariff under Section 5 and the investigation of the lawfulness of MDU's proposed PGA rates under Section 4 will be consolidated in one proceeding for hearing and decision.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed by MDU, that the same be accepted for filing and suspended as hereafter ordered, and that an investigation and hearing be instituted into the lawfulness of MDU's PGA tariff.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by MDU.

(B) Pending hearing and decision, MDU's proposed rate increases are accepted for filing and suspended for one day, or until January 2, 1978, when they shall be permitted to become effective, subject to refund.

(C) Pursuant to the authority of the Natural Gas Act, particularly Section 5 thereof, an investigation shall be instituted and a public hearing shall be held concerning the lawfulness of the terms of MDU's PGA tariff provisions.

(D) For purposes of investigation, hearing and decision, the separate proceedings instituted in ordering paragraphs (A) and (C) shall be consolidated into one proceeding.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a pre-hearing conference within 30 days of issuance of this order in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule upon all motions (except motions to consolidate, sever or dismiss) as provided for in the rules of practice and procedure.

By the Commission

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-365 Filed 1-6-78; 8:45 am]

[6740-02]

[Docket Nos. CP77-71, 118, 125]

**NATURAL GAS PIPELINE CO. OF AMERICA, ET AL.**

Order Granting Rehearing and Establishing Procedures

DECEMBER 30, 1977.

In the matter of Natural Gas Pipeline Company of America, Columbia Gas Transmission Corporation, Columbia Gulf Transmission Company, and Texas Gas Transmission Corporation.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 F.R. 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provision" of Section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a) (1) or (2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —: *Provided*, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

Applications for rehearing of the Federal Power Commission (Commission) order issued March 1, 1977, were filed by General Electric Company (G.E.), Libbey Owens Ford Company (Libbey Owens), Lithium Corporation of America (Lithium), Glass Containers Corporation (Glass Containers), PPG Industries Inc. (PPG), Armco Steel Corporation (Armco), and Natu-



ral Gas Pipeline Company of America (Natural). By its order, the Commission authorized the transportation of natural gas by four interstate pipelines for Priority 2 and Priority 3 process end uses in several G.E. plants located in the states of Indiana, Kentucky and Maryland. Although the transportation applications, filed pursuant to Section 7(c) of the Natural Gas Act, requested authorization for a term of ten years, the Commission imposed conditions characteristic of Order No. 533. It limited the transportation certificates to a period of two years, providing an opportunity to file for a six month extension before the end of such period.

In limiting the term of the transportation authorization, the Commission stated the following:

However, upon reflection and in light of the severe winter weather which has occurred since that order the Commission has determined that future applications for the transportation of industry-owned gas will be reviewed within the purview of §2.79. The proposed term in the instant applications of ten years is inconsistent with the policy set forth in §2.79 and the authorization granted herein shall be conditioned to an initial term of two years.

In seeking rehearing, petitioners are requesting that the Commission reconsider its rejection of the proposed ten year term. Petitioners argue that the Commission violated the policy it established in Order No. 533-A whereby the merits of each proposal for the transportation of gas owned by an industrial consumer were to be separately evaluated.<sup>1</sup> Based on the standard set forth therein, petitioners argue that the Commission should have provided a clear explanation of the factors considered by the Commission in making its decision.

Moreover, petitioners argue that the order is legally deficient because it does not include a statement of "findings and conclusions, and the reasons or bases therefore, on all the material issues of fact, law, or discretion presented on the record \* \* \*".<sup>2</sup> The parties further assert that the Commission's power to impose conditions with respect to granting a certificate of public convenience and necessity must be exercised in a manner consistent with the requirements of due process. Petitioners contend that they should be able to rely upon the principles and criteria enumerated in "FPC v. Transcontinental Gas Pipeline Corpora-

<sup>1</sup>The Commission will further evaluate the application of the policy of Order No. 533 as it may relate to industrial consumer participation, exploration and development activities, if and when a specific proposal of the nature is presented to the Commission for the certification purposes of Order No. 533. We specifically encourage and invite such proposals. (Mimeo at 9.)

<sup>2</sup>5 U.S.C. Section 577(c).

tion," 365 U.S. 1 (1961) as providing the basis for Commission review of applications which do not conform with the provisions of Order No. 533. Consistent therewith, they maintain that the Commission is compelled to develop an evidentiary record in these proceedings prior to imposing such limitations. As a corollary to this argument, the parties argue that the Commission should not seek to restrict its general authority under Section 7(c) of the Act to a lesser level such as that circumscribed by Order No. 533.

Petitioners state that the adoption of a general two year limitation of transportation authority for consumer owned gas would effectively preclude high priority industrials from engaging in exploration and development of programs or other long-range gas acquisition activities. The industrial consumer would have no assurance that it would have the opportunity to recover the substantial investment of funds necessary to acquire such supplies. They suggest that this condition would preclude long-range planning of business operations and would hinder industrial development, capital investment, and energy conservation plans.

Petitioners view the Commission's initial imposition of the two year limitation on transaction falling within the purview of §2.79 of the Commission's regulations as an attempt to protect Priority 1 customers. They argue that there are now other existing measures which adequately protect against the possibility that industrial users would receive a disproportionate share of the gas. Therefore, the petitioners suggest that the Commission can take into account the estimated life of the reserves, capital investment, and other relevant factors in determining the appropriate term of a transportation certificate.

Apart from Order Nos. 533 and 533-A, They view the Commission order of March 1, 1977, as an aberration to a well-established policy, i.e., the owner of gas in place may obtain transportation authorization for the use of that gas for a period commensurate with the life of the reserves, provided the use of this sufficiently high priority. In prior cases where transportation was authorized, the Commission did not impose a time limitation.<sup>3</sup>

We find that the parties should be afforded a hearing in order to determine whether the proposed transportation arrangements should be authorized and under what conditions.

In its notice issued June 21, 1977, the Commission stated its intent to review Order Nos. 533 and 533-A and

<sup>3</sup>"Public Service Commission of New York v. FPC," Opinion No. 560-A, 463, F. 2d 824 (D.C. Cir. 1972), "Consolidated Gas Supply Corporation," Docket No. CP76-260, Order issued October 4, 1976.

In particular, the transportation of consumer-owned gas and reserves-in-place. Most of the parties who filed comments supported authorization of long term transportation arrangements arguing that high priority customers would be encouraged to compete with the intrastate market for gas not otherwise available to the interstate pipeline systems. The Commission is of the opinion that such arrangements did not fall within the purview of the policy statement, but should be considered in the context of Section 7(c) of the Natural Gas Act.

Commission stated that such applications would be considered on an ad hoc basis whereby the parties would be afforded an opportunity for a hearing in order to determine whether the proposed transportation arrangements should be authorized and under what conditions.

There are some "process" end uses for which there is no commercially practicable alternate fuel technology and in such cases, long term transportation authorizations may be appropriate. For high priority consumers with critical end uses, such authorizations would provide certainty of supply which would enhance operational and economic stability.

In reviewing this application and future applications, we will be extremely concerned with whether there is a potential for the applicant to utilize more abundant fuels. The applicant will have the burden of proving that the end uses require the use of natural gas both presently and during the term of the authorization requested.

Petitions to intervene in these proceedings have been filed by Libbey Owens, Lithium and PPG. Due to the nature of these proceedings, other interested parties are invited to intervene and participate in these hearings. Petitions to intervene should be filed prior to December 20, 1977.

The Commission finds: (1) The applications for rehearing of the FPC Order issued March 1, 1977, in Docket Nos. CP77-71, et al., should be granted for good cause.

(2) Participation by the above-mentioned petitioners may be in the public interest.

The Commission orders: (A) The applications for rehearing of Order issued March 1, 1977, in Docket No. CP77-71, et al., is hereby granted in order to allow all parties an opportunity to develop a record in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a prehearing conference will be held in a hearing room of the Federal Energy Regula-

tory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, at 10 a.m. on January 31, 1978, to discuss procedural issues and the clarification of issues.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at a hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, and motions to consolidate and sever, and motions to dismiss, as provided for in the rules of practice and procedure).

(D) The petitions to intervene filed by Libbey Owens Ford Company, Lithium Corporation of America and PPG Industries Inc., are hereby granted. The above-named petitions are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, however*, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

(FR Doc. 78-353 Filed 1-6-78; 8:45 am)

#### [6740-02]

[Docket No. OR78-5 (formerly ICC Docket No. NOR35794) etc.]

#### NORTHVILLE DOCK PIPE LINE CORP. AND CONSOLIDATED PETROLEUM TERMINAL, INC. ET AL.

##### Further Extension of Time

DECEMBER 29, 1977.

On December 22, 1977, Northville Dock Pipe Line Corp., Consolidated Petroleum Terminal, Inc., and Total Resources, Inc., filed with the Federal Energy Regulatory Commission (FERC) a motion to further extend the time to file an administrative appeal from two orders issued by the Interstate Commerce Commission (ICC) on September 30, 1977. On December 29, 1977, Long Island Fuel Oil Association joined in the motion for extension of time.

Pursuant to the ICC Rules of Practice, 49 CFR 1100.97 (d), (e), respondents may petition for administrative review of orders within 30 days of the date of service of the orders, and any such petition automatically stays on the effective date of the orders until

30 days following the service of the decision on appeal. An extension of time within which to file an administrative appeal from the ICC's September 30, 1977, orders in this docket was previously granted by the Commission Notice issued October 28, 1977. The instant motion states that Staff Counsel concurs in the request for a further extension of time.

On October 1, 1977, pursuant to section 402(a)(2)(b) of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), the regulatory functions and authority of the ICC for establishment of rates or charges for transportation of oil by pipeline and for establishment of the valuation of any such pipeline were transferred to the FERC, an independent commission within the Department of Energy which also assumed the functions and regulatory responsibilities of the Federal Power Commission. The joint regulation adopted on October 1, 1977, by the Secretary of Energy and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR : *Provided*, That this proceeding would be transferred from the ICC to the FERC. Additionally, the Savings Provisions in section 705(a) of the DOE Act provide, among other things, that rules and regulations relating to functions transferred to the FERC shall continue in effect until modified by the FERC. The FERC Secretary takes action on the instant motion in accordance with the above mentioned authorities and pursuant to Order No. 1 issued by the FERC on October 6, 1977, and published October 17, 1977 (42 FR 55450) which continues the delegation of authority contained in 18 CFR 3.5 with the officials succeeding Federal Power Commission officials in the FERC.

Upon consideration, notice is hereby given that a further extension of time is granted to and including March 1, 1978, within which to file an administrative appeal from the orders issued in the captioned proceeding by the ICC on September 30, 1977.

KENNETH F. PLUMB,  
Secretary.

(FR Doc. 78-354 Filed 1-6-78; 8:45 am)

#### [6740-02]

[Docket No. CP78-119]

#### NORTHWEST PIPELINE CORP.

##### Notice of Application

DECEMBER 30, 1977.

Take notice that on December 14, 1977, Northwest Pipeline Corp. (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP78-119 an application pursuant to section 7(c) of the Natural Gas Act for a certi-

ficate of public convenience and necessity authorizing the gathering and transportation of natural gas for Michigan Wisconsin Pipe Line Co. (Mich-Wis); the gathering and transportation for, sale to and exchange of natural gas with Colorado Interstate Gas Co. (CIG); and the construction and operation of certain facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes the following:

1. The transportation for CIG of up to 2,000 Mcf of natural gas per day to be delivered by CIG to Applicant in Carbon County, Wyo., and to be redelivered by Applicant to CIG at an existing point of interconnection between the facilities of Applicant and Western Transmission Corp. (Western) in Carbon County, Wyo.

2. The gathering of up to 25,000 Mcf of natural gas per day for Mich-Wis and Applicant in the Creston Nose area and the concomitant delivery of such volumes to the facilities of Western for transportation by Western to CIG, with equivalent volumes, less up to 25 percent of such volumes which CIG has the option to purchase from Mich-Wis and Applicant, to be redelivered by CIG to Applicant at the existing point of interconnection between the mainline facilities of Applicant and CIG in Sweetwater County, Wyo.

3. The sale to, and transportation for, CIG of up to 25 percent of the Mich-Wis and Applicant volumes, respectively, which are delivered to CIG, via Western, by Applicant for the account of Mich-Wis and Applicant.

4. The transportation of up to 15,000 Mcf of natural gas per day, for the account of Mich-Wis, from the point of delivery by CIG in Sweetwater County, Wyo. to a point of interconnection between the facilities of Applicant and El Paso Natural Gas Co. (El Paso) located in La Plata County, Colo.

5. The construction and operation of the necessary gathering and appurtenant facilities that are necessary to implement the above services.

Applicant indicates that Mich-Wis has under contract or otherwise owns or controls certain natural gas reserves in the Rocky Mountain area which are a considerable distance from Mich-Wis' existing transmission system, and that in order to make such gas reserves available to Mich-Wis, Mich-Wis and Applicant have entered into a gas transportation agreement dated September 23, 1977, which provides that Applicant would transport up to 175,000 Mcf per day of natural gas for the account of Mich-Wis, after delivery of such volumes of natural gas into Applicant's mainline transmission system. Further, it is indicated that Applicant and Mich-Wis have entered into a gas gathering and transportation agreement (Gathering Agreement) dated September 23, 1977, which provides that Applicant would, as necessary, gather such volumes of natural gas as Mich-Wis may control in the Creston Nose area of Carbon County, Wyo., and that Applicant would arrange for the delivery of such



volumes to Applicant's main transmission system, by displacement or otherwise, for further transportation by Applicant pursuant to the transportation agreement.

It is stated that Applicant and CIG have, by a letter agreement dated November 28, 1977, amended a certain gas purchase, transportation and exchange agreement, which exchange agreement is presently on file with the Commission as special rate schedule No. X-26 to Applicant's presently effective FERC Gas Tariff Original Volume No. 2, and that this exchange agreement provides in part that CIG would provide an exchange service for Applicant for volumes of natural gas in Carbon County, Wyo. The November 28, 1977, amendment expands the acreage covered by the exchange agreement to include the acreage dedicated to Applicant pursuant to a gas purchase contract dated October 12, 1977, between Applicant and Kemmerer Coal, and certain acreage dedicated to CIG, it is said. It is stated that the agreement of November 28, 1977, also provides two additional delivery points for the delivery of exchange gas by Applicant to CIG, one located on CIG's main transmission line in Sweetwater County, Wyo. and the other on Western's line in Carbon County, Wyo.

Applicant proposes herein, to gather all of the gas presently available to Applicant, Mich-Wis and CIG from the acreage designated in the November 28, 1977, amendment and to tender the gas gathered for Mich-Wis' and Applicant's account to Western in Carbon County, Wyo. The volumes gathered for CIG's account would be connected to Applicant's existing Barrel Springs gathering system and would be transported and delivered to Western for CIG's account in Carbon County, Wyo. It is indicated that Western would transport all volumes received for Applicant's and CIG's account to a point of interconnection with the main transmission line of CIG in Sweetwater County, Wyo. It is further indicated that CIG, pursuant to the exchange agreement, would redeliver the volumes received from Western for Applicant's account at an existing point of interconnection with the facilities of Applicant in Sweetwater County, Wyo. The redelivery by CIG is subject to CIG's right to purchase up to 25 percent of the volumes delivered by Applicant pursuant to the exchange agreement.

Applicant indicates that the volumes of natural gas which are presently available to it, Mich-Wis and CIG (exclusive of CIG's right to purchase 25 percent of the Applicant and Mich-Wis volumes) are 1750 Mcf per day, 1750 Mcf per day and 300 Mcf per day, respectively.

Applicant states that the volumes of natural gas gathered for Mich-Wis in

the Creston Nose area would upon redelivery by CIG be further transported by Applicant from the point of interconnection between the facilities of CIG and Applicant in Sweetwater County, Wyo., to a point of interconnection between the facilities of Applicant and El Paso in La Plata County, Colo., where the volumes of gas so transported would be delivered to El Paso for Mich-Wis' account. Applicant further states that the gas so delivered to El Paso would, by displacement or otherwise, be further transported by El Paso and Natural Gas Pipe Line Co. of America (Natural) for ultimate delivery to Mich-Wis.

The application states that the proposal herein, so far as gathering and transporting natural gas from the Creston Nose area is concerned, depends upon the construction by Western of a new point of interconnection between the facilities of Applicant and Western in Carbon County. Applicant proposes to construct and operate the following necessary gathering and transmission facilities:

(A) THE CRESTON NOSE GATHERING SYSTEM

Applicant proposes to construct and operate approximately 6.2 miles of 8 $\frac{1}{2}$ -inch O.D. pipeline (trunk A), approximately 1.9 miles of 4 $\frac{1}{2}$ -inch O.D. pipeline, seven well-head meters and appurtenant facilities to connect seven wells to the aforementioned trunk A and metering facilities at the point of interconnection between Applicant and Western.

(B) BARREL SPRINGS GATHERING SYSTEM EXTENSION

Applicant proposes to construct and operate approximately 1.5 miles of 8 $\frac{1}{2}$ -inch O.D. pipeline, a well head meter and appurtenant facilities necessary to connect the William Moss-Federal 26-17-93 well (which is dedicated to CIG) to Applicant's existing Barrel Springs gathering facilities.

Applicant indicates that the estimated cost of constructing the proposed facilities is \$924,900 which cost would be financed from funds on hand or from short-term borrowing which would be repaid from funds generated under a permanent form of financing.

The application states that the proposal herein also depends upon the execution of a transportation agreement between Western and Applicant whereby Western would transport the subject volumes of natural gas for Applicant's account from the proposed new delivery point to the existing point of interconnection between Western and CIG. The application further states that there exists a dispute between Western and Applicant all as more fully set forth in the proceedings at Docket No. CP 77-611 and that Western has not yet agreed to the transportation as set forth in this application. Applicant indicates that by virtue of the position which Western took in successfully contesting the application which Applicant filed in

Docket No. CP75-294, Western has obligated itself, to render the transportation service contemplated in the instant application under reasonable terms. It is stated that Applicant's reasoning in this regard is set forth in the answer which it filed on October 11, 1977, in Docket No. CP77-611. It is further stated that Western, on September 6, 1977, filed in Docket No. CP77-611 a complaint against Applicant alleging that Applicant had undertaken construction of certain facilities in violation of the Natural Gas Act and the Federal Power Commission's regulation thereunder. Applicant's answer to Western's complaint was filed October 11, 1977; on November 9, 1977, Applicant filed a motion for expedited resolution of the matter; and on November 15, 1977, Western filed its answer to such motion. The Commission has taken no action on Western's complaint or on Applicant's motion in Docket No. CP77-611, to date, it is indicated. Applicant states that certain alternatives are available to it and that Applicant would consider such alternatives subject to the outcome of the instant application.

Applicant proposes to charge CIG for the gathering and transportation of CIG's gas from the Barrel Springs area, its cost-of-service as set forth in its FERC Gas Rate Schedule No. X-26, which current rate is 6.9 cents per Mcf. Applicant states that pursuant to the April 7, 1976, agreement, as amended November 28, 1977, it would sell to CIG up to 25 percent of the gas delivered to CIG for exchange and CIG would pay. Applicant an initial transportation charge of 6.9 cents per Mcf for the gas purchased from Applicant. In light of the terms of the April 7, 1976, agreement, as amended, between Applicant and CIG, Mich-Wis has agreed to sell to CIG up to 25 percent of its volumes delivered or caused to be delivered to CIG at a price which reflects its cost including adjustments, taxes or other charges permitted under applicable laws.

Applicant states that, it estimates that initially 3,500 Mcf of natural gas per day would be transported through the facilities of Western and CIG to Applicant's mainline from the Creston Nose area for both Applicant and Mich-Wis, and that it would charge Mich-Wis a gathering rate based on Applicant's gathering cost-of-service, which rate is 19.83 cents per Mcf. In addition to the gathering charge of 19.83 cents per Mcf, Applicant proposes to charge Mich-Wis an initial transportation rate of 1 cent per Mcf for all gas handled through its mainline system and redelivered to El Paso under the transportation agreement, it is said. Applicant indicates that the 1 cent rate is predicated on its continuing ability to displace the gas to be redelivered to Mich-Wis, and that in the

event that delivery by displacement is diminished due to Applicant's prior commitments on its transmission system or due to physical or legal limitations imposed on Applicant's displacement capability so that actual transportation of all or any portion of Mich-Wis' gas is required, then the 1 cent per Mcf charge would be increased to Applicant's then rolled-in transmission cost or such other appropriate rate as may be established and approved by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene, in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-355 Filed 1-6-78; 8:45 am]

[6740-02]

[Project No. 2370]

PENNSYLVANIA ELECTRIC CO.

Application for Approval of Change in Land Rights

DECEMBER 29, 1977.

Public notice is hereby given that an application was filed on July 7, 1977,

and supplemented on July 13, 1977, under the Federal Power Act, 16 U.S.C. 791a-825r, by the Pennsylvania Electric Co. (Correspondence to: Mr. W. R. Thomas, Secretary and Treasurer, Pennsylvania Electric Co., 1001 Broad Street, Johnstown, Pa. 15907), for approval of a change in land rights for Project No. 2370, known as the Deep Creek Project, located on Deep Creek, a tributary of the Youghiogheny River, in Garrett County, Md.

Applicant requests Commission approval of the grant of an easement to Midwest Corp. for installation of a three-quarter-inch-diameter submarine television cable across Deep Creek Lake in the vicinity of the Glendale Road Bridge. At the same location, the Chesapeake and Potomac Telephone Co. of Maryland and the Potomac Edison Co. have a submarine cable crossing and an aerial distribution line crossing, respectively, which are part of their systems serving the general public in this area. Applicant states that the recreational use plan for this project, which is currently pending before the Commission, would not be adversely affected by the crossing. The cable would extend for approximately 875 feet on the lake bottom, where the maximum depth is approximately 52 feet.

Any person desiring to be heard or to make any protest with reference to said application should, on or before March 1, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-356 Filed 1-6-78; 8:45 am]

[6740-02]

[Project No. 2157]

PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY, WASH., AND CITY OF EVERETT, WASH.

Application for Amendment of License

DECEMBER 30, 1977.

Public notice is hereby given that an application was filed on August 10, 1977, under the Federal Power Act, 16

U.S.C. §§ 791a-825r, by Public Utility District No. 1 of Snohomish County, Wash., and the City of Everett, Wash. (Correspondence to: Mr. W. G. Hulbert, Jr., Manager, Public Utility District No. 1 of Snohomish County, P.O. Box 1107, Everett, Wash., 98206), for Federal Power Commission approval of an amendment to the license for the Sultan Project No. 2157. The Sultan Project is located on the Sultan River, and affects navigable waters and lands of the United States within the Snoqualmie National Forest, in Snohomish County, Wash.

Applicants request that article 28 of the major license for Project No. 2157, issued June 16, 1961, be amended to allow the licensees an extension of time until January 1, 1979, to evaluate alternative development plans and prepare an application for amendment of the license to authorize the construction of Stage II of the project. Current requirements called for a report to the Federal Power Commission on such plans for development by June 16, 1976.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC), which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the Federal Power Commission on the date that DOE Act takes effect shall not be affected, and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued, and further actions shall be taken by the appropriate component of DOE now responsible for the functions under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary of Energy and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —: Provided, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Any person desiring to be heard or to make any protest with reference to the above mentioned application should, on or before February 27,



1978, file with the Federal Energy Regulatory Commission, 825 North Capitol St. NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-366 Filed 1-6-78; 8:45 am]

## [6740-02]

[Project No. 2101]

## SACRAMENTO MUNICIPAL UTILITY DISTRICT

## Application for Amendment of License

DECEMBER 30, 1977.

Public notice is hereby given that an application was filed on July 15, 1977, under the Federal Power Act, 16 U.S.C. 791a-825r, by the Sacramento Municipal Utility District (correspondence to: Mr. W. C. Walbridge, General Manager, Sacramento Municipal Utility District, 6201 S Street, Box 15830, Sacramento, Calif. 95813), for Commission approval of an amendment to the license for the Upper American River Project, FERC No. 2101, which would delete article 55 from the license. The Upper American River Project is located on the Rubicon River and tributaries, Silver Creek and tributaries, and South Fork of the American River, and affects lands of the United States within the Eldorado National Forest, in El Dorado County, Calif.

Applicant requests that article 55 be deleted from the license for Project No. 2101. Article 55 provides for the dumping of waste material from the Camino powerhouse excavation in such manner as to provide for a parking area and boat landing ramp immediately downstream from the Camino powerhouse access bridge. According to Applicant, the waste material from the Camino powerhouse excavation was dumped in the prescribed manner and in the location intended. A few years later, however, high water washed out the area and made it unsuitable for use in developing a boat launching ramp. Applicant, with the approval of the Forest Service, chose and developed an alternate boat launching site on the south side of Slab Creek reservoir near the dam. According to Applicant and the Forest

Service, the requirements of article 55 have thus been fulfilled.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC), which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the Federal Power Commission on the date of the DOE Act takes effect shall not be affected, and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued, and further actions shall be taken by the appropriate component of DOE now responsible for the functions under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a) (1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary of Energy and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —: *Provided*, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before February 20, 1978 file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) (1977). All such petitions or protests should be filed on or before December 5, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the subject filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-367 Filed 1-6-78; 8:45 am]

## [6740-02]

[Docket No. CP78-129]

## TEXAS EASTERN TRANSMISSION CORP.

## Application

DECEMBER 30, 1977.

Take notice that on December 20, 1977, Texas Eastern Transmission Corp. (Applicant), P.O. Box 2521, Houston, Tex. 77001, filed in Docket No. CP78-129 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of certain quantities of vaporized ethane commingled with natural gas for Allied Chemical Corp. (Allied), and the construction and operation of certain facilities needed to transport the gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Allied presently owns a quantity of ethane located at its Choctaw Dome storage facility in Iberville Parish, La., near Applicant's 36-inch line which it desires to have transported to its Hopewell, Va., and Moundsville, W. Va., plants.

Applicant requests authorization to construct and operate tap and valve facilities at a point located on its 36-inch transmission pipeline in Iberville Parish, La., and to provide the transportation service for Allied pursuant to Applicant's Rate Schedule TS-2 and an agreement dated December 19, 1977, between Allied and Applicant. Applicant states that Allied would deliver up to 19,400 dekatherms (dth), per day of vaporized ethane to Applicant's 36-inch pipeline and Applicant would then transport and deliver thermally equivalent quantities of natural gas (1) to Columbia Gas Transmission Corp. (Columbia), at the existing interconnection between Applicant and Columbia near Delmont in Westmoreland County, Pa., the maximum daily delivery obligation of 16,318 dth for ultimate redelivery to Allied's plant located in Hopewell, Va., and (2) to Consolidated Gas Supply Corp. (Consolidated), at the existing interconnection between Applicant and Consolidated, near Moundsville, Marshall County, W. Va., the maximum daily delivery obligation of 2,500 dth for ultimate redelivery to Allied's plant located in Moundsville.

Any person desiring to be heard or to make any protest with reference to said application should, on or before January 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18

CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-368 Filed 1-6-78; 8:45 am]

## [6740-02]

[Docket No. CP78-117]

## TEXAS EASTERN TRANSMISSION CORP.

## Application

DECEMBER 30, 1977.

Take notice that on December 13, 1977, Texas Eastern Transmission Corp. (Applicant), P.O. Box 2521, Houston, Tex. 77001, filed in Docket No. CP78-117 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Delmarva Energy Co. (DEC), Tar Heel Energy Corp. (Tar Heel), and Rockingham Exploration Co. (Rockingham) (Buyers), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport up to 67 dekatherms of natural gas per day to Transcontinental Gas Pipe Line Corp. (Transco) for Buyers pursuant to Rate Schedule TS-2, and pursuant to service agreements between Applicant and DEC, Tar Heel, and Rockingham dated November 21, 1977, November 17, 1977, and December 5, 1977, respectively.

The application states that Delmarva Power & Light Co. (Delmarva) has

acquired from its producing subsidiary DEC gas supplies of approximately 15 dth per day, and that Public Service Co. of N.C., Inc. (Public Service) has acquired from its producing subsidiary Tar Heel 50 dth per day, and North Carolina Gas Co. (North Carolina) has acquired from its producing subsidiary Rockingham 2 dth per day for a total of 67 dth per day produced from the No. 1 champion Well, South Gist Field, Newton County, Tex., which would be delivered to Applicant at its existing interconnection located in Newton County, Tex., for redelivery to Transco at the existing points of interconnection in Beauregard Parish, La., for delivery to Delmarva, Public Service, and North Carolina.

It is indicated that sellers have received prior authorization to sell the gas proposed herein to be transported to Delmarva, North Carolina, and Public Service.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-369 Filed 1-6-78; 8:45 am]

## [6740-02]

[Docket No. ES78-16]

## UNION LIGHT, HEAT AND POWER CO.

## Application

DECEMBER 30, 1977.

Take notice that on December 19, 1977, the Union Light, Heat and Power Co. (Applicant) of Covington, Ky., filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of unsecured Promissory Notes to commercial banks, and to a commercial paper dealer in amounts not exceeding in the aggregate \$10,000,000 outstanding at any one time.

The Promissory Notes to be issued by the Applicant to commercial banks will be issued on various days during the year ending December 31, 1978, for ninety day periods, but no Note will mature more than nine months from the date of issue or renewal or later than December 31, 1978. The interest rate of such Notes will be at the prime loan or best available interest rate of the banks in effect at the time of issuance or renewal.

The Promissory Notes issued to a commercial paper dealer will be issued on various days during the year ending December 31, 1978, but no Note will mature more than nine months after date of issue nor will any note be extended or renewed. The interest rate on such Notes will be dependent upon the term of the Notes and the money market conditions at the time of issuance.

According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed 25 percent of Applicant's gross revenues during the then proceeding 12 full months of operation.

The proceeds from the issuance of the Notes will be added to the general funds of the Applicant which general funds will be used, to finance in part the Applicant's 1978 construction program. Applicant estimates that construction expenditures for the year 1978 will total about \$6,692,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before January 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-370 Filed 1-6-78; 8:45 am]



[6740-02]

[Docket No. RP72-133 (PGA78-1)]

## UNITED GAS PIPE LINE CO.

Order Accepting for Filing and Suspending Proposed PGA Rate Increase and Directing the Submission of Additional Information

DECEMBER 30, 1977.

On November 16, 1977, United Gas Pipe Line Co. (United) filed a proposed semi-annual PGA rate increase<sup>1</sup> consisting of (1) an increase of 7.32 cents per Mcf or approximately \$61 million annually in the current cost of purchased gas and (2) a PGA surcharge of 10.28 cents per Mcf to recover deferred purchased gas costs of \$35.6 million. United requests that the proposed increased PGA rates become effective on January 1, 1978. For the reasons set forth below, United's increase shall be accepted for filing, suspended for one day, and shall be permitted to become effective thereafter on January 2, 1978, subject to refund and the terms of this order.

United's PGA filing includes 60-day emergency purchases at rates in excess of those established in Opinion No. 770-A and certain alleged non-jurisdictional purchases which are also at rates in excess of applicable national rates. The Secretary by letter of December 6, 1977, requested United to file supplemental information on emergency purchases. Since United's reply was received only shortly before the deadline for Commission action on the filing,<sup>2</sup> the Commission shall defer decision on the reasonableness and prudence of these purchases until United's supplemental information is analyzed. The prudence and reasonableness of United's alleged non-jurisdictional purchases also cannot be established from the Commission's review of the information contained in United's PGA filing. United, therefore, shall be required to supply the Commission additional information supporting the reasonableness of its alleged non-jurisdictional purchases. Because of the Commission's need for further information and review and, because the issue of the jurisdictionality of certain uncertificated sales to United is the subject of a pending show cause proceeding in Docket No. CP76-238, United's filing shall be suspended for one day. Moreover, United shall be required to eliminate from its rates any claimed cost increases in non-jurisdictional purchases which do not become effective on or before January 1, 1978.

<sup>1</sup>Thirty-ninth Revised Sheet No. 4 to First Revised Volume No. 1.

<sup>2</sup>United filed its response to the Secretary's request for additional information on December 22, 1977.

It is further evident from United's filing that its PGA rates include increases which track the purchased gas costs of Sea Robin Pipeline Co. (Sea Robin) in Docket No. RP73-89 (PGA78-1). A review of Sea Robin's filing indicates that a portion of its proposed PGA rate increase will be disallowed. Therefore, United's rates accepted by this order shall be reduced to track the adjustments which the Commission requires in Docket No. RP73-89 (PGA78-1).

Finally, the Commission notes that the PGA rates proposed by United are calculated to adjust base rates conditionally accepted in Docket No. RP77-107 by order issued July 20, 1977. To the extent base rates are adjusted by United's, the PGA rates filed in the instant docket must also be adjusted before they are allowed to become effective.

In view of the foregoing, the Commission finds that United's rates shall be conditionally accepted for filing, suspended for one day, and permitted to become effective on January 2, 1978, subject to refund and the terms of this order.

The Commission orders. (A) United's proposed PGA rates are accepted for filing, subject to the conditions set forth in Paragraphs (B), (C), and (D), below, and suspended for one day, until January 2, 1978, when they shall be permitted to become effective subject to refund.

(B) United shall reduce its filed rates to eliminate any claimed increases in the cost of alleged "non-jurisdictional" purchases which do not become effective on or before January 1, 1978.

(C) United shall reduce its filed rates to track any decrease in rates required by Commission order in Docket No. RP73-89 (PGA78-1).

(D) United's rates shall be adjusted with respect to the base rates established by order issued on July 20, 1977, in Docket No. RP77-107.

(E) Further action on United's filing is deferred until the Commission analyzes United's response to the information request of December 6, 1977, and the response to the information requested in Paragraph (G) of this order.

(F) Amounts included in United's PGA rates associated with alleged non-jurisdictional purchases shall be collected subject to refund pending resolution of Docket No. CP76-238.

(G) Within 30 days of the date of this order, United shall file with the Commission the following information

<sup>3</sup>United on December 1, 1977 filed revised tariff sheets in Docket No. RP77-107 reducing base tariff rates to comply with the suspension order issued July 20, 1977 in that Docket. The December 1, 1977, filing is the subject of a letter order transmitted simultaneously with the issuance of this order.

for each alleged non-jurisdictional purchase: (1) Producer name, (2) contract date, (3) location, (4) total rate per Mcf, (5) a statement of individual rate components including base rate, Btu adjustment, gathering or other charges, and taxes, (6) total cost claimed (volume x total rate), (7) any change in any of the above since United's filing pursuant to Ordering Paragraph (E) of the order issued June 30, 1977 in Docket No. RP72-133 (PGA77-2) and (8) a copy of the gas purchase contract United has with each producer, or, at United's option, a copy of each type of contract which is typical of an identifiable group of producer-contracts (e.g. rollover, favored nation, selected area or time period) together with an indication of the type of contract under which each producer supplies gas to United.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-371 Filed 1-6-78; 8:45 am]

[6740-02]

[Docket No. IT-5501]

## UTAH POWER AND LIGHT CO.

Petition for Declaratory Order

DECEMBER 30, 1977.

Public notice is hereby given that a petition was filed on March 9, 1977, and supplemented on August 15, 1977, under the Federal Power Act, 16 U.S.C. 791a-825r, for a declaratory order respecting the status of three hydroelectric projects owned and operated by Utah Power and Light Co. (Petitioner) (Correspondence to: Sidney G. Baucum Esq., Sam F. Chamberlain, Esq., P.O. Box 899, Salt Lake City, Utah 84110). Petitioner requests that the Commission determine the jurisdictional status of its Snake Creek, Granite, and Fountain Green Projects. The three projects are connected to Petitioner's distribution system for transmission of power to its customers.

The Snake Project is located on Snake Creek near the Town of Midway in Wasatch County, Utah. The project, which was initially constructed in 1910, consists of two small dams, canals and penstocks, and powerhouse containing two generators with a total installed capacity of 1,180 kW.

The Granite Project is located on Big Cottonwood Creek near the Town of Murray in Salt Lake County, Utah. The project was initially constructed in 1896, and consists of a dam, water conduits, and a powerhouse with two generators and a total installed capacity of approximately 2,000 kW.

The Fountain Green Project utilizes water from the Big Springs near the Town of Fountain Green in Sanpete County, Utah. The project was initially constructed in 1923, and consists of a dam, a small reservoir to contain the overflow of the springs, penstocks, and a powerhouse with a total installed capacity of 320 kW.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 20, 1978, file with the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

• [FR Doc. 78-372 Filed 1-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-134]

## WISCONSIN PUBLIC SERVICE CORP.

Filing

DECEMBER 28, 1977.

Take notice that Wisconsin Public Service Corporation (WPSC) on December 16, 1977, tendered for filing letter agreements to the "Partial Requirements Service Agreement" with Consolidated Water Power Co. WPSC states that this agreement will revise the contract demand quantities for peak load, intermediate load, and base load in accordance with Exhibit 1 of the agreement, Paragraph 6, Requirements, Section 6.01, "Customer's requirements for partial requirements service under Service Schedule A."

WPSC proposes an effective date of December 1, 1977, and therefore re-

quests waiver of the Commission's notice requirements.

According to WPSC copies of this filing were mailed to Consolidated Water Power Company and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-357 Filed 1-6-78; 8:45 am]

[6560-01]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 839-51]

## ENVIRONMENTAL IMPACT STATEMENTS

Receipt

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS's) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from December 27 through December 30, 1977. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (February 20, 1978). The thirty (30) day period for each final statement begins on the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: January 3, 1978.

PETER L. COOK,  
Acting Director,  
Office of Federal Activities.

## DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

## FARMERS HOME ADMINISTRATION

Final

Megan Heights, Proposed Plat, Kitsap County, Wash., December 28: The proposed action is a request to subdivide 46 acres of wooded, undeveloped land into 148 lots for single-family detached dwelling units. The property involved in the proposed plat is approximately one mile from the unincorporated community of Manchester and fronts on the west side of California Avenue north of Polk Street. Adverse effects include the clearing of trees for roadway and residence construction, and the destruction of wildlife habitat caused by vegetation removal. Comments made by: EPA, HUD, DOC, USDA, State and local agencies, concerned groups and individuals. (ELR Order No. 71552.)

## FOREST SERVICE

Draft

National Forest Spruce Budworm Suppression Project, Maine, December 30: Proposed is the 1978 Cooperative Spruce Budworm Suppression Project in Maine, Vermont, and New Hampshire. The proposed plan concerns a maximum of 2,400,000 acres of State and private woodlands in Maine, 18,000 acres in New Hampshire, and the status of Vermont infestation. Registered use of chemical insecticides, silvicultural practices to reduce infestation potential, accelerated logging to reduce losses, normal forest management practices, and an integrated pest management system are the alternatives being considered to accomplish the objective. (ELR Order No. 71558.)

Island Park Planning Unit, Fremont County, Idaho, December 30: Proposed is the Island Park Planning Unit in Targhee National Forest, Fremont County, Idaho. The land management plan for the 501,000 unit sets forth the allocation of land to various resource uses and activities: recreation, commodity outputs, environmental considerations, and wilderness studies. Adverse impacts include some road construction, some adverse effects on water quality, and construction-related pollution. (ELR Order No. 71560.)

Hebo Planning Unit, Lincoln and Tillamook Counties, Oreg., December 29: Proposed is a plan for the future management of National Forest lands within the Hebo Planning unit, Siuslaw National Forest, Oregon. Specifically, the objective of this statement is to identify the natural resources their value to society, and the various proposals for using each resource. Five alternative plans are offered. Adverse impacts common to all five alternatives include alteration of wildlife habitat; construction-related pollution; and increased levels of air and noise pollution. (ELR Order No. 71555.)

## RURAL ELECTRIFICATION ADMINISTRATION

Draft

161 kV Transmission Line, Genoa, Wis. to Lansing, Iowa, December 27: Proposed is the



release of loan funds by the Rural Electrification Administration to Dairyland Power Cooperative, to finance approximately 19 miles of a 161 kV transmission line from Genoa, Wisconsin to Lansing, Iowa. Adverse effects include the introduction of negative visual impacts into rural areas; the crossing of approximately 3.7 miles of the Upper Mississippi River Wild Life and Fish Refuge; an effect upon the existing migratory and feeding patterns of waterfowl which use the Refuge area; soil erosion; and construction-related impacts. (ELR Order No. 71546.)

The following EIS's were filed by REA and adopt existing statements prepared by another Federal agency. Therefore, due to unique circumstances the EIS's will be final statements with a review period of 45 days beginning on December 30, 1977.

#### Final

Clinton Power Station, Units 1 & 2 (S-1), DeWitt County, Ill., December 30: This statement supplements a final EIS originally filed by the Atomic Energy Commission in September of 1975. The Rural Electrification Administration has subsequently adopted the project. The proposed action concerns the use of REA guaranteed loan funds to finance a 20 percent undivided ownership interest in Unit No. 1 of the Clinton Power Station, DeWitt County, Ill. Adverse impacts include the disturbance of agricultural land; alteration of the existing aquatic regime and associated biotic structure in Clinton Lake; and construction-related pollution. (ELR Order No. 71562.)

Marble Hill Nuclear Generating Station Units 1 & 2, Jefferson County, Ind., December 30: This statement supplements a final EIS originally filed by the Nuclear Regulatory Commission in September of 1976. The Rural Electrification Administration has subsequently adopted the project. The proposed federal action is a loan guarantee commitment to the Wabash Valley Power Association, Inc., to finance a 17 percent undivided ownership interest in the 2260 MWe Marble Hill Nuclear Generating Station, Units 1 & 2 in Saluda Township, Jefferson County, Ind. Adverse impacts include possible adverse effects upon aquatic biota; construction-related pollution; and the disturbance of approximately 250 acres of forest and cropland. (ELR Order No. 71563.)

#### SOIL CONSERVATION SERVICE

#### Draft

South Fork, Zumbro River Watershed, Dodge and Olmstead Counties, Minn., December 27: The proposed plan calls for flood control measures to be installed by the Soil Conservation Service (SCS) and the Army Corps of Engineers (COE), in Olmstead and Dodge Counties in southeastern Minnesota. The SCS's responsibility includes the installation of six single purpose flood prevention structures, one multiple-purpose flood prevention-recreation structure, recreation facilities, and accelerated land treatment measures. The COE will administer the installation of channel work, levee construction, bridges, sewers, and utilities. Adverse impacts include the loss of wildlife habitat on 990 acres of land and construction-related pollution. (ELR Order No. 71548.)

Upper Mud River Watershed, Lincoln and Boone Counties, W. Va., December 29: Proposed is a watershed plan for the Upper Mud River, Lincoln and Boone Counties, West Virginia. Plan implementation calls for the installation of land treatment mea-

sures, floodwater retarding structures, recreation facilities, and the preparation of flood-plain maps to assist in adopting zoning ordinances prohibiting development within the 100-year with-project flood plain. Adverse impacts include the relocation of 42 homes, 1 store, and 1 church; inundation of 332 acres of agricultural land and wildlife habitat; construction-related pollution; and the additional utilization of 32 acres for dams, emergency spillways, and borrow areas. (FLR Order No. 71557.)

#### DEPARTMENT OF DEFENSE

##### ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314. 202-693-6795.

#### Draft

Raystown Hydropower Plan, Huntingdon County, Pa., December 30: Proposed is the Raystown Hydropower Plan, Huntingdon County, Pa. Plan implementation calls for the construction of an earthfill dam approximately 115 feet high and 5,000 feet long across Little Trough Creek; filling a 3 1/4 mile segment of the creek valley by an impoundment with a maximum pool at 1,300 feet msl; and, construction of an underground powerhouse, access tunnels, transmission lines and access roads. Adverse impacts include the loss of 3.5 miles of a free-flowing stream; loss of riparian and valley habitats; and construction-related pollution. (Baltimore district.) (ELR Order No. 71559.)

#### Final

Pine Brook Flood Control project, Manalapan, Monmouth County, N.J., December 28: The recommended plan of flood protection is channel modification consisting of widening and deepening of approximately 6,000 feet of the Pine Brook, Manalapan Township, New Jersey. The newly straightened channel would extend from the vicinity of the Pension Road Bridge to 700 feet upstream of Winthrop Drive Bridge. Adverse impacts include removal of vegetation, some loss of wildlife and wildlife habitat and the change of aesthetics to a modified appearance of the stream and land. (New York district.) Comments made by: EPA, DOT, FPC, USDA, DOT, HEW, AHP, State and local agencies, concerned groups, and individuals. (ELR Order No. 71553.)

#### GENERAL SERVICES ADMINISTRATION

Contact: Andrew E. Kauders, Environmental Affairs Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405.

#### Draft

U.S. Federal Courthouse Annex, Detroit, Wayne County, Mich., December 30: Proposed is the construction of a detention facility by the Federal Bureau of Prisons (BOP) near the U.S. Courthouse in downtown Detroit. Designed as a short-term detention/correctional facility, the Federal Courthouse Annex (FCA) will be occupied primarily by detainees awaiting trial or sentencing. Adverse impacts include the displacement of three commercial concerns. (ELR Order No. 71566.)

#### DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Depart-

ment of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. 202-755-6308.

#### Draft

Northdale and Ranchester Subdivisions, Hillsborough County, Fla., December 30: Proposed is the granting of a HUD/FHA subdivision feasibility analysis and early start to the Criterion Corp. for the development of the Northdale and Ranchester subdivisions in Hillsborough County, Fla.; the Northdale subdivision encompasses 1,259 acres; the Ranchester subdivision entails 780 acres. Adverse impacts include construction-related pollution; disruption of ecological systems; commitment of community resources; and increases in air, noise, and water pollution. (ELR Order No. 71564.)

#### Final

Colony Park Subdivision, Travis County, Tex., December 29: The proposed action is the acceptance for HUD home mortgage insurance purposes of the 599-acre Colony Park Subdivision in Austin, Tex. The project will provide 1,452 single-family residential homes and 1,593 multi-family units to those families in the middle or lower income bracket. Plans call for traffic circulation systems, open space areas, and recreational facilities. The primary adverse impact is the increased use of fossil fuel due to heavy traffic between the project and the city of Austin. Comments made by: DOC, DOT, VA, DOD, USDA, DOI, FPA, AHP, State and local agencies. (ELR Order No. 71551.)

#### DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240. 202-343-3891.

#### BUREAU OF OUTDOOR RECREATION

#### Final

Seneca State Park, Montgomery County, Md., December 27: Proposed is the acquisition of 46 inholdings, and the development of picnic, interpretive and recreational facilities within Seneca State Park, a 12-mile recreation corridor along the Great Seneca Creek. Approximately 2,701 acres of land will be acquired and a major day-use recreation area established. The park has been under active acquisition and development since 1955. Acquisition will result in the dedication of 6,609 acres for park and open space use and the relocation of 6 families. Comments made by: FEA, DOT, HUD, USDA, EPA, COE, State agencies. (ELR Order No. 71550.)

#### STATE DEPARTMENT

Contact: Mr. Cameron Sanders, Office of Environmental Affairs, Department of State, Washington, D.C. 20520. 202-632-9169.

#### Final

New Panama Canal Treaty, December 27: Proposed is the conclusion of a new Panama Canal Treaty with the Republic of Panama concerning the operation and defense of the Panama Canal. The statement examines the alternatives of taking no action on the proposed Treaty, postponing further action on the Treaty, implementing the Treaty's provisions, and the possibility of a new treaty with stronger environmental safeguards. Other elements discussed in the EIS are a proposed Treaty Concerning the Permanent Neutrality and Operation of the Panama

Canal and an AID loan for watershed management, which has been proposed in connection with the Canal Treaty. Comments made by: CZG, DOC, DOD, USDA, EPA, FPC, HEW, DOI, STAT, DLAB, NRC, and concerned groups and individuals. (ELR Order No. 71549.)

#### DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590. 202-426-4357.

#### FEDERAL HIGHWAY ADMINISTRATION

#### Draft

US-2, Devils Lake to North Dakota Highway 18, Ramsey, Nelson, and Grand Forks Counties, N. Dak., December 29: The proposed project consists of acquiring right-of-way and constructing a roadway parallel to the existing roadway to provide a four lane divided highway from Devils Lake, N. Dak., easterly to the junction of U.S.-2 and N.D.-18. This project is approximately 60 miles long. Also proposed is the improvement of N.D.-1 from its intersection with U.S. 2 southerly approximately one mile. Adverse impacts include the relocation of several families; the filling in of approximately 120 to 130 acres of wetlands for roadway embankment; and construction-related pollution. (Region 8.) (ELR Order No. 71556.)

Shakwak Highway Improvement, Alaska, December 30: This draft EIS was produced in conjunction with the Canadian Department of Public Works. Proposed is the paving and upgrading of the Haines Road from the Alaska/British Columbia border to Haines Junction, and the Alaska Highway from Haines Junction to the Yukon/Alaska border, a distance of approximately 520 kilometers. The plan is known as the Shakwak Project and four alternative routes are offered; the United States would pay for the project and Canada's Department of Public Works would direct construction and maintenance operations. (Region 10.) (ELR Order No. 71565.)

#### Final

Texas State Highway 35, Proposed Relocation, Harris and Brazoria Counties, Tex., December 28: Proposed is the relocation of Texas State Highway 35 from Alameda-Genoa Road near proposed South Beltway 8 in Harris County to existing State Highway 35 (Alvin Loop) at Spur 409 in Brazoria County and is a continuation of the development of the proposed facility from Interstate Highway 45 at Calhoun Road to the City of Alvin. The proposed route is a 13.0 mile long controlled access facility. Adverse impacts include the displacement of homes and businesses; increased levels of air and noise pollution; the relocation of a portion of the American Canal; and construction-related pollution. (Region 6.) Comments made by: EPA, DOT, HEW, HUD, DOI, COF, USDA, State and local agencies. (ELR Order No. 71554.)

#### URBAN MASS TRANSPORTATION ADMINISTRATION

#### Draft

Dade County Metro Rail Transit, Dade County, Fla., December 30: Proposed is the granting of UMTA Federal grant assistance for a fixed rail rapid transit project in Metropolitan Dade County, Fla., beginning in the vicinity of Dadeland and extending 20.5 miles northeasterly to the central business district of Miami. Adverse impacts include

the demolition of 160-270 commercial buildings and 625-750 residential units; loss of some vegetation; and construction-related impacts. (ELR Order No. 71561.)

#### Final

Buffalo Light Rail Rapid Transit, Erie and Niagara Counties, N.Y., December 27: The Niagara Frontier Transportation Authority of New York has filed an application with UMTA for Federal capital grant assistance to construct and equip a 6.4-mile Light Rail Rapid Transit (LRRT) System along Main Street in the Buffalo-Amherst Corridor, N.Y. The project would run in subway for 5.2 miles between the South Campus of the State University, and at grade for 1.2 miles from Tupper Street to Buffalo's Memorial Auditorium. The action will result in displacement of 5 parcels and the razing of three structures. Comments made by: COF, DOT, HEW, DOI, EPA, AHP, and one State agency. (ELR Order No. 71547.)

[FR Doc. 78-473 Filed 1-6-78; 8:45 am]

#### [6560-01]

[FRL 839-71]

#### EXTERNAL REVIEW DRAFT OF HEALTH EFFECTS CRITERIA DOCUMENT FOR SHORT-TERM EXPOSURES TO NITROGEN OXIDES

##### Amendment of Date for Comments

The notice of availability of an external review draft entitled "Air Quality Criteria for Short-Term Exposures to Nitrogen Oxides" appearing in FEDERAL REGISTER, December 16, 1977, page 63460 is hereby amended to permit comments on the documents until February 8, 1978.

Dated: January 4, 1978.

STEPHEN J. GAGE,  
Acting Assistant Administrator  
for Research and Development.

[FR Doc. 78-477 Filed 1-6-78; 8:45 am]

#### [6560-01]

[PP561593/T140; FRL 839-81]

#### PESTICIDE PROGRAMS

##### Reextension of a Temporary Tolerance for Ethanediol Dioxide

On March 23, 1977, the Environmental Protection Agency (EPA) announced (42 FR 15729) an extension of a temporary tolerance for residues of the plant growth regulator ethanediol dioxide in or on the raw agricultural commodity oranges at 0.1 part per million (ppm). This tolerance was established January 30, 1976 (41 FR 4637), in response to a pesticide petition (PP 5G1593) submitted by Ciba-Geigy Corp., Agricultural Division, P.O. Box 11422, Greensboro, N.C. 27409. This extension expires January 28, 1978.

Ciba-Geigy Corp. requested a one-year reextension of this temporary tolerance both to permit continued testing to obtain additional data and to

permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permit that was reextended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material were evaluated, and it was determined that a reextension of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been reextended on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Ciba-Geigy Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires January 31, 1979. Residues not in excess of 0.1 ppm remaining in or on oranges after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to the Special Registrations Branch, Registration Division (WH-567), Office of Pesticide Programs, Room 315, East Tower, 401 M Street SW., Washington, D.C. 20460. 202-755-4851.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: December 29, 1977.

MARTIN H. ROGOFF,  
Acting Director,  
Registration Division.

[FR Doc. 78-476 Filed 1-6-78; 8:45 am]

#### [6560-01]

[OPP-42020B; FRL 840-11]

#### TENNESSEE

##### Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7



U.S.C. 136 et seq.) and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan for such purpose, subject to approval by the Environmental Protection Agency (EPA). On June 24, 1976, the Tennessee State plan was approved contingent upon the promulgation of regulations by the Tennessee Department of Agriculture necessary for the implementation of the Tennessee State plan. Notice of conditional approval was published in the FEDERAL REGISTER on July 30, 1976 (41 FR 31942). Subsequently on November 7, 1977, final regulations to amend the Tennessee code annotated 62-2101 et seq. became effective. Having reviewed the legislation and the regulations and finding that legal authorities required by FIFRA and 40 CFR Part 171 are now enacted and promulgated, the Regional Administrator, EPA, Region IV, hereby gives notice that the Tennessee State plan is now a fully approved State plan.

Dated: December 23, 1977.

JOHN A. LITTLE,  
Deputy Regional  
Administrator,  
Region IV.

[FR Doc. 78-475 Filed 1-6-78; 8:45 am]

#### [6730-01]

##### FEDERAL MARITIME COMMISSION

###### Agreement filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 19, 1978. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is al-

leged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated herein-after) and the statement should indicate that this has been done.

AGREEMENT NO. 10064-2.

FILING PARTY: Lloyd A. Strickland, Vice President, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, La. 70130.

SUMMARY: Agreement No. 10064-2, between Lykes Bros. Steamship Co., Inc. and Flota Mercante Grancolombiana, S.A., seeks to extend the term of the parties' cooperative working arrangement in the trade between United States Gulf of Mexico ports and ports of Colombia for a period of two years from January 24, 1978 to January 24, 1980.

Dated: January 4, 1978.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-467 Filed 1-6-78; 8:45 am]

#### [6730-01]

##### AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 29, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

AGREEMENT NO. 57-109.

FILING PARTY:

Edward D. Ransom, Esquire, Lillick McHose & Charles, Two Embarcadero Center, San Francisco, Calif. 94111.

SUMMARY: Agreement No. 57-109 is an application on behalf of the member lines of the Pacific West-bound Conference to extend the presently approved intermodal authority of the Conference for an unlimited period beyond the present expiration date of March 20, 1978.

AGREEMENT NO. 10267-2.

FILING PARTY:

Howard A. Levy, Attorney at Law, Suite 727, 17 Battery Place, New York, N.Y. 10004.

SUMMARY: Agreement No. 10267-2 would extend the term of the Container Carriers Discussion Agreement for an additional year from March 31, 1978 to remain in effect until March 31, 1979.

AGREEMENT NO. 10320.

FILING PARTY:

Fred A. Wendt, Senior Vice President, Traffic and Sales, Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, La. 70150

SUMMARY: Agreement No. 10320 is a revenue pooling agreement among Companhia de Navegacao Lloyd Brasileiro, Companhia Maritima Nacional And Delta Steamship Lines, Inc., in the trade from Brazil to the U.S. Gulf Coast. This agreement will replace Agreement No. 10029 which is due to expire on March 31, 1978.

AGREEMENT NO.: T-3556.

FILING PARTY:

H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P. O. Box 1209, Seattle, Wash. 98111.

SUMMARY: Agreement No. T-3556, between Port of Seattle (Port) and Seattle Crescent Container Service (Crescent), provides for the five-year renewable lease to Crescent of land and building space totalling approximately 38,796 square feet. Crescent will use the premises for the following purposes: office, general storage, stevedore gear room, automotive repair shop for welding and blacksmithing, and servicing of highway containers. As compensation, Port will receive \$3,310.06 per month as rent.

Dated: January 4, 1978.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-468 Filed 1-6-78; 8:45 am]

#### [6210-01]

##### FEDERAL RESERVE SYSTEM

###### AMES HOLDING COMPANY, LTD.

###### Formation of Bank Holding Company

Ames Holding Company, Ltd., Omaha, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a) (1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Ames Bank, Omaha, Nebr. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 30, 1978.

Board of Governors of the Federal Reserve System, January 3, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 78-430 Filed 1-6-78; 8:45 am]

#### [6210-01]

##### BOURBON BANCSHARES, INC.

###### Formation of Bank Holding Company

Bourbon Bancshares, Inc., Bourbon, Mo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Bourbon, Bourbon, Mo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Bourbon Bancshares, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire the assets of Earl B. Baldwin Insurance Agency, Bourbon, Mo. Notice of the application was published on November 3, 1977, in the *Bourbon Beacon*, a newspaper circulated in Bourbon, Mo.

Applicant states that the proposed subsidiary would engage in the activity of selling credit related life, health,

and accident insurance. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 19, 1978.

Board of Governors of the Federal Reserve System, January 3, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 78-431 Filed 1-6-78; 8:45 am]

#### [6210-01]

##### CITICORP

###### Proposed Retention of Advance Mortgage Corporation

Citicorp, New York, N.Y., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain voting shares of Advance Mortgage Corp., Southfield, Mich., and its wholly-owned subsidiaries other than Lakeland Assurance, Inc.

Applicant states that the subsidiary engages in the following activities: origination and placement of one-to-four family residential mortgage loans; servicing of mortgage loans for institutional investors; origination and servicing of mobile home installment contract loans and extensions of credit to mobile home dealers to finance their inventories; and extensions of credit secured by second mortgages on one-to-four family residential properties and servicing of these loans. Such activities have been specified by the

Board in § 225.4(b) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). These activities are conducted from offices of the subsidiary located in Alabama, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Minnesota, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, and Washington, and Applicant has advised the Board that notice of the application has been published in accordance with § 225.4(b)(2) of Regulation Y in newspapers of general circulation in the communities to be served by the subsidiary.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 27, 1978.

Board of Governors of the Federal Reserve System, December 30, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 78-432 Filed 1-6-78; 8:45 am]

#### [6210-01]

##### FIRST NATIONAL BANCSHARES INC.

###### Acquisition of Bank

First National Bancshares Inc., San Jose, Calif., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Valley National Bank, Salinas, Calif. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors



or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 30, 1978.

Board of Governors of the Federal Reserve System, January 3, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 78-433 Filed 1-6-78; 8:45 am]

## [4110-02]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

## Office of Education

NATIONAL ADVISORY COUNCIL ON EQUALITY  
OF EDUCATIONAL OPPORTUNITY

## Public Meeting

AGENCY: National Advisory Council on Equality of Educational Opportunity.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the proposed agenda of the forthcoming meeting of the Evaluation Task Force. It also describes the functions of the National Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C., Appendix 1, 10(a)(21)). This document is intended to notify the general public of their opportunity to attend.

DATE AND PLACE OF MEETING: January 26, 1978; Charlotte, North Carolina.

ADDRESS: The Education Center, Room 411, 701 East 2nd Street, Charlotte, North Carolina.

FOR FURTHER INFORMATION, CONTACT:

Rosemarie Maynez, Administrative Assistant, NACEEO, 1325 G Street, NW., Suite 710, Washington, D.C. 20005. Phone: 202-724-0221.

The National Advisory Council on Equality of Educational Opportunity is established under Section 716 of the Emergency School Aid Act (Pub. L. 92-318, Title VII, as amended by Pub. L. 93-380 and Pub. L. 94-482). The Council is established to: (1) Advise the Assistant Secretary for Education with respect to the operation of the program authorized under the Emergency School Aid Act (ESAA), including the preparation of regulations and the development of criteria for the approval of applications; and (2) review the operation of the program with respect to its effectiveness in achieving its purpose as stated in the Act and with respect to the Assistant Secretary's conduct in the administration of the program.

The meeting, which is open to the public, will convene at 10:00 a.m. until 4:30 p.m. on Thursday, January 26, 1978. The meeting will be held to discuss the evaluations under contract by the U.S. Office of Education on various aspects of the ESAA program, to review prior recommendations of the Evaluation Task Force, and to formulate new recommendations to be submitted to the full Council.

Requests for oral presentations by the public before the Task Force must be submitted in writing to the Executive Director of NACEEO, Mr. Leo A. Lorenzo, and should include the names of all persons seeking an appearance, the party or parties which they represent, and the purposes for which the presentation is requested. Following the presentation, the statement in writing shall be submitted to the Executive Director. In the event that the tentative agenda is completed prior to the projected time, the Task Force will adjourn the meeting.

Records of all meetings are kept at NACEEO headquarters, 1325 G Street, NW., Suite 710 Washington, D.C. 20005, and are available for public inspection.

Signed at Washington, D.C., on January 4, 1978.

LEO A. LORENZO,  
Executive Director.

[FR Doc. 78-397 Filed 1-6-78; 8:45 am]

## [4110-02]

NATIONAL ADVISORY COUNCIL ON  
EQUALITY OF EDUCATIONAL OPPORTUNITY

## Public Meeting

AGENCY: National Advisory Council on Equality of Educational Opportunity.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the proposed agenda of the forthcoming meeting of the National Advisory Council on Equality of Educational Opportunity. It also describes the functions of the National Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C., Appendix 1, 10(a)(21)). This document is intended to notify the general public of their opportunity to attend.

DATE AND PLACE OF MEETING: January 27th-28th; Charlotte, N.C.

ADDRESS: On Friday, January 27th, the meeting will be held at the Education Center, Board Room, 4th Floor, 701 East 2nd Street, Charlotte, N.C. On Saturday, January 28th, the meeting will be held at the Quality Inn-Downtown, Room Marco Polo A, 201 S. McDowell Street, Charlotte, N.C.

FOR FURTHER INFORMATION, CONTACT:

Rosemarie Maynez, Administrative Assistant, NACEEO, 1325 G Street NW., Suite 710, Washington, D.C. 20005, phone 202-724-0221.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Pub. L. 92-318, Title VII, as amended by Pub. L. 93-380 and Pub. L. 94-482). The Council is established to: (1) Advise the Assistant Secretary for Education with respect to the operation of the program authorized under the Emergency School Aid Act (ESAA), including the preparation of regulations and the development of criteria for the approval of applications; and (2) review the operation of the program with respect to its effectiveness in achieving its purpose as stated in the Act and with respect to the Assistant Secretary's conduct in the administration of the program.

The meeting, which is open to the public, will convene at 9:30 a.m. until 4:30 p.m. on Friday, January 27th, and reconvene at 9:30 a.m. until 12 noon on Saturday, January 28th. The meeting will be held to develop recommendations that will be adopted by the full Council for incorporation in its March 1978 report to Congress and the President on the ESAA program, and to begin developing testimony on second generation school desegregation problems. A program delegate from the U.S. Office of Education, Equal Educational Opportunity division, will also be in attendance and will give the Council an update on program activities.

Requests for oral presentations by the public before the Task Force must be submitted in writing to the Executive Director of NACEEO, Mr. Leo A. Lorenzo, and should include the names of all persons seeking an appearance, the party or parties which they represent, and the purpose for which the presentation is requested. Following the presentation, the statement in writing shall be submitted to the Executive Director. In the event that the tentative agenda is completed prior to the projected time, the Task Force will adjourn the meeting.

Records of all meetings are kept at NACEEO headquarters, 1325 G Street NW., Suite 710, Washington, D.C. 20005, and are available for public inspection.

Signed at Washington, D.C., on January 4, 1978.

LEO A. LORENZO,  
Executive Director.

[FR Doc. 78-398 Filed 1-6-78; 8:45 am]

## [4110-12]

## Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE  
RIGHTS AND RESPONSIBILITIES OF WOMEN

## Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs, and activities of the Department on the status of women, will hold its swearing-in ceremony on January 26, 1978, at 2:30 p.m., in Room 800, HEW-Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. The Committee will meet at 10 a.m., January 26th, for an overview of HEW programs and at 10 a.m., January 27th, for a briefing on Title IX. Both meetings will be held in Room 624-D, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. Further information on the Committee may be obtained from: Susan C. Lubick, Executive Secretary, telephone 202-245-8454.

These meetings are open to the public.

Dated: January 3, 1978.

SUSAN C. LUBICK,  
Executive Secretary.

[FR Doc. 78-471 Filed 1-6-78; 8:45 am]

## [4310-55]

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## ENDANGERED SPECIES PERMIT

## Receipt of Application

Applicant: Regional Director, Region 2, W. O. Nelson, Jr., U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103.

The applicant seeks a permit to import up to 2,000 eggs of the Atlantic Ridley sea turtle (*Lepidochelys kempii*), taken in Mexico, for hatching and rearing in Texas and release into the Gulf of Mexico and, in addition, to import up to 2,000 nestlings from Mexico to Texas for rearing and release. The permit will also allow capture and tagging of nesting females on Padre Island, Tex. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1770. Interested

persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 8, 1978. Please refer to the file number when submitting comments.

Dated: January 4, 1978.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 78-394 Filed 1-6-78; 8:45 am]

## [4310-55]

## ENDANGERED SPECIES PERMIT

## Receipt of Application

Applicant: Southwick Birds & Animals Inc., Southwick Street, P.O. Box R.F.D., Blackstone, Mass. 01504.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of mammals listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1737. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 8, 1978. Please refer to the file number when submitting comments.

Dated: January 4, 1978.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 78-395 Filed 1-6-78; 8:45 am]

## [4310-70]

## National Park Service

GOLDEN GATE NATIONAL RECREATION AREA  
ADVISORY COMMISSION

## Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m. (PDT) on Saturday, January 28, 1978 at the Fort Mason Visitor Center, Golden Gate National Recreation Area Headquarters, San Francisco, Calif.

The Advisory Commission was established by Pub. L. 92-589 to provide for

the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman  
Ms. Amy Meyer, Secretary  
Mr. Ernest Ayala  
Mr. Richard Bartke  
Mr. Fred Blumberg  
Ms. Daphne Greene  
Mr. Peter Haas, Sr.  
Mr. John Jacobs  
Ms. Gimmy Park Li  
Mr. Joseph Mendoza  
Mr. John Mitchell  
Mr. Merritt Robinson  
Mr. Jack Spring  
Dr. Edgar Wayburn  
Mr. Joseph Williams

The major agenda items will be an update on the Golden Gate National Recreation Area/Point Reyes National Seashore planning process, an update from the Fort Miley Committee, and a report by the Northeast Waterfront Committee.

This meeting is open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact Jerry L. Schober, Acting General Manager, Bay Area National Parks, Fort Mason, San Francisco, Calif. 94123, telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by February 28, 1978 in the Office of the General Manager, Bay Area National Parks, Fort Mason, San Francisco, Calif.

Dated: December 28, 1977.

HOWARD H. CHAPMAN,  
Regional Director, Western Region.  
[FR Doc. 78-465 Filed 1-6-78; 8:45 am]

## [4310-70]

## BARKER-EWING SCENIC TOURS, INC.

## Intention To Negotiate Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before February 8, 1978, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession permit with Barker-Ewing Scenic Tours, Inc., authorizing it to provide concession facilities and services for the public at Grand Teton National Park for a period of five (5) years from January 1, 1977, through December 31, 1981. The permit was



originally awarded to another concessioner on January 1, 1972, and was assigned to Barker Ewing, Inc., on December 27, 1976. Subsequently, Barker Ewing, Inc., has changed its corporate name to Barker-Ewing Scenic Tours, Inc.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, Grand Teton National Park, Moose, Wyo. 83012.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expired by limitation of time on December 31, 1976, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. This provision, in effect, grants Barker-Ewing Scenic Tours, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive offers for the proposed new permit and a preference in the award of the permit, if the offer of Barker-Ewing Scenic Tours, Inc., is substantially equal to others received. The Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before February 8, 1978.

Interested parties should contact the Assistant Director, Special Services, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed permit.

Dated: December 23, 1977.

DANIEL J. TOBIN, JR.,  
Acting Director,  
National Park Service.

[FR Doc. 78-406 Filed 1-6-78; 8:45 am]

#### LAKE MEAD NATIONAL RECREATION AREA

##### Meeting Intent

Notice is hereby given that the National Park Service will hold a series of three public meetings on the Carrying Capacity Study for the Lake Mohave portion of Lake Mead National Recreation Area during mid-January 1978, in Arizona, California and Nevada.

Each of the meetings will begin at 7:30 p.m., local time, and will be held on the dates and in the facilities and cities as follows:

January 10, 1978, in Room 10214, Federal Building, 11000 Wilshire Boulevard, West Los Angeles, Calif.

January 11, 1978, in the Auditorium, Mohave High School, Intersection of Hancock Road and Arizona Highway 95, Riveria, Ariz.

January 12, 1978, in Room One, Las Vegas Convention Center, 3150 Paradise Road, Las Vegas, Nev.

National Park Service personnel and planners will be available at each of the meeting locations at 6:30 p.m., local time, and will answer questions or explain the details of the study during the hour before the meeting begins.

Concurrent with the public meetings the National Park Service will consult with various Federal, State and local government agencies, individuals and organizations on the Carrying Capacity Study for Lake Mohave.

The purpose of these meetings and consultations is to provide for wide citizen participation through which the Service will receive ideas, suggestions and comments from the public on formulating the long-range use of Lake Mohave portion of Lake Mead National Recreation Area.

The public record will remain open until February 13, 1978, during which time written comments on the study will be welcomed, reviewed and considered.

Anyone wanting copies of the Carrying Capacity Study, additional information on the public meetings or the National Park Service planning process, or those wishing to submit comments on the study may write to the Superintendent, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, Nev. 89005.

Dated: December 2, 1977.

JOHN H. DAVIS,  
Acting Regional Director, Western Region, National Park Service.

[FR Doc. 78-404 Filed 1-6-78; 8:45 am]

[4410-01]

#### DEPARTMENT OF JUSTICE

##### Drug Enforcement Administration

#### MANUFACTURE OF CONTROLLED SUBSTANCES

##### Application

Pursuant to 21 U.S.C. 823(a) (1), and § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 14, 1977, Knoll Pharmaceutical Co., Production Department, 30 North Jefferson Road, Whippany, N.J. 07981, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substance hydromorphone.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objec-

tions to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, U.S. Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative, Room 1203, and must be filed no later than February 6, 1978.

Dated: December 28, 1977.

PETER B. BENSINGER,  
Administrator,  
Drug Enforcement Administration.  
[FR Doc. 78-472 Filed 1-6-78; 8:45 am]

[6820-35]

#### LEGAL SERVICES CORPORATION

##### GRANTS AND CONTRACTS

JANUARY 4, 1978.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f. Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Aid Bureau, Inc., in Baltimore, Md. to serve Washington and Somerset Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Philadelphia Regional Office, 101 North 33rd Street, Suite 115, Philadelphia, Pa. 19104.

THOMAS EHRLICH,  
President.

[FR Doc. 78-469 Filed 1-6-78; 8:45 am]

[7590-01]

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261]

#### CAROLINA POWER & LIGHT CO.

##### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-23, issued to Carolina Power & Light Co. (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant Unit No. 2 (the facility) located in Darlington County, Hartsville, S.C. The amendment becomes effective on December 29, 1977.

This amendment revises the reporting requirements to allow the use of improved Licensee Event Report and Monthly Operating Report formats. This amendment also deletes the requirement for an Annual Operating Report while retaining the requirement that occupational exposure data be reported on an annual basis. Furthermore, this amendment deletes the requirements concerning respiratory protection, as they are now stipulated in 10 CFR 20.103.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated September 9 and November 4, 1977, (2) the Commission's letter to the licensee dated July 28, 1977, (3) Amendment No. 29 to License No. DPR-23, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, S.C. A copy of items (2), (3), and (4) may be

obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 21st day of December 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-425 Filed 1-6-78; 8:45 am]

[7590-01]

[Docket No. 50-335]

#### FLORIDA POWER & LIGHT CO.

##### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR-67, issued to Florida Power & Light Co. (the licensee), which revised Enclosure 1 of the license for operation of the St. Lucie Plant Unit No. 1 (the facility) located in St. Lucie County, Fla. The amendment is effective as of its date of issuance.

The amendment extends the surveillance intervals for resistance temperature detectors tests, Class 1E underground cable tests, and for snubber functional testing to allow the testing to be performed during the scheduled reactor fueling shutdown scheduled to start on March 15, 1978.

The application, as amended, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 22, 1977, as supplemented by letters dated September 2, 1977, and November 1, 1977, (2) Amendment No. 19 to License No. DPR-67, and (3) the Commission's re-

lated Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Fla. 33450. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 30th day of December, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,  
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-426 Filed 1-6-78; 8:45 am]

[7590-01]

[Docket No. 50-331]

#### IOWA ELECTRIC LIGHT & POWER CO. ET AL.

##### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR-49 issued to Iowa Electric Light & Power Co., Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of the date of issuance.

The amendment consists of changes to the Technical Specifications to provide a new, less restrictive, operating limit minimum critical power ratio specification between 1000 and 500 megawatt days/tonne exposure before the end of the present fuel cycle.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in con-



nection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 14, 1977, (2) Amendment No. 40 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue SE., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

For the Nuclear Regulatory Commission.

RICHARD J. CLARK,  
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

(FR Doc. 78-427 Filed 1-6-78; 8:45 am)

#### [7590-01]

(Docket No. 50-220)

##### NIAGARA MOHAWK POWER CORP.

###### Issuance of Facility License Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-63 to the Niagara Mohawk Power Corp. (the licensee) which revised Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, N.Y. The amendment is effective as of its date of issuance.

The amendment will delete the requirement for an Annual Operating Report in order to be consistent with Commission guidance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate finding as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for

amendment dated November 3, 1977, (2) Amendment No. 20 to License No. DPR-63, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego County Office Building, 46 East Bridge Street, Oswego, N.Y. 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3d day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

(FR Doc. 78-428 Filed 1-6-78; 8:45 am)

#### [7590-01]

(Docket No. 50-206)

##### SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

###### Granting of Relief from ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Southern California Edison Co. and San Diego Gas and Electric Co. The relief relates to the inservice inspection (testing) program for the San Onofre Nuclear Generating Station (the facility) located in San Diego County, Calif. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

Relief is granted, on an interim basis, pending completion of a more detailed review, from compliance with certain inservice inspection and testing requirements determined to be impractical for the facility because compliance would result in hardships and unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required

since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated September 28, 1977, (2) the Commission's letter to the licensee dated December 22, 1977.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Mission Viejo Branch Library, 27851 Chrisanta Drive, Mission Viejo, Calif. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 22nd day of December 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

(FR Doc. 78-429 Filed 1-6-78; 8:45 am)

#### [7590-01]

(Docket Nos. 50-259, 50-260, 50-296)

##### TENNESSEE VALLEY AUTHORITY

###### Proposed Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-33, DPR-52 and DPR-68, issued to Tennessee Valley Authority (the licensee), for operation of the Browns Ferry Nuclear Power Plant, Unit Nos. 1, 2 and 3, located in Limestone County, Ala.

The amendment would increase the spent fuel storage capacity at Browns Ferry.

By February 8, 1978, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition

for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to H. S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33 C, Knoxville, Tenn. 37902, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the licensee's requests dated December 2 and 20, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Ala. 35611.

Dated at Bethesda, Md., this 28th day of December 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

(FR Doc. 78-421 Filed 1-6-78; 8:45 am)

#### [8010-01]

##### SECURITIES AND EXCHANGE COMMISSION

(Rel. No. 20325; 70-5708)

##### AMERICAN ELECTRIC POWER CO., INC.

###### Post-Effective Amendment Regarding Proposal of Holding Company to Act as Surety for Subsidiary Company

DECEMBER 19, 1977.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, has filed with this Commission a post-effective amendment to the declaration previously filed in this proceeding pursuant to the Public Utility Holding Co. Act of 1935 ("Act"), designating Sections 12(b) and 12(f) of the Act and Rule 45(b)(3) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, as now amended, which is summarized below, for a complete statement of the proposed transaction.

By order dated August 25, 1977 (HCAR No. 19141), the Commission authorized AEP to act as surety for its electric utility subsidiary company, Appalachian Power Co. ("Appalachian"), in connection with certain Appalachian rate proceedings pending before the Public Service Commission of West Virginia ("state commission") in amounts not to exceed \$30,600,000 and \$14,645,000.

AEP now amends its declaration to request approval of a supersedeas bond that was posted with the state commission on November 28, 1977, in the amount of \$46,401,000 by AEP acting as surety and Appalachian acting as principal pursuant to the provisions of Rule 45(b)(3) under the Act. The bond was posted to satisfy an order of the United States Supreme Court ("Court") in the case of "Appalachian Power Company v. The Public Service Commission of West Virginia" staying the order of the state commission that Appalachian make refunds to its customers in West Virginia of certain previously collected increased rates pending action by the Court on the jurisdictional statement filed by Appalachian in respect of its appeal in the case. AEP will make no charge to Appalachian for acting as surety on the supersedeas bond, in which case Appalachian will save the cost of employing a commercial surety estimated to cost approximately \$37,000.

Aside from the state proceeding described herein, no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than January 13, 1978, request in writing

that a hearing be held with respect to the proposed transaction, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as further amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereto.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

(FR Doc. 78-387 Filed 1-6-78; 8:45 am)

#### [8010-01]

(Release No. 34-14286; File No. SR-Amex-77-35)

##### AMERICAN STOCK EXCHANGE, INC.

###### Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1976), notice is hereby given that on December 1, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

###### STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Rule 909. (no change)

###### OTHER RESTRICTIONS ON EXCHANGE OPTIONS TRANSACTIONS AND EXERCISES

###### Commentary

.01 Whenever the Exchange is advised by or on behalf of an issuer of underlying stock which is the subject of Exchange options trading that such issuer is engaged or proposes to engage



in an underwritten distribution of such stock (or securities exchangeable or convertible into such stock) and is requested in writing to impose, during a period of stabilizing activities in accordance with the Securities and Exchange Act of 1934 with respect to the underlying stock, restrictions upon the effecting of opening sale (writing) transactions on the Exchange in call options at discounts from parity at the time of such transactions, the Exchange shall impose those restrictions which, in the Exchange's judgment, are appropriate to maintain fair and orderly markets in option contracts, or in underlying securities or to protect investors or the public interest. In reviewing such requests, the Exchange shall ordinarily consider, among other things, the number of shares (or principal amount of convertible or exchangeable debentures) involved in the distribution; the proportionate amount of stock which is to be sold in the distribution by existing holders and the issuer; the type and extent of anticipated stabilizing activities; the number of in-the-money call option series subject to Exchange trading; the existence, if any, of put options relating to the underlying stock; and representations by or on behalf of the issuer as to the reason(s) such restrictions are warranted and are in the public interest. Before imposing any restrictions whatever, the issuer or its representative shall agree to notify the Exchange of all aspects of the proposed distribution and stabilizing activities as requested by the Exchange and to furnish to the Exchange, upon request, copies of the offering circular, prospectus and/or underwriting agreement in connection with the distribution.

#### EXCHANGE'S STATEMENT OF BASIS AND PURPOSES

Since the start of the Exchange's options program, the Amex has been requested by managing underwriters on three occasions to exercise its power pursuant to Rule 909 to impose restrictions on certain options transactions during periods when underwriters are stabilizing the market in connection with underwritings relating to securities underlying Amex options.

Two requests have involved underwritings of common shares and a third request related to an underwriting of convertible debentures. In making the requests, the managing underwriters indicated that their stabilizing activities might be impeded if the restrictions were not imposed. They expressed concern that with no restrictions imposed, certain arbitrage transactions could occur which might result in the underwriting syndicate purchasing substantially more shares than should ordinarily be necessary to stabilize the stock. They also indicate that such prohibitions would facilitate

the underwriting process and assist in capital raising efforts.

In each instance, the Exchange imposed restrictions which prohibited uncovered writing transactions in call options at a discount from parity during the stabilizing period. For example, if the underwriters were stabilizing the common stock at a price of \$43, any in-the-money call options which were selling at a discount from parity would be subject to the trading restrictions. Thus, a person would be prohibited from writing, on an uncovered basis, a call option with an exercise price of \$40 for less than \$3 per share (\$300 per contract). One effect of this restriction is to limit the supply of discount options and to preclude persons from purchasing them, giving irrevocable exercise instructions and selling the underlying stock into the underwriters' stabilizing bid.

The prohibitions adopted by the Exchange were similar to trading restrictions imposed by other exchanges in similar underwriting situations. Announcements were made to the membership by Information Circular and reminders were made on the trading floor on the day of the offerings. Trading restrictions were placed in effect following receipt of advice from the managing underwriter that stabilizing activities were commencing.

To ensure continuous markets on the Exchange, the Amex prohibitions did not apply to any purchase transactions, closing writing transactions, certain covered writing transactions and transactions by specialists or registered traders which contributed to the maintenance of fair and orderly markets.

On two of the three occasions where trading restrictions were imposed, the prohibitions remained in place for less than 30 minutes and the third for nearly two days. Further, in none of the three occasions were trading problems encountered during the period the restrictions were in place.

In recent correspondence with the Exchange, SEC Staff indicated that the imposition of trading restrictions in situations such as described above should be imposed, if at all, only upon an evaluation of previously articulated criteria which should be proposed by the Amex pursuant to a rule.

In this regard, the Exchange proposes to amend Rule 909 to establish the criteria it will use in reviewing such requests. Among other things, the Exchange will consider the number of shares (or principal amount of convertible debentures) involved in the distribution; the proportionate amount of stock to be sold in the distribution by existing holders and the issuer; the type and extent of anticipated stabilizing activities; the number of in-the-money call option series subject to Exchange trading; the existence, if

any, of put options relating to the underlying stock; and representations as to the reason(s) such restrictions are warranted and are in the public interest.

The basis for the proposed rule change is Section 6(b)(5) of the Act, which provides that the rules of an exchange must be designed, among other things, to protect investors and the public interest. As noted above, the proposed rule change is designed to facilitate the orderly distribution of securities by issuers for the purpose of raising capital.

The proposed amendment to Rule 909 was considered and approved by the Options Committee of the Amex which is composed of Amex members and representatives of Amex member organizations.

It could be argued that the proposed restrictions impose a burden upon different types of options writers and sellers by preventing uncovered opening writers from competing with others at the "discount" level. However, the Amex believes that the proposed amendment will not impose any burden on competition inconsistent with the furtherance of the purposes of the Act.

On or before February 13, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 8, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 19, 1977.

[FR Doc. 78-391 Filed 1-6-78; 8:45 am]

[8010-01]

[Rel. No. 20324; 70-5930]

#### CENTRAL AND SOUTH WEST CORP. ET AL Proposed Increase in Short-Term Borrowing Authority

DECEMBER 19, 1977.

In the matter of Central and South West Corporation, P.O. Box 1631, Wilmington, Del. 19899; Central Power and Light Company, P.O. Box 2121, Corpus Christi, Tex. 78403; Southwestern Electric Power Company, P.O. Box 21106, Shreveport, La. 71156; Public Service Company of Oklahoma, P.O. Box 201, Tulsa, Okla. 74102; West Texas Utilities Co., P.O. Box 841, Abilene, Tex. 79604; CSR Services, Inc., One Main Place, Suite 2700, Dallas, Tex. 75250.

Notice is hereby given that Central and South West Corporation ("CSW"), a registered holding company, and five of its subsidiary companies, Central Power and Light Company, CSR Services, Inc., Southwestern Electric Power Company, West Texas Utilities Company, and Public Service Company of Oklahoma (collectively, the "subsidiaries"), have filed a forth post-effective amendment to their application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7, 9(a), 10, 12(b) and 12(f) of the Act and Rules 43, 45 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated December 30, 1976 (HCAR No. 19829), this Commission, among other things, authorized CSW and the subsidiaries to establish a system money pool to coordinate their short-term borrowings and to make borrowings outside the money pool from banks and through the issuance of commercial paper through July 1, 1978. The borrowing limits established in said order were \$115,000,000 with respect to the issuance and sale of commercial paper and \$102,020,000 with respect to loans from banks, with total borrowings not to exceed \$115,000,000.

By their fourth post-effective amendment filed in this proceeding applicants-declarants propose that the total borrowing authorization (i) be increased from \$115,000,000 to \$135,000,000 in any event; (ii) be increased by an additional \$25,000,000 in the event of a delay beyond January 30, 1978, in the sale of the \$70,000,000 intermediate-term Project Bonds of Public Service Company of Oklahoma, which bonds are the subject of a separate proceeding before this Commis-

sion (File No. 70-6092), and (iii) be increased by an additional \$65,000,000 in the event of a delay beyond mid-March 1978, in the sale of 7,000,000 shares of CSW's common stock contemplated for that time, which sale would be expected to produce approximately \$105,000,000 in net proceeds.

It is stated that CSW's bank lines involve no formal compensating balance arrangements and that such arrangements might be necessary if bank lines were increased pursuant to the proposed increased borrowing authorization. CSW therefore requests authority to have compensating balances not in excess of 10% for bank lines of credit. The amount of any compensating balances would be in addition to the amount of borrowings otherwise requested. Assuming a prime rate of 7 3/4%, a 10% compensating balance requirement would produce an effective borrowing cost of approximately 8.61%.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than January 12, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-388 Filed 1-6-78; 8:45 am]

[8010-01]

[Release No. 33-58901]

#### INTERPRETATION RELATING TO THE WRITING OF EXCHANGE-TRADED CALL OPTIONS

The Securities and Exchange Commission today announced that it had authorized the Division of Corporation Finance to issue a letter modifying its previous position regarding the delivery of underlying securities subject to Rules 144, or 145(d) under the Securities Act of 1933 in connection with the writing of exchange-traded call options. As the Commission has previously announced, it is currently engaged in an extensive study of the regulatory questions associated with trading in standardized options. The results of that study may affect the future position of the Division of Corporation Finance with respect to the matters discussed below.

#### BACKGROUND

Subject to its provisions, Rule 144 (17 CFR 230.144) under the Securities Act of 1933 (the "Act") (15 U.S.C. 77a et seq.) permits resales of securities owned by affiliates<sup>1</sup> of the issuer and by persons who have acquired restricted securities<sup>2</sup> of the issuer without such persons being deemed to be engaged in a distribution and thus be considered underwriters as defined in Section 2(11) of the Act. Similarly, paragraph (d) of Rule 145 (17 CFR 230.145) under the Act permits resales of securities acquired in business combinations that are subject to that rule to be made by certain persons,<sup>3</sup> who

<sup>1</sup>Rule 144(a)(1) defines "affiliate" of an issuer as a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such issuer.

<sup>2</sup>Rule 144(a)(3) defines "restricted securities" as securities acquired directly or indirectly from the issuer thereof, or from an affiliate of such issuer, in a transaction or chain of transactions not involving any public offering or from the issuer in a transaction in reliance on Rule 240 under the Act or which were issued by an issuer in a transaction in reliance on Rule 240 and were acquired in a transaction or chain of transactions not involving any public offering.

<sup>3</sup>Rule 145(c) provides that any party to any transaction subject to Rule 145, other than the issuer, or any person who is an affiliate of such party at the time any such transaction is submitted for vote or consent, who publicly offers or sells securities of the issuer acquired in connection with any such transaction, shall be deemed to be engaged in a distribution and therefore to be an underwriter thereof within the meaning of Section 2(11) of the Act.



might otherwise be considered underwriters or deemed to be engaged in a distribution, provided such resales are made in accordance with certain provisions of Rule 144,<sup>4</sup> including paragraph (f). Rule 144(f) requires that the securities be sold in "brokers' transactions" (as defined in paragraph (g) of Rule 144) and that the person selling the securities not solicit orders to buy such securities or make any payment in connection with their sale to any person other than the broker who executes the order to sell the securities.

The Division's interpretative letter set forth below relates to the proposed writing of exchange-traded call options on securities subject to the resale provisions of Rule 145(d) and subsequent sale of the underlying securities by delivering them in satisfaction of any exercise notices received on the options. The Division has previously expressed the view<sup>5</sup> that the writing of call options involves the solicitation of orders to buy the underlying securities and, therefore, does not comply with the provisions of Rule 144(f). Upon reconsideration, because the mechanics of selling call options over national exchanges are similar to those involved in the sale on an exchange of other exchange-traded securities, the Division's view is that the writing of exchange-traded call options should not be deemed under Rule 144(f) as a solicitation for the purchase of the underlying securities. This view, which is applicable solely to the provisions of Rule 144 and Rule 145(d), relates only to the writing of exchange-traded options and does not extend to the writing or sale of options under any other circumstances.

While the matter dealt with in the letter relates to the writing of exchange-traded call options on underlying securities subject to Rule 145(d), the Division's view on solicitation is applicable as well to the writing of exchange-traded options on securities subject to Rule 144. The Commission emphasizes, however, that the Division's views relate only to the manner of sale provision of Rule 144(f) and do not affect the other provisions of that rule. Accordingly, for sales made under Rules 144 and 145(d) through the writing of exchange-traded call options, all of the conditions applicable to those rules must be satisfied both at the time of the writing of the options and the time that the underlying

<sup>4</sup>The applicable provisions of Rule 144 are paragraphs (c) (Current Public Information), (e) (Limitation of Amount of Securities Sold), (f) (Manner of Sale), and (g) (Brokers' Transactions).

<sup>5</sup>See "Columbia University" letter (pub. avail. February 27, 1976); "Burroughs Corporation" letter (pub. avail. August 9, 1976).

securities are delivered pursuant to exercise notices on the options. With respect to sales made under Rule 144, the notice on Form 144 required by paragraph (h) of that rule would be required to be filed with the Commission and the principal national securities exchange on which the underlying securities are listed at the time the call option is written, and subsequently amended, in the event the option is exercised, at the time of the delivery of such securities.<sup>6</sup>

The Commission reminds affiliates engaging in transactions in exchange-traded options<sup>7</sup> of the provisions of Section 16 under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a et seq.). The reporting obligations of Section 16(a) and Rule 16a-6 (17 CFR 240.16a-6) thereunder would require such persons to report the writing, purchase or sale of put and call options covering equity securities of the issuer at the time of the transaction, and subsequently report the exercise, cancellation or expiration of the options.<sup>8</sup>

In a related matter, the Commission has recently permitted shareholders to offer and sell securities covered by an effective shelf registration statement<sup>9</sup> through the writing of exchange-traded call options on such securities and the delivery of those securities upon the exercise of the options. In such circumstances, the Commission believed that the requirements of Section 5 of the Act would be satisfied where: (1) A registration statement is in effect, having a prospectus meeting the requirements of Section 10 of the Act, both at the time the options are

<sup>6</sup>Rule 144(h) requires the Form 144 to be filed "concurrently with the placing with a broker of an order to execute a sale". Since the Division deems the writing of the option to be an offer to sell, its view is that the Form must be filed at that time.

<sup>7</sup>Many of the national exchanges currently prohibit their members from accepting orders for the writing of call options from affiliates of the issuer of the underlying securities.

<sup>8</sup>The Commission expresses no view as to the impact of the other provisions of Section 16 to transactions made in such options. Subject to its provisions, Section 16(b) provides that the issuer is entitled to any profit made by a ten percent beneficial owner, officer or director of the issuer from any combination of purchases and sales of its equity securities within a six-month period. In addition, under Section 16(c), such persons are prohibited from selling any equity security of the issuer if such security is not owned by them.

<sup>9</sup>A shelf registration statement refers to a registration statement used in connection with a deferred or extended offering. For a description of the types of offerings where such registration is permitted or required, see Securities Act Release No. 4936, as amended, (December 9, 1968), (33 Fed. Reg. 18617), Paragraph 4.

written and the underlying securities delivered; (2) copies of such prospectus are delivered, pursuant to Rule 153 (17 CFR 230.153) under the Act, to the exchanges on which the options are written prior to the time the options are written and underlying securities delivered; and (3) such prospectus describes the intended plan of distribution.<sup>10</sup> As indicated, the position taken by the Division relates solely to the question of what is a solicitation for purposes of Rules 144 and 145(d). Any persons considering such transactions should first carefully consider the provisions of Rule 10b-6 (17CFR 240.10b-6) under the Exchange Act.<sup>11</sup>

As indicated in the Division's letter set forth below, additional restrictions on the writing of options on securities whose sale is subject to the registration requirements of the Act or Rules 144 and 145(d) may be imposed by the national securities exchanges.

The Commission authorized the Division of Corporation Finance to issue the following letter:

"Dear Mr. X:

In your letter dated August 13, 1976, you request that this Division reconsider the position expressed in its letter of July 9, 1976, in response to your letter of May 13, 1976, concerning the proposed writing by your client, Mr. Y, of exchange-traded call options on all or a portion of his shares of the common stock of ..... (the "Company"), as more fully described below.

You state that Mr. Y acquired all of his 8,580 shares of the Company's common

"Under Section 5, it is required that a registration statement be filed with the Commission prior to an offer to sell a security and that a registration statement be in effect, with a prospectus meeting the requirements of Section 10 of the Act, prior to the sale of a security. In the Division's view, the writing of a call option should be considered as an offer to sell the underlying securities, and the delivery of the underlying securities upon the exercise of the option should be considered a sale of those securities. Section 5 would require, therefore, the filing of a registration statement prior to the writing of a call option on the underlying securities being registered and an effective registration statement with a statutory prospectus at the time of the delivery of the underlying securities. Since the terms and conditions of options trading provide that the option is subject to exercise immediately after it is written, as a practical matter in order to avoid violations of Section 5, it would be necessary to have a registration statement in effect and a statutory prospectus delivered to the exchange at the time the call option is written.

"Rule 10-6 prohibits, subject to certain specifically enumerated exceptions, underwriters and prospective underwriters, issuers, selling shareholders and broker-dealers who are participating, directly or indirectly, in a distribution of securities to bid for or purchase any securities which are the subject of the distribution or any securities of the same class and series or any right to purchase such securities until after such persons have completed their respective participation in the distribution.

stock on January 23, 1976, pursuant to a merger of Z Corporation into a wholly-owned subsidiary of the Company. In connection with the above-described merger, you indicate that the Company filed a registration statement on Form S-14 under the Securities Act of 1933 (the "Act") covering shares issued pursuant to the merger, including the 8,580 shares issued to Mr. Y (the "Y shares"). You further indicate that Mr. Y formerly served as a director of Z Corporation. Accordingly, you represent that sales of the Y shares are required to be effective in accordance with the provisions of Rule 145(d) under the Act. You further state that Mr. Y is not an officer, director or ten percent shareholder of the Company.

You indicate that Mr. Y proposes to write exchange-traded call options on the Company's common stock (which options are listed and traded on the American Stock Exchange ("Amex") and the Chicago Board Options Exchange ("CBOE")) in unsolicited brokerage transactions. In the event that an exercise notice is subsequently assigned against his option account, you state that Mr. Y proposes to satisfy his obligations thereunder by delivering the requisite number of the Y shares of the Company's common stock, provided, of course, that such shares can lawfully be sold at that time.

In your letter of May 13, 1976, you state that, in your opinion, sales by Mr. Y of the Y shares in response to an exercise notice would comply with the provisions of Rule 145(d) under the Act. In our letter of July 9, 1976, we stated that this Division was unable to concur with your opinion because the proposed writing of call options for the Company's stock and the subsequent sale of the Y shares to exercising holders of the options would involve the solicitation of orders to buy the common stock of the Company and, accordingly, would not be in compliance with the requirement of paragraph (f) of Rule 144 that the Y shares be sold in "brokers' transactions", as defined in that rule.

Pursuant to your request for reconsideration, and after further evaluation of the facts and representations contained in your previous letters, the Commission has directed this Division to inform you that sales of the Y shares by your client in response to the receipt of an exercise notice from a holder of a call option for the Company's stock, in the manner described above, would not involve the solicitation of an order to purchase those shares and, therefore, would not be in violation of Rule 144(f). Accordingly, this Division withdraws the position with respect to Rule 144 previously taken in its letter of July 9, 1976. We wish to emphasize, however, that the foregoing position is based upon your representation that all of the conditions of Rule 145(d) (pursuant to which the Y shares are required to be sold in accordance with certain enumerated provisions of Rule 144) shall be satisfied at the time the call options are written and the Y shares sold in the manner described above.

## Background

Notwithstanding the views expressed herein with respect to Rule 145(d) under the Act, the Division of Market Regulation has requested that we inform you that the rules of certain exchanges may impose restrictions on the delivery of underlying securities in satisfaction of option exercise notices. Specifically, your attention is directed to Amex Option Rule 928, which provides, *inter alia*, that members and member organizations may not accept shares of an underlying security "which may not be sold by the holder thereof except upon registration thereof pursuant to the provisions of the Securities Act of 1933 or pursuant to SEC rules promulgated under the Securities Act of 1933 \* \* \*" for the purpose of satisfying an exercise notice assigned against an option contract.

The division of Market Regulation has further requested that we direct your attention to certain additional exchange rules as well as various rules of the Federal Reserve Board ("FRB") which may have general application to the proposed transactions including, but not limited to, Amex Rule 462, Amex Options Rules 928 and 940, CBOE Rule 12.1 et seq., and FRB Rules promulgated pursuant to Section 7(a) of the Securities Exchange Act of 1934 (12 CFR 220 et seq.). Responsibility for ensuring that the proposed sale of the Y shares are effected in compliance with the foregoing rules and any other applicable rules must, of course, rest with your client.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 20, 1977.  
(FR Doc. 78-386 Filed 1-6-78; 8:45 am)

[8010-01]

[Release No. 14285; SR-NYSE-76-34]

NEW YORK STOCK EXCHANGE, INC.

Order Extending Time for Comment with  
Respect to Proposed Changes

DECEMBER 16, 1977.

The Securities and Exchange Commission today extended until January 1, 1978 the time allotted for interested persons to comment or request a public hearing in connection with the Commission's proceedings to determine whether to disapprove the changes proposed by the New York Stock Exchange, Inc. (the "NYSE"), 55 Water Street, New York, N.Y., to rule 405, the "Know Your Customer" rule.<sup>1</sup>

<sup>1</sup>Securities Exchange Act Release No. 14143 (November 7, 1977), 42 FR 59148 (November 15, 1977) ("Release No. 14143").

On November 7, 1977 in Securities Exchange Act Release No. 14143,<sup>2</sup> the Commission instituted proceedings pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 (the "Act") with respect to the NYSE's proposed rule changes to Rule 405,<sup>3</sup> its "Know Your Customer" rule. In that order the Commission identified the grounds which it was considering as bases for disapproval of the proposed changes. The Commission's concerns were grounded primarily in the requirements of Section 6(b)(5) of the Act which prescribes that the rules of a national securities exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest.

In summary the Commission believes that the proposal raises three major questions: (1) Whether or not the complete or substantial negation of the duty of a firm which carries or clears customer accounts on a fully-disclosed basis to "know its customer" and to supervise the trading activity in those accounts is consistent with the purposes of the Act; (2) whether or not the execution of isolated (i.e., not to exceed five transactions during any twelve month period unless otherwise approved by the NYSE) and unsolicited purchases and sales of securities valued at \$2,000 or less per transaction is consistent with the purposes of the Act; and (3) whether or not the rephrasing of the duty of the broker or dealer or deletion of certain specific responsibilities establishes a duty that is consistent with the Act.<sup>4</sup>

In its order the Commission recognized that amendments to Rule 405 which would delineate the relative duties of carrying and introducing firms would be appropriate. It remained uncertain, however, that the changes as proposed were consistent with the Act, particularly Section 6(b)(5).

## DISCUSSION

In the order instituting disapproval proceedings the Commission specified

<sup>2</sup>Id.

<sup>3</sup>See Release No. 14143 for a fuller discussion of the Commission's proposed grounds for disapproval.

<sup>4</sup>Notice of the initial filing was given in Securities Exchange Act Release No. 12674 (July 20, 1976), 41 FR 34136 (August 12, 1976); notice of the amended proposal was given in Securities Exchange Act Release No. 13921 (August 2, 1977), 42 FR 40920 (August 9, 1977). No comments were received. The Commission extended until November 7, 1977 the time for its action on this proposal in Securities Exchange Act Release No. 13953 (September 13, 1977), 42 FR 47603 (September 21, 1977).



that, since the issues raised presented matters of legal interpretation, it would, at least initially, consider the issues based on written submission. It invited interested persons to submit their written data, views, or arguments and requests for oral presentations of views within thirty (30) days from November 7, 1977, the date of the order. It also established a ten (10) day period subsequent thereto for rebuttal of any statement tendered.

The Commission has received two written requests for extensions of the time for comment on the proposed rule change.<sup>1</sup> Because of the importance of the policy determination presented by these proposals which, if approved, may be expected to establish the industry standard, because of the apparent diversity of industry practice in ascertaining essential facts relative to customers and supervising accounts, particularly those introduced on a fully disclosed basis, and because of the acknowledged need for clarification of the relative obligations of clearing and introducing firms, the Commission has determined that a longer period for submission of written comment is appropriate.

Therefore, the Commission hereby extends until January 1, 1978 the time for interested persons to comment and to request an opportunity for oral presentations of views. Rebuttal arguments must be submitted within ten (10) days thereafter. Persons wishing to make written submissions or rebuttal statements should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capital Street, Washington, D.C. 20549. All submissions should refer to File No. SR-NYSE-76-34. Copies of all submissions will be available for inspection at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the proposed rule changes are also available at the principal office of the NYSE.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

<sup>1</sup>The Securities Industry Association (the "SIA"), Loeb Rhoades Inc. and the Association of Investment Traders have requested that the Commission afford them the opportunity to present oral testimony on the factual questions, policy issues, and regulatory concerns expressed by the Commission in its order and to respond to questions by the Commission and the staff. It is expected that the Commission will consider these requests early in January 1978.

[FR Doc. 78-389 Filed 1-6-78; 8:45 am]

#### [8010-01]

[Release No. 14290; SR-PSE-77-33]

#### PACIFIC STOCK EXCHANGE INC.

##### Order Approving Proposed Rule Change

DECEMBER 19, 1977.

On October 25, 1977, the Pacific Stock Exchange Incorporated, 301 Pine Street, San Francisco, California 94104, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The rule change would clarify that an Order Book Official may accept options orders from persons associated with members, i.e., clerks, runners or other associated persons, except when the order is one which improves the existing bid or offer in the book, in which case, unless the order is a cancel/replace order, the direct involvement of a member will be required.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14161, (November 10, 1977)) and by publication in the FEDERAL REGISTER (42 FR 59578 (November 18, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on October 25, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-390 Filed 1-6-78; 8:45 am]

#### [4910-13]

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

#### RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA); SPECIAL COMMITTEE 135—ENVIRONMENTAL CONDITIONS AND TEST PROCEDURES FOR ELECTRONIC/ELECTRICAL EQUIPMENT AND INSTRUMENTS.

##### Cancellation of Meeting

This Notice announces the cancellation of the Radio Technical Commission for Aeronautics (RTCA) Special Committee 135 meeting which was

scheduled for January 17-18, 1978, and announced in the FEDERAL REGISTER on December 22, 1977 (42 FR 64167).

Issued in Washington, D.C., on January 3, 1978.

KARL F. BIERACH,  
Designated Officer.

[FR Doc. 78-323 Filed 1-6-78; 8:45 am]

#### [1505-01]

#### INTERSTATE COMMERCE COMMISSION

[Volume No. 48]

#### PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

##### Corrections

In FR Doc. 77-36371 appearing at page 64188 in the issue of Thursday, December 22, 1977, in the "No. MC 117644" paragraph on page 64198 "(Sub-No.)" should read "(Sub-No. 46)".

#### [7035-01]

[No. 560]

#### ASSIGNMENT OF HEARINGS

JANUARY 4, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 127810 (Sub-No. 3), Sherman & Boddie, Inc., now assigned January 18, 1978, at Charlotte, N.C., is cancelled and re-assigned for hearing on January 18, 1978 (2 days), at Raleigh, N.C. and will be held in Room 225, Federal Building, 310 New Bern Avenue.

MC 119991 (Sub 17), Young Transport, Inc.; MC 8973 (Sub 47), Metropolitan Trucking, Inc.; MC 115841 (Sub 558), Colonial Refrigerated Transportation, Inc., and MC 116915 (Sub 37), Eck Miller Transportation Corp., now being assigned January 26, 1978 (2 days), at Columbus, Ohio, and will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 65697 (Sub-No. 52), Theaters Service Company, Inc., now being assigned January 31, 1978 (4 days), for continued hearing at Atlanta American Motor Hotel, 160 Spring Street NW., in Atlanta, Georgia. MC 103993 (Sub 901), Morgan Drive-Away, Inc.; MC 73165 (Sub 413), Eagle Motor

Lines, Inc.; MC 115496 (Sub 70), Lumber Transport, Inc.; MC 119656 (Sub 35), North Express, Inc.; MC 114552 (Sub 141), Senn Trucking Co.; MC 43867 (Sub 35), A. Leander McAlister Trucking Co.; NC-MC 108341 (Sub 72), Moss Trucking Co., now being assigned January 31, 1978, for pre-hearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 135195 (Sub 3), Stover Air Cargo, Inc., now assigned January 30, 1978, at Chicago, Ill., is cancelled and transferred to Modified Procedure.

No. 36775, Increased Commutation Fares, Hudson Transit Lines, Inc., now being assigned February 13, 1978 (1 week), at New York, N.Y., in a hearing room to be later designated.

MC 8973 (Sub 46), Metropolitan Trucking, Inc., now assigned February 9, 1978, at Washington, D.C., is postponed indefinitely.

MC-F 12912, United Trucking Service, Inc., Purchase (Portion), Associated Transport, Inc., Thomas J. Cahill, Trustee in Bankruptcy; MC 70151 (Sub 50), United Trucking Service, Inc., MC-F 12909, Duff Truck Line, Inc., Purchase (Portion), Associated Transport, Inc., Thomas J. Cahill, Trustee in Bankruptcy; MC 14314 (Sub 24), Duff Truck Line, Inc.; MC-F 12895, Central Transport, Inc., Purchase (Portion), Associated Transport, Inc., now being assigned February 9, 1978, for continued pre-hearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 82492 (Sub 145), Michigan & Nebraska Transit Co., Inc., now being assigned May 1, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-457 Filed 1-6-78; 8:45 am]

#### [7035-01]

[No. 561]

#### ASSIGNMENT OF HEARINGS

JANUARY 4, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

##### CORRECTION<sup>1</sup>

MC 61592 (Sub-No. 403), Jenkins Truck Line, Inc., now assigned February 28, 1978.

<sup>1</sup>Published in the FEDERAL REGISTER dated November 29, 1977, the title was inadvertently omitted.

at the Offices of the Interstate Commerce Commission in Washington, D.C.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-458 Filed 1-6-78; 8:45 am]

#### [7035-01]

[Notice No. 167TA]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 29, 1977.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than January 24, 1978. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

##### MOTOR CARRIERS OF PROPERTY

No. MC 3252 (Sub-No. 98TA), filed December 2, 1977. Applicant: MER-RILL TRANSPORT CO., 1037 Forest Ave., Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Plastic bottles in shipper owned trailers, from Portland, Maine, and Westbrook, Maine, to Gardner and Boston, Mass.; Concord, N.H.; Batavia, N.Y.; Berwick, Pa., and Jessup, Md.; North Smithfield, R.I.;

Burlington, Vt., and Littleton and Whitman, Mass.; and (2) Materials, supplies and equipment used or useful in the manufacture and sale of plastic bottles in shipper owned trailers, from Gardner, Mass., to Portland and Westbrook, Maine, for 180 days. Supporting shipper: Bercon Packaging, Inc., 1800 North Market Street, Berwick, Pa. 18603. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 307, 76 Pearl Street, Portland, Maine 04111.

No. MC 29698 (Sub-No. 19TA), filed December 5, 1977. Applicant: LESTER FELLOWS CO., Tathan and E. Pearl Streets, Box 586, Burlington, N.J. 07076. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cast iron pipe and pipe fittings, for the account of Atlantic States Cast Iron Pipe Co., from Phillipsburg, N.J., to Washington, D.C., and points in Delaware, Maryland, and Virginia, and refused or damaged shipments on return, under a continuing contract, or contracts, with Atlantic States Cast Iron Pipe Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Atlantic States Cast Iron Pipe Co., 183 Sitreaves Street, Phillipsburg, N.J. 08865. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State Street, room 204, Trenton, N.J. 08608.

No. MC 50866 (Sub-No. 7TA), filed December 5, 1977. Applicant: BURLINGAME TRUCK LINE, INC., R. R. 2, Scranton, Kans. 66537. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry feed and dry feed ingredients, (except in tank vehicles), from Emporia, Kans., to points in Okla., for 180 days. Applicant states it does not intend to tack or interline. Supporting shipper: Cook Industries, Inc., Box 518, Emporia, Kans. 66801. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Building and U.S. Courthouse, 444 S. E. Quincy, Topeka, Kans. 66683.

No. MC 51146 (Sub-No. 550TA), filed December 5, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a common carrier,



er, by motor vehicle, over irregular routes, transporting: *Games and toys*, NOI, from points in the States of Massachusetts, New Jersey, and New York, to the facilities utilized by M. W. Kasch Co., at or near Itasca, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: M. W. Kasch Co., P.O. Box 2040, Milwaukee, Wis. 53201 (Robert Morgan). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, Wis. 53202.

No. MC 52709 (Sub-No. 345TA), filed December 5, 1977. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec Street, P.O. Box 7200, Denver, Colo. 80207. Applicant's representative: Robert P. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material*, from Fruita, Colo., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, with no compensation on return, (except as otherwise authorized), for 180 days. Supporting shipper: Fibreboard Corp., 55 Francisco Street, San Francisco, Calif. 94133. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 56640 (Sub-No. 40TA) (correction), filed October 18, 1977, published in the FEDERAL REGISTER issue of November 11, 1977, and republished, as corrected, this issue. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, Calif. 94621. Applicant's representative: Andrew J. Skaff, 600 Montgomery Street, 46 Floor, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium nitrate* in bags and *ferro silicone* in bags, having a prior interstate movement by rail, between Desert Center, Calif., and Eagle Mountain, Calif., for 180 days. Tacking with MC 56640 (Sub-No. 31) at San Bernardino and Los Angeles, Calif., is requested. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hercules, Inc., 1 Maritime Plaza, San Francisco, Calif. 94111. Send protests to: A. J. Rodriguez, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105. The purpose of this correction is to show tacking request.

No. MC 61506 (Sub-No. 32 TA), filed December 5, 1977. Applicant: RUS-

SELL TRANSFER CO., INC., P.O. Box 829, Washington, Ga. 30673. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard containers* (including tops, ends, and closures therefor, from the plantsite of Container Corp. of America, located at or near Atlanta, Ga., to points in Charleston County, S.C., under a continuing contract, or contracts, with Container Corp. of America, 5853 Ponce de Leon Avenue, Stone Mountain, Ga. 30086. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

No. MC 71452 (Sub-No. 13TA), filed November 18, 1977. Applicant: INDIANA TRANSIT SERVICE, INC., 4300 West Morris Street, Indianapolis, Ind. 46241. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and articles which because of size or weight, require special equipment, between points in Adams, Allen, Bartholomew, Blackford, Boone, Brown, Carroll, Cass, Clay, Clinton, Daviess, Decatur, Delaware, Fayette, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jackson, Jay, Jennings, Johnson, Knox, Kosciusko, Lawrence, Madison, Marion, Miami, Monroe, Montgomery, Morgan, Owen, Parke, Posey, Putnam, Randolph, Rush, Shelby, Sullivan, Tippecanoe, Tipton, Vanderburgh, Vigo, Wabash, Wayne, Wells, White, Whitley, Ripley, Jefferson, Scott, Orange, and Dubois Counties, Ind.; Hamilton County, Ohio; McCracken and Graves Counties, Ky.; Fayette and Macon Counties, Ill.; and Louisville, Ky., restricted against the transportation of single articles or pieces which exceed 100 pounds in weight, for 180 days. Supporting shipper(s): There are approximately 58 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 76032 (Sub-No. 330TA), filed December 5, 1977. NAVAJO

FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresee, 1205 South Platte River Drive, Denver, Colo. 80223. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), from Owensboro, Ky., to Reno and Las Vegas, Nev.; Phoenix, Ariz.; Albuquerque, N. Mex.; Wichita, Kans., and points within their respective commercial zones, and points in California, restricted to traffic moving from named origin and destined to the named destinations, for 180 days. Supporting shipper(s): Glenmore Distilleries Co., P.O. Box 1069, Owensboro, Ky. 42301. Send protests to: H. C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 94350 (Sub-No. 404TA), filed December 5, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from points in Brigham City, Utah, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Champion Home Builders Co., 920 West 6th North, P.O. Box 628, Brigham City, Utah 84302. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC. 95350 (Sub-No. 7TA), filed December 2, 1977. Applicant: R. W. HONES TRUCKING CO., a Utah corporation, P.O. Drawer T, Vernal, Utah 84078. Applicant's representative: Harry D. Pugsley, Suite 1200, 310 South Main St., Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, equipment, supplies, and facilities* used in, or incidental to, or in connection with the discovery, development, production, extraction and preservation of oil shales, natural gas and petroleum and the construction, dismantling, repair, servicing and maintenance of facilities for the storage, operation, processing, repressuring and blending of oil shale, natural gas, gasoline, and petroleum, between points in Uintah, Duchesne, Daggett, Summit, Grand, Emery and Carbon Counties, Utah; Madison, Fre-

mont, Clark, Jefferson, Teton, Bonneville, Bingham, Bannock, Caribou, Power, Bear Lake, Oneida, and Franklin Counties, Idaho; Moffatt, Rio Blanco, Routt, Mesa, and Farfield Counties, Colo.; Sweetwater, Uinta, Lincoln, Carbon, and Natrona Counties, Wyo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately twelve support statements in this application, which may be examined at the Interstate Commerce Commission, in Washington, or copies may be obtained at the field office below. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State St., Salt Lake City, Utah 84138.

No. MC 97310 (Sub-No. 24TA), filed November 8, 1977. Applicant: SHAR-ROTOR MOTOR LINES, INC., P.O. Box 5636, Meridian, Miss., 39301. Applicant's representative: John P. Carlton, 727 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, and commodities which by reason of size or weight require the use of special equipment): (1) Between Birmingham, Ala., and Memphis, Tenn.: (a) From Birmingham over U.S. Highways 31 and Interstate 65 to Athens, Ala., thence over U.S. Highway 72 to Memphis, and return over the same route. (b) From Birmingham over U.S. Highway 78 to Memphis and return over the same route. (c) From Birmingham over U.S. Highways 11 and Interstate 59/20 to Tuscaloosa, Ala., thence over U.S. Highway 82 to Columbus, Miss., thence over U.S. Highway 45 to Tupelo, Miss., thence over U.S. Highway 78 to Memphis, and return over the same route. (2) Between Montgomery, Ala., and Greenville, Miss.; From Montgomery over U.S. Highway 82 to Greenville and return over the same route. (3) Between Columbus, Miss., and Demopolis, Ala.: From Columbus over Mississippi State Highway 69 to its intersection with Alabama State Highway 14 at the Alabama-Mississippi State line, thence over Alabama State Highway 14 to its intersection with U.S. Highway 43, thence over U.S. Highway 43 to Demopolis, and return over the same route. (4) Between Tupelo, Miss., and Clarksdale, Miss.: From Tupelo over Mississippi State Highway 6 to Clarksdale and return over the same route. (5) Between Eupora, Miss., and Oakland, Miss.: From Eupora over Mississippi State Highway 9 to its intersection with Mississippi State Highway 32, thence over Mississippi State Highway 32 to Oakland and return over the

same route. (6) Between Greenwood, Miss., and Granada, Miss.; From Greenwood over Mississippi State Highway 7 to its intersection with Mississippi State Highway 8, thence over Mississippi State Highway 8 to Granada, and return over the same route. (7) Between Greenwood, Miss., and Clarksdale, Miss.; From Greenwood over U.S. Highway 49E to its intersection with U.S. Highway 49, thence over U.S. Highway 49, to Clarksdale and return over the same route. (8) Between Forest, Miss., and the intersection of U.S. Highway Interstate 55 with Mississippi State highway 35 at or near Vaiden, Miss.; From Forest over Mississippi State Highway 35 to its intersection with U.S. Highway Interstate 55 and return over the same route. (9) Between Meridian, Miss., and Corinth, Miss.; From Meridian over U.S. Highway 45 to Corinth and return over the same route. (9a) Between the intersection of U.S. Highways 45 and Alternate 45 at or near Brooksville, Miss., and the intersection of U.S. Highways 45 and Alternate 45 at or near Shannon, Miss., over U.S. Highway Alternate 45 and return over the same route. (10) Between Meridian, Miss., and New Albany, Miss.; From Meridian over Mississippi State Highway 15 to New Albany and return over the same route. (10a) Between Philadelphia, Miss., and the intersection of U.S. Highway Interstate 20 and Mississippi State Highway 50; from Philadelphia over Mississippi State Highway 21 to Forest, Miss., thence over Mississippi State Highway 501 to its intersection with U.S. Highway Interstate 20, and return over the same route. (11) Between Jackson, Miss., and Memphis, Tenn.; From Jackson over U.S. Highway 51 (also over U.S. Highway Interstate 55) to Memphis and return over the same route. (11a) Between the intersection of U.S. Highways 49E and 49 at or near Yazoo City, Miss., and Jackson, Miss.; From the intersection of U.S. Highways 49E and 49 at or near Yazoo City, Miss., over U.S. Highway 49 to Jackson, and return over the same route. (12) Between Vicksburg, Miss., and Greenwood, Miss.; From Vicksburg over Mississippi State Highway 3 to its intersection with U.S. Highway 49E, thence over U.S. Highway 49E to Greenwood and return over the same route. (13) Between Vicksburg, Miss., and Memphis, Tenn.; From Vicksburg over U.S. Highway 61 to Memphis and return over the same route. Serving all intermediate points lying on Routes 1-13 above and serving all other points in Mississippi lying on and north of U.S. Highway 80 as off-route points in conjunction with Routes 1-13 above. Restriction: Restricted against provision of single-line service to or from points in Arkansas and Louisiana. Applicant seeks authority to tack the authority

sought herein with all of its existing authority at common service points and with any authority issued to it in MC 97310 (Sub-No. 20) which is presently pending at points of service common to this application and the (Sub-No. 20) authority. The effect of applicant's request for authority to tack will be to enable applicant to provide through service between points in its existing territory, points sought in (Sub-No. 20), and points sought in this application. Applicant also requests authority to serve the commercial zones of cities on the routes, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately (205) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 106679 (Sub-No. 12TA), filed November 21, 1977. Applicant: WHEELER FREIGHTWAYS, 3375 South Polaris Avenue, Las Vegas, Nev. 89102. Applicant's representative: R. Alan Wheeler, 3375 South Polaris Avenue, Las Vegas, Nev. 89102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper-type vehicles, from Victorville, Creal, Monolith, Oro Grande, and Cushenberry, Calif., to points in Clark County, Nev., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Arrow Ready Mix, P.O. Box 5701, Las Vegas, Nev. 89102. (2) Taggart Construction Co., d.b.a. WMK Transit Mix, P.O. Box 14697, Las Vegas, Nev. 89114. (3) Dot Ready Mix, 3450 South Procyon Avenue, Las Vegas, Nev. 89102. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, 203 Federal Building, 705 North Plaza Street, Carson City, Nev. 89701.

No. MC 109692 (Sub-No. 49TA), filed December 2, 1977. Applicant: GRAIN BELT TRANSPORTATION CO., 340 North James Street, Kansas City, Mo. 66118. Applicant's representative: Warren H. Sapp, 4420 Madison, Suite 230, Kansas City, Mo. 64111. Authority sought to conduct operations as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems and parts and accessories therefor, pipe, tubing, light poles, mast arms, brackets, bases and transmission poles, and equipment and supplies* used in the installation thereof (except commodities in bulk), from



the plantsite of Valmont Industries, Inc., located at or near Valley, Nebr., to points in Arkansas, Illinois, Indiana, Iowa, Louisiana, Michigan, New Mexico, Ohio, Texas, and Wisconsin. (2) *Equipment, materials, and supplies* used in the manufacture of the commodities named in paragraph No. 1 above, from points in Arkansas, Illinois, Indiana, Iowa, Louisiana, Michigan, New Mexico, Ohio, Texas, and Wisconsin to the plantsite of Valmont Industries, Inc., located at or near Valley, Nebr. (3) *Used irrigation systems, and parts and accessories thereof, and new and used equipment, materials and supplies used in the installation of used irrigation systems*, restricted to traffic moving for the account of Valmont Industries, Inc., (a) between points in Arkansas, Illinois, Indiana, Iowa, Louisiana, Michigan, New Mexico, Ohio, Texas, and Wisconsin; and (b) between points in the States named in part 3(a) above, on the one hand, and, on the other, points in Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and South Dakota, for 180 days. Supporting shipper: Valmont Industries, Inc., Valley, Nebr. 68064. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 112801 (Sub-No. 195TA), filed November 18, 1977. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, dry, in bulk, in tank vehicles, from Illinois, Ill., to points in Iowa, Missouri, Minnesota, Wisconsin, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Georgia, Massachusetts, and Virginia, for 180 days. Supporting shipper(s): (1) Borden chemical, Division of Borden, Inc., Richard L. Roundhouse, Group Distribution Manager, 180 East Broad Street, Columbus, Ohio, 43215. Send protests to: Patricia A. Roscoe, transportation assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 112962 (Sub-No. 10TA), filed December 5, 1977. Applicant: CRUPPER TRANSPORT CO., INC., 25 South Third Street, Kansas City, Kans. 66118. Applicant's representative: W. Boyd Evans of Glaves, Weil & Evans, 900 O. W. Garvey Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, building and insulating materials*, from the plantsite of CertainTeed Corp.,

Kansas City, Mo., to points and places in the states of Illinois, Indiana, Kentucky, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): CertainTeed Corp., P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115331 (Sub-No. 434TA), filed November 9, 1977. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferrus, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry plastics*, in bulk, in tank or hopper-type vehicles, and liquid chemicals (except liquid fertilizer, liquid oxygen, liquid hydrogen, and liquid nitrogen), in bulk, in tank vehicles, and (2) *dry plastics*, in bulk, in tank or hopper-type vehicles, (1) from the plantsite and facilities of Northern Petrochemical Co., at or near Morris, Ill., to points in Indiana, Ohio, Michigan, Wisconsin, Minnesota, and Iowa, and (2) from the plantsite and facilities of Northern Petrochemical Co., at or near Morris, Ill., to points in Missouri, Kansas, Arkansas, Kentucky, Pennsylvania, Nebraska, and Tennessee, for 180 days. Supporting shipper(s): Northern Petrochemical Co., P.O. Box 459, Route 6 and Tabler Road, Morris, Ill. 60450. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, Mo. 63101.

No. MC 116544 (Sub-No. 160TA), filed November 18, 1977. Applicant: ALTRUK FREIGHT SYSTEMS, INC., P.O. Box 1059, St. Joseph, Mo. 64502. Applicant's representative: Kirk Wm. Horton, 260 Sheridan Avenue, Palo Alto, Calif. 94306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise* dealt in by wholesale, retail, and chain grocery and food business houses, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc., at Springfield, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, Oklahoma, South Carolina, North Carolina, Tennessee, Texas, and Virginia, restricted to traffic originating at the above-named origin and destined to the above-named destination States, for 180 days. Applicant states it does not intend to tack or interline.

Supporting shipper(s): Kraft, Inc., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Building and U.S. Courthouse, 444 Southeast Quincy, Topeka, Kans. 66683.

No. MC 118142 (Sub-No. 164TA), filed December 5, 1977. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), (1) from the plantsite of Geo. A. Hormel & Co., at Fort Dodge, Iowa, to points in California; and (2) from the plantsite of Geo. A. Hormel & Co., at Austin, Minn., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 118159 (Sub-No. 231TA), filed November 14, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor, P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, charcoal briquettes, fireplace logs, wood chips, lighter fluid, spices, sauces, and vermiculite* (except commodities in bulk), from Cotter, Ark., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment* used in connection with the commodities described in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Cotter, Ark., for 180 days. Applicant also has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kingsford Co., P.O. Box 1033, Louisville, Ky. 40201. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 119493 (Sub-No. 169TA), filed December 2, 1977. Applicant: MONKEM CO., INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel, P.O. Box. 1196,

Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery* from Joplin, Mo., to Tulsa, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Safeway Stores, Inc., 1401 Junge Boulevard, Joplin, Mo. 64801. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119555 (Sub-No. 18TA), filed December 5, 1977. Applicant: OIL AND INDUSTRY SUPPLIERS, LTD., P.O. Box 3500, Calgary, Alberta, Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rapeseed oil*, in bulk, in tank vehicles, from the port of entry on the international boundary line at or near Noyes, Minn., to Huntington, W. Va., on traffic originating at Altona, Manitoba, Canada, for 180 days. Supporting shipper(s): Ed Wiebe, Traffic Coordinator, CSP Foods, Ltd., P.O. Box 750, Altona, Manitoba, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 123389 (Sub-No. 39TA) (correction), filed October 20, 1977, published in the FEDERAL REGISTER issue of November 16, 1977, and republished, as corrected, this issue. Applicant: CROUSE CARTAGE CO., P.O. Box 586, Highway 30 West, Carroll, Iowa 51401. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, Commodities in bulk, and commodities requiring special equipment), between St. Louis, Mo., and points in its commercial zone and Creston, Iowa, and points in its commercial zone, (1) from St. Louis, over U.S. Highway 61 to its junction with Interstate Highway 70, thence over Interstate Highway 70 to its junction with U.S. Highway 63, thence over U.S. Highway 63 to its junction with U.S. Highway 36, thence over U.S. Highway 36 to its junction with Interstate Highway 35, thence over Interstate Highway 35 to its junction with U.S. Highway 34, thence over U.S. Highway 34 to Creston, and return over the same route, serving no intermediate points; (2) from St. Louis over Interstate Highway 70 to its junction with U.S. Highway 63, thence over U.S. Highway 63 to its junction with U.S. Highway 36, thence over

U.S. Highway 36 to its junction with Interstate Highway 35, thence over Interstate Highway 35 to its junction with U.S. Highway 34, thence over U.S. Highway 34 to Creston, Iowa, and return over the same route, serving no intermediate points; (3) from St. Louis over Interstate Highway 70 to its junction with U.S. Highway 34, thence over U.S. Highway 34 to Creston, and return over the same route, serving no intermediate points; (4) from St. Louis over Interstate Highway 70, to its junction with U.S. Highway 65, thence over U.S. Highway 65 to its junction with U.S. Highway 34, thence over U.S. Highway 34 to Creston, and return over the same route, serving no intermediate points, for 180 days. Tacking with MC 123389 and sub numbers and interlining at Des Moines, Davenport, Carroll, and Sioux City, Iowa; Omaha, Nebr.; and St. Joseph and Kansas City, Mo., are requested. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bunn-O-Matic Corp., Jacob Bunn, Plant Manager, Creston, Iowa 50801. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102. The purpose of this correction is to indicate that tacking and interlining is requested.

No. MC 124711 (Sub-No. 48TA), filed December 2, 1977. Applicant: BECKER CORP., P.O. Box 1050, 2643 West Central, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, in bulk, in dump vehicles, from El Dorado, Kans.; to points in Arkansas, Colorado, Missouri, Nebraska, Oklahoma, and Texas, for 180 days. Supporting shipper: Great Lake Carbon Corp., 299 Park Avenue, New York, N.Y. 10017. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 125433 (Sub-No. 132TA), filed November 18, 1977. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet electrostatic precipitators and component parts*, (1) from the plantsite of Fluid-Ionic Systems located at or near Phoenix, Ariz., to points in the United States, (except Utah, Nevada, Idaho,

Wyoming, Montana, Washington, and Oregon; and (2) from the plantsite of Fluid-Ionic Systems, located at or near Avon, Ohio, to points in the United States, (except Colorado, New Mexico, Oklahoma, Texas, Kansas, and Louisiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fluid-Ionic Systems, P.O. Box 20684, Phoenix, Ariz. 85036. (David Van Ness, Vice-President, Administration and Materials). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 125506 (Sub-No. 27TA) (Correction), filed September 29, 1977, published in the FEDERAL REGISTER issue of October 19, 1977, and republished as corrected this issue. Applicant: JOSEPH ELETTO TRANSFERS, INC., 33 West Hawthorne Street, Valley Stream, N.Y. 11580. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail specialty shops, dealing primarily in wearing apparel and accessories (excluding furniture, and appliances, and store fixtures, and supplies, not for resale, between New York, N.Y., on the one hand, and, on the other, points in Vermont, New Hampshire, Massachusetts (except Boston), Worcester, Natick, Peabody, and Braintree; Connecticut, except Bridgeport; Rhode Island, except Warwick; New Jersey, except Newark, Wayne, Paramus, and Menlo Park, under a continuing contract or contracts with Wallachs, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wallachs, 3236 47th Avenue, Long Island City, N.Y. 11103. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007. The purpose of this republication is to indicate the correct destination.

No. MC 126327 (Sub-No. 4TA), filed December 2, 1977. Applicant: C & S TRUCKING, INC., 1983 Old Oakland Highway, San Jose, Calif. 95131. Applicant's representative: William J. Monheim, 13710 E. Whittier Boulevard, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* (other than frozen), from Buena Park, Calif., to points in Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Sup-



porting shipper(s): Nabisco, Inc., East Hanover, N.J. 07936. Send protests to: Michael M. Butler, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 128205 (Sub-No. 41TA), filed December 8, 1977. Applicant: BULK-MATIC TRANSPORT CO., 12000 South Doty Avenue, Chicago, Ill. 60628. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank type vehicles, from Indianapolis, Ind., to Wenona, Ill., for 180 days. Supporting shipper(s): Acme-Evans Co., Division of General Grain, Inc., Marvin K. Baker, Vice-President, Operations, 902 West Washington Avenue, Indianapolis, Ind. 46204. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1386, Chicago, Ill. 60604.

No. MC 128469 (Sub-No. 4TA), filed November 14, 1977. Applicant: A & A TRANSFER & STORAGE, INC., 113 Hollywood Boulevard, NW, Drawer "AA", Fort Walton Beach, Fla. 32548. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between (1) Jacksonville, Fla., on the one hand, and, on the other, points in Ga.; (2) Pensacola and Fort Walton Beach, Fla., on the one hand, and, on the other, points in Ala., and (3) points in Alabama, and Ga., restricted to the transportation of traffic having a prior or subsequent movement, in containers and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shipper(s): (1) Routed Thru-Pac, Inc., 9219 Harford Road, Baltimore, Md. 21234. (2) National Forwarding, Inc., National Plaza, Broadview, Ill. 60153. (3) Vanpac Carriers, Inc., 2114 Macdonald Avenue, Richmond, Calif. 94801. (4) Columbia Export Packers, Inc., 19032 South Vermont Avenue, Torrance, Calif. 90502. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 129387 (Sub-No. 44TA), filed November 14, 1977. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 12271, Huron, S. Dak. 57350. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a

*common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionaries, and related advertising and display items*, (1) from the facilities of E. J. Brach & Sons, Inc., located at Chicago, Sullivan, and Carol Stream, Ill., and Davenport, Iowa, to points in Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana, Wyoming, and New Mexico; and (2) from the facilities of E. J. Brach & Sons, Inc., located at or near Reno, Nev., to points in Washington, Oregon, California, Utah, Montana, Idaho, and Arizona, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): E. J. Brach & Sons, Division of American Home Products, 205 Parr Boulevard, P.O. Box 11430, Reno, Nev. 89510. Thomas H. Walker Assistant Traffic Manager. Send protests to: J. L. Hammond District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455 Federal Building, Pierre, S. Dak. 57501.

No. MC 134922 (Sub-No. 245TA), filed November 22, 1977. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams, Route 6, Box 15, North Little Rock, Ark. 72118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *portable ladders, wood ladders, fiberglass ladders, aluminum ladders, mobile steel and aluminum platform ladders, special purpose ladders*, (2) *fixed ladders, steel ladders, aluminum ladders, fiberglass ladders*, (3) *ladder accessories*, (4) *scaffolding, steel aluminum*, (5) *stages and planks, aluminum wood*, (6) *elevating work platforms, mobile telescoping platforms, mobile scissor lift platforms, mobile boom lift platforms, fork lift platforms*, (7) *fall protection equipment*, (8) *ladder racks*, (9) *lumber, fabricated wood parts, wood pallets*, (10) *steel materials, fabricated parts and hardware*, (11) *aluminum extrusions, fabricated parts and casting*, (12) *reinforced plastic protrusions, materials and plastic parts*, from Wooster, Ohio, to Arkansas, Louisiana, Texas, Oklahoma, Missouri, New Mexico, Arizona, California, Colorado, Utah, Nevada, Nebraska, Montana, Wyoming, Washington, Oregon, Idaho, for 180 days. Supporting shipper(s): Bauer Corp., 1505 East Bowman Street, Wooster, Ohio 44691. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 135231 (Sub-No. 26TA), filed December 7, 1977. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box

6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and particleboard*, from points in Washington, Oregon, Idaho, and Montana, to points in Minnesota, North Dakota, South Dakota, Iowa, and Wisconsin, for 180 days. Supporting shipper(s): Emmer Brothers Co., 520 Southdale Office Center, 6800 France Avenue South, Minneapolis, Minn. 55435. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, N. Dak. 58102.

No. MC 135797 (Sub-No. 87TA), filed November 16, 1977. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, Ark. 72745. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, Ark. 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods and pimientos* in glass containers, from Johnson and Springdale, Ark., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia, and (2) *canned goods and canned juices*, from Haskell, Okla., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia, and (3) *machinery, materials and supplies* used in the manufacture or distribution of the commodities named in (1) and (2) above; from Arkansas, California, Georgia, Indiana, Louisiana, Michigan, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, to Johnson and Springdale, Ark., and Haskell, Okla., restricted to the transportation of traffic originating at the plantsite and facilities of Forrest Park Canning Co., Inc., of Springdale, Ark., for 180 days. Supporting shipper(s): Forrest Park Canning Co., Inc., P.O. Box 191, Springdale, Ark. 72764. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 135861 (Sub-No. 24TA), filed December 5, 1977. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, 2715 Ellis Avenue, Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76106. Authority sought to operate as a *contract carrier*, by motor ve-

hicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in section A and C of appendix I to the Report in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Brownwood, Tex., to Akron, Ohio, under a continuing contract, or contracts, with Swift Fresh Meats Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Swift Fresh Meats Co., a division of Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Robert J. Kirspeil, District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 139584 (Sub-No. 10TA) (correction), filed September 28, 1977, published in the FEDERAL REGISTER issue of November 11, 1977, and republished, as corrected, this issue. Applicant: JOHN BUSCH, P.O. Box 211, Conyngham, Pa. 18219. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated wood flooring and wooden furniture parts*, from Nescopeck, Pa., to points in the United States lying on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, and Arkansas, Texas, and California; and (2) *lumber* from points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, and points Arkansas, Texas, and California, to Nescopeck, Pa., for 180 days. Supporting shipper(s): Rad Woodwork Co., Inc., P.O. Box 288, Nescopeck, Pa. 18635. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503. The purpose of this correction is to show part (2) of the requested authority.

No. MC 136220 (Sub-No. 47TA), filed December 1, 1977. Applicant: ROY SULLIVAN, d.b.a. SULLIVAN TRUCKING CO., P.O. Box 2164,

Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Petroleum coke* (in bulk, in dump vehicles), from El Dorado, Kans., to points in Arkansas, Colorado, Missouri, Nebraska, Oklahoma (except facilities of Midwest Carbide Corp. near Pryor, Okla.), and Texas, for 180 days. Supporting shipper: Great Lakes Carbon Corp., 299 Park Avenue, New York, N.Y. 10017. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office and Court House Building, 215 North-west 3rd, Oklahoma City, Okla. 73102.

No. MC 138328 (Sub-No. 52TA), filed November 10, 1977. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Highway 50, P.O. Box 37308, Omaha, Nebr. 68137. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, utilized in the curing and processing of cement and concrete (except commodities in bulk); and (2) *materials, equipment, and supplies*, used in the manufacture, distribution, and application of the commodities described in (1) above (except commodities in bulk), (a) from Baton Rouge, La., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas; (b) from Edison, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Vermont, Virginia, and West Virginia; (c) from points in Connecticut, Maryland, Massachusetts, New York, and Pennsylvania, to Edison, N.J.; (d) from Omaha, Nebr., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, Edison, N.J., and Baton Rouge, La.; and (e) from Illinois, Indiana, Ohio, Edison, N.J., Emeryville, Calif., and Baton Rouge, La., to Omaha, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Nox-Crete Chemicals, Inc., C. Gary Linn, President, 20th and Williams Street, Omaha, Nebr. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 139495. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans.

67901. Applicant's representative: Herbert Alan Dubin, Sullivan, Dubin & Kingsley, 1320 Fenwick Lane, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, sealants, solvents, stains, wood preservatives, and accessories, equipment, materials, and supplies* used in the installation, maintenance, and distribution of floors, floor coverings, walls, and wall coverings, in vehicles equipped with mechanical refrigeration, (1) from the facilities of Roberts Consolidated Industries, Inc., at Dayton and Piqua, Ohio, to points east of Montana, Wyoming, Colorado, and New Mexico; and (2) from the facilities of Roberts Consolidated Industries, Inc., at Kalamazoo, Mich., to Roberts' warehouse locations at Huntingdon Valley, Pa.; Conyers, Ga.; Waco, Tex.; Dayton and Piqua, Ohio; City of Industry and Monrovia, Calif.; and Vancouver, Wash. Supporting shipper: Roberts Consolidated Industries, Inc., 600 North Baldwin Park Boulevard, City of Industry, Calif. 91749. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101A Litwin, 110 North Market, Wichita, Kans. 67202.

No. MC 140768 (Sub-No. 10TA) (Correction), filed November 3, 1977, published in the FEDERAL REGISTER issue of November 3, 1977, and republished, as corrected, this issue. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, N.J. 08835. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material* (except in bulk), (1) from the plantsite of Fibreboard Corp. at or near Gramblin, La., to points in Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Illinois, Indiana, and Ohio; and (2) from the plantsite of Fibreboard Corp. at or near Fruita, Colo., to points in Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Illinois, Indiana, and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fibreboard Corp., 55 Francisco Street, P.O. Box 3611, San Francisco, Calif. 94119. Send protest to: Robert S. H. Vance, District Supervisor, 9 Clinton Street, Room 618 Newark, N.J. 07102. The purpose of this correction is to indicate the correct Sub-No. for this proceeding.

No. MC 140768 (Sub-No. 12TA), filed November 18, 1977. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, N.J. 08835. Applicant's representative: Eugene M.



Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrolyte battery acid, brake fluid, lacquer, gas line anti-freeze, and windshield washer solution* (except in bulk), (a) from the plantsite and warehouse facilities of Scholle Corp. at or near Ridgely, N.J., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and (b) from the plantsite and warehouse facilities of Scholle Corp. at or near Northlake, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin, and (c) from the plantsite and warehouse facilities of Scholle Corp. at or near College Park, Ga., to points in Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, (2) *materials and supplies* used in the manufacture, packaging, and distribution of the commodities in (1) above, from the destinations named in (1) (a), (b), and (c) to their respective origins for 180 days. Supporting shipper(s): Scholle Corp., 200 West North Avenue, Northlake, Ill. 60164. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 141362 (Sub-No. 9TA) (correction), filed October 28, 1977, published in the *FEDERAL REGISTER* issue of November 18, 1977, and republished, as corrected, this issue. Applicant: ESCONDIDO TRUCK & EQUIPMENT, 1020 Linda Vista Drive, San Marcos, Calif. 92069. Applicant's representative: William J. Monheim, 15942 Whittier Boulevard, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed supplements*, dry, in bulk, from Pima County, Ariz., to Imperial County, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southwestern Commodities, General Manager, P.O. Box 1281, Indio, Calif. 92201. Send protests to: Edward P. Henry, District Supervisor, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012. The purpose of this correction is to show correct spelling of applicant's name, and to show destination as Imperial County, Calif., in lieu of Imperial County, Ga., as previously published.

No. MC 141635 (Sub-No. 1TA), filed December 1, 1977. Applicant: LAVERN GIBSON, d.b.a., GIBSON SERVICE

CO., P.O. Box 1123, 110 Highway 43, Henderson, Tex. 75652. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76107. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed, and replacement vehicles and trailers* (except mobile homes), by wrecker equipment, between points in Texas, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper(s): There are approximately 6 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 142062 (Sub-No. 7TA), filed November 22, 1977. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box 62, Sellersburg, Ind. 47172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products*, and such other commodities as are manufactured or distributed by a manufacturer of aluminum products, from the facilities of Reynolds Metals Co. at or near Louisville, Ky., to points in Texas, and (2) *returned, refused, or rejected shipments* of the foregoing commodities, from points in Texas, to the facilities of Reynolds Metals Co. at or near Louisville, Ky., restricted to the transportation of shipments, under a continuing contract, or contracts, with Reynolds Metals Co., for 180 days. Supporting shipper(s): Reynolds Metals Co., P.O. Box 32920, Louisville, Ky. 40232. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 143325 (Sub-No. 1TA), filed November 22, 1977. Applicant: THOMAS L. ROLLANS, P.O. Box 365, Bryant, Ark. 72022. Applicant's representative: Don A. Smith, P.O. Box 43, 510 N. Greenwood, Fort Smith, Ark. 72902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials*, including concrete blocks, building blocks, masonry joint reinforcing, and industrial sands, from El Dorado, Pine Bluff, and Little Rock, Ark., to points in that part of Louisiana, on and north of U.S. High-

way 190, and points in that part of Mississippi north and west of a line beginning at the Mississippi-Tennessee State line and extending along Mississippi Highway 7 to junction U.S. Highway 51, thence along U.S. Highway 51 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Louisiana State line; and return shipments of the named commodities, from the destination territory to the origin points, under a continuing contract, or contracts, with Arkhola Sand and Gravel Co., a Division of Ashland-Warren, Inc., of Fort Smith, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arkhola Sand & Gravel Co., Division of Ashland-Warren, Inc., P.O. Box 1627, Fort Smith, Ark. 72902. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 143688 TA (correction), filed September 7, 1977, published in the *FEDERAL REGISTER* issue of October 26, 1977, and republished, as corrected, this issue. Applicant: PEARL CONTRACT CARRIERS, INC., Rt. 4, Box 98, Lawton, Okla. 73501. Applicant's representative: C. L. Phillips, Room 248-Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, Okla. 73106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in containers, from Altus, Ark.; Cutler, Guerneville, Madera, Modesto, San Jose, St. Helena, and Sonoma, Calif.; Jacksonville, Fla.; Lawrenceburg, Ind.; Chicago, Pekin, Peoria, Plainfield and Lamont, Ill.; Clermont, Bardonia, Frankfort, Louisville, Lawrenceburg, Loretto, Owensboro, and Paducah, Ky.; Baltimore, Md.; Allen Park and Detroit, Mich.; Kansas City and St. Louis, Mo.; Dayton, Jersey City, Kerney, Little Ferry, Newark, London, and Scobeyville, N.J.; Brooklyn, Fairborn, Long Island City, Manhattan, New Hyde Park, New York City, and Queens, N.Y.; Cincinnati, Ohio; and Lynchburg, Tenn., to Oklahoma City, Okla., under a continuing contract or contracts with Central Liquor Co., for 180 days. Supporting shipper: Central Liquor Co., P.O. Box 1194, Oklahoma City, Okla., 73101. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Bldg., 819 Taylor Street, Fort Worth, Tex. 76102. The purpose of this correction is to indicate the territory sought.

No. MC 143967 (Sub-No. 2TA), filed November 9, 1977. Applicant: W. K. SPENCE, d.b.a., W. K. TRANSFER, P.O. Box 2796, 11503 East Pine Street, Tulsa, Okla. 74116. Applicant's representative: Arthur J. Cerra, P.O. Box 19251, 2100 Ten Main Center, Kansas

City, Mo. 64141. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in and sold or utilized by retail discount department stores in the conduct of their business, between the warehouse of Wal Mart Stores, Inc., located in Tulsa, Okla., on the one hand, and, on the other, the warehouses of Wal Mart Stores, Inc., located at Kansas City and St. Louis, Mo.; Memphis, Tenn.; Dallas, Tex.; and Little Rock, Ark., and from the warehouse of Wal Mart Stores Inc. located in Tulsa, Okla., to Wal Mart Stores in Oklahoma, under a continuing contract, or contracts, with Wal Mart Stores, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wal Mart Stores, Inc., P.O. Box 116, Bentonville, Ark. 72712. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 143982 TA, filed November 15, 1977. Applicant: DONALD SCHIRR, R. R. No. 2, Iuka, Ill. 62849. Applicant's representative: Robert T. Lawley, 300 Reich Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fabricated expanded plastics*, between Fenton, Mich., and Salem, Ill., and (b) *fabricated expanded plastics*, from Salem, Ill., to Fenton, Mo., St. Louis, Mo., and Lima, Ohio, and (c) *expanded plastics*, from Mishawaka, Ind., Coshocton and Hanging Rock, Ohio, to Salem, Ill., all for the account of Creative Foam Corp., Salem, Ill., under a continuing contract, or contracts, with Creative Foam Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Creative Foam Corp., 1003 South Maple, Salem, Ill. 62881. (Max Caraway Plant Manager). Send protests to: District Supervisor, Interstate Commerce Commission, 414 Leland Office Bldg., 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 143993 (Sub-No. 1TA), filed December 7, 1977. Applicant: BLACK HILLS TRUCKING, INC., 106 Rivercross Road, Casper, Wyo. 82601. Applicant's representative: Tommy L. Smith, 106 Rivercross Road, Casper, Wyo. 82601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, between points in Wyoming, North Dakota, Montana, Colorado, Beaver, Harper, Ellis, Dewey, Woods, Alfalfa, Major, Custer, Woodward, and Texas Counties, Okla., and Hemphill, Ochiltree, Lipscomb, Roberts, and

Hansford Counties, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper (S): There are approximately (11) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below: Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 105 Federal Building & Court House, 111 South Wolcott, Casper, Wyo. 82601.

No. MC 144032 (Sub-No. 1TA), filed November 18, 1977. Applicant: R & S TRUCKING, INC., R. R. 1, Box, 123, Garretson, S. Dak. 57101. Applicant's representative: Jack L. Shultz, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packaged edible meat*, between Omaha, Nebr., and points in the State of California. Restriction: The above traffic is restricted to shipments originating at and destined to the plantsite and production facility of H. Shenson & Co., Inc., (2) *Fresh beef briskets*, in mixed loads with fresh beef, from the plantsite of Iowa Beef Packers, Inc., at Pasco, Wash., and Boise, Idaho; and from the plantsite of Armour Foods Co., at or near Nampa, Idaho to Omaha, Nebr. Restriction: The above traffic is restricted to shipments originating at the designated origins and destined to the H. Shenson & Co., Inc., facility in Omaha, Nebr. All of the above authority is to be performed under a continuing contract, or contracts, with H. Shenson & Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: H. Shenson & Co., Inc., 27th and Y Omaha, Nebr. 68107. (Jack H. Feller, Jr.) Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501.

No. MC 144038 (Sub-No. 1TA), filed December 2, 1977. Applicant: SOUTHWEST SUPPLY, INC., 350 Roanoke Street, Bluefield, W. Va. 24701. Applicant's representative: Stephen P. Swisher, 339-12th Street, Dunbar, W. Va. 25064. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, mining chemicals and flotation reagents*, in packages, from the warehouse sites of Southwest Supply, Inc., from the warehouse sites of Southwest Supply, Inc., in Bluefield and Wheeling, W. Va., to coal mining preparation (cleaning) plants, at or near Arjay, Brookside, Corbin, Highplint, Lovely, Phelps, Pikesville, and

Sidney, Ky.; Alledonia and Powhatan Point, Ohio; Ellsworth, Tarentum, Tire Hill, and West Newton, Pa.; Andover, Appalachia, Cleveland, Dante, Glamorgan, McClure, St. Paul, and Vansant, Va., under a continuing contract, or contracts, with American Cyanamid Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charles F. Neuhaus, Division Transportation Manager, American Cyanamid Company, Wayne, N.J. 07470. Send protests to: Frances A. Ciccarello, Secretary, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 144059 TA, filed December 6, 1977. Applicant: AMERICAN INTERNATIONAL EXPORTS, INC., 1346 Connecticut Avenue NW., Washington, D.C. 20036. Applicant's representative: Daniel B. Johnson, 4304 East-West Highway, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and appliances*, from Washington, D.C., and its commercial zone, to Baltimore, Md., restricted to a service performed in conjunction with packing and crating and to the transportation of shipments having a subsequent movement by water in foreign commerce, for 180 days. Supporting shipper(s): (1) Nigerians Student Union, 2 Manchester Place, Apt. 201, Silver Spring, Md. 20901. (2) Ijesha Student Union, 1509 Elkwood Drive, Apt. 101, Beaver Heights, Md. 20027. (3) International Marketing Associates, Inc., 1601 Connecticut Avenue NW., Washington, D.C. 20036. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Avenue NW., Room 1413, Washington, D.C. 20423.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-460 Filed 1-6-78; 8:45 am]

[7035-01]

[Notice No. 279]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment re-



sulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before February 8, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77383, filed December 20, 1977. Transferee: CARL L. FRYE, 10330 Kingsport Drive, Cincinnati, Ohio 45241. Transferor: Ray Hamilton, Sr. (Frank R. Waldron, Commissioner, Estate of Ray Hamilton, Sr.), d.b.a. Ray Hamilton & Co., 2141 Gilbert Avenue, Cincinnati, Ohio 45206. Applicant's representative: Carl L. Frye. Address: Same as transferee. Authority sought for purchase by transferee of the broker operations of transferor as set forth in License No. MC 12801 (Sub-No. 1), issued December 13, 1963, as follows: *Furnishings, machinery, and other equipment*, which are a part of the contents of an industrial plant, office building, or institution, to be moved as a unit from one location to another, between points in the United States, including Alaska and Hawaii. Applicant is authorized to engage in the above-specified operations as a broker at Cincinnati, Ohio, and Washington, D.C. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77435, filed November 29, 1977. Transferee: UNION CITY TRANSFER, INC., 1295 Railroad Avenue, Beaumont, Tex. 77701. Transferor: Cecil E. Vallee (Ferrel Ridley Vallee, Executrix), E. H. Vallee, Effie Vallee Albaugh and Helen Vallee Withers (Richard E. Withers, Sr., Executor), a partnership, d.b.a. Union City Transfer, 1295 Railroad Avenue, Beaumont, Tex. 77701. Applicants'

representative: John H. Benckenstein, Attorney at Law, 550 Fannin, 1305 Petroleum Building, Beaumont, Tex. 77701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 32528 (Sub-No. 1), and MC 32528 (Sub-No. 29) issued April 24, 1968, and March 9, 1955 respectively as follows: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, over irregular routes, between points and places in Louisiana, Mississippi, and Texas. *Structural and plate steel, reinforcing steel, and tank steel, contractors' machinery, equipment and supplies*, and such commodities as require the use of special equipment by reason of size or weight, and parts thereof, when moving in connection with above-named commodities, over irregular routes. Between points and places in Orange and Jefferson Counties, Tex., on the one hand, and, on the other, points and places in Louisiana. *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur, its products and by-products, between points in Louisiana and Texas. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77451, filed December 7, 1977. Transferee: ARTHUR C. LAMB, d.b.a. ARTHUR C. LAMB CO., 160 Turnpike Street, Canton, Mass. 02021. Transferor: Chester A. Lamb and Foye D. Lamb, a partnership, d.b.a. Lamb Bros., 23 Grantley Street, Hyde Park, Mass. 02136. Applicants' representative: Frank J. Weiner, Attorney at Law, 15 Court Square, Boston, Mass. 02108. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 82108, issued June 12, 1953, as follows: *Boilers, steel tanks, smokestacks, and parts thereof*, over irregular routes, from Fitchburg, Lawrence, Lowell, and Boston, Mass., and points within 10 miles of Boston, to points in New Hampshire and Rhode Island, with no transportation for compensation on return except as otherwise authorized. *Boilers, steel tanks, smokestacks, heavy machinery, and parts thereof*, over irregular routes, between points in Connecticut, between

points in Maine, between points in Massachusetts, between points in New Hampshire, between points in Rhode Island, between points in Vermont. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77454, filed December 19, 1977. Transferee: H & S TRANSFER, INC., 3109 Crestline Drive, Steubenville, Ohio 43952. Transferor: Stony's Trucking Co., 6135 Catawba Drive, Canfield, Ohio 44406. Applicant's representative: Daniel B. Roth c/o Roth & Stevens, 1000 Union National Bank Building, Youngstown, Ohio 44503; Paul F. Beery, Attorney at Law, 275 East State Street, Columbus, Ohio 43215. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 75816 (Sub-No. 1), issued August 23, 1974, as follows: *Commodities, steel, and metal and wire products*, between Columbus and Martin's Ferry, Ohio, on the one hand, and, on the other, points in Ohio. *Wire and wire products, sheet steel wire, steel coal doors, steel channels, steel fence posts, solder, sheet steel, tin plate, and terce plate*, between Columbus and Portsmouth, Ohio, and Wheeling, W. Va., and points within 25 miles of Wheeling, W. Va., on the one hand, and, on the other, points in Ohio, and a specified part of Indiana, from Portsmouth, Ohio, and Wheeling, W. Va., and points within 25 miles of Wheeling, W. Va., to Detroit, Mich., with no transportation for compensation on return except as otherwise authorized. *Fertilizer*, between Columbus, Ohio, on the one hand, and, on the other, points in that part of West Virginia, on the west of U.S. Highway 19, and on the north of U.S. Highway 60. *Flat rolled steel sheets and strip steel* (flat or on coils), from Weirton, W. Va., to Seymour, Ind., with no transportation for compensation on return except as otherwise authorized. *Ferroalloys*, in bulk, in dump vehicles, from Brilliant, Ohio, to Baltimore, Md., St. Louis, Mo., points in Illinois, Indiana, Kentucky, Michigan, New York, and specified portions of Pennsylvania and West Virginia. *Ferroalloys*, from Brilliant, Ohio, to points in specified portions of Pennsylvania and West Virginia. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-456 Filed 1-6-78; 8:45 am]

# [7035-01]

[Notice No. 278]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 9, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77477. By application filed December 27, 1977, P.D.F. TRUCKING CO., 949 North Munroe Road, Talmadge, Ohio 44278, seeks temporary authority to transfer the operating rights of Fischbach Trucking Co., 921 Sherman Street, Akron, Ohio 44311, under section 210a(b). The transfer to P.D.F. Trucking Co., of the operating rights of Fischbach Trucking Co., is presently pending.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-459 Filed 1-6-78; 8:45 am]

# [7035-01]

[No. 36782]

## SOUTHERN RAILWAY CO. AND NORFOLK AND WESTERN RAILWAY CO.

### Elimination of Walnut Cove, N.C., Interchange

Southern Railway Co. (Southern) and Norfolk and Western Railway Co. (N&W) filed a joint petition on August

<sup>1</sup>Petition filed under Finance Docket No. 16577, "Southern Railway Co. Purchase."

26, 1977, asking approval to abolish their Walnut Cove, N.C., interchange. Our permission for elimination of the Walnut Cove junction is required as a condition imposed in the November 25, 1949, order in Finance Docket No. 16577, Southern Railway Co. Purchase. The purpose of the proposed elimination is to make local train operations more efficient and safer by transferring Walnut Cove interchange to nearby Winston-Salem, N.C.

North Carolina Utilities Commission (NCUC), a party to F.D. No. 16577, filed on September 26, 1977, a petition for leave to intervene in the application to eliminate the Walnut Cove interchange and requesting that an investigation be instituted. By reply filed October 7, 1977, Southern and N&W do not object to further participation by NCUC, indicating that rate changes may result from their proposal, and requesting that their petition be received as the opening statement under modified procedure. Therefore,

It is ordered: A proceeding is instituted to consider the petition of Southern and N&W to eliminate their Walnut Cove, N.C., interchange, and such proceeding is docketed as set forth above.

Petitioners, Southern and N&W, are hereby made respondents, and petitioner, NCUC, is hereby made a protestant in this proceeding.

This order shall be served upon petitioners and all other interested persons and parties in F.D. No. 16577, and

shall be delivered to the FEDERAL REGISTER for publication therein.

No oral hearing will be scheduled for receiving testimony in this proceeding unless a need should later appear, but any interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, or arguments on the issues mentioned above, or any other subjects pertaining to those issues.

Any person intending to participate actively in this proceeding shall notify the Commission by filing the original and one copy of a statement of intent to participate, as well as the position it intends to take, with the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before January 30, 1978. The Office of Proceedings shall then prepare and make available to all persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be served. At the time of transmittal of the service list, the Commission will fix the time within which initial statements and reply statements must be filed.

Dated at Washington, D.C., this 22d day of December 1977.

By the Commission, Commissioner Murphy.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-455 Filed 1-6-78; 8:45 am]



# sunshine act meetings

This section of the FEDERAL REGISTER contains notice of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

[6320-01]

[M-92]

CIVIL AERONAUTICS BOARD.

JANUARY 4, 1978.

TIME AND DATE: 10 a.m.—January 11, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratification of items adopted by notation.  
2. Docket 24694, *Miami-Los Angeles Competitive Nonstop Case* (OGC).  
3. Docket 28866, *Singapore Airlines Limited*, Application of Singapore Airlines for a foreign air carrier permit (OGC, BIA).

4. Docket 31117, *Club Med, Inc., Foreign Indirect Air Carrier Permit* (Memo No. 7688, BLJ, OGC).  
5. Dockets 30181 and 30174, Motion of Pacific Seaboard for Hearing (Memo No. 6899-B, BOR, OGC).

6. Dockets 27999 and 28000, United Air Lines, Inc.—Certificate Amendment to Permit Nonstop Service Between Cleveland and New Orleans (Memo No. 7361-A, BOR).  
7. Dockets 30693 and 30723, Standard and Transocean—Exemptions to engage in supplemental air transportation (Memo No. 7690, BOR, OGC).

8. Docket 31126, American's exemption request to provide nonstop New York/Newark-Bahamas service (Memo No. 5177-F, BOR, BIA, OGC).  
9. Disclosure of Information to the Federal Aviation Administration (Memo No. 7689, BOE).

10. Proposal to increase fares to/from within the Pacific Trust Territory by Continental/Air Micronesia (BFR).  
11. Docket 31867, Stop-N-Save fares proposed by Ozark (BFR).  
12. Docket 31914, proposals to increase mainland-Puerto Rico/Virgin Islands fares by American and Eastern (BFR).  
13. General fare increase proposed by Alaska (BFR).  
14. Mainland-Hawaii fare increase proposed by Continental and Western (BFR).

STATUS: Open.  
PERSON TO CONTACT:  
Phyllis T. Kaylor, The Secretary, 202-673-5068.

[S-32-78 Filed 1-5-78; 3:42 pm]

2

[6320-01]

[M-91 amdt. 1]

CIVIL AERONAUTICS BOARD.

JANUARY 3, 1978.

Notice of addition of item to the January 5, 1978 meeting agenda.

TIME AND DATE: 10 a.m.—January 5, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.  
SUBJECT: 4a. Part 298—Dual Operating Authority (Memo No. 7693 OGC, BOR).  
STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: This item is a draft final rule to amend Part 298 so as to permit certain all-cargo air service carriers to continue to be eligible to operate also as air taxi operators, effective January 9, 1978. A related item, Sample Certificate for Section 418 Carriers (Memo No. 7675, BOR, OGC), is already on the Calendar for January 5. So that the Board can consider these items at the same meeting, the following Members have voted that agency business requires the addition of this item to the January 5, 1978 agenda on less than seven days' notice and that no earlier announcement of this addition was possible:

Chairman, Alfred E. Kahn.  
Vice Chairman, Richard J. O'Melia.  
Member, G. Joseph Minetti.  
Member, Lee R. West.  
Member, Elizabeth E. Bailey.

[S-33-78 Filed 1-5-78; 3:42 pm]

[6335-01]

3

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: Monday, January 9, 1978, 9 a.m. to 5 p.m., Tuesday, January 10, 1978, 1:30 to 3 p.m., Room 512, 1121 Vermont Avenue NW., Washington, D.C.

STATUS: Part of the meeting will be open to the public and part of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public, 9 a.m. to 12:30 p.m., Monday, January 9, 1978.  
I. Approval of Agenda.  
II. Approval of Minutes of last meeting.

III. Staff Director's Report: (A) Status of Funds; (B) Personnel Report; (C) Correspondence: 1. Letter from Senator S. I. Hayakawa re: bias in textbooks study, 2. Letter from Civil Service Commission Chairman Alan Campbell re: comments on Special Emphasis Employment Programs, 3. Letter from Legal Services Corporation Director Thomas Ehrlich re: comments on LSC amendments, 4. Letter from Frank Diaz, Chairman of Concerned Puerto Rican Committee, re: presentation to Commission, 5. Letter from LaDonna Harris, President of Americans for Indian Opportunity, re: affirmative action statement, 6. Letter from International Women's Year Presiding Officer Bella Abzug re: detail of Elvira Crocker; (D) Office Directors' Reports.

IV. Report on Civil Rights Developments in the Mid-Atlantic Region.  
V. Discussion of Public Service. Radio and TV Spots.  
VI. Discussion of Unemployment and Underemployment Study.  
VII. Discussion of Reorganization Task Force Options.  
VIII. Discussion of Title I "Follow The Child" Policy.  
IX. Briefing on Battered Women Consultation.

MATTERS TO BE CONSIDERED: Portion closed to the public, 2 to 5 p.m.:  
I. Review draft of State of Civil Rights report.

## SUNSHINE ACT MEETINGS

II. Approval of Regional Advisory Committee members.

MATTERS TO BE CONSIDERED:

Portion open to the public, 1:30 to 3 p.m., Tuesday, January 10, 1978:

I. Briefing by Eleanor Holmes Norton, Chair, Equal Employment Opportunity Commission on the recent reorganization of that Commission.

FOR FURTHER INFORMATION CONTACT:

Loretta Ward, Public Affairs Unit, 202-254-6697.

[S-21-78 Filed 1-5-78; 10:31 am]

[6351-01]

4

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., January 12, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Judicial session.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-18-78 Filed 1-5-78; 10:31 am]

[6351-01]

5

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2 p.m., January 10, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-19-78 Filed 1-5-78; 10:32 am]

[6351-01]

6

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., January 13, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-20-78 Filed 1-5-78; 10:31 am]

[6740-02]

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (To be published January 6, 1978).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: January 11, 1978, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company  
ER-11—ER77-546, Dayton Power & Light Co.  
M-5—RM74-16, Natural Gas Companies' Annual Report of Proved Domestic Gas Reserves: FPC Form No. 40.  
M-6—Policy on Rate-of-Return for Subsidaries.

KENNETH F. PLUMB,  
Secretary.

[S-29-78 Filed 1-5-78; 11:29 am]

[6720-01]

8

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., January 4, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

MATTERS TO BE CONSIDERED: Consideration of Appointment of Ms. Anne P. Jones as General Counsel.

ANNOUNCEMENT IS BEING MADE AT THE EARLIEST PRACTICABLE TIME. No. 121, January 3, 1978.

[S-22-78 Filed 1-5-78; 8:45 am]

[6720-01]

9

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: January 11, 1978, 9:30 a.m.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

MATTERS TO BE CONSIDERED:

Applications for Bank Membership and Insurance of Accounts, California Women's Savings and Loan Association, Los Angeles, Calif.

Branch Office Applications, Pulaski Federal Savings and Loan Association, Little Rock, Ark.

Appointment of Director, Office of Community Investment, No. 122, January 4, 1978.

[S-23-78 Filed 1-5-78; 10:31 am]

[6210-01]

10

FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 F.R., 60, January 3, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Thursday, January 5, 1978.

CHANGES IN THE MEETING: Deletion of the following open item from the agenda:

Federal Reserve Board budgets for 1978.

This matter will be considered at the Open Meeting on January 11, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: January 5, 1978.

THEODORE E. ALLISON,  
Secretary of the Board.

[S-25-78 Filed 1-5-78; 10:32 a.m.]

[6750-01]

11

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, January 12, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Oral Presentation to the Commission regarding the Proprietary Vocational and Home Study Schools Trade Regulation Rule. Representatives of Federal agencies, trade associations, and consumer groups will present their views and respond to questions from the Commission regarding the proposed rule.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; Recorded message, 202-523-3806.

[S-28-78 Filed 1-5-78; 11:17 am]



1432

[7035-01]

12

INTERSTATE COMMERCE COMMISSION.

JANUARY 3, 1978.

TIME AND DATE: 9:30 a.m., Tuesday, January 10, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C.

STATUS: Special Conference.

MATTERS TO BE CONSIDERED: 1. Review of Commission's Canons of Conduct (discussion and voting).

CONTACT PERSON FOR MORE INFORMATION:

Office of Information and Consumer Affairs, Douglas Baldwin, Director, telephone: 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-24-78 Filed 1-5-78; 10:31 am]

[7550-01]

13

NATIONAL MEDIATION BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 64782.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m.; Wednesday, January 4, 1978.

CHANGES IN THE MEETING: Addition to matters to be considered—Adoption of uniform system of citation to National Mediation Board decisions.

SUPPLEMENTARY INFORMATION: Chairman Ives and Board Members Stowe and Harris have determined by recorded vote that Agency business required this change and that no earlier announcement of such change was possible.

(Date of Notice: January 4, 1978.)

[S-27-78 Filed 1-5-78; 11:17 am]

[7590-01]

14

NUCLEAR REGULATORY COMMISSION.

# SUNSHINE ACT MEETINGS

TIME AND DATE: Wednesday, January 11 and Thursday, January 12, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

WEDNESDAY, JANUARY 11

9:30 a.m.—General briefing on international programs and discussion of export/import regulations, part 110 (approx. 2 hrs.) (public meeting).

2 p.m.—1. Discussion of antitrust decision in Midland (ALAB-452) (approx. ½ hr.) (public meeting). 2. Discussion of pending attorney disciplinary proceeding arising from Midland CP remand (approx. ½ hr.) (closed—exemptions 6 and 10). 3. Discussion of personnel matter (approx. 2 hrs.) (closed—exemption 6).

THURSDAY, JANUARY 12

9:30 a.m.—Discussion of personnel matter (approx. 1½ hrs.) (closed—exemption 6).

11 a.m.—Oral arguments in St. Lucie (ALAB-420) (approx. 1 hr.) (public meeting).

2 p.m.—1. Discussion of St. Lucie (ALAB-420) (approx. 1 hr.) (public meeting). 2. License Fees (approx. 1 hr.) (public meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,  
Office of the Secretary.

JANUARY 4, 1978.

[S-30-78 Filed 1-5-78; 1:57 pm]

[7600-01]

15

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., January 11, 1978.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson, 202-634-7970.

Dated: January 5, 1978.

[S-26-78 Filed 1-5-78; 10:50 am]

[3810-70]

16

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

TIME AND DATE: January 16, 1978, 8 a.m.

PLACE: Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda Md. 20014 (rooms 264 and 126).

STATUS: Open.

MATTERS TO BE CONSIDERED:

8—Meeting—Educational Affairs Committee: (1) Graduate Education Accreditation; (2) Admission Committee Report; (3) Distinguished Professor Title; (4) Faculty Appointments.

8—Meeting—Administrative Affairs Committee: (1) Report: Director of Administrative Affairs; (2) FY 1979 Budget Report; (3) Construction Costs and Changes.

10—Meeting—Board of Regents: (1) Report: Educational Affairs Committee; (2) Report: Administrative Affairs Committee; (3) Report: Acting President; (4) Report: Dean, School of Medicine; (5) Service Obligation of Students who Fail to Graduate; (6) Awards.

New Business.

SCHEDULED MEETINGS: March 13, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Tor Richter, Capt., MC USN, Executive Secretary of the Board, AC 202-295-2106.

MAURICE W. ROCHE,  
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

JANUARY 5, 1978.

[S-31-78 Filed 1-5-78; 1:57 pm]

MONDAY, JANUARY 9, 1978  
PART II



## DEPARTMENT OF DEFENSE

Engineer Corps,  
Department of the Army

## NATURAL DISASTERS

Emergency Employment of Army  
and Other Resources;  
Administrative Procedures

Registered  
Federal



## [3710-92]

Title 33—Navigation and Navigable Waters  
CHAPTER II—CORPS OF ENGINEERS,  
DEPARTMENT OF THE ARMY

PART 203—EMERGENCY EMPLOYMENT OF  
ARMY AND OTHER RESOURCES, NATURAL  
DISASTER PROCEDURES

## Revision to Administrative Procedures

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: This regulation provides revisions to administrative procedures established for the Corps of Engineers in conducting emergency operations pursuant to Pub. L. 84-99 (33 U.S.C. 701n), and as directed pursuant to Pub. L. 93-288. The emergency operations consist of flood emergency measures and recovery from other natural disasters as provided in the referenced legislation. The revisions constitute changes to the organization of the regulation and extent of delegated authority, necessary for clarity and adequacy for authorized procedures. They are construed to be an administrative change and are to be published as final rules. Accordingly, notice of proposed rule making "the procedures thereto are considered unnecessary."

EFFECTIVE DATE: January 9, 1978.  
FOR FURTHER INFORMATION  
CONTACT:

Mr. Robert Fletcher, 693-6875.

## SUPPLEMENTARY INFORMATION:

NOTE.—The U.S. Army Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 20, 1977.

THOMAS J. WOODALL,  
Lt. Colonel, Corps of Engineers,  
Assistant Executive Director,  
Engineer Staff.

## Subpart A—Introduction

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203.11 Purpose.  
203.12 Applicability.  
203.13 References.  
203.14 Implementation.  
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## Subpart B—Missions, Authorities, Command Channels, Delegations, and Responsibilities

- 203.21 Corps of Engineers.  
203.22 Department of Defense (DOD).  
203.23 Other agencies.  
203.24 Non-Federal interests responsibilities.  
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203.26 Advance measures.

## Subpart C—Disaster Preparedness Code 910-100

- 203.31 General.  
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## RULES AND REGULATIONS

- 203.33 Emergency manuals.  
203.34 Exercises and training.  
203.35 Inspection of non-Federal flood control works.  
203.36 Supplies and equipment.

## Subpart D—Emergency Operations Code 910-200

- 203.41 General.  
203.42 Authorities.  
203.43 Procedures.  
203.44 Reporting.

## Subpart E—Rehabilitation Code 910-300

- 203.51 Authority.  
203.52 General.  
203.53 Restrictions.  
203.54 Environmental impact statements.  
203.55 Permits.  
203.56 Coordination with Federal agencies.  
203.57 Determination of economic justification.  
203.58 Project development.  
203.59 Special considerations and alternative methods of rehabilitation.  
203.60 Flood control dams constructed by non-Federal agencies.  
203.61 Specific Projects under Pub. L. 84-99.  
203.62 Transfer of completed work to local interests.  
203.63 Rehabilitation investigations.  
203.64 Rehabilitation report.  
203.65 TWX report.

## Subpart F—Emergency Water Supplies Code 910-400

- 203.71 Purpose.  
203.72 Authority.  
203.73 Policy.  
203.74 Guidance.  
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203.77 Types of assistance.  
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## Subpart G—Advance Measures Code 910-500

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203.82 Delegation of authority.  
203.83 Eligibility criteria.  
203.84 Areas of application.  
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## Subpart H—Corps Activities for FDAA (Pub. L. 93-288)

- 203.91 General.  
203.92 Administrative support of FDAA.  
203.93 FDAA directives to Federal agencies.  
203.94 Responsive action by the Corps.  
203.95 Permits.  
203.96 Completed Corps work.  
203.97 State or local government funds.  
203.98 Government liability.  
203.99 Final inspection of work by applicants.

## Subpart I—Procurement During Emergencies

- 203.101 Administration.  
203.102 Use of local firms and individuals.  
203.103 Contracting officers.  
203.104 Contracting procedures.  
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## Subpart J—Public Affairs

- 203.111 Public affairs policy.  
203.112 Objectives.  
203.113 Staffing.  
203.114 Operating guidelines.  
203.115 Coordination.

## Subpart K—Preservation of Order

- 203.121 Preservation of order policy.

- 203.122 Preservation of order program.

AUTHORITY: Pub. L. 84-99 (33 U.S.C. 701n); Pub. L. 93-288.

## Subpart A—Introduction

## § 203.11 Purpose.

This regulation prescribes administrative policies, guidance, and operating procedures for natural disaster activities of the Corps of Engineers. These are:

(a) *Flood and coastal storm emergencies* (33 U.S.C. 701n) (89 Stat. 186) (Pub. L. 84-99). Authorized activities include disaster preparedness, advance measures, flood fighting and rescue work, rehabilitation of flood control works damaged or destroyed by flood, protection or repair of federally authorized shore protective works threatened or damaged by coastal storm, and provision of emergency drinking water.

(b) *Disaster relief and assistance* (42 U.S.C. 5121 et. seq.) (88 Stat. 143) (Pub. L. 93-288). This normally consists of technical advice and construction contracting assistance to the Federal Disaster Assistance Administration (FDAA). It encompasses conducting preliminary surveys/estimates of damages, furnishing recommendations and damage survey reports, and performing specific mission assignments requested by FDAA. These mission assignments may include clearance of debris and wreckage; emergency work essential for the protection of life and property; permanent repair, restoration, reconstruction or replacement of public and non-profit facilities; and disaster preparedness.

## § 203.12 Applicability.

This regulation is applicable to Corps of Engineers Divisions and Districts performing or supporting natural disaster assistance and recovery operations. Its provisions are applicable within the 50 States, the District of Columbia, and territories where other Corps statutory authorities apply. The Corps will also provide disaster assistance under Pub. L. 93-288 and Pub. L. 84-99 in Puerto Rico, Virgin Islands, American Samoa, Guam, and the Trust Territories.

## § 203.13 References.

- (a) AR 10-5.  
(b) Part 502.  
(c) ER 10-1-3.  
(d) ER 11-2-320.  
(e) Part 220.  
(f) ER 1150-2-301.

## § 203.14 Implementation.

This regulation will be used as the organization's natural disaster procedures. Supplements required by this regulation (see § 203.32) will cover specific operational information not included in this regulation.

## RULES AND REGULATIONS

## § 203.15 Reports Control Symbol.

Reports Control Symbol DAEN-CWO-2 is assigned to the flood and disaster reports prescribed in this regulation.

## Subpart B—Missions, Authorities, Command Channels, Delegations, and Responsibilities

## § 203.21 Corps of Engineers.

(a) *Mission*—(1) *AR 10-5 and Part 502*. AR 10-5, the regulation which describes the organization and functions of the Corps of Engineers, provides that the Chief of Engineers accomplish his Civil Works responsibilities under the direction and supervision of the Assistant Secretary of Army (Civil Works), in administering the provisions of Pub. L. 84-99 which provides authority for flood emergency activities. Part 502, Disaster Relief, contains Department of the Army policy and responsibilities for operations involving military elements of the Army in disaster relief activities. It specifically identifies the administration of Pub. L. 84-99 as a separate activity under the supervision of the Chief of Engineers. It also establishes the Chief of Engineers' responsibility for providing disaster assistance through use of Division and District Engineer resources when required by imminent serious conditions, as authorized by statutory authorities, or as directed by the FDAA Administrator or Regional Director, under the provisions of Pub. L. 93-288.

(2) *Broad objective*. The Corps must be responsive to the public need, and be prepared to perform in accordance with the national mission. During flood or other emergencies the full capabilities and authorities of the Corps will be utilized for the common good in order to save human life, prevent immediate human suffering or mitigate property damage. To be prepared for every eventuality, a planned system of timely reports, quick responses, appropriate actions and subsequent documentation must be effectively established, taught, and practiced.

(3) *Mission execution*. Division and District Engineers are responsible for the accomplishment of authorized emergency missions in their jurisdictional areas in accordance with the policies, responsibilities, duties, and functions prescribed in this regulation. They execute their responsibilities through the Emergency Operations Manager (EOM), as outlined in Appendix XX, ER 10-1-3.

(4) *Purpose*. This Subpart provides information on the general authorities related to flood control work, delegation of authorities, and responsibilities of Office, Chief of Engineers, Division and District Engineers. Paragraphs (d)(2) and (3) of this section provide summaries of the Division and District

Engineer's standing obligational authorities for emergency work.

(b) *Authorities*—(1) Pub. L. 84-99. An emergency fund is authorized to be expended at the discretion of the Chief of Engineers; for flood emergency preparation; flood fighting and rescue operations; repair or restoration of flood control works threatened, damaged, or destroyed by flood; emergency protection of federally authorized hurricane or shore protection projects being threatened; and the repair and restoration of any federally authorized hurricane or shore protective structures damaged or destroyed by wind, wave, or water action of other than an ordinary nature. The law as amended includes for provision of emergency supplies of clean drinking water. A copy of Pub. L. 84-99, as amended, is on page A-1 of this regulation. In general, the emergency fund is replenished annually by Congress based on projections of requirements furnished by OCE. The law further provides that should the emergency fund be depleted, other flood control appropriations may be temporarily used pending a reimbursing appropriation.

(2) *Disaster Relief Act of 1974* (Pub. L. 93-288). The law authorizes Federal assistance to State and local governments in a major disaster or emergency and is supplementary to other Federal authorities.

(3) *Special continuing authorities*. Part 220 of this chapter provides guidance concerning special continuing authorities, which are available to the Chief of Engineers. Authorities relating to flood control follow:

(i) *Snagging and clearing channels for flood control* (Sec. 208 of the Flood Control Act approved Sept. 3, 1954) (33 U.S.C. 701g). This authority provides for removal of snags and debris, for channel clearance, and for straightening or other construction to improve natural channels in the interest of flood control (\$250,000 project limit).

(ii) *Emergency Bank Protection* (Sec. 14 of the Flood Control Act approved July 24, 1946) (53 U.S.C. 701r). This authority provides for construction, repair, restoration, and modification of emergency streambank and shoreline protection works to prevent damage to highways, bridge approaches, other public works, churches, hospitals, schools, and other nonprofit public services (\$250,000 project limit).

(iii) *Small flood control projects not specifically authorized by Congress* (Sec. 205 of the Flood Control Act approved in 1948 and associated legislation) (33 U.S.C. 701s). This special continuing authority provides for construction of small flood control projects on an expedited basis subject to each project being complete in itself

and meeting other specified criteria (\$2,000,000 and \$3,000,000 project limit).

(4) *Work for others*—(i) *Work for Federal agencies*. Section 219, Pub. L. 89-298, October 27, 1965 permits the Corps of Engineers to accept orders from other Federal departments and agencies for work or services and to perform all or any part of such work or services by contract (ER 1140-2-302).

(ii) *Work for State and local agencies*. Title III, Intergovernmental Cooperation Act of 1968 authority limits Federal agencies to providing in-house technical and specialized services (ER 1140-2-305). Cooperation under the act does not permit performance of contract work as the agent for State and local units of government. Emergency work in support of State and local communities must be limited to that authorized pursuant to Pub. L. 84-99, Pub. L. 93-288, or Part 502.

(c) *Command channels*—(1) *Chief of Engineers*. The Chief of Engineers, under the guidance and supervision of the Army General Staff, has Army Staff responsibility for the management of engineer activities of the Army. His Civil Works responsibilities are accomplished under the supervision of the Secretary of the Army through the Assistant Secretary of the Army for Civil Works (ASA-CWO).

(2) *Army establishment*. With the exception of Civil Works programs, responsibility for Army disaster relief activities has been delegated in Part 502 to the Commanding General, U.S. Army Forces Command (FORSCOM), who has redelegated responsibilities in the Continental U.S. (CONUS), to the Army Commanders (CONUSA). Unified commanders are responsible for the conduct of all foreign disaster relief support activities in response to requests from Department of State and for the conduct of disaster relief operations in Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific.

(3) *Command relationships*—(i) *Established liaison*. Division Engineers will define and clarify their command relationships and channels with CONUSA Commanders and FDAA Regional Directors. Relationships between District Engineers and Army Commanders will be in accordance with mutual arrangements developed by the Division Engineers and CONUSA or Unified Commanders concerned. Similar operating relationships will be developed with U.S. Coast Guard and other Federal agencies at the field level as necessary for joint emergency operations.

(ii) *Detail of military resources to division and district engineers*. Military resources supplied to a Division in support of emergency operations and di-



saster recovery efforts, will be under the operational control of the responsible division or district engineer. However, such division or district engineer's operational control of supporting forces or resources will be limited to disaster operations within the authority of the Chief of Engineers.

(iii) *Detail of Corps of Engineers resources to CONUSA commanders.* Corps of Engineers forces or resources supplied to CONUSA commanders in support of their disaster operations will be under the control of the CONUSA commander concerned.

(iv) *Command of Corps of Engineers resources providing interdivisional assistance.* When resources of other division and districts are used to augment local disaster operations, they will be employed and directed by the local division or district engineer.

(v) *Realignment of Corps activities.* Generally, the established civil works boundaries will be adhered to in defining areas of responsibility. However, should the situation dictate a need for temporary realignment to clarify jurisdictional responsibilities, realignment by mutual agreement of affected division engineers is authorized. When finalized the responsible division engineers will advise HQDA (DAEN-CWO-E), Washington, D.C. 20314, of the action taken.

(d) *Delegations.—(1) Action in case of imminent seriousness.* Authority is delegated by the Chief of Engineers, under Part 502, for division and district engineers, and other civil works field operating agency commanders, to take independent emergency action to provide necessary assistance under conditions of immediate urgency in the absence of specific statutory authority. Action taken will be as necessitated to save human life, prevent immediate human suffering, or mitigate major property damage or destruction. In such a situation, any available Government resources in their charge may be used by Corps officers or subordinates on their own authority. Except for emergency operations under Pub. L. 84-99 authority, contractors must be engaged by non-Federal public entities, unless and until there is a Presidential declaration making Pub. L. 93-288 authority applicable and an FDAA mission or request has been assigned.

(2) *Division engineers.* Division engineers are delegated authority as follows:

(i) *Disaster preparedness—Code 910-100.* Transfer of funds up to \$5,000 between features within a district's approved program is authorized. NED and POD have \$5,000 transfer authority. Specific procedures are contained in ER 11-2-320.

(ii) *Emergency operations—Code 910-200.* No delegated authority, except NED and POD.

(iii) *Rehabilitation—Code 910-300.* (A) Transfer of up to 25 percent of the

approved estimated Federal cost of rehabilitation, or \$50,000 whichever is less, to an approved project. Specific procedures are contained in ER 11-2-320.

(B) Increase district engineers rehabilitation investigation authority up to \$5,000 per project. NED and POD have \$5,000 obligational authority per project.

(iv) *Emergency water supplies—Code 910-400.* (A) Increase district engineers investigation authority up to \$5,000 per request. NED and POD have \$5,000 obligational authority per request.

(B) Approve measures for furnishing emergency supplies of clean drinking water, up to \$50,000 per request.

(v) *Advance measures 910-500.* No delegated authority. NED and POD have authority of \$2,500 for investigations to determine eligibility of work.

(vi) *Hired labor.* Authorize performance of emergency work by using Government plant or hired labor (see Subpart I of this Part).

(vii) *Military support.* Obtain use of military support from CONUSA and unified commanders in emergency operations when the special capabilities of troops, equipment, and aircraft are required. Under Part 502, CONUSA and unified commanders are authorized to make their uncommitted resources available to Corps division engineers conducting emergency operations.

(viii) *Rehabilitation work.* Whenever disaster effects are so widespread and extensive that decentralization of project approval authority is necessary to facilitate the simultaneous rapid progress on many projects, then division engineers may be delegated temporary authority to act for the Chief of Engineers, in authorizing rehabilitation work. This authority may not be redelegated, and is not a continuing authority.

(3) *District engineers.* District engineers are delegated authority under Pub. L. 84-99 in the following areas:

(i) *Disaster preparedness—Code 910-100.* Transfer of up to \$1,500 between features within a district's approved disaster preparedness program. Specific procedures are contained in ER 11-2-320.

(ii) *Emergency operations—Code 910-200.—(A) Field investigations.* Standing obligational authority up to \$10,000 per situation or flood event district wide. NED and POD also have \$10,000 authority.

(B) *Flood Emergency Operations.* Standing obligational authority up to \$100,000 per flood event. NED and POD also have \$100,000 authority. A flood event may involve several river basins, but the \$100,000 authority is applicable district-wide, regardless of the number of river basins and/or States affected.

(C) *Post-flood reporting.* Standing obligation authority up to \$10,000 per flood event, district-wide. NED and POD also have \$10,000 authority.

(iii) *Rehabilitation—Code 910-300.—(A) Rehabilitation investigations.* Standing obligation authority up to \$2,500 per project following a flood event.

(B) Transfer of up to 15 percent of initially approved project estimate, or \$10,000 whichever is less, to a rehabilitation project for which an individual cost estimate has been approved. Specific procedures are contained in ER 11-2-320.

(iv) *Emergency water supplies—Code 910-400.* Standing obligational authority up to \$2,500 for investigation of each request.

(v) *Advance measures—Code 910-500.* Standing obligational authority up to \$2,500 for investigations to determine eligibility of work.

(e) *Responsibilities.* Division and District Engineers have overall responsibility for accomplishing the emergency missions. This includes maintaining an organization ready to respond to emergencies by training of emergency personnel, reviewing funding requests, and appointing an individual to manage the Emergency Operations function. This position is the counterpart to the Chief, Emergency Operations Branch, Construction-Operations Division, OCE, and is required by ER 10-1-3, and the duties are listed in Appendix XX of that regulation.

(1) *OCE emergency operations branch.* The Chief of Engineers responsibilities regarding emergency operations are executed through the Chief of the Emergency Operations Branch, OCE (DAEN-CWO-E).

(2) *Division engineer.* The division engineer's responsibilities regarding emergency operations are executed through the emergency operations manager (EOM) as follows:

(i) *Disaster preparedness—Code 910-100.* (A) Prepares division annual disaster preparedness program request.

(B) Assures that the districts annual disaster preparedness request is complete and appropriate. Approved programs are forwarded with recommendations, to HQDA (DAEN-CWO-E), Washington, D.C. 20314, for necessary action.

(C) Prepares division supplements to Part 203.

(D) Determines requirements for division-wide emergency operations training including conduct of exercises.

(E) Establishes and maintains liaison with CONUSA commanders, FDAA regional directors and other agencies as necessary for effective response.

(ii) *Emergency operations—Code 910-200.* (A) Activates and staffs an emergency operations center (EOC) when deemed necessary.

(B) Aids districts in obtaining personnel, equipment, supplies, and funds during flood fighting or other emergency efforts.

(iii) *Rehabilitation—Code 910-300.* (A) Reviews districts rehabilitation reports to determine if work is applicable under the authority of Pub. L. 84-99 and if appropriate forwards with recommendations to HQDA (DAEN-CWO-E), Washington, D.C. 20314, for necessary action.

(B) Makes periodic field investigations immediately following natural disasters to assess damages and makes site inspections, as required, during and after construction, to ensure that work is being accomplished within the scope of Pub. L. 84-99.

(iv) *Emergency water supplies—Code 910-400.* Reviews district's request to furnish emergency drinking water to determine if the measure is applicable under the authority of Pub. L. 84-99, and as appropriate, approve or forward request to HQDA (DAEN-CWO-E), Washington, D.C. 20314, for necessary action.

(v) *Advance measures—Code 910-500.* (A) Reviews districts advance measures reports to determine if work is applicable under the authority of Pub. L. 84-99 and if appropriate forwards with recommendations to HQDA (DAEN-CWO-E), Washington, D.C. 20314, for necessary action.

(B) Makes periodic field investigations as required of proposed advance measures projects to determine if work is within guidelines established under Pub. L. 84-99.

(vi) *Interdivisional assistance.* Requests interdivisional assistance whenever it is determined that available local and division resources are inadequate to cope with an existing or predicted emergency or a natural disaster recovery mission. Requests for assistance should be kept to a minimum, and personnel temporarily assigned, should be retained no longer than necessary. Assistance requests will be direct communication between the divisions with close coordination between emergency operations manager and personnel offices. HQDA (DAEN-CWO-E), Washington, D.C. 20314, will be kept informed by the requesting division of the progress made in obtaining the needed personnel.

(A) *Information furnished the requester.* The supporting division will notify the requesting division of the support which can be provided. It will then furnish the supported division a list of the personnel comprising the emergency assistance units or teams, showing their qualifications and positions held.

(B) *Support.* The table below serves as a guide for interdivisional support but is not limited thereto.

Requesting Division and Support Division  
New England—NCD, ORD, and NAD.

North Atlantic—ORD, NCD, and NED.  
South Atlantic—LMVD and ORD.  
Lower Mississippi Valley—SAD, SWD, and MRD.

Ohio River—NCD, MRD, and LMVD.  
North Central—MRD, NAD, and ORD.  
Missouri River—NPD, NCD, SWD, and LMVD.

Southwestern—SPD, LMVD, and MRD.  
South Pacific—NPD, SWD, and POD.  
North Pacific—SPD, MRD, and POD.  
Pacific Ocean—SPD and NPD.

(vii) *Coordination with Federal Disaster Assistance Administration.* Coordinates with FDAA regional directors regarding all Corps actions pursuant to Pub. L. 93-288. Accept mission assignments and designate appropriate district for implementation.

(viii) *Coordination with military.* Coordinates with CONUS Army Commanders in disaster preparedness and keeps them informed of any significant emergencies where their assistance may be required.

(3) *District engineer.* District engineers responsibilities regarding emergency operations are executed through the EOM as follows:

(i) *Disaster preparedness—Code 910-100.* (A) Prepares letter report on disaster preparedness program in accordance with ER 11-2-320.

(B) Prepares district annexes to this regulation in preparation for natural disasters.

(C) Develops annual training program for personnel who may be assigned roles in emergency operations.

(D) Assures the inspection of non-Federal flood control works which have received Corps assistance pursuant to Pub. L. 84-99.

(E) Maintains a list of supplies and equipment available for use in a disaster emergency.

(F) Establishes and maintains close liaison with other Federal agencies and non-Federal interests.

(G) Prepares quarterly summary report as required by ER 11-2-320.

(ii) *Emergency operations—Code 910-200.* (A) Activates and staffs an EOC when deemed necessary.

(B) Institutes measures to keep informed of disaster potential and advises Federal and non-Federal interests as appropriate.

(C) Provides non-Federal interests with such information in flood or coastal storm forecasts as is furnished by the National Weather Service (NWS). Provides technical assistance by advising non-Federal interests in their efforts to maintain the integrity of flood control works and federally authorized shore and hurricane protection projects under their jurisdiction. When non-Federal interests have committed their resources, and are unable to cope with the flood or coastal storm situations, directs Corps assistance either by supply of needed materials and equipment or by undertaking Corps flood fighting and rescue operations.

(D) Furnishes to division and OCE situation reports in connection with potential or actual emergency flood control activities under Pub. L. 84-99 and with other natural disasters which involve or may involve action by the Corps of Engineers pursuant to Pub. L. 93-288. The division and HQDA (DAEN-CWO-E), Washington, D.C. 20314, offices will be called immediately to report an emergency potential or incident. An appropriate written report will also be forwarded. The listing of required reports is furnished in § 203.44(b).

(iii) *Rehabilitation—Code 910-300.* (A) When rehabilitation of a flood control or federally authorized hurricane protection works is required, a field investigation must be made to determine if the repair work is within the authority of Pub. L. 84-99. A rehabilitation letter report is submitted to the division for necessary action.

(B) Rehabilitation work should be treated with the same degree of exigency as all other emergency operation activities.

(C) Furnishes to the division a copy of the letter that transfers completed emergency repair work under Pub. L. 84-99 to non-Federal interests as outlined in ER 1150-2-301.

(iv) *Emergency drinking water—Code 910-400.* When a State Governor requests assistance for emergency drinking water, a field investigation will be made to determine if the assistance requested is within the authority of Pub. L. 84-99 and if applicable, a letter report requesting funds and authority to give assistance will be submitted to the division for necessary action.

(v) *Advance measures—Code 910-500.* When advance measures are requested, a field investigation will be made to determine if the work is within the authority of Pub. L. 84-99. When applicable, a letter report will be submitted to the division for necessary action.

(vi) Responds to FDAA mission assignments through the Division.

§ 203.22 Department of Defense (DOD).

As stated in Part 502, the Secretary of the Army has been designated the DOD executive agent throughout the United States and its territories for military support in disasters, including responsibility for effective use, coordination and control of military resources employed by the Army, Navy, Air Force, and other DOD components. The authority to task appropriate DOD components for resources to conduct disaster relief has been delegated to the Commanding General, FORSCOM (CGFORSCOM). CONUSA commanders are directed to coordinate the military effort with assistance provided by the Corps of Engineers. In major disasters, CONUSA



commanders will appoint a DOD military representative to act as the point of contact for military support. A unified commander's authority and responsibility similarly applies to the planning and use of military resources outside CONUS. Acting under DOD instructions, and pursuant to Part 502, the Army has primary responsibility among the military services for provision of disaster relief. It is also responsible for coordinating the disaster activities of the military services. In summary, the DOD can provide the following when appropriate.

- (a) *Military support.* (1) Flood fighting assistance.
- (2) Emergency shelter.
- (3) Search and rescue.
- (4) First-aid and emergency hospitalization.
- (5) Field sanitation.
- (6) Preventive medicine.
- (7) Graves registration and mass burial.
- (8) Debris removal.
- (9) Restoration of utilities and provision of emergency communications.
- (10) Mass hysteria control.
- (11) Traffic control and maintenance of law and order, with prevention of looting and plundering.
- (12) Fire fighting personnel and equipment.
- (13) Emergency land, sea, and air transportation.
- (14) Supplies of food, water, fuel, and other vital necessities including administering its distribution to the civilian population.
- (15) Decontamination following radiological or toxic gas incidents.
- (16) Emergency construction.
- (17) Restoration of public facilities.
- (b) *Air Force.* The Air Force is equipped for aerial reconnaissance, photographic, and transport missions. By use of the helicopter, the Air Force has furnished rescue service during flood emergencies. Regulations concerning processing requests for aerial photography by the Air Force are contained in ER 1110-2-1002.
- (c) *Defense Civil Preparedness Agency (DCPA).* Assist State and local officials in their preparation to meet disaster emergencies; and makes available in time of disaster stockpiled civil defense equipment and supplies.

#### § 203.23 Other agencies.

As indicated in Part 502, the closest cooperation between disaster relief agencies is necessary to mitigate the results of natural disasters. Contacts should promote mutual assistance in execution of assigned missions, avoid duplication of effort, and preclude encroachment on other agencies' statutory authorities. These associations foster professionalism and permit proper referrals of disaster victims who need assistance. A list of these agencies with a brief discussion of their mission is as follows:

(a) *Federal Disaster Assistance Administration (FDAA).* Section 101 of Pub. L. 93-288 authorizes Federal assistance to State and local governments in a major disaster or emergency (Subpart H of this Part).

(b) *American National Red Cross.* The national organization of the Red Cross is organized to undertake activities for the relief of persons suffering. The Red Cross is required to continue and carry on a system of national and international relief in time of peace; to apply that system in mitigating the suffering caused by pestilence, famine, fire, floods, and other great national calamities; and to devise and carry on measures for preventing those calamities. The disaster activities carried on under Division or District Engineer authority and responsibility will be coordinated as necessary with those of the Red Cross, and that organization will be given full cooperation in its work of mass shelter, feeding, and care incident to major floods or coastal storm. Additional guidance is provided in Part 502.

(c) *The Salvation Army.* Its purpose is to meet the needs of victims of natural and man-made disasters. It aids in registration and identification of victims; missing persons services—locating individuals and answering inquiries from concerned relatives and families outside the disaster area. Provides meals and/or snacks for disaster victims and emergency workers at the scene of the catastrophe. Collects the following donated goods for victims according to pre-determined need: food, clothing, furniture, medical supplies, building materials, bedding, utensils, tools, etc.

(d) *Department of Agriculture.*—(1) *Agricultural Stabilization and Conservation Service (ASCS).* Provides up to 80 percent cost-sharing assistance to farmers for emergency conservation measures (ECM program) on farmlands. The program is authorized by Pub. L. 85-58 and requires a disaster declaration by the Secretary of Agriculture. It may include debris removal and rehabilitation of farmlands after a natural disaster in the declared counties.

(2) *Soil Conservation Service (SCS).* Furnishes emergency watershed protection against flooding and the products of erosion. The emergency measures are authorized as amended in section 216, Flood Control Act of 1950 (Pub. L. 81-516). They may include repair of dams and dikes, stream clearance, bank stabilization, and emergency conservation measures.

(3) *Extension Service (ES).* Renders advice on cleanup of damaged property, sanitary precaution, water supply and sewage disposal, insect infestations, use of canned or locker-stored food subsequent to disaster caused power failure, food and water for live-

stock, safety of damaged buildings, substitute planting for damaged crops, grain storage problems, and renovation of farm equipment and facilities.

(4) *Forest Service (FS).* Furnishes personnel and equipment for rescue work, snow removal, and fire fighting in disaster situations located in or immediately adjacent to a national forest.

(5) *Rural Electrification Administration (REA).* Assist in restoration of electric power and rural telephone service in REA service lines. May assist other power service restoration. Also furnishes credit and technical assistance to rural electric and telephone cooperatives whose facilities have suffered damage as a result of the disaster.

(e) *Department of Commerce.*—(1) *Office of Industrial Mobilization.* Provides assistance in expediting procurement of materials and equipment required for rehabilitation of plants producing defense materials which have been damaged or hampered by disaster. Machine tools may be leased from the Commerce inventory.

(2) *National Weather Service (NWS), National Oceanographic and Atmospheric Administration (NOAA).* Provides:

(i) Storm warning including tornado, hurricane, cold wave, heavy snow, blizzards, and heavy rainfall.

(ii) Weather forecast.

(iii) Flood warnings.

(iv) Forecasts of water stages, in particular the peak flows and duration of high water. Since the issuance to the public of forecasts or river discharge and stages is the legal responsibility of the Weather Service, forecasts prepared by the Corps of Engineers in the execution of its responsibilities should not be released to the general public except under exceptional circumstances in a major emergency. However, release to interested parties of factual information on current storms or river conditions and properly quoted Weather Service forecasts is permissible.

(3) *Maritime Administration.* Provides:

(i) Lease of tools, automotive and floating equipment, and other equipment and supplies.

(ii) Rescue operations by any ship under the jurisdiction of the Maritime Administration.

(iii) Charter of ships from the national defense reserve fleet for transportation, shelter, storage, or electrical power in disaster areas.

(iv) Lease of shore-based installations for shelter and storage near disaster areas.

(v) Provide trained personnel and equipment for fire fighting in a disaster area.

(4) *National Ocean Survey.* Provides seismic seawave warnings (Tsunami).

(f) *Department of Health, Education, and Welfare (DHEW).*—(1) *Food and Drug Administration (FDA).* Cooperates with local, State and Federal food and drug agencies in:

(i) Inspecting, impounding, or destroying damaged food and drug supplies, with all due consideration to the processes of law.

(ii) Inspecting, closing, and certifying for re-opening of damaged food and drug manufacturing and warehousing establishments.

(iii) Keeping informed as to the proper methods for handling contaminated, spoiled, or suspect foods and drugs. District Engineers will notify District Directors of the FDA of all floods which are considered to cause damage to food and drug stocks or to contaminated water used in the manufacture or processing of foods and drugs.

(2) *Public Health Service (PHS).* In emergency situations, it utilizes its health resources and technical personnel to control communicable and chronic diseases by assisting State, local and Federal agencies in maintaining adequate and safe food supply, sanitary waste disposal, adequate refuse disposal facilities, and the control of insects and rodents. It can also be expected to evaluate health hazards and recommend corrective action. Assistance may also include emergency assignment of its medical and nursing personnel, engineers, entomologists, sanitarians, epidemiologists, veterinarians, and laboratory technicians.

(3) *Office of Education.* This agency furnishes financial assistance for repair or restoration of damaged public school facilities, replacement of supplies and equipment, and operation of temporary schools pending repair or replacement of damaged facilities in a major disaster.

(g) *Department of Interior.*—(1) *Bureau of Mines (USBM).* Has major Federal responsibility in mine disasters and will assist by providing engineers and safety personnel for inspection and prevention of fire explosions, and other hazards such as escaping gas.

(2) *Bureau of Reclamation (USBR).* Operating in the 17 Western States, the USBR may render flood fighting assistance and perform rescue operations in any natural disaster situation including transportation of personnel and materials. May also assist local interests in repair and restoration of flood control works when authorized by the Commissioner of Reclamation. Provides some earthmoving equipment and supplies such as tools. Can provide personnel trained in operation of electric power lines and distribution systems with attendant trucks and support equipment.

(3) *U.S. Geological Survey (USGS).* In addition to furnishing a variety of maps, the USGS collects and furnishes data on stream-flow and water surface elevation at many locations. Close coordination with pertinent field offices of the USGS will therefore be maintained during flood emergencies.

(h) *Department of Transportation (DOT).*—(1) *Federal Highway Administration (FHWA).* Federal funds for emergency repair of Federal-aid highways and bridges which have suffered serious damage as the result of disaster over a wide area are available on a matching basis. Additionally, Federal funds up to 100 percent are available for the repair of reconstruction of highways, roads, and trails which the Secretary of Transportation shall find have suffered serious damage as the result of a disaster over a wide area, such as by floods, hurricanes, tsunamis, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States.

(2) *Office of Emergency Transportation (OET).* Assistance in coordinating transportation intelligence.

(3) *Federal Aviation Administration (FAA).* This agency maintains an extensive air navigation and communication network. It may provide communications for local authorities when commercial facilities are not available. It will assist in determining damage to airports, may participate in repair or restoration, and will assist in mobilization of local civil aviation for emergency operations.

(4) *U.S. Coast Guard (USCG).* Coordination between the Corps of Engineers and the Coast Guard under natural disaster conditions will usually be in connection with emergency flood control activities. The primary mission of the Coast Guard in time of floods is to render aid and assistance and supplement the efforts and resources of State and local governments and the Red Cross. Operations are commensurate with the gravity of the situation and the facilities available. The USCG's rescue capability is of particular note. Responsibility for icebreaking or maintain essential navigation also belongs to the Coast Guard.

(i) *General Services Administration (GSA).* In major disaster areas the GSA has accepted the responsibility to provide office space, hotel rooms, motor pool cars, communications, and other essential services.

(1) *Federal Supply Service (FSS).* The FSS can provide emergency procurement and warehousing operations in a disaster area; supply common-use items to Government agencies to insure continuity of essential operations; and perform general procurement and supply operations for wholesale and quantity deliveries from available sources.

(2) *Public Buildings Service (PBS).* This agency will furnish advice on repair of damaged public buildings, or

their demolition, acquisition of temporary quarters, and is a source of engineering and architectural personnel.

(3) *Property Management and Disposal Service (PMDS).* This agency can provide for the lease of idle government-owned tools and production equipment; sale of excess material from the national stockpile; and supply from stocks on hand in Civil Defense warehouses, those items required for disaster relief. Included within its organization are elements that provide services in ascertaining the availability of excess and surplus personal property needed for disaster relief purposes and the disposal of such property upon the termination of a disaster.

(j) *Federal Communications Commission (FCC).* The FCC provides for clearing the amateur radio channels to permit emergency communications and use of emergency frequencies for amateur operations.

(k) *Interstate Commerce Commission (ICC).* Assistance available from the ICC includes:

(1) Temporary authority for motor or water command and contract carriers to perform urgently needed transportation for hire to points and within areas having no carrier service capable of meeting the needs of the situation.

(2) Permission for common carriers to transport passengers without charge, or freight at reduced rates, into or out of disaster areas.

(3) Suspension of any or all rules, regulations, or practices of car service.

(4) Direction of joint use of equipment and facilities.

(5) Direction of preference, priorities, or embargoes for specific traffic in specified areas for a definite time.

(6) Diversion or rerouting of traffic by rail, water, or highway.

(l) *Coordination with U.S. Fish and Wildlife Service (USF&WS).* It is the policy of the Chief of Engineers that the provisions of the Fish and Wildlife Coordination Act (Pub. L. 85-624) and the formal agreement between USF&WS and the Corps of Engineers (ER 1120-2-401) shall apply to emergency work performed by the Corps under authority of Pub. L. 84-99 or at the direction of FDAA under Pub. L. 93-288. District Engineers will cooperate with conservation efforts by coordinating with the USF&WS on work accomplished under Pub. L. 84-99 authority affecting fish and wildlife resources. When time is a limiting factor, informal coordination may be accomplished. For work accomplished with the FDAA, the Corps and USF&WS have agreed that USF&WS is responsible for recommending appropriate conservation measures to the FDAA prior to any project authorization. Maximum cooperation with conservation agencies will be included in accomplishing FDAA-direct-



ed work. Any features considered economically unfeasible or not practical will be referred to the responsible FDAA representative for decision.

#### § 203.24 Non-Federal interests responsibilities.

(a) *Disaster preparedness.* Maintain flood and shore or hurricane protection projects in a satisfactory condition in preparation for possible disaster. Local maintenance will include stockpiling or otherwise providing for sandbags and/or other materials or equipment. Further it includes training of personnel and stressing familiarization with operation and maintenance procedures.

(b) *Emergency operations.* During a flood fight, non-Federal interests are normally responsible within limits of their capabilities for the following: providing power for emergency operations, providing manual labor as required, patrolling levees, utilizing all available community owned equipment and operators, and removing temporary structures if necessary.

(c) *Rehabilitation.* It is the policy of the Chief of Engineers that as a prerequisite or authorization of a non-Federal rehabilitation project non-Federal interests will furnish assurances of local cooperation. As a minimum the local cooperation agreement will include provisions that local interest will:

(1) Provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project.

(2) Hold and save the United States free from damages due to the construction operation and maintenance of the project, except damage due to the fault or negligence of the United States or its contractors.

(3) Maintain and operate all the works after completion in accordance with prescribed regulations. Sponsorship by a political entity is preferred; however, in exceptional cases rehabilitation projects may be sponsored by individual as well as organized property owners. Additional features of local participation, including financial contributions, will be required with respect to any improvements undertaken in connection with the work, and for maintenance or other items considered the responsibility of non-Federal interests.

#### § 203.25 Emergency drinking water.

Non-Federal interests must initiate their request for emergency drinking water through the Governor of the affected State, since Corps response must be restricted to request for assistance received from a State governor. Request must include the criteria as set forth in Subpart F of this Part.

#### § 203.26 Advance measures.

Advance measures must be geared to complement maximum non-Federal

effort. Compatible with local capabilities, justified from an engineering and economic standpoint, and capable of completion in a timely manner. Non-Federal participation can be in the form of either financial contribution or utilization of non-Federal resources. The assurances of local cooperation and participation, generally referred to as the abc's, will be furnished to the Corps prior to construction.

#### Subpart C—Disaster Preparedness Code 910-100

#### § 203.31 General.

(a) *Definition.* Disaster Preparedness consists of those activities designed to facilitate quick and effective response in time of natural disaster.

(b) *Basic responsibilities.* The Division and District Emergency Operations Managers are responsible for the overall adequacy of the Division and District Disaster Preparedness Program. Formulation and coordination of the programs should be performed by the Division and District Emergency Operations Manager in accordance with procedures detailed in ER 11-2-320 and this Subpart.

(c) *Annual program.* The Division and District disaster preparedness program is formulated and funded annually according to organizational requirements. All programs must be reviewed by DAEN-CWO-E before implementation. District programs must be thoroughly reviewed by Division for compliance with program guidelines before forwarding to DAEN-CWO-E for authorization, work allowance and funding. Deficient programs will not be reformulated by DAEN-CWO-E and will be returned to the Division/District for resubmission.

(d) *Organization.* The organization of the disaster response elements prior to the occurrence of a disaster incident is vital for effective response.

(1) *Corps disaster teams.* The presence of highly competent Corps personnel on the site immediately following the occurrence of a natural disaster is essential. Division and District Engineers will assure the organization of an emergency cadre capable of managing an emergency operation center and of carrying out activities in the disaster area. Subpart B of this Part prescribes procedures for interdivisional assistance when additional support is necessary. Emergency teams should be prepared to operate from remote temporary headquarters.

(2) *Number and uniformity of disaster teams.* The essential functions within District organizations must be maintained during disaster operations. The commitment of personnel and equipment to disaster teams must be considered in the light of existing organizational strengths and requirements. At least one disaster team, to

constitute an area office, will be organized to survey the disaster area. Its size and composition will depend on the particular requirements encountered. Personnel rosters, including qualifications of disaster team members, will be published in Division Supplement A and District Annex A and will be kept current.

(3) *Area Office.* An emergency area office supervised by a single, qualified individual having had prior training in Corps of Engineers' emergency procedures will be established in the disaster area to support the disaster teams. The nature of the disaster, the size of the area involved, and other such considerations may require the establishment of area offices to accommodate smaller, subordinate teams. (The term "Area Office" is used as a familiar frame or reference and is not intended as an indication of established organizational authorities.)

#### § 203.32 Program features.

Features have been established as follows to coincide with activities under the Disaster Preparedness Program.

(a) Emergency Manuals.

(b) Exercises and Training.

(c) Inspection of Non-Federal Flood Control Works.

(d) Supplies and Equipment.

(e) Supervision and Administration. (See ER 11-2-320.)

(f) Emergency Operations Manager and Staff. (See ER 11-2-320.)

(g) District Overhead. (See ER 11-2-320.)

#### § 203.33 Emergency Manuals.

Part 203 provides the basic guidance on emergency preparedness, organization and operations, and is intended for use at all echelons. Specific operational information for Division and District level operations is provided through supplements by Divisions and annexes by Districts which are to be reviewed and updated annually.

(a) *Supplements and Annexes.* (1) *Supplement A/Annex A.* "Natural Disaster Activities Under Pub. L. 84-99" will cover Division/District operational procedures under the purview of Pub. L. 84-99. Details concerning the emergency organization and functions, disaster preparedness program, operational policies and other information peculiar to that office will be included. The supplements and annexes should closely parallel Part 203 in format and be designed for easy use by emergency augmentees. Included in the supplements and annexes, or optionally published as a separate document, will be a Hurricane Preparedness Plan for those Divisions and Districts containing coastal areas susceptible to hurricanes.

(2) *Supplement B/Annex B.* "Natural Disaster Activities Under Pub. L. 93-

288" will cover Division Supplement and District Annex operational procedures in support of the FDAA.

(3) *Supplement C/Annex C.* "Emergency Communications" will cover organizational policies and procedures for the operation of communications equipment. It will provide for communications via local and long distance telephones, TWX services, commercial telegraph, and applicable electronic capabilities. The Supplement and Annex is applicable to all natural disaster situations and other emergencies. Supplement C/Annex C should be coordinated with the Continuity of Operations Plan. Procedures for the authorization and establishment of radio and radar installations, and the allocation of call signs and frequencies, are covered in ER 1125-2-308. ER 105-1-5 covers procedures and responsibilities for fixed signal communications systems, facilities, and services other than electronic communication systems. In general, detailed Standing Operating Procedures should be confined to the District Annex. The Division Supplement should provide policy and guidance for coordination between Districts within the Division and with other Divisions.

(4) *Annex D.* Additional annexes will be prepared by the District as required.

(b) *Pocket manuals.* The preparation of other documents, such as pocket manuals, may be accomplished at operating Divisions and Districts. Such pocket manuals should be locally oriented and include only those portions of this regulation and related public laws and instructions pertinent to field use. A similar pocket manual, Part 203, covering the main authorities and principles has been prepared by DAEN-CWO-E for emergency briefings.

(c) *Distribution.* One copy of the supplements and annexes will be furnished HQDA (DAEN-CWO-E) Washington, D.C. 20314 upon issuance. The ER 310-1-1 submission satisfies this requirement for Division supplements. Local distribution of this regulation and supplements will be made by Division and District coordinators to CONUSA or Unified Commanders, regional director or participating Federal agencies, and heads of State and local government, as appropriate.

#### § 203.34 Exercises and training.

(a) *General.* Personnel assigned roles in emergency operations will be provided the opportunity and encouraged to familiarize themselves with pertinent publications. Selected individuals will receive in-service training in the disaster operations field through attendance at government-sponsored courses and other training activities undertaken at Division and District offices. Attendance at the OCE spon-

sored Emergency Operations Course is a basic requirement. FDAA conducts training which is also applicable and is considered a part of the Corps support to FDAA team training.

(b) *Flood and coastal emergency exercises.* Flood and coastal emergency exercises will be conducted by Divisions and Districts to test the plans developed by Supplements and Annexes A, B, C and D to Part 203. Exercises will be conducted as determined appropriate by the Division Engineer. HQDA (DAEN-CWO-E) Washington, D.C. 20314 will be advised of the scheduled training in the Quarterly Summary Report. Following each exercise, the District Engineer will furnish the Division Engineer a letter report indicating the nature and scope of the exercise, weaknesses revealed, and any corrective action required. The Division Engineer will forward one copy of the report to HQDA (DAEN-CWO-E) Washington, D.C. 20314 together with a copy of the Division Engineer's action thereon.

(c) *Damage survey teams.* Designated members of the Corps damage survey teams are required to participate in training for preparation of FDAA Damage Survey Reports. Repeat assignment of trained and experienced Corps personnel to these teams is desirable and encouraged. Use of personnel thoroughly familiar with the eligibility criteria for the work categories will aid in expeditious, uniform preparation of the survey reports.

#### § 203.35 Inspection of non-Federal flood control works.

(a) *General.* Regular inspection of non-Federally constructed flood control works will generally be limited to projects that have received Corps assistance pursuant to Pub. L. 84-99. Scheduling of the inspections should be coordinated with the inspection of completed works program when practicable. Inspections should be conducted to establish whether the flood control works will continue to provide the intended degree of flood protection, and to determine if the maintenance program is adequate. Usually, these projects will not require the same degree of inspection and maintenance commitments expected for Federally authorized projects.

(b) *Local requests.* If requested by non-Federal interests, inspection of flood control works may be performed even though there has been no previous Corps Pub. L. 84-99 assistance provided.

(c) *Advice and reporting.* Information on the results of inspections will be furnished to non-Federal interests and should be maintained in District offices. Non-Federal interests will be informed that the quality of maintenance and that maintenance deficiencies are factors for consideration of

future work and local cost-sharing participation in any proposed work. Follow-up inspections will be made to monitor progress in correcting deficiencies. Liaison with local interests will include suggestions on required remedial maintenance, organization, other measures or preparedness for flood and coastal emergencies.

#### § 203.36 Supplies and equipment.

Lists of supplies and equipment available for use in a disaster emergency will be prepared and maintained current. These lists should include, but need not be limited to floating plant, construction materials and equipment, portable radio facilities, and emergency office support supplies. A package of Alert Cadre use materials, ready for immediate issue, should be maintained. Stockpiling for natural emergency operations requirements will be limited to supplies charged to the Disaster Preparedness Program in conformance with ER 11-2-320. Items such as video tape equipment, radios and other supplies not used exclusively for Emergency Operations, should be funded on a pro-rata share for initial cost and maintenance.

(a) *Stream gages.* Pub. L. 84-99 funds will not be used for installation or maintenance of stream gages. This activity should be performed under the Cooperative Stream Gaging Program or with project funds, if appropriate.

(b) *Emergency radio equipment.* The acquisition of radio equipment essential for flood and coastal storm emergency operations supplementing regular project equipment is chargeable to Code 910-100, Disaster Preparedness. Their operation should be charged to the pertinent activity as a Code 910-200, Emergency Operations, expenditure.

(c) *Training aids and equipment.* Supplies and equipment items pertaining to the training of personnel for natural emergencies may be procured under the Disaster Preparedness Program. Training films, slides, publications, and specialized training aids are included in the category.

(d) *Sandbags.* Depot stocks of sandbags for flood emergency use are not maintained. Engineer District procurement offices may acquire flood emergency use sandbags under either category, Disaster Preparedness, or Emergency Operations, depending upon the flood emergency phase. When needed, every effort will be made to purchase untreated bags locally, to take advantage of cost savings. Preservative treated sandbags may be purchased if required to replace District reserve stocks depleted in the flood fight.

(e) *Pumps.* Pumps for use during flood emergencies may be rented as needed to supplement local flood fight measures under Code 910-200, "Emergency Operations" category. Rental



procedures are recommended to avoid maintenance and storage costs when not in use. If necessary, pumps may be purchased with prior approval from OCE during emergencies, and subsequently transferred and maintained under the Code 910-100, Disaster Preparedness Program.

(f) *Emergency operations identification.* Specific items to provide a means of increasing the visibility of Corps employees, vehicles, and office locations during Corps emergency operations, including signs, banners, clothing, etc., identifying U.S. Army Corps of Engineers Emergency Operations, will be centrally procured by HQDA (DAEN-CWO-E) Washington, D.C. 20314.

(g) *Emergency operations centers (EOC).* The EOC will normally be activated and staffed during major emergencies. It will be a part of the Division or District office and under the direction of the Emergency Operations Manager. The center will, as a minimum, coordinate all emergency measures, be a central point of contact, and furnish required reporting activities. A specific area will be designated for an EOC. Provision for display boards, radios, telephones, telecopiers, and other requirements is authorized under this feature.

#### Subpart D—Emergency Operations, Code 910-200

##### § 203.41 General.

(a) *Mission execution.* Division and District Engineers are responsible for the overall accomplishment of authorized emergency missions in accordance with the policies, responsibilities, duties, and functions prescribed in this regulation. They execute their responsibilities through an organization of emergency operations managers and operations personnel who are knowledgeable in the requirements, authorities, and needs within the division or district.

(b) *Objectives of disaster operations.* The objectives of Federal and local agency natural emergency operations fall into three general categories: disaster assistance, disaster fighting, and disaster recovery or rehabilitation. The Corps of Engineers is normally directly engaged in disaster fighting and rehabilitation, but may be called upon in rescue operations.

(c) *Policy.* In time of flood or coastal storm, emergency operations will be undertaken by the Corps of Engineers to supplement local efforts. Protective and preventive measures will generally be of a temporary nature. A declaration of a State of Emergency or a written request by the Governor of a State, or responsible authority of a political subdivision, while desirable, is not a prerequisite to furnishing emergency assistance under Pub. L. 84-99.

It is the policy that local assurance of cooperation and indemnification of the U.S., and appropriate requests, will be obtained. These assurances must specify that they pertain only to costs or work eligible under Pub. L. 84-99 so as not to prevent local governments from receiving funds from other Federal programs. Participation by the Corps of Engineers in emergency operations may extend to assumption of leadership role if responsible local authorities are unable to cope with the situation. Such leadership is limited to operational control of emergency forces and should be followed by a request from State or local authorities. These actions should be followed by a request from State or local authorities. These actions should be subordinate to the State and local responsibilities and authorities. The Corps' capabilities and pre-eminence in the field should be made available when needed. An aggressive interest in providing assistance to the community including all available pre-flood information, prediction, and advice is desirable.

##### § 203.42 Authorities.

The authority under Code 910-200 "Emergency Operations" applies to emergency flood fighting and rescue, and protection of Federally authorized shore or hurricane projects. The flood fighting measures are applicable to any flood control structure—Federal, public or private. Included in the authority is collection of flood data that would be lost if not collected during the flood, or soon after the flood recedes. Channel debris clearance is authorized if the debris is causing flooding. Post flood debris clearance, or cleanup, is not authorized. Where other Federal agencies have emergency authorities for their structures, Corps work under Pub. L. 84-99 is not appropriate.

(a) *Field investigations.* This authority applies to special investigations of flood or coastal storm potentials to obtain data not otherwise available. Initiation of field reconnaissance for data collection should be due to some special condition for unusual concern. The authority may be used to collect essential data of a transitory nature, such as high water marks and snow pack. District Engineers and operating Divisions have obligatory authority up to \$10,000 for each situation or incident. Divisions and HQDA (DAEN-CWO-E) Washington, D.C. 20314 will be notified when the data indicates a potential for a damaging flood or coastal storm and follow-up with a written report.

(b) *Flood emergency operations.* Furnish required assistance in support of other agencies and by supplementing local resources as appropriate. Division and District Engineers who accept

requests to assume leadership and direction of flood fighting operations will not assume the responsibilities of other agencies. Corps assistance may include the following: furnishing technical advice and assistance; furnishing flood fighting materials, i.e., sandbags, polyethylene sheeting, lumber, pumps, riprap to stabilize eroding levees or improved property; hiring of equipment and operators for flood fighting operations; and removal of log or debris jams that are blocking stream flow and causing, or are likely to cause, flooding of communities. District Engineers, and operating Divisions, have obligation authority up to \$100,000 for each situation or incident. Additional authority for emergency operations will be requested of HQDA (DAEN-CWO-E).

(c) *Authorization of post-flood reports.* Data collection and other investigative and reporting activities may be initiated or continued for each flood event when the storm has ceased or high water has receded. A flood event is defined as a situation where heavy rains, snowmelt, or ice jamming caused overbank flows with resulting flood conditions. Such events terminate on cessation of flood or high water conditions with no prediction of early recurrence. Post-flood reports compile the data related to the flooding. District Engineers, and operating Divisions, have obligation authority up to \$10,000 for each incident.

(d) *Ice jam removal.* The Corps policy is that ice jam removal is a local responsibility. Corps technical advice and assistance can be provided under the standing \$10,000 authority, as specified in paragraph (a) of this section. When the ice jam poses an immediate flood threat to improved property, Corps efforts to supplement State, county, and local efforts is authorized under Code 910-200. The assistance must be limited to flood fighting and terminate as the flood flows recede. Actual ice jam removal should be a last resort action by the Corps. Blasting of ice jams should be limited to exceptional cases as the accompanying effects often outweigh the benefits. Complete coordination with local authorities is required. Releases from liability for property damage and personal injury are required.

(e) *Snagging and clearing.* Removal of log jams or obstructions causing flooding beyond the local, county, and State capability may be accomplished to relieve the immediate threat or flood. When flood waters recede within the channel boundaries, the flood fight will terminate and additional stream debris clearance will not normally be performed under Pub. L. 84-99.

(f) *Limitation on extent of emergency operations.* Following determination that a specific emergency pro-

gram is to be undertaken by the Corps of Engineers, emergency measures will be of temporary nature designed to meet the imminent threat and to preserve existing protective works. Pub. L. 84-99 authority does not extend to the removal of temporary protective works. Work of a permanent nature may be undertaken if it is the minimum work necessary to achieve the required protection.

(g) *Limitation on diversion of emergency (Pub. L. 84-99) funds to local interests.* Emergency funds will be expended directly by the Corps of Engineers for authorized purposes. No authority exists under Pub. L. 84-99 to reimburse local interests for costs of emergency operations accomplished on their own account.

##### § 203.43 Procedures.

(a) *Personnel.* Personnel operating under emergency disaster conditions may be subjected to extreme hardships. Accordingly, all regulations pertaining thereto will insure the maximum possible protection of the personal welfare of the individual. Accomplishment of this requires that arrangements be made for advance payments of travel allowance, limiting the tour of duty, and control of overtime.

(b) *Hazard pay differential.* Pay differential of 25 percent is authorized for irregular or intermittent duty while working within or immediately adjacent to a building or structure which has been severely damaged by earthquake, fire, tornado, flood or similar cause, when the structure has been declared unsafe by competent technical authority, and when such work is considered necessary for the safety of personnel or recovery of valuable materials or equipment, and the work is authorized by competent authority. Federal Personnel Manual Supplement 990-2, Book 550, Chapter 59, authorized the differential in the general schedule work situation.

(c) *Communication and transportation.* Effective use of all types of communication and transportation facilities will be required in any emergency disaster operation. Radio facilities should be controlled by the operation forces. The use of all types of commercial communications and transportation facilities will be subject to established administrative procedures.

(d) *Designation of transportation agents.* To facilitate transportation and insure proper shipment and receipt of property during emergencies, district emergency plans should designate agents to perform these functions.

(e) *Military air transportation.* Emergency operations will be conducted with the policy of utilizing local and commercial resources and organizations to the maximum of their capabilities. Agreements with National

Guard and Reserve component units are authorized when additional support is required. Requests for airlift support by either active Army or Air Force units will be processed through divisions to their respective CONUS Army commands. Each request will require the following:

(i) Description, origin, and destination of the cargo.

(ii) Weight and cube measurements of the shipment.

(iii) A statement by the Division Engineer or his representative that commercial firms are not available, or able, to accomplish the mission as required.

(f) *Costs.* Costs incurred by DOD agencies that are additional to their normal operating expenses, and in support of Corps flood fighting operations, are reimbursable under Pub. L. 84-99, Code 910-200, funding. DOD costs in support of Corps response to mission assignments from FDAA are reimbursable by FDAA and included as Corps expenses.

(g) *Liaison.* During emergency operations of major proportions, it may be necessary to provide special liaison between HQDA (DAEN-CWO-E) Washington, D.C. and the field. A Division or District representative will be detailed to the Emergency Operations Branch (DAEN-CWO-E) in OCE if requested.

(h) *Loan or issue of supplies and equipment.* Issuance of sandbags, other material, or government equipment (less operating personnel if appropriate) to non-Federal interests is authorized only in actual emergencies. Furnishing government supplies is permitted only after local resources are exhausted or it becomes evident that they will be exhausted. Unused stocks on loan should be returned to the Corps. Consumed supplies will be replaced in kind or paid for by local interests to the extent considered feasible and practicable by the Division or District Engineers.

(i) *Identification of Corps of Engineers operations.* Corps of Engineers personnel and equipment engaged in emergency operations will be identified through the use of Corps of Engineers distinctive identification items as required by current regulation. Red Emergency Operations jackets and shirts have been issued to Divisions and Districts for distribution to emergency operations teams performing disaster work. A stock of these items is maintained and additional requirements should be submitted to HQDA (DAEN-CWO-E) Washington, D.C. 20314. Distinctive car door signs have been made available for issue. An Emergency Operations Award will be issued to personnel taking part in significant flood fights or other disaster operations. These items are described in OCE Supplement 1 to AR 672-20.

##### § 203.44 Reporting.

This section outlines the submission and distribution of reports required from Divisions and Districts for use within HQDA (DAEN-CWO-E) Washington, D.C. in connection with activities under Pub. L. 84-99.

(a) *Commercial teletypewriter (Western Union) Service.* Teletypewriter (TWX) machines have been installed in the Division and District Offices and in OCE primarily to permit the fastest means of reporting emergency situations. The TWX machine installed in OCE Civil Works Directorate has a 24-hour automatic receiving capability with an answer back signal DAEN-CW WSH. One, receive only, monitor is connected to this primary TWX line permitting a simultaneous readout of information in the Emergency Operations Center. A second TWX, send and receive station (DAEN-CW WSH B), is located in the Emergency Operations Center for emergency use when the primary station cannot be reached. A directory of Corps of Engineers call numbers on the Western Union TWX service is included in Appendix D (Note the Alaska District and Pacific Ocean Division do not have TWX facilities. They will submit reports by the fastest electrical means available).

(b) *Reports required.* (1) Flood or coastal storm potential reports (see paragraph (d) of this section).

(2) Initial report of flooding or coastal storm (see paragraph (e) of this section).

(3) Follow-up flood or coastal storm situation reports (see paragraph (f) of this section).

(c) *Classification of emergency situations.* For purposes of reporting, significant floods and other natural disasters are categorized and described below:

(1) *Category A.* Includes all major floods in large drainage areas in which extensive property damage or serious danger to life or flood protective works prevails or is imminent.

(2) *Category B.* Consists of relatively localized floods that produce high property damage or hazard to life without creating or contributing substantially to dangerous flooding downstream. Category B floods also include so-called "flash floods" and other short duration floods that preclude submission of emergency flood reports to the Chief of Engineers before critical phases of flooding have passed.

(3) *Category C.* Consists of floods in large drainage areas which have not directly caused loss of life or extensive property drainage, but create conditions especially favorable for a major flood if further adverse conditions develop.

(4) *Category D.* Includes non-flood incidents such as tornadoes, volcanic eruptions, earthquakes or other natu-



ral phenomena causing extensive damage where Corps of Engineers assistance will be involved or is likely to be involved.

(d) *Flood or coastal storm potential reports.* District Engineers will report to the Division by TWX, with information copy to HQDA (DAEN-CWO-E) Washington, D.C. 20314, any potential flood, coastal storm, or advance measures action that should be brought to the attention of the Chief of Engineers. The report is designed to facilitate responses to inquiries from Members of Congress and others at the Washington level. Accordingly, it should be prepared and dispatched expeditiously, and in advance of any actual disaster (flash flood excepted). Include a narrative summary of the situation and, if possible, an estimate of the probable disaster impact development. If feasible, each report will be definitive and minimize a follow-up report. Dispatch of subsequent messages will be determined by the urgencies of each situation as it develops. These reports, prefixed by "Flood or Coastal Storm Potential Report," will be transmitted to the Division Engineer with simultaneous copies to HQDA (DAEN-CWO-E) Washington, D.C. 20314, the appropriate CONUSA or Unified Commander, and the FDAA National and Regional Directors concerned. The reports required here pertain to emergency short range situations. Long range seasonal conditions are reported in accordance with ER 1110-2-240.

(e) *Initial report.* Initial reports will be furnished as follows:

(1) *During OCE office hours.* An initial report from the Division on any non-flood disaster or imminently anticipated actual flood or coastal storm condition, whatever their nature, will be made during OCE office hours by telephone directly to the Chief, Emergency Operations Branch (202-693-6875). Such initial report will serve the primary purpose of alerting the chief of Engineers to the possibility of inquiries to him for situation reports. Any information of the type listed in paragraph (c) of this section will be included to the extent immediately available from sources including local news reports. The initial report will not be delayed in order to collect and compile additional information.

(2) *Outside of OCE office hours.* During periods outside of OCE office hours, the initial report by telephone will be deferred unless it concerns a major emergency or serious short-duration disaster, such as a severe flash flood or tornado. In that event, the initial report will be made to the Chief, Emergency Operations Branch or assistant, at their home telephones. A TWX message may be substituted for a deferred telephone initial report if the message is available at the start

of the next work day. Confirmation of initial telephone messages to OCE will be by TWX.

(3) *Advising CONUSA Commanders, FDAA National and Regional Directors, and Others.* District Engineers (Reference Part 502) will furnish the CONUSA, or Unified Commander concerned, pertinent information on Category A or B floods or Category D disasters, using the fastest electrical means available. Other officials concerned will be similarly informed, including the FDAA Administrator and regional Director(s), American Red Cross Area Manager, Coast Guard District Commander, State Natural Disaster (Civil Defense) Director and other key Federal, State and local officials, as appropriate. This may be done by means of information copies of the report submitted to Division and OCE, except that such addresses will not be furnished detailed hydrologic data, details concerning the operation of flood control works, or preliminary estimates of damages prevented by engineer projects.

(f) *Reports during flood or coastal storm.* Following the initial report, additional reports will be made as indicated below:

(1) *Category A flood situation reports.* Whenever a Category A flood is in progress, submit daily situation reports direct to the Division and an information copy to HQDA (DAEN-CWO-E) Washington, D.C. 20314. These reports, by TWX, will be dispatched as early as practicable but not later than noon (local time). On working days, they will be dispatched by TWX, preceded or supplemented if the situations warrant, by telephonic report(s). On Saturdays, Sundays, holidays, and non-working hours, reports by telephone will be made only in the event of significant change in flood conditions as previously reported, or the occurrence of major flooding or other development of serious proportions, resulting or likely to result in heavy loss of life and/or property damage. TWX reports may be transmitted to Office of the Chief of Engineers on Saturdays, Sundays, holidays, and at night to be available at the start of the next working day.

(2) *Reporting format.* During the critical phase of Category A flood, the daily TWX situation report will include the following coverage, as available and applicable, using the paragraph numbers shown in the following example. Subparagraphs may be used as required. In order to meet the noon deadline (local time) as stated in paragraph (f) of this section, items 6, 7, and 8 of the report may be omitted from the TWX and sent by telecopier or other means in time to be received by close of business. When the report is sent in two parts they should bear the same report number.

*Subject: Category A SITREP No. 3 (indicate FINAL REPORT submission).*

1. *General Situation Summary.* Location of stricken area by river basin; weather conditions and forecast (include rainfall data); condition of flood control works and their effectiveness (identify whether Federal or non-Federal); Federal property (military and civil works installations) damaged or threatened; communities damages or threatened; essential transportation systems (land, air, marine and rail) out of service; emergencies declared by Governor(s); and any other significant events such as lives lost, utility failures, etc.

2. *Efforts by State and local interests.* Nature, location, and degree to which State and local interests are applying their capabilities in rescue, evaluation of flood fighting, and related matters. Include whether they can cope with the situation and any activity of National Guard (provide unit designation); Nature and location of prospective requests for Pub. L. 84-99 assistance; Status of a Governor's application for Pub. L. 93-288 assistance.

3. *Military efforts.* Nature of actions where taken by the military (Army, Navy, Air Force and other DOD components). Also, where applicable, indicate military participation in flood fighting and rescue work under Corps of Engineers direction and control, specifying unit designations.

4. *Other efforts.* Brief coverage of nature and location of support being rendered by Red Cross, Coast Guard, and other Federal, State, charitable, and local agencies furnishing significant aid. Indicate role of FDAA, location of field office if established, name and phone number of person in charge. List or describe liaison and coordination effected with other Federal agencies.

5. *Corps of Engineers efforts.*

(a) Summarize District Engineer's activity in discharging his mission, including liaison, rescue, flood fighting, damage surveys, and data collection. Upon activation of District EOC, provide hours of operation, phone number(s) and person in charge.

(b) Following is a summary of pertinent data on this flood event which began on 14 August 1975:

(1) Number of COE personnel involved—85 (20 District; 60 Field; 5 TDY).

(2) Number of sandbags furnished to date—250,000.

(3) Number of pumps on loan—14.

(4) (Other significant materials issued such as rolls of polyethylene sheeting, riprap, snow fencing, etc.).

(5) Number and value of emergency contracts—6—\$75,000.

(6) Estimated total Pub. L. 84-99 obligations to date—\$90,000.

8. *Damages and Damages Prevented.*

(A) Acres Flooded:

State	Agricultural	Other	Total
Mississippi.....	60,000	5,000	65,000
Louisiana.....	40,000	0	40,000

(B) Total Preliminary Damages Estimate:

State	Amount
Mississippi.....	\$1,000,000
Louisiana.....	200,000

(C) Effects of Corps of Engineers Projects (Permanent and Temporary Protection):

(1) Damages Prevented:

State	Amount
Mississippi.....	\$5,000,000
Louisiana.....	10,000,000

(2) Acres Protected:

State	Number
Mississippi.....	10,000
Louisiana.....	350,000

7. *Tabulation of River State Data.*

Gage	River stage			News predicted		Record	
	Zero damage	Today	Tendency	Crest	Date	Stage	year
<b>Mississippi River</b>							
Vicksburg, MS.....	30.0	35.0	.....	35.0	Aug. 20	60.0	1943
Natchez, MS.....	21.5	28.7	.....	31.0	Aug. 24	55.6	1937
<b>Big Black River</b>							
Sun City, MS.....	14.0	17.5	.....	18.0	Aug. 19	25.0	1960
Monroe, MS.....	12.5	18.0	.....	17.0	Aug. 21	23.4	1973

8. *Tabulation of Reservoir Data.*

Reservoir	Average past 12 hr. (CFS)		Pool elevation			Percent of flood control utilization
	Inflow	Outflow	Normal	Today	Tendency	

The tabular data referred to above that are not dependent upon daily observations may be furnished HQDA (DAEN-CWO-E) in advance by letter for selected key stations, and subsequently omitted from teletype reports pertaining to those stations. After the critical phase of a flood has passed and stages have receded generally to a relatively nondangerous stage, daily reports, as specified above, may be reduced in scope. They will include a description of the flood situation in general terms, supplemented as required for clarity, by selected representative river stage and pool data. River stage data normally available on Weather Service teletype, Schedule C, CE sequence, may be omitted from reports submitted during the later recession phases of floods. During critical flood periods, daily reports will be adequately self-contained, inasmuch as the desired data are not always available from Weather Service teletype reports.

(3) *Category B flood situation reports.* As soon as practicable after occurrence of a Category B flood, a TWX report will be dispatched from the District concerned direct to the Division with information copy to DAEN-CWO-E in the manner specified in paragraph (f)(2) of this section. Category B flood will be reported on Saturdays, Sundays, holidays and night time in the same manner as Category A floods. Telephone reports will be made only when exceptionally severe property damage or loss of life is suffered; otherwise, TWX reports will be dispatched to the Division and HQDA (DAEN-CWO-E) as early as possible on the first working day following. The initial report will present a summary generally similar to that prescribed for Category A floods, based on information obtainable from all available sources. Subsequent reports will be submitted as required to present a reasonably accurate account of the extent and noteworthy effects of the flood.

(4) *Category C flood situation reports.* When Category C conditions will be dispatched daily, on regu-

prevail in a drainage basin tributary to river already above critical flood stage, a TWX Report summarizing condi-

Force, personnel forces, supplies and equipment committed.

(vi) *Other.* Activities by Red Cross and other Federal Agencies.

(g) *Collection of data and post flood reports.* Collection under this heading should usually be completed within 30 days of the emergency.

(1) *Scope of data collection.* Data collection during and after flood events will be limited to that data which is unique to the basin and would be irretrievably lost if not collected during or shortly after the flood. The following are types of data that are acceptable to be collected under Pub. L. 84-99: photography (aerial and ground), documentation and survey of high water marks, preliminary flood damage assessments, basic hydrologic data not obtainable under other programs or from other agencies. These activities should be performed during and shortly after the actual flood. The scope of data collection does not include detailed flood damage surveys, hydrologic studies, compilation of comprehensive flood data, sedimentation surveys, or detailed frequency analysis.

(2) *Post flood report.* Following a Category A or B flood causing major damage, a letter report therein, will be submitted to Division, and in duplicate to HQDA (DAEN-CWO-E). These reports are to be prepared in two separate Sections. The total report will be completed within 3 months of the time of disaster, include the statement of final cost and be submitted with the request for reimbursement for costs incurred in the operation. All activities costing in excess of the \$10,000 District Engineers authority, must be approved by higher authority prior to initiation.

(i) *Section 1—summary of operations.* This section should be prepared by the EOM as soon as practicable after the flood fight is complete and recovery operations are substantially underway. It should be a brief summary of the disaster operation and interagency coordination, which can be used independently from Section 2, for improving future operations. Section 1 is not intended to cover the entire recovery operation, but rather to summarize the coordination and initiation of the response. It should include discussion of the type of assistance provided, coordination with FDAA and other agencies, effectiveness of the response, strengths and weaknesses of the operation, specific problems and suggested solutions, general appraisal, comments, conclusions and recommendations. Section 1 may be submitted separately from Section 2, if desirable.

(ii) *Section 2—data summary.* This section should include: summarization of information and data pertinent to Pub. L. 99 emergency flood control ac-

(i) *TWX designation.* Example: Tornado: Tornado Situation Report No. 2.

(ii) *Nature of emergency.* Location, extent and amount of damage, and estimated duration.

(iii) *Corps.* Requests for Corps of Engineers assistance; nature of action taken if any; personnel and resources committed.

(iv) *Recovery efforts.* Those actions by State and local interests; forces, supplies, and equipment committed; adequacy of capability to cope with situation.

(v) *Military assistance.* Description of Army, Navy, Marine Corps, Air



activities, presentation of principal supporting hydrologic information and complete bibliography of the pertinent data collected and filed in District office, evaluation of stage reductions effected at key stations by flood control reservoirs operated by the Corps or by other agencies. It is not necessary to include isohyetal charts, high water profiles, complete meteorological history of storms, or data that are obtainable from other agencies. However, reference should be made to pertinent data that can be obtained from other agencies, such as U.S.G.S. and NWS.

(h) *Disaster recovery report.* Special operations of large magnitude under Pub. L. 84-99 and Pub. L. 93-288 usually involve post-disaster recovery activities. Disaster Recovery Reports to Divisions with information copy to HQDA (DAEN-CWO-E) Washington, D.C. 20314 will be in the format shown below. These reports will replace sitrep reports upon discontinuance of the disaster fight and when recovery operations begin. (See Subpart H of this Part for Corps activities for FDAA Pub. L. 93-288.)

#### SAMPLE FORMAT FOR DISASTER RECOVERY REPORT

RR 011800Z Sep 77  
FM: DISTENGR Seattle WA //NPSOP-NF//  
To: HQDA WASHDC //DAEN-CWO-E//  
UNCLAS

Subject: Disaster recovery report, Western Washington, report No. 1  
A. (As Required)

1. Summary of Contracts under Pub. L. 93-288:

	No. Contracts	Total contract amount	Percent complete
Snohomish county:			
(A) Debris.....	2	\$450,000	24
Public building.....	1	74,000	50
Subtotal.....	3	524,000	30
Skagit county:			
(B) Protective work.....	1	125,000	15
Misc. (aerial photo).....	1	15,000	100
Subtotal.....	2	140,000	30
Total.....	5	664,000	20

2. Summary of Rehabilitation (Code 300) work under Pub. L. 84-99:

	No. contracts (Jobs)	Total contract (Job) amount	Percent complete
County:			
Snohomish.....	4	\$325,000	25
Skagit.....	3	125,000	30
Whatcom.....	2	80,000	50
Total.....	9	530,000	25

	No. contracts (Jobs)	Total contract (Job) amount	Percent complete
3. Number of Corps personnel engaged in post-disaster work:			
District	Civilian	Military	
Pub. L. 84-99:			
NPS.....	21	3	
NPP.....	5	1	
NPW.....	3	0	
Total.....	29	4	
Pub. L. 93-288:			
NPS.....	43	2	
NPP.....	10	0	
NPW.....	2	0	
Total.....	55	2	

4. Number of contractor personnel engaged in post-disaster work:

Pub. L. 84-99:		
Washington.....	55	
Oregon.....	21	
Total.....	76	
Pub. L. 93-288:		
Washington.....	74	
Oregon.....	28	
Total.....	102	

5. A brief written summary of major activities and significant events.

#### Subpart E—Rehabilitation Code 910-300

§203.51 Authority.

(a) *Chief of Engineers Authority.* The Chief of Engineers has authority to develop standards and criteria for rehabilitation of any flood control work or Federally authorized shore protection threatened or damaged by flood or unusual coastal storm.

(b) *Authorization of rehabilitation work.* Authorization and funding of recommended rehabilitation projects will be from HQDA (DAEN-CWO-E) Washington D.C. 20314. District Engineers are authorized to undertake investigations of flood control works damaged by flood, and Federally authorized shore and hurricane protection projects damaged by coastal storm, to determine the necessary emergency repairs.

(1) The District Engineer will investigate requests for assistance received from non-Federal interests and will either submit a letter report to the Division or will take unfavorable action, without consulting higher authority. Information copy of unfavorable action on a request for assistance will be furnished to Division Offices and HQDA (DAEN-CWO-E) Washington, D.C. 20314.

(2) When approving authority has been delegated by the Chief of Engi-

neers to a Division Engineer under conditions requiring expedited action, the Division Engineer may authorize individual rehabilitation projects, define the terms of non-Federal participation, and approve project cost estimates. The Division Engineer authorizing rehabilitation projects under delegated authority will furnish an information copy of that action, and the district report, to HQDA (DAEN-CWO-E) Washington, D.C. 20314.

(3) In the absence of delegated authority, the Division will review Districts rehabilitation reports to determine if work is applicable under the authority of Pub. L. 84-99 and if appropriate will forward the request with recommendations to HQDA (DAEN-CWO-E) Washington, D.C. 20314 for necessary action.

§203.52 General.

(a) *Scope of rehabilitation.* Pub. L. 84-99 authorizes repair and restoration of any flood control or Federally authorized hurricane, or shore protective work to insure its continued function. From this point on, the terms "works" will be used to denote any flood control project or Federally authorized shore protection project. Modification of works to increase the degree of protection or to provide protection to a larger area is beyond the scope of work of Pub. L. 84-99. Such major modifications unless accomplished at non-Federal expense, require Congressional authorization and appropriation, or approval under special continuing authorities.

(b) *Effectiveness of rehabilitation.* It is general policy that rehabilitation incorporating any necessary modifications of works will be undertaken only when an adequate degree of damage prevention will result. The rehabilitation will normally be designed to provide the same degree of protection as provided by the original structures. If improvements necessary for preserving the integrity of the protective work are incorporated, they will be included in the project subject to appropriate limitations of Federal cost, as described in §203.60. Other improvements may be included at non-Federal cost. Once a higher degree of protection has been justified, the Federal project cost limitations and resulting effects on maintenance costs will be clearly explained to the non-Federal interests.

(c) *Maintenance deficiencies.* Rehabilitation under Pub. L. 84-99 will not be applied to works which, as a result of poor maintenance, have deteriorated to the point where substantial reconstruction is required. No emergency funds will be expended for rehabilitation, even though built or previously repaired by the Corps of Engineers, if non-Federal interests are delinquent in meeting their maintenance commit-

ments. All deficient or deferred maintenance outstanding when damage occurs, will be accomplished by or at the expense of the responsible non-Federal interest, either prior to or concurrently with authorized rehabilitation work. When work accomplished by the Corps corrects accumulated deferred maintenance, the estimated deferred maintenance cost will be included as contributed funds. This policy does not preclude furnishing flood fight assistance in an emergency.

(d) *Release of information.* As indicated in ER 1165-2-101, the findings and recommendations of the reporting officers in reports or studies undertaken pursuant to special continuing authorities are considered to be of an internal nature and not appropriate for release to the public pending final approval or disapproval by higher authority. Accordingly, care should be taken not to release information before approval is granted by higher authority on Pub. L. 84-99 requests.

(e) *Time limitation for rehabilitation reports.* The District Engineer will submit post flood disaster rehabilitation letter reports to the Division Engineer within 90 days following the declaration of a major disaster by the President. If no Presidential declaration is made, the Division Engineer will determine the commencement of the 90 day time period after the flood incident, for report submissions. When warranted, the Division Engineer may extend the time limitation(s) not to exceed an additional 30 days.

(f) *Rehabilitation of flood control structures.* Repair of works to be accomplished under the category "Rehabilitation, Code 910-300" will be initiated within 60 days following approval by higher authority. An extension of this can be granted by the Division Engineer.

(g) *Requirements for non-Federal cooperation and participation.* See appendix C of this regulation.

(h) *Contributed funds.* See appendix C of this regulation.

(i) *Military installation repairs.* Rehabilitation at military installations may not be accomplished under Pub. L. 84-99 authority. AR 415-15 for the Army, and AR 415-11 (AFR 88-3A), for the U.S. Air Force, provides authority for emergency work at military installations. The following references also provide for rehabilitation work at military installations.

- (1) 10 U.S.C. 2673.
- (2) Section 103 of Pub. L. 89-568.
- (3) 10 U.S.C. 2674.

§203.53 Restrictions.

(a) *Restriction to flood control works.* Structures built for channel alignment, navigation, recreation, fish and wildlife, land reclamation, drainage, or to protect against land erosion which are not designed and construct-

ed to have appreciable and dependable effects in preventing inundation by irregular and unusual rises in water level, are not classed as flood control works, and are ineligible for Pub. L. 84-99 rehabilitation. Exception may be made for bank protection works and river control structures constructed by the Corps.

(b) *Non-flood related rehabilitation.* Rehabilitation of flood control structures damaged by occurrences other than floods or coastal storms is not authorized under Pub. L. 84-99.

§203.54 Environmental impact statements.

Emergency flood control, shore protection, and disaster recovery actions performed by the Corps of Engineers under Pub. L. 84-99, Pub. L. 93-288, and Section 14 of the 1946 Flood Control Act (Emergency Bank Protection), are excluded by ER 1105-2-507 from required preparation of environmental impact statements. No action performed pursuant to these authorities, that has the effect of restoring the facilities substantially as they existed prior to the disaster, shall be deemed as major Federal action significantly affecting the environment. The influence of major rehabilitation (Code 910-300) upon the environment, however, must be considered. This includes consideration of endangered species (Pub. L. 93-205) and archeological sites (ER 1105-2-12). An environmental assessment will be performed and retained in the project files. The total number of major rehabilitation projects determined during the quarter that do not have a significant impact on the environment will be noted on the quarterly submission of the Environmental Impact Statement Schedule.

§203.55 Permits.

For emergency activities performed under Pub. L. 84-99 and Pub. L. 93-288 involving work subject to the provisions of section 404, Pub. L. 92-500, the procedures provided for under "Nationwide Permits" outlined in ER 1105-2-401 will be followed. In those cases not covered by nationwide permits, the District Engineer should accomplish a Sec. 404 evaluation and issue public notice, as required by the reference above unless he determines that delays caused by such requirements will result in unacceptable risks to health, life or property, or severe and unacceptable economic losses. The District Engineer's determination that all or part of the Sec. 404 evaluation be excluded should be justified and documented in the request for Pub. L. 84-99 funds. Once a determination has been made and documented to exclude all or part of the Sec. 404 evaluation, the District Engineer should accomplish the Sec. 404 evaluation to the

extent practicable if unanticipated delays in accomplishing the work result. The District Engineer's determination should be addressed in Para. 10 of the rehab. letter report.

§203.56 Coordination with Federal Agencies.

(a) *General.* Emergency rehabilitation of agricultural levees will be coordinated with the Department of Agriculture local conservation representative. If the President has determined that disaster assistance is also warranted under Pub. L. 93-288, coordination with the concerned FDAA Regional Director will be accomplished to prevent duplication of coverages.

(b) *Coordination with FDAA.* Following a Presidential declaration of a major disaster or emergency under Pub. L. 93-288, FDAA Regional Directors will be informed of any applications pursuant to Pub. L. 84-99. Requests for work beyond the authority of Pub. L. 84-99 will be coordinated with FDAA regional offices to obtain determination of applicability of Pub. L. 93-288. The applicant will be informed of actions taken.

(c) *Coordination with the Department of Agriculture Programs (USDA).*—(1) *Coordination.* Consideration should be given to assistance available on a cost-share basis to individual farmers and ranchers, or organized groups, through USDA programs affecting farm levees and other works. A general knowledge of the various USDA programs is essential for investigative and review personnel when agricultural areas are affected. Development of a justified rehabilitation project under Pub. L. 84-99 may proceed despite knowledge that participating non-Federal interests may later attempt to secure reimbursement for all or part of their participating effort from another Federal agency. The agency concerned will be kept informed of Corps of Engineers action by the appropriate Division or District Engineer. In addition to coordination on the above agricultural conservation program coordination may be needed with the Soil Conservation Service (SCS), State representative, regarding any affected projects of the SCS or constructed under Pub. L. 83-566 (Watershed Protection and Flood Prevention Act of 1954), as amended. In addition, applications for repair of agricultural levees will be checked with the State Agricultural Stabilization and Conservation Service (ASCS), or County ASCS Office, to determine if the requested work should be considered and processed as an emergency conservation measure under a current or forthcoming emergency program administered by the ASCS with engineering assistance from SCS.

(2) *Restriction on eligibility.* Any flood control works previously con-



structed, modified, or repaired with financial assistance from the USDA, whether through Agricultural Conservation Program Service (ACPS), or Soil Conservation Service (SCS), should not be repaired by the Corps of Engineers, unless there is strong justification for it. The applicability of the Corps emergency rehabilitation authority under Pub. L. 84-99 will be considered only if appropriate representatives of the USDA have first ruled that their authority is not applicable. In that event, consideration of a rehabilitation request will be under the same criteria as for other requests.

#### § 203.57 Determination of economic justification.

(a) *General.* The economic analysis will be of sufficient detail to determine if benefits exceed costs. All previous work on project including Pub. L. 84-99 rehabilitation will be considered sunk costs and will not be used in the economic justification. A benefit-cost ratio need be furnished only on those analyses where detailed evaluation is necessary to determine economic feasibility. In those cases analyses will utilize the current Federal discount rate for Water Resources Evaluation. For projects of minor costs, such determination may be expressed in general terms. As warranted by the size of the project, and for dams constructed by other agencies, an economic analysis will be prepared in such detail as appropriate. Comparison of benefits to costs may be between rough estimates of annual benefits and annual economic costs (estimated damages prevented divided by maintenance and average economic charges).

(b) *Specific data.* Economic data in the letter report should include:

- (1) Area protected.
- (2) Land use of protected area.
- (3) Estimated damages in average annual dollars, if rehabilitation is not performed.
- (4) Average annual cost including operation and maintenance of total project.

(5) Number and average value of residences in the protected area.

(6) Project life and degree of protection.

(c) *Project life.* For analysis of rehabilitation work, project life will be determined as described below:

(1) *Federal Projects.* Life of the type work as described in ER 1105-2-250 less the number of years since maintenance of the completed project was assumed by local interests.

(2) *Non-Federal Agricultural.* Ten years or the degree of protection provided, whichever is less.

(3) *Non-Federal Developed Area.* Fifty years or the degree of protection provided, whichever is less.

(4) The project life should not exceed the remaining physical life of

the project. Any exceptions to the above will require extraordinary justification in the letter report.

(d) *Examples.* The following are examples of letter report analysis.

(1) About 3,000 acres are protected by the Pelucia Creek levees. At least 80 percent of this area is intensively farmed in cotton and soybeans. Annual agricultural flood damages without the levee system are about \$10 on the current discount rate and a 10 year project life. There are 25 residences in the area with an average value of \$12,000. Damages would greatly exceed the cost of rehabilitation and no further economic analysis is considered necessary.

(2) The Tchula Creek levee protects 1,000 acres from a five year frequency flood. The land use within the area is 40 percent grassland, 20 percent soybeans and 40 percent woodland. Four residences are in the area with an average value of \$10,000. Analysis is based on the current discount rate. Annual benefits for the rehabilitation work are listed below:

Physical damages prevented:	
Agricultural crops.....	\$6,400
Residential structures.....	400
Emergency costs prevented.....	2,300
Total annual benefits.....	9,100
Annual costs:	
First cost.....	30,000
Interest and amortization at 6% percent.....	7,200
Operation and maintenance.....	300
Total annual cost.....	7,500

The benefit cost ratio of the proposed work is 1.2 to 1.0.

(e) *Other.* Data necessary for backup of economic analysis should be retained in the project file but need not be included in the letter report. Benefit analysis will be provided only for the recommended alternative. For projects of marginal justification, sufficient detail to support a favorable recommendation should be included in the report.

#### § 203.58 Project development.

In early negotiations, project sponsor should be informed (a) of recommended modifications to existing protective works and incremental costs, and (b) that the apportioned cost must be borne by the non-Federal interests. The project sponsor should be further informed that final determination of non-Federal participation will be made by higher authority. In reporting on this aspect of a proposed project, recommendations will take into account the need for expeditious action, the history of previous efforts by non-Federal interests, and other pertinent factors if variations are recommended. In this connection, the fact that proposed modification conform to an authorized protection project on which construction has not been initiated, is not justification for initiation of construction with emergency funds.

#### § 203.59 Special considerations and alternative methods of rehabilitation.

(a) *General.* Alternative methods for providing equivalent protection may be employed provided the estimated Federal costs under such procedures are not in excess of those for rehabilitation of the existing works. Alternative methods such as levee setback, revetment, bulkheads, or seawalls should also be considered to ensure the integrity of the works. These alternatives must be beyond the scope of non-Federal maintenance responsibility or capabilities. Any increase in Federal cost resulting from non-Federal preference of an alternative, other than the least expensive when all costs are included will be borne by the non-Federal interests.

(b) *Spoil banks.* Spoil banks created by channel or drainage ditch excavation may be considered flood control works under Pub. L. 84-99 if they constitute a sufficiently integrated levee system in grade, alignment, and other characteristics with appreciable and dependable flood control effects. Maintenance of these structures will conform to requirements stated in § 203.52(c).

(c) *Channels.* Restoration of the pre-flood hydraulic capacity of Federally authorized channel improvement projects is authorized under Pub. L. 84-99 when flood waters have deposited debris and silt beyond non-Federal local maintenance capabilities. When not undertaken immediately after a flood event, restoration of natural river or drainage channels to preserve federally constructed flood control works can be considered under Advance Measures (see § 203.84(b)(3)).

(d) *Bank protection vs. levee setback.* When considering construction of bank protection to avoid abandoning a levee on its present alignment (which is threatened by stream erosion), alternative plans will be compared on an engineering and economic basis. Requests by non-Federal interests will be evaluated to determine the least Federal cost. No commitment will be made to non-Federal interests regarding future restoration of the levee to the previously existing alignment. Any extra Federal costs anticipated to protect a levee on existing alignment will be borne by the non-Federal interests with comparison based on the following evaluation procedures:

(1) Same standard of flood protection is assumed (costs attributable to an increased standard will be separately considered).

(2) Respective economic lives are estimated, and all costs compared on an annual basis.

(3) Levee setback cost estimate will include costs of engineering and construction; relocation of roads, utilities, right-of-way exclusive of any allowances for land severance or depreciated value of land not in right-of-way.

(4) Bank protection cost estimate will include costs of engineering and construction plus cost of additional right-of-way; and cost of maintenance.

(5) Include in both estimates, any other associated costs to non-Federal interests.

(e) *Deliberate levee cuts.* Repair of deliberate levee cuts is a non-Federal responsibility and should be accomplished at non-Federal expense. Variation from this general policy will be considered where the purpose of the cut was to preserve existing flood control works.

#### § 203.60 Flood control dams constructed by non-Federal agencies.

Rehabilitation of flood related damages to these structures may be authorized. Repairs will be limited to project features having a direct flood control function.

#### § 203.61 Specific projects under Pub. L. 84-99.

(a) *Federally authorized flood control projects.*—(1) Modification of Federally constructed works may be accomplished in conjunction with post flood rehabilitation at Federal expense when:

(i) Non-Federal maintenance cannot be effectively accomplished due to changed conditions or functional inadequacy.

(ii) Further serious damage to the project cannot be prevented without installation of riprap or other preservative construction.

(iii) Use of emergency funds for project modification will produce significant savings of future maintenance cost.

(2) *Flood Control Works Under Construction by the Corps.* Rehabilitation of these structures will normally be accomplished with regular project construction funds. Repair of units completed and accepted from the contractor can be considered under Pub. L. 84-99 authority when project construction funds are not available.

(3) *Flood Control Works Constructed, Operated, and Maintained by the Corps.* Rehabilitation of those flood control works maintained as a Federal responsibility will normally be accomplished with regular project maintenance funds. In the case of major flood damage necessitating immediate repair, and when pertinent project funds are not available for work that cannot be deferred, consideration will be given within OCE to authorizing post flood work under authority of Pub. L. 84-99. In the case of reservoir and multiple-purpose projects, consideration will be limited to component

structures having a direct flood control function.

(b) *Non-Federally constructed flood control works.* In conjunction with post flood rehabilitation, modifications designed to preserve the integrity of these structures may be accomplished at additional Federal expense. The added Federal cost is limited to:

(1) Not more than one-third of the estimated Federal cost of rehabilitation to pre-flood conditions alone.

(2) Federal cost limit of \$50,000. Costs of preservative modifications in excess of the controlling Federal cost limitation above will be borne by the non-Federal interests. The entire cost of modifications for providing an increased degree of flood protection or protecting an additional area will be a non-Federal cost.

(c) *Secondary flood control works.* It is general policy that Federal funds should not be expended for post flood repair or restoration on structures which provide a low degree of protection and are constructed riverward of the primary flood control system. Exception of this policy is when the low level structure provides protection to human life and is economically justified.

(d) *Nonconforming flood control works.* Any non-Federal flood control work constructed without having the necessary permit(s) will not be rehabilitated by the Corps under Pub. L. 84-99.

#### § 203.62 Transfer of completed work to local interests.

This will be in accordance with Appendix C of this regulation.

#### § 203.63 Rehabilitation investigations.

(a) Following a flood event, a survey of damages to flood control and Federally authorized hurricane or shore protection works should be undertaken as soon as water levels permit. This survey would expedite the processing of requests and applications from non-Federal interests and avoid repetitious investigations in the same area.

(b) *Scope of investigations.* On-site investigation, engineering studies, and plans for rehabilitation should be held to the minimum necessary for evaluation of requested work. Where appropriate, modified existing drawings or aerial photographs should be used in lieu of finished drawings. In general, consideration should be given to the size of the job in determining a reasonable allocation for preliminary costs. The District Engineer has standing obligation authority up to \$2,500 per project under the category "Rehabilitation" Code 910-300, following a flood event.

#### § 203.64 Rehabilitation report.

(a) *Letter report.* Separate letter reports should be furnished for each individual project. The report should describe the damages and proposed repairs to provide the same degree of protection that existed prior to the flood event and present an evaluation of the effectiveness of the proposed repair. When improvements necessary for preserving the integrity of the works are incorporated, these items and associated added costs will be broken down into Federal and non-Federal costs of work items, including allocations for Engineering and Design, and Supervision and Administration (including overhead). The appropriate limitation on the added Federal cost for necessary modifications will be shown. The report should adhere to the following format. If the main paragraph does not apply, retain it in the report and label it "Not Applicable".

(1) *Project background.* (i) Authorizing Legislation (Fed Projects) and source of funds.  
(ii) Construction Cost.  
(iii) Construction start and completion date.  
(iv) Date and cost of recent modifications.  
(v) Project purpose (recreation, reclamation, flood control, shore or hurricane protection, etc.).  
(vi) Location (river, county, State).  
(vii) General location drawing.

(2) *Disaster incident.* (i) Description of flood event that caused the damage.  
(ii) Frequency of storm—duration of flooding.

(iii) Comparison of historical floods.  
(iv) Date of incident.  
(v) Reference to situation reports made to DAEN-CWO-E.

(3) *Non-Federal Cooperation and Participation* (see Appendix C). (i) Quality of past maintenance and annual costs by non-Federal interests.

(ii) What is the estimated amount of any unperformed maintenance prior to the damage? If any, non-Federal interests are required to pay cost involved.

(iii) What participation in goods and services are non-Federal interests willing to provide?

(iv) Discussion of desirable non-Federal cooperation and participation and willingness of non-Federal interests to furnish the necessary assurances.

(4) *Federal involvement.* (i) Efforts by Corps under Pub. L. 84-99 or other authority (dates, amounts, reference authorizing letters, etc.).

(ii) Efforts by other Federal agencies.

(iii) Coordination with Federal agencies (FDAA, USDA, etc.).

(5) *Damage description.* (i) Cause of damage.

(ii) Description of physical damage to project feature (dimensions).

(iii) Photographs of damaged areas (before and after if possible).

(6) *Alternatives.* List alternatives with cost and other basic considerations.



(7) *Proposed work.* (i) Recommended course of action and reasons for course of action.

(ii) Schedule of work to include completion of plans and specs, advertisement period, contract award, and estimated completion date.

(iii) Plan, single sketch or other graphic presentation of reasonably large scale, showing cross-sections where pertinent, and relationship of damaged areas to overall flood control system (finished drawings are not required).

(8) *Economic justification* (see § 203.56). (i) General statement of project economics.

(ii) Benefit to cost ratio and computations if necessary.

(9) *Environmental effect.* (i) Statement on effect of work on environment.

(ii) Environmental Assessment or required Negative Assessment on file in the District office.

(iii) Sec. 7 of the Endangered Species Act of 1973 (Pub. L. 93-205) (16 U.S.C. 1531-1534). (If major rehabilitation project.)

(iv) ER 1105-2-12, "Archaeological Investigations and Salvage Activities." (If major rehabilitation project.)

(10) *Permits required.* (i) District engineer's decision on applicability of permit requirements.

(ii) Justification and documentation that section 404 evaluation has been considered.

(11) *Request for authority, work allowance, funds.* (i) Request for authority/increase in authority.

(ii) Request for approval of estimated Federal cost/increase in cost.

(iii) Request for work allowance/increase in work allowance/use of available work allowance.

(iv) Request for funds/transfer of funds.

(v) Civil Works Information System (CWIS) number.

#### § 203.65 TWX report.

A TWX report may be substituted for a letter report when mail delivery will cause an unacceptable delay. However, the same degree of field investigation and consideration, although necessarily brief, will be reflected in the TWX report. In addition, appropriate plans or sketches should be telecopied concurrently with the transmission of the TWX report for review.

#### Subpart F—Emergency Water Supplies Code 910-400

#### § 203.71 Purpose.

This Chapter provides information, guidance and policy for execution of the Chief of Engineer's authority to furnish emergency supplies of clean drinking water pursuant to Pub. L. 84-99, as amended by Section 82(2), Pub. L. 93-251 (88 Stat. 34), dated 7 March 1974.

#### § 203.72 Authority.

Pub. L. 84-99, as amended, provides that the Chief of Engineers, in his discretion, is authorized to provide emergency supplies of clean drinking water, on such terms as he determines to be advisable, to any locality which he finds is confronted with a source of contaminated drinking water causing or likely to cause a substantial threat to the public health and welfare of the inhabitants of the locality.

#### § 203.73 Policy.

Emergency work under this authority will be considered when requested by the Governor of States where the source of water has become contaminated. The contamination may be accidental, deliberate, or caused by natural events. However, loss of the water source or supply is not applicable under this authority. When the emergency water situation becomes known, the involved Division will notify DAEN-CWO-E by telephone.

#### § 203.74 Guidance.

(a) The method of furnishing emergency water supplies is not provided for in Pub. L. 84-99, and is left to the discretion of the Chief of Engineers. Any feasible method, including restoration of service from an alternate source when the main source has been contaminated, is authorized.

(b) The scope of work is limited to providing emergency supplies of clean drinking water. The Corps of Engineers role in providing emergency supplies is a temporary measure until the locality is able to assume its responsibility. The locality is required as soon as possible to actively initiate measures required to resolve the emergency situation.

(c) The authority encompasses all situations involving contaminated sources of drinking water, whether caused by flooding or otherwise.

(d) Failures in the purification or distribution systems are not eligible. A loss of supply or diminishing of the source, due to such things as an earthquake or drought, does not in itself justify Corps activity.

(e) The contamination must cause or be likely to cause a substantial threat to the public health and welfare. An identifiable and defined threat of impairment to the public health and welfare is considered necessary. The allowable contaminant levels in drinking water are set forth by the Environmental Protection Agency pursuant to the Safe Drinking Water Act (Pub. L. 93-523). There is no requirement that actual sickness exists from contaminated water to invoke the authority, but a clear threat must be established.

(f) Contamination which causes a loss of palatability, but poses no material threat to public health and wel-

fare is not eligible for Corps action under this authority.

(g) Contamination, such as by bacteria, which can be reduced to a safe level by the users boiling the water would not be eligible for Corps assistance.

(h) Contamination by natural intrusion over a period of time, which are known to be occurring and which may accumulate in sufficient concentrations to pose a future health threat, but which have not yet reached the level of a present hazard is the responsibility of the locality to correct.

(i) Contamination which, while posing a substantial threat to health and welfare, can be corrected by local authorities or other Federal authorities, or other appropriate means before emergency supplies are deemed necessary will not be eligible for Corps assistance.

(j) A business firm faced with contamination of water used in its process is not eligible. The drinking water used by the people must be affected before Corps assistance can be applied.

#### § 203.75 Delegation of authority.

The authority to approve measures under Code 910-400 "Emergency Water Supplies" is delegated to Division Engineers up to \$50,000 per incident. District Engineers are delegated authority up to \$2,500 for investigation of each request except NED and POD are authorized up to \$5,000. Division Engineers have authority to increase District Engineers authority from \$2,500 up to \$5,000.

#### § 203.76 System rehabilitation.

The authority does not require correcting the contamination, or repair of water systems so that clean drinking water supplies become available again. This is a responsibility of local government and other Federal Programs. Authority is granted, however, to repair the water system in lieu of reverting to a more expensive method of providing clean drinking water. To the extent that a local government can provide water with their own resources, the locality will be excluded from the provision of emergency supplies under Pub. L. 84-99.

#### § 203.77 Types of assistance.

The temporary emergency supplies of clean drinking water may be provided through such actions as:

(a) The use of water tank trucks to haul clean drinking water from a nearby known safe source to water points established for local distribution.

(b) Procurement and distribution of bottled water.

(c) Laying of temporary above ground water lines from a nearby safe source of water to the affected community where water points for local distribution can be established.

(d) Installation of temporary filtration.

(e) Temporary use of military, mobile purification units when available.

#### § 203.78 Report Format.

Separate reports should be furnished for each proposed project. The report should detail all information pertinent to the decision to request emergency supplies of drinking water. The report should cover the items listed below and adhere to the following format with respect to main paragraph and subjects, giving consideration to the general topics listed under each paragraph as appropriate. If the main paragraph does not apply, retain it in the report and label it "Not Applicable."

(a) *Background.* (1) Affected locality and capability.

(2) Requesting governor and State capability.

(3) Cause of contamination.

(4) Documentation of health hazard.

(5) Coordination with others.

(6) *Alternatives considered.*

(7) *Proposed action.* (1) Method of supply.

(2) Estimated cost.

(3) Duration of involvement.

(4) Schedule for implementation.

(5) Permits required.

(6) Environmental consideration.

(7) *Request for authority and funds.*

#### Subpart G—Advance Measures Code 910-500

#### § 203.81 General.

"Advance Measures" consists of those activities performed prior to flooding or flood fight to protect against loss of life and damages to improved property from flooding. This term replaces the terminology "Operation Foresight" previously used to describe large scale joint Federal and non-Federal operations undertaken to prevent forecasted flooding.

#### § 203.82 Delegation of authority.

District Engineers, NED and POD are delegated obligatory authority up to \$2,500 to determine eligibility of each request.

#### § 203.83 Eligibility criteria.

(a) *Threat of flooding.* There must be an immediate threat of unusual flooding present before advance measures can be considered. The threat may be established by National Weather Service predictions or Corps of Engineers determinations of unusual flooding from adverse conditions. The threat must be of a nature that if action is not taken immediately, damages will be incurred.

(b) *Feasibility.* The proposed work should be temporary in nature, must be designed to deal effectively with the specific threat, and be capable of

construction in time to prevent damages.

(c) *Economic justification.* All work undertaken under this category must have a favorable benefit-to-cost ratio.

(d) *Local cooperation/responsibilities* (See appendix C).

#### § 203.84 Areas of application.

Threat of flooding due to:

(a) *Failure of flood protection.*—(1) *Federal Constructed—locally operated projects.* Work may be undertaken on projects which are in danger of failing and fulfill the eligibility criteria in § 203.83. Work undertaken may be permanent in nature on a Corps constructed locally maintain project, if time allows completion in time to prevent damages.

(2) *Non-Federal projects.* Flood control work must be technically functional, and designed for a reasonable frequency in order to be eligible.

(b) *Channel obstructions.*—(1) *Federal projects.* Channel clearance/dredging to restore the original project design capacity is authorized on Federal channel projects that do not have adequate hydraulic capacity to pass predicted flood flows.

(2) *Non-Federal Projects.* In channels when the hydraulic capacity is not known, clearance work will not be undertaken unless time allows preliminary survey to establish the required capacity. The estimated amount of required additional capacity should be known before beginning any channel work.

(3) *Types of obstructions.*—(i) *Ice jams.* Advance measures to remove ice jams should always be coordinated with Cold Regions Research and Engineering Laboratory (CRREL). Direct contact between divisions, districts and CRREL is authorized. The proposed removal operations should have a reasonable chance of success. Consideration should be given to other techniques to prevent flooding such as ice dusting, temporary dikes, sandbagging or other flood fight techniques.

(ii) *Snags/debris.* Snagging and clearing as Advance Measures should be limited to removal of definable snags or debris obstructions where water is predicted to impound causing unusual flooding.

(iii) *Channel deposits/siltation.* Removal of silt, gravel or other channel deposits should only be accomplished only where the hydraulic capacity has been proven by survey to be inadequate to prevent flooding. The provisions of Section 404, FWPCA can be waived by the District Engineer if he deems it necessary to expedite the emergency action. (See § 203.55 *Permits*.)

(c) *Snowmelt from abnormal snowpack.* Advance measures undertaken to prevent predicted flooding from heavy snowmelt are appropriate when

based on measureable conditions. Snow surveys which relate depth of snow and water content as well as soil moisture content are prepared by the Soil Conservation Service, and serve as a reliable indicator along with NWS forecasts. The use of experimental snow sampling devices or techniques are not appropriate under Pub. L. 84-99 and should be pursued under R&D programs during non-emergency periods.

(d) *Dam failures.* (1) Advance Measures are appropriate to relieve the threat of flooding from dam failures when a structure is endangered by a prediction of unusual inflows which will result in catastrophic failure. The cost of measures to be undertaken should be compared with the projected damages if the dam is allowed to fail. Advance Measures could involve dewatering of the impoundment, controlled breaching, or strengthening of the structure, depending on time available, and costs involved. All work should be ceased when the threat has subsided. Restoration or rehabilitation of the structure is a local responsibility.

(2) The Corps should work closely with State and local interests in situations of probable dam failure, to assist in the formulation of an evacuation plan which defines organization, responsibilities, channels of communication, procedures, warning times, etc. These plans should be formulated in a manner which does not arouse unnecessary alarm or controversy. The Corps may participate in preparation of plans for non-Federal interests on a reimbursable basis.

(e) *Volcanic eruptions.* The authority for a military commander to take immediate action to save human life, prevent human suffering, or to mitigate major property damage or destruction from a disaster condition such as a volcanic eruption is established in Part 502. Advance measures, such as construction of lava deflection barriers or other structures are not eligible under Pub. L. 84-99.

#### § 203.85 Advance measures report.

(a) *Initial contact.* When Advance Measures are appropriate and a recommendation is being prepared, initial division contact with HQDA (DAEN-CWO-E) should be made by telephone to apprise the staff of the anticipated request for authority and funds.

(b) *TWX report.* A TWX report is preferable to a letter report since Advance Measures usually require expedited review. However, the use of TWX reporting in no way diminishes the requirement for a comprehensive report as detailed in § 203.85(c). Appropriate sketches, plans or other information not transmittable by TWX will be sent by telecopier concurrently with the TWX transmission. (Use only



the DAEN-CWO-E TWX and telecopier numbers.)

(c) *Report format.* Separate reports should be furnished for each proposed project. The report should detail all information pertinent to the decision to request advance measures. The report should cover the items listed below and adhere to the following format with respect to main paragraph and subjects, giving consideration to the general topics listed under each paragraph as appropriate. If the main paragraph does not apply, retain it in the report and label it "Not Applicable."

(1) *Project background.* (i) Authorizing legislation (Federal Projects) and source of funds for non-Federal projects.

(ii) Construction cost.

(iii) Construction start and completion date.

(iv) Date and cost of recent modification.

(v) Project purposes (recreation, reclamation, flood control, shore or hurricane protection, etc.).

(vi) Location.

(vii) General location drawing.

(2) *Summary of conditions causing flood threat.* (i) Past and current meteorological conditions.

(ii) Predicted meteorological conditions (NWS statement).

(iii) Anticipated hydrology.

(iv) Comparison to historical floods.

(v) Predicted time of flooding.

(vi) Other substantiating information.

(3) *Local cooperation and participation.* (i) The nature of Advance Measures often requires that special considerations be included in the local assurance agreement to protect the Federal investment. Consideration should be given to including any activity or input by non-Federal interests as part of the formal agreement to insure timely compliance.

(ii) See Appendix C for further details.

(4) *Federal involvement.* (i) Efforts by other Federal Agencies pursuant to their authorities.

(ii) Efforts by Corps under Pub. L. 84-99 or other authority (dates, amounts, reference outstanding letters, etc.).

(iii) Coordination of Federal agencies (FDAA, USDA, etc.).

(5) *Alternative course of action.* (i) List alternatives considered with cost, and other basic consideration.

(ii) Appropriate sketches.

(6) *Proposed work.* (i) Description and reasons for recommended course of action.

(ii) Plan, single sketch or other graphic presentation of reasonably large scale, including cross section if required.

(iii) Schedule of work items (plans and specs, advertisement period, estimated award, and completion date).

(7) *Anticipated damages without proposed work.* (i) Description of damage.

(ii) Estimated amount of damages.

(8) *Economic justification* (see § 203.56). (i) General statement of project economics.

(ii) B/C computation if necessary.

(9) *Environmental effect.* (i) Foreseeable effect of work on environment.

(ii) Environmental assessment or negative assessment in file.

(10) *Permits required.* (i) DE's decision on applicability of permit requirement to proposed work (Section 404, etc.).

(ii) Justification and documentation that Sec. 404 evaluation has been considered pursuant to EC 1165-2-125 (see § 203.55 *Permits*).

(iii) Consider section 7 of the Endangered Species Act of 1973 (Pub. L. 93-205) (16 U.S.C. 1531-1534).

(iv) Consider ER 1105-2-12 "Archaeological Investigation and Salvage Activities."

(11) *Request for authority, work allowance, funds.* (i) Request for Authority/Increase in authority.

(ii) Request for approval of estimated Federal cost-increase in cost.

(iii) Request for work allowance/increase in work allowance/use of available work allowance.

(iv) Request for funds/transfer of funds.

(v) Civil Works Information System (CWIS number).

**Subpart H—Corps Activities for FDAA (Pub. L. 93-288)**

§ 203.91 General.

The Federal Disaster Assistance Administration (FDAA) acts on behalf of the Secretary, Department of Housing and Urban Development, with authority from the President assigned in Executive Order 11795. FDAA promulgates Federal regulations, orders, circulars, handbooks, and other publications containing guidance governing application of Pub. L. 93-288.

(a) *Definitions.* (1) "Emergency" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which requires Federal emergency assistance to supplement State and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster.

(2) "Major Disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of

the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Act, above and beyond assigned emergency services performed by the Federal Government, to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(b) *Section 306 cooperation.* Section 306 of Pub. L. 93-288 authorizes Federal agencies, when directed, to utilize or lend their resources to provide specific types of assistance. Following are types of assistance the Corps of Engineers may be called upon to render when specifically authorized in mission assignments by FDAA:

(1) Damage assessments and investigations of requests for Presidential declarations.

(2) Damage Survey Reports (DSR's) and Final Inspection Reports (FIR).

(3) Provide direct Federal assistance in the following categories:

(i) Performing on public and private lands or waters any emergency work essential for the protection and preservation of life and property including channel clearance and emergency shore protection.

(ii) Clearing and removing debris and wreckage.

(iii) Making repair to restore to service, or replacing public facilities (including structures of all types) of State and local governments, or private non-profit organizations.

(4) Providing technical advice and engineering services.

(c) *Authority of FDAA Administrator.* The Secretary, Department of Housing and Urban Development (D/ HUD) has been designated by the President in Executive Order 11795 to administer the Federal Disaster Relief Act of 1974, and supplemental legislation, and to prescribe rules and regulations for carrying out provisions thereof. The President reserved the authority to declare major disasters or emergencies. All other authorities pertaining to natural disaster functions pursuant to previous Executive Orders that were transferred by E.O. 11795 to the Secretary D/ HUD, have been further delegated, with certain exceptions, to the Federal Disaster Assistance Administration, D/ HUD. The FDAA Administrator has been given certain authorities and functions under Pub. L. 93-288, including:

(1) The authority to direct Federal agencies to provide assistance in "Major Disasters or Emergencies" with or without reimbursement.

(2) The authority to coordinate the activities of Federal agencies in providing disaster relief.

(3) The authority to appoint a Federal Coordinating Officer.

(d) *Authority of FDAA regional directors.* The FDAA Administrator has

redelegated certain authorities and functions to the FDAA Regional Directors within their respective areas including: the authority to direct and coordinate with activities of the Federal agencies in providing disaster assistance and to direct any Federal agency to utilize its available personnel, equipment, supplies, facilities and other resources. This authority to issue mission assignments and approve project applications may be redelegated by the Regional Director.

(e) *Federal Coordinating Officer (FCO).* The FCO, appointed by the FDAA Administrator will perform the following functions:

(1) Make an initial appraisal of the types of relief most urgently needed.

(2) Establish such field offices as the FCO deems necessary.

(3) Coordinate the administration of relief.

(4) Take such other action consistent with the provisions of Pub. L. 93-288 and other authority delegated as deemed necessary to assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

(f) *Emergency assistance.* If the President determines that a major disaster or an emergency exists, he is authorized to use all resources of the Federal Government to avert the disaster or lessen its effects. Division Engineers will be fully responsive to FDAA directives or requests for emergency assistance.

(g) *FDAA—Corps relationships.* Section 302, Pub. L. 93-288, authorizes the President to coordinate the activities of Federal agencies in order to provide maximum mobilization of the available Federal assistance. It also authorizes directing a Federal agency to utilize its available resources in disaster assistance, with or without reimbursement. These section 302 provisions have been delegated to the FDAA Regional Directors. Under those terms, Division Engineers may accept mission assignments, or work directives, from FDAA Regional Directors. Actions taken to manage the mission will be in accordance with existing policies, procedures, authorities, and available resources. Administration and management of Corps personnel, resources, and equipment is the responsibility of the Division. Missions from FDAA during emergency situations are beyond the Corps statutory authority and a mission assignment under Pub. L. 93-288 is required to conduct operations.

§ 203.92 Administrative support of FDAA.

(a) *Emergency support teams.* Regional Directors are authorized to form emergency support teams of Federal personnel to assist in carrying out disaster assistance missions. Team members may be assigned to the field

offices, or may be assigned to assist State or local governments in obtaining Federal assistance. Even before a major disaster declaration, the FDAA Regional Director may contact relevant Federal agencies and indicate requirements for members of emergency support teams. In coordination with FDAA Regional Directors, Divisions will designate personnel for assignment to emergency support teams. During pre-disaster threat phase, designated personnel will be alerted for pre-positioning when requested by FDAA to expedite their availability in a major disaster area. Reimbursement by the FDAA for emergency support team members will be as outlined in ER 11-2-320.

(b) *Corps disaster field office.* Corps disaster field offices established to support Pub. L. 93-288 operations should be close to or collocated with FDAA disaster field headquarters. The same facilities and communications may be utilized. This policy should not over-ride the principle of location close to the disaster area.

(c) *FDAA Regional Disaster Assistance Plans.* When requested by Regional Directors, Corps Managers will participate in the formulation of appropriate sections of the FDAA Regional Disaster Assistance Plans.

(d) *Preliminary assessments.* Regional Directors may assign responsibilities for preliminary damage assessments to Federal agencies by categories of damage most relevant to the agencies' activities. Preliminary field assessments are made for any disaster for which the Governor of a State requests the declaration of a major disaster or emergency. Expenses incurred in providing preliminary field assessments not warranting a declaration are chargeable to FDAA when requested by FDAA.

(e) *Funding.* FDAA directives or requests will be treated as "Reimbursable Work Orders". Refer to ER 11-2-320 for guidance on funding and reimbursement procedures.

§ 203.93 FDAA directives to Federal Agencies.

(a) *Nature of Directive.* FDAA Directives or Letters of Request, to Federal agencies specify in general terms the nature and scope of disaster assistance to be provided. Letters of request are supplemented as necessary. FDAA work requests will consist of items eligible under Pub. L. 93-288 in categories designated A through I (HUD Handbook 3300.6). Projects resulting from such FDAA work requests are reviewed with consideration of the interrelated statutory authorities of the Corps of Engineers and other Federal agencies. FDAA directives are framed accordingly, to provide for only supplementary Federal assistance determined by FDAA to be eligible under Pub. L. 93-288.

(b) *Issuance and channeling.* A directive may initially be issued either orally or in writing. An oral directive must be confirmed by a Letter of Request. The Administrator of FDAA submits requests to the Chief of Engineers; FDAA Regional Directors submit requests to Division Engineers. Notification of receipt of any oral request, and an information copy of each letter request and supplements thereto, will be furnished to HQDA (DAEN-CWO-E).

§ 203.94 Responsive action by the Corps.

(a) *Request to the Corps.* Action will be initiated immediately following receipt of valid FDAA directives, whether written or oral. Work will be accomplished in conformance with the FDAA general guidance and directives as well as directives issued pertinent to a specific program of disaster assistance. Consideration will be given to the interrelated statutory authorities of the Corps.

(b) *Support of other Federal agency missions.* Corps resources may be utilized in support of disaster recovery operations assigned by FDAA to other Federal agencies. Written directives which outline the desired support are required from the requesting Federal agency.

(c) *Disaster Operations Coordinator.* During major Pub. L. 93-288 operations involving a disaster declaration covering more than one district area within a Division and State, a COE Disaster Operations Coordinator (DOC) will be appointed by the Division Engineer as he determines necessary, and as may be requested by the Regional Director. The DOC will serve as the liaison officer between the COE, FDAA and other agencies. If the declaration covers areas of more than one division within the State, determining the need for and appointing a DOC will be by mutual agreement of the Division Engineers.

(1) When a large disaster requires declarations in more than one State and more than one FCO has been appointed, a separate DOC will be appointed, if required by the situation, for liaison with each FCO. The DOC will make contact with the FCO and be prepared to be the COE point of contact or liaison officer as required.

(2) The DOC will coordinate all Corps requests for military assistance with the appointed DOD Military Representative. Part 502 now provides that the CONUSA Commander appoint a single DOD Military Representative when a major disaster has been declared. The DOD Military Representative is to coordinate all requests, including those from the Corps, for military assistance. The regulation states that a separate DOD Military Representative will be appointed for each major disaster declaration. Similarly,



when requested by the Regional Director a DOD Military Representative may be appointed when an emergency is declared by the President.

(3) In exceptional cases, OCE may designate a Division Engineer to be in overall charge of the COE disaster operation.

#### § 203.95 Permits.

For emergency activities performed under PL 93-288 involving work which would normally be subject to provisions of Section 404, PL 92-500, the procedures outlined in Para. 9, EC 1105-2-401 will be followed.

#### § 203.96 Completed Corps work.

(a) *Final report.* FDAA requests the preparation of a D/HUD form 485, Report of Final Completed Work Inspection, for each Damage Survey Report, approved by FDAA under a mission assignment as a project for COE completion as direct Federal assistance. A final joint inspection with the counterpart State agency and local government official is preferred but not mandatory for such projects.

(b) *Maintenance.* Provision of a State or local maintenance assurance is not a mandatory prerequisite to Pub. L. 93-288 work accomplishment. The District or Division Engineer may notify local authorities by letter of the completion date and termination of Corps activity on major projects. The letter should include, as applicable and appropriate, advice as to the further maintenance and improvement, or replacement required in the interest of public safety.

(c) *Records.* Permanent file maps, drawings, and other records of public facility repair or replacement and protective work accomplished, which may be of use for possible future Civil Works or FDAA activities, will be retained.

#### § 203.97 State or local Government funds.

In the accomplishment of FDAA directed work such as debris removal and repair and restoration of public facilities, the Corps is authorized to accept funds contributed by States or local governments for the inclusion of betterments in work underway. Grants-in-aid, paid to States or local governments by the FDAA for planned accomplishment of recovery work items cannot be accepted by the Corps for undertaking that work at a later date.

#### § 203.98 Government liability.

Pub. L. 93-288 includes a specific provision to the effect that the Federal Government shall not be liable for claims based on actions or omitted actions by a Federal employee or agency in providing Federal assistance under Pub. L. 93-288 authority. District Engineers should obtain a copy of the

blanket "Hold and Save Harmless" resolution as signed by the public entities before undertaking any construction activities by FDAA or by the Corps directed by a FDAA mission assignment. A sample resolution is contained in Appendix 16 of HUD Handbook 3300.5.

#### § 203.99 Final inspection of work by applicants.

The State agency designated by the Governor's Authorized Representative will notify the district when work in a category has been completed. The State agency and district personnel will then schedule a final inspection of completed work normally within 15 days. The Corps inspector will decide who is to make the final inspection but a joint Federal-State final inspection is strongly preferred. If State personnel make the final inspection alone, the Corps is responsible to the FDAA for reviewing the State report, and for its adequacy. The results of the final inspection will be reported on D/HUD form 485. Each COE inspector should review the HUD/FDAA Eligibility Handbook 3300.6 (REV), § 203.84 on pages 7-2 thru 7-5, before taking any actions related to such final inspections.

#### Support I—Procurement During Emergencies

#### § 203.101 Administration.

(a) *General.* Nothing in this Chapter is to be interpreted as authority to ignore regulatory requirements during periods of emergency. Normal administrative requirements are secondary to expeditious accomplishment of disaster operations when saving time is essential for public health, safety, and preservation of life and property. It is the contracting officers responsibility to insure that required documentation be completed at the earliest practicable time. Accordingly, it is essential that qualified procurement personnel be assigned to the "Corps Team." As necessary therefor, authority and responsibility will be delegated to the maximum and temporary variations from normal command and communication channels will be permitted. The contracting officer must have funds at his disposal to place his procurements rapidly. Control of the funds is essential, but should be at minimum consistent with the emergency.

(b) *Procurement procedures.* Emergency disaster operations will be accomplished using the most appropriate of the various procurement methods authorized. Normal procurement procedures may have to be modified in order to accomplish urgent work promptly. Experience has shown that competitive advertising of emergency work can be compressed into a matter of hours and is a successful method of procurement during emergencies. Ne-

gotiated lump-sum and unit price procurement will be used to the extent that the nature of the work and time available will not permit formal advertising. Every advantage will be taken of special and emergency procedures in order to minimize serious delay of urgent operations or the procurement of vital equipment supplies. When time does not permit even modified procedures, immediate authorization to proceed on urgent work pursuant to a letter contract, paragraph (f) of this section may be used.

(c) *Contract negotiation.* Negotiation of Contracts in connection with work covered by this regulation is authorized subject to the restrictions below, without limitation to type, if formal advertising is impractical. Usually the "public exigency" exception under 10 U.S.C. 2304(a)(2) is applicable but on occasion, one of the other exceptions may be appropriate. If required by the exception, a Determinations and Findings meeting the requirements of Part 3, Sec. III, ASPR, must be executed by the Contracting Officer as a prerequisite to each contract negotiation.

(d) *Cost Plus a Percentage of Cost Contracts.* This type of contracting is prohibited by law (10 U.S.C. 2306).

(e) *Cost Plus Fixed Fee Contracts (CPFF).* Except in extraordinary cases, prior approval for use of CPFF contracts under Pub. L. 84-99 and Pub. L. 93-288 shall be obtained from an authority no less than the Deputy Director of Civil Works. The FDAA Regional Director must also approve any CPFF Contracts under Pub. L. 93-288. If the circumstances so dictate, approval action may be effected by telephone with written confirmation following. The contract file shall reflect the means of and person(s) granting such approval.

(f) *Letter Contracts.* Urgent work may be commenced immediately by letter contract under the conditions set out in ASPR 3-408. Prior OCE approval is required if the contracted amount exceeds 50 percent of the estimated definitive contract.

(g) *Bid, Performance and Payment Bonds.* ASPR, Section 10, requires bid, performance, and payment bonds in connection with construction contracts exceeding \$2,000 (Miller Act). There is no exception to the law for construction contracts even though performed during emergencies pursuant to this regulation. Disaster recovery operations, however, are ordinarily accomplished under service type contracts for which bid, performance, and payment bonds are not required, although Contracting Officers may require bonds if deemed necessary. The policy is that bid, performance, and payment bonds will ordinarily be required for disaster operations except that a bid bond requirement during

initial recovery effort may work a hardship on bidders and the Contracting Officer should consider this possibility.

#### § 203.102 Use of local firms and individuals.

Section 310 of the Disaster Relief Act of 1974 (Pub. L. 93-288) provides in part that, "In the expenditure of Federal funds . . . preference shall be given, to the extent feasible and practicable, to those organizations, firms and individuals who reside or do business primarily in the disaster area." This provision applies to work for and directed by the FDAA, but may be considered also in Pub. L. 84-99 situations if appropriate. During the immediate post disaster operations, contracts for the most urgent requirements will ordinarily be awarded under the negotiation procedures, including letter contracts. In selecting contractors, or distributing requests for proposals, first consideration must be given to those provided preference under the Disaster Act. When negotiation procedures are employed, local contractors can be afforded preference by being permitted to reduce their offers to meet the low proposal, provided that their original offer does not exceed 130 percent of the low proposal. The request for proposals will advise all offerers of the requirement for favoring local firms and individuals.

(a) *Performance of work by contractor.* To assure adequate interest in, and supervision of the entire project, the prime contractor shall be required to perform a significant part of the work with his own forces as determined adequate by the Contracting Officer, but not less than 20 percent. The following clause will be included in the contract:

Performance of Work by Contractor (1965 JAN). The Contractor shall perform with his own organization, work equivalent to at least (words) percent (figures) of the total amount of work to be performed under the contract. If, during the progress of the work hereunder, the Contractor requests a reduction in such percentage, and the Contracting Officer determines that it would be to the Government's advantage, the percentage of the work required to be performed by the Contractor may be reduced; *Provided*, Written approval of such reduction is obtained by the Contractor from the Contracting Officer (ASPR 7-603.15).

(b) *Local labor preference.* All prime contracts awarded, including letter contracts, will include the following clause:

*Local Labor Preference.* In the performance of work included in the contract, the contractor shall, in procurement of supplies and equipment, awarding subcontracts, and

in the employment of laborers and mechanics, give first priority to those residing in or doing business in ( ) County(ies). This clause shall be included in all prime contracts offering substantial subcontracting opportunities when there are indications of a high rate of local unemployment (Part 203).

(c) *Subsequent contracting.* Contracts awarded in the later phases of the operation for work such as major rehabilitation of levees, streets, sewage treatment systems, or for new construction, should be awarded under standard procedures. The clauses prescribed above should, however, be included in all prime contracts offering substantial subcontracting opportunities when there are indications of a high rate of local unemployment.

(d) *Disaster area.* The disaster area is considered to be that area and its environs affected by the disaster and as designated by the Administrator, FDAA and published in the FEDERAL REGISTER.

#### § 203.103 Contracting officers.

(a) *Appointment.* Authority to appoint Contracting Officers has been delegated no lower than Division Engineers. As a minimum, qualification criteria for Emergency Contracting Officers shall be the same as for Resident Contracting Officers. Pre-planning for emergencies will include the selection of individuals including or to occupy positions in which contracting authority would be essential in case of domestic emergency. The contracting authority of such individuals becomes effective only upon the happening of a certain event creating emergency conditions requiring expedited action. Replacement action will be taken promptly when selected individuals become unavailable.

(b) *Requests.* Appointment requests will be made to cognizant Division Engineers for appointment of the selected individuals as Contracting Officers as provided by ECI 1-405(2). Request will state that the contracting authority is for obtaining supplies and services, indicating any exclusions desired, and monetary limitation. A complete summary of the individual's experience and training will be furnished, as outlined in paragraph 500, Appendix A, ER 1180-1-1. The request will include who is to notify the individual that his special contracting authority is being activated, the means of notification, and the basis for activating the special authority.

(c) *Certificate of appointment.* The certificate will state that such contracting authority will not be exercised by the individual until he is notified by the specified official (usually the District Engineer) and by the specified means, that such emergency authority has been made effective. Copies of all such notifications will be

furnished to HQDA (DAEN-ECP) Washington, D.C. 20314, and when the authority reverts to a "stand-by" basis.

(d) *Temporary loan.* A division or district engineer desiring the temporary services of a conditional contracting officer from another office will request that his appointment, activation, and cessation will apply.

#### § 203.104 Contracting procedures.

(a) *General.* Policies, procedures, and forms to be utilized will be as prescribed in the Armed Services procurement regulation (ASPR), Army procurement procedure (APP), engineer contract instructions (ECI) identified as ER 1180-1-1, and the provisions of this regulation. Emergency local reproduction of contract forms, as necessary, is authorized. The type and method of contracting will be consistent with circumstances and the nature of the emergency involved. Normally, debris removal is done by the cubic yard rather than equipment rental. The appropriate contract type for such work is found in ASPR, section IV, Part 5. The format is entitled "Contract for Dismantling, Demolition, or Removal of Improvements." However, the alternate format excluding the last two words of the title "of improvements" and adding a payment bond provision (2 pages—cover and page 1) as prepared and distributed by ORD for use in wreck removals is appropriate for this purpose. Of course, the regular titled cover sheet is for use where the demolition or removal of an improvement is involved.

(b) *Rental rates.* Where contracts covering work such as clearing, demolition, etc., involve the hire of equipment, with or without operating personnel, the rental rates agreed upon should be the most reasonable obtainable under the circumstances. In addition, a knowledge of local equipment rental practices and current District records should be used to assist in determining reasonable rates. Reminder: DD Form 1155 (Purchase Order) may be used in lieu of the long form contract (ECI A-301) for a procurement action to lease plant or equipment that does not exceed \$10,000 per ECI A-301.1(d).

(c) *Debarred Bidders List.* In addition to insuring that a contract is not awarded to a firm or individual appearing on the DOD joint consolidated list of debarred, ineligible, or suspended firms of individuals (commonly called "Debarred Bidders List"), all proposed awards for work under Pub. L. 93-288 will be checked against the DHUD Debarred Bidders List as well. Such list is available from the Federal Coordinating Officer.

(d) *Publicizing procurement actions.* ECI 1-1050.70 requires certain Congressional and higher authority notification of award of contracts negotiat-



ed under the determination of "public exigency."

#### § 203.105 Supply procedures.

(a) *Federal property used in major disaster* (Pub. L. 93-288). The FDAA regional director verifies the need, and certifies to the General Services Administration the eligibility of a State to receive Federal property for purposes authorized by Pub. L. 93-288. He determines the amount and type of equipment, material, and supplies required. The GSA Administrator, as directed by the FDAA regional director, locates and determines Federal property available for authorized requirements. When requested by GSA, the available quantities of the desired Federal property, including property in current inventory or property declared to be excess or surplus, held by the Corps civil works or military accounts not required for current needs of the Corps, and reasonably usable for disaster purposes, will be reported to GSA. Loan or donation of Federal property will be in accordance with GSA procedures, and under conditions stipulated in a "Loan or Donation of Federal Property" agreement between the State, FDAA regional director, and GSA regional administrator. Arrangements for loan or donation will be made by the GSA regional administrator in the following priority order: surplus property; excess property; and active stocks. Accountability of donated items will be transferred to the State, but will be retained for loaned property.

(b) *Priority of use.* Surplus, excess property, and active stocks will be utilized, preferably in the order listed, in any disaster program when requested by the GSA regional administrator at FDAA direction, or when required for disaster programs accomplished independently by the Corps of Engineers under its authority. The controlling factor will be the urgency of need for the requested or required items.

(c) *Reimbursement and disposition procedures.* Required reimbursement for Corps supplies and equipment made available for disaster programs will, as appropriate, be accomplished in accordance with the provision of ER 775-2-1, ER 1125-2-305, Part 502, and this regulation. Wherever in the above regulations reference is made to working capital funds, this term will be considered to also include civil works emergency supplies and equipment owned by the revolving fund. The disposition procedures are also covered in those references.

(d) *Stock owned by Project "Disaster Preparedness".* Adequate stocks will be provided for special flood emergency requirements. Stock levels will consider that some items are readily purchasable. Surplus items of any supplies and equipment acquired during a spe-

cific flood emergency, with Pub. L. 84-99 funds, may be transferred to project stock by memorandum. Flood fighting stocks will be limited to items required solely from flood fighting and rescue work. Common use items will be held to a minimum. Separate flood emergency reserve stocks will not be established for like items already in warehouse inventory accounts maintained primarily in support of civil works normal missions. Civil works supply policies and procedures set forth in ER 701-300, "Administration and Supervision of Civil Works Procurement and Supply Activities," ER 740-2-1, "Warehousing and Utilization," and ER 1180-1-1 "Engineer Contract Instruction," will be adhered to.

(e) *Stock control.* The adequacy of flood emergency reserve stocks will be reviewed at periodic intervals and adjusted upward or downward as dictated by prudent supply practices. Particular attention should be given to the use or transfer of items in danger of deterioration. If usable, such items or excess stocks will be freely offered and made available on a non-reimbursable basis to other districts.

(f) *Storage charges.* An equitable charge will be made for space used for "Disaster Preparedness" supplies and equipment unless the stored items occupy less than 25 percent of the gross storage space at the facility. In that event there will be no such charge. However, appropriate charges may be made for loading, unloading, checking, sorting, placing in storage, withdrawal, preservation, packaging (time and material) inventory, and special activities totalling \$100 annually each.

(g) *Property accountability.* Property accounting procedures established for accountability of property during emergency disaster operations must insure sufficient control to protect the Government against negligence and waste.

(h) *Loan of DLA stock fund material.* Defense Logistics Agency stock of non-expendable equipment and supplies may be loaned to the Corps of Engineers for support of emergency mission. Loans will be made on the basis of material available in the system stocks. No procurement will be made by DLA to satisfy a loan request. Loan conditions are set forth in AR 700-49.

(i) *Forms.* Procurement related forms usually necessary for field operations are listed below. Sets of these forms and any other required locally, should be assembled, stored, and prominently marked so as to be readily available for the initial days of field operations. For locally reproduced forms, only master sets should be stored. All stored forms will be checked for currency no less than annually.

#### FORMS FOR PROCUREMENT AND RELATED MATTERS

Form No.	Title
SF-18	Requests for quotations.
SF-19	Invitations, bid and award (construction, alteration, or repair).
SF-19A	Labor standards provisions.
SF-19B	Representations and certifications (construction contract).
SF-20	Invitation for bids (construction contract).
SF-21	Bid form (construction contract).
SF-22	Instructions to bidders (construction contract).
SF-23	Construction contract.
SF-23A	General provisions (construction contract).
SF-25	Performance bond.
SF-25A	Payment bond.
SF-30	Amendment of solicitation/modification of contract.
SF-32	General provisions (supply contract).
SF-33	Solicitation offer and award.
SF-36	Continuation sheet (supply contract).
SF-44	Purchase order-invoice-voucher.
SF-1165	Receipt for cash-subvoucher.
Unnumbered (ASPR Sec. IV, Part 5).	Contract for dismantling, demolition removal of improvements.
DD-350	Individual procurement action report.
DD-783	Royalty report.
DD-1155	Order for supplies or services.
DD-ASPR 1270.	General provisions (short form negotiated contract).
ECI A-301	Lease of plant or equipment by Government.
ENG 93	Payment estimate (contract performance).
ENG 2459	Pre-award survey A-E and construction contracts.
ENG 3051	Receiving report.
Unnumbered.	Letter contract.

#### Subpart J—Public Affairs

##### § 203.111 Public affairs policy.

(a) The basic policy of the Corps of Engineers is to let the American people, and especially the victims of disaster, know what assistance the Corps is providing during and after a natural or man-made disaster.

(b) The Corps of Engineers will take the initiative to inform the public of Corps activities, its authority, and its plan of emergency operations.

(c) Every reasonable form of assistance will be given to the news media in obtaining and disseminating information about Corps of Engineers activities during an emergency.

##### § 203.112 Objectives.

(a) To provide a clear description of the Corps' role in supporting rescue, clean-up, or reconstruction work either under the provisions of Pub. L. 84-99 or as an agent for FDAA.

(b) To provide assistance to FDAA.

(c) To establish and maintain close coordination between the Corps of Engineers and the respective Federal, State, local, and other concerned agencies.

(d) To insure the public understands that the Corps of Engineers is taking all necessary action within its authority to protect the public welfare and safety during emergency operations.

##### § 203.113 Staffing.

During an emergency, it may be necessary to augment the regular district or division public affairs staff with public affairs officers (PAO) from other districts or divisions. If the division cannot provide sufficient manpower, OCE Public Affairs Office should be contacted to arrange for additional help from other divisions.

##### § 203.114 Operating guidelines.

(a) Primary responsibility for keeping the public informed on Corps emergency operations lies at the district level. Assistance will be provided by the PAO in the division or OCE when required.

(b) The district PAO or his representative will maintain close liaison with the EOC, accepting all news media contacts and coordinating and releasing current information on the disaster recovery operation. Regular hours should be established for press conferences, when appropriate, taking into account the respective deadlines of a.m. and p.m. newspapers and radio/television newscasts. The PAO also must evaluate the news value of field reports and select and prepare these items for release, i.e., written release, telephone release, personal interview.

(c) In addition, one or more public affairs representatives will be assigned full-time at the scene of recovery operations. It will be this representative's responsibility to coordinate and release on-the-scene information and to maintain close contact with the FDAA information officer and information officers of the various agencies and organizations providing disaster relief in the area.

(d) Area engineers and other field personnel authorized to release statements to the news media should confine their statements to activities within their jurisdiction. Requests for information outside their jurisdiction should be referred to the public affairs representative assigned in support of the operation.

(e) Release of information concerning emergency operations being performed under Pub. L. 93-288 will be coordinated with the FDAA's public information officer.

(f) The PAO will provide appropriate input to the post flood report outlined in § 203.44(g).

(g) To assist the Corps team in achieving optimum visibility during emergency operations, the PAO will place emphasis on identification of Corps operations as prescribed in § 203.43(i).

(h) Still and motion picture photographic coverage of recovery operations for both historical record and media use, should be collected under staff supervision of the public affairs representative and made available to the news media as soon as possible. This coverage includes 8 x 10 black and white glossy photographs and 35 mm slides, as well as motion picture footage for TV use. Determination as to whether or not motion picture footage will be assembled and produced as a documentary film will be made by the affected division after consultation with DAEN-CWO-E and approval by DAEN-PAI (App. D, ER 360-1-1).

While use of Corps staff photographers is preferred, purchase of photographic coverage, including contracting for photographic services, is permitted. To augment the regular district photographic unit, the division should contact OCE Public Affairs Office to arrange for additional photographers from other divisions.

(i) Video tape equipment from the EOM office of each division will be used to provide rapidly televised reports to OCE and Members of Congress. Videotapes will be expeditiously forwarded to DAEN-CWO-E, and when necessary, special messenger service should be used. If the videotaping capability permits, and if the Corps equipment is compatible with that in use by the news media, the PAO may also use videotapes in disseminating information on the emergency operations effort.

(j) The district PAO will forward local and regional newsclips covering the disaster and Corps activities directly to OCE Public Affairs (Attn.: DAEN-PAI) on a daily basis along with copies of any written news releases or brief summaries of verbal news releases.

##### § 203.115 Coordination.

(a) District elements must inform

the PAO or his representative of newsworthy items promptly to permit rapid transmission to the news media.

(b) Public Affairs Officers in adjacent districts should be alert for opportunities to issue collateral news releases connected with the emergency, in coordination with the District primarily affected.

(c) Whenever more than one district is directly involved in the recovery effort, direct communication will be established between public affairs personnel of affected districts. Information should be exchanged on a regular basis and when appropriate a central point of contact will be established for coordinating general news media inquiries. Normally, this point of contact will be the District with the largest recovery effort, although consideration should be given to the location offering the greatest availability to news media outlets (especially the wire service bureaus).

#### Subpart K—Preservation of Order

##### § 203.121 Preservation of order policy.

The Corps of Engineers preservation of order policy in areas of flood, hurricane, earthquake, and other natural disaster or other emergency action is to depend upon duly constituted authority for the control of personnel circulation and vehicular traffic and the maintenance of law and order.

##### § 203.122 Preservation of order program.

(a) *Staffing.* The Corps of Engineers Provost Marshal/Security Officer organization at OCE, divisions, and districts will coordinate activities related to the preservation of order in a distressed area.

(b) *Operations.* The Engineer Division Provost Marshal will act as the coordinator between the Corps and law enforcement authorities in the area to guarantee the security of Government property and unimpeded development or employment of the Corps of Engineers task force.

[FR Doc. 78-24 Filed 1-6-78; 8:45 am]



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# Register Federal

MONDAY, JANUARY 9, 1978  
PART III



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## DEPARTMENT OF COMMERCE

National Oceanic  
and Atmospheric  
Administration

■

### REGIONAL FISHERY MANAGEMENT COUNCILS, FISHERY MANAGEMENT PLANS AND CONFIDENTIALITY OF STATISTICS

Proposed Guidelines



[3510-22]

## National Oceanic and Atmospheric Administration

[50 CFR Parts 601, 602, 603]

## REGIONAL FISHERY MANAGEMENT COUNCILS, FISHERY MANAGEMENT PLANS AND CONFIDENTIALITY OF STATISTICS

## Proposed Guidelines

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed Rules.

SUMMARY: NOAA is issuing Proposed Rules to obtain public comment on several sections held in "Reserved" status when Final Regulations were published on July 5, 1977, which provided overall guidance to the eight Regional Fishery Management Councils established pursuant to the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Proposed Rules presented below would provide guidance on: (1) Use of funds from sources other than the Department of Commerce; (2) carryover of administrative and programmatic funds; (3) compliance with National Environmental Policy Act of 1969 when preparing Fishery Management Plans; and (4) confidentiality of statistics which are submitted to the Secretary of Commerce pursuant to a Fishery Management Plan.

DATE: Comments must be received on or before March 10, 1978.

ADDRESS: Comments should be addressed to: Assistant Administrator for Fisheries, National Marine Fisheries Service (NMFS), Washington, D.C. 20235

## FOR FURTHER INFORMATION CONTACT:

Richard H. Schaefer, Chief, Fisheries Management Operations Division, 202-634-7454; or Robert J. Williams, Fisheries Management Support Specialist, Fisheries Management Operations Division, 202-634-7436, National Marine Fisheries Service, Washington D.C. 20235.

## SUPPLEMENTARY INFORMATION:

## BACKGROUND

Final Regulations were published on July 5, 1977 (42 FR 34449), to provide essential clarifications of guidance for the effective functioning of the Councils. Certain sections were reserved to allow additional time for resolution and further clarification of identified legal and policy questions.

## PURPOSE

To amend 50 CFR, chapter VI by withdrawing the reserved designation of certain sections of the Final Regu-

lations, and by adding new text. The concerned sections provide guidance which is summarized as follows:

(1) *Funds from other sources.* This section states that Councils may enter into cooperative agreements with States and other institutions in certain cases, but advance approval must be obtained from the Secretary of Commerce. Any monies received from sources other than the Department of Commerce must be funneled through NOAA to the Councils.

(2) *Carryover of funds.* This section specifies that unused grants for operational and general expenses usually will revert to NOAA at the end of each fiscal year. Programmatic grants associated with development of fishery management plans may be written for more than one fiscal year in appropriate cases. Upon completion of the specific work unused funds will revert to NOAA.

(3) *Compliance with National Environmental Policy Act.* This section describes procedures for complying with the National Environmental Policy Act (NEPA), in developing a fishery management plan (FMP), and amendments. These regulations require that an environmental assessment of the impacts of the FMP be conducted by the Council and NMFS at the earliest practicable stage to determine if an environmental impact statement (EIS), is required under NEPA criteria. We seek public comment particularly on whether the EIS and FMP should be two separate documents bound together and cross-reference, or should be totally integrated into one document.

The regulations further specify that all EIS's will be submitted to the Environmental Protection Agency (EPA), following review by appropriate NMFS/NOAA/DOC offices. NMFS and the concerned Council(s) will jointly sponsor a hearing(s) on the draft EIS and the draft FMP, and will provide appropriate advance public notice.

The FMP may be implemented by the Secretary 30 days after the FMP has been approved and the final EIS has been filed with EPA and made available to commenting parties. If after the FMP has been approved the Secretary determines that any changes in the FMP or regulations may be substantial enough to warrant a supplement or amendment to the final EIS, the Assistant Administrator for Fisheries will initiate such action in consultation with the Council, NOAA, and Council on Environmental Quality.

(4) *Confidentiality of statistics.* This section describes procedures for safeguarding certain information which must be submitted to the Secretary under FMP's in accordance with statutory requirement of section 303(d) of

the Fishery Conservation and Management Act of 1976. Statistics may be released to the public in aggregate or summary form only if such release would not directly or indirectly reveal the identity or business of any person who submits such statistics. The regulations also indicate when raw data may be disclosed within NOAA or to Regional Council members or staff. Procedures for handling Freedom of Information Act requests also are described.

## PUBLIC COMMENT

Interested parties, Regional Fishery Management Councils, and government agencies are encouraged to submit written comments, views, or data concerning the rules hereby proposed, to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235. All such submissions received on or before March 10, 1978, will be considered prior to amending the Final Regulations.

The Assistant Administrator for Fisheries is delegated authority to approve regulations in Department of Commerce Organization Order 25-5A, Section 3.01 dd, Amendment 4 (dated September 30, 1976), and NOAA Directives Manual 05-50 (dated November 4, 1977).

(Secs. 301(b), 302(f), 303(d), Fishery Conservation and Management Act of 1976 (16 U.S.C. 1851, 1852, 1854, 1855).)

Issued: January 4, 1978.

DAVID H. WALLACE,  
Acting Assistant Administrator  
for Fisheries, National Marine  
Fisheries Service.

In consideration of the foregoing, the following regulatory language is proposed for inclusion in 50 CFR Parts 601, 602, and 603:

## PART 601—REGIONAL FISHERY MANAGEMENT COUNCILS

## § 601.23 [Amended]

1. The following language is proposed for inclusion as § 601.23(c)(2):

(c) \* \* \*

(2) *Funds from other sources.* The Councils may enter into cooperative agreements with States and private institutions on matters of mutual interest which further the objectives of the Act. However, approval from the Secretary must be obtained prior to entering into such arrangements, and each agreement must specify the nature and extent of non-Council participation. The Councils are not authorized to accept gifts or contributions directly. All such donations must be directed to the NOAA Administrator in accordance with Agency regulations, which are available on request.

2. The following language is proposed as a new paragraph to be added to § 601.23(c)(3):

(c) \* \* \*

(3) \* \* \*

(vi) *Carryover of funds.* Councils receive funds in the form of (a) administrative grants for operational and general expenses and (b) programmatic grants for technical development of specific fishery management plans (FMP) generally to obtain or analyze data required for completion of management plans. Administrative grants are made by fiscal year (October 1-September 30) and expire on September 30. Unused funds (unobligated balances) from the administrative grants will be returned to NOAA after each Council's final close-out report. Administrative grants will not be extended unless unusual circumstances requiring extension are identified and approved. Programmatic grants are made as specific FMP needs are identified and a grant request is initiated by the Council and approved by NMFS/NOAA. These programmatic grants may be written for one fiscal year and later extended, if necessary; or they may initially be written for more than one fiscal year period. Upon completion of the specific work, unused funds will be returned to NOAA in the same manner as for administrative grants.

## PART 602—GUIDELINES FOR DEVELOPMENT OF FISHERY MANAGEMENT PLANS

3. The following language is proposed for inclusion as § 602.6:

§ 602.6 Compliance with National Environmental Policy Act (NEPA).

(a) *General.* (1) Section 102(2)(c) of NEPA requires preparation of a detailed environmental impact statement (EIS) for major Federal actions that significantly affect the quality of the human environment. Both the submission to the Secretary by a Council of a fishery management plan (FMP) and the implementation of an FMP by the Secretary may constitute "major Federal actions significantly affecting the quality of the human environment" within the meaning of this section of NEPA. If an EIS is required, then only one environmental impact statement need be prepared pertaining to the submission and implementation of the FMP.

(2) The filing of an EIS by the Secretary on behalf of the Department of Commerce (DOC) or a Council pursuant to this section shall not limit the authority of the Secretary to approve, disapprove or partially disapprove an FMP.

(3) The procedures described in this section apply to the initial submission and implementation of FMP's and amendments to existing FMP's. Accordingly, in the case of a proposed amendment, the term FMP appearing

in this section shall, where the context requires, mean an "amendment to an existing FMP".

(4) In addition to the guidelines provided in this section, further information for responding to the requirements of NEPA can be found in the Guidelines of the Council on Environmental Quality (40 CFR, Part 1500) which are soon to be replaced by new regulations to implement NEPA, and guidelines and procedures of the DOC (Department Administrative Order 216-6) and the NOAA Directives Manual 02-10.

(b) *Environmental assessment.* (1) To determine whether the submission and implementation of an FMP would significantly affect the quality of the human environment, an assessment of the environmental impacts of these actions must be conducted at the earliest stage practicable in the development of an FMP. This assessment will be conducted by the Council developing the FMP with the assistance of the NMFS Regional Office. The assessment will provide the basis for an informed and adequately documented Council recommendation to the Assistant Administrator for Fisheries as to whether to file a negative declaration or to prepare a draft environmental impact statement (DEIS).

(2) If, after consultation with the appropriate NOAA personnel, the Assistant Administrator for Fisheries disagrees with the Council's recommendation, he should inform the Council of his reasons and work out a solution with the Council.

(c) *Negative declaration.* If the Council recommends, after consultation with the NMFS Regional office, that no EIS is necessary and that a negative declaration may therefore be filed with respect to the proposed FMP, the Council shall include a draft negative declaration along with its recommendation to the Assistant Administrator for Fisheries. If the Assistant Administrator for Fisheries, after consultation with the appropriate NOAA personnel, agrees with the Council's recommendation, the Assistant Administrator for Fisheries will send the negative declaration through the appropriate NOAA office, to the DOC Office of Environmental Affairs for approval and filing on behalf of the Department and the Council.

(d) *Draft environmental impact statement (DEIS).* (1) If the Council recommends, after consultation with the NMFS Regional office, that a DEIS should be prepared for a particular proposed FMP, the Council shall prepare a DEIS with the assistance of the NMFS Regional office and submit it to the Assistant Administrator for Fisheries for review. It is suggested that the DEIS and FMP be prepared as two separate documents bound together. In many instances,

the EIS could be succinct and fairly short (e.g., 10-15 pages) and could be cross-referenced to the text of the FMP for more detail where appropriate. Use of separate EIS and FMP documents will facilitate publication of the FMP in the FEDERAL REGISTER, as required by section 305 of the Act, after the Secretary approves the FMP.

(2) The Assistant Administrator for Fisheries, in cooperation with the DOC and the Council, shall review the combined DEIS and FMP and, if it is satisfactory, shall submit it to the appropriate NOAA office for processing through the DOC Office of Environmental Affairs to the Environmental Protection Agency (EPA) for publication of a Notice of Availability in the FEDERAL REGISTER. (The DEIS and FMP will be made available for comment by governmental agencies and by the public prior to the hearing(s) required by section 302(h)(3) of the Act, and referred to in §§ 601.24(c) and 602.6(d)(3) of these regulations.)

(3) The Assistant Administrator for Fisheries, in cooperation with the Council, shall publish a notice in the FEDERAL REGISTER setting a comment period on the DEIS and announcing the date(s) for joint NMFS and Council hearing(s) on the DEIS and FMP. Oral and written statements and other public comments at these joint NMFS and Council hearings will be received with respect to the DEIS and the FMP. Comments on the DEIS and the FMP will be jointly considered by the Council and NMFS but the Council shall have the lead responsibility in incorporating the comments into the FEIS and/or FMP as appropriate.

(e) *Final environmental impact statement (FEIS).* Upon the Council's submission of the FEIS and FMP to the Assistant Administrator for Fisheries, the NMFS staff, in coordination with the Council, will review the document and place the FEIS portion in final form. Thereafter, the Assistant Administrator for Fisheries will promptly send the combined FEIS and FMP through the appropriate NOAA office to the DOC Office of Environmental Affairs for submission to the EPA. The Assistant Administrator for Fisheries and the Council will make the combined FEIS and FMP available to commenting parties.

(f) *Regulations to implement the FMP.* (1) As soon as practicable after the Secretary has approved the FMP and the combined FEIS and FMP has been made available to the Council on Environmental Quality and commenting parties, the Assistant Administrator for Fisheries shall publish the FMP along with any regulations which the Secretary proposes to promulgate to implement the FMP in the FEDERAL REGISTER. Such notice shall provide a period of not less than 45 days for public comment on the FMP



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and the proposed regulations. The Assistant Administrator for Fisheries may schedule a hearing to receive public comment on the FMP and the proposed regulations.

(2) After consideration of all comments, views, and data presented during the 45-day public comment period and at the hearing, if any, the Secretary may promulgate final regulations implementing the FMP.

(3) The Secretary may promulgate emergency regulations pursuant to section 305(e) of the Act immediately after the Secretary has approved the FMP and the combined FEIS and FMP has been made available to the EPA and commenting parties. These regulations shall be effective for a period of 45 days, following publication in the *FEDERAL REGISTER*, and may be repromulgated for an additional period of not more than 45 days.

(g) *Supplement or amendment to the FEIS.* (1) If, at any time, the Secretary determines that changes in the approved FMP or proposed regulations may be substantial enough to warrant a supplement or amendment to the FEIS, the Assistant Administrator for Fisheries, in consultation with the appropriate Council and NOAA office, will initiate such supplement or amendment. This process shall conform to the Council on Environmental Quality guidelines (or new regulation) which provides that, in effecting such a change, "... the agency should consult with the Council on Environmental Quality with respect to the possible need for or desirability of recirculation of the statement for the appropriate period" (40 CFR 150.11(b)).

#### PART 603—CONFIDENTIALITY OF STATISTICS

4. The following language is proposed for inclusion as Part 603:

Sec.

603.1 Purpose.

603.2 Definitions.

603.3 Types of statistics covered.

603.4 Submission of statistics.

603.5 Procedures for disclosure.

AUTHORITY: 5 U.S.C. sec. 301.522, 533, sec. 303(d), Pub. L. 94-265, 90 Stat. 352; Reorganization Plan No. 4 of 1979.

§ 603.1 Purpose.

The purpose of this Part 603 is to prescribe those procedures required by section 303(d) of the Act to preserve the confidentiality of any statistics submitted to the Secretary by any person in compliance with any requirement under a fishery management plan prepared by a Council or the Secretary.

§ 603.2 Definitions.

The terms and phrases used in this part shall have meaning and effect as similar terms and phrases in section 3 of the Act, 90 Stat. 333, and Part 601 of this chapter.

§ 603.3 Types of statistics covered.

For the purpose of this Part statistics will include, but not be limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and other similar information required to be submitted by a plan.

§ 603.4 Submission of statistics.

All statistics submitted to the Secretary as required by a plan shall be provided to the Assistant Administrator for Fisheries or his designee. After receipt of the statistics the Assistant Administrator for Fisheries or his designee shall delete all identifying particulars from the statistics at the first practicable opportunity consistent with the needs of the agency and good scientific practice. Appropriate safeguards shall be applied to the maintenance of all statistics, whether separated from identifying particulars or not, to ensure their confidentiality and integrity.

§ 603.5 Procedures for disclosure.

(a) Statistics required to be submitted under a plan may be disclosed within NOAA on a need-to-know basis to those officers and employees who are subject to the prohibitions against the disclosure of confidential information contained in 18 U.S.C. 1905.

(b) Statistics required to be submitted under a plan may be provided to Council Members and staffs on a need to know basis. The Council members and staffs are subject to the provisions of 18 U.S.C. 1905, and are restricted from further disclosure without the express written authorization of a Regional Director. Regional Directors shall receive the concurrence of the NOAA General Counsel prior to any authorization of disclosure.

(c) The Assistant Administrator for fisheries or his designee shall institute a control system to identify all non-routine disclosures of statistics. Such a system shall include at least the following: the name of the person to whom the statistics were disclosed, a general statement adequate to identify the statistics, the date of the disclosure and the reason or reasons for disclosure to include disclosure pursuant to the Freedom of Information Act (FOIA).

(1) All requests for statistics submitted in response to a requirement of a plan shall be processed consistent with NOAA Freedom of Information Act regulations (15 CFR Part 903), NOAA Directives Manual 21-25, Department of Commerce Administrative Orders 205-12 and 205-14 and 15 CFR Part 4.

(2) The Assistant Administrator for Fisheries or his designee shall not dis-

close to the public statistics in other than aggregate or summary form except as required by court order.

(3) The Assistant Administrator for Fisheries shall have the authority to issue all initial denials of requests subject to the FOIA for statistics submitted in response to a plan. All initial denials shall indicate that exemption 3 of FOIA (5 U.S.C. 552(b)(3)) is the basis for denial, making specific reference to section 303(d) of the Act and reciting in its entirety the first sentence of that section. Further, citing this regulation, the denial letter shall indicate that the application of section 303(d) is non-discretionary and shall refer specifically to the appropriate portion of the applicable plan that required the submission of the requested statistics. Exemption (b)(4) (5 U.S.C. 552(b)(4)), as well as other applicable FOIA exemptions, may be cited in addition where appropriate.

(4) The Assistant Administrator for Fisheries may release statistics to the public in aggregate or summary form only in those instances where the disclosure would not directly or indirectly reveal the identity or business of any person who submits such statistics. Such identification may occur in instances where the statistics submitted have some unique character or the request for the statistics is so narrow as to identify in advance the person who has submitted the statistics. In such instances the Assistant Administrator for Fisheries shall consider the information as exempt from disclosure and shall issue an initial denial as required by this Part. The NOAA Office of General Counsel shall be consulted prior to the public release of statistics which may reveal the identity or business of any person who submits such statistics or the issuing of denials of requests for disclosure.

(5) Appeals from initial denials shall be made to the Administrator of NOAA, Department of Commerce, Washington, D.C. 20230. The Administrator shall not make discretionary release of statistics unless upon review it is determined that the Assistant Administrator for Fisheries improperly applied exemption (b)(3) to the requested statistics. In such cases the Administrator will instruct the Assistant Administrator to release the statistics to the requestor.

[FR Doc. 78-419 Filed 1-6-78; 8:45 am]

MONDAY, JANUARY 9, 1978  
PART IV



## DEPARTMENT OF THE TREASURY

Office of the Secretary

"TRIGGER PRICES"  
FOR IMPORTED STEEL  
MILL PRODUCTS

Registered  
prior



DEPARTMENT OF THE TREASURY

Office of the Secretary

"TRIGGER PRICES" FOR IMPORTED STEEL MILL PRODUCTS

On December 28, 1977, the Treasury Department announced proposed rule-making procedures with respect to regulations applicable to the information required to be filed at the time of importation of certain articles of steel (42 FR 65214). As was there indicated, the Secretary intends to implement a "trigger price mechanism" as recommended to, and approved by, the President. For that purpose, "trigger prices" for steel mill products are to be published as the basis upon which imported steel products will be monitored for the purpose of determining whether investigations under the Anti-dumping Act of 1921, as amended, 19 U.S.C. § 160 et seq., would be appropriate.

I am hereby announcing the base prices to be used in the trigger price mechanism (TPM) for certain imported steel mill products. These prices are based upon evidence made available to the Treasury Department by the Japanese Ministry of International Trade and Industry (MITI) concerning the current cost of producing steel in Japan, recognized as the most efficient exporting country today, as well as other information available to the Department. The data supplied by MITI were compiled by the six major, integrated steel companies in Japan, as well as by a number of smaller, electric-furnace steel makers.

The methodology employed in arriving at a cost of production estimate is similar to that utilized in the Council on Wage and Price Stability (CWPS) Report to the President on Prices and Costs in the United States Steel Industry, released in October 1977, but the product coverage is different.

The individual components of the cost of producing raw steel are totaled and then divided by the appropriate yield factor to obtain the cost of finished steel products. To that figure, appropriate coefficients, expressing the average experience of the Japanese firms in producing individual types of steel mill products, are used to derive the costs of those products. The conclusions published in the CWPS Report concerning costs of pro-

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ducing steel in Japan were based on average data for the Japanese steel industry as a whole, as reflected in published sources. The figures for the estimated costs of production being published today are for items produced principally by the large, integrated companies and, therefore, are based on information from these firms. As a result, they differ from the estimates published in the CWPS Report. The data being submitted by the smaller, nonintegrated companies through MITI will be utilized to construct the costs of production for such items as alloy products, wire, and small structural shapes. These cost estimates will be published shortly.

The total Japanese costs of production for the major firms are found to be:

TABLE 1.—Estimated Japanese cost of production

(Per net ton of finished product)	
Raw materials.....	\$165.19
Labor.....	88.56
Other expenses.....	19.39
Depreciation.....	16.79
Interest plus profit.....	33.83
Less scrap credit.....	-5.96
Total.....	297.80

1. The construction of "trigger prices" for "steel mill products." "Steel mill products" include a wide variety of commodities, produced in a multitude of grades and sizes. For each major steel mill product (excluding stainless steel) imported into the U.S. in significant quantities, a set of "base prices" is being or will be announced, based upon the estimated Japanese costs of production of all steel products. Most of these base prices are being announced with this notice; others—including alloy products, wire, tubular and the remaining bar products—will be announced shortly, as soon as the necessary information is obtained and analyzed. Some products which are not imported in significant quantities, or for which cost data are difficult to obtain, may not be assigned a base trigger price. The Treasury Department will continually review the coverage of the trigger price mechanism at a later date to determine the appropriateness of the coverage of product categories.

Most imported steel mill products are sold to specifications for width, thickness, chemistry, or surface prep-

aration that differ from the base product. To establish "trigger prices" for most of these combinations, "extra" charges must be added to the base price. A complete set of charges for extras is being supplied by MITI as a reflection of the Japanese. Differentials between the various combinations. In many cases, these "extras" charges are similar to those charged for extras by the U.S. industry; in others they diverge. The Treasury Department will publish the extras charges it will use for the trigger price mechanism as soon as possible.

2. Cost of production for basic carbon steel products. The estimated cost of production for the base products comprising the most significant imports, as produced by the six integrated Japanese firms, are listed in table 2. The Treasury estimates are based on an addition of raw material inputs, labor expenses, overhead, and a profit margin, as well as all other capital charges for all steel, multiplied by an appropriate coefficient based on the experience of the reporting firms.

3. Importation charges. To the estimated cost of production for each steel mill product consisting of its base price and "extras," there must be added importation costs (excluding duty) from Japan. The resulting total constitutes the Treasury trigger price. The importation costs include Japanese inland freight, loading, ocean freight, insurance, interest, and wharfage charges. These have been calculated for each broad product category on the basis of existing data on average freight rates and wharfage charges for each of four regions of the country—East, West, Gulf, and Great Lakes. Insurance and interest costs have been estimated, based on reported transactions. The resulting importation costs for each major product category appear in table 3. Importers' sales commissions are excluded, since the "trigger price" is based upon the cost to the importer, assuming the importer is dealing on an arms' length basis. To the extent the importer is related to the producer exporting the steel mill product and the transfer price does not reflect an arms' length transaction, the first resale price by the related importer to an unrelated U.S. buyer will be used as the comparison with the trigger price.

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TABLE 2

ESTIMATED COST OF PRODUCTION INCLUDING ALL CAPITAL CHARGES -- BASE ITEMS (F.O.B., JAPAN)

Category Number	Products	Specification	Dimension	Cost of Production (\$/Net Ton)
II	Wire Rods			
	Commercial Quality	AISI 1008	5.5m/m	240
	Welding Quality	JIS G3503	5.5m/m	241
		SRWYLL equivalent		
	High Carbon	AISI 1065 (specific)	5.5m/m	280
	Cold Heading Quality	AISI 1038 (specific)	12.7m/m	289
III	Wide Flange Beams	ASTM A36	12" x 12"	235
IV	Sheet Piling	ASTM A-372	ARCH WEB PDA-27	265
V	Steel Plates	ASTM A36	1/2" x 80" x 240"	241
X	Hot-rolled Carbon Bars	AISI 1045	40 mm round x 4 meters	308
XXII	Black Plate	ASTM A-625-76	0.0083" x 34" x Coil	338
XXIII	Electrolytic Tin Plate	SR-25/25	75L x 34" x C	433
XXV and XXIX	Hot-Rolled Steel Sheets in Coil	ASTM A569	0.121" x 48" x C	210
XXVI and XXX	Cold-Rolled Steel Sheets in Coil	ASTM A366	1.0m/m x 48" x C	269
XXVI	Electrical Steel Sheets			
	Grain-Oriented	M-4	0.012" x 33" x C	907
	Non-Oriented	M-45	0.018" x 36" x C	488
XXVII	Electro-Galvanized Iron Sheets in Coil	EGC-10g/M <sup>2</sup>	1.0m/m x 48" x C	311
XXVII	Galvanized Iron Sheets in Coil	ASTM A525G90	0.8m/m x 48" x C	313
XXXII	Tin Free Steel Sheets in Coil	SR	75L x 34" x C	375



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TABLE 3

IMPORTATION CHARGES ON  
JAPANESE STEEL PRODUCTS  
(\$/net ton)

PRODUCT	FREIGHT	INSURANCE	INTEREST	HANDLING	TOTAL
II Wire Rods					
Commercial Quality					
East	28.13	2.69	6.73	3.63	41.18
Lakes	40.83	2.82	8.66	3.63	55.94
Gulf	23.59	2.65	6.62	4.54	37.40
Pacific	22.69	2.64	5.10	2.72	33.15
High Carbon					
East	28.13	3.13	7.87	3.63	42.76
Lakes	40.83	3.25	10.06	3.63	57.77
Gulf	23.59	3.08	7.76	4.54	38.97
Pacific	22.69	3.07	5.98	2.72	34.46
III Wide Flange Beams					
East	30.85	2.66	6.57	3.63	43.71
Lakes	42.65	2.78	8.44	3.63	57.50
Gulf	27.22	2.62	6.48	4.54	40.86
Pacific	24.50	2.60	4.97	2.72	34.79
IV Sheet Piling					
East	30.85	2.96	7.31	3.63	44.75
Lakes	42.65	3.08	9.35	3.63	58.71
Gulf	27.22	2.92	6.56	4.54	41.24
Pacific	24.50	2.90	5.53	2.72	35.65
V Plates					
East	28.13	2.69	7.04	3.63	41.49
Lakes	36.30	2.77	8.91	3.63	51.61
Gulf	22.69	2.64	6.91	4.54	36.78
Pacific	22.69	2.64	5.35	2.72	33.40
X Hot Rolled Carbon Bars					
East	28.13	3.36	8.77	3.63	43.89
Lakes	40.83	3.49	11.18	3.63	59.13
Gulf	23.59	3.32	8.66	4.54	40.11
Pacific	22.69	3.31	6.68	2.72	35.40
XXII Black Plate					
East	24.50	3.62	9.55	3.63	41.30
Lakes	31.76	3.70	11.97	3.63	51.06
Gulf	20.87	3.59	9.46	4.54	38.46
Pacific	20.87	3.59	7.32	2.72	34.50

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TABLE 3  
(continued)

PRODUCT	FREIGHT	INSURANCE	INTEREST	HANDLING	TOTAL
XXIII Electrolytic Tin Plate					
East	30.85	4.64	11.77	3.63	50.89
Lakes	33.58	4.67	14.57	3.63	56.45
Gulf	24.50	4.58	11.62	4.54	45.24
Pacific	23.59	4.57	8.97	2.72	39.85
XXXII Tin Free Steel					
East	30.85	4.06	10.83	3.63	49.37
Lakes	33.58	4.09	13.40	3.63	54.70
Gulf	24.50	4.00	10.67	4.54	43.71
Pacific	23.59	3.99	8.24	2.72	38.54
XXV					
XXIX Hot Rolled Sheets					
East	24.50	2.34	6.14	3.63	36.61
Lakes	31.76	2.42	7.77	3.63	45.58
Gulf	20.87	2.31	6.05	4.54	33.77
Pacific	20.87	2.31	4.68	2.72	30.58
XXVI					
XXX Cold Rolled Sheets					
East	24.50	2.94	7.73	3.63	38.80
Lakes	31.76	3.01	9.73	3.63	48.13
Gulf	20.87	2.90	7.64	4.54	35.95
Pacific	20.87	2.90	5.91	2.72	32.40
XXVII Galvanized Sheets and Electro Galvanized					
East	24.50	3.36	8.91	3.63	40.40
Lakes	32.67	3.45	11.21	3.63	50.96
Gulf	20.87	3.33	8.82	4.54	37.56
Pacific	21.78	3.34	6.84	2.72	34.68
XXII Electrical Sheets					
East	29.95	7.27	19.55	3.63	60.40
Lakes	33.58	7.31	24.16	3.63	68.68
Gulf	24.50	7.22	19.41	4.54	55.67
Pacific	23.59	7.21	15.00	2.72	48.52



4. *Assumptions utilized in estimating Japanese cost of production.*—(a) *Exchange rate.* All calculations have been based upon an exchange rate of 240 yen to the U.S. dollar applied to the most recent data made available on raw material, labor, capital, and other costs incurred by the Japanese steel industry.

(b) *Capacity utilization.* All calculations have been based upon a "standard" utilization ratio of 85 percent of capacity. While the Japanese industry is currently operating at only 70 percent of capacity, it has averaged more than 85 percent utilization through its business cycles since 1956. Therefore, a standard volume, equal to 85 percent of capacity, is considered the appropriate basis for calculating Japanese production costs.

(c) *Labor productivity.* All calculations have been derived from an estimated labor usage of 7 man-hours per metric ton of raw steel produced. At present, the entire Japanese steel industry is utilizing nearly 10 man-hours per metric ton of raw steel, but this includes the labor-intensive specialty steel firms. Moreover, the Japanese industry has reduced its employment levels by less than 1.5 percent since 1973, while it has reduced output by more than 10 percent. During this period, the industry has made continued technological progress. Therefore, it can expand output to 85 percent of capacity with little or no additional employment. At this higher level of utilization, the average man-hours per metric ton of crude steel for the entire industry would be approximately 8.2. Excluding specialty steel production and eliminating labor not applied to steelmaking operations, the average man-hours required at an 85 percent capacity utilization in integrated carbon steel production has been determined to be about 7 man-hours per metric ton.

(d) *Yield.* The Japanese steel industry yield from raw steel to finished products is placed at 80 percent in calculating production cost. In the CWPS Report, the Japanese yield was estimated to be 77.8 percent in 1976 on a U.S. product-mix basis. The evidence obtained from the MITI and other sources indicates that this estimate was too low.

A study to be released next year by the International Iron and Steel Institute, based in Brussels, demonstrates that the Japanese steel industry obtains a yield of more than 93 percent from raw steel to such semifinished products as billets, blooms, and slabs. By contrast, the IISI study shows that the U.S. industry obtains only an 86 percent yield from raw steel to these semifinished products. This difference of more than 7 percent is attributable to more continuous casting in Japan and Japanese experience in both con-

tinuous casting and the rolling of ingots.

From the semifinished stage to the final product, the Japanese industry as a whole also enjoys a considerable advantage because of computer control of rolling mills, more precise control over the thickness of the final product, cold scarfing techniques, longer runs, and larger coils. The U.S. industry realizes an 83 percent yield from semifinished to finished products. A conservative estimate of Japanese yields from semifinished products, is 86 percent. Therefore, the Japanese yield to finished products has been calculated as:  $0.86 \times 0.93 = 0.80$ . This 80 percent yield factor is used in the cost calculation in table 1.

(e) *Capital costs.* Total depreciation charges per net ton of finished products are approximately \$17 for the six largest firms. Net interest expenses and a profit margin add another \$34 per net finished ton. The total before-tax payments to capital are therefore \$50.62 per net ton, or more than 13 percent of total assets related to steel production. This compares most favorably with the better years for the U.S. industry in the past decade. In the boom year of 1974, U.S. producers realized 20 percent on assets before taxes, but this was the only year in the past decade in which these gross returns were greater than 15 percent. In calculating total charges against capital, interest charges were adjusted to avoid double counting for the highly leveraged Japanese steel firms. Total interest payments, depreciation and other fixed charges represent overhead expenses of considerably more than 10 percent of direct costs.

(f) *Scrap netback.* In calculating production costs based upon Japanese raw materials and labor costs, it is necessary to credit the Japanese firms for scrap or secondary product generated. Yield factors reported by the Japanese industry were not used in the calculation of trigger prices in the belief that some of the products considered "finished" would be regarded by U.S. standards as low quality, perhaps not much above scrap. However, this low quality product must receive a cost credit based, at the minimum, on the current market price of high quality scrap. So doing yields a value of \$5.96 per net ton of finished steel.

5. *Implementation of the trigger price mechanism.*—(a) *Publication.* The trigger prices hereby established and to be published for additional products in the near future will be applicable to all shipments loaded for export through the second calendar quarter of 1978. Cost of production data will be collected and reviewed on a continuous basis and trigger prices will be revised on a quarterly basis to reflect changes in costs and in exchange rates. It is the present inten-

tion of the Treasury Department to announce trigger prices 60 to 90 days before they become applicable. Therefore, trigger prices applicable to shipments loaded during the third calendar quarter in 1978 will be published during April 1978. Revised trigger prices will be established within 5 percent above or below any revised cost of production data where necessary to minimize fluctuations.

(b) *Imports below trigger prices.* Following the date as of which the special steel summary invoice (SSSI) is to be used for steel imports, currently estimated to be February 15, 1978, all imports of steel mill products loaded for export to the United States after the publication of the relevant trigger prices will be examined by the Customs Service. Forms reflecting substantial or repeated imports at prices below applicable trigger prices will be investigated by the Special Customs Steel Task Force. If the accompanying documentation demonstrates to the satisfaction of the Secretary that the prices for any particular shipment were fixed before the publication of the applicable trigger price and could not be varied in accordance with the terms of the parties' contract, no immediate formal investigation will be initiated in the absence of other information indicating that such shipments are at less than fair value, as defined in the Antidumping Act. In all other cases in which a shipment is found to be at prices below applicable trigger prices, the Customs Service may initiate immediate, informal inquiries of the importer to determine whether such sale is less than fair value within the meaning of the Antidumping Act. Unless the Secretary is satisfied within the time to be allotted therefor, that no reasonable possibility of sales at less than fair value may be found, an antidumping proceeding notice will promptly be published with respect to that shipment and other shipments of such or similar merchandise from the same exporter or from the same country of exportation as he deems appropriate.

(c) *Rights of interested parties preserved.* Implementation of the trigger price mechanism is not intended to deny to any party interested in the importation of steel mill products any rights it may have under the Antidumping Act or other applicable law. It is intended and will be used solely to enable the Secretary to determine on an expedited basis whether or not to initiate antidumping proceedings pursuant to section 153.30(a) of the Customs regulations and to reach the stage of making a tentative determination with respect to sales at less than fair value within a period substantially shorter than the six months provided in section 153.32 of the Customs regulations.

6. *Public comment.* Comments from the public should be addressed to:

Peter D. Ehrenhaft, Deputy Assistant Secretary and Special Counsel (Tariff Affairs), Room 3424, Main Treasury, Washington, D.C. 20220.

Dated: December 30, 1977.

ANTHONY M. SOLOMON,  
Acting Secretary of the Treasury.  
[FR Doc. 78-470 Filed 1-5-78; 11:32 am]



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[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The title of the Merchant Marine Academy position of Assistant Superintendent for Planning is changed to Assistant Superintendent for Planning and Administration.

EFFECTIVE DATE: January 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3114(h)(11) is amended as set out below:

§ 213.3114 Department of Commerce.

(h) *Maritime Administration*. . . .

(11) U.S. Merchant Marine Academy positions of: Superintendent; Special Assistant to the Superintendent; Assistant Superintendent for Planning and Administration; Dean; Assistant Dean; Registrar; Director of Admissions; Assistant Director of Admissions; Director, Office of External Affairs; Placement Officer; Administrative Librarian; Shipboard Training Assistant; and three Academy Training Representatives.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-436 Filed 1-9-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Private Secretary to the Deputy Director, Office of Congressional Affairs, is excepted from the competitive service under Schedule C because it is confidential in nature.

EFFECTIVE DATE: January 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(a)(11) is added as set out below:

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary*. . . .

(11) One Private Secretary to the Deputy Director, Office of Congressional Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-437 Filed 1-9-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One additional position of Special Assistant to the Principal Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs, is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: January 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3306(a)(12) is amended as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary*. . . .

(12) One Private Secretary and two Special Assistants to the Principal Deputy Assistant Secretary (International Security Affairs), Office of the

Assistant Secretary of Defense for International Security Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-438 Filed 1-9-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Secretary (Stenography), on the White House Support Group, Office of the Secretary of Defense, is excepted from the competitive service under Schedule A because it is impracticable to examine for the position.

EFFECTIVE DATE: January 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3106(a)(7) is added as set out below:

§ 213.3106 Department of Defense.

(a) *Office of the Secretary*. . . .

(7) One position of Secretary (Stenography) on the White House Support Group.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-439 Filed 1-9-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Energy

AGENCY: Civil Service Commission.

ACTION: Final rule.



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**SUMMARY:** The purpose of this amendment is to change the titles of two positions. The positions are Confidential Secretary to the Undersecretary and Confidential Assistant to the Special Assistant. Their new titles, respectively, are Confidential Assistant (Secretary) to the Undersecretary and Confidential Assistant (Secretary) to the Special Assistant.

**EFFECTIVE DATE:** January 10, 1978.  
**FOR FURTHER INFORMATION CONTACT:**

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3331(a) (3) and (4) are amended as set out below:

§ 213.3331 Department of Energy.

- (a) Office of the Secretary. . . .
- (3) One Confidential Assistant (Secretary) to the Undersecretary.
- (4) One Confidential Assistant (Secretary) to the Special Assistant.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the U.S. Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-440 Filed 1-9-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Farm Credit Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

**SUMMARY:** This amendment changes the title of the position of Deputy Governor, Credit and Operations to that of Deputy Governor, Supervision.

**EFFECTIVE DATE:** January 10, 1978.  
**FOR FURTHER INFORMATION CONTACT:**

Hugh A. Strehle, Civil Service Commission, 202-632-4625.

Accordingly, 5 CFR 213.3343(b) is changed as set out below:

§ 213.3343 Farm Credit Administration.

. . . . .

(b) Deputy Governor, Supervision

. . . . .

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-465 Filed 1-9-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Farm Credit Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

**SUMMARY:** This amendment excepts from the competitive service under Schedule C one position of Senior Deputy Governor, Farm Credit Administration, because it requires that a confidential relationship be maintained between the Governor and Senior Deputy Governor.

**EFFECTIVE DATE:** January 10, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Hugh A. Strehle, Civil Service Commission, 202-632-4625.

Accordingly, 5 CFR 213.3343(a) is added as set out below:

§ 213.3343 Farm Credit Administration.

(a) Senior Deputy Governor.

. . . . .

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-466 Filed 1-9-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final rule.

**SUMMARY:** This amendment excepts from the competitive service under Schedule B 75 positions, not in excess of GS-13, of a professional or analytical nature when filled by persons other than college faculty members or candidates working toward college degrees, who are participating in midcareer development programs authorized by Federal statute or regulation, or sponsored by private nonprofit organizations, when a period of work experience is a requirement for completion of an organized study program. Employment under this authority shall not exceed 1 year. This exception is granted because it is impracticable to examine competitively for these positions.

**EFFECTIVE DATE:** January 10, 1978.

**FOR FURTHER INFORMATION CONTACT:**

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3216(e) is added as follows:

§ 213.3216 Department of Health, Education, and Welfare.

. . . . .

(e) Seventy-five positions, not in excess of GS-13, of a professional or analytical nature when filled by persons, other than college faculty members or candidates working toward college degrees, who are participating in midcareer development programs authorized by Federal statute or regulation, or sponsored by private nonprofit organizations, when a period of work experience is a requirement for completion of an organized study program. Employment under this authority shall not exceed 1 year. This authority may not be used for new appointments after June 30, 1979.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-441 Filed 1-9-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of the Treasury

AGENCY: Civil Service Commission.

ACTION: Final rule.

**SUMMARY:** An additional 58 positions of criminal investigator are excepted under Schedule A in Treasury's Bureau of Alcohol, Tobacco and Firearms because it is impracticable to examine for them.

**EFFECTIVE DATE:** January 10, 1978.

**FOR FURTHER INFORMATION CONTACT:**

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3105(g)(1) is amended as set out below:

§ 213.3105 Department of the Treasury.

. . . . .

(g) Bureau of Alcohol, Tobacco and Firearms. (1) One hundred positions of criminal investigator for special assignments.

. . . . .

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the U.S. Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-442 Filed 1-9-78; 8:45 am]

[6325-01]

PART 511—CLASSIFICATION UNDER THE

GENERAL SCHEDULE

PART 534—PAY UNDER OTHER SYSTEMS

Exclusions and Stipends

AGENCY: Civil Service Commission.

ACTION: Final rule.

**SUMMARY:** This amendment publicizes the Commission's actions excluding certain student-employee positions from the Classification Act, and establishing for each a maximum stipend.

**EFFECTIVE DATE:** These exclusions and stipends are effective as follows: Group Dynamics Training Intern, effective January 30, 1977; Group Dynamics Training Resident, effective January 30, 1977 and April 10, 1977; Group Psychotherapy Intern, effective January 30, 1977; Group Psychotherapy Resident, effective January 30, 1977; Social Work Student, effective January 2, 1977; Student Cardiopulmonary Technologist, effective September 26, 1976; Student Dietitian, effective March 27, 1977; and Student Surgical Technician, effective December 23, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Steven Slatin, Room 3F10, Civil Service Commission, 1900 E Street NW, Washington, D.C. 20415, 632-5595.

Accordingly, 5 CFR 511.201(b) and 534.202(b) are amended by adding in alphabetical sequence the following items:

§ 511.201 Coverage of and exclusions from the General Schedule.

. . . . .

(b) Exclusions. . . . .

Group Dynamics Training Intern, Department of Health, Education, and Welfare, approved training after attainment of a bachelor's degree, or after a minimum of 1, 2, or 3 years of postgraduate training.

Group Dynamics Training Resident, Department of Health, Education, and Welfare, approved training after attainment of a doctorate or after a minimum of 1 or 2 years postdoctoral training.

Group Psychotherapy Intern, Department of Health, Education, and Welfare, approved training after a minimum of 2 or 3 years postgraduate training.

Group Psychotherapy Resident, Department of Health, Education, and Welfare, approved training after attainment of a doc-

torate or after a minimum of 1, 2, or 3 years of postdoctoral training.

. . . . .

Social Work Student, Department of Health, Education, and Welfare, approved training after a minimum of three years of college level training.

. . . . .

Student Cardiopulmonary Technologist, Department of Health, Education, and Welfare, approved training after a minimum of one year of college level training.

. . . . .

Student Dietitian, Department of Health, Education, and Welfare, approved training after a minimum of two years of college level training.

. . . . .

Student Surgical Technician, Department of Health, Education, and Welfare, approved training during first year of college level training.

(5 U.S.C. 5102.)

. . . . .

§ 534.202 Maximum stipends.

. . . . .

(b) . . . . .

Group Dynamics Training Intern, Department of Health, Education, and Welfare:

Approved training after attainment of

bachelor's degree . . . . . L-5

Approved training after a minimum of one

year of postgraduate training . . . . . L-6

Approved training after a minimum of two

years of postgraduate training . . . . . L-7

Approved training after a minimum of three

years of postgraduate training . . . . . L-8

Group Dynamics Training Resident, Department of Health, Education, and Welfare:

Approved training after attainment of a

doctorate . . . . . L-9

Approved training after a minimum of one

year of postdoctoral training . . . . . L-10

Approved training after a minimum of two

years of postdoctoral training . . . . . L-11

Group Psychotherapy Intern, Department of Health, Education, and Welfare:

Approved training after a minimum of two

years of postgraduate training . . . . . L-7

Approved training after a minimum of three

years of postgraduate training . . . . . L-8

Group Psychotherapy Resident, Department of Health, Education, and Welfare:

Approved training after attainment of a

doctorate . . . . . L-9

Approved training after a minimum of one

year of postdoctoral training . . . . . L-10

Approved training after a minimum of two

years of postdoctoral training . . . . . L-11

Approved training after a minimum of three

years of postdoctoral training . . . . . L-12

. . . . .

Social Work Student, Department of Health, Education, and Welfare:

Approved training after a minimum of three years of college level training . . . . . L-4

. . . . .

Student Cardiopulmonary Technologist, Department of Health, Education, and Welfare:

Approved training after a minimum of one year of college level training . . . . . L-2

. . . . .

Student Dietitian, Department of Health, Education, and Welfare:

Approved training after a minimum of two years of college level training . . . . . L-3

. . . . .

Student Surgical Technician, Department of Health, Education, and Welfare:

Approved training during the first year of college level training . . . . . L-1

(5 U.S.C. secs. 5102, 5351, 5352, 5541.)

NOTE.—The Civil Service Commission has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-443 Filed 1-9-78; 8:45 am]

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

**SUMMARY:** One position of Special Assistant to the Deputy Assistant Secretary (Policy Plans and NSC Affairs), Office of the Assistant Secretary of Defense for International Security Affairs, is excepted under Schedule C because it is confidential in nature.

**EFFECTIVE DATE:** January 10, 1978.

**FOR FURTHER INFORMATION CONTACT:**

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3306(a)(98) is added as set out below:

§ 213.3306 Department of Defense.

(a) Office of the Secretary. . . . .

(98) One Special Assistant to the Deputy Assistant Secretary (Policy Plans and NSC Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service

(1) Two positions of Intelligence Or-

Marketing Agreement Act of 1937, as

annual allotment certificate to the

Notice was published in the Decem-

the functioning of the Florida Celery



For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-632 Filed 1-9-78; 8:45 am]

# [6325-01]

## PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Special Assistant to the Executive Deputy Commissioner of Education is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: January 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3316(c)(19) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(c) Office of Education. . . .

(19) One Special Assistant to the Executive Deputy Commissioner.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-631 Filed 1-9-78; 8:45 am]

# [6325-01]

## PART 213—EXCEPTED SERVICE

Department of State

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Supervisory Intelligence Research Specialist in the Bureau of Intelligence and Research, Department of State, is excepted under Schedule A because it is impracticable to examine for this position.

EFFECTIVE DATE: January 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3104(f)(1) is amended as set out below:

§ 213.3104 Department of State.

(f) Bureau of Intelligence and Research.

## RULES AND REGULATIONS

(1) Two positions of Intelligence Operations Specialist and one position of Supervisory Intelligence Research Specialist.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-633 Filed 1-9-78; 8:45 am]

# [3410-02]

## Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

## Subpart—Rules and Regulations

ALLOTMENT TRANSFER AND DISPOSITION OF GROWERS ANNUAL ALLOTMENT CERTIFICATE

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes procedures governing the transfer of unused allotment of cranberries among growers and the disposition of each grower's annual allotment certificate. The action is necessary to keep the Cranberry Marketing Committee informed of transfers in connection with filling deficiencies in allotment or cranberries and to enable the committee to check compliance with regulations applicable to handlers of cranberries.

EFFECTIVE DATE: February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: A proposal submitted by the Cranberry Marketing Committee was published at 42 FR 39989 and amended at 42 FR 58532. The committee is established under the marketing agreement and Order No. 929, both as amended (7 CFR Part 929), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. This is a regulatory program effective under the applicable provisions of the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice, as amended, provided that all written data, views, or arguments in connection with the proposal be submitted not later than December 1, 1977. No views were received.

Section 929.49(c) of the order specifies, in part, that as a condition to a transfer of allotment of cranberries each grower or handler shall furnish a full report to the committee, including the names of the parties, the quantity involved in the transaction and other necessary information. This regulation establishes the procedure by which such information shall be furnished to the committee. The regulation is necessary to keep the committee informed of transfers in connection with filling deficits in allotment of cranberries and to enable the committee to ascertain that no handler has handled cranberries in excess of a grower's annual allotment and any transferred allotment.

After consideration of all relevant matter presented, including the foregoing proposal, the recommendations by the Cranberry Marketing Committee, and other available information, it is hereby found that amendment of said rules and regulations, as hereinafter set forth, is in accordance with the provisions of the order and will tend to effectuate the declared policy of the act. Therefore, said rules and regulations are hereby amended by adding a new section reading as follows:

§ 929.151 Allotment Transfers and Disposition of the Growers Annual Allotment Certificate.

(a) Growers who transfer or receive the transfer of cranberries or allotment to fill deficiencies pursuant to § 929.49(c) shall report the details of such transfer to the committee on CMC forms T3 through T6, as applicable.

(b) Growers may enter into an agreement with a handler or handlers as to the disposition of the grower's annual allotment. The terms of the agreement shall be contained on CMC form T7 or a similarly executed agreement acceptable to the committee, and shall include the following:

(1) The quantity of allotment available to the handler for transfer;

(2) The effective date of the agreement; and

(3) The signature of the grower and the handler or their authorized representatives.

Any transfer effected by the handler pursuant to this agreement shall be documented on committee forms and submitted to the committee.

(c) Each grower shall submit to the committee his annual allotment certificate: *Provided*, That each grower may authorize a handler to submit the

annual allotment certificate to the committee. Notification that the handler agrees to perform this service shall be provided to the committee and the terms of the agreement shall be contained on CMC form T7 or similarly executed agreement acceptable to the committee. Each handler shall submit the allotment certificate to the committee. Each allotment certificate submitted by the grower or his authorized handler shall show quantities of cranberries purchased by handlers and the dates on which such purchases were made. Each certificate shall be signed by the handler and indicate the date on which any transfers were made.

(d) Reports and annual allotment certificates required pursuant to this section shall be filed with the committee by January 15 of each year.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated: January 5, 1978, to become effective February 28, 1978.

CHARLES R. BRADER,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-509 Filed 1-9-78; 8:45 am]

# [3410-02]

## PART 959—ONIONS GROWN IN SOUTH TEXAS

### Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of \$117,106 and a rate of assessment of one and one-half cents per 50-pound container, or equivalent quantity, of assessable onions for the functioning of the South Texas Onion Committee. The regulation will enable the committee to collect assessments from first handlers on all assessable onions and to use the resulting funds for its expenses.

EFFECTIVE DATE: August 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-6393.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 143 and Order No. 959, both as amended, regulate the handling of onions grown in designated counties in south Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The South Texas Onion Committee, established under the order, is responsible for its local administration.

## RULES AND REGULATIONS

Notice was published in the December 5, 1977, FEDERAL REGISTER (42 FR 61474), regarding the proposals. It afforded interested persons an opportunity to submit written comments not later than December 21, 1977. None was received.

After consideration of all relevant matters, including the proposals in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because this part requires that the rate of assessment for a particular period shall apply to all assessable onions from the beginning of such period.

The regulation is as follows:

§ 959.218 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1978, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to \$117,106.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one and one-half cents (\$0.015) per 50-pound container of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1978, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674).)

Dated: January 4, 1978.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-510 Filed 1-9-78; 8:45 am]

# [3410-02]

[Amdt. No. 1]

## PART 967—CELERY GROWN IN FLORIDA

### Increase in Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes increases of expenses to \$79,500 and the rate of assessment to one and one-half cents per crate of celery for

the functioning of the Florida Celery Committee. This will enable the committee to collect assessments from first handlers on all assessable celery handled and to use the resulting funds for its expenses.

EFFECTIVE DATE: August 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-6393.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 149 and Order No. 967 regulate the handling of celery grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Florida Celery Committee, established under the order, is responsible for its local administration.

Notice was published in the December 15, 1977, FEDERAL REGISTER (42 FR 63178), regarding the proposals. It afforded interested persons an opportunity to file written comments not later than December 29, 1977. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal period shall apply to all celery from the beginning of such period.

Amendment No. 1 is as follows:

Paragraphs (a) and (b) of § 967.213 (42 FR 45326), are amended to read as follows:

§ 967.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal year ending July 31, 1978, by the Florida Celery Committee, for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to \$79,500.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one and one-half cents (\$0.015) per crate of celery handled by him as the first handler during the fiscal year.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674).)



Dated: January 5, 1978.

CHARLES R. BRADER,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-508 Filed 1-9-78; 8:45 am]

### [3410-05]

#### Title 7—Agriculture

#### CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

##### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

#### PART 1435—SUGAR

##### Subpart—Minimum Wage Rates for Sugarbeet and Sugarcane Fieldworkers

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

**SUMMARY:** This rule establishes minimum wage rates for agricultural employees engaged in the production of sugar pursuant to section 201 of the Agricultural Act of 1949, as amended by section 902 of Title IX of the Food and Agriculture Act of 1977 (Pub. L. 95-113, 91 Stat. 949, effective October 1, 1977). In order to be eligible for benefits under the price support loan program for 1977 crop sugarbeets and sugarcane which became effective November 8, 1977, producers must pay all their fieldworkers engaged on and after November 8 in the production, cultivation, and harvesting of sugarbeets and sugarcane no less than the minimum wages specified by this rule.

**EFFECTIVE DATE:** January 9, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Robert R. Stansberry, Jr., ASCS, 202-447-7561 or 202-447-3517, P.O. Box 2415, Washington, D.C. 20013.

**SUPPLEMENTARY INFORMATION:** Section 902 of the Food and Agriculture Act of 1977 amended section 201 of the Agricultural Act of 1949 to provide that the price of the 1977 and 1978 crops of sugarbeets and sugarcane shall be supported through loans or purchases with respect to the processed products thereof. Section 201 also directs the Secretary of Agriculture, in carrying out this program, to establish minimum wage rates for agricultural employees engaged in the production of sugar crops.

On November 11, 1977, a final rule was published in the *FEDERAL REGISTER* (42 FR 58734) implementing a program, effective as of November 8, 1977, to support prices in the marketplace for producers of 1977 crop sugarbeets and sugarcane through loans made to sugar processors. The loan regulations provide that loans may be made on eli-

gible sugar processed from that part of the 1977 crop grown by eligible producers (7 CFR 1435.19(a)). The term "eligible producer" is defined in § 1435.17(c) of the regulations as a producer who pays and certifies to his processor that he has paid or will pay, to his agricultural employees engaged in the production of sugar, wage rates in accordance with wage rate regulations to be issued by the Secretary.

On November 8, 1977, the date the loan program was implemented, the Department announced the proposed determination of minimum wage rates for sugarbeet and sugarcane fieldworkers. The notice of proposed rule-making, published in the *FEDERAL REGISTER* (42 FR 58759) on November 11, pointed out that the Food and Agriculture Act of 1977 does not provide any guidance or standards to the Secretary of Agriculture in establishing such rates. Two possible bases for establishing the minimum wage rates were suggested in the notice, i.e., (1) establish rates in the same manner and under the same guidelines as previously done under the Sugar Act, or (2) adopt the rates provided for agricultural workers under the Fair Labor Standards Act. Interested persons were invited to submit their views on the use of either of these methods or other proposed methods for establishing minimum wage rates. Respondents were also asked, in the interest of obtaining information which would be of assistance to the Secretary in establishing fair and reasonable wage rates, to submit their specific recommendations on terms of the wage requirements.

The Department received 28 written comments by the close of the comment period on November 21, and 17 additional comments after the closing date. Thirty-six of the respondents, consisting of several Members of Congress, various labor union, legal aid, and civil rights organizations, and other groups and individuals interested in workers, supported the proposed determination by the Secretary of minimum wage rates for sugar crop fieldworkers. Nine respondents, primarily producer associations and processors, either recommended that minimum wages be set at or near levels prescribed by the Fair Labor Standards Act of 1938, as amended, or that no "special" wage rates be set, in which case the Fair Labor Standards Act minimum rates would apply.

The major concern of respondents speaking in the interest of workers was that sugar fieldworkers now endure an unacceptably low standard of living and that any minimum wage rate adopted should meaningfully raise their standard of living. Hourly wage recommendations ranged from \$3.09 to \$4.06 per hour. Other major recommendations by this group were:

1. Minimum wages established should maintain the same relationship to Fair

Labor Standards Act wages as existed in 1974 when minimum wages were established under the Sugar Act which expired in that year.

2. Provision should be made for overtime rates for hours worked over 40 hours per week.

3. Any piecework rates established should result in the same pay as hourly rates set times a reasonable time for completing the work.

4. Provision should be made for workers to receive a fair share of any substantial increases in sugar prices (as occurred in 1974-75).

5. Producers should be required to maintain records, available for inspection, for each worker which show total pay, hours worked, and all deductions.

6. Minimum wages should reflect a labor cost per ton of sugarcane equal to 35.67 percent of the price support value.

7. Minimum wages reflecting 1974 minimums adjusted by the increase in cost of living would be an improvement but would not be adequate.

8. Puerto Rican and Hawaiian respondents recommended that establishment of minimum wages should be left to labor-management negotiation or local statute, as is the current practice and as provided under the "old" Sugar Act.

Producer/processor interests generally expressed the belief that no logical reason existed for establishing rates for sugar fieldworkers different than those required for other workers in agriculture. Their hourly wage recommendations ranged from \$2.20 to \$2.50 per hour.

Review of the comments received and other available research information resulted finally in the consideration of the following six alternative methods for establishing minimum wage rates:

(1) Adoption of the 1978 calendar year rate (\$2.65 per hour) provided for agricultural employees under the Fair Labor Standards Act of 1938, as amended (FLSA). This option would provide a minimum wage rate near the wages currently prevailing for 1977. Adoption of this option would have little if any effect upon growers but would, by failing to recognize the cost of living increase from 1974, lower the 1974 standard for sugarworkers in terms of the current cost of living.

(2) Establish rates in the same manner, and under the same guidelines, as was followed under the Sugar Act. This option would result in higher wages and would likely decrease domestic production and employment to a greater degree than the option selected (Option 6). The full extent of the reduction in domestic production and employment would be difficult to specify because cost of production and profit and loss data plus other decision criteria, necessary for such a calculation is limited. However, the status of sugarworkers who remained in the industry would be proportionately improved.

(3) Establish rates which would produce increases in real earnings at least equal to the increase in real prices being supported under the Food and Agriculture Act of 1977. This option would significantly lower wages below those now prevailing but would improve the growers' economic status since their labor costs would decrease.

(4) Establish rates that possibly would have existed had the Sugar Act not expired, adjusted downward by an amount equal to the reduction in price support being afforded producers under the 1977 Act as compared to the Sugar Act. This option would decrease domestic production to a lesser degree than would Option 2 because of lower labor costs. Since wages under this option exceed those now prevailing but fall short of the increase in the cost of living since 1974, workers would not maintain 1974 standards in terms of current costs.

(5) Establish a single hourly minimum wage rate applicable to all sugarworkers in all areas. This rate would apply to unskilled workers only, allowing rates for skilled workers to "seek their own level." The rate established would be equal to the so-called adverse effect rate established by the U.S. Department of Labor for off-shore workers employed in Florida to cut sugarcane by hand. This option would result in the highest wages of all options considered. Consequently, a more severe effect upon domestic production and employment, and a greater benefit for remaining sugarworkers employed, could be expected than under the option selected or any other option.

(6) For the 1977 crop, increase all rates established under the Sugar Act for 1974 (the last year such rates were established) by the cost of living percentage increase which has occurred since that time. For the 1978 crop, increase all 1977 rates by the estimated cost of living percentage increase from 1977 to 1978. This option would decrease production and employment (to a degree which cannot be predicted because of the unavailability of current cost or production and profit/loss data) but would maintain sugarworkers' 1974 standards in terms of 1977 actual and 1978 projected cost of living.

In evaluating these options consideration was given to the fact that the Food and Agriculture Act of 1977 permits no punitive action for noncompliance with the rates established. We can only provide an incentive for compliance by limiting sugar price support benefits to those producers who pay at least the minimum rates established.

Option 6 has been selected because, while it is doubtful that any increase over prevailing wages can be absorbed without some adversity to growers, it is felt essential to maintain the 1974 standard for sugarworkers in terms of current living costs. Minimum wage rates for work on the 1978 crop have also been established at this time following the same principle so that workers and growers can have a basis for planning their operations and entering into work agreements. Accordingly, the minimum wage rates which were established in 1974 under provisions of the Sugar Act of 1948, as amended, have been increased by 23 percent for work performed in the production cultivation, and harvesting of 1977 crop sugarbeets and sugarcane and by an additional 6 percent for the 1978 crop.

The cost of living increases were computed as follows:

In calendar year 1974, the Consumer Price Index (published by Bureau of Labor Statistics, U.S. Department of Labor) for all items averaged 147.7 (1967=100). For 1977, the index has averaged 180.3 through September. Assuming that the index increases by 0.5 each month during the last quarter, the average for calendar year 1977 will be 181.5, or 22.9 percent greater than in 1974. This indicates that the cost of living (COL) has increased by about 23 percent since 1974. It has been estimated that the COL will increase by another 6 percent in calendar year 1978.

The operations of the sugar price support loan program authorized by the Food and Agriculture Act of 1977 became effective November 8, 1977. The loan program is designed to support prices to sugarbeet and sugarcane producers through loans made to sugar processors. The Act directs the Secretary, in carrying out the loan program, to establish minimum wage rates for sugar fieldworkers, and the loan program regulations provide that loans can be made only on sugar processed from sugarbeets or sugarcane grown by producers who agree to pay their fieldworkers in accordance with the minimum wage requirements established by this rule. Producers were notified of this condition of price support through the Department's press announcement on November 8. Therefore, the minimum wage rates established by this rule shall be applicable to work performed on and after November 8, 1977, in the production, cultivation, and harvesting of the 1977 and 1978 crops of sugarbeets and sugarcane.

Since the price support loan program has been in effect since November 8, 1977 and the payment of wage rates in accordance with wage rate regulations issued by the Secretary is a condition of eligibility for obtaining a loan, it is hereby determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impractical and contrary to the public interest. Accordingly, these regulations shall become effective on date of filing with the Director, Office of the Federal Register.

Economic, environmental, and EEO/Civil Rights impact statements are available by contacting the Office of the Director of Economics, Policy Analysis and Budget, Room 214, Administration Building, USDA, Washington, D.C. 20250.

Accordingly, Chapter XIV of Title 7 of the Code of Federal Regulations is

amended by adding a new Subpart—Minimum Wage Rates for Sugarbeet and Sugarcane Fieldworkers—to Part 1435 which reads as follows:

#### Subpart—Minimum Wage Rates for Sugarbeet and Sugarcane Fieldworkers

Sec.  
1435.26 General statement.  
1435.27 Administration.  
1435.28 General requirements.  
1435.29 Wage rates when employed on a time basis.  
1435.30 Wage rates when employed on a piecework basis.  
1435.31 Applicability of wage requirements.  
1435.32 Subterfuge.  
1435.33 Wage records.

**AUTHORITY:** The provisions of this subpart are issued under sec. 201 of the Agricultural Act of 1949, as amended, Pub. L. 81-439, 62 Stat. 1051; sec. 902, Pub. L. 95-113, 91 Stat. 949 (7 U.S.C. 1446).

#### § 1435.26 General statement.

This subpart contains the regulations which set forth the minimum wage rates for agricultural employees engaged in the production of the 1977 and 1978 crops of sugarbeets and sugarcane established in conjunction with the operation of the price support loan program for sugarbeets and sugarcane which became effective November 8, 1977. The regulations governing the loan program for the 1977 crop are contained in §§ 1435.15 through 1435.25 of this part.

#### § 1435.27 Administration.

The Procurement and Sales Division, Agricultural Stabilization and Conservation Service (referred to as "ASCS"), will administer this subpart under the general direction and supervision of the Deputy Administrator, Commodity Operations. In the field, this subpart will be administered by Agricultural Stabilization and Conservation State and county committees (referred to as "State and county committees").

#### § 1435.28 General requirements.

For the purpose of determining eligibility for obtaining price support under programs conducted pursuant to the authority of section 201 of the Agricultural Act of 1949, as amended, the wage rates for all fieldworkers employed in the production, cultivation, or harvesting of sugarbeets or sugarcane, as provided in § 1435.31, shall be not less than the rates set forth in §§ 1435.29 and 1435.30, in connection with work performed on and after November 8, 1977.

#### § 1435.29 Wage rates when employed on a time basis.

When employed on a time basis, the wage rates shall be as follows:



		Rate per hour	
		1977 crop	1978 crop
All States in which sugarbeets are grown.	Hand labor operations of thinning, hoeing, hoe-trimming, weeding, pulling, topping, loading, or gleaning.	\$2.85	\$3.00
Louisiana sugarcane	Tractor and truck drivers and operators of mechanical equipment.	3.10	3.30
	All other workers	2.85	3.00
Florida and Texas sugarcane	Tractor and truck drivers and operators of mechanical equipment.	3.40	3.80
	All other workers	3.00	3.20
Hawaii and Puerto Rico sugarcane.	All classes	As required by existing legal obligations resulting from a labor union agreement or from Federal or local legislative or regulatory action.	

§1435.30 Wage rates when employed on a piecework basis.

(a) *Sugarbeet States.* (1) When employed on a piecework basis for hand labor operations specified in the following table, the wage rates shall not be less than:

	Rate per acre	
	1977 crop	1978 crop
(i) Thinning: Removing excess beets with a hoe only	\$20.30	\$21.50
(ii) Hoeing: Removing weeds and excess beets with a hoe only	26.45	28.05
(iii) Hoe-trimming: Removing weeds with a hoe and by hand and removing excess beets with a hoe only	31.65	33.55
(iv) Weeding: Removing weeds with a hoe only in fields which have been completely machine-thinned and on which chemical herbicides have been applied	17.20	18.25
(v) Weeding: Removing weeds with a hoe and by hand following either i, ii, iii, iv, v above	17.20	18.25

Provided, That the above rates (1) may be reduced by not more than the indicated percentages for the following wide row spacing: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent, and (2) shall be increased by not less than the indicated percentages for the following narrow row spacing: 19 inches or less but more than 16 inches, 25 percent; 16 inches or less, 35 percent.

(2) When employed on a piecework basis for hand labor operations not specified or defined in subsection (1) or for harvesting. For hand labor operations other than those specified or defined in subsection (1) involving the removal of beets or weeds and for operations involving pulling, topping, loading, or gleaning which are performed on a piecework basis, the average hourly rate of earnings of each worker for each operation during the time the worker is employed for the operation shall be not less than \$2.85

per hour for 1977 crop work or \$3 per hour for 1978 crop work.

(b) *All sugarcane areas.* For any operation performed on a piecework basis in sugarcane areas, the average hourly rate of earnings of each worker during each pay period (not to be in excess of 2 weeks) shall be not less than the hourly rate for comparable work performed by each class of worker prescribed for each sugarcane area in §1435.29.

§1435.31 Applicability of wage requirements.

The wage requirements of this subpart are applicable to all fieldworkers employed in operations directly connected with the production, cultivation, or harvesting of 1977 and 1978 crop sugarbeets or sugarcane marketed for processing into refined beet sugar or raw cane sugar, cane syrup, or edible molasses. The wage requirements are not applicable to custom operators; hauling contractors; and workers performing services which are indirectly connected with production, cultivation, or harvesting, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

§1435.32 Subterfuge.

Wage rates to any worker shall not be reduced below those determined in accordance with the requirements of this subpart through any subterfuge or device whatsoever.

§1435.33 Wage records.

The producer shall maintain for a period of three years records which will demonstrate that each worker has been paid wage rates in accordance with the requirements of this subpart. Such wage records shall be available for inspection by ASCS.

NOTE.—The ASCS, to meet the requirements of the National Environmental Policy Act (Pub. L. 91-190, 42 U.S.C. 4321 et seq.), has developed an environmental assessment on the program and has determined that the proposed action would not constitute a major Federal action significantly affecting the human environment.

NOTE.—It is hereby certified that the eco-

nomie effects of this action have been carefully evaluated in accordance with Executive Order 11921 and OMB Circular A-107.

Signed at Washington, D.C., on January 5, 1978.

BOB BERGLAND,  
Secretary.

[FR Doc. 78-595 Filed 1-9-78; 8:45 am]

[3410-34]

Title 9—Animals and Animal Products  
CHAPTER 1—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

AGENCY: Animal and Plant Health Inspection Service (APHIS).

ACTION: Final rule.

SUMMARY: This amendment provides for the use of a shorter expiration dating for Tetanus Antitoxin based upon the number of units of the antitoxin in the final container. At the present time, a 3-year dating for a serial of product having a 20 percent overage is authorized, but no provision is made for products with less than a 20 percent unit overage. This amendment provides requirements for a 1-year dating for a serial of product having more than 10 percent but less than 20 percent overage.

EFFECTIVE DATE: This amendment becomes effective February 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. R. J. Price, 301-436-8245.

SUPPLEMENTARY INFORMATION: On September 27, 1977, a notice of a proposed amendment to part 113 was published in the FEDERAL REGISTER at 42 FR 49462. To assure an adequate number of units in all final containers of Tetanus Antitoxin throughout a dating period, the regulations require that each container of the product must contain a greater number of units of antitoxin than is indicated on the label. Presently, if that number of units is greater than the number indicated on the label by 20 percent or more, the regulations provide for a 3-year dating. The proposal provides for a 1-year dating for a product with a unit overage of more than 10 percent, but less than 20 percent. Comments on this proposal were solicited and two favorable comments were received. No objections were received.

After due consideration of all relevant matters, including the proposal set forth in the aforesaid notice and pursuant to the authority contained in the Virus-Serum-Toxin Act of March

4, 1913 (21 U.S.C. 151-158), the amendment of Part 113, Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice is hereby adopted.

The first letter in each word of the heading for §113.251 shall be capitalized. In §113.251, paragraph (a)(2) shall be revised to read:

§113.251 Tetanus Antitoxin.

(a) \* \* \*

(2) The expiration date of Tetanus Antitoxin shall be not more than 3 years after the date of a potency test which demonstrates that the recoverable antitoxin from the final container provides at least 20 percent excess over the number of units claimed on the label or not more than 1 year after the date of a potency test which demonstrates that the recoverable antitoxin from the final container provides 10 to 19 percent excess over the number of units claimed on the label.

(21 U.S.C. 151 and 154; 37 FR 28477, 28646; 38 FR 19141.)

The foregoing amendment shall become effective 30 days after issuance.

Done at Washington, D.C., this 3d day of January 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

J. K. ATWELL,  
Acting Deputy Administrator,  
Veterinary Services.

[FR Doc. 78-446 Filed 1-9-78; 8:45 am]

[3410-34]

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

Miscellaneous Amendments

AGENCY: Animal and Plant Health Inspection Service (APHIS).

ACTION: Final rule.

SUMMARY: This amendment clarifies and simplifies the requirements for extending the expiration date for a biological product. A "U.S. Standard of Potency" for each fraction of a product is presently required before an extension of expiration date is granted, although the meaning of that term is unclear. The present regulations also require that the extended expiration date must be limited to 6 months and be computed from the harvest date. This amendment deletes the necessity of establishing a "U.S. Standard of Potency," provides for different potency

evaluation tests, permits longer extensions when provided for in the outline of production, and deletes the "from harvest" requirement.

EFFECTIVE DATE: This amendment becomes effective February 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. R. J. Price, 301-436-8245, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 828-A, Federal Building, Hyattsville, Md. 20782.

SUPPLEMENTARY INFORMATION: On October 4, 1977, a notice of proposed amendments to Part 114 was published in the FEDERAL REGISTER, Volume 42, No. 192, page 53968. Comments were invited.

Four responses were received. Three were favorable to the proposal as published without suggested changes. One response included criticisms and suggested changes. The two major points raised were with regard to the 6-month limitation on extensions of expiration dates appearing in §114.14(b)(1) and the requirement that in order to obtain an extended expiration date, test data which are submitted in support of a request of such extension must be obtained "prior to the original expiration date" of a product. It was pointed out in the comment that some biological products are much more stable than others and should, therefore, be granted an expiration date in excess of 6 months. Furthermore, it often takes considerable time to obtain necessary test data, and this time may, in some instances, run past the "original expiration date" of a product. These suggestions are considered valid and the requested changes are added by this amendment.

After due consideration of all relevant matters, including the proposal set forth in the aforesaid notice and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), the amendment of Part 114, Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice is hereby adopted with the following exceptions:

The words "obtained prior to the original expiration date" have been deleted from the introductory portion of paragraph (b) as being unnecessarily restrictive. Valid test data submitted by the licensee to substantiate a request for extension of dating should be acceptable regardless of the time it is obtained.

Paragraph (b)(1), as now written, limits the extension of dating to 6 months regardless of the product involved. This limitation is justified for some products but may not be for others. Therefore, this paragraph is

further amended to permit extensions of more than 6 months when provided for in the outline of production approved by Veterinary Services. Furthermore, the amendment has been clarified by providing that extensions of expiration dates may be granted by Veterinary Services.

In §114.14, paragraph (a)(1), the introductory portion of paragraph (b), and paragraph (b)(1) are revised to read as follows:

§114.14 Extension of the expiration date for a serial or subserial.

(a) \* \* \*

(1) If all fractions of the product are not evaluated for potency by tests designated in the filed outline of production for such product in accordance with §113.4(b) of this subchapter; or

(b) An extension of the expiration date may be granted by Veterinary Services if a request from the licensee is substantiated by valid test data and the following conditions are met:

(1) Unless otherwise provided in the filed outline of production for the product, the new expiration date shall not exceed 6 months beyond the maximum time permitted by the outline of production; and

(21 U.S.C. 151 and 154; 37 FR 28477, 28646; 38 FR 19141.)

Done at Washington, D.C., this 3rd day of January 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

J. K. ATWELL,  
Acting Deputy Administrator,  
Veterinary Services.

[FR Doc. 78-447 Filed 1-9-78; 8:45 am]

[3128-01]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION<sup>1</sup>

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

1977 Price and Allocation Interpretations

AGENCY: Department of Energy.

ACTION: Notice of Interpretations.

SUMMARY: Attached are the Interpretations issued by the Department

<sup>1</sup>Editorial Note.—Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.



of Energy under 10 CFR Part 205, Subpart F, during the period November 16, 1977, through December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Kathleen Williams, Department of Energy, 12th and Pennsylvania Avenue NW., Room 7132, Washington, D.C. 20461, 202-566-2454.

SUPPLEMENTARY INFORMATION:

Interpretations issued pursuant to 10 CFR Part 205, Subpart F, are published in the FEDERAL REGISTER in accordance with the editorial and classification criteria set forth in 42 FR 7923, February 8, 1977, as modified in 42 FR 46270, September 15, 1977.

These Interpretations depend for their authority on the accuracy of the factual statement used as a basis for the Interpretation (10 CFR

205.84(a)(2)), and may be rescinded or modified at any time (§205.85(d)). Only the persons to whom Interpretations are addressed and other persons upon whom Interpretations are served are entitled to rely on them (§205.85(c)). An Interpretation is modified by a subsequent amendment to the regulation(s) or ruling(s) interpreted thereby to the extent that the Interpretation is inconsistent with the amended regulation(s) or ruling(s) (§205.85(e)). In addition, Interpretations are subject to appeal. The Interpretations appended hereto are published today only for general guidance in accordance with the reasons set forth in the Notice first cited above.

Issued in Washington, D.C., January 4, 1978.

WILLIAM S. HEFFELFINGER,  
Director of Administration,  
Department of Energy.

APPENDIX

No.	To	Date	Category
1977-45	Commonwealth Oil Refining Co.	Nov. 30	Allocation.
1977-46	Meridian Oil Co.	Dec. 19	Price.
1977-47	Vickers Petroleum Corp.	Dec. 21	Allocation.
1977-48	L. O. Ward	do	Price.
1977-49	Koch Oil Co.	do	Allocation.
1977-50	Independent Oil Compounds Association	do	Price.
1977-51	Webber Tanks, Inc.	do	Do.
1977-52	Exxon Corp.	do	Do.
1977-53	Union Oil Co. of California	do	Do.

INTERPRETATION 1977-45

To: Commonwealth Oil Refining Co.

Date: November 30, 1977.

Rules Interpreted: Section 211.67(d)(5).

Code: GCW-AI—Entitlements Program.

FACTS

Commonwealth Oil Refining Co. (CORCO), is a refiner as that term is defined in 10 CFR 211.62. CORCO owns and operates a refinery in Penuelas, P.R., which has a capacity of 161,000 barrels per day (B/D), of crude oil. CORCO also owns and operates two large aromatics petrochemical plants at the refinery site with a combined capacity of approximately 80,000 B/D of petrochemical feedstocks. This petrochemical facility produces petrochemical feedstocks, gasoline blending components and aromatics, which represent a broad class of petrochemical compounds including benzene, toluene and xylenes. The feedstocks consumed at the facility are generally heavy "naphthenic" naphthas.

The Puerto Rico Olefins (PRO), facility at Penuelas is an "olefins" plant which has a capacity 35,000 B/D of petrochemical feedstocks and produces ethylene, propylene and butadiene. The feedstocks consumed at this facility are partially "paraffinic" naphthas, which are lighter naphthas with a high paraffinic content. PRO is a joint venture, with CORCO and PPG Industries, Inc. (PPG), each having a fifty percent ownership interest.

PRO operates under independent management, with its own operating staff, managed

by an Operating Committee and a Supervisory Committee. PPG and CORCO are equally represented on these committees, and the chairmanship of these committees rotates between an officer of CORCO and an officer of PPG. The related joint venture agreement requires that the everyday operations of PRO be supervised by a Clerk of the Works, a PRO employee not previously employed by either CORCO or PPG. PRO has 217 employees who are responsible for PRO's financial, accounting and administrative operations, and hires 47 maintenance employees on a contract basis from a firm which is neither owned nor controlled by CORCO or PPG. CORCO and PRO maintain separate transportation facilities, market their products separately, and file separate Puerto Rican tax returns.

The naphthas imported by both CORCO and PRO for processing as petrochemical feedstock are eligible for entitlement treatment under the domestic crude oil allocation program (the entitlements program), of the Department of Energy (DOE). Pursuant to 10 CFR 211.67(d)(5) naphtha imported into Puerto Rico and utilized as a petrochemical feedstock at a petrochemical plant in Puerto Rico is eligible for the same entitlement treatment as is in effect for a refiner that processes a like volume of imported crude oil (with limitations based on the landed cost of foreign naphthas in Puerto Rico as compared with an imputed domestic naphtha cost, as well as certain other factors).

CORCO's aromatics plants consume naphthenic naphtha, which is more expensive by volume than the paraffinic naphtha used by the PRO's olefins plant. Thus, the

treatment of these two companies as a single firm for reporting purposes in the entitlements program lowers CORCO's per barrel naphtha acquisition costs and affects the amount of exception relief which it receives under a decision and order issued by the Office of Exceptions and Appeals of the Federal Energy Administration (now the Office of Administrative Review of the Economic Regulatory Administration of the DOE). See "Commonwealth Oil Refining Company", 5 FEA 183,132 (April 14, 1977).

CORCO and PRO have heretofore reported their naphtha imports under 10 CFR 211.67(d)(5)(i) as one firm and CORCO seeks an interpretation (supported by PRO), that each of these companies can report separately as to its own naphtha imports, and can therefore obtain separate entitlement treatment.

In evaluating CORCO's November 17 request, comments from PRO and PPG were received and considered. A copy of the request was also provided to the Commonwealth of Puerto Rico which failed to respond.

ISSUE

Solely for purposes of the entitlements program, as set forth at 10 CFR 211.67(d)(5), may CORCO and PRO report their receipts of naphtha into Puerto Rico on a separate basis?

INTERPRETATION

For the reasons set forth below, CORCO and PRO may report their receipts of naphtha into Puerto Rico on a separate basis solely for the purposes of the entitlements program, 10 CFR 211.67(d)(5).

The provisions governing the issuance of entitlements with respect to naphtha imports into Puerto Rico are set forth in 10 CFR 211.67(d)(5). Section 211.67(d)(5) (i) and (iv) state in part that:

"(i) The volume of a refiner's crude oil runs to stills in a particular month for purposes of the calculations in subparagraph (i) of paragraph (a) of this section and the calculations for the national domestic crude oil supply ratio shall include . . . the total number of barrels of naphthas which are imported into Puerto Rico . . . and are utilized in that month as a petrochemical feedstock at a petrochemical plant owned or operated by that refiner in Puerto Rico.

"(iv) Notwithstanding any other provisions of this section, a firm other than a refiner that owns a petrochemical plant in Puerto Rico shall be eligible to receive entitlements with respect to naphthas processed at such a plant on the same basis as is provided for refiners in subdivisions (i) through (iii) of this subparagraph, except that such a firm shall not be eligible for any additional entitlements under the provisions of paragraph (e) of this section. Any such firm shall file reports under § 211.66 on the same basis as a refiner."

These regulatory provisions permit reporting of naphtha imports by both refiners and non-refiners. Under provisions contained in § 211.67(d)(5)(i), if it were determined that CORCO owned or operated the PRO facility, the naphtha imports thereof would be properly reported by CORCO. However, if the provisions of § 211.67(d)(5)(i) are not applicable, it is appropriate to consider PRO a firm other than a refiner that would report its naphtha imports separately under § 211.67(d)(5)(iv).

It has been concluded, with regard to the provisions of 10 CFR 211.67(d)(5), that CORCO does not own or operate the PRO olefins plant. It is clear from the facts set forth that neither CORCO nor PPG operate the PRO facility. The PRO olefins plant operates under independent management consisting of Operating and Supervisory Committees. Although PPG and CORCO are equally represented on these committees in accordance with the joint venture agreement, neither PPG nor CORCO individually can control the day-to-day operations of PRO. The PRO plant manager is neither a PPG nor a CORCO employee and is solely responsible to the PRO management committees.

With regard to the question of ownership the issue of whether either CORCO or PPG "owns" PRO for purposes of § 211.67(d)(5)(i) is less clear. There is no doubt that both PPG and CORCO "own" the PRO facility.

However, because of the terms of the joint venture agreement, which does not permit either party to the agreement to exercise any independent control or authority over the operations of PRO, it cannot be concluded in the context of § 211.67(d)(5) that CORCO "owns" PRO. CORCO cannot exercise any of the prerogatives normally associated with "ownership", i.e. control over the management of PRO's everyday operations. Interpretations such as those issued to "Bail Marketing Enterprises", Interpretation 1977-18, "Tesoro Petroleum Corp.", Interpretation 1975-32, and "Enterprise Products Co.", Interpretation 1975-3 are not inapposite to the conclusion reached hereinabove. In each of those cases, one entity was deemed to be subsumed within another entity for purposes of the Mandatory Petroleum Allocation and Price Regulations since actual or potential control of the operations of the subsumed entity was found to exist. No such control relationship exists between CORCO and PRO.

Since the provisions of § 211.67(d)(5)(i) are inapplicable to PRO, it has been concluded that PRO may report its purchases of naphtha for entitlements purposes pursuant to § 211.67(d)(5)(iv), which applies to "a firm other than a refiner that owns a petrochemical plant in Puerto Rico." PRO is not a refiner under the regulatory definitions applicable to the domestic crude oil allocation program. The term "refiner" at § 211.62 is defined as "a firm which owns, operates or controls a refinery." "Refinery" is defined in § 211.62 as an industrial plant, including a petrochemical plant, "processing crude oil feedstock." Since PRO processes no crude oil feedstocks, it is not a refinery for purposes of the Domestic Crude Oil Allocation Program, and therefore falls within the scope of § 211.67(d)(5)(iv).

This interpretation should not be construed as altering the status of PRO under 10 CFR Part 213 for purposes of the Mandatory Oil Import Program.

INTERPRETATION 1977-46

To: Meridian Oil Corp.

Date: December 19, 1977.

Rules Interpreted: Section 212.72.

\*The definition of "firm" at 10 CFR 211.51 expressly includes a "joint-venture".

\*Pursuant to the terms of § 211.67(d)(5)(iv), any firm reporting in accordance with this subsection is not eligible for "small refiner bias" benefits as set forth in § 211.67(e).

Code: GCW-PI—Definition of Property.

FACTS

Action Capital Development Fund ("Action"), acquired by instrument of assignment dated December 14, 1971, the right to produce crude oil from 120 acres in Dawson County, Tex. ("Kimbrell Property"), and the right to produce crude oil from an adjacent 40-acre tract ("Mathis Property"). Action's leasehold rights with respect to the Kimbrell Property derived from an oil, gas, and mineral lease executed in 1968.

Action drilled a single well on the Kimbrell Property and production and sale of crude oil commenced in February 1972.

The Kimbrell Property and Mathis Property were pooled and combined as a unit ("Kimbrell Unit"), effective November 1, 1972. There were no production wells on the Mathis Property before or after unitization. In September 1975, Action assigned its leasehold rights with respect to both the Kimbrell Property and the Mathis Property to Meridian Oil Corp. ("Meridian"). Meridian produced and sold crude oil from the single well on the Kimbrell Property until November 1976, when the casing of that well collapsed because of corrosion. Repairing or reworking the collapsed casing was not economically feasible. The well was plugged and abandoned on December 7, 1976.

Meridian did not commence additional drilling or reworking operations and relinquished all working interest rights to the Kimbrell Property effective March 9, 1977. This relinquishment also dissolved the Kimbrell Unit. Meridian's leasehold interest in the Mathis Property continued until later assigned to Getty Oil Co.

By instrument of assignment bearing the date of September 6, 1977, Meridian once again acquired the right to produce crude oil from the Kimbrell Property. These rights derive from an oil, gas, and mineral lease dated December 1, 1976.

ISSUE

Whether Meridian's right to produce crude oil from the Kimbrell Property, acquired on September 6, 1977, constitutes a new "property," permitting any crude oil thereafter produced and sold from that property to be classified as "new crude oil" under 10 CFR 212.72.

INTERPRETATION

For the reasons set forth below, we conclude that further production from the Kimbrell Property cannot be sold as "new" crude oil merely by virtue of acquisition of leasehold rights under a new lease.

Qualification for "new" or "old" crude oil is tested on the basis of each "property" as defined in 10 CFR 212.72. "Property" is defined, for purposes relevant to this Interpretation, as "the right to produce domestic crude oil, which arises from a lease or from a fee interest."

This office recently reviewed in detail an issue very similar to the issue here raised. Interpretation 1977-42 (November 4, 1977), considered whether, solely by virtue of the substitution of a new lessee-producer for the previous lessee-producer whose lease had expired, production from the leased land qualified after such substitution to be priced as "new crude oil" under §§ 212.72 and 212.74. After analyzing Ruling 1977-1 and the production-incentive purposes of the two-tier crude oil pricing system set forth in 10 CFR 212.72-74, Interpretation

1977-42 concluded that the definition of "property" for crude oil price control purposes generally contemplates a constant frame of reference unaffected by the substitution of one lessee for another or by the execution of a new instrument of conveyance in place of another. In reaching that conclusion the Interpretation stated:

While it is true that the meaning of "lease" is broad enough in ordinary usage to include the instrument of conveyance itself as well as the piece of land or other property leased, it would be wholly irrational, in the context of the definition of "property" in § 212.72, to interpret "lease" as a reference to a particular lessee's rights under a particular lease. If a "new" property (and thus "new" crude oil), could be created merely through the execution of new leasehold agreements between the same lessor and lessee, or through the substitution of a new lessee, the purpose of the two-tier crude oil pricing system as a production incentive would be quickly circumvented and defeated. The price regulations applicable to producers of crude oil require for their effectiveness a concept of "property" which provides a constant frame of reference for measurement of crude oil production between the base level and the current level. As stated in Ruling 1975-15 (40 FR 40832, September 4, 1975), "the need to compare like quantities, today and in 1972, in order to insure a meaningful application of the new and released provisions," requires that the "property" be defined by reference to the "property" as it existed in 1972. Thus, the definition of "property" was not made dependent upon the continued effectiveness of a specific lease agreement or upon the rights accruing to any specific lessee.

This reasoning applies with equal force to the facts in the present case. The same considerations which required rejection of the theory of "new" crude oil based on lessee substitution in Interpretation 1977-42 compel rejection of "new" crude oil based merely on execution of a new leasehold agreement to replace one that had terminated. In either case, the "property" under § 212.72-74 remains unchanged.

The unitization in this case does not lead to a different result. Even if the Kimbrell unit constituted a "unitized property" effective November 1, 1972, under § 212.75 (a question not raised in the interpretation request and not determined here), the unit base production control level must continue to be used for purposes of computing "new" crude oil notwithstanding the subdivision of that unit into its component parts (the Kimbrell property and the Mathis property) upon relinquishment by Meridian of its working interest rights derived from the 1968 lease. See Ruling 1975-15, 40 FR 40832 (September 4, 1975), which specifically states that—

Just as a post-1972 unitization does not establish a new property, neither does the subdivision after 1972 (through assignment, creation of new leases, or otherwise) of a single right to produce crude oil into several rights to produce crude oil establish a new property for purposes of measuring the BPCL and determining whether any new . . . crude oil has been produced.

Meridian states that it will not be economically feasible to resume production from the Kimbrell property unless all future production from the property can be sold as "new" crude oil. We are sympathetic toward Meridian's claim of inability to resume production of crude oil at lower tier



price levels. However, these considerations, while possibly forming the basis of a request for exception from price regulations applicable to producers, are not relevant to a legal interpretation of the meaning and applicability of those regulations.

## INTERPRETATION 1977-47

To: Vickers Petroleum Corp.  
Date: December 21, 1977.  
Rules Interpreted: § 211.106.  
Code: GCW-AI—Transfer of Allocation Entitlement.

## FACTS

Vickers Petroleum Corp. ("Vickers") supplied motor gasoline during the base period (as specified in 10 CFR 211.102) to Forest Collins the owner-operator of a Vickers branded retail motor gasoline station in Lindsborg, Kans. (hereinafter referred to as station A for ease of reference). In December 1975, Collins contracted to sell his service station and equipment to LeRoy Peterson. Peterson began operating the service station as of January 1976, and in April 1976 the sale was consummated, i.e., title to the property passed to Peterson. Collins has retired from the motor gasoline retail sales business.

Prior to the purchase of Collins' station, Peterson was an operator of a Champlin Petroleum Co. ("Champlin") branded retail motor gasoline service station also located in Lindsborg, Kans. (hereinafter station B). Station B is approximately four blocks from station A and was supplied during the base period (as specified in 10 CFR 211.102) by Walthers Oil Co., a Champlin-branded distributor.

Peterson is a wholesale purchaser-reseller under the mandatory petroleum allocation regulations and qualifies as a branded independent marketer as that term is defined in section 3(1) of the Emergency Petroleum Allocation Act of 1973, as amended.

At the time that Peterson purchased station A, he ceased selling gasoline at station B and began to sell gasoline under the Champlin brand at station A. However, Peterson retained ownership of station B. Peterson continued to purchase the base period allocation formerly supplied by Champlin to station B and also purchased the base period allocation supplied by Vickers to station A, having both allocations shipped to station A.

## ISSUE

Under the facts presented, (1) which supplier has a supply obligation to station A pursuant to 10 CFR Part 211; and (2) can Peterson transfer the base period allocation entitlement from station B to station A?

## INTERPRETATION

For the reasons set forth below, it has been concluded that: (1) Peterson is the successor on the site of station A within the meaning of 10 CFR 211.106(e) and therefore, Vickers continues to be obligated to supply the base period allocation entitlement of motor gasoline to station A; and (2) the allocation entitlement of motor gasoline to station B cannot be transferred by Peterson to station A.

The provisions of 10 CFR 211.9 require that supplier/purchaser relationships which existed during the base period generally must be maintained for the duration of the mandatory petroleum allocation program

(see Ruling 1974-3<sup>1</sup>). With reference to a retail sales outlet of motor gasoline,<sup>2</sup> 10 CFR 211.106(e) provides that such a supplier/purchaser relationship is transferred if the operator of the retail sales outlet is deemed to have gone out of business (by vacating the site as specified in 10 CFR 211.106(c)(1)) and a successor on the site establishes the same on-going business in a reasonable period of time. The regulation provides:

(e) *Transfer of entitlement.* Whenever a wholesale purchaser-reseller is deemed to have gone out of business \* \* \* the right to an allocation with respect to the retail sales outlet shall be deemed to have been transferred to its successor on the site, provided such successor established the same on-going business on the site within a reasonable period of time, as determined by FEO, after its predecessor vacates the premises.

It is clear, based on the facts enumerated above, that Collins sold station A to Peterson, vacated the premises and Peterson became the successor owner-operator of that same on-going business on the same site immediately at the time of sale. There is no doubt therefore that Peterson succeeded to station A's adjusted base period allocation supplied by Vickers in accordance with § 211.106(e). It is fundamental to the operation of the mandatory petroleum allocation regulations that "changes in business form or ownership do not modify obligations arising under the mandatory petroleum allocation program." *Chevron Oil Co.*, 2 FEA ¶80,531, at 80,610 (June 13, 1975). See, also *Cities Service Co.*, 1 FEA ¶20,134 (July 29, 1974). Vickers, therefore, continues to be obligated to supply the adjusted base period volumes of motor gasoline to station A, notwithstanding the transfer of ownership of the station from Collins to Peterson.

The allocation of motor gasoline formerly attributable to station B may not be transferred to station A. An allocation entitlement for a retail sales outlet of motor gasoline may be transferred by a wholesale purchaser-reseller of motor gasoline who is also an independent marketer to a new site only in accordance with the provisions of 10 CFR 211.106(c)(1) which (in relevant part) require that: "(i) the independent marketer vacates the site on which it formerly operated a retail sales outlet, (ii) the former site is closed as a retail sales outlet \* \* \*, and (iii) the independent marketer that occupied the former site, within a reasonable period of time, as determined by FEO, reestablishes another retail sales outlet at another location serving substantially the same customers or market that was served by the former site."

As the facts in this case clearly show, although Peterson qualifies as an independent marketer, he has not met all of the criteria which are a prerequisite to transfer of a retail station motor gasoline entitlement in accordance with § 211.106(c)(1). First, although Peterson has ceased selling motor gasoline at station B, he has not vacated that site. Peterson remains in possession of the station B site and has merely changed the character of the business operations conducted thereon. Second, Peterson has not "reestablished another retail sales

outlet at another location \* \* \*". Peterson merely continued the on-going business (which he already owned and operated) at station A. Therefore, it cannot be said that Peterson has "reestablished" another retail sales outlet at another location.

It should be noted that the provisions of 10 CFR Part 211 expressly provide some latitude for an entity which operates more than one retail sales outlet to obtain upward adjustments to its base period volumes to account for station closings. Section 211.106(c)(2)(i) provides that in such cases an entity, such as Peterson, who owned more than one retail outlet could have petitioned the Federal Energy Administration, now Department of Energy (DOE), for such an upward adjustment. In addition, Peterson can purchase and sell such surplus product as becomes available, in excess of his base period allocation entitlement without limitation at station A.

Finally, Peterson and Vickers may terminate their supplier/purchaser relationship pursuant to 10 CFR 211.9(a)(2)(i) and Peterson may seek permanent reassignment as provided in 10 CFR 211.12(e) with another supplier, such as Champlin, if each of the three parties involved is agreeable, subject to required DOE approval.

## INTERPRETATION 1977-48

To: L. O. Ward.  
Date: December 21, 1977.  
Rules Interpreted: § 212.54; Ruling 1975-12.  
Code: GCW-PI—Stripper Well Exemption.

## FACTS

L. O. Ward ("Ward") is an independent crude oil producer and operator in Oklahoma. Some of the wells Ward operates are located on qualified stripper well properties and therefore produce crude oil that is exempt under 10 CFR 212.54 from the mandatory petroleum price regulations. The properties on which some of the other wells Ward operates are located may qualify as stripper well properties if some of these wells are considered to be multiple completion wells for the purposes of calculating the maximum average daily production per well as set forth in § 212.54(c). However these wells do not fit within the literal definition of a "multiple completion well" as described in Federal Energy Administration (FEA) Ruling 1975-12 as they are not composed of multiple producing strings.

Ward claims that in Oklahoma the term "multiple completion well" can be used to describe several types of producing wells without multiple producing strings. These wells may generally be divided into three groups which share similar characteristics. The simplest type of well consists of two oil-containing zones of different depths which are produced by means of a single well bore. In this case, a packer is set between the two zones and a production string run to the lower zone. The lower zone is produced through the production string and the upper zone through the annulus (the space between the surface and producing casings). The crude oil then emerges from the ground in separate streams that can be separately measured and handled.

The other types of wells described by Ward involve the subsurface commingling of crude oil produced allegedly from different zones through a single production string, where Ward claims that various methods could be used to establish the crude oil production from each zone. In one case a standing valve (or check) is placed be-

tween two producing zones and a ported sleeve (also referred to as a sliding side door sleeve) is installed in the production string above the standing valve. When properly installed and maintained, the standing valve allows crude oil to flow only from the lower zone toward the surface and the ported sleeve allows production from the upper zone to be turned on and off. By alternately opening and closing the ported sleeve the producer can try to establish the rate of crude oil production from the lower zone only and from both zones and can estimate the proportion of production from either the upper or lower zones when both are produced simultaneously. By addition of a blanking plug below the ported sleeve the producer can try to produce either the upper or lower zone separately and to estimate the proportion of production from each zone when both zones are produced simultaneously. Finally, the single string well described above could also employ flow beans or bottom hole chokes at each zone and packers between zones designed to restrict the crude oil flow into the single production string from each zone to an approximate volume of crude oil, estimated by reference to reservoir pressure and oil viscosity. Ward claims that in some instances the Oklahoma Corporation Commission assigns separate allowables for each zone produced by these types of wells.

## ISSUE

Are any of the types of producing wells that Ward describes multiple completion wells as that term is defined in FEA Ruling 1975-12 for purposes of calculating the maximum average daily production of crude oil per well under 10 CFR 212.54 and determining a property's eligibility for the stripper well crude oil price exemption?

## INTERPRETATION

Since none of the producing wells that Ward describes have multiple tubing strings, none of these wells qualify as multiple completion wells as that term is defined in FEA Ruling 1975-12 (40 FR 40828, September 4, 1975). Thus, each producing well Ward describes is a single well on a particular property for purposes of computing the maximum average daily production levels. Therefore, pursuant to 10 CFR 212.54, in order to qualify for the stripper well crude oil exemption, each property which contains these wells must produce not more than ten barrels of crude oil per well per day. However, a producer may treat as production from two separate properties crude oil production from a single well which is carried from one reservoir through a single production string and from a second reservoir through the annulus, when each reservoir is properly classified as a separate property pursuant to FEA Ruling 1977-2. Should a producer treat each reservoir as a separate property, production from each reservoir may be treated separately in determining whether each property qualifies as a stripper well property in accordance with 10 CFR 212.54.

The stripper well lease exemption originated in the Trans-Alaska Pipeline Authorization Act (TAPAA), Pub. L. 93-153, November 16, 1973 and was later readopted by the Congress in the Emergency Petroleum Allocation Act of 1973 (EPAA) (Pub. L. 93-159, November 27, 1973 as amended by Pub. L. 94-385, August 14, 1976). Section 8(1)(2) of the EPAA defines "stripper well crude oil" as "crude oil produced and sold from a property whose maximum average daily produc-

tion of crude oil per well during any consecutive 12-month period beginning after December 31, 1972, does not exceed 10 barrels."

However, in passing the original exemption the conference report accompanying TAPAA noted (Conf. Rep. No. 93-924, 93rd Cong., 1st Sess. (1973); 2 U.S. Cong. and Admin. News 2531-32 (1973)):

Section 406, relating to stripper oil wells, was a Senate floor amendment to S. 1081. The Conferees have adopted the general concept of the floor amendment, but have added new provisions to insure that the exemption is narrowly defined and prudently administered, and to insure that the incentive being granted is properly limited in accord with congressional intent.

The purpose of exempting small stripper wells—wells whose average daily production does not exceed ten barrels per well—from the price restraints of the Economic Stabilization Act (now in phase IV) and from any system of mandatory fuel allocation is to insure that direct or indirect price ceilings do not have the effect of resulting in any loss of domestic crude oil production from the premature shutdown of stripper wells for economic reasons.

The Congress intends that the provisions of this section will be strictly enforced and regulated by the administering agency to insure that the limited exemption of this class of wells for the express purposes described above is not in any way broadened \* \* \*. These regulations shall be so designed as to provide safeguards against any abuse, over-reaching or altering of normal patterns of operations to achieve a benefit under this section which would not otherwise be available. Congress specifically intends that the regulations shall, among other things, prevent any "gerrymandering" of leases to average down high production wells \* \* \*.

Thus, Congress mandated that the stripper well exemption be used only to ensure the continued production of marginal wells and consequently contemplated that the provisions of that exemption be strictly enforced.

In accordance with congressional intent, FEA Ruling 1975-12 established certain specific, limited conditions under which a well could be considered to be more than one well for purposes of calculating the maximum average daily production of crude oil per well required for a stripper well property under 10 CFR 212.54(c). That ruling stated:

Therefore, the FEA has determined that multiple completion wells may be considered as two (or more) wells for the purpose of calculating "average daily production" pursuant to the stripper well lease exemption of 10 CFR 210.32 if,

(a) The well consists of two (or more) separate tubing strings run inside the casing, each of which carries crude oil from a separate and distinct producing formation, and

(b) The production capabilities of each formation are unaffected by any change in the production level of any other formation producing through the same well.

Ruling 1975-12 sets forth two basic reasons for this limited definition of multiple completion wells for purposes of qualifying for the stripper well exemption. First, the capital investment in such wells and their operating costs are significantly greater than for ordinary oil wells. Thus, if the mul-

multiple completion wells were not treated as two or more wells for purposes of qualifying for the stripper well exemption there was a risk that marginal wells of this type would be prematurely abandoned as unprofitable. See *Ruthven, Inc.*, 4 FEA ¶83, 199 (November 15, 1976).

As Ward has recognized in the request, the costs of obtaining and running additional production strings as contemplated in Ruling 1975-12 in a well are proportionally greater than running only a single string. Placement of each additional string and the associated packer(s) requires more rig time. Normal operation and maintenance of such a well becomes more costly and complicated with the addition of each string. Repairing problems with production from any reservoir, for example, could require the temporary shutdown of production from all reservoirs.

Secondly, multiple completion wells possess many of the physical characteristics of two or more individual wells and are readily verifiable by enforcement officials. Although this type of well has only a single well bore, the well produces from two or more separate and distinct reservoirs, each through its own production string, in the same manner as two or more individual wells. The crude oil emerges from the ground in separate streams, that can be separately diverted, stored, and measured.

Therefore, Ruling 1975-12 has clearly delineated the limits of the stripper well exemption based upon a full examination of the Congressional intent for the exemption from ceiling price limitations.

In contrast, the wells outlined by Ward are of completely distinguishable types that would not further the limited objective of the policy of the stripper well lease exemption as enunciated in FEA Ruling 1975-12. L. O. Ward has not claimed or shown that allowing the wells described above to be treated as more than one well for the purpose of calculating average daily production would prevent the premature abandonment of otherwise marginal wells. Use of such devices as ported sleeves, blanking plugs, standing valves, and flow beans only control and limit the production of oil from underground reservoirs but does not increase the production rate in any way. Extending the stripper well exemption as requested by L. O. Ward would give a special financial incentive to install such devices in situations where they would not otherwise be used. As a result the rate of production from some reservoirs would be artificially restricted in some cases and could be temporarily curtailed when these devices are installed or maintained.

In addition, the first and simplest type of well described above, with one zone producing up a single production string and the other zone producing up the annulus, requires capital and operating costs that are more comparable to a single, simple well than to a well with multiple production strings and packers. There is no reason to believe, therefore, that each well of this type must be treated as two wells under the stripper well exemption in order to avoid premature abandonment of such wells for economic reasons. If an operator of this type of well finds that a property on which such a well is located does not qualify under the stripper well exemption and that operating revenues are insufficient to justify continuing its production of crude oil, he has at least two potential options to avoid the well's abandonment. If each zone from



which the well produces crude oil constitutes a reservoir separate and distinct from the other reservoir, as "recognized by the appropriate [state] regulatory body," so that "the production capabilities of each reservoir are unaffected by any change in the production level of any other reservoir being produced through the same well . . . [and] production from each reservoir can be separately measured at the wellhead" (Ruling 1977-2), the producer may elect to treat each reservoir as a separate property according to the procedures established in FEA Rulings 1977-2 and 1977-7. In such a case, in determining whether such a property is eligible for the stripper well exemption, the well's production from reservoir(s) located on other properties may be ignored. Alternatively, the producer may petition the Department of Energy for exception relief. The other types of "multiple completion wells" described by Ward involve the subsurface commingling of crude oil production from two or more zones. The subsurface commingling in these wells precludes the accurate measurement necessary for the verification and determination of actual continuing production, if any, from separate reservoirs for multiple completion wells as described in Ruling 1975-12.

A different result is not indicated by Ward's claim that the Oklahoma Corporation Commission assigns multiple allowables for some of the "multiple completion wells" described above that have subsurface commingling of crude oil from more than one zone. The Oklahoma Corporation Commission regulates crude oil production for conservation purposes where some of the devices Ward describes may yield production estimates that are sufficiently accurate, at least for wells producing crude oil at high rates. DOE on the other hand must implement the stripper well property exemption in reference to a price control program based on actual crude oil production reports for properties which produce 10 barrels of crude oil per well or less during the qualifying period, where greater reliability and precision in measuring crude oil production is required.

Accordingly, none of the producing wells described by L. O. Ward qualify as a "multiple completion well" as defined in FEA Ruling 1975-12 and except as noted above each well may only be considered as one well in computing a property's eligibility for the stripper well exemption under 10 CFR 212.54.

#### INTERPRETATION 1977-49

To: Koch Oil Co.  
Date: December 21, 1977.  
Rules Interpreted: §§ 211.9, 211.12(e), and 211.96(b).  
Code: GCW-AI—Supplier/Purchaser Relationship.

#### FACTS

Doric Petroleum Corp. ("Doric"), formerly Federal Petroleum, Inc., is a producer of crude oil and gas and also owns and operates three natural gas processing plants. Doric is a wholly-owned subsidiary of Doric Corp. Koch Oil Co. ("Koch") is an operating division of Koch Industries, Inc. and is a refiner.

On August 24, 1973, Doric (then doing business as Federal Petroleum, Inc.) accepted Koch's standard purchase orders of June 26, 1973 for the total plant production of HD 5 Propane (subject to allocation under 10 CFR Part 211, Subpart D) and No. 32

R.V.P. Natural Gasoline (subject to allocation under 10 CFR Part 211, Subpart E) of Doric's Newcastle, Okla. natural gas processing plant. That plant, which was under construction at the time of Koch's orders, commenced deliveries of product to Koch in October 1973 pursuant to those purchase orders.

Effective March 1, 1976, Doric advised Koch that it would no longer sell No. 32 R.V.P. Natural Gasoline to Koch, even though sales of HD 5 Propane would continue.

All of the No. 32 R.V.P. Natural Gasoline Koch purchased from Doric is used within Koch's refining operations. At no time prior to October 1973 did Koch make purchases of No. 32 R.V.P. Natural Gasoline from Doric.

#### ISSUE

Whether a supplier/purchaser relationship as defined in 10 CFR 211.9 was established between Koch and Doric resulting from Koch's purchases of butane and natural gasoline from Doric from October 1973 to March 1976.

#### INTERPRETATION

For the reasons set forth below, it has been concluded that no supplier/purchaser relationship, as that term is used in 10 CFR 211.9, exists between Koch and Doric arising out of Koch's purchases of No. 32 R.V.P. Natural Gasoline from Doric from October 1973 to March 1976.

No. 32 R.V.P. Natural Gasoline is a product which meets the DOE regulatory definition of natural gasoline, an allocated product. Special allocation provisions for butane and natural gasoline are found in 10 CFR, Part 211, Subpart E. As defined in 10 CFR 211.92, the base period for butane and natural gasoline is the calendar quarter during the period April 1, 1972 through March 31, 1973 which corresponds to the present calendar quarter. Koch purchased butane and natural gasoline from firms other than Doric during the base period and all transactions between Doric and Koch were subsequent to the base period.

Koch stipulates that all of the product purchased from Doric is consumed within its refining operations. Koch contends that in its capacity as a wholesale purchaser-consumer as defined in 10 CFR 211.51 a supplier/purchaser relationship exists between it and Doric based upon 10 CFR 211.12(e)(5) which states:

"Any purchaser which is assigned to or accepted by a supplier under the provisions of this paragraph (211.12(e)(1) relating to mutual arrangements) shall be accepted by the supplier for the duration of the program or until otherwise directed by FEA."

Although 10 CFR 211.9-13 generally governs butane and natural gasoline supplier/purchaser relationships, 10 CFR 211.96(b) of Subpart E states that the provisions of 10 CFR 211.12(e)(1) concerning mutual arrangements between new wholesale purchaser-consumers and suppliers shall not apply to butane and natural gasoline and, further, that new wholesale purchaser-consumers must apply to the Federal Energy Administration (now Department of

Energy) for an assignment pursuant to 10 CFR 211.12(e)(3) in order to establish a supplier/purchaser relationship and a base period volume. Koch neither requested nor was issued assignment orders which established a base period volume and a supplier/purchaser relationship between Koch and Doric.

Koch admits that it has base period suppliers of natural gasoline and butane. Koch states that it processes and resells the product purchased from these base period suppliers. Thus, Koch may not be viewed as a wholesale purchaser-reseller pursuant to 10 CFR 211.51 since that definition of a wholesale purchaser-reseller does not include a firm which substantially changes the form of the allocated product. However, if some of the allocated product is resold without substantial change of form by Koch, the firm would qualify as a wholesale purchaser-reseller. In this context Koch can be said to have dual capacities under DOE regulations. Section 211.9(e) provides that:

"Dual capacities. . . . a wholesale purchaser-consumer may also be a wholesale purchaser-reseller. A firm which is acting in one or more different capacities shall comply with the appropriate regulations governing each capacity in which it acts."

Even if Koch can qualify as a wholesale purchaser/reseller, it may not enforce a supply relationship with Doric which began after the base period. The provisions of § 211.12(e) which apply to new wholesale purchaser/resellers apply only to those wholesale purchaser/resellers which do not have base period suppliers and wholesale purchaser/resellers whose base period suppliers are unable to supply them with sufficient product. Because Koch has base period suppliers and has not alleged an inability to obtain sufficient product from them, it may not rely on § 211.12(e) as providing the basis for a supplier-purchaser relationship with Doric.

Accordingly, regardless of the capacity in which Koch operates, i.e. either wholesale purchaser/consumer or wholesale purchaser/reseller, it can not establish, pursuant to § 211.9, a supplier/purchaser relationship with Doric.

#### INTERPRETATION 1977-50

To: The Independent Oil Compounds Association.  
Date: December 21, 1977.  
Rule Interpreted: § 212.31.  
Code: GCW-PI—Covered Products.

#### FACTS

The Independent Oil Compounds Association (IOCA) is a trade association representing independent firms (independent compounders) which purchase, blend, compound and/or resell refined lubricating oils (finished lubricants). For purposes of this Interpretation, independent compounders are those firms which: (1) Have less than \$75 million in annual sales of finished lubricants; (2) are neither owned nor controlled by a firm which is a producer or refiner of crude oil and which also refines lubricant base oil stocks; and (3) blend or compound lubricant base oil stocks purchased from crude oil refineries to produce finished lubricants, repackaging and resell lubricants previously finished by crude oil refineries, or simply resell such previously finished lubricants without repackaging them.

From the inception of the Mandatory Petroleum Price Regulations to April 3, 1974, "covered products" were defined by refer-

ence to the Standard Industrial Classification Manual (SIC Manual), 39 FR 1924 (January 15, 1974), codified in 10 CFR 212.31. On April 3, 1974, however, reference to the SIC Manual was deleted from the Mandatory Petroleum Price Regulations, and covered products were redefined as "crude oil, residual fuel oil and refined petroleum products." 39 FR 12353 (April 5, 1974).

In its submission, IOCA argues that the use of the SIC Manual prior to April 3, 1974, implies that those finished lubricants which independent compounders blended or compounded from lubricant base oil stocks were not covered products during that period of time. IOCA notes that lubricants previously finished by refineries were clearly covered products under the SIC Manual definition, and further concedes that the definition of covered products used after April 3, 1974, included both lubricants finished by independent compounders and lubricants previously finished by refineries. However, IOCA maintains that because of the anomaly which it perceives in the definition of covered products prior to April 3, 1974, the Mandatory Petroleum Price Regulations have not consistently applied to all independent compounders.

IOCA also states that non-product costs comprise a greater part of the total costs of finished lubricants than is the case for other refined petroleum products, and that independent compounders have, therefore, been unable to pass through adequate amounts of these non-product costs. As a result, IOCA contends that the application of the price rules of the Mandatory Petroleum Price Regulations works an undue hardship upon independent compounders. In its request for Interpretation, IOCA proposes a separate price rule, to be applied retroactively, which would alleviate this alleged hardship.

#### ISSUE

Were independent compounders of finished lubricants subject to the Mandatory Petroleum Price Regulations prior to April 3, 1974, for sales of finished lubricants which they produced by blending and compounding lubricant base oil stocks?

#### INTERPRETATION

For the reasons set forth below, it has been determined that the Mandatory Petroleum Price Regulations applied to the sale of all finished lubricants by independent compounders prior to April 3, 1974, and consistently applied to all such sales until the exemption of finished lubricants and lubricant base oil stocks from the Mandatory Petroleum Price Regulations on September 1, 1976.

In Section 4(a) of the Emergency Petroleum Allocation Act of 1973 (the EPAA), Pub. L. No. 93-159, Congress directed the promulgation of mandatory allocation and price regulations for "crude oil, residual fuel oil, and each refined petroleum product. . . . The latter were defined in Section 3(5) of the EPAA as "gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils or diesel fuel" (emphasis supplied).

Refined lubricants and lubricant base oil stocks were deleted from the definition of covered products effective September 1, 1976, in 41 FR 30096 (July 22, 1976) and are, therefore, not presently subject to the Mandatory Petroleum Price Regulations.

In the Mandatory Petroleum Price Regulations, promulgated pursuant to the EPAA, covered products were defined as "product[s] described in the 1972 edition, Standard Industrial Classification Manual, Industry Code 1311 (except natural gas), 1321, or 2911." 39 FR 1924 (January 15, 1974). Use of the SIC Manual followed the approach which had been taken by the Cost of Living Council under the Economic Stabilization Act of 1970, Pub. L. 92-210. See 38 FR 22536 (August 22, 1973).

Industry Code 2911, which governs petroleum refining, describes, inter alia, the following products:

\* \* \* \* \*

Greases: Lubricating, produced in petroleum refineries.

\* \* \* \* \*

Oils: Fuel, lubricating, and illuminating—produced in petroleum refineries.

Oils, partly refined: Sold for rerunning—produced in refineries.

\* \* \* \* \*

As IOCA points out in its request, a separate Industry Code, No. 2992, governs "establishments primarily engaged in blending, compounding, and refining lubricating oils and greases. . . ." IOCA's conclusion, however, that this separate classification means that finished lubricants blended and compounded by independent compounders were not covered prior to April 3, 1974, is erroneous. To reach such a conclusion, IOCA must rely upon the difference in the process by which the finished lubricants are produced, since that difference is the basis of the separate SIC Manual classifications.

The pre-April 3, 1974, definition of covered products, however, was not concerned with the process by which a product was produced. Rather, the definition simply applied the Mandatory Petroleum Price Regulations to any "product described" in the relevant portions of the SIC Manual (emphasis supplied). Lubricating greases, oils, and partly refined oils were all described in Industry Code 2911, and were, therefore, covered products when sold by crude oil refineries to independent compounders. Because the reseller price rule set forth in 10 CFR Part 212, Subpart F, "applies to each sale of a covered product . . . by resellers, reseller-retailers, and retailers. . . ." 10 CFR 212.91, sales of lubricants blended and compounded by independent compounders from lubricant base oil stocks were sales of covered products prior to April 3, 1974.

\*The Economic Stabilization Act of 1970 was, in relevant part, incorporated by reference into the Emergency Petroleum Allocation Act of 1973, Pub. L. No. 93-159.

\*The fact that independent compounders blended and compounded the covered products they purchased from refineries to produce finished lubricants did not remove those finished lubricants from covered product status. As the definition of covered products points out, "[a] blend [of] two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend." 10 CFR 212.31. Because independent compounders blended and compounded various lubricant base oil stocks—all of which were clearly covered products—the resultant finished lubricant remained a covered product and, therefore, remained subject to the Mandatory Petroleum Price Regulations.

It should be noted that this Interpretation does not address the question of whether the process of blending and compounding lubricant base oil stocks is one which "blends and substantially changes covered products," thus subjecting an independent compounder using that process to the refiner price rule, 10 CFR Part 212, Subpart E, rather than the reseller price rule.

It is apparent that the analysis which IOCA advances would lead to an incongruous regulatory result, as pre-April 1974 lubricants produced by refineries would be treated as covered products, while identical products blended and compounded by independent compounders would be exempted from regulation. For the reasons outlined herein, it is clear that the Mandatory Petroleum Price Regulations cannot be construed to permit such a result.

Moreover, the Department of Energy (DOE) has never intended the use of the SIC Manual to be interpreted as limiting the scope of the Mandatory Petroleum Price Regulations. Indeed, in the preamble promulgating the April 3, 1974, amended definition of covered products, the Federal Energy Office (FEO), a predecessor agency to the DOE, noted that the definition was merely being changed to "conform to the substances over which [the FEO] has price regulation authority under the Allocation Act. Therefore, 'covered products' is now defined to mean crude oil, residual fuel oil, and refined petroleum products." 39 FR at 12354 (April 5, 1974). It is clear from the preamble that the FEO did not view this amendment as a substantive change expanding the scope of the Mandatory Petroleum Price Regulations to include, for the first time, finished lubricants blended and compounded by independent compounders.

The fact that all finished lubricants were always subject to the Mandatory Petroleum Price Regulations was again emphasized by the Federal Energy Administration (FEA), successor agency to the FEO, in the preamble to a later amendment to 10 CFR 212.31, which further clarified the definition of covered products. 40 FR 2795 (January 16, 1975). In that preamble, the FEA stated:

"With respect to 'covered products' (i.e., those products which are subject to FEA price regulations), the intent of the FEO, and now the FEA, has always been to exercise its regulatory authority under the Emergency Petroleum Allocation Act of 1973 (Pub. L. No. 93-159), with respect to all products that are subject to that Act. Previous definitions of 'covered products,' as set forth in the Mandatory Petroleum Price Regulations, were in no way intended to restrict the scope of the price regulations to anything less than all the products subject to the Act."

Thus the lubricants blended and compounded by independent compounders, clearly "refined lubricating oils" as specified in Section 3(5) of the EPAA, were consistently included in the definition of covered products for purposes of the Mandatory Petroleum Price Regulations from the inception of those regulations to September 1, 1976. Viewed in this light, it is readily apparent that IOCA has failed to substantiate its contention that the Mandatory Petroleum Price Regulations were inconsistently applied to independent compounders of lubricating oils.

In addition, it would also be useful to analyze the underlying premise of IOCA's position, that is, that the FEA could, by its definition of covered products, exempt from control a product for which the EPAA mandated regulation. The EPAA required the



imposition of price and allocation regulations for all refined lubricating oils. Congress could have exempted or even have granted the FEA discretionary authority over independent compounders or the products they produce. However, Congress did not choose to do so, either expressly or implicitly.<sup>10</sup> As a result, the FEA was under a non-discretionary duty to include all refined lubricating oils among those products covered by the Mandatory Petroleum Price Regulations. Regardless of the definition of covered products set forth in the Mandatory Petroleum Price Regulations, therefore, refined lubricating oils were subject to those regulations by the terms of the EPAA.

The effect of a possible regulatory oversight in interpreting the mandatory provisions of the EPAA was considered in *Skelly Oil Company v. FEA*, — F. Supp. — (C.A. No. 76-C-238-C, N.D. Okla., Sept. 8, 1977). In *Skelly*, the court rejected the contention that an inadvertent omission of "solvents" from the regulatory definition of covered products could have the effect of decontrolling that product. The court found that the solvents in question were among the products specified in the EPAA, and ruled that: "Because solvents are within the scope of the EPAA, the FEO and FEA had the non-discretionary duty to include them in their definitions of 'covered products' . . . . It is clear that solvents remained, as a matter of law, 'covered products' between April 5, 1974 and January 16, 1975."

Slip op. at 10.

IOCA has also requested that a separate, retroactive price rule be devised for independent compounders, ostensibly because of claimed hardship resulting from the inability of such compounders to pass through adequate amounts of nonproduct costs. Such considerations, however, are not properly raised in a request for Interpretation. In 10 CFR Part 205, Subpart D, the Department of Energy has established "procedures for applying for an exception from a regulation, ruling or generally applicable requirement based upon an assertion of serious hardship or gross inequity . . . ." 10 CFR 205.50. Such an application for exception is the only means by which independent compounders may seek special treatment upon grounds of hardship or inequity.

#### INTERPRETATION 1977-51

To: Webber Tanks, Inc.  
Date: December 21, 1977.  
Rules Interpreted: § 212.92, Rulings 1975-1, 1975-9, 1975-10.  
Code: GCW-PI—Transportation Cost to Reseller/Retailer Inventory.

#### FACTS

1. Webber Tanks, Inc. ("Webber") is an independent reseller-retailer of No. 2 heating oil and other middle distillates. Prior to exemption of middle distillates from price controls effective July 1, 1976, sales of middle distillates by Webber were subject to the

<sup>10</sup> Under the terms of Section 12 the EPAA, a product subject to the Act can be exempted from control only after the President transmits a proposed amendment of the Mandatory Petroleum Allocation and Price Regulations to Congress and Congress agrees with such deregulation. This, of course, was not done for refined lubricating oils until September 1, 1976. See note 1, supra.

price control regulations in 10 CFR Part 212, Subpart F (§§ 212.91-212.93). It is understood that the facts in this case, although generally expressed and discussed in the present tense, are equally applicable to the period prior to July 1, 1976, to which Webber's request for interpretation relates.

2. Webber receives shipments of middle distillates ("product") at two water terminals. The first terminal is located at Bucksport, Maine, at the mouth of Penobscot Bay. The second terminal is located approximately 15 miles north of Bucksport on the Penobscot River at Brewer, Maine.

3. Because there is no deep-water port at Brewer, the ocean-going tankers which call at the Bucksport terminal off-load at Bucksport the product destined for the Brewer terminal as well as the product intended for distribution and sale from the Bucksport terminal.

4. An estimated 6-10 percent of the product destined for the Brewer terminal ("Brewer") is transferred directly from the tanker to waiting barges and lightered upriver to Brewer. The degree to which such direct transshipment is utilized depends upon the availability of barges at the time of arrival of a tanker at the Bucksport terminal ("Bucksport") and the availability of storage space at Brewer at that time to receive the product.

5. The remainder of the product destined for Brewer is pumped from the tanker into Webber's storage tanks at Bucksport where it is held until it can be transshipped to Brewer by barge. The length of time the product is held at Bucksport depends on the availability of barges for transshipment to Brewer and the availability of storage facilities there. On the average, the product is held at Bucksport for about 10 days, but it may be held there for as little as one day or for as much as two weeks.

6. The barges used to transship all products to Brewer are owned and operated by an independent shipping company unaffiliated with Webber. During the heating season, an average of three barges per month transfer product from Bucksport to Brewer.

7. The product held temporarily in storage at Bucksport until transferred to Brewer is not segregated but is commingled in common storage tanks with other product held in inventory at Bucksport.

#### ISSUE

When a covered product destined for a second terminal is briefly stored at the terminal of initial reception due in part to circumstances beyond the control of the reseller/retailer, may the transshipment costs associated with the movement of the product from the first terminal to the second terminal be treated as product costs under 10 CFR Part 212, Subpart F?

#### INTERPRETATION

The question of reseller/retailer transportation costs was the subject of FEA Rulings 1975-1, 1975-9, and 1975-10. These Rulings, insofar as they relate to the facts in this case, essentially provide that transportation charges incurred by the seller in acquiring covered products—i.e., those incurred "in bringing the covered product into the seller's inventory"—are included as "product" costs, whether or not separately incurred; whereas transportation costs associated with subsequent movement of the product

to other locations within the firm, or delivery to the firm's customers, are costs of doing business and may be treated only as "non-product" costs.

The distinction between product and non-product costs is significant because increases in product costs may generally be passed through without restriction in the form of price increases, or "banked" for later recoupment if not passed through immediately. §§ 212.93 (a) and (e). Non-product cost increases, on the other hand, generally have been subject to the cents-per-gallon maximums indicated in § 212.93(b).

Webber essentially presents two arguments for the proposition that the increased costs of transshipping product from Bucksport to Brewer are product cost increases under Rulings 1975-1, 1975-9, and 1975-10. The first is that under these Rulings transportation costs associated with moving product from a bulk plant or terminal to a retail outlet is a "cost of doing business" but transportation costs associated with moving product from one terminal to another at the same general level of distribution are not. The second argument is that the product destined for Brewer is not actually placed in Webber's storage and distribution system until it reaches Brewer. It should therefore not be considered received in inventory until it reaches Brewer.

Webber's first argument is not consistent with applicable rulings. It is true that Ruling 1975-9 characterizes the cost of transporting product from a firm's "bulk plant to its retail outlets" as a cost of doing business. However, this statement is merely illustrative and does not constitute the only type of internal transshipment costs which are non-product costs. This is shown by the statement in Ruling 1975-10 that costs of transporting product from a terminal directly to a customer "or to other selling locations" are costs of doing business. This is also shown by statements made by FEA in the preamble to regulation amendments which permitted the use of "separate inventories" under certain conditions effective May 1, 1976, in computing product cost increases. FEA stated that the amendments included a provision which made it clear that "transportation costs may be included as a cost of product only up to the point at which the product was first received in inventory." FEA also stated in this connection that Rulings 1975-1, 1975-9, and 1975-10 "remain[ed] unaltered" by adoption of those amendments. 41 FR 11910, May 10, 1976.

The essence of the cited Rulings is that transportation costs associated with acquiring covered products are product costs. All subsequent transportation costs incurred in moving product, regardless of level of distribution, are costs of doing business (non-product costs) unless specifically provided otherwise under those rulings.

Webber's second argument appears to relate, in part, to an aspect of Ruling 1975-9 which is inapplicable here. Ruling 1975-9 permitted an exception, in effect, to the general rules described above concerning transportation costs. That Ruling allowed as product costs, the costs associated with movement of product through a distribution system (such as an underground propane storage facility or a propane pipeline) that is "used in common" with other firms to distribute product to various firms operating at the same level of distribution as the buying

firm, even if the buying firm owned that common distribution system or took title to the product when it first entered that system. The ruling therefore referred to arrival of the product into storage that constitutes a part of the buying firm's own product "storage and distribution system" as the point at which transportation costs as product costs ended. Ruling 1975-9 does not extend, however, to distribution systems used to move product from one location to another after it has once been received into the buying firm's storage and distribution system.

Webber's second argument appears to rest, in part, on the view that when product destined for a second terminal is briefly stored at the initial place of reception due to circumstances beyond the control of the purchaser-reseller, all of the transportation costs to the second terminal may be treated as product costs. However, even if storage at Bucksport lasts for only a brief period and is due to circumstances beyond the control of Webber, and even though distribution is to a predetermined location which is also a Webber distribution terminal, the fact remains that most of the product destined for Brewer does in fact enter Webber's storage and distribution system when it arrives at Bucksport. Subsequent transshipment costs are therefore non-product costs. While unusual circumstances may form the basis for a request for exception from applicable regulations, they cannot serve to modify regulations and rulings which plainly require all internal transshipment cost to be treated as non-product costs.

This conclusion does not apply to product which is directly transferred to barges and transshipped to Brewer without being held in inventory at Bucksport, since under the facts presented Brewer is the terminal of first reception in such cases. Increased costs of shipment by barge to Brewer in such cases may be treated as increased product costs in the same manner as any other increased costs of bringing product into inventory.

Analysis of certain other considerations indicates the soundness of the rule requiring internal transshipment costs to be treated as non-product costs and the inappropriateness of an interpretation in the present case which would qualify that rule. Among such considerations is the fact that the storage at Bucksport is not due entirely to circumstances beyond the control of Webber. Product is temporarily stored at Bucksport, in part, for reasons of convenience and economy to Webber. The facts indicate that both the amount of product which is directly transshipped to Brewer and the length of time other product is held in inventory at Bucksport before transshipment depend, in part, upon whether and when Brewer is able to receive the product. In other words, if Brewer has a full inventory at a given point in time, the product in storage at Bucksport or the product being off-loaded from a tanker at Bucksport must remain at Bucksport until there is space available at Brewer. This would be true regardless of the non-availability of barges for transshipment of product to Brewer at a given point in time and it would also be true even if Brewer were accessible to tankers.

In addition, the question of the extent to which product "destined" for Brewer remains identifiable as such and fixed in terms of volume, from the time of arrival of the tanker at Bucksport until transshipment to Brewer up to two weeks later, bears examination. Because the product "des-

tinued" for Brewer is commingled with other Webber inventory in common storage tanks at Bucksport, and because the seasonal demand for No. 2 heating oil varies widely depending upon changing winter weather patterns, it does not appear realistic to view the product eventually transshipped to Brewer as consisting of a separate and distinct inventory of predetermined volume from the time of arrival of the tanker at Bucksport. It appears more appropriate to view the product destined for Brewer from the common storage tanks at Bucksport as an indeterminate amount of indistinguishable product whose volume may vary according to changing demand levels at Brewer.

These considerations suggest that the product distribution relationship between the two Webber terminals is in significant respects essentially similar to that between any typical primary and secondary terminal where the ultimate destination of the product (or some quantity thereof) was always the secondary terminal, and that increased transportation costs between the terminals therefore appropriately fall within the category of operating (non-product) cost increases.

In response to a request for specific information concerning the manner in which product is or becomes "destined" for Brewer, representatives of Webber advised that: (1) The amount to be sent to Brewer is clear because it is determined according to what will be necessary to meet supply commitments in the area served by Brewer, and (2) Webber's records clearly show the quantity of oil which will be transshipped at any given time to Brewer. Although these statements were offered to show that the volume of product to be transferred to Brewer is determinable rather than indefinite, the statements do not deny the likelihood that volumes initially designated for Brewer are sometimes increased or decreased prior to actual transshipment to reflect depletion of supplies at Brewer at rates higher or lower than anticipated.

Even if such volumetric fluctuations do not occur, however, the facts show that the mix between direct and deferred transshipment and the length of time product destined for Brewer is held at Bucksport depend, in part, upon space availability at Brewer. This means that the temporary storage of product at Bucksport is in some degree a matter of convenience and economy to the reseller, and that costs relating thereto are appropriately deemed costs of doing business.

#### INTERPRETATION 1977-52

To: Exxon Co., U.S.A.  
Date: December 21, 1977.  
Rules Interpreted: §§ 212.72, 212.131.  
Code: GCW-PI—Certification of new and released crude oil.

#### FACTS

Exxon Co., U.S.A. (Exxon), is the sole purchaser of crude oil produced from the St. Juste Webre lease (the lease) in St. Martin Parish, La. Vernon R. Faulconer (Faulconer) holds a majority interest in the lease, and is also the operator of the lease. In April 1975, Faulconer certified certain crude oil produced from the lease, which had previously been purchased by Exxon as old crude oil, as new and released crude oil."

"Apparently, Faulconer had not certified the crude oil he produced at the time it was sold to Exxon.

Along with this certification, Faulconer billed Exxon retroactively for the difference between the old crude oil price Exxon had paid Faulconer for crude oil produced between September 1, 1973, and April 1975, and the amount Exxon would have paid had Faulconer certified certain amounts of that crude oil as new and released crude oil.

Exxon paid Faulconer new and released crude oil prices for the crude oil produced after February 1, 1975, but refused to pay a retroactive price increase to Faulconer for the crude oil produced between September 1, 1973, and February 1, 1975. As a result of Exxon's refusal to accept Faulconer's retroactive certification of new and released crude oil, Faulconer filed a civil action against Exxon in the U.S. District Court for the Eastern District of Texas. Faulconer sought to recover the difference in price that Exxon would have paid for the crude oil had it been certified as new and released crude oil at the time Exxon purchased it. In his complaint, Faulconer further asserted that Exxon, as the sole purchaser of crude oil from the lease, "knew or should have known . . . that there was substantial 'new crude petroleum' . . . qualifying for exemptions to the ceiling price and being available for sale at the free market price." Complaint at 4. Exxon filed its request for interpretation as a result of the action filed against it by Faulconer. Exxon served a copy of its request on Faulconer on June 10, 1976. The Department of Energy (DOE) has not received any comment from Faulconer on Exxon's request.

In its request for interpretation, Exxon asks that the DOE determine (1) that pursuant to 10 CFR 212.131, Faulconer had the sole obligation to correctly certify, in a timely manner, the crude oil he produced as new and released crude oil in order to receive a price in excess of the ceiling price for old crude oil, and (2) that 10 CFR 212.72, as amended in March 1975, precluded Exxon from paying Faulconer an increased price for crude oil which was not timely certified as new and released crude oil.

#### ISSUE

Could Faulconer in April 1975 retroactively certify crude oil produced between September 1, 1973, and February 1, 1975, as new and released crude oil?

#### INTERPRETATION

For the reasons set forth below, the DOE has determined that Faulconer could not in April 1975 retroactively certify crude oil produced between September 1, 1973, and February 1, 1975, as new and released crude oil.

Faulconer is a producer of crude oil as defined in 10 CFR 212.31. As such, § 212.131 of the mandatory petroleum price regulations places upon him a continuing, affirmative obligation to correctly certify to a purchaser the nature of the crude oil he produces from the lease. At the time here relevant, 10 CFR 212.131(a)(1): *Provided*, That:

Each producer of domestic crude petroleum shall, with respect to a first sale of domestic crude petroleum, certify in writing to the purchaser: (i) the ceiling price of that domestic crude oil, (ii) the amount of strip-

"Civil Action TY-75-226-C (E.D. Texas, filed July 31, 1975). A copy of Faulconer's complaint was submitted by Exxon as an attachment to its interpretation request.



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per well crude petroleum, (iii) the amount of new crude petroleum, (iv) the amount of released crude petroleum, and (v) the amount of old crude petroleum \* \* \*.

39 FR 42246 (November 29, 1974) (emphasis supplied).

Thus, as a producer of crude oil, it was Faulconer's obligation to certify the crude oil he produced and sold to Exxon as old, new, or released crude oil. Although Exxon was the sole purchaser of the crude oil produced from the lease, it had no obligation under the mandatory petroleum price regulations to inform Faulconer that certain crude oil could have been certified as new or released crude oil.

On March 23, 1975, the Federal Energy Administration (FEA), a predecessor agency of DOE, proposed certain amendments to the definitions of new and released crude oil. 40 FR 13522 (March 27, 1975). Those proposals were adopted on July 7, 1975, and made retroactive to the March 23, 1975, date of proposal. 40 FR 28447 (July 7, 1975). As part of the revision, the following proviso was added to each definition:

\* \* \* [The new or released crude oil] shall not include any number of barrels not certified as such pursuant to the provisions of § 212.131(a)(1) within the consecutive two-month period immediately succeeding the month in which the crude oil is produced and sold, except where such recertification is required or permitted by FEA order, interpretation, or ruling.

In addition, 10 CFR 212.74, which permitted new and released crude oil to be sold without reference to the ceiling price, was also amended to prohibit retroactive increases in prices by the addition of the following language:

\* \* \* no producer may charge or accept a retroactive increase in price for new crude oil and released crude oil as defined in § 212.72 of this part.

40 FR 28447 (July 7, 1975).

The rationale for adopting the "60-day rule" in the amended definitions of new and released crude oil was set forth in detail in the preamble to the proposed amendments. 40 FR 13522 (March 27, 1975). The preamble stated:

"In 'Clarifications to Mandatory Petroleum Price Regulations Applicable to Domestic Crude Oil,' 41 FR 36172 (August 26, 1976), the Federal Energy Administration (FEA) stated that:

\* \* \* [I]t should be noted that it has been the practice among many purchasers and producers for the purchaser to prepare the certification and send it to the producer for completion and authentication and return to the purchaser. FEA has no objections to this practice to the extent that it permits any large purchaser to help to relieve the certification burdens of a small producer. However, the certification responsibility must in every case rest ultimately with the producer.

Id. at 36183 (emphasis supplied).

This principle was applied to an argument similar to that made by Faulconer in Interpretation 1977-33, 42 FR 46274 (September 15, 1977). There, a crude oil producer contended that the purchaser, a large oil company, should "share" the burden of certification compliance. In rejecting that contention, the FEA found that "[t]he regulations \* \* \* explicitly require certification by the producer." Id. at 46275.

\* \* \* The purpose of this notice is to propose amendments to the regulations (effective today, if adopted) to limit the extent to which prices for or amounts of new and released domestic crude petroleum may be retroactively increased through retroactive invoices. In specific cases that have been brought to the attention of the FEA, such retroactive invoicing has covered periods of up to eighteen months and significant volumes of crude oil. Such retroactive invoicing takes place \* \* \* through retroactive recertification of volumes of new and released crude petroleum included in previous transactions \* \* \*.

\* \* \* [R]etroactive invoicing may tend to have an adverse effect on \* \* \* refiners \* \* \*. Resellers of domestic crude petroleum may also be adversely affected. In either case, if the purchasers to whom refined petroleum products or crude oil have already been sold by refiners or resellers which receive retroactive price increases are unwilling, in turn, to increase retroactively the prices they have paid, the refiners or resellers which receive retroactive price increases are in the position of having increased costs for crude oil which can be recovered, if at all, only in prices charged in subsequent sales. In any event, the retroactively invoiced prices are costs incurred currently with respect to crude petroleum received and refined or resold in preceding months, which costs should more properly have been incurred in the months when the crude oil was purchased or landed and passed through in the following months.

The FEA proposes, therefore, to amend the definitions of "new crude petroleum" and "released crude petroleum" in § 212.72 to exclude those volumes that are not certified as new and released crude petroleum within the two-month period immediately following the month in which the petroleum is produced and sold. \* \* \* [T]his means that all volumes not certified as new and released crude petroleum within the two-month period following the month in which they were produced and sold would therefore be old crude petroleum. This amendment should remove any incentive to unduly delay certification of volumes, as any volumes which became old crude petroleum by delay in certification, as provided by the proposed regulation, would then be subject to the ceiling price rule of § 212.73.

The FEA also proposes to amend § 212.74 to prohibit any producer from charging or accepting a retroactive increase in the price of new or released domestic crude petroleum. This amendment is intended to address \* \* \* the situation where the producer initiates a retroactive increase in price \* \* \*. These two proposed amendments, taken together, should operate to bring the incidence of costs more closely into line with the time of purchase of domestic crude petroleum and should lead to increased price stability and reliability.

The purpose of these amendments, then, was to end the practice of unduly late certification (as new and released crude oil) of crude oil previously sold at old crude oil prices, and thus to limit the obvious disruption such certification would bring to refiners' and resellers' pricing of covered products. This was further emphasized in the preamble promulgating the final amendments. That preamble provided:

Therefore, any volumes of crude oil, other than stripper well crude oil, produced and

sold prior to January 1975 and not certified as new or released crude oil prior to March 23, 1975, are volumes of old crude oil and must be invoiced at the ceiling price. All volumes produced and sold in January 1975 must have been certified by the end of March 1975 or else have failed to qualify as new or released crude petroleum.

40 FR 28447 (July 7, 1975).

Thus, the amendments expressly prohibited a producer of crude oil which was produced and sold prior to January 1975 from certifying (or recertifying) that crude oil as new or released crude oil and retroactively charging the purchaser the higher, uncontrolled price for that crude oil. See Interpretation 1977-33, 42 FR 46274 (September 15, 1977).

In the instant case, Faulconer attempted to retroactively certify in April 1975 crude oil produced between September 1973 and February 1975. That certification was governed by the above-mentioned amendments to the mandatory petroleum price regulations, which were effective as of March 23, 1975. Exxon, therefore, properly applied the "60-day rule" set forth in § 212.72 to Faulconer's certification, and correctly refused to pay the higher prices for crude oil produced and sold before February 1, 1975. Thus, Faulconer's failure to correctly certify the crude oil he produced between September 1, 1973, and February 1, 1975, constitutes a bar to the certification he now seeks unless "permitted by FEA order, interpretation or ruling." 10 CFR 212.72. In light of this interpretation, Faulconer's only recourse would be to submit a request for an exception pursuant to 10 CFR Part 205, Subpart D. See, e.g., *Perrault Production Co.*, 5 FEA 180,622 (May 6, 1977); *Rancho Oil Co.*, 4 FEA 183,143 (October 8, 1976).

#### INTERPRETATION 1977-53

To: Union Oil Co. of California.  
Date: December 21, 1977.  
Rules Interpreted: §§ 212.31, 212.83.  
Code: GCW-PI—Refiner Price Rule—Price Increase.

#### FACTS

Union Oil Co. of California (Union) is a "refiner" as that term is defined in the mandatory petroleum price regulations, 10 CFR 212.31, and, as such, must compute its current lawful prices for covered products pursuant to the refiner price rule, 10 CFR Part 212, Subpart E.

On May 15, 1973, Union refined two grades of motor gasoline at its Chicago refinery. These two grades of motor gasoline were designed as "regular" and "premium," and were characterized, in part, by "octane numbers" of 90.6 and 96.9, respectively. Union sold each grade of gasoline at a different price on May 15, 1973.

On May 18, 1973, Union reduced by one number the Octane numbers of the two grades of motor gasoline refined at its Chicago refinery. Union estimates that this reduction in the octane numbers of the two grades of motor gasoline has resulted in savings of approximately \$1.4 million annually. Union did not, however, lower the prices it charged for the motor gasoline as a result of the octane reduction.

Union concedes that it is a "technical violation" of the mandatory petroleum price regulations to fail to lower the prices charged for the lower octane gasoline. In its request for interpretation to the Department of Energy (DOE), however, Union

seeks an interpretation that the mandatory petroleum price regulations allow an increase in the sales price of motor gasoline to reflect a rise in the octane level. Union therefore requests that the DOE determine that the mandatory petroleum price regulations authorize higher prices to be charged for products of increased quality, just as they require lower prices for products of reduced quality.

#### ISSUE

Do the mandatory petroleum price regulations authorize an increase in price for a product when the quality of that product is increased?

#### INTERPRETATION

For the reasons set forth below, it has been determined that the mandatory petroleum price regulations do not authorize an increase in price for a product when the quality of that product has been increased. The refiner price rule, 10 CFR 212.83, states in relevant part:

A refiner may not charge to any class of purchaser a price for a covered product in excess of the maximum allowable price \* \* \*.

"Maximum allowable price" is defined in 10 CFR 212.82 as:

[T]he weighted average price at which the covered product was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, computed in accordance with the provisions of § 212.83(a), plus increased product costs and increased non-product costs incurred between the month of measurement and the month of may 1973 \* \* \*.

10 CFR 212.31 defines "price increase" as follows:

"Price increase" means an increase in the unit price of an item or a decrease in the quality or quantity of substantially the same item. [Emphasis supplied.]

A reduction in the octane number for motor gasoline is a reduction in the quality of that item, both because most internal combustion engines operating on motor gasoline require fuel of a certain minimum octane level, and because historical prices for motor gasoline have varied in direct relation to its octane content. Thus, since lowering the octane number of motor gasoline is a decrease in the quality of the item, it is a "price increase" under the mandatory petroleum price regulations. Therefore, any reduction by a refiner in the octane number of motor gasoline must be coupled with a corresponding decrease in that refiner's maximum allowable selling price for that product.

Apparently conceding that this analysis is correct, Union asserts that equity requires that the converse must also be correct, that is, that an increase in the octane number of gasoline results in an effective price decrease, and that a corresponding upward adjustment to the refiner's lawful prices must therefore be permitted. There are two problems with Union's position. First, there is no specific provision in the mandatory petroleum price regulations which permits an increase in the quality of an item to be treated as an automatic reduction in the price of that item. In addition, even if such a provision could be implied, the price regulations do not provide a mechanism for upward adjustments to the maximum allowable price of an item to reflect an increase in its quality. Accordingly, DOE concludes that an increase in the octane level of motor gasoline

sold by a refiner does not automatically permit an upward adjustment of the refiner's price for that item."

It should be noted in this regard that the provision of § 212.31 defining a reduction in the quality of an item as a price increase is designed primarily to prevent a firm from circumventing DOE's price rules by substituting a lower quality product for one of higher quality historically sold at higher price levels. Given this principal purpose, it does not necessarily follow that the price rules must also permit higher lawful prices to be charged where the quality of the same item is increased, since circumvention of DOE's price rules is not at issue under such circumstances.

The DOE recognizes that other considerations, such as market influences or alternate uses for motor gasoline, may in the future cause Union to increase the quality of motor gasoline by increasing its octane number. While the mandatory petroleum price regulations are not intended to penalize Union for so doing, at present Union's only recourse would be to submit a request for an exception from the mandatory petroleum price regulations in accordance with 10 CFR Part 205, Subpart D.

[FR Doc. 78-544 Filed 1-5-78; 3:36 pm]

#### [8025-01]

##### Title 13—Business Credit and Assistance

##### CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Amdt. 6]

##### PART 124—PROCUREMENT AND TECHNICAL ASSISTANCE

##### Certificate of Competency Approval Authority

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: SBA is increasing the approval authority for issuance of Certificates of Competency at the Regional Directors' level. This increase is prudent in order to bring the approval authority of the Regional Directors up-to-date with the current price structure.

EFFECTIVE DATE: January 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Harold S. Lang, Office of Procurement and Technical Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, 202-653-6582.

SUPPLEMENTARY INFORMATION: Inasmuch as the amendments set forth below are procedural changes, notice of proposed rulemaking and

"To the extent that an increase in the octane number of motor gasoline causes a refiner to incur increased product and non-product costs, however, application of the formulae set forth in § 212.83 may of course result in a higher maximum allowable price for that product.

public procedure thereon are not required by Section 553 of Title 5 of the United States Code.

Accordingly, Part 124 of Chapter I of Title 13 of the Code of Federal Regulations is amended by revising § 124.8-16(c) to read as follows:

§ 124.8-16 Issuance.

(c) If the Regional Director's decision is negative, the COC is denied and both the firm and procuring activity are notified. If the Regional Director's decision is affirmative and the procurement is less than \$500,000, the Regional Director issues a COC. For procurements in excess of \$500,000, if the Regional Director recommends issuance of the Certificate, the Associate Administrator for Procurement Assistance causes a review to be made and either issues or denies the Certificate.

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Business.)

Dated: December 29, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc. 78-528 Filed 1-9-78; 8:45 am]

#### [6320-01]

##### Title 14—Aeronautics and Space

##### CHAPTER II—CIVIL AERONAUTICS BOARD

##### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-1039, Amdt. 7]

##### PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

##### Dual Operating Authority

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: On November 9, 1977, Congress amended the Federal Aviation Act to establish a new class of air carriers called "all-cargo air service carriers." These carriers will be authorized by the Board to carry air freight and mail between the various States of the United States and the District of Columbia, between the United States and Puerto Rico or the U.S. Virgin Islands, and between Puerto Rico and the U.S. Virgin Islands. This rule amends part 298 of the Board's regulations, so that these carriers will be authorized to operate both as all-cargo air service carriers and as air taxi operators.

DATES: Effective January 9, 1978; adopted January 5, 1978.



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## FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Office of General Counsel, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C., 202-673-5442.

**SUPPLEMENTAL INFORMATION:** Part 298 of the Board's Economic Regulations (14 CFR Part 298), grants authority to operators of small aircraft to engage in air transportation upon compliance with registration requirements and various other requirements prescribed in that regulation. Thus carriers operating as air taxis under part 298 have for many years been exempted from complying with the act's certification requirements as well as from many of the act's regulatory provisions applying to certificated air carriers. In order to effectuate the Board's intention to grant this "exemption authority" solely to persons who operate small aircraft exclusively, part 298 has contained certain provisions that exclude from the classification of "air taxi operators" any persons who operate large aircraft or who hold any kind of economic authority from the Board.

By a recent amendment to the act,<sup>1</sup> Congress has created a new class of air carriers who are to be authorized to provide "all-cargo air service," utilizing any size aircraft, upon receiving a special type of certificate issued by the Board under section 418 of the act. Holders of certificates under section 418 of the act would thus be disqualified from holding "exemption authority" under the express terms of part 298. Yet, nothing in the legislative history suggests any intention on the part of Congress to preclude section 418 carriers from becoming, or continuing to be, air taxi operators. Indeed, included among those air carriers to whom Congress granted "grandfather" rights to obtain this new type of special certificate are certain air taxi operators who have already been providing all-cargo service. And there certainly appears to be no doubt that Congress intended such "grandfather" rights to a section 418 certificate to be in addition to, rather than instead of, the part 298 exemption authority enjoyed by eligible air taxi operators.

It is therefore necessary to amend part 298, in order to enable air taxi operators who obtain section 418 certificates to retain their part 298 authority. Since this is in the nature of an interpretative amendment of part 298 of the Board's regulations, designed to conform our regulatory treatment of air taxi operators to the clear intention of Congress in enacting section 418, we find that notice and public ru-

<sup>1</sup> Pub. L. 95-163, November 9, 1977.

lemaking procedures are not necessary. Moreover, it is imperative that this amendment become effective immediately in order to remove any doubt that such dual operating authority as we are here authorizing expressly will be enjoyed by those air taxis who have chosen to exercise their "grandfather" rights to a section 418 certificate.

Accordingly, the Board hereby amends part 298 of its Economic Regulations (14 CFR Part 298) effective January 9, 1978, as set forth below:

1. Amend the Table of Contents to part 298 by adding a new listing after a listing for § 298.4, as follows:

Sec.  
298.5 Dual operations—air taxi and all-cargo air service.

2. Amend § 298.2 by adding a new paragraph (e-1) to read as follows:

§ 298.2 Definitions.

(e-1) "All-cargo air service carrier" means an air carrier holding a certificate issued under section 418 of the act.

3. Revise paragraphs (a)(1), (a)(2), and (b) of § 298.3, to read as follows:

§ 298.3 Classification.

(a) \* \* \*

(1) Except as provided in § 298.5, do not directly or indirectly utilize large aircraft in air transportation;

(2) Except as provided in § 298.5, do not hold a certificate of public convenience and necessity or economic authority issued by the Board other than that provided by this part;

(b) Except as provided in § 298.5, a person who does not observe the conditions set forth in paragraph (a) of this section shall not be an air taxi operator within the meaning of this part with respect to any operations conducted while such conditions are not being observed, and during such periods is not entitled to any of the exemptions set forth in this part.

4. Add a new § 298.5, to read as follows:

§ 298.5 Dual operations—air taxi and all-cargo air service.  
On or after January 9, 1978, any person having or obtaining authority to operate as an all-cargo air service carrier shall not thereby lose, or be disqualified from obtaining, authority under this part to engage also in operations as an air taxi operator, regardless of the size of aircraft utilized in such all-cargo air service operations.

The operations which such person conducts as an air taxi operator shall be subject to the conditions and entitled to the exemptions set forth in this part, and the operations which he conducts as an all-cargo air service carrier shall be subject to the conditions and entitled to the exemptions set forth in part 291 of this chapter.

(Secs. 204(a), 416(b), 418(c), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771, 91 Stat. 1283, (49 U.S.C. 1324(a), 1386(b), 1388(c)).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-591 Filed 1-9-78; 8:45 am]

## [1505-01]

## Title 21—Food and Drugs

## CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75C-0283]

## PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

## Logwood Extract

## Correction

In FR Doc. 77-28798 appearing at page 52393 in the issue for Friday, September 30, 1977, make the following changes in § 73.1410:

1. The first word in the seventh line of the introductory paragraph should read "ophthalmic".

2. The second word in the first line of paragraph (c)(1) should read "quantity".

## [4910-22]

## Title 23—Highways

## CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

## PART 630—PRECONSTRUCTION PROCEDURES

## Federal Participation in Cost of Disposal of Existing Highway Bridges

AGENCY: Federal Highway Administration, DOT.

ACTION: Rescission of subpart.

**SUMMARY:** This action rescinds the regulation covering Federal participation in cost of disposal of existing highway bridges. The Federal Highway Administration will allow the State agencies to consider assigning the old bridge materials either to the contractor or to themselves without the requirement of declaring salvage credits to the project.

**EFFECTIVE DATE:** January 12, 1978.

## FOR FURTHER INFORMATION CONTACT:

Herman Carter, Contract Administration Branch, Construction and Maintenance Division, Office of Highway Operations, 202-426-4847; Wilbert Baccus, Office of the Chief Counsel, 202-426-0786, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday.

In consideration of the foregoing, the Federal Highway Administration is amending Chapter I of Title 23, Code of Federal Regulations, Part 630, as follows:

1. The Table of Sections of Subpart F is rescinded in its entirety and reserved.

Sec.

Subpart F—Federal Participation in Cost of Disposal of Existing Highway Bridges  
630.601-630.606 (Reserved)

Subpart F [§§ 630.601-630.606 Rescinded and Reserved]

2. Subpart F is rescinded in its entirety and reserved.

(23 U.S.C. 315, 49 CFR 1.48(b)(35).)

Issued on December 29, 1977.

L. P. LAMM,  
Executive Director.

[FR Doc. 78-539 Filed 1-9-78; 8:45 am]

## [4510-27]

## Title 29—Labor

## SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

## PART 4—LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

**SUMMARY:** This document amends the Service Contract Act regulations to correlate them to the changes made by the Fair Labor Standards Amendments of 1977. These amendments reflect the changes in the FLSA minimum rates, and the changes in the crediting of tips to the FLSA minimum rates. The figures in certain examples are changed so that the rates in the examples will be above the minimum. No change in policy is involved.

**DATE:** These changes are effective January 10, 1978, as they merely conform the regulations to changes in the law made by the Fair Labor Standards Amendments of 1977.

## FOR FURTHER INFORMATION CONTACT:

George E. Rivers, Counsel for Contract Labor Standards, General Legal Services, Office of the Solicitor, Room N2464, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210, telephone, 202-523-8303.

**SUPPLEMENTARY INFORMATION:** Section 2(b)(1) of the Service Contract Act (41 U.S.C. 351(b)(1)) provides in effect that no contractor or subcontractor performing work covered by the Act shall pay his employee less than the minimum rate specified in Section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 206(a)(1)). To assist contractors the FLSA minimum rates are stated in the Service Contract Act regulations. Further, the requirements for crediting tips under the FLSA are stated in the Service Contract Act regulations.

This document amends the Service Contract Act regulations to reflect the changes resulting from the Fair Labor Standards Amendments of 1977. It includes changes in minimum rates, changes in the tip requirements and it updates certain interpretations so the rates in the examples are above the FLSA minimum rates.

Specifically §§ 4.2 and 4.159 are amended to reflect the increased FLSA minimum rates.

Sections 4.6 and 4.167 are amended to incorporate the new tip requirements.

Sections 4.53 and 4.182 are amended so that the example used in each of these sections will not be on the basis of a sub-minimum rate.

Sections 4.114, 4.150 and 4.160 are amended to delete the reference to the exemption of linen supply contractors.

This document was prepared under the direction and control of Xavier M. Vela, Administrator, Wage and Hour Division.

Title 29 is amended as follows:

1. Section 4.2 of Title 29 is amended to read as follows:

§ 4.2 Payment of minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 under all service contracts.

Section 2(b)(1) of the Service Contract Act of 1965 provides in effect that, regardless of contract amount, no contractor or subcontractor performing work under any Federal contract the principal purpose of which is to furnish services through the use of service employees shall pay any of his employees engaged in such work less than the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (\$2.65 per hour beginning January 1, 1978, \$2.90 per hour beginning January 1, 1979, \$3.10 per hour beginning Janu-

ary 1, 1980, and \$3.35 per hour after December 31, 1980.

2. Section 4.6 of Title 29 is amended to read as follows:

§ 4.6 Labor Standards clauses for Federal Service Contracts exceeding \$2,500.

(n) Notwithstanding any of the clauses in paragraphs (b) through (l) of this section, relating to the Service Contract Act of 1965, the following employees may be employed in accordance with the following variations, tolerances, and exemptions, which the Secretary of Labor, pursuant to section 4(b) of the Act prior to its amendment by Pub. L. 92-473, found to be necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business:

(2) An employee engaged in an occupation in which he customarily and regularly receives more than \$20 a month in tips (\$30 a month on and after January 1, 1978) may have the amount of his tips credited by his employer against the minimum wage required by section 2(a)(1) or section 2(b)(1) of the Act, in accordance with the regulations in Part 531 of this title: *Provided, however,* That the amount of such credit may not exceed \$1.325 per hour beginning January 1, 1978, \$1.305 per hour beginning January 1, 1979, \$1.24 per hour beginning January 1, 1980 and \$1.34 per hour after December 31, 1980. If the employer pays in full cents the \$1.325 figure must be rounded down to \$1.32 and the \$1.305 figure to \$1.30.

If the employer rounded the figures upward he would be claiming a credit of a higher percentage than is authorized by law.

3. Section 4.53 of Title 29 is amended to read as follows:

§ 4.53 Cash equivalents.

(a) Fringe benefit obligations may be discharged by paying, in addition to the monetary wage required, a cash amount per hour in lieu of the specified fringe benefits provided such amount is equivalent to the cost of the fringe benefits required. If, for example, an employee's monetary rate under an applicable determination is \$3.50 an hour, and the fringe benefits to be furnished are hospitalization benefits costing 10 cents an hour and retirement benefits costing 10 cents an hour, the fringe benefit obligation is discharged if instead of furnishing the required fringe benefits the employer pays the employee, in cash, 20 cents per hour as the cash equivalent of the fringe benefits in addition to the \$3.50 per hour required under the applicable wage determination.

(b) The hourly cash equivalent of by 48 (6 days of 8 hours each) and the be paid wages at a rate not less than

§ 4.167 Wage payments—medium of pay-

ment.  
not less than \$4 and a fringe benefit contribution of 50 cents which would qualify for

[6560-01]



(b) The hourly cash equivalent of those fringe benefits which are not listed in the applicable determination in terms of hourly cash amount may be obtained by mathematical computation through the use of pertinent factors such as the monetary wages paid the employee and the hours of work attributable to the period, if any, by which fringe benefits are measured in the determination. If the employee's regular rate of pay is greater than the minimum monetary wage specified in the wage determination and the contract, the former should be used for this computation, and if the fringe benefit determination does not specify any daily or weekly hours of work by which benefits should be measured, a standard 8-hour day and 40-hour week will be considered applicable. The application of these rules in typical situations is illustrated in paragraphs (c), (d), and (e) of this section.

(c) Where fringe benefits are stated as a percentage of the monetary rate, the hourly cash equivalent is determined by multiplying the stated percentage by the employee's regular or basic rate of pay. For example, if the determination calls for a 5 percent pension fund payment, and the employee is paid a monetary rate of \$3.50 an hour, or if he earns \$3.50 an hour on a piece-work basis in a particular workweek, the cash equivalent of that payment would be 17½ cents an hour.

(d) If the determination lists a particular fringe benefit in such terms as \$25 a year, or as \$2 a week, the hourly cash equivalent is determined by dividing the amount stated in the determination by the number of working hours to which the amount is attributable. For example, if a determination lists a fringe benefit as "pension—\$2 a week," and does not specify weekly hours, the hourly cash equivalent is 5 cents per hour, i.e., \$2 divided by 40, the number of standard working hours in a week.

(e) In determining the hourly cash equivalent of those fringe benefits which are not listed in a determination in terms of hourly cash amount, but are stated, for example, as "six paid holidays per year" or "1-week paid vacation," the employee's hourly monetary rate of pay is multiplied by the number of hours making up the paid holidays or vacation. Unless the hours contemplated in the fringe benefit are specified in the determination, a standard 8-hour day and 40-hour week will be considered applicable. The total annual cost so determined will be divided by 2,080, the typical number of nonovertime hours in a year of work, to arrive at the hourly cash equivalent. To illustrate, if a particular determination lists as a fringe benefit "six paid holidays per year," and the employee's hourly rate of pay is \$3.50, the \$3.50 is multiplied

by 48 (6 days of 8 hours each) and the result, \$168.00, is then divided by 2,080 to arrive at the hourly cash equivalent, \$0.0808 an hour. Similarly, where a determination requires 1-week's paid vacation during the year, a computation of this kind for a short term employee who does not receive the vacation with pay would be necessary to determine the cash equivalent payment to which he is entitled for the proportionate part of the vacation earned during his period of employment.

4. Section 4.114 is amended to read as follows:

#### § 4.114 Subcontracts.

(a) *Requirements applicable to subcontracts.* The Act's provisions apply to the performance not only of the contracts entered into with the United States or the District of Columbia which they cover but also to the performance of any subcontract thereunder. The Act and the regulations (§§ 4.6-4.7) require the Government prime contractor to agree that the required labor standards will be observed by his subcontractors as well as by himself, that the prescribed contract clauses relating thereto will be inserted in all subcontracts, and that appropriate sanctions provided under the Act may be invoked against him in the event of any failure to comply. Subcontractors responsible for violation of the contract stipulations are also liable for underpayments of wages which the stipulations require to be paid and are subject to the enforcement provisions of the Act. The payment by subcontractors to their employees, performing work on covered contracts with the Federal Government, of less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 206(a)(1)) is expressly prohibited.

5. Section 4.150 is amended to read as follows:

#### § 4.150 Employee coverage generally.

The Act, in section 2(b), makes it clear that its provisions apply generally to all employees engaged in performing work on a covered contract entered into by the contractor with the Federal Government, regardless of whether they are his employees or those of any subcontractor under such contract. All employees who, on or after the date of award, are engaged in working on or in connection with the contract, either in performing the specific services called for by its terms or in performing other duties necessary to the performance of the contract, are thus subject to the Act unless a specific exemption (see §§ 4.115 et seq.) is applicable. All such employees must

be paid wages at a rate not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 206(a)(1)), as amended. Payment of a higher minimum monetary wage and the furnishing of fringe benefits may be required under the contract, pursuant to the provisions of section 2(a)(1), (2), of the Act.

6. Section 4.159 of Title 29 is amended to read as follows:

#### § 4.159 General minimum wage.

The Act, in section 2(b)(1), provides generally that no contractor or subcontractor under any Federal contract subject to the Act shall pay any of his employees engaged in performing work on such a contract less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act. Section 2(a)(1) provides that the minimum monetary wage specified in any such contract exceeding \$2,500 shall in no case be lower than this Fair Labor Standards Act minimum wage. Section 2(b)(1) is a statutory provision which applies to the contractor or subcontractor without regard to whether it is incorporated in the contract; however, §§ 4.6-4.7 provide for inclusion of its requirements in covered contracts and subcontracts. Because the statutory requirement specifies no fixed monetary wage rate and refers only to the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act, and because its application does not depend on provisions of the contract, any increase in such Fair Labor Standards Act minimum wage during the life of the contract is, on its effective date, also effective to increase the minimum wage payable under section 2(b)(1) to employees engaged in performing work on the contract. The minimum wage rate under section 6(a)(1) of the Fair Labor Standards Act is \$2.65 per hour beginning January 1, 1978, \$2.90 per hour beginning January 1, 1979, \$3.10 per hour beginning January 1, 1980, and \$3.35 per hour after December 31, 1980.

7. Section 4.160 of Title 29 is deleted and replaced with the following:

#### § 4.160 Effect of section 6(e) of the Fair Labor Standards Act.

Contractors and subcontractors performing work on contracts subject to the Service Contract Act are required to pay all employees, including those employees who are not performing work on or in connection with such contracts, not less than the general minimum wage standard provided in section 6(a)(1) of the Fair Labor Standards Act, as amended (Pub. L. 95-151).

8. Section 4.167 of Title 29 is amended to read as follows:

#### § 4.167 Wage payments—medium of payment.

... While employment on contracts subject to the Act would not ordinarily involve situations in which service employees would receive tips from third persons, the treatment of tips for wage purposes in the situations where this may occur should be understood. For purposes of this Act, tips may be included in wages in accordance with the regulations under the Fair Labor Standards Act, contained in Part 531. The general rule under that Act is that the amount paid a tipped employee by his employer is deemed to be increased on account of tips by an amount determined by the employer, not in excess of 50 percent of the minimum wage applicable under section 6 of that Act, through December 31, 1978, 45 percent effective January 1, 1979 and 40 percent effective January 1, 1980. In no event shall the sum credited be in excess of the value of tips actually received by the employee. Thus, the tip credit taken by an employer subject to the Service Contract Act may not exceed \$1.325 per hour beginning January 1, 1978, \$1.305 per hour beginning January 1, 1979, \$1.24 per hour beginning January 1, 1980 and \$1.34 per hour after December 31, 1980.

If the employer pays in full cents the \$1.325 figure must be rounded down to \$1.32 and the \$1.305 figure to \$1.30, in order that the employer will not be crediting more than the permissible percentage.

9. Section 4.182 of Title 29 is amended to read as follows:

#### § 4.182 Overtime pay of service employees entitled to fringe benefits.

Reference is made in § 4.180 to the rules prescribed by section 6 of the Act and Subpart B of this part which permit exclusion of certain fringe benefits and equivalents provided pursuant to section 2(a)(2) of the Act from the regular or basic rate of pay when computing overtime compensation of a service employee under the provisions of any other Federal law. As provided in § 4.55 of Subpart B, not only those fringe benefits excludable under section 6 as benefits determined and specified under section 2(a)(2), but also equivalent fringe benefits and cash payments authorized under Subpart B to be furnished in lieu of the specified benefits may be excluded from the regular or basic rate of such an employee. The application of this rule may be illustrated by the following examples:

(a) The A company pays a service employee \$4.50 an hour in cash under a wage determination which requires a monetary rate of

not less than \$4 and a fringe benefit contribution of 50 cents which would qualify for exclusion from the regular rate under section 7(e) of the Fair Labor Standards Act. The contractor pays the 50 cents in cash because he made no contributions for fringe benefits specified in the determination and the contract. Overtime compensation in this case would be computed on a regular or basic rate of \$4 an hour.

(b) The B Company has for some time been paying \$4.25 an hour to a service employee as his basic cash wage plus 25 cents an hour as a contribution to a welfare and pension plan, which contribution qualifies for exclusion from the regular rate under the Fair Labor Standards Act. For performance of work under a contract subject to the Act a monetary rate of \$4 and a fringe benefit contribution of 50 cents (also qualifying for such exclusion) are specified because found to be prevailing for such employees in the locality. The contractor may credit his 25-cent welfare and pension contribution toward the discharge of his fringe benefit obligation under the contract and make an additional contribution of 25 cents for the specified or equivalent fringe benefits or pay the employee an additional 25 cents in cash as authorized in Subpart B of this part. These contributions or equivalent payments may be excluded from the employee's regular rate which remains \$4.25, the rate agreed upon as the basic cash wage.

(c) The C company has been paying \$4 an hour as its basic cash wage on which the firm has been computing overtime compensation. For performance of work on a contract subject to the Act the same rate of monetary wages and a fringe benefit contribution of 50 cents an hour (qualifying for exclusion from the regular rate under the Fair Labor Standards Act) are specified in accordance with a determination that these are the monetary wages and fringe benefits prevailing for such employees in the locality. The contractor is required to continue to pay at least \$4 an hour in monetary wages and at least this amount must be included in the employee's regular or basic rate for overtime purposes under applicable Federal law. His fringe benefit obligation under the contract would be discharged if 50 cents of the contributions for fringe benefits were for the fringe benefits specified in the contract or equivalent benefits as defined in Subpart B of this part. He may exclude such fringe benefit contributions from the regular or basic rate of pay of the service employee in computing overtime pay due. Exclusion of the remainder of the fringe benefit contributions from the regular rate under the Fair Labor Standards Act would depend on whether they are contributions excludable under section 7(e) of that Act.

Signed at Washington, D.C., on this 23d day of December 1977.

XAVIER M. VELA,  
Administrator.

[FR Doc. 78-596 Filed 1-9-78; 8:45 am]

[6560-01]

#### Title 40—Protection of Environment

#### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 824-1]

#### PART 35—STATE AND LOCAL ASSISTANCE

##### State Public Water System Supervision Program Grants; Technical Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: These technical amendments to the State Public Water System Supervision Program Grant Regulations are necessary due to the passage of the Safe Drinking Water Act Amendments of 1977. They provide for the award of a State Program Grant to States which did not assume primary enforcement responsibility for public water systems within the State by October 1, 1977, if in the judgment of the Regional Administrator (a) the State is making a diligent effort to assume and maintain primary enforcement responsibility, (b) the State has made significant progress toward assuming and maintaining such primary enforcement responsibility, and (c) there is reason to believe the State will assume primary enforcement responsibility by October 1, 1979.

These amendments also specify the conditions under which the grant award is made. Specifically, the grant will not exceed 75 percent of the allotment which the State would have received if it had assumed and maintained primary enforcement responsibility. The 25 percent of each fiscal year grant award retained by the Administrator will be restored to the State if it assumes primary enforcement responsibility prior to the beginning of the next fiscal year. Otherwise, the retained amounts for each fiscal year will be reallocated by the Administrator.

EFFECTIVE DATE: January 10, 1978.  
FOR FURTHER INFORMATION CONTACT:

James F. Manwaring, P.E., Chief, Drinking Water Regulations Implementation Branch, 401 M Street SW., Washington, D.C. 20460, 202-426-3983.

SUPPLEMENTAL INFORMATION: Thus far, 17 States have assumed primary enforcement responsibility. These amendments to the grant regulations will assist those States which have not assumed primary enforcement responsibility by October 1, 1977, to achieve this responsibility on or before October 1, 1979. States with primary enforcement responsibility will receive funds to continue building and improving their State programs.

Dated: January 4, 1978.

assume such primary enforcement responsibility and a summary of the comments with



Dated: January 4, 1978.

BARBARA BLUM,  
Acting Administrator.

40 CFR Part 35 is amended as follows:

1. By revising § 35.605-1 (c) and (d) to read as follows:

§ 35.605-1 Notification of allotment and reallocation.

(c) (1) As soon as practicable but in no event later than 180 days prior to the end of the fiscal year, the Administrator will reallocate on a national basis among those States which have assumed primary enforcement responsibility and can demonstrate a need for additional funds, all funds unobligated by the Agency except for those funds retained under § 35.613(d) for fiscal years 1978 and 1979, respectively. The unobligated funds will be reallocated to each State eligible to receive national reallocation funds on the basis of each such State's allocation factor compared to the sum of the allocation factors for all such States.

(2) The funds retained under § 35.613(d) and not subsequently awarded prior to the end of each fiscal year will be available for reallocation purposes on a national basis the following fiscal year under § 35.605-1(c)(1).

(d) Except for those funds retained under § 35.613(d), funds remaining unobligated 90 days prior to the end of the fiscal year from funds reallocated under § 35.605-1(c)(1) and other funds made available by reduction of grant amounts shall be made available within the Region for supplementary awards to those States which have assumed primary enforcement responsibility.

2. By revising § 35.613(b), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) as follows:

§ 35.613 Limitation on grant award.

(b) No grant may be made to a State for any period beginning more than 12 months after the date of approval of the State's initial grant unless the State has assumed and maintains primary enforcement responsibility for public water systems within the State (see §§ 142.10 through 142.16 of this chapter). This prohibition may be waived by the Regional Administrator through fiscal year 1979, if in his judgement (1) the State is making a diligent effort to assume and maintain primary enforcement responsibility for public water systems within the State; (2) the State has made significant progress toward assuming and maintaining such primary enforcement responsibility; and (3) he has reason to believe that the State will

assume such primary enforcement responsibility by October 1, 1979. The State must clearly demonstrate, through submission of the schedule required by § 35.613(c), its efforts, progress, intentions and probability for assuming such primary enforcement responsibility by October 1, 1979.

(d) No grant awarded under the provisions of § 35.613(b) may exceed 75 percent of the allotment which the State would have received for such fiscal year (determined under § 35.605-1) if it had assumed and maintained primary enforcement responsibility. The remaining 25 percent of the amount allotted to the State for such fiscal year shall be retained by the Environmental Protection Agency. The Regional Administrator may award such amount to such State if the State assumes primary enforcement responsibility prior to the beginning of the next fiscal year.

3. By revising § 35.626-2(a) to read as follows:

§ 35.626-2 Regional Administrator's action on grant application.

(a) The Regional Administrator shall notify the State of the approval or disapproval of any application for a grant (1) within 45 days after receipt of such application, or (2) not later than the first day of the fiscal year for which the grant application is made, whichever is later.

[FR Doc. 78-594 Filed 1-9-78; 8:45 am]

[6560-01]

SUBCHAPTER C—AIR PROGRAMS

[FRL 825-11]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Revision of Reference Method 11

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action revises reference method 11, the method for determining the hydrogen sulfide content of fuel gas streams. The revision is made because EPA found that interferences resulting from the presence of mercaptans in some refinery fuel gases can lead to erroneous test data when the current method is used. This revision eliminates the problem of mercaptan interference and insures the accuracy of the test data.

EFFECTIVE DATE: January 10, 1978.

ADDRESSES: Copies of the comment letters responding to the proposed revision published in the FEDERAL REGISTER on May 23, 1977 (42 FR 26222),

and a summary of the comments with EPA's responses are available for public inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit (EPA Library), Room 2922, 401 M Street SW., Washington, D.C. 20460. A copy of the summary of comments and EPA's responses may be obtained by writing the Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, N.C. 27711. When requesting this document, "Comments and Responses Summary: Revision of Reference Method 11," should be specified.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Director, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone 919-541-5271.

SUPPLEMENTARY INFORMATION: On March 8, 1974, the Environmental Protection Agency promulgated standards of performance limiting emissions of sulfur dioxide from new, modified, and reconstructed fuel gas combustion devices at petroleum refineries. At the same time, reference method 11 was promulgated as the performance test method for measuring H<sub>2</sub>S in the fuel gases. It was found after the promulgation of method 11 that interference resulting from the presence of mercaptans in some refinery fuel gases can lead to erroneous test results in those cases where mercaptans were present in significant concentrations.

Following studies of the problems related to reference method 11, it was decided to revise the method and the revision was proposed in the FEDERAL REGISTER on May 23, 1977. The major change in the proposed revision from the original promulgation was a substitution of a new absorbing solution that is essentially free from mercaptan interference. New sections were also added which described the range and sensitivity, interferences, and precision and accuracy of the revision.

There were seven comments received concerning the proposed revision. Five were received from industry, one from a local environmental control agency and one from a research laboratory. None of the comments warranted any significant changes of the proposed revision. The final revision differs from the revision proposed on May 23, 1977, in only one respect: Phenylarsine oxide standard solution has been included as an acceptable titrant in lieu of sodium thiosulfate.

The effective date of this regulation is January 10, 1978, because section 111(b)(1)(B) of the Clean Air Act pro-

vides that standards of performance or revisions of them become effective upon promulgation.

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an economic impact analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: December 29, 1977.

DOUGLAS M. COSTLE,  
Administrator.

Part 60 of Chapter I of Title 40 of the Code of Federal Regulations is amended by revising Method 11 of Appendix A—Reference Methods as follows:

#### APPENDIX A.—REFERENCE METHODS

##### METHOD 11—DETERMINATION OF HYDROGEN SULFIDE CONTENT OF FUEL GAS STREAMS IN PETROLEUM REFINERIES

1. *Principle and applicability.* 1.1 *Principle.* Hydrogen sulfide (H<sub>2</sub>S) is collected from a source in a series of midjet impingers and absorbed in pH 3.0 cadmium sulfate (CdSO<sub>4</sub>) solution to form cadmium sulfide (CdS). The latter compound is then measured iodometrically. An impinger containing hydrogen peroxide is included to remove SO<sub>2</sub> as an interfering species. This method is a revision of the H<sub>2</sub>S method originally published in the FEDERAL REGISTER, Volume 39, No. 47, dated Friday, March 8, 1974.

1.2 *Applicability.* This method is applicable for the determination of the hydrogen sulfide content of fuel gas streams at petroleum refineries.

2. *Range and sensitivity.* The lower limit of detection is approximately 8 mg/m<sup>3</sup> (6 ppm). The maximum of the range is 740 mg/m<sup>3</sup> (520 ppm).

3. *Interferences.* Any compound that reduces iodine or oxidizes iodide ion will interfere in this procedure, provide it is collected in the cadmium sulfate impingers. Sulfur dioxide in concentrations of up to 2,600 mg/m<sup>3</sup> is eliminated by the hydrogen peroxide solution. Thiols precipitate with hydrogen sulfide. In the absence of H<sub>2</sub>S, only co-traces of thiols are collected. When methane- and ethane-thiols at a total level of 300 mg/m<sup>3</sup> are present in addition to H<sub>2</sub>S, the results vary from 2 percent low at an H<sub>2</sub>S concentration of 400 mg/m<sup>3</sup> to 14 percent high at an H<sub>2</sub>S concentration of 100 mg/m<sup>3</sup>. Carbon oxysulfide at a concentration of 20 percent does not interfere. Certain carbonyl-containing compounds react with iodine and produce recurring end points. However, acetaldehyde and acetone at concentrations of 1 and 3 percent, respectively, do not interfere.

Entrained hydrogen peroxide produces a negative interference equivalent to 100 percent of that of an equimolar quantity of hydrogen sulfide. Avoid the ejection of hydrogen peroxide into the cadmium sulfate impingers.

4. *Precision and accuracy.* Collaborative testing has shown the within-laboratory coefficient of variation to be 2.2 percent and the overall coefficient of variation to be 5 percent. The method bias was shown to be -4.8 percent when only H<sub>2</sub>S was present. In the presence of the interferences cited in section 3, the bias was positive at low H<sub>2</sub>S

concentrations and negative at higher concentrations. At 230 mg H<sub>2</sub>S/m<sup>3</sup>, the level of the compliance standard, the bias was +2.7 percent. Thiols had no effect on the precision.

#### 5. Apparatus.

5.1 Sampling apparatus.

5.1.1 Sampling line. Six to 7 mm (¼ in.) Teflon<sup>®</sup> tubing to connect the sampling train to the sampling valve.

5.1.2 Impingers. Five midjet impingers, each with 30 ml capacity. The internal diameter of the impinger tip must be 1 mm ± 0.05 mm. The impinger tip must be positioned 4 to 6 mm from the bottom of the impinger.

5.1.3 Glass or Teflon connecting tubing for the impingers.

5.1.4 Ice bath container. To maintain absorbing solution at a low temperature.

5.1.5 Drying tube. Tube packed with 6- to 16-mesh indicating-type silica gel, or equivalent, to dry the gas sample and protect the meter and pump. If the silica gel has been used previously, dry at 175° C (350° F) for 2 hours. New silica gel may be used as received. Alternatively, other types of desiccants (equivalent or better) may be used, subject to approval of the Administrator.

NOTE.—Do not use more than 30 g of silica gel. Silica gel absorbs gases such as propane from the fuel gas stream, and use of excessive amounts of silica gel could result in errors in the determination of sample volume.

5.1.6 Sampling valve. Needle valve or equivalent to adjust gas flow rate. Stainless steel or other corrosion-resistant material.

5.1.7 Volume meter. Dry gas meter, sufficiently accurate to measure the sample volume within 2 percent, calibrated at the selected flow rate (~1.0 liter/min) and conditions actually encountered during sampling. The meter shall be equipped with a temperature gauge (dial thermometer or equivalent) capable of measuring temperature to within 3° C (5.4° F). The gas meter should have a petcock, or equivalent, on the outlet connector which can be closed during the leak check. Gas volume for one revolution of the meter must not be more than 10 liters.

5.1.8 Flow meter. Rotameter or equivalent, to measure flow rates in the range from 0.5 to 2 liters/min (1 to 4 cfm).

5.1.9 Graduated cylinder, 25 ml size.

5.1.10 Barometer. Mercury, aneroid, or other barometer capable of measuring atmospheric pressure to within 2.5 mm Hg (0.1 in. Hg). In many cases, the barometric reading may be obtained from a nearby National Weather Service station, in which case, the station value (which is the absolute barometric pressure) shall be requested and an adjustment for elevation differences between the weather station and the sampling point shall be applied at a rate of minus 2.5 mm Hg (0.1 in. Hg) per 30 m (100 ft) elevation increase or vice-versa for elevation decrease.

5.1.11 U-tube manometer. 0-30 cm water column. For leak check procedure.

5.1.12 Rubber squeeze bulb. To pressurize train for leak check.

5.1.13 Tee, pinchclamp, and connecting tubing. For leak check.

5.1.14 Pump. Diaphragm pump, or equivalent. Insert a small surge tank between the

\*Mention of trade names of specific products does not constitute endorsement by the Environmental Protection Agency.

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6.2.2 Iodine solution 0.1 N. Dissolve 24 g of potassium iodide (KI) in 30 ml of deionized, distilled water. Add 12.7 g of resublimed iodine (I<sub>2</sub>) to the potassium iodide solution. Shake the mixture until the iodine is completely dissolved. If possible, let the solution stand overnight in the dark. Slowly dilute the solution to 1 liter with deionized, distilled water, with swirling. Filter the solution if it is cloudy. Store solution in a brown-glass reagent bottle.

6.2.3 Standard iodine solution, 0.01 N. Pipette 100.0 ml of the 0.1 N iodine solution into a 1-liter volumetric flask and dilute to volume with deionized, distilled water. Standardize daily as in section 8.1.1. This solution must be protected from light. Reagent bottles and flasks must be kept tightly stoppered.

#### 6.3 Analysis.

6.3.1 Sodium thiosulfate solution, standard 0.1 N. Dissolve 24.8 g of sodium thiosulfate pentahydrate (Na<sub>2</sub>S<sub>2</sub>O<sub>5</sub>·5H<sub>2</sub>O) or 15.8 g of anhydrous sodium thiosulfate (Na<sub>2</sub>S<sub>2</sub>O<sub>3</sub>) in 1 liter of deionized, distilled water and add 0.01 g of anhydrous sodium carbonate (Na<sub>2</sub>CO<sub>3</sub>) and 0.4 ml of chloroform (CHCl<sub>3</sub>) to stabilize. Mix thoroughly by shaking or by aerating with nitrogen for approximately 15 minutes and store in a glass-stoppered, reagent bottle. Standardize as in section 8.1.2.

6.3.2 Sodium thiosulfate solution, standard 0.01 N. Pipette 50.0 ml of the standard 0.1 N thiosulfate solution into a volumetric flask and dilute to 500 ml with distilled water.

NOTE.—A 0.01 N phenylarsine oxide solution may be prepared instead of 0.01 N thiosulfate (see section 6.3.3).

6.3.3 Phenylarsine oxide solution, standard 0.01 N. Dissolve 1.80 g of phenylarsine oxide (C<sub>6</sub>H<sub>5</sub>AsD) in 150 ml of 0.3 N sodium hydroxide. After settling, decant 140 ml of this solution into 800 ml of distilled water. Bring the solution to pH 6-7 with 6N hydrochloric acid and dilute to 1 liter. Standardize as in section 8.1.3.

6.3.4 Starch indicator solution. Suspend 10 g of soluble starch in 100 ml of deionized, distilled water and add 15 g of potassium hydroxide (KOH) pellets. Stir until dissolved, dilute with 900 ml of deionized distilled water and let stand for 1 hour. Neutralize the alkali with concentrated hydrochloric acid, using an indicator paper similar to Alkacid test ribbon, then add 2 ml of glacial acetic acid as a preservative.

NOTE.—Test starch indicator solution for decomposition by titrating, with 0.01 N iodine solution, 4 ml of starch solution in 200 ml of distilled water that contains 1 g potassium iodide. If more than 4 drops of the 0.01 N iodine solution are required to obtain the blue color, a fresh solution must be prepared.

#### 7. Procedure.

##### 7.1 Sampling.

7.1.1 Assemble the sampling train as shown in figure 11-1, connecting the five midjet impingers in series. Place 15 ml of 3 percent hydrogen peroxide solution in the first impinger. Leave the second impinger empty. Place 15 ml of the cadmium sulfate absorbing solution in the third, fourth, and fifth impingers. Place the impinger assembly in an ice bath container and place crushed ice around the impingers. Add more ice during the run, if needed.

7.1.2 Connect the rubber bulb and manometer to first impinger, as shown in figure

11-1. Close the petcock on the dry gas meter outlet. Pressurize the train to 25-cm water pressure with the bulb and close off tubing connected to rubber bulb. The train must hold a 25-cm water pressure with not more than a 1-cm drop in pressure in a 1-minute interval. Stopcock grease is acceptable for sealing ground glass joints.

NOTE.—This leak check procedure is optional at the beginning of the sample run, but is mandatory at the conclusion. Note also that if the pump is used for sampling, it is recommended (but not required) that the pump be leak-checked separately, using a

method consistent with the leak-check procedure for diaphragm pumps outlined in section 4.1.2 of reference method 6, 40 CFR Part 60, Appendix A.

7.1.3 Purge the connecting line between the sampling valve and first impinger, by disconnecting the line from the first impinger, opening the sampling valve, and allowing process gas to flow through the line for a minute or two. Then, close the sampling valve and reconnect the line to the impinger train. Open the petcock on the dry gas meter outlet. Record the initial dry gas meter reading.

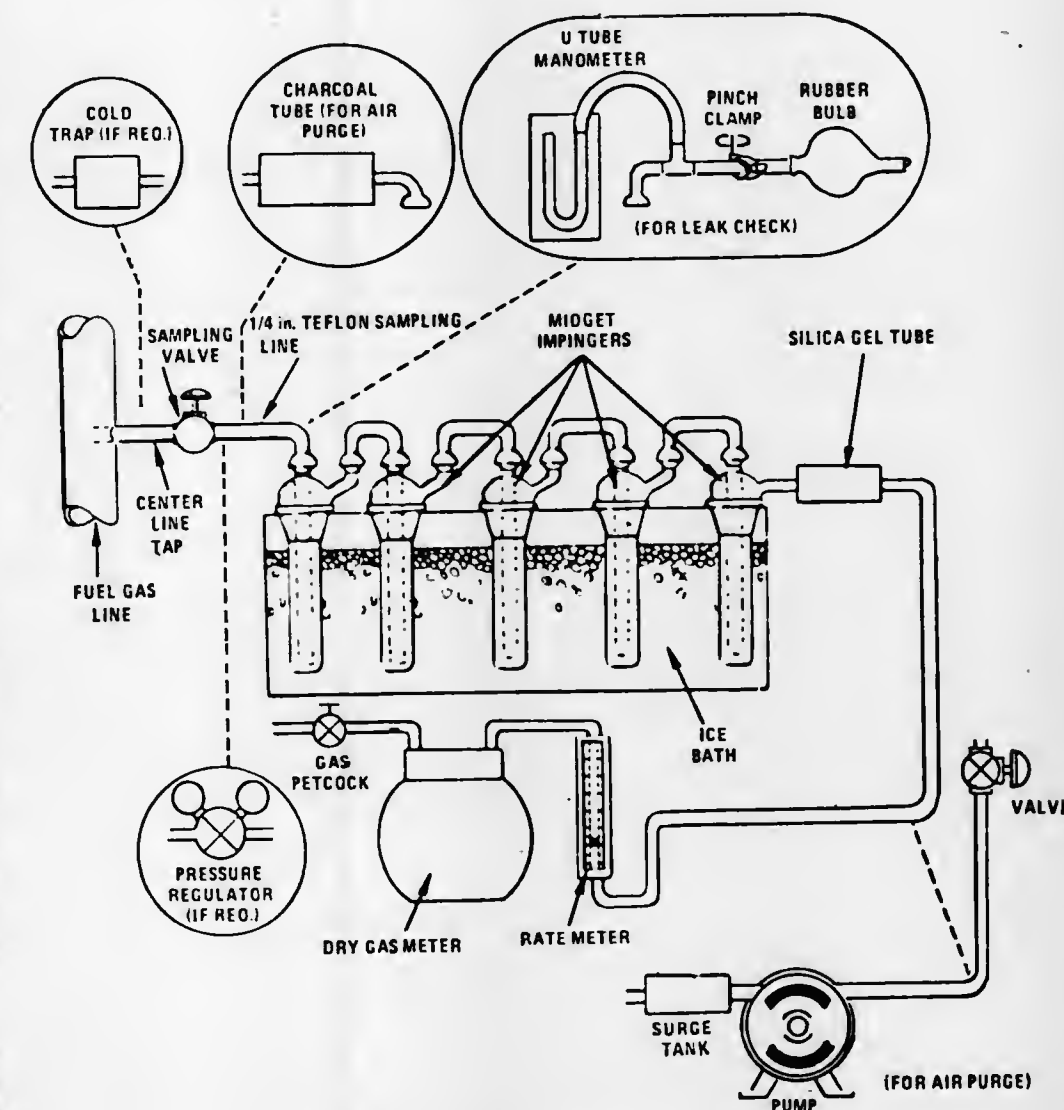


Figure 11-1. H<sub>2</sub>S sampling train.

7.1.4 Open the sampling valve and then adjust the valve to obtain a rate of approximately 1 liter/min. Maintain a constant ( $\pm 10$  percent) flow rate during the test. Record the meter temperature.

7.1.5 Sample for at least 10 min. At the end of the sampling time, close the sampling valve and record the final volume and temperature readings. Conduct a leak check as described in Section 7.1.2 above.

7.1.6 Disconnect the impinger train from the sampling line. Connect the charcoal tube and the pump, as shown in figure 11-1.

Purge the train (at a rate of 1 liter/min) with clean ambient air for 15 minutes to ensure that all H<sub>2</sub>S is removed from the hydrogen peroxide. For sample recovery, cap the open ends and remove the impinger train to a clean area that is away from sources of heat. The area should be well lighted, but not exposed to direct sunlight.

#### 7.2 Sample recovery.

7.2.1 Discard the contents of the hydrogen peroxide impinger. Carefully rinse the contents of the third, fourth, and fifth impingers into a 500 ml iodine flask.

NOTE.—The impingers normally have only a thin film of cadmium sulfide remaining after a water rinse. If Antifoam B was not used or if significant quantities of yellow cadmium sulfide remain in the impingers, the alternate recovery procedure described below must be used.

7.2.2 Pipette exactly 50 ml of 0.01 N iodine solution into a 125 ml Erlenmeyer flask. Add 10 ml of 3 M HCl to the solution. Quantitatively rinse the acidified iodine into the iodine flask. Stopper the flask immediately and shake briefly.

7.2.2 (Alternate). Extract the remaining cadmium sulfide from the third, fourth, and fifth impingers using the acidified iodine solution. Immediately after pouring the acidified iodine into an impinger, stopper it and shake for a few moments, then transfer the liquid to the iodine flask. Do not transfer any rinse portion from one impinger to another; transfer it directly to the iodine flask. Once the acidified iodine solution has been poured into any glassware containing cadmium sulfide, the container must be tightly stoppered at all times except when adding more solution, and this must be done as quickly and carefully as possible. After adding any acidified iodine solution to the iodine flask, allow a few minutes for absorption of the H<sub>2</sub>S before adding any further rinses. Repeat the iodine extraction until all cadmium sulfide is removed from the impingers. Extract that part of the connecting glassware that contains visible cadmium sulfide.

Quantitatively rinse all of the iodine from the impingers, connectors, and the beaker into the iodine flask using deionized, distilled water. Stopper the flask and shake briefly.

7.2.3 Allow the iodine flask to stand about 30 minutes in the dark for absorption of the H<sub>2</sub>S into the iodine, then complete the titration analysis as in section 7.3.

NOTE.—Caution! Iodine evaporates from acidified iodine solutions. Samples to which acidified iodine have been added may not be stored, but must be analyzed in the time schedule stated in section 7.2.3.

7.2.4 Prepare a blank by adding 45 ml of cadmium sulfate absorbing solution to an iodine flask. Pipette exactly 50 ml of 0.01 N iodine solution into a 125-ml Erlenmeyer flask. Add 10 ml of 3 M HCl. Follow the same impinger extracting and quantitative rinsing procedure carried out in sample analysis. Stopper the flask, shake briefly, let stand 30 minutes in the dark, and titrate with the samples.

NOTE.—The blank must be handled by exactly the same procedure as that used for the samples.

#### 7.3 Analysis.

NOTE.—Titration analyses should be conducted at the sample-clean-up area in order to prevent loss of iodine from the sample. Titration should never be made in direct sunlight.

7.3.1 Using 0.01 N sodium thiosulfate solution (or 0.01 N phenylarsine oxide, if applicable), rapidly titrate each sample in an iodine flask using gentle mixing, until solution is light yellow. Add 4 ml of starch indicator solution and continue titrating slowly until the blue color just disappears. Record  $V_{T1}$ , the volume of sodium thiosulfate solution used, or  $V_{A1}$ , the volume of phenylarsine oxide solution used (ml).

7.3.2 Titrate the blanks in the same manner as the samples. Run blanks each

day until replicate values agree within 0.05 ml. Average the replicate titration values which agree within 0.05 ml.

#### 8. Calibration and standards.

##### 8.1 Standardizations.

8.1.1 Standardize the 0.01 N iodine solution daily as follows: Pipette 25 ml of the iodine solution into a 125 ml Erlenmeyer flask. Add 2 ml of 3 M HCl. Titrate rapidly with standard 0.01 N thiosulfate solution or with 0.01 N phenylarsine oxide until the solution is light yellow, using gentle mixing. Add four drops of starch indicator solution and continue titrating slowly until the blue color just disappears. Record  $V_T$ , the volume of thiosulfate solution used, or  $V_{A1}$ , the volume of phenylarsine oxide solution used (ml). Repeat until replicate values agree within 0.05 ml. Average the replicate titration values which agree within 0.05 ml and calculate the exact normality of the iodine solution using equation 9.3. Repeat the standardization daily.

8.1.2 Standardize the 0.1 N thiosulfate solution as follows: Oven-dry potassium dichromate (K<sub>2</sub>Cr<sub>2</sub>O<sub>7</sub>) at 180 to 200° C (360 to 390° F). Weigh to the nearest milligram, 2 g of potassium dichromate. Transfer the dichromate to a 500 ml volumetric flask, dissolve in deionized, distilled water and dilute to exactly 500 ml. In a 500 ml iodine flask, dissolve approximately 3 g of potassium iodide (KI) in 45 ml of deionized, distilled water, then add 10 ml of 3 M hydrochloric acid solution. Pipette 50 ml of the dichromate solution into this mixture. Gently swirl the solution once and allow it to stand in the dark for 5 minutes. Dilute the solution with 100 to 200 ml of deionized distilled water, washing down the sides of the flask with part of the water. Titrate with 0.1 N thiosulfate until the solution is light yellow. Add 4 ml of starch indicator and continue titrating slowly to a green end point. Record  $V_s$ , the volume of thiosulfate solution used (ml). Repeat until replicate analyses agree within 0.05 ml. Calculate the normality using equation 9.1. Repeat the standardization each week, or after each test series, whichever time is shorter.

8.1.3 Standardize the 0.01 N Phenylarsine oxide (if applicable) as follows: oven dry potassium dichromate (K<sub>2</sub>Cr<sub>2</sub>O<sub>7</sub>) at 180 to 200° C (360 to 390° F). Weigh to the nearest milligram, 2 g of the K<sub>2</sub>Cr<sub>2</sub>O<sub>7</sub>; transfer the dichromate to a 500 ml volumetric flask, dissolve in deionized, distilled water, and dilute to exactly 500 ml. In a 500 ml iodine flask, dissolve approximately 0.3 g of potassium iodide (KI) in 45 ml of deionized, distilled water; add 10 ml of 3M hydrochloric acid. Pipette 5 ml of the K<sub>2</sub>Cr<sub>2</sub>O<sub>7</sub> solution into the iodine flask. Gently swirl the contents of the flask once and allow to stand in the dark for 5 minutes. Dilute the solution with 100 to 200 ml of deionized, distilled water, washing down the sides of the flask with part of the water. Titrate with 0.01 N phenylarsine oxide until the solution is light yellow. Add 4 ml of starch indicator and continue titrating slowly to a green end point. Record  $V_A$ , the volume of phenylarsine oxide used (ml). Repeat until replicate analyses agree within 0.05 ml. Calculate the normality using equation 9.2. Repeat the standardization each week or after each test series, whichever time is shorter.

8.2 Sampling train calibration. Calibrate the sampling train components as follows:

##### 8.2.1 Dry gas meter.

8.2.1.1 Initial calibration. The dry gas meter shall be calibrated before its initial use in the field. Proceed as follows: First, as-

semble the following components in series: Drying tube, needle valve, pump, rotameter, and dry gas meter. Then, leak-check the system as follows: Place a vacuum gauge (at least 760 mm Hg) at the inlet to the drying tube and pull a vacuum of 250 mm (10 in.) Hg; plug or pinch off the outlet of the flow meter, and then turn off the pump. The vacuum shall remain stable for at least 30 seconds. Carefully release the vacuum gauge before releasing the flow meter end.

Next, calibrate the dry gas meter (at the sampling flow rate specified by the method) as follows: Connect an appropriately sized wet test meter (e.g., 1 liter per revolution) to the inlet of the drying tube. Make three independent calibration runs, using at least five revolutions of the dry gas meter per run. Calculate the calibration factor,  $Y$  (wet test meter calibration volume divided by the dry gas meter volume, both volumes adjusted to the same reference temperature and pressure), for each run, and average the results. If any  $Y$  value deviates by more than 2 percent from the average, the dry gas meter is unacceptable for use. Otherwise, use the average as the calibration factor for subsequent test runs.

8.2.1.2 Post-test calibration check. After each field test series, conduct a calibration check as in section 8.2.1.1, above, except for the following variations: (a) The leak check is not to be conducted, (b) three or more revolutions of the dry gas meter may be used, and (c) only two independent runs need be made. If the calibration factor does not deviate by more than 5 percent from the initial calibration factor (determined in section 8.2.1.1), then the dry gas meter volumes obtained during the test series are acceptable. If the calibration factor deviates by more than 5 percent, recalibrate the dry gas meter as in section 8.2.1.1, and for the calculations, use the calibration factor (initial or recalibration) that yields the lower gas volume for each test run.

8.2.2 Thermometers. Calibrate against mercury-in-glass thermometers.

8.2.3 Rotameter. The rotameter need not be calibrated, but should be cleaned and maintained according to the manufacturer's instruction.

8.2.4 Barometer. Calibrate against a mercury barometer.

9. Calculations. Carry out calculations retaining at least one extra decimal figure beyond that of the acquired data. Round off results only after the final calculation.

9.1 Normality of the Standard ( $\sim 0.1$  N) Thiosulfate Solution.

$$N_s = 2.039W/V_s$$

where:

$W$  = Weight of K<sub>2</sub>Cr<sub>2</sub>O<sub>7</sub> used, g.

$V_s$  = Volume of Na<sub>2</sub>S<sub>2</sub>O<sub>3</sub> solution used, ml.

$N_s$  = Normality of standard thiosulfate solution, g-eq/liter.

2.039 = Conversion factor

(6 eq. I<sub>2</sub>/mole K<sub>2</sub>Cr<sub>2</sub>O<sub>7</sub>) (1,000 ml/liter) = (294.2 g K<sub>2</sub>Cr<sub>2</sub>O<sub>7</sub>/mole) (10 aliquot factor)

9.2 Normality of Standard Phenylarsine Oxide Solution (if applicable).

$$N_A = 0.2039W/V_A$$

where:

$W$  = Weight of K<sub>2</sub>Cr<sub>2</sub>O<sub>7</sub> used, g.

$V_A$  = Volume of C<sub>6</sub>H<sub>5</sub>AsO used, ml.

$N_A$  = Normality of standard phenylarsine oxide solution, g-eq/liter.

0.2039 = Conversion factor



(6 eq.  $I_2$ /mole  $K_2Cr_2O_7$ ) (1,000 ml/liter)/(249.2 g  $K_2Cr_2O_7$ /mole) (100 aliquot factor)

9.3 Normality of Standard Iodine Solution.

$$N_i = N_i V_i / V_t$$

where:

$N_i$  = Normality of standard iodine solution, g-eq./liter.

$V_i$  = Volume of standard iodine solution used, ml.

$N_t$  = Normality of standard (~0.01 N) thiosulfate solution; assumed to be 0.1  $N_s$ , g-eq./liter.

$V_t$  = Volume of thiosulfate solution used, ml.

NOTE.—If phenylarsine oxide is used instead of thiosulfate, replace  $N_t$  and  $V_t$  in Equation 9.3 with  $N_a$  and  $V_a$ , respectively (see sections 8.1.1 and 8.1.3).

9.4 Dry Gas Volume. Correct the sample volume measured by the dry gas meter to standard conditions (20° C) and 760 mm Hg.

$$V_{m(std)} = V_m Y [(T_{std}/T_m) (P_{bar}/P_{std})]$$

where:

$V_{m(std)}$  = Volume at standard conditions of gas sample through the dry gas meter, standard liters.

$V_m$  = Volume of gas sample through the dry gas meter (meter conditions), liters.

$T_{std}$  = Absolute temperature at standard conditions, 293° K.

$T_m$  = Average dry gas meter temperature, °K.

$P_{bar}$  = Barometric pressure at the sampling site, mm Hg.

$P_{std}$  = Absolute pressure at standard conditions, 760 mm Hg.

$Y$  = Dry gas meter calibration factor.

9.5 Concentration of  $H_2S$ . Calculate the concentration of  $H_2S$  in the gas stream at standard conditions using the following equation:

$$C_{H_2S} = K[(V_{TN}N_i - V_{TN}N_t) \text{ sample} - (V_{TN}N_i - V_{TN}N_t) \text{ blank}] / V_{m(std)}$$

where (metric units):

$C_{H_2S}$  = Concentration of  $H_2S$  at standard conditions, mg/dscm.

$K$  = Conversion factor =  $17.04 \times 10^3$

(34.07 g/mole  $H_2S$ ) (1,000 liters/m<sup>3</sup>) (1,000 mg/g)/(1,000 ml/liter) (2 $H_2S$  eq/mole)

$V_{TN}$  = Volume of standard iodine solution = 50.0 ml.

$N_i$  = Normality of standard iodine solution, g-eq./liter.

$V_{TN}$  = Volume of standard (~0.01 N) sodium thiosulfate solution, ml.

$N_t$  = Normality of standard sodium thiosulfate solution, g-eq./liter.

$V_{m(std)}$  = Dry gas volume at standard conditions, liters.

NOTE.—If phenylarsine oxide is used instead of thiosulfate, replace  $N_t$  and  $V_{TN}$  in Equation 9.5 with  $N_a$  and  $V_a$ , respectively (see Sections 7.3.1 and 8.1.3).

10. *Stability.* The absorbing solution is stable for at least 1 month. Sample recovery and analysis should begin within 1 hour of sampling to minimize oxidation of the acidified cadmium sulfide. Once iodine has been added to the sample, the remainder of the analysis procedure must be completed according to sections 7.2.2 through 7.3.2.

#### 11. Bibliography.

11.1 Determination of Hydrogen Sulfide, Ammoniacal Cadmium Chloride Method. API Method 772-54. In: Manual on Disposal

of Refinery Wastes, Vol. V: Sampling and Analysis of Waste Gases and Particulate Matter, American Petroleum Institute, Washington, D.C., 1954.

11.2 Tentative Method of Determination of Hydrogen Sulfide and Mercaptan Sulfur in Natural Gas, Natural Gas Processors Association, Tulsa, Okla., NGPA Publication No. 2265-65, 1965.

11.3 Knoll, J. E., and M. R. Midgett. Determination of Hydrogen Sulfide in Refinery Fuel Gases, Environmental Monitoring Series, Office of Research and Development, USEPA, Research Triangle Park, N.C. 27711, EPA 600/4-77-007.

11.4 Scheill, G. W., and M. C. Sharp. Standardization of Method 11 at a Petroleum Refinery, Midwest Research Institute Draft Report for USEPA, Office of Research and Development, Research Triangle Park, N.C. 27711, EPA Contract No. 68-02-1098, August 1976, EPA 600/4-77-088a (Volume 1) and EPA 600/4-77-088b (Volume 2).

(Secs. 111, 114, 301(a), Clean Air Act as amended (42 U.S.C. 7411, 7414, 7601).)

[FR Doc. 78-482 Filed 1-9-78; 8:45 am]

#### [1505-01]

##### Title 42—Public Health

#### CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### PART 66—NATIONAL RESEARCH SERVICE AWARDS

##### Technical Amendments

##### Correction

In FR Doc. 77-35569 appearing at page 63389 in the issue for Friday, December 16, 1977, the heading of § 66.106 *Award* was omitted from the text of the regulation. It should be inserted in the third column, page 63390, above the paragraph beginning "(a) Within the limits of funds avail."

#### [6712-01]

##### Title 47—Telecommunication

#### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

##### PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

##### Editorial Amendments

AGENCY: Federal Communications Commission.

ACTION: Editorial amendment.

SUMMARY: Correction of Rules because of printing or typing error. No substantive change is involved.

EFFECTIVE DATE: January 9, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Eliot J. Greenwald, Common Carrier Bureau, 202-632-6450.

SUPPLEMENTARY INFORMATION: In the matter of editorial amendment of § 21.31(e) of the Commission's rules and regulations—memorandum opinion and order.

Adopted: December 21, 1977.

Released: January 3, 1978.

1. Section 21.31(e) of the Commission's rules states in part:

(e) For the purposes of this section, any application (whether mutually exclusive or not) will be considered to be a newly filed application if it is amended by a major amendment (as defined by § 21.23), except under the following circumstances:

This portion is then followed by a list of six circumstances. Circumstances 5 and 6 are separated by the word "or." It is apparent from reading the six circumstances that these were meant to be alternative occurrences and that it was not meant that all six circumstances must occur before an application is not considered to be newly filed. It thus appears that the words "any of" were omitted from the last phrase of the quoted portion. Accordingly, the last phrase of the quoted portion will be amended to read as follows: "except under any of the following circumstances."

2. Section 21.31(e)(1) of the rules states:

(1) The application has been designed for comparative hearing, or for comparative evaluation (pursuant to § 21.35), and the Commission or the presiding officer accepts the amendment pursuant to § 21.23(b);

It appears that the word "designed" should have been "designated." The rule will be amended accordingly.

3. Since the amendment is editorial the provisions of 5 U.S.C. § 553 are not applicable.

4. In view of the foregoing, *It is ordered*, Pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that Part 21 of the Commission's rules is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended 1088, 1082 (47 U.S.C. 154, 303).)

For the Federal Communications Commission.

RICHARD D. LIGHTWARD,  
Executive Director.

Part 21 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

Section 21.31(e) and (e)(1) are amended to read as follows:

§ 21.31 Mutually exclusive applications.

• • • • •

(e) For the purposes of this section, any application (whether mutually exclusive or not) will be considered to be a newly filed application if it is amend-

ed by a major amendment (as defined by § 21.23), except under any of the following circumstances:

(1) The application has been designated for comparative hearing, or for comparative evaluation (pursuant to § 21.35), and the Commission or the presiding officer accepts the amendment pursuant to § 21.23(b);

[FR Doc. 78-525 Filed 1-9-78; 8:45 am]

#### [6712-01]

[Docket No. 21412; RM-2902]

##### PART 73—RADIO BROADCAST SERVICES

##### FM Assignment to Elizabeth City, N.C.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action assigns a Class A FM channel to Elizabeth City, N.C. The channel assignment provides for a second FM station which would render a fourth local aural broadcast service to the community.

EFFECTIVE DATE: February 27, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), table of Assignments, FM broadcast stations. (Elizabeth City, N.C.). Report and order (Proceeding Terminated). See 42 FR 55106.

Adopted: December 23, 1977.

Released: January 3, 1978.

By the Chief, Broadcast Bureau.

1. The Commission has before it the notice of proposed rule making, adopted October 4, 1977 (42 FR 55106), proposing the assignment of channel 244A to Elizabeth City, N.C., as its second FM assignment. The proceeding was instituted on the basis of a petition filed by Campbell Broadcasting, Inc. ("petitioner"), licensee of AM station WGAI, Elizabeth City. Supporting comments were filed by petitioner, reaffirming its intention to file for the channel, if assigned, and willingness to compete under such circumstances. Joseph E. Revels also expressed his interest in the proposed channel assignment. No oppositions were received.

2. Elizabeth City (population 14,069), seat of Pasquotank County (population 25,824), is located approximately

<sup>1</sup>Population figures are taken from the 1970 U.S. Census.

64 kilometers (40 miles) south of Norfolk, Va. It presently receives service from full-time AM stations WCNC and WGAI, and Class C FM station WMYK (channel 229).

3. Petitioner states that Elizabeth City's population increased between 1960 and 1970, and has experienced a steadily growing economy in recent years. It notes that agriculture has been the mainstay of the area's economy. In addition, it points out that Elizabeth City has become an increasingly popular tourism site which has produced revenues of approximately five million dollars in 1976.

4. Preclusion would occur only on the co-channel. However, the precluded area contains no communities with a population over 1,000 persons. Petitioner states that no first FM service would be provided by the proposed assignment, but that second FM service would be provided to 1,824 persons in an area of 130 square kilometers (50 square miles). It also adds that the second FM service would provide a substantial area and population with second and third fulltime aural service.

5. While the proposed assignment would contravene the usual policy of avoiding intermixture of a Class A with a Class C channel, we have deviated from this policy where there is no Class C channel available for assignment, and there is a demand for a Class A channel and the willingness to compete under such circumstances. Yakima, Wash., 4 FCC 548, 550 (1973); Key West, Fla., 45 FCC 2d 142, 145 (1974). Since there is no Class C FM channel that could be assigned to Elizabeth City, and two parties have expressed their intention to apply for channel 244A at Elizabeth City, in spite of the intermixture situation, we will make the assignment. The assignment would provide a second local FM service to the community.

6. In view of the foregoing, *It is ordered*, That effective February 27, 1978, § 73.202(b) of the Commission's rules, the FM table of assignments, is amended to read as follows for the community listed below:

City and Channel No.

Elizabeth City, N.C., 229, 244A.

7. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

8. *It is further ordered*, That this proceeding is terminated.

For the Federal Communications Commission.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 78-529 Filed 1-9-78; 8:45 am]

#### [6712-01]

[Docket No. 21427; RM-2933]

##### PART 73—RADIO BROADCAST SERVICES

##### FM Broadcast Station in Marion, Ala.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first FM Class A channel to Marion, Ala. The channel assignment would provide for an FM station which will furnish a first full-time local aural broadcast service to the community.

EFFECTIVE DATE: February 27, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTAL INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Marion, Alabama). Report and order (proceeding terminated). See 42 FR 54435.

Adopted: December 23, 1977.

Released: January 3, 1978.

By the Chief, Broadcast Bureau:

1. The Commission herein considers the Notice of Proposed Rule Making, adopted September 23, 1977 (42 FR 54435), in the above-entitled proceeding, instituted in response to a petition filed by Jimmie F. Mizzell and Samuel M. Shiller ("petitioners"), proposing the assignment of Channel 280A to Marion, Ala., as a first FM assignment to that community.

2. Marion (pop. 4,289), seat of Perry County (pop. 15,388),<sup>1</sup> is located approximately 40 kilometers (25 miles) northwest of Montgomery, Ala. Marion has a daytime-only AM station, WJAM, licensed to Radio Marion, Inc. Channel 280A could be assigned to Marion in conformity with the minimum distance separation requirements, if the station were to be located 4.8 kilometers (3 miles) west-northwest of the community.

3. In support of their proposal, petitioners submitted information with re-

<sup>1</sup>Population figures are taken from the 1970 U.S. Census.



spect to Marion which is persuasive as to its need for a first FM channel assignment.

4. We believe that the public interest would be served by the assignment of FM Channel 280A to Marion, Ala. An interest has been shown for its use, and such an assignment would provide the community and Perry County with a first full-time local aural broadcast service.

5. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

6. Accordingly, it is ordered, That effective February 27, 1978, §73.202(b) of the Commission's rules, the FM Table of Assignments, is amended as it pertains to the community listed below:

**CITY AND CHANNEL NO.**

Marion, Ala., 280A.

7. It is further ordered, That this proceeding is terminated.

For the Federal Communications Commission.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 78-527 Filed 1-9-78; 8:45 am]

[6712-01]

[Docket No. 20422; RM-2395 etc.; FCC 77-863]

**PART 73—RADIO BROADCAST SERVICES**

**FM Broadcast Stations in Fort Walton Beach, Crestview, and Destin, Fla.; Changes Made in Table of Assignments**

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order.

SUMMARY: This action reverses an earlier decision assigning class C FM channel 243 to Crestview, Fla., and assigns it to Fort Walton Beach, Fla., instead. The Fort Walton Beach assignment is consistent with applicable criteria for class C assignments and is preferable since it is larger. It is also possible to insure use of a site which will provide the second FM service that it was incorrectly thought only a Crestview assignment would provide. In response to a separate request, Destin, Fla., is assigned a class A channel to provide its first local station.

EFFECTIVE DATE: February 15, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of

§73.202(b), table of assignments, FM broadcast stations (Fort Walton Beach, Crestview, and Destin, Fla.), Docket No. 20422, RM-2395, 2421, 2451, 2471, 2503. Memorandum opinion and order (proceeding terminated). See 41 FR 49097.

Adopted: December 21, 1977.

Released: January 3, 1978.

By the Commission.

1. Before the Commission are two petitions for reconsideration of the report and order, 62 FCC 2d 76, released November 5, 1976, which, inter alia, assigned FM Channel 243 to Crestview, Fla., and modified the license of Crestview Broadcasting Co. for station WAAZ-FM (channel 285A) to specify operation on that channel.<sup>1</sup> In one petition, Dr. John Matkowski argues that we should have assigned channel 243 to Destin, Fla., instead of Crestview, while, in the other, Vacationland Broadcasting Co., Inc., licensee of AM and FM Stations WFTW, Fort Walton Beach, Fla., argues we should have assigned channel 243 to Fort Walton Beach, in place of Channel 257A on which it operates. Oppositions to both petitions were submitted by Crestview Broadcasting Co. and by Deltona Broadcasting Co., Inc., licensee of station WPAP-FM, Panama City, Fla. Replies were filed by Matkowski, Vacationland Broadcasting Co., Inc., and Crestview Broadcasting Co.

2. The report and order in this proceeding considered conflicting requests for the assignment of channel 243 to Crestview, Destin, or Fort Walton Beach. The Crestview proposal was favored primarily because it was thought to be the most appropriate way to bring a second FM service to a larger area. Assignment of the channel to either Fort Walton Beach or Destin was thought to represent a less efficient use of the channel since a significant portion of the signal was expected to cover uninhabited water areas. It was also noted that intermixture in the Fort Walton Beach/Destin market would be created. Although Fort Walton Beach was not assigned channel 243, it was assigned a second class A channel. Destin was not given a class A assignment since no interest was expressed in such an assignment there.

3. In support of its request that we reverse our decision and assign channel 243 to Destin, Matkowski argues that Destin is a more appropriate place for the assignment since it has had a greater growth rate in population and business activity than Crestview. Matkowski describes Crestview as a dying town, citing the shift in some government offices out of that community and into Shalimar, Fla.

<sup>1</sup>The report and order also assigned channel 221A to Fort Walton Beach.

(closer to the Fort Walton Beach/Destin area). He also contends that the Crestview assignment would result in an inefficient use of the channel since mostly uninhabited forest area would be covered from the proposed transmitter site area. Matkowski argues that the site proposed by Crestview Broadcasting Co. (from which the estimates of first and second FM services were made) is unavailable.<sup>2</sup> Finally, Matkowski asserts that any concern about an intermixture of classes of channels at the communities in the area is outweighed by the large first and second FM service that would be provided (525 persons and 19,500 persons, respectively). In the event he is denied reconsideration, the assignment of a class A channel is requested instead.<sup>3</sup>

4. By way of contrast, Vacationland argues that channel 243 should have been assigned to Fort Walton Beach rather than to Crestview. Its main complaint with the Commission's decision is the manner in which the Crestview station had its license modified to specify the newly assigned channel so that there was no opportunity for other parties to apply for it. It argues that, if it were to have expressed such an interest in serving Crestview as is said to be necessary under the Commission's *Cheyenne* policy,<sup>4</sup> and thereby blocked the modification, then it would be weakening its position that the channel should be allocated to Fort Walton Beach. It suggests that the Commission should reopen the proceeding and make alternative assignments at each of the three interested communities so that the hearing process could determine the proper allocation. It further asserts that information regarding the greater need for a class C channel at Fort Walton Beach had already been set forth, including the fact that 78 percent of the county's population lives in the Fort Walton Beach area; that it is a large commercial and service center for this region; that it is undergoing signifi-

<sup>2</sup>In this regard, he notes that the proposed site is located six miles from the runway approach at Eglin Air Force Base and predicts that the FAA will not approve a 500 foot tower there. In addition, he argues that since a tower exceeding 300 feet is proposed, the applicant would have to satisfy applicable environmental concerns—see sections 1.1305 and 1.1311 of the Commission's rules.

<sup>3</sup>He also seeks to avoid the necessity for filing an application for this channel if it is assigned, but this is not possible. Unlike instances where a license could be modified to specify a new channel, Matkowski holds no such license and thus must apply for any channel assigned.

<sup>4</sup>Under that policy, request for modification of an existing permit or license can be granted at the rule making stage if no other person has stated an interest in applying for the new channel. See *Cheyenne*, Wyo. 62 FCC 2d 63 (1976).

cant growth; and that Fort Walton Beach itself is the largest city in the area of Florida between Tallahassee and Pensacola, a distance of over 320 kilometers (200 miles). Further, Vacationland argued that the assignment of a wide area coverage channel to Crestview would focus primarily on Fort Walton Beach anyway since Crestview essentially is a dying community without even a building over two stories high.

5. Deltona Broadcasting, while agreeing that the allocation to Crestview was proper, believes that the modification procedure utilized by the Commission violates due process by not notifying all parties at an earlier stage in the proceeding that an expression of interest at Crestview was necessary to enable them to file applications there.<sup>5</sup>

6. Crestview, in response to these oppositions, argues that no new facts have been presented to favor either Destin or Fort Walton Beach as the community of assignment. Regarding the alleged transmitter site problems, Crestview argues that its assumed site is merely hypothetical and in any event, many sites in this vicinity are available which can achieve the population and area figures relied upon by the Commission.<sup>6</sup> It contends that the modification procedure used is not unfair to either Dr. Matkowski or Vacationland since both had the opportunity to express their interest in utilizing the channel at Crestview.

7. In the previous report and order, we decided to put channel 243 in Crestview (and to modify the license of station WAAZ-FM accordingly) as the best way to encourage the use of a site as close as possible to a large underserved area. We stated that our primary goal was to provide a second FM service<sup>7</sup> to a larger area (30,461 persons in a 2,124 square kilometers (820 square mile) area) than we thought would have been offered by assigning channel 243 to either Fort Walton Beach or Destin (approximately 19,000

<sup>5</sup>Deltona questions the limitation of such expressions of interest to "qualified parties" asserting that this refers to matters not reviewable until the filing of an application. As used in the report and order, the term was not intended to have this meaning but only was intended to refer to those persons eligible to seek use of the channel.

<sup>6</sup>Crestview also asserts that it will not have to erect a tower in excess of approximately 152 meters (500 feet) to achieve its proposed service since ground elevation of 61 meters (200 feet) at the assumed site is substantially higher than the surrounding area. It also argues that the filing of an environmental impact statement is irrelevant to this rule making proceeding.

<sup>7</sup>The same first FM service would be provided from the various proposed sites.

persons in a 958 square kilometer (370 square mile) area). In point of fact, it was not necessary to assign the channel to Crestview to accomplish this. If channel 243 were assigned to Fort Walton Beach and the applicant were required to select a site approximately 37 kilometers (23 miles) north-northwest of Fort Walton Beach, this important second FM service could be achieved.<sup>8</sup> In our earlier action we assumed that assigning the channel to Fort Walton Beach would mean use of a site near there and away from the area needing service, but this need not be the case. Especially since such a location would be inefficient in its wasting much of the coverage area over the water there is little reason to expect such a site to be chosen regardless of any restrictions the Commission might invoke. In sum, then, our choices were not so narrow as we earlier thought. This in itself does not establish the need to alter our decision, but it does allow us to consider such a step if it is otherwise required. In our view it is, and had it not been for the matter of the site, the case would not have been decided as it was. It is clear to us that the choice of Fort Walton Beach for the class C channel is more logical for a number of reasons. It is significantly larger than Crestview,<sup>9</sup> its greater growth rate is undisputed and its position as the most important business and service center in this area of Florida deserves recognition. Although it has been contended by Matkowski that Destin deserves the class C channel assignment, when compared with the size and growth of Fort Walton Beach, Destin's needs are less important.

8. As for intermixture, which had been a matter of concern, Vacationland, the existing class A licensee, has not only failed to object to the addition of a class C station in Fort Walton Beach, but urges its assignment there so that it may apply for it. Under these circumstances we cannot find that it would be unfair to inter-

<sup>8</sup>After further studying the availability of radio services in this area, we have discovered that not only would a second FM service be provided to a large area including over 30,000 persons, mostly in southern Alabama, but also a second aural service would be offered to this area from the proposed site relied upon in the report and order. While there appears to be some question as to the availability of that particular site, there is no reason to believe other sites would be unavailable to achieve essentially the same service. Further, with prudent site selection which would meet city grade coverage requirements, an even greater second aural service area could be covered.

<sup>9</sup>Fort Walton Beach has a population of 19,994; Crestview's population is 7,952; and Destin has 1,536 persons according to the 1970 U.S. Census.

mix classes of channels in this community.<sup>10</sup> Nor, in light of the service which would be provided, need we be concerned about intermixing channels in this general area.

9. Although channel 221A was assigned to Fort Walton Beach by the report and order, that decision was based on our then refusal to assign the class C channel there. Now that we have decided it is appropriate to assign the class C channel, we should reevaluate that assignment, a step which makes it possible to consider assigning channel 221A to Destin instead. Matkowski has requested a channel for Destin even if its proposal for a class C operation were denied. We believe that a first local FM station at Destin, which appears to be rapidly growing, is needed more than a third FM channel assignment at Fort Walton Beach,<sup>11</sup> especially in view of our population criteria which generally limits communities under 50,000 people to two channels. We note that no other class A channels are available for assignment and Destin would otherwise be precluded from using channel 221A. Although there are three applications pending for the use of channel 221A at Fort Walton Beach,<sup>12</sup> these applications may be amended to specify channel 243. Finally, we should note that if Vacationland were the successful applicant for channel 243 at Fort Walton Beach, channel 257A would become available for application by all parties who have applied for channel 221A as well as by other interested persons.

10. Accordingly, it is ordered, That effective February 15, 1978, the FM table of assignments (§73.202(b) of the Commission's rules and regulations) is amended for the cities listed below to read:

**City and Channel No.**

Crestview, Fla., 285A.  
Destin, Fla., 221A.  
Fort Walton Beach, Fla., 243, 257A.

11. It is further ordered, That the petition for reconsideration filed by Vacationland Broadcasting Co. is granted.

<sup>10</sup>A similar situation occurred in *Hammond, La.*, 40 FCC 1041, 1045 or 2 FCC 2d 565, 569 (1966), where the class A station requested a class C channel. The Commission approved the assignment despite the creation of intermixture. See also *Rome, N.Y.*, 42 FR 58189 (1977).

<sup>11</sup>We also note that there is no demand for a second class A channel at Crestview which will retain its current channel 285A assignment.

<sup>12</sup>Applications have been submitted by White Sands Broadcasting, Inc., Gulfcoast Broadcasting, Inc., and Jericho Radio, Inc.



12. *It is further ordered*, That the petition for reconsideration filed by Dr. John Matkowski is granted to the extent indicated and is denied in all other respects.

13. Authority for the actions taken herein is found in sections 4(i), 5(d)(1), and 303 (g) and (r) of the Communications Act of 1934, as amended.

14. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).)

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Secretary.

[FR Doc. 78-517 Filed 1-9-78; 8:45 am]

# [6712-01]

[Docket No. 21389; RM-2852]

## PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations in Clarksdale and Greenville, Miss., and in Birmingham, Ala.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein makes substitute television channel changes in Clarksdale and Greenville, Miss., so as to make it possible for another UHF television station to become active in this area. As a result of the substitutions, a change in the offset designation from zero to minus on channel 21 in Birmingham, Ala., is also required.

EFFECTIVE DATE: February 15, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Clarksdale and Greenville, Miss.; Birmingham, Ala.), Docket No. 21389 RM-2852; report and order (proceeding terminated). See 42 FR 46560.

Adopted: December 28, 1977.

Released: January 4, 1978.

By the Chief, Broadcast Bureau.

1. The Commission has before it the notice of proposed rule making, adopted September 6, 1977, 42 FR 46560, in response to a petition filed by Big

\*Commissioner Onell concurring in the result; Commissioner White absent.

River Broadcasting Co. ("petitioner"), applicant for a television station on channel 15 at Greenville, Miss. Petitioner proposed the substitution of channel \*21 for channel \*22 at Clarksdale, Miss., and the substitution of channel 44 for channel 21 at Greenville, Miss. Both of the existing assignments are unoccupied and unapplied for. Comments were filed by the petitioner in which it reaffirmed its intention to build a television station promptly if a construction permit is granted for channel 15 at Greenville. No other comments were received.

2. Clarksdale (population 21,673),<sup>2</sup> seat of Coahoma County (population 40,447), is located in northwest Mississippi. Greenville (population 39,468), seat of Washington County (population 70,581), is located in west-central Mississippi, approximately 100 kilometers (62 miles) south of Clarksdale.

3. The notice indicated that the proposed channel substitutions could be made in conformity with the distance separation requirements and without requiring any other changes in the television table of assignments, except for changing the offset on channel 21 in Birmingham, Ala., from zero to minus.

4. Petitioner contends that adoption of the proposed channel changes would permit the orderly processing of its application for channel 15 at Greenville, Miss. It states further that it would promote development of UHF television in west-central Mississippi, and increase the number of broadcast services available to residents of the area.

5. We believe that public interest would be served by substituting channel \*21 for channel \*22 at Clarksdale, Miss., and substituting channel 44 for channel 21 at Greenville, Miss. It would result in bringing an additional commercial television service to the area, promote the establishment of a first commercial UHF television service, and the third commercial UHF station in the State.

6. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's rules, *it is ordered*, That effective February 15, 1978, the television table of

\*Petitioner, in its application (BPCT-4970) for channel 15 in Greenville, unknowingly proposed a site which was short-spaced to channel \*22 in Clarksdale. Rather than select a less desirable site, or abandon the attempt to construct a new TV station for Greenville, Big River Broadcasting Co. filed the instant petition proposing the above-mentioned substitutions in order to correct the short spacing.

<sup>2</sup>Population figures were taken from the 1970 U.S. Census.

assignments (§ 73.606(b) of the Commission's rules), is amended with respect to the following communities:

### City and Channel No.

Greenville, Miss., 15-, 44.  
Clarksdale, Miss., \*21.  
Birmingham, Ala., 6-, \*10-, 13-, 21-, 42+, \*62+, 68+.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

For the Federal Communications Commission.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 78-587 Filed 1-9-78; 8:45 am]

# [6712-01]

[Docket No. 21388; RM-2745]

## PART 73—RADIO BROADCAST SERVICES

TV Assignment to Sikeston, Mo.

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first UHF television channel to Sikeston, Mo. The channel 45 assignment will provide for a station which could render a first local television service to the community.

DATE: Effective February 13, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Sikeston, Mo.) Docket No. 21388, RM-2745; report and order (proceeding terminated). See 42 FR 46559.

Adopted: December 28, 1977.

Released: January 4, 1978.

By the Chief, Broadcast Bureau.

1. The Commission has before it the notice of proposed rulemaking, adopted September 2, 1977, 42 FR 46559, in response to a petition filed by Delta Projects, Inc. ("petitioner"), requesting the assignment of channel 45 to Sikeston, Mo. Comments were filed only by the petitioner in which it reaffirmed its intention to file an application for the proposed channel, if assigned.

2. Sikeston, (population 14,899), lies partially in New Madrid County (population 23,420), but is situated primarily in Scott County (population 33,250). It is located midway between Mem-

phis, Tenn., and St. Louis, Mo., and lies about 48 kilometers (30 miles), west of the Mississippi River.

3. The notice indicated that the proposed assignment meets the distance separation requirements and other technical criteria and could be assigned without affecting any existing assignments in the table. In support of its proposal, petitioner submitted information with respect to Sikeston and its need for a first television channel assignment.

4. In view of the foregoing, we conclude that it would be in the public interest to make the requested assignment so as to provide a first local television service to Sikeston.

5. Accordingly, *it is ordered*, That effective February 13, 1978, the television table of assignments, § 73.606(b) of the Commission's rules, is amended with regard to the city listed below, as follows:

### City and Channel No.

Sikeston, Mo.—45.

6. Authority for the action taken herein is formed in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

For the Federal Communications Commission.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 78-589 Filed 1-9-78; 8:45 am]

# [6712-01]

[Docket No. 21109; RM-2748; RM-2853]

## PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations in Medford and Grants Pass, Ore.; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action reserves VHF TV Channel 8 at Medford, Ore., for noncommercial educational use to reflect the actual nature of the operation of the channel. Also VHF TV Channel 12 is assigned to Medford to provide a third VHF network service. Finally, a reassignment of Channel \*18 from Medford to Grants Pass, Ore., will provide a first local noncommercial educational station and extend a proposed statewide service to southwestern Oregon.

EFFECTIVE DATE: February 15, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

## FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTAL INFORMATION: In the matter amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Medford and Grants Pass, Ore.) Docket No. 21109, RM-2748, RM-2853; Report and order (Proceeding Terminated). See 42 FR 9401.

Adopted: December 28, 1977.

Released: January 4, 1978.

By the Chief, Broadcast Bureau:

1. Before the Commission is the Notice of Proposed Rule Making, adopted February 4, 1977, 42 FR 9401, proposing the reservation of VHF TV Channel 8 and the deletion of the reservation for UHF TV Channel \*18 at Medford, Ore. The Notice was issued in response to a petition from the Southern Oregon Education Co., licensee of noncommercial educational Station KSYS(TV) (Channel 8), Medford. Supporting comments were submitted by petitioner and by the Reverend Marion F. Ravan. A counterproposal requesting that Channel \*18 be reassigned to Grants Pass, Ore., was submitted by the Oregon State Board of Higher Education ("State Board"), licensee of noncommercial educational TV stations in Corvallis, La Grande, Portland and Salem, Ore. Petitioner submitted a reply.

2. The Notice indicated that it would be appropriate to reflect the actual use of Channel 8 at Medford at such time as noncommercial educational programming was actually inaugurated. That has since occurred, and we therefore find that the public interest will be served by reserving Channel \*8 at Medford for noncommercial educational use.

3. With regard to the proposals concerning Channel \*18, the Reverend Ravan proclaims that a third commercial outlet in Medford could offer network programming not already provided plus other valuable programs. He states that he would submit an application for commercial use of Channel \*18 if the reservation were deleted. In its counterproposal, the State Board requests the reassignment of Channel \*18 to Grants Pass in order to extend its current service to the Southwest.

\*This community has been added to the caption.

\*Program test authority was granted on February 9, 1977, and petitioner was issued a license on April 29, 1977.

\*Medford is provided local service by Stations KOB(TV) (Channel 5) (CBS) and KMED-TV (Channel 10) (NBC). Both stations also provide some ABC network programming.

ern portion of the State. It states that it also intends to provide local programming and to feed a network of translators from its proposed station at Grants Pass. While noting that Station KSYS(TV), Medford, provides a city grade signal to Grants Pass, the State Board urges that a second non-commercial educational station will provide diversity since it does not intend to duplicate the programming of the Medford station.

4. Although only one of the two communities can be assigned Channel \*18 due to spacing requirements, our engineering staff has determined that other TV channels are available for assignment to either community. One such channel (Channel 12), may be assigned to Medford if the transmitter site were to be located at least 25.3 kilometers (15.7 miles), north of the community. The assignment of an additional VHF channel to Medford in this fashion could provide a third network service on VHF channels. It would then be possible to reassign Channel \*18 to Grants Pass, reserved for noncommercial educational use, as requested. This assignment would provide a first such local service to Grants Pass and extend the state's educational programming to the southwest area of the State.

5. Accordingly, *it is ordered*, That effective February 15, 1978, § 73.606(b) of the Commission's rules, is amended, for the communities listed below as follows:

### City and Channel No.

Grants Pass, Ore.—\*18+  
Medford, Ore.—5, \*8+, 10+, 12+

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's rules and regulations.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

For the Federal Communications Commission.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 78-585 Filed 1-9-78; 8:45 am]

# [6712-01]

[Docket No. 21387; RM-2897]

## PART 73—RADIO BROADCAST SERVICES

Television Broadcast Station in Galveston, Tex.; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

\*The State Board states that the location of Grants Pass was selected since it has a community college from which it will seek support.



ACTION: Report and order.

SUMMARY: Action taken herein substitutes UHF Channel 48 for Channel 47 in Galveston, Tex. The substitution of channels would provide flexibility in selecting a station site.

EFFECTIVE DATE: February 15, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of §73.606(b), Table of Assignments, Television Broadcast Stations. (Galveston, Tex.) Docket No. 21387, RM-2897; Report and order (Proceeding Terminated). See 42 FR 46064.

Adopted: December 28, 1977.

Released: January 4, 1978.

By the Chief, Broadcast Bureau:

1. The Commission herein considers the Notice of Proposed Rule Making, adopted September 2, 1977, 42 FR 46064, inviting comments on a petition filed by The Old Time Religion Hour, Inc. ("petitioner"), proposing the substitution of Channel 48 for Channel 47 (presently unoccupied and unapplied for), in Galveston, Tex. The only comments submitted were from the petitioner in support of its proposal.

2. Galveston (pop. 61,809), is the seat of Galveston County (pop. 169,812),<sup>1</sup> and is located approximately 72 kilometers (45 miles), southeast of Houston, Tex.

3. Petitioner states that it has acquired the land, building and tower site of a station that formerly operated on a Channel 16 assignment at Galveston. The Channel 16 assignment was later moved to Corpus Christi, and replaced with Channel 47 in Galveston. To operate the Channel 47 assignment in Galveston at the former Channel 16 site would result in short spacing to Channel 39, Station KHTV, Houston, Tex. Substitution of Channel 48 for Channel 47 would eliminate this short-spacing.

4. The proposed substitution of channels could be made in conformity with the minimum distance separation requirements and other technical criteria and without requiring other changes in the Television Table of Assignments. Petitioner has reaffirmed its intention to file for Channel 48, if it is assigned.

5. In view of the above, the Commission believes that the public interest would be served by making the proposed substitution of channels since it

<sup>1</sup> Population figures are taken from the 1970 U.S. Census.

would permit prompt commencement of commercial television service to the area.

6. Accordingly, it is ordered, That effective February 15, 1978, the Television Table of Assignments (Section 73.606(b) of the Commission's rules) is amended as follows for the community listed below:

City and Channel No.

Galveston, Tex.—22, 48.

7. It is further ordered, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 155, 303.)

For the Federal Communications Commission.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 78-586 Filed 1-9-78; 8:45 am]

[6712-01]

[FCC 77-858]

#### PART 87—AVIATION SERVICES

Clarifying Who Must Be Given Written Notice of an Application for an Aeronautical Advisory Station License

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Amendment of the Commission's rules to clarify an existing ambiguity in the rules as to who is required to be given notice of an application for an aeronautical advisory station license by the applicant for such a license.

EFFECTIVE DATE: January 9, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert H. McNamara, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of §87.251(b) of the rules to clarify who must be given written notice of an application for an aeronautical advisory station license. Order.

Adopted: December 21, 1977.

Released: December 30, 1977.

By the Commission.

1. An ambiguity currently exists in §87.251(b) of the Commission's rules. This rule requires an applicant for an aeronautical advisory station license to give written notice of such application to the owner of the landing area to be served and all aviation service organizations, so-called fixed-base opera-

tors, who are located at the landing area.<sup>1</sup> The ambiguity arises from the fact that the terms "aviation service organization" and "fixed-base operator" are not defined in the Commission's rules or by other authoritative sources commonly recognized in the communications and/or aviation fields.<sup>2</sup> The term "fixed-base operator," which was intended simply to clarify the phrase "aviation service organization," is apparently open to more than one reasonable interpretation by members of the aviation and communications communities. Therefore, uncertainty has existed on the part of some aeronautical advisory station applicants as to which organizations on a landing area are required to receive notice.

2. The Commission's intent in adopting Rule 87.251(b), as discussed in the Notice of Proposed Rule Making in Docket 16621 (FCC 66-401), was to ensure that notice be given to all persons at the landing area who have a primary interest in the efficient operation of the facility in order to provide an opportunity for such interested parties to file a protest, file a competing application or enter into a mutual sharing agreement with the prospective licensee. The purpose of this Order is to resolve the existing ambiguity by amending the rule to more clearly define which organizations on a landing area are required to be notified by an applicant for an aeronautical advisory station. We are, therefore, deleting the term "fixed-base operator" from the subject rule, and specifically identifying in a footnote the types of organizations considered to be aviation service organizations for the purposes of this rule.

3. Accordingly, It is ordered, That §87.251(b) of the rules is amended as set forth below, effective January 9, 1978.

4. Because this amendment is consistent with the Commission's reasons for adopting the subject rule, and because it is intended merely to clarify the rule, the public notice and procedure provisions of 5 U.S.C. 553 are not applicable. Authority for the action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and §1.412(b) of the Commission's rules, 47 CFR 1.412(b).

<sup>1</sup>Pursuant to Rule 87.251(a) only one aeronautical advisory station may be authorized to operate at a landing area. Therefore, interested parties who may be well qualified to provide advisory service to the flying public, but who do not receive actual notice of such an application filing during the statutory 30 day notice period, are foreclosed from filing a competing application for the five year license term.

<sup>2</sup>The Federal Energy Administration defined "fixed-base operator" at 10 CFR 212.31, however this definition was specifically limited to Part 212 (Mandatory Petroleum Price Regulations) and thus not generally relevant herein.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303.)

For the Federal Communications Commission.<sup>1</sup>

WILLIAM J. TRICARICO,  
Secretary.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended by revising §87.251(b) to read as follows:

§ 87.251 Special conditions.

(b) An applicant for an aeronautical advisory station license or renewal thereof must give written notice of such application to the owner of the landing area to be served and all aviation service organizations<sup>1</sup> who are

<sup>1</sup>Commissioner White absent.  
<sup>2</sup>For the purpose of this subpart, an aviation service organization means any business firm which maintains facilities at a

located at the landing area. Such notice shall include the applicant's name and address, name of the landing area to be served, and a statement that the applicant intends to file an application with the Federal Communications Commission for an aeronautical advisory station (UNICOM) to serve the named landing area. Such notice shall be given within the 10-day period immediately preceding the filing of the application with the Commission.

[FR Doc. 78-520 Filed 1-9-78; 8:45 am]

landing area for the purposes of one or more of the following general aviation activities: (i) aircraft fueling; (ii) aircraft services (e.g. parking, storage, tie-downs); (iii) aircraft maintenance and/or sales; (iv) avionics equipment maintenance and/or sales; (v) aircraft rental, air taxi service and/or flight instructions; and (vi) baggage and cargo handling, and other passenger/freight services.



# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[1505-01]

## CIVIL SERVICE COMMISSION

[5 CFR Part 300]

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1607]

## DEPARTMENT OF JUSTICE

[28 CFR Part 50]

## DEPARTMENT OF LABOR

[41 CFR Part 60-3]

## UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Notice of Proposed Rulemaking

### Correction

In FR Doc. 77-37339 appearing at page 65542 in the FEDERAL REGISTER of Friday, December 30, 1977, the following correction should be made:

On page 65542, third column, fourth full paragraph, the 19th through 24th lines should be deleted and the following inserted: "990-1 (Book 3), of the Federal Personnel Manual, insuring."

[3410-34]

## DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 92]

## IMPORTATION OF CATTLE FROM CANADA

Brucellosis-Vaccinated Female Calves

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend importation requirements for cattle from Canada by clarifying exceptions made for certain brucellosis-vaccinated female calves. The amendment is necessary in order to include certain categories of animals inadvertently excluded from the exceptions when the regulations were previously issued. The intended effect would be to ease the restrictions regarding the importation of certain cattle into the United States.

DATE: Comments on or before February 9, 1978.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, room 821, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782.

## FOR FURTHER INFORMATION CONTACT:

Dr. D. E. Herrick, USDA, APHIS, VS, room 815, Federal Building, Hyattsville, Md. 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: Exceptions to the importation requirements are now contained in the regulations concerning certain vaccinated cattle, originating from specified herds in Canada. These cattle may be imported into the United States under less restrictive requirements than other cattle from Canada. The exceptions now in effect do not exempt female brucellosis-vaccinated calves under 18 months of age from the brucellosis test requirements when such calves originate from brucellosis-qualified for export herds. Such animals were inadvertently omitted from the exceptions set forth in the amendments of § 92.20 effective July 18, 1977. This amendment would clarify the status of such female vaccinated calves and provide for the importation of such calves without a brucellosis test, when they originate in specified brucellosis-qualified for export herds. Such calves do not present an undue risk of disseminating brucellosis into the United States. The amendment also provides that this section would not apply to such calves that do not originate from specified brucellosis-qualified for export herds. Therefore, they would have to meet the importation brucellosis test requirements presently in effect for such cattle.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to section 2 of the Act of February 2, 1903, as amended; and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations.

Accordingly, Part 92, Title 9, Code of Federal Regulations, would be amended in the following respects:

In § 92.20(c), paragraph (3)(i)(b); the proviso in paragraph (3)(ii); and that portion of the first sentence preceding the proviso in paragraph (5) would be amended to read:

§ 92.20 Cattle from Canada.

(c) Brucellosis test or vaccination certificates.

(3) \* \* \*

(i) \* \* \* (b) all eligible cattle in the herd unit, including brucellosis-vaccinated female calves between the ages of 6 months and 18 months, have been tested negative for brucellosis no less than 90 days nor more than 12 months prior to the date of importation.

(ii) \* \* \* *Provided*, That if all of the cattle are not from herd units qualified under (c)(3)(i) of this section, all eligible cattle, including brucellosis-vaccinated female calves between the ages of 6 and 18 months, have been tested for brucellosis and found negative to three laboratory tests administered at intervals of at least 90 days.

(5) Female cattle under 18 months of age that originate in herds in which cattle were tested as described in subparagraphs (c) (1), (2), and (3)(i) of this section are exempted from the test requirement for brucellosis, \* \* \*

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, room 821, Hyattsville, Md., during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number in this issue of the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of January 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

J. K. ATWELL,  
Acting Deputy Administrator,  
Veterinary Services.

[FR Doc. 78-636 Filed 1-9-78; 8:45 am]

[6750-01]

## FEDERAL TRADE COMMISSION

[16 CFR Part 13]

(Docket No. 9053)

## SAFeway STORES, INC.

Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things would require an Oakland, Calif., retail food store chain to cease over-pricemarking and failing to sell advertised items at or below advertised prices. Further, food stores would be required to conspicuously post advertisements and notices encouraging customers to check prices of advertised items. The order would additionally obligate the firm to maintain business records for a period of three years, and to establish a surveillance program designed to ensure compliance with the terms of the order.

DATE: Comments must be received on or before March 9, 1978.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave. NW., Washington, D.C. 20580.

## FOR FURTHER INFORMATION CONTACT:

Albert H. Kramer, Bureau of Consumer Protection, Federal Trade Commission, 6th St. and Pennsylvania Ave. NW., Washington, D.C. 20580, 202-523-3727.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's rules of practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

(Docket No. 9053)

## SAFeway STORES, INC.

## AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The Federal Trade Commission, having initiated a proceeding challenging certain acts and practices of Safeway Stores, Inc., a corporation, and it now appearing that said corporation, hereinafter sometimes referred to as respondent, is willing to enter into an agreement containing an order

to cease and desist from the use of the acts and practices being challenged:

It is hereby agreed by and between Safeway Stores, Inc., by its duly authorized officers and its General Counsel, and counsel for the Federal Trade Commission that:

1. Safeway Stores, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the state of Maryland with its office and principal place of business located at 4th and Jackson Streets, Oakland, Calif.

2. Respondent admits all the jurisdictional fact set forth in the Complaint here attached.

3. Respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this Agreement.

4. This Agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this Agreement is accepted by the Commission, it, together with a copy of the Complaint issued in this proceeding, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the Order contained in the Agreement is inappropriate, improper or inadequate.

5. This Agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in the Complaint which is attached hereto. Nor shall any matter which has been admitted by respondent herein be deemed an admission for any other purpose or in any other proceeding.

6. This Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25, of the Commission's rules of practice, the Commission may, without further notice to respondent, (a) issue its decision containing the following order to cease and desist in disposition of the proceeding, and (b) make information public in respect thereto. When so entered, and when served upon respondent, the order to cease and desist shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute or regulation for other orders. The order shall become final upon service. Mail-

ing of the Complaint and decision containing the agreed to order to respondent's address as stated in this Agreement shall constitute service. Respondent waives any right it may have to any other manner of service. The Complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in this Agreement may be used to vary or contradict the terms of the order.

7. Respondent has read the Complaint and order contemplated hereby, and understands that once the order has been issued, it will be required to file one or more compliance reports showing that respondent has fully complied with the order, and that respondent may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

## ORDER

## PROHIBITED PRACTICES

I. It is ordered, That Respondent Safeway Stores, Inc., a corporation, its successors or assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of items offered or sold in its retail food stores, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

A. Disseminating, or causing dissemination of, any advertisement by any means which offers or presents any items for sale at a stated price, unless throughout the effective period of the advertised offer, at each retail food store covered by the advertisement:

(1) Each unit of each such advertised item, any of which are marked with a price, is individually, clearly, and conspicuously marked with a price no higher than the advertised price: *Provided*, That in the case of over-pricemarked scanned items, clear and conspicuous posting of the advertised price of such items at the point of display will be deemed compliance with this requirement; and

(2) Each unit of each such advertised item is charged out to customers at or below the advertised price: *Provided*, That in the case of advertised items the ultimate price of whose units are determined by the total dollar amount of the customer's order or the use of a coupon, or other similar conditional price arrangement, the prices at which the units are sold, and not the prices marked on the units, shall govern.

*Provided further*, It shall constitute a defense of a charge of over-price-



marking or overcharging if Respondent can show that such over-pricing or overcharging was due to circumstances beyond Respondent's reasonable control. It will be presumed that any instance of over-pricing or overcharging found was due to circumstances beyond Respondent's reasonable control if Respondent can show that such over-pricing and overcharging occurred despite Respondent's reasonable procedures to eliminate all over-pricing and overcharging, and that upon learning of any specific instance or instances of such over-pricing or overcharging, Respondent immediately acted to eliminate them and took reasonable measures to assure that they did not recur.

For Respondent's procedures to be reasonable, Respondent shall have the burden of establishing that:

(i) It has a reasonable basis in fact for concluding that its procedures for pricing and charging out advertised items are properly designed to achieve compliance with this order;

(ii) It has in effect a continuing surveillance program adequate to reveal whether its retail food stores are conforming with this order; and

(iii) Respondent regularly conducts a review and analysis of results of the surveillance program adequate to determine whether changes in market conditions, technology or other changes make it necessary for Respondent to revise its procedures for pricing and charging out advertised items to maintain compliance with this order.

II. A. No enforcement action will be brought against Respondent for any alleged instances of over-pricing or overcharging on the basis of a survey unless Respondent is notified in writing within three months following the completion of that survey that the survey has been conducted. At the time of said notice the Commission shall furnish Respondent copies of written instructions to the persons making in-store observations, and sufficient documentary material that will reasonably enable Respondent to identify the stores, items and prices surveyed.

B. If, in any enforcement action brought against Respondent, the Commission offers evidence purporting to establish an over-pricing rate for Respondent, such rate shall be calculated by taking, as of the date(s) of any survey and for the stores selected, the total number of items over-priced as a percent of the total number of advertised items than in effect for those stores.

III. It is further ordered, That throughout the effective period of each newspaper advertisement, Respondent shall post conspicuously at or near each doorway affording en-

trance to the public of each retail food store.

(a) A copy of the advertisement effective for that store; and

(b) The following statement:

#### NOTICE TO OUR CUSTOMERS

To assure correct charging of advertised prices please check the price of any advertised item you purchase against the price indicated in our ad and report any errors to store personnel. If errors are not corrected to your satisfaction, please advise the store manager.

IV. Respondent shall not be subject to any of the provisions of this order to the extent that such provisions shall have been rendered inconsistent with the Trade Regulation Rule regarding Retail Food Store Advertising and Marketing Practices, 16 CFR Part 424 (1977) because of any future amendment to that rule.

V. It is further ordered, That: A. Respondent shall forthwith deliver a copy of this order to each of its officers (excluding assistant officers), and to other of its personnel in its retail divisions (down to the level of and including store managers), who, directly or indirectly, have any responsibilities relating to pricing and charging out of advertised items in Respondent's retail food stores, and Respondent shall secure a signed statement acknowledging receipt of said order from each such person.

B. Respondent shall maintain a surveillance program adequate to reveal whether the business practices of its retail food stores conform to this order and shall upon request inform the duly authorized representative of the Commission as to the nature of such program.

C. Respondent shall, for a period of three years subsequent to the date of this order:

(1) Maintain business records which show the efforts taken to achieve continuing compliance with the terms and provisions of this order; and

(2) Furnish to the Federal Trade Commission copies of the records to be maintained under subparagraph (1) above, upon written request by any of its duly authorized representatives.

D. Respondent shall, all other provisions of this order notwithstanding, within 90 days following the end of each year, for a period of three years from the date this order becomes final, file with the Commission a report setting forth in detail the manner and form in which it has complied with this order in the preceding year.

It is further ordered, That Respondent shall notify the Commission at least thirty days prior to any proposed change in the corporate Respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or disso-

lution of subsidiaries or any other change in the Respondent which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent herein shall, within 60 days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

#### DEFINITIONS

"Retail Food Store" means any of Respondent's stores within the United States engaged primarily in the sale of foods for home consumption, excluding convenience-type stores with less than 4,000 square feet of building area.

"Item" means any article of merchandise which differs from any other article as to commodity, product, brand, variety, style or form, grade, type of package or label, size or weight. Provided, That size or weight is to be disregarded with respect to articles priced by a standard measure of weight or count.

"Scanned Item" means an item bearing a symbol, printed on or affixed to the packaging or container of such item, in any store in which it is electronically scanned by equipment which identifies and prints on a cash register tape the price of that item.

"Unit" means one consumer package of a packaged item or the smallest advertised quantity that a consumer may purchase of an unpackaged item, provided, for the purpose of paragraph 1.A. (2) of the order, a unit of a multiple priced item (e.g., three for 41 cents) shall consist of that quantity, count or weight to which the multiple price applies.

"Over-priced item" means an advertised item of which more than five (or in the event a display contains fewer than 20 units, more than one-fourth) of the units in any one display bear a marked price higher than the advertised price.

"Unmarked Item" means an advertised item of which no more than five (or in the event a display contains fewer than 20 units, not more than one-fourth) of the units in any one display are legibly marked with a price.

"Overcharged Item" means an over-priced item or an unmarked item of which one or more units are charged out at higher than the advertised price.

"Survey" means a compliance survey conducted by or under the direction of the Federal Trade Commission of a sample of 50 or more retail food stores over a period of at least three different weeks with approximately equal numbers of stores surveyed during each week stores are surveyed. All store surveying shall be completed

within a period of time not exceeding eight consecutive weeks. Stores to be surveyed shall be selected from at least three different Standard Metropolitan Statistical Areas (SMSAs) with an approximately equal number of stores surveyed in each SMSA in which stores are surveyed. Stores to be surveyed shall be chosen in a manner which is consistent with this definition, but which is otherwise to be determined at the discretion of the staff or the Commission. Respondent waives any rights it might have to challenge the admissibility into evidence of the results of the survey of the sample on the grounds that those results are not projectable to a universe greater than the sample. Respondent, however, retains the right to challenge the evidentiary weight to be given to or inferences to be drawn from the results of any such survey on any legally available basis. All data collected in the course of a survey are to be recorded.

[Docket No. 9053]

#### SAFeway STORES, INC., A CORPORATION ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement containing a proposed consent order from Safeway Stores, Inc. (Respondent), which operates retail food stores under the name Safeway.

The proposed consent order described in this analysis has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint alleges that, in a number of Respondent's retail food stores, a substantial number of items listed in its advertisements were marked with prices higher than the advertised prices, and a substantial number of these items were sold at prices higher than the advertised prices. The complaint also alleges that Respondent violated the Federal Trade Commission Trade Regulation Rule concerning Retail Food Store Advertising and Marketing Practices (16 CFR Part 424).

The proposed order requires Respondent to sell each advertised item at or below the advertised price and provides that overcharging which is due to circumstances beyond Respondent's control shall not be a violation of the order. The proposed order further provides that if Respondent can show that any instance(s) of overcharging

occurred despite Respondent's use of reasonable procedures to eliminate all overcharging, such instance(s) will be presumed to be due to circumstances beyond Respondent's reasonable control. Subject to certain defenses and limitations, the order also prohibits overpricing. Respondent is also required to maintain a surveillance program adequate to reveal whether it is in compliance with the order.

The order further requires Respondent's food stores to post copies of advertisements and notices to customers encouraging them to check the prices of advertised items.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

CAROL M. THOMAS,  
Secretary.

[FR Doc. 78-511 Filed 1-9-78; 8:45 am]

[6740-02]

#### DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Parts 2, 154]

[Docket No. RM78-41]

#### INCORPORATION OF COMPENSATION PROVISIONS IN CURTAILMENT PLANS

Procedure for Compiling Service List and Servicing Comments; Extension of Comment Period

AGENCY: Federal Energy Regulatory Commission.

ACTION: Extension of Time.

SUMMARY: The Commission is granting an extension of time to and including January 31, 1978, for filing initial comments and to and including March 2, 1978, for filing reply comments in the proposed rulemaking proceeding docketed as RM78-4. This extension is being granted in order to ensure that all parties have adequate time in which to respond to the proposed rulemaking.

DATES: Initial comments must be received on or before January 31, 1978, and reply comments must be received on or before March 2, 1978.

ADDRESS: Send comments to: Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary, 202-275-4166.

SUPPLEMENTARY INFORMATION: On December 14, 15, and 19, 1977, respectively, Southern Union Co., twenty-nine gas distribution companies (New England Gas Distributors),

and Algonquin Gas Transmission Co. filed motions to extend the time for filing initial and reply comments to the Preliminary Notice of Proposed Rulemaking, issued November 30, 1977, and published December 13, 1977 (42 FR 62496), in the above designated proceeding.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-503 Filed 1-9-78; 8:45 am]

[1505-01]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 146]

[Docket No. 76P-0181]

#### ORANGE JUICE WITH PRESERVATIVE AND CONCENTRATED ORANGE JUICE WITH PRESERVATIVE

Proposed Amendment to Standards of Identity

Correction

In FR Doc. 77-32687, appearing at page 58761 in the issue of Friday, November 11, 1977, make the following changes:

1. On page 58761, the "Dates" paragraph should read, "DATES: Comments by January 10, 1978."

2. On page 58763, first column, the second line of the paragraph beginning, "Interested persons \* \* \*" should read, "January 10, 1978, submit to the Hearing".

[1505-01]

[21 CFR Parts 182, 184, 186]

[Docket No. 77N-0232]

#### GELATIN

Affirmation of GRAS Status as a Direct and Indirect Human Food Ingredient

Correction

In FR Doc. 77-32686, appearing at page 58763 in the issue of Friday, November 11, 1977, make the following changes:

1. On page 58764, the second complete word in the third from last line of the second column should read, "tyrosine".

2. On page 58765, second column, the seventh line of §184.1318(d) should read, "(n)(1) of this chapter, 2.5 percent for".



[6712-01]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20418; RM-2346, RM-2727]

## TELEVISION TABLE OF ASSIGNMENTS

Request to add new VHF stations in the top 100 markets

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing reply comments in the proceeding concerning VHF television drop-ins. Petitioners, Association of Maximum Service Telecasters, Inc., and Mohawk-Hudson Council on Educational Television, state the additional time is necessary so that it can review and study engineering statements which have been submitted with comments.

DATE: Reply comments must be received on or before March 6, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

Adopted: December 28, 1977.

Released: December 30, 1977.

In the matter of petition for rule-making to amend the Television Table of Assignments to add new VHF stations in the top 100 markets and to insure that the new stations maximize diversity of ownership, control, and programming, Docket No. 20418, RM-2346, RM-2727.

1. On March 18, 1977, the Commission released a Memorandum Opinion and Order and Notice of Proposed Rule Making in the above-entitled proceeding, 42 FR 16782. The date for filing comments has expired and the date for filing reply comments is presently January 6, 1978.

2. On December 16 and 22, 1978, the Association of Maximum Service Telecasters, Inc. ("AMST"), and the Mohawk-Hudson Council on Educational Television ("Mohawk-Hudson"), respectively, filed requests seeking an extension of time for filing reply comments to and including April 6, 1978. Petitioners state that the volume and scope of the comments filed in the proceeding require additional time, noting in particular that several com-

<sup>1</sup>See 42 FR 61878, December 7, 1977.

ments are supported by engineering statements which must be studied in detail. In addition, AMST notes, engineering studies were submitted by several announced potential applicants for the proposed short-spaced assignments purportedly demonstrating that equivalent protection can be provided to existing stations to which the drop-in would be short-spaced. AMST states that not only will it be necessary to subject these engineering studies to the most careful review, but these studies, especially those for short-spaced drop-ins or sites not previously considered, may also have the effect of involving new parties who will need adequate time to prepare comments. A ninety-day extension is opposed by the Group for the Advancement of Television Service ("GATS"), which argues that a thirty-day extension would more appropriately accommodate the interests of all parties to this proceeding.

3. In light of the foregoing, we are persuaded that additional time is warranted in order to assure development of a sound and comprehensive record on which to base a final decision in this proceeding. However, in recognition of GATS' argument that a full ninety-day extension is not necessary given the fact that the field of possible drop-ins was effectively limited by the March 18, 1977, Commission order and that comments thereon are principally restatements of positions already taken in this proceeding, we believe a less lengthy extension would be appropriate.

4. Accordingly, it is ordered, That the Association of Maximum Service Telecasters, Inc.'s, and Mohawk-Hudson Council on Educational Television's motions for extension of time are granted to the extent that the time for filing reply comments is extended to and including March 6, 1978, and in all other respects are denied.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules and regulations.

For the Federal Communications Commission.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 78-526 Filed 1-9-78; 8:45am]

[6712-01]

[47 CFR PART 73]

[Docket No. 21393; RM-2864; RM-3002]

## FM BROADCAST STATIONS IN TALLAHASSEE AND QUINCY, FLA.

Order Extending Time For Filing Replies to Counterproposal

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing reply comments to a counterproposal filed in a proceeding involving FM channel assignments in Tallahassee and Quincy, Fla. Petitioner states that the additional time is necessary so that he can review the documents and prepare an adequate reply.

DATES: Reply comments to the counterproposal must be filed on or before January 17, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

Adopted: December 22, 1977.

Released: December 27, 1977.

In the matter of amendment of § 73.202b, Table of Assignments, FM Broadcast Stations, Tallahassee and Quincy, Fla., Docket No. 21393, RM-2864, RM-3002.

1. On September 13, 1977, the Commission adopted a Notice of Proposed Rule Making, 42 FR 48357, in this proceeding. The Notice proposed the addition of FM Channel 240A to Tallahassee, Fla., as its fifth FM assignment. Public Notice of a counterproposal filed by Pat F. Thomas and Mary Ann Thomas ("Thomas"), of Quincy, Fla., was given on December 2, 1977. Replies to this counterproposal are due to be filed on December 17, 1977.

2. On December 7, 1977, counsel for Big Bend Broadcasting Corp. ("Big Bend"), licensee of Stations WCNH and WCNH-FM, Quincy, Fla., sought to extend the date for filing replies to the counterproposal, stating that because of the holiday mail rush and his workload, more time will be needed to review all documents and prepare adequate comments.

3. We are of the view that the requested additional time is warranted. Accordingly, it is ordered, That the date for filing replies to the counterproposal in Docket 21393, is extended to and including January 17, 1978.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

For the Federal Commission.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 78-522 Filed 1-9-78; 8:45 am]

<sup>1</sup>See 42 FR 57697, November 4, 1977.

[6712-01]

[47 CFR Part 73]

[Docket No. 21474; RM-1968; RM-2810]

## ANNUAL EMPLOYMENT FORM

Amending FCC Form 395; Extension of Comment Period

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a rulemaking proceeding concerning the amendment of the Annual Employment Form (FCC Form 395). Petitioner, National Association of Broadcasters, states that the additional time is needed so that it can establish an Advisory Committee and obtain from it assistance in the preparation of employee job classifications for use in the form which will reflect the employment categories used by the broadcast industry.

DATES: Comments must be filed on or before March 24, 1978, and reply comments on or before April 21, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of petition for rulemaking to amend FCC Form 395 and instructions, Docket No. 21474, RM-1968, RM-2810. Order extending time for filing comments and reply comments.

Adopted: December 27, 1977.

Released: December 28, 1977.

1. On November 9, 1977, the Commission adopted a Notice of Proposed Rule Making, 42 FR 60168, concerning the above-captioned proceeding to consider revisions in the Commission's Annual Employment Form (FCC Form 395). The present dates for filing comments and reply comments are January 23, and February 22, 1978, respectively.

2. On December 15, 1977, the National Association of Broadcasters ("NAB"), filed a request seeking the extension of time for filing comments and reply comments to and including March 24, and April 12, 1978, respectively. NAB states that its Executive Committee's staff is organizing an informal Advisory Committee which will consist of small, medium and large market broadcast licensees. It hopes that this committee will assist NAB in preparing information regarding employee job classifications in the broadcast industry so that these categories could be used in Form 395. NAB notes

that the time for filing comments is not adequate to establish and receive guidance from the Advisory Committee and therefore requests additional time.

3. We are of the view that the public interest would be served by this extension so that the National Association of Broadcasters may file any information which could well be helpful to the Commission in reaching a decision in this proceeding.

4. Accordingly, it is ordered, That the dates for filing comments and reply comments in Docket No. 21474, are extended to and including March 24, and April 21, 1978, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

For the Federal Communications Commission,

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 78-521 Filed 1-9-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[Docket No. 21513]

## FM BROADCAST STATIONS

FM Assignment to Freeport, Tex.

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignment of a Class C FM channel to Freeport, Tex., as that community's first FM assignment. Petitioner, Weymar, Inc., states that the proposed assignment would provide for a station which could render a first full-time local aural broadcast service to Freeport, Tex.

DATES: Comments must be filed on or before February 27, 1978, and reply comments on or before March 20, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 28, 1977.

Released: January 4, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Freeport, Tex.), Docket No. 21513, RM-2882.

1. *Petitioner, Proposal, Comments.* (a) Notice of Proposed Rule Making is hereby given concerning amendment to the FM Table of Assignments, § 73.202(b) of the Commission's rules, regarding the assignment of Class C Channel 273 to Freeport, Tex.

(b) The petition<sup>1</sup> was filed on February 1, 1977, by Weymar, Inc. No comments in support of or in opposition to the petition have been filed.

(c) Channel 273 could be assigned in conformity with the minimum distance separation requirements, provided a transmitter site is located approximately 21 kilometers (13 miles), southwest of Freeport.

2. *Demographic Data.* (a) *Location.* Freeport is located on the Gulf of Mexico, approximately 80 kilometers (50 miles), south of Houston, Tex.

(b) *Population.* Freeport, 11,997; Brazoria County, 109,020.<sup>2</sup>

(c) *Present Aural Service.* Freeport has a daytime-only AM station (KBRZ), licensed to Coastal Broadcasting, Inc. Freeport receives a number of broadcast services from Houston and Galveston, approximately 80 kilometers (50 miles), and 64 kilometers (40 miles), distant, respectively. It also receives service from a Class C FM station at Lake Jackson, in Brazoria County, approximately 24 kilometers (15 miles), northwest of Freeport.

3. *Economic Data.* Petitioner states that Freeport is one of several communities collectively referred to as "Brazosport."<sup>3</sup> Of these communities, Freeport has the largest population. We are told that Brazoria County has had a population increase of 42.1 percent between 1960 and 1970, with Freeport and the other communities being responsible in large measure because of their development as industrial and recreational centers. Petitioner notes that Freeport has recently been selected as the site for one of the country's major oil seaports and adds that, in view of this development, there is no doubt that Freeport will continue to grow. In support of its proposal, petitioner has submitted population data and a profile of the local economy.

4. Petitioner contends that the existing local broadcast service in Freeport is inadequate to properly serve the needs and interests of its residents. It asserts that, even though a full-time Class C FM channel is in operation at Lake Jackson, that station's primary responsibility is to its community and, regardless of its best efforts, cannot compensate Freeport for the absence of its own local radio facility.

<sup>1</sup>Public Notice of the petition was given on May 17, 1977.

<sup>2</sup>Population figures are taken from the 1970 U.S. Census.

<sup>3</sup>The communities are Lake Jackson, Oyster Creek, Jones Creek, Clute, and Richmond.

5. *Preclusion Studies.* Petitioner's For the Federal Communications [6712-01]



5. *Preclusion Studies.* Petitioner's engineering study indicates that assignment of Channel 273 to Freeport would have no preclusionary impact on the co-channel or any adjacent channels, since all these channels are already precluded by existing FM assignments.

6. *Additional Considerations.* Assignment of Channel 273 to Freeport requires that the transmitter site be located approximately 21 kilometers (13 miles) southwest of the Freeport post office in order to comply with the minimum distance separation requirements. From such a site it would be able to provide the requisite city coverage to Freeport. Since the required site for the proposed assignment is located on a narrow strip of land abutting the Gulf of Mexico, petitioner should indicate in its comments the basis upon which it believes that such a transmitter site could be obtained.

7. Petitioner states that a Class A FM channel is not available for Freeport and that only Channel 273 is suitable for such assignment. It also notes that, although the principal service area of a station on Channel 273 would be Freeport, the communities of Lake Jackson, Oyster Creek, Jones Creek, Clute and Richmond, also would be served by such a station. Petitioner recognizes that its proposed station would not provide first or second aural service to any area or population.

8. Based on our examination of petitioner's proposal, there appears to be a basis for considering assigning a Class C channel to Freeport, especially since there are no Class A channels available for assignment. Moreover, the proposed station would provide for a first full-time local aural broadcast service to the community.

9. Accordingly, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules) with regard to Freeport, Tex., as follows:

*City and Channel Nos., Present/Proposed*  
Freeport, Tex., —/273.

10. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix below and are incorporated herein.

*NOTE.*—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before February 27, 1978, and reply comments on or before March 20, 1978.

For the Federal Communications Commission.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

#### APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g), and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-submits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-519 Filed 1-9-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[Docket No. 21510; RM-2989]

#### FM BROADCAST STATIONS

FM Assignment in Baxter Springs, Kans.

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action herein proposes the assignment of a Class A channel to Baxter Springs, Kans., as that community's first FM assignment. Petitioner, Jack R. Maxton, states the proposed channel would provide for an FM station which could render a first full-time local aural broadcast service to Baxter Springs, Kans.

DATES: Comments must be received on or before February 24, 1978, and reply comments on or before March 16, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Baxter Springs, Kans.), Docket No. 21510, RM-2989.

Adopted: December 23, 1977.

Released: January 3, 1978.

1. *Petitioner, Proposal, Comments.* (a) Notice of Proposed Rule Making is given concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules) as it relates to Baxter Springs, Kans.

(b) Petition for rulemaking<sup>1</sup> was filed on behalf of Jack R. Maxton ("petitioner"), seeking the assignment of Channel 296A to Baxter Springs, Kans., as its first FM assignment. No responses to the petition were received.

(c) Channel 296A could be assigned to Baxter Springs in conformity with the minimum distance separation requirements provided the transmitter site is located 11 kilometers (7 miles) north of the community.

2. *Community Data.*—(a) *Location.* Baxter Springs, situated in Cherokee County, is located in the southeastern corner of the state approximately 21 kilometers (13 miles) west of Joplin, Mo.

(b) *Population.* Baxter Springs—4,489; Cherokee County—21,549.<sup>2</sup>

<sup>1</sup>Public Notice of the petition was given on November 7, 1977 (Report No. 1088).

<sup>2</sup>Population figures are taken from the 1970 U.S. Census.

(c) *Local Broadcast Service.* There is no local aural broadcast service in Baxter Springs.

(d) *Economic Data.* Petitioner states that the community's population has increased 7 percent between 1970 and 1973, and the community is fast becoming the trade center for the area. He notes that there is a steady and sure growth evidenced by the expansion of the present and the development of new businesses. Petitioner submitted information which indicates a level of manufacturing and other business activities in the county which appears to provide adequate basis for the proposed station.

4. Petitioner asserts that the lack of local media, including a newspaper, has been a significant obstacle to the full development of the county. The proposed FM broadcast station, he adds, would provide an outlet for the expression of community needs and local issues.

5. In light of the above information and the fact that the proposed FM channel assignment would provide Baxter Springs, as well as Cherokee County, an opportunity to acquire a first full-time local aural station, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the rules, with regard to Baxter Springs, Kans., as follows:

*City and Channel Nos., Present/Proposed*  
Baxter Springs, Kans., —/296A.

6. Authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

*NOTE.*—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before February 24, 1978, and reply comments on or before March 16, 1978.

For the Federal Communications Commission.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

#### APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g), and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-

submits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-516 Filed 1-9-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[Docket No. 21511; RM-2752]

#### FM BROADCAST STATIONS

FM Assignment to Harrison, Ark.

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a second FM channel to Harrison, Ark. Petitioners Charles E. Bowman and Don E. Loveland state that the proposed channel would provide for an FM station which could render a second local full-time aural broadcast service to the community.

DATES: Comments must be received on or before February 24, 1978, and reply comments on or before March 16, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Harrison, Ark.), Docket No. 21511, RM-2752; Notice of proposed rulemaking.

Adopted: December 23, 1977.

Released: January 3, 1978.

By the Chief, Broadcast Bureau.

1. *Petitioner, proposal, and comments.* (a) Petition for rulemaking,<sup>1</sup> filed June 17, 1976, by Charles E. Bowman and Don E. Loveland ("petitioners"), proposing the assignment of channel 244A to Harrison, Ark., as its second FM assignment.

(b) The channel may be assigned without affecting any of the existing FM assignments in the table. There were no responses to the proposal.

(c) Petitioners state that, if the channel is assigned, they will file an application for an FM station.

2. *Community data.*—(a) *Location.* Harrison, situated in Boone County, is located in northwestern Arkansas, 176 kilometers (110 miles) northwest of Little Rock.

(b) *Population.* Harrison—7,239; Boone County—19,073.<sup>2</sup>

(c) *Local broadcast service.* Harrison is served by station KHOZ-FM, channel 275, and daytime-only AM station KHOZ, both licensed to Harrison Broadcasting Corp.

(d) *Economic considerations.* Petitioners state that Harrison's population has increased 23 percent during the last five years. We are told that the area's economy depends on agriculture, light manufacturing, and leisure industry. Petitioners note that food processing, wood products, apparel, electrical, and plastic manufacturing are the major industries. They state that expansion of present industry and continuing location of new branch plants of regional and national manufacturers of consumer products is expected to provide an expanding job market in the future. Petitioners have also submitted letters from local officials and citizens stating their support for the proposed assignment.

3. *Preclusion studies.* Assignment of channel 244A to Harrison would cause

<sup>1</sup>Public notice of the petition was given on September 27, 1976 (report No. 1005).

<sup>2</sup>Population figures are taken from the 1970 U.S. Census.



preclusion on channel 243. One community, Buffalo, Mo. (population 1,915), is located in the precluded area. It has no AM or commercial FM assignments. Petitioners are requested to identify in their comments whether alternate channels are available for assignment to Buffalo. Since Harrison already has a class C FM station, there would be no first FM or first nighttime aural service. However, petitioners should submit a *Roanoke Rapids*, 9 FCC 2d 672 (1967) and *Anamosa-Iowa City, Iowa*, 46 FCC 520 (1974), showing as to the area and population which would receive a second FM and second nighttime aural service, if any.

4. *Additional considerations.* The proposed assignment would result in intermixing a class A with a class C channel. Although there is a policy against intermixture of classes of FM channels, an exception can be made when a class C channel is unavailable for assignment and a petitioner is willing to apply for the channel in spite of the intermixture situation. *Yakima, Wash.*, 42 FCC 2d 548, 550 (1973); *Key West, Fla.*, 45 FCC 2d 142, 145 (1974). Since petitioner is willing to apply for and operate on channel 244A at Harrison, this assignment could be made.

5. In view of the above, the Commission proposes to amend the FM table of assignments, § 73.202(b) of the Commission's rules and regulations, with respect to Harrison, Ark., as follows:

*City and Channel Nos., Present/Proposed*  
Harrison, Ark., 275/244A, 275.

6. The Commission's authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached appendix and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the appendix before a channel will be assigned.

7. Interested parties may file comments on or before February 24, 1978, and reply comments on or before March 16, 1978.

For the Federal Communications Commission.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

#### APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM table of assignments, section 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The propo-

nent of a proposed assignment is also expected to file comments even if it only re-submits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in sections 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of section 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-590 Filed 1-9-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[Docket No. 21512; RM-2990]

#### FM BROADCAST STATIONS

FM Assignment to Remsen, N.Y.

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes a first class A FM channel to Remsen, N.Y. Petitioner, Renman Broadcasting, Inc., states that the proposed assignment would provide for a station which would render a first full-time local aural broadcast service to the community.

DATES: Comments must be received on or before February 27, 1978. Reply comments must be received on or before March 20, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Remsen, N.Y.), Docket No. 21512, RM-2990.

Adopted: December 28, 1977.

Released: January 4, 1978.

1. *Petitioner, proposal, and comments.* (a) Petition for rulemaking, filed October 21, 1977, by Renman Broadcasting, Inc. ("petitioner"), licensee of daytime-only AM Station WADR, Remsen, N.Y., proposing the assignment of channel 228A to Remsen, N.Y., as a first FM assignment to that community. There were no responses to the proposal.

(b) The channel could be assigned in full conformity with the minimum distance separation requirements.

(c) Petitioner states that it will immediately file an application for a construction permit if the channel is assigned.

2. *Community data.*—(a) *Location.* Remsen Town, situated in Oneida County, is located approximately 32 kilometers (20 miles) north-northeast of Utica, N.Y.

(b) *Population.* Remsen Town—1,366; Oneida County—273,037.\*

(c) *Local broadcast service.* Remsen is served by daytime-only station WADR, licensed to petitioner.

(d) *Economic considerations.* Petitioner notes that Remsen Town has a variety of businesses including service trades, retail stores, insurance agencies, restaurants, etc. In support of its petition, petitioner has also submitted information with respect to education, civic organizations and form of government.

3. Since Remsen Town is located within 402 kilometers (250 miles) of the United States-Canada border, the proposed assignment of channel 228A to Remsen Town requires coordination with the Canadian Government.

4. In view of the fact that the proposed FM station would provide the community with a first full-time local aural broadcast service, the Commission proposes to amend the FM table

\*Public notice of the petition was given on November 7, 1977 (report No. 1088).

\*Population figures are taken from the 1970 U.S. Census.

of assignments, § 73.202(b) of the rules, with regard to Remsen Town, N.Y., as follows:

*City and Channel No., Present/Proposed*  
Remsen Town, N.Y., —/228A.

5. The Commission's authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached appendix below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the appendix before a channel will be assigned.

6. Interested parties may file comments on or before February 27, 1978, and reply comments on or before March 20, 1978.

For the Federal Communications Commission.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

#### APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM table of assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-submits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleading. Comments shall be served on

the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of section 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of section 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-515 Filed 1-9-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[Docket No. 21504; RM-2929]

#### FM BROADCAST STATIONS

Proposed amendments to FM assignments in Blytheville, Ark., and Mayfield, Ky.

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking and order to show cause.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Mayfield, Ky., and the substitution of a Class C channel at Blytheville, Ark. Petitioner, Purchase Sound, Inc., states that, because of short spacing, it is necessary to substitute channels at Blytheville in order to assign a channel to Mayfield. The proposed Class A channel would provide for an FM station which could render a second full-time local aural broadcast service.

DATES: Comments must be received on or before February 21, 1978, and reply comments on or before March 10, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

PROPOSED RULE MAKING AND ORDER TO SHOW CAUSE

Adopted: December 19, 1977.

Released: December 23, 1977.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Mayfield, Ky., and Blytheville, Ark.), Docket No. 21504, RM-2929.

1. The Commission herein considers a petition filed by Purchase Sound,

\*Public Notice of the petition was given on July 29, 1977 (Report No. 1068).

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would result in intermixing a Class A channel with a Class C channel (234). The Commission has a policy against intermixture of classes of FM channels, but an exception is made when no Class C channel appears to be available and the petitioner, as is the case here, is willing to apply for the proposed channel in spite of the intermixture situation. Yakima, Wash., 42 FCC 547, 550 (1973). Moreover, if Channel 240A were to be assigned to Mayfield, it would be necessary, as noted above, to substitute Channel 242 for Channel 241 at Blytheville, Ark. Station KHLS(FM), licensed to Sudbury Services, Inc., is presently operating on Channel 241 at Blytheville. Under existing Commission precedents, see Circleville, Ohio, 8 FCC 2d 159 (1967), reimbursement to Station KHLS(FM) for the necessary and reasonable costs of converting to the new frequency will be required. Petitioner recognizes the requirement of reimbursement and has expressed its consent thereto if it obtains a permit for proposed channel 240A at Mayfield.

5. Accordingly, pursuant to authority contained in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend §73.202(b) of the Commission's rules, the FM Table of Assignments for the communities listed below as follows:

*City and Channel Nos., Present/Proposed*  
Blytheville, Ark., 241/242.  
Mayfield, Ky., 234/234, 240A.

6. It is ordered, That, pursuant to Section 316 of the Communications Act of 1934, as amended, Sudbury Services, Inc., shall show cause why its license for Station KHLS(FM), Channel 241, should not be modified to specify operation on Channel 242 in lieu of Channel 241 at Blytheville, Ark. This order is being made with the understanding that Sudbury Services, Inc., will receive reimbursement from the ultimate licensee of Channel 240A at Mayfield, Ky., for all necessary and reasonable expenses incurred in the channel change.

7. Pursuant to §1.87 of the Commission's rules, the licensee of Station KHLS(FM), Sudbury Services, Inc., may not later than February 21, 1978, request that a hearing be held on the proposed modification. Pursuant to §1.97(f), if the right to request a hearing is waived, Sudbury Services, Inc., may, not later than 1978, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the order to show cause. In this case, the Commission may call on Sudbury Services, Inc., to furnish additional information, designate the matter for hearing, or issue without further proceeding an Order modifying the license as provided in the order to show cause. If

the right to request a hearing is waived and no written statement is filed by the date referred to above, Sudbury Services, Inc., is deemed to consent to the modification as proposed in the order to show cause and a final order will be issued by the Commission if the channel changes referred to in paragraph 5 above, are found to be in the public interest.

8. The Commission's authority to institute rulemaking proceedings; showings required; cut-off procedures and filing requirements are contained in the attached appendix below and are incorporated herein.

9. Interested parties may file comments on or before February 21, 1978, and reply comments on or before March 10, 1978.

10. It is further ordered. That the Secretary of the Commission shall send a copy of this order by certified mail return receipt requested, to Sudbury Services, Inc., Box 989, Blytheville, Ark. 72315, the party to whom the order to show cause is directed.

For the Federal Communications Commission.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

#### APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, §73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

2. Showings required. Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-submits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. Cut-off procedures. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See §1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. Comments and reply comments; service. Pursuant to applicable procedures set out in §1.415 and 1.420 of the Commission's rules

and regulations interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §1.420(a), (b) and (c) of the Commission rules.)

5. Number of copies. In accordance with the provisions of §1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished to the Commission.

6. Public inspection of filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-524 Filed 1-9-78; 8:45 am]

[6712-01]

[47 CFR PART 73]

[Docket No. 21502; RM-2737; FCC 77-848]

#### SUBSCRIPTION TELEVISION SERVICE

##### Memorandum Opinion and Order; Inquiry

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order and notice of inquiry and notice of proposed rulemaking.

SUMMARY: FCC proposes to change an existing rule which provides that only one subscription television authorization may be granted in any community and proposes a rule providing for a cut-off procedure for STV applications. FCC also proposes that an inquiry be commenced into, among other things, the following matters: whether to continue to allow subscription television systems with different technical characteristics or now to require them to be compatible; whether the purchase of decoders by subscription television subscribers should now be permitted or the system of leasing such equipment be continued; what procedural and decisional criteria should be established to govern proceedings involving mutually exclusive subscription television proposals and proceedings involving an STV proposal which is mutually exclusive with a proposal for a conventional station. The intended effect of the proposed rule changes and inquiry is to further the development of subscription television as a benefit to the public. This action was initiated by Midwest St. Louis, Inc., and others filing jointly.

DATES: Comments must be received on or before January 30, 1978, and reply comments must be received on or before February 21, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Freda Lippert Thyden, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: Also in this document, FCC denied a request by Feature Film Services, Inc., for waiver of the rule providing that no STV system will be approved if it requires an increase in the width of a television broadcast channel beyond 6 MHz. Petitioner's desire for additional spectrum space to transmit decoder control information was not shown to be warranted.

Memorandum Opinion and Order and Notice of Inquiry and Notice of Proposed Rulemaking

Adopted: December 15, 1977.

Released: December 30, 1977.

In the matter of amendment of part 73 of the Commission's rules and regulations in regard to §73.642(a)(3) and other aspects of the Subscription Television Service, Docket No. 21502, RM-2737.

1. The Commission has before it for consideration a petition filed on behalf of Midwest St. Louis, Inc.; Liberty STV, Inc., et al. ("Midwest"), requesting the issuance of a Notice of Inquiry as an initial step before rulemaking procedures are instituted to establish uniform standards or policies for designation for hearing of applications seeking authorization for subscription television ("STV"). Petitioners suggest that the Commission might explore the questions of the criteria and procedures to be used in the course of comparative evaluation of mutually exclusive STV proposals, especially with regard to comparative evaluation of differing STV equipment systems. No responses, either in support of or in opposition to the petition, were filed. The characteristics of the technical systems to be employed in STV operations is also involved in a petition for waiver of §73.644(b) of the Commission's rules, filed by Feature Film Services, Inc. ("Feature Film"). No response was filed to this request.

2. We propose to commence an inquiry into the matters, among others, specified by Midwest, as well as to propose rulemaking concerning that part of §73.642(a)(3) of the Commission's rules which provides that only one STV authorization may be granted in any community, the "one-to-a-community" rule. Also proposed in this document is a rule which would apply a

Briefly described, subscription television broadcasting involves the broadcasting of a scrambled television signal which, on payment of a fee, subscribers are authorized to unscramble through use of a decoder. See In the Matter of Subscription Television Program Rules, 52 FCC 2d 1, at 2 (1974).

cut-off procedure to STV applications. However, before discussing these issues, we will dispose of the petition for waiver of §73.644(b)(3) of the Commission's rules.

3. This section provides that no STV system will be approved if it requires an increase in the width of a television broadcast channel beyond 6 MHz. Feature Film requests waiver of this requirement to permit an additional 4 MHz of spectrum space on a channel, either adjacent or non-adjacent to the channel allocated for STV service, in order to transmit decoder control information. Feature Film contends that the new technical STV system it has developed, which requires the additional spectrum space, is superior to other STV technical systems in various ways, since, among other things, it eliminates the possibility of piracy of the audio and video STV signals and provides a pay-per-view program feature. Further, Feature Film asserts that the UHF spectrum, where most STV development is expected, is not heavily used now and could accommodate its request for additional spectrum space.

4. Petitioner has failed to demonstrate that its proposal would provide public interest benefits sufficient to warrant waiver of the Commission's rules in this regard. Thus, no indication has been given that those STV technical systems using 6 MHz of the spectrum cannot successfully deal with any problems of piracy of signals which may exist. Indeed, petitioner itself recognizes that STV systems which conform to our present rules in this specific regard are feasible. As to Feature Film's other alleged technical improvements, they do not warrant the use of such a scarce commodity as that of UHF spectrum space. Accordingly, this request will be denied and will not be one of the technical issues which are to be explored in this proceeding.

5. In order to place the questions being raised in this notice into proper perspective, we will first provide a brief history of the subscription television service as developed in Docket No. 11279. In 1957, the Commission adopted a *First Report and Order*, 23 FCC 532, in which it concluded that it had statutory authority to authorize STV operations, and it announced the conditions under which applications for trial STV operations would be accepted and considered. The following year, a *Second Report and Order*, 16 R.R. 1529 (1958), gave notice that action on trial STV applications would be deferred in order to provide the 85th Congress with an opportunity to consider the questions of public policy raised by subscription television. The acceptance of such applications, however, was not barred. Believing that its action would be consonant with the then current Congressional concern

with the development of STV, the Commission in 1959, issued a *Third Report and Order*, 26 FCC 265, which basically readopted and affirmed the first report and order. This third report stated that the Commission was ready to consider applications for trial STV operations and take action appropriate with the public interest. It was therein provided that STV trial operations might be conducted only in communities lying within the grade A contours of at least four commercial television stations, including the station of the STV applicant. One of the primary reasons for this provision was to assure the continued availability of substantial amounts of conventional, that is, "free" television programming to the public. Of three applications for trial authorizations filed, one was denied, one was granted (but operation never commenced) and the third was granted to UHF station WHCT, Hartford, Conn., which began such operations in 1962.<sup>2</sup>

6. Based on experience with the trial operation in Hartford, and other developments which had occurred, the Commission, in 1968, in a *Fourth Report and Order*, 15 FCC 2d 466, established a nationwide over-the-air subscription television service<sup>3</sup> and adopted rules—other than those concerning equipment and system performance capability—to govern the service. We therein concluded that STV could provide a beneficial supplement to the conventional television programming and that, as an alternative medium, it might well provide a wholesome stimulus to free television which could lead to an improvement in overall programming available to the public. Although the Hartford trial did furnish information that proved helpful in making some reasonable estimates about future developments, numerous questions remained. Thus, we believed that it was best to proceed with caution and concluded that STV should be restricted to communities lying within the Grade A contours of at least five commercial television stations including that of the STV opera-

<sup>2</sup>The Hartford grant was affirmed by the U.S. Court of Appeals in *Connecticut Committee Against Pay TV v. F.C.C.*, 301 F. 2d 835 (D.C. Cir. 1962), cert. denied, 371 U.S. 816.

<sup>3</sup>The Court of Appeals affirmed the Commission's power to authorize nationwide STV on a permanent basis in *National Association of Theatre Owners v. F.C.C.*, 420 F. 2d 194 (D.C. Cir. 1969), cert. denied, 397 U.S. 922 (1970).

<sup>4</sup>For amendments of those rules pertaining to STV broadcasting of feature films, sports events and program series, see the *Report and Order*, 34 FCC 2d 271 (1972), and the *First Report and Order*, 52 FCC 2d 1 (1974), in Docket No. 18893, and the *Second Report and Order*, 40 FR 52731, 35 R.R. 2d 767 (1975), in Docket No. 19554. Also see *Home Box Office, Inc. v. F.C.C.*, No. 75-1280 (D.C. Cir., March 25, 1977).

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In light of these possibilities, it is nec-

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tor. This was a more stringent requirement than that provided in the third report and order. In order to restrict preempting of time, the Commission also provided that in the five-station communities<sup>5</sup> where STV would be permitted, only one station in the community might engage in STV operations<sup>6</sup> and that, not counting the station of the applicant, at least four of the stations would have to be in operation and providing conventional television service at the time of the STV grant of authorization.<sup>7</sup> These provisions were adopted as part of § 73.642(a) of the Commission's rules. In the last and *Fifth Report and Order*, 19 FCC 2d 559 (1969), in Docket No. 11279, the Commission adopted rules governing equipment and system performance capability. It also announced the manner in which applications for STV authorization should be filed, and it prescribed their content and form.

7. As to the present STV situation, we note that the Commission has issued eight STV authorizations.<sup>8</sup> Of these stations, only those in Newark, N.J., and Corona, Calif., have actually begun STV operations, the former commencing on March 1, 1977, and the latter on April 1, 1977. Additionally, applications are pending for STV authorizations in at least fourteen other communities, many of which must be designated for comparative hearing since the "one-to-a-community" rule has made them mutually exclusive.<sup>9</sup>

<sup>5</sup>When we speak of a five-station community we mean a community receiving five Grade A services. The rule does not require that all five be licensed to the STV community itself.

<sup>6</sup>See *Kaiser Broadcasting Corp.*, 60 FCC 2d 961 (1976), and *In the Matter of Request for a Declaratory Ruling*, 55 FCC 2d 187 (1975), in which the Commission stated that the "one-to-a-community" rule meant that no more than one STV service would be authorized in any one community and not that only one such service would be authorized in any given market.

<sup>7</sup>In the interest of assuring adequate free programming for the public, the Commission also required that STV stations broadcast at least a minimum number of hours of free programming. See section 73.643(e) of the Commission's rules.

<sup>8</sup>The Commission has granted STV authorizations to stations WBTB-TV (channel 68), Newark, N.J.; KBSC-TV (channel 52), Corona, Calif.; WQTV (channel 68), Boston, Mass.; WCGU-TV (channel 24), Milwaukee, Wis.; KWHY-TV (channel 22), Los Angeles, Calif.; KTSF-TV (channel 26), San Francisco, Calif.; and most recently to WXON-TV (channel 20), Detroit, Mich.; and to Buford Television of Ohio, Inc., for its new commercial television station on UHF Channel 64, Cincinnati, Ohio.

<sup>9</sup>Where two or more applicants seek to operate a television station on the same channel, their mutually exclusive applications must be designated for comparative hearing in a consolidated proceeding to determine which proposal, if granted, would better

8. Because of the significant interest presently being shown by broadcasters and the public in the operation of STV stations and the development of the industry since Docket No. 11279 was closed in 1969, we are proposing to consider a change in the "one-to-a-community" requirement specified in § 73.642(a)(3) and to consider the adoption of a rule providing for a cut-off procedure for STV applications. We are also proposing to examine—but on an inquiry basis only at this stage—a number of other STV matters which are now ripe for consideration. The points to be considered are discussed more fully below. Before proceeding to these matters, however, it should be noted that the scope of the inquiry will not include consideration of any change in the provision of § 73.642(a)(3) which specifies that no STV authorization will be granted unless (not counting the station of the applicant) at least four stations which include the community of the applicant within their Grade A contours are operating conventional, i.e., non-subscription, stations. No change in this requirement appears warranted.

9. With regard to the "one-to-a-community" rule, we request that comments be directed to whether, and under what circumstances, the Commission should permit more than one television station in a given community to provide an STV service. For example, if more than one STV service were to be permitted, should there be any limit so long as the community is still served by four conventional television stations? In this regard, those commenting should consider what impact a relaxation of the "one-to-a-community" rule would have on conventional television service. While we remain convinced that the preservation of some limit on the number of channels available for STV use is of substantial importance to the public, we need to know if the present rule is necessary to assure that free television will continue to be available in ample quantity and quality. This issue takes on added significance in view of the Commission's recent proposal to eliminate the restrictions on those feature movies that may be shown on STV, a restriction first imposed to prevent program siphoning.<sup>10</sup> Another point to be considered is whether on balance the public would benefit from additional STV service and, if so, how. In answering this point it is important to discuss, based on the experience of those STV stations presently operating, as well as those formerly operating

serve the public interest, convenience and necessity. See *Ashbacker Radio Corp. v. F.C.C.*, 326 U.S. 327 (1946).

<sup>10</sup>See *In the Matter of Repeal of Movie Restrictions on Subscription Television*, FCC 77-436, 42 FR 34341. See also n. 4, supra.

ing on a trial basis, whether competition has resulted in improved and more varied programming for both services.

10. To provide an orderly procedure for the consideration of mutually exclusive AM, FM, and TV applications, the Commission has established cut-off procedures.<sup>11</sup> We need to consider whether, because of the volume of applications or otherwise, a like approach should be followed here. All suggestions on how to develop appropriate cut-off or other procedural guidelines are invited.

11. There are various other matters for inquiry in this proceeding, two of which, the compatibility of STV systems and the purchase of subscriber decoder equipment, pertain to the technical aspects of STV. In the fourth report and order, the Commission decided that it was in the public interest that multiple technical STV systems be permitted. In so concluding, it found that there would be no problem of inconvenience or expense to the public caused by having more than one decoder for purposes of receiving multiple STV operations because of the one-to-a-community limitation on STV operations. Now, however, if a rule is adopted allowing more than one STV station per community, the issue of whether to allow technically differing STV systems or to require their compatibility so that a subscriber receiving multiple STV services will not have to attach a number of different decoders to his television set becomes particularly significant. We urge that various subsidiary points be addressed by commenting parties, such as whether compatible equipment is presently available for purchase or could readily be made available for sale to holders of STV authorizations. Other questions to be addressed are what additional costs would require a compatible STV system have, especially on an existing STV station? Could a compatible STV system approach degrade the performance or quality of STV transmissions? Could it preclude the making of improvements in STV equipment?

12. The other matter for inquiry which relates to the technical side of STV is not necessarily dependent on resolution of the question of whether one or more STV authorizations should be granted in a community. This second issue, which concerns the ownership of decoders, is whether their purchase by subscribers could be allowed or the present system of leasing such equipment be continued. A further question is whether the merits

<sup>11</sup>See, for example, § 1.572(c) of the Commission's rules which provides the cut-off procedures for television applications.

of leasing or purchasing decoders are different if the present "one-to-a-community" rule is retained or if more than one STV station to a community is allowed.

13. There are other matters now ripe for inquiry. This includes the procedures to follow and comparative criteria to apply in two situations: (1) Where a choice must be made between two applicants for a new television station, one to be used conventionally, the other to be for STV; and (2) where a choice must be made between two mutually exclusive STV applicants.<sup>12</sup> As correctly noted by petitioners, there are particular procedural and decisional problems which arise if an applicant seeking an STV authorization in a mutually exclusive hearing is also involved in a competitive hearing for a construction permit for a new television station. For a clear understanding of this subject, it is important to keep in mind that, at this point, we follow a two-step procedure in which an STV authorization may be issued only to an entity that already is either the licensee of a commercial television broadcast station or the holder of a construction permit for a new commercial television broadcast station.<sup>13</sup> Although this two step process may be a logical sequence in a single applicant context, it can confuse matters in a comparative situation. More specifically, if the two stages of the decisional process are not consolidated and the proceeding remains bifurcated, it is possible that an applicant may obtain an authorization for a conventional television broadcast facility which it does not desire to construct and operate. The applicant may be granted a construction permit for a television station in one administrative hearing, but be denied the STV authorization in the other administrative hearing. Correlatively, the mutually exclusive applicant seeking a conventional television station, which is otherwise qualified to be a licensee, might be unnecessarily denied a construction permit on comparative grounds alone.

<sup>12</sup>In responding, the parties should bear in mind that these STV applicants may both have licensed broadcast stations or one or both may also be seeking a construction permit for a new broadcast station.

<sup>13</sup>Although an STV authorization can be given to an applicant for a construction permit for a new commercial television broadcast station, such authorization will not be issued prior to issuance of the construction permit for the new station. (Section 73.642(a) of the Commission's rules.)

In light of these possibilities, it is necessary—both for policy and procedural reasons—to address the question of whether the two requests for authorization necessary for ultimately commencing STV service should be acted on separately and, if so, in what order, or if the two requests should be consolidated in some appropriate manner for consideration.<sup>14</sup> We suggest that comments be directed to the problems and advantages involved in various procedural approaches and the appropriateness of a policy statement being released or a rule being adopted on this subject. Also, to avoid reliance on a situation in making a grant, only to have it change, commenting parties are requested to address whether we should require new television applicants to specify if they contemplate STV operation and if their answer is no, if they should be considered ineligible for STV authorization for the same channel for a given period.

14. As a related matter, since one of the Commission's primary responsibilities is to choose the best of the qualified new applicants for the same broadcast facilities, it has already established criteria for comparing mutually exclusive applications for conventional stations. However, such criteria do not exist for comparing two competing STV applications. The Commission therefore invites comment on whether such criteria should be established or whether some other means of selection should be employed. Nor are there standards to use to compare two competing applications for a new television station when one is for conventional use and the other contemplates STV operation. We believe that this may be the appropriate time for establishing comparative criteria for such situations and we invite all possible comment on both possible comparative situations. In commenting on what criteria should be used to decide between mutually exclusive STV applications, parties should address themselves to such questions as whether a comparative evaluation of STV technical equipment in terms of costs, availability and security against unauthorized decoding is appropriate. Further to be considered is whether comparative preference should be given to STV

<sup>14</sup>See *Midwest St. Louis, Inc., et al.*, 61 FCC 2d 203 (1976), in which the Review Board certified to the Commission the question of whether such a consolidation of applications should be effected.

applicants who propose operation on UHF channels rather than on VHF channels; to STV applicants who, at least in part, are owned by minorities; and to STV applicants who are applicants for new television stations versus STV applicants already operating stations, i.e., conventional television stations. In commenting on what criteria should be used to decide between two mutually exclusive applicants for construction permits for new stations, only one of which proposes to provide STV service, parties should address themselves to the question of whether a programming comparison would be appropriate and, in the event any ascertainment requirement with respect to STV programming were eliminated, how to give recognition to the difference between conventional and STV operation insofar as program offerings and intended audience are concerned. Finally, all other suggestions and comments pertinent to these areas of inquiry are invited.

15. *It is ordered*, That the petition for waiver of § 73.644(b) of the Commission's rules, filed by Feature Film Services, Inc., is denied.

16. Based on the foregoing discussion, and pursuant to the authority contained in sections 4(i), 303(r), and 403 of the Communications Act of 1934, as amended, it is proposed to amend the Commission's rules as described above, and to inquire into the other matters set out above.

17. Pursuant to applicable procedures set forth in §§ 1.415 and 1.46 of the Commission's rules, interested parties may file comments on or before March 13, 1978, and reply comments on or before April 12, 1978. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding.

18. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 5 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. All filings made in this proceeding will be made available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Secretary.

[FR Doc. 78-543 Filed 1-9-78; 8:45 am]



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## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11]

### DEPARTMENT OF AGRICULTURE

#### Forest Service

#### JURISDICTION OF CERTAIN LANDS WITHIN THE OZARK NATIONAL FOREST

#### Notice of Transfer to the Department of the Interior

Notice is hereby given that administrative jurisdiction of the lands described below is transferred from the Forest Service, Department of Agriculture, to the National Park Service, Department of the Interior. This action is in accord with Pub. L. 92-237. The affected lands are located in Baxter, Marion, and Newton Counties, Ark., and have previously been administered as part of the Ozark National Forest.

Effective January 10, 1978, the lands more particularly described as follows will be administered as part of the Buffalo National River.

BOB BERGLAND,  
Secretary.

JANUARY 5, 1978.

#### FIFTH PRINCIPAL MERIDIAN NEWTON COUNTY, ARK.

T. 16 N., R. 21 W.

Sec. 11, all that part of E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$  lying East of County Road and South of Big Buffalo River described as follows: Beginning at the southeast corner of the SW $\frac{1}{4}$ , thence, North 27.62 chains to center of Big Buffalo River; thence, with meandering of said River N. 71 $\frac{1}{2}$ ' W., 3.78 chains; thence, N. 40 $\frac{1}{2}$ ' W., 3.58 chains; thence, N. 35 $\frac{1}{2}$ ' W., 1.36 chains to center line of Dry Ford of Big Buffalo River; thence, in a southwesterly direction with meanderings of Old County Road S. 54 $\frac{1}{2}$ ' W., 3.44 chains; thence, S. 31 $\frac{1}{2}$ ' W., 3.96 chains; thence, S. 37 $\frac{1}{2}$ ' W., 2.13 chains to center line of New County Road; thence, with meanderings of New County Road N. 51' E., 4.28 chains; thence, N. 86' E., 2.34 chains; thence, S. 40 $\frac{1}{2}$ ' W., 3.63 chains; thence, S. 29 $\frac{1}{2}$ ' W., 4.51 chains; thence, S. 29 $\frac{1}{2}$ ' W., 4.51 chains; thence, S. 4 $\frac{1}{2}$ ' E., 7.28 chains; thence, S. 7 $\frac{1}{2}$ ' E., 6.46 chains; thence, S. 32 $\frac{1}{2}$ ' E., 7.37 chains; thence, S. 44 $\frac{1}{2}$ ' E., 2.41 chains; thence, East 4.10 chains (leaving road) to place of beginning; except the following which was formerly deeded to the Pentecostal Church, beginning at the southeast corner of the SW $\frac{1}{4}$  of Section 11, T. 16 N., R. 21 W., running thence West 150 feet for a place of beginning; thence, North 200 feet; thence,

West 275 feet to the road; thence, in a southeasterly direction with meanderings of said road 250 feet; thence, East 100 feet to the place of beginning; containing 27.75 acres, more or less.

#### BAXTER COUNTY, ARK.

T. 17 N., R. 14 W.

Sec. 1, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , containing 40.00 acres, more or less.

T. 18 N., R. 13 W.

Sec. 30, the fractional W $\frac{1}{2}$ SW $\frac{1}{4}$  lying East of the right bank of White River, less and except 8.00 acres described as follows: Beginning at the southeast corner of the fractional NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 30, thence South 3.33 chains; thence, West 6.00 chains; thence, North 13.33 chains; thence, East 6.00 chains; thence, South 10.00 chains to point of beginning; containing in the aggregate 50.14 acres, more or less.

Sec. 31, S $\frac{1}{2}$ NW $\frac{1}{4}$  East of the center of the Buffalo River; fractional NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; fractional NW $\frac{1}{4}$ SW $\frac{1}{4}$ , more particularly described as follows: Beginning at the northeast corner of fractional NW $\frac{1}{4}$ SW $\frac{1}{4}$ , thence, S. 1' 15' W., 20.00 chains; thence, west 9.67 chains to east bank of Buffalo River; thence, follow east bank of Buffalo River N. 33' 43' E., 4.03 chains; thence, N. 19' 06' E., 3.95 chains; thence, N. 4' 34' E., 5.98 chains; thence, N. 10' 18' W., 2.98 chains; thence, N. 3' 08' W., 4.18 chains; thence, S. 88' 30' E., 6.86 chains, to point of beginning; containing, in the aggregate, 148.23 acres, more or less.

#### MARION COUNTY, ARK.

T. 17 N., R. 14 W.

Sec. 11, E $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , containing 120.00 acres, more or less.

Sec. 12, W $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , containing 140.00 acres, more or less.

Sec. 13, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , containing 120.00 acres, more or less.

Sec. 14, part of the E $\frac{1}{2}$ SE $\frac{1}{4}$  lying East of Buffalo River described as follows: Beginning at Corner 1, the corner common to Sections 13, 14, 23 and 24, said corner being a 1" iron pipe with brass cap; thence, N. 87' 51' W., 19.20 chains with the south line of Section 14 to Corner 2, a point in the center of Buffalo River; thence, with the center of Buffalo River as follows: N. 26' 30' E., 21.00 chains to Corner 3, a point; N. 1' 30' E., 15.40 chains to Corner 4, a point; N. 31' 15' W., 4.60 chains to Corner 5, a point; N. 76' W., 6.38 chains to Corner 6, a point on the north line of the E $\frac{1}{2}$ SE $\frac{1}{4}$ ; thence, S. 87' 47' E., 20.24 chains with the north line of the E $\frac{1}{2}$ SE $\frac{1}{4}$  to Corner 7, a 1" iron pipe with brass cap; thence, S. 3' 13' W., 39.67 chains with the east line of Section 14, to Corner 1, the place of beginning; also, part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  lying North of Buffalo River, described as follows: Beginning at Corner 1, the northwest

corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , said corner being a point, thence, S. 87' 47' E., 16.23 chains with the north line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , to Corner 2, a point in the center of Buffalo River; thence, with the center of Buffalo River, S. 77' W., 16.87 chains to Corner 3, a point on the west line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence, N. 2' 56' E., 4.43 chains with the west line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  to Corner 1, the place of beginning; also, part of the W $\frac{1}{2}$ NW $\frac{1}{4}$  lying East of Buffalo River, described as follows: Beginning at Corner 1, the southeast corner of the W $\frac{1}{2}$ NW $\frac{1}{4}$ , said corner being a point, thence, N. 87' 47' W., 4.10 chains with the south line of the W $\frac{1}{2}$ NW $\frac{1}{4}$  to Corner 2, a point in the center of Buffalo River; thence, with the center of Buffalo River as follows: N. 31' W., 11.44 chains to Corner 3, a point; N. 3' 15' E., 12.00 chains to Corner 4, a point; N. 40' E., 10.00 chains to Corner 5, a point; N. 48' 30' E., 5.64 chains to Corner 6, a point in the east line of the W $\frac{1}{2}$ NW $\frac{1}{4}$ ; thence, S. 2' 18' W., 33.37 chains with the east line of the W $\frac{1}{2}$ NW $\frac{1}{4}$  to Corner 1, the place of beginning; also, part of the N $\frac{1}{2}$ SW $\frac{1}{4}$  lying North of Buffalo River, described as follows: Beginning at Corner 1, the northeast corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$ , said corner being a point; thence, S. 2' 56' W., 4.43 chains with the east line of the N $\frac{1}{2}$ SW $\frac{1}{4}$  to Corner 2, a point in the center of Buffalo River; thence, with the center of Buffalo River as follows: S. 77' W., 13.41 chains to Corner 3, a point; N. 65' W., 8.50 chains to Corner 4, a point; N. 31' W., 5.56 chains to Corner 5, a point on the north line of the N $\frac{1}{2}$ SE $\frac{1}{4}$ ; S. 87' 47' E., 23.87 chains with the north line of the N $\frac{1}{2}$ SW $\frac{1}{4}$  to Corner 1, the place of beginning; containing, in the aggregate, 95.96 acres, more or less.

Sec. 22, part of the S $\frac{1}{2}$ SE $\frac{1}{4}$  described as follows: Beginning at Corner 1, the corner common to Sections 22, 23, 26 and 27, said corner being a 1" iron pipe with brass cap, thence, N. 1' 08' E., 19.84 chains with the east line of Section 22 to Corner 2, an irregular shaped stone; thence, N. 87' 41' W., 38.06 chains with the north line of the S $\frac{1}{2}$ SE $\frac{1}{4}$  to Corner 3, a point in the center of Buffalo River; thence, S. 19' 30' W., 8.56 chains with the center of Buffalo River to Corner 4, a point on the west line of the S $\frac{1}{2}$ SE $\frac{1}{4}$ ; thence, S. 1' 33' W., 11.62 chains with the west line of the S $\frac{1}{2}$ SE $\frac{1}{4}$  to Corner 5, a 1" iron pipe with brass cap; thence, S. 87' 39' E., 40.86 chains with the south line of Section 22 to Corner 1, the place of beginning; also, part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  lying East of Buffalo River described as follows: Beginning at Corner 1, the quarter corner common to Sections 22 and 27, said corner being a 1" iron pipe with a brass cap, thence, N. 1' 33' E., 11.62 chains with the east line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  to Corner 2, a point in the center of Buffalo River; thence, S. 19' 30' W., 12.16 chains with the center of

Buffalo River to Corner 3, a point on the south line of Section 22; thence, S. 87' 39' E., 3.75 chains with the south line of Section 22, to Corner 1, the place of beginning; containing, in the aggregate, 81.10 acres, more or less.

Sec. 23, part of the E $\frac{1}{2}$  lying east of Buffalo River, described as follows: Beginning at Corner 1, the corner common to Sections 23, 24, 25, and 26, said corner being a 1" iron pipe with brass cap, thence, N. 00' 08' E., 79.20 chains with the east line of Section 23 to Corner 2, the corner common to Sections 13, 14, 23, and 24, said corner being a 1" iron pipe with brass cap; thence, N. 87' 51' W., 19.20 chains with the north line of Section 23 to Corner 3, a point in the center of Buffalo River; thence, with the center of Buffalo River as follows: S. 39' W., 18.10 chains to Corner 4, a point; S. 30' W., 14.00 chains to Corner 5, a point; S. 1' W., 11.50 chains to Corner 6, a point; S. 45' E., 40.00 chains to Corner 7, a point; S. 32' E., 6.00 chains to Corner 8, a point; S. 15' E., 9.00 chains to Corner 9, a point on the south line of Section 23; thence, S. 87' 58' E., 3.70 chains with the south line of Section 23 to Corner 1, the place of beginning; containing 193.09 acres, more or less.

Sec. 24, W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , containing 160.00 acres, more or less.

Sec. 25, W $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , except that part lying West of the Buffalo River more particularly described as follows: Commencing at the corner common to Sections 23, 24, 25, and 26, said corner being a 1" iron pipe with brass cap, thence, S. 2' 30' W., 2.99 chains with the west line of Section 25 to Corner 1, the point of beginning, said corner being a point in the center of Buffalo River; thence, with the center of Buffalo River as follows: S. 52' 30' E., 4.00 chains to Corner 2, a point; S. 00' 30' W., 11.30 chains to Corner 3, a point; S. 32' 15' W., 7.40 chains to Corner 4, a point; thence, N. 2' 30' E., 20.00 chains to Corner 1, the point of beginning; which exception contains 5.48 acres, more or less. The above described land contains, in the aggregate, 154.52 acres, more or less.

Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , also, part of the N $\frac{1}{2}$  lying South of the center of Buffalo River described as follows: Beginning at Corner 1, the corner common to Sections 22, 23, 26, and 27, said corner being a 2" iron pipe with brass cap; thence, S. 87' 58' E., 6.55 chains to Corner 2, a point in the center of Buffalo River; thence, with the center of Buffalo River as follows: S. 27' 15' E., 21.40 chains to Corner 3, a point; S. 54' 30' E., 9.30 chains to Corner 4, a point; S. 73' E., 36.80 chains to Corner 5, a point; N. 82' 30' E., 11.20 chains to Corner 6, a point; N. 52' E., 13.00 chains to Corner 7, a point on the east line of Section 26; thence, S. 2' 30' W., 16.65 chains with the east line of Section 26 to Corner 8, a 1" iron pipe with brass cap, said corner being the east quarter corner of Section 26; thence, N. 87' 56' W., 60.79 chains with the south line of the N $\frac{1}{2}$  of Section 26 to Corner 9, a point; thence, north with the east line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  to Corner 10, the northeast corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , a point; thence, west with the north line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  to Corner 11, the northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , a point; thence, N. 1' 45' E., 19.85 chains with the west line of Section 26 to

## NOTICES

Corner 1, the place of beginning; containing, in the aggregate, 134.27 acres, more or less.

Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , part of the NW $\frac{1}{4}$  lying South and East of the center line of Buffalo River described as follows: Beginning at Corner 1, the west quarter corner of Section 27, said corner being a 1" iron pipe with a brass cap, thence, N. 00' 41' E., 10.78 chains with the west line of Section 27 to Corner 2, a point in the center of the Buffalo River; thence, with the center of Buffalo River as follows: N. 79' E., 16.70 chains to Corner 3, a point; N. 51' 45' E., 17.00 chains to Corner 5, a point on the north line of Section 27; thence, S. 87' 39' E., 3.75 chains with the north line of Section 27 to Corner 6, the north quarter corner of Section 27, said corner being a 1" iron pipe with brass cap; thence, south with the east line of the NW $\frac{1}{4}$  to the southeast corner of the NW $\frac{1}{4}$  to Corner 7, a point; thence, west with the south line of the NW $\frac{1}{4}$  to Corner 1, the place of beginning; containing, in the aggregate, 328.88 acres, more or less.

Sec. 28, SW $\frac{1}{4}$ SE $\frac{1}{4}$ , containing 40.00 acres, more or less.

Sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , containing 40.00 acres, more or less.

Sec. 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , part of the N $\frac{1}{2}$ NW $\frac{1}{4}$  lying North and East of Big Creek described as follows: Beginning at Corner 1, the corner common to Sections 27, 28, 33, and 34, said corner being a 1" iron pipe with brass cap, thence, S. 88' 25' E., 40.08 chains with the north line of Section 34 to Corner 2, the north quarter corner of Section 34, said corner being a 1" iron pipe; thence, S. 2' 12' W., 19.82 chains with the east line of the N $\frac{1}{2}$ NW $\frac{1}{4}$  to Corner 3, a point; thence, N. 88' 35' W., 21.38 chains with the south line of the N $\frac{1}{2}$ NW $\frac{1}{4}$  to Corner 4, a point in the center of Big Creek; thence, with the center of Big Creek as follows: N. 16' 30' E., 4.05 chains to Corner 5, a point; N. 38' 30' W., 3.60 chains to Corner 6, a point; N. 82' W., 7.00 chains to Corner 7, a point; S. 78' W., 5.00 chains to Corner 8, a point; S. 52' W., 6.80 chains to Corner 9, a point; S. 15' W., 2.02 chains to Corner 10, a point on the south line of the N $\frac{1}{2}$ NW $\frac{1}{4}$ ; thence, N. 87' 50' W., 0.48 chains to Corner 11, the southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , a point; thence, N. 4' 16' E., 20.16 chains with the west line of Section 34 to Corner 1, the place of beginning; containing, in the aggregate, 148.58 acres, more or less.

Sec. 36, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , containing 40.00 acres, more or less.

It is the intent of the United States Forest Service to transfer all its lands within the boundary of Buffalo National River to the National Park Service for administrative jurisdiction. These lands consist of Forest Service Tract Numbers 971 (part), 971a (part), 971b (part), 1406, 1483 (part), 2304 (part), 2707b (part), 2707c, 2707d (part), 2707f (part), 2707g, 2727 (part), and 3237, and are Buffalo National River Tracts 11-109, 73-108, 81-106, and 83-103. Baxter County, 238.37. Marion County, 1,796.40. Newton County, 27.75. Total acreage, 2,062.52 acres, more or less.

[FR Doc. 78-550 Filed 1-9-78; 8:45 am]

[3410-02]

#### Packers and Stockyards Administration

#### MADISON STOCKYARDS, INC., MADISON, FLA., ET AL.

#### Depositing of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., Name, Location of Stockyard, and Date of Posting

FL-111—Madison Stockyards, Inc., Madison, Fla., July 15, 1960.  
LA-129—Alsbrooks-Guilbeau Stockyards, Inc., Opelousas, La., July 25, 1957.  
MA-105—Couite's Auction, West Bridgewater, Mass., December 19, 1973.  
MS-110—Decatur Stock Yard, Inc., Decatur, Miss., January 7, 1959.  
OK-102—Triangle Livestock Company, Alva, Okla., October 10, 1949.  
TN-102—Farmers Commission Co., Carthage, Tenn., May 11, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly depositing a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective January 10, 1978.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 3rd day of January 1978.

EDWARD L. THOMPSON,  
Chief, Registrations, Bonds, and  
Reports Branch Livestock  
Marketing Division.

[FR Doc. 78-506 Filed 1-9-78; 8:45 am]

[3410-02]

#### NORTHWEST ALABAMA LIVESTOCK AUCTION, RUSSELLVILLE, ALA., ET AL.

#### Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.



Facility No., Name, Location of Stockyard,  
and Date of Posting

## ALABAMA

AL-161—Northwest Alabama Livestock,  
Auction, Russellville, October 31, 1977.

## GEORGIA

GA-184—Telfair-Wheeler Livestock,  
Market, Inc., McRae, July 20, 1977.

## MISSOURI

MO-242—MFA Livestock Association, Inc.,  
Buffalo Concentration Point, Buffalo, De-  
cember 15, 1977.

## OREGON

OR-125—Ontario Livestock Commission,  
Inc., Ontario, December 6, 1977.

## OKLAHOMA

OK-197—Triangle Livestock Company,  
Alva, November 10, 1977.

Done at Washington, D.C., this 3rd  
day of January 1978.

EDWARD L. THOMPSON,  
Chief, Registrations, Bonds, and  
Reports Branch Livestock  
Marketing Division.

[FR Doc. 78-507 Filed 1-9-78; 8:45 am]

## [6320-01]

## CIVIL AERONAUTICS BOARD

[Docket No. 30777; Agreement CAB 27061  
R-1 and R-2; Agreement CAB 27066 R-1  
and R-2; Docket No. 30332; Agreement  
CAB 27065; Order 77-12-1351]

INTERNATIONAL AIR TRANSPORT  
ASSOCIATIONOrder Regarding Passenger Fares and Specific  
Commodity Rates

Issued under delegated authority,  
December 28, 1977.

Agreements have been filed with the  
Board pursuant to section 412(a) of  
the Federal Aviation Act of 1958 (the  
Act) and Part 261 of the Board's Eco-  
nomic Regulations between various air  
carriers, foreign air carriers, and other  
carriers embodied in the resolutions of  
the Traffic Conferences of the Inter-  
national Air Transport Association  
(IATA). Agreement CAB 27061 was  
adopted at the Composite Passenger  
Traffic Conference held in Cannes  
during October/November 1977, and  
Agreements CAB 27065 and CAB  
27066 were adopted by mail vote.

Agreement CAB 27061 would rea-  
dopt IATA Resolutions 115d and 115f,  
which allow IATA members to meet  
non-IATA competition in passenger  
fares and practices within TC3 (Asia/  
Pacific), and would rescind Resolution  
004b, which precludes passenger ser-  
vices within the area comprised of Ma-  
laysia/Brunei/Singapore from the ap-  
plication of IATA resolutions govern-  
ing such services to/from that area.  
Agreement CAB 27066 would increase  
first-class and normal economy-class  
fares between Kumasi, Ghana and Ab-

idjan, Ivory Coast by 3 percent. Agree-  
ment CAB 27065 would increase, by 10  
percent, the specific commodity rates  
for Item 1421 (cut flowers) at a mini-  
mum weight of 200 kilograms from  
points in Columbia, to points in the  
United States.

We will approve the agreements,  
which have application in air transpor-  
tation as defined by the Act insofar as  
they involve fares to/from U.S. points,

rates to U.S. points, and fares which  
are combinable with fares to/from  
U.S. points.

Pursuant to authority duly delegat-  
ed by the Board's Regulations, 14 CFR  
385.14:

1. It is not found that the following  
resolution, which has to direct applica-  
tion in air transportation as defined by  
the Act, is adverse to the public inter-  
est or in violation of the Act:

Agreement IATA CAB No.	Title	Application
27061: R-1	002t Special Readoption Resolution	(Asia/Pacific).

2. It is not found that the following resolution, which has direct application  
in air transportation as defined by the Act, is adverse to the public interest or in  
violation of the Act, *Provided*, That approval is subject to the conditions or-  
dered:

Agreement IATA CAB No.	Title	Application
27065:	590 Specific Commodity Rates Board (Amending)	1 (Columbia-U.S.).

3. It is not found that the following resolutions, which have indirect applica-  
tion in air transportation as defined by the Act, are adverse to the public  
interest or in violation of the Act:

Agreement IATA CAB No.	Title	Application
27061: R-2	003 Standard Rescission Resolution	3 (Asia/Pacific).
27066: R-1	052 TC2 1st Class Fares (amending)	2 (Within Africa).
R-2	062 TC2 Economy Class Fares (amending)	Do.

Accordingly, it is ordered, That:

1. Agreements CAB 27061 and CAB  
27066, described in finding paragraphs  
1 and 3 above, be approved; and

2. Agreement CAB 27065, described  
in finding paragraph 2 above, be ap-  
proved: *Provided*, That (a) approval  
shall not constitute approval of the  
specific commodity descriptions con-  
tained therein for purposes of tariff  
publications; (b) tariff filings shall be  
marked to become effective on not less  
than 30 days' notice from the date of  
filing; and (c) where a specific com-  
modity rate is published for a specified  
minimum weight at a level lower than  
the general commodity rate applicable  
for such weight, and where a general  
commodity rate is published for a  
greater minimum weight at a level  
lower than such specific commodity  
rate, the specific commodity rate shall  
be extended to all such greater mini-  
mum weights at the applicable general  
commodity rate level.

Persons entitled to petition the  
Board for review of this order, pursu-  
ant to the Board's Regulations, 14  
CFR 385.50, may file such petitions  
within 10 days after the date of service  
of this order.

This order shall be effective and  
become the action of the Civil Aero-  
nautics Board upon expiration of the  
above period, unless within such  
period a petition for review is filed or  
the Board gives notice that it will  
review this order on its own motion.

This order will be published in the  
FEDERAL REGISTER.

JAMES L. DEEGAN,  
Chief, Passenger and Cargo  
Rates Division, Bureau of  
Fares and Rates.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-451 Filed 1-9-78; 8:45 am]

## [6325-01]

## CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND  
WELFAREGrant of Authority To Make a Noncareer  
Executive Assignment

Under authority of § 9.20 of Civil  
Service Rule IX (5 CFR 9.20), the Civil  
Service Commission authorizes the  
Department of Health, Education, and

Welfare to fill be noncareer executive  
assignment in the excepted service the  
position of Director, Office of Plan-  
ning, Research and Evaluation, Office  
of the Assistant Secretary for Human  
Development, Office of the Secretary.

For the U.S. Civil Service Commis-  
sion.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-435 Filed 1-9-78; 8:45 am]

## [3510-22]

## DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric  
AdministrationCARIBBEAN FISHERY MANAGEMENT COUNCIL  
AND ITS SCIENTIFIC AND STATISTICAL COM-  
MITTEE AND ADVISORY PANEL

## Public Meeting

The Caribbean Fishery Management  
Council and its Scientific and Statisti-  
cal Committee (SCC) and Advisory  
Panel (AP) established by the Fishery  
Conservation and Management Act of  
1976 (Pub. L. 94-265), will meet Febru-  
ary 14-16, 1978, at Hotel Pierre, 105  
De Diego Avenue, San Juan, P.R. The  
meeting starts at 9 a.m. on February  
14, and will adjourn at about 12 noon  
on February 16.

*Proposed Agenda.* (1) Consideration  
of the Second Draft Fishery Manage-  
ment Plan (FMP) for Spiny Lobster;  
(2) Report of the SSC and AP on the  
Goals and Objectives, Data Require-  
ments, and Recommendations on the  
FMP for Migratory Coastal Pelagics;  
(3) SSC and AP Recommendations on  
Amendments to Pub. L. 94-265 in Re-  
lation to International Sport Fishing  
Tournaments; (4) Report to the Coun-  
cil on Budget Requests for fiscal year  
1978, fiscal year 1979, and fiscal year  
1980; (5) Marine Sanctuaries: the Con-  
cept, the Application to Fishing  
Grounds, and Present Status in the  
Caribbean Area; (6) Report by Chief  
Scientist on His Attendance to the In-  
tergovernmental Oceanographic Com-  
mission Association for the Caribbean  
and Adjacent Regions (IOCARIBE)  
Meeting; (7) The Concept and Com-  
mercial Feasibility of Artificial Reefs;  
(8) AP Membership; (9) Administrative  
Matters; (10) Other Council Business.

Meeting is open to the public. For  
information on seating, changes to the  
agenda, or written comments, contact  
Mr. Omar Muoz-Roure, Executive Di-  
rector, Caribbean Fishery Manage-  
ment Council, P.O. Box 1001, Hato  
Rey, P.R. 00918, telephone 809-472-  
6620.

Dated: January 4, 1978.

WINFRED H. MEIBOHM,  
Associate Director, National  
Marine Fisheries Service.

[FR Doc. 78-492 Filed 1-9-78; 8:45 am]

## [6355-01]

CONSUMER PRODUCT SAFETY  
COMMISSION

(IRLG-1:002; FRL-839-0)

## INTERAGENCY REGULATORY LIAISON GROUP

Intent To Develop Compatible Testing  
Standards and Guidelines

The heads of the U.S. Consumer  
Product Safety Commission, the U.S.  
Environmental Protection Agency, the  
Food and Drug Administration, and  
the Occupational Safety and Health  
Administration have agreed to work  
together as the Interagency Regula-  
tory Liaison Group (IRLG), for the  
purpose of reforming the regulatory  
process and improving protection of  
workers, public health and the envi-  
ronment. In agreeing to cooperate in  
this way, the heads of the agencies  
join in President Carter's commitment  
to improve the management of Gov-  
ernment by eliminating waste and du-  
plication wherever possible. This  
agreement was announced at a joint  
press conference on August 2, 1977.

On October 11, 1977, the IRLG pub-  
lished in the FEDERAL REGISTER an In-  
teragency Agreement relating to the  
Regulation of Toxic and Hazardous  
Substances (42 FR 54856). To imple-  
ment this agreement, the IRLG has  
established work groups to develop  
common, consistent, or compatible  
practices in eight areas of activity  
common to the four agencies: (1) Test-  
ing standards and guidelines, (2) epi-  
demiology, (3) risk assessment, (4) in-  
formation exchange, (5) research plan-  
ning, (6) regulatory development, (7)  
compliance and enforcement, and (8)  
education and communications.

The purpose of this notice is to an-  
nounce that the Testing Standards  
and Guidelines Work Group is cur-  
rently developing uniform guidelines  
for the conduct of acceptable testing.  
These testing standards and guidelines  
are intended for use by the four agen-  
cies to assess existing guidelines and  
aid in the development of new testing  
regulations and guidelines. Use of  
these testing standards and guidelines  
is intended to permit greater intera-  
gency consistency and compatibility.  
The Work Group's overall objective is  
to make the regulatory process more  
effective and efficient for the agen-  
cies, industry, and the public.

The Work Group has agreed to the  
following principle of cooperative  
effort to guide each individual agency  
in the development of all new testing  
regulations which are related to the  
activities of the IRLG: To the extent  
permitted by each agency's legislation,  
parts of proposed new regulations and  
guidelines may be amended to agree  
with uniform testing standards and  
guidelines developed jointly by the

Consumer Product Safety Commis-  
sion, the Environmental Protection  
Agency, the Food and Drug Adminis-  
tration, and the Occupational Safety  
and Health Administration. In the  
event that such new standards and  
guidelines are jointly agreed upon,  
data resulting from use of pre-existing  
testing standards and guidelines will  
be accepted by the agency requiring  
them so long as these data are gener-  
ated from studies begun before the  
joint standards and guidelines are pro-  
mulgated and the data are valid and  
scientifically sound.

Opportunities for public participa-  
tion will be provided through open  
work group meetings and public  
forums announced in the FEDERAL REG-  
ISTER. Correspondence and comments  
should be addressed to the Chairman:  
Dr. James R. Beall, WH-557, Office of  
Toxic Substances, Environmental Pro-  
tection Agency, 401 M Street SW.,  
Washington, D.C. 20460. Comments  
should be filed in triplicate and bear  
the identifying notation IRLG-1:002.

Dated: December 30, 1977.

For the Consumer Product Safety  
Commission.

S. JOHN BYINGTON,  
Chairman.

For the Food and Drug Administra-  
tion.

DONALD KENNEDY,  
Commissioner.

For the Environmental Protection  
Agency.

DOUGLAS M. COSTLE,  
Administrator.

For the Occupational Safety and  
Health Administration.

EULA BINGHAM,  
Assistant Secretary of Labor.

[FR Doc. 78-474 Filed 1-9-78; 8:45 am]

## [3810-70]

## DEPARTMENT OF DEFENSE

## Defense Nuclear Agency

## Scientific Advisory Group on Effects (SAGE)

## Closed Meeting

NAME OF COMMITTEE: Scientific  
Advisory Group on Effects (SAGE).

DATES: 28 February-3 March 1978.

PLACE: Naval War College, Newport,  
R.I. 02840.

AGENDA: 28 February 1978 (0830-  
1730), and 1 March 1978 (0830-1230).  
Presentations, Discussion and Execu-  
tive Sessions on Pulse Power Nuclear  
Weapons Effects Simulators. 1 March  
1978 (1400-1800), 2 March 1978 (0830-  
1700), and 3 March 1978 (0830-1130).  
Seminar, Presentations, Discussions  
and Executive Sessions on Compre-  
hensive Test Ban Treaty (CTBT)



Issues, Recent Nuclear Weapons Effects Test Results, Theater Nuclear Forces Survivability and Security (TNFS), and Pulse Power Simulators.

The presentations and discussions in the above cited agenda will focus on current and planned RDT&E programs sponsored by the Defense Nuclear Agency (DNA). Executive sessions will be held for the primary purpose of advising the Director, DNA as to the adequacy of ongoing and planned programs. All planned presentations, discussions and executive sessions will include classified defense information; therefore, under the provisions of Sections 552b(c) (1) and (3), Title 5, U.S.C., this meeting is closed to the public.

Any additional information concerning the meeting may be obtained from the undersigned, ATTN: DDST, Headquarters, Defense Nuclear Agency, Washington, D.C. 20305.

OTTO D. LAURSEN,  
LTC, USA  
Scientific Secretary, SAGE

JANUARY 4, 1978.

[FR Doc. 78-494 Filed 1-9-78; 8:45 am]

[1505-01]

Office of the Secretary of Defense

PRIVACY ACT OF 1974

New System of Records

Correction

In FR Doc. 77-36225 published on 42FR64334 in the issue for Thursday, December 22, 1977, in the right-hand column under "Retention and disposal", the following material should have been a separate paragraph:

System manager and address:

Director of Personnel, Office of the Secretary of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

[3128-01]

DEPARTMENT OF ENERGY

RENEWAL OF ADVISORY COMMITTEES

This notice is published in accordance with the provisions of section 7 of the Office of Management and Budget Circular No. A-63, as amended. Pursuant to section 14(a)(2)(A) of the Federal Advisory Committee Act and following consultation with the Committee Management Secretariat, notice is hereby given that the following DOE advisory committees have been renewed for a 14-month period beginning from the date that copies of the charters have been filed with the appropriate standing committees of Congress (December 30, 1977 and ending February 28, 1979):

Food Industry Advisory Committee.  
Fuel Oil Marketing Advisory Committee.  
Gasoline Marketing Advisory Committee.  
LP-Gas Industry Advisory Committee.  
State Regulatory Advisory Committee.  
Coal Industry Advisory Committee.  
Consumer Affairs Advisory Committee.  
Electricity Advisory Committee.  
Natural Gas Advisory Committee.  
Fossil Energy Advisory Committee, Lignite Subcommittee.

These committees are among those recently transferred to the Department pursuant to the Department of Energy Organization Act, Pub. L. 95-91. These committees advise with regard to functions transferred to the Department by that act. It is imperative that the Department receive necessary and significant advice regarding these functions during its initial period of existence. At the same time it is recognized that this transitional period is characterized by tentative intra-agency arrangements which, as the Department adjusts and formulates its new role in the Federal Government, may impact on the structuring of these functions and on the advisory committees which render advice.

The renewal of these committees has been determined necessary and in the public interest. However, in keeping with the congressional intent that advisory committees be used only when necessary and their number be minimized, these committees are renewed for a limited period of 14 months, during which time their objectives shall be assessed with a view toward modification, consolidation or termination to the extent necessary and appropriate at the completion of this transitional period.

The committees will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), the Department of Energy Organization Act (Pub. L. 95-91), OMB Circular No. A-63 (Revised), and other directives and instructions issued in implementation of those acts. This determination follows consultation with the Committee Management Secretariat, General Services Administration. Further information regarding these committees may be obtained from the Department of Energy Advisory Committee Management Office, 202-566-9996.

Issued at Washington, D.C., on January 4, 1978.

WILLIAM S. HEFFELFINGER,  
Director of Administration.

[FR Doc. 78-541 Filed 1-9-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission  
[Docket No. ER78-77]

ALABAMA POWER CO.

Order Accepting for Filing and Suspending Rate Schedules, Denying Motion, Granting Intervention, Providing for Hearing, and Establishing Procedures

DECEMBER 30, 1977.

On December 1, 1977, Alabama Power Co. (APC) submitted for filing a proposed rate increase of \$18,375,860 to its wholesale customers. The rate schedules filed contain two steps; Phase 1 and Phase 2. APC proposes that Phase 1 become effective January 1, 1978, and that Phase 2 become effective either March 1, 1978, or July 1, 1978.

APC states that the reasons for its bifurcated rate proposals are:

(1) APC recognizes that the entire amount of the increase requested represents approximately a 31% increase to affected customers. APC states that June is the period when the highest usage by its ultimate customers occurs. If APC requested an effective date of January 1, 1978, and the Commission were to suspend the rates for five months, the new rates would go into effect in June, 1978. APC states that by its placing the increase into effect in two steps, the ultimate customers would not receive the full impact of the increase until late 1978.

(2) APC states that a two-step rate will provide more opportunities for negotiations between itself, the Commission Staff, and the affected customers.

(3) APC states that it is aware that had it requested that the entire \$18.4 million increase go into effect in January, 1978, there would be a greater risk that this Commission would suspend the increase for a longer period than it expects will result from the two-part filing.

To facilitate the implementation of its proposed rate increase, APC suggests that Phase 2, scheduled to become effective March 1, 1978, be suspended for five months, until August 1, 1978, and that its implementation be further deferred to December 1, 1978. The adoption of a suspension period in excess of five months would contravene the limitation contained in Section 205(e) of the Federal Power Act:

Whenever any such new schedule is filed the Commission . . . may suspend the operation of such a schedule and defer the use of such rate, charge, classification, or service, but not for a longer period than five months beyond the time when it would otherwise go into effect; . . .

<sup>1</sup>16 U.S.C. § 824d(e).

However, we recognize that, were we to reject APC's Phase 2 filing as failing to comply with our Rules and Regulations, the re-filing would require additional cost incurrence by APC which would ultimately be borne by the consumer.

APC's selection of March 1, 1978 as the effective date for Phase 2 is designed to conform to the requirements of Section for 35.3 (a) of the Commission's Regulations.<sup>2</sup> That section provides in pertinent part:

All rate schedules or any part thereof shall be tendered for filing with the Commission and posted not less than thirty days nor more than ninety days prior to . . . the date on which the filing party proposes to make any change in electric service and/or rate, charge, classification, practice, rule, regulation or contract effective as a change in rate schedule, except as provided in paragraph (b) of this section, or unless a different period of time is permitted by the Commission.

Since the proposed increase was filed on December 1, 1977, the proposed March 1, 1978 effective date for Phase 2 falls within the ninety-day period specified above. However, Section 35.3(a), above, specifically authorizes this Commission to permit a different period of time between the filing date and the effective date. Utilizing this provision of the Regulations, APC suggests, in the alternative, that we can establish an effective date of July 1, 1978 for Phase 2 of the filing. Suspension of the proposed Phase 2 increase for the maximum period of five months will adhere to APC's desire to delay the imposition of the increased Phase 2 rates until December 1, 1978.

The Federal Power Commission adopted a similar procedure in *Municipal Electric Utility Association of Alabama v. Federal Power Commission*.<sup>3</sup> In that case, Alabama Power had 46 individual wholesale contracts, with various termination dates, ranging from January 3, 1972, to April 17, 1976. On November 1, 1971, Alabama power tendered for filing with the Federal Power Commission a new tariff schedule under which Alabama proposed that the new schedule "become effective January 3, 1972, or the earliest date thereafter in accordance with existing contracts with [the affected] customers." For reasons not relevant to the instant case, Petitioners objected to the proposed extensions of the effective date. By order issued December 30, 1971, the FPC rejected Petitioners' objections, and accepted the filing. Affirming the Federal Power Commission's action, the Court of Appeals held that:

Section 35.3(a) permits an exception to the 30-90 rule not merely in cases covered

<sup>1</sup>18 CFR § 35.5.

<sup>2</sup>18 CFR § 35.3(a).

<sup>3</sup>485 F.2d 967 (D.C. Cir. 1973).

by § 35.3(b), but whenever "a different period of time is permitted by the Commission." This reserves to the FPC discretion to accept non-construction-related filing more than 90 days in advance of their effective date . . . The single, consolidated proceeding envisioned in Alabama Power's filing mitigates these difficulties. The FPC's rules give ample latitude for the agency to develop and implement innovative methods for the effective dispatch of its function.<sup>4</sup>

The Court's holding applies to the procedure we are adopting in the instant case. By extending the effective date, pursuant to the provisions of Section 35.3(a), we can avoid the need for APC to submit a redundant filing and still establish an appropriate suspension period for both Phases 1 and 2 of the filing.

Notice of the filing was issued on December 14, 1977, with comments due on or before December 21, 1977. On December 21, 1977, the Alabama Electric Cooperative, Inc. and nine member cooperatives (AEC), the Secretary of the Army, Alexandria City, the Cities of Dothan and Fairhope, the Utilities Board of the City of Foley, City of Lafayette, City of Lanett, City of Luverne, City of Opelika, City of Piedmont, the Utilities Board of the City of Sylacauga, City of Troy, the Utilities Board of the City of Tuskegee, and Municipal Electric Utility Association of Alabama (collectively "Petitioners") filed petitions to intervene. On December 21, 1977, the Municipal Electric Utility Association of Alabama and its 12 member municipalities and municipal utilities boards and the AEC filed protests and motions for maximum statutory suspension.

In the petition to intervene, Petitioners state that they are engaged in direct retail competition with APC for residential, commercial and industrial customers, and that APC's proposed wholesale rate increase will place them in a price squeeze. Petitioners state that the proposed Phase 1 wholesale rate is 22 percent higher for an industrial customer than APC's retail rate LPL. Petitioners claim that APC last filed for increased retail rates in October, 1976.

In their protest and motion for maximum statutory suspension, Petitioners allege that:

(1) APC's filing is discriminatory against the municipalities (Petitioners) in favor of APC's cooperative customers.

(2) APC does not need a rate increase to attract necessary capital.

(3) APC's filing contains a termination provision that violates Section 35.15 of the Regulations.

(4) APC has failed to meet the evidentiary standards of Order No. 530 in

<sup>4</sup>Id. at 973.

support of its interperiod tax allocation proposal.

(5) APC's requested common equity return allowance is excessive.

(6) APC's proposed debt and preferred stock amounts would produce revenues in excess of cost.

(7) APC's filing does not take into account the tax deduction related to projected debt costs.

(8) APC proposes an unwarranted hybrid rate base averaging.

(9) APC's 60 percent increase in the Period II estimate for fuel stock is unsupported.

(10) APC's treatment of gains and losses in the sale of utility plant is inconsistent.

(11) APC seeks an unjustified return on accumulated deferred investment tax credits.

(12) APC's change in direction in the treatment of consolidated tax return is improper.

(13) APC's proposed reduction in the high voltage discount is unsupported, contraproductive, confiscatory, and discriminatory.

(14) APC has overstated working capital.

(15) APC's cost allocation methodology and projection of peak demands is unsupportable.

(16) APC's fuel clause unfairly charges customers with the full cost of economy energy purchases while crediting them only the fuel component of the price in economy energy sales.

(17) APC neglects to credit its cost of service with an amount for current investment tax credit.

(18) Bouldin Dam investment and associated costs should be removed from the rate base, as the dam is no longer used and useful in the rendition of utility service.

(19) APC's projected purchase power costs are not supported.

(20) APC's write-off of costs associated with the cancellation of its proposed Barton Nuclear Plant is unjustified.

(21) APC's allocation of administrative and general expenses to wholesale customers is excessive.

(22) APC's fuel-clause use of a single loss factor for wholesale service discriminates against the Municipalities.

(23) APC's proposed treatment of pollution control expenditures included in CWIP overstates the wholesale customers' current and future cost of service.

(24) APC's depreciation expense may be overstated by the use of unsupported depreciation rates.

(25) Alabama has wrongly assigned to the wholesale customers costs associated with wheeling power for the Southeastern Power Administration.

Our review of APC's filing indicates that it is in substantive compliance with all applicable sections of the Commission's Regulations. Whether

the proposed rates are in fact discriminatory. (H) Nothing contained herein shall

ATTACHMENT A.—Alabama Power Co.,  
Florida Tariff Original Volume No. 1

are to become effective to these cus-

tomers in that the Commission's rules of practice and procedure



the proposed rates are in fact discriminatory and excessive, as Petitioners allege, should be resolved in an evidentiary hearing. Review of the filings and pleadings by the Commission indicates that the proposed Phase 1 increase should be accepted for filing and suspended until January 2, 1978, and that the proposed Phase 2 increase should be accepted for filing as of July 1, 1978, and suspended for the maximum five month period, until December 1, 1978. Petitioners' motion for a maximum suspension for the Phase 1 increase should be denied.

Our review of the filing indicates that the proposed rate schedules filed by APC have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. We will therefore suspend the proposed rate schedules as discussed above, and establish hearing procedures.

In view of the Petitioners' price squeeze allegations, the Commission will direct the Presiding Administrative Law Judge to convene a prehearing conference within 15 days from the date of this order for the purpose of hearing their requests for data necessary to present their prima facie showing on the price squeeze issue.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges tendered by APC on December 1, 1977, and that the proposed increased rates and charges be accepted for filing, suspended, and the use thereof deferred, all as hereinafter ordered.

(2) Participation by the municipalities, municipal utilities boards, the Secretary of the Army, the Alabama Electric Cooperative, Inc., and its member cooperatives, and municipal electric utility association of Alabama, listed supra, may be in the public interest.

(3) Good cause exists to deny Petitioners' Motion for Maximum Statutory Suspension of the Phase 1 increase proposal.

(4) Good cause exists to establish price-squeeze procedures to effectuate the Commission's policy announced in Order No. 563.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal

Power Act (18 CFR, Chapter I), a hearing shall be held concerning the justness and reasonableness of the rates proposed by APC in this proceeding.

(B) Pending such hearing and decision thereon, the proposed increased rates and charges filed by APC on December 1, 1977, and identified as Phase 1 rates in Attachment A are hereby accepted for filing, suspended and the use thereof deferred until January 2, 1978, when they shall become effective, subject to refund. The proposed increased rates and charges identified as Phase 2 rates in Attachment A are accepted for filing, effective July 1, 1978, suspended and the use thereof deferred until December 1, 1978, when they shall become effective subject to refund.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before April 3, 1978. (See Administrative Order 157.)

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see, Delegation of Authority, 18 CFR § 33.5(d)), shall convene a conference in this proceeding to be held within ten days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever, and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(E) Petitioners, listed supra, are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however*, That participation of such intervenors shall be limited to the matters specifically set forth in the petitions to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any orders entered in this proceeding.

(F) Petitioners' Motion for Maximum Statutory Suspension is hereby denied.

(G) The Administrative Law Judge shall convene a prehearing conference within 15 days from the date of this order for the purpose of hearing Petitioners' request for data required to present their case, including a prima facie showing on the price squeeze issue. APC shall be required to respond to the discovery requests authorized by the Administrative Law Judge within 30 days, and Petitioners shall file its case-in-chief on the price squeeze issue within 30 days of APC's response.

(H) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to section 1.18 of the Commission's Rules of Practice and Procedure.

(I) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

ATTACHMENT A.—Alabama Power Co.,  
Electric Tariff Original Volume No. 1

[Docket No. ER78-77]

Designations  
Filed: December 1, 1977.  
Dated: Undated.

Designations	Description
1. 5th revised sheet No. 5* (supersedes 4th revised sheet No. 5).	Revision No. 3 rate schedule REA-1—phase 1 rates.
2. 5th revised sheet No. 5A* (supersedes 4th revised sheet No. 5A).	Continuation of phase 1 rates.
3. Original sheet No. 5B**.	Phase 2 rates for REA-1.
4. 5th revised sheet No. 7* (supersedes 4th revised sheet No. 7).	Fuel cost adjustment.
5. 2d revised sheet No. 7A* (supersedes revised sheet No. 7A).	Continuation of fuel cost adjustment.
6. 5th revised sheet No. 8* (supersedes revised sheet No. 8).	Revision No. 3—rate schedule MUN-1, phase 1 rates.
7. 5th revised sheet No. 8A** (supersedes 4th revised sheet No. 8A).	Continuation of phase 1 rates.
8. Original sheet No. 8B**.	Phase 2 rates for MUN-1.
9. 5th revised sheet No. 10* (supersedes 4th revised sheet No. 10).	Fuel cost adjustment.
10. 2d revised sheet No. 10A* (supersedes 1st revised sheet No. 10A).	Continuation of fuel cost adjustment.
11. 3d revised sheet No. 32* (supersedes 2d revised sheet No. 32).	Index of purchasers and their delivery points.
12. 3d revised sheet No. 33* (supersedes 2d revised sheet No. 33).	Do.
13. 11th revised sheet No. 34* (supersedes 10th revised sheet No. 34).	Do.
14. 12th revised sheet No. 35* (supersedes 11th revised sheet No. 35).	Do.
15. 7th revised sheet No. 36* (supersedes 6th revised sheet No. 36).	Do.
16. 13th revised sheet No. 37* (supersedes 12th revised sheet No. 37).	Do.
17. 13th revised sheet No. 38* (supersedes 12th revised sheet No. 38).	Do.
18. 9th revised sheet No. 39* (supersedes 8th revised sheet No. 39).	Do.
19. Original sheet No. 40*.	Do.

ATTACHMENT A.—Alabama Power Co.,  
Electric Tariff Original Volume No. 1—  
Continued

[Docket No. ER78-77]

Designations  
Filed: December 1, 1977.  
Dated: Undated.

Designations	Description
20. Supplement No. 5 to FPC No. 120*** (supersedes supplement No. 4 to FPC No. 120). Other party: Utility board of the city of Foley.	Rate schedule MUN-1.
21. Supplement No. 1 to supplement No. 5** to FPC No. 120. Other party: Utility board of the city of Foley.	Phase 2 rates (original sheet No. 8B under the tariff).

\* Effective date—Jan. 2, 1978, subject to refund.  
\*\* Effective date—Dec. 1, 1978, subject to refund.  
\*\*\* Effective date—Jan. 31, 1978, subject to refund.

[FR Doc. 78-495 Filed 1-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-80]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Order Conditionally Accepting for Filing Proposed Increased Rates, Suspending Proposed Increased Rates, Accepting Without Suspension Proposed Rate, Granting Waiver and Providing for Hearing

DECEMBER 30, 1977.

On December 8, 1977,<sup>1</sup> Central Illinois Public Service Company (CIPS) tendered for filing proposed increases in rates for jurisdictional electric service<sup>2</sup> to eleven cooperative,<sup>3</sup> nine municipal,<sup>4</sup> and four partial requirements (P-R) customers.<sup>5</sup>

The proposed rates have a proposed effective date of January 1, 1978, for all cooperative, municipal and P-R customers except for those two municipal and one P-R customer whose individual contracts with CIPS have not yet expired.<sup>6</sup> The increased rates

<sup>1</sup>CIPS originally submitted the proposed increases for filing on December 1, 1977, but was notified that its form of notice was deficient. The deficiency was cured on December 8, 1977.

<sup>2</sup>See Attachment for List of Designations and Descriptions.

<sup>3</sup>Clay Electric Cooperative, Coles-Moultrie Electric Cooperative, Eastern Illinois Power Cooperative, Edgar Electric Cooperative, Illinois Electric Cooperative, McDonough Power Cooperative, Norris Electric Cooperative, Shelby Electric Cooperative, Southwestern Electric Cooperative, Wayne-White Counties Electric Cooperative, Western Illinois Power Cooperative.

<sup>4</sup>Newton, Flora, Bethany, Greenup, Altamont, Cairo, Casey, Metropolis, Woodhouse, Ill.

<sup>5</sup>Bushnell, Marshall, Mount Carmel, Rantoul, Ill.

<sup>6</sup>Contract with Bethany expires July 20, 1978; contract with Metropolis expires April 13, 1980; contract with Marshall expires October 26, 1979.

are to become effective to these customers in their respective rate categories upon expiration of the contracts.

Notice of CIPS' filing was issued on December 19, 1977, with all protests or petitions to intervene due on or before December 27, 1977.<sup>7</sup>

Because the deficiency in the filing was not cured until December 8, 1977, a request for waiver of the notice requirements will be implied in the filing in order to continue to consider the proposed effective date of January 1, 1978.

Commission review of CIPS' proposed rates indicates that it is in the public interest to grant waiver of the Commission's Section 35.11 notice requirements, and to conditionally accept for filing the three rate schedules tendered. However, the W-2 and W-3 proposed rate schedules have not been shown to be in the public interest and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, the Commission will suspend those rate schedules' effectiveness for one day to become effective subject to refund on January 2, 1978.

The Commission finds: (1) Good cause exists to waive the notice requirements of Section 35.11 of the Commission's Regulations.

(2) Good cause exists to conditionally accept CIPS' proposed rate schedules for filing.

(3) Good cause exists to grant the proposed effective date of January 1, 1978 for the rate schedule pertaining to the cooperative bulk power customers, and to suspend the effectiveness of the W-2 and W-3 rate schedules for one day, after which they will become effective, subject to refund.

(4) It is necessary and proper in the public interest and as an aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges tendered by CIPS for its municipal bulk power and partial requirements customers on December 8, 1977.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal

<sup>7</sup>On December 27, 1977, the Illinois Municipal Group filed a Motion to Reject, Protest, and Petition to Intervene. The substantive issues raised in that pleading pertain to the proposed W-2 and W-3 rates and will be addressed in a subsequent order. In the meantime, we will conditionally accept for filing those rates pending determination of the issues raised by the Municipal Group's filing.

sion's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by CIPS for its municipal bulk power and partial requirements customers.

(B) CIPS' implied request for waiver of section 35.11 notice requirements is hereby granted.

(C) CIPS' rate schedule pertaining to service to its cooperative customers is hereby accepted for filing with rates effective January 1, 1978.

(D) CIPS' rate schedules pertaining to its service to its municipal bulk power and partial requirements customers are conditionally accepted for filing and suspended for one day, until January 2, 1978, when they shall become effective subject to refund.

(E) The Federal Energy Regulatory Commission Staff shall serve top sheets<sup>8</sup> in this proceeding on or before April 17, 1978.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at a prehearing conference in this proceeding to be held on April 27, 1978 at 10 a.m. in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever, and motions to dismiss) as provided for in the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

ATTACHMENT.—Central Illinois Public  
Service Co.  
[Docket No. ER78-80]

Designation	Supersedes	Description
FPC electric tariff original vol. No. 1		
3d revised sheet No. 1.	2d revised sheet No. 1.	Revised cooperative rate W-1.
FPC electric tariff original vol. No. 2		
3d revised sheet No. 1.	2d revised sheet No. 1.	Revised municipal rate W-2.
FPC electric tariff original vol. No. 3		
2d revised sheet No. 1.	1st revised sheet No. 1.	Revised partial requirements rate W-3.

[FR Doc. 78-496 Filed 1-9-78; 8:45 am]



[6740-02]

[Docket Nos. E-9597, E-9306]

**NEVADA POWER CO. AND CALIFORNIA  
PACIFIC UTILITIES CO.****Order Authorizing Exchange of Electrical  
Facilities and Terminating Proceeding**

DECEMBER 30, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On June 17, 1977, Nevada Power Co. (Nevada) and California-Pacific Utilities Co. (Cal-Pac) submitted a joint application for Commission approval of the exchange of electric facilities.<sup>1</sup> Cal-Pac proposes to transfer to Nevada all of its electric transmission and distribution facilities located in Henderson, Nev., which have a net depreciated cost of \$3,038,000. Nevada proposes to transfer to Cal-Pac all of its electric transmission and distribution facilities located in and around Elko, Nev. (located in northeast Nevada), with a net depreciated cost of \$2,783,000; plus line trucks and distribution transformers equal to the difference in net book values. In addition, the parties have agreed to assume each other's customer advances for construction and other

<sup>1</sup>Public notice of the application was issued on July 8, 1977. The deadline for protests or petitions to intervene was July 22, 1977. No protests or petitions to intervene have been filed.

minor financial obligations, but the net effect is that no cash will change hands under the proposed exchange.

On November 29, 1977, Nevada and Cal-Pac filed a joint motion for expedited Commission consideration. The movants' justification is that under the terms of the exchange agreement all regulatory approvals and the closing must take place on or before December 31, 1977.

Nevada has two electric systems, the principal one is the Las Vegas service area and the other is the Elko Service area. Cal-Pac operates ten separate electric divisions, and also provides water, telephone and natural gas service. It derives 44 percent of its revenue from its electric operations. Cal-Pac purchases 98 percent of the electric requirements for its various divisions including 100 percent of the Henderson service area requirements. Cal-Pac's Henderson service area is completely surrounded by Nevada's Las Vegas service area.

The transfer of the Elko facilities by Nevada to Cal-Pac and the acquisition by Cal-Pac are subject to the Commission's jurisdiction pursuant to section 203(a) of the Federal Power Act which provides that no public utility shall sell or dispose of the whole of its facilities subject to the jurisdiction of the Commission or any part thereof in excess of \$50,000. The Elko properties include \$448,673 of transmission facilities. Cal-Pac's transmission facilities at Henderson have an original cost of only \$26,875.

In discharging its responsibilities under section 203 of the Federal Power Act, the Commission will consider, inter alia, the reasonableness of the purchase price, the accounting treatment, the economic effect on the applicant and on sale levels, possible coercion by the applicant, effect on the competitive situation, and the effect on effective regulation.

Nevada states that its Las Vegas electric operation surrounds Cal-Pac's Henderson operation, and that the exchange will produce a reduction in O&M costs because Nevada will be able to utilize Cal-Pac's existing distribution center to serve the total Henderson service area and the southeast portion of the Las Vegas system. Nevada also states that its expects to save on accounting costs after the sale of the Elko system.

Cal-Pac advises that after the proposed exchange of property, it will continue providing natural gas service in Henderson with few operational changes being required, and none that will burden or adversely affect service. The separate gas crew (8 people) will remain in Henderson to serve the gas customers.

Cal-Pac states that the disposition of the Henderson property will result in no present or future burden on the op-

eration of Cal-Pac's nearby Needles-Searchlight system. The company states that the Henderson and Needles-Searchlight systems are operationally independent. Cal-Pac advises that, in time, it will reduce costs in Elko by coordinating operations with a nearby Cal-Pac telephone operation.

The retail rates paid by Cal-Pac's Henderson customers and by Nevada's Elko customers will not be increased as a result of the exchange. Nevada will make its Las Vegas rates applicable to the Henderson area, but in the event any former customer of Cal-Pac would be charged a higher rate, Nevada will continue charging the customer at the existing rate until a subsequent rate increase application is approved by the State commission. Cal-Pac will continue to charge the Elko customers at the present Nevada rates.

Both Cal-Pac and Nevada have offered to employ all of the employees of the other affected by the exchange of facilities.

Nevada's Elko divisions obtains most of its power from Idaho Power Co. Cal-Pac will assume this contract, which runs for an additional 13 years. Cal-Pac's Henderson area is supplied in large part under a firm power contract with Nevada, the remainder being supplied under a contract with the Colorado River Commission of the State of Nevada for approximately 2 MW of power and energy. This latter contract will be assumed by Nevada.

On March 3, 1975, Nevada filed a notice of cancellation of its wholesale service rate schedule to Cal-Pac at Henderson (Docket No. E-9306), to which it had rendered since June 1, 1955. Nevada stated that it was unable to attract or raise sufficient capital to construct capacity to meet the growing requirements of its customers, including Cal-Pac, and in light of its overriding legal duty to serve its retail customers, Nevada stated it had no choice but to exercise its contractual right to terminate service to Cal-Pac at Henderson.

On May 30, 1975, the Commission suspended the notice of cancellation for 5 months until November 1, 1975. The parties entered into a stipulation on October 24, 1975, which provided for continuation of service until May 31, 1977. Hearings were held in October 1975. In an initial decision issued on December 5, 1976, the Administrative Law Judge found that Nevada's termination of service to Cal-Pac at Henderson was in the public interest. Briefs on exception were submitted. On May 18, 1977, the Secretary received a communication from the parties outlining the proposed transfer of properties and suggesting that Commission disposition of E-9306 be withheld pending receipt of the subject transfer proposal.

The applicants state that there is no connection between the proposed ex-

change and the circumstances that led to Docket No. E-9306. They state that suggestions for the exchange were made by Cal-Pac, much before Docket No. E-9306 was initiated. Cal-Pac states that it has entered into the agreement to exchange its properties with Nevada freely and without coercion and has viewed the exchange as desirable for several years but found Nevada unwilling to make the exchange until recently.

Inasmuch as lack of an assured power supply by Nevada to serve Cal-Pac's Henderson area was the basis for Nevada's proposed cancellation of service to Cal-Pac, after the filing of the instant application, Nevada was asked to furnish a statement of its currently planned electric power resources for the period 1976 through 1981. These data for the 6-year period indicate that Nevada will be able to serve its load, including Henderson, with its own resources and purchases contracted for, and allowing for scheduled maintenance, Nevada's generation reserves will not drop below 20.5 percent in any month.

In 1975, data that Nevada furnished showed that its reserve would drop below WSCC (Western States Coordinating Council) standards in May 1978 and decline to 299 MW of deficiency in July 1981. The major differences between Nevada's statement at that time and at the present is in the electric load forecast; Nevada's current forecast shows a 5.42 percent compound growth rate for 1976-1981 compared with 6.37 percent estimated earlier for 1975-1981. Nevada's 1975 forecast indicated peak loads of 1,105 MW for 1976 and 1,185 for 1977. Nevada actually experienced loads of 1,060 MW and 1,147 MW, respectively.

Cal-Pac advised that it purchases all of its power supply for the Needles-Searchlight system from the Bureau of Reclamation and from Nevada under two power supply contracts that expire December 31, 1977, and December 31, 1985, respectively. The disposition of Cal-Pac's Henderson service area will have no effect on the above contracts.

The proposed exchange eliminates Cal-Pac as an electric retailer in the Las Vegas area. Cal-Pac's and Nevada's retail rates in the Henderson-Las Vegas area are comparable.

Cal-Pac was asked by our Staff whether the proposed acquisition of Henderson by Nevada would affect the competitive position of the Needles-Searchlight division. Cal-Pac advises that it has approximately 4,800 customers in the Needles portion of the Needles-Searchlight division, and 400 customers in the Searchlight portion. Cal-Pac states that since pursuant to State law, Nevada and Cal-Pac may serve retail customers only in authorized specific service areas, and since

Nevada is not currently authorized to serve any retail customers in either the Searchlight or Henderson district, Cal-Pac sees no opportunity for competition. Cal-Pac notes that while Cal-Pac's Searchlight district and Nevada's Las Vegas division are adjacent, the bulk of the customers in the Searchlight district are located 100 miles away from Nevada's service area.

Nevada also contends that there is no competition presently between Nevada and Cal-Pac for potential customers in the Henderson-Needles-Searchlight areas and none is foreseen, and that the exchange of properties will not alter the present competitive situation.

Cal-Pac currently purchases its Needles-Searchlight power requirements about 40 percent from the USBR and 60 percent from Nevada. Its contract with USBR expires December 31, 1977, and will not be renewed. It is expected that next year all of the power will be purchased from Nevada, and that Cal-Pac's power expense will greatly increase due to the elimination of the low cost USBR source. As Cal-Pac's practice is to base its retail rates on costs for each area, its retail rates in this area will eventually be increased substantially.

Since the transaction contemplates a straight exchange at net original cost, the price appears to be reasonable.

The potential cost savings to both applicants appears to support the transfer with no adverse effects anticipated.

Although Nevada's past conduct, in Docket No. E-9306 might be construed as coercive, there is no direct evidence of coercion and Cal-Pac's positive statements to the contrary tend to favor approval of the transfer.

The Commission currently exercises jurisdiction over Nevada's sales to Cal-Pac and the Nevada Public Service Commission exercises jurisdiction over Cal-Pac's retail rates in the Henderson area. After the transfer, the Commission's jurisdiction will be eliminated but the Nevada Public Service Commission will continue to have retail jurisdiction. This will simplify the regulatory scheme. The substitution of Cal-Pac for Nevada in the Elko area would not appear to have any substantial effect on the regulatory scheme in that area, since we will continue to regulate Idaho Power Co.'s wholesale in that area.

In this case, the Commission finds that it can discharge its responsibilities under section 203 of the Federal Power Act without ordering a hearing.

The proposed transfer of properties offers prospects of reduction of operating expenses of both applicants; rationalizing the electric service territory of Nevada within the Las Vegas area. Cal-Pac will be able to combine the acquired electric operation in Elko

with its telephone property in the area. The proposed transfer is supported by both applicants and has been approved by the Nevada Public Service Commission.

The Commission finds: (1) Applicants have made due showing in the form and manner prescribed by this Commission that the exchange of the above-described facilities between Nevada and Cal-Pac is consistent with the public interest.

(2) The Commission's approval of the applicants' proposed exchange of facilities moots the proceeding in Docket No. E-9306 and it should therefore be terminated.

(3) The Commission's action herein moots the joint motion for expedited consideration filed by Cal-Pac and Nevada on November 29, 1977.

The Commission orders: (A) Nevada's and Cal-Pac's exchange of the above described facilities is hereby approved.

(B) Nevada and Cal-Pac shall record the proposed transaction herein authorized and the facilities and properties described above as provided in the Commission's uniform system of accounts (18 CFR 101).

(C) The foregoing authorization is without prejudice to the authority of this Commission or any other regulatory body with respect to rates, service accounts valuation, estimates, or determinations of cost, or any other matter whatsoever now pending or which may come before this Commission.

(D) The proceeding in Docket No. E-9306 is hereby terminated.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-497 Filed 1-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-76]

**SOUTHERN COMPANY SERVICES, INC.**

Order accepting for Filing and Suspending  
Rate Schedules, Waiving Regulations, Pro-  
viding for Hearing, Granting Intervention,  
and Establishing Procedures

DECEMBER 30, 1977.

On November 30, 1977, Southern Company Services, Inc. (Agent) submitted for filing an amendment to the Southern Company System procedures under Intercompany Interchange Contract, and new schedules showing the basis for capacity and energy transactions for the calendar year 1978. The Intercompany Interchange Contract among the affiliates



of the Southern Company<sup>1</sup> provides for coordinated generation of the parties, establishes the entitlements of the various parties to integrated pool capacity, and specifies charges for capacity deficiencies, pool energy, and transmission facilities equalization. The Interchange Contract is amended annually to reflect anticipated load and capacity conditions for the following calendar year.

In its application Agent states that the instant filing is made to conform with the agreement reached in the proceeding involving the calendar year 1977 filing in Docket No. ER77-86. That docket concerns the Southern Company System Intercompany Interchange Contract filed by Agent on December 1, 1976. That contract deals with the method by which the affiliates of the Southern Company account and pay for interchanges of capacity and energy between their respective systems. It governs transactions for the calendar year 1977. Because of changes in load forecast, installed generating capacity, and other changes affecting system operations of the operating companies, Agent states that it is necessary to file, from time to time, amendments to the contract and supporting schedules recognizing such changes and the effect on interchanges of capacity and energy between the operating companies.

By order issued December 27, 1976, the Federal Power Commission accepted the Interchange Contract in Docket No. ER77-86 for filing, and suspended its operation for one day, to become effective January 2, 1977, subject to refund. On December 7, 1977, Agent submitted a proposed settlement agreement on behalf of the Southern Company and the intervenors, in Docket No. ER77-86. The Presiding Administrative Law Judge certified the proposed settlement agreement to this Commission on December 7, 1977, where it is now pending.

Because of changes in costs, installed generating capacity and other changes affecting system operations, Agent states that the current operational schedules would be inappropriate for use in 1978. Agent therefore requests an effective date of January 1, 1978, for the instant filing.

The changes contained in the amendment submitted include: (1) revisions to implement hourly billing during the calendar year 1978 in accordance with the Company's commitment in Docket No. E-8514, (2) revisions in the procedures for determining the monthly capacity requirements of each of the operating companies and the percentage reserve requirements of each of the operating companies in accordance with the Company's agreement with the parties

in FERC Docket No. ER77-86, (3) revision in the procedures for determination of monthly capacity rates to delete the incorporation of a percent reserve margin in accordance with the Company's agreement with the parties in Docket No. ER77-86, (4) revision in the procedures relating to the hydro capacity so as to base such evaluation on an average water year, and (5) revision to the procedures for the treatment of delays in generating units scheduled for operation during the year.

Agent requests that the Commission waive the provision of section 35.13 of the Rules and Regulations requiring the filing of Statements A through P. Agent states that these statements have limited application to the interchange transaction and pricing mechanism contemplated by the subject filing. Agent states that the Federal Power Commission granted such a waiver in Docket No. ER77-86, supra. Based on our review of the nature of this filing, such waiver appears to be warranted.

Notice of the filing of the amendment was issued on December 9, 1977, with comments due on or before December 19, 1977. On December 19, 1977, the Municipal Electric Authority of Georgia (MEAG) filed a petition to intervene and a protest and request for a 5-month suspension and hearing.

The amendment tendered for filing by Agent on November 30, 1977, has not been shown to be just and reasonable and therefore may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. MEAG's request for a 5-month suspension period is not supported by specific allegations or facts warranting such relief. Our review of the pleadings and the filing indicates that a 1-day suspension period is warranted.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the amendment to the Southern Company System procedures under the Intercompany Contract and tendered by Southern Company Services, Inc., on November 30, 1977, establishing procedures for that hearing, and that the proposed amendment be accepted for filing, suspended, and the use thereof deferred, all as hereinafter ordered.

(2) Good cause exists to waive the Commission's filing requirements requiring the filing of Statements A through P.

(3) The participation by MEAG in this proceeding may be in the public interest.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory

Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205, 206, 301, 307, 308 and 309 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the amendment proposed by Southern Company Services, Inc.

(B) Pending such hearing and decision thereon, the proposed amendment filed by Southern Company Services, Inc. on November 30, 1977 and identified by Southern Company Services, Inc. on November 30, 1977 and identified above is hereby accepted for filing as of January 1, 1978, suspended and the use thereof deferred until January 2, 1978, when it shall become effective subject to refund.

(C) A Presiding Administrative Law Judge to be designated by Chief Administrative Law Judge for that purpose (See, Delegation of Authority, 18 CFR § 3.5(d)), shall preside at an initial conference in this proceeding to be held on March 7, 1978, at 10 a.m. (ET) in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates, including the date for the filing of the companies' case-in-chief, and to rule upon all motions, (except petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(D) The requirement for the filing of Statements A through P, contained in section 35.13(b) (iii) of the Commission's Rules and Regulations, is waived.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to section 1.18 of the Commission's rules of practice and procedure.

(F) MEAG is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however*, That participation of intervenor shall be limited to the matters affecting asserted rights and interests specifically set forth in the petition to intervene; and *Provided, further*, That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any orders entered in this proceeding.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

#### APPENDIX A

SOUTHERN COMPANY SERVICES, INC., RATE SCHEDULE DESIGNATIONS (DOCKET NO. ER76-76)

(1) Southern Company Services Supplement No. 3 to Rate Schedule FPC No. 46—Amendment No. 1 to Procedures.

(2) Supplement No. 4 to Rate Schedule FPC No. 46—Schedules and Support Schedules.

#### CONCURRENCES IN (1) AND (2) ABOVE

Alabama Power Co., Supplement No. 1 to Rate Schedule FPC No. 140.

Gulf Power Co., Supplement No. 1 to Rate Schedule FPC No. 62.

Georgia Power Co., Supplement No. 1 to Rate Schedule FPC No. 798.

Mississippi Power Co., Supplement No. 1 to Rate Schedule FPC No. 120.

[FR Doc. 78-498 Filed 1-9-78; 8:45 am]

[6740-02]

[Docket No. RP74-41 (PGA78-2)  
(DCA78-1)]

#### TEXAS EASTERN TRANSMISSION CORP.

Order Accepting PGA Rate Increase for Filing  
Subject to Modifications

DECEMBER 30, 1977.

On November 17, 1977, Texas Eastern Transmission Corp. (Texas Eastern) filed a PGA rate increase of 3.09 cents per dekatherm (dth) in Zone A and 1.20 cents per dth in Zones B, C, and D in the commodity component of its rates.<sup>1</sup> The PGA rate increase reflects an increase of 7.22 cents per dth in Zone A and 5.33 cents per dth in Zones B, C, and D to track increased purchased gas costs and a uniform decrease of 4.13 cents per dth in the surcharge to reflect the credit balance in the deferred PGA account. The tariff sheets also reflect revised surcharges pursuant to section 12.4 of Texas Eastern's tariff to recover demand charge credits and have proposed effective dates of January 1, 1978.<sup>2</sup>

Under Texas Eastern's PGA clause in its tariff, the period used to develop its current cost of purchased gas is the 12-month period ending August 31, 1977. Texas Eastern can also adjust the current cost of purchased gas to reflect supplier rate levels as of the proposed effective date. However, the period used to determine the surcharge related to deferred purchased gas costs is the 6-month period ending August 31, 1977.

<sup>1</sup> The demand component of Texas Eastern's rates have been increased by 21.4 cents per dth in Zone A and 37.8 cents per dth in Zones B, C, and D.

<sup>2</sup> Thirty-sixth Revised Sheet No. 14, 14A through 14D to Texas Eastern's FERC Gas Tariff Fourth Revised Volume No. 1.

Texas Eastern has included purchased gas and related transportation costs associated with a sixty (60) day emergency purchase pursuant to § 2.68 of the Commission Rules and Regulations, 18 CFR 2.68 (1977). Texas Eastern proposes to recover all these costs through its proposed surcharge. If the Commission does not permit the recovery of \$934,821 in transportation costs incurred after August 31, 1977, Texas Eastern has filed alternate tariff sheets reflecting the elimination of these costs.<sup>3</sup>

In support of the emergency purchase, Texas Eastern submits that it suffered a substantial reduction in offshore supplies due to hurricanes beginning on August 29, 1977. As a result thereof and in order to augment declining supplies and maintain storage inventories, Texas Eastern made the emergency purchase. Between August 31, 1977, and October 30, 1977, Texas Eastern purchased 7,869,088 Mcf at 14.65 psia at a price of \$2.25 per MM Btu of gas sold. The volumes purchased limited the curtailment of service to Priorities 2 and 3. The \$2.25 per MM Btu price is identical to the rate at which Texas Eastern was allowed to purchase emergency gas from Houston under the Emergency Natural Gas Act of 1977.<sup>4</sup>

We believe that the price paid by Texas Eastern for the emergency purchase is one which a reasonably prudent pipeline would pay for gas under the same or similar circumstances. Therefore, costs associated with this purchase should be recovered in accordance with the PGA provisions of Texas Eastern's tariff.

The one time costs associated with the 60-day emergency purchase should not be reflected in the current cost of purchased gas. Therefore, allowing Texas Eastern to adjust costs for the 12-months ending August 31, 1977, as Texas Eastern is authorized to do with the current cost of purchased gas, would be inappropriate. Because only 26,819 Mcf of emergency gas was purchased before September 1, 1977, Texas Eastern should be allowed to reflect only those costs associated with the emergency purchases which were properly included in the deferred account before that date. The balance of the costs associated with the emergency purchase from Houston should be collected under Texas Eastern's next semi-annual PGA Rate filing to be effective July 1, 1978.

In its filing Texas Eastern has tracked the effect of a pipeline suppli-

<sup>3</sup> Alternate Thirty-sixth Revised Sheet No. 14, 14A through 14D to Texas Eastern's FERC Gas Tariff, Fourth Revised Volume No. 1.

<sup>4</sup> Texas Eastern also made five other small emergency purchases from independent producers at rates equal to the applicable nationwide area rates.

er rate increase to be effective on January 1, 1978. By separate order the Commission is suspending this rate increase filing by United Gas Pipe Line Co. for 1 day, or until January 2, 1978, and requiring a reduction of the rates. Accordingly, Texas Eastern cannot support its proposed rate level on January 1, 1978. Any PGA rate increase by Texas Eastern should be deferred until January 2, 1978, and made subject to modification to reflect United's rates on that date. Further, Texas Eastern should be permitted to file rates to be effective January 1, 1978, to reflect costs actually incurred thereon. The Commission's action is without prejudice to Texas Eastern's filing such rates for January 1, 1978.

The Commission finds: It is appropriate and in the public interest that Texas Eastern's PGA rate increase be accepted, as modified hereinafter, effective January 2, 1978.

The Commission orders: Texas Eastern's PGA rate increase is hereby accepted effective January 2, 1978. Provided, that the PGA Rates shall reflect the pipeline supplier rates of United Gas Pipe Line Co. on January 2, 1978, and the elimination of all costs, associated with the emergency purchases from Houston, incurred after August 31, 1977. The action taken herein is based on the Commission staff's recommendation following review of Texas Eastern's filing, that Texas Eastern's emergency purchases meet the "prudent pipeline" standard.

By the Commission

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-499 Filed 1-9-78; 8:45 am]

[6740-02]

[Docket No. RP76-52]

#### NORTHERN NATURAL GAS CO.

Extension of Time

JANUARY 3, 1978.

On December 7, 1977, the State of Wisconsin Department of Natural Resources filed a request to extend the time for filing comments on the Draft Environmental Impact Statement (DEIS) in the above referenced proceeding, availability of which was noticed December 9, 1977, and published in the FEDERAL REGISTER December 14, 1977 (42 FR 62971).

Because availability of the DEIS was not published in the FEDERAL REGISTER until December 14, 1977, notice is hereby given that the date for filing comments on the DEIS is extended to and including January 28, 1978.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-500 Filed 1-9-78; 8:45 am]



[6740-02]

[Docket No. E-9578]

## TEXAS POWER AND LIGHT CO.

## Extension of Time

JANUARY 3, 1978.

On December 20, 1977, Tex-La Electric Cooperative, Inc., filed a motion to reset the procedural dates established by Commission Order issued October 31, 1977, in the above referenced proceeding. The motion states that all parties to the proceeding, including Texas Power and Light Co., and Staff Counsel, do not object to the requested change of dates.

Upon consideration, notice is hereby given that new procedural dates are established as follows:

Filing of data requests by all parties, including Staff Counsel, March 9, 1978. Prehearing conference, March 20, 1978.

All other procedural dates will be established in accordance with the October 31, 1977, Order.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-501 Filed 1-9-78; 8:45 am]

[6740-02]

## Federal Energy Regulatory Commission

[Docket No. RM78-2 (formerly Ex Parte No. 308)]

## VALUATION OF COMMON CARRIER PIPE LINES

## Extension of Comment Period

AGENCY: Federal Energy Regulatory Commission.

ACTION: Extension of time.

SUMMARY: The Commission is granting an extension of time to and including February 15, 1978, for filing briefs as ordered by the Presiding Judge in this rulemaking proceeding docketed as RM78-2 (formerly Ex Parte No. 308). This extension is being granted to enable the Commission to rule on the merits of a petition filed on December 12, 1977, appealing the Judge's order.

DATES: Briefs must be received on or before February 15, 1978.

ADDRESS: Send briefs to: Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

## FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary, 202-275-4166.

SUPPLEMENTARY INFORMATION: On December 12, 1977, the U.S. Department of Justice, State of Alaska, and Midcontinent Petroleum Product

Shippers (petitioners) filed a "Petition for Administrative Review and Suspension of Procedural Dates" in this proceeding. The Commission's order of October 12, 1977, published October 26, 1977 (42 FR 56537), re-scheduled a hearing in this proceeding and directed the Presiding Judge to certify the record to the Commission for consideration of further procedures. Petitioners' filing asks the Commission to vacate the Presiding Judge's order of November 11, 1977, requiring briefs to be filed by January 16, 1978, and to direct the filing of briefs "addressed to the definition of the issues and the additional substantive and procedural steps necessary for an informed rule-making" (Petition, p. 2).

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-597 Filed 1-9-78; 8:45 am]

[6740-02]

## Federal Energy Regulatory Commission

[Docket No. ER78-139]

## CANAL ELECTRIC CO.

## Notice of Termination of Rate Schedule

JANUARY 5, 1978.

Take notice that on December 19, 1977, Canal Electric Co. ("Canal") tendered for filing a Notice of Termination for its currently effective FPC Rate Schedule No. 18. Canal states that said Rate Schedule consists of a unit power sales agreement effective February 1, 1976 between Canal and Central Maine Power Co. ("Central Maine") for the sale of unit power purchased by Central Maine from Canal's Unit No. 2.

Canal further states that Rate Schedule No. 18 was accepted for filing by FPC order issued June 21, 1976 in Docket No. ER76-476 and By FPC letter order dated October 1, 1976 in Docket No. ER76-856 and terminated by its own provisions on April 30, 1977. Canal has requested the Commission to waive its notice requirements pursuant to Section 35.15 of its Regulations and to permit the tendered Notice of Termination to become effective as of April 30, 1977.

According to Canal a copy of this filing has been mailed to Central Maine Power Co.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 9, 1978. Protests will be considered by the Commission in determining the appropriate action to

be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-762 Filed 1-9-78; 9:39 am]

[6740-02]

[Docket No. ER78-142]

## CONNECTICUT LIGHT AND POWER CO.

## Notice of Proposed Transmission Agreement

JANUARY 5, 1978

Take notice that on December 22, 1977, The Connecticut Light and Power Co. (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated November 1, 1977 between (1) CL&P, The Hartford Electric Light Co. (HELCO) and Western Massachusetts Electric Co. (WMECO) and (2) Westfield Gas and Electric Department (Westfield).

CL&P states that the Transmission Agreement provides for a transmission service to Westfield during the period from November 1, 1977 to October 31, 1981.

CL&P further states that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the NU system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which Westfield is entitled to receive.

CL&P requests an effective date of November 1, 1977, and therefore requests waiver of the Commission's notice requirement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 9, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file

with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-763 Filed 1-9-78; 9:39 am]

[6560-01]

## ENVIRONMENTAL PROTECTION AGENCY

[IRLG-1:002 FRL-839-01]

## INTERAGENCY REGULATORY LIAISON GROUP

## Intent To Develop Compatible Testing Standards and Guidelines

CROSS REFERENCE: For a document announcing agreement of the Consumer Product Safety Commission, the Environmental Protection Agency, the Food and Drug Administration, Health, Education, and Welfare Department and the Occupational Safety and Health Administration, Labor Department to work together as the Interagency Regulatory Liaison Group for the purpose of reforming the regulatory process and improving protection of workers, public health and the environment, see FR Doc. 78-474 appearing under Consumer Product Safety Commission in the notices section of this issue. Refer to the table of contents at the front of this issue under "Consumer Product Safety Commission" to find the correct page number.

[6560-01]

[FRL 833-71]

## CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

## Waiver of Federal Preemption

By FEDERAL REGISTER notice on Thursday, November 10, 1977, see 42 FR 58562, I announced that I expected to grant to the State of California a waiver of Federal preemption under section 209(b) of the Clean Air Act, as amended (hereinafter the "Act"), to enforce the California evaporative emission standard applicable to 1980 and subsequent model year gasoline-powered motor vehicles except motorcycles. In that notice I stated that based on all material submitted for the record as of October 13, 1977, I could not make the determinations required for a denial of a waiver for this standard. However, a new condition for the granting of a waiver was established by the Clean Air Act Amendments of 1977. These amendments provide that I shall grant a waiver under section 209(b) of the Act if the State of California determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards. No such waiver shall be granted if I find that California's determination is arbitrary and capricious.

On September 30, 1977, the California Air Resources Board (CARB) de-

termined that the California evaporative emission standard is at least as protective of the public health and welfare as the applicable Federal standard. This determination was subject to review at the Environmental Protection Agency (EPA) California waiver hearing of October 13, 1977. See 42 FR 45942 (September 13, 1977).

Pursuant to the FEDERAL REGISTER notice announcing the October 13 public hearing, General Motors Corp., and International Harvester Co., submitted comments in this matter. The questions raised by General Motors have been previously considered in the notice of November 10, 1977. See 42 FR 58562.

International Harvester contended that the CARB had acted in an arbitrary and capricious manner in adopting the standard and accompanying certification procedures since International Harvester believed that these regulations would require the Company to run a special evaporative emissions durability test fleet and incur excessive costs in order to certify in 1980. I have determined that International Harvester is in error. As stated in the California evaporative emission certification regulations, the Company will have to run a 1980 durability fleet only for those engine families selected for exhaust emissions durability testing.

Thus, California has determined on September 30, 1977, that its evaporative emission standard is at least as protective of the public health and welfare as the applicable Federal standard. Inasmuch as the California standard is clearly more stringent than the applicable standard, the California standard is deemed under the Act to be at least as protective of health and welfare as the comparable Federal standard. Therefore, having given due consideration to the records of the May 17, 1977, and October 13, 1977, public hearings, all material submitted for these records, and other relevant information, I find that I cannot make the determinations required for a denial of a waiver under section 209(b) of the Act, and I thereby waive application of section 209(a) of the Act to the State of California with respect to the following section of Title 13 of the California Administrative Code:

Section 1976(b), as amended November 23, 1976, and June 8, 1977, and "California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Gasoline-Powered Motor Vehicles Except Motorcycles," adopted April 16, 1975, as amended May 14, 1975, March 31, 1976, October 5, 1976, November 23, 1976, and June 8, 1977.

The above standard and procedures, as well as the record of these hearings and those documents used in arriving at this decision, are available for

public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. The standard and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, Calif. 95812.

Dated: January 4, 1978.

BARBARA BLUM,  
Acting Administrator.  
[FR Doc. 78-556 Filed 1-9-78; 8:45 am]

[6560-01]

[FRL 840-2: OPP-00065]

## STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE (SFFIAC) WORKING GROUP ON CERTIFICATION

## Meeting

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of open meeting.

SUMMARY: There will be a three-day meeting of the State-Federal FIFRA Implementation Advisory Committee's Working Group on Certification beginning daily at 8:30 a.m. on Tuesday, January 31, Wednesday, February 1, and Thursday, February 2, 1978. The February 1 session will be a joint meeting with the SFFIAC Working Group on Training which is technically responsible to the Extension Committee on Organization and Policy (ECOP).

The meeting will be held at the Salishan Lodge, Gleneden Beach, Oregon, and will be open to the public; however, due to space limitations, anyone planning to attend should contact the SFFIAC Executive Secretary.

## FOR FURTHER INFORMATION CONTACT:

Mr. P. H. Gray, Jr., SFFIAC Executive Secretary, Operations Division (WH-570), Office of Pesticide Programs, Room E-507, EPA, 401 M Street SW., Washington, D.C. 20460, telephone 202-755-7014.

SUPPLEMENTARY INFORMATION: This will be the seventh meeting of the Working Group on Certification under SFFIAC auspices. The purpose of the meeting is to discuss current aspects of pesticide applicator certification with the intent of reporting to the full Committee, so that the latter will be able to advise EPA on certification at its meeting. Among the topics scheduled for discussion are:

1. State funding needs for certification and training programs;
2. Concept of continuing certification, including continuing education units;



3. Renewal procedures for applicator certification;

4. Status of legislative situation as it affects certification programs;

5. Status of November SFFIAC meeting action items relating to certification; and

6. Homeowner certification.

On Wednesday, February 1, at the joint meeting, the main topics for discussion will be:

1. Coordination of training and certification programs; and

2. Continued training to meet certification requirements.

Dated: January 3, 1978.

EDWIN L. JOHNSON,  
Deputy Administrator  
for Pesticide Programs.

[FR Doc. 78-557 Filed 1-9-78; 8:45 am]

[6712-01]

# FEDERAL COMMUNICATIONS COMMISSION

[Report No. 891]

## COMMON CARRIER SERVICES INFORMATION

### Applications Accepted for Filing

JANUARY 3, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see §309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier

radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §1.227(b)(3) and 21.30(b) of the Commission's rules.)

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Secretary.

### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20538-CD-P-(3)-78 Pacific Northwest Bell Telephone Co. (KOA731). C.P. to replace transmitter operating on 35.26, 152.57, and 152.60 MHz located on Prospect Hill No. 1, approximately 7 miles SW of Salem, Oreg.

20539-CD-P-78 Pacific Northwest Bell Telephone Co. (KOA246). C.P. for additional facilities to operate on 454.625 MHz to be located at 2010 SW Bernard Drive, Portland, Oreg.

20540-CD-P-78 Pacific Northwest Bell Telephone Co. (KOK421). C.P. to replace transmitter operating on 152.78 MHz located on Cosmopolis Hill, 5.5 miles SE of Aberdeen, Wash.

20541-CD-P-(2)-78 The Mountain States Telephone & Telegraph Co. (KDN407). C.P. to replace transmitter, change antenna system and change frequency from 35.22 MHz to 152.84 MHz at location No. 1: 5 miles NE of Colorado Springs, Colo.; and location No. 2: 17 North Weber Street, Colorado Springs, Colo.

20542-CD-P-(4)-78 The Mountain States Telephone & Telegraph Co. (KAI927). C.P. to replace transmitter, change antenna system and change frequencies from 35.38 MHz to 152.84 MHz at location No. 1: 931 14th Street, Denver, Colo.; location No. 2: 3260 South Clay, Denver, Colo.; location No. 3: 4301 East Colfax, Denver, Colo.; and location No. 4: 1595 Allison, Denver, Colo.

20543-CD-P-(3)-78 The Mountain States Telephone & Telegraph Co. (New). C.P. for a new 1-way station to operate on 152.84 MHz to be located at three (3) new sites described as: location No. 1: 52nd and Zuni, Denver, Colo.; location No. 2: 1900 Jackson Street, Golden, Colo.; and location No. 3: 16767 East Smoky Hill Road, Aurora, Colo.

20544-CD-P-(4)-78 Industrial Communications Systems, Inc. (KSV926). C.P. for additional facilities to operate on 2164.0 MHz, control at location No. 3: Saddle Peak, 4.5 miles NE of Malibu, Calif.; additional facilities to operate on 2114.0 MHz, control, at location No. 8: Oat Mountain Radio Site, Los Angeles, Calif.; additional facilities to operate on 2164.6 MHz, control at a new site described as location No. 9: 1500 West 58th Street, Los Angeles, Calif.; and additional facilities to operate on 2171.6 MHz, control at a new site described as location No. 10: 707 Wilshire Boulevard, Los Angeles, Calif.

20545-CD-P-(2)-78 Mobilfone, Inc. (KLF662). C.P. for additional facilities to operate on 152.24 MHz to be located at two (2) new sites described as location No. 4: 4.5 miles SE of Hudson, and 4.5 miles

NE of Port Richey, New Port Richey, Fla.; and location No. 5: 4.2 miles SE of Brooksville, Fla.

20546-CD-P-78 Northern Illinois Radiophone & Paging Systems, Inc. (KSB590). C.P. to relocate facilities operating on 152.09 MHz to be located at 1701 South First Avenue, Maywood, Ill., location No. 1.

20547-CD-P-(2)-78 Rule Radiophone Service, Inc. (new). C.P. for a new 1-way station to operate on 152.24 MHz to be located on Hill 8821, Sherman Mountains, 8 miles east of Laramie, Wyo., location No. 1 and for control facilities to operate on 454.075 MHz to be located at 512 Grand Avenue, Laramie, Wyo., location No. 2.

20548-CD-P-78 Professional Communications, Inc. (new). C.P. for a new 1-way station to operate on 43.58 MHz to be located at No. 1 Marine Midland Center, Buffalo, N.Y.

20549-CD-P-(2)-78 East Otter Tail Telephone Co. (KWT928). C.P. to change antenna system and relocate facilities operating on 152.63 MHz and for additional facilities to operate on 152.72 MHz to be located at 3.5 miles NE of Perham, Minn.

20550-CD-P-78 Stayton Cooperative Telephone Co. (KWU299). C.P. to relocate facilities operating on 454.525 MHz to be located at McCully Mountain, approximately 1 mile SSW of Lyons, Oreg.

20551-CD-P-(2)-78 Radio Enterprises of Ohio, Inc. (KUS280). C.P. to change antenna system operating on 35.22 MHz at two (2) sites, location No. 2: 84 North State Street, Painesville, Ohio; and location No. 3: 111 Water Street, Chardon, Ohio.

20552-CD-P-78 David T. Sellers d.b.a. Town & Country Communications (KUS318). C.P. to replace transmitter; change antenna system, change frequency from 152.18 MHz to 152.03 MHz and relocate facilities to be located 5 miles North of Jasper on Highway 96, Tex.

20553-CD-P-78 Schuykill Mobile Fone, Inc. (KGA589). C.P. to change antenna system and relocate facilities from location No. 2 operating on 454.175 MHz to be located at location No. 1: Sharp Mountain, North Manheim Twp., Pottsville, Pa.

20554-CD-P-(4)-78 Airtel of California, Inc. (KWU255). C.P. for additional facilities to operate on 35.58 MHz, base and 72.88 MHz, control at location No. 1: Fourth and J Streets, Sacramento, Calif.; and for additional facilities to operate on 35.58 MHz at two (2) new sites described as location No. 2: 5889 Stockton Boulevard, Sacramento, Calif.; and location No. 3: 5831 Rosebud Lane, Carmichael, Calif.

20555-CD-P-78 Aircall, Inc. (KIY779). C.P. to change antenna system operating on 152.24 MHz at location No. 1: On top of Spivey Mountain, 4 miles West of Asheville, N.C.

20556-CD-P-(2)-78 Aircall, Inc. (KIY776). C.P. to change antenna system operating on 152.12 MHz and for additional facilities to operate on 152.18 MHz to be located at Spivey Mountain, 4 miles West of Asheville, N.C.

20557-CD-P-78 Airtel of California, Inc. (KMA287). C.P. to replace transmitter and relocate facilities operating on 2171.6 MHz to be located at a new site described as location No. 4: 1755 E Street, Fresno, Calif.

20558-CD-P-78 Professional Communications, Inc. (KTS238). C.P. to relocate facilities operating on 459.125 MHz, control

to be located at a new site described as location No. 4: 50 High Street, Buffalo, N.Y.

20559-CD-P-78 Radio Relay New York Corp. (KEC745). C.P. for additional facilities to operate on 43.22 MHz, standby at location No. 13: 20 Exchange Place, New York, N.Y.

20560-CD-P-78 Professional Communications, Inc. (new). C.P. for a new 1-way station to operate on 158.70 MHz to be located near WRRN-FM Tower, Butchers Mill Road, Warren, Pa.

20561-CD-P-(2)-78 KVET Broadcasting Co., Inc. (KWT919). C.P. for additional facilities to operate on 454.025 and 454.300 MHz to be located on Hill west of trail of Madrones Road, near Austin, Tex.

20562-CD-P-(2)-78 Central Telephone Co. (KOH273). C.P. for additional facilities to operate on 454.450 and 454.500 MHz to be located at Carson Street and Las Vegas Boulevard South, Las Vegas, Nev.

20563-CD-AL-78 The Lorain Telephone Co. (KQA649). Consent to Assignment of License from Lorain Telephone Co., Assignor to CTU Co., Assignee. Station: KQA649, Lorain, Ohio.

### CORRECTIONS

20485-CD-P-(4)-78 (KFL877). Correct to add name of Licensee: Westside Communications of Tampa, Inc. All other particulars to remain as reported on PN No. 890 dated December 27, 1977.

### RURAL RADIO SERVICE: MAJOR AMENDMENTS

60347-CR-P/L-77 Cameron Telephone Co. (New). Amend application to add frequency 158.07 MHz. All other particulars to remain as reported on PN No. 887, dated July 18, 1977.

5483-CI-P/L-72 Cameron Telephone Co. (New). Amend application to add frequency 158.07 MHz. All other particulars to remain as reported on PN No. 585, dated February 28, 1972.

5589-CI-P/L-73 Cameron Telephone Co. (New). Amend application to add frequency 158.07 MHz. All other particulars to remain as reported on PN No. 634, dated February 5, 1973.

### POINT TO POINT MICROWAVE RADIO SERVICE

OK-801-CF-P-78 Southwestern Bell Telephone Co. (KSW32), 1702 Gore Street, Lawton, Okla., Lat. 34°36'30" N., Long. 098°24'48" W. C.P. to add 6034.2V MHz toward a new point of communication at Cache, Okla. on azimuth 270.4°.

OK-802-CF-P-78 Same (new), 2.2 miles WSW of Cache, Okla., Lat. 34°36'34" N., Long. 098°39'29" W. C.P. for a new station using frequencies 6286.2H MHz toward Lawton, Okla. on azimuth 90.3° and 6286.2V MHz toward Tipton, Okla. on azimuth 258.4°.

OK-803-CF-P-78 Same (new), 1.8 miles NE of Tipton, Okla., Lat. 34°31'09" N., Long. 099°06'18" W. C.P. for a new station using frequencies 6034.2H MHz towards Cache, Okla. on azimuth 76.2° and 6034.2V MHz towards Altus, Okla. on azimuth 302.5°.

OK-804-CF-P-78 Same (new), 220 N. Hudson, Altus, Okla., Lat. 34°38'23" N., Long. 099°20'04" W. C.P. for a new station using frequency 6286.2H MHz towards Tipton, Okla. on azimuth 122.4°.

KS-840-CF-P-78 Southwestern Bell Telephone Co. (KAD26), Topeka Jct., 3rd and Oakley, Topeka, Kans., Lat. 39°03'46" N., Long. 095°42'56" W. C.P. to add frequency

6004.5V MHz towards a new point of communication at Hoyt, Kans. on azimuth 13.2°.

KS-841-CF-P-78 Same (new), 2.8 miles ENE of Hoyt, Kans., Lat. 39°15'41" N., Long. 095°39'20" W. C.P. for a new station using frequencies 6256.5H MHz toward Topeka Jct., Kans. on azimuth 193.3° and 6256.5V MHz towards Holton Jct., Kans. on azimuth 346.7°.

KS-842-CF-P-78 Same (new), Holton Jct., 1.0 mile ENE of Holton, Kans., Lat. 39°27'35" N., Long. 095°42'58" W. C.P. for a new station using frequencies 6004.5H MHz towards Hoyt, Kans. on azimuth 166.7° and 6004.5V MHz toward Goff Jct., Kans. on azimuth 315.9°.

KS-843-CF-P-78 Same (new), Goff Jct., 1.75 mile SW of Goff, Kans., Lat. 39°39'05" N., Long. 095°57'25" W. C.P. for a new station using frequencies 6256.5H MHz towards Holton Jct., Kans. on azimuth 135.7° and 6256.5V MHz towards Sabetha, Kans. on azimuth 25.5°.

KS-844-CF-P-78 Southwestern Bell Telephone Co. (new), 904 Virginia Street, Sabetha, Kans., Lat. 39°54'10" N., Long. 095°48'05" W. C.P. for a new station using frequencies 6004.5H MHz towards Goff Jct., Kans. on azimuth 205.6° and 6004.5V MHz towards Hiawatha, Kans. on azimuth 103.5°.

TX-855-CF-P-78 Same (WCG240), 301 West Whaley, Longview, Tex., Lat. 32°29'59" N., Long. 094°44'29" W. C.P. to increase transmit structure height and add 6152.8V MHz towards a new point of communication at Henderson, Tex. on azimuth 188.4°.

TX-856-CF-P-78 Same (new), 0.5 mile N of Hwy 64 on Longview, Henderson, Tex., Lat. 32°10'28" N., Long. 094°47'53" W. C.P. for a new station using frequencies 6404.8H MHz towards Longview, Tex. on azimuth 8.4° and 11035.0V MHz towards Overton, Tex. on azimuth 303.4°.

WY-859-CF-MP/ML-78 The Mountain States Telephone and Telegraph Co. (KPR60), Copper Mtn., 16 miles SE of Thermopolis, Wyo., Lat. 43°26'50" N., Long. 108°01'56" W. Modification of C.P. (912-CF-P-77) and Modification of License to increase output power on frequency 2112.0V MHz toward Shoshoni, Wyo. on azimuth 194.6°.

WY-860-CF-MP/L-78 Same (WCF991), 118 Wyoming Street, Shoshoni, Wyo., Lat. 43°14'06" N., Long. 108°06'28" W. Modification of C.P. (911-CF-P-77) and License to increase output power on 2162.0V MHz towards Copper Mtn., Wyo. on azimuth 14.5°.

AL-861-CF-ML-78 American Telephone and Telegraph Co. (KIS36), 425 Grant Street, SE, Decatur, Ala., Lat. 34°36'05" N., Long. 086°58'53" W. Modification of License to delete 3730V, 3810V MHz towards Huntsville; 3730H, 3810H MHz towards Town Creek, and transfer to South Central Bell Telephone Co. (KIW75), Decatur, Ala. "Partial Transfer."

AL-862-CF-ML-78 South Central Bell Telephone Co. (KIW75), 425 Grant Street SE, Decatur, Ala., Lat. 34°36'05" N., Long. 086°58'53" W. Modification of License to add 3730V, 3810V MHz towards Huntsville; 3730H, 3810H MHz towards Town Creek, from American Telephone and Telegraph Co. (KIS36), Decatur, Ala. "Partial Transfer."

GA-845-CF-P-78 Southern Bell Telephone and Telegraph Co. (WAH553), Savannah BS, 1300 Bull Street, Savannah,

Ga., Lat. 32°03'44" N., Long. 081°05'51" W. C.P. to add new point of communication using frequencies 3750V, 3830V, 3910V, 3990V MHz towards Marlow, Ga. on azimuth 301.8°; and 11685V MHz towards WJCL-SVNH, Georgia on azimuth 202.2°.

GA-846-CF-P-78 Same (KIL90), 5.2 miles SE of Marlow, Ga., Lat. 32°12'03" N., Long. 081°21'38" W. C.P. to add new point of communication using frequencies 3710V, 3790V, 3870V, 3950V, 4030V, 4110V, and 4130H MHz towards Savannah BS, Georgia on azimuth 121.7°.

PA-858-CF-MP-78 The Bell Telephone Co. of Pennsylvania (WCG222), Locust, 3.5 miles NE of Blakeslee, Pa., Lat. 41°08'15" N., Long. 075°33'38" W. Modification of C.P. (1045-CF-P-77) to change station location of the above using frequencies 11305V, 11385V MHz towards Lookout Mtn., Pa. on azimuth 318.5° and 11265V, 11345V MHz towards Rocky, Pa. on azimuth 125.5°.

ID-883-CF-P-78 The Mountain States Telephone and Telegraph Co. (KPN70), 619 Bannock Street, Boise, Idaho, Lat. 43°36'57" N., Long. 116°11'59" W. C.P. to add frequency 11285.0V MHz toward Freezout, Idaho.

ID-884-CF-P-78 Same (KPT32), Freezout, 2.8 miles South of Emmett, Idaho, Lat. 43°49'31" N., Long. 116°30'29" W. C.P. to add frequency 10835.0V MHz towards Boise, Idaho.

TX-885-CF-P-78 Gulf States-United Telephone Co. (new), 215 E. South Street, Overton, Tex., Lat. 32°16'26" N., Long. 094°58'34" W. C.P. for a new station using frequency 11285.0V MHz towards Henderson, Tex. on azimuth 123.3°.

MS-891-CF-P-78 South Central Bell Telephone Co. (KLK82), 1002 Main Street, Columbus, Miss., Lat. 33°29'43" N., Long. 088°25'17" W. C.P. to replace transmitters and change frequency 5937.8H to 6078.6H MHz; 6056.4H to 6137.9H MHz towards West Point, Miss.

MS-892-CF-P-78 Same (KLT63), 22 South Division Street, West Point, Miss., Lat. 33°36'14" N., Long. 088°39'00" W. C.P. to replace transmitters and change frequency 6204.7H to 6330.7H; 6323.3H to 6390.0H MHz towards Starkville; 6219.5H to 6330.7H; 6338.1H to 6390.0H MHz towards Columbus.

MS-893-CF-P-78 South Central Bell Telephone Co. (KLT64), 314 Main Street, Starkville, Miss., Lat. 33°27'48" N., Long. 088°48'42" W. C.P. to increase transmit antenna structure height; move and replace antenna; replace transmitters and change frequency 5982.3H to 6078.6H MHz; 6100.0H to 6137.9H MHz towards West Point, Miss.

MI-895-CF-P-78 Michigan Bell Telephone Co. (KVV87), 4.5 miles SW of Milford, Mich., Lat. 42°33'23" N., Long. 083°41'41" W. C.P. to add frequency 6256.5H MHz and modify the horn antenna on 6226.9V MHz (et al.) towards Pontiac C.O., Michigan on azimuth 74.4°.

MI-896-CF-P-78 Same (KVV86), Pontiac C.O. 54 N. Mill Street, Pontiac, Mich., Lat. 42°38'20" N., Long. 083°17'25" W. C.P. to add frequency 6004.5V MHz and modify the horn antenna on frequency 5974.8H MHz (et al.) towards Milford, Mich. on azimuth 254.7°.

IL-838-CF-MP-78 United Video, Inc. (KSP 98), 0.9 mile East of Effingham, Ill., Lat. 39°07'35" N., Long. 88°31'06" W. Modification of construction permit to add 6360.3H MHz toward Mattoon, Ill., via power split, on azimuth 258.9°.



IL-839-CF-MP-78 United Video, Inc. (KEZ 51), 4 miles East of Schram City, Ill., Lat. 39°10'09" N., Long. 89°26'48" W. Modification of construction permit to add 8212V and 6271.4V MHz toward Carlinville, Ill., via power split, on azimuth 303.6°.

NE-888-CF-P-78 Mountain Microwave Corp. (WQR 88), Omaha TOC, 11029 I Street, Omaha, Nebr., Lat. 41°12'57" N., Long. 96°05'04" W. Construction permit to change antenna system, change receive station location, and to change frequency to 11075V and 10915V MHz toward KETV-TV, Nebraska, on azimuths 179.1° and 67.4°, respectively.

NE-889-CF-P-78 Mountain Microwave Corp. (new), KMTV Omaha, 107 Mocking Bird Drive, Omaha, Nebr., Lat. 41°12'25" N., Long. 96°04'58" W. Construction permit for new station-11845H MHz toward Omaha TOC, Nebraska, on azimuth 351.9°.

NE-890-CF-P-78 Mountain Microwave Corp. (WSM 68), KETV Omaha, 27th and Douglas Streets, Omaha, Nebr., Lat. 41°15'30" N., Long. 95°57'06" W. Construction permit to change antenna system and increase antenna structure height and to change frequency to 11245V MHz toward Omaha TOC, Nebraska.

[FR Doc. 78-583 Filed 1-9-78; 8:45 am]

#### [6712-01]

[Report No. I-421]

#### COMMON CARRIER SERVICES INFORMATION

##### International and Satellite Radio Applications Accepted for Filing

DECEMBER 27, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations, and its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Secretary.

#### SATELLITE COMMUNICATIONS SERVICES

Correction—Rocky Mount Cable TV, Inc., Rocky Mount, Va. Correct the coordinates to read: Lat. 37°01'24" N., Long. 79°53'39" W.

TN-151-DSE-P/L-78 FNI Communications Co., Columbia, Tenn. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 35°36'49" N., Long. 86°59'14" W. Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

WA-160-DSE-P-78 Yakima School District No. 7, Yakima, Wash. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 46°31'14" N., Long. 120°11'38" W. Rec. freq.: 3700-42 MHz. Emission 36000F9. With a 10 meter antenna.

NJ-161-DSE-P/L-78 Clear Television Cable Corp., Dover, Colo. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 39°59'49" N., Long. 74°10'21" W. Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

IL-162-DSE-P/L-78 Sammons Communications of Illinois, Inc., Streator, Ill. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 41°08'35" N., Long. 88°49'45" W. Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

TX-163-DSE-P/L-78 Community Telecommunications, Inc., Mineral Wells, Tex. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 32°48'53" N., Long. 98°08'13" W. Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

GA-180-DSE-P/L-78 Storer Cable Communications, Inc., Albany, Ga. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 31°37'09" N., Long. 84°11'15" W. Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

MI-181-DSE-P/L-78 American Television and Communications Corp., Tawas City, Mich. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 44°16'39" N., Long. 83°33'40" W. Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

MI-182-DSE-P/L-78 Flat River Cable Services, Inc., Greenville, Mich. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 43°10'40" N., Long. 85°16'30" W. Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

TX-159-DSE-P/L-78 Lone Star Video, Inc., Champions, Tex. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 30°00'20" N., Long. 95°33'95" W. Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 8 meter antenna.

NM-185-DSE-P/L-78 Community Telecommunications, Inc., Carlsbad, N. Mex. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 32°25'15" N., Long. 104°14'24" W. Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

CA-184-DSE-ML-78 Satellite Business Systems (KD79), Los Gatos, Calif. Modification of license to change this station from a developmental to a common carrier status.

NY-183-DSE-ML-78 Satellite Business Systems (WD48), Poughkeepsie, N.Y. Modification of license to change this station from a developmental to a common carrier status.

AR-186-DSE-P/L-78 American Television Communications, Inc., El Dorado, Ark. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 33°14'11" N., Long. 92°38'46" W. Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

AL-187-DSE-P/L-78 West Alabama TV Cable Co., Inc., Winfield, Ala. Authority to construct, own and operate a domestic communications satellite receive-only

earth station at this location. Lat. 33°54'10" N., Long. 87°48'28" W. Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

[FR Doc. 78-532 Filed 1-9-78; 8:45 am]

#### [6712-01]

[FCC 77-843; Docket No. 21493; File No. BR-4107]

#### HAPPY BROADCASTING CO., INC.

##### Memorandum Opinion and Order

Adopted: December 15, 1977.

Released: January 4, 1978.

In the matter of Happy Broadcasting Co., Inc., for renewal of license of Station WPWC, Quantico, Va.

1. The Commission has before it for consideration: (a) The above captioned application for renewal of license for Station WPWC, Quantico, Va., filed by Happy Broadcasting Company, Inc. (Happy), on June 2, 1975, and amended August 29, 1975, and August 10, 1976; (b) a letter filed by the station's former engineer concerning certain engineering data submitted with the application; and (c) related and responsive correspondence.

#### BACKGROUND

2. In an August 25, 1975, letter to the Commission, Mr. Arthur P. Dietz (Dietz), consulting engineer and signatory of the engineering section (Section II of FCC Form 303), of the 1975 WPWC renewal application, asserts that prior to signing the section's signature page he had to correct five entries on its first page which were, in Dietz's view, inaccurate.<sup>1</sup> Dietz contends that the certification took place in the presence of Mr. Raymond W. Woolfenden, Sr., Happy's president, after Woolfenden was made aware of the inaccurate representations.

3. One of the alleged errors involved the licensee's response to section II, question 10 regarding equipment performance tests. That question sought: (a) whether the station conducted such tests within four months of the filing of the application; (b) the date of such tests; and (c) whether the tests indicated that the station was operating in accordance with the standards of good engineering practices.<sup>2</sup> Dietz

<sup>1</sup>Dietz submitted an affidavit on June 22, 1976, verifying the matters set forth in his August 15, 1975, letter to the Commission.

<sup>2</sup>The other alleged discrepancies involved: The licensee's failure to include its name at the top of the first page; the listing of three tubes instead of four in response to question 1; incorrect instrument readings in question 3; and the listing of a Gates model frequency monitor in response to question 5 when none was actually in use. Question 3 was amended in an August 29, 1975, letter to the Commission.

contends that he corrected the date of the last equipment test from March 10, 1975, to June 10, 1974, so that the application would accurately represent the fact that the last proof had been made on June 10, 1974.

4. Thereafter, on July 23, 1975, while reviewing the WPWC application on file with the Commission, Dietz states that he found that section II had been filed with his signature but not with his corrections. Instead, the engineer relates, was a newly typed first page containing the errors he had personally corrected. On the following day the errors were discussed personally with Mr. Woolfenden who, according to Dietz, acknowledged that the engineering information on file was not the information that the engineer had certified and agreed to correct the application "to conform to the actual facts."

5. Dietz asserts further that in a July 29, 1975, conversation with Woolfenden, he was told that after conferring with the station's communications counsel it had been decided that the discrepancies were "nothing to worry about" and that the application would not be corrected. The licensee, Dietz alleges, directed him to the station's counsel who, after being contacted, asked that a copy of the corrections be sent to the station. By letter of July 30, 1975, those corrections were supplied, Dietz resigned as the licensee's consulting engineer, the engineer advised the licensee that a copy of the letter would be sent to the Commission if the application was not timely amended to reflect the facts to which he had certified, and he asked that his certification be removed from the application. Following no action by the licensee, Dietz informed the Commission of these matters in his August 25, 1975, letter.

6. Following receipt of the letter, the Commission's Baltimore Field Office conducted an on-site inspection of the WPWC facilities on October 2, 1975. They observed a notation entered in the station's April 23, 1975, transmitter maintenance log by engineer William K. Harris that a current equipment performance test was needed and that management had been so advised.<sup>3</sup> During the inspection two proofs of performance were found in the station's files: June 10, 1974, and September 8, 1975.<sup>4</sup> The day following the inspection, WPWC's counsel noti-

<sup>3</sup>The Commission's records further indicate that by letter of May 5, 1975, Mr. Harris informed our Norfolk Field Office that he had personally warned Mr. Woolfenden about the lack of a timely proof and that he had resigned as a WPWC engineer.

<sup>4</sup>The WPWC inspection also revealed violations of: Section 17.50, tower painting; sec-

fied the Baltimore office that any engineering errors contained in the renewal application on file with the Commission were the responsibility of engineer Dietz because Mr. Woolfenden was not an engineer.

7. No attempt was made by the licensee to supply any additional amendment or explanation of these engineering discrepancies. Thus, the Commission issued a letter of inquiry to Happy on July 22, 1976, requesting the station to review the engineering sections of the 1975 renewal application and, if any changes were necessary, to make those corrections and explain how the errors occurred. The licensee's August 10, 1976, response asserts that the discrepancies "were caused by a secretary at the station who picked up the wrong worksheets supplied by the chief engineer." Further, the licensee urges that any errors were not intentional and they were corrected as soon as they were brought to the licensee's attention. Additionally, an amended section II, certified by Stephen J. Uurtamo, WPWC's new chief engineer, was submitted along with his statement that he was hired August 20, 1975, to conduct a proof of performance for WPWC and that the proof was completed on September 8, 1975. Mr. Uurtamo noted that he believes a proof was started in March 1975, but was never completed.

8. On November 2, 1977, Happy supplemented its earlier response to the Commission's inquiry. Licensee admits that sufficient care was not exercised in the preparation and filing of its application with the Commission and relates that after reviewing the August 10, 1976, letter with its new communications counsel it determined that the response was inadequate. In this respect, Mr. Woolfenden contends that he has "no recollection that Mr. Dietz

tion 73.40(a)(14) second harmonic emission; section 73.40(b)(3)(iv), antenna and tuning house safety; section 73.52, operating below authorized power; section 73.93(c) no posted agreement with chief engineer; section 73.112(a)(1)(v), failure to log political affiliation of candidates on program log; section 73.113(a)(1)(i), failure to enter time on log when power ceases to be supplied to antenna; section 73.113(a)(1)(iv), repeated failure to log meter readings at beginning of daily operation; section 73.1201(b)(1), failure to correctly identify the station; and noncompliance with station authorization as to commencement and termination of supplying power to the antenna. An official notice of violation was issued on February 3, 1976. The licensee responded on February 20, 1976, and supplemented its response further on February 23, 1976. No notice of apparent liability was issued prior to the statutory time limitation of section 503(b)(3) of the Communications Act of 1934, as amended, and, thus, no further action was taken by the Commission on these violations.

called to my attention any errors in section II of the renewal application before it was filed." Thus, licensee's president urges that he had no personal knowledge that the information submitted by him on June 2, 1975, was not accurate. Woolfenden acknowledges that Dietz personally contacted him regarding the inaccurate application on file with the Commission, but not until July 24, 1975. He asserts that upon receipt of the July 30, 1975, letter from Dietz the matter was discussed with the station's communications counsel and the Commission was contacted. While no attempt was made to correct the March 10, 1975, proof date, the licensee observes that an amendment to question 3, meter readings, was made on August 10, 1975, in the belief that all that was needed to cure the application's problems had been provided to the Commission. However, the licensee now feels that the proof of performance discrepancy was not resolved and, to this end, offers that the error was not intentionally made and that Mr. Woolfenden did not understand what a proof of performance was.

#### DISCUSSION

9. The Commission views a renewal application as more than a mere directory submission of technical readings, statistics, and exhibits that must pass muster with our renewal processing standards. Before we grant another term to a licensee, we must determine that the record supports a finding that the applicant has operated, and will continue to operate, the facility in the public interest, convenience, and necessity. Section 309(a) of the Communications Act of 1934, as amended. From a purely practical standpoint, every bit of factual data submitted by a licensee cannot be examined for truthfulness due to the great number of applications submitted to the Commission each year. Because we must rely on the licensee's good faith representations, the Commission places a strong presumption of the accuracy and truthfulness on any data or statement submitted in an application. Accordingly, the application serves as a reflection of the licensee's character. See *Jimmie H. Howell*, 65 FCC 2d 516 (1977); *Nick J. Chaconas*, 28 FCC 2d 231 (1971), reconsideration denied, 35 FCC 2d 698 (1972), affirmed 486 F. 2d 1314 (1973). It follows, therefore, that misrepresentations made to the Commission by a public trustee regarding the operation of a licensed facility results in a disservice to the public and, thus, raises serious questions as to the character qualifications of the licensee. Section 308(b) of the Communications Act of 1934, as amended.

10. Turning to the specific facts of this case, it appears that this licensee



may well have willfully or deliberately attempted to mislead the Commission or conceal facts in its initial renewal submission. The licensee subsequently has attempted to correct its renewal application's engineering defects<sup>1</sup> and has attempted on two separate occasions to explain those defects. However, we do not find that the record before us, even as supplemented, serves to resolve the underlying question surrounding the licensee's submission of inaccurate data in the 1975 renewal application or the licensee's prolonged failure to correct and/or explain those defects.

11. In this regard, Happy's president urges that he was unaware that a proof had not been completed and was not certain at the time just what a proof was. While the Commission does not require owners or management personnel of radio stations to be licensed engineers, each licensee has the ultimate responsibility for its technical operation and is responsible for the representations made to the Commission with respect to both the technical and nontechnical operation of its station. Although this licensee may have begun a proof in March 1975, at the time of the filing of the renewal none had been completed. Further, that failure allegedly was made known to the licensee both by engineer Harris and Dietz prior to the June 2, 1975, submission of the initial application. Even if we were to assume that Woolfenden did not understand the nature of the equipment test and, thus, the warning from the engineers, we still are confronted with Dietz's affidavit that the inaccurate data had been corrected in Woolfenden's presence prior to signing the application. Moreover, after the application was filed, the licensee made no effort to correct the proof date even though he was advised personally of the defects on July 24, 1975, and again by letter on July 30, 1975. Even after the proof was completed in September 1975, the licensee made no effort to correct the application in this respect until August 10, 1976, almost a year later.

12. Thus, we are faced with a possible misrepresentation-of-fact question centered on the filing of the licensee's technical data in the 1975 renewal application and the apparent continuation of that misrepresentation after notice was given to the licensee of the defects. Furthermore, assuming that the licensee did not engage in a misrepresentation of fact with respect to the initial filing of its application, the question still remains as to whether the licensee's subsequent actions and submissions to the Commission consti-

<sup>1</sup>The amended application still incorrectly lists the station's monitored frequency as 14,299,990.5 kHz (i.e., 1430 kHz) when, in fact, the station is assigned to 1530 kHz.

tuted independent misrepresentations of fact or whether the licensee was lacking in candor to the Commission. Under the circumstances, we believe an evidentiary hearing is necessitated to resolve the matter. *New Mexico Broadcasting Co., Inc.*, 54 FCC 2d 126 (1975). We believe that issue (1), specified infra, is sufficiently broad to cover all aspects of this evidentiary inquiry.

13. The other remaining question centers on whether the licensee acted reasonably in its failure to correct inaccurate data in the engineering section after Mr. Dietz had informed Mr. Woolfenden that the WPWC renewal application was in error. Section 1.65 of the Commission's rules places responsibility on each applicant to assure the continuing accuracy and completeness of information furnished in an application and requires that corrections or additions be made within 30 days of their discovery or occurrence. Here, it was well over a year after the original filing that the licensee moved to correct the data in all respects. This question as well should be explored at an evidentiary hearing and, accordingly, an appropriate issue will be designated.

#### CONCLUSION AND ORDER

14. In light of the above questions, we are unable to make the statutory determination that a grant of the WPWC renewal application will serve the public interest, convenience, and necessity.

15. Accordingly, it is ordered, That pursuant to section 309 (e) of the Communications Act of 1934, as amended, the application of Happy Broadcasting Co., Inc., for renewal of license of Station WPWC, Quantico, Va., is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the facts and circumstances surrounding the filing of the technical data in the 1975 WPWC renewal application as well as the licensee's subsequent actions and submissions and, in light of this evidence, whether Happy Broadcasting Co., Inc., misrepresented facts or was lacking in candor to the Commission;

(2) To determine whether Happy Broadcasting, Inc., violated section 1.65 of the Commission's rules in failing to correct the technical information on file with the Commission as required; and

(3) To determine, in light of the evidence adduced under the above issues, whether the applicant has the requisite qualifications to remain a Commission licensee, and whether a grant of the application would serve the public interest, convenience and necessity.

16. It is further ordered, That in accordance with section 309(e) of the

Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence and the burden of proof with respect to all issues shall be upon Happy Broadcasting Co., Inc.

17. It is also ordered, That, to avail itself of the opportunity to be heard, Happy Broadcasting Co., Inc., pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intent to appear on the date fixed for hearing and present evidence on the issues specified in this order.

18. It is further ordered, That Happy Broadcasting Co., Inc., shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by Section 1.594(g) of the rules.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Secretary.

[FR Doc. 78-580 Filed 1-9-78; 8:45 am]

[6712-01]

[FCC 77-846; Docket No. 21494; File No. BLH-7102]

#### INDEPENDENT MUSIC BROADCASTERS, INC.

##### Memorandum Opinion and Order

Adopted: December 15, 1977.

Released: January 4, 1978.

In the matter of Independent Music Broadcasters, Inc., Radio Station WYOR, Coral Gables, Fla., for license to cover construction permit.

1. The Commission has for consideration: (a) A "Petition for Reconsideration or to Deny" filed May 4, 1976, on behalf of both WFTL Broadcasting Co., licensee of FM station WGLO, Fort Lauderdale, Fla., and WWOX, Inc., licensee of FM station WWOX, Boca Raton, Fla., directed against the action of the Chief, Broadcast Bureau of November 18, 1975, which granted a construction permit to modify the facilities of FM station WYOR, Coral Gables, Fla., (File No. BPH-9654), and against WYOR's then-pending application for covering license (File No. BLH-7102); (b) the Commission action of October 27, 1976, granting, in part, the aforementioned petition to the extent of a partial grant of the license application as provided in section 1.110 of the rules; (c) a "Petition for Reconsideration and Immediate Grant" filed December 8, 1976, on behalf of Inde-

pendent Music Broadcasters, Inc. (WYOR), directed against the partial grant of the license application; and (d) related pleadings and correspondence. Since petitioners compete with WYOR for audience and advertising revenues in southeastern Florida, we find them to have standing as parties in interest in this proceeding. *FCC v. Sanders Brothers Radio Station*, 309 U.S. 470 (1940).

2. Station WYOR is a pre-1962 super power<sup>1</sup> Class C FM station licensed to operate with an effective radiated power (ERP), of 160 kilowatts instead of the 100 kilowatts maximum prescribed in section 73.211(b) of the rules, at a height above average terrain (HAAT), of 205 feet. In its construction permit application, granted November 18, 1975, WYOR proposed, inter alia, to relocate its antenna-transmitter site and increase height above average terrain from 205 to 598 feet, with no compensating reduction in effective radiated power. Section 73.211(d) of our rules, read in connection with section 73.211(b), forbids any change in facilities by existing super power FM stations which would extend the 1mV/m contour in any direction in circumstances where super power will continue to be employed. Since a construction permit granted by the staff extended WYOR's 1 mV/m contour by 13 miles, and increased WYOR's service area by approximately 46 percent while at the same time continuing to specify super power (160 kW ERP), it clearly violated the provisions of section 73.211. For this reason, we granted the captioned application for covering license only in part, limiting effective radiated power to 100 kilowatts. This was done pursuant to section 1.110 of the rules, which provides for partial grant of any pending application grantable without hearing.

3. In support of its petition, WYOR contends that a partial grant of its license application is an unauthorized review and modification of its construction permit in contravention of section 5(d)(4) of the Communications Act of 1934, as amended, and section 1.117 of our rules.<sup>2</sup> This argument is

<sup>1</sup>In excess of the 100 kW ERP limit specified in section 73.211(b) of the rules.

<sup>2</sup>Section 5(d)(4) of the act reads, in pertinent part, as follows:

"... The Commission, on its own initiative, may review in whole or in part, at such time and in such manner as it shall determine, any Order, Decision, Report, or action made taken pursuant to any delegation under Paragraph (1)."

Section 1.117 of the rules reads, in pertinent part, as follows:

"(a) Within forty days after public notice is given of any action taken pursuant to delegated authority, the Commission may on its own motion order the record of the proceeding before it for review."

not well taken. Section 1.110 of the rules is applicable to any pending application grantable without hearing. On the other hand, section 5(d)(4) of the act and 1.117 of the rules merely provide for a timely review, on our motion and without affording hearing rights, of actions taken by delegated authority. These sections do not prescribe a partial grant of a pending application. With respect to review and modification of a construction permit, section 316 of the act provides that the Commission may, after affording hearing rights modify an outstanding construction permit or license. A partial grant of a covering license application, in effect, modifies the underlying construction permit, but section 1.110 affords the very hearing rights required under section 316 of the act. Therefore, it is readily apparent that section 1.110 of our rules is fully consistent with section 5(d)(4) and 316 of the act, as well as section 1.117 of the rules.

4. Next, WYOR contends that the Commission cannot proceed against its construction permit under the provisions of section 316 without instituting similar proceedings against other stations which were permitted to relocate and maintain super power in contravention of section 73.211(d) of the rules. Specifically, WYOR refers to three instances where the staff, without consideration given to a required waiver, granted such applications to relocate and maintain super power. Therefore, WYOR asserts that our partial grant of its license application was arbitrary in that we treated its application differently than previous similar applications. We realize, of course, that we cannot arbitrarily ignore obvious precedents, and any departure from a previous standard must be accompanied by a reasoned analysis reflecting the requirements of Communications Act. *Melody Music, Inc. v. FCC*, 345 F. 2d 730 (1965); *Columbia Broadcasting Systems, Inc. v. FCC*, 454 F. 2d 1018 (1971); *Garrett v. FCC*, 513 F. 2d 1056 (1975). However, we do not consider inadvertent staff grants to constitute a previous Commission standard. Rather, the applicable standard is embodied in section 73.211(d) and our First Report and Order in Docket No. 14185, 33 FCC 309 (1962). In that order we recognized the inherent competitive advantage enjoyed by super power FM stations and, in addition, found that the public interest did not require a perpetuation of this advantage. In line with that finding, section 73.211(d) was adopted which forbids a change in the facilities of an existing super power station which would result in an extension of the 1 mV/m contour unless, in so doing, the power limitations set forth in section

73.211(b) are observed.<sup>3</sup> The Class C 100 kW power ceiling was not observed in this case, and the partial grant complained of merely rectified the earlier mistake of issuing WYOR a construction permit allowing it to retain the 160 kW ERP formerly employed in conjunction with a much lower antenna. While the partial grant (corrected as to power), did not constitute a departure from a Commission-established standard, we recognize our responsibility to bring the nonconforming stations cited by WYOR into line with the clear requirements of our rules if such corrective action is warranted by the outcome of the hearing ordered herein.

5. WYOR also advances the argument that section 73.211(d) should not be interpreted to preclude its present proposal because its proposed service and interfering contours fall well within those which would result from a maximum permissible Class C FM facility (i.e., 100 kilowatts ERP at 2,000 feet HAAT). We have repeatedly rejected this "equivalency" argument as applied to super power. As discussed in paragraph 79 of our First Report and Order, supra, comparing a given increase in height with a given increase in effective radiated power is invalid. An increase in height increases service more than it does interference while an increase in power increases interference more than it does service. The WYOR super power operation of 160 kilowatts at 598 feet unnecessarily extends the potential interference contours beyond those resulting from increasing tower height to achieve the same proposed service area. In order to avoid this possibility, section 73.211(d) proscribes the extension of the 1mV/M contour by existing super power stations. With respect to the present WYOR modification or any other FM authorization, we continue to believe that the mileage separation, power, and antenna height limitations set forth in our rules, provide the best means for a fair, orderly and efficient development of the FM broadcast service. The WYOR super power facilities were granted prior to the adoption of these allocation standards in 1962. In this connection, the grandfather rights afforded station WYOR are merely to preserve existing service. These grandfather rights do not permit station WYOR to increase its service area while disregarding section 73.211(b) of our rules, which, in fact, provides the means by which station

<sup>3</sup>In *Sutro Tower, Inc.*, 32 FCC 2d 826 (1972), we permitted existing super power FM stations to relocate on Mt. Sutro while maintaining the equivalent of their present service areas notwithstanding the fact that these proposals would involve the introduction of service into areas beyond their former 1 mV/m contours. However, unlike WYOR proposal, *Sutro* did not involve waiver of the maximum power ceiling or a net increase in total service area.



WYOR may further increase its service area by increasing its antenna height.\* We see no public interest benefit in examining individual applications to determine a possible applicability of an "equivalency" standard. Indeed, the orderly implementation of established FM station assignment standards should not be undermined by the necessity of continuous case-by-case adjudication. See *Industrial Broadcasting Company v. FCC*, 437 F.2d 680 (1970).

6. Finally, WYOR asserts that section 319(c) of the act requires issuance of a license pursuant to the outstanding construction permit granted with an effective radiated power of 160 kilowatts. In this regard, WYOR notes that the Commission staff had before it all relevant facts and circumstances during the processing of this application. We recognize that in situations where a permittee has constructed its facility in accordance with its outstanding construction permit, section 319(c) clearly places this applicant in a preferred position when it files a covering license application. However, section 319(c) does not automatically compel the issuance of a license in circumstances which might prove to be contrary to the public interest. *Chesapeake-Portsmouth Broadcasting Corp.*, 53 FCC 2d 60 (1975). Similarly, section 319(c) does not require us to perpetuate an inadvertent grant.

7. In a letter accompanying WYOR's petition, WYOR states that it rejects the partial grant of the license application and requests a hearing on its license application.

Accordingly, it is ordered, That the aforementioned "Petition for Reconsideration and Immediate Grant" is denied.

It is further ordered, That pursuant to section 316 of the Communications Act and section 1.110 of the rules, our action of October 27, 1976, granting, in part, the above-captioned license application is hereby vacated, and said application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine the facts and circumstances surrounding WYOR's efforts

to upgrade its facilities in Coral Gables.

(b) To determine whether sufficient reasons exist to warrant waiver of section 73.211 of the rules.

(c) To determine, in light of the evidence adduced, whether the public interest would be better served by operation consistent with WYOR's outstanding construction permit (160 kW ERP), or with the lesser facilities (100 kW ERP), granted October 27, 1976.

It is further ordered, That pursuant to section 316(b) of the Communications Act, the Broadcast Bureau proceed with the introduction of evidence and have the burden of establishing that a partial grant of the license application, as ordered on October 27, 1976, would better serve the public interest, convenience, and necessity.

It is further ordered, That WFTL Broadcasting Co., licensee of FM station WGLO, Fort Lauderdale, Fla., and WWOG, Inc., licensee of FM station WWOG, Boca Raton, Fla., are made parties to this proceeding.

It is further ordered, That WYOR's telegraphic authority of June 24, 1976, to operate with 160 kW facilities authorized in BPH-9654, is continued pending outcome of this proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, Independent Music Broadcasters, Inc. (WYOR), and the parties respondent herein, pursuant to section 1.221(c) of the Commission's rules, in person, or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That Independent Music Broadcasters, Inc., pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof, as required by section 1.594(g) of the rules.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Secretary.

[FR Doc. 78-581 Filed 1-9-78; 8:45 am]

#### [6712-01]

[Report No. I-423]

#### COMMON CARRIER SERVICES INFORMATION International and Satellite Radio Applications Accepted for Filing

JANUARY 3, 1978.

The applications listed herein have been found, upon initial review, to be

\*Commissioner White concurring in the result.

acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations, and its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Secretary.

#### SATELLITE COMMUNICATIONS SERVICES

Correction—161-DSE-P/L-78 Clear Television Cable Corp. Was listed as being located in Dover, Colo. The correct location should read: Dover, N.J.

TN—188-DSE-P/L-78 National TV Cable Co., McMinnville, Tenn. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 35°39'58" N., Long. 85°45'14" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

MN—189-DSE-P/L-78 G-F Cable TV, Inc., East Grand Forks, Minn. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 47°57'47" N., Long. 97°03'12" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

AK—190-DSE-P/L-78 RCA Alaska Communications, Inc., Tin City, Alaska. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 65°33'58" N., Long. 167°57'52" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

TN—191-DSE-P/L-78 Warner-CCC, Inc., Kingsport, Tenn. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 36°31'35" N., Long. 82°35'13" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

NC—192-DSE-P/L-78 American Cablevision of Carolina, Inc., Raleigh, N.C. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 35°48'12" N., Long. 78°37'27" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

VA—193-DSE-P/L-78 Bayshore CATV, Inc., Accomac, Va. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 37°42'32" N., Long. 75°40'32" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

NJ—194-DSE-P/L-78 Futurevision Cable Enterprises, Inc., Eatontown, N.J. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 40°17'31" N., Long. 70°02'59" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

OK—196-DSE-TC-78 Atoka Cablevision Co., Atoka, Okla. Application for Consent for Transfer of Control from: Atoka Cablevision Co., to: Miley Cablevision.

MN—197-DSE-P/L-78 Metromedia, Inc., Golden Valley, Minn. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 44°58'59" N., Long. 93°23'28" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

TN—200-DSE-P/L-78 Trenton TV Cable Co., Trenton, Tenn. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 35°58'15" N., Long. 88°55'45" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

[FR Doc. 78-584 Filed 1-9-78; 8:45 am]

#### [6712-01]

#### RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

##### Meetings

In accordance with Public Law 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

#### SC-65 SHIP RADAR, WASHINGTON, D.C.

Tuesday, January 24, 1978

Members of Special Committee No. 65, "Ship Radar," notice of 62d meeting, Tuesday, January 24, 1978—1:30 p.m.\* Conference Room 8210,\* 2025 M Street NW., Washington, D.C.

Agenda for SC-65 Committee Meeting appears later in this notice.

SC-65 Working Group schedule. To be held at 2025 M Street NW., Washington, D.C.

Working group, Reliability; Room 8210; date Jan. 24; time, 9:30 a.m.

##### AGENDA

1. Call to Order; Chairman's Report; Adoption of Agenda.

2. Acceptance of SC-65 Summary Records; Appointment of Rapporteur. 1 December 1977, 15 December 1977.

3. Progress Report of Reliability Working Group.

4. Mini-meeting of: (a) BRWG on Updating Radar Specs; (b) CAWG on Evaluation.

5. Approval of response to: (a) Letter from OKI Electric Industry Co., Ltd. dated November 9, 1977. (b) Letter from Japan Radio Co. expected at year's end.

6. Other business.

7. Establishment of final meeting date.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement,

\*NOTE—SC-65 Meeting location is subject to change. Check at Room 8210 first.

oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat, phone 202-632-6490.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Secretary.

[FR Doc. 78-530 Filed 1-9-78; 8:45 am]

#### [6712-01]

[FCC 77-864; Docket Nos. 21508, 21507; File Nos. BR-4548, BP-19, 978]

#### WIOO, INC. ET AL.

##### Memorandum Opinion and Order

Adopted: December 21, 1977.

Released: January 3, 1978.

In the matter of WIOO, Inc., Carlisle, Pa., Has: 1000 kHz, 1 kW, Day for renewal of license; Gerald M. Fried, Theodore A. Fried, James P. O'Leary and Arthur M. Sherman, d.b.a. Carlisle Broadcasting Associates, Carlisle, Pa., Req: 1000 kHz, 1 kW, Day for construction permit.

1. The Commission has before it the two above-captioned applications, which are mutually exclusive in that they seek the same facilities in Carlisle, Pa. In addition, an unresolved petition to deny the 1972 renewal application of WIOO, Inc. complains of conduct by that applicant in a separate Commission proceeding involving competing applications for a new FM station in Carlisle. The petition's allegations are identical to those raised and finally resolved in the FM proceeding, and are summarized in para. 3, infra.

2. By way of background, the 1972 renewal application for the facility involved herein was deferred pending resolution of several matters in the FM proceeding. In 1975, while in deferred status, WIOO, Inc. filed a supplement to its 1972 application. The Commission regards such supplements as major amendments to pending renewal applications. Carlisle Broadcasting timely filed a competing application for the AM facility on July 1, 1975, and the Commission accepted Carlisle's application. Carlisle Broadcasting Associates, 59 FCC 2d 885 (1976). Except as indicated below, the applicants are legally, financially and technically qualified to construct and operate as proposed. However, since

\*In that proceeding, the licensee of WIOO and Cumberland Broadcasting Co. were mutually exclusive applicants for the FM station. Cumberland Broadcasting Co. filed the petition to deny WIOO's 1972 renewal application.

the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

3. In addition, regarding WIOO, Inc.'s 1972 renewal application (as supplemented), we have before us the petition to deny filed by Cumberland Broadcasting Co. and its principals, as well as related pleadings, raising the licensee's conduct in the comparative FM proceeding. See WIOO, Inc., Docket No. 19468, 54 FCC 2d 892 (Rev. Bd. 1975); modified 56 FCC 2d 817 (Rev. Bd. 1975); Review denied FCC 76-892, September 28, 1976. That earlier comparative proceeding, evaluating two applications for an FM facility at Carlisle, resulted in the disqualification of WIOO, Inc. on grounds it had: (a) Knowingly violated the notarization requirements of Commission rules by submitting false jurats; and (b) had on several occasions gone well beyond the limits of permissible investigation of the competing applicant, Cumberland, in an attempt to dissuade its competitor from prosecuting its application. The Review Board concluded that the knowing and repeated violation of notarization rules in the belief that the end (raising certain matters before the administrative law judge) justifies the means is an unacceptable attitude for a Commission licensee. Similarly, the Board concluded that attempts by WIOO principals to (i) buy its competitor's transmitter site, (ii) undermine the competitor's financial qualifications through implied threats directed against witnesses, and (iii) influence a bank appraisal of competitor's property by itself applying for a mortgage on it, were adequate in combination to disqualify WIOO, Inc. in that FM proceeding. The cited improprieties constitute misrepresentation, abuse of Commission processes, and involvement in impermissible investigatory tactics. Accordingly, a substantial and material question of fact exists as to whether WIOO, Inc. possesses the qualifications to remain a licensee of this Commission.

4. We view the factual findings relating to licensee's qualifications in the FM proceeding as res judicata in regard to the captioned AM facility. As the Review Board decisions in the FM comparative hearing established the factual circumstances involved in these matters, only an assessment of the impact of WIOO's misconduct on its qualifications remains for the hearing authorized by the instant Order. Our specification of the standard comparative issue, infra, should not be interpreted as suggesting the outcome of this assessment.

5. Accordingly, It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a



subsequent Order, upon the following issues:

(1) To determine the effect of the misconduct established in the comparative FM proceeding, Docket No. 19468, cited supra, on the basic and/or comparative qualifications of WIOO, Inc.

(2) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(3) To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

6. *It is further ordered*, That, as the factual allegations made in the petition to deny filed by Cumberland Broadcasting Co. have been resolved in the comparative FM proceeding, that petition is dismissed as moot. Should Cumberland or its principals desire to participate in this hearing, the merits of such a request shall be evaluated by the administrative law judge responsible for the hearing.

7. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's Rules, in person or by attorney, shall, within twenty days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the Rules.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Secretary.

[FR Doc. 78-582 Filed 1-9-78; 8:45 am]

#### [6712-01]

[Docket No. 21310; RM-1847; RM-1984; RM-2742]

#### FM QUADRAPHONIC BROADCASTING

Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding concerning FM quadrasonic broad-

casting. Petitioner, Bonneville Broadcast Consultants, states the additional time is needed so that it may formulate its comments.

DATES: Comments must be received on or before December 28, 1977, and reply comments on or before January 30, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

#### SUPPLEMENTARY INFORMATION:

In the matter of FM Quadrasonic Broadcasting, Docket No. 21310, RM-1847, RM-1984, RM-2742; Order extending time for filing comments and reply comments. See 42 FR 41908.

Adopted: December 22, 1977.

Released: December 27, 1977.

1. On June 22, 1977, the Commission adopted a Notice of Inquiry in the above-entitled proceeding. The dates for filing comments has expired and the date for filing reply comments is January 16, 1978.

2. On December 15, 1977, Bonneville Broadcast Consultants, by counsel, requested that the time for filing comments be extended to and including December 28, 1977. Counsel states that he has been unable to formulate comments because he has been unavoidably out of his office on essential business.

3. Section 1.46 of the Rules states that extension requests must be filed seven days in advance but permits late-filed requests to be considered in cases of last-minute emergencies which could not have been anticipated by the party requesting the extension. Since counsel's absence from his office was unavoidable, and the Commission feels it would be in the public interest to have all material available to it in arriving at a decision in this matter, we are granting the request.

4. Accordingly, *It is ordered*, That the date for filing comments and reply comments in Docket 21310 are extended to an including December 28, 1977, and January 30, 1978, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's Rules.

\*NOTE.—This document was received by the Office of the Federal Register on January 5, 1978 and filed January 6, 1978.

\*By Order released August 16, 1977 (Mimeo 87835), the dates for filing comments and reply comments were extended to December 16, 1977, and January 16, 1978, respectively.

For the Federal Communications Commission.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 78-545 Filed 1-6-78; 9:04 am]

#### [6712-01]

[Docket No. 21284; FCC 77-824]

#### INQUIRY INTO THE ECONOMIC RELATIONSHIP BETWEEN TELEVISION BROADCASTING AND CABLE TELEVISION

Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: Extension of time granted for filing all comments filed in the inquiry into the economic relationship between television broadcasting and cable television, Docket No. 21284.

DATES: Comments must be received on or before March 15, 1978, and reply comments must be received on or before May 15, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert J. Ungar, Cable Television Bureau, 202-632-9797.

SUPPLEMENTAL INFORMATION: In the matter of inquiry into the economic relationship between television broadcasting and cable television.

ADOPTED: December 20, 1977.

RELEASED: December 21, 1977.

By the Commission.

1. On June 23, 1977, the Commission announced its inquiry into the economic relationship between television broadcasting and cable television. The purpose of the inquiry was to gather data to enable the Commission to make more informed decisions in the years to come. Thus, the scope of the inquiry was large. Virtually all facets of the cable-broadcast interface were suggested for specific examination.

2. The Commission gave all interested parties until December 1, 1977, to file comments in the proceeding and postponed setting a date for reply comments until we had some indication of the number and complexity of comments. In an effort to stimulate a continuous flow of useful information, we specifically encouraged filings in advance of the December 1 deadline. We also announced that comments which appeared to be of particular interest might be acknowledged by public notice or even a further notice of inquiry during the pendency of the proceeding.

3. In taking this approach we were engaging in a serious effort to under-

stand rather than simply creating one more forum for adversary expression. To date, the results of our effort have been less than gratifying. By December 1, the established deadline, with the exception of studies performed by the staff, only five comments had been submitted. By November, it became apparent that a number of potential commenters would probably need some additional time. In response to general requests for extension filed by major trade organizations, the Chief of the Cable Television Bureau released an order on November 29 which extended the filing deadline until January 2, 1978. The order further directed all parties who believed they needed time beyond January 2 to file specific requests for further extension by December 15, 1977. The order directed that such requests " \* \* should explain, in detail, the nature of whatever study is under way, a projected finishing date and an explanation of why additional time is needed."

4. As a result of this November 29 order, nine requests for further extensions of time have been filed. Only three of these requests fulfill the instructions in the order. The National Association of Broadcasters (NAB), the National Cable Television Association (NCTA), and the joint comments of Capital Cities Communications, Inc., McGraw-Hill Broadcasting Co., Inc., and Taft Broadcasting Co. (Capital Cities) explained the nature of their various undertakings, noted that these projects have in fact been pursued diligently since the inquiry was announced and have provided reasons why the deadline cannot be met. The Capital Cities request included a summary of a research proposal by Charles River Associates which is discussed further below. The other requests give, at best, cursory information concerning the nature of their proposals and, indeed, suggest that little or no work began until quite recently or in some cases work has not begun at all. The requests are for extensions ranging from February 1 to June 30, 1978.

5. Without minimizing the importance of the inquiry, a matter most forcefully argued in the requests for extensions, it is apparent that at its conclusion we will not have all the answers. We have sought to initiate a process for testing assumptions. Indeed, as stated in the inquiry:

At minimum, we may only be able to establish which factors are relevant and which are not. This in itself would be useful. A more complete understanding of the economics of the cable-broadcast interface can yield many benefits. It may be shown that certain of our rules are unnecessary; it is also possible that others should be adopted, or that familiar rules should be applied to different situations. Even if no rule making proceeding ensues, we believe the information gleaned from the inquiry will be useful.

We stated also:

It is our intention to restrict this proceeding, to the extent possible, to the collection of economic data and analysis. We are specifically not interested, for purposes of this proceeding, in arguments over burdens of proof, debate over the merits of the existing regulatory program, or in proposals for regulatory change. These matters are appropriate for consideration in other proceedings now pending or which may be commenced on specific regulatory issues during the time this proceeding is open. We do not believe it either necessary or desirable to delay specific rule change proceedings while this more generalized and longer range proceeding is in progress. This is to be a factual inquiry and a means of affording the public and the affected industries an opportunity to participate in the continuing development of analytical tools and data sources within the Commission for predicting with greater confidence the likely effects of various broadcast and cable regulatory policies.

In short there was no promise to change our regulatory program after the inquiry and none to refrain from changing it during the inquiry.

6. This is not to say the inquiry can be open-ended. Without formal and perhaps arbitrary deadlines, any Commission project, even the gathering of data, can easily lose its utility. Furthermore, it is the staff's intent to issue a report on the docket this summer in an effort to assemble for public scrutiny and comment the subjects that have been analyzed, to critique the methodology of various studies and to suggest areas of further research. Such a report will, at least, fulfill a responsibility to those who will have participated diligently in the inquiry and provide a focal point for further discussion. Thus, it appears that without placing some firm time constraints on the filings, progress in the inquiry will be curtailed.

7. For these reasons we feel impelled to set a new deadline for filing comments and have chosen March 15, 1978. In total then, parties will have had nine months to file their comments. Such a period seems ample. In addition we are taking this opportunity to set May 15, 1978, as the deadline for reply comments.

8. Special notice should be taken of the project proposed by Capital Cities et al. The study suggested by Charles River Associates is massive. If completed, the report would relate to most of the issues raised in the inquiry. Assuming that all of the Charles River Associates' plans can be brought to fruition without resorting to alternative sources of data, the projected cost would be in excess of \$400,000. Although a summary of the proposal gives no indication of the length of the undertaking, it is apparent that it could take well in excess of a year if there are no complications. The broadcasters who have jointly initiated this proposal have requested an extension of time until February 1, 1978, merely

to see if funds can be raised to support it. The work itself could not begin until after this date. A number of parties requesting extensions have suggested that if the Charles River Associates project is not performed, they may pursue other more limited studies of their own. Naturally, such studies have not begun.

9. The Charles River Associates proposal has been examined in detail by the staff and it is unquestionably a worthwhile undertaking. We do not believe, however, that any useful purpose would be served by granting a formal extension of time well into 1979. To do so might not only create unreasonable expectations, but also delay any collective consideration of other worthy, if less ambitious, projects. No one study will resolve finally the issues raised in the inquiry. If the Charles River Associates study is in fact undertaken we would welcome its findings in whole or in part, during the inquiry or in connection with pertinent rulemakings, if any.

10. Accordingly, *it is ordered*, Pursuant to sections 1.415 and 1.416 of the Commission's rules, that the time for filing comments in Docket 21284 has been extended until March 15, 1978, and the time for filing reply comments is May 15, 1978.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Secretary.

[FR Doc. 78-588 Filed 1-9-78; 8:45 am]

#### [6720-02]

#### FEDERAL HOME LOAN BANK BOARD

[No. AC-46]

#### BRYAN BUILDING & LOAN ASSOCIATION

Notice of Approval of Conversion; Final Action

JANUARY 5, 1978.

Notice is hereby given that on January 4, 1978, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 78-2, approved the application of Bryan Building & Loan Association, Bryan, Tex., for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 1700 G Street NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Ark. 72201.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,  
Assistant Secretary.

[FR Doc. 78-546 Filed 1-9-78; 8:45 am]



## [6730-01]

## FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY  
(OIL POLLUTION)

## Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to certificates of financial responsibility (oil pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01755	Hugo Stinnes Zweigniederlassung Hamburg; <i>Passat</i> .
01798	Stag Line, Ltd.; <i>Glorinta</i> .
01807	Partenreederei M/S Sunaxonia Christian F. Ahrenkiel; <i>Saxonia</i> .
01830	Cardon Tankers Corp.; <i>Fairfield Sunrise</i> .
01832	Aruba Tankers Corp.; <i>World Duke</i> .
01919	Aksjeselskapet Pelagos; <i>Pepila</i> .
01920	Mssrs. Svend Foyn Bruun; <i>Polla</i> .
02638	Alcon, Ltd.; <i>Aquagem, Aquagrace, Aquajoy</i> .
02644	Alma Shipping Corp.; <i>Alexandria Carras, M.J. Carras, Fontini Carras</i> .
02645	Guardian Shipping Co., Ltd.; <i>Pleione</i> .
02728	Societe Ivoirienne De Transport Maritime; <i>Assouba</i> .
02836	The Scindia Steam Navigation Co., Ltd.; <i>Jalagopal</i> .
02889	Showa Kaiun K. K.; <i>Shogen Maru</i> .
02919	Neptune Navigation Corp.; <i>Kenosha</i> .
02975	Venture Shipping (Managers), Ltd.; <i>Noble Venture</i> .
03727	Continental Oil Co.; <i>LTC 66</i> .
03737	Interocean Shipping Co.; <i>Oswego Freedom</i> .
03886	M. Smits; <i>Louise Smits</i> .
03918	Mobil Shipping & Transportation Co.; <i>Mobil Refiner</i> .
03971	Korea Shipping Corp.; <i>Korean Exporter, Korean Trader, Korean Frontier, Korean Pioneer</i> .
03997	Baltika Schiffahrtsgesellschaft Reith & Co.; <i>Meta Reith</i> .
04754	Aktor Shipping Co., Ltd.; <i>Miss Papatios</i> .
04092	B. V. Bureau Wijsmuller; <i>Gelderland</i> .
04260	Atlantic Navigation Corp., Ltd.; <i>Paulina</i> .
04757	Nea Hellas Shipping Co., Ltd.; <i>Nea Hellas</i> .
04768	Astro Mandante Navegacion S.A.; <i>Valiant Colocotronis</i> .
04768	Texaco Overseas Tankship, Ltd.; <i>Texaco Brisbane</i> .
04803	Brent Towing Co., Inc.; <i>Arcadian 90, Arcadian 93, Arcadian 95, Arcadian 87</i> .
04601	American Tugboat Association; <i>Balboa</i> .
04653	Atrodoradon Compania Naviera S.A.; <i>Pa-laemon</i> .
04703	Yokkachi Enyo Gyogyo K.K.; <i>Nanset-maru No. 25</i> .
04718	Jason Shipping, Inc.; <i>Argo Master</i> .
04933	The Revillo Corp.; <i>NBC 512, NBC 922, E.A.C. 152, E.A.C. 151, Sun State No. 5, NBC 540, Mary 120</i> .
04966	Marlines Armadora S.A.; <i>Andros Island</i> .
05218	Greek Maritime Exploitation Co. Nek., Ltd.; <i>Maritena N.</i> .
05255	Alpie Marine Co.; <i>ACO 501, ACO 502</i> .
05437	The Dow Chemical Co.; <i>TCB-309, TCB-306, TCB-302, TCB-510</i> .
05520	Union Carbide Corp.; <i>NMS-1310, CC-107</i> .
05608	Fekete & Co.; <i>Lina Christensen</i> .
05671	Petroleos Del Peru; <i>Huascarán, 9 De Octubre, Trompeteros</i> .
05704	Murmansk Shipping Co.; <i>Volkhoopes, Rionges, Angarapa</i> .
05736	Flota Cubana De Pesca; <i>Playitas</i> .
06818	Globus-Reederei G.m.b.h., Hamburg; <i>S.A. Komatiland</i> .

Certificate No.	Owner/Operator and Vessels
06877	Societe Francaise De Transports Maritimes Paris; <i>Willie De Bordeaux, Ville De Lyon</i> .
07743	Yangming Marine Transport Corp.; <i>Li Ming, Wei Ming</i> .
07837	Meandros Liners S.A.; <i>Drymakos</i> .
07863	Nea-Ephessos Maritime Corp.; <i>Agia Barbara</i> .
07880	Logicon, Inc.; <i>Star Shamrock</i> .
07889	Antiparos Shipping Co., Ltd.; <i>Red Sky</i> .
08787	Smit Internationale Zeesleep-En Bergingsbedrijf BV; <i>Smit Jakarta</i> .
08889	Companhia Portuguesa De Transportes Maritimos E.P.; <i>Infante Dom Henrique, Madalena, Uige, Benguela</i> .
08958	Campos Shipping Co., Ltd.; <i>Cosmaria</i> .
09062	Davit Transport Corp.; <i>Susan Maersk</i> .
09590	Likmar Maritime Co., Ltd.; <i>Irenes Pride</i> .
09618	Ernest C. Schindler; <i>T-104, B-15</i> .
09688	Nimar Tankers S.A.; <i>Macedonian</i> .
09701	Nipayia Maritime Co., Ltd.; <i>Irenes Spirit</i> .
09748	Spetses Shipping Corp.; <i>Dafra Trader</i> .
09773	Devon Maritime, Ltd.; <i>Irenes Challenge</i> .
09774	Interessentskapet Wind Endeavour; <i>Wind Endeavour</i> .
09870	Corco Transportation Co., Inc.; <i>Guayana-illa</i> .
09891	Reidar Rods Rederi A/S; <i>Bellita</i> .
09919	Compania De San Hacienda S.A.; <i>Pacific Rainbow</i> .
09988	Euro-Asian Lines (Panama) S.A.; <i>Young Star</i> .
09994	Pearl Navigation S.A.; <i>Eastern Pearl</i> .
10772	Flota Global S.A.; <i>Atlantic Albatross</i> .
10815	Consorcio Naviero Candelarias, Ltd.; <i>Candelarias III</i> .
10859	International Barges, Inc.; <i>Mary Lee, Marjorie B.</i> .
10931	Hansung Shipping Co., Ltd.; <i>Blue Shimonsaki</i> .
10971	Luria Brothers & Co., Inc.; <i>General H. W. Butler</i> .
10997	Spanocean Line, Ltd.; <i>Kungshamn</i> .
11362	Spanbristol Shipping Co.; <i>King Edmund</i> .
11400	J. L. Offshore Drilling A/S; <i>Danwood Joe, Maya Dan</i> .
11438	Seagroup (Bermuda), Ltd.; <i>Overseas Argonaut</i> .
11442	Cia Naviera Catrocho S. De R.L. De C.V.; <i>San Jorge</i> .
11480	Petrostar Co., Ltd.; <i>Petrostar 9, Petrostar 8, Petrostar 7, Petrostar 10, Petrostar 11</i> .
11502	Transportes Del Mar; <i>Punta Brava, Isla De San Andres</i> .
11504	Transportes De Liquidos San Andres, Ltd.; <i>Jacqueline</i> .
11537	Embaroukka Shipping Co., Ltd.; <i>Skamandros</i> .
11565	Latin Caribbean Lines Corp.; <i>Fortuna IV</i> .
11615	Naviera Devalmar, C.A.; <i>San Cayetano</i> .
11773	Golden Poppy Shipping & Navigation Corp.; <i>Giannini</i> .
11847	Rigdale Shipping Co., S.A.; <i>Kato</i> .
11944	Nanyang Shipping Co., Ltd.; <i>Cipsa No. 8</i> .
11949	Blackhall Shipping Co., Ltd.; <i>Drina</i> .
12008	Peng Hwa Fishing Co., Ltd.; <i>Feng Hwa No. 22</i> .
12145	Chevron U.S.A., Inc.; <i>Nevada Standard</i> .
12149	Overseas Pioneer Navigation Corp.; <i>Concord Navigator</i> .
12239	Partarederiet For Ms Pauline Lomborg; <i>Pauline Lomborg</i> .
12240	Lomborg Line 15; <i>Tobias Lomborg</i> .
12241	United Pacific Maritime Corp., Inc.; <i>Pacific Seatrada</i> .
12374	Bayard Line (Maldives), Ltd.; <i>Yuktaze Maru</i> .
12451	Suzanne International, Inc.; <i>Alice Ace</i> .
12646	Trans Globe Maritime, Ltd.; <i>Sea Condor</i> .
12899	The Levens Corp.; <i>CC 212, CC 203</i> .
12732	Kranaisa Maritime S.A.; <i>Arosa</i> .
12805	Compagnie Generale D'Armements Maritimes; <i>Saint Servan</i> .
12832	Conrad & Victorian Bouchard; <i>Conrad Marie</i> .
12835	Literatura Shipping Co., S.A.; <i>Itios</i> .
12878	Nitto Kalun Sangyo K.K.; <i>Kyotto Maru</i> .
12947	Meton Tankers, Inc.; <i>Melon</i> .
13026	Tiger, Ltd.; <i>Montique</i> .

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-549 Filed 1-9-78; 8:45 am]

## [6730-01]

[Independent Ocean Freight Forwarder  
License No. 1823]

## LELAND SERVICES, INC.

## Order of Revocation

The bond issued in favor of Leland Services, Inc., 10695 Southwest 87th Avenue, Miami, Fla. 33176, FMC No. 1823 was canceled effective November 3, 1977.

By letter dated October 5, 1977, Leland Services, Inc., was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1823 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before November 3, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Leland Services, Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1823 issued to Leland Services, Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1823 be and is hereby revoked effective November 3, 1977.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Leland Services, Inc.

LEROY F. FULLER,  
Director, Bureau of  
Certification and Licensing.

[FR Doc. 78-547 Filed 1-9-78; 8:45 am]

## [6730-01]

## NEW ORLEANS STEAMSHIP ASSOCIATION

## Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and Old San Juan, P.R. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 20, 1978. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the statement should indicate that this has been done.

## NEW ORLEANS STEAMSHIP ASSOCIATION

## Notice of agreement filed by:

Edward S. Bagley, Esq., Terriberry, Carroll, Yancey & Farrell, 2100 International Trade Mart, New Orleans, La. 70130.

Agreement No. T-3557, between certain members of the New Orleans Steamship Association (NOSA), is a funding agreement providing for the following assessments per long ton of cargo loaded into or unloaded from any ocean-going vessel by the participating NOSA members:

Classification A.—Bulk cargo, not packaged and loaded without mark or count—\$0.0125.

Classification B.—Autos; trucks; buses; road equipment; and iron and steel billets, bars, shapes, forms, rods, etc.—\$0.045.

Classification C.—Cargo not otherwise specifically provided for in either (A) or (B) directly above—\$0.11.

The purpose of these assessments is to fund an obligation of the participating NOSA members resulting from a settlement with the New Orleans Locals of the International Longshoremen's Association, AFL-CIO (ILA), providing for a one-time payment of \$1,557,000 to the Administrator of the NOSA ILA Pension, Welfare, Vacation, and Holiday Funds, for allocation to the Vacation and/or Holiday Funds only, in lieu of the payment of any retroactive wage increase for the period from June 1, 1977, to September 30, 1977. NOSA, on behalf of the NOSA participants to this agreement, has borrowed funds to enable it to

make this payment instead of requiring each participant to make an immediate lump-sum payment, and the assessments made under this agreement shall terminate when the amount received by NOSA is sufficient to pay the principal and all interest on the loan.

By Order of the Federal Maritime Commission.

Dated: January 5, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-548 Filed 1-9-78; 8:45 am]

## [4110-03]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFAREFood and Drug Administration  
[Docket No. 77F-0412]

## AMERICAN CYANAMID CO.

## Withdrawal of Petition for Color Additive

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the withdrawal without prejudice of the petition proposing the safe use of a logwood for coloring nylon or silk nonabsorbable surgical sutures, USP, for use in general and ophthalmic surgery.

## FOR FURTHER INFORMATION CONTACT:

Gerard L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402 (21 U.S.C. 378(d))), the following notice is issued:

In accordance with paragraph (c)(2) of § 71.6 *Withdrawal of petitions without prejudice* (21 CFR 71.6(c)(2)), Davis and Geck Division, American Cyanamid Co., Pearl River, N.Y. 10965, has withdrawn its petition (CAP 6C0114), notice of which was published in the FEDERAL REGISTER of March 17, 1976 (41 FR 11197), proposing the issuance of a regulation to provide for the safe and suitable use of a logwood for coloring nylon or silk nonabsorbable surgical sutures, USP, for use in general and ophthalmic surgery.

Dated: January 3, 1978.

HOWARD R. ROBERTS,  
Acting Director,  
Bureau of Foods.

[FR Doc. 78-486 Filed 1-9-78; 8:45 am]

## [4110-03]

[Docket No. 76F-0063]

## ASHLAND OIL, INC.

## Withdrawal of Petition for Food Additives

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the withdrawal without prejudice of the petition (FAP 5A3036), proposing safe use of ethoxylated mono- and diglycerides as an emulsifier and an antispattering agent in salad oils and cooking oils.

## FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* of the procedural food additive regulations (21 CFR 171.7), Ashland Oil, Inc., 5200 Paul G. Blazer Memorial Parkway, Dublin, Ohio 43107, has withdrawn its petition (FAP 5A3036), notice of which was published in the FEDERAL REGISTER of March 11, 1976 (41 FR 10463), proposing that § 172.834 *Ethoxylated mono- and diglycerides* (21 CFR 172.834), be amended to provide for the safe use of ethoxylated mono- and diglycerides as an emulsifier and antispattering agent in salad oils and cooking oils.

Dated: January 3, 1978.

HOWARD R. ROBERTS,  
Acting Director,  
Bureau of Foods.

[FR Doc. 78-487 Filed 1-9-78; 8:45 am]

## [4110-03]

[Docket Nos. 77N-0201, 76N-0295, 76N-0235;  
DESI 8566, 9698, 12301]CHLORMEZANONE, MEPROBAMATE, CHLORDIAZEPOXIDE, DRUGS FOR HUMAN USE;  
DRUG EFFICACY STUDY IMPLEMENTATION

## Followup Notice

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice requires that labeling for antianxiety drugs, including chlormezanone, meprobamate, and chlordiazepoxide, be revised to reflect the lack of systematic clinical studies



supporting their effectiveness in long-term use.

**DATES:** Supplements to approved new drug applications due on or before March 13, 1978.

**ADDRESSES:** Communications forwarded in response to this notice should be identified with the appropriate reference number, DESI 6566, 9698, or 12301, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Supplements to approved new drug applications (identify with NDA number): Division of Neuropharmacological Drug Products (HFD-120), Rm. 10B-34, Bureau of Drugs.

Supplements to abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

#### FOR FURTHER INFORMATION CONTACT:

John H. Hazard, Jr., Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

#### SUPPLEMENTARY INFORMATION:

As a result of a review of antianxiety drugs by the FDA Psychopharmacological Agents Advisory Committee, it was determined that there are no systematic clinical studies to indicate whether or not antianxiety drugs are effective when administered consistently over several months or in what areas (e.g., symptoms, social performance, or vocational performance), they may be effective and that their long-term use, in the absence of other measures designed to combat or alter the distressing situation or the individual's response to that situation, is unwise.

Because of this lack of long-term data, the Director of the Bureau of Drugs is now requiring that the following paragraph be placed at the end of the Indications section for all antianxiety drugs:

The effectiveness of (drug name) in long-term use, that is, more than 4 months, has not been assessed by systematic clinical studies. The physician should periodically reassess the usefulness of the drug for the individual patient.

A copy of the minutes of the meeting of the Psychopharmacological Agents Advisory Committee on February 5 and 6, 1976, is available for public examination in the office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be seen between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The following antianxiety drugs were reviewed by the Drug Efficacy Study and conclusions on them were published in the following **FEDERAL REGISTER** notices. Their effective indications remain the same except for the inclusion of the above paragraph in the Indications section.

July 16, 1974 (39 FR 26055) (DESI 6566; Docket No. 77N-0201 (formerly Docket No. FDC-D-578)): Chlormezanone.

October 15, 1976 (41 FR 45603) (DESI 9698; Docket No. 76N-0295): Meprobamate.

July 6, 1976 (41 FR 27768) (DESI 12301; Docket No. 76N-0235): Chlordiazepoxide; Chlordiazepoxide hydrochloride.

This notice applies not only to the particular antianxiety drugs subject to the Drug Efficacy Study but to all antianxiety drug products that are the subject of new drug applications approved either before or after the Drug Amendments of 1962 and also to any identical, related, or similar drug product (21 CFR 310.6), whether or not it is the subject of an approved new drug application. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes by writing to Division of Drug Labeling Compliance (address given above).

Supplements containing appropriate revision of the labeling of drug products affected by this notice shall be submitted on or before March 13, 1978. The revised labeling may be put into use before approval of the supplemental new drug application, as provided for in 21 CFR 314.8 (d) and (e).

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)), and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70).

Dated: December 28, 1977.

J. RICHARD CROUT,  
Director, Bureau of Drugs.

[FR Doc. 78-488 Filed 1-9-78; 8:45 am]

#### [4110-03]

[Docket No. 77N-0189]

#### VITARINE CO., INC.

#### Refusal To Approve New Drug Application for Delcozine Drops

**AGENCY:** Food and Drug Administration (FDA).

**ACTION:** Notice.

**SUMMARY:** This notice announces that the Director of the Bureau of Drugs refuses to approve an abbreviated new drug application (ANDA), for Delcozine (phendimetrazine tartrate 35 milligrams per milliliter), Drops (ANDA 85-593), submitted by The Vitarine Co., Inc., 227-15 North Conduit Ave., Springfield Gardens, N.Y. 11413

("Vitarine"). An opportunity for hearing was offered on the issue of the approvability of the application, and Vitarine did not request a hearing.

**EFFECTIVE DATE:** January 10, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Ronald L. Wilson, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

**SUPPLEMENTARY INFORMATION:** On January 7, 1977, Vitarine submitted an ANDA (assigned number ANDA 85-593), for the following product: Delcozine Drops containing phendimetrazine tartrate 35 milligrams per milliliter.

After being informed by FDA that an ANDA is not acceptable for the product, the firm requested, on February 28, 1977, that the application be filed over protest. On June 10, 1977 (42 FR 30002), the Director of the Bureau of Drugs, finding that an ANDA would be acceptable for the product, issued a notice of opportunity for hearing on his proposal to refuse approval of the ANDA. By failing to file a written appearance of election as provided by said notice, Vitarine elected not to avail itself of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 5.82), finds that (1) the application does not contain any reports of investigations or adequate tests, by all methods reasonably applicable, to show whether or not Delcozine Drops is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof, and (2) upon the basis of the information submitted as part of the application, FDA has insufficient information to determine whether the drug is safe for use under such conditions.

Therefore, pursuant to the foregoing findings, approval of abbreviated new drug application 85-593 for Delcozine Drops containing 35 milligrams of phendimetrazine tartrate per milliliter is refused.

Dated: December 19, 1977.

J. RICHARD CROUT,  
Director, Bureau of Drugs.

[FR Doc. 78-489 Filed 1-9-78; 8:45 am]

#### [4110-03]

(IRLG-1:002 FRL-839-0)

#### INTERAGENCY REGULATORY LIAISON GROUP

##### Intent To Develop Compatible Testing Standards and Guidelines

**CROSS REFERENCES:** For a document announcing agreement of the Consumer Product Safety Commission, the Environmental Protection Agency, the Food and Drug Administration, Health, Education, and Welfare Department and the Occupational Safety and Health Administration, Labor Department to work together as the Interagency Regulatory Liaison Group for the purpose of reforming the regulatory process and improving protection of workers, public health and the environment, see FR Doc. 78-474 appearing under Consumer Safety Commission in the notices section of this issue. Refer to the table of contents at the front of this issue under "Consumer Product Safety Commission" to find the correct page number.

#### [4110-08]

National Institutes of Health

#### BASICS IN INHALATION TOXICOLOGY

##### Workshop

Notice is hereby given of a Workshop on Basics in Inhalation Toxicology to be held by the Toxicology Study Section, Hyatt Regency Hotel, San Francisco, Calif., March 13, 1978, from 9 a.m. to adjournment.

Further information may be obtained from Dr. Rob S. McCutcheon, Executive Secretary, Toxicology Study Section, Westwood Building, Room 226, telephone 301-496-7570.

This workshop will be open to the public. Attendance by the public will be limited to space available.

Dated: December 30, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc. 78-412 Filed 1-9-78; 8:45 am]

#### [4110-08]

#### BIOLOGY OF AGING

##### Workshop

Notice is hereby given of a Workshop on Biology of Aging to be held by the Molecular Cytology Study Section and the Pathobiological Study Section, Building 31, Room 6, Bethesda, Md., March 7, 1978, from 8:30 a.m. to adjournment.

Further information may be obtained from Dr. Wendell H. Kyle, Executive Secretary, Molecular Cytology Study Section, Westwood Building, Room 222, telephone 301-496-7149, and Dr. Ellen G. Archer, Executive Secretary, Pathobiological Chemistry Study Section, Westwood Building, Room 206, telephone 301-496-7432.

This workshop will be open to the public. Attendance by the public will be limited to space available.

Dated: December 30, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc. 78-413 Filed 1-9-78; 8:45 am]

#### [4110-08]

#### NATIONAL CANCER INSTITUTE

##### Open Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

Mrs. Margorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

Name of committee: President's Cancer Panel.

Dates: February 7, 1978; 9:30 a.m.-adjournment.

Place: Building 31C, Conference Room 7, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To hear reports of the Chairman, President's Cancer Panel and the Director, National Cancer Program, NCI. Executive Secretary: Dr. Richard A. Tjalma, Building 31A, Room 11A46, National Institutes of Health, 301-496-5854.

Name of Committee: Committee on Cancer Immunotherapy.

Dates: February 7-8, 1978; 9 a.m.-adjournment.

Place: Building 31C, Conference Room 9, National Institutes of Health.

Times: Open for the entire meeting.

Agency: To discuss plans for the cause and prevention program.

Executive Secretary: Dr. George M. Steinberg, Building 10, Room 4B09, National Institutes of Health, 301-496-1791.

Name of Committee: Cancer Control and Rehabilitation Advisory Committee.

Dates: February 9-10, 1978; 9 a.m.-adjournment.

Place: Building 31C, Conference Room 7, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To discuss current and projected programs of the Division of Cancer Control and Rehabilitation.

Executive Secretary: Dr. Veronica L. Conley, Blair Building, Room 7A07, National Institutes of Health, 301-427-7941.

Dated: December 30, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc. 78-414 Filed 1-9-78; 8:45 am]

#### [4110-08]

#### NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

##### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that the National Commission on Digestive Diseases will hold a public hearing on February 3, and a Commission meeting on February 4, 1978, in Houston, Tex. 77027, places and times listed below. The entire two days will be open to the public. Attendance by the public will be limited to space available.

The Commission will hold the public hearing February 3, 10 a.m. to 6 p.m. at the Holiday Inn-West Loop, Post Oaks Room, 3131 West Loop Freeway, South. On February 4, the Commission will hold a business meeting, 9 a.m. to 5 p.m., Afton Oaks and Live Oaks Rooms of the Holiday Inn-West Loop, to discuss the nutritional aspects of digestive diseases.

Any member of the public who wishes to appear before the Commission on February 3 shall file a written statement or detailed summary of his remarks with the Commission before January 18, 1978. Statements or summaries may be sent to Dr. Thomas P. Vogl, Executive Secretary, National Commission on Digestive Diseases, Room 6C16, the Federal Building, 7550 Wisconsin Avenue, Bethesda, Md. 20014. The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Md. 20014, telephone 301-496-3583, will provide summaries of the Commission meeting.

Dated: December 30, 1977.

SUZANNE FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.484, National Institutes of Health.)

[FR Doc. 78-415 Filed 1-9-78; 8:45 am]



[4110-02]

## Office of Education

NATIONALLY RECOGNIZED ACCREDITING  
AGENCIES AND ASSOCIATIONS

## Revisions to List

For purposes of determining eligibility for Federal assistance, pursuant to 20 U.S.C. 1141(a) and other legislation, beginning with the Veterans Readjustment Assistance Act of 1952, the U.S. Commission of Education hereby publishes revisions to the list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities as to the quality of training offered by educational institutions either in a geographical area or in a specialized field, and the general scope of recognition granted to accrediting bodies.

These revisions may be added to the list previously promulgated by the Commissioner of Education on April 20, 1977, 42 FR 20507-20510, and to the revisions previously promulgated by the Commissioner on July 15, 1977, 42 FR 36558, and on September 14, 1977, 42 FR 46088.

NATIONAL INSTITUTIONAL AND SPECIALIZED  
ACCREDITING AGENCIES AND ASSOCIATIONS

## CHANGES IN SCOPE OF RECOGNITION

**Forestry.**—Society of American Foresters (programs leading to a bachelor's or higher first professional degree, and related resource-oriented programs).  
**Librarianship.**—American Library Association, Committee on Accreditation (graduate programs leading to the first professional degree).

Dated: January 3, 1978.

ERNEST L. BOYER,  
U.S. Commissioner of Education.

(FR Doc. 78-512 Filed 1-9-78; 8:45 am)

[4310-84]

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## QUALIFIED JOINT BIDDERS

## Extension of Time to File Statements

Under the regulations 43 CFR 3302.3-2(a), any person who wishes to submit a joint bid for an oil and gas lease under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343) during the six months bidding period which began on November 1, 1977, must have filed no later than 45 days before that date a sworn statement of production covering the prior production period of January 1, 1977 through June 30, 1977. In order to qualify as an unrestricted joint bidder, the filer must have been able to swear to average daily production during that production period of no more than 1.6 million barrels a day of crude oil natu-

ral gas and liquified petroleum products. A FEDERAL REGISTER notice was published on December 6, 1977 (42 FR 61640) listing all the names of qualified joint bidders whose statements had been received by the Director by the time the notice was prepared.

Since that time, a number of companies who had not timely filed their statements of production have inquired as to whether an extension of time might be granted. It has now been determined that acceptance of statements of production up until the close of business on January 20, 1978 would be in the national interest and not incompatible with the purpose of the regulations. Therefore, any such sworn statements as to production during the period January 1, 1977 through June 30, 1977 which attest to average daily production of less than 1.6 million barrels of crude oil, natural gas and liquified petroleum products will be accepted by this office until the close of business on January 20, 1978 in order to qualify that person to bid jointly during the bidding period ending April 30, 1978.

Dated: January 4, 1978.

GUY R. MARTIN,  
Assistant Secretary  
of the Interior.

(FR Doc. 78-484 Filed 1-9-78; 8:45 am)

[4310-70]

## National Park Service

## NATIONAL REGISTER OF HISTORIC PLACES

## Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 30, 1977. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by January 20, 1978.

WILLIAM J. MURTAGH,  
Keeper of the National Register.

## MARYLAND

## Howard County

Savage vicinity, Barney, Commodore Joshua, House (Harry's Lott), 7912 Savage-Guilford Rd.

## NEW YORK

## Schenectady County

Schenectady vicinity, Seeley Farmhouse (Little Richard's Tavern), 2 Freeman's Bridge Rd.

## OREGON

## Clackamas County

Park Place, Straight, Hiram A., House, 16000 S. Depot Lane.

## Clatsop County

Astoria, Hobson, John, House, 469 Bond St. Warrenton, Warren, Daniel K., House, NE 1st St. at Skipanon Dr.

## Marion County

Salem, Bush-Breyman Block (Breyman Portion), 141 and 147 N. Commercial St.

## Multnomah County

Portland, Old Elks Temple (Elks Temple), 614 SW 11th Ave.

## PENNSYLVANIA

## Centre County

Spring Mills, Beck, James, Round Barn, 3.2 mi. E of Centre Hall on SR 192.

## SOUTH CAROLINA

## Charleston County

Charleston, Beth Elohim Synagogue (Kahal Kadosh Beth Elohim), 90 Hasell St. HABS.

## Mariboro County

Clio vicinity, McLaurin, Lamar, House, 0.2 mi. SE of jct. of SC 83 and Rte. 40.

## Union County

Union, Central Graded School (Central School), 309 Academy St.

## UTAH

## Salt Lake County

Salt Lake City, McDonald, J. G., Chocolate Company Building (Dixon Paper Company Building), 155-159 W. 300 South St. Salt Lake City, Whitaker, John M., House, 975 Garfield Ave.

## WYOMING

## Carbon County

Medicine Bow, Virginian Hotel, Lots 4, 5 and 6 of Block 5.

(FR Doc. 78-374 Filed 1-9-78; 8:45 am)

[4510-28]

## DEPARTMENT OF LABOR

## Office of the Secretary

[TA-W-1929, 1930, and 1931]

AMERICAN MOTORS CORP., SOUTHFIELD,  
MICH.Negative Determination Regarding Application  
for Reconsideration

On November 11, 1977, the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America, the petitioner for workers and former workers of the above-mentioned firm, requested administrative reconsideration of the Department of Labor's negative determinations regarding eligibility to apply for worker adjustment assistance. The petitioner subsequently

submitted clarifying and additional information, the most recent submission being December 5, 1977. These negative determinations were published in the FEDERAL REGISTER on October 14, 1977 (42 FR 44293).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

1. If it appears, on the basis of facts not previously considered, that the determination complained of was erroneous;

2. If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

3. If, in the opinion of the certifying officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

There are two issues of substance raised by the petitioner in these cases. First, the petitioner criticizes the market segmentation approach used by the Department of Labor to analyze whether or not there are increased imports of "like or directly competitive" articles within the meaning of section 222 of the Trade Act of 1974. In its investigation, the Department of Labor had classified the Pacer as a compact and had found that imports of compacts had not increased over the relevant period. The petitioner appears to argue that the Pacer is "like" all imported cars.

The second issue concerns the criterion which the Department of Labor uses to determine whether auxiliary plants supplying component parts for automobiles (where the assembly workers have been certified) are substantially integrated into the production of those vehicles. The petitioner claims that there is no legal basis for the Department's application of this criterion to components workers.

On the first issue, the Department of Labor has reviewed the data and associated rationale submitted by the U.A.W. in its application. The Department continues to believe that its market segmentation system is an appropriate way to deal with the issue of "like or directly competitive" products in the context of the automobile industry.

The Department of Labor, in assigning the Pacer to the class of compact cars, followed the classification of a number of recognized authorities in the automotive industry. It based this classification on an amalgam of automobile characteristics.

The Department does not claim that there is no competition between automobiles in different classes such as the compact and the subcompact. What the Department maintains, however, is that the cars in one class compete most directly with other cars within the same class. Specifically, however, the Department reaffirms its finding

that imports of subcompacts are not "like or directly competitive" with the Pacer.

On the second issue, i.e., the criterion to assess whether or not components' producers are significantly integrated into the production of import-impacted automobiles, the Department of Labor believes that the petitioner has misinterpreted the purpose of the criterion. Some method is needed to deal with those cases where it is not possible to identify workers engaged in the production of components for specific automobiles, where the production of the automobiles is impacted by imports, and where there is every reason to believe that some of the unemployment or underemployment of components workers is also attributable to increased imports. Alternatives would be to deny all components workers or, as the petitioner suggests, to certify all components workers. The latter would not be consistent with the intent of Congress to exclude from coverage workers whose separations would have occurred regardless of the level of imports, such as those resulting from competition, seasonal, cyclical or technological factors. The former alternative would be unfair to component workers separated because of increased imports.

## CONCLUSION

After review of the application for reconsideration and of the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decisions. The applications are therefore denied.

Signed at Washington, D.C., this 21st day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning  
(FR Doc. 78-564 Filed 1-9-78; 8:45 am)

[4510-28]

TA-W-2237]

## BROWN SHOE CO., PITTSFIELD, ILL.

Certification Regarding Eligibility To Apply for  
Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2237: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 2, 1977, in response to a worker petition received on August 1, 1977, which was filed by the United Shoe Workers of America on behalf of

workers and former workers producing men's dress shoes, loafers, and boots at the Pittsfield, Ill., plant of the Brown Shoe Co.

The notice of investigation was published in the FEDERAL REGISTER on August 19, 1977 (42 FR 41934). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Brown Shoe Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number of proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL  
SEPARATIONS

Average employment of production workers at Pittsfield declined 16 percent from 1974 to 1975 and declined 5 percent from 1975 to 1976. Employment declined 9 percent in the last six months of 1976 compared to the same period of 1975, and declined 25 percent in the first seven months of 1977 compared to the same period of 1976. All employment was terminated in August 1977 when the plant was shut down. Section 223b(1) of the Trade Act of 1974 states that certification under this section shall not apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm occurred more than twelve months before the signature date of the petition, or July 25, 1976, under Title II, Chapter 2 of the Trade Act of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE  
DECREASED ABSOLUTELY

Production at Pittsfield declined 24 percent in quantity from 1974 to 1975 and increased 13 percent from 1975 to



1976. Production declined 19 percent in quantity in the last six months of 1976 compared to the same period of 1975, and declined 43 percent in the first seven months of 1977 compared to the same period of 1976.

All production ceased in August 1977 when the Pittsfield plant was shut down.

#### INCREASED IMPORTS

Imports of men's dress and casual footwear, in absolute terms, increased from 1972 to 1973, decreased from 1973 to 1974, and increased from 1974 to 1975. Imports increased 23.6 percent from 1975 to 1976, and declined 0.3 percent in the first six months of 1977 compared to the first six months of 1976. The ratios of imports to domestic production and consumption increased from 58.7 percent and 37 percent, respectively, in 1975 to 70.4 percent and 41.3 percent, respectively, in 1976. The same ratios increased from 66 percent and 39.8 percent, respectively, in the first six months of 1976 to 73.9 percent and 42.5 percent, respectively, in the first six months of 1977.

#### CONTRIBUTED IMPORTANTLY

An OTAA survey composed of a sampling of Brown's top retail accounts for men's shoes elicited a seventy percent response. Fourteen percent of those customers who responded shifted purchases of men's shoes from Brown Shoe to imports from 1975 to 1976.

Brown Shoe Co. is one of the largest domestic producers of footwear. In a recent report by the U.S. International Trade Commission, it was found that certain footwear articles, including men's dress and casual footwear, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing such articles. After considering other factors that may have contributed to the decline in the domestic footwear industry, the Commission concluded that imports have been the most important cause.

In the case of men's dress and casual footwear, the import penetration rate has been greater than 50 percent in each of the past five years, reaching a peak level of 73.9 percent in the first six months of 1977.

#### CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increases of imports like or directly competitive with men's dress shoes, loafers and boots produced at the Pittsfield, Ill., plant of the Brown Shoe Co. contributed importantly to the decline in sales or production and to the total or partial separation of

the workers of that plant in accordance with the provisions of the Act, I make the following certification:

All workers at the Pittsfield, Ill., plant of the Brown Shoe Co. who became totally or partially separated from employment on or after July 25, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 22, of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of December 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.  
[FR Doc. 78-565 Filed 1-9-78; 8:45 am]

[4510-28]

[TA-W-2579]

#### CITIES SERVICE CO., MIAMI, ARIZ.

#### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2579: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 9, 1977, in response to a worker petition received on November 2, 1977, which was filed by the United Steel Workers of America on behalf of workers and former workers mining copper ore and performing milling operations at the Miami, Ariz., Pinto Valley operations of Cities Service Co.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cities Service Co., the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Interior, Metals Week, Metal Bulletin, American Metal Market, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Pinto Valley operation of Cities Service Co. increased from 1975 to 1976 and in the first nine months of 1977 compared to the same period in 1976. Layoffs began on July 26, 1977. No layoffs occurred during the 9 months prior to the layoffs in July 1977.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Pinto Valley operation increased from 1975 to 1976 and then declined in the first three quarters of 1977 compared to the same period in 1976.

#### INCREASED IMPORTS

U.S. imports of refined copper increased from 192 thousand short tons in 1972 to 203 thousand short tons and 314 thousand short tons, respectively, in 1973 and 1974. U.S. imports declined to 147 thousand short tons in 1975 before increasing to 384 thousand short tons in 1976. U.S. imports declined from 313 thousand short tons in first three quarters of 1976 to 275 thousand short tons in the first three quarters of 1977. U.S. imports increased from 101 thousand short tons in the third quarter of 1976 to 111 thousand short tons in the third quarter of 1977.

The ratio of imported refined copper to domestic production increased from 8.6 percent in 1972 to 9 percent and 15.2 percent, respectively, in 1973 and 1974. The ratio of imports to domestic production declined to 8.6 percent in 1975 before increasing to 21 percent in 1976. The ratio of imports to domestic production declined from 23.9 percent in the first six months of 1976 to 14.8 percent in the first six months of 1977.

U.S. imports of copper ore, concentrate, precipitates, and mattes increased each year from 44 thousand tons in 1973 to 89 thousand tons in 1976. The ratio of imports to domestic production increased from 2.6 percent in 1973 to 5.5 percent in 1976.

#### CONTRIBUTED IMPORTANTLY

While imports of refined copper had increased by 161 percent in 1976 compared to 1975, domestic demand increased at only a fraction of the rate. Inventory levels of domestic and imported copper on consignment at do-

mestic refineries in December 1976 were 31.4 percent above December 1975 levels and were 143.2 percent above December 1974 levels. Cities Service and other domestic producers of refined copper lost substantial sales in 1977 because of the excessive inventories of domestic and imported refined copper.

Imports of copper are affected by the differential between the domestic price of copper established by COMEX (Commodity Metal Exchange) and the price established by the LME (London Metals Exchange). When the LME price drops more than the estimated transportation costs of 5 to 8 cents per pound below the COMEX price, the demand for imported copper increases. During May and June 1977 the LME price was almost 11 cents per pound below the COMEX price and in July and August 1977 the LME price was almost 12 cents per pound below the COMEX price. At the same time, the abundant supply of copper stocks in the foreseeable future provides no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in the third quarter of 1977, when many domestic copper producers curtailed production because of the depressed market price for copper, imports of refined copper increased 9.9 percent compared to the third quarter of 1976.

Price pressure from imported copper has reduced the ability to profitably mine domestic ore and convert it to copper concentrate and refined copper. Industry sources state that the weighted average production costs of the lowest cost domestic copper mines are 63 cents per pound. The weighted average costs for the highest cost domestic copper mines are \$1.05 per pound. Thus, with a current domestic market price of 60 cents per pound, domestic producers lose, on the average, 3 to 45 cents on each pound of copper they choose to sell.

Comments made by customers purchasing refined copper from major domestic manufacturers including Cities Service Co. substantiate the fact that increased imports have contributed to record inventory levels which have driven the price of domestic copper below the level at which many domestic firms can profitably produce copper.

Cities Service's decision to layoff workers and reduce its mining operations in August and September 1977 was based mainly on an attempt to minimize losses which the company could not avoid were it to run at normal production levels at the current market prices for copper.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude

that increases of imports like or directly competitive with copper produced by Pinto Valley operation of Cities Service Co. contributed importantly to the decrease in company production and to the total or partial separation of the workers of the division.

In accordance with the provisions of the Act, I make the following certification:

All employees at the Miami, Ariz., property of Cities Service Co.'s Pinto Valley operation located in Miami, Ariz., who became totally or partially separated from employment on or after July 26, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington D.C., this 30th day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc. 78-566 Filed 1-9-78; 8:45 am]

[TA-W-2389]

#### CONTINENTAL CAN, INC., PATERSON, N.J.

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2389: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 28, 1977, in response to a worker petition received on September 23, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing cans at the Paterson, N.J., plant of the Continental Can, Inc., a division of Continental Group, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55315). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Continental Group, Inc., the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or sub-

division are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Continental Can, Inc., was founded in the early 1900's. Continental Group, Inc., the holding company for Continental Can, began operations in 1976 in New York City. Continental Group, Inc., has numerous divisions producing a variety of packaging products. The Paterson, N.J., plant is part of the Steel Division and has occupied its present location at Getty Avenue since 1949.

The Paterson plant manufactures a wide variety of three piece steel cans. Aluminum is used in the manufacture of one type of can. No other types of packaging products are produced.

Imports of cans are not a separately identifiable portion of TSUSA Classifications 640.2000 and 640.2500. Industry sources estimate cans represent a small portion. Cans are generally produced near the point where they are to be filled. As a result imports of cans are negligible.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with cans produced at the Paterson, N.J., plant of Continental Can, Inc., a division of Continental Group, Inc., did not increase as required for certification under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of December 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.  
[FR Doc. 78-567 Filed 1-9-78; 8:45 am]

[4510-28]

[TA-W-2580]

#### CYPRUS PIMA MINING CO., TUCSON, ARIZ.

#### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2580: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 9, 1977, in response to a worker petition received on November



2, 1977, which was filed by the United Steel Workers of America on behalf of workers and former workers mining copper ore and performing milling operations at the Tucson, Ariz., property of Cyprus Pima Mining Co.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cyprus Pima Mining Co., the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Interior, Metals Week, Metal Bulletin, American Metals Market, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Tucson, Ariz., property of Cyprus Pima Mining Co., declined from 1975 to 1976 and in the first nine months of 1977 compared to the same period in 1976. Layoffs began in January 1977 and the mine was shut down on September 27, 1977.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Cyprus Pima Mining Co.'s production was unchanged from 1975 to 1976 and then declined in the first three quarters of 1977 compared to the same period in 1976.

#### INCREASED IMPORTS

U.S. imports of refined copper increased from 192 thousand short tons in 1972 to 203 thousand short tons and 314 thousand short tons, respectively,

in 1973 and 1974. U.S. imports declined to 147 thousand short tons in 1975 before increasing to 384 thousand short tons in 1976. U.S. imports declined from 313 thousand short tons in the first three quarters of 1976 to 275 thousand short tons in the first three quarters of 1977. U.S. imports increased from 101 thousand short tons in the third quarter of 1976 to 111 thousand short tons in the third quarter of 1977.

The ratio of imported refined copper to domestic production increased from 8.6 percent in 1972 to 9.0 percent and 15.2 percent, respectively, in 1973 and 1974. The ratio of imports to domestic production declined to 8.6 percent in 1975 before increasing to 21.0 percent in 1976. The ratio of imports to domestic production declined from 23.9 percent in the first six months of 1976 to 14.8 percent in the first six months of 1977.

U.S. imports of copper ore, concentrate, precipitates and matte increased each year from 44 thousand tons in 1973 to 89 thousand tons in 1976. The ratio of imports to domestic production increased from 2.6 percent in 1973 to 5.5 percent in 1976.

#### CONTRIBUTED IMPORTANTLY

While imports of refined copper had increased by 161 percent in 1976 compared to 1975, domestic demand increased at only a fraction of that rate. Inventory levels of domestic and imported copper on consignment at domestic refineries in December 1976 were 31.4 percent above December 1975 levels and were 143.2 percent above December 1974 levels. Cyprus Pima and other domestic producers of refined copper lost substantial sales in 1977 because of the excessive inventories of domestic and imported refined copper.

Imports of copper are affected by the differential between the domestic price of copper established by COMEX (Commodity Metal Exchange), and the price established by the LME (London Metals Exchange). When the LME price drops more than the estimated transportation costs of 5-8 cents per pound below the COMEX price, the demand for imported copper increases. During May and June 1977 the LME price was almost 11 cents per pound below the COMEX price and in July and August 1977 the LME price was almost 12 cents per pound below the COMEX price. At the same time, the abundant supply of copper stocks in the foreseeable future provides no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in the third quarter of 1977, when many domestic copper producers curtailed production because of the depressed market price for copper,

imports of refined copper increased 9.9 percent compared to the third quarter of 1976.

Price pressure from imported copper has reduced the ability to profitably mine domestic ore and convert it to copper concentrate and refined copper. Industry sources state that the weighted average production costs of the lowest cost domestic copper mines are 63 cents per pound. The weighted average costs for the highest cost domestic copper mines are \$1.05 per pound. Thus, with a current domestic market price of 60 cents per pound, domestic producers lose, on the average, 3 to 45 cents on each pound of copper they choose to sell.

Cyprus Pima's decision to layoff workers and reduce its mining operations was based mainly on an attempt to minimize losses which the company could not avoid were it to run at normal production levels at the current market prices for copper.

Comments made by customers purchasing copper from Cyprus Pima substantiate the fact that increased imports have contributed to record inventory levels which have driven the price of domestic copper below the level at which many domestic firms can profitably produce copper.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with copper produced by the Tucson, Ariz., property of the Cyprus Pima Mining Co., contributed importantly to the decrease in company production and to the total or partial separation of the workers of that firm.

In accordance with the provisions of the act, I make the following certification:

All employees at the Tucson, Ariz., property of Cyprus Pima Mining Co., who became totally or partially separated from employment on or after January 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc. 70-568 Filed 1-9-78; 8:45 am]

[4510-28]

[TA-W-2683]

SINGER CO., FRIDEN BUSINESS MACHINE  
DIVISION, SAN LEANDRO, CALIF.

#### Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 30, 1977, in re-

sponse to a worker petition received on November 21, 1977, which was filed on behalf of former workers producing calculators, billing machines, and other electronic equipment at the San Leandro, Calif., plant of the Friden Business Machine Division of the Singer Co., New York, N.Y.

The Notice of Investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63488). No public hearing was requested and none was held.

During the course of the investigation, it was established that the San Leandro, Calif., plant of the Friden Business Machine Division had closed by April 1976.

A certification under section 223(b)(1) of the Trade Act of 1974 may not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than one year prior to the date of the petition. The date of the petition in this case is October 30, 1977, and thus workers separated from employment prior to October 30, 1976, are not eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974. The investigation is therefore terminated.

Signed at Washington, D.C., this 29th day of December 1977.

HAROLD A. BRATT,  
Acting Director, Office of  
Trade Adjustment Assistance.  
[FR Doc. 78-569 Filed 1-9-78; 8:45 am]

[TA-W-410]

GENERAL MOTORS CORP., SOUTH GATE,  
CALIF.

#### Revised Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223(a) of the Trade Act of 1974, the Department of Labor, on April 23, 1976, issued a denial of eligibility to apply for adjustment assistance regarding workers and former workers at the South Gate, Calif., plant of General Motors Corp.

The Notice of Denial was published in the FEDERAL REGISTER on May 4, 1976 (41 FR 18487).

Subsequent to the publication of the original determination, in the context of litigation with the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (U.A.W.), the Department of Labor agreed to reinvestigate the South Gate workers' petition with respect to workers producing the Monza and that for purposes of the reinvestigation the Monza would be classified as a subcompact car, rather than a "luxury small" car.

In order to make an affirmative determination and issue a certification of

eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either absolutely or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Although average hourly employment at South Gate was 29 percent higher in Model Year (MY) 1975 than in MY 1974, it was 23 percent and 51 percent lower in the first and second quarters respectively of MY 1975 than in the same quarters of MY 1974. Employment was negligible in January and February 1975. Layoffs also occurred in May, July, and August 1975.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of the subcompact Vega and Astre fell by 85 percent in December 1974 compared to the average output of the three preceding months. There was no production in January and February 1975.

#### INCREASED IMPORTS

In absolute terms, imports of subcompact automobiles increased in MY 1975 by 3 percent compared to MY 1974. In the first quarter of MY 1976, subcompact imports declined 4 percent in absolute terms compared to the first quarter of MY 1975.

#### CONTRIBUTED IMPORTANTLY

Total imports of subcompacts from Canada and other foreign countries took a greatly increased share of the U.S. market in MY 1975. Compared to MY 1974 when subcompact imports were 115.8 percent of U.S. domestic production, MY 1975 showed a significant increase in market penetration with imports reaching 180.8 percent of domestic output. Production of the Vega and the Astre was clearly impacted by his increased import competition. Further, it is reasonable to conclude that the decline in production and employment at South Gate in December, 1974 and January and February, 1975 was not entirely accounted for by the retooling and conversion of

the plant to the production of the Monza. The shift from the production of the Astre and Vega to the Monza resulted from the company's effort to compete more effectively with imports by relying on the Monza which had been generating greater demand. A major layoff of Monza workers occurred in July with lesser layoffs in May and August.

#### CONCLUSION

After careful review of the facts obtained in the original investigation and a review of the entire record, I conclude that increased imports of articles like or directly competitive with subcompact cars produced at the South Gate, Calif., plant of General Motors Corp. contributed importantly to the total or partial separation of the workers at the plant.

In accordance with the provisions of the Act, I make the following certification:

All workers of the General Motors Corp.'s South Gate, Calif., assembly plant who became totally or partially separated on or after November 18, 1974, and before October 1, 1975, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of December 1977

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc. 78-570 Filed 1-9-78; 8:45 am]

[4510-28]

[TA-W-2229]

HILO TRANSPORTATION AND TERMINAL CO.,  
INC., TRUCKING DIVISION, HILO, HAWAII

#### NEGATIVE DETERMINATION REGARDING ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2229: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 26, 1977 in response to a worker petition received on July 22, 1977 which was filed by the International Longshoremen's and Warehousemen's Union on behalf of workers and former workers of the Hilo, Hawaii Trucking Division of Hilo Transportation and Terminal Co., Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on August 9, 1977 (42 FR 40287). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hilo



Transportation and Terminal Co., Inc., C. Brewer and Co., Ltd. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (1) has not been met.

Hilo Transportation and Terminal Co., Inc. is a wholly owned subsidiary of C. Brewer and Co., Ltd. Hilo Transportation and Terminal Co., Inc. transports sugar, molasses, fertilizer, and petroleum for C. Brewer and Co. and its other subsidiaries.

Evidence developed in the Department's investigation revealed that there was not a significant number or proportion of workers at Hilo Transportation and Terminal Co. that became totally or partially separated or were threatened to become totally

or partially separated from employment at the firm.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Hilo, Hawaii Trucking Division of the Hilo Transportation and Terminal Co., Inc. have not become totally or partially separated from employment at the firm as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of December 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.  
[FR Doc. 78-571 Filed 1-9-78; 8:45 am]

#### [4510-28]

#### INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly

to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under title II, chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 23, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 23, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 28th day of December 1977.

HAROLD A. BRATT,  
Acting Director, Office of  
Trade Adjustment Assistance.

#### APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
George's Manufacturing Co. (workers).	Boston, Mass.	Dec. 12, 1977	Dec. 7, 1977	TA-W-2,823	Women's sportswear.
Milwaukee Road (workers)....	Milwaukee, Wis.	Dec. 9, 1977	Dec. 6, 1977	TA-W-2,824	Transporting of freight.
Pinto Island Metals Co. (Industrial Union of Marine & Shipbuilding Workers of America).	Mobile, Ala.	Dec. 12, 1977	do	TA-W-2,825	Ferrous and nonferrous metals.
Prestonsburg Shoe Co. (workers).	Prestonsburg, Ky.	do	Dec. 8, 1977	TA-W-2,826	Women's nonrubber footwear.
Tim Coil & Loop Co. (workers).	South Sioux City, Nebr.	Dec. 9, 1977	Dec. 5, 1977	TA-W-2,827	Antennas and transformers for stereos and radios for Zenith.
Valley Nitrogen Producers, Inc. (Oil, Chemical & Atomic Workers International Union).	Hercules, Calif.	Dec. 12, 1977	Nov. 30, 1977	TA-W-2,828	Chemical fertilizers.

[FR Doc. 78-559 Filed 1-9-78; 8:45 am]

#### [4510-28]

#### INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the

Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance,

Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly

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lute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 23, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 28th day of December 1977.

HAROLD A. BRATT,  
Acting Director, Office of  
Trade Adjustment Assistance.

#### APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
The Anaconda Co., Anaconda Arbliter Plant (workers).	Anaconda, Mont.	Dec. 9, 1977	Dec. 5, 1977	TA-W-2,810	Refined copper cathodes for use in wirebar and various copper alloys.
Armco Steel Corp., Wire Rope Plant, Kansas City Works (USWA).	Kansas City, Mo.	do	Dec. 7, 1977	TA-W-2,811	Wire rope, cables and bead wire (used in tires).
Bessemer & Lake Erie RR. Co. (workers).	Albion, Pa.	Dec. 8, 1977	Dec. 6, 1977	TA-W-2,812	Transport iron ore to the South and coal coke to the North.
CF&I Steel Corp. (United Transportation Union).	Pueblo, Colo.	Dec. 6, 1977	Dec. 2, 1977	TA-W-2,813	Reinforcing rods, cables, bolts, nails, small wire and seamless tube and pipe.
Colorado & Wyoming Ry. (United Transportation Union).	do	do	do	TA-W-2,814	Transport goods into and out of the CF&I Pueblo facility.
Consolidated Rail Corp., Eastern Region, Reading Division (workers).	Reading, Pa.	Dec. 9, 1977	Dec. 5, 1977	TA-W-2,815	Transports freight and passengers
Delaware & Hudson Ry. Co. (workers).	Saratoga, N.Y.	do	Dec. 7, 1977	TA-W-2,816	Common carrier that transports raw materials and finished products.
Elco Dress Co., Inc. (workers).	Holyoke, Mass.	Sept. 6, 1977	Aug. 26, 1977	TA-W-2,817	Women's, misses' and junior's outerwear.
Elco Dress Co., Inc. (workers), Slendertone Division.	New Bedford, Mass.	do	do	TA-W-2,818	Do.
Gilmore Steel Corp., Direct Reduction Division (USWA).	Portland, Ore.	Dec. 8, 1977	Dec. 6, 1977	TA-W-2,819	Metalized pellets.
H. Margolin Co. (International Handbag, Plastic Workers Union).	Fitchburg, Mass.	Dec. 13, 1977	Dec. 8, 1977	TA-W-2,820	Ladies' handbags.
Reece Corp. (workers).....	Gorham, Maine	Aug. 15, 1977	Aug. 11, 1977	TA-W-2,821	Industrial sewing equipment.
Servomation Corp. (Youngstown District Office (Teamsters Local Union)).	Warren, Ohio	Dec. 9, 1977	Dec. 7, 1977	TA-W-2,822	Maintaining the operation and providing food for the vending machines. Also some foods for the vending machines are produced.

[FR Doc. 78-560 Filed 1-9-78; 8:45 am]

#### [4510-28]

#### INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly

to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing: *Provided*, Such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 23, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 23, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of December 1977.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

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## NOTICES

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Aetna Pipe Products Co. of Chicago, Ill.	Chicago, Ill.	Dec. 9, 1977	Dec. 1, 1977	TA-W-2788	Steel pipe nipples and steel tubing.
Illinois, Inc. (USWA)	Chicago, Ill.	do	do	TA-W-2789	Reinforcing bars, rounds, flats, and fence posts.
Canada Steel Rolling Mills, Ltd. (USWA)	Midlandville, Ohio	do	do	TA-W-2790	Raw sugar.
Central Florida Manufacturing Co. (workers)	Normal, Ill.	Dec. 9, 1977	Nov. 21, 1977	TA-W-2791	Refined sugar and raw sugar.
Central Industrial Manufacturing Co. (workers)	Mayaguez, P.R.	do	do	TA-W-2792	Mining of iron ore and the production of iron pellets.
Erie Mining Co. (USWA)	Mayaguez, P.R.	Dec. 19, 1977	Nov. 28, 1977	TA-W-2793	The shipping of finished iron pellets to the railroad.
Do	Mayaguez, P.R.	do	do	TA-W-2794	Ladies' vinyl handbags.
Rhodes Industries (workers)	Brooklyn, N.Y.	Dec. 9, 1977	Dec. 4, 1977	TA-W-2795	Ladies' garments.
Pall River Manufacturing Co. (company)	Pall River, Mass.	Nov. 28, 1977	Nov. 21, 1977	TA-W-2796	Ladies' dress shoes.
Pharmacia Inc. (United Brotherhood of Carpenters and Joiners of America)	Mount Vernon, Ill.	Dec. 9, 1977	Dec. 2, 1977	TA-W-2797	Iron ore pellets.
Phibbs Tinsmith Co. (USWA)	Elkhart, Ind.	Dec. 14, 1977	Nov. 28, 1977	TA-W-2798	Cold rolled galvanized sheets and coils.
James & Laughlin Steel Corp. (USWA)	Kennett, Mo.	Dec. 9, 1977	Dec. 1, 1977	TA-W-2799	Specialty steelplate products.
Lakeland Steel Corp. (USWA)	Conestoga, Pa.	do	do	TA-W-2800	Continuous manmade fibers and knitted fabrics.
Malco Textured Fibers (company)	McBee, S.C.	Dec. 9, 1977	Dec. 9, 1977	TA-W-2801	Tubular automotive exhaust systems and related parts for new cars.
Quaker Corp., Packaging Division (USWA)	Shelby, Ohio	Dec. 9, 1977	Dec. 1, 1977	TA-W-2802	Seamless tubes for use in automobiles.
Quaker Corp., Michigan Division (USWA)	South Lyon, Mich.	do	do	TA-W-2803	Structural steel shapes, both merchant special bar quality steel.
Tecumseh Pumping Division (USWA)	Hartmann, Tenn.	Dec. 9, 1977	Dec. 1, 1977	TA-W-2804	Bearing steel and tubes.
Thacker Co. (USWA)	Canton, Ohio	Dec. 9, 1977	Dec. 1, 1977	TA-W-2805	Do.
Do	Canton, Ohio	do	do	TA-W-2806	Do.
Do	Woodsport, Ohio	do	do	TA-W-2807	Do.
United States Steel Corp., McKeesport, Pa.	McKeesport, Pa.	do	do	TA-W-2808	Pressure vessels for storing and transporting high pressure gases, and large outside diameter steel tubing.
Christy Park Works (USWA)	McKeesport, Pa.	do	do	TA-W-2809	Do.

[FR Doc. 78-561 Filed 1-9-78; 8:45 am]

#### [4510-28] INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investi-

gations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing. *Provided*, Such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 23, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 23, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 14th day of December 1977.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Best Coal Co. (workers)	Boston, Mass.	Dec. 1, 1977	Dec. 1, 1977	TA-W-2773	Men's coats.
Central Penn Manufacturing Co. Inc. (ACTWU)	Catskill, Pa.	Dec. 1, 1977	Dec. 1, 1977	TA-W-2774	Ladies' shirts and blouses.
Creston Glass Co. Inc. (American Glass Workers Union)	Wellburg, W. Va.	Dec. 1, 1977	Nov. 18, 1977	TA-W-2775	Glass candleholders and lamp parts.
Tecumseh Pumping Steel Corp. (company)	Newport, Ark.	Dec. 9, 1977	Nov. 28, 1977	TA-W-2776	Steel angles, rebars, channels and flats.
Terrill Corp. (United Brotherhood of Carpenters and Joiners of America)	Petersburg, N.J.	Nov. 28, 1977	Nov. 21, 1977	TA-W-2777	Children's slippers and casual shoes.
Transitron Electronic Corp. (workers)	Wakefield, Mass.	Dec. 1, 1977	Dec. 1, 1977	TA-W-2778	Semiconductors and connectors used for all types of communication equipment.
United States Steel Corp., Johnstown Works (USWA)	Canton, Ohio	Dec. 9, 1977	Dec. 1, 1977	TA-W-2779	All steel products.
Do	Johnstown, Pa.	do	do	TA-W-2780	Do.
United States Steel Corp., National Works (USWA)	McKeesport, Pa.	do	do	TA-W-2781	Do.
Do	Duquesne, Pa.	do	do	TA-W-2782	Do.
United States Steel Corp., New Haven Works (USWA)	New Haven, Conn.	do	do	TA-W-2783	Do.
United States Steel Corp., Lorain Works (USWA)	Lorain, Ohio	do	do	TA-W-2784	Do.
United States Steel Corp., Irvin Works (USWA)	Vandergrift, Pa.	do	do	TA-W-2785	Do.
Do	Dravosburg, Pa.	do	do	TA-W-2786	Do.
Do	Braddock, Pa.	do	do	TA-W-2787	Do.
United States Steel Corp., Charlestown Works (USWA)	Charlestown, Pa.	do	do	TA-W-2788	Do.
United States Steel Research Laboratory (workers)	Monroeville, Pa.	Dec. 1, 1977	Nov. 18, 1977	TA-W-2789	Researching of the steel industry for United States Steel Corp.
Valco Manufacturing Co. (workers)	Boston, Mass.	do	Dec. 1, 1977	TA-W-2790	Slipcovers and throws for furniture.

[FR Doc. 78-562 Filed 1-9-78; 8:45 am]

## NOTICES

[4500-28]

#### INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision

thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing. *Provided*, Such request is filed in writing with the Di-

rector, Office of Trade Adjustment Assistance, at the address shown below, not later than January 23, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 23, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of November 1977.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

## APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Amberton Knitting Mills, Jamaica, N.Y.	Jamaica, N.Y.	Oct. 26, 1977	Oct. 18, 1977	TA-W-2607	Ladies' outerwear.
The Baker Nail Co., Inc. (workers)	Framingham, Mass.	Nov. 7, 1977	Oct. 31, 1977	TA-W-2608	Nails and fasteners.
Bridon American Corp. (workers)	Muncy, Pa.	do	do	TA-W-2609	Wire rope and wire rope products.
Delta Electric (IBEW)	Marion, Ind.	Nov. 3, 1977	Oct. 19, 1977	TA-W-2610	Components for smoke detectors.
Forest Fabrics, Inc. (workers)	New York, N.Y.	Nov. 4, 1977	Nov. 1, 1977	TA-W-2611	Convert gray goods into finished products.
Keystone Consolidated Industries, Inc. Steel Group (Independent Steel Workers Alliance)	Peoria, Ill.	Nov. 7, 1977	Nov. 2, 1977	TA-W-2612	Steel products: Melt, roll, billets, rods and wire, from steel wire; Fence, fabricated reinforcing, barbed wire, nails, and special processed wire.
Miller Shoe Co. (workers)	Dover, N.H.	Oct. 31, 1977	Oct. 24, 1977	TA-W-2613	Women's shoes.
Do	Somersworth, N.H.	do	do	TA-W-2614	Do.
St. Joseph Structural Steel Co. (International Association of Bridge, Structural & Ornamental Iron Workers)	St. Joseph, Mo.	Nov. 7, 1977	Nov. 1, 1977	TA-W-2615	Fabricating of steel.
Simon's Outerwear, Inc. (workers)	Long Island City, N.Y.	do	Oct. 31, 1977	TA-W-2616	Knitted outerwear for women.
Upper Merion & Plymouth RR. Co. (company)	Conshohocken, Pa.	do	Nov. 1, 1977	TA-W-2617	Transport raw materials and finished products within, out, and into Alan Wood Steel Co.

[FR Doc. 78-563 Filed 1-9-78; 8:45 am]

[4510-28]

[TA-W-1858]

#### LYNDWOOD FASHIONS, WILKES-BARRE, PA.

##### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1858: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 22, 1977, in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's sportswear and dresses at Lyndwood Fashions, Wilkes-Barre, Pa.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156-7). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lyndwood Fashions, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criteria (2) and (3) have not been met.

The Department's investigation revealed that shipments in quantity at Lyndwood Fashions increased from 1975 to 1976 and from the first seven months of 1976 to the first seven months of 1977.

In January of 1977 Lyndwood changed its product mix from pre-

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dominantly women's pantsuits to predominantly women's dresses. Aggregate imports of women's pantsuits, which represented approximately 90 percent of production at Lyndwood prior to January of 1977, decreased from 1975 to 1976 and from the first half of 1976 to the first half of 1977. Furthermore, aggregate imports of women's dresses, which represented approximately 90 percent of production at Lyndwood after January of 1977, decreased from the first half of 1976 to the first half of 1977.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with women's sportswear and dresses produced at Lynwood Fashions, Wilkes-Barre, Pa., did not contribute importantly to sales declines and to the total or partial separations of workers at that firm, as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc. 78-572 Filed 1-9-78; 8:45 am]

## [4510-28]

[TA-W-2582]

MIDLAND-ROSS CORP., CAPITOL CASTINGS  
DIVISION, PHOENIX, ARIZ.Negative Determination Regarding Eligibility  
To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2582: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 9, 1977, in response to a worker petition received on November 2, 1977, which was filed by the United Steel Workers of America on behalf of workers and former workers producing grinding balls and castings at the Phoenix, Ariz., plants of the Capitol Castings Division of Midland-Ross Corp.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Capitol Castings Division of Midland-Ross Corp., the U.S. Department of Commerce, the U.S. Customs Service, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion three has not been met with respect to workers at Midland-Ross Corp.'s Capitol Castings Division.

The Capitol Castings Division of Midland-Ross Corp. operates three plants in Phoenix, Ariz., producing cast steel grinding balls and wear resistant iron and steel castings. Castings and grinding balls are used in mineral refineries to ground various types of ore. Capitol Castings' principal customers are the copper mining companies of the Southwest who purchase grinding balls and castings as both new and replacement parts for their refineries.

Employees of the Capitol Castings Division of Midland-Ross Corp. allege that increased imports of refined copper and the subsequent decline in production by customers of Capitol Castings contributed importantly to the separation of workers at Capitol Castings. Capitol Castings furnishes grinding balls and castings which are used by mining companies in the production of copper.

The Capitol Castings Division of Midland-Ross Corp. has no capital or financial investment in any mining company. Similarly, no mining company has a capital or financial investment in the Capitol Castings Division of Midland-Ross Corp. All facilities and equipment of the Capitol Castings Division are owned by Midland-Ross Corp.

All workers at the Capitol Castings Division of Midland-Ross Corp. are engaged in employment related to the production of grinding balls and castings and are employed by Midland-Ross Corp. Workers are not at any time under employment or supervision of any customers of the Capitol Castings Division.

Grinding balls and castings used in the production of finished copper cannot be considered like or directly competitive with the finished product, copper. It must be determined whether increased imports of articles like or directly competitive with grinding balls and castings produced at Capitol Castings have contributed importantly to the total or partial separation of the workers at that firm.

U.S. imports of grinding media, over 70 percent of which are grinding balls, increased from 12.2 thousand tons in 1972 to 15.6 thousand tons and 20.6 thousand tons, respectively, in 1973 and 1974. U.S. imports declined to 17.7 thousand tons and 13.2 thousand tons, respectively, in 1975 and 1976. The 13.2 thousand tons of imports in 1976 represents a decrease of 25.4 percent from the 1975 level of imports and is the lowest level recorded since 1972. U.S. imports of grinding media declined from 10.8 thousand tons in the first three quarters of 1976 to 10.7 thousand tons in the first three quarters of 1977, a decline of 0.9 percent.

The ratio of imported grinding media to domestic production increased from 3.9 percent in 1972 to 4.8 percent in both 1973 and 1974. The ratio of imports to domestic production declined to 4.5 percent and 3.4 percent, respectively, in 1975 and 1976.

During the first three quarters of 1977, over 88 percent of all grinding media imported into the United States entered through the Great Lakes/Canadian border ports and there is no indication that these imports affected the Southwest market which is Capitol Castings' primary service area.

Wear resistant iron and steel castings of the type used by the copper industry are not separately identifiable in the official trade statistics of the United States. According to telephone conversations with customs officials and industry sources there has been no significant import penetration of wear resistant castings into the copper producing regions of the United States.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports like or directly competitive with grinding balls and wear resistant castings did not increase as required under section 222(3) of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc. 78-573 Filed 1-9-78; 8:45 am]

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production of doll clothes at Margaret Doll Clothing, Inc., Fitchburg, Mass., have not declined as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc. 78-574 Filed 1-9-78; 8:45 am]

## [4510-28]

[TA-W-2388]

## MERAMEC MINING CO., SULLIVAN, MO.

Certification Regarding Eligibility To Apply for  
Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2388: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 27, 1977, in response to a worker petition received on that date, which was filed by the United Steelworkers of America on behalf of workers and former workers producing iron ore pellets at the Meramec Mining Co., Sullivan, Mo.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55316). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Meramec Mining Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed im-

portantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL  
SEPARATIONS

The average number of production workers at the Meramec Mining Co., decreased in 1976 compared to 1975, and decreased during the first three quarters of 1977 compared to the same period in 1976.

The average number of weekly hours worked by production workers decreased during the first three quarters of 1977 compared to the same period in 1976.

All employees were laid off when Meramec Mining Co., was shut down on December 23, 1977.

SALES OF PRODUCTION, OR BOTH HAVE  
DECREASED ABSOLUTELY

Sales and production at the Meramec Mining Co., decreased in 1976 compared to 1975, and decreased during the first three quarters of 1977 compared to the same period in 1976. Production ceased when the Meramec Mining Co., was shut down on December 23, 1977.

## INCREASED IMPORTS

United States imports of iron ore pellets and sinter increased from 35,701 thousand long tons in 1972 to 48,029 thousand long tons in 1974 and then decreased to 44,390 thousand long tons in 1976. During the first three quarters of 1977 imports decreased from the same period in 1976, from 32,950 thousand long tons to 26,470 long tons.

The imports to domestic shipments ratio for iron ore pellets and sinter increased from 47.4 percent in 1972 to 59.3 percent in 1975 and then decreased in 1976 to 55.5 percent. However, during the first three quarters of 1977, the ratio was 55.3 percent compared to 54.7 percent for the same period in 1976.

## CONTRIBUTED IMPORTANTLY

Fifty percent of the iron ore pellets produced by the Meramec Mining Co., are shipped to the Bethlehem Steel Corp., a parent corporation of Meramec Mining Co. Imports of iron ore pellets by Bethlehem Steel Corp., increased in 1976 compared to 1975, and increased during the second and third quarters of 1977 compared to the preceding quarters.

Aggregate imports of iron ore pellets in 1976 and the first nine months of 1977 caused excessive accumulation of inventory throughout the steel industry. The increased inventory levels resulted from decreased demand for end-



use steel products in combination with the receipt of iron ore pellets from foreign sources due to long term contract commitments.

Meramec Mining Co.'s declines in production and sales of iron ore pellets in 1976 and in the first three quarters of 1977 were a micro reflection of the problems industry-wide. Decreased demand for end-use steel products, excessive inventory and increased imports of iron ore pellets by Bethlehem Steel Corp., reduced the need for iron ore pellets produced by Meramec Mining Co. These factors were also reflected in a survey of other customers of Meramec who placed high emphasis on excessive inventory levels caused by the influx of imported iron ore pellets.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with iron ore pellets produced at Meramec Mining Co., Sullivan, Mo., contributed importantly to the decline in sales or production and to the total or partial separations of workers at that firm. In accordance with the provisions of the act, I make the following certification:

All workers at Meramec Mining Co., Sullivan, Mo., who became totally or partially separated from employment on or after October 28, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 3d day of January 1978.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.  
(FR Doc. 78-575 Filed 1-9-78; 8:45 am)

#### [4510-28]

[TA-W-1913]

OXFORD TEXTILE FINISHING CO., INC.,  
OXFORD, N.J.

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1913: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on March 28, 1977, in response to a worker petition received on March 23, 1977, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers who dyed and finished fabric at the Oxford Textile Finishing Co., Inc., Oxford, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19178). No public

hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information provided by officials of Oxford Textile Finishing Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has been met.

The Department's investigation revealed that the Oxford Textile Finishing Co., is an independent commissioned processor engaged in dyeing and finishing textile fabric for textile converters. A survey of converters, who accounted for over 70 percent of the contract work done by Oxford Textile in 1975-1976, indicated that these converters did not shift their orders for dyed and finished fabric from Oxford to foreign firms. None of the converters who reduced orders with Oxford purchased imported fabric.

Imported wearing apparel cannot be considered to be like or directly competitive with dyed and finished fabric. Imports of all types of finished fabric must be considered in determining import injury to workers producing dyed and finished fabric at Oxford Textile. Aggregate imports of finished fabric declined in each quarter of 1976 compared to the respective previous quarters and declined in the first half of 1977 compared to the first half of 1976. The ratio of imports to domestic production remained at two percent or less since 1973.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like

or directly competitive with dyed and finished fabric produced at Oxford Textile Finishing Co., Inc., Oxford, N.J., did not contribute importantly to declines in sales or production and to the total or partial separations of workers of that firm, as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of December 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.  
(FR Doc. 78-576 Filed 1-9-78; 8:45 am)

#### [4510-28]

[TA-W-2592]

R. C. STILL CO., INC., TUCSON, ARIZ.

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2592: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on November 10, 1977, in response to a worker petition received on November 4, 1977, which was filed by three workers on behalf of workers and former workers engaged in sales operations at R. C. Still Co., Inc., Tucson, Ariz.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59585). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of R. C. Still Co., Inc., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

R. C. Still Co., Inc., is a small sales organization selling special, high quality items to the major copper mines. R. C. Still Co., Inc., is not owned or controlled by a copper mine and is not involved in the production of any product(s). All employees of R. C. Still Co., Inc., are engaged exclusively in sales operations.

R. C. Stills Co., Inc., does not produce an article within the meaning of section 222(3) of the act and this Department has already determined that the performance of services are not covered by the adjustment assistance program; see Notice of Determination in "Pan American World Airways, Incorporated" (TA-W-153, 40 FR 54639). R. C. Still Co., Inc., performed a service; sales operations.

#### CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by R. C. Still Co., Inc., Tucson, Ariz., are not "articles" within the meaning of section 222(3) of the Trade Act of 1974. Therefore, the petition for trade adjustment assistance is denied.

Signed at Washington, D.C., this 29th day of December 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.  
(FR Doc. 78-577 Filed 1-9-78; 8:45 am)

#### [4510-28]

[TA-W-2062]

WALTER DYER LEATHER, LYNN, MASS.

#### Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2062: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 11, 1977 in response to a worker petition received on May 11, 1977 which was filed on behalf of workers and former workers producing leather mocassins, sandals, jackets and vests at the Lynn, Mass. plant of Walter Dyer Leather.

The notice of investigation was published in the FEDERAL REGISTER on May 24, 1977 (42 FR 26481). No public hearing was requested and none was held.

The information upon which the determinations were made was obtained principally from officials of Walter Dyer Leather, its customers, the U.S. Department of Commerce, the U.S. In-

ternational Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met for leather mocassins and sandals, but that the second criterion has not been met for leather garments.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment records were not available prior to 1975. Employment is maintained separately by department, and there is no actual intermingling of workers among the three departments.

The average number of production workers in the mocassin department declined 9 percent from 1975 to 1976 and declined 9 percent in the first five months of 1977 compared to the same period of 1976.

Average employment of production workers in the sandal department remained the same from 1975 to 1976, and declined 33 percent in the first five months of 1977 compared to the same period of 1976. Layoffs occurred during the third quarter of 1976.

Average employment of production workers in the leather garment department declined 26 percent from 1975 to 1976, and declined 7 percent in the first five months of 1977 compared to the same period of 1976.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production are equivalent for the various products.

Production data was not available prior to 1975.

Production of leather mocassins, both men's and women's, declined 20 percent in quantity from 1975 to 1976, and declined 34 percent in the first five months of 1977 compared to the first five months of 1976.

Production of leather sandals remained the same in terms of quantity

from 1975 to 1976, but declined 37 percent in the last six months of 1976 compared to the same period of 1975. Production of sandals declined 14 percent in quantity in the first five months of 1977 compared to the same period of 1976.

Production of leather garments, including men's and women's jackets and vests, increased 29 percent in quantity from 1975 to 1976. Production of garments increased in each quarter of 1976 and in the first quarter of 1977 when compared to the same quarters of the previous year.

#### INCREASED IMPORTS

Aggregate imports of nonrubber footwear, including men's and women's leather mocassins and sandals, increased in absolute terms from 1972 to 1973, declined from 1973 to 1974, and increased from 1974 to 1975. Imports increased 22.2 percent from 1975 to 1976, and declined 5.5 percent in the first quarter of 1977 compared to the first quarter of 1976. The ratios of imports to domestic production and consumption increased from 77.2 percent and 43.6 percent, respectively, in 1975 to 87.6 percent and 46.7 percent, respectively, in 1976. The same ratios increased from 78.9 percent and 44.1 percent, respectively, in the first quarter of 1976 to 93.5 percent and 48.3 percent, respectively, in the first quarter of 1977.

Imports of leather mocassins, men's and women's, in absolute terms, increased from 1972 to 1973, declined from 1973 to 1974 and declined from 1974 to 1975. Imports increased 19.3 percent from 1975 to 1976, and declined 2.6 percent in the first half of 1977 compared to the first half of 1976.

Since aggregate domestic production of mocassins and of sandals is unavailable, the ratio of imports to domestic production can not be ascertained for either production individually.

Imports of leather coats and jackets, men's, boys', women's, misses', juniors', and children's, increased in absolute terms from 1972 to 1973, increased from 1973 to 1974 and increased from 1974 to 1975. Imports increased 53.3 percent from 1975 to 1976, and declined 8.8 percent in the first half of 1977 compared to the first half of 1976. The ratios of imports to domestic production and consumption increased from 67.1 percent and 40.4 percent, respectively, in 1975 to 81.6 percent and 45.3 percent, respectively, in 1976.

Imports of leather vests in absolute terms, increased from 1972 to 1973, increased from 1973 to 1974, and increased from 1974 to 1975. Imports increased 53.7 percent from 1975 to 1976, and declined 8.3 percent in the first half of 1977 compared to the first half of 1976. The ratios of imports to do-



mestic production and consumption increased from 67.1 percent and 40.3 percent, respectively, in 1975 to 81.8 percent and 45.4 percent, respectively, in 1976.

#### CONTRIBUTED IMPORTANTLY

Walter Dyer markets all of its products through six of the company's own retail stores, as well as approximately 150 small, independent leather specialty retail shops throughout the United States.

None of Walter Dyer's retail stores purchase or stock imports of any of the company's products.

An OTAA survey of 15 percent of Walter Dyer's independent customers was conducted on a random basis, since none of the customers account for more than 2 percent of the company's sales. Those customers who responded to the survey account for 10 percent of Walter Dyer's sales. None of these customers purchase imports of leather moccasins or sandals; however, those who decreased purchases from Walter Dyer from 1975 to 1976 indicated that Walter Dyer's products were not price competitive with cheaper imports in the market.

Although the import penetration rate of sandals and moccasins into the domestic market can not be separately quantified, the industry data for non-rubber footwear generally includes moccasins and sandals as well as other types of casual footwear with which moccasins and sandals are competitive. The import penetration rate for aggregate nonrubber footwear has been greater than 60 percent for the past five years. The ratio of imports of non-rubber footwear to domestic production peaked at 93.5 percent in the first quarter of 1977.

The decline in production and retail sales of Walter Dyer's moccasins and sandals can be linked to the increased imports in the domestic market in accordance with the recent findings of the U.S. International Trade Commission. After considering the various factors affecting the domestic footwear industry, the Commission concluded that certain footwear articles, including those generally competitive with moccasins and sandals, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing such articles.

In the case of leather garments, notwithstanding any import influence in the industry, production of leather jackets and vests at Walter Dyer has not been adversely affected.

The company's production of leather garments increased 29 percent in quantity from 1975 to 1976. Production increased in each quarter of 1976 and in the first quarter of 1977 when compared to the same quarters of the

previous year. Sales and production are equivalent.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with leather moccasins and sandals produced at the Lynn, Mass. plant of Walter Dyer Leather contributed importantly to the total or partial separation of the workers producing those products at the plant.

In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of leather moccasins and sandals at the Lynn, Mass. plant of Walter Dyer Leather who became totally or partially separated from employment or after May 9, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

I further conclude that sales and production of leather jackets and vests produced by workers in the leather garment department at the Lynn, Mass. plant of Walter Dyer Leather have not declined as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of December 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.

[FR Doc. 78-578 Filed 1-9-78; 8:45 am]

#### [4510-28]

(TA-W-2328, 2329, 2330, 2331, 2332)

WEAN UNITED, VANDERGRIFT, PA., YOUNGSTOWN, OHIO, WARREN, OHIO AND CANTON, OHIO

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2328, TA-W-2329, TA-W-2330, TA-W-2331 and TA-W-2332: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigations were initiated on September 12, 1977 in response to worker petitions received on September 8, 1977 which were filed by the United Steelworkers of America on behalf of workers and former workers producing steel rolls at the Vandergrift, Pa. (TA-W-2328), Youngstown, Ohio, Hendricks Road (TA-W-2329), Youngstown, Ohio, Phelps Street (TA-W-2330), Warren, Ohio (TA-W-2331) and Canton, Ohio (TA-W-2332) plants of Wean United. The investigation revealed that the rolls are component parts of metal working machinery which is made by Wean United.

The Notices of Investigation were published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wean United, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

A survey of customers accounting for over 40 percent of metal working machinery and parts for metal working machinery sold by Wean United in 1976 revealed that most customers did not purchase imports. All but one of those customers reported that they did not switch to imports. Only one customer that accounted for less than 1 percent of Wean's total sales reported a marginal switch to imports.

A major portion of Wean's production is utilized in the manufacture of steel. The decline in the domestic production of steel contributed to the decline in sales and employment at Wean United. Additionally, a significant portion of Wean's product is produced for an export market. The export sales of both the industry in general and of Wean United declined significantly in the first half of 1977 compared to the like 1976 period.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the metal working machinery and parts for metal working machinery produced at the plants of Wean United as listed below have not contributed important-

ly to the decline in sales or production or to the total or partial separation of workers at those plants as required for certification under section 222 of the Trade Act of 1974:

Vandergrift, Pa.  
Youngstown, Ohio; Hendricks Road  
Youngstown, Ohio; Phelps Street  
Warren, Ohio  
Canton, Ohio

Signed at Washington, D.C., this 30th day of December 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.  
[FR Doc. 78-579 Filed 1-9-78; 8:45 am]

#### [4510-26]

#### Occupational Safety and Health Administration

(IRLG-1:002 FRL-839-01)

#### INTERAGENCY REGULATORY LIAISON GROUP

##### Intent To Develop Compatible Testing Standards and Guidelines

CROSS REFERENCE: For a document announcing agreement of the Consumer Product Safety Commission, the Environmental Protection Agency, the Food and Drug Administration, Health, Education, and Welfare Department and the Occupational Safety and Health Administration, Labor Department to work together as the Interagency Regulatory Liaison Group for the purpose of reforming the regulatory process and improving protection of workers, public health and the environment, see FR Doc. 78-474 appearing under Consumer Product Safety Commission in the notices section of this issue. Refer to the table of contents at the front of this issue under "Consumer Product Safety Commission" to find the correct page number.

#### [4510-30]

#### NATIONAL COMMISSION FOR MANPOWER POLICY

##### MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is hereby given that the National Commission for Manpower Policy, in cooperation with the Employment and Training Administration of the Department of Labor, will hold a conference on the National Longitudinal Surveys of Mature Women on January 26, 1978. The conference will be held in Room N-4437 of the Department of Labor's main building at 200 Constitution Avenue NW. The conference will begin at 8:15 am and end at 5 pm.

The National Commission for Manpower Policy was established under Title V of the Comprehensive Employment and Training Act of 1973 (Pub. L. 92-302). The act charges the Commission with the broad responsibility of advising the congress, the President, the Secretary of Labor, and

other Federal agency heads on national manpower issues.

The agenda will cover the following areas:

A. Summarizing what has been learned from the NLS.

B. Examining work and family roles.

C. Analyzing how women fare in the labor market.

D. Considering what policy makers need to know that research can address.

Members of the general public or other interested individuals may attend this conference and those wishing to submit written statements to the conference that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Director no later than two days before the conference.

Additionally, members of the general public may request to make oral statements to the conference to the extent that the time available for the meeting permits. Such oral statements must apply directly to the announced agenda items and written application must be submitted to the Director of the Commission three days before the meeting. This application shall identify the following: the name and address of the applicant; the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Director reserves the right to decide to what extent public oral presentation shall be permitted at the conference. Oral presentations shall be limited to statements of fact and views and shall not include any questioning of conference participants, unless these questions have been specifically approved by the Director.

Summary notes of the conference, working papers, and other documents prepared for the conference will be available for public inspection five working days after the conference at the Commission's headquarters located at 1522 K Street NW., Suite 300, Washington, D.C.

Signed at Washington, D.C., this 23d day of December, 1977.

ISABEL V. SAWHILL,  
Director.

[FR Doc. 78-558 Filed 1-9-78; 8:45 am]

#### [7537-01]

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

##### National Endowment for the Arts

##### MEDIA ARTS ADVISORY PANEL

##### Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub.

L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (AFI), to the National Council on the Arts will take place on January 27, 1978, from 10 a.m. to 5 p.m., in Room 1422, Columbia Plaza, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these session will be closed to the public pursuant to subsection (c) (4), (6), and 9(B) of Section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

Dated: January 4, 1978.

ROBERT M. SIMS,  
Administrative Officer, National  
Endowment for the Arts, National  
Foundation on the Arts  
and the Humanities.

[FR Doc. 78-493 Filed 1-9-78; 8:45 am]

#### [7555-01]

#### NATIONAL SCIENCE FOUNDATION

#### EXECUTIVE SUBCOMMITTEE OF THE ADVISORY COMMITTEE FOR PHYSIOLOGY, CELLULAR, AND MOLECULAR BIOLOGY

##### Amended Notice of Meeting

The Executive Subcommittee of the Advisory Committee for Physiology, Cellular, and Molecular Biology will be meeting in Washington, D.C., on January 20, 1978. The notice of the Subcommittee meeting was published in the FEDERAL REGISTER on December 30, 1977, pg. 65332, FR Doc. 77-35141, Vol. 42, No. 251. However, the Agenda, Reason for Closing, and Authority to Close Meeting was in error.

Below is the corrected items:

Agenda: To inspect program documentation on grants and declinations in the Physiology, Cellular, and Molecular Biology Division.

Reason for closing: The meeting will deal with a review of grants and declinations in which the Subcommittee will review materials containing the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This meeting will also include a review of the peer review documentation pertaining to applicants. Any non-exempt material that may be discussed at this meeting (proposals that have been awarded) will be inextricably



intertwined with the discussion of exempt material and no further separation is practical. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act. Authority to close meeting: This determination was made by the Director, NSF, in accordance with the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

JANUARY 4, 1978.

[FR Doc. 78-513 Filed 1-9-78; 8:45 am]

#### [7555-01]

##### MATERIALS RESEARCH ADVISORY COMMITTEE

###### Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Materials Research Advisory Committee: Condensed Matter Sciences Subcommittee.

Date and time: January 26 and 27, 1978, 9 a.m. to 5:30 p.m. each day.

Place: Room 540, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Open.

Contact person: Dr. Lewis H. Nosenow, Section Head, Condensed Matter Sciences, Division of Materials Research, National Science Foundation, telephone 202-632-7404. Persons planning to attend should notify Mrs. Helen Norris on 202-632-7404.

Summary minutes: May be obtained from the Committee Management Coordinator, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in the condensed matter sciences.

Agenda: January 26, 1978. Background information and overview of activities in the Division of Materials Research. Oversight review of the NSF solid state chemistry Program, including presentations by NSF staff, representatives of other agencies, and the ad hoc subcommittee for oversight of the Solid State Chemistry Program; preparation of draft report.

January 27, 1978. Discussion of FY 1978 budget allocations, and of the role of the condensed matter sciences in the activities of the Directorate for Research Applications. Completion of draft report on the Solid State Chemistry Program. Information items on national facilities monitored by the Division of Materials Research. Possible discussion of the long range outlook for the condensed matter sciences, and of instrument needs.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

JANUARY 5, 1978.

[FR Doc. 78-514 Filed 1-9-78; 8:45 am]

#### [7590-01]

##### NUCLEAR REGULATORY COMMISSION

##### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON SEISMIC ACTIVITY

###### Meeting

The ACRS Subcommittee on Seismic Activity will hold an open meeting on January 26-27, 1978, in Room 1167, 1717 H Street NW., Washington, D.C. 20555, to discuss the problems which have arisen in the application of Appendix A, 10 CFR 100, "Seismic and Geologic Siting Criteria for Nuclear Power Plants."

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the designated Federal employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Thursday, January 26 and Friday, January 27, 1978, 8:30 a.m. until the conclusion of business on each day.

The subcommittee may meet in executive session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full committee.

At the conclusion of the executive session each day, the subcommittee will hear presentations by and hold discussions with representatives of the NRC staff and their consultants pertinent to this review. The subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the designated Federal employee for this meeting, Dr. Richard P. Savio, telephone 202-634-1920, between 8:15 a.m. and 5 p.m., e.s.t.

Dated: January 4, 1978.

JOHN C. HOYLE,  
Advisory Committee,  
Management Officer.

[FR Doc. 78-423 Filed 1-9-78; 8:45 am]

#### [7590-01]

##### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ENVIRONMENTAL SUBCOMMITTEE

###### Meeting

The ACRS Environmental Subcommittee will hold an open meeting on January 25-26, 1978, in Room 1046, 1717 H St. NW., Washington, D.C. 20555, to discuss measures to keep occupational radiation exposure from the nuclear fuel cycle at low values.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the designated Federal employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Wednesday, January 25 and Thursday, January 26, 1978 8:30 a.m. until the conclusion of business on each day.

The subcommittee may meet in executive session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full committee.

At the conclusion of the executive session each day, the subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, various industry representatives, and their consultants, pertinent to this review. The subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the designated Federal employee for this meeting, Mr. Ragnwald Muller, telephone 202-634-1413 between 8:15 a.m. and 5 p.m., e.s.t.

Dated: January 4, 1978.

JOHN C. HOYLE,  
Advisory Committee,  
Management Officer.

[FR Doc. 78-424 Filed 1-9-78; 8:45 am]

#### [7590-01]

##### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, LA CROSSE BOILING WATER REACTOR SUBCOMMITTEE

###### Meeting

The ACRS La Crosse Boiling Water Reactor (LACBWR), Subcommittee will hold an open meeting on January 26, 1978, in Room 1062, 1717 H St. NW., Washington, D.C. 20555, to review recent fuel failures at LACBWR, plans for reload cycle 5, and fuel surveillance plans.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the designated Federal employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Thursday, January 26, 1978, 8:30 a.m. until the conclusion of business.

The subcommittee may meet in executive session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full committee.

At the conclusion of the executive session, the subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, the Dairyland Power Cooperative, and their consultants, pertinent to this review. The subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the designated Federal employee for this meeting, Mr. Robert L. Wright, Jr., telephone 202-634-1919, between 8:15 a.m. and 5 p.m., e.s.t.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the La Crosse Public Library, 800 Main Street, La Crosse, Wis. 54601.

Dated: January 4, 1978.

JOHN C. HOYLE,  
Advisory Committee,  
Management Officer.

[FR Doc. 78-422 Filed 1-9-78; 8:45 am]

#### [7590-01]

##### PROGRAM FOR RESOLUTION OF GENERIC ISSUES RELATED TO NUCLEAR POWER PLANTS

###### Report to Congress

Notice is hereby given that in accordance with the reporting requirements of Section 210 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission has published and issued a report to Congress entitled "NRC Program for the Resolution of Generic Issues Related to Nuclear Power Plants." The release date is January 1, 1978.

The Energy Reorganization Act of 1974 was amended by Pub. L. 95-209 on December 12, 1977, to include a new section 210 as follows:

###### UNRESOLVED SAFETY ISSUES PLAN

Sec. 210. The Commission shall develop a plan providing for specification and analysis of unresolved safety issues relating to nuclear reactors and shall take such action as may be necessary to implement corrective measures with respect to such issues. Such plan shall be submitted to the Congress on or before January 1, 1978, and progress reports shall be included in the annual report of the Commission thereafter.

In October 1976, the Commission directed the NRC staff to develop the generic issues program described in the report, and development and implementation of the program has proceeded over the past year. The NRC program, as developed by the staff, is considerably broader than the "Unresolved Safety Issues Plan" required by section 210. It includes plans for the resolution of generic environmental issues, for the development of improvements in the reactor licensing process, and for consideration of less conservative design criteria or operating limitations in areas where present requirements may be unnecessarily restrictive or costly.

The NRC program described in the report provides for the identification of generic issues, the assignment of priorities, the development of detailed Task Action Plans, projections of dollar and manpower costs, continuous high level management oversight of

task progress, and public dissemination of information related to the tasks as they progress. The report indicates that the program is expected to be fully operational by the end of February 1978 and that six of the highest priority (Category A), generic tasks are currently scheduled for completion in fiscal year 1978. One of the Category A tasks was completed in December 1977.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street NW., Washington, D.C. The report, designated NUREG-0410, may be purchased from the National Technical Information Service, Springfield, Va. 22161, at \$14.50 a copy on or about January 17, 1978.

Dated at Washington, D.C., this 3d day of January 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.  
[FR Doc. 78-411 Filed 1-9-78; 8:45 am]

#### [7590-01]

(Docket Nos. 50-325 and 50-324)

##### CAROLINA POWER & LIGHT CO.

##### Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission), has issued Amendment No. 12 to Facility Operating License No. DPR-71 and Amendment No. 39 to Facility Operating License No. DPR-62, issued to Carolina Power & Light Company (the licensee), which revised Technical Specifications for operation of Brunswick Steam Electric Plant, Unit Nos. 1 and 2 (the facility), located in Brunswick County, N.C. The changes become effective on or before Brunswick Unit No. 2 achieves initial criticality following its first refueling outage (on or about November 26, 1977).

The amendment for Unit 1 consists of numerous changes to the Standard Technical Specifications issued in tandem with Custom Technical Specifications. The Custom Technical Specifications were used for facility operation from September 1976 to the present. The Standard Technical Specifications were not placed in effect when originally issued in order to allow a suitable trial use period. The amendment for Unit 1 eliminates inconsistencies and corrects errors discovered during the trial use period. In addition, limiting conditions for operation and surveillance requirements have been modified to be consistent with NRC Staff requirements. For Unit 2, the amendment incorporates Standard Technical Specifications



similar to those for Unit 1 for the first time.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to CFR §51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendment dated August 22 and September 14, 1977, (2) Amendment No. 12 to License No. DPR-71, (3) Amendment No. 39 to License No. DPR-62, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, N.C. 28461. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23d day of November 1977.

For the Nuclear Regulatory Commission.

ALFRED BURGER,  
Acting Chief Operating Reactors  
Branch No. 1 Division of Operating Reactors.

[FR Doc. 78-536 Filed 1-9-78; 8:45 am]

#### [7590-01]

[Docket No. 50-298]

#### NEBRASKA PUBLIC POWER DISTRICT

##### Granting of Relief from ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (The Commission), has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Nebraska Public Power District (the licensee). The relief relates to the inservice inspection (testing), program for

the Cooper Nuclear Station (the facility), located in Nemaha County, Nebr. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

Relief is granted, on an interim basis, pending completion of a more detailed review, from compliance with certain inservice inspection and testing requirements determined to be impractical for the facility because compliance would result in hardships and unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated July 29, 1977, and (2) the Commission's letter to the licensee dated December 29, 1977.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Auburn Public Library, 118 15th Street, Auburn, Nebr. 68305. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 29th day of December 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,  
Acting Chief, Operating Reactors  
Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-537 Filed 1-9-78; 8:45 am]

#### [7555-02]

##### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

##### INTERGOVERNMENTAL SCIENCE, ENGINEERING, AND TECHNOLOGY ADVISORY PANEL

###### Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

INTERGOVERNMENTAL SCIENCE, ENGINEERING, AND TECHNOLOGY ADVISORY PANEL; NATURAL RESOURCES AND ENVIRONMENT TASK FORCE

Date: January 31 and February 1, 1978.  
Place: New Executive Office Building, 726 Jackson Place NW., Room 3104, Washington, D.C.

Type of meeting: Open.  
Contact person: Mr. Louis H. Blair, Office of Science and Technology Policy, Executive Office of the President, telephone 202-395-4596. Anyone who plans to attend should contact Mr. Blair by January 27, 1978.

Purpose of the panel: The Intergovernmental Science, Engineering, and Technology Advisory Panel was established on November 4, 1976. The Panel is to identify State, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings.

Minutes of the meeting: Executive minutes of the meeting will be available from Mr. Blair.

###### TENTATIVE AGENDA

1. Review of Task Force Activities to describe problem and outline possible approach for addressing 10 technical issues identified at June 27, 1977. Task Force meeting.
2. Briefing from officials of the U.S. Environmental Protection Agency (EPA) and the Department of the Interior (DOI) on Federal research activities in each of the 10 technical issues.
3. Briefings from Federal officials on selected intergovernmental research activities in EPA and DOI.
4. Discussion of Future Task Force activities and development of a work program.

WILLIAM J. MONTGOMERY,  
Executive Officer, Office of  
Science and Technology Policy.

JANUARY 5, 1978.

[FR Doc. 78-593 Filed 1-9-78; 8:45 am]

#### [7555-02]

##### WORKING GROUP ON BASIC RESEARCH IN THE DEPARTMENT OF ENERGY

###### Amendment to Notice of Meeting

The Notice of Meeting for the Working Group on Basic Research in the Department of Energy published in the FEDERAL REGISTER, Volume 42, Page 64481 dated December 23, 1977, is amended as follows:

Change place of meeting from Room 3104, New Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C.

Room 8222C, Department of Energy, 20 Massachusetts Avenue, Washington, D.C.

WILLIAM J. MONTGOMERY,  
Executive Officer.

[FR Doc. 78-592 Filed 1-9-78; 8:45 am]

#### [8010-01]

##### SECURITIES AND EXCHANGE COMMISSION

[Release No. 14329; File No. SR-BSPS-77-7]

##### BRADFORD SECURITIES PROCESSING SERVICES, INC.

Order Approving Rule Change To Establish Reporting and Inquiry Service Concerning Missing, Lost, Stolen, or Counterfeit Securities

DECEMBER 30, 1977.

On December 15, 1977, Bradford Securities Processing Services, Inc. ("BSPS"), 80 Pine Street, New York, N.Y. 10005, submitted, pursuant to rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change to establish, and set fees for, a service for reporting and making inquiries concerning missing, lost, stolen, or counterfeit securities.

In accordance with section 19(b) of the Act and rule 19b-4 thereunder, the proposed rule change was published in the FEDERAL REGISTER (42 FR 63839, December 20, 1977), and the public was invited to submit comments. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 14274, December 15, 1977. No letters of comment were received.

The Commission has reviewed the BSPS submission and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular the requirements of section 17A and the rules and regulations thereunder. The Commission finds good cause to approve the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing in order to enable BSPS to implement the proposed service by January 2, 1978, the date on which the inquiry provisions under 17 CFR 240.17f-1 become effective.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-BSPS-77-7 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-478 Filed 1-9-78; 8:45 am]

#### [8010-01]

[Release No. 10079; 812-4226]

##### INSURED MUNICIPALS-INCOME TRUST, ET AL.

Application for Order To Permit an Offer of Exchange and for An Exemption

JANUARY 3, 1978.

Notice is hereby given that Insured Municipals-Income Trust (the "Municipal fund") and Investors' Corporate-Income Trust (the "Corporate fund"), both registered under the Investment Company Act of 1940 ("Act") as unit investment trusts (together referred to as the "funds"), their sponsor, Van Kampen Saurman, Inc., and Dain, Kalman & Quail, Inc., cosponsor of the Corporate fund (collectively referred to as the "applicants"), c/o Van Kampen Saurman, Inc., 208 South LaSalle Street, Chicago, Ill. 60604, filed an application on November 18, 1977, and amendments thereto on December 6 and 16, 1977, for an order of the Commission: (1) Pursuant to section 11(a) of the Act permitting the funds to offer their units at net asset value plus a fixed dollar sales charge pursuant to a conversion option (the "plan"), and (2) for an order pursuant to section 6(c) of the Act exempting from the provisions of section 22(d) of the Act the offer and sale of shares of the fund pursuant to the plan at a fixed and reduced sales charge. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The investment objective of each series of the Municipal fund (and those of its predecessor, the First National dual series tax-exempt bond trust) is to seek tax-exempt income and conservation of capital through an investment in tax-exempt bonds. All of such bonds are obligations issued by or on behalf of states, counties, territories or municipalities of the United States and authorities or political subdivisions thereof, the interest on which, in the opinion of counsel to the various issuers of such bonds, is exempt from all Federal income taxes under existing law. The investment objectives of the Corporate fund are preservation of capital and a high level of interest income through an investment in a diversified portfolio of taxable Corporate debt obligations. A separate Indenture is entered into each time a series of either fund is created and the bonds to comprise its

portfolio are deposited with the trustee. Applicants state that with respect to each series of the Municipal fund Van Kampen Saurman, Inc., obtains a portfolio insurance policy protecting the bonds therein against default in the payment of principal and interest from MGIC Indemnity Corp., a subsidiary of MGIC Investment Corp. In certain series, there have been or may be a bond or bonds which have been separately insured by the issuer thereof.

At the present time only one series (series 1) of the Corporate fund has been created while 18 series of the Municipal fund have been created. Units of beneficial interest in these outstanding series have been offered for sale to the public pursuant to effective registration statements filed under the Securities Act of 1933. It is anticipated that further series will be created in full compliance with the representations made here concerning the respective series now outstanding.

Each series of the Municipal and Corporate funds are presently governed by the provisions of each fund's trust indenture and agreement entered into or to be entered into in respect thereof by the sponsors and a corporation organized and doing business under the laws of the United States or a State thereof, which is authorized under such laws to exercise corporate trust powers and having at all times an aggregate capital, surplus, and undivided profits of not less than \$5,000,000 in the case of the Municipal fund and \$2,500,000 in the case of the Corporate fund.

Applicants propose to introduce a conversion option to certificate holders of the various series of both the Municipal fund and the Corporate fund. Under the plan, as proposed, a certificate holder wishing to dispose of his units in a series of either fund for which a secondary market is being maintained will have the option to convert his units into units of the opposite fund (Corporate into Municipal, Municipal into Corporate) of any series for which units are available for sale. Applicants state that the purpose of the plan is to provide investors in each of the funds a convenient and less costly means of transferring interests as their investment requirements change. Applicants state that the respective sponsors have indicated that they intend to maintain a market for the units of each series of the respective funds; however, there is no obligation to maintain such a market. Consequently, the respective sponsors reserve the right to modify, suspend, or terminate the plan at any time without further notice to certificate holders.

Assuming a secondary market exists and units of the opposite fund are available, a certificate holder who notifies the sponsors of his desire to ex-



ercise his conversion option will be mailed a current prospectus for each series in which the certificate holder indicates interest. The certificate holder may then select the series into which he desires his investment to be converted. The conversion transaction will operate in a manner essentially identical to any secondary market transaction, except that the applicants propose to allow a reduced sales charge for all transactions effected under the plan. Traditionally, fund units are repurchased by the sponsors and other underwriters of the funds at the aggregate offering price per unit of the underlying bonds in the respective fund, and are resold at that price per unit plus a sales charge of 4½ percent of such offering price. Applicants propose to resell units under the plan at the unit offering price of the underlying bonds of the opposite fund plus a fixed charge of \$15 per unit (or about 1½ percent of such offering price at current market values). The certificate holder will receive payment for any excess funds remaining in his account after his investment in one fund is converted into full units in the opposite fund.

Conversion transactions will only be effected in whole units. To illustrate: Under the plan a holder of three units of a series in the Municipal fund with an offering price of \$1,020 might seek conversion into units of a series of the Corporate fund with an offering price of \$880. In this example, the certificate holder's units will total \$3,080, which amount may be invested in units of the Corporate fund series. Should three units in a series of the Corporate fund be purchased the cost would be \$2,685 (\$2,640 for the units and a \$45 sales charge). The remaining \$375 would be returned to the certificate holder in cash.

Section 11(c) of the Act provides, among other things, that exchange offers involving registered unit investment trusts are subject to the provisions of section 11(a) of the Act irrespective of the basis of exchange. Section 11(a) of the Act provides, in pertinent part, that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make, or cause to be made, an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to an approved by the Commission.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company

to any person except at a current offering price described in the prospectus. The sales charge described in the prospectus of each of the funds for regular secondary market purchases and sales is greater than the sales charge which would be applicable to transactions under the plan. Rule 22d-1 under the Act permits certain variations in sales charges, none of which it is alleged will be applicable to transactions under the plan.

Applicants assert that applying a sales charge of less than the customary 4½ percent in the case of plan conversions is both beneficial to investors and warranted in light of the related cost savings. Applicants state that a large portion of the customary 4½ percent sales charge is attributable to brokerage efforts to make the initial customer solicitation, and the remainder is primarily attributable to the ascertainment of the customer's financial requirements and to counselling on the respective applicant's specific product. Applicants represent that under the plan the selling effort relating to initial solicitations will be eliminated, and thus the applicants argue that the cost savings related thereto should be passed on to the participating investors.

Applicants contend, however, that some investor charge is clearly warranted at the time of conversion since a broker may well need to review his customer's financial objectives and likely will have to counsel the customer on the particular investment vehicle involved. Applicants have concluded that the proposed \$15 per unit sales charge for plan conversions will not only pass through cost savings to investors but also will charge such persons a reasonable fee which is related to the periodic, professional, financial advice that it is anticipated will be furnished to them.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 30, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be noti-

fied if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-479 Filed 1-9-78; 8:45 am]

#### [8010-01]

[File No. 500-1]

#### TOTH ALUMINUM CORP.

##### Suspension of Trading

DECEMBER 27, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Toth Aluminum Corp., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 12 noon (e.s.t.), on December 27, 1977, through January 5, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-480 Filed 1-9-78; 8:45 am]

#### [8010-01]

[Release No. 34-14296; File No. SR-Amex-77-31]

#### AMERICAN STOCK EXCHANGE, INC.

##### Proposed Rule Changes

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975),

notice is hereby given that on November 14, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

#### STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The American Stock Exchange, Inc. (the "Amex"), proposes to amend certain constitutional and rule provisions relating to the clearing of Exchange transactions. The text of the proposed rule changes is attached as Exhibit A hereto and the terms of substance are summarized in the following section of this notice.

#### STATEMENT OF BASIS AND PURPOSE

In a letter dated September 27, 1977, the Commission cited transaction completion rules of the self-regulatory organization that do not comply with the Act as amended by the Securities Acts Amendments of 1975. The Commission requested that the organization submit proposed rule changes to conform such rules to the Act as amended or submit further arguments concerning why no changes to the cited rules are necessary or appropriate. The proposed amendments are designed to conform the Amex rules with the provisions of the Act in line with the views expressed by the Commission. As amended, the rules require that all Exchange transactions must be compared, cleared and settled through clearing agencies registered with the Commission, but permit Exchange members who have responsibility for clearing transactions to select the clearing agency of their choice, provided such clearing agency maintains the appropriate facilities for clearing Exchange transactions or has the necessary interfacing capability to clear such transactions with other clearing agencies. In addition, the amendments eliminate references to various procedures that a clearing agency must follow and in general delete references to any specific clearing agency.

In addition to the proposed amendments, the Amex submitted by letter dated December 2, 1977, data, views, and arguments as to why it is not amending certain Amex rules cited by the Commission in its September 27, 1977 notice to the Amex pursuant to section 31(b) of the Securities Acts Amendments of 1975.

The proposed amendments are intended to facilitate the development of a national system for the clearance of securities transactions and to foster efficiencies in securities clearance and competition among registered clearing agencies, consistent with sections 6(b), 11A(c)(5), 15A(b), and 17A(a)(2) of the Act.

No comments were solicited or received with respect to the proposed rule changes.

The Exchange has determined that no burden on competition will be imposed by the proposed rule changes, but instead such rule changes will enhance competition among clearing agencies in the providing of services to broker-dealers.

On or before February 14, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 31, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 21, 1977.

#### EXHIBIT A—AMEX RULES REGARDING CLEARING OF EXCHANGE TRANSACTIONS

It is proposed that the following Amex Constitution and rule provisions be amended in the manner set forth below.

Article IV, Section 4(d) is amended to read as follows:

#### DISTRIBUTION OF PROCEEDS

(d) Upon any transfer of a regular or options principal membership, whether made by a regular member or options principal or his legal representatives, voluntarily or by the Board in pursuance of the provisions of the Constitution, the proceeds thereof shall be applied to the following purposes and in the following order of priority, viz.

#### EXCHANGE CHARGES

First.—The payment of such dues, fines, assessments, contributions to the Gratuities

NOTE.—Brackets [ ] indicate material to be deleted and italics indicate material to be added.

Fund (in the case of a regular member) and charges as the Exchange shall determine are or may become due to the exchange by the member whose membership is transferred or by the member firm in which such member is a partner or by a member corporation voting stock of which is held by such member. (Clearing Corporation charges)

Second.—The payment of such sums as the Exchange shall determine are or may become due to American Stock Exchange Clearing Corporation or The Options Clearing Corporation by such member, member firm or member corporation.]

The Third and Fourth subparagraphs of Article IV, Section 4(d) are redesignated as the Second and Third subparagraphs.

Article IV, Section 6(g) is amended to read as follows:

#### PROCEEDS OF MEMBERSHIP SUBJECT TO CLAIMS

(g) The proceeds of the sale of a regular or options principal membership, the use of which has been contributed to a temporary member firm or to a temporary member corporation, shall be subject to claims of the Exchange, [the American Stock Exchange Clearing Corporation, The Options Clearing Corporation,] regular and options principal members and regular and options principal member firms and regular and options principal member corporations against such temporary member firm or temporary member corporation to the same extent as if the deceased member were living and a general partner in such temporary member firm or a holder of voting stock in such temporary member corporation who was actively engaged in the business of such corporation and devoted the major portion of his time thereto at the time of the transactions giving rise to such claims.

Article V, Section 4(e) is amended to read as follows:

#### MISSTATEMENTS

(e) Whenever it is adjudged in a proceeding under this Article that a member, member organization or approved person has made a misstatement, or has submitted a report or statement containing a misstatement upon a material point to the Board, to the Chairman or any other officer or representative of the Exchange, or to any committee of the Exchange, [or to the Board of Directors of The Options Clearing Corporation] or whenever it is adjudged in a proceeding under this Article that a member, member organization or approved person has made a misstatement upon a material point to the Exchange on his or its application for membership or for approval, such member or member organization may be suspended or expelled from membership, and the approval of such approved person may be withdrawn.

Article X, Section 2(a) is amended to read as follows:

#### SETTLEMENT OF EXCHANGE CONTRACTS

Sec. 2. (a) In every Exchange Contract not involving an option contract (as defined in the Rules) or the exercise thereof, delivery and payment shall be made through [National Securities Clearing Corporation as required by the By-Laws and Rules of said National Securities Clearing Corporation] a registered clearing agency (as defined by



rule of the Board of Governors), in accordance with the by-laws and rules of such registered clearing agency, unless otherwise stipulated in the bid or offer or it is otherwise agreed by the parties to the contract, or unless [National Securities Clearing Corporation] such registered clearing agency, either in the particular instance or in pursuance of its By-laws and Rules, will not act in the matter. If a party to any such contract is not a participant in [National Securities Clearing Corporation] a registered clearing agency entitled to clear and settle any such contract through [National Securities Clearing Corporation] such registered clearing agency, he shall cause the transaction to be cleared or settled for him by a member organization which is a participant in [National Securities Clearing Corporation] a registered clearing agency.

Article XI, Section 3(b) is amended to read as follows:

#### EXCHANGE CONTRACTS INCLUDE RULES

Sec. 3. (b) The By-Laws and Rules of The Options Clearing Corporation and the amendments thereto adopted from time to time shall be a part of the terms and conditions of every contract which is to be cleared or settled by, or shall be made a part of the terms and conditions of every transaction submitted for settlement through, The Options Clearing Corporation, and all such contracts shall be subject to the exercise by The Options Clearing Corporation of the powers with respect thereto vested in it by its By-Laws and Rules.

Article XI, Section 1 is amended to read as follows:

#### RULES OF EXCHANGE INCLUDED IN CONTRACT TERMS

Sec. 1. The provisions of the Constitution of the Exchange and of the rules adopted pursuant thereto shall be a part of the terms and conditions of all Exchange Contracts, and all such contracts shall be subject to the exercise by the Board of Governors [National Securities Clearing Corporation and The Options Clearing Corporation] of the powers with respect thereto vested in [them] it by the Constitution and rules of the Exchange.

Rule Definition 4 is deleted in its entirety.

Rule 124(c) is amended to read as follows:

#### TYPES OF BIDS AND OFFERS

Rule 124. Bids and offers may specify only the following conditions:

#### REGULAR WAY

(c) "Regular way," i.e., for delivery upon the fifth business day following the day of the contract unless [the By-laws and Rules of American Stock Exchange Clearing Corporation otherwise direct or unless] modified by Rules 794 or 795;

Rule 128 is amended to read as follows:

Contract Made on Acceptance of Bid or Offer Rule 128. All bids and offers made and accepted in accordance with these Rules shall constitute binding contracts but shall be subject to the exercise by the Board

of Governors of the powers in respect thereto vested in said Board by the Constitution of the Exchange, and to the Rules of the Exchange. [and said contracts shall also be subject to the exercise by American Stock Exchange Clearing Corporation, of the powers reserved to that Corporation in its By-Laws and Rules.]

Rule 389 is deleted in its entirety.  
Rule 440 is amended to read as follows:

#### ORGANIZATIONS NOT DOING CUSTOMER BUSINESS MUST FILE A CERTIFICATE

Rule 440. Each member organization shall file with the Exchange, unless the contrary is true, a statement signed by all partners in the case of a member firm or all members in the case of a member corporation, unless for good cause show the signature of one or more such persons is waived by the Exchange, certifying that such organization does not, and will not without first withdrawing such statement, carry margin accounts, free credit balances or securities in safekeeping for customers or make cash transactions for customers involving extensions of credit by such organization to, or the receipt by such organization of securities or monies from, customers and that such organization is not a clearing member of [American Stock Exchange Clearing Corporation] a registered clearing agency (as defined in Rule 700).

Rule 441 is amended to read as follows:

#### ORGANIZATIONS DOING CUSTOMER BUSINESS MUST FILE FINANCIAL REPORTS

Rule 441. Every member organization which has not on file with the Exchange a statement made pursuant to Rule 440 and every individual member of the Exchange who is a clearing member of [American Stock Exchange Clearing Corporation] a registered clearing agency (as defined in Rule 700), shall file with the Exchange at such times as the Exchange may direct, a statement in a form prescribed by the Exchange of its financial condition and the condition of its accounts, including free credit balances and securities in safekeeping. The statement shall be signed by such person or persons as the Exchange may direct. The provisions of this rule shall not apply to a member organization subject to the jurisdiction of another exchange unless the American Stock Exchange so directs.

Rule 610(f) is amended to read as follows:

(f) Any controversy involving a claim not exceeding \$2,000 arising out of the settlement of claims for dividends and registered bond interest [pursuant to American Stock Exchange Clearing Corporation Rule 24.] shall be submitted to and determined by a single arbitrator in accordance with the provisions of this Rule, except that such arbitrator shall be selected by the Arbitration Director from a special panel of arbitrators, designated by the Chairman and approved by the Board as provided in Rule 601, consisting of members or non-members engaged in the securities industry chosen solely to determine such claims.

Rule 700 is amended to read as follows:

Present paragraph (a) is deleted in its entirety and new paragraphs (a), (b), (c), (d), and (e) are added as follows:

(a) In this Part IV, reference to "American Stock Exchange Clearing Corporation" shall mean the ASECC Division of National Securities Clearing Corporation.]

(a) The term "registered clearing agency" means any clearing agency duly registered with the Securities and Exchange Commission and—

(i) having the capacity to compare, clear and settle any and all securities transactions effected on the Exchange, or

(ii) having the appropriate interfacing capacity to compare, clear and/or settle securities transactions effected on the Exchange, with a clearing agency meeting the requirements of the preceding sub-paragraph. If such clearing agency does not have the appropriate interfacing capacity with respect to all such functions (comparison, clearing and settlement), or with respect to all securities admitted to dealings on the Exchange, it shall be included within the term "registered clearing agency" only to the extent of the functions or the securities as to which it does have such interfacing capacity.

(b) The term "capacity" with respect to a registered clearing agency means the facilities, the procedures and the necessary rules enabling it to carry out the functions of comparing, clearing and/or settling transactions in specific securities between clearing members.

(c) The term "rules" of a registered clearing agency means the articles of incorporation, constitution, by-laws and rules, or instruments corresponding to the foregoing, of such registered clearing agency and its related policies, practices and interpretations.

(d) The term "clearing member" means a member organization of the Exchange which is a member of a registered clearing agency and entitled to compare, clear and/or settle through such registered clearing agency contracts in securities effected on the Exchange.

(e) In this Part IV, the term "securities transactions" does not include options contracts as defined in Rule 900, but shall include securities deliverable upon the exercise of options contracts.

Present paragraphs (b) and (c) are redesignated as paragraphs (f) and (g) and present paragraph (d) is deleted in its entirety.

Rule 701 is amended to read as follows:

#### NON-CLEARING MEMBER

Rule 701. A member of the Exchange who is not a member of [American Stock Exchange Clearing Corporation] a registered clearing agency, shall cause his transactions in "cleared" securities to be cleared for him by a clearing member.

Rule 721 is amended to read as follows:

#### COMPARISON OF TRANSACTIONS NOT TO BE CLEARED

Rule 721. (a) Comparison of transactions in securities which are not [to be cleared through A.S.E. Clearing Corporation] submitted to a registered clearing agency for comparison and settlement pursuant to its rules, shall be effected in the following manner:

(1) Each selling member or member organization shall send to the office of the buyer in respect of each sale a comparison form in duplicate on the first business day following the day of the transaction, but not later than [the time prescribed by A.S.E. Clearing Corporation for the delivery

on that day of exchange tickets in respect of transactions to be cleared through A.S.E. Clearing Corporation] 1:00 p.m. on that day;

(2) The party to whom the comparison is presented shall retain the original, if it be correct, and immediately return the duplicate duly signed;

except that transactions for delivery on the business day following the day of the contract shall be compared, in the manner prescribed herein, no later than one hour and a half after the closing of the Exchange on the day of the transaction.

The neglect or failure of a member or member organization to exchange comparison forms or to effect a comparison as provided in this paragraph (a) shall constitute a default and, except as provided in paragraph (b) of this Rule, such defaulted contract may be closed as provided in Part IV, Section 4, hereof.

(b) In the event a member or member organization is unable to effect a comparison of a bond transaction as provided in paragraph (a) of this Rule, such bond transaction shall be compared in accordance with the provisions of Rule 723 in the same manner as a transaction which was to be cleared through [the A.S.E. Clearing Corporation] a registered clearing agency, but which has been excluded for any reason from a clearance. [subject, however, to the following qualifications:

(1) Paragraph (1) of Rule 723 shall not be applicable to a bond transaction. When a bond transaction has been resolved on the Floor in accordance with the provisions of Rule 723, the executing broker who acted for, or gave up the name of, the member which initiated the DK Notice shall promptly forward one copy of the DK Notice, properly completed and signed, to the A.S.E. Clearing Corporation. The A.S.E. Clearing Corporation will process a DK Notice relating to a bond transaction and will issue, receive and deliver instructions to the receiving and delivering members on the basis of the information contained in such DK Notice.

(2) The Chairman, in consultation with the Senior Floor Officials shall have authority, when conditions warrant, to extend the time limits set forth in Rule 723 for delivery of, and replying to, DK Notices relating to bond transactions.]

\*\*\* Commentary.  
01 DK Notices prepared pursuant to paragraph (b) of this Rule should reflect the information required by Commentary .01 of Rule 723 subject to the following:

(1) Shares—the number of bonds involved in the trade.

(2) Symbol—the ticker symbol of the bond which was traded, interest rate, and maturity date.

(3) Price—the price at which the bond was traded, excluding accrued interest.

(4) Remarks—for purposes of identification "BOND" should be marked in this section.

Rule 722 is deleted in its entirety and new Rule 722 is added as follows:

#### COMPARISON OF TRANSACTION THROUGH A REGISTERED CLEARING AGENCY

Rule 722. Unless it is stipulated in the bid or offer that a transaction is to be completed ex-clearing or it is otherwise agreed by the parties thereto, the clearing members responsible for clearing and settling a transaction in securities effected on the Exchange shall submit such transaction for comparison as follows:

(i) If both parties are clearing members of the same registered clearing agency having the capacity to effect comparisons in respect of such security, the transaction may be submitted to that registered clearing agency.

(ii) If the parties are clearing members of different registered clearing agencies which have the appropriate interfacing capacity with each other to effect comparisons in respect of such security, each party may submit the transaction to his respective clearing agency in accordance with the rules of the agency governing such interface.

(iii) If the parties are clearing members of different registered clearing agencies not having the appropriate interfacing capacity with each other to effect comparisons in respect of such security, both parties must cause the transaction to be submitted to a registered clearing agency having the capacity to effect comparisons and to clear and settle all securities transactions effected on the Exchange.

After a comparison has been effected, the clearance and/or settlement of the transaction may be completed by either party through any other registered clearing agency of his choice and of which he is a clearing member, provided such other registered clearing agency has the appropriate interfacing capacity with the registered clearing agency through which the comparison is effected to complete the clearance and/or settlement of transactions in the particular security.

Rule 723 is amended to read as follows:

Comparison of Transactions Excluded from Clearance Rule 723. Except as provided in Rule 725, a transaction which was to be cleared through [American Stock Exchange Clearing Corporation] a registered clearing agency, but which has been excluded for any reason from a clearance after there has been compliance with all of the rules of [the American Stock Exchange Clearing Corporation] such registered clearing agency, shall be compared as promptly as possible in the following manner:

(1) When a transaction has been resolved on the Floor in accordance with the provisions of this Rule, [the executing broker who acted for, or gave up the name of, the clearing member which initiated the DK Notice shall promptly forward one copy] copies of the DK Notice, properly completed and signed, [to the American Stock Exchange Clearing Corporation. The American Stock Exchange Clearing Corporation will in accordance with its Rules, process a DK Notice received pursuant to the provisions of this Rule and will, with respect to Balance Order Contracts (as defined in the Rules of the American Stock Exchange Clearing Corporation) produced on the basis of such DK Notices, issue, receive and deliver security orders to the receiving and delivering clearing members on the basis of the information contained in the DK Notice. Such security orders shall be binding and enforceable upon members and member organizations for whom the American Stock Exchange Clearing Corporation acts.]

(c) (b) No clearing member shall be required to accept a DK Notice pursuant to the provisions of this rule unless such Notice is delivered to its office prior to 3:45 P.M. on the third business day following the trade date of the transaction to which the DK Notice relates.

(as defined in the rules of the American Stock Exchange Clearing Corporation) for settlement in accordance with the Rules of the American Stock Exchange Clearing Corporation.] shall be furnished to both clearing members who in turn shall be responsible for resubmitting such transaction to their respective registered clearing agencies for clearance and settlement in accordance with the rules of such clearing agencies.

Rule 725 is amended to read as follows:

#### COMPARISON OF DK'S NOT SENT TO FLOOR

Rule 725. In the event that a transaction which was to be cleared through [American Stock Exchange Clearing Corporation] a registered clearing agency has been excluded for any reason from a clearance after there has been compliance with all of the Rules of [the American Stock Exchange Clearing Corporation] such registered clearing agency and thereafter office representatives of the two clearing members shall have resolved all questions relating to such transaction before a DK Notice has been sent by either party to its executing broker on the Floor, such transaction shall be compared as promptly as possible in the following manner:

(a) The selling clearing member shall prepare and sign a DK Notice, in form prescribed by the Exchange, and send such Notice to the buying clearing member. The buying clearing member shall, within 24 hours after receipt of the DK Notice, sign the Notice if the terms are correct and return one copy of the Notice to the selling clearing member. [and forward one copy of the Notice to the American Stock Exchange Clearing Corporation] Each clearing member shall be responsible for resubmitting such transaction to its respective registered clearing agency for clearance and settlement in accordance with the rules of such clearing agency.

(b) The American Stock Exchange Clearing Corporation will, in accordance with its Rules, process a DK Notice received pursuant to the provisions of this Rule and will issue, receive and deliver security orders to the receiving and delivering clearing members on the basis of the information contained in the DK Notice. Such security orders shall be binding and enforceable upon members and member organizations for whom the American Stock Exchange Clearing Corporation acts.]

(c) (b) No clearing member shall be required to accept a DK Notice pursuant to the provisions of this rule unless such Notice is delivered to its office prior to 3:45 P.M. on the third business day following the trade date of the transaction to which the DK Notice relates.

20. Rule 726 is amended to read as follows:

#### COMPARISON OF TRANSACTIONS NOT INCLUDED IN CLEARANCE BY ERROR

Rule 726. A transaction which has not been included in a regular clearance because of an error or omission (other than a transaction covered by Rules 723 or 725) shall be compared as promptly as possible in the following manner:

(a) If the terms of the transactions are agreed upon by two members on the Floor,



they shall complete and sign a DK Notice, in form prescribed by the Exchange [.] and [One] a copy of the Notice shall be sent to the office of each member or his clearing agent, (as the case may be, and one copy shall be sent to the American Stock Exchange Clearing Corporation) *Each clearing member shall be responsible for submitting such transaction to its respective registered clearing agency for clearance and settlement in accordance with the rules of such clearing agency.*

(b) If the terms of the transaction are agreed upon by the office representatives of two clearing members, the selling clearing member shall prepare and sign a DK Notice, in form prescribed by the Exchange, and send such Notice to the buying clearing member. The buying clearing member shall sign the DK Notice if the terms are correct, and return one copy of the Notice to the selling clearing member. [and forward one copy of the Notice to the American Stock Exchange Clearing Corporation] *Each clearing member shall be responsible for submitting such transaction to its respective registered clearing agency for clearance and settlement in accordance with the rules of such clearing agency.*

(c) The American Stock Exchange Clearing Corporation will, in accordance with its Rules, process a DK Notice received pursuant to the provisions of this Rule and will issue receive and deliver security orders to the receiving and delivering clearing members on the basis of the information contained in the DK Notice. Such security orders shall be binding and enforceable upon members and member organizations for which the American Stock Exchange Clearing Corporation acts.]

21. Rule 729 is amended to read as follows:

COMPARISON ON SELLER'S OPTION CONTRACTS  
AND "WHEN ISSUED" SPECIAL CONTRACTS

Rule 729. On "seller's option" transactions in stocks and bonds, and on all transactions made "when issued" or "when distributed" that are not cleared through [the A.S.E. Clearing Corporation] a registered clearing agency, written contracts in form approved by the Exchange shall be exchanged not later than the second business day following the transaction.

Such contracts must be signed by a member, or a general partner or a duly authorized officer of the member organization; or the member or member organization may authorize one or more employees to sign such contracts in the name of such member or member organization, with the same effect as if the name of such member or member organization had been signed under like circumstances by such member, or by a general partner or duly authorized officer of such member organization, by executing and filing with the Exchange, in the form prescribed by it, a separate power of attorney or authorization for each employee so authorized; provided, however, that such power of attorney or authorization need not be filed with this Exchange if the member or member organization is a member organization of another exchange in the City of New York having comparable requirements to which such member or member organization is subject and complies.

Before the name of any member corporation is affixed to such a contract by an officer thereof, the member corporation shall file with the Exchange in the form pre-

scribed by it evidence that such officer has been authorized to sign such contracts on behalf of the member corporation.

When written contracts have been exchanged, only the members or member organizations whose names have been so signed thereon shall be liable.

22. Rule 750 is amended to read as follows:

DELIVERY TIME

Rule 750. Deliveries of securities (except as provided in Rule 751 and except for securities to be delivered [to or by the American Stock Exchange Clearing Corporation in its Continuous Net Settlement System as provided in the Rules of the American Stock Exchange Clearing Corporation] pursuant to the rules of a registered clearing agency, which securities shall be delivered as provided in such Rules) shall be due before 11:30 A.M., unless [American Stock Exchange Clearing Corporation] the Exchange shall advance [or] , extend or otherwise direct with respect to the time within which [securities deliverable through it may be delivered, in which event the time within which other securities may be delivered shall thereby be similarly advanced or extended] such deliveries shall be due.

23. Rule 752 is amended to read as follows:

Failure to Deliver

Rule 752. If securities [due on any particular day are not delivered within the time specified in Rules 750, 751 or 759, the contract, if it is included in the Continuous Net Settlement System of the American Stock Exchange Clearing Corporation, may be closed as provided in the Rules of the American Stock Exchange Clearing Corporation; otherwise] which are to be delivered pursuant to Rule 750 or Rule 751 are not so delivered, the contract may be closed as provided in Section 4 hereof. If not so closed, and in the absence of any notice or agreement, the contract shall continue without interest until the following business day; but in every such case of non-delivery of securities, [except the non-delivery of securities in the Continuous Net Settlement System of the American Stock Exchange Clearing Corporation (the liability in respect of which shall be accounted for under the Rules of the American Stock Exchange Clearing Corporation)] the party in default shall be liable for any damages which may accrue thereby. All claims for such damages shall be made promptly.

24. Rule 753 is amended to read as follows:

Payment on Delivery

Rule 753. In all deliveries of securities other than securities deliverable pursuant to the rules of a registered clearing agency, the party delivering shall have the right to require the purchase money to be paid upon delivery. If delivery is made by transfer, payment may be required at time and place of transfer. [provided, however, that payment shall not be made through American Stock Exchange Clearing Corporation except in conformity with its By-Laws and Rules and unless said By-Laws and Rules so provide.]

25. Rule 754 is amended to read as follows:

Acceptance of Deliveries in Units of Trading

Rule 754. Except for contracts [included in the Continuous Net Settlement System of the American Stock Exchange Clearing Corporation] to be settled pursuant to the rules of a registered clearing agency, the buyer shall accept any portion of a lot of securities contracted for or due on a security balance if tendered in lots of one trading unit or multiples thereof, or in smaller amounts aggregating the amount sold, and may buy in the undelivered portion as provided in Section 4 hereof; but on sales made "Seller's Option" the buyer shall not be required, within the time specified in the option, to accept a portion of a lot of securities contracted for. [Any undelivered portion of a contract included in the Continuous Net Settlement System of the American Stock Exchange Clearing Corporation may be bought in as provided in the Rules of the American Stock Exchange Clearing Corporation.]

A contract in an odd lot shall be settled by the delivery of a certificate for the exact amount of the odd lot or certificates for lesser amounts aggregating the amount of the odd lot, except [as otherwise prescribed in the By-Laws and Rules of American Stock Exchange Clearing Corporation] contracts to be settled pursuant to the rules of a registered clearing agency.

26. Rule 755 is amended to read as follows:

Stamp Tax Tickets

Rule 755. Each delivery of securities subject to tax on transfer or sale must be accompanied by a sales ticket stamped in accordance with the regulations of the [United States and/or the State of New York, as required by law] applicable jurisdiction; [except that in the case of securities cleared by or deliverable through American Stock Exchange Clearing Corporation, sales tickets so stamped shall be delivered in accordance with its By-Laws and Rules] provided, however, that as to securities delivered pursuant to the rules of a registered clearing agency, the rules of such clearing agency shall govern the payment of any such tax, unless otherwise provided by law.

27. Rule 757 is deleted in its entirety.

28. Rule 758 is amended to read as follows:

"FAIL TO DELIVER" TICKET

Rule 758. If delivery on a contract has not been made on due date, other than a contract which has been [included in the Continuous Net Settlement System of the American Stock Exchange Clearing Corporation] accepted for settlement by a registered clearing agency and such clearing agency has assumed responsibility for payment and delivery, as the case may be either the buyer or the seller may, while such contract remains open, send to the other party, in duplicate, a "fail to deliver" confirmation.

When a "fail to deliver" confirmation is sent to a member, member firm or member corporation the party to whom the confirmation is presented shall retain the original, if it be correct, and promptly return the duplicate stamped and initialed.

29. Rule 761 is amended to read as follows:

POWER OF SUBSTITUTION

Rule 761. When the name of an individual or member organization has been inserted in an assignment, as attorney, a power of substitution shall be executed in blank by such attorney.

When the name of an individual or member organization has been inserted in a power of substitution, as substitute attorney, a new power of substitution shall be executed in blank by such substitute attorney.

When the name of a registered clearing agency or nominee thereof has been inserted in an assignment, as attorney, or in a power of substitution, as substitute attorney, a power of substitution shall be executed in blank by such registered clearing agency or nominee thereof.

• • • Commentary

Form 1 to these rules is the approved form for a power of substitution to be used when an attorney has been designated in an assignment.

Rule 765 is amended to read as follows:

ASSIGNMENTS—BY MEMBER ORGANIZATION

Rule 765.

Member firms—By authorized persons

(a) A member firm may authorize one or more persons who are its employees, or who are officers or employees of [the A. S. E. Clearing Corporation or of National Securities Clearing Corporation] a registered clearing agency, to assign registered securities in the name of such member firm and to guarantee assignments, with the same effect as if the name of such member firm had been signed under like circumstances by one of its partners by executing and filing with the Exchange, in the form prescribed by it, a separate power of attorney for each person so authorized.

Member corporations—By authorized persons

(b) A member corporation may authorize one or more of its officers, or one or more other persons who are either its employees or who are officers or employees of [the A.S.E. Clearing Corporation or of National Securities Clearing Corporation] a registered clearing agency, to assign registered securities in the name of the member corporation and on its behalf and to guarantee assignments, by filing with the Exchange, in the form prescribed by it, a certified copy of resolutions of its board of directors, authorizing such person or persons to act.

Members and member organizations—Use of facsimile signature

(c) A member or member organization may assign securities registered in his or its name, and may execute powers of substitution, by means of a mechanically reproduced facsimile signature, provided the member or member organization shall have (1) executed and filed with the Exchange, in the form prescribed by it, an agreement with respect to the use of such facsimile signature, (2) filed with the Exchange, in the form prescribed by it, a certified copy of resolutions of the board of directors of such member corporation, in the form prescribed by the Exchange, authorizing the execution and filing with the Exchange of such agreement, and (3) complied with such other requirements as may be prescribed by the Exchange in connection with the use of facsimile signatures. [A.S.E.

Clearing Corporation] Registered Clearing Agency—Use of facsimile signature

(d) [The A. S. E. Clearing Corporation] A registered clearing agency may execute powers of substitution by means of a mechanically reproduced facsimile signature of an officer of [the A. S. E. Clearing Corporation] such registered clearing agency, provided such corporation shall have (1) executed and filed with the Exchange, in the form prescribed by it, an agreement with respect to the use of such facsimile signature, (2) filed with the Exchange a certified copy of resolutions of the board of directors of such corporation, in the form prescribed by the Exchange, authorizing the execution and filing with the Exchange of such agreement, and (3) complied with such other requirements as may be prescribed by the Exchange in connection with the use of facsimile signatures.

Member of New York Stock Exchange—Filing of documents

(e) A member organization of the American Stock Exchange which is a member of [the A. S. E. Clearing Corporation] a registered clearing agency and is also a member organization of the New York Stock Exchange, and has filed with the New York Stock Exchange the appropriate forms required pursuant to the rules of that exchange to authorize officers or employees of the member organization to assign securities and to guarantee assignments, is not required to file with the American Stock Exchange the forms required by paragraph (a) or (b) of this Rule with respect to the authorization of such officers or employees.

(f) A member or member organization of the American Stock Exchange who or which is a member organization of the New York Stock Exchange and has filed with the New York Stock Exchange the appropriate forms required pursuant to the rules of that exchange to authorize the use of a particular facsimile signature, is not required to file with the American Stock Exchange the forms required by paragraph (c) of this Rule with respect to the use of such signature.

(g) The Stock Clearing Corporation of the New York Stock Exchange may execute powers of substitution by means of a mechanically reproduced facsimile signature of an officer of the Stock Clearing Corporation, provided such corporation shall have (1) executed and filed with the New York Stock Exchange, in the form prescribed by it, an agreement with respect to the use of such facsimile signature, (2) filed with the New York Stock Exchange, in the form prescribed by it, a certified copy of resolutions of the Board of Directors of such corporation authorizing the execution and filing with the New York Stock Exchange of such agreement, and (3) complied with such other requirements as may be prescribed by the New York Stock Exchange in connection with the use of facsimile signatures.]

(h) (i) (g) A nominee of [Central Certificate Service] a registered clearing agency may assign securities registered in the name of such nominee, and may execute powers of substitution, by means of a mechanically reproduced facsimile signature, provided [Central Certificate Service] such registered clearing agency shall have (1) executed and filed with the [New York Stock] Exchange, in the form prescribed by it, an agreement with respect to the use of such facsimile signature, (2) filed with the [New York Stock] Exchange, in the form prescribed by it, a

certified copy of resolutions of the Board of Directors of [Central Certificate Service] such registered clearing agency authorizing the execution and filing with the [New York Stock] Exchange of such agreement, and (3) complied with such other requirements as may be prescribed by the [New York Stock] Exchange in connection with the use of facsimile signatures.

(i) National Securities Clearing Corporation may execute powers of substitution by means of a mechanically reproduced facsimile signature of an officer of National Securities Clearing Corporation, provided such corporation shall have (1) executed and filed with the Exchange, in the form prescribed by it, an agreement with respect to the use of such facsimile signature, (2) filed with the Exchange a certified copy of resolutions of the board of directors of such corporation, in the form prescribed by the Exchange, authorizing the execution and filing with the Exchange of such agreement, and (3) complied with such other requirements as may be prescribed by the Exchange in connection with the use of facsimile signatures.]

• • • Commentary

Forms, resolutions and information as to detailed procedures under this Rule may be obtained on request from the Securities Division of the Exchange.

Rule 774 is amended to read as follows:

SIGNATURE GUARANTEE

Rule 774. The signature to an assignment of a certificate which is not in the name of a member or a member organization, or is not in the name of a nominee of [Depository Trust Company] a registered clearing agency shall be guaranteed by a member or member organization or by a commercial bank or trust company, [which bank or trust company either (a) is organized under the laws of the United States or of the State of New York and has its principal office in the vicinity of the Exchange or (b) does not have its principal office in the vicinity of the Exchange but is a National Bank or other member of the Federal Reserve System and] or such other entity whose signatures are on file with and acceptable to the transfer agent for the security. Each signature to a power of substitution executed by other than a member or a member organization or [the A.S.E. Clearing Corporation or the Stock Clearing Corporation of the New York Stock Exchange or National Securities Clearing Corporation or a nominee of Depository Trust Company] an entity approved pursuant to Rule 765 and whose signatures are on file with and acceptable to the transfer agent shall be guaranteed in like manner.

f. Commentary

10 "Vicinity of the Exchange"—The Exchange has determined that the words "vicinity of the Exchange" shall mean that part of the Borough of Manhattan, City of New York, located south of Chambers Street.]

Rule 781 is amended to read as follows:

INSOLVENCY

Rule 781. When announcement is made of the suspension of a member or member organization pursuant to the provisions of Article V, Sec. 3, of the Constitution, members



and member organizations having Exchange contracts with the suspended member or member organization shall without unnecessary delay proceed to close the same on the Exchange or in the best available market, except insofar as the By-Laws and Rules of [American Stock Exchange Clearing Corporation] a registered clearing agency, are applicable and provide the method of closing; provided, however, that upon any such suspension the Board may, in its discretion, suspend the mandatory close-out provisions of this rule and may, in its discretion, reinstate such provisions at such time as it may determine. Should a contract not be closed when required to be closed by this rule, the price of settlement for the purpose of Article IV, Section 4(d) of the Constitution shall be fixed by the price current at the time when such a contract should have been closed under this Rule.

Rule 783 is amended to read as follows:

#### NORMAL BUY-INS

Rule 783. A contract in securities admitted to dealings on the Exchange, (other than a contract which has been included in the Continuous Net Settlement System of the American Stock Exchange Clearing Corporation) accepted for settlement by a registered clearing agency and such clearing agency has assumed responsibility for payment and delivery, as the case may be, which has not been fulfilled according to the terms thereof, may be closed pursuant to the following procedures:

Rule 784 is amended to read as follows:

#### MANDATORY CLOSING OF FAILS

Rule 784. (a) A contract in securities admitted to dealings on the Exchange (other than a contract which has been included in the Continuous Net Settlement System of the American Stock Exchange Clearing Corporation) accepted for settlement by a registered clearing agency and such clearing agency has assumed responsibility for payment and delivery, as the case may be, which has not been fulfilled in accordance with its terms for a period of twenty business days after the original due date for delivery shall be resolved pursuant to the following procedures:

(1) A notice of intention to close the contract shall be delivered (in quadruplicate) to the member organization in default at or before 1:00 p.m. on the twenty-first business day after the original due date of the contract. Such twenty-first business day shall, for the purpose of this Rule, be referred to as the effective date of notice. A copy of the [ASE Clearing Corporation balance order, security order, signed comparison, receive or deliver order issued by a registered clearing agency, bond order or bond memorandum, must accompany the notice when delivered. If none of these documents is available, other evidence of the contract must accompany the notice. A fifth copy of the notice of intention shall be delivered to the Market Operations Division of the American Stock Exchange, before 1:00 p.m. on the same day.

(2) The member organization receiving the notice of intention must indicate on the copies of the notice its position with respect to the resolution of the item and then

return, to the initiating member organization, a copy thereof signed by a member, officer or authorized representative of such member organization, no later than 1:00 p.m. on the third business day after the effective date of notice. A copy of the response must be filed by the defaulting member organization with the Market Operations Division no later than 1:00 p.m. on the same day. (See Rule 785—Retransmission of Notice).

(3) If the notice of intention is returned to the initiating party "DK'd" or if the notice is not returned duly signed when due, the initiating party shall itself close the contract forthwith by buying or selling the securities involved through its own Floor representative. A party which has returned a notice "DK'd" or has failed to return the notice duly signed when due may not thereafter seek to fulfill the contract by delivering or requiring delivery of the securities if the contract has been closed by the initiating party. The closing of a contract by the initiating member organization as herein provided shall not preclude it from recovering any resulting damages from the defaulting party.

(4) If the notice of intention is returned duly signed, with an indication that the contract is known but that delivery cannot be made, and the contract is one which [the ASE Clearing Corporation] has been designated as acceptable for clearance as a fail item by a registered clearing agency of which both parties are clearing members (or by different registered clearing agencies having an appropriate interfacing capacity to handle fail items), it shall be submitted for clearance, by the defaulting member organization, in accordance with the [instructions] rules of [the ASE Clearing Corporation] such registered clearing agency relating to fail items.

(5) If the notice of intention is returned duly signed, with an indication that the contract is known by that delivery cannot be made, and the contract is one which [the ASE Clearing Corporation] has not been designated as [un]acceptable for clearance as a fail item by a registered clearing agency of which both parties are clearing members (or by different registered clearing agencies having an appropriate interfacing capacity to handle fail items), the initiating member shall close such contract pursuant to the procedures outlined in paragraphs (b), (c), (d) and (e) of Rule 783.

\*\*\* Commentary.

.03 Paragraph (a)(4) of the Rule requires that, if the notice of intention is returned duly signed with an indication that the contract is known but that delivery cannot be made, the defaulting member organization must submit copies of the "fail add by seller" notice to the [Clearing Corporation] appropriate registered clearing agency. Copies I and II of such notice should be used for this purpose and should be submitted [to the Input Department of the Clearing Corporation] in accordance with the rules of such registered clearing agency applicable to fail items, [by 11:00 a.m. on] but in any event should be submitted on or before the fourth business day after the effective date of notice. [The Clearing Corporation will key punch Copy I as a fail add by

seller and will redirect Copy II thereof to the initiating member organization.] (While the rules of the registered clearing agencies through which fail items may be handled may vary, it is anticipated that the procedures will in general be as follows. Copy I of such notice will be utilized by the clearing agency as input for the clearance of the fail item and Copy II thereof will be directed to the initiating member organization. All fail items will thereafter be listed and submitted to the parties on separate supplemental contract lists which will carry the original settlement value and the new settlement price. The difference will represent the amount of the cash adjustment that will be debited or credited, accordingly, to the accounts of the member organization. The fail items will thereafter be included in the regular clearance operation.)

.04 Paragraph (a)(5) requires that contracts which are designated as unacceptable for clearance must be closed. The procedure to be followed shall be the same as that followed in paragraphs (b), (c), (d) and (e) of Rule 783. Examples of contracts which normally are unacceptable for clearance as fail items include bond contracts, odd lot contracts where a specialist clearing agent is not involved and contracts involving securities which have not at the time been integrated into the fail clearance procedures of [the Clearing Corporation] any registered clearing agency under Rule 784.

Rule 785 is amended to read as follows:

#### RETRANSMISSION OF NOTICE

Rule 785. Every member, member firm or member corporation who is notified that a contract is to be closed for his account because of non-delivery, including such a notice under the Rules of [American Stock Exchange Clearing Corporation] a registered clearing agency that an obligation of the member or member organization to deliver securities to the clearing agency or under its rules is to be closed out for his or its own account, shall immediately re-transmit notice thereof to any other member, member firm or member corporation from whom the securities involved are due. Every such re-transmitted notice shall be in writing, and shall be delivered at the office of the member, member firm or member corporation to whom it is addressed; it shall state the date of the contract upon which the securities are due from such member, member firm or member corporation, the maturity date and the price of such contract, and the name of the member, member firm or member corporation who has given the original order to close.

Rule 787 is amended to read as follows:

#### LIABILITY WHERE CONTRACT CLOSED

Rule 787. The closing of a contract pursuant to these rules, or the rules of [the American Stock Exchange Clearing Corporation] a registered clearing agency, shall be for the account and liability of each succeeding party in interest in such contract, and, in case notice that such contract will be closed has been re-transmitted as provided in Rule 785, shall also close all contracts in respect of which such re-transmitted notice shall have been delivered prior to the closing.

If such re-transmitted notice is sent by a member, member firm or member corporation before the contract has been closed, but is not received until after such closing, the member, member firm or member corporation who sent the same may immediately re-establish, by a new sale, the contract with respect to which such notice has been given.

Any money difference resulting from the closing of a contract, or from the re-establishment of a contract as herein provided, shall be paid not later than 3:30 P.M. on the following business day, to the member, member firm or member corporation entitled to receive the same.

Rule 788 is amended to read as follows:

#### NOTICE OF CLOSING

Rule 788. When a contract (other than a contract [which has been included in the Continuous Net Settlement System of the American Stock Exchange Clearing Corporation] the close-out of which is governed by the rules of a registered clearing agency) has been closed the member, member firm or member corporation who closed the same, or who gave the order to close the same, shall immediately notify the member, member firm or member corporation for whose account the contract was closed. The member, member firm or member corporation receiving such a notification or receiving notification that a contract has been closed under the Rules of [the American Stock Exchange Clearing Corporation] a registered clearing agency, shall immediately notify each succeeding party in interest, and other members, member firms or member corporations to whom re-transmitted notice, as provided for in Rule 785, has been sent. Statements of resulting money differences, if any, shall also be made immediately.

Rule 791 is deleted in its entirety.

Rule 792 is amended to read as follows:

#### SECURITIES TRANSFERRING OUT OF TOWN

Rule 792. If the seller of a security, the transfer office for which is not in New York, makes a tender of a security which is not a good delivery, and the buyer refuses to give to the seller a name for transfer, the seller may be bought in only at the discretion of a Floor Official, after submission to such Official of satisfactory proof in writing that tender by the seller had actually been made. This Rule shall not apply to [clearing house balances] Deliveries of securities made pursuant to the rules of a registered clearing agency.

Rule 793 is deleted in its entirety.

Rule 794 is amended to read as follows:

#### "BUY-INS" ON SECURITIES LOCATED OUT OF TOWN

Rule 794. If satisfactory evidence is submitted to the Exchange that a sale for long account was made involving securities located outside the City of New York and in the United States, no buy-ins will be permitted for seven days from the date of such sale; if made involving securities located in Canada, no buy-ins will be permitted for ten days from the date of such sale; and if made involving securities located in Europe, no buy-ins will be permitted for two weeks from the date of such sale. If satisfactory evidence is

submitted to the Exchange that notwithstanding due diligence securities sold for long account and located outside the City of New York have not been, or may not be, made available for delivery within the above specified periods, buy-ins therefore may, in the discretion of a Floor Official, be further postponed. The buyer may, however, demand a deposit of 10 percent of the total amount involved in the transaction and such deposit shall be made promptly by the seller. This rule does not apply to "cash" or "next day" contracts, convertible securities, rights, subscription warrants or scrip on which a privilege exists at the time of the purchase or at the date of delivery or to securities which have been called for redemption. This rule also does not apply to [security balances of the American Stock Exchange Clearing Corporation] Deliveries which are governed by the rules of a registered clearing agency, [and in respect thereof buy-ins shall be permitted until delivery.]

Rule 795 is amended to read as follows:

#### "BUY-INS" WHERE SECURITIES IN TRANSFER

Rule 795. If satisfactory evidence is submitted to the Exchange that securities are in transfer in New York City, no buy-ins will be permitted for four (4) days from the date of the transaction. If satisfactory evidence is submitted to the Exchange that notwithstanding due diligence securities in transfer in New York or elsewhere have not been, or may not be, made available for delivery within the above specified periods, buy-ins therefore may, in the discretion of a Floor Official, be further postponed. The buyer may, however, demand a deposit of 10 percent of the total amount involved in the transaction and such deposit shall be made promptly by the seller. This rule does not apply to "cash" or "next day" contracts, convertible securities, rights, subscription warrants or scrip on which a privilege exists at the time of the purchase or at the date of delivery or to securities which have been called for redemption. This rule also does not apply to [security balances of the American Stock Exchange Clearing Corporation] Deliveries which are governed by the rules of a registered clearing agency, [and in respect thereof buy-ins shall be permitted until delivery.]

Rule 797 is deleted in its entirety.

Rule 810 is amended to read as follows:

#### DEPOSITS ON CONTRACTS

Rule 810. In the case of all Exchange contracts which are to be cleared or settled through [American Stock Exchange Clearing Corporation] a registered clearing agency, except contracts for the borrowing and loan of securities, and except contracts [included in the Continuous Net Settlement system of the American Stock Exchange Clearing Corporation] as to which marks-to-the-market are governed by the rules of a registered clearing agency, if the market value of the subject of the contract is above or below the contract price, the party, who by reason of the change in market value is partially unsecured, may demand from the other party the difference between the contract price and the market price and such

difference shall bear interest at the current renewal rate for call loans, but the other party instead of complying with such demand or after complying therewith may elect to make deposit in cash with [American Stock Exchange Clearing Corporation] a registered clearing agency specified by the party making such demand if permitted by the rules of such clearing agency [in the manner prescribed by its By-Laws and Rules], in which case any difference already paid to the other party shall be released.

Rule 813 is amended to read as follows:

#### DEPOSITS ON DUE BILLS

Rule 813. The holder of a due bill may require the maker of the due bill to deposit the full amount due thereon with [American Stock Exchange Clearing Corporation] a registered clearing agency designated by the holder of the due bill, if said [corporation] registered clearing agency either in the particular instance or in pursuance of its By-Laws and Rules shall agree to act and where said due bill is for securities or for rights, the holder may require the deposit of the market value thereof and either the holder or maker of said due bill may require that it shall thereafter be kept marked to the market.

#### DEPOSITING IN TRUST COMPANY

If [American Stock Exchange Clearing Corporation] the registered clearing agency shall decline to act either in the particular instance or in pursuance of its By-Laws and Rules, or, if the holder of the due bill so elects, such holder may require the maker of the due bill to deposit in a Trust Company the full amount due thereon payable to the joint order of both parties. When said due bill covers a dividend other than a cash dividend, the holder thereof may require the deposit of the market value thereof, which deposit, on demand, from either party, may from time to time be adjusted in the manner theretofore set forth.

#### [DEPOSIT BY NON-CLEARING MEMBER]

If the party making a deposit with American Stock Exchange Clearing Corporation, he shall cause the deposit to be made defined in the By-Laws and Rules of American Stock Exchange Clearing Corporation he shall cause the deposit to be made for him by a Clearing Member. The cash so deposited with American Stock Exchange Clearing Corporation shall be held by it subject to its By-Laws and Rules.]

Rule 814 is amended to read as follows:

#### HOURS OF CALL

Rule 814. All demands for the difference between the contract price and the market price or for deposits on due bills [made in accordance with the By-Laws and Rules of American Stock Exchange Clearing Corporation], and all other demands for mutual cash deposits or for differences, shall be made during the hours during which the Exchange is open for business, shall be in writing and shall be delivered at the office of the party upon whom the demand is made and shall be complied with immediately.

When demand is made for a mutual deposit, such deposit must be made not later than one hour after the call, except that if called after 2:00 P.M. it must be made at or



before 10:30 A.M. of the following business day.

Rule 850 is amended to read as follows:

#### SECTION 7. RECLAMATION

Rule 850. Reclamation by reason of the fact that the security delivered has a minor irregularity must be made within ten days from the day of delivery. (The return delivery of a security with such an irregularity may be made during the time schedule for reclamation, as established by the American Stock Exchange Clearing Corporation.) Upon return delivery, the delivering party must immediately give the party presenting it either the security in proper form for delivery, or pay the market price of the security, and assume all liability for non-delivery.

Rule 861 is amended to read as follows:

#### SETTLEMENT OF LOANS

Rule 861. An agreement between members, member firms and member corporations for the loan of cleared securities made before 4:30 P.M. on any business day shall be called, and delivery and payment of the amount involved shall be made, through [American Stock Exchange Clearing Corporation] the respective registered clearing agencies of which the parties thereto are clearing members (provided the rules of such clearing agency provide therefor), unless otherwise agreed by the parties; and the return of loans of cleared securities between members, member firms and member corporations shall be cleared, and re-delivery and re-payment shall be made, [through said Corporation] in the same manner, unless otherwise agreed between the parties.

Rule 931 is deleted in its entirety.

[FR Doc. 78-601 Filed 1-9-78; 8:45 am]

[8010-01]

[File No. 1-2660]

#### COMMUNITY PUBLIC SERVICE CO.

##### Notice of Application To Withdraw From Listing and Registration

JANUARY 3, 1978.

The above-named issuer has filed an application with the Securities and Exchange Commission, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of Community Public Service Company (\$10 par value) has been listed for trading on the Amex since May 1, 1963. The New York Stock Exchange, Inc. ("NYSE") approved the company's application for listing of its common stock on December 1, 1977. Trading in such stock on the NYSE commenced at the opening of business on December 1, 1977,

and concurrently therewith the stock was suspended from trading on the Amex. In making the decision to withdraw its common stock from listing on the Amex, the company considered the direct and indirect costs and expenses attendant on maintaining the dual listing on both exchanges. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its common stock.

This application relates solely to the withdrawal from listing and registration on the Amex and shall have no effect upon the continued listing of such common stock on the NYSE. The Amex has posed no objection in this matter.

Any interested person may, on or before January 27, 1978, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-598 Filed 1-9-78; 8:45 am]

[8010-01]

[811-1982]

#### REDMOND GROWTH FUND, INC.

Filing of Application for Order Pursuant to Section 8(f) of the Investment Company Act of 1940 Declaring That Company Has Ceased To Be an Investment Co.

JANUARY 4, 1978.

Notice is hereby given that Redmond Growth Fund, Inc. (the "Fund") 1750 Pennsylvania Avenue, Washington, D.C. 20006, registered under the Investment Company Act of 1940 ("Act") as an open-end, nondiversified management investment company, filed an application on December 8, 1977, pursuant to section 8(f) of the Act, for an order of the Commission declaring that the Fund has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund was organized on October 14, 1969, under the laws of the State

of Delaware, with an authorized capital stock of 3,000,000 shares of common stock having a par value of 25 cents per share. It registered under the Act on December 15, 1969, and also filed a registration statement under the Securities Act of 1933 on Form S-5 covering shares of common stock on that same date (File No. 2-35671). This registration statement was declared effective on July 31, 1970, and the Fund commenced a public offering of shares of its common stock on the date. As of December 1, 1977, the Fund had no outstanding or unclaimed shareholder accounts and no shares of its common stock outstanding.

After being informed by the Fund's investment adviser (J. W. Redmond & Co.) that the size of the Fund and the amount of advisory fees payable to it under the terms of the investment advisory agreement did not make it economically feasible for it to continue to act as investment adviser to the Fund, and after considering various alternatives (including specific reorganization proposals) the Board of Directors of the Fund determined that it would be in the best interest of the Fund's shareholders if the Fund were dissolved and completely liquidated. Accordingly, on March 1, 1977, the Board of Directors approved a proposed Plan of Dissolution and Complete Liquidation (the "Plan") calling for the Fund to dissolve, for the Fund to convert its securities portfolio into cash or cash equivalents, and after paying or providing for all of its liabilities for the Fund to distribute its remaining assets to the shareholders; and recommended that the Plan be submitted to the shareholders. At a Special Meeting of shareholders held on May 12, 1977, the Plan was approved by the holders of more than a majority of the common shares of the Fund. The investment advisory agreement between the Fund and J. W. Redmond & Co. was terminated as of the close of business on May 12, 1977. On May 13, 1977, a Certificate of Dissolution was filed with the Secretary of State of the State of Delaware and dissolution of the Fund was thereby effected. Thereafter, the Fund proceeded to convert its entire securities portfolio into cash and cash equivalents in accordance with the terms of the Plan.

As of May 27, 1977, the Fund's entire portfolio of securities had been converted into cash and cash equivalents in accordance with the Plan. Except for a reserve which has been established to cover the final dissolution expenses of the Fund, all Fund assets have been distributed to Fund shareholders. In addition, all of the Fund's liabilities have been paid or provided for. Furthermore, it has been ascertained that there is no litigation concerning the Fund currently pending.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc. 78-599 Filed 1-9-78; 8:45 am]

[8010-01]

[File No. 1-5298]

#### WABASH, INC.

##### Notice of Application To Withdraw From Listing and Registration

JANUARY 3, 1978.

The above-named issuer has filed an application with the Securities and Exchange Commission, pursuant to section 12(d) of the Securities Exchange Act of 1934 and rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of Wabash, Inc. (no par value), has been listed for trading on the Amex since November 1, 1966. The New York Stock Exchange, Inc. ("NYSE"), approved the company's application for listing of its common stock on October 17, 1977. Trading in such common stock on the NYSE commenced on October 28, 1977, and concurrently therewith such stock was suspended from trading on the Amex. In making the decision to withdraw its common stock from listing on the Amex, the company considered the direct and indirect costs and expenses incident to maintaining the dual listing on both exchanges. The company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its common stock.

This application relates solely to the withdrawal from listing and registration on the Amex and shall have no effect upon the continued listing on such common stock on the NYSE. The Amex has posed no objection in this matter.

Any interested person may, on or before January 29, 1978, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission

determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc. 78-600 Filed 1-9-78; 8:45 am]

[8025-01]

#### SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30, Rev. 15; Andt. 17]

##### DELEGATION TO CONDUCT PROGRAM

###### Activities in Field Offices

Delegation of authority No. 30, revision 15, republished in the FEDERAL REGISTER on February 25, 1976 (41 FR 8240), as amended (41 FR 16234, 17829, 28049, 36702, 47610, 50883; 42 FR 56990, 59153, 61347; and 43 FR 55, is hereby further amended to increase the approval authority for certificates of competency.

Accordingly, delegation of authority No. 30, revision 15, part VI, section A, is amended as set forth below:

##### PART VI—PROCUREMENT ASSISTANCE PROGRAM (PA)

###### SECTION A—CERTIFICATE OF COMPETENCY APPROVAL AUTHORITY

1. With the exception of re-referred cases, to approve applications for certificates of competency up to but not exceeding \$500,000 bid value received from small business concerns located within the geographical jurisdiction:

- (a) Regional Director.
- (b) Assistant Regional Director for Procurement Assistance.
- (c) District Directors, New York and Newark District offices (DO's) only (not exceeding \$100,000).
- (d) Assistant District Directors for Procurement Assistance New York and Newark DO's only (not exceeding \$100,000).

Effective date: January 10, 1978.

Dated December 29, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc. 78-533 Filed 1-9-78; 8:45 am]

[4710-02]

#### DEPARTMENT OF STATE

##### Agency for International Development

##### BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

###### Meeting: Correction

In 42 FR 63984, December 21, 1977, AID announced a meeting of the Board for International Food and Agricultural Development to be held on



January 9, 1978. The purpose of this notice is to indicate that the date of the meeting has been changed to January 26, 1978.

Dated: January 3, 1978.

ERVEN J. LONG,  
Federal Officer, Board for International Food and Agricultural Development.

[FR Doc. 70-540 Filed 1-9-78; 8:45 am]

#### [4810-22]

##### DEPARTMENT OF THE TREASURY

Customs Service  
(054578)

CIBA-GEIGY CORP.

Receipt of Petition To Revoke Duty-Free Treatment for Technical Chlorobenzilate Imported From Israel

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Notice of receipt of American manufacturer's petition.

SUMMARY: The Customs Service has received a petition from an American manufacturer of chemicals requesting that Technical Chlorobenzilate not be granted free entry under the Generalized System of Preferences (GSP) when imported from Israel. The petitioner does not believe that the product meets the value-added requirements set forth in the law for duty-free treatment under GSP.

DATE: Interested persons may comment on this petition, and comments must be received on or before: February 9, 1978.

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Special Projects and Programs Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Ronald W. Gerdes, Attorney, Special Projects and Programs Branch, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5786.

#### SUPPLEMENTAL INFORMATION:

##### BACKGROUND

A petition has been filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), by Ciba-Geigy Corp. of Ardsley, N.Y., an American manufacturer of chemicals. The petitioner requests that Technical Chlorobenzilate not be granted free entry under the Generalized System of Preferences (GSP) when imported from Israel. The petitioner believes that the product does not meet the "value-added" requirements to qualify for free entry under GSP.

Under section 503 of the Trade Act of 1974 (19 U.S.C. 2463), in order to qualify for duty-free entry under the Generalized System of Preferences, 35 percent of the final appraised value of the merchandise must consist of either direct costs of processing operations performed in the beneficiary developing country or of materials produced in the beneficiary developing country. The petitioner indicates that in his view the products in question should be classified under item 405.15 of the Tariff Schedules of the United States with appraised value based on the American Selling Price. The petitioner further indicates that as a producer of these materials in the United States it has supplied information as to the domestic selling price for the merchandise to the Area Director of Customs of the New York Seaport. The petitioner then describes the manufacturing process for the goods and indicates that on the best information at its disposal the raw materials for the manufacture of the goods, namely dichlorobenzil and diethylsulfate, are imported into Israel. It does not appear that any substantial amount of materials, which could be considered to have been produced in Israel, are used in the manufacture of the product. Additionally, based upon petitioner's knowledge of the production process, petitioner does not believe that the "direct costs of processing operations" are sufficient to reach 35 percent of the American Selling Price for the merchandise.

This notice is being published in accordance with §175.21(a) of the Customs Regulations (19 CFR 175.21(a)).

##### COMMENTS

Under §175.21(b) of the Customs Regulations copies of the submitted petition are available for public inspection by interested parties. Copies may be obtained during regular business hours from Mr. Ronald W. Gerdes, Attorney, Special Projects and Programs Branch, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5786.

G. R. DICKERSON,  
Acting Commissioner of Customs.  
[FR Doc. 78-534 Filed 1-9-78; 8:45 am]

#### [7035-01]

##### INTERSTATE COMMERCE COMMISSION

[Notice No. 562]

##### ASSIGNMENT OF HEARINGS

JANUARY 5, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains

prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD 28464, Louisville & Nashville Railroad Co. construction of connecting track over Grand Trunk Western Railroad Co. at Munster, Lake County, Ind. and FD 27972, Louisville & Nashville Railroad Co.—trackage rights—over Grand Trunk Western Railroad Co., South Bend Subdivision, between Munster, Lake County, Ind., and Thornton Junction, Cook County, Ill., now assigned March 6, 1978, at South Holland, Ill., is cancelled and reassigned for March 8, 1978 (1 week) at Dalton, Ill. and will be held at the Dalton Municipal Building, Council Room, 14014 Park Avenue.

MC 143488 (Sub-No. 1), Doonan Truck & Equipment, Inc., now being assigned February 14, 1978 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 143112, Western Kansas Express, Inc., now being assigned for continued hearing on the 22d day of February 1978 (2 days), at Wichita, Kans. in a hearing room to be later designated.

AB 12 (Sub-No. 20), Southern Pacific Transportation Co.—abandonment of its line of railroad—in Victoria, Goliad, Bee, San Patricio, Jim Wells, Brooks, and Hidalgo Counties, Tex.

FD 28024 Southern Pacific Transportation Co.—trackage rights—over Missouri Pacific Railroad Co. between Harlingen and Placedo, in Cameron and Victoria Counties, Tex. and FD 28078 Southern Pacific Transportation Co.—construction and operation between lines of Missouri Pacific Railroad Co. and the Texas Mexican Railway Co. at Robstown, Nueces County, Tex., now being assigned for continued hearing February 27, 1978 (1 week), at Alice, Tex., in a hearing room to be later designated.

MC 5623 (Sub-No. 33), Arrow Trucking Co., now being assigned February 22, 1978 (1 day), for hearing in Dallas, Tex., in a hearing room to be later designated.

MC 74321 (Sub-No. 131), B. F. Walker, Inc., now being assigned February 23, 1978 (1 day), for hearing in Dallas, Tex., in a hearing room to be later designated.

MC 83835 (Sub-No. 145), Wales Transportation, Inc., now being assigned February 24, 1978 (1 day), for hearing at Dallas, Tex., in a hearing room to be later designated.

MC 117851 (Sub-No. 23), John Cheeseman Trucking, Inc., now assigned February 14, 1978, at Washington, D.C., is postponed to February 15, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 141641 (Sub-No. 6), Willson Certified Express, Inc., now being assigned March 7, 1978 (1 day), for hearing in Chicago, Ill., in a hearing room to be later designated.

MC 107515 (Sub-No. 1040), Refrigerated Transport Co., Inc., now being assigned March 8, 1978 (1 day), for hearing in Chicago, Ill., in a hearing room to be later designated.

MC-F-13172 C. P. Brown and I. C. Hemmings—Control—Chicago Express Co., Inc., and MC 68658 (Sub-No. 3), Chicago Express Co., Inc., now being assigned March 9, 1978 (2 days), for hearing in Chicago, Ill., in a hearing room to be later designated.

AB (Sub-No. 42), Illinois Central Gulf Railroad Co. abandonment in Green, Monroe, Brown, Johnson, Morgan, and Marion Counties, Ind., now being assigned March 13, 1978 (1 week), for hearing in Indianapolis, Ind., in a hearing room to be later designated.

MC 133095 (Sub-No. 157), Texas Continental Express, Inc., now assigned January 17, 1978, at Albuquerque, N. Mex., will be held in Room 1410, Federal Building, 517 Gold Avenue SW.

MC 83835 (Sub-No. 144), Wales Transportation, Inc., now assigned January 19, 1978, at Dallas, Tex., will be held in the Baker Hotel, Roman Room, 1400 Commerce Street.

MC 57697 (Sub-No. 7), Lester Smith Trucking, Inc., now being assigned March 8, 1978 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 114632 (Sub-No. 120), Apple Lines, Inc., now being assigned March 6, 1978 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 115826 (Sub-No. 272), W. J. Digby, Inc., now being assigned February 22, 1978 (1 day), at Denver, Colo., in a hearing room to be later designated.

MC-F-13020, Gray Moving & Storage, Inc.—purchase—American Security Van Lines and MC 112070 (Sub-No. 14), Gray Moving & Storage, Inc., now being assigned March 1, 1978 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 58035 (Sub-No. 12), Trans-Western Express, Ltd., now assigned January 17, 1978, at Denver, Colo., will be held in Division 2, Court of Appeals, 1961 Stout Street.

MC 134467 (Sub-No. 21), Polar Express, Inc., now assigned January 19, 1978, at Denver, Colo., will be held in Division 2, Court of Appeals, 1961 Stout Street.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-554 Filed 1-9-78; 8:45 am]

#### [7035-01]

[Finance Docket No. 28620]

##### CHICAGO, MADISON & NORTHERN RAILWAY CO.

Acquisition and Operation—Over the Illinois Central Gulf Railroad Co. in Stephenson County, Ill., and Green and Dane Counties, Wis.

Chicago, Madison & Northern Railway Co., Suite 900, 16 North Carroll Street, Madison, Wis. 53701, represented by Mr. John F. Jenswold, President, Chicago, Madison & Northern Railway Co., Suite 900, 16 North Carroll Street, Madison, Wis. 53701, hereby give notice that on the 3d day of November 1977, as supplemented, December 8, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 1(18) of the Interstate Commerce Act for an order approving and authorizing

ing the acquisition and operation of a line of railroad presently owned and operated by the Illinois Central Gulf Railroad Co. in the States of Illinois and Wisconsin, from Freeport, Ill., northward to Madison, Wis., which application is assigned Finance Docket No. 28620.

Applicant proposes to acquire and operate a line of railroad presently operated by the Illinois Central Gulf Railroad Co. in the County of Stephenson, State of Illinois, and in the Counties of Green and Dane, Wis., a distance of approximately 60 miles.

This application is made contingent upon the issuance of an appropriate certificate of public convenience and necessity by the Commission in Docket No. AB-43 (Sub-No. 28) of the Illinois Central Gulf Railroad Co. to abandon its line of railroad from railroad milepost 2.5 near Freeport, Ill., to milepost 61.37 at Madison, Wis., a distance of 58.87 miles in Stephenson County, Ill., and Green and Dane Counties, Wis.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 ICC 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

Chicago, Madison & Northern Railway Co.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-555 Filed 1-9-78; 8:45 am]

#### [7035-01]

##### FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 5, 1978.

These applications for long- and short-haul relief have been filed with the ICC.

Protests are due at the ICC on or before January 25, 1978.

FSA No. 43485, Traffic Executive Association-Eastern Railroads, Agent's E.R. No. 3061, rail rates on fertilizers and fertilizer compounds, between points in official territory, in Sup. 138 to its tariff E-2009-I, ICC C-1008, to become effective February 4, 1978. Grounds for relief, revised rate structure.

FSA No. 43486, Bangor and Aroostook Railroad Co., on property moving on rail class and commodity rates, between points in Maine on the one hand, and points in the United States and Canada, on the other. Grounds for relief, abandonment of segment of railroad.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-551 Filed 1-9-78; 8:45 am]

#### [7035-01]

[AB 43 (Sub-No. 26)]

##### ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Near Hardwood, La., and Woodville, Miss., in West Feliciana Parish, La., and Wilkinson County, Miss.

DECEMBER 29, 1977.

The Commission's Section of Energy and Environment has prepared an addendum to the environmental threshold assessment survey for the above-entitled proceeding to reflect the results of staff consultations with the Advisory Council on Historic Preservation. The addendum recommends two conditions which would protect the historic integrity of the rail right-of-way should the abandonment be authorized.

Copies of the addendum are available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7011.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-552 Filed 1-9-78; 8:45 am]



[7035-01]

[AB 9 (Sub-No. 9)]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Abandonment Near East Lynne and Bolivar in  
Coss, Johnson, Henry, St. Clair, Hickory, and  
Polk Counties, Mo.

DECEMBER 27, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the St. Louis-San Francisco Railway Co., of its line between East Lynne and Bolivar, Mo., a distance of 109.32 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment.

It was concluded, among other things, that (1) abandonment of the line will obviate the need to relocate four segments of the right-of-way, totaling 16.22 miles, which will be inundated by the U.S. Army Corps of Engineers' Harry S. Truman Dam and Reservoir project; (2) diversion of rail traffic to motor carrier would not result in a significant increase in energy consumption, air pollution, or noise levels; (3) abandonment would

not have a serious adverse impact on rural and community development, so there are no indications of definite development plans to be affected; and (4) the right-of-way is suitable for use for other public purposes.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, telephone 275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 1, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-553 Filed 1-9-78; 8:45 am]

# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01]

## CIVIL AERONAUTICS BOARD.

Notice of addition of item to the January 11, 1978 meeting; M-92, amdt. 2 01/05/78.

TIME AND DATE: 10 a.m., January 11, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 3a. Docket 30552, Air Manila Renewal Application (OGC, BIA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The Board's public target date on this item is January 15, 1978. So that the Board can consider this item in a timely manner, the following Members have voted that agency business requires the addition of this item to the agenda of January 11, 1978 and that no earlier announcement of this addition was possible:

Chairman Alfred E. Kahn  
Acting Vice Chairman G. Joseph Minetti  
Member Richard J. O'Melia  
Member Lee R. West  
Member Elizabeth E. Bailey

[S-45-78 Filed 1-6-78; 3:52 pm]

[6320-01]

## CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the January 5, 1978 meeting; M-91, amdt. 2. 1/4/78.

TIME AND DATE: 10 a.m., January 5, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 6. Docket 29952, Pan American's application for New York-Dallas/Ft. Worth fill-up authority (Memo No. 6980-G, BOR).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Pan American has advised BOR staff by phone that it intends to file an application shortly seeking to suspend service on its New York-Dallas/Ft. Worth-Honolulu route. This filing will moot the staff's recommended action in Memo No. 6980-G (Pan American's application for New York-Dallas/Ft. Worth fill-up authority). Accordingly, the following Board Members have voted that agency business requires the deletion of Item 6 from the January 5 agenda and that no earlier announcement of this deletion was possible:

Chairman Alfred E. Kahn  
Vice Chairman Richard J. O'Melia  
Member G. Joseph Minetti  
Member Lee R. West  
Member Elizabeth E. Bailey

[S-46-78 Filed 1-6-78; 3:52 pm]

[6355-01]

## CONSUMER PRODUCT SAFETY COMMISSION.

LOCATION: 3rd Floor Hearing Room, 1111 18th St., NW., Washington, D.C.

TIME AND DATE: January 12, 1978, 9:30 a.m.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Matchbook Certification Regulation.* At this meeting, the Commission will consider specific issues related to a proposed matchbook certification regulation. The regulation proposes to establish requirements for certification for matchbooks subject to the Safety Standard for Matchbooks (16 CFR 1202; 42 FR 22656).

2. *Sleepwear Modifications.* The Commission will consider issues related to finalizing amendments to the standards for the flammability of children's sleepwear sizes 0-6X (FF 3-71) and 7-14 (FF 5-74). The Commission proposed these amendments on October 26, 1977 (42 FR 56568).

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, suite 300, 1111 18th St. NW., Washington, D.C. 20207 (202-634-7700)

[S-43-78 Filed 1-6-78; 2:28 pm]

[1410-01]

## COPYRIGHT ROYALTY TRIBUNAL.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 62019, December 8, 1977.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Monday, January 30, 1978, 10 a.m. and Tuesday, January 31, 1978, 10 a.m.

CHANGES IN MEETING: The hearings scheduled for January 30 and 31 have been postponed and are rescheduled commencing on Tuesday, March 7, 1978, at 10 a.m.

CONTACT PERSON FOR MORE INFORMATION:

Thomas C. Brennan, Chairman, Copyright Royalty Tribunal, 202-653-5175.

THOMAS C. BRENNAN,  
Chairman.

[S-42-78 Filed 1-6-78; 2:28 am]

[6712-01]

## FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 9:30 a.m. Open Commission Meeting, Thursday, January 12, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, item No., and subject

General-1 (69790)—Application for review of ruling which partially denied the Freedom of Information Act request filed by Xerox Corp. relating to procurement action RFP 77-34 (FOIA Control No. 7-96).

Complaints and Compliance-1 (69753)—Results of investigation into the operations of KVTM(FM), Dallas, Tex.

Complaints and compliance-2 (69785)—Appeal of an Administrative Law Judge order compelling an immunized witness to



testify in the payola/plugola hearings (Docket No. 16648).  
 Hearing—1 (69779)—Application for review in the Syracuse, New York UHF Television proceeding (Docket No. 20599) submitted by the Chief, Broadcast Bureau.  
 Hearing—2 (69781)—Motion for oral argument filed by Radio Stamford, Inc. in the Stamford, Conn., standard broadcast comparative renewal proceeding (Docket Nos. 19872 and 19873).  
 Hearing—3 (69792)—Application for review in the Cicero, Ill. standard broadcasting proceeding (Docket Nos. 21247-53).  
 Hearing—4 (69794)—Motion to amend the application of Folkways Broadcasting Co., Inc. in the Harriman, Tenn., FM proceeding (Docket No. 18912).

#### CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone No. 202-632-7260.

Issued: January 5, 1978.

[S-35-78 Filed 1-6-78; 9:01 am]

#### [6712-01]

#### FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE OF MEETING: 9:30 a.m., Wednesday, January 11, 1978.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

#### MATTERS TO BE CONSIDERED:

*Agenda, item No., and subject*

Common Carrier—1 (83900)—Application of AT&T, et al. for submarine cables between the continental United States, Puerto Rico/Virgin Islands, Venezuela and Brazil (File Nos. 1-P-C-5, 1-P-C-5-A and S-C-L-47).  
 Common Carrier—2—AT&T Transmittal No. 12790, reducing rates for Dataphone Digital service (DDS), AT&T Tariff FCC No. 267, at 2.4, 4.8, 9.6 and 56 kilobits per second.  
 Common Carrier—3—Modification of procedures in Docket No. 20814 investigation into AT&T's Multi-Schedule Private Line (MPL) tariff.  
 Common Carrier—4—Recommendations on the Fee Refund Program.

#### CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone No. 202-632-7260.

Issued: January 5, 1978.

[S-36-78 Filed 1-6-78; 9:01 am]

#### [6712-01]

#### FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 9:30 a.m. Special Open Meeting Wednesday, January 11, 1978.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Open Commission Meeting.

#### MATTERS TO BE CONSIDERED:

*Agenda, item No., and subject*

General—1 (83835)—Amendment of Part 15 of the Commission's rules to prohibit manufacture of UHF receivers, after May 1, 1979, with noise figures in excess of 14 dB (Docket No. 21010).  
 General—2 (84022)—Inquiry from Microwave Associates, Burlington, Mass.: Does sale of earth satellite receivers to private individuals for reception of broadcast satellite signals violate Section 605 of the Communications Act?  
 Safety and Special Radio Services—1 (83987)—Simplification of the licensing and call sign assignment systems in the Amateur Radio Service (Docket No. 21135).  
 Safety and Special Radio Services—2 (83990)—Amendment of Part 87 of the Commission's rules to permit an additional advisory station at landing areas to separate helicopter and fixed-wing aircraft.  
 Assignment of License and Transfer of Control—1 (84096)—Applications to exchange ownership of TV Stations in Washington, D.C. (WJLA) and Oklahoma City, Okla. (KOCO) and petitions to deny the transfer.  
 Common Carrier—1 (83997)—Amendment of Section 61.72 of the Commission's rules to delete the requirement of posting tariffs in toll centers.  
 Common Carrier—2 (83999)—Amendment of Sections 63.54 and 64.601 of the Commission's rules concerning interrelationships between common carriers and cable television facilities.  
 Common Carrier—3 (84026)—Memorandum Opinion and Order to Show Cause why the Commission should not revoke the license of Seaway Communications, Ship Bottom, N.J. (DPI/MRS Station KUS413).  
 Common Carrier—4 (84028)—Modification of depreciation rates for General Telephone Co. of the Southeast, New York Telephone Co., Northwestern Bell, et al.  
 Cable Television—1 (83824)—Petitions for stay of the Commission decision in *Vanhu, Inc.* (Seattle, Wash.) filed by United Community Antenna Systems, Inc.; and TeleVue Systems, Inc. and KIRO, Inc.'s objections.  
 Cable Television—2 (84017)—Petition for waiver of Section 78.11(a) of the Commission's rules in the Cable Television Relay Service (CARS), filed by Bend Community Antenna Co. on October 19, 1977.  
 Cable Television—3 (84060)—Reconsideration of Report and Order dealing with use of predicted field strength contours for cable television regulation, and expanding carriage of UHF stations on cable systems (Docket No. 20496).  
 Cable Television—4 (84062)—Petition for special relief, filed by CPL, operator of a cable television system serving North Little Rock and Sherwood, Ark. and opposition pleadings filed by Combined Communications Corp., (KARK-TV), and Leake TV, Inc., (KATV), both of Little Rock, Ark.  
 Cable Television—5 (84064)—Petition for partial reconsideration, filed by Clearview

TV Cable of Enumclaw, Inc., Enumclaw, Wash., (CSR-948).

Cable Television—6 (84066)—Petition for reconsideration (CSR-1164), filed by Televents, Inc., Lafayette, Calif., regarding waiver of signal carriage rules and opposition pleadings filed by Miami Valley Broadcasting (KTVU), Oakland, Calif., and KQED, Inc., (KQEC) San Francisco, Calif.

Cable Television—7 (84068)—Petition filed by Concerned Citizens Coalition for Open Media of Worcester to deny Telepromter's application for a cable television system in Worcester, Mass.

Cable Television—8 (84079)—Petition for reconsideration: filed by Blytheville TV Cable Co., Blytheville, Ark. and opposition pleading filed by KAIT-TV, Jonesboro, Ark.

Cable Television—9 (84081)—Petition, filed by Texas Community Antennas, Inc. (Nacogdoches Cable TV), directed against the Commission's decision in Texas Community Antennas, Inc. FCC 77-131, 63 FCC 2d 339 (1977).

Renewal—1 (84073)—Analysis of employment information submitted by Colorado broadcast stations subject to the Commission's inquiry regarding NOW's informal objection.

Aural—1 (83803)—Applications for construction permits for new broadcast stations in California Filed by Baker-Smith Communications Co. (Burbank), and A.W.A.R.E. Communicators, Inc., Lotus Communications Corp., Poothill Broadcasting Corp., (Pasadena).

Aural—2 (84001)—Application for FM broadcast construction permit filed by KDHL, Inc., Faribault-Northfield, Minn.; and petition to dismiss the application.

Aural—3 (84071)—Application of Fred H. Baker (Megamedia), KISR-FM, Fort Smith, Ark., for construction permit and request for waiver of Section 73.207 of the Commission's rules.

Aural—4 (84075)—Application for construction permit for new station at Grass Valley, Calif. filed by Nevada County Broadcasters, (BP-20079) and petition to deny filed by Portland Broadcasters, Inc.

Aural—5 (84077)—Applications for major changes in the facilities of KZSU, Stanford, Calif. (BPED-2049) and KPJC, Los Altos Hills, Calif. (BPED-2195), both non-commercial educational FM stations.

Aural—6 (84083)—Application for noncommercial educational FM construction permit filed by The University of Massachusetts, Boston, Mass. (BPED-1807).

Aural—7 (84085)—Application for construction permit for new commercial FM station in Bozeman, Mont., filed by Burt H. Oliphant (BPH-9670), Western Media, Inc. (BPH-9772), and Northern Sun Corp. (BPH-9841).

Aural—8 (84093)—Application for review of grant of KLUC Broadcasting Co. (KLUC) North Las Vegas, Nev. (BP-20253).

Complaints and Compliance—1 (83888)—Request for a declaratory ruling clarifying the phrase "program or any part thereof" in Section 325(a) of the Communications Act.

Complaints and Compliance—2 (84087)—Application for review, filed by WELK, Inc., Charlottesville, Va., of a May 18, 1977 denial of its petition to eliminate or reduce forfeiture.

Complaints and Compliance—3 (84089)—Application for review, filed by Tri-State (KVDB) Sioux Center, Iowa of a Septem-

ber 20, 1977 Broadcast Bureau order assessing a forfeiture.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

#### CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone No. 202-632-7260.

Issued: January 4, 1978.

[S-37-78 Filed 1-6-78; 9:01 am]

#### [6210-01]

#### BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 60, January 3, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Thursday, January 3, 1978.

CHANGES IN THE MEETING: Addition of the following closed item to the meeting: Personnel appointments within the Board's staff.

#### CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

GRIFFITH L. GARWOOD,  
*Deputy Secretary of the Board.*

JANUARY 5, 1978.

[S-38-78 Filed 1-6-78; 10:26 am]

#### [4910-58]

#### NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, January 12, 1978.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

#### MATTERS TO BE CONSIDERED:

1. *Special Investigation Report.*—An Overview of a Bulk Gasoline Delivery Fire and Explosion, Gadsden, Ala.

2. *Pipeline Accident Report.*—Consolidated Gas Supply Corp., Propane Pipeline Rupture and Fire, Ruff Creek, Pa., July 20, 1977.

3. *Marine Accident Report.*—Tank Barge B-924 Fire and Explosion with Loss of Life at Greenville, Miss., November 13, 1975.

#### CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-426-8860.

[S-40-78 Filed 1-6-78; 11:38 am]

#### [4410-01]

10

#### UNITED STATES PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Tuesday, January 17, 1978; 9:30 a.m.

PLACE: Room 338, Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed—Pursuant to 5 U.S.C. 552(b)(10) and 28 CFR 16.205(b)(1).

MATTERS TO BE CONSIDERED: Referrals from regional directors of approximately 10 cases in which inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

#### CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, Analyst, 202-724-3094.

[S-39-78 Filed 1-6-78; 2:28 pm]

#### [7710-12]

11

#### U.S. POSTAL SERVICE, BOARD OF GOVERNORS.

##### NOTICE OF VOTE TO CLOSE A MEETING

On January 5, 1978, the Board of Governors of the U.S. Postal Service unanimously voted to close to public observation a portion of its meeting currently scheduled for February 7, 1978. Each of the members of the Board voted in favor of partially closing the meeting, which is expected to be attended by the following persons: Governors Wright, Holding, Ching, Coddling, Hardesty, and Robertson; Postmaster General Ballar; Deputy Postmaster General Bolger; Secretary to the Board Cox; and Senior Assistant Postmaster General (Employee and Labor Relations) Conway.

The portion of the meeting to be closed will consist of a discussion of the Postal Service's possible strategies and positions in anticipated collective bargaining negotiations involving parties to the 1975 National Agreement between the Postal Service and four labor organizations representing certain postal employees, which is scheduled to expire in July of 1978.

The Board of Governors is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective

bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions, and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. § 552b(b)), because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and section 7.3(i) of title 39, code of Federal Regulations, the discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action. Finally, the Board of Governors has determined that the public has an interest in maintaining the integrity of the collective bargaining process and that the public interest does not require that the Board's discussion of its possible collective bargaining strategies and positions be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the U.S. Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3) and 552b(c)(9)(B) of title 5 and section 410(c)(3) of title 39, United States Code, and sections 7.3(c) and 7.3(i) of title 39, Code of Federal Regulations.

LOUIS A. COS.  
*Secretary.*

[S-39-78 Filed 1-6-78; 10:26 am]



[7910-01]

12

THE RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, January 17, 1978; 10 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 through 3 are open to the public; status is not applicable to matters 4 and 5.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of meeting held January 10, 1978, and other Board meetings, if any.

2. Recommended Clearances Without Assignment (List No. 1892):

A. P. R. Mallory Co., Inc., fiscal year ended December 31, 1975.

B. Fansteel, Inc., fiscal years ended December 31, 1974 and 1975.

C. Varian Associates, fiscal years ended September 30, 1974 and 1975.

D. Etowah Manufacturing Co., fiscal years ended December 31, 1972, 1973, 1974, and 1975.

D-1. Dixie Tool & Die Co., fiscal years ended June 30, 1973, 1974, and 1975.

D-2. Alabama Tool Co., fiscal years ended December 31, 1973, 1974, and 1975.

E. Union Carbide Corp., fiscal years ended December 31, 1974, and 1975.

E-1. Union Carbide U.K. Ltd., fiscal years ended December 31, 1974, and 1975.

E-2. Union Carbide Canada Ltd., fiscal years ended December 31, 1974, and 1975.

E-3. Union Carbide Deutschland GMBH, fiscal years ended December 31, 1974, and 1975.

3. Special Accounting Agreement:

A. Security Pacific National Bank, fiscal years ended December 31, 1971, through 1975.

B. Security Pacific Leasing Co., fiscal year ended December 31, 1975.

C. Security Pacific National Leasing, Inc., fiscal years ended December 31, 1973, 1974, and 1975.

4. Approval of Agenda for meeting to be held January 31, 1978.

5. Approval of Agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, Washington, D.C. 20446, 202-254-8277.

Dated: January 6, 1978.

GOODWIN CHASE,  
Chairman.

[S-44-78 Filed 1-6-78; 3:52 pm]

SUNSHINE ACT MEETINGS

[8120-01]

13

TENNESSEE VALLEY AUTHORITY.  
(Meeting No. 1187.)

TIME AND DATE: 10:30 a.m., Thursday, January 12, 1978.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tenn.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A—Personnel Actions.—1. Change of status, Nathaniel B. Hughes, Jr., from Assistant Manager to Manager of the Office of Power, Chattanooga, Tenn.

B—Consulting and Personal Service Contracts, None.

C—Purchase Awards.—1. Amendment to contract 70P60-92203 with General Electric Co., Chattanooga, Tenn., for spare parts for Browns Ferry Nuclear Plant.

2. Req. No. 5574-27, Rental of IBM equipment for any TVA project or warehouse.

3. Req. No. 54-3371 (partial reissue), indefinite quantity term contract for carbon steel, warehouse quantities for any TVA nuclear project.

4. Req. No. 558532, Indefinite quantity term contract for pine and oak lumber for proposed Phipps Bend Nuclear Plant.

5. Req. No. 822080, Requirement contract for metal cable trays and fittings for Hartsville and Phipps Bend Nuclear Plants.

6. Req. No. 823057, Prestressed concrete water pipe for proposed Yellow Creek Nuclear Plant.

7. Req. No. 822326, 550- and 169-kV power circuit breakers for proposed Phipps Bend Nuclear Plant.

8. Req. No. 540503, Indefinite quantity term contract for computer and related services for the Computing Services Branch.

9. Req. No. 554789, Rear-end dump trucks for construction pool equipment.

10. Amendment to contract 75k61-86227-2 with Bristol Steel & Iron Works, Inc., Bristol, Va., for structural steel containment vessels for Hartsville and Phipps Bend Nuclear Plants.

11. Req. No. 539668, Receiving, transporting, storing and installing nuclear steam system supply components for proposed Phipps Bend Nuclear Plant.

12. Sales invitation No. 3738, Sale of scrap stator coils, cupro-nickel, and ACSR located at Cherokee Hydro, Kingston and Widows Creek Steam Plants.

D—Project Authorizations.—1. No. 3294, Electrostatic precipitators for Paradise Steam Plant Units 1-3.

2. No. 2967.3, Installation of supervisory control masters in the Wilson Hydro and South Nashville, Tenn.,

area dispatch and control centers and remote supervisory control terminals at various 500-kV and 161-kV substations.

3. No. 3296, Construction equipment maintenance center for construction equipment major component repairs and selected equipment overhauls.

E—Fertilizer Items, None.  
F—Power Items.—1. Lease and amendatory agreement with Cherokee Electric Cooperative, Centre 46-kV substation.

2. Lease and amendatory agreement with city of Knoxville, Tenn., Knox, Lonsdale, and North Knoxville 161-kV substations.

3. Lease and amendatory agreement with the city of Athens, Tenn., Englewood and South Athens 69-kV substations.

4. New power contract with the city of Albertville, Ala.

5. New power contract with the Metropolitan Government of Nashville and Davidson County, Tenn.

6. Change in funding authority in exploration and milling agreement with Federal-American Partners, uranium properties in Gas Hills area of Wyoming.

7. Agreement with Electric Power Research Institute, Inc., research project relating to nitrogen oxide control for coal-fired boilers.

G—Real Property Transactions.—1. Grant of 40-year recreation easement to the town of Big Sandy, Tenn., affecting 14.1 acres of Kentucky Reservoir land in Benton County, Tenn., tract XTGIR-62E.

2. Grant of permanent easement to the State of Tennessee for state governmental purposes affecting TVA's Nashville Power Service Center property in Davidson County, Tenn.

3. Filing of condemnation suits.

H—Unclassified.—1. Resolution relating to settlement agreement with Daugherty & Daugherty Construction, Inc., contract dispute proceeding.

2. Letter agreement with The Commonwealth of Virginia, Commission of Game and Inland Fisheries, relating to study of endangered mollusks.

3. Supplemental agreement with State of Alabama for conduct of an orphan mine reclamation demonstration.

4. Supplemental agreement among TVA, Tennessee Department of Education, and local school systems in the Hartsville Nuclear Plants project area.

Dated: January 5, 1978.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tenn. Information is also available at TVA's Washington Office, 202-566-1401.

[S-34-78 Filed 1-6-78; 9:01 am]

TUESDAY, JANUARY 10, 1978  
PART II



DEPARTMENT OF  
HEALTH,  
EDUCATION,  
AND WELFARE  
Public Health Service

HEALTH MANPOWER  
SHORTAGE AREAS  
Criteria for Designation

register  
federal



[4110-83]

## Title 42—Public Health

## CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## PART 5—DESIGNATION OF HEALTH MANPOWER SHORTAGE AREAS

## Establishment of Criteria

AGENCY: Public Health Service, HEW.

ACTION: Interim-Final Regulations.

SUMMARY: These regulations establish criteria for designation of health manpower shortage areas pursuant to section 332 of the Health Professions Educational Assistance Act of 1976. Entities in these areas will be eligible to apply for assignment of National Health Service Corps personnel. These areas will also be eligible service areas for Public Health Service scholarship and loan repayment programs, and will be used in connection with other Public Health Service programs.

DATES: These regulations are effective immediately. As discussed below, comments on the regulations are invited, but must be received on or before February 24, 1978 in order to be considered.

ADDRESSES: Written comments, preferably in triplicate, should be addressed to the Director, Bureau of Health Manpower, Health Resources Administration, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782. All comments received will be available for public inspection and copying at the Office of Program Operations, Bureau of Health Manpower, Room 4-22, at the above address, weekdays (Federal holidays excepted), between the hours of 8:30 a.m. and 5 p.m.

## FOR FURTHER INFORMATION CONTACT:

Richard C. Lee, Chief, Shortage Area Designation Section, Manpower Analysis Branch, Bureau of Health Manpower, Room 4-41, at the above address, telephone 301-436-6764.

SUPPLEMENTARY INFORMATION: On October 12, 1976, a new section 332 entitled "Designation of Health Manpower Shortage Areas" was added to the Public Health Service Act (42 U.S.C. 254e), by Pub. L. 94-484, the Health Professions Educational Assistance Act of 1976. This section required that the Secretary of Health, Education, and Welfare establish, by regulation, criteria for the designation of health manpower shortage areas and, subsequently designate areas based upon these criteria. Public or nonprofit entities in (or with a demon-

strated interest in), the areas designated pursuant to these criteria will be eligible to apply for the assignment of members of the National Health Service Corps to provide health services in or to the areas (see section 333(a) of the Public Health Service Act). These areas will also be the eligible service areas for PHS scholarship and loan repayment programs (see sections 735(c), 741(f), 751, and 759 of the Act). The areas designated under these regulations thus will supersede the lists of areas previously designated under sections 329(b) and 741(f) of the Public Health Service Act. These areas will also be used for other purposes under the Public Health Service Act (see sections 788(a), 788(f), 822 of the Act).

As required by section 332(b), the regulations set forth below include criteria for the designation of areas, population groups, medical facilities, and other public facilities as health manpower shortage areas. As also required, practitioner-to-population ratios, infant mortality rates, health status, access to health services, other indicators of need, and the percentage of physicians who are foreign medical graduates have been considered as factors in establishing these criteria.

The criteria for designation of health manpower shortage areas have been developed separately according to the type of health manpower for which a shortage may be indicated. The types of manpower shortage areas for which criteria are being included at the present time are:

- A. Areas with shortages of primary medical care manpower;
- B. Areas with shortages of dental manpower;
- C. Areas with shortages of psychiatric manpower;
- D. Areas with shortages of vision care manpower;
- E. Areas with shortages of podiatric manpower;
- F. Areas with shortages of pharmacy manpower; and
- G. Areas with shortages of veterinary manpower.

The above types of health manpower are those which are currently available for placement by the National Health Service Corps (as a result of recruitment activities and scholarship programs), and/or are currently eligible for health professions student loan cancellation and repayment programs under the Public Health Service Act. The possibility that there exist significant shortages of other types of health manpower is currently being explored, and criteria for other types of health manpower shortage may be developed in the future and included within part 5.

Criteria contained in the regulations have been chosen so as to identify geographic areas, population groups, and

facilities with severe manpower shortages; shortages of a severity that justifies the use of Federal resources for their alleviation. These criteria do not represent adequacy levels, so there may be many areas which do not meet these criteria and yet have inadequate health manpower. The Department has prepared a report setting forth, in more detail, the statistical and programmatic basis for the criteria included in part 5. Interested persons can obtain a copy of that report at the address listed above.

The criteria include methods for comparing the degree of shortage of any two areas designated as having a particular type of shortage. This is required for implementation of section 333(c)(1) of the act, which requires that the Secretary give priority to those applications for National Health Service Corps personnel which would result in assignment of Corps personnel to "an area, population group, medical facility, or other public facility with the greatest health manpower shortage, as determined under criteria established under section 332(b)."

The regulations also spell out the procedures for designation of areas using these criteria, including consideration of the recommendations of health systems agencies, State health planning and development agencies, and Governors, as required by the statute.

The Department has prepared a preliminary list of possible health manpower shortage areas for review by appropriate agencies under the regulations. Immediately upon publication of these regulations, the review procedures detailed therein will be initiated. In approximately 90 days, the resulting first list of health manpower shortage areas under section 332 will be designated and published in the FEDERAL REGISTER. As noted in the regulations, any agency or individual may recommend the designation of a particular geographic area, population group, or facility as a health manpower shortage area. Such recommendations may be sent to the Chief, Shortage Area Designation Section, Manpower Analysis Branch, at the address above.

In light of the statutory deadlines for publication of these regulations and for the designation of areas, and the fact that implementation of other programs under the Public Health Service Act is dependent upon these designations, the Secretary has determined that good cause exists for the notice, public participation and delayed effective date requirements of 5 U.S.C. 553 not to be followed in connection with the publication of part 5. However, in accordance with the Secretary's policy in obtaining public participation, comments will be accepted on this interim rule at the above listed

address for a 45-day period. After consideration of these comments, the Secretary will republish the rules in part 5, revised as appropriate based upon consideration of the public comments received.

Accordingly, 42 CFR is amended, effective immediately, by adding thereto a new part 5 as set forth below.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: September 26, 1977.

JULIUS B. RICHMOND,  
Assistant Secretary for Health.

Approved: December 21, 1977.

JOSEPH A. CALIFANO, JR.,  
Secretary.

- Sec.
- 5.1 Purpose.
- 5.2 Definitions.
- 5.3 Procedure for designation of health manpower shortage areas.
- 5.4 Notification of designation.
- Appendix A. Criteria for Designation of Areas Having Shortages of Primary Medical Care Manpower.
- Appendix B. Criteria for Designation of Areas Having Shortages of Dental Manpower.
- Appendix C. Criteria for Designation of Areas Having Shortages of Psychiatric Manpower.
- Appendix D. Criteria for Designation of Areas Having Shortages of Vision Care Manpower.
- Appendix E. Criteria for Designation of Areas Having Shortages of Podiatric Manpower.
- Appendix F. Criteria for Designation of Areas Having Shortages of Pharmacy Manpower.
- Appendix G. Criteria for Designation of Areas Having Shortages of Veterinary Manpower.

AUTHORITY: Section 215 of the Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216); Section 332 of the Public Health Service Act, 90 Stat. 2770-2772 (42 U.S.C. 254e).

## § 5.1 Purpose.

Section 332(b) of the Public Health Service Act (42 U.S.C. 254e) requires the Secretary to establish criteria for the designation of geographic areas, population groups, medical facilities, and other public facilities, in the States, as health manpower shortage areas. The purpose of this Part is to comply with this requirement.

## § 5.2 Definitions.

For purposes of this Part:

- (a) "Act" means the Public Health Service Act, as amended.
- (b) "Health manpower shortage area" means (1) An urban or rural area (which need not conform to the geographic boundaries of a political subdivision and which is a rational area for the delivery of health services) which the Secretary determines

has a shortage of health manpower, (2) a population group which the Secretary determines has such a shortage, or (3) a public or nonprofit private medical facility or other public facility which the Secretary determines has such a shortage.

(c) "Health service area" means a health service area whose boundaries have been designated by the Secretary, pursuant to section 1511 of the Act, for purposes of health planning activities.

(d) "Health systems agency" or "HSA" means the health systems agency designated, pursuant to section 1515 of the Act, to carry out health planning activities for a given health service area.

(e) "Medical facility" means a facility for the delivery of health services and includes: (1) a community health center, public health center, outpatient medical facility, or community mental health center; (2) a hospital, State mental hospital, facility for long-term care, or rehabilitation facility; (3) a migrant health center, or an Indian Health Service facility; (4) facilities for delivery of health services to U.S. penal and correctional institutions under section 323 of the Act or to State correctional institutions; (5) a Public Health Service medical facility used in connection with the delivery of health services under sections 321, 322, 324, 325, 326, or Part D of Title III of the Act; or (6) other Federal medical facilities.

(f) "Metropolitan area" means an area which has been designated by the Office of Management and Budget as a standard metropolitan statistical area (SMSA). All other areas are "non-metropolitan areas".

(g) "Poverty level" means the poverty level as defined by the Bureau of the Census, using the poverty index adopted by a Federal Interagency Committee in 1969, and updated each year to reflect changes in the Consumer Price Index.

(h) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(i) "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(j) "State health planning and development agency" or "SHPDA" means the State health planning and development agency designated pursuant to section 1521 of the Act.

## § 5.3 Procedures for designation of health manpower shortage areas.

(a) General. (1) Using data available to the Department and based upon the

criteria in the Appendices to this Part, the Department will prepare a preliminary list (by State and health service area) of possible health manpower shortage areas. Relevant portions of this list will then be forwarded to the appropriate HSA, SHPDA, and Governor with a request that they review the preliminary list and offer their recommendations, if any, within 60 days, as to which geographic areas, population groups, and facilities in areas under their jurisdiction should be designated.

(2) In addition, any agency or individual may recommend to the Secretary the designation of a particular geographic area, population group or facility as a health manpower shortage area. Such individual recommendations will be forwarded to the appropriate HSA, SHPDA, and Governor, for review and recommendation within 30 days.

(3) In each case where the designation of a public facility (including a Federal medical facility) is under consideration, the Secretary will give written notice of such proposed designation to the chief administrative officer of such facility and request comments within 30 days with respect to such designation.

(4) After considering these recommendations and comments, the Secretary will designate health manpower shortage areas and publish a list of such areas in the FEDERAL REGISTER.

(b) Revisions. (1) The list of designated areas will be reviewed annually and revised, as necessary, in accordance with the procedures outlined in paragraph (a) of this section. The revised list will then be published in the FEDERAL REGISTER.

(2) During the period between revisions, requests for specific revisions relating to particular geographic areas, population groups, or facilities will be reviewed on a case-by-case basis, in accordance with the procedures in paragraphs (a) (2) and (3) of this section. A notice will be published periodically in the FEDERAL REGISTER updating the list of designated areas based upon such requests.

## § 5.4 Notification of designation.

The Secretary will give written notice of the designation (or withdrawal of designation) of a health manpower shortage area, not later than 60 days from the date of such designation (or withdrawal of designation) to:

(a) The Governor of each State in which the area, population group, medical facility, or other public facility so designated is in whole or in part located.

(b) Each health systems agency for a health service area which includes all or any part of such area, population group, medical facility, or other public facility so designated.



(c) The State health planning and development agency for each State in which the area, population group, medical facility, or other public facility so designated is in whole or in part located.

(d) Appropriate public or nonprofit private entities which are located in or which have a demonstrated interest in the area so designated.

#### APPENDIX A.—CRITERIA FOR DESIGNATION OF AREAS HAVING SHORTAGES OF PRIMARY MEDICAL CARE MANPOWER<sup>1</sup>

##### PART I—GEOGRAPHIC AREAS

###### A. Criteria

A geographic area will be designated as having a shortage of primary medical care manpower if the following three criteria are met:

1. The area is a rational area for the delivery of primary medical care services.

2. One of the following conditions prevails within the area:

(a) The area has a population-to-primary care physician ratio of at least 3,500:1; or  
(b) The area has a population-to-primary care physician ratio of less than 3,500:1 but greater than 3,000:1 and has either unusually high needs for primary medical care services or insufficient capacity of existing primary care providers.

3. Primary medical care manpower in contiguous areas are overutilized, excessively distant, or inaccessible to the population of the area under consideration.

###### B. Methodology

In determining whether an area meets the criteria established by paragraph A of this Part, the following methodology will be used:

1. *Rational Areas for the Delivery of Primary Medical Care Services.* (a) The following areas will be considered rational areas for the delivery of primary medical care services:

(i) A county, or a group of contiguous counties whose population centers are within 30 minutes travel time of each other.

(ii) A portion of a county, or an area made up of portions of more than one county, whose population, because of topography, market or transportation patterns, distinctive population characteristics or other factors, has limited access to contiguous area resources, as measured generally by a travel time greater than 30 minutes to such resources.

(iii) Established neighborhoods and communities within urbanized areas which display a strong self-identity (as indicated by a homogeneous socioeconomic or demographic structure and/or a tradition of interaction or intradependency), have limited interaction with contiguous areas, and which, in general, have a minimum population of 20,000.

(b) The following distances will be used to estimate distances corresponding to 30 minutes travel time:

(i) Under normal conditions with primary roads available: 20 miles.

<sup>1</sup>Primary medical care manpower as used here includes nurse practitioners and physician's assistants as well as primary care physicians.

(ii) In mountainous terrain or in areas with only secondary roads available: 15 miles.

(iii) In flat terrain or in areas connected by interstate highways: 25 miles.

Within inner portions of metropolitan areas, the large variations in the scope of public transportation systems and traffic conditions do not permit standard mileage figures to be specified. In these areas, information on the public transportation system will be used to determine the distance corresponding to 30 minutes travel time.

2. *Population Count.* The population count used will be the total permanent resident civilian population of the area, excluding

inmates of institutions, with the following adjustments, where appropriate:

(a) Adjustments to the population for the differing health service requirements of various age-sex population groups will be computed using the table below of visit rates for 12 age-sex population cohorts. The total expected visit rate will first be obtained by multiplying each of the 12 visit rates in the table by the size of the area population within that particular age-sex cohort and adding the resultant 12 visit figures together. This total expected visit rate will then be divided by the U.S. average per capita visit rate of 5.1, to obtain the adjusted population for the area.

##### AGE GROUPS

Sex	Under 5	5-14	15-24	25-44	45-64	65 and over
Male.....	7.3	3.6	3.3	3.6	4.7	6.4
Female.....	6.4	3.2	5.5	6.4	6.5	6.8

the standard for determining full-time equivalents in such cases. For practitioners working less than a 40-hour week, every four (4) hours (or  $\frac{1}{4}$  day) spent providing patient care, in either ambulatory or inpatient settings, will be counted as 0.1 FTE (with numbers obtained for FTEs rounded to the nearest 0.1 FTE), and each physician providing patient care 40 or more hours a week will be counted as 1.0 FTE physician.

(c) In some cases, physicians located within an area may not be accessible to the population of the area under consideration. Allowances for physicians with restricted practices will be made, on a case-by-case basis. Examples of such restricted practices include refusal to accept certain types of patients or to accept Medicaid reimbursement.

(d) Nurse practitioners and physician's assistants also make important contributions to the provision of primary medical care services. While national equivalency figures for taking the availability of nurse practitioners and physician's assistants into account are not included here because of variations in their responsibilities across States and regions, their contribution to the supply of primary care services in individual areas will be considered where appropriate data are available.

4. *Determination of Unusually High Needs for Primary Medical Care Services.* An area will be considered as having unusually high needs for primary medical care services if at least one of the following criteria is met:

(a) The area has more than 100 births per 1,000 women aged 15-44, or more than 40 births per 1,000 women aged 13-17.

(b) The area has more than 20 infant deaths per 1,000 live births.

(c) More than 30 percent of the population (or of all households) have incomes below the poverty level.

5. *Determination of Insufficient Capacity of Existing Primary Care Providers.* An area's existing primary care providers will be considered to have insufficient capacity if at least two of the following criteria are met:

(a) More than 8,000 office or outpatient visits per year per FTE primary care physician serving the area.

(b) Unusually long waits for appointments for routine medical services (i.e., more than 7 days for established patients and 14 days for new patients).

(c) Excessive average waiting time at primary care providers (longer than one hour

##### PART III—FACILITIES

###### A. Federal and State Correctional Institutions

1. *Criteria.* Medium to maximum security Federal and State correctional institutions will be designated as having a shortage of primary medical care manpower if both the following criteria are met:

(a) The institution has at least 250 inmates.

(b) The ratio of the number of internees per year to the number of FTE primary care physicians serving the institution is at least 1,000:1. (The number of internees is the number of inmates present at the beginning of the year plus the number of new inmates entering the institution during the year, including those on short sentences who left before the end of the year.)

2. *Determination of Degree of Shortage.* The degree of shortage of a given correctional institution, designated as having a shortage of primary care medical manpower, will be determined as follows:

(a) *Grouping of correctional institutions.* Correctional institutions will first be grouped as follows, based on number of inmates and/or the ratio (R) of internees to primary care physicians:

Group 1—Institutions with 500 or more inmates and no physicians.

Group 2—Institutions with 250-499 inmates and no physicians; or with any number of inmates and  $R > 2,000$ .

Group 3—Institutions with 2,000  $R > 1,000$ .

(b) *Relative shortage within a group.* In comparing any two institutions within a given group, the institution with the larger number of internees will be assumed to have the greater shortage.

###### B. Public or Non-profit Private Medical Facilities

1. *Criteria.* Public or nonprofit private medical facilities will be designated as having a shortage of primary medical care manpower if:

(a) The facility is providing primary medical care services to an area or population group designated as having a primary care manpower shortage; and

(b) The facility has insufficient capacity to meet the primary care needs of that area or population group.

2. *Methodology.* In determining whether public or nonprofit private medical facilities meet the criteria established by paragraph B.1 of this Part, the following methodology will be used:

(a) *Provision of Services to a Designated Area or Population Group.* A facility will be considered to be providing services to a designated area or population group if either:

(i) A majority of the facility's primary care services are being provided to residents of designated primary care manpower shortage areas or to population groups designated as having a shortage of primary care manpower; or

(ii) The population within a designated primary care shortage area or population group has reasonable access to primary care services provided at the facility. Such reasonable access will be assumed if the population lies within 30 minutes travel time of the facility and non-physical barriers (relating to demographic and socioeconomic characteristics of the population) do not prevent the population from receiving care at the facility.

Indian Health Service facilities and migrant health centers (as defined in section

where patients have appointments or two hours where patients are treated on a first-come, first-served basis).

(d) Evidence of excessive use of emergency room facilities for routine primary care.

(e) A substantial proportion ( $\frac{1}{2}$  or more) of the area's physicians do not accept new patients.

(f) Abnormally low utilization of health services, as indicated by an average of 2.0 or less office visits per year on the part of the area's population.

6. *Contiguous Area Considerations.* Primary care manpower in areas contiguous to an area being considered for designation will be considered excessively distant, overutilized or inaccessible to the population of the area under consideration if one of the following conditions prevails in each contiguous area:

(a) Primary care manpower in the contiguous area are more than 30 minutes travel time from the center of the area being considered for designation (measured in accordance with paragraph B.1(b) of this Part).

(b) Contiguous area population-to-FTE primary care physician ratios are in excess of 2,500:1, indicating that contiguous areas cannot be expected to help alleviate the shortage situation in the area being considered for designation.

(c) Primary care manpower in contiguous areas are inaccessible to the population of the area under consideration because of specified access barriers, such as:

(i) Significant differences between the demographic (or socio-economic) characteristics of the area under consideration and those of the contiguous area, indicating that the population of the area under consideration may be effectively isolated from nearby resources. Such isolation could be indicated, for example, by an unusually high proportion of non-English-speaking persons.

(ii) The area's population lacks economic accessibility to contiguous area resources. For those areas where a very high proportion of the population is poor (i.e., where more than 30 percent of the population or of the households have incomes below the poverty level), failure of a substantial majority of contiguous area providers to accept Medicaid will be taken to indicate such economic inaccessibility. Contiguous areas where the ratio of poverty population to number of primary care physicians accepting Medicaid is higher than 2,500:1 will then be assumed to have no excess capacity which can relieve the shortage in the area under consideration.

###### C. Determination of Degree of Shortage

The degree of shortage of a given geographic area, designated as having a shortage of primary medical care manpower, will be determined using the following procedure:

1. *Grouping of Areas.* Designated areas will first be assigned to groups, based on the ratio (R) of population to number a full-time equivalent primary care physicians and the presence or absence of unusually high needs for primary medical care services or insufficient capacity of existing primary care providers, according to the following table:

	High needs or insufficient capacity not indicated	High needs or insufficient capacity indicated
Group 1.....	No physicians.....	No physicians; or $R > 5,000$ .
Group 2.....	$R > 5,000$ .....	$5,000 > R > 4,000$ .

	High needs or insufficient capacity not indicated	High needs or insufficient capacity indicated
Group 3.....	$5,000 > R > 4,000$ .....	$4,000 > R > 3,500$ .
Group 4.....	$4,000 > R > 3,500$ .....	$3,500 > R > 3,000$ .

All group 1 areas will be assumed to have a greater shortage than all group 2 areas; all group 2 areas will be assumed to have a greater shortage than all group 3 areas, etc.

##### PART II—POPULATION GROUPS

###### A. Criteria

The following population groups will be designated as having a shortage of primary medical care manpower:

(1) Those American Indians and Alaska Natives who are members of Indian tribes (as defined in section 4(d) of Pub. L. 94-437, the Indian Health Care Improvement Act of 1976);

(2) Other American Indians (as defined in section 4(c) of Pub. L. 94-437), migrant populations, and other population groups within particular geographic areas will be designated if the following criteria are met:

(a) Access barriers prevent the population group from use of the area's primary medical providers (such as refusal of practitioners to accept certain types of patients or refusal to accept Medicaid reimbursement); and

(b) The ratio (R) of the number of persons in the population group to the number of FTE primary care physicians serving the population group, and practicing within 30 minutes travel time of the center of the area where the population group resides, is at least 3,500:1 (3,000:1, where unusually high needs for health services exist in the population group, as determined in accordance with paragraph B.4 of Part I of this Appendix). The population of the group is to be counted in accordance with paragraph B.2 of Part I of this Appendix, except that for migrant populations in high impact areas (as defined in section 319(a)(5) of the Act), the average number of migrants in the area during the period of highest impact will be used.

###### B. Determination of Degree of Shortage

The degree of shortage of a given population group, designated as having a shortage of primary care manpower, will be determined as follows:

1. The population group will first be assigned to a degree-of-shortage grouping as in Paragraph C of Part I of this Appendix, based on the ratio (R) of the group's population to the number of primary care physicians serving it, together with the presence or absence of unusually high needs for primary medical care services among the population group.

2. In comparing any two population groups within a degree-of-shortage grouping, or in comparing a designated population group with a designated area within the same grouping, the area or population group with the larger population will be assumed to have the greater shortage. (In the case of Indian tribes, the population figure used will be that population served by each Indian Health Service (IHS) facility which requires staffing.)



319(a)(1) of the Act) are assumed to be meeting this requirement.

(b) *Insufficient capacity to meet primary care needs.* A facility will be considered to have insufficient capacity to meet the primary care needs of a designated area or population group if at least two of the following conditions exist at the facility:

(i) There are more than 8,000 outpatient visits per year per primary care physician on the staff of the facility.

(ii) There is excessive usage of emergency room facilities for routine primary care.

(iii) Waiting time for appointments is more than 7 days for established patients and/or more than 14 days for new patients seeking routine health services.

(iv) Waiting time at the facility is longer than one hour where patients have appointments or two hours where patients are treated on a first-come, first-served basis.

Indian Health Service facilities will be considered to have insufficient capacity if the staffing requirements established by the Indian Health Service are not met.

3. *Determination of Degree of Shortage.* The degree of shortage of a medical facility designated as having a shortage of primary medical care personnel will be determined as follows:

(a) *Grouping of areas.* Medical facilities will be grouped as in Paragraph C of Part I of this Appendix, in the same groupings as the designated area or population group which they serve.

(b) *Relative shortage within a group.* In comparing a facility with other designated facilities, areas, or population groups within the same grouping, the population figure used for the facility shall be that of the population of the designated area or population group which the facility serves. The area, population group, or facility with the larger population or service population will then be assumed to have the greater shortage.

#### APPENDIX B.—CRITERIA FOR DESIGNATION OF AREAS HAVING SHORTAGES OF DENTAL MANPOWER

##### PART I—GEOGRAPHIC AREAS

###### A. Criteria

A geographic area will be designated as having a dental manpower shortage if the following three criteria are met:

1. The area is a rational area for the delivery of dental services.

2. One of the following conditions prevails in the area:

(a) The area has a population-to-dentist ratio of at least 5,000:1, or

(b) The area has a population-to-dentist ratio of less than 5,000:1 but greater than 4,000:1 and has either unusually high needs for dental services or insufficient capacity of existing dental providers.

3. Dental manpower in contiguous areas are overutilized, excessively distant, or inaccessible to the population of the area under consideration.

###### B. Methodology

In determining whether an area meets the criteria established by paragraph A of this Part, the following methodology will be used:

1. *Rational Areas for the Delivery of Dental Services.* (a) The following areas will be considered rational areas for the delivery of dental services:

(i) A county, or a group of several contiguous counties whose population centers are within 40 minutes travel time of each other.

(ii) A portion of a county (or an area made up of portions of more than one county) whose population, because of topography, market or transportation patterns, distinctive population characteristics, or other factors, has limited access to contiguous area resources, as measured generally by a travel time of greater than 40 minutes to such resources.

(iii) Established neighborhoods and communities within urbanized areas which display a strong self-identity (as indicated by a homogenous socioeconomic or demographic structure and/or a tradition or interaction or interdependency), have limited interaction with contiguous areas, and which, in general, have a minimum population of 20,000.

(b) The following distances will be used to estimate distances corresponding to 40 minutes travel time: (i) Under normal conditions with primary roads available: 30 miles.

(ii) In mountainous terrain or in areas with only secondary roads available: 20 miles.

(iii) In flat terrain or in areas connected by interstate highways: 35 miles.

Within inner portions of metropolitan areas, the large variations in the scope of public transportation systems and traffic conditions do not permit standard mileage figures to be specified. In these areas, information on the public transportation system will be used to determine the distance corresponding to 40 minutes travel time.

2. *Population Count.* The population count used will be the total permanent resident civilian population of the area, excluding inmates of institutions, with the following additions to take into account the effect of transient populations, where appropriate:

(a) Seasonal tourist populations will be included in an area's population with a weight of 0.5, as computed according to the following formula: Effective tourist population =  $5 \times (\text{proportion of year tourists are present in area}) \times (\text{average daily number of tourists during portion of year that tourists are present})$ .

(b) The migrant population will be included in an area's population, as computed according to the following formula: Effective migrant population =  $(\text{proportion of year migrants are present in area}) \times (\text{average daily number of migrants during portion of year that migrants are present})$ .

3. *Counting of Dental Practitioners.* (a) All non-Federal dentists providing patient care will be counted, except in those urban areas where it is shown that specialists (those dentists not in general practice or pedodontics) are serving a larger metropolitan area and are not addressing the general dental care needs of the area under consideration.

(b) Full-time equivalent (FTE) figures will be used to reflect productivity differences among dental practices based on the age of the dentists, the number of auxiliaries employed, and the number of hours worked per week. In general, the number of FTE dentists will be computed using weights obtained from the matrix in Table 1, which is based on the productivity of dentists at various ages, with different numbers of auxiliaries, as compared with the average productivity of all dentists. For the purposes of these determinations, an auxiliary is defined as any non-dentist staff employed by the dentist to assist in operation of the practice.

TABLE 1.—Equivalency weights, by age and number of auxiliaries

	<55	55-59	60-64	65+
No auxiliaries.....	.85	.70	.60	.45
1 auxiliary.....	1.00	.90	.80	.65
2 auxiliaries.....	1.15	1.05	1.00	.75
3 auxiliaries.....	1.40	1.20	1.05	1.00
4 or more auxiliaries..	1.45	1.45	1.25	1.20

If information on the number of auxiliaries employed by the dentist is not available, Table 2 may be used to compute the number of fulltime equivalent dentists.

TABLE 2.—Equivalency weights, by age

Age	<55	55-59	60-64	65+
Equivalency weights..	1.15	.90	.75	.56

The number of equivalent dentists within a particular age group (or age/auxiliary group) will be obtained by multiplying the number of dentists within that group by its corresponding equivalency weight. The total supply of equivalent dentists within an area is then computed as the sum of those dentists within each age (or age/auxiliary) group.

(c) The equivalency weights specified in Tables 1 and 2 assume that dentists within a particular group are working full-time (40 hours per week). Where appropriate data are available, adjusted equivalency figures for dentists who are semi-retired, who operate a reduced practice due to infirmity or other limiting conditions or who are available to the population of an area only on a part-time basis will be used to reflect the reduced availability of such dentists. In computing such equivalency figures, every 4 hours (or  $\frac{1}{4}$  day) spent in the dental practice will be counted as 0.1 FTE, except that each dentist working more than 40 hours a week will be counted as 1.0. The count obtained for a particular age group of dentists will then be multiplied by the appropriate equivalency weight from Table 1 or 2 to obtain a full-time equivalent figure for dentists within that particular age or age/auxiliary category.

4. *Determination of Unusually High Needs for Dental Services.* An area will be considered as having unusually high needs for dental services if at least one of the following criteria is met:

(a) More than 30 percent of the population (or of all households) have incomes below the poverty level.

(b) The area does not have a fluoridated water supply.

5. *Determination of Insufficient Capacity of Existing Dental Care Providers.* An area's existing dental care providers will be considered to have insufficient capacity if any of the following criteria are met:

(a) More than 5,000 visits per year per FTE dentist serving the area.

(b) Unusually long waits for appointments for routine dental services (i.e., more than 6 weeks).

(c) A substantial proportion ( $\frac{1}{4}$  or more) of the area's dentists do not accept new patients.

6. *Contiguous Area Considerations.* Dental manpower in areas contiguous to an area being considered for designation will be considered excessively distant, overutilized or inaccessible to the population of the area under consideration if one of the following conditions prevails in each contiguous area:

(a) Dental manpower in the contiguous area are more than 40 minutes travel time from the center of the area being considered for designation (measured in accordance with paragraph B.1.(b) of this Part).

(b) Contiguous area population-to-FTE dentist ratios are in excess of 3,000:1, indicating that resources in contiguous areas cannot be expected to help alleviate the shortage situation in the area being considered for designation.

(c) Dental manpower in contiguous areas are inaccessible to the population of the area under consideration because of specified access barriers, such as:

(i) Significant differences between the demographic (or socioeconomic) characteristics of the area under consideration and those of the contiguous area, indicating that the population of the area under consideration may be effectively isolated from nearby resources. Such isolation could be indicated, for example, by an unusually high proportion of non-English-speaking persons.

(ii) The area's population lacks economic accessibility to contiguous area resources, particularly those areas where a very high proportion of the population is poor (i.e., where more than 30 percent of the population or of the households have incomes below the poverty level).

###### C. Determination of Degree of Shortage

The degree of shortage of a given geographic area, designated as having a shortage of dental manpower, will be determined using the following procedure:

1. *Grouping of Areas.* Designated areas will first be assigned to groups, based on the ratio (R) of population to number of full-time equivalent dentists and the presence or absence of unusually high needs for dental services or insufficient capacity of existing dental care providers, according to the following table:

	High needs or insufficient capacity not indicated	High needs or insufficient capacity indicated
Group 1.....	No dentists.....	No dentists; or R > 8,000.
Group 2.....	R > 8,000.....	8,000 > R > 6,000.
Group 3.....	8,000 > R > 6,000.....	6,000 > R > 5,000.
Group 4.....	6,000 > R > 5,000.....	5,000 > R > 4,000.

All group 1 areas will be assumed to have a greater shortage than all group 2 areas; all group 2 areas will be assumed to have a greater shortage than all group 3 areas, etc.

2. *Relative Shortage within a Group.* In comparing any two areas within each group as defined above, the area with the larger population will be assumed to have the greater shortage.

##### PART II—POPULATION GROUPS

###### A. Criteria

The following population groups will be designated as having a shortage of dental manpower:

1. Those American Indians and Alaska Natives who are members of Indian tribes (as defined in section 4(d) of Pub. L. 94-437, the Indian Health Care Improvement Act of 1976).

2. Other American Indians (as defined in section 4(c) of Pub. L. 94-437), migrant populations, and other population groups within particular geographic areas will be designated if both of the following criteria are met:

(a) Access barriers prevent the population group from use of the area's dental providers (such as refusal of practitioners to accept certain types of patients); and

(b) The ratio (R) of the number of persons in the population group to the number of FTE dentists serving the population group, and practicing within 40 minutes travel time of the center of the area where the population group resides, is at least 5,000:1 (4,000:1, where unusually high needs for dental services exist in the population group, as determined in accordance with paragraph B.4 of Part I of this Appendix). The population of the group is to be counted in accordance with paragraph B.2 of Part I of this Appendix, except that for migrant populations in high impact areas (as defined in section 319(a)(5) of the Act), the average number of migrants in the area during the period of highest impact will be used.

###### B. Determination of Degree of Shortage

The degree of shortage of a given population group, designated as having a shortage of dental manpower, will be determined as follows:

1. The population group will first be assigned to a degree-of-shortage grouping as in paragraph C of Part I of this Appendix, based on the ratio (R) of the group's population to the number of dentists serving it, together with the presence or absence of unusually high needs for dental services among the population group.

2. In comparing any two population groups within a degree-of-shortage grouping, or in comparing a designated population group with a designated area within the same grouping, the area or population group with the larger population will be assumed to have the greater shortage. (In the case of Indian tribes, the population figure used will be that population served by each I.H.S. facility which requires staffing.)

##### PART III—FACILITIES

###### A. Federal and State Correctional Institutions

1. *Criteria.* Medium to maximum security Federal and State correctional institutions will be designated as having a shortage of dental manpower if both of the following criteria are met:

(a) The institution has at least 250 inmates.

(b) The ratio of the number of inmates per year to the number of FTE dentists serving the institution is at least 1,500:1. (The number of inmates is the number of inmates present at the beginning of the year plus the number of new inmates entering the institution during the year, including those on short sentences who left before the end of the year.)

2. *Determination of Degree of Shortage.* The degree of shortage of a given correctional institution, designated as having a shortage of dental manpower, will be determined as follows:

(a) *Grouping of Correctional Institutions.* Correctional institutions will first be grouped as follows, based on number of inmates and/or the ratio (R) of inmates to dentists: Group 1—Institutions with 500 or more inmates and no dentists; Group 2—Institutions with 250-499 inmates and no dentists; or with any number of inmates and R > 3,000; Group 3—Institutions with 3,000 > R > 1,500.

(b) *Relative Shortage within a Group.* In comparing any two institutions within a

given group, the institution with the larger number of inmates will be assumed to have the greater shortage.

###### B. Public or Non-profit Private Facilities

1. *Criteria.* Public or nonprofit private facilities providing general dental care services will be designated as having a shortage of dental manpower if both of the following criteria are met: (a) The facility is providing general dental care services to an area or population group designated as having a dental manpower shortage; and (b) The facility has insufficient capacity to meet the dental care needs of that area or population group.

2. *Methodology.* In determining whether public or nonprofit private facilities meet the criteria established by paragraph B.1 of this Part, the following methodology will be used:

(a) *Provision of Services to a Designated Area or Population Group.* A facility will be considered to be providing services to a designated area or population group if either: (i) A majority of the facility's dental care services are being provided to residents of designated dental manpower shortage areas or to population groups designated as having a shortage of dental manpower; or (ii) The population within a designated dental shortage area or population group has reasonable access to dental services provided at the facility. Such reasonable access will be assumed if the population lies within 40 minutes travel time of the facility and non-physical barriers (relating to demographic and socioeconomic characteristics of the population) do not prevent the population from receiving care at the facility. Indian Health Service facilities and migrant health centers (as defined in section 319(a)(1) of the Act) are assumed to be meeting this requirement.

(b) *Insufficient Capacity to Meet Dental Care Needs.* A facility will be considered to have insufficient capacity to meet the dental care needs of a designated area or population group if either of the following conditions exists at the facility: (i) There are more than 5,000 outpatient visits per year per dentist on the staff of the facility. (ii) Waiting time for appointments is more than 6 weeks for routine dental services. Indian Health Service facilities will be considered to have insufficient capacity if the staffing requirements established by the Indian Health Service are not met.

3. *Determination of Degree of Shortage.* The degree of shortage of a facility designated as having a shortage of dental manpower will be determined as follows: (a) Facilities will be grouped as in paragraph C.1 of Part I of this Appendix, in the same groupings as the designated area or population group which they serve. (b) In comparing a facility with other designated facilities, areas, or population groups within the same grouping, the population figure used for the facility shall equal that proportion of the population of the designated area or population group which the facility serves. The area, population group, or facility with the larger population or service population will then be assumed to have the greater shortage.



## APPENDIX C—CRITERIA FOR DESIGNATION OF AREAS HAVING SHORTAGES OF PSYCHIATRIC MANPOWER

## PART I—GEOGRAPHIC AREAS

## A. Criteria

A geographic area will be designated as having a shortage of psychiatric manpower if the following three criteria are met:

1. The area is a rational area for the delivery of psychiatric services.
2. One of the following conditions prevails within the area:

(a) The area has a population-to-psychiatrist ratio of at least 30,000:1; or  
(b) The area has a population-to-psychiatrist ratio of less than 30,000:1 but greater than 20,000:1 and has unusually high needs for mental health services.

3. Psychiatric manpower in contiguous areas are overutilized, excessively distant or inaccessible to residents of the area under consideration.

## B. Methodology

In determining whether an area meets the criteria established by paragraph A of this Part, the following methodology will be used:

1. *Rational Areas for the Delivery of Psychiatric Services.* (a) The following areas will be considered rational areas for the delivery of psychiatric services:

(i) An established mental health catchment area, as designated by the State Health Planning and Development Agency in consultation with the State's mental health authority, under the general criteria set forth in section 238 of the Community Mental Health Centers Act.

(ii) A portion of an established mental health catchment area whose population, because of topography, market or transportation patterns, distinctive population characteristics, or other factors, has limited access to psychiatric resources in the rest of the catchment area, as measured generally by a travel time of greater than 40 minutes to such resources.

(iii) A county or metropolitan area which contains more than one mental health catchment area, where data are unavailable by individual catchment area.

(b) The following distances will be used to estimate distances corresponding to 40 minutes travel time:

(i) Under normal conditions with primary roads available: 30 miles.

(ii) In mountainous terrain or in areas with only secondary roads available: 20 miles.

(iii) In flat terrain or in areas connected by interstate highways: 35 miles.

Within inner portions of metropolitan areas, the large variations in the scope of public transportation systems and traffic conditions do not permit standard mileage figures to be specified. In these areas, information on the public transportation system will be used to determine the distance corresponding to 40 minutes travel time.

2. *Population Count.* The population count used will be the total permanent resident population of the area, excluding inmates of institutions.

3. *Counting of Psychiatrists.* (a) All non-federal psychiatrists providing patient care (direct or other, including consultation and supervision), in ambulatory or other short-term care settings to residents of the area more than one-half day per week will be counted. Those psychiatrists engaged solely in administration, research, and teaching

will be excluded. Adjustments for the following factors will be made:

(i) Psychiatric residents will be counted as .5 FTE psychiatrists to reflect the fact that a large portion of their time is training.

(ii) Foreign medical graduates (i.e., graduates of medical programs outside the U.S.), in psychiatry who do not have a stable immigration status (i.e., U.S. citizenship or a permanent visa), will be excluded from psychiatrist counts since their future availability to help provide psychiatric care to the area's population is uncertain.

(iii) Foreign medical graduates in psychiatry who have a stable immigration status but are not fully licensed to practice medicine will be counted as .5 FTE psychiatrists to reflect their practice limitations and time spent in training.

(b) Psychiatrists who are semi-retired, who operate a reduced practice due to infirmity or other limiting conditions, or who are available to the population of an area only on a part-time basis will be discounted through the use of full-time equivalency figures. A 40-hour work week will be used as the standard for determining full-time equivalents in such cases. For practitioners working less than a 40-hour week, every 4 hours (or  $\frac{1}{2}$  day), spent providing patient care services should be counted as 0.1 FTE, and each psychiatrist providing patient care 40 or more hours a week should be counted as 1.0 FTE psychiatrist.

(c) In some cases, psychiatrists located within an area may not be accessible to the general population of the area under consideration. Allowances for psychiatrists working in restricted facilities will be made on a case-by-case basis. Examples of such restricted practices include staff positions in correctional institutions, youth detention facilities, residential treatment centers for emotionally disturbed or mentally retarded children, and inpatient units of State or county mental hospitals.

(d) In cases where there are mental health facilities or institutions providing both inpatient and outpatient services, those psychiatrists assigned to outpatient or other short-term care units will be counted. If the psychiatric staff is not specifically allocated to one service or the other, the number of psychiatrists in short-term care will be estimated on the basis of the relative workload in each type of setting.

(e) Other physicians and other types of manpower (such as clinical psychologists, social workers, psychiatric nurses, alcoholism and drug abuse counselors, and other mental health workers), also make important contributions to the supply of alcohol, drug abuse, and mental health services and may reduce the need for psychiatrists. National equivalency value for their contributions are not included here, however, because of variations in their responsibilities across States and because of data inadequacies. Their contributions to the supply of psychiatric services will be taken into account when appropriate data and equivalency values become available.

4. *Determination of Unusually High Needs for Psychiatric Services.* An area will be determined to have an unusually high need for psychiatric services if two or more of the following criteria are met:

(a) 30 percent of the population (or of all households), have income below the poverty level, or the area has been designated as a poverty area in accordance with section 242 of the Community Mental Health Centers Act.

(b) A youth dependency ratio (ratio of children under 18 to population 18-64), in excess of 60 percent.

(c) An aged dependency ratio (ratio of persons aged 65 and over to population 18-64), in excess of 25 percent.

(d) A high prevalence of alcoholism in the population, as indicated by a relative prevalence of alcoholism problems which exceeds that in 75 percent of all catchment areas (or other complete set of areas for which the prevalence index is computed), using the index of relative alcoholism prevalence developed by the National Institute on Alcohol Abuse and Alcoholism for the purposes of allotting funds under 42 U.S.C. 4571.

(e) A high prevalence of drug abuse in the population, as indicated by a relative prevalence of drug abuse which exceeds that in 75 percent of all metropolitan areas for which appropriate data are available, using the Heroin Problem Index developed by the National Institute on Drug Abuse.

5. *Contiguous Area Considerations.* Psychiatric manpower in areas contiguous to an area being considered for designation will be considered excessively distant, overutilized or inaccessible to the population of the area under consideration if one of the following conditions prevails in each contiguous area:

(a) Mental health manpower in the contiguous area are more than 40 minutes travel time from the center of the area being considered for designation (measured in accordance with paragraph B.1(b) of this Part).

(b) Contiguous area population-to-psychiatrist ratios are in excess of 20,000:1, indicating that mental health manpower in contiguous areas cannot be expected to help alleviate the shortage situation in the area for which designation is being considered.

(c) Psychiatric manpower in contiguous areas are inaccessible to the population of the requested area because of geographic, cultural, language, or other barriers, or because of residency restrictions of programs or facilities providing such manpower.

## C. Determination of Degree of Shortage

The degree of shortage of a given geographic area, designated as having a shortage of psychiatric manpower, will be determined using the following procedure:

1. *Grouping of Areas.* Designated areas will first be assigned to groups, based on the ratio (R) of population to number of FTE psychiatrists and the presence or absence of unusually high needs for mental health services, according to the following table:

	High needs not indicated	High needs indicated
Group 1...	No psychiatrist.....	No psychiatrist.
Group 2...	R > 50,000.....	R > 40,000.
Group 3...	50,000 > R > 40,000.....	40,000 > R > 30,000.
Group 4...	40,000 > R > 30,000.....	30,000 > R > 20,000.

All group 1 areas will be assumed to have a greater shortage than all group 2 areas, all group 2 areas will be assumed to have a greater shortage than all group 3 areas, etc.

2. *Relative Shortage within a Group.* In comparing any two areas within a group as defined above, the area with the larger population will be assumed to have the greater shortage.

## PART II—POPULATION GROUPS

## A. Criteria

Population groups within particular catchment areas will be designated as

having a psychiatric manpower shortage if the following conditions prevail:

(a) Access barriers prevent the population group from using those mental health resources which are present in the area, and

(b) The ratio (R) of the number of persons in the population group to the number of FTE psychiatrists serving the population group, and practicing within 40 minutes travel time of the center of the area where the population group resides, is at least 30,000:1 (20,000:1 where unusually high needs for psychiatric services are indicated).

## B. Determination of Degree of Shortage

The degree of shortage of a given population group, designated as having a shortage of psychiatric manpower, will be determined as follows:

1. The population group will first be assigned to groupings as in paragraph C.1 of Part I of this Appendix, based on the ratio (R) of the group's population to the number of FTE psychiatrists serving it, together with the presence or absence of unusually high needs for psychiatric services among the population group.

2. In comparing any two population groups within a degree-of-shortage grouping, or in comparing a designated population group with a designated area within the same grouping, the area or population group with the larger population will be assumed to have the greater shortage.

## PART III—FACILITIES

## A. Federal and State Correctional Institutions and Youth Detention Facilities

1. *Criteria.* Medium to maximum security Federal and State correctional institutions for adults or youth, and youth detention facilities, will be designated as having a shortage of psychiatric manpower if both of the following criteria are met:

(a) The institution has at least 250 inmates; and

(b) The ratio of the number of inmates per year to the number of FTE psychiatrists serving the institution is at least 2,000:1. (The number of inmates is the number of inmates or residents present at the beginning of the year, plus the number of new inmates or residents entering the institution during the year, including those who left before the end of the year.)

2. *Determination of Degree of Shortage.* The degree of shortage of a given correctional institution or youth detention facility, designated as having a shortage of psychiatric manpower, will be determined as follows:

(a) *Grouping of Facilities.* Correctional facilities and youth detention facilities will first be assigned to groups, based on the number of inmates and/or the ratio (R) of inmates to FTE psychiatrists, as follows:

Group 1—Facilities with 500 or more inmates or residents and no psychiatrist.

Group 2—Other facilities with no psychiatrist; and facilities with 500 or more inmates or residents and R > 3,000.

Group 3—All other facilities.

(b) *Determination of Degree of Shortage.* In comparing any two facilities within a group as defined above, the facility with the larger number of inmates or residents will be assumed to have the greater shortage.

## B. State and County Mental Hospitals

1. *Criteria.* A State or county hospital will be designated as having a shortage of psychiatric manpower if both of the following criteria are met:

(a) The mental hospital has an average daily inpatient census of at least 100; and

(b) The number of workload units per FTE psychiatrist available at the hospital exceeds 600, where workload units are calculated using the following formula:

Total workload units = average daily inpatient census  $\times$  2  $\times$  (number of inpatient admissions per year)  $\div$  0.5  $\times$  (number of admissions to day care and outpatient services per year).

2. *Determination of Degree of Shortage.* The degree of shortage of a given State or county mental hospital, designated as having a shortage of psychiatric manpower, will be determined as follows:

(a) *Grouping of Facilities.* State or county mental hospitals will first be assigned to groups based on the ratio (R) of workload units to number of FTE psychiatrists, as follows:

Group 1—No psychiatrists, or R < 1,800.

Group 2—1,800 > R < 1,200.

Group 3—1,200 > R < 800.

(b) *Relative Shortage Within a Group.* In comparing any two facilities within a group as defined above, the facility with the larger number of workload units will be assumed to have the greater shortage.

## C. Community Mental Health Centers and Other Public or Nonprofit Private Facilities

1. *Criteria.* A community mental health center (CMHC), authorized by Pub. L. 94-63, or other public or nonprofit private facility providing alcohol, drug abuse, or mental health services to an area or population group, will be designated as having a shortage of psychiatric manpower if the facility is providing or is responsible for providing psychiatric services to an area or population group designated as having a psychiatric manpower shortage.

2. *Methodology.* In determining whether CMHCs or other public or nonprofit private facilities meet the criteria established in paragraph C.1 of this Part, the following methodology will be used:

(a) *Provision of Services to a Designated Area or Population Group.* The facility will be considered to be providing services to a designated area or population group if either:

(i) A majority of the facility's psychiatric services are being provided to residents of designated psychiatric manpower shortage areas or to population groups designated as having a shortage of psychiatric manpower; or

(ii) The population within a designated psychiatric shortage area or population group has reasonable access to psychiatric services provided at the facility. Such reasonable access will be assumed if the population lies within 40 minutes travel time of the facility and nonphysical barriers (relating to demographic and socio-economic characteristics of the population) do not prevent the population from receiving care at the facility.

(b) *Responsibility for Provision of Services.* This condition will be considered to be met if the facility, by Federal or State statute, administrative action or contractual agreement, has been given responsibility for providing and coordinating a wide range of alcohol, drug abuse and/or mental health services for the area or population group, consistent with applicable State plans.

3. *Determination of Degree of Shortage.* The degree of shortage of a CMHC or other public or nonprofit private facility designat-

ed as having a shortage of psychiatric manpower shall be determined using the following procedure:

(a) Facilities will be grouped as in paragraph C.1 of Part I of this Appendix, in the same groupings as the designated area or population group which they serve.

(b) In comparing a facility with other designated facilities, areas, or population groups within the same grouping, the population figure used for the facility shall equal that proportion of the population of the designated area or population group which the facility serves. The area, population group, or facility with the larger population or service population will then be assumed to have the greater shortage.

## APPENDIX D—CRITERIA FOR DESIGNATION OF AREAS HAVING SHORTAGES OF VISION CARE MANPOWER

## PART I—GEOGRAPHIC AREAS

## A. Criteria

A geographic area will be designated as having a shortage of vision care manpower if the following three criteria are met: 1. It is a rational area for the delivery of vision care services. 2. The estimated number of optometric visits supplied by vision care manpower in the area is less than the estimated requirements of the area's population for such visits, and the amount of this difference, that is, the computed optometric visit shortage, is at least 1,500 visits. 3. Optometric manpower in contiguous areas are excessively distant, overutilized, or inaccessible to the population of the area under consideration.

## B. Methodology

In determining whether an area meets the criteria established by Paragraph A of this Part, the following methodology will be used:

1. *Rational Areas for the Delivery of Vision Care Services.* (a) The following areas will be considered rational areas for the delivery of vision care services: (i) A county, or a group of contiguous counties whose population centers are within 40 minutes travel time of each other; (ii) A portion of a county (or an area made up of portions of more than one county) whose population, because of topography, market or transportation patterns, or other factors, has limited access to contiguous area resources, as measured generally by a travel time of greater than 40 minutes to such resources.

(b) The following distances will be used to estimate distances corresponding to 40 minutes travel time: (i) Under normal conditions with primary roads available: 30 miles. (ii) In mountainous terrain or in areas with only secondary roads available: 20 miles. (iii) In flat areas or in areas connected by interstate highways: 35 miles. Within inner portions of metropolitan areas, the large variations in the scope of public transportation systems and traffic conditions do not permit standard mileage figures to be specified. In these areas, information on the public transportation system will be used to determine the distance corresponding to 40 minutes travel time.

2. *Determination of Estimated Requirement for Optometric Visits.* The number of optometric visits required by an area's population will be estimated by multiplying each of the following visit rates by the size of the population within that particular age group and then adding the 6 figures obtained together:



## ANNUAL NUMBER OF OPTOMETRIC VISITS REQUIRED PER PERSON, BY AGE

Age.....	Under 20	20-29	30-39	40-49	50-64	65 and over
Number of visits.....	0.11	0.20	0.24	0.35	0.41	0.48

(3) *Determination of Estimated Supply of Optometric Visits.* The estimated supply of optometric services will be determined by use of the following formula: Optometric visits supplied =  $3,000 \times$  (optometrists under 65) +  $2,000 \times$  (optometrists 65 and over) +  $1,500 \times$  (ophthalmologists).

(4) *Determination of Size of Shortage.* Size of shortage (in number of optometric visits) will be computed as follows: Optometric visit shortage = visits required - visits supplied.

(5) *Contiguous Area Considerations.* Vision care manpower in areas contiguous to an area being considered for designation will be considered excessively distant, overutilized or inaccessible to the population of the area if one of the following conditions prevails in each contiguous area: (a) Vision care manpower in the contiguous area are more than 40 minutes travel time from the center of the area being considered for designation (measured in accordance with paragraph B.1(b) of this Part). (b) The estimated requirement for vision care services in the contiguous area exceeds the estimated supply of such services there, based on the requirements and supply calculations previously described. (c) Resources in contiguous areas are inaccessible to the population of the area because of specified access barriers (such as economic or cultural barriers).

## C. Determination of Degree of Shortage

The degree of shortage of a given geographic area or population group, designated as having a shortage of optometric manpower, will be determined using the following procedure:

1. *Grouping of Areas and Population Groups.* Designated areas (and population groups) will first be assigned to groups, based on the proportion of the requirement for optometric visits which is being supplied in the area or group, as follows: Group 1—Areas or groups with no optometric visits being supplied (i.e., with no optometrists or ophthalmologists). Group 2—Areas or groups where the ratio of optometric visits supplied to optometric visits required is less than 0.5. Group 3—Areas or groups where the ratio of optometric visits supplied to optometric visits required is between 0.5 and 1.0. All group 1 areas (and population groups) will be assumed to have a greater shortage than all group 2 areas, and all group 2 areas will be assumed to have a greater shortage than all group 3 areas.

2. *Relative Shortage within a Group.* In comparing any two areas within each group as defined above, the area with the larger computed shortage of optometric visits will be assumed to have the greater shortage.

## PART II—POPULATION GROUPS

## A. Criteria

Population groups within particular geographic areas will be designated if the following criteria are met: (a) Members of the population group do not have access to the optometric resources within the area (or in contiguous areas) because of nonphysical

access barriers (such as economic or cultural barriers). (b) The estimated supply of optometric services available to the members of the population group (as determined under paragraph B.3 of Part I of this Appendix) is less than the estimated number of visits required by that group (as determined under paragraph B.2 of Part I of this Appendix), and the amount of the difference, that is, the computed shortage, is at least 1,500 visits.

## B. Determination of Degree of Shortage

The degree of shortage of a given population group will be determined in the same way as described for areas in paragraph C of Part I of this Appendix.

## APPENDIX E—CRITERIA FOR DESIGNATION OF AREAS HAVING SHORTAGES OF PODIATRIC MANPOWER

## PART I—GEOGRAPHIC AREAS

## A. Criteria

A geographic area will be designated as having a shortage of podiatric manpower if the following three criteria are met: 1. The area is a rational area for the delivery of podiatric services. 2. The area's ratio of population to foot care practitioners is at least 28,000:1, and the computed podiatrist shortage to meet this ratio is at least 0.5, that is, rounds off to a need for at least one additional podiatrist. 3. Podiatric manpower in contiguous areas are overutilized, excessively distant, or inaccessible to the population of the area under consideration.

## B. Methodology

In determining whether an area meets the criteria established by paragraph A of this Part, the following methodology will be used:

1. *Rational Areas for the Delivery of Podiatric Services.* (a) The following areas will be considered rational areas for the delivery of podiatric services: (i) A county or a group of contiguous counties whose population centers are within 40 minutes travel time of each other. (ii) A portion of a county, or an area made up of portions of more than one county, whose population, because of topography, market or transportation patterns or other factors has limited access to contiguous area resources, as measured generally by a travel time of greater than 40 minutes from its population center to such resources.

(b) The following distances will be used to estimate distances corresponding to 40 minutes travel time: (i) Under normal conditions with primary roads available: 30 miles. (ii) In mountainous terrain or in areas with only secondary roads available: 20 miles. (iii) In flat areas or in areas connected by interstate highways: 35 miles. Within inner portions of metropolitan areas, the large variations in the scope of public transportation systems and traffic conditions do not permit standard mileage figures to be specified. In these areas information on the public transportation system will be used to determine the area corresponding to 40 minutes travel time.

2. *Population Count.* The population count used will be the total permanent resi-

dent civilian population of the area, excluding inmates of institutions, adjusted by the following formula to take into account the differing utilization rates of podiatric services by different age groups within the population.

Adjusted population = total population  $\times (1 + 2.2 \times (\text{percent of population 65 and over}) \times 0.44 \times (\text{percent of population under 17}))$ .

3. *Counting of Foot Care Practitioners.* (a) All podiatrists providing patient care will be counted. However, in order to take into account productivity differences in podiatric practices associated with the age of the podiatrists, the following formula will be utilized:

Number of podiatrists =  $1.0 \times (\text{podiatrists under age 55}) + 0.8 \times (\text{podiatrists age 55 and over})$ .

(b) In order to take into account the fact that orthopedic surgeons and general and family practitioners devote a percentage of their time to foot care, the total available foot care practitioners will be computed as follows:

Number of foot care practitioners = number of FTE podiatrists +  $0.15 \times$  (number of orthopedic surgeons) +  $0.02 \times$  (number of general and family practitioners).

4. *Determination of Size of Shortage.* Size of shortage (in number of FTE podiatrists) will be computed as follows:

Podiatrist shortage = adjusted population / 28,000 - number of foot care practitioners.

5. *Contiguous Area Considerations.* Podiatric manpower in areas contiguous to an area being considered for designation will be considered excessively distant, overutilized or inaccessible to the population of the area under consideration if one of the following conditions prevails in each contiguous area: (a) Podiatric manpower in the contiguous area are more than 40 minutes travel time from the center of the area being considered for designation. (b) Population-to-foot care practitioner ratios in contiguous areas are in excess of 28,000:1, indicating that contiguous area podiatric manpower cannot be expected to help alleviate the shortage situation in the area for which designation is requested. (c) Podiatric manpower in contiguous areas are inaccessible to the population of the area under consideration because of specified access barriers (such as economic or cultural barriers).

## C. Determination of Degree of Shortage

The degree of shortage of a given geographic area, designated as having a shortage of podiatric manpower, will be determined using the following procedure:

1. *Grouping of Areas.* Designated areas will first be assigned to groups, based on the ratio (R) of adjusted population to number of foot care practitioners, as follows: Group 1—Areas with no foot care practitioners or areas with  $R > 50,000$  and no podiatrists. Group 2—Other areas with  $R > 50,000$ . Group 3—Areas with  $50,000 > R > 28,000$ . All group 1 areas will be assumed to have greater shortage than all group 2 areas, and all group 2 areas will be assumed to have greater shortage than all group 3 areas.

2. *Relative Shortage within a Group.* In comparing any two areas within each group as defined above, the area with the larger adjusted population will be assumed to have the greater shortage.

## APPENDIX F—CRITERIA FOR DESIGNATION OF AREAS HAVING SHORTAGES OF PHARMACY MANPOWER

## PART I—GEOGRAPHIC AREAS

## A. Criteria

A geographic area will be designated as having a shortage of pharmacy manpower if the following three criteria are met: 1. It is a rational area for the delivery of pharmacy services. 2. The number of pharmacists serving the area is less than the estimated requirement for pharmacists in the area, and the computed pharmacist shortage is at least .5, that is, rounds off to a need for at least one additional pharmacist. 3. Pharmacists in contiguous areas are overutilized or excessively distant from the population of the area under consideration.

## B. Methodology

In determining whether an area meets the criteria established by paragraph A of this Part, the following methodology will be used:

1. *Rational Areas for the Delivery of Pharmacy Services.* (a) The following areas will be considered rational areas for the delivery of pharmacy services: (i) A county, or a group of contiguous counties whose population centers are within 30 minutes travel time of each other; and (ii) A portion of a county, or an area made up of portions of more than one county, whose population, because of topography, market or transportation patterns or other factors, has limited access to contiguous area resources, as measured generally by a travel time of greater than 30 minutes to such resources.

(b) The following distances will be used to estimate distances corresponding to 30 minutes travel time: (i) Under normal conditions with primary roads available: 20 miles. (ii) In mountainous terrain or in areas with only secondary roads available: 15 miles. (iii) In flat terrain or in areas connected by interstate highways: 25 miles. Within inner portions of metropolitan areas, the large variations in the scope of public transportation systems and traffic conditions do not permit standard mileage figures to be specified. In these areas, information on the public transportation system will be used to determine the area corresponding to 30 minutes travel time.

2. *Counting of Pharmacists.* All active pharmacists within the area will be counted, except those engaged in teaching, administration, or pharmaceutical research.

3. *Determination of Estimated Requirement for Pharmacists.*

(a) *Basic estimate.* The basic estimated requirement for pharmacists will be calculated as follows: Basic pharmacist requirements =  $.15 \times$  (resident civilian population/1000) +  $.035 \times$  (total number of physicians engaged in patient care in the area).

(b) *Adjusted estimate.* For areas with less than 20,000 persons, an adjustment is made to the basic estimate to compensate for the lower expected productivity of small practices. Therefore,

(i) For areas with less than 20,000 persons: Estimated pharmacist requirement =  $(2 - \text{population}/20,000) \times \text{basic pharmacist requirement}$ .

(ii) For areas with 20,000 or more persons: Estimated pharmacist requirement = basic pharmacist requirement.

4. *Size of Shortage Computation.* The size of the shortage will be computed as follows: Pharmacist shortage = estimated pharmacist requirement - number of pharmacists available.

5. *Contiguous Area Considerations.* Pharmacists in areas contiguous to an area being considered for designation will be considered excessively distant or overutilized if either:

(a) Pharmacy manpower in contiguous areas are more than 30 minutes travel time from the center of the area under consideration, or

(b) The number of pharmacists in the contiguous area is less than or equal to the estimated requirement for pharmacists for the contiguous area (as computed above).

## C. Determination of Degree of Shortage

The degree of shortage of a given geographic area, designated as having a shortage of pharmacy manpower, will be determined using the following procedure:

1. *Grouping of Areas.* Designated areas will first be assigned to groups, based on the ratio of the number of pharmacists available to the estimated pharmacist requirement, as follows:

Group 1—Areas with no pharmacists. Group 2—Areas where the ratio of available pharmacists to pharmacists required is less than .5.

Group 3—Areas where the ratio of available pharmacists to pharmacists required is between .5 and 1.0.

All group 1 areas will be assumed to have a greater shortage than all group 2 areas, and all group 2 areas will be assumed to have a greater shortage than all group 3 areas.

2. *Relative Shortage within a Group.* In comparing any two areas within each group as defined above, the area with the larger computed shortage of pharmacists will be assumed to have the greater shortage.

## APPENDIX G—CRITERIA FOR THE DESIGNATION OF AREAS HAVING SHORTAGES OF VETERINARY MANPOWER

## PART I—GEOGRAPHIC AREAS

## A. Criteria for Food Animal Veterinary Shortage

A geographic area will be designated as having a shortage of food animal veterinary manpower if the following three criteria are met:

1. It is a rational area for the delivery of veterinary services.

2. The ratio of veterinary livestock units to food animal veterinarians in the area is at least 10,000:1, and the computed food animal veterinary shortage to meet this ratio is at least .5, that is, rounds off to a need for at least one food animal veterinarian.

3. Food animal veterinarians in contiguous areas are overutilized or excessively distant from the population of the area under consideration.

## B. Criteria for Companion Animal Veterinary Shortage

A geographic area will be designated as having a shortage of companion animal veterinary manpower if the following three criteria are met:

1. It is a rational area for the delivery of veterinary services.

2. The ratio of resident civilian population to number of companion animal veterinarians in the area is at least 30,000:1 and the computed companion animal veterinary shortage to meet this ratio is at least .5, that is, rounds off to a need for at least one companion animal veterinarian.

3. Companion animal veterinarians in contiguous areas are overutilized or excessively distant from the population of the area under consideration.

## C. Methodology for Determining Food Animal and Companion Animal Veterinary Manpower Shortages

In determining whether an area meets the criteria established by paragraphs A and B of this Part, the following methodology will be used:

1. *Rational Areas for the Delivery of Veterinary Services.*

(a) The following areas will be considered rational areas for the delivery of veterinary services:

(i) A county, or a group of contiguous counties whose population centers are within 60 minutes travel time of each other.

(ii) A portion of a county (or an area made up of portions of more than one county) which, because of topography, market or transportation patterns or other factors, has limited access to contiguous area resources, as measured generally by a travel time of greater than 60 minutes to such resources.

(b) The following distances will be used to estimate distances corresponding to 60 minutes travel time:

(i) Under normal conditions with primary roads available: 45 miles.

(ii) In mountainous terrain or in areas with only secondary roads available: 30 miles.

(iii) In flat terrain or in areas connected by interstate highways: 55 miles.

Within inner portions of metropolitan areas, the large variations in the scope of public transportation systems and traffic conditions do not permit standard mileage figures to be specified. In these areas information on the public transportation system will be used to determine the distance corresponding to 60 minutes travel time.

2. *Determination of Number of Veterinary Livestock Units Requiring Care.* Since various types of food animals require varying amounts of veterinary care, each type of animal has been assigned a weight indicating the amount of veterinary care it requires relative to that required by the milk cow. Those weights are used to compute the number of "Veterinary Livestock Units" (VLU), for which veterinary care is required.

The VLU is computed as follows:

Veterinary Livestock Units (VLU) = (number of milk cows)

+  $.2 \times$  (number of other cattle and calves)

+  $.05 \times$  (number of hogs and pigs)

+  $.05 \times$  (number of sheep)

+  $.002 \times$  (number of poultry)

3. *Counting of Food Animal Veterinarians.* The number of food animal veterinarians is determined by weighting the number of veterinarians within each of several practice categories according to the average proportion of practice time in that category which is devoted to food animal veterinary care, as follows:

Number of Food Animal Veterinarians = (number of veterinarians in large animal practice, exclusively) + (number of veterinarians in bovine practice, exclusively) + (number of veterinarians in porcine practice, exclusively) + (number of veterinarians in poultry practice, exclusively)



- + .75 × (mixed practice veterinarians with greater than 50 percent of practice in large animal care)
- + .5 × (mixed practice veterinarians with approximately 50 percent of practice in large animal care)
- + .25 × (mixed practice veterinarians with less than 50 percent of practice in large animal care)

4. *Counting of Companion Animal Veterinarians* (that is, those who provide services for dogs, cats, horses, and any other animals maintained as companions to the owner rather than for food animals). The number of full-time equivalent companion animal veterinarians is determined by weighting the number of veterinarians within each of several practice categories by the average portion of their practice which is devoted to companion animal care by the practitioners within that category, as follows:

- Number of Companion Animal Veterinarians =
- (number of veterinarians in small animal practice, exclusively)
  - + (number of veterinarians in equine practice, exclusively)
  - + .75 × (mixed practice veterinarians with greater than 50 percent of practice in small animal care)
  - + .5 × (mixed practice veterinarians with approximately 50 percent of practice in small animal care)
  - + .25 × (mixed practice veterinarians with less than 50 percent of practice in small animal care)

5. *Size of Shortage Computation.* The size of shortage will be computed as follows:

- (a) Food animal veterinarian shortage =  $(VLU/10,000) - (\text{number of food animal veterinarians})$ .
- (b) Companion animal veterinarian shortage =  $(\text{resident civilian pop.}/30,000) - (\text{number of companion animal veterinarians})$ .

6. *Contiguous Area Considerations.* Veterinary manpower in areas contiguous to an area being considered for designation will be considered excessively distant from the population of the area or overutilized if one of the following conditions prevails in each contiguous area:

- (a) Veterinary manpower in the contiguous area are more than 60 minutes travel time from the center of the area being considered for designation (measured in accordance with paragraph C.1(b) of this part).
- (b) In the case of food animal veterinary manpower, the VLU-to-food animal veterinarian ratio in the contiguous area is in excess of 5,000:1.
- (c) In the case of companion animal veterinary manpower, the population-to-companion animal veterinarian ratio in the contiguous area is in excess of 15,000:1.

C. *Determination of Degree of Shortage*

The degree of shortage of a given geographic area, designated as having a short-

age of veterinary manpower, will be determined using the following procedure:

- 1. *Grouping of Areas.* Designated areas will first be grouped as follows: Group 1—Areas with a food animal veterinarian shortage and no veterinarians. Group 2—Areas (not included above), with a food animal veterinarian shortage and no food animal veterinarians. Group 3—All other food animal veterinarian shortage areas. Group 4—All companion animal shortage areas (not included above), having no veterinarians. Group 5—All other companion animal shortage areas.

All group 1 areas are assumed to have greater shortage than all group 2 areas, all group 2 areas are assumed to have a greater shortage than all group 3 areas, etc.

- 2. *Relative Shortage within a Group.* In comparing any two areas within group 1, or any two areas within group 2, the area with the larger number of VLU's will be assumed to have the greater shortage. In comparing any two areas within group 3, the area with the larger ratio of VLU's to food animal veterinarians will be assumed to have the greater shortage. In comparing any two areas within group 4, the area with the larger human population will be assumed to have the greater shortage. In comparing any two areas with group 5, the area with the higher ratio of population to companion animal veterinarians will be assumed to have the greater shortage.

[FR Doc. 78-346 Filed 1-9-78; 8:45 am]

TUESDAY, JANUARY 10, 1978  
PART III



# ENVIRONMENTAL PROTECTION AGENCY

## GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Allotment of Authorizations

registered property



[6560-01]

Title 40—Protection of Environment  
CHAPTER I—ENVIRONMENTAL PROTECTION  
AGENCY

SUBCHAPTER B—GRANTS  
[FRL 839-2]

PART 35—STATE AND LOCAL ASSISTANCE  
Grants For Construction of Treatment Works—  
Allotment of Authorizations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: These regulations allot \$19.5 billion in authorizations for fiscal years 1978 through 1981, subject to appropriations, among the States for grants for construction of wastewater treatment works under Title II of the Federal Water Pollution Control Act, as amended. The regulations also set forth requirements for reallocation of these and other funds, in accordance with the Clean Water Act of 1977.

EFFECTIVE DATE: January 7, 1978.

FOR FURTHER INFORMATION  
CONTACT:

Albert L. Pelmoter, Municipal Construction Division (WH-547), Environmental Protection Agency, 401 M Street SW., Room E1211A, Washington, D.C. 20460, telephone 202-426-8902.

SUPPLEMENTARY INFORMATION: Section 205 of the Federal Water Pollution Control Act as amended by section 25(b) of the Clean Water Act of 1977 (Pub. L. 95-217, enacted December 28, 1977 (the "new law")) requires that authorizations for each of the fiscal years 1978 through 1981 shall be allotted by January 7, 1978. Section 30 of the new law amended section 207 of the Federal Water Pollution Control Act to authorize appropriation of up to \$4.5 billion for fiscal year 1978 and up to \$5 billion for each of the fiscal years 1979 through 1981. \$5 billion is also authorized for fiscal year 1982, but the new law does not specify an allotment formula for fiscal year 1982 funds, and does not require allotment of that authorization at this time.

Section 30 of the new law amended section 207 of the Federal Water Pollution Control Act to provide that the authorizations in section 207 are subject to appropriation. Therefore, no portion of the authorizations will be available in any fiscal year (including fiscal year 1978) for obligation until enactment of legislation appropriating part or all of the authorized sums.

For fiscal year 1978, such a bill is now pending before Congress (H.R. 9375). EPA will promptly notify the States when funds are appropriated for this purpose.

Section 25(b) of the new law amended section 205 of the Federal Water Pollution Control Act to provide that the sums authorized for fiscal years 1978 through 1981 shall be allotted in

accordance with the percentages set forth in Table 3 of Committee Print Numbered 95-30 of the Committee on Public Works and Transportation of the House of Representatives. The regulations below set forth both the allotment percentages, from Table 3 of the Committee Print, and the amount each State would receive for obligation if the full sums authorized are appropriated, from Table 4 of the Committee Print. In the event Congress appropriates less than the authorized sums in any of the fiscal years 1978 through 1981, the allotment percentages from Table 3 of the Committee Print will be applied to appropriated sums to produce a distribution of funds among the States for obligation.

Section 25(b) further amended section 205 of the Federal Water Pollution Control Act by adding a new section 205(e) to provide that for the fiscal years 1978 through 1981, subject to appropriations, no State shall receive less than one-half of one percent of the total annual allotment, except that not more than thirty-three one-hundredths of one percent of the total allotment shall be distributed among Guam, the Virgin Islands, American Samoa, and the Trust Territories. Section 205(e) also authorizes a supplementary appropriation of up to \$75 million in each of the fiscal years 1978 through 1981 to meet these requirements, and provides that if amounts appropriated under the supplementary authorization are insufficient to meet needs, the supplementary appropriation will be distributed on a pro rata basis among the States. There currently are no funds appropriated or pending under this authorization, and therefore the table does not reflect the minimum percentages.

Section 25(b) also amended section 205 to include revised reallocation procedures, which are set forth below.

This amendment is effective on January 7, 1978, in order to meet the requirements of the Clean Water Act of 1977.

Dated: January 4, 1978.

BARBARA BLUM,  
Acting Administrator.

40 CFR Part 35 is amended as follows:

1. By revising § 35.910-1 to read:

§ 35.910-1 Allotments.

Allotments are made on a formula or other basis specified by Congress for each fiscal year. Except where Congress indicates the exact amount of funds which each State should receive, computation of a State's ratio will be carried out to the nearest ten-thousandth percent (0.0001 percent) and, unless otherwise specified in regulations for allotments for a specific fiscal year, allotted amounts will be rounded to the nearest thousand dollars.

2. By revising § 35.910-2 to read:

§ 35.910-2 Period of availability; reallocation.

(a) All sums allotted under § 35.910-5 shall remain available for obligation within that State until September 30, 1978. Such funds which remain unobligated on October 1, 1978, will be immediately reallocated in the same manner as sums under paragraph (b).

(b) All other sums allotted to a State under section 207 of the Act shall remain available for obligation until the end of one year after the close of the fiscal year for which the sums were authorized. Sums not obligated at the end of that period shall be immediately reallocated on the basis of the same ratio as applicable to sums allotted for the then-current fiscal year, except that none of the funds reallocated shall be made available to any State which failed to obligate any of the funds being reallocated. Any sum made available to a State by reallocation under this section shall be in addition to any funds otherwise allotted to such State for grants under this subpart during any fiscal year.

(c) Deobligated sums remaining available at the end of any fiscal year shall be treated in the same manner as the last allotment prior to the end of that fiscal year.

3. By adding a new § 35.910-7, to read:

§ 35.910-7 Allotments for Fiscal Years 1978-1981.

(a) Except as subsequent legislation may otherwise require, for each of the fiscal years 1978-81, all funds appropriated under authorizations in section 207 of the Act will be distributed among the States based on the following percentages drawn from Table 3 of Committee Print Numbered 95-30 of the Committee on Public Works and Transportation of the House of Representatives:

State	Percentage
Alabama	1.2842
Alaska	.4235
Arizona	.7757
Arkansas	.7513
California	7.9512
Colorado	.9187
Connecticut	1.1072
Delaware	.3996
District of Columbia	.3193
Florida	3.8386
Georgia	1.9418
Hawaii	.7928
Idaho	.4952
Illinois	5.1943
Indiana	2.7678
Iowa	1.2953
Kansas	.8803
Kentucky	1.4818
Louisiana	1.2626
Maine	.7496
Maryland	2.7777
Massachusetts	2.9542
Michigan	4.1306
Minnesota	1.8691
Mississippi	.9680
Missouri	2.4957
Montana	.3472
Nebraska	.5505
Nevada	.4138

State	Percentage	State	Percentage
New Hampshire	.8810	Virginia	1.9602
New Jersey	3.5715	Washington	1.7688
New Mexico	.3819	West Virginia	1.7903
New York	10.8209	Wisconsin	1.9503
North Carolina	1.9808	Wyoming	.3003
North Dakota	.3107	American Samoa	.0816
Ohio	8.4655	Guam	.0744
Oklahoma	.9279	Puerto Rico	1.1734
Oregon	1.2974	Trust Territories	.1530
Pennsylvania	4.3618	Virgin Islands	.0378
Rhode Island	.5252	Total	100.00
South Carolina	1.1768		
South Dakota	.3733		
Tennessee	1.5486		
Texas	4.3634		
Utah	.4457		
Vermont	.3845		

(b) Based on paragraph (a), and Table 4 of the Committee Print, the following authorizations are allotted among the States subject to the limitations of paragraph (c):

State	For fiscal year 1978	For each of the fiscal years 1979, 1980, 1981
Alabama	\$57,789,000	\$64,210,000
Alaska	19,057,500	21,175,000
Arizona	34,906,500	38,785,000
Arkansas	33,808,500	37,565,000
California	357,804,000	397,560,000
Colorado	41,341,500	45,935,000
Connecticut	49,824,000	55,360,000
Delaware	17,982,000	19,980,000
District of Columbia	14,368,500	15,965,000
Florida	172,647,000	191,830,000
Georgia	87,381,000	97,090,000
Hawaii	35,676,000	39,640,000
Idaho	22,284,000	24,760,000
Illinois	233,743,500	259,715,000
Indiana	124,561,000	138,390,000
Iowa	58,288,500	64,765,000
Kansas	39,613,500	44,015,000
Kentucky	65,781,000	73,090,000
Louisiana	56,812,500	63,125,000
Maine	33,727,500	37,475,000
Maryland	124,996,500	138,885,000
Massachusetts	132,939,000	147,710,000
Michigan	185,877,000	206,530,000
Minnesota	84,109,500	93,455,000
Mississippi	43,470,000	48,300,000
Missouri	112,306,500	124,785,000
Montana	15,624,000	17,360,000
Nebraska	24,772,500	27,525,000
Nevada	18,621,000	20,690,000
New Hampshire	38,645,000	44,050,000
New Jersey	160,717,500	178,575,000
New Mexico	17,185,500	19,095,000
New York	477,940,500	531,045,000
North Carolina	89,136,000	99,040,000
North Dakota	13,981,500	15,535,000
Ohio	290,947,500	323,275,000
Oklahoma	41,755,500	46,395,000
Oregon	58,383,000	64,870,000
Pennsylvania	196,272,000	218,080,000
Rhode Island	23,634,000	26,260,000
South Carolina	52,947,000	58,830,000
South Dakota	18,798,500	20,665,000
Tennessee	69,687,000	77,430,000
Texas	196,353,000	218,170,000
Utah	20,056,500	22,285,000
Vermont	17,302,500	19,225,000
Virginia	88,209,000	98,010,000
Washington	79,596,000	88,440,000
West Virginia	80,563,500	89,515,000
Wisconsin	87,763,500	97,515,000
Wyoming	13,513,500	15,015,000
American Samoa	2,772,000	3,080,000
Guam	3,348,000	3,720,000
Puerto Rico	52,803,000	58,670,000
Trust Territory of Pacific Islands	6,885,000	7,650,000
Virgin Islands	1,701,000	1,890,000
Total	4,500,000,000	5,000,000,000

(c) The authorizations set forth in paragraph (b) are subject to appropriation. Therefore, there will be no obligation of any portion of any authorization for a fiscal year until a law is enacted appropriating part or all of the sums authorized for that fiscal year. If sums appropriated are less than the sums authorized for a fiscal year, EPA will apply the percentages in paragraph (a) to produce a distribution of all appropriated sums among the States, and promptly will notify each State of its share. There will be no obligations in excess of a State's share of this distribution of appropriated sums.

(d) If supplementary funds are appropriated in any fiscal year under section 205(e) of the Act to carry out the purposes of this paragraph, no State shall receive less than one-half of one percent of the total allotment among all States for that fiscal year, except that in the case of Guam, the Virgin Islands, American Samoa, and the Trust Territories not more than thirty-three one-hundredths of one percent of the total allotment shall be allotted to all four of those jurisdictions. If for any fiscal year the amount appropriated to carry out this paragraph is less than the full amount needed, the following States will share in any funds appropriated for the purposes of this paragraph in the following percentages, drawn from the Note to Table 3 of Committee Print Numbered 95-30 of the Committee on Public Works and Transportation of the House of Representatives:

State	Percentage
Alaska	5.4449
Delaware	7.1459
District of Columbia	12.8612
Idaho	.3416
Montana	10.8755
Nevada	8.1352
New Mexico	8.4057
North Dakota	13.4733
South Dakota	9.0178
Utah	3.8648
Vermont	8.2206
Wyoming	14.2135
Total	100.0000

[FR Doc. 78-643 Filed 1-6-78; 11:44am]



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TUESDAY, JANUARY 10, 1978  
PART IV



DEPARTMENT OF  
HOUSING  
AND URBAN  
DEVELOPMENT

Office of Assistant  
Secretary for  
Community Planning  
and Development

■

COMMUNITY  
DEVELOPMENT  
BLOCK GRANTS

Urban Development Action Grants



## [4210-01]

Title 24—Housing and Urban Development

## CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

[Docket No. R-77-471]

## PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

## Subpart G—Urban Development Action Grants

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

**SUMMARY:** This rule prescribes the requirements governing urban development action grants, which are available to assist distressed cities and distressed urban counties in revitalizing their economic bases and reclaiming deteriorated neighborhoods. The provisions in this subpart cover all aspects of urban development action grants, which were authorized for the first time by section 110 of the Housing and Community Development Act of 1977, which added a new section 119 to the Housing and Community Development Act of 1974.

**EFFECTIVE DATE:** January 10, 1978.  
**FOR FURTHER INFORMATION CONTACT:**

Marcia K. Dodge, Urban Development Action Grant Task Force, Office of Community Planning and Development, Department of HUD, Washington, D.C. 20410, 202-755-6032.

**SUPPLEMENTARY INFORMATION:** On October 25, 1977, the Department of Housing and Urban Development published in the FEDERAL REGISTER (42 FR 56450) proposed regulations for revised Subpart G, governing the community development block grant program under Title I of the Housing and Community Development of 1974, as amended.

Interested persons were given until November 25, 1977, to comment. All comments with respect to the proposed rulemaking were given careful consideration, and as a result of more than 160 responses filed, the following changes are being made:

## DEFINITIONS—(570.451)

The term "nonmetropolitan cities" is being changed to "small cities," and the definition makes clear that any city under 50,000 population and not a central city of an SMSA is considered a small city for the purpose of these regulations.

## ELIGIBLE APPLICANTS—(570.452)

## GENERAL (570.452(a))

It is clarified that only the eligible entity may be the applicant. However,

applicants may contract with other public agencies, as provided in section 570.500, in carrying out their programs. Second, a provision is being added that the determinations of eligibility will be made using a modified Standard Form 424, Preapplication for Federal Assistance, as prescribed by OMB Circular A-102.

## MINIMUM STANDARDS OF PHYSICAL AND ECONOMIC DISTRESS FOR FISCAL YEAR 1978—METROPOLITAN CITIES AND URBAN COUNTIES (570.452(b)(1))

The use of the unique distress factor is eliminated as a distress standard, except for applicants which have a percentage of poverty which is greater than one and one-half times the median, and an absolute per capita income below the median. The use of the unique distress factor is limited to this group of cities because of the excessive administrative burden on HUD in establishing the acceptability of the unique distress factor for a large number of cities. The unique distress factor is retained for those cities which show severe distress by extremely high poverty levels and low per capita income, and which meet two of the minimum standards of distress.

As a result of several comments that the unique distress standard was an unclear criterion, the regulations now specify the standards by which unique distress factors will be reviewed.

In recognition of the deletion of the unique distress factor for most cities, applicants are required to meet three of six standards, unless the applicant's percentage of poverty is less than one half of the median, in which case the applicant must meet four of the six standards.

A number of comments were critical of applying the standards of distress to data for the community as a whole, rather than using data for distressed areas within the applicant's jurisdiction. At the time the legislation was enacted, the desirability of applying the distress standards to areas within the community instead of to the entire community was fully debated and rejected. Therefore, it would be contrary to legislative intent to apply the distress standards to only part of the community.

A similar issue was raised by communities which have consolidated governments or annexed jurisdictions. After careful consideration, we believe the legislative intent is that these jurisdictions should be treated in the same way as all other jurisdictions in measuring the degree of distress.

A number of comments and suggestions were made on the individual distress standards. Most could not be accommodated because of a lack of available data.

The distress medians are being changed slightly for most of the stan-

dards. This is due to the addition of data for new metropolitan cities, as well as the cross-checking of HUD data with census data.

## MINIMUM STANDARDS OF DISTRESS FOR SMALL CITIES (570.452(b)(2))

A number of suggestions were received on standards which should be used for small cities. The proposed standards will be published soon for public comment.

## RESULTS IN PROVIDING HOUSING (570.452(c))

Some comments recommended that HUD require applicants to have provided specific numbers of housing units by family type. We believe that this would penalize those communities which have been unable to provide low- and moderate-income housing because of insufficient resources. Therefore, HUD will consider only those actions under the control of the applicant.

## RESULTS IN PROVIDING EQUAL OPPORTUNITY (570.452(d))

Several comments were made concerning the emphasis on the Section 8 Existing Housing Program. Since the first criterion includes all HUD-assisted housing, the separate reference to the Section 8 Existing Housing Program is deleted.

Other comments recommended adding language to clarify that applicants would have to document their results in equal opportunity by showing the specific numbers of minorities, lower-income persons and women who have benefited from the applicant's equal opportunity efforts in housing and employment. Since data on equal employment opportunity performance is available to HUD through EEOC-4 forms, these will be reviewed in making this determination. We believe that is unnecessary to require the compilation of new data, except for documentation of performance in family units of the Section 8 Existing Housing Program.

## ELIGIBLE ACTIVITIES (570.453)

This section is being revised to clarify that commercial, industrial, or residential projects may be undertaken with Action Grant assistance. A provision was added to clarify that activities may be undertaken in areas outside the applicant's jurisdiction, under certain circumstances.

## INELIGIBLE ACTIVITIES AND LIMITATIONS ON ELIGIBLE ACTIVITIES (570.454)

This new section was added to group those activities which are either ineligible or which are eligible only under special circumstances. Based on many comments received, the regulations now provide that small cities may be

reimbursed for up to three percent of the approved grant for the costs of planning the project and preparing the application.

Public comment indicated a misinterpretation of our intent that Action Grant funds be used only for physical development activities. Therefore, a new provision is being added to clarify that Action Grant funds may not be used for public services. Another provision is being added which limits the amount of compensation for consultants to the maximum rate paid under level 18 of the Federal GS series. This provision is required by the HUD 1978 Appropriation Act. The provision requiring HUD consultation with other Federal agencies which make available assistance for business loans or industrial development was deleted. This provision applies to HUD and does not limit the activities which may be carried out by recipients of Action Grant funds.

## ACTIONS WHICH MUST BE TAKEN PRIOR TO SUBMISSION OF AN APPLICATION (570.455)

A new section 570.455 is being added to group all of the requirements which must be met before an application may be submitted. In addition, some substantive changes were made to the material published for public comment, as described in the following paragraphs.

## DETERMINATION OF ELIGIBILITY (570.455(a))

Except for the first quarter, when special procedures will be used, determinations of eligibility will be made using a modified Standard Form 424. This will enable HUD to advise applicants of their eligibility status as well as to eliminate those proposals which have little or no chance of funding, before applicants incur substantial expense in preparing an application. The Standard Form 424 will also be used to notify clearinghouses of the applicant's intent to file an application under OMB Circular A-95 procedures.

## ENVIRONMENTAL ASSESSMENT (570.455(b))

Another change requires applicants who submit applications after January 31, 1978 (or February 28, 1978 for small cities) to have made a level of clearance finding in accordance with the environmental review procedures contained in 24 CFR Part 58 before submitting their applications. This requirement is being added to ensure that implementation of projects will not be delayed because environmental reviews have not been initiated. (See the paragraph on HUD Review and Action on Applications for further discussion of environmental requirements.)

## CITIZEN PARTICIPATION

A number of comments on the citizen participation requirements were received. Some requested clarification as to how these requirements related to the citizen participation requirements for other community development block grants. Some comments suggested that the requirements were inappropriate for commercial and industrial development projects. While these citizen participation requirements are not as extensive as those specified for other community development block grants under this Part, the requirements are statutory requirements and therefore cannot be waived or reduced. We believe that these requirements are sufficient considering the nature of the Action Grant program and the types of projects that may be undertaken with Action Grant assistance.

## A-95 REQUIREMENT (570.455(d))

The requirements for A-95 review have been further modified. For the first calendar year quarter only, applicants may submit their applications to HUD and the clearinghouses concurrently. The clearinghouses will have thirty days to submit their comments to the applicant with a copy to HUD. For all subsequent quarters, applicants must provide clearinghouses with thirty days to review and comment on the application prior to submitting the application to HUD.

## APPLICATIONS (570.456)

## APPLICATION SUBMISSION DATE (570.456(a))

This section is revised to provide for submission of applications by metropolitan cities and urban counties during the first month of each quarter (January, April, July and October), and by small cities during the second month of each quarter (February, May, August, and November). This change is being made in order to facilitate HUD review and processing of applications.

## SCOPE (570.456(b))

The proposed regulations indicated that, if additional funding were required to complete a previously approved project, the applicant would have to provide the funding from community development block grants, local general purpose funds, or other public or private resources. A clarification is being made that additional funding to complete previously approved activities may be provided from community development block grants only if the activities are otherwise eligible under Subpart C of this Part.

## SUBMISSION REQUIREMENTS (570.456(c))

The requirement that applicants submit documentation that they meet

the eligibility criteria is being deleted. Since determinations of eligibility must be made using HUD data prior to submission of applications, submission of additional documentation with the application is unnecessary.

The reference to the consistency of the Urban Development Action Program With the Overall Economic Development Plan (OEDP) is being deleted. The Urban Development Action Program does not have to be consistent with the OEDP until such time as the Department of Commerce issues regulations which require the OEDP to be consistent with the Community Development Program. We will amend the Action Grant regulations to reflect this requirement at such time as appropriate actions have been completed by the Department of Commerce.

A provision is being added that if the project involves flood and drainage facilities, the application must include evidence that the requirements of 570.607 concerning seeking other Federal assistance have been satisfied.

The basic requirements for the contents of maps now conform to the other requirements of Part 570, with additional information required for Action Grants.

## CRITERIA FOR SELECTION (570.457)

The material in this section has been revised and expanded. Comments indicated that the proposed regulations did not properly reflect the legislative intent that the primary selection criterion is the comparative degree of distress among applicants, and that the Senate's impactation formula (age of housing, poverty, and population lag/decline) is the primary method for measuring distress. Therefore the regulations are being revised to reflect both provisions. The regulations now state that, once projects are found to be feasible and effective, the primary selection criterion shall be the comparative degree of distress, as measured by the impactation factors.

## IMPACT OF THE PROPOSED PROJECT ON LOW- AND MODERATE-INCOME PERSONS AND MINORITIES (570.457(d))

A number of comments were received on this criterion. Several comments suggested that this criterion should be the most important selection factor, and that job training for low- and moderate-income persons and minorities should be required to be available. After careful consideration, we believe that, given the multiple objectives of the Action Grant Program, an appropriate emphasis has been given to this selection criterion. With respect to job training, although training may not be undertaken with Action Grant funds, HUD will consider plans for training low- and moderate-income persons through other resources.



The provision concerning HUD's consideration of the extent of citizen participation has been strengthened by encouraging the involvement of private non-profit entities, local development corporations, or small business investment corporations in the implementation of projects. Another provision was added which indicates that HUD will review the impact on low- and moderate-income and minority persons if the project involves relocation of an industrial or commercial facility within a metropolitan area or jurisdiction.

#### NATURE AND EXTENT OF FINANCIAL PARTICIPATION BY PRIVATE ENTITIES (570.457(e))

A number of comments recommended that HUD not require firm financial commitment as an essential component of an Action Grant project. However, no change was made because the legislative history indicates that the firm financial commitment is an essential component of an Action Grant project.

Clarification was requested on the conditions under which an agreement of a company to remain in the locality would constitute an acceptable form of private commitment. Therefore, this provision has been qualified to indicate that a company must also be financially committed to expand or modernize its facilities in order for the agreement to remain in the locality to be an acceptable form of private commitment.

Because the reference to the selection of the developer through an open process was somewhat confusing, this provision has been clarified to indicate that HUD will consider whether applicants have sought proposals from more than one developer and have considered all proposals received. Several comments requested clarification of what HUD would include in calculating the amount of private investment. This section is being expanded to indicate the specific types of investments which HUD would consider.

#### EXTENT OF FINANCIAL ASSISTANCE TO BE MADE AVAILABLE BY THE STATE (570.457)

Comments were received both supporting and opposing this provision. The statute specifically names State participation as a selection criterion. Moreover, HUD wishes to encourage State financial participation in Action Grant projects. Therefore, the provision is being retained.

#### IMPACT ON PHYSICAL, FISCAL, OR ECONOMIC DETERIORATION (570.457(g))

The proposed regulations stated that HUD would consider the quality of the design of the project, including the suitability of the location and the

environmental impact of the project. Public comments requested clarification of how HUD would judge this. We have determined that it is infeasible for HUD to make this judgment. In addition, since design of the project and consideration of environmental impact are local responsibilities, this provision was deleted. However, a provision is being added which states that applicants are expected to give attention to the quality of the design of their proposed projects.

#### PHASEDOWN OR ELIMINATION OF HOLD-HARMLESS ENTITLEMENTS

Several comments were made that the phasedown or elimination of hold-harmless entitlements should be deleted from the selection criteria. Other comments indicated that insufficient emphasis had been given to this provision, and that hold-harmless communities should only have to meet selection criteria (e) and (i). The legislative history establishes that needy communities which incur substantial reductions because of phasedown or elimination of hold-harmless entitlements should receive priority consideration. However, there is no suggestion that such communities would not have to propose feasible and effective projects, as determined by all of the relevant selection criteria. Therefore, no changes were made to this subsection.

#### HUD REVIEW AND ACTION ON APPLICATIONS (570.458)

The procedure for application review is being clarified to conform to the new HUD organization. Area Offices will submit their comments directly to the Central Office.

A clarification is being made to indicate that HUD will allocate funds to ensure that funds are available each quarter, in order that applicants applying in later quarters can be assured that their applications will be considered.

The provision on the timing of grant awards is being revised to reflect the schedule for submission of applications from small cities.

A provision is being added to the section on conditional approvals to permit applicants to make modifications to projects, or to substitute new projects if required as a result of environmental reviews. However, such changes must be made in a time specified by HUD and are subject to a determination by HUD that the changed project is at least as feasible and effective as the original project.

#### POST-APPROVAL REQUIREMENTS (570.459)

A requirement is being added that recipients must submit an opinion of counsel that the private commitments are legally binding under State and

local law and conform to the grant agreement executed by HUD and the recipient. This opinion must be submitted to HUD with the evidence of private commitments before costs may be reimbursed under the grant agreement.

#### PROJECT AMENDMENTS (570.460)

Reference was made in the proposed regulations to program amendments. More accurate terminology being using in the final rule is project amendments. A clarification is being made that project amendments are to be submitted to the HUD Area Office. The provision that the amendment must result from actions beyond the control of the applicant was deleted because it was overly restrictive. A provision is being added that recipients must comply with the applicable environmental review procedures in 24 CFR Part 58 for program amendments.

The procedures set forth in Subpart G are urgently needed so that applicants can complete their applications and so that HUD can act on these requests for Urban Development Action Grants as quickly as possible. Because the procedure adopted provides for accepting applications and making awards on a quarterly basis, applicants must be able to submit applications in a timely fashion before the beginning of the third fiscal year quarter. For this reason, the Assistant Secretary for Community Planning and Development has determined that good cause exists for making these regulations effective on the date of publication. A Finding of Inapplicability with respect to Environmental Impact has been prepared in accordance with HUD Handbook 1390.1. In addition, an Inflation Impact Statement has been prepared, in accordance with Executive Order 11821. Copies of the Statement and Finding are available for inspection and copying in the Office of the Rules Docket Clerk, Room 5216, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. Accordingly, 24 CFR Part 570 is revised by adding a new Subpart G as follows:

#### Subpart G—Urban Development Action Grants

- Sec.
- 570.450 Purpose.
  - 570.451 Definitions.
  - 570.452 Eligible applicants.
  - 570.453 Eligible activities.
  - 570.454 Ineligible activities and limitations on eligible activities.
  - 570.455 Actions which must be taken prior to submission of an application.
  - 570.456 Applications.
  - 570.457 Criteria for selection.
  - 570.458 HUD review and action on applications.
  - 570.459 Post-approval requirements.
  - 570.460 Program amendments.
  - 570.461 Allocation to small cities.
  - 570.462 Applicability of rules and regulations.

#### Subpart G—Urban Development Action Grants

##### § 570.450 Purpose.

The purpose of urban development action grants is to assist distressed cities and distressed urban counties which require increased public assistance and private investment to alleviate physical and economic deterioration. Assistance will be made available for economic revitalization in communities with population outmigration or a stagnating or declining tax base, and for reclamation of neighborhoods, having excessive housing abandonment or deterioration.

##### § 570.451 Definitions.

The following definitions apply only to this subpart: (a) "Activities" means actions undertaken with assistance under this subpart.

(b) "Project" means a group of integrally related activities financed by public and private sources to meet the objectives of this subpart and described in an application pursuant to § 570.456.

(c) "Small cities" means cities under 50,000 population which are not central cities of an SMSA.

##### § 570.452 Eligible applicants.

(a) *General.* Eligible applicants are distressed cities and distressed urban counties which meet the criteria specified in this section. Cities participating in the community development block grant program in cooperation with an urban county, as provided in § 570.105(b)(III), are eligible applicants under this subpart, if they meet the requirements of this section. Such cities may at the same time continue as cooperating units of government in the urban county's entitlement grant application. Using a modified Standard Form 424 as specified in § 570.455(a), applicants must request a determination from the HUD Area Office as to whether they meet the eligibility criteria specified in subsections (b), (c), and (d) before submitting an application pursuant to § 570.456. HUD will provide available data to applicants from the sources identified in subsection (b) to the greatest extent possible.

(b) Minimum standards of physical and economic distress for FY 1978—(1) *Metropolitan cities and urban counties.* (i) Applicants which are metropolitan cities or urban counties must meet three of the six following minimum standards of physical and economic distress, based on data for the community as a whole, unless the applicant's percentage of poverty is less than one half of the median for all metropolitan cities, in which case the applicant must meet four of the six factors.

(A) *Age of housing.* 34.59 percent or more of the applicant's year-round

housing units was constructed prior to 1940, based on U.S. Census data;

(B) *Per capita income.* The net increase in per capita income for the period 1969-1974 was \$1,424 or less, based on U.S. Census data;

(C) *Population lag/decline.* For the period 1960-1975 the percentage rate of population growth (based on corporate boundaries in 1960 and corporate boundaries in 1975) was 15.52 or less, based on U.S. Census data;

(D) *Unemployment.* The average yearly rate of unemployment for 1976 was 7.69 percent or greater, based on August, 1977 data compiled by the Bureau of Labor Statistics;

(E) *Job lag/decline.* The rate of growth in retail and manufacturing employment for the period 1967-1972 was 7.08 percent or less, based on U.S. Census data. If data is not available for both retail and manufacturing employment, the threshold will be the median (based on those cities for which both sets of data are available) for either retail employment or manufacturing employment.

(F) *Poverty.* 11.24 percent or more of persons within the applicant's jurisdiction is at or below the poverty level, based on 1970 U.S. Census data;

(ii) If, based on data for the community as a whole, the applicant's percentage of poverty is greater than one and one-half of the median for all metropolitan cities and its absolute per capita income is below the median, a unique distress factor may be considered. The Secretary may consider objective, quantified evidence of severe distress which is unique to the applicant's jurisdiction. To qualify, the applicant must establish a unique distress factor to the Secretary's satisfaction, and must meet two of the distress factors stated in subparagraph (i). The unique distress factor must meet all of the following criteria: (A) The factor must describe a fiscal, physical, or economic condition that severely impacts the vitality of the community; (B) The factor must represent a condition other than those for which the applicant has been credited. For example, if the applicant has met the unemployment criteria of paragraph (D), that community could not use other unemployment factors as a unique distress factor as well; (C) The factor cannot be the result of Federal, State, or local court actions (such as costs incurred by the locality to comply with a court order), or laws or regulations; (D) The jurisdiction must establish a basis for comparison of the unique factor in relation to other localities within the State; (E) Data used to substantiate a unique factor must pertain to the period between 1970-1977; and (F) The factor must be based on data for the community as a whole. The Secretary will make a determination of eligibility based on the documentation submitted.

(d) *Results in providing equal opportunity.* In order to qualify, the applicant must demonstrate that it has achieved reasonable results in providing equal opportunity in housing and employment for low- and moderate-income persons and members of minority groups. Among the factors which HUD will consider are: (1) The location and occupancy characteristics of federally or other assisted housing units provided for families, and the extent to which the use of these programs promotes and shows progress in the geographic dispersal of minority families outside areas of low-income and minority concentration. (2) Whether the applicant is actively engaged in promoting housing choice in all of its neighborhoods through participation in an area-wide affirmative marketing effort, a New Horizons Fair Housing Assistance Project, or other fair housing activities designed to eliminate and prevent discrimination in the private housing market throughout the applicant's jurisdiction.

(2) *Small cities.* [Reserved]

(c) *Results in providing housing.* In order to qualify, the applicant must demonstrate that it has achieved reasonable results in providing housing for persons of low- and moderate-income. Among the factors HUD will consider are the number of federally or other assisted housing units provided for low- and moderate-income households, especially since 1974. Specifically, HUD will evaluate the applicant's activities in implementing the proportional goals established in any HUD-approved Housing Assistance Plan applicable to the applicant's jurisdiction, as well as actions to provide such housing taken previous to the establishment of a Housing Assistance Plan. This evaluation would include a review of such local actions as the removal of impediments in local ordinances and land use requirements to the development of assisted housing, the formation of a local housing authority when necessary to carry out the Housing Assistance Plan, the provision of sites for assisted housing when resources are available, and other actions appropriate for implementation of the Housing Assistance Plan. The actions of an applicant, which previously participated in the community development block grant program as part of an urban county and has subsequently withdrawn, shall be considered with regard to the provision of assisted housing in accordance with the HUD-approved Housing Assistance Plan for the urban county applicable to the applicant's jurisdiction. If the applicant has never had a HUD-approved Housing Assistance Plan, the applicant must demonstrate that it previously has provided or assisted in the provision of housing for low- and moderate-income persons and families.

(d) *Results in providing equal opportunity.* In order to qualify, the applicant must demonstrate that it has achieved reasonable results in providing equal opportunity in housing and employment for low- and moderate-income persons and members of minority groups. Among the factors which HUD will consider are: (1) The location and occupancy characteristics of federally or other assisted housing units provided for families, and the extent to which the use of these programs promotes and shows progress in the geographic dispersal of minority families outside areas of low-income and minority concentration. (2) Whether the applicant is actively engaged in promoting housing choice in all of its neighborhoods through participation in an area-wide affirmative marketing effort, a New Horizons Fair Housing Assistance Project, or other fair housing activities designed to eliminate and prevent discrimination in the private housing market throughout the applicant's jurisdiction.



tion. (3) Whether relocation as a result of federally assisted programs has resulted in expanded housing opportunities for minorities outside areas of minority or low-income concentration. (4) Whether the applicant is a participating jurisdiction in an approved Housing Opportunity Plan, where such plan includes the applicant's jurisdiction. (5) The applicant's performance reports to HUD and/or the Equal Employment Opportunity Commission with respect to employment indicate affirmative efforts to hire, train, and promote minorities, females, and lower-income persons.

#### § 570.453 Eligible activities.

(a) Except as specified in § 570.454, grant assistance will be made available for any eligible activity specified in subpart C which supports a commercial, industrial, or residential project. If permissible under State and local law, the applicant may undertake activities outside of the applicant's jurisdiction where the benefits of the project accrue to the applicant.

(b) If an applicant requests assistance for an activity not eligible under subpart C, then the applicant must demonstrate that the activity proposed is consistent with the objectives of revitalizing the applicant's economic base or reclaiming neighborhoods having excessive housing abandonment or deterioration. Among the factors HUD will consider in determining whether or not an otherwise ineligible activity will be funded are the following: The necessity of the activity in stimulating private investment in the proposed project; the amount of long-term employment accessible to low- and moderate-income persons generated by the proposed project; the degree of impact of the proposed project on the economic condition of the community; and the effectiveness of the proposed project as a stimulus to area revitalization. New housing construction may be assisted if the applicant demonstrates, in addition to the factors specified above, that the proposed new housing is consistent with the applicant's community development and housing strategy and that other resources are not adequate.

#### § 570.454 Ineligible activities and limitations on eligible activities.

(a) Metropolitan cities and urban counties may not use assistance under this subpart for planning the project or developing the application. However, they may use entitlement community development block grant funds for this purpose. Any small city which submits a project application which is selected for funding may devote up to three (3) percent of the approved amount of its action grant to defray its actual costs in planning the project and preparing its application.

(b) Assistance under this subpart may not be used for public services as described in § 570.200(a)(8).

(c) Consultants may be paid for the reasonable costs of personal services, which shall be charged on an hourly basis per person and which shall in no case on a per person basis exceed the maximum daily rate of compensation for a GS-18 as established by Federal law.

(d) Except as specified herein, no assistance will be provided for projects intended to facilitate the relocation of industrial or commercial plants or facilities from one area to another, unless the Secretary finds that such relocation does not significantly and adversely affect the unemployment or economic base of the area from which such industrial or commercial plant or facility is to be relocated. However, moves within a metropolitan area shall not be subject to this provision.

#### § 570.455 Actions which must be taken prior to submission of an application.

(a) *Determination of eligibility.* In order to provide applicants with a full competitive opportunity to qualify for assistance under this subpart, applicants shall request a determination from the HUD Area Office on their eligibility for assistance prior to submitting an application. Except for the first calendar quarter of 1978, when special procedures will be used, the request for determination of eligibility shall be submitted on Standard Form 424, as modified by HUD. This shall include a list of all family section 8 existing occupied units by census tract, and within census tracts the number of minority and non-minority families.

(b) *Environmental assessment.* Metropolitan cities and urban counties submitting applications after January 31, 1978, and small cities submitting applications after February 28, 1978, must have a level of clearance finding in accordance with 24 CFR Part 58, 15(d).

(c) *Citizen participation.* Applicants must comply with the citizen participation requirements described in § 570.456(c)(11)(i).

(d) *Modified OMB Circular A-95 procedure for applications.* Applicants must comply with all procedures set forth in Part I of OMB Circular No. A-95 except as modified below. Those procedures also require that program amendments submitted to HUD in accordance with paragraph 570.460(b) shall be submitted to clearinghouses.

(1) *Notification.* Applicants shall submit a copy of the request for determination of eligibility to the appropriate State and areawide clearinghouses at the time the request is submitted to HUD. This will serve as the notice of intent to file an application. HUD will provide clearinghouses with a copy of its notification to the applicant of its eligibility status.

(2) *Application review.* (i) For the first calendar quarter of 1978, applicants may submit applications to clearinghouses and to HUD concurrently. The clearinghouses will have thirty days for review of the application and to provide a response to the applicant with a copy to HUD which clearly identifies the applicant. HUD will not make a final decision on the application until the clearinghouse comments are considered. If no comments are received by HUD, no funding decision will be made until 30 days after the deadline date for submission of applications.

(ii) For all subsequent quarters, unless the requirement is waived by a clearinghouse, applicants shall provide the clearinghouse a period of thirty days to review the completed application and to transmit to the applicant any comments or recommendations, prior to submission of the application to HUD.

(iii) The applicant shall transmit all comments with the application to HUD. In instances where comments are not received by the applicant within the thirty-day period, the applicant shall include a statement indicating that the State and areawide clearinghouses were notified and no comments were received.

(iv) If the A-95 review comments contain any findings of inconsistency with State, areawide, or local plans or noncompliance with environmental or civil rights laws, the applicant must state how it proposes to resolve the finding or state its justification for proposing to proceed with the project despite the findings developed through the A-95 review process.

#### § 570.456 Applications.

(a) *Application submission date.* Applications will be accepted by HUD Area Offices during the first month of each quarter for metropolitan cities and urban counties (January, April, July, and October), and during the second month of each quarter for small cities (February, May, August, and November).

(b) *Scope.* Applicants must submit a separate application for each proposed project. The proposed project must be able to be carried out in a timely fashion, which generally HUD expects not to exceed four years. The applicant shall apply for action grant funds in an amount which, together with other public and private resources that will be available, will be adequate to complete the project without additional action grant funds. While a recipient remains eligible for action grant funding for activities in support of other projects in subsequent years, no additional funding will be available in subsequent years to complete a project approved in a prior year. Should additional funding be required to complete

a previously approved project, the applicant must provide such funding from other community development block grants (if the activities are eligible under Subpart C), local general purpose funds, or other public or private resources.

(c) *Submission requirements.* Applications must be submitted on HUD forms to the appropriate HUD Area Office and must consist of the following:

(1) Standard Form 424, prescribed by OMB Circular No. A-102.

(2) A community development plan and a housing assistance plan, as specified in Subpart D. Applicants which have an approved Community Development Program in effect may incorporate this information by reference.

(3) A brief description of the applicant's Urban Development Action Program, which shall consist of an action plan and strategy and related projects to alleviate physical and economic distress. This program (i) must be consistent with the Community Development Program and the Housing Assistance Plan described in Subpart D; and (ii) must describe unique opportunities to (A) attract private investment; (B) stimulate investment in restoration of deteriorated or abandoned housing stock; or (C) solve critical problems resulting from population outmigration or a stagnating or declining tax base.

(4) A description of the project to be undertaken, together with the estimated cost of the project. If the project involves flood and drainage facilities, the application must include evidence that the requirements of § 570.607 have been satisfied.

(5) The status of environmental review of the proposed project, and a proposed timetable for the completion of any required environmental actions pursuant to 24 CFR Part 58.

(6) Evidence of commitment of public and private resources which will be available for completing the project, pursuant to § 570.457 (e), (f), and (g). Such evidence may be in the form of a letter of intent or a legally binding commitment between the applicant and public/private entities.

(7) A summary of proposed expenditures for the activities to be undertaken with assistance under this subpart.

(8) A schedule for accomplishing the proposed project.

(9) A statement containing appropriate information pursuant to the criteria for selection set forth in § 570.457.

(10) A map or maps of the applicant's jurisdiction as submitted in the latest HUD-approved community development block grant application, with the following additional information: (i) location of the proposed project, and (ii) access to and from the proposed project and surrounding land uses.

(11) Certifications. The applicant shall submit certifications, in such form as HUD may prescribe, providing assurances that:

(i) Prior to submission of its application, it has:

(A) Prepared and followed a written citizen participation plan, which plan provides the opportunity for citizens to participate in the development of the application, with special attention to measures to encourage the statement of views and the submission of proposals by low- and moderate-income persons, minorities, and residents of blighted neighborhoods, and to scheduling hearings at times and locations which are convenient to all citizens;

(B) Provided citizens with adequate information concerning the amount of funds available for proposed activities, the range of activities that may be undertaken, and other important program requirements;

(C) Held public hearings to obtain the views of citizens, of which at least one hearing was held on needs which may be dealt with under this subpart, and at least one hearing was held on the application prior to official action authorizing submission of the application.

(ii) The proposed proposed project is consistent with the Community Development Program and the Housing Assistance Plan.

(iii) The following assurances required pursuant to Subpart D concerning: the legal authority of the applicant; action by the local governing body; A-95; NEPA; FMC-74-4 and OMB Circular No. A-102; labor standards; HUD requirements; flood hazards; equal opportunity; opportunities for training, employment and contracts for residents of the project area; real property acquisition; relocation; standards of conduct; the Hatch Act; access to books and records; and other assurances concerning EPA's list of violating facilities; flood insurance purchase requirements; and physical design of facilities assessable to and usable by the physically handicapped.

#### § 570.457 Criteria for selection.

Grant assistance will be made available so as to achieve a reasonable balance for the program as a whole among projects that are designed primarily to restore deteriorated neighborhoods; to reclaim for industrial purposes underutilized real property; and to renew commercial employment centers. The nature and purpose of the proposed project will determine the extent to which each of the selection criteria in subparagraphs (c) through (k) will apply.

(a) *Selection of projects for funding: metropolitan cities and urban counties.* HUD shall in each calendar quar-

ter review all proposals received and pending consideration, and shall determine which among such proposals are feasible and effective. HUD shall select from such feasible and effective proposals those to be funded on the following bases: (1) as the primary criterion, the comparative degree of physical and economic distress among applicants, as measured by the differences in the factors set forth below, which shall be assigned the relative weights as follows:

(i) The percentage of their total housing stock that was built prior to 1940: .5;

(ii) The percentage of their total current population that was in poverty in 1970: .3; and

(iii) The degree to which their population growth rate lags behind that of all metropolitan cities: .2.

(2) Such additional factors as the Secretary may determine to be relevant to an assessment of the comparative degree of physical and economic deterioration of applicants, including but not limited to, per capita income, unemployment, and job lag/decline; and (3) the factors contained in paragraphs (c) through (k) of this section.

(b) *Selection of projects for funding: small cities. [Reserved].*

(c) *The demonstrated performance of the applicant in carrying out housing and community development programs.* Performance shall be evaluated using such considerations as: past compliance with HUD regulations and statutory requirements; progress in carrying out programs as planned; and the ability to complete programs in a timely fashion.

(d) *The impact of the proposed project on the special problems of low- and moderate-income persons and minorities.* (1) HUD will consider the extent to which the proposed project eliminates or reduces the magnitude of the special problems of low- and moderate-income persons and minorities (e.g., the relative levels of unemployment and underemployment, discrimination in housing and employment, locational impact, and lack of sufficient supportive services and facilities). In making this determination, HUD will consider the benefits of the project to low- and moderate-income persons and minorities, such as the provision of employment or entrepreneurial opportunities, housing opportunities, or public or private facilities and improvements. HUD will also consider plans for recruiting and training unemployed low- and moderate-income residents, especially minorities, in conjunction with existing programs (e.g., the Comprehensive Employment and Training Act of 1973). Location of the proposed project, when it is clearly relevant to the question of what groups benefit, can be used as one of



the factors to show that the proposed project benefits low- and moderate-income persons and minorities. While not required, priority will be given to projects in which minorities hold an equity interest.

(2) If the project includes activities which generate relocation, HUD will consider how the applicant's relocation process, including any proposed relocation advisory services, will provide the opportunity for such persons to relocate outside areas of low-income or minority concentration.

(3) Consideration will be given to (i) whether and how low- and moderate-income persons and minorities will share in the opportunity to reside in the area; and (ii) whether and how displaced businesses will be given the opportunity to relocate in the area, once the project is completed.

(4) Relocation of industrial and commercial plants within a jurisdiction or metropolitan area will be reviewed to determine the impact on low- and moderate-income and minority persons who are presently employed, and if the move will have a significantly negative impact on the area from which the facility is moved.

(5) HUD will also consider the extent of citizen participation in the development and review of the application, as well as the provision of technical assistance to citizens' groups if such assistance has been requested and is appropriate. HUD also encourages the involvement of private non-profit entities, local development corporations, or small business investment corporations in the implementation of projects.

(e) *The nature and extent of financial participation by private entities in the proposed project.* No activities will be funded under this subpart unless there is a firm commitment of private resources to the proposed project. The private commitment must have a clear, direct relationship to the activities for which funding is being requested. The necessary private commitment must be identified in the application. Examples of acceptable forms of private commitment include the commitment of a company to remain in the locality if the company is financially committed to invest in expansion or modernization of its facilities, the commitment of a developer, or a commitment of financing from such lending sources as banks, savings and loan institutions, credit unions, pension funds, insurance funds, or other investors. The following characteristics will be considered in determining the nature and extent of financial participation by private entities:

(1) Whether the applicant will be able to recapture its financial participation in the project for additional economic development or neighborhood revitalization uses, through such

mechanisms as loan or lease repayments and participation in profits realized by the project;

(2) Whether the project includes a greater amount of private investment in relationship to the requested grant amount than projects of a similar nature which are being considered for action grant funding. In calculating the amount of private investment, HUD will include such investment as equity investments, the cost of capital improvements, the total value of new leases, the amount of financing provided by private entities to specific applicants for such financing, and similar net investments;

(3) Whether the private commitment is more firm than for other projects being considered for action grant funding; and

(4) Whether the applicant has sought proposals from more than one developer and has considered all proposals received from developers in regard to the proposed project.

(f) *The extent of financial assistance to be made available by the State.* Projects which include financial assistance from the State will receive more favorable consideration. The extent of such assistance will also be considered.

(g) *The nature and extent of financial participation by other public entities in the proposed projects.* Projects which include financial assistance from other public entities will receive more favorable consideration. Other public resources may be provided by matching other Federal grants, or by firm commitments of other Federal or local resources, such as those from the Economic Development Administration, the Small Business Administration, the Urban Mass Transportation Administration, or from the applicant's general purpose funds.

(h) *The impact of the proposed project on the physical, fiscal, or economic deterioration of the community.* The nature and purpose of the proposed project will determine which of the following measures will apply:

(1) Physical impact of the project will be measured by such factors as the extent of improvement in the applicant's housing stock; provision of public improvements or facilities; and the provision or improvement of commercial and industrial facilities; and the extent that other public and private facilities and services exist or will be provided to support the project. Applicants are expected to consider the quality of the design of the project.

(2) Fiscal impact will be measured by such factors as the extent of improvement in the applicant's tax base.

(3) Economic impact will be measured by such factors as the extent of increased long-term employment opportunities, particularly for residents of the distressed city or urban county.

(4) The market and economic feasibility of the proposed project will be

taken into consideration in determining the physical, fiscal, or economic impact of the project.

(5) More favorable consideration will be given to projects which will cause minimal displacement and disruption of occupants and jobs.

(i) *The extent to which the project represents a special or unique opportunity to meet local priority needs which are consistent with the objectives of economic revitalization or reclamation of neighborhoods.*

(j) *The feasibility of accomplishing the project in a timely fashion within the total resources which will be provided.* HUD will consider such factors as the status of land assembly and zoning, the environmental status of the project, and administrative and legal mechanisms for accomplishing the project. Proposals will be considered to have a lesser degree of feasibility if they involve substantial additional planning, lengthy start-up time, or are subject to such potential obstacles as environmental or legal constraints.

(k) *Phasedown or elimination of hold-harmless entitlements.* Applicants which incur substantial reductions in their entitlement grants because of phasedown or elimination of hold-harmless funding will receive priority consideration provided they receive equal consideration on the other criteria for selection.

§ 570.458. HUD review and action on applications.

(a) *HUD review.* Area offices shall forward applications which meet the criteria of § 570.456, together with their assessment of the proposals, to the HUD Central Office, which will evaluate applications on a comparative basis in accordance with the criteria for selection specified in § 570.457.

(b) *HUD action on applications.* HUD will allocate funds to ensure that funds are available each quarter. Funding decisions will be made within two months after the deadline for submission of applications as specified in § 570.456(a). Applications postmarked after the last day of the month in which they are to be submitted will not be considered until the following quarter. Applications not approved in the first quarter in which they are accepted will be reconsidered for funding in the subsequent quarter, unless there is little likelihood that the project will be funded. Applications not approved after the second quarter will not receive further consideration, unless HUD is actively negotiating the terms of the project with the applicant. The Secretary will notify the applicant in writing of the action taken on its application, and the conditions under which the application may be reconsidered.

(c) *Conditional approval.* The Secretary may make a conditional approval,

in which case the grant will be approved, but the utilization of funds will be restricted. Conditional approvals will be made for purposes including, but not limited to, the following:

(1) To ensure that the recipient will carry out the activities according to the schedule submitted by the applicant pursuant to § 570.456(c)(8);

(2) To ensure that the applicant secures legally binding commitments of private resources pursuant to § 570.456(c)(6); and

(3) To permit local environmental reviews under § 570.603 to be completed. If the result of the environmental review is to require changes to the project, or the recommended substitution of a new project to be funded by the approved grant, the applicant may make such changes or substitution within a time specified by HUD. Such changes or substitutions are subject to a determination by HUD that the changed project qualifies under the provisions of § 570.457(a) or (b), at least to the same extent as the original project.

§ 570.459. Post-approval requirements.

(a) *Submission of evidence of private commitment.* Recipients must submit to the HUD Area Office evidence of legally binding commitments from private entities identified in the application pursuant to § 570.456(c)(6). Recipients must also submit an opinion of counsel that the commitments are legally binding under State and local law and conform to the grant agreement executed by HUD and the recipient. No costs may be reimbursed under the grant agreement prior to HUD receipt of such evidence.

(b) *Release of funds pursuant to § 570.603.* Recipients must comply with the provisions of § 570.504 concerning

the release of funds for projects requiring environmental review.

(c) *Performance according to schedule.* Action grant funding shall be conditioned upon the performance of the recipient in meeting the schedule set forth in its application pursuant to § 570.456(c)(8). Failure to meet such schedule may result in the termination of the grant agreement, unless a revised schedule has been approved by HUD.

(d) *Reporting requirements.* [Reserved.]

§ 570.460. Project amendments.

(a) *Prior HUD approval.* Recipients must submit to the HUD Area Office a request for approval of all amendments involving new activities, or significant alteration of existing activities that will change the scope, location, scale, or beneficiaries of the approved activities, or whenever a revision involving the cumulative effect of a number of smaller changes add up to an amount that exceeds ten percent of the grant. HUD approval of amendments may be granted to those requests which meet all of the following criteria:

(1) If activities are added or are significantly altered, the new activities must meet the criteria for selection applicable at the time of receipt of the program amendment.

(2) The recipient has complied with the requirements of this subpart for A-95 review of amendments and citizen participation.

(3) Any new activity must be able to be completed promptly and within the approved budget.

(b) *A-95 review.* The recipient shall provide the State and areawide clearinghouses with thirty days for review and comment prior to submission of an amendment requiring prior HUD approval pursuant to § 570.460(a).

(c) *Environmental review.* The recipient shall comply with the provisions of 24 CFR Part 58 concerning the updating of environmental reviews.

(d) *Other amendments.* The recipient may make amendments other than those requiring prior HUD approval pursuant to § 570.460(a) without HUD approval.

§ 570.461. Allocation to small cities.

Not less than twenty-five percent of the funds made available under this subpart shall be used for cities under fifty thousand population which are not central cities of a metropolitan area.

§ 570.462. Applicability of rules and regulations.

The provisions of Subparts A, B, C, F, G, H, and J shall apply to this subpart, except to the extent that they are specifically modified or augmented by the contents of this subpart.

Issued at Washington, D.C., January 5, 1978.

ROBERT C. EMBRY, JR.,  
Assistant Secretary for Community Planning and Development.

[FR Doc. 78-645 Filed 1-6-78; 12:06pm]



## PROPOSED RULES

[4210-01]

DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENTOffice of the Assistant Secretary for  
Community Planning and Development  
[Docket No. R-77-471]

[24 CFR Part 570]

## COMMUNITY DEVELOPMENT BLOCK GRANTS

Subpart G, Urban Development Action Grants,  
Amendment of Proposed RulemakingAGENCY: Department of Housing  
and Urban Development.ACTION: Amendment of proposed  
rule.SUMMARY: The Secretary is amend-  
ing a Notice of Proposed Rulemaking  
with respect to its Small Cities Com-  
munity Development Block Grant  
Regulations to include a section that  
was omitted from the notice and is  
also extending the time for public  
comment 7 days. The section being  
added is necessary in order to set forth  
the basis for selection of applications.COMMENT DUE DATE: February 6,  
1978.FOR FURTHER INFORMATION  
CONTACT:David I. Dresser, Urban Develop-  
ment Action Grant Task Force,  
Office of Community Planning and  
Development, Department of Hous-  
ing and Urban Development, 451  
Seventh Street SW., Washington,  
D.C. 20410, 202-755-6032.Accordingly, the Notice of Proposed  
Rulemaking published December 30,1977, with respect to 24 CFR Part 570  
Subpart G is amended by adding a sec-  
tion 570-457(b) at the end of the pro-  
posed rule to read as follows:

§ 570.457 Criteria for selection.

(b) *Selection of projects for funding, small cities.* HUD shall in each calendar quarter review all proposals received and pending consideration, and shall determine which among such proposals are feasible and effective. HUD shall select from such feasible and effective proposals those to be funded on the following basis: (1) As the primary criterion, the comparative degree of physical and economic distress among applicants as measured by the differences in the factors set forth below, which shall be assigned the relative weights set forth below:

Age of housing, 0.5; Poverty, 0.3; Popula-  
tion lag/decline, 0.2.

(2) Such additional factors as the  
Secretary may determine to be rel-  
evant to an assessment of the com-  
parative degree of physical and eco-  
nomic deterioration of applicants; and  
(3) the factors contained in para-  
graphs (c) through (k) of this section.

Issued at Washington, D.C., January  
5, 1978.

ROBERT C. EMBRY, Jr.,  
Assistant Secretary for Commu-  
nity Planning and Develop-  
ment.

[FR Doc. 78-646 Filed 1-6-78; 12:06 pm]



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# Federal Register

WEDNESDAY, JANUARY 11, 1978



## highlights

### "THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for February are being accepted for the free Friday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L Street NW., Washington, D.C. in room 9409 from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, Workshop Coordinator, 202-523-3517.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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New England Regional Fishery Management Council, Peabody, Mass., 1-19-78 ..... 784; 1-4-78

ENVIRONMENTAL PROTECTION AGENCY

Lead; National ambient air quality standard, Washington, D.C., 1-17-78 ..... 63076; 12-14-77

INTERNATIONAL TRADE COMMISSION

Cane and beet sugars, sirups and molasses, Minneapolis, Minn., 1-17-78 ..... 64744; 12-28-77

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of PUBLIC LAWS.



## rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-30]

## Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE,  
DEPARTMENT OF AGRICULTURE

[Amdt. No. 129]

PART 271—PARTICIPATION OF STATE  
AGENCIES AND ELIGIBLE HOUSEHOLDS

## Food Stamp Program

AGENCY: Food and Nutrition Service,  
USDA.

ACTION: Final rule.

**SUMMARY:** This rule amends the final regulation (7 CFR 271.3(f)) issued on November 30, 1977 (42 FR 60916) which changed the method of counting utility costs for the food stamp excess shelter deduction. This amendment deletes the requirement that State agencies certify within 10 days households documenting increases of more than \$25 at initial application or at subsequent certification and modifies the notice requirements imposed by 7 CFR 271.3(f)(9), as amended. This change is in response to the comments.

**EFFECTIVE DATE:** January 1, 1978.**FOR FURTHER INFORMATION CONTACT:**

William R. Tlucek, Chief, State Agency Operations Branch, Food Stamp Division, 500 12th Street SW., Washington, D.C. 20250 (202-447-8360).

**SUPPLEMENTAL INFORMATION:** On November 30, 1977, there was published a final rule changing the method of counting utility costs from "as paid" to "as billed" for the food stamp excess shelter deduction and requiring expedited certification and processing of interim changes for households reporting increases of more than \$25 in heating and utility bills. That regulatory amendment responded to testimony presented at food stamp public hearings sponsored by the Department during October 1977. Eight hundred and sixty-two persons testified at the 17 public hearings, generating a total of 6,152 transcript pages. Testimony relevant to the November 30 rulemaking indicated

participant concern over high winter utility costs caused by the unusually harsh winter of 1976-77. To avoid hardships resulting from anticipated increases in utility costs during this winter, the Department published the November 30 amendment. In light of the need to implement before winter, the Department determined it was contrary to the public interest to give notice of proposed rulemaking. Delaying the rule until this winter was partly or entirely past would have defeated the very purpose of the rulemaking. For the same reasons, this rulemaking is in final form.

However, because the Department believed that public and State agencies and other interested parties should have an opportunity for comment, comments were solicited even though the regulation was published as a final rule.<sup>1</sup> These comments were carefully considered, just as in a normal proposed rulemaking process, and based on these comments the Department is hereby making some modifications in the final rule. Letters received pursuant to the November 30 rulemaking are available for public inspection and copying, during regular business hours, in Room 698, 500 12th Street, SW., Washington, D.C.

This rulemaking generated twenty-one letters; nineteen from State and local welfare agencies and one each from the Peace and Justice Commission of the Catholic Diocese of Albany, N.Y. and the American Public Welfare Association (APWA). In addition, the public file contains relevant letters from Food and Nutrition Service (FNS) Regional Offices and summaries of significant meetings between State and FNS officials. Also contained in the file are State responses to the FNS telegram of November 8, 1977, which provided State Welfare Commissioners and FNS Regional Administrators with advance notice of the nature of the imminent utility allowance changes.<sup>2</sup>

<sup>1</sup>Final rulemaking without a notice and comment period is permitted by Federal law. See section 553(b)(3) Administrative Procedures Act.

<sup>2</sup>Three State agencies, the Food Action and Community Education Project of Ohio and the FNS New England regional office wrote letters pertinent to the utility allowance in advance of the FEDERAL REGISTER notice, but after the November 8, telegram.

Generally, State agencies regarded the November 30 regulatory changes as inequitable, untimely and extremely difficult to implement. Virginia<sup>3</sup> and Texas emphasized that the ten day certification requirement (7 CFR 271.3(f)(2)), for households with increased utility costs, could unfairly divert critical time and resources from households more in need of prompt assistance. Virginia noted that "it should not be assumed that every incident of a \$25 increase in shelter costs will automatically constitute an emergency condition." Texas specifically criticized the "preferential treatment to households with higher than normal utility bills over those in need of prompt emergency assistance." In addition to these inequities, South Carolina, Alabama and Mississippi felt it would be "virtually impossible" to meet the ten day deadline; New York considered it "impossible."

7 CFR 271.3(f)(2) is withdrawn to avoid program inequities, to foster the timely delivery of benefits to all households, and to avoid program dissatisfaction stemming from the promise of timeliness of service which some States may be unable to deliver. Households with increases in utility bills, which "are in need of emergency certification," will still be entitled to preferential treatment in most States (7 CFR 271.4(a)(2)(iii)). Moreover, State agencies will still be required to adjust allotments for households reporting increases in utility billings according to 7 CFR 271.3(f)(6), as amended.

The APWA, along with Missouri, Kansas, South Dakota, Mississippi, Michigan and New York, asserted that notice to the entire caseload, by January 15 (7 CFR 271.3(f)(9), as amended), would inundate local offices with requests for increases in benefits and information; thus increasing waiting lines, delaying normal and emergency certification activities, creating false expectations and unnecessarily increasing participant frustration and dissatisfaction. The APWA stated that mass notice would "swell the numbers of persons contacting food stamp offices, [and] . . . set up many partici-

<sup>3</sup>Each reference to correspondence from a State normally refers to a letter from the department of the State government with overall Food Stamp Program responsibilities.



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pants for a rather serious disappointment." New York anticipates "from past experience" that the notice would mean that "... tens of thousands will seek increased benefits who are not entitled to them. ... Missouri fears that "... notification to all clients will cause the majority of Missouri's total Food Stamp population to call or come into our county offices during that month."

To resolve these problems, New York recommended that since "... only those who pay for their own heat are apt to benefit from a recalculation ... only they should receive a copy of the notice." Michigan and the APWA endorsed this suggestion. Accordingly, the revised amendment provides for a longer notification period and allows States, with the "capability of identifying and notifying only those households which pay utility costs separately from rent and mortgage payments," to do only that. While modifying the individual notice requirement, the new amendment requires that "States must make every effort to mail the notice with the January 1, ATP [card]. ... This compromise strikes a fair balance between the participant interest in immediate individual notification and the participant and State agency interests in protecting the timely delivery of benefits to the entire caseload."

Almost all State agencies and the APWA were concerned that the lead time, prior to the January 1 implementation deadline, would not allow adequate opportunity to prepare instructions, train staff, print forms and secure FNS interpretations. However, all State agencies were given advance notice, by telegram of November 8, of the general nature of the imminent regulatory changes. FNS regional offices were advised to provide State agencies with assistance and advice regarding the amendment. More critically, except for 7 CFR 271.3(f) (6) and (8), as amended, the regulatory package does not seem to require extensive preparations.

State agencies were already required to provide a deduction for utility costs based on anticipated payment of bills during the certification period (7 CFR 271.3(c)(1)(iii)(h)). However, we found that some State agencies were erroneously averaging the household's past utility payments to project payments for the current certification period.

\*A December 14, 1977, N.Y. Department of Social Services press release states that, "[r]ather than aiding the citizens that qualify, many will be hurt [by the regulatory amendment.]" That press release notes that "more than 90 percent of New York City's more than one million recipients would be ineligible for the additional food stamp benefits since heat is included in their rent."

This practice did not accurately reflect the household's current bills as originally intended by the regulation. Further, State agencies are presently required to make adjustments in benefit levels, based on reported changes (7 CFR 271.3(a)(1)(iii)); to restore lost benefits (7 CFR 271.1(q)) and to assign short certification periods (7 CFR 271.4(a)(4)(iii)(a)). Based on the "need for timely implementation to benefit households experiencing higher utility costs this winter" (42 FR 60917), and on the determination that adequate advance notice was given, State agencies are accountable for failure to timely implement these regulatory changes.

To provide State agencies with notice of changes in the November 30 regulatory language, in advance of the January 1 implementation date, all State Welfare Commissioners were sent telegrams on December 23, 1977. FNS believes that the advance telegraphic warning was justified, eight days prior to the end of the voluntarily imposed comment period, to avoid unnecessary waste of State agency time, effort and money, especially in light of the significant and convincing commentary received by the day the telegram was sent. The text of the telegram is published with this amendment.

Continuing the discussion of the comments, there is no significant commentary on provisions concerning projections, "based on the most recent actual [utility] bills" (7 CFR 271.3(f)(2)(ii), as amended) and conversions, from and to the standard allowance (7 CFR 271.3(f)(7), as amended). Those sections remain unchanged by this rulemaking. Using the most recent bills, instead of averaging past costs, should more accurately reflect the household's immediate utility costs and, therefore, food stamp need. Moreover, the provision for conversions to and from the standard allowance gives the household an opportunity to use the most advantageous approach.

Some commentators suggested that the burden of winter increases in utility costs be reduced through universal or regional adjustments in the standard utility allowances, allotment amounts, or purchase requirements. However, these adjustments, because of varying and unpredictable climatic and weather conditions, would benefit many households not needing the additional assistance and not benefit certain households in greater need.

\*Twelve of the twenty-one public or State agency letters were received prior to, or on, December 20, 1977. This final amendment reflects all comments received during the full comment period. This amendment differs from the telegraphic advance warning by allowing for State agency notice after January 15, 1978.

Because residents of Puerto Rico and the Virgin Islands do not experience substantial increases in utility costs in the winter months, these State agencies are exempted from providing individual notices to households. FNS does not believe the expense and burden of providing individual notices, especially considering the size of the food stamp population involved, are warranted. However, Puerto Rico and the Virgin Islands are still required to comply with all other provisions of the amendment, including all other means of publicizing the changes.

Accordingly, § 271.3 of Chapter II, Title 7, Code of Federal Regulations is amended as follows.

1. In § 271.3(f) delete paragraph (2) and renumber all subsequent paragraphs accordingly.

2. In the renumbered § 271.3(f)(8) strike all language and substitute the following:

#### § 271.3 Household Eligibility

• • • • •  
(f) Utility Costs Deduction  
• • • • •

(8) State agencies shall publicize the provisions of this paragraph in the media in each project area and by a notice posted in each welfare office. The notice shall be posted as soon as possible but no later than December 31, 1977, shall remain posted through April 30, 1978, and shall be in language other than English where appropriate. In addition, the State agency shall notify each of their outreach contact groups. With the exception of Puerto Rico and the Virgin Islands, the State agency shall also notify each participating household individually unless it has the capability of identifying and notifying only those households which pay utility costs separately from rent or mortgage payments. Although States must make every effort to mail the notice with the January 1 ATP card, States unable to mail the notice with the January 1 ATP card must send the notice with an additional January ATP card if such is issued. Otherwise States must mail the notice with the February 1 ATP card. In jurisdictions that satisfy FNS they have no mechanism to mail FNS approved notices, such notices must be handed individually to all households at issuance points starting no later than January 15 and continuing through the end of February.

3. In the renumbered subparagraph § 271.3(f)(9), strike out the words "January 15, 1978" and insert the words "in accordance with this amendment."

• • • • •  
(78 Stat. 703, as amended; (7 U.S.C. 2011-2026).)

NOTE.—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps.)

Dated: January 10, 1978.

CAROL TUCKER FOREMAN,  
Assistant Secretary.  
(FR Doc. 78-884 Filed 1-10-78; 8:45 am)

[3128-01]

#### Title 10—Energy

#### CHAPTER II—FEDERAL ENERGY ADMINISTRATION<sup>1</sup>

#### PRICE AND ALLOCATION INTERPRETATIONS

AGENCY: Department of Energy.

ACTION: Notice of interpretations indexes.

SUMMARY: Attached are new and updated indexes to Interpretations issued and published by the Federal Energy Administration (FEA), and the Department of Energy (DOE), through the end of 1977.

FOR FURTHER INFORMATION CONTACT:

Diane Stubbs, Department of Energy, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 1121, Washington, D.C. 20461, 202-566-9070.

SUPPLEMENTARY INFORMATION: Interpretations issued pursuant to 10 CFR Part 205, Subpart F ("Interpretations"), are published from time to time in the FEDERAL REGISTER in accordance with editorial and classification criteria set forth in 42 FR 7923, February 8, 1977, as modified in 42 FR 46270, September 15, 1977. Indexes to Interpretations 1974-1 through 1977-6 were published at 42 FR 27984, June 1, 1977. Today's notice: (1) Republishes and updates the general subject index (appendix A); (2) adds as appendix B an alphabetical listing of all Interpretations published to date; (3) expands the previous regulatory cross-index for price Interpretations by CFR Subpart into a cross-index for all Interpretations by specific regulation interpreted (appendix C); and (4) republishes and updates the table of statutes and FEA/DOE rulings interpreted (appendix D).

Appendix A contains a general index of approximately 100 informal price and allocation subject entries, such as

<sup>1</sup>Editorial Note: Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

Issued in Washington, D.C., January 5, 1978.

WILLIAM S. HEFFELFINGER,  
Director of Administration,  
Department of Energy.

#### APPENDIX A

Subject index for interpretations (1974-1 through 1977-53)

Subject	Interpretation
Acquisition rule .....	1975-9.
Affiliated entities, def. ....	1978-4.
Allocation entitlement ....	1974-17; 1975-37.
Allocation entitlement, 1974-19.	
method of.	
Allocation entitlement, 1974-29; 1975-35; 1977-47.	
transfer of.	
Allocation levels.....	1974-1.
Average daily	1974-22; 1975-41, -43.
production, def.	
Assignment by FEA .....	1978-25.
Base period supplier .....	1974-8, -15; 1975-31, -73.
Base period supplier, designation of.	1974-21.
Base period supply	1974-25; 1976-11; 1977-19, -20.
obligations.	
Base period use,	1977-28, -32.
adjustments to.	
Base period volume .....	1975-50.
Base price.....	1975-5.
BPCI .....	1975-27; 1976-16; 1977-12, -37.
Base rent rule.....	1974-24, -28.
Base rent rule, lease termination.	1975-58.
Benzene and toluene, special rules for.	1976-10.
Blending costs, retailer....	1975-74.
Bonded fuel, def. ....	1975-8, -26, -46.
Bonded fuel exemption .....	1975-8, -26, -46.
Borrow—pay back rule....	1975-30.
Burning of petroleum products by power generators.	1975-25.
Certification .....	1977-33, -52.
Class of purchaser.....	1974-7; 1975-5, -8, -22, -31, -47, -63; 1976-1, -6, -7, -20; 1977-10, -11.
Commission agents or consignees.	1974-10; 1975-13, -17, -19, -31, -33, -48; 1977-8, -27.
Competitive bids .....	1975-58.
Cost of crude oil, def. ....	1976-4.
Covered products, def. ....	1976-24; 1977-9, -50.
Crude oil buy/sell program.	1977-34.
Crude oil, def. ....	1975-29; 1977-3, -22, -31.
Crude oil ceiling price rules, long-term contracts (premiums).	1977-2, -14.
Current cumulative deficiency.	1974-8; 1976-16.
Customary discounts .....	1975-86.
D, subpart; part 212 .....	1974-20; 1975-29; 1977-3.
December 1 rule.....	1974-2, -3, -4; 1975-45; 1976-15, -20; 1977-7, -13, -14, -15, -42.
EPAA supersession of other Federal laws.	1974-27; 1975-15.
Entitlements program ....	1975-21; 1976-22; 1977-5, -22, -31, -45.
Equal application rule ....	1975-5; 1976-17.
Export sales deduction ....	1975-21; 1977-18, -21, -30, -36, -44.
Export sales def. ....	1977-16.
F, subpart; part 212 .....	1976-6; 1977-3.
Field .....	1977-43.
Firm, def. ....	1975-3, -32, -52, -55, -69; 1976-3, -8; 1977-6, -18, -29.
First sale, def. ....	1976-4; 1977-38.
Five percent rule .....	1974-14; 1977-8, -24.
G, subpart; part 212 .....	1974-24, -28; 1975-69.
Guam .....	1975-8, -26, -46.
Import exemption .....	1975-24.
Inventories .....	1975-23.



## APPENDIX A—Continued

Subject index for interpretations (1974-1 through 1977-53)

Subject	Interpretation
K, subpart; part 212	1976: -2, -5; 1977-3.
Naphtha allocation	1975-44.
N.G.L. products	1974-13; 1977-3.
New and released crude oil	1975-2; 1977-42.
New item and new market rule	1974: -23, -24; 1975: -3, -9; 1976: -5, -7.
"New" motor gasoline retail sales outlet	1975-61.
"New" wholesale purchaser-reseller	1975-57; 1977-28.
Non-product cost increases	1975: -48, -59, -74.
Normal business practices	1974: -3, -16, -27; 1975: -49, -62; 1977: -8, -11, -19, -26, -35.
Once-a-month rule	1975-64.
Over-recoupment	1975-12.
Passenger transportation services	1975-65.
Posted price, def.	1976-4; 1977: -26, -43.
Price increase	1977-53.
Price/octane number information and posting	1976-9.
Procedural requirements	1975-40; 1976-12; 1977-28.
Processing agreements	1974-6.
Producer, def.	1974-20.
Product cost increases	1974-5.
Product cost increases, carryover of contracts entered into on or before September 1, 1974	1975-16.
Propane allocation	1975-14; 1976: -19, -21.
Property, def.	1974-22; 1975: -2, -4, -27, -42; 1977: -1, -37, -42, -46.
Refined petroleum products, def.	1975-1.
Refiner, def.	1974-13; 1976-2; 1977: -8, -29.
Refiner, price formula:	
"V" factor	1975-7.
"H" factor	1977-23.
Refiner price rule	1977-53.
Refinery yield	1976-23.
Refunds	1975-12.
Rent, def.	1975-51.
Rent regulations (see also base rent rule)	1975-69.
Reporting requirements, refiner	1975-11; 1977-24.
Reseller, def.	1974-12; 1976-2; 1977: -3, -8, -29.
Residual fuel oil, def.	1975-29.
Retailer, def.	1974-12; 1976-2.
Retailatory actions	1975-63.
Retroactive increase	1977-14.
Sales by Federal, State, and local governments	1974-4; 1975-15.
Sanitation services, def.	1974-1; 1975-39.
Seller, def.	1976-8.
State tax increase pass-through	1975-18.
Stripper well lease exemption	1974: -22, -26; 1975: -4, -10, -41, -43; 1977-48.
Supplier, def.	1976-23.
Supplier/purchaser relationship	1974: -17, -18, -19; 1975: -20, -54; 1976: -13, -14, -18; 1977: -20, -49.
Supplier substitution	1976-25.
Surplus product, purchase of	1974-19; 1975-20; 1977-41.
S.N.G. feedstock allocation	1975-34.
Temporary discounts on May 15, 1973	1975-6.
Transfer pricing	1974-20.
Transportation costs to reseller/retailer inventory	1977: -4, -51.
Transportation cost, refiner	1977-25.
United States, def.	1975: -8, -26, -46.
Unitization	1974-22; 1975: -2, -4, -10, -27.

## APPENDIX A—Continued

Subject index for interpretations (1974-1 through 1977-53)

Subject	Interpretation
Unleaded gasoline	1976-3.
Waste crude oil, reclamation of	1974: -11, -20; 1977-22.
Wholesale purchaser-consumer def.	1975: -37, -52.
Wholesale purchaser-reseller, def.	1974: -10, -12; 1975: -13, -17, -19, -33, -37, -38, -53, -60, -67, -68, -70, -71, -72; 1977: -17, -27, -39, -40.

## APPENDIX B

Alphabetical Listing of Interpretations (1974-1 through 1977-53)

Issued to	Interpretation
Agents Alliance, Inc.	75-17
Alaska, State of	77-7
Albina Fuel Co.	75-74
Amoco Oil Co. (Indiana)	74-16
Atlantic Richfield Co.	74-8
Do	76-4
Do	77-13
Do	77-30
Atlas Aircraft Corp.	74-15
Babcock & Wilcox Co.	75-25
Ball Marketing Enterprise, et al.	77-18
Baltimore Gas & Electric Co.	75-34
Beacon Oil Co.	77-23
Do	75-43
Berry Holding Co., et al.	75-73
Beukema Petroleum Co.	75-57
Body Beautiful Car Wash	75-62
Boron Oil Co.	76-19
Boston Gas Co.	75-54
Boston Housing Authority	75-67
Bronson, William S.	77-14
California, State of	76-25
Callahan Oil Co.	75-11
Calumet Industries, Inc.	75-63
Campbell Oil Co., Inc.	75-14
Can Manufacturers Institute	75-67
Carter, Carl, Agency, Inc.	75-72
Castor, Joseph L.	74-17
Celanese Corp.	76-22
Champion Petroleum Co.	74-6
Charter Oil Co.	75-8
Cheker Oil Co.	76-10
Cities Service Oil Co.	77-2
City of Long Beach, Calif.	77-26
Clark Oil & Refining Corp.	77-45
Commonwealth Oil Refining Co., Inc.	76-23
Consolidated Paper, Inc.	75-8
Continental Airlines	74-26
Continental Oil Co.	75-30
Do	75-31
Do	75-50
Cook & Cooley, Inc.	77-32
Do	75-69
Cyr Oil Co.	77-38
Damson Oil Corp.	76-70
Danielson, E. L.	75-56
Day & Zimmerman, Inc.	75-66
DeBlais Oil Co.	76-14
Department of Army and Air Force	74-27
Department of Defense	75-15
Department of the Navy	75-64
Derby Refining Co.	76-24
Diversified Chemicals & Propellants Co.	75-65
Dyer Oil Service	75-67
East Oil, Inc.	76-6
Empire Gas Corp.	77-33
England, C. R., Oil & Gas Properties	77-43
Enterprise Products Co.	74-12
Estron Oil Corp., et al.	74-29
Expo Car Wash, Inc.	74-14
Exxon Corp.	77-10
Do	77-52
Farmland Industries, Inc.	75-37
Flying Tiger Line, Inc.	74-21
Ford Motor Co.	76-21
Fresh, R. C., et al.	77-8
Gas Club, Ltd.	75-49
Golden Oil Co.	75-67

## APPENDIX B—Continued

Alphabetical Listing of Interpretations (1974-1 through 1977-53)

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Greenbelt Consumer Services, Inc.	74-7
Greene Bros. LP Gas & Oil Co.	74-5
Guam Oil & Refining Co.	76-22
Do	77-5
Do	77-36
Gulf Oil Corp.	77-44
Hamilton Brothers Oil Co.	74-3
Harrison, Charles	75-67
Hattenhauer, John Douglas	75-32
Hauer, James	75-67
Hicks Oil Co.	77-9
Husky Oil Co.	77-16
Idaho Transportation Department	75-52
Independent Drivers Organization	75-53
Independent Oil Compounds Association	77-50
Inesco Oil Co.	76-6
Jackson, Darrell	74-22
Japanese Air Lines Co., Ltd.	75-40
Johnson, A. & Co.	75-24
J&W Refining Inc.	75-45
Kadane, G. E. & Sons	75-29
K.C.H. Flying Service, Inc.	76-13
Kellermyer's Inc.	77-39
Koch Oil Co.	77-49
Kramer Service Center, Inc.	75-59
Latimer, D. C.	76-16
Liquid Waste Disposal Co.	74-11
Longview Refining Co.	75-12
McCulloch Gas Processing Corp.	74-13
Do	77-3
McNair, Charles W.	77-40
Meridian Oil Corp.	77-46
Mid-State Oil Co., Inc.	75-68
Midwest Oil Co.	75-33
Mobil Oil Corp.	76-9
Do	77-16
Do	77-25
Do	77-31
Do	77-34
Monsanto Co.	76-2
Moore-McCormack Resources, Inc.	75-44
Murphy Oil Corp.	76-16
National Airlines, Inc.	77-11
National Association of Texaco Consignees, Inc.	75-19
National Convenience Stores, Inc.	74-25
Do	76-11
National Institute of Infant Services	75-39
National Life & Accident Insurance Co.	74-34
Navajo Refining Co.	77-26
Nelson Oil Co.	77-41
Northeast Petroleum Corp.	75-22
Oil Transit Corp.	77-35
Oregon Department of Transportation	75-16
Owaley, J. M.	77-27
Pacemaker, Inc.	75-47
Pacific Lighting Exploration Co.	76-27
Paine, Joseph J. C., & Associates	77-37
Pan American World Airways, Inc.	75-26
Pasco, Inc.	75-7
Peerless Distributing Co.	77-29
Peters, B. R., Inc.	75-38
Petrolane, Inc.	76-18
Petroleum, Inc.	75-42
Petro US, Inc.	74-20
Phillips Petroleum Co.	75-9
Do	77-12
Pleasant Street Co.	75-55
Portable Sanitation Association	74-1
Pru Lease, Inc.	74-23
Pyrofax Gas Corp.	77-4
Rookwood Oil Terminals, Inc.	76-6
Rotary Gasoline Dealers	75-48
Round, Don M., Co.	76-43
Saber Petroleum Corp.	76-7
Scarpulla, Frances O., Esq.	77-17
Sea Horse Marine, Inc.	77-22
Shell Oil Co.	75-4
Do	76-15
Shields, Herman F.	75-67
Signal Oil & Gas Co.	74-4
Signore, Anna, Estate of	75-58
Simmons Oil Corp.	75-61
Skelly Oil Co.	75-1
Sky Harbor Air Services, Inc.	74-15
Sohio	76-17
Sohio-BP Oil Inc.	76-3
Sound Refining, Inc.	74-2
Southern Gulf Oil Distributors Association, Inc.	75-13

## APPENDIX B—Continued

Alphabetical Listing of Interpretations (1974-1 through 1977-53)

Issued to	Interpretation
Standard Oil Co. (Indiana)	74-10
Do	77-43
Sterling Stations, Inc.	77-19
Suburban Propane Gas Corp.	77-21
Sun Oil Co.	76-12
Sundance Oil Co.	77-1
Swann Oil, Inc.	74-19
System Fuels, Inc.	75-16
Tesoro Petroleum Corp.	75-32
Tesoro-Alaskan Petroleum Corp.	74-21
Texaco, Inc.	77-42
Texas City Refining, Inc.	77-6
Thurman, F. D.	75-70
Trans World Airlines	75-48
Twin Montana, Inc.	75-10
U.S.A. Petroleum Corp.	76-20
U.S. Oil & Refining Co.	75-41
Union Oil Co. of California	77-53
United Oil Co., Inc.	74-28
United Refining Co.	76-1
U.S. Marine Corps	75-20
Vickers Petroleum Corp.	77-47
Wallace, Gordon H.	75-71
Wanda Petroleum Co.	76-2
Ward, L. O.	77-48
Webber Trucks, Inc.	77-51
WESCO Corp.	75-60
Wickland, Inc.	75-35
Williams Energy Co.	74-18
Wooten, Norman, Inc.	75-9

## APPENDIX C

Regulation index for interpretations (interpretations 1974-1 through 1977-53)

Regulation interpreted	Interpretation
205.2	1976-12; 1977-28.
205.26(d)	1975-40.
205.33(a)	1976-12; 1977-28.
205.194	1975-12.
210.21	1975: -8, -26, -46; 1977-5.
210.32	1974: -22, -26; 1975: -4, -10, -41, -43.
210.33	1975: -8, -26, -46.
210.61	1975-63.
210.62	1974: -3, -27; 1975-49; 1977: -6, -19, -26.
210.62(a)	1974: -3, -27; 1975-49; 1977-35.
210.62(c)	1976-18; 1977-11.
210.77	1975-51.
210.91	1977-24.
211.1(a)	1977-8.
211.9	1974: -15, -19; 1975: -58, -62; 1976-25; 1977: -19, -49.
211.9(a)	1974-18; 1975: -20, -54, -58, -73; 1977-8.
211.9(c)	1977-20.
211.10	1975: -20, -56, -73.
211.10(a)	1975-35.
211.10(b)	1974-17.
211.10(e)	1974-29.
211.10(g)	1974-19; 1976: -14, -21; 1977-41.
211.11	1974-17; 1975-61; 1976-19.
211.11(b)	1974-6.
211.11(d)	1975-35.
211.12	1975: -50, -57; 1976-11.
211.12(e)	1974-17; 1976-19; 1977: -28, -49.
211.12(h)	1976-18.
211.12(g)	1976-21.
211.13	1975-50.
211.13(c)	1976-12; 1977: -28, -32.
211.13(f)	1977-28.
211.22	1975-23.
211.24(a)	1974-25; 1976-11.
211.25	1975-31; 1976-25.
211.25(a)	1977-20.
211.25(c)	1975-30.
211.29	1975-34; 1976-19.
Special rule No. 1 to subpt. A of pt. 211.	1975-34; 1976-19.
211.31	1977-8.
211.51 (definitions)	See corresponding subject entry, app. A.

## APPENDIX C—Continued

Regulation index for interpretations (interpretations 1974-1 through 1977-53)

Regulation interpreted	Interpretation
211.62 (definitions)	Do.
211.63	1974: -2, -3, -4; 1975-45; 1976: -14, -20; 1977: -7, -13, -14, -15, -42.
211.64	1974: -2, -3.
211.65	1974-8; 1977-34.
211.67	1977: -5, -22, -31.
211.67(d)(2)	1975-22; 1976-22; 1977: -16, -30, -36, -44.
211.67(d)(5)	1977-45.
211.71(c)	1976-23.
Special rule No. 7 to subpt. C of pt. 211.	1976-22.
211.82	1976-21.
211.83	1975-14.
211.83(c)	1976-19.
211.96(b)	1977-49.
211.102	1975: -20, -73.
211.103	1975-65.
211.103(a)	1974-1.
211.104	1974-6.
211.106	1975: -58, -61, -73; 1976-11; 1977: -19, -47.
211.106(b)	1974: -12, -25.
211.106(c)	1974-29; 1975-53.
211.106(d)	1974-25.
211.106(e)	1975-74; 1977: -4, -51.
211.145	1976-13.
211.145(c)	1974-21.
211.145(d)	1974-21.
211.162	1975-54.
211.166	1974-19.
211.183	1975-44.
211.201	1975-37.
211.202	1975-37.
211.203(c) (2) (iii)	1975-37.
212.2	1975-24.
212.31 (definitions)	See corresponding subject entry, app. A.
212.52	1974-4; 1975-15.
212.53	1975-24; 1976-22.
212.53(a)	1977: -16, -21, -38, -44.
212.53(c)	1977-30.
212.54	1974: -22, -26; 1977: -2, -2.
212.55	1977-2.
212.71	1974-11.
212.72	1974: -8, -11; 1975: -2, -4, -27; 1976-18; 1977: -1, -3, -12, -33, -37, -38, -42, -46, -52.
212.73	1974-11; 1975-42; 1977: -2, -3.
212.74	1974: -8, -11; 1975: -2, -4, -42; 1977: -2, -3.
212.74(c)	1977-14.
212.81	1977-29.
212.82	1975: -5, -47; 1976: -3, -4, -5; 1977: -6, -18.
212.82(a)	1976-1.
212.82(b)	1975: -22, -31.
212.83	1974-20; 1975: -3, -5, -7; 1976-10; 1977: -23, -53.
212.83(b)	1976-4.
212.83(c)	1975: -12, -16.
212.83(h)	1976-17.
212.85	1977-25.
212.91	1974-14; 1975: -3, -59; 1977: -3, -6, -24, -29.
212.92	1975: -48, -74; 1976: -6, -8; 1977: -4, -51.
212.93	1974: -5, -6, -12; 1975: -6, -9, -18, -59, -74; 1976: -6; 1977: -4.
212.93(a)	1976-7; 1977-3.
212.93(b)	1975: -48, -54, -64.
212.101	1975-58.
212.102	1974-24; 1975: -51, -58.
212.103	1975-51.
212.111	1974: -23, -24; 1975: -3, -9; 1976: -5, -7.
212.112	1976-3.
212.126	1975-11.
212.129	1976-9.
212.131	1977: -33, -52.
212.161	1976-2.
212.162	1977-3.

## APPENDIX C—Continued

Regulation index for interpretations (interpretations 1974-1 through 1977-53)

Regulation interpreted	Interpretation
212.163(a)	1976-5; 1977-3.



**SUMMARY:** This rule amends Regulation D to exempt from the definition of the term deposit a member bank's borrowings from a member bank whose head office is located outside the United States. This action is taken in order to avoid the maintenance of double reserves on deposits by member banks and to apply the provisions of regulation D equally to member bank borrowings from other member banks.

**EFFECTIVE DATE:** Immediately.

**FOR FURTHER INFORMATION, CONTACT:**

Allen L. Raiken, Assistant General Counsel, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3625.

**SUPPLEMENTARY INFORMATION:** Section 204.1(f) of Regulation D provides that the term deposit includes a member bank's liability on any promissory note or similar obligation (written or oral) issued as a means of obtaining funds to be used in its banking business except any such obligation that is issued to and held for the account of a domestic banking office of another bank. The exemption for interbank borrowings is commonly referred to as the Federal funds exemption. A footnote contained in Regulation D provides that a domestic banking office is "any banking office in any State of the United States or the District of Columbia of a bank organized under domestic or foreign law." Consequently, a member bank's borrowings from another bank's banking office in one of the 50 States of the United States or the District of Columbia are not considered to be deposits and are, therefore, exempt from the reserve requirements imposed by Regulation D and interest rate restrictions of Regulation Q. Member bank borrowings from foreign offices of other banks are subject to a 4 percent Eurodollar reserve requirement imposed by § 204.5(c) of Regulation D. Such borrowings are not, however, subject to Regulation Q.

The interbank borrowing (Federal funds) exemption provided for in Regulation D was adopted, in part, to facilitate reserve adjustments by member banks. Such borrowings have long been exempt from the Board's reserve requirements and interest rate limitations. The exemption also serves, in part, to avoid the maintenance of double reserves by member banks since the member bank selling the funds may already be maintaining reserves against them.

Section 19(h) of the Federal Reserve Act (12 U.S.C. § 466) provides that a national bank located in a dependency or insular possession of the United States may remain a nonmember bank if it so desires. However, if such bank becomes a member of the Federal Re-

serve System, it is subject to all of the provisions of the Act, including the requirement of maintaining reserves against its deposits. Although a member bank headquartered outside the United States is required to maintain reserves against its deposits pursuant to Regulation D, under the current provisions of Regulation D borrowings by another member bank from such bank are also subject to reserve requirements.

In order to eliminate the possibility of double reserves being held by two separate member banks against such funds, the Board has determined that it is appropriate to amend Regulation D to exempt from deposit treatment, a member bank's borrowings from a member bank whose main office is located outside the States of the United States and the District of Columbia.

In view of the substantial public benefits that will result immediately from exempting member bank borrowings from member banks headquartered outside the United States, the Board has determined that the notice and public procedure provisions of 5 U.S.C. § 553(b) are unnecessary and contrary to the public interest. Since the Board's action grants an exemption to the provisions of Regulation D, the deferred effectiveness provisions of 5 U.S.C. § 553(d) are inapplicable.

Pursuant to section 19(a) of the Federal Reserve Act (12 U.S.C. § 461), effective immediately, section 204.1 of Regulation D (12 CFR 204.1) is amended to read as follows:

#### § 204.1 Definitions.

(f) *Deposits as including certain promissory notes and other obligations.* For the purposes of this Part, the term "deposits" also includes a member bank's liability on any promissory note, acknowledgment of advance, due bill, banker's acceptance, or similar obligation (written or oral) that is issued or undertaken by a member bank as a means of obtaining funds to be used in its banking business, except any such obligation that: (1) Is issued to (or undertaken with respect to) and held for the account of (i) a domestic banking office of another bank or (ii) an agency of the United States or the Government Development Bank for Puerto Rico;

<sup>1</sup> Any banking office (i) in any State of the United States or the District of Columbia of a bank organized under domestic or foreign law or (ii) of a member bank whose head office is located outside the States of the United States or the District of Columbia provided, reserves are required to be maintained by such member bank under this Part against the deposit liabilities of such office.

Board of Governors of the Federal Reserve System, December 23, 1977.

THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc. 78-621 Filed 1-10-78; 8:45 am]

#### [6320-01]

##### Title 14—Aeronautics and Space

##### CHAPTER II—CIVIL AERONAUTICS BOARD

##### SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-125, Amdt. 87]

##### PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

##### Delegation of Authority to the Managing Director—Target Dates

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Final rule.

**SUMMARY:** This rule delegates to the Managing Director the Board's responsibility to establish or change target dates for the issuance of Board decisions. The Managing Director's decisions may be appealed to the Board under the ordinary review procedures established in the Board's rules. This rulemaking, undertaken on the Board's own initiative, is designed to improve the management of the Board's caseload responsibilities.

**DATES:** Effective: January 5, 1978.

Adopted: January 5, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Gary J. Edles, Deputy General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C., 202-673-5203.

##### SUPPLEMENTARY INFORMATION:

##### DELEGATION TO THE MANAGING DIRECTOR

Section 399.62 now provides that the Board will announce a target date for its decision with respect to (i) petitions for discretionary review of an initial or recommended decision, (ii) Board action on review following the receipt of briefs or (where applicable) oral argument, and (iii) petitions for reconsideration of Board decisions. Target date notices are acted upon by the Board itself on the basis of a recommendation from its staff. We have decided to delegate this responsibility to the Managing Director.

The managing director assists the chairman and the board in discharging their administrative functions. He coordinates and directs the activities of the staff and has responsibility for assuring that the Board's program objectives are achieved in the most effective manner. He is therefore in an even better position than the board to have

initial responsibility for the establishment of target dates for completion of the board's hearing work. Moreover, since the advent of new procedures under the Government in the Sunshine Act, which, among other things, require one week's advance notice of matters to be discussed by the board, it has become difficult for the Board to arrange open meetings at which to decide on proper target dates; it is nevertheless desirable that the parties know, as promptly as possible, the likely target date for Board decision in a particular case. Finally, the requirement that the Board pass on numerous staff recommendations on target dates, generally on short notice, interrupts the Board members and their immediate staffs in the performance of their substantive duties and does not permit a meaningful evaluation of a particular target date in light of all other Board responsibilities. These considerations lead us to delegate to the Managing Director the initial responsibility for establishing target dates.

The board will continue to exercise ultimate responsibility for ordering its priorities through the establishment of target dates. Board review of decisions of the managing director shall be available under the usual standards set out in subpart C of part 385, except that the filing of a petition for review of the Managing Director's decision shall not stay the effectiveness of that decision. This delegation of authority shall apply only to target dates set by the board and not to target dates set by administrative law judges.

Since this amendment affects a rule of agency organization and procedure, the Board finds that notice and public procedure are unnecessary, and that the rule may become effective immediately.

Accordingly, the board amends part 385 of its Organization Regulations (14 CFR Part 385) as follows:

1. Section 385.12 is amended by adding a new paragraph (f), to read as follows:

§ 385.12 Delegation to the Managing Director.

(f) Issue a notice of the target date, and changes in the target date, for the completion by the Board of a final decision or a decision on a petition for review or reconsideration. The filing of a petition for review of staff action shall not stay the staff action pending disposition of the petition by the board.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, (49 U.S.C. 1324); Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, (49 U.S.C. 1324 (note)).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-737 Filed 1-10-78; 8:45 am]

#### [1505-01]

##### Title 30—Mineral Resources

##### CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

##### PART 50—NOTIFICATION, INVESTIGATION, REPORTS, AND RECORDS OF ACCIDENTS, INJURIES, ILLNESSES, EMPLOYMENT, AND PRODUCTION IN MINES

##### Correction

In FR Doc. 77-37334, appearing at page 65534 in the issue of Friday, December 30, 1977, make the following changes:

1. On page 65534, third column, the fifth word in the 11th line of the last complete paragraph should read, "now".

2. On page 65535, third column, the first word in the last line of the paragraph immediately following the signature should read, "added".

3. On page 65536, a comma should appear between the first and second words in line 11 of § 50.1 and the first word in paragraph (d) of § 50.2 should read, "Miner".

4. On page 65537, the second word in the eighth line of § 50.12 should read, "prevent" and the heading of § 50.20-1 should read, "General Instructions for Completing MESA Form 7000-1".

5. On page 65538, third column, the last line of § 50.20-6(b)(2) should read, "ple: 'shuttle car operator'."

6. On page 65539, first column, the first word in the first line of § 50.20-6(b)(7) should read, "Item".

#### [3810-70]

##### Title 32—National Defense

##### CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

##### SUBCHAPTER E—DEFENSE CONTRACTING

##### PART 166—REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT

##### DoD Contractors Receiving Negotiated Contract Awards of \$10,000,000 or More

**AGENCY:** Office of the Secretary of Defense.

**ACTION:** Final rule.

**SUMMARY:** This rule is the fiscal year 1977 update of the section listing DoD contractors receiving negotiated contract awards of \$10,000,000 or more. The regulation is published to comply with the provisions of section 410, Pub. L. 91-121, November 19, 1969.

**EFFECTIVE DATE:** September 30, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Mrs. Cynthia V. Springer, Office of the Director for Information, Operations and Reports, Washington Headquarters Service, The Pentagon, Washington, D.C. 20301. Telephone 202-697-3182.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 70-15846 published in the FEDERAL REGISTER on November 25, 1970 (35 FR 18040) the Office of the Secretary of Defense published a final rule establishing criteria, prescribing procedures, and assigning responsibilities for monitoring the program within the Department of Defense. Subsequently, paragraph (a) and (d) of § 166.11, which constitutes the list of DoD contractors receiving negotiated contract awards for \$10 million or more, was updated for Fiscal Years 1971 (36 FR 18464); 1972 (37 FR 18727); 1973 (38 FR 25990); 1974 (39 FR 32985); 1975 (40 FR 44135); and 1976 (41 FR 20466).

Accordingly, § 166.11 is amended as follows:

By revising § 166.11 to read as follows:

§ 166.11 Department of Defense Contractors Receiving Negotiated Contract Awards of \$10,000,000 or More.

Fiscal Year 1977:

AAI Corp.  
AJ Industries, Inc.  
AM General Corp.  
ARO, Inc.  
Action Mfg. Co.  
Adobe Refining Co.  
Aerojet-General Corp.  
American Air Filter Co., Inc.  
American Airlines, Inc.  
American Electronic Laboratories, Inc.  
American Home Products Corp.  
American Telephone & Telegraph Co.  
Amoco Oil Co.  
Amron Corp.  
Applied Devices Corp.  
Arinc Research Corp.  
Ashland Oil, Inc.  
Atlantic Richfield Co.  
Atlas Processing Co.  
Automation Industries, Inc.  
Avco Corp.  
Avco Everett Research Laboratory, Inc.  
Avondale Shipyards, Inc.  
Ayer, N. W., ABH International, Inc.  
BDM Corp.  
Ball Brothers Research Corp.  
Bates, Ted, & Co., Inc.  
Bath Iron Works Corp.  
Battelle Memorial Institute  
Beech Aircraft Corp.  
Bendix Corp.  
Bernard Clay Systems International, Ltd.  
Bethlehem Steel Co.  
Boeing Co.  
Boeing Services International, Inc.  
Boeing Vertol Co.  
Bolt Beranek & Newman, Inc.  
Booz, Allen & Hamilton, Inc.  
Borg-Warner Corp.  
Braswell Shipyards, Inc.



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Brown & Williamson Tobacco Corp.  
Brunswick Corp.  
Bulova Watch Co., Inc.  
Bunker Ramo Corp.  
Burroughs Corp.  
CFE Air Cargo, Inc.  
California, University of  
Calspan Corp.  
Caltex Oil Products Co.  
Campbell Soup Co.  
Carnation Co.  
Chamberlain Manufacturing Corp.  
Charles Stark Draper Laboratories, Inc.  
Chemetics International, Inc.  
Cherokee Industries, Inc.  
Chesapeake & Potomac Telephone Co.  
Chevron Oil Co.  
Chromalloy American Corp.  
Chrysler Corp.  
Cincinnati Electronics Corp.  
Cities Service Oil Co.  
City Public Service Board  
Coastal Dry Dock Repair  
Coastal States Marketing, Inc.  
Coastal States Trading, Inc.  
Coca-Cola Co.  
Colt Industries, Inc.  
Communications Satellite Corp.  
Computer Sciences Corp.  
Continental Oil Co.  
Control Data Corp.  
Cooper Airmotive Co.  
Cubic Corp.  
Curtiss-Wright Corp.  
Cutler-Hammer, Inc.  
Datron Systems, Inc.  
Day & Zimmerman, Inc.  
De Laval Turbine, Inc.  
Delta Refining Co.  
Derby & Co., Inc.  
Dynalectron Corp.  
Dynell Electronics Corp.  
EG & G, Inc.  
ESL, Inc.  
E-Systems, Inc.  
Eastman Kodak Co.  
Edgington Oil Co.  
Edo Corp.  
Emerson Electric Co.  
Energy Specialists, Inc.  
Envirogenics Systems Co.  
Etowah Manufacturing Co., Inc.  
Exxon Corp.  
FMC Corp.  
Fairchild Camera & Instrument Corp.  
Fairchild Industries, Inc.  
Federal Electric Corp.  
Felec Services, Inc.  
Flinchbaugh Products, Inc.  
Florida Power & Light Co.  
Folger Coffee Co.  
Ford Aerospace & Communications Corp.  
GTE Sylvania, Inc.  
Garrett Corp.  
General Dynamics Corp.  
General Electric Co.  
General Foods Corp.  
General Motors Corp.  
General Research Corp.  
General Time Corp.  
Georgia Power Co.  
Getty Oil Co.  
Global Associates  
Gold Pak Meat Co., Inc.  
Golden Eagle Refining Co., Inc.  
Goodrich, B. F., Co.  
Goodyear Aerospace Corp.  
Gould, Inc.  
Greenbrier Industries, Inc.  
Grumman Aerospace Corp.  
Guam Oil & Refining Co., Inc.  
Gulf Oil Corp.  
HRB Singer, Inc.

Hamilton Technology, Inc.  
Harris Corp.  
Harsco Corp.  
Hawaiian Independent Refinery, Inc.  
Hayes International Corp.  
Hazeltine Corp.  
Heckethorn Manufacturing Co.  
Hercules, Inc.  
Hess Oil Virgin Island Corp.  
Hewlett-Packard Co.  
Honeywell, Inc.  
Honeywell Information Systems, Inc.  
Hughes Aircraft Co.  
Hydrosystems, Inc.  
ICI United States, Inc.  
ITT Research Institute  
ITT Arctic Services  
ITT Gilfillan, Inc.  
ITT World Communications, Inc.  
Ingersoll-Rand Co.  
Institute for Defense Analysis  
International Business Machines Co.  
International Harvester Co.  
International Laser Systems, Inc.  
International Telephone & Telegraph Corp.  
Interstate Electronics Corp.  
Itek Corp.  
Johns Hopkins University  
Kaman Aerospace Corp.  
Kennametal, Inc.  
Kentron Hawaii, Ltd.  
Kollmorgen Corp.  
Kraft, Inc.  
La Crosse Garment Manufacturing Co., Inc.  
Lanson Industries, Inc.  
Lear Siegler, Inc.  
Litton Industries, Inc.  
Litton Systems, Inc.  
Lockheed Aircraft Corp.  
Lockheed Electronics Co., Inc.  
Lockheed Missiles & Space Co., Inc.  
Lockheed Shipbuilding & Construction Co.  
Logicon, Inc.  
Loral Corp.  
M. K. National Corp.  
Magnavox Government & Industrial Electronics Co.  
Man Barrier Corp.  
Maremont Corp.  
Marhoefer Packing Co., Inc.  
Marion Corp.  
Marquardt Co.  
Martin Marietta Aluminum Sales, Inc.  
Martin Marietta Corp.  
Mason & Hanger, Silas Mason Co.  
Massachusetts Institute of Technology  
Mayer, Oscar, & Co., Inc.  
McDonnell Douglas Corp.  
Metric Systems Corp.  
Mine Safety Appliances Co.  
Mitre Corp.  
Mobile Oil Corp.  
Motorola, Inc.  
National Presto Industries, Inc.  
National Steel & Shipbuilding Co.  
Navajo Refining Co.  
Nestle Co., Inc.  
Newport News Shipbuilding & Dry Dock Co.  
Ni Tec  
Norris Industries, Inc.  
Northrop Corp.  
Northrop Worldwide Aircraft Services, Inc.  
Northwest Airlines, Inc.  
Okmulgee Refining Co.  
Olin Corp.  
Overseas National Airways, Inc.  
PPG Industries, Inc.  
Pacific Gas & Electric Co.  
Page Airways, Inc.  
Pan American World Airways, Inc.  
Perkin-Elmer Corp.  
Peterson Builders, Inc.  
Philip Morris, Inc.

Phillips Petroleum Co.  
Planning Research Corp.  
Pneumo Corp.  
Poloron Products, Inc.  
Powerline Oil Co.  
Pratt & Whitney Aircraft of West Virginia  
Pride Refining, Inc.  
Procter & Gamble Distributing Co.  
R & D Associates  
RCA Alaska Communications, Inc.  
RCA Corp.  
RCA Global Communications, Inc.  
Rand Corp.  
Raytheon Co.  
Raytheon Service Co.  
Reflectone, Inc.  
Remington Arms Co.  
Reynolds, R. J., Industries, Inc.  
Rochester, University of  
Rockwell International Corp.  
Rohr Industries, Inc.  
SRI International  
Salem Packing Co., Inc.  
Sanders Associates, Inc.  
Santa Barbara Research Center  
Saturn Airways, Inc.  
Science Applications, Inc.  
Selma Apparel Corp.  
Shell Oil Co.  
Simplex Wire & Cable Co.  
Singer Co.  
Southern California, University of  
Southwest Truck Body  
Southwestern Refining Co., Inc.  
Sparton Corp.  
Sperry Rand Corp.  
Standard Manufacturing Co.  
Standard Oil Co. of California  
Summa Corp.  
Sun Chemical Corp.  
Sun Co., Inc.  
Sundstrand Corp.  
Supreme Beef Co., Inc.  
Swift & Co.  
System Development Corp.  
Systems Consultants, Inc.  
Systems Research Laboratories, Inc.  
TRW Colorado Electronics, Inc.  
TRW, Inc.  
Tacoma Boatbuilding Co., Inc.  
Talley Industries, Inc.  
Taylor, R. W., Construction Co.  
Teledyne Brown Engineering  
Teledyne CAE  
Teledyne Firth Sterling  
Teledyne, Inc.  
Teledyne Industries, Inc.  
Teletype Corp.  
Tesoro Alaskan Petroleum Corp.  
Tesoro Petroleum Corp.  
Texaco, Inc.  
Texas Instruments, Inc.  
Texas, University of  
Textron, Inc.  
Thiokol Corp.  
Tiger International, Inc.  
Titan Atlantic Construction Corp. & Gallagher Corp. (Joint Venture)  
Todd Shipyard Corp.  
Total Leonard, Inc.  
Tracor, Inc.  
Trans International Airlines, Inc.  
Triple A Machine Shop  
Turner Construction Co. & Ecoscience, Inc. (Joint Venture)  
Union Carbide Corp.  
Union Oil Co. of California  
Uniroyal, Inc.  
United States & South American Enterprises, Inc.  
United Technologies Corp.  
Universal Maritime Services Corp.  
Varian Associates

Varo, Inc.  
Vought Corp.  
Vulcan Industries, Inc.  
Watkins-Johnson Co.  
Western Electric Co., Inc.  
Western Union International, Inc.  
Western Union Telegraph Co.  
Westinghouse Electric Corp.  
White Engines, Inc.  
Whittaker Corp.  
Wilcox Electric Co., Inc.  
Williams Research Corp.  
Wilson & Co., Inc.  
World Airways, Inc.  
Xerox Corp.

JANUARY 6, 1978.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, Washington Headquarters Services.

[FR Doc. 78-736 Filed 1-10-78; 8:45 am]

[3910-01]

## CHAPTER VII—DEPARTMENT OF THE AIR FORCE

## SUBCHAPTER G—BOARDS

## PART 865—PERSONNEL REVIEW BOARDS

## Air Force Board for Correction of Military Records

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending the rule covering the Air Force Board for Correction of Military Records. A review by the Board of its procedures revealed an apparent need for elaboration in certain paragraphs of this rule. The amendments are intended to result in clearer understanding by persons desiring correction of their military records.

EFFECTIVE DATE: September 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank S. Dispenza, Deputy Executive Secretary, Air Force Board for the Collection of Military Records, Office of the Assistant Secretary of the Air Force, Washington, D.C. 20330, 202-697-2391.

SUPPLEMENTARY INFORMATION: This amendment is issued under the authority of sections 1552, 8012, 70A Stat. 116, 488; 10 U.S.C. 1552, 8012.

On August 8, 1977, the Department of the Air Force, DOD, published a proposed amendment to 32 CFR Part 865 (42 FR 39999), inviting public participation. This amendment is to further clarify by addition of information to the sections on Actions by the Secretary of the Air Force, Release of Records of Proceedings to the Applicant, counsel, and the public. Since no com-

ments were received regarding our proposal, 32 CFR, Part 865 is amended as follows:

1. In § 865.7, a new paragraph (d) is added to read as follows:

## § 865.7 Review of application.

(d) *Written proceedings.* When the Board determines that the record should be corrected or that the application be denied, the determination of the Board will be made in writing. The writings (proceedings) will include, but not be limited to, all facts of record, and statement of ground(s) upon which the Board's determination is based. Where the Board concludes complete relief should not be granted, written proceedings will address applicant's claim(s) of constitutional, statutory, and/or regulatory violation rejected by the Board and/or reviewing authority. In those cases involving the characterization of an individual's discharge or dismissal from the military service, the factors required by Air Force regulations to be considered for determination of the character of and reason for the discharge or dismissal in question shall be included.

2. Section 865.13 is revised to read as follows:

## § 865.13 Action by the Secretary of the Air Force.

All records of proceedings, except those finalized by the Board under the authority contained in § 865.12(a)(5) or denied by the Board without a hearing, will be forwarded to the Secretary of the Air Force who will direct such action in each case as he determines to be appropriate, which may include the return of the record to the Board for further consideration when deemed necessary. Those cases returned for further consideration will be accompanied by a brief statement setting out the reasons for such action and any specific instructions. If the Secretary's decision is to deny relief, such decision shall be in writing and, unless he expressly adopts in whole or in part the findings, conclusions and recommendations of the Board, he shall include a brief statement of the ground(s) for denial. All Secretarial decisional documents shall be furnished to the applicant and counsel.

3. Section 865.14 is amended by revising paragraphs (f) and (g) to read as follows:

## § 865.14 Staff action.

(f) *Release of record of proceedings to the applicant and counsel.* After action on the record by the Secretary of the Air Force, his designee, by the Board acting under the authority in

§ 865.12(a)(5), or when the Board denies an application without a hearing, the Board will furnish applicant and counsel a copy of the record of proceedings and all decisional documents. Privileged or classified material may be deleted only if a written statement of the bases for deletion is provided. The statement will not reveal the nature of the withheld material.

(g) *Release of record of proceedings to the public.* After action on the record by the Secretary of the Air Force, his designee, by the Board acting under the authority contained in § 865.12(a)(5), or when the Board denies an application without a hearing, the Board will release for public inspection and copying, at a designated reading room within the Washington, D.C. Metropolitan Area, a sanitized and indexed copy of the record of proceedings and all decisional documents. To the extent required and to prevent a clearly unwarranted invasion of personal privacy, identifying details of applicant and other persons will be deleted from all documents. Privileged or classified material may be deleted only if a written statement of the bases for deletion is provided. The statement will not reveal the nature of the withheld material. An index of record of proceedings shall be formulated so as to enable those who represent applicants to isolate from all those decisions that are indexed those cases that may be similar to an applicant's case and which indicate the grounds for which the Board and/or the Secretary granted or denied relief. The index will be published quarterly and available for public inspection and sale at the reading room. Inquiries concerning the index or reading room should be addressed to Air Force Board for Correction of Military Records, Department of the Air Force, Washington, D.C. 20330.

FRANKIE S. ESTEP,  
Air Force Federal Register Liaison,  
Directorate of Administration.

[FR Doc. 78-660 Filed 1-10-78; 8:45 am]

[7710-12]

## Title 39—Postal Service

## CHAPTER I—U.S. POSTAL SERVICE

## PART 111—GENERAL INFORMATION ON POSTAL SERVICE

## Handling Business Reply Mail With Postage Affixed

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The rule adopted specifies that business reply mail (BRM) bearing postage will be handled the same way as all other BRM, i.e., applicable business reply postage and fees



will be charged without deducting the amount of any postage stamps affixed. However, BRM permit holders may request a credit or refund of the postage affixed by submitting to the postmaster appropriate evidence of the amount of excess postage paid. Evidence of payment must be in the form of banded packages of 100 pieces of BRM, with identical amounts of postage affixed. BRM processing fees will not be refunded.

The practice of some BRM permit holders of encouraging their correspondents to place stamps on BRM has created difficulties for the Postal Service. Post offices across the country have responded in various ways to the practice. The purpose of this final rule is to adopt a uniform postal procedure for handling this mail.

EFFECTIVE DATE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Clent Crocker, 202-245-4394.

**SUPPLEMENTARY INFORMATION:** On July 29, 1977, the Postal Service published for comment in the *FEDERAL REGISTER* (42 FR 38606) a proposal to add a new provision to 131.233 of the Postal Service Manual, which would have specifically prohibited mailers from affixing postage to business reply mail (BRM) and would have prohibited BRM permit holders from encouraging mailers to affix postage to business reply pieces. In addition, BRM with postage affixed was to be processed the same way as BRM without postage affixed. Finally, no refunds for the amount of postage affixed to business reply pieces were to be made after March 15, 1978.

Interested persons were invited to submit written data, views, or arguments concerning the proposed new requirements. Written comments were received from a total of 40 individuals and organizations. Thirty-six of the commenters opposed the proposal; four favored it. Twenty-nine or 80 percent of the thirty-six were from charitable organizations, which rely heavily on business reply mail for soliciting contributions. Four of the thirty-six were from individuals not identified with specific organizations. All comments were carefully considered by the Postal Service in adopting the amendments to the regulations set forth below.

Several commenters stated that considerable effort has been expended by charitable and nonprofit organizations to encourage contributors to affix postage to BRM, and that considerable momentum in that direction has been established. It is said that many contributors would continue to affix postage even if no longer requested to do so. This is said to be so because contributors want their gifts to be as free

from overhead expense to the charity as possible.

All of the opposing commenters stated that prohibiting the affixing of postage to BRM would cost them significant amounts of money, since the cost of postage is a significant part of their fund raising costs. Four commenters estimated the percentage of their donors who put stamps on BRM. The estimates were 20 percent, 30 percent, 40 percent, and 50 percent. Several commenters said that enclosing ordinary envelopes in solicitations instead of BRM and requesting donors to apply the stamps would cost them even more money, since, in the words of one commenter, "as all professional fund raisers know" using a BRM increases response by bringing in more gifts sooner. One commenter said that including a stamped envelope for a reply would be extremely costly since the stamps could be removed and used for other correspondence.

Although placing postage stamps on BRM is basically inconsistent with the concept of postage payment for BRM, we are persuaded by the commenters not to prohibit it, as was proposed. Accordingly, we will modify the rule to remove the prohibition against placing postage stamps on BRM and we will continue to provide refunds for such postage.

One commenter suggested that putting a stamp on BRM changes its character to prepaid mail and it should be thereafter treated as such. If putting a stamp on BRM covered an envelope's BRM markings so that postal employees and machinery could not see the markings, we would agree with the commenter. The distinctive BRM markings enable employees and machinery easily to separate BRM from all other mail. It would be counterproductive of this system and would cause the Postal Service to incur additional sorting costs if an exception were to be made for BRM that bears postage.

Most of the commenters did not take exception to the practice of treating BRM with postage affixed the same as all other BRM. They agreed that the Postal Service must do so as a matter of "operational necessity."

Two commenters made the erroneous statement that all BRM mail and box mail is handsorted at the final stage "and hence there are no mechanical problems complicating the solution." The "solution" proposed by both commenters is that when the Postal Service employee counts the BRM in order to determine the amount of charges to the permit holder he should merely "skip over" BRM bearing postage. It is said that this would have the effect of giving the organization full credit for the stamps affixed. In the first place, all BRM is not handsorted at the final stage. Where volume warrants it, ma-

chines do the sorting, and cannot just "skip over" BRM with postage affixed. Instead of counting BRM another procedure used is to weigh it, if the mail is identical and in quantity. No "skip over" is possible in that case either. Since "skip over" would not be possible in the situations mentioned, BRM permit holders would, in effect, be paying double postage. Furthermore, the "skip over" idea could not be adopted by the Postal Service, since the extra costs of sorting out BRM from the rest of the mail, i.e., the processing fees, would not be recovered if BRM with postage affixed were merely "not counted."

The commenters generally do not oppose the continuing of a procedure in which the postage is refunded upon application by permit holders. Such a procedure will, of course, cause the Postal Service to spend some time dealing with each request for refund, verifying the number of items, and crediting a trust fund account or paying cash. In order to minimize costs BRM permit holders will be required to present evidence of the right to a refund in the form of properly faced and banded packages of 100 pieces of BRM, with identical amounts of postage affixed.

For the above reasons the Postal Service hereby adopts the following revisions of the Postal Service Manual, effective February 10, 1978:

#### PART 131—FIRST CLASS

In 131.23 of the Postal Service Manual, add new .233i reading as follows:

131.23 Business Reply Mail.

.233 Postage and Fees.

i. Business reply mail (BRM) having postage affixed shall be handled the same as other BRM. No effort will be made to identify or separate pieces having postage affixed. Applicable BRM postage and fees will be charged without deducting the amount of any postage stamps affixed. However, business reply permit holders may request a credit or refund as provided in 147.22 for the amount of postage affixed to BRM pieces by submitting a completed Form 3533, Application and Voucher for Refund of Postage and Fees, to the postmaster along with evidence of payment of the amount of excess postage for which a credit or refund is desired. In order to receive a refund, business reply permit holders must present to the designated office properly faced and banded packages of 100 business reply envelopes, with identical amounts of postage affixed. A postmaster may accept a package of less than 100 business reply envelopes if necessary to prevent loss or hardship to a mailer. The address side of the envelope may be separated and submitted as evidence in lieu of the entire envelope. Note, however, that the BRM processing fees shall not be refunded.

A Post Office Services (Domestic) transmittal letter making these changes in the pages of the Postal Service Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the *FEDERAL REGISTER* as provided in 39 CFR Part 111.3.

(39 U.S.C. 401(2).)

Louis A. Cox,  
General Counsel.

[FR Doc. 78-653 Filed 1-10-78; 8:45 am]

[3510-03]

#### Title 46—Shipping

#### CHAPTER II—MARITIME ADMINISTRATION DEPARTMENT OF COMMERCE

#### SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

#### PART 251—APPLICATION FOR SUBSIDIES AND OTHER DIRECT FINANCIAL AID

#### Construction-Differential Subsidy For Machinery and Electric Plant Spare Parts

AGENCY: Maritime Administration,  
Commerce.

ACTION: Final rule.

**SUMMARY:** Present policy restricts award of construction-differential subsidy (CDS) for spare parts to those which are carried aboard ship; except for propellers and tail shafts, shore-based spares are not included. Recent experience indicates that this policy no longer adequately addresses the nature of machinery breakdowns and the long lead times associated with procuring replacement parts. The purchase of a single shore-based replacement part, which can be used to repair the same machinery on two or more ships, is economically and operationally more desirable than buying a spare part for each ship or risking extended machinery down-times if no spare part is stocked at all. This regulation specifies a predetermined limit on the amount of CDS for the cost of machinery and electric plant spare parts, in addition to those required by all cognizant regulatory bodies, and permits such spare parts to be based ashore.

EFFECTIVE DATE: January 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Bullock, Chief, Division of Engineering, Office of Ship Construction, 202-377-3488, Room 4409, Main Commerce Building, Washington, D.C. 20230.

**SUPPLEMENTARY INFORMATION:** On June 13, 1977, in 42 FR 30231, the Maritime Subsidy Board (Board) published a proposed policy specifying a predetermined limit on the amount of CDS for the cost of machinery and

electric plant spare parts and permitting spare parts to be based ashore. (Correction of a typographical error in the notice of June 13, 1977 was published in 42 FR 43875 on Wednesday, August 31, 1977.) Interested persons were requested to file comments by July 15, 1977. Comments were received from five shipping companies, one shipyard, and one manufacturer.

1. Two commenters objected to not escalating the allowance for spare parts in accordance with the escalation provisions, if any, of the applicable contract. The Board considers that the prompt selection of spare parts during the early part of the contract reduces or eliminates the need to escalate the allowance for spare parts. Accordingly, the spare parts allowance is to be fixed and will not be escalated in accordance with the escalation provisions, if any, of the contract.

2. Two commenters requested clarification of the amount of shipping and shipyard handling costs which are included in the allowance. While such costs will vary depending on the nature and disposition of the spare parts themselves, the Board assumed that approximately 10 percent of the purchase price of the spare parts would be required for shipping and shipyard handling costs. For example, for a salt water evaporator (cost class 33) having a base cost of \$100,000, the allowance for spare parts (7.0 percent) is \$7,000, of which approximately \$700 represents shipping and shipyard handling costs, leaving approximately \$6,300 for the actual purchase price of spare parts. Exact shipping and shipyard handling costs eligible for CDS will be reviewed and processed by the Maritime Administration Staff on a case-by-case basis.

3. One commenter questioned the nature of the audit to be made at the end of the contract to determine total spare parts expenditures. The audit will be based on Maritime Administration review of a priced list, by shipyard purchase orders, of spare parts furnished pursuant to this section 251.1.

4. One commenter requested clarification of certain cost accounts, especially with respect to highly specialized ships such as LNG carriers.

a. LNG cargo containment systems—spherical tanks, membrane tanks, etc., are not part of the machinery and electric plant. Therefore, materials for repair of these special tank systems are beyond the intended scope of this regulation and have not been included. Such material is subject to separate consideration.

b. LNG cargo support systems—Since the base cost of material for LNG cargo support systems, such as inert gas and nitrogen systems, is included in cost class 18 "Hull Piping (Engineering)," an allowance for spare parts for this equipment has been provided.

c. LNG systems instrumentation—Since the base cost of material for instrumentation is included in cost class 39, "Instruments and Gauges," an allowance for spare parts for this equipment has been provided.

d. Firefighting systems—Since the base cost of material for firefighting systems is included in cost class 18, "Hull Piping, Engineering," an allowance for spare parts for this equipment has been provided.

e. Special life boat for LNG ships—This regulation, which covers machinery and electric plant spare parts, does not provide for a spare life boat. Spare special life boats are subject to separate consideration.

5. Two commenters indicated that the policy should include provision for the purchase of major machinery and electric plant spare parts such as a main turbine and turbo-generator rotor and buckets and a turbo-generator reduction gear. The percentages given for spare parts for cost class 25 "Main Engine" (3 percent) and cost class 22 "Electric Generation and Distribution" (5 percent) are considered sufficient to include the selection of buckets to reblade the first stage of the high pressure turbine rotor and one generator turbine rotor. Since this regulation is not intended to guard against extraordinary, catastrophic failures which require replacement of major propulsion system components, such items were excluded from consideration when the spare parts percentages were determined.

6. One commenter requested confirmation that the combination of cost class 18 "Hull Piping (Engineering)" and cost class 20 "Hull Piping (Domestic)" includes all hull piping systems both within and outside the engine room. That conclusion is confirmed.

7. One commenter requested confirmation that the allowance for spare parts is in addition to those required by all regulatory bodies, including ABS, USCG and FCC. That conclusion is confirmed. The first paragraph of the regulation has been revised for clarification.

8. One commenter noted that the base cost of material contained in certain cost classes may vary depending on yard production methods. For example, a ship's boiler may be purchased from a manufacturer with the material cost reflecting erection by either the yard or the manufacturer. If the yard erects the boiler, the material cost in the original estimate is less than the material cost if erection was accomplished by the manufacturer; however, the requirement for spare parts is the same in either case. The Board recognized this apparent problem, but concluded that when construction of the machinery and electric plant is considered in the aggregate, deficits in the allowance for



spare parts in some cost classes are recompensed by surpluses in other cost classes (which include, for example, preassembled machinery packages), such that any variation in the total allowance for all cost classes is minimal. This consideration was one factor in permitting a fair and reasonable overall allowance rather than specifying an exact amount for each cost class.

9. One commenter contended that the regulation does not take into consideration the difference between a single ship and multi-ship contract, stating that the average value of spare parts per vessel for a multi-ship contract is less than that of a single ship contract, since shore-based spares need not be duplicated. The Board notes that the regulation automatically compensates for part of this difference, since the base cost of material for a multi-ship contract is less than for a single ship contract due to economies of multiple procurement, and therefore, the allowance for spare parts is less. The balance of the savings realized by not having to duplicate shore-based spares for a multi-ship contract will serve to provide the increased depth of spare parts inventory necessary to support multiple machinery installations.

10. One commenter contended that the regulation does not reflect the installation of diesel engines as the prime mover, stating that the need for spare parts on a relatively more expensive steam turbine is considerably less than that of a diesel engine installation. The Board notes that this regulation establishes an allowance for spare parts which are in addition to those required by the regulatory bodies. (Spare parts required by the regulatory bodies are subsidized since they are included in the base cost of the equipment.) The list of spare parts required by the regulatory bodies for main internal-combustion engines is considerably more extensive than the list of spare parts required by the regulatory bodies for steam turbine prime movers. The Board considers that the more extensive regulatory body requirements for spare parts for diesel engines adequately accounts for the different natures of the two prime movers and that to more heavily bias the degree of subsidy participation in favor of a diesel engine installation by increasing its percentage allowance is not justified.

11. One commenter requested clarification regarding provisions in the regulation for special tools. This regulation addresses an allowance for spare parts which form a functioning part of the machinery and electric plant equipment. Special tools which may be required to operate and maintain the machinery and electric plant are not included in this spare parts allowance.

However, it should be noted that special tools are included in the base cost of the machinery and electric plant material and are therefore eligible for CDS on that basis.

12. One commenter stated that CDS should be awarded for the purchase of spare parts which the manufacturer has recommended as necessary for proper maintenance of equipment aboard the vessel. This regulation permits the Owner to expend the spare parts allowance as he deems appropriate, taking into account the particular machinery and electric plant, the Owner's experience, charter requirements, trade route, the availability of spare parts from various sources, availability of repair services, etc. Owners are therefore encouraged to consult manufacturers in the process of selecting the spare parts complement.

13. One commenter stated that, in cases involving the construction of two or more vessels, CDS should be awarded for the purchase of a spare rudder and, if applicable, a spare stabilizer fin. These components are beyond the scope of this regulation and are not included in the machinery and electric plant spare parts allowance. Such material is subject to separate consideration.

14. One commenter suggested that Marad allow the Owner to purchase all spares (except those required by the regulatory bodies) directly from the equipment manufacturer and still allow CDS. This procedure is prohibited by provision of 46 CFR 251.1, Appendix No. 1, paragraph 8, for the purpose of simplifying and improving pricing review in the CDS program.

15. One commenter proposed pooling of the CDS allowance, by owners of similar equipment, to purchase spare parts that are expensive, and/or have low failure experience and/or have no back-up available. As emphasized in paragraph 12 above, this regulation explicitly permits the Owner to select spare parts as he deems appropriate. Nothing in this regulation prohibits an Owner from making his spare parts selection based on the knowledge that certain spare parts can be obtained, through mutual agreement(s), from other owners.

In consideration of the foregoing, Part 251 of Title 46 of the Code of Federal Regulations is amended by adding an Appendix No. 3 to § 251.1 to read as follows:

#### APPENDIX NO. 3—CONSTRUCTION-DIFFERENTIAL SUBSIDY FOR MACHINERY AND ELECTRIC PLANT SPARE PARTS

1. The total cost of machinery and electric plant spare parts (whether shore-based or carried aboard ship), which are in addition to those spare parts required by all cognizant regulatory bodies (including ABS, Coast Guard and the FCC), which shall be eligible for CDS, shall not exceed the amount determined by application of the percentages shown in the Table below:

2. Table 2.—COST OF ADDITIONAL SPARE PARTS ELIGIBLE FOR CDS:

Cost class	Type of equipment covered*	Cost of spare parts
12.....	Galley, pantry, and utility space equipment.....	1.0
15.....	Ventilation and heating.....	2.0
17.....	Air-conditioning machinery.....	3.0
18.....	Hull piping (engineering).....	2.0
19.....	Cargo oil system.....	2.0
20.....	Hull piping (domestic).....	2.0
21.....	Deck machinery.....	8.0
22.....	Electric generation and distribution.....	5.0
23.....	Electronics.....	5.0
25.....	Main engine.....	3.0
26.....	Shafting and propellers.....	6.0
27.....	Condensers.....	1.0
28.....	Boilers.....	1.0
29.....	Fuel oil service piping.....	4.0
30.....	Steam piping.....	4.0
31.....	Feed, condensate, circulating, and drain piping.....	4.0
32.....	Lube oil piping.....	4.0
33.....	Salt water evaporator system.....	7.0
34.....	Feed heaters and other heat exchangers.....	3.0
35.....	Pumps.....	13.0
36.....	Miscellaneous auxiliaries.....	7.0
39.....	Instruments and gauges.....	15.0
40.....	Engineers workshop.....	1.0

\*Expressed as percentage of base cost of the equipment in each cost class.

\*Cost of spare anchor, propeller, or tailshaft is not included in this allowance and is handled as a separate Maritime Subsidy Board action.

3. This regulation shall be implemented in accordance with the following procedures and guidelines:

(a) The allowance is to be calculated by the Maritime Administration and will be included in the contract price for all new contracts for which CDS is awarded after this regulation becomes effective. For ships under contract on the effective date of this regulation, the regulation shall form the basis for permitting a change under contract for additional spare parts to be subsidized, provided that a request for CDS participation is submitted to the Maritime Administration prior to delivery of the applicable ship.

(b) The allowance is to be fixed and will not be escalated under the escalation provisions (if any), of the contract. For changes to existing contracts, the allowance will be computed based on the original contract price.

(c) An audit, as deemed appropriate by the Maritime Administration, will be made at the end of the contract to determine total spare parts expenditures and a change under contract will be issued if actual expenditures are less than the allowance. The audit will be based on Maritime Administration review of a priced list, by shipyard purchase orders, of spare parts furnished pursuant to this section 251.1.

(d) Shipping and shipyard handling costs are to be included in the allowance.

(e) If the cost of material in a cost class is increased or decreased by reason of a change under contract, the total spare parts allowance will not be

increased or decreased unless included as part of the change under contract.

(f) The actual expenditure of funds for spare parts by the Owner need not correspond to the percentages shown in the table which are used to determine the total amount eligible for CDS.

(g) An owner may exceed the limit set by this regulation, provided such excess is for his sole account.

(Sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)); Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91-469 (84 Stat. 1038); and Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).)

Dated: January 3, 1978.

So ordered by the Maritime Subsidy Board/Maritime Administration.

ROBERT J. PATTON, Jr.,  
Assistant Secretary.

[FR Doc. 78-538 Filed 1-10-78; 8:45 am]

[6712-01]

#### Title 47—Telecommunication

#### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20728; FCC 77-857]

#### PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

#### PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Implementing Changes in Frequencies and Operating Procedures Relating to the Use of Radiotelephony in the Maritime Services, Adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974, in the Bands 1605-4000 kHz and, as are Applicable to Limited Coast and Ship Stations, 4 to 23 MHz, and Certain Consequential Changes

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: For limited coast and ship stations, in the bands between 4 and 23 MHz in the maritime mobile service, changes in frequencies and implementation schedule. Changes in the International Radio Regulations. To conform United States operations to its treaty obligations.

EFFECTIVE DATE: February 15, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Walter E. Weaver, Safety and Special Radio Services Bureau, 202-632-7197.

#### SUPPLEMENTARY INFORMATION:

In the matter of amendment of parts 2, 81 and 83 to implement changes in frequencies and operating procedures relating to the use of radiotelephony in the maritime services, adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974, in the bands 1605-4000 kHz and, as are applicable to limited coast and ship stations, 4 to 23 MHz, and certain consequential changes. Second report and order (proceeding terminated).

Adopted: December 21, 1977.

Released: December 30, 1977.

By the Commission: Commissioner White absent.

1. The Commission released its Notice of Proposed Rulemaking (FCC 76-177) in the instant proceeding on March 4, 1976, which was published in the FEDERAL REGISTER on March 8, 1976 (41 FR 9894). An Errata was released on March 23, 1976 (41 FR 13619). A First Report and Order (FCC 77-737) was released on November 4, 1977, which was published in the FEDERAL REGISTER on November 9, 1977 (42 FR 58406).

2. Comments were filed by: American Telephone & Telegraph Co. (AT&T), Communication Associates, Inc. (CAI), Hawaiian Tug and Barge (HT&B), Northern California Marine Radio Council (NCMRC), and North Pacific Marine Radio Council (NPMRC). No reply comments were filed.

3. In the First Report and Order, as stated in paragraph 3, thereof, we treated all of the matters included in the Notice of Proposed Rule Making except for specific amendments to the rules relating to frequencies available to affected limited coast and ship stations. Specification of frequencies for limited coast/ship stations, in the bands between 4 and 23 MHz, and the implementation schedule for transition from the existing frequencies to the new frequencies are set forth in the attached Appendix. Comments relating thereto were considered and included in paragraphs 17 through 23 of the above Report and Order. Final action on frequencies and implementation schedule had to be held in abeyance pending establishment of a sequential plan whereby certain duplex frequencies were vacated in order to make room for the simplex frequency usage. The plan for shifting the duplex frequencies was set forth in the Commission's Order (FCC 77-785) in Docket No. 21349, released November 16, 1977, which was published in the FEDERAL REGISTER November 25, 1977 (42 FR 60145).

4. In response to the comments of NPMRC, we stated in paragraph 21 of

Sections 81.381, 83.351 and 83.360.

the First Report and Order that we would provide a period of 45 days in which to effect transition from the existing to the new (replacement) frequencies. Since releasing the Notice of Proposed Rulemaking and preparation of the First Report and Order, in the instant proceeding, we have received telephone calls from a number of service organizations indicating that the transition period (from old to new frequencies) must be of greater duration. Typical of such telephone calls is that from Hull Electronics, San Diego, Calif., who advises us that once the frequencies are known, that is, finally designated by the Commission, there are specific actions which must be taken:

An order for crystals must be prepared and forwarded to the crystal manufacturer;

The crystal manufacturer must fit that order into his schedule, produce the crystals and age them, usually, for 6 weeks;

The crystals must then be packaged and shipped to the ordering company (service organization); and

Upon receipt, the service organization must locate each vessel involved, if not at sea, install the crystals in transmitter(s) and receiver(s) and usually, retune both units.

Hull Electronics indicates, for the large number of vessels which they service, that a realistic estimate of the time required to complete these actions is 5 to 6 months.

5. In the attached Appendix we have provided a transition period of 3 months (January 1 through March 31, 1978). This has been done on the basis that: (1) many service organizations will routinely service a lesser number of vessels and can, therefore, complete their transition within that time period; and (2) where an organization requires additional time in which to complete the transition they can, towards the end of March 1978, request additional time.

6. Accordingly, *It is ordered*, That, pursuant to the authority contained in section 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended, and in the Final Acts of the World Maritime Administrative Radio Conference, Geneva, 1974, parts 81 and 83 of the Commission's rules are amended effective February 15, 1978, as set forth below.

7. *It is further ordered*, That the proceeding in Docket No. 20728 is terminated.

\* A memorandum summarizing these telephone calls has been placed in the Docket file in this proceeding. Parties wishing to comment on the contents of the memorandum or take exception thereto may do so in a request for reconsideration. The Commission will consider those comments in any further action relevant to this matter.



(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Acting Secretary.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

In § 81.361, paragraph (a) is amended to read as follows:

§ 81.361 Frequencies available.

(a) \* \* \*

Old carrier frequency (kHz) <sup>1</sup>	New carrier frequency (kHz) <sup>2</sup>
2065.....	2065.0
2079.....	2079.0
2096.5.....	2096.5
4136.3.....	4125.0
4139.5.....	4143.6
4434.9.....	4419.4
6210.4.....	6218.6
6213.5.....	6221.6
6518.6.....	6521.9
8281.2.....	8291.1
8284.4.....	8294.2
12421.....	12429.2
12424.5.....	12432.3
12428.....	12435.4
16565.....	16587.1
16568.5.....	16590.2
16572.....	16593.3
22094.5.....	22124.0
22098.....	22127.1
22101.5.....	22130.2
22105.....	22133.3
22108.5.....	22136.4

<sup>1</sup>Authorization for use is withdrawn effective April 1, 1978.

<sup>2</sup>Available for use on and after January 1, 1978.  
<sup>3</sup>During the implementation period, both the old and the new frequencies are available to each station for use interchangeably.

B. In § 83.351, paragraphs (a) table is amended and (b)(73), (b)(74), and (b)(75) are added to read as follows:

§ 83.351 Frequencies available.

(a) \* \* \*

Carrier frequency (kHz)	Conditions of use	
	Section	Limitations
2830.....	83.358, 83.362.	7, 39, 41, 75.
3023.5.....		
3256.....	83.372.....	35, 71.
4125.....	83.360.....	13, 16, 74.
4136.3.....	83.360.....	13, 16, 73.
4139.5.....	83.360.....	13, 16, 73.
4143.6.....	83.360.....	13, 16, 74.

4419.4.....	83.360.....	13, 16, 74.
4434.9.....	83.360.....	13, 16, 73, 75.
5680.....		
6147.5.....	83.354.....	3, 5, 15.
6210.4.....	83.360.....	13, 16, 73.
6213.5.....	83.360.....	13, 16, 73.
6218.6.....	83.360.....	13, 16, 74.
6221.6.....	83.360.....	13, 16, 74.
6518.6.....	83.360.....	13, 16, 73.
6521.9.....	83.360.....	13, 16, 74.

8281.2.....	83.360.....	13, 16, 73.
8284.4.....	83.360.....	13, 16, 73.
8291.1.....	83.360.....	13, 16, 74.
8294.2.....	83.360.....	13, 16, 74.
12421.....	83.360.....	13, 16, 73.
12424.5.....	83.360.....	13, 16, 73.
12428.....	83.360.....	13, 16, 73.
12429.2.....	83.360.....	13, 16, 74.
12432.2.....	83.360.....	13, 16, 74.
12435.4.....	83.360.....	13, 16, 74.

16565.....	83.360.....	13, 16, 73.
16568.5.....	83.360.....	13, 16, 73.
16572.....	83.360.....	13, 16, 73.
16587.1.....	83.360.....	13, 16, 74.
16590.2.....	83.360.....	13, 16, 74.
16593.3.....	83.360.....	13, 16, 74.

22094.5.....	83.360.....	13, 16, 73.
22098.....	83.360.....	13, 16, 73.
22101.5.....	83.360.....	13, 16, 73.
22105.....	83.360.....	13, 16, 73.
22108.5.....	83.360.....	13, 16, 73.
22124.....	83.360.....	13, 16, 74.
22127.1.....	83.360.....	13, 16, 74.
22130.2.....	83.360.....	13, 16, 74.
22133.3.....	83.360.....	13, 16, 74.
22136.4.....	83.360.....	13, 16, 74.

(b) \* \* \*

(73) Authorization for use is withdrawn effective April 1, 1978.

(74) Available for use on and after January 1, 1978.

(75) The frequencies 3023.5 and 5680 kHz may be used by aircraft and ship stations for search and rescue scene-of-action coordination purposes, including communications between these stations and participating land stations. Ship stations communicating with aircraft stations shall employ emission 2.8A3H.

2. In § 83.360, paragraph (a) is amended to read as follows:

§ 83.360 Frequencies for business and operational purposes.

(a) \* \* \*

Old carrier frequency (kHz) <sup>1</sup>	New carrier frequency (kHz) <sup>2</sup>
2096.5.....	2096.5
4136.3.....	4125.0
4139.5.....	4143.6
4434.9.....	4419.4
6210.4.....	6218.6
6213.5.....	6221.6
6518.6.....	6521.9
8281.2.....	8291.1
8284.4.....	8294.2
12421.....	12429.2
12424.5.....	12432.3
12428.....	12435.4
16565.....	16587.1
16568.5.....	16590.2
16572.....	16593.3
22094.5.....	22124.0
22098.....	22127.1
22101.5.....	22130.2
22105.....	22133.3
22108.5.....	22136.4

<sup>1</sup>Authorization for use is withdrawn effective April 1, 1978.

<sup>2</sup>Available for use on and after January 1, 1978.  
<sup>3</sup>During the implementation period, both the old and the new frequencies are available to each station for use interchangeably.

[FR Doc. 78-518 Filed 1-10-78; 8:45 am]

[6712-01]

#### PART 94—PRIVATE OPERATIONAL FIXED MICROWAVE SERVICE

Editorial Amendments Relating to the Private Operational Fixed Microwave Service

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Amendment of the FCC Rules and Regulations (part 94) Private Operational Fixed Microwave Service to effect certain minor modifications of an editorial nature.

EFFECTIVE DATE: January 9, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

A. C. King, Safety and Special Radio Services Bureau, 632-6497.

SUPPLEMENTARY INFORMATION: In the matter of amendment of the Commission's rules to make certain minor editorial changes in the Private Operational Fixed Microwave Service (part 94) Rules and Regulations. Order.

Adopted: December 15, 1977.

Released: December 21, 1977.

By the Executive Director.

1. This Order refers to the appendix of the Report and Order in Docket 19869, FCC 75-1244, released November 18, 1975 and published in the FEDERAL REGISTER at 40 FR 53393. The appendix detailed all of the rules and regulations relating to the then newly-established Private Operational Fixed Microwave Service (part 94).

2. The purpose of this Order is to make certain minor editorial corrections in part 94, the need for which became apparent since the publication of those rules.

3. The rule modifications in the attached appendix, are simply editorial, to make corrections, and therefore the prior notice requirement of 5 U.S.C. section 553 are not applicable to the changes adopted therein.

4. Accordingly, it is ordered, Pursuant to the authority contained in section 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and section 0.231(d) of the Commission's Rules and Regulations that the captioned parts of the Commission's Rules are amended effective January 9, 1978, as set forth below.

For the Federal Communications Commission.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).)

R. D. LICHTWARDT,  
Executive Director.

Part 94 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 94.63(b) introductory text is amended to read as follows:

§ 94.63 Interference protection criteria for operational-fixed stations.

(b) The interference protection criteria for operational-fixed stations, other than those licensed under the provisions of § 94.90 are as follows:

2. Section 94.85(g) tables are amended to read as follows:

§ 94.85 Frequencies.

(g) 6525-6875 MHz  
(1) 10 MHz maximum bandwidth.

PAIRED FREQUENCIES	
Transmit (or receive)	Receive (or transmit)
6545 <sup>1</sup> .....	6715
6555 <sup>1</sup> .....	6725
6565.....	6735
6585.....	6745
6595.....	6755
6605.....	6765
6615.....	6775
6625.....	6785
6635.....	6795
6645.....	6805
6655.....	6815
6665.....	6825
6675.....	6835
6685.....	6845
6695.....	6855
6705.....	6865
6535 <sup>2</sup> .....	6575

<sup>1</sup>These frequencies may be assigned for unpaired use.

<sup>2</sup>Available only for emergency restoration, maintenance bypass, or other temporary-fixed purposes. Such uses are authorized on a non-interference basis to other frequencies in this band. Interference analysis required by § 94.63(a) does not apply to this frequency pair.

(2) 5 MHz maximum bandwidth.

PAIRED FREQUENCIES	
Transmit (or receive)	Receive (or transmit)
6550.....	6730
6560.....	6740
6570.....	6750
6580.....	6760
6590.....	6770
6600.....	6780
6610.....	6790
6620.....	6800
6630.....	6810
6640.....	6820
6650.....	6830
6660.....	6840
6670.....	6850
6680.....	6860
6690.....	6870

UNPAIRED FREQUENCIES  
6720<sup>2</sup>

<sup>1</sup>Use of this frequency is authorized on a non-interference basis to broadcast operations in the band 6875-7125 MHz.  
<sup>2</sup>This frequency may be assigned for unpaired use.

[FR Doc. 78-523 Filed 1-10-78; 8:45 am]

[7035-01]

#### Title 49—Transportation CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE  
(Docket No. 38778)

PART 1131—TEMPORARY AUTHORITY APPLICATIONS UNDER SECTION 210(a) OF THE INTERSTATE COMMERCE ACT

Exception to Competitive Rate Level Standards in Connection With Short Notice Authority to Establish Temporary Authority Rates; Republication

AGENCY: Interstate Commerce Commission.

ACTION: Correction; republication.

SUMMARY: In the above captioned proceeding published at 42 FR 65184, of December 30, 1977, several pages were inadvertently omitted. This document is being republished in its entirety to reflect the omission.

This document amends part 1131 for the purpose of providing an exception to the competitive rate, fare, and charge level standards. This exception is necessary in order that the competitive standards in Special Permission and Special Tariff Authority No. 78-1000-TA will apply instead of those in

part 1131 when Authority No. 78-1000-TA is used. That special authority authorizes the establishment on less than 30 days' notice of rates, fares, or charges to apply on shipments transported under temporary operating authority.

This document also updates part 1131 to take into account the term "Special Tariff Authority" as used in part 1310.

EFFECTIVE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William P. Geisenkotter, Chief, Section of Tariffs, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7739.

SUPPLEMENTARY INFORMATION: Section 1131.5(a) provides the competitive rate, fare, and charge level standards for the establishment on less than 30 days' notice of rates, fares, or charges applicable on shipments transported under temporary operating authority under section 210(a) of the Interstate Commerce Act. This section also includes requirements pertaining to the filing of special permission applications requesting authority to establish temporary authority rates, fares, or charges on less than 30 days' notice.

Section 1131.5(b) provides the requirements for the establishment of rates, fares, or charges applicable on shipments transported under emergency temporary operating authority. This section includes references to § 1131.5(a) for competitive standards and special permission application requirements.

The Commission has issued a special permission and special tariff authority order (No. 78-1000-TA), authorizing the establishment of temporary authority rates, fares, or charges on not less than 5 or 10 days' notice, depending on the circumstances. The competitive rate, fare, or charge level standards in the special authority differ from those in § 1131.5(a).

The regulations in part 1310 pertaining to applications requesting authority to publish on less than 30 days' notice are referred to as "Special Tariff Authority Applications" instead of "Special Permission Applications."

It is therefore necessary to amend § 1131.5(a) to provide an exception to the competitive standards therein in order that the standards in the special authority will prevail when publications are made under that authority, and to include reference to "Special Tariff Authority." It is necessary to also amend § 1131.5(b) to correct references therein to certain subparagraphs of § 1131.5(a), which have been renumbered.

Notice of proposed rulemaking under the Administrative Procedure



Act (5 U.S.C. 553), is unnecessary since the proposed amendment will relax existing regulations.

*It is ordered:*

**§ 1131.5 [Amended]**

Section 1131.5(a) is amended to read as follows:

(a) *Rates and fares requirements generally*—(1) *Publish on less than 30 days notice.* Rates, fares, charges, and related provisions may be established under the provisions of Special Permission and Special Tariff Authority Order No. 78-1000-TA upon not less than 5 or 10 days' notice, depending on the circumstances, to apply on shipments transported under temporary operating authority. When that permission is used, the carrier shall comply with the competitive rate, fare, and charge level standards therein and need not comply with the standards set forth in this paragraph (a).

(2) *Motor common carriers.* A motor common carrier of property may not lawfully perform transportation until effective rates or charges and provisions are published, posted, and filed with the Commission, as required by section 217 of the Interstate Commerce Act and the Commission's rules and regulations issued thereunder. Rates or charges to be established upon less than 30 days' notice must not be less than existing motor common carrier commodity rates or charges on the same commodities in like quantities from and to the same points, or in absence thereof not less than the motor common carrier commodity rates or charges in the same commodities in like quantities from and to nearby points for similar distances. In the absence of existing motor common carrier commodity rates, the rates to be established on less than 30 days' notice shall not be less than the applicable motor common carrier class rates from and to the same points except as otherwise authorized in paragraph (b) of this section. A motor common carrier of passengers, or a motor common carrier of express, baggage and/or other articles of commerce (hereinafter referred to singly and collectively as property), restricted to the transportation thereof in the same vehicle with passengers, may not lawfully perform transportation until effective fares, rates, and/or charges, as the case may be, together with supporting tariff provisions are published, posted, and filed with the Commission as required by section 217 of the Interstate Commerce Act and the Commission's rules and regulations issued thereunder. Fares, rates, and charges to be established upon less than 30 days' notice must not be less than existing passenger motor common carrier fares, rates, and/or charges, as the case may be, from and to the same points, or in the absence

thereof, not less than the passenger motor common carrier fares or passenger motor common carrier property rates or charges from and to nearby points for similar distances. Detailed instructions on rate, fare, or charge filings, may be obtained from any Bureau of Operation's field office.

(3) *Motor contract carriers.* A motor contract carrier may not lawfully provide transportation until executed transportation contracts (where required to be filed), and effective rates, fares, and/or charges, as the case may be, together with supporting schedule provisions are on file with the Commission as required by section 218 of the Interstate Commerce Act and the Commission's rules and regulations issued thereunder. The filing of contracts covering transportation of passengers is not required. Except as otherwise authorized in paragraph (b) of this section, the rates, fares, and charges, proposed to be established upon less than 30 days' notice shall not be lower than would be permitted under paragraph (a)(2) of this section if applicant were a common carrier. However, if any of points of origin, destination, or territory to be served are at the time served by a contract carrier transporting the same commodities or transporting passengers or property in the same vehicle with passengers, the rates, fares, and charges may be made on the same or higher basis as those of such contract carrier, except that if the applicant has on file effective rates, fares, or charges for transporting the same commodities or transporting passengers or property in the same vehicle with passengers between other points in the same area, the rates, fares, and charges may be made on the same or higher basis as those others maintained by the applicant.

(4) *Notice of rate publication required.* Carriers may establish the temporary authority rates on either 5 or 10 days' notice, depending on the circumstances (see paragraph (a)(1) of this section). In most cases there is outstanding special permission or special tariff authority to publish rates on less than 30 days' notice covering transportation service by and for the Railway Express Agency and the substitution of motor for rail service. Most tariff publishing agents also have outstanding special permission or special tariff authority to publish on short notice the scope of operating rights to be granted pursuant to a temporary authority application and to add new participating carriers to their tariffs. The temporary authority application must state who will make the tariff publication, and whether it is to be made on 30 days' notice or upon less than 30 days' notice.

(5) *Special permission or special tariff authority applications.* (i) If

publication is to be made on less than 30 days' notice by the carrier filing the temporary authority application and the carrier does not wish to use the general special permission or special tariff authorities referred to in this section, the temporary authority application must be accompanied by a special permission or special tariff authority application (three copies, only the original of which must be executed and bear the signature of the carrier or its agent officer, specifying title), setting forth the proposed rates, fares, charges, and other tariff, or schedule provisions clearly and completely. An accompanying exhibit may be used if identified by letter, such as exhibit "A", and so referred to in the application. If the proposed provisions consist of rates, fares, and/or charges, all points of origin and destination must be shown or definitely indicated. If authority is sought to establish a rule, the exact wording of the proposed rule must be shown. If relief from existing regulations is sought, the exact form of publication must be shown.

(ii) The special permission or special tariff authority application must contain the names of motor carriers known to maintain competitive rates, fares, and charges between the same points or points related thereto, together with adequate identification of tariffs containing such rates, fares, and charges. It must also state whether or not such carriers have been advised of the proposal and if they have been advised that it is proposed to establish such provisions on less than 30 days' notice. The rates, fares, charges, and other tariff schedule provisions proposed to be established should conform to the competitive rate, fare, and charge level standards of paragraph (a)(2) of this section for motor common carriers or paragraph (a)(3) of this section for motor contract carriers. In the absence of effective commodity rates via competing carriers on the commodity or commodities to be transported, the Special Permission Board, upon a proper showing, may authorize the establishment of rates on a different level.

Section 1131.5(b) is amended as follows:

In subparagraph (2), change the reference to "paragraph (a) (1) or (2)" to read "paragraph (a) (2) or (3)".

In subparagraph (3)(ii), change the reference to "paragraph (a)(4)" to read "paragraph (a)(5)", and change the reference to "paragraph (a) (1) or (2)" to read "paragraph (a) (2) or (3)" both places it is shown.

These amendments shall become effective February 10, 1978.

(Secs. 204, 217, 218, 49 Stat. 546, as amended, 560, as amended, 561, as amended, 52

Stat. 1238, as amended; (49 U.S.C. 304, 317, 318, 319a).)

A copy of this order shall be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and another copy shall be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

Decided: December 20, 1977.

By the Commission, Tariff Rules Board, Members Foley, Walker, and Geisenkotter.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-644 Filed 1-10-78; 8:45 am]

**[1505-01]**

Title 50—Wildlife and Fisheries

**CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE**

**PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS**

*Taking of Marine Mammals Incidental to Commercial Fishing Operations—Permits, Etc.*

*Correction*

In FR Doc. 77-36381, appearing at page 64548 in the issue of Friday, December 23, 1977, make the following changes on page 64549:

1. In the table in column one, the entry for "Frazer's dolphin," now designated "3," should be designated "13".

2. In column two, the third word in the fifth from last line of the last full paragraph should read, "species".

3. In column three, the last word in the second line should read, "depletion".

**[1505-01]**

**PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS**

*Taking and Related Acts Incidental to Commercial Fishing Operations*

*Correction*

In FR Doc. 77-36382, appearing at page 64551 in the issue of Friday, December 23, 1977, make the following changes:

1. On page 64552, the second line of the third column should read, "number 202-634-7461."

2. On page 64555, the telephone number in the fifth line of § 216.24(d)(2)(ii)(D) should read, "714-293-6540" and the second line of § 216.24(d)(2)(iv)(A) should read, "and II Vessels: For Class II purse seiners".

3. On page 64559, the word "subsequently" should be removed from the 12th line of § 216.24(c)(4) and from the 11th line of § 216.24(e)(5)(i).

4. On page 64560, the 10th line of § 216.24(f)(3) should read, "letter was received at least five days in".



## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-11]

### DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 223]

#### SALE AND DISPOSAL OF TIMBER

Sales—Awards

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

**SUMMARY:** This is a proposal to revise 36 CFR 223.7 to permit the Forest Service to reject the high bid on a timber sale if the high bidder has failed to obtain EEO pre-award compliance within 45 days of bid opening. This proposal is necessary to permit the Forest Service to maintain an orderly program of timber sales when the high bidder cannot meet pre-award compliance requirements.

**DATES:** Comments must be received before February 10, 1978.

**ADDRESS:** Submit comments to: Chief John R. McGuire, Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013.

All written submissions made pursuant to this notice will be available for public inspection in the Timber Management Staff, South Agriculture Building, Room 3207, Washington, D.C., during regular business hours.

**FOR FURTHER INFORMATION CONTACT:**

George Leonard or Peter Wagner, Timber Management Staff, Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013, 202-447-4051.

**SUPPLEMENTARY INFORMATION:** This is a proposal to revise 36 CFR 223.7 by adding a provision which will permit the Forest Service to reject the high bid on a timber sale if the high bidder cannot meet pre-award compliance requirements under 41 CFR 60-1.20(d) and 41 CFR 4-12.805-5 (Equal Employment Opportunity). The proposal reserves such authority to the Chief of the Forest Service.

This proposal is necessary to permit the Forest Service to maintain an orderly program of timber sales when the high bidder cannot meet pre-award compliance requirements.

(Sec. 14, Pub. L. 94-588, 90 Stat. 2958, 16 U.S.C. 472a.)

It is proposed to revise 36 CFR 223.7 to read:

#### § 223.7 Awards.

(a) Advertised timber will be awarded to the highest bidder upon satisfactory showing by him of ability to meet financial requirements and any other conditions of the sale offer unless:

(1) Determination is made to reject all bids.

(2) Two or more bidders, all of whom meet the requirements, submit equal bids which are the highest bids, in which case award may be by the drawing of lots. Equal bids from parties having direct or indirect common control or association in logging, processing, or marketing may be consolidated to the extent deemed necessary by the awarding officer in order to give to any others who have bid the same amount an equitable opportunity in the drawing of lots.

(3) The highest bidder is notoriously or habitually careless with fire or has failed to comply with the requirements of previous contracts for National Forest timber.

(4) Monopoly, injurious to the public welfare, would result from the control of large amounts of public or of public and private timber.

(5) The award would result in removing or materially lessening opportunities for gainful employment to local labor, or would be against the interests of local users dependent on National Forest timber, or would cause the abandonment or prevent the establishment of a local industry which should furnish a desirable permanent market for National Forest products.

(6) The high bidder has elected Forest Service road construction in response to an advertisement extending such an option, the Forest Service cannot perform the construction and in response to solicitation has not received a satisfactory bid for such construction within the period stated in the advertisement and the high timber sale bidder is unwilling to perform the construction.

(7) The high bidder has not been cleared for award by the compliance agency within established time limits when a pre-award compliance review is required by 41 CFR 60-1.20 (d) and 41 CFR 4-12.805-5. No bid may be rejected under this item except by the Chief, Forest Service.

(b) Any bidder or applicant for a sale may be required to furnish a statement of his relation to other bidders

or operators, including, if desired by the supervisor or Regional Forester, a certified statement of stockholders or members of the firm and the holders of bonds, notes or other evidences of indebtedness, insofar as known, so that the statement will show the extent of the interest of each in the bidder or applicant.

(c) If the highest bid is not accepted and the sale is still deemed desirable, all bids may be rejected and the timber readvertised; or, if the highest bidder cannot meet the requirements under which the timber was advertised or the withholding of award to him is based on one or more of paragraphs (a) (3), (4), (5), (6), and (7) of this section, award at the highest price bid may be offered to the next highest qualified bidder or to the other qualified bidders in order of their bids.

(d) If timber is advertised as set-aside for competitive bidding by small business concerns, award will be made to the highest bidder who qualifies as a small business concern and who has not been determined by the Small Business Administration to be ineligible for preferential award of set-aside sales. If there are no qualified small business bidders, any readvertisement shall be without restriction on the size of bidders.

(e) When necessary in the judgment of the approving officer, any applicant or bidder may be required to submit, before expense is incurred in acting on the application or before award is made in response to a bid, a satisfactory showing of financial ability, and bidder may be required to show that he has or can obtain equipment and supplies suitable for logging the timber and for meeting the resource protection provisions of the contract.

RICHARD L. DUESTERHAUS,  
Acting Deputy Assistant.

JANUARY 4, 1978.

(FR Doc. 78-634 Filed 1-10-78; 8:45 am)

[8320-01]

### VETERANS ADMINISTRATION

[38 CFR Part 1]

#### NATIONAL CEMETERY SYSTEM

Regulatory Development

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

**SUMMARY:** The Veterans Administration proposed to publish regula-

tions relating to the operation of the National Cemetery System. The purpose is to inform the public of the eligibility criteria for headstones and markers, interments, and burial of remarried spouses and other matters related to national cemeteries.

**DATES:** Comments must be received on or before February 10, 1978. It is proposed to make this regulation effective the date of final approval.

**ADDRESSES:** Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until February 21, 1978.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Earl W. Zieg, Veterans Administration, National Cemetery System (40D), 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-5235.

**SUPPLEMENTAL INFORMATION:** The proposed regulations will provide the rules for the Advisory Committee on Cemeteries and Memorials; the naming of national cemeteries and activities and features therein; acceptance of gifts and donations; law enforcement and standards of conduct; disinterments; eligibility for headstones or markers and the headstone application. The previously published regulation on eligibility for burial in a national cemetery is being moved from § 1.600 to § 1.620 and being amended to provide for the adjudication of the character of discharges under § 3.12 of this chapter and to add authority for burial of remarried spouses of veterans whose remarriage is terminated. Minor editorial changes have also been made to § 1.620.

#### ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be considered and made available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until February 21, 1978. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

### PROPOSED RULES

**NOTE.**—The Veterans Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A-107.

Approved: December 30, 1977.

By direction of the Administrator.

RUFUS H. WILSON,  
Deputy Administrator.

Section 1.600 is revised and §§ 1.601, 1.602, 1.603, 1.604, 1.620, 1.621, 1.630, 1.631, and 1.632 are added so that the added and revised material reads as follows:

Sec.

1.600 The National Cemetery System.

1.601 Advisory Committee on Cemeteries and Memorials.

1.602 Names for national cemetery activities.

1.603 Gifts and donations.

1.604 Law enforcement and standards of conduct.

1.605—1.619 [Reserved]

1.620 Eligibility for burial.

1.621 Disinterments from national cemeteries.

1.622-1.629 [Reserved]

1.630 Headstones and markers.

1.631 Eligibility for headstone or marker.

1.632 Headstone and marker application required.

**AUTHORITY.**—§§ 1.600 to 1.632 issued under 72 Stat. 1114, as amended, 38 Stat. 75; 38 U.S.C. 210, Chapter 24.

#### § 1.600 The National Cemetery System.

The National Cemetery System authorized by 38 U.S.C. Chapter 24 (the National Cemeteries Act of 1973) consists of all cemeteries under the jurisdiction of the Veterans Administration on June 18, 1973, and the national cemeteries, soldiers' lots, confederate plots, cemeteries and monuments, and a national monument site and the Government-owned lots in the Congressional Cemetery, Washington, D.C., which were transferred on September 1, 1973, from the Department of the Army to the Veterans Administration, and any additional cemeteries designated by the Administrator.

#### § 1.601 Advisory Committee on Cemeteries and Memorials.

Responsibilities in connection with Committee authorized by 38 U.S.C. Chapter 24 are as follows:

(a) The Administrator shall appoint the Committee members and consult with the Committee with respect to the administration of the cemeteries, selection of cemetery sites, the erection of appropriate memorials and the adequacy of Federal burial benefits.

(b) The Director, National Cemetery System, will schedule the frequency of meetings, make presentations before the Committee, participate when requested by the Committee, evaluate Committee reports and recommenda-

tions and make recommendations to the Administrator based on Committee actions.

(c) The Committee will evaluate and study cemeterial, memorial and burial benefits proposals or problems submitted by the Administrator or Director, National Cemetery System, and make recommendations as to course of action or solution. Reports and recommendations will be submitted to the Administrator for transmission to Congress.

#### § 1.602 Names for national cemetery activities.

(a) **Responsibility.** The Administrator is responsible for naming national cemeteries. The Director, National Cemetery System, is responsible for naming activities and features therein, such as drives, walks, or special structures.

(b) **Basis for names.** The names of national cemetery activities may be based on physical and area characteristics, the nearest important city (town), or a historical characteristic related to the area. Newly constructed interior thoroughfares for vehicular traffic in national cemetery activities will be known as "drives." To facilitate location of graves by visitors, drives will be named after cities, counties or States or after historically notable persons, places or events.

#### § 1.603 Gifts and donations.

(a) **Policy.** The Administrator may prescribe restrictions and accept gifts, devices or bequests from legitimate societies and organizations or reputable individuals, made in any manner, which are made for the purpose of beautifying national cemeteries, or are determined to be beneficial to such cemetery. The Administrator may make land available for this purpose, and may furnish such care and maintenance as deemed necessary. Gifts of a minor nature such as trees for placement in the burial area and privately purchased graved markers may be accepted by the Director, National Cemetery System.

(b) **Processing.** All offers of gifts for national cemetery activities will be referred to the Director, National Cemetery System, Veterans Administration, Washington, D.C. 20420. No commitment will be made to the donor regarding acceptance until the required approval has been obtained.

(c) **Restrictions.** (1) Gifts and donations will be accepted only after it has been determined that the donor has a clear understanding that title thereto passes to, and is vested in, the United States, and that the donor relinquishes all control over the future use or disposition of the gift or donation, with the following exceptions:

(i) Carillons will be accepted with the condition that the donor will pro-



vide the maintenance and the operator or the mechanical means of operation. The time of operation and the maintenance will be coordinated with the superintendent of the national cemetery.

(ii) Articles donated for a specific purpose and which are usable only for that purpose may be returned to the donor if the purpose for which the articles were donated cannot be accomplished.

(iii) If the donor directs that the gift is donated for a particular use, those directions will be carried out insofar as they are proper and practicable and not in violation of Veterans Administration policy.

(iv) When considered appropriate and not in conflict with the purpose of the national cemetery, the donor may be recognized by a suitable inscription on those gifts. In no case will the inscription give the impression that the gift is owned by, or that its future use is controlled by, the donor. Any tablet or plaque, containing an inscription will be of such size and design as will harmonize with the general nature and design of the gift.

(2) Officials and employees of the Veterans Administration will not solicit contributions from the public nor will they authorize the use of their names, the name of the Administrator, or the name of the Veterans Administration by an individual or organization in any campaign or drive for money or articles for the purpose of making a donation to the Veterans Administration. This restriction does not preclude discussion with the individual offering the gift relative to the appropriateness of the gift offered.

#### § 1.604 Law enforcement and standards of conduct.

The superintendent is charged with the responsibility for the enforcement of rules and regulations governing conduct on national cemetery property. These rules and regulations, which are recorded in §§ 1.218 through 1.220, will be posted in a conspicuous place on cemetery property.

#### § 1.605—1.619 [Reserved]

#### § 1.620 Eligibility for burial.

The following rules for eligibility for interment in national cemeteries apply to all former Veterans Administration cemeteries as of June 18, 1973. These rules of eligibility for interment also apply to all cemeteries transferred on September 1, 1973, from the Department of the Army to the Veterans Administration, and to any other cemetery later acquired or developed by the Veterans Administration. Burial is authorized in national cemeteries of the remains of the following:

(a) Any person who served on active duty in the Armed Forces of the United States (Army, Navy, Air Force,

Marine Corps, and Coast Guard) who was discharged or released therefrom under conditions other than dishonorable. The determination of the character of discharge is subject to adjudication under § 3.12 of this chapter.

(b) Any member of the Armed Forces of the United States who died while on active duty.

(c) Any member of the Reserve components of the Armed Forces, the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

(d) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while

(1) Attending an authorized training camp or on an authorized practice cruise,

(2) Performing authorized travel to or from that camp or cruise, or

(3) Hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while

(i) Attending that camp or on that cruise,

(ii) Performing that travel, or

(iii) Undergoing that hospitalization or treatment at the expense of the United States.

(e) Any citizen of the United States who, during any war in which the United States is or has been engaged, served in the Armed Forces of any Government allied with the United States during that war, whose last such service terminated honorably, who was a citizen of the United States at the time of entry on such service and at the time of death.

(f) The spouse of any person listed in paragraphs (a) through (e) of this section or any interred veteran's unmarried surviving spouse. A surviving spouse of a veteran who has remarried and whose remarriage is void, terminated by death or dissolved by annulment or divorce by a court with basic authority to render such decrees regains eligibility for burial in a national cemetery unless it is determined that the decree of annulment or divorce was secured through fraud or collusion.

(g) A veteran's minor child (under 21 years of age or under 23 years of age if pursuing a course of instruction at an approved educational institution), or unmarried adult child who was physically or mentally disabled and incapable of self-support, in the same grave with the veteran or in an adjoining

grave site if prior reservation for that grave was in effect.

(h) Such other persons or classes of persons as may be designated by the Administrator.

#### § 1.621 Disinterments from national cemeteries.

(a) Interments of eligible decedents in national cemetery activities are considered permanent and final. Disinterments will be permitted only for cogent reasons and then only with the prior written authorization of the Director, National Cemetery System. Disinterments and removal of remains from a national cemetery activity will be approved only when all living close relatives of the decedent give their written consent or in recognition of a court order directing the disinterment.

(b) All requests for authority to disinter remains will be submitted on VA Forms 40-4970 and 40-4970a, Request for Disinterment, and Disinterment Affidavit, and will include the following information:

(1) A full statement of reasons for the proposed disinterment.

(2) Notarized statements by all close living relatives of the decedent that they consent to the proposed disinterment. "Close relatives" are defined as surviving spouse, parents, adult brothers and sisters, and adult children of the decedent. Copies of VA Forms 40-4970 and 40-4970a will be furnished by the National Cemetery System.

(3) A sworn statement, by a person having knowledge thereof, that those who supplied affidavits comprise all the living close relatives of the deceased.

(c) In lieu of the documents required in paragraph (b) of this section, an order of a court of competent jurisdiction will be considered. The Veterans Administration or officials of the cemetery should not be made a party to the court action since this is a matter among the family members involved.

(d) Disinterment of the remains of the dependent of a veteran which were interred in a national cemetery, based on completion of an agreement by the veteran to be buried in the same or adjoining grave, may be authorized by the Director, National Cemetery System, upon receipt of a written request on VA Form 40-4983, Request for Disinterment (Dependent), from the veteran.

(e) Any disinterment that may be authorized under this section must be accomplished without expense to the Government.

#### §§ 1.622-1.629 [Reserved]

#### § 1.630 Headstones and markers.

(a) Types of Government headstones and markers and inscriptions will be in accordance with policies approved by the Administrator.

(b) Inscriptions on Government headstones, markers, and private monuments will be in accordance with policies and specifications of the Director, National Cemetery System. The National Cemetery section designation and grave number will be inscribed on the reverse side, near the top of the upright headstone. The section designation and grave number on flat granite markers will be inscribed on the front (face) of the stone in the upper right corner.

(c) All memorial markers furnished by the Government may be erected in private cemeteries or in national cemetery sections established for this purpose. The markers for national cemeteries will be of the standard design authorized for the cemetery in which they are to be erected. In addition to the authorized inscription, the words "In Memory Of" are mandatory.

#### § 1.631 Eligibility for headstone or marker.

(a) An approved type of headstone or marker will be furnished at Government expense, upon request, for the unmarked graves of the following:

(1) Any individual buried in a national cemetery or in a post cemetery.

(2) Any individual eligible for burial in a national cemetery (but not buried there) under the provisions of § 1.620, except for those persons or classes of persons enumerated in § 1.620 (e), (f), (g) and (h).

(b) An approved type of memorial headstone or marker will be furnished at Government expense, upon request, to commemorate any veteran dying in service, and whose remains have not been recovered or identified or were buried at sea. Memorial headstones or markers may be placed in national cemeteries in areas reserved for such purposes or in any private or local cemetery.

#### § 1.632 Headstone and marker application required.

(a) Headstones and markers for graves in national cemeteries shall be ordered from the Record of Interment (VA Form 40-4956) prepared by the national cemetery superintendent at the time of interment. No further application is required.

(b) Submission of VA Form 40-1330, Application for Headstone or Marker, is required for the purpose of:

(1) Ordering a Government headstone or marker for any unmarked grave of any eligible veteran buried in a private or local cemetery.

(2) Ordering a Government headstone or marker for any unmarked

grave in a post cemetery of the Armed Forces.

(3) Ordering a Government memorial headstone or marker for placement in a national cemetery, in a private or local cemetery and any post cemetery of the Armed Forces.

[FR Doc. 78-730 Filed 1-10-78; 8:45 am]

[8320-01]

[38 CFR Part 2]

#### NATIONAL CEMETERY SYSTEM

##### Delegation of Authority

AGENCY: Veterans Administration.

ACTION: Proposed regulation.

SUMMARY: The Administrator of Veterans Affairs proposes to delegate authority to the Director, National Cemetery System to act on matters not requiring the personal attention of the Administrator. The reason is to make specific delegations pertaining to the routine functions required in the day-to-day operations of the National Cemetery System.

DATES: Comments must be received on or before February 10, 1978. It is proposed to make this regulation effective the date of final approval.

ADDRESSES: Send written comments to:

Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until February 21, 1978.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Earl W. Zieg, Veterans Administration, National Cemetery System (40D), 810 Vermont Avenue, NW., Washington, D.C. 20420, 202-389-5235.

#### ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be considered and made available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until February 21, 1978. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans

Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

NOTE.—The Veterans Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A-107.

Approved: January 4, 1978.

By direction of the Administrator.

RUFUS H. WILSON,  
Deputy Administrator.

In § 2.6, paragraph (f) is added to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a).)

(f) *National Cemetery System.* The Director, National Cemetery System, is delegated authority:

(1) To act on all matters assigned to the National Cemetery System by statute (38 U.S.C. Chapter 24) and by regulation except where specifically requiring the personal attention or action of the Administrator and to authorize supervisory personnel within the jurisdiction of the Director, National Cemetery System to perform such functions as may be assigned.

(2) To designate, as he deems necessary, Superintendents of National Cemeteries as special investigators under 38 U.S.C. 218(a)(3), however, such law enforcement authority is limited to enforcement of rules and regulations governing conduct on property under the charge and control of the Veterans Administration, as those rules and regulations apply to the cemetery over which the individual Superintendent exercises control and jurisdiction. Such designation will not authorize the carrying of firearms by any Superintendent.

(3) To accept donations of a minor nature, such as, individual trees for planting in burial areas and privacy purchased grave markers.

(4) To name features in national cemeteries, such as, roads, walks, and special structures.

(5) To establish policies and specifications for inscriptions on Government headstones, markers, and private monuments.

[FR Doc. 78-731 Filed 1-10-78; 8:45 am]



# V 4 3 7 J A 1 1 7 8 UMI

## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[4310-10]

### ADVISORY COUNCIL ON HISTORIC PRESERVATION

#### PUBLIC INFORMATION MEETING

Notice is hereby given in accordance with Section 800.5(c) of the Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) that on January 25, 1977, at 7:30 p.m. a public information meeting will be held at the Adams County Courthouse, Gettysburg, Pa. The purpose of this meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views on the proposed granting of a flexible funding grant, an undertaking assisted by the Federal Disaster Assistance Administration, that will adversely affect the Kuhn's Fording Bridge, a property determined by the Secretary of the Interior to be eligible for inclusion in the National Register of Historic Places.

The following is a summary of the agenda of the public information meeting:

- I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.
- II. A description of the undertaking and an evaluation of its effects on the property by the Federal Disaster Assistance Administration.
- III. A statement by the Pennsylvania State Historic Preservation Officer.
- IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.
- V. A general question period.

Speakers should limit their statement to 10 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, N.W., Suite 430, Washington, D.C., 20005, 202-254-3967.

ROBERT M. UTLEY,  
Deputy Executive Director.

[FR Doc. 78-733 Filed 1-10-78; 8:45 am]

[3410-07]

### DEPARTMENT OF AGRICULTURE

#### Farmers Home Administration

[Notice of Designation No. A547]

#### INDIANA

##### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Parke County, Ind., as a result of a tornado, flood, and hail September 30, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904, subpart C, exhibit D, paragraph V B, including the recommendation of Gov. Otis R. Bowen that such designation be made.

Applications for emergency loans must be received by this Department no later than June 22, 1978, for physical losses and December 25, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 30th day of December 1977.

JAMES E. THORNTON,  
Associate Administrator,  
Farmers Home Administration.  
[FR Doc. 78-637 Filed 1-10-78; 8:45 am]

[3410-07]

[Notice of Designation No. A548]

#### MISSOURI

##### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Howard County, Miss., as a result of heavy rains, flooding, and severe hailstorms October 31 and November 1, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of

the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904, subpart C, exhibit D, paragraph V B, including the recommendation of Gov. Joseph P. Teasdale that such designation be made.

Applications for emergency loans must be received by this Department no later than June 22, 1978, for physical losses and December 25, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 30th day of December 1977.

JAMES E. THORNTON,  
Associate Administrator,  
Farmers Home Administration.  
[FR Doc. 78-638 Filed 1-10-78; 8:45 am]

[3410-07]

[Notice of Designation No. A548]

#### TEXAS

##### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas counties as a result of drought during periods ranging from April 1 to November 9, 1977, in Callahan, Parker, and Waller Counties; and intermittent hailstorms during May, June, and September 1977, in Crosby County.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904, subpart C, exhibit D, paragraph V B, including the recommendation of Gov. Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than June 22, 1978, for physical losses and December 22, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

## NOTICES

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 4th day of January 1978.

GORDON CAVANAUGH,  
Administrator,  
Farmers Home Administration.  
[FR Doc. 78-639 Filed 1-10-78; 8:45 am]

[3410-11]

#### Forest Service

### COOPERATIVE GYPSY MOTH SUPPRESSION AND REGULATORY PROGRAM 1978 ACTIVITIES

#### Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, and Animal and Plant Health Inspection Service, Department of Agriculture, have prepared a Draft Environmental Statement for 1978 Activities for the Cooperative Gypsy Moth Suppression and Regulatory Program, USDA-FS-APHIS (Adm.) 78-01.

The Draft Environmental Statement concerns a cooperative suppression program with the States of Pennsylvania, and New Jersey, to treat approximately 210,000 acres of high-value forest land. Four insecticides will be used. Some areas will be treated with carbaryl, some with trichlorfon, some with diflubenzuron, and some with acephate, to protect forest resources from damage by the gypsy moth. The cooperative regulatory program is to prevent artificial, long-distance spread and to eradicate remote infestations in the United States.

This Draft Environmental Statement was filed with EPA on January 5, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.

USDA, Animal and Plant Health Inspection Service, Administration Building, Room 302-E, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA Forest Service, 370 Reed Road, Brookm, Pa. 19008.

A limited number of single copies are available upon request to John R. McGuire, Chief, U.S. Forest Service, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

Copies of the Draft Environmental Statement 1978 Gypsy Moth Suppression and Regulatory Program have been sent to various Federal, State,

and local agencies as outlined in the EPA guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law of special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. John R. McGuire, Forest Service, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20250, telephone 703-235-1560. Comments must be received by March 5, 1978, in order to be considered in preparation of the final Environmental Statement.

Dated: December 30, 1977.

R. MAX PETERSON,  
Deputy Chief, Forest Service.  
[FR Doc. 78-640 Filed 1-10-78; 8:45 am]

[3410-11]

#### Forest Service

### DIRECTOR OF LANDS AND DEPUTY DIRECTOR OF LANDS

#### Delegation of Authority

Pursuant to the delegation of authority by the Secretary of Agriculture to the Assistant Secretary for Conservation, Research, and Education and the delegation of authority by the Assistant Secretary for Conservation, Research, and Education to the Chief, Forest Service, 7 CFR 2.60, authority is hereby delegated through the Deputy Chief for the National Forest System to the Director and Deputy Director of Lands, Forest Service to execute all documents for the acquisition and disposition of lands and interests in land as may be required in the program of the Forest Service and authorized by law.

Effective date: This delegation of authority supersedes those delegations published in 33 FR 10115 dated July 5, 1968, and 35 FR 15452 dated September 23, 1970, and shall be effective on January 11, 1977.

Done at Washington, D.C., this 5th day of January, 1978.

JOHN R. MCGUIRE,  
Chief, Forest Service.  
[FR Doc. 78-739 Filed 1-10-78; 8:45 am]

[3410-11]

### REGIONAL FORESTERS AND DEPUTY REGIONAL FORESTERS

#### Delegation of Authority

Pursuant to the delegation of authority by the Secretary of Agriculture to the Assistant Secretary for

Conservation, Research, and Education, and the delegation of authority by the Assistant Secretary for Conservation, Research, and Education, to the Chief, Forest Service, 7 CFR 2.60, authority is hereby delegated through the Deputy Chief for the National Forest System to the Regional Forester and Deputy Regional Forester of each Forest Service Region to perform the following Acts under the authority of the Act of October 13, 1964 (78 Stat. 1089, 16 U.S.C. 533), and in accordance with the Regulations of the Secretary, 36 CFR 212.10:

(1) Grant easements for road rights-of-way.

(2) Execute Road Right-of-Way Construction and Use Agreements and Supplements.

(3) Terminate easements granted under this authority with the consent of the owner of the easement.

Effective date: This delegation of authority supersedes those delegations published in 30 FR 5647 dated April 16, 1965, and 30 FR 15333 dated December 2, 1965, and shall be effective on January 11, 1978.

Done at Washington, D.C., this 5th day of January, 1978.

JOHN R. MCGUIRE,  
Chief, Forest Service.  
[FR Doc. 78-738 Filed 1-10-78; 8:45 am]

[6320-01]

### CIVIL AERONAUTICS BOARD

[Order 78-1-14; Docket 29591]

#### DONALD L. PEVNER

### Refund Provisions for Unused Tickets; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of January, 1978.

In a complaint filed July 29, 1976, Donald L. Pevner, Esq., requests the immediate suspension, pending investigation, of all tariff rules governing refunds for unused tickets in interstate, overseas, and foreign air transportation. The complainant alleges that these tariff rules establish unjust, unreasonable, arbitrary, and capricious time limits after which participating air carriers reserve the right to refuse to provide refunds for unused tickets; that such time limits vary significantly among carriers; that consumers are insufficiently informed of these refund deadlines; and that such time limitations violate section 404(a) of the Federal Aviation Act of 1958 (the Act). Air New England, Inc. (ANE), Allegheny Airlines, Inc. (Allegheny), and Eastern Air Lines, Inc. (Eastern), filed answers to the complaint.

Section 404(a) states: "It shall be the duty of every air carrier and foreign air carrier to establish, observe, and enforce . . . just and reasonable classifications, rules, regulations, and practices. . . ."



On June 21, 1977, the Board tentatively concluded that existing tariff provisions concerning refunds for unused tickets may warrant reexamination (Order 77-6-101). The Board found "substantial differences" among carriers in their refund rules and practices, and solicited public comments on the desirability of a uniform rule for the industry.

Comments in response to Order 77-6-101 were filed by Air New England, Braniff International Airways, Inc. (Braniff), certain member carriers of the International Air Transport Association (IATA), K.L.M. Royal Dutch Airlines (KLM), the Office of the Consumer Advocate of the Civil Aeronautics Board (OCA), Donald L. Pevsner, Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United). A number of informal comments and suggestions about ticket-refund rules were also received.

In general, the comments concur that a uniform tariff rule governing time limitations on refunds would be desirable. OCA, for example, argues that there is no justification for the imposition of time restrictions by some carriers while others apparently grant refunds *ad infinitum*, and that a uniform rule "... would be beneficial to consumers and would eliminate a source of consumer discontent and confusion." The informal comments submitted by the public express similar views, suggesting, for example, that consumers are likely to receive more equitable treatment if the question of refund periods is not left to the discretion of individual carriers. A majority of the carriers filing comments also support, or would not object to, a uniform tariff rule.

There is considerable disagreement, however, as to the precise form which such a refund rule should take. Air New England recommends that the Board set a maximum refund period of two years from date of ticket issue, in conformance with the two-year record-retention period stipulated by Part 249 of the Board's Economic Regulations. ANE opposes a more liberal or open-ended refund period on grounds that "... the record-keeping burden on carriers today is crushing, and any extension contemplated in this docket will make it worse."

Along the same lines, KLM argues that any uniform refund rule which would compel carriers to retain records beyond the period now required by law would create not only a "substantial financial burden" but a financial risk as well, since some records may no longer be available. KLM and the IATA carriers as a group propose that the Board adopt a uniform rule similar to the permissive refund provision set forth in IATA Recommended Practice 1013, which allows (but does

not require) carriers to refuse refund applications made more than 30 days after the expiration date of the ticket.\* The IATA carriers contend that this refund provision is already applied in practice by a large number of carriers, and provides a flexible, established refund period with a uniform minimum time limit (30 days after ticket expiry) and no mandatory maximum. Like KLM and ANE, the IATA carriers oppose any uniform tariff rule which would abolish refund deadlines altogether.

United and TWA have established liberal refund policies. United provides refunds up to four years after expiry of the ticket and TWA imposes no time limit whatsoever. United opposes any uniform tariff rule which would require carriers to make refunds more than four years after ticket expiration, and argues that its present refund rules are not only responsive to the needs of both the consumer and the company, but reflect "practical business decisions" based on experiments with various time limits, and evaluation of the problem of duplicate refund applications, and adherence to the Board's recordkeeping requirements. TWA, on the other hand, recommends that the Board eliminate all refund deadlines. TWA would not object to the establishment of a mandatory minimum refund period, but strongly opposes the imposition of any maximum time limit, which would not only prevent carriers from providing unlimited refunds but would cause TWA the expense of modifying its existing procedures.

With respect to the issue of administrative burden, OCA contends that restrictive refund policies cannot be justified on the basis of the Board's limited recordkeeping requirements<sup>3</sup> and that, since some of the largest carriers continue to provide liberal refund periods, it is clear that consumers have not abused this practice.<sup>4</sup> Like TWA,

\*General Conditions of Carriage (Passenger), IATA Recommended Practice 1013, Agreement C.A.B. 22068, R-37, approved by the Board in Order 71-2-2, February 1, 1971. Article XI, paragraph 4(a) states: "Carrier may refuse refund when application therefor is made more than 30 days after the expiry of the validity of the ticket." This recommended practice is not binding on the IATA carriers, and is applicable to all areas except to/from the U.S. and Canada.

<sup>3</sup>OCA argues that the Board's recordkeeping requirements are "... wholly irrelevant to the question of creating an open-ended policy for refunding unused tickets," since nothing in the Board's regulations prohibits carriers from retaining ticket stock and other records beyond the required two-year period.

<sup>4</sup>In this connection, TWA notes that it has been able to develop satisfactory internal procedures to police dishonest attempts to obtain refunds, and suggests that other carriers could adopt similar controls.

OCA favors the complete elimination of time restrictions on refunds. As an alternative, however, OCA suggests that a uniform tariff rule which requires carriers to make refunds for a minimum of two years after ticket expiry, while leaving carriers free to provide longer refund periods, would not be inimical to consumers.

Braniff suggests that the Board approve a meeting of carriers under Paragraph 5 of the Tariff Publishing Agreement with the Airline Tariff Publishing Company, and permit the carriers themselves to develop a uniform domestic refund rule which the participating carriers could then apply to their overseas and international tickets as well. Braniff maintains that "... only minor differences exist between carriers' rules and with some flexibility on the part of the carriers an agreement on a uniform rule should be easily achieved."

The complainant, Donald L. Pevsner, reaffirms his original allegations and contends that a uniform refund rule "... can only meet the requirements of section 404(a) of the Act by eliminating all time limitations for refund of unused tickets in interstate, overseas, and foreign air transportation." Noting that most U.S. domestic carriers now impose no time limit on refunds, the complainant emphasizes that any uniform rule which establishes a closed, maximum refund period would negate such open-ended refund policies and be potentially harmful to those carriers' passengers.

The Board has tentatively concluded that a uniform tariff rule governing time limitations on refunds for unused tickets in domestic, overseas, and foreign air transportation is desirable. As the comments summarized above indicate, wide variations now exist among carriers' refund rules, with some carriers offering unlimited refund periods while others impose time limits as brief as 30 days after ticket expiration. Moreover, several carriers have indicated that they routinely make refunds beyond the period specified in their tariffs. Such a practice may well be beneficial to the consumers involved, but this disregard of filed tariff rules has great potential for abuse. The mere existence of informal refund policies underlines the need to develop refund procedures which the public can know and upon which it can rely. Deviation from publicly announced tariff rules has always been condemned as illegal because there is no guarantee that all members of the public will be dealt with equally. The requirement that common carriers adhere to their published rules is designed to prevent arbitrary treatment of persons in the same situation. As the IATA carriers suggest, in a competitive marketplace there may be no

incentive for carriers to apply their tariff rules in an unreasonable or capricious manner. On the other hand, given the less than perfectly competitive conditions which now exist and the multiplicity of refund rules, the possibility of arbitrary or inequitable treatment cannot be easily dismissed. At the very least, confusion and consumer dissatisfaction seem all but inevitable under present circumstances.<sup>5</sup> Some standardization of refund policies, by means of a uniform tariff rule governing refund deadlines, seems clearly in the public interest. The consumer should be readily able to know the rules of the game.

There is no doubt that the course of action most beneficial to consumers would be elimination of all time restrictions on refunds for unused tickets. The fact that many carriers now maintain such open-ended policies constitutes persuasive evidence that these carriers, at least, have not found the recordkeeping involved unduly burdensome, despite the fact that their refund policies make it necessary to retain some records well beyond the minimum period required by law. We recognize, however, that unlimited refund policies do entail some expense, which is ultimately borne by the consumer, and, in view of the objections raised by a number of carriers, we have decided not to establish a uniform refund rule which would require carriers to provide an unlimited refund period. A mandatory minimum refund period of two years from the date of expiration of the validity of the ticket, with no maximum time limit, would appear to meet the needs of both consumers and carriers by providing sufficient uniformity to minimize confusion and inequities and sufficiently safeguard consumers' interests, without imposing unnecessary recordkeeping costs on those carriers which do not opt to provide open-ended refunds, since this period conforms with the two-year minimum record-retention period stipulated by Part 249 of the Board's Economic Regulations.

We tentatively find that the refund provisions contained in currently effective U.S. air carrier tariffs are unjust, unreasonable, and unlawful under section 404(a) of the Act to the extent that they do not provide for a

<sup>5</sup>The availability of refund information is a factor here, since it appears that carriers rarely present detailed refund information on or with the ticket itself, where it would be most readily accessible to the public. Given the variation among carriers' refund policies, we are not persuaded that notification that a ticket is sold subject to tariff regulations or is valid for travel for only a limited period constitutes adequate notice that the ticket may also be subject to a specific refund deadline, as some carriers have argued.

mandatory minimum refund period of at least two years from the date of expiration of the validity of the ticket. We tentatively conclude, therefore, that all U.S. air carriers whose tariffs now permit refusal of refund applications within two years of ticket expiry should be required to revise their rules to stipulate that refunds for unused tickets in interstate, overseas, and international air transportation will be made for a period of not less than two years after the expiration date of the ticket.

For these same reasons, we also tentatively find that our approval of IATA Recommended Practice 1013, General Conditions of Carriage (Passenger), Agreement C.A.B. 22068, R-37 (Order 71-2-2, February 1, 1971) should be rescinded and that IATA Recommended Practice 1013 should be disapproved as adverse to the public interest insofar as it applies in air transportation within the meaning of the Act and provides that carriers may refuse refund applications within a period less than two years after ticket expiration. We urge the member carriers of IATA to amend Article XI, paragraph 4(a) of the General Conditions of Carriage (Passenger) to reflect at least this minimum refund period, while at the same time we recognize that requirements of certain foreign governments for the retention of records vary considerably, and that some foreign carriers may find it difficult to establish more extensive refund periods. We nevertheless conclude that the greatest uniformity possible among carriers will best serve the traveling public, and that a period of at least two years is reasonable, if a provision for unlimited refunds of unused tickets proves collectively too burdensome on the carriers.

Accordingly, it is ordered, That: 1. All interested persons are directed to show cause why the Board should not make final the tentative findings and conclusions set forth here and why an order should not be issued directing all U.S. air carriers to file, by March 1, 1978 appropriate tariff revisions stipulating that refunds for unused tickets in interstate, overseas, and international air transportation will be provided for a period of at least two years after the date of expiry of the validity of the ticket;

2. All interested persons are directed to show cause why the Board should not rescind its approval of IATA Recommended Practice 1013, General Conditions of Carriage (Passenger), Agreement C.A.B. 22068, R-37, in Order 71-2-2, dated February 1, 1971, and disapprove IATA Recommended Practice 1013 as adverse to the public interest insofar as it provides that carriers may refuse refund applications less than two years after expiry of the validity of the ticket in air transportation;

3. Any interested person having objections to the issuance of an order making final these tentative findings and conclusions shall, within 25 days after the date of service of this order, file with the Board and serve on the persons named in paragraph 6 a statement of objections specifying the tentative findings or conclusions objected to and providing statistical data and/or other evidence to support the statement of objections;

4. If timely and properly supported objections hereto are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board: *Provided*, that the Board may proceed to enter an order in accordance with the tentative findings and conclusions here if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

5. If no objections are filed to this order, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions here; and

6. This order shall be served upon all U.S. air carriers, foreign air carriers, the International Air Transport Association, the Office of the Consumer Advocate of the Civil Aeronautics Board, and Donald L. Pevsner, Esq.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board, \*

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-735 Filed 1-10-78; 8:45 am]

[3510-17]

#### DEPARTMENT OF COMMERCE

Office of the Secretary

ECONOMIC ADVISORY BOARD

Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. I, notice is hereby given that the meeting of the Department of Commerce Economic Advisory Board will be held on Thursday, February 9, 1978, from 9:30 a.m. to 3:30 p.m. in Room 4832, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Board was established by the Secretary of Commerce on January 12, 1967. The purpose of the Board is to advise the Secretary of Commerce on economic policy issues. The intended agenda for this meeting is as follows:

\*Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

<sup>1</sup>All members concurred.



A review of the economic outlook by major sector  
A discussion of the price outlook and strategies for dealing with inflation.

A limited number of seats will be available to the public on a first-come, first-served basis. Public participation will be limited to requests for clarification of items under discussion. Additional statements or inquiries may be submitted to the chair before or after the meeting. Copies of the minutes will be available on request 30 days after the meeting.

Additional information concerning this meeting may be obtained by contacting Mr. Michael Chen, Office of the Chief Economist for the Department of Commerce, Room 4858, Department of Commerce, Washington, D.C. 20230 (202-377-3884).

Dated: January 4, 1978.

COURTENAY M. SLATER,  
Chief Economist for the  
Department of Commerce.

[FR Doc. 78-740 Filed 1-10-78; 8:45 am]

[6355-01]

#### CONSUMER PRODUCT SAFETY COMMISSION

[CP 77-9]

##### LABELING FOR GAS FURNACES

###### Denial of Petition

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of Petition.

SUMMARY: The Commission has denied a petition to require warning labels by 1980 for all gas furnaces for homes. The requested label would warn consumers of the hazard of carbon monoxide poisoning due to improper adjustment, improper installation, or blocked flue stack and would advise consumers to consult with local building officials or gas companies. The Commission denied the petition because, from the information available, including information concerning ongoing voluntary standards activities aimed at addressing risks of injury that may be associated with unlabeled gas furnaces, it does not appear that a mandatory labeling standard is necessary at this time.

FOR FURTHER INFORMATION, CONTACT:

Mark Gulak, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6754.

SUPPLEMENTARY INFORMATION: Section 10 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2059, provides that any interested person may petition the Consumer Product Safety Commission to commence a

proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the FEDERAL REGISTER.

In a mailgram received by the Commission on March 29, 1977, Mr. Michael Smith of Elk Grove, Ill., petitioned the Commission to develop a consumer product safety rule requiring cautionary labeling for new gas furnaces for residential homes. The petitioner stated his belief that carbon monoxide poisoning from gas furnaces occurs because of improper adjustment, improper installation, collapsed chimney, blocked stack, or malfunction due to improper design. He believes, therefore, that a warning label should be placed in plain view on new gas furnaces in residential homes by 1980 and that the label should read:

Warning. Improper adjustment, improper installation, or blocked flue stack can cause carbon monoxide poisoning. Consult your local building official or call your gas company for details.

The Commission denied an earlier petition from Mr. Smith (CP 76-14) requesting that the Commission develop a consumer product safety standard for gas furnaces and gas conversion furnaces to reduce the hazard of carbon monoxide (CO) fumes. Mr. Smith stated in CP 76-14 that the carbon monoxide fumes resulted from the same factors enumerated in his request for a labeling rule. The Commission denied CP 76-14 (42 FR 4882, January 26, 1977) and stated:

From the Commission's analysis of the information available to it, it appears that while the consequences of exposure to high levels of CO from gas furnaces are severe and occur with a frequency that is not negligible, the principal causes of dangerously high concentrations of CO from gas furnaces do not appear to be correctable through the issuance of a mandatory safety standard.

Information available to the Commission indicates that over 33 million gas furnaces and gas wall furnaces are currently in use in the United States. In reviewing available injury data, it was found that data reported to the National Electronic Injury Surveillance System (NEISS) showed that approximately 425 instances of poisoning or anoxia that were associated with gas furnaces and required hospital emergency room treatment occurred during fiscal year 1976. The Directorate for Hazard Identification and Analysis, Division of Program Analysis (HIEA), analyzed 46 reports of carbon monoxide poisoning associated with gas furnaces, including 38 death certificates, 7 in-depth investigations, and 3 consumer complaints. There were a total of 43 deaths, 5 hospitalizations, 16 emergency room treated injuries, and 3 cases in which the extent of the

injury was not stated. Although in most cases the exact cause of the carbon monoxide poisoning was not specified, HIEA was able to determine that 6 deaths, 4 hospitalizations, and 4 emergency room treated injuries resulted from damaged, clogged, blocked, or improperly installed vents.

##### VOLUNTARY STANDARD

On April 20, 1977, the Z21 Committee of the American National Standards Institute (ANSI) adopted for submission to ANSI a proposed revised standard for gas-fired central furnaces (ANSI Proposed Standard Z21.47). This proposed standard includes requirements for specific information to be furnished to homeowners, including information for examining the system, installation, maintenance, and a recommendation for an annual check of the system by a qualified service company.

The Commission has been informed that the proposed standard, along with two related standards, will be submitted to ANSI by the end of 1977. There will be a 60-day period for public comment prior to ANSI's final approval decision.

As noted by the Commission in its denial of Mr. Smith's earlier petition, voluntary standards for gas appliances are universally complied with by domestic gas furnace manufacturers. Conformance with voluntary standards was again recognized by the Commission in its decision concerning gas-fired space heaters, published September 14, 1977 (42 FR 46072):

... the Commission also noted that conformance by manufacturers to voluntary standards is very high because certification by industry associations of gas appliances (such as heaters) installed in homes, is widely recognized in state and local building codes and safety regulations.

The label requested by the petitioner contains information similar to that in the proposed ANSI standard except that the petitioner's label would be installed on the furnace rather than included in the operating instructions. Also, the proposed voluntary standard does not specifically warn of the consequences as requested by the petitioner.

Although the proposed voluntary standard does not include a requirement for a specific warning regarding carbon monoxide poisoning, Mr. J. P. Langmead, Director of Technical Services, GAMA, has indicated to the Commission that the industry would be willing to consider a carbon monoxide warning label for incorporation into the Z21 standards.

After carefully evaluating the petition and the information currently available to the Commission, including advice on the likelihood of a carbon monoxide warning label being incorporated into a voluntary standard with

which there is a very high degree of conformance, the Commission concludes that a mandatory labeling requirement is not needed at this time to address the possible hazard associated with improperly maintained gas furnaces. In reaching this decision, the Commission also considered the resources available to the Commission for rulemaking for all consumer products.

Copies of the petition, the staff briefing package to the Commission, and the proposed voluntary standard may be seen in, or obtained from, the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Dated: January 5, 1978.

RICHARD E. RAPPS,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc. 78-647 Filed 1-10-78; 8:45 am]

[3810-70]

#### DEPARTMENT OF DEFENSE

##### Office of the Secretary

#### DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

##### Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held at the Pentagon, Washington, D.C. on Thursday and Friday, 16-17 February 1978.

The entire meetings commencing at 0900 hours are devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives OASD (Comptroller).

JANUARY 6, 1978.

[FR Doc. 78-727 Filed 1-10-78; 8:45 am]

[3128-01]

#### DEPARTMENT OF ENERGY

#### ALTERNATIVE FUELS DEMONSTRATION PROGRAM<sup>1</sup>

<sup>1</sup>Draft issued as, "Synthetic Fuels Commercialization Program."

##### Availability of Final Environmental Impact Statement

Notice is hereby given that the U.S. Department of Energy (DOE), the successor to the Energy Research and Development Administration (ERDA), has filed with the Council on Environmental Quality on November 29, 1977, a final Environmental Impact Statement, ERDA-1547, Alternative Fuels Demonstration Program (September 1977), which was prepared by ERDA. The statement was prepared pursuant to implementation of the National Environmental Policy Act of 1969 to support legislative actions pertaining to the implementation of a program to demonstrate the commercial viability of synthetic fuels. The draft of this Environmental Impact Statement was issued jointly by ERDA and the Department of the Interior (DOI) in January 1976 as Synthetic Fuels Commercialization Program to support specific legislation to create an incentives program for synthetic fuels. Since that time the legislation has undergone several revisions and DOI is no longer involved in the program. Therefore, DOI has determined that it should not coissue the final statement.

The final Environmental Impact Statement was prepared by ERDA staff and approved by the Acting ERDA Administrator on September 22, 1977. It was determined, however, that the document should be held for DOE review and concurrence in its release. While DOE concurs in the release of the document as an ERDA final Environmental Impact Statement, DOE is considering what program policy options are available to it that were not available to ERDA and what further NEPA review it should undertake in connection with this program.

The final Environmental Impact Statement contains a generic assessment of environmental and socioeconomic impacts which may be expected from the commercial demonstration program on alternative fuels and the estimation of those generic environmental impacts associated with a single hypothetical plant, as well as those associated with an entire synthetic fuels industry at production levels ranging from 350,000 to 1.7 million barrels per day. This Environmental Impact Statement will provide the environmental input into future decisions on the program and will serve as a reference for site specific environmental impact assessments or statements that may be prepared should this program be implemented.

Copies of the final Environmental Impact Statement have been furnished to those who commented on the draft statement and copies are available for public inspection at the DOE public document rooms located at:

U.S. Department of Energy, 20 Massachusetts Avenue NW., Washington, D.C.  
U.S. Department of Energy, Room B120, 2000 M Street NW., Washington, D.C.  
Albuquerque Operations Office, National Atomic Museum, Kirtland Air Force Base—East, Albuquerque, N. Mex.  
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Ill.  
Chicago Operations Office, 175 West Jackson Boulevard, Chicago, Ill.  
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.  
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nev.  
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tenn.  
Richland Operations Office, Federal Building, Richland, Wash.  
San Francisco Operations Office, 1333 Broadway, Oakland, Calif.  
Savannah River Operations Office, Savannah River Plant, Aiken, S.C.

In addition, a copy is also available at the:

Regional Energy/Environmental Information Center, Denver Public Library, 1357 Broadway, Denver, Colo.

Copies are also available for public inspection at designated Federal Depository Libraries.

A limited number of single copies of the final statement are available for distribution by the Technical Information Center, P.O. Box 62, Oak Ridge, Tenn. 37830, 615-483-8611, Extension 34672. The statement is also available from the National Technical Information Service, Springfield, Va. 22161.

Dated at Washington, D.C., this 5th day of January 1978.

For the Department of Energy.

WILLIAM S. HEFFELFINGER,  
Director of Administration.

[FR Doc. 78-628 Filed 1-10-78; 8:45 am]

[3128-01]

#### CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

Week of December 9 through December 16, 1977

Notice is hereby given that during the week of December 9 through December 16, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Administrative Review of Administrative Review of the Economic Regulatory Administration of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in this case may file with the DOE action sought in this case may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be



deemed to be the date of the publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Administrative Review, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,  
Director, Office of  
Administrative Review.

DECEMBER 30, 1977.

APPENDIX.—List of cases received by the Office of Administrative Review

Week of December 9 through December 16, 1977

Date	Name and location of applicant	Case No.	Type of submission
12-9-77	Consumers Power Co., Jackson, Mich. If granted: Import residual fuel oil into PAD districts I through IV on a license fee-free basis.	DPT-0001	Exception from base fee requirements (pt. 213).
12-9-77	Newhall Refining Co., Inc., Newhall, Calif. If granted: The DOE would review the entitlement exception relief granted to Newhall Refining Co., Inc., during its 1977 fiscal year in order to determine whether the level of exception relief approved was appropriate.	DEX-0011	Review of entitlements exception relief (supplemental order).
12-9-77	Wallace Chemical & Oil Corp., Washington, D.C. If granted: Wallace Chemical & Oil Corp., and Wallace Chemical & Oil Corp., would be permitted to retroactively increase their prices for No. 2 fuel oil above the maximum levels allowed under the mandatory petroleum price regulations.	DEX-0388	Price exception (sec. 212.93).
12-12-77	Ozona Gas Processing Plant Dallas, Tex. If granted: Ozona Gas Processing Plant would receive an extension of the exception relief granted in the FEA's May 27, 1977, decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products.	DEX-0399	Extension of the relief granted in Superior Oil Co., Case Nos. FEE-4136, FEE-4143, FEE-4081 (decided June 3, 1977) (unreported decision). Superior Oil Co., Case Nos. FEE-4093, FEE-4094 (decided July 8, 1977) (unreported decision). Superior Oil Co., Case No. FEE-4297 (decided July 28, 1977) (unreported decision). Price exception (sec. 212.165).
12-12-77	Superior Oil Co., Houston, Tex. If granted: Superior Oil Co., would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Big Wells, Lowry, and Copalunga Nose plants.	DEX-0398	Price exception (sec. 212.165).
12-12-77	Superior Oil Co., Houston, Tex. If granted: Superior Oil Co., would receive an extension of the exception relief granted in the FEA's June 3, July 8, and July 28, 1977, decisions and orders which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Cymric, Kettelman, Levelland, Portilla, Rio Bravo, Txl, and West Seminole plants.	DEX-0405	Extension of the relief granted in Superior Oil Co., Case Nos. FEE-4136, FEE-4143, FEE-4081 (decided June 3, 1977) (unreported decision). Superior Oil Co., Case Nos. FEE-4093, FEE-4094 (decided July 8, 1977) (unreported decision). Superior Oil Co., Case No. FEE-4297 (decided July 28, 1977) (unreported decision). Price exception (sec. 212.165).
12-12-77	Union Oil Co., of California, Los Angeles, Calif. If granted: Union Oil Co., of California, would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Santa Clara Valley plant.	DEX-0399	Extension of the relief granted in Superior Oil Co., Case Nos. FEE-4136, FEE-4143, FEE-4081 (decided June 3, 1977) (unreported decision). Superior Oil Co., Case Nos. FEE-4093, FEE-4094 (decided July 8, 1977) (unreported decision). Superior Oil Co., Case No. FEE-4297 (decided July 28, 1977) (unreported decision). Price exception (sec. 212.165).
12-12-77	Dynamic Exploration, Inc., Lafayette, La. If granted: Dynastic Exploration, Inc., would be permitted to sell the crude oil produced from a proposed well in the Bayou Mallet Area in Acadia Parish, La., at upper tier ceiling prices.	DEX-0393	Price exception (sec. 212.73).

FEDERAL REGISTER, VOL. 43, NO. 7—WEDNESDAY, JANUARY 11, 1978

APPENDIX.—List of cases received by the Office of Administrative Review—Continued

Week of December 9 through December 16, 1977

Date	Name and location of applicant	Case No.	Type of submission
12-13-77	Eugene Endicott, Redmond, Ore. If granted: The DOE region III would be rescinded and Endicott would not be required to refund overcharges made in its sales of motor gasoline.	DRA-0075	Appeal of the November 28, 1977, remedial order issued by DOE region III.
12-13-77	Johnson Oil Co., Inc., Battle Creek, Iowa. If granted: Johnson Oil Co., would not be required to file form P-315-M-9.	DEE-0380	Exception to the reporting requirements.
12-13-77	Sun Co., Inc. (Puerto Rico) Philadelphia, Pa. If granted: Puerto Rico Sun Oil Co., a wholly owned subsidiary of Sun Co., Inc., would receive a 21 cents per barrel adjustment to its crude oil entitlements obligations.	DEE-0382	Exception to the entitlements program.
12-13-77	Trend Exploration, Ltd., Denver, Colo. If granted: Trend Exploration, Ltd., would be permitted to increase its prices to reflect non-product cost increases in excess of \$0.005 per gallon for natural gas liquid products.	DEE-0394	Price exception (sec. 212.165).
12-13-77	Yezbick's Inc., Troy, Mich. If granted: Yezbick's Inc., would be entitled to purchase motor gasoline from Mobil Oil Corp., instead of its base period supplier, Texaco, Inc.	DEE-0389	Exception to change suppliers.
12-14-77	Estate of H. L. Hunt, Dallas, Tex. If granted: The DOE region VI would be modified to eliminate the requirement that interest be paid on the refund and the refund requirements would be divided among the other owners of the properties.	DRA-0076	Appeal of the Nov. 10, 1977, remedial order issued by DOE region VI.
12-14-77	Hawthorne Oil and Gas Corp., Lafayette, La. If granted: Hawthorne Oil and Gas Corp. would be permitted to sell the condensate produced by the proposed replacement unit well, FT SVA, F. Tuten No. 6 in the Iowa Field, Calcasieu Parish, La., at upper tier ceiling prices.	DEX-0406	Price exception.
12-14-77	Kewanee Oil Co., Tulsa, Okla. If granted: Kewanee Oil Co. would receive an extension of the relief granted in the FEA's Aug. 9, 1977, decision and order which would permit the firm to sell the crude oil produced from the South Stanley Waterflood at upper tier ceiling prices.	DEX-0407	Extension of the relief granted in Kewanee Oil Co., 6 FEA Par. 83,053 (Aug. 9, 1977).
12-14-77	Peeler Oil Co., would be permitted to sell its petroleum products at prices in excess of the level allowed under the mandatory petroleum price regulations.	DEE-0391	Price exception (sec. 212.93).
12-14-77	A. T. Skaer, Denver, Colo. If granted: Crude oil produced from Skaer's Wiant No. 3 well located in Washington County, Colo., would be sold at upper tier ceiling prices.	DEE-0408	Price exception (sec. 212.73).
12-14-77	Wickland Oil Co., Sacramento, Calif. If granted: Wickland Oil Co., would review DOE region IX's denial of Wickland Oil Co.'s application to quash a subpoena which was issued to the firm on Nov. 30, 1977.	DSO-0008 and DES-0016	Request for special redress. Stay request.
12-15-77	J. N. Abel, Austin, Tex. If granted: The remedial order issued by DOE region VI would be rescinded and Abel would not be required to refund overcharges made in the sales of crude oil produced at the LNB Hunter, LNB Trustees and Billings properties.	DRA-0077 and DRS-0077	Appeal of the remedial order issued by DOE region VI. Stay request.
12-15-77	Koch Exploration Co., Wichita, Kans. If granted: Koch Exploration Co. would receive an extension of the relief granted in DOE's Nov. 4, 1977, decision and order and would be permitted to sell the crude oil produced from the Cedar Rim No. 3 and Sink Draw No. 1 leases located in the Altamont-Bluebell field, Duchesne County, Utah, at upper tier ceiling prices.	DEX-0410 and DEX-0411	Extension of the relief granted in Koch Exploration Co., 8 DOE Par. — (Nov. 4, 1977).

FEDERAL REGISTER, VOL. 43, NO. 7—WEDNESDAY, JANUARY 11, 1978

APPENDIX.—List of cases received by the Office of Administrative Review—Continued

Week of December 9 through December 16, 1977

Date	Name and location of applicant	Case No.	Type of submission
12-16-77	Beacon Oil Co., Edgington Oil Co., Kern County Refining, Lunday-Thagard Oil Co., Mohawk Petroleum Corp., Navajo Refining Co., San Joaquin Refining Co., Southland Oil Co., Warrior Asphalt Co., and Young Refining Corp. If granted: The refiners listed above would receive stays of a portion of their entitlement purchase obligations pending a final determination on their applications for exception.	DEX-0012 through DEX-0021.	Supplemental order.

NOTICES OF OBJECTION RECEIVED

Week of December 9 through December 16, 1977

Date	Name and location of applicant	Case No.
Dec. 12, 1977	Monsanto Co., Washington, D.C.	FEE-4397.
Dec. 13, 1977	Jim Ellis, Tyler, Tex.	FEE-4071.
Dec. 15, 1977	Moore & Miller, Oklahoma City, Okla.	FEE-4792.
Dec. 15, 1977	Husky Oil Company of Delaware, Washington, D.C.	DEX-0007.

[FR Doc. 78-502 Filed 1-10-78; 8:45 am]

[3128-01]

NATIONAL INDUSTRIAL ENERGY COUNCIL

Renewal

This notice is published in accordance with the provisions of section 7 of the Office of Management and Budget Circular No. A-63, as revised. Pursuant to section 14(a)(2)(A) of the Federal Advisory Committee Act and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that it has been determined to be in the public interest, in connection with the performance of the duties imposed on the Department of Energy by law, to renew the National Industrial Energy Council.

A description of the nature and purpose of this Committee is contained in its Charter which is published below.

1. *Committee's Official Designation:* National Industrial Energy Council

2. *Committee's Objectives and Scope of Activities and Duties:* The Council advises the Secretary of Energy on programs and problems relating to the production, conservation, and utilization of energy within the industrial and commercial sectors and on matters concerned with national energy policy. The Council may identify and evaluate current and potential plans and actions of industry in the field of energy production, conservation, and utilization; provide a forum for the exchange of views on energy production, conservation, utilization, and national energy policy issues between government and the industrial and commercial sectors; identify and examine problems and recommend solutions concerning (1) the effects of industrial and commercial operations on energy

supply, and (2) improved production, use, and conservation of energy by the industrial and commercial sectors; and advise on policies, plans and actions of Federal, State, and local agencies involving energy production, use and conservation which affect the industrial and commercial sectors.

3. *Time Period Necessary for the Committee to Carry Out Its Purpose:* The nature of the Council's purpose and objectives necessitates an on-going and continuing status. It is anticipated that the need for advice and recommendations from the Council will continue for at least five years.

4. *Official to Whom This Committee Reports:* Secretary of Energy.

5. *DOE Organization Responsible for Providing Necessary Support for this Committee:* Intergovernmental and Institutional Relations.

6. *A Description of Duties for which the Committee is Responsible:* The duties of the Council are solely advisory and are stated in paragraph 2 above.

7. *Estimated Annual Operating Costs in Dollars and Manyeats:* \$66,000; 2 manyeats.

8. *Estimated Number and Frequency of Meetings:* The Council will meet approximately 4 times a year.

9. *Committee's Termination Date (if less than two years from the date of establishment or renewal):* Not applicable.

10. *Subcommittee(s):* To facilitate functioning of the Council, subcommittee(s) may be formed by the Secretary. The objectives of the subcommittee(s) are to make recommendations to the parent Council with respect to matters concerning DOE plans and programs which are related to the responsibilities of the parent

Council. Each subcommittee shall include at least one member representing residential consumers. All actions of the subcommittee(s) shall be consistent with the provisions of paragraphs 1 through 12 of this Charter.

11. *Members:* Committee members shall be appointed by the Secretary of the Department. That appointment shall be subject to review every 365 days, unless earlier terminated. Members may be reappointed to an additional one-year term following review.

12. *Chairman:* The Chairman shall be appointed by the Secretary for the first term and recommended to the Secretary through a Committee election thereafter.

Issued at Washington, D.C. on January 5, 1978.

WILLIAM S. HEFFELFINGER,  
Director of Administration.

[FR Doc. 78-630 Filed 1-10-78; 8:45 am]

[3128-01]

WESTERN AREA POWER ADMINISTRATION

Amendment to Notice of Proposed Amendment to Procedural Rules to Permit Interim Rates and Supplemental Proceedings

Reference is made to a notice which appeared at 43 FR 31 for Tuesday, January 3, 1978. On December 28, 1977, the Department of Energy issued a Notice of Proposed Amendment to Procedural Rules to permit interim rates and supplemental proceedings for the Western Area Power Administration. The Notice announced two public hearings as follows: Sacramento, California on January 31, 1978, and Washington, D.C. on February 3, 1978.

The DOE hereby amends the December 28, 1977, Notice by advising the public that the date of the Sacramento, Calif., hearing has been changed to February 7, 1978, and that both the Washington, D.C., and Sacramento hearings will commence at 9:30 a.m. The locations for each hearing as indicated in the December 28, 1977, Notice remain the same.

Issued in Washington, D.C., January 5, 1978.

WILLIAM S. HEFFELFINGER,  
Director of Administration.

[FR Doc. 78-629 Filed 1-10-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

[Ex Parte No. 308 (Sub-No. 1)]

COMMON CARRIER PIPELINES

Procedures for Investigation

AGENCY: Department of Energy.

ACTION: Notice of Procedures for Investigation of Common Carrier Pipelines.



**SUMMARY:** This notice provides guidance for continuation of proceedings under the Investigation of Common Carrier Pipelines, Ex Parte No. 308 (Sub-No. 1), initiated by the Interstate Commerce Commission (ICC) by order served February 24, 1976, and transferred to the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) effective October 1, 1977. The Office of Enforcement of the ERA will assume all functions previously performed by the Bureau of Investigations and Enforcement of the ICC. The Office of Administrative Review of the ERA will perform all functions in connection with the investigation that were previously performed by the members of the Interstate Commerce Commission or by any administrative law judge designated by the ICC to hear and decide any aspect of the matter.

**FOR FURTHER INFORMATION CONTACT:**

Richard Herzog, Assistant Administrator for Enforcement, 2000 M Street NW., Washington, D.C. 20461, 202-254-8740.

Melvin Goldstein, Director, Office of Administrative Review, 2000 M Street NW., Washington, D.C. 20461, 202-254-5134.

**SUPPLEMENTARY INFORMATION:** By order served February 24, 1976, the ICC initiated an investigation of Common Carrier Pipelines, Ex Parte 308 (Sub-No. 1), pursuant to section 11 of the Clayton Act, 15 U.S.C. 21, and sections 12 and 13 of the Interstate Commerce Act, 49 U.S.C. 12 and 13, in order to examine possible violations of section 7 of the Clayton Act, 15 U.S.C. 18, involving petroleum pipeline ownership. Proceedings thereunder were conducted pursuant to ICC Rules of General Practice, 49 CFR Part 1100. All common carrier pipelines subject to Part I of the Interstate Commerce Act were made respondents in the proceeding, and were served on July 8, 1976 with interrogatories propounded by the ICC's Bureau of Investigations and Enforcement (BIE). On March 2, 1977, the ICC served an order requiring that respondents which had not complied with such interrogatories do so within 30 days, and provided procedures in Appendix A thereof to protect the confidentiality of information submitted. This order was modified by an order on appeal served by the ICC on September 30, 1977, providing procedures for transmittal to the Bureau of Competition of the Federal Trade Commission of discovery material designated confidential pursuant to the March 2 order, subject to certain conditions respecting further use of the material by the bureau. A number of submissions, including motions for stay, motions relating to the interrogatories, and motions for reconsideration

have been filed in connection with that proceeding.

Pursuant to the Department of Energy Organization Act, 42 U.S.C. 7101 et seq., as implemented by E.O. 12009, 42 FR 46267 (Sept. 15, 1977), and DOE Delegation Order No. 0204-4, proceedings under Ex Parte No. 308 (Sub-No. 1) were transferred to ERA. In accordance with the present structure of the ERA, the Office of Enforcement of the ERA will perform all functions previously performed in this matter by the ICC Bureau of Investigations and Enforcement. The Office of Administrative Review of the ERA will perform all functions in connection with proceedings under Ex Parte No. 308 (Sub-No. 1) that were previously performed by the members of the ICC or by an administrative law judge designated by the ICC to hear and decide any aspect of the matter. Consequently, all motions and pleadings that have previously been filed in this matter have been transferred to the ERA Office of Administrative Review. All further submissions involving this matter should similarly be addressed to the Office of Administrative Review, 2000 M Street NW., Washington, D.C. 20461.

Issued in Washington, D.C., January 4, 1977.

DAVID J. BARDIN,  
Administrator, Economic Regulatory Administration.

[FR Doc. 78-748 Filed 1-10-78; 8:45 am]

**[6740-02]**

Federal Energy Regulatory Commission  
[Docket Nos. CS71-1125, et al.]

**APPLICATIONS FOR "SMALL PRODUCER" CERTIFICATES**

JANUARY 3, 1978.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 18, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure

This notice does not provide for consolidation for hearing of the several matters covered herein.

(18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

Docket No.	Date filed	Applicant
CS71-1125	12/ 8/77	Greenbrier 65 Ltd., P.O. Box 297, Dallas, Tex. 75221.
CS72-544	6/15/77	General Crude Oil Co., P.O. Box 2252, Houston, Tex. 77001.
CS72-1146	12/ 5/77	Orien Gas Systems, Inc., P.O. Box 432, Tulsa, Okla. 74101.
CS73-434	7/11/77	Cralco Corp., W. R. Grace & Co., Attention: H. D. Thornton, 1114 Avenue of the Americas, New York, N.Y. 10036.
CS75-287	6/27/77	The Polumbus Co., a division of W. R. Grace & Co. (successor in interest to The Polumbus Corp.), 3 Park Central—suite 200, 1515 Arapahoe St., Denver, Colo. 80202.
CS77-438	6/ 8/77	Southland Drilling Co., Inc., Mr. Neil E. Hanson, Attention: Charles Hughes, 9235 Katy Freeway—suite 222, Houston, Tex. 77024.
CS77-439	6/ 8/77	Neil E. Hanson, Inc., Mr. Neil E. Hanson, Attention: Charles Hughes, 9235 Katy Freeway—suite 222, Houston, Tex. 77024.
CS78-142	11/18/77	Chain Oil, Inc., 220 West 27th St., Scottsbluff, Nebr. 69381.

Docket No.	Date filed	Applicant
CS78-143	12/ 2/77	Diana S. Norris, c/o Joseph L. Castle, II, suite 525-1 Plymouth Meeting, Plymouth Meeting, Pa. 19482.
CS78-144	12/ 2/77	Elesabeth I. Gillet, c/o Joseph L. Castle, II, suite 525-1 Plymouth Meeting, Plymouth Meeting, Pa. 19482.
CS78-145	12/ 2/77	Texland Petroleum, Inc., 3402 Fort Worth National Bank Bldg., Fort Worth, Tex. 78102.
CS78-146	12/ 2/77	Martha Dayanna Bond, P.O. Box 1394, Shawnee, Okla. 74801.
CS78-147	12/ 2/77	William F. Fall, P.O. Box 1394, Shawnee, Okla. 74801.
CS78-148	12/ 2/77	Fairman Drilling Co., Box 288, DuBois, Pa. 15801.
CS78-149	12/ 5/77	Lewis Chandler and R. Lewis Chandler Trust, 3400 Republic National Bank Bldg., Dallas, Tex. 75201.
CS78-150	12/ 5/77	Joe Gray, et al., 2200 1st National Bank Bldg., Dallas, Tex. 75202.
CS78-151	12/ 5/77	Sequoyah Oil And Gas Co., P.O. Box 295, Muldrow, Okla. 74948.
CS78-152	12/ 8/77	Gibraltar Gas Corp., 1710 The 600 Building, Corpus Christi, Tex. 78473.
CS78-153	12/ 8/77	Talvez Oil Corp., 1710 The 600 Building, Corpus Christi, Tex. 78473.
CS78-154	12/ 8/77	Joseph M. Baria, 1710 The 600 Building, Corpus Christi, Tex. 78473.
CS78-155	12/ 8/77	George R. Jones, 125 N. Market—suite 1310, Wichita, Kans. 67202.
CS78-156	12/ 8/77	James C. Ray, Suite 100E, 4350 East Camelback Rd., Phoenix, Ariz. 85018.
CS78-157	12/ 9/77	Omega Minerals, Inc., Bank & Trust Tower No. 39—suite 1140, Corpus Christi, Tex. 78477.
CS78-158	12/ 9/77	Charlton Havard Lyons, III, 1500 Beck Bldg., Shreveport, La. 71101.
CS78-159	12/ 9/77	Kingery Drilling Co., Inc., Box 1588, Ardmore, Okla. 73401.
CS78-160	12/ 9/77	Chessie Resources, Inc., 1225 Terminal Tower, Cleveland, Ohio 44103.
CS78-161	12/ 9/77	Dave VanHatten d.b.a. VanHatten Gas and Oil, Scharz Law Offices, 111 West Douglas, Wichita, Kans. 67202.
CS78-162	12/12/77	Jack Fletcher, Route 1, Box 133C, Midland, Tex. 79701.
CS78-163	12/12/77	Franz Weis, 2513 Camarie Ave., Midland, Tex. 79703.
CS78-164	12/12/77	Leigh M. Curboskas, P.O. Box 3234, Midland, Tex. 79702.
CS78-165	12/12/77	Edward C. Skeeters, 10104 Ashglen Circle, Dallas, Tex. 75238.
CS78-166	12/12/77	Mary Anne Snowden, P.O. Box 489, Fort Morgan, Colo. 80701.

Docket No.	Date filed	Applicant
CS78-167	12/12/77	Richard H. Mason, 304 Exchange Bank Bldg., El Dorado, Ariz. 71730.
CS78-168	12/12/77	Blue Valley Farms, Inc., 304 Exchange Bank Bldg., El Dorado, Ariz. 71730.

\*Being noticed to reflect termination of Small Producer Certificate CS71-1125.  
\*Being noticed to reflect termination of Small Producer Certificate CS72-544.  
\*Being noticed to reflect termination of Small Producer Certificate CS72-1146.  
\*Being noticed to reflect change of address.  
\*Being noticed to reflect termination of Small Producer Certificate CS75-287.  
\*Being noticed to reflect a change of address.  
\*Being noticed to reflect a change of address.  
[FR Doc. 78-504 Filed 1-10-78; 8:45 am]

**[6740-02]**

Federal Energy Regulatory Commission

[Docket No. ER78-145]

ARIZONA PUBLIC SERVICE CO.

Proposed Rate Change

JANUARY 4, 1978.

Take notice that Arizona Public Service Company, (Arizona) on December 22, 1977, tendered for filing rate increases in its following FPC Electric Service Rate Schedules:

- 12—Electrical District No. 3
- 13—Electrical District No. 7
- 14—Maricopa County Municipal Water Conservation District No. 1
- 15—Roosevelt Irrigation District
- 16—Buckeye Water Conversation & Drainage District
- 17—Navopache Electric Co-operative, Inc.
- 34—Town of Wickenburg
- 35—Electrical District No. 6
- 50—Citizens Utilities Co.
- 51—Commission Federal de Electricidad Division Noroeste (Naco)
- 52—Papago Tribal Utility Authority
- 53—Comision Federal de Electricidad Division Baja, Calif. (Sonoyta)
- 54—Compania de Servicios Publicos de Agua Prieta, S.A.
- 57—Arizona Electric Power Cooperative, Inc.
- 58—Wellton-Mohawk Irrigation & Drainage District
- 59—Arizona Public Authority
- 65—Colorado River Indian Irrigation Project
- 66—San Carlos Indian Irrigation Project
- 68—Electrical District No. 1

Arizona states that the proposed rate changes would increase revenue from jurisdictional sales and service by \$9,554,036 based on the 12-month period ending January 31, 1978.

Arizona further states that the proposed changes are necessary to offset the rapidly escalating costs involved in rendering service under these schedules.

Arizona proposes an effective date of February 1, 1978, for all wholesale customers affected by this filing other than the following districts which Ari-

zona states are not unilaterally permissible:

- 12—Electrical District No. 3
- 13—Electrical District No. 7
- 14—Maricopa County Municipal Water Conservation District No. 1
- 15—Roosevelt Irrigation District
- 16—Buckeye Water Conservation & Drainage District
- 35—Electrical District No. 6

According to Arizona copies of this filing were served upon the Company's resale customers affected by the filing and the Arizona Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-607 Filed 1-10-78; 8:45 am]

**[6740-02]**

[Docket No. CP78-132]

CITIES SERVICE GAS CO.

Application

JANUARY 4, 1978.

Take notice that on December 21, 1977, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP78-132 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of certain pipeline taps, measuring, regulating facilities and appurtenant facilities to enable Applicant to render natural gas service to authorized local gas distribution companies for resale to 20 rural domestic customers pursuant to right-of-way easements and agreements and gas storage leases heretofore entered into between Applicant and said customers, or to serve these customers directly if no local authorized natural gas distribution company is willing or able to make such service, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that all of the proposed customers have requested



gas service pursuant to the terms of the aforesaid right-of-way easements and agreements and gas storage leases, and that all of the proposed customers have relied upon the provisions for said natural gas service as contained in their respective right-of-way easements and agreements and gas storage leases, as said provisions constituted a major portion of the consideration given to said individuals by Applicant in exchange for the voluntary grant of said easements.

Applicant states that the total estimated cost of the facilities proposed herein to be constructed is \$12,920, which cost would be paid from treasury cash. Applicant further estimates that the annual sales made pursuant to this application would average approximately 250 Mcf for each rural domestic service proposed herein, and that a total of 20 such services are proposed. Their total annual sale is therefore estimated to be approximately 5,000 Mcf, it is said.

Specifically, Applicant seeks authorization in this application to:

- Item 1: Tap Applicant's Jane 20-inch transmission pipeline in Newton County, Missouri, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Joe Abramovitz.
- Item 2: Tap Applicant's Forbes AF Base 8-inch transmission pipeline in Shawnee County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Darrell Alexander.
- Item 3: Tap Applicant's McLouth Storage Field 20-inch pipeline in Leavenworth County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Bernie Barge.
- Item 4: Tap Applicant's North Edmond 12-inch transmission pipeline in Logan County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Lloyd Bass.
- Item 5: Tap Applicant's Holton 4-inch transmission pipeline in Jackson County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Lorene V. Bottenberg.
- Item 6: Tap Applicant's Colony Storage Field 8-inch pipeline in Anderson County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Vergil Calahan.
- Item 7: Tap Applicant's Caney-Wichita 12-inch transmission pipeline in Sedgewick County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Gary Cassatt.
- Item 8: Tap Applicant's Udall 3-inch transmission pipeline in Cowley County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Wallace Fauchier.
- Item 9: Tap Applicant's Sadalia 20-inch loop transmission pipeline in Miami County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Jay D. Gott.
- Item 10: Tap Applicant's Girard 6-inch transmission pipeline in Crawford County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Jim Green.

- Item 11: Tap Applicant's Sterling 12-inch transmission pipeline in Grady County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Minnie Grooms.
- Item 12: Tap Applicant's Springfield 16-inch transmission pipeline in Newton County, Missouri, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to O. F. Heckmaster.
- Item 13: Tap Applicant's Gordon 8-inch transmission pipeline in Butler County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Charles Hill.
- Item 14: Tap Applicant's Hogshotter-Grabham 16-inch transmission pipeline in Washington County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Luther Pederson.
- Item 15: Tap Applicant's Falls City 8-inch transmission pipeline in Brown County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Merle C. Sims.
- Item 16: Tap Applicant's Berryton 2-inch transmission pipeline in Shawnee County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Merle C. Sims.
- Item 17: Tap Applicant's Quapaw 16-inch transmission pipeline in Newton County, Missouri, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to William E. Todhunter.
- Item 18: Tap Applicant's McLouth Storage Field 20-inch pipeline in Leavenworth County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Jim Vandergriff.
- Item 19: Tap Applicant's Parsons 10-inch transmission pipeline in Labette County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Dale Wells.
- Item 20: Tap Applicant's Craig Storage Field 6-inch pipeline in Johnson County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to James T. Wiglesworth.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's

Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-608 Filed 1-10-78; 8:45 am]

[6740-02]

[Docket No. CP78-118]

COLUMBIA GAS TRANSMISSION CORP.

Application

JANUARY 4, 1978.

Take notice that on December 14, 1977, Columbia Gas Transmission Corp. (applicant), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25314, filed in Docket No. CP78-118 an application pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's general policy and interpretation (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation for 2 years of up to 600 Mcf of natural gas per average day for Glenshaw Glass Co., Inc. (Glenshaw), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that pursuant to the Federal Power Commission (FPC) order of February 7, 1977, in Docket No. CP77-105, applicant was authorized to transport up to 3,150 Mcf of natural gas per day for two years for Glenshaw. It is stated that such gas was to be produced from a well located in Enoch Township, Noble County, Ohio, by LNG Services, Inc. (LNG). The application states that the well from which the gas was to have been produced has not lived up to expectations, and that in an effort to replace volumes not obtainable from the Ohio production, Glenshaw and LNG have amended their gas purchase agreement to provide for the delivery of volumes to be produced from existing oil and gas wells located in Upshur County, W. Va.

Applicant proposes to receive the subject gas into its line 8452 in Banks district, Upshur County, W. Va., at a specific point to be mutually agreed

upon and to deliver the gas to Orange & Rockland Utilities, Inc. (Orange & Rockland), a wholesale customer of applicant at an existing point of delivery in Rockland County, N.Y., for the account of Glenshaw. It is stated that Orange & Rockland would in turn deliver the gas to Glenshaw for use at Glenshaw's Orangeburg, N.Y., plant.

It is said that the Glenshaw's Orangeburg, N.Y., plant produces glass bottles which are used to package a variety of products produced in the States of New York, Pennsylvania, Massachusetts, Maine, and Vermont. Glenshaw has installed alternate fuel facilities where possible but there is no alternate fuel capability for the refining, conditioning, and annealing process of glass production, it is said.

It is indicated that the amendment to the gas purchase agreement between Glenshaw and LNG does not alter the price to be paid for the gas which price is \$1.90 per Mcf with a 3 cents escalation in price every three months for the term of the contract. It is further stated that the subject gas is not available for resale in the intrastate market, and that the subject gas is subject to diversion to applicant on a temporary basis in emergency periods when, in applicant's sole judgment, such gas is required for the protection of priority 1 requirements on its system. Gas so diverted would be paid back as soon as practicable after the emergency period, it is said.

Applicant states that its charge for this service would be its average system-wide unit gathering, storage, and transmission cost exclusive of company-use and unaccounted-for gas, which is 23.06 cents per Mcf effective November 1, 1976, and that it would also retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of Glenshaw, which percentage is currently 4 percent.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and sub-

ject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-609 Filed 1-10-78; 8:45 am]

[6740-02]

[Docket No. ER78-155]

CONNECTICUT LIGHT & POWER CO.

Proposed Transmission Agreement

JANUARY 5, 1978.

Take notice that on December 23, 1977, the Connecticut Light & Power Co. (CL&P) tendered for filing a proposed rate schedule with respect to transmission agreement dated November 1, 1977 between CL&P, the Hartford Electric Light Co. (HELCO), and Western Massachusetts Electric Co. (WMECO), and Middleborough Gas & Electric Department (Middleborough). CL&P states that the transmission agreement provides for a transmission service to Middleborough during the period from November 1, 1977, to October 31, 1978.

CL&P further states that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the NU system determined in accordance with section 13.9 (determination of amount of pool transmission facilities (PTF) Costs) of the New England Power Pool (NEPOOL) agreement and the uniform rules adopted by the NEPOOL executive committee, multiplied by the number of kilowatts which Middleborough is entitled to receive.

CL&P proposed an effective date of November 1, 1977, and therefore requests waiver of the Commission's notice requirements.

According to CL&P, copies of this rate schedule have been mailed or delivered to HELCO, WMECO, and Middleborough.

Any person desiring to be heard or to protest said application should file

a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-618 Filed 1-10-78; 8:45 am]

[6740-02]

[Docket No. ER78-152]

CONNECTICUT LIGHT & POWER CO.

Proposed Purchase Agreement

JANUARY 5, 1978.

Take notice that on December 23, 1977, the Connecticut Light & Power Co. (CL&P) tendered for filing a proposed rate schedule pertaining to a purchase agreement with respect to Montville Unit No. 6 between CL&P and North Attleborough Electric Department (NAED) dated as of September 6, 1977.

CL&P states that the purchase agreement provides for a sale to NAED of a specified percentage of capacity and energy from CL&P's Montville Unit No. 6 generating unit during the period November 1, 1977, through October 31, 1979.

CL&P requests that the Commission waive the thirty-day notice period and permit the rate schedule filed to become effective on November 1, 1977.

CL&P further states that the capacity charge rate for the proposed service is a rate determined on a cost-of-service basis. The monthly transmission charge is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with section 13.9 of the New England Power Pool (NEPOOL) agreement and the uniform rules adopted by the NEPOOL executive committee, multiplied by the number of kilowatts of winter capability which NAED is entitled to receive. The energy charge is based on NAED's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive this charge.

According to CL&P, copies of this rate schedule have been mailed to NAED and North Attleborough, Mass.

Any person desiring to be heard or to protest said application should file



a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-619 Filed 1-10-78; 8:45 am]

[6740-02]

[Docket No. ER78-153]

HARTFORD ELECTRIC LIGHT CO.

Proposed Purchase Agreement

JANUARY 5, 1978.

Take notice that on December 23, 1977, the Hartford Electric Light Co. (HELCO) tendered for filing a proposed purchase agreement with respect to Middletown Unit No. 4 (purchase agreement), dated September 6, 1977, between HELCO and North Attleborough Electric Department (NAED).

HELCO states that the purchase agreement provides for a sale to NAED of a specified percentage of capacity and energy from a fossil-fired intermediate type electric generating unit (Middletown Unit No. 4) during the period from November 1, 1977, to October 31, 1985, together with related transmission service.

HELCO requests that the Commission waive the thirty-day notice period and permit the rate schedule filed to become effective on November 1, 1977.

HELCO further states that the capacity charge rate for the proposed service is a rate determined on a cost-of-service basis. HELCO indicates that the monthly transmission charge is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with section 13.9 of the New England Power Pool (NEPOOL) agreement and the uniform rules adopted by the NEPOOL executive committee, multiplied by the number of kilowatts of winter capability which NAED is entitled to receive. HELCO further indicates the energy charge is based on NAED's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive this charge. HELCO indicates that copies of this rate schedule have been mailed

or delivered to NAED and North Attleborough, Mass.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-620 Filed 1-10-78; 8:45 am]

[6740-02]

[Docket No. CP78-128]

INTER-CITY MINNESOTA PIPELINES, LTD., INC.

Application

JANUARY 4, 1978.

Take notice that on December 19, 1977, Inter-City Minnesota Pipelines, Ltd., Inc. (applicant), 1700-4444 St. Mary Avenue, Winnipeg, Canada R3C 3T7, filed in Docket No. CP78-128 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of additional volumes of natural gas to its customer, Inter-City Gas, Ltd., Inc. (Inter-City Gas), and authorizing an increase in the volumes of gas transported for ICG Transmission, Ltd., Inc., its Canadian counterpart pipeline, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that pursuant to an order of August 10, 1970, as amended by order of September 26, 1973, the Federal Power Commission (FPC) authorized applicant in Docket Nos. CP70-288 and CP70-289 to import on a permanent, daily basis 48,296 Mcf of natural gas. To date applicant has not imported or sold in the United States volumes equivalent to its present authorization, it is said.

By this application, applicant requests authorization to sell an additional 3,500 Mcf of natural gas per day to Inter-City Gas pursuant to applicant's TWS-1 rate schedule during the period between November 1, 1977, and March 31, 1978, pursuant to an agreement executed November 23, 1977, between applicant and Inter-City Gas. It is indicated that the subject gas would be distributed in the amount of 500

Mcf daily to the Villages of Roseau and Baudette, Minn., and 3,000 Mcf daily at International Falls. It is further indicated that pursuant to such agreement temporary winter service sales would be made only on those days when applicant has gas available in excess of its firm contract volume service requirements.

Applicant also proposes to increase the volumes of natural gas transported under its rate schedule T-1 to 3,000 Mcf per day for the period November 1, 1977, through March 31, 1978, and to increase the volumes of gas to be transported under the said rate schedule to 1,000 Mcf for the remaining term of the term of the contract between applicant and ICG Transmission. These volumes are to be received by applicant from ICG Transmission at Sprague, transported across applicant's western Minnesota leg and redelivered to ICG Transmission at Baudette for consumption in Canada, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to

appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-610 Filed 1-10-78; 8:45 am]

[6740-02]

[Project No. 2803]

LAWRENCE GLEESON

Application for Preliminary Permit

JANUARY 4, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC), which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the Federal Power Commission on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued, and further actions shall be taken by the appropriate component of DOE now responsible for the functions under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary of Energy and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Public notice is hereby given that an application for a preliminary permit was filed on July 11, 1977, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by Lawrence Gleeson (Correspondence to: Mr. Lawrence Gleeson, P.O. Box 35, Paoli, Pa. 19301), for the proposed Schuylkill-Lehigh River Project, FERC No. 2803, to be located on the Schuylkill and Lehigh Rivers in the Counties of Philadelphia, Montgomery, Berks, Schuylkill, and Northampton, Pa.

According to the application, the proposed project would consist of five hydroelectric developments. All five developments would utilize existing dams and, to varying degrees, existing

appurtenant facilities. The total storage available at the five existing dams is approximately 5,100 acre-feet. Applicant proposes to construct new powerhouses containing new generating units with a total installed capacity of 4,500 kW.

The five developments, as described in the application, would be as follows: I-A—Manayunk Canal/Flat Rock Dam Development would be located on the Schuylkill River and would utilize the existing Flat Rock Dam and Manayunk Canal to deliver water through two existing tunnels to two new 500 kW generating units which would be located underground and downstream from the existing canal gatehouse.

II-A—Felix Dam Development would be located on the Schuylkill River and would utilize the existing Felix Dam. The existing navigational lock at the dam would be used as a forebay serving a new powerhouse containing two 500 kW generating units.

II-B—New Kernsville Dam Development would be located on the Schuylkill River and would utilize the existing New Kernsville Dam as well as an existing release gate structure and a 290-foot-long penstock to deliver water to a new powerhouse containing two 500 kW generating units.

II-C—Auburn Dam Development would be located on the Schuylkill River and would utilize the existing Auburn Dam. Water would be delivered to a new powerhouse containing one 500 kW generating unit.

III-E-Easton Dam Development would be located on the Lehigh River. Two alternative schemes of development are being investigated. One alternative would involve installation of a 1,000 kW generating unit in a new powerhouse to be located at the existing Easton Dam. The second alternative would involve utilizing the existing Easton Dam, Pennsylvania Canal, and unused powerhouse at Lock 22. Water would be conveyed from the Easton Dam via the Pennsylvania Canal to a new 500 kW generating unit which would be installed in the unused powerhouse.

The power developed by the proposed project would be wholesaled to utilities in Pennsylvania.

A preliminary permit does not authorize construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for a license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license.

Any person desiring to be heard or to make protest with reference to said application should on or before March

22, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-611 Filed 1-10-78; 8:45 am]

[6740-02]

[Docket No. CP78-127]

NORTHERN NATURAL GAS CO.

Application

JANUARY 4, 1978.

Take notice that on December 19, 1977, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP78-127 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by sale approximately 1.9 miles of 3-inch residue pipeline and to abandon by removal a 4-inch measuring station all located in Irion County, Tex., all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant presently owns approximately 1.9 miles of 3-inch pipeline and a 4-inch measuring station which connect the Ketchum Mountain extraction plant to Applicant's 16-inch El Dorado-Spraberry pipeline. Applicant states that such facilities were constructed to transport and measure residue gas volumes purchased by it from the outlet of the Ketchum Mountain plant. It is indicated that initial certificates for construction and operation of such facilities were issued to Pioneer Gathering System Inc., and Permian Basin Pipeline Co., on June 14, 1960, in Docket Nos. G-17192 and G-18320; the facilities were subsequently acquired by Applicant through merger.

The application states that the Ketchum Mountain plant is presently owned by J. L. Davis who also owns and operates the Irion County plant located approximately three miles from the Ketchum Mountain plant. It is indicated that due to declining volumes J. L. Davis constructed a pipeline from the Ketchum Mountain plant to the suction side of Irion County plant



and presently processes the volumes previously processed at Ketchum Mountain plant at the Irion County plant together with the volumes normally processed at the Irion County plant, thus eliminating the need to operate two extraction plants. It is indicated that since Applicant also purchases residue volumes from the Irion County plant, the residue pipeline and measuring station which connect Ketchum Mountain plant to Applicant's pipeline facilities can now be abandoned.

Applicant states that the residue pipeline is located within rights-of-way acquired by it from two individual property owners, and that one of the right-of-way grantors has orally agreed to purchase the 1.9 miles of pipeline in place. Applicant further states that an agreement with one of the right-of-way grantors is being finalized to sell the entire line for \$1 and other good and valuable consideration.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly give.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to

appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-612 Filed 1-10-78; 8:45 am]

[6740-02]

[Docket No. CP78-122]

Northwest Pipeline Corp.

Application

JANUARY 4, 1978.

Take notice that on December 15, 1977, Northwest Pipeline Corp. (Applicant), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP78-122 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation of natural gas in interstate commerce for Michigan Wisconsin Pipe Line Co. (Michigan-Wisconsin), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate a 20-inch tap connection on its main transmission line and the transportation of up to 90,000 Mcf per day of natural gas for the account of Michigan-Wisconsin. Applicant indicates that it has been informed that Michigan-Wisconsin has under contract or otherwise owns or controls certain natural gas reserves in Wyoming which are a considerable distance from Michigan-Wisconsin's existing transmission system, and that in order to make such gas available to Michigan-Wisconsin, Michigan-Wisconsin and Applicant have entered into three agreements which contemplate that Applicant would perform certain gathering and transportation services for the benefit of Michigan-Wisconsin. The three agreements are as follows:

(1) A gas transportation agreement dated September 23, 1977, which provides that Applicant would transport for the account of Michigan-Wisconsin volumes of natural gas delivered into Applicant's mainline for the account of Michigan-Wisconsin at two points on Applicant's transmission system in the vicinity of Lincoln County, Wyo., and/or in Sweetwater County, Wyo.

(2) A gas gathering and transportation agreement dated September 23, 1977, which provides that Applicant would, as necessary, gather such volumes of natural gas as Michigan-Wisconsin may control in the Lincoln Road Unit Area in Sweetwater County, Wyo. and transport such gas to Applicant's main transmission system for further transportation by Applicant pursuant to agreement described in (1) above.

(3) A gas gathering and transportation agreement dated September 23, 1977, which provides that Applicant would, as necessary, gather such volumes of natural gas as Michigan-Wisconsin may control in the Creston Nose Area of Carbon County, Wyo. and to arrange delivery of such volumes to Applicant's main transmission system by displacement or otherwise for further transportation by Applicant pursuant to agreement described in (1) above.

Pursuant to the transportation agreement dated September 23, 1977, Applicant would transport up to 175,000 Mcf of natural gas per day for the account of Michigan-Wisconsin; however, 15,000 Mcf and 10,000 Mcf have been reserved for transporting the volumes of natural gas which Michigan-Wisconsin anticipates would be developed in the Creston Nose and Lincoln Road prospects, respectively, it is said. Applicant requests herein authorization to transport 90,000 Mcf per day as that is the maximum volume which Michigan-Wisconsin would initially transport through its reserved capacity in the project proposed by Wyoming Interstate Natural Gas System (Wings) in the filing submitted to the Commission on November 23, 1977 in Docket No. CP78-99.

It is stated that in addition to the agreements specified above, Applicant and Michigan-Wisconsin through wholly owned subsidiaries, Trans-Intermountain Gas & Energy Co. (Tiger) and American Natural Rocky Mountain Co. (ANRMC), respectively, have formed a general partnership, Wings, for the purpose of constructing and operating a natural gas transmission system from north central Wyoming to a point of interconnection with the transmission facilities of Applicant in Sweetwater County, Wyo. Pursuant to Wings' application filed in Docket No. CP78-99, it is contemplated that Wings would transport natural gas for Michigan-Wisconsin and Applicant, and that Wings would deliver the volumes of gas to Applicant at a point of interconnection between the facilities of Wings and Applicant in Lincoln County, Wyo. The gas delivered by Wings to Applicant for Michigan-Wisconsin's account would be further transported for the account of Michigan-Wisconsin pursuant to the gas transportation agreement dated September 23, 1977.

Applicant proposes herein to receive up to 90,000 Mcf of natural gas per day from Wings for the account of Michigan-Wisconsin at the aforementioned point of interconnection in Lincoln County, Wyo. and transport and deliver and equivalent volume of natural gas to El Paso Natural Gas Co. (El Paso) for the account of Michigan-Wisconsin at an existing point of interconnection between the facilities of

El Paso and Applicant at the discharge of Applicant's Ignacio Compressor Station located in La Plata County, Colo. It is indicated that El Paso would transport or otherwise redeliver like or equivalent volumes to Natural Gas Pipeline Co. of America (Natural) for the account of Michigan-Wisconsin for ultimate delivery to Michigan-Wisconsin.

Pursuant to the agreement dated September 23, 1977, Applicant proposes to charge Michigan-Wisconsin a transportation charge of 1 cent per Mcf for all gas redelivered under the agreement. The 1 cent rate is predicated on Applicant's continuing ability to deliver by displacement the gas to be redelivered to Michigan-Wisconsin, it is said. Applicant indicates that in the event that delivery by displacement is diminished due to its prior commitments on its transmission system or due to physical or legal limitations imposed on Applicant's displacement capability, so that actual transportation of all or any portion of Michigan-Wisconsin's gas is required, then the 1 cent per Mcf charge would be increased to Applicant's then effective rolled-in transmission cost of service or such other appropriate rate as may be established and approved by the Commission.

Applicant proposes to construct and operate the 20-inch tap connection at the proposed point of interconnection between the facilities of Applicant and those proposed by Wings in Lincoln County, Wyo. at an estimated cost of \$180,200, which amount would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene

is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion, believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-613 Filed 1-10-78; 8:45 am]

[6740-02]

[Docket No. CP78-130]

NORTHWEST PIPELINE CORP.

Application

JANUARY 4, 1978.

Take notice that on December 20, 1977, Northwest Pipeline Corp. (Applicant), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP78-130 an application pursuant to section 7(c) of the Natural Gas Act for certificate of public convenience and necessity authorizing the exchange of natural gas with Southern Union Gathering Co. (Southern Union), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that pursuant to the Federal Power Commission's order of September 21, 1973, Applicant was authorized at Docket Nos. CP74-14 and CP73-331 to acquire and operate certain assets and properties of El Paso Natural Gas Co. (El Paso), and to render the services provided thereby, and that El Paso was also given permission and approval to abandon such assets and services acquired by Applicant. It is indicated that as of January 31, 1974, a conveyance was executed and delivered from El Paso to Applicant, which conveys El Paso's interest in the properties and services. Applicant then assumed all duties and obligations with reference to the divested properties and contracts including certain sales and deliveries to Southern Union Co. (Southern) and certain gathering and exchange arrangements with Southern, it is said.

It is stated that pursuant to a service agreement dated November 1, 1971, between Southern and El Paso, El Paso has continued the sale of natural gas to Southern at three locations on the divested gathering system in the San Juan Basin area, pending the completion of satisfactory arrangements between Southern and Applicant for the continuation of such service by Applicant. It is further stated that the sub-

ject sales are made at three taps on Applicant's pipeline system located in Rio Arriba County, N. Mex. at the Dulce Independent School, the Gobernado Baptist Mission and the Carson National Forest.

The application states that during the period February 1, 1974 through October 31, 1977, El Paso sold a total of approximately 6,200 Mcf to Southern at the three subject delivery points, and that these volumes and any additional deliveries made before the effective date of the instant proposal are subject to a letter agreement dated November 17, 1977, between El Paso and Applicant wherein El Paso acknowledges that the volumes sold by El Paso at the three points were provided by Applicant and agrees, upon receipt of requisite authorizations, to return equivalent quantities of gas to Applicant at the existing points of interconnection between Applicant's and El Paso's facilities that are subject to the San Juan Gathering Agreement dated January 31, 1974 between El Paso and Applicant.

Applicant states that since divestiture, in accordance with the provisions of certain gas exchange agreements between El Paso and Southern Union and to the extent that such agreements apply to properties divested to Applicant, Applicant has continued the exchange of natural gas with Southern Union. Said exchange has involved, inter alia, the delivery by each party to the other of volumes of gas from each party's interest in wells which are connected to the other party's gathering system, the delivery to Southern Union by Applicant of requested volumes at the Jicarilla (Chama) delivery point and, when necessary, the balancing of the total exchange volumes by deliveries at other locations.

It is stated that arrangements would be made to settle any exchange gas imbalance remaining between Southern Union and Applicant as of the effective date of the new exchange proposal herein. It is anticipated that Southern Union, El Paso, and Applicant would arrange for the necessary balancing adjustment between Applicant and Southern Union to be accomplished by equivalent adjustments to the then existing exchange gas balances under the authorized agreements between Applicant and El Paso, on the other hand, and El Paso and Southern Union, on the other hand, it is indicated.

By this application, Applicant requests authorization to exchange natural gas with Southern Union pursuant to a gas gathering and exchange agreement dated December 1, 1976, between Applicant and Southern Union, which agreement provides for continuation of the above-described exchange of gas and the addition of three new



exchange delivery points, thus enabling Applicant to provide service to Southern Union at the locations where El Paso is currently making the previously described sales to Southern.

It is indicated that Applicant and Southern Union would accomplish the exchange of gas as follows:

- (1) Applicant would deliver to Southern Union all of Applicant's share of gas produced from wells connected to Southern Union's gathering system;
- (2) Applicant would make deliveries to Southern Union at specified points on Southern Union's pipeline and at the three locations where sales are currently being made by El Paso, in the amounts as requested from time to time by Southern Union;
- (3) Southern Union would deliver to Applicant all of Southern Union's interest in gas produced from wells connected to Applicant's gathering system; and
- (4) Southern Union would make deliveries to Applicant at a point of interconnection in San Juan County, N. Mex. in the amounts as requested by Applicant or as necessary to effect the balancing of the total volumes of gas delivered by each party.

It is the intent of the parties that through exchange of gas from each party's wells and through delivery at the point of interconnection each party would receive, on a reasonable concurrent basis, equivalent volumes, it is said.

Applicant states that it would pay to Southern Union a gathering charge of 16 cents per Mcf for all gas delivered by Southern Union at the delivery point described in Item 4 above and, likewise, a gathering charge of 16 cents per Mcf would be paid by Southern Union to Applicant for all volumes delivered by Applicant at the points described in Item 2 above. Applicant indicates that its 16 cents per Mcf gathering charge for gas at 15.025 psia is supported by its current cost of gathering natural gas in the San Juan Basin area which is 16.08 cents per Mcf at a pressure base of 15.025 psia.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and sub-

ject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-614 Filed 1-10-78; 8:45 am]

#### [6740-02]

[Project No. 77]

#### PACIFIC GAS AND ELECTRIC CO.

Application for Approval of Previously  
Unauthorized Use of Project Property

JANUARY 4, 1978.

Public notice is hereby given that an application for approval of previously unauthorized use of project property was filed on June 6, 1977, pursuant to the Federal Power Act (16 U.S.C. 791a-824r) by Pacific Gas and Electric Co. (Correspondence to: Mr. W. M. Gallavan, Vice President—Rates and Valuation, Pacific Gas and Electric Co., 77 Beale Street, San Francisco, Calif. 94106), licensee for the Potter Valley Project, FERC No. 77. The project is located in Mendocino County near Ukiah, Calif.

The licensee requests that the Commission authorize it to permit the construction, maintenance, and use of a waterwheel and related facilities for generating electricity at an erosion control check dam on the tailrace canal approximately ½ mile downstream of the Potter Valley powerhouse. The development would be undertaken by Walter H., Patricia V., Harry V., and Dorothy L. Hammeken to generate small amounts of electricity for use on their property adjacent to the canal. The Hammekens propose to install a 7-foot diameter, 20-foot long paddle wheel, which would span the canal along the crest of the dam and would be turned by water flowing over the erosion control check dam.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Public Law 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No.

12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR §1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-615 Filed 1-10-78; 8:45 am]

#### [6740-02]

[Docket No. ER78-158]

#### PACIFIC POWER & LIGHT CO.

Initial Rate Filing

JANUARY 5, 1978.

Take notice that Pacific Power & Light Co. (Pacific) on December 27, 1977, tendered for filing, in accordance with section 35.12 of the Commission's Regulations, a Letter Agreement with Bonneville Power Administration (Bonneville) and Central Electric Cooperative, Inc. (Central), providing for emergency standby service and establishment of a 69 kv interconnection between Pacific and Central.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective as of December 28, 1976.

According to Pacific copies of this filing are being supplied to Bonneville and Central.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 16, 1978. Protests will

be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-604 Filed 1-10-78; 8:45 am]

#### [6740-02]

[Docket No. CP78-131]

#### TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Application

JANUARY 4, 1978.

Take notice that on December 21, 1977, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-131 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 4,000 Mcf of natural gas per day for Mid Louisiana Gas Co. (Mid Louisiana), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for Mid Louisiana pursuant to a gas transportation agreement dated December 16, 1977, between the two parties. Applicant proposes to transport for Mid Louisiana, through its existing facilities, natural gas produced in Plaquemines Parish, La., which gas Mid Louisiana purchases from Louisiana Land & Exploration Co. (LL&E). It is stated that Mid Louisiana would deliver, or cause to be delivered, such gas to Applicant at a proposed interconnection on Applicant's Line No. 527A-101 plus 6.57 miles, located in Plaquemines Parish, and that Applicant would redeliver equivalent volumes, less volumes for Applicant's fuel and use requirements, to Transcontinental Gas Pipe Line Corp. (Transco), for the account of Mid Louisiana, at a point of interconnection of the facilities of Transco and Applicant at Applicant's Main Line Valve No. 506-1 plus 0.97 miles, near Kinder, La.

Applicant indicates that Mid Louisiana would pay Applicant each month for transportation service: (1) a demand charge to be determined by multiplying 57 cents by the transportation quantity and (2) a volume charge equal to 7.31 cents per Mcf multiplied by (a) the total of the volumes delivered during such month or (b) the number of days in said month multiplied by 66% percent of the transportation quantity, whichever is

greater, plus a charge for the transportation of any volumes in excess of the transportation quantity as provided therein. Applicant further indicates that it would retain, for its fuel and use requirements, a daily volume of natural gas equal to 1.41 percent of the volume received by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

#### [6740-02]

[Docket No. CP76-502]

#### UNITED GAS PIPE LINE CO. AND CHANDELEUR PIPE LINE CO.

Petition to Amend

JANUARY 4, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009 FR 46267 (September 15, 1977), the

Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by Section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR—, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on December 16, 1977, United Gas Pipe Line Company (United) P.O. Box 1478, Houston, Tex. 77001, and Chandeleur Pipe Line Co. (Chandeleur), P.O. Box 3495, San Francisco, Calif. 94119, (Petitioners) filed in Docket No. CP76-502 a petition to amend the order of March 25, 1977 (57 FPC—) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the exchange of natural gas between Petitioners for an additional two-year period, all as more fully set forth in the petition to amend on file with the FERC and open to public inspection.

It is indicated that pursuant to the FPC order of March 25, 1977 and an agreement dated August 23, 1976 between Petitioners, United delivers up to 50,000 Mcf of gas per day to Chandeleur during the period April 1 through October 31 (or, if agreeable to Petitioners to December 1). It is further indicated that Chandeleur, in turn, redelivers equivalent volumes to United during the following months of November through March. Deliveries and redeliveries of all such exchange volumes are made through existing facilities near Pascagoula, Jackson County, Miss., on a Mcf for Mcf basis, there being no other charges by either party, it is said.

Petitioner states that the term of the present authorization in the instant docket extends until April 1,



1978, but because of United's continuing need to increase its available supply of natural gas during winter heating seasons beyond those covered by the initial agreement, and because Chandeaur is willing to assist United in this effort, Petitioners have mutually agreed to extend the agreement for an additional two-year period.

The petition states that pursuant to an agreement dated November 1, 1977, which amends the August 23, 1976, agreement, United proposes to deliver gas to Chandeaur commencing on April 1, 1978 and ending November 1, 1978 (or at such later date mutually agreeable to Petitioners but not later than December 1, 1979). It is indicated that in turn, Chandeaur would make equivalent deliveries to United commencing on November 1, 1978 (or at such later date as Applicants may mutually agree) and ending April 1, 1979 and beginning on November 1, 1979 (or at such later date as Petitioners may mutually agree) and ending on April 1, 1980.

Petitioners state that the total quantity of gas exchanged would not exceed the 50,000 Mcf per day originally certificated in the instant docket.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-617 Filed 1-10-78; 8:45 am]

[6740-02]

[Docket No. ER78-154]

Wisconsin Power and Light Co.

Filing of Letter Agreement

JANUARY 5, 1978.

Take notice that on December 23, 1977, Wisconsin Power and Light Co. (WPL) tendered for filing a Letter Agreement dated September 21, 1976, between WPL, Madison Gas and Electric Co. (MGE), Wisconsin Public Service Corp. (WPS), and Wisconsin Electric Power Co. (WE).

WPL indicates that said Letter Agreement provides for WPL, MGE, WPS, collectively, to supply WE with 155,000 kW of limited term power for the twelve month period beginning June 1, 1978 and ending May 31, 1979; 85,000 kW of limited term power for the twelve month period beginning June 1, 1979 and ending May 31, 1980; and up to 100,000 kW of available short term power for the twelve month period beginning June 1, 1979 and ending May 31, 1980.

WPL further indicates that this reservation and sale of power by WPL, MGE, and WPS, collectively, to WE is in accordance with Article 3 and presently effective Service Schedules A and D of the respective Interconnection Agreements of WPL, MGE, and WPS with WE dated December 23, 1969; June 3, 1965; and June 7, 1971 and all as amended effective May 1, 1973.

WPL requests an implied effective date of June 1, 1978.

WPL states that copies of this filing have been provided to WPS, MGE, and WE.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Paragraph 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 16, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-805 Filed 1-10-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. ER78-143]

CONNECTICUT LIGHT & POWER CO.

Proposed Purchase Agreement

JANUARY 4, 1978.

Take notice that on December 22, 1977, the Connecticut Light & Power Co. (CL&P) tendered for filing a proposed purchase agreement with respect to various gas turbine units, dated October 26, 1977, between CL&P

Or when 750,000 kW of accredited capacity becomes available from the Columbia Plant, whichever is later.

and the Hartford Electric Light Co. (HELCO), and Westfield Gas & Electric Department (Westfield).

CL&P states that the purchase agreement provides for a sale to Westfield of a specified percentage of capacity and energy from five gas turbine generating units (Norwalk Harbor, Devon, Enfield, Middletown, and Torrington Terminal) during the period from November 1, 1977, to April 30, 1978, together with related transmission service.

CL&P further states that the capacity charge for the proposed service was a negotiated rate. CL&P indicates that the monthly transmission charge is equal to one twelfth of the annual average unit cost of transmission service on the Northeast utilities system determined in with section 13.9 of the New England power pool (NEPOOL) agreement and the uniform rules adopted by the NEPOOL executive committee, multiplied by the number of kilowatts of winter capability which Westfield is entitled to receive.

CL&P proposes an effective date of November 1, 1977, and therefore requests waiver of the Commission's notice requirements.

According to CL&P copies of this rate schedule have been mailed to HELCO and Westfield.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-758 Filed 1-10-78; 8:45 am]

[6740-02]

[Docket No. ER78-148]

FLORIDA POWER CORP.

Filing of Contract

JANUARY 4, 1978.

Take notice that on December 22, 1977, Florida Power Corp. ("Florida Power") tendered for filing a contract for interchange service ("contract") between Lake Worth Utilities Authority and Florida Power. Florida Power states that the contract provides for

economy energy interchange service. Florida Power requests that the contract, in accordance with its terms, be permitted to become effective on February 15, 1978.

Florida Power further states that copies of the contract were served upon the Lake Worth Utilities Authority and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-759 Filed 1-10-78; 8:45 am]

[6740-02]

[Docket No. ER78-140]

NEW BEDFORD GAS & EDISON LIGHT CO.

Termination of Rate Schedule

JANUARY 4, 1978.

Take notice that on December 19, 1977, New Bedford Gas & Edison Light Co. (New Bedford) tendered for filing a notice of termination for its currently effective FPC rate schedule

[6740-02]

[Docket No. ER78-141]

PACIFIC POWER & LIGHT CO.

Initial Rate Filing

JANUARY 4, 1978.

Take notice that Pacific Power & Light Co. (Pacific) on December 20, 1977, tendered for filing, in accordance with § 35.12 of the Commission's regulations, a new rate schedule for power sales to Nevada Power Co., Western Area Power Administration, and Arizona Public Service Co. Pacific states that under this schedule Pacific supplies excess firm energy to the purchasers.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective November 10, 1977.

Pacific further states that copies of this filing were supplied to the purchasers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-760 Filed 1-10-78; 8:45 am]

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-761 Filed 1-10-78; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

NOTIFICATION LIST

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

DECEMBER 5, 1977.

CANADIAN LIST NO. 369

					Ground system		Proposed date of commencement of operation
					Antenna Height (feet)	No. of radials Length (feet)	
CKY (change in directional antenna system).	Winnipeg, Manitoba, N. 49°36'09". W. 97°09'00"	580 kHz	50 DA-2.....	U	III		E.I.O. 12.5.78
CFBK (change of call letters).	Huntsville, Ontario, N. 45°17'38". W. 79°12'21"	630 kHz	1 DA-N, ND-D-182.	U	III		



						Ground system		Proposed date of commencement of operation	
		Antenna Height (feet)	No. of radials	Length (feet)					
CBO (delete).	Ottawa, Ontario, N. 45°22'48", W. 75°33'19"	910 kHz 5 DA-1U.....	III						
CBO (now in operation).	Ottawa, Ontario, N. 45°11'09", W. 75°44'53"	920 kHz 50 DA-2.....	U	III					
CJCA (now in operation).	Edmonton, Alberta, N. 53°23'00", W. 113°28'32"	930 kHz 50 DA-2.....	U	III					
CFBC (change of height of two towers in night antenna system).	Saint John, New Brunswick, N. 45°13'55", W. 68°06'15" (PO 10D/5N)	do 50 DA-2.....	U	III	E.I.O. 12.5.78				
CKWX (change in overall height of antenna towers, otherwise identical to notification in List 364).	Vancouver, British Columbia, N. 49°09'22", W. 123°04'00"	1,130 kHz 50 DA-1.....	U	I-B	E.I.O. 6.27.78				
CBOP (now in operation)	Ottawa, Ontario, N. 49°11'09", W. 75°44'53"	1,250 kHz 50 DA-2.....	U	III					
CHRB (assignment of call letters).	High River, Alberta, N. 50°29'11", W. 113°51'04"	1,280 kHz 10 DA-2.....	U	III	E.I.O. 1.18.78				
CJME (changes in proposed directional antenna system).	Regina, Saskatchewan, N. 50°23'54", W. 104°32'44" (PO 1 kW DA-1)	1,300 kHz DA-2.....	U	III	E.I.O. 12.5.78				
CKO (change of call letters)	Pointe Claire, Quebec, N. 45°20'03", W. 73°35'35" (PO 10D/5N, DA-2, N. 45°23'09", W. 73°45'45")	1,470 kHz 50 DA-1.....	U	III	Do.				

WALLACE E. JOHNSON, *Chief, Broadcast Bureau,  
Federal Communications Commission.*

[FR Doc. 78-531 Filed 1-10-78; 8:45 am]

## [6210-01]

## FEDERAL RESERVE SYSTEM

## QUITMAN CAPITAL CORP.

## Formation of Bank Holding Company

Quitman Capital Corp., Quitman, Miss., has applied for the Board's approval under §3(a)(1) of the Bank Holding Company Act (12 U.S.C. §1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less directors' qualifying shares) of Bank of Quitman, Quitman, Miss. The factors that are considered in acting on the application are set forth in §3(c) of the Act (12 U.S.C. §1842(c)).

Quitman Capital Corp., Quitman, Miss., has also applied, pursuant to §4(c)(8) of the Bank Holding Company Act (12 U.S.C. §1843(c)(8)) and §225.4(b)(2) of the Board's Regulation

Y (12 CFR §225.4(b)(2)), for permission to engage de novo in the sale of credit life insurance and credit accident and health insurance. Notice of the application was published on December 9, 1977, in The Meridian Star, a newspaper circulated in Meridian, Lauderdale County, Miss., and in The Clarke County Tribune, a newspaper circulated in Quitman, Clarke County, Miss.

Applicant states that it would engage in the sale of credit life insurance and credit accident and health insurance. Such activities have been specified by the Board in §225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of §225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "rea-

sonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than January 24, 1978.

Board of Governors of the Federal Reserve System, January 5, 1978.

GRIFFITH L. GARWOOD,  
*Deputy Secretary of the Board.*  
[FR Doc. 77-652 Filed 1-10-77; 8:45 am]

## [6210-01]

## SBT CORP.

## Formation of Bank Holding Company

SBT Corp., Savannah, Ga., has applied for the Board's approval under §3(a)(1) of the Bank Holding Company Act (12 U.S.C. §1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Savannah Bank & Trust Co. of Savannah, Savannah, Ga. The factors that are considered in acting on the application are set forth in §3(c) of the Act (12 U.S.C. §1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 24, 1978.

Board of Governors of the Federal Reserve System, January 4, 1978.

GRIFFITH L. GARWOOD,  
*Deputy Secretary of the Board.*  
[FR Doc. 78-654 Filed 1-10-78; 8:45 am]

## [1610-01]

## GENERAL ACCOUNTING OFFICE

## REGULATORY REPORTS REVIEW

## Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on January 5, 1978. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before January 30, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, Room

5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

## NUCLEAR REGULATORY COMMISSION

The NRC requests an extension without change clearance of the application, reporting and recordkeeping requirements contained in 10 CFR 55.10, 55.33, 55.41 and Appendix A of Part 55. Part 55 contains the requirements for Operators' Licenses of nuclear facilities. Section 55.10 contains the requirements for Contents in Applications for an operator's license, i.e., education, experience, identity of the facility, physical condition and general health, and training. Section 55.33, Renewal of Licenses, contains the requirements for information which must be submitted on the renewal of an operator's license. Section 55.41 requires that the licensed operator notify the NRC of any disability which occurs after the submission of his medical examination form. Appendix A of 10 CFR 55 requires periodic requalification for operators. Section 5 of Appendix A requires that records of the requalification program be maintained to document each licensed operator's or senior operator's participation in the requalification program. The NRC estimates that respondents number approximately 2,390 and that burden per respondent under Section 55.10 is 20 minutes per application; under Section 55.33 burden is 20 minutes per renewal; under Section 55.41 burden is 15 minutes per report; and under Appendix A burden is 15 minutes per recordkeeping entry.

NORMAN F. HEYL,  
*Regulatory Reports,  
Review Officer.*

[FR Doc. 78-642 Filed 1-10-78; 8:45 am]

## [4110-02]

DEPARTMENT OF HEALTH,  
EDUCATION AND WELFARE

## Office of Education

NATIONAL ADVISORY COUNCIL ON  
VOCATIONAL EDUCATION

## Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1,

10(a)(1)). This document is intended to notify the general public of their opportunity to attend.

DATES: January 31, 1978-February 2, 1978.

ADDRESS: Hyatt Regency Hotel, 711 South Hope Street, Los Angeles, Calif. 90017.

FOR FURTHER INFORMATION CONTACT:

Virginia Solt, NACVE Staff, 425 13th Street NW., Suite 412, Washington, D.C. 20004, 202-376-8873.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968, Pub. L. 90-576. The Council is directed to:

(a) Advise the Commissioner concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(b) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(c) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

On January 31, 1978, from 7 p.m. to 10 p.m., meetings of the Council's committees and task forces will convene at the Hyatt Regency as follows:

BOAE Task Force.  
Technical Assistance Committee.  
Legislative Committee.  
Employment and Training Task Force.  
MERC Task Force.  
Task Force on Sex Equity in Vocational Education.  
Task Force on the Handicapped.

Meeting rooms will be posted on the lobby board.

On February 1, 1978, the National Advisory Council on Vocational Education will meet in regular session from 8:30 a.m. to 5 p.m. at the Hyatt Regency Hotel. The meeting room will be posted on the lobby board. The following agenda items will be included in the meeting:

A.m.—Report of the Chairman. Report of the Executive Director. Approval of December minutes. Introduction and welcome of guests. Review of budget commitments. Discussion of other Council business.

P.m.—Reports of committees and task forces. Discussion of other Council business (continued).



Under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), and clauses (2) and (6) of subsection (c) of section 552 of Title 5 of the United States Code, the Council session of February 1, 1978, will be closed to the public between the hours of 4 p.m. and 5 p.m. Closure of this section of the Council meeting is to discuss internal personal matters which, if open to the public, would constitute a clearly unwarranted invasion of personal privacy, which is exempt from disclosure under 5 U.S.C. 552b(c)(6). The remainder of the Council meeting, from 8:30 a.m. to 4 p.m. on February 1, 1978, will be open to the public.

The Council Meeting of February 2, 1978, will consist of visits to selected vocational education sites in the Los Angeles area, starting at 8 a.m. and concluding at 5 p.m.

Records shall be kept of all Council proceedings and shall be available fourteen days after the meeting for public inspection at the Office of the National Advisory Council on Vocational Education, located at 425 13th Street NW., Suite 412, Washington, D.C. 20004, under 5 U.S.C. 552(b).

Signed at Washington, D.C., on December 16, 1977.

REGINALD E. PETTY,  
Executive Director, National Advisory Council on Vocational Education.

[FR Doc. 78-635 Filed 1-10-78; 8:45 am]

## [4110-12]

Office of the Secretary  
ADVISORY COUNCIL ON EDUCATION  
STATISTICS  
Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that a meeting of the Advisory Council on Education Statistics will be held on February 9, 1978, from 9 a.m. to 4:30 p.m., in Room 3000, FOB No. 6, 400 Maryland Avenue SW., Washington, D.C. 20202. The meeting will be continued on February 10, 1978, from 9 a.m. to 12 noon, at the same location.

The Advisory Council on Education Statistics is mandated by section 406(c) of the General Education Provisions Act as added by section 501(a) of the Education Amendments of 1974, Pub. L. 93-380 (20 U.S.C. 1221e-1(c)), to advise the Secretary of the Department of Health, Education, and Welfare and the Assistant Secretary for Education, and the National Center for Education Statistics (NCES); and "shall review general policies for the operation of the Center and shall be responsible for establishing standards to ensure that statistics and analyses disseminated by the Center are of

high quality and are not subject to political influence."

The meeting agenda will include a discussion of the future of the National Assessment of Education Progress—the proposed competition and the Third Annual Report of the Council.

The meeting is open to the public; however, because of limited accommodations, those members of the public wishing to attend should make reservations by writing, no later than January 30, 1978, to: Acting Executive Director, Advisory Council on Education Statistics, Room 3003, FOB-6, 400 Maryland Avenue SW., Washington, D.C. 20202.

Records shall be kept of all Council proceedings and shall be available for public inspection in the Office of the Administrator, National Center for Education Statistics, located at 400 Maryland Avenue SW., Washington, D.C. 20202.

Signed at Washington, D.C., on January 8, 1978.

MARIE D. ELDRIDGE,  
Administrator, National Center for Education Statistics.

THEODORE H. DREWS,  
Acting Executive Director, Advisory Council on Education Statistics.

[FR Doc. 77-651 Filed 1-10-77; 8:45 am]

## [4210-01]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration  
[Docket No. NFD-590; FDAA-545-DR]

## WASHINGTON

Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of Major Disaster Declaration for the State of Washington (FDAA-545-DR), dated December 10, 1977.

DATED: December 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTE.—The Notice of major disaster for the State of Washington dated December 10, 1977, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 10, 1977:

The Counties of Clark, Pacific, Skamania, Thurston, Wahkiakum and Whatcom.  
The City of Benton.  
(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,  
Administrator, Federal Disaster Assistance Administration.

[FR Doc. 78-626 Filed 1-10-78; 8:45 am]

## [4210-01]

[Docket No. NFD-591; FDAA-545-DR]

## WASHINGTON

Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of Major Disaster Declaration for the State of Washington (FDAA-545-DR), dated December 10, 1977.

DATED: December 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenaupt, Chief Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTE.—The Notice of Major Disaster for the State of Washington dated December 10, 1977, and amended on December 16, 1977, is hereby further amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 10, 1977.

The County of Garfield.  
The City of Richland (in Benton County).  
(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,  
Administrator, Federal Disaster Assistance Administration.

[FR Doc. 78-627 Filed 1-10-78; 8:45 am]

## [4210-01]

Office of the Secretary

[Docket No. N-77-831]

## TASK FORCE ON HOUSING COSTS, BUILDING AND TECHNOLOGY COMMITTEE

Meeting Correction

AGENCY: Department of Housing and Urban Development.

ACTION: Correction of notice of meeting.

SUMMARY: This notice corrects a prior notice of meeting of a committee of the Task Force on Housing Costs published on December 23, 1977, at 42

FR 64444. That notice indicated that the Committee on Building and Technology would meet on a specified date. The notice should have stated that the Committee on Land Supply, Acquisition and Development will meet for the purpose and agenda as stated, at the dates, times and places indicated in the notice.

FOR FURTHER INFORMATION CONTACT:

Edward J. Cachine, 202-755-6780 (substantive inquiries), Thomas Bacon, 202-755-5277 (press inquiries), or Donald K. McLain 202-755-5333.

Issued at Washington, D.C., January 5, 1978.

WILLIAM J. WHITE,  
Chairman, Task Force on Housing Costs.

[FR Doc. 78-729 Filed 1-10-78; 8:45 am]

## [7020-02]

## INTERNATIONAL TRADE COMMISSION

[AA1921-177]

## ICE HOCKEY STICKS FROM FINLAND

Notice of Investigation and Hearing

Investigation instituted.—Having received advice from the Department of the Treasury on December 28, 1977 that ice hockey sticks from Finland are being, or are likely to be, sold at less than fair value, the United States International Trade Commission on January 5, 1978, instituted investigation number AA1921-177 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Public hearing ordered.—A public hearing in connection with the investigation will be held in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10 a.m., e.s.t., on Thursday, February 23, 1978. All parties shall there and then have the right to appear by counsel or in person, to present evidence, and to be heard. Requests to appear at the public hearing, or to intervene under the provisions of section 201(d) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(d)), should be received in writing by the Secretary of the Commission at his office in Washington, not later than noon, Thursday, February 16, 1978.

Prehearing conference.—There will be a prehearing conference in connection with this investigation which will

be held in Washington, D.C. at 10 a.m., e.s.t., on Friday, February 17, 1978, in room 117, U.S. International Trade Commission Building, 701 E Street, NW.

By order of the Commission.

Issued: January 6, 1978.

KENNETH R. MASON,  
Secretary.

[FR Doc. 78-747 Filed 1-10-78; 8:45 am]

## [7020-02]

[AA1921-176]

## IMPRESSION FABRIC OF MAN-MADE FIBER FROM JAPAN

Investigation and Hearing

Having received advice from the Department of the Treasury on December 28, 1977, that impression fabric of man-made fiber from Japan, with the exception of that merchandise produced by Asahi Chemical Industry Co., Ltd., and Shirasaki Tape Co., Ltd., is being, or is likely to be, sold at less than fair value, the United States International Trade Commission, on January 5, 1978, instituted investigation No. AA1921-176 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. For the purposes of its determination concerning sales at less than fair value, the Treasury Department defined "impression fabric of man-made fiber" as "finished impression fabric, slit or uncut, and not inked."

Hearing. A public hearing in connection with the investigation will be held in New York City, beginning at 10 a.m., e.s.t., on Wednesday, February 15, 1978. The place of the hearing will be announced later. All persons shall have the right to appear by counsel or in person, to present evidence, and to be heard. Requests to appear at the public hearing, or to intervene under the provisions of section 201(d) of the Antidumping Act, 1921, shall be filed with the Secretary of the Commission, in writing, not later than noon, Friday, February 10, 1978.

Issued: January 5, 1978.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc. 78-650 Filed 1-10-78; 8:45 am]

## [1410-03]

## LIBRARY OF CONGRESS

[Docket S 77-6-C]

## PERFORMANCE RIGHTS IN SOUND RECORDINGS

Report

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of report.

SUMMARY: Section 114(d) of Pub. L. 94-553 (90 Stat. 2541), the Act for General Revision of the Copyright Law, directs the Register of Copyrights to study and report to Congress whether section 114 should be amended to provide performance rights in sound recordings. The purpose of this notice is to advise the public that the report of the Register of Copyrights has been transmitted to Congress and is available for public inspection, and that addenda consisting of independently contracted studies, supplemental analyses, a bibliography, and the Office's specific legislative recommendations, will be submitted in February 1978.

FOR FURTHER INFORMATION CONTACT:

Harriet L. Oler, Senior Attorney, Office of the General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8737.

SUPPLEMENTARY INFORMATION: The newly revised copyright law specifies that the exclusive rights of the owner of copyright in a sound recording are limited to the rights to reproduce the sound recording in copies or phonorecords, to prepare derivative works based on the sound recording, and to distribute copies or phonorecords of the sound recording to the public. Section 114(a) expressly excludes any exclusive right to perform publicly copyrighted sound recordings. Paragraph (d) of section 114 directs the Register of Copyrights to consult with various interests in the broadcasting, recording, motion picture, and entertainment industries; arts organizations; and representatives of copyright owners, organized labor and performers and to describe the views of major interested parties and the status of performance rights in foreign countries. The report may also present specific legislative or other recommendations, if any. On January 3, 1978, the statutory deadline, the Office submitted to Congress a report summarizing and analyzing data relevant to the performance rights question. The following letter of transmittal, addressed to the Speaker of the House of Representatives and the President of the Senate, describes the submission and the proposal to submit addenda con-



sisting of independently contracted studies, supplemental analyses, and legislative recommendation, in February 1978.

DEAR MR. PRESIDENT:  
DEAR MR. SPEAKER:

I am pleased to submit with this letter the report of the Register of Copyrights, prepared in response to the mandate contained in section 114(d) of the newly revised copyright law, Public Law 94-553.

The new statute expressly excludes performance rights for sound recordings. Instead, it requests the Register of Copyrights to study the problem and, after consultation with various interested groups, report on whether Federal copyright legislation providing performance rights for sound recordings should be enacted. Under section 114(d), the Register's report is to "describe the status of such rights in foreign countries, the views of major interested parties, and specific legislative or other recommendations, if any."

The Copyright Office has sought to conduct as thorough and objective a study of all aspects of this problem as possible. Our report, and the appendices to it, contain data and analyses dealing with various constitutional and legal issues, earlier attempts to secure legislation in the field, the testimony and written comments of interested parties, the potential economic effects of performance royalty legislation, existing foreign systems, and international considerations, including the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. We have attempted to provide comprehensive coverage and documentation of these aspects of our study, in an effort to establish a solid legal and factual basis for Congressional consideration of the question.

Because of a variety of time pressures, including the Copyright Office's need to implement the new copyright law on January 1, 1978, we have not yet been able to complete certain aspects of the report or to prepare a comprehensive set of "specific legislative . . . recommendations, if any." With your permission, therefore, we propose to prepare and submit the following addenda to the report before the end of February, 1978: (1) a report, prepared by an independent legal consultant, of labor union involvement with performance rights in sound recordings over the past thirty years; (2) a response, by the independent economic consultant who prepared the economic analysis included in the report, to the public comments received on that analysis; (3) a bibliography of works dealing with performance rights in sound recordings; and (4) a statement by the Register of Copyrights summarizing the views of the Copyright Office on the various legal and economic issues raised in the report and containing specific legislative recommendations.

The issue of whether to enact performance rights for sound recordings has been debated by parties, courts, national legislatures, and intergovernmental bodies in various state, federal, foreign, and international forums for more than forty years. It was one of the most hotly contested issues in the recent program for general revision of the federal copyright law, and it remains highly controversial. The Copyright Office trusts that the data in this report will provide a basis for Congressional consideration of the legal and economic questions concerning performance rights, and will assist

## NOTICES

Congress in making a definitive decision on this important question.

Sincerely yours,

BARBARA RINGER,  
Register of Copyrights.  
DANIEL J. BOORSTIN,  
Librarian of Congress.

JANUARY 3, 1978.

Any further submissions will be announced in the FEDERAL REGISTER.

Copies of the Register's report will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday in the Public Information Office, Room No. 101, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va., telephone number 703-557-8700.

(Title 17 of the United States Code as amended by Pub. L. 94-553: § 114.)

Dated: January 3, 1978.

BARBARA RINGER,  
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,  
Librarian of Congress.

[FR Doc. 78-647 Filed 1-10-78; 8:45 am]

## [1505-01]

## NUCLEAR REGULATORY COMMISSION

[Docket No. 78N-0178]

## NUCLEAR MEDICINE EVALUATION OF DISEASES OF THE THYROID GLAND

## Intent to Propose Voluntary Recommendations

## Correction

In FR Doc. 77-30462, appearing at page 55649 in the issue of Tuesday, October 18, 1977, the Docket No. should appear as set forth in the headings above.

## [1505-01]

[Docket Nos. STN 50-546 and STN 50-547]

## PUBLIC SERVICE CO. OF INDIANA, INC., AND WABASH VALLEY POWER ASSOCIATION

## Notice of Issuance of Revision to Limited Work Authorization Correction

In FR Doc. 77-36212 appearing at page 63829 in the issue for Tuesday, December 20, 1977, the following corrections should be made:

1. The subject headings should read as set forth above.

2. The first sentence of the second paragraph should be corrected to read: "Pursuant to the provisions of § 50.10(e)(3), the Commission has now determined that additional activities may be authorized." This sentence appeared in the December 20, 1977 issue reading as follows: "Pursuant to the provisions of § 50.10(e)(3), the Commission has not determined that additional activities may be authorized."

## [8010-01]

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14260; File No. SR-Amex-77-32]

## AMERICAN STOCK EXCHANGE, INC.

## Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 18 (June 4, 1975), notice is hereby given that on December 5, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

## AMERICAN STOCK EXCHANGE, INC. ("AMEX's") STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed amendments to Section 213, 217, 316 and 317 of the American Stock Exchange Company Guide will permit issuers seeking listing status on the Amex to file a short form listing application utilizing documents previously filed with the SEC, in lieu of the long form listing application ordinarily required by the Exchange. In addition, the proposed amendments would eliminate the printing requirement for short form listing applications.

The text of proposed amendments is attached as Exhibit A.

## AMEX'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed amendments to the Amex Company Guide is to reduce the time and money typically required to be expended by a company in preparing an application for listing on the Exchange. This would be accomplished by (i) permitting issuers to file a short form listing application incorporating documents publicly filed with the SEC pursuant to the Exchange Act, and (ii) eliminating the printing requirement for short form applications.

The amendments to the Amex Company Guide are proposed pursuant to the authority delegated to national securities exchanges in Section 12(d) of the Act to promulgate rules governing the listing of securities. The proposed amendments will be in the public interest and will remove impediments to the operation of a free and open market and a national market system, since they will remove unnecessary costs associated with seeking listing status on an exchange.

The proposed amendments to the Amex Company Guide were discussed with, and unanimously approved by,

the Exchange's Listed Company Advisory Committee. This Committee consists of nine persons, each of whom is the chief executive officer of an Amex-listed company.

The Amex has determined that no burden on competition will be imposed by the proposed rule change.

On or before February 15, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 2, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 12, 1977.

GEORGE A. FITZSIMMONS,  
Secretary.

## EXHIBIT A.—AMERICAN STOCK EXCHANGE, INC.

Section 213 of the American Stock Exchange Company Guide (Short Form Original Application with Prospectus or Proxy statement) is rescinded in its entirety.

In its place, a new Section 213 is adopted, as follows:

## Sec. 213. Short Form Original Application

In lieu of submitting a listing application conforming to the requirements of Section 214 below, an applicant may submit a short form listing application, which shall consist of the following:

(i) The information called for in items 1, 2(a), 2(b), 8, 9, 10, 14, 19 and 22 of Section 214;

(ii) A statement incorporating by reference the following documents, copies of which are to be attached to the listing application:

(a) Latest Form 10-K Annual Report, Form 10-Q Quarterly Report(s) and Form

8-K Current Report(s) for periods subsequent to the latest Form 10-K (or comparable periodic reports filed with the appropriate regulatory agency of the applicant pursuant to the Securities Exchange Act of 1934), and latest proxy statement for annual meeting of stockholders; or

(b) A prospectus declared effective by the S.E.C. which contains the latest audited financial statements of the applicant, Form 10-Q Quarterly Report(s) and Form 8-K Current Report(s) (or comparable periodic reports filed with the appropriate regulatory agency of the applicant pursuant to the Securities Exchange Act of 1934) for periods subsequent to the effective date of the prospectus, and latest available proxy statement for annual meeting of stockholders. In the event a Form 10-Q Quarterly Report (or comparable periodic report) for a quarter ended more than 45 days before the date of the listing application is not required to be filed with the S.E.C. (or other appropriate regulatory agency), financial information comparable to that which would have been included in the Form 10-Q Quarterly Report shall be filed with the Exchange as part of the listing application;

(iii) A statement concerning any recent material developments or events concerning the affairs of the company which are not otherwise disclosed in documents incorporated by reference pursuant to subsection (ii) above; and

(iv) Such other information, documents or materials as may be determined appropriate by the Exchange for inclusion in the applicant's listing application.

Applicants submitting a short form listing application pursuant to this Section need not file Papers A and H (described in § 215) in support thereof.

A short form listing application submitted pursuant to this Section shall not be printed or distributed in accordance with § 155. Five (5) copies of the application shall be submitted, with at least three (3) copies manually signed by a duly authorized officer of the applicant. Copies not manually signed shall be confirmed. Only one copy of the supporting exhibits specified in § 215 need be filed.

Section 217(a) of the American Stock Exchange Company Guide is amended as set forth below. Brackets [ ] indicate deleted material, and *italic* indicates added material.

## Section 217. Original Listing of Bonds.

The instructions set forth in this § 217 and in § 218 apply only where the applicant has no other issue of securities listed on the Exchange. If another issue is listed, see § 311 for appropriate listing form.

(a) Form and Content of Application (when short form is used)—When the short form listing application is used [incorporating the prospectus by reference], the application will, in ordinary cases, be limited to the same items called for in short form applications for stock issues as specified in § 213 (and applicants should reserve 350 copies of the prospectus as there explained.)

Applicants submitting a short form listing application pursuant to this subsection need not file Papers A and H (described in § 215) in support thereof.

A short form listing application submitted pursuant to this subsection shall not be printed or distributed in accordance with

§ 155. Five (5) copies of the application shall be submitted, with at least three (3) copies manually signed by a duly authorized officer of the applicant. Copies not manually signed shall be confirmed. Only one copy of the supporting exhibits specified in §§ 215 and 218 need be filed.

Sections 316 and 317 of the American Stock Exchange Company Guide are amended as set forth below. Brackets [ ] indicate deleted material, and *italics* indicate added material.

## Sec. 316. Short Form Additional Application with Prospectus or Proxy Statement

If a prospectus relating to the additional securities to be listed (or if a proxy statement describing the transaction in which such securities are to be issued) has recently been ordered effective (or cleared) by the S.E.C., the applicant may, at its option, attach same to the listing application. [A preliminary prospectus may be used with the proof copies for the Exchange's consideration, but a final prospectus must be used with the 300 final applications.]

If so attached, the listing application is usually limited to:

(a) Items 1 to 6, inclusive, and 8 and 9 of the simplified application specified in § 318 below; and

(b) For Item 7 of the simplified form, substitute an item entitled "Prospectus" or "Proxy Statement", as the case may be, referring to and incorporating same by reference and indexing the information contained therein. If an index is contained in the prospectus or proxy statement, a reference to such index will suffice.

[Applicants using the short form should furnish 300 copies of the prospectus (or proxy statement) to the printer for attachment to the final printed copy of the short-form listing application. Such applicants should also submit all of the supporting papers and exhibits specified at § 319 to the Exchange.] An application submitted pursuant to this Section shall not be printed or distributed in accordance with § 155. Five (5) copies of the application (with prospectus or proxy statement attached) shall be submitted. At least three (3) copies shall be manually signed by a duly authorized officer of the applicant. Copies not manually signed shall be confirmed. Only one copy of the supporting exhibits specified at § 319 need be filed.

## Sec. 317. Simplified Application Form

Where a Company has disclosed to the public through its annual reports or otherwise the data required to be set forth in the application, a simplified form may generally be used that includes only the data called for under § 318 below. An application submitted pursuant to this Section shall not be printed or distributed in accordance with § 155. Five (5) copies of the application shall be submitted. At least three (3) copies shall be manually signed by an executive officer of the applicant. Copies not manually signed shall be confirmed. Only one copy of the supporting exhibits specified at § 319 need be filed.

[FR Doc. 78-602 Filed 1-10-78; 8:45 am]



## [8010-01]

[Release No. 34-14335; File No. SR-DTC-77-13]

## DEPOSITORY TRUST CO.

## Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 16, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

## TEXT OF PROPOSED RULE CHANGE

It is proposed that the first sentence of section 1.1 of article I of the bylaws of the Depository Trust Co. be amended as follows [brackets indicate deletions and italics indicate new material]:

*Section 1.1. Annual meeting.* The annual meeting of the stockholders of the Corporation for the election of directors and the transaction of such other business as may properly come before the meeting shall be held [on the fourth Wednesday in March in each year] *within the first three months of each calendar year* at such hour and place within the City of New York as the Board of Directors shall determine, or, if not so determined, at 10 a.m. *on the last day in March* at the principal office of the Corporation in the City of New York or, if that day shall be a *Saturday, Sunday, or a legal holiday* in the place where the meeting is to be held, on the [next day thereafter] *immediately preceding day not a Saturday, Sunday, or a legal holiday.*

## STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to permit the Board to choose within the first three months of the calendar year the date of the annual meeting of the stockholders of the Corporation for the election of directors and the transaction of such other business as may properly come before the meeting and to provide a date for the annual meeting in the event that the Board shall not choose such a date.

No specific provision under the Act provides a basis for the proposed rule change.

Comments on the proposed rule change were not solicited and have not been received.

DTC does not perceive that the proposed rule change will impose any burden on competition.

On or before February 15, 1978, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 2, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 3, 1978.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-603 Filed 1-10-78; 8:45 am]

## [4710-01]

## DEPARTMENT OF STATE

## GUAM AND THE NORTHERN MARIANA ISLANDS

## Fishery Conservation Zone Notice of Limits

The Fishery Conservation and Management Act of 1976 establishes a fishery conservation zone contiguous to the territorial sea of the United States, the outer boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Pub. L. 94-241) provides that the President shall determine and proclaim a date within 180 days after the Covenant and Constitution of the Northern Mariana Islands have been approved upon which certain laws applicable to Guam and which are applicable to the several States shall become applicable to the Northern Mariana Islands. The Fishery Conservation and Management Act is one such law. By Presidential proclamation of October 24, 1977, this law and other such laws shall become applicable to the Northern Mariana Islands at eleven o'clock on the morning of January 9, 1978, Northern Mariana Islands local time.

The Government of the United States of America has been, is, and will be, engaged in consultations and negotiations with the governments of neighboring countries concerning the delimitation of areas subject to the respective jurisdiction of the United States and these countries.

The limits of the fishery conservation zone of the United States as set forth below are intended to be without prejudice to any negotiations with these countries or to any positions which may have been or may be adopted respecting the limits of maritime jurisdiction in such areas.

The line connecting the coordinates set forth below constitutes the limits of the fishery conservation zone of the United States of America around Guam and the Northern Mariana Islands within which the United States will exercise its exclusive fishery management authority as set forth in the Fishery Conservation and Management Act effective as of January 9, 1978, and pending the establishment of permanent maritime boundaries by mutual agreement. The following section should be considered to replace that portion of the Department's Public Notice No. 528 (42 FR 12937, March 7, 1977) as later modified by public Notice No. 544 (42 FR 24134, May 12, 1977).

## GUAM AND THE NORTHERN MARIANA ISLANDS

The seaward limit of the fishery conservation zone is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, except that to the north of the Northern Mariana Islands, the limit of the fishery conservation zone shall be determined by straight lines connecting the following points:

1. 20°52'42" N., 141°20'53" E.
2. 23°02'19" N., 144°00'58" E.
3. 23°53'25" N., 145°05'59" E.

and except that to the south of Guam, the limit of the fishery conservation zone shall be determined by straight lines connecting the following points:

4. 11°38'25" N., 147°44'42" E.
5. 11°36'53" N., 147°31'03" E.
6. 11°31'48" N., 146°55'19" E.
7. 11°27'15" N., 146°25'34" E.
8. 11°22'13" N., 145°52'36" E.
9. 11°17'31" N., 145°22'38" E.
10. 11°13'32" N., 144°57'28" E.
11. 11°13'23" N., 144°56'29" E.
12. 10°57'03" N., 143°26'53" E.
13. 10°57'30" N., 143°03'09" E.
14. 11°52'33" N., 142°15'28" E.
15. 12°54'00" N., 141°21'48" E.
16. 12°54'17" N., 141°21'33" E.
17. 12°57'34" N., 141°19'17" E.
18. 13°06'32" N., 141°12'53" E.

Publication of a notice on this subject which is effective immediately, upon publication, is necessary to effectively exercise the foreign affairs responsibility of the Department of State.

(See Title 5 U.S.C. Sec. 553(a)(1) and (b)(3)).

Dated: January 5, 1978.

MARK B. FELDMAN,  
Deputy Legal Adviser.

[FR Doc. 78-757 Filed 1-10-78; 8:45 am]

## [4710-01]

[Public Notice 585]

## PUBLIC NOTICE ON MARITIME BOUNDARIES

On December 16, 1977, the United States and Cuba signed a maritime boundary treaty. The two governments have agreed that the line set forth in the treaty will be applied provisionally for two years beginning January 1, 1978.

The coordinates are as follows:

Latitude (North)	Longitude (West)
1. 23°55'30"	81°12'55"
2. 23°53'50"	81°19'44"
3. 23°50'50"	81°30'00"
4. 23°50'00"	81°40'00"
5. 23°49'03"	81°50'00"
6. 23°49'03"	82°00'12"
7. 23°49'40"	82°10'00"
8. 23°51'12"	82°25'00"
9. 23°51'12"	81°40'00"
10. 23°49'40"	82°48'54"
11. 23°49'40"	82°51'12"
12. 23°49'22"	83°00'00"
13. 23°49'50"	83°15'00"
14. 23°51'20"	83°25'50"
15. 23°52'25"	83°33'02"
16. 23°54'02"	83°41'38"
17. 23°55'45"	83°48'12"
18. 23°58'38"	84°00'00"
19. 24°09'35"	84°29'28"
20. 24°13'18"	84°38'40"
21. 24°18'39"	84°48'08"
22. 24°23'28"	85°00'00"
23. 24°28'35"	85°06'30"
24. 24°38'55"	85°31'55"
25. 24°44'15"	85°43'12"
26. 24°53'55"	86°00'00"
27. 25°12'25"	86°33'12"

For the purposes of the limits of the fishery conservation zone, established by the Fishery Conservation and Management Act of 1976, the line hereby established should be deemed to replace that portion of the line set forth in the Department's notice No. 526 on March 7, 1977, from point 116 to point 163 in the section of notice No. 526 entitled "U.S. Atlantic Coast and Gulf of Mexico", as superseded by the *modus vivendi* of 1977 between the United States and Cuba as set forth in the Department's notice No. 544 of May 12, 1977.

Publication of a notice on this subject which is effective immediately upon publication is necessary to effectively exercise the foreign affairs responsibility of the Department of State. (See Title 5, U.S.C. Sec. 553 (1) and (b) (B)).

Dated: December 30, 1977.

FRANKLIN K. WILLIS,  
Acting Assistant Legal Adviser.

[FR Doc. 78-622 Filed 1-10-78; 8:45 am]

## [4810-35]

## DEPARTMENT OF THE TREASURY

## Fiscal Service

[Dept. Circ. 570, 1977 Rev., Supp. No. 7]

## SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

A certificate of authority as an acceptable surety on Federal bonds is hereby issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of \$89,000 has been established for the company.

Name of Company, Business Address, and State in Which Incorporated

Van Tol Surety Co., Inc., 501 Eight Street, Brookings, S. Dak. 57006. South Dakota.

Certificates of authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: January 5, 1978.

D. A. PAGLIAI,  
Commissioner, Bureau of  
Government Financial Operations.  
[FR Doc. 78-734 Filed 1-10-78; 8:45 am]

## [7035-01]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 563]

## ASSIGNMENT OF HEARINGS

JANUARY 6, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 143713 (Sub-Nos. 1 and 2), Agricultural Transportation Association of Illinois, now being assigned February 13, 1978 (1

week), for continued hearing at Springfield, Ill., and will be held in the Training Room of the Federal Highway Administration, 2nd Floor, Baptist Building, 3085 Stevenson Drive.

MC 123407 (Sub-No. 395), Sawyer Transport, Inc., now assigned January 23, 1978, at Kansas City, Mo., will be held in Room 609, Federal Building, 911 Walnut Street.

MC 111302 (Sub-No. 99), Highway Transport, Inc. (extension), Kentucky, now being assigned March 14, 1978 (3 days), at Nashville, Tenn., in a hearing room to be later designated.

MC 64932 (Sub-No. 573), Rogers Cartage Co., now being assigned April 4, 1978 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 115841 (Sub-No. 544), Colonial Refrigerated Transportation, Inc., now being assigned April 5, 1978 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC 112822 (Sub-No. 426), Bray Lines, Inc., MC 113678 (Sub-No. 669), Curtis, Inc., MC 115826 (Sub-No. 268), W. J. Digby, Inc., MC 129387 (Sub-No. 31), Payne Transportation, Inc., MC 134286 (Sub-No. 26), Illinois Express, Inc., MC 138018 (Sub-No. 36), Refrigerated Foods, Inc., MC 140024 (Sub-No. 73), J. B. Montgomery, Inc., MC 111375 (Sub-No. 85), Pirkle Refrigerated Freight Lines, Inc., and MC 107839 (Sub-No. 173), Denver-Albuquerque Motor Transport, Inc., now being assigned January 23, 1978 (6 days), for continued hearing at Denver, Colo., and will be held in Sheraton Inn-Denver Airport, 3535 Quebec Street.

MC 114632 (Sub-No. 107), Apple Lines, Inc., MC 113678 (Sub-No. 667), Curtis, Inc., and MC 119741 (Sub-No. 79), Green Field Transport Co., Inc., now assigned January 26, 1978, at Kansas City, Mo., will be held in Room 609, Federal Building, 911 Walnut Street.

MC 143477, Arcadian Motor Carriers (a corporation), now assigned January 30, 1978, at Kansas City, Mo., will be held in Room 609, Federal Building, 911 Walnut Street. MC 100666 (Sub-No. 366), Melton Truck Lines, Inc., now assigned February 1, 1978, at Kansas City, Mo., will be held in Room 609, Federal Building, 911 Walnut Street.

MC 113678 (Sub-No. 650), Curtis, Inc., now assigned January 24, 1978, at Kansas City, Mo., will be held in Room 609, Federal Building, 911 Walnut Street.

AB 43 (Sub-No. 28), Illinois Central Gulf Railroad Co., abandonment between Freeport, Ill., and Madison, Wis., now being assigned April 10, 1978 (1 week), at Monroe, Wis., in a hearing room to be later designated.

MC 124306 (Sub-No. 28), Kenan Transport Company, Inc., now being assigned March 6, 1978 (1 week), at Raleigh, N.C., in a hearing room to be later designated.

AB 43 (Sub-No. 37), Illinois Central Gulf Railroad Co., abandonment near Dyersburg, Tenn., and Hickman, Ky., in Dyer and Lake Counties, Tenn., and Fulton County, Ky., now being assigned March 8, 1978 (3 days), for hearing in Dyersburg, Tenn., in a hearing room to be later designated.

MC 61592 (Sub-No. 405), Jenkins Truck Line, Inc., now being assigned March 13, 1978 (1 day), for hearing in Little Rock, Ark., in a hearing room to be later designated.

MC 114552 (Sub-No. 135), Senn Trucking Co., now being assigned March 14, 1978 (1



day), for hearing in Little Rock, Ark., in a hearing room to be later designated.  
 MC 140612 (Sub-No. 28), Robert F. Kazimour, now being assigned March 15, 1978 (1 day), for hearing in Little Rock, Ark., in a hearing room to be later designated.  
 MC 141138 (Sub-No. 6), Steve Schranz Trucking, Inc., now being assigned March 16, 1978 (2 days), for hearing in Little Rock, Ark., in a hearing room to be later designated.

H. G. HOMME, Jr.,  
 Acting Secretary.

[FR Doc. 78-743 Filed 1-10-78; 8:45 am]

#### [7035-01]

[Finance Docket No. 28647]

#### INDIANA INTERSTATE RAILWAY CO., INC.

##### Construction and Operation in Bicknell, Ind.

Indiana Interstate Railway Co., Inc., 231 Joliet Street, Dyer, Ind. 46311, represented by Don. R. Marks, Corporate Secretary, Indiana Interstate Railway Co., Inc., 231 Joliet Street, Dyer, Ind. 46311, hereby give notice that on the 23d day of December 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 1(18) of the Interstate Commerce Act for an order approving and authorizing the construction and operation of a line of railroad, a distance of 1.1 miles, within the city limits of Becknell, Ind., which application is assigned Finance Docket No. 28647.

Applicant proposes to construct and operate a line of railroad located in Knox county, in the State of Indiana, and city of Bicknell. This line extends from the midpoint of the city of Bicknell in a southwesterly direction for a total distance of 1.1 miles, remaining entirely within the city limits of Bicknell, Ind.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 ICC 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such appli-

cation are filed with the Secretary, Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

H. G. HOMME, Jr.,  
 Acting Secretary.

[FR Doc. 78-745 Filed 1-10-78; 8:45 am]

#### [7035-01]

##### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

##### Elimination of Gateway Letter Notices

JANUARY 6, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before January 23, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any must refer to such letter-notices by number.

No. MC 78228 (Sub-No. E216), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicle (except scrap metal), from points in that part of Pennsylvania bounded by a line beginning at Bradford, Pa., thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, thence along the Pennsylvania-Maryland State line to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the junction of U.S. Highway 19, thence along U.S.

Highway 19 to junction U.S. Highway 40, thence along U.S. Highway 40 to Washington, Pa., thence along U.S. Highway 19 to Pittsburgh, Pa., thence along Pennsylvania Highway 8 to Butler, Pa., thence along Pennsylvania Highway 68 to Clarion, Pa., thence along Interstate Highway 80 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 219, thence along U.S. Highway 219 to the place of beginning at the Indiana-Michigan State line at U.S. Highway 31, thence along U.S. Highway 31 to Indianapolis, Ind., thence along Indiana Highway 37 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E217), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles (except scrap metals), from points in that part of Pennsylvania south and west of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to junction Pennsylvania Highway 770, thence along Pennsylvania Highway 770 to junction Pennsylvania Highway 59, thence along Pennsylvania Highway 59 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Pennsylvania Highway 965, thence along Pennsylvania Highway 965 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-Ohio State line to points in Indiana. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E218), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles (except scrap metals), from points in that part of Pennsylvania on or west of U.S. Highway 219 to points in Indiana on or west of a line beginning at Lake Michigan, thence along U.S. Highway 421 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E219), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's rep-

resentative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles (except scrap metals), from points in that part of New York bounded by a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to East Aurora, N.Y., then along New York Highway 16 to Buffalo, N.Y., thence along the International Boundary between the United States and Canada to Lake Ontario, thence along Lake Ontario to the place of beginning to points in Indiana. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E220), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles (except scrap metals), from points in that part of New York on or west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line to points in Indiana on or west of a line beginning at the Indiana-Michigan State line, thence along Indiana Highway 19 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E221), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles (except scrap metal), from points in Ohio bounded by a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 422 to Youngstown, Ohio, thence

along Ohio Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to Salem, Ohio, thence along Ohio Highway 9 to junction Ohio Highway 43, thence along Ohio Highway 43 to the Ohio-West Virginia State line to points in Indiana on or west of a line beginning at the Indiana-Michigan border, thence along U.S. Highway 31 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E222), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles (except scrap metal), from points in that part of West Virginia bounded by a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 22 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction West Virginia Highway 18, thence along West Virginia Highway 18 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line, thence along West Virginia-Maryland State line to the Pennsylvania-West Virginia State line, thence along Pennsylvania-West Virginia State line to the place of beginning to points in Indiana beginning at the Indiana-Michigan State line, thence along Interstate Highway 69 to junction Indiana Highway 127, thence along Indiana Highway 127 to junction Indiana Highway 427, thence along Indiana Highway 427 to junction Indiana Highway 8, thence along Indiana Highway 8 to junction U.S. Highway 27, thence along U.S. Highway 27 to Fort Wayne, Ind., thence along U.S. Highway 24 to Marion, Ind., thence along Indiana Highway 9 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 83539 (Sub-No. E366), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size and weight, require the use of special equipment, between points in Connecticut in and east of Hartford and New Haven counties on the one hand and, on the other, points in Chautauqua County, N.Y. The purpose of this

filing is to eliminate the gateway of Philadelphia, Pa., and Pennsylvania.

No. MC 83539 (Sub-No. E367), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size and weight, require the use of special equipment, between points in Connecticut on the one hand and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 83539 (Sub-No. E368), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of their size or weight require the use of special equipment between points in Connecticut, on the one hand, and, on the other, points in Tennessee in and west of Clay, Overton, Putnam, De Kalb, Warren, Coffee, Moore, and Lincoln counties. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., Kentucky, and Nashville, Tenn., and points in Tennessee within a 50-mile radius of Nashville.

No. MC 83539 (Sub-No. E369), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of their size or weight require the use of special equipment between points in Connecticut, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 83539 (Sub-No. E370), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of their size or weight require the use of special equipment between points in Connecticut, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 83539 (Sub-No. E371), filed May 31, 1977. Applicant: C & H



TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of their size and weight require the use of special equipment, between points in Delaware, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 83539 (Sub-No. E372), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of their size or weight require the use of special equipment between points in Delaware, on the one hand, and, on the other, points in Kentucky in and west of Mason, Fleming, Rowan, Elliot, Morgan, Wolfe, Breahitt, Owsley, Jackson, Laurel, Pulaski, and Wayne Counties. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 83539 (Sub-No. E374), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment between points in Delaware, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 83539 (Sub-No. E375), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of their size or weight require the use of special equipment between points in Delaware, on the one hand, and, on the other, points in Mississippi. Restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa. and Kentucky.

No. MC 83539 (Sub-No. E376), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex.

75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of their size or weight require the use of special equipment between points in Delaware, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 83539 (Sub-No. E377), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of their size and weight require the use of special equipment between points in Delaware, on the one hand, and, on the other, points in Tennessee in and west of Montgomery, Houston, Humphreys, Perry and Wayne counties. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., Kentucky, and Nashville, Tenn., and points in Tennessee within a 50-mile radius of Nashville.

No. MC 83539 (Sub-No. E379), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of their size and weight require the use of special equipment between points in the District of Columbia, on the one hand, and, on the other, points in Iowa. Restrictions: (1) No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. (2) The authority granted is subject to the condition that carrier shall not transport machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines from, to, or between points in Illinois. (3) The authority granted shall be restricted against the transportation of cast iron pressure pipe and fittings and accessories therefor when moving with such pipe, from Council Bluffs, Iowa. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., Indiana, and Illinois.

No. MC 83539 (Sub-No. E381), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as

above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of their size or weight require the use of special equipment between points in the District of Columbia, on the one hand, and, on the other, points in the upper peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 83539 (Sub-No. E382), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of their size and weight require the use of special equipment between points in the District of Columbia, on the one hand, and, on the other, points in Missouri in and west of Putnam, Adair, Macon, Randolph, Audrain, Calloway, Osage, Maries, Phelps, Texas, and Howell counties. Restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., Indiana, and Illinois, and Philadelphia, Pa., Kentucky, and Illinois.

No. MC 83539 (Sub-No. E383), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of their size or weight require the use of special equipment between points in the District of Columbia, on the one hand, and, on the other, points in New York, in and east of Wayne, Seneca, Tompkins, and Tioga Counties. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa. and Pennsylvania.

No. MC 83539 (Sub-No. E384), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of their size and weight require the use of special equipment between points in the District of Columbia, on the one hand, and, on the other, points in Pennsylvania in and east of Wayne, Lackawanna, Luzerne, Carbon, Lehigh, Montgomery, and Philadelphia, Counties. The purpose

of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 83539 (Sub-No. E386), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Douglas Anderson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of their size or weight, require the use of special equipment between points in Florida, on the one hand, and, on the other, points in Iowa. Restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateways of Nashville, Tenn., and points in Tennessee within 50 miles of Nashville; Kentucky, and Illinois.

No. MC 83539 (Sub-No. E556), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles* (except in driveway service), each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith between points in Montana, on the one hand, and, on the other, points in Virginia, restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of South Dakota, Iowa, Illinois, and Indiana.

No. MC 83539 (Sub-No. E557), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles* (except in driveway service), each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in West Virginia, on the one hand, and, on the other, points in Montana, restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of South Dakota, Iowa, Illinois, and Indiana.

No. MC 83539 (Sub-No. E558), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, trans-

porting: *Self-propelled articles*, each weighing 15,000 pounds or more (except in driveway service), and related machinery, tools, parts, and supplies between points in Nebraska, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Iowa, Illinois, and Indiana.

No. MC 83539 (Sub-No. E559), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more (except in driveway service), and related machinery, tools, parts, and supplies, between points in Nebraska, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateways of Iowa, Illinois, and Indiana.

No. MC 83539 (Sub-No. E560), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more (except in driveway service), and related machinery, tools, parts, and supplies, between points in North Dakota, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Ohio.

No. MC 83539 (Sub-No. E561), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more (except in driveway service), and related machinery, tools, parts, and supplies, between points in North Dakota, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Ohio.

No. MC 107012 (Sub-No. E38), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *New commercial and institutional fixtures, uncrated*, (1) from points in Idaho, to points in Alabama, Florida, Georgia,

Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. (2) from points in Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, and Power Counties, Idaho, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, Ark., and points in Virginia. (3) from points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties, Idaho, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, Ark.; Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex.; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Sythe, Accomack, Gloucester, Greenville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Albe-



marle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward, and Prince George Counties, Va., and the Independent Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, South Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro, Va. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E291), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures*, uncrated, (1) from points in New York, to points in Alabama, Florida, and Georgia; (2) From points in Broome, Cayuga, Chemung, Chautauque, Cortland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne, Yates, Allegany, Cattaraugus, Chautauque, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, and Washington Counties, N.Y., to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, N.C.; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Oconee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, S.C. (3) From points in Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Sullivan, Ulster,

Westchester, and Suffolk Counties, N.Y., to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, N.C.; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Oconee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, S.C. The purpose of this filing is to eliminate the gateway of points in Tennessee (except points in Hamblen County, Tenn.).

No. MC 107012 (Sub-No. E292), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures*, uncrated, (1) From points in Pennsylvania, to points in Florida and Georgia. (2) From points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, and Warren Counties, Pa., to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, De Kalb, Jackson, Limestone, Madison, Marshall, Morgan, Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington, and Wilcox Counties, Ala.; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, N.C.; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Oconee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, S.C. (3) From points in Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, and Union Counties, Pa., to points in Alabama; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey

Counties, N.C.; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Oconee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, S.C. (4) From points in Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill, and York Counties, Pa., to points in Alabama; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, N.C.; Abbeville, Anderson, Greenville, Oconee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Laurens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, S.C. (5) From points in Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, and Wyoming Counties, Pa., to points in Alabama; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, N.C.; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Oconee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, S.C. (6) From points in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington, and Westmoreland Counties, Pa., to points in Alabama; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, N.C.; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Oconee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Laurens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, S.C. The purpose of this filing is to eliminate the gateway of points in Tennessee (except points in Hamblen County, Tenn.).

No. MC 107012 (Sub-No. E293), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Ap-

plicant's representatives: David D. Bishop and Gary M. Crist (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures*, uncrated, from points in Rhode Island, to points in Alabama, Florida, Georgia; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, N.C.; Aiken, Calhoun, Chesterfield, Darlington, Kershaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Oconee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Laurens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, S.C. The purpose of this filing is to eliminate the gateway of points in Tennessee (except points in Hamblen County, Tenn.).

No. MC 107012 (Sub-No. E294), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures*, uncrated, (1) From points in Vermont, to points in Alabama, Florida and Georgia. (2) From points in Bennington, Rutland, Windham, and Windsor Counties, Vt., to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, N.C.; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Kershaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Oconee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Laurens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, S.C. (3) From points in Chittenden, Franklin, Grand Isle, Lamoille, Addison, Orange, Washington, Caledonia, Essex, and Orleans Counties, Vt., to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties,

N.C.; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Kershaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Oconee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Laurens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, S.C. The purpose of this filing is to eliminate the gateway of points in Tennessee (except points in Hamblen County, Tenn.).

No. MC 107012 (Sub-No. E295), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures*, uncrated, (1) From points in West Virginia to points in Alabama, Florida, and Georgia. (2) From points in Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Barbour, Berkeley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, and Wood Counties, W. Va., to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, N.C.; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Oconee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Laurens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, S.C. (3) From points in Brooke, Hancock, Marshall, and Ohio Counties, W. Va., to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, N.C.; points in South Carolina. The purpose of this filing is to eliminate the gateway of points in Tennessee (except points in Hamblen County, Tenn.).

Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, Wilson, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, and Wayne Counties, N.C.; points in South Carolina. The purpose of this filing is to eliminate the gateway of points in Tennessee (except points in Hamblen County, Tenn.).

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-742 Filed 1-10-78; 8:45 am]

[7035-01]

[Notice No. 4]

#### SPECIAL PROPERTY BROKERS

JANUARY 4, 1978.

The following applicants seek to participate in the property broker special licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle in interstate or foreign commerce, of property (except household goods), between all points in the United States including Alaska and Hawaii. Any interested person shall file an original and (a) copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness within 30 days after this notice. Statements must be mailed to:

Broker Entry Staff,  
Room 2379,  
Interstate Commerce Commission,  
Washington, D.C. 20423.

Opposing parties shall serve (1) copy of the statement in opposition concurrently upon applicant's representative, or applicant if no representative is named.

If an applicant is not otherwise informed by the Commission, it may commence operation 45 days after this notice.

B-77-6, filed November 4, 1977. Applicant: SAMUEL SHAPIRO & CO., INC., 11-13 South Gay Street, Baltimore, Md. 21202. Applicant's representative: Morris E. Horwitz (same address as applicant).

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-744 Filed 1-10-78; 8:45 am]



[7035-01]

[Ex Parte No. 297 (Sub-No. 4)]

**REOPENING OF SECTION 5a APPLICATION PROCEEDINGS TO TAKE ADDITIONAL EVIDENCE****Collective Ratemaking Agreements**

AGENCY: Interstate Commerce Commission.

ACTION: Reopening all application proceedings in which agreements were approved under section 5a of the Interstate Commerce Act.

SUMMARY: The Commission is reopening all application proceedings under section 5a of the Interstate Commerce Act (Act) (excluding proceedings now subject to section 5b of the Act) in which collective ratemaking agreements were previously approved by the Commission for the purpose of taking additional evidence to determine whether those agreements still qualify for Commission approval. This action is being taken because deficiencies in these agreements have been found to exist and because newly submitted agreements have been found in recent section 5a application proceedings not to satisfy the requirements of the Act. The effect of this action is to bring all currently approved collective ratemaking agreements under section 5a of the Act before the Commission for complete review. It also applies to pending applications.

DATES: The closing dates for submission of evidence are staggered and are set forth in detail below.

ADDRESS: Representations in this proceeding should be addressed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

**FOR FURTHER INFORMATION CONTACT:**

Deputy Director Janice M. Rosenak or Assistant Deputy Director Harvey Gobetz, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202 275-7693.

SUPPLEMENTARY INFORMATION: By order of June 15, 1973, the Commission instituted Ex Parte No. 297, an investigation into the activities of ratemaking bureaus and conferences. In its report, Ex Parte No. 297, *Rate Bureau Investigation*, 351 ICC 437 (1976) and 349 ICC 811 (1975), the Commission made 26 findings, some of which necessitated revisions of agreements already approved by the Commission. Parties to those agreements were ordered to submit necessary revisions for Commission approval. Disputed findings in that proceeding were upheld in *Motor Carriers Traffic Association v. United States*, 559 F.2d 1251 (4th Cir. 1977) (pet. for cert. pending).

In reviewing proposed revisions the Commission had occasion to review the entire agreement to which the revisions pertained. Many of these agreements were found deficient. Parties to those agreements were ordered to revise them according to terms and conditions which the Commission prescribed. E.g. *Machinery Haulers Association—Agreement*, 355 ICC 857 (1977); *National Association of Specialized Carriers, Inc.—Agreement*, 355 I.C.C. 67 (1977); *Waterways Freight Bureau—Agreement*, 353 ICC 128 (1976). During this period, the Commission had occasion to review several newly proposed ratemaking agreements. The Commission found that they did not satisfy the standard of review set forth in paragraph (2) of section 5a. E.g., *Florida Specialized Carriers Interstate Rate Conference, Inc.—Agreement*, 355 ICC 623 (1977); *Arizona-Nevada Rate Conference—Agreement*, 355 ICC 130 (1977).

Because these newly proposed agreements have been found not to satisfy the standard of review set forth in paragraph (2) of section 5a, and because previously approved agreements have been found deficient in many respects, the Commission has reason to question whether such agreements still satisfy the standard of review set forth in paragraph (2). Pursuant to paragraph (7) of section 5a, the Commission is therefore reopening the application proceedings concerning those agreements for the purpose of taking additional evidence to determine whether previously approved agreements (excluding agreements now subject to section 5b of the Act) still satisfy the requirements of the Act. The Commission will incorporate this evidence with revisions proffered under Ex Parte No. 297, as well as any other revisions the parties in each proceeding wish to submit, to determine whether each agreement, viewed in its most favorable light, should continue to have the approval of the Commission. Approval of agreements found not to conform to section 5a will be discontinued as will approval of agreements for which no evidence is filed. This order also applies to all pending applications.

**STANDARD OF REVIEW**

Paragraph (2) of section 5a provides that any carrier party to an agreement between two or more carriers relating to certain matters may:

... apply to the Commission for approval of the agreement, and the Commission shall by order approve any such agreement (if approval thereof is not prohibited by paragraph (4), (5), or (6)) if it finds that, by reason of furtherance of the national transportation policy declared in this Act, the relief provided in paragraph (9) should apply with respect to the making and carrying out of such agreement; otherwise the

application shall be denied. The approval of the Commission shall be granted only upon such terms and conditions as the Commission may prescribe as necessary to enable it to grant its approval in accordance with the standard above set forth in this paragraph.

Paragraph (9) of section 5a provides that parties to any agreement approved by the Commission under this section and other persons are relieved from the operation of the antitrust laws with respect to the making and carrying out of such agreement but only insofar as those parties act in conformity with the terms of the agreement and such terms and conditions prescribed by the Commission.

Under paragraph (2) the test of whether an agreement should be approved is whether if "by reason of furtherance of the national transportation policy declared in the Act, the relief provided in paragraph (9) should apply with respect to the making and carrying out of such agreement." According to the legislative history of section 5a:

... the question as to whether or not an agreement is to be approved involves the accommodation and comparative evaluation by the Commission of two policies, the one, the national transportation policy, the other, the antitrust laws.

Under the standard in the bill Congress entrusts to the Commission the task of applying to particular cases the general formula which Congress finds is determinative of the public interest, and directs the Commission to determine whether the advantages to the public interest, through furtherance of the national transportation policy, are such as to outweigh the disadvantages to the public interest intended to be guarded against by the antitrust laws. [H.R. Rep. No. 1100, 80th Cong., 1st Sess. 13-14 (1947).]

The test was articulated in this manner, as the report cited here indicates, because Congress was concerned that two national policies, one involving antitrust and the other involving transportation, did not always apply in full measure in the field of transportation. Thus, some accommodation between these two policies had to be found. With respect to rate bureaus and conferences, the problem was how to draft a rule that would clarify for all time how that accommodation should be struck. Congress concluded that it was impossible to draft such a rule. It was necessary, Congress concluded, to draft a general standard and to leave its administration to an expert regulatory commission. It was with this intent that the standard articulated in paragraph (2) was enacted. Supra at 12-13. The task of administering that standard was delegated to this Commission.

As the Commission interprets paragraph (2), the question is not simply whether the activities to be carried out under the agreement will further the national transportation policy, but

assuming that they will, whether the benefits of the agreement from the standpoint of the national transportation policy outweigh its disadvantages from the standpoint of national antitrust policies. The benefits to be weighed are the various national transportation policy goals which the agreement will foster. The disadvantages to be weighed are the anticompetitive effects which the agreement will have. The analysis which the Commission must apply in reviewing an agreement is therefore a three-step process. First, the Commission must determine whether the agreement enhances one or more national transportation policy goals. Second, the Commission must determine whether the agreement will harm interests intended to be protected by the antitrust laws. Third, the Commission must determine whether the benefits the agreement confers on the public interest from the standpoint of the national transportation policy outweigh the harm the agreement will do to the public interest intended to be protected by the antitrust laws.

At each step in this three-step analysis, whether in a proceeding concerning a previously approved agreement or a proceeding involving a new agreement, the burden of proof rests with the applicants. Thus, the applicants have the burden to establish: (1) That the agreement enhances one or more national transportation policy goals, (2) that the agreement will not have anticompetitive effects, and (3) that (if anticompetitive effects might be found) the benefits the agreement confers on the public interest from the standpoint of the national transportation policy do not outweigh the harm the agreement does to the public interest from the standpoint of national antitrust policy.

The burden of proof rests at all times with applicants for two reasons. First, the test articulated in the legislative record of section 5a speaks in terms of finding whether the national transportation policy benefits of an agreement outweigh the national antitrust policy disadvantages of the agreement. The operative presumption suggested by the language is that such agreements are harmful unless proven otherwise.

Second, section 5a is an antitrust exemption statute restrictive of competition. Thus, it must be construed as narrowly as possible in favor of competition. Accord, *Federal Maritime Comm'n. v. Seatrain Lines, Inc.*, 411 U.S. 726, 733 (1973); *United States v. McKesson & Robbins, Inc.*, 351 U.S. 305, 316 (1956); *United States v. Masonite Corp.*, 316 U.S. 265, 280 (1942); *Mt. Hood Stages, Inc. v. Greyhound Corp.*, 555 F.2d 686, 691 (9th Cir. 1977). This principle is a derivative of the proposition that the position of

the antitrust laws in the scheme of national policy is "fundamental." *Gulf States Utilities Co. v. Federal Power Comm'n.*, 411 U.S. 747, 759 (1973); *Otter Tail Power Co. v. United States*, 410 U.S. 366, 374 (1973). Thus, conduct is not immunized from the antitrust laws merely because it is subject to a regulatory scheme. Regulatory schemes exempt conduct from the antitrust laws only where they are "plainly repugnant" to the antitrust laws, *Gordon v. New York Stock Exch., Inc.*, 422 U.S. 659, 682 (1975), or where a particular statute grants an administrative agency primary jurisdiction to consider a question. See *Keogh v. Chicago & N.W.R. Co.*, 260 U.S. 156 (1922) explained in *United States v. Radio Corp. of America*, 358 U.S. 334, 346-48 (1959). But even in the later instance, the scope of that jurisdiction must be construed as narrowly as possible. See *Georgia v. Pennsylvania R.R.*, 324 U.S. 439, 455 (1945).

Section 5a is an antitrust exemption statute restrictive of competition. Without the immunity it accords carriers and others parties to collective ratemaking agreements approved by the Commission, the carriers and others would be subject to antitrust liability. Compare *Georgia v. Pennsylvania R.R.*, 324 U.S. 439, 456 (1945); *United States v. Joint-Traffic Ass'n.*, 171 U.S. 505 (1898); *United States v. Trans-Missouri Freight Ass'n.*, 166 U.S. 290 (1897); *United States v. Ass'n. of American Railroads*, 4 F.R.D. 510 (D. Neb. 1945) with *United States v. Socony-Vacuum Oil Co.*, 310 U.S. 150 (1940). Section 5a grants the Commission primary jurisdiction to consider the value and necessity of collective ratemaking agreements. It is not, however, a grant of jurisdiction which permits the Commission to ignore antitrust considerations. Rather, as noted here, the anticompetitive effects of an agreement must be carefully weighed. Section 5a is not therefore a grant or "primary jurisdiction" as that term is normally used. Nor, for the same reasons, is section 5a "plainly repugnant" to the antitrust laws. Moreover, in *United States v. Southern Motor Carriers Rate Conference*, 5 CCH Trade Reg. Rptr. § 61,551 at 72,174 (N.D. Ga. 1977) it was held that the regulatory scheme of the Interstate Commerce Act does not exempt motor carriers from antitrust liability for conduct not expressly exempted by Commission action.

Thus, section 5a must be construed as narrowly as possible in favor of competition. Consistent with this objective, the burden of establishing the merits of an anticompetitive agreement lies with the applicants seeking the exemption from antitrust law liability.

**EVIDENCE REQUIRED**

Parties subject to this notice are required to submit evidence consistent

with their burden of proof set forth above. Other interested parties, such as shippers, ultimate consumers or public interest groups, the Federal Trade Commission and the Department of Justice are invited to participate in any or all proceedings. The latter two government agencies are particularly invited to comment on the anti-competitive effects of the agreements under consideration. Evidence submitted by all parties in any proceeding must be relevant to one of these three issues:

(1) Whether the agreement enhances one or more national transportation policy goals,

(2) Whether the agreement will harm interests intended to be protected by the antitrust laws, and

(3) Whether the benefits the agreement confers on the public interest from the standpoint of the national transportation policy outweigh the harm the agreement will do to the public interest intended to be protected by the antitrust laws.

The Commission will not accept general allegations of fact unsupported by evidence or not stated with particularity. Evidence, either by way of verified statement or in the form of documents, must be detailed and thorough. If no evidence exists to support a particular contention, the parties should state why. General allegations that ratemaking agreements are necessary, or that they are not, will be disregarded unless substantiated by facts which relate the statement to the agreement under consideration. Nor will the Commission accept as justifications for an agreement that collective ratemaking will enable the parties to economize in their operations or in tariff publication. Such arguments have been made by applicants and rejected by this Commission in the past. E.g., *Florida Specialized Carriers Interstate Rate Conference, Inc.—Agreement*, 355 I.C.C. 623 (1977). As a helpful guide to applicants in determining whether evidence will be considered persuasive by the Commission, it should be kept in mind that applicants have the burden of proof at every step in the proceeding.

In addition to the requirements outlined here concerning evidence, applicants must also submit evidence responsive to the following questions:

(1) Whether any of the goals which justify the collective ratemaking agreement under consideration can be accomplished by some other method than collective action,

(2) Whether any of the reasons which justify membership in the agreement by any specific parties can be accomplished without belonging to the agreement, and

(3) The number of carriers with operating authority from the Commission which qualify for membership in



the agreement but which are not parties to it.

Evidence responsive to these questions must be detailed, substantiated by documents such as continuing traffic studies, and otherwise meet the standards for evidence generally set forth here. It the Commission determines that it needs more specific information respecting a particular agreement, it will issue the necessary Orders, with adequate notice and opportunity for comment by the parties affected.

OTHER MATTERS

Unless the Commission states otherwise with respect to any particular proceeding, replies to initial statements filed in any of these proceedings will be due thirty days after the filing with this Commission of the statement to which the reply makes reference. Due dates for initial statements from parties in each proceeding are set forth in the following paragraphs and are staggered for the Commission's administrative convenience. All parties should be aware that the Commission will disfavor requests for extension of time to file initial or reply statements or other pleadings absent a showing of compelling necessity.

These are the due dates:

For the following applications, June 12, 1978: No. 1, Household Goods Carriers' Bureau; No. 4, Movers' & Warehousemen's Association of America, Inc.; No. 9, National Bus Traffic Association, Inc.; No. 10, Waterways Freight Bureau; No. 11, Michigan Mover's & Warehousemen's Association, new furniture; No. 15, Atlantic Gulf Coastwise Steamship Freight Bureau; No. 113, Automotive Carriers Association; No. 114, Midwest Household Goods Carriers Association; No. 115, Midwest Oilfield Haulers Freight Traffic Association; No. 116, Willamette Tariff Bureau, Inc.; No. 107, Air Freight Motor Carriers.

For the following applications, July 10, 1978: No. 22, Pacific Inland Tariff Bureau, Inc.; No. 23, Middle Atlantic Conference; No. 24, San Francisco Movers Tariff Bureau; No. 25, New England Motor Rate Bureau, Inc.; No. 30, Tobacco Transporters Freight Traffic Committee; No. 31, Chicago Suburban Motor Carriers Association, Inc.; No. 32, Columbia River Tariff Bureau; No. 33, Central States Motor Freight Bureau, Inc.; No. 34, Midwest Motor Freight Bureau; No. 35, Oil Field Haulers Association, Inc.

For the following applications, August 9, 1978: No. 36, Wearing Apparel Carriers; No. 37, Southern Illinois Motor Rate Conference; No. 39, Western States Movers' Conference; No. 40, Kansas Oil Field and Heavy Machinery Haulers; No. 45, Niagara Frontier Tariff Bureau, Inc.; No. 46, Southern Motor Carriers Rate Conference, Inc.; No. 48, Eastern Central Motor Carriers Association, Inc.; No. 49, Central and Southern Motor Freight Tariff Association, Inc.; No. 51, Indiana Motor Rate and Tariff Bureau, Inc.; No. 52, Freight Forwarders Conference.

For the following applications, September 8, 1978: No. 53, Intercoastal Steamship Freight Association; No. 54, Heavy and Specialized Carriers Tariff Bureau; No. 55, Motor Carriers Traffic Association, Inc.; No. 58, Machinery Haulers Association; No. 60, Rocky Mountain Motor Tariff Bureau, Inc.; No. 61, National Classification Committee; No. 62, Intermountain Tariff Bureau, Inc.; No. 63 Bulk Tank Carrier Conference, Inc.

For the following applications, October 9, 1978: No. 64, Steel Carriers' Tariff Association, Inc.; No. 66, Western Tank Truck Carriers' Conference, Inc.; No. 69, Perishables Tariff Bureau; No. 70, Western Motor Tariff Bureau, Inc.; No. 73, Ohio Motor Freight Tariff Committee, Inc.; No. 75, Pacific Motor Tariff Bureau, Inc.; No.

77, Nationwide Household Movers Association.

For the following applications, November 7, 1978: No. 78, Mobile Housing Carriers Conference; No. 79, Hawaiian Freight Tariff Bureau, Inc.; No. 81, New York Movers Tariff Bureau, Inc.; No. 83, Alaska Carriers Association, Inc.; No. 85, Oil Capital Tariff Bureau, Inc.; No. 87, National Association of Specialized Carriers, Inc.; No. 91, Wyoming Trucking Association, Inc.; No. 92, Maine Motor Rate Bureau; No. 94, Automotive Transporters Tariff Bureau, Inc.; No. 95, United Tariff Bureau, Inc.

For the following applications, December 7, 1978: No. 65, Equipment Interchange Association; No. 72, Motor Carrier Inter-Related Rate Agreement; No. 96, Northwest Towboat Tariff Bureau, Inc.; No. 99, Nebraska Motor Carriers' Association; No. 101, Midwest Cement Carriers; No. 106, Household Goods Forwarders Tariff Bureau.

Applicants in all proceedings must serve a copy of their evidence on the Federal Trade Commission, Office of the Secretary, Washington, D.C. 20580, and on the Department of Justice, Attn.: Assistant Attorney General John H. Shenefield, Antitrust Division, Washington, D.C. 20530. Nonapplicant parties filing pleadings with respect to a particular agreement must serve a copy of the pleading on the group of parties to the agreement affected.

This document was adopted formally at a general session of the Interstate Commerce Commission held at its office in Washington, D.C. on the 30th day of December 1977.

By the Commission. (Commissioner Brown not participating.)

H. G. HOMME, Jr.,  
Acting Secretary.

(FR Doc. 78-777 Filed 1-10-78; 8:45 am)

# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

Federal Deposit Insurance Corporation	1, 2
Federal Energy Regulatory Commission	3
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International Trade Commission	5
National Science Board	6
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[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 1170, January 6, 1978, No. 4.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: 11 a.m., January 11, 1978, open.

TIME AND DATE: 10:30 a.m., January 11, 1978.

PLACE: Room 6135, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

APPLICATIONS FOR FEDERAL DEPOSIT INSURANCE

Bank of the Sierra, a proposed new bank to be located at 90 North Main Street, Porterville, Calif., for Federal deposit insurance.

Aledo State Bank, a proposed new bank to be located at Farm Road 5 North, Aledo, Tex., for Federal deposit insurance.

Associated Bank of Appleton, a proposed new bank to be located at 720 East Northland Avenue, Appleton, Wis., for Federal deposit insurance.

APPLICATION FOR CONSENT TO CHANGE A MAIN OFFICE LOCATION

Bank of Lake Helen, Lake Helen, Fla., for consent to move its main office from 121 Lakeview Avenue to the northwest corner of the intersection of Summit Avenue and Main Street, both locations within Lake Helen, Fla.

APPLICATIONS FOR CONSENT TO ESTABLISH BRANCHES

The Islamorada Bank, Unincorporated Monroe County (P.O. Islamorada), Fla., for consent to establish a branch at the northeast quadrant of the intersection of U.S. Highway-1 and Ocean Bay Drive, Unincorporated Monroe County (P.O. Key Largo), Fla.

TotalBank, Miami, Fla., for consent to establish a branch at 765 East 9th Street, in the LeJeune Plaza Shopping Center, Hialeah, Fla.

Capital Bank of North Bay Village, North Bay Village, Fla., for consent to establish a branch at 5900 Northwest 37th Street, Virginia Gardens, Fla.

Banco Popular de Puerto Rico, San Juan (Hato Rey), P.R., for consent to establish a branch at Insular Road No. 3, Kilometer 10.2 and Ignacio Arzuaga Street, Carolina, P.R.

REQUEST FOR MODIFICATION OF A CONDITION PREVIOUSLY IMPOSED IN CONNECTION WITH THE APPROVAL OF A BRANCH APPLICATION

First Marine Bank & Trust Co. of the Palm Beaches, Riviera Beach, Fla., for modification of a condition previously imposed in connection with approval of the bank's application for consent to establish a branch at 1201 East Blue Heron Boulevard, Riviera Beach, Fla.

APPLICATION FOR CONSENT TO EXERCISE LIMITED TRUST POWERS

Bank of Springfield, Springfield, Ill., for consent to exercise limited trust powers, namely, to exercise the powers of executor, administrator, trustee, guardian, committee, agent, custodian, corporate trustee, and corporate agent.

APPLICATIONS OR REQUESTS PURSUANT TO SECTION 19 OF THE FEDERAL DEPOSIT INSURANCE ACT FOR THE CORPORATION'S CONSENT TO SERVICE OF PERSONS CONVICTED OF AN OFFENSE INVOLVING DISHONESTY OR A BREACH OF TRUST AS DIRECTORS, OFFICERS, OR EMPLOYEES OF INSURED BANKS

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

APPLICATION FOR CONSENT TO A PURCHASE AND ASSUMPTION TRANSACTION AND FOR CONSENT TO ESTABLISH BRANCHES

American Pacific State Bank, Los Angeles, Calif., an insured State non-member bank, for consent to purchase a portion of the assets of and assume the liability to pay a portion of the deposits made in the Hongkong Bank of California, San Francisco, Calif., and for consent to establish the latter's North Hollywood Branch, Los Angeles, Calif., as a branch of American Pacific State Bank.

APPLICATION FOR CONSENT TO MERGE AND ESTABLISH BRANCHES

Southeast Everglades Bank of Fort Lauderdale, Fort Lauderdale, Fla., an insured State nonmember bank, for consent to merge under its charter, and with the title of "Southeast Bank of Broward," with Southeast Bank of Broward, Fort Lauderdale, Fla.; Southeast Bank of Deerfield Beach, Deerfield Beach, Fla.; Southeast Bank of Galt Ocean Mile, Fort Lauderdale, Fla.; Southeast Bank of Hollywood Hills, Hollywood Hills, Fla.; and Southeast Bank of Miramar, Miramar, Fla.; and for consent to establish the seven offices of the latter five banks as branches of the resultant bank.

RECOMMENDATIONS REGARDING LIQUIDATION OF A BANK'S ASSETS ACQUIRED BY THE CORPORATION IN ITS CAPACITY AS RECEIVER, LIQUIDATOR, OR LIQUIDATING AGENT OF THOSE ASSETS

Case No. 43,312-L—The Bank of Bloomfield, Bloomfield, N.J.

Case No. 43,313-L—International City Bank & Trust Co., New Orleans, La.

Case No. 43,315-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,317-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,322-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,324-L—American City Bank & Trust Co., National Association, Milwaukee, Wis.

Case No. 43,326-L—American City Bank & Trust Co., National Association, Milwaukee, Wis.

Case No. 43,327-L—American City Bank & Trust Co., National Association, Milwaukee, Wis.

Case No. 43,328-SR—The Peoples Bank of the Virgin Islands, Charlotte Amalie, St. Thomas, V.I.

Case No. 43,332-L—The Monroe Bank & Trust Co., Monroe, Conn.



Case No. 43,334-L—Northern Ohio Bank, Cleveland, Ohio.

Case No. 43,335-L—American City Bank & Trust Co., National Association, Milwaukee, Wis.

Case No. 43,336-SR—Franklin Bank, Houston, Tex.

Case No. 43,337-L—Franklin National Bank, New York, N.Y.

Case No. 43,339-L—Franklin National Bank, New York, N.Y.

Case No. 43,341-NR—San Francisco National Bank, San Francisco, Calif.

Case No. 43,342-SR—Franklin Bank, Houston, Tex.

Case No. 43,345-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,348-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,350-SR—Sharpstown State Bank, Houston, Tex.

Case No. 43,354-L—Franklin National Bank, New York, N.Y.

Case No. 43,355-NR—United States National Bank, San Diego, Calif.

Case No. 43,356—Farmers Bank of the State of Delaware, Dover, Del.

Case No. 43,357-SR—Franklin Bank, Houston, Tex.

Case No. 43,358-L—Franklin National Bank, New York, N.Y.

Case No. 43,359-L—Request for approval of proposed adjustments to reserves for losses and allotments for insurance expenses on the books of the Corporation as of December 31, 1977.

#### RECOMMENDATIONS WITH RESPECT TO THE INITIATION OR TERMINATION OF CEASE-AND-DESIST PROCEEDINGS OR TERMINATION-OF-INSURANCE PROCEEDINGS AGAINST CERTAIN INSURED BANKS

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the Government in the Sunshine Act (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

#### MEMORANDUM PROPOSING THE CONDUCT OF AN INVESTIGATION, PURSUANT TO SECTION 10(c) OF THE FEDERAL DEPOSIT INSURANCE ACT, OF THE ACTIVITIES OF CERTAIN PERSONS AS THEY RELATE TO THE LIQUIDATION OF A CLOSED INSURED BANK

Names of persons and of bank authorized to be exempt from disclosure by subsections (c)(6), (c)(9)(B), and (c)(10) of the Government in the Sunshine Act (5 U.S.C. 552b (c)(6), (c)(9)(B), and (c)(10)).

#### PERSONNEL ACTIONS REGARDING APPOINTMENTS, PROMOTIONS, ADMINISTRATIVE PAY INCREASES, REASSIGNMENTS, RETIREMENTS, SEPARATIONS, REMOVALS, ETC.

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the Government in the Sunshine Act (5 U.S.C. 552b (c)(2), (c)(6)).

#### CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-48-78 Filed 1-9-78; 10:36 am]

[6714-01]

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#### FEDERAL DEPOSIT INSURANCE CORPORATION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 1169, January 6, 1978, No. 4.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: 10:30 a.m., January 11, 1978, closed.

TIME AND DATE: 11 a.m., January 11, 1978.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

#### MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance.

Each State Bank, a proposed new bank to be located at 1030 Main Street, Springfield, Colo., for Federal deposit insurance.

Broadway Bank, a proposed new bank to be located at 5960 North Broadway, Chicago, Ill., for Federal deposit insurance.

Orland Park Plaza Bank, a proposed new bank to be located at 153d Street and LaGrange Road, Orland Park, Ill., for Federal deposit insurance.

Amherst Savings Bank, an operating noninsured mutual savings bank located in Amherst, Mass., for Federal deposit insurance.

Randolph Bank & Trust Co., a proposed new bank to be located at 173 North Fayetteville Street, Asheville, N.C., for Federal deposit insurance.

United Savings Bank, Mutual, to be located in Salem, Oregon, for Federal deposit insurance coincident with the conversion of the First Federal Savings and Loan Association of Salem, Salem, Oreg., into a mutual savings bank.

Request for an extension of time in which to establish a branch:

First Vermont Bank & Trust Co., Brattleboro, Vt., for an extension of time to December 4, 1978 in which to establish a branch on the east side of Route 100 in Waterbury, Vt.

Recommendations regarding the liquidation of assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,299-NR—United States National Bank. (Addendum: San Diego, Calif.)

Case No. 43,329-SR—The Peoples Bank of the Virgin Islands Charlotte Amalie, St. Thomas, V.I.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, Calif., in connection with the receivership of United States National Bank, San Diego, Calif.

Schall, Boudreau & Gore, Inc., San Diego, Calif., in connection with the receivership of United States National Bank, San Diego, Calif.

Bronson, Bronson & McKinnon, San Francisco, Calif., in connection with the liquidation of First State Bank of Northern California, San Leandro, Calif.

Sidley & Austin, Chicago, Ill., in connection with the liquidation of First State Bank of Northern California, San Leandro, Calif.

White & Steele, Denver, Colo., in connection with the liquidation of Skyline National Bank, Denver, Colo.

Stone, Pigman, Walther, Wittmann & Hutchinson, New Orleans, La., in connection with the liquidation of Republic National Bank of Louisiana, New Orleans, La.

Kaye, Scholer, Fierman, Hays & Handler, New York, N.Y., in connection with the receivership of American Bank & Trust Company, New York, N.Y.

Kaye, Scholer, Fierman, Hays & Handler, New York, N.Y., in connection with the liquidation of Franklin National Bank, New York, N.Y.

Sahn, Shapiro & Epstein, New York, N.Y., in connection with the liquidation of Franklin National Bank, New York, N.Y.

J. Randolph Pelzer, North Charleston, S.C., in connection with the liquidation of American Bank & Trust, Orangeburg, S.C. (Two memorandums.)

Recommendations with respect to the amendment of Corporation rules and regulations:

Memorandum and resolution proposing the publication for comment of amendments to Part 335 of the Corporation's rules and regulations, entitled "Securities of Insured State Non-member Banks," to bring the securities disclosure regulations of the Corporation into substantial similarity with those of the Securities and Exchange Commission.

Memorandum and resolution proposing the publication for comment of amendments to section 337.3 of the Corporation's rules and regulations, relating to insider transactions.

Memorandum and resolution proposing the adoption of a statement of policy to be entitled "Policy Concerning Improper or Illegal Payments by Banks and Bank Holding Companies."

Appeals, pursuant to the Freedom of Information Act, from the Corporation's earlier denial or partial denial of requests for records.

Memorandum proposing the renewal of a lease agreement relating to the Division of Bank Supervision Training Center lodging facilities.

Reports of committees and officers: Report of the Executive Secretary regarding his transmittal of "no significant effect" competitive factor reports.

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Division of Liquidation detailing all disbursements in excess of \$10,000 and all sales of real estate properties in connection with the liquidation of The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee, during the period October 16-December 18, 1977.

Reports of security transactions authorized by the Chairman.

#### CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-47-78 Filed 1-9-78 10:36 am]

[6740-02]

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#### FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published January 6, 1978, 43 FR 1171.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: January 11, 1978, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

#### Item No., Docket No., and Company

CP-14.—CP77-637, Columbia Gas Transmission Corp.; CP78-98, Texas Gas Transmission Corp.

CP-15.—CP78-52, Tennessee Gas Pipeline Co. and East Tennessee Natural Gas Co.; CP78-98, Texas Gas Transmission Corp.

KENNETH F. PLUMB,  
Secretary.

[S-55-78 Filed 1-9-78; 2:34 pm]

[7030-01]

4

#### INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., January 18, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the Public. Docket 229, Navajo.

#### FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone 202-653-6174.

[S-51-78 Filed 1-9-78; 2:34 pm]

[7020-02]

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#### INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Friday, January 20, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

#### MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary).
5. C.B. transceivers (Inv. TA-201-29) vote on injury.
6. Administrative update by the Acting Director of Administration.
7. Machining centers (Inv. 337-TA-34).
8. EEO status report.
9. Doxycycline (Inv. 337-TA-3)—motion by Pfizer to reactivate the investigation.
10. Toy vehicles (Inv. 337-TA-31)—consideration of the procedures for post-hearing briefs and oral argument.
11. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-52-78 Filed 1-9-78; 2:34 pm]

#### CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-52-78 Filed 1-9-78; 2:34 pm]

[7555-01]

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#### NATIONAL SCIENCE BOARD.

TIME AND DATE: January 19, 1978. Open Session: 1 p.m. to 5 p.m. January 20, 1978. Closed Session: 8:30 a.m. to 4 p.m.

PLACE: Room 540, 1800 G Street NW., Washington, D.C. 20550.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

#### MATTERS TO BE CONSIDERED:

Portions open to the Public:

1. Minutes—Open Session—194th Meeting.
2. Chairman's Report.
3. Director's Report.
4. Reports of Board Committees.
5. NSF Advisory Group—Report on Meeting.
6. Grants, Contracts, and Programs.
7. Proposed Language Change Regarding NSF Support of Basic Research in Industry.
8. Presentation by Ambassador Jean Wilkowski, U.S. Coordinator for United Nations Conference on Science and Technology for Development.
9. Other Business.
10. Next Meetings.

#### Portions Closed to the Public:

- A. Minutes—Closed Session—194th Meeting.
- B. Report on NSB Nominees.
- C. NSB Annual Reports.
- D. NSF Budgets for Fiscal Years 1979 and 1980.
- E. Appointments to Alan T. Waterman Award Committee.
- F. Nominations to Advisory Committee for Science Education and Advisory Committee for Minority Programs in Science Education.
- G. Grants and Contracts.

#### CONTACT PERSON FOR MORE INFORMATION:

Miss Vernice Anderson, Executive Secretary, 202-632-5840.

[S-53-78, Filed 1-9-78; 2:34 pm]

[7590-01]

7

#### NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 1432.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, January 12, 1978, 11 a.m. and 2 p.m.

CHANGES IN THE MEETING: Meeting titled "Oral Arguments in St. Lucie (ALAB-420)" is canceled. Meeting titled "Discussion of St. Lucie (ALAB-420)" is canceled.

The items will be rescheduled in the near future.

WALTER MAGEE,  
Office of the Secretary.

JANUARY 9, 1978.

[S-49-78 Filed 1-9-78; 2:34 pm]

[7590-01]

8

#### NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Thursday, January 12, 1978.



SUNSHINE ACT MEETINGS

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open (additional item).

MATTERS TO BE CONSIDERED: 2 p.m. Affirmation of: Recommendation for disposition of an FOIA appeal; and proposed amendments to 10 CFR parts 19 and 20 to control Radiation exposure to transient workers. (Approximately 5 minutes.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,  
Office of the Secretary.

JANUARY 5, 1978.

[S-50-78 Filed 1-9-78; 2:34 pm]

[7600-01]

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., January 17, 1978.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting will be open.

MATTERS TO BE CONSIDERED: Several amendments to the Commission's procedural rules found in 29 CFR Part 2200.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson, 202-634-7970.

Dated: January 9, 1978.

[S-54-78 Filed 1-9-78; 2:34 pm]

WEDNESDAY, JANUARY 11, 1978  
PART II



# INTERSTATE COMMERCE COMMISSION

BRANCH LINE  
ACCOUNTING SYSTEM,  
REGIONAL SUBSIDY  
STANDARDS, AND  
COMMUTER STANDARDS

Conformance with Uniform  
System of Accounts  
for Railroad Companies

Registered  
Federal

■



## [7035-01]

## Title 49—Transportation

## CHAPTER X—INTERSTATE COMMERCE COMMISSION

## SUBCHAPTER B—PRACTICE AND PROCEDURE

(Ex Parte No. 293; Sub. No. 2)

## PART 1125—STANDARDS FOR DETERMINING RAIL SERVICES CONTINUATION SUBSIDIES

## Report and Order

AGENCY: Rail Services Planning Office (RSPO), Interstate Commerce Commission.

ACTION: Restatement of Standards.

SUMMARY: RSPO restates Regional Subsidy Standards to conform with new ICC Uniform System of Accounts (USOA) which was established in accordance with the requirements of section 307 of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act). Comments are invited on substantive changes and whether in light of the new USOA, the formulas for apportioning common costs may be refined.

DATES: Effective date: January 1, 1978. Comments may be filed on or before January 31, 1978.

ADDRESS: An original and six copies should be submitted to:

Rail Services Planning Office, 1900 L Street NW., Washington, D.C. 20036. Attn: Regional Subsidy Standards.

## FOR FURTHER INFORMATION CONTACT:

James Wells, Chief, Cost Evaluation Branch, Rail Services Planning Office, 202-254-7552.

SUPPLEMENTARY INFORMATION: The Rail Services Planning Office (RSPO) of the Interstate Commerce Commission (ICC) is directed by section 205(d)(6) of the Regional Rail Reorganization Act of 1973 (3R Act), 45 U.S.C. 715(d)(6), as amended by section 309 of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act), Pub. L. 94-210 to:

Determine and publish, and from time to time revise and reissue, standards for determining (A) the "revenue attributable to the rail properties", (B) the "avoidable costs of providing service", (C) a "reasonable return on the value", and (D) a "reasonable management fee", as those phrases are used in section 304 of this Act (as amended by section 804 of the Railroad Revitalization and Regulatory Reform Act), after a proceeding in accordance with the provisions of section 553 of Title 5, United States Code.

The Regional Subsidy Standards (published in Title 49 of the Code of Federal Regulations, Part 1125) are based on and refer directly to the ICC's Uniform System of Accounts (USOA). The ICC was directed in sec-

tion 307 of the 4R Act to establish a new Uniform System of Accounts for railroad companies; the new USOA becomes effective January 1, 1978. As a result, RSPO is restating the Regional Subsidy Standards to conform them with the new USOA. The restated standards include a conversion table to help "bridge" from the old to the new accounting system. RSPO intends no substantive change in the Regional Subsidy Standards other than the following which were required by the new USOA:

The new USOA determines freight-train car costs by car type. The restated standards calculate freight-train car costs by each car type, rather than the present method of calculation which is based on an average of all car types; and

Certain incomes presently included in the standards as attributable revenues are treated in the restated standards as reductions to costs to conform with the new USOA. This change will affect the calculation of the administrative and management fees.

These and other changes in the standards relate only to the calculation of revenues attributable and on-branch costs. Off-branch costs will be based on a new cost-determination formula which is not yet completed. A new off-branch formula will be published when the new costing procedure for railroads is developed by the ICC. Although the restated standards become effective January 1, 1978, parties to existing subsidy agreements may agree to continue to use the present standards for the remainder of the current subsidy year.

RSPO invites comments on those areas in which substantive changes were made or a party believes substantive changes may have been made. Interested parties are also asked to consider whether the formulas for apportioning costs (§ 1125.8) may be refined in light of the new USOA. An original and six copies of the comments should be mailed to:

Rail Services Planning Office, 1900 L Street, NW., Washington, D.C. 20036. Attention: Regional Subsidy Standards.

The filing deadline is January 31, 1978.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Accordingly, it is ordered, That Part 1125 of Chapter X of Title 49 of the Code of Federal Regulations appended to this report is hereby revised effective January 1, 1978.

Issued December 29, 1977, by Alan M. Fitzwater, Director, Rail Services Planning Office.

By the Commission.

H. GORDON HOMME, Jr.,  
Acting Secretary.

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AUTHORITY: Section 205(d)(6), Regional Rail Reorganization Act of 1973, Pub. L. 93-236, 87 Stat. 985, 994, as amended by sec. 309 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210, 90 Stat. 31, 57.

## § 1125.1 Purpose of the standards.

(a) The 3R Act established a method of preserving rail service that would otherwise be discontinued as a result of the restructuring process developed by the final system plan. Section 304(c)(2) of the 3R Act, as amended, provides that no rail service or properties may be discontinued or abandoned if a financially responsible person or government entity offers a subsidy which: (1) Covers the difference between the carrier's revenues attributable to such rail properties and the carrier's avoidable costs of providing rail service on such properties, together with a reasonable management fee, and (2) includes a reasonable return on the value of such properties. Further, the person offering the subsidy shall designate the operator of the continued rail service.

(b) RSPO was directed to develop and publish standards to determine "revenues attributable to the rail properties," the "avoidable costs of providing service," a "reasonable return on the value," and a "reasonable management fee" as those phrases are used in section 304 of the 3R Act as amended. These standards (49 CFR 1125), developed by RSPO and referred to as the "Regional Subsidy Standards," are applicable only for subsidized freight operations over those rail properties of the railroads in reorganization which were not conveyed to ConRail. (Methods governing the calculation of subsidies for rail properties of other railroads as well as those properties conveyed to ConRail are covered by a separate set of standards (49 CFR 1121) and are referred to as the "National Subsidy Standards.")

(c) These standards intend that parties to a subsidy agreement utilize arms-length negotiation to the fullest extent possible in establishing and executing a subsidy operating agree-

ment. The standards presented here develop the methodologies for: (1) Calculating a subsidy estimate to be used as a basis for a subsidy offer under section 304(c)(2) of the 3R Act, as amended, (2) determining the actual revenues and costs of a subsidized operation during the subsidy year, and (3) establishing a return on the value of the properties used in continuing the rail service. Parties may agree in arms-length negotiations to provisions which modify these standards, subject to review of such modifications by RSPO. RSPO would not expect to disapprove variations from the standards which are the product of arms-length negotiations and which are shown to be reasonable in the light of pertinent facts and circumstances. When an agreement has been reached, a copy shall be filed promptly with RSPO for its review.

(d) In brief, the standards describe the method for establishing a subsidy estimate, the basis for paying this estimate during the subsidy year, the method of calculating the actual subsidy during the subsidy period, and the provisions for adjusting for the difference between the estimated subsidy and the actual subsidy at the end of the subsidy period.

(e) For further information regarding these standards, persons may contact RSPO's Cost Evaluation Branch at 202-254-7552.

## § 1125.2 Definitions of terms used in the standards.

Unless otherwise required by the context, the following definitions apply:

"Account" means an account in the ICC's Uniform System of Accounts for Railroad Companies (49 CFR Part 1201).

"3R Act" means the Regional Rail Reorganization Act of 1973, Pub. L. 93-236 (87 Stat. 985).

"4R Act" means the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210 (90 Stat. 31).

"Base year" means, for initial subsidy estimates, the year employed by the U.S. Railway Association in developing the final system plan (1973). For subsequent subsidy estimates, the base year is the year immediately preceding the year for which the subsidy estimate is being calculated.

"Branch" means a segment of a railroad that is not designated to be in the final system plan under the 3R Act, and that is the subject of a notice in writing of intent to discontinue service under section 304(a) of the 3R Act.

"Form R-1" means a class I railroad's annual report filed with the ICC in accordance with the requirements of section 20 of the Interstate Commerce Act.

"Form R-2" means a class II railroad's annual report filed with the

ICC in accordance with the requirements of section 20 of the Interstate Commerce Act.

"FRA" means the Federal Railroad Administration, U.S. Department of Transportation.

"GMA" means General Managers Association of Chicago.

"ICC" means the Interstate Commerce Commission.

"Notice of intent" means a notice in writing of intent to discontinue service under section 304(a) of the 3R Act and notice of intent to abandon rail properties under section 304(b) of the 3R Act.

"Person offering a subsidy" means a shipper, a State, the United States, a local or regional transportation authority, or any responsible person offering a rail service continuation subsidy under section 304(c)(2)(A) of the 3R Act.

"Rail Form A" means the ICC's formula for use in determining rail freight service costs, statement 1F1-73.

"Railroad" means a railroad company, or the trustee or trustees of a railroad company, that gives a notice in writing of intent to discontinue service under section 304(a) of the 3R Act, and, as the context requires, "railroad" may mean either the owner of rail properties over which subsidized service is or may be performed, or the operator of that service, or both.

"RSPO" means the Rail Services Planning Office established by section 205 of the 3R Act.

"Subsidy year" means any 12-month period for which a subsidy agreement is negotiated and in operation.

"XX," when used in place of digits in a six-digit account number, means that all accounts containing the remaining four digits are to be used in the procedure being described. Example: "11-21-XX" refers to all salary and wage accounts for locomotives because "11" designates salaries and wages and "21" designates locomotives. Thus, "11-21-XX" includes all of the following accounts: 11-21-01, 11-21-40, 11-21-48, 11-21-39, and 11-21-99. Similarly, "XX-31-67" means all accounts containing "31" (train operations) and "67" (locomotive fuel).

## § 1125.3 Procedure for calculating a subsidy estimate.

(a) *Discontinuance notice and subsidy offer procedures.*—(1) *Notice of discontinuance.* A railroad giving notice of intent to discontinue service on a branch shall provide an "Estimate of Subsidy Payment" and shall distribute copies of this estimate to the Director of RSPO, the Governor and railroad regulatory commission of each State within which the branch is located, and any other person upon request. The format of the "Estimate of Subsidy Payment" is prescribed in appendix

I. The subsidy estimate shall be the difference between the revenues attributable to the rail properties and the avoidable costs of providing service on such rail properties, together with a reasonable management fee, plus a reasonable return on the value of the properties. Beginning with the week in which it gives notice of intent to discontinue service on the branch, pursuant to section 304(a)(1)(B) of the 3R Act, the railroad shall publish a copy of that notice of intent in a newspaper or newspapers of general circulation in the area encompassing the branch at least once a week for three consecutive weeks. Each railroad shall include in the required notices a statement of the address of the railroad's office within the State or States where interested persons may examine, during regular working hours, the materials and information upon which the subsidy estimate calculations were made. If the railroad so requests, examination of documents which disclose information concerning the nature, kind, quantity, destination, consignee, or routing of traffic may be restricted to the representative of the person offering a subsidy and then only if that representative agrees to keep that information confidential. A notice of intent to discontinue service, according to section 304(a)(1)(B) of the 3R Act, is not considered complete or given until the railroad has fulfilled these requirements.

(2) *Subsidy offer.* Persons wishing to subsidize rail service proposed for discontinuance shall: (i) Communicate in writing with the railroad selected as the designated operator for the continuation of such service, offering to pay such operator the estimated subsidy amount, and (ii) communicate in writing with the trustee(s) or owner(s) of the railroad which owns the branch line, offering to pay a reasonable return on the value of the properties. Upon the offer of a subsidy from a financially responsible person, discontinuance of the rail service or abandonment of the rail properties for which the subsidy is being offered is prohibited, pursuant to section 304(c)(2)(A) of the 3R Act. The parties are free to negotiate operating levels and reasonable variations from the standards, but when impasse occurs in the negotiations, the standards established here can be invoked.

Because USRA was not required to utilize the standards promulgated by RSPO as criteria for inclusion of branch lines in the final system plan, it is possible that a branch line could be excluded from the final system plan and yet generate revenues which exceed the costs as calculated under these standards. Therefore, RSPO has established the amount that a potential subsidizer must offer under section 304(c)(2)(A) as the amount com-



puted by the subsidy estimate formula or \$1.00, whichever is the greater.

(3) *Use of prior subsidy standards.* Even though these standards become effective January 1, 1978, parties to existing subsidy agreements may agree to continue to use the standards in effect prior to January 1, 1978, for the remainder of the current subsidy year.

(4) *Basis of estimated subsidy.* The estimated subsidy for the subsidy year immediately following conveyance in the reorganization process (ConRail start-up date) shall be calculated according to an interim formula based on data from 1973, which was the base year employed by USRA in developing the final system plan. This interim formula, using 1973 data, is to be employed only for the calculation of initial subsidy agreements; once a subsidy agreement is in place, subsequent years' estimates shall be based on data drawn from the preceding subsidy year. Estimates for revenues, on-branch avoidable costs, off-branch costs, a reasonable management fee, and a return on value shall be calculated according to the procedures in §§ 1125.3(b) through 1125.3(f) inclusive. The subsidy estimate procedure relies in many instances on the same formulas that are used to calculate the actual subsidy amount; the basic difference between the estimated and actual subsidy calculations is that the actual subsidy amount is calculated using data reflecting the experience of the subsidy year, while the estimate is based on anticipated operational results.

(b) *Estimated revenues.* Using base year data, estimated revenues shall include all sources of revenue and income prescribed as revenues and income attributable to the rail properties in the calculation of the actual subsidy, see section 1125.6.

(c) *Estimated on-branch costs.* On-branch cost estimates shall be separated and calculated as follows:

(1) *Routine maintenance of way and structures.* These expenses shall be estimated at \$1,000 per year per mile of track on the branch for which the railroad is responsible for maintenance, unless the parties agree to a higher level.

(2) *Rehabilitation.* Rehabilitation costs shall not be included unless: (i) The track involved does not meet minimum FRA class I safety standards (49 CFR Part 213), in which case, the railroad shall furnish a detailed estimate of the costs to rehabilitate the track to FRA class I level with the notice of intent and provision to cover such costs shall be included in the subsidy agreements; or (ii) The potential subsidizer requests a level of service which requires expenditures for rehabilitation and makes such a request within 10 days after the date of notice of intent is filed, in which case the

railroad shall furnish an estimate of the costs involved within 20 days after the date of that request. All such requests and estimates shall refer to specific projects for rehabilitation.

(3) *Maintenance of equipment excluding freight cars.* Estimates for maintenance of equipment shall be developed by applying base year data to the formula for calculating the actual maintenance of equipment expense, see § 1125.7(b). Unless the parties agree to a different base, the resulting average unit costs shall be applied to the branch base year service units to arrive at the estimate.

(4) *Transportation.* Transportation costs shall be estimated based on system average costs. The number of trips per year shall be based on the frequency of service performed at the time the notice is filed unless the parties agree to a different level. Labor costs for train crews shall be based on system average costs for each type of crew applied to the hours of service on the branch. The crew costs shall be classified into three major categories: Yard, local/way, and through. The straight time average costs per hour for each yard, local/way, or through train crew member shall be calculated for class I railroads by using the railroad's Employees, Service, and Compensation Report (Form B) for the base year. The calculation is made by adding together the straight time compensation and the constructive allowances, and dividing this total by the straight time hours actually worked. This process would be repeated for each yard, local/way, and through train class of employee. For class II railroads, the straight time average cost per hour for each yard, local/way, or through train crew member shall be calculated in the same manner, using the railroad's payroll records for the base year. After the hourly rate is determined for each member, the cost per crew hour shall be calculated based on the exact size and consist of the crew currently serving the branch. The crew cost per hour is multiplied by the estimated hours that will be incurred in serving the branch during the subsidy period. The estimated direct crew costs must be increased to cover fringe benefits using the procedure specified in § 1125.7(c). The railroad shall also furnish estimates of costs for the remaining transportation accounts using section 1125.7(c) as a guide to their inclusion and basis of calculation.

(5) *General administrative expenses.* In exceptional circumstances, the railroad may be allowed to include general administrative expenses. Such expenses are allowable only if the size of the railroad's operation (measured in total mileage, gross revenues, gross ton-miles, or car-miles) is increased by more than 25 percent as a result of operating the subsidized service, or the individual line being operated under a subsidy agreement generates \$10 million or more in gross revenues per annum. If the railroad foresees this increase, then estimates may be calculated for the accounts included under general administrative costs in § 1125.7(d).

(6) *Deadheading, taxi, and hotel costs.* Estimates for these costs shall be determined from base year data reflecting deadheading, taxi, and hotel costs incurred as a result of providing service to the branch line. The amounts under this section shall not be included under the wage accounts for yard conductors and brakemen, yard enginemen, or trainmen.

(7) *Overhead movement costs.* Estimates for these costs shall be determined from base year data reflecting overhead movement costs incurred as a result of providing service to the branch. The amounts shown shall be limited to transportation, equipment, and freight cars. The amounts shown under this section shall not be included under other sections of these standards.

(8) *Freight Car Costs.* Freight cars costs shall be estimated by a method consistent with the detailed procedures specified in § 1125.7(g).

(9) *Taxes.* Estimates for property taxes shall be based on the base year actual tax assessment, adjusted for tax rate changes; revenue taxes shall be based on the estimated revenue level.

(10) *Administrative Fee.* The estimated administrative fee shall be one percent of the revenues estimated under § 1125.3(b).

(11) *Casualty Reserve Account.* Estimates for this item shall be any payments mutually agreed to by the person offering the subsidy and the railroad for the purpose of holding the subsidizer harmless from any liability. Such cost may include a reasonable fee to cover the cost of administering the fund.

(12) *Termination Costs.* Estimates for these costs shall be determined according to a projection of costs reasonably and necessarily incurred should service to the subsidized branch be terminated. These costs shall not include any costs which the railroad would have incurred had the branch not been operated under the subsidy program. The 15 percent ceiling discussed in § 1125.5 is not applicable to these costs unless they are included in the estimated subsidy amount.

(d) *Estimated Off-Branch Costs.* A ratio of off-branch costs to revenues for the base year shall be used to derive the estimate of off-branch costs for the subsidy year. Base year off-branch costs shall be calculated using the procedure established in § 1125.7(n). If data identifying actual carloads by car type are not available,

car type shall be based upon the railroad's best estimate. The resulting ratio of base year off-branch costs to revenues shall then be applied to the revenues estimated under § 1125.3(b) to develop the estimated off-branch costs for the subsidy year.

(e) *Estimated Management Fee.* The estimated management fee shall be four and one-half percent of the revenues estimated under § 1125.3(b). If the railroad and the person offering the subsidy agree to an additional fee designed as an incentive to maximize revenues, minimize expenses, promote efficient service, or otherwise achieve public interest objectives, the railroad shall be paid such fee as determined in accordance with an agreement to that effect.

(f) *Estimated Return on Value.* The railroad shall appraise the value of the property using the procedures described in § 1125.9(a). If the value is challenged, an appraisal of the property by a qualified and certified appraiser(s) shall be offered by the potential subsidizer. If the parties cannot agree on a valuation through negotiation, an average of the two appraisals shall be used as the estimated valuation. The rate of return to be applied to the value of the properties shall be determined in accordance with § 1125.9(b).

#### § 1125.4 Interim payments, financial reports, and interpretations.

(a) *Interim Subsidy Payments.* The person offering a subsidy shall offer to pay, in return for the continuation of rail service, an amount computed on the basis of the interim formula described in § 1125.3. The interim payment may be adjusted, by agreement of the parties, to take into account factors, such as rate increases and changes in traffic levels, which would make the sole use of base year data an inappropriate means of estimating the payment for the subsidy year or to conform to amendments to these standards made subsequent to the original agreement. Interest shall be applied to any deferred payment, calculated at the same rate as the rate of return on value specified in § 1125.9(b), for the period of time such payment is outstanding. The amount estimated for the management fee and for the difference between the revenues attributable and the avoidable costs shall be paid to the railroad operating the branch line. The amount estimated for the return on value shall be paid directly to the trustee(s) or owner(s) of the property, unless the parties agree that such payment shall be made by the railroad in behalf of the subsidizer.

(b) *Financial Status Reports.* The railroad must establish a system for collecting costs and other required data at the branch level, and must,

within thirty days after the end of each quarter of the subsidy year, file with the person offering the subsidy a "Financial Status Report" which shall include the information prescribed in the method for calculating the actual subsidy as specified in §§ 1125.6, 1125.7, and 1125.9. The format of the "Financial Status Report" is prescribed in Appendix II. Significant deviations from the original estimates must be explained. In all reports, the actual data reflecting the year to date shall show a projection to the end of the subsidy year for each item, except that off-branch costs shall be estimated during the subsidy year by applying the ratio developed in accordance with § 1125.3(d) to the revenues.

Unless the parties agree otherwise, the last Financial Status Report filed during the first ten months of the subsidy year shall be the basis for developing the estimated subsidy payment for the subsequent year's agreement. The Financial Status Reports should be considered detailed progress reports monitoring the actual costs and revenues involved for operating rail service on the branch throughout the subsidy year; the Financial Status Reports are not to be considered as "progress billings" for subsidy services performed.

(c) *Interpretations of the Standards.* Parties desiring an interpretation of the standards should file a written petition with RSPO citing the section involved and setting forth their position and rationale. If the request arises from a dispute with other parties, the petitioner shall identify those parties and serve each of them with a copy of the petition. Parties desiring to file a reply must do so within 10 days of their receipt of the petition. RSPO will issue an interpretation, unless it concludes that the matter raised requires amendment of the standards, in which case RSPO will institute a rule-making proceeding. The address of RSPO is:

Rail Services Planning Office, 1900 L Street NW., Washington, D.C. 20036.

#### § 1125.5 Year-end adjustment.

(a) On the basis of the railroad's year-end Financial Status Report, the subsidy payment shall be adjusted to reconcile any differences between the subsidy payments actually made based on the estimated subsidy and the actual subsidy calculated from data reflecting the actual revenues and costs experienced in the operation of the branch during the subsidy year.

(b) Where an adjustment results in an increase in the estimated subsidy payment, the amount of such increase in excess of 15 percent of the estimated subsidy shall be treated as a carryover avoidable cost in the subsequent subsidy year. This provision

shall apply unless: (1) The railroad notifies the subsidizer in one of the Financial Status Reports issued during the first ten months of the subsidy year that the estimate will be exceeded by more than 15 percent, or (2) The increase results from an expense approved in advance by the person offering the subsidy.

(c) Should the year-end adjustment reflect an overpayment by the person offering the subsidy, the amount of overpayment shall be reimbursed by the railroad.

#### § 1125.6 Revenue and income attributable to branch lines.

The revenue attributable to the rail properties is the total of the revenues assigned to the branch in accordance with this section, plus any subsidy payments that would cease upon discontinuance of service on the branch, for the subsidy year. The revenues assigned shall be derived from the following accounts:

(a) *Account 101-Freight.* The revenues assigned under this account shall be the actual revenues, including transit revenues, accruing to the railroad, derived from waybills and other source documents, for all traffic that:

(1) Originates or terminates on the branch;

(2) Originates or terminates on the branch and is handled off the branch on the system but not on another carrier; and

(3) Originates or terminates on the branch and is handled on another carrier.

All traffic that is received or forwarded through interchange at a point on the branch, including ferry operations, shall be considered as originating or terminating on the branch. The revenues of all other bridge or overhead traffic shall be attributed to the branch on the ratio of miles moved on the branch to miles moved on the system, provided, however, that the parties may agree on a mutually acceptable usage charge for bridge traffic in lieu of the mileage apportionment.

(b) *Account 104-Switching; Account 105-Water transfers; Account 106-Demurrage; Account 110-Incidental; Account 121-Joint Facility-Credit; Account 122-Joint Facility-Debit; Account 506-Revenues from Properties Used in Other Than Carrier Operations; Account 510-Miscellaneous Rent Income; Account 519-Miscellaneous Income.* The revenues assigned under these accounts shall be the actual revenues accruing to the railroad that are directly attributable to the branch.

(c) *Conversion Chart for Revenue Accounts.*



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Revenue Account Title	Previous Account Number	Present Account Number
Freight.....	101, 109.....	101
Switching.....	110.....	104
Water transfers.....	113.....	105
Demurrage.....	137.....	106
Incidental.....	130, 132, 133, 135, 138, 139, 141, 142, 143.....	110
Joint facility—credit.....	151.....	121
Joint facility—debit.....	152.....	122
Revenues from property used in other than carrier operations.....	502, 511.....	506
Miscellaneous rent income.....	510.....	510
Miscellaneous income.....	519.....	519

§ 1125.7 Calculation of avoidable costs and management fee.

(a) This section defines: (1) Which cost elements are eligible for inclusion in the calculation of avoidable costs; (2) the conditions under which certain cost elements become eligible for inclusion; and (3) the basis of apportioning those cost elements which are not assigned to the branch on an actual expense basis.

(b) The avoidable costs of providing freight service on a branch shall be the total of the costs assigned to the branch in accordance with this section. Those expenses apportioned under this section shall be derived from the latest Form R-1 or Form R-2

of the railroad filed with the ICC prior to the conclusion of the subsidy year, and assigned to the branch according to the procedures set forth in § 1125.8 of these regulations.

(c) When the term "actual" is specified as the basis for assigning an expense, it shall mean that the only costs which can be assigned to the account are those costs which are incurred solely as a result of the continuation of rail freight service on the branch.

(d) The accounts in the following charts, which list only the "freight-only" account numbers, shall include the portion of common expenses that have been apportioned to freight service.

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Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to On-Branch Costs
(a) Maintenance of Way and Structures			
(1) Administration:			
Track			
Salaries and Wages	201	11-13-02	Actual
Materials		21-13-02	Actual
Purchased Services		41-13-02	Actual
Other Expenses		61-13-02	Actual
Bridges and Buildings			
Salaries and Wages	201	11-13-03	Actual
Materials		21-13-03	Actual
Purchased Services		41-13-03	Actual
Other Expenses		61-13-03	Actual
Signals			
Salaries and Wages	201	11-13-04	Actual
Materials		21-13-04	Actual
Purchased Services		41-13-04	Actual
Other Expenses		61-13-04	Actual
Communications			
Salaries and Wages	201	11-13-05	Actual
Materials		21-13-05	Actual
Purchased Services		41-13-05	Actual
Other Expenses		61-13-05	Actual
Other			
Salaries and Wages	201	11-13-06	Actual
Materials		21-13-06	Actual
Purchased Services		41-13-06	Actual
Other Expenses		61-13-06	Actual
(2) Repair maintenance and other Roadway - Running			
Salaries and Wages	202	11-11-10	Actual
Materials		21-11-10	Actual
Repairs by Others - DR.		39-11-10	Actual
Repairs for Others - CR.		40-11-10	Actual
Purchased Services		41-11-10	Actual
Other Expenses		61-11-10	Actual
Roadway-Switching			
Salaries and Wages	202	11-12-10	Actual
Materials		21-12-10	Actual
Repairs by Others - DR.		39-12-10	Actual
Repairs for Others - CR.		40-12-10	Actual
Purchased Services		41-12-10	Actual
Other Expenses		61-12-10	Actual
Tunnels and Subways - Running			
Salaries and Wages	206	11-11-11	Actual
Materials		21-11-11	Actual
Repairs by Others - DR.		39-11-11	Actual
Repairs for Others - CR.		40-11-11	Actual
Purchased Services		41-11-11	Actual
Other Expenses		61-11-11	Actual
Tunnels and Subways - Switching			
Salaries and Wages	206	11-12-11	Actual
Materials		21-12-11	Actual
Repairs by Others - DR.		39-12-11	Actual
Repairs for Others - CR.		40-12-11	Actual
Purchased Services		41-12-11	Actual
Other Expenses		61-12-11	Actual



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Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to On-Branch Costs
<u>Bridges and Culverts - Running</u>			
Salaries and Wages	208-210	11-11-12	Actual
Materials		21-11-12	Actual
Repairs by Others - DR.		39-11-12	Actual
Repairs for Others - CR.		40-11-12	Actual
Purchased Services		41-11-12	Actual
Other Expenses		61-11-12	Actual
<u>Bridges and Culverts - Switching</u>			
Salaries and Wages	208-210	11-12-12	Actual
Materials		21-12-12	Actual
Repairs by Others - DR.		39-12-12	Actual
Repairs for Others - CR.		40-12-12	Actual
Purchased Services		41-12-12	Actual
Other Expenses		61-12-12	Actual
Ties - Running - Material	212	21-11-13	Actual
Ties - Switching - Material	212	21-12-13	Actual
Rails - Running - Material	214	21-11-14	Actual
Rails - Switching - Material	214	21-12-14	Actual
Other Track Material-Running-Material	216	21-11-15	Actual
Other Track Material-Switching-Material	216	21-12-15	Actual
Ballast-Running-Material	218	21-11-16	Actual
Ballast-Switching-Material	218	21-12-16	Actual
<u>Track Laying and Surfacing-Running</u>			
Salaries and Wages	220	11-11-17	Actual
Materials		21-11-17	Actual
Repairs by Others - DR.		39-11-17	Actual
Repairs for Others - CR.		40-11-17	Actual
Purchased Services		41-11-17	Actual
Other Expenses		61-11-17	Actual
<u>Track Laying and Surfacing-Switching</u>			
Salaries and Wages	220	11-12-17	Actual
Materials		21-12-17	Actual
Repairs by Others - DR.		39-12-17	Actual
Repairs for Others - CR.		40-12-17	Actual
Purchased Services		41-12-17	Actual
Other Expenses		61-12-17	Actual
<u>Road Property Damaged-Running</u>			
Salaries and Wages	202-220, and 249	11-11-48	Actual
Materials		21-11-48	Actual
Repairs by Others - DR.		39-11-48	Actual
Repairs for Others - CR.		40-11-48	Actual
Purchased Services		41-11-48	Actual
Other Expenses		61-11-48	Actual
<u>Road Property Damaged-Switching</u>			
Salaries and Wages	202-220, and 249	11-12-48	Actual
Materials		21-12-48	Actual
Repairs by Others - DR.		39-12-48	Actual
Repairs for Others - CR.		40-12-48	Actual
Purchased Services		41-12-48	Actual
Other Expenses		61-12-48	Actual
<u>Road Property Damaged - Other</u>			
Salaries and Wages	221,227-247	11-13-48	Actual
Materials	253,257	21-13-48	Actual
Repairs by others - DR.	265,269	39-13-48	Actual
Repairs for others - CR.		40-13-48	Actual
Purchased Services		41-13-48	Actual
Other Expenses		61-13-48	Actual

RULES AND REGULATIONS

Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to On-Branch Costs
<u>Signals and Interlockers-Running</u>			
Salaries and Wages	249	11-11-19	Actual
Materials		21-11-19	Actual
Repairs by Others - DR.		39-11-19	Actual
Repairs for Others - CR.		40-11-19	Actual
Purchased Services		41-11-19	Actual
Other Expenses		61-11-19	Actual
<u>Signals and Interlockers-Switching</u>			
Salaries and Wages	249	11-12-19	Actual
Materials		21-12-19	Actual
Repairs by Others - DR.		39-12-19	Actual
Repairs for Others - CR.		40-12-19	Actual
Purchased Services		41-12-19	Actual
Other Expenses		61-12-19	Actual
<u>Communications Systems</u>			
Salaries and Wages	247	11-13-20	Actual
Materials		21-13-20	Actual
Repairs by Others - DR.		39-13-20	Actual
Repairs for Others - CR.		40-13-20	Actual
Purchased Services		41-13-20	Actual
Other Expenses		61-13-20	Actual
<u>Electric Power Systems</u>			
Salaries and Wages	253,257	11-13-21	Actual
Materials		21-13-21	Actual
Repairs by Others - DR.		39-13-21	Actual
Repairs for Others - CR.		40-13-21	Actual
Purchased Services		41-13-21	Actual
Other Expenses		61-13-21	Actual
<u>Highway Grade Crossings-Running</u>			
Salaries and Wages	273	11-11-22	Actual
Materials		21-11-22	Actual
Repairs by Others - DR.		39-11-22	Actual
Repairs for Others - CR.		40-11-22	Actual
Purchased Services		41-11-22	Actual
Other Expenses		61-11-22	Actual
<u>Highway Grade Crossings-Switching</u>			
Salaries and Wages	273	11-12-22	Actual
Materials		21-12-22	Actual
Repairs by Others - DR.		39-12-22	Actual
Repairs for Others - CR.		40-12-22	Actual
Purchased Services		41-12-22	Actual
Other Expenses		61-12-22	Actual
<u>Station and Office Buildings</u>			
Salaries and Wages	227	11-13-23	Actual
Materials		21-13-23	Actual
Repairs by Others - DR.		39-13-23	Actual
Repairs for Others - CR.		40-13-23	Actual
Purchased Services		41-13-23	Actual
Other Expenses		61-13-23	Actual
<u>Station Buildings - Locomotives</u>			
Salaries and Wages	235,253 and 257	11-13-24	Actual
Materials		21-13-24	Actual
Repairs by Others - DR.		39-13-24	Actual
Repairs for Others - CR.		40-13-24	Actual
Purchased Services		41-13-24	Actual
Other Expenses		61-13-24	Actual



## RULES AND REGULATIONS

Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to On-Branch Costs
<u>Shop Buildings - Freight Cars</u>			
Salaries and Wages	235,253	11-13-25	Actual
Materials	and 257	21-13-25	Actual
Repairs by Others - DR.		39-13-25	Actual
Repairs for Others - CR.		40-13-25	Actual
Purchased Services		41-13-25	Actual
Other Expenses		61-13-25	Actual
<u>Shop Buildings - Other Equipment</u>			
Salaries and Wages	235,253	11-13-26	Actual
Materials	and 257	21-13-26	Actual
Repairs by Others - DR.		39-13-26	Actual
Repairs for Others - CR.		40-13-26	Actual
Purchased Services		41-13-26	Actual
Other Expenses		61-13-26	Actual
<u>Locomotive Servicing Facilities</u>			
Salaries and Wages	231,233	11-13-27	Actual
Materials		21-13-27	Actual
Repairs by Others - DR.		39-13-27	Actual
Repairs for Others - CR.		40-13-27	Actual
Purchased Services		41-13-27	Actual
Other Expenses		61-13-27	Actual
<u>Miscellaneous Buildings and Structures</u>			
Salaries and Wages	221,229,239	11-13-28	Actual
Materials	and 265	21-13-28	Actual
Repairs by Others - DR.		39-13-28	Actual
Repairs for Others - CR.		40-13-28	Actual
Purchased Services		41-13-28	Actual
Other Expenses		61-13-28	Actual
<u>Coal Terminals</u>			
Salaries and Wages	243	11-13-29	Actual
Materials		21-13-29	Actual
Repairs by Others - DR.		39-13-29	Actual
Repairs for Others - CR.		40-13-29	Actual
Purchased Services		41-13-29	Actual
Other Expenses		61-13-29	Actual
<u>Ore Terminals</u>			
Salaries and Wages	243	11-13-30	Actual
Materials		21-13-30	Actual
Repairs by Others - DR.		39-13-30	Actual
Repairs for Others - CR.		40-13-30	Actual
Purchased Services		41-13-30	Actual
Other Expenses		61-13-30	Actual
<u>TOFC/COFC Terminals</u>			
Salaries and Wages	244	11-13-31	Actual
Materials		21-13-31	Actual
Repairs by Others - DR.		39-13-31	Actual
Repairs for Others - CR.		40-13-31	Actual
Purchased Services		41-13-31	Actual
Other Expenses		61-13-31	Actual
<u>Other Marine Terminals</u>			
Salaries and Wages	241	11-13-32	Actual
Materials		21-13-32	Actual
Repairs by Others - DR.		39-13-32	Actual
Repairs for Others - CR.		40-13-32	Actual
Purchased Services		41-13-32	Actual
Other Expenses		61-13-32	Actual

## RULES AND REGULATIONS

Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to On-Branch Costs
<u>Motor Vehicle Loading and Distribution Facilities</u>			
Salaries and Wages	227	11-13-33	Actual
Materials		21-13-33	Actual
Repairs by Others - DR.		39-13-33	Actual
Repairs for Others - CR.		40-13-33	Actual
Purchased Services		41-13-33	Actual
Other Expenses		61-13-33	Actual
<u>Facilities for Other Specialized Service Operations</u>			
Salaries and Wages	227,237	11-13-35	Actual
Materials		21-13-35	Actual
Repairs by Others - DR.		39-13-35	Actual
Repairs for Others - CR.		40-13-35	Actual
Purchased Services		41-13-35	Actual
Other Expenses		61-13-35	Actual
<u>Roadway Machines</u>			
Salaries and Wages	269	11-13-36	(Daily repair costs per
Materials		21-13-36	GMA, for each type of
Repairs by Others - DR.		39-13-36	machine used on the branch
Repairs for Others - CR.		40-13-36	(line #1125.8(a)(1))
Purchased Services		41-13-36	
Other Expenses		61-13-36	
<u>Small Tools and Supplies</u>			
Salaries and Wages	271	11-13-37	(Assign supplies on the
Materials		21-13-37	daily costs per GMA, for
Repairs by Others - DR.		39-13-37	each type of machine used
Repairs for Others - CR.		40-13-37	on the branch; small tools
Purchased Services		41-13-37	(assign to maintenance of
Other Expenses		61-13-37	way 11-11/12-10 through 17,
			(and 48, \$1125.8(a)(2))
<u>Snow Removal</u>			
Salaries and Wages	272	11-13-38	Actual
Materials		21-13-38	Actual
Repairs by Others - DR.		39-13-38	Actual
Repairs for Others - CR.		40-13-38	Actual
Purchased Services		41-13-38	Actual
Other Expenses		61-13-38	Actual
Fringe Benefits - Running	277,457	11-11-00	11-11-XX, \$1125.8(a)(3)(i)
Fringe Benefits - Switching	277,457	12-12-00	11-12-XX, \$1125.8(a)(3)(ii)
Fringe Benefits - Other	277,457	12-13-00	11-13-XX, \$1125.8(a)(3)(iii)
<u>Casualties and Insurance - Running</u>			
Other Casualties	274	52-11-00	Actual
Insurance	275	53-11-00	Actual
<u>Casualties and Insurance - Switching</u>			
Other Casualties	274	52-12-00	Actual
Insurance	275	53-12-00	Actual
Lease Rentals - Debit - Running	542	31-11-00	Actual
Lease Rentals - Debit - Switching	542	31-12-00	Actual
Lease Rentals - Debit - Other	542	31-13-00	Actual
Lease Rentals - Credit - Running	509	32-11-00	Actual
Lease Rentals - Credit - Switching	509	32-12-00	Actual
Lease Rentals - Credit - Other	509	32-13-00	Actual
Joint Facility Rent - Debit - Running	541	33-11-00	Actual
Joint Facility Rent - Debit - Switching	541	33-12-00	Actual



RULES AND REGULATIONS

Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to On-Branch Costs
Joint Facility - Debit - Other	541	33-13-00	Actual
Joint Facility Rent - Credit - Running	508	34-11-00	Actual
Joint Facility Rent - Credit - Switching	508	34-12-00	Actual
Joint Facility Rent - Credit - Other	508	34-13-00	Actual
Other Rents - Debit - Running	543	35-11-00	Actual
Other Rents - Debit - Switching	543	35-12-00	Actual
Other Rents - Debit - Other	543	35-13-00	Actual
Other Rents - Credit - Running	510	36-11-00	Actual
Other Rents - Credit - Switching	510	36-12-00	Actual
Other Rents - Credit - Other	510	36-13-00	Actual
Depreciation - Running	266	62-11-00	Actual
Depreciation - Switching	266	62-12-00	Actual
Depreciation - Other	266	62-13-00	Actual
Joint Facility - Debit - Running	278	37-11-00	Actual
Joint Facility - Debit - Switching	278	37-12-00	Actual
Joint Facility - Debit - Other	278	37-13-00	Actual
Joint Facility - Credit - Running	277	38-11-00	Actual
Joint Facility - Credit - Switching	279	38-12-00	Actual
Joint Facility - Credit - Other	279	38-13-00	Actual
<u>Dismantling Retired Road Property - Running</u>			
Salaries and Wages	270	11-11-39	Actual
Materials		21-11-39	Actual
Purchased Services		41-11-39	Actual
Other Expenses		61-11-39	Actual
<u>Dismantling Retired Road Property - Switching</u>			
Salaries and Wages	270	11-12-39	Actual
Materials		21-12-39	Actual
Purchased Services		41-12-39	Actual
Other Expenses		61-12-39	Actual
<u>Dismantling Retired Road Property - Other</u>			
Salaries and Wages	270	11-13-39	Actual
Materials		21-13-39	Actual
Purchased Services		41-13-39	Actual
Other Expenses		61-13-39	Actual
<u>Other - Running</u>			
Salaries and Wages	281-282	11-11-99	Actual
Materials		21-11-99	Actual
Purchased Services		41-11-99	Actual
Other Expenses		61-11-99	Actual
<u>Other - Switching</u>			
Salaries and Wages	281-282	11-12-99	Actual
Materials		21-12-99	Actual
Purchased Services		41-12-99	Actual
Other Expenses		61-12-99	Actual
<u>Other - Other</u>			
Salaries and Wages	281-282	11-13-99	Actual
Materials		21-13-99	Actual
Purchased Services		41-13-99	Actual
Other Expenses		61-13-99	Actual

RULES AND REGULATIONS

Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to On-Branch Costs
<u>(b) Maintenance of Equipment</u>			
<u>(1) Locomotives: Administration</u>			
Salaries and Wages	301	11-21-01	Actual
Materials		21-21-01	Actual
Purchased Services		41-21-01	Actual
Other Expenses		61-21-01	Actual
<u>Repairs and Maintenance</u>			
Salaries and Wages	311	11-21-41	(Road diesel and Road Electric locomotive gross ton miles.
Materials		21-21-41	(Yard Diesel and Yard Electric locomotive unit hours.
Repairs by Others - DR.		39-21-41	(Road diesel and Road Electric locomotive unit hours.
Repairs by Others - CR.		40-21-41	(Road diesel and Road Electric locomotive unit hours.
Purchased Services		41-21-41	(Road diesel and Road Electric locomotive unit hours.
Other Expenses		61-21-41	(Road diesel and Road Electric locomotive unit hours.
<u>Machinery Repair</u>			
Salaries and Wages	302	11-21-40	Actual
Materials		21-21-40	Actual
Repairs by Others - DR.		39-21-40	Actual
Repairs by Others - CR.		40-21-40	Actual
Purchased Services		41-21-40	Actual
Other Expenses		61-21-40	Actual
<u>Equipment Damaged</u>			
Salaries and Wages	311	11-21-48	Actual
Materials		21-21-48	Actual
Repairs by Others - DR.		39-21-48	Actual
Repairs by Others - CR.		40-21-48	Actual
Purchased Services		41-21-48	Actual
Other Expenses		61-21-48	Actual
Fringe Benefits	335,457	12-21-00	11-21-00, \$1125.8(b)(3)(4)
<u>Other Casualties and Insurance</u>			
Other Casualties	332	52-21-00	Actual
Insurance	333	53-21-00	Actual
Lease Rentals - Debit	537	31-21-00	Actual
Lease Rentals - Credit	504	32-21-00	Actual
Joint Facility Rent - Debit	541	33-21-00	Actual
Joint Facility Rent - Credit	508	34-21-00	Actual
Other Rents - Debit	537	35-21-00	Actual
Other Rents - Credit	504	36-21-00	Actual
Joint Facility - Debit	336	37-21-00	Actual
Joint Facility - Credit	337	38-21-00	Actual
Depreciation	331	62-21-00	All locomotives, locomotive unit hours, \$1125.8(b)(2)
<u>Dismantling Retired Property</u>			
Salaries and Wages	306,329	11-21-39	Actual
Materials		21-21-39	Actual
Purchased Services		41-21-39	Actual
Other Expenses		61-21-39	Actual
<u>Other</u>			
Salaries and Wages	336	11-21-99	Actual
Materials		21-21-99	Actual
Purchased Services		41-21-99	Actual
Other Expenses		61-21-99	Actual
<u>(2) Freight Cars: Administration</u>			
Salaries and Wages	301	11-22-01	Actual
Materials		21-22-01	Actual
Purchased Services		41-22-01	Actual
Other Expenses		61-22-01	Actual



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RULES AND REGULATIONS

Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to On-Branch Costs
<u>Machinery Repair</u>			
Salaries and Wages	302	11-22-40	Actual
Materials		21-22-40	Actual
Repairs by Others - DR.		39-22-40	Actual
Repairs for Others - CR.		40-22-40	Actual
Purchased Services		41-22-40	Actual
Other Expenses		61-22-40	Actual
<u>Equipment Damage</u>			
Salaries and Wages	314	11-22-48	Actual
Materials		21-22-48	Actual
Repairs by Others - DR.		39-22-48	Actual
Repairs for Others - CR.		40-22-48	Actual
Purchased Services		41-22-48	Actual
Other Expenses		61-22-48	Actual
Fringe Benefits	335,457	12-22-00	11-22-XX, \$1125.8(b)(3)(141)
<u>Other Casualties and Insurance</u>			
Other Casualties	332	52-22-00	Actual
Insurance	333	53-22-00	Actual
Joint Facility Rent - DR.	541	33-22-00	Actual
Joint Facility Rent - CR.	542	34-22-00	Actual
Joint Facility - DR.	336	37-22-00	Actual
Joint Facility - CR.	337	38-22-00	Actual
<u>Dismantling Retired Property</u>			
Salaries and Wages	306,329	11-22-39	Actual
Materials		21-22-39	Actual
Purchased Services		41-22-39	Actual
Other Expenses		61-22-39	Actual
<u>Other</u>			
Salaries and Wages	330,339	11-22-99	Actual
Materials		21-22-99	Actual
Purchased Services		41-22-99	Actual
Other Expenses		61-22-99	Actual
Freight Car Costs Per Day and Per Mile			
<u>Repair and Maintenance</u>			
Salaries and Wages	314	11-22-42	(These accounts are used
Materials		21-22-42	(to develop the cost
Repairs by Others - DR.		39-22-42	(per car day and per
Repairs for Others - CR.		40-22-42	(car mile for each
Purchased Services		41-22-42	(type of car.
Other Expenses		61-22-42	(\$1125.7(g)
Lease Rentals - DR.	536	31-22-00	(
Lease Rentals - CR.	503	32-22-00	(
Depreciation	331	62-22-00	(
Other Rents - DR.	536	35-22-00	(
Other Rents - CR.	503	36-22-00	(
(3) Other Equipment:			
<u>Administration</u>			
Salaries and Wages	301	11-23-01	Actual
Materials		21-23-01	Actual
Purchased Services		41-23-01	Actual
Other Expenses		61-23-01	Actual

RULES AND REGULATIONS

Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to On-Branch Costs
<u>Repair and Maintenance</u>			
<u>Trucks, Trailers and Containers-Revenue Service</u>			
Salaries and Wages	318	11-23-43	Actual
Materials		21-23-43	Actual
Repairs by Others - DR.		39-23-43	Actual
Repairs for Others - CR.		40-23-43	Actual
Purchased Services		41-23-43	Actual
Other Expenses		61-23-43	Actual
<u>Floating Equipment - Revenue Service</u>			
Salaries and Wages	323	11-23-44	Actual
Materials		21-23-44	Actual
Repairs by Others - DR.		39-23-44	Actual
Repairs for Others - CR.		40-23-44	Actual
Purchased Services		41-23-44	Actual
Other Expenses		61-23-44	Actual
<u>Computer and Data Processing</u>			
Salaries and Wages	Various Accounts	11-23-46	Actual
Materials		21-23-46	Actual
Repairs by Others - DR.		39-23-46	Actual
Repairs for Others - CR.		40-23-46	Actual
Purchased Services		41-23-46	Actual
Other Expenses		61-23-46	Actual
<u>Machinery</u>			
Salaries and Wages	302	11-23-40	Actual
Materials		21-23-40	Actual
Repairs by Others - DR.		39-23-40	Actual
Repairs for Others - CR.		40-23-40	Actual
Purchased Services		41-23-40	Actual
Other Expenses		61-23-40	Actual
<u>Work and Other Nonrevenue Equipment</u>			
Salaries and Wages	326,328	11-23-47	Actual
Materials		21-23-47	Actual
Repairs by Others - DR.		39-23-47	Actual
Repairs for Others - CR.		40-23-47	Actual
Purchased Services		41-23-47	Actual
Other Expenses		61-23-47	Actual
<u>Equipment Damaged</u>			
Salaries and Wages	318,323,326, and 328	11-23-48	Actual
Materials		21-23-48	Actual
Repairs by Others - DR.		39-23-48	Actual
Repairs for Others - CR.		40-23-48	Actual
Purchased Services		41-23-48	Actual
Other Expenses		61-23-48	Actual
Fringe Benefits	335,457	12-23-00	11-23-XX, \$1125.8(b)(3)(141)
<u>Other Casualties and Insurance</u>			
Other Casualties	332	52-23-00	Actual
Insurance	333	53-23-00	Actual
Lease Rentals - DR.	539,540	31-23-00	Actual
Lease Rentals - CR.	506,507	32-23-00	Actual
Joint Facility Rent - DR.	541	33-23-00	Actual
Joint Facility Rent - CR.	508	34-23-00	Actual
Other Rents - DR.	539,540	35-23-00	Actual
Other Rents - CR.	506,507	36-23-00	Actual
Depreciation	331	62-23-00	Actual



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RULES AND REGULATIONS

Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to On-Branch Costs
Joint Facility - DR.	336	37-23-00	Actual
Joint Facility - CR.	337	38-23-00	Actual
<u>Dismantling Retired Property</u>			
Salaries and Wages	306,329	11-23-39	Actual
Materials		21-23-39	Actual
Purchased Services		41-23-39	Actual
Other Expenses		61-23-39	Actual
<u>Other</u>			
Salaries and Wages	339	11-23-99	Actual
Materials		21-23-99	Actual
Purchased Services		41-23-99	Actual
Other Expenses		61-23-99	Actual
(c) <u>Transportation</u>			
(1) <u>Train Operations:</u>			
Administration			
Salaries and Wages	371	11-31-01	Actual
Materials		21-31-01	Actual
Purchased Services		41-31-01	Actual
Other Expenses		61-31-01	Actual
<u>Engine Crews</u>			
Salaries and Wages	392	11-31-56	Actual
Materials	402	21-31-56	Train Hours, \$1125.8(c)(1)(i)
Purchased Services	402	41-31-56	Actual
Other Expenses	402	61-31-56	Actual
<u>Train Crews</u>			
Salaries and Wages	401	11-31-57	Actual
Materials	402	21-31-57	Trains Hours, \$ 1125.8(c)(1)(i)
Purchased Services	402	41-31-57	Actual
Other Expenses	402	61-31-57	Actual
<u>Dispatching Trains</u>			
Salaries and Wages	372	11-31-58	Actual
Materials		21-31-58	Actual
Purchased Services		41-31-58	Actual
Other Expenses		61-31-58	Actual
<u>Operating Signals and Interlockers</u>			
Salaries and Wages	404	11-31-59	Actual
Materials		21-31-59	Actual
Purchased Services		41-31-59	Actual
Other Expenses		61-31-59	Actual
<u>Operating Drawbridges</u>			
Salaries and Wages	406	11-31-60	Actual
Materials		21-31-60	Actual
Purchased Services		41-31-60	Actual
Other Expenses		61-31-60	Actual
<u>Highway Crossing Protection</u>			
Salaries and Wages	405	11-31-61	Actual
Materials		21-31-61	Actual
Purchased Services		41-31-61	Actual
Other Expenses		61-31-61	Actual

RULES AND REGULATIONS

Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to On-Branch Costs
<u>Train and Inspection and Lubrication</u>			
Salaries and Wages	314,402.	11-31-62	Train Hours, \$1125.8(c)(1)(i)
Materials		21-31-62	Train Hours, \$1125.8(c)(1)(i)
Purchased Services		41-31-62	Actual
Other Expenses		61-31-62	Actual
<u>Locomotive Fuel</u>			
Salaries and Wages	394	11-31-67	(Diesel locomotive unit
Materials		21-31-67	(hours, \$1125.8(c)(1)(ii)
Purchased Services		41-31-67	(
Other Expenses		61-31-67	(
<u>Electric Power Purchased or Produced for Motive Power</u>			
Salaries and Wages	395,445	11-31-68	(Electric Locomotive unit
Materials	395,445	21-31-68	(hours, \$1125.8(c)(1)(iii)
Purchased Services	395,396,445	41-31-68	(
Other Expenses	395,445	61-31-68	(
<u>Servicing Locomotives</u>			
Salaries and Wages	400	11-31-69	(Locomotive unit miles,
Materials		21-31-69	( \$1125.8(c)(1)(iv)
Purchased Services		41-31-69	(
Other Expenses		61-31-69	(
<u>Freight Lost or Damaged - Solely Related</u>	418,419	51-31-00	Actual
<u>Clearing Wrecks</u>			
Salaries and Wages	415	11-31-63	Actual
Materials		21-31-63	Actual
Purchased Services		41-31-63	Actual
Other Expenses		61-31-63	Actual
Fringe Benefits	409,457	12-31-00	11-31-XX @ 1125.8(c)(4)(i)
<u>Other Casualties and Insurance</u>			
Other Casualties	416,417,420	52-31-00	Actual
Insurance	414	53-31-00	Actual
Joint Facility - DR.	412	37-31-00	Actual
Joint Facility - CR.	413	38-31-00	Actual
<u>Other</u>			
Salaries and Wages	402,411	11-31-99	Actual
Materials		21-31-99	Actual
Purchased Services		41-31-99	Actual
Other Expenses		61-31-99	Actual
(2) <u>Yard Operations:</u>			
Administration			
Salaries and Wages	371	11-32-01	Actual
Materials		21-32-01	Actual
Purchased Services		41-32-01	Actual
Other Expenses		61-32-01	Actual
<u>Switch Crews</u>			
Salaries and Wages	378,380	11-32-64	Actual
Materials	389	21-32-64	(Locomotive unit hours, \$ 1125.8
			((c)(2)(i)
Purchased Services	389	41-32-64	Actual
Other Expenses	389	61-32-64	Actual
<u>Controlling Operations</u>			
Salaries and Wages	377	11-32-65	Actual
Materials	389	21-32-65	Actual
Purchased Services	389	41-32-65	Actual
Other Expenses	389	61-32-65	Actual



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RULES AND REGULATIONS

Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to On-Branch Costs
<u>Yard and Terminal Clerical</u>			
Salaries and Wages	377	11-32-66	Actual
Materials	389	21-32-66	Actual
Purchased Services	389	41-32-66	Actual
Other Expenses	389	61-32-66	Actual
<u>Operating Switches, Signals, Retarders and Humps</u>			
Salaries and Wages	379	11-32-59	Actual
Materials	389	21-32-59	Actual
Purchased Services	389	41-32-59	Actual
Other Expenses	389	61-32-59	Actual
<u>Locomotive Fuel</u>			
Salaries and Wages	382	11-32-67	(Diesel locomotive unit hours, \$1125.8(c) (2) (ii))
Materials		21-32-67	(
Purchased Services		41-32-67	(
Other Expenses		61-32-67	(
<u>Electric Power Purchased or Produced for Motive Power</u>			
Salaries and Wages	383,445	11-32-68	(Electric locomotive unit hours ( \$1125.8(c) (2) (iii))
Materials	383,445	21-32-68	(
Purchased Services	383,384,445	41-32-68	(
Other Expenses	383,445	61-32-68	(
<u>Servicing Locomotives</u>			
Salaries and Wages	388	11-32-69	(Locomotive unit hours, ( \$1125.8(c) (2) (i))
Materials		21-32-69	(
Purchased Services		41-32-69	(
Other Expenses		61-32-69	(
<u>Freight Lost or Damaged-Solely Related</u>			
	418,419	51-32-00	Actual
<u>Clearing Wrecks</u>			
Salaries and Wages	415	11-32-63	Actual
Materials		21-32-63	Actual
Purchased Services		41-32-63	Actual
Other Expenses		61-32-63	Actual
Fringe Benefits	409,457	12-32-00	11-32-XX \$ 1125.8(c) (4) (ii)
<u>Other Casualties and Insurance</u>			
Other Casualties	416,420	52-32-00	Actual
Insurance	414	53-32-00	Actual
Joint Facility - DR.	390,412	37-32-00	Actual
Joint Facility - CR.	391,413	38-32-00	Actual
<u>Other</u>			
Salaries and Wages	411	11-32-99	Actual
Materials		21-32-99	Actual
Purchased Services		41-32-99	Actual
Other Expenses		61-32-99	Actual
(3) <u>Train and Yard Operations Common: Cleaning Car Interiors</u>			
Salaries and Wages	402	11-33-70	Actual
Materials		21-33-70	Actual
Purchased Services		41-33-70	Actual
<u>Adjusting and Transferring Loads</u>			
Salaries and Wages	373,402	11-33-71	Actual
Materials	376,402	21-33-71	Actual
Purchased Services	376,402	41-33-71	Actual

RULES AND REGULATIONS

Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to On-Branch Costs
<u>Carloading Devices and Grain Doors</u>			
Salaries and Wages	402	11-33-72	Actual
Materials		21-33-72	Actual
Purchased Services		41-33-72	Actual
<u>Freight Lost or Damaged-All Other</u>			
	418,419	51-33-00	Actual
Fringe Benefits	409	12-33-00	11-33-XX \$ 1125.8(c) (4) (iii)
(4) <u>Specialized Service Operations: Administration</u>			
Salaries and Wages	371,408,443	21-34-01	Actual
Materials		21-34-01	Actual
Purchased Services		41-34-01	Actual
Other Expenses		61-34-01	Actual
<u>Pick-up and Delivery, Marine Line Haul, and Rail Substitute Service</u>			
Salaries and Wages	408,421,422	11-34-73	Actual
Materials		21-34-73	Actual
Purchased Services		41-34-73	Actual
Other Expenses		61-34-73	Actual
<u>Loading and Unloading and Local Marine</u>			
Salaries and Wages	375,408,421	11-34-74	Actual
Materials	422 and 443	21-34-74	Actual
Purchased Services		41-34-74	Actual
Other Expenses		61-34-74	Actual
<u>Protective Services</u>			
Salaries and Wages	402,421,422 and 443	11-34-75	Actual
Materials		21-34-75	Actual
Purchased Services		41-34-75	Actual
Other Expenses		61-34-75	Actual
<u>Freight Lost or Damaged-Solely Related</u>			
	418,419	51-34-00	Actual
Fringe Benefits	409,457	12-34-00	11-34-XX \$ 1125.8(c) (4) (iv)
<u>Casualties and Insurance</u>			
Other Casualties	416,420	52-34-00	Actual
Insurance	414	53-34-00	Actual
Joint Facility - DR.	412,447	37-34-00	Actual
Joint Facility - CR.	413,448	38-34-00	Actual
<u>Other</u>			
Salaries and Wages	411,442,446	11-34-99	Actual
Materials		21-34-99	Actual
Purchased Services		41-34-99	Actual
Other Expenses		61-34-99	Actual
(5) <u>Administrative Support Operations: Administration</u>			
Salaries and Wages	371	11-35-01	Actual
Materials		21-35-01	Actual
Purchased Services		41-35-01	Actual
Other Expenses		61-35-01	Actual
<u>Employees Performing Clerical and Accounting Functions</u>			
Salaries and Wages	373	11-35-76	Actual
Materials	376	21-35-76	Actual
Purchased Services	376	41-35-76	Actual
Other Expenses	376	61-35-76	Actual



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RULES AND REGULATIONS

Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to On-Branch Costs
<u>Communication Systems Operation</u>			
Salaries and Wages	373,407	11-35-77	Actual
Materials	376,407	21-35-77	Actual
Purchased Services	376,407	41-35-77	Actual
Other Expenses	376,407	61-35-77	Actual
<u>Loss and Damage Claims Processing</u>			
Salaries and Wages	418,419	11-35-78	(Number of Claims,
Materials		21-35-78	(§ 1125.8(c)(3)(i)
Purchased Services		41-35-78	(
Other Expenses		61-35-78	(
Fringe Benefits	409,457	12-35-00	11-35-XX § 1125.8(c)(4)(v)
Joint Facility - ER.	412,447	37-35-00	Actual
Joint Facility - CR.	413,448	38-35-00	Actual
<u>Casualties and Insurance</u>			
Other Casualties	416,420	52-35-00	Actual
Insurance	414	53-35-00	Actual
<u>Other</u>			
Salaries and Wages	411	11-35-99	Actual
Materials		21-35-99	Actual
Purchased Services		41-35-99	Actual
Other Expenses		61-35-99	Actual
(d) <u>General Administrative</u>			
<u>Officers-General Administration</u>			
Salaries and Wages	351,451	11-61-01	Actual
Materials		21-61-01	Actual
Purchased Services		41-61-01	Actual
Other Expenses		61-61-01	Actual
<u>Accounting, Auditing and Finance</u>			
Salaries and Wages	452	11-61-86	Actual
Materials		21-61-86	Actual
Purchased Services		41-61-86	Actual
Other Expenses		61-61-86	Actual
<u>Management Services and Data Processing</u>			
Salaries and Wages	452	11-61-87	Actual
Materials		21-61-87	Actual
Purchased Services		41-61-87	Actual
Other Expenses		61-61-87	Actual
<u>Marketing</u>			
Salaries and Wages	352	11-61-88	Actual
Materials		21-61-88	Actual
Purchased Services		41-61-88	Actual
Other Expenses		61-61-88	Actual
<u>Sales</u>			
Salaries and Wages	352	11-61-89	Actual
Materials		21-61-89	Actual
Purchased Services		41-61-89	Actual
Other Expenses		61-61-89	Actual

RULES AND REGULATIONS

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Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to On-Branch Costs
<u>Industrial Development</u>			
Salaries and Wages	356,452	11-61-90	Actual
Materials		21-61-90	Actual
Purchased Services		41-61-90	Actual
Other Expenses		61-61-90	Actual
<u>Personnel and Labor Relations</u>			
Salaries and Wages	452	11-61-91	Actual
Materials		21-61-91	Actual
Purchased Services		41-61-91	Actual
Other Expenses		61-61-91	Actual
<u>Legal and Secretarial</u>			
Salaries and Wages	452,454	11-61-92	Actual
Materials		21-61-92	Actual
Purchased Services		41-61-92	Actual
Other Expenses		61-61-92	Actual
<u>Public Relations and Advertising</u>			
Salaries and Wages	353,354	11-61-93	Actual
Materials		21-61-93	Actual
Purchased Services		41-61-93	Actual
Other Expenses		61-61-93	Actual
<u>Research and Development</u>			
Salaries and Wages	Various	11-61-94	Actual
Materials	Accounts	21-61-94	Actual
Purchased Services		41-61-94	Actual
Other Expenses		61-61-94	Actual
Fringe Benefits	359,456,457	12-61-00	11-61-XX § 1125.8(d)(1)
<u>Casualties and Insurance</u>			
Other Casualties	None	52-61-00	Actual
Insurance	357,455	53-61-00	Actual
Writedown of Uncollectible Accounts	706,707	63-61-00	Actual
Other Taxes Except on Corporate Income or Payroll	532	65-61-00	Actual
Joint Facility - DR.	461	37-61-00	Actual
Joint Facility - CR.	462	38-61-00	Actual
<u>Other</u>			
Salaries and Wages	355,360,460	11-61-99	Actual
Materials		21-61-99	Actual
Purchased Services		41-61-99	Actual
Other Expenses		61-61-99	Actual



(e) *Deadheading, Taxi, and Hotel Costs.* The costs assigned under this subsection shall be the actual costs incurred as a result of providing service to the branch line for deadheading, taxi, and hotel costs. The amounts included under this subsection shall not be included under other subsections of these regulations.

(f) *Overhead Movement Costs.* The costs assigned under this subsection shall be the actual costs incurred in moving overhead in order to provide service to the branch. The amounts shown under this subsection shall not be included under other subsections of these regulations.

(g) *Freight Car Costs.* For Class I railroads, the on-branch costs for time-mileage freight cars shall be calculated on the basis of the railroad's average costs per day and per mile. The costs per day and per mile shall be calculated separately for each type of car specified in Ex Parte 334 (Car Service Compensation—Basic Per Diem Charges—Formula Revision In Accordance with the Railroad Revitalization and Regulatory Reform Act of 1976). These costs shall include: Account 11-22-42—Salaries and wages—freight cars—repairs and maintenance; Account 21-22-42—Materials—freight cars—repairs and maintenance; Account 39-22-42—Repairs billed by others (Debit)—freight cars—repairs and maintenance; Account 40-22-42—Repairs billed to others (Credit)—freight cars—repairs and maintenance; Account 41-22-42—Other purchased services—freight cars—repairs and maintenance; Account 61-22-42—Other expenses—freight cars—repairs and maintenance; Account 31-22-00—Lease rentals (Debit) freight cars; Account 32-22-00—Lease Rentals (Credit)—freight cars; Account 35-22-00—Other rents (Debit)—freight cars; Account 36-22-00—Other rents (Credit)—freight cars; and Account 62-22-00—Depreciation—freight cars; and the return on investment in freight cars. The system total of the repair and maintenance accounts, all accounts designated XX-XX-42, and depreciation shall be divided into time related costs and mileage related costs on the basis of the present Rail Form A apportionment factors (i.e., 50 percent time and 50 percent mileage for repairs, and 60 percent time and 40 percent mileage for depreciation). Return on investment shall be treated as a 100 percent time-related cost. The system total receipts and payments for the hire of time mileage cars and the basic data used in the development of the car-day and car-mile factors shall be taken from the railroad's latest Form R-1 and company records. The specific steps to complete the calculations are as follows:

(1) The total system car days by car type shall be calculated by averaging

the railroad's freight car ownership at the beginning and ending of the year (R-1, schedule 710, columns (b) and (k)), multiplying the average by the standard active number of car days (346) as developed in ICC Docket Number 31358; subtracting car days on foreign lines (source: company records) and adding the foreign car days on home line (source: company records). This procedure shall be completed for each car type specified in Ex Parte 334.

(2) The total railroad car miles shall be calculated by adding the loaded car miles for railroad owned and leased cars (Form OSA, column (d), items 5-010 through 5-027), to the empty car miles for railroad owned and leased cars (Form OSA, column (d), items 5-110 through 5-127). The total car miles, loaded and empty shall be calculated for each car type specified in Ex Parte 334.

(3) The cost per car-day shall be calculated for each type of time-mileage car by adding 50 percent of the total freight car repair costs for each car type (R-1, schedule 415, column (b)); 60 percent of the depreciation costs for each car type (R-1, schedule 415, column (c)); 100 percent of return on investment, which is calculated by obtaining the net depreciated investment for each car type and multiplying it by the cost of capital ratio developed for use in Form 2 of the unrevised Rail Form A of the railroad; the time portion of the railroad's payments for hire of time-mileage freight cars (R-1, schedule 366, columns (h) and (i)); subtracting the time portion of the railroad's receipts for hire of time-mileage freight cars (R-1, schedule 366, columns (d) and (e)); and dividing the result by the total car days for each car type developed in paragraph (1).

(4) The cost per mile shall be calculated for each type of time-mileage car by adding 50 percent of the total freight train car repair cost for each car type (R-1, schedule 415, column (b)); 40 percent of the total depreciation costs for each car type (R-1, schedule 415, column (c)); the mileage portion of the railroad's payments for the hire of time-mileage freight cars (R-1, schedule 366, column (g)); subtracting the mileage portion of the railroad's receipts for hire of time-mileage freight cars (R-1, schedule 366, column (c)); and dividing the result by the total car miles for each car type developed in paragraph (2).

(5) The costs per car-day and per car-mile developed in paragraphs (3) and (4) of this section shall be applied to the total car-days and total car miles for each car type accumulated on the branch for all traffic originated and/or terminated on the branch and all bridge traffic handled by the branch during the subsidy period

which are attributed to time-mileage freight-train cars. The car-day and car-mile factors shall be furnished by the railroads.

(6) The on-branch costs for freight cars rented on a straight mileage basis shall be the railroad's total payments for mileage cars (R-1, schedule 366, column (f)), for each car type; divided by the total miles on which the charges were based.

(7) For Class II railroads, the on-branch costs for time-mileage and straight mileage freight cars shall be calculated in the same manner prescribed for Class I railroads, using the latest data available.

(h) *Revenue taxes.* The amount of revenue taxes shall be computed based on the amounts directly paid in those States that subject the railroad to a revenue tax.

(i) *Property taxes.* (1) The amount of property taxes shall be the amount levied against the property on the branch, in those States where a true ad valorem tax is levied, based on the value of certain kinds of railroad property, such as track, land, buildings, and other facilities.

(2) In States where property taxes are assessed on the basis of a formula of a statewide valuation of property and the branch or branches are included in the valuation of the railroad operating the service, the tax on each branch shall be based on the distribution of the assessment by the State to that branch and the application of the appropriate tax rate or rates.

(3) In States where the real property taxes are assessed and levied against the owner of the property but the rolling stock is assessed to the railroad operating the service on the basis of a formula of a statewide valuation of property, the tax on rolling stock attributable to each branch shall be determined as follows:

(i) Find the percent which the cost of equipment as used in the formula is to the total of all property cost as used in the formula;

(ii) Apply that percentage to the total State assessment to determine the portion of the assessment attributable to rolling stock;

(iii) Allocate the rolling stock assessment thus determined to each branch on the basis of car and locomotive unit miles on the branch to total car and locomotive unit miles in the State;

(iv) Apply appropriate tax rate or rates to the allocated assessment thus determined.

(j) *Administrative Fee.* One percent of the total revenues attributed to the branch under § 1125.6 shall be allowable as an avoidable cost to the railroad to cover all costs of administering the subsidy program.

(k) *Deferred Subsidy Payment.* If the subsidy estimate or adjustment is paid in deferred payments, the railroad

shall be compensated for the use of its working capital by applying the interest rate established in § 1125.9(b) to the deferred payment for the period of time such payment is outstanding.

(l) *Casualty Reserve Account.* The costs assigned under this account shall be any payment mutually agreed to by the person offering the subsidy and the railroad for the purpose of holding the subsidizer harmless from any liability under those accounts that are used to record any costs incurred by the railroad as a result of personal injury or property damage.

(m) *Termination Costs.* The costs assigned under this subsection shall be the actual costs reasonably and necessarily incurred as a result of terminating service to the subsidized branch. These costs shall not include any costs which the railroad would have incurred had the branch not been operated under the subsidy program. The 15 percent ceiling contained in § 1125.5 is not applicable to those costs unless such costs were included in the estimated subsidy payment.

(n) *Off-Branch Costs.* Until the ICC revises the Rail Form A cost procedure to facilitate the incorporation of the new USOA as well as review and if necessary change the theories contained within the present formula the procedure for determining the off-branch costs will use the existing Rail Form A formula applied to the latest Annual Report, Form R-1, that has been filed by the railroad using the prior unrevised accounting system. The development of the off-branch costs shall be as follows:

(1) Terminal costs, line-haul car costs, and interchange costs shall be considered as the off-branch avoidable costs of providing service over the remainder of the railroad's system. These costs shall be computed by applying variable unit costs to the service units attributed to the branch traffic during the subsidy period.

(2) The following through-train, single-line, variable unit costs shall be developed by a Class I railroad by applying Rail Form A to data contained in its latest Form R-1 filed with the Commission:

(i) Normal Rail Form A carload terminal cost per carload by car type.

(ii) Modified Rail Form A carload terminal cost per carload by car type (i.e., (a) substitute an intertrain switching cost separated between mileage and other than mileage cars, in place of a roadtrain to industry switching cost; (b) substitute modified car ownership costs per car-day for two days developed in accordance with § 1125.7(g), above, for the standard Rail Form A car ownership cost).

(iii) Rail Form A per hundredweight terminal cost.

(iv) Rail Form A cost per car-mile by car type.

(v) Rail Form A cost per ton-mile.

(vi) Rail Form A cost per car interchanged, separated between mileage and other than mileage cars.

These costs shall be applied by Class I railroads in accordance with the procedure set forth below in § 1125.7(n)(3).

(3) Calculations by car type: (i) The sum of all terminal costs incurred off the branch line shall be calculated by multiplying the modified terminal cost per carload by car type, paragraph (n)(2)(ii) above, by the total number of carloads originated or terminated on the branch line during the subsidy year. To this amount add the normal terminal cost per carload by car type, paragraph (n)(2)(i) above, times the number of carloads which originated or terminated on the branch that are local to the railroad serving the branch.

(ii) The sum of the hundredweight terminal costs incurred off the branch line shall be calculated by multiplying the hundredweight of freight originated or terminated on the branch that are local to the railroad serving the branch.

(iii) The sum of the line-haul car-mile costs incurred off the branch line shall be calculated by multiplying the car-mile cost by car type, paragraph (n)(2)(iv) above, by the loaded car-miles generated off the branch line by cars originated or terminated on the branch during the subsidy year. Where overhead movements to and from the branch have been included in the on-branch cost calculation under other sections of section 1125.7, the related loaded car-miles shall be excluded from this calculation.

(iv) The sum of the line-haul ton-mile costs shall be determined by multiplying the ton-mile cost, paragraph (n)(2)(v) above, by the total ton-miles of revenue freight incurred by the railroad on its lines, other than the branch lines, for revenue freight originated or terminated on the branch during the subsidy year.

(v) The interchange cost shall be calculated by multiplying the cost per car interchanged, paragraph (n)(2)(vi) above, by the number of carloads of traffic interchanged at a point off the branch line and originated or terminated on the branch.

(4) Class II line-haul railroads shall calculate off-branch costs as follows:

(i) The estimated system variable expenses shall be calculated by multiplying the sum of the total operating expenses, rents and taxes, including Federal Income Taxes, (schedule 410, total of accounts 201 through 278, columns (b) and (c) and (d)) in the carrier's latest Annual Report (Form R-2) by 0.78, the three-year composite variability ratio for all Class I railroads.

(ii) The cost per ton-mile of revenue freight is calculated by dividing the amount developed in step (i) by the

system total ton-miles of revenue freight (schedule 2601, L. 25, col. (d)) in the carrier's latest Annual Report (Form R-2).

(iii) The cost developed in step (ii) shall be applied to the total revenue ton-miles of traffic which is attributable to the branch and which moves over other portions of the railroad's system.

(o) *Reasonable Management Fee.* Four and one-half percent of the total annual revenues attributable to the branch as determined pursuant to § 1125.6 shall be paid to the railroad as a reasonable management fee. If the railroad and the person offering the subsidy agree to an additional fee designed as an incentive to maximize revenues, minimize expenses, promote efficient service, or otherwise achieve public interest objectives, the railroad shall be paid such fee as determined in accordance with such agreement.

§ 1125.8 Apportionment rules for the assignment of expenses to on-branch costs.

The accounts specified under § 1125.7 (a), (b), (c), and (d) as having an assignment basis other than "Actual" shall be apportioned according to the rules contained in this section.

(a) *Maintenance of Way and Structures.*—(1) *Roadway Machines.* All accounts designated XX-13-36 shall be assigned to the branch on the basis of the average repair cost, for each type of machine, included in the daily rental fees charged by the operating railroad or as published by the General Manager's Association of Chicago (GMA), based on the actual number of days each type of machine is used on the branch.

(2) *Small Tools and Supplies.* All accounts designated XX-13-37 shall be assigned to the branch as follows: (i) The costs of supplies, consumed in the operation of roadway machines, shall be assigned to the branch on the basis of the average costs of supplies per day, included in the daily rental fees charged by the operating railroad or as published by the GMA, multiplied by the actual number of days that the machine is used on the branch; (ii) the costs of small tools shall be assigned to the branch on the basis of the ratio that the branch amounts in Accounts 11-11-10 through 11-11-17 and 11-11-48 plus 11-12-10 through 11-12-17 and 11-12-48 bear to the railroad's system total for the same accounts.

(3) *Fringe Benefits.* Fringe benefits shall be assigned to the branch separated between running, switching and other, on the ratio that the total branch salaries and wages bear to the total system salaries and wages for each activity as follows:

(i) *Fringe Benefits—Running.* Account 12-11-00, total of all 11-11-XX accounts branch to system:



(ii) *Fringe Benefits—Switching, Account 12-12-00*, total of all 11-12-XX accounts branch to system; and

(iii) *Fringe Benefits—Other, Account 12-13-00*, total of all 11-13-XX accounts branch to system.

(b) *Maintenance of Equipment—(1) Locomotive Repairs and Maintenance.* All accounts designated XX-21-41 shall be separated between yard and road with a further separation between diesel and other (electric). The costs for these accounts for yard locomotives shall be assigned to the branch separately for diesel and electric locomotives on the basis of the ratio of branch diesel and electric yard locomotive unit-hours to the total system diesel and electric yard locomotive unit-hours. The costs for these accounts for road locomotives shall be assigned to the branch separately for diesel and electric locomotives on the basis of the ratio of branch diesel and electric locomotive gross ton-miles in road service to the total system diesel and electric locomotive gross ton-miles in road service. The costs assigned under these accounts for specialized equipment devoted exclusively to branch line service shall be the actual costs for the specific equipment used.

(2) *Locomotive Depreciation—Account 61-22-00*, shall be separated between yard and road with a further separation between diesel and other (electric). The cost shall be assigned to the branch on the ratio of locomotive unit hours on the branch to the total locomotive unit hours on the system for the particular type of locomotive used to serve the branch. The cost assigned under this account for specialized equipment devoted exclusively to branch line service shall be the actual cost for the specific equipment used.

(3) *Fringe Benefits.* Fringe benefits for locomotives and other equipment shall be assigned to the branch on the ratio that the total branch salaries and wages bear to the system total salaries and wages for each type of equipment as follows:

(i) *Locomotives—Account 12-21-00*, total of all 11-21-XX accounts branch to system.

(ii) *Other Equipment—Account 12-23-00*, total of all 11-23-XX accounts branch to system.

(iii) Fringe benefits for freight cars shall be calculated by first estimating the total in Account 11-22-42, Freight car repairs—salaries and wages, that is included in the total on branch costs for freight cars as determined from the car day and car mile cost calculations, in § 1125.77(g) of these regulations.

To this amount is added the branch totals in the balance of all 11-22-XX accounts. The ratio of this total branch amount to the system total for all 11-22-XX accounts is applied to Account 12-22-00, Fringe Benefits—Freight Cars.

(c) *Transportation.—(1) Train Operations: (i) Engine Crews—Materials, Account 21-31-56; Train Crews—Materials and Lubrication—Salaries and Wages, Account 11-31-62; and Materials—Account 21-31-62.* If the branch is served by a local/way or through train crew, the costs in these accounts shall be assigned to the branch on the ratio of train hours on the branch to the total system train hours.

(ii) *Locomotive Fuel.* All accounts designated XX-31-67 shall be assigned to the branch on the ratio of road diesel locomotive unit hours on the branch to the total system road diesel locomotive unit hours.

(iii) *Electric Power Purchased or Produced for Motive Power.* All accounts designated XX-31-68 shall be assigned to the branch on the ratio of road electric locomotive unit hours on the branch to the total system road electric locomotive unit hours.

(iv) *Servicing Locomotives.* All accounts designated XX-31-69 shall be assigned to the branch on the ratio of road locomotive unit miles on the branch to the total system road locomotive unit miles.

(2) *Yard Operations.—(i) Switching Crews—Materials, Account 21-32-64, and Servicing Locomotives, all accounts designated XX-32-69.* The costs for these accounts shall be assigned to the branch on the ratio of yard locomotive unit hours on the branch to the system total yard locomotive unit hours.

(ii) *Locomotive fuel.* All accounts designated XX-32-67 shall be assigned to the branch on the ratio of yard diesel locomotive unit hours on the branch to the total system yard diesel locomotive unit hours.

(iii) *Electric power purchased or produced for motive power.* All accounts designated XX-32-68 shall be assigned to the branch on the ratio of yard electric locomotive unit hours on the branch to the total system yard electric locomotive unit hours.

(3) *Administrative support operations.—(i) Loss and damage claims processing.* All accounts designated XX-35-78 shall be assigned to the branch on the ratio of the number of claims processed for loss or damage occurring on the branch to the total number of claims processed by the railroad.

(4) *Transportation fringe benefits.* Fringe benefits shall be assigned to the branch separated between train operations, yard operations, train and yard operations common, specialized service operations, and administrative support operations. The costs for each activity shall be assigned to the branch on the ratio that the total branch salaries and wages bear to the total system salaries and wages for each activity shown below.

(i) Train operations, account 12-31-00, total of all 11-31-XX accounts branch to system.

(ii) Yard operations, account 12-32-00, total of all 11-32-XX accounts branch to system.

(iii) Train and yard operations common, account 12-33-00, total of all 11-33-XX accounts branch to system.

(iv) Specialized service operations, account 12-34-00, total of all 11-34-XX accounts branch to system.

(v) Administrative support, account 12-35-00, total of all 11-35-XX accounts branch to system.

(d) *General administrative.* (1) Fringe benefits, account 12-61-00, shall be assigned to the branch on the ratio that the total branch salaries and wages in all 11-61-XX accounts bear to the system total salaries and wages in all 11-61-XX accounts.

§ 1125.9 Return on the value of rail properties.

(a) *Valuation of rail properties.* The value of the rail properties on a branch shall be determined in accordance with the following:

(1) Only the following properties on a branch may be considered:

(i) Those that are used and useful to provide the rail services requested by the person offering a subsidy.

(ii) In the absence of a request for specific services by that person, those properties that are used and useful to provide the rail service performed on the branch at the time the final system plan became effective, or if no service was being performed at that time, the services that were last performed on the branch.

(2) The value of the properties shall be their net liquidation value for their highest and best use, consistent with applicable zoning and land use regulations, determined by computing their current market value for other than rail transportation purposes, less all costs of dismantling, and disposition of improvements necessary to make the remaining property available for its highest and best use.

(3) If the railroad and person offering a subsidy cannot, within a period of time that either of them considers reasonable after the beginning of negotiations for the payment of the subsidy, agree on the properties that are used and useful or the net liquidation value, or both, the one that considers that a reasonable period of time has elapsed may notify the other of its intention to have the matter arbitrated. Each of the parties shall then appoint a representative and the representatives shall select an arbitrator or arbitrators mutually acceptable to them. The decision of the arbitrator or arbitrators shall be final.

(4) If either party fails to appoint a representative within five days after receiving notice from the other party

of its representative, or if the appointed representatives fail, within five days after the last one of them is appointed, to agree upon a mutually acceptable arbitrator or arbitrators, either party may submit the matter for arbitration to the American Arbitration Association pursuant to its commercial arbitration rules, and the decision of its arbitrator or arbitrators shall be final.

(5) In considering the value of properties under this section, the arbitrator or arbitrators shall consider, among other factors, any bona fide offer for the properties, or a part thereof, recent sales of adjoining or similar properties, any available appraisals, by a reputable appraiser, of the properties, or a part thereof.

(6) If the person offering a subsidy is a public body, each meeting of an arbitrator or arbitrators with the parties for the purpose of receiving information or evidence or to hear arguments or views shall be open to the public. Any interested member of the public may file written views, argument, or information with the arbitrator or arbitrators at any time within three days after the closing of the sessions that are open to the public.

(b) *Reasonable return on the value of the properties.* The reasonable return on the value of rail properties, as determined under § 1125.9(a) shall be the interest rate that is equal to the publicly quoted yield, to maturity or earliest call date, on the first business day of the month in which the subsidy agreement is entered into, for U.S. Treasury bonds or notes maturing or having an earliest call date approximately coterminous with the end of the subsidy period. United States Treasury bonds, redeemable at par before call or maturity for the sole purpose of applying the proceeds to payment of Federal estate taxes, and Treasury notes Series EA or EO shall be excluded from consideration for this purpose.

#### APPENDIX I.—FORMAT FOR PRESENTATION OF SUBSIDY ESTIMATE

The following information is required to be furnished under § 1125.3(a)(1). All data shall be developed in accordance with the methodology set forth in § 1125.3.

##### REVENUES ESTIMATED

1. Freight revenues.
2. All other revenues and income.
3. Total estimated revenues (line 1 plus 2).

##### AVOIDABLE COST ESTIMATES

4. On-branch costs (lines 4A through 4L):
  - A. Maintenance of way and structures.
  - B. Rehabilitation.
  - C. Maintenance of equipment.
  - D. Transportation.
  - E. General administrative expenses.
  - F. Deadheading, taxi, and hotel costs.
  - G. Overhead movement costs.
  - H. Freight car costs.
  - I. Taxes.

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- J. Administrative fee.
- K. Casualty reserve account.
- L. Termination costs.
5. Off-branch costs (ratio times line 1).
6. Management fee.
7. Total avoidable cost estimate (lines 4, 5, and 6).

##### RETURN ON VALUE ESTIMATE

8. Valuation of property.
9. Rate of return.
10. Total return on value (line 8 times line 9).

##### ESTIMATED SUBSIDY PAYMENT

11. Estimated subsidy payment (line 3 minus lines 7 and 10).

#### APPENDIX II.—FORMAT FOR FINANCIAL STATUS REPORTS

The following information is required to be furnished under § 1125.4(b). All data shall be developed in accordance with the methodology set forth in §§ 1125.6, 1125.7, and 1125.9. The actual data for the year to date and a projection to the end of the subsidy year shall be shown for each item, except that off-branch costs shall be estimated during the subsidy year by applying the ratio developed in the interim formula under § 1125.3(d) to the actual revenues shown in item I.

##### REVENUES

1. Freight revenues.
2. All other revenues and income.
3. Total revenues (line 1 plus line 2).

##### AVOIDABLE COST

4. On-branch costs (lines 4A through 4L):
  - A. Maintenance of way and structures.
  - B. Rehabilitation.
  - C. Maintenance of equipment.
  - D. Transportation.
  - E. General administrative expenses.
  - F. Deadheading, taxi, and hotel costs.
  - G. Overhead movement costs.
  - H. Freight car costs.
  - I. Taxes.
  - J. Administrative fee.
  - K. Casualty reserve account.
  - L. Termination costs.
5. Off-branch costs.
6. Management fee.
7. Total avoidable cost (lines 4, 5, and 6).

##### RETURN ON VALUE

8. Valuation of property.
9. Rate of return.
10. Total return on value (line 8 times line 9).

##### SUBSIDY PAYMENT

11. Subsidy payment (line 3 minus lines 7 and 10).

[FR Doc. 78-408 Filed 1-10-78; 8:45 am]

[7035-01]

[Ex Parte No. 293 (Sub-No. 8)]

#### PART 1127—STANDARDS FOR DETERMINING COMMUTER RAIL SERVICE CONTINUATION SUBSIDIES AND EMERGENCY OPERATING PAYMENTS

##### Report and Order

AGENCY: Rail Services Planning Office (RSPO), Interstate Commerce Commission (ICC).

ACTION: Restatement of Commuter Standards.

SUMMARY: RSPO is restating the Commuter Standards to conform with the ICC's new Uniform System of Accounts for railroad companies (USOA) which was established in accordance with the requirements of section 307 of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act). Comments are invited on any changes of substance which may have been made and on the applicability of the present apportionment formulae of common costs in view of the new USOA. Also included in this restatement of the standards are changes in the funding and extension of this subsidy program to September 30, 1980.

DATES: Effective date January 1, 1978. Comments may be filed on or before January 31, 1978.

ADDRESS: An original and six copies of the comments should be mailed to:

Rail Services Planning Office, 1900 L Street NW., Washington, D.C. 20036. Attn: Commuter Standards.

#### FOR FURTHER INFORMATION CONTACT:

David S. Rind, Cost Evaluation Branch, Rail Services Planning Office, Interstate Commerce Commission, Washington, D.C. 20036 (202-254-7553).

SUPPLEMENTARY INFORMATION: RSPO invites interested parties to comment on any area of the standards that they feel changes of substance were made. Parties are also asked to consider the appropriateness of the apportionment formulae of common costs in relationship to the new USOA.

RSPO was directed by section 205(d) (5) and (6) of the Regional Rail Reorganization Act of 1973 (3R Act), Public Law 93-236, 87 Stat. 985, 994, as amended by section 309 of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act), Public Law 94-210, 90 Stat. 31, 57 to issue regulations containing:

(A) standards for the continuation of subsidies for rail passenger service (except passenger service compensation disputes subject to the jurisdiction of the Commission under section 402(a) of the Rail Passenger Service Act (45 U.S.C. 562(a))), which are consistent with the compensation principles described in the final system plan and which avoid cross subsidization among commuter, intercity, and freight rail services; and

(B) standards for the determination of emergency commuter rail passenger service operating payments pursuant to section 17 of the Urban Mass Transportation Act of 1964 [section 205(d)(5) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236 as amended by the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210].

These standards issued August 3, 1976, and amended December 15, 1976,



are published in Title 49 of the Code of Federal Regulations, Part 1127, and are currently in effect. They are based on and refer directly to accounts in the ICC's USOA. The ICC was directed by section 307 of the 4R Act to establish a new USOA for railroad companies; this new USOA becomes effective on January 1, 1978. As a result, RSPO is restating the current standards in a form compatible with the new USOA. The restated standards include a conversion table to help "bridge" from the old to the new accounting system. RSPO intends no changes of substance to the standards other than those necessitated by the new USOA. Included in this restatement of the standards is a more current Speed Factored Gross Tons (SFGT) formula for assigning roadway maintenance running costs attributable to commuter service. This is the same formula as the one presently appearing in the standards with the constant factors updated from a 1971 to a 1975 level.

The standards also include the effects of Public Law 95-187 enacted November 16, 1977, which modifies section 17 of the Urban Mass Transportation Act of 1964 (UMT Act) by changing the present last subsidy period Federal reimbursement from the present 50 percent level to 80 percent and extends the subsidy program for 24 months with 50 percent Federal reimbursement to September 30, 1980. The total Federal funding of the program is increased from \$125 million to \$185 million. Public Law 95-187 also created a new section 18 to the UMT Act which provides for \$20 million in grants to be expended by September 30, 1979, to aid Class I railroads, except the grants cannot be used for intercity rail passenger service operated under agreement with the National Railroad Passenger Corporation and rail service required by section 304(e)(4) of the 3R Act.

Although the restated standards become effective January 1, 1978, parties to existing subsidy agreements may agree to continue to use the present standards for the remainder of the current subsidy period.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Accordingly, it is ordered, That Part 1127 of Chapter X of Title 49 of the Code of Federal Regulations appended to this report is hereby revised effective January 1, 1978.

Issued December 29, 1977, by Alan M. Fitzwater, Director, Rail Services Planning Office.

By the Commission.

H. GORDON HOMME, Jr.,  
Acting Secretary.

- Sec.  
1127.1 Definitions.  
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1127.3 Subsidy agreement.  
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1127.10 Emergency operating assistance.  
Appendix I Subsidy Estimate.  
Appendix II Financial Status Report.  
Appendix III Speed Factored Gross Tons Formula (SFGT).

AUTHORITY: Sec. 205(d) (5) and (8), Regional Rail Reorganization Act of 1973, Pub. L. 93-236, 87 Stat. 985, 994, as amended by Section 309 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210, 90 Stat. 31, 57.

#### § 1127.1 Definitions.

Unless otherwise required by the context, the following definitions apply in this Part:

"Account" means an account in the ICC's Uniform System of Accounts for Railroad Companies (49 CFR Part 1201).

"3R Act" means the Regional Rail Reorganization Act of 1973 [Pub. L. 93-236 (45 U.S.C. 701 et seq.)] as amended by the Railroad Revitalization and Regulatory Reform Act of 1976 [Pub. L. 94-210 (90 Stat. 31 et seq.)].

"Actual" means charges in the railroad's accounts for facilities, properties and services which are directly attributable to commuter service.

"Amtrak" means the National Railroad Passenger Corporation.

"Base period" means a minimum of three months and a maximum of twelve months for which the latest traffic, revenue and cost data are available.

"Common costs" means charges in the railroad's accounts for facilities, properties and services in the designated area which are incurred by the subsidizer and other users and which are not solely for the benefit of a particular service.

"Commuter service" means the specific service for which the subsidizer has offered or agreed to make continuation payments.

"ConRail" means the Consolidated Rail Corporation.

"Designated area" means a portion of the railroad's facilities, such as track segments, buildings and yards, for which costs are collected and apportioned between commuter and other services.

"Facilities Utilization Plan" means a document identifying and itemizing

the road and equipment properties used in providing commuter passenger service.

"Form R-1" means the railroad's annual report filed with the ICC in accordance with the requirements of section 20 of the Interstate Commerce Act.

"ICC" means Interstate Commerce Commission.

"Manpower Utilization Plan" means a document identifying the railroad forces used in providing commuter passenger service.

"4R Act" means the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210 (90 Stat. 31 et seq.).

"Railroad" means a common carrier by railroad, as defined in section 1(3) of the Interstate Commerce Act [49 U.S.C. 1(3)], including Conrail and Amtrak.

"RSPO" means the Rail Services Planning Office of the ICC.

"Secretary" means the Secretary of Transportation or his designated representative.

"Standards" means 49 CFR Part 1127 Standards for Determining Commuter Rail Service Continuation Subsidies and Emergency Operating Payments.

"Subsidizer" means a State or a local or regional transportation authority which offers to make or makes a payment to continue commuter rail service pursuant to section 304(c) and 304(e) of the 3R Act.

"Subsidy period" means the term for which a subsidy agreement has been negotiated and is in operation.

"UMT Act" means the Urban Mass Transportation Act of 1964, as amended (90 Stat. 143).

"XX" means that where this notation precedes the last four digits of an account number (e.g. XX-16-02), all accounts with identical last four digits (e.g. 11-16-02, 21-16-02, 41-16-02 and 61-16-02) are to be included.

#### § 1127.2 Purpose and scope.

(a) Section 304(e)(1) of the 3R Act requires Conrail (or a profitable railroad) to provide commuter rail service for a period of 180 days commencing April 1, 1978, on all rail properties over which a railroad in reorganization in the Northeast and Midwest Region, or a person leased, operated, or controlled by such a railroad, was providing service as of that date regardless of whether or not the properties were designated in the Final System Plan of the United States Railway Association as rail properties over which rail service is required to be operated.

(b) Section 304(c)(2)(A) and section 304(e)(4) of the 3R Act provide that no commuter rail service may be discontinued, and no rail properties may be abandoned, if a subsidizer offers fi-

nanial assistance in the form of a rail service continuation payment which is designed to cover the difference between the avoidable costs of providing commuter rail service on the rail properties and the revenues attributable to such properties, together with a reasonable return on the value of the properties. If such an offer is made on or before September 27, 1978, Conrail (or a profitable railroad) shall continue to provide such service thereafter.

(c) Section 205(d)(6) of the 3R Act authorizes RSPO to determine and publish standards for defining (1) The "revenue attributable to the rail properties", (2) the "avoidable cost of providing service", and (3) a "reasonable return on value", as those phrases are used in section 304 of the 3R Act.

(d) Section 205(d)(5) of the 3R Act directs RSPO to determine and publish standards for the computation of subsidies for commuter rail service (except passenger service compensation disputes subject to the jurisdiction of the ICC) which are consistent with the compensation principles described in the Final System Plan and which avoid cross subsidization among commuter, intercity, and freight rail services.

(e) These regulations set forth a method for establishing an estimated subsidy payment, which will enable a prospective subsidizer to formulate a subsidy offer within the context of section 304 of the 3R Act and provide a basis for subsidy payment pending the negotiation of a subsidy agreement. When an agreement is concluded, subsequent payments shall be based on the negotiated subsidy. The final payment shall be adjusted to reflect the actual revenues derived, avoidable costs incurred and value of the properties used in the subsidy period.

(f) Section 304(e)(5)(A) of the 3R Act and section 17(a)(1) of the UMT Act direct the Secretary to reimburse Conrail, Amtrak, other railroads, and, if applicable, the trustee or trustees of a railroad in reorganization in the Midwest and Northeast region for 100 percent of the losses incurred in the 180-day mandatory operation period not otherwise paid by subsidizers which would have been payable had these standards been in effect on April 1, 1976.

(g) Section 304(e)(5)(B) of the 3R Act and section 17(a)(2) of the UMT Act direct the Secretary to reimburse subsidizers for the additional costs incurred by them for commuter operation during the 180-day mandatory operation period and for commuter rail service continuation payments made by them after September 27, 1976. The amount of reimbursement shall be 100 percent for the period April 1, 1976, through March 26, 1977; 90 percent for the period March 27,

1977, through March 31, 1978; 80 percent for the period April 1, 1978, through September 30, 1978; and 50 percent for the period October 1, 1978, through September 30, 1980.

(h) Section 205(d)(5)(B) of the 3R Act directs RSPO to determine the standards under which the Secretary will provide the emergency operating assistance authorized in section 17(a) of the UMT Act.

(i) These regulations also establish the criteria which will govern the reimbursement by the Secretary of: (1) The losses incurred by Conrail, other railroads or trustees for continuing commuter service during the mandatory operation period; and (2) The additional costs incurred by subsidizers for subsidizing commuter service from April 1, 1976, through September 30, 1980.

#### § 1127.3 Subsidy agreement.

(a) *Notice of Intention.* A prospective subsidizer shall notify the railroad of its intention to offer financial assistance for the continuation of commuter service no later than 40 days before the offer is to be tendered. The Notice shall specify:

(1) All modifications in the fares to be charged and in the existing level of service, including changes in routes, schedules, train seating capacity, performance standards, equipment units, and such other dimensions of service as the subsidizer may specify;

(2) The length of the subsidy period; and

(3) The name and address of the prospective subsidizer. A copy of the Notice shall be served concurrently on RSPO and the Secretary.

(b) *Subsidy Estimate.* The railroad shall compute a subsidy estimate predicated on the information contained in the Notice and the revenues attributable, avoidable costs of providing service, and reasonable return on value for the base period in accordance with the methodology prescribed in §§ 1127.6 through 1127.9 and in the format specified in Appendix I. The estimate shall be adjusted as necessary to allow for any actual or projected variations in service, e.g., seasonal fluctuations in traffic or extraordinary events affecting service levels. The bases of any adjustments shall be stated with particularity. The railroad's estimate and the general terms it proposes for an agreement shall be served on the prospective subsidizer (with copies to RSPO and the Secretary) as soon as possible but not later than 30 days after the Notice is received. The railroad's initial estimate (which must be served 30 days after the notice is received but not later than September 17, 1976) may be based on the best data available.

(c) *Offer of Financial Assistance.* The prospective subsidizer must formulate an offer of subsidy predicated on the railroad's estimate, but may propose modifications which are consistent with these standards. The initial offer of subsidy must be served on the railroad (with copies to RSPO and the Secretary) not later than September 27, 1976, to avoid the discontinuance of service. Subsequent offers of subsidy must be served not less than 60 days before the end of the subsidy period. The offer shall contain:

(1) A subsidy estimate in the form prescribed in Appendix I;

(2) A resolution, authorization or other evidence that the prospective subsidizer has, or within a reasonable time will have, the authority to execute and fulfill an agreement to subsidize the service;

(3) Information demonstrating that the prospective subsidizer has, or within a reasonable time will have, the financial resources to subsidize the service and otherwise fulfill its contractual obligations; and

(4) A subsidy payment for the first month of service.

(d) *Negotiations.*—(1) *General.* The railroad and the prospective subsidizer shall negotiate an initial subsidy agreement as soon as possible after September 27, 1976, but in no event later than March 26, 1977. The parties may agree in arm's-length negotiations to provisions which modify the standards, subject to review of such modifications by RSPO. RSPO would not expect to disapprove variations from the standards which are the product of arm's-length negotiations and which are shown to be reasonable in the light of the pertinent facts and circumstances. When an agreement has been reached, a copy shall be filed promptly with RSPO for its review.

(2) *Significant Use.* Unless the parties agree otherwise, the subsidizer shall be deemed a significant user of the rail properties in the areas designated on the facilities utilization plan, and shall be assigned the directly identifiable and common costs of providing the commuter passenger service.

(3) *Insignificant Use.* A subsidizer proposing incidental use of rail properties in the designated area may be assigned the directly identifiable costs incurred in providing the commuter passenger services, plus an allowance for overhead as negotiated by the parties. If the parties are unable to agree on an overhead allowance, the methodology for apportioning common costs specified in § 1127.7 shall apply.

(4) *Mediation.* Upon request of either party, RSPO will mediate disagreements concerning the facilities utilization plan, the subsidy agreement and the application of these standards.

(e) *Subsidy Payments.* The subsidizer shall make subsidy payments monthly in advance, based either upon



the negotiated estimate, or in the absence of a subsidy agreement, upon the subsidizer's offer of financial assistance. The payment shall be determined by dividing the total subsidy by the number of months in the subsidy period. Interest on overdue subsidy payments shall accrue, at a rate of 100 basis points (1 percentage point) above the prime rate currently quoted at a principal bank in the commuter service area, for such period as they remain unpaid and the railroad has not terminated the service. The final subsidy payment shall be adjusted retroactively within 60 days of the filing of the final Financial Status Report required by paragraph (f) below to reflect the actual revenues derived, avoidable costs incurred and value of the properties used in providing rail commuter service during the subsidy period. The railroad shall establish a system to collect the data necessary to make the adjustment. If the subsidizer is entitled to a refund, the railroad shall pay interest on the overpayment, at a rate of 100 basis points (1 percentage point) above the prime rate currently quoted at a principal bank in the commuter service area, accruing from the end of the subsidy period until the refund is made.

(f) *Financial Status Report.* The railroad shall submit to the subsidizer and RSPO a Financial Status Report in the form prescribed in Appendix II to this Part within 60 days after the end of each three months of the subsidy period. Significant deviations from the subsidy estimate must be explained. Unless the parties otherwise agree, the second-to-last report shall be the basis for negotiating the subsequent subsidy agreement. The final report shall be the basis of the subsidy payment adjustment.

§ 1127.4 Interpretations of the standards.

Parties desiring an interpretation of the standards should file a written petition citing the section involved and setting forth their position and rationale. If the request arises from a dispute with other parties, the petitioner should identify those parties and serve each of them with a copy. Parties desiring to file a reply must do so within 10 days of their receipt of the petition. RSPO will issue an interpretation, unless it concludes that the matter raised requires amendment of the standards, in which case RSPO will institute a rulemaking proceeding.

§ 1127.5 Access to records, audit and inspection.

(a) The subsidizer, RSPO, and the Secretary shall have reasonable access to the records, accounts, working papers, and other documents and to the properties and equipment of any

railroad, which provides commuter passenger service or whose properties and equipment are used in providing commuter passenger service for the following purposes:

(1) To verify the accuracy and completeness of the subsidy estimate, the facilities utilization plan, the manpower utilization plan, and the Financial Status Reports;

(2) To audit the actual revenues attributable, costs incurred and service units maintained during the subsidy period;

(3) To inspect the properties and equipment used in providing the commuter passenger service and to measure the performance of the railroad under the offer of financial assistance and the subsidy agreement; or

(4) To confirm facts and representations made or to be made in applications for emergency operating assistance.

(b) The properties and records described in subsection (a) shall be made available for inspection and examination by the subsidizer, RSPO, and the Secretary during regular business hours at a time and place mutually agreeable to the parties. The railroad shall also reproduce such records, provided the requesting party pays the reasonable cost thereof.

§ 1127.6 Revenues attributable to commuter rail service.

The revenues attributable to commuter rail service shall be the total of the revenues, rentals and allowances assigned in accordance with this section. Where a third party controls revenues or rents attributable to the commuter service, the railroad shall credit the commuter service with the amounts of such revenues or rents credited to it by the third party, and shall use its best efforts to negotiate equitable apportionments. Revenues attributable to two or more commuter services shall be apportioned between them on the basis of car-miles operated under the respective offers of financial assistance or subsidy agreements. The revenues, rentals and allowances assigned shall be derived from the following accounts.

(a) *Revenue accounts.*—(1) *Account 102—Passenger;* *Account 103—Passenger Related;* *Account 104—Switching;* *Account 105—Water Transfers.* The

Revenue account title	Previous account number	Present account number
Passenger.....	102.....	102
Passenger related.....	103, 104, 105, 108, 131.....	103
Switching.....	110.....	104
Water transfers.....	113.....	105
Incidental.....	132, 133, 142, 143.....	110
Joint facility—credit.....	151.....	121
Joint facility—debit.....	152.....	122
Miscellaneous rent income.....	510.....	510

revenues assigned to these accounts shall be the actual revenues attributable to commuter service that are directly identified with the operation of commuter trains, excluding rail service continuation payments.

(2) *Account 110—Incidental.* The revenues assigned to this account earned on commuter trains shall be credited directly to the commuter service. The commuter service portion of revenues generated at fixed facilities used in common with other services shall be determined from the relative passenger on-off counts (including pass riders) at those facilities. Special studies of on-off counts may be substituted for continuous records of such counts where desired.

(3) *Account 121—Joint facility—Cr.; Account 12—Joint facility—Dr.* To the extent that the terms of joint facility agreements yield apportionments of revenues to commuter services, the amounts so yielded shall be credited or debited directly to the commuter service. If the terms of the agreements do not yield such apportionments, passenger on-off counts (including pass riders) shall be the basis of apportionment at joint facilities where passengers are boarded or discharged; and at other facilities counts of cars handled as developed from special studies or continuous records shall be the basis of apportionment.

(b) *Rentals. Account 510—Miscellaneous rent income.* The rentals assigned to this account which are attributable to commuter service shall be the actual amounts derived from the rental of commuter service equipment or other property.

(c) *Pass Rider Allowance.* Attributable revenues of the commuter service shall be credited with an allowance for passengers using passes or reduced fare tickets issued by the railroad (or predecessor companies). The parties may continue existing practices for crediting such allowances. In the absence of an agreement, the amount of such credit shall be determined on the basis of currently applicable fares charged revenue commuter passengers.

(d) *Conversion Chart for Revenue Accounts.*

§ 1127.7 Avoidable costs of providing service.

(a) *Assignment of costs.* To the maximum extent practicable, the directly identifiable and common costs assigned to the commuter service shall be developed from a facilities utilization plan and a manpower utilization plan, with the assistance of available and appropriate cost and accounting records such as time sheets, material requisitions, charge cards, vouchers, and the like. [All accounts shall be separated between labor and material (non-labor) charges.] Otherwise, costs may be assigned to the commuter service in a manner agreed to by the parties. The parties may rely on historical data; conduct special studies; develop their own apportionment formulae based on use; or agree on a combination of these methods. Upon request of either party, RSPO will mediate disputes concerning the proper methodology for assigning costs. Any costs which are not assigned under the foregoing procedures shall be assigned in accordance with the methodology prescribed in paragraphs (e) and (f) below, subject to the condition that either party may request a special study. The requesting party will be responsible for designing the study and obtaining the other party's approval of the design. The results of the study will be binding on both parties unless they mutually agree to disregard them. Avoidable costs common to two or more commuter services shall be apportioned between them on the basis of car-miles operated under the respective offers of financial assistance or subsidy agreements. In assigning costs, it is understood that the moneys charged to a particular function shall include the commuter portion of the passenger expenses, plus the commuter portion of the common expenses for that function.

(b) *Facilities utilization plan.* The parties shall develop a facilities utilization plan which identifies and itemizes the road and equipment properties of the railroad used in providing the commuter service and assigns to each property or group of properties the agreed percentage of use devoted to the commuter service. The plan shall also identify those road properties which are avoidable upon discontinuance of the commuter service for the purposes of determining road depreci-

ation, retirement and dismantling charges [§ 1127.7(e)-(f)] and value of road properties [§ 1127.8(b)]. The roadway properties and facilities should be divided into areas or segments consisting of stretches of property where operations or use remain fairly constant and identifying those places where the operations or use change (e.g., number of tracks change, branch lines enter or diverge, and other similar changes). Properties and equipment normally covered in a facilities utilization plan include: trackage; signal system; electrification system; interlocking plants; bridges and drawbridges; stations and platforms; rail-highway crossings; yards; power plants; shops; enginehouses and servicing facilities; storehouses; land; rolling stock; and other facilities or equipment. Source data normally includes equipment rosters, track diagrams or maps of the properties in the above categories, and usage measures for each class of facility and equipment by specific facility or segment (e.g., track density charts, train sheets, timetables, blocking records, yarding programs, station workloads, etc.) to determine the percentage of use of facilities or equipment in providing the commuter service.

(c) *Manpower utilization plan.* The parties shall also develop a manpower utilization plan which identifies the railroad forces used in providing the commuter service by listing the persons employed according to job title, work location, account and percentage of time devoted to commuter service duties.

(d) *Special studies.* All special studies shall be conducted jointly by the railroad and the subsidizer. The length and frequency of the studies and the standardized measurement procedures utilized in the studies shall be negotiated by the parties. In the event of impasse, either party may submit the dispute to RSPO for resolution and its decision shall be final. The cost of studies which are prescribed by these standards or which the parties voluntarily agree to perform shall be attributed to the commuter service. The cost of studies performed at the request of only one party shall be borne exclusively by that party and shall not be attributed to the commuter service.



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(e) Conversion Chart and Assignment Basis of Expense Accounts to Commuter Service.

Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to Commuter Service
(1) Maintenance of Way and Structures			
<u>Administration</u>			
Track	201	XX-16-02 XX-19-02	Various Accounts (1127.7(f)(1)(I))
Bridges and Buildings	201	XX-16-03 XX-19-03	Various Accounts (1127.7(f)(1)(J))
Signals	201	XX-16-04 XX-19-04	Various Accounts (1127.7(f)(1)(K))
Communications	201	XX-16-05 XX-19-05	Various Accounts (1127.7(f)(1)(N))
Other	201	XX-16-06 XX-19-06	Various Accounts (1127.7(f)(1)(L))
<u>Repair and Maintenance</u>			
<u>Running</u>			
Roadway	202	XX-14-10 XX-17-10	Speed Factored Gross Tons SFGT (1127.7(f)(1)(B))
Tunnels and Subways	206	XX-14-11 XX-17-11	Ditto
Bridges and Culverts	208,210	XX-14-12 XX-17-12	Ditto
Ties	212	XX-14-13 XX-17-13	Ditto
Rails	214	XX-14-14 XX-17-14	Ditto
Other Track Material	216	XX-14-15 XX-17-15	Ditto
Ballast	218	XX-14-16 XX-17-16	Ditto
Track Laying and Surfacing	220	XX-14-17 XX-17-17	Ditto
Road Property Damaged	202-220	XX-14-48 XX-17-48	Ditto
<u>Switching</u>			
Roadway	202	XX-15-10 XX-18-10	Cars Dispatched (1127.7(f)(1)(A))
Tunnels and Subways	206	XX-15-11 XX-18-11	Ditto
Bridges and Culverts	208,210	XX-15-12 XX-18-12	Ditto
Ties	212	21-15-13 21-18-13	Ditto
Rails	214	21-15-14 21-18-14	Ditto
Other Track Material	216	21-15-15 21-18-15	Ditto
Ballast	218	21-15-16 21-18-16	Ditto
Track Laying and Surfacing	220	21-15-17 21-18-17	Ditto
Road Property Damaged	202-220	XX-15-48 XX-18-48	Ditto

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Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to Commuter Service
Station and Office Buildings	227	XX-16-23 XX-19-23	Square Feet and Passenger - On-off Count (1127.7(f)(1)(C))
Road Property Damaged - Other	221-265	XX-15-48 XX-18-48	Repair and Maintenance - Running plus Switching (1127.7(f)(1)(H))
Signals and Interlockers	249		
Running		XX-14-19 XX-17-19	Train Movements (1127.7(f)(1)(D))
Switching		XX-15-19 XX-18-19	Ditto
Communications Systems	247	XX-16-20 XX-19-20	Various Accounts (1127.7(f)(1)(M))
Power Systems	253,257	XX-16-21 XX-19-21	Kilowatt Hours (1127.7(f)(1)(E))
Highway Grade Crossings	273		
Running		XX-14-22 XX-17-22	Repair and Maintenance - Running plus Switching (1127.7(f)(1)(H))
Switching		XX-15-22 XX-18-22	Ditto
Shop Buildings	235,253,257		
Locomotives		XX-16-24 XX-19-24	Labor Charges (1127.7(f)(1)(F))
Other Equipment		XX-16-26 XX-19-26	Ditto
Locomotives Servicing Facilities	231,233	XX-16-27 XX-19-27	Unit Miles, Fuel Dispensed (1127.7(f)(1)(G))
Miscellaneous Buildings and Structures	221,229,239,265	XX-16-28 XX-19-28	Repair and Maintenance - Running plus Switching (1127.7(f)(1)(H))
Roadway Machines	269	XX-16-36 XX-19-36	Ditto
Small Tools and Supplies	271	XX-16-37 XX-19-37	Ditto
Snow Removal	272	XX-16-38 XX-19-38	Ditto
Dismantling Retired Road Property	270		
Running		XX-14-39 XX-17-39	Actual
Switching		XX-15-39 XX-18-39	Actual
Other		XX-16-39 XX-19-39	Actual
Fringe Benefits	277,457		
Running		12-14-00 12-17-00	Various Accounts (1127.7(f)(1)(P))
Switching		12-15-00 12-18-00	Ditto
Other		12-16-00 12-19-00	Ditto
Casualties and Insurance	274,275		
Running		52-14-00 52-17-00 53-14-00 53-17-00	Various Accounts (1127.7(f)(1)(O))



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Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to Commuter Service
Switching		52-15-00 52-18-00 53-15-00 53-18-00	Ditto
Other		52-16-00 52-19-00 53-16-00 53-19-00	Ditto
Lease Rentals - Dr.	542		
Running		31-14-00 31-17-00	Actual
Switching		31-15-00 31-18-00	Actual
Other		31-16-00 31-19-00	Actual
Lease Rentals - Cr.	509		
Running		32-14-00 32-17-00	Actual
Switching		32-15-00 32-18-00	Actual
Other		32-16-00 32-19-00	Actual
Joint Facility Rents - Dr.	5-1		
Running		33-14-00 33-17-00	Agreement or Passenger On-off Count (1127.6(a)(3))
Switching		33-15-00 33-18-00	Ditto
Other		33-16-00 33-19-00	Ditto
Joint Facility Rents - Cr.	508		
Running		34-14-00 34-17-00	Ditto
Switching		34-15-00 34-18-00	Ditto
Other		34-16-00 34-19-00	Ditto
Other Rents - Dr.	543		
Running		35-14-00 35-17-00	Actual
Switching		35-15-00 35-18-00	Actual
Other		35-16-00 35-19-00	Actual
Other Rents - Cr.	510		
Running		36-14-00 36-17-00	Actual
Switching		36-15-00 36-18-00	Actual
Other		36-16-00 36-19-00	Actual

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Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to Commuter Service
Depreciation	266		
Running		62-14-00 62-17-00	Actual - Restricted to Properties Identified in Section (1127.6(b))
Switching		62-15-00 62-18-00	Ditto
Other		62-16-00 62-19-00	Ditto
Joint Facility - Dr.	278		
Running		37-14-00 37-17-00	Agreement or Passenger On-Off Count (1127.6(a)(3))
Switching		37-15-00 37-18-00	Ditto
Other		37-16-00 37-19-00	Ditto
Joint Facility - Cr.	279		
Running		38-14-00 38-17-00	Ditto
Switching		38-15-00 38-18-00	Ditto
Other		38-16-00 38-19-00	Ditto
Other	281,282		
Running		XX-14-99 XX-17-99	Various Accounts (1127.7(f)(1)(0))
Switching		XX-15-99 XX-18-99	Ditto
Other		XX-16-99 XX-19-99	Ditto
(2) Equipment			
Locomotives			
Administration	301	XX-24-01 XX-26-01	Various Accounts (1127.7(f)(2)(B))
Repair and Maintenance	311	XX-24-41 XX-26-41	Special Study and Actual (1127.7(f)(2)(A))
Machinery Repair	302	XX-24-40 XX-26-40	Various Accounts (1127.7(f)(2)(B))
Equipment Damaged	311	XX-24-48 XX-26-48	Special Study and Actual (1127.7(f)(2)(A))
Dismantling Retired Property	306,329	XX-24-39 XX-26-39	Actual
Fringe Benefits	335,457	12-24-00 12-26-00	Various Accounts (1127.7(f)(2)(C))
Other Casualties and Insurance	332,333	52-24-00 52-26-00 53-24-00 53-26-00	Various Accounts (1127.7(f)(2)(B)) Ditto
Lease Rentals - Dr.	537	31-24-00 31-26-00	Actual
Lease Rentals - Cr.	504	32-24-00 32-26-00	Actual
Other Rents - Dr.	537	35-24-00 35-26-00	Actual
Other Rents - Cr.	504	36-24-00 36-26-00	Actual



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Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to Commuter Service
Depreciation	331	62-24-00 62-26-00	Actual
Joint Facility - Dr.	336	37-24-00 37-26-00	Agreement or Passenger On-off Count (1127.6(a)(3))
Joint Facility - Cr.	337	38-24-00 38-26-00	Ditto
Repairs Billed to Others - Cr.			
Machinery	302	40-24-40 40-26-40	Actual
Locomotives	311	40-24-41 40-26-41	Actual
Road Property and Equipment Damaged	311,317,318,323, 326,328	40-24-48 40-26-48	Actual
Other	339	XX-24-99 XX-26-99	Various Accounts (1127.7(f)(2)(8))
<u>Other Equipment</u>			
Administration	301	XX-25-01 XX-27-01	Various Accounts (1127.7(f)(2)(E))
Passenger and Other Revenue Equipment	317	XX-25-45 XX-27-45	Actual
Computers and Data Processing Systems	Various Accounts	XX-25-46 XX-27-46	Actual
Machinery	302	XX-25-40 XX-27-40	Various Accounts (1127.7(f)(2)(E))
Work and Other Non-Revenue Equipment	326,328	XX-25-47 XX-27-47	Various Accounts (1127.7(f)(2)(D))
Equipment Damaged	317,318,323,326,328	XX-25-48 XX-27-48	Actual
Dismantling Retired Property	306,329	XX-25-39 XX-27-39	Actual
Fringe Benefits	335,457	12-25-00 12-27-00	Various Accounts (1127.7(f)(2)(F))
Other Casualties and Insurance	332,333	52-25-00 52-27-00 53-25-00 53-27-00	Various Accounts (1127.7(f)(2)(E)) Ditto
Lease Rentals - Dr.	537	31-25-00 31-27-00	Actual
Lease Rentals - Cr.	504	32-25-00 32-27-00	Actual
Joint Facility Rents - Dr.	541	33-25-00 33-27-00	Agreement or Passenger On-Off Count (1127.6(a)(3))

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Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to Commuter Service
Joint Facility Rents - Cr.	508	34-25-00 34-27-00	Ditto
Other Rents - Dr.	537	35-25-00 35-27-00	Actual
Other Rents - Cr.	504	36-25-00 36-27-00	Actual
Depreciation	331	62-25-00 62-27-00	Actual
Joint Facility - Dr.	336	37-25-00 37-27-00	Agreement or Passenger On-Off Count (1127.6(a)(3))
Joint Facility - Cr.	337	38-25-00 38-27-00	Ditto
Repairs Billed to Others - Cr.	317	40-25-45 40-27-45	Actual
Passenger and Other Revenue Equipment			
Computer and Data Processing Equipment	Various Accounts	40-25-26 40-27-26	Actual
Work and Other Non-Revenue Equipment	326,328	40-25-47 40-27-47	Actual
Road Property and Equipment Damaged	317,318,323,326,328	40-25-48 40-27-48	Actual
Other	330,339	XX-25-99 XX-27-99	Various Accounts (1127.7(f)(2)(E))
(3) <u>Transportation</u>			
<u>Train Operations</u>			
Administration	371	XX-41-01 XX-51-01	Various Accounts (1127.7(f)(3)(H))
Engine Crews	392,402	XX-41-56 XX-51-56	Actual, Cars Dispatched (1127.7(f)(3)(A))
Train Crews	401,402,403	XX-41-57 XX-51-57	Ditto
Dispatching Trains	372	XX-41-58 XX-51-58	Train Hours (1127.7(f)(3)(B))
Operating Signals and Interlockers	404	XX-41-59 XX-51-59	Train Movements (1127.7(f)(3)(C))
Operating Drawbridges	406	XX-41-60 XX-51-60	Ditto
Highway Crossing Protection	405	XX-41-61 XX-51-61	Ditto
Train Inspection and Lubrication	402	XX-41-62 XX-51-62	Cars Dispatched (1127.7(f)(3)(D))
Locomotive Fuel	394	XX-41-67 XX-51-67	Actual
Electric Power Purchased/Produced for Motive Power	395,396,445	XX-41-68 XX-51-68	Actual-Weighted (1127.7(f)(3)(E))
Servicing Locomotives	400	XX-41-69 XX-51-69	Locomotive Units (1127.7(f)(3)(F))
Freight Lost or Damaged - Solely Related	418,419	51-41-00 51-51-00	Responsibility/Reserve Account (1127.7(f)(3)(G))
Clearing Wrecks	415	XX-41-63 XX-51-63	Ditto



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Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to Commuter Service
Fringe Benefits	409,457	12-41-00 12-51-00	Various Accounts (1127.7(f)(3)(H))
Other Casualties and Insurance	414,416,417,420	52-41-00 52-51-00 53-41-00 53-51-00	Responsibility/Reserve Account (1127.7(f)(3)(G)) Ditto
Joint Facility - Dr.	412	37-41-00 37-51-00	Agreement or Passenger On-Off Count (1127.6(a)(3))
Joint Facility - Cr.	413	38-41-00 38-51-00	Ditto
Other	402,403,411,441	XX-41-99 XX-51-99	Actual
Yard Operations			
Administration	371	XX-42-01 XX-52-01	Various Accounts (1127.7(f)(3)(H))
Switch Crews	378,380,389	XX-42-64 XX-52-64	Unit Hours, Special Study (1127.7(f)(3)(I))
Controlling Operations	377,389	XX-42-65 XX-52-65	Ditto
Yard and Terminal Clerical	377,389	XX-42-66 XX-52-66	Ditto
Operating Switches, Signals Retarders and Humps	379,389	XX-42-59 XX-52-59	Ditto
Locomotive Fuel	382	XX-42-67 XX-52-67	Ditto
Electric Power Purchased/Produced for Motive Power	383,384,445	XX-42-68 XX-52-68	Ditto
Servicing Locomotives	388	XX-42-69 XX-52-69	Ditto
Freight Lost or Damaged Solely Related	418,419	51-42-00 51-52-00	Responsibility/Reserve Account (1127.7(f)(3)(G))
Clearing Wrecks	415	XX-42-63 XX-52-63	Ditto
Fringe Benefits	409,457	12-42-00 12-52-00	Various Accounts (1127.7(f)(3)(H))
Other Casualties and Insurance	414,416,420	52-42-00 52-52-00 53-42-00 53-52-00	Responsibility/Reserve Account (1127.7(f)(3)(G)) Ditto
Joint Facility - Dr.	390,412	37-42-00 37-52-00	Agreement or Passenger On-Off Count (1127.6(a)(3))
Joint Facility - Cr.	391,413	38-42-00 38-52-00	Ditto
Other	411	XX-42-99 XX-52-99	Actual
Train and Yard Operations Common			
Cleaning Car Interiors	402	XX-43-70 XX-53-70	Actual

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Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to Commuter Service
Freight Lost or Damaged - All Other	418,419	51-43-00 51-53-00	Responsibility/Reserve Account (1127.7(f)(3)(G))
Fringe Benefits	409	12-43-00 12-53-00	Various Accounts (1127.7(f)(3)(H))
Administrative Support Operations			
Administration	371	XX-45-01 XX-55-01	Various Accounts (1127.7(f)(3)(K))
Employees Performing Clerical And Accounting Functions	373,376	XX-45-76 XX-55-76	Various Accounts (1127.7(f)(3)(J))
Communication Systems Operations	373,376	XX-45-77 XX-55-77	Administrative Accounts (1127.7(f)(3)(L))
Loss and Damage Claims Processing	418,419	XX-45-78 XX-55-78	Responsibility/Reserve Account (1127.7(f)(3)(G))
Fringe Benefits	409,457	12-45-00 12-55-00	Various Accounts (1127.7(f)(3)(H))
Casualties and Insurance	414,416,420	52-45-00 52-55-00 53-45-00 53-55-00	Responsibility/Reserve Account (1127.7(f)(3)(G)) Ditto
Joint Facility - Dr.	412,447	37-45-00 37-55-00	Agreement or Passenger On-Off Count (1127.6(a)(3))
Joint Facility - Cr.	413,448	38-45-00 38-55-00	Ditto
Other	411	XX-45-99 XX-55-99	Actual
(4) General and Administrative			
Officers - General Superintendence	351,451,453	XX-62-01 XX-63-01	Actual 1/
Accounting, Auditing, and Finance	452	XX-62-86 XX-63-86	Actual 1/
Management Services and Data Processing	452	XX-62-87 XX-63-87	Actual 1/
Marketing	352	XX-62-88 XX-63-88	Actual 1/
Sales	352	XX-62-89 XX-63-89	Actual 1/
Personnel and Labor Relations	452	XX-62-91 XX-63-91	Actual 1/
Legal and Secretarial	452,454	XX-62-92 XX-63-92	Actual 1/
Public Relations and Advertising	353,354	XX-62-93 XX-63-93	Actual 1/
Research and Development	Various Accounts	XX-62-94 XX-63-94	Actual 1/
Other	360,460	XX-62-99 XX-63-99	Actual 1/
Casualties and Insurance	357-455	52-62-00 52-63-00 53-62-00 53-63-00	Various Accounts (1127.7(f)(4))

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Operating Expense Group and Accounts	Previous Account Number	Present Account Number	Basis of Assignment to Commuter Service
Writedown of Uncollectible Accounts	Various Accounts	63-62-00 63-63-00	Actual 1/
Fringe Benefits	359,456,457	12-62-00 12-63-00	Various Accounts (1127.7(f)(4))
Property Taxes	532	64-62-00 64-63-00	Actual - As determined under Section 1127.8(b)
Other Taxes Except on Corporate Income or Payrolls	532	65-62-00 65-63-00	Actual
Joint Facility - Dr.	461	37-62-00 37-63-00	Agreement or Passenger On-Off Count (1127.6)(a)(3))
Joint Facility - Cr.	462	38-62-00 38-63-00	Ditto

1/ These costs may include the actual expenses incurred in administering the subsidy program.

(f) *Apportionment rules for assigning common costs to commuter service.* The accounts specified under § 1127.7(e) which have an assignment basis other than "actual" shall be apportioned according to the rules contained in this section.

(1) *Maintenance of way and structures.*—(i) *Repair and maintenance—switching.* The common costs assigned to these accounts shall be apportioned on the ratio of the commuter service cars dispatched in the designated area to the total cars dispatched in the designated area.

(ii) *Repair and maintenance—running.* The common costs assigned to these accounts shall be apportioned on the ratio of the commuter service speed factored gross tons (SFGT) for the designated area. The commuter service SFGT shall be derived by subtracting the SFGT for freight and/or intercity passenger from the total SFGT for all traffic. The SFGT shall be calculated in accordance with the formula set forth in Appendix III of this Part.

(iii) *Station and office buildings.* The common costs assigned to these accounts shall be first apportioned on the ratio of total square feet devoted to passenger service to the total square feet used in the facility. The passenger portion shall then be apportioned on the ratio of the commuter service on-off passenger count (includ-

ing pass riders) in the designated area to the total on-off passenger count (including pass riders) in the designated area.

(iv) *Signals and interlockers.* The common costs assigned to these accounts shall be apportioned on the ratio of the number of commuter service train movements through these facilities to the total of all train movements through these facilities.

(v) *Power systems.* The common costs assigned to these accounts shall be apportioned on the ratio of the kilowatt-hours consumed by the commuter service to the total kilowatt-hours consumed by all services in the designated area.

(vi) *Shop buildings.* The common costs assigned to these accounts shall be apportioned on the ratio of the labor charges expended servicing commuter service equipment in the designated area to the railroad's total labor charges expended servicing all equipment in the designated area.

(vii) *Locomotive servicing facilities.* The common costs assigned to fuel stations shall be kept separate from the common costs assigned to the balance of the locomotive servicing facilities. The common costs assigned to fuel stations shall be apportioned on the ratio of the amount of fuel dispensed in commuter service to the total amount of fuel dispensed for all services using these facilities. The

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common costs assigned to the balance of the locomotive servicing facilities shall be apportioned on the ratio of the locomotive unit miles (diesel and electric) generated from commuter service using these facilities in the designated area to the railroad's total locomotive unit miles in the designated area (diesel and electric) for all services.

(viii) *Road property damaged—other; miscellaneous buildings and structures.* The common costs assigned to these accounts shall be apportioned on the ratio of the amounts assigned to commuter service to the railroad's total in the designated area for the following accounts:

XX-14-10, XX-17-10, XX-14-11, XX-17-11, XX-14-12, XX-17-12, 21-14-13, 21-17-13, 21-14-14, 21-17-14, 21-14-15, 21-17-15, 21-14-16, 21-17-16, 21-14-17, 21-17-17, XX-14-48, XX-17-48, XX-15-10, XX-18-10, XX-15-11, XX-18-11, XX-15-12, XX-18-12, 21-15-13, 21-18-13, 21-15-14, 21-18-14, 21-15-15, 21-18-15, 21-15-16, 21-18-16, 21-15-17, 21-18-17, XX-15-48, XX-18-48.

(ix) *Administration—Track.* The common costs assigned to these accounts shall be apportioned on the ratio of the amounts assigned to commuter service to the railroad's total in the designated area for the following accounts:

XX-14-10, XX-17-10, XX-14-11, XX-17-11, 21-14-13, 21-17-13, 21-14-14, 21-17-14, 21-14-15, 21-17-15, 21-14-16, 21-17-16, 21-14-17, 21-17-17, XX-14-48, XX-17-48, XX-15-10, XX-18-10, XX-15-11, XX-18-11, 21-15-13, 21-18-13, 21-15-14, 21-18-14, 21-15-15, 21-18-15, 21-15-16, 21-18-16, 21-15-17, 21-18-17, XX-15-48, XX-18-48, XX-14-22, XX-17-22, XX-15-22, XX-18-22, XX-16-38, XX-19-38, XX-16-37, XX-19-37, XX-16-39, XX-19-39, XX-18-39, XX-16-21, XX-19-21.

(x) *Administration—Bridges and buildings.* The common cost assigned to these accounts shall be apportioned on the ratio of amounts assigned to commuter service to the railroad's total in the designated area for the following accounts:

XX-14-12, XX-17-12, XX-15-12, XX-18-12, XX-16-23, XX-19-23, XX-15-48, XX-18-48, XX-16-24, XX-19-24, XX-16-26, XX-19-26, XX-16-27, XX-19-27, XX-16-28, XX-19-28.

(xi) *Administration—Signals.* The common costs assigned to these accounts shall be apportioned on the ratio of amounts in accounts XX-14-19, XX-15-19, XX-17-19, XX-18-19, assigned to commuter service to the railroad's total in these accounts for the designated area.

(xii) *Administration—Other.* The common costs assigned to these accounts shall be apportioned on the ratio of the amounts in all of the accounts under § 1127.(e)(1)(B) assigned to commuter service (excluding accounts XX-16-20, XX-19-20, 12-14-00,

12-17-00, 12-15-00, 12-18-00, 12-16-00, 12-19-00, all rentals accounts, joint facility accounts, fringe benefits accounts, casualties and insurance accounts, and depreciation accounts) to the railroad's total in these accounts for the designated area.

(xiii) *Communications systems.* The common costs assigned to these accounts shall be apportioned on the ratio of the amounts assigned to commuter service to the railroad's total in the designated area for the following accounts:

XX-16-12, XX-19-02, XX-16-03, XX-19-03, XX-16-04, XX-19-04, XX-16-06, XX-19-16, XX-42-65, XX-52-65, XX-42-66, XX-52-66, XX-24-01, XX-26-01, XX-25-01, XX-27-01, XX-41-01, XX-51-01, XX-45-01, XX-55-01, XX-42-01, XX-52-01, XX-62-01, XX-63-01, XX-41-58, XX-51-58.

(xiv) *Administration—Communications.* The common costs assigned to these accounts shall be apportioned on the ratio of accounts in the following accounts: XX-16-20, XX-19-20 assigned to commuter service to the railroad's total in these accounts for the designated area.

(xv) *Casualties and insurance—Other.* The common costs assigned to these accounts shall be apportioned, separated between running, switching and other, on the ratio of the amounts in all of the accounts under § 1127.7(e)(1)(B) assigned to commuter service (excluding accounts 12-14-00, 12-17-00, 12-15-00, 12-18-00, 12-16-00, 12-19-00, all rental accounts, joint facility accounts, and depreciation accounts) to the railroad's total in these accounts for the designated area.

(xvi) *Fringe benefits.* Fringe benefits shall be assigned to commuter service, separated between running, switching and other, on the ratio of the commuter service amounts in the respective salary and wage accounts to the railroad's system total for these accounts.

(2) *Equipment.*

LOCOMOTIVES

(i) *Repair and maintenance; equipment damaged.* These accounts shall be separated between yard and other (road) with a further separation between diesel and other (electric). The common costs assigned to these accounts for yard locomotives shall be based on the results of the special study described in § 1127.7(f)(4). The costs assigned to these accounts for other locomotives (road) shall be the actual costs that are directly attributable to commuter service.

(ii) *Administration; machinery repairs; other casualties and insurance—Other.* The common costs assigned to these accounts shall be apportioned on the ratio of the amounts assigned to commuter service to the railroad's total in the designated area for the following accounts:

XX-24-41, XX-26-41, XX-24-48, XX-26-48, XX-24-39, XX-26-39, 37-24-00, 37-26-00,



38-24-00, 38-26-00, 40-24-40, 40-26-40, 40-24-41, 40-26-41, 40-24-48, 40-26-48.

(iii) *Fringe benefits—Locomotives.* Fringe benefits shall be assigned to commuter service on the ratio of the commuter service amounts in the respective salary and wage accounts to the railroad's system total for these accounts.

#### OTHER EQUIPMENT

(iv) *Work and other non-revenue equipment.* The common costs assigned to these accounts shall be apportioned on the ratio of the commuter service amounts in the repair and maintenance running and switching accounts, identified in § 1127.7(f)(1)(H) to the railroad's total for these accounts in the designated area.

(v) *Administration; machinery; other casualties and insurance—Other.* The common costs assigned to these accounts shall be apportioned on the ratio of the amounts assigned to commuter service to the railroad's total in the designated area for the following accounts:

XX-25-45, XX-27-45, 37-25-00, 37-27-00, 40-25-48, 40-27-48, XX-25-46, XX-27-46, 38-25-00, 38-27-00, XX-25-47, XX-27-47, 40-25-45, 40-27-45, XX-25-48, XX-27-48, 40-25-46, 40-27-46, XX-25-39, XX-27-39, 40-25-47, 40-27-47.

(vi) *Fringe benefits—Other equipment.* Fringe benefits shall be assigned to commuter service on the ratio of the commuter service amounts in the respective salary and wage accounts to the railroad's system total for these accounts.

(3) *Transportation.—(i) Engine crews; train crews.* These accounts shall be separated between salary and wages and train supplies and expenses. The salary and wage portion shall be assigned to commuter service on an actual basis. The common costs assigned to these accounts for train supplies and expenses shall be apportioned on the ratio of commuter cars dispatched in the designated area to the railroad's total cars dispatched in the designated area. Commuter cars shall include passenger cars and motor cars.

(ii) *Dispatching trains.* The common costs assigned to these accounts shall be apportioned on the ratio of the commuter train hours in the designated area to total train hours in the designated area.

(iii) *Operating signals and interlockers; operating drawbridges; highway crossing protection.* The common costs assigned to these accounts shall be apportioned on the ratio of the number of commuter service train movements in the designated area to the total train movements in the designated area.

(iv) *Train inspection and lubrication.* The common costs assigned to

these accounts shall be apportioned on the ratio of commuter cars dispatched in the designated area to the railroad's total cars dispatched in the designated area. Commuter cars shall include passenger cars and motor cars.

(v) *Electric power purchased/produced for motive power.* There shall be no apportionment of common costs under these accounts. The costs assigned to these accounts shall be the actual costs of the kilowatt hours (KWH) consumed for commuter service in the designated area. These KWH shall be weighted to reflect the peak period power demands, i.e., time of day and volume of power demand.

(vi) *Servicing locomotives.* The common costs assigned to these accounts shall be apportioned on the ratio of the total locomotive units (road) serviced in commuter service in the designated area to the railroad's total locomotive units (road) serviced in the designated area.

(vii) *Freight lost or damaged—Solely related; clearing wrecks; other casualties and insurance.* The subsidizers shall be responsible for any costs incurred under these accounts resulting from the operation of the commuter service. The railroad shall, if the subsidizer agrees, establish a reserve for the purpose of holding the subsidizer harmless from any liabilities under these accounts arising out of the operation of commuter services on its properties, and each commuter service participating in the reserve shall bear a proportion of the costs of the reserve equal to its proportion of the total passenger miles (including non-revenue passenger miles) generated by participating services. The costs assigned to these accounts for commuter service insurance shall be determined by ascertaining from the railroad's underwriters: (A) The difference in the current premium if commuter service were not operated, and (B) the additional premium required to hold the railroad and the subsidizers harmless from any liability. Such amounts shall be apportioned between the several commuter services operated by the railroad on the basis of the relative numbers of passenger miles (including pass riders).

(viii) *Fringe benefits.* Fringe benefits shall be assigned to commuter service on the ratio of the commuter service amounts in the respective salary and wage accounts to the railroad's system total for these accounts. Separate ratios shall be developed for each of the categories of transportation expenses (i.e., train operations, yard operations, train and yard operations—common and administrative support operations).

(ix) *Switch crews; controlling operations; yard and terminal clerical; operating switches, signals, retarders,*

*and humps; locomotive fuel; electric power purchased/produced for motive power; servicing locomotives.* A special study shall be conducted to determine the ratio of the commuter service (diesel, electric) yard locomotive unit hours in the designated area to the railroad's total (diesel, electric) yard locomotive unit hours in the designated area. The common costs assigned to these accounts shall be the amounts in the railroad's accounts for the designated area multiplied by the ratio determined from the study. For this purpose, the term "locomotive" shall include motor cars. In conducting such a study, the railroad should recognize the variances of: (A) Weekend versus weekday demand; (B) required yard crew manning to perform the switching services for various users; and (C) the effect of peak service on yard manning.

(x) *Employees performing clerical and accounting functions; communication system operations.* (A) The common costs assigned to these accounts, exclusive of material, shall be subdivided into 4 categories: (1) Ticket sales and service; (2) other station costs; (3) station master; and (4) mail and baggage.

(B) The common costs in these subaccounts, exclusive of material, shall be apportioned on the ratio of commuter service units in the designated area to the total units in the designated area for the respective units: (1) Weighted ticket sales; (2) passenger on-off count (including pass riders); (3) trains stopping at stations in the designated area; and (4) units of mail and baggage handled. The common material costs assigned to these accounts shall be apportioned on the ratio of the commuter service amounts in these accounts exclusive of material determined above to the railroad's total for these accounts in the designated area.

(xi) *Administration.* The common costs assigned to these accounts shall be apportioned on the ratio of the commuter service amounts in all other transportation accounts in each subcategory except fringe benefits and communication systems operations to the railroad's total for these accounts in the designated area.

(xii) *Communication system operations.* The common costs assigned to these accounts shall be apportioned on the ratio of the total commuter service amounts in the Administration accounts (§ 1127.7(f)(3)(K)) assigned to commuter service to the railroad's total for these accounts in the designated area.

(4) *General and administrative.* Fringe benefits shall be assigned to commuter service on the ratio of the commuter service amounts in the respective salary and wage accounts to the railroad's system total for these accounts.

(g) *Performance standards—penalties and incentives.* The subsidy agreements may include reasonable provisions as agreed by the parties for penalties for service inferior to stipulated performance standards and incentive payments for superior performance. Penalties withheld from subsidy payments by the subsidizer under such agreements shall be treated as reductions of avoidable costs and incentive payments shall be treated as additions to avoidable costs.

#### § 1127.8 Value of rail properties.

The value of rail properties on which a reasonable return is allowed shall consist of:

(a) The net book value of equipment furnished by the contracting carrier for commuter service, after deduction of accrued depreciation; and

(b) The net book value of those roadway and structures properties which are used in commuter services and which could be disposed of if commuter service were discontinued. Such net book value shall include the net liquidation value of the properties as of April 1, 1976, determined for their highest and best use for other than rail transportation purposes, plus the value of additions and betterments after that date for commuter service, less depreciation accrued from that date. It shall not include the value of properties owned by public bodies; or of properties owned by the trustees of debtor estates if such properties are entitled to a return computed under 49 CFR 1125.9.

(c) If the book values of road or equipment property are adjusted upward or downward as a result of final orders of the special court, such adjusted values shall be reflected in future subsidy payments, but without retroactive effect.

#### § 1127.9 Reasonable return on the value of the properties.

The reasonable return shall be 7.5 percent per annum on the sum of the two elements of the investment base computed in accordance with § 1127.8.

#### § 1127.10 Emergency operating assistance.

(a) *Mandatory period losses.* The railroad shall be entitled to reimbursement by the Secretary for 100 percent of the losses reasonably and necessarily incurred by it for continuing service during the mandatory period (from April 1, 1976, through September 27, 1976, or any extension of such period resulting from the application of Federal law), the same level of commuter rail service as was provided during the 12-month period ended March 31, 1976. The reimbursement shall be an amount equal to the railroad's actual net avoidable loss and reasonable return on the value of properties, as determined in accordance with §§ 1127.3 through 1127.9.

dance with §§ 1127.3 through 1127.9, minus such financial assistance as it received or was entitled to receive (whichever is greater) under section 304(e)(2) of the 3R Act from a subsidizer during the mandatory operation period. Should the service be terminated by agreement of the railroad and the subsidizer prior to the close of the mandatory operation period, the reimbursement under this subsection shall be proportionately reduced.

(b) *Mandatory period—Additional costs.* A subsidizer shall be entitled to reimbursement by the Secretary for 100 percent of the additional costs reasonably and necessarily incurred by it, during the period April 1, 1976, through September 27, 1976, in preparing the offer of financial assistance or negotiating the subsidy agreement. Payments by the Secretary under this subsection shall not be duplicative of amounts disbursed under paragraphs (a) and (c) of this section.

(c) *Post mandatory period—Additional costs.* A subsidizer which makes subsidy payments for the continuance of commuter rail service, during the period from September 28, 1976, through September 30, 1980, shall be entitled to be reimbursed by the Secretary for the additional costs reasonably and necessarily incurred by it to sustain the same level of service being provided during the 12-month period ended March 31, 1976. The amount of reimbursement shall be 100 percent of additional costs for the period September 28, 1976, through March 26, 1977; 90 percent of such costs for the period March 27, 1977, through March 31, 1978; 80 percent of such costs for the period April 1, 1978, through September 30, 1978, and 50 percent for the period October 1, 1978, through September 30, 1980. The appropriate percentage for each subsidy period shall be applied to the difference between the actual net avoidable losses and reasonable return incurred in continuing the service, as determined in accordance with §§ 1127.3 through 1127.9, and the financial assistance the subsidizer was obligated to pay under section 304(e)(2) of the 3R Act during the mandatory period, plus the amounts of any additional administrative costs reasonably and necessarily incurred in complying with these standards.

(d) *Level of service.* The same level of service includes the routes, schedules, train seating capacity, performance standards, and equipment units provided during the 12-month period ended March 31, 1976, and any modifications thereof which do not increase the net avoidable loss and reasonable return on the value of the properties as determined in accordance with §§ 1127.3 through 1127.9 in excess of the amount which would have resulted from the service level provided during the 12-month period ended March 31, 1976.

The railroad or subsidizer may be reimbursed for additional costs necessary to sustain the same level of service arising from wage or price increases or equipment purchases to the extent that the railroad (or its predecessor) had not agreed to absorb, nor the subsidizer to pay, such costs increases. The railroad or subsidizer may not be reimbursed for losses incurred in providing service on new routes; but the level of service on existing routes may be adjusted to the extent that the total of the net avoidable losses and the reasonable return, as determined in accordance with §§ 1127.3 through 1127.9, based on the level of service provided in the 12-month period ended March 31, 1976, is not thereby exceeded.

(e) *Reductions in service.* If a rail continuation payment is decreased because service is reduced below the level provided during the 12-month period ended March 31, 1976, the financial assistance provided by the subsidizer and the reimbursement of additional costs by the Secretary under § 1127.10(c) shall be reduced in proportion to their respective contributions to the total of the rail service continuation payment as computed prior to such reduction in the level of service.

(f) *Fare increases.* The railroad shall maintain records for each subsidy period segregating the amounts of passenger revenues included in account 102 resulting from fare increases initiated on or after April 1, 1976. For the purpose for determining the reimbursement by the Secretary of additional costs under § 1127.10(c), such amounts shall be deducted from the attributable revenues computed under § 1127.6. Under no circumstances, however, shall the application of this section result in reimbursement by the Secretary of an amount exceeding the subsidy payment determined pursuant to §§ 1127.3 through 1127.9.

(g) *Interest on overdue payments.* The amounts of interest accrued on overdue payments under § 1127.3(e) shall be excluded from avoidable costs determined under § 1127.7 for the purpose of determining the reimbursement by the Secretary of additional costs under § 1127.10(c).

(h) *Advance payments.* To assist the subsidizer in making the monthly interim subsidy payments required under § 1127.3(e), the Secretary shall pay monthly in advance to the subsidizer the estimated amounts for reimbursement of additional costs under § 1127.10(c) as modified by § 1127.10(e), (f), and (g). The final payment of such reimbursement shall be adjusted retroactively within 60 days of the filing of the last Financial Status Report for each subsidy period to reflect the actual amounts of attributable revenues, avoidable costs, and return on the value of the properties.



and the financial assistance the subsidizer was obligated to provide during that subsidy period. The receipt by the subsidizer of any estimated or final payment for reimbursement of additional costs shall be conditioned upon the furnishing by the recipient of such certification or documentation at such times as the Secretary may by regulation require.

(1) *Arbitration.* Under section 304(e)(5)(c) of the 3R Act, the railroad, the subsidizer, and the Secretary may submit any disputes regarding the application of this section to arbitration by a disinterested third person. If the parties are unable to agree upon an arbitrator, the Chairman of the ICC or his designated representative shall serve in that capacity.

APPENDIX I—SUBSIDY ESTIMATE

The following information is required to be furnished under § 1127.3(b) in accordance with the methodology set forth in §§ 1127.3 through 1127.9. The base period data shall be shown for each item.

REVENUES ATTRIBUTABLE (BASE PERIOD)

1. Passenger.
2. All other.
3. Total revenues attributable (lines 1 plus 2).

AVOIDABLE COSTS

4. Maintenance of way and structures.
5. Maintenance of equipment.
6. Transportation.
7. General and administrative.
8. Casualty reserve account.
9. Performance standards.
10. Total avoidable costs (lines 4 through 9).

RETURN ON VALUE

11. Valuation of property (lines 11a plus 11b):
  - (a) Book value of equipment.
  - (b) Book value of roadway and structures.
12. Rate of return.
13. Total return on value (line 11 times line 12).

ESTIMATED SUBSIDY PAYMENT

14. Subsidy estimate (line 3 minus lines 10 and 13).
15. Financial assistance from subsidizer.
16. Estimated emergency operating assistance from the Secretary (line 14 minus line 15).

TRAFFIC AND OPERATING DATA

1. Numbers of passengers carried.
2. Total car miles.

APPENDIX II—FINANCIAL STATUS REPORT

A railroad entering into a subsidy agreement shall compile the information prescribed below in accordance with the standards set forth in §§ 1127.3 through 1127.9. The actual data for the period to date and a projection to the end of the subsidy period shall be shown for each item.

REVENUES ATTRIBUTABLE (ACTUAL) (PROJECTED)

1. Passenger.
2. All other.
3. Total revenues attributable (lines 1 plus 2).

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AVOIDABLE COSTS

4. Maintenance of way and structures.
5. Maintenance of equipment.
6. Transportation.
7. General and administrative.
8. Casualty reserve account.
9. Performance standards.
10. Total avoidable costs (lines 4 through 9).

RETURN ON VALUE

11. Valuation of property (lines 11a plus 11b):
  - (a) Book value of equipment.
  - (b) Book value of roadway and structures.
12. Rate of return.
13. Total return on value (line 11 times line 12).

SUBSIDY PAYMENT

14. Subsidy payment (line 3 minus lines 10 and 13).
15. Financial assistance from subsidizer.
16. Emergency operating assistance from the Secretary (line 14 minus 15).

TRAFFIC AND OPERATING DATA

1. Number of passengers carried.
2. Total car miles.

APPENDIX III—SPEED FACTORED GROSS TONS FORMULA (SFGT)

The following formula is required to calculate the SFGT to be used under § 1127.7(f)(1)(B) of this part. All track and roadbed maintenance:

$$SFGT = Y(0.670 + 0.910 N) + N [1.840 + 0.870 \sqrt{GT} + 0.058 GTF + 0.029 GTP + 0.048 J \\ GTF = (1 + VF/800 + (VF)^2/6000) + GTP \\ (1 + VP/750 + (VP)^2/8375)]$$

or in cases where freight speeds are equal to or greater than 80 percent of passenger speeds, the freight and passenger terms may be combined as shown below:

$$SFGT = Y(0.670 + 0.910 N) + N [1.840 + 0.870 \sqrt{GT} + 0.058 GTF + 0.029 GTP + 0.048 J \\ [GT(1 + V/600 + V^2/6000)]]$$

where:

GT = Total gross tons of traffic (in millions) per track mile per year.  
GTF = Freight traffic gross tons (in millions) per track mile per year.  
GTP = Passenger traffic gross tons (in millions) per track mile per year.  
N = Number of tracks per route mile.  
V = Speed factor (the larger of freight speed or 0.8 times passenger speed).  
VF = Freight speed.  
VP = Passenger speed.  
J = 1 for welded rail; 1.5 for bolted rail.  
Y = As shown below:

FRA class of tracks and type of operation	Value of Y		
	Main line	Branch line	Yard and switch
Class 1,2,3; freight only up to 10 MGT per mile per year.....	1.00	0.56	0.14
Class 1,2; passenger, or class 1,2,3; freight more than 10 MGT per mile per year.....	1.12	0.66	.....
Class 3; passenger, or class 4,5,6; all traffic.....	1.15	0.69	.....

The speed factors used shall be governed by the highest authorized speed in the des-

ignated area for the respective types of service.

Special studies may be conducted from time to time to update the constants used in the formula.

[FR Doc. 78-409 Filed 1-10-78; 8:45 am]

[7035-01]

SUBCHAPTER C—ACCOUNTS, REPORTS AND RECORDS

[Docket No. 36366]

PART 1201—UNIFORM SYSTEM OF ACCOUNTS

Subpart B—Branch Line Accounting System

REVISION TO THE BRANCH LINE ACCOUNTING SYSTEM

AGENCY: Rail Services Planning Office (RSPO), Interstate Commerce Commission.

ACTION: Restatement of regulations.

SUMMARY: The Branch Line Accounting System regulations which specify records which must be maintained for certain lines of railroads are being restated to be compatible with the ICC's new Uniform System of Accounts (USOA), for railroad companies, which was established in accordance with the requirements of section 307 of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act). Although no substantive changes have been made to the existing requirements of the Branch Line Accounting System, RSPO invites comments from persons who believe that substantive changes have been made.

DATES: Effective date: January 1, 1978. Comments may be made on or before January 31, 1978.

ADDRESS: An original and six copies of such comments should be mailed to RSPO at the following address: Rail Services Planning Office, 1900 L Street NW., Washington, D.C. 20036, Attention: Branch Line Accounting System.

FOR FURTHER INFORMATION CONTACT:

James Wells, Chief, Cost Evaluation Branch, Rail Services Planning Office, 202-254-7552.

SUPPLEMENTARY INFORMATION: The Rail Services Planning Office (RSPO), is directed by section 205(e)(1)(A) of the Regional Rail Reorganization Act of 1973, 45 USC 701 (3R Act), as amended by section 309 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 USC 801 (4R Act) to:

Develop an accounting system which will permit the collection and publication by the (Consolidated Rail) Corp. or by profitable railroads providing service over lines scheduled for abandonment, of information necessary for an accurate determination of the

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attributable revenues, avoidable costs, and operations of light-density lines as operating and economic units.

The Branch Line Accounting System (published in Subpart B of Part 1201 of Subchapter C of Chapter X of Title 49 of the Code of Federal Regulations), which is currently in effect, requires the collection of data for any rail line designated in categories (1), (2), (3), or (4) of a railroad's system diagram map. These categories indicate lines of railroad which the carriers (1) intend to abandon, (2) are studying for possible abandonment, (3) have petitioned for abandonment, or (4) operate under subsidy. The Branch Line Accounting System is based on and refers directly to the ICC's Uniform System of Accounts for Railroad Companies (USOA). The ICC was directed by section 307 of the 4R Act to establish a new USOA; the ICC adopted the new USOA June 13, 1977, to become effective January 1, 1978. As a result, RSPO is restating the current Branch Line Accounting System in a form compatible with the new USOA.

A new section (950), has been added to the Branch Line Accounting System. This section explains the elements included in each account, supplementing the account numbers with a description of the specific revenues or costs which are included in an account. This section is a restatement of similar information which is included in the USOA; it is presented in the Branch Line Accounting System regulations to assist the railroads and the State transportation agencies and other interested persons in applying and utilizing the Branch Line Accounting System.

NOTE.—This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Accordingly, it is ordered, That Part 1201, Subpart B, of Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations be revised to read as set forth below, effective January 1, 1978.

Issued December 29, 1977, by Alan M. Fitzwater, Director, Rail Services Planning Office.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

Subpart B—Branch Line Accounting System

- Sec.
- 900 Definitions.
  - 910 Purpose and Scope.
  - 920 Collection of Data.
  - 930 Publication of Data.
  - 940 Annual Branch Line Report.
  - 950 Text and Chart of Accounts.

AUTHORITY: Sec. 205(e)(1)(A), Regional Rail Reorganization Act of 1973, Pub. L. 93-

236, 87 Stat. 985, 994, as amended by Sec. 309 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 92-210, 90 Stat. 31, 57.

Subpart B—Branch Line Accounting System

§ 900 Definitions.

Unless otherwise required by context, the following definitions apply in this subpart:

"Account" means an account in the ICC's Uniform System of Accounts (USOA), for Railroad companies (49 CFR Part 1201, Subpart A).

"IC Act" means the Interstate Commerce Act (49 U.S.C. 1 et seq.), as amended.

"Branch Line" or "Branch" means a rail line or segment of line which (a) has been designated on a transportation system diagram in Categories (1), (2), (3), or (4) (49 CFR 1121.20(b) (1), (2), (3), (4)); or (b) is the subject of a directed service order under section 304(d)(3) of the 3R Act; or (c) is the subject of a rail continuation service agreement entered into prior to the designation of the line on a system diagram.

"ICC" or "Commission" means the Interstate Commerce Commission.

"Designated State agency" means the instrumentality created by a State or designated by appropriate authority to administer or coordinate its State rail plan as required by section 5(j)(2) of the Department of Transportation Act (90 Stat. 131) or section 402(c)(1)(A) of the 3R Act (87 Stat. 985) or regulations promulgated pursuant thereto.

"RSPO" means the Rail Services Planning Office of the Interstate Commerce Commission.

"Railroad" means a common carrier by railroad, as defined in section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3)).

"3R Act" means the Regional Rail Reorganization Act of 1973, Pub. L. 93-236, 87 Stat. 985, as amended.

"4R Act" means the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210, 90 Stat. 31.

"XX", when used in place of digits in a six-digit account number, means that all accounts containing the remaining four-digits are included. Example: "11-21-XX" refers to all salary and wage accounts for locomotives because "11" designates salaries and wages and "21" designates locomotives. Thus, "11-21-XX" includes all of the following accounts: 11-21-01; 11-21-40; 11-21-48; 11-21-39; and 11-21-99. Similarly, "XX-31-67" means all accounts containing "31" (train operations) and "67" (locomotive fuel).

910 Purpose and scope.

(a) Section 205(e)(1)(A) of the 3R Act directs the office to issue regulations which will permit the collection and publication by the Consolidated

Rail Corp. (ConRail), or by profitable railroads of information necessary to determine accurately the revenues attributable, avoidable costs, and service units of light-density lines scheduled for abandonment. This accurate information is intended to facilitate the determination of the revenues and avoidable costs in abandonment proceedings and in potential offers of subsidy. This information is intended to be compatible with the Regional Subsidy Standards (49 CFR Part 1125), for those lines which were not conveyed to ConRail under the final system plan and with the National Subsidy Standards (49 CFR Part 1121, Subpart D), for all other lines. The purpose of the Branch Line Accounting System regulations is to specify an accounting system for the collection and publication of this information.

(b) For further information regarding the Branch Line Accounting System, persons may contact the RSPO's Cost Evaluation Branch: Cost Evaluation Branch, Rail Services Planning Office, 1900 L Street NW., Washington, D.C. 20036, 202-254-7552.

§ 920 Collection of data.

(a) *Lines for which data collection is required.* The railroad shall collect data on all branch lines which meet the criteria listed in paragraphs 1 through 4 below. The data to be collected is specified in section 920(b).

(1) Branch lines in categories (1), (2), and (3) on the System Diagram Map include, respectively, lines for which a carrier intends to file an abandonment application within three years, lines which the carrier has under study and are potentially subject to abandonment, and lines for which an abandonment application is pending before the Commission. The collection of data on such lines shall commence on the first day of the month after the line has been designated in one of the categories and will continue so long as the branch line is retained in one of these categories. The assignment and apportionment methodology set forth in Part 1121, Subchapter B (National Subsidy Standards), shall be applied.

(2) For branch lines operated under an order directing service, under section 304(d)(3) of the 3R Act, data shall be collected from the effective date of the order until the order is withdrawn. The assignment and apportionment methodology set forth in Part 1125, Subchapter B (Regional Subsidy Standards), shall be applied.

(3) For branch lines operated under a rail service continuation agreement under section 1a(6)(a) of the IC Act, data shall be collected from the effective date of the agreement until the termination of the agreement. The assignment and apportionment methodology set forth in Part 1121, Subchapter B (National Subsidy Standards), shall be applied.



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(4) For branch lines operated under a rail service continuation agreement under section 304 of the 3R Act, data collection shall commence on the effective date of the agreement and shall continue until the termination date of the agreement. The assignment and apportionment methodology set forth in Part 1125, Subchapter B (Regional Subsidy Standards), shall be applied.

(b) *Data to be collected.* The data collected shall include the items of revenue, expense, and service units which are specified in Parts 1121 and 1125, Subchapter B (National and Regional Subsidy Standards), as described in the account texts listed in section 950. The format for presentation of these data is specified in section 940.

§ 930 Publication of data.

(a) *General.* The railroad shall file on or before June 30 of each year a report listing account by account totals of the aggregate revenue, cost, and service unit data for all branch lines for which it must maintain a system of accounts. Only such data as are required by Parts 1121 or 1125 must be reported. The data shall be accumulated for the prior calendar

year or portion thereof and reported in the format set forth in section 940. Separate reports for each branch line are not required; however, the railroad shall list and describe each branch line using the format set forth in 49 CFR 1121.21; that section prescribes the branch line information required in conjunction with the system diagram maps specifying the line's designation, States and counties traversed, delineation of mileposts, and location of agency and terminal stations.

(b) *Public inspection.* The original report shall be filed with and made available for public inspection at the Commission's offices in Washington, D.C.; copies of the report shall be filed with and made available for public inspection at field offices in the State or States in which the branch lines are situated.

(c) *Access to records.* The records, accounts, working papers, and other documents reflecting the revenues, cost, and service unit data of each branch line for which the railroad must maintain data shall be made available for inspection and examination by the Commission and, for lines situated within its State, by the designated State agency at a time and place mutually agreeable to the parties. The railroad shall also reproduce such re-

cords for the designated State agency, provided the agency pays the reasonable cost thereof.

(d) *Waivers and modifications.* The Office may, with respect to individual requests, upon good cause shown, waive or modify any requirement of this section not required by law.

940 Annual branch line report.

This section specifies the format to be used in the Annual Branch Line Report. Definitions of each account are presented in section 950.

(A) Attributable revenue	Amount
101 Freight .....	
104 Switching .....	
105 Water transfers .....	
106 Demurrage .....	
110 Incidental .....	
121 Joint facility—credit .....	
122 Joint facility—debit .....	
506 Revenue from property used in other than carrier operations .....	
510 Miscellaneous net income .....	
519 Miscellaneous income .....	
Total attributable revenues .....	

(B) *On-branch avoidable costs.* (1) *Actual or apportioned expense accounts.*

FREIGHT

LINE ITEM	(a)	SALARIES AND WAGES (b)	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS (c)	PURCHASED SERVICES (d)	GENERAL (e)
WAY AND STRUCTURES:					
ADMINISTRATION:					
001	Track				
002	Bridge and Building				
003	Signal				
004	Communication				
005	Other				
REPAIR AND MAINTENANCE:					
006	Roadway - Running				
007	Roadway - Switching				
008	Tunnels and Subways - Running				
009	Tunnels and Subways - Switching				
010	Bridges and Culverts - Running				
011	Bridges and Culverts - Switching				
012	Ties - Running	N/A		N/A	N/A
013	Ties - Switching	N/A		N/A	N/A
014	Rail - Running	N/A		N/A	N/A
015	Rail - Switching	N/A		N/A	N/A
016	Other Track Material - Running	N/A		N/A	N/A
017	Other Track Material - Switching	N/A		N/A	N/A
018	Ballast - Running	N/A		N/A	N/A
019	Ballast - Switching	N/A		N/A	N/A
020	Track Laying and Surfacing - Running				
021	Track Laying and Surfacing - Switching				
022	Road Property Damaged - Running				
023	Road Property Damaged - Switching				
024	Road Property Damaged - Other				
025	Signals and Interlockers - Running				
026	Signals and Interlockers - Switching				
027	Communications Systems				
028	Electric Power Systems				
029	Highway Grade Crossings - Running				
030	Highway Grade Crossings - Switching				
031	Station and Office Buildings				
032	Shop Buildings - Locomotives				
033	Shop Buildings - Freight Cars				
034	Shop Buildings - Other Equipment				



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## RULES AND REGULATIONS

## FREIGHT

LINE ITEM	(a)	SALARIES AND WAGES (b)	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS (c)	PURCHASED SERVICES (d)	GENERAL (e)
101	Locomotive Servicing Facilities				
102	Miscellaneous Buildings and Structures				
103	Coal Terminals				
104	Ore Terminals				
105	Other Marine Terminals				
106	TOFC/COFC - Terminals				
107	Motor Vehicle Loading and Distribution Facilities				
108	Facilities for Other Specialized Service Operations				
109	Roadway Machines				
110	Small Tools and Supplies				
111	Snow Removal				
112	Fringe Benefits - Running	N/A	N/A	N/A	
113	Fringe Benefits - Switching	N/A	N/A	N/A	
114	Fringe Benefits - Other	N/A	N/A	N/A	
115	Casualties and Insurance - Running	N/A	N/A	N/A	
116	Casualties and Insurance - Switching	N/A	N/A	N/A	
117	Casualties and Insurance - Other	N/A	N/A	N/A	
118	Lease Rentals - Debit - Running	N/A	N/A		N/A
119	Lease Rentals - Debit - Switching	N/A	N/A		N/A
120	Lease Rentals - Debit - Other	N/A	N/A		N/A
121	Lease Rentals - (Credit) - Running	N/A	N/A		N/A
122	Lease Rentals - (Credit) - Switching	N/A	N/A		N/A
123	Lease Rentals - (Credit) - Other	N/A	N/A		N/A
124	Joint Facility Rent - Debit - Running	N/A	N/A		N/A
125	Joint Facility Rent - Debit - Switching	N/A	N/A		N/A
126	Joint Facility Rent - Debit - Other	N/A	N/A		N/A
127	Joint Facility Rent - (Credit) - Running	N/A	N/A		N/A
128	Joint Facility Rent - (Credit) - Switching	N/A	N/A		N/A
129	Joint Facility Rent - (Credit) - Other	N/A	N/A		N/A
130	Other Rents - Debit - Running	N/A	N/A		N/A
131	Other Rents - Debit - Switching	N/A	N/A		N/A
132	Other Rents - Debit - Other	N/A	N/A		N/A
133	Other Rents - (Credit) - Running	N/A	N/A		N/A

## RULES AND REGULATIONS

## FREIGHT

LINE ITEM	(a)	SALARIES AND WAGES (b)	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS (c)	PURCHASED SERVICES (d)	GENERAL (e)
134	Other Rents - (Credit) - Switching	N/A	N/A		N/A
135	Other Rents - (Credit) - Other	N/A	N/A		N/A
136	Depreciation - Running	N/A	N/A	N/A	
137	Depreciation - Switching	N/A	N/A	N/A	
138	Depreciation - Other	N/A	N/A	N/A	
139	Joint Facility - Debit - Running	N/A	N/A		N/A
140	Joint Facility - Debit - Switching	N/A	N/A		N/A
141	Joint Facility - Debit - Other	N/A	N/A		N/A
142	Joint Facility - (Credit) - Running	N/A	N/A		N/A
143	Joint Facility - (Credit) - Switching	N/A	N/A		N/A
144	Joint Facility - (Credit) - Other	N/A	N/A		N/A
145	Dismantling Retired Road Property - Running				
146	Dismantling Retired Road Property - Switching				
147	Dismantling Retired Road Property - Other				
148	Other - Running				
149	Other - Switching				
150	Other - Other				
151	TOTAL WAY AND STRUCTURES				



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## RULES AND REGULATIONS

FREIGHT					
LINE ITEM	(a)	SALARIES AND WAGES (b)	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS (c)	PURCHASED SERVICES (d)	GENERAL (e)
EQUIPMENT:					
LOCOMOTIVES:					
201	Administration				
202	Repair and Maintenance				
203	Machinery Repair				
204	Equipment Damaged				
205	Fringe Benefits	N/A	N/A	N/A	
206	Other Casualties and Insurance	N/A	N/A	N/A	
207	Lease Rentals - Debit	N/A	N/A		N/A
208	Lease Rentals - (Credit)	N/A	N/A		N/A
209	Joint Facility Rent - Debit	N/A	N/A		N/A
210	Joint Facility Rent - (Credit)	N/A	N/A		N/A
211	Other Rents - Debit	N/A	N/A		N/A
212	Other Rents - (Credit)	N/A	N/A		N/A
213	Depreciation	N/A	N/A	N/A	
214	Joint Facility - Debit	N/A	N/A		N/A
215	Joint Facility - (Credit)	N/A	N/A		N/A
216	Repairs Billed to Others - (Credit)	N/A	N/A		N/A
217	Dismantling Retired Property				
218	Other				
219	Total Locomotives				
FREIGHT CARS:					
220	Administration				
221	Repair and Maintenance				
222	Machinery Repair				
223	Equipment Damaged				
224	Fringe Benefits	N/A	N/A	N/A	
225	Other Casualties and Insurance	N/A	N/A	N/A	
226	Lease Rentals - Debit	N/A	N/A		N/A
227	Lease Rentals - (Credit)	N/A	N/A		N/A
228	Joint Facility Rent - Debit	N/A	N/A		N/A
229	Joint Facility Rent - (Credit)	N/A	N/A		N/A
230	Other Rents - Debit	N/A	N/A		N/A
231	Other Rents - (Credit)	N/A	N/A		N/A
232	Depreciation	N/A	N/A	N/A	
233	Joint Facility - Debit	N/A	N/A		N/A
234	Joint Facility - (Credit)	N/A	N/A		N/A
235	Repairs Billed to Others - (Credit)	N/A	N/A		N/A
236	Dismantling Retired Property				
237	Other				
238	Total Freight Cars				

## RULES AND REGULATIONS

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FREIGHT					
LINE ITEM	(a)	SALARIES AND WAGES (b)	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS (c)	PURCHASED SERVICES (d)	GENERAL (e)
OTHER EQUIPMENT:					
301	Administration				
Repair and Maintenance:					
302	Trucks, Trailers, and Containers - Revenue Service				
303	Floating Equipment - Revenue Service				
304	Floating and Other Revenue Equipment				
305	Computers and Data Processing Systems				
306	Machinery				
307	Work and Other Non-Revenue Equipment				
308	Equipment Damaged				
309	Fringe Benefits	N/A	N/A	N/A	
310	Other Casualties and Insurance	N/A	N/A	N/A	
311	Lease Rentals - Debit	N/A	N/A		N/A
312	Lease Rentals - (Credit)	N/A	N/A		N/A
313	Joint Facility Rent - Debit	N/A	N/A		N/A
314	Joint Facility Rent - (Credit)	N/A	N/A		N/A
315	Other Rents - Debit	N/A	N/A		N/A
316	Other Rents - (Credit)	N/A	N/A		N/A
317	Depreciation	N/A	N/A	N/A	
318	Joint Facility - Debit	N/A	N/A		N/A
319	Joint Facility - (Credit)	N/A	N/A		N/A
320	Repairs Billed to Others - (Credit)				
321	Dismantling Retired Property				
322	Other				
323	Total Other Equipment				
324	TOTAL EQUIPMENT				



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RULES AND REGULATIONS

FREIGHT					
LINE ITEM	(a)	SALARIES AND WAGES (b)	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS (c)	PURCHASED SERVICES (d)	GENERAL (e)
TRANSPORTATION:					
TRAIN OPERATIONS:					
401	Administration				
402	Engine Crews				
403	Train Crews				
404	Dispatching Trains				
405	Operating Signals and Interlockers				
406	Operating Drawbridges				
407	Highway Crossing Protection				
408	Train Inspection and Lubrication				
409	Locomotive Fuel				
410	Electric Power Purchased or Produced for Motive Power				
411	Servicing Locomotives				
412	Freight Lost or Damaged - Solely Related	N/A	N/A	N/A	
413	Clearing Wrecks				
414	Fringe Benefits	N/A	N/A	N/A	
415	Other Casualties and Insurance	N/A	N/A	N/A	
416	Joint Facility - Debit	N/A	N/A		N/A
417	Joint Facility - (Credit)	N/A	N/A		N/A
418	Other				
419	Total Train Operations				
YARD OPERATIONS:					
420	Administration				
421	Switch Crews				
422	Controlling Operations				
423	Yard and Terminal Clerical				
424	Operating Switches, Signals Retarders and Humps				
425	Locomotive Fuel				
426	Electric Power Purchased or Produced for Motive Power				
427	Servicing Locomotives				
428	Freight Lost Or Damaged - Solely Related	N/A	N/A	N/A	
429	Clearing Wrecks				
430	Fringe Benefits	N/A	N/A	N/A	
431	Other Casualties and Insurance	N/A	N/A	N/A	
432	Joint Facility - Debit	N/A	N/A		N/A
433	Joint Facility - (Credit)	N/A	N/A		N/A
434	Other				
435	Total Yard Operations				

RULES AND REGULATIONS

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FREIGHT					
LINE ITEM	(a)	SALARIES AND WAGES (b)	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS (c)	PURCHASED SERVICES (d)	GENERAL (e)
TRAIN AND YARD OPERATIONS COMMON:					
501	Cleaning Car Interiors				N/A
502	Adjusting and Transferring Loads				N/A
503	Car Loading Devices and Grain Doors				N/A
504	Freight Lost or Damaged - all other	N/A	N/A	N/A	
505	Fringe Benefits	N/A	N/A	N/A	
506	Total Train and Yard Operations Common				
SPECIALIZED SERVICE OPERATIONS:					
507	Administration				
508	Pickup & Delivery and Marine Line Haul				
509	Loading & Unloading and Local Marine				
510	Protection Services				
511	Freight Lost or Damaged - Solely Related	N/A	N/A	N/A	
512	Fringe Benefits	N/A	N/A	N/A	
513	Casualties and Insurance	N/A	N/A	N/A	
514	Joint Facility - Debit	N/A	N/A		N/A
515	Joint Facility - (Credit)	N/A	N/A		N/A
516	Other				
517	Total Specialized Services Operations				
ADMINISTRATIVE SUPPORT OPERATIONS:					
518	Administration				
519	Employees Performing Clerical and Accounting Functions				
520	Communication Systems Operation				
521	Loss and Damage Claims Processing				
522	Fringe Benefits	N/A	N/A	N/A	
523	Casualties and Insurance	N/A	N/A	N/A	
524	Joint Facility - Debit	N/A	N/A		N/A
525	Joint Facility - (Credit)	N/A	N/A		N/A
526	Other				
527	Total Administrative Support Operations				
528	TOTAL TRANSPORTATION				



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		FREIGHT			
LINE ITEM	(a)	SALARIES AND WAGES (b)	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS (c)	PURCHASED SERVICES (d)	GENERAL (e)
GENERAL AND ADMINISTRATIVE:					
601	Officers - General Administration				
602	Accounting, Auditing and Finance				
603	Management Services and Data Processing				
604	Marketing				
605	Sales				
606	Industrial Development				
607	Personnel and Labor Relations				
608	Legal and Secretarial				
609	Public Relations and Advertising				
610	Research and Development				
611	Fringe Benefits	N/A	N/A	N/A	
612	Casualties and Insurance	N/A	N/A	N/A	
613	Writedown of Uncollectible Accounts	N/A	N/A	N/A	
614	Property Taxes	N/A	N/A	N/A	
615	Other Taxes Except on Corporate Income or Payrolls	N/A	N/A	N/A	
616	Joint Facility - Debit	N/A	N/A		N/A
617	Joint Facility - (Credit)	N/A	N/A		N/A
618	Other				
619	TOTAL GENERAL AND ADMINISTRATIVE				
620	TOTAL CARRIER OPERATING EXPENSES				

(2) Other Computed Cost Elements		Amount
651	Locomotives return on investment	
652	Freight train car costs	
	01 Per day costs	
	02 Mileage costs	
654	Rehabilitation	
664	Deadheading, taxi and hotel costs	
	01 Deadheading	
	02 Taxi	
	03 Hotel	
665	Overhead movement costs	
	01 Transportation	
	02 Equipment	
	03 Freight train cars - mileage portion	
Total Computed On-Branch Costs		
(3) Off-Branch Avoidable Costs		Amount
661	Terminal Costs	
	01 Modified terminal costs	
	02 Normal terminal costs	
	03 Interchange costs	
662	Freight train car costs	
663	Freight train revenue ton-mile costs	
Total Off-Branch Avoidable Costs		
(4) All Other Avoidable Costs		Amount
671	Working capital	
672	Required capital expenditures	
673	Deferred maintenance	
674	Current cost of freight train cars, locomotives,	
	and other equipment	
675	Foregone tax benefits	
676	Administrative costs	
677	Deferred subsidy payment costs	
678	Casualty reserve expenses	
Total, all other avoidable costs		
681	Reasonable return on the value of properties	
682	Management fee	
(5) Total of avoidable costs, reasonable return and management fee		\$



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(C) SERVICE UNITS

(1) On-Branch Service Units

Freight-Car Accounts		Direct On-Branch	Overhead Movement
821	Freight train car miles (loaded and empty)		
01	Box - Plain 40 foot		
02	Box - Plain 50 foot or longer		
03	Box - Equipped		
04	Gondola - Plain		
05	Gondola - Equipped		
06	Hopper - Covered		
07	Hopper - Open top - General Service		
08	Hopper - Open top - Special Service		
09	Refrigerator - Mechanical		
10	Refrigerator - Nonmechanical		
11	Flat - TOFC/COFC		
12	Flat - Multi-level		
13	Flat - General Service		
14	Flat - Other		
15	All other cars		
823	Freight-train Car-days (loaded and empty)		
01	Box - Plain 40 foot		
02	Box - Plain 50 foot or longer		
03	Box - Equipped		
04	Gondola - Plain		
05	Gondola - Equipped		
06	Hopper - Covered		
07	Hopper - Open top - General Service		
08	Hopper - Open top - Special Service		
09	Refrigerator - Mechanical		
10	Refrigerator - Nonmechanical		
11	Flat - TOFC/COFC		
12	Flat - Multi-level		
13	Flat - General Service		
14	Flat - Other		
15	All other cars		
Locomotive-Mile Accounts:			
813	Road locomotive unit miles		
841	Road diesel locomotive gross ton-miles		
842	Road electric locomotive gross ton-miles		
Locomotive Unit Hour Accounts:			
832	Road locomotive unit hours		
833	Road diesel locomotive unit hours		
834	Road electric locomotive unit hours		
835	Yard locomotive unit hours		
836	Yard diesel locomotive unit hours		
837	Yard electric locomotive unit hours		

Rented or Leased Equipment:

851	Freight train car-days		
852	Floating equipment car-days		
855	Locomotive days		

Train hours:

861	Train hours		
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(2) Off-Branch Service Units

Car-Mile Accounts:		Total Off-Branch	Overhead Movement	Net Off-Branch
822	Freight train loaded car-miles by car type			
01	Box - General service - unequipped			
02	Box - General service - equipped			
03	Box - Special service			
04	Gondola - General service			
05	Gondola - Special service			
06	Hopper - open - General service			
07	Hopper - open - Special service			
08	Hopper - covered			
09	Stock			
10	Flat - General service			
11	Flat - Special service			
12	Flat - TOFC			
13	Autorack			
14	Refrigerator - Meat mechanical			
15	Refrigerator - Other mechanical			
16	Refrigerator - Meat nonmechanical			
17	Refrigerator - Other nonmechanical			
18	Tank 9,999 gallons and under			
19	Tank 10,000 - 18,999 gal.			
20	Tank 19,000 - 21,999 gal.			
21	Tank 22,000 - 27,999 gal.			
22	Tank 28,000 - 31,999 gal.			
23	Tank 32,000 and over			
24	All other			
Ton-Mile Accounts:				
831	Revenue ton-miles			



§ 950 Text and chart of accounts.

This section defines each account outlined in the format for the Annual Branch Line Report.

(a) *Attributable revenues.—101 Freight.* (1) This account shall include revenue from the transportation of freight and from transit, stop, and recognizing privileges, upon the basis of lawful tariff rates.

(2) This account shall include collections in excess of tariff charges, except where such amounts are segregated and held subject to refund.

(3) Proceeds derived from the sale of unclaimed and refused freight which has been transported in accordance with the contract of shipment shall be credited to this account in cases where such items can be readily identified. Uncollectible tariff charges on such shipments shall be charged to this account.

(4) Amounts determined to be uncollectible shall be accounted for in accordance with the text of account 63-61-00, "General—Uncollectible accounts."

ITEMS TO BE CREDITED

(a) Revenue upon the basis of local freight tariff rates, regardless of class of train in which the freight is transported.

(b) The carrier's proportion of revenue upon the basis of through freight tariff rates, regardless of class of train in which the freight is transported.

(c) Revenue from transportation of mail matter, and empty mail pouches, at freight rates.

(d) Revenue from transportation of freight on special trains at rates based on weights of shipments.

(e) Revenue on basis of classifications and freight tariffs from transportation of caretakers of freight shipments.

(f) Revenue from reconsigning privileges.

(g) Revenue from stop privileges.

(h) Revenue from transit privileges.

(i) Revenue upon the basis of arbitraries out of freight, rates for water transfers (ferriage, lighterage, and floatage).

(j) Revenue from transportation of trailers and containers on flat cars in TOFC/COFC service upon the basis of all-rail line-haul freight tariff rates and under arrangements for motor carrier-railroad joint haul, and from the loading and unloading of trailers and containers on and from flat cars upon the basis of tariff rates and under arrangements for motor carrier-railroad joint haul.

ITEMS TO BE CHARGED

(a) Amounts paid as bridge and ferry arbitraries on freight.

(b) Amounts paid for completing a haul.

(c) Amounts paid for elevation of freight.

(d) Amounts paid for switching services, in connection with the transportation of freight, on the basis of switching tariffs, and allowances out of through rates, including amounts paid for switching empty cars in connection with a freight revenue movement.

(e) Amounts paid for transferring freight between stations.

(f) Arbitraries and allowances to others for lighterage and wharfage.

(g) The carrier's proportion of overcharges resulting from the use of erroneous rates, weights, classifications or computations.

(h) The carrier's proportion of refunds on account of errors in routing and billing.

(i) The carrier's proportion of uncollected revenue on freight lost or destroyed in transit.

(j) The carrier's proportion of uncollected tariff charges on damaged shipments for which charges neither shipper nor consignee is liable.

(k) Amounts paid on basis of tariff rates for loading and unloading livestock.

(l) Amounts paid to motor truck companies for hauling trailers and containers to and from TOFC/COFC terminals, and allowances to shippers who perform such service on the basis of tariff rates.

NOTE A.—Amounts paid for switching empty cars other than in connection with loaded movements shall be charged to operating expense account 61-32-XX, "General—Other Expenses—Transportation, Yard, Freight," except that amounts paid for switching equipment for repairs shall be included in the appropriate equipment repair accounts.

NOTE B.—Other carriers' proportion of revenue and of uncollectible undercharges paid by the carrier on account of its errors in routing and billing shall be charged to operating expense account 61-35-78, "General—Other Expenses—Transportation, Administrative Support."

NOTE C.—When a lessee company transports freight over the tracks of another carrier on the basis of a proportion of revenues under a joint arrangement, it shall include the entire compensation in its revenue and statistics, charging the appropriate joint facility expense and rental accounts with the amounts paid the lessor company, and the lessor company shall credit the corresponding accounts.

NOTE D.—Revenue from the transportation of caretakers of freight shipments, when not included as a part of the freight charges on the waybill covering the freight shipments, shall be credited to account 102, "Passenger."

NOTE E.—This account shall be maintained so as to show separately payments and allowances for (a) terminal collection and delivery services when performed in connection with line-haul transportation of freight on the basis of freight tariff rates, further separated between (1) TOFC/COFC service, and (2) all other freight service; also (b) payments for switching services when performed in connection with line-haul transportation of freight on the basis of switching tariffs and allowances out of freight rates, including the switching of empty cars in connection with a revenue movement, and (c) payments on basis of tariff rates for loading and unloading livestock.

104 *Switching.* (1) This account shall include the revenue from switching service upon the basis of lawful tariff rates. To this account shall be credited the carrier's revenue upon the basis of tariff rates, or the carrier's allowance out of through rates, from the switching of cars of all kinds, loaded or empty, either locally at a station or within a switching district, between connecting lines, between local industries, or between connecting lines and

local industries; revenue upon the basis of distinct tariff rates for "trap-car" and "ferry-car" service and for spotting cars; also the revenue from interwork switching at industrial plants, and the revenue from "penalty switching" incident to the improper delivery of cars by other carriers.

(2) To this account shall be charged amounts paid for switching when such switching service is provided for in the switching rate charged by the carrier.

NOTE.—"Penalty switching" charges paid by the carrier shall be included in expense account 61-32-XX, "General—Other Expenses—Transportation, Yard, Freight."

105 *Water transfers.* (1) This account shall include the revenue, from the transfer by water (ferriage, lighterage, and floatage), of passenger, freight, vehicles, and livestock, upon the basis of lawful local tariff rates.

(2) This account also shall include revenue from water transfers of other traffic, such as the revenue from towing beyond lighterage limits and all other towing for which an extra charge is made; insurance of freight afloat when billed out at other than cost; storage of freight afloat; grain overage in boats; pumping performed for outside parties; and for other similar sources.

(3) To this account shall be charged amounts payable to other companies or individuals for extra lighterage, extra towing, and for all other service when such payments represent revenue collected and credited to this account and not a directed expense.

NOTE.—No revenue shall be included in this account for water transfers of passengers or shipments upon the basis of arbitraries out of rates for transportation involving rail line haul.

106 *Demurrage.* This account shall include the revenue from the detention of cars incident to loading, unloading, reconsigning, and stops in transit upon the basis of lawful tariffs for demurrage. This account shall also include the revenue from the detention of trailers and containers used in TOFC/COFC service, incident to loading and unloading, upon the basis of tariff rates.

NOTE.—This account shall be maintained so as to reflect separately (1) revenue from detention of cars, and (2) revenue from detention of trailers and containers used in TOFC/COFC service.

110 *Incidental.* This account is designed to show the amounts which the carrier becomes entitled to receive from services rendered incidentally with rail-line and water-line transportation; for the use of facilities of which the expenses for operation and maintenance are not separable from railway expenses and from incidental sources not provided for elsewhere. Among the items included in this account are revenues derived from (1)

hotels and restaurants, (2) operations conducted at stations and on trains by individual or companies other than railway companies, (3) storage, (4) the sale of electric power, (5) renting property operated and maintained in connection with the property used in the carrier's transportation operations and from railway operations not provided for elsewhere.

121 *Joint facility, credit.* This account shall include the carrier's proportion of revenue collected by others in connection with the operation of joint tracks, yards, terminals, and other facilities, including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations.

NOTE A.—The purpose of this account is to show the amounts of revenue from the operation of joint tracks, yards, terminals and other facilities operated by other companies, which under existing contracts or agreements are credited by the operating company to the tenant companies which participate therein. The bill rendered by any creditor company against a debtor company for the latter's proportion of the expense of maintenance and operation of joint facilities, which includes also a credit covering a proportion of the revenue to be paid over, shall show the distribution of the credit for such proportion of the revenue separately from the distribution of the expense of operation.

NOTE B.—No credits shall be made to this account representing amounts creditable by the operating company to primary accounts 101-103, 105, and 110.

122 *Joint facility, debit.* This account shall include that proportion of revenue from the operation of joint tracks, yards, terminals, and other facilities, which is creditable to other companies, including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations.

NOTE A.—The purpose of this account is to show the amount of revenue from operation of a terminal company or other carrier which, under the terms of existing contracts or agreements covering the joint use of tracks, yards, and other facilities, is credited to other carriers that participate in the benefits from such joint use. The bill rendered by a creditor company against a debtor company for the latter's proportion of expense of maintaining and operating joint facilities, which includes a credit covering the debtor company's proportion of the revenues from operation of such joint facilities, shall indicate separately the proper distribution of both the revenues and the expenses included in the bill, and such distribution shall be adhered to the debtor.

NOTE B.—No debits shall be made to this account representing amounts creditable by the operating company to primary accounts 101-103, 105, and 110.

OTHER INCOME ACCOUNTS

506 *Revenues from property used in other than carrier operations.* This account shall include the total revenues

derived from property used in other than carrier operations, the cost of which is includible in balance-sheet account 737, "Property used in other than carrier operations."

510 *Miscellaneous rent income.* (1) This account shall include such rents of property owned and controlled by the accounting carrier as are not provided for in the foregoing accounts.

(2) This account shall be charged with the cost of maintenance of the property rented, also specific incidental expenses in connection with such property, such as the cost of negotiating contracts, advertising for tenants, fees paid conveyancers, collectors' commissions, and analogous items.

NOTE A.—If property the rent of which is chargeable to account 543—"Miscellaneous rents," is sublet by the accounting company, the rent receivable therefore shall be credited to this account.

NOTE B.—Taxes on property the rent of which is creditable to this account shall be charged to account 553—"Taxes on property used in other than carrier operations."

NOTE C.—The rent from property carried in balance-sheet account 737—"Property used in other than carrier operations," shall not be included in this account, but in account 506—"Revenues from property used in other than carrier operations."

NOTE D.—Rent and other income from real estate acquired for new lines or for additions and betterments shall be credited to the appropriate road and equipment accounts until the completion or coming into service of the property.

519 *Miscellaneous income.* (1) This account shall include all items, not provided for elsewhere, properly creditable to income accounts during the current year. Among the items which shall be included in this account are:

(i) Cancellation of balance sheet accounts representing unclaimed wages and vouchered accounts written off because of carrier's inability to locate the creditor.

(ii) Profit from sale of land used for transportation purposes, of noncarrier property and of securities acquired for investment purposes.

(2) Gains from extinguishment of debt shall be aggregated and, if material, credited to account 570—"Extraordinary Items," upon approval by the Commission; however, gains from extinguishment of debt (excluding debt maturing serially), which is made to satisfy sinking fund requirements, shall be recorded in this account regardless of amount.

(b) *On-branch avoidable cost.* (1) *Actual and apportioned expense accounts.*

PERSONNEL

Control..... 10-00-00

This account may be used as a control account for all accounts in the PERSONNEL Series: Salaries and Wages; Fringe Benefits Not Included in Compensation. Salaries and Wages—Control. This control account includes the compensation payable to employees for services performed. It includes amounts

payable in connection with profit sharing and stock option plans that are part of employee compensation. This control account also includes amounts of compensation payable to employees for paid time off as a fringe benefit: vacation pay, holiday pay, sick pay, and other payments considered direct compensation for time not worked. Amounts of labor billed by contractors, other companies, and joint facilities, are not considered salaries and wages of the carrier company and are not to be included in this account group. Its components shall be distributed to the following accounts in accordance with Instruction 1-14 of Part 1201, Subpart A:

Salaries and wages—way and structures—running: Freight..... 11-11-XX

This account includes the compensation payable to all repair and maintenance employees and others who are associated with the repair and maintenance of the carrier's roadway and track on the line of road and outside of classification yards. Compensation payable to officers and technical and clerical employees shall only be assigned to Way and Structures—Other. This account shall be subdivided by the following functions:

Repair and maintenance  
Roadway..... 11-11-10  
Tunnels and subways..... 11-11-11  
Bridges and culverts..... 11-11-12  
Track laying and surfacing..... 11-11-17  
Signals and interlockers..... 11-11-19  
Highway grade crossings..... 11-11-22  
Dismantling retired property..... 11-11-39  
Road property and equipment damaged..... 11-11-48  
Other—other..... 11-11-99

Salaries and wages—way and structures—switching: Freight..... 11-12-XX

This account includes the compensation payable to all repair and maintenance employees and others who are associated with the repair and maintenance of the carrier's roadway and track within classification yards and stations. Compensation payable to officers and technical and clerical employees shall be assigned to Way and Structures—Other. This account shall be subdivided by the following functions:

Repair and maintenance  
Roadway..... 11-12-10  
Tunnels and subways..... 11-12-11  
Bridges and culverts..... 11-12-12  
Track laying and surfacing..... 11-12-17  
Signals and interlockers..... 11-12-19  
Highway grade crossings..... 11-12-22  
Dismantling retired property..... 11-12-39  
Road property and equipment damaged..... 11-12-48  
Other—other..... 11-12-99

Salaries and wages—way and structures—other: Freight..... 11-13-XX

This account includes the compensation payable to all repair and maintenance employees and others who are associated with the repair and maintenance of the carrier's structures other than roadway and track. Each administration account (functions 02-06) includes the compensation payable to all officers and technical and clerical employees associated with the Way and Structures Activity. This account shall be subdivided by the following functions:

Administration  
Track..... 11-13-02  
Bridges and buildings..... 11-13-03  
Signals..... 11-13-04  
Communications..... 11-13-05  
Other..... 11-13-06

Repair and maintenance  
Communication systems..... 11-13-20  
Electric power systems..... 11-13-21  
Station and office buildings..... 11-13-23  
Shop buildings—locomotives..... 11-13-24  
Shop buildings—freight cars..... 11-13-25  
Shop buildings—other..... 11-13-26  
Locomotive servicing facilities..... 11-13-27  
Miscellaneous buildings and structures..... 11-13-28  
Coal terminals..... 11-13-29  
Ore terminals..... 11-13-30  
TOFC/COFC terminals..... 11-13-31



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<b>Repair and maintenance</b>	
Other marine terminals.....	11-13-32
Motor vehicle loading and distribution facilities.....	11-13-33
Facilities for other specialized services operations.....	11-13-35
Roadway machines.....	11-13-38
Small tools and supplies.....	11-13-37
Snow removal.....	11-13-38
Dismantling retired property.....	11-13-39
Road property and equipment damaged.....	11-13-48
Other—other.....	11-13-99
Salaries and wages—equipment—locomotives: Freight.....	11-21-XX
This account includes the compensation payable to all officers and technical and clerical employees, repair and maintenance employees, and others who are associated with the repair and maintenance of locomotives, whether owned by the carrier or by others. This account shall be subdivided by the following functions:	
Administration—general.....	11-21-01
<b>Repair and maintenance</b>	
Dismantling retired property.....	11-21-39
Shop machinery.....	11-21-40
Locomotives.....	11-21-41
Road property and equipment damaged.....	11-21-48
Other—other.....	11-21-99
Salaries and Wages—Equipment—Freight Cars: Freight.....	11-22-XX
This account includes the compensation payable to all officers, technical and clerical employees, repair and maintenance employees, and others, who are associated with the repair and maintenance of freight cars, whether owned by the carrier or by others. This account shall be subdivided by the following functions:	
Administration—general.....	11-22-01
<b>Repair and maintenance</b>	
Dismantling retired property.....	11-22-39
Shop machinery.....	11-22-40
Freight cars.....	11-22-42
Road property and equipment damaged.....	11-22-48
Other—other.....	11-22-99
Salaries and wages—equipment—other equipment: Freight.....	11-23-XX
This account includes the compensation payable to all officers, technical and clerical employees, repair and maintenance employees, and others, who are associated with the repair and maintenance of equipment other than locomotives and freight cars, whether owned by the carrier or by others. This account shall be subdivided by the following functions:	
Administration—general.....	11-23-01
<b>Repair and maintenance</b>	
Dismantling retired property.....	11-23-39
Shop machinery.....	11-23-40
Trucks, trailers, containers in revenue service.....	11-23-43
Floating equipment—revenue service.....	11-23-44
Passenger and other revenue equipment.....	11-23-45
Computers and data processing equipment.....	11-23-46
Work and other non-revenue equipment.....	11-23-47
Road property and equipment damaged.....	11-23-48
Other—other.....	11-23-99
Salaries and wages—transportation—train: Freight.....	11-31-XX
This account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees, who are associated with the dispatching and operation of freight trains over the roadway and outside of classification yards. This account shall be subdivided by the following functions:	
Administration—general.....	11-31-01
<b>Operations</b>	
Engine crews.....	11-31-56
Train crews.....	11-31-57
Dispatching trains.....	11-31-58
Operating switches, signals, interlockers, retarders, humps.....	11-31-59

<b>Operations</b>	
Operating drawbridges.....	11-31-60
Highway crossing protection.....	11-31-61
Train inspection and lubrication.....	11-31-62
Clearing wrecks.....	11-31-63
Locomotive fuel.....	11-31-67
Electric power purchased/produced for motive power.....	11-31-68
Servicing locomotives.....	11-31-69
Other—other.....	11-31-99
Salaries and wages—transportation—yard: Freight.....	11-32-XX
This account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees, who are associated with the movement of freight cars within classification yards and in terminal switching and transfer service. This account shall be subdivided by the following functions:	
Administration—general.....	11-32-01
<b>Operations</b>	
Operating switches, signals, interlockers, retarders, humps.....	11-32-59
Clearing wrecks.....	11-32-63
Switch crews.....	11-32-64
Controlling operations.....	11-32-65
Yard and terminal clerical.....	11-32-66
Locomotive fuel.....	11-32-67
Electrical power purchased/produced for motive power.....	11-32-68
Servicing locomotives.....	11-32-69
Other—other.....	11-32-99
Salaries and wages—transportation—train and yard common: Freight.....	11-33-XX
This account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees performing functions incurred on behalf of both train and yard operations. This account shall be subdivided by the following functions:	
Operations.....	
Cleaning car interiors.....	11-33-70
Adjusting and transferring loads.....	11-33-71
Car loading devices and grain doors.....	11-33-72
Salaries and wages—transportation—specialized services: Freight.....	11-34-XX
This account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees who are associated with operating services which are specialized in nature and in cost characteristics. The specialized services designated by the Commission appear within the definition of specialized services. This account shall be subdivided by the following functions:	
Administration—general.....	11-34-01
<b>Operations</b>	
Pickup and delivery, marine line haul, and rail substitute service.....	11-34-73
Loading, unloading, and local marine..	11-34-74
Protective service.....	11-34-75
Other—other.....	11-34-99
Salaries and wages—transportation—administrative support: Freight.....	11-35-XX
This account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees, who are associated with providing direct administrative support for the Transportation Activity. For further clarification refer to the definition of the Administrative Support Operations Subactivity contained in Part 1201, Subpart A. This account shall be subdivided by the following functions:	
Administration—general.....	11-35-01
<b>Operations</b>	
Clerical and accounting employees.....	11-35-76
Communication systems operations.....	11-35-77
Loss and damage claims processing.....	11-35-78
Other—other.....	11-35-99
Salaries and wages—general and administrative: Freight.....	11-61-XX
This account includes the compensation payable to all employees who are associated with overall administration or other general support for carrier operations. Overall administration includes execu-	

live, legal, financial, treasury, accounting, budgeting, taxation, corporate planning, costing, marketing, advertising, traffic, corporate secretary, public relations, real estate, insurance administration, personnel administration, pension plan administration, general purchasing, labor relations, internal auditing, industrial engineering, and regulatory reporting. For further clarification refer to the definition of the General and Administrative Activity contained in Part 1201, Subpart A. This account shall be subdivided by the following functions:	
Administration—general.....	11-61-01
<b>General</b>	
Accounting, auditing, finance.....	11-61-86
Management services and data processing.....	11-61-87
Marketing.....	11-61-88
Sales.....	11-61-89
Industrial development.....	11-61-90
Personnel and labor relations.....	11-61-91
Legal and secretarial.....	11-61-92
Public relations and advertising.....	11-61-93
Research and development.....	11-61-94
Other—other.....	11-61-99
Fringe benefits not included in compensation—control.....	12-00-00
This control account includes amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation. These benefits include the carrier portions of Railroad Retirement contributions, pension expense, unemployment taxes, dental plans, health plans, hospitalization insurance, life insurance, subsidies for employee lunchrooms, company entertainment facilities for personal use, and other benefits to employees that are not includable in direct compensation. They exclude travel expense on company business, casualties, workmen's compensation, as well as dues, memberships, and similar items when the direct beneficiary is clearly the company rather than the employee	
Fringe benefits not included in compensation—way and structures—running: Freight.....	12-11-00
This account includes amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with the repair and maintenance of the carrier's roadway and track on the line of road and outside of classification yards.	
Fringe benefits not included in compensation—way and structures—switching: Freight.....	12-12-00
This account includes amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with repair and maintenance of the carrier's roadway and track within classification yards and stations.	
Fringe benefits not included in compensation—way and structures—other: Freight.....	12-13-00
This account includes amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with the repair and maintenance of the carrier's structures other than roadway and track, and who are associated with the Administration of the Way and Structures Activity.	
Fringe benefits not included in compensation—equipment—locomotives: Freight.....	12-21-00
This account includes amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with the repair and maintenance of locomotives, whether owned by the carrier or by others.	
Fringe benefits not included in compensation—equipment—freight cars: Freight.....	12-22-00
This account includes amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with the repair and maintenance of freight cars, whether owned by the carrier or by others.	

with the repair and maintenance of freight cars, whether owned by the carrier or by others.	
Fringe benefits not included in compensation—equipment—other equipment: Freight.....	12-23-00
This account includes the amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with the repair and maintenance of equipment other than locomotives and freight cars, whether owned by the carrier or by others.	
Fringe benefits not included in compensation—transportation—train: Freight.....	12-31-00
This account includes the amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with the dispatching and operating of freight trains over the roadway and outside of classification yards.	
Fringe benefits not included in compensation—transportation—yard: Freight.....	12-32-00
This account includes the amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with the movement of freight cars within classification yards and in terminal switching and transfer service.	
Fringe benefits not included in compensation—transportation—train and yard common: Freight.....	12-33-00
This account includes the amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees performing functions incurred on behalf of both train and yard operations.	
Fringe benefits not included in compensation—transportation—specialized services: Freight.....	12-34-00
This account includes the amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with operating services which are specialized in nature and in cost characteristics. The specialized services designated by the Commission appear within the definition of specialized services.	
Fringe benefits not included in compensation—transportation—administrative support: Freight.....	12-35-00
This account includes the amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with providing direct administrative support for the Transportation Activity. For further clarification refer to the definition of the Administrative Support Operations Subactivity contained in Part 1201, Subpart A.	
Fringe benefits not included in compensation—general and administrative: Freight.....	12-61-00
This account includes the amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who provide overall administration or other general support for carrier operations. Overall administration includes executive, legal, financial, treasury, accounting, budgeting, taxation, corporate planning, costing, marketing, advertising, traffic, corporate secretary, public relations, real estate, insurance administration, personnel administration, pension plan administration, general purchasing, labor relations, internal auditing, industrial engineering, and regulatory reporting. For further clarification refer to the definition of the General and Administrative Activity contained in Part 1201, Subpart A.	
<b>MATERIEL</b>	
Control.....	20-00-00
This account may be used as a control account for the MATERIEL series: Materials, Tools, Supplies,	

<b>Fuels, Lubricants.</b>	
Materials, tools, supplies, fuels, lubricants—Control.....	21-00-00
This account group includes the cost of items installed or commodities consumed which are charged to expense in connection with carrier operations. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. This account excludes purchased services such as utilities, communications, postage and other items of similar nature.	
Materials, tools, supplies, fuels, lubricants—way and structures—Running: Freight.....	21-11-XX
This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of the carrier's roadway and track on the line of the road and outside of classification yards. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1-8 of Part 1201, Subpart A:	
Roadway.....	21-11-10
Tunnels and subways.....	21-11-11
Bridges and culverts.....	21-11-12
Ties.....	21-11-13
Rails.....	21-11-14
Other track material.....	21-11-15
Ballast.....	21-11-16
Track laying and surfacing.....	21-11-17
Signals and interlockers.....	21-11-19
Highway grade crossings.....	21-11-22
Dismantling retired property.....	21-11-39
Road property and equipment damaged.....	21-11-48
Other—other.....	21-11-99
Materials, tools, supplies, fuels, lubricants—way and structures—switching: Freight.....	21-12-XX
This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of the carrier's roadway and track within classification yards and stations. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1-8 of Part 1201, Subpart A:	
Roadway.....	21-12-10
Tunnels and subways.....	21-12-11
Bridges and culverts.....	21-12-12
Ties.....	21-12-13
Rails.....	21-12-14
Other track material.....	21-12-15
Ballast.....	21-12-16
Track laying and surfacing.....	21-12-17
Signals and interlockers.....	21-12-19
Highway grade crossings.....	21-12-22
Dismantling retired property.....	21-12-39
Road property and equipment damaged.....	21-12-48
Other—other.....	21-12-99
Materials, tools, supplies, fuels, lubricants—way and structures—other: Freight.....	21-13-XX
This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of the carrier's structures not provided for in running or switching. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1-8 of Part 1201, Subpart A:	

<b>Administration</b>	
Track.....	21-13-02
Bridges and buildings.....	21-13-03
Signals.....	21-13-04
Communications.....	21-13-05
Other.....	21-13-06
<b>Repair and maintenance</b>	
Communication systems.....	21-13-20
Electric power systems.....	21-13-21
Station and office buildings.....	21-13-23
Shop buildings—locomotives.....	21-13-24
Shop buildings—freight cars.....	21-13-25
Shop buildings—other equipment.....	21-13-26
Locomotive servicing facilities.....	21-13-27
Miscellaneous buildings and structures.....	21-13-28
Coal terminals.....	21-13-29
Ore terminals.....	21-13-30
TOFC/COPC terminals.....	21-13-31
Other marine terminals.....	21-13-32
Motor vehicle loading and distribution facilities.....	21-13-33
Facilities for other specialized services operations.....	21-13-35
Roadway machines.....	21-13-36
Small tools and supplies.....	21-13-37
Snow removal.....	21-13-38
Dismantling retired property.....	21-13-39
Road property and equipment damaged.....	21-13-48
Other—other.....	21-13-99
Materials, tools, supplies, fuels, lubricants—equipment—locomotives: Freight.....	21-21-XX
This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of locomotives, whether owned by the carrier or by others. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1-8 of Part 1201, Subpart A:	
Administration—General.....	21-21-01
<b>Repair and maintenance</b>	
Dismantling retired property.....	21-21-39
Machinery.....	21-21-40
Locomotives.....	21-21-41
Road property and equipment.....	21-21-48
Other—other.....	21-21-99
Materials, tools, supplies, fuels, lubricants—equipment—freight cars: Freight.....	21-22-XX
This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of freight cars, whether owned by the carrier or by others. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1-8 of Part 1201, Subpart A:	
Administration—general.....	21-22-01
<b>Repair and maintenance</b>	
Dismantling retired property.....	21-22-39
Machinery.....	21-22-40
Freight cars.....	21-22-42
Road property and equipment damaged.....	21-22-48
Other—other.....	21-22-99
Materials, tools, supplies, fuels, lubricants—equipment—other equipment: Freight.....	21-23-XX
This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of equipment other than locomotives and freight cars, whether owned by the carrier or by others. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its	



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components shall be distributed to the following functions in accordance with Instruction 1-8 of Part 1201, Subpart A:

Administration-general	21-23-01
<b>Repair and maintenance</b>	
Dismantling retired property	21-23-39
Machinery	21-23-40
Trucks, trailers, containers in revenue service	21-23-43
Floating equipment—revenue service	21-23-44
Passenger and other revenue equipment	21-23-45
Computers and data processing equipment	21-23-46
Work and other nonrevenue equipment	21-23-47
Road property and equipment damaged	21-23-48
Other—other	21-23-99

Materials, tools, supplies, fuels, lubricants—transportation—train:

Freight	21-31-XX
This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in association with the dispatching and operation of freight trains over the roadway and outside of classification yards. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1-8 of Part 1201, Subpart A:	

Administration-general	21-31-01
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<b>Operations</b>	
Engine crews	21-31-58
Train crews	21-31-57
Dispatching trains	21-31-58
Operating switches, signals, interlockers, retarders, humps	21-31-59
Operating drawbridges	21-31-60
Highway crossing protection	21-31-61
Train inspection and lubrication	21-31-62
Clearing wrecks	21-31-63
Locomotive fuels	21-31-67
Electric power purchased/produced for motive power	21-31-68
Servicing locomotives	21-31-69
Other—other	21-31-99

Materials, tools, supplies, fuels, lubricants—transportation—yard:

Freight	21-32-XX
This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in association with the movement of freight cars within classification yards and in terminal switching and transfer service. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1-8 of Part 1201, Subpart A:	

Administration-general	21-32-01
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<b>Operations</b>	
Operating switches, signals, interlockers, retarders, humps	21-32-59
Clearing wrecks	21-32-63
Switch crews	21-32-64
Controlling operations	21-32-65
Yard and terminal clerical	21-32-66
Locomotive fuel	21-32-67
Electric power purchased/produced for motive power	21-32-68
Servicing locomotives	21-32-69
Other—other	21-32-99

Materials, tools, supplies, fuels, lubricants—transportation—train and yard common: Freight

	21-33-XX
This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed on behalf of both train and yard operations. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components	

shall be distributed to the following functions in accordance with Instruction 1-8 of Part 1201, Subpart A:

<b>Operations</b>	
Cleaning car interiors	21-33-70
Adjusting, transferring loads	21-33-71
Car loading devices and grain doors	21-33-72
<b>Materials, tools, supplies, fuels, lubricants—transportation—specialized services: Freight</b>	
	21-34-XX
This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in operating services which are specialized in nature and in cost characteristics. The specialized services designated by the Commission appear within the definition of specialized services. This account shall be subdivided by the following functions:	

Administration-general	21-34-01
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<b>Operations</b>	
Pick up and delivery, marine line haul, and rail substitute service	21-34-73
Loading, unloading, and local marine	21-34-74
Protective services	21-34-75
Other—other	21-34-99

Materials, tools, supplies, fuels, lubricants—transportation—administrative support: Freight

	21-35-XX
This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in association with providing direct administrative support for the Transportation Activity. For further clarification refer to the definition of the Administrative Support Operations Subactivity contained in Part 1201, Subpart A. This account shall be subdivided by the following functions:	

Administration-general	21-35-01
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<b>Operations</b>	
Clerks, accounting employees	21-35-76
Communication systems operations	21-35-77
Loss and damage claims processing	21-35-78
Other—other	21-35-99

Materials, tools, supplies, fuels, lubricants—general and administrative: Freight

	21-61-XX
This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in providing overall administration or other general support for carrier operations. For further clarification refer to the definition of the General and Administrative Activity contained in Part 1201, Subpart A. This account shall be subdivided by the following functions:	

Administration-general	21-61-01
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<b>General</b>	
Accounting, auditing, finance	21-61-86
Management services and data processing	21-61-87
Marketing	21-61-88
Sales	21-61-89
Industrial development	21-61-90
Personnel and labor relations	21-61-91
Legal and secretarial	21-61-92
Public relations and advertising	21-61-93
Research and development	21-61-94
Other—other	21-61-99

**PURCHASED SERVICES**

Control	30-00-00
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This account may be used as a control account for all accounts in the PURCHASED SERVICES series:

Lease rentals—Debit	
Lease rentals—Credit	
Joint facility rent—Debit	
Joint facility rent—Credit	
Other rents—Debit	
Other rents—Credit	
Joint facility—Debit	
Joint facility—Credit	
Repairs billed by others—Debit	
Repairs billed by others—Credit	
Other purchased services	
Lease rentals—debit—control	31-00-00

This control account includes the rentals of road

property and equipment with terms of 30 days or more. This account excludes joint facility and joint trackage rents, insurance and maintenance elements of lease payments, and all elements of capital leases as defined in FASB Statement No. 13. The components of this natural expense will be distributed to the following accounts in accordance with Instruction 1-8 of Part 1201, Subpart A:

Lease rentals—debit—way and structures—running: Freight	31-11-00
Lease rentals—debit—way and structures—switching: Freight	31-12-00
Lease rentals—debit—way and structures—other: Freight	31-13-00
Lease rentals—debit—equipment—locomotives: Freight	31-21-00
Lease rentals—debit—equipment—freight cars: Freight	31-22-00
Lease rentals—debit—equipment—other equipment: Freight	31-23-00
Lease rentals—credit—control	32-00-00

This control account includes the rentals of owned property and equipment or subleases of leased road property and equipment with terms of from 30 days to one year. Longer term leases are indicative of a non-carrier operation and all revenues and expenses related to such property and equipment should be classified accordingly and excluded from railroad operations. This account excludes joint facilities and joint trackage, capital leases, and portions of lease receipts covering maintenance and insurance. The components of this natural expense account will be distributed to the following accounts in accordance with Instruction 1-8 of Part 1201, Subpart A:

Lease rentals—credit—way and structures—running: Freight	32-11-00
Lease rentals—credit—way and structures—switching: Freight	32-12-00
Lease rentals—credit—way and structures—other: Freight	32-13-00
Lease rentals—credit—equipment—locomotives: Freight	32-21-00
Lease rentals—credit—equipment—freight cars: Freight	32-22-00
Lease rentals—credit—equipment—other equipment: Freight	32-23-00
Joint facility rents—debit—control	33-00-00

This control account includes amounts payable accrued as rent for equipment, tracks, yards, terminals, and other facilities owned or controlled by other carriers, companies, or individuals, and in the joint use of which the accounting company participates. Amounts paid or payable by the accounting company in reimbursement for taxes on property jointly used shall be charged to this account.

**Note.**—The cost of maintenance, operation, or administration of joint facilities, chargeable to the accounting company, shall be charged to the various joint facility accounts (37-XX-00). When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per ton, car, or other unit, it shall be fairly apportioned between this account and Joint Facility—Dr. (37-XX-00). This apportionment shall be made by the operating company, and shall be followed by the accounting company. The components of this natural expense consist of the following accounts:

Joint facility rents—debit—way and structures—running: Freight	33-11-00
Joint facility rents—debit—way and structures—switching: Freight	33-12-00
Joint facility rents—debit—way and structures—other: Freight	33-13-00
Joint facility rents—debit—equipment—locomotives: Freight	33-21-00
Joint facility rents—debit—equipment—freight cars: Freight	33-22-00
Joint facility rents—debit—equipment—other equipment: Freight	33-23-00
Joint facility rents—credit—control	34-00-00

This control account includes amounts receivable accrued for rent of equipment, tracks, yards, terminals and other facilities owned or controlled by the accounting company and used jointly with other companies or individuals. Amounts receivable from other companies in reimbursement for taxes on property jointly used shall be credited to this account.

**Note.**—The portion of the cost of maintenance, operation, or administration of joint facilities re-

coverable from others shall be credited to the various joint facility accounts (38-XX-00). When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per ton, car, or other unit, it shall be fairly apportioned by the creditor between this account and Joint Facility—credit (28-XX-00).

Joint facility rents—credit—way and structures—running: Freight	34-11-00
Joint facility rents—credit—way and structures—switching: Freight	34-12-00
Joint facility rents—credit—way and structures—other: Freight	34-13-00
Joint facility rents—credit—equipment—locomotives: Freight	34-21-00
Joint facility rents—credit—equipment—freight cars: Freight	34-22-00
Joint facility rents—credit—equipment—other equipment: Freight	34-23-00
Other rents—debit—control	35-00-00

This account includes the rents with terms of less than 30 days which are not renewed. This account includes all time and mileage payments for interchange locomotive, freight car, and other revenue equipment hire. The components of this account will be distributed to the following accounts in accordance with Instruction 1-8 of Part 1201, Subpart A:

Other rents—debit—way and structures—running: Freight	35-11-00
Other rents—debit—way and structures—switching: Freight	35-12-00
Other rents—debit—way and structures—other: Freight	35-13-00
Other rents—debit—equipment—locomotives: Freight	35-21-00
Other rents—debit—equipment—freight cars: Freight	35-22-00
Other rents—debit—equipment—other equipment: Freight	35-23-00
Other rents—credit—control	36-00-00

This account includes rents with terms of less than 30 days which are not renewed. This account includes all time and mileage receipts for interchange locomotive, freight car, and other revenue equipment hire. The components of this account will be distributed to the following accounts in accordance with Instruction 1-8 of Part 1201, Subpart A:

Other rents—credit—way and structures—running: Freight	36-11-00
Other rents—credit—way and structures—switching: Freight	36-12-00
Other rents—credit—way and structures—other: Freight	36-13-00
Other rents—credit—equipment—locomotives: Freight	36-21-00
Other rents—credit—equipment—freight cars: Freight	36-22-00
Other rents—credit—equipment—other equipment: Freight	36-23-00
Joint facility—debit—control	37-00-00

This account includes joint trackage and joint facility costs, exclusive of rents, payable by the railroad to others. The components of this account will be distributed to the following accounts in accordance with Instruction 1-8 of Part 1201, Subpart A:

Joint Facility—debit—way and structures—running: Freight	37-11-00
Joint Facility—debit—way and structures—switching: Freight	37-12-00
Joint Facility—debit—way and structures—other: Freight	37-13-00
Joint facility—debit—equipment—locomotives: Freight	37-21-00
Joint facility—debit—equipment—freight cars: Freight	37-22-00
Joint facility—debit—equipment—other equipment: Freight	37-23-00
Joint facility—debit—transportation—train: Freight	37-31-00
Joint facility—debit—transportation—yard: Freight	37-32-00
Joint facility—debit—transportation—specialized services: Freight	37-34-00
Joint facility—debit—transportation—administrative support: Freight	37-35-00
Joint facility—debit—general and administrative: Freight	37-61-00
Joint facility—credit—control	38-00-00

## RULES AND REGULATIONS

This account includes joint trackage and joint facility costs, exclusive of rents, payable by others to the railroad. The components of this account will be distributed to the following accounts in accordance with Instruction 1-8 of Part 1201, Subpart A:

Joint facility—credit—way and structures—running: Freight	38-11-00
Joint facility—credit—way and structures—switching: Freight	38-12-00
Joint facility—credit—way and structures—other: Freight	38-13-00
Joint facility—credit—equipment—locomotives: Freight	38-21-00
Joint facility—credit—equipment—freight cars: Freight	38-22-00
Joint facility—credit—equipment—other equipment: Freight	38-23-00
Joint facility—credit—transportation—train: Freight	38-31-00
Joint facility—credit—transportation—yard: Freight	38-32-00
Joint facility—credit—transportation—specialized services: Freight	38-34-00
Joint facility—credit—transportation—administrative support: Freight	38-35-00
Joint facility—credit—general and administrative: Freight	38-61-00

Repairs billed by others—debit—control

This account includes amounts payable by the railroad to others for repair and maintenance of the reporting railroad's property and equipment. The components of this account shall be distributed to the following accounts in accordance with Instruction 1-8 of Part 1201, Subpart A:

Repairs billed by others—debit—way and structures—running: Freight	39-11-XX
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This account includes amounts payable by the railroad to others for repair and maintenance of the carrier's roadway and track on the line of road and outside of classification yards. This account shall be subdivided by the following functions:

<b>Repair and maintenance</b>	
Roadway	39-11-10
Tunnels and subways	39-11-11
Bridges and culverts	39-11-12
Track laying and surfacing	39-11-17
Signals and interlockers	39-11-19
Highway grade crossings	39-11-22
Road property and equipment damaged	39-11-48

Repairs billed by others—debit—way and structures—switching: Freight

	39-12-XX
This account includes amounts payable by the railroad to others for repair and maintenance of the reporting railroad's property associated with the carrier's roadway and track within classification yards and stations. This account shall be subdivided by the following functions:	

<b>Repair and maintenance</b>	
Roadway	39-12-10
Tunnels and subways	39-12-11
Bridges and culverts	39-12-12
Track laying and surfacing	39-12-17
Signals and interlockers	39-12-19
Highway grade crossings	39-12-22
Road property and equipment damaged	39-12-48

Repairs billed by others—debit—way and structures—other: Freight

	39-13-XX
This account includes amounts payable by the railroad to others for repair and maintenance of the carrier's structures other than roadway and track. This account shall be subdivided by the following functions:	

<b>Repair and maintenance</b>	
Communication systems	39-13-20
Electric power systems	39-13-21
Station and office buildings	39-13-23
Shop buildings—locomotives	39-13-24
Shop buildings—freight cars	39-13-25
Shop buildings—other equipment	39-13-26
Locomotive servicing facilities	39-13-27
Miscellaneous buildings and structures	39-13-28
Coal terminals	39-13-29
Ore terminals	39-13-30

**Repair and maintenance**

TOFC/COFC terminals	39-13-31
Other marine terminals	39-13-32
Motor vehicle loading and distribution facilities	39-13-33
Facilities for other specialized services operations	39-13-35
Roadway machines	39-13-38
Small tools and supplies	39-13-37
Snow removal	39-13-38
Road property and equipment damaged	39-13-48

Repairs billed by others—debit—equipment—locomotives: Freight

	39-21-XX
This account includes amounts payable by the railroad to others for repair and maintenance under the locomotive subactivity. This account shall be subdivided by the following functions:	

<b>Repair and maintenance</b>	
Machinery	39-21-40
Locomotives	39-21-41
Road property and equipment damaged	39-21-48

Repairs billed by others—debit—equipment—freight cars: Freight

	39-22-XX
This account includes amounts payable by the railroad to others for repair and maintenance under the freight car subactivity. This account shall be subdivided by the following function:	

<b>Repair and maintenance</b>	
Machinery	39-22-40
Freight cars	39-22-42
Road property and equipment damaged	39-22-48

Repairs billed by others—debit—equipment—other equipment: Freight

	39-23-XX
This account includes amounts payable by the railroad to others for the repair and maintenance of equipment not pertaining to the locomotive or freight car subactivity. This account shall be subdivided by the following functions:	

**Repair and maintenance**

Machinery	39-23-40
Trucks, trailers, and containers in revenue service	39-23-43
Floating equipment—revenue service	39-23-44
Passenger and other revenue equipment	39-23-45
Computers and data processing equipment	39-23-46
Work and other nonrevenue equipment	39-23-47
Road property and equipment damaged	39-23-48
Repairs billed to others—credit—control	40-00-00

This control account includes amounts payable by others to the railroad for repair and maintenance of others' road property and equipment. The components of this account shall be distributed to the following accounts in accordance with Instruction 1-8 of Part 1201, Subpart A:

Repairs billed to others—credit—way and structures—running: Freight	40-11-XX
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This account includes amounts payable by others to the railroad for repair and maintenance of other railroads' roadway and track on the line of road and outside of classification yards. This account shall be subdivided by the following functions:

<b>Repair and maintenance</b>	
Roadway	40-11-10
Tunnels and subways	40-11-11
Bridges and culverts	40-11-12
Track laying and surfacing	40-11-17
Signals and interlockers	40-11-19
Highway grade crossings	40-11-22
Road property and equipment damaged	40-11-48

Repairs billed to others—credit—way and structures—switching: Freight

	40-12-XX
This account includes amounts payable by others to the railroad for repair and maintenance of other railroads' roadway and track within classification yards and stations. This account shall be subdivided by the following functions:	



<b>Repair and maintenance</b>	
Roadway.....	40-12-10
Tunnels and subways.....	40-12-11
Bridges and culverts.....	40-12-12
Track laying and surfacing.....	40-12-17
Signals and interlockers.....	40-12-19
Highway grade crossings.....	40-12-22
Road property and equipment damaged.....	40-12-48
Repairs billed to others—credit—way and structures—other: Freight.....	40-13-XX

This account includes amounts payable by others to the railroad for repair and maintenance of other railroads' structures other than roadway and track. This account shall be subdivided by the following functions:

<b>Repair and maintenance</b>	
Communication systems.....	40-13-20
Electric power systems.....	40-13-21
Station and office buildings.....	40-13-23
Shop buildings—locomotives.....	40-13-24
Shop buildings—freight cars.....	40-13-25
Shop buildings—other equipment.....	40-13-26
Locomotive servicing facilities.....	40-13-27
Miscellaneous buildings and structures.....	40-13-28
Coal terminals.....	40-13-29
Ore terminals.....	40-13-30
TOFC/COFC terminals.....	40-13-31
Other marine terminals.....	40-13-32
Motor vehicle loading and distribution facilities.....	40-13-33

<b>Facilities for other specialized services operations</b>	
Roadway machines.....	40-13-35
Small tools and supplies.....	40-13-37
Snow removal.....	40-13-38
Road property and equipment damaged.....	40-13-48
Repairs billed to others—credit—equipment—locomotives: Freight.....	40-21-XX

This account includes amounts payable by others to the railroad for repair and maintenance of other railroads' locomotives. This account shall be subdivided by the following functions:

<b>Repair and maintenance</b>	
Machinery.....	40-21-40
Locomotives.....	40-21-41
Road property and equipment damaged.....	40-21-48

<b>Repairs billed to others—credit—equipment—freight cars: Freight.....</b>	40-22-XX
This account includes amounts payable by others to the railroad for repair and maintenance of other railroads' freight cars. This account shall be subdivided by the following functions:	

<b>Repair and maintenance</b>	
Machinery.....	40-22-40
Freight cars.....	40-22-42
Road property and equipment damaged.....	40-22-48
Repairs billed to others—credit—equipment—other equipment: Freight.....	40-23-XX

This account includes amounts payable by others to the railroad for repair and maintenance of other railroads' other equipment. This account shall be subdivided by the following functions:

<b>Repair and maintenance</b>	
Machinery.....	40-23-40
Trucks, trailers, and containers in revenue service.....	40-23-43
Floating equipment—revenue service.....	40-23-44
Passenger and other revenue equipment.....	40-23-45
Computers and data processing equipment.....	40-23-46
Work and other non-revenue equipment.....	40-23-47
Road property and equipment damaged.....	40-23-48
Other purchased services—control.....	41-00-00

This control account includes amounts charged or credited to operating expenses for purchased advertising, purchased printing, outside professional services such as legal, accounting, audit, engineering, and consulting; payments for detour of trains; utilities, telephone, postage, subscriptions, communications, purchased electric power for train and locomotive propulsion; and other services purchased. The components of this account shall be distributed to the following accounts in accordance with Instruction 1-8 of Part 1201, Subpart A:

<b>Repair and maintenance</b>	
Roadway.....	41-11-10
Tunnels and subways.....	41-11-11
Bridges and culverts.....	41-11-12
Track laying and surfacing.....	41-11-17
Signals and interlockers.....	41-11-18
Highway grade crossings.....	41-11-22
Dismantling retired property.....	41-11-39
Road property and equipment damaged.....	41-11-48
Other—other.....	41-11-99
Other purchased services—way and structures—switching: Freight.....	41-12-XX

<b>Repair and maintenance</b>	
Roadway.....	41-12-10
Tunnels and subways.....	41-12-11
Bridges and culverts.....	41-12-12
Track laying and surfacing.....	41-12-17
Signals and interlockers.....	41-12-19
Highway grade crossings.....	41-12-22
Dismantling retired property.....	41-12-39
Road property and equipment damaged.....	41-12-48
Other—other.....	41-12-99
Other purchased services—way and structures—other: Freight.....	41-13-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

<b>Repair and maintenance</b>	
Roadway.....	41-12-10
Tunnels and subways.....	41-12-11
Bridges and culverts.....	41-12-12
Track laying and surfacing.....	41-12-17
Signals and interlockers.....	41-12-19
Highway grade crossings.....	41-12-22
Dismantling retired property.....	41-12-39
Road property and equipment damaged.....	41-12-48
Other—other.....	41-12-99
Other purchased services—way and structures—other: Freight.....	41-13-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

<b>Administration</b>	
Track.....	41-13-02
Bridges and buildings.....	41-13-03
Signals.....	41-13-04
Communications.....	41-13-05
Other.....	41-13-06

<b>Repair and maintenance</b>	
Communication systems.....	41-13-20
Electric power systems.....	41-13-21
Station and office buildings.....	41-13-23
Shop buildings—locomotives.....	41-13-24
Shop buildings—freight cars.....	41-13-25
Shop buildings—other equipment.....	41-13-26
Locomotive servicing facilities.....	41-13-27
Miscellaneous buildings and structures.....	41-13-28
Coal terminals.....	41-13-29
Ore terminals.....	41-13-30
TOFC/COFC terminals.....	41-13-31
Other marine terminals.....	41-13-32
Motor vehicle loading and distribution facilities.....	41-13-33

<b>Facilities for other specialized services operations</b>	
Roadway machines.....	41-13-35
Small tools and supplies.....	41-13-37
Snow removal.....	41-13-38
Road property and equipment damaged.....	41-13-39
Other—other.....	41-13-99
Other purchased services—equipment—locomotives: Freight.....	41-21-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

<b>Administration—general</b>	41-21-01
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<b>Repair and maintenance</b>	
Dismantling retired property.....	41-21-39
Machinery.....	41-21-40
Locomotive.....	41-21-41
Road property and equipment damaged.....	41-21-48
Other—other.....	41-21-99
Other purchased services—equipment—freight cars: Freight.....	41-22-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

<b>Administration—general</b>	41-22-01
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<b>Repair and maintenance</b>	
Dismantling retired property.....	41-22-39
Machinery.....	41-22-40
Freight cars.....	41-22-42
Road property and equipment damaged.....	41-22-48
Other—other.....	41-22-99
Other purchased services—equipment—other equipment: Freight.....	41-23-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

<b>Administration—general</b>	41-23-01
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<b>Repair and maintenance</b>	
Dismantling retired property.....	41-23-39
Machinery.....	41-23-40
Trucks, trailers, containers in revenue service.....	41-23-43
Floating equipment—revenue service.....	41-23-44
Passenger and other revenue equipment.....	41-23-45
Computers and data processing equipment.....	41-23-46
Work and other nonrevenue equipment.....	41-23-47
Road property and equipment damaged.....	41-23-48
Other—other.....	41-23-99
Other purchased services—transportation—train: Freight.....	41-31-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

<b>Administration—general</b>	41-31-01
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<b>Operations</b>	
Engine crews.....	41-31-56
Train crews.....	41-31-57
Dispatching trains.....	41-31-58
Operating switches, signals, interlockers, retarders, humps.....	41-31-59
Operating drawbridges.....	41-31-60
Highway crossing protection.....	41-31-61
Train inspection and lubrication.....	41-31-62
Clearing wrecks.....	41-31-63
Locomotive fuel.....	41-31-67
Electric power purchased/produced for motive power.....	41-31-68
Servicing locomotives.....	41-31-69
Other—other.....	41-31-99
Other purchased services—transportation—yard: Freight.....	41-32-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

<b>Administration—general</b>	41-32-01
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<b>Operations</b>	
Operating switches, signals, interlockers, retarders, humps.....	41-32-59
Clearing wrecks.....	41-32-63
Switch crews.....	41-32-64
Controlling operations.....	41-32-65
Yard and terminal clerical.....	41-32-66
Locomotive fuel.....	41-32-67
Electric power purchased/produced for motive power.....	41-32-68
Servicing locomotives.....	41-32-69

<b>Operations</b>	
Other—other.....	41-32-99
Other purchased services—transportation—train and yard common: Freight.....	41-33-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

<b>Operations</b>	
Cleaning car interiors.....	41-33-70
Adjusting, transferring loads.....	41-33-71
Car loading devices and grain doors.....	41-33-72

<b>Other purchased services—transportation—specialized services: Freight.....</b>	41-34-XX
This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:	

<b>Administration—general</b>	41-34-01
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<b>Operations</b>	
Pick up and delivery, marine line haul, and rail substitute service.....	41-34-73
Loading, unloading, and local marine.....	41-34-74
Protective Services.....	41-34-75
Other—other.....	41-34-99

<b>Other purchased services—transportation—administrative support: freight.....</b>	41-35-XX
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This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

<b>Administration—general</b>	41-35-01
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<b>Operations</b>	
Clerks, accounting employees.....	41-35-77
Communication systems operations.....	41-35-78
Loss and damage claims processing.....	41-35-79
Other—other.....	41-35-99
Other purchased services—general and administrative: freight.....	41-61-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

<b>Administration—general</b>	41-61-01
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<b>General</b>	
Accounting, auditing, finance.....	41-61-66
Management services and data processing.....	41-61-67
Marketing.....	41-61-68
Sales.....	41-61-69
Industrial development.....	41-61-70
Personnel and labor relations.....	41-61-71
Legal and secretarial.....	41-61-72
Public relations and advertising.....	41-61-73
Research and development.....	41-61-74
Other—other.....	41-61-99

## CLAIMS AND INSURANCE

<b>Control.....</b>	50-00-00
This account may be used as a control account for all accounts in the CLAIMS AND INSURANCE series: loss and damage claims; other casualties; insurance.	

<b>Loss and damage claims—control.....</b>	51-00-00
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This account includes amounts payable to compensate for the loss or damage of freight or other goods carried in revenue service. This account excludes amounts payable to employees or other parties for injuries sustained or loss of life; for damage to real property of others or personal property not carried in revenue service; all payments for other damages of any kind; and related insurance premiums.

<b>Loss and damage claims—transportation—train: freight.....</b>	51-31-00
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This account includes amounts payable to compensate for the loss or damage of freight or other goods carried in revenue service while operating all

trains except those performing yard functions in terminals.

<b>Loss and damage claims—transportation—yard: freight.....</b>	51-32-00
This account includes amounts payable to compensate for the loss or damage of freight or other goods carried in revenue service which is lost or damaged in yards or terminals.	

<b>Loss and damage claims—transportation—train and yard common: freight.....</b>	51-33-00
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This account includes amounts payable to compensate for the loss or damage of freight or other goods carried in revenue service which are not predominantly train or yard.

<b>Loss and damage claims—transportation—specialized services: freight.....</b>	51-34-00
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This account includes amounts payable to compensate for the loss or damage of freight or other goods carried in revenue service incurred in designated specialized services operations.

<b>Other casualties—control.....</b>	52-00-00
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This account includes amounts payable to employees or other parties for injuries sustained or loss of life in connection with the construction, maintenance, operations, and administration of railroad property and equipment; for damage to real property, property of others or personal property not carried in revenue service; all payments for other damages of any kind. This account excludes freight and other goods carried in revenue service, and insurance premiums related to the casualties chargeable to this account.

Note.—The costs of clearing wrecks and repairing casualty-caused damage to the railroad's property and equipment are properly classified under other natural expense accounts as appropriate and further classified by relevant activities and functions.

These costs are appropriately charged to the following natural accounts:

<b>Other casualties—way and structures—freight.....</b>	52-11-00
<b>Other casualties—way and structures—switching: freight.....</b>	52-12-00
<b>Other casualties—way and structures—other freight.....</b>	52-13-00
<b>Other casualties—equipment—locomotives: freight.....</b>	52-21-00
<b>Other casualties—equipment—freight cars: freight.....</b>	52-22-00
<b>Other casualties—equipment—Other equipment: freight.....</b>	52-23-00
<b>Other casualties—transportation—train: freight.....</b>	51-31-00
<b>Other casualties—transportation—yard: freight.....</b>	51-32-00
<b>Other casualties—transportation—specialized services: freight.....</b>	52-34-00
<b>Other casualties—transportation—administrative support: freight.....</b>	52-35-00
<b>Other casualties—general and administrative: freight.....</b>	52-61-00
<b>Insurance—control.....</b>	53-00-00

This account includes premiums for insurance to cover property and equipment loss and damage, liability, business interruption, and the like. These costs are appropriately charged to the following accounts:

<b>Insurance—way and structures—running: freight.....</b>	53-11-00
<b>Insurance—way and structures—switching: freight.....</b>	53-12-00
<b>Insurance—way and structures—other: freight.....</b>	53-13-00
<b>Insurance—equipment—locomotives: freight.....</b>	53-21-00
<b>Insurance—equipment—freight cars: freight.....</b>	53-22-00
<b>Insurance—equipment—other equipment: freight.....</b>	53-23-00
<b>Insurance—transportation—train: freight.....</b>	53-31-00
<b>Insurance—transportation—yard: freight.....</b>	53-32-00
<b>Insurance—transportation—specialized services: freight.....</b>	53-34-00
<b>Insurance—transportation—administrative support: freight.....</b>	53-35-00
<b>Insurance—general and administrative: freight.....</b>	53-61-00

## GENERAL

<b>Control.....</b>	60-00-00
This account may be used as a control account for all accounts in the GENERAL series: other expenses; depreciation; uncollectible accounts; property taxes; other taxes.	

<b>Other expenses—control.....</b>	61-00-00
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This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, road property and equipment retirement losses, and other items of a general nature.

<b>Other expenses—way and structures—running: freight.....</b>	61-11-XX
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This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, road property retirement losses, and other items of a general nature associated with the carrier's roadway and track on the line of road and outside of classification yards. This account shall be subdivided by the following functions:

<b>Repair and maintenance</b>	
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Roadway.....	61-11-10
Tunnels and subways.....	61-11-11
Bridges and culverts.....	61-11-12
Track laying and surfacing.....	61-11-17
Signals and interlockers.....	61-11-19
Highway grade crossings.....	61-11-22
Dismantling retired property.....	61-11-39
Road property and equipment damaged.....	61-11-48
Other—other.....	61-11-99

<b>Other expenses—way and structures—switching: freight.....</b>	61-12-XX
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This account includes amount charged to operating expenses for items



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<i>Repair and maintenance</i>	
Other marine terminals.....	61-13-32
Motor vehicle loading and distribution facilities.....	61-13-33
Facilities for other specialized services.....	61-13-35
Operations.....	61-13-36
Roadway machines.....	61-13-37
Small tools and supplies.....	61-13-38
Snow removal.....	61-13-39
Dismantling retired property.....	61-13-46
Road property and equipment damaged.....	61-13-99
Other—other.....	61-13-99
Other expenses—equipment—locomotives: Freight.....	61-21-XX
This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees and equipment retirement losses, associated with the repair and maintenance of locomotives, whether owned by the carrier or by others. This account shall be subdivided by the following functions:	
Administration—general.....	61-21-01
<i>Repair and maintenance</i>	
Dismantling retired property.....	61-21-39
Machinery.....	61-21-40
Locomotives.....	61-21-41
Road property and equipment damaged.....	61-21-46
Other—other.....	61-21-99
Other expenses—equipment—freight cars: Freight.....	61-22-XX
This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, equipment retirement losses, associated with the repair and maintenance of freight cars, whether owned by the carrier or by others. This account shall be subdivided by the following functions:	
Administration—general.....	61-22-01
<i>Repair and maintenance</i>	
Dismantling retired property.....	61-22-39
Machinery.....	61-22-40
Freight cars.....	61-22-42
Road property and equipment damaged.....	61-22-46
Other—other.....	61-22-99
Other expenses—equipment—other equipment: Freight.....	61-23-XX
This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, equipment retirement losses, associated with the repair and maintenance of equipment other than locomotives and freight cars, whether owned by the carrier or by others. This account shall be subdivided by the following functions:	
Administration—general.....	61-23-01
<i>Repair and maintenance</i>	
Dismantling retired property.....	61-23-39
Machinery.....	61-23-40
Trucks, trailers, containers in revenue service.....	61-23-43
Floating equipment—revenue service.....	61-23-44
Passenger and other revenue equipment.....	61-23-45
Computers and data processing equipment.....	61-23-46
Work and other nonrevenue equipment.....	61-23-47
Road property and equipment damaged.....	61-23-48
Other—other.....	61-23-99
Other expenses—transportation—train: Freight.....	61-31-XX
This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, associated with the dispatching and operations of freight trains over the roadway and outside of classification yards. This account shall be subdivided by the following functions:	
Administration—general.....	61-31-01
<i>Operations</i>	
Engine crews.....	61-31-56
Train crews.....	61-31-57
Dispatching trains.....	61-31-58
Operating switches, signals, interlockers, retarders, humps.....	61-31-59
Operating drawbridges.....	61-31-60
Highway crossing protection.....	61-31-61
Train inspection and lubrication.....	61-31-62
Clearing wrecks.....	61-31-63
Locomotive fuel.....	61-31-67
Electric power purchased/produced for motive power.....	61-31-68
Servicing locomotives.....	61-31-69
Other—other.....	61-31-99
Other expenses—transportation—yard: Freight.....	61-32-XX
This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, and other items of a general nature associated with the movement of freight cars within classification yards and in terminal switching and transfer service. This account shall be subdivided by the following functions:	
Administration—general.....	61-32-01
<i>Operations</i>	
Operating switches, signals, interlockers, retarders, humps.....	61-32-59
Clearing wrecks.....	61-32-63
Switch crews.....	61-32-64
Controlling operations.....	61-32-65
Yard and terminal clerical.....	61-32-66
Locomotive fuel.....	61-32-67
Electric power purchased/produced for motive power.....	61-32-68
Servicing locomotives.....	61-32-69
Other—other.....	61-32-99
Other expenses—transportation—specialized services: Freight.....	61-34-XX
This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, and other items of a general nature incurred in operating services which are specialized in nature and in cost characteristics. The specialized services designated by the Commission appear within the definition of specialized services. This account shall be subdivided by the following functions:	
Administration—general.....	61-34-01
<i>Operations</i>	
Pick up and delivery, marine line haul, and rail substitute service.....	61-34-73
Loading, unloading, and local marine.....	61-34-74
Protective services.....	61-34-75
Other—other.....	61-34-99
Other expenses—transportation—administrative support: Freight.....	61-35-XX
This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, and other items of a general nature incurred in providing direct administrative support for the Transportation Activity. This account shall be subdivided by the following functions:	
Administration—general.....	61-35-01
<i>Operations</i>	
Clerks, accounting employees.....	61-35-76
Communication systems operations.....	61-35-77
Loss and damage claims processing.....	61-35-78
Other—other.....	61-35-99
Other expenses—general and administrative: Freight.....	61-61-XX
This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, and other items of a general nature incurred in providing overall administration of other support for carrier operations. This account shall be subdivided by the following functions:	
Administration—general.....	61-61-01

<i>General</i>	
Accounting, auditing, finance.....	61-61-86
Management services and data processing.....	61-61-87
Marketing.....	61-61-88
Sales.....	61-61-89
Industrial development.....	61-61-90
Personnel labor relations.....	61-61-91
Legal and secretarial.....	61-61-92
Public relations and advertising.....	61-61-93
Research and development.....	61-61-94
Other—other.....	61-61-99
Depreciation—control.....	62-00-00
This control account includes the amounts charged to operating expenses for depreciation of owned road property and equipment, and the depreciation element of road property held under capital lease in accordance with FASB Statement No. 13. These costs are appropriately charged to the following natural accounts:	
Depreciation—way and structures—running: Freight.....	62-11-00
Depreciation—way and structures—switching: Freight.....	62-12-00
Depreciation—way and structures—other: Freight.....	62-13-00
Depreciation—equipment—locomotives: Freight.....	62-21-00
Depreciation—equipment—freight cars: Freight.....	62-22-00
Depreciation—equipment—other equipment: Freight.....	62-23-00
Uncollectible accounts—control.....	63-00-00
This account includes charges to operating expenses for the writedown of accounts and notes due to the railroad, whether classified as current or long-term. This account includes any credits to allowance accounts for collectibility and total writedown of receivables. This account does not include writedowns of property, equipment, or investments (except accounts, notes, or other receivables held as investments). Proper adjustments of incorrect receivables are not to be charged to this account. Collections of amounts previously written off or down are to be credited to this account. The total of this account shall be charged to the following account:	
Uncollectible accounts—general and administrative: Freight.....	63-61-00
Property taxes—control.....	64-00-00
This account includes only taxes based on the value of real estate and personal property used in railroad operations. The total of this account shall be charged to the following account:	
Property taxes—general and administrative: Freight.....	64-61-00
Other taxes—control.....	65-00-00
This account includes taxes on gross receipts, franchise fees, excise taxes, and similar items. This account excludes property taxes and taxes chargeable as employee benefits. The total of this account shall be charged to the following account:	
Other taxes—general and administrative: Freight.....	65-61-00
(2) Other computed cost elements.	
651 Locomotives return on investment.	
652 Freight train car costs.	
01 Per day costs.	
02 Mileage costs.	
654 Rehabilitation.	
664 Deadheading, taxi and hotel costs.	
01 Deadheading.	
02 Taxi.	
03 Hotel.	
665 Overhead movement costs.	
01 Transportation.	
02 Equipment.	
03 Freight-train cars—mileage portion.	
(3) Off-branch avoidable costs.	
661 Terminal costs.	
01 Modified terminal costs.	
02 Normal terminal costs.	
03 Interchange costs.	
662 Freight train car costs.	
663 Freight train revenue ton-mile costs.	

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(4) All other avoidable costs.<sup>1</sup>

- 671 Working capital.
- 672 Required capital expenditures.
- 673 Deferred maintenance.
- 674 Current cost of freight train cars, locomotives, and other equipment.
- 675 Foregone tax benefits.
- 676 Administrative costs.
- 677 Deferred subsidy payment costs.
- 678 Casualty reserve expenses.
- Total, all other avoidable costs.
- 681 Reasonable return on the value of properties.
- 682 Management fee.

<sup>1</sup>Accounts 671-675 apply to Part 1121 only. Accounts 677 and 682 apply to Part 1125 only.

[FR Doc. 78-410 Filed 1-10-78; 8:45 am]



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WEDNESDAY, JANUARY 11, 1978  
PART III



## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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ADDITIONAL  
PROTECTIONS  
PERTAINING  
TO RESEARCH,  
DEVELOPMENT AND  
RELATED ACTIVITIES  
INVOLVING FETUSES,  
PREGNANT WOMEN  
AND IN VITRO  
FERTILIZATION



[4110-08]

## Title 45—Public Welfare

## SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

## PART 46—PROTECTION OF HUMAN SUBJECTS

## Subpart B—Additional Protections Pertaining to Research, Development and Related Activities Involving Fetuses, Pregnant Women and In Vitro Fertilization

## MISCELLANEOUS AMENDMENTS

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: These amendments clarify the definitions of "Pregnancy" and "Fetus" as used in the original rule, modify provisions governing establishment of Ethical Advisory Boards, and delete provisions which would have permitted artificial maintenance of the vital functions of nonviable fetuses when the purpose of the research was to develop new methods for enabling fetuses to survive to the point of viability.

EFFECTIVE DATE: These amendments shall become effective on January 11, 1978.

FOR FURTHER INFORMATION CONTACT:

D. T. Chalkley, Ph. D., Director, Office for Protection from Research Risks, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, 301-496-7005.

SUPPLEMENTARY INFORMATION: Proposed amendments were published in the FEDERAL REGISTER on Thursday, January 13, 1977. In addition, some 5,000 copies of the amendments were distributed to research institutions, to public interest organizations concerned with research and other activities related to human reproduction, and to other persons who had shown concern with these issues by commenting on earlier proposed rulemakings and on the Report and Recommendations on Research on the Fetus of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (40 FR 33530). Interested persons, institutions and organizations were given until March 13, 1977, to submit comments and criticism. A total of 130 comments were received. None were addressed to the proposed additions in policy (§ 46.102) concerning steps to be taken to avoid involvement of pregnant women in research or to proposed changes in provisions regarding the Ethical Advisory Boards (§ 46.204).

One commentator suggested that § 46.209(a) as written seemed to imply that experimentation with a fetus ex

utero would be permissible if an investigator decided that it was not medically viable. Since 1,000 grams is the accepted medical boundary of viability, this would permit otherwise prohibited experimentation on smaller fetuses, even though fetuses weighing far less than 1,000 grams have been known to survive.

Response. Section 46.209(b) substantially limits the kinds of research that may be performed on nonviable fetuses. In addition, in a notice published at 40 FR 33530, the Secretary determined that any fetus ex utero, other than a dead fetus, weighing 500 grams or more and having a gestational age of 20 weeks or more is to be considered viable and a premature infant for the purposes of these regulations. (This determination reflects the finding of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research that no fetus weighing less than 600 grams and of less than 24 weeks gestational age has been reliably reported to have survived.) A simple determination by a physician that a particular fetus ex utero is medically nonviable would not automatically permit involvement of that fetus in research under these regulations. The Secretary is awaiting the National Commission's report on research involving children before proposing regulations regarding research with and for premature and term infants.

This same commentator noted that the definition of fetus as amended at § 46.201(c) was "something of an improvement" but expressed continued concern that the definition of the life span of the fetus as beginning at implantation would allow time for research between fertilization and implantation without the informed consent of the pregnant woman.

Response. Basic DHEW regulations contained in Subpart A of 45 CFR Part 46 require at § 46.109 that any institution proposing to place any subject at risk is obligated to obtain legally effective informed consent. The provisions of Subpart B, including those relating to consent, are additional protections pertaining to research activities involving fetuses and pregnant women and do not substitute for the basic protections available to all classes of subjects.

Approximately 128 comments were directed almost entirely to aspects of the definitions of the terms "fetus" and "pregnancy" in § 46.203(b) and (c), which are not changed by the proposed amendments. Usually, they addressed issues discussed both in the preamble to the final regulations published on August 8, 1975 (40 FR 33526), and in the preamble to the notice of proposed rulemaking published in the FEDERAL REGISTER on August 23, 1974 (39 FR 30648), which

preceded the final regulations. There seems no reason to repeat these discussions here. Certain criticisms explored new ground. These centered on the following issues: (i) There had been inadequate prior notice of the definitions, (ii) particularly, there had been inadequate prior notice to medical practitioners, (iii) the definitions were inconsistent with existing dictionary definitions and were medically incorrect in that they did not define pregnancy and fetal life to begin at fertilization.

Response. The criticisms are not sound. (i) The basic definitions of "fetus" and "pregnancy" to be amended as described in the proposed rulemaking are essentially the same definitions that appeared in a draft proposed rulemaking on November 16, 1973 (38 FR 31738), in a formal notice of proposed rulemaking on August 23, 1974 (39 FR 30648), and in a final rule issued August 8, 1975 (40 FR 33526). (ii) Added notice to practitioners *per se* is inappropriate and unnecessary since the regulations are concerned solely with research, development and related activities conducted or supported by the Department of Health, Education, and Welfare, not with the practice of medicine. Practitioners must be in compliance with applicable State or local laws bearing upon activities involving the fetus including laws concerning consent and the provision of due care. (iii) The term fetus is variously defined in popular and medical dictionaries as the product of conception from the eighth or ninth week, the latter part of the third month or "from the time the embryo is formed" until birth. The definitions of "fetus" and "pregnancy" employed in § 46.203 cover the period of gestation from the time of implantation, about seven days after fertilization, until termination of pregnancy. The definitions of "fetus" and "pregnancy" agree in essence with those of the American College of Obstetrics and Gynecology, in *Obstetric-Gynecologic Terminology*, Edward C. Hughes, ED., Philadelphia (1972) and that employed in the most recently issued medical dictionary, *Stedman's Medical Dictionary*, 23d Edition (1976). Both of these authorities define "fetus" and "pregnancy" to begin at conception and define conception to coincide with implantation.

Two commentators noted that the definition of "fetus" was at variance with the findings of the First International Conference on Abortion held in 1967. The medical group assembled at the Conference is quoted as stating that "The majority of our group could find no point of time between the union of sperm and egg, or at least the blastocyst stage, and the birth of the infant at which point we could say that this was not a human life. The changes occurring between implanta-

tion and . . . a mature adult are mere stages of development and maturation" (emphases added).

Response. Since implantation occurs at the blastocyst stage, the proposed definition of fetus is within the scope of the findings of the Conference.

One commentator suggested that the terms "fetus" and "pregnancy" must of necessity include all or part of the period between fertilization and implantation, citing the work of Saxena, B. B. et al. (Science, 184:794) and Landesman, R., and Saxena, B. B. (Fertil. and Steril. 27:357, 1976), describing results obtained with a pregnancy test dependent upon radioreceptor assay for human chorionic gonadotropin. The data presented in these articles suggested that the presence of the fertilized and developing ovum could be confirmed as early as four days following fertilization, and three days prior to implantation, while the developing ovum is still in a free-floating state.

Response. As stated in the prior notice of proposed rulemaking (42 FR 2792), designation of a precise time for the start of the fetal period is a matter of practical and regulatory necessity. The regulations impose additional duties and responsibilities on investigators and research institutions over and above those generally imposed by statute and common law on medical practitioners and medical institutions. As of the time of drafting of the proposed rule, it appeared that the time of implantation not only coincided with the onset of fetal life as defined by the medical profession, but also with the first point in the course of human development which could be medically confirmed by existing pregnancy tests. This still appears to be the case. Saxena's suggestion that the developing ovum might be detected prior to implantation has not been supported (Catt, K. J. et al., Jour. Clin. End. Met., 40:537, 1975) and is not repeated by him in a more recent publication (Saxena, B. B. et al., Fertil. and Steril. 28:163, 1977). Since the radioreceptor assay fails to distinguish between luteinizing hormone levels, which peak sharply at the time of ovulation, and human chorionic gonadotropin levels, which rise shortly after implantation, some confusion in assay is inevitable. Identification of the confirmation of pregnancy as the point at which these additional protections must be imposed appears to be scientifically sound.

While no comments were received on the proposed changes in provisions regarding the Ethical Advisory Board

(§ 46.204), the Secretary has determined that the prohibition in this section against the appointment as a member of the Board of any full-time employee of the Federal Government is unnecessarily restrictive and denies to the Board expertise available elsewhere within the Federal Government. Therefore, the last sentence of this section is changed to read, "No board member may be a regular, full-time employee of the Department of Health, Education, and Welfare." With the exception of this change and the correction of typographical errors, the proposed amendments are adopted as published in 42 FR 2792.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement as required by Executive Order 11821 and by OMB Circular A-107.

Dated: July 29, 1977.

JAMES F. DICKSON,  
Acting Assistant Secretary  
for Health.

Approved: December 29, 1977.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

Accordingly, Part 46 of 45 CFR, Subtitle A, is amended by:

1. Revising § 46.102(c) to read:

§ 46.102 Policy.

• • • • •

(c) Unless the activity is covered by subpart B of this part, if it involves as subjects women who could become pregnant, the Board shall also determine as part of its review that adequate and appropriate steps will be taken to avoid involvement of women who are in fact pregnant (as evidenced by any of the presumptive signs of pregnancy, such as missed menses, or by a medically acceptable pregnancy test), when such activity would involve risk to a fetus.

2. Revising §§ 46.203(b) and 46.203(c) to read:

§ 46.203 Definitions.

• • • • •

(b) "Pregnancy" encompasses the period of time from confirmation of implantation (through any of the presumptive signs of pregnancy, such as missed menses, or by a medically acceptable pregnancy test), until expulsion or extraction of the fetus.

(c) "Fetus" means the product of conception from the time of implantation (as evidenced by any of the pre-

sumptive signs of pregnancy, such as missed menses, or a medically acceptable pregnancy test), until a determination is made, following expulsion or extraction of the fetus, that it is viable.

§ 46.204 [Amended].

3. Revising § 46.204(a) to read:

(a) One or more Ethical Advisory Boards shall be established by the Secretary. Members of these board(s) shall be so selected that the board(s) will be competent to deal with medical, legal, social, ethical, and related issues and may include, for example, research scientists, physicians, psychologists, sociologists, educators, lawyers, and ethicists, as well as representatives of the general public. No board member may be a regular, full-time employee of the Department of Health, Education, and Welfare.

• • • • •  
4. Deleting § 46.204(b) and redesignating §§ 46.204(c) through 46.204(e) as §§ 46.204(b) through 46.204(d).

5. Amending § 46.204(b), as so redesignated, by deleting the word "appropriate" wherever it occurs.

6. Amending §§ 46.209(a) and 46.209(b) to read:

§ 46.209 Activities directed toward fetuses ex utero, including nonviable fetuses, as subjects.

(a) Until it has been ascertained whether or not a fetus ex utero is viable, a fetus ex utero may not be involved as a subject in an activity covered by this subpart unless:

(1) There will be no added risk to the fetus resulting from the activity, and the purpose of the activity is the development of important biomedical knowledge which cannot be obtained by other means, or

(2) The purpose of the activity is to enhance the possibility of survival of the particular fetus to the point of viability.

(b) No nonviable fetus may be involved as a subject in an activity covered by this subpart unless:

(1) Vital functions of the fetus will not be artificially maintained,

(2) Experimental activities which of themselves would terminate the heartbeat or respiration of the fetus will not be employed, and

(3) The purpose of the activity is the development of important biomedical knowledge which cannot be obtained by other means.

[FR Doc. 78-662 Filed 1-10-78; 8:45 am]



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WEDNESDAY, JANUARY 11, 1978  
PART IV



DEPARTMENT OF  
HEALTH,  
EDUCATION,  
AND WELFARE

Office of Education

■

TEACHER CENTERS  
PROGRAM

Grant Requirements



[4110-02]

## Title 45—Public Welfare

## CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## PART 100a—DIRECT PROJECT GRANT AND CONTRACT PROGRAMS

## PART 197—TEACHER CENTERS PROGRAM

## Grants to Local Educational Agencies

AGENCY: Office of Education, HEW.  
ACTION: Final Regulation.

**SUMMARY:** This regulation implements Section 532 of the Higher Education Act of 1965, as amended and governs grants to local educational agencies to plan, establish, or operate teacher centers and to institutions of higher education to operate teacher centers. The regulation also governs compensation to State educational agencies for services under the program. The purpose of teacher centers supported under the program is to provide elementary and secondary school teachers with opportunities for training and curriculum development which meet their needs and enable them to serve better their students. Each teacher center is supervised by a teacher center policy board the majority of which is representative of elementary and secondary classroom teachers in the area to be served.

**EFFECTIVE DATE:** Under section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with its publication in the *FEDERAL REGISTER*. Section 431(d) provides that regulations subject to the section shall become effective on the 45th day following the date of transmission to the Congress, subject to the provisions in the section concerning congressional action and adjournment.

**FOR FURTHER INFORMATION, CONTACT:**

Dr. A. Bruce Gaarder, Regional Office Building No. 3, Room 5652, 7th and D Streets, SW., Washington, D.C. 20202. Telephone: 202-245-9786.

**SUPPLEMENTARY INFORMATION:****A. OVERVIEW OF THE PROGRAM AND REGULATION**

Section 532 of the Higher Education Act of 1965 (the Act), as enacted by Section 153 of the Education Amendments of 1976 (Pub. L. 94-482), authorizes the Commissioner of Education to make grants to local educational agencies to assist them in planning, establishing, and operating teacher centers. The statute also authorizes the Commissioner to make grants to institutions of higher education with ten

percent of the program's funds to operate teacher centers.

Section 532(a)(2) of the Act defines "teacher center" as a site which serves teachers from public and nonpublic schools of a State, or an area or community within a State, in which teachers, with the assistance of such consultants and experts as may be necessary, may develop and produce curricula, utilize research findings, and provide training to improve the skills of teachers to enable the teachers to meet better the educational needs of their students.

The regulation implements these provisions by broadly defining the term "site" in § 197.2, describing allowable activities of a teacher center in § 197.3(b), and clarifying the teacher center's obligation to serve nonpublic school teachers in §§ 197.3(a) and 197.9(a)(4). Section 197.3(d) of the regulation lists eligible categories of participants in teacher center activities. The teacher center policy board (described below) for a particular center decides which of the indicated categories of eligible participants in addition to regular, full-time elementary and secondary school teachers may participate in that center's activities.

A key innovative feature of the statute is its provision that each teacher center shall be operated under the supervision of a teacher center policy board, the majority of which is representative of elementary and secondary classroom teachers to be served by the center fairly reflecting the make-up of all schoolteachers, including special education and vocational education teachers. The statute also provides that the teacher center policy board shall include individuals representative of, or designated by, the school board of the local educational agency served by the center, and at least one representative designated by the institutions of higher education (with departments or schools of education) located in the area.

The regulation implements these statutory provisions in a number of sections. The board's authority for the center is broadly stated in a definition of the term, "supervision" in § 197.2 and by provisions in § 197.4(c) requiring the board to participate fully in the preparation of, and to approve, the application. With respect to the selection of teacher representatives constituting the majority of the board, § 197.2 defines "teacher" narrowly to include only regular, full-time classroom teachers engaged in teaching elementary or secondary school students, and § 197.4(b)(1)(i) indicates that the teacher representatives must fairly reflect the make-up of all teachers in the area to be served. Options for selecting teacher representatives are listed in § 197.4(b)(1)(ii). All of the op-

tions require that teachers generally, either directly or through their teachers' organization, nominate or select teacher representatives to the board.

Section 197.6 of the regulation sets aside ten percent of funds appropriated for the teacher centers program for grants to institutions of higher education. Section 197.5 indicates the difference between grants to local educational agencies to plan, establish or operate teacher centers and grants to institutions of higher education to operate teacher centers.

Under § 197.9 each applicant must submit its application through the State educational agency of the State in which the applicant is located. Only applications recommended by the appropriate State educational agency may be approved by the Commissioner. The statute also provides that the Commissioner shall ensure that there is adequate provision for the furnishing of technical assistance to, and dissemination of information derived from, each funded center. The State educational agency must be adequately compensated for its review and submission of applications, and its technical assistance and dissemination services.

Section 197.13 of the regulation sets aside ten percent of funds appropriated for the teacher centers program to compensate the State educational agencies for these services and indicates how the set aside will be distributed.

Section 197.7 of the regulation provides for the funding of multi-year projects, which generally will not exceed 36 months. A multi-year project receives an initial one-year grant, and continuation grants for the second or third year of the project are funded on a non-competitive basis, subject to a review of the project. One year projects, as well as multi-year projects, are eligible for funding.

Section 197.9 of the regulation sets forth application requirements for the program. The specific requirements call for information which the Commissioner needs to ensure that the applicant and project are eligible for funding and meet requirements in the statute and regulation and to evaluate applications on a competitive basis under the evaluation criteria in § 197.11.

Provisions on allowable and unallowable project costs are in § 197.8 of the regulation.

**B. SUMMARY OF MAJOR ISSUES**

A notice of proposed rulemaking for the teacher centers program, inviting public comment, was published in the *FEDERAL REGISTER* on June 13, 1977, and public hearings were conducted in Atlanta, June 21; New York City, June 22; San Francisco, June 27; and Chicago, June 29. During the 30-day period

of public comment, over 1,500 written suggestions and recommendations were received from interested persons and organizations. A summary of these comments and responses is included as an appendix to this document. The comments and responses are identified with the section number of the regulation to which they refer. They are presented in the numerical sequence of the regulation. In each case, a brief heading is used to identify the subject of the comment.

The following paragraphs discuss the major issues and how they are resolved.

1. *Payment of released time and substitutes.* Under the proposed regulation the use of grant funds to pay the cost of released time or substitutes to enable teachers to use the centers during working hours was allowable only in extraordinary circumstances and with prior approval of the Commissioner. This limitation on the use of Federal funds was intended to encourage voluntary teacher participation in the centers, to reduce each center's total cost, and thereby to permit funding of more centers. Public comment was overwhelmingly in favor of allowing each teacher center policy board to determine the extent to which Federal funds are used for released time and substitutes. The commenters' principal rationale was that teacher inservice training is too important to be limited to after school hours and that teachers should not be required to give up their free time to participate. The regulation (§ 197.8) makes the payment of released time or substitutes to permit teacher participation in the center's activities or in the teacher center policy board an allowable cost. To address the concern that these costs will require an excessive proportion of program funds, the criterion in § 197.11(g) is changed to consider the proportion of the budget represented by these costs.

2. *Authority and representativeness of the teacher center policy board.* The statute clearly gives the teacher center policy board responsibility for "supervising" the center, and this was reflected in the proposed regulation. However, public comment heavily favored increasing the authority of the teacher center policy board and assuring that the policy boards are closely representative of the teachers in the area to be served. On the other hand, there was significant comment to the effect that if policy boards are allowed to make policy and control the center's budgets, conflicts could arise between the policy boards and the school districts' boards of education. Since the intent of Congress is to give maximum control over the centers to the teachers to be served, the regulation (§ 197.4(b)) provides several optional methods for selecting the teach-

ers representatives who comprise the majority of the policy boards' members, including permitting the teachers' collective bargaining agent or the local teachers' organization with the largest membership to select teacher representatives. Each of the options requires that teachers generally, either directly or through their teachers' organization, nominate or select the teacher representatives on the board. Many commenters wanted the regulation to mandate that the only option for selection of teacher representatives is for the teachers' collective bargaining agent or teachers' organization to select them. While this is an acceptable option, to mandate this option alone would be over regulation by the Federal government. ( )

3. *Role of State educational agency.* Public commenters were sharply divided over the role of State educational agencies in the teacher centers program and the compensation for the State educational agencies' services. Commenters representing teachers and their organizations wanted the role and compensation sharply reduced; the State educational agencies and chief State school officers wanted the role expanded, on the grounds that the teacher centers program must become an integral part of the States' overall plans for inservice teacher education. The statute requires that State educational agencies review applications, make comments on the applications, and recommend each application that the State agency finds should be approved. In addition, the statute gives the State educational agencies the role of providing technical assistance to and disseminating information from funded centers. In order to insure that the maximum share of program funds goes for direct support of teacher centers, the one-seventh of total program funds, set aside as compensation for the State educational agency services in § 197.13(b) of the proposed regulation, is reduced to one-tenth in the final regulation.

4. *Grants to institutions of higher education.* Section 532(f) of the statute provides that up to ten percent of the total program funds may be expended directly by the Commissioner to make grants to institutions of higher education to operate teacher centers. The following issues have developed regarding implementation of section 532(f):

(a) *Setting aside the ten percent maximum for grants to institutions of higher education.* Under section 532(f), the Commissioner is authorized to decide the extent to which program funds will be used, up to the ten percent limit, to make grants to institutions of higher education. Section 197.6(a) of the proposed regulation announced the Commissioner's intention

to set aside the ten percent maximum for grants to institutions of higher education. Public comment on this issue was sharply divided. Some commenters suggested that institutions of higher education be required to compete with local educational agencies, subject to the ten percent ceiling. However, colleges and universities continue to play a vital role in the training of teachers. The Commissioner believes that the degree-granting and educational research roles of institutions of higher education, together with their cooperative relationships with State educational agencies in teacher training and certification, justify using the maximum set-aside authorized by the statute. Under § 197.6, the Commissioner sets aside the ten percent maximum for grants to institutions of higher education.

(b) *Submission of applications by institutions of higher education.* The proposed regulation in § 197.9 required that applications from institutions of higher education, like applications for local educational agencies, be submitted through the appropriate State educational agency. Most commenters representing institutions of higher education asserted that applications from such agencies should be submitted directly to the Commissioner. These commenters cited the following statutory language in section 532(f): " \* \* \* may be expended directly by the Commissioner to make grants to institutions of higher education \* \* \* ". Other commenters particularly those representing State educational agencies, supported the requirement that all applications, including those from institutions of higher education, be submitted to the appropriate State educational agency for review and screening before being submitted to the Commissioner.

While the statute is somewhat ambiguous on this point, the Commissioner interprets it to require that applications from institutions of higher education be submitted through the State educational agency. Section 532(f) of the Act provides that the Commissioner may make grant awards directly to institutions of higher education, in contrast to section 532(e), which authorizes institutions of higher education to participate only by contracting with a local educational agency which receives a grant from the Commissioner. Section 532(f) does not expressly address whether an application from an institution of higher education must be submitted through a State educational agency. It provides that the authority to make grants to institutions of higher education is "subject to the other provisions of this Section," which would include provisions for applications to be submitted through the State educational agency.

In requiring submission of applications by institutions of higher educa-



tion through the State educational agencies, the regulation reinforces the important role of the State educational agencies for providing technical assistance to, and disseminating information from, funded centers.

(c) *Definition of the term "operate."* Section 532(f) of the statute authorizes grants to institutions of higher education "to operate" teacher centers. This contrasts with the language in section 532(a)(1) which authorizes grants to local educational agencies "to assist such agencies in planning, establishing, and operating teacher centers." Section 197.5(b) of the proposed regulation gave effect to this difference in authorizing language by making institutions of higher education eligible for grants only if the teacher center would be in operation at the end of the grant period. Some commenters supported the proposed language in § 197.5(b). However, most commenters objected to the proposed language and argued that it would give no effect to the difference in authorizing language and would permit institutions of higher education to plan, establish, and operate new teacher centers. Most of the commenters wanted institutions of higher education eligible only for grants to operate centers which had already been planned and established using other resources. In response to the public comment and so as to follow more closely the statutory language, § 197.5(b) is changed to make institutions of higher education eligible only for grants "to operate" teacher centers. However, there is no evidence of congressional intent to limit eligibility to only those institutions of higher education which are already operating a teacher center. Under § 197.5(b), an institution of higher education is eligible for a grant "to operate" a new or proposed teacher center but, unlike a local educational agency, is not eligible for a grant to assist in planning or establishing the new center. Therefore, an institution of higher education must pay the cost of planning and establishing a new teacher center out of funds from sources other than the teacher centers program.

5. *Evaluation criteria.* Section 197.11 of the proposed regulation contained the criteria which the Commissioner proposed to use in evaluating applications for grants (except applications for continuation grants under § 197.7). Many commenters suggested additional criteria or recommended changing or deleting the proposed criteria. Several commenters asked for changes in the number of points assigned to each criterion. In general, the commenters recommended that more emphasis be given to the qualifications of the proposed teacher center staff, to measures for increasing the effectiveness of the teachers served, the effective

use of a "needs assessment" in planning the center's activities, and to the objectives of the proposed center. Most commenters felt that too much emphasis was placed on the degree of teacher participation and representation and not enough on the quality of the proposal and its potential to increase the effectiveness of the teachers served.

In response to the public comment, § 197.11 is changed to: (1) Increase the points assigned to the potential of the center to increase the effectiveness of the teachers served, in terms of the learning needs of their students; (2) increase (from 5 to 10) the points assigned to the extent to which the project objectives are sharply defined, clearly stated, and capable of being attained by the proposed procedures; (3) add a criterion on the extent to which Federal funds will support new or expanded activities rather than supporting activities which are already being paid for from other resources.

6. *Participation by teachers from non-public schools.* Section 532(a)(2) of the statute states that a teacher center "serves teachers, from public and non-public schools," and section 532(b) states that the majority of the members on the teacher center policy board shall be "representative of elementary and secondary classroom teachers to be served by such center." Section 197.3(a) of the proposed regulation implemented the statute by providing that a teacher center "serve teachers employed in both public and non-public schools (if non-public schools are located in the area to be served and choose to participate in the teacher center)."

Most commenters agreed with the regulatory requirement that non-public school teachers be served by a teacher center, but objected to representation of non-public school teachers as part of the classroom teacher majority on the teacher center policy board. One rationale was that teachers in many non-public schools are not required to meet the minimum standards for licensure and certification. These commenters also argued that section 532(b) of the statute does not specifically require that the teacher majority of the board include representation of non-public school teachers. Other commenters opposed the inclusion of teachers from segregated schools and academies among the majority members of the policy board or as beneficiaries of the center's services. One commenter recommended that the regulation be changed to allow only non-public schools accredited by the State educational agency to participate.

Reading section 532(a)(2) and section 532(b) of the statute together, the Commissioner in § 197.4 of the regulation interprets the statute to require

representation of non-public school teachers as part of the teacher majority on the policy board. Section 197.3(a) of the regulation recognizes that there may be no non-public schools in the areas to be served, or that the non-public schools in a service area may choose not to participate in a teacher center. Section 197.2 of the regulation is changed to add a definition of non-public school in response to the comments concerning participation by non-accredited or substandard private schools. Under Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d-2000d-4), teachers from institutions which discriminate on the basis of race, color, or national origin may not participate in or benefit from programs supported by Federal funds.

7. *Definitions of "teacher," designation of eligible participants.* In response to a large number of comments which recommended that the teacher center policy board be authorized to designate the categories of persons, in addition to elementary and secondary school classroom teachers, who may participate in the activities of a teacher center, the regulation distinguishes clearly between "teachers" who are eligible for membership in the teacher majority of the teacher center policy board, and all other eligible participants. In keeping with the statutory requirement, "teacher" is defined (§ 197.2) as only a regular, full-time classroom teacher engaged in teaching elementary or secondary school students, including a special education or vocational education teacher. On the other hand, to give each teacher center policy board (after it has been constituted) broad latitude for determining who, in addition to teachers, may participate in the center's activities, § 197.3(d) gives an inclusive list of eighteen categories of persons, any or all of whom may be designated by the policy board as additional categories of eligible participants. There was considerable comment urging that teachers on leave of absence be eligible for membership as part of the teacher majority of the policy board. This advice was not accepted, and the regulation reflects the congressional intent to vest "supervision," i.e., control and management of the centers, in those who are engaged full-time as teachers. The preponderance of public comment supported this position.

#### C. CITATIONS OF LEGAL AUTHORITY

As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)), a citation of statutory or other legal authority for each section of the regulation has been placed in parentheses on the line following the text of the section. References to "sec." in the citations of authority following provisions of the regulation refer to sections of the Higher Educa-

tion Act of 1965, as amended by section 153 of the Education Amendments of 1976, Pub. L. 94-482. If the citation uses the word "interprets," the regulation provisions included an interpretation of the cited statutory provision. If the citation uses the word "implements," the regulation provisions include rules deemed necessary to implement the statute.

*Authority.* This regulation is issued under Title V-B, section 532 of the Higher Education Act of 1965 as enacted by section 153 of the Education Amendments of 1976, Pub. L. 94-482, 20 U.S.C. 1119a.

*NOTE.*—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalogue of Federal Domestic Assistance Number: 13.416 Teacher Centers Program.)

Dated: October 13, 1977.

ERNEST L. BOYER,  
Commissioner of Education.

Approved: January 3, 1978.

JOSEPH A. CALIFANO, Jr.,  
Secretary of Health,  
Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended as follows:

#### § 100a.16 [Amended]

1. In Part 100a, § 100a.16(a) is amended by adding a new subparagraph (40), which reads as follows:

(a) \* \* \*

(40) Teacher Centers grants under section 532, Title V-B of the Higher Education Act of 1965, as amended (20 U.S.C. 1119a).

2. A new Part 197 is added to read as follows:

- Sec.
- 197.1 Scope and purpose.
- 197.2 Definitions.
- 197.3 Elements of a teacher center.
- 197.4 Teacher center policy board.
- 197.5 Categories of financial assistance.
- 197.6 Distribution of funds.
- 197.7 Project duration.
- 197.8 Allowable and unallowable costs.
- 197.9 Application requirements.
- 197.10 Review of applications by State educational agencies.
- 197.11 Evaluation criteria.
- 197.12 Right of appeal.
- 197.13 Compensation to State educational agencies.

*Authority:* Sec. 532, Title V-B, Higher Education Act of 1965, as amended (20 U.S.C. 1119a).

#### § 197.1 Scope and purpose.

(a) *Scope.* (1) This part applies to the teacher centers program authorized under section 532 of Title V-B of the Higher Education Act of 1965, as amended by Pub. L. 94-482.

(20 U.S.C. 1119a.)

(2) Each grant under this part is subject to applicable provisions contained in the general provisions regulations of the Office of Education (Parts 100 and 100a of this chapter), except that the criteria in § 100a.26(b) do not apply to applications under this part.

(b) *Purpose.* The purpose of the teacher centers program is to meet the professional needs of teachers as defined by teacher center policy boards, thus enabling teachers to meet better the educational needs of their students, by—

(1) Providing financial assistance to local educational agencies for planning, establishing, and operating teaching centers; and

(2) Providing financial assistance to institutions of higher education for operating teacher centers.

(Implements Sec. 532, 20 U.S.C. 1119a; Sen. Rep. 94-882, p. 37 (1976).)

#### § 197.2 Definitions.

As used in this part:

"Act" means section 532 of the Higher Education Act of 1965, as enacted by Pub. L. 94-482.

(Sec. 532, 20 U.S.C. 1119a.)

"Institution of higher education" means an educational institution as defined in section 1201(a) of the Higher Education Act of 1965 as amended.

(Sec. 1201(a), 20 U.S.C. 1141(a).)

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administration control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(Sec. 1201(g), 20 U.S.C. 1141(g).)

"Non-public school" means a non-profit elementary or secondary school operated or controlled by other than a public authority, and which is licensed or approved by the State in which it is located or attendance at which satisfies applicable State compulsory school attendance laws.

(Interprets Sec. 532(a)(2), 20 U.S.C. 1119a(a)(2).)

"Site" means the location or locations where the curriculum development and training activities of the teacher center take place.

(Interprets Sec. 532(a)(2), 20 U.S.C. 1119a(a)(2).)

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(Sec. 1201(h), 20 U.S.C. 1141(h).)

"Supervision" means the setting of policy and any appropriate managerial or supervisory activities not prohibited by State or local law (e.g., the employment of operating staff, consultants or experts, budgeting and expenditure of funds, and the formulation of recommendations for subcontracting to secure technical and other kinds of assistance).

(Interprets Sec. 532(b), 20 U.S.C. 1119a(b).)

"Teacher" means only a regular, full-time classroom teacher engaged in teaching elementary or secondary school students, including a special education or vocational education teacher.

(Interprets Sec. 532(b), 20 U.S.C. 1119a(b).)

#### § 197.3 Elements of a teacher center.

A teacher center must have all of the following elements:

(a) *Area served.* It serves teachers employed in both public and non-public schools (if non-public schools are located in the area to be served and choose to participate in the teacher center) of—

(1) A portion of single school district;

(2) An entire school district;

(3) Any number of school districts in a State short of the total number of districts; or

(4) An entire State.

(b) *Activities.* The teachers it serves are afforded the opportunity to—

(1) Develop and produce curricula (including the modification or adaptation of existing curricula) designed to meet the educational needs of the students served by the teachers;

(2) Use educational research findings or new or improved methods, practices, and techniques in the development of the curricula;

(3) Provide training designed to—

(i) Enable the teachers to better meet the special educational needs of the students they serve (including training to enable teachers to implement effectively specific curricula); and

(ii) Familiarize the teachers with developments in curriculum and educational research, including the use of research to improve teaching skills.

(Sec. 532(a)(2), 20 U.S.C. 1119a(a)(2).)

(c) *Grantee.* The teacher center is operated by a local educational agency, an institution of higher educa-



tion, or a combination of these agencies and/or institutions.

(Sec. 532(a)(2), 20 U.S.C. 1119a(a)(2))

(d) **Eligible participants.** In addition to teachers, as defined in § 197.2, the persons to be served by the teacher center may be determined by the teacher center policy board to include paraprofessionals, teacher aides, preschool teachers, teachers of adults below the college level, counselors, principals, other administrators, supervisors, curriculum specialists, librarians, media specialists, elementary and secondary school students, the parents of elementary and secondary school students, substitute teachers, part-time teachers, teachers who are unemployed or former teachers employed in other capacities who intend to return to teaching, and intern teachers assigned to teach in a school where the teachers are being served by a teacher center assisted under the Act.

(Interprets Sec. 532(a), 20 U.S.C. 1119a(a))

#### § 197.4 Teacher center policy board.

(a) **Composition.** Each teacher center must be operated under the supervision of a teacher center policy board composed as follows:

(1) The majority of the members of the policy board shall be representative of all the teachers in the area to be served by the center, including teachers who provide special education for handicapped and exceptional children, and teachers of vocational education.

(2) The policy board must include two or more persons representative of, or designated by, the school board(s) of the local educational agency (or agencies) served by the center.

(3) The policy board must also include at least one representative designated by the institution (or institutions) of higher education (with departments or schools of education) in the area to be served by the center.

(4) If the area to be served includes more than one local educational agency or more than one institution of higher education with a department or school of education, each such agency or institution must be represented on the teacher center policy board under subparagraphs (2) or (3). A person designated to the teacher center policy board under subparagraph (2) may represent more than one school board, and a person designated to the teacher center policy board under subparagraph (3) may represent more than one institution of higher education.

(b) **Representativeness.** (1) Each grantee must assure that the majority of the board is representative of teachers by—

(i) Making the categories of teachers (e.g., vocational education teachers, special education teachers, and other

teachers at both elementary and secondary levels) fairly reflect the categories of teachers in the area to be served, including equitable representation of non-public school teachers (if there are non-public schools in the area to be served which choose to participate in the teacher center); and

(ii) Selecting the teacher members composing the majority of the board by one of the following options:

(A) Agreement between the local educational agency and the teachers' collective bargaining agent as to the specific teacher representatives or as to the procedures for selecting the teacher representatives;

(B) Appointment of the teacher representatives by the teachers' collective bargaining agent;

(C) Appointment of the teacher representatives by the teachers' organization with the largest number of members;

(D) Voting in which all teachers in the area to be served by the center have an opportunity to participate, either through a general or school-by-school election;

(E) Another method which permits teachers generally, either directly or through their teachers' organization, to nominate or select the teacher representatives on the board; or

(F) A combination of two or more of the options in clauses (A) through (E) of this subdivision.

(2) The options described in subparagraph (1)(ii) of this paragraph apply both to teacher centers serving teachers within a single local educational agency and to centers serving teachers in more than one local educational agency.

(3) In the case of a teacher center serving an entire State, in addition to the options under subparagraph (1)(ii) of this paragraph, the teacher members composing the majority of the board can be appointed by one or more State-level teachers' organizations.

#### § 197.5 Categories of financial assistance.

The Commissioner makes grants of financial assistance—

(a) To local educational agencies to plan, establish, or operate teacher centers.

(b) To institutions of higher education to operate teacher centers. Grant funds may not be used by an institution of higher education to plan or establish a teacher center, but may be used to operate a center planned and established with other funds before or after the grant is made.

(Interprets Sec. 532(f), 20 U.S.C. 1119a(f).)

#### § 197.6 Distribution of funds.

(a) The Commissioner sets aside ten percent of the amount appropriated under the teacher centers program to

fund applications from institutions of higher education to operate teacher centers: *Provided*, That there are sufficient applications from institutions of higher education which receive the 50 point minimum to be considered for funding under the evaluation criteria in § 197.11

(Interprets Sec. 532(f), 20 U.S.C. 1119a(f).)

(b) After setting aside funds for grants to institutions of higher education under paragraph (a) of this section and funds for compensating State educational agencies for their functions under § 197.13, the Commissioner uses the remaining funds for grants to local educational agencies under § 197.5(a).

(c) In the case of a joint grant to a combination of one or more institutions of higher education and one or more local educational agencies, the amount of the grant charged to the 10 percent setaside for institutions of higher education is determined—

(1) According to the amount budgeted in the approved application for institutions of higher education; or

(2) If separate amounts for applicants are not budgeted in the application, according to the ratio of institutions of higher education to all recipients of the grant.

(Implements Sec. 532(a)(1), 20 U.S.C. 1119a(a)(1).)

#### § 197.7 Project duration.

(a) The Commissioner approves projects under this part for a specified project period which generally will not exceed 36 months, subject to the availability of funds.

(b) An applicant for assistance may project its goals and activities over a period of up to three years. Approval of a multi-year project is intended to offer the project a reasonable degree of stability over time and to facilitate additional long range planning.

(c) An application proposing a multi-year project must be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year.

(d)(1) Subject to the availability of funds, an application for assistance to continue a project during the project period will be reviewed on a non-competitive basis to determine—

(i) If the grantee has complied with the award terms and conditions, the Act, and applicable regulations, and

(ii) The effectiveness of the project to date in terms of progress toward its goals, or the constructive changes proposed as a result of the ongoing evaluation of the project.

(2) In the case of an application to establish or operate a teacher center which would continue a prior planning

grant, the Commissioner, in reviewing the application on a non-competitive basis, also considers the evaluation criteria under § 197.11.

(Implements Sec. 532; 20 U.S.C. 1119a.)

#### § 197.8 Allowable and unallowable costs.

(a) Allowable costs under grants to local educational agencies or institutions of higher education under the teacher centers program include—

(1) Personnel costs related to the management of the centers;

(2) Services of consultants and experts;

(3) Service contracts, including service contracts with institutions of higher education;

(4) Released time or payment for substitutes to enable teachers to participate in activities of the teacher center;

(5) Expenses of the teacher center policy board, including payment of released time or substitutes to enable its teacher members to participate in activities of the board, but not including the expenses of preparing an application for a grant under the teacher centers program; and

(6) Other direct and indirect costs incurred by the grantee in carrying out its approved plan of operation, subject to the applicable cost principles set forth in the appendices to subchapter A of this chapter.

(Sec. 532(a)(2) and (e), 20 U.S.C. 1119a(a)(2) and (e).)

(b) The following are not allowable costs:

(1) Construction of facilities; and

(2) Remodeling of facilities.

(Implements Sec. 532(a)(2) and (e), 20 U.S.C. 1119a(a)(2) and (e), 20 U.S.C. 1221(a).)

#### § 197.9 Application requirements.

The Commissioner awards a grant to an eligible local educational agency or institution of higher education only if the applicant submits an application to the Commissioner through the State educational agency of the State in which the applicant is located.

(a) Each application must include:

(1) Designation of the specific area, school district(s), and schools, both public and non-public, to be served by the center;

(2) Documentation that a teacher center policy board—

(i) Has been established, including information on the membership of the board and the method of its selection, and

(ii) Has participated fully in the preparation of the application and has approved it as submitted;

(3) A statement of the means for assuring equitable participation by non-public school teachers on the teacher center policy board and in receiving

the center's services, or documentation that there is no non-public school in the area to be served, or that non-public schools in the area to be served have chosen not to participate.

(4) A one-page abstract of the proposed project;

(5) A plan of operation which must include—

(i) A statement of the special educational needs of the students to be served by teachers participating in the center, and an explanation of how those needs were determined;

(ii) Information which provides a basis for evaluating the application under each of the criteria in § 197.11. Failure of an application to contain information responding to a particular criterion in § 197.11 will mean that the applicant will not earn points attached to that criterion.

(b) With respect to applications to operate an existing teacher center, the application, in addition to meeting the requirements in paragraph (a) of this section, must contain the following:

(1) A description of the activities of the center during the preceding year and the cost thereof;

(2) Identification of the sources of funding of the center during the preceding year; and

(3) A statement of the kinds of activities that will be undertaken to improve the existing center by use of the Federal assistance requested.

(Implements Sec. 532, 20 U.S.C. 1119a.)

(c) An institution of higher education shall include in its application, in addition to the other applicable information required by paragraphs (a) and (b) of this section, evidence that arrangements have been made with those local educational agencies with teachers to be served by the project for the participation of the teachers in center activities and in the activities of the teacher center policy board.

(Implements Sec. 532(f), 20 U.S.C. 1119a(f).)

#### § 197.10 Review of applications by State educational agencies.

The Commissioner will not approve an application unless:

(a) The State educational agency of the State in which the applicant is located has reviewed the application, made comments thereon, recommended, that the application be approved, and transmitted the application to the Commissioner for approval; and

(b) The appropriate State educational agency has given an assurance that it will provide technical assistance to each center, and will adequately disseminate information derived from the center, including information on how the State educational agency will carry out the technical assistance and dissemination and a projected budget for those activities.

(Implements Sec. 532(d), 20 U.S.C. 1119a(d).)

#### § 197.11 Evaluation criteria.

Applications for grants (except applications for continuation grants under § 197.7) are evaluated by the Commissioner on the basis of the criteria in this section. Each criterion will be weighted as indicated, with the total for all criteria being 100 points. An application must receive a minimum of 50 points to be considered for funding. In evaluating an application, the Commissioner considers:

(a) The extent of the teacher center policy board's authority and responsibility for supervision of the project (10 points).

(b) The potential of the proposed teacher center for increasing the effectiveness of the teachers served, in terms of the learning needs of their students (20 points).

(c) The soundness of the proposed plan of operation, including consideration of the extent to which—

(1) The objectives of the proposed projects are sharply defined, clearly stated, and capable of being attained by the proposed procedures (10 points); and

(2) The adequacy of provisions for reporting of the effectiveness of the project and dissemination of its results, and for determining the extent to which the objectives are accomplished (10 points).

(d) The appropriateness of size, scope, and duration of the project so as to secure productive results (5 points).

(e) The adequacy of qualifications and experience of personnel designated to carry out the proposed project (5 points).

(f) The adequacy of the facilities and resources (5 points).

(g) The reasonableness of estimated cost in relation to anticipated results, including the proportion of the budget represented by costs for released time or substitutes (5 points).

(h) The potential of the teacher center to impact upon and improve the grantee's overall program of inservice training for teachers (15 points).

(i) The representativeness of the teacher center policy board under § 197.4(b) (10 points).

(j) The extent to which Federal funds will support new or expanded activities rather than supporting activities which are already being paid for from other resources (5 points).

(Implements Sec. 532, 20 U.S.C. 1119a.)

#### § 197.12 Right of appeal.

Any local educational agency or institution of higher education that is dissatisfied with the recommendation of the State educational agency regarding its application under the teacher centers program may petition



the Commissioner to request further consideration of the application by the State educational agency.

(Sec. 532 (c)(2) and (f), 20 U.S.C. 1119a (c) (2) and (f).)

#### § 197.13 Compensation to State educational agencies.

(a) The Commissioner compensates State educational agencies for the cost of the following services performed in connection with the teacher centers program:

(1) Reviewing applications and providing comments thereon.

(2) Submitting of recommended applications to the Commissioner.

(3) Providing technical assistance to funded centers. Allowable technical assistance expenses of the State educational agency may include consultative services rendered at the teacher center site, workshops and conferences to provide information to centers (including an exchange of information among teacher centers), and activities of the State educational agency to obtain information incidental and necessary to the provision of technical assistance to funded centers in its State.

(4) Disseminating information resulting from activities of funded centers.

(Sec. 532 (c) and (d), 20 U.S.C. 1119a (c) and (d).)

(b) The Commissioner sets aside one-tenth of the amount appropriated for the teacher centers program for the compensation of State educational agencies, which sum will be disbursed according to the following stipulations:

(1)(b) Compensation for the combined services noted in subparagraphs (1) and (2), of paragraph (a) of this section is at a rate per application set by the Commissioner not to exceed prevailing rates for similar services.

(2) The remainder of the sum reserved for State educational agencies is made available to carry out functions described in subparagraphs (3) and (4) of paragraph (a) of this section.

(3) A State educational agency is compensated for the technical assistance it provides to, and the dissemination of information from, each funded teacher center in an amount for each center no more than that which bears the same ratio to the total funds available for these functions as the amount of the grant award to the teacher center bears to the total funds awarded to teacher centers in the fiscal year.

(Implements Sec. 532(d); 20 U.S.C. 1119a (d).)

#### APPENDIX

##### SUMMARY OF COMMENTS AND RESPONSES

The comments which follow came from (1) telephone conversations between interested persons and members of the Office of Education staff, (2) correspondence (nearly 300 separate letters including approximately 1500 specific recommendations), (3) personal visits by interested persons to the Office of Education, and (4) four public hearings (held in Atlanta, New York City, San Francisco, and Chicago) to elicit comments on the proposed regulation for the teacher centers program. Duplication and overlapping of comments made it possible to consolidate many recommendations and responses. The public comment and advice was very rewarding and has resulted in several significant changes in the regulation. The headings used in this summary merely suggest the subject of the comments and do not appear in the regulation. The section numbers are those of the corresponding sections of the regulation.

#### § 197.1 Waiver of the regulation.

**Comments.** A commenter recommended that the regulation include a provision for waiving the regulation (i.e., exempting applicants and grantees from compliance with the regulation) under extraordinary circumstances which might arise. In these cases, the applicant would have to justify the need for the waiver to the Commissioner's satisfaction.

**Response.** No change is made in the regulation. A provision in the General Provisions Regulations of the Office of Education prohibits waivers of Office of Education regulations, including this one (45 CFR 100a.483). The prohibition of waivers is based largely on the Commissioner's concern for ensuring fair and uniform application of rules to all applicants and grantees. The issue of providing for waivers of grant regulations is being considered on a Department-wide basis. A proposed Departmental regulation providing for waiver of non-statutory requirements in limited circumstances was published in the FEDERAL REGISTER December 6, 1976 (41 FR 53411). It is possible that, because of this broader examination of the waiver issue, a final regulation may be issued on waivers applicable to the teacher centers program as well as other Department grant programs. However, pending the outcome of this examination, it is not appropriate that waivers be provided for in a particular program regulation.

#### § 197.1 Need for approval of the application by the applicant.

**Comment.** A commenter asked whether an application prepared by a teacher center policy board can be submitted for review and evaluation even if it is not approved by the local educational agency.

**Response.** An application cannot be reviewed or evaluated if it has not been signed and submitted formally by the proper authority. Under the statute, only local educational agencies and institutions of higher education are eligible to apply.

#### § 197.1 Elimination of participation by institutions of higher education.

**Comment.** A few commenters urged that the participation of institutions of higher education as grantees be minimized. Some wanted the participation of institutions of higher education eliminated entirely. Others suggested that institutions of higher education be required to compete with local

educational agencies, subject to the ten percent ceiling in the statute. A justification given was that the statute gives the Commissioner discretion to use up to ten percent of the total program funds to make grants to institutions of higher education. The commenters reasoned that colleges and universities already have substantial funds for teacher training and have clearly demonstrated their capabilities in this area. Other commenters commended the decision to set aside the full ten percent for these institutions on grounds not only of fairness to institutions that have figured so crucially in the development of education in this country, but also because of the indispensable role they must continue to play in the training of teachers.

**Response.** No change is made in the regulation. The Commissioner is authorized to decide the extent to which program funds will be used, within the ten percent limit, to make grants to institutions of higher education to operate teacher centers. The principle thrust of the statute is to give teachers a larger voice in determining their own professional needs. However, colleges and universities will continue to play a vital role in the training of teachers at all levels. The degree-granting and educational research roles as well as the cooperative relationship they have with State departments of education in teacher training and certification justify using the maximum set-aside authorized by the statute. Since the majority of members of the policy board under a grant to a university or college must be representative of the teachers (as defined in § 197.2) in the area to be served, such a center may provide an opportunity for direct communication between teachers and preservice teacher education that has not existed before.

#### § 197.2 Preference for one site over another.

**Comment.** A commenter asked if the regulation gives a preference to "school sites" or to "teacher centers" located away from schools as places where the staff development takes place. Another commenter wanted the regulation to define "site" as the school(s) where the participants work.

**Response.** No change is made in the regulation. The definition of "site" (the location or locations where the curriculum development and training activities of the teacher center take place) does not give a preference and leaves the determination of the location or locations to be used to the teacher center policy board.

#### § 197.2 Curriculum a prerogative of the State and local authorities.

**Comment.** Several commenters saw potential conflict between the curriculum development in teacher centers and the fact that determination of the schools' curriculum is a prerogative of the State and local educational agencies in the context of State and local law. These commenters asked for clarification of this issue.

**Response.** No change is made in the regulation. The regulation is intended to resolve this issue by defining "supervision", in § 197.2, as "... the setting of policy and any appropriate managerial or supervisory activities not prohibited by State or local law ..."

The definition thus permits the persons served by the center to "develop and produce curricula" (as mandated in the statute). The activities of the policy board, however, or of the persons served by the center

may, of course, not exceed the limits prescribed by State or local law. This is not considered to be an appropriate issue for further regulation by the Commissioner.

#### § 197.2 Meaning of "supervision."

**Comment.** A commenter asked for further clarification of the term "supervision" as it relates to the functions of the teacher center policy board. More specifically, this commenter advised that the policy board (or the school district authorities) select and employ the director of the center and that the director (rather than the policy board as a whole) employ other persons whose services might be needed. Another commenter wanted "supervision" defined to include only matters which are not the responsibility of the local school board.

**Response.** No change is made in the regulation. The regulation does not limit the policy board's authority beyond the restrictions set by local and State law. The definition of "supervision" in § 197.2 does not preclude selection and employment of the center's director (if there is to be one) by the policy board and subsequent employment of other persons needed to staff the center by that director.

#### § 197.2 Eligibility of community colleges.

**Comment.** One commenter requested that the regulation clarify whether a community college is eligible to apply as a local educational agency or as an institution of higher education. Another commenter wanted the regulation to specify that only accredited institutions of higher education could apply for assistance.

**Response.** A community college would be eligible to apply for assistance as an institution of higher education, provided it meets the definition of "institution of higher education" in section 1201(a) of the Higher Education Act, as amended. The regulation is changed to add the statutory definition. As is noted in another response, a community college would have to be accredited to be an institution of higher education, unless it meets exceptions specified under the definition. Community colleges as such would not be eligible as local educational agencies, but it is possible that a particular community college might establish that it comes within the definition of a local educational agency. For example, it might show that it is a public authority legally constituted within a State to perform a service function for public elementary and secondary schools.

#### § 197.2 Definition of "teacher."

**Comment.** A commenter wanted the definition of teacher changed to state, "Teacher means any person who is certified where required and a major part of whose time is spent in direct contact with students, or who performs allied work which results in the placement of the person on the local salary schedule for teachers." Another commenter wanted "teacher" defined to include paraprofessionals, guidance counselors, and others doing supportive work, as well as teachers on leave of absence from teaching jobs who may be serving as officials in teacher organizations. Both of these commenters wanted their respective, recommended definitions to apply both to members of the classroom teacher majority of the policy board and to the eligibility of persons participating in the center's activities. Another commenter wanted kindergarten teachers to be included specifically in the definition; still another wanted "specialist"

teachers and "teaching staff" added to the definition.

**Response.** "Teacher" is narrowly defined in § 197.2 to include only regular full-time classroom teachers engaged in teaching elementary or secondary school students. This definition applies primarily for purposes of determining who may be considered a teacher under the statutory requirement that the majority of the teacher center policy board must be "representative of elementary and secondary classroom teachers to be served by such center fairly reflecting the make-up of all schoolteachers, including special education and vocational education teachers." However, language limiting the applicability of the definition is deleted from § 197.2, with the effect that the definition applies to the word "teacher" throughout the regulation. This change should clarify the regulation. The narrow definition of teacher derives directly from the statutory reference to "elementary and secondary classroom teachers." The definition does not include paraprofessionals, counselors, or other support staff, nor does it include teachers on leave of absence, unemployed teachers, or substitute teachers. These categories of persons could serve on the teacher center policy board, but they could not be counted as part of the majority of "classroom teachers." To count them as part of the majority would dilute the legislated majority of "classroom teachers." The definition would include regular kindergarten teachers, if kindergarten is considered as part of elementary school education under State law. Section 197.3(d) of the regulation is changed to broaden the categories of persons eligible to participate in teacher center activities. This is more fully discussed below under the heading § 197.3 Persons to be served by a center.

#### § 197.2 Eligibility of institution of higher education laboratory schools to apply for assistance.

**Comment.** A commenter asked whether "laboratory schools," attached to colleges or universities, are eligible to apply as local educational agencies for assistance to operate teacher centers. Another commenter requested that laboratory schools not be considered local educational agencies.

**Response.** A "laboratory school," attached to a college or university, is not eligible to apply for assistance as a local educational agency unless it establishes that it meets the definition of a local educational agency, for example, that it is a public institution having administrative control and direction of a public elementary or secondary school. Laboratory schools attached to colleges and universities do not generally operate as public elementary or secondary schools; and therefore, they would not generally be eligible as local educational agencies. A laboratory school could participate as part of an institution of higher education in developing an application submitted by the institution of higher education. Teachers from both public and non-public laboratory schools in the area to be served would have the opportunity to be served by the center.

#### § 197.2 Eligibility of regional educational service agencies as local educational agencies.

**Comment.** A commenter requested that the regulation be changed to allow regional educational service agencies or intermediate units to apply as local educational agencies.

**Response.** No change is made in the regulation. The definition of local educational

agency in § 197.2 is taken directly from the Higher Education Act. It would include particular regional educational service agencies and intermediate units if they are a public authority legally constituted to perform a service function for public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are regional in a State as an administrative agency for its public elementary or secondary schools.

#### § 197.2 Eligibility of State agencies other than State educational agencies to apply for assistance.

**Comment.** A commenter requested that the definition of local educational agency in § 197.2 include those State agencies which are not part of or controlled by the State educational agency, but which nevertheless provide elementary and secondary education to special classes of students.

**Response.** No change is made in the regulation. State agencies other than State educational agencies may apply for assistance if they can establish that they have, under State law, "administrative control and direction of a public elementary or secondary school."

#### § 197.2 Eligibility of Indian tribal organizations.

**Comment.** A commenter requested that the regulation be clarified to define Indian tribal organization as eligible applicants.

**Response.** The statute limits eligibility to "local educational agencies" and "institutions of higher education." Both entities are defined for purposes of the teacher centers program in section 1201 of the Higher Education Act. Indian tribal organizations, as such, do not come within these definitions. On the contrary, when Congress has intended to make Indian tribal organizations eligible under education assistance statutes, it has done so expressly. For example, in Title VII of the Elementary and Secondary Education Act (the Bilingual Education Act) and in the Indian Elementary and Secondary School Assistance Act, Title III of Pub. L. 81-874, local educational agencies are made eligible and additional language is used to make Indian tribal organizations eligible as well. These statutes and their legislative histories indicate the understanding of the Congress that the term "local educational agency" does not, without more specific language, include Indian tribal organizations. While Indian tribal organizations therefore are not generally eligible, particular tribal organizations may qualify as local educational agencies if they are constituted under a particular State's law to administer or control or to perform a service function for a public elementary or secondary school.

#### § 197.2 Definition of technical assistance.

**Comment.** Several commenters asked that the term "technical assistance" be defined in the regulation.

**Response.** A definition of "technical assistance" is not added to § 197.2. However, § 197.13(a)(3) is changed to indicate the scope of technical assistance activities by the State educational agency.

#### § 197.3 Persons to be served by a center.

**Comment.** Many commenters objected to the limitations in § 197.3(d) regarding categories of persons to be served by a teacher center. Some recommended the specific inclusion of certain additional categories, such



as counselors, paraprofessionals, principals, administrators, supervisors, public school teachers assigned to teach adults only, teachers on leave of absence who may be officials of teachers' organizations, parents who assist with the program of instruction, librarians, and college faculty. Other commenters strongly supported the inclusion of teachers from non-public schools among those to be served by the centers. Other commenters wanted the teacher center policy board to have full authority to determine what categories of persons are eligible to be served by a center. Their rationale was that any person who is a teacher or who is cooperating with a teacher to improve a school's effectiveness should be eligible to participate in a teacher center's activities, and that the policy board is in the best position to make decisions in this matter. One commenter was concerned that inclusion of "non-professional people— aides and paraprofessionals—as teachers, diluted the voice of the real teachers." Another commenter felt that administrators and supervisors should be excluded. One large group of commenters wanted school administrators included specifically as eligible to participate in the center's activities, and recommended that their participation not be an option of the teacher center policy board.

**Response.** Section 197.3(d) of the regulation is changed to broaden the categories of eligible participants in center activities. A teacher center may serve paraprofessionals, teacher aides, pre-school teachers, teachers of adults below the college level, counselors, principals, other administrators, supervisors, curriculum specialists, librarians, media specialists, elementary and secondary school students, the parents of elementary and secondary school students, substitute teachers, part-time teachers, teachers who are unemployed or former teachers employed in other capacities who intend to return to teaching, and intern teachers assigned to teach in a school where the teachers are being served by a teacher center assisted under the Act. While the statute describes a teacher center only as a site which serves "teachers," it does not expressly preclude the participation of others. Some of the categories of persons added (such as substitute and part-time teachers, teacher aides, and counselors) may come within a broad definition of the term "teacher." The other categories of persons (such as principals and parents) are made eligible because their participation may be instrumental to the success of the teacher center program and to the subsequent implementation of the curriculum developed. The teacher center policy board has the flexibility to include these persons as participants, and § 197.3(d) provides that the teacher center policy board decides which, if any, of these categories beyond regular elementary and secondary classroom teachers may participate in a particular center's activities. These changes in the regulation do not "dilute the voice of regular classroom teachers" because only regular, full-time classroom teachers may compose a majority of the teacher center policy board, which determines the categories of eligible participants. On the other hand, the statute does not provide a basis for requiring that each center serve these categories of persons beyond regular elementary and secondary classroom teachers. Also, while postsecondary faculty members may be used as consultants or experts to assist the center's activities, they are not eligible to receive the

center's services. The teacher centers program's purpose is to serve teachers at the elementary and secondary levels, not postsecondary teachers.

#### § 197.3 Access to teacher centers.

**Comment.** Several commenters felt that the size of a teacher center should be limited by regulation to ensure that all centers supported by Federal funds would provide easy access to the local teachers to be served.

**Response.** Section 532(a)(2) of the statute specifically provides that a center may serve teachers from an entire State. The Commissioner may not by regulation forbid this option.

#### § 197.3 Clarification of the term "area."

**Comment.** A commenter was confused by definition of "area" in § 197.2 and the use of the same word in § 197.3(a). Another commenter asked who determines the area to be served by a center.

**Response.** The definitions of "area" and "community" in § 197.2 are deleted, and § 197.3(a) is changed to clarify this matter. Under § 197.3(a), the applicant and the teacher center policy board decide the extent of the area to be served by the center. It may be (1) a portion of a single school district, (2) an entire school district, (3) any number of school districts in a State short of the total number of districts, or (4) the entire State.

#### § 197.3 Courses for graduate school credit.

**Comment.** Several commenters urged that the regulation specifically permit teacher centers to organize inservice training courses for which graduate school credit may be granted.

**Response.** No change is made in the regulation. Nothing in the regulation prevents the teacher center policy board from cooperating with credit-granting institutions and organizing courses or any other kind of appropriate training with or without credit.

#### § 197.3 Retraining of teachers to meet changing personnel needs.

**Comment.** A commenter wanted the regulation to make it clear that a federally-supported teacher center could be used to provide retraining for teachers who teach subjects for which there are declining enrollments, to enable them to teach in other fields where the demand for teachers is greater.

**Response.** No change is made in the regulation because, under § 197.3(b), the kind of retraining described by the commenter is clearly allowed.

#### § 197.3 Teacher center staff.

**Comment.** Numerous comments were received regarding the teacher center staff. One commenter urged that the regulation require that the center's director be a full-time teacher. Another felt that the staff ought to be made up wholly of teachers. One commenter felt that the local administrators who are "held accountable for the quality of instructional programs," should work on a "fifty-fifty basis" with local teachers. One writer recommended that the use of college professors as staff be minimized; another encouraged heavy use of college faculty, especially in the subject matter areas. Many commenters recommended maintaining considerable flexibility in staff composition with a constantly changing mix of school and college personnel, depending on the changing needs of the centers.

**Response.** To avoid over-regulation and not limit the flexibility of teacher centers policy boards in serving the diverse needs of teachers, decisions regarding composition of the teacher center staff are left to the discretion of the applicant agency and the teacher center policy board.

#### § 197.3 Program of activities of the teacher center.

**Comment.** Although not relating to a specific section in the regulation, there were numerous recommendations regarding the substantive programs of teacher centers. Many commenters urged that training programs be based upon needs assessments. Others called for programs to be determined totally by teachers. One commenter called for focusing on "teacher's needs as perceived by teachers." Still another commenter felt that programs should not be limited to inservice education. Another felt that teachers should share the responsibility for determining training needs with the administrators and supervisors "who are responsible for the quality of local programs." Still another called for giving emphasis to "exchanging educational strategies and/or curriculums with colleagues with similar classroom needs and programs." Other commenters stated that to preclude State participation in determining training priorities would ignore the State's responsibility, and in some cases violate State law. One commenter urged that teacher centers meet local needs that "might not necessarily be related to the social aims of the Office of Education priorities which are based upon public opinion of needs."

**Response.** No change is made in the regulation. The substance of teacher center programs and center activities should be determined by the applicant and the teacher center policy board, within the limits of State and local law, and within the scope of the activities described in § 197.3(b).

#### § 197.3 Objection to emphasis on research.

**Comment.** Several commenters objected to what they perceived as over-emphasis on research in § 197.3(b)(2) and (3)(ii). One commenter felt that the language "seems to emphasize training of a university classroom style rather than revitalization through experiences, sharing and personal decision on formulation, selection, and utilization of experiences offered."

**Response.** No change is made in the regulation. In § 197.3(b)(2) and (3)(ii), the references to the use of research findings and to familiarizing teachers with developments in educational research come directly from the statute. There is no evidence of any congressional intent to emphasize traditional classroom training, and no such emphasis is intended in the regulation. The authorized activities described in § 197.3(b) are very broad, and particular emphases or approaches are for the teacher center policy board to determine.

#### § 197.3 Preference for consortia or combinations of applicants.

**Comment.** A commenter wanted to know whether the regulation gives a preference to applications from combinations of eligible applicants, such as a local educational agency in combination with one or more institutions of higher education.

**Response.** The regulation does not give a preference in this matter. Each project application will be reviewed and evaluated on its own merits.

#### § 197.3 Required or voluntary participation.

**Comment.** A commenter urged that participation by teachers or other eligible persons in a teacher center's program be entirely voluntary.

**Response.** No change is made in the regulation. The decision as to whether participation is voluntary or required is left to the applicant and the teacher center policy board.

#### § 197.3 Clarification of the term "grantee."

**Comment.** A commenter wanted clarification of the term "grantee" in the case of an application by a combination of institutions of higher education and/or local educational agencies.

**Response.** In the case of a joint application from a combination of eligible applicants, a joint award usually would be made to all applicants, who would be joint grantees and jointly responsible for carrying out the grant. If the application "breaks out" separate budgets for each applicant, the Commissioner has the option of awarding separate grants to each applicant or one joint award with separate budgets for each, as provided in 45 CFR 100a.19.

#### § 197.3 Teacher centers to serve teacher centers.

**Comment.** A few commenters requested that the regulation be changed to allow funding of teacher centers whose primary function would be to train the staff and directors of other teacher centers, to provide for dissemination services and communication among them, and to operate "model or demonstration" centers.

**Response.** No change is made in the regulation. The activities of a teacher center in § 197.3(b) are taken directly from Section 532(a)(2) of the statute. The statute does not authorize the funding of centers whose primary function would be to train the staff and directors of other teacher centers. As defined in the statute, the purpose of a teacher center is to serve teachers within a given service area. It should be noted that most of the services called for in the comment can be provided by the appropriate State educational agency.

#### § 197.4 Membership on teacher center policy board.

**Comment.** Several commenters asked that the regulation clarify that various categories of persons, other than those specifically prescribed by the statute, may be selected to serve on the teacher center policy board. Some wanted the regulation changed to require this representation. Several commenters thought it would be wise to have representation of the school's community of parents, principals, librarians, and other adults on the teacher center policy board. Other commenters wanted at least one counselor on the board. One person wanted student representation. One commenter wanted to assure the predominance of classroom teachers in the "supervision" of a teacher center, and requested that the regulation require that 75 percent of the membership of the board be classroom teachers. Another felt that teacher representation should be limited to 40 percent. Another asked that only full-time kindergarten—12th grade classroom teachers be allowed to serve. One commenter asked that the constituencies of existing teacher centers be represented on the policy board. One commenter felt that the institution of higher

education representation "should be proportional to the size of the board and fairly reflect the institution of higher education involved." Other commenters wanted persons serving full-time on the staff of the teachers' organization to be on the board.

**Response.** Section 197.4(a) is changed to clarify the statutory provisions regarding representation of school boards and institutions of higher education. No other change is made in the regulation. With respect to the make-up of the board, the statute provides merely that the majority of the board must be representative of elementary and secondary classroom teachers to be served (fairly reflecting the make-up of all school teachers) and that the board shall also include individuals representative of or designated by the school board of the local educational agency served by the center and at least one representative designated by institutions of higher education (with departments or schools of education) located in the area. The composition of the teacher majority of the board is discussed above under the heading "§ 197.2 Definition of 'teacher'." Nothing in the statute or regulation prohibits representation of other groups, such as parents, administrators or teachers' bargaining agents, on the board, but it is inappropriate to require this representation when the statute does not do so. It also is improper to require that teacher representation be at least 40 percent or 75 percent of the board when the statute provides for a "majority." With respect to representation by institutions of higher education, the statute requires "at least one representative designated by the institutions of higher education (with departments of schools of education) located in the area." Given the statutory language, it is not appropriate to mandate proportional representation for institutions of higher education.

#### § 197.4 Representation of the local school board.

**Comment.** A commenter noted that Section 532(b) of the statute calls for "individuals representative of, or designated by, the school board of the local educational agency served by such center . . ." on the teacher center policy board. This commenter wanted a clarification of the course to pursue if, for example, a college or university applies for Federal assistance to operate a teacher center for several local educational agencies, each with its own school board.

**Response.** The regulation is clarified regarding representation of school boards on the teacher center policy board for a center serving teachers from more than one local educational agency. The statute provides that the teacher center policy board must include "individuals representative of, or designated by the school board of the local educational agency served by such center . . ." (emphasis supplied). This is interpreted to require that at least two individuals on the board must represent school boards. It is up to the applicant(s) to decide whether to provide for additional representatives of school boards. The school board of each local educational agency must be represented on the teacher center policy board. This does not mean that there must be an individual from each school board, but it does mean that school boards will have to agree upon individuals to represent them on the teacher center policy board. For example, if five local educational agencies are served by a teacher center, and the teacher center policy board must include

two representatives of school boards, the school boards might jointly agree to designate these two individuals to represent all of them.

#### § 197.4 Authority of the policy board.

**Comment.** A commenter wanted the regulation to clarify to whom the policy board would be responsible (i.e., to the local school board or to the superintendent), or whether it would be independent. Another commenter asked how expenditures from the teacher center funds would be monitored. A few commenters wanted the name "policy board" changed to "advisory board" because the setting of policy is an official prerogative of the school board and any delegation of that authority could set a "dangerous" precedent. One commenter felt that the policy board as proposed is "unconstitutional." A number of commenters expressed anxiety over the possibility of conflict between the teacher center policy board of a federally-supported center and local school district authorities. These commenters saw possible differences between the center's plans for inservice education and the grantee's on-going or prospective program of staff development, and between the center's staff and "consultants and experts" and the persons already charged by the grantee to conduct staff development. Other possible areas of difficulty were the expenditure of the grantee's funds for released time or substitutes for teachers and the making of decisions about curriculum development.

**Response.** No change is made in the regulation. A central feature of the teacher centers program is the authority given by the statute to a teacher center policy board, the majority of which is representative of teachers, to "supervise" the activities of the center. However, a local educational agency, or an institution of higher education, is the grantee and the only entity eligible to submit a project application. The grantee has ultimate responsibility for the proper use of the grant funds. Thus, there must be an understanding between the parties based on good will and trust. Under § 197.9, both the policy board and the applicant must approve the project application before it can be submitted.

#### § 197.3 Participation by non-public school personnel.

**Comment.** A commenter observed that the qualifying clause "if non-public schools are located in the area to be served and choose to participate in the teacher center" in § 197.3(a) does not appear in the references to non-public school teachers in § 197.4(b)(1) and § 197.9(a)(3). The commenter asked, "Is such permissiveness . . . also implicit in the other two places?"

**Response.** The qualifying clause in § 197.3(a) governs in all matters related to the participation of non-public school teachers in a teacher center. Section 197.4(b)(1)(i) and 197.9(a)(3) of the regulation are changed to clarify this.

#### § 197.4 Objection to "proportional numerically."

**Comment.** Several commenters pointed out the difficulty in "making the categories of teachers on the teacher center policy board (e.g., vocational education teachers, special education, and other classroom teachers at both elementary and secondary levels) proportional numerically to the categories of teachers to be served, including equitable representation of non-public



school teachers . . . . These commenters requested that the requirement of numerical proportion be eliminated on the basis that it could result in a policy board so large as to be incapable of supervising the teacher center. One commenter wanted to know whether every category of teacher must be represented or only those categories with a significant proportion of the teachers.

**Response.** The recommendation is accepted. Section 532(b) of the statute states that the "teacher center shall be operated under the supervision of a teacher center policy board, the majority of which is representative of elementary and secondary classroom teachers to be served by such center fairly reflecting the make-up of all schoolteachers, including special education and vocational education teachers" (emphasis added). Section 197.4 of the regulation now follows the statute more closely and instead of " . . . proportional numerically to the categories . . . ." reads " . . . reflect fairly the categories . . . ." The proposed regulation was not intended to require strict, mathematical proportionality, but the Commissioner agrees with the commenters and believes that the statutory language clearly allows for some flexibility on this point.

**§ 197.4 Selection of the representative of an institution of higher education.**

**Comment.** A commenter recommended that the regulation require that the policy board member who is the "at least one representative designated by the institutions of higher education (with departments or schools of education) located in the area" be from a school or department of education.

**Response.** No change is made in the regulation. The suggested requirement would be over-regulation by the Commissioner. The institutions of higher education make the decision on whom to designate.

**§ 197.4 Selection of teacher members of a policy board for a statewide teacher center.**

**Comment.** A commenter recommended that in the case of a statewide center, the teacher members of the teacher center policy board should be appointed by the teachers' organization in the State having the largest number of members. Another commenter wanted the regulation to be more specific about the selection of policy board members for centers proposed by a combination of institutions or agencies to serve a large area.

**Response.** Section 197.4(b)(1)(ii) of the regulation is changed to provide a number of options for selecting the teacher majority of the teacher center policy board. The option of combining two or more of the other options should facilitate establishment of the board in the case of a center serving teachers from more than one local educational agency. The regulation provides that one option in the case of a statewide center is for the teachers to be appointed to the board by one or more State teachers' organizations.

**§ 197.4 Conflicts between State guidelines and teacher center regulation.**

**Comment.** One commenter requested that the regulation clarify whether State guidelines mandating "equal representation" among those participating in a program would prevail over § 197.4(a)(1) of the regulation, which requires majority representation of teachers.

**Response.** No change is made in the regulation. The State educational agency may

establish criteria for its own guidance in reviewing applications, but the Commissioner will not approve any application which does not conform to the statute and this regulation.

**§ 197.4 Exclusion of non-public school teachers from the board.**

**Comment.** Many commenters agreed with the regulatory requirement that non-public school teachers be served by a teacher center, but objected to the required representation of non-public school teachers among those elementary and secondary classroom teachers who compose the majority of the teacher center policy board. The rationale of the objection was that the teachers in many non-public schools are not required to meet the standard for licensure and certification that public school teachers must meet. The commenters also alleged that section 532(b) of the statute does not specifically require that the majority of the board include representation of non-public school teachers. Other commenters who opposed the inclusion of non-public school teachers among the majority members of the teacher center policy board pointed out that teachers from segregated schools and academies (those set up to avoid racial integration in the schools) could, under the regulation, become members of the policy board and beneficiaries of services. Another commenter asked how non-public school teachers could expect to be represented if a "collective bargaining agent" or other teachers' organization selects the teacher representatives on the board. One commenter recommended that the regulation be changed to allow only non-public schools accredited by the State educational agency to participate. Other commenters strongly supported the regulation as originally proposed.

**Response.** Section 532(a)(2) of the statute states that a teacher center " . . . serves teachers, from public and non-public schools . . . ." and section 532(b) states that the majority of the teacher center policy board shall be "representative of elementary and secondary classroom teachers to be served by such center, fairly reflecting the make-up of all school teachers" (emphasis added). Reading these subsections together, the Commissioner interprets the statute to require representation of non-public schools on the board. Section 197.3(a) of the regulation recognizes that there may be no non-public schools in the area to be served, or that the non-public school teachers in a service area may choose not to participate in a teacher center. Section 197.2 of the regulation is changed to add a definition of non-public school in response to the comments concerning participation by non-accredited or sub-standard private schools. Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d-2000d-4) prohibits Federal assistance to any school which discriminates on the basis of race, color, or national origin. Therefore, teachers from such a school cannot become members of a teacher center policy board and are not eligible to participate in any of the activities of the teacher center.

**§ 197.4 Building administrators as local educational agency representatives on the policy board.**

**Comment.** One commenter requested that the regulation require that "building administrators" be among the local educational agency representatives to the policy board.

**Response.** No change is made in the regulation. Section 532(b) of the statute requires

that the policy board include "individuals representative of, or designated by, the school board of the local educational agency." A "building administrator" could be selected to serve in this capacity, but the selection is a prerogative of the school board, and the Commissioner has no authority to infringe on that prerogative.

**§ 197.4 Selection of teacher members of the policy board.**

**Comment.** One of the most frequent recommendations was that the "teachers' bargaining agent," if one exists in relation to the applicant agency or agencies (or in relation to the collaborating local educational agency in the case of applications submitted by institutions of higher education), should be allowed to "nominate" or "select" the teacher members of the teacher center policy board, and that this method of selection be made mandatory by regulation. Many commenters urged that all references to "negotiation" be eliminated to avoid possible conflicts. One commenter wanted a definition of the term "negotiation." In most cases, the comments urged that, if there is no bargaining agent, the teacher members of the board should be appointed by the local teacher organization which has the largest number of members. The reasons for their recommendation, briefly stated, are: (1) The proposed option in the notice of proposed rulemaking of selection by "negotiation" would re-open contracts, which in some cases cannot be re-opened in time, and might lead to prolonged discussion and bargaining; (2) selection by means of an election overlooks the fact that teachers' organizations in most school districts have already held elections and chosen their representatives; and (3) the best way to assure true representation of teachers and control by them of the teacher center is by leaving the selection of the classroom teacher members of the board exclusively to the teachers' organization.

The great number and variety of comments showed the importance of the selection of teacher members of the policy board. One commenter wanted the regulation to clarify that only the teacher members of the board would be selected by negotiation. Others wanted to know whether the methods of selection in § 197.4(b)(2) were merely examples or whether their use was mandatory. One commenter requested that the option of selection by voting be eliminated, since a teacher center policy board selected by vote of the teachers might not reflect the school district's needs. This commenter wanted the selection of the board to be left to the discretion of the school board. Several commenters noted that in some cases the teachers' organization does not represent all of the teachers in the area. A commenter urged that the collective bargaining agent be given no voice in the selection of members of the board. A few commenters wanted the policy board to be elected by those teachers who choose to use the teacher center. One commenter recommended that the teachers' organization nominate candidates to the policy board, and that the teachers to be served vote for the candidates of their choice. One commenter wanted the regulation to reflect a preference for election by voting rather than selection by "negotiation." One commenter recommended that the teachers' collective bargaining agent conduct an election of its members to select the teacher members of the board and that, where there is no collec-

tive bargaining agent, the State educational agency be authorized to hold an election for that purpose in the area to be served. Another commenter, arguing that the "American concept of one person-one vote" should prevail, proposed that all teachers to be served should have a vote in selecting the teacher representatives. Still another commenter urged that the options for selecting those representatives be left open, even if there is a recognized bargaining agent, in order "to ensure that the board is truly representative . . . ."

**Response.** The Commissioner agrees with the general principle that classroom teachers should have maximum feasible control of the teacher centers through the policy boards. The regulation is changed to list the only possible options for selecting teacher representatives on the policy board and to clarify that these provisions refer only to the teacher members composing the majority of the board. The options include a broad "catch-all option" for other methods of selection. However, the common element in all the options, including the "catch-all", is that teachers generally, either directly or through teachers' organizations, must nominate or select the teacher representatives on the policy board. Consistent with the concern implicit in the great majority of comments, if the applicant unilaterally appoints classroom teachers to the board, these teachers could not be counted as part of the majority of the board representative of classroom teachers. It is not sufficient that the teacher representatives be classroom teachers; full-time regular classroom teachers generally must nominate or select them.

Two of the options for selecting the teacher representatives composing the majority of the board are for a teachers' bargaining agent, or the teachers' organization with the greatest number of teacher members to select the teacher representatives. The Commissioner recognizes that in many school districts these options may be the least disruptive and least expensive ways to select teacher representatives of the teacher center policy board, and the regulation expressly authorizes these options. However, to mandate that the only way for the teachers composing the majority of the policy board to be representative is for them to be appointed by a teachers' bargaining agent or organization would be serious over-regulation, particularly given the failure of the statute to call for this option or even to mention teachers' organizations. Therefore, even if there is a teachers' bargaining agent or a teachers' organization within the area to be served by the center, the applicant has all of the options in § 197.4(b).

In the case of a teacher center which will serve teachers from more than one local educational agency, the applicant or applicants must pick one or a combination of the other options to make the majority of the board representative of classroom teachers. In the case of a statewide project, one acceptable option would be for one or more statewide teachers' organizations to select the teacher representatives.

**§ 197.4 Board picks electors, electors pick board.**

**Comment.** A commenter pointed out a confusing "circular situation" created by the proposed regulation which required on the one hand that the policy board be representative of the categories of teachers to be served (§ 197.4(b)(1)), and on the other hand stated that the teacher center policy

board may determine which categories of persons may be served by the center (§ 197.3(d)). A related comment wanted clarification as to whether a teacher center which specializes in a particular subject area or kind of teacher must have a policy board which reflects that specialization. Another commenter recommended that an interim planning board be formed to determine "representativeness" needed to meet the requirements of the policy board.

**Response.** Section 197.4(b) is changed to clarify this matter. The regulation now interprets the statute to require that the majority of the board represent all regular, full-time elementary and secondary school classroom teachers in the area to be served. The statute expressly states that the majority of teachers on the board must "fairly reflect the make-up of all schoolteachers, including special education and vocational education teachers." Therefore, even if, for example, a center decided to focus on the curriculum and training needs of social studies teachers, a board with a majority composed solely of social studies teachers would not satisfy the regulation. Representativeness of the teacher center policy board must be examined with reference to all teachers. The teacher center policy board can decide to give priority, or even create limits on the availability of its services, to certain types of teachers, but this would not affect the requirements concerning composition of the board.

**§ 197.4 Policy board's right to approve or disapprove the application.**

**Comment.** One of the most frequent recommendations was that the regulation be changed to require that each application be approved by the teacher center policy board prior to its submission. The rationale of the recommendation is that this is the only way to assure that the policy board's contribution to the application will be given full consideration. Several commenters cited instances in their experience in which teachers were supposed to participate fully in a process or development, but in which their participation was only superficial or "token."

**Response.** The recommendation is accepted. The regulation is changed to require approval of the application by the policy board. This is what was intended in the proposed regulation, but the Commissioner agrees that the regulation should specifically require approval of the application by the board.

**§ 197.4 Timing of establishment of policy board.**

**Comment.** One commenter felt that the requirement that policy boards be established before the development of a proposal would give an advantage to: (1) Centers already in existence, and (2) centers being proposed for urban areas. Another commenter representing a large organization felt that it would not be necessary to establish the policy board prior to proposal development if the appropriate teacher's organization were involved from the beginning. One commenter recommended that "interim" policy boards be formed to prepare the applications. On this issue, most commenters strongly supported a requirement for prior formation of the policy board as a means of assuring full participation by teachers and their representatives in preparation of the application.

**Response.** Although some centers already in existence might have boards which meet

some of the requirements of the program, almost none has the composition required by the statute. Thus, virtually all policy boards will be newly formed. The Senate Committee report related to the statute stated: "The purposes of these centers are to meet the professional needs of local teachers as defined by the teacher center policy boards" (emphasis supplied); S. Rep. No. 882, 94th Cong. 2nd Sess. 37 (1976). The legislative intent to have the policy board determine the needs of teachers to be met would be thwarted if proposals were submitted before the board was established.

**§ 197.4 Operation of the policy board.**

**Comment.** One commenter requested that the regulation establish a method of voting by policy boards which would reflect "parity" among the groups represented on the board.

**Response.** No change is made in the regulation. In the absence of any specific statutory authority, it would be over-regulation to include the suggested requirement. The operating procedures of policy boards are best determined by the boards themselves.

**§ 197.4 Selection of policy board members other than the teacher majority.**

**Comment.** Numerous commenters asked for the same kind of specific directions for selecting all categories of policy board members as are provided in § 197.4 for selecting the teacher majority. Several commenters asked what should be done in cases where there are no institutions of higher education in the area to be served. Another asked what should be done if there are no teachers of vocational education in the area to be served. Yet another commenter requested that the regulation stipulate that an applicant local educational agency choose the institution of higher education to be represented, and that the local educational agency and the institution of higher education together designate the individual to represent the institution of higher education. Another commenter wanted the regulation to allow the teacher members and school board members of the policy board to select, or at least approve, the representative(s) of institutions of higher education and several comments wanted non-teacher members of the board to be selected only with the approval of the board's teacher majority. Another commenter requested that some method of choosing the institution of higher education representative be outlined, since some areas have many institutions of higher education, and conflicts may ensue.

**Response.** Specific directions are given for the selection of the teacher representatives to the board because they will constitute the majority and because the Commissioner wants to do everything possible to assure that the intent of Congress, i.e., supporting centers that focus primarily on teachers' needs as perceived by teachers, is realized. Rather than attempt to provide by regulation for every different situation, the Commissioner prefers to rely on the good judgment of the applicants. Where there are no institutions of higher education with departments or schools of education in the area to be served, the requirement for representation of institutions of higher education does not apply. The same is true regarding the requirement for representation of vocational education teachers. There is no basis in the statute for a regulatory requirement that non-teacher members of the board be



subject to approval by the teacher majority. As clarified by a change in §197.4(a), the Commissioner interprets the statute to require that all institutions of higher education with schools or departments of education in the area to be served have the opportunity to participate in designating the one or more representatives of institutions of higher education. This would occur after the applicant determines how many representatives from institutions of higher education to have on the board.

#### §197.5 Support of independent existing teacher centers.

**Comment.** Several commenters, primarily representatives of established, on-going, independent teacher centers, expressed concern about the continued existence of those centers, since the teacher centers statute contains specific requirements which would not allow support of those centers in their present independent form. These commenters feared that the new teacher centers program might have a negative effect on many of the successful, on-going, independent centers.

**Response.** No change is made in the regulation. Under the statute, grants may be made only to local educational agencies and institutions of higher education, but applications for grants could be developed by a local educational agency or an institution of higher education for a project to be carried out at an existing independent center. The center would have to be supervised by a teacher center policy board formed according to §197.4 (a) and (b). These applications would be reviewed on the same basis as other applications.

#### §197.5 Set-aside for planning grants.

**Comment.** One commenter wanted a percentage of the total program funds set aside for planning grants.

**Response.** The Commissioner does not feel that predetermined set-asides, either for operating or planning purposes, would be wise at the beginning of a new program. Section 197.6(b) is changed to avoid any implication that any set-aside or priority will be given to planning or other grants.

#### §197.5 Definition of the term "operate."

**Comment.** Many commenters objected to the proposed definition of "operate" in §197.5(b) which they argued would, in effect, permit institutions of higher education to plan and establish new teachers centers and put them into operation under the teacher centers program. The objection was based on the statute, which permits local educational agencies to plan, establish, and operate centers, but limits institutions of higher education to operating teacher centers. Most of these commenters wanted the regulation to limit institutions of higher education to the operation of centers which had already been planned and established using other resources. One commenter asked whether an institution of higher education may apply for support to operate an existing "independent" center. Other commenters strongly supported the definition of "operate" in §197.5(b).

**Response.** Section 532(f) of the statute authorizes grants to institutions of higher education "to operate" teacher centers. (This contrasts with the language in Section 532(a)(1) which authorizes grants to local educational agencies "to assist such agencies in planning, establishing, and operating teacher centers.") Section 197.5(b) of the

proposed regulation gave effect to this difference in authorizing language by making institutions of higher education eligible for grants only if the teacher center would be in operation at the end of the grant period. In order to follow more closely the authorizing language, §197.5(b) is changed to make institutions of higher education eligible only for grants "to operate" teacher centers. However, there is no evidence of congressional intent to limit eligibility to only those institutions of higher education which are already operating an existing teacher center. Under §197.5(b), an institution of higher education is eligible for a grant "to operate" a new or proposed teacher center but, unlike a local educational agency, is not eligible for a grant to assist in planning or establishing the new teacher center. Therefore, an institution of higher education must pay the costs of planning and establishing a new teacher center out of funds from sources other than the teacher centers program.

**Comment.** A commenter wanted the amount allowed to a grantee institution of higher education for "operation" of a center to be limited to 10 percent of the grant, and wanted the balance of 90 percent to be at the disposal of the teacher center policy board in the associated school district(s).

**Response.** No change is made in the regulation. There is no justification for the suggested discriminatory treatment of institutions of higher education that become grantees. It should be noted, however, that in all cases the teacher center policy board "supervises" the center, which may include budgeting and the expenditure of the center's funds, if the board is not prohibited from performing those functions by State or local law.

#### §197.5 Features of a planning grant.

**Comment.** A commenter wanted to know whether a planning grant is limited to one year or less in duration, or whether it may be considered to be the first year of a project whose goals and activities are projected over a period of up to three years, under §197.7 of the regulation.

**Response.** An applicant for a planning grant may submit either a one-year application, or a multi-year application, under §197.7(a), calling for full-scale operation of the project during the subsequent year or years.

#### §197.6 Allocation of funds in applications by consortia.

**Comment.** A commenter requested that the regulation state how program funds will be divided between the 90 percent for local educational agencies and the 10 percent for institutions of higher education in the case of an application made by a combination of entities under §197.3(c).

**Response.** Section 197.6(c) of the regulation has been revised to provide that: If the application presents separate budgets from each applicant of the combined application, the division will be made on that basis. If separate budgets for applicants are not provided, the grant amount will be prorated according to the ratio of the institutions of higher education to all recipients of the grant.

#### §197.6 Preference for small or large grants.

**Comment.** Several commenters wanted the grants to be small. This, they believed, would help to assure the continuation of a center with locally-generated funds after

the period of Federal support has ended. They argued that large Federal grants would make it more difficult and less likely that a center would continue with local funding. Another commenter favoring small grants suggested that it would be better to spread the funds to more places so that many more teachers could be served. Other commenters called for "some guidance" regarding desirable size of grants. Some commenters were decidedly in favor of large grants.

**Response.** No change is made in the regulation. The Commissioner believes that in the first years of the program at least, there should be maximum flexibility with respect to grant size. An applicant is free to request relatively small sums.

#### §197.6 Gradual decrease in amount of Federal funding.

**Comment.** A commenter, interested in trying to increase the likelihood that a teacher center will continue in operation after the period of Federal funding, recommended that the amount of Federal funding be decreased during the second project year and further decreased during the third year (in the case of centers which are supported for 36 months). The commenter's rationale was that this requirement would prepare the grantee and the teacher center policy board for the fourth year, when no Federal funds would be available.

**Response.** No change is made in the regulation. It is very important to leave open as many options as possible to a grantee and the policy board. The Commissioner does not know how many years of Federal financial support, and at what level, a given teacher center would need to demonstrate effectiveness and ensure its continued viability. Applications which propose to follow the strategy of this commenter and request less funding each succeeding year would be welcome, but the regulation does not require that strategy.

#### §197.6 Determination of good quality for approval of grants to institutions of higher education.

**Comment.** One commenter asked how the Commissioner proposes to determine whether there are sufficient applications "of good quality" from institutions of higher education to warrant using the ten percent set-aside. The concern implicit in the question was that "good quality" was a highly subjective variable which could lead to abuse in the evaluation process to the disadvantage of institutions of higher education.

**Response.** Section 197.6(a) no longer includes the term "of good quality." Instead, §197.6(a) states that the maximum ten percent set-aside will be used "provided that there are sufficient applications from institutions of higher education which receive the minimum of 50 points to be eligible for funding under the evaluation criteria in §197.11."

#### §197.7 Gradual increase in funding.

**Comment.** A commenter proposed that the Commissioner follow the model of a proposed State plan for funding inservice education by which modest funds would be provided for the first year of a center's activities, with increased funding in subsequent years as the center demonstrates constituent support and effective services.

**Response.** No change is made in the regulation. A multi-year project may request a small grant for the first project year with

larger grants in subsequent years. However, this is only one possible approach. Furthermore, the difficulty of measuring "constituent support" and "effective services" would make it extremely difficult to evaluate projects using the commenter's criteria.

#### §197.7 Assurance of three-year funding.

**Comment.** A commenter wanted the regulation to clarify the "stability of funding" of an approved center for the second and third project years. One commenter on this subject wanted clarification of the role of the State educational agency in determining whether a funded center would be continued beyond the first year of Federal support.

**Response.** The language in §197.7 means that, where a project is initially funded on a multi-year basis, continuation grants for the second or third year of the project are made on a noncompetitive basis, contingent upon the presentation of evidence of satisfactory performance of the work as proposed and the availability of Federal funds. However, no application (including applications for continued funding) will be approved by the Commissioner unless the State educational agency has performed its reviewing functions and recommended the application, under §197.10(a). This regulation applies equally to original applications and to applications for assistance to continue a project for a second or third year. Therefore, it is possible that a project funded initially with a multi-year project in mind may be vetoed by the State educational agency in a subsequent year.

**Response.** The language in §197.7 means that, where a project is initially funded on a multi-year basis, continuation grants for the second or third year of the project are made on a noncompetitive basis, contingent upon the presentation of evidence of satisfactory performance of the work as proposed and the availability of Federal funds. However, no application (including applications for continued funding) will be approved by the Commissioner unless the State educational agency has performed its reviewing functions and recommended the application, under §197.10(a). This regulation applies equally to original applications and to applications for assistance to continue a project for a second or third year. Therefore, it is possible that a project funded initially with a multi-year project in mind may be vetoed by the State educational agency in a subsequent year.

#### §197.7 Single-year and multi-year applications.

**Comment.** A commenter wanted to know whether an applicant that requests only one year of support is at a disadvantage with respect to initial funding or continued funding in comparison with applicants that request multi-year support.

**Response.** With respect to new applications for initial support, applications requesting support for one year and applications requesting multi-year support will be reviewed on the same basis. No preference will be given. However, it is possible that the length of a given project in relationship to the budget request of that project and its anticipated results may affect the application's rating under several of the evaluation criteria. A project funded on a one-year basis, which then seeks a follow-up grant, will have its application reviewed on a competitive basis with applications for new grants. On the other hand, an application to continue a project initially awarded on a multi-year basis for the second or third year will be evaluated with other continuation applications on a non-competitive basis.

#### §197.7 "Best interest of the Government."

**Comment.** A commenter recommended that the expression "best interest of the Government", as it applies to the continuation of funding during a second and third year, either be clarified or eliminated.

**Response.** The recommendation is accepted. The term "best interest of the Government," is not used in the regulation.

#### §197.8 Prohibition of supplantation of regular expenditures.

**Comment.** A commenter requested that the regulation assure that Federal funds used to support a teacher center will not be

used to supplant State or local funds normally used by the grantee for support of inservice training for teachers and curriculum development. Another commenter recommended requiring an assurance "that the proposed teacher center program is one which is not currently being supported by other public sources and is such that its program elements are not, or cannot be performed under existing agency, institutional or administrative unit funding."

**Response.** A criterion addressing the commenters' concern is added in §197.11(j).

#### §197.8 Released time to prepare the application.

**Comment.** A commenter requested that the regulation allow payment of released time as needed for those teachers and other employed persons who participate in preparation of the teacher center project application.

**Response.** Section §197.8 is changed to clarify that the expenses of application development are not allowable costs. To allow these expenses would use up funds which should be used to support teacher center programs, and would reimburse grantees for expenses which unsuccessful applicants must bear from other resources.

#### §197.8 Determination of direct and indirect costs.

**Comment.** One commenter asked who determines which are direct or indirect costs in accounting for grant funds.

**Response.** The initial determination would be made by the grantee in accordance with the grantee's official accounting procedures and the applicable cost principles prescribed in 45 CFR Part 100a and appendices A, B, C, and D to 45 CFR Part 100a.

#### §197.8 Use of Federal funds for remodeling and maintenance.

**Comment.** A commenter believed that there might be places and conditions where the success of a teacher center would be affected by the availability of funds for minor remodeling of the quarters to be occupied by the center. The commenter wanted the expenditure of Federal funds for such remodeling to be an allowable cost. Another commenter proposed that "regular maintenance of facilities" be an allowable cost.

**Response.** No change is made in the regulation. The applicant is expected to furnish the space and facilities required for effective performance. Given the relatively small amount of program funds available, use of the funds for remodeling would not be in the best interest of either the teachers to be served or their pupils. The maintenance of facilities, i.e., janitorial service, is allowable as a direct or indirect cost in keeping with the grantee's accounting procedures, consistently applied.

#### §197.8. Payment for graduate credit.

**Comment.** A commenter recommended that the regulation give the grantee (through its teacher center policy board) the option of paying the cost of securing graduate credit for inservice education provided by a teacher center. This was seen by the commenter as "an excellent motivator . . . a far less expensive incentive than teacher stipends."

**Response.** No change is made in the regulation. The cost of securing credit (whether college or university credit or credit equivalency for purposes of professional growth or salary increments) as part of the program of

inservice training of a teacher center is not specifically stated as an allowable cost in §197.8, but it would be covered under §197.8(a) (2) and (3), Services of consultants and experts and Service contracts.

#### §197.8 Payment of released time and substitutes.

**Comment.** A recommendation made by many commenters was that the payment of the cost of released time or of substitutes, which would enable teachers to use the teacher center during their working hours, should be an unrestricted allowable program cost. Most of the commenters wanted the teacher center policy board to be free to decide whether and to what extent Federal funds should be spent for this purpose. The basic rationale was that the teacher center would be less effective if teachers and others could attend only before or after working hours during their free time. In addition, it was pointed out that staff development for other categories of workers is commonly provided during working hours, and that in some cases, notably when widely separated rural districts combine to use a single teacher center, attendance will be impracticable if it cannot take place during the regular school day. Many commenters stated that it would be unfair for teachers to be asked to use their limited free time for this purpose. Still another reason given was that, without a provision for payment of released time and substitute teachers, it would be unfeasible to organize inservice training or other activities for large groups of teachers or at a series of sessions. Some of the commenters urged that, at the very least, the regulation should permit payment of released time or substitutes for teacher members of the teacher center policy board when engaged in the affairs of the board. One commenter supported the use of Federal funds to pay for released time but recommended that a limit be set on the percentage of grant funds that can be used for this purpose. One commenter believed that the payment of released time by a teacher center in an area affected by court-ordered desegregation would have beneficial effects. One commenter noted that taxpayers often oppose the use of substitute teachers. This commenter recommended that if the payment of released time is made an allowable cost, the substitutes should be paid directly so as not to complicate the school district's accounting procedures. A few commenters strongly approved the regulation in its proposed form. Several commenters stated that it would be "a mistake" to pay for any released time.

**Response.** The proposed regulation was not intended to discourage or prohibit the release of teachers and use of substitutes to facilitate attendance at teacher center activities, but rather to limit the use of Federal funds for this purpose to those cases where an applicant "demonstrates a special need." The rationale for this limit was that, notwithstanding the desirability of released time, any large use of Federal program funds to pay for released time would reduce severely the number of teacher centers that could be supported. Nevertheless, the reasoning of the overwhelming majority of commenters is found compelling, particularly in regard to giving more authority to the teacher center policy board. The regulation is changed as follows:

(1) Section 197.8 of the regulation is changed to allow as grant costs payments for released time or for substitutes neces-



sary to allow teachers to participate in center activities. Provision is not made to allow as grant costs released time or substitute payments for persons other than full-time regular classroom teachers served by the teacher center.

(2) The language of § 197.8 is clarified to show that expenses for the operation of the teacher center policy board (including the payment of released time or substitutes to allow teacher members to participate in board activities) are allowable costs.

(3) To address the Commissioner's concern that a substantial proportion of program funds will be consumed for released time or substitute payments, thereby reducing the number of awards which can be made with limited Federal funds, § 197.11 is changed to provide that, in reviewing applications for the reasonableness of costs in relationship to anticipated results, the Commissioner considers the proportion of the budget represented by costs for released time or substitutes. Therefore, an application with substantial budgeted cost for released time or substitutes probably would not be well rated under § 197.11(g) (which counts for 5 points).

The determination of accounting procedures and how to pay substitute teachers is a prerogative of the grantee.

#### § 197.8 Purchase of instructional materials.

**Comment.** One commenter proposed that the purchase of instructional materials be an allowable cost.

**Response.** No change is necessary in the regulation, which already allows these purchases under § 197.8(a) "other direct and indirect costs incurred by the grantee in carrying out its approved plan of operation . . ." These costs must, of course, further the activities of the teacher center and would include instructional materials for teacher center participants. With respect to instructional materials for students taught by teacher center participants, these costs would be allowed only on a limited basis to the extent that limited materials are incidental to the center's activities.

#### § 197.9 Submission of applications by institutions of higher education.

**Comment.** Most commenters representing institutions of higher education recommended that applications from those institutions be submitted directly to the Commissioner rather than through the State educational agencies. These commenters cited the statutory language in Section 532(f) " . . . may be expended directly by the Commissioner to make grants to institutions of higher education . . ." Other commenters particularly those representing State educational agencies, stressed the importance of requiring in the regulation that all applications from institutions of higher education be submitted to the appropriate State educational agency for review and approval before being submitted to the Commissioner. One commenter pointed out that if applications from institutions of higher education are reviewed by State educational agencies, these agencies could fail to find any such applications worthy of transmission to the Commissioner for consideration.

**Response.** No change is made in the regulation. While the statute is somewhat ambiguous on this point, the Commissioner interprets it to require that applications from institutions of higher education be submitted through the State educational agency. Section 532(f) of the Act provides that the

Commissioner may make grant awards directly to institutions of higher education, in contrast to Section 532(e), which authorizes institutions of higher education to participate only by contracting with a local educational agency which receives a grant from the Commissioner.

Section 532(f) does not expressly address whether an application from an institution of higher education must be submitted through a State educational agency. It provides that the authority to make grants to institutions of higher education is "subject to the other provisions of this Section," which would include provisions for applications to be submitted through the State educational agency.

In requiring submission of applications by institutions of higher education through the State educational agencies, the regulation reinforces the important role of the State educational agencies for providing technical assistance to, and disseminating information from, funded centers.

#### § 197.9 Sufficient time to prepare the application.

**Comment.** Several commenters, taking into account the statute's special requirements for formation of the teacher center policy board, requested that the maximum possible amount of time be allowed between the official announcement of the closing date for submission of applications and that closing date. They wanted, if possible, three months. One commenter requested a six month preparation period.

**Response.** No change is made in the regulation. This matter is not one which the Commissioner will resolve by regulation. Instead, the length of time for preparing the application will be determined each Closing Date published in the *FEDERAL REGISTER*. The Commissioner agrees with the recommendations and will allow the maximum time possible, within the constraints of each funding cycle.

#### § 197.9 Education of the handicapped.

**Comment.** One commenter requested that the regulation clarify the relationship between the teacher centers program and national efforts to improve the education of the handicapped.

**Response.** No change is made in the regulation. The education of the handicapped merits high priority, and teacher centers are a potentially useful means of serving that priority. However, the teacher center statute does not focus on particular substantive areas of education. Rather, the statute is designed to allow the teacher center policy board to determine the training and curriculum development needs of teachers at the local level. The decision to include activities related to the education of the handicapped is one for each teacher center policy board and applicant.

#### § 197.9 Provision of technical assistance.

**Comment.** A commenter recommended that a local educational agency be required to set forth in the application how it will use technical assistance and from which institution(s) of higher education it will secure the assistance.

**Response.** No change is made in the regulation. This information is not needed by the Commissioner to carry out a review of the eligibility and quality of proposed projects.

#### § 197.9 Input to the policy board from teachers.

**Comment.** A commenter, interested in as-

suring maximum involvement of teachers in the preparation of project applications under the teacher centers program, recommended a requirement that teachers in the applicant's district or proposed service area have the opportunity to review the application and to submit written suggestions for change to the policy board before the application is submitted to the state educational agency.

**Response.** No change is made in the regulation. The Commissioner is aware of the value of teacher input in the development of teacher center project applications and has assured this input by requiring that the project application be approved by the policy board.

#### § 197.9 Existing arrangements between institutions of higher education and local educational agencies.

**Comment.** One commenter requested that the regulation recognize that many institutions of higher education have already formed effective informal arrangements with local educational agencies.

**Response.** No change is made in the regulation. The requirement in § 197.9(c) that "an institution of higher education shall include in its application . . . evidence that arrangements have been made with those local educational agencies with teachers to be served by the project for the participation of the teachers in center activities and in the activities of the teacher center policy board" is meant to ensure that any application from an institution of higher education has the necessary input from the local educational agency (or agencies) and its teachers before the application is reviewed. An existing arrangement, as suggested by the commenter, could facilitate the arrangements referred to in § 197.9(c) of the regulation, but the Commissioner does not feel that such an existing arrangement is sufficiently advantageous to merit special credit under the evaluation criteria.

#### § 197.9 Use of one Federal program to complement another.

**Comment.** A commenter asked about the possibility of local educational agencies using other Federal programs of financial assistance to education to complement the teacher centers program. As examples, he cited the Emergency School Aid Act and Title IV-C of the Elementary and Secondary Education Act, of 1965, as amended.

**Response.** As long as expenditures comply with the applicable statutes and regulations for each program and are in accordance with the application for these programs (and the expenditures can be properly accounted for), there is no reason why programs cannot complement each other.

#### § 197.10 Guarantee of approval

**Comment.** A commenter asked whether there is any assurance that if a State agency recommends approval of one or more applications, at least one will be approved by the Commissioner.

**Response.** There is no assurance that at least one application will be approved from each State. All applications transmitted to the Commissioner will compete on equal terms on a nation-wide basis for the available funds, against the published requirements and evaluation criteria. Unlike some other educational assistance statutes, this statute does not provide for grants to each State, nor does it provide for any geographical distribution of the grants.

#### § 197.10 Provision of technical assistance.

**Comment.** A commenter wanted the regulation to provide that the State educational agency, if requested by a grantee in its jurisdiction to furnish technical assistance to a teacher center, may choose to do so through one or more of the State's public institutions of higher education. This is to say that instead of using its own staff to provide the assistance, the State educational agency would be free to call upon a publicly-supported college or university to provide it. Another commenter asked what kind of technical assistance will be provided to a teacher center by the State educational agency. The commenter also asked what the regional officials of the Office of Education will do to make the technical assistance more effective.

**Response.** No change is made in the regulation. While technical assistance must be provided by the State educational agency, there is nothing in the statute or regulation which would preclude a State educational agency from arranging for that technical assistance to come from an institution of higher education or any other qualified agency or individual. The specific nature of the technical assistance provided will depend upon the needs of particular teacher centers and upon the specific activities planned by State educational agencies to respond to those needs. Regional officials of the Office of Education have no particular mandated role in the teacher centers program, but could, of course, be asked by the teacher center policy board for assistance.

#### § 197.10 Use of teachers to review applications.

**Comment.** Several commenters recommended that the regulation require the State educational agencies to include full-time regular classroom teachers on any boards or panels set up to review applications under the teacher centers program. Some commenters wanted teachers to comprise the majority of any such board or panel of reviewers. Other commenters wanted a requirement that classroom teachers comprise a majority of any panel used by the Commissioner either to select reviewers or to determine the review criteria to be used by the States. Another commenter wanted to know who would review applications at the State and Federal levels. Yet another commenter urged that both State and Federal review panels have the same composition as the policy board.

**Response.** The Commissioner has no authority to determine who will review the project applications for the State educational agencies, and whether those persons are members of the agencies' own staffs, outsiders, or a combination of these. At the Federal level, the Commissioner, in deciding who will review the applications, will be sensitive to the comments and expects to use teachers as well as others for this purpose.

#### § 197.10 Dissemination by State educational agencies.

**Comment.** A commenter interpreted § 197.10(b) to mean that the State educational agency would have the unreasonable burden of preparing, for submission with each application transmitted to the Commissioner, a separate plan for technical assistance and dissemination specifically related to each application. The commenter thought it should be sufficient for the State educational agency merely "to give assurance that application review, technical assis-

tance and dissemination of information will, within available resources, be carried out and reported."

**Response.** No change is made in the regulation. Section 197.10(b) does not require, from the State educational agency, a separate plan for technical assistance and dissemination for each center. The requirement is met if the State educational agency, concurrently with or in advance of its submission of recommended applications to the Commissioner, submits (1) a single, general written assurance pertinent to all applications which it transmits to the Commissioner to the effect that the agency (a) will make provision for furnishing technical assistance to approved centers within the State, and (b) will disseminate information derived from those centers; and (2) a single, general statement on how the technical assistance and the dissemination will be performed, together with an estimate of their cost.

#### § 197.10 Elimination of State educational agencies from the program.

**Comment.** Several commenters recommended that the State educational agencies' role in the teacher centers program be eliminated entirely.

**Response.** No change is made in the regulation. The statute explicitly assigns to State educational agencies the tasks of reviewing, commenting on, recommending, and transmitting applications, as well as providing technical assistance to and disseminating results from funded centers in the State.

#### § 197.10 Substitute for the role of the State educational agency.

**Comment.** One commenter suggested that the responsibility of reviewing project applications by the State educational agency be given to a different State agency concerning with education, namely the State agency responsible for accreditation standards and the licensing of teachers. Another commenter on the same subject wanted the regulation to be changed to require coordination between the State educational agency and the State agency responsible for certification, since teacher centers may well become involved in programs to certify or recertify teachers.

**Response.** No change is made in the regulation. The statute provides for review and approval of local educational agency applications by the State educational agency. The term "State educational agency" as used in the statute is defined in Section 1201(h) of the Higher Education Act of 1965, to mean "the State Board of Education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is no such office or agency, an officer or agency designated by the Governor or by State law." While the State educational agency may well wish to consult or coordinate with the State agency responsible for the certification of teachers, the matter is clearly a prerogative of the State educational agency and not one to be regulated by the Commissioner.

#### § 197.10 Combined local educational agency—State educational agency.

**Comment.** A commenter asked that attention be given in the regulation to special problems that might arise in those cases (District of Columbia, Puerto Rico, Hawaii) where the State educational agency is also the sole local educational agency.

**Response.** No change is made in the regulation. Section 197.3(a)(1) of the regulation provides that a center may serve an entire State. The appropriate educational agency in these jurisdictions would simply discharge the functions of both the State educational agency and the local educational agency under the regulation. Those State educational agencies which also function as the sole local educational agency in the area of their jurisdiction are not required to review and make comments on the applications they transmit to the Commissioner under § 197.10(a).

#### § 197.10 Cooperation of State and Federal agencies.

**Comment.** Commenters representing State educational agencies urged that the regulation reflect the need for cooperation at the Federal and State levels to coordinate teacher certification programs, graduate programs, and classroom programs. They wanted the teacher centers to fit closely with the individual State's needs and priorities. Some of the commenters recommended that the Office of Education "authorize State agencies to develop State plans for professional development which specify the criteria to be used in reviewing and recommending applications" under the teacher centers program.

**Response.** No change is made in the regulation. The Commissioner recognizes that some States have State-wide plans for inservice training of teachers, and that it would be desirable in those cases to integrate the State's teacher centers with those plans. The States already have authority to ensure this integration by means of their role in reviewing and recommending applications. However, the Commissioner lacks authority either to require or to pay for the development of State plans for professional development which include criteria for the review of applications. If State educational agencies do develop their own criteria for reviewing applications under this program, they are urged to make them public as soon as possible.

#### § 197.10 Pre-application involvement of State educational agency.

**Comment.** One commenter wanted the regulation to require that the State educational agency work with local educational agencies that wish to apply for assistance, prior to the development of applications by those local educational agencies, in order to avoid rejecting or requesting modifications in their applications as a result of the State agency's review.

**Response.** No change is made in the regulation. In the absence of a statutory provision on this matter, it would be inappropriate to require such an involvement by State educational agencies. However, this involvement would be permissible under the statute and regulation.

#### § 197.10 Role of State educational agency in evaluation of applications.

**Comment.** A commenter suggested that it might be more appropriate and efficient, and would avoid duplication, if the criteria in § 197.11 were divided for use between the State educational agency and the Office of Education. Thus, certain criteria would be used by the State agency for its review and comments, and the remaining criteria would be used by the Commissioner for review and evaluation of the applications. The commenter thought that criteria in § 197.11 (b),



(c)(1), (e), (f), and (1)(2) should be assigned for use by the State educational agency. Another commenter noted that since each State educational agency is free to develop its own criteria for the review and evaluation of applications, there is a possibility of "encroachment," "omission," and wide disparity in the quality of the States' criteria. This commenter recommended that the Commissioner stipulate in advance the criteria to be used by the State educational agencies or that each State submit the criteria it proposes to use to the Commissioner for prior approval. Another commenter recommended that State educational agencies review applications for conformity to technical criteria only (rather than concerning themselves with the substantive merit of applications) and transmit to the Commissioner all applications that are in conformity with those criteria and State law. Many commenters wanted clarification of the role of State educational agencies "as field readers for the purposes of reviewing applications."

**Response.** No change is made in the regulation. In a discretionary grant program such as this one, the Commissioner must review applications on a competitive basis. As a matter of fairness, this is done on the basis of published evaluation criteria. The Commissioner ultimately must decide in terms of these criteria which applications to fund and cannot delegate this responsibility to an outside agency. Under the statute, however, the Commissioner can only review and approve applications recommended for funding by the appropriate State educational agency. No matter what criteria the State educational agency uses, the Commissioner cannot fund an application unless it has been recommended by the State educational agency. While it is hoped that the State educational agencies, in reviewing applications, will carefully consider the criteria published in §197.11, the Commissioner is without authority to prescribe criteria to be used by the State educational agency.

#### §197.11 Importance of cooperative arrangements.

Many commenters recommended that points be given in the evaluation of applications for evidence of arrangements for collaboration between local educational agencies and one or more institutions of higher education in the area to be served by a teacher center. The rationale was that teacher training is the business of the local educational agencies and the colleges and universities working together, and that the strongest applications will be those which display this cooperation. One of the commenters believed that the reference in section 532(a)(2) of the statute that teachers carry out activities of the teacher centers "with assistance of such consultants and experts as may be necessary," must be read in conjunction with section 532(e), which permits local educational agency grantees to contract for assistance from institutions of higher education. This commenter wanted the allowable costs rule to stipulate that "the consultants authorized under Section 532(a)(2) of the Act and the . . . provisions of technical assistance authorized under subsection 532(e) are the same and must be included together . . ."

**Response.** Section 197.8 is changed to provide expressly that service contracts with institutions of higher education are allowable project costs. The other recommendations are not accepted. Section 532(e) of the stat-

ute authorizes local educational agencies with approved centers to contract for assistance from institutions of higher education but does not require them to do so. The strength of cooperative arrangements with institutions of higher education may bear upon the criteria in §197.11 (e) and (f) concerning the adequacy of project personnel, facilities, and resources. However, an applicant can score highly under these criteria through other approaches as well. Center activities can be run by teachers or by other experts or consultants.

#### §197.11 Required system of communication.

**Comment.** A commenter wanted the evaluation criteria to consider evidence of "definite lines of communication" between the policy board and its constituents, the school administrators, and the supervisory personnel in the area to be served.

**Response.** No change is made in the regulation. In order for an applicant to carry out a teacher center program in accordance with this regulation, there would necessarily be lines of communication between the policy board and the other groups noted. Also, it would be difficult in reviewing applications to measure distinctions between applications in terms of this factor. Therefore, it is not appropriate to add a distinct requirement or criterion on this point.

#### §197.11 Financial support from grantee.

**Comment.** Several commenters, including representatives of a State educational agency, urged that there be a criterion evaluating the extent of the applicant's "commitment to participate in and support a teacher center," either through "in-kind" or financial contributions. Some wanted the criterion to focus on support from the applicant for the payment of released time to permit teachers to participate more easily in the teacher center's activities.

**Response.** A specific criterion on financial contributions by the applicant is not added, on the grounds that it would tend to favor wealthy school districts and place poor ones at a disadvantage. However, the cost of a project in relationship to its anticipated results (§197.11(g)) remains as a criterion for evaluating applications.

#### §197.11 Development of "model" centers.

**Comment.** A commenter recommended that points be given to the "potential of the proposed program as a model for implementation elsewhere." Other comments opposed this emphasis.

**Response.** No change is made in the regulation. There is not an adequate basis for judging the potential replicability of a center before it has been put into operation. The uniqueness of each center to its own local situation makes it inadvisable to give emphasis to the potential for replicability.

#### §197.11 Evaluation of teacher centers' effectiveness.

**Comment.** Several commenters were concerned about evaluation of the effectiveness of teacher centers and recommended that they be judged not on the basis of the achievement test scores of students but on the amount of "teacher input," the extent to which individual teachers' needs are being met, the relationship of the center's program to classroom problems, the extent of "student involvement in learning activities," the degree to which teachers put into practice what they learn in the center, the

extent of individual "professional development," and the amount of curriculum developed by participating teachers. In the commenters' judgment, evaluation should take into account "the teachers' self-assessment" and the teachers' assessment of the center's program. These commenters wanted any evaluation of teacher centers to be based on teachers' needs and the center's effect on teachers, rather than on the needs of students and the effect of the centers on students. One commenter recommended that centers be "continually evaluated by teachers to determine whether or not they are speaking to teachers' needs." A commenter felt that (1) detailed criteria should be included in the regulation governing the plan for project evaluation, and that (2) such a plan should specify how it would treat certain factors, including "teacher satisfaction," "administrator satisfaction," "pupil satisfaction" and progress, the need assessment, and the statistical techniques for interpreting data. Still another commenter felt that teacher centers should be evaluated only on the basis of their objectives as proposed in the application.

One commenter wanted the regulation to clarify whether §197.11(b) means that, after a year of operation, the approved center's potential for increasing the effectiveness of teachers will be evaluated, or whether the centers "would have to prove whether the teacher center has (in fact) increased the effectiveness of teachers." In the commenter's view, "we don't know how to evaluate teachers' effectiveness or whether a teacher center has had impact on that . . . we could waste a lot of money pretending to do that without knowing how." Another commenter on the same topic wanted to know how the individual teacher centers and the overall teacher center program will be evaluated.

**Response.** The comments appear to address evaluations on several levels: (1) Evaluation of new applications by the Commissioner; (2) Provisions for the applicant itself to evaluate how well its objectives are being accomplished; (3) Evaluation by the Commissioner of noncompeting continuation applications; and (4) Evaluation by the Commissioner of the overall teacher centers program.

(1) With respect to the evaluation of new applications, the criterion in §197.11(b) concerning the potential of the center to increase the effectiveness of teachers served in terms of the learning needs of their students does not require any proof that the center will increase the effectiveness of teachers; rather, it concerns the potential of the center to help teachers in meeting the learning needs of their students. Evidence pertaining to this criterion could concern the relationship of the proposed teacher center activities to student needs. This criterion derives directly from statutory provisions which describe the purposes of teacher center activities as enabling teachers to meet better the educational needs of the persons they serve (Sec. 532(a)(2) (A) and (B)).

(2) The criteria for evaluating applications also include a criterion on the extent to which the application provides for determining the extent to which the project objectives are accomplished. Except as noted above with respect to the criterion concerning the effectiveness of teachers related to educational needs of the persons they serve, it is not appropriate to add regulatory requirements on the objectives of each project

and how the applicant must measure them. Needs and conditions will vary from place to place, and the regulation leaves flexibility to applicants on these matters.

(3) Section 197.7(d)(2) is related to review of a previously funded project and is concerned with the effectiveness of the project to date (i.e., at the time its on-going activities are being evaluated) to determine whether it should be continued for a second or third year.

(4) The Commissioner is aware of the need for careful evaluation of the overall teacher centers program and of the difficulties in performing evaluations that are objective, withstand rigorous statistical analysis, and produce data that can be aggregated and thus provide a picture of the teacher centers program nation-wide. While the Commissioner accepts in principle many of the comments on evaluation and will consider them in formulating any Office of Education or independent evaluations of the overall program, further regulation on this is not needed. The introductory paragraph of §197.11 is changed so that it no longer provides that the criteria for evaluating applications will also govern evaluations of the operation of funded teacher centers.

#### §197.11 Impact on institutions or agencies.

**Comment.** A commenter recommended that the effectiveness of a teacher center be measured primarily in terms of its effect on the grantee institution or agency and other institutions which it attempts to influence.

**Response.** The Commissioner agrees that the effect of the teacher centers program on the institutions and agencies with which it interacts is important. An applicant may choose to emphasize this as one of its objectives. However, it would be inappropriate for the regulation to impose this as a specific objective for each project. The Commissioner will consider this comment in designing any evaluations of the overall impact of the program.

#### §197.11 Duplicative requirements for dissemination.

**Comment.** Because the State educational agencies are given primary responsibility for dissemination, a commenter recommended that the evaluation criterion in §197.11(c)(2) be changed to eliminate any mention of dissemination or reporting and focus entirely on evaluating the effectiveness of the project.

**Response.** The recommendation is not accepted. Aside from the major role of the State educational agency in dissemination, the potential impact of the project is enhanced if the grantee undertakes effective dissemination of project's results within, and outside, the grantee agency.

#### §197.11 Over-emphasis on formation of policy boards.

**Comment.** Many commenters felt that the assignment of points to criteria which deal with the authority and representativeness of the teacher center policy board was excessive, and that these points should be redistributed. A wide variety of recommendations concerning the redistribution of points were also received. (See §197.11 *Weighting of the evaluation criterion*, below.)

**Response.** The recommendation is accepted. Section 197.4 has been changed to require approval of the application by the teacher center policy board. Therefore, it is not necessary to have a criterion measuring the quality of participation by the board in

preparing the application. The criterion in §197.11(d)(1) has been deleted, reducing the points for §197.11(i) from 20 to 10.

#### §197.11 Sufficiency or appropriateness of size.

**Comment.** A commenter noted in §197.11(d) the possible implication, based on the word "sufficiency," that centers should be large. The commenter thought that there are advantages to having large centers and other advantages to having small centers, and recommended that the word "sufficiency" be changed to "appropriateness."

**Response.** The recommendation is accepted and the regulation is changed to read "Appropriateness of size, scope, and duration of the project so as to secure productive results."

#### §197.11 Impact upon the grantee's inservice program.

**Comment.** A commenter objected to the evaluation criterion, in §197.11(h), which gives points for "the potential of the teacher center to impact upon and improve the grantee's overall program of inservice training." The rationale of the objection was that the criterion might be seen as "an effort to impose a new structure on an already existing structure." The commenter wanted the teacher center to be independent, not in competition with existing programs. On the other hand, another commenter wanted a criterion included which favors applications which have arranged for close integration of the proposed teacher center with the inservice training programs of the applicant agency. The commenter stressed the importance of allowing flexibility so that the policy board can take into consideration both the needs of individual teachers and the needs of the school district.

**Response.** No change is made in the regulation. The potential of the teacher center to improve the grantee's overall program of inservice training is an appropriate criterion to weigh in judging competing applications. To the extent that a teacher center has this kind of effect, the positive impact of limited Federal dollars is increased, and the project better carries out the statutory purposes. However, the criterion is not an effort to impose a new structure on all existing training. An applicant could demonstrate potential impact under this criterion, not merely with reference to the structure of the center, but with reference to particular training and curriculum development activities. However, the regulation does not weigh integration of the proposed center with other inservice training programs of the applicant. Flexibility should be left to the applicant and teacher center policy board whether, in particular situations, it makes more sense to operate the center independent of other training or in close integration with it.

#### §197.11 Authority and responsibility of the policy board.

**Comment.** A commenter asked about the meaning and intent of the evaluation criterion in §197.11(a) which deals with "the extent of the teacher center policy board's authority and responsibility for supervision of the project."

**Response.** The purpose of the criterion is to make it clear that the policy board should have maximum authority and responsibility for supervision of the project,

and that applications will be evaluated on the basis of the extent to which steps have been taken to assure that this will be the case.

#### §197.11 Weighting of the evaluation criteria.

**Comment.** Several commenters suggested changes in the number of points assigned to the criteria for evaluation of applications. In general, the commenters recommended that more points go to the qualifications of the proposed teacher center staff, to measures for increasing the effectiveness of the teachers to be served, to the effective use of a "needs assessment" in planning the work of the center, and to the objectives of the proposed center. Another commenter felt that the proposed criteria emphasized measurable outcomes and was concerned that such an approach would encourage narrow prescriptive center training rather than the kind of developmental programs needed to meet the diverse needs of individual teachers. One commenter wanted a criterion giving points for plans and activities which would increase the likelihood that the center would continue in operation after its period of Federal funding is over.

**Response.** Section 197.11 is changed in accordance with the applicable comments to: (1) Increase the points assigned to the potential of the center to increase the effectiveness of the teachers served in terms of the learning needs of their students; (2) Increase the points assigned to the extent to which the project objectives are sharply defined, clearly stated, and capable of being attained by the proposed procedures; (3) Add a criterion on the extent to which Federal funds will support new or expanded activities rather than supporting activities which are already being paid for from other resources. The proposed greater emphasis on the qualifications of the teacher center's staff is not accepted. As is appropriate, many centers may rely heavily upon teachers to staff the centers, and it may be difficult for application reviewers to draw clear distinctions among applications based on this criterion. To weight this heavily might suggest a bias in favor of centers run by outside experts, which is not intended. With respect to the comment that the criteria encourage narrow prescriptive training rather than developmental programs to meet diverse teacher needs, the regulation permits developmental programs which can respond to diverse needs. However, the Commissioner could not responsibly judge the best projects and award grant funds without knowing the objectives of the project and, in accordance with the statute, how the center is expected to increase the effectiveness of teachers in terms of the learning needs of their students. Within these general plans in the application, teacher centers have flexibility to evolve more specific activities and procedures.

#### §197.11 Recognition of judgments made by State educational agencies.

**Comment.** A commenter asked that the Commissioner give consideration in evaluating applications to any rating or ranking assigned by the State educational agency to each application which it sends to the Commissioner for review and evaluation.

**Response.** No change is made in the regulation. The comments made by the State educational agencies on application transmitted to the Commissioner will be read by the Commissioner's reviewing panels and



will be taken into account insofar as they bear upon the evaluation criteria in § 197.11. There is no reason to believe that each State will choose to rank or rate each of the applications it transmits to the Commissioner. Some State agencies might well choose to assign the same rating to all applications transmitted. In view of these uncertainties and the resulting difficulty in dealing fairly with each application received by the Commissioner, separate points are not assigned to the State educational agency's rating or comments.

**§ 197.11 Accommodation to existing teacher centers and inservice training plans.**

**Comment.** Comments were received from State educational agencies and local educational agencies pointing out potential conflicts between their on-going or planned inservice training programs for teachers, including on-going or planned teacher center-like organizations, and the programs to be carried out by the federally-supported teacher centers. The tenor of the comments was that these conflicts would not be in the best interest of any of the parties, and that ways should be sought to avoid them.

**Response.** No change is made in the regulation. If an applicant seeks Federal funds under this program to build upon existing training activities, the funded center would have to meet the statutory and regulation requirements. However, these requirements do not apply to other training activities of the applicant. The Commissioner agrees that ways should be sought to avoid any conflicts, but this needs to be done at the local level, not by Federal regulation.

**§ 197.11 Commitment to staff development.**

**Comment.** A commenter felt that it would be desirable to add a criterion for assuring strong commitment to "staff development" on the part of the individuals who are members of the teacher center policy board.

**Response.** No change is made in the regulation. It is not clear how such a criterion would be measured, and the criterion would involve an overly detailed review by the Commissioner. Moreover, such a criterion would imply a lack of confidence in the teachers and their organizations to select persons of competence as member of the board.

**§ 197.12 The appeals process.**

**Comment.** Several commenters took exception to the provision for appealing an adverse decision made by the State educational agency. One commenter thought that the provision for "recirculating" an appeal back to the State educational agency "seems like a fantastic bureaucratic run-around." This commenter wanted the final decision on appeal to rest with the Commissioner. One commenter felt the need for appeals from possible "arbitrary decisions by a local school board or administrator," presumably referring to the decision by a local educational agency whether or not to submit an application. Another commenter asked for greater clarity concerning the procedures for appealing an adverse decision made by the State educational agency.

For example, may an individual petition the Commissioner, or does the teacher center policy board make the petition? What constitutes a petition? Does it include a copy of the rejected application? Must the Commissioner see or examine the rejected application? Are there time limits for petitioning for an appeal? Is the Commissioner

responsible for assuring that further consideration is given by the State agency to the rejected application? Is there a time limit for the reply by the State agency giving its final decision? Other commenters wanted the teacher center policy board or the teacher organization in the school district to be permitted to appeal directly to the State educational agency for reconsideration of the application if it is not recommended for funding by that agency. Another commenter wanted the same right of appeal to be extended to the local educational agency.

**Response.** No change is made in the regulation. The statute provides only that any applicant that is dissatisfied with the recommendation of the State educational agency regarding its application under the teacher centers program may petition the Commissioner to request further consideration of the application by the State educational agency. It does not provide for appeals by other organizations. Subject only to necessary time constraints which will be published for each fiscal year, the Commissioner would have no objection if a State educational agency provided opportunity for reconsideration of its action on applications at the request of applicants or other organizations or individuals. This would be up to the particular State educational agency.

It is anticipated that the petition and appeals process will be kept as informal as possible and that further guidance will be provided to applicants, particularly on time limitations, in the notice of closing date published in the FEDERAL REGISTER inviting applications for each fiscal year.

The petition itself may be simply a letter, signed by an authorized person, identifying the rejected application by title or other means and asking the Commissioner to request the State educational agency to reconsider the designated application. The Commissioner need not see the application itself. If the State agency reverses its rejection of the application, the application must be transmitted to the Commissioner for evaluation.

**§ 197.13 Professional practice boards.**

**Comment.** Several commenters urged that professional practice boards, where they exist, should be eligible to receive a part of the funds designated for State educational agencies.

**Response.** No change is made in the regulation. The statute clearly assigns State participation in this program to the State educational agency, which may assign the actual task to any appropriate unit, division, or other entity of the agency, including a professional practice board.

**§ 197.13 Adequate compensation to State educational agencies.**

**Comment.** Many commenters addressed themselves to the matter of the State educational agencies' participation in the teacher centers program and "adequate" compensation for services performed by those agencies. Commenters representing those agencies were of the opinion that the compensation offered is not or may not be adequate, because the three kinds of services to be provided would be in addition to present work-loads of State employees, and there is no guarantee of sufficient funds to employ additional persons. In the view of these commenters, any diminishment of the State's role or compensation would jeopardize the necessary collaboration and rela-

tionship of the State agency to the applicants with which it must, by law, interact. A commenter stated that the funds proposed for compensation of State educational agencies for their services in the teacher centers program would be inadequate. The commenter based that judgment on an estimate of the amount of staff time needed to perform those services: 15 days for the meetings, phone calls, correspondence, etc., needed to deal fairly with all the school districts in the State; 10 days for the development of review criteria and preparation for the review; 250 days for review of applications and preparation of comments on each one; and about 40 days for reconsideration of applications as the result of appeals. In addition to all of the above, the State educational agency must provide for dissemination and technical assistance to funded projects. The commenter recommended that, in view of the above, each State be required to submit to the Commissioner a plan for carrying out its responsibilities under the Act and, if the plan is approved, that a corresponding grant of funds be made to the State agency to assure the adequate compensation mandated in the statute. One commenter from a State agency felt that 5 percent would suffice for technical assistance and dissemination, but that the sum allocated for the review of applications should be increased. Many other commenters, representing other constituencies, believed that one-seventh of the total appropriation is an excessive amount for those purposes. In their view, the congressional intent in the teacher centers program is to give teachers the means and authority to deal effectively with their need for inservice training and curriculum development, and that any diversion of funds for other purposes could only lessen the effectiveness of their efforts. These commenters wanted the proposed one-seventh set-aside reduced to 10 percent, 5 percent, and even less. Another argument in support of decreasing the one-seventh set-aside was that if funds are available to State educational agencies to provide technical assistance concerning the training of teachers, the result would be to duplicate unnecessarily and in a costly way the functions of the State's teacher training institutions, which are publicly supported for that purpose. Other variations proposed by the commenters were that the State agencies be compensated only for reviewing proposals, and that a specific allotment of funds be set aside to compensate the State for each of its three functions. Another issue to be resolved emerged with the revelation that the proposed method of compensation, i.e., reimbursement, is not feasible in several States where State law provides that any reimbursement would go to the State treasury rather than to the State agency which provided the services.

**Response.** The statute mandates that the State educational agency: (1) Review and recommend applications, (2) provide technical assistance to funded centers, and (3) disseminate information derived from funded centers. Under the statute, the State educational agency must be adequately compensated for these services. Given the scope of these activities, the potential number of applications for the program, and the potential importance of the State educational agencies' role in the program, the set-aside for the State educational agencies is not reduced to the extent recommended by many commenters. However, the set aside is reduced from one-seventh to one-tenth of the

funds appropriated for the teacher centers program. This amount will be adequate to compensate the State educational agencies for their functions, and the remainder of the funds should go for the direct support of teacher centers. Section 197.13 is also changed (1) to delete any reference to "reimbursement" on the methods of paying State educational agencies for these services, thereby permitting other payment methods including advance payments and (2) to clarify the scope of technical assistance activities, indicating that the State educational agencies can take some initiative in organizing workshops and conferences to provide information needed by funded centers in their States.

**§ 197.13 Reallocation of unused funds.**

**Comment.** A commenter suggested that, of the funds withheld by the Commissioner for technical assistance by State educational agencies, any portion not requested for this purpose by the teacher center policy board would revert to the national treasury. The commenter recommended that grantees be required to inform the Office of Education if they do not intend to use all funds made available to them for this purpose so that the funds can be reallocated to other grantees that would use them.

**Response.** Section 197.10(b) is changed so as not to provide that technical assistance must be specifically requested by each teacher center through the policy board. The State educational agency can only be compensated for technical assistance services to funded centers, and it is possible that these activities would be very limited if centers within a State neither need nor want them. However, the deleted provision in § 197.10(b) suggests a very passive State educational agency role in which the State agency could only act by responding to a request from a particular funded center in its State. There is nothing improper about this role, but it is also possible that particular State educational agencies may plan and carry out workshops and conferences to provide technical assistance information to a number of funded centers in their State. These activities would have to be designed solely to provide technical assistance to funded centers, and it would still be true that, if the funded centers neither needed nor elected to participate in them, they would not be eligible for compensation under the program. Nevertheless, this change and the reduction in the set-aside reduces the risk that technical assistance funds will go unused. This is a problem that will be closely watched by the Commissioner, but no further regulation is warranted at this time.

[FR Doc. 78-658 Filed 1-10-78; 8:45 am]

**[4110-02]**

**Office of Education**

**TEACHER CENTERS PROGRAM**

**Closing Date for Receipt of Applications for Fiscal Year 1978**

Notice is hereby given that, under the authority contained in section 532, title V-B, of the Higher Education Act of 1965, as amended (20 U.S.C. 1119a), applications for financial assistance under the teacher centers program are being accepted from local educational

agencies and institutions of higher education. This program authorizes grants to local educational agencies to plan, establish, and operate teacher centers and to institutions of higher education to operate teacher centers. All applications must be submitted to the State educational agency of the State in which the applicant is located, for review by that agency. The State educational agency must then transmit to the U.S. Office of Education those applications which it recommends for consideration and approval by the Commissioner of Education.

Closing dates: March 30, 1978—Submission of applications to State educational agencies. May 1, 1978—Transmittal of recommended applications to the Office of Education.

(a) **Application forms and information.** Application forms may be obtained from the U.S. Office of Education at the address given in paragraph (f) below, after January 30, 1978. Applications must be prepared and submitted according to the teacher centers program regulation published in this issue of the FEDERAL REGISTER, and the instructions and forms included in the information package. The program information package may be obtained from the Division of Educational Systems Development at the address given in paragraph (f) below.

All applications requirements and the Commissioner's evaluation criteria are found in the regulation. All but a small portion of the application may be completed using the regulation alone.

(b) **Submission to State educational agencies.** State educational agencies may set their own criteria for the review of applications. Applicants may therefore wish to take into consideration those criteria, in addition to responding to the application requirements and evaluation criteria contained in the teacher centers program regulation. The State criteria (if any) can be obtained by writing to the appropriate State educational agency. See list of addresses of chief State school officers in paragraph (g) below.

Applications should be addressed or delivered in five copies (3 for the U.S. Office of Education) to the chief State school officer of the appropriate State educational agency at the address in paragraph (g) below. Applications must be received by the State educational agency on or before March 30, 1978. The package in which the application is mailed should be clearly marked:

Attention: CFDA-13.416—Teacher Centers Program Application. State review required.

In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that applicants consider the

use of registered or certified mail as explained below. An application sent by registered or certified mail will be considered to be received on time by the State educational agency if the envelope or wrapper or original receipt bears the U.S. Postal Service postmark date of March 27, 1978, or earlier.

Hand-delivered applications will not be accepted after the State educational agency's official closing hour on March 30, 1978.

(c) **Transmittal to U.S. Office of Education.** Applications which a State educational agency recommends for consideration and approval by the Commissioner of Education, together with the assurances required in 45 CFR 197.10, may be sent by mail or delivered by hand. Three copies of each recommended application are required. Those sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.416, Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date of May 1, 1978.

In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that State educational agencies consider the use of registered or certified mail, as explained below. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application is sent by registered or certified mail not later than April 26, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or,

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

Hand-delivered applications must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C., between the hours of 8 a.m. and 4 p.m. Washington, D.C., time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted by the Application Control Center after 4 p.m. on the closing date.

(d) **Appeals to the Commissioner.** Applicants whose applications are not transmitted to the U.S. Office of Education by the appropriate State educational agency may appeal to the U.S. Commissioner of Education to request further consideration by the State



educational agency. Such an appeal, signed by an authorized official for the applicant, must be received at the address given in paragraph (f) below by 4 p.m., May 8, 1978. Applications which the State educational agency wishes to transmit to the U.S. Office of Education as the result of reconsideration following an appeal must be received by the U.S. Office of Education Application Control Center no later than 4 p.m. on May 15, 1978. These applications will be considered to be received on time by the Application Control Center if sent by registered or certified mail not later than May 10, 1978, as evidenced by the U.S. Postal Service postmark.

(e) *Program information.* In making applications, potential applicants should be aware of the limited amount of funds available for the program for fiscal year 1978. Of the \$8,250,000 anticipated for the program in fiscal year 1978, \$825,000 is reserved to compensate State educational agencies for their services, \$825,000 is reserved for grants to institutions of higher education, and the remaining \$6,600,000 is available for grants to local educational agencies. It is estimated that planning grants (local educational agencies only) will range from \$10,000 to \$25,000 and operational grants from \$50,000 to \$250,000. The average grant is expected to be about \$150,000. The statute makes no provision to assure equitable geographic distribution of the grants, and consequently there is no assurance that there will be a teacher center in each State.

(f) *Contact for further information:* Dr. Allen Schmieder, Teacher Centers Program, Division of Educational Systems Development, U.S. Office of Education, 400 Maryland Avenue SW., Room 5652, ROB No.3, Washington, D.C. 20202, telephone 202-245-2235.

(g) *Addresses of chief State school officers:*

- Hon. Wayne Teague, Superintendent of Education, State Department of Education, Montgomery, Ala. 36130.
- Hon. Marshall L. Lind, Commissioner of Education, State Department of Education, Juneau, Alaska 99801.
- Hon. Carolyn Warner, Superintendent of Public Instruction, State Department of Education, Phoenix, Ariz. 85007.
- Hon. A. W. Ford, Director of Education, Department of Education, Little Rock, Ark. 72201.
- Hon. Wilson Riles, Superintendent of Public Instruction and Director of Education, State Department of Education, Sacramento, Calif. 95814.
- Hon. Calvin M. Frazier, Commissioner of Education, State Department of Education, Denver, Colo. 80203.
- Hon. Mark R. Shedd, Commissioner of Education, State Department of Education, P.O. Box 2219, Hartford, Conn. 06115.
- Hon. Kenneth C. Madden, Superintendent of Public Instruction, State Department of Public Instruction, Dover, Del. 19901.

Hon. Vincent E. Reed, Superintendent of Schools, Public Schools of the District of Columbia, 415 12th Street NW., Washington, D.C. 20004.

Hon. Ralph D. Turlington, Commissioner of Education, State Department of Education, Tallahassee, Fla. 32304.

Hon. Charles McDaniel, Superintendent of Schools, State Department of Education, Atlanta, Ga. 30334.

Hon. Charles G. Clark, Superintendent of Education, State Department of Education, P.O. Box 2360, Honolulu, Hawaii 96804.

Hon. Roy Truby, Superintendent of Public Instruction, State Department of Education, Boise, Idaho 83720.

Hon. Joseph M. Cronin, Superintendent of Education, Illinois Office of Education, Springfield, Ill. 62777.

Hon. Harold H. Negley, Superintendent of Public Instruction, State Department of Public Instruction, Indianapolis, Ind. 46204.

Hon. Robert D. Benton, Superintendent of Public Instruction, State Department of Public Instruction, Des Moines, Iowa 50319.

Hon. Merle R. Bolton, Commissioner of Education, State Department of Education, Topeka, Kans. 66612.

Hon. James B. Graham, Superintendent of Public Instruction, State Department of Education, Frankfort, Ky. 40601.

Hon. J. Kelly Nix, Superintendent of Public Instruction, State Department of Education, Baton Rouge, La. 70804.

Hon. H. Sawin Millett, Jr., Commissioner of Educational and Cultural Services, State Department of Educational and Cultural Services, Augusta, Maine 04333.

Hon. David W. Hornbeck, Superintendent of Schools, State Department of Education, Baltimore-Washington International Airport, P.O. Box 8717, Baltimore, Md. 21240.

Hon. Gregory R. Anrig, Commissioner of Education, State Department of Education, 31 St. James Avenue, Boston, Mass. 02116.

Hon. John W. Porter, Superintendent of Public Instruction, State Department of Education, Lansing, Mich. 48902.

Hon. Howard B. Casmev, Commissioner of Education, State Department of Education, St. Paul, Minn. 55101.

Hon. Charles E. Holladay, State Superintendent of Education, Jackson, Miss. 39205.

Hon. Arthur L. Mallory, Commissioner of Education, State Department of Elementary and Secondary Education, Jefferson City, Mo. 65101.

Hon. Georgia R. Rice, Superintendent of Public Instruction, Office of the State Superintendent, State Capitol, Helena, Mont. 59601.

Hon. M. Anne Campbell, Commissioner of Education, State Department of Education, Lincoln, Nebr. 68509.

Hon. John R. Gamble, Superintendent of Public Instruction, State Department of Education, 400 West King Street, Carson City, Nev. 89701.

Hon. Robert L. Brunelle, Commissioner of Education, State Department of Education, Concord, N.H. 03301.

Hon. Fred G. Burke, Commissioner of Education, State Department of Education, Trenton, N.J. 08625.

Hon. Leonard J. DeLayo, Superintendent of Public Instruction, State Department of Education, Santa Fe, N. Mex. 87501.

Hon. Gordon M. Ambach, Commissioner of Education, State Department of Education, Albany, N.Y. 12234.

Hon. A. Craig Phillips, Superintendent of Public Instruction, State Department of Public Instruction, Raleigh, N.C. 27611.

Hon. Howard J. Snortland, Superintendent of Public Instruction, State Department of Public Instruction, Bismarck, N. Dak. 58501.

Hon. Franklin B. Walter, Superintendent of Public Instruction, State Department of Education, Columbus, Ohio 43215.

Hon. Leslie R. Fisher, Superintendent of Public Instruction, State Department of Education, Oklahoma City, Okla. 73105.

Hon. Verne A. Duncan, Superintendent of Public Instruction, State Department of Education, Salem, Oreg. 97310.

Hon. Caryl M. Kline, Secretary of Education, State Department of Education, Harrisburg, Pa. 17126.

Hon. Thomas C. Schmidt, Commissioner of Education, State Department of Education, Providence, R.I. 02908.

Hon. Cyril B. Busbee, Superintendent of Education, State Department of Education, Columbia, S.C. 29201.

Hon. Thomas C. Todd, State Superintendent, Division of Elementary and Secondary Education, State Capitol Building, Pierre, S. Dak. 57501.

Hon. Samuel H. Ingram, Commissioner of Education, State Department of Education, Nashville, Tenn. 37219.

Hon. Marlin L. Brockette, Commissioner of Education, Texas Education Agency, Austin, Tex. 78701.

Hon. Walter D. Talbot, Superintendent of Public Instruction, State Board of Education, Salt Lake City, Utah 84111.

Hon. Robert A. Withey, Commissioner of Education, Montpelier, Vt. 05602.

Hon. W. E. Campbell, Superintendent of Public Instruction, State Department of Education, Richmond, Va. 23216.

Hon. Frank B. Brouillet, Superintendent of Public Instruction, Office of the Superintendent of Public Instruction, Olympia, Wash. 98501.

Hon. Daniel B. Taylor, Superintendent of Schools, State Department of Education, Charleston, W. Va. 25305.

Hon. Barbara S. Thompson, Superintendent of Public Instruction, State Department of Public Instruction, Wisconsin Hall, 126 Langdon Street, Madison, Wis. 53702.

Hon. Robert G. Schrader, Superintendent of Public Instruction, State Department of Education, Hathaway Building, Cheyenne, Wyo. 82002.

Chief State school officers of outlying areas:

Hon. Mere T. Betham, Director of Education, Department of Education, Pago Pago, Tutuila, American Samoa 96799.

Hon. Elaine Cadigan, Director of Education, Department of Education, Agana, Guam 96910.

Hon. Carlos E. Chardon, Jr., Secretary of Education, Department of Education, Hato Rey, P.R. 00919.

Hon. Gwendolyn E. Kean, Commissioner of Education, Department of Education, Box 630, Charlotte Amalie, St. Thomas, V.I. 00801.

(h) *Applicable regulations.* The regulations applicable to this program are the Office of Education general provisions regulations (45 CFR Parts 100, 100a) and the teacher centers program regulation (45 CFR Part 197) published in this issue of the FEDERAL REGISTER.

(20 U.S.C. 1119a, 45 CFR Part 197.)

(Catalog of Federal Domestic Assistance No. 13.416, Teacher Centers Program.)

Dated: December 21, 1977.

ERNEST L. BOYER,  
U.S. Commissioner  
of Education.

[FR Doc. 78-659 Filed 1-10-78; 8:45 am]



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Register Preview

THURSDAY, JANUARY 12, 1978



## highlights

### "THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for February are being accepted for the free Friday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L Street NW., Washington, D.C. in room 9409 from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, Workshop Coordinator, 202-523-3517.

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# AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
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[3410-02]

## Title 7—Agriculture

## CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 425]

## PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

## Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 13-19, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: January 13, 1978.

## FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on January 10, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges remains fairly firm at this time.

It is further found that it is impracticable and contrary to the public in-

terest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.725 Navel Orange Regulations 425.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period January 13, 1978, through January 19, 1978, are established as follows:

- (1) District 1: 700,000 cartons;
  - (2) District 2: unlimited movement;
  - (3) District 3: unlimited movement.
- (b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated: January 11, 1978.

CHARLES R. BRADER,  
Director, Fruit and Vegetable Division,  
Agricultural Marketing Service.

(FR Doc. 78-1045 Filed 1-11-78; 11:57 am)

[3410-02]

## CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

## PART 928—PAPAYAS GROWN IN HAWAII

## Expenses, Rate of Assessment, and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assess-

ment for the 1978 fiscal period, to be collected from handlers to support activities of the Papaya Administrative Committee which locally administers the Federal marketing order covering papayas grown in Hawaii.

DATES: Effective January 1 through December 31, 1978.

## FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On December 8, 1977, notice was published in the FEDERAL REGISTER (42 FR 62012) inviting written comments not later than December 28, 1977, on proposed expenses, rate of assessment, and carryover of unexpended funds, under Marketing Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii. None were received. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matter presented, including the proposals in the notice, it is found that § 928.207 is added as follows:

§ 928.207 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Papaya Administrative Committee during the period January 1, 1978, through December 31, 1978, will amount to \$433,800.

(b) The rate of assessment for said period payable by each handler in accordance with § 928.41 is fixed at \$0.006 per pound of papayas.

(c) Unexpended assessment funds in excess of expenses incurred during the fiscal period ended December 31, 1977, shall be carried over as a reserve in accordance with § 928.42.

It is further found that good cause exists for not postponing the effective date until February 13, 1978 (5 U.S.C. 553) as the order requires that the rate of assessment for a fiscal period shall apply to all assessable papayas handled from the beginning of the period.

(Secs. 1-19, 48 Stat. 31 as amended; 7 U.S.C. 601-674.)

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Dated: January 6, 1978.

CHARLES R. BRADER,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.  
[FR Doc. 78-749 Filed 1-11-78; 8:45 am]

## [3410-05]

## CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

## SUBCHAPTER C—EXPORT PROGRAMS

(Amendment 41)

## PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM-5)

## MISCELLANEOUS AMENDMENTS

AGENCY: Commodity Credit Corporation, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This amendment will permit CCC, under the CCC Export Credit Sales Program, to finance exports of U.S. agricultural commodities loaded on foreign flag vessels that have called at a North Vietnamese port on or after January 25, 1966. Such financing was previously prohibited by the National Security Council Action Memorandum No. 340, dated January 25, 1966. This memorandum was rescinded by the National Security Council effective June 10, 1977.

EFFECTIVE DATE: January 12, 1978.

## FOR FURTHER INFORMATION CONTACT:

L. T. McElvain, Commercial Export Programs, Office of the General Sales Manager, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, D.C. 20250, telephone 202-447-3224.

Since the amendment is being made to comply with the action taken by the National Security Council, it is hereby found and determined that compliance with the procedure for notice of proposed rulemaking and public participation is unnecessary. Therefore, this amendment is issued without compliance with such procedure.

## RULE

§ 1488.19 [Reserved]

Accordingly, § 1488.19 contained in Title 7 CFR is revoked and reserved.

(Sec. 5(t), 62 Stat. 1072 (15 U.S.C. 714c); Sec. 4, 80 Stat. 1538 (7 U.S.C. 1707a).)

Signed at Washington, D.C., on January 6, 1978.

KELLY HARRISON,  
Vice President, Commodity Credit Corporation and General Sales Manager, Office of the General Sales Manager.

[FR Doc. 78-813 Filed 1-11-78; 8:45 am]

## [1505-01]

## Title 12—Banks and Banking

## CHAPTER V—FEDERAL HOME LOAN BANK BOARD

## SUBCHAPTER A—GENERAL

## PART 511—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Amendments Relating to Board Employee Loans and Reimbursement of Expenses

## Correction

In FR Doc. 77-34583 appearing on page 61250 in the issue of Friday, December 2, 1977, on page 61251 in § 511.735-11(b)(ii), the 2d line should read, "[ex]ceeding \$10,000 for consumer purposes. \* \* \*".

## [4910-13]

## Title 14—Aeronautics and Space

## CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-CE-24-AD, Amdt. 39-3123]

## PART 39—AIRWORTHINESS DIRECTIVES

## Cessna Model 182 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to all Cessna Model 182 series airplanes prior to S/N 18265965 (except the Model R182), in which an Emergency Locator Transmitter (ELT) was either installed by the manufacturer at the time of airplane assembly or was installed in accordance with Cessna Service Letter SE 73-41. The AD requires the exposed terminals of the battery relay installed on the airplane battery case to be protected by an insulated cover in accordance with Cessna Service Letter SE 77-41. This AD is necessary to prevent an ELT cable that may become loose from short circuiting and causing a fire hazard to the airplane and/or its occupants.

DATE: This amendment becomes effective January 23, 1978.

## COMPLIANCE

Required within the next 100 hours time-in-service after the effective date

of this AD or by March 15, 1978, whichever occurs first.

ADDRESSES: Cessna Service Letter Number SE77-41, dated November 7, 1977, which covers the subject matter of this AD, may be obtained from Cessna Aircraft Co., Marketing Division, Attn: Customer Service Department, Wichita, Kans. 67201; telephone 316-685-9111.

## FOR FURTHER INFORMATION CONTACT:

E. L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Mo. 64108, telephone 816-374-3146.

SUPPLEMENTARY INFORMATION: AD 77-23-11, Amendment 39-3084 (42 FR 59748, 59749), applicable to the same airplanes to which this AD is applicable, required a one time inspection of the ELT coaxial cable and connector to determine if they were properly attached and if not, appropriate corrective action to secure them. While this inspection was necessary in the interest of safety, the FAA realizes that through additional in-service use the problem could reoccur. The manufacturer has now developed protective electrical covering for the battery relay terminals, so that should the ELT coaxial cable become loose and contact a relay terminal, a short circuit and the ensuing possible fire hazard will not occur. The protective electrical covering and installation instructions are the subject matter of Cessna Service Letter 77-41 dated November 7, 1977. Since the described unsafe condition could develop in other airplanes of the same type design, an AD is being issued, applicable to certain Cessna Model 182 series airplanes, making compliance with the aforementioned Service Letter mandatory. This AD was coordinated with the manufacturer prior to issuance. The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, Notice and Public Procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

## DRAFTING INFORMATION

The principal authors of this document are: E. L. Tankesley, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

## ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administra-

tor, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

CESSNA: Applies to Model 182 Series (S/N's 18260797 thru 18265965) plus all other Cessna Model 182 Series incorporating ELT installations accomplished in accordance with Cessna Service Letter SE73-41 dated December 12, 1973, and Kits AK-150-97 or AK-150-104 or Kits AK-150-110 and AK-172-190 which were supplied by Cessna when Kits AK-150-97 and 150-104 were discontinued.

Compliance: Required as indicated unless already accomplished.

To preclude the possibility of an in-flight fire due to a loose ELT antenna coaxial cable connector making contact with the terminals of the battery relay and thereby shorting the electrical power to ground, within the next 100 hours time-in-service after the effective date of this AD or by March 15, 1978, whichever occurs first, accomplish the following:

(A) Install P/N 0712765-1 plastic guard over the P/N S1579 battery relay, or on those Cessna Model 182 airplanes not utilizing a P/N S1579 battery relay install two P/N MS 25171-1S and two P/N MS 25171-4S rubber nipple covers on the battery relay terminal in those airplanes, in accordance with Cessna Service Letter SE-77-41, dated November 7, 1977, or later approved revisions.

(B) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering & Manufacturing Branch, FAA, Central Region.

This amendment becomes effective January 23, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89, Federal Aviation Regulations (14 CFR 11.89))

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on December 30, 1977.

C. R. MELUGIN, Jr.,  
Director, Central Region.

[FR Doc. 78-780 Filed 1-11-78; 8:45 am]

## [4910-13]

[Airspace Docket No. 77-AEA-93]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

## Alteration of Control Zone, Calverton, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Calverton, N.Y., control zone, by changing the daily duration of the

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zone from "0800-1730" to "0800-1630." This change is required by a similar decrease in the period of operation of the control tower.

EFFECTIVE DATE: 0901 G.m.t. March 23, 1978.

## FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone: 212-995-3391.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Calverton, N.Y., control zone.

The decrease in time is less restrictive and will impose no additional burden on any person and thus notice or public procedure hereon are unnecessary.

## DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

## ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t. March 23, 1978, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Calverton, N.Y., control zone, by deleting, "0800 to 1730 hours" and by inserting, "0800 to 1630 hours" in lieu thereof.

(Sec. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.69.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, N.Y., on December 29, 1977.

WILLIAM E. MORGAN,  
Director, Eastern Region.

[FR Doc. 78-782 Filed 1-11-78; 8:45 am]

## [4910-13]

(Docket No. 17535, Amdt. No. 1102)

## SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

## Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes standard instrument approach procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the national airspace system, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

## FOR EXAMINATION

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

## FOR PURCHASE

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

## BY SUBSCRIPTION

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is \$135.

## FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal

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Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. These SIAPs are unnecessary, impracticable, and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

Janesville, WI—Rock County, VOR/DME.

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\*\*\* effective January 26, 1978.

Transportation Act (49 U.S.C. 1655(c)); dele-

These events also require the FAA



Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked standard instrument approach procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the national airspace system or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) notice to airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for terminal instrument approach procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting

these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking standard instrument approach procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

\*\*\* effective February 23, 1978:

Daytona Beach, FL—Daytona Beach Regional, VOR Rwy 16, Amdt. 13  
Orlando, FL—Orlando International, VOR Rwy 18L, Original  
Orlando, FL—Orlando International, VOR Rwy 18R, Original  
Orlando, FL—Orlando International, VOR/DME Rwy 36L, Amdt. 2  
Orlando, FL—Orlando International, VOR/DME Rwy 36R, Amdt. 7  
Orlando, FL—Orlando Jetport at McCoy, VOR Rwy 18L & 18R, Amdt. 3, canceled  
Twin Falls, ID—Twin Falls City—County (Joslin Field), VOR Rwy 7, Amdt. 3  
Twin Falls, ID—Twin Falls City—County (Joslin Field), VOR Rwy 25, Amdt. 15  
Lafayette, LA—Lafayette Regional, VOR Rwy 1, Amdt. 12  
Pineville, LA—Pineville Municipal, VOR-A, Original  
Baudette, MN—Baudette International, VOR Rwy 30, Amdt. 3  
Olive Branch, MS—Olive Branch, VOR/DME-A, Original, canceled  
Walls, MS—Twinkle Town, VOR/DME Rwy 5, Original, canceled  
Livingston, MT—Mission Field, VOR-A, Amdt. 3  
Silver City, NM—Silver City—Grant County, VOR/DME-B, Original  
Minot, ND—Minot International, VOR Rwy 8, Amdt. 8  
Minot, ND—Minot International, VOR Rwy 13, Amdt. 8  
Minot, ND—Minot International, VOR Rwy 26, Amdt. 9  
Minot, ND—Minot International, VOR Rwy 31, Amdt. 8  
Titusville, PA—Titusville, VOR-A, Amdt. 2  
Memphis, TN—Memphis International, VOR Rwy 17L, Original, canceled  
Nashville, TN—Nashville Metropolitan, VOR/DME Rwy 20R, Amdt. 1  
Galveston, TX—Scholes Field, VOR Rwy 13, Amdt. 13  
Houston, TX—William P. Hobby, VOR/DME Rwy 22 (TAC), Amdt. 17  
Christiansted, St. Croix, V.I.—Alexander Hamilton, VOR Rwy 27, Amdt. 14  
Walla Walla, WA—Walla Walla City—County, VOR Rwy 2, Amdt. 9  
Morgantown, WV—Morgantown Municipal, VOR Rwy 2, Amdt. 9  
Walter L. Bill Hart Field, VOR-A, Amdt. 8  
Morgantown, WV—Morgantown Municipal, VOR/DME Rwy 18, Amdt. 2  
Janesville, WI—Rock County, VOR Rwy 4, Amdt. 21

Janesville, WI—Rock County, VOR/DME, Rwy 22 (TAC), Original  
Janesville, WI—Rock County, VORTAC, Rwy 22, Amdt. 6, canceled  
Newcastle, WY—Mondell Field, VOR Rwy 31, Amdt. 1

\*\*\* effective January 26, 1978:

Kotzebue, AK—Ralph Wien Memorial, VOR Rwy 8, Original  
Kotzebue, AK—Ralph Wien Memorial, VOR Rwy 8 (TAC), Amdt. 6, canceled  
Kotzebue, AK—Ralph Wien Memorial, VOR Rwy 26, Original  
Kotzebue, AK—Ralph Wien Memorial, VOR Rwy 26 (TAC), Amdt. 4, canceled  
Kotzebue, AK—Ralph Wien Memorial, VORTAC Rwy 8, Amdt. 2, canceled  
Kotzebue, AK—Ralph Wien Memorial, VOR/DME Rwy 8, Original  
Gunnison, CO—Gunnison County, VOR-A, Amdt. 3

\*\*\* effective December 23, 1977:

Durango, CO—Durango-La Plata County, VOR-A, Amdt. 4  
Durango, CO—Durango-La Plata County, VOR/DME, Rwy 2, Amdt. 1

**NOTE.**—The FAA published an amendment in Docket No. 17412, Amdt. No. 1100 to Part 97 of the Federal Aviation Regulations (42 FR 63639; December 19, 1977) under § 97.23, effective February 9, 1978, which is hereby amended as follows: Dothan, AL—Wheelless, VOR/B, Amdt. 3, and Ozark, AL—Blackwell Field, VOR Rwy 30, Amdt. 4, change effective dates to March 23, 1978.

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

\*\*\* effective February 23, 1978:

Daytona Beach, FL—Daytona Beach Regional LOC (BC) Rwy 24R, Amdt. 8  
Minot, ND—Minot International LOC (BC) Rwy 13, Amdt. 3  
Houston, TX—William P. Hobby, LOC BC Rwy 22, Amdt. 18

\*\*\* effective January 26, 1978:

Asheville, NC—Asheville Municipal, LOC Rwy 16, Original

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

\*\*\* effective February 23, 1978:

Daytona Beach, FL—Daytona Beach Regional, NDB Rwy 6L, Amdt. 17  
Statesboro, GA—Statesboro Municipal, NDB Rwy 13, Amdt. 3  
Statesboro, GA—Statesboro Municipal, NDB Rwy 31, Amdt. 3  
Lafayette, LA—Lafayette Regional, NDB Rwy 28, Amdt. 3  
Corinth, MS—Roscoe Turner, NDB Rwy 17, Amdt. 5  
Corinth, MS—Roscoe Turner, NDB Rwy 35, Amdt. 4  
Arlington, TN—Arlington Municipal, NDB Rwy 15, Amdt. 4  
Arlington, TN—Arlington Municipal, NDB Rwy 33, Amdt. 4  
Lawrenceburg, TN—Lawrenceburg Municipal, NDB-A, Amdt. 4  
San Angelo, TX—Mathis Field, NDB Rwy 18, Original, canceled  
Christiansted, St. Croix, V.I.—Alexander Hamilton, NDB Rwy 9, Amdt. 8  
Blacksburg, VA—VPI, NDB Rwy 8, Amdt. 3  
Arlington, WA—Arlington, NDB-A, Amdt. 1  
Morgantown, WV—Morgantown Municipal, VOR/DME Rwy 18, Amdt. 2  
Walter L. Bill Hart Field, NDB Rwy 18, Amdt. 12

\*\*\* effective January 26, 1978:

Asheville, NC—Asheville Municipal, NDB Rwy 16, Amdt. 11

**NOTE.**—The FAA published an Amendment in Docket No. 17330, Amdt. No. 1097, to Part 97 of the Federal Aviation Regulations (42 FR 57449; November 3, 1977) under § 97.27, effective January 26, 1978, which is hereby amended as follows: Clarksburg, WV—Benedum, NDB Rwy 21, Amdt. 4, and Fairmont, WV—Fairmont Municipal, NDB-A, Amdt. 3, change effective dates to March 23, 1978.

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

\*\*\* effective February 23, 1978:

Carlsbad, CA—Palomar, ILS Rwy 24, Amdt. 1  
Riverside, CA—Riverside Municipal, ILS Rwy 9, Amdt. 3  
Daytona Beach, FL—Daytona Beach Regional, ILS Rwy 6L, Amdt. 21  
Orlando, FL—Orlando International, ILS Rwy 36L, Amdt. 5  
Orlando, FL—Orlando International, ILS Rwy 36R, Amdt. 1  
Minot, ND—Minot International, ILS Rwy 31, Amdt. 3  
Christiansted, St. Croix, V.I.—Alexander Hamilton, ILS Rwy 9, Amdt. 1  
Spokane, WA—Spokane International, ILS Rwy 21, Amdt. 17  
Morgantown, WV—Morgantown Municipal, VOR/DME Rwy 18, Amdt. 5  
Janesville, WI—Rock County, ILS Rwy 4, Amdt. 5

\*\*\* effective January 26, 1978:

Kotzebue, AK—Ralph Wien Memorial, ILS/DME Rwy 8, Amdt. 2

\*\*\* effective January 12, 1978:

Nashville, TN—Nashville Metropolitan, ILS Rwy 2L, Original

**NOTE.**—The FAA published an amendment in Docket No. 17330, Amdt. No. 1097 to Part 97 of the Federal Aviation Regulations (42 FR 57449; November 3, 1977) under § 97.29, effective January 26, 1978, which is hereby amended as follows: Clarksburg, WV—Benedum, ILS Rwy 21, Amdt. 5, change effective date to March 23, 1978.

5. By amending § 97.31 RADAR SIAPs identified as follows:

\*\*\* effective February 23, 1978:

Daytona Beach, FL—Daytona Beach Regional, RADAR-1, Amdt. 1  
Lafayette, LA—Lafayette Regional, RADAR-1, Amdt. 1  
Billings, MT—Billings Logan International, RADAR-1, Amdt. 3  
Wichita Falls, TX—Kickapoo Downtown Airport, RADAR-1, Original

\*\*\* effective January 26, 1978:

Corpus Christi, TX—Corpus Christi International, RADAR-1, Amdt. 5

6. By amending § 97.33 RNAV SIAPs identified as follows:

\*\*\* effective February 23, 1978:

Columbia, SC—Columbia Metropolitan, RNAV Rwy 5, Amdt. 5

(Secs. 307, 313(a), 601, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of

Transportation Act (49 U.S.C. 1655(c)); delegation: 25 FR 6489 and paragraph 802 of Order FSP 1100.1, as amended March 9, 1973.)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on January 6, 1978.

JAMES M. VINES,  
Chief,  
Aircraft Programs Division.

**NOTE.**—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc. 78-785 Filed 1-11-78; 8:45 am]

[4910-13]

#### CHAPTER 1—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17543; Amdt. No. 121-139]

#### PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

##### Certification and Operating Rules for All-Cargo Air Carriers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment establishes safety certification and operating rules for all-cargo air carriers issued certificates by the Civil Aeronautics Board under section 418 of the Federal Aviation Act of 1958. This amendment is necessary to implement section 418 of the Act.

**EFFECTIVE DATE:** January 9, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8716.

**SUPPLEMENTARY INFORMATION:** Pub. L. 95-163 amended the Federal Aviation Act of 1958 to establish a new class of air carriers called "all-cargo air carriers." The law requires the Civil Aeronautics Board to issue certificates under new section 418 of the Act to several of the "grandfather" applicants no later than January 9, 1978. Accordingly, the Board promulgated a new Part 291 applicable to all-cargo air carriers issued certificates under section 418 of the Act. Part 291 of the Board's regulations becomes effective January 9, 1978.

These events also require the FAA to adopt appropriate amendments to the Federal Aviation Regulations to provide for the certification and regulations of "section 418 carriers" in the interest of safety. It should be noted that those eligible for "grandfather" certificates currently hold FAA operating certificates issued under Part 121, 127, or 135. Regardless of which certificate they hold they conduct their all-cargo operations with large airplanes in accordance with the rules of Part 121 applicable to supplemental air carriers and their all-cargo operations with small airplanes in accordance with the rules of Part 135. The FAA "all-cargo air carrier certificate" will be issued under Part 121.

Accordingly, this amendment makes Part 121 of the Federal Aviation Regulations applicable to carriers holding an "all-cargo air service certificate" or "section 418 certificate" issued by the CAB under section 418 of the Federal Aviation Act and requires operations under that certificate to be conducted in accordance with the safety certification and operating rules in Part 121 that govern supplemental air carriers. It is the intent of this amendment to require compliance with only those regulations governing supplemental air carriers, rather than those prescribed in Part 121 for domestic and flag air carriers, unless the Administrator otherwise allows or requires in operations specifications issued to the air carrier. Of course, by virtue of § 121.9, small airplane operations under a section 418 certificate must be conducted in accordance with the operating rules of Part 135.

Holders of domestic, flag, and supplemental air carrier operating certificates, including the holder of a certificate issued under Part 127, who apply for operating authority under this amendment will not be issued an additional certificate, but will be issued appropriate operations specifications.

The holder of a Part 135 ATCO certificate limited to small aircraft may continue to conduct its all cargo operations under its Part 135 ATCO certificate. However, if it elects to operate under the authority of a section 418 certificate issued by the Board, it will be required to qualify and obtain an appropriate Part 121 certificate, in addition to operations specifications.

#### DRAFTING INFORMATION

The principal author of this document is R. G. Leary, Office of the Chief Counsel.

Since, as required by law, certain applicants must be issued certificate authority to provide all-cargo air service no later than January 9, 1978, there is a requirement for the early adoption of this amendment to provide applicable certification and operating rules in the interest of safety in air transporta-



tion. Therefore, I find that notice and public procedure hereon are contrary to the public interest and that good cause exists for making this amendment effective in less than thirty days.

Accordingly, Part 121 of the Federal Aviation Regulations (14 CFR Part 121) is amended, effective January 9, 1978, as follows:

1. By adding a new paragraph (a)(6) to § 121.1 to read as follows:

§ 121.1 Applicability.

(a) \* \* \*

(6) Each air carrier when it engages in all-cargo air service under a certificate issued by the CAB under section 418 of the Federal Aviation Act of 1958.

2. By adding a new paragraph (h) to § 121.3 to read as follows:

§ 121.3 Certification requirements: general.

\* \* \*

(h) No person may engage in air transportation under the authority of an all-cargo air service certificate issued by the CAB under section 418 of the Federal Aviation Act of 1958, unless that person complies with the certification and operating rules of this part applicable to supplemental air carriers, except § 121.590. However, the Administrator may issue operations specifications for those operations and allow or require a certificate holder to comply with operating rules prescribed for domestic or flag air carriers, in lieu of the supplemental air carrier operating rules, if he determines that safety in air commerce requires or allows their issuance. The holder of a domestic, flag or supplemental air carrier certificate issued under this part or an air carrier certificate issued under Part 127 of this chapter need not obtain, and is not eligible for, an all-cargo air carrier certificate issued under this part. Those certificate holders are issued appropriate operations specifications.

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1424); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

# RULES AND REGULATIONS

Issued in Washington, D.C., on January 9, 1978.

LANGHORNE BOND,  
Administrator.

[FR Doc. 78-1028 Filed 1-11-78; 10:13 am]

## [1505-01]

### Title 16—Commercial Practices

#### CHAPTER I—FEDERAL TRADE COMMISSION

##### SUBCHAPTER B—GUIDES AND TRADE PRACTICE RULES

#### PART 195—BEDDING MANUFACTURING AND WHOLESALE DISTRIBUTING INDUSTRY

##### Revision of Obsolete Part

##### Correction

In FR Doc. 78-102 appearing on page 951 in the issue of January 5, 1978.

In the SUMMARY paragraph, the last sentence should be corrected to read, "After carefully considering requests by a trade association and a manufacturer for retention of these rules, the Commission concludes that retention is not in the public interest."

In the second column, insert PART 195—BEDDING MANUFACTURING AND WHOLESALE DISTRIBUTING INDUSTRY between the last two paragraphs.

## [4810-22]

### Title 19—Customs Duties

#### CHAPTER I—U.S. CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-16]

#### PART 159—LIQUIDATION OF DUTIES

##### X-Radial Steel Belted Tires From Canada

AGENCY: U.S. Treasury Department.  
ACTION: New Amount of Countervailing Duty Determined.

SUMMARY: This notice is to inform the public of the amount of countervailing duty which will be assessed on X-radial steel belted tires imported from Michelin Tire Manufacturing Co. of Canada, Ltd., during 1976. Section 159.47(f) of the Customs Regulations is being amended to include this notice.

EFFECTIVE DATE: January 12, 1978.

#### FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of January 8, 1973 (38 FR 1018), the Commissioner of Customs gave notice that the United States Customs Service had determined that exports of X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., are subject to bounties or grants within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

At that time, notice was given that X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., imported directly from Canada, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of that notice in the Customs Bulletin, would be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In the FEDERAL REGISTER of July 23, 1976 (41 FR 30325), the Commissioner of Customs gave notice that a deposit of estimated countervailing duties, in the amount of 2.513 percent of the f.o.b. value of each tire, would be required at the time of entry of the subject merchandise for consumption or upon its withdrawal from warehouse for consumption on or after January 1, 1976.

From information received since the issuance of the notice of July 23, 1976, it has been finally ascertained, determined or estimated that the net amount of the bounty or grant paid or bestowed upon the subject merchandise is 2.28 percent of the f.o.b. value of each tire during 1976, and countervailing duties of this amount will be collected upon the liquidation of all entries of the subject merchandise for consumption or withdrawals thereof from warehouse for consumption during the period January 1 through December 31, 1976.

On the basis of information presently available, the amount of such bounty or grant applicable to shipments of X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Co. of Canada, Ltd., imported directly or indirectly from Canada, entered for consumption or withdrawn from warehouse on or after the date of publication of this notice, is estimated to be 1.98 percent of the f.o.b. value of each tire. Accordingly, until further notice, upon entry for consumption or withdrawal from warehouse for consumption of such dutiable X-radial steel belted tires, manufactured by Michelin Tire Manufac-

turing Co. of Canada, Ltd., imported directly or indirectly from Canada which benefit from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, estimated countervailing duties of 1.98 percent of the f.o.b. value of each tire.

Declarations of the net amount of the bounties or grants finally ascertained, determined or estimated with respect to such merchandise will be published in subsequent issues of the Customs Bulletin and the FEDERAL REGISTER.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption after December 31, 1976, of such dutiable X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Co. of Canada, Ltd., imported directly or indirectly from Canada which benefit from such bounties or grants and are subject to the order shall continue to be suspended pending declarations of the net amounts of the bounties or grants paid or bestowed.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in respect to the commodity "X-radial steel belted tires manufactured by Michelin Tire Manufacturing Co. of Canada, Ltd.," the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Final rate declared, new estimated rate" in the column headed "Action."

(R.S. 251, as amended, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2050; (19 U.S.C. 66, 1303, as amended, 1624).)

Pursuant to Reorganization Plan Number 26 of 1950 and Treasury Department Order 190 Revision 14, July 1, 1977, the provisions of Treasury Department Order 165, Revised, November 2, 1954, and § 159.47(d) of the Customs Regulations (19 CFR 159.47(d)) insofar as they pertain to the issuance of a countervailing duty order by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,  
General Counsel of the Treasury.

JANUARY 9, 1978.

[FR Doc. 78-859 Filed 1-11-78; 8:45 am]

## [4710-01]

### Title 22—Foreign Relations

#### CHAPTER I—DEPARTMENT OF STATE

##### PART 51—PASSPORTS

##### New Passport Requirements

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule amends Department of State passport regulations to

# RULES AND REGULATIONS

require minors of age 13 years or older to be issued passports in their own names; to require a group passport to contain an individual photograph of the bearer and a group photograph of all included persons; and to establish specific requirements for execution of passport applications by minors. The purpose of these amendments is to increase administrative efficiency and economy.

EFFECTIVE DATE: January 1, 1978.

ADDRESS: Director, Passport Office, Department of State, Washington, D.C. 20524.

#### FOR FURTHER INFORMATION CONTACT:

W. B. Wharton, Chief, Legal Division, Passport Office, Department of State, 202-523-4246.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 57138, November 1, 1977) inviting interested persons to submit comments concerning the amendments on or before November 28, 1977. After consideration of all relevant comments received, the proposed amendments to Part 51, Title 22, Code of Federal Regulations, are adopted, without change, as set forth below.

Dated: December 20, 1977.

BARBARA M. WATSON,  
Assistant Secretary  
for Consular Affairs.

1. In Title 22 CFR § 51.5(a) is amended as follows:

§ 51.5 Persons who may be included in one passport.

(a) The following persons may be included in one passport:

- (1) The spouse of the bearer;
- (2) Children of the bearer under the age of 13 years, including stepchildren and adopted children;
- (3) Brothers and sisters of the bearer under the age of 13 years.

2. § 51.25 (a) and (b) [amended].

§ 51.25 Photographs.

(a) *Photographs of bearer.* The applicant shall submit with his application identical photographs of himself alone taken within 6 months of the application, which are a good likeness and satisfactorily identify the applicant. The photographs shall be signed by the applicant in the same manner and form as the application. No joint photographs of the bearer and included person(s) will be acceptable.

(b) *Photographs of included persons.* An applicant who wishes to include members of his family shall submit two identical photographs showing only the included persons. When more

than one person is to be included, group photographs of the included persons are required. Composite photographs are not acceptable. Separate photographs of each individual to be included may not be submitted; only group photographs are acceptable for this purpose. The photographs must be consistent with the photograph requirements in paragraph (a) of this section; however, they need not be signed.

3. In § 51.27 paragraph (b) is amended; paragraph (c) is deleted; and paragraphs (d) and (e) are renumbered as paragraphs (c) and (d).

§ 51.27 Minors.

(b) *Execution of application by minors.* A minor of age 13 years or above shall execute an application on his own behalf unless in the judgment of the person before whom the application is executed it is not desirable for the minor to execute his own application. In such case it must be executed by a parent or guardian of the minor, or by a person in loco parentis. A parent, guardian or person in loco parentis shall execute the application for minors under the age of 13 years. The passport issuing office may require a minor under the age of 18 years to obtain and submit the written consent of a parent, a legal guardian or a person in loco parentis to the issuance of the passport.

(Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended (22 U.S.C. 211a, 2658), EO 11295, 36 FR 10603; 3 CFR 1966-70 comp., page 507.)

[FR Doc. 78-764 Filed 1-11-78; 8:45 am]

## [4210-01]

### Title 24—Housing and Urban Development

#### CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

[Docket No. R-77-496]

##### PART 300—GENERAL

##### List of Attorneys-in-Fact

ACTION: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as



more fully described in paragraph (a) of 24 CFR 300.11

DATES: This amendment is effective January 12, 1978.

ADDRESSES: Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Telephone: 202-755-7603.

FOR FURTHER INFORMATION CONTACT:

Mr. William J. Linane, Office of the General Counsel, on 202-755-4942.

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

It is hereby certified that economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107 and copies are on file for public inspection at the above address.

§ 300.11 [Amended]

1. Paragraph (c) of § 300.11 is amended by deleting the following names from the current list of attorneys-in-fact:

*Name and region*

Gordon C. Bell, Dallas, Tex.  
Donald E. Berg, Dallas, Tex.  
E. N. Biggerstaff, Los Angeles, Calif.  
Victoria Duffield, Dallas, Tex.  
Calvin W. Heptinstall, Los Angeles, Calif.  
Elwyn V. Hopkins, Washington, D.C.  
Harry E. Johnson, Washington, D.C.  
R. E. Long, Dallas, Tex.  
Diedre F. O'Donoghue, Chicago, Ill.  
N. A. Ownes, Atlanta, Ga.  
J. L. Thomas, Dallas, Tex.  
Fred B. Vanderwoude, Dallas, Tex.  
Loretta A. Wing, Philadelphia, Pa.

2. Paragraph (c) of § 300.11 is further amended by adding the following names in alphabetical sequence to the current list of attorneys-in-fact:

*Name and region*

M. V. Appenzeller, Atlanta, Ga.  
Frances E. Bennett, Atlanta, Ga.  
E. N. Biggerstaff, Atlanta, Ga.  
Norman T. Bolas, Los Angeles, Calif.  
Ardella C. Boucher, Dallas, Tex.  
James S. Cash, Atlanta, Ga.  
Mark Donoho, Dallas, Tex.  
B. B. Fincher, Dallas, Tex.  
Fred J. Haupt IV, Los Angeles, Calif.  
C. W. Heptinstall, Los Angeles, Calif.  
John S. Kolich, Dallas, Tex.  
Donna M. Long, Los Angeles, Calif.  
Mattie M. Loooper, Los Angeles, Calif.  
Marcia G. Maxwell, Atlanta, Ga.  
Loretta A. Meissler, Philadelphia, Pa.  
Allen P. Miller, Los Angeles, Calif.  
Harbir S. Narang, Los Angeles, Calif.  
Dorothy D. Nichol, Dallas, Tex.  
Deidre F. O'Donoghue, Chicago, Ill.  
Douglass M. Porter, Washington, D.C.  
Dorn V. Price, Los Angeles, Calif.

A. E. Rodenberger, Los Angeles, Calif.  
Roger Stewart, Washington, D.C.  
Robert F. Sumbry, Atlanta, Ga.  
Jimmie L. Thomas, Dallas, Tex.  
Doris C. Webb, Dallas, Tex.  
Erinda C. Weaver, Los Angeles, Calif.  
Sharon Weisbach, Atlanta, Ga.  
James H. Whitehead, Atlanta, Ga.  
June F. Yamakawa, Los Angeles, Calif.  
Dick A. Yockey, Los Angeles, Calif.  
Mary B. Zarrilli, Atlanta, Ga.

(Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d).)

Issued at Washington, D.C. on January 6, 1978.

JOHN H. DALTON,  
President, Government  
Mortgage Association.

[FR Doc. 78-862 Filed 1-11-78; 8:45 am]

[3710-08]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

SUBCHAPTER K—ENVIRONMENTAL QUALITY  
[AR 210-91]

PART 656—INSTALLATIONS, USE OF OFF-ROAD VEHICLES ON ARMY LAND

Final Rule; Correction

AGENCY: Department of the Army, DOD.

ACTION: Correction to final rules.

SUMMARY: This document corrects a document previously published on October 25, 1977 regarding policies and procedures for the use of off-road vehicles on Army installations.

DATES: Not applicable.

FOR FURTHER INFORMATION CONTACT:

Robert B. McGough, Chief, Buildings and Grounds Division, Facilities Engineering Directorate, Office, Chief of Engineers, Washington, D.C. 20314 (202-693-6687).

SUPPLEMENTARY INFORMATION: The regulation as published requires the use of spark arresters on all ORV's. It is not considered appropriate to require spark arresters on ORV's which are used on water, snow, or ice. Several typographical errors were noted which require correcting. Therefore the document revising 32 CFR part 656 published in the FEDERAL REGISTER on October 25, 1977 as 42 FR 56326, is corrected as set forth below:

(1) On page 56326, third column, list of sections and titles, change title of § 656.8 to read "Guidelines and criteria for evaluation and utilization of Army lands for off-road vehicle use".

(2) On page 56327, third column, § 656.8, change title of this section to read "Guidelines and criteria for eval-

uation and utilization of Army lands for off-road vehicle use".

(3) On page 56328, first column, § 656.8(b), change "Zone of ORV's" to read "Zones of Use".

(4) On page 56328, second column, § 656.8(c)(5), change first sentence, "Impact of wildlife \* \* \*" to read "Impact on wildlife \* \* \*".

(5) On page 56328, third column, § 656.8(d)(8), change first sentence to read "ORV's when operating off established road and parking areas not covered by ice, snow or water shall be equipped with a properly installed spark arrester that meets standard 5100-1a of the U.S. Forest Service, Department of Agriculture".

Dated: December 27, 1977.

LEWIS H. BLAKEY,  
Deputy Director for Technology  
and Engineering, Facilities  
Engineering.

[FR Doc. 78-849 Filed 1-11-78; 8:45 am]

[4310-70]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE,  
DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF  
THE NATIONAL PARK SYSTEM, GRAND  
CANYON NATIONAL PARK, ARIZ.

Immobilized, Inoperable Vehicles

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to establish regulations for storing immobilized and inoperable vehicles on government lands within the park. These regulations are necessary to discourage the development of hazardous conditions and physical and visual pollution of the area.

DATES: This amendment shall become effective on February 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Merle E. Stitt, Superintendent, Grand Canyon National Park. Telephone: 602-638-2411.

SUPPLEMENTARY INFORMATION: A proposed rule on this subject was published in the FEDERAL REGISTER on January 19, 1977 (42 FR 3656). Any comments, suggestions, or objections regarding the amendment were requested, but none were received. Accordingly, the National Park Service has determined that the regulation should become final, without changes.

NOTE.—The National Park Service has determined that this document does not contain a major proposal which would require preparation of an economic impact state-

ment under the provisions of E.O. 11821 and OMB Circular A-107.

BRUCE W. SHAW,  
Acting Superintendent,  
Grand Canyon National Park.

Section 7.4 of Title 36, Code of Federal Regulations, is hereby amended by the addition of a new paragraph (i) as follows:

§ 7.4 Grand Canyon National Park.

\* \* \*

(i) *Immobilized and legally inoperative vehicles.* (1) An immobilized vehicle is a motor vehicle which is not capable of moving under its own power due to equipment malfunction or deficiency. This term shall also include trailers whose wheels have been removed or which, for other reasons, cannot be immediately towed from their location, excluding trailers being used as residences which are occupying sites designated for this purpose by the Superintendent. A legally inoperative vehicle is a motor vehicle capable of movement under its own power, but not licensed to legally operate on roads.

(2) Leaving, storing, or placing upon federally owned lands within the park any immobilized or legally inoperative vehicle for a period exceeding 30 days is prohibited, except under the terms of a permit issued by the Superintendent.

(3) A revocable permit for an immobilized or legally inoperative vehicle may be issued without fee by the Superintendent for a specific period of time, upon a finding that the issuance of such a permit will not interfere with park management or impair park resources.

(i) Any permit issued will be valid for the period stated on the permit, unless otherwise revoked or terminated by the Superintendent, and will state the name and address of the owner, the description of the vehicle, and the exact location where it may be left, stored or placed.

(ii) The permittee will affix the permit securely and conspicuously to the vehicle.

(iii) The permit shall be nontransferable.

(iv) Any person issued a permit shall comply with all terms and conditions of the permit. Failure to do so will constitute cause for the Superintendent to terminate the permit at any time.

(v) A permit may be revoked at any time for the convenience of the National Park Service or upon a finding that continued authorization under the permit would interfere with park management or impair park resources.

(4) An immobilized or legally inoperative vehicle left in excess of 30 days without a permit will be removed at the owner's expense.

(5) An immobilized or legally inoperative vehicle constituting a safety hazard, causing an obstruction to roads or trails, or interfering with maintenance operations will be removed immediately at the owner's expense. Such interference or impairment may include, but shall not be limited to, the creation of a safety hazard, traffic congestion, visual pollution, or fuel and lubricant drip pollution.

(6) The Superintendent shall have the right of inspection at all reasonable times to ensure compliance with the requirements of this paragraph.

[FR Doc. 78-857 Filed 1-11-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION  
AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 841-71]

PART 52—APPROVAL AND PROMULGATION  
OF IMPLEMENTATION PLANS

Massachusetts Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Three large fossil fuel utilization facilities in the Southeastern Massachusetts Air Pollution Control District (SEMAPCD) are approved to burn fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately 2.2 percent sulfur content residual fuel oil or its equivalent of approximately 1.4 percent sulfur content coal) in accordance with revised regulation 5.1, "Sulfur Content of Fuels and Control Thereof" until May 1, 1978.

EFFECTIVE DATE: January 12, 1978.

FOR FURTHER INFORMATION:

David Stonefield, Air Branch, EPA Region I, Room 2113, J.F.K. Federal Building, Boston, Mass. 02203, 617-223-5609.

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10872), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of EPA approved, with exceptions, the Massachusetts implementation plan for the attainment of national ambient air quality standards (NAAQS).

On December 30, 1976, the Massachusetts Secretary of Environmental Affairs submitted a revision to regulation 5.1 which allowed seventeen large fuel burning sources in the SEMAPCD, each having an energy input capacity rate of one hundred million

Btu's per hour or greater, to burn higher sulfur content fuel until May 1, 1978. The SEMAPCD is the same geographic area as the Massachusetts portion of the metropolitan Providence interstate air quality control region. Existing SIP regulations permit the burning of fossil fuel with a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1 percent sulfur content residual fuel oil by weight). On September 2, 1977 (42 FR 44235), EPA approved the use of the higher sulfur content fuel for ten of these sources, disapproved its use for four sources, and took no action on the remaining three sources pending further evaluation. On September 26, 1977 (42 FR 48895), EPA proposed to approve the use of the higher sulfur content fuel for these remaining three sources. Brayton Point station and Somerset station, two oil fired electric generating facilities, as well as Harodite Finishing Co., a manufacturing company.

As stated in the proposed approval, the revision also required that the use of the higher sulfur fuel by each source be approved, and a permit be granted by the Massachusetts Department of Environmental Quality Engineering (the Massachusetts department) prior to use. Conversion to high sulfur fuel will be contingent upon the source conforming with certain conditions incorporated in the permit, including requiring emission testing and the establishment of a network of total suspended particulate (TSP) monitors and continuous ambient sulfur dioxide (SO<sub>2</sub>) monitors at specified locations in the vicinity of the approved sources. Exceedance of the NAAQS for SO<sub>2</sub> or TSP recorded by any monitor in the vicinity of the facility would be grounds for requiring an immediate and permanent return to the use of lower sulfur fuel by the source involved. Further, no source will be permitted to continue burning higher sulfur fuel if the emission testing results show that the source has particulate emissions in excess of the emission limitation under the present SIP. Any permit will be revoked if there is evidence of noncompliance with any other applicable SIP regulation. The comments received during the public comment period following EPA's September 26, 1977, proposed approval do not change EPA's decision.

Comments were received from four interested parties during the comment period. A number of comments were received that were beyond the scope of the notice. One commenter pointed out an error in a statement in EPA's supporting documentation which did not affect the conclusion drawn in the documentation.

One commenter, the Commissioner of the Connecticut Department of En-



vironmental Protection, had several objections to the proposed revision. A brief summary of these objections and EPA's response follows:

Q. How can EPA approve a SIP revision which would increase emissions from these three sources in a "non-attainment" area?

A. This SIP revision permits an increase in the regulatory limit for the sulfur content in fuels. The affected area has attained primary and secondary SO<sub>2</sub> standards. EPA believes that the revision, if approved, would not prevent the attainment and maintenance of SO<sub>2</sub> standards for the time period in question. A secondary impact of this revision would be the possible increase of particulate emissions from the affected sources over the present level, but still within the present regulatory limits set by the Massachusetts SIP. The Fall River area has not attained primary or secondary standards for TSP. EPA has performed comprehensive chemical and microscopic analyses of the filters which measured high particulate levels in the Fall River area during 1976. The evidence provided by these analyses confirms EPA's belief that the isolated high levels of TSP concentrations are caused by sources of fugitive emissions and road dust reentrainment.

During the period of this revision, both the Massachusetts department and the affected sources will continue to gather data which will support the Massachusetts department's TSP attainment plan, due in November 1978. The Massachusetts department has already initiated a comprehensive statewide study on TSP non-attainment which includes the Fall River area. The scope of work for this study includes the collection of meteorological and site data at selected ambient monitors, comprehensive analyses of many filters (not merely filters measuring exceedances), TSP spatial distribution analyses, the collection of traffic data, and interpretation of results. It is EPA's belief that, as a result of this and certain EPA studies relating to particulate emissions and control, the Massachusetts Department will develop control measures which will correct the TSP non-attainment problem.

Q. How can EPA approve a SIP revision which would contribute increased SO<sub>2</sub> emissions from these three sources in an area where modeled SO<sub>2</sub> violations are predicted to occur?

A. It is EPA's opinion that the increased SO<sub>2</sub> emissions from this temporary revision will not cause or contribute to a violation of the SO<sub>2</sub> standard. There are no monitored violations for SO<sub>2</sub> in the area and it is presently classified as attainment for this pollutant. In reviewing those sources contained in the original temporary revision requested by the Massachu-

setts department, EPA identified Duro Finishing Co. (Duro) as having a potential downwash problem due to plant configuration and local topography. These conditions could cause highly localized standards violations even while Duro is burning the presently required 1 percent sulfur fuel. For these reasons, Duro was disapproved from burning the higher sulfur content fuel (42 FR 44235). As part of its program to address the requirements of the Clean Air Act Amendments of 1977, the Massachusetts department will evaluate this problem and take measures to correct it if necessary. As part of the monitoring program associated with this temporary revision of the State implementation plan, the Massachusetts department will require the installation of a monitor at the maximum modeled impact point, and will require the immediate return to the use of lower sulfur fuel if an approved source is shown to contribute to any NAAQS exceedance.

Q. Comment: There is not much margin for error in meeting ambient air quality standards by reducing Montauk's load by 25 percent. Further, reductions in source emissions do not necessarily result in equivalent proportional reductions in ambient concentrations.

A. The 75 percent load figure was derived by examining the operating records at the Somerset plant. When the modeling results were considered in light of this 75 percent factor, EPA concurred with the Massachusetts department's opinion that standards would not be violated. As a condition of permit approval, operation of the Somerset plant will be limited to 75 percent of capacity.

Q. Why did EPA not analyze the filters measuring exceedances in 1975 when the Brayton and Somerset plants were burning coal, and how could EPA still conclude that these two power plants did not significantly contribute to the measured TSP violations in 1976 which indicate TSP non-attainment?

A. During 1975, both Somerset and Brayton Point stations were given temporary suspensions from state particulate regulations in order to burn coal during a fuel shortage. Both plants were emitting particulates in excess of the SIP limitations. However, during the period of this revision, neither plant will be permitted to emit particulates in excess of the present federally enforceable regulatory limit. The 1975 filters are thus not representative of actual conditions projected for the period of this SIP revision. In addition, half of the violations measured during 1975 were recorded at a monitoring site which was poorly sited and eventually discontinued.

Q. What led EPA to conclude that the "non-attainment status of the SE-

MAPCD is due principally to road sanding operations plus wind-caused reentrainment of sand and other materials," especially as applied to the April 9th and June 11th filters?

A. Both the April 9 and June 11 measurements reflect exceedances of the secondary NAAQS. EPA's general conclusion was based on an analysis of seven filters, taking into account not only wet chemical and microscopic filter analysis, but also the meteorology, local events and site conditions applicable for the day on which the exceedance was measured. Specifically, EPA concluded that the April 9, 1976, violation was likely caused by fugitive emissions from trucking and/or construction activity in the area. EPA concluded that the June 11, 1976, violation was caused principally by road dust reentrainment. The microscopic analysis and XRF analysis provide no conclusive evidence that either Brayton Point or Somerset contributed to these violations. A full discussion of each of the filters that were analyzed, including the April 9 and June 11 filters, is found in an EPA report entitled "Evaluation and Validation of Total Suspended Particulate NAAQS Exceedances, Fall River, Mass., 1975-1976," a copy of which is available for public information at EPA region I.

EPA believes that the interim filter analyses which it performed were proper for an analysis of this SIP revision, and that the forensic technique used provides the best obtainable insight into the constituents of the particles causing the measured exceedances in 1976. Although the filter analyses performed did not result in determinations of site (source) specific causes of the exceedances, EPA was able not only to identify the elemental chemical composition of the filter catches, but also to characterize the physical state in which the elements appeared. The analyses performed were adequate to support EPA's conclusion that the overwhelming causes of these exceedances were fugitive emissions and road dust reentrainment.

Particulate emissions at the present time, with the affected sources burning 1 percent sulfur oil, are below the level permitted by the SIP (now permitted to be up to .12 pounds per million BTU). Burning 2.2 percent sulfur oil would result in source emissions at or just below the permitted level. These sources are legally permitted to burn at this higher level at the present time; and this condition would remain unaffected by this temporary revision of the sulfur in fuel limitations. Levels of particulate emissions at or just below the SIP could result not only from the combustion of higher sulfur fuel oil, but could also result from a drop in precipitator efficiency even while burning low sulfur

oil, or the conversion to coal using existing emission control equipment. In the long term, both Brayton Point and Somerset power plants are expected to convert to the use of coal pursuant to prohibition orders issued under ESECA. Unless the current SIP emission limitations are revised, particulate emissions from these sources undoubtedly will increase to the level now permitted by the applicable regulations. More stringent emission limitations, however, could significantly affect the economic feasibility of coal conversion due to the higher costs associated with more stringent control requirements.

The nonattainment status of the Fall River area must be expected to persist unless the SIP regulations controlling particulate emissions are modified. The most cost-effective combination of emission controls, however, is highly uncertain. It remains speculative whether the violations can be prevented most effectively by tightening emission limitations on large point sources, controlling fugitive emissions from street sanding operations and road dust reentrainment, or a combination of such measures.

It is clearly desirable to develop the most cost-effective control strategy, demonstrating attainment of the NAAQS, prior to commencing conversion to the use of coal at Brayton Point or Somerset. A premature decision to lower the allowable emission limits for the major point sources in the area would increase the cost of power generation, perhaps precluding the use of coal, and most importantly might not solve the nonattainment problem. Conversely, if the plant converted to coal without an adequate assessment of the need for more stringent particulate control on major point sources, the expenditure of capital and other resources involved might make subsequent revision to the appropriate emission limitations substantially more difficult to effectuate. Accordingly, EPA believes that approval of this temporary SIP revision, which expires automatically on May 1, 1978, will provide a useful tool to supplement the development of the most cost-effective TSP attainment plan in a timely manner.

After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts implementation plan.

The Agency finds that good cause exists for making these actions immediately effective for the following reasons: (1) The implementation plan revision is already in effect under State law, and EPA approval imposes no additional regulatory burdens; (2) imme-

diately effectiveness of the actions enables the sources involved to proceed with certainty in conducting their affairs; and (3) the effective period of the revision is of limited duration.

(Sec. 110(a), Clean Air Act, as amended (42 U.S.C. 7410).)

Dated: January 5, 1978.

BARBARA BLUM,  
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

#### Subpart W—Massachusetts

1. Section 52.1126(d) is revised to read as follows:

§ 52.1126 Control strategy: sulfur oxides.

(d) Massachusetts regulation 5.1 for the Southeastern Massachusetts Air Pollution Control District is approved except as to the following sources which remain subject to the previously approved requirements of regulation 5.1 which stipulates that sources are permitted to burn fossil fuel having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0 percent sulfur content residual fuel oil by weight):

Facility formerly operated by Olin Chemicals and now owned by Polaroid Corp., Freetown, Mass.  
Duro Finishing Co., Fall River, Mass.  
Stevens Realty Co., Fall River, Mass.  
Taunton Municipal Light, West Water Street plant, Taunton, Mass.

[FR Doc. 78-894 Filed 1-11-78; 8:45 am]

[6560-01]

#### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

##### SUBCHAPTER E—PESTICIDE PROGRAMS [FRL 841-3; PP 7E1936/R142]

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Terbacil

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide terbacil on strawberries. The amendment to the regulations was requested by the Interregional Research Project No. 4. This rule will establish a maximum permissible level for residues of terbacil on strawberries.

FEDERAL REGISTER, VOL. 43, NO. 8—THURSDAY, JANUARY 12, 1978

EFFECTIVE DATE: January 12, 1978.  
FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C., 202-755-2516.

SUPPLEMENTARY INFORMATION: On October 19, 1977, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (42 FR 55829) in response to a pesticide petition (PP 7E1936) submitted to the Agency by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Arkansas, Connecticut, Florida, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Oregon, Pennsylvania, and Washington. This petition proposed that 40 CFR 180.209 be amended by the establishment of a tolerance for combined residues of the herbicide terbacil (3-tert-butyl-5-chloro-6-methyluracil) and its hydroxylated metabolites (calculated as terbacil) in or on the raw agricultural commodity strawberries at 0.1 part per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.209 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, by February 10, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on January 11, 1978, part 180, subpart C, section 180.209 is amended by adding a tolerance for residues of terbacil on strawberries at 0.1 ppm as set forth below.

Dated: January 4, 1978.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Part 180, Subpart C, section 180.209 is amended by alphabetically adding a



tolerance of 0.1 ppm in or on strawberries to the end of the list in paragraph (b) as follows:

§ 180.209 Terbacil; tolerances for residues.

	Parts per million
(b) * * *	
Community:	
Strawberries.....	0.1
[FR Doc. 78-750 Filed 1-11-78; 8:45 am]	

#### [6560-01]

[FRL 841-4; PP 6E1725/R139]

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Simazine

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide simazine. The amendment to the regulations was requested by Ciba-Geigy Corp. This amendment establishes a maximum permissible level for residues of simazine on bananas.

EFFECTIVE DATE: January 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Henry Jacoby, Product Manager (PM) 24, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 202-755-2197.

SUPPLEMENTARY INFORMATION: On September 27, 1977, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (42 FR 49485) in response to a pesticide petition (PP 6E1725) submitted to the Agency by Ciba-Geigy Corp., P.O. Box 11422, Greensboro, N.C. 27409. This petition proposed that 40 CFR 180.213a be amended by the establishment of a tolerance for combined residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino)-s-triazine) and its metabolites 2-amino-4-chloro-6-ethylamino-s-triazine and 2,4-diamino-6-chloro-s-triazine in or on the raw agricultural commodity bananas at 0.2 part per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.213a should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, by February 13, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on January 12, 1978, Part 180, Subpart C, section 180.213a is amended by adding a tolerance for residues of simazine on bananas at 0.2 ppm as set forth below.

Dated: January 4, 1978.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Part 180, Subpart C, § 180.213a is revised in its entirety by editorially restructuring the section into an alphabetized columnar listing to include a tolerance of 0.2 ppm on bananas as follows:

§ 180.213a Simazine; tolerances for residues.

Tolerances are established for combined residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino)-s-triazine) and its metabolites 2-amino-4-chloro-6-ethylamino-s-triazine and 2,4-diamino-6-chloro-s-triazine in or on raw agricultural commodities as follows:

Commodity:	Parts per million
Bananas.....	0.2
Fish.....	12
[FR Doc. 78-751 Filed 1-11-78; 8:45 am]	

#### [6560-01]

#### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 838-8]

#### PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS

Noise Emission Standards for Medium and Heavy Trucks; Fire Apparatus: Stay Pending Reconsideration

AGENCY: Environmental Protection Agency.

ACTION: Notice, Stay of effectiveness.

SUMMARY: This document stays, with respect to fire apparatus, the ef-

fectiveness of medium and heavy truck noise regulations pending reconsideration of the applicability of those regulations. This action is taken in response to a petition for reconsideration filed with the Agency.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Henry E. Thomas, Director, Standards and Regulations Division, Office of Noise Abatement and Control (AW-471), Environmental Protection Agency, Washington, D.C. 20460 (703-557-7743).

SUPPLEMENTARY INFORMATION: Noise emission standards for newly manufactured medium and heavy trucks are effective as of January 1, 1978. 40 CFR 205.50 et seq. That regulation applies to all truck types, including fire apparatus, although a stay of effectiveness of the regulation with respect to motor homes was issued by the Agency on November 15, 1977 (42 FR 59975, November 23, 1977).

The Fire Apparatus Manufacturers Division (FAMD) of the Truck Body and Equipment Association (TBEA), on July 29, 1977, petitioned EPA to reconsider the applicability of the regulation to fire apparatus based upon certain information that was submitted. A portion of that information is inconsistent with EPA's evaluation of the medium and heavy truck manufacturing industry. This information has important bearing on the manner in which the responsibilities under the regulation are apportioned, and merits EPA's careful analysis. In the near future EPA will solicit public comment as to whether fire apparatus vehicles should be excluded from the regulation. Following public comment EPA will publish a notice of its decision as well as any revision to 40 CFR Part 205 if such is appropriate.

Since consideration of the FAMD petition will run beyond the January 1, 1978 compliance date, EPA has granted FAMD's request for a stay. This stay applies to all fire apparatus manufacturers irrespective of their association with TBEA.

Accordingly, I take the following action:

Effective January 1, 1978, the provisions of 40 CFR 205.50-205.59 shall not apply with respect to any fire apparatus. This action is a stay pending reconsideration of the regulation, and shall continue until 90 days following publication of notice in the FEDERAL REGISTER, as to EPA's final decision of the petition of the Truck Body and Equipment Association dated July 29, 1977.

Dated: December 30, 1977.

DOUGLAS M. COSTLE,  
Administrator.

[FR Doc. 78-786 Filed 1-11-78; 8:45 am]

#### [6560-01]

##### Title 41—Public Contracts and Property Management

#### CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

[FRL 810-5]

#### PART 15-3—PROCUREMENT BY NEGOTIATIONS

##### Cost Sharing in Contracts for Research

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action revises an Environmental Protection Agency (EPA) regulation that covers the basic guidelines for the use of cost sharing in contracts for research. Previously, the EPA procurement regulations encouraged cost sharing for research contracts that resulted from unsolicited proposals, however, for fiscal years 1976 and 1977 EPA was included in the Department of Housing and Urban Development—Independent Agencies Appropriations Acts which do contain requirements for cost sharing when contracts result from proposals not specifically solicited by the Government. Cost sharing is a financial arrangement under which a contractor bears a portion of costs of performing a contract. The intended effect of this regulation is to require cost sharing in an amount that will reflect the mutuality of interest of the contractor and the Government.

EFFECT DATE: January 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Boyer, Contracts Policy and Review Branch (PM-214), Environmental Protection Agency, Washington, D.C. 20460, 202-755-0900.

SUPPLEMENTARY INFORMATION: Prior to fiscal year 1976, money for the EPA was appropriated under the provisions of the Agriculture—Environmental and Consumer Protection Appropriation Acts. These Acts did not contain requirements for cost sharing.

It is the general policy of the EPA to invite comments regarding the development of proposed rules; however, this action consists only of a revision of an existing regulation to bring it into conformance with provisions of law and no useful purpose would be served by inviting comments.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 28, 1977.

DOUGLAS M. COSTLE,  
Administrator,  
Environmental Protection Agency.

The table of contents for Part 15-3 is amended to provide new entries as follows:

Sec.  
15-3.405-3-50 Basic guidelines.  
15-3.405-3-51 Unsolicited proposals.  
15-3.405-3-52 Determination of amount of cost sharing.

##### Subpart 15-3.4—Types of Contracts

Section 15-3.405-3 is revised to add §§ 15-3.405-3-50, 15-3.405-3-51, and 15-3.405-3-52 as follows:

§ 15-3.405-3 Cost sharing contract.

This section prescribes the conditions under which cost sharing contracts are to be used and guidance for the amount of cost sharing to be obtained. As defined in the Federal procurement regulations, a cost sharing contract is a cost-reimbursement type contract under which the contractor receives no fee but is reimbursed only for an agreed portion of its allowable costs. However, the principles set forth in this section are considered to apply equally to fixed-price contracts where the contractor agrees, or is required by statute, to bear a portion of the cost of performance.

§ 15-3.405-3-50 Basic guidelines.

(a) Cost sharing with non-Federal organizations shall be encouraged where the parties have considerable mutual interest in the basic or applied research subject matter of the contract. For example, when it is probable that the contractor will receive significant future benefits from the research such as increased technical knowledge useful in future operations, additional technical or scientific expertise or training for its personnel, opportunity to benefit through patent rights, and the use of background knowledge in future production contracts.

(b) Normally, cost sharing need not be applied where the contracting officer has determined that one or more of the following circumstances exist:

(1) The particular research objective or scope of effort for the project is specified by EPA rather than proposed by the performing organization. This will usually include any formal solicitation for a specific project;

(2) The research effort has only minor relevance to the non-Federal activities of the performing organization, and the organization is proposing to undertake the research primarily as a service to EPA;

(3) The organization has little or no non-Federal sources of funds from which to make a cost contribution. Cost sharing should generally not be requested if cost sharing would mean that EPA would have to provide funds through some other means (such as

fees) to enable the organization to cost share. It should be recognized that those organizations which are predominantly engaged in research and development and have little or no production or other service activities may not be in a favorable position to make a cost contribution; or

(4) Payment of the full cost of the project is necessary in order to obtain the services of the particular organization.

§ 15-3.405-3-51 Unsolicited proposals.

The Department of Housing and Urban Development—Independent Agencies Appropriation Act contains a requirement that none of the funds provided in the Act may be used for payment through grants or contracts to recipients that do not share in the cost of conducting research resulting from proposals that are not specifically solicited by the Government. Accordingly, contracts which result from unsolicited proposals shall provide for the contractor to bear a portion of the cost of performance as determined in accordance with § 15-3.405-3-52. However, where there is no measurable gain to the performing organization, there is no mutuality of interest, and, therefore, no means by which the extent of cost sharing may reflect a mutuality of interest.

§ 15-3.405-3-52 Determination of amount of cost sharing.

When cost sharing is determined to be appropriate in accordance with § 15-3.405-3-50 or required by statute pursuant to § 15-3.405-3-51, the amount of cost participation by the performing organization may vary in accordance with a number of factors relating to the performing organization and the character of the research effort. The amount of cost participation shall reflect the mutual agreement of the contracting officer and the contractor. Factors which contracting officers may consider in any negotiations with prospective contractors regarding the amount of cost participation include the following:

(a) Cost participation by educational institutions and other not-for-profit or nonprofit organizations should normally be at least 1 percent of total project cost. In many cases cost sharing of less than 5 percent of total project cost would be appropriate in view of the organization's nonprofit status and their normally limited ability to recover the cost of such participation from non-Federal sources. However, in some cases it may be appropriate for educational institutions to provide a higher degree of cost sharing, such as when the cost of the research consists primarily of the academic year salary of faculty members, or when the



equipment acquired by the institution for the project will be of significant value to the institution in its educational activities.

(b) The amount of cost participation by commercial or industrial organizations should depend to a large extent on whether the research effort or results are likely to enhance the performing organization's capability, expertise, or competitive position and the value of such enhancement to the performing organization. It should be recognized that those organizations which are predominantly engaged in research and development and have little or no production or other service activities may not be in a favorable position to derive a monetary benefit from their research under Federal agreements. Therefore, cost participation by commercial or industrial organizations could reasonably range from as little as 1 percent or less of the total project cost to more than 50 percent of total project cost.

(c) If the performing organization will not acquire title to, or the right to use, inventions, patents, or technical information resulting from the research project, it would generally be appropriate to obtain less cost sharing than in cases in which the performer acquires such rights.

(d) Where cost sharing is required by statute, cost participation of less than 1 percent may be appropriate if consistent with the provisions of the statute and the circumstances set forth in § 15-3.405-3-50(b) are present.

(e) A relatively low degree of cost sharing may be appropriate if, in the view of the Federal agency, an area of research requires special stimulus in the national interest.

(f) A fee or profit will usually not be paid to the performing organization if the organization is to contribute to the cost of the research effort, but the amount of cost sharing may be reduced to reflect the fact that the organization is foregoing its normal fee or profit on the research. However, if the research is expected to be of only minor value to the performing organization and if cost sharing is not required by statute, it may be appropriate for the performer to make a contribution in the form of a reduced fee or profit rather than sharing the costs of the project.

[FR Doc. 78-860 Filed 1-11-78; 8:45 am]

#### [6820-26]

##### CHAPTER 105—GENERAL SERVICES ADMINISTRATION

[ADM 7900.2 CHGE 9]

#### PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

##### Subpart 105-61.1—Public Use of Archives and FRC Records

###### CONDUCT OF NATIONAL ARCHIVES RESEARCHERS

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Final rule.

SUMMARY: This rule revises the regulations governing the conduct of researchers using National Archives facilities and explains the procedure for the revocation of researcher identification cards when the researcher's behavior warrants revocation. In recent months, certain individuals have hampered the proper operation of various NARS facilities by their conduct, which has infringed on the rights of other researchers. Current regulations do not specify revocation procedures.

EFFECTIVE DATE: These changes are effective January 12, 1978.

FOR FURTHER INFORMATION CONTACT:

James Megronigle, Director, Planning and Analysis Division, Office of the Executive Director, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, 202-523-3214.

Section 105-61.102-5 is revised as follows:

§ 105-61.102-5 Conduct.

(a) *Regulations.* Researchers are subject to the provisions of Subpart 101-20.3, Conduct on Federal Property, and to all rules and regulations issued and posted or distributed by a facility director supplementing § 105-61.102. Eating in a research room is prohibited. Smoking is prohibited except in designated smoking areas. Loud talking and other activities likely to disturb other researchers are also prohibited. Persons desiring to use typewriters, sound recording devices, or photocopying equipment shall work in areas designated by the research room attendant.

(b) *Revocation of a researcher identification card.* When researchers have refused to comply with the rules and regulations of a NARS facility, or by their actions have demonstrated that they present a danger to the records or a danger or annoyance to other researchers or employees, they may have their researcher identification cards revoked by a NARS facility director. A researcher whose card has

been revoked shall immediately be denied research privileges at all NARS facilities and shall be given written notification of the reasons for the revocation within 3 work days of that action. A researcher having his researcher identification card revoked shall have 30 days after the revocation in which to make a written appeal to the Archivist of the United States, National Archives and Records Service (N), General Services Administration, Washington, D.C. 20408, for reinstatement of research privileges. The Archivist of the United States shall, upon receipt of an appeal, have 30 days in which to decide whether or not research privileges should be reinstated. If the revocation is upheld or if no appeal is made, the researcher shall be prohibited from applying for another researcher identification card for a period of 6 months from the date of the revocation, and all NARS facilities shall be so notified. At the end of 6 months, a researcher who has had his NARS identification card revoked may reapply for research privileges. Upon application, a new researcher identification card will be issued for a probationary period of 2 months. However, if based on the reasons for the revocation of research privileges, the probationary reinstatement of a researcher poses a substantial threat to the safety of persons or property, the facility director shall deny probationary reinstatement and so advise the applicant in writing within 3 working days of receiving the reinstatement application. At the end of the probationary period the researcher may apply for a standard researcher identification card valid for 2 years. The NARS facility director will review the researcher's conduct in NARS facilities during the probationary period and determine whether a regular 2-year researcher identification card will be issued. If the researcher's conduct during the probationary period is determined to have been unsatisfactory by the NARS facility director, or if the facility director has denied a reinstatement application, research privileges will again be denied for 6 months. This second and any subsequent revocation of research privileges may be appealed to the Archivist of the United States pursuant to the procedures specified in this section.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 28, 1977.

ROBERT T. GRIFFIN,  
Acting Administrator of  
General Services.

[FR Doc. 78-858 Filed 1-11-78; 8:45 am]

#### [4310-55]

##### Title 50—Wildlife and Fisheries

#### CHAPTER 1—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

##### PART 20—MIGRATORY BIRD HUNTING

###### Emergency Closure of Special Scaup Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rulemaking closes the special scaup hunting season in Virginia established in the September 29, 1977, FEDERAL REGISTER and scheduled to open on January 8, 1978. Closure of the special scaup season will result in the protection of canvasback populations now concentrated in the area designated for this special scaup hunting season in Virginia.

EFFECTIVE DATE: January 12, 1978.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-343-8827.

SUPPLEMENTARY INFORMATION: John P. Rogers is also the principal author of this document. Regulations allowing a special hunting season for scaup were published in the FEDERAL REGISTER on September 29, 1977 (42 FR 51587), and established a special scaup season in Virginia from January 8, 1978, to January 23, 1978. Surveys just completed reveal the presence of large numbers of canvasback ducks in the designated special scaup season area in Virginia. Therefore, the Director has concluded that opening the special scaup season in Virginia would constitute an imminent threat to the safety of canvasback populations wintering in that area. Accordingly, the Service gives notice as required by 50 CFR 20.26 that the special season for taking scaup in Virginia as described under § 20.105(f) at page 51601 in the September 29, 1977, FEDERAL REGISTER is closed.

This notification in the FEDERAL REGISTER is subsequent to the announcement of this action to the general public in the affected area via local radio, television and newspaper media.

##### ECONOMIC IMPACT REVIEW

NOTE.—The Service has determined that this document does not contain a major proposal requiring preparation of an Economic

Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: January 9, 1978.

F. EUGENE HESTER,  
Acting Director,  
U.S. Fish and Wildlife Service.  
[FR Doc. 78-845 Filed 1-11-78; 8:45 am]

#### [7035-01]

##### Title 49—Transportation

#### CHAPTER X—INTERSTATE COMMERCE COMMISSION

##### SUBCHAPTER B—PRACTICE AND PROCEDURES [Ex Parte No. 290]

#### PART 1102—PROCEDURES GOVERNING RAIL CARRIER GENERAL INCREASE PROCEEDINGS

##### Procedures Governing Rail General Increase Proceedings

AGENCY: Interstate Commerce Commission.

ACTION: Amended rule.

SUMMARY: The amended rule restricts the reporting requirements established in Ex Parte No. 290 concerning procedures governing rail general increase proceedings, to those Class I line-haul railroads which have freight operating revenues meeting the revenue level established by the Commission to determine Class I line-haul railroads. Previously in this proceeding, passenger revenues had been considered in arriving at the Class-I revenue levels.

DATES: Effective upon service date of order.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice M. Rosenak, Deputy Director, Section of Rate, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693.

SUPPLEMENTARY INFORMATION: The amended rules as published on October 3, 1977 (at 42 FR 53602), presently require all Class I line-haul railroads to submit the Ex Parte No. 290 data upon filing tariff schedules containing a proposed general increase in freight rates or charges. The data is primarily pertinent to the consideration of general freight rate increases, and therefore the exclusion of railroads which do not meet the revenue level of Class I line-haul railroads based on freight service revenues (therefore excluding passenger service revenues), does not jeopardize the validity of the submitted data. The only railroad which will presently be affected by this modification is the Long Island Rail Road Company, since without the inclusion of passenger revenues it would not meet the presently established revenue level of \$50 million. It should be noted, however, that

if at any time the Long Island Rail Road Company's freight revenue level or that of any other road, reach the dollar amount specified by the Commission, it would automatically be subject to the reporting requirements.

The proposed change is the addition of the following sentence at the end of the first paragraph in § 1102.1

Application: For the purposes of this rule, the revenue requirements used to determine whether a carrier is a Class I line-haul railroad, will only include freight service revenues.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-866 Filed 1-11-78; 8:45 am]

#### [7035-01]

##### SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 36730]

#### PART 1201—RAILROAD COMPANIES

##### PART 1240—CLASSES OF CARRIERS

#### PART 1241—ANNUAL, SPECIAL, OR PERIODIC REPORTS; CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

##### PART 1243—QUARTERLY OPERATING REPORTS—RAILROADS

##### Uniform System of Accounts; designation of Class II Railroads

AGENCY: Interstate Commerce Commission.

ACTION: Stay of effective date of regulations.

SUMMARY: Upon further consideration of the record we find it necessary to stay the January 1, 1978, effective date for implementing the revised uniform system of accounts for class II railroads (USOA), ordered in Commission Docket No. 36367, Revision to the Uniform System of Accounts for Railroads, decided June 13, 1977, (42 FR 35016, July 7, 1977), for all railroads with annual operating revenues of \$10 million or less. Until a decision is reached on the revenue classification guideline and accounting and reporting requirements, all carriers operating in this revenue category will continue to maintain accounts under the present class II railroad accounting system and file Annual Report Form R-2 until further ordered.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. James B. Thomas, Jr., Director, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, Phone No.: 202-275-7565.

Issued at Washington, D.C. December 30, 1977, by the Commission, A. Daniel O'Neal, Chairman.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-879 Filed 1-11-78; 8:45 am]



# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[4810-33]

## DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 7]

### LOANS TO FOREIGN GOVERNMENTS, THEIR AGENCIES, AND INSTRUMENTALITIES

Proposed Rulemaking

AGENCY: Comptroller of the Currency.

ACTION: Proposed rule.

**SUMMARY:** The proposed interpretive ruling summarizes principles which the Comptroller of the Currency believes applicable to the combining of loans made by national banks to foreign governments, their agencies and instrumentalities under the lending limit provision of 12 U.S.C. 84. A new interpretive ruling is necessary because existing interpretive rulings applying the combining principles of 12 U.S.C. 84 do not directly address such loans.

**DATES:** Written comments must be received on or before March 13, 1978.

**ADDRESSES:** Comments should be addressed to Mr. John E. Shockey, Chief Counsel, Comptroller of the Currency, Washington, D.C., 20219.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Larry Mallinger, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

**SUPPLEMENTARY INFORMATION:** In recent years there has been rapid growth in lending by commercial banks to foreign governments, their agencies, and instrumentalities. This growth has required national bank examiners to give increasing attention to the applicability of the statutory lending limits of 12 U.S.C. 84 to such credits. In this process, specific questions have been raised as to how such loans should be combined for purposes of applying the lending limits.

The present series of formal interpretive rulings applicable to the combining of loans under 12 U.S.C. 84 (12 CFR 7.1310-7.1320) do not specifically address the types of inquiries which should be made in the case of credits related in one way or another to a foreign government. However, for some time the Comptroller's staff has advised banks making specific inquiries

of two general principles. First, that foreign governments and government-related entities are regarded as "persons" under the language of 12 U.S.C. 84. Second, that loans to foreign government-related entities that have a significant degree of independence from the central government in their sources and uses of funds will not be combined with loans to the central government so long as such entities satisfactorily evidence means of repayment that are not substantially dependent upon general revenues of the central government. Implicit in these individual rulings has been the understanding that the borrowing by an individual entity is for the purpose of satisfying funding needs related to its own activities. This second principle has been expressed in staff opinions issued over the past several years in terms of the "means" and "purpose" tests.

Because of the increased number of circumstances in which examiners and bank officers must take the lending limits into account in reviewing loans to foreign governments and their instrumentalities, the Comptroller proposes to state the applicable principles and minimum documentation requirements in an interpretive ruling.

The proposed ruling addresses the following items.

First, loans to foreign governments, their agencies and instrumentalities will be combined under 12 U.S.C. 84 if they fail to meet either the "means" or "purpose" test.

Second, these tests will apply to all existing and new loans at the time each new loan is made.

Third, the borrower is required to provide a statement describing with particularity the purpose of the loan. Normally this will be sufficient to satisfy the requirements of the "purpose" test. However, the ruling makes it clear that when a bank has available to it other information suggesting a use of proceeds inconsistent with the borrower's representation, it may not, without further inquiry, accept the representation.

Fourth, certain additional documentation is required to enable the bank to carry out its responsibility of reasonable investigation and to satisfy examiner inquiry under the "means" and "purpose" tests. In part, because of the threshold need to identify properly the real borrower, the additional documentation includes a statement describing the borrowing entity's legal

status and relationship to the central government. Also required are financial statements for the borrowing entity for each of the three years prior to the making of the loan (or for each year less than three that the borrower has been in existence) and for each year the loan is outstanding, and analytical opinions by management supporting their assessment of the borrowing entity's ability to service the loans.

In a number of other areas, the proposed interpretive ruling does not attempt to establish firm boundaries because the differences in function and operation of various foreign governments and their related entities cannot be so inflexibly addressed. For example, the documentation required under the proposed ruling suggests that the presence or absence of central government support for the borrowing entity is a relevant inquiry. Some central government support whether direct or in the form of a guarantee would not, without more, require combining. However, where such support approaches a relatively large percentage or a principal portion of the borrowing entity's annual revenues, such as 50 percent, or where but for the presence of a governmental guarantee the bank would not consider the borrower to have sufficient credit standing, a presumption of lack of independent means may arise.

The proposed interpretive ruling does not supplant current interpretive rulings (12 CFR 7.1310-7.1320) applicable to the combining of loans to partnerships, corporations and their subsidiaries, and certain other common enterprises. Thus, 12 CFR 7.1310 remains applicable to loans to foreign entities organized as corporations whether or not they are related in some way to the central government.

While the proposed interpretive ruling states the inquiries which the Comptroller's Office for sometime has believed appropriate in applying 12 U.S.C. 84 to loans to foreign governments and their related entities, the specific terminology used in the ruling may be unfamiliar to some banks. In this connection, it should be clearly understood that the principles expressed in the ruling will not be applied by the Comptroller's Office to reverse prior examiner determinations on particular bank loan portfolios. However, because the principles expressed in the ruling are directly relat-

ed to existing statutory requirements, these principles should be carefully considered in connection with any new loans made by national banks to foreign governments and their related entities during the comment period.

The Administrative Procedure Act does not require notice and solicitation of comments in connection with interpretive rules (5 U.S.C. 553(b)). However, the Comptroller has elected to afford opportunity to comment on the proposed amendment.

### PROPOSED RULING

For the reasons stated above, the Comptroller proposes to amend 12 CFR Part 7 by adding a new § 7.1330 to read as follows:

§ 7.1330 Loans to foreign governments, their agencies, and instrumentalities.

(a) Loans to foreign governments, their agencies, and instrumentalities will be combined under 12 U.S.C. 84 if they fail to meet either of the following tests:

(1) The borrowing entity must have resources or income of its own sufficient over time to service its debt obligations ("means" test);

(2) The loan proceeds must be used by the borrowing entity in the conduct of its business and for the purpose represented in the loan agreement or otherwise acknowledged in writing by the borrowing entity ("purpose" test). This does not preclude converting the loan proceeds into local currency prior to use by the borrowing entity.

These tests will be applied at the time each loan is made.

(b) In order to show that the "means" and "purpose" tests have been satisfied, a bank shall, at a minimum, assemble and retain in its files the following items:

(1) A statement and supporting documentation describing the legal status of the borrowing entity and showing its ownership and any form of control that may be exercised directly or indirectly by the central government.

(2) Financial statements for the borrowing entity for a minimum of three years prior to making the loan or for each year less than three that the borrowing entity has been in existence.

(3) Financial statements for each year the loan is outstanding.

(4) The bank's assessment of the borrower's means of servicing the loan including specific reasons justifying that assessment. Such assessments shall include an analysis of the financial history of the borrower, the present and projected economic and financial performance of the borrower, and the significance or lack of significance of any guarantees or other financial support by third parties, including the central government.

(5) A written statement from the borrower describing with particularity

### PROPOSED RULES

the purpose of the loan. Normally, such a statement will be regarded as sufficient evidence to meet the "purpose" test requirements. However, when the bank knows or has reason to know of other information suggesting a use of proceeds inconsistent with the representation in the statement, it may not, without further inquiry, accept that representation.

Dated: January 5, 1978.

JOHN G. HEIMANN,  
Comptroller of the Currency.  
[FR Doc. 78-836 Filed 1-11-78; 8:45 am]

[4910-13]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 78-NE-11]

### AIRWORTHINESS DIRECTIVES

Pratt &amp; Whitney Aircraft JT3D Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to adopt an Airworthiness Directive (AD) that would require a one-time Blue Etch-Anodize inspection of all first stage fan blades on Pratt & Whitney JT3D turbofan engines. The proposed AD is required to detect forging laps which could result in non-contained blade fractures.

**DATES:** Comments must be received on or before February 16, 1978.

**ADDRESSES:** Send comments on the proposal in duplicate to:

Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 78-NE-1, 12 New England Executive Park, Burlington, Mass. 01803.

The applicable service bulletins and special instructions may be obtained from:

Pratt and Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108.

A copy of the service bulletin and special instruction is contained in the Rules Docket, Federal Aviation Administration, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Mass. 01803.

**FOR FURTHER INFORMATION CONTACT:**

Daniel P. Salvano, Propulsion Section (ANE-214), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region,

12 New England Executive Park, Burlington, Mass. 01803; telephone: 617-273-7347.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address supplied above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this section may be changed in the light of comment received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

To preclude failures of first stage fan blades due to forging laps, which could result in aircraft damage, perform a one-time Blue Etch-Anodize inspection of the blades in accordance with the procedures given in Pratt & Whitney Alert Service Bulletin 4733, dated May 5, 1977, or later FAA approved revision, and Special Instruction 2F-77 dated January 28, 1977, or later FAA approved revision.

Fan blades that exhibit blue etch linear indications in the inspection areas shown in Figure 1, of ASB 4733, must be reworked or scrapped in accordance with the forging lap repair limits established in Figure 2, of ASB 4733, dated May 5, 1977, or later FAA approved revision.

**NOTE:**—The AD does not change the present fan blade blend limits given in the JT3D engine manual.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, and at FAA headquarters, 800 Independence Avenue, SW., Washington, D.C.

The FAA has determined that forging laps, which are caused by folding over of metal during the blade forging process, have contributed to 16 first



## PROPOSED RULES

[1505-01]

[14 CFR Part 71]

PLATTSBURGH, N.Y.

## Proposed Alteration of Control Zone and Transition Area

## Correction

In FR Doc. 77-36624, appearing at page 64134 in the issue for Thursday, December 22, 1977, in the heading, "[Airspace Docket No. 77-EA-86]" was inadvertently left out and should be placed directly below "[14 CFR Part 71]".

[4910-13]

[14 CFR Part 75]

[Airspace Docket No. 77-WA-231]

## AREA HIGH ROUTES

## Proposed Revocation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice proposes to revoke certain area high routes which do not respond to area navigation user requirements. This action is consistent with FAA area navigation policy and is taken as a positive step to facilitate area navigation within the existing air traffic control environment by eliminating area navigation routes that are not required nor used by existing area navigation equipped aircraft operators.

DATE: Comments must be received on or before March 13, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, Docket No. 77-WA-23, 800 Independence Avenue SW., Washington, D.C. 20591.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

## FOR FURTHER INFORMATION CONTACT:

Mr. John Watterson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8525.

## SUPPLEMENTARY INFORMATION:

## COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before March 13, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

## AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

## THE PROPOSAL

The FAA is considering an amendment to Subpart D of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to revoke approximately 90 area high routes that are not responsive to user requirements. In January 1977 the FAA issued an updated Area Navigation Policy Statement which included among other steps eliminating existing area navigation routes which do not respond to user requirements. The policy statement also listed other positive steps to be taken to facilitate area navigation in the existing ATC navigation environment for near term area navigation users and this step should be considered in light of the other steps that are reflected in the policy statement.

User organizations have been solicited for their area navigation route requirements. Internal FAA surveys have consistently indicated little use is being made of the structured area navigation route system. Most area navigation equipped aircraft are using area navigation in the en route system on a random route basis as direct between two points with radar monitoring whenever traffic conditions permit such clearances by air traffic control.

Except for those routes requiring coordination under the provisions of Ex-

ecutive Order 10854, this notice proposes to revoke these area navigation routes not identified as being required by any area navigation user. Initially, the agency intends to retain waypoints used to define the routes being deleted. Later, these waypoints would be adjusted and relocated to more accurately serve the users and the ATC system to facilitate pilot selection of direct routes. Those routes requiring coordination under the provisions of Executive Order 10854 will be handled in a separate airspace docket.

## DRAFTING INFORMATION

The principal authors of this document are Mr. John Watterson, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

## THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.400 of the Federal Aviation Regulations (14 CFR Part 75) as republished (43 FR 730) by revoking the following area high routes:

1. J804R Tampa, Fla.—Atlanta, Ga.
2. J807R New York, N.Y.—Sherbrooke, Canada.
3. J813R Atlanta, Ga.—New Orleans, La.
4. J814R New Orleans, La.—Atlanta, Ga.
5. J816R Atlanta, Ga.—Washington, D.C.
6. J821R Chicago, Ill.—Minneapolis, Minn.
7. J822R Minneapolis, Minn.—Chicago, Ill.
8. J823R Detroit, Mich.—Chicago, Ill.
9. J824R St. Louis, Mo.—Chicago, Ill.
10. J826R Kansas City, Mo.—Chicago, Ill.
11. J827R Chicago, Ill.—Kansas City, Mo.
12. J830R St. Louis, Mo.—New York, N.Y.
13. J834R Chicago, Ill.—Cleveland, Ohio.
14. J835R Cleveland, Ohio—Chicago, Ill.
15. J837R Cincinnati, Ohio—Chicago, Ill.
16. J838R Atlanta, Ga.—Jacksonville, Fla.
17. J839R Jacksonville, Fla.—Atlanta, Ga.
18. J846R Omaha, Nebr.—Chicago, Ill.
19. J847R Chicago, Ill.—Omaha, Nebr.
20. J849R Chicago, Ill.—Des Moines, Iowa.
21. J850R Los Angeles, Calif.—San Francisco, Calif.
22. J852R Las Vegas, Nev.—San Francisco, Calif.
23. J854R Los Angeles, Calif.—Sacramento, Calif.
24. J856R Atlanta, Ga.—Pittsburgh, Pa.
25. J857R Denver, Colo.—Salt Lake City, Utah.
26. J858R Denver, Colo.—Kansas City, Mo.
27. J859R Kansas City, Mo.—Denver, Colo.
28. J860R Memphis, Tenn.—Louisville, Ky.
29. J866R Denver, Colo.—Chicago, Ill.
30. J867R Chicago, Ill.—Denver, Colo.
31. J869R Columbia, S.C.—Atlanta, Ga.
32. J871R Atlanta, Ga.—St. Louis, Mo.
33. J872R Atlanta, Ga.—Columbia, S.C.
34. J874R Memphis, Tenn.—Atlanta, Ga.
35. J876R Atlanta, Ga.—Savannah, Ga.
36. J877R Savannah, Ga.—Atlanta, Ga.
37. J878R Atlanta, Ga.—Cleveland, Ohio.
38. J879R Cleveland, Ohio—Atlanta, Ga.
39. J881R Detroit, Mich.—Atlanta, Ga.
40. J882R Atlanta, Ga.—Detroit, Mich.
41. J885R St. Louis, Mo.—Memphis, Tenn.
42. J890R Cleveland, Ohio—St. Louis, Mo.
43. J891R Chicago, Ill.—Memphis, Tenn.
44. J894R Jacksonville, Fla.—Miami, Fla.
45. J897R Philadelphia, Pa.—Chicago, Ill.
46. J901R Seattle, Wash.—Spokane, Wash.
47. J902R Portland, Oreg.—Los Angeles, Calif.
48. J904R Los Angeles, Calif.—Denver, Colo.
49. J905R Las Vegas, Nev.—Tucson, Ariz.
50. J908R San Francisco, Calif.—Denver, Colo.
51. J909R Denver, Colo.—San Francisco, Calif.
52. J911R Portland, Oreg.—Denver, Colo.
53. J913R Portland, Oreg.—Salt Lake City, Utah.
54. J916R San Antonio, Tex.—Hobby, Tex.
55. J923R Albuquerque, N. Mex.—Denver, Colo.
56. J925R Minneapolis, Minn.—Denver, Colo.
57. J926R Denver, Colo.—Los Angeles, Calif.
58. J927R Chicago, Ill.—Dallas, Tex.
59. J928R Denver, Colo.—Seattle, Wash.
60. J931R Salt Lake City, Utah—San Francisco, Calif.
61. J935R Tucson, Ariz.—Albuquerque, N. Mex.
62. J936R Phoenix, Ariz.—Chicago, Ill.
63. J942R Dallas, Tex.—Lubbock, Tex.
64. J950R Houston, Tex.—Oklahoma City, Okla.
65. J951R Washington, D.C.—St. Louis, Mo.
66. J954R Washington, D.C.—Detroit, Mich.
67. J956R Memphis, Tenn.—Chicago, Ill.
68. J969R Denver, Colo.—Phoenix, Ariz.
69. J970R Denver, Colo.—Dallas, Tex.
70. J971R San Antonio, Tex.—Dallas, Tex.
71. J972R Dallas, Tex.—San Antonio, Tex.
72. J973R Seattle, Wash.—Salt Lake City, Utah.
73. J975R Dallas, Tex.—El Paso, Tex.
74. J977R Portland, Oreg.—Chicago, Ill.
75. J978R Chicago, Ill.—Portland, Oreg.
76. J982R Los Angeles, Calif.—Kansas City, Mo.
77. J987R Montreal, Canada—New York, N.Y.
78. J988R New York, N.Y.—Montreal, Canada.
79. J989R New York, N.Y.—Chicago, Ill.
80. J991R Minneapolis, Minn.—Greater Southwest Texas, Tex.
81. J992R Houston, Tex.—Tulsa, Okla.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., January 6, 1978.

WILLIAM E. BROADWATER,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc. 78-784 Filed 1-11-78; 8:45 am]

## PROPOSED RULES

[4910-13]

[14 CFR Part 97]

(Docket No. 17538; Notice No. 78-1)

## STANDARD INSTRUMENT APPROACH PROCEDURES

## Aircraft Approach Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to eliminate the use of maximum certificated landing weight as a criterion for grouping aircraft in approach categories. The FAA believes that this action will facilitate aircraft categorization and simplify the determination of landing minimums.

DATE: Comments must be received on or before March 13, 1978.

ADDRESS: Send comments on the proposal in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 17538, 800 Independence Avenue SW., Washington, D.C. 20591.

## FOR FURTHER INFORMATION CONTACT:

Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-755-8716.

## SUPPLEMENTARY INFORMATION:

## COMMENTS INVITED

All interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number (Docket No. 17538; Notice No. 78-1) and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before March 13, 1978, will be considered by the Administrator before taking action on the proposed rule. However, interested persons are urged to submit their comments as early as possible to facilitate rapid resolution of any issues raised. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public regulatory docket.



## AVAILABILITY OF NPRM

Interested persons may examine this notice of proposed rulemaking in the Rules Docket, AGC-24, Docket No. 17538. Copies of this notice may be obtained by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications should identify the notice number.

## DISCUSSION OF THE PROPOSED RULE

Section 97.3 of the Federal Aviation Regulations sets forth aircraft approach categories. The principal reason for categorizing aircraft is to assure their ability to maneuver to a safe landing, staying within the obstruction consideration area, primarily during circling approaches. Landing minimums set by the FAA vary with respect to Minimum Descent Altitude (MDA) and visibility requirements depending on the category in which an aircraft is grouped. Currently, the category determination is based on two factors, the aircraft's speed of 1.3 Vso (at maximum certificated landing weight) and the maximum certificated landing weight. If an aircraft falls into two categories it is placed in the higher one.

The FAA believes that use of the maximum certificated landing weight criterion is unnecessary for two reasons: Aircraft weight alone does not determine an aircraft's maneuverability; and the weight factor is already considered in the speed calculation.

The key element in assuring a safe landing is the assignment of landing minimums based on an aircraft's maneuverability. The present regulation occasionally results in two of the same type aircraft which have essentially the same maneuverability, but belong to different model series, following different landing minimums because a slight weight difference places them in different categories.

The deletion of the weight factor would facilitate aircraft categorization and simplify the determination of landing minimums.

## DRAFTING INFORMATION

The principal authors of this document are J. A. Forgas, Flight Procedures Standards Branch, Flight Standards Service, and Peter J. Lynch, Office of the Chief Counsel.

## THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 97.3(b) of the Federal Aviation Regulations (14 CFR Part 97) to read as follows:

§ 97.3 Symbols and terms used in procedures.

• • • • •

## PROPOSED RULES

(b) "Aircraft approach category" means a grouping of aircraft based on a speed of 1.3 Vso (at maximum certificated landing weight). Vso and the maximum certificated landing weight are those values as established for the aircraft by the certificating authority of the country of registry. The categories are as follows:

- (1) Category A: Speed less than 91 knots.
- (2) Category B: Speed 91 knots or more but less than 121 knots.
- (3) Category C: Speed 121 knots or more but less than 141 knots.
- (4) Category D: Speed 141 knots or more but less than 166 knots.
- (5) Category E: Speed 166 knots or more.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(c), 1354(a), 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on January 5, 1978.

J. A. FERRARESE,  
Acting Director,  
Flight Standards Service.

[FR Doc. 78-783 Filed 1-11-78; 8:45 am]

## [6750-01]

## FEDERAL TRADE COMMISSION

[16 CFR Part 4]

## ORGANIZATION, PROCEDURES, AND RULES OF PRACTICE

## Availability of Public Information

## Correction

In FR Doc. 78-20 appearing on page 779, in the issue of Wednesday, January 4, 1978, in the 3rd column, 4.8(c)(2), the 4th entry under "Duplication of Microfilm" should read, "3M cartridge . . . \$1.28 each".

## [6355-01]

## CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1303]

## LEAD-CONTAINING PAINT AND CERTAIN CONSUMER PRODUCTS BEARING LEAD-CONTAINING PAINT

## Proposed Exemption of Metal Furniture From Banning Regulation

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes for public comment an amend-

ment to its banning regulation on lead-containing paint and toys and furniture bearing such paint. The proposed amendment would exempt metal furniture articles (but not metal children's furniture) bearing factory-applied coatings from the furniture banned by the regulation. The National Paint and Coatings Association petitioned the Commission to take this action. The Commission is proposing this amendment because of data indicating that factory-applied coatings for metal furniture do not chip or chalk and are, therefore, inaccessible for ingestion by children.

DATE: Comments concerning the proposal should be received by January 27, 1978.

The Commission proposes that this exemption would be effective immediately upon its publication in final form in the FEDERAL REGISTER.

ADDRESS: Comments should be sent to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th St., NW., Washington, D.C. 20207.

## FOR FURTHER INFORMATION CONTACT:

Francine Shacter, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6557.

## SUPPLEMENTARY INFORMATION:

## BACKGROUND

On October 7, 1977 the National Paint and Coatings Association (NPCA) filed a petition (CP 78-1) under section 10 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2059, requesting the issuance of an amendment to the Commission's ban on lead-containing paint and toys and furniture bearing such paint (16 CFR Part 1303) to exempt metal furniture articles (but not metal children's furniture) bearing factory-applied lead coatings from the provisions of the ban.

The Commission's final ban on lead-containing paint (defined as paint containing more than 0.06 percent lead by weight) and toys and furniture bearing such paint was published in the FEDERAL REGISTER on September 1, 1977 (16 CFR Part 1303, 42 FR 44192). The ban was issued to eliminate or reduce the unreasonable risk of injury associated with lead poisoning in children resulting from the ingestion of lead-containing paint chips. Certain surfaces, such as toys or furniture, which are easily accessible to children for the ingestion of such chips, were believed to present a particular hazard.

During the development of the ban several commenters had requested the exclusion of metal furniture from the furniture articles banned by the proposal. In the final document the Com-

mission declined to exempt metal furniture because it had not received sufficient data to justify an exemption. The Commission, however, stated that manufacturers of metal furniture could petition for an exemption, and, if they did, that they should submit certain technical data in support of any petition.

The NPCA petition was filed in response to this action. In their petition NPCA contends that coatings (containing lead) applied to metal furniture at the factory are inaccessible to children because of their resistance to chipping and peeling due to the hardness of the coatings and their strong adhesion to the metal substrate. In support of this contention, NPCA submitted information and test data on the non-chalking quality of such paints, the views of medical experts on metal furniture coatings and lead poisoning of children, information on application techniques for such coatings, and economic data on the effects of the elimination of lead pigments from metal furniture coatings. In addition, on November 2, 1977, at a public meeting on their petition, NPCA described and demonstrated mechanical performance tests which measure the hardness, adhesion, resistance to impact (cracking and chipping) of such coatings. The coatings may be subjected to one or more of these tests by the coatings industry before they are marketed.

## GROUNDS FOR THE PROPOSAL

Based on the data submitted by NPCA and other information available to the Commission, the Commission believes that factory-applied coatings for metal furniture may not pose a significant hazard to young children. The Commission notes that the relative hardness of the coatings, their adherence to the metal substrate, their resistance to chipping, and the hardness of the metal substrate appear to make it difficult for a child to obtain such coatings. This Commission view is based upon consideration of the following:

1. A review of the scientific literature on lead poisoning without finding a reference implicating factory-applied metal furniture coatings as being responsible for elevated blood levels or lead poisoning of children.

2. The mechanical stress performance tests conducted by NPCA at the November 2, 1977 public meeting. These tests, including the pencil hardness test (ASTM D 3363-74), the taber abrasion test (Federal Test Method Std. No. 141a method 6192), the mandrel bend test (ASTM D 522-60), the impact test (ASTM D 2794-69), and the cross hatch adhesion test (ASTM D 3359-76), while not conclusive, strongly suggest that the factory-applied coatings are much harder than

ordinary interior or exterior surface coatings applied to walls or woodwork; are relatively stable; are resistant to chipping and cracking; and strongly adhere to the metal substrate to which they are applied.

3. The views of two medical experts, both of whom were proponents of the proposition to ban residential paint containing more than 0.06 percent lead.

(a) Dr. Julian Chisolm, a leading authority on childhood lead poisoning and chairman of the National Academy of Science's ad hoc Lead-in-Paint Committee. Dr. Chisolm had indicated in a March 9, 1976 comment to the Commission (which is on file at the Office of the Secretary) on the Draft Environmental Impact Statement on Lead in Paint (see 42 FR 6879) that the exclusion of metal furniture from a ban on lead-containing paint, toys, and furniture would be appropriate.

In a recent October 25, 1977 letter to NPCA (also on file at the Commission's Office of the Secretary), Dr. Chisolm again stated that an exclusion for factory-applied coatings for metal furniture was reasonable, and that such coatings, if they did not chalk, would not present a significant hazard to young children.

(b) Dr. J. W. Sayre, Associate Clinical Professor, Pediatrics, University of Rochester School of Medicine, who represented the American Academy of Pediatrics at the Commission's hearing to determine a safe level of lead in paint held on September 13, 1976 (see 42 FR 9404).

Dr. Sayre in an October 27, 1977 letter (on file at the Office of the Secretary) to NPCA, after a review of the various mechanical performance tests conducted on coatings for metal furniture, indicated that the mechanism of chalking of such coatings should be studied, but also concluded that there are ample reasons to justify an exemption of metal furniture bearing such coatings.

In the October 27 letter Dr. Sayre agreed to do chalking tests for NPCA. Towel wiping tests were conducted by Dr. Sayre on sample metal panels, and he interpreted the results of on-site tests on multicolored high school lockers. Dr. Sayre concluded that the amount of lead found on the various test towels was either negligible or compared with the results of his other surface studies did not constitute a lead hazard. (A more complete description of the chalking test procedures and results is available in the Commission's Office of the Secretary).

4. An evaluation of the economic effects of the elimination of lead from metal furniture coatings. Data available to the Commission indicates that lead chromate pigments are used in coatings on metal surfaces for corrosion resistance and imparting certain

colors such as yellows, reds, oranges, and some browns. Deep tone colors in the yellow, orange, and green spectrum may be difficult to obtain with non-lead pigments. The Commission is also aware that lead chromate pigments are inexpensive compared with substitute pigments, particularly the organic pigments. The Commission concludes, therefore, that if lead pigments were to be eliminated from metal furniture coatings, the price of such coatings would rise moderately, causing a small increase in the prices of some metal furniture.

## ENVIRONMENTAL CONSIDERATIONS

The Commission has considered the potential environmental impacts of an exemption for metal furniture from a ban on lead-containing paint, toys, and furniture in the Final Environmental Impact Statement on Lead Content in Paint, dated May 2, 1977. (See, especially, pages I-B-15, II-A-8-9, III-6, and III-17 of the final statement.)

NOTE.—The availability of the final impact statement was announced by the Council on Environmental Quality in the FEDERAL REGISTER on June 10, 1977 (42 FR 29948). The potential environmental effects of the exclusion of metal furniture were also included in the draft statement on Lead Content in Paint which was made available for public comment by announcement in the FEDERAL REGISTER on February 4, 1977. (42 FR 6879).

Therefore, the Commission believes that there is no need for any further environmental review of this proposal.

## CONCLUSION

In determining whether a specific risk of injury is "unreasonable" and therefore, properly the subject of a banning regulation, the Commission generally balances the probability that the risk will result in harm and the gravity of the harm against a rule's effect on the product's utility, cost, and availability to the consumer.

In this instance the Commission believes that the probability that factory-applied coatings on metal furniture will result in harm is remote because the hardness of the coatings and their resistance to chipping makes it unlikely that the coatings will be removed and ingested by children. It is expected that reasonable manufacturing practices will result in metal furniture whose coatings have these characteristics. However, should the Commission find instances where factory-applied coatings containing lead chip, peel, chalk, or otherwise become easily available for removal and ingestion by children, it may consider individual regulatory action.

The Commission also notes that the elimination of lead pigments from these factory-applied coatings may have an adverse effect on the product's cost and utility.

On balance the Commission preliminarily finds that the available data



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does not indicate that metal furniture bearing factory-applied coatings presents an unreasonable risk of injury from lead poisoning in children. Therefore, the Commission preliminarily determines that a ban on such metal furniture is not reasonably necessary to eliminate a risk of injury associated with the painted furniture and has decided to propose the amendment as set forth below.

PROPOSAL

Section 9(e) of the Consumer Product Safety Act, 15 U.S.C. 2058(e), provides that when an amendment to a consumer product safety rule involves a material change the procedures in sections 7 and 9 apply. It is the Commission's view that the amendment proposed below does not involve a material change to the lead-containing paint ban because it does not affect the basic purpose and provisions of the ban. Therefore, the provisions of section 7 and 9 (a)-(d) do not apply. The Commission believes that the informal rulemaking procedures of the Administrative Procedure Act, 5 U.S.C. 553, do apply. The Commission has, however, decided to limit the comment period for this proposal to 15 days so that if the proposal is finalized, the final rule may be published before the February 28, 1978 effective date of the lead-containing paint ban. In this regard the Commission notes that all interested parties were invited to make an oral presentation of views or data at the November 2, 1977 public meeting on the NPCA petition. In addition, any persons unable to attend the meeting were advised by notice in the FEDERAL REGISTER that they could submit written comments on the petition up to a week after the meeting (see 42 FR 56639).

Accordingly, pursuant to provisions of the Consumer Product Safety Act (sec. 9(e), 15 U.S.C. 2058(e)), and the Administrative Procedure Act, 5 U.S.C. 553, the Commission proposes to amend 16 CFR 1303.3(c) by adding a new subparagraph (3) as follows:

§ 1303.3 Exemptions.

• • • • •

(c) The following products are exempt from the scope of the ban established by Part 1303 (no cautionary labeling is required):

• • • • •

(3) Metal furniture articles (but not metal children's furniture) bearing factory-applied (lead) coatings.

• • • • •

Interested persons are invited to submit, on or before January 27, 1978, written comments regarding this pro-

posal. Comments received after this date will be considered if practicable. Comments and any accompanying data or material should be submitted preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and accompanying data may be seen in the Office of the Secretary, 1111 18th Street NW., Third floor, Washington, D.C. 20207.

Dated: January 9, 1978.

RICHARD E. RAPPS,  
Secretary, Consumer Product  
Safety Commission.

(FR Doc. 78-891 Filed 1-11-78; 8:45 am)

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 24]

CUSTOMS FINANCIAL AND ACCOUNTING  
PROCEDURE

Suspension of Action on New Applications for  
Approval of Car, Compartment, and Pack-  
age Seals

AGENCY: U.S. Customs Service, De-  
partment of the Treasury.

ACTION: Notice of suspension of cus-  
toms approval of new applications for  
seals.

SUMMARY: This notice suspends  
Customs consideration of new applica-  
tions for seals to be approved for cus-  
toms use. Present Customs standards  
for the approval of seals are no longer  
suitable to accommodate recent sweep-  
ing changes in security technology. In  
order to avoid greater risk to the secu-  
rity of imported cargo, the Customs  
Service will not consider new applica-  
tions for the approval of seals until  
new standards are adopted. After the  
adoption of new standards, presently  
approved seals may be subject to re-  
testing and reapproval. Seals which al-  
ready have been approved by Customs  
are not affected and applications re-  
ceived before the date of the notice  
will be considered for approval. This  
notice also informs the public that  
Customs is reviewing its technical  
standards and requirements for ap-  
proval of all types of Customs seals  
and invites public participation in es-  
tablishing revised technical standards  
and requirements.

DATES: (Suspension of approval is ef-  
fective January 12, 1978; comments  
are due by March 13, 1978.

ADDRESSES: Comments may be ad-  
dressed to the Commissioner of cus-  
toms, Attention: Regulations and  
Legal Publications Division, U.S. cus-

toms Service, 1301 Constitution  
Avenue NW., Washington, D.C. 20229.  
FOR FURTHER INFORMATION  
CONTACT:

John R. Holl, Inspection and Con-  
trol Division, U.S. Customs Service,  
1301 Constitution Avenue NW.,  
Washington, D.C. 20229, 202-566-  
5354.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Merchandise imported into the  
United States may be entered for con-  
sumption at the port of arrival, wheth-  
er at an airport, seaport, or a land  
border. However, merchandise may  
also be transported in bond to another  
Customs port of entry and entered  
there under the same conditions as at  
the port of arrival. Merchandise which  
has not been entered for consumption  
must normally be transported from  
one port to another in the United  
States in conveyances, compartments,  
or packages to which Customs-ap-  
proved seals are affixed. Seals now in  
use for this kind of transportation are  
generally of two types: those that are  
used only to indicate when the sealed  
conveyance, compartment, or package  
has been opened; and "high-security"  
seals that are designed and construct-  
ed to prevent unauthorized entry into  
a sealed conveyance, compartment, or  
package.

Other types of seals are used to  
secure kits containing duty-free alco-  
holic beverages to be served on board  
aircraft during international flights  
and to ensure that packages being  
moved from place to place within cus-  
toms custody cannot be opened with-  
out evidence of tampering.

Under § 24.13a of the Customs Regu-  
lations (19 CFR 24.13a), a manufactur-  
er of seals who wishes to have his seals  
approved for use in sealing openings,  
packages, conveyances, or articles re-  
quired by the Customs laws and regu-  
lations to be sealed, must file an appli-  
cation for approval with the Customs  
Service. Several seals have been ap-  
proved under this procedure and are  
now in use.

Due to the recent increase in public  
concern for improved security tech-  
niques and measures, the Customs  
Service is re-examining its technical  
specifications and standards in regard  
to seals of all types, as well as its re-  
quirements for approval of applica-  
tions from seal manufacturers. Recogn-  
izing that both the manufacturers  
and users of seals may have pertinent  
suggestions as to specifications and  
standards, the Customs Service invites  
comments from all interested parties  
on objective technical criteria which  
may be used to evaluate seals for cus-  
toms use and on the administrative re-  
quirements necessary to secure cus-  
toms approval of seals:

Present Customs standards for the  
approval of seals are no longer suit-  
able to accommodate recent sweeping  
changes in security technology. In  
order to avoid greater risk to the secu-  
rity of imported cargo, the Customs  
Service will not consider new applica-  
tions for the approval of seals until  
new standards are adopted. After the  
adoption of new standards, presently-  
approved seals may be subject to re-  
testing and reapproval.

The establishment of new standards  
will benefit seal manufacturers by de-  
fining more precisely the kinds of  
seals Customs needs and uses, thus re-  
ducing the engineering and develop-  
ment costs of prototype seals submit-  
ted to Customs for approval. New  
standards will also benefit seal users  
by encouraging the development of  
seals that are more practical, easier to  
affix, and more secure.

The Customs Service emphasizes  
that the suspension of its approval of  
new applications for car, compart-  
ment, and package seals does not im-  
mediately affect seals which have al-  
ready been approved. Those seals will  
continue to be accepted for Customs  
use at least until new standards are  
adopted. Moreover, applications for  
seal approval which were received  
before the date of this notice will be  
considered for approval.

COMMENTS

Comments submitted will be avail-  
able for public inspection in accord-  
ance with § 103.8(b) of the Customs  
Regulations (19 CFR 103.8(b)) during  
regular business hours at the Regula-  
tions and Legal Publications Division,  
Headquarters, U.S. Customs Service,  
1301 Constitution Avenue, NW., Wash-  
ington, D.C.

DRAFTING INFORMATION

The principal author of this docu-  
ment was Todd J. Schneider, Regula-  
tions and Legal Publications Division,  
Office of Regulations and Rulings,  
U.S. Customs Service. However, per-  
sonnel from other offices of the cus-  
toms Service participated in develop-  
ing the document, both on matters of  
substance and style.

G. R. DICKERSON,  
Acting Commissioner  
of Customs.

(FR Doc. 78-795 Filed 1-11-78; 8:45 am)

[6820-35]

LEGAL SERVICES CORPORATION

[45 CFR Part 1622]

PUBLIC ACCESS TO MEETINGS UNDER GOV-  
ERNMENT IN SUNSHINE ACT

Proposed Implementation of Statutory  
Requirement

AGENCY: Legal Services Corporation.

ACTION: Proposed regulation.

SUMMARY: The Government in the  
Sunshine Act, 5 U.S.C. Section 522b,  
requires certain agencies of the United  
States to hold open meetings, subject  
to prescribed exceptions, when agency  
members jointly dispose of its busi-  
ness. Although the Legal Services Cor-  
poration is not a Federal agency, Sec-  
tion 1004(g) of the Legal Services Cor-  
poration Act applies the Sunshine  
Act's provisions to the Corporation  
and the State advisory councils ap-  
pointed pursuant to Section 1004(f) of  
the Act. This Part implements the  
statutory requirements, consistent  
with the Corporation's philosophy of  
providing the public with the fullest  
information practicable regarding its  
decisionmaking processes while pro-  
tecting the rights of individuals and  
the ability of the Corporation to per-  
form its responsibilities.

DATES: Comments must be received  
on or before February 27, 1978.

ADDRESS: Legal Services Corpora-  
tion, 733 15th Street NW., Suite 700,  
Washington, D.C. 20005.

FOR FURTHER INFORMATION  
CONTACT:

Stephen S. Walters, 202-376-5113.

SUPPLEMENTAL INFORMATION:

DEFINITIONS

"Committee." The open meeting re-  
quirements of the Sunshine Act apply  
not only to meetings of the full deci-  
sionmaking body, but also to meetings  
of "any subdivision thereof authorized  
to act on behalf of the agency." The  
Regulations go beyond the require-  
ments of the statute by applying the  
open meeting provisions to every com-  
mittee appointed pursuant to § 1601.26  
of the Corporation's By-Laws, regard-  
less of the committee's membership or  
responsibility.

"Meeting." Not every gathering at  
which Board or Advisory Council  
members are present constitutes a  
"meeting" within the meaning of the  
Sunshine Act. Some degree of formal-  
ity is required before a gathering is  
considered a "meeting". S. Rep. No.  
94-354, 95th Cong., 1st Sess. (1975), at  
18 (hereafter "S. Rep."); Berg and  
Klitzman, *Government in the Sun-  
shine Act: An Interpretive Guide*, at 4.  
(Tentative Ed. 1977) (hereafter "Inter-  
pretive Guide"). On the other hand,  
the term "meeting" includes more  
than a session at which matters are  
formally disposed of. At a minimum  
the term includes any gathering of the  
requisite number of members where a  
serious exchange of views achieves a  
consensus on a matter of official Cor-  
poration business. The Senate Report  
makes clear, however, that the Sun-  
shine Act does not prevent members  
from engaging in informal background

discussions to explore or clarify issues  
and expose varying views. The control-  
ling distinction is between discussions  
that "effectively predetermine official  
actions," and those that do not. Be-  
cause the Act applies only to the  
"joint" disposition of business, more-  
over, it does not require that a gather-  
ing be open when the Chairman seeks  
the informal advice of his colleagues  
in carrying out his functions under the  
Legal Services Corporation Act or  
Bylaws. S. Rep. at 17.

"General Counsel" and "Secretary".  
It would obviously be impractical for  
the Corporation's General Counsel  
and Secretary to review the agendas  
and keep records of each state Adviso-  
ry Council meeting. For this reason,  
and in order to maintain appropriate  
autonomy of the advisory councils, the  
Regulation contemplates that each  
Advisory Council will designate a  
member to act as legal adviser and sec-  
retary and perform the functions de-  
scribed in §§ 1622.6 through 1622.8.

PROCEDURES FOR CLOSING DISCUSSION  
OR WITHHOLDING INFORMATION

The Sunshine Act does not expressly  
state that a separate vote of the mem-  
bers is required on each agenda item  
for which closed discussion is pro-  
posed. However, because "each portion  
of each meeting stands on its own for  
purposes of complying with the clos-  
ing requirements" of the Act (Inter-  
pretive Guide at 24), the better proce-  
dure is to require an item-by-item  
vote. Section 1622.6(b) makes this re-  
quirement explicit.

Section 1622.6(c) provides proce-  
dures for persons other than members  
of the Board or Advisory Council to  
request that a particular meeting be  
closed. The Regulation goes beyond  
the requirements of the Sunshine Act  
by permitting a request to close for  
any of the reasons set out in § 1622.5.  
In every instance, however, the per-  
son's interests must be "directly af-  
fected" by a discussion in order for  
him or her to request closure.

Section 1622.6(d) requires that the  
result of every vote whether to close a  
meeting or a portion of a meeting will  
be made public. The report of the  
House Government Operations Com-  
mittee states that this procedure will,  
"enable the general public to be aware  
of a \* \* \* member's overall record on  
openness questions." H. Rep. 94-880,  
94th Cong., 2d Sess. (1976), at 13. An  
explanation of the reasons advanced  
for closure, the relevant exemptions,  
and the persons expected to attend is  
necessary only when the vote has been  
to close.

CERTIFICATION BY THE GENERAL  
COUNSEL

The Sunshine Act's requirement of  
certification by the General Counsel  
for any closed meeting raises two



issues. First, it is unclear whether the statute requires certification before the members vote to close the meeting, or even whether certification must precede the meeting itself. It is obviously preferable for the members to consult with their legal adviser before making a public decision to close discussion of a particular matter. Practical considerations may make such consultation impossible, however, and members may always reconsider a vote to close. Therefore, § 1622.7 requires only that certification by the General Counsel take place before the meeting is closed.

The second issue is whether certification that closure is proper is a prerequisite to closing a meeting from public observation. Although the agencies that have issued Sunshine Act regulations have split on this issue, we believe that it is not. The members will ordinarily follow the advice of the General Counsel, but the Congress is not likely to have intended that the judgment of a Corporation staff member should override that of persons appointed by the President of the United States or the Governor of a State. This is particularly true since the legality of closing a meeting ultimately depends on the discussion that actually takes place, not the anticipated purpose of the meeting. The requirement of certification by the General Counsel is properly seen as one of several procedures to ensure that a decision to close will be well considered.

#### PART 1622—PUBLIC ACCESS TO MEETINGS UNDER THE GOVERNMENT IN THE SUNSHINE ACT

Sec.

- 1622.1 Purpose and scope.
- 1622.2 Definitions.
- 1622.3 Open meetings.
- 1622.4 Public announcement of meetings.
- 1622.5 Grounds on which meetings may be closed or information withheld.
- 1622.6 Procedures for closing discussion or withholding information.
- 1622.7 Certification by the General Counsel.
- 1622.8 Records of closed meetings.
- 1622.9 Report to Congress.

AUTHORITY: Sec. 1004(g) (42 U.S.C. 2996c(g)).

##### § 1622.1 Purpose and scope.

This Part is designed to provide the public with full access to the deliberations and decisions of the Board of Directors of the Legal Services Corporation, committees of the Board, and State advisory councils, while maintaining the ability of those bodies to carry out their responsibilities and protecting the rights of individuals.

##### § 1622.2 Definitions.

"Board" means the Board of Directors of the Legal Services Corporation. "Committee" means any formally designated subdivision of the Board es-

tablished pursuant to § 1601.26 of the bylaws of the Corporation.

"Council" means a state Advisory council appointed by a State Governor or the Board pursuant to section 1004(f) of the Legal Services Corporation Act of 1974, 42 U.S.C. 2996c(f).

"Member" means a voting member of the Board or of a Council. Reference to actions by or communications to "members" means action by or communications to Board members with respect to proceedings of the Board, committee members with respect to proceedings of their committees, and council members with respect to proceedings of their councils.

"Meetings" means the deliberations of a quorum of the Board, or of any committee, or of a council, when such deliberations determine or result in the joint conduct or disposition of Corporation business, but does not include deliberations about a decision to open or close a meeting, a decision to withhold information about a meeting, or the time, place, or subject of a meeting.

"Quorum" means the number of Board or committee members authorized to conduct Corporation business pursuant to §§ 1601.21 and 1601.27 of the Corporation's bylaws, or the number of council members authorized to conduct its business.

"General Counsel" means the General Counsel of the Corporation, or a person designated by the General Counsel, or a member designated by a council to act as its chief legal officer.

"Secretary" means the secretary of the Corporation, or a person designated by the Secretary, or a member designated by a council to act as its secretary.

##### § 1622.3 Open meetings.

Every meeting of the Board, a committee, or a council shall be open in its entirety to public observation except as otherwise provided in § 1622.5.

##### § 1622.4 Public announcement of meetings.

(a) Public announcement shall be made of every meeting. The announcement shall include: (1) The time, place, and subject matter to be discussed; (2) Whether the meeting or a portion thereof is to be open or closed to public observation; and (3) The name and telephone number of the official designated by the Board, committee, or council to respond to requests for information about the meeting.

(b) The announcement shall be made at least seven calendar days before the meeting, unless a majority of the members determines by a recorded vote that Corporation business requires a meeting on fewer than seven days' notice. In the event that such a determination is made, public

announcement shall be made at the earliest practicable time.

(c) Each public announcement shall be posted at the offices of the Corporation in an area to which the public has access, and promptly submitted to the FEDERAL REGISTER for publication. Reasonable effort shall be made to communicate the announcement of a Board or committee meeting to the chairman of each council and each recipient of funds from the Corporation, and of a council meeting to each recipient within the same State.

(d) An amended announcement shall be issued of any change in the information provided by a public announcement. Such changes shall be made in the following manner:

(1) The time or place of a meeting may be changed without a recorded vote.

(2) The subject matter of a meeting, or a decision to open or close a meeting or a portion thereof, may be changed by recorded vote of a majority of the members that Corporation business so requires and that no earlier announcement of the change was possible.

An amended public announcement shall be made at the earliest practicable time and in the manner specified by § 1622.4 (a) and (c).

##### § 1622.5 Grounds on which meetings may be closed or information withheld.

Except when the Board, committee, or council finds that the public interest requires otherwise, a meeting or a portion thereof may be closed to public observation, and information pertaining to such meeting or portion thereof may be withheld, if the Board, committee, or council determines that such meeting or portion thereof, or disclosure of such information, will more probably than not:

(a) Relate solely to the internal personnel rules and practices of the Corporation;

(b) Disclose matters specifically exempted from disclosure by statute (other than the Freedom of Information Act, 5 U.S.C. 552): *Provided*, That such statute: (1) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular types of matters to be withheld;

(c) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(d) Involve accusing any person of a crime, or formally censuring any person;

(e) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(f) Disclose investigatory records compiled for the purpose of enforcing

the Act or any other law, or information which if written would be contained in such records, but only to the extent that the production of such records or information would: (1) Interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel.

(g) Disclose information the premature disclosure of which would be likely significantly to frustrate implementation of a proposed Corporation action, except that this subparagraph shall not apply in any instance where the Corporation has already disclosed to the public the content or nature of its proposed action, or where the Corporation is required by law to make such disclosure on its own initiative prior to taking final action on such proposal; or

(h) Specifically concern the Corporation's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the Corporation of a particular case involving a determination on the record after opportunity for a hearing.

##### § 1622.6 Procedures for closing discussion or withholding information.

(a) No meeting or portion of a meeting shall be closed to public observation, and no information about a meeting shall be withheld from the public, except by a recorded vote of a majority of the members with respect to each meeting or portion thereof proposed to be closed to the public, or with respect to any information that is proposed to be withheld.

(b) Each matter, discussion of which is to be closed to public observation, and any information that is to be withheld, shall be the subject of a separate vote, unless the matter or information is expected to involve a series of meetings. In such cases, the members may vote to close the discussion or withhold information about the same particular matter for a period of thirty days from the date of the initial discussion in the series of meetings.

(c) Whenever any person's interest may be directly affected by a matter to be discussed at a meeting, the person may request that a portion of the meeting be closed to public observation by filing a written statement with the Secretary. The statement shall set forth the person's interest, the manner in which that interest will be affected at the meeting, and the grounds upon which closure is claimed to be proper under § 1622.5. The Secre-

tary shall promptly communicate the request to the members, and a recorded vote as required by § 1622.6(a) shall be taken if any member so requests.

(d) With respect to each vote taken pursuant to § 1622.6 (a)-(c), the Corporation shall, within one business day, make publicly available:

(1) A written record of the vote of each member on the question;

(2) A full statement of any action closing a meeting or portion thereof, with reference to the specific exemption listed in § 1622.5, including a statement of reasons as to why the specific discussion comes within the cited exemption and a list of all persons expected to attend the closed meeting and their affiliation.

##### § 1622.7 Certification by the General Counsel.

Before a meeting or portion thereof is closed, the General Counsel shall certify publicly whether the meeting may be closed to the public and shall state each relevant exemption. A copy of the certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting and the persons present, shall be retained by the Corporation.

##### § 1622.8 Records of closed meetings.

(a) The Secretary shall make a complete transcript, or electronic recording adequate to record fully the proceedings of each meeting or portion thereof closed to the public, except that in the case of a meeting or any portion thereof closed to the public pursuant to paragraph (h) of § 1622.5, a transcript, a recording, or a set of minutes shall be made. Any such minutes shall describe all matters discussed and shall provide a summary of any actions taken and the reasons therefore, including a description of each member's views expressed on any item and the record of each member's vote on the question. All documents considered in connection with any action shall be identified in the minutes.

(b) A complete copy of the transcript, recording, or minutes required by § 1622.8(a) shall be maintained at the Corporation for a Board or committee meeting, and at the appropriate regional office for a council meeting, for a period of two years after the meeting.

(c) The Corporation shall make available to the public all portions of the transcript, recording, or minutes required by § 1622.8(a) that do not contain information that may be withheld under § 1622.5. A copy of those portions of the transcript, recording, or minutes that are available to the public shall be furnished to any person upon request at the actual cost of duplication or transcription.

(d) Copies of Corporation records other than notices or records prepared under this Part may be pursued in accordance with Part 1602 of these regulations.

##### § 1622.9 Report to Congress.

The Corporation shall report to the Congress annually regarding its compliance with the requirements of the Government in the Sunshine Act, 5 U.S.C. 552b, including a tabulation of the number of meetings open to the public, the number of meetings or portions of meetings closed to the public, the reasons for closing such meetings or portions thereof, and a description of any litigation brought against the Corporation under 5 U.S.C. 552b, including any costs assessed against the Corporation in such litigation.

THOMAS EHRLICH,  
President,  
Legal Services Corporation.  
[FR Doc. 78-814 Filed 1-11-78; 8:45 am]

#### [1505-01]

#### DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. MC-80, Notice No. 77-11]

[49 CFR Part 392]

TOXIC CASES IN TRUCK CABS

Correction

In FR Doc. 77-37370 appearing at page 20 in the FEDERAL REGISTER of Tuesday, January 3, 1978, in the "DATES:" paragraph of the preamble, the comments closing date of "February 2, 1978" should be changed to "April 3, 1978".

#### [7035-01]

#### INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1331]

[Ex Parte No. 297 (Sub-No. 3)]

MODIFIED TERMS AND CONDITIONS FOR APPROVAL OF COLLECTIVE RATEMAKING AGREEMENTS UNDER SECTION 5a OF THE INTERSTATE COMMERCE ACT

Proposed Rulemaking

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Interstate Commerce Commission will institute a rulemaking proceeding to determine whether to establish additional terms and conditions for approval of collective ratemaking agreements under section 5a of the Interstate Commerce



Act (Act) (49 U.S.C. 5b) that would be consistent with the prohibitions on collective ratemaking by railroads contained in section 5b of the Act (49 U.S.C. 5c). Adoption of such provisions would have the purpose and effect of modernizing and clarifying the functions of rate bureaus, promoting greater competition in the motor carrier, water carrier and freight forwarder industries, and achieving greater uniformity of regulation among the modes.

**DATES:** Statements of intent to participate are due: February 1, 1978. Written representations of fact, argument, comment or other views on the merits of this proposal are due: April 3, 1978. Replies to written representations are due: May 2, 1978.

**ADDRESS:** Statements of intent to participate should be addressed to: Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423. Written representations should be addressed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

#### FOR FURTHER INFORMATION CONTACT:

Deputy Director, Janice Rosenak, or Assistant Deputy Director, Harvey Gobetz, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423. Telephone 202-275-7693 or 202-275-7656.

**SUPPLEMENTARY INFORMATION:** In February 1976, the Railroad Revitalization and Regulatory Reform Act of 1976 (4-R Act) became law. The 4-R Act amended section 5a of the Interstate Commerce Act (Act) by removing collective ratemaking agreements among railroads from the scope of that section and creating a new section 5b devoted solely to such agreements. The purpose of this amendment, according to section 101(b) of the 4-R Act, was to modernize and clarify the functions of railroad rate bureaus as well as to foster competition among railroads by prohibiting them from collectively making rates and charges on certain traffic. In Ex Parte No. 297 (Sub-No. 1), dated February 17, 1976, the Commission extended the requirements set forth in Ex Parte No. 297, Rate Bureau Investigation, 351 I.C.C. 437 (1976) that were not at variance with section 5b, to ratemaking agreements subject to section 5b.

Applications for approval of section 5b are now pending before the Commission. Although no agreements have as yet received final approval, the Commission has observed that, in accordance with the intent of Congress, section 5b should in fact have the effect of modernizing and clarifying the functions of rate bureaus and fos-

tering rail competition. The Commission believes that these goals are consistent with the National Transportation Policy, and have as much relevance to the motor and water carrier and freight forwarder industries as they do to the railroad industry in promoting the interests of carriers, shippers and ultimate consumers. The Commission also desires to regulate the different modes of transportation under its jurisdiction as uniformly as is reasonable. It is for these reasons that the Commission, under sections 5a, 204(a)(6) and 204(a)(7) and parallel sections of Parts III and IV of the Act, (49 U.S.C. 5b, 304(a)(6) and 304(a)(7)) and sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553, 559), will study in this proceeding whether terms and conditions for approval of agreements or continued approval of agreements under section 5a of the Act should be established that would be consistent with the prohibitions on collective ratemaking contained in paragraph (5) of section 5b of the Act.

The Commission undertook a similar examination in Ex Parte No. 297, a proceeding in which the Commission investigated the activities of ratemaking bureaus and conferences. In its report, Ex Parte No. 297, *Rate Bureau Investigation*, 351 I.C.C. 437 (1976) and 349 I.C.C. 811 (1975), the Commission made 26 findings, some of which necessitated revision of agreements already approved by the Commission. Parties to those agreements were ordered to submit necessary revisions for Commission approval. Disputed findings in that proceeding were upheld in *Motor Carriers Traffic Ass'n. v. United States*, 559 F. 2d 1251 (4th Cir. 1977) (pet. for cert. pending).

Following is paragraph (5) of section 5b which the Commission would study for purposes of adoption by rulemaking as additional terms and conditions for approval of agreements under section 5a:

(5)(a) The Commission shall not approve under this section any agreement which establishes a procedure for the determination of any matter through joint consideration, unless it finds that under the agreement there is accorded to each party the free and unrestrained right to take independent action, without fear of any sanction or retaliatory action, at any time before or after any determination arrived at through such procedure. In no event shall any conference, bureau, committee, or other organization established or continued pursuant to any agreement approved by the Commission under the provisions of this section—

(i) Permit participation in agreements with respect to, or any voting on, single-line rates, allowances, or charges established by any carrier;

(ii) Permit any carrier to participate in agreements with respect to, or to vote on, rates, allowances, or charges relating to any particular interline movement, unless such carrier can practicably participate in such movement; or

(iii) Permit, provide for, or establish any procedure for joint consideration or any joint action to protest or otherwise seek the suspension of any rate or classification filed by a carrier of the same mode pursuant to section 15(7) of this part where such rate or classification is established by independent action.

As used in clause (i) of this subdivision, a single-line rate, allowance, or charge is one that is proposed by a single carrier applicable only over its own line and as to which the service (exclusive of terminal services provided by switching, drayage, or other terminal carriers or agencies) can be performed by such carrier.

(b) The limitations set forth in subdivision (a) shall not be applicable to—

(i) General rate increases or decreases, if the agreements accord the shipping public, under specified procedures, adequate notice of at least 15 days of such proposals and an opportunity to present comments thereon, in writing or otherwise, prior to the filing with the Commission of the tariffs containing such increases or decreases; or

(ii) Broad tariff changes if such changes are of general application or substantially general application throughout a territory or territories within which such changes are to be applicable.

In any proceeding in which it is alleged that a carrier voted or agreed upon a rate, allowance, or charge, in violation of the provisions of this section, the party alleging such violation shall have the burden of showing that such vote or agreement occurred. A showing of parallel behavior is not, by itself, sufficient to satisfy such burden.

If adopted these provisions would be codified in 49 CFR Part 1331.

In addition, the Commission would substantially adopt paragraph (6) of section 5b as policy governing the monitoring of agreements approved under section 5a. That provision reads:

(6) The Commission shall periodically, but not less than once every 3 years, review each agreement which the Commission has by order approved under this section to determine whether such agreement, or any conference, bureau, committee, or other organization established or continued pursuant to such agreement, still conforms with the standard set forth in paragraph (2) and the public interest, and to evaluate the success and effect upon the consuming public and the national rail freight transportation system of such agreement and organization. . . . If the Commission makes a determination that any such agreement or organization is no longer in conformity with such standard, the Commission shall by order terminate or suspend its approval thereof.

To conform to the unique characteristics of each industry, these provisions, if adopted, might have to be changed in certain respects. For example, the deadline set forth in paragraph (6)(b) might not be practical from a budgetary standpoint in light of the numerous agreements subject to section 5a. Moreover, paragraph (5)(a) might be modified to prohibit discussion as well as voting in the situations designated in (i) and (ii).

The public is invited and encouraged to participate in this proceeding by submitting written representations of fact, argument, comment or other views, especially concerning the following issues:

(1) Whether the provisions cited here as applied to motor and water carriers and freight forwarders would further the goals of modernization of rate bureaus and fostering of competition.

(2) Whether these provisions should be extended verbatim or with modification to any or all modes and if so what modifications peculiar to the needs of each mode need to be made.

(3) Whether discussion as well as voting should be prohibited on single-line rates, allowances, or charges and on interline movements in which carriers cannot practicably participate.

(4) Whether the broad tariff change exception in paragraph (5)(b)(ii) should be made applicable to agreements subject to section 5a.

(5) Whether the last sentence of paragraph (5)(b), reading "A showing of parallel behavior is not, by itself, sufficient to satisfy such burden," should be adopted as a rule

governing determinations of violations of the prohibitions contained in paragraph (5)(a), and

(6) Whether other rules respecting collective ratemaking not currently under consideration or embraced in section 5b should be promulgated and made applicable to any or all of the modes.

Deadlines for the submission of statements of intent to participate and written representations appear in the heading of this notice. For administrative convenience, parties should indicate in the statement of intent whether they intend to actively participate, in which case they will be placed on the service list, or whether they merely wish to receive copies of reports and orders of the Commission. Parties actively participating in this

proceeding by submitting written representations must serve copies of their representations on all parties on the service list. An original and fifteen copies of written representations must be filed with the Commission. An original and one copy of the statements of intent to participate must also be filed. A service list will be sent to all active parties in time to enable them to comply with the filing deadline.

Decided December 30, 1977.

By the Commission. (Commissioner Brown not participating.)

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-779 Filed 1-11-78; 8:45 am]



## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11]

## DEPARTMENT OF AGRICULTURE

## Forest Service

NACHES-TIETON-WHITE RIVER PLANNING  
UNIT LAND MANAGEMENT PLANAvailability of Draft Environmental Statement;  
Supplement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement supplement for the Naches-Tieton-White River Planning Unit Land Management Plan, USDA-FS-R6-DES(Adm)-77-10 (Supplement).

The Supplement displays information developed by the 1977 Roadless Area Review and Evaluation (RARE II) as it pertains to the Naches-Tieton-White River Planning Unit within the Mt. Baker-Snoqualmie, Wenatchee and Gifford Pinchot National Forests, State of Washington, Counties of King, Pierce, Lewis, Yakima and Kittitas. The RARE II inventory identified a total of 375,750 acres of roadless and undeveloped lands within the planning unit, an addition of 84,970 acres over the 1973 RARE I inventory. To reflect the RARE II additional acres, the No Action Alternative has been revised; a new Maximum Wilderness Alternative, Alternative A (Revised) has also been prepared. The preferred alternative remains unchanged.

The draft environmental statement supplement was transmitted to EPA on January 6, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3210, 12th St. and Independence Ave., SW., Washington, D.C. 20013.  
USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, Ore. 97204.  
Supervisor's Office, Mt. Baker-Snoqualmie National Forest, 1601 Second Avenue Building, Seattle, Wash. 98101.  
Supervisor's Office, Wenatchee National Forest, 301 Yakima Street, Wenatchee, Wash. 98801.  
Supervisor's Office, Gifford Pinchot National Forest, 500 W 12th Street, Vancouver, Wash. 98660.

USDA, Forest Service, Naches Ranger Station, Naches, Wash. 98937.  
USDA, Forest Service, Tieton Ranger Station, Naches, Wash. 98937.  
USDA, Forest Service, Packwood Ranger Station, Packwood, Wash. 98361.

USDA, Forest Service, White River Ranger Station, Enumclaw, Wash. 98002.

A limited number of single copies are available upon request to Forest Supervisor Don R. Campbell, Mt. Baker-Snoqualmie National Forest, 1601 Second Avenue Building, Seattle, Washington 98101.

Copies of the environmental statement supplement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the supplement and requests for additional information should be addressed to Forest Supervisor Don R. Campbell, Mt. Baker-Snoqualmie National Forest, 1601 Second Avenue Building, Seattle, Wash. 98101. Comments must be received by March 13, 1978, in order to be considered in the preparation of the final environmental statement.

Dated: January 6, 1978.

CURTIS L. SWANSON,  
Regional Environmental Coordinator,  
Planning, Programming and Budgeting.

[FR Doc. 78-802 Filed 1-11-78; 8:45 am]

[3410-11]

## Forest Service

## SALT LAKE PLANNING UNIT

## Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Salt Lake Planning Unit, Wasatch National Forest, Utah. The Forest Service report number is USDA-FS-DES (Adm) R4-78-1.

The Salt Lake Planning Unit is approximately 138,000 acres in Salt Lake, Summit, Utah, and Morgan counties. The plan recognizes the importance of water by making all other uses secondary. The proposed plan does not change existing land allocation or output levels for domestic livestock grazing, timber harvest, wildlife

harvest, or mineral extraction. It does not change the designated boundaries of the Lone Peak Scenic Area, the Neff's Cave National Natural Landmark, or the Red Butte Canyon Research Natural Area. Existing boundaries of the Brighton, Alta, and Solitude ski areas will be adjusted to include all or portions of expansion areas proposed in draft master plans.

This draft environmental statement was transmitted to EPA on January 5, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.  
Regional Planning and Budget Office, USDA, Forest Service, Federal Building, Room 4120, 324, 25th Street, Ogden, Utah 84401.

Forest Supervisor, Wasatch National Forest, 8226 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.  
District Ranger, Salt Lake Ranger District, 3070 East 33rd South, Salt Lake City, Utah 84109.

A limited number of single copies are available upon request to Forest Supervisor Chandler P. St. John, Wasatch National Forest, 8226 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Chandler P. St. John, Wasatch National Forest, 8226 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

Comments must be received by March 10, 1978, in order to be considered in the preparation of the final environmental statement.

Dated: January 5, 1978.

VERN HAMRE,  
Regional Forester.

[FR Doc. 78-837 Filed 1-11-78; 8:45 am]

[3410-16]

## Soil Conservation Service

## SLATE RIVER WATERSHED PROJECT, VIRGINIA

Intent to Not Prepare Environmental Impact  
Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the remaining portion of Slate River Watershed, Buckingham County, Va.

The environmental assessment of this federally-assisted action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment, and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. David N. Grimwood, State Conservationist, has determined that preparation and review of an environmental impact statement is not needed.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by six single-purpose floodwater retarding structures.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Room 9201, 400 North Eighth Street, Richmond, Va. 23240. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until February 13, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—16 USC 1001-1008.)

Dated: January 5, 1978.

NORMAN A. BERG,  
Associate Administrator,  
Soil Conservation Service.  
[FR Doc. 78-803 Filed 1-11-78; 8:45 am]

## NOTICES

[6320-01]

## CIVIL AERONAUTICS BOARD

[Docket No. 31360]

## AEROPERU

## Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1956, as amended, that a hearing in the above-entitled proceeding is assigned to be held on January 18, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, 1875 Connecticut Avenue, NW., Washington, D.C.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report, served December 13, 1977, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 4, 1978.

STEPHEN J. CROSS,  
Administrative Law Judge.

[FR Doc. 78-873 Filed 1-11-78; 8:45 am]

[6320-01]

[Dockets 27838 and 30818]

## AEROVIAS QUISQUEYANA, C. por A., ET AL.

## Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Thomas P. Sheehan to Administrative Law Judge Henry M. Switky. Future communications should be addressed to Judge Switky.

Dated at Washington, D.C., January 5, 1978.

NAHUM LITT,  
Chief Administrative Law Judge.  
[FR Doc. 78-872 Filed 1-11-78; 8:45 am]

[6320-01]

[Dockets 29411, 29412, and 30619]

## AIR NAURU

## Postponement of Hearing

Notice is hereby given that at the request of the applicant the hearing in the above-entitled matter now assigned to be held on January 31, 1978 (42 FR 64386, December 23, 1977) is hereby postponed to February 22, 1978 at 9:30 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

This hearing is subject to cancellation by further notice if it appears that the case may be decided based solely on documentary evidence. See p. 3 of the Prehearing Conference Report.

Dated at Washington, D.C., January 5, 1978.

WILLIAM A. KANE, Jr.,  
Administrative Law Judge.  
[FR Doc. 78-871 Filed 1-11-78; 8:45am]

[6320-01]

[Docket 31921]

## HOUSTON-TAMPA/ORLANDO INVESTIGATION

## Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Richard V. Backley. Future communications should be addressed to Judge Backley.

Dated at Washington, D.C., January 5, 1978.

NAHUM LITT,  
Chief Administrative Law Judge.  
[FR Doc. 78-870 Filed 1-11-78; 8:45 am]

[6320-01]

[Docket 30938]

## PACIFIC COMMON FARES INVESTIGATION

## Postponement of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding assigned to be held on January 11, 1978, at 9:30 a.m. (42 FR 61482, December 5, 1977) is hereby postponed to January 24, 1978, at 10 a.m., in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, Washington, D.C.

Dated at Washington, D.C., January 4, 1978.

BURTON S. KOLKO,  
Administrative Law Judge.  
[FR Doc. 78-874 Filed 1-11-78; 8:45 am]

[3510-25]

## DEPARTMENT OF COMMERCE

## Industry and Trade Administration

MATERIALS AND ACOUSTIC WAVE, MEMORY  
AND PHOTO CONDUCTIVE DEVICE SUB-  
COMMITTEE OF THE SEMICONDUCTOR  
TECHNICAL ADVISORY COMMITTEE

## Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Materials and Acoustic Wave, Memory and Photo Conductive Device Subcommittee of the Semiconductor Technical Advisory Committee will be held on Wednesday, February 1, 1978, at 9:30 a.m., in Conference Room B, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. The meeting will continue February 2 and 3 in Conference Room B, Main Commerce Building, to its conclusion.



The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Materials and Acoustic Wave, Memory and Photo Conductive Device Subcommittee was established on December 28, 1977, with the approval of the Assistant Secretary for Industry and Trade, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Materials and Acoustic Wave, Memory and Photo Conductive Device Subcommittee was formed to study materials, acoustic wave devices, memory devices and photo conductive devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in The Sunshine Act, P.L. 94-409 that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed

by the Subcommittee during the meeting have been properly classified under Executive Order 11652. All Subcommittee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on March 2, 1977 (42 FR 12078).

Dated: January 9, 1978.

RAUER H. MEYER,  
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-900 Filed 1-11-78; 8:45 am]

#### [3510-25]

##### MICROCIRCUIT SUBCOMMITTEE OF THE SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

###### Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee will be held on Wednesday February 1, 1978, at 9:30 a.m. in Conference Room D, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. The meeting will continue February 2 and 3 in Conference Room D, Main Commerce Building, to its conclusion.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Microcircuit Subcommittee was established on December 28, 1977, with the approval of the Assistant Secretary for Industry and Trade, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls ap-

plicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Microcircuit Subcommittee was formed to study microcircuit devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the meeting have been properly classified under Executive Order 11652. All Subcommittee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on March 2, 1977 (42 FR 12078).

Dated: January 9, 1978.

RAUER H. MEYER,  
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-899 Filed 1-11-78; 8:45 am]

#### [3510-25]

##### TRANSISTOR, DIODE, AND THYRISTOR SUBCOMMITTEE OF THE SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

###### Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Transistor, Diode, and Thyristor Subcommittee of the Semiconductor Technical Advisory Committee will be held on Wednesday, February 1, 1978, at 9:30 a.m. in Conference Room A, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. The meeting will continue February 2 and 3 in Conference Room A, Main Commerce Building, to its conclusion.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. sec. 2404(c)(1) and the Federal Advisory Committee Act. The Transistor, Diode, and Thyristor Subcommittee was established on December 28, 1977, with the approval of the Assistant Secretary for Industry and Trade, pursuant to the charter of the Committee.

The Committee advises the Office of the Export Administration with respect to questions involving: (A) Technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Transistor, Diode, and Thyristor Subcommittee was formed to study the transistor, diode, and thyristor semiconductor devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

The Subcommittee will meet only in executive session to discuss matters properly classified under Executive Order 11652, dealing with the United States and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with

the concurrence of the delegate of the general counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the executive session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the executive session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the meeting have been properly classified under Executive Order 11652. All Subcommittee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone area code 202-377-4196.

The complete notice of determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on March 2, 1977 (42 FR 12078).

Dated: January 9, 1978.

RAUER H. MEYER,  
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-898 Filed 1-11-78; 8:45 am]

#### [3510-22]

##### National Oceanic and Atmospheric Administration

##### MID ATLANTIC FISHERY MANAGEMENT COUNCIL

###### Public Meeting

The Mid Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet February 8 and 9, 1978 at The Hunt Valley Inn, Interstate 83 at Shawan Road, Hunt Valley, Md. 21031. The meeting starts at 9 a.m. on February 8 and will adjourn at about 5 p.m. on February 9.

**Proposed Agenda:** (1) Butterfish; (2) Pelagic Sharks; (3) Update of Current Plans; and (4) Administrative Matters.

Meeting is open to the public. For more information on seating, changes

to the agenda, or written comments, contact John C. Bryson, Executive Director, Mid Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Del. 19901. Telephone: 302-674-2331.

Dated: January 6, 1978.

WINFRED H. MEIBOHM,  
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-832 Filed 1-11-78; 8:45 am]

#### [3510-22]

##### National Oceanic and Atmospheric Administration

##### NORTH PACIFIC FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFIC AND STATISTICAL COMMITTEE AND ADVISORY PANEL

###### Public Meeting; With Partially Closed Session

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, as amended, notice is hereby given of a joint meeting of the North Pacific Fishery Management Council, and its Scientific and Statistical Committee (SSC), and Advisory Panel (AP), established under the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and a separate meeting of the SSC and AP.

The SSC and AP will meet separately on January 24-25, 1978, in the Council offices, Suite 32, 333 West 4th Avenue, Post Office Mall Building, Anchorage, Alaska, beginning at 9 a.m.

The Council and its SSC and AP will meet jointly on Thursday and Friday, January 26-27, 1978, in the Hill Building, Rooms 808/809, 6th and G Streets, Anchorage, Alaska. The meeting will convene at 8:30 a.m., and adjourn at approximately 4:30 p.m. The meetings may be extended or shortened depending upon progress on the agenda.

**Proposed Agenda:** January 26; (1) Executive Director's Report and other Council administrative business; (2) Reports from Scientific and Statistical Committee and Advisory Panel; (3) Progress report and update from Council's Drafting Management Planning Teams; (4) Closed Session to discuss classified material on preparations for and actual negotiations in connection with the International North Pacific Fisheries Commission (INPFC), and the International Pacific Halibut Commission (IPHC) and continuing negotiations with the Canadians; (5) Period for public comment; (6) Review of foreign fishing activities; January 27; (1) Discussions of management plans: Tanner Crab off Alaska; Gulf of Alaska Groundfish Fishery during 1978; Commercial Troll Fisheries off the Coast of Alaska; Bering Sea Clam Fishery; King Crab; and Bering Sea Groundfish Fishery; (2) Other Council business.



The SSC and AP meetings will be open to the public, as will all but the early afternoon of the first day of the Council meeting. For information on seating arrangements, changes to the agenda, and/or written comments, contact: Mr. Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510; Telephone: 907-274-4563.

A closed session of the Council is planned for the early afternoon of the first day, January 26, 1978, from 1:30 p.m. to 3:30 p.m. to hear Department of State reports and other related Council business on preparations and actual negotiations in connection with the International North Pacific Fisheries Commission, the International Pacific Halibut Commission, and continuing negotiations with the Canadians, properly classified under Executive Order 11652. Only those Council members and staff having security clearances will be allowed to attend this closed session.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on January 5, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session should be exempt from the provisions of the Act relating to open meetings and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1) as information which is properly classified pursuant to Executive Order 11652. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

Dated: January 9, 1978.

WINFRED H. MEIBOHM,  
Associate Director, National  
Marine Fisheries Service.

[FR Doc. 78-831 Filed 1-11-78; 8:45 am]

#### [3510-12]

##### RESTRICTIONS ON FOREIGN FISHING IN ORDER TO PROTECT AGAINST DAMAGE TO FIXED U.S. FISHING GEAR

The Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., as amended, authorized foreign fishing within the area over which the United States exercises exclusive fishery management authority, subject to certain conditions and restrictions. The conditions and restrictions which applied to foreign fishing during 1977 appeared in final form in the FEDERAL REGISTER (42 FR 8813-8845) published on February 11, 1977. Sections 611.50(j), 611.51(j), 611.52(j), 611.53(j), and 611.54(j), of those regulations all

contain identical language prohibiting all foreign fishing between the 100-200 fathom depths on the Continental Shelf in the Atlantic north of Cape Hatteras within authorized fishing zones. The purpose of this restriction was to prevent damage to domestic offshore lobster gear by foreign trawlers in productive lobster areas. In order to further minimize gear conflicts, the above regulations also required operators of foreign fishing vessels to "exercise caution" when fishing within 2 nautical miles of all reported U.S. fixed gear areas. A related benefit was to provide protection for the migrating stocks of lobster and certain groundfish.

On September 9, 1977, the National Oceanic and Atmospheric Administration (NOAA) proposed to amend the existing foreign fishing regulations (42 FR 8821-8835) for application in 1978. The proposed regulations, among other things, continued the restriction on foreign fishing within the 100-200 fathom depths on the Continental Shelf in the designated fishing window. In addition, foreign fishing within 2 miles of reported U.S. fixed gear would be prohibited. The public comment period was open until October 8, 1977.

Comments were received during this period from many sources including U.S. fishermen, foreign nations and other Federal agencies. There was some concern over the need for continuation of the restriction on foreign fishing between the 100-200 fathom depths on the Continental Shelf as being unnecessary for avoiding fixed gear conflicts in light of the new prohibition on foreign fishing within 2 miles of reported U.S. fixed gear. Commenters expressed the view that the 100-200 fathom restriction had closed areas that should be open to foreign nations for fishing since allocations were made and any unnecessary restrictions would hamper such nations in catching their allocations. Another factor considered is that enforcement of the 100-200 fathom restriction is more difficult than enforcement of specific areas where fixed gear is located.

Also taken into consideration was the fact that the fishery management plan being developed for squid proposed that foreign fishing for squid be permitted between 100 and 200 fathoms if appropriate mandatory reporting and marking systems for fixed gear can be devised. The Mid-Atlantic and New England Fishery Management Councils are working jointly to devise a suitable mandatory reporting and marking system in connection with the development of a fishery management plan for squid.

As a consequence of these and other comments, the final regulations which were published on November 28, 1977

(42 FR 60682-60699) did not contain the 100-200 fathom restriction. The Secretary of Commerce recognizes the need to eliminate gear conflicts and minimize the potential for damage to domestic offshore fixed lobster gear by foreign trawlers as well as to protect the fishery stocks in the area. These objectives should be coordinated with allowing foreign nations reasonable access to fishing grounds to catch their allocations.

NOAA has determined that the prohibition on foreign fishing within 2 miles of reported U.S. fixed gear in the Atlantic more equitably satisfies these requirements. The regulations governing the Northwest Atlantic Ocean Fishery provide in part that "operation in areas of fixed gear locations shall be at the risk of the owner or operator of the foreign vessel for liability purposes resulting from damage to fixed gear." (611.50(e)) Therefore, NOAA believes that if (1) U.S. fixed gear fishermen promptly report their gear locations to the Coast Guard, (2) foreign fishermen monitor, record, and avoid those reported locations as now required by regulations, and (3) foreign fishermen take special care to minimize the possibility of conflict with, and damage to, fixed fishing gear, as required by regulations especially in the area of 100-200 fathoms during the period January 1 to June 30, gear conflicts will be minimized or totally avoided and at the same time allow foreign fishing vessels access to fishing grounds.

The National Marine Fisheries Service will closely monitor instances of gear conflict involving foreign fishermen in this area during 1978. Upon the basis of our experience, if it appears necessary, consideration will be given to reinstating the 100-200 fathom restriction during 1978.

Signed at Washington, D.C. this 9th day of January 1978.

JACK W. GEHRINGER,  
Deputy Director, National  
Marine Fisheries Service.

[FR Doc. 78-851 Filed 1-11-78; 8:45 am]

#### [6315-01]

##### COMMUNITY SERVICES ADMINISTRATION

[CSA Notice 6143-4]

##### SPECIAL CRISIS INTERVENTION PROGRAM

Reprogramming Special Crisis Intervention Program Funds

1. *Applicability.* This notice applies to grants made under section 222(a)(12) of the Economic Opportunity Act of 1964, as amended, for the special crisis intervention program funded from the fiscal year 1977 supplemental appropriation.

2. *Background.* On June 29, 1977 (42 FR 33240), CSA published in the FEDERAL REGISTER a letter and a memorandum, dated May 25, 1977, by which the Governor of each State, Puerto Rico, and the Virgin Islands, and the Mayor of the District of Columbia were notified that funds for the special crisis intervention program were available and which detailed the conditions under which the program would be operated. The memorandum also noted that the funds granted to each State which could not be obligated effectively for crisis intervention by the expiration date of the program would be reprogrammed for support of weatherization activities in accordance with Congressional intent.

On July 20, 1977, CSA published in the FEDERAL REGISTER CSA notice 6143-2 that required regional offices, State economic opportunity offices, Community Action agencies and other regionally administered CSA funded local energy projects to develop jointly State emergency energy conservation program plans. These plans were to include a contingency plan for allocation and reprogramming to local projects any unexpended special crisis intervention program funds (program account 22) to weatherization (program account 21).

3. *Purpose.* The purpose of this Notice is to inform CSA grantees of the procedures CSA will implement to reprogram to weatherization the unobligated balance of the \$200 million fiscal year 1977 supplemental energy program funds granted to States under Section 222(a)(12) of the Economic Opportunity Act as amended for the special crisis intervention program.

4. *Procedures.* Grantees with unobligated special crisis intervention program funds (program account 22) that are to be reprogrammed to weatherization (program account 21) shall submit to the appropriate CSA regional office for prior review and approval, the following:

CAP Form 25b, Justification of Program Account Amendments;  
CAP Form 25, Program Account Budget;  
CAP Form 25a, Program Account Budget Support Sheet; and  
CSA Form 419, Summary of Work Programs and Budget.

CSA Regional Offices can proceed to approve such requests provided that the grantee has submitted all necessary documentation and that the amount to be reprogrammed does not exceed the estimated unobligated balance of special crisis intervention program funds available after final disbursement.

The CSA regional office shall execute CSA Form 314, Statement of CSA Grant, to provide for the transfer of funds from program account 22 to program account 21.

Delegate agency agreements need not be approved by regional offices,

except in those cases where a document other than the standard delegate agency contract (OEO Form 280) is used or when a delegation in terms of organization, funding, or both differs from that included in the approved State emergency energy program plans for the State. In either of these instances, the proposed delegation agreements should accompany the required reprogramming documents for approval of regional offices before execution. For those agreements not requiring approval a copy should be forwarded to the regional office immediately upon execution.

In those cases where an existing delegate agency is not being retained as the weatherization program operator, Successor-in-interest agreements shall be executed between the special crisis intervention program grantee and that agency which will operate the weatherization program. Successor-in-interest agreements shall include as a minimum the following elements:

A written agreement signed by both the old and the new delegate agency;

An acceptance of all terms governing the funds, including all conditions, by the new program operator;

Clear arrangements for the transfer of funds and authority (including a specific date).

Grantees that do not have a final audit that has been approved by CSA are advised that in reprogramming funds it may be necessary later to modify the amounts reprogrammed to include any credits or debits resulting from the final audit. This should be a consideration when executing delegate agency agreements. (This does not include any credits resulting from reserve funds from unused vouchers or any funds recovered from utility/fuel dealers which shall be returned to CSA as outlined in section 2(c)(2) of the special conditions for the special crisis intervention program.)

A-95 review will not be required for the reprogramming of unobligated special crisis intervention program funds to weatherization. Clearing-house review is not required because the initial allocation was subject to the A-95 review with the understanding that funds granted for the special crisis intervention program which were not obligated for that purpose could be reprogrammed for support of weatherization activities in the respective State.

GRACIELA (GRACE) OLIVAREZ,  
Director.

[FR Doc. 78-868 Filed 1-11-78; 8:45 am]

#### [3125-01]

##### COUNCIL ON ENVIRONMENTAL QUALITY

##### TSCA INTERAGENCY TESTING COMMITTEE

###### Meeting

This notice is intended to advise all interested persons of the TSCA Interagency Testing Committee meeting established under section 4(e) of the Toxic Substances Control Act for the purpose of making recommendations to the Administrator of the Environmental Protection Agency regarding priorities for issuance of requirements for testing chemical substances and mixtures.

On Monday, January 16, 1978, the TSCA Interagency Testing Committee will meet at 9 a.m., Room 5104, New Executive Office Building, 726 Jackson Place NW. The agenda for the meeting will include the election of officers for 1978 and to discuss the composition of chemical categories under investigation by the Committee. Interested persons are invited to attend. The portion of the meeting open to the public is expected to end approximately 10:30 a.m., followed by a closed executive session.

Dated: January 9, 1978.

WARREN R. MUIR,  
Chairman, TSCA  
Interagency Testing Committee.  
[FR Doc. 78-863 Filed 1-11-78; 8:45 am]

#### [3710-08]

##### DEPARTMENT OF DEFENSE

###### Department of the Army

##### RELOCATION OF THE DECOMMISSIONED POWER BARGE "STURGIS"

###### Negative Declaration

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, part 1500.6(e) of The Council on Environmental Quality Guidelines issued on August 1, 1973, the Department of the Army, U.S. Department of Defense, gives notice that an environmental impact statement is not being prepared for the relocation of the decommissioned power barge *Sturgis* from Fort Belvoir, Va., to the James River Reserve Fleet.

The environmental assessment of this Federal action indicates that the project will not create significant adverse local, regional or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Colonel James R. C. Miller, Commander and Director, U.S. Army Facilities Engineering Support Agency, Fort Belvoir, Va. 22060, has decided that the preparation and review of an environmental impact

statement is not needed for this project. The mooring system was designed by a contractor under the DOE Act and regulations

stalling two spillway gates, and adding

Commission and are available for

factor problem and has provided Ap-



statement is not needed for this project.

The *Sturgis* was built for the Army by the Martin-Marietta Corp., Baltimore, Md., in 1966 and contained a conventional pressurized-water nuclear reactor. The 10 MW (electric) floating powerplant was a part of the Army's contingency reserve of mobile power generating equipment. The plant had been used to supply electrical power to the Panama Canal Co. Upon completion of that mission, the *Sturgis* was towed to Fort Belvoir, Va., in March 1977 for decommissioning.

Fort Belvoir is the home station of the *Sturgis* and the location of the U.S. Facilities Engineering Support Agency (FESA). Engineers and technicians from FESA decommissioned the nuclear power plant by removing the reactor core, shipping the fuel elements to ERDA for reprocessing, and shipping the removed irradiated components to a retention site for burial. All remaining radioactive material is sealed within the containment vessel or within the reactor access compartment and the spent fuel storage tank. The shielding provided by these structures and by the concrete shield is such that the general public is protected from all sources of radiation remaining on board the *Sturgis*.

An analysis of the inventory of radioactive material indicates that in July 1978 there will be  $3.663 \times 10^5$  Curies (Ci) remaining. About 99.8 percent of this will be the reactor pressure vessel and its internals. Substantially all of the remaining 0.2 percent is fixed in place in containment with a small amount being spreadable material contained within closed piping systems and within containment. At the end of the 50-year storage period the radioactive inventory will be 8,001 Ci all activated stainless steel. Release of any material could only occur following deterioration by corrosion of the  $1\frac{1}{2}$  inch thick steel containment vessel. Access to the radiation areas is controlled by passive devices and systems designed to prohibit unauthorized entry to all radiation areas. Prior to departure from Fort Belvoir a radiation survey will be performed by an agency independent of FESA to verify that the radioactive material is contained and is within the restricted areas and to verify that all other areas conform to Nuclear Regulatory Commission requirements for unrestricted use.

As long as the *Sturgis* remains in the Reserve Fleet there will be a continuing program to monitor the vessel to assure that the radioactive material remains contained. In addition, the usual James River Reserve Fleet active measures for prohibiting access to the stored ships will be applied to the *Sturgis*. The *Sturgis* will be moored bow and stern to buoys. This

mooring system was designed by a marine and naval architect under contract to the Maritime Administration. The system will resist forces generated by any combination of winds of 70 knots and tidal currents of 4 knots. Periodically the *Sturgis* will be dry-docked to assure that the hull retains its integrity.

Retention of the radioactive material within the containment vessel and within the piping systems is assured and thus there will be no radiological impact on the environment. The retention of the *Sturgis* at its anchorage and the maintenance of hull integrity will assure that there will be no adverse impact on the Reserve Fleet area.

The environmental assessment file is available for inspection during regular working hours at the following location.

U.S. Army Facilities Engineering Support Agency, Office of the Commander and Director, Building 358, Room 113, Fort Belvoir, Va. 22060, Telephone: 703-664-5221.

The *Sturgis* will depart Fort Belvoir after 15 March 1978.

Dated: January 6, 1978.

CHARLES R. FORD,  
Acting Assistant Secretary  
of the Army (Civil Works).

FR Doc. 78-804 Filed 1-11-78; 8:45 am]

[6740-02]

#### DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

(Project No. 82)

ALABAMA POWER CO.

Application for Amendment of License

JANUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected, and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued, and further actions shall be taken by the appropriate component of DOE now responsible for the functions

under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or section 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary of Energy and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR . . . Provided, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

Public notice is hereby given that an application was filed on July 21, 1977, under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by Alabama Power Co. (applicant) (correspondence to: Mr. F. L. Clayton, Jr., Senior Vice President, Alabama Power Co., P.O. Box 2641, Birmingham, Ala. 35291), requesting that the license for the Mitchell Project, FERC No. 82, be amended to permit the construction of three new generating units, each rated at 50,000 kW. The Mitchell project is located on the Coosa River in Chilton and Coosa Counties, Ala.

The present license for the Mitchell project authorizes the addition of two new generating units, each rated 40,000 kW, to be located in a new downstream powerhouse at the west end of the dam. These new units would operate in conjunction with the four existing units, which are situated in an upstream powerhouse at the middle section of the dam. Applicant now requests that the license for project No. 82 be amended to permit the construction of three new generating units, each rated 50,000 kW, to be located in the aforementioned new downstream powerhouse at the west end of the dam.

With regard to the existing powerhouse, applicant requests that the license be amended to allow the retirement of existing units 1, 2, and 3, each rated at 17,500 kW. These units have been in service since 1923. Existing unit 4, rated at 20,000 kW, has been in service since 1949, and would be retained for continued operation in accordance with the present license.

Upon approval of the proposed amendment of the license, applicant proposes to modify the planned powerhouse to accommodate the additional generating unit and the larger size of all three generating units. This larger powerhouse would be located in the space now occupied by the three ungated spillway sections and the first three gated spillway sections of the dam at the west bank. The spillway capacity lost due to the construction of the powerhouse would be replaced by lowering the crest of the two ungated spillway sections on the east end of the dam to elevation 287 feet and in-

stalling two spillway gates, and adding one new gated spillway section adjacent thereto. The switching station currently located on the deck of the dam would be retired, and a new switching station would be constructed on top of the hill at the west end of the dam. These proposed modifications would result in a total of 170,000 kW of installed capacity at the project, which is 17,500 kW more than currently authorized 152,500 kW.

The application is on file with the Commission and is available for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 21, 1978, file with the Federal Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR § 1.8 or § 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-769 Filed 1-11-78; 8:45 am]

[6740-02]

[Docket No. ER77-217]

CENTRAL MAINE POWER CO.

Certification of Proposed Settlement  
Agreement

JANUARY 5, 1978.

Take notice that on December 28, 1977, Presiding Administrative Law Judge Jensen certified to the Commission a proposed settlement agreement filed by the Central Maine Power Co. (CMP) in the above-entitled proceeding on December 23, 1977.

CMP and three of its wholesale customers jointly requested certification of the settlement agreement to the Commission for its consideration and decision, stating that the agreement settles "all existing and potential issues before the . . . Commission . . . in Docket No. ER77-217."

Any person desiring to be heard or to protest the settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 18, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the agreement are on file with the

Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-765 Filed 1-11-78; 8:45 am]

[6740-02]

[Docket No. CP78-133]

COLORADO INTERSTATE GAS CO.

Application

JANUARY 6, 1978.

Take notice that on December 23, 1977, Colorado Interstate Gas Co. (applicant), P.O. Box 1087, Colorado Springs, Colo. 80944, filed in Docket No. CP78-133 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of five air injection compressors and related piping modifications at the Watkins station and two miles of 16-inch pipeline loop from Watkins to the Mesa Meter station all in Adams County, Colo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application indicates that air injection facilities capable of injecting 8,000 Mcf of air per day were installed at the Watkins station pursuant to authorization granted in Docket No. CP73-44 and that these facilities were required to maintain the Wobbe Index (input factor) within the limits set forth in Applicant's gas tariff and in service agreements between applicant and: (1) Public Service Co. of Colorado, and (2) Western Slope Gas Co.

It is stated that air injection was authorized in Docket No. CP73-44 specifically for thermal control of the high Btu gas delivered to applicant by Panhandle Eastern Pipe Line Co. and since that time, increased volumes of high Btu gas from the Wyoming area have necessitated additional thermal control capacity at Watkins.

Applicant states that it was granted authority in Docket No. CP77-406 to abandon two Fourway station compressor units and to relocate them at the Watkins station to provide additional air injection capacity. It is said that these units were believed to be the most economical and expedient method for obtaining additional air service during the 1977-78 heating season; however, removal, reinstallation, and conversion of these units from natural gas service to air injection service was not possible in time for the 1977-78 heating season. Applicant states that it, therefore, entered into a short-term service contract to provide air for thermal control during the 1977-78 heating season.

Applicant asserts that the service contract solved the 1977-78 input

factor problem and has provided Applicant an opportunity to study the thermal balance requirement extensively and that these studies indicate a need for a total of 51,000 Mcf per day of air injection capability, beginning in the 1978-79 heating season, and additional air-gas blending capability. It is further said that the studies indicate that it is more economical to install units that are comparable with one another and that the units proposed in Docket No. CP77-406 are not specifically designed for air injection service and that the costs associated with the installation of two units are more than one unit that has the same performance capability. Therefore, applicant proposes to maintain the Fourway units in stock for use at an undetermined company location and to construct the facilities proposed in the instant application.

The application shows the total estimated cost of the proposed facilities to be \$14,114,600 which cost is proposed to be financed primarily with proceeds from the \$50,000,000 long-term 9 percent notes placed privately on November 29, 1977. It is indicated that any additional financing requirements in 1978 attributed to the instant project would be satisfied on an interim basis with bank borrowings and internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on



its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-770 Filed 1-11-78; 8:45 am]

[6740-02]

[Docket No. CP77-599]

**COLUMBIA GAS TRANSMISSION CORP.**  
Amendment

JANUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

Take notice that on December 22, 1977, Columbia Gas Transmission Corp. (Columbia), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25314, filed with the FERC an amendment to its application filed with the FPC in Docket No. CP77-599 pursuant to section 7(c) of the Natural Gas Act, to provide for certain accounting and rate treatment for the project proposed by said application, all as more fully set forth in the amendment on file with the FERC and open to public inspection.

The application in this proceeding requests certificate authorization for the construction and operation of certain facilities which would be part of a project to produce a high carbon dioxide content gas from the Tuscarora Formation in the Indian Creek field located in Kanawha County, W. Va.

The subject amendment amends section IV of the application as follows:

\*\*\* As reflected in exhibit Z-2 hereto, wellmouth facility costs will be booked in the appropriate production plant accounts; gathering facility costs<sup>1</sup> will be booked as gathering pipeline and measurement costs; the separation plant will be booked as purification equipment;<sup>2</sup> and the transmission line

<sup>1</sup>On-lease costs for gathering activities prior to commingling of gas from different wells are classified as wellmouth facility costs rather than as gathering facility costs.

<sup>2</sup>The costs of compression required to maintain inlet pressures to the separation plant when the field pressures decline are also included in the separation plant costs.

facility costs will be booked as transmission line costs.

Columbia agrees that a final, nonappealable Commission determination in *Columbia Gas Transmission Corp.*, Docket No. RP75-106 (Appalachian Production), will be applicable to the rate treatment for this project in the following manner:

(1) The wellmouth facility costs of this project will be included as part of Columbia's Appalachian pipeline production cost of service consistent with the costing methodology and ratemaking treatment approved by final, nonappealable Commission order in the Appalachian production issue in Docket No. RP75-106. All gathering facility costs, separation plant costs and transmission line facility costs will receive 100 percent cost of service rate treatment.

(2) The wellmouth facility costs will be determined by the full cost accounting methodology for rate purposes.<sup>3b</sup>

(3) In the event that national rates are determined to be applicable, in whole or in part, in computing Columbia's allowable pipeline production costs in Docket No. RP75-106, Columbia would compute in future rate proceedings such costs related to national rates utilizing gross gas production at the wellmouth (before shrinkage and compression), adjusting the applicable national rate to reflect actual heat content of the gas at that point. For example, if the Commission adopts the Staff position in Docket No. RP75-106 that Columbia's pipeline production be priced at a 75 percent cost of service/25 percent national rate basis, Columbia's allowable wellmouth facility costs would be determined according to the following formula:

75 percent of cost of service + 25 percent of gross annual volumes  $\times y^*$  / 1,000 of applicable national rate (as adjusted for production related taxes).

(4) The facilities included in this project will be depreciated according to the following bases:

Wellmouth facility costs—Overall Columbia unit-of-production rate for pipeline production.

Gathering facility costs—Overall Columbia gathering rate.

Separation plant costs—Overall Columbia gathering rate.

Transmission line facility costs—Overall Columbia transmission rate.

\*If the full cost accounting methodology is completely refuted in Docket No. RP75-106, successful efforts accounting methodology will apply. In the event national rates solely determine Columbia's allowable pipeline production costs in that docket, this provision becomes moot.

<sup>3b</sup> $y$  = Actual heat content of gas at the wellmouth as determined by periodic calorimeter analyses.

(5) The investments involved in this project will be excluded from any investment commitment which may be required by final, nonappealable Commission order in the Appalachian production issue in Docket No. RP75-106.

(6) While Columbia presently plans to vent the CO<sub>2</sub> which is removed from the gas stream, if it finds that such CO<sub>2</sub> is marketable, then Columbia will credit all net revenues received from its sale of CO<sub>2</sub> against its overall cost of service. If such CO<sub>2</sub> is utilized in its own operations, Columbia will credit an appropriate valuation of the CO<sub>2</sub> against its overall cost of service.

Columbia states that the FERC's approval of such accounting and rate treatment as a part of any order granting authorization of the proposed project is a necessary prerequisite to Columbia's acceptance of any certificate issued in this proceeding.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the FERC's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the FERC will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the FERC's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-771 Filed 1-11-78; 8:45 am]

[6740-02]

[Docket No. ER78-103]

**INDIANA & MICHIGAN ELECTRIC CO.**

Order Accepting for Filing and Suspending Rate Increase, Providing for Hearing, Waiving Notice, and Establishing Procedures

JANUARY 6, 1978.

Indiana & Michigan Electric Co. (I&M) on December 8, 1977, tendered for filing Modification No. 12, including a proposed Service Schedule G, to the Interconnection Agreement<sup>1</sup> dated November 1, 1961, with Northern Indiana Public Service Company (NIPS). Under their present Agreement, I&M provides NIPS with 200 MW of firm

<sup>1</sup>Designated as Indiana & Michigan Electric Co. Rate Schedule FPC No. 22.

power and energy.<sup>2</sup> The proposed filing provides for the sale by I&M to NIPS of 400 MW of firm power and energy, resulting in an approximately \$3,816,000, or 13.99 percent, billing increase to NIPS for the 12 months succeeding the requested effective date. I&M requests an effective date of January 1, 1978, and a waiver of the Commission's 30-day notice requirement.

Notice of the proposed rate schedule was issued on December 19, 1977, with comments, protests, or petitions to intervene due on or before December 27, 1977. No comments, petitions, or protests have been reached.

Under the present service agreement NIPS has firm contract demand of not more than 200 MW. The charges under the present service schedule include a \$2,113 monthly service charge, \$6.41/kW of contract demand and a 7.15 mills/kWh energy charge subject to a fuel adjustment clause that conforms to Commission Order No. 517.

The tendered service schedule provides that NIPS' firm contract demand shall be 400 MW from January 1, 1978 through at least the following twelve months. The charges under the proposed service schedule include a \$2,000 monthly service charge, \$8/kW of contract demand<sup>3</sup> and the same 7.15 mills/kWh energy charge subject to a proper fuel adjustment clause. NIPS also agrees to pay I&M a monthly amount representing any direct revenue taxes levied on the subject sale of firm power. Additionally, under the proposed service schedule I&M may require NIPS to schedule up to one half of the maximum amount of purchased firm power during the off-peak hours of 10 p.m. to 7 a.m.

I&M requests that its proposed Service Schedule G be treated as an initial rate schedule filing under Schedule 35.12 of the Commission's Regulations<sup>4</sup> and subject only to section 206 of the Federal Power Act. I&M's proposed rate schedule is an amendment of its existing Interconnection Agreement with NIPS, and it will supersede present Service Schedule A in that Agreement. Modification No. 12 and Service Schedule G provide for a rev-

<sup>1</sup>The supply of firm power and energy is presently provided pursuant to Service Schedule A, as amended, under the Interconnection Agreement.

<sup>2</sup>The contract demand charge is based on a formula that includes the embedded cost of production plant and transmission plant, an annual rate of carrying charges, fixed production and operation expenses, a generation reserve ratio, and a demand charge for unit power type purchases. Under the terms of the contract, I&M will have the right from time to time to modify the contract demand charge to reflect changes in the value of components in this formula. Those changes, however, will be subject to the provisions of section 205 of the Federal Power Act and our Regulations thereunder.

<sup>3</sup>18 CFR § 35.12.

enue increase over the existing tariff for sales of firm contract power between the involved parties. Clearly, I&M's proposed rate schedule is a change of an existing rate rather than an initial rate filing.<sup>5</sup> The proposed rate schedule is therefore subject to the requirements of Commission regulation 35.13 and section 205 of the Act.<sup>6</sup>

Section 35.13 requires, inter alia, that I&M submit a case-in-chief and Statements A through O in support of its proposed rate schedule.<sup>7</sup> I&M has failed to submit these supporting documents which are required to evaluate the justness and reasonableness of proposed rates under Section 205(e). We recognize that the deficiencies in I&M's filing constitute grounds to reject the filing pending I&M's compliance with the aforementioned requirements of § 35.13. In its application, however, I&M states that NIPS has an urgent need for the service to meet the needs of its customers. Under the circumstances, we believe it is in the public interest to accept for filing the proposed rate schedule subject to the conditions and requirements set forth below.

The Commission's review indicates that the proposed rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, or otherwise unlawful. Accordingly, the Commission shall accept for filing the proposed rate schedule, as discussed above, suspend its use for one day, to become effective January 2, 1978, subject to refund, and establish hearing procedures.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed agreement and tariff originally tendered by I&M on December 8, 1977, establish procedures for that hearing, and that the proposed agreement and increased charges be accepted for filing, suspended, and the use thereof deferred, all as hereinafter ordered.

(2) Good cause exists to require I&M to file its case-in-chief and Statements A through O pursuant to section 35.13 of the Commission's Regulations.

(3) Good cause exists to waive the Commission's 30-day notice requirement.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory

<sup>4</sup>18 CFR § 35.1(c).

<sup>5</sup>18 CFR § 35.13.

<sup>6</sup>These requirements are set forth, respectively, in § 35.13(b)(5) and § 35.13(b)(4)(iii).

Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205, 206, 301, 308, and 309 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the tariff and agreement proposed by I&M in this proceeding.

(B) Pending such hearing and decision thereon, the notice requirements of § 35.11 of the Commission's Regulations are hereby waived and the proposed increased rates and charges originally filed by I&M on December 8, 1977, are hereby accepted for filing, suspended and the use thereof deferred until January 2, 1978, when they shall become effective subject to refund.

(C) I&M is hereby required to file its case-in-chief and Statements A through O as required by § 35.13 of the Commission's Regulations on or before April 3, 1978.

(D) Staff shall prepare and serve top sheets on all parties for settlement purposes 90 days after submittal of the Company's case.

(E) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (see, Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding to be held on August 15, 1978, at 10 a.m. (ET) in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to section 1.18 of the Commission's Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-772 Filed 1-11-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 8—THURSDAY, JANUARY 12, 1978

[6740-02]

discussed the issue of extending the cation or petition pursuant to Section



[6740-02]

[Docket No. RP76-3]  
**INLAND GAS CO., INC.**  
 Order Granting Extension of Interim  
 Curtailment Procedures

JANUARY 5, 1978.

On November 7, 1977, the Inland Gas Co., Inc. (Inland) filed a motion with the Federal Energy Regulatory Commission pursuant to § 1.12 of the Commission's Rules of Practice and Procedure, to extend for a twelve-month interim period commencing January 1, 1978, its presently effective curtailment procedures set forth in Appendix A thereto. The curtailment plan was originally filed with the Federal Power Commission on July 31, 1975. By Federal Power Commission order issued February 9, 1976, Inland was authorized to place its curtailment plan into effect for the calendar year 1976. A similar Commission order dated February 22, 1977 authorized Inland to extend its interim plan for calendar year 1977.

Inland is a natural gas company which produces and purchases natural gas in Kentucky for transportation and sale at retail to consumers in Kentucky, Ohio, and West Virginia. Inland purchases gas from Tennessee Gas Pipeline Co. (Tennessee) under a Contract Demand providing for the delivery of 51,000 Mcf per day. Inland also delivers gas to its system from local purchases and local production in Kentucky. These volumes are expected to average 9,400 Mcf per day during calendar year 1978.

Direct sales by Inland to sixteen industrial customers account for approximately 98 percent of the total annual sales. The remaining sales are made to rural domestic and commercial customers situated throughout Inland's service area.

Inland's curtailment plan has three classifications: (1) residential and commercial; (2) small industrial and (3) large industrial. A large industrial is a customer having a maximum daily contract demand in excess of 300 Mcf per day. Under Inland's existing curtailment plan proposed for extension herein through calendar year 1978 the nine large industrial customers will share Inland's curtailments on a proportional basis. Inland's tariff sheets also provide for overrun penalties of \$10 per Mcf and the distribution of such penalties among those of Inland's customers that are unable to receive gas as a result of the overruns.

Inland's gas supply/requirement study for calendar year 1978 again indicates that the curtailment will impact only upon the nine customers classified as large industrials. Inland

The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

## NOTICES

discussed the issue of extending the curtailment plan for calendar year 1978 and has received the unanimous support of the large industrial customers.<sup>1</sup>

The only answer filed to Inland's motion was by the Commission Staff on November 16, 1977. Staff supported the curtailment plan through calendar year 1978. Staff concluded that:

Due to the heavy concentration of Inland's annual sales to the large industrial market, even the projected 41 percent curtailment in December, 1978 will impact only on these large industrial customers. No service to residential and commercial customers will be curtailed.

After review of Inland's present curtailment tariff, we conclude that the plan should be extended through calendar year 1978. We believe that Inland's plan provides maximum protection to residential and commercial customers, while allocating the impact of curtailment among those customers who can most readily withstand interruption.

The Commission finds: It is necessary and appropriate that the presently effective curtailment plan of the Inland Gas Co., Inc. be extended through December 31, 1978.

The Commission orders: The presently effective curtailment tariff of the Inland Gas Co., Inc. is herein extended through December 31, 1978.

KENNETH F. PLUMB,  
 Secretary.

[FR Doc. 78-766 Filed 1-11-78; 8:45 am]

[6740-02]

[Docket Nos. G-4703, et al.]

**MURPHY OIL CORP., ET AL.**

Applications for Certificates, Abandonment of  
 Service and Petitions to Amend Certificates<sup>1</sup>

JANUARY 3, 1978.

Take notice that each of the Applicants listed herein has filed an appli-

<sup>1</sup>The afore-mentioned orders of February 9, 1976 and February 22, 1977, approving Inland's curtailment plan for calendar years 1976 and 1977 respectively were the result of unanimously supported Stipulation and Agreements.

<sup>2</sup>This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and dated filed	Applicant	Purchaser and location	Price per 1,000 ft <sup>3</sup> Pressure base
G-4703 C 10/27/77	Murphy Oil Corp., et al., 200 Jefferson Avenue, El Dorado, Ark. 71730.	Arkansas Louisiana Gas Co., all of sec. 14, T17N, R4W, Lincoln Parish, La.	(*) 15.025
G-6195 D 11/14/77	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Kansas-Nebraska Natural Gas Co., certain acreage located in Logan County, Colo.	(*) 15.025
G-7526-A C 12/5/77	Amoco Production Co., Se- curity Life Building, Denver, Colo. 80202.	Northwest Pipeline Corp., (Successor in interest to El Paso Natural Gas Co.), certain acreage from the LaPlata County, Colo.	(*) 15.025
G-7670 C 12/9/77	Southern Union Gathering Co., 1600 First Interna- tional Building, Dallas, Tex. 75270.	El Paso Natural Gas Co., certain acreage in San Juan County, N. Mex.	(*) 15.025

KENNETH F. PLUMB,  
 Secretary.

cation or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications, and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

## NOTICES

Docket No. and dated filed	Applicant	Purchaser and location	Price per 1,000 ft <sup>3</sup> Pressure base
G-12363 C 12/15/77	Amoco Production Co. ....	Northwest Pipeline Corp., (Successor in interest to El Paso Natural Gas Co.), certain acreage from the Rio Arriba County, N. Mex.	(*) 14.65
G-13308 D 12/13/77	Shell Oil Co., Two Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., certain acreage from the Laverne field, Harper County, Okla.	(*) 14.65
G-14335 C 12/1/77	Texas Pacific Oil Co., Inc., 2001 West Texas Avenue, Dallas, Tex. 75201.	West Texas Gathering Co., certain acreage from the Winkler County, Tex.	(*) 14.65
C186-592 C 12/15/77	Exxon Corp., P.O. Box 2100, Houston, Tex. 77001.	Box Mountain Fuel Supply Co., certain acreage from the West Side Canal area, Carbon County, Wyo.	(*) 15.025
C186-1227 D 12/19/77	Texaco Inc., P.O. Box 52332, Houston, Tex. 77052.	Columbia Gas Transmission Corp., West Delta block 73 field, Offshore, La.	(*) 15.025
C187-978 D 11/10/77	Pioneer Production Corp., P.O. Box 2542, Amarillo, Tex. 79105.	Panhandle Eastern Pipe Line Co., Sneed "E" No. Well, Red Cave formation, located in sec. 8, block B- 10, E188R Survey, Moore County, Tex.	(*) 14.65
C172-440 C 11/7/77	Amoco Production Co. ....	Panhandle Eastern Pipe Line Co., Henry Kalevick Estate No. 1 well, Adams County, Colo.	(*) 15.025
C173-750 C 10/17/77	Chevron U.S.A. Inc., P.O. Box 599, Denver, Colo. 80201.	El Paso Natural Gas Co., Devonian formation un- derlying the S4NE1/4, sec. 10, T24S, R37E, Lea County, N. Mex.	(*) 14.65
C174-528 C 11/11/77	Exxon Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., J. B. Tubb wells No. 133 and 134, Sand Hills field, Crane County, Tex.	(*) 14.65
C174-528 C 12/12/77	Exxon Corp. ....	El Paso Natural Gas Co., J. B. Tubb wells No. 141, 138, 137, and 129, Sand Hills field, Crane County, Tex.	(*) 14.65
C175-38 C 11/17/77	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., Gulf's interest in Drin- kard formation gas-well located from the Christmas NCT C-12 well located in unit E, sec. 18, T25S, R37E, Lea County, N. Mex.	(*) 14.65
C175-704 C 10/28/77	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., southwest quarter (SW/4) of sec. 28, east half (E/2) of sec. 30, T27N, R7W, Rio Arriba County, N. Mex., limited to the Chacra For- mation.	(*) 14.65
C175-704 C 10/28/77	Tenneco Oil Co. ....	El Paso Natural Gas Co., Southwest quarter (SW/4) of sec. 28, east half (E/2) of sec. 30, T27N, R7W, Rio Arriba County, N. Mex., limited to the Chacra formation.	(*) 14.65

Chacra formation.

FEDERAL REGISTER, VOL. 43, NO. 8—THURSDAY, JANUARY 12, 1978



Docket No. and dated filed	Applicant	Purchaser and location	Price per 1,000 ft <sup>3</sup>	Pressure base
C178-232 A 12/9/77	Exchange Oil & Gas Corp., 16th floor, 1010 Common St., New Orleans, La., 70112.	United Gas Pipeline Co., certain acreage of the Loisel Field, Iberia Parish, La.	( <sup>1</sup> )	14.73
C178-233 A 12/9/77	The Louisiana Land & Exploration Co., 225 Baronne St., P.O. Box 60350, New Orleans, La. 70180.	Texas Gas Transmission Co., certain acreage of the Bayou Piquant field, Terrebonne Parish, La.	( <sup>1</sup> )	14.73
C178-234 A 12/14/77	CNG Producing Co., 445 West Main St., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., Block 142, South Marsh Island area, south addition, offshore Louisiana.	( <sup>1</sup> )	15.025
C178-235 A 12/12/77	Napeco, Inc., 122 South Michigan Ave., Chicago Ill. 60603.	Natural Gas Pipeline Co. of America, State tract 172 well No. 1, Kleberg and Nueces Counties, Tex.	( <sup>1</sup> )	14.65
C178-236 A 12/9/77	Texas Pacific Oil Co., Inc., 1700 1 Main Place, Dallas, Tex. 75250.	Transwestern Pipeline Co., Glen Farmer No.1 well, Kennedy Farms field, Eddy County, N. Mex.	( <sup>1</sup> )	14.65
C178-237 A 12/14/77	Perry R. Bass et al., 3100 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Natural Gas Pipeline Co. of America, South Salt Lake Morrow field, Lea County, N. Mex.	( <sup>1</sup> )	14.73
C178-238 A 12/14/77	Perry R. Bass et al.	Natural Gas Pipeline Co. of America, Big Eddy unit No. 53 area (field undesignated), Eddy county, N. Mex.	( <sup>1</sup> )	14.73
C178-239 A 12/14/77	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	Columbia Gas Transmission Corp., "A" platform, West Cameron block 605, offshore Louisiana.	( <sup>1</sup> )	15.025
C178-240 A 12/14/77	The Northwestern Mutual Life Insurance Co., 720 East Wisconsin Ave., Milwaukee, Wis. 53202.	Columbia Gas Transmission Corp., blocks 604 and 605, West Cameron area, offshore Louisiana.	( <sup>1</sup> )	15.025
C178-241 A 12/15/77	Stephens Production Co., P.O. Box 2407, Fort Smith, Ark. 72902.	Arkansas Louisiana Gas Co., sec. 5-1N-10E of Coal County, Okla.	( <sup>1</sup> )	14.65
C178-242 A 12/16/77	Odessa Natural Corp. (operator), P.O. Box 3908, Odessa, Tex. 79760.	El Paso Natural Gas Co., Jicarilla Joint Venture KD No. 1 (Dakota), E/2 sec. 4, T23N, R3W, Rio Arriba County, N. Mex.	( <sup>1</sup> )	14.65
C178-243 B 12/19/77	Frontier Oil Co., 1720 Kansas State Bank Bldg., Wichita, Kans. 67202.	Kansas-Nebraska Natural Gas Co., Inc., No. 1 Thalhheim located in sec. 26, T17S, R17W, Rush County, Kans.		

<sup>1</sup> Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

<sup>2</sup> Applicant requests that the Commission amend its certificate and rate schedule to conform with Revision No. 46, dated Nov. 3, 1977.

<sup>3</sup> Applicant requests that the Commission amend its certificate and rate schedule to conform with Revision No. 47, dated Dec. 6, 1977.

<sup>4</sup> Applicant is filing under Supplemental Gas Purchase Agreement dated Aug. 17, 1977.

<sup>5</sup> Applicant is filing under Supplemental Gas Purchase Agreement dated Sept. 13, 1977.

<sup>6</sup> Applicant is filing under Gas Purchase Agreement of September 27, 1977, as amended by the Amendment dated Oct. 12, 1977.

<sup>7</sup> Applicant and purchaser are affiliated.

#### Filing code:

A—Initial service.

B—Abandonment.

C—Amendment to add acreage.

D—Amendment to delete acreage.

E—Succession.

F—Partial succession.

[FR Doc. 77-606 Filed 1-11-77; 8:45 am]

#### [6740-02]

[Docket Nos. E-9068, E-9118 and E-9497]

#### OHIO EDISON CO.

##### Order Determining Refund Obligations

JANUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 45267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the

Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function

under the DOE Act and subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —: *Provided*, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On August 30, 1977, the Cities of Brewster and Hubbard, Ohio (Cities) filed with the Commission a Motion for Order Directing Immediate Payment of Refund and Order to Show Cause Why Civil and Criminal Proceedings Should Not Be Initiated. On September 30, 1977, the Commission issued a Notice of Intent to Act on the Cities' Motion. For the reasons herein-after specified, the Cities' motion shall be denied.

On June 13, 1975, Ohio Edison Co. (Ohio Edison) tendered for filing a proposed rate increase to twenty municipal wholesale customers' in Docket No. E-9497.<sup>1</sup> On August 5, 1975, the Commission ordered the rate increase proposal suspended until September 13, 1975, when it became effective subject to refund.

By order issued July 6, 1977, the Commission approved a proposed settlement agreement between the parties and directed Ohio Edison to refund monies collected in excess of the settlement rates with interest computed at 9 percent per annum.

Late in 1974 and early in 1975, prior to the September 13, 1975 effective date of the rates originally filed in Docket No. E-9497, the Cities began to withhold portions of the monthly charges billed by Ohio Edison for services rendered to the Cities under the Company's wholesale electric rate schedules.<sup>2</sup> According to Ohio Edison's September 13 Response to the Cities'

<sup>1</sup> Municipalities of Amherst, Beach City, Brewster, Columbiana, Cuyahoga Falls, Gallon, Grafton, Hubbard, Hudson, Lodi, Lucas, Milan, Monroeville, Niles, Oberlin, Prospect, Seville, South Vienna, Wadsworth and Wellington, all located in Ohio.

<sup>2</sup> By order issued on September 3, 1975, Docket Nos. E-9497, E-9068 and E-9118 were consolidated. Docket Nos. E-9068 and E-9118 represent protests against Ohio Edison's rates by the Ohio cities of Cuyahoga Falls and Galion, respectively.

<sup>3</sup> The sums originally withheld by the Cities were billed by the Company pursuant to a fuel adjustment clause contained in FPC Rate Schedule No. 105 and Supplement No. 1 thereto, which resulted from a settlement agreed to by the parties on January 16, 1973 and approved by FPC order issued on August 29, 1973, in Docket No. E-7705. This Rate Schedule was subsequently superseded by the settlement rates approved by the FPC on July 6, 1977, in Docket Nos. E-9497, E-9118 and E-9068.

Motion, infra, the Cities disputed the reasonableness of the fuel costs incurred by Ohio Edison and flowed through to the Cities by means of a fuel adjustment clause. After September 13, 1975, the City of Hubbard continued to deduct disputed amounts from its payments, while the City of Brewster began to pay its bills in full.

On April 4, 1975, Ohio Edison initiated a civil action against the City of Hubbard in the United States District Court for the Northern District of Ohio, Eastern Division (Civil Action No. C 75-37-Y), seeking payment of the monies withheld as well as injunctive relief. Ohio Edison instituted similar proceedings against the City of Brewster on July 31, 1975 (Civil Action No. C 75-223-A).<sup>4</sup> On June 9, 1977, a second action was commenced by Ohio Edison against the City of Hubbard for sums withheld after September 13, 1975 (Civil Action No. C 77-117-Y). The controversy is currently awaiting trial in the District Court.

In its August 30, 1977 motion, the Cities state that Ohio Edison has indicated its refusal to comply with the Commission's July 6 settlement order, in that the Company informed both Cities by letter dated August 5, 1977, of its intention to set off the amounts allegedly due against refunds required by the Commission's order. The Cities contend that although they are not obligated to pay the disputed amounts, these monies have been paid into escrow for immediate release to Ohio Edison in the event that the Company prevails in court.

According to Ohio Edison's August 5, 1977 letter to the Mayor of Brewster,<sup>5</sup> the difference between the proposed rates and the settlement rates applicable to Brewster for the period September 13, 1975 to July 1, 1977, computed with interest to August 5, 1977, was \$70,188.90. Against this amount Ohio Edison set off \$56,429.81, the alleged amount due to the Company from the City of Brewster resulting in a net refund to Brewster of \$13,759.09.<sup>6</sup>

Ohio Edison's August 5 letter to the Mayor of Hubbard<sup>7</sup> stated that the total difference for Hubbard between

<sup>4</sup> Ohio Edison later amended both complaints to increase the amounts of the ad damnum and to further specify the nature of its claims. However, the Company's underlying theory of recovery essentially remained the same.

<sup>5</sup> Attached to Cities' August 30, motion and Ohio Edison's Response to Motion by the Cities of Brewster and Hubbard, infra, filed with the Commission on September 13, 1977.

<sup>6</sup> These figures are also reflected in Ohio Edison's refund report which was filed with the Commission on September 6, 1977, pursuant to ordering paragraph (D) of the Commission's July 6, 1977 settlement order.

<sup>7</sup> See note 5, supra.

the proposed rates and the settlement rates approved by the Commission's July 6, 1977 settlement order for the period September 13, 1975 to July 1, 1977 was \$114,514.59, including interest. The Company credited the \$114,514.59 against \$726,395.81, the alleged sum due to the Company from Hubbard, resulting in no refund to Hubbard.<sup>8</sup> Instead, the letter indicated that Hubbard owed Ohio Edison a principal balance in the amount of \$611,881.22.

On September 13, 1977, Ohio Edison filed its Response to Motion by the Cities of Brewster and Hubbard, in which the Company states that it has complied fully with the Commission's July 6, 1977 settlement order. Ohio Edison acknowledges that the Commission's settlement order requires the Company to "refund amounts collected in excess of the settlement rates with interest". However, the Company contends that pursuant to this order it is obligated to refund only monies actually collected from the cities, and that the fuel adjustment charges withheld by the Cities have never been received by the Company. In sum, Ohio Edison asserts that no excess was collected from Hubbard and that an excess in the amount of \$13,759.09 was collected from Brewster and refunded by the Company.

A review of the pleadings indicates an attempt at "self-help" procedures initiated by the Cities that, if condoned, can undermine the orderly regulatory functions of this Commission. It is well established that the rates approved by the Commission in accordance with the Federal Power Act must be charged by the utility and paid by the purchaser. This principle was clearly set forth by the Court of Appeals for the Eighth Circuit thusly ("Northwestern Public Service Co. v. Montana Dakota Utilities Co.", 181 F.2d 19, 22, affirmed 341 U.S. 246):

[T]he transmission of electric energy being at wholesale and interstate, the seller must collect the charge named in the filed rate and the purchaser must pay that rate. So long as the filed rate is not changed in the manner provided by the Act it is to be treated as though it was a statute binding upon the seller and the purchaser alike.

The Cities' defense for nonpayment of the Company's billings is that the costs flowed through the fuel adjustment clause were not "reasonable", since they were based on alleged improper fuel procurement practices. However, the fuel adjustment clause is part of the filed rate and the billings derived from the formula comprising the fuel clause must be charged by the seller and paid by the purchaser.<sup>9</sup>

<sup>8</sup> See note 6, supra.

<sup>9</sup> "Public Service Company of New Hampshire, — F.P.C. —," Opinion No. 790, issued

In view of the foregoing discussion, we are compelled to deny Cities motion and to permit Ohio Edison to offset its refund obligation by the amounts withheld by the Cities. Since we are denying Cities request for immediate payment of further refunds, Cities additional request for the institution of an order to show cause should also be denied.

The Commission finds: Good cause exists to deny Cities Motion for Order Directing Immediate Payment of Refund and Order to Show Cause Why Civil and Criminal Proceedings Should Not Be Initiated, filed herein on August 30, 1977.

The Commission orders: (A) The motion filed by the Cities on August 30, 1977, is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission, Commissioner Holden, dissenting in part, filed a separate statement appended hereto.

KENNETH F. PLUMB,  
Secretary.

OHIO EDISON CO.

JANUARY 6, 1978.

HOLDEN, Commissioner, dissenting (in part):

In this case, two Ohio municipalities, Brewster and Hubbard ("the Cities") have refused to pay over certain sums claimed by Ohio Edison. Instead, they have put those sums into escrow, pending the outcome of litigation. I agree with the order on the point that the Cities have failed to follow the appropriate administrative process. It is improper for the Cities unilaterally to withhold payment. The Cities are obligated to pay the amounts claimed, even if they pay, as it were, under protest. However, the Cities' claim as to the "unreasonableness" of the fuel adjustment charges cannot be dismissed on the basis of any information before us. Since they have not appeared before this Commission to seek an administrative remedy, they have not provided information on which I can clearly determine what their claims are. It is not apparent whether they are actually challenging the fuel adjustment clause, per se, which is a part of the approved rates or whether they are claiming that the fuel clause is being improperly executed.

Nor is it clear why they have not sought to use the administrative avenue. It might be that they maintain (1) that we do not have jurisdiction; (2) that we assert a lack of jurisdiction; or (3) that we assert jurisdiction but have some policy inimical to their interests.

March 21, 1977 (mimeo. p. 11): "Electric and Water Plant Board of the City of Frankfurt, Kentucky v. Kentucky Utilities Company, — F.P.C. —," Opinion No. 760, issued April 29, 1976 (mimeo. p. 15).



In my view, it would be preferable for the Commission to declare its availability in the event the Cities should make a formal protest or, even, to initiate investigation on its own motion. Admittedly, there are some practical difficulties in investigating such a complaint as to the prudence of past Company practices. Further, even if the Commission were to conclude that Cities' allegations were sound, fashioning an appropriate remedy, particularly a retroactive remedy, could be troublesome. Despite these difficulties, I maintain that the Commission has primary jurisdiction in such cases as this.

The silence of the Commission on the jurisdiction issue—at a time when jurisdiction is being challenged in Federal court—and the restraint in not activating a complaint or investigation could, I think, lead to unfortunate inferences that the Commission itself doubts its jurisdiction or its effective capacity.

Accordingly, I am obliged respectfully to dissent.

MATTHEW HOLDEN, Jr.  
Commissioner.

[FR Doc. 78-773 Filed 1-11-78; 8:45 am]

#### [6740-02]

[Project No. 96]

#### PACIFIC GAS AND ELECTRIC CO.

##### Application for New Major License

JANUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the Federal Power Commission on the date the DOE Act takes effect shall not be affected, and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued, and further actions shall be taken by the appropriate component of DOE now responsible for the functions under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary of

Energy and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, *Provided*, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Public notice is hereby given that an application for a new Major license was filed on August 31, 1970, and amended on June 20, 1977, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by Pacific Gas and Electric Co. (Correspondence to: Mr. W. M. Gallavan, Vice President, Rates and Valuation, Pacific Gas and Electric Co. 77 Beale Street, San Francisco, Calif. 94106), for the Kerckhoff Project, FERC No. 96, located on the San Joaquin River in the Counties of Fresno and Madera, Calif., near the City of Fresno. The project affects lands of the United States within the Sierra National Forest.

According to the application, the existing project would be maintained, and new facilities would be added. All power produced by the project is, and would continue to be, integrated into Applicant's interconnected transmission and distribution systems.

The existing project, which has an installed capacity of 34,080 kW, consists of:

(1) A reservoir, Kerckhoff Lake, with a gross storage capacity of 4,252 acre-feet and a surface area of 160 acres at elevation 985.7 feet; (2) a concrete arch dam with a crest length of 507 feet at elevation 994.5 feet including a spillway, with a crest elevation of 971.34 feet, surmounted by 14 radial gates 14.33 feet high by 20 feet long, and three 72-inch-diameter sluice gates at elevation 900.14 feet; (3) an intake structure within the lake; (4) a 17,000-foot-long tunnel leading from the intake structure to a surge chamber; (5) a surge chamber; (6) three penstocks, each about 900 feet long, leading to a powerhouse; (7) a powerhouse containing three generating units, each rated at 11,360 kW; (8) three transformer banks consisting of one 3-phase and eight single-phase 6.6/115 kV transformers; (9) three 11 kV transmission lines; and (10) appurtenant facilities.

The proposed addition to the project would have an installed capacity of 140,000 kW and would be known as Kerckhoff No. 2. Kerckhoff No. 2 would consist of:

(1) A concrete intake structure, about 100 feet upstream from the existing intake; (2) a 22,000-foot-long tunnel leading from the new intake structure to a surge shaft; (3) a surge shaft; (4) a 1,080-foot-long penstock, leading to a powerhouse; (5) an underground powerhouse, about 8,000 feet downstream from the existing powerhouse, with a generating unit rated at 140,000 kW; (6) a transformer bank consisting of a single 3-phase 13.8/115 kV transformer; and (7) two 200-foot-long 115 kV transmission taps to the existing Kerckhoff-Sanger No. 1 and No. 2 transmission lines.

Upon completion of the proposed addition, the water available from

Kerckhoff Lake would be routed through Kerckhoff No. 2 powerhouse instead of the existing Kerckhoff powerhouse. However, the existing powerhouse would remain in operation, and would be utilized when flows in the San Joaquin River exceed the capacity of the Kerckhoff No. 2 powerhouse or when, if ever, there is a power outage in the Kerckhoff No. 2 powerhouse.

Applicant estimates that the net project investment as of December 31, 1975, exclusive of depreciation, amounted to \$7,643,150. Annual state and local taxes are estimated to be \$333,350. Also, the estimated fair value of Kerckhoff No. 1 as of December 1, 1972, is \$36,900,000. With regard to the proposed Kerckhoff No. 2 development, Applicant estimates the capital cost will be \$112,427,000, assuming that construction starts in March, 1980, and the plant is in commercial operation by July, 1983.

The recreational facilities currently available at the Kerckhoff Project consist of a hiking trail and a parking lot and trailhead provided by the Bureau of Land Management at Squaw Leap. Applicant proposes to expand the recreational facilities to include a camping and picnicking area, a boat-launching ramp for cartop boats, and an additional hiking trail at Kerckhoff reservoir.

Any person desiring to be heard or to make protest with reference to said application should, on or before March 22, 1978, file with the Federal Energy Regulatory Commission, 825 N. Capitol St., NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-774 Filed 1-11-78; 8:45 am]

#### [6740-02]

[Docket No. CP78-137]

#### PANHANDLE EASTERN PIPE LINE CO.

##### Application

JANUARY 6, 1978.

Take notice that on December 28, 1977, Panhandle Eastern Pipe Line Co. (Applicant), 3000 Bissonnet, Houston, Tex. 77001, and 3444 Broadway,

Kansas City, Mo. 64141, filed in Docket No. CP78-137 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline, compressor, and related facilities appurtenant to Applicant's existing Anadarko Basin West End pipeline systems connecting the Texas, Kansas, and Oklahoma gas supply areas to its mainline at its Haven, Kans., compressor station, and authorizing the construction and operation of pipeline, compressor, and related facilities in Weld and Adams Counties, Colo., appurtenant to its existing Rocky Mountain gathering system, all as more fully set forth in the application which is on file with the FERC and open to public inspection.

Applicant proposes to construct, place in service and operate the following facilities:

(1) 8,700 horsepower of new compression facilities and the relocation of 2,800 horsepower of existing compression facilities in Weld and Adams Counties, Colo., appurtenant to existing gathering lines owned by Applicant;

(2) 7,800 horsepower of new compression facilities and the relocation of 1,750 horsepower of existing compression facilities in Grant, Morton, and Seward Counties, Kans., and Texas County, Okla.;

(3) One mile of 8-inch pipeline to be located in Adams County, Colo.;

(4) 8.6 miles of 8-inch pipeline located in Stevens County, Kans.;

(5) 2.1 miles of 8-inch and 3.3 miles of 6-inch pipeline located in Morton County, Kans.;

(6) 4.5 miles of 12-inch and 1.3 miles of 8-inch pipeline located in Grant County, Kansas;

(7) 5.5 miles of 10-inch pipeline located in Seward County, Kansas;

(8) 2 miles of 8-inch pipeline located in Beaver County, Oklahoma;

(9) 1.1 miles of 8-inch pipeline located in Dewey County, Oklahoma.

Applicant states that the installation and operation of the proposed facilities will assist it in maintaining its ability to deliver existing gas supplies into its mainline system and that all facilities will be installed adjacent and parallel to existing facilities and will augment and supplement the existing facilities. Applicant further states that the total cost of the proposed facilities is estimated to be \$11,136,000 which cost will be financed from funds available to the Company.

It is asserted that Applicant has experienced a continuing decline in reservoir pressures within its traditional gas production area, and in order for Applicant to produce gas from reservoirs which have experienced declines in pressure, Applicant has been required to operate its gathering facilities at lower pressures and to add additional compression horsepower to its gathering systems. The proposed pipeline and compressor horsepower pro-

posed would assist Applicant in recovering contractual volumes of natural gas from reservoirs which have suffered declines in pressure and would enable Applicant to meet its contractual obligations to its producers with respect to reducing the line pressure on its Colorado gathering system, it is asserted.

Applicant states that upon completion of the installation and construction of the facilities proposed herein, it anticipates increases in deliverability of its respective gathering systems during the first three years of operation as follows:

	Increased deliverability (million cubic feet per day)		
	1st year	2d year	3d year
Anadarko Basin .....	12.2	14.9	18.8
Colorado .....	8.4	8.0	8.0
Total .....	20.6	22.9	26.8

Any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to

appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-775 Filed 1-11-78; 8:45 am]

#### [6740-02]

[Docket No. ER76-87]

#### SIERRA PACIFIC POWER CO.

##### Compliance Filing

JANUARY 5, 1978.

Take notice that Sierra Pacific Power Co. (Sierra) on December 27, 1977, tendered for filing a refund report in compliance with Ordering Paragraph (D) of an Order Approving Settlement issued on June 30, 1977, in Docket No. ER76-87.

Sierra states that this report shows monthly billing determinants and revenues under present and settlement rates, the monthly interest revenue refund, and the monthly interest computation, together with a summary of such information for the total refund period. Sierra further states that a copy of the refund report has been furnished to each state commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before January 18, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-768 Filed 1-11-78; 8:45 am]

#### [6740-02]

[Docket No. CP72-53]

#### TRUNKLINE GAS CO. AND TEXAS GAS TRANSMISSION CORP.

##### Petition To Amend

JANUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the



Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR : *Provided*, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on December 27, 1977, Trunkline Gas Co. (Trunkline), P.O. Box 1642, Houston, Tex. 77001, and Texas Gas Transmission Corp. (Texas Gas), P.O. Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP72-53 a joint petition to amend the order issued pursuant to section 7(c) of the Natural Gas Act on January 24, 1972 (47 FPC 143), as amended by order issued March 11, 1977 (57 FPC - ), so as to authorize the addition of two points of exchange, all as more fully set forth in the petition to amend which is on file with the FERC and open to public inspection.

Pursuant to the order issued January 24, 1972, Trunkline agreed to deliver volumes of natural gas to Texas Gas through Texas Gas' measuring facilities located at Samedan Oil Corp.'s Miami Corp. B-1 Well located in Cameron Parish, La., and Texas Gas agreed to redeliver to Trunkline or its designee the same quantity of gas through existing metering facilities operated by Shell Oil Co. in the Chalkley Field Area located in Cameron Parish, La. By order issued March 11, 1977, Trunkline and Texas Gas were authorized to delete the Chalkley Field exchange point and to add in its place an exchange point at the tailgate of the Continental Oil Co. Egan Plant located in Egan, La.

Pursuant to a letter agreement dated September 28, 1977, Trunkline and Texas Gas propose to add two additional points of delivery between them as follows:

(1) At Union Oil Co. of California's (Union Oil) liquid separation facilities located in

North Freshwater Bayou Field, Vermillion Parish, La.

(2) Texas Gas' metering facilities located in North Freshwater Bayou Field, Vermillion Parish, La.

Petitioners state that no new facilities are proposed. It is further stated that the addition of the two points of delivery in the North Freshwater Bayou Field will permit Trunkline and Texas Gas to receive volumes of natural gas from Union Oil for the other company's account and redeliver the volumes received at existing certificated points of exchange. It is asserted that the addition of the proposed exchange points will also allow Trunkline and Texas Gas to eliminate efficiently any imbalances which have occurred or may occur as a result of both companies purchasing volumes of natural gas from Union Oil in the same field.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-776 Filed 1-11-78; 8:45 am]

#### [6740-02]

[Project No. 2299]

#### TURLOCK AND MODESTO IRRIGATION DISTRICTS

#### Renotice of Application for Approval of Revised Exhibits K and R<sup>1</sup>

JANUARY 5, 1978.

Public notice is hereby given that applications for approval of revised Exhibits K and R were filed on September 6, 1974, and September 6, 1977, respectively, under the Federal Power Act (16 U.S.C. 791a-825r) by the Turlock and Modesto Irrigation Districts (Correspondence to: Charles D. Crawford, Project Coordinator, Turlock Irrigation District, P.O. Box 949, Turlock, Calif. 95380; and McCarty and

<sup>1</sup>This notice was previously issued on December 16, 1977, but was not published due to administrative error.

Noone, Counselors at Law, 490 L'Enfant Plaza East, Suite 3306, Washington, D.C. 20024) for the Don Pedro Project, FERC Project No. 2299, located on the Tuolumne River, in Tuolumne County, Calif.

Take further notice that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46276 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

Applicants' revised Exhibit K, filed in accordance with Article 35 of the project license, shows the boundary of the constructed project, including transmission line rights-of-way. The revised Exhibit K indicates a total of 18,329.79 acres within the project boundary. Applicants own or have acquired the right to occupy 13,522.57 acres; the remaining 4,807.22 acres are United States lands under the supervision of the Bureau of Land Management.

Applicants' revised Exhibit R indicates that Applicants have constructed, or have under consideration, the following additional recreational facilities:

(1) The Moccasin Point Recreation Area has been extended in a southeasterly direction to provide space for additional camping facilities. A road has also been constructed from Area E to old State Highway No. 49 to provide for evacuation in case of fire as well as additional access. In addition, a small marina is being considered for one of three possible sites: near the mouth of Moccasin Creek, at Kanaka Creek, or at Jacksonville;

(2) In the Mexican Gulch Recreation Area, a high level boat launching ramp (in two sections) and an access road have been constructed. In addition, space has been provided for a concessionaire to store boats in dry storage and to provide a place for house boat maintenance out of view of public roads.

(3) In the Fleming Meadows Recreation Area, a marina has been constructed for a concessionaire to provide full boating services. Two picnic areas have also been converted to camping areas.

All existing and proposed recreation development is within the project boundary.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 1, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed

with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspections.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-767 Filed 1-11-78; 8:45 am]

#### [6560-01]

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL 838-6]

#### CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

#### Waiver of Federal Preemption

#### I. INTRODUCTION

By this decision, issued under section 209(b) of the Clean Air Act, as amended (hereinafter the "Act"), I am granting the State of California a waiver of Federal preemption to adopt and enforce the California exhaust emission standards and certification procedures applicable to 1979 through 1982 model year light-duty trucks and medium-duty vehicles.<sup>1</sup> Under section 209(b) of the Act, the Administrator is required to grant the State of California a waiver of Federal preemption, after opportunity for a public hearing, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards.<sup>2</sup> A waiver cannot be granted if

<sup>1</sup>42 U.S.C. 7543(b), as amended by Pub. L. No. 95-95, 91 Stat. 755 (1977).

<sup>2</sup>As defined by California, the medium-duty vehicle class is a subset of the heavy-duty vehicle category, and is any motor vehicle (except a passenger car) with a gross vehicle weight rating (GVWR) of between 6000 and 8500 pounds. See generally 42 FR 2337 (January 11, 1977).

A public hearing was held on May 18, 1977, pursuant to notice published by the Environmental Protection Agency (EPA) in the FEDERAL REGISTER, see 42 FR 19372 (April 13, 1977), to consider the questions that pertain to today's decision. On September 30, the California Air Resources Board (CARB) found that the standards under consideration in today's decision were, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards. See State of California, Air Resources Board, Resolution 77-48, September 30, 1977. This determination, as well as other questions concerning these standards, were considered at a public hearing held on October 13, 1977, pursuant to notice published by EPA in the FEDERAL REGISTER.

he finds that the determination of the State of California is arbitrary and capricious, that the State does not need such State standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed not to be consistent with Section 202(a) if there is inadequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame, or if the Federal and California test procedures are inconsistent. For the reasons given below, I have concluded that I cannot make the findings required for the denial of the waiver under section 209(b) of the Act in the case of these California standards.

In light of the fact that the California Air Resources Board (CARB) has recently taken many actions in this area of emissions regulation, I believe that it is necessary to clarify at the outset the scope of my decision today. This decision is concerned with the 1979 through 1982 model year California light-duty truck and medium-duty vehicle standards considered at the May 16-19, 1977, and October 13, 1977, Environmental Protection Agency (EPA) public hearings, including: (i) the "line-crossing" requirements specified in the California test procedures, as amended on September 30, 1977, for determining compliance with these standards,<sup>3</sup> and (ii) the 0.39 grams per

See 42 FR 45942 (September 13, 1977). A decision on the other outstanding waiver requests considered during these hearings will be published in the FEDERAL REGISTER in the near future. In addition, a decision on the waiver request considered during the EPA public hearing of August 4, 1977, see 42 FR 36009 (July 13, 1977), will also be published in the FEDERAL REGISTER in the near future. This waiver request was concerned with, among other items, exhaust emission standards applicable to 1983 and subsequent model year light-duty trucks and medium-duty vehicles, and exhaust emission standards applicable to 1981 and 1982 model year light-duty trucks and medium-duty vehicles which are certified under the 100,000 mile certification procedure set forth in paragraph 6 of the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended September 30, 1977.

These requirements may be found in subparagraph 3(c) of the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended September 30, 1977. The term "line-crossing," as defined in these procedures, refers to the situation where the durability vehicle interpolated 4,000 or 50,000 mile points on the least-squares fit straight line drawn through the test data points exceed the highest of either the California or Federal exhaust emission stan-

vehicle mile non-methane hydrocarbon (HC) standard and accompanying test procedures applicable to 1980 through 1982 model year lower weight classification (0-3999 pounds inertia weight) medium-duty vehicles.<sup>4</sup> It is also concerned with the following items for which California sought a waiver by letter dated June 9, 1977:

(i) High altitude certification regulations adopted on November 23, 1976, as amended on June 8, 1977,

(ii) Revisions to the 1978 and 1979 California light-duty truck and medium-duty vehicle standards and certification procedures, as amended on June 8, 1977,<sup>5</sup> and

(iii) Vehicle selection procedures applicable to the certification of 1979 and subsequent model year medium-duty vehicles.

In addition, by letter dated July 6, 1977, the CARB informed me that it had taken an additional minor administrative action to correct the model year referenced under a section of the California Administrative Code considered in this decision. This waiver decision will also include this action. However, this waiver decision does not include the waiver requests concerning limitations on allowable maintenance during the certification of 1981 and subsequent model year gasoline-powered light-duty trucks and medium-duty vehicles adopted by the CARB on May 26, 1977, or certification requirements covering the carburetor idle air/fuel mixture adjustment mechanism. It also does not include the waiver request for emission standards applicable to engine families which are certified under the optional 100,000 mile California certification procedure. As mentioned above, these waiver requests will be the subject of a waiver decision to be published in the FEDERAL REGISTER in the near future.

#### II. DISCUSSION

**Public health and welfare.** Under one of the criteria of section 209(b) of the Act, I cannot grant a waiver if I find that California's determination that its "standards will be, in the aggregate,

This situation does not include the case where no applicable durability vehicle test data point exceeded the applicable standard.

The requirements for demonstrating compliance with this standard are set forth in subparagraph 3(a) of the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended September 30, 1977.

This item involves actions of an administrative nature. For this reason, I have determined that those actions taken with respect to the 1978 standards and test procedures fall within the scope of a waiver currently in effect, and therefore, do not require a new waiver. See 42 FR 1503, 1504 (January 7, 1977).



gate, at least as protective of public health and welfare as applicable Federal standards" is arbitrary and capricious. On September 29, 1977, the CARB found that the standards under consideration in this decision were, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards.<sup>1</sup> It is clear that the numerical value of each California standard is no greater than that of the comparable Federal standard, making them at least as stringent as the applicable Federal standards.<sup>2</sup> As a result, the California standards are deemed under the Act to be at least as protective of public health and welfare

<sup>1</sup>The California exhaust emission standards under consideration in this decision are as follows (expressed in grams per vehicle mile):

Equivalent inertia weight (lb.) <sup>3</sup>	Hydrocarbons (HC) <sup>4</sup>	Carbon monoxide (CO)	Oxides of nitrogen (NO <sub>x</sub> )
Model year 1979			
0 to 3,999 <sup>5</sup> .....	0.41	9.0	1.5
4,000 to 5,999 <sup>5</sup> ....	0.50	9.0	2.0
All <sup>6</sup> .....	0.9	17.0	2.3
Model year 1980			
0 to 3,999 <sup>5</sup> .....	0.39 (0.41)	9.0	1.5
4,000 to 5,999 <sup>5</sup> ....	0.50 (0.50)	9.0	2.0
All <sup>6</sup> .....	0.9 (0.9)	17.0	2.3
Model year 1981			
0 to 3,999 <sup>5</sup> .....	0.39 (0.41)	9.0	1.0
4,000 to 5,999 <sup>5</sup> ....	0.50 (0.50)	9.0	1.5
6,000 and larger <sup>7</sup>	0.60 (0.60)	9.0	2.0
Model year 1982			
0 to 3,999 <sup>5</sup> .....	0.39 (0.41)	9.0	1.0
4,000 to 5,999 <sup>5</sup> ....	0.50 (0.50)	9.0	1.5
6,000 and larger <sup>7</sup>	0.60 (0.60)	9.0	2.0

<sup>3</sup>Light-duty trucks.

<sup>4</sup>Medium-duty vehicles.

<sup>5</sup>Equivalent inertia weight is determined in accordance with 40 CFR 86.129-79(a) as incorporated in the provisions of the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended September 30, 1977. See 42 FR 32906, 32966, 32967 (June 28, 1977).

<sup>6</sup>Beginning in 1980, the hydrocarbon standard is expressed as a non-methane hydrocarbon standard. Hydrocarbon standards in parentheses apply to total hydrocarbons, or, for 1980 models only, to emissions corrected by a methane content correction factor. The requirements for the demonstration of compliance with this standard are set forth in subparagraph 3(a) of the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended September 30, 1977.

<sup>7</sup>See supra note 3.

<sup>8</sup>The 1979 and subsequent model year Federal light-duty truck standards are 1.7 grams HC, 18 grams CO and 2.3 grams NO<sub>x</sub> per vehicle mile. See 41 FR 56316 (December 28, 1976). The EPA definition of light-duty truck, however, does not include vehicles which have an actual curb weight of greater than 6,000 pounds or which have a

as the Federal standards.<sup>9</sup> Thus, I cannot find that California's determination in this matter is arbitrary and capricious.

**Certification and test procedures.** Under section 209(b), I also cannot grant a waiver if I find that the California certification and test procedures are in conflict with the corresponding Federal procedures. Ford Motor Co. and American Motors Corp. objected to the inertia weight classification scheme used in these standards since they believed that this scheme would result in a more difficult certification task.<sup>10</sup> They further contended that a waiver should not be granted for these standards since the classification scheme was inconsistent with the schemes otherwise used in promulgating standards under the Clean Air Act and the Energy Policy and Conservation Act.<sup>11</sup> However, I believe that the test of consistency has been met in the case of these standards.<sup>12</sup> The fact that the California certification requirements for the 1979 through 1982 model years may impose reasonable additional testing requirements over those under the Federal certification procedures is not a ground for denying

basic vehicle frontal area in excess of 48 square feet. Thus, some vehicles within the CARB medium-duty vehicle class will be heavy-duty vehicles for Federal purposes. For these vehicles the applicable Federal standards are as follows:

Engine type	Emission standards (grams per brake horsepower hours)		
	HC	CO	HC+NO <sub>x</sub>
Primary standards applicable to 1979 and later <sup>13</sup>			
Gasoline and diesel <sup>14</sup> .....	1.5	25	10
		25	5
Optional standards applicable to 1979 model year only			
Diesel <sup>15</sup> .....	1.5	25	10
Gasoline diesel <sup>16</sup> .....		25	5
Gasoline <sup>17</sup> .....	1.0	25	9.5

<sup>13</sup>For 1980 and later model years, small volume manufacturers may elect to use current test procedures and certify to the appropriate 1979 model year optional standards. See 42 FR 45132 (September 8, 1977). It should be noted that under the Federal light-duty truck regulations, any heavy-duty vehicle 10,000 pounds GVWR or less can be certified as a light-duty truck to the light-duty truck standards.

<sup>14</sup>New test procedures and instrumentation.

<sup>15</sup>Current test procedures and instrumentation.

<sup>16</sup>42 U.S.C. 7543(b) (2), as added by Pub. L. No. 95-95, 91 Stat. 755 (1977).

<sup>17</sup>See Transcript of Public Hearing on California Waiver Request (May 16-May 20, 1977), Volume III, at 399-401, 502 (hereinafter "Tr. of May 1977 Hearing").

<sup>18</sup>See id. at 400, 498-499, 502.

<sup>19</sup>See Pub. L. No. 94-163, 301, 89 Stat. 901, 15 U.S.C. § 2001 et seq. (1975).

<sup>20</sup>See 42 FR 25757 (May 19, 1977).

California a waiver in this instance.<sup>19</sup>

In any event, I believe that the classification scheme used by California is merely one way of pursuing its own particular regulatory program. Allowing California to utilize this regulatory approach is fully in keeping with the legislative history behind section 209(b) of the Act. As a result, this question really enters into the waiver decision in reviewing whether California's public health and welfare determination is arbitrary and capricious as well as whether these standards are technologically feasible within the available lead time.

Under certain circumstances a manufacturer may be required to certify a single engine both through vehicle dynamometer certification testing in order to meet the California medium-duty vehicle requirements, and through engine dynamometer certification testing in order to meet the Federal heavy-duty engine requirements. In the event that this situation should arise, I have decided that EPA will accept the data used to successfully certify any vehicle under the California test procedures as demonstrating that the engine in that vehicle complies with applicable Federal standards, and the appropriate Federal certificate of conformity will be issued on this basis.

**Lead time and technology.** Under section 209(b), I also cannot grant a waiver if I find that California standards and accompanying enforcement procedures are not "consistent with section 202(a)." Section 202(a) states that standards promulgated under its authority "shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period." In order for California standards to be consistent with section 202(a), it is not required that the requisite technology be developed at present, but rather that the available lead time appear to be sufficient to permit the development and application of that technology.<sup>20</sup>

Ford testified that it supported the waiver request for these standards if the certification mileage accumulation fuel was not required to contain 0.125 grams per gallon of methylcyclopentadienyl manganese tricarbonyl (MMT). No such requirement will

<sup>21</sup>S. Rep. No. 403, 90th Cong., 1st Sess. 33-34 (1967); Hearings on S. 780 Before the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works, 90th Cong., 1st Sess. pt. 3, at 1765 (1967); 116 Cong. Rec. 30950, 30968 (1967).

<sup>22</sup>See 41 FR 44209, 44210 (October 7, 1976).

exist for certification in California.<sup>21</sup> However, Ford also stated that taking into consideration the road load horsepower parameter requirements for the certification of light-duty trucks, the light-duty truck standards were relatively more stringent than those applicable to passenger cars.<sup>22</sup> Consequently, Ford stated that it had little confidence that it could certify its manual transmission vehicles of 6,000 pounds and below equivalent inertia weight to these standards.<sup>23</sup>

General Motors Corp. expressed serious reservations regarding the ability of its manual transmission trucks to meet the applicable 1979-1982 model year California standards.<sup>24</sup> General Motors further contended that these standards were not technically justified on the basis of the feasibility of the passenger car emission standards because the differences in emission control capability between trucks and passenger cars were not accurately reflected.<sup>25</sup> In this connection it stated, though, that it was primarily con-

<sup>26</sup>See Tr. of May 1977 Hearing, supra note 11, at 389, 394, 398, 402-408, 410-423. General Motors Corp., Chrysler Corp., and American Motors Corp. shared Ford Motor Co.'s concerns with the use of methylcyclopentadienyl manganese tricarbonyl (MMT). See id. at 445-447, 501; letter from Michael W. Grice, Chrysler Corp., to Benjamin R. Jackson, Director, Mobile Source Enforcement Division (MSED), EPA, June 8, 1977. However, on July 7, 1977, the CARB adopted a prohibition against the addition of any manganese additives to fuels sold in California after September 8, 1977. See 13 Cal. Admin. Code § 2254 (1977). As a result, the CARB stated that MMT will not be required in the test fuel for the certification of 1979 and subsequent model year light-duty trucks and medium-duty vehicles. See 13 Cal. Admin. Code § 1980 (1976); letter from G. C. Hass, CARB, to all Motor Vehicle Manufacturers, July 8, 1977.

<sup>27</sup>See Transcript of Public Hearing on California Waiver Request (August 4, 1977), Volume II, at 304-305 (hereinafter "Tr. of August 1977 Hearing"). American Motors also shared this view. See id. at 397-398; Transcript of Public Hearing on California Waiver Requests (October 13, 1977), at 74, 110-119, 130-131 (hereinafter "Tr. of October 1977 Hearing").

<sup>28</sup>See Tr. of October 1977 Hearing, supra note 18, at 75.

<sup>29</sup>See Tr. of May 1977 Hearing, supra note 11, at 432; letter from T. M. Fisher, General Motors Corp., to Benjamin R. Jackson, Director, MSED, EPA, June 17, 1977, at 61; General Motors Corp., "General Motors Statement to the California Air Resources Board on Proposed 1979 and Subsequent Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicle Emission Standards," Los Angeles, Calif., November 23, 1976; Tr. of August 1977 Hearing, supra note 18, at 396.

<sup>30</sup>See Tr. of May 1977 Hearing, supra note 11, at 434-438, 442, 477-482; letter from T.

cerned with the California HC standard.<sup>31</sup> However, General Motors indicated that it could certify one light-duty truck engine family/transmission combination and possibly two others to these standards if the certification mileage accumulation fuel did not contain MMT.<sup>32</sup>

Chrysler Corp. stated that the technology will probably exist to meet a 1 gram NO<sub>x</sub> standard in 1980.<sup>33</sup> Nevertheless, it testified that the granting of a waiver for this standard would result in the elimination of diesel engines from the California market.<sup>34</sup>

Chrysler further contended that I must deny California a waiver if such a waiver would result in fuel economy penalties which increase the likelihood of one or more manufacturers incurring civil penalties under Title 5 of the Motor Vehicle Information and Cost Savings Act<sup>35</sup> for failing to meet fleet average fuel economy requirements or if such waiver increases the severity of these penalties.<sup>36</sup> I cannot agree. I believe that Congress fully addressed the problems associated with the technological conflicts between fuel economy and emissions control during its consideration of the Energy Policy and Conservation Act and intended that

M. Fisher, General Motors Corp., to Benjamin R. Jackson, Director, MSED, EPA, October 11, 1977. American Motors has also raised this issue. See Tr. of May 1977 Hearing, supra note 11, at 497. While specifically commenting on the 1977 California light-duty truck standards, American Motors contended that its four-wheel drive Jeep CJ vehicles designed primarily for off-highway operation with on-highway capability represent a distinct class of vehicles that should be subject to a less stringent set of standards than those applicable to passenger cars. See id. at 504, 518; Tr. of October 1977 Hearing, supra note 18, at 204-206, 209-210; letter from Stuart R. Perkins, American Motors Corp., to Benjamin R. Jackson, Director, MSED, EPA, October 25, 1977. As a result, American Motors contended that the waiver request for the light-duty truck standards should be denied. See id.

<sup>37</sup>See Tr. of October 1977 Hearing, supra note 18, at 192.

<sup>38</sup>See Tr. of May 1977 Hearing, supra note 11, at 447-449, 465, 472.

<sup>39</sup>See Tr. of August 1977 Hearing, supra note 18, at 339-341.

<sup>40</sup>See id.

<sup>41</sup>15 U.S.C. 2001 et seq. (1975).

<sup>42</sup>See Tr. of August 1977 Hearing, supra note 18, at 341-344, 353-355; letter from Michael W. Grice, Chrysler Corp., to Benjamin R. Jackson, Director, MSED, EPA, October 28, 1977. General Motors and Ford have raised similar questions with regard to the requirements of the Energy Policy and Conservation Act, Pub. L. No. 94-163, § 301, 89 Stat. 901, 15 U.S.C. 2001 et seq. (1975); see Tr. of May 1977 Hearing, supra note 11, at 400, 433-434; see also Tr. of October 1977 Hearing, supra note 18, at 74-75.

such conflicts would be resolved through reconsideration by the Secretary of Transportation of the average fuel economy standard in light of the California emission standards.<sup>43</sup> Thus, I consider this contention to be relevant only to my consideration of the costs of compliance with these standards, which are discussed below. In any event, based on information submitted to me, I believe that the manufacturers can meet both the California emission standards and the fuel economy requirements through appropriate changes of their sales mix or through the application of technology which is presently available to minimize the influence of these standards on fuel economy.<sup>44</sup>

American Motors testified that its Jeep CJ vehicles with manual transmissions, which constitute approximately 80 percent of the Jeep CJ vehicles sold in California, could not meet the California standards,<sup>45</sup> but that it would be possible to certify its automatic transmission Jeep CJ vehicles to these standards.<sup>46</sup> In addition, American Motors indicated that it would not be able to sell any medium-duty vehicles if the waiver request for the 1981 California standards was granted unless significant technological progress was achieved in the meantime.<sup>47</sup>

Other manufacturers also testified on this question. Volkswagen of America claimed that the light-duty truck standards were not technologically feasible.<sup>48</sup> Assuming no unknown certification problems associated with durability testing, International Harvester Co. testified that the 1981 California medium-duty vehicle standards were technologically feasible.<sup>49</sup> Toyota Motor Co. indicated that the required leadtime was not available to meet the 1979 light-duty truck standards since these standards would require the development and application of large size catalytic converter technology.<sup>50</sup>

<sup>51</sup>See 15 U.S.C. § 2002 (b), (d), (e), (f) (1975); S. Rep. No. 94-516, 94th Cong., 1st Sess. 149-156 (1975); see also Letter from Kingsley Macomber, CARB, to Mr. Benjamin Jackson, Chief, MSED, EPA, November 10, 1977.

<sup>52</sup>See Letter from Kingsley Macomber to Mr. Benjamin Jackson, supra note 28.

<sup>53</sup>See Tr. of May 1977 Hearing, supra note 11, at 496, 498, 506, 508-514, 520.

<sup>54</sup>See id. at 520.

<sup>55</sup>See id. at 504.

<sup>56</sup>See Letter from J. Kennebeck, Volkswagen of America, Inc., to Director, MSED, EPA, October 21, 1977, at Enclosure-1, 4; see also Tr. of October 1977 Hearing, supra note 18, at 158-160.

<sup>57</sup>See Tr. of May 1977 Hearing, supra note 11, at 532, 538-539.

<sup>58</sup>See Letter from Keitaro Nakajima, Toyota Motor Co., to G. C. Hass, CARB, October 18, 1976.



Finally, the CARB noted that:

"... emission control hardware similar to that feasible for passenger cars can be used for trucks to achieve exhaust emission levels which are comparable to those which can be achieved by passenger cars."

Hence, the CARB concluded that these standards were technically justified. The CARB also presented 1977 and 1978 certification data provided by the manufacturers showing that 33 light-duty trucks and medium-duty vehicles had met the emissions levels specified under the 1979 light-duty truck standards and that ten light-duty trucks and medium-duty vehicles had certified to the applicable 1981 standards. This data also shows that a fuel injection/three-way catalyst system can be used to certify light-duty trucks to a 1.0 NO<sub>x</sub> standard. In specifically referring to American Motors, the CARB indicated that the requisite technology was available in order for manual transmission vehicles to meet the 1979 light-duty truck standards.

May 1977 Hearing, *supra* note 11, at 344, 505, 507, 518.

"State of California, Air Resources Board, Staff Report No. 78-22-2(a), November 23, 1976, at 5 (hereinafter "CARB November Staff Report"); see Tr. of May 1977 Hearing, *supra* note 11, at 343-346; Memorandum from Eric O. Stork, Deputy Assistant Administrator for Mobile Source Air Pollution Control, EPA, to Norman D. Shutler, Deputy Assistant Administrator for Mobile Source and Noise Enforcement, October 31, 1977, at 13-17, 19-21. Although the CARB contended that the 1979 and subsequent model year passenger car standards discussed in Staff Report No. 76-2-2(a) were technologically feasible, this reference to these standards in no way indicates any affirmation of the CARB's contention. See *id.* at 21.

"See Tr. of May 1977 Hearing, *supra* note 11, at 345, 350-353, 363-373; Tr. of August 1977 Hearing, *supra* note 18, at 267; CARB November Staff Report, *supra* note 36, at 10, 21; State of California, Air Resources Board, Staff Report No. 77-13-2, June 22, 1977, at 6-11; Letter from Thomas C. Austin, CARB, to Ben Jackson, Director, MSED, EPA, August 31, 1977, at Attachment V, IX, X; Letter from Thomas C. Austin, CARB, to Benjamin R. Jackson, Director, MSED, EPA, November 1, 1977.

"See State of California, Air Resources Board, 'Statement of the California Air Resources Board Before the U.S. Environmental Protection Agency Regarding California's Request for a Waiver of Section 209(a) of the Clean Air Act In Order that California May Implement More Stringent Emission Standards and Test Procedures for 1978 and Later Model-Year Motorcycles, Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,' San Francisco, Calif., May 16-19, 1977, at 2 (hereinafter "Statement of California Air Resources Board"); Letter from Thomas C. Austin to Benjamin R. Jackson, *supra* note 37. American Motors stated that such data may not necessarily indicate that this set of standards is technologically feasible. See Tr. of CARB November Staff Report, *supra* note 36, at 9.

In light of the above discussion, as well as the judgment of my technical staff and the ongoing development efforts of the manufacturers, I believe that it is reasonable to conclude that it is possible for vehicle manufacturers to produce light-duty trucks and medium-duty vehicles which can meet the applicable 1979 through 1982 model year standards.

**Cost of Compliance.** With respect to the cost of compliance with these standards, General Motors could not accurately estimate such figures at this time. American Motors estimated a fuel economy loss of two miles per gallon for its automatic transmission Jeep CJ vehicles due to these standards. International Harvester estimated product tooling and development costs at approximately 7.4 million dollars and a product cost increase of 316 dollars per vehicle over those respective costs for the 1979 model year as a result of the 1981 California medium-duty standards. Consequently, International Harvester recommended that California's waiver request be denied on the grounds of excessive costs of compliance until such time as similar Federal standards were promulgated. Finally, the CARB presented information suggesting that the 1981 light-duty truck standards would result in a retail price increase ranging from zero to 300 dollars over 1980 model year costs with regard to the 1981 light-duty truck standards. In addition, the CARB estimated a fuel economy penalty of five percent associated with the 1979 light-duty truck standards and an additional five percent associated with the 1981 light-duty truck and medium-duty vehicle standards.

In light of the above information, I therefore believe that it is reasonable to conclude that the costs of compliance are not so excessive as to warrant a denial of a waiver on these grounds, given the intent of Congress to leave the decision on controversial matters of public policy to California's judgment.

**Objections to Granting the Waiver.** General Motors and the Automobile Importers of America (AIA) contended that they had not had an adequate opportunity to comment on the 0.39 non-

"See Memorandum from Eric O. Stork to Norman D. Shutler, *supra* note 36; Tr. of August 1977 Hearing, *supra* note 18, at 305-307, 314-316, 318-323, 339-340, 368-369, 390, 393, 405; Letter from D. A. Jensen, Ford Motor Co., to Benjamin R. Jackson, Director, MSED, EPA, July 29, 1977, at Attachments III, IV, V.

"See Tr. of May 1977 Hearing, *supra* note 11, at 433.

"See *id.* at 496.

"See *id.* at 532, 534, 541-542.

"See *id.* at 536-538, 541-542.

"See *id.* at 344.

"See *id.* at 345-346.

methane HC standard." The AID did state, though, that it had received notice that such a standard would be considered at the May 16-19, 1977, hearing on May 6, 1977. In light of this statement as well as the fact that the public record remained open for a period of three weeks after the May 16-19, 1977, hearing, I must dismiss this objection. In addition, this standard was further considered at the October 13, 1977, hearing and during the comment period following this hearing in light of the amendments to this standard which delete the methane content correction factor as a method of demonstrating compliance with the HC standard beginning in 1981.

Various witnesses contended at the May 18, 1977, EPA public hearing that any consideration of the California high altitude certification requirements prior to the June 6, 1977, CARB hearing in this matter was premature. In addition, certain manufacturers also expressed concerns with regard to the scope of those requirements originally adopted by the CARB on December 14, 1976. In response to these concerns, the CARB adopted certain amendments to its high altitude requirements on June 8, 1977. These amendments were subject to comment at the August 3-4, 1977, EPA hearing and were found to have eliminated all of the problems raised by the manufacturers in this matter. As a result, this waiver decision includes the high altitude certification requirements as amended on June 8, 1977.

"See *id.* at 488, 495, 544, 548-549.

"See *id.* at 548.

"See 44 U.S.C. § 1508 (1968).

"See *supra* note 7.

"See Tr. of May 1977 Hearing, *supra* note 11, at 397-398, 543-545, 549-550. These requirements may be found in subparagraph 5(d) of the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended June 8, 1977.

"See *id.* at 354, 357, 397-398, 502-503.

"See *id.* at 354, 357, 397; see also State of California, Air Resources Board, "Statement of the California Air Resources Board Before the Environmental Protection Agency, Waiver Hearings," San Francisco, Calif., August 3-4, 1977, at 19-20; Jensen, Donald A., "Statement of Donald A. Jensen, Director, Automotive Emissions and Fuel Economy Office, Ford Motor Co., on CARB Request for Waiver of Pre-emption Of High Altitude Test Requirements for 1980 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," San Francisco, Calif., August 3, 1977; "General Motors Statement to the Environmental Protection Agency Regarding California's High Altitude Test Requirements for 1980 Model Passenger Cars and 1981 Model Light-Duty Trucks and Medium-Duty Vehicles," San Francisco, Calif., August 3, 1977; Letter from G. C. Hass, CARB, to All Light-Duty Vehicle Manufacturers, August 22, 1977; Tr. of August 1977 Hearing, *supra* note 18, at 281.

Chrysler claimed that these standards may result in a restricted vehicle offering incapable of meeting basic market demand in California contrary to the result in *International Harvester v. Ruckelshaus*. I cannot agree. While California's emission standards may limit the number of models of light-duty trucks and medium-duty vehicles which may be sold in California in the future, I conclude, based on the information presented to me, that the range of models of such vehicles should, nevertheless, remain in general what it is today.

General Motors, Ford, and others questioned, among other things, the need for these standards and the wisdom of California's emission control strategy. These questions, as

"See letter from Michael W. Grice to Benjamin R. Jackson, *supra* note 27; Tr. of August 1977 Hearing, *supra* note 18, at 341. Other manufacturers shared Chrysler's view. See Tr. of October 1977 Hearing, *supra* note 18, at 75, 159.

"478 F.2d 615 (D.C. Cir. 1973).

"See *supra* notes 17-39; letter from Thomas C. Austin to Benjamin R. Jackson, *supra* note 37; memorandum from Eric O. Stork to Norman D. Shutler, *supra* note 36, at 15. I am not deciding here that the "basic demand" test of *International Harvester* is applicable in the context of a California waiver. Any determination in this matter would be guided by the interpretation of the applicability of *International Harvester* in a California waiver situation as set forth in a previous waiver decision. See 41 FR 44209, 44212, 44213 (Oct. 7, 1976).

"See Tr. of May 1977 Hearing, *supra* note 11, at 338-339, 341, 401, 430-431, 449-451; Tr. of August 1977 Hearing, *supra* note 18, at 338-339, 344-345, 365-367, 370-372, 374, 378-379, 391; Tr. of October 1977 Hearing, *supra* note 18, at 74-75, 110-119, 131, 158, 169-172, 206, 213, 223-224; see also letter from Stuart R. Perkins to Benjamin R. Jackson, *supra* note 21. Information on this question has been presented. See *id.*; Tr. of May 1977 Hearing, *supra* note 11, at 350, 384-385, 400; Tr. of August 1977 Hearing, *supra* note 18, at 262-264; Weinstein, Bernard and Tai Yip Chang, "The Relationship Between Vehicle NO<sub>x</sub> Emissions and Air Quality," Presented at the California Air Resources Board Photochemical/Transport Workshop at the University of California, Los Angeles, Calif., January 6-7, 1977; Weinstein, Bernard, and Tai Yip Chang, "The Relationship Between Vehicle NO<sub>x</sub> Emissions and Air Quality," Progress Report on the NO<sub>x</sub> Problem, June 7, 1977; Glasson, William A., "Smog Chamber Simulation of Los Angeles Pollutant Transport," GMR-2325, EV No. 32, presented to the California Air Resources Board, Los Angeles, Calif., January 6, 1977; memorandum from John P. Eppel and Helen O. Petruskas, Ford Motor Co., to B. R. Jackson, Director, MSED, EPA, September 9, 1977, at 8-11; State of California, Air Resources Board, "Control Strategies for Oxidant and Nitrogen Dioxide," January 25, 1977; CARB November Staff Report, *supra* note 36, at 1-5, 28-30; letter from T. M. Fisher, General Motors Corp., to Mr. James McNab III, EPA, November 10, 1977.

they bear on my review of California's determination regarding whether the California standards under consideration are, in the aggregate, at least as protective of the public health and welfare as the applicable Federal standards, have been discussed above. Beyond that, for the reasons stated in a previous waiver decision, these arguments are not grounds for denying California a waiver. Such arguments all fall within the EPA practice of leaving the decision on controversial matters of public policy to California's judgment.

Ford and Chrysler contended that I must now consider each of the criteria of section 209(b) of the Act in light of the possibility that eligible States may impose the emission control requirements for which a waiver is granted under section 177 of the Act. Ford further argued that I could not grant a waiver unless and until I made an affirmative finding that the basic market demand could be satisfied in all States eligible to adopt and enforce the California standards under section 177 of the Act. However, I cannot agree with the manufacturers' interpretation of my responsibilities under section 209(b) of the Act. That section authorizes me to deny California a waiver only if I have determined that California does not meet the given criteria; it does not require me in granting a waiver to consider the impacts of actions taken by other States under section 177 of the Act. The legislative history behind the Clean Air Act Amendments of 1977 contains no statement to the contrary. More significantly, the legislative history behind the amendments to section 209(b) specifically states that the intent of these amendments was

"... to ratify and strengthen the California waiver provision and to affirm the underlying

"See 41 FR 44209, 44210 (Oct. 7, 1976); 42 FR 31639, 31641 (June 22, 1977).

"See Tr. of August 1977 Hearing, *supra* note 18, at 309-311; Tr. of October 1977 Hearing, *supra* note 18, at 140-153; letter from Michael W. Grice to Benjamin R. Jackson, *supra* note 27.

"42 U.S.C. 7507 (1977), as added by Pub. L. No. 95-95, 91 Stat. 750 (1977).

"See memorandum from John P. Eppel and Helen O. Petruskas to B. R. Jackson, *supra* note 57, at 12-15.

"As has been noted above, I have not decided at the present time whether the "basic demand" test of the *International Harvester* case is applicable in the context of a California waiver. See *supra* note 56.

"See H.R. Rep. No. 95-294, 95th Cong., 1st Sess. 14, 23, 26, 207-217, 301-302, 309-311 (1977); H.R. Rep. No. 95-584, 95th Cong., 1st Sess. 156, 158, 170 (1977).

ing intent of that provision, i.e. to afford California the broadest possible discretion in selecting the best means to protect the health of its citizens and the public welfare."

Furthermore, in view of the strict limits placed on the authority vested in the States under section 177, Congress believed that such authority "... should not place an undue burden on vehicle manufacturers."

Finally, various manufacturers contended that the scope of my review of California's determination pursuant to section 209(b) of the Act should be identical to that delineated under section 307 of the Act in the context of EPA rulemaking. Based on this interpretation, the manufacturers petitioned the EPA to request from the CARB the entire record which was the basis of the CARB's actions in this matter. This record has been submitted by the CARB for my review. However, I can only deny California a waiver under the arbitrary and capricious standard of review of section 209(b) if I find that there is

"... clear and compelling evidence that the State acted unreasonably in evaluating the relative risks of various pollutants in light of the air quality, topography, photochemistry, and climate in that State."

As the legislative history behind the Clean Air Act Amendments of 1977 indicates, Congress intended that I would look to section 209(b), not section 307, in determining the scope of my review in a California waiver situation. With respect to the standards here under consideration, as stated previously, California's determination is deemed under section 209(b) not to be arbitrary and capricious because each California standard is at least as

"H.R. Rep. No. 95-294, 95th Cong., 1st Sess. 301-302 (1977).

"See *id.* at 310-311.

"See Memorandum from John P. Eppel and Helen O. Petruskas to B.R. Jackson, *supra* note 57, at 25-33; Tr. of October 1977 Hearing, *supra* note 18, at 155-157, 178-180, 182-191.

"See *id.*; see also Letter from Michael W. Grice to Benjamin R. Jackson, *supra* note 27.

"See memorandum from State of California, Air Resources Board, to EPA, October 13, 1977; letter from Kingsley Macomber, CARB, to Mr. Benjamin R. Jackson, Chief, MSED, EPA, October 28, 1977; letter from Kingsley Macomber, CARB, to Mr. Ben Jackson, Chief, MSED, EPA, November 16, 1977; letter from K.D. Drachand, CARB, to MSED, EPA, November 17, 1977; see also Tr. of October 1977 Hearing, *supra* note 18, at 190-191.

"See H.R. Rep. No. 95-294, 95th Cong., 1st Sess. 302 (1977).

"See *id.* at 23, 301-302 (1977); H.R. Rep. No. 95-584, 95th Cong., 1st Sess. 170 (1977).



stringent as the applicable Federal standard.

### III FINDING AND DECISION

Having given due consideration to the record of the public hearings of May 18 and October 13, 1977, all material submitted for this record, and other relevant information, I find that I cannot make the determinations required for a denial of the waiver under section 209(b) of the Act, and therefore, I hereby waive application of section 209(a) of the Act to the State of California with respect to the following sections of Title 13 of the California Administrative Code:

Section 1959.5, adopted on June 8, 1977, as amended June 22, 1977, and "California Exhaust Emission Standards and Test Procedures for 1979 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," adopted on June 8, 1977, with respect to 1979 model year light-duty trucks and medium-duty vehicles, and

Section 1960, adopted November 23, 1976, as amended September 30, 1977, and "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," adopted on November 23, 1976, as amended September 30, 1977, with respect to 1980 through 1982 model year light-duty trucks and medium-duty vehicles.

As stated above, this decision does not include: (i) The exhaust emission standards under the 100,000 mile optional California certification procedure applicable to 1981 and 1982 model year light-duty trucks and medium-duty vehicles, (ii) the California certification requirements covering the carburetor idle air/fuel mixture adjustment mechanism, and (iii) the limitations on allowable maintenance incorporated by reference in section 1960 of Title 13 of the California Administrative Code under the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles."

In addition, I also find that those actions of an administrative nature taken by the CARB with regard to the 1978 light-duty truck and medium-duty vehicle standards and test procedures fall within the scope of a waiver currently in effect, and therefore, do not require a new waiver.

A copy of the above standards and procedures, as well as the record of these hearings and those documents used in arriving at this decision, is available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, Calif. 95812.

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tection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, Calif. 95812.

Dated: December 30, 1977.

DOUGLAS M. COSTLE,  
Administrator.

[FR Doc. 78-321 Filed 1-9-78; 8:45 am]

### [6560-01]

[FRL 840-8; OPP-180169]

#### DEPARTMENT OF AGRICULTURE

##### Issuance of Specific Exemption To Use Naled To Control the Oriental Fruit Fly in California

The Environmental Protection Agency (EPA) has granted a specific exemption to the Animal and Plant Health Inspection Service, of the U.S. Department of Agriculture (hereafter referred to as "USDA") to use up to 120,000 grams of active naled to eradicate populations of the Oriental Fruit Fly in three counties in California. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the USDA, this recent infestation of the Oriental Fruit Fly (*Dacus dorsalis* Hendel) was first confirmed in the Cypress area of Orange County. Naled eradication treatments began on August 4, 1977, under a crisis exemption promulgated by USDA on that date. Approximately 9 square miles in this county required treatment. In addition, USDA submitted a request for a specific exemption to use the bait lure naled to control the oriental fruit fly. The area of infestation involved Los Angeles, Orange, and San Diego counties in California.

There are no pesticides registered specifically to control the oriental fruit fly because the pest is not endemic to the continental United States. This insect is one of the most destructive pests of fruits and vegetables, the USDA stated. The oriental fruit fly attacks over 150 crop species, including apricots, avocados, citrus, figs, mangoes, papayas, peaches, pears, peppers, and tomatoes, as well as ornamental plants. This insect thus poses a serious economic threat to the fruit

and vegetable industries in the United States. The pest has been detected numerous times in the past. The last specific exemption to California for this purpose was granted in November, 1976, and expired on November 22, 1977.

The USDA proposed to use a viscid bait consisting of 88 percent methyl eugenol, five (5) percent naled, and seven (7) percent Thixcin-E. Each bait spot or station (6-inch diameter spot) requires approximately 0.25 gram of naled applied by hand equipment to telephone poles, other inanimate objects, and host trees in the infested areas. Applications will be out of the normal reach of children and pets. Applications will be made at least eight times at two-week intervals. A maximum of 120,000 grams of naled will be applied in the three counties.

Naled (Dibrom) is registered for use on citrus crops as a foliage application at a rate of application considerably higher than the dosage rate to be used for oriental fruit fly control. Methyl eugenol is an attractant and Thixcin-E is a thickening agent, both of which pose no known threat to man or the environment. The controls proposed will be adequate to prevent misuse of the pesticides and prevent any serious short- or long-term adverse environmental effects.

Because of intense quarantine practices, the oriental fruit fly has not gained a strong foothold in the continental United States; however, it will continue to be a threat to American agriculture, particularly since it is now present in Hawaii. Since this pest has a very broad host range and a short and prolific life cycle, eradication measures must be taken immediately upon detection of this insect in a given area.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of the oriental fruit fly has occurred; (b) there is no pesticide presently registered and available for use to control this pest in California; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the oriental fruit fly is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the USDA has been granted a specific exemption to use the pesticides noted above until October 25, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The pesticide naled will be applied as a lure bait consisting of 88 percent methyl eugenol, 7 percent Thixcin-E, and 5 percent naled. The dosage rate of each bait or spot station will be 0.25 grams naled or approximately a 6 inch

diameter spot on host tree trunks, telephone poles, and other inanimate objects;

2. Up to 120,000 grams may be applied;

3. Only trained personnel of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, USDA, and the California Department of Food and Agriculture will make the applications of the lure bait. Applications will be out of the normal reach of children and pets;

4. Applications will be made at least 8 times at 2-week intervals. There will be approximately 600 stations per square mile (6 to 8 stations per city block);

5. Application for registration for naled to control oriental fruit fly must be submitted before the expiration of this specific exemption;

6. A report summarizing the results of this eradication program must be submitted within one year of the expiration date of this exemption; and

7. The EPA shall be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.

(Sec. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated: January 6, 1978.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 78-754 Filed 1-11-78; 8:45 am]

### [6560-01]

[FRL 841-1; PF83]

#### PESTICIDE PROGRAMS

##### Filing of Pesticide Petition

Connel, Inc., an Albany International Co., 735 Providence Highway, Norwood, Mass. 02062, has submitted a petition (PP 7F2003) to the Environmental Protection Agency (EPA) which proposes that 40 CFR be amended by establishing an exemption from the requirement of a tolerance for residues of the insecticide gossypure (1:1 mixture of (Z,Z- and Z,E-7,11-hexadecadien-1-ol-acetate) in or on the raw agricultural commodity cottonseed. The proposed analytical method for determining residues is gas chromatographic analysis using flame ionization. Notice of this submission is given pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street

SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 17, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-426-9425. Written comments should bear a notation indicating the petition number. Comments may be made at any time while the petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated January 3, 1978.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc. 78-755 Filed 1-11-78; 8:45 am]

### [6560-01]

[FRL 841-2; PF85]

#### PESTICIDE PROGRAMS

##### Filing of Pesticide Petition

Monsanto Agricultural Products Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, has submitted a petition (PP 8F2021) to the Environmental Protection Agency (EPA) which proposes that 40 CFR 180.364 be amended by establishing a tolerance for combined residues of the herbicide glyphosate (N-(phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodity avocados at 0.2 part per million. The proposed analytical method for determining residues is a gas-liquid chromatography technique using a phosphorous-specific flame photometric detector.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 25, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-426-2632. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

### NOTICES

Dated: January 4, 1978.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc. 78-756 Filed 1-11-78; 8:45 am]

### [6560-01]

[FRL 840-7; OPP-30000/23A]

#### PESTICIDE PROGRAMS; CERTAIN PESTICIDE PRODUCTS CONTAINING BENOMYL

##### Extension of Period for Submission of Rebuttal Evidence and Comments

On November 23, 1977, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing the ingredient benomyl. This notice was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61788). The regulations governing rebuttable presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause shown, an additional sixty (60) days may be granted in which such evidence may be submitted [40 CFR 162.11(a)(1)(i)].

A request for an additional 60 days in which to present evidence to the Agency has been received from one of the major registrants who was affected by the notice of presumption. The requester has specified a need for additional time to obtain, review, and analyze data and other information in order to adequately rebut and respond to this notice.

The Agency agrees that additional time would be beneficial for the submission of complete and accurate responses to this notice of presumption. Therefore, because good cause has been shown, all registrants, applicants for registration, and other interested persons shall have until March 24, 1978, to submit rebuttal evidence and other comments or information. Such evidence, comments or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in inspecting them. All comments should bear the identifying notation "OPP-30000/23A". Comments and information received on or before March 24, 1978, shall be considered before it is determined whether a notice shall be issued in ac-

### NOTICES

Dated: January 5, 1978.

Applications accepted for filing:

for a new Rural Subscriber station to op-

mitters and increase power on 11445V and

new station on frequencies 10995V

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cordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after March 24, 1978, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section at the above address from 8:30 a.m. to 4 p.m. on normal business days. The file supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Reviews, Rm. 447, East Tower, during the same time period.

Dated: January 6, 1978.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.  
(FR Doc. 78-753 Filed 1-11-78; 8:45 am)

#### [6560-01]

[FRL 840-6; OTS-082002]

#### TOXIC SUBSTANCES CONTROL ACT

Interim Procedures for Handling Confidential Business Information

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has set up a Data Security Task Force to study security procedures to protect Confidential Business Information submitted under the Toxic Substances Control Act (TSCA). A notice was published on November 7, 1977 (42 FR 57984), concerning the work of the Task Force. The Task Force held a public meeting on November 18, 1977. Pending completion by the Task Force of final security procedures for handling Confidential Business Information acquired by EPA under TSCA, the Office of Toxic Substances has adopted Interim Procedures for handling TSCA Confidential Business Information. These Interim Procedures are effective January 1, 1978. Copies of the Interim Procedures will be furnished upon request.

ADDRESS: Copies of the Interim Procedures may be obtained by writing or calling: Director, Industry Assistance Office (TS-788), Environmental Protection Agency, Office of Toxic Substances, 401 M Street SW., Washington, D.C. 20460 (800-424-9065).

FOR FURTHER INFORMATION CONTACT:

Roger M. Connor, Environmental Protection Agency, Office of Toxic Substances (WH-557), 401 M Street SW., Washington, D.C. 20460. Telephone: 202-755-1500.

Dated: January 5, 1978.

STEVEN D. JELLINEK,  
Assistant Administrator for  
Toxic Substances.  
(FR Doc. 78-752 Filed 1-11-78; 8:45 am)

#### [6712-01]

#### FEDERAL COMMUNICATIONS COMMISSION

[Report No. 892]

#### COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JANUARY 9, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (domestic public radio services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's rules.)

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Secretary.

#### Applications accepted for filing: DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 20568-CD-P-78 W. J. Answering Service, Inc. (new). C.P. for a new station to operate on 152.03 MHz to be located at 800 Youngs Road, Morgan City, La.
- 20569-CD-P-78 Radio Call Co. of Virginia, Inc. (KUO628). C.P. to relocate facilities and change antenna system operating on 152.12 MHz located at 17th Street on Beaver Creek Knob, Bristol, Tenn.
- 20570-CD-TC-(2)-78 Tele-Page Corp. Consent to transfer of control from Charles F. Mefford, transferor, to Tele-Page Corp., transferee, KSV980, Cincinnati, Ohio, and KWU342, Dayton, Ohio.
- 20571-CD-P-(2)-78 RCC of Virginia, Inc. (KWT845). C.P. for additional facilities to operate on 158.70 MHz at a new site described as Loc. No. 2: Tinker Mountain, 3.7 miles north of Roanoke, Va.; and 454.025 MHz, control at a new site described as Loc. No. 3: 311 Shenandoah Avenue NW., Roanoke, Va.
- 20572-CD-P-78 Comex, Inc. (KRS865). C.P. for additional facilities to operate on 72.06 MHz, control at a new site described as Loc. No. 2: Uncanoonuc Mountain, near Goffstown, N.H.
- 20573-CD-P-78 Coastal Bend Communications, Inc. (new). C.P. for a new station to operate on 43.58 MHz to be located at Ambassador Row and Columbia Street, Corpus Christi, Tex.
- 20574-CD-P-78 Answerphone of Lake Worth, Inc. (KIM914). C.P. to relocate facilities, change antenna system and replace transmitter operating on 152.09 MHz located at 1,200 feet South German-town Road and 700 feet North Seaboard Coast RR, Delray Beach, Fla.
- 20575-CD-P-78 Salinas Valley Radio Telephone Co. (KMA837). C.P. for additional facilities to operate on 454.150 MHz at Loc. No. 1: Mt. Toro, 10.3 miles south-southeast of Salinas, Calif.
- 20576-CD-P-78 Rock Hill Mobile Communications, Inc. (KSU287). C.P. to change antenna system, replace transmitter and correct location and coordinates operating on 454.225 MHz located at intersection of Mt. Gallant Road and Wateree Road, 5 miles northwest of Rock Hill, S.C.
- 20577-CD-P-78 Mobilfone Service, Inc. (KKA341). C.P. to change antenna system and replace transmitter operating on 454.350 MHz at Loc. No. 4: 4111 South Darlington, Tulsa, Okla.
- 20578-CD-MP-78 Mobilfone Service, Inc. (KKM254). C.P. to change antenna system and replace transmitter operating on 454.100 MHz at Loc. No. 5: On New Hampshire Road, ¾ mile south of Harlingen, Tex.
- 20579-CD-P-78 Indiana Telephone Corp. (new). C.P. for a new station to operate on 158.10 MHz to be located at 151 East Monroe Street, Orleans, Ind.

#### CORRECTION

- 20557-CD-P-78 Airsignal of California, Inc. (KMA267). Correct file number to read: 20557-CD-P-78 and add: C.P. to change antenna system operating on 2121.6 MHz. Repeater at Loc. No. 1: KFTV Tower, Bald Mountain, Meadow Lakes, Calif. All other particulars to remain as reported on PN No. 891, dated January 1, 1978.

#### RURAL RADIO SERVICE

- 80083-CR-P/L-78 The Mountain States Telephone and Telegraph Co. (new) C.P.

for a new Rural Subscriber station to operate on 157.86 MHz to be located 1.8 miles northwest of Lysite, Wyo.

- 80084-CR-P-78 The Siskiyou Telephone Co. (new) C.P. for a new Central Office-Fixed station to operate on 152.72 MHz to be located 4.77 miles NNE of Happy Camp, Calif.
- 80085-CR-P-78 The Siskiyou Telephone Co. (new) C.P. for a new Rural Subscriber station to operate on 157.98 MHz to be located on Elk Creek, 6.6 miles South of Happy Camp, Calif.
- 80086-CR-P-78 The Siskiyou Telephone Co. (new) C.P. for a new Rural Subscriber station to operate on 157.98 MHz to be located at fixed temporary locations within applicant's area of operation.

#### POINT TO POINT MICROWAVE SERVICES

- KS-908-CF-P-78 United Telephone Co. of Kansas, Inc. (new) 122 N. 7th Street Hiawatha, (Brown) Kans. Lat. 39°51'14" N. Long. 95°32'16" W. C.P. for a new station on frequency 6256.5H MHz on azimuth 283.8° toward Sabetha, Kans.
- AZ-912-CF-P-78 Mountain States Telephone and Telegraph Co. (WIV25) Mormon Mtn. 17.8 miles S.E. of Flagstaff, (Coconino) Ariz. Lat. 34°58'08" N. Long. 111°30'25" W. C.P. to add a new point of communication on frequency 6404.8V MHz on azimuth 85.0° toward Winslow, Ariz.
- AZ-913-CF-P-78 Same (KPK21) 301 Kinsley Ave. Winslow, (Navajo) Ariz. Lat. 35°01'29" N. Long. 110°41'49" W. C.P. to add a new point of communication on frequency 6152.8V MHz on azimuth 265.4° toward Mormon Mountain, Ariz., move antennas and replace transmitters on 11405V MHz and move antennas on 11645H MHz toward Jo. City Junction, Ariz., and increase structure height.
- AZ-914-CF-P-78 Same (KPS51) Jo. City Junction 3.5 miles south of Joseph City, (Navajo) Ariz. Lat. 34°54'21" N. Long. 110°19'28" W. C.P. to add a new point of communication on frequency 2128V MHz on azimuth 352.1° toward Joseph City, Ariz., replace transmitters and increase power on 10715H and 10955V MHz toward Winslow, Ariz., 10755 and 10995V MHz toward Holbrook, Ariz., replace receive antenna on 10715H MHz toward Winslow, Ariz. and 10755 MHz toward Holbrook, Ariz.
- AZ-910-CF-P-78 Same (KPC71) Mt. Elden 3.7 miles NE. of Flagstaff, (Coconino) Ariz. Lat. 35°14'30" N. Long. 111°36'31" W. C.P. to change polarization from V to H on frequency 10755 MHz, replace transmitters on 10755H, 10915V, 10995H and 11555H MHz, move and replace receive antenna on 10915V MHz toward Flagstaff, Ariz., also increase power.
- AZ-911-CF-P-78 Same (KPC76) 24 West Aspen Street Flagstaff, (Coconino) Ariz. Lat. 35°11'58" N. Long. 111°38'56" W. C.P. to change polarization from V to H on frequency 11685 MHz on azimuth 37.7°, replace transmitters and increase power on 11685H, 11365V, 11445H, and 11605H MHz, move and replace antennas on 11685H and 11365V MHz, correct coordinates all toward Mt. Elden, Ariz., correct azimuth to read 153.1° toward Mormon Mountain, Ariz.
- AZ-915-CF-P-78 Same (KPS52) Highway 77 1 mile south of Holbrook, (Navajo) Ariz. Lat. 34°53'32" N. Long. 110°09'44" W. C.P. to move and replace antennas on frequencies 11445V MHz and replace trans-

mitters and increase power on 11445V and 11685H MHz toward Jo. City Junction, Ariz.

#### POINT TO POINT MICROWAVE SERVICES

- AZ-916-CF-P-78 Mountain States Telephone and Telegraph Co. (new) 151 First Street, Joseph City, (Navajo) Ariz. Lat. 34°57'25" N. Long. 110°19'59" W. C.P. for a new station on frequency 2178V MHz on azimuth 172.1° toward Joseph City, Junction, Ariz.
- AR-924-CF-P-78 Southwestern Bell Telephone Co. (new) 121 South Poplar, Newport, (Jackson) Ariz. Lat. 35°36'20" N. Long. 91°15'57" W. C.P. for a new station on frequency 6286.2H MHz on azimuth 263.7° toward Cornerstone, Ark.
- AR-925-CF-P-78 Same (new) 3.5 miles NE. of Poplar, Cornerstone, (Independence) Ark. Lat. 35°34'40" N. Long. 91°34'08" W. C.P. for a new station on frequencies 6034.2V MHz on azimuth 83.5° toward Newport, Ark. and 2112H MHz on azimuth 2.9° toward Cave City, Ark.
- AR-926-CF-P-78 Same (new) 105 Union Street, Cave City, (Sharp) Ark. Lat. 35°56'25" N. Long. 91°32'48" W. C.P. for a new station on frequency 2162H MHz on azimuth 182.9° toward Cornerstone, Ark.
- CA-927-CF-P-78 Pacific Telephone and Telegraph Co. (KYS42) Berryessa Park 5.6 miles SSW. of Brooks, (Yolo) Calif. Lat. 38°39'51" N. Long. 122°11'16" W. C.P. to increase structure height and add frequencies 11325V and 11485V MHz toward Clearlake Oak, Calif.
- CA-928-CF-P-78 Same (KYS43) 14.7 miles NE. of Clearlake Oaks (Colusa) Calif. Lat. 39°09'48" N. Long. 122°28'53" W. C.P. to increase structure height and add frequencies on 10875V and 11035V MHz toward Berryessa Park, Calif. 10875V and 11035V MHz toward Elk Creek, Calif.
- CA-929-CF-P-78 Same (KYS44) 6.5 miles SSW. of Elk Creek, (Glenn) Calif. Lat. 39°30'57" N. Long. 122°33'42" W. C.P. to increase structure height and add frequencies on 11325V, 11485V MHz toward Clearlake Oak, Calif. and 11325V, 11485V MHz toward Paskenta, Calif.
- CA-930-CF-P-78 Same (KYS45) 11 miles north of Paskenta, (Tehama) Calif. Lat. 40°02'45" N. Long. 122°34'13" W. C.P. to increase structure height and add frequencies on 10875V, 11035V MHz toward Elk Creek, Calif. and 10875V, 11035V MHz toward Cottonwood, Calif.
- CA-931-CF-P-78 Same (KYS 46) 7.5 miles East of Cottonwood, (Tehama) Calif. Lat. 40°22'19" N. Long. 122°08'29" W. C.P. to increase structure height and add a new point of communication on frequencies 11325V, 11485V MHz toward Paskenta, Calif., 11325V, 11485V MHz on azimuth 318.3° toward Redding, Calif.
- CA-932-CF-P-78 Pacific Telephone and Telegraph Co. (KNL90) 1638 Pine Street, Redding, (Shasta) Calif. Lat. 40°34'59" N. Long. 122°23'18" W. C.P. to add a new point of communication on frequencies 10875V and 11035 MHz on azimuth 138.2° toward Cottonwood, Calif.
- AR-933-CF-P-78 Southwestern Bell Telephone Co. (KKB55) 725 South Church St., Jonesboro, (Craighead) Ark. Lat. 35°50'11" N. Long. 90°42'17" W. C.P. to add a new point of communication on frequencies 11525V and 11605V MHz on azimuth 10.5° toward Bono, Ark.
- AR-934-CF-P-78 Same (new) 3.2 miles SW. of Bono, (Craighead) Ark. Lat. 35°51'48" N. Long. 90°48'53" W. C.P. for a

new station on frequencies 10995V, 11075V MHz on azimuth 106.8° toward Jonesboro, Ark., 2112H MHz on azimuth 235.9° toward Cash, Ark., and 6286.2H MHz on azimuth 329.9° toward Walnut Ridge, Ark.

AR-935-CF-P-78 Same (new) East of Highway 18 Cash, (Craighead) Ark. Lat. 35°47'54" N. Long. 90°55'57" W. C.P. for a new station on frequency 2162H MHz on azimuth 55.8° toward Bono, Ark.

AR-936-CF-P-78 Same (new) 200 Pine Street, Walnut Ridge, (Lawrence) Ark. Lat. 36°04'02" N. Long. 90°57'38" W. C.P. for a new station on frequency 6034.2V MHz on azimuth 149.8° toward Bono, Ark.  
(FR Doc. 78-855 Filed 1-11-78; 8:45 am)

#### [6712-01]

[Docket Nos. 21519; 21520; File Nos. BR-3648; BRH-2445]

E. BOYD WHITNEY

Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 21, 1977.

Released: January 5, 1978.

1. The Commission has before it for consideration the above-captioned license renewal applications and its inquiries into the operation of Stations KRZE and KRAZ-FM, Farmington, N. Mex.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to remain a licensee of the captioned stations. In view of these questions, the Commission is unable to find that a grant of the renewal applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. Accordingly, it is ordered, That the captioned applications are designated for consolidated hearing pursuant to Section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine whether the licensee misrepresented facts to the Commission and/or was lacking in candor regarding the stations' policies about disc jockeys ad-libbing on the air;

(b) To determine whether the licensee and/or its management officials misrepresented facts to the Commission and/or was lacking in candor regarding the sale of air time on KRZE and KRAZ-FM to other entertainment promoters in the area;

(c) To determine whether the licensee threatened not to play the records of artists whose agents booked them with promoters other than the licensee;

(d) To determine whether the licensee has violated §§ 73.112(a)(2) and 73.282(a)(2) of the Commission's rules by failing to accurately log commercial announcements;



(e) To determine whether the licensee has used the station licenses to further its private interests rather than the public interest in an anti-competitive manner;

(f) To determine, in light of the evidence adduced under the preceding issues, whether the licensee of KRZE and KRAZ-FM has the requisite qualifications to be or remain a licensee of the Commission and whether a grant of the captioned applications would serve the public interest, convenience and necessity.

4. *It is further ordered*, That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicant within thirty (30) days of the release of this order a Bill of Particulars with respect to issues (a) through (e) inclusive.

5. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of evidence with respect to issues (a) through (e), inclusive, and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain a licensee of the Commission and that a grant of the applications would serve the public interest, convenience and necessity.

6. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicant herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

8. *It is further ordered*, That the Secretary of the Commission send a copy of this order by Certified Mail—Return Receipt Requested to E. Boyd Whitney, licensee of stations KRZE and KRAZ-FM, Farmington, N. Mex.

For the Federal Communications Commission.<sup>1</sup>

WILLIAM J. TRICARICO,  
Secretary.

[FR Doc. 78-852 Filed 1-11-78; 8:45 am]

<sup>1</sup>Commissioner Washburn concurring in the result.

## [6712-01]

(Docket No. 20654)

## INTERFERENCE FROM SPARK-TYPE IGNITION SYSTEM IN MOTOR VEHICLES

Further Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of Time.

SUMMARY: An extension of time to file comments and reply comments has been requested in Docket No. 20654. Because of the importance of this proceeding to both the manufacturers and consumers, the Commission is granting the request. No objections have been received.

DATES: Comments must be received by June 1, 1978, and Reply Comments must be received on or before July 15, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

## FOR FURTHER INFORMATION CONTACT:

Jules Deitz, Research and Standards Division, Office of Chief Engineer, 202-632-7040.

Adopted: January 6, 1978.  
Released: January 9, 1978.

In the matter interference from spark-type ignition systems in motor vehicles, Docket No. 20654.

1. The Electronics Industries Association's (EIA) Land Mobile Communications Section and the Motor Vehicle Manufacturers Association (MVMA) have requested an additional extension of time within which Comments and Reply Comments in the above captioned proceeding might be filed.<sup>1</sup>

2. Because of the importance of this proceeding to both manufacturers and consumers; and because of the Commission's desire to have the most definitive responses possible, an extension of time to June 1, 1978, for the filing of Comments and July 15, 1978, for the filing of Reply Comments is ordered pursuant to § 0.241(d) of the Commission's rules.

RAYMOND E. SPENCE,  
Chief Engineer.

[FR Doc. 78-861 Filed 1-11-78; 8:45 am]

## [6712-01]

## RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Renewal

The Federal Communications Commission has determined that renewal of the Radio Technical Commission

<sup>1</sup>See 42 FR 34548, July 8, 1977.

for Marine Services (RTCM) as an advisory committee of the Federal Government is necessary and in the public interest. Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice of renewal is hereby provided.

The purpose of the RTCM is to advance the art and science of marine telecommunications through study, investigation, appropriate recommendations to the Federal Government and industry, and promotion of ideas and exchange of information. The RTCM has been renewed for an additional one year period extending until January 5, 1979.

For the Federal Communications Commission,

WILLIAM J. TRICARICO,  
Secretary.

[FR Doc. 78-854 Filed 1-11-78; 8:45 am]

## [6712-01]

(Docket Nos. 21443-21445; File Nos. BPH-9823, etc.)

## WOODSTOCK COMMUNICATIONS, INC. ET AL

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 3, 1978.  
Released: January 10, 1978.

In re applications of Woodstock Communications, Inc., Woodstock, N.Y., Docket No. 21443, File No. BPH-9823; Req: 100.1 MHz, Channel No. 261; 3 kW (H&V); 290 feet (H&V); Woodstock Radio, Inc., Woodstock, N.Y., Docket No. 21444, File No. BPH-10,212, Req: 100.1 MHz, Channel No. 261; 1.0 kW (H&V); 460 feet (H&V); Kingston Broadcasters, Inc., Saugerties, N.Y., Docket No. 21445, File No. BPH-10,240, Req: 100.1 MHz, Channel No. 261; 3 kW (H&V); 300 feet (H&V), for Construction permit.

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration the above-captioned applications of Woodstock Communications, Inc. ("WCI"), Woodstock Radio, Inc. ("WRI"), and Kingston Broadcasters, Inc. ("Kingston"), which are mutually exclusive in that they seek the same FM broadcast channel.

2. Examination of WCI's financial data reveals that \$161,825 will be required to construct and operate its proposed station for one year, without reliance upon revenues, itemized as follows:

Down payment on equipment.....	\$12,800
First year payment on equipment with interest.....	17,150
Building.....	12,000
Miscellaneous.....	32,000
Interest on bank and personal loans.....	9,875
Working capital (1st year).....	78,000
Total.....	161,825

WCI plans to finance the above expenses with the following funds:

Cash on hand or in banks.....	\$41,000
Loan from banking institution.....	75,000
Loan from stockholders (the Cambios).....	35,000
Loan from stockholders (the Gillmans).....	15,000

Total..... 166,000

3. WCI has not satisfactorily established the availability of all of its proposed sources of funds; that is, the bank loan of \$75,000 from the Rondout National Bank and the personal loans from the stockholders totaling \$50,000. First, the Rondout Bank's collateral requirements have not been accepted by the Gillmans as required by Section III, page 3, paragraph 4(e) of the application form. Second, the personal loans from the Gillmans and from Ruth Cambio totaling \$50,000 have not been supported by the submission of balance sheets which would demonstrate sufficient net liquid assets for the stockholders to meet their commitments. (See Section III, page 3, paragraph 4(b) of the application form.) Moreover, the Cambio loan letter does not fully specify the terms of the loan and the Gillmans have not proffered a formal commitment. Since WCI has, therefore, shown the availability of only \$41,000 in cash on deposit to meet a \$161,825 requirement, a financial issue will be specified.

4. WCI has failed to comply with the requirements of the "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650, 21 RR 2d 1507 (1971) in a number of respects. First, WCI has not submitted a complete description of the composition of Woodstock, New York. (See Questions and Answers 9 and 10 of the "Primer.") Without a complete description of Woodstock, the Commission is unable to determine all the significant groups comprising WCI's community of license. Second, from the demographic information that WCI has provided, it would appear that the applicant failed to survey leaders from significant groups in the Woodstock community. "Voice of Dixie, Inc." 45 FCC 2d 1027, 24 RR 2d 1127 (1974), recon. den., 47 FCC 2d 526, 30 RR 2d 851 (1974). In particular, WCI has not interviewed leaders of agriculture, the Black minority, and charities. Third, in an amendment dated July 19, 1977, WCI indicates that it consulted with several individuals who represent labor and women's organizations; however, none of these individuals appear to be leaders of these significant groups. "A. V. Bamford", 48 FCC 2d 1155, 31 RR 2d 790 (Rev. Bd. 1974), aff'd 535 F. 2d 78 (D.C. Cir. 1976). (See also Question and Answer 20 of the "Primer.") Finally, WCI has not complied with Question and Answer 24 of the "Primer" in that the anticipated time segment, frequency, and duration of its programming proposed to meet the needs of Woodstock have not been shown. For these reasons, a general ascertainment issue will be specified.

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the contingent comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

6. Although one of the proposals is for a different community, it would serve substantially the same areas as the other two proposals. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

7. Except as indicated above, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *Accordingly, it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Woodstock Communications, Inc.: (a) The source and availability of additional funds over and above the \$41,000 indicated; and, (b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine the efforts made by Woodstock Communications, Inc., to ascertain the community needs and problems of the area to be served and the means by which the applicant proposes to meet those needs and problems.

3. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the applications would best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications for a construction permit should be granted.

9. *It is further ordered*, That, to avail themselves of the opportunity to be

heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

10. *It is further ordered*, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

For the Federal Communications Commission,

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 78-853 Filed 1-11-78; 8:45 am]

## [6210-01]

## FEDERAL RESERVE SYSTEM

## COFFEYVILLE FINANCIAL CORP.

## Formation of Bank Holding Company

Coffeyville Financial Corp., Coffeyville, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 85 percent or more of the voting shares of The Condon National Bank of Coffeyville, Coffeyville, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 25, 1978.

Board of Governors of the Federal Reserve System, January 6, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 78-880 Filed 1-11-78; 8:45 am]

## [6210-01]

## FARMERS &amp; MERCHANTS CORP.

## Formation of Bank Holding Company

Farmers & Merchants Corp., Forest, Miss., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C.



1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less directors' qualifying shares) of Farmers & Merchants Bank, Forest, Miss. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Farmers & Merchants Corp., Forest, Miss., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's regulation Y (12 CFR 225.4(b)(2)), for permission to engage in the activity of the sale of credit life insurance and credit accident and health insurance. Notice of the application was published on December 14, 1977, in the Scott County Times, a newspaper circulated in Forest, Miss. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts, of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 3, 1978.

Board of Governors of The Federal Reserve System, January 6, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[FR Doc. 78-881 Filed 1-11-78; 8:45 am]

**[6210-01]****NORTHWEST OHIO BANCSHARES, INC.****Acquisition of Bank**

Northwest Ohio Bancshares, Inc., Toledo, Ohio, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per-

cent or more of the voting shares of National Bank of Fulton County, Delta, Ohio. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 1, 1978.

Board of Governors of the Federal Reserve System, January 5, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 78-882 Filed 1-11-78; 8:45 am]

**[6210-01]****VIKING CORP.****Formation of Bank Holding Company**

Viking Corp., Denison, Iowa, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Crawford County Trust & Savings Bank, Denison, Iowa. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than February 1, 1978.

Board of Governors of the Federal Reserve System, January 5, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 78-883 Filed 1-11-78; 8:45 am]

**[6820-24]****GENERAL SERVICES  
ADMINISTRATION**

[Federal Property Management Regulations  
Temporary Regulation F-453]

**SECRETARY OF DEFENSE****Delegation of Authority**

DECEMBER 29, 1977.

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Govern-

ment in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* (a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Kansas State Corporation Commission (Docket No. 113, 121-U) involving the application of the Kansas Power & Light Co. requesting an increase in electric rates.

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: December 29, 1977.

ROBERT T. GRIFFIN,  
Acting Administrator  
of General Services.

[FR Doc. 78-838 Filed 1-11-78; 8:45 am]

**[4310-84]****DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[F-22388]

**ALASKA; ARMY CORPS OF ENGINEERS****Proposed Withdrawal and Reservation of  
Lands**

JANUARY 3, 1978.

The U.S. Army, Corps of Engineers on January 23, 1978, filed application, serial No. F-22388, for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining and mineral leasing laws, subject to valid existing rights:

Two tracts located within U.S. Survey 2627, Alaska and further described as follows:

**TRACT I**

Commencing at the USC & GS monument Galena AZ. Mark, proceed N. 83°37'59" E. 3,053.65 feet, thence N. 89°31'07" E. 1,190.04 feet, thence N. 76°25'01" E. 766.44 feet, thence N. 37°52'30" E. 171.03 feet, thence N. 71°04'20" E. 2,816.08 feet, to the true point of beginning of this description being called corner "A", thence N. 71°04'20" E. 471.22 feet to corner "B", thence N. 18°55'40" W. 1,150.00 feet to corner "C", thence S. 71°04'20" W. 471.22 feet to corner "D",

thence S. 18°55'40" E. 1,150.00 feet to the true point of beginning.

Containing 12.44 acres, more or less.

**TRACT II**

Commencing at corner "B" of Tract I, proceed N. 71°04'20" E. 4,435.27 feet, thence S. 55°53'44" E. 766.89 feet, thence N. 86°28'21" E. 731.39 feet to the true point of beginning of this description, being called corner "E", thence N. 77°28'16" E. 46.10 feet to corner "F", thence S. 70°42'36" E. 317.84 feet to corner "G", thence N. 19°17'24" E. 760.00 feet to corner "H", thence N. 70°42'36" W. 357.01 feet to corner "J", thence S. 19°17'24" W. 784.31 feet to the true point of beginning.

Containing 6.24 acres more or less.

The two tracts described aggregate 18.68 acres, more or less.

The applicant agency desires that the lands be withdrawn and reserved for continued use as a military communications facility.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management on or before February 12, 1978.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, on or before February 12, 1978. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's deter-

mination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above-described lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,  
Chief, Branch of Lands and  
Minerals Operations.  
[FR Doc. 78-805 Filed 1-11-78; 8:45 am]

**[4310-84]**

[AA-9904]

**ALASKA; COAST GUARD****Proposed Withdrawal and Reservation of  
Lands**

JANUARY 3, 1978.

The U.S. Coast Guard, on December 19, 1975, filed application, serial No. AA-9904, for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining and mineral leasing laws, subject to valid existing rights:

1. Gull Island Light:

All of Gull Island in Kachemak Bay, Alaska, approximate latitude 59°35.2' N., longitude 151°19.6' W.  
Containing approximately 2 acres.

2. Cohen Island Light:

All of Cohen Island in Kachemak Bay, Alaska, approximate latitude 59°33.1' N., longitude 151°27.8' W.  
Containing approximately 1.5 acres.

3. Point Pogibshi Light:

A parcel of land on Point Pogibshi, near Port Graham, Alaska, described as follows: Beginning at a point 200 feet east of the base of Point Pogibshi Light, approximate latitude 59°25.5' N., longitude 151°53.1' W.; thence south 100 feet, thence west to the mean high water line; thence meandering the mean high water line northeasterly to a point north of the point of beginning; thence south to the point of beginning, including the right of ingress and control of the arc of visibility.

Containing approximately 1 acre.

4. Perl Rock Light:

All of Perl Rock, Chugach Islands, Alaska, approximate latitude 59°05.4' N., longitude 151°41.5' W.  
Containing approximately 1 acre.

The above-described lands aggregate approximately 5.5 acres.

The applicant agency desires that the lands be withdrawn and reserved for continued use as aids to navigation.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management on or before February 17, 1978.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, on or before February 17, 1978. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above-described lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would



prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands with Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc. 78-806 Filed 1-11-78; 8:45 am]

## [4310-84]

[25122P]

## COLORADO NORTHWEST PIPELINE CORP.

## R/W Application for Pipeline

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110, has applied for rights-of-way for 16", 12", and 4" o.d. natural gas pipeline for the Foundation Creek gathering system approximately 5.6 miles long, across the following public lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO  
COUNTY, COLO.

T. 4 S., R. 102 W.,  
Sec. 18, lots 7 and 8, W $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 3 S., R. 103 W.,  
Sec. 33, W $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 4 S., R. 103 W.,  
Sec. 4, lot 6;  
Sec. 9, W $\frac{1}{2}$ E $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 16, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 23, N $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Sec. 24, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The proposed gathering system will enable the applicant to expand its gas gathering ability and thereby meet the demands of the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) To give all interested parties the opportunity to comment on the application. (3) To allow any party asserting a claim to the lands involved

or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Northwest Pipeline Corp.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,  
Leader, Craig Team,  
Branch of Adjudication.

[FR Doc. 78-807 Filed 1-11-78; 8:45 am]

## [4310-84]

[NM 32439, 32440, and 32441]

## NEW MEXICO; NORTHWEST PIPELINE CORP.

## Applications

JANUARY 3, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corp. has applied for three 4 $\frac{1}{2}$ -inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW  
MEXICO

T. 29 N., R. 5 W.,  
Sec. 19, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 20, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 30, SE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 29 N., R. 6 W.,  
Sec. 13, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

These pipelines will convey natural gas across 0.851 of a mile of public lands in Rio Arriba County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc. 78-808 Filed 1-11-78; 8:45 am]

## [4310-84]

[NM 32432]

## NEW MEXICO; GAS CO. OF NEW MEXICO

## Application

JANUARY 3, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Co. of New Mexico has applied for a right-of-way for three 4-inch natural gas pipelines across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW  
MEXICO

T. 27 N., R. 9 W.,  
Sec. 18, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 19, lot 1 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 27 N., R. 10 W.,  
Sec. 16, NW $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 24, lot 1.

These pipelines will convey natural gas across 0.731 of a mile of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc. 78-809 Filed 1-11-78; 8:45 am]

## [4310-84]

[NM 32425]

## NEW MEXICO; EL PASO NATURAL GAS CO.

## Application

JANUARY 3, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4 $\frac{1}{2}$ -inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW  
MEXICO

T. 29 N., R. 7 W.,  
Sec. 11, N $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

This pipeline will convey natural gas across 0.484 miles of public land in Rio Arriba County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc. 78-810 Filed 1-11-78; 8:45 am]

## [4310-85]

## Bureau of Land Management

[NM 31869]

## NEW MEXICO

Proposed Withdrawal and Reservation of  
Lands

OCT. 14, 1977.

The Bureau of Land Management, Department of the Interior, on October 5, 1977, filed application, serial No. NM 31869, for the withdrawal of the following described lands from the operation of the mining laws, subject to valid existing rights:

NEW MEXICO PRINCIPAL MERIDIAN, NEW  
MEXICO

T. 18 N., R. 3 W.,  
Sec. 4, lots 3, 4, and S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 5, SW $\frac{1}{4}$ ;  
Sec. 7, E $\frac{1}{2}$ ;  
Sec. 8, NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 16, NE $\frac{1}{4}$  and SW $\frac{1}{4}$ ;  
Sec. 18, lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 20, SW $\frac{1}{4}$ ;  
Sec. 21, NW $\frac{1}{4}$ ;  
Sec. 28, W $\frac{1}{2}$ ;  
Sec. 29, SE $\frac{1}{4}$ .  
T. 17 N., R. 4 W.,  
Sec. 2, SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 3, SW $\frac{1}{4}$ ;  
Sec. 5, lots 3, 4, and S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 7, SE $\frac{1}{4}$ ;  
Sec. 11, NW $\frac{1}{4}$ ;  
Sec. 18, SE $\frac{1}{4}$ ;  
Sec. 19, NE $\frac{1}{4}$ ;  
Sec. 20, W $\frac{1}{2}$ .  
T. 18 N., R. 4 W.,  
Sec. 7, lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 15, NE $\frac{1}{4}$ ;  
Sec. 19, SE $\frac{1}{4}$ ;  
Sec. 20, NE $\frac{1}{4}$ ;  
Sec. 24, SE $\frac{1}{4}$ ;  
Sec. 27, N $\frac{1}{2}$ ;  
Sec. 29, N $\frac{1}{2}$ ;  
Sec. 35, SE $\frac{1}{4}$ .  
T. 19 N., R. 4 W.,  
Sec. 7, E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 9, S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 19, lots 1, 2, and E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 20, NE $\frac{1}{4}$ ;  
Sec. 21, NW $\frac{1}{4}$ ;  
Sec. 23, SW $\frac{1}{4}$ ;  
Sec. 24, SW $\frac{1}{4}$ ;  
Sec. 25, SE $\frac{1}{4}$ ;  
Sec. 26, NW $\frac{1}{4}$ ;  
Sec. 27, SW $\frac{1}{4}$ ;  
Sec. 28, NW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 31, lots 3, 4, and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 34, SW $\frac{1}{4}$ .  
T. 20 N., R. 4 W.,  
Sec. 6, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;

Sec. 8, NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 18, SE $\frac{1}{4}$ ;  
Sec. 19, lots 1, 2, and E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 27, SW $\frac{1}{4}$ ;  
Sec. 28, NE $\frac{1}{4}$ ;  
Sec. 34, E $\frac{1}{2}$ .  
T. 17 N., R. 5 W.,  
Sec. 4, SE $\frac{1}{4}$ ;  
Sec. 8, lots 1, 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 24, SW $\frac{1}{4}$ .  
T. 18 N., R. 5 W.,  
Sec. 1, lots 1, 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 3, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;  
Sec. 10, SE $\frac{1}{4}$ ;  
Sec. 12, NE $\frac{1}{4}$ ;  
Sec. 15, SE $\frac{1}{4}$ ;  
Sec. 22, NE $\frac{1}{4}$ .  
T. 19 N., R. 5 W.,  
Sec. 1, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 3, SW $\frac{1}{4}$ ;  
Sec. 9, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 11, SE $\frac{1}{4}$ ;  
Sec. 14, NE $\frac{1}{4}$ ;  
Sec. 22, SE $\frac{1}{4}$ ;  
Sec. 25, SW $\frac{1}{4}$ ;  
Sec. 28, W $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Sec. 34, NW $\frac{1}{4}$ .  
T. 20 N., R. 5 W.,  
Sec. 4, SW $\frac{1}{4}$ ;  
Sec. 8, NE $\frac{1}{4}$  and SW $\frac{1}{4}$ ;  
Sec. 10, SE $\frac{1}{4}$ ;  
Sec. 14, SE $\frac{1}{4}$ ;  
Sec. 27, N $\frac{1}{2}$ ;  
Sec. 30, lots 3, 4, and E $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 21 N., R. 5 W.,  
Sec. 2, lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and SE $\frac{1}{4}$ ;  
Sec. 3, lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and SW $\frac{1}{4}$ ;  
Sec. 4, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;  
Sec. 5, lots 3, 4, and S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 6, lots 1, 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 7, lots 3, 4, NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 8, NW $\frac{1}{4}$ ;  
Sec. 16, E $\frac{1}{2}$ ;  
Sec. 21, NE $\frac{1}{4}$  and SE $\frac{1}{4}$ .  
T. 17 N., R. 6 W.,  
Sec. 16, SW $\frac{1}{4}$ .  
T. 18 N., R. 6 W.,  
Sec. 20, NE $\frac{1}{4}$ ;  
Sec. 26, NE $\frac{1}{4}$ .  
T. 20 N., R. 6 W.,  
Sec. 4, SW $\frac{1}{4}$ ;  
Sec. 15, NE $\frac{1}{4}$ .  
T. 21 N., R. 6 W.,  
Sec. 5, lots 1-4, and S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Sec. 6, lots 6, 7, and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 24, W $\frac{1}{2}$ ;  
Sec. 31, lots 3, 4, and E $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 22 N., R. 6 W.,  
Sec. 4, SE $\frac{1}{4}$ ;  
Sec. 5, SW $\frac{1}{4}$ ;  
Sec. 6, lots 6, 7, and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 7, lots 3, 4, NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 8, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Sec. 9, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Sec. 10, NW $\frac{1}{4}$ ;  
Sec. 15, SE $\frac{1}{4}$ ;  
Sec. 22, NE $\frac{1}{4}$ ;  
Sec. 23, E $\frac{1}{2}$ ;  
Sec. 24, NW $\frac{1}{4}$ ;  
Sec. 25, W $\frac{1}{2}$ ;  
Sec. 26, E $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Sec. 29, E $\frac{1}{2}$ ;  
Sec. 32, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 34, NE $\frac{1}{4}$ ;  
Sec. 35, E $\frac{1}{2}$ ;  
Sec. 36, N $\frac{1}{2}$  and SE $\frac{1}{4}$ .  
T. 18 N., R. 7 W.,  
Sec. 14, SW $\frac{1}{4}$ ;  
Sec. 16, NE $\frac{1}{4}$ .  
T. 19 N., R. 7 W.,  
Sec. 1, lot 5;  
Sec. 7, (Arch. Dist.) lots 6, 7, and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 8, (Arch. Dist.) NW $\frac{1}{4}$ ;

Sec. 12, lots 1, 2, and W $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 20 N., R. 7 W.,  
Sec. 2, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;  
Sec. 8, SW $\frac{1}{4}$ .  
T. 21 N., R. 7 W.,  
Sec. 1, SW $\frac{1}{4}$ ;  
Sec. 2, lots 1, 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 11, SE $\frac{1}{4}$ ;  
Sec. 14, SE $\frac{1}{4}$ ;  
Sec. 19, lots 1, 2, and E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 28, W $\frac{1}{2}$ ;  
Sec. 32, NW $\frac{1}{4}$ ;  
Sec. 33, SW $\frac{1}{4}$ .  
T. 22 N., R. 7 W.,  
Sec. 7, lots 1, 2, and E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 10, NE $\frac{1}{4}$ ;  
Sec. 13, SW $\frac{1}{4}$ ;  
Sec. 24, SE $\frac{1}{4}$ ;  
Sec. 25, SE $\frac{1}{4}$ ;  
Sec. 26, SW $\frac{1}{4}$ ;  
Sec. 34, SE $\frac{1}{4}$ .  
T. 23 N., R. 7 W.,  
Sec. 6, lots 3-7, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 7, NE $\frac{1}{4}$ ;  
Sec. 35, N $\frac{1}{2}$ .  
T. 24 N., R. 7 W.,  
Sec. 30, lots 3, 4, and E $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 20 N., R. 8 W.,  
Sec. 12, N $\frac{1}{2}$ .  
T. 21 N., R. 8 W.,  
Sec. 10, NE $\frac{1}{4}$ ;  
Sec. 11, NW $\frac{1}{4}$ ;  
Sec. 13, NW $\frac{1}{4}$ ;  
Sec. 14, SE $\frac{1}{4}$ .  
T. 22 N., R. 8 W.,  
Sec. 5, SW $\frac{1}{4}$ ;  
Sec. 6, lots 3-5, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 7, lots 3, 4, and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 9, SW $\frac{1}{4}$ ;  
Sec. 17, W $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Sec. 18, lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 32, SE $\frac{1}{4}$ .  
T. 23 N., R. 8 W.,  
Sec. 1, SW $\frac{1}{4}$ ;  
Sec. 2, lots 3, 4, and S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 17, SE $\frac{1}{4}$ ;  
Sec. 21, NE $\frac{1}{4}$ ;  
Sec. 22, SE $\frac{1}{4}$ ;  
Sec. 23, SW $\frac{1}{4}$ ;  
Sec. 26, NW $\frac{1}{4}$ ;  
Sec. 27, N $\frac{1}{2}$ ;  
Sec. 30, lots 1-4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and NE $\frac{1}{4}$ ;  
Sec. 31, SE $\frac{1}{4}$ .  
T. 24 N., R. 8 W.,  
Sec. 6, lot 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 7, lots 3, 4, and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 19, NE $\frac{1}{4}$ ;  
Sec. 21, E $\frac{1}{2}$ ;  
Sec. 29, NW $\frac{1}{4}$ ;  
Sec. 35, SE $\frac{1}{4}$ .  
T. 25 N., R. 8 W.,  
Sec. 4, SW $\frac{1}{4}$ ;  
Sec. 6, lots 8-11.  
T. 22 N., R. 9 W.,  
Sec. 3, lots 1-4, and S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Sec. 13, W $\frac{1}{2}$ ;  
Sec. 14, SW $\frac{1}{4}$ .  
T. 23 N., R. 9 W.,  
Sec. 1, SE $\frac{1}{4}$ ;  
Sec. 15, NW $\frac{1}{4}$ ;  
Sec. 34, SW $\frac{1}{4}$ ;  
Sec. 35, SE $\frac{1}{4}$ .  
T. 24 N., R. 9 W.,  
Sec. 3, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;  
Sec. 4, lots 1, 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 14, W $\frac{1}{2}$ ;  
Sec. 15, NE $\frac{1}{4}$ ;  
Sec. 22, E $\frac{1}{2}$ ;  
Sec. 23, NW $\frac{1}{4}$ ;  
Sec. 25, NW $\frac{1}{4}$ ;  
Sec. 26, SE $\frac{1}{4}$ ;  
Sec. 27, NW $\frac{1}{4}$ ;



- Sec. 31, lots 3, 4, and E $\frac{1}{2}$ SW $\frac{1}{4}$ .  
 T. 25 N., R. 9 W.,  
 Sec. 13, N $\frac{1}{2}$ .  
 Sec. 18, lots 1-4, NE $\frac{1}{4}$ , and E $\frac{1}{2}$ W $\frac{1}{2}$ .  
 Sec. 19, lots 3, 4, and E $\frac{1}{2}$ SW $\frac{1}{4}$ .  
 Sec. 23, NW $\frac{1}{4}$ .  
 Sec. 33, SE $\frac{1}{4}$ .  
 T. 27 N., R. 9 W.,  
 Sec. 11, N $\frac{1}{2}$ .  
 Sec. 15, NE $\frac{1}{4}$ .  
 T. 22 N., R. 10 W.,  
 Sec. 19, lots 3, 4, and E $\frac{1}{2}$ SW $\frac{1}{4}$ .  
 Sec. 34, SW $\frac{1}{4}$ .  
 T. 23 N., R. 10 W.,  
 Sec. 8, S $\frac{1}{2}$ .  
 Sec. 10, W $\frac{1}{2}$ .  
 Sec. 11, N $\frac{1}{2}$ .  
 Sec. 13, NE $\frac{1}{4}$ .  
 Sec. 24, SE $\frac{1}{4}$ .  
 Sec. 27, NE $\frac{1}{4}$ .  
 T. 24 N., R. 10 W.,  
 Sec. 4, SW $\frac{1}{4}$ .  
 Sec. 8, SE $\frac{1}{4}$ .  
 Sec. 10, E $\frac{1}{2}$ .  
 Sec. 11, SE $\frac{1}{4}$ .  
 Sec. 17, NE $\frac{1}{4}$ .  
 Sec. 18, NE $\frac{1}{4}$ .  
 Sec. 21, SW $\frac{1}{4}$ .  
 Sec. 23, SW $\frac{1}{4}$ .  
 Sec. 30, SE $\frac{1}{4}$ .  
 Sec. 33, SE $\frac{1}{4}$ .  
 Sec. 36, NW $\frac{1}{4}$ .  
 T. 25 N., R. 10 W.,  
 Sec. 5, SE $\frac{1}{4}$ .  
 Sec. 6, lots 1, 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$ .  
 Sec. 7, NE $\frac{1}{4}$ .  
 Sec. 10, SW $\frac{1}{4}$ .  
 Sec. 14, NW $\frac{1}{4}$ .  
 Sec. 20, SW $\frac{1}{4}$ .  
 Sec. 25, NW $\frac{1}{4}$ .  
 Sec. 34, NW $\frac{1}{4}$ .  
 Sec. 35, NE $\frac{1}{4}$ .  
 T. 15 N., R. 11 W.,  
 Sec. 6, lots 3-5, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 Sec. 8, NW $\frac{1}{4}$ .  
 T. 22 N., R. 11 W.,  
 Sec. 22, NE $\frac{1}{4}$ .  
 T. 23 N., R. 11 W.,  
 Sec. 14, E $\frac{1}{2}$ NE $\frac{1}{4}$ .  
 T. 24 N., R. 11 W.,  
 Sec. 7, SE $\frac{1}{4}$ .  
 Sec. 14, SE $\frac{1}{4}$ .  
 Sec. 15, SE $\frac{1}{4}$ .  
 Sec. 24, E $\frac{1}{2}$ .  
 Sec. 26, N $\frac{1}{2}$ .  
 T. 25 N., R. 11 W.,  
 Sec. 1, lots 3, 4, and S $\frac{1}{2}$ NW $\frac{1}{4}$ .  
 Sec. 2, lots 1, 2, and SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 Sec. 7, lots 1, 2, and NE $\frac{1}{4}$ , and E $\frac{1}{2}$ NW $\frac{1}{4}$ .  
 Sec. 8, NW $\frac{1}{4}$ .  
 Sec. 9, SW $\frac{1}{4}$ .  
 Sec. 11, SE $\frac{1}{4}$ .  
 Sec. 14, SE $\frac{1}{4}$ .  
 Sec. 19, lots 1, 2, and E $\frac{1}{2}$ NW $\frac{1}{4}$ .  
 Sec. 20, W $\frac{1}{2}$ .  
 Sec. 30, E $\frac{1}{2}$ .  
 Sec. 31, NE $\frac{1}{4}$ .  
 Sec. 32, SE $\frac{1}{4}$ .  
 T. 26 N., R. 11 W.,  
 Sec. 23, SW $\frac{1}{4}$ .  
 Sec. 25, SE $\frac{1}{4}$ .  
 T. 13 N., R. 12 W.,  
 Sec. 10, SW $\frac{1}{4}$ .  
 Sec. 14, NW $\frac{1}{4}$  and SE $\frac{1}{4}$ .  
 T. 18 N., R. 12 W.,  
 Sec. 8, NE $\frac{1}{4}$ .  
 T. 25 N., R. 12 W.,  
 Sec. 11, NE $\frac{1}{4}$ .  
 Sec. 12, S $\frac{1}{2}$ .  
 Sec. 13, NW $\frac{1}{4}$  and SE $\frac{1}{4}$ .  
 Sec. 14, SE $\frac{1}{4}$ .  
 Sec. 23, NE $\frac{1}{4}$ .  
 Sec. 25, SE $\frac{1}{4}$ .

- Sec. 26, SE $\frac{1}{4}$ .  
 Sec. 28, NW $\frac{1}{4}$ .  
 Sec. 35, W $\frac{1}{2}$ .  
 Sec. 36, SW $\frac{1}{4}$ .  
 T. 14 N., R. 13 W.,  
 Sec. 20, NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 19 N., R. 13 W.,  
 Sec. 18, NE $\frac{1}{4}$ .  
 T. 23 N., R. 13 W.,  
 Sec. 13, SE $\frac{1}{4}$ .  
 Sec. 28, SW $\frac{1}{4}$ .  
 T. 28 N., R. 13 W.,  
 Sec. 16, NW $\frac{1}{4}$ .  
 Sec. 22, S $\frac{1}{2}$ .  
 T. 29 N., R. 13 W.,  
 Sec. 19, SE $\frac{1}{4}$ .  
 T. 14 N., R. 14 W.,  
 Sec. 14, NE $\frac{1}{4}$ .  
 T. 15 N., R. 15 W.,  
 Sec. 2, lots 1-4, and S $\frac{1}{2}$ N $\frac{1}{2}$ .  
 T. 13 N., R. 19 W.,  
 Sec. 2, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , and SW $\frac{1}{4}$ .  
 Sec. 8, NW $\frac{1}{4}$ .  
 Sec. 12, S $\frac{1}{2}$ .  
 T. 11 N., R. 20 W.,  
 Sec. 2, lots 1-4, and S $\frac{1}{2}$ N $\frac{1}{2}$ .  
 T. 15 N., R. 20 W.,  
 Sec. 12, NE $\frac{1}{4}$ .  
 Sec. 19, lots 3, 4 and E $\frac{1}{2}$ SW $\frac{1}{4}$ .  
 Sec. 20, NE $\frac{1}{4}$  and SE $\frac{1}{4}$ .  
 Sec. 22, SW $\frac{1}{4}$ .

Containing a total of 57,185.12 acres.

The Bureau of Land Management desires that the lands be withdrawn and reserved for the purpose of consummating an exchange with the Navajo Tribe of Indians. This exchange program is to adjust Navajo Indian land matters, including unauthorized occupancy in New Mexico and to stabilize Navajo Indian land use and non-Indian land use in areas outside and in the vicinity of the Navajo Indian Reservation in New Mexico. This temporary withdrawal is made in furtherance of an exchange under section 204 of Pub. L. 94-579 (90 Stat. 2751; 43 U.S.C. 1714) dated October 21, 1976, by which the offered lands will benefit a Federal land program.

On or before February 13, 1978, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, N. Mex. 87501, on or before February 1, 1978. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, section 2351.16B.

The Department of the Interior's regulations provide that the autho-

authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above-described lands are temporarily segregated from the operation of the mining laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of the application shall terminate upon: (1) Rejection of the application by the Secretary, (2) withdrawal of the lands by the Secretary, or (3) the expiration of two years from the date of publication of this notice.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Division of Technical Services, Bureau of Land Management, Department of the Interior, P.O. Box 1449, Santa Fe, N. Mex. 87501.

MAXWELL T. LIEURANCE,  
*Acting State Director.*

[FR Doc. 78-842 Filed 1-11-78; 8:45 am]

## [4310-84]

[NM 32433]

NEW MEXICO

Application

JANUARY 3, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Co. of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,  
 Sec. 21, SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

This pipeline will convey natural gas across 0.324 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,  
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-839 Filed 1-11-78; 8:45 am]

## [4310-84]

[NM 32438 and 32437]

NEW MEXICO

Applications

JANUARY 3, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for two 4-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 26 E.,  
 Sec. 29, N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ .  
 Sec. 30, S $\frac{1}{2}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 Sec. 33, S $\frac{1}{2}$ NW $\frac{1}{4}$ .

These pipelines will convey natural gas across 1.613 miles of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,  
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-840 Filed 1-11-78; 8:45 am]

## [4310-84]

[NM 32421, 32422, 32423, and 32424]

NEW MEXICO

Applications

JANUARY 4, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leas-

ing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for eight 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 24 E.,  
 Sec. 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 18 S., R. 25 E.,  
 Sec. 5, lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$ .  
 Sec. 8, W $\frac{1}{2}$ E $\frac{1}{2}$ .  
 T. 18 S., R. 28 E.,  
 Sec. 13, W $\frac{1}{2}$ NE $\frac{1}{4}$ .  
 T. 18 S., R. 29 E.,  
 Sec. 7, N $\frac{1}{2}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

These pipelines will convey natural gas across 2.966 miles of public lands in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,  
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-841 Filed 1-11-78; 8:45 am]

## [1505-01]

NORTH ATLANTIC OUTER CONTINENTAL SHELF

Oil and Gas Lease Sale No. 42

Correction

In FR Doc. 77-36966 appearing on page 65285 in the issue of Friday, December 30, 1977, on page 65288, the 3rd paragraph, "Stipulation No. 8, the 2nd paragraph, the 15th line should read, "(platforms), casing, and well-heads \* \* \*".

On page 65289, "Stipulation 14", paragraph 15, the 3rd line from the bottom, should read, "[accor-] dance with section 4(f) of the Outer \* \* \*".

Also, on page 65289, the 3rd column, paragraph 17(a), the following entries in the form should read as follows:

OIL AND GAS BID—ROYALTY

Percent Royalty Bid Expressed to maximum of 5 decimals — percent.

PROPORTIONATE INTEREST OF COMPANY(S) SUBMITTING BID

Qualification No. — percent.

## OIL AND GAS BID

Proportionate Interest of Company(s) Submitting Bid Qualification No. — percent.

## [4310-84]

[U-27896]

UTAH

Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provision of section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1964), the following lands have been reconveyed to the United States:

SALT LAKE MERIDIAN, UTAH

T. 28 S., R. 3 W.,  
 Sec. 36, S $\frac{1}{2}$ SW $\frac{1}{4}$ .  
 Containing 80 acres in Piute County.

2. The mineral rights in the lands were reserved and are not affected by this order.

3. The lands shall be open to operation of the public land laws generally at 10 a.m. on February 21, 1978 subject to valid existing rights, the provision of existing withdrawals, and provisions of the Bureau of Land Management classification for multiple-use management.

4. The subject lands are located on a rolling to moderately steep easterly slope approximately 12 miles southeast of the community of Marysville, Utah. The soil is shallow, sandy loam with surface and subsurface rocks. In the past these lands have been used for livestock grazing.

5. Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

PAUL L. HOWARD,  
*State Director.*

DECEMBER 29, 1977.

[FR Doc. 78-811 Filed 1-11-78; 8:45 am]

## [4310-84]

[Wyoming 61831]

WYOMING; NORTHERN GAS CO.

Application

JANUARY 4, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northern Gas Co. filed an application for a right-of-way to construct a 6 inch pipeline for the purpose of transporting natural gas across the following described public lands:



SIXTH PRINCIPAL MERIDIAN, WYOMING  
T. 32 N., R. 85 W.,  
Secs. 3, 10, 15,  
T. 33 N., R. 85 W.,  
Secs. 3, 15, 22, 27, 34.

The pipeline will transport natural gas from a point in section 22, T. 32 N., R. 85 W., in a northerly direction to a point in section 34, T. 34 N., R. 85 W., Natrona County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 951 Union Blvd., Casper, Wyo. 82601.

HAROLD G. STINCHCOMB,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc. 78-812 Filed 1-11-78; 8:45 am]

#### [4310-70]

##### National Park Service GRAND CANYON NATIONAL PARK Notice of Intent

Notice is hereby given that the National Park Service will hold a series of six public meetings on the draft Colorado River Management Plan and Environmental Statement for Grand Canyon National Park during February 1978, in Arizona, Colorado, Utah, and California.

Each of the meetings will begin at 7:30 p.m., local time, and will be held on the dates and in the facilities and cities as follows:

- Feb. 13, 1978, in Room American B, Little America Hotel, 2500 East Butler Ave., Flagstaff, Ariz.
- Feb. 14, 1978, Maricopa County Board of Supervisors Auditorium, 206 West Jefferson Street, Phoenix, Ariz.
- Feb. 15, 1978, Hilton Inn—Airport, Interstate 70 at Peoria, meeting location to be posted in Hilton Inn lobby, Denver, Colo.
- Feb. 16, 1978, First Floor, State Office Building Auditorium, Capital Hill, Salt Lake City, Utah.
- Feb. 21, 1978, Room 7212, Federal Building, 11000 Wilshire Blvd., Los Angeles, Calif.
- Feb. 22, 1978, Building 201, Golden Gate National Recreation Area, Fort Mason, San Francisco, Calif.

National Park Service personnel will be available at each of the meeting locations at 6:30 p.m., local time, to answer questions or explain the details of the Plan during the hour before the meeting begins.

Concurrent with the public meetings the National Park Service will consult with various Federal, State and Local government agencies, individuals and

organizations on the proposed Colorado River Management Plan and draft Environmental Impact Statement for the Park.

The purpose of these meetings and consultations is to provide for wide citizen participation through which the Service will receive ideas, suggestions and comments from the public on the draft Colorado River Management Plan and its Environmental Statement.

The public record will remain open until March 27, 1978, during which time written comments on the planning documents will be welcomed, reviewed and considered.

Anyone wishing copies of the draft Colorado River Management Plan and its Environmental Impact Statement, additional information on the public meetings or the National Park Service planning process, or those wishing to submit comments on the planning documents may write to the Superintendent, Grand Canyon National Park, P.O. Box 129, Grand Canyon, Ariz. 86023.

Dated: December 12, 1977.

HOWARD H. CHAPMAN,  
Regional Director, Western  
Region, National Park Service.

[FR Doc. 78-856 Filed 1-11-78; 8:45 am]

#### [4410-01]

##### DEPARTMENT OF JUSTICE

###### U.S. v. CITY OF MEMPHIS

##### Proposed Consent Judgment in Action to Enjoin Discharge of Pollutants

In accordance with Departmental Policy, 28 CFR §50.7, 38 FR 19029, notice is hereby given that on December 16, 1977, a proposed consent decree in *United States v. City of Memphis* was lodged with the United States District Court for the Western District of Tennessee. The proposed decree requires construction of new sewage treatment facilities and payment of a \$25,000 civil penalty.

The Development of Justice will receive on or before February 13, 1978 written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. City of Memphis*, D. J. Ref. 90-5-1-1-725.

The proposed consent decree may be examined at the office of the United States Attorney, Western District of Tennessee; the Region IV Office of the Environmental Protection Agency, Atlanta, Ga.; the Clerk of the District Court, Western District of Tennessee; and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Pennsylvania

Avenue, Northwest, Washington, D.C. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section.

JAMES W. MOORMAN,  
Assistant Attorney General, Land  
and Natural Resources Division.  
[FR Doc. 78-843 Filed 1-11-78; 8:45 am]

#### [4410-01]

##### Antitrust Division

###### U.S. v. CLOVIS RETAIL LIQUOR DEALERS TRADE ASSN., ET AL

##### Proposed Consent Judgment And Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the District of New Mexico in Civil Action No. 74-477, *United States v. Clovis Retail Liquor Dealers Trade Assn., et al.* The complaint in this case alleges that four corporate defendants and five individual defendants, all operators of retail liquor stores in Clovis, N. Mex., conspired to raise and fix the prices of alcoholic beverages sold by them and to induce other liquor dealers to adopt and adhere to uniform and noncompetitive prices. The proposed consent judgment, if entered by the Court, will perpetually enjoin the defendants from any renewal of the conspiracy, perpetually prohibit the exchange of price information among the defendants or with other liquor dealers, and require the dissolution of the defendant trade association. The proposed consent judgment also requires that for a period of five years the defendants must take specified affirmative action to dispell the effects of the conspiracy and ensure compliance with the judgment. Public comment is invited on or before March 6, 1978. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Dwight B. Moore, Chief, Los Angeles Field Office, Antitrust Division, Department of Justice, 1444 United States Court House, 312 North Spring Street, Los Angeles, Calif. 90012.

Dated: January 3, 1978.

CHARLES F. B. McALEER,  
Special Assistant for Judgment  
Negotiations, Office of Oper-  
ations.

Crossan R. Andersen, Antitrust Division,  
U.S. Department of Justice, 1444  
United States Court House, 312 North  
Spring Street, Los Angeles, Calif.  
90012, Telephone: (213) 688-2506, At-  
torney for Plaintiff.

##### UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

*United States of America*, Plaintiff, v.  
*Clovis Retail Liquor Dealers Trade Association; Aztec Bowling Corporation; Chaparral Liquors, Inc.; Gold Lantern Lounge and Package, Inc.; Tower Hotel Corporation; Johnnie Mack Goodman, d.b.a. Boot Hill Liquors; Eddie P. Watson, d.b.a. Mabry Drive Lounge; Fred W. Johnston, d.b.a. Sunset Lounge & Package Store; Kit Pettigrew, d.b.a. Prince Lounge & Package Store; and James E. Foster, d.b.a. Lavista Lounge and Package Store*, Defendants.

Civil Action No. 74-477.  
Filed: December 30, 1977.

##### STIPULATION

It is hereby stipulated by and between the undersigned parties, plaintiff *United States of America* and each of the above named defendants, by their respective attorneys, that:

1. The parties consent that a final judgment in the form attached hereto may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. §16, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent which it may do at any time before the entry of the proposed final judgment by serving notice thereof on the defendants and filing that notice with the Court.

2. In the event plaintiff withdraws its consent hereto, or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall have no effect whatever in this or any other proceedings and the making of this Stipulation shall not in any manner prejudice any consenting party in any subsequent proceeding.

Dated: December 30, 1977.

For the Plaintiff: John H. Shenefield,  
Assistant Attorney General; William E.  
Swope, Charles F. B. McAleer, Crossan  
R. Andersen, Robert J. Rose, Attor-  
neys, *United States Department of Jus-  
tice*.

For the Defendants: Coors, Singer &  
Broullire, Robert N. Singer, Attorneys  
for Defendants *Clovis Retail Liquor  
Dealers Trade Association; Aztec Bowl-  
ing Corporation; Chaparral Liquors,  
Inc.; Gold Lantern Lounge and Pack-  
age, Inc.; Tower Hotel Corporation;  
Johnnie Mack Goodman; Fred W.  
Johnston; Kit Pettigrew; and James E.  
Foster; Wesley Quinn, Attorney for De-  
fendant Eddie P. Watson*.

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Civil Action No. 74-477.  
Filed: December 30, 1977.

##### FINAL JUDGMENT

Plaintiff, *United States of America*, having filed its Complaint herein on September 26, 1974 and the plaintiff and the defendants, by their respective attorneys, having each consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or an admission by any party with respect to any such issue of fact or law herein:

Now, Therefore, upon a determination by this Court that entry of this Judgment will be in the public interest, and without any testimony being taken herein and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, adjudged and decreed as follows:

##### I

This Court has jurisdiction of the subject matter hereof and of each of the parties hereto. The Complaint states claims upon which relief may be granted against the defendants and any of them under Section 1 of the Act of Congress of July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," as amended (15 U.S.C. §1), commonly known as the Sherman Act.

##### II

As used in this Final Judgment:

A. "Person(s)" shall mean any individual, partnership, corporation, firm, association, or other business or legal entity.

B. "Retail dealer" shall mean any person engaged in the business of selling alcoholic beverages at retail to consumers.

C. "Whoesaler" shall mean any person engaged in the sale of alcoholic beverages, purchased from the manufacturers, to a retail dealer.

D. "Alcoholic beverages" shall mean beverages containing alcohol, such as beer, wine, whiskey, scotch or other forms of liquor or distilled spirits, whether sold or intended for sale by the drink or in container.

E. "Markup" shall mean that amount added to the cost price by the retail dealer to determine the retail selling price.

##### III

The provisions of this Final Judgment applicable to any defendant shall apply to such defendant and to each of its subsidiaries, successors, and assigns, and to each of its officers, directors, partners, members, agents, and employees, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

##### IV

Each defendant shall require, as a condition of a sale or other disposition of any liquor license or other permit to operate as a retail dealer occurring within a period of five (5) years from the date of entry of this Final Judgment, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court, and serve upon the plaintiff, its consent to be bound by this Final Judgment.

##### V

Each of the defendants is enjoined and restrained from directly or indirectly, entering

into, adhering to, maintaining, furthering, enforcing, or claiming any rights under any contract, agreement, understanding, plan, program, combination, or conspiracy to:

A. Raise, fix, stabilize, maintain, determine, or adhere to prices, markups, or any other terms or conditions at which alcoholic beverages are sold or offered for sale by retail dealers; or

B. Induce, persuade, compel, or coerce any person to establish, adopt, issue, adhere to, or to police or enforce adherence to any prices, markups, terms, or conditions at which alcoholic beverages shall be sold or offered for sale by any retail dealer.

##### VI

Each of the defendants is enjoined and restrained from directly or indirectly:

A. Communicating to or exchanging with any retail dealer any information concerning any price or markup which any retail dealer utilizes or proposes to utilize in formulating any existing or proposed price, price change, discount, or other term or condition of sale at, or upon which, alcoholic beverages are to be sold;

B. Suggesting, in any manner, to any retail dealer that such retail dealer establish any markup or price, or utilize any published retail price list in formulating any retail price, on any alcoholic beverage offered for sale or to be offered for sale by such retail dealer;

C. Causing, attempting to cause, or threatening to cause physical or economic harm or property damage to any actual or potential retail dealer, to any of its owners, officers, directors, agents, partners or employees or to any family members of such owners, officers, directors, agents, partners or employees;

D. Threatening to put any retail dealer out of business;

E. Hindering, limiting, preventing, or attempting to hinder, limit, or prevent any wholesaler of alcoholic beverages from selling alcoholic beverages to any retail dealer;

F. Advocating, suggesting, urging, compelling, coercing, or attempting to influence any wholesaler to take any action to compel, advise, or encourage any retail dealer to advertise to sell alcoholic beverages at any particular price;

G. Exchanging with, or divulging to, any wholesaler of alcoholic beverages information concerning or relating to the refusal of any retail dealer to charge or adhere to any particular price; or

H. Causing, attempting to cause, or encouraging any individual to whom, by reason of age or otherwise, the sale of alcoholic beverages is prohibited by the laws of the State of New Mexico, to purchase any alcoholic beverage from any other retail dealer.

##### VII

A. The defendants are ordered within sixty (60) days after this Final Judgment is entered to dissolve the defendant *Clovis Retail Liquor Dealers Trade Association*, and, within sixty (60) days after the date of entry of this Final Judgment the defendants shall file with this Court and serve upon plaintiff an affidavit as to the fact and manner of their compliance with this subsection A of Section VII.

B. The defendants are enjoined and restrained from directly or indirectly organizing, joining, participating in the activities of, or contributing anything of value to any trade association, organization, or other



group of retail dealers, the purposes or activities of which relate to the distribution or sale of alcoholic beverages contrary to any provision of this Final Judgment; and, for a period of five (5) years from the date of entry of this Final Judgment, the defendants are enjoined and restrained from organizing or maintaining, directly or indirectly, any association of retail dealers pertaining to the retailing of alcoholic beverages in the Clovis, New Mexico, area.

## VIII

For a period of five (5) years from the date of entry of this Final Judgment, each defendant shall take the affirmative steps enumerated below to insure compliance with each provision of this Final Judgment and to advise each of its officers, directors, partners, managing agents, and employees who has responsibility for or authority over the establishment of prices of their obligations under this Final Judgment and of the criminal penalties for violations of this Final Judgment:

A. At least once each year, each defendant shall formulate and circulate to its officers, directors, partners, managing agents and pricing employees written directives to effect compliance with this Final Judgment.

B. At least once each year, each defendant shall call and conduct meetings of officers, directors, partners, managing agents and pricing employees to review the terms of this Final Judgment and the methods of compliance therewith.

C. Each defendant shall prepare and maintain for a period of five (5) years a record of each contact between said defendant, any officer, director, partner, managing agent or pricing employee of said defendant and any officer, director, partner, proprietor, managing agent or pricing employee of any other retail dealer doing business in Clovis, or Portales, New Mexico at which the business of the retail sale of alcoholic beverages was discussed. Such record shall identify the date and location of such contact, all parties to said discussion and the subject matter discussed.

## IX

For a period of five (5) years from the date of entry of this Final Judgment, each defendant is ordered to file, with this Court and the plaintiff on each anniversary date of this Final Judgment, a sworn statement setting forth the steps it has taken during the prior year to comply with paragraphs VII and VIII of this Final Judgment together with copies of all directives and records made or formulated pursuant to subsections A, B, or C of paragraph VIII. Any defendant who has engaged in no activity relating to the sale of alcoholic beverages during the preceding twelve (12) months may comply with the provisions of paragraphs VIII and IX by so stating in the sworn statement required by this paragraph.

## X

A. For the purpose of determining or securing compliance with this Final Judgment, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

1. Access during the office hours of such defendant to inspect and copy all books, led-

gers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant relating to any matters contained in this Final Judgment; and

2. Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, partners, or employees of such defendant, who may have counsel present, regarding any such matters.

B. A defendant, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing, under oath if requested, with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

No information or documents obtained by the means provided in this Section shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

If at any time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which the defendant is not a party.

## XI

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, or for the modification of any of the provisions hereof, and for the enforcement of compliance therewith and punishment of violations thereof.

## XII

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

Crossan R. Andersen, Antitrust Division, U.S. Department of Justice, 1444 United States Court House, 312 North Spring Street, Los Angeles, Calif. 90012, Telephone: 213-688-2506, Attorney for Plaintiff.

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

United States of America, Plaintiff, v. Clovis Retail Liquor Dealers Trade Association; Aztec Bowling Corp.; Chaparral Liquors, Inc.; Gold Lantern Lounge and Package, Inc.; Tower Hotel Corp.; Johnnie Mack Goodman, d.b.a. Boot Hill Liquors; Eddie P. Watson, d.b.a. Mabry Drive Lounge; Fred W. Johnston, d.b.a. Sunset Lounge & Package Store; Kit Pettigrew, d.b.a. Prince Lounge & Package Store; and James E. Foster, d.b.a. Larista Lounge and Package Store, Defendants.

Civil Action No. 74-477  
Filed: December 30, 1977.

## COMPETITIVE IMPACT STATEMENT

This Competitive Impact Statement is filed with the Court and published in the Federal Register pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b)-(h). The United States and all the defendants in this action have filed with the Court a proposed Consent Judgment to settle this litigation.

## I

## NATURE OF THE PROCEEDINGS

On September 26, 1974 the United States filed a civil complaint under the Sherman Act to enjoin and prevent the continuance of an alleged conspiracy among the defendants to raise, fix, and stabilize the retail prices of alcoholic beverages in the Clovis, N. Mex. area and to induce and persuade other Clovis liquor retailers to adopt and adhere to uniform and noncompetitive prices. The complaint seeks an injunction prohibiting all defendants from exchanging with or divulging to any competitor, information concerning prices or other terms or conditions of the sale of alcoholic beverages. The complaint also seeks the dissolution of the defendant Clovis Retail Liquor Dealers Trade Association ("Association") and such other and different relief as may be necessary to restore competition in the retail sale of alcoholic beverages in the Clovis, N. Mex. area.

Named as defendants are four corporations engaged in the retail sale of alcoholic beverages in Clovis, N. Mex.: Aztec Bowling Corp.; Chaparral Liquors, Inc.; Gold Lantern Lounge and Package, Inc.; and Tower Hotel Corp. Five individual proprietors of retail liquor stores in Clovis were also named as defendants. These individuals are: Johnnie Mack Goodman; Eddie P. Watson; Fred W. Johnston; Kit Pettigrew; and James E. Foster. All of the defendants to this action have previously pleaded nolo contendere to criminal charges with respect to this alleged conspiracy and have been sentenced.

Entry by the Court of the proposed Final Judgment will terminate the action, except that the Court will retain jurisdiction over the matter for possible further proceedings which might be required to interpret, modify, or enforce the Judgment or to punish alleged violations of any of the provisions of the Judgment.

## II

## DESCRIPTION OF PRACTICES INVOLVED IN THE ALLEGED VIOLATION

In November 1966 the New Mexico Supreme Court invalidated the New Mexico liquor Fair Trade Law. The United States alleged that the defendants thereafter engaged in a conspiracy to maintain generally the same prices and markups as existed under the Fair Trade Law. Through meetings of the Association, telephone conversations and face-to-face communications, the defendants effected an agreement to maintain such minimum prices and markups, which were published in a New Mexico trade periodical. The defendants at various times agreed to raise the price of particular brands of liquor, beer and beverages sold in their lounges and bars. The defendants also agreed that they would not pass on to their customers discounts for quantity purchases received from liquor wholesalers.

After the 1970 census of population, the New Mexico Alcoholic Beverage Control Director issued three new liquor licenses for the city of Clovis. Two of the new licensees announced that they intended to sell their goods at prices below those charged by the defendants. The United States alleged that the defendants thereafter unsuccessfully sought to induce and coerce these new licensees to adopt the uniform prices and markups agreed to by the defendants. This inducement and coercion was allegedly carried out in several ways including:

(a) engaging in repeated visits by individual defendants and delegations of defendants to the homes and businesses of the new licensees to openly induce them to join the Association and to raise their prices to the level of the Association members;

(b) making threatening and harassing telephone calls to the new licensees at their homes and businesses;

(c) holding an Association meeting attended by the new licensees to induce them to join the Association and adopt uniform and noncompetitive prices;

(d) entrapping new licensees into unlawful sales to minors; and

(e) engaging in predatory and retaliatory pricing.

According to the Complaint, the conspiracy caused competition among the defendants to be restricted, liquor prices in the Clovis area to be raised and fixed at artificial and noncompetitive levels, and caused customers of the defendants to be deprived of the opportunity to purchase alcoholic beverages at competitive prices.

## III

## EXPLANATION OF THE PROPOSED CONSENT JUDGMENT

The proposed Final Judgment enjoins any direct or indirect renewal of the type of conspiracy alleged in the Complaint. Specifically, Section V enjoins each defendant from entering into any agreement, understanding, plan, program, combination or conspiracy with any other person to fix prices on the sale of alcoholic beverages, or to induce, persuade or coerce any person to adhere to any price or condition of sale for such alcoholic beverages. These injunctions run perpetually.

Section VI enjoins each of the defendants from communicating to any competitor any information regarding any price or markup, or in any way suggesting any markup or price on any alcoholic beverages to be sold by any other retail dealer. The defendants are also enjoined from causing or threatening any physical or economic harm or property damage to any retail dealer (or potential retail dealer) or to any of his associates, employees or family members. Section VI also prohibits each defendant from interfering with wholesale purchases by any retailer; from coercing, or attempting to encourage any wholesaler to refuse to sell to any retail dealer; and from encouraging any wholesaler to require or advise any retail dealer to sell alcoholic beverages at any particular price. All attempts to cause any retail dealer to be entrapped into the sale of alcoholic beverages to minors or other persons prohibited by law from purchasing alcoholic beverages is also prohibited. These injunctions run perpetually.

For a period of five years each defendant is required to take affirmative action to ensure compliance with the Final Judgment. The defendants are required to prepare and circulate to its employees and asso-

ciates written directives and to conduct meetings to effect compliance with the consent decree. Each defendant is required to keep a record of every contact between any employee or associate, and any person representing any other Clovis retail dealer at which the business of the retail sale of alcoholic beverages was discussed.

The Final Judgment requires that the Clovis Retail Liquor Dealers Trade Association be dissolved within 60 days after entry of the judgment. For a period of five years the defendants are enjoined from organizing or participating in any trade association or other group of retail liquor dealers in the Clovis, New Mexico area. Defendants are perpetually enjoined from organizing or participating in any association with purposes contrary to the Final Judgment.

The proposed consent judgment is applicable to each of the defendants and to the officers, directors, partners, agents, and employees of each defendant, as well as to the successors to any defendant corporation. In order to emphasize the legal impact of the decree upon successors, should any liquor license held by a defendant be transferred within a period of five years after the entry of the Final Judgment, such defendant is required to obtain from the acquiring party, as a condition of the transfer, an agreement to be bound by the provisions of the Final Judgment.

It is the opinion of the Department of Justice that the proposed consent judgment provides provisions fully adequate to prevent a continuance or recurrence of the violations of the antitrust laws charged in the complaint, and to insure that liquor prices in Clovis, New Mexico, are determined in a free and competitive market. In the Department's view, the proposed consent judgment provides all of the relief that reasonably could have been obtained after a trial on the merits. Thus, in the Department's view, the disposition of the law suit without further litigation is appropriate.

## REMEDIES AVAILABLE TO POTENTIAL PRIVATE PLAINTIFFS

Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable remedies which they may have had, were the proposed consent judgment not entered. However, this judgment may not be used as prima facie evidence in private litigation pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

## V

## PROCEDURES AVAILABLE FOR MODIFICATION OF CONSENT JUDGMENT

The proposed Final Judgment is subject to a Stipulation by and between the United States and the defendants, which provides that the United States may withdraw its consent to the proposed Final Judgment until the Court has found that entry of the proposed Judgment is in the public interest. As provided by the Antitrust Procedures and Penalties Act, any person wishing to comment on the proposed Judgment may do so during a sixty (60) day period by submitting such comments in writing to Dwight B. Moore, Chief, Los Angeles Field Office, Antitrust Division, U.S. Department of Justice, 1444 United States Court House, 312 North Spring Street, Los Angeles, Calif. 90012. Such comments, together with responses thereto, will be filed with the Court

## VI

## ALTERNATIVE RELIEF PROPOSALS ACTUALLY CONSIDERED BY UNITED STATES

The proposed consent judgment provides more detailed and extensive relief than is specifically requested in the complaint. The only request for relief in the complaint not reflected in the proposed final judgment is the request that the defendants be perpetually enjoined from organizing a new association after their present association is dissolved. In this regard the decree provides for a five year prohibition against participation in any association of Clovis retail dealers and a perpetual prohibition against participation in any organization whose purposes or activities are contrary to the provision of the Final Judgment. The Department of Justice regards such relief as adequate in the circumstances.

The Department of Justice considered seeking an injunction prohibiting the defendants from utilizing any published retail price list or any retail prices prepared by another defendant, in the formulation of any retail price. The defendants objected that such a provision would prevent a defendant from unilaterally responding to a newspaper advertisement of a competitor in which prices were listed. In the Department's view, the Consent decree's prohibitions against the exchange of pricing information and against any suggestion of the use of published retail price lists, adequately assure against the recurrence of the alleged coercive behavior.

## VII

## DETERMINATIVE DOCUMENTS

Since there are no materials or documents which were determinative in formulating a proposal for a consent judgment, none are being filed by the plaintiff pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)).

CROSSAN R. ANDERSEN,  
ROBERT J. ROSE,  
Attorneys, U.S. Department of Justice.

[FR Doc. 78-844 Filed 1-11-78; 8:45 am]

[7532-01]

## NATIONAL COMMISSION ON NEIGHBORHOODS

## PUBLIC MEETING

ACTION: Notice of meeting.

SUMMARY: This notice, required under the Federal Advisory Committee Act, (5 U.S.C. Appendix, I), announces a public meeting.

TIME AND DATE: Saturday, January 28, 1978; time and place of hearing to be announced.

PLACE: Baltimore, Md.; the exact location to be published as soon as known.

STATUS: Open to the public.



AGENDA: To be published as soon as known.

**CONTACT PERSON:**

Ms. Frances Phipps, Research Director, 202-632-6856.

JONATHAN STEIN,  
Administrative Officer.  
[FR Doc. 78-864 Filed 1-11-78; 8:45 am]

[7536-01]

**NATIONAL FOUNDATION FOR THE  
ARTS AND HUMANITIES**

**PLANNING OFFICE PANEL**

**Meeting**

JANUARY 9, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended,) notice is hereby given that a meeting of the Planning Office Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in the first floor conference room from 9 a.m. to 5:30 p.m. on January 27, 1978.

The purpose of the meeting is to review NEH youth projects applications submitted to the National Endowment for the Humanities for projects beginning after May 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's delegation of authority to close advisory committee meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,  
Advisory Committee,  
Management Officer.

[FR Doc. 78-893 Filed 1-11-78; 8:45 am]

[4910-58]

**NATIONAL TRANSPORTATION  
SAFETY BOARD**

[Docket No. SA-460]

**AIRCRAFT ACCIDENT—EVANSVILLE, IND.**

**Accident Investigation Hearing**

Notice is hereby given that the National Transportation Safety Board

will convene an accident investigation hearing at 9 a.m. (local time) on February 14, 1978, in the Florida Room of the Executive Inn, Evansville, Ind.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving a National Jet Services, Inc., Douglas, DC-3, N51071, which occurred December 13, 1977, at Dress Regional Airport, Evansville, Ind.

MARTIN SPEISER,  
Senior Hearing Officer.

JANUARY 9, 1978.

[FR Doc. 78-886 Filed 1-11-78; 8:45 am]

[4910-58]

[N-AR 78-2]

**RESPONSES TO SAFETY RECOMMENDATIONS**

The National Transportation Safety Board has recently received letters in response to aviation, highway, pipeline, and railroad safety recommendations as follows:

**Aviation: A-77-17.**—Federal Aviation Administration letter of December 20 is in response to the Safety Board's inquiry of November 4 which expressed concern that the funding level for the retrofit of approach light system structures with frangible materials and fittings is inadequate and will cause a delay beyond the 3- to 5-year completion date included in recommendation A-77-17. (See 42 FR 60237, November 25, 1977.)

FAA reports that a prototype installation, using the new low-impact resistant structures, is now being installed in Detroit, Mich. Considerable design effort has resulted in a structure that will cause minimal obstruction to aircraft while still maintaining the lights under strong wind, snow, and ice conditions, FAA states. To provide a clear approach area, FAA will need to relocate the present regulator substations from the clear zone, provide maintainable structures, and minimize interference to electronic aids. These factors, plus a more detailed assessment of the individual site locations and anticipated future year costs, indicate that the total cost will be \$77 million, in contrast to the original \$40 million estimate. FAA has contracted for value engineering services in an attempt to reduce the unit price of the low-impact resistant structures, but does not expect to be able to reduce cost to the extent of program accomplishment within the original \$40 million estimate.

FAA will concentrate efforts in backfitting at airport locations with the highest exposure to aircraft movements. With the current estimated cost, FAA believes that it will be difficult to accomplish the entire task within the desired 5-year timeframe.

**Aviation: A-77-52.**—Federal Aviation Administration letter of December 23,

referring to initial response of September 30 (42 FR 55957, October 20, 1977) wherein FAA indicated its intention to circulate a proposal to revise Handbook 7110.65 by requiring controllers to solicit readbacks of clearances containing altitudes or vectors, indicates that FAA has now modified its position.

FAA believes that the responsibility for clearly understood communications should be shared by pilots and controllers and that pilot readback of certain types of clearances should be mandatory. FAA is presently studying the feasibility of revising Federal Aviation regulation (FAR) 91 by requiring pilots of airborne aircraft to read back those parts of clearances/instructions containing altitudes or vectors. Should the study result in revising FAR 91 as proposed, FAA will consider circulating a proposed change to Handbook 7110.65, requiring controllers to solicit the readback should the pilot fail to comply with the provisions of FAR 91. As an interim measure, FAA will issue a notice informing controllers of the importance of readbacks of clearances containing altitudes/vectors, especially when the clearances are issued to provide standard separation. The project will require approximately 8 months to complete.

**Highway: H-77-23 and 24.**—Letter of December 19 from the Colorado State Department of Highways responds to recommendations issued by the Safety Board following investigation of the accident involving a station wagon near Byers, Colo., October 16, 1976. (See 42 FR 58587, November 10, 1977.)

The recommendations asked the Department to expedite the review of State guardrail standards and implement recommended changes (H-77-23), and to make the necessary commitment of Federal or State funds for shielding the openings between twin bridge structures on the State's interstate system (H-77-24).

The Department notes that prior to March 1975 a budget limitation involving Federal funds was imposed which precluded the Department's mounting an exclusive accident elimination program. Since then Colorado has increased activity in constructing safety improvement projects on older portions of the interstate system. The Department has justified these projects, utilizing interstate construction funds, when accident analyses indicated positive hazards.

Referring to recommendation H-77-23, the Department states that its design engineers disagree with the statement that Colorado's 1968 Standard M-606-AB does not conform with the 1977 AASHTO "Guide for Selecting, Locating, and Designing Traffic Barriers." Using the AASHTO guide criteria, the Department states that

the Standard essentially conforms. However, the Standard is being revised to include certain new innovations contained in the guide. The Department plans to have the standard completed and in use early in 1978.

In response to recommendation H-77-24, the Department's priorities for safety improvement projects will be assigned to the most critical locations. The Department will work cooperatively, with perhaps the staff of the Federal Highway Administration, in reviewing actual accident cases and formulating recommendations on corrective actions.

**Pipeline: P-77-3.**—Letter of December 22 from UGI Corp. is in response to the Board's recommendation to expedite, in conjunction with equipment manufacturers, the development of a survey unit that could be used to detect the location of sinkholes in the vicinity of cast-iron gas mains and to investigate "downward-looking" radar equipment as one possible means of surveying for sinkholes. The recommendations resulted from investigation of the gas explosions and fires which on August 8, 1976, destroyed two houses in Allentown, Pa. (See 42 FR 30701, June 16, 1977.)

UGI reports that after considerable investigation (a reference list is attached to UGI's letter) of the state of the art regarding existing knowledge of sinkhole development and existing or potential technology for identifying areas of high risk, the following statements can be made:

1. Downward-looking radar does not offer much chance of success since current technology has been geared toward location of plastic pipe, etc., to depths not in excess of 10 feet. Potential sinkhole formations which might eventually cause near-surface subsidence are frequently located at depths of 20-120 feet. Finally, the interference or shielding from underground utilities, reinforced concrete, etc., which exist in a highly urban environment such as the Allentown-Bethlehem-Easton area would tend to render any surface-based detection device ineffective.

2. Another type of device, ground penetrating radar, has been used in certain mining applications and has greater depth potential than downward-looking radar, but is adversely affected by the same interference problems as well as a tendency to be severely affected by ground water.

3. Other techniques, such as soil resistivity measurement and airborne electromagnetic instruments, were considered but are not applicable to survey of urban areas.

4. The U.S. Department of the Interior, Bureau of Mines, is currently conducting research on seismic reflection and radar (microwave) detection techniques, although these are in the early stages of development.

5. The only technique now in use which might work is seismic detection, using boreholes, to get away from surface interference. It is a very high-cost technique and impractical to make numerous borings in an urban environment. The probability of an incident developing as a result of the nu-

merous boreholes required is likely greater than the threat posed by the sinkhole activity.

UGI reports that even if the technology were developed to identify existing potential sinkholes, one further problem remains. The Allentown limestone formation extends under almost the entire Allentown-Bethlehem-Easton area. This limestone is considered to be more soluble and, therefore, prone to the development of sinkholes; in all likelihood, there are thousands of potential sinkhole formations, UGI states.

**Pipeline: P-77-6 through 8.**—Letter of December 15 from the Pennsylvania Gas & Water Co. is in response to recommendations issued following investigation of the explosion and fire last January 25 which destroyed a house near Williamsport, Pa. (See 42 FR 30701, June 16, 1977.)

Referring to P-77-6, which called for random examination of other welds on the subject pipeline, Penn Gas reports its decision to replace that line by inserting a polyethylene liner, a solution acceptable to the Public Utility Commission staff.

With reference to P-77-7, relating to training of field personnel, Penn Gas reports that it has a continuing program and notes that the State of Pennsylvania adopted Act No. 287 about 3 years ago to specifically prevent excavation work from damaging underground lines. This Act greatly improved Penn Gas control and cooperation with other construction activities.

Regarding P-77-8, dealing with liaison with applicable fire departments, Penn Gas reports that there is an active training program for all fire departments in its service area, with primary concentration on natural gas related fires.

**Pipeline: P-77-15.**—This recommendation resulted from the investigation of the natural gas explosion last March 13 at Monongahela, Pa., and called for the Materials Transportation Bureau of the U.S. Department of Transportation to enforce the notification requirements in 49 CFR 191.5, in view of the continuing noncompliance of pipeline operators. (See 42 FR 37459, July 21, 1977.)

MTB's response of December 20 reports that enforcement actions have recently been initiated against operators who failed to telephonically report leaks pursuant to 49 CFR 191.5. With regard to such actions against the operators involved in the 12 investigations referenced by the Safety Board in recommendation P-77-15, MTB notes that the Office of Pipeline Safety Operations has initiated seven enforcement actions against six of the nine operators. In the remaining five instances, enforcement action has not yet been taken or is considered to be inappropriate.

Consistent with the recommendation, MTB will continue to review the telephonic leak reports from gas operators to determine whether these reports are in accord with 49 CFR 191.5, which requires an operator to report certain leaks telephonically to OPSO "at the earliest practicable moment following discovery." As a result of this continuing review, MTB will determine if 49 CFR 191.5 needs to be revised to establish more definitive reporting requirements. To clarify the intent of the present regulation, the telephonic reporting requirements have been emphasized by OPSO in the February and May 1977 advisory bulletins and other contacts with the industry and industry associations.

**Pipeline: P-77-27 through 33.**—Letter of December 20 from Exxon Gas System, Inc., is in response to recommendations issued following investigation of the December 7, 1976, fire involving the company's gas compressor station near Robstown, Tex. (See 42 FR 58586, November 10, 1977.)

Referring to recommendation P-77-27, which asked that Exxon insure that studs on compressor and engine components are tightened to the number of foot-pounds of torque recommended by the equipment manufacturer, Exxon reports that procedures using calibrated torque wrenches have been implemented to insure that all gas containment studs and all assembly bolts of major engine and compressor components are tightened to the number of foot-pounds of torque recommended by the equipment manufacturer. The torques are rechecked each time they are disturbed due to normal maintenance requirements and regularly at intervals of 4,500 operating hours during major overhauls. To date, all valve cover studs and a number of other critical bolts have been checked. Exxon plans to complete checking all other critical studs by March 15, 1978. Ultrasonic testing of some bolts and studs has been performed but no formal schedule is currently in effect.

Recommendation P-77-28 asked Exxon to inspect emergency shutdown valves and their components at compressor stations at more frequent intervals than 1 year (monthly or quarterly) until equipment of proven reliability has been installed, tested, and shown to be responsive for longer periods of inactivity. Exxon reports that each emergency shutdown (ESD) system is visually inspected and physically operated on a monthly interval and checked for response to "fire," "manual," "high scrubber liquid level," "valve out of position," and, where applicable, "gas detector" signals. Exxon states that only stations 1, 2, 3, and 4 have gas detectors. These monthly tests will continue until the reliability of all components in the



ESD system have proven responsive for longer periods of inactivity.

Recommendation P-77-29 called for a total systems review of electric, air, and gas-operated emergency equipment, with particular emphasis on interconnected air systems and backup of dual-feed air systems in compressor stations. Exxon interprets this recommendation to apply to the compressor block valve control system rather than the station ESD (fire gate valve) control system. The block valve control systems are operational systems rather than emergency systems, and fail-safe operation and backup power are not necessary. Some steps have been taken to make the block valve system at Station 1 fail-safe. Exxon says that the four new units are equipped with spring loaded, fail-safe actuators which will operate with loss of either power gas or instrument air.

In answer to P-77-30, which recommended that Exxon include, in emergency shutdown systems, a separate control to remotely operate valves that can independently blow down the station, Exxon states that a system which incorporates manual, remote control powered by a separate dedicated nitrogen supply has been designed to operate the station piping vent valves. Installation is 90 percent complete at station 1, final completion scheduled for early 1978. After testing and debugging at Station 1, this design will be used at all other stations.

Referring to P-77-31, which called for investigation of more dependable items of control equipment and replacement of existing solenoid and 4-way valves at fire gate valves with this equipment, Exxon reports that the station 1 ESD system has been redesigned in two phases; initial upgrading is installed and operable. Implementation of the second phase is awaiting delivery of equipment. Exxon says that one of these two designs will be applied at all other EGSI compressor stations. The first ESD system design phase incorporates an improved solenoid valve which eliminates one intermediate device but still required the 4-way valve. Reliability of the 4-way valve has been improved by a new lubrication system and periodic inspection and testing. The second design phase, which is preferable but untested, will employ a newly developed high pressure, high volume solenoid valve which will eliminate the 4-way valve. Tests of this design will begin in mid-January following receipt of the high volume solenoid valves.

Recommendation P-77-32 asked Exxon to designate critical valves on control lines (gas, air, and hydraulic) as to whether they should be normally open or closed, and place signs on these valves whenever the lines are shut down for maintenance or when the valves are not in their normal posi-

tions. Exxon will implement this recommendation within 90 to 180 days. The critical valves will be color-coded to indicate normal position and car-sealed in that position except when required in an abnormal position, in which case they will be tagged and logged.

Recommendation P-77-33 asked Exxon to train operating personnel from other stations and nearby operating divisions of the company on operating emergency transmission line valves and emergency station fire control valves and to furnish each nearby company office with a contingency plan book and drawings of all of the facilities they might be expected to operate. Exxon reports that training of company personnel in the function and operation of the emergency shutdown systems and pipeline block valves in their respective area is complete and continuing for new personnel. Personnel from certain nearby Exxon Co. U.S.A. offices have been furnished with emergency operating procedures and drawings of facilities; other company offices will be furnished with similar materials in the near future. Also, selected personnel are receiving on-site familiarization with the equipment on a continuing basis.

**Railroad: R-75-4.**—Amtrak's letter of December 15 is in response to the Safety Board's inquiry of November 4 (42 FR 60238, November 25, 1977) regarding the status of installation of emergency windows in older, conventional Amtrak passenger cars.

Amtrak states that it has recently identified certain series of cars for conversion to all-electric operation. These converted cars will be the basis of Amtrak's fleet of conventional cars to be retained for the next 10 years. Starting in February 1978, as these cars go through heavy overhaul and conversion to electric power, they will be fitted with emergency windows.

Also, Amtrak has identified a group of all-stainless steel cars, designated as "A-list," which are marked for retention in "as is" configuration. These cars will also be fitted with emergency escape windows as they undergo overhaul. Cars in this category will enter the program in March 1978.

These two programs will result in approximately 250 cars per year being equipped with the escape window modification. Amtrak anticipates that the conversion program will be completed by the first quarter of 1980.

**Railroad: R-75-6 and 7.**—Letter of December 13 from New York's Metropolitan Transportation Authority is in response to Safety Board inquiry of November 9 (42 FR 60239, November 25, 1977) as to the status and operational date of the cab signal-automatic speed control system on the Harlem and Hudson divisions.

MTA reports that it has received \$7,300,000 to date from both the Urban Mass Transportation Administration and the New York State Department of Transportation. These funds will permit the installation of cab signalling-automatic speed control from "Rose" interlocking to Mount Vernon West on the Harlem Division. Construction on this segment should start this spring and be completed by December 1979. If funds become available on an annual continuing basis, the program should be totally operational in 1983, MTA stated.

**Railroad: R-75-16.**—Federal Railroad Administration letter of December 27 is in answer to the Safety Board's inquiry of November 4 (42 FR 60238, November 25, 1977) regarding progress of certain chemical research activities mentioned in FRA's July 11, 1975, response to this recommendation. The Board issued this recommendation following the explosion of a tank carload of monomethylamine nitrate solution at Wenatchee, Wash., on August 6, 1974.

FRA reports that the Office of Hazardous Materials Operations, U.S. Department of Transportation, recently completed a request for a proposal for the development of a protocol for systematic hazardous materials transport hazard classification. To date, one prospective contractor has submitted a proposal which is being reviewed by the source selection committee.

FRA states that the purpose of this project is to implement an effective hazard classification system based on all relevant factors influencing the hazardousness of materials transportation. One of the major benefits of this system will be the avoidance of the risk of misclassification of hazardous materials. After the contract has been awarded, FRA said it will be better able to estimate the date of completion of the project.

**Railroad: R-76-10.**—Federal Railroad Administration letter of December 27 is in response to the Safety Board's request of November 2 (42 FR 60239, November 25, 1977) for additional information on the status of this recommendation, one of three recommendations resulting from the Alaska Railroad rear-end collision near Hurricane, Alaska, July 5, 1975.

FRA's response of July 12, 1976, indicated that the Alaska Railroad had instituted a formal rules educational program for all operating employees. At that time, approximately 75 percent of the operating employees had completed the program. FRA now states that it has recently contacted the Alaska Railroad Rules Examiner to determine the current status of the educational program. He advised that 95 percent of all operating employees have completed the program requirements to date. All operating employees

were to have been examined by the end of December. FRA has been assured that the program will not end when all employees have been tested once. It is a program of periodic qualifying and testing.

**NOTE.**—The above notice consists of summaries of safety recommendation response letters recently received by the Safety Board. Copies of the full text of these letters may be obtained at a cost of \$4 for service and 10 cents per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the **FEDERAL REGISTER**. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1908)).)

MARGARET L. FISHER,  
Federal Register Liaison Officer.  
JANUARY 9, 1978.  
[FR Doc. 78-885 Filed 1-11-78; 8:45 am]

#### [7590-01]

##### NUCLEAR REGULATORY COMMISSION

##### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, REACTOR FUEL SUBCOMMITTEE Meeting

The ACRS Reactor Fuel Subcommittee will hold a meeting on January 27, 1978, in Room 1046, 1717 H Street NW., Washington, D.C. 20555, to review the Design of the General Electric Co. new fuel and its use in the Edwin I. Hatch Nuclear Plant, Unit No. 2.

In accordance with the procedures outlined in the **FEDERAL REGISTER** on October 31, 1977, page 58972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

FRIDAY, JANUARY 27, 1978

8:30 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presenta-

tions by and hold discussions with representatives of the NRC Staff, the General Electric Co., the Georgia Power Co., and their consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Thomas G. McCreless, telephone 202-634-1374 between 8:15 a.m. and 5 p.m., e.s.t.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Appling County Public Library, Parker Street, Baxley, Ga. 31513.

Dated: January 5, 1978.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.  
[FR Doc. 78-816 Filed 1-11-78; 8:45 am]

#### [7590-01]

##### ADVISORY COMMITTEE ON REACTOR SAFE- GUARDS, SUBCOMMITTEE ON THE EDWIN I. HATCH NUCLEAR PLANT, UNIT NO. 2

##### Meeting

The ACRS Subcommittee on the Edwin I. Hatch Nuclear Plant, Unit No. 2, will hold a meeting on January 28, 1978, in Room 1046, 1717 H St. NW., Washington, D.C. 20555, to review the application of the Georgia Power Co. for an operating license for Unit No. 2.

In accordance with the procedures outlined in the **FEDERAL REGISTER** on October 31, 1977, page 58972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral state-

ments should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

SATURDAY, JANUARY 28, 1978

8:30 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the Georgia Power Company, and their consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Elpidio G. Igne, telephone 202-634-1920 between 8:15 a.m. and 5 p.m., EST.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Appling County Public Library, Parker Street, Baxley, Ga. 31513.

Dated: January 5, 1978.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.  
[FR Doc. 78-817 Filed 1-11-78; 8:45 am]



[7590-01]

[Docket Nos. 50-546A and 50-547A]

PUBLIC SERVICE CO. OF INDIANA, INC., AND  
WABASH VALLEY POWER ASSOCIATIONReceipt of Attorney General's Advice and Time  
for Filing of Petitions To Intervene on Anti-  
trust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated December 29, 1977:

You have requested our further advice pursuant to section 105c of the Atomic Energy Act of 1954, as amended, with respect to the above-captioned application. By letter to you dated April 15, 1975, we rendered antitrust advice with respect to Public Service Co. of Indiana's application to construct these units (40 FR 18511 (1975)). Subsequently we rendered antitrust advice with respect to the applications of Northern Indiana Public Service and East Kentucky Rural Electric Cooperative to purchase portions of these units (41 FR 53874 (1976), 42 FR 844 (1977)). You have now asked us to review the application of the Wabash Valley Power Association to purchase a portion of these plants.

WVPA is composed of 24 rural electric distribution systems which are located in northern Indiana and southern Michigan. At the present time, WVPA does not own or operate either generation or transmission facilities. The total electric load of its member systems is projected to exceed 550 megawatts in 1977. WVPA members presently meet their electrical requirements through wholesale purchases.

We have examined the information submitted by WVPA as well as other information relevant to competitive relationships in Indiana and Michigan. Our review of this information has disclosed no antitrust problems which would require a hearing by your Commission on the instant application.

Any person whose interest may be affected by this proceeding may, pursuant to section 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by February 11, 1978, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,  
Chief, Antitrust and Indemnity,  
Group Nuclear Reactor Regu-  
lation.

[FR Doc. 78-535 Filed 1-11-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE  
COMMISSION[Release No. 34-14341; File No. SR-Amex-  
77-34]

## AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule  
Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("the Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 27, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

AMERICAN STOCK EXCHANGE, INC.  
("Amex") STATEMENT OF TERMS OF  
SUBSTANCE OF THE PROPOSED RULE  
CHANGE

The American Stock Exchange, Inc. (the "Amex") proposes to amend Amex Rule 50 and the policies relating to membership to require that applicants for membership pass a floor qualification examination before being permitted to execute orders on the Floor of the Exchange. This amendment would conform the rule to current Amex practice and would parallel existing requirements for office members. (The text of amendments is attached as exhibit A).

An additional amendment to Rule 50 and the Guide to Admission of Members would make clear the Amex's authority to prescribe examinations for specialized market activities (e.g., eligibility to trade particular new products) and would require that applicants pass an appropriate examination before engaging in such activities.

AMEX'S STATEMENT OF BASIS AND  
PURPOSE

The purpose of the proposed amendments is to assure that only qualified persons are allowed to execute orders on the Floor of the Exchange.

The proposed amendments are designed to establish additional standards of training, experience and competence for Exchange members, as authorized by section 6(c) of the act, and are consistent with sections 6(b)(1) and 6(b)(2).

The Amex states that no comments were solicited or received from members or others and believes that no burden on competition will be imposed by the proposed rule changes.

On or before February 16, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned

self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 2, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

JANUARY 5, 1978.

EXHIBIT A.—AMERICAN STOCK EXCHANGE,  
INC.AMENDMENT TO "ADMISSION OF MEMBERS—  
REGULAR MEMBERS"

Paragraph 6 of "Requirements—Regular Membership" is amended to read as follows:

The Exchange requires that the applicant have adequate experience to qualify him to be active in the phase of the securities business in which he proposes to engage as a member. If the candidate is to be active on the Floor of the Exchange, he must pass an examination before being permitted to execute orders on the Floor (without supervision), and (He) must also be trained under the supervision of an experienced Floor member for a sufficient period to learn Floor procedures. Specialist and registered floor trader candidates must (i, in addition,) pass an additional examination after a period of training. Other specialized examinations may be required from time to time.

NOTE.—Brackets [ ] indicate material to be deleted and *italics* indicate material to be added.

## AMERICAN STOCK EXCHANGE, INC.

AMENDMENT TO THE RULES OF THE BOARD OF  
GOVERNORS

Rule 50 is amended to read as follows:

(Member and Partner) Examination  
Requirements

Rule 50. (a) Every applicant for regular, options principal, associate or allied membership or for approval as a general partner or officer of an associate member organization shall pass a qualifying examination prescribed by the Exchange prior to undertaking any active duties in the capacity for which application has been made, unless the examination is waived by the Exchange.

Each such applicant shall, prior to his approval, agree with the Exchange that he will, within three months after either fail-

ing to pass the examination within one year of approval or failing the examination three times, whichever occurs first, dispose of his regular or options principal membership or resign as an allied member and (retire as a general partner of his regular or options principal member organization or) sever such business relations with his member organization as require him to be an allied member or retire as a general partner or officer of his associate member organization (except as provided in (1) or (2) below).

(1) An applicant for regular membership who intends to act as a floor member and fails to qualify by passing the prescribed examination as required and who was at the time of his application qualified as an office member, partner or officer may, if he and his member organization so wish, retain his membership, continue in the member organization and act as an office member.

(2) An applicant for approval as an office member, partner or officer in a member organization who fails to qualify by passing the prescribed examination as required and who at the time of his application was qualified as a floor member may, if he and his member organization so wish, continue in the member organization and act as a floor member.

(b) Without Exchange consent, no regular member qualified as a floor member shall act as an office member for more than one year without passing the office partner examination or after failing the examination three times, whichever comes first, and no regular member qualified as an office partner shall act as a floor member for more than one year without passing the floor member examination or after failing the examination three times, whichever comes first.)

((c)) (b) Without Exchange consent no applicant for regular, options principal, associate or allied membership or for approval as a general partner or officer in an associate member organization shall be permitted to take any examination prescribed by the Exchange more than three times.

(c) The Exchange may require that a member pass additional examinations before undertaking particular types of activities.

NOTE.—[Brackets] indicate material to be deleted and *italics* indicate material to be added.

[FR Doc. 78-828 Filed 1-11-78; 8:45 am]

[8010-01]

[Release No. 14343; SR-Amex-77-27]

## AMERICAN STOCK EXCHANGE, INC.

## Order Approving Proposed Rule Change

JANUARY 5, 1978.

On September 28, 1977, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, N.Y. 10006, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change amends article IV, section 2(c) of the Exchange constitution to provide that any notice mailed to a member or

member organization at the last address registered at the Exchange shall be presumed to have been received by such member or member organization.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by publication of a Commission release (Securities Exchange Act Release No. 14069 (October 10, 1977)) and by publication in the FEDERAL REGISTER (42 FR 60032 (November 23, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

More specifically, the proposed rule change is consistent with section 6(b)(7) of the Act, which requires exchanges to provide a fair procedure for the disciplining of members. The proposed rule change appears necessary to avoid claims that notices from the Amex were not received, and appears to constitute a fair procedure since Amex members are required to register their current addresses with the Exchange.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on September 28, 1977, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-818 Filed 1-11-78; 8:45 am]

[8010-01]

[Administrative Proceeding File No. 3-5347]

BANK OF AMERICA NATIONAL TRUST & SAV-  
INGS ASSOCIATION, AS ORIGINATOR AND  
SERVICER

## Application and Opportunity for Hearing

JANUARY 4, 1978.

Notice is hereby given that Bank of America National Trust & Savings Association (applicant), Bank of America Center, 555 California Street, San Francisco, Calif. 94104, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (1934 Act) for exemption of filing certain reporting requirements under section 113 and the operation of section 16 of the 1934 Act.

Section 12(b) of the 1934 Act provides that an issuer may register securities on a national securities exchange by filing a registration statement with both the exchange and the Securities and Exchange Commission which registration contains information as to

the issuer and any person directly or indirectly controlling or controlled by the issuer as the Commission may require for the protection of investors or in the public interest.

Section 13 of the 1934 Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission for the protection of investors and to insure fair dealings in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or issuers from the registration or periodic reporting provisions under section 12 and section 13 and may exempt from section 16 any officer, director, or beneficial owner of securities of the issuer, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The applicant states in part:

1. Applicant, a national banking association, is a wholly owned subsidiary of BankAmerica Corp. The common stock and certain long-term debt issues of BankAmerica Corp. are listed on the New York Stock Exchange and registered pursuant to section 12(b) of the 1934 Act.

In the absence of an exemption, the applicant would be required to file reports adhering to all the item requirements of the Forms 10-K, 10-Q, 8-K as well as reports pursuant to section 16 of the 1934 Act.

Accordingly, applicant believes that the exemptive order requested by it is appropriate in view of the fact that Form 10-Q and certain items of the Forms 10-K and 8-K, as well as reports required pursuant to section 16 of the 1934 Act are inapplicable to the pass-through mortgage pool arrangement.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the office of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than January 30 may submit to the Commission in writing his views on any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact



and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-819 Filed 1-11-78; 8:45 am]

#### [8010-01]

[Administrative Proceeding File Nos. 3-5288, 81-289]

#### DATA DOCUMENTS, INC.

##### Application and Opportunity for Hearing

DECEMBER 29, 1977.

Notice is hereby given that Data Documents, Inc. (applicant), has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for a finding that an exemption from the requirement to file reports pursuant to sections 13 and 15(d) of the 1934 Act would not be inconsistent with the public interest or the protection of investors.

Section 13 of the 1934 Act provides that every issuer of a security registered pursuant to section 12 of the 1934 Act shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to ensure fair dealing in the security, such information and documents required to be filed pursuant to such section 12 and such annual reports and such quarterly reports as the Commission may prescribe.

Section 15(d) of the 1934 Act provides that each issuer which has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 12 of this title.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the provisions of sections 13 and 15(d) if the Commission finds, by reason of the number of public investors, amount of trading interest in

the securities, income, or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The applicant states, in part:

(1) Applicant, a Nebraska corporation, is a nationwide manufacture-distributor of a line of supplies for data processing installations;

(2) Dictaphone Corp. acquired 99.7 percent of applicant's outstanding equity securities pursuant to a tender offer of October 1976. There are currently approximately 1,500 minority shares held by approximately 70 shareholders;

(3) Applicant has outstanding \$4,000,000 principal amount of 9% percent series A notes due July 1, 1983 (the notes). These notes are held by approximately 358 noteholders; and

(4) Dictaphone Corp. has delivered to applicant and to First National Bank & Trust Co. of Lincoln, trustee under the indenture pursuant to which the notes were issued, its guarantee of payment of principal and interest thereon. Dictaphone Corp. has also undertaken to file with the trustee copies of all reports filed with the Commission, copies of its annual audit report and to otherwise ensure the compliance of applicant with its obligations under the indenture, except that noteholders will be furnished the annual report of Dictaphone Corp. wherein the results of applicant will be reported on a consolidated basis.

Accordingly, applicant believes that the exemption order requested by it is appropriate because the notes are the only class of security issued by applicant still registered with the Commission, that it is the 1934 Act reports of Dictaphone Corp., not those of applicant in which investors would be primarily interested, and that the trustee, fiduciary for the noteholders, has assented to the application for exemption. Additionally, continued reporting would be burdensome and expensive to applicant.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than January 23, 1978, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the ap-

plication which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-820 Filed 1-11-78; 8:45 am]

#### [8010-01]

[File No. 500-11]

#### GAC CORP.

##### Suspension of Trading

JANUARY 3, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock of GAC Corp. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:45 a.m. (e.s.t.) on January 3, 1978, through January 12, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-821 Filed 1-11-78; 8:45 am]

#### [8010-01]

[Rel. No. 10083; 812-4249]

#### INTERNATIONAL INVESTORS, INC., and I.L.I. SECURITIES CORP.

##### Filing of an Application for an Order Exempting a Proposed Exchange of Shares from the Provisions

JANUARY 5, 1978.

Notice is hereby given that International Investors, Inc. ("International"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, and I.L.I. Securities Corp., 122 East 42nd Street, New York, N.Y., its principal underwriter ("III"), filed an application on December 15, 1977, for an order of the Commission pursuant to section 8(c) of the Act exempting from the provisions of section 22(d) of the Act proposed transactions ("sales") pursuant to which shares of International will be issued at net asset value without a sales charge in exchange for shares of certain gold mining companies ("securities") held by Mondial Commercial, Ltd., a Liechtenstein limited company ("Mondial"), through two of their ac-

counts at the Swiss Credit Bank, the metric accounting unit survival contract ("MAUSC") subaccount and the sovereign contracts ("sovereign") subaccount (collectively, the "subaccounts"), in which approximately 512 persons have beneficial interests ("account holders"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

International has been informed that Progress Foundation, a Swiss charitable institution, owns all of the stock of Mondial. In November 1975, the Commission initiated enforcement proceedings in the U.S. District Court for the District of Columbia (the "District Court") against various individuals and entities, including Progress Foundation and Mondial. The Court appointed a special counsel (the "special counsel") on behalf of the account holders. Additionally, the Swiss Banking Commission issued a decree (the "Swiss decree") in June 1976 providing that all assets of the various Mondial subaccounts, including the subaccounts, be distributed to the investors in a manner to be approved by the Swiss Banking Commission and satisfactory to the Commission.

International has been advised by the special counsel that in furtherance of the Swiss decree, and in connection with settlement of the enforcement proceedings initiated by the Commission, plans calling for the complete distribution of the assets in the subaccounts were presented to the Swiss Banking Commission and the District Court for approval. The District Court approved such plans by order dated December 6, 1977. The Swiss Banking Commission is expected to consider the plans on January 19, 1978, and the special counsel has been advised that the staff of the Swiss Banking Commission has concluded that they are within the scope of the Swiss decree and that no reason appears why the plans will not be approved by the Swiss Banking Commission. The distribution plan calls for the sale of International shares in exchange for the Securities held by Mondial through the subaccounts. It is contemplated that the plan will avoid any possible adverse effects to the account holders that might otherwise result from an open market sale of the securities.

Applicants state that, ordinarily, sales of International's shares, are made through its underwriter, III, at their net asset value plus a sales charge. According to International's prospectus, the maximum sales charge is 8.50 percent, which is applicable to purchases of less than \$10,000, and the sales charge decreases to 1.25 percent on purchases of \$50,000 or more. The sales charge is reduced on shares purchased by an investor who purchases

under an accumulation plan and no sales charge is imposed on reinvestment of income dividends or on the sale of International shares for investment to officers, directors, and bona fide, full-time employees of International, its investment adviser, or III, or on reinvestment of capital gains or on purchases made under exchange privileges with other open-end investment companies.

Applicants state that sales of International shares to the subaccounts will be made on the following basis: Each subaccount will deliver to International a written order for the purchase of International shares having an aggregate net asset value (as next computed following receipt of the order) equal to the net asset value of the securities delivered with such order to International by that subaccount. After receipt of appropriate purchase orders International proposes to issue its shares to the subaccounts in exchange for Securities owned by them, which had a market value of approximately \$7,734,040 on December 8, 1977. The International shares are to be issued at the net asset value thereof, without a sales charge. The number of International shares to be issued in exchange for the securities of each subaccount will be determined by dividing the net asset value of the securities that each subaccount delivers by the net asset value per share of International's shares, both computed as of the time International's net asset value per share is next determined after that subaccount's delivery of a purchase order to International by the subaccounts will be valued in accordance with rule 2a-4(a)(1) under the Act and International's normal procedures for valuing its portfolio securities. The Board of Directors of International has determined that such valuation is appropriate. In making such determination the Board considered all factors which it deemed relevant, including: (i) The amount and quality of the securities to be acquired their markets and trading volumes and their compatibility with the investment policies and objectives of International, (ii) the fact that the sales will be consummated without expense to International, (iii) the benefits for the shareholders of International, (iv) the possible adverse effect on the issues now held by International if all the securities held by the subaccounts were sold simultaneously at whatever prices might be obtainable on that basis, (v) the ability of International to process its normal expected level of redemptions, and (vi) the possibility that prior to the sales some of the securities may be sold to provide for the payment of certain liabilities of the subaccounts.

International will accept only securities for which market quotations are readily available as of the date of the

sale. International has determined that as of December 8, 1977, such market quotations are readily available for all the securities and, accordingly, presently intends to accept all the securities. The special counsel has advised International that he does not expect that the subaccounts will acquire additional securities or dispose of any of the securities before the sales, except that it may be necessary to sell a relatively small amount of the securities in order to provide for the payment of certain liabilities such as Swiss taxes and administration expenses. In the event securities are sold for such purpose, the special counsel has agreed that a list of the remaining securities will be provided to International and that no securities will be sold during the ten days prior to the consummation of the sales.

Applicants state that, had the purchase orders been delivered before the close of business on December 8, 1977, and the sales consummated on December 9, 1977, 834,308,522 shares of International having a net asset value of \$9.27 each would have been issued. International has no current intention of selling any of the securities it receives in the above transactions within a relatively short period of time following their acquisition.

The special counsel has advised International that it will be requested to issue its shares directly to the appropriate account holders, or to persons acting on their behalf, in accordance with plans approved by the Court and to be approved by the Swiss Banking Commission. In all cases the person to whom International shares are issued will become the record owner of such shares. Upon the issuance of International shares to the account holders, an appropriate confirmation and copies of International's then current prospectus and its most recent report to shareholders will be delivered to each account holder. Sales will be made only to persons authorized to act for the subaccounts. Accordingly, although International anticipates that its shares will be issued directly to the account holders (or to persons acting on their behalf), no offer or sale will be made to the account holders in connection with the sales and they will exercise no investment discretion in connection therewith. International has been advised that together with International's confirmation, prospectus, and report, each account holder will receive a report from the special counsel concerning the distribution of International shares to the account holder. It should be noted that the subaccounts and International represent different types of investment media in that the subaccounts provide their account holders with an annuity type arrangement whereas International is not an annuity type investment.



International has determined, on the basis of the market prices of the Securities as of December 8, 1977, that International's acquisition of the securities would not, on a pro forma basis giving effect to the completion of the sales, cause: (a) International to hold more than 10 percent of the outstanding shares of any one issuer, (b) securities of any one issuer to constitute more than 5 percent of the net assets of International, or (c) International to be in violation of any of its internal policies. Further, applicants state that no sale will be made to either subaccount unless: (i) A plan providing for the purchase of International shares by such subaccount has been approved by the Court and the Swiss Banking Commission, (ii) all securities to be acquired by International are acceptable to it on the date of the sale, (iii) such subaccount offers to International all securities held by the subaccount on the date of the sale, and (iv) evidence satisfactory to International is presented that the person effecting the sale on behalf of such subaccount has the authority to do so.

For Federal income tax purposes, the sales will be treated as taxable transactions for the subaccounts and their respective account holders, to the extent each is subject to such taxes. Because International will not acquire the securities pursuant to a plan of reorganization or liquidation, it will not be entitled to any loss carryover which may have been available to the subaccount. The tax basis of the securities in International's hands will be their fair market value, computed as provided above, at the close of business on the date(s) the subaccounts deliver their purchase orders. Because the securities will be acquired by International at their fair market value, no unrealized appreciation or depreciation will carry over to International.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company except at a current offering price described in the prospectus. The current public offering price of the shares of International as described in its prospectus is net asset value per share plus a sales charge. As noted above, such sales charge will not be applicable to the sales. Applicants state that without an exemption from section 22(d) of the Act International would be prohibited from issuing its shares to the subaccounts without a sales charge.

Applicants state that neither III nor International will bear any expenses in connection with the proposed sales, except that International will bear the ongoing transfer agent expenses customarily borne by it in connection

with any of its outstanding shares and III will bear the cost of confirmations, prospectuses and shareholder reports to be distributed to the account holders. All other expenses, including fees and out-of-pocket costs of counsel, which arise in connection with the sales will be incurred by International's investment adviser, which will be reimbursed therefor by the subaccounts.

There is no connection between International and the subaccounts. The management of International considers the proposed acquisition by it of the securities in exchange for International shares to be at a fair price, arrived at by arms-length bargaining, and believes that the sales would be beneficial to the shareholders of International for the following reasons:

(a) Those expenses of International which do not rise proportionately with an increase in portfolio size will be spread over a larger number of shares and therefore will be a smaller amount per share to the benefit of existing shareholders;

(b) The proposed acquisition will enable International to acquire at one time additional securities for its existing portfolio without affecting the market in such securities;

(c) The securities will be acquired by International at less expense than would be the case of securities of the same issuers were purchased in the open market, for the reason that there will be no brokers' commissions or dealer mark-ups in connection with the sales. In addition, no sales effort will be involved, and no sales costs or other costs (except the ongoing transfer agent expenses customarily borne by International in connection with any of its outstanding shares) will be incurred by International, in connection with the sales. Applicants argue that it seems only fair to recognize such costs savings and to pass them along to the subaccounts; and

(d) Applicants represent that, even assuming that 100 percent of the account holders should redeem their International shares promptly after the sales, the ability of International to process both such redemptions and its normal expected level of redemptions will not be jeopardized since International has sufficient cash on hand to be able to handle them.

Section 6(c) provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the rules promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants state that in their opinion the terms of the sales are fair and reasonable and in the best interests of International and its shareholders, and, therefore, that granting of the requested exemption is consistent with the general purposes of the Act, and is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 30, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as a matter of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-822 Filed 1-11-78; 8:45 am]

[8010-01]

[Release No. 34-14344; File No. SR-MSRB-78-1.]

#### MUNICIPAL SECURITIES RULEMAKING BOARD Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 4, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

#### STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The Municipal Securities Rulemaking Board (the "Board") is filing proposed amendments to rule G-3 (hereafter sometimes called the "proposed rule changes") as set forth below. The proposed rule changes designate the Board's examination requirements for qualification as a municipal securities representative. The proposed rule changes also provide, in effect, that qualification as a general securities representative is an alternative means of satisfying the Board's examination requirements. In addition, the proposed rule changes provide an exemption from the examination requirements for persons entering the municipal securities business as municipal securities representatives after December 1, 1975 who were qualified at the time of entry as general securities representatives or general securities principals, and who have actively performed the functions of a municipal securities representative since that time.

#### STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

#### PURPOSE OF PROPOSED RULE CHANGES

The purposes of the proposed rule changes are (1) to designate the Examination as satisfying the Board's examination requirements for qualification as a municipal securities representative; (2) to provide for qualification as a general securities representative as an alternative means of satisfying the Board's examination requirements for municipal securities representatives; and (3) to exempt from the examination requirements certain persons who were qualified as general securities representatives when they entered the municipal securities business.

#### EXAMINATION REQUIREMENTS FOR MUNICIPAL SECURITIES REPRESENTATIVES

Board rule G-3 generally requires that defined categories of municipal securities professionals, including municipal securities representatives, take and pass appropriate qualification examinations. The proposed rule changes provide that, subject to certain exceptions, every municipal securities representative must take and pass the Examination or qualify as a general securities representative in order to qualify as a municipal securities representative. The provision for qualification as a general securities representative is conditional upon consummation of an agreement (hereafter

<sup>1</sup> See rule G-3(e) (ii) and (v).

called the "Proposed Agreement") among the Board, the National Association of Securities Dealers, Inc. (the "NASD") and the New York Stock Exchange, Inc. (the "NYSE") concerning the qualification requirements for general securities representatives, as more fully described below.

#### DEVELOPMENT OF EXAMINATION

(A) *Establishment and Operation of Advisory Committee.* In August 1976, the Board established the Professional Qualifications Advisory Committee (the "Advisory Committee") for the purpose of developing the Examination. The Advisory Committee consists of 13 persons with extensive experience in the securities industry, all of whom have performed the functions of a municipal securities representative or general securities representative over an extended period of time and most of whom supervise other persons in the performance of such functions. Advisory Committee members are or have been associated with securities firms and bank dealers and come from diverse geographic areas.

In order to assure that the Examination would test knowledge of subjects necessary for the performance of the functions of a municipal securities representative, the Advisory Committee analyzed such functions and developed a detailed outline of subjects based on such analysis. This outline was used as the basis for developing questions for the Examination and a study guide for the Examination. The outline also served as the basis for developing examination specifications (hereafter called the "Examination Specifications") which set forth the relative weight to be accorded to each of the subject areas on the Examination and, accordingly, the number of questions from each area to be included on each form of the Examination.

The Advisory Committee has met eight times since its inception. Representatives of Educational Testing Service of Princeton, New Jersey ("ETS"), the NASD, the NYSE and the Board participated in these meetings. At each meeting, members of the Advisory Committee presented draft questions which were discussed and revised as necessary or rejected. In addition to the appropriateness of the questions for the Examination, the Advisory Committee gave attention to the consistency of format and difficulty level between questions developed by the Advisory Committee and questions on the General Securities Registered Representative Qualification Examination (Series 7) (the "Series 7 Examination").

(B) *Pretest Program.* On September 29, 1977, the Board administered pretest examinations of the 340 questions then developed by the Advisory Committee. The purpose of the pretest program was to assess the reliability of

the questions as a measure of knowledge and the relative difficulty of the questions. The Board retained the services of a representative of ETS as a consultant for the pretest program.

A total of 292 municipal securities representatives took the pretest examination. The results were analyzed by the NASD and ETS utilizing the same procedures as apply to the Series 7 Examination. The mean score of all persons taking the examination was 72 percent and the reliability factor of the questions was .94 out of a possible 1.00.

In November 1977, the Advisory Committee met and reviewed each of the questions identified in the pretest program as needing revision and made changes in such questions as necessary, resulting in the inclusion of 335 questions in the question bank for the Examination.

#### DESCRIPTION OF EXAMINATION

The Examination consists of a question bank containing the 335 questions approved by the Advisory Committee, an answer key and the Examination Specifications.<sup>1</sup> Each form of the Examination will consist of 100 questions chosen from the question bank in accordance with the Examination Specifications. In order to preserve the validity of the Examination as a means of determining the qualifications of municipal securities representatives, the Board is requesting, concurrent with the filing, that the Securities and Exchange Commission (the "Commission") grant confidential treatment to the Examination, pursuant to Commission rule 24b-2.

The proposed rule changes provide that the passing grade on the Examination will be determined by the Board. The Board has determined that the passing grade will be 70 percent, with all questions on each form of the Examination being weighted equally.

#### EFFECTIVE DATE OF EXAMINATION REQUIREMENTS

Under the terms of Board rule G-3(e)(vi), as proposed to be amended in a filing with the Commission dated November 25, 1977 (File No. SR-MSRB-77-18), the requirement to take the Examination will become effective six months following the date of first administration of the Examination (the "Effective Date"). A person subject to the examination requirements who presently acts as a municipal securities representative or becomes a municipal securities representative before the Effective Date will be re-

<sup>1</sup> The Board plans to publish a study guide based on the Examination Specifications which will indicate the weight assigned to major subject categories on the Examination, but does not intend to publish the Examination Specifications.

quired to take and pass the Examination or general securities principals publishes its reasons of so finding or

to ———, [the effective date of a representatives prescribed by the Board] mentioned self-regulatory organiza-



quired to take and pass the Examination by the Effective Date in order to continue functioning as a municipal securities representative. A person who intends to become a municipal securities representative on or after the Effective Date will not be able to function as a municipal securities representative without having taken and passed the Examination or qualified as a general securities representative.

#### ALTERNATIVE QUALIFICATION AS GENERAL SECURITIES REPRESENTATIVE

The proposed rule changes also recognize qualification as a general securities representative as satisfying the board's examination requirements. Rule G-3(e)(II) presently provides an exemption from the Board's examination requirements for persons who, on the date of Commission approval of the proposed rule changes (the "Approval Date"), are duly qualified as general securities representatives or general securities principals. The proposed rule changes would continue the exemption for general securities representatives beyond the Approval Date, conditional upon consummation of the Proposed Agreement. The purpose of such an exemption is to enable persons who wish to qualify as both general securities representatives and municipal securities representatives to do so by taking and passing one comprehensive examination. Under the Proposed Agreement, the Series 7 Examination would be modified to include a substantial number of questions from the question bank for the Examination, selected in accordance with the Examination Specifications, on each form of the Series 7 Examination. The Proposed Agreement also provides that the performance of general securities representatives on such questions will be monitored to assure that the Series 7 Examination as modified is an appropriate test of the qualifications of municipal securities representatives.

#### EXEMPTION FOR GENERAL SECURITIES REPRESENTATIVES QUALIFIED PRIOR TO APPROVAL DATE

The proposed rule changes provide an exemption from the Board's examination requirements for persons qualified as general securities representatives on the date they became municipal securities representatives and who continue to function as municipal securities representatives until the Approval Date. This proposed rule change affects persons who became associated with bank dealers after December 1, 1975 and who were, at the time of such association qualified as general securities representatives pursuant to the rules of the NASD or rule 15b8-1 of the Commission or general securities principals, but whose qualification as general securities representa-

tives or general securities principals lapsed because they have been associated with a bank dealer for two or more years.

#### BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES.

The Board has adopted the proposed rule changes pursuant to the provisions of section 15B(b)(2)(A) of the Securities Exchange Act of 1934, as amended (the "Act"), which directs the Board to propose and adopt rules which

provide that no municipal securities broker or municipal securities dealer shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any municipal security unless . . . such municipal securities broker or municipal securities dealer and every natural person associated with such municipal securities broker or municipal securities dealer meets such standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors.

Section 15B(b)(2)(A) of the Act also provides that the Board may appropriately classify municipal securities brokers and municipal securities dealers and their associated personnel and require persons in any such class to pass tests prescribed by the Board.

#### COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGES.

The Board has not solicited or received comments on the proposed rule changes. However, in the course of development of the Examination, the Board received substantial input from the Advisory Committee, representatives of ETS, the NASD and the NYSE, and participants in the Board's pretest program. In addition, the proposed exemption for persons who became municipal securities representatives after December 1, 1975 and were qualified as general securities representatives or general securities principals at the time they became municipal securities representatives is responsive to concerns expressed orally by members of the municipal securities industry and representatives of the federal bank regulatory agencies with regard to the status of certain bank dealer personnel.

#### BURDEN ON COMPETITION

The Board has concluded that any burden on competition imposed by its professional qualification rules, including the requirement to take and pass qualification examinations, is necessary and appropriate in furtherance of the purposes of the Act.

On or before February 16, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and

publishes its reasons of so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 13, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

JANUARY 5, 1978.

#### TEXT OF PROPOSED RULE CHANGES<sup>1</sup>

Rule G-3. Classification of Principals and Representatives; Numerical Requirements; Testing.

(e) Qualification Requirements for Municipal Securities Representatives.

(i) Except as otherwise provided in this section (e), every municipal securities representative shall take and pass the *Municipal Securities Representative Qualification Examination* [an appropriate qualification examination for municipal securities representatives prescribed by the Board by rule] prior to being qualified as a municipal securities representative. *The passing grade shall be determined by the Board.* [Such examination shall test such matters as the Board may deem pertinent.]

(ii) The requirements of paragraph (e)(i) shall not apply to any person associated with a municipal securities broker or municipal securities dealer who:

(A) Was, on December 1, 1975, actively performing the functions of a municipal securities representative and, during the period from such date

<sup>1</sup>Based on the text of rule G-3 as proposed to be amended in the Board's filing dated November 25, 1977 (File No. SR-MSRB-77-18). Italics indicate new language; [brackets] indicate deletions.

to ———, \* [the effective date of a rule of the Board first prescribing a qualification examination for municipal securities representatives,] has continuously performed such functions;

(B) On ——— \* [the effective date of a rule of the Board first prescribing a qualification examination for municipal securities representatives] is duly qualified as a general securities representative or general securities principal with a registered securities association or in a general securities supervisory capacity with a national securities exchange; [or]

(C) If the municipal securities broker or municipal securities dealer with which such person is associated is subject to rule 15b8-1 under the Act (other than paragraph (d) thereof), is, on ——— \* [the effective date of a rule of the Board first prescribing a qualification examination for municipal securities representatives], duly authorized pursuant to rule 15b8-1(a)(1)(i) under the Act to engage in the activities specified therein;

(D) *Between December 1, 1975 and ——— \* became a municipal securities representative, and was, at the time of becoming a municipal securities representative, duly qualified as a general securities representative or general securities principal with a registered securities association or in a general securities supervisory capacity with a national securities exchange or duly authorized pursuant to rule 15b8-1(a)(1)(i) under the Act to engage in the activities specified therein, and between the time of becoming a municipal securities representative and ——— \* has continuously performed the functions of a municipal securities representative; or*

(E) *becomes duly qualified as a general securities representative with a registered securities association on or after ———, \* and is duly qualified as such a general securities representative at the time such person becomes a municipal securities representative.*

(iii) Any person who ceases to be associated with a municipal securities broker or municipal securities dealer (whether as a municipal securities representative or otherwise) for two or more years at any time after having qualified as a municipal securities representative in accordance with the requirements of paragraph (e)(i) of this rule or being exempted therefrom in accordance with paragraph (e)(ii) of this rule or having compliance with paragraph (e)(i) waived pursuant to paragraph (e)(v) of this rule shall take and pass the *Municipal Securities Representative Qualification Examination* [appropriate qualification examination for municipal securities rep-

\*The date of approval by the Commission of the proposed rule changes.

representatives prescribed by the Board] prior to being qualified as a municipal securities representative *unless exempt therefrom pursuant to the provisions of subparagraph (e)(ii)(E) of this rule.*

(iv) The requirements of paragraph (e)(i) shall not apply to any person [persons] who is [are] qualified as a municipal securities principal [principals] or general securities representative [representatives] or general securities principal [principals] and who becomes [become] a municipal securities representative [representatives] on or after ———. \* *Provided, That such person [persons] shall take and pass the Municipal Securities Representative Qualification Examination* [appropriate qualification examination for municipal securities representatives prescribed by the Board] within 90 days after becoming a municipal securities representative [representatives], or *qualify as a general securities representative with a registered securities association within 90 days after becoming a municipal securities representative.*

(v) The requirements of paragraph (e)(i) may be waived by a registered securities association with respect to a person associated with a member of such association, by the Commission with respect to a person associated with any other municipal securities broker or municipal securities dealer (other than a bank dealer), or by the appropriate regulatory agency with respect to a person associated with a bank dealer, in extraordinary cases in which such person demonstrates extensive experience in a field closely related to the business of such municipal securities broker or municipal securities dealer in municipal securities.

(vi) The requirements of paragraph (e)(i) shall become effective on ——— (six months following the date of the first administration of the *Municipal Securities Representative Qualification Examination*) [a qualification examination for municipal securities representatives designated by the Board].

[FR Doc. 78-829 Filed 1-11-78; 8:45 am]

#### [8010-01]

[Release No. 34-14345; File No. SR-MSRB-78-2.]

#### MUNICIPAL SECURITIES RULEMAKING BOARD Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 4, 1978, the above-

\*The date of approval by the Commission of the proposed rule changes.

mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

#### STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The text of the proposed rule change is as follows:

#### Rule A-4(d) Action Without a Meeting.\*

Action by the Board, other than action on proposed rules or proposed amendments to rules of the Board, may be taken without a meeting by written consent [signed by all members] of the Board setting forth the action so taken or by telephone poll of all members of the Board: *Provided, That, in the case of action taken by telephone poll, the Board, at a meeting, or the chairman of the Board authorizes the action to be taken by such means. [Any action taken by telephone poll shall be confirmed at the next Board meeting.] The Executive Director shall transmit to each Board member, as soon as practicable after a telephone poll is taken, a written statement setting forth the question or questions with respect to which the telephone poll was taken and the results of the telephone poll. Such statement shall also be entered in the minutes of the next Board meeting. In the case of action taken without a meeting by written consent or telephone poll, an affirmative vote of a majority of the whole Board is required.*

#### STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

#### PURPOSES OF PROPOSED RULE CHANGE

The purposes of the proposed rule change are to modify the voting requirement for Board action taken without a meeting to conform it to the voting requirement for Board action taken at a meeting; to establish a procedure for advising Board members promptly of the results of a telephone poll; and to provide for the recording of the results of such a poll.

#### BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(I) of the Securities Exchange Act of 1934, as amended (the "Act"), which authorizes the Board to adopt rules providing for the operation and administration of the Board.

#### COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGE

Comments have not been solicited or received on the proposed rule change.

\*Italics indicate additions; [brackets] indicate deletions.



## BURDEN ON COMPETITION

The Board has determined that the proposed rule change does not impose any burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3)(A) of the Act. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 2, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

JANUARY 5, 1978.

[FR Doc. 78-830 Filed 1-11-78; 8:45 am]

## [8010-01]

[Release No. 14342; SR-NYSE-77-30.]

## NEW YORK STOCK EXCHANGE, INC.

## Order Approving Proposed Rule Change

JANUARY 5, 1978.

On November 14, 1977, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, N.Y. 10005, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change rescinds Rule 438 which restricts members or member organizations from publishing the actual prices of bids or offers for listed securities in any publication.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Re-

lease (Securities Exchange Act Release No. 14194, (November 21, 1977)) and by publication in the FEDERAL REGISTER (42 FR 61100 (December 1, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

More specifically, the proposed rule change is consistent with Section 6(b)(5) and 6(b)(8) of the Act. Section 6(b)(5) of the Act prohibits an exchange's rules from permitting unfair discrimination among brokers and dealers and Section 6(b)(8) prohibits exchange rules from imposing any burden on competition necessary or appropriate in furtherance of the Act. The proposed rule change will enable NYSE members to compete more effectively in the third market and thus enhance competition among brokers and dealers and removes an unnecessary burden on competition.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on November 14, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-823 Filed 1-11-78; 8:45]

## [8010-01]

[File No. 500-11]

## STARR BROADCASTING GROUP, INC.

## Suspension of Trading

JANUARY 4, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Starr Broadcasting Group, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10 a.m. (e.s.t.) January 4, 1978 through January 13, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-824 Filed 1-11-78; 8:45 am]

## [8010-01]

[File No. 500-11]

## TENNESSEE FORGING STEEL CORP.

## Suspension of Trading

JANUARY 4, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Tennessee Forging Steel Corp. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 3:40 p.m. (e.s.t.) on January 4, 1978, through January 13, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-825 Filed 1-11-78; 8:45 am]

## [8010-01]

[File No. 500-11]

## WESTAMERICA AUTOMOTIVE CORP.

## Suspension of Trading

DECEMBER 29, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Westamerica Automotive Corp. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 1 p.m. (e.s.t.) on December 29, 1977 through midnight (e.s.t.) on January 7, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-826 Filed 1-11-78; 8:45 am]

## [8010-01]

[File No. 500-11]

## WESTERN GOLD MINING INC.

## Suspension of Trading

DECEMBER 29, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Western Gold Mining Inc. being traded on a national securities exchange or otherwise is required in

the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 1 p.m. (e.s.t.) on December 29, 1977 through midnight (e.s.t.) on January 7, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-827 Filed 1-11-78; 8:45 am]

## [8025-01]

## SMALL BUSINESS ADMINISTRATION

## REGION II—REGIONAL EXECUTIVE BOARD

## Public Meeting

The Small Business Administration Region II Executive Board will hold a public meeting at 1:30 p.m., Thursday, January 26, 1978, in Room 3214, U.S. Federal Building, 26 Federal Plaza, New York, N.Y., to discuss such business as may be presented by members, the staff of the Small Business Administration, or others attending. For further information, write or call Ivan E. Irizarry, Regional Director, 26 Federal Plaza, New York, N.Y. 10007, 212-264-1450.

Dated: January 6, 1978.

(Ms.) K. DREW,  
Deputy Advocate for  
Advisory Councils.

[FR Doc. 78-800 Filed 1-11-78; 8:45 am]

## [8025-01]

## REGION III—REGIONAL EXECUTIVE BOARD

## Public Meeting

The Small Business Administration Region III Executive Board will hold a public meeting at 1 p.m., Tuesday, January 24, 1978, in the Philadelphia District Office Conference Room, U.S. Small Business Administration, Philadelphia District Office, Suite 400, East Lobby, One Bala Cynwyd Plaza, Bala Cynwyd, Pa., to discuss such business as may be presented by members, the staff of the Small Business Administration, or others attending. For further information, write or call Daniel P. Henson III, Regional Director, Suite 646, West Lobby, One Bala Cynwyd Plaza, Bala Cynwyd, Pa. 19004, 215-596-5901.

Dated: January 6, 1978.

K. DREW,  
Deputy Advocate for  
Advisory Councils.

[FR Doc. 78-801 Filed 1-11-78; 8:45 am]

## [8025-01]

## REGION IV—REGIONAL EXECUTIVE BOARD

## Public Meeting

The Small Business Administration Region IV Executive Board will hold a public meeting from 9 a.m. to 4:30 p.m., Thursday, January 19, 1978, in the Regional Office Conference Room, Room 502, 1375 Peachtree Street NE., Atlanta, Ga., to discuss such business as may be presented by members, the staff of the Small Business Administration, or others attending. For further information, write or call Wiley S. Messick, Regional Director, U.S. Small Business Administration, 1375 Peachtree Street NW., 5th Floor, Atlanta, Ga. 30309, 404-257-4999.

Dated: January 6, 1978.

K. DREW,  
Deputy Advocate for  
Advisory Councils.

[FR Doc. 78-797 Filed 1-11-78; 8:45 am]

## [8025-01]

## REGION VI—REGIONAL EXECUTIVE BOARD

## Public Meeting

The Small Business Administration Region VI Executive Board will hold a public meeting from 1 p.m. to 4:30 p.m., Tuesday, January 17, 1978, in Room 7A23, 1100 Commerce Street, Dallas, Tex., to discuss such business as may be presented by members, the staff of the Small Business Administration, or others attending. For further information, write or call Fred S. Neumann, Regional Director, U.S. Small Business Administration, 1720 Regal Row, Suite 230, Dallas, Tex. 75214-749-1261.

Dated: January 5, 1978.

K. DREW,  
Deputy Advocate for  
Advisory Councils.

[FR Doc. 78-799 Filed 1-11-78; 8:45 am]

## [8025-01]

## REGION VII—REGIONAL EXECUTIVE BOARD

## Public Meeting

The Small Business Administration Region VII Executive Board will hold a public meeting from 1 p.m. to 4 p.m., Wednesday, January 18, 1978, in Room 2506, Old Federal Building, 911 Walnut, Kansas City, Mo., to discuss such matters as may be presented by members, staff of the Small Business Administration, or other present. For further information, write or call Conrad E. Lawlor, Room 2311, 911 Walnut, Kansas City, Mo., 816-374-3316.

Dated: January 5, 1978.

K. DREW,  
Deputy Advocate for  
Advisory Councils.

[FR Doc. 78-798 Filed 1-11-78; 8:45 am]

## [4910-14]

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## NEW YORK HARBOR VESSEL TRAFFIC SERVICE ADVISORY COMMITTEE

## Open Meeting

The New York Harbor Vessel Traffic Service Advisory Committee will conduct an open meeting on Wednesday, February 15, 1978, in the Community Center, Building 301, Governors Island, New York. The meeting is scheduled to begin at 10:30 a.m.

The agenda for this meeting of the New York Harbor Vessel Traffic Service Advisory Committee is as follows:

1. Discussion of a proposal that pilots serve in an advisory capacity in the Vessel Traffic Center.
2. Status report on the implementation of the New York Vessel Traffic Service presented by the Vessel Traffic Service Staff.
3. Comments and questions from the floor.

The New York Harbor Vessel Traffic Service Advisory Committee was established by the Commander, Third Coast Guard District to advise on the need for, and development, installation and operations of a Vessel Traffic Service for New York Harbor.

Members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may obtain additional information or the summary of the minutes of the meeting by writing to: Commander P. C. Shearer, USCG, Project Officer, New York Vessel Traffic Service, Governors Island, New York, N.Y. 10004.

or by calling 212-264-0409.

This Notice is issued under section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. 1).

Dated: December 28, 1977.

B. E. THOMPSON,  
Captain, U.S. Coast Guard,  
Chief of Staff, Third Coast  
Guard District.

[FR Doc. 78-869 Filed 1-11-78; 8:45 am]



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[4910-06]

Federal Railroad Administration  
[Docket No. RFA 505-77-9]

PURCHASE OF REDEEMABLE PREFERENCE  
SHARES

Receipt of Application

Project. Notice is hereby given that the Utah Railway Co. ("applicant"), 1770 University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, has filed an application with the Federal Railroad Administration ("FRA") under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 825, seeking financial assistance through the sale of the United States of redeemable preference shares ("shares") in the years 1978 and 1979 having an aggregate par value of \$4,960,000. Applicant proposes to redeem the par value of the shares and to pay dividends on the shares under terms to be agreed upon between applicant and FRA so that payments will commence 11 years from the date of issuance of the shares and the par value of all shares will be redeemed within 30 years of their date of issuance.

The proceeds of the sale of the shares are to be used by the applicant: (1) To rebuild or overhaul 14 locomotives, (2) to replace road bed, ties, rail, and signal systems in the Mohrland-Hiawatha area and at all curves, steep grades, switch points, and bridge and tunnel approaches, and (3) to install a one-mile passing track and signal

system at Healy, in accordance with the following schedule:

Project	Completion date	FRA funding
Locomotives	1979	\$4,035,000
Track replacement	1978	700,000
Track installation	1978	225,000
Total		4,960,000

**Justification for project.** The applicant states that the project will assist in meeting the demands through 1980 for a dependable and efficient transportation system to move coal from Emery and Carbon Counties to other rail carriers for nationwide distribution.

**Comments.** Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor. The application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA.

The comments will be considered by the FRA in evaluating the application. However, formal acknowledgment of comments will not be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy

of the information contained therein. (Sec. 505, Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: January 6, 1978.

Comment closing date: February 13, 1978.

CHARLES SWINBURN,  
Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc. 78-850 Filed 1-11-78; 8:45 am]

[4910-60]

Office of Hazardous Materials Operations  
HAZARDOUS MATERIALS REGULATIONS

Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted November 1977. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for emergency exemptions.

RENEWALS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
970-P	DOT-E 970	Liquid Carbonic Corp., Chicago, Ill.	49 CFR 173.21(b), 173.300, 173.301.	To become a party to exemption 970. (See application No. 970-X). (Modes 1 and 2.)
2650-X	DOT-E 2650	FMC Corp., Philadelphia, Pa.	49 CFR 173.223(a)(5), 173.35a-2.	To ship organic peroxide in a DOT specification 6D or 37M cylindrical steel overpack with inside 2SL polyethylene container. (Modes 1 and 2.)
2805-X	DOT-E 2805	Dow Chemical Co., Midland, Mich.; Allied Chemical Corp., Morristown, N.J.; Great Lakes Chemical Co., Houston, Tex.; Mobil Chemical Co., Beaumont, Tex.; SunOil Chemical Co., Claymount, Del.	49 CFR 172.101, 173.315(a)(1).	To ship a flammable gas in specially designed and insulated non-DOT specification cargo tanks. (Mode 1.)
3216-X	DOT-E 3216	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; Pennwalt Corp., Philadelphia, Pa.	49 CFR 173.314(c).	To ship certain compressed gases in a proposed DOT specification 110A3000W tank. (Modes 1 and 3.)
3307-P	DOT-E 3307	Explosive Products of Louisville, Inc., Louisville, Ky.; Strawn Explosives, Inc., Dallas, Tex.; Harrison Explosives, Inc., Duaneburg, N.Y.; Mountain State Bit Service, Inc., Morgantown, W. Va.; W. H. Burt Explosives, Inc., Moab, Utah; W. A. Murphy, Inc., El Monte, Calif.; Ohio Dynamite Co., Inc., Upper Sandusky, Ohio; Pacific Powder Pipe & Supply Inc., Olympia, Wash.; Seco, Inc., Fort Smith, Ark.; Lilly Ice & Bottling Works, Inc., Pemberton, W. Va.	49 CFR 173.154, 173.182(c).	To become a party to exemption 3307. (See application No. 3307-X). (Modes 1, 2, and 3.)
3353-P	DOT-E 3353	Pennwalt Corp., Philadelphia, Pa.	49 CFR 173.163(a)(7), 173.239(a)(2).	To become a party to exemption 3353. (See application No. 3353-X). (Modes 1 and 2.)
3415-X	DOT-E 3415	U.S. Department of Defense, Washington, D.C.	49 CFR 173.79, 173.92.	To ship certain rocket motors, class A or class B explosives without overpacking. (Mode 1.)
3600-X	DOT-E 3600	do	49 CFR 172.101, 173.87, 173.300.	To ship gas generators with empty rocket engine, class B or class C explosive. (Modes 1 and 2.)

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Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
4007-X	DOT-E 4007	Matson Navigation Co., San Francisco, Calif.	49 CFR 173.119, 173.125.	To ship certain hazardous materials in a non-DOT specification stainless steel portable tank. (Modes 1 and 3.)
4108-P	DOT-E 4108	Welding & Cutting Equipment Co., Newark, N.J.	49 CFR 173.315(a).	To become a party to exemption 4108. (See application 4108-X.)
4246-P	DOT-E 4246	Hi-Pure Chemicals, Inc., Edelman, Pa.; Fisher Scientific Co., Pittsburgh, Pa.	49 CFR 173.245(a)(27), 173.268(d).	To become a party to exemption 4246. (See application No. 4246-X). (Modes 1, 2, and 3.)
4390-X	DOT-E 4390	G. Frederick Smith Chemical Co., Columbus, Ohio.	49 CFR Part 173.	To ship certain hazardous materials in non-DOT specification glass carboy/polystyrene packaging. (Modes 1, 2, and 3.)
4400-X	DOT-E 4400	Airco Industrial Gases, Murray Hill, N.J.	49 CFR 172.101, 173.315(a).	To ship flammable and nonflammable gases in a non-DOT specification insulated cargo tank designed and constructed in accordance with section VIII of the ASME Code. (Modes 1 and 3.)
4459-X	DOT-E 4459	Lif-O-Gen, Inc., Cambridge, Md.	49 CFR 173.302(a)(1), 173.304(a)(1), 173.328(a)(2), 173.353(a)(3), 176.37, 175.3.	To manufacture, mark, and sell non-DOT specification cylinders for shipment of various gases. (Modes 1, 2, and 4.)
5062-X	DOT-E 5062	Dow Chemical Co., Midland, Mich.	49 CFR 173.315(a), 172.101.	To ship a nonflammable compressed gas in a DOT specification MC-330 or MC-331 cargo tank. (Mode 1.)
5112-X	DOT-E 5112	Austin Powder Co., Cleveland, Ohio; E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.62(a), 177.834(L)(1), 177.835(k).	To ship a class A explosive in specially designed kettle-drum-type aluminum containers. (Mode 1.)
5179-X	DOT-E 5179	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.302, 173.304, 176.45-17.	To ship certain flammable and nonflammable compressed gases in cylinders not marked to DOT specification 3T. (Modes 1 and 3.)
5234-X	DOT-E 5234	Ronson Corp., Ogletown, Del.	49 CFR 172.300, 173.304(d)(3).	To ship a flammable compressed gas in a small gas appliance. (Modes 1 and 2.)
5456-X	DOT-E 5456	J. T. Baker Chemical Co., Phillipsburg, N.J.; Fisher Scientific Co., Fair Lawn, N.J.	49 CFR Part 173.	To ship certain poison B and liquid corrosive materials in non-DOT specification glass carboy/polystyrene packaging. (Modes 1, 2, and 3.)
5485-X	DOT-E 5485	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 172.101, 173.315(a).	To ship liquefied helium in a non-DOT specification insulated cargo tank. (Mode 1.)
5559-X	DOT-E 5559	Miraldis Welding Supplies, Inc., Tacoma, Wash.	49 CFR 173.34(e)(15)(i), 175.3.	To ship certain compressed gases in DOT specification 3A or 3AA cylinders and cylinders marked ICC-3, 3A, or 3AA over 35 years old. (Modes 1, 2, and 4.)
5600-X	DOT-E 5600	Ozark-Mahoning Co., Tulsa, Okla.; Amoco Oil Co., Whiting, Ind.	49 CFR Part 173, 175.3.	To ship certain hazardous materials in seamless sample cylinder complying with DOT specification 3A with certain exceptions. (Modes 1, 2, and 4.)
5600-P	DOT-E 5600	Atlantic Richfield Co., Houston, Tex.	49 CFR Part 173, 175.3.	To become a party to exemption 5600. (See application 5600-X). (Modes 1, 2, and 4.)
5652-X	DOT-E 5652	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.247(a)(11), 173.315(a)(1).	To ship a nonflammable compressed gas and a corrosive liquid in a non-DOT specification portable tank. (Mode 1.)
5662-X	DOT-E 5662	Dow Chemical Co., Midland, Mich.; Great Lakes Chemical Corp., El Dorado, Ark.	49 CFR 173.353(a), 173.353a.	To ship class B poisonous liquids in a DOT specification 51 portable tank. (Modes 1, 2, and 3.)
5717-X	DOT-E 5717	U.S. Department of Defense, Washington, D.C.	49 CFR 173.382.	To ship a certain irritating material in packages not presently authorized. (Modes 1 and 2.)
5746-X	DOT-E 5746	do	49 CFR 172.101, 173.145, 173.268, 176.83(b).	To ship expended rocket engines containing residual amounts of corrosive liquid or flammable liquid. (Modes 1, 2, and 3.)
5777-X	DOT-E 5777	do	49 CFR 172.101, 173.93(c).	To ship certain class B explosives in cylindrical metal containers. (Modes 1 and 2.)
5876-X	DOT-E 5876	FMC Corp., Philadelphia, Pa.	49 CFR Part 107, Appendix B, 173.365, 176.241.	To ship a class B poison in several alternative multiwall paper bag packaging. (Modes 1, 2, and 3.)
5883-P	DOT-E 5883	PPG Industries, Pittsburgh, Pa.	49 CFR 173.354(c).	To become a party to exemption 5883. (See application No. 5883-X). (Modes 1 and 2.)
5945-X	DOT-E 5945	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.315, 176.245.	To ship a nonflammable compressed gas in a DOT-51 insulated portable tank except water capacity is less than 1000 pounds. (Mode 1.)
5951-P	DOT-E 5951	Vulcan Materials Co., Birmingham, Ala.	49 CFR 173.314(c).	To become a party to exemption 5951. (See application No. 5951-X). (Modes 1 and 2.)
6018-P	DOT-E 6018	Welding & Cutting Supply Co., Cleveland, Ohio.	49 CFR 173.315(a).	To become a party to exemption 6018. (See application No. 6018-X). (Mode 1.)
6039-P	DOT-E 6039	Rohm & Haas Co., Philadelphia, Pa.	49 CFR 172.101, 173.315(a).	To become a party to exemption 6039. (See application No. 6039-X). (Mode 1.)
6092-X	DOT-E 6092	MC/B Chemical Co., Norwood, Ohio; Fisher Scientific Co., Fair Lawn, N.J.	49 CFR 173.25(b).	To ship certain corrosive liquids in DOT specification 33A polystyrene cases overpacked in a fiberboard carton. (Modes 1 and 2.)
6122-X	DOT-E 6122	Pennwalt Corp., Philadelphia, Pa.	49 CFR 173.154(a)(9), 173.158(a)(2), 176.205-16.	To ship certain dry oxidizing materials in non-DOT specification packaging comparable to DOT specification 12B fiberboard boxes. (Modes 1 and 2.)
6128-X	DOT-E 6128	Hapag-Lloyd AG, Hamburg, Germany.	49 CFR 173.119, 173.125(a), 173.245(a), 173.346(a); 46 CFR 90.05-35, 98.35-3.	To ship certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6145-X	DOT-E 6145	G. Frederick Smith Chemical Co., Columbus, Ohio.	49 CFR 173.154(a).	To ship certain oxidizing materials in a DOT specification MC-303, MC-304, MC-306, MC-307, MC-311, or MC-312 cargo tanks. (Mode 1.)
6232-X	DOT-E 6232	McDonnell Douglas Corp., St. Louis, Mo.	49 CFR 172.101, 173.87, 173.102, 173.108, 173.176, 175.3.	To ship a survival kit including mixed hazardous materials overpacked in an outer fiberboard box. (Modes 1, 3, and 4.)

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Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
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Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6253-X	DOT-E 6253	Hapag-Lloyd AG, Hamburg, Germany; Contrans, Hamburg, Germany; Interpool, Ltd., New York, N.Y.; Johnson Scan Star, San Francisco, Calif.; Barclay International, Ltd., Miami, Fla.	49 CFR Part 173	To ship certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6253-P	DOT-E 6253	Brostrom Shipping Co., Ltd., Gothenberg, Sweden; Cheminova A/S, Lemvig, Denmark.	49 CFR Part 173	To become a party to exemption 6253. (See application No. 6253-X.) (Modes 1, 2, and 3.)
6267-X	DOT-E 6267	Bio-Lab, Inc., Decatur, Ga.; Coastal Industries, Inc., Carlstadt, N.J.; Georgia Pacific Corp., City of Commerce, Calif.	49 CFR 173.217(a)	To ship certain oxidizing materials in a non-DOT specification double-faced fiberboard box. (Modes 1, 2, and 3.)
6296-X	DOT-E 6296	American Cyanamid Co., Wayne, N.J.; Olin Chemicals Group, Stamford, Conn.	49 CFR 173.377(g)	To ship certain class B poisons in DOT specification 44D multiwall paper bag. (Modes 1 and 2.)
6477-X	DOT-E 6477	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.66(c)	To ship a class A explosive in non-DOT specification packaging. (Modes 1 and 2.)
6526-X	DOT-E 6526	Dow Chemical Co., Midland, Mich.	49 CFR 173.353(a)(3), 173.357(b)(7)	To ship class B poisonous liquids in DOT specification 4BA or 4BW steel cylinders. (Modes 1, 2, and 3.)
6530-P	DOT-E 6530	Tennessee Valley Authority, Chattanooga, Tenn.	49 CFR 173.302(c)	To become a party to exemption 6530. (See application No. 6530-X.) (Modes 1 and 2.)
6554-X	DOT-E 6554	Georgia-Pacific Corp., Montebello, Calif.	49 CFR 173.154, 173.217	To ship certain dry oxidizing materials in non-DOT single-trip, molded, openhead, polyethylene containers. (Modes 1, 2, and 3.)
6563-P	DOT-E 6563	Liquid Carbonic Corp., Chicago, Ill.; Vital Air Oxygen Co., Cleveland, Ohio.	49 CFR 173.302(a)(1), 175.3	To become a party to exemption 6563. (See application No. 6563-X.) (Modes 1, 2, 3, 4, and 5.)
6583-X	DOT-E 6583	Phillips Petroleum Co., Bartlesville, Okla.	49 CFR 173.249(a)(7)	To ship a corrosive material in DOT specification 51 portable tanks. (Mode 1.)
6616-X	DOT-E 6616	Fenwal Inc., Ashland, Mass.	49 CFR 173.304(a)(1), 175.3	To ship non-flammable compressed gases in a non-DOT specification, spherical, steel pressure vessel in compliance with DOT specification 4BA with certain exceptions. (Modes 1, 2, 3, 4, and 5.)
6682-X	DOT-E 6682	Foot Mineral Co., Exton, Pa.	49 CFR 173.206(a)(8)	To ship a flammable solid in DOT specification 21C fiber drum. (Modes 1 and 2.)
6685-X	DOT-E 6685	U.S. Department of Defense, Washington, D.C.	49 CFR 173.65(a), 177.834(L)	To ship a certain class A explosive in DOT specification 21C fiber drum. (Mode 1.)
6686-X	DOT-E 6686	Chilton Metal Products Division, Chilton, Wis.	49 CFR 173.304, 176.65	To ship a certain flammable compressed gas in DOT specification 39 nonrefillable steel cylinders. (Modes 1 and 2.)
6738-X	DOT-E 6738	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; Texas Eastman Co., Longview, Tex.	49 CFR 172.101, 173.315(a)	To ship liquefied ethylene in non-DOT specification cargo tanks. (Mode 1.)
6749-X	DOT-E 6749	Bio-Lab, Inc., Conyers, Ga.; Airwick Industries, Inc., Carlstadt, N.J.; Georgia-Pacific Corp., Montebello, Calif.; Tesco Chemicals, Marietta, Ga.	49 CFR 173.217(b)	To ship certain oxidizing materials in non-DOT specification single-trip drum overpacked in a single-wall corrugated fiberboard box. (Modes 1, 2, and 3.)
6757-X	DOT-E 6757	Degussa Central Transport Department, Frankfurt, West Germany.	49 CFR 173.266(f)(2)	To ship hydrogen peroxide in a non-DOT specification aluminum portable tank. (Modes 1 and 3.)
6759-X	DOT-E 6759	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; Atlas Powder Co., Dallas, Tex.; Hercules, Inc., Wilmington, Del.	49 CFR 177.835(g)(2), 173.87	To ship class A or B explosives in a IME 22 container or compartment. (Mode 1.)
6769-X	DOT-E 6769	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.314, 173.315	To ship a liquefied compressed gas in insulated DOT specification MC-331 tank motor vehicle. (Modes 1 and 2.)
6816-X	DOT-E 6816	U.S. Department of Defense, Washington, D.C.	49 CFR 173.53(p)	To ship certain missiles equipped with liquid engines. (Modes 1 and 2.)
6824-X	DOT-E 6824	Bio-Lab, Inc., Conyers, Ga.	49 CFR 173.217(a)	To ship certain oxidizing materials in specially designed polyethylene bottles, overpacked in double-wall fiberboard boxes. (Modes 1, 2, and 3.)
6824-P	DOT-E 6824	Georgia-Pacific Corp., Los Angeles, Calif.	49 CFR 173.217(a)	To become a party to exemption 6824. (See application No. 6824-X.) (Modes 1, 2, and 3.)
6843-X	DOT-E 6843	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.245(a), 175.3	To ship a corrosive liquid in DOT specification 5K nickel drums. (Modes 1, 2, 3, 4.)
6923-X	DOT-E 6923	Dow Chemical Co., Midland, Mich.	49 CFR 172.101, 173.315(a)(1)	To ship a flammable gas in a non-DOT specification insulated cargo tank designed and constructed in accordance with the ASME code. (Mode 1.)
6956-P	DOT-E 6956	Great Lakes Chemical Corp., El Dorado, Ark.	49 CFR 173.252(a)(5)	To become a party to exemption 6956. (See application 6956-X.) (Modes 1 and 3.)
6968-P	DOT-E 6969	Kaulkeolani Childrens Hospital, Honolulu, Hawaii.	49 CFR 175.85(a)(2), 14 CFR 121.574(a), 135.114(a)	To become a party to exemption 6969. (See application 6969-X.) (Mode 5.)
6971-X	DOT-E 6971	Chem Service, Inc., West Chester, Pa.	49 CFR 173.286(b), 176.3	To ship chemical kits (metal boxes or single- or multiple-drawer metal cases) in wooden or fiberboard overpacks. (Modes 1, 2, 3, and 4.)
6984-X	DOT-E 6984	Austin Powder Co., Cleveland, Ohio.	49 CFR 173.66(g), 173.103(a), 177.835(g)(2)(i)	To become a party to exemption 6984. (See application No. 6984-X.) (Mode 1.)
7015-P	DOT-E 7015	Cities Service Co., Tulsa, Okla.	49 CFR 173.315(a)(1), 172.101	To become a party to exemption 7015. (See application No. 7015-X.) (Modes 1, 2, and 3.)
7035-X	DOT-E 7035	Owens-Illinois, Toledo, Ohio.	49 CFR Part 173, 178.19	To manufacture, mark, and sell non-DOT specification reusable, molded polyethylene containers for shipment of corrosive liquids. (Modes 1, 2, and 3.)
7036-X	DOT-E 7036	McDonnell Douglas Astronautics Co., Huntington Beach, Calif.	49 CFR 173.304(a)(1), 175.3	To ship anhydrous ammonia in a heat pipe with ends welded. (Modes 1, 2, 3, 4, and 5.)
7094-P	DOT-E 7094	Tennessee Eastman Co., Kingsport, Tenn.	49 CFR 172.101	To become a party to exemption 7094. (See application No. 7094-X.) (Mode 3.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7189-X	DOT-E 7189	Chugiak Aviation, Chugiak, Alaska	DOT-E 172.101, 175.30	To transport a flammable compressed gas in DOT specification 4HW240 cylinders or DOT specification 51 portable tanks. (Mode 4.)
7244-X	DOT-E 7244	United Airlines, Inc., San Francisco, Calif.	49 CFR 173.302, 173.304, 175.3, 175.85(a)	To transport organ transplant modules containing certain compressed gases. (Mode 5.)
7252-X	DOT-E 7252	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.93	To ship certain class B explosives in DOT specification 17H metal drums. (Mode 3.)
7253-X	DOT-E 7253	Lithium Corp. of America, Bessemer City, N.C.; Foote Mineral Co., Exton, Pa.	49 CFR 172.101	To stow certain corrosive solids on deck or under deck. (Mode 3.)
7260-X	DOT-E 7260	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 176.415(c)(1)	To load/handle/offload nitro carbo nitrate at nonisolated facilities in accordance with certain provisions. (Mode 3.)
7260-P	DOT-E 7260	Atlas Powder Co., Dallas, Tex.	49 CFR 176.415(c)(1)	To become a party to exemption 7260. (See application No. 7260-X.) (Modes 3.)
7268-P	DOT-E 7268	Georgia-Pacific Corp., Los Angeles, Calif.	49 CFR 173.217(b)	To become a party to exemption 7268. (See application No. 7268-X.) (Modes 1, 2, and 3.)
7275-X	DOT-E 7275	Express Airways, Inc., Mojave, Calif.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b)	To provide for the transportation of commercial shipments of certain class A, B, and C explosives. (Mode 4.)
7405-X	DOT-E 7405	Sigma Chemical Co., St. Louis, Mo.	49 CFR 173.242, 175.3	To ship a corrosive liquid in non-DOT polyethylene bottles packed with nonhazardous materials in a chemical kit. (Modes 1, 2, and 4.)
7409-P	DOT-E 7409	Puerto Rico Maritime Shipping Authority, Elizabeth, N.J.	46 CFR 90.07-35, 98.35-3	To become a party to exemption 7409. (See application No. 7409-X.) (Mode 3.)
7470-P	DOT-E 7470	Ozark-Mahoning Co., Tulsa, Okla.	49 CFR Part 173, 179.200-18(b)(1), 179.201-1(a), 179.201-7	To become a party to exemption 7470. (See application No. 7470-X.) (Mode 1.)
7491-X	DOT-E 7491	Process Engineering, Inc., Plaistow, N.H.	49 CFR 173.314(c), 172.101	To manufacture, mark, and sell non-DOT specification tank cars for shipment of certain flammable compressed gases. (Mode 2.)
7584-P	DOT-E 7584	Interox Groups of Co., England, Belgium, Germany, and Netherlands.	49 CFR 173.266	To become a party to exemption 7584. (See application No. 7584-X.) (Modes 1, 2, and 3.)
7720-X	DOT-E 7720	Williams, Dimond & Co., San Francisco, Calif.	49 CFR 173.119	To ship certain flammable liquids in a non-DOT specification stainless steel cargo tank. (Modes 1, 2, and 3.)
7724-X	DOT-E 7724	Atmospherics Inc., Fresno, Calif.; Colorado River Municipal Water District, Big Spring, Tex.	49 CFR Chapter I, Subchapter C	To transport class A and B explosives, and ORM-A materials in connection with aerial dispensing operations. (Mode 4.)
7777-P	DOT-E 7777	Ozark-Mahoning Co., Tulsa, Okla.	49 CFR 173.246	To become a party to exemption 7777. (See application No. 7777-N.) (Modes 1, 2, and 3.)
7792-P	DOT-E 7792	Wilco Chemical, New York, N.Y.	49 CFR 172.204 (a), (d), 173.29(f)(2)	To become a party to exemption 7792. (See application No. 7792-N.) (Mode 2.)
7801-X	DOT-E 7801	International Proteins Corp., Fairfield, N.J.	49 CFR 173.995	To ship fish meal in a standard 40 foot closed freight container. (Mode 3.)
7802-X	DOT-E 7802	Bennett Industries, Pacoima, Calif.	49 CFR Part 173, Subpart F, 49 CFR 173, Subpart D, 178.19	To manufacture, mark, and sell non-DOT specification removable-head molded polyethylene containers for shipment of corrosive liquids and flammable liquids. (Modes 1, 2, and 3.)
New Exemptions				
7555-N	DOT-E 7555	Provost Cartage, Inc., Ville D'Anjou, Quebec, Canada.	49 CFR 173.263(a)(10), 173.265(b)(4), 172.101	To ship certain hazardous materials in a non-DOT specification fiberglass reinforced plastic cargo tank. (Mode 1.)
7650-N	DOT-E 7650	I.C.I. United States, Inc., Wilmington, Del.	49 CFR 173.315	To ship certain nonflammable compressed gases in a non-DOT specification steel portable tank. (Modes 1 and 3.)
7678-N	DOT-E 7678	Gibson Cryogenics, Lakeside, Calif.	49 CFR 172.101	To manufacture, mark, and sell non-DOT specification portable tanks for shipment of a nonflammable gas. (Mode 3.)
7696-N	DOT-E 7696	Encoat Chemicals Corp., Philadelphia, Pa.	49 CFR 176.410(d)	To ship an oxidizing material in accordance with 49 CFR 176.410(d) (5), (6), (7), with certain exceptions. (Mode 3.)
7726-N	DOT-E 7726	Hughes Aircraft Co., Culver City, Calif.	49 CFR 173.34(d), 173.302, 175.3	To manufacture, mark, and sell non-DOT specification pressure vessels for shipment of nonflammable gases. (Modes 1 and 4.)
7731-N	DOT-E 7731	Minnesota Valley Engineering, New Prague, Minn.	49 CFR 172.101, 173.315(a)(1)	To manufacture, mark, and sell non-DOT specification insulated, triple shell portable tanks for shipment of liquid helium. (Modes 1, 2, and 3.)
7751-N	DOT-E 7751	Chemical Systems Inc., Chicago, Ill.	49 CFR 173.245(b)(5)	To ship certain corrosive solids in non-DOT fiber drum with a polyethylene bag liner. (Modes 1 and 2.)
7767-N	DOT-E 7767	Hydraulic Research Textron, Pacoima, Calif.	49 CFR 173.304(a)(1), 175.3, 176.47	To manufacture, mark, and sell non-DOT specification welded steel cylinders for shipment of nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
7823-N	DOT-E 7823	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.246	To ship an oxidizer in a non-DOT specification welded stainless steel cylinder. (Modes 1, 2, and 3.)
7824-N	DOT-E 7824	Petrolite Corp., St. Louis, Mo.	49 CFR 173.119	To ship certain flammable liquids in a marine portable tank designed and built in accordance with section VIII of the ASME code and 46 CFR Part 64. (Modes 1 and 3.)
7836-N	DOT-E 7836	Carus Chemical Co., Inc., La Salle, Ill.	49 CFR 173.194	To ship a certain oxidizer in a 5-ply multiwall bag complying with DOT specification 44C with certain exceptions. (Modes 1 and 2.)



Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
New Exemptions—Continued				
7837-N	DOT-E 7837	Barber Steamship Lines, Inc., New York, N.Y.	49 CFR 172.101	To transport cigarette lighters charged with a flammable gas in nonventilated freight containers. (Mode 3.)
7839-N	DOT-E 7839	Texstar Chemical Corp., Kearney, N.J.	49 CFR 173.297	To ship titanous sulfate solution in DOT 21P/2SL and 21P/2U containers. (Mode 1.)
Emergency Exemptions				
EE7861-N	DOT-E 7861	Mobay Chemical Corp., Kansas City, Mo.	49 CFR 172.101(b), 175.30(a)(1).	To ship poisonous liquids in DOT specification 5B metal drums. (Mode 4.)
EE7877-N	DOT-E 7877	McDonnell Douglas Corp., St. Louis, Mo.	49 CFR 173.119(b)	To ship flammable liquids in non-DOT specification 55-gallon capacity, 18-gage steel drums. (Mode 1.)
EE7878-N	DOT-E 7878	E. R. Squibb Co., New Brunswick, N.J.	49 CFR 172.101(b), 175.3, 175.30(a)(1).	To ship a flammable liquid in a DOT-17H steel drum. (Mode 4.)
EE7880-N	DOT-E 7880	Shell Oil Co., Houston, Tex.	49 CFR 173.24(a), 173.306(a)(3); Part 107, appendix B(1).	To ship suspect defective nonflammable gas containers, packaged as prescribed in 49 CFR 173.306(a)(3), to a disposal site. (Mode 1.)
EE7889-N	DOT-E 7889	E. R. Squibb Co., New Brunswick, N.J.	49 CFR 172.101(b)	To ship a corrosive liquid in approximately ten DOT-17C 55-gallon-capacity drums. (Mode 4.)
DENIALS				
4041-X	Request by Hercules Inc., Wilmington, Del.	To ship certain high explosives in DOT specification 37A or 17H drums, denied November 15, 1977 as being unnecessary. (Docket HM-139 obviates the need.)		
4988-X	Request by Advanced Instruments, Inc., Needham Heights, Mass.	To ship ethylene oxide in inside aluminum cartridges, denied November 28, 1977 as being unnecessary.		
6948-X	Request by Valley Chemical Co., Greenville, Miss.	To ship certain Class B poisons in DOT specification 51 portable tanks by private carriage, denied November 18, 1977 as being unnecessary. (HM-139 obviates the need.)		
6948-X	Request by Cleveland Chemical Co., Cleveland, Miss.	To ship certain Class B poisons in DOT specification 51 portable tanks by private carriage, denied November 18, 1977 as being unnecessary. (HM-139 obviates the need.)		
6994-P	Request by Carter-Wallace, Inc., Cranbury, N.J.	To become a party to Exemption 2P container with a thinner wall thickness, denied November 7, 1977.		
7608-N	Request by Olin Chemicals Group, Stamford, Conn.	To ship corrosive materials and oxidizers in various type packagings, denied November 14, 1977.		
7644-N	Request by Lawrence W. Bierlein, Washington, D.C.	To authorize construction of the DOT 37A drums with less than full curl construction to hold the head on, denied November 14, 1977 as being unnecessary.		
7650-N	Request by Imperial Chemical Industries, Ltd., Runcorn, Cheshire, England	To ship dichlorodifluoromethane and monochloropentafluoroethane in a non-DOT specification portable tank supported within an ISO frame, denied November 4, 1977.		
7712-N	Request by Nepera Chemical Company, Inc., Harriman, N.Y.	For shipment of a pyrophoric liquid in a portable tank, denied November 7, 1977.		
7713-N	Request Axel Johnson Corp., San Francisco, Calif.	To transport by vessel packages containing a nonflammable gas and Class C explosives or Class B explosives in a liferaft, denied November 8, 1977.		
7716-N	Request by Atlas Powder Co., Dallas, Tex.	That the maximum weight for limited quantities of oxidizers be increased to 40 pounds in one package, denied November 28, 1977.		
7717-N	Request by American Cyanamid Co., Wayne, N.J.	To ship certain waste chemicals in single-trip or nonreusable packaging without requalifying them in accordance with present standards, denied November 7, 1977.		
7750-N	Request by Diamond Shamrock Chemical Company, Morristown, N.J.	To ship a water treatment compound, liquid, in a DOT specification 57 portable tank, equipped with a DOT specification 2SL liner, denied November 18, 1977.		
7782-X	Request by Eastman Kodak Co., Rochester, N.Y.	To waive stowage requirements for shipments of hazardous materials in limited quantities when loaded in transport vehicles and freight containers, denied November 15, 1977 as being unnecessary.		
7784-N	Request by Calgon Corp., Pittsburgh, Pa.	To ship radioactive material without marking shipping name on the package, denied November 10, 1977.		
7786-N	Request by Damon Corp., Westwood, Mass.	To ship educational and instructional material containing certain hazardous materials without listing them individually on shipping papers and without markings and labels on the outside shipping containers, denied November 7, 1977.		
7793-N	Hooker Chemicals & Plastics Corp., Niagara Falls, N.Y.	To ship hexachlorocyclopentadiene as a corrosive liquid in portable tanks, denied November 18, 1977.		
7832-N	Request by Department of Energy, Washington, D.C.	To ship cryogenic liquid neon and deuterium in a non-DOT specification cargo tank, denied November 28, 1977.		
7843-N	Request by Reliance Electric Co., Cleveland, Ohio	To ship packages of certain cyanide solutions without poison labels, denied November 7, 1977.		
WITHDRAWALS				
6802-X	Request by Fitch Industrial & Welding Supply, Lawton, Okla.	To ship certain nonflammable liquefied compressed gases in a non-DOT specification truck mountable cargo tank designed and constructed in accordance with section VIII of the ASME code, withdrawn November 18, 1977.		
7082-X	Southern California Chemical Co., Inc., Santa Fe Springs, Calif.	To become a party to DOT-E 7082, withdrawn November 22, 1977.		
7856-N	Request by Olin Corp., East Alton, Ill.	To ship black powder in DOT specification 21C fiber drums, withdrawn November 29, 1977.		

J. R. GROTHE,  
CHIEF, EXEMPTIONS BRANCH,  
OFFICE OF  
Hazardous Materials Operations.  
[FR Doc. 78-416 Filed 1-11-78; 8:45 am]

[4910-60]

Materials Transportation Bureau  
EXEMPTION APPLICATIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein.

DATES: Comments by February 13, 1978.

ADDRESSED TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C. Each mode of transportation for which a particular exemption is re-

quested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

NEW APPLICATION

Application No.	Applicant	Regulation(s) affected	Nature of application
7894-N	Weyerhaeuser Co., Plymouth Meeting, Pa.	49 CFR 173.186...	To authorize shipment of paper waste, wet, in bales (modes 1, 2).
7895-N	Dow Corning, Midland, Mich.	49 CFR 173.280...	To authorize shipment of diphenyldichlorosilane and phenyltrichlorosilane in DOT 51 portable tanks (modes 1, 3).
7896-N	Monsanto Co., St. Louis, Mo.	49 CFR 173.245, 173.365.	To authorize shipment of certain class B poisons and corrosive liquids in non-DOT IMCO type II portable tanks (modes 1, 3).
7897-N	Hugonnet SA, Paris, France	49 CFR 173.119, 173.125, 173.128(a), 173.129, 173.131(a)(1), 173.132(a)(1), 173.144, 173.245(a), 173.346(a), 173.605(a), 173.630(b).	To authorize shipment of certain flammable, corrosive, and poison B liquids in non-DOT portable tanks (modes 1, 2, 3).
7898-N	U.S. Department of Defense, Washington, D.C.	49 CFR 173.145(a).	To authorize shipment of methylhydrazine in specification 103CW stainless steel tank cars and 103A-ALW aluminum tank cars (mode 2).
7899-N	Dow Chemical Co., Midland, Mich.	49 CFR 173.302(a), 175.3.	To authorize shipment of a gas chromatograph containing cylinders charged with air, nitrogen and hydrogen (modes 1, 2, 5).
7900-N	Agrico Chemical Co., Tulsa, Okla.	49 CFR 173.315...	To authorize shipment of anhydrous ammonia in non-DOT cargo tanks with a design pressure of 250 psig (mode 1).
7901-N	Hugonnet SA, Paris, France	49 CFR 173.119...	To authorize shipment of methanol solution of tetra methyl ammonium hydroxide in an IMCO type I portable tank (modes 1, 2, 3).
7903-N	Oxy Metal Industries Corp., Warren, Mich.	49 CFR 173.302(a), 175.3.	To authorize use of shipping papers which show the hazard class followed by the proper shipping name (modes 1, 2, 3, 4, 5).
7905-N	Applied Equipment, Van Nuys, Calif.	49 CFR 173.302, 175.3, 178.65.	To authorize manufacture of a non-DOT nonreusable cylinder for shipments of nitrogen or dry air (modes 1, 2, 4).
7906-N	Sargent Industries, San Francisco, Calif.	49 CFR 173.108, 175.3.	To authorize shipment of class C explosives in packages exceeding 100 lb gross weight (modes 1, 4, 5).
7907-N	Hercules Inc., Wilmington, Del.	49 CFR 173.127, 173.184.	To authorize shipment of nitrocellulose wet with water or alcohol in a non-DOT fiber drum (modes 1, 2).
7908-N	Hugonnet SA, Paris, France	49 CFR 173.119...	To authorize shipment of 5-fluor-2-methyl-1 (p-methylthiobenzyl) in an IMCO type I portable tank (modes 1, 2, 3).

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)). Issued in Washington, D.C., on January 6, 1978.

J. R. GROTHE,  
Chief, Exemptions Branch,  
Office of Hazardous Materials Operations.

[FR Doc. 78-846 Filed 1-11-78; 8:45 am]

[4910-60]

EXEMPTION APPLICATIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Renewal of Exemption or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transporta-

tion's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein. Normally, the modes of transportation would be identified and the nature of application would be described. However, this notice is abbreviated to expedite docketing and public notice. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments by January 30, 1978.

ADDRESSED TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Application No.	Applicant	Renewal of exemption
3293-X...	Air Products and Chemicals, Inc., Allentown, Pa.	3293
3302-X...	Do	3302
3302-X...	Chemetron Corp., Chicago, Ill	3302
3737-X...	U.S. Department of the Army, Washington, D.C.	3737
4239-X...	Fenwal Inc., Ashland, Mass.	4239
4404-X...	SunOlin Chemical Co., Claymont, Del.	4404
5454-X...	Allied Chemical Corp., Morristown, N.J.	5454
5520-X...	Pennwalt Corp., Philadelphia, Pa.	5520
5526-X...	Allied Chemical Corp., Morristown, N.J.	5526
5867-X...	Stauffer Chemical Co., Westport, Conn.	5867
5912-X...	United States Lines, Inc., New York, N.Y.	5912
6145-X...	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	6145
6173-X...	Allied Chemical Corp., Morristown, N.J.	6173
6250-X...	National Aeronautics and Space Administration, Washington, D.C.	6250
6299-X...	Minnesota Valley Engineering, New Prague, Minn.	6299
6333-X...	Allied Chemical Corp., Morristown, N.J.	6333
6464-X...	Bay State Gas Co., Canton, Mass.	6464
6464-X...	Fitchburg Gas & Electric Light Co., Canton, Mass.	6464
6464-X...	Public Service Electric & Gas Co., Newark, N.J.	6464
6464-X...	L. P. Transportation, Inc., Chester, N.Y.	6464
6464-X...	Boston Gas Co., Malden, Mass	6464
6501-X...	Goex, Inc., Cleburne, Tex.	6501
6607-X...	Bio-Lab, Inc., Conyers, Ga.	6607



Application No.	Applicant	Renewal of exemption	Application No.	Applicant	Renewal of exemption
6614-X...	Continental Chemical Co., Sacramento, Calif.	6614	6616-P....	All Fire Protection, Inc., Mineola, N.Y.	6616
6629-X...	Fenwal Inc., Ashland, Mass.....	6629	6672-P....	Department of Energy, Washington, D.C.	6672
6637-X...	Advanced Chemical Technology, City of Industry, Calif.	6637	6927-P....	Great Lakes Chemical Corp., West Lafayette, Ind.	6927
6672-X...	Tavco, Inc., Chatsworth, Calif	6672	7005-P....	Tank Container International, Schaumburg, Ill.	7005
6686-X...	Alcoa Welding Products, Union, N.J.	6686	7052-P....	National Semiconductor Corp., Santa Clara, Calif.	7052
6688-X...	Norris Industries, Los Angeles, Calif.	6688	7060-P....	Pocono Airlines Inc, Avoca, Pa.	7060
6720-X...	Sea-Land Service, Inc., Elizabeth, N.J.	6720	7066-P....	Societe Anonyme Four L'Industrie Chimique, France.	7066
6755-X...	Lincoln Welding Supply Co., Lincoln, Nebr.	6755	7503-P....	Tank Container International, Schaumburg, Ill.	7503
6774-X...	Hydraulic Research Textron, Pacolma, Calif.	6774	7695-P....	do.....	7695
6787-X...	Advanced Chemical Technology, City of Industries, Calif.	6787	7792-F....	Cosden Oil & Chemical Co., Dallas, Tex.	7792
6798-X...	Allied Chemical Corp., Morristown, N.J.	6798	7792-P....	American Petrofina Company of Texas, Dallas, Tex.	7792
6838-X...	Douglas Aircraft Co., Long Beach, Calif.	6838	7792-P....	Mobil Oil Co., New York, N.Y.	7792
6883-X...	Hedwin Corp., Baltimore, Md.	6883			
6959-X...	Stauffer Chemical Co., Westport, Conn.	6959			
6964-X...	Union Carbide Corp., Bound Brook, N.J.	6964			
7011-X...	Advanced Chemical Technology, City of Industries, Calif.	7011			
7056-X...	Virginia Chemicals, Inc., Portsmouth, Va.	7056			
7060-X...	Federal Express Corp., Memphis, Tenn.	7060			
7072-X...	Container Corporation of America, Wilmington, Del.	7072			
7094-X...	Diamond Shamrock Corp., Cleveland, Ohio.	7094			
7227-X...	Alcoa Industrial Gases, Houston, Tex.	7227			
7228-X...	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	7228			
7234-X...	Do.....	7234			
7280-X...	U.S. Department of the Navy, Washington, D.C.	7280			
7409-X...	Puerto Rico Marine Management, Inc., Elizabeth, N.J.	7409			
7460-X...	Air Products and Chemicals Inc., Allentown, Pa.	7480			
7528-X...	Central Steel Drum Co., Newark, N.J.	7528			
7541-X...	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	7541			
7578-X...	U.S. Department of the Army, Washington, D.C.	7578			
7622-X...	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	7622			
7626-X...	General Steamship Corp., Ltd., San Francisco, Calif.	7626			
6464-X...	Fall River Gas Co., Fall River, Mass.	6464			
3307-P....	Gulf Oil Chemicals Co., Merriam, Kan.	3307			
3563-P....	U.S. Department of Commerce, Silver Spring, Md.	3563			
3992-P....	Olin Chemicals Group, Stamford, Conn.	3992			
5951-P....	SEC Corp., El Paso, Tex .....	5951			
5972-P....	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	5972			
6614-P....	Sun Swimming Pool Chemicals, Livonia, Mich.	6614			
6616-P....	Charles R. Teas & Co., Chicago, Ill.	6616			
6616-P....	C. A. Sabah & Co., Inc., Concord, Calif.	6616			
6616-P....	Glenmart Co., Inc., Los Angeles, Calif..	6616			

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on January 6, 1978.

J. R. GROTHE,  
Chief, Exemptions Branch,  
Office of Hazardous Materials  
Operations.

[FR Doc. 78-847 Filed 1-11-78; 8:45 am]

[4910-59]

National Highway Traffic Safety  
Administration

NATIONAL HIGHWAY SAFETY ADVISORY  
COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of meetings and site visits by the National Highway Safety Advisory Committee's Adjudication and Alcohol Subcommittee. The subcommittee will conduct a business meeting on January 29 from 5:30 p.m. to 7:30 p.m. in the Cavalier Room of the Four Seasons Motor Inn on Carlisle Boulevard NE., Albuquerque, N. Mex.

The subcommittee is planning to make site visits to several New Mexico Indian Reservations from January 30 through February 3 to collect information on the problems in adjudicating alcohol-related driving offenses among various Indian nations.

Following the site visits, the subcommittee will hold a business meeting on February 3 from 8:30 a.m. to 10:30 a.m. at the Albuquerque Hilton Inn on University Street in Albuquerque, N. Mex., to discuss the findings from the sites visited and to begin preparation of the report.

Attendance at the business meetings is open to the interested public but limited to the space available. With the approval of the chairman, members of the public may present oral statements at the meetings. Any member of the public may present a written statement to the subcommittee at any time.

This meeting is subject to the approval of the appropriate DOT officials.

Additional information may be obtained from NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on January 6, 1978.

WM. H. MARSH,  
Executive Secretary.

[FR Doc. 78-748 Filed 1-11-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE  
COMMISSION

[No. 564]

ASSIGNMENT OF HEARINGS

JANUARY 9, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 143517 Empire Trucking Co., now being assigned February 14, 1978, for hearing at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 95540 (Sub-No. 990), Watkins Motor Lines, Inc., now being assigned March 8, 1978, for hearing at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 133966 (Sub-No. 49), North East Express, Inc., now being assigned March 8,

1978, for hearing at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 116101 M1, Quick Air Freight, Inc., now assigned January 16, 1978, at Columbus, Ohio, is cancelled and transferred to Modified Procedure.

MC 120257 (Sub-39), K. L. Breedne & Sons, Inc., now assigned January 17, 1978, at Little Rock, Ark. is cancelled, and transferred to Modified Procedure.

MC-C-9754, Carolina Coach Co., Inc. v. Hopkins Motor Coach, Inc. and MC 48315 (Sub-7), Hopkins Motor Coach, Inc., now being assigned February 7, 1978, for continued hearing at the offices of the Interstate Commerce Commission in Washington, D.C., commencing at 10:30 a.m. local time.

MC 114761 (Sub-11), Getter Trucking, Inc., now assigned January 31, 1978, at Houston, Tex. is cancelled, application dismissed.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-887 Filed 1-11-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 9, 1978.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before January 27, 1978.

FSA No. 43487, Southwestern Freight Bureau, Agent's No. B-723, on annual volume rates on tank-car loads of parantirochlorobenzene between East St. Louis, Ill. and St. Louis, Mo. on the one hand and, Baytown, Houston, and Texas City, Tex., on the other, in supplement 25 to its tariff 12-K, ICC 5272, to become effective February 5, 1978. Grounds for relief—market competition and rate relationship.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-878 Filed 1-11-78; 8:45 am]

[7035-01]

[Notice No. 280]

MOTOR CARRIER BOARD TRANSFER  
PROCEEDINGS

The following publications include motor carriers, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with

the Commission on or before February 13, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77450, filed December 5, 1977. Transferee: CHIPPEWA

TRANSPORT CO., 1616 Terminal Drive, Saginaw, Mich. 48601. Transferor: Mackinaw Co., 1500 Pine Street, Essexville, Mich., 48732. Applicants' representative: John W. Bryant, 900 Guardian Building, Detroit, Mich., 48226. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 129290 and MC 129290 (Sub-No. 2), issued April 5, 1968, and May 11, 1977, respectively, as modified by order dated July 1, 1977, as follows: Cement, in bulk, in tank vehicles, from the plantsite of Aetna Cement Corp. as Essexville, Mich., to points in Indiana and Ohio; and cement, in bulk, in tank vehicles, from the plantsite of Aetna Cement Corp. at Essexville, Mich., to the port of entry on the United States-Canada Boundary line at Detroit, Mich. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-77464, filed December 19, 1977. Transferee: JOEL E. HARTUNG, doing business as JOEL HARTUNG TRUCKING, Rte. 1, Elmwood, Wis. 54740. Transferor: Jack W. Van-Schoonhoven, doing business as Jack W. Van, Box 43, Elmwood, Wis. 54740. Applicants' representative: F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 36179, issued November 14, 1963, as follows: General commodities (with usual exceptions). From South St. Paul, Minneapolis, and St. Paul, Minn., to points in the

towns of Spring Lake, Gilman, El Paso, Rock Elm, and Union, Pierce County, Wis., between Elmwood, Wis., and points in the towns of Weston and Eau Galle, Dunn County, Wis., the town of Rock Elm, Pierce County, Wis., and the town of Waterville, Pepin County, Wis., on the one hand, and, on the other, South St. Paul, St. Paul, Newport and Minneaplis, Minn. Agricultural commodities and livestock, from points in the towns of Spring Lake, Gilman, El Paso, Rock Elm, and Union, Pierce County, Wis., to South St. Paul, Minneaplis, St. Paul, and Newport, Minn. Flour and feeds, from Hastings, Minn., to Eau Galle, Wis., and points within 15 miles of Eau Galle, Wis. Livestock, feeds, flour, and farm machinery and parts, between Eau Galle, Wis., and points within 15 miles of Eau Galle, Wis., on the one hand, and, on the other, Minneaplis, St. Paul, South St. Paul, and Newport, Minn. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77467, filed December 20, 1977. Transferee: BRAZEAU TRANSPORT, INC., 6600 Chemin St. Francois, Ville, St. Laurent, Quebec, Canada. Transferor: Provincial Oil Carriers Co. Ltd., 6360 Notre Dame St. East, Montreal, Quebec, Canada. Applicants' representative: Edward L. Nehez, 167 Fairfield Rd., P.O. Box 1409, Fairfield, N.J. 07006. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 135115 (Sub-No. 1), issued September 13, 1972, as follows: Fuel oil, liquid asphalt, and gasoline, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada located in New York, New Hampshire, Vermont, and Maine to points in New York, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77475, filed December 28, 1977. Transferee: THOMAS J. WOODBURN, doing business as QUALITY TRANSFER & STORAGE CO., Route 235 North, P.O. Box 97, Lexington Park, Md. 20653. Transferor: L & M Van Lines, Inc., Route 235 North, P.O. Box 97, Lexington Park, Md. 20653. Applicants' representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 135252 (Sub-No. 1) issued March 8, 1972, as follows: Used Household Goods with restrictions, between points in Saint



Marys, Calvert, Charles, and Prince Georges Counties, Md. Transferee presently holds no authority from the Commission. Application has not been filed for temporary authority under Section 210a(b).

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-876 Filed 1-11-78; 8:45 am]

[7035-01]

[Volume No. 52]

**PETITIONS, APPLICATIONS, FINANCE MATTERS  
(INCLUDING TEMPORARY AUTHORITIES),  
RAILROAD ABANDONMENTS, ALTERNATE  
ROUTE DEVIATIONS, AND INTRASTATE AP-  
PLICATIONS**

JANUARY 6, 1978.

**PETITIONS FOR MODIFICATION, INTER-  
PRETATION, OR REINSTATEMENT OF OP-  
ERATING RIGHTS AUTHORITY**

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2) numbers identified by the FEDERAL REGISTER notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 119547 (Sub-No. 27) (M1) (notice of filing of petition to modify certificate), filed October 10, 1977. Petitioner: EDGAR W. LONG, INC., Route 4, Zanesville, Ohio 43701. Petitioner's representative: Richard Brandon, POB 97, Dublin, Ohio 43017. Petitioner holds a motor common carrier certificate in No. MC 119547 (Sub-No. 27) issued April 5, 1973, authorizing transportation over irregular routes of glassware, from the plantsite and warehouse facilities of Federal Glass Co. at Columbus, Ohio to New Orleans, La. and points in that part of

<sup>1</sup>Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

West Virginia on and east of a line beginning at the West Virginia-Virginia State line near Bluefield, W. Va. and extending along West Virginia Highway 20 to junction with West Virginia Highway 4 near Rock Cave, W. Va. thence north along West Virginia Highway 4 to the junction of U.S. Highway 219 to the West Virginia-Maryland State line, and to points in Alabama, Arizona, California, Colorado, Georgia, Idaho, Mississippi, Montana, New Mexico, Nevada, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming. The authority being restricted to the transportation of shipments originating at the named origins. Petitioner, by the instant petition seeks to modify the above numbered certificate by removing the following language "the plantsite and warehouse facilities of Federal Glass Company of".

No. MC 119628 (notice of filing of petition to add an additional contracting shipper), filed October 7, 1977. Petitioner: GARMARC TRANSPORTATION CO. INC., 10 Independence St., Rochester, N.Y. 14611. Petitioner's representative: S. Michael Richards, POB 225, Webster, N.Y. 14580. Petitioner holds a motor contract carrier permit in No. MC 119628, issued May 24, 1965, authorizing transportation over irregular routes, of: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates; between Rochester, N.Y. on the one hand and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. By the instant petition, petitioner seeks to modify its permit by the addition of the name of Double B Packing as an additional contracting shipper.

MC 128021 (Sub-No. 9), MC 128021 (Sub-No. 19) M1 (notice of filing of petition to add an origin and destination point), filed September 12, 1977. Petitioner: DIVERSIFIED TRUCKING CORP., 306 Columbus Parkway, Opelika, Ala. 36801. Petitioner's representative: Robert E. Tate, P.O.B. 517, Evergreen, Ala. 36401. Petitioner holds a motor contract carrier Certificate in No. MC 128021 (Sub-No. 9) issued December 10, 1994 and MC 128021 (Sub-No. 19) issued April 12, 1976, over irregular routes transporting in MC 128021 (Sub-No. 9): *Charcoal, vermiculite, and hickory chips in bags, charcoal lighter fluid (naphtha distillate), and waxed impregnated fireplace logs*, from Springfield, Ore. to points in Idaho, Utah, Colorado, Nevada, Washington, Arizona, Wyoming, and California, under continuing contract or

contracts with the Kingford Co. of Louisville, Ky. And over irregular routes transporting in MC 128021 (Sub-No. 19) as pertinent, *materials and supplies used in the manufacture of charcoal, vermiculite, and hickory chips, charcoal lighter fluid (naphtha distillate), and waxed impregnated fireplace logs*, from points in Idaho, Utah, Colorado, Nevada, Washington, Arizona, Wyoming, and California to Springfield, Ore.; under continuing contract or contracts with Kingsford Co., Division of Clorox Co. of Louisville, Ky. By the instant petition, petitioner seeks to modify its Permit MC 128021 in part to add Medford, Ore. as an origin under MC 128021 (Sub-No. 9) and as a point of destination under MC 128021 (Sub-No. 19).

No. MC 138297 (Sub-No. 4) (M1) (notice of filing of petition to substitute a point of destination), filed October 12, 1977. Petitioner: CENTRAL FLORIDA COACH LINES, INC., POB 127, Mountaintop, Pa. 18707. Petitioner's representative: Joseph Hoary, 121 South Main Street, Taylor, Pa. 18517. Petitioner holds a motor common carrier Certificate in No. MC 138297 (Sub-No. 4), issued May 18, 1977, authorizing transportation over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between the following named points as well as points within 10 miles thereof: Cocoa Beach, Orlando, St. Augustine, and Tallahassee, Fla., Cartersville and Savannah, Ga., Lexington, Ky., Chicago, Ill., New Orleans, La., Worcester, Mass., Minneapolis, Minn., St. Louis, Mo., Somerville, N.J., Lumberton, N.C., Boston Heights, Bowling Green, and Perrysburg, Ohio, Buck Horn, Dillsburg, Hazelton, Philadelphia, and White Haven, Pa., and Fredericksburg, Va. The authority granted is restricted to the transportation of passengers having an immediately prior movement in a passenger automobile tendered to carrier for transportation on separate automobile transporters pursuant to the authority set forth in No. MC 142317 (Sub-No. 1). By the instant petition, petitioner seeks the substitution of Lima, Ohio in lieu of Bowling Green, Ohio, contained in the territorial description of the authority granted in MC 138297 (Sub-No. 4).

No. MC 139206 (M-1), Petition for modification of permit to add additional contracting shipper, filed December 15, 1977. Petitioner: F.M.S. TRANSPORTATION, INC., P.O. Box 1597, Maryland Heights, Mo. 63043. Petitioner's Representative: E. Stephen Heisley, 666 11th Street NW., Suite 805, Washington, D.C. 20001. By permit served December 6, 1977, petitioner is authorized to conduct operations, as a contract carrier, by motor

vehicle, over irregular routes, transporting: (1) *Textiles and textile products, chemicals, and materials, equipment and supplies*, used in the sale, manufacture, processing, production, and distribution of textiles and textile products and chemicals (except commodities in bulk), between Arlington, Laredo, Brenham, and Houston, Tex., Wellsville, Mo., and Johnson City, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) (a) *stereo speakers with cabinets, grills, and bases*, and (b) *parts and accessories for the commodities in (2) (a) above*, and (3) *materials, equipment, and supplies*, used in the manufacture, sale, processing, production, packaging, and distribution of the commodities in (2) above (except commodities in bulk), between Santa Ana, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: The operations authorized herein are limited to the following conditions: (1) said operations are limited to a transportation service to be performed under a continuing contract or contracts, with Chromalloy American Corp. In the instant petition for modification of permit, petitioner seeks to add Chromalloy Electronics Corp. of St. Louis, Mo. as an additional contracting shipper in the aforesaid permit No. MC 139206.

Note.—Petitioner has also filed a motion to dismiss the instant petition on the grounds that the relief requested in the aforesaid petition is not required by the Commission's rules and regulations or its decisions. Chromalloy Electronics Corp. is a subsidiary of petitioner's present contracting shipper.

No. MC 140581 (Sub-No. 2) M1 (notice of filing of petition to modify certificate), filed October 12, 1977. Petitioner: TOMMY HAGWOOD, d.b.a. HAGWOOD ENTERPRISES, Route 1, Box 222A, Trafford, Ala. 35172. Petitioner's representative: William Jackson Jr., 3426 North Washington Boulevard, POB 1267, Arlington, Va. 22210. Petitioner holds a motor common carrier certificate in No. MC 140581 (Sub-No. 2), issued February 2, 1977, authorizing transportation over irregular routes, transporting: *Used automobiles*, in truckaway service, between points in California, Oregon, Washington, and Montana, on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Texas. Between points in California, Oregon, and Washington, on the one hand, and on the other, points in Nebraska. Between points in Montana, on the one hand, and on the other, points in Illinois and Missouri. Between points in Nebraska, and Ohio on

the one hand, and on the other, points in Arkansas, Kansas, Mississippi, Oklahoma, and Texas. Between points in Tennessee, on the one hand, and on the other, points in Arkansas, Kansas, Nebraska, Oklahoma, and Texas (except from Memphis, Tenn., to points in Oklahoma and Texas, and, Houston and Freeport, Tex., to points in Tennessee. Between points in Arkansas, on the one hand, and on the other, points in Kansas, Missouri, and Oklahoma. Between points in Texas and Oklahoma, on the one hand, and on the other, points in Mississippi, except from Houston and Freeport, Tex., to points in Mississippi. Restriction: The authority granted herein is restricted to the transportation of used automobiles originating at or destined to the facilities of Littleton Leasing & Investment Co., Inc., or used automobiles owned or leased by Littleton Leasing & Investment Co., Inc. By the instant petition, petitioner seeks to modify the certificate by deleting the restriction set forth in the last paragraph of his certificate MC 140581 (Sub-No. 2).

**REPUBLICATIONS OF GRANTS OF OPERATING  
RIGHTS AUTHORITY PRIOR TO CERTIFICATION**

**Notice**

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such pleading shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if not representative is named.

No. MC 110563 (Sub-No. 193) (Republishing), filed December 8, 1976, published in the FEDERAL REGISTER issue of January 13, 1977, and republished this issue. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. The Initial Decision of the Administrative Law Judge, dated October 4, 1977, and served October 13, 1977,

became the order of the Commission by a notice dated November 2, 1977, and served November 21, 1977. Said Initial Decision finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, in the transportation of: *Confectionary* (except in bulk), in vehicles equipped with mechanical refrigeration, from Chicago and Carol Stream, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites and warehouse facilities utilized by E. J. Brach & Sons, Division of American Home Products Corp., located or near Chicago and Carol Stream, Ill., and restricted to traffic originating at the named origin points and destined to the named destination States; that applicant is fit, willing, and able to properly perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to include Maine, New Hampshire, Ohio, and Vermont as additional destination points as reflected in applicant's actual grant of authority.

No. MC 113678 (Sub-No. 653) (Republishing), filed February 7, 1977, published in the FEDERAL REGISTER issue of March 24, 1977, and republished this issue. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. An Order of the Commission, Review Board Number 2, dated September 12, 1977, and served September 26, 1977, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, in the transportation of: *Mineral micronutrients* used in the manufacture of plant and animal food (except in bulk), (1) from Beckemeyer, Ill., to points in the United States (except Alaska, Hawaii, and Illinois), and (2) from Cedartown, Tifton, and Arlington, Ga., and Lakeland, Fla., to points in the United States in and west of Ohio, Kentucky, Tennessee, and Alabama (except Alaska and Hawaii), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's actual grant of authority.

No. MC 115162 (Sub-No. 352) (Re- over U.S. Highway 130 to the junction sylvania, Utah, Washington, and Wyo-

intend timely to prosecute its applica-

No. MC 13123 (Sub-No. 92), filed No. Kingery Highway, Bensenville, Ill.



No. MC 115162 (Sub-No. 352) (Republication), filed March 7, 1977, published in the *FEDERAL REGISTER* issue of April 21, 1977, and republished this issue. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). An Order of the Commission, Review Board Number 3, dated September 15, 1977, and served September 26, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Doors, door parts, and materials and supplies* used in the manufacture of doors, except commodities in bulk, in tank vehicles, (1) between Cameron, Tex., on the one hand, and, on the other, points in Oklahoma, Louisiana, and Mississippi, and (2) between Tupelo, Miss., on the one hand, and, on the other, points in Indiana, Michigan, Ohio, Pennsylvania, West Virginia, and Texas, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to reflect applicant's actual grant of authority.

No. MC 142028 (Sub-No. 4) (Republication) (Correction), filed December 7, 1976, published in the *FEDERAL REGISTER* issues of January 13, 1977, and December 8, 1977 and republished as corrected this issue. Applicant: TRAVIS TRUCKING CO., INC., R.D. No. 1, Benton, Pa. 17814. Applicant's representative: Chester A. Zyblut, 1030 Fifteenth St. NW., 366 Executive Bldg., Washington, D.C. 20005. By order of the Commission in No. MC 142028 (Sub-No. 4), entered August 4, 1977, and served August 10, 1977, Travis Trucking Co., Inc. was substituted as applicant in this proceeding in lieu of Eli G. Travis, d.b.a. Travis Trucking Co. An Order on Further Proceedings, Review Board Number 3, dated September 20, 1977, and served October 4, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood and plastic products, toothpick dispensers, and sporting goods and accessories*, from the facilities of Forster Manufacturing Co. Inc., at or near Wilton, Maine, to points in New Jersey (except points north of a line beginning at the intersection of New Jersey Highway 33 and the Pennsylvania-New Jersey State line and extending east over New Jersey Highway 33 to the intersection of New Jersey Highway 33 and U.S. Highway 130, thence

over U.S. Highway 130 to the junction of U.S. Highway 130 and New Jersey Highway 33 and continuing east over New Jersey Highway 33 to the Atlantic Ocean at a point south of Asbury Park, N.J.), Delaware, Pennsylvania, Maryland, Virginia, New York (except New York, N.Y., and Nassau and Suffolk Counties, N.Y.) and the District of Columbia. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate (1) the grant of common carrier authority in lieu of contract carrier authority; and (2) the grant of service to named points in New York. The purpose of this republication is to include the applicant's actual request of authority which was inadvertently omitted in a previous *FEDERAL REGISTER* notice.

No. MC 141278 (Sub-No. 4), filed February 27, 1976, published in the *FEDERAL REGISTER* issue of April 8, 1976, and republished this issue. Applicant: CHARLES W. SIRCY CORP., 434 Atlas Drive, Nashville, Tenn. 37072. Applicant's representative: Roland M. Lowell, Suite 818, Hamilton Bank Bldg., Nashville, Tenn. 37219. By Order of the Commission in No. MC 141278 (Sub-No. 4), dated November 30, 1977, Indiana Refrigerator Lines, Inc. (P.O. Box 552, Muncie, Ind. 47305) was substituted as applicant in this proceeding in lieu of Charles W. Sircy Corp. The same Order, Division 1, Acting as an Appellate Division, served December 8, 1977, finds on further consideration that the present and future public convenience and necessity require operation by the substituted applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides, skins, and pieces therefrom and commodities in bulk), (1) from Nashville and Clarksville, Tenn., and Kinston, N.C., to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming), restricted against the transportation of shipments from Kinston, N.C., to points in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (2) from points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Iowa, Kansas, Michigan, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Penn-

sylvania, Utah, Washington, and Wyoming) to Nashville and Clarksville, Tenn.; and (3) from points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Michigan, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, and Wyoming) to Kinston, N.C. The substituted applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is (1) to indicate the substitution of applicant in this proceeding; and (2) to indicate the grant of common carrier authority in lieu of contract carrier authority.

#### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

##### Notice

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not

intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the *FEDERAL REGISTER* of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 730 (Sub-No. 410), Filed November 21, 1977. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: E. E. Reddick (same address as applicant). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Air Coolers or Air Conditioners*, with or without heating apparatus, between the plant site of McQuay-Perfex Industries, located in Faribault, Minn., on the one hand, and on the other, all points in the United States (excluding Hawaii and Alaska).

NOTE.—Common Control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minnesota or San Francisco, Calif.

No. MC 5623 (Sub-No. 36), filed November 21, 1977. Applicant: ARROW TRUCKING CO., a corporation, P.O. Box 7280, Tulsa, Okla. 74105. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean Va. 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt storage silos and component parts thereof*, from the plantsite of CMI Corp. located at or near Oklahoma City, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 11207 (Sub-No. 408), filed November 16, 1977. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Pipe, Pipe fittings, hydrants, valves, valve boxes and water boxes*, from Holt, Ala. to points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala. or Montgomery, Ala.

No. MC 13123 (Sub-No. 92), filed November 21, 1977. Applicant: WILSON FREIGHT COMPANY, a corporation, 11353 Reed Hartman Highway, Cincinnati, Ohio 45241. Applicant's representative: Milton H. Bortz 11353 Reed Hartman Highway, Cincinnati, Ohio 45241. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, serving the plantsite and warehouse facilities of National Presto Industries, Inc., Canton Sales and Storage Co. Division, at or near Canton, Miss., as an off-route point in connection with carrier's otherwise authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Cincinnati, Ohio.

No. MC 19778 (Sub-No. 100), filed November 21, 1977. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION CO., a corporation, Suite 508, 516 West Jackson Boulevard, Chicago, Ill. 60606. Applicant's representative: Jerome Anderson, Suite 100 Transwestern Building, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products, from Sioux Falls, S. Dak., to points in that part of Oklahoma on and east of U.S. Highway 81.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or Pierre, S. Dak.

No. MC 63417 (Sub-No. 119), filed November 18, 1977. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, Va. 24034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Eden, N.C., to points in the states of Alabama, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, South Carolina, Tennessee, Virginia, and West Virginia; (2) *Materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, and returned empty malt beverage containers (except commodities in bulk), from points in the states of Alabama, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, South Carolina, Tennessee, Virginia, and West Virginia, to Eden, N.C.

NOTE.—If oral hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 69116 (Sub-No. 196), filed November 21, 1977. Applicant: SPECTOR FREIGHT SYSTEM, INC., 1050

Kingery Highway, Bensenville, Ill. 60106. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, serving the plantsite and warehouse facilities of National Presto Industries, Inc., Canton Sales and Storage Co. Division, at or near Canton, Miss., as an off-route point in connection with applicant's otherwise authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jackson, Miss., Memphis, Tenn., or Chicago, Ill.

No. MC 73165 (Sub-No. 424), filed November 21, 1977. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. 35202. Applicant's representative: R. Cameron Rollins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, boilers and boiler parts (valves), coal crusher-feeders and burners, fabricated steel weldments, steel castings, and steel plate*, from plant sites of Riley Stoker Corp., located at, Erie, Pa. and Sapulpa, Okla. to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 75406 (Sub-No. 44), filed November 15, 1977. Applicant: SUPERIOR FORWARDING CO., INC., 2600 South Fourth St., St. Louis, Mo. 63118. Applicant's representative: Gregory M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment)*, between junction U.S. Highway 79 and Arkansas Highway 86 and junction Arkansas Highway 86 and U.S. Highway 49, serving all intermediate points, including Holly Grove, Ark.; from junction U.S. Highway 79 and Arkansas Highway 86, over Arkansas Highway 86 to junction U.S. Highway 49, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Little Rock, Ark. or Memphis, Tenn.

No. MC 105375 (Sub-No. 74), filed November 15, 1977. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Ave., Newport, Minn. 55055. Applicant's representative: Joseph A.



Eschenbacher, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from the facilities of CF Industries, Inc. located at or near Albany, Ill., to points in Illinois, Iowa, Minnesota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Paul or Minneapolis, Minn.

No. MC 106674 (Sub-No. 269), filed November 21, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, Ind. 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards and materials and supplies* as are used for installation and distribution of the aforementioned products (except commodities in bulk) from Danville, Va. to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Chicago, Ill. or Indianapolis, Ind.

No. MC 107445 (Sub-No. 13), filed November 15, 1977. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 West Troy Avenue, Indianapolis, Ind. 46225. Applicant's representative: K. Clay Smith, 940 West Troy Avenue, Indianapolis, Ind. 46225. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and iron and steel extrusions*, from the facility of Curtiss-Wright Corp., at Buffalo, N.Y. to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Buffalo, N.Y. or Indianapolis, Ind.

No. MC 109397 (Sub-No. 375), filed November 21, 1977. Applicant: TRISTATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Bulk conveyor systems, pressure vessel systems, heating and cooling systems, anti-pollution systems*; and (2) *parts, equipment and accessories* for items in (1) above; from Houston, Tex. to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Houston or Dallas, Tex.

No. MC 110064 (Sub-No. 5), filed November 21, 1977. Applicant: BILL

MEEKER, 1632 N. Mosley, Wichita, Kans. 67202. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Malt Beverages and Advertising Matter*, from Milwaukee, Wis. to Wichita, Kans., under a continuing contract or contracts with S&M Sales, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wichita, Kans. or Kansas City, Mo.

No. MC 112989 (Sub-No. 57), filed November 18, 1977. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, Oreg. 97405. Applicant's representative: Jerry R. Woods, Suite 1440, 200 Market Building, 200 SW. Market Street, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *plastic or rubber*, expanded, from the plantsites of The General Tire and Rubber Co. at Orange and Hayward, Calif., to points in Idaho, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland, Oreg. or San Francisco, Calif.

MC 115162 (Sub-No. 395), filed November 21, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, P.O. Drawer 500, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound* (except in bulk, in tank vehicles) and *filters*, from points in Marion County, Tenn. to points in the United States (except Alaska and Hawaii), restricted to traffic originating at points in Marion County, Tenn.; (II) *Materials, supplies and equipment* used in the manufacture, sale, and distribution of the commodities named in Part I above (except commodities in bulk, in tank vehicles) from points in Ohio, West Virginia, Pennsylvania, Alabama, Georgia, Virginia, and Kentucky, to Marion County, Tenn., restricted to traffic destined to points in Marion County, Tenn.; and (III) *Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound* (except in bulk, in tank vehicles) and *filters* from points in Ohio, New York, Rhode Island, Pennsylvania, West Virginia to points in Marion County, Tenn., restricted to traffic destined to Marion County, Tenn.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Washington, D.C.

No. MC 115651 (Sub-No. 37), filed November 10, 1977. Applicant:

KANEY TRANSPORTATION, INC., 7222 W. Cunningham Road, Rockford, Ill. 61102. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought by applicant to operate in interstate or foreign commerce as a *common carrier* by motor vehicle over irregular routes transporting: *Solvents*, in bulk, in tank vehicles, from the plantsite and storage facilities of Amsco Division, Union Oil Co., located at or near Lemont, Ill., to points in Iowa, Minnesota, Missouri, and Wisconsin.

NOTE.—(1) Applicant states that common control may be involved. (2) If a hearing is deemed necessary applicant requests that hearing be held in Chicago, Ill.

MC 117686 (Sub-No. 194), filed November 21, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, P.O. Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses, from Northfield, Minn. to Fargo, N. Dak.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn. or Omaha, Nebr.

No. MC 120181 (Sub-No. 8) filed November 14, 1977. Applicant: MAIN LINE HAULING CO., INC., P.O. Box C, St. Clair, Mo. 63077. Applicant's representative: William H. Shawn, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Potosi, Mo., and the Missouri plantsites, mining sites, milling sites, property, and storage facilities of the St. Joe Lead Co. and the Meramec Mining Co., and points within 5 miles thereof, on the one hand, and, points in Kansas, Mo., and Oklahoma, on the other.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC. 123407 (Sub-No. 400) (correction), filed August 29, 1977, previously Noticed in the FEDERAL REGISTER issue of October 6, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: (1) *Building and construction materials, and iron and steel articles*, from the plant sites or warehouses of Penn-Dixie Steel Corp. at or near Albuquerque, N. Mex.; Denver, Colo.; Blue Island, Joliet and Chicago, Ill.; Grand Rapids, Lansing, Petroskey, Holland, and Detroit, Mich.; Toledo and Columbus, Ohio; Winterset, Centerville, and West Des Moines, Iowa; Fort Wayne and Kokomo, Ind.; Jackson, Miss.; Kingsport, Knoxville, and South Pittsburg, Tenn.; Salisbury, N.C.; Atlanta, Ga.; Nazareth, Pa.; and Milwaukee, Wis.; to points in the United States (except Alaska and Hawaii), restricted against the transportation of iron and steel articles, from Joliet, Ill., to points in Kansas, Minnesota, Nebraska, and South Dakota, and further restricted against the transportation of iron and steel articles, from Kokomo, Ind., to points in Delaware, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Dakota, Pennsylvania, South Dakota, Texas, West Virginia, and Wisconsin; and (2) *materials and supplies* used in the manufacture of building and construction materials and *iron and steel articles*, from points in the United States (except Alaska and Hawaii), to origin point listed in Part (1) above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.; or Indianapolis, Ind. The purpose of this correction is to clarify restrictions to the operations requested in Part (1). Prehearing conference: January 31, 1978, at 9:30 a.m. local time, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 124947 (Sub-No. 87), filed November 21 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road, Stroud, Okla. 74079. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *silos, steel, knocked down and parts; unloaders; tanks, grain storage; filter tanks, parts and accessories*, from Buckner, Ky. to New Mexico, Texas, Oklahoma, Nebraska, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Louisville, Ky. or Cincinnati, Ohio.

No. MC 133689 (Sub-No. 158), filed November 21 1977. Applicant: OVER-

LAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: (1) such merchandise as is dealt in by discount and variety stores (except foodstuffs and commodities in bulk) and (2) Foodstuffs (except commodities in bulk) in mixed shipments with commodities described in (1) above. From Jersey City, N.J.; Newark, N.J. and Boston, Mass. to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin, restricted to shipments originating at the named origins and destined to the facilities of K Mart Corp. at the specified destinations.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minnesota.

No. MC 134183 (Sub-No. 3), filed November 18 1977. Applicant: C.E. ZUMSTEIN, d.b.a. C.E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, Ohio 45338. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Casket components, steel stampings, and doors*, and (2) *materials, equipment, and supplies* used in the manufacture, sale, or distribution of the commodities in (1) above, between Richmond, Indiana, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Johnson Sheet Metal Works Corp.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Toledo, Ohio.

No. MC 135684 (Sub-No. 58), filed November 21, 1977. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Rd., Flemington, N.J. 08822. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products, from Bohemia, Long Island, N.Y., to points in Illinois, Michigan, Minnesota, and Ohio.*

NOTE.—Applicant holds contract carrier authority in No. MC 87720 (Sub-No. 145) and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 136285 (Sub-No. 28) (Amendment), filed September 14, 1977, published in the FEDERAL REGISTER of No-

vember 3, 1977, and republished as amended this issue.

Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 1375, Thomasville, Ga. 31792. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, floorsweeping compounds and absorbents*, from points in Thomas County, Ga., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, Texas, and Louisiana, (except points in Georgia and Florida.) The purpose of this amendment is to broaden the commodity description.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 136605 (Sub-No. 39), filed November 16, 1977. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, Mont. 59807. Applicant's representative: W. E. Seliski, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the construction, erection, installation and packaging of pre-cut log and wood homes and buildings, from points in that part of the United States in and west of Michigan, Indiana, Illinois, Missouri, Arkansas, and Texas, except Alaska and Hawaii, to the plantsite and storage facilities of Real Log Homes, Inc. located near Missoula, Mont.; and (2) *Windows, doors, and millwork*, between the plantsites and storage facilities of Real Log Homes, Inc. located at points in Oregon, Montana, Wisconsin, Arkansas, and California, restricted in (1) and (2) to traffic originating at or destined to the plantsites and storage facilities of Real Log Homes, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Billings or Missoula, Mont.

No. MC 138073 (Sub-No. 2), filed November 18, 1977. Applicant: BUF-AIR FREIGHT, INC., 160 Sugg Road, Cheektowaga, N.Y. 14225. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between air freight facilities at or near the Greater Buffalo International Airport, Cheektowaga, N.Y., on the one hand, and, on the other, points in Allegany, Cattaraugus, and Chautauqua Counties, N.Y., and points in Elk, McKean,



and Warren Counties, Pa. Restricted to the transportation of traffic (a) having a prior or subsequent movement by air, and (b) picked up and delivered on the same day.

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at Buffalo, N.Y. Common control may be involved.

No. MC 138468 (Sub-No. 3) (correction), filed August 29, 1977, and published in the FEDERAL REGISTER issue of October 20, 1977, and republished this issue. Applicant: BI-COUNTY TRUCKING, INC., Route 1, Box 210, Warden, Wash. 98857. Applicant's representative: Charles C. Flower, 303 East D Street, Suite 2, Yakima, Wash. 98901. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, between Adams, Benton, Franklin, Grant, Walla Walla, and Yakima Counties, Wash., and Baker, Gilliam, malheur, Morrow, Sherman, Umatilla, Union, and Wasco Counties, Oreg., and Latah, Kootenai, Nez Pierce, and Shoshone Counties, Idaho; (2) *Liquid fertilizer*, between Whitman County, Wash., and Benewah, Latah, and Lewis Counties, Idaho; (3) liquid feed supplements, between Grant County, Wash., and Missoula, Ravalli, and Teton Counties, Mont., a nonradial movement. The purpose of this republication is to correct applicant's territorial description in (2) above.

NOTE.—If a hearing is determined necessary, applicant requests it be held at Yakima, Wash.

No. MC 139495 (Sub-No. 287), filed November 21, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, Md. 20910. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles* (except in bulk), from Temple, Tex., to Alabama, Arkansas, Arizona, California, Colorado, Georgia, Florida, Indiana, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Minnesota, Missouri, New Jersey, New Mexico, Oklahoma, Oregon, Pennsylvania, and Tennessee; and (2) *materials and supplies* used in the manufacture and distribution of plastic articles from Alabama, Arizona, Arkansas, California, Colorado, Georgia, Florida, Indiana, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Minnesota, Missouri, New Jersey, New Mexico, Oklahoma, Oregon, Pennsylvania, and Tennessee, to Temple, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 140755 (Sub-No. 48), filed November 21, 1977. Applicant: BRAY

TRANSPORTS, INC., 1401 North Little Street, P.O. Box 270, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid propane gas*, in bulk, in tank vehicle, from Conway, Kans., or Jasper, Mo., to Grafton, Wis.; Winchester, Ky.; Mason and Cincinnati, Ohio; and Atlanta, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Joplin or Kansas City, Mo. Common control may be involved.

No. MC 140927 (Sub-No. 6), filed November 21, 1977. Applicant: F. J. CAREY, Jr., TRANSPORTATION, INC., 35 Brett Street, Brockton, Mass. 02401. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, from Brockton, Mass., to points in Rhode Island and Connecticut.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass.

No. MC 143165 (Sub-No. 2), filed November 21, 1977. Applicant: CHARLES W. McCLELLAND, d.b.a. McCLELLAND LUMBER TRANSPORT, Route 3 Park Road Court, Union, Mo. 63084. Representative: Charles W. McClelland (Same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber and blocking material, from the lumber mill and yard of Merritt Lumber Co., Inc., at or near Steelville, Mo., to Portage, Burns Harbor, Gary, Valparaiso, and Hammond, Ind.; Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, under a continuing contract or contracts with Merritt Lumber Co., Inc.*

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis or Jefferson City, Mo.

No. MC 143291 (Sub-No. 1) (correction), filed August 1, 1977, published in the FEDERAL REGISTER issue of September 8, 1977, and republished as corrected this issue. Applicant: RAYLS BROTHERS TRANSFER, INC., North Dixie Highway, Box 342, Hoopeston, Ill. 60942. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned goods, unfrozen, from the plantsites and facilities of Joan of Arc Co., Inc., at Hoopeston and Princeville, Ill., to points in Indiana, Iowa, Ken-*

tucky, Michigan, and Missouri. The purpose of this correction is to substitute Princeville, Ill., for Princeton, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 143921, filed October 31, 1977. Applicant: BAMA EXPRESS, INC., P.O. Box 222, Tuscaloosa, Ala. 35401. Applicant's representative: Donald B. Sweeney, Jr., 601-09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Roofing paper, building paper, roofing cement, asphaltum, roofing asphalt, prepared roofing, prepared shingles, filter felt, and materials and supplies* used in the installation thereof (except liquid in bulk, in tank vehicles) from Tuscaloosa County, Ala., to points in Georgia, Florida, South Carolina, North Carolina, Virginia, Kentucky, Tennessee, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, and Mississippi; (2) *materials and supplies* used in the manufacture of items in (1) above (except liquid in bulk, in tank vehicles), from the destination States in (1) above, to Tuscaloosa County, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tuscaloosa, Ala., or Birmingham, Ala.

No. MC 143973 (Sub-No. 2), filed November 17, 1977. Applicant: JAN-AIR DELIVERY, INC., BAC Building, Greater Buffalo International Airport, Cheektowaga, N.Y. 14225. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a common carrier, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between air freight facilities at or near the Greater Buffalo International Airport, Cheektowaga, N.Y. on the one hand, and, on the other, points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, and Wyoming counties, N.Y., and points in Elk, McKean, and Warren Counties, Pa., (1) Restricted to the transportation of shipments having an immediate prior or subsequent movement by air. (2) Restricted to the transportation of shipments to be picked up and delivered on the same day.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Buffalo, N.Y.

No. MC 143987, filed November 15, 1977. Applicant: M. KORSON & CO., INC., 91 Washington Street, Somerville, Mass. 02145. Applicant's attorney: James E. Mahoney, 84 State

Street, Boston, Mass. 02109. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products, paperboard, and pulpboard products* from Lawrence, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania; and (2) *materials, supplies, and equipment* used in the manufacture of paper, paper products, paperboard, and pulpboard products from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania to Lawrence, Mass. The authority sought under parts 1 and 2 above is restricted to traffic moving under a continuing contract or contracts with Lawrence Paperboard Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Boston, Mass., or Providence, R.I. Applicant holds motor common carrier authority in MC 8022 (Sub-No. 1), therefore dual operations may be involved.

#### FINANCE APPLICATIONS

##### NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13462. Authority sought for purchase by COATS FREIGHT LINES, INC., 2619 N Street, Omaha, Neb., 68107, of a portion of the operating rights of Iowa Packers Xpress, Inc., P.O. Box 231, Spencer, Iowa, 51301, and for acquisition by Elmer Adams, 2619 "N" Street, Omaha, Neb., 68107, of control of such rights through the purchase. Applicants' attorney: Scott E. Daniel, P.O. Box 82028, Lincoln, Neb., 68501. Operating rights sought to be transferred: Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766

(except hides and commodities in bulk), as a common carrier over irregular routes from the plantsite and storage facilities of Missouri Beef Packers, Inc., located at or near Holton, Kans., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, with restrictions; meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Farmland Foods, Inc., located at or near Denison and Iowa Falls, Iowa to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, with restrictions; meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fort Dodge and Mason City, Iowa, Luverne, Minn., and Dakota City, Neb., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Vendee is authorized to operate as a common carrier in Connecticut, Delaware, The District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13464. Authority sought for purchase by NEW ULM FREIGHT LINES, INC., P.O. Box 347, New Ulm, Minn., 56073, of a portion of the operating rights of Hiawatha Produce Co., 4195 Fourth Street, Winona, Minn., 55987, and for acquisition by Barry Bloedel, P.O. Box 347, New Ulm, Minn., 56073, of control of such rights through the transaction. Vendee's attorney: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn., 55102. Vendor attorney: Allan B. Thorst, 217 East Jefferson St., P.O. Box 190, Burlington, Wis., 53105. Operating rights sought to be transferred: Foodstuffs, except commodities in bulk, as a common carrier over irregular routes, from the facilities of Land O'Lakes, Inc., at or near Hudson, Iowa, to points in Pennsylvania, West Vir-

ginia, Virginia, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the origin and destined to the destination States; Foodstuffs, except commodities, in bulk, as a common carrier over irregular routes, from points in Minnesota and Wisconsin to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of traffic originating at the facilities of Land O'Lakes, Inc., at the above named origins and destined to the above named destinations; Butter, cheese, dried milk powder, eggs, oleomargarine, and poultry products, as a common carrier, over irregular routes, from the facilities of Land O'Lakes, Inc., in Minnesota, Chippewa Falls, Eau Claire, Greenwood, Marshfield, Monroe, Reedsburg, Sauk City, Spencer, Union, Center, Whitehall, and Wycocena, Wis., and Chicago, Ill., to points in Connecticut, Maine, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the above named facilities and destined to the above destination points; as more fully described in Certificate No. MC 135032 (Sub-No. 2, Sub-No. 10 and Sub-No. 16) Vendee is authorized to operate as a common carrier in all 48 States and the District of Columbia under authority in Certificate No. MC 139482 and Subs thereunder. Application has been filed for temporary authority under Section 210a(b).

No. MC-F-13470. Authority sought for purchase by 2-G TRANSPORTATION, INC., 10 East Minnesota Street, Savage, Minn., 55378, of the operating rights of H. B. Nelson & Sons, Inc.; Rodger L. Nelson and Richard D. Nelson, P.O. Box 241, Alexandria, Minn., 56308, and for acquisition by David J. Gilligan, 3901 Heritage Hills Drive, Bloomington, Minn., 55420, of control of such rights through the transaction. Applicants' attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Operating rights sought to be transferred: Used bluegrass stripping machines, during the season extending from June 1 to July 31, both inclusive,



of each year, as a common carrier over irregular routes between points in the territory embracing points in that part of Iowa on and west of U.S. Highway 65 and on and south of U.S. Highway 30; Highway 212 and on and west of a line beginning at Minneapolis, Minn., and extending along Minnesota Highway 169 to Grand Rapids, Minn., thence along Minnesota Highway 38 to Effie, Minn., thence along Minnesota Highway 1 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to Big Falls, Minn., and thence along U.S. Highway 71 to International Falls, Minn.; points in that part of Missouri on and west of U.S. Highway 65 and on and north of U.S. Highway 50; points in that part of Nebraska on and east of U.S. Highway 183; and those in that part of South Dakota on and east of U.S. Highway 83. Bags for bluegrass strippings and seeds, during the season extending from June 1 to July 31, both inclusive, of each year, from Kansas City, Mo., to the above-described points in Minnesota and South Dakota, except Minneapolis, Minn., and Sioux Falls, S. Dak., from Barnesville, Minn., to the above-described points in South Dakota, except Minneapolis, Minn., and Sioux Falls, S. Dak., from Barnesville, Minn., to the above-described points in South Dakota. Malt Beverages, from Minneapolis, Minn., to Wahpeton, N. Dak., Beverages and water, from Minneapolis-St. Paul, Minn., to points in North Dakota. Malt beverages from Milwaukee, Wis., to points in Minnesota (except Minneapolis-St. Paul and its commercial zone, as defined by the Commission) and points in North Dakota, from Belleville, Ill., to points in Minnesota and North Dakota, from St. Louis, Mo., to points in that part of Minnesota on or north of U.S. Highway 12 (except Minneapolis-St. Paul and its commercial zone, as defined by the Commission), and points in North Dakota. Malt beverages, from Olympia, Wash. to points in Minnesota; and Empty containers, pallets, and returned shipments of malt beverages, from points in Minnesota to Olympia, Wash. Supplies materials and equipment used in the manufacture, advertising, and distribution of malt beverages, from points in Minnesota to Olympia, Wash.; Antifreeze and lubricating oils and greases, in containers, oil and grease dispensing equipment, hydraulic system components, agricultural crop spray oils, and cleaning agents and solvents, as a contract carrier over irregular routes from Minneapolis and St. Paul, Minn., to points in Minnesota, North Dakota, South Dakota, and points in that part of Iowa on and north of U.S. Highway 20, with restrictions: Said operations are limited to a transportation service to be performed, under a continuing con-

tract or contracts with Farm-Oyl Co., of Minneapolis, Minn. Vendee is authorized to operate as a common carrier in Minnesota, Wisconsin, and Illinois. Application has been filed for temporary authority under section 210a(b).

NOTE.—This application was previously filed and docketed MC-FC-77128. Publication of the prior filed 212(b) application took place on June 6, 1977, on page 28954 of the FEDERAL REGISTER. The applicant also filed for temporary authority under section 210a(b). The temporary authority application was published in the FEDERAL REGISTER On May 24, 1977 on page 26499. The temporary authority application was granted June 6, 1977, and served June 22, 1977. The 212(b) application was dismissed for lack of jurisdiction. The applicants were informed to file a section 5 application.

No. MC-F-13474. Authority sought for control by HORN TRANSPORTATION, INC., 3008 East 4th Street, Pueblo, Colo. 81001, of Cargo and Transportation Services, Inc., 530 East 4th Street, Pueblo, Colo., 81002, and for acquisition by John B. Thompson, 344 Mead, Pueblo, Colo., 81001, of control of such rights through the transaction. Applicants' attorneys: John H. Lewis, 1650 Grant St. Building, Denver, Colo., 80203, and H. James Maxwell, 1221 Baltimore, 6th Floor, Kansas City, Mo., 64105. Operating rights sought to be controlled: General commodities, with exceptions as a common carrier over regular routes between Pueblo, Colo. and Manzanola, Colo., serving all intermediate points within 15 miles of Fowler, Colo.: From Pueblo over U.S. Highway 50 to Manzanola, and return over the same route; General commodities, with exceptions as a common carrier over regular routes between Pueblo, Colo. and Scott City, Kans., serving the intermediate points of Blende, Baxter, Vineyard, Boone, Olney Springs, Crowley, Ordway, Sugar City, Arlington, Haswell, Eads, Chivington, Brandon, Sheridan Lake, and Towner, Colo., and Tribune, Whitelaw, Selkirk, Leoti, Merlethal, and Modoc, Kans.: From Pueblo over Colorado Highway 96 to the Colorado-Kansas State line, and thence over Kansas Highway 96 to Scott City, and return over the same route, with restrictions; General commodities, with exceptions as a common carrier over irregular routes between points within 15 miles of Fowler, Colo. on the one hand and, on the other, points in Colorado. Vendee is authorized to operate as a common carrier in all 48 states (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

##### NOTICE

The following letter-notices to operate over deviation routes for operating

convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

#### MOTOR CARRIERS OF PROPERTY

No. MC 29555 (Deviation No. 21), BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Building, St. Paul, Minn. 55104, filed December 28, 1977. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Des Moines, Iowa, over U.S. Highway 85 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Missouri Highway 23, thence over Missouri Highway 23 to junction Interstate Highway 70, thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Des Moines, Iowa, over U.S. Highway 6 to junction U.S. Highway 275 near Council Bluffs, Iowa, thence over U.S. Highway 275 to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 71 near Clarinda, Iowa, thence over U.S. Highway 71 to Kansas City, Mo., and return over the same route.

No. MC 30204 (Deviation No. 27), HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, Mass., filed December 22, 1977. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Newark, N.J., over Interstate Highway 95 to junction New Jersey Turnpike, thence over New Jersey Turnpike to junction Interstate Highway 295, thence over Interstate Highway 295 to junction U.S. Highways 13 and 40, thence over U.S. Highway 13 via the Chesapeake Bay Bridge-Tunnel to Norfolk, Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Newark, N.J., over U.S. Highway 1 via Baltimore, Md., to Richmond, Va., thence

over U.S. Highway 60 to Norfolk, Va., and return over the same route.

No. MC 30204 (Deviation No. 28), HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, Mass., filed December 22, 1977. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Philadelphia, Pa., over U.S. Highway 13 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Pennsylvania Highway 291, thence over Pennsylvania Highway 291 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction U.S. Highways 13 and 40, thence over U.S. Highway 13 via the Chesapeake Bay Bridge-Tunnel to Norfolk, Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Philadelphia, Pa., over U.S. Highway 1 via Baltimore, Md., to Richmond, Va., thence over U.S. Highway 60 to Norfolk, Va., and return over the same route.

No. MC 30204 (Deviation No. 29), HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, Mass., filed December 22, 1977. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Maryland Highway 3 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 17, thence over U.S. Highway 17 to junction Interstate Highway 64, thence over Interstate Highway 64 to Norfolk, Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore, Md., over U.S. Highway 1 to Richmond, Va., thence over U.S. Highway 60 to Norfolk, Va., and return over the same route.

#### MOTOR CARRIER INTRASTATE APPLICATION(S)

##### NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49

CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A. 57606 (Partial correction), filed October 5, 1977, published in the FEDERAL REGISTER issue of November 3, 1977, and republished as corrected this issue. Applicant: GEORGE B. SELKO, doing business as GE BE FREIGHT LINE, 3009 Bradshaw Road, Sacramento, Calif. 95827. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of: General commodities, between the following points; serving all intermediate points on said routes and all off-route points within 20 miles thereof: (1) Redding and Sacramento on Interstate Highway 5, (2) Redding and Yuba City on Interstate Highway 99, (3) Yuba City and Glenbrook Heights on State Highway 20, (4) Yuba City and Manteca on State Highway 99, (5) Sacramento and Colfax on Interstate Highway 80, (6) Sacramento and Placerville on State Highway 50, (7) Sacramento and the San Francisco Territory on Interstate Highway 80, (8) Stockton to Interstate Highway 80 on State Highway 4, (9) Stockton and the San Francisco Territory on Interstate Highways 5, 205, and 580, and (10) the San Francisco Territory as set forth in Appendix A. Applicant may use any and all highways and roads between the areas described for operating convenience (except that Applicant may not transport any shipments of the following: (1) *Used household goods, personal effects and office, store, and institution furniture, fixtures, and equipment*, not packed in accordance with the crated property requirement set forth in Item 5 of Minimum Rate Tariff 4-B, (2) *Automobiles, trucks, and buses*, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis, (3) *livestock*, viz: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or others, (4) *liquids*, compressed gasses, commodities in semiplastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles, (5) commodities

when transported in bulk in dump trucks or in hopper-type trucks, (6) commodities when transported in motor vehicles equipped for mechanical transit, (7) *cement*, (8) *logs*, (9) articles of unusual or extraordinary value, and (10) shipments (in vehicles equipped with mechanical refrigeration systems). San Francisco Territory.—San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean, thence easterly along said County Line to a point one mile west of State Highway 82, southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road, southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately two miles southwest from Simla to Permanent, easterly along Pollard Road, to West Parr Avenue, easterly along West Parr Avenue to Capri Drive, southerly along Capri Drive, to Division Street, easterly along Division Street, to the Southern Pacific Co. right-of-way, southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits, easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road), northeasterly along South Bascom Avenue, to Foxworthy Avenue, easterly along Foxworthy Avenue, to Almaden Road, southerly along Almaden Road to Hillsdale Avenue, easterly along Hillsdale Avenue to State Highway 82, northwesterly along State Highway 82 to Tully Road, northeasterly along Tully Road, and the prolongation thereof to White Road, northwesterly along White Road, to McKee Road, southwesterly along McKee Road, to Capitol Avenue, northwesterly along Capitol Avenue to State Highway 238 (Oakland Road), northerly along State Highway 238 to Warm Springs, northerly along State Highway 238 (Mission Boulevard) via Mission San Jose and Niles to Hayward, northerly along Foothill Boulevard and MacArthur Boulevard to Seminary Avenue, easterly along Seminary Avenue to Mountain Boulevard, northerly along Mountain Boulevard to Warren Boulevard (State Highway 13), northerly along Warren Boulevard to Broadway Terrace, westerly along Broadway Terrace to College Avenue, northerly along College Avenue, to Dwight Way, easterly along Dwight Way to the Berkeley-Oakland Boundary Line, northerly along said boundary line to the Campus Boundary of the University of California, westerly, northerly, and easterly along the campus boundary to



Euclid Avenue, northerly along Euclid Avenue, to Marin Avenue, westerly along Marin Avenue to Arlington Avenue, northerly along Arlington Avenue to San Pablo Avenue (State Highway 123), northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond, southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street, westerly along said waterfront and shoreline to the Pacific Ocean, southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate, and foreign commerce authority sought.

NOTE.—The purpose of this partial correction is to indicate the correct (1) named of applicant, and (2) territory sought.

Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-741 Filed 1-11-78; 8:45 am]

# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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## [6320-01]

### CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., January 5, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 10. Docket 31749, Transatlantic specific commodity rate on books proposed by TWA (Memo No. 7685, BFR, BIA).

STATUS: Open.

### PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The Staff indicated in today's meeting that Memorandum for Board Action No. 7685, entitled, "Transatlantic specific commodity rate on books proposed by TWA," should be deleted from the calendar for January 5 because, upon review, staff found a factual error which cannot be revised in time for submission of a revised Order to the Board for consideration on January 5. Accordingly, the following Board Members voted that agency business requires the deletion of Item 10 from the January 5 agenda and that no earlier announcement of this deletion was possible: Chairman Alfred E. Kahn, Acting Vice Chairman G. Joseph Minetti, Member Elizabeth E. Bailey.

[S-57-78 Filed 1-10-78; 9:47 am]

## [6570-06]

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, January 17, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: 1. *Litigation Authorization: General Counsel Recommendations:* Matters closed to the public under Sec. 1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977. 2. *Revised Phasing Plan for Field Office Structure.*

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

### CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This Notice Issued January 10, 1978. [S-60-78 Filed 1-10-78; 2:27 pm]

## [6730-01]

### FEDERAL MARITIME COMMISSION.

TIME AND DATE: January 18, 1978, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

### MATTERS TO BE CONSIDERED:

#### PORTIONS OPEN TO THE PUBLIC

1. Monthly report of actions taken by the Managing Director pursuant to delegated authority.

2. Agreement No. 7680-36: Modification of the American West African Freight Conference to establish intermodal authority.

3. Agreement No. 9238-8: Modification of the Greece/United States Atlantic Rate Agreement to extend its scope to inland points in Greece, speci-

fy voting requirements; revise self-policing procedures; establish a financial guarantee; and make other administrative changes.

4. Agreement No. 10285: Establishment of rate agreement between the Straits/New York Conference and four mini-landbridge carriers.

5. Emergency Surcharges in the North and South Atlantic trades.

6. Docket No. 77-31: Chevron Chemical International, Inc. v. Barber Blue Sea Line—Consideration of request for oral argument.

7. Informal Docket No. 411(F): Supreme Ocean Freight Corporation FMC-1331 v. All Caribbean, Inc.—Review of dismissal of proceeding.

8. Informal Docket No. 387(I): Pan American Health Organization v. Moore-McCormack Lines, Inc.—Review of Decision of Settlement Officer.

### PORTIONS CLOSED TO THE PUBLIC

1. Docket No. 77-23: Agreement No. 10294—Petition of hearing counsel for clarification of order of investigation.

2. Docket No. 75-45: *Madeplac S.A. Industria de Madeiras v. L. Figueiredo Navegacao, S.A.*, a.k.a. Frota Amazonica, S.A.—Consideration of initial decision on demand.

### CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-63-78 Filed 1-10-78; 2:27 pm]

## [4910-58]

### NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, January 19, 1978 [NM-78-3].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first three items will be open to the public; the fourth item will be closed. (Exemption 9B of the Government in the Sunshine Act.)

### MATTERS TO BE CONSIDERED:

1. *Aircraft accident report.*—Southern Airways, Inc., DC-9-31, N1335U, New Hope, Ga., April 4, 1977.

2. *Aircraft accident report.*—Allegheny Airlines, Inc., Douglas DC-9, N99V, Philadelphia, Pa., June 23, 1976.

3 Discussion.—Communications and 17 CFR 200.402(a) (8), (9)(i), and information for monitoring and invest-

PREVIOUSLY ANNOUNCED DATE 2. Petition on football helmets and 300. 1111 18th Street NW., Washing-



3. *Discussion.*—Communications with accident investigation parties.

4. *Discussion.*—Report by the Bureau of Technology on Boeing 747 Aircraft, as requested by the Imperial Iranian Air Force.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-426-8860.  
[S-61-78 Filed 1-10-78; 2:27 pm]

[7590-01]

5

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: 11 a.m., Monday, January 16, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Briefing on possible impropriety in the use of NMSS's analysis of California Energy Commission's interim report on reprocessing and high level waste disposal.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,  
Office of the Secretary.

JANUARY 9, 1978.

[S-59-78 Filed 1-10-78; 11:39 am]

[8010-01]

6

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of January 16, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Tuesday, January 17, 1978, at 10 a.m. A closed meeting will be held on Tuesday, January 17, 1978, immediately following the open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the closed meeting. Certain staff members responsible for the calendared matters may be present.

The general counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10)

and 17 CFR 200.402(a) (8), (9)(i), and (10).

Chairman Williams, Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, January 17, 1978, at 10 a.m., will be:

1. Freedom of Information Act appeal by Frederic J. Milberg, Esq. concerning access to an internal document regarding Pathcom, Inc.

2. Consideration of proposed rule change filed by the Depository Trust Co. to permit the inclusion of interchangeable municipal bonds among the company's eligible securities.

3. Consideration of the delegation of authority to the Director of the Division of Corporation Finance to grant certain exemptive orders on routine applications under the Securities Exchange Act of 1934.

The subject matter of the closed meeting scheduled for Tuesday, January 17, 1978, immediately following the open meeting, will be:

Formal orders of investigation. Referral of investigative files to Federal, State, or self-regulatory authorities.

Freedom of Information Act appeal. Settlement of administrative proceeding.

Chapter XI proceeding. Other litigation matters.

FOR FURTHER INFORMATION CONTACT:

Julian T. Pierce at 202-376-7155 or Linda Schneider at 202-755-1118.

JANUARY 9, 1978.

[S-58-78 Filed 1-10-78; 9:47 am]

[8240-01]

7

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: January 19, 1978, 9 a.m.

PLACE: Board Room, Room 2200, Trans Point Building, 2100 Second Street SW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS:

PORTIONS CLOSED TO THE PUBLIC (9 a.m.)

1. Consideration of internal personnel matters.

2. Review of ConRail proprietary and financial information for monitoring and investment purposes.

3. Review of Delaware and Hudson Railway Co. proprietary and financial

information for monitoring and investment purposes.

4. Review of Missouri-Kansas-Texas Railroad Co. proprietary and financial information for monitoring and investment purposes.

5. Litigation report.

PORTIONS OPEN TO THE PUBLIC (1 p.m.)

6. Approval of minutes of the December 13, 1977, Board of Directors meeting.

7. Consideration of selection of new ConRail Director.

8. Report on ConRail monitoring.

9. Consideration of ConRail draw-down request for February 1978.

10. Consideration of recommending ConRail waivers to Finance Committee.

11. Consideration of section 211(h) ConRail loan application.

12. Missouri-Kansas-Texas Railroad Co. request for change in loan repayment schedule.

13. Consideration of further loans to D&H.

14. Determination of incentive prices for N.Y. Harbor floating equipment.

15. Contract actions (extensions and approvals).

CONTACT PERSON FOR MORE INFORMATION:

Alex Bilanow, 202-426-4250.

[S-62-78 Filed 1-10-78; 2:27 pm]

[7910-01]

8

THE RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, January 17, 1978; 9 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20448.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Division meeting concerning MBAssociates, fiscal year ended April 1, 1973.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: January 10, 1978.

GOODWIN CHASE,  
Chairman.

[S-64-78 Filed 1-10-78; 3:16 pm]

[7910-01]

9

THE RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 1584, January 10, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, January 17, 1978, 10 a.m.

CHANGES IN MEETING: Date of meeting changed to Wednesday, January 18, 1978, 10 a.m. Addition of matter 6 to the previously announced agenda.

MATTER TO BE CONSIDERED: 6. Determination of clearance or excessive profits: MB Associates, fiscal year ended April 1, 1973.

STATUS: Open to public observation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: January 10, 1978.

GOODWIN CHASE,  
Chairman.

[S-65-78 Filed 1-10-78; 3:16 pm]

[6355-01]

10

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: January 19, 1978, 9:30 a.m.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

OPEN TO THE PUBLIC

1. Recommendation to accept corrective action plans: McGraw-Edison Co. console humidifiers and combination air cleaner/humidifiers—ID 77-24. The staff has recommended that the Commission accept corrective action plans implemented by the McGraw-Edison Co. and Montgomery Ward to deal with a possible fire and smoke hazard associated with certain models of humidifiers and of combination air cleaners/humidifiers manufactured by McGraw-Edison.

2. Petition on football helmets and shoes, CP 77-7. In this petition, Dr. A. C. Larcher, chiropractic physician, has asked the Commission to initiate a proceeding to develop mandatory safety standards for football helmets and shoes.

3. Electrical extension cords. The Commission will consider options for action to address mouth burns and electric shock hazards associated with extension cords.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-66-78 Filed 1-10-78; 3:24 pm]

[6355-01]

11

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: January 18, 1978, 9:30 a.m.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

OPEN TO THE PUBLIC

*Carcinogen policy.* The staff will brief the Commission on proposed policy and procedural guidelines describing how CPSC will proceed when presented with information on a substance that may present a potential carcinogenic hazard to humans if it is present in consumer products. The briefing will be divided in two principle segments as follows: 9:30 a.m.—Scientific/technical considerations. 2:00 p.m.—Resource implications.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite

300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-67-78 Filed 1-10-78; 3:24 pm]

[7035-01]

12

INTERSTATE COMMERCE COMMISSION.

JANUARY 10, 1978.

TIME AND DATE: 9:30 a.m., Tuesday, January 17, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Open regular conference.

MATTERS TO BE CONSIDERED:

1. Finance Docket No. 28583 (Subs 1 and 2), Burlington Northern Inc.—Control and merger—St. Louis-San Francisco Railway Co., and securities application under section 20a of the Interstate Commerce Act. (Briefing, discussion, and possible voting on the question of whether to accept or reject the control and merger application).

2. Incentive per diem project. (Review of recommendations, briefing, and discussion.)

3. Ex Parte No. 252 (Sub-No. 2), incentive per diem—gondolas. Briefing by Bureau of Economics staff and discussion.

4. Interpretation of section 203(a)(15) of the Interstate Commerce Act—Definition of "contract carrier by motor vehicle." (Briefing by Commission staff and discussion.)

CONTACT PERSON FOR MORE INFORMATION:

Office of Information and Consumer Affairs, Douglas Baldwin, Director, telephone 202-275-7252.

[S-68-78 Filed 1-10-78; 3:52 pm]



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Register  
Federal Paper

THURSDAY, JANUARY 12, 1978  
PART II



DEPARTMENT OF  
HEALTH,  
EDUCATION,  
AND WELFARE  
Office of Education

■

SERVICE LEARNING  
CENTERS, EDUCATIONAL  
INFORMATION CENTERS,  
AND TRAINING  
PROGRAM FOR SPECIAL  
PROGRAMS, STAFF AND  
LEADERSHIP PERSONNEL

Administration of Programs  
and Contract Awards



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[4110-02]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 128]

## SERVICE LEARNING CENTERS PROGRAM

## Administration

AGENCY: U.S. Office of Education,  
HEW.ACTION: Notice of proposed rulemak-  
ing.

SUMMARY: These proposed rules govern the administration of the Service Learning Centers program authorized by the Education Amendments of 1976. The Service Learning Centers program will provide remedial and other special services to students enrolled at institutions of higher education.

DATES: Comments on or before February 13, 1978. Hearing will be held in Washington, D.C., February 2, 1978; St. Louis (Clayton), Mo., January 25, 1978; Los Angeles, Calif., January 27, 1978, and Tallahassee, Fla., January 30, 1978, beginning at 10 a.m.

ADDRESSES: Comments should be sent to Bureau of Higher and Continuing Education, Division of Student Services and Veterans Programs, U.S. Office of Education, Room 3514, ROB-3, 7th and D Streets SW., Washington, D.C. 20202. Comments will be available for public inspection at the above office, between 8:30 a.m. and 4 p.m., Monday through Friday.

Hearings will be held in the following places on the dates specified below:

(a) Washington, D.C.—Hearing on January 23, 1978—University of the District of Columbia, Van Ness Campus, Building No. 9, Room A-05, 4200 Connecticut Avenue NW.

(b) St. Louis (Clayton), Mo.—Hearing on January 25, 1978—Washington University, Brown Hall, School of Social Work, Room 100, Skinker and Lindell Boulevard.

(c) Los Angeles, Calif.—Hearing on January 27, 1978—California State—Los Angeles, University Student Union, Union Room 313, 5154 State University Drive.

(d) Tallahassee, Fla.—Hearing on January 30, 1978—Florida A & M University, Embassy Room, University Union, Boulevard Street.

FOR FURTHER INFORMATION  
CONTACT:

Barbara W. Freeman, telephone 202-245-2511.

SUPPLEMENTARY INFORMATION: Service Learning Centers will be designed to provide remedial and other special services for students enrolled or accepted for enrollment in institutions of higher education and other postsecondary educational institutions

serving a substantial number of disadvantaged students. The Centers will also serve, as a concentrated effort, to coordinate and supplement the ability of the beneficiary institution to furnish necessary services to enable disadvantaged students to complete their educational program at these institutions.

Service Learning Centers may not be funded in any fiscal year in which the appropriation for the special programs for students from disadvantaged backgrounds (talent search, upward bound, special services for disadvantaged students, and educational opportunity centers) is less than \$70,331,000; and if and when funds are made available to establish and operate or expand service learning centers, a center cannot be placed at an institution which is conducting a special services for disadvantaged students project. The comments received in response to the notice of intent to issue regulations published in the FEDERAL REGISTER on November 29, 1976 (41 FR 52414) were considered in the development of this proposed rule. The comments were basically concerned with the participation of students from other than low-income families; defining disadvantaged student; establishing what constituted a substantial number of disadvantaged students; and the application of the term "severe rural isolation." There was no basic agreement among the commenters which could be used to emphatically establish programmatic emphasis in any particular direction in the development of the proposed rules.

Suggestions are specifically requested regarding reporting requirements that should be instituted to document the effectiveness of the operation of service learning centers. Reporting requirements, which will be the basis for the development of Office of Education reporting forms, are being formulated. When these requirements are developed, they will be published in the FEDERAL REGISTER for your review and comments.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program No. pending, Learning Centers Program.)

Dated: September 6, 1977.

JOHN ELLIS,  
Acting United States  
Commissioner of Education.

Approved: November 14, 1977.

HALE CHAMPION,  
Acting Secretary of Health,  
Education, and Welfare.

Chapter I of Title 45 of the Code of Federal Regulations is amended by

adding a new part, Part 128, to read as follows:

## PART 128—SERVICE LEARNING CENTERS

Sec.

128.1 Scope and purpose—general provisions regulation.

128.2 Definitions.

128.3 Eligible applicants.

128.4 Eligible participants.

128.5 Applications.

128.6 Funding criteria.

128.7 Program requirements.

128.8 Matching and cost-sharing.

128.9 Student records.

128.10 Reporting requirements. [Reserved]

128.11 Salary and wage rates.

128.12 Travel.

128.13 Allowable costs.

AUTHORITY: Sec. 417B, Title IV of the Higher Education Act of 1965, as amended by sec. 124, Title I, Pub. L. 94-482, 90 Stat. 2094-2095 (20 U.S.C. 1070d-1), unless otherwise noted.

§ 128.1 Scope and purpose—general provisions regulation.

(a) The regulation in this part governs the administration of the Service Learning Centers program. Services provided under this program are designed to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation, who may be physically handicapped, or who may be disadvantaged because of severe rural isolation, to complete programs of postsecondary education. Centers funded under this program shall: (1) Provide remedial and other special services for students who are enrolled or accepted for enrollment at institutions of higher education and other postsecondary educational institutions serving a substantial number of disadvantaged students, and (2) serve as a concentrated effort to coordinate and supplement the ability of these institutions to furnish services to disadvantaged students.

(b) The Commissioner will pay up to 90 percent of the cost of establishing and operating or expanding Service Learning Centers. However, the Commissioner will not make grants to carry out this program in any fiscal year in which the amount appropriated for carrying out the special programs for students from disadvantaged backgrounds (Title IV-A-4 of the Higher Education Act of 1965, as amended), is less than \$70,331,000.

(c) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter relating to fiscal, administrative, and other matters (general provisions for Office of Education programs—45 CFR Part 100a).

(20 U.S.C. 1070d-1.)

§ 128.2 Definitions.

For the purpose of this part: "Academic potential" means having the ability to complete a postsecond-

ary educational program, with supportive services, at the institution which is the recipient of the grant, as documented by the written recommendations of counselors or teachers, personal interviews, or standardized measurement instruments.

"Combinations of institutions of higher education" means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

(20 U.S.C. 1141(j).)

"Institution of higher education" means an educational institution as defined in sections 1201(a) and 491(b) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(a); 20 U.S.C. 1088(b).)

"Low-income family" means a family whose taxable income does not exceed \$6,000.

(20 U.S.C. 1070d-1.)

"Other postsecondary educational institution" means an institution in a State that is legally authorized by that State to provide, and does provide, a program of postsecondary education.

(20 U.S.C. 1070d-1.)

"State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1141(b); 1088(a).)

"Taxable income" means gross income minus the exemptions and deductions allowed under the Internal Revenue Code.

(20 U.S.C. 63; 20 U.S.C. 1070d-1.)

"Youth" means a person aged 14 through 27.

(20 U.S.C. 1070d-1.)

§ 128.3 Eligible applicants.

(a) The commissioner is authorized to make grants to and contracts with institutions of higher education, other postsecondary institutions, and combinations of such institutions serving a substantial number of disadvantaged students.

(b) For purposes of this part, an institution will be considered as serving a substantial number of disadvantaged students if at least 500 students at the institution come from families whose taxable income does not exceed \$6,000. A combination of institutions must

have a combined total of 500 students who come from families whose taxable income does not exceed \$6,000.

(c) A combination of institutions receiving a grant or contract under this part shall vest responsibility for administering the project in one of the participating institutions or in an agency established or designated by the institutions for carrying out the project on their behalf. A combination of institutions or an applicant institution that wishes to designate an agency to carry out the project on its behalf must designate or establish that agency prior to the submission of its application. The combination of institutions must also vest responsibility for administering the project in one of the participating institutions or in the agency prior to such submission.

(d) An institution in which responsibility for administering the project has been vested or an agency which has been established or designated by a combination of institutions must have a written agreement setting forth the duties and responsibilities of each participating institution prior to the submission of its application, and must include this agreement in its application for funds.

(e) If an applicant is carrying out a special services for disadvantaged students project, and the grant period will overlap for at least 30 days with the grant period of a proposed Service Learning Center project, the applicant may not receive a grant under this part.

(20 U.S.C. 1070d-1.)

§ 128.4 Eligible participants.

A student is eligible to receive services under this part if the student:

(a) Is a citizen or national of the United States, or is in the United States for other than a temporary purpose and is or intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(b) Is enrolled or accepted for enrollment in a program of study leading to a postsecondary certificate or degree at an institution which is the recipient of a grant or contract under this part; and

(c) Comes from a low-income family.

(d) Notwithstanding paragraph (c) of this section, one-third of project participants may come from other than low-income families.

(20 U.S.C. 1070d-1.)

§ 128.5 Applications.

(a) Applicants for grants or contracts to establish and operate or expand a Service Learning Center must file an application with the Commissioner before the closing date established annually by the Commissioner.

(b) Applicants for grants or contracts to establish and operate a Service Learning Center must supply the following information:

## NEED

(1) The full-time equivalent (FTE) enrollment at the institution for the academic term preceding the submission of the application; and the number of students from low-income families included in that count;

(2) A description of the institutional resources and existing student supportive services that will be incorporated into the operation of the Center.

## DESIGN

(3) The manner in which funds received under this part will be used to coordinate and supplement the ability of the institution to furnish supportive services to eligible students;

(4) The method to be used to identify eligible students to ensure that at least two-thirds of the students served in the Center will be from low-income families;

(5) A description of the manner in which a needs assessment will be conducted for those students who will need prolonged services to overcome their academic deficiencies;

(6) A description of the direct and referral services the Center will offer and the manner in which the services will be provided. If services are not centralized, the applicant must specify how services will be provided in a coordinated manner;

(7) The plan to document the effectiveness of the Center in providing participants with sufficient academic skills to complete their course of study at the institution;

## RESOURCES AND ORGANIZATION

(8) A description of the manner in which the applicant will orient the faculty and staff of the institution to increase their ability to meet the needs of low-income and other eligible students;

(9) A description of: (i) The Center's proposed staffing pattern, (ii) the required professional qualifications and experiences, duties, and salary range for each professional category, and (iii) the plan for in-service training for the staff; and

## BUDGET

(10) A proposed budget, including the sources and amount of the non-Federal share.

(c) Applicants for grants or contracts to expand a Service Learning Center must, in addition to the information requested in paragraph (b), of this section provide:

## RESOURCES AND ORGANIZATION

(1) A description of the current activities of the Center;



- (2) Documentation of the effectiveness of the Center, including the number of students served; and
- (3) The current operating budget of the Center for the year preceding this application, including the Federal and non-Federal sources of funds.

(20 U.S.C. 1070d-1.)

#### § 128.6 Funding criteria.

(a) *Continuation awards.* Priority will be given to a request for funds for the continuation of a project that (1) was begun in a prior fiscal year and (2) was approved for a multi-year work period that has not expired. (continuation award)

(b) *Conditions for approval.* Requests for continuation awards will be approved only if (1) the need continues to exist for the services provided by the Center;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the Center's goals and objectives, as indicated by site visits, progress reports, and other relevant data;

(3) The Center continues to offer promise of success in enabling students to complete their postsecondary education;

(4) All required reports have been received and accepted by the Commissioner; and

(5) Funds are available to continue the Center.

(c) *New awards.* Except as provided in paragraphs (a) and (b) of this section, the Commissioner will select applicants to be funded under this part on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following additional criteria:

#### NEED

(1) The number of students to be served and the number of such students from low-income families;

(2) The adequacy of the institutional resources and existing student supportive services;

#### DESIGN

(3) The quality of the plan to coordinate and supplement institutional resources and existing student supportive services to deliver academic and supportive services to eligible students;

(4) The adequacy of the plan to ensure that at least two-thirds of the students served in the Center will be from low-income families;

(5) The comprehensiveness of the needs assessments that will be done for students before providing prolonged services to overcome their academic deficiencies;

(6) The comprehensiveness of the services offered by the Center and the manner in which services will be provided;

(7) The quality of the plan to document the effectiveness of the Center in

enabling participants to perform with sufficient academic skills in the institution;

#### RESOURCES AND ORGANIZATION

(8) The quality of the plan to ensure that the faculty and staff of the institution are aware of the existence of the Service Learning Center and will be supportive of its efforts to meet the needs of eligible students.

(9) The quality of the plan to staff the Center with personnel with appropriate qualifications and experiences, including the quality of the plan for in-service training;

(10) If the applicant is requesting funds to expand a Center, the extent to which the applicant has successfully operated a Center that was comparable or identical to one authorized under this part, in terms of (i) numbers served, (ii) quality of program design, (iii) documented effectiveness, and (iv) reasonableness of the cost of operating the Center; and

#### BUDGET

(11) The extent to which the proposed budget reflects the activities to be undertaken in the Center.

(d) In evaluating an application for a new award, the Commissioner will use the following weights:

- (1) Need—25 points
- (2) Design—35 points
- (3) Resources and organization—35 points
- (4) Budget—5 points

(e) In selecting applications for funding, the Commissioner will consider the need for the Center at an applicant's institution as compared to the needs of all applicants for a Center.

(20 U.S.C. 1070d-1.)

#### § 128.7 Program requirements.

(a) Each Center must:

(1) Identify and select eligible students. The Center must perform a comprehensive needs assessment of each student who will need prolonged services to determine those academic and other educational deficiencies which need to be corrected to enable that student to be graduated;

(2) Provide personal, career, and academic counseling and guidance, and tutoring in those areas that affect the student's academic performance;

(3) Provide remedial and other special services. Other special services means classes or clinics in skills development, including test-taking, library skills and basic research skills necessary for preparation of papers and reports;

(4) Provide referrals to health, employment, housing, and legal resources to resolve noneducational problems related to academic success;

(5) Use instructional methods or special curricula in classes or clinics when

necessary to enable students to complete required and prerequisite courses in a reasonable period of time;

(6) Use institutional facilities and staff to provide pre-service and in-service training for the Center's staff;

(7) Engage a full-time director with demonstrated professional and administrative skills who will be given authority to administer the Center in accordance with this part and to expend Center funds, and who will be consulted with regard to the development and implementation of institutional practices and procedures that relate to the retention and graduation of eligible students; and

(8) Engage of staff that has professional qualifications and experience to carry out the proposed activities and services.

(b) Each Center must serve at least 500 students. Up to one-third of the students served may be from other than low-income families.

(20 U.S.C. 1070d-1.)

#### § 128.8 Matching and cost sharing.

(a) Grantees receiving funds under this part to conduct a Service Learning Center shall provide at least one-tenth of the cost of operating the Center. The matching share may be derived from in-kind, cash, and/or other contributions.

(b) In-kind and other contributions must represent activities or services that are required or integral to the operation of a Service Learning Center.

(c) Volunteer services that are contributed to the Center may be considered as part of the grantee's matching share only if the volunteer is providing services in a trade or profession in which the volunteer is professionally qualified or is recognized as qualified through extensive experience.

(d) Rates for volunteers should be consistent with those rates which the grantee pays for similar work in its other activities. In cases where the kinds of skills required for the federally assisted activities are not found in the grantee's other activities, rates used should be consistent with those paid for similar work in the labor market in which the grantee competes for the kind of services involved.

(e) Each Center funded under this part shall maintain records that document the frequency of using in-kind contributions and volunteer services in satisfying the matching share.

(20 U.S.C. 1070d-1.)

#### § 128.9 Student records.

(a) Each Center funded under this part must develop and utilize a record-keeping system which allows for accurate program accountability.

(b) To document the progress of each student receiving prolonged services who participates in the skills development

clinics and special or remedial classes at the Center, that student file must include:

(1) Documentation, such as a copy of the previous year's income tax form, supporting the student's eligibility as defined in § 128.4(c);

(2) A list of the student's current courses, grades from the last academic term or the current term (for freshmen), class level, and pre-admission test scores, such as SAT, ACT;

(3) An assessment of the student's academic strengths and weaknesses, and the program support developed to improve the student's skills;

(4) Documentation of counseling, tutoring, and any referrals for services; and

(5) Documentation showing the measurement of progress and other reports that relate to the academic development of the student.

(20 U.S.C. 1070d-1.)

#### § 128.10 Reporting requirements. [Reserved]

#### § 128.11 Salary and wage rates.

(a) The salaries paid to Center staff under this part shall be comparable to the salaries paid to persons with similar positions within the grantee institution.

(b) The minimum rate of compensation that may be paid to Center employees, including students, shall be the minimum wage required to be paid by the institution under applicable Federal, State, or local law.

(c) The Center should, as much as possible, utilize the existing personnel of the institution to provide the services offered in the Center.

(20 U.S.C. 1070d-1.)

#### § 128.12 Travel.

In accordance with the cost principles set forth in Appendix C to Parts 100 through 100d of this title, the following travel is authorized:

(a) Staff travel to professional and educational conferences specifically related to Center development;

(b) Staff travel to OE-sponsored meetings, when approved in writing, by the Commissioner;

(c) Staff travel to OE-sponsored training programs; and

(d) Other travel specifically approved by the Commissioner in writing and in advance of such travel.

(20 U.S.C. 1070d-1.)

#### § 128.13 Allowable costs.

(a) The Commissioner will pay up to 90% of those costs that are reasonably related to the establishment or expansion and operation of a Center. Such costs may include:

(1) Remedial classes if the grantee institution does not provide remedial classes in the same subject matter as part of its program of instruction;

(2) In-service training of Center staff;

(3) Purchase of audio/visual equipment and supplies for use in learning labs or developmental clinics; and

(4) Curriculum development.

(b) Costs that may not be charged against the grant include the following:

(1) The costs involved in the recruitment of students for enrollment at the grantee institution;

(2) The construction or purchase of new buildings and the extensive modification or major repair of existing buildings;

(3) The purchase of major equipment, unless approved in writing by the Commissioner;

(4) The payment of tuition, stipends, or any other form of student financial support;

(5) Research; and

(6) Cultural activities, food, and entertainment costs.

(c) Grantees under this part will be allowed indirect costs as authorized in accordance with item 4c, Appendix A, Parts 100 thru 100d of the General Provisions for Office of Education Programs.

(20 U.S.C. 1070d-1.)

[FR Doc. 78-887 Filed 1-11-78; 8:45 am]

[4110-02]

[45 CFR Part 137]

#### EDUCATIONAL INFORMATION CENTERS PROGRAM

##### Administration

AGENCY: U.S. Office of Education, DHEW.

ACTION: Notice of Proposed Rule-making.

SUMMARY: These proposed rules, which amend Title 45 to add a new part, Part 137, will govern the administration of the Educational Information Centers Program. This program was authorized by the Education Amendments of 1976 and will provide funds to States to establish Centers to provide educational information, guidance, and counseling and referral services to persons residing in the Center's service area.

DATES: Comments must be received on or before: February 13, 1978. Hearing will be held in Washington, D.C., February 2, 1978; St. Louis (Clayton), Mo., January 25, 1978; Los Angeles, Calif., January 27, 1978 and Tallahassee, Fla., January 30, 1978, beginning at 10 a.m.

ADDRESSES: Comments should be sent to the Bureau of Higher and Continuing Education, Division of Student Services and Veterans Programs, U.S. Office of Education, Room 3514,

ROB-3, 7th and D Streets, SW., Washington, D.C. 20202. Comments will be available for public inspection at the above office, between 8:30 a.m. and 4 p.m., Monday through Friday.

Hearings will be held in the following places on the dates specified below:

(a) Washington, D.C.—Hearing on January 23, 1978:

University of the District of Columbia, Van Ness Campus, Building No. 9, Room A-05, 4200 Connecticut Avenue, NW.

(b) St. Louis (Clayton), Mo.—Hearing on January 25, 1978:

Washington University, Brown Hall—School of Social Work, Room 100, Skinker and Lindell Boulevard.

(c) Los Angeles, Calif.—Hearing on January 27, 1978:

California State—Los Angeles, University Student Union, Union Room 313, 5154 State University Drive.

(d) Tallahassee, Fla.—Hearing on January 30, 1978:

Florida A&M University, Embassy Room, University Union, Boulevard Street.

#### FOR FURTHER INFORMATION CONTACT:

Mary K. Smith, Telephone: 202-245-2511.

SUPPLEMENTARY INFORMATION: The Educational Information Centers Program is designed to provide States with funds to plan, establish, and operate Educational Information Centers. Centers are to make available educational information, guidance, counseling and referral services to all individuals in a State.

A Notice of Intent to Issue Regulations was published in the FEDERAL REGISTER on November 29, 1976 (41 FR 52414-52415). The Notice set forth those issues on which the Office of Education sought direction in developing the proposed rules. The comments received in response to the Notice of Intent were considered in the development of these rules.

A number of the substantive comments related to the defining of reasonable access, reasonable distance, reasonable time and to the locating of the Educational Information Centers within the States. The majority of commenters suggested that each State be permitted to define access, distance and time in terms of the State's particular, unique situation. Since States vary a great deal in geography, population density, and services currently available for the dissemination of educational information and since no standard definition for these terms would be fairly and equally applicable to all States, the Office of Education concurs and has permitted each State to define these terms.

Other commenters suggested that the locating of the Educational Information Centers within the States should be a decision left to the States. These proposed rules permit States to choose the sites since they best know their needs of their population.



Many commenters, including those representing community colleges and proprietary schools, have expressed concern about the development and implementation of the State Plan. Most earnestly hope that agencies, individuals, and schools will be involved in planning and establishing Educational Information Centers. These proposed rules require States to involve individuals, including potential users of the Centers, public and private agencies, organizations and institutions in the development of the State Plan and to submit an assurance that such groups and individuals were involved.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program Number pending; Educational Information Centers Program.)

Dated: August 30, 1977.

JOHN ELLIS,  
Acting U.S. Commissioner of  
Education.

Approved: December 19, 1977.

JOSEPH A. CALIFANO, JR.,  
Secretary of Health, Education  
and Welfare.

Chapter I of Title 45 of the Code of Federal Regulations is amended by adding a new part, Part 137, to read as follows:

#### PART 137—EDUCATIONAL INFORMATION CENTERS PROGRAM

- Sec.
- 137.1 Purpose and scope—general provisions.
- 137.2 Definitions.
- 137.3 Allotment of funds.
- 137.4 Educational Information Centers program requirements.
- 137.5 State plan requirements—initial year.
- 137.6 State plan amendments.
- 137.7 Approval of the State plan.
- 137.8 Reports.
- 137.9 Allowable costs—matching requirement.

AUTHORITY: Sec. 418A, 418B, Title IV of the Higher Education Act of 1965 as added by sec. 125 of Title I, Pub. L. 94-482, 90 Stat. 2096-2098 (20 U.S.C. 1070d-2-1070d-3), unless otherwise noted.

§ 137.1 Purpose and scope—general provisions.

(a) This part establishes regulations for the Educational Information Centers program. The purpose of the Educational Information Centers program is to provide educational information, guidance, counseling, and referral services to all individuals in a State through Centers located within a reasonable distance of all residents in a State, including those individuals residing in rural areas. The Commissioner will make a grant to each State

which submits an approved State plan to pay the Federal share of the cost of planning, establishing, and operating the Centers.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter relating to fiscal, administrative, and other matters (General Provisions for Office of Education Programs—45 CFR Part 100b).

(20 U.S.C. 1070d-2-1070d-3.)

#### § 137.2 Definitions.

For the purpose of this part: "Educational Information Center" means an institution or agency, or combination of institutions or agencies, organized to provide educational information, guidance, counseling, and referral services for a geographical area now greater than that which will afford all persons within the area reasonable access to the services of the Center.

(20 U.S.C. 1070d-2.)

"State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1141(b); 1088(a).)

#### § 137.3 Allotment of funds.

(a) For each fiscal year, the Commissioner will allocate to each State which has submitted an approved plan an amount which bears the same ratio to the appropriation as the population of that State bears to the total population of all States submitting an approved State plan. However, subject to the availability of funds, no State submitting an approved plan shall receive less than \$50,000.

(b) If the appropriation for a fiscal year is insufficient to permit the award of the \$50,000 minimum, then the appropriation will be divided equally among each of the participating States.

(c) In making allocations under this section, the Commissioner will use the latest available census data.

(20 U.S.C. 1070d-2(b).)

#### § 137.4 Educational Information Centers program requirements.

(a) Each State receiving funds under this part may make grants to and contracts with institutions of higher education as defined in sections 1201(a) and 491(b) of the Higher Education Act of 1965; combinations of such institutions as defined in section 1201(j) of that Act; public and private agencies; and local educational agencies as defined in section 1201(g) of that Act which are acting in combination with an institution of higher education, for the purpose of planning, establishing,

and operating Educational Information Centers.

(b) An Educational Information Center must make its services available to all residents of the State who reside within a reasonable geographic distance of the Center.

(c) Educational Information Centers must provide to persons residing in the area served by the Center the following services:

(1) Information and talent search services designed to seek out and encourage participation in full-time and part-time postsecondary education or training of persons who could benefit from such education or training if it were not for cultural or financial barriers, physical handicap, deficiencies in secondary education, or lack of information about available programs or financial assistance;

(2) Information and referral services with regard to:

(i) Available postsecondary education and training programs and the procedures and requirements for applying and gaining acceptance to these programs;

(ii) Available Federal, State, and other financial assistance, including information on procedures to be followed in applying for such assistance;

(iii) Available assistance for job placement or for gaining admission to postsecondary education institutions offering education programs designed to prepare persons for careers or for retraining, continuing education, or upgrading of skills;

(iv) Competency-based learning opportunities, including opportunities for testing of existing competencies for the purpose of certification, awarding of credit, or advanced placement in postsecondary education programs;

(v) Guidance and counseling services designed to assist persons from the area served by the Center in identifying postsecondary education or training opportunities, including part-time opportunities for individuals who are employed, which are appropriate to their needs and in relationship to each individual's career plans; and

(vi) Remedial or tutorial services designed to prepare persons for postsecondary education opportunities or training programs, including such services provided to persons enrolled in postsecondary education institutions within the area served by the Center.

(d) Services may be provided by a Center either directly or by way of contract or other agreement with agencies and institutions within the area to be served by the Center.

(20 U.S.C. 1070d-2; 1141(a)(g)(j); 1088(b).)

#### § 137.5 State plan requirements—initial year.

(a) Any State desiring to receive its allotment under this part for the ini-

tial year must submit a State plan to the Commissioner, in accordance with the forms and instructions which will be furnished for this purpose. The State plan must include:

(1) The name of the official designate by the Governor as responsible for submitting the State plan and to whom communications concerning the plan shall be directed;

(2) The name of the State agency or institution which will be responsible for administering and implementing the State plan;

(3) A description of the involvement of individuals, public and private agencies, organizations and institutions in the development of the State plan. This description shall include a list of those agencies, organizations, institutions and individuals;

(4) A schedule for establishing or expanding the Centers, within a reasonable period of time, so as to make their services available to all residents of the State;

(5) A comprehensive plan for providing the required program activities including:

(i) Specific goals and objectives,

(ii) The development of various educational information systems, and,

(iii) The manner in which the State will monitor the accuracy and timeliness of the information being disseminated;

(6) A plan for:

(i) Surveying the State to identify those organizations and agencies which already provide comparable information, referral and guidance services, such as occupational and career information systems, and

(ii) Coordinating the activities of the Center with the activities of those agencies and organizations;

(7) The policies and procedures to be used in selecting the location of each Center;

(8) The criteria which will be followed by the State in selecting the recipients of grants or contracts as permitted by section 137.4(a);

(9) A description of the monitoring process to be used to assure that adequate progress is being made toward achieving the goals of the program;

(10) A budget itemized the approximate amount of funds that will be needed during the first year for:

(i) Developing and administering the State plan for that year; and

(ii) Establishing or expanding and operating the Educational Information Centers for that year. This budget shall provide a breakdown of the Federal and non-Federal amounts;

(11) The activities to be funded if the State's allotment is less than the amount the State indicated it needed in subparagraph (10) of this paragraph; and

(12) The source and amount of the State, local, and/or private funds

which will be used to meet the non-Federal share.

(b) The State plan must also include the following assurances and certifications:

(1) A certification by the appropriate State legal officer that:

(i) The State agency or institution has the authority under State law to develop, submit, and administer or supervise the administration of the plan; and

(ii) All of the provisions contained in the plan or amendment are consistent with State law;

(2) An assurance that the State has provided for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under the plan, including any such funds paid by the State to agencies, organizations and/or institutions for the purpose of carrying out the activities under section 137.4;

(3) An assurance that State, local and/or private funds will be provided to meet the non-Federal share of the cost of planning, establishing and operating Educational Information Centers; and

(4) An assurance that, in the development of the State plan, the State has consulted with and asked for input from a variety of public and private agencies, organizations, institutions, and individuals, including potential consumers.

(20 U.S.C. 1070d-3.)

#### § 137.6 State plan amendments.

(a) The State plan must be amended annually to reflect any change in the information submitted pursuant to § 137.5. The State plan amendment must be submitted at the time and in the format prescribed by the Commissioner and must contain the following information:

(1) A description of the revisions or changes in the State plan submitted pursuant to § 137.5 and their relationship to the State's comprehensive plan for establishing or expanding and operating Educational Information Centers. The amendment shall contain any changes in the locations of the Centers and in the services provided;

(2) A description of the activities which are to be carried out in planning, establishing, and operating Educational Information Centers for that year;

(3) A report of the progress the State has made during the award period toward accomplishing the goals and objectives of its State plan;

(4) The problems the State encountered which prevented it from meeting its goals and objectives;

(5) The location of Educational Information Centers currently operating;

(6) A description of the program activities and services being provided through each Center;

(7) A budget itemizing the approximate amount of funds that will be needed during the next program year for:

(i) Updating and administering the State plan for the next program year;

(ii) Establishing or expanding and operating the Educational Information Centers. This budget shall provide a breakdown of Federal and non-Federal amounts; and

(8) The source and amount of the State, local, and/or private funds which will be used to meet the non-Federal share of the cost of planning, establishing, and operating Educational Information Centers for that year.

(b) The annual State plan amendment shall also contain the assurances and certifications required under § 137.5(b).

(20 U.S.C. 1070d-3.)

#### § 137.7 Approval of the State plan.

(a) The Commissioner will approve each State plan which he determines meets the requirements of § 137.5 and will notify the applicant of the granting, conditioning, or withholding of approval in each case.

(b) The Commissioner will approve each annual State plan amendment which he determines meets the requirements set forth in § 137.6.

(20 U.S.C. 1070d-3.)

#### § 137.8 Reports.

The State shall prepare and submit to the Commissioner, on the forms which will be provided, within 90 days after the close of the grant period:

(a) An annual financial report for the grant period which sets forth:

(1) The total outlays and unpaid obligations;

(2) The amount and source of the State's matching funds;

(3) The amount of funds from all sources which were spent for administrative purposes; and

(4) The amount of unobligated funds allotted under this part which will remain at the end of the grant period; and

(b) An annual performance report which contains:

(1) A list of grants and contracts made during that year, including:

(i) The name of the grantee or contractor;

(ii) A description of services provided under the grant or contract;

(iii) The locations where services were provided; and

(iv) The amount of funds, from all sources, involved; and

(2) A report on the number of individuals served by the total program and the services provided them.

(20 U.S.C. 1070d-2.)



## PROPOSED RULES

## § 137.9 Allowable costs—matching requirement.

(a) The Commissioner will pay up to 66% percent of the costs reasonably related to the administration of the State plan, and the planning, establishing, and operating of Educational Information Centers.

(b) The State must provide 33% percent of the costs reasonably related to the administration of the State plan, and the planning, establishing, and operating of Educational Information Centers to meet the non-Federal matching requirement. The matching requirement may be met with State, local or private funds.

(20 U.S.C. 1070d-2.)

[FR Doc. 78-888 Filed 1-11-78; 8:45 am]

[4110-02]

[45 CFR Part 139]

# TRAINING PROGRAM FOR SPECIAL PROGRAMS STAFF AND LEADERSHIP PERSONNEL

## Award of Contracts

AGENCY: U.S. Office of Education, HEW.

ACTION: Notice of Proposed Rule-making.

SUMMARY: This part proposes rules for the awarding of contracts to provide training to staff and leadership personnel who specialize in improving the delivery of services to students assisted by the projects of the Special Programs for Students from Disadvantaged Backgrounds. These programs include Talent Search, Upward Bound, Special Services for Disadvantaged Students, Educational Opportunity Centers and Service Learning Centers.

DATES: Comments on or before: February 18, 1978. Hearings will be held in Washington, D.C., January 23, 1978; St. Louis (Clayton), Mo., January 25, 1978; Los Angeles, Calif., January 27, 1978 and Tallahassee, Fla., January 30, 1978, beginning at 10:00 a.m.

ADDRESSES: Comments should be sent to Bureau of Higher and Continuing Education, Division of Student Services and Veterans Programs, U.S. Office of Education, Room 3514, ROB-3, Washington, D.C. 20202. Comments will be available for public inspection at the above office, between 8:30 a.m. and 4 p.m., Monday through Friday.

Hearings will be held in the following places on the dates specified below:

A. WASHINGTON, D.C.—HEARING ON JANUARY 23, 1978

University of the District of Columbia, Van Ness Campus, Building No. 9, Room A-05, 4200 Connecticut Avenue NW.

B. ST. LOUIS (CLAYTON), MISSOURI—HEARING ON JANUARY 25, 1978

Washington University, Brown Hall—School of Social Work, Room 100, Skinker and Lindell Boulevard.

C. LOS ANGELES, CALIFORNIA—HEARING ON JANUARY 27, 1978

California State—Los Angeles, University Student Union, Union Room 313, 5154 State University Drive

D. TALLAHASSEE, FLORIDA—HEARING ON JANUARY 30, 1978

Florida A & M University, Embassy Room, University Union, Boulevard Street.

## FOR FURTHER INFORMATION CONTACT:

Mary K. Smith, telephone 202-245-2511.

**SUPPLEMENTARY INFORMATION:** Contracts will be awarded to institutions of higher education and other appropriate public agencies and nonprofit private organizations in accordance with procedures authorized by procurement laws and regulations. Each contract will be specific as to the needs to be met and the staff and leadership personnel to be trained.

**NOTE:**—the Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program Number Pending; Training Program for Special Programs Staff and Leadership Personnel.

Dated: July 15, 1977.

ERNEST L. BOYER,

U.S. Commissioner of Education.

Approved: October 13, 1977.

JOSEPH A. CALIFANO, Jr.

Secretary of Health, Education, and Welfare.

Chapter I of Title 45 of the Code of Federal Regulations is amended by adding a new part, Part 139, to read as follows:

## PART 139—TRAINING PROGRAM FOR SPECIAL PROGRAMS STAFF AND LEADERSHIP PERSONNEL

Sec.

139.1 Scope and purpose—procurement regulations.

139.2 Definitions.

139.3 Eligibility for awards.

139.4 Eligible participants.

139.5 Training program activities.

139.6 Allowable costs.

**AUTHORITY:** Sec. 417B(f), Higher Education Act of 1965, as added by sec. 124(c) of Title I, Pub. L. 94-482, 90 Stat. 2095 (20 U.S.C. 1070d-1(f)), unless otherwise noted.

§ 139.1 Scope and purpose—procurement regulations.

(a) The regulation in this part governs the awarding of contracts to provide

training for staff and leadership personnel who will specialize in improving the delivery of services to students participating in Special Programs projects. The contracts will support the operation of short-term training institutes and in-service training programs to improve the skills of staff and leadership personnel.

(b) Contract awards under this part are subject to applicable provisions of Federal and Department procurement regulations contained in 41 CFR Chapters 1 and 3.

(20 U.S.C. 1070d-1(f).)

## § 139.2 Definitions.

For the purpose of this part:

"Institution of higher education" means an educational institution as defined in Sections 1201(a) and 491(b) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(a); 1088(b).)

"Leadership personnel" includes persons engaged in directing or providing services to students participating in Special Programs projects, such as teachers, teacher trainers, secondary and postsecondary school administrators, supervisors, researchers, State consultants, and school psychologists.

(20 U.S.C. 1070d-1(f).)

"Special Programs" means the Upward Bound, Talent Search, Special Services for Disadvantaged Students, Educational Opportunity Centers, and Service Learning Centers Programs.

(20 U.S.C. 1070-1(f).)

## § 139.3 Eligibility for awards.

Institutions of higher education and other appropriate public agencies and nonprofit private organizations are eligible to receive contracts under this part.

(20 U.S.C. 1070d-1(f).)

## § 139.4 Eligible participants.

(a) The following individuals may be trained:

(1) Special Programs project directors and staff who are employed to deliver services to students;

(2) Other staff and leadership personnel in institutions or agencies that have Special Programs projects and who are directly involved in the delivery of services to students served by these projects; and

(3) Other leadership personnel who are directly involved in the education of students served by Special Programs projects.

(b) The Commissioner will establish the category of personnel to receive training in each institute or program.

(20 U.S.C. 1070d-1(f).)

## § 139.5 Training program activities.

(a) The Commissioner may throughout each fiscal year award contracts for various training projects. The Commissioner will establish the type and length of training to be offered by each institute or program.

(b) The Commissioner may contract for the following activities:

(1) Training participants about:

(i) Testing and measurement techniques which effectively diagnose the educational needs of disadvantaged youth participating in Special Programs projects;

(ii) Effective new methods and techniques used to teach required secondary and postsecondary subjects to those disadvantaged youth whose educational needs are the result of inadequate secondary school preparation, severe rural isolation, or physical handicap;

(iii) Diagnostic and prescriptive teaching methods which remediate the educational needs of participants in Special Programs projects;

(iv) Teaching techniques for the differentiated learning styles of disadvantaged youth;

(v) Teaching techniques effective with those of limited English-speaking ability; and

(vi) The various Federal student financial aid programs;

(2) Training participants to develop programmatic and management systems for Special Programs projects which will enhance individual project performance as well as program effectiveness. This may include developing:

(i) New curricula and delivery systems;

(ii) Effective and appropriate diagnostic measurements of academic skills and motivation;

(iii) Effective evaluation strategies and measurements for use in the Special Programs; and

(iv) Management techniques for Special Programs projects;

(3) Technical assistance and in-service training at currently funded Special Programs projects; and

(4) The development of in-service training programs for Special Programs staff and leadership personnel.

(20 U.S.C. 1070d-1(f).)

## § 139.6 Allowable costs.

Allowable costs under awards pursuant to this part will be determined in accordance with the cost principles described in 41 CFR Part 1-15, and may include the costs of employing a small staff to carry out the activities required by the contract.

(20 U.S.C. 1070d-1(f).)

[FR Doc. 78-889 Filed 1-11-78; 8:45 am]

## PROPOSED RULES



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THURSDAY, JANUARY 12, 1978  
PART III



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**ENVIRONMENTAL  
PROTECTION  
AGENCY**

**PUBLIC PARTICIPATION  
IN SOLID WASTE  
MANAGEMENT**

Interim Guidelines



[6560-01]

Title 40—Protection of the Environment  
CHAPTER I—ENVIRONMENTAL PROTECTION  
AGENCY  
(FRL 823-8)

PART 249—PUBLIC PARTICIPATION IN SOLID  
WASTE MANAGEMENT

Interim Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Interim Guidelines.

SUMMARY: This rule sets forth the minimum guidelines for involving the public in the development, revision, implementation and enforcement of any regulation, guideline, information or program under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580). These guidelines apply to all EPA Offices concerned with the Act, other Federal agencies carrying out activities mandated by the Act, and to State and substate entities receiving financial assistance under the Act.

DATES: Comments must be received on or before February 13, 1978.

EFFECTIVE DATE: February 13, 1978.

ADDRESSES: Written comments may be addressed to the Deputy Assistant Administrator for Solid Waste, (WH-562), U.S. Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mrs. Geraldine Wyer, Office of Solid Waste, WH-562, U.S. Environmental Protection Agency, Washington, D.C. 20460. Phone: 202-755-9157.

SUPPLEMENTARY INFORMATION: Section 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, (the Act), states that "public participation in the development, revision, implementation, or enforcement of any regulation, guideline, information, or program under this Act, shall be provided for, encouraged, and assisted by the Administrator and the States. The Administrator, in cooperation with the States, shall develop and publish minimum guidelines for public participation in such processes."

These guidelines are a general statement of policy, setting forth objectives for public participation in the development and implementation of the programs authorized under the Act. They also describe the provisions required in a minimum public participation program for solid and hazardous waste management activities at Federal, State and substate levels. In addition,

the guidelines call for a summary report of public participation efforts conducted by EPA and those State and substate entities receiving financial assistance under the Act and give minimum procedural guidelines for public hearings.

The guidelines require that other regulations to be issued by EPA under the authority of the Act include a separate section on public participation containing provisions for implementing these guidelines. The EPA grant regulations pertaining to solid waste management grants also require a public participation program element, and the work program under the grant regulations will have to include a program of public participation consistent with these guidelines.

These guidelines are based on the evident intent of Congress that public participation and information under the Act is to be accorded new significance, and that special attention and resources will be required for such participation and for public education and information programs.

Implementation of these public participation guidelines is a condition of performance by the States and local governments receiving financial assistance under this Act. Failure to comply with the provisions of these guidelines may subject the Administrator, State governments and substate entities receiving financial assistance under this Act to citizen suits under Section 7002(a) (1) and (2) of the Act.

PUBLIC INFORMATION AND EDUCATION

The Act contains several provisions which make possible a high degree of public understanding, and without which public participation can be rendered ineffectual. Section 8003 calls for the Administrator to develop, collect, evaluate, and coordinate information on nine key areas of solid waste management. The Administrator also is required to establish and maintain a central reference library in which the materials produced will be available to State and local governments and other persons at reasonable times. Section 8003 requires the Administrator to implement a program for the rapid dissemination of information on solid and hazardous waste management, and resource conservation. In addition, Section 8003 requires that the Administrator develop and implement educational programs to promote citizen understanding of the need for environmentally sound solid waste management practices. Unless material provided is understood, public participation will not prove meaningful. Therefore, EPA will make special efforts to insure that the public and the media understand the complex technical information produced. This will be accomplished through the use of a broad

range of communication tools as described in the guidelines.

GUIDELINE DEVELOPMENT

Regional public meetings were held throughout the country during February and March, 1977, to promote general understanding of the Resource Conservation and Recovery Act of 1976, and to solicit the views of the public regarding its implementation. Public participation was discussed, and the comments pertinent to public participation from these meetings were considered in the development of these guidelines. In addition, a draft of these guidelines was circulated for review and comment to all State solid waste management agencies, all EPA Regional Offices, various other elements of EPA, selected public and environmental interest groups, conservation groups, other interested persons and other Federal agencies. Copies were also distributed in accordance with the Office of Management and Budget (OMB) Circular No. A-85 review requirements. A public meeting was held at EPA in Washington, D.C. on July 1, 1977, at which time the draft guidelines were discussed and additional comments were received. All comments received were reviewed and considered in the preparation of these guidelines.

DISCUSSION OF COMMENTS

A number of comments suggested that the guidelines have a provision for the reimbursement of some or all of the costs of participation by individuals and groups. The commenters argued that full public participation in administrative proceedings carried with it a heavy financial burden, and that without some form of reimbursement many individuals and organizations would be effectively barred from participation. In addition, the commenters urged that the provisions in 7004(b) were not only to "encourage" public participation, but that the Administrator and the States were also to "assist" in public participation, and the best way of providing this "assistance" would be to include a reimbursement provision in the guideline.

EPA recognizes that participation in rulemaking procedures can impose a significant financial hardship on groups and individuals with worthwhile views and arguments to present, and agrees that the legal arguments advanced have considerable merit. A program to extend governmental financial assistance to such persons deserves serious consideration. Explicit statutory authority to compensate participants in rulemakings has been delegated to EPA by Section 6 of the Toxic Substances Control Act (TSCA), 90 Stat. 2003, 2020-27 (October 11, 1976). As stated in interim regulations implementing that Section, 42 FR

60911, EPA is deferring steps to establish such programs in other areas until experience under TSCA can be gathered and evaluated. Within six months the data from the TSCA pilot program should be in; financial assistance under the Solid Waste Disposal Act will be readressed at that time.

Additional comments suggested that a set percentage of a project's budget should be spent on public participation and earmarked for that purpose. The EPA Grant Regulations do not require that set percentages of funds be earmarked for the various other activities required under the Act. Since the proper implementation of these guidelines depends so heavily on sensitivity and judgment on a case-by-case basis, EPA does not feel that an exception should be made with regard to these guidelines. However, a requirement for public participation has been incorporated in the EPA Grant Regulations pertaining to solid and hazardous waste management program support grants, which will require the State's work programs, and any other program or project for which financial assistance is sought (by a State or substate entity), to include a program of public participation consistent with these guidelines.

A few comments suggested that § 249.6 include a list of criteria by which the agency could make the judgment concerning the adequacy or inadequacy of public participation. Even though an extensive list of criteria has not been included in these guidelines, the provisions in that Section have been expanded to require that the description or summary of public participation be evaluated by the Administrator, Regional Administrator, or Governor to assure adequate opportunity for participation by local officials and the public on the matter, to assure that adequate response was included on controversial issues that may have been raised, and to assure compliance with the requirements of these guidelines. In addition, final action on each matter is to include a statement of findings regarding public participation.

Title 40 of Chapter I CFR is amended by adding the following new Part 249:

- Sec.  
249.1 Purpose and scope.  
249.2 Policy and objectives.  
249.3 Required programs and reports.  
249.4 Guidelines for agency programs.  
249.5 Guidelines for reporting.  
249.6 Guidelines for evaluation.  
249.7 Guidelines for public hearings and other public meetings.  
249.8 Coordination and nonduplication.  
249.9 Applicability.

AUTHORITY: Sec. 7004(b), Pub. L. 94-580, 90 Stat. 2795, 2826 (42 U.S.C. 6974(b)).

§ 249.1 Purpose and scope.

(a) *Purpose.* This part sets forth minimum guidelines containing gener-

al requirements for public participation in the development, revision, implementation, and enforcement of any regulation, guideline, information, or program under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (the Act), in accordance with Section 7004(b). This part is applicable to the various agencies carrying out activities mandated by the Act, including U.S. Environmental Protection Agency (EPA) Offices, and to State and substate entities receiving financial assistance under the Act. (Substate entities are defined as: Any public regional, local, county, municipal, or intermunicipal agency, or regional or local public (including interstate) solid or hazardous waste management authority, or other agency below the State level.)

(b) *Scope.* In general, EPA considers public participation to include public meetings, conferences and workshops; development of and distribution of reference materials understandable by the public; and the opportunity for public involvement and comment prior to promulgation of regulations and guidelines. These elements of public participation will be appropriate in varying degrees for each activity under the Act. EPA believes that a level of public participation sufficient to comply with the intent of the Act will be achieved through compliance with § 249.4. These provisions allow the public the opportunity to influence the social, economic, technical, and political changes called for in the Act. More specific requirements applicable in specific instances are contained in existing regulations on public information, 40 CFR Part 2, and in other regulations or guidelines that have been or will be issued by EPA pertaining to specific programs under the Act, as well as State and local laws pertinent to the subject.

§ 249.2 Policy and objectives.

Federal, State and substate entities shall provide, encourage, and assist participation of the public in solid and hazardous waste management activities to the fullest extent practicable consistent with other requirements of the Act. The major objectives of such participation include increased responsiveness of government to public concerns and priorities and improved public understanding of official programs and actions. Conferring with the public after a final agency decision has been made will not meet these objectives. The intent of these guidelines is to foster a spirit of openness and mutual trust between the public and the Federal, State and substate entities in efforts to promote the protection of the public health and the environment, and to conserve valuable material and energy resources.

§ 249.3 Required programs and reports.

(a) Each agency cited in § 249.1(a) carrying out activities under the Act shall conduct a continuing program for public information and participation comprising substantially the elements listed in § 249.4. All grant applications submitted by State or substate entities shall identify staff responsibility and budgetary provisions for the public participation element as required under the applicable solid waste management sections of the EPA Grant regulations. Specifically, for annual State work plans, the grant application shall address public participation from two aspects: (1) Public participation activities to be undertaken in support of specific grant outputs including rulemaking or other program functions which may be enhanced by public participation. These activities may include but not be limited to elements listed in § 249.4; and (2) public participation activities undertaken to provide opportunity for public input and to assist in public education relative to activities to be addressed or accomplished during the grant period. These activities may include, but need not be limited to, public hearings held early enough in the planning process to permit public input to be used; public meetings which could be the initial step in the planning process to formulate the work plan; special invitation planning workshops involving representatives from substate planning and implementation agencies; A-95 review for State grants including, but not limited to, State clearing house review and individual council of government briefings; review by State advisory committees, legislative review committees or ad hoc review committees as may be available; and final review and concurrence by the agency responsible for outputs listed in the work plans. Public participation activities shall be summarized and reported annually in a form acceptable to the appropriate Regional Administrator. This report shall address those elements listed in § 249.4. In addition, public participation activities shall be reported as required in § 249.5.

(b) Every regulation, guideline, or program issued by the EPA under the Act shall contain a specific section on public participation implementing the requirements of this guideline.

(c) EPA shall maintain records of meetings and other participation activities it conducts under the Act and shall maintain copies of the records in the EPA originating office. In addition, transcripts of every public hearing and public meeting conducted by EPA under the Act shall be made. EPA shall furnish copies of the transcripts at no charge to all participants, and make available additional copies at the EPA Washington, D.C. Head-



quarters, and in each EPA Regional Office for review or purchase at reasonable costs.

#### § 294.4 Guidelines for agency programs.

EPA, State, and substate entities shall conduct a continuing program for public information and participation in the development and implementation of activities under the Act, and shall assure adequate opportunity for participation by the public at large. They shall specifically attempt to involve private citizens, parties affected by activities under the Act and representatives of consumer, environmental and minority associations; trade, industrial, and labor organizations; public health, scientific and professional societies; public officials and governmental and educational associations. Special efforts should be made to ensure that nonprofit organizations and citizens representing themselves have every opportunity to participate. The exact mechanisms and extent of activity may vary in relation to public response and the nature of the issue involved. Furthermore, where State administrative procedures for public participation are substantially equivalent to these guidelines, State and substate entities may use such procedures in carrying out their responsibilities under the Act.

(a) *Meetings.* Public meetings, including public hearings, conferences and workshops shall be planned and scheduled to facilitate public involvement in the development, planning, and implementation of the Act's key provisions—

(1) Public hearings as required by the Act prior to promulgation of certain regulations are characterized by the opportunity for testimony, and the development of a transcript or other official record. (See § 249.7 for specific guidelines on conducting hearings.)

(2) Public conferences broaden the base of participation, offer flexibility in planning and scheduling and provide the occasion for a more informal exchange of views than public hearings. They are often useful in involving the public in the development, revision, implementation, and enforcement of regulations, guidelines or programs.

(3) Workshops can provide in-depth review of specific details of regulations, guidelines, and programs by interested organizations and members of the public. They are usually most effective when limited in size and directed to a specific topic.

The charging of more than a nominal registration fee for meetings, conferences, and workshops is discouraged. In selecting locations and times for such meetings, including public hearings, consideration shall be given to easing travel hardship (See § 249.7(e)).

(b) *Information and educational materials.* EPA, State and substate entities shall provide policy, program, and technical information at the earliest practicable times and at places easily accessible to interested persons and organizations so that they can make informed and constructive contributions to governmental decision-making. Information and educational programs shall be developed so that all levels of government and the public have the opportunity to become familiar with the technical data base and the issues which emerge from it. Special efforts shall be made to summarize complex technical materials for the public and the media. Public information programs require the use of appropriate communications tools, techniques, and media. The following, among other approaches, may be used for this purpose:

(1) Publications, newsletters, exhibits, and other graphics;

(2) Slide presentations and films;

(3) Media programs, including public service television and radio announcements, and news releases and announcements to newspapers and the professional press; and

(4) Public education projects carried out by organizations that are receiving financial assistance from governmental agencies.

However, State and substate entities do not necessarily need to produce all of the information materials to carry out this provision. EPA plans to produce and make available to State and substate entities, after review by the Regions and States, a variety of technically sound public informational materials, such as pamphlets, brochures, slide presentations and video tapes on the problems of solid waste management and the opportunities for solving them under the Act. Dissemination of these informational materials by States and substate entities would meet this requirement in many cases.

(c) *Assistance to public.* EPA, State, and substate entities shall provide technical and information assistance to public groups for citizens education, community workshops, training, and dissemination of information to communities. Requests for information shall be handled promptly. State and substate entities shall be among the first recipients of EPA's information required by Section 8003 of the Act. Each Regional Office of the EPA shall designate a public participation officer to work with and coordinate regional public participation activities with the EPA Headquarters program to help ensure that Federal, State, and substate public participation activities carried out under the Act are in compliance with these guidelines. Any deficiencies in the implementation of these public participation guidelines should be called to the attention of

the Regional Administrator or his designee by the public participation officer.

(d) *Consultation.* EPA, State, and substate entities shall have standing arrangements for early consultation and the exchange of views with interested and affected persons and organizations on the development, revision, or implementation of regulations, guidelines, and plans. Review groups, ad hoc committees, task forces, workshop meetings, conferences, and citizen training activities can be utilized to serve this purpose. Review groups and ad hoc committees shall meet periodically to review programs and regulations under consideration or development by EPA or by State and substate entities receiving financial assistance under the Act. Review groups shall also be asked to comment on draft materials in advance of promulgation even if a formal meeting is not held. In establishing review groups and ad hoc committees, representatives from the interest groups identified in § 249.4 should be invited to participate.

(e) *Notification.* EPA, State, and substate entities shall maintain a current list of interested persons and organizations within their geographic areas, including those who may request to be included on such list, for the periodic distribution of materials listed in paragraph (b) of this section. Prior to conducting public hearings, each agency shall comply with the Act's requirements for public notice, to the extent that they are consistent with any applicable State Administrative Procedure Acts. Before conducting such hearings, each agency shall notify all interested persons or organizations who have requested such notice in advance.

(f) *Access to information.* EPA, State, and substate entities shall provide, either directly or through others, in location(s) convenient to the interested and affected public, one or more public collections of solid and hazardous waste management reports and data pertinent to the geographic area concerned. Such materials may include, unless otherwise prohibited (i.e., by laws governing trade secrets or confidentiality), solid and hazardous waste management grant and permit applications, permits, interim and final reports resulting from grant activities, and the full text of proposed and final rules and regulations. In addition, the EPA Office of Solid Waste catalog entitled "Available Information Materials" should be included, as well as the reference documents and instructions for using EPA's solid waste information retrieval system for literature searches and inter-library loans. Information on the availability of copying facilities at convenient locations and at reasonable cost to the public shall be available.

(g) *Enforcement.* EPA, State, and substate entities shall develop internal procedures for receiving and ensuring proper consideration of information and complaints submitted by citizens. Public initiative in reporting violations of the Act shall be encouraged. Procedures for reporting complaints shall be set forth by the appropriate agency. Alleged violations shall be promptly investigated by the appropriate agency.

(h) *Legal proceedings.* EPA, State, and substate entities shall provide full and open information on legal proceedings being conducted under the Act, to an extent not inconsistent with legal requirements, and where such disclosure would not prejudice the conduct of potential litigation. Actions of the EPA shall be consistent with the statement of policy issued by the Department of Justice concerning opportunities for public comment before consent by the Department of Justice to a proposed judgement in an action to enjoin discharges of pollutants into the environment. (See 28 CFR 50.7.)

(i) *Rulemaking.* In addition to providing an opportunity for public hearing(s) on proposed regulations and guidelines as required under applicable statutes or regulations, agencies shall invite and consider written comments on proposed guidelines or regulations from any interested or affected persons or organizations. EPA shall use FEDERAL REGISTER notices, including notices of intent to develop rulemaking and advance notices of proposed rulemaking, as appropriate, prior to proposal and promulgation of guidelines and regulations. State and substate entities may use established State and local administrative procedures that apply to proposed and final rulemaking and which contain provision for public comment. All comments received shall be part of the Agency rulemaking docket, and a copy of each comment shall be routinely available for public inspection. Draft copies of regulations may be made available to interested parties during the development of a regulation or guideline. Copies of proposed and final rules and regulations shall be distributed to interested persons as quickly as possible after publication. Where documents are incorporated by reference in proposed or final rulemakings, information on their availability and any procedures for submitting comments shall be published in the preamble to the proposed or final rule. Information on the availability of copying facilities, at convenient locations, and at reasonable cost to the public shall be made available.

(j) *Other measures.* The listing of specific measures in this section shall not preclude additional techniques for obtaining, encouraging, or assisting public participation.

#### § 249.5 Guidelines for reporting.

(a) The annual EPA report as required under section 2005 of the Act shall include a description of public participation activities that have been carried out in the development and implementation of the Act's provisions.

(b) The State submissions for financial assistance as required under the applicable solid and hazardous waste management sections of the EPA grant regulations shall include a description of public participation activities that will be carried out in the development and implementation of the solid and hazardous waste management program.

(c) Any substate entity submitting an application to EPA for direct financial assistance as required under the applicable solid waste management sections of the EPA grant regulations shall include a description of public participation activities that will be carried out in the implementation of the grant activity.

(d) In addition, in order that the public and reviewing officials may be fully aware of the actual extent of public input and involvement, a summary of public participation related to particular actions or documents shall be publicly presented as follows:

(1) For regulations, standards, or guidelines required to be published by EPA under the authority of this Act, or required to be published by a State agency under applicable State law, a summary of public participation shall be published as part of the preamble.

(2) For plans and programs of States or substate entities being developed and implemented under subtitles C or D of this Act, and required to be approved or authorized by EPA, a summary of public participation shall be submitted as part of the plan and shall address elements in § 249.4(a) through (i). The plan shall include a section describing measures taken to assure public participation in the development and implementation of the plan. In addition, any controversial issues raised in the development of the plan and their disposition shall be indicated.

(3) Each summary of public participation in subparagraphs (1) and (2) of this paragraph shall describe the public participation measures provided, and indicate where the related materials are on file within the agency for purposes of review by interested parties. The documentation of the public participation measures provided shall be maintained in the official docket system applicable to the regulations and shall be accessible for review by interested parties. This documentation shall reflect the measures taken by the agency regarding substantive public response and comments on the regulations, standards or guidelines.

#### § 249.6 Guidelines for evaluation.

The EPA Administrator, Regional Administrator, Governor, or other reviewing official shall review and evaluate each description or summary of public participation for conformance with the specific requirements of this guideline. In evaluating the public participation element of State plans, he shall consider these requirements on a case-by-case basis, taking into account the subject matter and specific programmatic needs. The official may call for additional information or for the records of meetings or hearings. If he finds that there has been inadequate opportunity for participation by affected local officials or the public on the matter, or inadequate response to controversial issues raised, including failure to employ the requirements of these guidelines, he may suspend or disapprove the grant application. He may also take measures, or require the sponsoring agency to take measures, to obtain additional public participation prior to final action. Final action on each matter under consideration shall include a statement of findings, regarding public participation.

#### § 249.7 Guidelines for public hearings and other public meetings.

Any public hearing, whether mandatory or discretionary, to be held under the Act shall be in conformity with this section. However, where State administrative procedures for public hearings are substantially equivalent to these guidelines, State and substate entities may use such procedures.

(a) *Purpose.* A public hearing gives persons and organizations the opportunity to be heard on a matter prior to decision-making or promulgation of regulations. The final action shall reflect consideration of the content of public hearing testimony.

(b) *Public meetings.* Agencies are encouraged to hold public conferences or workshops, in addition to public hearings, on controversial or complex issues. The Administrator of EPA may provide assistance to these agencies in complying with this subsection. Such meetings shall be informational in nature with opportunity for public response, and may not supplant a hearing where such is required under the Act. These meetings may be held jointly with other agencies where feasible.

(c) *Opportunity for hearings.* In those cases where the Act calls specifically for a public hearing, a public hearing shall be held. In those cases where the Act states that the opportunity for a public hearing shall be provided, a hearing shall be held if the agency finds that there is any public interest in holding a hearing. In those cases where the Act calls neither for a public hearing nor for the opportunity for hearings, a public meeting or hear-



ing shall nonetheless be held if the agency finds sufficient public interest in the matter.

(d) *Hearing notices.* In addition to any other legal requirements, a notice of each hearing or public meeting shall be well-publicized. Because notices published in newspapers are not always sufficient to assure public awareness notices should be mailed to interested and affected persons and organizations, whenever possible, as soon as the hearing or meeting is scheduled by the agency. Notice of a hearing should be given at least thirty calendar days before the hearing is to take place unless otherwise provided in a State Administrative Procedure Act. Only in those cases when a delay would have a clearly adverse effect on human health or the environment should a hearing be held on shorter notice.

(e) *Location and time.* In determining the locations and times for hearings, priority shall be given to easing travel hardship and to facilitating attendance and testimony by a cross-section of the public. Accessibility of hearing sites by public transportation shall be considered. When a public meeting or hearing is being held that affects specific proposed or existing solid waste management facilities, priority attention shall be given to the timing and location of the meeting and to any other provision or procedure that could appropriately be used to encourage maximum participation of the affected communities.

(f) *Documents.* Available reports, documents, and data to be discussed at the public hearing shall be open for inspection to the public at least two weeks prior to the hearing. For complex matters, a fact sheet should be prepared outlining major issues, tentative staff determinations, procedures for obtaining further information and requesting time at public hearing, and for other actions where appropriate. Its availability shall be made known in the notice called for in paragraph (d) of this section.

(g) *Agenda.* The elements of the public hearing, proposed time schedule, and any restrictions on statements shall be specified in the notice of the hearing.

(h) *Scheduling.* Witnesses at public hearings shall be scheduled in advance when necessary to ensure maximum participation and allotment of adequate time for testimony, provided that such scheduling is not used as a bar to unscheduled testimony. The agency shall give consideration to all categories of witnesses, such as elected officials, organizations and individual citizens. Evening and weekend schedules shall be given priority consideration.

(i) *Statements.* Public hearing procedures shall not require more than one legible copy of any statement to be submitted by a witness for purpose of the record.

(j) *Records.* A record of public hearing proceedings shall be made avail-

able promptly to the public for review or purchase.

§ 249.8 Coordination and nonduplication.

Agencies conducting public participation activities and provision of materials required under the Act or these guidelines may combine closely related public participation programs or activities. Such combination should enhance the economy, effectiveness, or the timeliness of the effort and not be detrimental to participation by the greatest cross-section of the public. Hearings and other meetings may be held jointly by more than one agency. They may be held jointly for more than one purpose or program under the Act, provided that such procedure does not conflict with other provisions of the Act.

§ 249.9 Applicability.

The provisions of this part shall apply only to actions taken after the effective date of this part.

Dated: January 5, 1978.

BARBARA BLUM,  
Acting Administrator.

[FR Doc. 78-895 Filed 1-11-78; 8:45 a.m.]

THURSDAY, JANUARY 12, 1978  
PART IV



DEPARTMENT OF  
STATE

FISHERY CONSERVATION  
AND MANAGEMENT  
ACT OF 1976

Applications for Permits To Fish Off  
the Coasts of the United States

registered property



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## NOTICES

[4710-01]

## DEPARTMENT OF STATE

(Public Notice 586)

FISHERY CONSERVATION AND MANAGEMENT  
ACT OF 1976Applications for Permits To Fish Off the Coasts  
of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Applications for fishing during 1978 have been received from the Governments of Italy and the Union of Soviet Socialist Republics, and are published herewith.

Dated: December 28, 1977.

CARLTON PRICE,  
Acting Director,  
Office of Fisheries Affairs.

FEDERAL REGISTER, VOL. 43, NO. 8—Thursday, January 12, 1978

## NOTICES

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## FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. UR-78-0213

1. Name of Vessel TIKHVIN Visual Identifier (Call Sign) UJUT  
3. Type of Vessel STERN TRAWLER 4. Length 85  
5. Gross Tonnage 3170 6. Net Tonnage 1225 7. Speed (knots) 12.5  
8. Owner's Name and Address BAZA AKTIVNOGO MORSKOGO RYBOLOVSTVA,  
NAKHODKA, USSR

9. Types of Processing Equipment FREEZER, FISH MEAL PLANT, FILLETER

## 10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
BSA	Pollock	Midwater Trawl	x	x	x
		Bottom Trawl			
	Pacific Cod	"	x	x	x
	Yellowfin Sole	"	x	x	x
	Other Flounders	"	x	x	x
	Atka Mackerel	"	x	x	x
	Herring	"	x	x	x
	Pacific Ocean Perch	"	x	x	x
GOA	Other Groundfish	"	x	x	x
	Pollock	Midwater Trawl	x	x	x
		Bottom Trawl			
	Pacific Cod	"	x	x	x
	Flounders	"	x	x	x
	Pacific Ocean Perch	"	x	x	x
	Other Rockfishes	"	x	x	x
	Other Groundfish	"	x	x	x
WOC	Atka Mackerel	"	x	x	x
	Hake	Midwater Trawl	x	x	x
	Jack Mackerel	"	x	x	x

## 11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☐ No ☒ Yes (if yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

= To conduct the support operations to U.S. catchers working for US-USSR Marine Resources Co. Inc.

FEDERAL REGISTER, VOL. 43, NO. 8—THURSDAY, JANUARY 12, 1978

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## NOTICES

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UR-78-0213

continuation of no. 11

SUPPORT OF APPROXIMATELY FIVE U.S. FLAG FISHING VESSELS

Fishery - WOC and GOA

Species - WOC--mainly Hake  
GOA--mainly Pollock

Quantities - approximately 4000 MT to be purchased by  
USSR from U.S. fishing vessels. Exact  
amounts by species unknown at this time.

Dates - WOC--June through September at various times  
GOA--April through August at various times

Locations - various locations within the USFCZ off  
Washington, Oregon, California, and Alaska.

NOTICES

1911

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. UR-78-0238

1. Name of Vessel SULAK 2. Visual Identifier (Call Sign) UPTO
3. Type of Vessel FISH PROCESSING BAZE 4. Length 174
5. Gross Tonnage 18011 6. Net Tonnage 11076 7. Speed (knots) 14.3
8. Owner's Name and Address BAZA TRALOVOGO I REFRIZHERATORNOGO FLOTA,  
VLADIVOSTOK, USSR
9. Types of Processing Equipment FREEZER, PRESERVES LINE, FISHMEAL PLANT,  
FISH DRESSING LINE
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
BSA	Pollock			X	X
	Pacific Cod			X	X
	Yellowfin Sole			X	X
	Other Flounders			X	X
	Atka Mackerel			X	X
	Herring			X	X
	Pacific Ocean Perch			X	X
	Other Groundfish			X	X
GOA	Pollock			X	X
	Pacific Cod			X	X
	Flounders			X	X
	Pacific Ocean Perch			X	X
	Other Rockfishes			X	X
	Other Groundfish			X	X
WOC	Hake			X	X
	Jack Mackerel			X	X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☐ No ☒ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

- To conduct the support operations to U.S. catchers  
working for US-USSR Marine Resources Co. Inc.

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## NOTICES

continuation of no. 11

## SUPPORT OF APPROXIMATELY FIVE U.S. FLAG FISHING VESSELS

Fishery - WOC and GOA

Species - WOC--mainly Hake  
GOA--mainly PollockQuantities - approximately 4000 MT to be purchased by  
USSR from U.S. fishing vessels. Exact  
amounts by species unknown at this time.Dates - WOC--June through September at various times  
GOA--April through August at various timesLocations - various locations within the USFCZ off  
Washington, Oregon, California, and Alaska.J  
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## NOTICES

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## FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. 17-78-0021

1. Name of Vessel MARIA C. 2. Visual Identifier (Call Sign) IUVM  
3. Type of Vessel STERN TRAWLER 4. Length m. 71,17  
5. Gross Tonnage 1306 6. Net Tonnage 608,48 7. Speed (knots) 13  
8. Owner's Name and Address CEPALU' ANTONINO  
Via La Farina, 3 - PALERMO  
9. Types of Processing Equipment FLASH FRIZEER

## 10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
NWA	loligo illex	Bottom trawl and Mid-water trawl	x	x	
	other finfish		x	x	

## 11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels,  
fishery, species, quantities, dates, locations and specific  
activities requested.)

[FR Doc. 78-865 Filed 1-11-78; 8:45 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of PUBLIC LAWS.

x

FEDERAL REGISTER, VOL. 43, NO. 9—FRIDAY, JANUARY 13, 1978

presidential documents

[3195-01]

Title 3—The President

Executive Order 12033

January 10, 1978

Removal of Certain International Organizations No Longer in Existence From the List of Those Entitled to Privileges and Immunities

By virtue of the authority vested in me by Section 1 of the International Organizations Immunities Act (59 Stat. 669, 22 U.S.C. 288), and as President of the United States of America, in order to remove the Southeast Asia Treaty Organization and the International Coffee Study Group from the list of international organizations afforded certain privileges and immunities, because those organizations no longer exist, the following are hereby revoked: Executive Order No. 10866 of February 20, 1960; and, Executive Order No. 10943 of May 19, 1961.

*Jimmy Carter*

THE WHITE HOUSE,  
January 10, 1978.

[FR Doc. 78-1125 Filed 1-11-78; 3:56 pm]

FEDERAL REGISTER, VOL. 43, NO. 9—FRIDAY, JANUARY 13, 1978



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[3195-01]

Executive Order 12034

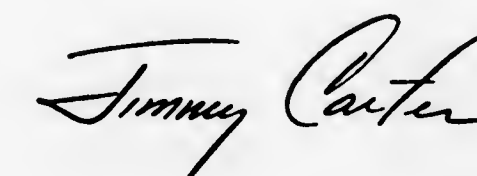
January 10, 1978

Providing for the Appointment of Former ACTION Cooperative Volunteers to the  
Civilian Career Service

By virtue of the authority vested in me by Sections 3301 and 3302 of Title 5 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. Any person who is certified by the Director of ACTION as having served satisfactorily as a full-time ACTION Community Volunteer (including Criminal Justice Volunteers, Volunteers in Justice, and VETREACH Volunteers) for a period of service of at least one year under Part C of Title I of the Domestic Volunteer Service Act of 1973 (Public Law 93-113), and who was enrolled as a Volunteer in such program prior to October 1, 1976, shall be eligible for noncompetitive appointment to the Civilian Career Service in the same manner as that provided for Peace Corps Volunteers by Executive Order No. 11103 of April 10, 1963.

SEC. 2. This Order shall be effective 60 days after the date of signature and its applicability to persons who have completed their volunteer service on or before that date shall begin on such effective date.



THE WHITE HOUSE,

January 10, 1978.

[FR Doc. 78-1126 Filed 1-11-78; 3:57 pm]

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[3195-01]

PROCLAMATION 4544

## Drug Abuse Prevention Week, 1978

*By the President of the United States of America*

### A Proclamation

History teaches us that almost every discovery or invention designed to make our lives a little better can, in the wrong hands, become an instrument of tragedy and suffering. Nothing better illustrates this than the problem of drug abuse in America. When used properly, today's drugs can work miracles that were unimaginable only a short time ago. When they fall into the hands of the immature, the careless, the ignorant, or the despairing, their effects can be devastating.

If we are to rid our society of the problem of drug abuse, we must first rid ourselves of the idea that it is confined to a single group. Drug abusers include the busy executive who cannot function without the aid of heavy drinking, the youth who is addicted to heroin, and the victim of disease who grows dependent upon prescribed medication.

Once we understand that the problem does not derive from a single source, we can appreciate the futility of attempting to seek a single solution. Controlling the availability of drugs and seeking better methods of treating the drug abuser are vital, but unless we also identify and reduce the social pressures which encourage drug abuse, our other efforts will achieve little.

Recognizing this we are focusing our efforts on the search for ways to stop drug abuse before it starts. In particular, we are directing our attention to ways of helping young people understand themselves and their surroundings without the artificial support of dangerous drugs. How successful we will be remains to be seen. But each of us needs the courage to face these hard truths, the insight to recognize that this problem affects us all, and the determination to do something about it.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, in order to inaugurate the 1978 National Drug Abuse Prevention Campaign, do hereby proclaim the week beginning January 15, 1978, as National Drug Abuse Prevention Week.

I call upon government officials, educators, medical professionals, clergy, business and civic leaders to join together in working to create an America where people are no longer tempted to abuse drugs. I call upon parents to examine the ways they respect or abuse drugs in their homes and to remember that their attitudes are likely to shape the attitudes of their children. Most of all, I ask each American to take the time and trouble to learn about drug abuse prevention, to kindle positive values within our families and communities, and to create opportunities for people of all ages and all backgrounds to come together to share their ideas, skills, and resources.



IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of January, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.

*Jimmy Carter*

[FR Doc. 78-1215 Filed 1-12-78; 11:08 am]

# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## [6325-01]

### Title 5—Administrative Personnel

#### CHAPTER I—CIVIL SERVICE COMMISSION

##### PART 213—EXCEPTED SERVICE

###### Civil Aeronautics Board

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Secretary (Stenography) to the General Counsel is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: January 13, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3340(g) as added as set out below:

§ 213.3340 Civil Aeronautics Board.

• • • • •

(g) One Secretary (Stenography) to the General Counsel.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant to the  
Commissioners.

[FR Doc. 78-998 Filed 1-12-78; 8:45 am]

## [6325-01]

### PART 213—EXCEPTED SERVICE

#### Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Congressional Liaison Officer is excepted from the competitive service under Schedule C because it is confidential in nature.

EFFECTIVE DATE: January 13, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(a)(9) is amended as set out below:

§ 213.3314 Department of Commerce.

(a) Office of the Secretary. • • •

(9) Four positions of Congressional Liaison Officer.

• • • • •

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 78-998 Filed 1-12-78; 8:45 am]

## [6325-01]

### PART 213—EXCEPTED SERVICE

#### Federal Home Loan Bank Board

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Secretary (Stenography) to the Director, Office of Industry Development, is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: January 13, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3354(o) is added as set out below:

§ 213.3354 Federal Home Loan Bank Board.

• • • • •

(o) One Secretary (Stenography) to the Director, Office of Industry Development.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 78-999 Filed 1-12-78; 8:45 am]

## [6325-01]

### PART 213—EXCEPTED SERVICE

#### Department of the Interior

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Confidential Assistant to the Director, Office of Surface Mining Reclamation and Enforcement, is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: January 13, 1978.  
FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 3312(o)(2) is added as set out below:

§ 213.3312 Department of the Interior.

• • • • •

(o) Office of Surface Mining Reclamation and Enforcement. • • •

(2) One Confidential Assistant to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 78-997 Filed 1-12-78; 8:45 am]

## [6325-01]

### PART 213—EXCEPTED SERVICE

U.S. Arms Control and Disarmament Agency

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Staff Assistant to the General Advisory Committee is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: January 13, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3364(o) is added as set out below:

§ 213.3364 U.S. Arms Control and Disarmament Agency.

• • • • •

(o) One Staff Assistant to the General Advisory Committee.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)



For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 78-1000 Filed 1-12-78; 8:45 am]

#### [6325-01]

##### PART 213—EXCEPTED SERVICE

Department of Treasury

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Section 213.3305 is amended to reflect the following organizational title change: Deputy Assistant Secretary (Research and Planning), Office of the Assistant Secretary (International Affairs), to Deputy Assistant Secretary for International Economic Analysis, Office of the Assistant Secretary (Economic Policy).

EFFECTIVE DATE: January 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Sallie E. West, Civil Service Commission, 202-632-3782.

FOR FURTHER INFORMATION ON POSITION CONTENT CONTACT:

Morris A. Simms, Department of Treasury, 202-566-2701.

Accordingly, 5 CFR 213.3305(a)(31) is revised as set out below:

§ 213.3305 Department of Treasury.

(a) Office of the Secretary. . . .  
(31) Deputy Assistant Secretary for International Economic Analysis.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-995 Filed 1-12-78; 8:45 am]

#### [6325-01]

##### PART 213—EXCEPTED SERVICE

Department of Energy

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment reestablishes under schedule C five positions which formerly existed at the Federal Power Commission before its functions were absorbed into the Department of Energy on September 30, 1977. The five include one position of Assistant to the Chairman and four positions of Technical Assistant to a Member of the Commission.

EFFECTIVE DATE: January 13, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3331(c) (3) and (4) are added as set out below:

§ 213.3331 Department of Energy.

(c) Federal Energy Regulatory Commission. . . .  
(3) One Assistant to the Chairman.

(4) Four Technical Assistants to Members of the Commission.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-1090 Filed 1-12-78; 8:45 am]

#### [6325-01]

##### PART 213—EXCEPTED SERVICE

Federal Maritime Commission

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Administrative Assistant to the Managing Director is revoked under the provisions of § 213.3301(b), because it has been vacant for more than 60 days. In addition, one position of Special Assistant to the Managing Director is excepted under schedule C because it is confidential in nature.

EFFECTIVE DATE: January 13, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3367(b) is amended and (h) is added as set out below:

§ 213.3367 Federal Maritime Commission.

(b) One Private Secretary to each Commissioner.

(h) One Special Assistant to the Managing Director.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-1091 Filed 1-12-78; 8:45 am]

#### [3410-30]

##### Title 7—Agriculture

##### CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. No. 129]

##### PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

###### Food Stamp Program

NOTE.—This document originally appeared in the FEDERAL REGISTER for Wednesday, January 11, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the final regulation (7 CFR 271.3(f)) issued on November 30, 1977 (42 FR 60916) which changed the method of counting utility costs for the food stamp excess shelter deduction. This amendment deletes the requirement that State agencies certify within 10 days households documenting increases of more than \$25 at initial application or at subsequent certification and modifies the notice requirements imposed by 7 CFR 271.3(f)(9), as amended. This change is in response to the comments.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

William R. Tlucek, Chief, State Agency Operations Branch, Food Stamp Division, 500 12th Street SW., Washington, D.C. 20250 202-447-8360.

SUPPLEMENTAL INFORMATION: On November 30, 1977, there was published a final rule changing the method of counting utility costs from "as paid" to "as billed" for the food stamp excess shelter deduction and requiring expedited certification and processing of interim changes for households reporting increases of more than \$25 in heating and utility bills. That regulatory amendment responded to testimony presented at food stamp public hearings sponsored by the Department during October 1977. Eight hundred and sixty-two persons testified at the 17 public hearings, generating a total of 6,152 transcript pages. Testimony relevant to the November 30 rulemaking indicated participant concern over high winter utility costs caused by the unusually harsh winter of 1976-77. To avoid hardships resulting from anticipated increases in utility costs during this winter, the Department published the November 30 amendment. In light of

the need to implement before winter, the Department determined it was contrary to the public interest to give notice of proposed rulemaking. Delaying the rule until this winter was partly or entirely past would have defeated the very purpose of the rulemaking. For the same reasons, this rulemaking is in final form.

However, because the Department believed that public and State agencies and other interested parties should have an opportunity for comment, comments were solicited even though the regulation was published as a final rule. These comments were carefully considered, just as in a normal proposed rulemaking process, and based on these comments the Department is hereby making some modifications in the final rule. Letters received pursuant to the November 30 rulemaking are available for public inspection and copying, during regular business hours, in Room 698, 500 12th Street, SW., Washington, D.C.

This rulemaking generated twenty-one letters; nineteen from State and local welfare agencies and one each from the Peace and Justice Commission of the Catholic Diocese of Albany, N.Y., and the American Public Welfare Association (APWA). In addition, the public file contains relevant letters from Food and Nutrition Service (FNS) Regional Offices and summaries of significant meetings between State and FNS officials. Also contained in the file are State responses to the FNS telegram of November 8, 1977, which provided State Welfare Commissioners and FNS Regional Administrators with advance notice of the nature of the imminent utility allowance changes.

Generally, State agencies regarded the November 30 regulatory changes as inequitable, untimely, and extremely difficult to implement. Virginia and Texas emphasized that the ten day certification requirement (7 CFR 271.3(f)(2)), for households with increased utility costs, could unfairly divert critical time and resources from households more in need of prompt assistance. Virginia noted that "it should

\*Final rulemaking without a notice and comment period is permitted by Federal law. See section 553(b)(3) Administrative Procedures Act.

\*Three State agencies, the Food Action and Community Education Project of Ohio and the FNS New England regional office wrote letters pertinent to the utility allowance in advance of the FEDERAL REGISTER notice, but after the November 8, telegram.

\*Each reference to correspondence from a State normally refers to a letter from the department of the State government with overall Food Stamp Program responsibilities.

not be assumed that every incident of a \$25 increase in shelter costs will automatically constitute an emergency condition." Texas specifically criticized the "preferential treatment to households with higher than normal utility bills over those in need of prompt emergency assistance." In addition to these inequities, South Carolina, Alabama and Mississippi felt it would be "virtually impossible" to meet the ten day deadline; New York considered it "impossible."

7 CFR 271.3(f)(2) is withdrawn to avoid program inequities, to foster the timely delivery of benefits to all households, and to avoid program dissatisfaction stemming from the promise of timeliness of service which some States may be unable to deliver. Households with increases in utility bills, which "are in need of emergency certification," will still be entitled to preferential treatment in most States (7 CFR 271.4(a)(2)(iii)). Moreover, State agencies will still be required to adjust allotments for households reporting increases in utility billings according to 7 CFR 271.3(f)(6), as amended.

The APWA, along with Missouri, Kansas, South Dakota, Mississippi, Michigan, and New York asserted that notice to the entire caseload, by January 15 (7 CFR 271.3(f)(9), as amended), would inundate local offices with requests for increases in benefits and information; thus increasing waiting lines, delaying normal and emergency certification activities, creating false expectations and unnecessarily increasing participant frustration and dissatisfaction. The APWA stated that mass notice would "swell the numbers of persons contacting food stamp offices, [and] . . . set up many participants for a rather serious disappointment." New York anticipates "from past experience" that the notice would mean that " . . . tens of thousands will seek increased benefits who are not entitled to them . . . ." Missouri fears that " . . . notification to all clients will cause the majority of Missouri's total food stamp population to call or come into our county offices during that month."

To resolve these problems, New York recommended that since " . . . only those who pay for their own heat are apt to benefit from a recalculation . . . only they should receive a copy

\*A December 14, 1977, N.Y. Department of Social Services press release states that, "[r]ather than aiding the citizens that qualify, many will be hurt [by the regulatory amendment]." That press release notes that "more than 90 percent of New York City's more than one million recipients would be ineligible for the additional food stamp benefits since heat is included in their rent."

of the notice." Michigan and the APWA endorsed this suggestion. Accordingly, the revised amendment provides for a longer notification period and allows States, with the "capability of identifying and notifying only those households which pay utility costs separately from rent and mortgage payments," to do only that. While modifying the individual notice requirement, the new amendment requires that "States must make every effort to mail the notice with the January 1, ATP [card] . . ." This compromise strikes a fair balance between the participant interest in immediate individual notification and the participant and State agency interests in protecting the timely delivery of benefits to the entire caseload.

Almost all State agencies and the APWA were concerned that the lead time, prior to the January 1 implementation deadline, would not allow adequate opportunity to prepare instructions, train staff, print forms and secure FNS interpretations. However, all State agencies were given advance notice, by telegram of November 8, of the general nature of the imminent regulatory changes. FNS regional offices were advised to provide State agencies with assistance and advice regarding the amendment. More critically, except for 7 CFR 271.3(f)(6) and (8), as amended, the regulatory package does not seem to require extensive preparations.

State agencies were already required to provide a deduction for utility costs based on anticipated payment of bills during the certification period (7 CFR 271.3(c)(1)(iii)(h)). However, we found that some State agencies were erroneously averaging the household's past utility payments to project payments for the current certification period. This practice did not accurately reflect the household's current bills as originally intended by the regulation. Further, State agencies are presently required to make adjustments in benefit levels, based on reported changes (7 CFR 271.3(a)(1)(iii)); to restore lost benefits (7 CFR 271.1(q)) and to assign short certification periods (7 CFR 271.4(a)(4)(iii)(a)). Based on the "need for timely implementation to benefit households experiencing higher utility costs this winter" (42 FR 60917), and on the determination that adequate advance notice was given, State agencies are accountable for failure to timely implement these regulatory changes.

To provide State agencies with notice of changes in the November 30 regulatory language, in advance of the January 1 implementation date, all State Welfare Commissioners were sent telegrams on December 23, 1977. FNS believes that the advance telegraphic warning was justified, eight days prior to the end of the voluntar-



ily imposed comment period, to avoid unnecessary waste of State agency time, effort and money, especially in light of the significant and convincing commentary received by the day the telegram was sent.<sup>3</sup> The text of the telegram is published with this amendment.

Continuing the discussion of the comments, there is no significant commentary on provisions concerning projections, "based on the most recent actual [utility] bills" (7 CFR 271.3(f)(2)(ii), as amended) and conversions, from and to the standard allowance (7 CFR 271.3(f)(7), as amended). Those sections remain unchanged by this rulemaking. Using the most recent bills, instead of averaging past costs, should more accurately reflect the household's immediate utility costs and, therefore, food stamp need. Moreover, the provision for conversions to and from the standard allowance gives the household an opportunity to use the most advantageous approach.

Some commentators suggested that the burden of winter increases in utility costs be reduced through universal or regional adjustments in the standard utility allowances, allotment amounts, or purchase requirements. However, these adjustments, because of varying and unpredictable climatic and weather conditions, would benefit many households not needing the additional assistance and not benefit certain households in greater need.

Because residents of Puerto Rico and the Virgin Islands do not experience substantial increases in utility costs in the winter months, these State agencies are exempted from providing individual notices to households. FNS does not believe the expense and burden of providing individual notices, especially considering the size of the food stamp population involved, are warranted. However, Puerto Rico and the Virgin Islands are still required to comply with all other provisions of the amendment, including all other means of publicizing the changes.

Accordingly, § 271.3 of Chapter II, Title 7, Code of Federal Regulations is amended as follows:

1. In § 271.3(f) delete subparagraph 2 and renumber all subsequent subparagraphs accordingly.

2. In the renumbered § 271.3(f)(8) strike all language and substitute the following:

§ 271.3 Household eligibility.

<sup>3</sup>Twelve of the twenty-one public or State agency letters were received prior to, or on, December 20, 1977. This final amendment reflects all comments received during the full comment period. This amendment differs from the telegraphic advance warning by allowing for State agency notice after January 15, 1978.

(f) Utility costs deduction.

(8) State agencies shall publicize the provisions of this paragraph in the media in each project area and by a notice posted in each welfare office. The notice shall be posted as soon as possible but no later than December 31, 1977, shall remain posted through April 30, 1978, and shall be in language other than English where appropriate. In addition, the State agency shall notify each of their outreach contact groups. With the exception of Puerto Rico and the Virgin Islands, the State agency shall also notify each participating household individually unless it has the capability of identifying and notifying only those households which pay utility costs separately from rent or mortgage payments. Although States must make every effort to mail the notice with the January 1 ATP card, States unable to mail the notice with the January 1 ATP card must send the notice with an additional January ATP card if such is issued. Otherwise States must mail the notice with the February 1 ATP card. In jurisdictions that satisfy FNS they have no mechanism to mail FNS approved notices, such notices must be handed individually to all households at issuance points starting no later than January 15 and continuing through the end of February.

3. In the renumbered subparagraph § 271.3(f)(9), strike out the words "January 15, 1978" and insert the words "in accordance with this amendment." (78 Stat. 703, as amended; (7 U.S.C. 2011-2026).)

NOTE.—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps.)

Dated: January 10, 1978.

CAROL TUCKER FOREMAN,  
Assistant Secretary.

[FR Doc. 78-884 Filed 1-10-78; 8:45 am]

#### [3410-34]

#### CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### Subpart—Imported Fire Ant

##### MISCELLANEOUS AMENDMENTS TO REGULATED AREAS

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the supplemental regulations which

list generally infested regulated areas and suppressive regulated areas for purposes of the Imported Fire Ant Quarantine by adding areas in Alabama, Mississippi, South Carolina, and Texas to the list of generally infested regulated areas and by deleting an area in Texas from the list of suppressive regulated areas. These additions are necessary in order to prevent the spread of the imported fire ant. The deletion is necessary because the imported fire ant has been eradicated from the area deleted and it is not needed to regulate such area in order to prevent the spread of the imported fire ant.

EFFECTIVE DATE: January 13, 1978.  
FOR FURTHER INFORMATION  
CONTACT:

H. I. Rainwater, Regulatory Support Staff, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, U.S. Department of Agriculture, Hyattsville, Md. 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION: The imported fire ant (*Solenopsis* spp.) is an insect that interferes with farming operations, can cause damage to certain crops, and is a pest of livestock and pets, as well as people, in rural and urban areas. In the nine States quarantined for imported fire ant, areas have been designated as generally infested regulated areas or suppressive regulated areas. Such designations relate to specified restrictions with respect to the movement of certain articles in order to prevent the spread of the imported fire ant. Regulated areas where eradication of infestation is undertaken as an objective are designated as suppressive areas.

Surveys conducted by the United States Department of Agriculture and State agencies have established that the imported fire ant has spread or is likely to spread to certain areas beyond the outer perimeter of the generally infested areas. Therefore, in order to prevent the spread of imported fire ant, generally infested areas are added or extended in the following counties: Colbert, Lawrence, and Limestone in Alabama; Bolivar, Carroll, Lafayette, and Yalobusha in Mississippi; Darlington, Dillon, Florence, and Marlboro in South Carolina; Atascosa, Bastrop, Bee, Calhoun, Cass, De Witt, Ellis, Frio, Gillespie, Goliad, Gonzales, Grayson, Hays, Kerr, Lee, Leon, Limestone, Refugio, Travis, Upshur, Williamson, and Wilson in Texas.

Also, such surveys have established that the imported fire ant has been eradicated in the previously suppressive regulated area in Bowie County, Tex., and, that it is not necessary to regulate such area in order to prevent the spread of the imported fire ant. Therefore, such portion of Bowie County, Tex., is deleted from the list of suppressive regulated areas.

Accordingly, the list of regulated areas specifically designated as generally infested areas and suppressive areas with respect to the States of Alabama, Mississippi, South Carolina, and Texas in § 301.81-2a of the Imported Fire Ant Quarantine regulations (7 CFR 301.81-2a) is hereby amended to read as set forth below:

#### § 301.81-2a Regulated areas; suppressive and generally infested areas.

The civil divisions and parts of civil divisions described below are designated as imported fire ant regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

##### ALABAMA

###### (1) Generally infested areas.

Autauga County. The entire county.  
Baldwin County. The entire county.  
Barbour County. The entire county.  
Bibb County. The entire county.  
Blount County. The entire county.  
Bullock County. The entire county.  
Butler County. The entire county.  
Calhoun County. The entire county.  
Chambers County. The entire county.  
Cherokee County. T. 10 S., R. 8 and 9 E.; T. 11 S., R. 8, 9, 10, 11, and 12 E.; T. 12 S., R. 8, 9, 10, 11, and 12 E.  
Chilton County. The entire county.  
Choctaw County. The entire county.  
Clarke County. The entire county.  
Clay County. The entire county.  
Cleburne County. The entire county.  
Coffee County. The entire county.  
Colbert County. That portion of the county lying south of the north line of T. 4 S.

Conecuh County. The entire county.  
Coosa County. The entire county.  
Covington County. The entire county.  
Crenshaw County. The entire county.  
Cullman County. The entire county.  
Dale County. The entire county.  
Dallas County. The entire county.  
Elmore County. The entire county.  
Escambia County. The entire county.  
Etowah County. The entire county.  
Fayette County. The entire county.  
Franklin County. The entire county.  
Geneva County. The entire county.  
Greene County. The entire county.  
Hale County. The entire county.  
Henry County. The entire county.  
Houston County. The entire county.  
Jefferson County. The entire county.  
Lamar County. The entire county.  
Lawrence County. T. 4, 5, 6, 7, and 8 S., E1/2, R. 7 W.; T. 4, 5, 6, 7, and 8 S., R. 6 W.; S1/2, T. 7 S., R. 7, 8 and 9 W.; T. 8 S., R. 7, 8, and 9 W.  
Lee County. The entire county.  
Limestone County. S1/2, T. 3 S., R. 4, 5, and 6 W.; T. 4 S., R. 4, 5, and 6 W.; T. 5 S., R. 4 W.

Lowndes County. The entire county.  
Macon County. The entire county.  
Marengo County. The entire county.  
Marion County. The entire county.  
Marshall County. T. 7 S., R. 1 E.; T. 8 S., R. 1, 2, 3 E.; T. 9 S., R. 2, 3, and 4 E.; T. 10 S., R. 2, 3, 4, and 5 E.; T. 11 S., R. 3 E.  
Mobile County. The entire county.  
Monroe County. The entire county.

##### MISSISSIPPI

###### (1) Generally infested areas.

Adams County. The entire county.  
Amite County. The entire county.  
Attala County. The entire county.  
Bolivar County. T. 20 N., R. 6, 7, and 8 W.; T. 21 N., R. 5, 6, and 7 W., and S1/2, T. 22 N., R. 6 W.  
Carroll County. That portion of the county lying south of the north line of T. 18 N., and the portion of the county lying east of the west line of R. 4 E.  
Calhoun County. The entire county.  
Chickasaw County. The entire county.  
Choctaw County. The entire county.  
Claiborne County. The entire county.  
Clarke County. The entire county.  
Clay County. The entire county.  
Copiah County. The entire county.  
Covington County. The entire county.  
Forrest County. The entire county.  
Franklin County. The entire county.  
George County. The entire county.  
Greene County. The entire county.  
Grenada County. N1/2, T. 21 N., R. 4 E.; S1/2, T. 22 N., R. 4 E., and that portion of the county lying east of the west line of R. 5 E.

Hancock County. The entire county.  
Harrison County. The entire county.  
Hinds County. The entire county.  
Holmes County. The entire county.  
Humphreys County. The entire county.  
Issaquena County. The entire county.  
Itawamba County. The entire county.  
Jackson County. The entire county.  
Jasper County. The entire county.  
Jefferson County. The entire county.  
Jefferson Davis County. The entire county.

Jones County. The entire county.  
Kemper County. The entire county.  
Lafayette County. That portion of the county lying south of the north line of T. 10 S.; T. 9 S., R. 1, 2, and E1/2, R. 3 W.; T. 8 S., R. 1 W.; T. 7 S., R. 1 W., and SE1/4, T. 6 S., R. 3 W.

Lamar County. The entire county.  
Lauderdale County. The entire county.  
Lawrence County. The entire county.  
Leake County. The entire county.  
Lee County. The entire county.  
Leflore County. That portion of T. 16 N., R. 2 W., lying in the county; S1/2 T. 17 N., R. 2 W.; and N1/2 T. 19 N., R. 2 W.  
Lincoln County. The entire county.  
Lowndes County. The entire county.  
Madison County. The entire county.  
Marion County. The entire county.

Montgomery County. The entire county.  
Morgan County. T. 4 S., R. 5 W.; T. 5 S., R. 4 and 5 W.; T. 6 S., R. 4 and 5 W.; and that portion of the county lying south of the north line of T. 7 S.  
Perry County. The entire county.  
Pickens County. The entire county.  
Pike County. The entire county.  
Randolph County. The entire county.  
Russell County. The entire county.  
St. Clair County. The entire county.  
Shelby County. The entire county.  
Sumter County. The entire county.  
Talladega County. The entire county.  
Tallapoosa County. The entire county.  
Tuscaloosa County. The entire county.  
Walker County. The entire county.  
Washington County. The entire county.  
Wilcox County. The entire county.  
Winston County. The entire county.

(2) Suppressive area.  
Lauderdale County. Sec. 8, T. 1 S., R. 7 W.

Monroe County. The entire county.  
Montgomery County. The entire county.  
Neshoba County. The entire county.  
Newton County. The entire county.  
Norubee County. The entire county.  
Oktibbeha County. The entire county.  
Pearl River County. The entire county.  
Perry County. The entire county.  
Pike County. The entire county.  
Pontotoc County. The entire county.  
Prentiss County. That portion of the county lying south of the north line of T. 5 S.; and that portion of T. 4 S., R. 9 E. lying in the county.

Rankin County. The entire county.  
Scott County. The entire county.  
Sharkey County. The entire county.  
Simpson County. The entire county.  
Smith County. The entire county.  
Stone County. The entire county.  
Sunflower County. T. 17 N., R. 4 W.; That portion of T. 17 N., R. 3 W., lying in the county; T. 18 N., R. 3 W.; T. 19 N., R. 5 W.; and T. 20 N., R. 5 W.  
Tippah County. That portion of the county lying south of the north line of T. 4 S., and that portion of T., 3 S., R. 5 E. lying in the county.  
Tishomingo County. That portion of the county lying south of the north line of T. 5 S.

Union County. The entire county.

Walsh County. The entire county.  
Warren County. The entire county.  
Washington County. The entire county.  
Wayne County. The entire county.  
Webster County. The entire county.  
Wilkinson County. The entire county.  
Winston County. The entire county.

Yalobusha County. All of T. 10, 11, and 12 S., R. 3 and 4 W., lying in the county; and all of T. 23, 24, and 25 N., R. 5, 6, and 7 E., lying in the county.

Yazoo County. The entire county.  
(2) Suppressive areas. None.

##### SOUTH CAROLINA

(1) Generally infested area.  
Aiken County. That portion of the county bounded by a line beginning at a point where the Savannah River and the Aiken-Edgefield County line junction, thence northeast along said county line to its intersection with the South Fork Edisto River, thence southeast along said river to its junction with the Aiken-Barnwell County line, thence southwest along said county line to its intersection with U.S. Highway 278, thence west along said highway to its junction with State Primary Highway 28, thence west along said highway to its junction with the Savannah River, thence northwest along said river to the point of beginning.

Allendale County. That portion of the county bounded by a line beginning at a point where State Primary Highway 3 intersects the Allendale-Barnwell County line, thence east along said county line to its junction with the Salkehatchie River, thence southeast along said river to its junction with the Allendale-Hampton County line, thence southwest along said county line to its junction with the Southern Railway, thence north along said railway to its intersection with State Secondary Highway 47, thence northwest along said highway to its intersection with State Primary Highway 3, thence north along said highway to the point of beginning.

Bamberg County. The entire county.  
Barnwell County. That portion of the county bounded by a line beginning at a



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point where State Primary Highway 39 intersects the South Fork Edisto River, thence east along said river to its junction with the Barnwell-Bamberg County line, thence south along said county line to its junction with the Barnwell-Allendale County line, thence west along said county line to its intersection with State Primary Highway 3, thence northeast along said highway to its junction with U.S. Highway 278, thence north along said highway to its junction with State Primary Highway 37, thence north along said highway to its junction with State Primary Highway 39, thence northeast along said highway to the point of beginning.

*Beaufort County.* The entire county.  
*Berkeley County.* The entire county.  
*Calhoun County.* The entire county.  
*Charleston County.* The entire county.  
*Clarendon County.* The entire county.  
*Colleton County.* The entire county.

*Darlington County.* That portion of the county bounded by a line beginning at a point where U.S. Highway 401 intersects the Darlington-Lee County line at Lynchess River, thence northwest and northeast along said county line to its intersection with State Secondary Highway 131, thence east along said highway to its intersection with State Secondary Highway 290, thence easterly along said highway to its junction with U.S. Highway 401, thence northeast and north along said highway to its intersection with the Great Pee Dee River, thence southerly along said river to its junction with the Darlington-Florence County line, thence southwest along said county line to its junction with the Lynchess River, thence northwest along said river to the point of beginning.

*Dillon County.* That portion of the county bounded by a line beginning at a point where State Primary Highway 34 intersects the Dillon-Marlboro County line, thence northeast along said county line to its intersection with State Primary Highway 9, thence southeast and east along said highway to its intersection with State Secondary Highway 23, thence northeasterly along said highway to its intersection with the Little Pee Dee River, thence southeasterly along said river to its intersection with U.S. Highway 301, thence southwesterly along said highway to its intersection with the Dillon, South Carolina City limits, thence east and south along said city limits to its intersection with State Primary Highway 57, thence south along said highway to its junction with State Secondary Highway 48, thence south along said highway to its junction with State Secondary Highway 92, thence southwest along said highway to its intersection with the Dillon-Marion County line, thence southwesterly, northwesterly, and northeasterly along the Dillon County line to the point of beginning.

*Dorchester County.* The entire county.

*Edgefield County.* That portion of the county bounded by a line beginning at a point where State Primary Highway 23 intersects the Edgefield-McCormick County line, thence east along said highway to its intersection with State Secondary Highway 10, thence southeast along said highway to its junction with U.S. Highway 25, thence southeast along said highway to its junction with State Primary Highway 19, thence southeast along said highway to its intersection with the Edgefield-Aiken County line, thence southwest along said county line to its junction with the Savannah River, thence northwest along said river to its

junction with the Edgefield-McCormick County line, thence north along said county line to the point of beginning.

*Fairfield County.* That portion of the county lying south of a line beginning at a point where State Primary Highway 34 intersects the Broad River, thence east along said highway to its junction with State Primary Highway 200, thence east along said highway to its junction with State Secondary Highway 41, thence east along said highway to its intersection with Little Water Creek, thence northeast along said creek to its junction with the Fairfield-Lancaster County line, where the line ends.

*Florence County.* That portion of the county bounded by a line beginning at a point where the Lynchess River junction with the Florence-Darlington County line, thence northeasterly along said county line to its junction with the Great Pee Dee River, thence southeasterly along said river to its junctions with Jefferies Creek, thence northwest along said creek to its junction with Claussen Creek, thence west along said creek to its intersection with State Primary Highway 327, thence southerly and southwesterly along said highway to its junction with U.S. Highway 52, thence south along said highway to its junction with State Primary Highway 541, thence westerly along said highway to its intersection with State Primary Highway 403, thence northwesterly along said highway to its intersection with the Florence-Sumter County line, thence northeast along said line to its junction with the Lynchess River, thence northwesterly along said river to the point of beginning.

*Georgetown County.* The entire county.

*Hampton County.* The entire county.

*Horry County.* The entire county.

*Jasper County.* The entire county.

*Kershaw County.* That portion of the county lying west and south of a line beginning at a point where the Kershaw-Lancaster County line junctions with State Secondary Highway 58, thence southerly along said highway to its junction with U.S. Highway 521, thence southerly along said highway to its intersection with State Primary Highway 34, thence easterly along said highway to its intersection with the Kershaw-Lee County line, where the line ends.

*Lee County.* That portion of the county bounded by a line beginning at a point where State Primary Highway 34 intersects the Lee-Kershaw County line, thence easterly along said highway to its intersection with the Lee-Darlington County line, thence southerly along said county line to its intersection with U.S. Highway 401, thence southwest along said highway to its intersection with State Primary Highway 341, thence northwest along said highway to its junction with State Secondary Highway 34, thence westerly along said highway to its junction with U.S. Highway 15, thence southwesterly along said highway to its junction with State Primary Highway 441, thence southwesterly along said highway to its junction with State Secondary Highway 25, thence northwesterly along said highway to its intersection with the Lee-Kershaw County line, thence northeast along said line to the point of beginning.

*Lexington County.* That portion of the county lying east of a line beginning at a point where the Lexington-Richland County line intersects State Primary Highway 6, thence south along said highway to its junction with State Primary Highway 215, thence south along said highway to its intersection with the Lexington-Aiken County line, where the line ends.

*Marion County.* That portion of the county bounded by a line beginning at a point where the Great Pee Dee River junctions with the Marion-Dillon County line, thence northeasterly along said county line to its intersection with U.S. Highway 501, thence southerly along said highway to its intersection with State Primary Highway 41A, thence south along said highway to its junction with State Secondary Highway 9, thence southwest along said highway to its junction with State Secondary Highway 34, thence northwest along said highway to its junction with State Secondary Highway 25, thence northeast along said highway to its intersection with U.S. Highway 76 By-pass, thence northwest along said highway to its junction with U.S. Highway 76, thence northwesterly along said highway to its intersection with the Great Pee Dee River, thence northerly along said river to the point of beginning; that portion of the county lying south of U.S. Highway 378.

*Marlboro County.* That portion of the county bounded by a line beginning at a point where State Secondary Highway 611 junctions with the Great Pee Dee River, thence east along said highway to its junction with State Secondary Highway 57, thence north along said highway to its junction with State Secondary Highway 29, thence northeast and east along said highway to its junction with State Secondary Highway 23, thence east along said highway to its intersection with the Marlboro-Dillon County line, thence south along said county line to its junction with the Great Pee Dee River, thence northwesterly along said river to the point of beginning.

*McCormick County.* That portion of the county bounded by a line beginning at a point where U.S. Highway 221 intersects the Savannah River, thence northeast along said highway to its junction with State Primary Highway 28, thence southeast along said highway to its junction with State Secondary Highway 88, thence northeast along said highway to its intersection with the McCormick-Edgefield County line, thence southeasterly and southwesterly along said county line to its junction with the Savannah River, thence northwesterly along said river to the point of beginning.

*Newberry County.* That portion of the county bounded by a line beginning at the intersection of Cannons Creek and U.S. Highway 176, thence east along said creek to its junction with the Broad River, thence south along said river to its junction with the Newberry-Richland County line, thence southwest along said county line to its intersection with U.S. Highway 176, thence northwest along said highway to the point of beginning.

*Orangeburg County.* The entire county.

*Richland County.* The entire county.

*Sumter County.* The entire county.

*Williamsburg County.* That portion of the county bounded by a line beginning at a point where the Seaboard Coast Line Railroad intersects the Williamsburg-Florence County line, thence southwest along said railroad to its intersection with U.S. Highway 521, thence southeasterly along said highway to its junction with State Secondary Highway 30, thence northeast along said highway to its junction with State Secondary Highway 254, thence northeasterly along said highway to its intersection with State Primary Highway 527, thence southeasterly along said highway to its junction with State Secondary Highway 383, thence northeast and east along said highway to its

intersection with the Seaboard Coast Line Railroad, thence northeasterly along said railroad to its intersection with State Primary Highway 512, thence southeast along said highway to its intersection with the Williamsburg-Georgetown County line, thence in a clockwise direction along the Williamsburg County line to the point of beginning.  
(2) *Suppressive areas.* None.

TEXAS

(1) *Generally infested area.*

*Anderson County.* That portion of the county bounded by a line beginning at the point where U.S. Highway 287 intersects U.S. Highway 84, thence easterly along said highway to the Anderson-Cherokee County line, thence southeasterly along said county line to its junction with the Anderson-Houston County line, thence westerly along said county line to its intersection with U.S. Highway 287, thence northwesterly along said highway to the point of beginning, including all of the city of Palestine and all of the town of Elkhart.

*Angelina County.* The entire county.

*Atascosa County.* The entire county.

*Austin County.* The entire county.

*Bandera County.* That portion of the county bounded by a line beginning at a point where Texas Highway 16 intersects the Bandera-Kerr County line, thence southeasterly along said county line to its junction with the Bandera-Kendall County line, thence southeasterly along said county line to its junction with the Bandera-Bexar County line, thence southwesterly along said county line to its junction with the Bandera-Medina County line, thence southwesterly, westerly, northerly, and westerly along said county line to its intersection with Farm to Market Road 689, thence northerly along said road to its intersection with Texas Highway 18, thence northwesterly along said highway to the point of beginning, including the entire towns of Bandera and Medina.

*Bastrop County.* The entire county.

*Bee County.* That portion of the county bounded by a line beginning at a point where U.S. Highway 59 intersects with Bee-Live Oak County line, thence easterly along said highway to its intersection with Farm to Market Road 351, thence southeasterly along said road to its junction with State Highway 202, thence easterly along said highway to its intersection with the Bee-Refugio County line, thence southwesterly along said county line to its junction with the Bee-San Patricio County line, thence southwesterly and northwesterly along said county line to its junction with the Bee-Live Oak County line, thence northeasterly and northwesterly along said county line to the point of beginning, but excluding the city of Beeville.

*Bell County.* That portion of the county lying east of a line beginning at a point where State Highway 317 intersects the Bell-McLennan County line, thence southwesterly along said highway to its junction with Interstate 35, thence southwesterly along Interstate 35 to the Bell-Williamson County line, including the city of Belton.

*Bezar County.* The entire county.

*Blanco County.* That portion of the county lying south of a line beginning at a point where the Blanco-Gillespie County line is intersected by U.S. Highway 290, thence easterly along said highway to its merger with U.S. Highway 281, thence southerly along U.S. Highway 281/290 and continuing southerly along U.S. Highway

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281 to its junction with Farm to Market Road 165, thence northeasterly along said Farm to Market Road to the Blanco-Hayes County line, but excluding the city of Johnson City.

*Bowie County.* That portion of the county bounded by a line beginning at a point where Farm to Market Road 2148 intersects Interstate Highway 30, thence easterly along said highway to its intersection with the Texas-Arkansas State line, thence southerly along said State line to its intersection with Sulphur River, thence northwesterly and westerly along said river to its intersection with U.S. Highway 59, thence northerly along said highway to its junction with Farm to Market Road 2148, thence northerly along said road to the point of beginning.

*Brazoria County.* The entire county.

*Brazos County.* The entire county.

*Burleson County.* The entire county.

*Caldwell County.* The entire county.

*Calhoun County.* The entire county.

*Camp County.* That area within a circle having a radius of 3 miles with the center at the intersection of loop 238 and State Highway 11.

*Cass County.* That portion of the county lying east and south of a line beginning at a point where U.S. Highway 59 intersects the Cass-Marion County line, thence northerly and northeasterly along said highway to its intersection with State Highway 77, thence southeasterly along said highway to its intersection with the Louisiana-Texas-Arkansas State line, but excluding the cities of Linden and Atlanta.

*Chambers County.* The entire county.

*Cherokee County.* The entire county.

*Collin County.* The entire county.

*Colorado County.* The entire county.

*Comal County.* The entire county.

*Dallas County.* The entire county.

*Denton County.* The entire county.

*De Witt County.* That portion of the county bounded by a line beginning where U.S. Highway 87 intersects the De Witt-Gonzales County line, thence northeasterly along said county line to its junction with the De Witt-Lavaca County line, thence southeasterly along said county line to its junction with the De Witt-Victoria County line, thence southwesterly along said county line to its junction with the De Witt-Goliad County line, thence northwesterly along said county line to its intersection with U.S. Highway 183, thence northerly along said highway to its junction with U.S. Highway 87, thence northwesterly along said highway to the point of beginning, but excluding the town of Westhoff.

*Ellis County.* That portion of the county lying north of U.S. Highway 287 including the cities of Midlothian and Ennis, but excluding the city of Waxahachie.

*Falls County.* That area within a circle having a radius of 3 miles with the center at the junction of the State Highway 7 and U.S. Highway 77.

*Fayette County.* The entire county.

*Fort Bend County.* The entire county.

*Freestone County.* That area within a circle having a radius of 3 miles with the center at the intersection of Farm to Market road 80 and Main Street in the city of Teague.

*Frio County.* That portion of the county beginning at a point where Farm to Market Road 462 intersects the Frio-Medina County line, thence east along said county line to its junction with the Frio-Atascosa County line, thence south along said county line to

its junction with the Frio-LaSalle County line, thence west along said county line to its intersection with Farm to Market Road 1582, thence northwest along said road to its junction with U.S. Highway 81, thence northeast along said highway to its intersection with Farm to Market Road 140, thence northwesterly along said road to its intersection with Interstate Highway 35, thence northerly along said highway to its intersection with Farm to Market Road 462, thence northwest along said road to the point of beginning, including the entire city of Pear-sall and the town of Moore.

*Galveston County.* The entire county.

*Gillespie County.* The entire county.

*Goliad County.* That portion of the county bounded by a line beginning where State Highway 239 intersects the Goliad-Karnes County line, thence northeasterly along said county line to its junction with the Goliad-De Witt County line, thence northeasterly and southeasterly along said county line to its junction with the Goliad-Victoria County line, thence southeasterly and southerly along said county line to its junction with the Goliad-Refugio County line, thence southwesterly along said county line to its intersection with U.S. Highway 183, thence northwesterly along said highway to its intersection with U.S. Highway 59, thence westerly along said highway to its junction with State Highway 239, thence northwesterly along said highway to point of beginning.

*Gonzales County.* The entire county.

*Grayson County.* The portion of the county lying south of a line beginning at a point where State Highway 56 intersects the Cooke-Grayson County line, thence east along said highway to its junction with U.S. Highway 82, thence east along said highway to its intersection with the Grayson-Fannin county line, but excluding the city of Sherman and the towns of Whitesboro, South-may, and Bells.

*Gregg County.* The entire county.

*Grimes County.* The entire county.

*Guadalupe County.* The entire county.

*Hardin County.* The entire county.

*Harris County.* The entire county.

*Harrison County.* The entire county.

*Hays County.* That area within a semicircle having a radius of 4 miles with the focal point at the intersection of Farm to Market Road 32 and the Hays-Comal County line.

*Houston County.* The entire county.

*Jackson County.* The entire county.

*Jasper County.* The entire county.

*Jefferson County.* The entire county.

*Jim Wells County.* That area within a circle having a radius 5 miles with the center at the intersection of State Highway 359 and U.S. Highway 281.

*Kendall County.* The entire county.

*Kerr County.* That portion of the county bounded by a line beginning at the meeting point of Kerr-Edwards-Kimble County line, thence east along Kerr-Kimble County line to its junction with the Kerr-Gillespie County line, thence south and east along Kerr-Gillespie County line to its junction with the Kerr-Kendall County line, thence south along said county line to its junction with Kerr-Bandera County line, thence northwest and west along the said county line to its intersection with State Highway 16, thence northeasterly along said highway to its intersection with State Highway 27, thence northwest along said highway to its intersection with State Highway 41, thence southwest along said highway to its intersection with the Kerr-Real County line,



thence north and west along said county line to its junction with the Kerr-Edwards County line, thence north along said county line to point of beginning, including the towns of Mountain Home, Ingram, and the entire city of Kerrville.

*Lavaca County.* The entire county.  
*Lee County.* The entire county.  
*Leon County.* The entire county.  
*Liberty County.* The entire county.  
*Limestone County.* The entire county.  
*Madison County.* The entire county.  
*Marion County.* That portion of the county lying east of U.S. Highway 59, including the city of Jefferson.

*Matagorda County.* The entire county.  
*Medina County.* That portion of the county bounded by a line beginning at a point where Texas Farm to Market Road 689 intersects the Medina-Bandera County line, thence easterly, southerly, and northeasterly along said county line to its junction with the Medina-Bexar County line, thence south along said county line to its junction with the Medina-Frio County line, thence west along said county line to its intersection with Texas Farm to Market Road 462, thence northwest and north along said road to its intersection with U.S. Highway 90, thence east along said highway to its junction with Texas Farm to Market Road 689, thence northerly along said highway to the point of beginning, excluding the towns of Yancey and Hondo.

*Milan County.* The entire county.  
*Montgomery County.* The entire county.  
*Nacogdoches County.* The entire county.  
*Navarro County.* That area within a circle having a radius of 3 miles with the focal point at the intersection of Texas Highway 31 and Farm to Market Road 1129.

*Newton County.* The entire county.  
*Nueces County.* The entire county.  
*Orange County.* The entire county.  
*Panola County.* The entire county.  
*Polk County.* The entire county.

*Refugio County.* That portion of the county bounded by a line beginning at a point where State Highway 239 intersects the Goliad-Refugio County line, thence northeast along said county line to its junction with the Refugio-Victoria County line, thence east and southeast along said county line to its junction with the Refugio-Calhoun County line, and continuing along said county line to its junction with the Refugio-Aransas County line, thence westerly along said county line to its intersection with State Highway 35, thence northerly along said highway to its intersection with Farm to Market Road 774, thence westerly along said road to its junction with U.S. Highway 77, thence northerly along said highway to its junction with U.S. Highway 183, thence northwesterly along said highway to its intersection with Goliad-Refugio County lines, thence northeasterly along said county line to the point of beginning but excluding the city of Refugio.

*Robertson County.* The entire county.  
*Rusk County.* The entire county.  
*Sabine County.* The entire county.  
*San Augustine County.* The entire county.  
*San Jacinto County.* The entire county.  
*San Patricio County.* The entire county.  
*Shelby County.* The entire county.  
*Smith County.* The entire county.

*Tarrant County.* That portion of the county lying east of a line beginning at a point where Farm to Market Road 718 intersects the Tarrant-Wise County line, thence southeasterly along said road to its junction with State Highway 496, thence

southerly along said highway to its intersection with Interstate Highway 35-W, thence southerly along said highway to its intersection with the Tarrant-Johnson County line, including that portion of the city of Ft. Worth lying east of the above described line.

*Travis County.* The entire county.  
*Trinity County.* The entire county.  
*Tyler County.* The entire county.  
*Upshur County.* That portion of the county lying south of a line beginning at a point where State Highway 154 intersects the Wood-Upshur County line, thence easterly along said highway to its intersection with Farm to Market Road 726, thence north-easterly along said road to its intersection with the Upshur-Harrison County line, including the city of Gilmer.

*Victoria County.* The entire county.  
*Walker County.* The entire county.  
*Waller County.* The entire county.  
*Washington County.* The entire county.  
*Wharton County.* The entire county.  
*Williamson County.* The entire county.

*Wilson County.* That portion of the county bounded by a line beginning at a point where Farm to Market Road 536 intersects the meeting point of the Atascosa-Bexar-Wilson County lines, thence north-east along the Bexar-Wilson County line to its junction with the Bexar-Guadalupe County line, thence south and southeast along said county line to its intersection with State Highway 123, thence south along said highway to its intersection with the Wilson-Karnes County line, thence south-west along said county line to its junction with the Wilson-Atascosa County line, thence northwest along said county line to point of beginning, but excluding the city of Stockdale.

*Wood County.* That portion of the county lying south of the city limits of Alba, State Highway 182 and State Highway 154, but excluding the cities of Alba and Quitman.

(2) *Suppressive areas.* None.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477 as amended; 38 FR 19141; 7 CFR 301.81-2, 39 FR 21117.)

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that the imported fire ant has been found or there is reason to believe it is present in the civil divisions and parts of civil divisions listed as regulated areas or that it is necessary to regulate such areas because of their proximity to imported fire ant infested localities. Further, the Deputy Administrator has determined that the areas designated as suppressive and generally infested areas are eligible for such designation under § 301.81-1.

The Deputy Administrator has also determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, has adopted and is enforcing a quarantine or regulation which imposes restrictions on intra-state movement of the regulated articles which are substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than

the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the imported fire ant. Therefore, such civil divisions and parts of civil divisions listed above are designated as imported fire ant regulated areas.

To the extent that this revision relieves certain restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are being relieved. To the extent that this revision imposes restrictions that are necessary in order to prevent the spread of the imported fire ant, they should be made effective promptly to accomplish their purpose in the public interest. Also, this action is based on surveys by the United States Department of Agriculture and State agencies, and it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings on this amendment.

Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to this revision are unnecessary, and good cause is found for making it effective less than 30 days after publication in the *FEDERAL REGISTER*.

*NOTE.*—The Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., this 9th day of January 1978.

T. G. DARLING,  
Acting Deputy Administrator,  
Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 78-963 Filed 1-12-78; 8:45 am]

### [3410-05]

#### CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

##### PART 795—PAYMENT LIMITATION

Change To Include Exemption of Indian Tribal Farming Ventures From Payment Limitation

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This amendment exempts Indian tribal ventures from the payment limitation of the Government farm program payments where a responsible official of the Bureau of Indian Affairs or the Indian Tribal Council certifies that an amount no

more than the program payment limitation shall accrue directly or indirectly to an individual Indian and the State ASC committee reviews and approves the case. This change is needed to clarify the status of Indian Tribal ventures.

EFFECTIVE DATE: January 13, 1978.  
FOR FURTHER INFORMATION CONTACT:

Robert Coplin, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, 202-447-4542.

**SUPPLEMENTARY INFORMATION:** This change will be for the benefit of the producers affected. Since payment limitation cases are currently being submitted for review, it is essential that this amendment be effective as soon as possible. It is, therefore, found upon good cause that compliance with the notice of proposed rulemaking, public participation procedure, and 30-day effective date provisions of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to public interest. Therefore, this amendment is being issued without compliance with such procedure.

7 CFR 795.2 is amended by adding paragraph (e) to read as follows:

§ 795.2 *Applicability.*

(e) The limitation shall not be applicable to payments made to Indian tribal ventures for participating in the programs where a responsible official of the Bureau of Indian Affairs or the Indian Tribal Council certifies that no more than the program payment limitation shall accrue directly or indirectly to any individual Indian and the State ASC committee reviews and approves the case.

(Title 1, Pub. L. 91-524, 84 Stat. 1367, as amended by Pub. L. 93-88, 87 Stat. 221 (7 U.S.C. 1307); Title 1, Pub. L. 94-214, 90 Stat. 181 (7 U.S.C. 428 note).)

Signed in Washington, D.C., on January 4, 1978.

STEWART N. SMITH,  
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 78-892 Filed 1-12-78; 8:45 am]

### [3410-02]

#### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 128]

##### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period January 15-21, 1978. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: January 15, 1978.  
FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

**SUPPLEMENTARY INFORMATION:** Findings. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on January 10, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons continues steady on 115's and smaller, easier on 95's and larger.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

910.428 Lemon Regulation 128.

*Order.* (a) The quantity of lemons grown in California and Arizona which may be handled during the period January 15, 1978, through January 21,

1978, is established at 190,000 cartons. (b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated: January 11, 1978.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-1218 Filed 1-11-78; 11:19 am]

### [7590-01]

#### Title 10—Energy

##### CHAPTER I—NUCLEAR REGULATORY COMMISSION

##### PART 0—CONDUCT OF EMPLOYEES

###### Foreign Gifts and Decorations

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

**SUMMARY:** The Nuclear Regulatory Commission is amending its regulations so that they refer to the recently enacted amendments in Pub. L. 95-105 to the Foreign Gifts and Decorations Act of 1966.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

William C. Parler, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-7527.

**SUPPLEMENTARY INFORMATION:** Because this amendment merely updates a reference to a newly applicable law and relates solely to matters of agency management of personnel, good cause exists for omitting notice of proposed rulemaking, and public procedure thereon and for making the rule effective on January 1, 1978 without the customary 30 day waiting period.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, Pub. L. 95-105, 91 Stat. 862, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 0 is published as a document subject to codification.

§ 0.735-42 [Amended.]

Paragraph (e) of § 0.735-42 is amended by deleting "89-673, 80 Stat. 952" and substituting therefor "95-105, 91 Stat. 862".



(Sec. 161, Pub. L. 93-703, 88 Stat. 948 (42 U.S.C. § 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. § 5841); and Sec. 515, Pub. L. 95-105 (5 U.S.C. § 7342).)

Dated at Bethesda, Md., this 9th day of January 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,  
Executive Director  
for Operations.

(FR Doc. 78-923 Filed 1-12-78; 8:45 am)

[3128-01]

#### CHAPTER II—FEDERAL ENERGY ADMINISTRATION<sup>1</sup>

##### PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

###### Amendments to Administrative Procedures Regarding Issuance of Remedial Orders

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Interim rule.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby amends its administrative procedures regarding the manner in which remedial orders are issued. The purpose of the amendments is to provide a fuller administrative review of the issues raised in each remedial order proceeding prior to issuance of the order in final form. Remedial orders will be issued in proposed form and aggrieved or interested parties will be able to present evidence relevant thereto prior to issuance of the order in final form. Evidentiary hearings will be convened where appropriate and an opportunity for oral argument provided as a matter of right. The revised procedures will also apply to remedial orders for immediate compliance and orders of disallowance.

**EFFECTIVE DATE:** January 6, 1978; Comments by February 15, 1978.

**ADDRESSES:** Written Comments to: Department of Energy, Office of Regulations Management, Room 2214, 2000 M Street, Box QW, Washington, D.C. 20461.

**FOR FURTHER INFORMATION CONTACT:**

Deanna Williams (DOE Reading Room), 12th and Pennsylvania Avenue NW., Room 2107, Washington, D.C. 20461, 202-566-9161.

Ed Vilade (Media Relations), 12th

<sup>1</sup>Editorial Note: Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

Melvin Goldstein (Office of Administrative Review), 2000 M Street NW., Room 8002, Washington, D.C. 20461, 202-254-5134.

Nancy E. Williams (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 7132, Washington, D.C. 20461, 202-566-2454.

**SUPPLEMENTARY INFORMATION:** (A) Background, (B) Amendments Adopted, (C) Comment Procedure, (D) Interim Requirements, (E) Other Procedural Considerations.

#### A. BACKGROUND

The procedures which now govern the issuance of remedial orders pursuant to the Emergency Petroleum Allocation Act of 1973, as amended, are found in Subpart O of 10 CFR Part 205. ERA wishes to revise these procedures in order to produce a more fully developed administrative record prior to issuance of a remedial order. The development of a record through the hearing process described below will assist any reviewing authority in considering arguments on the appeal of a remedial order in an effective and efficient manner. These procedures will also give interested parties a better chance to present facts and legal arguments in support of the position they contend the ERA should adopt in the remedial order.

The ERA has separated the prosecutorial and adjudicatory functions which are within the jurisdiction of the Administrator. Under the amendments, the offices of the Special Counsel for Compliance and of the Assistant Administrator for Enforcement will issue proposed remedial orders. Those proposed orders will then be subject to review by the Office of Administrative Review. In any proceeding before the Office of Administrative Review regarding a proposed remedial order, the enforcement office that issued the proposed order will be a party to the proceeding and will submit its position in the same manner as any other party.

#### B. AMENDMENTS ADOPTED

Under the new procedures the Special Counsel for Compliance or the Assistant Administrator for Enforcement of the ERA will issue notices of probable violation or proposed remedial orders under Subpart O of Part 205 in order to commence most formal compliance proceedings. If a notice of probable violation is served, the person upon whom it is served will continue to have an opportunity to file a reply as now provided in § 205.191. If the enforcement office then finds that a violation exists or is about to occur, it will issue a proposed

remedial order. It may also eliminate the notice of probable violation step and proceed immediately to the issuance of a proposed remedial order. In either case, the proposed remedial order will be served upon all parties to the compliance proceeding. Once the proposed remedial order is issued, further proceedings in the matter will be before the Office of Administrative Review.

Any aggrieved party will have the opportunity to file briefs and other documents specifying the errors which it is believed appear in the proposed remedial order. Parties will also have the opportunity to request that an evidentiary hearing be convened with respect to relevant, substantial and material issues of fact. An opportunity for oral argument will, in addition, be provided as a matter of right, and the parties to the proceeding will be afforded an opportunity to respond in a formal manner to the written submissions of any other party.

The amendments also include provisions which will permit various types of prehearing discovery. A prior showing will, however, have to be made that the discovery is necessary to obtain relevant and material evidence and that discovery will not unduly delay the proceeding.

After the completion of such proceedings, the proposed remedial order will be considered in view of the material presented and, if appropriate, a final remedial order will be issued by the Office of Administrative Review.

The amendments provide that decisions with respect to the issuance of final remedial orders will be made solely by the Office of Administrative Review. Consequently, individuals in the Office of Administrative Review who are responsible for deciding a case will not be permitted to receive ex parte communications from persons outside that Office regarding matters involved in a remedial order proceeding.

The new procedures will apply to remedial orders for immediate compliance and orders of disallowance as well as to remedial orders.

The amendments provide that a recipient of a remedial order issued pursuant to a NOPV issued after October 1, 1977, may request a review of that order by the Federal Energy Regulatory Commission, in accord with the DOE Organization Act. For purposes of the amendments, the contest and review of a remedial order as described in section 503 of the DOE Act shall be deemed to be an Appeal, and governed by § 205.199C of the new regulations, "Appeal of Remedial Order."

Nothing in these amendments is intended to prohibit the Special Counsel for Compliance or the Assistant Administrator for Enforcement, in coordination with the Department of

Justice, from initiating an appropriate civil or criminal enforcement action in court rather than utilizing the administrative procedures established in these regulations.

#### C. COMMENT PROCEDURE

No substantial issue of fact or law exists with respect to the amendments, and the amendments are unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Thus, ERA will not provide opportunity for oral presentation of views, data, or arguments regarding the amendments.

You are, however, invited to submit written views, data or arguments regarding the amendments set forth in this notice. Submit comments to the address indicated in the "addresses" section of this preamble and write on the outside of the envelope the designation "Amendments to Administrative Procedures Regarding Issuance of Remedial Orders." Fifteen copies should be submitted. You may inspect all comments received by DOE in the DOE Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., between 8 a.m. and 4:30 p.m., Monday through Friday, and in the Office of the Administrative Review Public Docket Room, Room B-120, 2000 M Street NW., between 1 p.m. and 5 p.m., Monday through Friday.

#### D. INTERIM REQUIREMENTS

The amendments will be adopted immediately by the ERA for purposes of further remedial order proceedings, although the regulations will not be promulgated as final rules until public comment thereon has been received and analyzed. Immediate adoption of the new procedures will provide for a consistent approach with respect to remedial order proceedings in the period until these regulations are adopted as final rules.

The ERA also believes immediate adoption of the procedures in the amendments will aid in effectuating the intent of Congress as expressed in the conference report accompanying the DOE Organization Act, i.e., to guarantee a "separation of the prosecutorial and judicial functions relating to enforcement." Further, since the new procedures provide additional rights in that a greater opportunity is afforded for submission of factual data and legal arguments in support of a party's position prior to the issuance of a final Order, the ERA believes it is appropriate, and that no party will be adversely affected thereby, to adopt the new procedures effective immediately.

Since the proposed regulations will be adopted immediately, any formal administrative remedial action which is taken by the Assistant Administrator

for Enforcement or the Special Counsel for Compliance subsequent to the issuance of these amendments will be issued in the form of a proposed remedial order. The procedures of the amendments will then be applicable to issuance of the proposed remedial order as a final Order.

#### E. OTHER PROCEDURAL CONSIDERATIONS

These amendments do not affect the quality of the environment, and therefore the provisions of section 7(a)(1) of the Federal Energy Administration Act of 1974, as amended, are not applicable to the amendments.

This document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

In accord with section 404 of the DOE Organization Act, the Federal Energy Regulatory Commission, was notified that the Administrator intended to adopt these amendments, and the Commission has not determined that the regulations would significantly affect any function within its jurisdiction pursuant to Section 402(a)(1), (b) and (c)(1) of that Act.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 205 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., January 6, 1978.

DAVID J. BARDIN,  
Administrator, Economic  
Regulatory Administration.

1. The table of contents for Part 205, Subpart O, is amended by revising the entries for § 205.190 through 205.197 and by adding § 205.198 through 205.199J, as follows:

• • • • •  
Subpart O—Notice of Probable Violation, Remedial Order, Notice of Proposed Disallowance, and Order of Disallowance

Sec.  
205.190 Purpose and scope.  
205.191 Notice of probable violation, commencement of enforcement proceedings.  
205.192 Issuance of proposed remedial order.  
205.193 Notice of objection.  
205.194 Statement of objections.

Sec.  
205.195 Response to statement of objections.  
205.196 Motion for evidentiary hearing.  
205.197 Decision with respect to motion for evidentiary hearing.  
205.198 Discovery.  
205.199 Evidentiary hearing.  
205.199A Hearing for the purpose of oral argument only.  
205.199B Issuance of remedial order.  
205.199C Appeal of remedial order.  
205.199D Interim remedial order for immediate compliance.  
205.199E Notice of proposed disallowance, proposed order of disallowance, and order of disallowance.  
205.199F Ex parte communications.  
205.199G Extension of time; interim and ancillary orders.  
205.199H Actions not subject to administrative appeal.  
205.199I Remedies.  
205.199J Consent orders.

Sections 205.190, 205.191, 205.192, 205.193, 205.194, 205.195, 205.196, and 205.197 are revised and §§ 205.198 through 205.199J are added as follows:

§ 205.190 Purpose and scope; commencement of enforcement proceedings.

(a) This subpart establishes the procedures for determining the nature and extent of violations of the ERA regulations and the procedures for issuance of a notice of probable violation, a proposed remedial order, a remedial order, or a remedial order for immediate compliance, except that it shall not apply with respect to violations of Parts 209 and 213. Nothing in these regulations is intended to affect the authority of ERA enforcement officials in coordination with the Department of Justice to initiate appropriate civil or criminal enforcement actions in court without first initiating administrative proceedings pursuant to this subpart.

(b) When any report required by the ERA or any audit or investigation discloses, or the ERA otherwise discovers, that there is reason to believe a violation of any provision of this chapter, or any order issued thereunder, has occurred, is continuing or is about to occur, the ERA may conduct proceedings to determine the nature and extent of the violation and may issue a Remedial Order thereafter. The ERA may commence such proceeding by serving a notice of probable violation, a proposed remedial order, or an interim remedial order for immediate compliance.

§ 205.191 Notice of probable violation.

(a) The ERA may begin a proceeding under this subpart by issuing a notice of probable violation if the ERA has reason to believe that a violation has occurred, is continuing or is about to occur.

(b) Within 10 days of the service of a notice of probable violation, the



person upon whom the notice is served may file a reply with the ERA office that issued the notice of probable violation at the address provided in § 205.12. The ERA may extend the 10-day period for good cause shown.

(c) The reply shall be in writing and signed by the person filing it. The reply shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the notice of probable violation. Such facts shall include a complete statement of the business or other reasons that justify the act or transaction, if appropriate; a detailed description of the act or transaction; and a full discussion of the pertinent provisions and relevant facts reflected in any documents submitted with the reply. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the reply. When the notice of probable violation pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information regarding the entire transaction shall be submitted.

(d) The reply shall include a discussion of all relevant authorities which support the position asserted, including rulings, regulations, interpretations, and previous decisions issued by DOE or its predecessor agencies.

(e) The reply should indicate whether the person requests or intends to request a conference regarding the notice. Any request not made at the time of the reply shall be made as soon thereafter as possible to insure that the conference is held when it will be most beneficial. A request for a conference must conform to the requirements of § 205.171.

(f) If a person has not filed a reply with the ERA within the 10-day period provided, and the ERA has not extended the 10-day period, the person shall be deemed to have conceded the accuracy of the factual allegations and legal conclusions stated in the notice of probable violation.

(g) If the ERA finds, after the 10-day period provided in § 205.191(b), that no violation has occurred, is continuing, or is about to occur, or that for any reason the issuance of a remedial order would not be appropriate, it shall rescind the notice of probable violation and inform the person to whom the notice was issued of the rescission.

#### § 205.192 Issuance of proposed remedial order.

(a) If the ERA finds, after the 10-day period provided in section 205.191(b), that a violation has occurred, is continuing, or is about to occur, it may issue a proposed remedial order, which shall set forth the relevant facts and legal basis for the conclusions reached therein.

(b) The ERA may issue a proposed remedial order at any time it finds that a violation has occurred, is continuing, or is about to occur even if it has not previously issued a notice of probable violation.

(c) The ERA shall serve a copy of the proposed remedial order upon the person to whom it is directed and upon any other person readily identifiable by the ERA as likely to be aggrieved by issuance of the proposed remedial order as a final order.

(d) A proposed remedial order may be referred at any time to the Department of Justice for appropriate action in accordance with subpart P.

#### § 205.193 Notice of objection.

(a) Within 10 days of service of the proposed remedial order any aggrieved person may file a notice of objection to the order with the National Office of Administrative Review. The notice shall briefly describe how the person would be aggrieved by issuance of the proposed remedial order as a final order.

(b) Any person who fails to file a timely notice of objection shall be deemed to consent to the issuance of the proposed remedial order as a final order.

(c) Any person who files a notice of objection shall serve a copy of the Notice upon each person who is readily identifiable as a person who will be aggrieved by the ERA action sought, including those persons who have been served copies of the proposed remedial order, and upon the person who issued the proposed remedial order.

(d) The notice shall include a certification of compliance with the provisions of this section, the names and addresses of each person served with a copy of the notice, and the date and manner of service.

(e) The Office of Administrative Review may issue a final remedial order without further proceedings if no person files a timely notice of objection.

(f) In order to exhaust administrative remedies with respect to a remedial order proceeding, a party must file a timely notice of objection with the Office of Administrative Review.

#### § 205.194 Statement of objections.

(a) *Filing requirement.* A statement of objections to a proposed remedial order must be filed within 30 days of service of the proposed remedial order. A request for an extension of time for filing must be submitted in writing and may be granted for good cause shown.

(b) *Filing and service of statement of objections and related documents.* (1) Statements of objections, responses to such statements, and any motions or other documents filed in connection

with the proceeding shall be filed with the National Office of Administrative Review.

(i) Any document referred to in (b)(1) shall be filed in triplicate.

(ii) If a party claims that any portion of a document referred to in (b)(1) contains confidential information, such information should be deleted from two (2) of the copies which are filed. One copy from which confidential information has been deleted will be placed in the Public Docket Room described in § 303.13.

(2) A copy of each of the documents referred to in subsection (b)(1) shall be served upon each person who is readily identifiable as a person who will be aggrieved by the ERA action sought, including those persons who have been served copies of the proposed remedial order, and upon the person who issued the proposed remedial order.

(3) Any filing made under this section shall include a certification of compliance with the provisions of this section, the names and addresses of each person served, and the date and manner of service.

(c) *Contents of statement of objections.* The statement of objections shall set forth the basis for the objections to the issuance of the proposed remedial order as a final order, including a specification of every issue of fact or law which the party intends to contest in any further proceeding involving the compliance matter which is the subject of the proposed remedial order. The statement shall set forth the particular findings of fact contained in the proposed remedial order which are contested and the alternative findings which are sought. The statement shall include a discussion of all relevant authorities which support the position asserted, including rulings, regulations, interpretations, and previous decisions issued by DOE or its predecessor agencies.

#### § 205.195 Response to statement of objections.

Within 20 days of receipt of a statement of objections any party may file a response. The response shall contain a full discussion of the position which the party asserts should be adopted in the matter and a discussion of the legal and factual basis which supports that position.

#### § 205.196 Motion for evidentiary hearing.

Any party may file a motion requesting that an evidentiary hearing be convened with respect to relevant, substantial and material issues of fact at the same time that it files a statement of objections. A motion requesting an evidentiary hearing may be filed by any other party within 15 days after that party is served with a statement of objections.

(a) *Contents of motion for evidentiary hearing.* A motion for evidentiary hearing shall specify the manner in which the movant proposes to establish the basis for the alternative findings it asserts in its statement of objections. The movant shall also describe the manner in which the issue of fact was raised in any prior administrative proceeding which led to issuance of the proposed remedial order. If the movant asserts that its position can only be established through the introduction of evidence at an evidentiary hearing, the movant shall with respect to each disputed finding of fact:

(1) Identify each witness whose testimony is required;

(2) State the reasons why the testimony of the witness is necessary; and

(3) State the reasons why the asserted position can be established only through the direct questioning of witnesses at an evidentiary hearing.

(b) *Statement of additional factual representations.* At the time a motion for an evidentiary hearing is filed, the movant may also file a statement of factual representations which are not referred to in the proposed remedial order that the movant contends are material and relevant to establish that the proposed remedial order is either erroneous in fact or law or is arbitrary or capricious. The statement shall set forth the particular findings of fact which the movant asserts should be made, the reasons why such representations are relevant and material, and the manner by which the validity of the factual representations will be established. The movant shall also specify if and how the issue of fact was raised in any prior administrative proceeding which led to issuance of the proposed remedial order. If the movant asserts that its position can only be established through the introduction of evidence at an evidentiary hearing, the movant shall:

(1) Identify each witness whose testimony is required;

(2) State the reasons why the testimony of the witness is necessary; and

(3) State the reasons why the asserted position can be established only through the direct questioning of witnesses at an evidentiary hearing.

(c) *Response to motion for evidentiary hearing.* Within 20 days of receipt of any motion for evidentiary hearing and accompanying statements, the person who has issued the proposed remedial order shall, and any aggrieved party may, file a response with the Office of Administrative Review. A response shall, with respect to each factual representation in the movant's statements:

(1) Specify the particular factual representations which are accepted as correct for purposes of the proceeding;

(2) Specify the particular factual representations which are denied;

(3) Specify the particular factual representations which the movant is not in a position to accept or deny;

(4) Specify the particular factual representations which are not accepted and the responding party wishes proven by the submission of evidence; and

(5) Specify the particular factual representations which the responding party is prepared to dispute through the testimony of witnesses or the submission of verified documents.

(d) *Motions to dismiss.* Within 20 days of receipt of any motion for evidentiary hearing and accompanying statements, any party may also file a motion to dismiss any factual representation put forward by the movant on the grounds of vagueness, immateriality, or irrelevance. Any party filing a motion to dismiss shall have 10 days following a decision on the motion to dismiss to file the response referred to in (c) above.

#### § 205.197 Decision with respect to motion for evidentiary hearing.

(a) After all submissions with respect to a motion for evidentiary hearing are filed, the Office of Administrative Review may conduct conferences in order to resolve any differences of view and may convene a hearing for the presentation of oral argument. Any such hearing shall be convened pursuant to § 205.172. In addition, the Office of Administrative Review may adopt procedural measures which it concludes are appropriate to facilitate a resolution of the matter.

(b) After considering all relevant information received in connection with the motion, the Office of Administrative Review shall enter an order with respect to the motion. If the motion is granted in whole or in part, the order shall specify the particular issues of fact which will be set forth for the evidentiary hearing. If the motion is denied, the order may nevertheless permit the movant to file affidavits or other documents in support of the particular finding of fact(s) which it asserted should be reached in the motion.

(c) The order of the Office of Administrative Review with respect to a motion for evidentiary hearing shall be deemed to be an interlocutory order which is subject to further administrative review or appeal only upon issuance of the remedial order referred to in § 205.199B.

#### § 205.198 Discovery.

(a) Any party may file a motion for discovery at the same time that it files the statement of objections referred to in § 205.194. A motion for discovery may be filed by any other party within 15 days after that party is served with a statement of objections.

(b) A motion for discovery may request that:

(1) A party produce for inspection and photocopying nonprivileged written material in its possession;

(2) A party respond to written interrogatories;

(3) A party admit to the genuineness of any relevant document or the truth of any relevant fact; or

(4) The deposition of a material witness be taken.

(c) Any motion for discovery shall set forth in detail the reasons why the particular discovery is necessary in order to obtain relevant and material evidence.

(d) Within 10 days after a motion for discovery is received, any party may file a request that the motion be denied in whole or in part, stating the reasons which support the request.

(e) Discovery may be conducted only pursuant to an order issued by the Office of Administrative Review. A motion for discovery will be granted only if it is concluded that discovery is necessary for the party to obtain relevant and material evidence and that discovery will not unduly delay the proceeding. Depositions will be permitted only if a clear and convincing showing is made that the party cannot obtain the material through one of the other discovery means specified in § 205.198(b).

(f) The Director of the Office of Administrative Review or his designee may issue subpoenas in connection with the approval of a motion for discovery. The provisions of § 205.8 for witness fees shall apply to any such subpoena.

(g) Any direct expenses incurred by a party to produce evidence pursuant to a motion for discovery may be charged to the party who filed the motion, if so ordered by the Office of Administrative Review.

(h) (1) If a party fails to comply with an order relating to discovery, the Office of Administrative Review may take appropriate action, including but not limited to the following:

(i) Infer that the testimony, documents or other evidence sought to be discovered would have been adverse to the party;

(ii) Rule that for the purposes of the proceeding the matter or matters sought to be discovered be taken as established adversely to the party;

(iii) Rule that the party may not introduce into evidence or otherwise rely, in support of any claim or defense, upon testimony by such party or the documents or other evidence;

(iv) Rule that the party may not be heard to object to introduction and use of secondary evidence to show what the withheld testimony, documents or other evidence would have shown;

(v) Rule that a pleading, or part of a pleading, or a motion or other submission by the party, concerning which



discovery was sought, be stricken, or that a decision with regard to the proceeding be rendered against the party, or both.

(2) It shall be the duty of parties to request action of the foregoing types or to request that other appropriate relief be fashioned to compensate them for the lack of withheld testimony, documents or other evidence.

(3) For purposes of subsection (h)(1), an evasive or incomplete answer will be deemed a failure to answer.

(i) Any order issued by the Office of Administrative Review with respect to discovery shall be deemed to be an interlocutory order which is subject to further administrative review or appeal only upon issuance of the remedial order referred to in § 205.199B.

#### § 205.199 Evidentiary hearing.

(a) All evidentiary hearings convened pursuant to this section shall be conducted by the Director of the Office of Administrative Review or his designee.

(b) At any evidentiary hearing, the parties shall have the opportunity to present evidence which:

(1) Directly relates to a particular issue of fact which has been set forth for hearing; and

(2) Is material and relevant to establish the validity of the position which it is asserted the ERA should adopt.

(c) The presiding officer shall afford the right of cross examination to the extent he determines that such is necessary for a full and true disclosure of the facts.

(d) The presiding officer may administer oaths and affirmations, rule on objections to the presentation of evidence, receive relevant material, dispose of procedural requests, determine the format of the hearing, direct that written motions or briefs be provided with respect to issues raised during the course of the hearing and otherwise regulate the course of the hearing. Further, the presiding officer may take reasonable measures to exclude duplicative material from the hearing. The presiding officer may also require that evidence be submitted through affidavits or other documents if he concludes that the presentation of evidence through the direct testimony of witnesses will unduly delay the orderly progress of the hearing and would add little substantive value in resolving the issues involved in the hearing.

(e) The provisions of § 205.8 of this part which relate to subpoenas and witness fees shall apply to any evidentiary hearing.

(f) Following the presentation of all evidence, the parties shall be afforded an opportunity to present oral argument. The presiding officer may direct that written memoranda, briefs or other documentary material be submitted in support of any position

which a party advances or with respect to any other issue specified. If written submissions are requested, other parties shall be permitted to file responsive memoranda, briefs or documents.

#### § 205.199A Hearing for the purpose of oral argument only.

(a) If an evidentiary hearing is not convened, any party may nevertheless request a hearing so that oral argument may be presented with respect to the proposed remedial order.

(1) If a party does not file a motion for evidentiary hearing at the time it files the statement of objections referred to in § 205.194, a request for oral argument shall be filed at the time a statement of objections is filed.

(2) If a party files a motion for evidentiary hearing at the time a statement of objections is filed, but that motion is subsequently denied, the party shall file a request for oral argument within 10 days of receipt of that denial.

(3) A request for a hearing for oral argument shall be filed by any other party within 10 days after that party is served with a statement of objections.

(b) Upon a timely request by any party or on its own initiative, the Office of Administrative Review shall conduct a hearing for the purpose of receiving oral argument. A hearing will generally be conducted only after the issues involved in the proceeding have been delineated and any written material which the Office of Administrative Review has requested as a supplement to the statement of objections, referred to in § 205.194, or the response, referred to in § 205.195, has been submitted. The procedures specified in § 205.172 shall generally apply to such hearings.

(c) The provisions of § 205.199(f) of this section with respect to written submission shall also apply to hearings convened pursuant to this section.

#### § 205.199B Issuance of remedial order.

(a) After considering all information received during the proceeding, the Director of the Office of Administrative Review or his designee shall issue a final remedial order. The remedial order may adopt the findings and conclusions contained in the proposed remedial order or may modify or rescind any such finding or conclusion on the basis of a determination that the finding or conclusion is erroneous in fact or law or is arbitrary or capricious. The Office of Administrative Review may also reach the determination that no remedial order should be issued. Every determination issued pursuant to this section shall include a statement which sets forth the relevant facts and legal basis supporting the determination.

(b) The ERA shall serve a copy of any final remedial order upon the person to whom it is directed, any person who was served a copy of the proposed remedial order, the person who issued the proposed remedial order, and any other person readily identifiable by the ERA as one who is aggrieved by the order. A copy of each remedial order, modified to insure the confidentiality of information protected from disclosure under 18 U.S.C. 1905 and 5 U.S.C. 552, will also be placed on file in the public docket room described in § 303.13.

(c) A remedial order may be referred at any time to the Department of Justice for appropriate action in accordance with subpart P.

#### § 205.199C Appeal of remedial order.

(a) An Appeal may be filed from the following remedial orders:

(1) Those issued prior to the effective date of these regulations and pursuant to a NOPV issued prior to October 1, 1977; and

(2) Those issued pursuant to NOPV's or proposed remedial orders issued subsequent to October 1, 1977;

(b)(1) An Appeal as described in (a)(1) shall be filed with and decided by the National Office of Administrative Review in accord with subpart H of this part. Any such appeal must be filed within 30 days of service of the order. In any such proceeding, the remedial order shall be sustained unless the appellant demonstrates that the order was erroneous in fact or law or was arbitrary or capricious.

(2) An appeal as described in (a)(2) shall be instituted by the recipient notifying the National Office of Administrative Review within 30 days of service of the order that it wishes to contest the Order.

(c) The Office of Administrative Review shall immediately advise the Federal Energy Regulatory Commission of its receipt of a notice described in (b)(2).

(d) The Office of Administrative Review may, on a case by case basis, set reasonable time limits for the Federal Energy Regulatory Commission to complete action on a proceeding referred to in (c).

(e) In order to exhaust administrative remedies with respect to a remedial order proceeding, a party must file a timely appeal pursuant to the procedures set forth in this section and await an order granting or denying the appeal.

#### § 205.199D Interim remedial order for immediate compliance.

(a) Notwithstanding the provisions of §§ 205.191 through 205.199C, the ERA may issue an interim remedial order for immediate compliance, which shall be effective upon issuance and until rescinded or suspended, if it finds:

(1) There is a strong probability that a violation has occurred, is continuing or is about to occur;

(2) Irreparable harm will occur unless the violation is remedied immediately; and

(3) The public interest requires the avoidance of such irreparable harm through immediate compliance and waiver of the procedures afforded under §§ 205.191 through 205.199C.

(b) An interim remedial order for immediate compliance shall be served promptly upon the person against whom such Order is issued by telex or telegram, with a copy served by registered or certified mail. The copy shall contain a written statement of the relevant facts and the legal basis for the remedial order for immediate compliance, including the findings required by paragraph (a) of this section.

(c) The ERA may rescind or suspend an interim remedial order for immediate compliance if it appears that the criteria set forth in paragraph (a) of this section are no longer satisfied. When appropriate, however, such a suspension or rescission may be accompanied by a notice of probable violation issued under § 205.191.

(d) If at any time in the course of a proceeding commenced by a notice of probable violation the criteria set forth in paragraph (a) of the section are satisfied, the ERA may issue an interim remedial order for immediate compliance, even if the 10-day period for reply specified in § 205.191(b) has not expired.

(e) At any time after an interim remedial order for immediate compliance has become effective, the order may be referred to the Department of Justice for appropriate action in accordance with subpart P.

(f) Any person who is aggrieved by an interim remedial order for immediate compliance may contest the basis for the order by filing a notice of objection which meets the requirements of § 205.193 within 10 days of the issuance of the interim order. The person objecting to the issuance of the interim remedial order for immediate compliance shall follow the procedures specified in §§ 205.192 through 205.199C of this subpart to establish that the interim order is erroneous in fact or law or is arbitrary or capricious.

(g) Any aggrieved person who fails to file a timely notice of objection to the issuance of an interim remedial order shall be deemed to consent to issuance of the interim order in final form. Under those circumstances, the interim order shall as a matter of course be made a permanent order of the ERA.

(h) After considering all information received during a proceeding convened pursuant to a notice of objection described in (f), the Director of the

Office of Administrative Review or his designee shall determine whether the interim order should be made permanent, should be modified, or should be rescinded. The general procedures in §§ 205.192 through 205.199D of this subpart shall apply to any such determination.

(i) Any party aggrieved by an interim order for immediate compliance may file an application for a temporary stay or an application for a stay of that order with the National Office of Administrative Review. The Office of Administrative Review shall decide on an application for a temporary stay within 48 hours of receipt of the application and on an application for stay within 10 working days of receipt of the application.

(1) Any party whose application for a stay of an interim remedial order is denied may appeal that denial to the Federal Energy Regulatory Commission. The Office of Administrative Review may, on a case by case basis, set reasonable time limits for the Commission to complete action on any such appeal.

(2) After reaching a decision on an appeal involving an application for stay, the Federal Energy Regulatory Commission shall refer the matter back to the Office of Administrative Review for proceedings on the merits of the interim remedial order pursuant to (f) through (h) above.

(j)(1) An Appeal from a remedial order for immediate compliance issued pursuant to § 205.199D(h) must be filed within 30 days of service of the Order.

(2) If a person who receives a remedial order for immediate compliance issued pursuant to a proceeding as to which no NOPV had been issued as of October 1, 1977, or issued pursuant to a NOPV issued on or after October 1, 1977, wishes to contest the remedial order, that person shall so notify the National Office of Administrative Review in accordance with the procedures set forth in § 205.199C(b)(2), and the procedures of § 205.199C (c) and (d) shall apply to the appeal.

(3) In order to exhaust administrative remedies with respect to a remedial order for immediate compliance proceeding, a party must file an appeal pursuant to the procedures set forth in this section and await an order granting or denying the appeal.

#### § 205.199E Notice of proposed disallowance, proposed order of disallowance, and order of disallowance.

(a) The ERA shall begin a proceeding under this section by issuing a notice of proposed disallowance pursuant to the provisions of parts 205 and 212 of this chapter.

(b) Within 10 days of service, the person upon whom the notice of proposed disallowance is served may file a

reply with the ERA office that issued the notice. The ERA may extend the 10-day period for good cause shown.

(c) The reply shall set forth all relevant facts pertaining to the matter that is the subject of the notice, and be signed by the person filing it.

(d) The reply shall include a discussion of all relevant authorities which support the position asserted, including rulings, regulations, interpretations, and previous decisions issued by DOE or its predecessor agencies.

(e) A request for a conference regarding the notice should be included in the reply, or made as soon as possible after the reply is filed. A request for a conference must conform to the requirements of § 205.171.

(f) If a reply has not been filed with the ERA within the 10-day or extended period provided, the recipient shall be deemed to have conceded the accuracy of the factual allegations and legal conclusions stated in the notice of proposed disallowance, and the notice shall become a proposed order of disallowance.

(g) After consideration of any timely reply filed, the ERA may adopt, modify, or rescind the notice of proposed disallowance and issue a proposed order of disallowance. The proposed order shall set forth the relevant facts and legal basis for the conclusions reached therein.

(h) The procedures specified in §§ 205.192 through 205.199C shall be applicable to proposed orders of disallowance, and shall govern the issuance of orders of disallowance and appeals from orders of disallowance.

(i) An order of disallowance shall be effective upon issuance.

(j) An order of disallowance may be referred at any time to the Department of Justice for appropriate action in accordance with subpart P.

#### § 205.199F Ex Parte communications.

(a) No person who is not employed or otherwise supervised by the Office of Administrative Review shall submit ex parte communications to the Director or any person employed or otherwise supervised by the Office with respect to any matter involved in remedial order or order of disallowance proceedings.

(b) Ex parte communications includes any ex parte oral or written communications relative to the merits of a proposed remedial order, interim remedial order for immediate compliance, or proposed order of disallowance proceeding pending before the Office of Administrative Review. The term shall not, however, include requests for status reports, inquiries as to procedures, or the submission of statistical or technical data or reports containing proprietary or confidential information requested after notice to all parties by a person employed or







would be individually notified in writing of the right to seek judicial review at the same time they are given notice of the denial. It has been determined advisable to amend Part 174 of the Customs Regulations to set forth the statutory right to judicial review of the denial of protests.

This amendment will not affect the previously announced procedure. Customs will continue to notify each party individually of his right to seek judicial review of the denial of a protest. Setting forth the statutory right in the Customs Regulations, together with continuing the individual notification procedure, will ensure that all parties are aware of the right to seek judicial review of the denial of any protest.

Inasmuch as this amendment places no affirmative duty or burden on the public, notice and public procedure are unnecessary and good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553.

#### DRAFTING INFORMATION

The principal author of this amendment was Terry Polino, Regulations and Legal Publications Division of the Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development, both on matters of substance and style.

#### AMENDMENT TO THE REGULATIONS

Part 174 of the Customs Regulations (19 CFR Part 174) is amended by adding a new § 174.31 to read as follows:

§ 174.31 Judicial review of denial of protest.

Any person whose protest has been denied, in whole or in part, may contest the denial by filing a civil action in the United States Customs Court in accordance with 28 U.S.C. 2632 within 180 days after—

(a) The date of mailing of notice of denial, in whole or in part, of a protest, or

(b) The date a protest, for which accelerated disposition was requested, is deemed to have been denied in accordance with § 174.22(d).

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).)

R. E. CHASEN,  
Commissioner of Customs.

Approved: January 3, 1978.

BETTE B. ANDERSON,  
Under Secretary of the Treasury.  
(FR Doc. 78-982 Filed 1-12-78; 8:45 am)

#### [4110-07]

##### Title 20—Employees' Benefits

#### CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. Nos. 4 and 16]

#### PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950 —)

#### PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

##### Substantial Gainful Activity

AGENCY: Social Security Administration, HEW.

ACTION: Final rule.

**SUMMARY:** These amendments increase the monetary amounts of the substantial gainful activity guidelines under Title II (Federal Old-Age, Survivors, and Disability Insurance Benefits) and Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act, to conform more closely to increases in earnings levels of workers in the national labor market. These earnings guidelines are evaluation measures used for determining, in the absence of evidence to the contrary, ability to engage in substantial gainful activity. Under the increased amounts, an individual's earnings from work activities averaging in excess of \$230 per month beginning for the calendar year 1976 shall be deemed to demonstrate the ability to engage in substantial gainful activity. Earnings from work activities which average less than \$150 a month beginning for the calendar year 1976 will not demonstrate that an employee is able to engage in substantial gainful activity. Under regulations in effect before these amendments, these amounts were \$200 and \$130, and these amounts will remain in effect for calendar years prior to 1976. However, in a Notice of Proposed Rulemaking being published in the *FEDERAL REGISTER* today, the Social Security Administration is proposing to increase the earnings guideline amounts again for the calendar years after 1976.

The systematic adjustment mechanism provision upon which future adjustments were proposed to be made is being withdrawn because of excessive program costs and the effects of Pub. L. 94-202, which makes the proposed method for computing the adjustment unworkable. This withdrawal will mean that the earnings guidelines will not be increased automatically in future years, as proposed in the Notice of Proposed Rulemaking which preceded this final regulation.

**EFFECTIVE DATE:** This amendment shall be effective on January 13, 1978.

**FOR FURTHER INFORMATION CONTACT:**

William J. Ziegler, Legal Assistant, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-7415.

**SUPPLEMENTARY INFORMATION:** On February 18, 1976, there was published in the *FEDERAL REGISTER* (41 FR 7415) a Notice of Proposed Rulemaking with proposed amendments revising the substantial gainful activity monetary guidelines used for assessing work activity of disability claimants and beneficiaries under title II and title XVI of the Social Security Act. These proposed amendments to the regulations provided a mechanism for the systematic adjustment of the substantial gainful activity amounts in the earnings guidelines and also calculated the first monetary adjustment under this procedure. The initial adjustment, which was proposed to be effective back to January 1976, would increase the primary substantial gainful activity amount from \$200 to \$230 and the secondary substantial gainful activity amount from \$130 to \$150. Future increases in these earnings guidelines were also proposed to be based on the systematic adjustment mechanism.

Interested persons were given the opportunity to submit, within 30 days, data, views, or arguments with regard to the proposed changes. Public comments on the Notice of Proposed Rulemaking were received from only three sources. While all comments were favorable to increasing the monetary amounts of the substantial gainful activity guidelines, one correspondent questioned whether they were being raised high enough.

After due consideration of the comments received and other information which has become available after publication of the Notice of Proposed Rulemaking, the proposal for using the systematic adjustment mechanism for determining substantial gainful activity earnings guidelines is being withdrawn. The decision to not use the proposed systematic adjustment was made because Pub. L. 94-202 changes earnings reporting to the Social Security Administration from a quarterly basis to an annual basis, rendering the proposed adjustment mechanism unworkable, and because, if it were applied to the substantial gainful activity levels of \$230 and \$150 respectively for 1976, significant additional long-range cost would result. However, the monetary amounts of \$230 and \$150 announced as new substantial gainful activity guidelines for the calendar year 1976 in the Notice of Proposed Rule Making are being adopted.

The proposed systematic adjustment procedure was based on the rate of increase in average taxable wages reported to the Social Security Administration for the first calendar quarter

of each year. Under this proposal, the substantial gainful activity earnings amounts would be determined by multiplying the substantial gainful activity earnings amounts in effect by the ratio of average taxable wages reported for the first quarter in one year to the average taxable wages reported for the first quarter of the previous base period. The first calculation under this formula resulted in a maximum substantial gainful activity monetary guideline amount of \$230 for 1976 and required that future increases be adjusted on the basis of this \$230 amount computed for 1976. Applying the formula to determine the 1977 substantial gainful activity amounts would have resulted in a maximum monetary guideline amount of \$250 for that calendar year.

The office of the Actuary of the Social Security Administration indicated that the increased program costs which were anticipated from future adjustments under this systematic adjustment provision tied to \$230 for base year 1976 would require an increase in social security taxes or a decrease in benefits. Recommending an increase in taxes to cover the additional costs is not now a viable alternative. Nor can benefits be reduced in other program areas in order to compensate for the increased cost that would result from implementation of the automatic adjustment mechanism with \$230 for base year 1976. Therefore, the maximum substantial gainful activity amount of \$230 for calendar year 1976 will not be used as a frame of reference for future actuarial estimates of cost or as a base figure for making projections for increasing the substantial gainful activity guideline amounts in the future.

Moreover, the \$230 figure does not maintain the historical relationship to earnings as existed with prior substantial gainful activity amounts. The \$230 amount maintains the same relationship to earnings as did the current maximum substantial gainful activity amount of \$200, which became effective on January 1974, but for actuarial purposes the relationship must be maintained with the maximum substantial gainful activity amounts which were in effect prior to January 1974; i.e., \$125 effective July 1966, and \$140 effective January 1968. The resulting equivalent maximum substantial gainful activity amounts would be \$220 for 1976 and \$240 for 1977. However, the maximum substantial gainful activity amount can be increased to \$230 for 1976, at negligible cost, as long as the increase for 1977 is held to \$240. This is so because actuarial estimates for future years must be based on the \$240 amount for 1977, rather than \$230 amount for 1976; this will maintain the relationship to earnings which has existed since July 1966.

Since the public has been promised a higher substantial gainful activity guideline amount of \$230 for 1976, the Social Security Administration is promulgating these final regulations to provide for this guideline amount beginning for the calendar year 1976. However, the systematic adjustment provision must be withdrawn; otherwise, this substantial gainful activity guideline amount would under the formula be increased automatically to \$250 for calendar year 1977. In order to make an adjustment for the excess of this substantial gainful activity guideline amount of \$230 for calendar year 1976 over the actuarially correct estimated amount of \$220 for that year, the Social Security Administration is proposing to limit the 1977 maximum substantial gainful activity guideline amount to \$240.

Also, the systematic adjustment of substantial gainful activity guideline amounts under the Notice of Proposed Rulemaking, published in the *FEDERAL REGISTER* on February 18, 1976 (41 FR 7415), is based on the rate of increase in average taxable wages and salaries of covered employees as reported to the Social Security Administration by employers for the first calendar quarter of each year. Under the provisions of Pub. L. 94-202, enacted January 2, 1976, the Social Security Administration will no longer receive employers' quarterly wage reports. The Social Security Administration will rely upon annual reports of earnings. The first annual reports to be processed by the Social Security Administration are expected to be for wages paid in 1978. This change from quarterly to annual reporting of earnings makes the proposed version of the systematic adjustment mechanism inoperative.

Although the automatic adjustment feature is being withdrawn, the Social Security Administration is studying the feasibility of introducing another systematic adjustment concept with a formula which will be consistent with the actuarial integrity of the programs. The systematic adjustment concept under consideration will also be adapted to the new system of annual reporting of earnings provided by Pub. L. 94-202.

Under these new amendments, earnings from work activities by an individual averaging in excess of \$230 a month beginning for calendar year 1976 will be considered sufficient earnings to demonstrate an ability to engage in substantial gainful work activity, unless there is other evidence to establish that the individual does not have such ability. Under regulations in effect prior to these amendments, this earnings guideline amount was \$200. The \$200 amount will remain in effect for evaluating earnings in calendar years prior to 1976.

Earnings from work activities by an employee which average less than

\$150 a month beginning for calendar year 1976 will be considered insufficient earnings to demonstrate that the individual is able to engage in substantial gainful work activity in absence of evidence to the contrary. This earnings guideline monetary amount is being increased from \$130, which was in effect before these amendments. The \$130 amount will continue to apply in evaluating earnings in calendar years prior to 1976.

Where an individual's earnings from work activities average between \$150 and \$230 a month beginning for calendar year 1976, other facts and circumstances relating to the person's work and his medical restrictions will be evaluated together with the amount of his earnings in determining whether or not such individual is able to engage in substantial gainful work activity. As presently in effect, these amounts will remain \$130 and \$200 for evaluating earnings in calendar years prior to 1976.

The new higher earnings amounts will apply in the adjudication of any disability claim involving earnings by a claimant on or after January 1, 1976. Any claim involving earnings on or after that date will be considered or reopened on the basis of those higher amounts as appropriate.

Sections 404.1534 and 416.934 of Title 20 CFR Parts 404 and 416 respectively are being amended to reflect these new earnings guideline amounts.

In addition, in a Notice of Proposed Rulemaking, which is also being published in the *FEDERAL REGISTER* today, we are proposing to raise these amounts again, to \$240 and \$160 respectively for calendar years after 1976.

After due consideration of the comments received and other information which has become available, the proposed amendments pertaining to the systematic adjustment provisions are withdrawn and the amendments establishing new substantial gainful activity guideline amounts beginning for calendar year 1976 are hereby adopted as set forth below.

(Secs. 205, 223, 1102, 1614, 1631, Social Security Act, as amended; 53 Stat. 1368, as amended, 70 Stat. 815, as amended, 49 Stat. 647, as amended, 86 Stat. 1471, 1475, as amended; (42 U.S.C. 405, 423, 1302, 1382c, 1383))

(Catalog of Federal Domestic Assistance Program No. 13.802, Disability Insurance; No. 13.807, Supplemental Security Income Program)

**NOTE.**—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: October 21, 1977.

J. B. CARDWELL,  
Commissioner of Social Security.



Approved: January 3, 1978.

JOSEPH A. CALIFANO, JR.,  
Secretary of Health,  
Education, and Welfare.

Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.1534 is amended by revising paragraphs (b), (c), and (d) to read as follows:

§ 404.1534 Evaluation of earnings from work.

(b) *Earnings sufficient to demonstrate an ability to engage in substantial gainful activity.* Unless there is evidence that an individual's work activities establish that the individual does not have the ability to engage in substantial gainful activity under the criteria in §§ 404.1532 and 404.1533 and paragraph (a) of this section, an individual's earnings from work activities shall be deemed to demonstrate ability to engage in substantial gainful activity if:

(1) In calendar years prior to 1976, earnings average more than \$200 a month; or

(2) Beginning in calendar year 1976, earnings average more than \$230 a month.

(c) *Earnings insufficient to demonstrate an ability to engage in substantial gainful activity.* Unless an evaluation of the work performed by an individual (see § 404.1532) establishes that the person is able to engage in substantial gainful activity, regardless of the amount of average monthly earnings, an individual's earnings from work activities as an employee shall not demonstrate that the person is able to engage in substantial gainful activity if:

(1) In calendar years prior to 1976, earnings average less than \$130 a month; or

(2) Beginning in calendar year 1976, earnings average less than \$150 a month.

(d) *Earnings neither high enough or low enough to determine whether an individual is able to engage in substantial gainful activity.* (1) Consideration will be given to the amount of an individual's earnings together with other circumstances relating to the work activities (see §§ 404.1532 and 404.1533), the medical evidence relating to the person's impairment or impairments, and other factors (see § 404.1502) to determine whether the individual is able to engage in substantial gainful activity if:

(i) In calendar years prior to 1976, earnings from work activities average between \$130 and \$200 a month; or

(ii) Beginning in calendar year 1976, earnings from work activities average between \$150 and \$230 a month.

(2) However, such activities and such earnings ordinarily would not estab-

lish the ability to engage in substantial gainful activity in the case of an individual working in a sheltered workshop (such as a workshop especially organized for disabled persons) or comparable facility, whose activities are limited by his or her impairment if:

(i) In calendar years prior to 1976, earnings average \$200 a month or less; or

(ii) Beginning in calendar year 1976, earnings average \$230 a month or less.

2. Section 416.934 is amended by revising paragraphs (b), (c), and (d) to read as follows:

§ 416.934 Evaluation of earnings from work.

(b) *Earnings sufficient to demonstrate an ability to engage in substantial gainful activity.* Unless there is evidence that an individual's work activities establish that the individual does not have the ability to engage in substantial gainful activity under the criteria §§ 416.932 and 416.933 and paragraph (a) of this section, an individual's earnings from work activities shall be deemed to demonstrate ability to engage in substantial gainful activity if:

(1) In calendar years prior to 1976, earnings averaged more than \$200 a month; or

(2) Beginning in calendar year 1976, earnings averaged more than \$230 a month.

(c) *Earnings insufficient to demonstrate an ability to engage in substantial gainful activity.* Unless an evaluation of the work performed by an individual (see § 416.932) establishes that the person is able to engage in substantial gainful activity, regardless of the amount of average monthly earnings, an individual's earnings from work activities as an employee shall not demonstrate that the person is able to engage in substantial gainful activity if:

(1) In calendar years prior to 1976, earnings averaged less than \$130 a month; or

(2) Beginning in calendar year 1976, earnings averaged less than \$150 a month.

(d) *Earnings neither high enough nor low enough to determine whether an individual is able to engage in substantial gainful activity.*

(1) Consideration will be given to the amount of an individual's earnings together with other circumstances relating to the work activities (see §§ 416.932 and 416.933), the medical evidence relating to the person's impairment or impairments, and other factors (see § 416.902) to determine

whether the individual is able to engage in substantial gainful activity if:

(i) In calendar years prior to 1976, earnings from work activities averaged between \$130 and \$200 a month; or

(ii) Beginning in calendar year 1976, earnings from work activities average between \$150 and \$230 a month.

(2) However, such activities and such earnings ordinarily would not establish the ability to engage in substantial gainful activity in the case of an individual working in a sheltered workshop (such as a workshop especially organized for disabled persons) or comparable facility, whose activities are limited by his or her impairment if:

(i) In calendar years prior to 1976, earnings averaged \$200 a month, or less; or

(ii) Beginning in calendar year 1976, earnings average \$230 a month or less.

[FR Doc. 78-835 Filed 1-11-78; 8:45 am]

[1505-01]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

SUBCHAPTER H—MEDICAL DEVICES

[Docket No. 76N-0324]

PART 25—ENVIRONMENTAL IMPACT CONSIDERATIONS

PART 813—INVESTIGATIONAL EXEMPTIONS FOR INTRAOCULAR LENSES

Intraocular Lenses; Investigational Device Exemption Requirements

Correction

In FR Doc. 77-32258, appearing at page 58874 in the issue for Friday, November 11, 1977:

1. On page 58889, third column, sixth line from the top, the word "reviewing" should read "revising".

2. On page 58892, first column, in (a)(6) of § 813.25, "Identification" should read "Identification".

3. On page 58893, middle column, fourth line of (b) in § 813.35, "disapproved" should read "disapproval".

4. On page 58893, third column, the paragraph numbered "(12)" should be "(2)".

5. On page 58899, first column, in the fourth line of (a) of § 813.150, the "." after "Administration" should be ",".

6. On page 58899, third column, in the twelfth line of (c) in § 813.155, "deports" should read "reports".

[1505-01]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Recodification Docket No. 15; Docket No. 76N-0501]

Reorganization and Republication

Correction

In FR Doc. 77-31096, appearing at page 56728 in the issue for Friday, October 28, 1977:

1. On page 56728, middle column, in the last line of 2a, "NA" should read "NA", and in the second line of 3, the number "121.060" should read "121.1060".

[1505-01]

[Docket No. 76F-0461]

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

Styrene Block Polymers

Correction

In FR Doc. 77-25093 appearing in the issue of Tuesday, August 30, 1977 on page 43621, second column 3d paragraph, the 5th line should read, "for the safe use of styrene block polymers".

[1505-01]

[Docket No. 76F-0342]

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

Subpart B—Substances Utilized To Control the Growth of Microorganisms

Correction

In FR Doc. 77-21241 appearing in the issue of Tuesday, July 26, 1977 on page 37974 in the middle column § 178.1010(b)(16), the last line should read, "hydroxypoly (oxyethylene) having an av[erage] \* \* \*".

[1505-01]

[Docket No. 76F-0370]

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

Antioxidants and/or Stabilizers

Correction

In FR Doc. 77-33220 appearing at page 59496 in the issue for Friday, November 18, 1977, first column, in the second line under "Substances" of § 178.2010(b), "P-cresol" should read "p-cresol".

[1505-01]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 77N-0062; DESI 101061]

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

Certain Antibiotic-Containing Ophthalmic Combination Drugs; Effective Date of Order Revoking Provisions for Certification

Correction

In FR Doc. 77-21245 appearing in the issue of Tuesday, July 26, 1977 on page 37974, on page 37975 in paragraph, "SUPPLEMENTARY INFORMATION", the 5th line should read, "provisions of § 1481.15 (21 CFR § 1481.15)".

[4160-03]

[Docket No. 77N-0420]

PART 514—NEW ANIMAL DRUG APPLICATIONS

Notice of Reinstatement

AGENCY: Food and Drug Administration.

ACTION: Reinstatement.

SUMMARY: This document amends the animal drug regulations to reinstate a provision regarding failure to file a written appearance that was inadvertently deleted when the administrative practices and procedures final regulations were issued.

EFFECTIVE DATE: January 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert S. Brigham, Bureau of Veterinary Medicine (HFV-238), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of January 25, 1977 (42 FR 4680), the Food and Drug Administration issued final regulations on general provisions for its administrative practices and procedures. A conforming amendment to the animal drug regulations inadvertently deleted 21 CFR 514.201 Failure to file an appearance and codified a hearing procedure provision at 21 CFR 514.201.

This document restores the failure to file an appearance provision by incorporating it into an existing regulation (21 CFR 514.200 Contents of notice of opportunity for hearing).

Since this document merely reinstates a provision that was inadvertently deleted, notice and public procedure and delayed effective date are not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52

Stat. 1055 (21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 514 is amended in § 514.200 by redesignating paragraph (b) as (c), and paragraph (c) as (d), and adding new paragraph (b) to read as follows:

§ 514.200 Contents of notice of opportunity for a hearing.

(b) If the applicant fails to file a written appearance in answer to the notice of opportunity for hearing, his failure will be construed as an election not to avail himself of the opportunity for the hearing, and the Commissioner without further notice may enter a final order.

Effective date: This amendment shall be effective January 13, 1978.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: January 9, 1978.

JOSEPH P. HILE,  
Associate Commissioner  
for Compliance.

[FR Doc. 78-941 Filed 1-12-78; 8:45 am]

[1505-01]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 520—ORAL DOSAGE FROM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Holoxon Drench

Correction

FR Doc. 77-27253 (42 FR 47192, September 20, 1977), was corrected on page 61255 of the issue for Friday, December 2, 1977. In the fifth line of that correction, "141.5 grains" should read "141.5 grams".

[4110-03]

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Gentamicin Sulfate Injection

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application (NADA) submitted by the Schering Corp. for the subcutaneous use of a new animal drug for preventing early mortality in day-old chickens.

EFFECTIVE DATE: January 13, 1978.



## FOR FURTHER INFORMATION CONTACT:

Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4913.

**SUPPLEMENTARY INFORMATION:** In accordance with section 512(i) of the act (21 U.S.C. 360b(i)), part 522 of the regulations (21 CFR Part 522) is amended in § 522.1044 (21 CFR 522.1044) to reflect approval of NADA 101-862V filed by the Schering Corp., Galloping Hill Road, Kenilworth, N.J. 07033. In addition, the existing regulation is revised to reflect the current format.

In compliance with the freedom of information regulations and § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of the safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, during regular working hours.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 522 is amended by revising § 522.1044 to read as follows:

§ 522.1044 Gentamicin sulfate injection.

(a) *Specifications.* Each milliliter of sterile aqueous solution contains gentamicin sulfate equivalent to 5 or 50 milligrams of gentamicin.

(b) *Sponsor.* See No. 000085 in § 510.600(c) of this chapter for use of 50 milligram/milliliter solution in dogs, cats, and chickens, as in paragraph (d) (1) and (3) of this section; see No. 000138 for use of 5 milligram/milliliter solution in turkeys, as in paragraph (d)(2) of this section.

(c) *Related tolerances.* See § 556.300 of this chapter.

(d) *Conditions of use—(1) Dogs and cats—(i) Amount.* Two milligrams of gentamicin per pound of body weight, twice daily on the first day, once daily thereafter, using a 50 milligram-per-milliliter solution.

(ii) *Indications for use—(a) Dogs.* For the treatment of infections of the urinary tract (cystitis, nephritis), respiratory tract (tonsillitis, pneumonia, tracheobronchitis), skin and soft tissue (pyodermitis, wounds, lacerations, peritonitis).

(b) *Cats.* For the treatment of infections of the urinary tract (cystitis, nephritis), respiratory tract (pneumonitis, pneumonia, upper respiratory tract infections), skin and soft tissue

(wounds, lacerations, peritonitis), and as supportive therapy for secondary bacterial infections associated with panleucopenia.

(iii) *Limitations.* Administer intramuscularly or subcutaneously. If response is not noted after 7 days, the antibiotic sensitivity of the infecting organism should be retested. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Turkeys—(i) Amount.* One milligram of gentamicin per poult, using a 5 milligram-per-milliliter solution.

(ii) *Indications for use.* As an aid in the prevention of early mortality due to Arizona paracolon infections susceptible to gentamicin.

(iii) *Limitations.* For 1- to 3-day-old turkey poults. Administer subcutaneously in the neck. Injected poults must not be slaughtered for food for at least 9 weeks after treatment.

(3) *Chickens—(i) Amount.* 0.2 milligram of gentamicin per 0.2-milliliter dose, using a 50 milligram-per-milliliter solution diluted with sterile physiological saline to 1.0 milligram per milliliter.

(ii) *Indications for use.* In day-old chickens, for prevention of early mortality caused by *Escherichia coli*, *Salmonella typhimurium*, and *Pseudomonas aeruginosa* that are susceptible to gentamicin.

(iii) *Limitations.* For use in day-old chickens only. Administer aseptically, injecting the diluted product subcutaneously in the neck. Do not slaughter treated animals for food for at least 5 weeks after treatment.

Effective date, January 13, 1978.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))).

Dated: January 5, 1978.

FRED J. KINGMA,  
Acting Director, Bureau  
of Veterinary Medicine.

[FR Doc. 78-914 Filed 1-12-78; 8:45 am]

## [1505-01]

## PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

## PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Nicarbazin

Correction

In FR Doc. 77-31236, appearing at page 56729 in the issue for Friday, October 28, 1977, in the footnote at the bottom of the third column, "NBC" should read "NRC".

FEDERAL REGISTER, VOL. 43, NO. 9—FRIDAY, JANUARY 13, 1978

## [4510-22]

## Title 29—Labor

## SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

## PART 1—PROCEDURE FOR PREDETERMINATION OF WAGE RATES

Incorporating Procedural Changes

AGENCY: Department of Labor.

ACTION: Procedural rule.

**SUMMARY:** The Department is in the process of installing in Washington, D.C. an automated Davis-Bacon Information System. The purpose of this system is to build up a file of preprepared wage determination schedules which will be available for issuance when a request for a wage determination is received. Requests for wage determinations should now be directed to the National Office. This document incorporates procedural changes into the regulations.

**DATES:** This change in procedure should be initiated as soon as possible but shall in any event be effective February 13, 1978.

## FOR FURTHER INFORMATION CONTACT:

Robert M. Brock, Director, U.S. Department of Labor, Employment Standards Administration, Division of Construction Wage Determinations, Room S-3012, 200 Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-7455.

**SUPPLEMENTARY INFORMATION:** The Department is in the process of installing an automated Davis-Bacon Information System which will be located in Washington, D.C. A basic purpose of this system is to build up a file of preprepared wage determination schedules which will be available for issuance when a request for a wage determination is received. Accordingly, processing of requests through regional offices will no longer be necessary.

This new procedure will be in effect in the near future. Requests for determinations should be sent directly to the National Office of the Wage and Hour Division, which will issue the determination. Requests submitted to the regional offices will not be returned but will be immediately put in the correct channels. This may cause minor unavoidable delay. Accordingly, the cooperation of the requesting agencies in correctly directing the Standard Form 308 request is requested so that there will be a minimum of disruption during the changeover to automation.

This document was prepared under the direction and control of Robert M. Brock, Director, Division of Construction Wage Determinations, Wage and Hour Division.

Accordingly, Part 1 of Title 29 is amended as set forth below.

Section 1.5 is amended as follows:

## § 1.5 Procedure for requesting wage determinations.

(a)(1) The Federal agency shall initially request a wage determination under the Davis-Bacon Act or any of its related prevailing wage statutes by submitting Standard Form 308 to the Department of Labor at this address:

U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Construction Wage Determinations, Washington, D.C. 20210.

State highway departments under the Federal-Aid Highway Act as codified in 23 U.S.C. 113 and State and local governments requiring wage determinations pursuant to the State and Local Fiscal Assistance Act of 1972 (Title I, Pub. L. 92-512) shall similarly request a wage determination by using Standard Form 308.

The agency shall check only those classifications on the applicable form which will be needed in the performance of the work (inserting a note such as "entire schedule" or "all applicable classifications" is not sufficient). Additional classifications needed which are not on the form may be typed in the blank spaces or on a separate list and attached to the form. The agency shall not list classifications which can be fitted into classifications on the form, or classifications which are not generally recognized in the area or in the construction industry.

Signed at Washington, D.C., on this 6th day of January, 1978.

WARREN D. LANDIS,  
Acting Administrator,  
Wage and Hour Division.

[FR Doc. 78-1041 Filed 1-12-78; 8:45 am]

## [3510-03]

## Title 46—Shipping

## CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

## SUBCHAPTER J—MISCELLANEOUS

## PART 350—SEAMEN'S SERVICE AWARDS

Miscellaneous Amendments

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final rule.

**SUMMARY:** This action amends the regulations governing seamen's service awards to reflect both an additional service to be provided to qualified seamen and a change in the price of service ribbons due to increased costs.

**EFFECTIVE DATE:** January 13, 1978.

**ADDRESS:** Secretary, Maritime Administration, Room 3099, 14th and E

Streets, NW., Washington, D.C. 20230, 202-377-2188.

## FOR FURTHER INFORMATION CONTACT:

Arthur Friedberg, Director, Office of Maritime Manpower, Room 3069, 14th and E Streets NW., Washington, D.C. 20230, 202-377-3018.

**SUPPLEMENTARY INFORMATION:** These amendments to 46 CFR Part 350 update the regulations governing Seamen Service Awards. Under Pub. L. 759, 84th Congress (46 U.S.C. 249 et seq.), the Secretary of Commerce is authorized, under such rules and regulations as may be prescribed, to issue a merchant marine service ribbon to each master, officer, or crewman of a United States ship who, after June 30, 1950, has served in any time of war or national emergency, or during an operation by the Armed Forces outside the continental United States. Pub. L. 84-759 also authorizes the Secretary of Commerce to permit replacements of these decorations to be provided at reasonable prices by persons authorized by the Secretary, if the awards are lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the owner. A&N Trading Company, 714 12th Street NW., Washington, D.C. 20005, has been providing these service ribbons at a cost of fifty-five cents since June 22, 1973; this price no longer covers increased domestic and international postage, increased labor charges and other handling costs.

Part 350 is also being amended to add the Presidential Testimonial Letter to § 350.5(b) as an item which may be replaced, at no cost, upon application. Finally, a minor spelling error in § 350.3 is being corrected.

Because these amendments involve both a public benefit and a public contract, they are exempted from the provisions of 5 U.S.C. 553. Consequently, they are published in final form and, except for the price change in § 350.4(b), become effective immediately. The effective date of the price change is retroactive to the relevant effective date in the underlying contract with the supplier.

**NOTE.**—It has been determined that none of these amendments represents a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Accordingly, 46 CFR Part 350 is amended as follows:

## § 350.2 [Amended]

1. Section 350.2 is amended by striking "three-eighths" when it first appears in the section and substituting, "three-eighths" in lieu thereof.

## § 350.4 [Amended]

2. In § 350.4, paragraph (b) is amended by striking "fifty-five cents" where

it appears in the paragraph and substituting "eighty-five cents" in lieu thereof.

## § 350.5 [Amended]

3. In § 350.5, paragraph (b) is amended by adding at the end thereof, immediately following (b)(6), a new item (7), to read as follows:

(b) \* \* \*

(7) Presidential Testimonial Letter.

(Pub. L. 84-759, 70 Stat. 605 (46 U.S.C. 249 et seq.); Department of Commerce, Order 10-8 (38 FR 19707, July 23, 1973).)

Dated: January 5, 1978

By order of the Assistant Secretary of Commerce for Maritime Affairs.

ROBERT J. PATTON, JR.,  
Assistant Secretary, Maritime  
Administration/Maritime Sub-  
sidy Board.

[FR Doc. 78-1015 Filed 1-12-78; 8:45 am]

## [6712-01]

## Title 47—Telecommunication

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20539; FCC 77-835]

## PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

## PART 78—CABLE TELEVISION RELAY SERVICE

Providing For Use of FM Microwave by Television Translator Relay Stations, and To Provide for Operation of Television Translator Stations Using Modulation of Direct Video and Audio Feed

AGENCY: Federal Communications Commission.

ACTION: Report and order.

**SUMMARY:** Report and order was issued amending the Federal Communications Commission's rules to permit the use of frequency modulated television translator relay stations and to permit television broadcast translator stations to retransmit the programs and signals of television broadcast stations received from various suitable sources such as television intercity relay stations, common carrier microwave stations, etc. This proceeding was initiated as a result of a petition from the National Translator Association and the purpose of the new rules is to provide for operations which can improve the quality of television signals in remote communities. Simultaneously on its own motion, the Federal Communications Commission included amendments to rules of other television auxiliary radio services pertaining to continuous operation, observations

FEDERAL REGISTER, VOL. 43, NO. 9—FRIDAY, JANUARY 13, 1978

of the transmitted signal of stations

equipment for conversion of a direct

a signal for rebroadcast by these

with only three television stations in

ity of the translator equipment. For

appears to be no reason to prohibit



of the transmitted signal of stations operating unattended, and operator license requirements. This latter action was taken to more closely align the rules governing television auxiliary microwave stations with those governing similar operations in the Safety and Special and Common Carrier services.

EFFECTIVE DATE: February 17, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Wilson A. LaFollette, Broadcast Bureau, 202-632-9660

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: December 8, 1977.

Released: January 12, 1978.

In the matter of amendment of subparts F and G of part 74 and subpart B of part 78 to provide for the use of FM microwave by television translator relay stations, and to provide for the operation of television translator stations using modulation of direct video and audio feed. Amendment of subpart F, part 74 (television auxiliary broadcast stations) of the Commission's rules and regulations.<sup>1</sup>, Docket No. 20539.

1. The Commission has before it for consideration its Notice of Inquiry and Notice of Proposed Rulemaking released on July 11, 1975, in this proceeding, FCC 75-796, inviting comments on a proposal to expand the means by which television translator stations may receive television signals for simultaneous rebroadcast. The Notice asked for comments as to whether television translator relay stations should be authorized to use FM microwave for transporting television signals to feed translator stations; whether television translator stations should be able to receive and utilize a broadcast television signal coming from any suitable source, such as a television intercity relay station; and whether television translator stations should be able to employ modulating

<sup>1</sup>On our own motion, as discussed in paragraphs 18-21 herein, we are amending subpart F, part 74 of the Commission's rules to more closely align these rules with those governing operations of a similar nature in the safety and special and common carrier services. Under the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), prior notice of proposed rulemaking is not required inasmuch as these amendments impose no additional burdens and raise no new or separate issues upon which comments would serve any useful purpose. See 40 FR 47522, October 9, 1975.

equipment for conversion of a direct video and audio feed to television frequencies. Comments were invited on a number of aspects of this proposal: what impact the use of television auxiliary bands A, B, and D by translator relay stations would have on present and future uses of this band; what technical standards should be applicable to translator systems employing modulating equipment; whether television translator relay stations should continue to be authorized only on a secondary, non-interference basis; whether we should continue to authorize AM heterodyne translator relay stations if the FM system is adopted; and other pertinent matters. Comments and data were filed by television translator associations, television station licensees, cable companies and others.<sup>2</sup> Three parties oppose the use of modulating equipment by translator stations and FM microwave by translator relay stations on essentially competitive grounds.

#### HISTORY OF THE TELEVISION TRANSLATOR RELAY SERVICE

2. A television translator station is a low-power broadcast station intended to receive a regular television station's signal and retransmit it on another frequency. A television translator relay station is a microwave auxiliary station intended to transport the television broadcast station's signal to the translator site. A television translator relay station may be used where the desired television signals are otherwise unavailable at the television translator site.

3. Many communities can obtain an input signal for a translator station either from the television station directly or from another translator station. Some communities desiring translator service are unable to obtain

<sup>2</sup>The parties which filed comments in this proceeding are as follows: City of St. George, Utah; Tepco Corp.; Bureau of Educational Communications of the New York State Education Department; Riverton Radio and TV, Inc.; Washington County, Utah; joint comments by 69 CATV companies; Maryland Public Broadcasting Commission; National Translator Association; Association of Maximum Service Telecasters, Inc.; Minnesota Congressman Bob Bergland; New York State Commission on Cable Television; Board of Cooperative Educational Service of Greene, Delaware, Schoharie, and Otsego Counties, N.Y.; Northwest Minnesota Telecommunications Inc.; Cornhusker Television Corp.; joint comments by KMSO-TV, Inc., and KLIX Corporation; and Blue Mt. TV Association; National Cable Television Association. Additionally, comments were received from Communications Services, Inc., however, these comments were not timely filed and go far beyond the scope of this proceeding. Therefore, they have not been considered herein, but the Commission is accepting their filing as a petition for rulemaking, RM-2826, and will act on that petition separately.

a signal for rebroadcast by these means, and, in 1936, the Commission looked toward microwave frequencies for bringing television signals to translator sites.<sup>3</sup> Television translator relay stations were authorized by amending the Television Auxiliary Services rules in part 74. The microwave equipment in use in the auxiliary services up to this time mostly employed frequency modulation. Translator relay stations were authorized to use only amplitude modulation (A5) for the visual signal and frequency modulation (F3) for the aural signal, obtained by simple heterodyne frequency conversion. This type of equipment required no significant modification to existing translator equipment or technical standards. Translator relay stations, like the translator stations they served, were to be direct frequency conversion devices. Therefore, many of the complex technical parameters of a television signal were a function of the originating station, and translators could continue to operate as inexpensive rebroadcast devices. Though simple, this system was acknowledged from its outset as not producing the same quality television signals available with frequency modulation techniques, as the AM system was much more susceptible to noise over long transmission paths. The Commission observed that "Our proposal herein is an attempt to provide a means for relaying TV signals to translators without changing the basic purpose and equipment of translators. The proposals to permit modulation of translators go beyond this objective and create additional problems for translator operators as well as other policy, legal and technical problems."<sup>4</sup>

#### USE OF FM MICROWAVE

4. Now, ten years after the Report and Order authorizing translator relay stations, we again consider the use of FM microwave by these stations. The different position now taken is attributable to several factors: Advanced technology which has increased the dependability of equipment; the near-saturation of color television which is particularly susceptible to degradation; public demand for higher quality television signals where once the public was satisfied with less; and the availability of equipment at lower costs. Most respondents wholeheartedly supported the proposal. Washington County indicates that it is extremely difficult to maintain a quality color picture in conventional translators that receive their signal via intermediate translators. Riverton Radio and TV, Inc., indicates that Wyoming,

<sup>3</sup>Licensing of Microwave Relays to Translator Operators, 5 FCC 2d 772, 8 R.R. 2d 1643 (1966).

<sup>4</sup>Id.

with only three television stations in the entire state and no educational stations, sorely needs a reliable system for transporting television to remote areas. The National Translator Association (NTA) contends that use of FM microwave will eliminate unnecessary limitations on the techniques used to transport television signals to translator sites. Cornhusker Television Corp. states that its existing AM heterodyne translator relay system has a severe intermodulation problem when transmitting color signals.

5. We believe that, due to the growth of the translator service and advances in technology, the problems previously encountered in the use of FM microwave by translator relay stations should be re-examined. At the present time, an impediment exists with the existing television translator service: "degradation with multiple hops." A translator station may receive the signal of the primary station via one or more intermediate translators, but with each repetition, there is a subsequent loss in quality. After four or five hops, the television signal may well be unusable. Because translator relay stations presently employ amplitude modulation, they are functionally similar to the existing television translator service, and present the same problem of degradation with multiple hops. Use of FM microwave may be a solution in that a television signal can be processed through a large number of relay stations and still maintain excellent quality. With an FM microwave system, small remote communities may have available television service of a quality comparable to that available to viewers of regular television stations. One of the factors which, in 1966, militated against FM microwave systems for small communities desiring television service was the prohibitive cost. But it appears that, where once there was satisfaction with any type of television service, there now is a demand for clear color reception and a willingness to finance necessary equipment changes. Further, it appears that the translator relay service as presently authorized is inadequate. There have been approximately 25 translator relay stations authorized in the past ten years, and more than half of these have received waivers to permit frequency modulation.<sup>5</sup> Another factor that discouraged the use of FM microwave to feed translator stations was that it would necessitate an increase in the complex-

<sup>5</sup>In Nevada Radio-Television, Inc., et al., 88 FCC 2d 555, 25 R.R. 2d 1197 (1972), the Commission waived various rules and authorized an extensive translator system which employs FM microwave relay stations to transport television signals to sparsely settled regions of Nevada. Similar other FM microwave relay stations have since been authorized on a waiver basis.

ity of the translator equipment. For technical reasons, the translator could no longer be a frequency conversion device, but would need to be a low-power television transmitter. NTA, in its petition for rule making, states that the technology of the needed modulation equipment has improved to such a degree that it is now totally practical to allow this more complicated equipment for translator stations. They indicate that there is now a severe need for local modulation, as most television transmissions are in color, which is much more susceptible to signal degradation with the existing translator system. Respondents generally agree that the additional equipment can perform reliably. The New York State Commission on Cable Television (New York Cable Commission) indicates that modulation equipment may be able to be used for three to six months without checks or adjustments. We concur in the view that modulation equipment can perform reliably. The FM microwave-translator systems we have previously authorized on a waiver basis give every indication of performing adequately.

6. Technically, therefore, an FM microwave system presents no undue problems. The only area of concern voiced in the comments was due to a feared increase in the "importation" of signals, via translators, into cable and small-market television service areas. These concerns have been considered, but we are not convinced that we should forestall action that would allow many rural areas of our country, whose only means for receiving television is through translators, from receiving the quality television service that is technically available. Though the primary function of translators is to serve areas where television is unavailable by other means, some translator stations serve areas also served by regular television stations and cable systems. We shall discuss later in this Report, the "importation" of signals into these markets.

#### USE OF TELEVISION SIGNALS FROM VARIOUS SOURCES

7. In the NTA petition for rule making and in our Notice, the idea was presented that translators be allowed to utilize a television signal from an intercity relay, a studio-to-transmitter link (STL) or other suitable source. Though this aspect of our proposed changes did not receive direct comment from respondents, there was general support for the changes proposed. Television microwave signals, from STL's, intercity relays, Cable Television Relay Service (CARS) stations, and common carriers are readily available in many areas. If such a television microwave signal path is close to a town desiring translator service, there

appears to be no reason to prohibit the use of that signal as a source of television. There are no technical problems in this proposal other than those also involved in allowing FM translator relay stations. If we allow use of FM microwave by translator relay stations, there would be no reason to prohibit use of convenient television signals from other FM microwave sources. So long as the translator station remains a rebroadcast device, no additional policy issues are raised. A translator applicant or licensee who desires to use a satellite or terrestrial common carrier microwave feed will, of course, be required to purchase the service in the same manner as any other customer, in accordance with prevailing tariffs.

#### AUTHORIZATION OF THE SERVICE

8. For the reasons discussed, we are convinced that the use of FM microwave to feed television translator stations would significantly improve the television service available to rural areas of our country and adoption of rule amendments, as set forth in the Appendix, is in the public interest. We will allow translator relay stations to employ frequency modulation, and we will allow a television translator station to utilize a signal from any suitable source, such as an intercity relay station. We caution, however, that the signal rebroadcast must be originally transmitted or intended for transmission on a simultaneous basis by a regular television broadcast station. Program origination and use of signals other than those broadcast by television broadcast stations are not being considered in this proceeding. We now turn our attention to formulating regulations to effectively implement our decision. Such aspects as frequency availability, technical standards, and "signal importation", and the comments solicited by our Notice with respect to these matters, will now be discussed.

#### USE OF ALL TELEVISION AUXILIARY SERVICES BANDS

9. Our Notice asked for comments concerning the impact of television translator relay stations using bands A, B and D in the Television Auxiliary Services. Translator relays are presently allowed to use only certain frequencies in band A. Most parties responding to this aspect of our Notice argued that, since translator relay stations would generally be serving sparsely settled areas that would not have a high concentration of present or anticipated television microwave use, all bands could be utilized by translator relay stations with little fear that the microwave needs of regular television stations could not be met. The New York State Education Department and the Association of



Maximum Service Telecasters (AMST) indicated that there would be no impact if translator relay stations continued to be authorized on a secondary basis. The New York Cable Commission stated that a more efficient use of the radio spectrum would result from authorizing all three bands for use by television translator relay stations, as the different transmission characteristics peculiar to each frequency band could be properly utilized. A group of 69 cable television companies (69 CATV Companies) indicated that such use would not be efficient, and that we should guard against creating a scarcity of frequencies in already congested bands. The frequency congestion that occurs in the Television Auxiliary Services is chiefly located in larger metropolitan areas where translator relay stations are not likely to be located. Furthermore, we intend to continue to authorize translator relay stations on a secondary, non-interference basis. If intolerable frequency congestion occurs in an area of television translator relay stations, the translator relay could be removed from service to make way for a higher priority use. The 69 CATV Companies hold that use of three microwave bands is more than that offered to cable television companies in the Cable Television Relay Service (CARS). Since it is not, and need not be, our purpose here to equalize translator relay service and CARS, we will allow translator relay stations to use bands A, B, and D in the Television Auxiliary Service. However, in another proceeding (RM-2208) we have been asked to examine the spectrum allocation for the Cable Television Relay Service.

#### TECHNICAL STANDARDS FOR TRANSLATORS EMPLOYING MODULATORS

10. If a signal is transported to a translator site by FM microwave, the actual feed to the translator equipment will be a direct video and audio signal, or "base band." As a technical necessity, modulating equipment must then be used in order to convert the base band signal to a television frequency for subsequent retransmission. Television translator stations have heretofore been frequency conversion and amplification devices; the signal transmitted by the translator station remains essentially unchanged from that radiated by the primary station, and the equipment employed is relatively simple. A translator station modulating with base band input, however, must have equipment to control the modulation characteristics, and we therefore must determine specifications for the additional equipment. Modulating equipment will be needed only by those translator stations that intend to utilize a base band input signal; e.g., a signal from an FM microwave source.

11. There was general agreement among the respondents that the modulator must meet the requirements of paragraphs (a) and (b) of § 73.687 of our rules. This section pertains to the technical standards of television broadcast stations and contains requirements applicable to modulating equipment. It also requires that the frequency, as radiated, shall have an envelope as would be produced by a modulating signal in conformity with § 73.682 and the appropriate figure of § 73.99. Compliance with § 73.687 (a) and (b) will insure that the translator can in fact rebroadcast a properly assembled television signal. It appears that there is equipment available capable of meeting these standards; the respondents indicate that such a requirement can be met; therefore we will apply the requirements of § 73.687 (a) and (b) to translator stations employing modulating equipment. These requirements will be applicable to the entire translator unit. We are not so much concerned with technical quality at some intermediate point, such as at the modulator, as we are at the final output of the translator. We will also require, in § 74.752, that the equipment be checked after installation by a first class radiotelephone operator, to insure that it is functioning normally and meets the requirements necessary for proper operation of a television transmitter. This will be similar to the "proof of performance" required of television broadcast stations, except that we will not normally require the measurement data to be submitted to the Commission for examination. Maintaining this information with the station records should prove sufficient.

12. Concerning the frequency tolerance for translators employing modulating equipment, the New York Cable Commission indicates that the requirements of § 73.687(c) for regular broadcast television stations are too stringent to be applied to translator stations, and that compliance with this requirement could not reasonably be expected. AMST indicates that the frequency tolerance requirement could be relaxed for translators. The New York State Education Department suggests that the visual carrier frequency tolerance be 0.0015 percent of the assigned frequency, and the aural carrier frequency tolerance be 4.5 MHz  $\pm$  1 kHz above the visual carrier. NTA suggests 0.005 percent visual and plus 4.5 MHz  $\pm$  1 kHz aural. After due consideration, we feel that television translator stations should meet generally the same visual frequency tolerance requirements regardless of whether or not modulating equipment

\*For editorial purposes, we will also move certain paragraphs in § 74.750 to this new section, with slight modification.

is employed. The present requirements are 0.02 percent for transmitters of 100 watts or less, and 0.002 percent for transmitters rated at greater than 100 watts. While perhaps these frequency tolerance requirements should be reviewed, we feel that there is no need for a separate visual frequency tolerance requirement for stations employing modulating equipment. The present requirements will be examined in another proceeding. With regard to the aural carrier frequency tolerance, however, the present translator rules have not had a separate requirement. Because a proper modulation process assembles the visual and aural carriers at a 4.5 MHz frequency difference, we will require that translator equipment maintain the aural carrier 4.5 MHz  $\pm$  1 kHz above the visual carrier. This is the same requirement in use by television broadcast stations.

13. Other suggestions were received concerning technical requirements. NTA takes the viewpoint that the modulator is a part of the microwave relay receiving apparatus rather than a part of the translator. As a television transmitter could be simply viewed as a modulator and an amplifier, it seems appropriate to consider the modulating equipment a component of transmitting, rather than receiving, apparatus. Furthermore, if the modulator were considered to be a part of the microwave receiving equipment, there would be no requirement for type acceptance, which we consider necessary for insuring that the equipment can perform adequately. NTA also suggests that a rule be formulated to allow a reference white level adjustment at the translator site and to require it to be 12.5  $\pm$  2.5 percent of the peak carrier level. Manufacturers of equipment may wish to include such a control, but we make no such requirement.

#### REQUIREMENTS FOR UNATTENDED OPERATION

14. Our objective in this proceeding is to increase the quality of television reception available in rural areas. The FM system herein adopted is capable of meeting this objective if the equipment is maintained at a satisfactory level of performance. However, with the addition of a modulator to translator equipment, the translator is a much more complicated device. AMST points out that use of modulators could result in worse rather than better service if strict precautions are not taken. It advocates use of a great deal of monitoring equipment, and either remote control operation or twice-weekly inspections by a first class radiotelephone operator. NTA indicates that its petition for rule making, which initiated our Notice, was predicated on the assumption that an operator would not be needed with the addition of an FM microwave link

to a translator system. It states that an operator requirement would be impractical and unneeded. Section 318 of the Communications Act allows the Commission to permit operation of television translator stations without operators, and the vast majority of existing translator stations do not require an operator on duty.

15. There were several other views concerning unattended operation of television translators and television translator relays. The New York State Education Department states that the present requirements for unattended operation are adequate to cover the use of modulating equipment. Tepco Corporation indicates that monitoring of an unattended microwave station is not needed as problems arising from their operation are generally due to power failure or component breakdown, rather than out of band operation or excessive deviation. The 69 CATV Companies state that unattended operation for television translator stations is not consistent with a reliable and adequate television service. The New York Cable Commission states that a monitoring requirement for television translator stations is much needed. The Board of Cooperative Educational Services of Greene, Delaware, Schoharie, and Otsego Counties, N.Y. (BOCES) supports unattended operation for the system. Riverton Radio and TV, Inc., feels that unattended operation should be permitted as it would be impractical to have an operator stay at an oftentimes remote location.

16. Allowing a better quality system will not result in better television service for translator stations if there are not some safeguards to assure that the equipment will be maintained and operated satisfactorily. We do not wish to impose the strict operating requirements of high power television stations on a low-power inexpensive device that serves a small community with limited financial resources and operator availability, but neither do we wish to see a service degraded by lack of adequate control. We seek to strike a balance between conflicting ends.

17. *Television Translator Stations.* With the advent of modulating equipment at the translator sites, we must reevaluate our operator requirements for translator stations. Modulating equipment approaching the quality of that used by regular broadcast television stations will be used for television translators and these stations are then no longer unsophisticated frequency conversion devices. Except for output power, they are comparable in complexity to satellite television stations. While the views of the respondents concerning an operator requirement and monitoring for translators varied from vital to unnecessary, we are con-

vinced that a station of this complexity needs more control than the conventional translator if the promise of improved service is in fact to be fulfilled. At the same time, we desire our regulations to be an aid toward this end, rather than a burden, particularly since we usually see translators operated by local groups as a public service to small communities and we do not wish to discourage this public service by unnecessary requirements. Some further control of this new type of equipment will be obtained by the first class operator certification that the installed equipment meets our requirements (discussed in paragraph 11 of this Report). To insure that the equipment is maintained to operate properly, we will stipulate, in § 74.752, that a first or second class radiotelephone operator service the equipment as often as necessary to provide a dependable service to the community served. Under this requirement, we leave to the individual licensee a determination of the extent and frequency of maintenance adjustments, under our guideline of continuing to provide an adequate service. These installation and maintenance requirements are deemed adequate to insure proper operation of the modulating equipment, and we therefore will add only a minimal monitoring requirement to our present requirements for unattended operation. Monitoring may be easily accomplished by viewing a regular television receiver at a convenient location, to insure that a good quality signal is in fact being transmitted. We will require monitoring once each day, for a ten minute period, by a person designated by the licensee. This slight additional requirement will serve to reinforce what many translator licensees probably are already doing: Observing the received picture each day to be sure that the signal continues to be of acceptable quality. We specify the minimum time period of ten minutes to allow the television receiver to stabilize after being turned on, and to encourage the observer to study the received picture for any signs, not apparent to an untrained viewer, that may signal the beginnings of a transmitter fault. The monitoring requirement will be applicable only to those translator stations that employ modulating equipment; heterodyne frequency conversion translator stations presently do not have such a requirement, and we add none here.

#### TELEVISION TRANSLATOR RELAY STATIONS

18. At present, television intercity relay stations, television translator relay stations, and television STL stations, (studio-to-transmitter link), must be equipped with a device that will automatically terminate radiation whenever the incoming signal ceases

to be received. In addition, television intercity relay stations and television STL stations must have their radiated signal observed every three hours. This latter requirement is not imposed on television translator relay stations.

19. The Commission believes the reliability and frequency stability of present day equipment is such that these auxiliary broadcast stations may be allowed to operate continuously with less frequent observation of the transmitted signal. Equipment used for relay purposes under Subpart F of Part 74 is quite similar, or in many cases identical, to that used in the Safety and Special and Common Carrier services. Yet microwave stations authorized in those services are not subject to either of these requirements. Moreover, licensees report better reliability and stability of microwave transmitters is achieved if the equipment operates continuously. Interim operation of the transmitting equipment, on the other hand, has contributed to component failure. Consequently, the Commission is persuaded the present broadcast rule requirements are no longer warranted. These stations will now be permitted to operate continuously and § 74.635(a)(1) of the rules is deleted below accordingly. However, § 74.637(a) is also amended to indicate that radiation of the carrier without modulation may not cause harmful interference to other authorized stations. Rather than delete the observation requirement entirely, however, the Commission will increase the interval permitted between observations to 24 hours. This should be sufficient to allow the person performing this function to recognize any signs present in the video or audio portions of the transmitted signal that may indicate improper operation of the relay equipment.<sup>1</sup>

20. The increased reliability of the auxiliary broadcast equipment also obviates the need for a licensed operator (i.e., a person holding a valid radiotelephone first class or radiotelephone second class license) to be on duty at all times and in charge of the auxiliary station, as required by § 74.665 (a), (b), and (c). Comparable operations in the Safety and Special and Common Carrier services are governed by a

<sup>1</sup>No doubt some of the older and less stable equipment is still authorized to operate under Part 74. Licensees of this equipment should note that they are, in any event, responsible for its operating in a non-interference manner; hence, they may find it advantageous (and perhaps necessary) to continue restricting radiation in the absence of a received signal. In other words, this rule change should not be interpreted as authorizing licensees of older equipment to forego a reasonable precaution which may be necessary to ensure the interference-free operation of that equipment.



more general requirement. It stipulates that unless the transmitters in those services are designed so none of the operations required during the normal rendition of service may cause off-frequency operation, or result in unauthorized radiation, it must be operated by a person holding a first- or second-class license.

21. A requirement such as this enables the licensee to determine whether or not a licensed operator is required. We believe it is a desirable alternative to the present broadcast rule requirement and we are therefore amending the broadcast rules along the same lines.

22. The monitoring requirement set forth above should prove adequate if the equipment is properly and regularly serviced by a licensed first- or second-class radiotelephone operator. While we established no minimum time period for maintenance checks, we point to our existing rule in §74.665(e), which states that servicing, maintenance, and installation tests and adjustments are to be performed by or under the immediate supervision of a licensed first- or second-class radiotelephone operator. We encourage station licensees to initiate such servicing on a regular basis, and to establish an adequate preventive maintenance program.

23. The operator of a translator relay station, if the requirements for unattended operation are met, may be stationed at a location receiving the signals of the associated television translator station, and must view the received signal, at intervals not exceeding 24 hours, and initiate correction of any improper operation observed. From this monitoring location, if a problem were to occur in the operation of the television system, the operator would not immediately know if the fault was with the translator station, the translator relay station, or the originating source, but would be expected to discover the source of the problem and initiate corrective action.

#### TRANSLATOR RELAY STATIONS AUTHORIZED ON A SECONDARY NON-INTERFERENCE BASIS

24. Respondents generally favored retention of the requirement that television translator relay stations be authorized on a secondary, non-interference basis. The needs of regular television broadcast stations have heretofore been considered primary to the needs of television translator stations, as translators are mainly low-power fill-in devices. We see no reason to change this policy and therefore agree that translator relay stations must continue to be secondary to other television auxiliary users in the A, B, and D microwave bands. However, §74.602(i) of the rules, which states that channel assignments will be made

to other types of stations without regard to the existence of television translator relay stations, appears to reflect a lesser regard for the status of these stations than is warranted. We will modify this provision, as FM translator relay station licensees will be investing substantial sums of money in equipment, and, even though a secondary service, are entitled to at least some reasonable assurance of stability. It is not our intention to have a translator relay station "bumped off" by a proposed station on the same frequency when there may be other frequencies available in the same band. But if a particular band becomes overly congested with television auxiliary use in a certain area, the translator relay station shall bear the burden of finding another frequency in another band or possible ceasing service altogether. As translator relay stations will likely be located in remote areas, away from the frequency congestion of the big cities, this problem appears minimal.

#### TRANSLATOR RELAYS AUTHORIZED TO USE EITHER AMPLITUDE OR FREQUENCY MODULATION

25. Our Notice requested comments addressed to whether AM heterodyne translator relay stations should be supplanted by the FM system or whether we should continue to authorize AM translator relay stations as well as FM. All parties responding to this aspect of our Notice indicated a desire to have both systems available for use. While the AM system is technically inferior over long paths, it may suffice in some instances and cost considerably less. Section 74.637(a) of our rules allows any type of suitable emission for television auxiliary stations, except that translator relay stations are restricted to A5 for the visual signal and F3 for the aural signal. We will allow frequency modulation for translator relay stations by deleting this restriction; amplitude modulation will continue to be available for any television auxiliary station by the terms of revised §74.637(a), which states in part that "Television broadcast auxiliary stations . . . may be authorized to employ any type of emission . . ." In summary, a party desiring a new AM translator relay station may continue to apply under the provisions of Subpart F of Part 74.

#### "IMPORTATION" OF SIGNALS BY TRANSLATOR STATIONS INTO CABLE AND TV MARKETS

26. In addition to the specific comments requested by our Notice, comments were received concerning various other issues. The primary additional consideration voiced by respondents concerned the "importation" by translators of television signals into cable or small market television ser-

vice areas. Joint comments by 69 Cable Companies and joint comments by KMSO-TV, Inc., and the KLIX Corp. objected to our proposed rule changes on the grounds that FM microwave fed translators would have an adverse impact on cable and small market television stations. In addition, NCTA states that if the proposed rule change is adopted, instead of merely filling-in Grade B coverage areas of television broadcast stations, translators will become satellite stations and use frequencies which are allocated to provide full broadcasting services. NCTA urges the Commission to refrain from adopting the proposed change until it develops an allocations scheme for translators within the framework of a nationwide communications policy.\*

27. The concern voiced by these parties is essentially that the availability of FM microwave feeds will give rise to a proliferation of translators in areas where such stations have not heretofore been feasible. Institution of this new translator service will, it is claimed, result in fractionalizing audiences of small market TV stations and cable systems to their detriment. The Commission is not persuaded that adoption of the proposed rules would produce this result.

28. It is important to recognize that current Commission rules and policies concerning eligibility and licensing in the translator service proscribe unwarranted extension of service by television station licensees. For example, such licensees may not, by VHF translator, extend their service into a community which is beyond the primary station's predicted Grade B contour and within the predicted Grade B contour of a small market station assigned to a different community. This, and all other currently applicable rules and policies governing extension of TV service by translators, are unaltered by the rules adopted herein. Accordingly, permitting the use of an FM microwave system merely provides television programs and signals for use by television translators without the inherent degradation sometimes experienced by use of other techniques. This is the primary consideration underlying this proceeding. Our decision here does no more than open a new opportunity to fill unsatisfied service needs. Further, it must not be overlooked that, in addition to meeting requirements prescribed by rules and policy, translators are authorized pursuant to our application processing procedures. These procedures afford an opportunity to take due account of

\*The NCTA comments, together with the CSI petition (Note 2, supra) and another petition (RM-2751) filed by Cablecom-General, call for a policy review beyond the scope of this rulemaking, and will be dealt with separately.

any claims of adverse impact. It is in this context that such claims are more properly considered rather than in the context of this rulemaking proceeding.

29. As a final note regarding this matter, we intend to observe closely the development of FM microwave systems to guard against abuses. We do not, however, believe that it is prudent or sound, as a policy matter, to proscribe a worthwhile project merely on the basis that the possibility may exist for abuse. We are confident that those who have expressed their concern will be equally alert and will not hesitate to draw to our attention situations which suggest abuse.

#### ADDITIONAL CONSIDERATIONS

30. Various other questions have arisen in the consideration of this rulemaking. There are instances where microwave stations that are available to provide feeds to television translator stations may also be carrying material not intended for rebroadcast to the public, or the microwave station may be carrying material intended for delayed broadcast by television stations. Licensees of television translator stations utilizing feeds from such microwave stations must take whatever steps are necessary to insure that there is no transmission of any material which is not a simultaneously reproduction of their primary station's (or stations') signals.

31. Because we have attempted to make television translator relay, STL and intercity relay stations comparable insofar as possible, we also will allow a subcarrier for operational communications to be placed on a television translator relay station signal. This may aid maintenance and could allow for remote control operation of translator stations. One respondent also suggested that we restrict the financial support given by a primary station to a television translator relay station, in a manner similar to the restriction on financial support by primary stations for VHF translators in §74.732 of the rules. Since our rules provide that translator relay stations will be authorized only to the licensee of the translator station with which they are to be used, the present rules are adequate with respect to the construction of new translators and associated relay systems, i.e., if financial support is prohibited for the construction of the translators, it would be prohibited for the construction of the associated relay stations. If, however, there is an existing translator and a relay system is proposed, no such restrictions would apply because the rules now allow financial support for existing translators and we would consider a relay system, under these circumstances, to be a device for improving existing service.

32. Section 74.731(f) of the Commission's rules allows UHF translator sta-

tions to originate messages, seeking or acknowledging financial support, for up to 30 seconds each hour, and modulating equipment is used to inject these local messages on a translator station's signal. However, the certification requirement we are adopting with regard to modulating equipment will not be applicable to these existing systems. Where modulating equipment is used only for this limited purpose, we consider that a first-class radiotelephone operator certification is unnecessary. We have no indication that such regulation of this existing and limited use of modulating equipment is warranted, and we do not wish to inhibit efforts to enable UHF translators to be selfsupporting.

#### SUMMARY OF RULES CHANGES

33. The various rules amended are indicated below, with a summary of the changes made. The actual rule changes may be found in the appendix.

#### AMENDMENTS TO SUBPART F OF PART 74

Section 74.601: Removes restriction that translator relay stations obtain a signal only by direct reception of the primary station.

Section 74.602: Allows use of bands A, B and D by television translator relay stations on a secondary non-interference basis to other television auxiliary stations.

Sections 74.603, 74.604 and 74.651: Achieves parity between television intercity, STL and translator relay stations as regards multiplexing and frequency assignment.

Section 74.631: Allows various input sources for a translator relay station. Allows multiplexing.

Section 74.632: Requires designation of the input source of a television translator relay station.

Section 74.634: Amends requirement for licensed operator.

Section 74.635: Formulates requirements for unattended operation.

Section 74.637: Allows translator relay stations to use any suitable emission.

Section 74.661: Formulates new frequency tolerance standards for translator relay stations.

Section 74.665: Amends operator requirements.

Section 74.682: Special station identification requirements eliminated for translator relay stations.

#### AMENDMENTS TO SUBPART G OF PART 74

Section 74.701: Eliminates restriction on input signal sources.

Section 74.731: Allows rebroadcast of a signal from a variety of input sources. Allows the translator to use modulating equipment.

Section 74.734: Indicates under what conditions unattended operation of translator stations will be authorized.

Section 74.750: Amended to include type acceptance standards for translator equipment using modulators.

Section 74.752: Added to specify installation and maintenance requirements.

Section 74.761: Adds frequency tolerance requirement for the aural carrier.

Section 74.766: Amended to clarify operator requirements.

Section 74.784: Limits a translator station to rebroadcasting programs and signals which are simultaneously transmitted by a regular television broadcast station.

#### AMENDMENTS TO SUBPART B OF PART 78

Section 78.1: Adds broadcast translator stations for use of CARS stations.

Section 78.3: Adds part 74 as a cross reference.

Section 78.5: Amended to provide distribution to television translators.

Section 78.11: Eliminates restriction that a CARS station may be used only to feed cable television systems.

Section 78.18: Achieves parity between the various television auxiliary stations as regards frequency assignment.

#### CONCLUSION

34. Authority for the adoption of the amendments herein is contained in section 4 (i) and (j), and section 303 (a) through (g) and (r) of the Communications Act of 1934, as amended. For the reasons stated above, we are of the view that adoption of the rules as formulated herein would serve the public interest. In view of the foregoing: *It is ordered*, That effective February 17, 1978, subparts F and G of part 74 and subpart B of part 78 of the Commission's rules and regulations are amended in accordance below. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Secretary.

Parts 74 and 78 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In §74.601, paragraph (d) is amended to read as follows:

§74.601 Classes of television auxiliary broadcast stations.

(d) *Television translator relay station.* A fixed station used for relaying programs and signals of television

\*See attached concurring and dissenting Statement of Commissioner Margita E. White.



broadcast stations to television broadcast translator stations.

2. In § 74.602, introductory text of paragraph (a), and paragraph (h) are amended and paragraph (i) is deleted and reserved to read as follows:

#### § 74.602 Frequency assignment.

(a) The following frequencies are available for assignment to television pickup, television STL, television intercity relay, and television translator relay stations.

(h) Translator relay stations will be assigned on a secondary basis, i.e., subject to the condition that no harmful interference is caused to other television auxiliary stations or to CARS stations operating between 12700 and 12950 MHz, and that translator relay stations must accept any interference caused by such stations.

(i) [Reserved]

3. In § 74.603, paragraph (a) is amended to read as follows:

#### § 74.603 Sound channels.

(a) The frequencies listed in § 74.602(a) may be used for the simultaneous transmission of the picture and sound portions of television broadcast programs and for cue and order circuits, either by means of multiplexing or by the use of a separate transmitter within the same channel. When multiplexing of a television STL station is contemplated, consideration should be given to the requirements of § 73.687 of this chapter regarding the overall system performance requirements. Applications for new television pickup, television STL, television intercity relay and television translator relay stations shall clearly indicate the nature of any multiplexing proposed. Multiplexing equipment may be installed on licensed equipment without further authority of the Commission: *Provided*, That the Commission in Washington, D.C., and the Commission's Engineer in Charge of the radio district in which the station is located shall be promptly notified of the installation of such apparatus: *And provided further*, That the installation of such apparatus on a television STL station shall not result in degradation of the overall system performance of the television broadcast station below that permitted by § 73.687 of this chapter.

4. In § 74.604, paragraph (a) is amended to read as follows:

#### § 74.604 Frequency selection to avoid interference.

(a) Applicants for new television pickup, television STL, television in-

tercity relay and television translator relay stations shall endeavor to select frequency assignments which will be least likely to result in mutual interference with other licensees in the same area. Consideration should be given to the relative locations of receiving points, normal transmission paths, and the nature of the contemplated operation.

5. In § 74.631, paragraphs (d) and (g) are amended to read as follows:

#### § 74.631 Permissible service.

(d) The transmitter of an STL, intercity relay station or television translator relay station may be multiplexed to provide additional communication channels for the transmission of aural program material and operational communications. Operational communications include voice communications, telemetry signals, alerting signals, fault reporting signals, and control signals all of which must be directly related to the technical operation of the associated broadcast television or television translator station or the STL, intercity relay or translator relay system of which the multiplexed transmitter is a part. Aural program material may include the sound accompanying the visual program material transmitted over the system or aural program material intended for broadcast by other AM, FM, or TV broadcast stations owned by or under the common control of the licensee of the television STL or intercity relay station. Multiplexing on television translator relay stations shall be limited to the sound accompanying the visual program material and operational communications as defined in this paragraph. A television broadcast STL or intercity relay station will be authorized only in those cases where the principal use is the transmission of television broadcast program material for use by its associated TV broadcast station. However, STL or intercity relay stations so licensed may be operated at any time for the transmission of aural program material and operational communications whether or not visual program material is being transmitted, provided that such operation does not cause harmful interference to television broadcast pickup, STL or intercity relay stations transmitting television broadcast program material.

(g) Except as provided in paragraph (d) of this section, a television translator relay station is authorized solely for the purpose of relaying the programs and signals of a television

broadcast station to television broadcast translator stations for simultaneous retransmission.

6. In § 74.632, paragraph (e) is amended to read as follows:

#### § 74.632 Licensing requirements.

(e) A license for a television translator relay station will be issued only to the licensee of a television broadcast translator station. The application for construction permit shall designate the television broadcast station to be relayed, the source of the television broadcast station's signals, and the television broadcast translator station with which it is to be operated.

7. In § 74.634, paragraph (a)(1) is amended by deleting the word "licensed" to read as follows:

#### § 74.634 Remote control operation.

(a) \*\*\*

(1) The operating position shall be under the control and supervision of the licensee and shall be the place at which an operator meeting the requirements of § 74.665 and responsible for the operation of the transmitter is stationed;

8. In § 74.635, paragraph (a)(1) is deleted and marked "Reserved", paragraph (a)(4) is amended, paragraph (a)(5) is deleted and marked "Reserved", as follows:

#### § 74.635 Unattended operation.

(a) \*\*\*

(1) [Reserved]  
(2) \*\*\*  
(3) \*\*\*

(4) In the case of television intercity relay stations, television STL stations, and television translator stations, observations shall be made at intervals not exceeding 24 hours, at the receiving end of the microwave circuit, by a person designated by the licensee, who shall institute measures sufficient to ensure prompt correction of any condition of improper operation that is observed: *Provided, however*, That for an STL station associated with a television station operated by remote control, the observations may be made by monitoring the television station's transmitted signal at the remote control point: *And provided further*, That for a television translator relay station, the observations may be made by monitoring the associated television translator station's transmitted signal.

(5) [Reserved]

9. In § 74.637, paragraph (a) is amended to read as follows:

#### § 74.637 Emission and bandwidth.

(a) Television broadcast auxiliary stations operating on frequencies above 1000 MHz may be authorized to employ any type of emission suitable for the transmission of the visual and aural and operational signals as may be permitted under the rules of this subpart. Continuous radiation of the carrier without modulation is permitted provided harmful interference is not caused to other authorized stations.

10. In § 74.651, paragraph (a)(3) and paragraph (c) are amended to read as follows:

#### § 74.651 Equipment changes.

(a) \*\*\*

(3) A change in the location of a television STL, television intercity relay station or television translator relay station (except relocation of the equipment within the same building) or a change in the area of operation of a television pickup station.

(c) Multiplexing equipment may be installed on any licensed television broadcast STL, intercity relay, or translator relay station without further authority of the Commission: *Provided*, That the engineer in charge of the radio district in which the station is located and the Commission in Washington, D.C., are promptly notified in writing of such addition and the use which will be made of the additional aural circuits, and that the changes are shown in the next application for renewal of license for the station.

11. In § 74.661, paragraph (c) is amended to read as follows:

#### § 74.661 Frequency tolerance.

(c) Television translator relay stations shall maintain their operating frequency within 0.002 percent of the assigned frequencies: *Provided, however*, That frequency modulated television translator relay stations shall maintain their operating frequency within 0.005 percent of the assigned frequencies.

12. In § 74.665, paragraphs (a), (b), (c), (f), and (g) are amended to read as follows:

#### § 74.665 Operator requirements.

(a) Notwithstanding any other provisions of this section, unless the transmitter and its associated equipment is designed so none of the operations necessary to be performed during normal service may cause off-frequency operation, or result in any unautho-

ized radiation, such transmitter shall be operated by a person holding a radiotelephone first- or second-class operator license.

(b) Except as provided in paragraph (c) of this section, a person designated by the licensee shall be on duty at the place where the transmitting apparatus of any television STL, television intercity relay, or television translator relay station is located and in actual charge of its operation.

(c) If a station is operated by remote control as provided in § 74.634, the operator required by this section shall be on duty at the control point in lieu of the transmitting location. If a station is operated unattended as provided in § 74.635, the operator required by that section shall be on duty at the receiving end of the microwave circuit, or, in the case of television translator relay stations, at a receiving location for the associated broadcast television translator station's signals.

(f) Notwithstanding any other provision of this section, any person may, if directed to do so by the operator on duty and in charge of a television auxiliary broadcast station, turn the station's transmitter on or off.

(g) The operator on duty and in charge of a television auxiliary broadcast station may, at the discretion of the licensee, be employed for other duties; however, such duties shall not interfere with operation of the television auxiliary broadcast station.

13. In § 74.682, paragraph (f) is deleted and reserved as follows:

#### § 74.682 Station identification.

(f) [Reserved]

14. In § 74.701, paragraphs (a) and (b) are amended to read as follows:

#### § 74.701 Definitions.

(a) *Television broadcast translator station*. A station in the broadcast service operated for the purpose of retransmitting the programs and signals of a television broadcast station, without significantly altering any characteristic of the original signal other than its frequency and amplitude, for the purpose of providing television reception to the general public.

(b) *Primary station*. The television broadcast station which provides the programs and signals being retransmitted by a television broadcast translator station.

15. In § 74.731, paragraph (b) is amended to read as follows:

#### § 74.731 Purpose and permissible service.

(b) Except as provided in paragraph (f) of this section, a television broadcast translator station may be used only to receive the signals of a television broadcast station, another television broadcast translator station, a television intercity relay station, a television STL station, or other suitable source such as a CARS or common carrier microwave station, for the simultaneous retransmission of the programs and signals of a television broadcast station. Such retransmission may be accomplished by either:

(1) Reception of the television programs and signals of a television broadcast station directly through space, conversion to a different channel by simple heterodyne frequency conversion and suitable amplification; or

(2) Modulation and amplification of a video and audio feed, in which case modulating equipment meeting the requirements of § 74.750(d) shall be used.

16. In § 74.734(a), subparagraph (6) is added as follows:

#### § 74.734 Unattended operation.

(a) \*\*\*

(6) In the case of television translator stations employing modulating equipment, observation of the television translator station signals shall be made for ten continuous minutes each day, by a person designated by the licensee, who shall institute measures sufficient to assure prompt correction of any condition of improper operation that is observed.

17. In § 74.750, the headnote is amended, subparagraph (c)(1) is amended, a new paragraph (d) is added, the present paragraph (d) as amended is redesignated as paragraph (e), and paragraphs (f), (g), (h), and (i) are deleted and reserved to read as follows:

#### § 74.750 Transmitters and associated equipment.

(c) \*\*\*

(1) The equipment shall be so designed that the electrical characteristics of a standard television signal introduced into the input terminals will be maintained at the output. The overall response of the apparatus within its assigned channel, when operating at its rated power output and measured at the output terminals, shall provide a smooth curve, varying within limits separated by no more than 4 decibels: *Provided, however*, That means may be provided to reduce

the amplitude of the aural carrier station records. Until such time as as amended is redesignated as para-

Part 76—Cable Television Service.

(c) CARS station licensees may be, nels in the band 12.70-12.95 GHz sub-



the amplitude of the aural carrier below those limits, if necessary to prevent intermodulation which would mar the quality of the retransmitted picture or result in emissions outside of the assigned channel.

(d) Television translator equipment employing a modulation process for its rebroadcasting function must additionally meet the following requirements:

(1) The equipment shall meet the requirements of § 73.687 (a) and (b) at the final RF output terminal.

(2) The stability of the equipment shall be sufficient to maintain the operating frequency of the aural carrier to 4.5 MHz  $\pm$  1 kHz above the visual carrier when subjected to variations in ambient temperature between -30° and +50° centigrade and variations in power main voltage between 85 and 115 percent of rated power supply voltage.

(e) Type acceptance will be granted only upon a satisfactory showing that the apparatus is capable of meeting the requirements of paragraphs (c) and (d) of this section. The following procedures shall apply:

(1) Any manufacturer of apparatus intended for use at television broadcast translator stations may request type acceptance by following the procedures set forth in Part 2, Subpart J, of this chapter. Equipment found to be acceptable by the Commission will be listed in the "Radio Equipment List" published by the Commission. These lists are available for inspection at any field office of the Commission and at the Washington, D.C., offices of the Commission.

(2) \* \* \*

(3) \* \* \*

(4) \* \* \*

(f) through (i) [Reserved]

18. Section 74.752 is added to read as follows:

#### § 74.752 Installation and maintenance.

(a) The installation of a television broadcast translator station employing type accepted apparatus may be made by a person with sufficient technical knowledge and skill to correctly follow the manufacturer's instructions.

(b) For stations employing modulating equipment, a first-class radiotelephone operator shall examine the transmitting system as installed and shall certify in the application for license that the equipment meets the transmitter requirements of § 74.750(d)(1), and the frequency tolerance requirements of § 74.761, and that the waveform of the transmitted signal conforms to the standards of a television broadcast signal. A report of the methods, measurements and results obtained shall be kept with the

station records. Until such time as another form is specified by the Commission, the required report shall include performance data of the visual and aural transmitters comparable to that requested in the license application for television broadcast stations: *Provided, however, That stations employing modulating equipment solely for the limited local origination of signals permitted by § 74.731(f) need not comply with the requirements of this paragraph.*

(c) Any tests or adjustments which require the radiation of signals for their completion and which could result in improper operation of the apparatus, shall be made by or under the immediate supervision of a licensed first- or second-class radiotelephone operator. Repairs which require the replacement of attached components, adjustment of circuits, or technical measurements shall be made only by a person with the knowledge and skill to perform such tasks.

(d) Simple maintenance such as the replacement of tubes, fuses, or other plug-in components and adjustments which require no particular technical skill may be made by an unskilled person.

(e) No minimum maintenance schedule is specified for television translator stations. However, the translator equipment shall be tested and adjusted by a first- or second-class radiotelephone operator as often as necessary to provide a dependable and adequate service to the community served.

(f) The transmitting antenna system may be designed to produce either horizontal, vertical, or circular polarization.

19. In § 74.761, the introductory paragraph, and paragraphs (a) and (b) are amended, and paragraph (c) is added, to read as follows:

#### § 74.761 Frequency tolerance.

The licensee of a television broadcast translator station shall maintain the output frequencies as set forth below. Translator stations utilizing direct frequency conversion of a received signal will operate with plus or minus the 10 kHz offset frequency, if any, of the primary station.

(a) The visual carrier shall be maintained to within 0.02 percent of the assigned visual carrier frequency for transmitters rated at not more than 100 watts peak visual power.

(b) The visual carrier shall be maintained to within 0.002 percent of the assigned visual carrier frequency for transmitters rated at more than 100 watts peak visual power.

(c) The aural carrier of stations employing modulating equipment shall be maintained at 4.5 MHz  $\pm$  1 kHz above the visual carrier frequency.

20. In § 74.766, paragraph (b) is added and the present paragraph (b)

as amended is redesignated as paragraph (c), to read as follows:

#### § 74.766 Operator requirements.

(b) The operator of a television broadcast translator station shall be in actual charge of the station's operation and, unless the requirements of § 74.734 relating to unattended operation are met, shall be on duty at the place where the transmitting apparatus of the television translator station is located.

(c) The operator of a television broadcast translator station may, at the discretion of the licensee, be employed for other duties. However, such duties shall not interfere with the operation of the television translator station.

21. In § 74.784, paragraph (c) is amended to read as follows:

#### § 74.784 Rebroadcasts.

(c) A television translator station may only rebroadcast programs and signals which are simultaneously transmitted by a television broadcast station.

#### B. Part 78—Cable Television Relay Service.

1. Section 78.1 is amended to read as follows:

#### § 78.1 Purpose.

The rules and regulations set forth in this part provide for the licensing and operation of fixed or mobile cable television relay service stations (CARS) used for the transmission of television and related audio signals, signals of standard and FM broadcast stations, signals of instructional television fixed stations, and cablecasting from the point of reception to a terminal point from which the signals are distributed to the public by cable. In addition, CARS stations may be used to transmit television and related audio signals to broadcast translator stations.

2. Section 78.3 is amended to read as follows:

#### § 78.3 Other pertinent rules.

Other pertinent provisions of the Commission's rules and regulations relating to the cable television relay service (CARS) are included in the following parts of this chapter:

Part 0—Commission Organization.

Part 1—Practice and Procedure.

Part 2—Frequency Allocations and Radio Treaty matters; General Rules and Regulations.

Part 17—Construction Marking and Lighting of Antenna Structures.

Part 74—Experimental, Auxiliary, and Special Broadcast, and other Program Distribution Services.

#### Part 76—Cable Television Service.

3. In § 78.5, paragraphs (a) and (b) are amended to read as follows:

#### § 78.5 Definitions.

(a) *Cable television relay service (CARS) station.* A fixed or mobile station used for the transmission of television and related audio signals, signals of standard and FM broadcast stations, signals of instructional television fixed stations, and cablecasting from the point of reception to a terminal point from the point of reception to a terminal point from which the signals are distributed to the public.

NOTE.— \* \* \*

(b) *Local distribution service (LDS) station.* A fixed CARS station used within a cable television system or systems for the transmission of television signals and related audio signals, signals of standard and FM broadcast stations, signals of instructional television fixed stations, and cablecasting from a local transmission point to one or more receiving points, from which the communications are distributed to the public. LDS stations may also engage in repeater operation.

4. In § 78.11 paragraphs (a), (c), and (d) are amended and the introductory language in paragraphs (e) and (f) are revised to read as follows:

#### § 78.11 Permissible service.

(a) CARS stations are authorized to relay television broadcast and related audio signals, the signals of AM and FM broadcast stations, signals of instructional television fixed stations, and cablecasting intended for use by one or more cable television systems. In addition, CARS stations are authorized to relay television broadcast and related audio signals to television translator stations in a manner consistent with this Part 78. LDS stations are authorized to relay television broadcast and related audio signals, the signals of AM and FM broadcast stations, signals of instructional television fixed stations, cablecasting, and such other communications as may be authorized by the Commission. Relay-ing includes retransmission of signals by intermediate relay stations in the system. CARS licensees may interconnect their facilities with those of other CARS, common carrier licensees, or television auxiliary broadcast service licensees, and may also retransmit the signals of such CARS or common carrier stations: *Provided, That the program material retransmitted meets the requirements of this paragraph.*

(c) CARS station licensees may be issued to cable television owners or operators and to cooperative enterprises owned by cable television owners or operators. Television translator licensees may be members of such cooperative enterprises.

(d) CARS systems shall supply program material to cable television systems and translator stations only in the following circumstances:

(1) \* \* \*

(2) Where the licensee of the CARS station or system supplies program material to cable television systems or television translator stations either without charge or on a non-profit, cost-sharing basis pursuant to a written contract between the parties involved which provides that the CARS licensee shall have exclusive control over the operation of the CARS stations licensed to him and that contributions to capital and operating expenses are accepted only on a cost-sharing, nonprofit basis, prorated on an equitable basis among all cable television systems being supplied with program material in whole or in part. Records showing the cost of the service and its nonprofit, cost-sharing nature shall be maintained by the CARS licensee and held available for inspection by the Commission.

(e) a CARS licensee shall file a notification with the Commission thirty (30) days prior to supplying program material to any cable television system or any television translator that has not been specified in its license application or in a prior notification to the Commission containing the following information:

(f) Each CARS licensee providing program material to a cable television system or translator station pursuant to paragraph (d)(2) of this section shall file an annual report with the Commission within 90 days of the close of its fiscal year containing:

5. In § 78.18, paragraphs (a) and (b) are amended to read as follows:

#### § 78.18 Frequency assignments.

(a) The cable television relay service is assigned the band of frequencies from 12.70 to 12.95 GHz. This band is shared with the fixed-satellite service (earth-to-space) from 12.70 to 12.75 GHz, and the television auxiliary broadcast service from 12.70 to 12.95 GHz. The following channels may be assigned to CARS stations for the propagation of radio waves with the indicated polarization:

(b) Television auxiliary broadcast service stations may be assigned chan-

nels in the band 12.70-12.95 GHz subject to the condition that no harmful interference is caused to CARS stations authorized at the time of such grants. Translator relay stations are assigned on a secondary basis. New CARS stations shall not cause harmful interference to television STL and intercity relay stations authorized at the time of such grants. Television pickup stations and CARS pickup stations will be assigned channels in the band on a co-equal basis subject to the condition that they accept interference from and cause no interference to existing or subsequently authorized television STL, television intercity relay, or fixed CARS stations. A cable television system operator will normally be limited in any one area to the assignment of not more than three channels for CARS pickup use: *Provided, however, That additional channels may be assigned upon a satisfactory showing that additional channels are necessary and are available.*

#### Statement of Commissioner Margita E. White Concurring in Part and Dissenting in Part

The Commission today has placed the cart before the horse. It has authorized TV translators to use any method to obtain primary signals for carriage before examining the implications of its decision.

I support the extension of television service to rural areas and support the Commission's decision insofar as it will upgrade and add service to those areas. I disagree, however, with both the timing of the decision and its overbreadth.

It may well be that unlimited translator service to all parts of the nation (including urban centers) would be in the public interest. But the Commission has not made that determination. It has not considered the policy implications of the integration of translator service into our national communications structure nor the impact of its action on the concept of local service.

The majority's position suggests (para. 28) that current Commission rules proscribe unwarranted extension of service by television station licensees. That is not the case. With very limited exception, the current rules prevent nothing. Rather than the rules, what has proscribed unwarranted extension of service was the lack of a cost-effective method of transmitting an acceptable quality signal from the primary station to the translator. This Commission action provides that cost-effective method, but no rules to guide its employment. Reliance on a case-by-case examination to prevent unwarranted expansion of translator service is foolhardy if the past is to serve as an example. See *Margaret S. Downey*, FCC 2d (1977), FCC 77-776, adopted November 9, 1977.



The critical defect of the overbreadth of the Report and Order (which is not limited to translators serving rural areas) is that by opening up all areas for translator development via new transmitting methods, the Commission may have set back the development of rural translator service. It is reasonable to assume that the flow of capital may be directed toward development of translator services in more populous (and more profitable) areas at the expense of less profitable rural communities. If so, then our haste is not only unseemly but unfortunate.

[FR Doc. 78-976 Filed 1-12-78; 8:45 am]

[7035-01]

Title 49—Transportation  
CHAPTER X—INTERSTATE COMMERCE COMMISSION  
SUBCHAPTER A—GENERAL RULES AND REGULATIONS

(Ex Parte No. 252 (Sub-No. 1 and 2); Incentive Per Diem Charges—1968 (XF Cars))

PART 1036—INCENTIVE PER DIEM CHARGES ON BOXCARS AND GONDOLA CARS

Incentive Per Diem Charges—Gondolas

AGENCY: Interstate Commerce Commission.

ACTION: Amendment of final rule.

SUMMARY: This document reissues a regulation that was published as a notice in the December 21, 1977 FEDERAL REGISTER (42 FR 63988). The regulation changes the rate structure for incentive per diem charges payable by one railroad to another for the use of boxcars from a daily (24 hour) rate to an hourly rate.

The Commission is taking this action in response to a petition of the Association of American Railroads. This change will encourage improved car utilization and make the handling of incentive per diem charges consistent with the handling of basic per diem charges.

EFFECTIVE DATE: July 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice M. Rosenak, Deputy Director, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423. Phone No.: 202-275-7693.

SUPPLEMENTARY INFORMATION: In an order decided December 7, 1977,

published at 42 FR, page 63988 (December 21, 1977), the ICC ordered the implementation of incentive per diem on an hourly basis, effective July 1, 1978. The table in section 1036.2 of Subchapter A, Chapter X, Title 49 of the Code of Federal Regulations was amended to read as set forth in the attached appendix.

The level of incentive car hire rates will generally remain the same. The same reasons—such as improved car utilization—for hourly rates that were found convincing by the ICC when it decided to implement basic per diem on an hourly basis are also convincing as to incentive per diem. Furthermore, the need for uniformity in the handling of car hire settlements suggests that incentive car hire should apply on the same basis as basic car hire, which will apply on an hourly basis effective July 1, 1978.

By the Commission.

H. G. HOMME, Jr.,

Acting Secretary.

The table in 49 CFR 1036.2 is revised to read as follows:

APPENDIX

Cost Bracket	0-5 Yrs. Hourly Charge (Cents)	6-10 Yrs. Hourly Charge (Cents)	11-15 Yrs. Hourly Charge (Cents)	16-20 Yrs. Hourly Charge (Cents)	21-24 Yrs. Hourly Charge (Cents)	26-30 Yrs. Hourly Charge (Cents)	Over 30 Years Hourly Charge (Cents)
\$ 0 - \$ 1,000	14	14	14	14	14	14	14
1,001 - 3,000	3	2	2	1	1	1	1
3,001 - 5,000	5	5	4	3	2	1	1
5,001 - 7,000	8	7	6	4	3	2	1
7,001 - 9,000	11	9	7	6	4	2	1
9,001 - 11,000	14	11	9	7	5	3	1
11,001 - 13,000	16	14	11	8	6	3	2
13,001 - 15,000	19	16	13	10	7	4	2
15,001 - 17,000	22	18	15	11	8	4	2
17,001 - 19,000	24	20	16	12	9	5	1
19,001 - 21,000	27	23	18	14	10	5	1
21,001 - 23,000	30	25	20	15	10	6	1
23,001 - 25,000	32	27	22	17	11	6	4
25,001 - 27,000	35	29	24	18	12	7	4
27,001 - 29,000	38	32	26	19	13	7	4
29,001 - 31,000	41	34	27	21	14	8	4
31,001 - 33,000	43	36	29	22	15	8	5
33,001 - 35,000	46	38	31	24	16	9	5
35,001 - 37,000	49	41	33	25	17	9	5
37,001 - 39,000	51	43	35	26	18	10	6
39,001 - 41,000	54	45	37	28	19	10	6

[FR Doc. 78-867 Filed 1-12-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-30]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 210]

NATIONAL SCHOOL LUNCH PROGRAM

Proposed Rulemaking

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would amend the National School Lunch Program regulations to accomplish the following:

- (1) Require contractual arrangements between School Food Authorities and food service management companies or vendors similar to those under the Summer Food Service Program for Children (7 CFR Part 225);
- (2) Make applicable to School Food Authorities the procurement standards which currently apply only to State agencies. This action is being taken to effect better program management and to ensure the best interest of the school food service.

DATE: Comments must be received on or before February 25, 1978, to be assured of consideration.

ADDRESS: Send comments to: William G. Boling, Manager, Child Nutrition Programs, USDA, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

William G. Boling, Manager, Child Nutrition Programs, USDA, Washington, D.C. 20250, 202-447-8130.

SUPPLEMENTARY INFORMATION.

FOOD SERVICE MANAGEMENT COMPANIES AND VENDORS

State agencies will be required to develop a standard form of contract, for use by School Food Authorities contracting with food service management companies, or vendors. The use of the State's standard form of contract will be required when any School Food Authority contracts with a food service management company or vendor. The State agency must approve bids of \$100,000 or more prior to their acceptance, and will be required to monitor compliance with the contracts by the parties involved.

Contracting for the services of a food service management company or

vendor will be governed by the procurement provisions of the regulations (§ 210.19a). The contract between a School Food Authority and a food service management company or vendor must include provisions denying payment for meals that do not meet nutritional requirements, specifying sanctions for nonperformance, and requiring State or local health certification of the facility in which meals are prepared.

PROCUREMENT STANDARDS

Currently, the procurement standards in the regulations pertain only to procurement of supplies, equipment, and other services by State agencies. In accord with the extension of Office of Management and Budget Circular A-102 to school districts, the proposed regulations would require adherence at the School Food Authority level.

Accordingly, it is proposed to amend Part 210 of Chapter II, Title 7 CFR as follows:

- 1. In § 210.2, paragraphs (h-1), (h-2), (h-3), (h-4), (h-5), and (h-6) are redesignated as (h-2), (h-3), (h-4), (h-5), (h-6), and (h-7), respectively, and new paragraphs (h-1) and (u) are added to read as follows:

§ 210.2 Definitions.

• • • • •

(h-1) "Food service management company" means a commercial enterprise or a nonprofit organization which is or may be contracted with by the School Food Authority to procure, prepare, and serve meals.

• • • • •

(u) "Vendor" means a merchandiser of complete meals which may or may not include milk.

• • • • •

- 2. In § 210.8, paragraph (d) is deleted and reserved.

- 3. A new § 210.8a is added to read as follows:

§ 210.8a Food service management companies and vendors.

(a) Any School Food Authority (including a State agency acting in the capacity of a School Food Authority) may contract with a food service management company or vendor for services and meals to be supplied in con-

nection with its feeding operation in one or more of its schools. Any School Food Authority contracting with a food service management company or vendor shall adhere to the procurement standards set forth in § 210.19a. A School Food Authority that employs a food service management company or vendor shall remain responsible for seeing that the food service operation is in conformance with its agreement under the Program. The School Food Authority shall retain control of the quality, extent, and general nature of its food service and the prices to be charged the children for meals. Contracts that permit all receipts and expenses to accrue to the food service management company and "cost-plus-a-percentage-of-cost" contracts are prohibited. Contracts with food service management companies shall not establish management fees on a per meal basis.

(b) State agencies and FNSROs where applicable shall develop a standard form of contract. The Department shall develop a standard form of contract for use as guidance to State agencies and FNSROs in developing their standard contract. Such standard form of contract shall expressly provide that:

(1) The food service management company or vendor shall maintain such records as the School Food Authority will need to support its claim under this part, and shall report thereon to the School Food Authority promptly at the end of each month, at a minimum. Such records shall be available, for a period of 3 years from the date of receipt of final payment under the contract, for inspection and audit by representatives of the State agency, the Department, and the United States General Accounting Office at any reasonable time and place; except that, if audit findings have not been resolved, the records shall be retained beyond the three year period as long as required for the resolution of the issues raised by the audit;

(2) The food service management company or vendor shall have State or local health certification for the facility in which it proposes to prepare meals for use in the Program and it shall ensure that all health and sanitation requirements are met at all times;

(3) No payment shall be made for meals that are spoiled or unwholesome at time of delivery, do not meet de-



tailed specifications as developed by the School Food Authority for each food component specified in § 210.10, or do not otherwise meet the requirements of the contract. Specifications shall cover items such as grade, purchase units, style, weight, ingredients, formulation, etc. The Department shall provide guidance to assist in the development of specifications.

(c) Any School Food Authority entering into a contract with a food service management company or vendor shall use the standard form of contract developed by the State agency, or FNSRO where applicable. No contract may be entered into for a period longer than one year. Any proposed additional provision or deletion to the standard form of contract shall be submitted to the State agency, or FNSRO where applicable, for approval.

(d) School Food Authorities shall, in addition to the bidding requirements specified in § 210.19a, adhere to the following when contracting with food service management companies or vendors:

(1) The invitation to bid shall contain a cycle menu upon which the bids shall be based;

(2) Nonfood items shall be excluded from the invitation to bid, except where such items are essential to the conduct of the food service;

(3) A copy of the health certification required in this section shall be submitted by the food service management company or vendor with each bid;

(4) Contracts shall be submitted to the State Agency, or FNSRO where applicable, for prior approval when (i) approval is required under State law; (ii) the contract totals \$100,000 or more; or (iii) award is contemplated to other than the lowest bidder (justification for selecting other than the low bidder must accompany the contract for approval).

(5) The invitation to bid shall indicate that nonperformance shall subject the food service management company or vendor to specified sanctions as provided for in the standard contract;

(e) Any federally donated commodities received by the School Food Authority and made available to the food service management company or vendor shall enure only to the benefit of the School Food Authority's feeding operation, and shall be utilized therein.

4. In § 210.14, new paragraphs (b) and (c) are added to read as follows:

§ 210.14 Special responsibilities of State agencies.

(b) Food service management companies and vendors. Each State

agency and FNSRO where applicable, shall develop for use by the School Food Authority and food service management company or vendor a standard form of contract in accordance with § 210.8a of this section. The State agency and FNSRO where applicable, shall monitor compliance with the contract between the food service management company or vendor and the School Food Authority.

(c) Each State agency, and FNSRO where applicable, shall monitor food service management company or vendor facilities during the operation of the Program and may require that all food service management companies or vendors that wish to contract for food service with any sponsor in the State must register with the State agency.

5. Section 210.19a is revised to read as follows:

§ 210.19a Procurement standards.

(a) This section provides standards for use by State agencies and School Food Authorities in establishing procedures for the procurement of supplies including food, equipment, and other services with Program funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with provisions of applicable Federal law and Executive orders. State agencies or School Food Authorities may use their own procurement regulations which reflect applicable State and local law, rules, and regulations provided that procurements made with Program funds adhere to the standards set forth in this section.

(b) The standards contained in this section do not relieve a State agency or School Food Authority of the responsibilities arising under its contracts. The State agency or School Food Authority is the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of the Program. This includes, but is not limited to: Disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the State or Federal authority that has proper jurisdiction.

(c) Each State agency or School Food Authority shall maintain a code or standard of conduct which shall govern the performance of its officers, employees, or agents in contracting with the expending Program funds. The State agency's or School Food Authority's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of mon-

etary value from contractors or potential contractors. To the extent permissible under State law, rules, or regulations, such standards shall provide for appropriate penalties, sanctions, or other disciplinary actions to be applied for violations of such standards either by the State agency's or School Food Authority's officers, employees, or agents, or by contractors or their agents.

(d) All procurement transactions of a State agency or School Food Authority, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. The State agency or School Food Authority should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

(e) Each State agency or School Food Authority shall establish procurement procedures which comply with the provisions of this section.

(f) Proposed procurement actions shall be reviewed by appropriate officials of the State agency or School Food Authority to avoid purchasing unnecessary or duplicate items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(g) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement and, when so used, the specific features of the named brand which must be met by offerors should be clearly specified.

(h) Positive efforts shall be made by each State agency or School Food Authority to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for procurements to be performed with Program funds.

(i) The type of procuring instruments used (e.g., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.) shall be appropriate for the particular procurement and for promoting the best interest of the Program. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(j) Formal advertising, with adequate purchasing descriptions, sealed bids, negotiations and public openings shall be the required method of pro-

curement unless negotiation pursuant to subparagraph (4) of this paragraph is necessary to accomplish sound procurement. However, procurements of \$10,000 or less need not be so advertised unless otherwise required by State law or regulations. When formal advertising is employed:

(1) The awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the State agency or School Food Authority, price and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid;

(2) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the State agency or School Food Authority;

(3) Any or all bids may be rejected when it is in the State agency's or School Food Authority's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations;

(4) Procurements may be negotiated by the State agency or School Food Authority if it is not practicable or feasible to use formal advertising. Notwithstanding the existence of circumstances justifying negotiation, competition shall be obtained to the maximum extent practicable. Generally, procurements may be negotiated if one or more of the following conditions prevail:

(i) The public exigency will not permit the delay incident to advertising;

(ii) The material or service to be procured is available from only one person or firm (all contemplated sole source procurements where the aggregate expenditure is expected to exceed \$5,000 shall be referred to the State agency, or FNSRO where applicable, for prior approval);

(iii) The aggregate amount involved does not exceed \$10,000;

(iv) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institution;

(v) No acceptable bids have been received after formal advertising;

(vi) The purchases are for highly perishable materials or medical supplies, for materials or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture; or

(vii) Negotiation is otherwise authorized by applicable law, rules, or regulations. Notwithstanding the existence

of circumstances justifying negotiation, competition shall be obtained to the maximum extent practicable.

(k) Contracts shall be made by State agencies or School Food Authorities only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, and accessibility to other necessary resources.

(l) The procurement records or files of State agencies or School Food Authorities for negotiated purchases in amounts in excess of \$10,000 shall provide at least the following pertinent information: (1) Justification for the use of negotiation in lieu of advertising, (2) contractor selection, (3) the basis for the cost or price negotiated.

(m) A system for contract administration shall be maintained by the State agency or School Food Authority to assure contractor compliance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely follow-up of all purchases.

(n) The State agency or School Food Authority shall include, in addition to provisions to define a sound and complete agreement, the following requirements in all contracts which it awards when the contract costs are to be borne by Program funds:

(1) All contracts in excess of \$10,000 shall contain contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate;

(2) All contracts awarded by State agencies or School Food Authorities in excess of \$10,000 shall contain suitable provisions for termination by the State agency or School Food Authority, including the manner in which it will be effected and the basis for settlement. In addition, such contracts shall set forth the conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor;

(3) All contracts awarded by a State agency or School Food Authority and their contractors or subgrantees having a value of more than \$10,000 shall contain a provision requiring compliance with Executive Order 11246, entitled "Equal Employment Opportunity", as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

(4) All contracts and subgrants for construction or repair shall include a provision for compliance with the

Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor or School Food Authority shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The State agency shall report all suspected or reported violations to the Department.

(5) When required by the Federal grant program legislation, all construction contracts awarded by a State agency or School Food Authority in excess of \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR Part 5). Under this Act contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than once a week. The State agency of School Food Authority shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The State agency or School Food Authority shall report all suspected or reported violations to the Department.

(6) Where applicable, all contracts awarded by State agencies or School Food Authorities in excess of \$2,000 for construction contracts and in excess of \$2,500 for other contracts which involve the employment of mechanics or laborers shall include a provision for compliance with section 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 103 of that act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard work day or work week is permissible: *Provided*, That the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety, and health standards promul-



gated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market or contracts for transportation;

(7) Contracts awarded by State agencies or School Food Authorities, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Department. The contractor shall be advised as to the source of additional information regarding these matters;

(8) All negotiated contracts (except those of \$10,000 or less) awarded by State agencies or School Food Authorities shall include a provision to the effect that the State agency or School Food Authority, the Department, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to the Program for the purpose of making audit, examination, excerpts, and transcriptions;

(9) Contracts in excess of \$100,000 shall contain a provision which requires compliance with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970, as amended (42 U.S.C. 1857b et seq.). Suspected violations shall be reported by the State agency or School Food Authority in writing to the Regional Office of the United States Environmental Protection Agency, with a copy to the Department.

(o) State agencies or School Food Authorities shall observe their regular requirements and practices with respect to bonding and insurance.

NOTE.—The Food and Nutrition Service has determined that this document does not contain major proposals requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program No. 10.555.)

Dated: January 6, 1978.

CAROL TUCKER FOREMAN,  
Assistant Secretary.

(FR Doc. 78-833 Filed 1-12-78; 8:45 am)

#### [3410-05]

##### Agricultural Stabilization and Conservation Service

##### [7 CFR Part 760]

##### DAIRY INDEMNITY PAYMENT PROGRAM (1978-1981)

##### Removal of Certain Dairy Products From the Commercial Market

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of the proposed rule is to amend the Dairy Indemnity Program to incorporate provisions of the Food and Agriculture Act of 1977 (September 29, 1977, Pub. L. 95-113, 91 Stat. 913). The objective of the program is to make indemnity payments to dairy farmers and manufacturers who, through no fault of their own, are required to remove their milk and dairy products from the commercial market because such products contain harmful residues. Prior legislation covered only contamination by pesticide residues. The new legislation extends the coverage of the program to include residues of chemicals or toxic substances and to contamination by nuclear radiation or fallout for dairy farmers.

DATES: Comments must be received no later than January 30, 1978.

ADDRESSES: Emergency and Indemnity Payments Division, ASCS, USDA, Room 4702 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Gerald Schliermeyer (ASCS), telephone 202-447-4428.

SUPPLEMENTARY INFORMATION: The public is invited to submit written comments, suggestions, or objections regarding the proposed regulations to the above address. Each person submitting comments, suggestions, or objections regarding the proposed rule shall include his name and address and should give reasons for any suggested changes. Copies of all written communications received will be available for examination by interested persons in Room 4702 South Building, USDA, during regular business hours.

In accordance with the above, it is proposed to amend 7 CFR Part 760 by revising subpart—Dairy Indemnity Payment Program to read as follows:

##### PART 760—INDEMNITY PAYMENT PROGRAMS

##### Subpart—Dairy Indemnity Payment Program

##### PROGRAM OPERATIONS

##### Sec.

760.1 Administration.

760.2 Definitions.

##### PAYMENTS TO DAIRY FARMERS FOR MILK

760.3 Indemnity payments on milk.

760.4 Normal marketings of milk.

##### Sec.

760.5 Fair market value of milk.

760.6 Information to be furnished.

760.7 Other requirements for affected farmers.

760.8 Application for payments for milk.

760.9 Other legal recourse.

##### PAYMENTS TO MANUFACTURERS AFFECTED BY PESTICIDES

760.20 Payments to manufacturers of dairy products.

760.21 Application for payments by manufacturers.

760.22 Information to be furnished by manufacturer.

760.23 Other requirements for manufacturers.

##### GENERAL PROVISIONS

760.24 Limitation of authority.

760.25 Estates and trusts; minors.

760.26 Appeals.

760.27 Setoffs.

760.28 Overdisbursement.

760.29 Death, incompetency or disappearance.

760.30 Records and inspection thereof.

760.31 Assignment.

760.32 Instructions and forms.

AUTHORITY: Sec. 1, 2, 3, Pub. L. 90-484, 82 Stat. 750, as amended; Sec. 204, Pub. L. 91-524, 84 Stat. 1361; Sec. 5, Pub. L. 93-86, 87 Stat. 223; Sec. 205, Pub. L. 95-113, 91 Stat. 920. (7 U.S.C. 450 j, k, l).

##### Subpart—Dairy Indemnity Payment Programs

##### PROGRAM OPERATIONS

##### § 760.1 Administration.

This indemnity payment program will be carried out by ASCS under the direction and supervision of the Deputy Administrator. In the field, the program will be administered by the State and county committees.

##### § 760.2 Definitions.

For purposes of this subject, the following terms shall have the meanings specified:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the U.S. Department of Agriculture to whom he has delegated, or to whom he may hereafter delegate, authority to act in his stead.

(b) "ASCS" means the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "Deputy Administrator" means the Deputy Administrator, State and County Operations, ASCS.

(d) "State committee" means the Agricultural Stabilization and Conservation State committee.

(e) "County committee" means the Agricultural Stabilization and Conservation county committee.

(f) "Pesticide" means an economic poison which was registered pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135-135k), and approved for use by the Federal Government.

(g) "Chemicals or Toxic Substances" means any chemical substance or mixture as defined in the Toxic Substances Control Act (15 U.S.C. 2602).

(h) "Nuclear Radiation or Fallout" means contamination from an atomic or nuclear blast.

(i) "Violating Substance" means one or more of the items defined in f, g, and h above.

(j) "Public agency" means any Federal, State or local public regulatory agency.

(k) "Affected farmer" means a person who produces whole milk which is removed from the commercial market any time from:

(1) January 1, 1964, to September 30, 1981, pursuant to the direction of a public agency because of the detection of pesticide residues in such whole milk by tests made by a public agency or under a testing program deemed adequate for the purpose by a public agency, or

(2) October 1, 1977, to September 30, 1981, pursuant to the direction of a public agency because of the detection of other residues of chemicals or toxic substances residues, or contamination from nuclear radiation or fallout in such whole milk by tests made by a public agency or under a testing program deemed adequate for the purpose by a public agency.

(l) "Affected manufacturer" means a person who manufactures dairy products which are removed from the commercial market any time from November 30, 1970, to September 30, 1981, pursuant to the direction of a public agency because of the detection of pesticide residue in such dairy products by tests made a public agency or under a testing program deemed adequate for the purpose by a public agency.

(m) "Milk handler" means the marketing agency to or through which the affected dairy farmer marketed his whole milk at the time he was directed by the public agency to remove his whole milk from the commercial market.

(n) "Person" means an individual, partnership, association, corporation, trust, estate, or other legal entity.

(o) "Application period" means any period beginning not earlier than January 1, 1964, and ending not later than September 30, 1981, during which an affected farmer's whole milk is removed from the commercial market pursuant to direction of a public agency for a reason specified in paragraph (k) of this section and for which application for payment is made.

(p) "Pay period" means (1) in the case of an affected farmer who markets his whole milk through a milk handler, the period used by the milk handler in settling with the affected farmer for his whole milk, usually bi-weekly or monthly, or (2) in the case

of an affected farmer whose commercial market consists of direct retail sales to consumers, a calendar month.

(q) "Whole milk" means milk as it is produced by cows.

(r) "Commercial market" means (1) the market to which the affected farmer normally delivers his whole milk and from which it was removed because of detection therein of a residue of a violating substance(s) or (2) the market to which the affected manufacturer normally delivers his dairy products and from which they were removed because of detection therein of pesticide residue.

(s) "Removed from the commercial market" means (1) produced and destroyed or fed to livestock, (2) produced and delivered to a handler who destroyed it or disposed of it as salvage (such as separating whole milk, destroying the fat, and drying the skim milk), or (3) produced and otherwise diverted to other than the commercial market.

(t) "Payment subject to refund" means a payment which is made by a milk handler to an affected farmer, and which such farmer is obligated to refund to the milk handler.

##### PAYMENTS TO DAIRY FARMERS FOR MILK

##### § 760.3 Indemnity payments on milk.

An indemnity payment for milk will be made to an affected farmer who is determined by the county committee to be in compliance with all the terms and conditions of this subpart in the amount of the fair market value of his normal marketings for the application period, as determined in accordance with §§ 760.4 and 760.5, less (a) any amount he received for whole milk marketed during the applications period, and (b) any payment not subject to refund which he received from a milk handler with respect to whole milk removed from the commercial market during the application period.

##### § 760.4 Normal marketings of milk.

(a) The county committee shall determine the affected farmer's normal marketings which, for the purposes of this subpart, shall be the sum of the quantities of whole milk which such farmer would have sold in the commercial market in each of the pay periods in the application period but for the removal of his whole milk from the commercial market because of the detection of a residue of a violating substance.

(b) Determination of normal marketings for each pay period shall be based upon: (1) The actual quantity of milk produced and removed from the market provided such quantity does not exceed the quantity estimated under paragraphs b(2) or b(3) of this section, (2) If the affected farmer or

another person marketed whole milk from the farm during the period in the previous year equivalent to the pay period, the marketings of whole milk from the farm during such equivalent period, or (3) If the affected farmer or another person did not market whole milk from the farm during the period in the previous year equivalent to the pay period, the average of the affected farmer's marketings of whole milk from the farm per pay period during the three months immediately prior to removal of his whole milk from the commercial market.

(c) The base for normal marketings determined (1) under paragraph (b)(2) of this section shall be adjusted to reflect any change in the rate of the affected farmer's whole milk production from the production of the previous year due to factors such as changes in herd size both before and after removal of whole milk from the commercial market, and changes in management practices before such removal, or (2) under paragraph (b)(3) of this section shall be adjusted to reflect normal changes in the affected farmer's whole milk production during the pay period due to seasonal factors affecting production and changes in herd size.

(d) If only a portion of a pay period falls within the application period, normal marketings for such pay period shall be reduced so that they represent only that part of such pay period which is within the application period.

##### § 760.5 Fair market value of milk.

(a) The county committee shall determine the fair market value of the affected farmer's normal marketings, which, for the purposes of this subpart, shall be the sum of the net proceeds such farmer would have received for his normal marketings in each of the pay periods in the application period.

(b) The county committee shall determine the net proceeds the affected farmer would have received in each of the pay periods in the application period (1) in the case of an affected farmer who markets his whole milk through a milk handler, by multiplying the affected farmer's normal marketings for each such pay period by the average net price per hundredweight of whole milk paid during the pay period by such farmer's milk handler in the same area for whole milk similar in quality and butterfat test to that marketed by the affected farmer in the base period used to determine his normal marketings, or (2) in the case of an affected farmer whose commercial market consists of direct retail sales to consumers, by multiplying the affected farmer's normal marketings for each such pay period by the average net price per hundredweight of



whole milk, as determined by the county committee, which other producers in the same area who marketed their whole milk through milk handlers received for whole milk similar in quality and butterfat test to that marketed by the affected farmer during the base period used to determine his normal marketings.

(c) In determining the net price for whole milk, the county committee shall deduct from the gross price therefor any transportation, administrative, and other costs of marketing which it determines are normally incurred by the affected farmer but which were not incurred because of the removal of his whole milk from the commercial market.

#### § 760.6 Information to be furnished.

The affected farmer shall furnish to the county committee complete and accurate information sufficient to enable it to make the determinations required in §§ 760.4 and 760.5. Such information shall include, but is not limited to:

(a) A copy of the notice from, or other evidence of action by, the public agency which resulted in the removal of the affected farmer's whole milk from the commercial market.

(b) The specific name of the violating substance causing the removal of his whole milk from the commercial market, if not included in the notice or other evidence of action furnished under paragraph (a) of this section.

(c) A record of the quantity and butterfat test of whole milk which he produced on his farm and marketed, (1) if the affected farmer is covered by the provisions of § 760.4(b) (1) and (2), during each pay period during the 15 months immediately prior to the time the whole milk was removed from the commercial market, or (2) if the affected farmer is covered by the provision of § 760.4(b)(3), during the three months immediately prior to the removal of his whole milk from the commercial market. This record shall be either a certified statement furnished by the affected farmer's milk handler, or such other evidence as the county committee determines accurately establishes the butterfat test and quantity of whole milk produced and marketed during such periods.

(d) The number of cows milked during each pay period in the application period, and during the pay periods within the three-month period immediately prior to the application period.

(e) If the affected farmer markets his whole milk through a milk handler, a statement from the milk handler showing, for each pay period in the application period, the average price per hundred-weight of whole milk similar in quality to that marketed by the affected farmer during the

base period used to determine his normal marketings. If the milk handler has information as to the transportation, administrative, and other costs of marketing which are normally incurred by producers who market through the milk handler but which the affected farmer did not incur because of removal of his whole milk from the market, the average price stated by the milk handler shall be the average gross price paid producers less any such costs. If the milk handler does not have such information, the affected farmer shall furnish a statement setting forth such costs, if any.

(f) The amount of proceeds, if any, received by the affected farmer from the marketing of whole milk produced during the application period.

(g) The amount of any payments not subject to refund made to the affected farmer by the milk handler with respect to the whole milk produced during the application period and remove from the commercial market.

(h) To the extent that such information is available to the affected farmer, the name of any pesticide, chemical, or toxic substance used on the farm within 24 months prior to the application period, the use made of the pesticide, chemical, or toxic substance, the approximate date of such use, and the name of the manufacturer and the registration number, if any, on the label on the container of the pesticide, chemical, or toxic substance.

(i) To the extent possible, the source of the pesticide, chemical, or toxic substance that caused the contamination of the whole milk, and the results of any laboratory tests on the feed supply.

(j) Such other information as the county committee may request to enable the committee to make the determinations required in this subpart.

#### § 760.7 Other requirements for affected farmers.

An indemnity payment for milk will be made under this subpart to an affected farmer only under the following conditions:

(a) If the pesticide, chemical, or toxic substance, contaminating the milk was used by the affected farmer, he established each of the following:

(1) That the pesticide, chemical, or toxic substance, when used, was registered (if applicable) and approved for use as provided in § 760.2(f);

(2) That the contamination of his milk was not the result of his failure to use the pesticide, chemical, or toxic substance, according to the directions and limitations stated on the label;

(3) That the contamination of his milk was not otherwise his fault.

(b) If the pesticide, chemical, or toxic substance contaminating the milk was not used by the affected

farmer, he establishes each of the following:

(1) He did not know or have reason to believe that any feed which he purchased and which contaminated his milk contained a harmful residue of a pesticide, a chemical, or a toxic substance or was contaminated by nuclear radiation or fallout.

(2) None of the milk was produced by dairy cattle which he knew, or had reason to know at the time he acquired them, were contaminated with residues of pesticides, chemicals or toxic substances, or by nuclear radiation or fallout.

(3) The contamination of his milk was not otherwise his fault.

(c) The affected farmer has adopted recommended practices for eliminating residues of pesticides, chemicals, or toxic substances or contamination from nuclear radiation or fallout from his milk as soon as practicable following the discovery of the initial contamination.

#### § 760.8 Application for payments for milk.

The affected farmer or his legal representative, as provided in §§ 760.25 and 760.29, must sign and file an application for payment on a form which is approved for that purpose by the Deputy Administrator. The form must be filed with the county ASCS office for the county where the farm headquarters are located no later than December 31, 1981, or such later date as the Deputy Administrator may specify. The application for payment shall cover application periods of at least 28 days, except that, if the entire application period, or the last application period, is shorter than 28 days, applications for payment may be filed for such shorter period. The application for payment shall be accompanied by the information required by § 760.6 as well as any other information which will enable the county committee to determine whether the making of an indemnity payment is precluded for any of the reasons set forth in § 760.7. Such information shall be submitted on forms approved for the purpose by the Deputy Administrator.

#### § 760.9 Other legal recourse.

No indemnity payment may be made for contamination resulting from residues of chemicals or toxic substances if the Deputy Administrator determines within thirty days after the application for payment that other legal recourse is available to the farmer. Notwithstanding such a determination, the Deputy Administrator may reopen the case at a later date and make a new determination on the merits of the case as may be just and equitable.

#### PAYMENTS TO MANUFACTURERS AFFECTED BY PESTICIDES

##### § 760.20 Payments to manufacturers of dairy products.

An indemnity payment will be made to the affected manufacturer who is determined by the Deputy Administrator to be in compliance with all the terms and conditions of this subpart in the amount of the fair market value of the product removed from the commercial market because of pesticide residues, less any amount the manufacturer receives for the product in the form of salvage.

NOTE.—Manufacturers are not eligible for payment when dairy products are contaminated by chemicals, toxic substances (other than pesticides) or nuclear radiation or fallout.

##### § 760.21 Application for payments by manufacturers.

The affected manufacturer, or his legal representatives, shall file an application for payment with the Deputy Administrator, ASCS, Washington, D.C., through the county office serving the county where the contaminated product is located. The application for payment may be in the form of a letter or memorandum. Such letter or memorandum, however, must be accompanied by acceptable documentation to support such application for payment.

##### § 760.22 Information to be furnished by manufacturer.

The affected manufacturer shall furnish the Deputy Administrator, through the county committee, complete and accurate information sufficient to enable him to make the determination as to the manufacturer's eligibility to receive an indemnity payment. Such information shall include, but is not limited to:

(a) A copy of the notice or other evidence of action by the public agency which resulted in the product being removed from the commercial market.

(b) The name of the pesticide causing the removal of the product from the commercial market and, to the extent possible, the source of the pesticide.

(c) A record of the quantity of milk or butterfat used to produce the product for which an indemnity payment is requested.

(d) The identity of any pesticide used by the affected manufacturer.

(e) Such other information as the Deputy Administrator may request to enable him to make the determinations required in this subpart.

##### § 760.23 Other requirements for manufacturers.

An indemnity payment will be made under this subpart to an affected manufacturer only under the following conditions:

(a) If the pesticide contaminating the product was used by the affected manufacturer, he establishes each of the following: (1) That the pesticide, when used, was registered and recommended for such use as provided in § 760.2(f); (2) that the contamination of his product was not the result of his failure to use the pesticide in accordance with the directions and limitations stated on the label of the pesticide; and (3) that the contamination of his product was not otherwise his fault.

(b) If the pesticide contaminating the product was not used by the affected manufacturer: (1) He did not know or have reason to believe that the milk from which the product was processed contained a harmful level of pesticide residue; and (2) the contamination of his product was not otherwise his fault.

#### GENERAL PROVISIONS

##### § 760.24 Limitation of authority.

(a) County executive directors and State and county committees do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(b) The State committee may take any action authorized or required by the regulations in this subpart to be taken by the county committee when such action has not been taken by the county committee. The State committee may also: (1) Correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations in this subpart, or (2) require a county committee to withhold taking any action which is not in accordance with the regulations in this subpart.

(c) No delegation herein to a State or county committee shall preclude the Deputy Administrator or his designee from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee.

##### § 760.25 Estates and trusts; minors.

(a) A receiver of an insolvent debtor's estate and the trustee of a trust estate shall, for the purpose of this subpart, be considered to represent an insolvent affected farmer or manufacturer and the beneficiaries of a trust, respectively, and the production of the receiver or trustee shall be considered to be the production of the person or manufacturer he represents. Program documents executed by any such person will be accepted only if they are legally valid and such person has the authority to sign the applicable documents.

(b) An affected dairy farmer or manufacturer who is a minor shall be eligi-

ble for indemnity payments only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable program documents are signed by the guardian; or (3) a bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had he been an adult.

##### § 760.26 Appeals.

The appeal regulations issued by the Administrator, ASCS, Part 780 of this chapter, shall be applicable to appeals by dairy farmers or manufacturers from determinations made pursuant to the regulations in this subpart.

##### § 760.27 Setoffs.

(a) If the affected farmer or manufacturer is indebted to any agency of the United States and such indebtedness is listed on the county debt record, indemnity payments due the affected farmer or manufacturer under the regulations in this part shall be applied, as provided in the Secretary's setoff regulations, Part 13 of this title, to such indebtedness.

(b) Compliance with the provisions of this section shall not deprive the affected farmer or manufacturer of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

##### § 760.28 Overdisbursement.

If the indemnity payment disbursed to an affected farmer or to a manufacturer exceeds the amount authorized under the regulations in this subpart, the affected farmer or manufacturer shall be personally liable for repayment of the amount of such excess.

##### § 760.29 Death, incompetency, or disappearance.

In the case of the death, incompetency, or disappearance of any affected farmer or manufacturer who is entitled to an indemnity payment, such payment may be made to the person or persons specified in the regulations contained in Part 707 of this chapter. The person requesting such payment shall file Form ASCS-325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," as provided in that part.

##### § 760.30 Records and inspection thereof.

(a) The affected farmer, as well as his milk handler and any other person who furnished information to such farmer or to the county committee for the purpose of enabling such farmer to receive a milk indemnity payment under this subpart, shall maintain any



existing books, records, and accounts supporting any information so furnished for 3 years following the end of the year during which the application for payment was filed. The affected farmer, his milk handler, and any other person who furnishes such information to the affected farmer or to the county committee shall permit authorized representatives of the Department of Agriculture and the General Accounting Office, during regular business hours, to inspect, examine, and make copies of such books, records, and accounts.

(b) The affected manufacturer or any other person who furnishes information to the Deputy Administrator for the purposes of enabling such manufacturer to receive an indemnity payment under this subpart shall maintain any books, records, and accounts supporting any information so furnished for 3 years following the end of the year during which the application for payment was filed. The affected manufacturer or any other person who furnishes such information to the Deputy Administrator shall permit authorized representatives of the Department of Agriculture and the General Accounting Office, during regular business hours, to inspect, examine, and make copies of such books, records, and accounts.

#### § 760.31 Assignment.

No assignment shall be made of any indemnity payment due or to come due under the regulations in this subpart.

#### § 760.32 Instructions and forms.

The Deputy Administrator shall cause to be prepared such forms and instructions as are necessary for carrying out the regulations in this subpart. Affected farmers and manufacturers may obtain information necessary to make application for a dairy indemnity payment from the county ASCS office. The following forms may be obtained at the county ASCS office: ASCS-373—Application for Milk Indemnity Payment, ASCS-374—Marketing and Payment Report, Milk Indemnity Payment Program.

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Signed at Washington, D.C., on January 4, 1978.

STEWART N. SMITH,  
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 78-890 Filed 1-12-78; 8:45 am]

#### [3410-34]

Animal and Plant Health Inspection Service  
[9 CFR Part 94]

#### IMPORTATION—MILK AND MILK PRODUCTS

##### Proposed Rulemaking

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulations which apply to the importation of certain milk and milk products from countries infected with rinderpest or foot-and-mouth disease. This action is proposed because experimental studies have shown that such milk and milk products may be safely imported into the United States under restrictions and procedures as proposed. The intended effect of this action is to provide alternate procedures under which specified milk and milk products may be imported thus relieving certain restrictions presently imposed.

DATE: Comments on or before February 13, 1978.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Federal Building, Room 824, Hyattsville, Md. 20782.

#### FOR FURTHER INFORMATION CONTACT:

Dr. Blakey Deal, USDA, APHIS, VS, Federal Building, Room 824, Hyattsville, Md. 20782, 301-436-8379.

SUPPLEMENTARY INFORMATION: Recently completed experimental studies conducted at the Plum Island Animal Disease Center have established that live virus of rinderpest and foot-and-mouth disease in milk is destroyed if the milk is heated to 148° C (298.4° F) for a minimum of 2.5 seconds. Additionally, such studies have shown that it is no longer possible to recover the live virus of rinderpest and foot-and-mouth disease from casein that has been stored for a period of 84 days.

Because of the results of these studies, the Animal and Plant Health Inspection Service (APHIS) is proposing to amend certain requirements concerning the importation of milk, milk products, casein and casein derivatives. Specifically, APHIS proposes to amend the regulations to permit the importation of milk and milk products when such milk and the milk in such products have been heated to 148° C (298.4° F) for a minimum of 2.5 seconds. Further, such milk and milk products would be required to be accompanied by a certificate by an official of the national government where such milk has been so heated stating that such milk and milk products have been so treated. Such a certificate is

being proposed to better insure that the heat treatment has occurred.

Further, to reflect the results of the Plum Island studies, casein, caseinate and sodium caseinate would be permitted to be imported without additional restrictions if imported in containers which are sealed with numbered metal seals which are applied at the plant where the product was produced; the numbers of such seals are listed on or are shown on a list attached to the bill of lading or any other document which shall accompany each shipment; upon arrival of the carrier at the United States port, an APHIS inspector determines that the seals are intact and that their numbers are in agreement with the numbers appearing on or attached to the accompanying document; upon arrival at the United States port, the product shall be moved in its sealed form directly to an approved warehouse where it shall be held for a continuous period of 84 days; and at the end of such quarantine period, if the seals are intact, the product will be released for entry into the United States.

The proposed regulations include caseinate and sodium caseinate because both are derivatives of casein and consequently, it appears that those restrictions applicable to casein should likewise be applicable to casein derivatives. The procedures for sealing and storing such products are proposed to insure that such products go through the entire storage period without contamination from any outside source and to insure that such products do not introduce rinderpest or foot-and-mouth disease into the United States.

The placing of this proposal into effect would relieve the present requirement for consignment of such products to approved establishments for further processing prior to their release, and would therefore relieve certain restrictions presently imposed but which do not appear to be necessary for the safe importation of such products. Certain other changes in format have been made for the purpose of accommodation of the added material.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to section 2 of the Act of February 2, 1903, as amended; sections 2, 3, 4, and 11, of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134f), the Animal and Plant Health Inspection Service is considering amending Part 94, Title 9, Code of Federal Regulations, in the following respects:

In § 94.16, paragraph (b)(2), (b)(3), and (b)(4) would be redesignated as paragraph (b)(3), (b)(4), and (b)(5) respectively; a new paragraph (b)(2) would be added; the introductory portion of paragraph (b) preceding the colon, and redesignated paragraph (b)(3) would be amended to read:

#### § 94.16 Milk and milk products.

(b) Milk and milk products originating in, or shipped from, any country designated in § 94.1(a) as a country infected with rinderpest or foot-and-mouth disease may be imported into the United States if they meet the requirements of paragraph (b) (1), (2), (3), or (4) of this section.

(2) They are accompanied by a certificate signed by the Minister of Agriculture or an equivalent official of the exporting country which certifies that the milk or milk product was produced by initially heating the milk or the milk in such product to 148° C (298.4° F) for a minimum of 2.5 seconds.

(3) (i) They are dry milk or dry milk products, \* \* \* ; or

(ii) The milk product is casein, caseinate, or sodium caseinate and if:

(A) Such product is imported in containers which have been sealed with numbered, metal seals applied at the plant where the product was produced;

(B) The numbers of such seals are listed on or are shown on a list attached to the bill of lading or similar document which shall accompany each shipment;

(C) Upon arrival of the carrier at the United States port, an inspector of the Animal and Plant Health Inspection Service determines that the seals are intact and that their numbers are in agreement with the numbers appearing on the accompanying document;

(D) Upon arrival at the port of entry, the sealed container is moved directly to an approved warehouse 11 where it shall be held for a continuous quarantine period of 84 days; and

(E) At the end of the 84 days of continuous storage, an inspector of the Animal and Plant Health Inspection Service determines that the seals are intact.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 824, Hyattsville, Md. 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of January 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal

requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

J. K. ATWELL,  
Acting Deputy Administrator,  
Veterinary Services.

[FR Doc. 78-962 Filed 1-12-78; 8:45 am]

#### [4810-22]

#### DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 6]

#### INTERNATIONAL AIRPORTS OF ENTRY

Proposed Revocation of International Airport Status of Felts Field, Spokane, Wash.

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to revoke the international airport status of Felts Field in Spokane, Washington, so that all international flights will normally be inspected by Customs at Spokane International (Geiger Field). It is difficult to provide adequate and timely service to both airports and there appears to be a need for only one airport in Spokane to receive international arrivals. This change in status will enable Customs to improve service to the public and provide more effective enforcement of the Customs laws and regulations.

DATES: Comments must be received on or before February 13, 1978.

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

#### FOR FURTHER INFORMATION CONTACT:

Alice M. Rigdon, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5607.

#### SUPPLEMENTARY INFORMATION:

##### BACKGROUND

Under section 1109(b) of the Federal Aviation Act of 1958, (49 U.S.C. 1509(b)), the Secretary of the Treasury is authorized to designate places in the United States as ports of entry for civil aircraft arriving from any place outside of the United States and for merchandise carried on the aircraft. These airports are referred to as "international airports" and the location and name of each is listed in section 6.13 of the Customs Regulations (19 CFR 6.13). In accordance with section 6.2 of the Customs Regulations (19 CFR 6.2), the first landing of every

civil aircraft arriving in the United States must be at one of these international airports unless the aircraft has been specifically exempted from this requirement or permission to land elsewhere has been granted. Customs officers are assigned to all international airports to accept entries of merchandise, collect duties, and enforce Customs laws and regulations. If a civil aircraft desires to land at a "landing rights airport", which means an airport which has not been designated as an international airport, permission must first be obtained and the Customs Service must assign personnel to that airport for that aircraft.

Within the Customs port of entry limits of Spokane, Washington, there are two airports: Felts Field, which has been designated as an international airport, and Spokane International, also known as Geiger Field, a "landing rights airport." Spokane International receives both private and commercial international flights whereas only private aircraft arriving internationally land at Felts Field. The Spokane Airport Board, operator of both airports, has advised Customs that it would like all international arrivals inspected at Spokane International, which will continue as a "landing rights airport."

A review of the Customs operations in the Spokane, Washington, port of entry indicates that it is difficult to provide adequate and timely service at both airports. Although Felts Field has been designated for Customs purposes as an international airport, inasmuch as most international flights land at Spokane International, it has become necessary for Customs to assign personnel at Spokane International on a regular basis and only send them to Felts Field when needed. As a result, when passengers or commercial aircraft are being cleared at Spokane International, aircraft arriving at Felts Field, which is 18 miles away, may have to wait up to 2½ hours for Customs service. Therefore, to improve service to the public and provide more effective enforcement of the Customs laws and regulations, it is considered desirable to revoke the international airport status of Felts Field. This revocation would not preclude aircraft arriving from foreign countries from applying for permission to land at Felts Field as a "landing rights airport." Aircraft denied permission to land at Felts Field could easily be handled, without undue inconvenience, at Spokane International, where Customs service would be available. No additional expenses would be imposed as a result of this proposal. The authority for this proposed revocation of international airport status is provided in section 1109(b) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1509(b)).



## COMMENTS

Before adopting this proposal, consideration will be given to any written comments that are timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

## DRAFTING INFORMATION

The principal author of this document was Todd J. Schneider, Regulations and Legal Publications Division of the Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development, both on matters of substance and style.

## PROPOSED AMENDMENT

It is proposed to amend § 6.13 of the Customs (19 CFR 6.13) by deleting "Spokane, Wash.—Felts Field" from the alphabetical list of international airports set forth in that section.

G. R. DICKERSON,  
Acting Commissioner  
of Customs.

Approved: January 3, 1978.

BETTE B. ANDERSON,  
Under Secretary of the Treasury.  
(FR Doc. 78-983 Filed 1-12-78; 8:45 am)

[4110-07]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Parts 404, 416]

[Regs. No. 4, 16]

## FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

## Substantial Gainful Activity

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Proposed Rule-making.

SUMMARY: The proposed amendments increase the monetary amounts of the substantial gainful activity guidelines under Title II (Federal Old-Age, Survivors, and Disability Insurance Benefits) and Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to conform more closely to increase in earnings levels of workers

## PROPOSED RULES

in the national labor market. These earnings guidelines are evaluation measures used for determining, in the absence of evidence to the contrary, ability to engage in substantial gainful activity. Under the increased amounts, an individual's earnings from work activities averaging in excess of \$240 per month in the calendar years after 1976 shall be deemed to demonstrate the ability to engage in substantial gainful activity. Earnings from work activities which average less than \$160 a month in the calendar years after 1976 will not demonstrate that an employee is able to engage in substantial gainful activity. Under regulations which are being published in final in the FEDERAL REGISTER today, these amounts are \$230 and \$150 respectively beginning for calendar year 1976.

DATES: Comments must be received on or before February 27, 1978.

ADDRESSES: Prior to final adoption of the proposed amendments to the regulations consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Md. 21203.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue SW., Washington, D.C. 20201.

## FOR FURTHER INFORMATION CONTACT:

William J. Ziegler, Legal Assistant, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-7415.

SUPPLEMENTARY INFORMATION: Under these proposed guidelines, earnings from work activities by an individual averaging in excess of \$240 a month in calendar years after 1976 will be considered sufficient earnings to demonstrate an ability to engage in substantial gainful activity, unless there is other evidence to establish that the individual does not have such ability. Under regulations which are being published in final in the FEDERAL REGISTER today, this earnings guideline amount is \$230 beginning for calendar year 1976. The amount of \$200 will remain in effect for evaluating earnings in calendar years prior to 1976.

Earnings from work activities by an employee which average less than \$160 a month in calendar years after 1976 will be considered insufficient earnings to demonstrate that the indi-

vidual is able to engage in substantial gainful work activity in absence of evidence to the contrary. Under regulations which are being published in final in the FEDERAL REGISTER today, this earnings guideline amount is \$150 beginning for calendar year 1976. The amount of \$130 will remain in effect for evaluating earnings in calendar years prior to 1976.

Where an individual's earnings from work activities average between \$160 and \$240 a month in calendar years after 1976, or between \$150 and \$230 a month in calendar year 1976, other facts and circumstances relating to the person's work and his medical restrictions will be evaluated together with the amount of his earnings in determining whether or not such individual is able to engage in substantial gainful work activity. As presently in effect, these amounts will remain \$130 and \$200 for evaluating earnings in calendar years prior to 1976.

These proposed higher substantial gainful activity levels reflect general increases in earnings levels of workers in the national economy. These proposed higher guideline amounts will also maintain the relationship to earnings levels which has existed since 1966. The preamble of the final regulation published in the FEDERAL REGISTER this same day provides a further explanation of the reasons for proposing these amounts.

The new higher earnings amounts will apply in the adjudication of any disability claim involving earnings by a claimant on or after January 1, 1977. Any claim involving earnings on or after that date will be considered or reopened on the basis of those higher amounts as appropriate.

The proposed amendments to §§ 404.1534 and 416.934 of Title 20 CFR Parts 404 and 416 respectively reflect these proposed changes in the earnings guideline amounts.

On February 18, 1976, there was published in the FEDERAL REGISTER (41 FR 7415) a Notice of Proposed Rule-making with proposed amendments, which provided a mechanism for the systematic adjustment of the substantial gainful activity amounts in the earnings guidelines and calculated the first monetary adjustment under this mechanism. Future increases in the earnings guidelines were also proposed to be based on the systematic adjustment mechanism under a formula which, if applied for calendar year 1977, would have made the maximum substantial gainful activity amount \$250, instead of \$240, for calendar years after 1976.

In a final regulation published in the FEDERAL REGISTER today, the earnings guideline amounts of \$230 and \$150 have been adopted beginning for calendar year 1976, but the systematic adjustment provision has been with-

drawn, primarily because of the excessive program costs which would result if the systematic adjustment mechanism were implemented. The automatic adjustment provision would yield results inconsistent with the historical relationship between substantial gainful activity levels and general earnings levels. Also, the proposed methodology for computing the adjustment is unworkable under the annual reporting under Pub. L. 94-202. However, the Social Security Administration is studying the feasibility of introducing another systematic adjustment concept which will be consistent with the actuarial integrity of the program and the new system of annual reporting of earnings. The preamble of the final regulation provides a further explanation of the reasons for the withdrawal.

These proposed amendments are to be issued under the authority of sections 205, 223, 1102, 1614, and 1631 of the Social Security Act, as amended; 53 Stat. 1368, as amended, 70 Stat. 815, as amended, 49 Stat. 647, as amended, 86 Stat. 1471, 1475, as amended; 42 U.S.C. 405, 423, 1302, 1382c, and 1383.

(Catalog of Federal Domestic Assistance Program No. 13.802, Disability Insurance; No. 13.807, Supplemental Security Income Program.)

NOTE.—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: October 21, 1977.

J. B. CARDWELL,  
Commissioner of Social Security.

Approved: January 3, 1978.

JOSEPH A. CALIFANO, Jr.,  
Secretary of Health,  
Education, and Welfare.

Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.1534 is amended by revising paragraphs (b), (c), and (d) to read as follows:

§ 404.1534 Evaluation of earnings from work.

(b) *Earnings sufficient to demonstrate an ability to engage in substantial gainful activity.* Unless there is evidence that an individual's work activities establish that the individual does not have the ability to engage in substantial gainful activity under the criteria in §§ 404.1532 and 404.1533 and paragraph (a) of this section, an individual's earnings from work activities shall be deemed to demonstrate ability to engage in substantial gainful activity if:

(1) In calendar years prior to 1976, earnings average more than \$200 a month; or

(2) In calendar year 1976, earnings average more than \$230 a month; or  
(3) In calendar years after 1976, earnings average more than \$240 a month.

(c) *Earnings insufficient to demonstrate an ability to engage in substantial gainful activity.* Unless an evaluation of the work performed by an individual (see § 404.1532) establishes that the person is able to engage in substantial gainful activity, regardless of the amount of average monthly earnings, an individual's earnings from work activities as an employee shall not demonstrate that the person is able to engage in substantial gainful activity if:

(1) In calendar years prior to 1976, earnings average less than \$130 a month; or

(2) In calendar year 1976, earnings average less than \$150 a month; or

(3) In calendar years after 1976, earnings average less than \$160 a month.

(d) *Earnings neither high enough nor low enough to determine whether an individual is able to engage in substantial gainful activity.*

(1) Consideration will be given to the amount of an individual's earnings together with other circumstances relating to the work activities (see §§ 404.1532 and 404.1533), the medical evidence relating to the person's impairment or impairments, and other factors (see § 404.1502) to determine whether the individual is able to engage in substantial gainful activity if:

(i) In calendar years prior to 1976, earnings from work activities average between \$130 and \$200 a month; or

(ii) In calendar year 1976, earnings from work activities average between \$150 and \$230 a month; or

(iii) In calendar years after 1976, earnings from work activities average between \$160 and \$240 a month.

(2) However, such activities and such earnings ordinarily would not establish the ability to engage in substantial gainful activity in the case of an individual working in a sheltered workshop (such as a workshop especially organized for disabled persons) or comparable facility, whose activities are limited by his or her impairment if:

(i) In calendar years prior to 1976, earnings average \$200 a month or less; or

(ii) In calendar year 1976, earnings average \$230 a month or less; or

(iii) In calendar years after 1976, earnings average \$240 a month or less.

2. Section 416.934 is amended by revising paragraphs (b), (c), and (d) to read as follows:

§ 416.934 Evaluation of earnings from work.

(b) *Earnings sufficient to demonstrate an ability to engage in substantial gainful activity.* Unless there is evidence that an individual's work activities establish that the individual does not have the ability to engage in substantial gainful activity under the criteria in §§ 416.932 and 416.933 and paragraph (a) of this section, an individual's earnings from work activities shall be deemed to demonstrate ability to engage in substantial gainful activity if:

(1) In calendar years prior to 1976, earnings average more than \$200 a month; or

(2) In calendar year 1976, earnings average more than \$230 a month; or

(3) In calendar years after 1976, earnings average more than \$240 a month.

(c) *Earnings insufficient to demonstrate an ability to engage in substantial gainful activity.* Unless an evaluation of the work performed by an individual (see § 416.932) establishes that the person is able to engage in substantial gainful activity, regardless of the amount of average monthly earnings, an individual's earnings from work activities as an employee shall not demonstrate that the person is able to engage in substantial gainful activity if:

(1) In calendar years prior to 1976, earnings average less than \$130 a month; or

(2) In calendar year 1976, earnings average less than \$150 a month; or

(3) In calendar years after 1976, earnings average less than \$160 a month.

(d) *Earnings neither high enough nor low enough to determine whether an individual is able to engage in substantial gainful activity.*

(1) Consideration will be given to the amount of an individual's earnings together with other circumstances relating to the work activities (see §§ 416.932 and 416.933), the medical evidence relating to the person's impairment or impairments, and other factors (see § 416.902) to determine whether the individual is able to engage in substantial gainful activity if:

(i) In calendar years prior to 1976, earnings from work activities average between \$130 and \$200 a month; or

(ii) In calendar year 1976, earnings from work activities average between \$150 and \$230 a month; or

(iii) In calendar years after 1976, earnings from work activities average between \$160 and \$240 a month.

(2) However, such activities and such earnings ordinarily would not establish the ability to engage in substantial gainful activity in the case of an individual working in a sheltered workshop (such as a workshop especially organized for disabled persons) or comparable facility, whose activities are limited by his or her impairment if:

(i) In calendar years prior to 1976, earnings from work activities average between \$130 and \$200 a month; or

(ii) In calendar year 1976, earnings from work activities average between \$150 and \$230 a month; or

(iii) In calendar years after 1976, earnings from work activities average between \$160 and \$240 a month.

(2) However, such activities and such earnings ordinarily would not establish the ability to engage in substantial gainful activity in the case of an



individual working in a sheltered workshop (such as a workshop especially organized for disabled persons) or comparable facility, whose activities are limited by his or her impairment if:

- (i) In calendar years prior to 1976, earnings average \$200 a month, or less; or
- (ii) In calendar year 1976, earnings average \$230 a month or less; or
- (iii) In calendar years after 1976, earnings average \$240 a month or less.

[FR Doc. 78-834 Filed 1-11-78; 8:45 am]

#### [4110-03]

Food and Drug Administration

[21 CFR Part 310]

[Docket No. 75N-0254]

#### REGULATORY POLICY FOR MARKETING CONTACT LENSES

Withdrawal of Notice of Proposed Rulemaking

AGENCY: Food and Drug Administration.

ACTION: Notice of Withdrawal.

SUMMARY: The agency is withdrawing its proposal of September 30, 1975, which would have declared certain contact lenses to be new drugs. The proposed regulation is no longer appropriate because of the enactment of the Medical Device Amendments of 1976. Now, all contact lenses, including those not consisting entirely of polymethylmethacrylate, are controlled as devices. Those that do not consist entirely of polymethylmethacrylate ("soft" contact lenses) are also subject to the transitional provisions of section 520(l) of the Federal Food, Drug, and Cosmetic Act and therefore may not be commercially distributed without premarket approval.

FOR FURTHER INFORMATION CONTACT:

Max W. Talbott, Bureau of Medical Devices (HFK-410), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7538.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of September 30, 1975 (40 FR 44844), the Food and Drug Administration (FDA) declared as new drugs all contact lenses not consisting entirely of polymethylmethacrylate and proposed a regulation codifying this position.

The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq., as amended by the Medical Device

Amendments of 1976, Pub. L. 94-295) includes an expanded definition of the term "device" in section 201(h) (21 U.S.C. 321(h)). The amended definition encompasses all contact lenses. Contact lenses that were regarded by FDA as new drugs before the amendments (i.e., "soft" contact lenses) will be subject to the regulatory controls described in section 520(l) of the act (transitional provisions, 21 U.S.C. 360j(l)) and, therefore, now require premarket approval unless FDA reclassifies them out of the premarket approval category (class III). Contact lenses that were regarded by FDA as devices before the amendments ("hard" contact lenses) continue to be regarded as devices; their classification will be determined by future regulations under section 513(d) of the act (21 U.S.C. 360c(d)).

The Commissioner of Food and Drugs recognizes that issues may arise as to whether particular contact lenses would have been regarded as devices or as new drugs before the Medical Device Amendments. These issues are relevant in determining whether particular contact lenses are subject to premarket approval by virtue of the transitional provisions. The Commissioner believes that such issues, if they arise, should be addressed on a case-by-case basis or in the future regulations classifying contact lenses that are not subject to the transitional provisions.

A notice explaining how FDA intends to implement section 520(l) of the act was published in the FEDERAL REGISTER of December 16, 1977 (42 FR 63472).

Accordingly, FDA has determined that promulgation of a regulation on the proposal of September 30, 1975, is no longer appropriate, and the proposal is hereby withdrawn. This withdrawal, however, does not affect the declaration of new drug status of "soft" contact lenses for purposes of assuring continued applicability to such lenses of premarket approval requirements under section 520(l)(1)(E) of the act.

Dated: January 9, 1978.

JOSEPH P. HILE,  
Associate Commissioner  
for Compliance.

[FR Doc. 78-942 Filed 1-12-78; 8:45 am]

#### [1505-01]

[21 CFR Part 558]

[Docket No. 77N-0317]

#### CHLORTETRACYCLINE AND OXYTETRACYCLINE IN ANIMAL FEEDS

Notice of Proposed Rulemaking

#### Correction

In FR Doc. 77-30563, appearing at page 56254 in the issue of Friday, October 21, 1977, in the table on page 56263, the next to last entry in the "Limitations" column, under the subheading, "Grower ration (Grams per ton)," now reading, "36.3-74.5 (0.004 pct-0.0083 pct)", should read, "36.3-75.4 (0.004 pct-0.0083 pct)".

#### [1505-01]

[21 CFR Part 740]

[Docket No. 77P-0353]

COAL TAR HAIR DYES CONTAINING 4-METHOXY-M-PHENYLENEDIAMINE (2,4-DIAMINOANISOLE) OR 4-METHOXY-M-PHENYLENEDIAMINE SULFATE (2,4-DIAMINOANISOLE SULFATE)

Proposed Warning Statement

#### Correction

In FR Doc. 78-254 appearing at page 1101 in the issue for Friday, January 6, 1978, in the "Dates" paragraph, the proposed effective date for the final regulation should have been designated as 90 days after the date of publication of the regulation in the FEDERAL REGISTER rather than as April 6, 1978.

#### [7710-12]

#### POSTAL SERVICE

[39 CFR Part 111]

#### RURAL SERVICE

Newspaper Receptacles on Rural Mailboxes

AGENCY: Postal Service.

ACTION: Proposed Rule.

SUMMARY: The proposed rule would delete language in section 156.532 of the Postal Service Manual which could be interpreted to permit receptacles used for the private delivery of newspapers to be attached to or be supported by rural letter boxes utilized by the Postal Service. Such language is inconsistent with the provisions and intent of other regulations which generally prohibit the direct and indirect use of letter boxes for delivery of matter not bearing postage.

DATE: Comments must be received on or before February 13, 1978.

ADDRESS: Written comments should be directed to Mr. James R. Braughton, Assistant Postmaster General, Delivery Service Department, United States Postal Service, 475 L'Enfant Plaza, West, SW., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Mr. Braughton's office at Room 4671.

FOR FURTHER INFORMATION CONTACT:

\*Jack T. DiLorenzo, 202-245-4614.

SUPPLEMENTAL INFORMATION: Section 151.11 of the Postal Service Manual reads in part: "Every letterbox or other receptacle intended or used for the receipt or delivery of mail on any . . . mail route is designated an authorized depository for mail within the meaning of 18 U.S.C. . . . 1725. For the purposes of 146.2, 151.12 . . . the post is not part of the receptacle."

18 U.S.C. 1725 prohibits the knowing and willful deposit of mailable matter on which no postage has been paid in letter boxes "established, approved, or accepted by the Postal Service for the receipt or delivery of mail matter." The corresponding Postal Service regulation is contained in section 146.21 of the Postal Service Manual.

Section 156.532 of the Postal Service Manual reads in part: "A receptacle for newspapers, not restricted to any one paper, may be placed above or below the box or on the post or support, provided it will not interfere with the delivery of mail, obstruct the view of the flag, or present a hazard to the carrier or his vehicle." (Emphasis added.) The use of the second word "or" in the emphasized portion implies that the receptacle may be attached to or be supported by the box.

Section 151.12 of the Postal Service Manual reads in part that "other than as permitted in 156.58 (which allows unstamped newspapers, regularly mailed as second-class mail, to be placed into rural letter boxes on Sundays and national holidays only) no part of a mail receptacle (used by the Postal Service) may be used to deliver any matter not bearing postage. This applies to items or matter placed upon, supported by, attached to, hung from, or inserted into, a mail receptacle." (Emphasis added.) This section and section 146.221 provide that such matter is subject to payment of postage. Restrictions on the use of letter boxes for the private delivery of materials have been judicially sustained (*Rockville Reminder, Inc. v. United States Postal Service*, 480 F.2d 4 (2d Cir. 1973); *B&M Ltd. v. Smith*, 351 F. Supp. 1057 (N.D. Ohio, 1972)). Several other cases challenging the restrictions are presently in litigation.

Since the deposit of privately delivered materials (not bearing postage)

into a receptacle attached to or supported by a letter box is prohibited by sections 146.221 and 151.12, except to the extent permitted by section 156.58, there is an inconsistency between sections 146.221 and 151.12 and section 156.532 as it presently reads. The Postal Service believes that it is best generally to keep letter boxes free of the attachment of matter other than matter moving in the postal system. Accordingly, the Postal Service proposes to amend its regulations to eliminate the inconsistency in them by changing section 156.532 of the Postal Service Manual, Chapter I of which has been incorporated by reference in the FEDERAL REGISTER, see 39 C.F.R. 111.1, to make it clear that a receptacle for the private delivery of newspapers must not be attached to or be supported by the letter box utilized by the Postal Service. The amended section 156.532 leaves open the possibility of attaching a receptacle for the delivery of newspapers to the post. The requirement that the receptacle not be restricted to the delivery of any one newspaper would be eliminated. Although exempt under 39 U.S.C. 410(a) from the requirements of the Administrative Procedure Act, 5 U.S.C. 553(b), (c), regarding proposed rulemaking, the Postal Service invites public comment on the following proposed revision of the Postal Service Manual.

#### PART 156—RURAL SERVICE

In Part 156 of the Postal Service Manual, revise the first sentence of .532 to read as follows:

.532 *Newspaper receptacles.* A receptacle for the delivery of newspapers may be attached to the post or support of a letter box which is used by the Postal Service: *Provided*, That no part of the receptacle will touch or be attached to or be supported by any part of the box, interfere with the delivery of mail, obstruct the view of the flag, or present a hazard to the carrier or his vehicle.

An appropriate amendment to 39 C.F.R. 111.3 to reflect these changes will be published if the proposal is adopted. (39 U.S.C. 401(2)).

ROGER P. CRAIG,  
Deputy General Counsel.  
[FR Doc. 78-940 Filed 1-12-78; 8:45 am]

#### [6560-01]

#### ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 842-3]

#### PENNSYLVANIA STATE IMPLEMENTATION PLAN

Proposed Revision

AGENCY: Environmental Protection Agency.

ACTION: Proposed Amendment to Pennsylvania Air Pollution Control Act.

SUMMARY: This proposed amendment, if approved, would provide for improved administrative procedures, create a stationary air contamination source permit system, provide additional remedies for abating air pollution, define the relationship between the Act and local ordinances, and impose penalties for violation of the Act.

DATE: Comments must be received on or before February 13, 1978.

ADDRESSES: Copies of these amendments are available for public inspection during normal business hours at the following locations: U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106, Attention: Mr. C. C. Miesse (3AH12); Bureau of Air Quality and Noise Control, Department of Environmental Resources, Fulton Building, Harrisburg, Pa. 17120, Attention: Mr. G. Triplett; Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. C. C. Miesse (3AH12), Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106, 215-597-8180.

SUPPLEMENTARY INFORMATION: On December 11, 1972, the Commonwealth of Pennsylvania submitted an amendment to the State Implementation Plan pertaining to miscellaneous nonregulatory revisions. As a result of an oversight at that time, the Administrator never formally approved this amendment as a revision of the Pennsylvania SIP, and the March 2, 1976 Notice of Rulemaking (41 FR 8956) erroneously listed this amendment under 40 CFR Paragraph 52.2020(c)(10). The erroneous entry was subsequently rescinded on December 6, 1976 (41 FR 53326).

Included in the proposed amendments are regulations for the powers and duties of the Department of Environmental Resources, the Environmental Quality Board, and the Environmental Hearing Board; also included are regulations governing permits; disposition of fines; civil remedies; powers reserved to political subdivisions; construction; and variances. Although the proposed regulation allows for variances for as long as 10 years, it is specified that "such rules and regulations shall not authorize the grant of a variance which will prevent or interfere with the attainment or maintenance of any ambient air quality standard imposed by Federal law within



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the time prescribed by such law for the attainment of such standard." Hence, a variance would only be granted consistent with 40 CFR Part 51.

Since the proposed amendment included only nonregulatory revisions and hence would not prevent or interfere with the attainment or maintenance of any air quality standard imposed by Federal Law within the time prescribed, no public hearings on subject amendment are required (40 CFR 51.4(a)(2)).

The Administrator's decision to approve or disapprove this proposed revision will be based on whether or not it meets the requirements of Section 110(a)(2)(A)-(H) of the Clean Air Act and the requirements of 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

(Authority: 42 U.S.C. 1857c-5).

Dated: December 15, 1977.

JACK J. SCHRAMM,  
Regional Administrator.

[FR Doc. 78-902 Filed 1-12-78; 8:45 am]

[1505-01]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Center for Disease Control

[42 CFR Part 81]

**CERTIFICATION OF PERSONAL NOISE  
DOSIMETER SETS**

Correction

In FR Doc. 77-36902, appearing at page 65194 in the issue for Friday, December 30, 1977:

1. On page 65196, first column, sixth line of § 81.11, "§ 81.42" should read "§ 81.41", and "drawing" should read "drawings".

2. On page 65197, third column, first line of § 81.33(f), "certificated" should read "certified".

3. On page 65198, middle column, sixth line of § 81.41(d)(2), "or" should read "on".

4. On page 65199, first column, first line of § 81.54(a), "personnal" should read "personnel".

5. On page 65201, third column, ninth line of (l), "a" should read "no".

6. On page 65202, first column in paragraph (s), beginning with the tenth line, delete the following: "acoustically isolated" and "(or equivalent electrical impedance)"; and in paragraph (t), in the fourth line, "6" should read "60".

**PROPOSED RULES**

[4110-02]

Office of the Secretary

[45 CFR Parts 16 and 185]

**DEPARTMENT GRANT APPEALS PROCESS AND  
EMERGENCY SCHOOL AID**

Proposed Rulemaking

AGENCY: Office of the Secretary and Office of Education, HEW.

ACTION: Proposed rule.

SUMMARY: The Secretary proposes to amend regulations governing the Department grant appeals process to make those regulations apply to the resolution of disputes arising from determinations to terminate or void assistance under the Emergency School Aid Act. The Commissioner of Education, with the approval of the Assistant Secretary for Education and the Secretary, proposes to amend regulations under the Emergency School Aid Act for the same purpose, and for the purpose of making the suspension of ESAA assistance subject to regulations governing other Office of Education programs.

DATES: Comments must be received on or before February 13, 1978.

ADDRESSES: Comments concerning the Department grant appeals process should be addressed to Thomas M. Reynolds, Department of Health, Education, and Welfare, Room 3766, North Building, 330 Independence Avenue SW., Washington, D.C. 20201.

Comments concerning the emergency School Aid Act should be addressed to Jesse J. Jordan, Office of Education, room 2007, FOB-6, 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Concerning the Department grant appeals process: Thomas M. Reynolds, 202-245-7342.

Concerning the Emergency School Aid Act: Jesse J. Jordan, 202-245-7965.

SUPPLEMENTARY INFORMATION: Current regulations under the Emergency School Aid Act (45 CFR Part 185) provide an opportunity for a hearing before an Administrative Law Judge where the Assistant Secretary finds grounds to terminate or void assistance under that statute. Those regulations also contain procedures for suspending assistance pending a hearing on termination. There is presently a shortage of Administrative Law Judges, and applicable statutes do not require that disputes arising from a decision to terminate or void ESAA assistance be resolved through formal adjudication under the Administrative Procedure Act (5 U.S.C. 554). Therefore, the Commissioner has determined that these disputes (like others

arising under the ESAA) should be resolved by resort to procedures now applicable to disputes of this nature arising under other HEW programs. The Commissioner has also determined that considerations of simplicity and uniformity require making the suspension of ESAA assistance subject to regulations governing the suspension of assistance under other Office of Education programs (see, in particular, 45 CFR 100a.495). The proposed amendments to Part 185 would accomplish these purposes as well as make technical changes.

The proposed amendments to regulations governing the Department grant appeals process (45 CFR Part 16) are largely technical in nature. However, because of an ambiguity in those regulations, the proposed amendments would incorporate into Part 16 the definition of the term "grant" now contained in 45 CFR Part 74—Administration of Grants (see 41 FR 44552, October 8, 1976). The purpose of this amendment is to make it clear that the regulations in Part 16 apply to disputes arising from contracts of assistance like those awarded under Subpart H of the ESAA regulations, relating to educational television. The amendment does not affect Departmental guidelines for the selection of a grant or a contract as the form of award.

*Invitation to comment.* Interested persons are invited to submit comments, suggestions, or recommendations to be considered prior to the issuance of the final rule. Comments, suggestions, or recommendations may be sent to the addresses given at the beginning of this notice. All comments received on or before February 13, 1978, will be considered. All comments submitted will be available for public inspection both during and after the comment period at the addresses given in the beginning of this notice between the hours of 9 a.m. and 5:30 p.m. in the South Portal Building, and 8:30 a.m. and 4 p.m. in the FOB-6 building, Monday through Friday of each week.

*Authority.* The proposed amendment to the Department grant appeals process is issued under the authority of 5 U.S.C. 301 and sections 1, 5, 6, and 7 of Reorganization Plan No. 1 of 1953, 18 FR 2053, 67 Stat. 631. The proposed amendment to the emergency school aid regulations is issued under the authority of the Emergency School Aid Act and 20 U.S.C. 1232(c).

NOTE.—The Department of Health, Education, and Welfare and the Office of Education have determined that this document does not contain a major proposal requiring preparation of an inflationary impact statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Nos. 13.525, 13.526, 13.528, 13.529, 13.530, 13.532.)

Dated: May 13, 1977.

ERNEST L. BOYER,  
U.S. Commissioner of Education.

Approved: May 25, 1977.

MARY F. BERRY,  
Assistant Secretary for  
Education.

Approved: January 9, 1978.

JOSEPH A. CALIFANO, Jr.,  
Secretary of Health,  
Education and Welfare.

Title 45 of the Code of Federal Regulations is proposed to be amended as follows:

**PART 16—DEPARTMENT GRANT APPEALS  
PROCESS**

1. In § 16.3, paragraphs (e), (f), and (j) are revised, and a new paragraph (k) is added, as follows:

§ 16.3 Definitions.

(e) "Constituent agency" means the Office of the Assistant Secretary for Education, (with respect to grants under the Emergency School Aid Act and section 404 of the General Education Provisions Act), the Office of Education, the National Institute of Education, the Office of the Assistant Secretary for Health (with respect to grants awarded by the Health Resources Administration, the Health Services Administration, the National Institutes of Health, the Center for Disease Control, the Food and Drug Administration, the Alcohol, Drug Abuse, and Mental Health Administration, and the Public Health Service regional offices), the Office of Human Development, the Administration on Aging, the Health Care Financing Administration, Social Security Administration, the Rehabilitation Services Administration, the Office of the Assistant Secretary for Management and Budget (with respect to determinations described in § 16.5(a)(5)), the several regional offices of the Department (with respect to grants made by the regional directors), and any other organizational component the Secretary may designate.

(f) "Head of the constituent agency" means, as appropriate, the Assistant Secretary for Education (with respect to grants under the Emergency School Aid Act and section 404 of the General Education Provisions Act), the Commissioner of Education, the Director of the National Institute of Education, the Assistant Secretary for Health (with respect to grants awarded by the Health Resources Administration, the Health Services Administration, the National Institutes of Health, the Center for Disease Control, the Food and Drug Administration, the Alcohol, Drug Abuse, and Mental Health Ad-

ministration, and the Public Health Service regional offices), the Assistant Secretary for Human Development, the Commissioner on Aging, the Administrator of the Health Care Financing Administration, the Commissioner of the Rehabilitation Services Administration, Commissioner of the Social Security Administration, the Assistant Secretary for Management and Budget (with respect to determinations described in § 16.5(a)(5)), the several regional directors (with respect to grants made by them), and the head of any other organizational component which the Secretary may designate.

**APPENDIX A—EDUCATION PROGRAMS**

(27) Emergency School Aid Act (20 U.S.C. 1601 et seq.).

**PART 185—EMERGENCY SCHOOL AID**

1. In the table of contents, Subpart E is revised to read as follows:

Subpart E—General Requirements  
Sec.

185.45 Termination, suspension, and voiding of assistance.

**Subpart E—General Requirements**

2. Section 185.45 is revised to read as follows:

**PROPOSED RULES**

1969

§ 185.45 Termination, suspension, and voiding of assistance.

(a) The provisions of subchapter A of this chapter (General Provisions for Office of Education Programs) and the provisions of Part 16 of this title (Department Grant Appeals Process) govern the termination, suspension, and voiding of assistance awarded under this part.

(b) If the Assistant Secretary determines that an award of assistance under this part became void after the date on which the award was made, the Assistant Secretary shall not recognize any obligations incurred by the recipient after the date on which the award became void, or permit assistance under the award to be used for any expenditures made by the recipient after that date. If the Assistant Secretary determines that an award of assistance was void when made, the Assistant Secretary shall not permit assistance under the award to be used for any expenditures made by the recipient regardless of when the recipient incurred an obligation.

(c) This section does not preclude the Assistant Secretary or the Secretary from pursuing any other remedy authorized by law, including, but not limited to, remedies under Title VI of the Civil Rights Act of 1964, Title IX of Pub. L. 92-318, and section 504 of Pub. L. 93-112, and any regulations adopted under those statutes.

(20 U.S.C. 1601-1619, 1232(c); Sen. Rep. No. 92-61, 92d Cong., 1st Sess. 18, 41-42 (1971).)

[FR Doc. 78-1017 Filed 1-12-78; 8:45 am]

[4110-02]

Office of Education

[45 CFR Part 185]

**DEPARTMENT GRANTS APPEALS PROCESS  
AND EMERGENCY SCHOOL AID**

Proposed Rulemaking

CROSS REFERENCE: For a document proposing amendments to regulations governing the Department Grant Appeals Process, see FR Doc. 78-1017 appearing under Office of the Secretary (HEW) in the proposed rules section of this issue. Refer to the table of contents under "HEALTH, EDUCATION, AND WELFARE DEPARTMENT" at the front of this issue to find the correct page number.



[6712-01]

FEDERAL COMMUNICATIONS  
COMMISSION

[47 CFR Part 73]

(Docket No. 21358; RM-2661)

TELEVISION BROADCAST STATION IN OGDEN,  
UTAHOrder Extending Time for Filing Reply  
CommentsAGENCY: Federal Communications  
Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the date for filing reply comments in a proceeding concerning television channel assignments in Ogden, Utah. Petitioner, Golden Spike Television Corporation, stated that the additional time is necessary because of illness of both counsel responsible for matters in this proceeding.

DATES: Reply comments must be filed on or before January 20, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

## SUPPLEMENTARY INFORMATION:

Adopted: January 6, 1978.

Released: January 10, 1978.

In the matter of amendment of §73.606(b), *Table of Assignments*, Television Broadcast Stations. (Ogden, Utah), Docket No. 21358, RM-2661.

1. On August 10, 1977, the Commission released a *Notice of Proposed Rule Making*, 42 FR 41302, in this proceeding. The *Notice* proposes removing the reservation of television Channel \*9 at Ogden, Utah, for noncommercial educational use only. The date for filing comments has expired and the date for filing reply comments is presently January 6, 1978.<sup>1</sup>

2. On January 5, 1978, counsel for Golden Spike Television Corporation, requested that the time for filing reply comments be extended to and including January 20, 1978. Counsel states that the senior counsel who was principally responsible for this proceeding underwent a serious operation on December 20, and the date of his return is not definite. Counsel adds that the matter was then reassigned to associate counsel who was in the midst of preparing reply comments when he also was taken ill on January 4, and is now at home under care of his physician. The other parties in this proceeding have been advised of this request and each has indicated that there is no objection to its grant.

3. Section 1.46 of the rules states that extension requests must be filed seven days in advance but permits late-filed requests in case of last-minute emergencies which could not have been anticipated by the party requesting the extension. We believe that good cause has been shown in this instance, and that justification for an extension has been shown, so we are granting the request.

4. Accordingly, it is ordered, that the date for filing reply comments in Docket 21358 is extended to and including January 20, 1978.

5. This action is taken pursuant to authority found in Sections (4)(1), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §0.281 of the Commission's rules.

For the Federal Communications Commission.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 78-975 Filed 1-12-78; 8:45 am]

<sup>1</sup>See 42 FR 64649, December 27, 1977.

## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11]

## DEPARTMENT OF AGRICULTURE

## Forest Service

## LAKE TAHOE BASIN MANAGEMENT UNIT

## Administrative Boundary

**Background.** In 1972 the Forest Service established the Lake Tahoe Basin Management Unit. This is an administrative unit within the Forest Service organizational structure, headed by an Administrator. Basically, the administrative unit includes the area surrounding Lake Tahoe, located on the border between California and Nevada. The lands of the Lake Tahoe Basin Management Unit are also included within the boundaries of the following three National Forests, but not managed by the Forest Supervisors of these Forests:

Toiyabe National Forest, Nev.  
Eldorado National Forest, Calif.  
Tahoe National Forest, Calif.

**Purpose.** Since the Administrator of the Lake Tahoe Basin Management Unit has authority under 36 CFR 261.50 (a) and (b) to impose certain criminal prohibitions within his area of jurisdiction, it is considered necessary to publish this boundary description. Further, the land use and environmental constraints within the unit are significantly more restrictive than the surrounding National Forest lands and private lands, which creates a need for the public, States, and Federal agencies to know the limits of the restricted uses.

**Boundary Description.** The administrative boundary of the Lake Tahoe Basin Management Unit includes all of the lands lying within the following described boundary:

Beginning at Ward Peak, which is the point of intersection between the American River, Bear Creek and Lake Tahoe drainages; thence southerly along American River-Lake Tahoe Divide to a point on the Echo Lakes Road; thence southeasterly along said road to Old Highway 50; thence easterly along Old Highway 50 to the intersection of the Echo Summit Tract Road; thence southerly along the Echo Summit Tract Road to Highway 50; thence easterly along Highway 50 to the intersection of the South Echo Summit Tract Road; thence southerly along said road to the divide between the American River drainage and the Lake Tahoe Drainage; thence southerly and easterly along said divide to a point which is the intersection of the American River, Lake Tahoe and the Carson River drainages; thence northerly along the divide be-

tween the Carson River and Lake Tahoe drainages to a point on the Eldorado-Alpine County line in the near vicinity of Monument Peak; thence north to the section corner common to Sections 6 and 7, T. 12 N., R. 19 E., MDM; thence east ¼ mile; thence north 1 mile; thence east ½ mile; thence north ¼ mile; thence east 1 mile; thence north ¾ mile; thence east ½ mile; thence north ¾ mile; thence west ½ mile to the intersection of Highway 19; thence northwesterly and northeasterly along said highway to the intersection of the north line of the SE¼ of Section 19, T. 13 N., R. 19 E., MDM; thence along said north line to the intersection of the divide between the Lake Tahoe drainage and Carson River drainage; thence northerly along said divide to a point in Section 22, T. 17 N., R. 18 E., MDM, which is the intersection of the Lake Tahoe, Truckee River and Washoe Lake drainages; thence westerly along the divide between the Lake Tahoe and Truckee River drainages to the intersection of the north line of Section 36, T. 17 N., R. 17 E., MDM; thence west along said north section line to the section corner common to sections 25, 26, 35 and 36, T. 17 N., R. 17 E., MDM; thence south to the intersection of the aforementioned divide; thence southwesterly along said divide to the intersection of the north line of Section 2, T. 16 N., R. 17 E., MDM; thence west along said line to the north ¼ corner of said section 2; thence south to the intersection of the aforementioned divide; thence southwesterly to the north line of the southwest quarter of said Section 2; thence west along said line to the west quarter corner of said Section 2; thence south to the intersection of the divide between the Lake Tahoe and Truckee River drainages; thence westerly along said divide to a point on the north line of the south ½ of Section 8, T. 16 N., R. 17 E.; thence west along said line to the west quarter corner of said Section 8; thence south to the intersection of the aforementioned divide; thence southerly along said divide to a point on the north line of the S½ NE¼ Section 34, T. 16 N., R. 16 E., MDM; thence west to the North-South center line of said Section 34; thence south to the south quarter corner of said Section 34; thence west along the north line of sections 2 and 3, T. 15 N., R. 16 E., MDM to a point on the divide between the Bear Creek and Truckee River drainages; thence southwesterly along said divide to Ward Peak, point of beginning.

JOHN R. MCGUIRE,  
Chief, Forest Service.

[FR Doc. 78-993 Filed 1-12-78; 8:45 am]

[3410-15]

## Rural Electrification Administration

## ENVIRONMENTAL IMPACT STATEMENT

## Intent to Prepare

Notice is hereby given that the Rural Electrification Administration is

considering the possibility of preparing an Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with possible financing assistance to Plains Electric Generation and Transmission Cooperative, Inc., 2401 Aztec Road, NE., Albuquerque, N. Mex. 87107, in order to enable Plains to meet the projected load growth of its member-distribution cooperatives. Present planning indicates that the first increment of generating capacity should be in service by 1983. Described below are two proposed plans that could be developed for this need. In the event that an Environmental Impact Statement is prepared, all appropriate alternates will be addressed.

One alternate involves Plains' ownership-participation in the first 500 MW (net) unit in a proposed 2000 MW (net) generating plant complex, together with related transmission facilities. This generating plant complex is hereafter referred to as the "Bisti" complex. To assure that an adequate water supply for the "Bisti" complex is available, the project would encompass the acquisition of long-term water needs for the entire 2000 MW (net) complex. Construction of a water pipeline from the proposed water source to the "Bisti" complex would be necessary and the water put to a temporary use on farmland operations.

It is anticipated that the "Bisti" complex, which would consist of four units each with a net rating of 500 MW, would be owned jointly by Plains Electric Generation Transmission Cooperative, Inc., Public Service Co. of New Mexico, and El Paso Electric. The "Bisti" generating complex is expected to be built in northwestern New Mexico; the remainder of the supporting facilities are expected to be built within the confines of the State of New Mexico except for a portion of the transmission facilities which are contemplated for the El Paso, Tex., area.

Preliminary studies indicate that the bulk transmission facilities associated with this complex will be at the 345 kV and 500 kV voltage levels. Additional lower voltage transmission facilities would be needed for power plant construction, and water pumping. Specific transmission facilities, however, have not been completely identified.

The "Bisti" generating complex may be supplied coal from a new mine, ex-



panded existing mine, or uncontracted portion of an operating mine.

Another alternative being considered by Plains is the construction of a generating plant complex with a maximum capability of approximately 1,000 MW (net). This generating plant complex, hereafter referred to as the "Prewitt" complex, would be built in northwestern New Mexico.

It is expected that the bulk transmission facilities emanating from the "Prewitt" plant complex would be at the 345 kV voltage level. Additional lower voltage transmission facilities would be needed for power plant construction. As of the present time, specific transmission facilities and line routings have not been identified. Likewise, specific sources of coal to supply the "Prewitt" generating complex have not been identified to date.

Additional information with regard to either of the above-described alternate plans may be secured by request submitted to Mr. Richard F. Richter, Assistant Administrator, Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Comments concerning the environmental impact of these proposed construction plans, or any viable alternatives thereto, should be addressed to Mr. Richter at the address given above.

REA financing assistance for Plains' participation in any project will be subject to, and release of funds thereunder will be contingent upon REA's reaching satisfactory conclusions with respect to environmental effects and final action will be taken only after compliance with Environmental Statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 4th day of January, 1978.

DAVID A. HAMIL,  
Administrator, Rural  
Electrification Administration.  
[FR Doc. 78-641 Filed 1-12-78; 8:45 am]

[3410-16]

Soil Conservation Service

ALTOONA PIGEON BLUFF, PUBLIC WATER-BASED FISH AND WILDLIFE RC&D MEASURE, WASHINGTON

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact state-

ment is not being prepared for the Altoona Pigeon Bluff Public Water-Based Fish and Wildlife RC&D Measure, Columbia-North Pacific RC&D Area, Washington.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Galen S. Bridge, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project measure concerns a plan for the cooperative acquisition with the Washington State Department of Game of approximately 27 acres of woodland and 51 chains of second-class tideland as habitat for band-tailed pigeons. Located on the property are mineral springs whose waters and surrounding muddy areas are sought by the pigeons. Apparently, such waters contain specific minerals required in the pigeons' physiological processes. It has been estimated that there are about a dozen such springs in the State of Washington. This is the only known mineral spring in Wahkiakum County. Additionally, the area provides the band-tail with its primary food source (berries) as well as nesting and escape cover.

The tideland area consists of mudflats covered with various salt-tolerant plants on the higher portions. In addition to pigeon use, this area is valuable to various aquatic species, such as crustaceans. Also, it is used by various waterfowl and shore birds.

The property is located about a mile northwest of the village of Altoona in Wahkiakum County, and about 27 miles from the county seat, Cathlamet. State Highway 403 divides the wooded area from the tidelands.

The primary objective of the proposed RC&D measure is to preserve and protect the existing habitat for the continued use of the band-tailed pigeon, without alteration. No developments are planned presently for either site.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, 360 U.S. Courthouse, Spokane, Wash. 99201. An environmental impact appraisal has been prepared and a limited number of copies are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until February 13, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87-703, 16 U.S.C. 590a-f, q.)

Date: January 6, 1978.

EDWARD E. THOMAS,  
Assistant Administrator for  
Land Resources, Soil Conser-  
vation Service.

[FR Doc. 78-966 Filed 1-12-78; 8:45 am]

[3410-16]

BEAR LAKE WATER-BASED RECREATION RC&D MEASURE, UTAH

Intent Not to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bear Lake Water-Based Recreation RC&D Measure, Rich County, Utah.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George D. McMillan, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project measure concerns a plan for the development of water-based recreation facilities located on the south shore of Bear Lake in Rich County, Utah. The planned works of improvement include: campground, picnic areas, sanitary facilities, boat launching site and marina. The plan also calls for parking lots, roads, trails, utilities and landscaping.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, Room 4012 Federal Building, 125 South State Street, Salt Lake City, Utah 84138. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until February 13, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87-703, 16 U.S.C. 590a-f, q.)

Date: January 6, 1978.

EDWARD E. THOMAS,  
Assistant Administrator for  
Land Resources, Soil Conser-  
vation Service.

[FR Doc. 78-967 Filed 1-12-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 30777, Agreement CAB 27063, R-1 through R-12]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

JANUARY 4, 1978.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 3 of the International Air Transport Association (IATA). The agreement was adopted at the Composite Passenger Traffic Conference held in Cannes during October/November 1977.

Agreement CAB	IATA No.	Title	Application
27063:			
R-1	001b1	TC3 Special effectiveness resolution (tie-in).....	3.
R-2	001bb	Special escape for TC3 supersonic fares .....	3.
R-3	001d	Special emergency escape for TC3 agreements (readopting and amending).....	3.
R-4	001e	Special effectiveness resolution (new).....	3.
R-5	002ss	Special readoption resolution.....	3.
R-6	014a	Construction rule for passenger fares (readopting and amending).....	3.
R-7	053	TC3 First-class fares .....	3.
R-8	063	TC3 Economy-class fares .....	3.
R-12	281e	Sale of tickets under instalment plans in Bangladesh, India, Pakistan, Sri Lanka and Nepal (readopting and amending).....	3.

2. It is not found that the following resolutions affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
27063:			
R-9	070a	TC3 Excursion fares (readopting and amending).....	3.
R-10	077f	TC3 Individual fares for ships' crews (readopting and amending).....	3.
R-11	084k	TC3 Group inclusive tour fares (readopting and amending).....	3.

2. Jurisdiction be disclaimed with respect to those portions of Agreement CAB 27063 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such

The agreement is limited in nature and applies only to passenger air transportation between Japan and Korea and within the South Asian subcontinent. In general, the agreement would increase first-class, normal economy-class, and promotional fares by various amounts, and is intended for effectiveness April 1, 1978 through March 31, 1979. We will approve those portions of the agreement which govern fares which are combinable with fares to/from U.S. points and thus have indirect application in air transportation as defined by the Act. We will disclaim jurisdiction on the remaining portions of the agreement, which govern noncombinable fares between foreign points and thus have no application in air transportation.

Pursuant to authority duly delegated by the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Accordingly, *It is ordered That:*

1. Those portions of Agreement CAB 27063 described in finding paragraph 1 above be approved; and

period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-875 Filed 1-12-78; 8:45 am]

<sup>1</sup> The area comprised of Afghanistan, Bangladesh, India, Nepal, Pakistan, Republic of Maldives, and Sri Lanka.

[6320-01]

[Docket Nos. 31574, etc.; Order 78-1-16]  
AIR CALIFORNIA et al.

Order Regarding California—Nevada Low-Fare Route Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of January 1978.

California-Nevada Low-Fare Route Proceeding, Docket 31574; applications of Air California, Docket 31722; American Airlines, Inc., Docket 31723; Braniff Airways, Inc., Docket 31710; Delta Air Lines, Inc., Docket 31720; Frontier Airlines, Inc., Docket 31775; Hughes Air Corp. d.b.a. Hughes Airwest, Docket 31718; National Airlines, Inc., Docket 31706; Northwest Airlines, Inc., Docket 31725; Trans World Airlines, Inc., Docket 31724; United Air Lines, Inc., Docket 31717; Western Air Lines, Inc., Docket 31719; under section 401 of the Federal Aviation Act of 1958, as amended.

Order 77-10-136, October 28, 1977, instituted a proceeding to determine whether the public convenience and necessity require the certification of an air carrier or carriers to engage in the air transportation of persons, property, and mail between Reno and Las Vegas, Nev. on the one hand and San Diego, Los Angeles, Long Beach, Burbank, Ontario, Fresno, Stockton, San Jose, San Francisco, Oakland, and Sacramento, Calif. on the other hand. Consolidated into the proceeding was the application for such authority of Pacific Southwest Airlines in Docket 30659. Petitions for reconsideration of the Board's order, a motion to modify the scope of the proceeding, applications, and motions to consolidate, and answers to those documents have been filed. The pleadings are to delay the investigation, expand its scope, and consolidate applications into the proceeding.

Upon consideration of the pleadings, we have decided (1) not to delay the investigation, (2) to expand the proceeding to include Orange County-Santa Ana-Anaheim and Palm Springs among the California points to be considered, and (3) to consolidate applications to the extent they conform to the scope of the proceeding.

DELAY OF INVESTIGATION

United Air Lines, Inc., asks us to delay this investigation. It contends that there is no need to go forward with this case at this time because, not only has the Board inaugurated two other proceedings to explore the need for low-fare services,<sup>2</sup> but also United has filed to provide low-fare services in essentially similar markets.

United is asking for the opposite of the priority consideration we have adopted for this proceeding.<sup>3</sup> Its contentions raise little new matter and are unpersuasive.

See footnotes at end of document.



The board's order instituting this proceeding referred to the other cases noted by United containing low-fare services proposals. The order reflected the Board's decision to take advantage of a third opportunity to investigate the need for low-fare services and the question of whether they can be provided economically.

Accordingly, the only new factor presented by United is its recently filed tariffs. These are limited to the Reno-San Francisco/Oakland/Los Angeles markets, that is, three markets compared with the 22 which the Board determined to scrutinize. Furthermore, United's fare proposal does not pertain to any of the Las Vegas markets. While United describes its proposed low-cost, high-frequency service as the operation of an airline within an airline, it was our intention in initiating this proceeding to examine a proposal made by a potentially new entrant to the federally certificated system, an airline which on its existing system appears to have a cost structure consonant with the fares it proposes. Therefore, United's tariff proposal evokes the issues we wish to evaluate only to a minor degree.

For these reasons, we shall deny United's petition for reconsideration.<sup>4</sup>

#### SCOPE OF PROCEEDING

Air California asks that Orange County and Palm Springs be included among the California points to be considered. Western Air Lines, Inc., also requests that Orange County be considered, describing the point as Orange County-Santa Ana-Anaheim,<sup>5</sup> limited to service to Las Vegas.

Hughes Air Corp. d.b.a. Hughes Airwest, which provides service in all the newly-proposed markets except Reno-Palm Springs, is the only party resisting the inclusion of the additional markets.<sup>6</sup> With respect to service at Orange County, Hughes Airwest contends the matter is extremely complex and would substantially complicate the issues and delay the proceeding. It maintains the question of improved service is hopelessly bogged down in environmentally related matters which have been the subject of court proceedings and which have resulted at the Orange County Airport in limitations on the number of daily operations, the hours of operation, and the types of aircraft that may be used, complex approach and departure regulations, and material terminal facility handicaps. The carrier asserts that, as a consequence of these circumstances, Continental Air Lines, Inc., and Aeronaves de Mexico, S.A., have been unable to implement route awards for service at Orange County.<sup>7</sup>

We are not convinced that the contentions of Hughes Airwest justify ex-

See footnotes at end of document.

cluding Orange County from this proceeding. While we are concerned with substantial civic opposition to the authorization of additional service on environmental grounds (see Order 78-1-20), the communities can weigh the environmental ramifications of the proposals made by the applicants against the service and fare advantages to be gained through the grant of additional authority in the particular markets.<sup>8</sup> We believe the most effective and fairest ways of assessing Hughes Airwest's claims are on the record developed at the hearing. At this juncture, it is our judgment that including the Orange County-Las Vegas/Reno markets will not unduly complicate the proceeding.

Hughes Airwest also submits no showing has been made that there is a need for additional service in any of the proposed additional markets and that traffic volumes are quite small in all the markets except Orange County-Las Vegas.

Our order instituting this proceeding was not founded on the premise of need for additional service in the terms Hughes Airwest appears to contemplate. Rather, as we have already indicated, it was grounded on " . . . the opportunity to explore the need for low-fare services and whether such services can be economically provided. . . . " particularly where a proposal has been made by a potentially new entrant to the federally certificated air transportation system that appears to possess a low-cost structure for its existing operations.

As regards the volume of traffic, based on the twelve months ended June 30, 1976, the Las Vegas-Orange County market with 140,240 origin and destination (O&D) passengers would be the fourth largest market in this proceeding. Even the smallest proposed market, Reno-Palm Springs, 1,520 O&D passengers, outranks four markets which are already in issue. And, of course, to be determined in this proceeding is whether, and the extent to which, low fares would stimulate traffic in the markets in issue.

It is our conclusion that the addition to this proceeding of the four markets proposed by Air California will be conducive to the proper dispatch of the Board's business and to the ends of justice and will not unduly delay the proceeding.

#### CONSOLIDATION

Motions to consolidate applications in the dockets listed hereinafter have been filed by Air California (Docket 31722), American Airlines, Inc. (Docket 31723), Braniff Airways, Inc. (Docket 31710), Delta Air Lines, Inc. (Docket 31720), Frontier Airlines, Inc. (Docket 31775), Hughes Airwest (Docket 31718), National Airlines, Inc. (Docket 31706), Northwest Airlines,

Inc. (Docket 31725), Trans World Airlines, Inc. (Docket 31724), United (Docket 31717), and Western (Docket 31719).<sup>9</sup> The motions to consolidate will be granted. However, the applications of American, Braniff, and Frontier will be consolidated only in part, for reasons discussed below.

The Board's order instituting this proceeding did not, and was not intended to, consider granting authority to carry local traffic between points in California. The proceeding involves only authority between the two Nevada points, on the one hand, and the listed California points, on the other hand. The applications of American, Braniff, and Frontier do not fully conform to this scope.

American's application requests the addition of a new segment to its route 4 between the "co-terminal points San Diego, Los Angeles-Burbank-Ontario, and San Francisco-San Jose-Oakland, Calif., on the one hand, and the co-terminal points Reno and Las Vegas, Nev., on the other hand."<sup>10</sup> Similarly, Frontier's application asks for a new segment between the "terminal point Las Vegas, Nev., and the co-terminal points San Diego, Los Angeles, Burbank, Ontario, Fresno, Stockton, San Jose, Oakland, and Sacramento, Calif."<sup>11</sup> As phrased, the applications bring into issue authority for the transportation of local traffic between the California cities listed, and, in the case of American, between Reno and Las Vegas.<sup>12</sup> Such issues, as indicated previously, are outside the ambit of the investigation instituted by the Board.<sup>13</sup> Accordingly, American's application will be consolidated only to the extent it involves service between Reno and Las Vegas, on the one hand, and the California points in the application, on the other hand. Frontier's application will be consolidated to the extent it involves service between Las Vegas, on the one hand, and the points in California listed in its application, on the other.

Braniff's application asks the Board to add a new segment to the carrier's certificate of public convenience and necessity for route 9 between the "terminal point Las Vegas, Nev., the intermediate points San Diego, Ontario, Oakland, and San Jose, Calif., and the terminal point Sacramento, California."<sup>14</sup>

Like the applications of American and Frontier, that of Braniff raises issues of service between the California points. We shall consider the application in this proceeding insofar as it concerns service between Las Vegas, on the one hand, and the California points, on the other.<sup>15</sup>

To the extent the applications of American, Braniff, and Frontier are not consolidated here, they will be dismissed.<sup>16</sup>

Two other matters warrant comment. Hughes Airwest's request for consolidation of the portion of its application related to nonstop service between Los Angeles-Ontario and Reno is contingent on the Board determining that the issue should be heard in this case rather than in Docket 31185, where the carrier has requested nonstop authority in the markets in an application filed under Subpart M of the Board's Rules of Practice.<sup>17</sup>

Four carriers in addition to Hughes Airwest are applicants here for Reno-Los Angeles nonstop authority.<sup>18</sup> Five carriers besides Hughes Airwest seek Reno-Ontario nonstop authority.<sup>19</sup> We believe all requests for these authorities should be considered contemporaneously. Therefore, we shall consolidate Hughes Airwest's entire application in Docket 31718 into this proceeding.

Several of the applications request authority for any other or additional points which may be included in applications of other parties for new route operating authority. However, in order to facilitate disposition of the applications, no carrier will be considered for an award in a market for which it has not expressly applied. Any carrier desiring to apply for authority in the markets added by this order shall file an application or amended application and motion to consolidate as contemplated in Rule 915(c) of the Board's Rules of Practice,<sup>20</sup> accompanied by the required environmental evaluation<sup>21</sup> within the ten-day time limit prescribed by Rule 37 (a)<sup>22</sup> for petitions for reconsideration of orders defining the scope of a proceeding.

Accordingly, it is ordered, That: 1. The petition for reconsideration of United Air Lines, Inc., is denied.

2. Order clause 2(a) of Order 77-10-136, October 28, 1977, is amended to insert "Orange County-Santa Ana-Anaheim," and "Palm Springs," after "Ontario";

3. The following applications are consolidated here: Air California, Docket 31722; Delta Air Lines, Inc., Docket 31720; Hughes Air Corp. d.b.a. Hughes Airwest, Docket 31718; National Airlines, Inc., Docket 31706; Northwest Airlines, Inc., Docket 31725; Trans World Airlines, Inc., Docket 31724; United Air Lines, Inc., Docket 31717; and Western Air Lines, Inc., Docket 31719;

4. The application of American Airlines, Inc., in Docket 31723 is consolidated here to the extent authority is sought between Reno and Las Vegas, Nev., on the one hand, and San Diego, Los Angeles, Burbank, Ontario, San Francisco, San Jose, and Oakland, Calif., on the other hand;

5. The application of Braniff Airways, Inc., in Docket 31710 is consolidated here: to the extent authority is sought between Las Vegas, Nev., on

the one hand, and San Diego, Ontario, Oakland, San Jose, and Sacramento, Calif., on the other hand;

6. The application of Frontier Airlines, Inc., in Docket 31775 is consolidated here: to the extent authority is sought between Las Vegas, Nev., on the one hand, and San Diego, Los Angeles, Burbank, Ontario, Fresno, Stockton, San Jose, Oakland, and Sacramento, Calif., on the other hand;

7. To the extent not consolidated here, the applications of American Airlines, Inc., in Docket 31723, of Braniff Airways, Inc., in Docket 31710, and of Frontier Airlines, Inc., in Docket 31775 are dismissed; and

8. Petitions for reconsideration of this order, applications and amended applications and accompanying environmental evaluations, and motions to consolidate shall be filed within ten days after service of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

#### FOOTNOTES

<sup>1</sup>Persons filing pleadings other than answers are mentioned in the text of this order. The only persons filing answers are Hughes Air Corp. d.b.a. Hughes Airwest, Pacific Southwest Airlines, the Las Vegas Parties, the Oakland Parties, the Reno Parties, and the Board's Bureau of Operating Rights.

<sup>2</sup>Chicago-Midway Low-Fare Route Proceeding, Docket 30277; Transcontinental Low-Fare Route Proceeding, Docket 30356.

<sup>3</sup>Completion Deadlines for High Priority Board Matters, Order 77-11-126, November 23, 1977.

<sup>4</sup>In their answer opposing United's petition for reconsideration, the Oakland Parties ask the Board to place in issue in this proceeding dormant or underused Oakland-Nevada authority of National Airlines, Inc., Trans World Airlines, Inc., United, and Western Air Lines, Inc., pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended. This request is, in effect, a late-filed petition for reconsideration of the scope of the Board's instituting order. The circumstances of the request negative consideration of the proposal which, in any event, would unduly expand the proceeding.

<sup>5</sup>This is the description in the certificate of public convenience and necessity of Hughes Air Corp. d.b.a. Hughes Airwest.

<sup>6</sup>The Board's Bureau of Operating Rights does not object on the assumption that Air California intends to propose low-fare services in the additional markets.

<sup>7</sup>Pacific Northwest-California Investigation, 54 C.A.B. 38 (1970); Aeronaves de Mexico, S.A., Order 71-4-52, served April 13, 1971.

<sup>8</sup>In this case, at least one of the applicants already serves Orange County, and new service may be proposed which will not entail additional flights at the airport.

<sup>9</sup>Order 77-10-136 at 2.

<sup>10</sup>The applications are briefly described in the Appendix.

#### APPENDIX

##### BRIEF DESCRIPTION OF APPLICATIONS FOR WHICH CONSOLIDATION IS SOUGHT

1. *Air California*—Docket 31722. Authority between Reno and Las Vegas, Nev., on the one hand, and San Diego, Ontario, Orange County, Palm Springs, Fresno, San Jose, San Francisco, Oakland, and Sacramento, Calif., on the other hand. The authority sought includes the right to carry such traffic on operations performed by Air California in California pursuant to authority issued by the California Public Utilities Commission.

2. *American Airlines, Inc.*—Docket 31723. Authority between the coterminous points San Diego, Los Angeles-Burbank-Ontario, and San Francisco-San Jose-Oakland, Calif., on the one hand, and the coterminous points Reno and Las Vegas, Nev., on the other hand.

3. *Braniff Airways, Inc.*—Docket 31710. Authority between the terminal point Las Vegas, Nev., the intermediate points San Diego, Ontario, Oakland, and San Jose, California, and the terminal point Sacramento, Calif.

4. *Delta Air Lines, Inc.*—Docket 31720. Authority between Reno and Las Vegas, Nev., on the one hand, and San Diego, Los Angeles-Ontario-Long Beach, Calif., on the other hand, and between Reno, on the one hand, and San Francisco-Oakland-San Jose, Calif., on the other hand. Also removal of a long-haul restriction requiring that flights scheduled to serve Las Vegas also serve Fort Worth or Dallas, Tex., or a point east thereof, and of a restriction precluding single-plane service between San Jose and Las Vegas.

5. *Frontier Airlines, Inc.*—Docket 31775. Authority between the terminal point Las Vegas, Nev., and the co-terminal points San Diego, Los Angeles, Burbank, Ontario, Fresno, Stockton, San Jose, Oakland, and Sacramento, Calif.

6. *Hughes Air Corp. d.b.a. Hughes Airwest*—Docket 31718. The removal of one-

<sup>11</sup>Application in Docket 31723, p. 2.

<sup>12</sup>Application in Docket 31775, p. 2.

<sup>13</sup>Pacific Northwest Local-Service Case, 29 C.A.B. 660, 792 (1959); Additional California-Nevada Service, 10 C.A.B. 405, 426-427 (1949).

<sup>14</sup>In fact, the Board's order expressly states that authority between Las Vegas and Reno is not in issue. Order 77-10-136, p. 4, n. 7.

<sup>15</sup>Application in Docket 31710, p. 3.

<sup>16</sup>Pacific Southwest contends that Air California's application is in a form which would include local traffic rights in markets within California. Pacific Southwest does not explain its position. We do not read Air California's application as seeking traffic rights between California points. In any event, we reaffirm that this case does not involve authority to carry local traffic between points in California.

<sup>17</sup>14 CFR 302.12(d).

<sup>18</sup>Id. at 302.1302 et seq.

<sup>19</sup>American, Delta, Northwest, and Pacific Southwest.

<sup>20</sup>Air California, American, Delta, Northwest, and Pacific Southwest.

<sup>21</sup>14 CFR 302.915(c).

<sup>22</sup>Id. at 312.9(a)(1), 312.12(a).

<sup>23</sup>Id. at 302.37(a).

<sup>24</sup>All members concurred.



stop restrictions between Las Vegas, Nev., and San Francisco, Calif., and between Reno, Nev., on the one hand, and Burbank, Los Angeles-Ontario, Oakland, Riverside-Ontario, San Diego, and San Francisco, Calif., on the other hand.

7. *National Airlines, Inc.*—Docket 31706. Removal of a restriction prohibiting single-plane service between San Jose, Calif., and Las Vegas, Nev., and of a restriction requiring that flights scheduled to serve Las Vegas also serve Houston, Tex., or a point east thereof.

8. *Northwest Airlines, Inc.*—Docket 31725. Authority between Reno and Las Vegas, Nev., on the one hand, and San Diego, Los Angeles, Long Beach, Burbank, Ontario, Fresno, Stockton, San Jose, San Francisco, Oakland, and Sacramento, Calif., on the other hand.

9. *Trans World Airlines, Inc.*—Docket 31724. Authority between Las Vegas, Nev., and San Diego, Calif., and removal of restrictions which (a) permit service to Las Vegas and Los Angeles-Ontario, Calif., on the same flight only when such flight originates or terminates at Albuquerque, N. Mex., or a point east thereof; (b) prohibit single-plane service between San Jose, Calif., and Las Vegas; and (c) prohibit single-plane service between Ontario and Las Vegas.

10. *United Air Lines, Inc.*—Docket 31717. Amendment of the carrier's certificate of public convenience and necessity for route 1 so as to authorize the unrestricted nonstop carriage of traffic between Las Vegas, Nev., on the one hand, and Los Angeles, Ontario, San Diego, San Francisco, Oakland, and San Jose, Calif., on the other hand.

11. *Western Air Lines, Inc.*—Docket 31719. Authority between the terminal point Las Vegas, Nev., and the terminal point Orange County-Santa Ana-Anaheim, Calif. Removal of restrictions which prohibit (a) single-plane service between San Jose, Calif., on the one hand, and Las Vegas and Reno, Nev., on the other hand, and (b) deplaning at Las Vegas traffic enplaned at San Bernardino, Calif., or deplaning at San Bernardino traffic enplaned at Las Vegas.<sup>1</sup>

[FR Doc. 78-1005 Filed 1-12-78; 8:45 am]

#### [6320-01]

[Docket Nos. 31955, etc.; Order 78-1-20]

#### HUGHES AIR CORP. ET AL

Order Regarding Twin Cities—Las Vegas/Phoenix/San Diego Route Proceeding

Twin Cities-Las Vegas/Phoenix/San Diego Route Proceeding, Docket 31955; Applications of Hughes Air

<sup>1</sup>In the *Western Route Realignment* case, Order 77-11-74, November 17, 1977, Western's domestic certificates of public convenience and necessity were consolidated into one certificate. Previously existing restrictions were modified to require (1) at least one intermediate stop at a point other than Oakland, Calif. (otherwise at least two stops), between San Jose and Las Vegas, (2) at least one intermediate stop other than Los Angeles-Long Beach or Palm Springs, Calif. (otherwise at least two stops) between Ontario-San Bernardino and Las Vegas, and (3) at least two intermediate stops between San Jose and Reno. Certificate for route 19, p. 3.

Corp. d.b.a. Hughes Airwest, Docket 30550; North Central Airlines, Inc., 30937 and 30942; Allegheny Airlines, Inc., 30630; Northwest Airlines, Inc., 30548; United Air Lines, Inc., 31074.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of January 1978.

On February 25, 1977, Hughes Air Corp. d.b.a. Hughes Airwest filed an application for authority to provide nonstop service between Las Vegas, Nevada, and Phoenix, Ariz., on the one hand, and Minneapolis/St. Paul (Twin Cities), on the other hand. A motion for hearing on the application was filed on March 10. Similar authority has also been requested by North Central Airlines. In addition, North Central seeks authority in the Las Vegas-Burbank/Orange County<sup>1</sup> and Phoenix-Orange County markets. Applications and motions for hearing were filed by North Central on May 27 and May 31. Applications for new authority have also been filed by Allegheny Airlines (Twin Cities-Las Vegas/Phoenix-San Diego/Burbank/Orange County; St. Louis-Las Vegas), Northwest Airlines (Twin Cities-Las Vegas/Phoenix-San Diego) and United Air Lines (Twin Cities-Las Vegas/Phoenix/San Diego).

In support of its motion for hearing Airwest alleges that it will provide first competitive service in two of the largest domestic monopoly markets—Twin Cities-Las Vegas and Twin Cities-Phoenix. In addition to the valuable service improvements it claims it will provide in these markets, Airwest points out that its proposal will result in first single-plane service between Twin Cities and Tucson, Arizona, and between Twin Cities and Hollywood/Burbank, and first competitive service between Twin Cities and San Diego. In addition, Airwest states that it will provide economy-class fares for all Twin Cities through-plane markets and night coach fares in the Twin Cities-Las Vegas/San Diego markets. It states further that the proposed Twin Cities service will reduce its subsidy need by \$2.3 million and improve its efficiency without any serious diversionary effect on other carriers.

North Central, in support of its motions for hearing, alleges that it would provide first competitive service in five of the largest monopoly markets in the United States—Las Vegas-Orange County, Phoenix-Orange County, Las Vegas-Burbank, Twin Cities-Las Vegas, and Twin Cities-Phoenix. It contends that its proposals will produce substantial public benefits, including improved service to the Burbank and Orange County satellite airports, first single-plane service between Twin Cities and Orange County, and improved service to numerous beyond-

<sup>1</sup>Santa Ana-Orange County.

market points on its system. Further, it states that as a result of the service it will substantially reduce its subsidy need with little impact upon incumbents.

Western Air Lines, the incumbent in the Twin Cities-Las Vegas and Twin Cities-Phoenix markets, filed answers in opposition to the motions of Airwest and North Central. Western states that the Twin Cities markets are not of sufficient size to warrant a hearing at this time, particularly in light of marked seasonal variations in traffic; that its service in the markets has been and will continue to be responsive to their needs; and that the future of growth in scheduled traffic between Twin Cities and Las Vegas is clouded by the advent of OTC and ABC charters. Western also questions the meaningfulness of Airwest's reduced fare proposals since Airwest does not now offer economy-class fares over any interstate segment on its system, and could offer night coach fares on only one of its proposed Twin Cities-Las Vegas flights. Western also contends that Airwest's proposed fare savings in the Las Vegas market would be minimal in any case, considering the large amount of traffic that already moves at group discount fares substantially lower than Airwest's proposed fares.

With respect to North Central's proposals, Western notes that they depend on the institution of operations at Orange County Airport, a highly speculative proposition in view of substantial civic opposition and other obstacles to obtaining landing rights there.

The County of Orange, Calif., and the City of Newport Beach also filed answers in opposition to North Central's motions. Orange County contends that the Orange County Airport is unable to handle additional traffic; that additional airline leases cannot be acted upon until completion of an environmental study now underway; and that further expansion of commercial air service at this time would have a direct impact on litigation now in progress concerning jet noise at the Orange County Airport.

Allegheny Airlines and North Central Airlines also filed answers to Airwest's motion for hearing. Northwest Airlines, Frontier Airlines, Allegheny and Airwest filed answers to North Central's motions. Northwest and Frontier support a hearing in the Twin Cities-Las Vegas-Phoenix markets, but oppose consideration of the Los Angeles satellite markets in the same proceeding. Airwest takes the same position. Generally these carriers contend that consideration of the Los Angeles markets along with the Twin Cities would unduly complicate the proceeding.

Allegheny supports both Airwest's and North Central's motions. Howev-

er, it requests that the Board consider all markets discussed in the various motions in a single proceeding, and, in addition, that it consider the Twin Cities-San Diego and St. Louis-Las Vegas markets. It alleges that these markets are also large monopoly markets which receive an insufficient level of service from the nonstop incumbents, and that consideration of these along with the ones proposed by Airwest and North Central would be an efficient use of the Board's limited resources.<sup>2</sup>

Airwest and North Central filed replies to the various answers to their motions, accompanied by motions for leave to file unauthorized documents. We again express our concern about the increasing number of unauthorized replies being filed in Board proceedings. More often than not, replies are filed primarily as a vehicle for having the last word. The Board's rules provide that unauthorized documents shall be received only for good cause shown. Thus, we have decided not to accept North Central's reply. It raises no matter which could not have been brought before the Board in its initial pleading, and, for the most part, repeats facts and arguments already presented to the Board. Airwest, on the other hand, has demonstrated good cause for acceptance of its reply.

<sup>2</sup>Trans World Airlines filed a motion to dismiss the portion of Allegheny's answer which requests inclusion of the St. Louis-Las Vegas market in any investigation instituted in response to North Central's motions. TWA alleges that Allegheny should have filed a motion to consolidate its St. Louis-Las Vegas application with North Central's applications or a separate motion for hearing of this market, with appropriate supporting data. Allegheny answered TWA's motion, stating that it has not failed to comply with any of the Board's Procedural Regulations, and that it is not improper to advocate the appropriate scope of a case in an answer to a motion for hearing. We will deny TWA's motion. Under the Board's existing rules, any party may answer a motion for hearing and suggest the appropriate scope of a prospective proceeding. Any party wishing to respond to such an answer may do so by way of a reply accompanied by a motion for leave to file an unauthorized document. However, absent detailed supporting data as would be provided in a motion for hearing or motion to consolidate, the Board may not have sufficient information before it to justify inclusion of a given market in a proceeding. In many instances, therefore, it would be advantageous to the carrier to provide the Board with detailed economic and operating data with respect to additional markets requested to be included in a proceeding. See Notice of Proposed Rulemaking, PDR-47, October 20, 1977, in which the Board has proposed that all applications for route authority be accompanied by a motion for hearing, and all petitions to consolidate, which seek to enlarge or expand the route authority in question in another carrier's application, be accompanied by specific operational and economic data.

It presents revised exhibit material correcting serious flaws in its exhibits, which were caused by a traffic reporting error that was pointed out by Western's answer to Airwest's motion. In addition, Airwest's reply responds to matters raised by Allegheny and North Central which could not have been anticipated by Airwest at the time of its initial pleading, namely, the expansion of the proceeding to include markets not the subject of Airwest's motion.

Civic parties answering in support of Airwest's motion are the Las Vegas Parties,<sup>3</sup> the Phoenix Parties,<sup>4</sup> the Minnesota Department of Transportation and the Minneapolis/St. Paul Metropolitan Airports Commission. The Las Vegas Parties also filed in support of North Central's motion, but noted the possibility of considering the Las Vegas-Burbank/Orange County markets in a separate proceeding.

Finally, North Central filed two motions to consolidate various portions of applications pending before the Board.<sup>5</sup> Essentially, North Central requests the Board to institute two proceedings—one to consider the Twin Cities-Las Vegas-Burbank/Orange County markets, and the other to consider the Twin Cities-Phoenix-Orange County markets. Answers were filed by Northwest, United and Airwest.<sup>6</sup> In addition, Western filed a motion to consolidate all applications pending before the Board seeking authority to provide nonstop service between Twin Cities, on the one hand and Dallas/Ft. Worth, Houston, Phoenix and Las Vegas, on the other hand. Answers were filed by Airwest and Northwest.

We have decided to grant Airwest's motion for hearing, and in part, North Central's motions for hearing, and institute the "Twin Cities-Las Vegas/Phoenix/San Diego Route Proceeding," Docket 31955, to consider the need for additional nonstop service between the Twin Cities, on the one hand, and Las Vegas, Phoenix and San Diego, on the other hand.<sup>7</sup> We

<sup>3</sup>Clark County, Nev., the Greater Las Vegas Chamber of Commerce, the City of Las Vegas, the Nevada Resort Association, and the Las Vegas Convention/Visitors Authority.

<sup>4</sup>City of Phoenix, Ariz., and Phoenix Metropolitan Chamber of Commerce.

<sup>5</sup>Applications of North Central (Dockets 30937 and 30942), Northwest (Docket 30548), Airwest (Docket 30550), Allegheny (Docket 30630) and United (Docket 31074).

<sup>6</sup>Airwest's answer was accompanied by a motion for leave to file an unauthorized document since it was not filed prior to the date provided for by the Board's rules. Good cause has been shown for the delay, and we will grant the motion.

<sup>7</sup>We will not consider, in this proceeding, the award of new authority in the Las Vegas-Phoenix, Las Vegas-San Diego, or Phoenix-San Diego markets.

<sup>8</sup>Docket 31574.

have decided not to consider at this time the markets involving Los Angeles satellite airports. Las Vegas-Burbank and Orange County authority will be in issue in the "California-Nevada Low-Fare Route Proceeding."<sup>8</sup> We are also concerned with the substantial civic opposition to the authorization of an additional carrier at the Orange County Airport. It appears that even if a new carrier is authorized at Orange County, it may not be able to operate at least until the county's many environmental problems are resolved. We have therefore decided not to hear this market in this more limited case. We also will not consider the St. Louis-Las Vegas market in this proceeding. Consideration of this market would unduly expand the scope of this proceeding. Unlike Twin Cities-San Diego, this market is unrelated to the Twin Cities markets being considered in this proceeding.

We note that Airwest has proposed minimal reductions in fares in the Twin Cities-Las Vegas and Twin Cities-Phoenix markets. We solicit additional reduced fare proposals from the other applicants, as well as the incumbent. In accordance with the policy announced in our order instituting the "Chicago-Albany/Syracuse-Boston Competitive Service Investigation" (Order 77-12-50), the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and if so, which carrier(s) should be selected. We therefore expect the instituted proceeding to include an examination of the need for and feasibility of various new price/quality options and related issues, as we explained in Order 77-12-50. We repeat, however, that traditional service benefits, including the benefits of city-pair competition, are important issues which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, and whether multiple awards are consistent with encouraging real priced competition under the Federal Aviation Act.

Finally, any applicant having not already done so should file an environmental evaluation of its service proposal in accordance with Part 312 of the Board's Procedural Regulations. We will allow 30 days from the date of service of this order for the filing of these environmental evaluations.

Accordingly, it is ordered, that: 1. The motions for hearing of Hughes Airwest in Docket 30550 and North Central Airlines in Dockets 30937 and 30942, to the extent indicated in this order, be granted;



2. To the extent not granted by paragraph 1 above, the motions for hearing of North Central Airlines be denied;

3. A proceeding to be known as the "Twin Cities-Las Vegas/Phoenix/San Diego Route Proceeding," Docket 31955, be instituted, and be set for hearing before an administrative law judge of the Board at a time and place to be designated later;

4. The issues in the proceeding instituted in paragraph 3, above, shall include the following:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in additional nonstop air transportation in the following markets: Twin Cities-Las Vegas; Twin Cities-Phoenix; and Twin Cities-San Diego;

(b) If the answer to (a) is in the affirmative, which carrier(s) should be authorized to engage in such transportation; and

(c) What terms, conditions, and limitations, if any, should be placed upon the operation of such carrier(s)?

5. Any authority awarded in this proceeding shall be ineligible for subsidy;

6. The applications of Hughes Airwest in Docket 30550, North Central Airlines in Dockets 30937 and 30942, Allegheny Airlines in Docket 30630, Northwest Airlines in Docket 30548, and United Air Lines in Docket 31074, be consolidated into the proceeding instituted by paragraph 3, above, to the extent they conform to the scope of the proceeding as described in paragraph 4(a), above; to the extent not consolidated, they be dismissed;

7. The motions to consolidate of North Central Airlines be granted to the extent indicated by paragraph 6, above; otherwise, they be denied;

8. The motion to consolidate of Western Air Lines be denied;

9. Hughes Airwest, North Central Airlines, Allegheny Airlines, Northwest Airlines, United Air Lines, the Minneapolis-St. Paul Metropolitan Airports Commission, and the Minnesota Department of Transportation be made parties to this proceeding;

10. The petitions for leave to intervene of the County of Orange, California, and the City of Newport Beach, Calif. be dismissed;

11. The motion of Trans World Airlines to dismiss a portion of Allegheny's answer be denied;

12. The motions of Hughes Airwest to file unauthorized documents be granted; the motion of North Central Airlines to file an unauthorized document be denied;

13. All carriers filing applications in this proceeding shall file environmen-

tal evaluations pursuant to section 312.12 of the Board's Procedural Regulations, if they have not already done so, within 30 days from the date of service of this order; and

14. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within 20 days from the date of service of this order, and answers to these pleadings shall be due 15 days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,\*  
Secretary.

[FR Doc. 78-1006 Filed 1-12-78; 8:45 am]

[6320-01]

[Docket No. 31915; Order 78-1-27]

K.L.M. ROYAL DUTCH AIRLINES AND FINNAIR OY

Order of Investigation and Suspension Regarding Transatlantic Economy-Class Budget Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of December 1977.

The Board has been following a policy of suspending transatlantic low-fare filings in cases where negotiation of special intergovernmental agreements are necessary to permit suspension of these fares after they become effective.<sup>1</sup> K.L.M. Royal Dutch Airlines (KLM) has filed tariffs for effect January 8, 1978, to introduce economy-class budget fares between New York and Amsterdam at a level of \$149.50 for one-way travel and twice that amount for round-trip travel. Fin-

\*All Members concurred.  
<sup>1</sup>On September 16, 1977, the Board adopted an order suspending, pending investigation, super-APEX (advance-purchase excursion) fares proposed by several carriers in the New York-London market. The order was submitted to the President pursuant to section 801 of the Federal Aviation Act and, by letter dated September 26, 1977, the President notified the Board that he was disapproving its proposed suspension for reasons of foreign economic policy.

The Board had proposed suspension of the super-APEX fares based on its view that they would have a predatory impact on charter services, whether or not so intended. In his letter, the President stated that, if the Board obtained new evidence after the fares became effective that they were indeed predatory, he would consider a suspension under terms of the ad hoc agreement negotiated on September 19, 1977, with the United Kingdom. The ad hoc agreement gives either party the right to suspend the super-APEX fares on six weeks' notice, and was necessary since the terms of some bilateral air transport agreements do not provide for suspension of tariffs already in effect.

nair Oy (Finnair) has filed to match KLM's budget fares effective January 30, 1978. The United States does not have agreements with the Governments of the Netherlands and Finland which would permit us to suspend the budget and other low fares once they become effective, although such agreements are in effect with the two governments covering super-APEX fares. In these circumstances, the Board finds that KLM and Finnair's proposed budget fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated and, pending investigation, should be suspended. Upon conclusion of suitable ad hoc agreements with the Netherlands and Finland, covering the budget and other low-fare proposals, the suspension will be vacated.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), 403, 801, and 1002(j):

It is ordered, That: 1. An investigation be instituted to determine whether the fares and provisions set forth in appendix A hereof, and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff provisions specified in appendix A hereof be suspended and their use deferred from January 8, 1978, to and including January 7, 1979, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President<sup>1</sup> and shall become effective on January 8, 1978;

4. The investigation ordered here shall be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed in the aforesaid tariffs and be served upon Finnair Oy and K.L.M. Royal Dutch Airlines.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,\*  
Secretary.

<sup>1</sup>This order was submitted to the President on December 27, 1977.

\*All Members concurred.

PASSENGER FARES TARIFF NO. PF-4, CAB NO. 44  
ISSUED BY AIR TARIFFS CORPORATION, AGENT

On original, 1st and 2nd Revised Pages 50-C, all provisions in Rule 157.

On 7th, 8th, and 9th Revised Pages 222-C, all fares and provisions in Table 157.

[FR Doc. 78-1007 Filed 1-12-78; 8:45 am]

[3510-07]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional items may be included at the request

and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the decennial census.

Summary results of special censuses are published semiannually in the Current Population Reports—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since December 31, 1976, for which tabulations were completed between December 1, 1977, and December 31, 1977.

Dated: January 9, 1978.

MANUEL D. PLOTKIN,  
Director,  
Bureau of the Census.

State/place or special area	County	Date of census	Population
Alabama:			
Livingston City .....	Sumter .....	Oct. 4, 1977 .....	3,276
Arkansas:			
Jonesboro City—annexed areas only ...	Craighead .....	Oct. 25, 1977 .....	1,364
Idaho:			
Chubbuck City .....	Bannock .....	Sept. 26, 1977 .....	6,137
Kuna City .....	Ada .....	Oct. 10, 1977 .....	1,492
Illinois:			
Braidwood City .....	Will .....	Oct. 5, 1977 .....	3,169
East Peoria City .....	Tazewell .....	May 23, 1977 .....	21,710
Fox Lake Village .....	Lake and McHenry .....	Sept. 22, 1977 .....	5,811
German Valley Village .....	Stephenson .....	Oct. 3, 1977 .....	320
Hoffman Estates Village .....	Cook .....	Sept. 9, 1977 .....	33,575
Matteson Village .....	do .....	Sept. 28, 1977 .....	8,350
Normal Town .....	McLean .....	Sept. 27, 1977 .....	34,716
Raleigh Village .....	Saline .....	do .....	335
South Barrington Village .....	Cook .....	Oct. 5, 1977 .....	777
Indiana:			
Zionsville Town .....	Boone .....	Oct. 10, 1977 .....	2,708
North Carolina:			
Forest City Town .....	Rutherford .....	Oct. 3, 1977 .....	7,348
Pennsylvania:			
Cranberry Township .....	Venango .....	Oct. 11, 1977 .....	7,519
East Brandywine Township .....	Chester .....	do .....	3,338
Washington Township .....	Franklin .....	Sept. 21, 1977 .....	9,123
Texas:			
South Padre Island Town .....	Cameron .....	Sept. 26, 1977 .....	590
Wisconsin:			
Richfield Town .....	Washington .....	Sept. 8, 1977 .....	7,883

[FR Doc. 78-815 Filed 1-12-78; 8:45 am]

[3510-07]

CENSUS ADVISORY COMMITTEE ON SPANISH ORIGIN POPULATION FOR 1980 CENSUS

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, (Supp V, 1975)), notice is hereby given that the Census Advisory Committee on the Spanish Origin Population for the 1980 Census will convene on February 3, 1978, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Md.

The Committee is composed of 21 members appointed by the Secretary of Commerce. It was established in

February 1975 to advise the Director, Bureau of the Census, on such 1980 census planning elements as improving the accuracy of the population count, developing definitions for classification of the Spanish-origin population, recommending subject content and tabulations of especial use to the Spanish-origin population, and expanding the dissemination of census results among present and potential users of census data in the Spanish-origin population.

The agenda for the meeting, which is scheduled to adjourn at 5 p.m., is: (1) Current status of 1980 census planning, (2) Affirmative Action Program, (3) testing and selection aids, (4) instructions for processing race and ethnic origin items, (5) data publica-

tion plans, (6) Committee discussion, and (7) Committee recommendations and plans for next meeting.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Clifton S. Jordan, Deputy Chief, Demographic Census Staff, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Md. (Mailing address: Washington, D.C. 20233) Telephone: 301-763-5169.

Dated: January 9, 1978.

MANUEL D. PLOTKIN,  
Director,  
Bureau of the Census.

[FR Doc. 78-947 Filed 1-12-78; 8:45 am]

[3510-25]

Industry and Trade Administration

YOSHIHIRO NAYA, AND NICHIMEN INTERNATIONAL, S.A.

Export Privileges Restored in Part; Order

In the matter of Yoshihiro Naya, and Nichimen International, S.A., P.O. Box 6-494, Eldorado, Panama, Republic of Panama, Respondents.

The above named respondents failed to answer the allegations of a September 2, 1977 charging letter that respondents reexported American made linotype equipment to Cuba without prior authorization from the U.S. government, all in violation of the Export Administration Regulations. The failure to answer was deemed an admission of the truth of the charges. By Order of August 8, 1977, they were denied all export privileges until May 31, 1980 (42 FR 41465 (Aug. 17, 1977)). Respondents petitioned for reinstatement.

The Hearing Commissioner reports that respondents' evidence in support of the petition, when considered with the prior evidence of record, discloses the following pertinent facts. Naya, with but 2 years of export sales experience, was appointed president of the then (1974) newly formed Nichimen S.A. of Panama, a wholly owned subsidiary of Nichimen International. Naya had been fully instructed concerning American export laws and was enjoined to comply with all U.S. export regulations. It appears that his naiveness, lack of understanding, or overzealousness induced Naya to sell (cash in advance) non-sensitive linotype equipment without prior identification of the purchaser or end-user. Had Naya made appropriate inquiry he would have learned of the ultimate



destination of the goods; destination to Cuba is proscribed.

The Commissioner stated that Naya admitted failure to comply with the law. He stated that the evidence received in mitigation demonstrates that neither the parent nor sister Nichmen company had any prior knowledge or involvement in the unlawful export. When the parent company learned of respondents' failure to comply with U.S. laws, Naya was relieved from all duties in Panama and recalled to Japan. A new president and staff were appointed to manage the respondent corporation on September 1, 1977. Noting that the restructured staff has been fully instructed by the parent corporation and its counsel concerning mandatory compliance with U.S. laws and regulations, he recommended that respondent corporation be restored to full export privileges but subject to probation until May 31, 1978; and that respondent Naya be restored on January 1, 1979, but subject to probation until May 31, 1980.

In view of Naya's recall from Panama, his replacement by fully informed individuals, and other steps taken to insure respondent corporation's compliance with American laws and regulations, it is reasonable to anticipate that there will be no further reason to inquire concerning respondent corporation's export activities. Furthermore, it does not appear that Naya will soon reengage in export activities involving American goods. Under such circumstances I find it appropriate to accept the Commissioner's recommendation to alleviate the penalty. This is consistent with the purposes of Export Administration Law and designed to achieve the effective enforcement of the Export Administration Regulations. Therefore, pursuant to the authority delegated to me, 15 CFR 388, it is directed that the Order of August 8, 1977 be amended as follows:

1. Nichmen S.A. is restored to all export privileges, however, subject to probation until May 31, 1978.

2. Naya is restored to all export privileges, effective January 1, 1979, however, subject to probation until May 31, 1980.

3. The terms of probation are that respondents must fully comply with all U.S. export laws and regulations, failing in which the Director, with or without prior notice to the respondents, may revoke the probation and deny all export privileges for such period as is deemed appropriate. Such supplemental Order, if any, shall not preclude the Industry and Trade Administration from taking such further action as may be warranted for any violation.

This Order is effective immediately.

Dated: January 10, 1978.

RAUER H. MEYER,  
Director, Office of  
Export Administration.  
[FR Doc. 78-968 Filed 1-12-78; 8:45 am]

#### [3510-22]

National Oceanic and Atmospheric  
Administration

#### PRELIMINARY FISHERY MANAGEMENT PLANS

Corrections to Supplements to Final Environmental Impact Statements for Preliminary Fishery Management Plans

Notice is hereby given of corrections to the supplements to the final environmental impact statements on the preliminary fishery management plans prepared by the National Marine Fisheries Service of the National Oceanic Atmospheric Administration, Department of Commerce. Corrections to the supplements are as follows:

#### TRAWL FISHERY OF THE GULF OF ALASKA

Page 7 of the supplement: add to (d) 2.3.2: (5) Section 2.3.2.4 (p. 73): "... in 1978 will be set at 16,200 mt."

#### TRAWL FISHERIES AND HERRING GILL-NET FISHERY OF THE BERING SEA AND NORTHEAST PACIFIC

Page 11 of the supplement: change (7) to: Renummer the existing 2.3.2.10 Other Species "to 2.3.2.11 and reword the section as follows: "TAC for this species in 1978 will be set at 93,000 mt."

The notice of availability appeared in the FEDERAL REGISTER, Vol. 42, No. 230—Wednesday, November 30, 1977. Copies of this notice of correction will be mailed to persons who have commented on the draft environmental impact statements/preliminary fishery management plans and other interested parties that are potentially affected by the corrections to the supplements.

Individuals or organizations wishing to obtain additional information on these corrections may do so by writing Mr. Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: January 10, 1978.

WINFRED H. MEIBOHM,  
National Marine Fisheries  
Service.

[FR Doc. 78-972 Filed 1-12-78; 8:45 am]

#### [6820-33]

#### COMMITTEE FOR PURCHASE FROM BLIND AND OTHER SEVERELY HANDICAPPED

#### PROCUREMENT LIST 1978

##### Deletion

##### Correction

In FR Doc. 78-256 appearing on page 1117 in the issue for Friday, January 6, 1978, in the second column, the ninth line should read: "00-530-7191".

#### [6820-33]

#### PROCUREMENT LIST 1978

##### Proposed Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Deletion from Procurement List.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1978 a commodity produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: February 16, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

It is proposed to delete the following commodity from Procurement List 1978, November 14, 1977 (42 FR 59015):

##### CLASS 6695

Sampler-Spectro, Analysis Oil Kit 6695-00-758-1355.

C. W. FLETCHER,  
Executive Director.

[FR Doc. 78-959 Filed 1-12-78; 8:45 am]

#### [6820-33]

#### PROCUREMENT LIST 1978

##### Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1978 a commodity to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: February 16, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1978, November 14, 1977 (42 FR 59015):

##### CLASS 8465

Hood, Sleeping Bag, 8465-00-518-2769.

C. W. FLETCHER,  
Executive Director.

[FR Doc. 78-960 Filed 1-12-78; 8:45 am]

#### [6351-01]

#### COMMODITY FUTURES TRADING COMMISSION

#### PROPOSED 30 INDUSTRIAL STOCK AVERAGE FUTURES CONTRACT

##### Availability; Correction

In FR Doc. 78-131 appearing on page 997 in the FEDERAL REGISTER of January 5, 1978, concerning the above entitled matter, the telephone number for the Executive Secretariat is incorrect. The correct telephone number is 202-254-6314.

Dated: January 10, 1978.

WILLIAM T. BAGLEY,  
Chairman.

[FR Doc. 78-961 Filed 1-12-78; 8:45 am]

#### [6355-01]

#### CONSUMER PRODUCT SAFETY COMMISSION

#### FULLY HALOGENATED CHLOROFLUOROALKANES

##### Notice of Meetings

CROSS REFERENCE: For documents announcing meetings to be held by the Environmental Protection Agency, Food and Drug Administration and the Consumer Product Safety Commission on the nonpropellant uses of fully halogenated chlorofluoroalkanes, see FR Docs. 78-920 and 78-921 appearing in the notices section of this issue. Refer to the table of contents at the front of this issue under Environmental Protection Agency and Food

and Drug Administration to find the correct page number.

#### [6355-01]

[IRLG-1:003; FRL-842-21]

#### INTERAGENCY REGULATORY LIAISON GROUP

Testing Standards and Guidelines Work Group; Request for Written Materials

CROSS REFERENCE: For a document announcing agreement of the Consumer Product Safety Commission, the Environmental Protection Agency, the Food and Drug Administration, Health, Education, and Welfare Department and the Occupational Safety and Health Administration, Labor Department to work together as the Interagency Regulatory Liaison Group to aid in the development of preliminary drafts of testing guidelines, see FR Doc. 78-901 appearing under Environmental Protection Agency in the notices section of this issue. Refer to the table of contents at the front of this issue under "Environmental Protection Agency" to find the correct page number.

ance of the proposed decision and order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In that statement of objections an aggrieved party must specify each issue of fact or law contained in the proposed decision and order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the public docket room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except federal holidays.

Dated: January 6, 1978.

MELVIN GOLDSTEIN,  
Director, Office of  
Administrative Review.

Altex Oil Corp., Denver, Colo., FEE-4477, crude oil

Altex Oil Corp. filed an application for exception from the provisions of 10 CFR 212.73. The exception request, if granted, would permit Altex to sell the crude oil which it produces from the Anschutz Ranch No. 1 Well located in Carbon County, Wyo. at the upper tier ceiling prices specified in 10 CFR 212.74. On December 16, 1977, the DOE issued a proposed decision and order which determined that the exception request be denied.

Bock and Bacon Oil Operators, Houston, Tex., FEE-4850, crude oil

Bock and Bacon Oil Operators filed an application for exception from the provisions of 10 CFR 212.73. The exception request, if granted, would permit Bock and Bacon to sell the crude oil produced from the Champion Paper Co. Lease at upper tier ceiling prices. On December 13, 1977, the DOE issued a proposed decision and order which determined that the exception request be granted.

C&H Refinery, Inc., Lusk, Wyo., FEE-4318, crude oil

C&H Refinery, Inc. filed an application for exception from the provisions of 10 CFR 211.67(e)(2). The exception request, if granted, would permit C&H to receive additional bias entitlements for the crude oil which is processed for its account under processing agreements with other refiners. On December 16, 1977, the DOE issued a proposed decision and order which determined that the exception request be denied.

Dow Chemical, U.S.A., Houston, Tex., FEE-4857, crude oil

Dow Chemical U.S.A. filed an application for exception from the provisions of 10 CFR 212.73. The exception request, if granted, would permit Dow to sell the crude oil which it produces from the Rebekah Allnoch Well No. 1 located in Jackson County, Tex. at the upper tier ceiling prices specified in 10 CFR 212.74. On December 12, 1977, the DOE issued a proposed decision



and order which determined that the exception request be granted to the extent that Dow be permitted to sell 87.93 percent of the crude oil produced from the Allnoch well for the benefit of the working interest owners at upper tier ceiling prices.

*Maguire Oil Co., Dallas, Tex., FEE-4404, crude oil*

Maguire Oil Co. filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell the crude oil produced from the Chandler lease located in Howard County, Tex. at prices which exceed the lower tier ceiling prices set forth in 10 CFR 212.73. Maguire also requested that the relief be made retroactive to January 1, 1975. On December 16, 1977, the DOE issued a proposed decision and order which denied the firm's request for retroactive relief and permitted the firm to sell 16.79 percent of the crude oil produced from the Chandler lease at upper tier ceiling prices.

*Moran Pipe and Supply Co., Inc., Seminole, Okla., FEE-4772, crude oil*

Moran Pipe and Supply Co., Inc. filed an application for exception from the provisions of 10 CFR 212.73. The exception request, if granted, would permit Moran to sell the crude oil which it produces from the Cozar lease, located in Seminole County, Okla., at upper tier ceiling prices. On December 12, 1977, the DOE issued a proposed decision and order which determined that the exception request be granted in part.

*United Refining Co., Warren, Pa., FPI-0121, crude oil*

United Refining Co. filed an application for exception from the provisions of 10 CFR 213.35(d)(2)(i). The exception request, if granted, would permit United Refining to import additional crude oil on a license fee-exempt basis pursuant to the "carry-forward" provision set forth in section 213.35(d)(2)(i). On December 12, 1977, the DOE issued a proposed decision and order which determined that the exception request be denied.

[FR Doc. 78-896 Filed 1-12-78; 8:45 am]

[3128-01]

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

December 19 Through December 23, 1977

Notice is hereby given that during the period December 19 through December 23, 1977, the proposed decisions and orders which are summarized below were issued by the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy with regard to applications for exception which had been filed with that Office.

Amendments to the DOE's procedural regulation, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the proposed decision and order in final

form may file a written notice of objection within ten days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a notice of objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the proposed decision and order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In that statement of objections an aggrieved party must specify each issue of fact or law contained in the proposed decision and order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays.

Dated: January 4, 1978.

MELVIN GOLDSTEIN,  
Director,  
Office of Administrative Review.

*Beacon Oil Co., Washington, D.C., DXE-0077, crude oil*

Beacon Oil Co. filed an application for exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve Beacon of its obligation to purchase entitlements for a six month period. On December 20, 1977, the DOE issued a proposed decision and order which determined that the exception request be granted in part.

*Cologne Production Co., San Antonio, Tex., FEE-4398, crude oil*

Cologne Production Co. filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell the crude oil which it produces from three units on the Algoa Field located in Galveston County, Tex., at upper tier ceiling prices. On December 22, 1977, the DOE issued a proposed decision and order which determined that Cologne's exception application be granted in part.

*Edgington Oil Co., Inc., Washington, D.C., DXE-0081, crude oil*

Edgington Oil Co., Inc., filed an application for exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve Edgington of its obligation to purchase entitlements for a six month period. On December 20, 1977, the DOE issued a proposed decision and order which determined the exception request be granted in part.

*Fountain & Associates, San Antonio, Tex., FEE-4436, crude oil*

Fountain & Associates filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Fountain to sell at exempt price levels the crude oil produced from a series of wells which Fountain plans to drill in the Austin Chalk/Buda Trend formations in the State of Texas. On December 20, 1977, the DOE issued a proposed decision and order which determined that the exception request be denied.

*Husky Oil Co. of Delaware, Washington, D.C., DXE-0079, crude oil*

Husky Oil Co. of Delaware filed an application for exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve Husky of its obligation to purchase entitlements for a six month period. On December 20, 1977, the DOE issued a proposed decision and order which determined that the exception request be granted in part.

*Kern County Refinery, Inc., Bakersfield, Calif., DXE-0088, crude oil*

Kern County Refinery, Inc., filed an application for exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve Kern of its obligation to purchase entitlements for a six month period. On December 20, 1977, the DOE issued a proposed decision and order which determined that the exception request be granted in part.

*Lunday-Thagard Oil Co., South Gate, Calif., DXE-0076, crude oil*

Lunday-Thagard Oil Co. filed an application for exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve Lunday-Thagard of its obligation to purchase entitlements for a six month period. On December 20, 1977, the DOE issued a proposed decision and order which determined that the exception request be granted in part.

*Mobil Petroleum Co., Inc., New York, N.Y., FEE-4296, refined petroleum products*

Mobil Petroleum Co., Inc., filed an application for exception from the provisions of 10 CFR 212.83. The exception request, if granted, would permit Mobil Petroleum to increase the prices it charges for petroleum products sold on Guam to reflect a gross receipts tax imposed by the Territory of Guam on all retailers of petroleum products. On December 20, 1977, the DOE issued a proposed decision and order which determined that the exception request be denied.

*Mohawk Petroleum Corp., Los Angeles, Calif., DXE-0078, crude oil*

Mohawk Petroleum Corp. filed an application for exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve Mohawk of its obligation to purchase entitlements for a six month period. On December 20, 1977, the DOE issued a proposed decision and order which determined that the exception request be granted in part.

*Monsanto Co., Houston, Tex., FEE-454, crude oil*

Monsanto Co. filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Monsanto to sell the crude oil produced from the Hendrick "F" lease at upper tier ceiling prices. On December 20, 1977, the DOE issued a proposed de-

cision and order which determined that the exception request should be granted.

*Navajo Refining Co., Washington, D.C., DXE-0089, crude oil*

Navajo Refining Co. filed an application for exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve Navajo of its obligation to purchase entitlements for a six month period. On December 20, 1977, the DOE issued a proposed decision and order which determined that the exception request be granted.

*Polaris Production Corp., Midland, Tex., FMR-0119, crude oil*

Polaris Production Corp. filed a submission which was determined to be an application for exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Polaris to sell the crude oil to be produced from the Lee Carter lease located in Lea County, N. Mex., at prices in excess of the ceiling levels permitted in 10 CFR, Part 212, Subpart D. On December 20, 1977, the DOE issued a proposed decision and order which determined that the exception request be denied.

*San Joaquin Refining Co., Newport Beach, Calif., DXE-0095, crude oil*

San Joaquin Refining Co. filed an application for exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve San Joaquin of its obligation to purchase entitlements for a six month period. On December 20, 1977, the DOE issued a proposed decision and order which determined that the exception request be granted in part.

*Southland Oil Co./VGS Corp., Washington, D.C., DXE-0105, crude oil*

Southland Oil Co./VGS Corp. filed an application for exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve Southland of its obligation to purchase entitlements for a six month period. On December 20, 1977, the DOE issued a proposed decision and order which determined that the exception request be granted in part.

*TOSCO Corp., Los Angeles, Calif., FEE-4841, crude oil*

TOSCO Corp. filed an application for exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve TOSCO of a portion of its entitlement purchase obligations for the

months of October through December 1977 in order to alleviate the negative cash flow situation presently being experienced by the firm. On December 20, 1977, the DOE issued a proposed decision and order which determined that the exception request be granted.

*Warrior Asphalt Co. of Alabama, Washington, D.C., DXE-0080, crude oil*

Warrior Asphalt Co. of Alabama filed an application for exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve Warrior of its obligation to purchase entitlements for a six month period. On December 20, 1977, the DOE issued a proposed decision and order which determined that the exception request be granted in part.

*Whitco, Inc., Dallas, Tex., DXE-0375, motor gasoline*

Whitco, Inc., filed an application for exception from the provisions of 10 CFR 211.25. The request, if granted, would prohibit Sun Co., Inc., from supplying Whitco with motor gasoline through Amtel, Inc., its designated substitute supplier and would require Sun to supply Whitco directly. On December 20, 1977, the DOE issued a proposed decision and order which determined that the exception request be granted.

*Young Refining Corp., Douglasville, Ga., DXE-0084, crude oil*

Young Refining Corp., filed an application for exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve Young of its obligation to purchase entitlements for a six month period. On December 20, 1977, the DOE issued a proposed decision and order which determined that the exception request be granted in part.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Administrative Review of the Department of Energy has issued Proposed Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The proposed exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain nonproduct cost increases:

Company	Case No.	Plant	Location	Amount of price increase (dollars per gallon)
Arkansas Louisiana Gas Co.	DXE-0173	Hamilton	Magnolia, Ark.	\$0.0222
Atlantic Richfield Co.	DXE-0128	Adair	Gaines, Tex.	.0304
Do.	DXE-0129	Camrick	Beaver, Okla.	.0123
Do.	DXE-0130	Chesterville	Colorado, Tex.	.0343
Do.	DXE-0131	Crossett	Crane and Upton, Tex.	.0146
Do.	DXE-0132	Elmwood	Beaver, Okla.	.0142
Do.	DXE-0133	Elk Basin	Park, Wyo.	.0419



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Company	Case No.	Plant	Location	Amount of price increase (dollars per gallon)
Do.....	DXE-0134	Empire Abo.....	Eddy, N. Mex.....	.0099
Do.....	DXE-0135	Gillette.....	Campbell, Wyo.....	.0187
Do.....	DXE-0136	Headlee.....	Ector, Tex.....	.0132
Do.....	DXE-0137	Hull.....	Liberty, Tex.....	.0619
Do.....	DXE-0138	Kermitt.....	Winkler, Tex.....	.0057
Do.....	DXE-0139	Knox Bromide.....	Grady, Okla.....	.0301
Do.....	DXE-0140	Lapeyrouse.....	Terrebonne, La.....	.0306
Do.....	DXE-0141	Ojai Timber.....	Ventura, Calif.....	.1361
Do.....	DXE-0142	Pledger.....	Brazoria, Tex.....	Denied
Do.....	DXE-0143	Riverton Dome.....	Fremont, Wyo.....	.2582
Do.....	DXE-0144	Selling.....	Dewey, Okla.....	.0117
Do.....	DXE-0145	Silsbee.....	Hardin, Tex.....	.1370
Do.....	DXE-0146	South Coles Levee.....	Kern, Calif.....	.0186
Do.....	DXE-0147	Taft.....	San Patricio, Tex.....	.0539
Do.....	DXE-0148	West Lake.....	Nolan, Tex.....	.0456
Do.....	DXE-0149	West Seminole.....	Gaines, Tex.....	.0178
Do.....	DXE-0150	Worldand.....	Washakie, Wyo.....	.0437
Austral Oil Co., Inc.....	DXE-0151	South Thornwell.....	Cameron Parish, La.....	.0050
Do.....	DXE-0152	TSMa.....	Vermillion Parish, La.....	.0199
Continental Oil Co.....	DXE-0228	Elk Basin.....	Powell, Wyo.....	.0189
Do.....	DXE-0229	Kettleman Hills.....	Avenal, Calif.....	.0189
Do.....	DXE-0230	Medford.....	Medford, Okla.....	.0684
Do.....	DXE-0231	C. W. Ward.....	McAllen, Tex.....	.0491
Do.....	DXE-0232	Ramsey.....	Orda, Tex.....	.0635
Do.....	DXE-0233	Thomas.....	Thomas, Okla.....	.0257
Devon Corp.....	DXE-0225	Dubach.....	Calhoun, La.....	.0067
Sanford P. Fagadau.....	DXE-0171	Bluegrove.....	Clay County, Tex.....	.1187
Do.....	DXE-0172	Maryetta.....	Jack County, Tex.....	.0662
Kansas-Nebraska Natural Gas Co., Inc.....	DXE-0127	Yenter.....	Sterling, Colo.....	.0347
Kerr-McGee Corp.....	DXE-0153	Milpay.....	Oklahoma.....	.1382
McCulloch Gas Processing.....	DXE-0107	Fairview.....	Richland County, Mont.....	.0372
Do.....	DXE-0108	Hilght.....	Campbell County, Wyo.....	.0376
Do.....	DXE-0109	Jamison Prong.....	do.....	.1202
Do.....	DXE-0110	Tule Creek.....	Roosevelt County, Mont.....	.1792
Do.....	DXE-0111	Well Draw.....	Converse County, Wyo.....	.0649
Palo Pinto Oil & Gas Co.....	DXE-0226	Markley.....	Jack County, Tex.....	.0384
Shell Oil Co.....	DXE-0165	Elmwood.....	Beaver County, Okla.....	.0777
Do.....	DXE-0166	Goodwater.....	Clark County, Miss.....	.0916
Do.....	DXE-0167	Indian Basin.....	Eddy County, N. Mex.....	.0125
Do.....	DXE-0168	Molino.....	Santa Barbara County, Calif.....	.1178
Do.....	DXE-0169	Seelgson.....	Jim Wells County, Tex.....	.0086
Do.....	DXE-0179	Tippett-Crossett.....	Crockett County, Tex.....	.0101
Sid Richardson Gasoline & Carbon Co.....	DXE-0325	Keystone.....	Winkler County, Tex.....	.0299
Union Oil Co. of California.....	DXE-0123	Adena.....	Morgan County, Colo.....	.0286
Do.....	DXE-0124	Dominquez.....	Los Angeles County, Calif.....	.0840
Do.....	DXE-0125	Rio Bravo.....	Kern County, Calif.....	.1047

[FR Doc. 78-897 Filed 1-12-78; 8:45 am]

[3128-01]

INVESTIGATION OF COMMON CARRIER PIPELINES

Notice of Decision and Order Issued by Office of Administrative Review: Investigation of Common Carrier Pipelines—Ex Parte No. 308 (Sub-No. 1)

AGENCY: Department of Energy.

ACTION: Decision of Energy.

SUMMARY: On January 6, 1978, the Department of Energy issued a decision and order concerning a proceeding entitled Investigation of Common

Carrier Pipelines, which had been commenced by the Interstate Commerce Commission (ICC) on February 19, 1976. The ICC docket number for that proceeding was Ex Parte No. 308 (Sub-No. 1). Jurisdiction over this matter was vested in the Department of Energy pursuant to the Department of Energy Organization Act, 42 U.S.C. 7101 et seq., and DOE Delegation Order No. 0204-4. In that decision and order, the DOE stayed an order which the Interstate Commerce Commission issued on September 30, 1977, pending further order of the Office of Administrative Review of the Department of

NOTICES

Energy. The text of the decision and order follows.

MELVIN GOLDSTEIN,  
Director, Office of  
Administrative Review.

JANUARY 10, 1978.

DEPARTMENT OF ENERGY,  
Washington, D.C., January 6, 1978.

DECISION AND ORDER OF THE DEPARTMENT OF ENERGY

STAY

Name of petitioner: Investigation of common carrier pipelines.  
Case No.: Ex Parte No. 308 (Sub-No. 1).

In an order which it served on February 24, 1976, the Interstate Commerce Commission (ICC) initiated an investigation of Common Carrier Pipelines, pursuant to Section 11 of the Clayton Act, 15 U.S.C. 21, and Sections 12 and 13 of the Interstate Commerce Act, 49 U.S.C. 12 and 13. The ICC investigation was designated as Ex Parte 308 (Sub-No. 1) and was designed to examine possible violations of Section 7 of the Clayton Act, 15 U.S.C. 18, involving petroleum pipeline ownership. All common carrier pipelines subject to Part I of the Interstate Commerce Act were made respondents in the proceeding, and were served on July 8, 1976, with interrogatories propounded by the ICC's Bureau of Investigations and Enforcement (BIE). On March 2, 1977, the ICC served an Order requiring that respondents which had not complied with the interrogatories do so within 30 days, and specified procedures in Appendix A of the Order to protect the confidentiality of information submitted. This Order was modified by an Order on appeal served by the ICC on September 30, 1977. In that Order procedures were specified for transmittal to the Bureau of Competition of the Federal Trade Commission of discovery material designated as confidential pursuant to the March 2 Order. Under the terms of the September 30 ICC Order a number of conditions were established regarding further use by the Bureau of Competition of confidential data which it received.

Pursuant to the Department of Energy Organization Act, 42 U.S.C. 7101 et seq., as implemented by E.O. 12009, 42 FR 46267 (September 15, 1977), and DOE Delegation Order No. 0204-4, proceedings under Ex Parte No. 308 (Sub-No. 1) were transferred to the Economic Regulatory Administration (ERA).

On January 4, 1978, the Administrator of the ERA determined that the Office of Enforcement of the ERA would perform all functions previously performed in Ex Parte No. 308 (Sub-No. 1) by the ICC Bureau of Investigations and Enforcement. The Office of Administrative Review of the ERA was designated to perform all functions in connection with proceedings under Ex Parte No. 308 (Sub-No. 1) that were previously performed by the members of the ICC or by an administrative law judge designated by the ICC to hear and decide any aspect of the matter.

The record which has been furnished to the Office of Administrative Review at the present date indicates that a number of firms have requested that the September 30, 1977, ICC Order be reconsidered and rescinded. The issues presented in those petitions are certainly very important in the context of the overall investigation and

should be evaluated by the ERA. In order to afford the ERA an opportunity to do so, the September 30, 1977, ICC Order will be stayed pending further proceedings before the Office of Administrative Review. This determination is in no way designed to reflect any conclusions with respect to the merits of the matter or to affect the continuing applicability of the Order which the ICC issued on March 2, 1977.

It is therefore ordered, That: The Order which the Interstate Commerce Commission issued on September 30, 1977, in a matter designated as Ex Parte 308 (Sub-No. 1) be and hereby is stayed pending further Order of the Office of Administrative Review of the Department of Energy.

Dated: January 6, 1978.

MELVIN GOLDSTEIN,  
Director,  
Office of Administrative Review.  
[FR Doc. 78-994 Filed 1-12-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 842-1]

ADMINISTRATOR'S TOXIC SUBSTANCES ADVISORY COMMITTEE

Open Meeting

Under section 10(a)(2) of Public Law 92-423, "The Federal Advisory Committee Act," notice is hereby given that the second meeting of the Administrator's Toxic Substances Advisory Committee will be held at 9 a.m. on Tuesday, January 31, 1978 in Conference Room 3906, Mall area, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

The purpose of this meeting is to advise EPA on implementation of the Toxic Substances Control Act (Pub. L. 94-469). The agenda includes review of the reports of the Testing, Assessing Risks and Benefits, and Strategy Working Groups, Confidentiality and Proposed Freedom of Information Act Amendments, Public Awareness and Participation Plans, and Premanufacturing Notification and Review Plans.

The meeting will be open to the public. The Committee encourages the hearing of outside statements and may allocate a portion of time for public participation. Any outside parties interested in presenting an oral statement should petition the Committee in writing. The petition should include the general topic of the proposed statement and the petitioner's telephone number.

Any person who wishes to file a written statement can do so before or after a Committee meeting. Accepted written statements may be recognized at Committee meetings.

Any member of the public wishing to present an oral statement, or submit a written statement should contact Harvey Lieber, Executive Sec-

retary for the Administrator's Toxic Substances Advisory Committee, Office of Toxic Substances (TS788), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. The telephone number is: 202-755-4863.

Dated: January 9, 1978.

STEVEN D. JELLINEK,  
Assistant Administrator  
for Toxic Substances.

[FR Doc. 78-904 Filed 1-12-78; 8:45 am]

[6560-01]

[FRL 842-4]

MARYLAND

Approval of Application for Drinking Water Primary Enforcement Responsibility

Public notice is hereby given in accordance with the provisions of Section 1413 of the Safe Drinking Water Act (Pub. L. 93-523, December 16, 1974) and 40 CFR 142, the National Interim Primary Drinking Water Regulations (41 FR 2918, January 20, 1976), that Mr. Donald H. Noren, Director of the Environmental Health Administration of the Maryland Department of Health and Mental Hygiene, has submitted an application requesting primary enforcement responsibility under the Safe Drinking Water Act to the Environmental Protection Agency (EPA) Region III office for concurrence and approval.

Jack J. Schramm, Regional Administrator for EPA Region III, has approved the application from the State of Maryland for primary enforcement responsibility, which shall become effective thirty (30) days after the date of publication of this notice. This determination was concluded after a thorough evaluation of Maryland's water supply supervision program in relation to the requirements of 40 CFR 142.10 including the adoption and implementation of:

1. Drinking water standards and regulations.
2. An inventory of public water systems.
3. A systematic program for conducting sanitary surveys.
4. The establishment and maintenance of a program for the certification of laboratories.
5. Laboratory facilities certified by EPA.
6. A plan review program to assure the proper design and construction of new or modified public water systems.
7. Adequate statutory and regulatory authority.
8. Authority to sue in court and to enjoin continuing violations.
9. Authority permitting right of entry and inspection of public water systems.
10. Authority to require suppliers of water to keep appropriate records and make appropriate reports to the State.
11. Authority to require public notification of violations.
12. Authority to assess civil or criminal penalties for violation of State regulations.



13. Record keeping and reporting procedures.

14. A system for issuing variances and exemptions.

15. Adoption of a plan for the provision of safe drinking water under emergency circumstances.

Maryland's water supply supervision program, as presented and evaluated on the above noted points, has indicated that it is fully capable of carrying out all the areas required to attain primary enforcement responsibility.

Any interested parties are invited to submit written comments on this determination and may request a public hearing within thirty (30) days of this notice. If a public hearing is requested and granted, this determination shall not become effective until such time following the hearing, that the Regional Administrator issues an order affirming or rescinding the determination.

Requests for a public hearing shall be addressed to:

Mr. Jack J. Schramm, Regional Administrator, Region III—3RA00, 6th and Walnut Streets, Philadelphia, Pa. 19106.

A request for public hearing shall include the following information:

1. The name, address, and telephone number of the individual(s), organization, or other entity requesting a hearing.

2. A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such a hearing.

3. The signature of the individual(s) making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made within thirty (30) days after this notice a public hearing will be held. The Regional Administrator will give further notice in the FEDERAL REGISTER and in a newspaper or newspapers of general circulation in the State of Maryland of any hearing to be held pursuant to a request submitted by an interested person, or on his own motion. Notice of the hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. In addition to publication as described above, notice will be sent to the person requesting a hearing and to the State. Notice of the hearing will include a statement of the purpose of the hearing, information regarding the time and location for the hearing, and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing.

After receiving the record of the hearing the Regional Administrator will issue an order affirming or re-

scinding his determination. If the determination is affirmed, it shall become effective as of the date of this order.

If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective thirty (30) days after issuance of the initial notice.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

A complete copy of Maryland's application for primary enforcement responsibility is available for public inspection during normal business hours at the office of the Regional Administrator and at the following location in Maryland:

State of Maryland, Department of Health and Mental Hygiene, Environmental Health Administration, 210 West Preston Street, Baltimore, Md. 21203.

Dated: November 23, 1977.

JACK J. SCHRAMM,  
Regional Administrator, Region  
III, Environmental Protection  
Agency.

[FR Doc. 78-903, Filed 1-12-78; 8:45 am]

#### [6560-01]

[FRL 841-8]

#### SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE; SUBCOMMITTEE ON SCIENTIFIC CRITERIA FOR PHOTOCHEMICAL OXIDANTS

##### Cancellation of Meeting

Under Pub. L. 92-463, notice is hereby given that the meeting of the Subcommittee on Scientific Criteria for Photochemical Oxidants of the Science Advisory Board Executive Committee scheduled for January 23 and 24, 1978, will not be held. The meeting was announced in the FEDERAL REGISTER, Vol. 42, page 63950, on December 21, 1977.

The meeting will probably be rescheduled for some time in February 1978. The new date and details of the rescheduled meeting will be announced in the FEDERAL REGISTER.

Further information on this cancellation and rescheduling may be obtained from the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460. Please ask for Mrs. Ilene Stein or Ms. Barbara Robinson. The telephone number is 703-557-7720.

RICHARD M. DOWD,  
Staff Director,  
Science Advisory Board.

JANUARY 6, 1978.

[FR Doc. 78-905 Filed 1-12-78; 8:45 am]

#### [6560-01]

[FRL 840-5]

#### FULLY HALOGENATED CHLOROFLUOROALKANES

##### Public Meeting

AGENCY: Environmental Protection Agency.

ACTION: Public participation meeting.

SUMMARY: The Environmental Protection Agency (EPA), Food and Drug Administration (FDA), and Consumer Product Safety Commission (CPSC) will hold a second public participation meeting on the nonpropellant uses of fully halogenated chlorofluoroalkanes (chlorofluorocarbons—CFCs). The information obtained at the meeting will aid the agencies in making regulatory decisions on nonpropellant CFC emissions.

DATE: The meeting will be held February 21-24, 1978, at 10 a.m.

ADDRESS: The meeting will be held in the Humphrey Auditorium, Humphrey Building (formerly South Portal Building), 200 Independence Avenue SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Larry E. Longanecker, U.S. Environmental Protection Agency, Office of Toxic Substances (WH-557), 401 M Street SW., Washington, D.C. 20460, phone 202-755-1188.

SUPPLEMENTARY INFORMATION: If you wish to make a presentation at the meeting please telephone before February 7, 1978: Joni T. Repasch, U.S. Environmental Protection Agency, Office of Toxic Substances (WH-557), 401 M Street SW., Washington, D.C. 20460, phone 202-755-1188.

This meeting is the second in a continuing effort by EPA, FDA, and CPSC to gather information to determine whether there is a need to regulate nonpropellant uses of chlorofluorocarbons.

The first public meeting on nonpropellant uses of CFCs was held on October 25-27, 1977, at the Washington, D.C. headquarters of the Environmental Protection Agency. Participants submitted useful information on the use of these substances in refrigeration, air-conditioning, foam-blowing, solvent, and fire extinguishing applications. The agencies encourage further participation in regard to these uses. Participants who feel that insufficient time was allotted at the first meeting are invited to supplement their presentations at this time. As always, written submissions are encouraged to avoid duplication of oral presentations.

The FDA is particularly interested in obtaining information on the use of

CFCs in food-related activities, e.g., as liquid food freezants, as a food additive, in the production of styrofoam for use in food packaging and containers, as a local anesthetic, and as a dilutant for ethylene oxide sterilants. These and other uses of CFCs not previously addressed should be stressed at this time.

The agencies are also seeking information on planned, but not yet commercial, uses of CFCs. One such use, as a solvent in the beneficiation of coal, could, if developed, constitute a major use of these materials.

Recovery, recycle, and/or reuse of CFCs are important factors in the agencies' consideration of means to control emissions. Information on the technical feasibility, cost and present extent of such activities will be of special significance in making regulatory decisions. Participants are also encouraged to submit data on the use of alternatives and emission controls, including research in these areas.

Dated: December 30, 1977.

STEVEN D. JELLINEK,  
Assistant Administrator  
for Toxic Substances.

[FR Doc. 78-920 Filed 1-12-78; 8:45 am]

#### [6560-01]

[IRLG-1-003; FRL-842-2]

#### INTERAGENCY REGULATORY LIAISON GROUP

##### Testing Standards and Guidelines Work Group; Request for Written Materials

AGENCY: Interagency Regulatory Liaison Group (IRLG) representing the U.S. Consumer Product Safety Commission (CPSC), the U.S. Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), and the Occupational Safety and Health Administration (OSHA).

ACTION: Notice of request for written materials.

SUMMARY: To aid in the development of preliminary drafts of testing guidelines, the Testing Standards and Guidelines Work Group invites submission of written materials relating to the guidelines which the Work Group is currently preparing.

DATES: Materials must be received on or before February 10, 1978.

ADDRESS MATERIALS TO: Dr. James R. Beall, Chairman, IRLG Testing Standards and Guidelines Work Group, WH-557, Office of Toxic Substances, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Dr. Phyllis B. Hetrick, Office of Toxic Substances (EPA), WH-557, Room 609 East Tower, 202-755-6843.

SUPPLEMENTARY INFORMATION: *Background.* The heads of the CPSC, EPA, FDA, and OSHA agreed to work together as the IRLG to reform the regulatory process and to improve protection of workers, public health, and the environment (42 FR 54856, 11 October 1977). To implement their agreement, the IRLG established a Testing Standards and Guidelines Work Group to develop common standards and guidelines for the four agencies to use in assessing existing and new testing regulations for interagency consistency and compatibility. The Work Group held a public meeting on December 14 (42 FR 59106, 15 Nov. 1977) to explain its purpose and goals and to answer questions about its activities.

The Work Group is developing drafts of the following guidelines: for testing to assess health effects: dermal, ingestion, and inhalation acute toxicity; dermal, ingestion, and inhalation subchronic toxicity; eye irritation, reproduction, and teratogenicity. For testing to assess ecological and environmental fate and effects: acute toxicity in seed-eating birds, fish, daphnia, shell fish, terrestrial and aquatic plants, and phytoplankton; microbial effects: growth inhibition and laboratory scale activated sludge communities; fish bioconcentration; vapor pressure; water solubility; hydrolysis rates (aqueous systems only); soil adsorption/desorption; and octanol/water partition coefficient.

The reference documents that the Work Group is using include: for health effects—Principles and Procedures for Evaluating the Toxicity of Household Substances (CPSC, NAS No. 1138, 1977), Guidelines for the Assessment of Drug and Medical Device Safety in Animals (PMA, 1977), recent draft Guidelines for Registering Pesticides (OPP/EPA, 1977), Report of the Secretary's Commission on Pesticides and Their Relationship to Environmental Health (HEW, 1969), and Appraisal of the Safety of Chemicals in foods, Drugs, and Cosmetics (FDA, 1959). For ecological/environmental studies—"A Flow-Through Testing Procedure with Duckweed (*Lemna minor* L.)" (EPA, 1977), Standard Methods for the Examination of Water and Waste Water (APHA, 1976), Methods for Acute Toxicity Tests with Fish, Macroinvertebrates, and Amphibians (EPA, 1975), Proposed Guidelines for Registering Pesticides (EPA, 40 FR 26802, 25 June 1975), Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents (EPA, 1973), and various ASTM documents including Method No. 5 Radiometric Microscale Bioassay for Algalicides, and the following working draft documents of proposed standard practices for conducting (a) acute toxicity tests with four species of bivalve mollusc

larvae (draft No. 1, 5/77), (b) acute toxicity tests with fishes, macroinvertebrates, and amphibians (draft No. 6, 9/77), (c) bioconcentration with fishes (draft No. 6, 10/77), and (d) renewal life cycle toxicity tests with the daphnid, *Daphnia magna* (draft No. 2, 10/77), and draft No. 1 of Method No. 2 for determining efficacy of aquatic plant control agents: field trials in standing water.

*Request for materials.* The work group invites interested persons to submit similar written materials which are relevant to the guidelines and which will assist their development. Materials received by February 10, 1978, will be considered for the preliminary drafts. Materials received after February 10 will be held for consideration of the final drafts. Contributions should bear the number IRLG-1-003 and be submitted in duplicate.

All materials submitted will be available in a public file for examination by interested persons during working hours at the same address.

Dated: January 6, 1978.

DR. JAMES R. BEALL,  
Chairman, IRLG Testing Standards and Guidelines Work Group.

[FR Doc. 78-901 Filed 1-12-78; 8:45 am]

#### [6560-01]

[FRL 842-7; OTS-081004B]

#### ADDENDUM TO TSCA CANDIDATE LIST OF CHEMICAL SUBSTANCES

##### Availability of Document

This notice is to announce the availability of the first addendum to the April 1977 Toxic Substances Control Act (TSCA), Pub. L. 94-469, Candidate List of Chemical Substances (GPO No. 005-007-00001-2). The Candidate List is a reference document intended to simplify reporting of chemical substances identities to EPA in accordance with the TSCA Inventory Reporting Regulations (40 CFR Part 710) which became effective on January 1, 1978. The addendum is essentially a list of terms, most of which identify petroleum refinery intermediate and final process stream chemical substances, developed in conjunction with the American Petroleum Institute. All terms contained in the list have been assigned proper Chemical Abstracts Service (CAS) Registry Numbers and valid EPA Code Designations. The Addendum also includes guidelines used in drafting the list, which describe the scope and limitations of the terms.

Persons wishing to receive a copy of this document should call 800-424-9065 (or 554-1404 in the Washington, D.C. area), or write to:



Director, Office of Industry Assistance, Office of Toxic Substances (TS-788) Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

# FOR FURTHER INFORMATION CONTACT:

Dr. George Semenjuk, at 202-755-1500.

Dated: January 9, 1978.

STEVEN D. JELLINEK,  
Assistant Administrator  
for Toxic Substances.

[FR Doc. 78-1013 Filed 1-12-78; 8:45 am]

## [6560-01]

[FRL 842-8]

### ENVIRONMENT AND CONSERVATION IN NONNUCLEAR ENERGY RESEARCH AND DEVELOPMENT

#### Public Hearing

The Environmental Protection Agency (EPA) is making a preliminary announcement of a Public Hearing on Environment and Conservation in Nonnuclear Energy Research and Development to be held in Washington, D.C. during the last week of March, 1978. Final details of this hearing will be announced in the FEDERAL REGISTER within two weeks.

Section 11 of the Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577) directs the responsible agency (formerly the Council on Environmental Quality, currently EPA) to carry out a continuing analysis of the Federal nonnuclear energy research and development program to evaluate the adequacy of attention to:

(1) Energy conservation methods; and (2) Environmental protection from, and environmental consequences of the application of nonnuclear energy technologies.

Public views are an important component of this continuing analysis. Under direction of the Act, annual public hearings are held to provide the opportunity for interested individuals or groups to testify on environmental and conservation aspects of the research and development program. Transcripts of the hearings will be available to the public and will be transmitted to the president, the Congress, and the Secretary of the Department of Energy. Individuals or groups interested in participating will be asked to notify the EPA prior to the hearing. Further details of the hearing and procedures for participating will be announced within two weeks.

STEPHEN J. GAGE,  
Acting Assistant Administrator  
for Research and Development.

JANUARY 5, 1978.

[FR Doc. 78-1014 Filed 1-12-78; 8:45 am]

## [6560-01]

[FRL 842-5; OPP-42041C]

### STATE OF MISSOURI

#### Approval of State Plan for Certification of Pesticide Applicators

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan for such purpose, subject to approval by the Environmental Protection Agency (EPA). On April 6, 1977, the Missouri State Plan was approved contingent upon enactment of proposed amendments to the Missouri Pesticide Act of 1974 and subsequent promulgation of regulations described in the Plan. Notice of contingent approval was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19926). Subsequently, the 1977 State Legislature amended the Missouri Pesticide Act of 1974. The amendments became effective September 28, 1977; however, promulgation of regulations could not begin until amendments to the Missouri Act were in effect. On September 2, 1977, the State of Missouri requested an extension of regulations. On October 5, 1977, the Agency approved the request and granted Missouri an extension which is to expire on January 10, 1978. Notice of the extension was published in the FEDERAL REGISTER on October 25, 1977 (42 FR 56363). Subsequently, the necessary regulations were promulgated and became effective on December 11, 1977.

Having reviewed these amendments and regulations and finding that all requisite legal authorities required by FIFRA and 40 CFR Part 171 are now enacted and promulgated, the Regional Administrator, EPA, Region VII, hereby gives notice that the Missouri State Plan is now a fully approved State Plan.

Dated: January 3, 1978.

KATHLEEN Q. CAMIN,  
Regional Administrator, E.P.A.  
Region VII.

[FR Doc. 78-1012 Filed 1-12-78; 8:45 am]

## [6560-01]

[FRL 842-5]

### RECEIPT OF ENVIRONMENTAL IMPACT STATEMENTS

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements

received by the Environmental Protection Agency from January 2 through January 6, 1978. The date of receipt for each statement is noted in the statement summary. Under the guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (February 27, 1978). The thirty (30) day period for each final statement begins on the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: January 10, 1978.

PETER L. COOK,  
Acting Director,  
Office of Federal Activities.

#### DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

#### FOREST SERVICE

##### Draft

North Idaho Forests Silvicultural Treatments, several counties in Idaho, January 3: Proposed is the reduction of competing vegetation, with herbicides, as a part of the timber resource management activities on National Forest lands in northern Idaho. Plan implementation calls for the spraying of up to 6,000 acres of brush fields per year and the additional spraying of 5,700 acres per year for site planting preparation. Spraying would continue through 1983. Adverse impacts include the alteration of wildlife habitat and shifts in the population levels of various species. (ELR Order No. 80005.)

Spruce Knob Lakes Complex, Monongahela National Forest, Randolph County, W. Va., January 3: Proposed is the development of flat water recreation facilities within the Spruce Knob Lake Complex, Monongahela National Forest, Randolph County, W. Va. Plan implementation calls for the construction of an 85 acre lake at the headwaters of Gandy Creek and the development of a campground and picnic area adjacent to the lake. Adverse impacts include the loss of about 100 acres of open, undeveloped land and about 30 acres of woodland; effects upon the wildlife environment adjacent to the proposed development; and construction-related pollution. (ELR Order No. 80004.)

#### SOIL CONSERVATION SERVICE

##### Draft

Rush Creek Watershed, Fairfield, Hocking, and Perry Counties, Ohio, January 5: Proposed is a project for watershed protection, flood prevention, and fish and wildlife in Fairfield, Hocking, and Perry Counties, Ohio. Planned watershed measures consist of 7 single-purpose floodwater retarding

structures, one multipurpose fish and wildlife and floodwater retarding structure, 23.0 miles of channel work, and 1.9 miles of dikes. Adverse effects include the permanent or periodic disturbance of change of use on approximately 1,668 acres of land and construction-related pollution. (ELR Order No. 80011.)

#### DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-4335.

##### Supplement

Atlantic Groundfish Fisheries (S-1), January 6: This statement supplements a final EIS originally filed with CEQ in March of 1977. Proposed is the extension of the fishery plan (haddock, cod, yellowtail flounder) into the first part of 1978 on an interim basis with provisions for additional quarterly allocations and limitations. The optimum yield figures established in 1977 have not been reduced. The public comment period for this supplement has been shortened from 45 to 30 days. (ELR Order No. 80017.)

#### DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn.: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-8795.

##### Draft

Peachtree and Nancy Creeks Flood Control Study, Fulton, De Kalb, and Gwinnett Counties, Ga., January 5: Proposed is the provision for flood damage reduction in the Peachtree-Nancy Creek Basins in Fulton, De Kalb, and Gwinnett Counties, Ga. Plan implementation calls for the evacuation of two buildings and the floodproofing of 767 additional ones. Adverse impacts include construction-related pollution; the relocation of families; possible destruction of archaeological and historical sites; and temporary disturbance of vegetation and wildlife habitat. (Savannah District.) (ELR Order No. 80014.)

Harbor of Refuge Operations and Maintenance, Harbor Beach, Huron County, Mich., January 5: Proposed are operation and maintenance measures including dredging, disposal of dredged material, and renovation of existing structures, at the Harbor of Refuge at Harbor Beach, Mich. Approximately 950,000 cubic yards of sediment are to be dredged and deposited at the proposed disposal site in section 27 of Sand Beach Township, Huron County, Mich. Adverse impacts include the disturbance of water quality, benthic regions of the harbor; macroorganisms inhabiting or using the waterways, and flora and fauna of the upland disposal site; and the acquisition of 65 acres of productive land for the disposal site. (Detroit District.) (ELR Order No. 80010.)

Freeport Harbor Enlargement and Maintenance, Brazoria County, Tex., January 5: Proposed is the enlargement and realignment of an existing Federal navigation project located in Brazoria County, Tex. Plan implementation calls for deepening, widening, and realigning of channels; relocation of a U.S. Coast Guard Station; relocation of an existing jetty; public use facilities; and the relocation of approximately 20 summer homes and one business. Adverse impacts in-

clude the destruction or disturbance of benthic communities; localized turbidity; and possible increases in objectionable odors. (Galveston District.) (ELR Order No. 80012.)

##### Final

Ohio River (438 to 981) Sand and Gravel Dredge, Permit, January 6: Proposed is the issuance of a Department of the Army permit to allow continued commercial sand and gravel dredging from the Ohio River within the jurisdiction of the Louisville District, U.S. Army Corps of Engineers, Ohio River mile 438.0 to 981.0. The project will cause the removal or displacement of benthic fauna and the existing habitat of fish species will be altered. The dredging will cause localized increases in suspended material. (Louisville District.) Comments made by: FPC, DOT, DOI, USDA, EPA, State and local agencies, concerned groups and individuals. (ELR Order No. 80015.)

##### Supplement

Applegate Lake, Rogue River Basin (S-3), Oregon, January 3: This statement supplements a final EIS originally filed with CEQ in 1972. The statement consists of comment letters on the final EIS and the two previous supplemental statements, and the Corps response to these comments. (Portland District.) (ELR Order No. 80001.)

#### DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

##### Draft

Rio Grande Estates, Puerto Rico, January 3: Proposed is the development of 496.57 cuerdas of land (one cuerda equals 0.97 acres) in the Zarzal Ward of the Rio Grande municipality, Puerto Rico, into residential housing. First stage implementation calls for the construction of 2,343 dwellings (797 in single family units, and 1,546 units in multifamily structures) in a tract covering 197.83 acres. Adverse impacts include elimination of most of the existing flora; increased air, noise, and water pollution; increased surface runoff and erosion; and construction-related pollution. (ELR Order No. 80003.)

#### Section 104(h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

##### Draft

Lechmere Canal and Triangle Development Project, Massachusetts, January 4: Proposed is the Lechmere Canal and Triangle Area Development Project located in the northeastern corner of the city of Cambridge. Plan implementation calls for the restoration of the Lechmere Canal and establishment of a bordering park; conversion of the Cambridge Parkway area to a park along the Charles River; and open-space walkways from the development areas to the new parks; street widening; relocation of the Lechmere Square MBTA Station; and the development of housing, retail and office centers. Adverse impacts include the

relocation of 18 to 21 businesses; increased noise and traffic and construction-related pollution. (ELR Order No. 80007.)

#### INTERSTATE COMMERCE COMMISSION

Contact: Mr. Richard I. Chais, Chief, Section of Energy and Environment, Room 3373, 12th and Constitution Avenue NW., Washington, D.C. 20423, 202-275-7692.

##### Draft

Northwest Michigan Railroad Abandonment, several counties in Michigan, January 3: Proposed is the abandonment and dismantling of the Chesapeake & Ohio Railway Co.'s branch line rail operations between Bay View and Manistee, a distance of approximately 145.89 miles. Adverse impacts include the elimination of rail service to 27 stations in the northwestern corner of the lower peninsula of Michigan and construction-related pollution due to salvage operations. (ELR Order No. 80006.)

#### TENNESSEE VALLEY AUTHORITY

Contact: Dr. Peter Krenkel, Director of Environmental Planning, Tennessee Valley Authority, 720 Edney Building, Chattanooga, Tenn. 37401, 615-755-3161, FTS 854-3161.

##### Final

Maury-Shelby, 500-kV Transmission Line, Tennessee, January 3: The proposed action is the construction and operation of a 500-kV transmission line which will connect the Maury 500-kV Substation, 2 miles north of Columbia, with the Shelby 500-kV Substation, 16 miles north of Memphis, Tenn. The transmission lines will help serve the Memphis area. Project construction will result in the initial clearing and maintenance of 2,117 acres of woodland with associated timber production loss, animal habitat changes, and enhancement measures. Comments made by: EPA, DOI, HEW, FPC, and State agencies. (ELR Order No. 80002.)

#### DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

#### FEDERAL HIGHWAY ADMINISTRATION

##### Draft

Lafayette Railroad Relocation, Tippecanoe County, Ind., January 5: The proposed action is to relocate and consolidate the N&W and L&N railroad rights-of-way into one corridor through the city of Lafayette and to separate the major highway crossings from the combined railroad facilities. Approximately 4.2 miles of N&W double-track main line and 2.6 miles of L&N single-track main line would be relocated. Adverse impacts include the use of approximately 65 to 87 acres and the displacement of 14 to 61 residential units and 12 to 16 commercial establishments, depending upon the route selected; increased levels of air and noise pollution; and construction-related pollution. (Region 5.) (ELR Order No. 80009.)

IA-518, Lee County, Iowa, January 5: Proposed is the construction of a six-mile segment of Iowa State Arterial 518 in Lee County, Iowa. The proposed construction provides for a four-lane divided highway which would generally follow the present alignment of U.S. 61/218 between U.S. 61 and U.S. 218. Four alternative routes are offered. Adverse impacts include the acquisition of between 63 and 275 acres of land, be-



tween 7 and 29 homes and 4 to 9 businesses, depending upon the alternative selected; construction-related pollution; and increased levels of air and noise pollution. (Region 7.) (ELR Order No. 80013.)

MI-20 Bridges Replacement at Big Rapids, Mecosta County, Mich., January 4: Proposed is the selection of a location and alignment for a bridge to replace the current structure carrying MI-20 (Maple Street) over the Muskegon River in the city of Big Rapids, Mecosta County, Mich. Plan implementation calls for the construction of the bridge and reconstruction of approaches, including widening of up to 2,100 feet (640 meters) of MI-20 in Big Rapids. Adverse impacts include the displacement of 0 to 24 residential units, depending upon the alternative selected, and 7 commercial establishments; increased traffic; and increased noise pollution. (ELR Order No. 80008).

In the notice of availability of Environmental Impact Statements (EIS) published by EPA in the *FEDERAL REGISTER* dated Friday, December 30, 1977, the Department of Interior statement entitled "O'Neill Unit, Lower Niobrara Division" was listed as having been prepared by the Bureau of Land Management. The statement was actually prepared by the Department of Interior's Bureau of Reclamation. The corrected notice is as follows:

#### DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Building, Department of Interior, Washington, D.C. 20240, 202-343-3891.

#### BUREAU OF RECLAMATION

##### Supplement

O'Neill Unit, Lower Niobrara Division, several counties in Nebraska, December 23: This statement supplements a final EIS originally filed with CEQ in September of 1972; that statement dealt with the construction of a dam and other water resource facilities known as the O'Neill Unit, Lower Niobrara Division, Nebraska, a part of the Pick-Sloan Missouri Basin Program. This supplement addresses four areas of the project judged inadequately considered in the final EIS: (1) geologic stability at the dam site, (2) project effect on groundwater quality, (3) impact upon area wildlife, and (4) assessment of the alternative of researching techniques for improving livestock and crop production without diminishing groundwater reserves. (ELR Order No. 71541.)

[FR Doc. 78-1019 Filed 1-12-78; 8:45 am]

#### [6730-01]

##### FEDERAL MARITIME COMMISSION

##### GAYNAR SHIPPING CORP. AND LATIN AMERICAN SHIPPING CO., INC.

##### Agreement Filed

Notice of agreement filed by Edward L. Maynard, Vice President, Gaynar Shipping Corp., One World Trade Center, No. 1471 New York, N.Y. 10048.

Agreement No. FF 78-1 between Gaynar Shipping Corp. (Gaynar) (FMC 148) and Latin American Shipping Co., Inc. (Latin American) (FMC 920) provides for the establishment of

a Texas corporation, Gaynar Shipping (Texas) Inc., which was formed July 29, 1977 and which is owned 50 percent by Gaynar and 50 percent by Latin American. The purpose of this Texas corporation is to engage in ocean freight forwarding and it has applied for an FMC independent ocean freight forwarder license and has been assigned Application Number B-114.

The parties of the agreement acknowledge that each is in the business of forwarding ocean freight and agree that neither is restricted in any manner from continuing to engage in that business except that freight forwarding for any cargo moving through Texas ports shall be referred to and performed by and through the new Texas corporation and that the parties of the agreement are restricted from engaging in the business of freight forwarding in the State of Texas either directly or through other forwarders.

By order of the Federal Maritime Commission.

Dated: January 9, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-906 Filed 1-12-78; 8:45 am]

#### [6730-01]

##### INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916 (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Argent-Cargo, Inc., 5708 N.E. 4th Avenue, Miami, Fla. 33137. Officers: Roberto A. Scallise, President; Alberto H. Paganl, Vice President.

Bethlehem Forwarding Co. (Belen I. Presas/Daniel F. Presas, d.b.a.), Koger Executive Center, Koger Bldg., No. 205, 8675 N.W. 53rd Street, Miami, Fla. 33166.

Astro Maritime Agency Inc., 100 Brannan Street, San Francisco, Calif. 94107. Officers: Basil A. Catachanas, Director/President; Leon Raymonds, Director/Secretary; Cliton Coulouthros, Director/Treasurer.

Argus Shipping Co. (Andreas Schuemer, d.b.a.), 2300 E. Higgins Road, Elk Grove Village, Ill. 60007.

La Rama Shipping Co. (Martin Liam Akins and William R. Akins, d.b.a.), P.O. Box 513, Bluffton, S.C. 29910.

Scolari Lopez Inc., 660 East San Ysidro Blvd., San Ysidro, Calif. 92073. Officers: Arthur Scolari, President; J. Socorro

Lopez M., Vice President/Treasurer; R. Neal Richards, Secretary.

Beacon International Despatch Inc., P.O. Box 488, 222 Ironton Street, North Tonawanda, N.Y. 14120. Officers: Edward T. Brick, President; Ian McGarrity, Vice President; Rolf Von Fintel, Secretary/Treasurer.

Kaworld Forwarders, Inc., 11 Broadway, Suite 463, New York, N.Y. 10004. Officers: Hung-Yao Kuan, Director; Herbert W. Abbe, President.

Gaynar Shipping (Texas) Inc., One Allen Center, Suite 1000, Houston, Tex. 77022. Officers: Eugene L. Dworkin, President; Claudio R. Lopez, Vice President; Gilberto D. Velliz, Treasurer; Edward L. Maynard, Secretary; Rosa E. Lambert, Manager.

Seamodal Transport Corp., 465 California Street, Suite 815, San Francisco, Calif. 94104. Officers: Nicholas E. Vacakis, Director/President; Derek J. Harrington, Director; Thomas C. J. Calhoun, Director; Robert M. Helan, Secretary.

By the Federal Maritime Commission.

Dated: January 9, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-907 Filed 1-12-78; 8:45 am]

#### [6210-01]

##### FEDERAL RESERVE SYSTEM

##### FIRST STATE BANCORP, INC.

##### Formation of Bank Holding Company

First State Bancorp, Inc., Oklahoma City, Okla. ("Applicant"), has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 40.6 per cent or more of the voting shares of Admiral State Bank, Tulsa, Okla. ("Bank"). Applicant presently owns 23.5 per cent of the voting shares of Bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 2, 1978.

Board of Governors of the Federal Reserve system, January 9, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 78-984 Filed 1-12-78; 8:45 am]

#### [6210-01]

##### MEADOWS BANKCORP, INC.

##### Formation of Bank Holding Company

Meadows Bankcorp, Inc., Rolling Meadows, Ill., has applied for the

Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares (less directors' qualifying shares) of Suburban Bank of Rolling Meadows, Rolling Meadows, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 5, 1978.

Board of Governors of the Federal Reserve System, January 9, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 78-985 Filed 1-12-78; 8:45 am]

#### [6750-01]

##### FEDERAL TRADE COMMISSION

##### DELEGATION OF AUTHORITY

##### Referral of Complaints

Notice is hereby given that, pursuant to Reorganization Plan No. 4 of 1961, the Commission has delegated to the Director of the Bureau of Consumer Protection and to the Director of the Bureau of Competition, with power to redelegate as necessary, the authority to refer complaints to other Federal, State, or local government agencies for appropriate action when the matter complained of or inquired about may come within the jurisdiction of such other agency.

By direction of the Commission dated December 9, 1977.

JAMES A. TOBIN,  
Acting Secretary.  
[FR Doc. 78-953 Filed 1-12-78; 8:45 am]

#### [6750-01]

##### COLEMAN CO., INC.

##### Denial of Application for Waiver

AGENCY: Federal Trade Commission.

ACTION: Denial of Application for a Waiver of Section 102(c) of the Magnuson-Moss Warranty Act.

SUMMARY: By application dated July 15, 1976, the Coleman Co., Inc. ("Coleman"), a manufacturer of heating and cooling appliances and associated equipment for mobile homes, requested a waiver of section 102(c) of the Magnuson-Moss Warranty Act, Pub. L. 93-637, 15 U.S.C. 2302(c) (the "Act").

Section 102(c) of the act provides that no warrant of a consumer product may condition a written or implied warranty of such product on the consumer's using, in connection with such product, an article or service (other than one provided without charge) identified by brand, trade or corporate name, unless a waiver of this provision is granted by the Commission. Coleman proposes to include in its mobile home furnace warranty the following provision:

This warranty is expressly conditioned upon the use of air-conditioning conversion blowers, gas valves, limit switches, and air conditioning coils that have been certified or approved for use in this furnace by nationally recognized testing laboratories such as Underwriter's Laboratories, Inc. or the American Gas Association, Inc., and use of noncertified or unapproved components will void the warranty.

Coleman applied to the Commission for a waiver of section 102(c) pursuant to that section. As required by section 102(c), the Commission published in the December 8, 1976 *FEDERAL REGISTER* (41 FR 53708) a call for comment on Coleman's application for a waiver. The public record was open for comment for 60 days and was closed on February 6, 1977. Twelve comments were submitted. In reaching its decision, the commission has carefully considered these comments as well as the evidence submitted by Coleman in support of its application.

The application of the Coleman Co., Inc. for a waiver of section 102(c) is denied for the reasons set forth below.

EFFECTIVE DATE: January 13, 1978.  
FOR FURTHER INFORMATION CONTACT:

Alan Rubin, Staff Attorney, Division of Special Statutes, Federal Trade Commission, Washington, D.C. 20580, 202-724-1100.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Magnuson Moss Act provides that no warrant of a consumer product may condition a written or implied warranty of such product on the consumer's using in connection with the product any article or service identified by brand, trade, or corporate name. Exception is made for an article or service provided free of charge. The Commission is authorized to grant a waiver of this provision if the statutory standards of section 102(c), discussed below, are met.

Coleman requests a waiver of section 102(c) to use a warranty for its mobile home furnaces that is expressly conditioned on the use of air-conditioning conversion blowers, gas valves, limit switches, and air conditioning coils that have been certified or approved for use by nationally recognized testing laboratories such as Underwriter's

Laboratories, Inc. or the American Gas Association. Use of non-certified or unapproved components would void the warranty. Coleman points out that its application for waiver does not request permission to condition Coleman's warranty on the use of brand name components but rather on the use of components certified or listed by nationally recognized testing laboratories, and arguably might not fall within the scope of section 102(c). Coleman explains that it would condition its warranty performance upon use of components that were tested by the approval agency when the appliance was submitted for certification.<sup>1</sup> Coleman states that use of components other than those submitted with the furnace and included in the certification of the appliance would render the certification inapplicable to that particular installation and in some instances make the installation violative of HUD's mobile home construction and safety standards.<sup>2</sup>

The Commission believes that section 102(c) is clearly applicable to situations where warranty coverage is tied to the use of products certified or approved by testing laboratories. For purposes of determining whether a waiver must be sought, the Commission sees little basis for distinguishing between direct and indirect (e.g., certification) references to brand, trade or corporate names. Certification may or may not be relevant to the task of analyzing whether a warranted product will function properly in the absence of using specified products or services. But that is for the Commission to decide in the first instance.<sup>3</sup> The Commission, accordingly, concludes that a waiver must be obtained here.

The Magnuson-Moss Warranty Act provides that the Commission may waive the prohibition of section 102(c) if—

(1) The warrant satisfies the Commission that the warranted product will function properly only if the article or service so identified is used in connection with the warranted product, and

(2) The Commission finds that such a waiver is in the public interest.

Both standards must be satisfied for the Commission to grant a waiver.

Coleman asserts that unless components are used that have been certified

<sup>1</sup> Coleman Application, p. 3.

<sup>2</sup> Id., p. 2.

<sup>3</sup> Id., p. 3.

There is some evidence in the present case that certification may not be available to all manufacturers. Since it appears that only those components submitted with the furnace are eligible for certification (Coleman application, p. 3), Coleman is in a position to exercise considerable influence, if not actual control, over the brand name products selected for approval by the testing laboratory.



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with its mobile home furnaces, there is no assurance that they will function properly or safely, and that the waiver is therefore in the public interest.<sup>3</sup> The need for safe parts is echoed in the comments submitted by those who support Coleman's waiver request.<sup>4</sup> For example, GAMA states:

Consumers and the government agencies acting on their behalf today, more than ever before, are insisting that products be safe and function properly. Only by testing the product, mated with principal components, can the safe operation of the product be verified.<sup>5</sup>

The Commission recognizes that potential safety problems arising from use of articles or services other than those sought to be identified in the warranty are a matter of legitimate concern. The Commission believes that products such as Coleman's mobile home furnaces could hardly be said to function properly within the meaning of the statute if they endangered health or safety in a manner or to an extent that would not occur if they were used only in connection with the article or service sought to be required by the warranty. Allegations of safety-related problems caused by articles or services other than those the warranty would identify can properly be considered under the standard set forth in section 102(c)(1). Thus, the Commission has considered fully Coleman's claims about potential safety problems arising from the use of non-certified components in its consideration of whether Coleman has met the standard set forth in Section 102(c)(1).

Coleman has submitted the following materials in support of its application:

- (1) Blueprints of the appliances;
- (2) Installation and instruction manuals and copies of the proposed warranties;
- (3) A directory of Certified Appliances and Accessories issued by the American Gas Association; and
- (4) A "case study" of one installation that has been repaired using non-certified components.

The first two items clearly identify the parts and products involved in the waiver request, but do not address the statutory standard. While the third item indicates that Coleman parts are certified and that certified parts not manufactured by Coleman are available, it also does not address the statutory standard.

The case study stands as the sole support for the claim that Coleman

furnaces will function properly only with certified parts. The case study includes photographs, and a report of a field investigation that describes the results of the installation of a non-certified motor, capacitor, humidifier, wiring, evaporator coil, condensing unit and various air conditioning components in a Coleman mobile home furnace. The case study includes statements—apparently made by a Coleman agent who inspected the appliance—that the effects of using these parts "could not be determined" (p. 2); or that they "may present an unreasonable hazard, however no determination could be made" (p. 4). Many of the problems described appear to be the result of improper installation by the consumer or by a repair person not an agent or employee of Coleman for which Coleman can, and does, expressly and effectively disclaim all liability<sup>6</sup> and not due to the use of non-certified parts. For these reasons the Commission concludes that this single case history does not support Coleman's claim that certified parts are necessary for the proper operation of Coleman appliances.

Coleman also contends that state building codes and current HUD mobile home construction regulations require the use of certified parts. The implications of this argument are that a waiver is necessary for the Commission to be consistent with those laws and to prevent section 102(c) from halting Coleman's efforts to ensure compliance with these safety regulations.

This argument is not persuasive for several reasons. As Coleman recognizes in its application,<sup>7</sup> any reliance on State law in this regard is misplaced, as the HUD Mobile Home Construction and Safety Standards, 24 CFR Part 280, preempt state law.<sup>8</sup> Furthermore, the HUD regulations on which Coleman relies do not prohibit the use of parts other than those certified by nationally recognized testing laboratories. Although most specific provisions relating to individual compo-

<sup>3</sup>The fourth item in the list of "exceptions and exclusions" from coverage under Coleman's mobile home furnace warranty states "This warranty does not cover damage caused by . . . improper installation".

<sup>4</sup>Coleman application, p. 2.

<sup>5</sup>The Mobile Home Construction and Safety Standards Act, 42 U.S.C. 5401 et seq., under which HUD's regulations were promulgated, states: Whenever a Federal mobile home construction and safety standard established under this chapter is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any mobile home covered, any standard regarding construction or safety applicable to the same aspect of performance of such mobile home which is not identical to the Federal mobile home construction and safety standard. 42 U.S.C. 5403(d).

nents of the mobile home require certified parts to be used," Part 280.1(a), which describes the general scope of the regulations, states:

Thus, as one comment notes,<sup>9</sup> the HUD regulations do contemplate circumstances under which non-certified parts may be used.

Moreover, Coleman's assertion that the proposed warranty provision merely incorporates the requirements of HUD regulations is incorrect. Section 280.2(17) of the regulations defines "mobile home construction"—the focus of the regulations—as "all activities relating to the assembly and manufacture of a mobile home . . ." [Emphasis added.] The regulations do not apply to the repair of mobile homes or to their use and maintenance by consumers, as would the warranty provision proposed by Coleman. Thus, the proposed warranty would go beyond the scope of the HUD regulations.

Coleman asserts in the application that there is "no assurance" that non-certified parts will function properly.<sup>10</sup> However, this contention does not address the statutory standard for a waiver. Certification by a nationally recognized testing agency may indicate that the part was designed to function properly in a particular application, but noncertification of a particular part does not indicate that the part will not function properly. Non-certified parts may perform, on the whole, better or worse than certified parts.

The application for a waiver of section 102(c) is denied.

By direction of the Commission.

Dated: December 22, 1977.

CAROL M. THOMAS,  
Secretary.

[FR Doc. 78-954 Filed 1-12-78; 8:45 am]

[6750-01]

ENFORCEMENT POLICY WITH RESPECT TO  
MERGERS IN DAIRY INDUSTRY

Criteria for Assessing Future Mergers

The merger activity of the four largest national dairies, which during the 1950's was creating high local concen-

<sup>6</sup>See, for example, 24 CFR Part 280.714(a), 280.708(a), and 280.811(b)(2).

<sup>7</sup>The Secretary may approve such equipment and installations which are listed or labeled by an approved testing or listing agency. Equipment and installations not listed or labeled may be approved by the Secretary upon a determination that such equipment and installations are adequate for the protection of health, safety and the general welfare. 24 CFR 280.1(a) [emphasis added].

<sup>8</sup>Comment of Swankin and Turner, p. 1.

<sup>9</sup>Coleman application, p. 4.

tration and consolidating it into high regional and national concentration through leading firm market extension mergers, was stopped during the last decade by FTC orders. The firms acquired in this movement were often middle-tier dairies whose size permitted them to expand internally most easily into new markets and to offer the greatest potential competition to the largest national dairies.

Following the expiration of these orders, beginning in 1972, the threat of renewed merger activity ruinous to competition in the dairy industry is again a possibility. Indeed, several large dairies not under Commission orders, and ranking just below the top four companies, have been using mergers to expand their market shares. Although the motivating force is a desire to increase sales, the reason large firms prefer making horizontal and market extension mergers rather than expanding internally is that the purchase of additional market shares through acquisition of established firms reduces the risk that competitive bidding for additional sales will cause price reductions and lower profits to all.

The same is true of geographic expansion into concentrated markets. Obtaining a significant position in such market, other than by acquisition of a major established firm, is likely to intensify price competition due to price reactions of other processors unwilling to have their market shares eroded by a new entrant. A merger would not disturb the price structure and would be preferred by both the buyer and seller of the established market position. A resumption of leading firm market extension mergers would again threaten the preservation of a strong middle-tier of independent dairies. The preservation of this tier of viable independent companies is as essential to the competitive health of the dairy industry today as it was when the Commission cited it in its finding in *Beatrice Foods Co.*, FTC Docket No. 6653.

Concentration has remained high in local and regional markets despite the deconcentrating effects of improvements in transportation equipment and the completion of interstate highways linking together previously separate local markets. These deconcentrating forces have been offset by the disappearance of hundreds of very small high-cost processors, other processors serving the rapid declining retail home delivery channel of distribution, and by the continuation of high barriers to new plant entry caused by the difficulty in obtaining distribution outlets, moderate scale requirements, and no growth in industry demand.

The only new plant entry has been by food chains vertically integrating

into processing. A food chain with sufficiently large local or regional sales can overcome entry barriers because of its assured markets for the output of a plant. The continued growth of food chains and their success in achieving consumer acceptance for private label milk has caused vertical integration into processing to increase sharply since the early 1960's. Vertical integration is the source of considerable market forceclosure to nonintegrated dairies in many local markets and it may be causing smaller and new entrant food chains in some markets to face a cost disadvantage. Although the threat of food chain integration appears to have had a significant price effect, particularly through the wholesale and retail pricing of private label milk, the actual integration of food chains into processing has not been associated with further intensifications of price competition.

In view of the above facts which indicate a need for continuing to guard against concentration-increasing mergers, the Commission should make abundantly clear, in so far as possible, its future enforcement policy in the dairy industry. In doing so, the Commission wants it to be known that new developments in the dairy industry may cause it to change the enforcement policy as the competitive effects of the new developments become apparent.

MAJOR CRITERIA FOR ASSESSING FUTURE  
FLUID MILK PRODUCT INDUSTRY  
MERGERS

The Commission has adopted the following enforcement criteria for initiating investigations of acquisitions which raise significant questions of law or policy under section 7 of the Clayton Act, as amended by the Celler-Kefauver Act. These criteria are in no way to be considered applicable to acquisitions of companies under outstanding Commission orders requiring prior approval by the Commission with respect to acquisitions.

1. The Commission will focus particular attention on fluid milk company mergers and acquisitions by large dairy companies processing more than 1 billion pounds<sup>1</sup> of class I milk annually (or when combined with an acquired company processes that amount). Investigations will be made when the acquired entity is believed to fall within any of the following categories:

(a) Any fluid milk processing plant, distribution facility, or route (except those serving retail home delivery exclusively) within a 150-mile radius of existing plants or distribution facilities of the acquiring company, unless prior approval of the Commission has been granted.<sup>2</sup>

See footnotes at end of document.

(b) Any fluid milk processing company or plant located within a radius of between 150 and 500 miles of existing plants or distribution facilities of the acquiring company, and which in any of the three years prior to acquisition processed more than 26 million pounds<sup>1</sup> of class I milk annually (approximately 40,000 quarts a day), unless prior Commission approval has been granted.<sup>3</sup>

(c) Any dairy plant located beyond a 500-mile radius of existing plants or distribution facilities of the acquiring company and which in any of the three years prior to acquisition processed more than 26 million pounds<sup>1</sup> of class I milk, upon determination of possible anti-competitive effects due to an evaluation of the following: (i) The size and market position(s) of the acquired company or plant; (ii) the distance the acquired company's marketing area is separate from the marketing area of the acquiring company; (iii) concentration and entry conditions into the acquired company's markets; and (iv) the overall size and the local and regional market positions held by the acquiring company.

(d) Any company that processes 300 million pounds<sup>1</sup> of class I milk annually.

2. Acquisitions involving companies with combined annual processing of less than 1 billion pounds of class I milk generally pose less of a threat to competition except insofar as they involve the acquisitions by major regional companies of dairy companies ranking in the top 4 in adjacent markets. Mergers which involve such leading firms may pose a threat and will be investigated as will other mergers which exceed the guidelines established by the Department of Justice.<sup>4</sup> The Justice Department's guidelines specify that horizontal mergers or acquisitions will likely be challenged where four-firm concentration is 75 percent or more in any market and the acquiring and acquired firms hold the following market shares:<sup>5</sup>

Acquiring firms (percent)	Acquired firms (percent or more)
4.....	4
10.....	2
15.....	1

If the four-firm concentration is less than 75 percent, the guidelines indicate challenging mergers with these market shares:<sup>6</sup>

Acquiring firms (percent)	Acquired firms (percent or more)
5.....	5
10.....	4
15.....	3
20.....	2
25.....	1



The above enforcement criteria are not to be construed as an expression of the views of the Commission or any individual Commissioner on the legality of any particular merger or acquisition. Rather, the Commission has chosen quantifiable standards to describe concisely those mergers and acquisitions in the dairy industry which merit special attention.

#### PREMERGER NOTIFICATION

In order to carry out the above enforcement policy in a fair and expeditious manner, the Commission will require that any company processing more than 300 million pounds<sup>1</sup> of class I milk annually, or when combined with an acquired company processes that amount, notify and provide special reports to the Commission at least 60 days<sup>2</sup> prior to making any acquisition having either of the following characteristics:

- (1) A fluid milk processing plant, distribution facility, or route (except those serving retail home delivery exclusively) located within a 500 mile radius of an existing plant or distribution facility of such company.
- (2) A dairy company which in any of the three years prior to acquisition made annual fluid milk sales in excess of 26 million pounds or a processing plant which processed 26 million pounds or more of class I milk.<sup>3</sup>

#### ANALYSIS OF AMENDED FEDERAL TRADE COMMISSION ENFORCEMENT POLICY WITH RESPECT TO MERGERS IN THE DAIRY INDUSTRY

The Federal Trade Commission has issued an amended statement of its "Enforcement Policy With Respect to Mergers in the Dairy Industry," published in the *FEDERAL REGISTER* on July 3, 1973 (Vol. 38, No. 127). The amended statement is the same as that published on July 3, 1973, in all respects but the four following:

1. The word "merged" in the first sentence of the second paragraph of the statement has been changed to "merger."
2. The elimination of the reference to \$2.5 million in paragraph 1(b) under the heading "Major Criteria for Assessing Future Fluid Milk Product Industry Mergers" and in paragraph 2 under the heading "Pre-Merger Notification." In the latter instance the volume figure "26 million pounds," is substituted for "\$2.5 million."
3. The elimination of paragraph 3 under the heading "Major Criteria for Assessing Future Fluid Milk Product Industry Mergers."
4. The addition of the words "either of" following the words "acquisition having" and before the words "the following characteristics:" in the first paragraph under the heading "Pre-

Merger Notification," so that said paragraph now reads:

In order to carry out the above enforcement policy in a fair and expeditious manner, the Commission will require that any company processing more than 300 million pounds<sup>1</sup> of class I milk annually, or when combined with an acquired company processes that amount, notify and provide special reports to the Commission at least 60 days<sup>2</sup> prior to making any acquisition having either of the following characteristics: [Added words underlined.]

The reasons for the above changes are as follows:

1. The word "merged" in the first sentence of the second paragraph of the original version of the policy statement was a typographical error.

2. The \$2.5 million sales figure as used in the original version of the policy statement was intended to be the equivalent of the 26 million pound volume figure also used in these same sections. (See paragraph 1(b) under the heading "Major Criteria for Assessing Future Fluid Milk Product Industry Mergers.") However, during the period since July 1973 inflationary trends have altered this relationship. This has resulted in two separate standards, rather than the single standard envisioned by the original policy statement. Accordingly, the constant volume figure is retained in the amended version and the dollar figure is eliminated.

3. Paragraph 3 under the heading "Major Criteria for Assessing Future Fluid Milk Product Industry Mergers," dealt with acquisitions involving dairy products other than fluid milk. It referred to a separate Commission policy statement, the Commission's "Enforcement Policy With Respect to Product Extension Mergers in Grocery Products Manufacturing," May 15, 1968, as controlling in such instances. The latter policy statement has since been withdrawn, so this paragraph has been eliminated, accordingly.

4. Finally, the words "either of" have been added to the paragraph under the heading "Pre-Merger Notification" in order to eliminate any possible confusion as to whether the two conditions applied thereunder are in the alternative, or the cumulative, i.e., whether a special report must be filed if either one of the circumstances is present or whether both must be present. The criteria stated prior to this section in the policy statement make it clear that a special report must be filed if either one of these conditions are met. Moreover, the Resolution of the Commission Directing Special Reports on Mergers and Acquisitions in the Dairy Industry and the Commission's Order Requiring Filing of Special Reports, both of which are mailed to dairies required to report hereunder, make it quite clear that these con-

ditions are in the alternative, rather than the cumulative. However, the language of the original statement is not explicit and could possibly be misconstrued. Therefore, the noted phrase "either of" has been added in order to clarify the meaning of the pre-merger notification requirements.

By direction of the Commission.

Dated: December 14, 1977.

CAROL M. THOMAS,  
Secretary.

(FR Doc. 78-955 Filed 1-12-78; 8:45 am)

#### FOOTNOTES

<sup>1</sup>Home delivery sales and processing not done in the United States should not be included when computing sales volumes and market shares herein.

<sup>2</sup>Reference to prior approval in this statement should not be interpreted to mean that companies must request Commission approval prior to the consummation of any merger or acquisition. However, the Commission shall continue to provide advisory opinions, as provided by its rules of practice, regarding the legality of particular mergers, and invites those contemplating mergers to avail themselves of this program in any situation where there is uncertainty as to the legality of a prospective merger.

<sup>3</sup>U.S. Department of Justice, Merger Guidelines, May 30, 1968 (mimeograph).

<sup>4</sup>If the time schedule of the acquisition or merger does not permit notification 60 days prior to consummation, the notification and special report should be submitted as promptly as possible.

[1610-01]

#### GENERAL ACCOUNTING OFFICE

##### REGULATORY REPORTS REVIEW

###### Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on January 6, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the *FEDERAL REGISTER* is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must

be received on or before January 31, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart, of the Regulatory Reports Review Staff, 202-275-3532.

#### FEDERAL TRADE COMMISSION

The FTC requests clearance of a new, voluntary, single-time questionnaire which will be sent to approximately 100 life insurance companies, selected on the basis of size. The questionnaire will request information about the costs of certain types of life insurance policies and related information such as sales and policy benefits. Information will also be requested about companies' agency systems, such as the number of agents employed, samples of agents' contracts, and how agents are trained to guide consumers in deciding the type and amount of life insurance they should buy. The FTC estimates that reporting time will average 80 hours per response.

NORMAN F. HEYL,  
Regulatory Reports  
Review Officer.

(FR Doc. 78-957 Filed 1-12-78; 8:45 am)

[1610-01]

#### REGULATORY REPORTS REVIEW

##### Suspension of Review of Proposed Report

A request for clearance of a proposed report intended for use and collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on November 22, 1977. See 44 U.S.C. 3512(c)(d). The purpose of publishing this notice is to inform the public of the recent action taken by GAO and the consequences it has on a GAO clearance.

#### INTERSTATE COMMERCE COMMISSION

On December 2, 1977, GAO published a notice in the *FEDERAL REGISTER* (42 FR 61305) that ICC requested clearance of a new annual report supplement—Corporate Disclosure, in accordance with the order of the ICC in docket No. 36141, Corporate Disclosure regulations decided May 13, 1977. In that notice, GAO noted that although the reporting deadline for the report is March 31, 1978, the ICC expects the reporting companies to apply the new Corporate Disclosure regulations to the entire year ending December 31, 1977. The GAO further noted that this reporting deadline and the effective date for the reporting requirements in these new regulations are contingent upon ICC's compliance

with 44 U.S.C. 3512 which precludes the collection of information from ten or more persons until the Comptroller General has had the opportunity to advise that the information is not presently available from other Federal sources and that the proposed reporting requirements are consistent with the provisions of section 3512.

This notice is to advise the public that on January 5, 1978, GAO suspended its review of the Corporate Disclosure reporting requirements because ICC had not fully complied with the GAO rules and regulations and, therefore, GAO has been unable to make a clearance decision. The action was taken pursuant to GAO's rules and regulations, 4 CFR 10.9(a) and the 45-day clearance review period will no longer continue to run. As a consequence, the reporting requirements of the Corporate Disclosure regulations do not currently have a valid GAO clearance.

NORMAN F. HEYL,  
Regulatory Reports  
Review Officer.

(FR Doc. 78-958 Filed 1-12-78; 8:45 am)

[1505-01]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Food and Drug Administration

(Docket No. 75N-0232)

##### FLAVORING SUBSTANCES

Additional Flavoring Substances in Gros Review; Extension of Effective Date for Compliance with Bulk Flavor Ingredient Declaration Requirements

##### Correction

In FR Doc. 77-30172, appearing at page 55643 in the issue of Tuesday, October 18, 1977, between the words "ingredients" and "listed" in the "Supplementary Information" paragraph insert a period and the words, "The notice also announced that these reviews would include all flavoring ingredients".

[4110-03]

(Docket No. 77P-0338)

#### BECTON-DICKINSON AND CO.

##### Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is issuing for public comment the recommendation of the Clinical Toxicology Device Classification Panel (panel) reviewed the petition and recommended that the device be reclassified into class II. To determine the proper classification of the device, the panel considered the criteria in section 513(a)(1) of the act.

fied from class III (Premarket Approval) to class II (Performance Standards). This recommendation was made after review of a reclassification petition filed by Becton-Dickinson and Co., Washington, D.C., under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the panel's recommendation and the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. If the device is reclassified, the reclassification will be announced in the *FEDERAL REGISTER*.

DATES: Comments by February 13, 1978.

ADDRESS: Comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

S. K. Vadlamudi, Food and Drug Administration, Bureau of Medical Devices (HFC-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

SUPPLEMENTARY INFORMATION: On February 14, 1977, Becton-Dickinson and Co., Washington, D.C., submitted to FDA a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)), stating that it intended to market a device the manufacturer calls the AMISAK™ Amikacin Serum Assay Kit. After reviewing the information in the premarket notification, the Commissioner determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976, nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified in class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act, before a device that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On August 16, 1977, Becton-Dickinson and Co. submitted a reclassification petition for the device under section 513(f)(2) of the act. On October 6, 1977, the Clinical Toxicology Device Classification Panel (panel) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the panel considered the criteria in section 513(a)(1) of the act.



For the purposes of classification, the panel assigned to the device the name "AMIKACIN Serum Assay". The device is used to detect the levels of amikacin in the serum so that a physician may, if necessary, adjust the dosage prescribed for a patient. Amikacin is an antibiotic used to treat infection; an excess of amikacin can result in kidney damage or loss of hearing. The panel recommended that all devices meeting this description be classified into class II.

#### SUMMARY OF THE REASONS FOR THE RECOMMENDATION

The panel made the following determinations in support of its recommendation:

1. The device is not an implant, nor is it life-sustaining or life-supporting.
2. The device is not potentially hazardous to life or good health when properly used.
3. The device is used to detect the levels of amikacin in human serum. The device is an in vitro diagnostic product. Step-by-step protocol for the analyst has been included. Performance data on accuracy, quantitation, and interferences have been included. The device has performance characteristics that should be maintained.

#### SUMMARY OF THE DATA ON WHICH THE RECOMMENDATION IS BASED

To determine the safety and effectiveness of the device, the kit was used in a clinical study on a series of 27 samples of human sera. These same sera samples were run with a currently accepted methodology of radioimmunoassay (RIA). The panel believes that the data show there is a good agreement between the two methods. The coefficient of correlation was 0.91. The data were obtained from a field clinical study and also from in-house studies. The panel believes that these studies adequately support the precision claim of the product.

#### RISKS TO HEALTH

The panel noted that the failure of the device to produce accurate results could lead to improper treatment or toxicity. The panel also noted that the device could fail because of cross-reactivity with other aminoglycosides. Therefore, the panel recommended that a standard be developed to address these risks and that the development of this standard be a high priority.

The petition and a transcript of the panel meeting are on file in the office of the Hearing Clerk, address noted above.

Dated: January 4, 1978.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc. 78-624 Filed 1-12-78; 8:45 am]

#### [4110-03]

[Docket No. 77N-0282]

#### LICENSING OF LIMULUS AMEBOCYTE LYSATE

Use as an Alternative for Rabbit Pyrogen Test

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice amends the effective date of a previous FEDERAL REGISTER notice on the licensing of Limulus Amebocyte Lysate (LAL) as an alternative to the rabbit test for detecting pyrogens insofar as that notice applies to medical devices. This notice does not affect the application of the notice as it applies to biological products.

DATE: Data required by this notice must be submitted and approved by July 12, 1978.

ADDRESS: Data required by this notice must be submitted to the Bureau of Medical Devices, Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910.

FOR FURTHER INFORMATION CONTACT:

Carl W. Bruch, Bureau of Medical Devices (HFK-400), 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7230.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of November 4, 1977 (42 FR 57749), the Commissioner of Food and Drugs issued a notice stating that manufacturers who use LAL to test for pyrogens in medical devices can do so only upon the written approval of the Director, Bureau of Medical Devices (the Bureau). That notice further stated that approval would be granted to individual manufacturers only after they had submitted data to the Bureau to establish that the LAL test is at least equivalent to the rabbit test. Failure to obtain approval would result in the device being considered misbranded and/or adulterated as to pyrogenicity. The November 4, 1977, FEDERAL REGISTER notice was effective upon publication.

The Commissioner has learned that several manufacturers of medical devices were using the LAL test as the sole test for pyrogenicity prior to publication of the November 4 notice. Such use was not prohibited. Therefore, to require these manufacturers to discontinue using LAL as the test for pyrogenicity pending approval by FDA would be an undue burden on these manufacturers and would possibly cause disruption in the supply of some medical devices. Therefore, the Commissioner has decided that manufacturers who were using the test prior to November 4, 1977 may continue to use the LAL test for a period not to

exceed July 12, 1978, during which time they must compile and submit the required equivalency data to the Bureau for approval.

If such data are not received and approved by that date, i.e., July 12, 1978, the devices will be considered misbranded and/or adulterated in accordance with the November 4, 1977, notice. Manufacturers of medical devices who are not currently using the LAL test as the sole test for pyrogenicity, but who plan to do so in the future, must submit equivalency data and obtain written approval from the Director of the Bureau before using the test as the sole test for pyrogenicity for medical devices.

Dated: January 5, 1978.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc. 78-623 Filed 1-12-78; 8:45 am]

#### [4110-03]

[Docket No. 77P-0340]

#### SYVA

Panel Recommendation on Petition for  
Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is issuing for public comment the recommendation of the Clinical Toxicology Device Classification Panel that the EMIT™ Theophylline Assay be reclassified from class III (Premarket Approval) to class II (Performance Standards). This recommendation was made after review of a reclassification petition filed by Syva, Palo Alto, Calif. under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the panel recommendation and the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. If the device is reclassified, the reclassification will be announced in the FEDERAL REGISTER.

DATE: Comments by February 13, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

S. K. Vadlamudi, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7234.

SUPPLEMENTARY INFORMATION: On April 19, 1977, Syva, Palo Alto,

Calif. submitted to FDA a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)), stating that it intended to market a device the manufacturer calls the EMIT™ Theophylline Assay Kit. After reviewing the information in the premarket notification, the Commissioner of Food and Drugs determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified in class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520 (g) of the act (21 U.S.C. 360j(g)).

On August 4, 1977, Syva submitted a reclassification petition for the device under section 513(f)(2) of the act. On October 6, 1977, the Clinical Toxicology Device Classification Panel (panel) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the panel considered the criteria in section 513(a)(1) of the act.

For the purposes of classification, the panel assigned to the device the name "Enzyme Immunoassay, Theophylline" and described the device as a kit for enzyme immunoassay of serum or of plasma. The device is used to quantitate the levels of theophylline in human serum or plasma. Theophylline is a drug used for stimulation of the muscles in the cardiovascular, respiratory, and central nervous systems; it is used often for treatment of asthma in children. An excess of theophylline may result in convulsions due to respiratory failure. If use of the device indicates an excess of theophylline, the physician may adjust the dosage prescribed for a patient. The panel recommended that all devices meeting this description, and those substantially equivalent, be classified in class II.

#### SUMMARY OF THE REASONS FOR THE RECOMMENDATION

The panel made the following determinations in support of its recommendation:

1. The device is not an implant, nor is it life-sustaining or life-supporting.
2. The device is not potentially hazardous to life or good health when properly used.

3. The device is an in vitro diagnostic product used to quantitate the levels of theophylline in human serum or plasma by enzyme immunoassay. A step-by-step protocol for use by the analyst has been included. The type of instrument to be used with the device and performance data on accuracy, precision, and quantitation of interfering substances have been included. The device has performance characteristics that should be maintained at a satisfactory level.

#### SUMMARY OF THE DATA ON WHICH THE RECOMMENDATION IS BASED

To determine the safety and effectiveness of the device, the kit was used in a clinical study on a series of 63 samples of human sera. These samples were also run using a currently accepted method of high-pressure liquid chromatography (HPLC). The data showed similar results between the two methods (EMIT mean value 12.5 milligrams per milliliter (mg/ml); HPLC mean value 11.5 mg/ml). The data were obtained from a field clinical study and also from in-house studies. These studies adequately supported the precision claim of the product (field study 10.0 mg/ml; in-house study 9.9 mg/ml). The sample-to-sample variation was found to be within an acceptable range: the coefficient of variation ranged from 5 to 9.6 percent. The cross-reactivity with 20 other related xanthine derivatives was adequately quantitated: only 1-methylxanthine (30 mg/ml) and caffeine (100 mg/ml) cross-react with EMIT theophylline assay to give 30 percent error in a calibrator containing 10.0 mg/ml of theophylline.

#### RISKS TO HEALTH

Inaccurate analysis from use of the device may result in ineffective treatment or production of toxicities. The panel recommended that the device be classified in class II, that a standard directed toward the specificity and sensitivity of the device be developed, and that the development of this standard be a high priority.

The petition and a transcript of the panel meeting are on file in the office of the Hearing Clerk, address noted above.

Dated: January 4, 1978.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc. 77-623 Filed 1-2-77; 8:45 am]

#### [1505-01]

[Docket No. 77F-0284]

BETZ LABORATORIES, INC.

Notice of Filing of Food Additive Petition

#### Correction

In FR Doc. 77-29307 appearing on page 54617 in the issue for Friday, October 7, 1977, make the following changes:

(1) In the eighth line of the "SUPPLEMENTARY INFORMATION" section, "Components and paper and paperboard" should read "Components of paper and paperboard".

(2) In the last paragraph, in the sixth line, between the words "impact" and "analysis", insert ". Copies of the environmental impact".

#### [4110-03]

[Docket No. 78N-0005]

CHLOROFLUOROCARBONS

Notice of Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA), Food and Drug Administration (FDA), and Consumer Product Safety Commission (CPSC) will hold a second public meeting on the nonpropellant uses of fully halogenated chlorofluoroalkanes (chlorofluorocarbons—CFC's). The information obtained at the meeting will aid the agencies in making regulatory decisions on nonpropellant CFC emissions.

DATE: The meeting will be held February 21 through 24, 1978, at 10 a.m.

ADDRESS: The meeting will be held in the Humphrey Auditorium, Humphrey Building (formerly South Portal Building), 200 Independence Avenue SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Larry E. Longanecker, Office of Toxic Substances (WH-557), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-1188.

SUPPLEMENTARY INFORMATION: If you wish to make a presentation at the meeting please contact by phone before February 7, 1978: Joni T. Repasch, Office of Toxic Substances (WH-557), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, phone 202-755-1188.

This meeting is the second in a continuing effort by EPA, FDA, and CPSC to gather information to determine whether there is a need to regu-



late nonpropellant uses of chlorofluorocarbons. FDA views this meeting as an open public meeting held pursuant to 21 CFR 10.65.

The first public meeting on nonpropellant uses of fully halogenated chlorofluoroalkanes was held on October 25-27, 1977, at the Washington, D.C. headquarters of the Environmental Protection Agency. Participants submitted useful information on the use of these substances in refrigeration, air-conditioning, foam-blowing, solvent, and fire-extinguishing applications.

FDA is particularly interested in obtaining information on the nonpropellant uses of CFC's in FDA-regulated products, e.g., as a liquid food freezant, as a food additive in the production of styrofoam for use in food packaging and containers, as a whipped-topping stabilizer, as a local anesthetic, and as a diluent for ethylene oxide used to sterilize medical devices. These and other uses of CFC's not previously addressed should be stressed at this time.

Recovery, recycle, and/or reuse of CFC's are important factors in the agencies' consideration of means to control emissions. Information on the technical feasibility, cost, and present extent of such activities will be of special significance in making regulatory decisions. Participants are also encouraged to submit data on the use of alternatives and emission controls, including research in these areas.

FDA encourages written submissions on nonpropellant uses of chlorofluorocarbons in FDA-regulated products before February 21, 1978, by those interested persons not able to attend the public meeting. Information can be sent to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857 (preferably in quadruplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this notice).

Similar notices about this meeting by EPA and CPSC appear elsewhere in this issue of the FEDERAL REGISTER.

Dated: January 9, 1978.

JOSEPH P. HILE,  
Associate Commissioner  
for Compliance.

[FR Doc. 78-921 Filed 1-12-78; 8:45 am]

[4110-03]

[Docket No. 76C-0345]

GLENN M. W. SCOTT

Withdrawal of Petition for Color Additive

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the withdrawal without prej-

udice of the petition (CAP 6CP0123) requesting repeal of the listing of FD&C Blue No. 1, requesting, alternatively, submission to an advisory committee of that petition and requesting submission to an advisory committee of the petitions for listing FD&C Green No. 3 and FD&C Red. No. 4.

FOR FURTHER INFORMATION CONTACT:

Gerard L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402-403 (21 U.S.C. 376(d)), the following notices is issued:

In accordance with paragraph (c)(2) of § 71.6 Extension of time for studying petitions; substantive amendments; withdrawal of petitions without prejudice (21 CFR 71.6(c)(2)), Glenn M. Scott, 6211 Orion Road, Louisville, Ky. 40222, has withdrawn his petition (CAP 6CP0123), notice of which was published in the FEDERAL REGISTER of August 10, 1976 (41 FR 33573), requesting that:

1. The listing of the color additive FD&C Blue No. 1 (21 CFR 74.101 and 74.1101) be repealed.

2. The following petitions be referred to an advisory committee under section 706(b)(5)(C)(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376(b)(5)(C)(i)): (i) The petition to repeal the listing of FD&C Blue No. 1; (ii) the petition to list FD&C Green No. 3, notice of filing of which was published in the FEDERAL REGISTER of November 20, 1968 (33 FR 17205); and (iii) the petition to list FD&C Red No. 4, notice of filing of which was published in the FEDERAL REGISTER of November 20, 1968, (33 FR 17205).

Dated: January 5, 1978.

HOWARD R. ROBERTS,

Acting Director Bureau of Foods.

[FR Doc. 78-908 Filed 1-12-78; 8:45 am]

[4110-03]

ADVISORY COMMITTEES

Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested per-

sons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-643, 86 Stat.

770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting, and contact person.
1. Contraceptive and Other, Vaginal Drug Products Panel.	February 3 and 4, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. (February 3), Holiday Inn, Chevy Chase, Md. (February 4).	Open public hearing, Feb. 3, 9 to 10 a.m.; open committee discussion, Feb. 3, 10 to 4:30 p.m., Feb. 4, 9 to 4:30 p.m.; Armond Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before January 31, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the

names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

*Open committee discussion.* The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
2. Ophthalmic Panel.....	Feb. 3 and 4, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. (February 3), Holiday Inn, Chevy Chase, Md. (February 4).	Open public hearing Feb. 3, 9 to 10 a.m.; open committee discussion, Feb. 3, 10 to 4:30 p.m., Feb. 4, 9 to 4:30 p.m.; John T. McElroy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-553-6057.

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before January 31, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the

names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

*Open committee discussion.* The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
3. Dental Device Classification Panel.	February 9 and 10, 9 a.m., Room 1409, 200 C St. SW., Washington, D.C..	Open public hearing Feb. 9, 9 to 10 a.m.; open committee discussion, Feb. 9, 10 to 4 p.m., Feb. 10, 9 to 4 p.m.; D. Gregory Singleton, D.D.S. (HFK-460), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7536.

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

*Agenda—Open public hearing.* Interested parties are encouraged to present to the executive secretary infor-

mation pertinent to the classification of polytetrafluoroethylene-vitreous carbon material. Submission of data on tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by January 24, 1978, and submit a brief statement of the general nature of the evidence or



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arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their presentations.

*Open committee discussion.* The panel will review devices classified in the general controls category and recommend exemptions for these devices from registration, records and reports, or good manufacturing practices.

Committee name	Date, time, and place	Type of meeting and contact person
4. National Advisory Food and Drug Committee.	Feb. 9 and 10, 9 a.m.-Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 9, 9 to 10 a.m.; open committee discussion, Feb. 10, 10 to 4 p.m., Feb. 11, 9 to 1 p.m.; William V. Whitehorn, M.D. (HFG-1), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1547.

*General function of the committee.* Reviews and evaluates agency programs and advises on policy matters of national significance as they relate to the statutory mission of the Food and Drug Administration in the areas of foods, drugs, cosmetics, medical devices, biological products, and electronic products. Reviews and makes recommendations on applications for grants-in-aid for research projects relevant to the mission of the Food and

Drug Administration as required by law.  
*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.  
*Open committee discussion.* State of the agency; food labeling and other food issues; review of research grant applications; concerns of the members.

Committee name	Date, time, and place	Type of meeting and contact person
5. Obstetrical and Gynecological Device Classification Panel.	Feb. 10, 9 a.m., Room 6821, 200 C St. SW., Washington, D.C..	Open public hearing Feb. 10, 9 to 10 a.m.; open committee discussion, Feb. 10, 10 to 4 p.m.; Lillian Yin, Ph.D. (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7555.

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.  
*Agenda—Open public hearing.* Interested parties are encouraged to present to the executive secretary information pertinent to laser uses and effects in gynecology. Submission of data on tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by February 3, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of pro-

posed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.  
*Open committee discussion.* Robert Carter, M.D., will discuss "Laser in Gynecology;" Duane Townsend will discuss "Carbon Dioxide Laser, Continuous Wave, in Premalignant Gynecological Diseases;" Adolph Stafli, M.D., will discuss "Advantages and Limitations of Laser Therapy for Cervical and Vaginal Intra-epithelial Neoplasia;" and Melvin Dorin, Product Manager of Coherent Medical Division, will discuss "Recommendations of Classifying Lasers in Gynecological Use Into Class II."

Committee name	Date, time, and place	Type of meeting and contact person
6. Antimicrobial Panel.....	Feb. 10 and 11 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. (February 10), Holiday Inn, Bethesda, Md. (Feb. 11).	Open public hearing Feb. 10, 9 to 10 a.m.; open committee discussion, Feb. 10, 10 to 4:30 p.m., Feb. 11, 9 to 4:30 p.m.; Armond Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.  
*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writ-

ing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before February 7, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the

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names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

*Open committee discussion.* The panel will review data submitted pursuant to the over-the-counter (OTC)

review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
7. Neurologic Drugs Advisory Committee.	Feb. 13 and 14, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 13, 9 to 10 a.m.; open committee discussion, Feb. 13, 10 to 4:30 p.m., Feb. 14, 9 to 4:30 p.m.; Charles Prettyman (HFD-120), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3810.

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in neurologic disease.  
*Agenda—Open public hearing.* Any interested person may present data, information, or views, orally or in writ-

ing, on issues pending before the committee.  
*Open committee discussion.* Discussion of report of OTC Internal Analgesic Panel; caffeine in analgesic mixture; phenacetin in analgesic mixtures; general considerations for analgesic combinations; combination drug policy.

Committee name	Date, time, and place	Type of meeting and contact person
8. Topical Analgesic Panel.....	Feb. 21, 22, and 23, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 21, 9 to 10 a.m.; open committee discussion, Feb. 21, 10 to 4:30 p.m.; Feb. 22, 9 to 4:30 p.m.; Feb. 23, 9 to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6057.

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.  
*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before February 16, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.  
*Open committee discussion.* The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.  
FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing; (2) an open committee discussion; (3) a closed presentation of data; and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this

notice. The dates and times reserved for the open portions of each committee meeting are listed above.  
The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.  
Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.  
Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.  
Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.



A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: January 9, 1978.

JOSEPH P. HILE,  
Associate Commissioner for  
Compliance.

[FR Doc. 78-915, Filed 1-12-78; 8:45 am]

#### [4110-03]

##### ADVISORY COMMITTEES

##### Request for Nominations of Statisticians and Epidemiologists as Members

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document invites nominations of statisticians and epidemiologists as voting members to serve on certain public advisory committees of the Bureau of Drugs. Nominations will be accepted for vacancies that currently exist and vacancies that will or may occur on the committees during the next 12 months.

DATES: Since scheduled vacancies occur on various dates throughout each year, no cutoff date is established for the receipt of nominations.

ADDRESS: Nominations should be sent to Bertram D. Litt, Bureau of Drugs (HFD-230), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

##### FOR FURTHER INFORMATION CONTACT:

Bertram D. Litt, Bureau of Drugs (HFD-230), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4594.

SUPPLEMENTARY INFORMATION: Nominations of statisticians and epidemiologists are requested for voting members of committees responsible for the following drug product groups: Cardiovascular and renal, gastrointestinal, arthritis, oncologic, endocrinologic and metabolic, radiopharmaceutical, pulmonary-allergy, peripheral and central nervous system, psychopharmacologic, fertility and maternal health, anti-infective and topical, anesthetic and life support, drug abuse.

The function of the committees is to review and evaluate available data concerning the safety and effectiveness or abuse potential of marketed and investigational prescription drugs for use in the area of medical specialty

indicated by the title of the committee, and to make appropriate recommendations to the Commissioner of Food and Drugs.

Persons nominated for membership shall have adequately diversified experience appropriate to the work of the committee in statistical and/or epidemiological applications related to infectious disease, internal medicine, microbiology, pharmacology, psychiatry, dentistry, neurology, obstetrics and gynecology, surgery, ophthalmology, anesthesiology, nuclear medicine, or other appropriate areas of expertise. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment is subject to review, but may include experience in statistics or epidemiology teaching, and/or research relevant to the field of activity of the committee. The term of office is 4 years.

Any interested persons may nominate one or more qualified persons for membership on one or more of the advisory committees. Nominations shall specify the drug group for which the nominee is recommended. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the advisory committee, and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by the Food and Drug Administration to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts, in order to permit evaluation of possible sources of conflict of interest.

This notice is issued under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463; 86 Stat. 770-776) and 21 CFR Part 14, relating to advisory committees.

Dated: January 6, 1978.

JOSEPH P. HILE,  
Associate Commissioner  
for Compliance.

[FR Doc. 78-918 Filed 1-12-78; 8:45 am]

#### [4110-03]

##### HEALTH CARE SERVICES

##### Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces a forthcoming regional ad hoc professional meeting concerning health care services. The meeting will be chaired by the Regional Food and Drug Director, Region III, Food and Drug Administration (FDA).

DATE: The meeting will be at 8:30 a.m., Wednesday, February 1, 1978.

ADDRESS: The meeting will be held at the Federal Building, 600 Arch Street, Philadelphia, Pa. 19106.

##### FOR FURTHER INFORMATION CONTACT:

Alan S. Kaplan, Office of Professional Programs (HFG-15), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5470.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is: (1) To exchange information among health professionals and the regional and district staff offices concerning FDA procedures for eliciting health professional input into the agency's decision-making process, (2) to identify common problems within the sphere of FDA responsibility having an effect on the practitioner and/or the delivery of health services, (3) to seek solutions to those problems, and (4) to conduct other activities of mutual interest and benefit.

Dated: January 9, 1978.

JOSEPH P. HILE,  
Associate Commissioner for  
Compliance.

[FR Doc. 78-919 Filed 1-12-78 8:45 am]

#### [4110-03]

##### OBSTETRICS AND GYNECOLOGY ADVISORY COMMITTEE

##### Meeting Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Obstetrics and Gynecology Advisory Committee meeting scheduled for January 31, 1978, in Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, Md. has been expanded to a 2-day meeting (January 30 and 31). On January 30, the agenda will consist of the following subjects: (1) High doses of estrogen and breast cancer, (2) the effectiveness of prescribing diethylstilbestrol for postcoital contraception, and (3) an evaluation of prostaglandins for midtrimester abortions.

##### FOR FURTHER INFORMATION CONTACT:

A. T. Gregoire, Bureau of Drugs (HFD-130), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3510.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration

(FDA) announced in a notice published in the FEDERAL REGISTER of January 3, 1978 (43 FR 38), meetings of FDA public advisory committees and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Notice is hereby given that the meeting of the Obstetrics and Gynecology Advisory Committee scheduled for January 31, 1978, in Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, Md. will meet on both January 30 and 31. The open public hearing will begin at 9 a.m. on January 30.

Dated: January 9, 1978.

JOSEPH P. HILE,  
Associate Commissioner for  
Compliance.

[FR Doc. 78-916 Filed 1-12-78; 8:45 am]

#### [4110-01]

[IRLG-1:003; FRL-842-2]

##### INTERAGENCY REGULATORY LIAISON GROUP

##### Testing Standards and Guidelines Work Group; Request for Written Materials

CROSS REFERENCE: For a document announcing agreement of the Consumer Product Safety Commission, the Environmental Protection Agency, the Food and Drug Administration, Health, Education, and Welfare Department and the Occupational Safety and Health Administration, Labor Department to work together as the Interagency Regulatory Liaison Group to aid in the development of preliminary drafts of testing guidelines, see FR Doc. 78-901 appearing under Environmental Protection Agency in the notices section of this issue. Refer to the table of contents at the front of this issue under "Environmental Protection Agency" to find the correct page number.

#### [1505-01]

[Docket No. 76N-0176]

##### NUCLEAR MEDICINE EVALUATION OF DISEASES OF THE THYROID GLAND

##### Intent to Propose Voluntary Recommendations

##### Correction

NOTE.—This document originally appeared mistakenly under the Nuclear Regulatory Commission in the FEDERAL REGISTER for Wednesday, January 11, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

In FR Doc. 77-30462, appearing at page 55649 in the issue of Tuesday,



October 18, 1977, the Docket No. should appear as set forth in the headings above.

[4110-35]

Health Care Financing Administration

PHARMACEUTICAL REIMBURSEMENT  
ADVISORY COMMITTEE

Request for Nomination of Members

The Department of Health, Education, and Welfare requests nominations for membership on the Pharmaceutical Reimbursement Advisory Committee, an advisory committee established under the Department's Maximum Allowable Cost (MAC) program (40 FR 32284). The Committee consists of 15 members not in the full time employ of the United States Government. Members are selected to provide as full a range as possible of knowledge, experience, and judgment in the areas of pharmacy, pharmacology, medicine, pharmaceutical marketing, public health, and consumer affairs.

Members are selected for terms of two years. The terms of seven members will expire on May 31, 1978.

Any interested person may, therefore, nominate one or more qualified persons for membership to fill the seven new positions for two year terms, such terms to run from June 1, 1978 through May 31, 1980. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude committee membership. A complete curriculum vitae on the nominee must be included.

Nominations shall be submitted to Mr. Peter J. Rodler, Acting Executive Secretary, Pharmaceutical Reimbursement Advisory Committee, Room 3614, Mary E. Switzer Building, 330 C Street, SW., Washington, D.C. 20201 no later than February 15, 1978.

Dated: January 10, 1978.

PETER J. RODLER,  
*Acting Executive Secretary,  
Pharmaceutical Reimbursement  
Advisory Committee.*

[FR Doc. 78-1026 Filed 1-12-78; 8:45 am]

[4110-84]

Health Services Administration

PHS HOSPITALS AD HOC. ADVISORY  
COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advi-

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sory body scheduled to meet during the month of January 1978:

Name: PHS Hospitals Ad Hoc Advisory Committee.

Date and time: January 27-28, 1978, 9 a.m.

Place: Room 617 G1, Hubert Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

Purpose: The Committee will conduct an in-depth examination of each PHS hospital in relation to its principal beneficiaries and the community in which it is located; its health needs and delivery system; and the cost of operation and achievements. It will assist in developing options and recommendations concerning the present and future role of the hospitals in the continuation and improvement of health care delivery.

Agenda: This is the initial meeting of the PHS Hospitals Ad Hoc Advisory Committee. The agenda includes a review of questions to be addressed by the study and discussion of materials describing the current status of the Public Health Service hospitals.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. Jordon Popkin, Office of the Administrator, Health Services Administration, Parklawn Building, Room 14-15, 5600 Fishers Lane, Rockville, Md. 20857, telephone 301-443-2245.

Agenda items are subject to change as priorities dictate.

Dated: January 11, 1978.

WILLIAM H. ASPDEN, Jr.,  
*Associate Administrator  
for Management.*

NOTE.—Earlier notice of this meeting was not feasible due to the recent establishment of this Committee.

[FR Doc. 78-1054 Filed 1-12-78; 8:45 am]

[4110-08]

National Institutes of Health

CLINICAL CANCER EDUCATION COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Cancer Education Committee, National Cancer Institute, February 22-23, 1978, Building 1, Wilson Hall Conference Room, National Institutes of Health. The meeting will be open to the public on February 22, 1978, from 8:30 a.m. to 9:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(8), Title 5, United States Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 22, 1978, from 9:30 a.m. to 5 p.m., and on February 23, 1978, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications

and the discussions could reveal personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will provide summaries of the meeting and roster of committee members, upon request.

Dr. Margaret H. Edwards, Executive Secretary, National Cancer Institute, Westwood Building, Room 10A18, National Institutes of Health, Bethesda, Md. 20014, 301-496-7761, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.398, National Institutes of Health.)

Dated: January 6, 1978.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,  
National Institutes of Health.*

[FR Doc. 78-791 Filed 1-12-78; 8:45 am]

[4110-08]

DIVISION OF RESEARCH GRANTS STUDY  
SECTIONS

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sections for February and March 1978 and the individuals from whom summaries and meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to study section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 United States Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Md. 20014, telephone area code 301-496-7441, will furnish summaries of the meetings and rosters and committee members. Substantive program information may be obtained from each Executive Secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time.

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Study section	February-March 1978 meetings	Time	Location
Allergy and Immunology: Dr. Morton Rellman, Room 320, telephone 301-496-7380.	Mar. 2-4	8:45 a.m.	Holiday Inn, Bethesda, Md.
Applied Physiology and Orthopedics: Mrs. Ileen E. Stewart, Room 318, telephone 301-496-7581.	Mar. 16-18	8:30 a.m.	Room 9, Bldg. 31, Bethesda, Md.
Bacteriology and Mycology: Dr. Milton Gordon, Room 234, telephone 301-496-7340.	Feb. 23-25	8:30 a.m.	Holiday Inn, Bethesda, Md.
Bioanalytical and Metallobiochemistry: Mr. Richard P. Bratzel, Room 310, telephone 301-496-7733.	Mar. 2-4	8 a.m.	Radisson Denver Hotel, Denver, Colo.
Biochemistry: Dr. Adolphus P. Tolliver, Room 350, telephone 301-496-7516.	Mar. 1-4	9 a.m.	Embassy Row Hotel, Washington, D.C.
Biophysics and Biophysical Chemistry A: Dr. Irvin Fuhr, Room 238, telephone 301-496-7080.	Mar. 3-5	9 a.m.	Mayflower Hotel, Washington, D.C.
Biophysics and Biophysical Chemistry B: Dr. John B. Wolff, Room 236, telephone 301-496-7070.	Mar. 9-11	8:30 a.m.	Room 7, Building 31, Bethesda, Md.
Cardiovascular and Pulmonary: Dr. Vincent J. Carroll, Room 339, telephone 301-496-7901.	Feb. 28 to Mar. 4	8 a.m.	DuPont Plaza Hotel.
Cardiovascular and Renal: Dr. Rosemary S. Morris, Room 339, telephone 301-496-7901.	Feb. 22-25	9 a.m.	Holiday Inn.
Cell Biology: Dr. Gerald Greenhouse, Room 2A-04, telephone 301-496-7020.	Mar. 1-4	8:30 a.m.	Room 9, Building 31, Bethesda, Md.
Communicative Sciences: Mr. Frederick J. Gutter, Room 321, telephone 301-496-7550.	Feb. 22-25	8:30 a.m.	Room 9, Building 31, Bethesda, Md.
Developmental Behavioral Sciences: Dr. Bertie H. R. Woolf, Room 232, telephone 301-496-7471.	Mar. 15-18	8:30 a.m.	Ramada Inn, Rosslyn, Va.
Endocrinology: Mr. Morris M. Graff, Room 333, telephone 301-496-7346.	Feb. 27 to Mar. 2	7 p.m.	Sheraton Inn, Silver Spring, Md.
Epidemiology and Disease Control: Mr. Glenn G. Lamson, Jr., Room 205, telephone 301-496-7248.	Feb. 22-24	8:30 a.m.	Room 6, Building 31, Bethesda, Md.
Experimental Psychology: Dr. A. Keith Murray, Room 220, telephone 301-496-7058.	Mar. 15-18	9 a.m.	Shoreham Americana, Washington, D.C.
Experimental Therapeutics: Dr. Anne R. Bourke, Room 319, telephone 301-496-7639.	Mar. 1-4	1 p.m.	Kenwood Country Club, Bethesda, Md.
Experimental Virology: Dr. Eugene Zebowitz, Room 206, telephone 301-496-7474.	Feb. 26 to Mar. 1	2 p.m.	Room 8, Building 31, Bethesda, Md.
General Medicine A: Dr. Harold M. Davidson, Room 354, telephone 301-496-7797.	Mar. 6-8	8:30 a.m.	Room 10, Building 31, Bethesda, Md.
General Medicine B: Dr. William F. Davis, Jr., Room 322, telephone 301-496-7730.	Mar. 1-4	9 a.m.	Embassy Row Hotel, Washington, D.C.
Genetics: Dr. David J. Remondini, Room 349, telephone 301-496-7271.	Mar. 2-4	9 a.m.	Room 6, Building 31, Bethesda, Md.
Hematology: Dr. Clark K. Lum, Room 355, telephone 301-496-7508.	Feb. 22-25	9 a.m.	Holiday Inn, Chevy Chase, Md.
Human Embryology and Development: Dr. Mischa E. Friedman, Room 203, telephone 301-496-7023.	Mar. 6-11	8:30 a.m.	Room 9, Building 31, Bethesda, Md.
Immunobiology: Dr. James H. Turner, Room 233, telephone 301-496-7780.	Mar. 1-3	8:30 a.m.	Embassy Row Hotel, Washington, D.C.
Immunological Sciences: Dr. Lottie Kornfeld, Room 233, telephone 301-496-7179.	Mar. 6-8	8:30 a.m.	Sheraton Inn, Silver Springs, Md.
Medicinal Chemistry A: Dr. Asher A. Hyatt, Room 222, telephone 301-496-7286.	Feb. 23-26	9 a.m.	Holiday Inn, Bethesda, Md.
Metabolism: Dr. Robert M. Leonard, Room 218, telephone 301-496-7091.	Mar. 1-4	8:30 a.m.	Room 10, Building 31, Bethesda, Md.
Microbial Chemistry: Dr. Gustave Silver, Room 357, telephone 301-496-7130.	Feb. 21-24	7:30 p.m.	Linden Hill Hotel, Bethesda, Md.
Molecular Biology: Dr. Donald T. Disque, Room 328, telephone 301-496-7830.	Mar. 2-4	8:30 a.m.	Holiday Inn, Bethesda, Md.
Molecular Cytology: Dr. Wendell H. Kyle, Room 222, telephone 301-496-7149.	Mar. 8-10	8:30 a.m.	Room 4, Building 31, Bethesda, Md.
Neurological Sciences: Dr. Edwin M. Bartos, Room 207, telephone 301-496-7000.	Mar. 9-12	8:30 a.m.	Holiday Inn, Bethesda, Md.



Study section	February-March 1978 meetings	Time	Location
Neurology A: Dr. William E. Morris, Room 326, telephone 301-496-7095.	Feb. 22-25	9 a.m.	Room 4, Building 31, Bethesda, Md.
Neurology B: Dr. Willard L. McFarland, Room 2A-10, telephone 301-496-7422.	Feb. 15-18	8:30 a.m.	Shoreham Americana, Washington, D.C.
Nutrition: Dr. John R. Schubert, Room 204, telephone 301-496-7178.	Feb. 22-24	8:30 a.m.	Room 7, Building 31, Bethesda, Md.
Oral Biology and Medicine: Dr. Thomas M. Tarpley, Jr., Room 325, telephone 301-496-7818.	Feb. 21-24	9 a.m.	Room 10, Building 31, Bethesda, Md.
Pathobiological Chemistry: Dr. Ellen G. Archer, Room 206, telephone 301-496-7432.	Mar. 8-11	8:30 a.m.	Room 8, Building 31, Bethesda, Md.
Pathology A: Dr. Mischa E. Friedman, Room 203, telephone 301-496-7023.	Feb. 22-24	8:30 a.m.	Sheraton Inn, Silver Spring, Md.
Pathology B: Mrs. Barbara S. Bynum, Room 352, telephone 301-496-7244.	Feb. 26 to Mar. 1	7 p.m.	Marriott Motel, Houston, Tex.
Pharmacology: Dr. Joseph A. Kaiser, Room 334, telephone 301-496-7408.	Feb. 14-16	8:30 a.m.	Holiday Inn, Bethesda, Md.
Physiological Chemistry: Dr. Robert L. Ingram, Room 338, telephone 301-496-7837.	Mar. 2-4	9 a.m.	Holiday Inn, Bethesda, Md.
Physiology: Dr. Clara E. Hamilton, Room 209, telephone 301-496-7878.	Feb. 16-18	9 a.m.	Room 9, Building 31, Bethesda, Md.
Radiation: Dr. Robert L. Straube, Room A-10, telephone 301-496-7073.	Mar. 13-15	9 a.m.	Keybridge Holiday Inn, Rosslyn, Va.
Reproductive Biology: Dr. Dharam S. Shindas, Room 307, telephone 301-496-7318.	Feb. 21-24	8:30 a.m.	Ramada Inn, Bethesda, Md.
Social Sciences and Population (formerly: Population Research): Miss Carol A. Campbell, Room 210, telephone 301-496-7140.	Mar. 2-4	9 a.m.	Shoreham Americana, Washington, D.C.
Surgery, Anesthesiology and Trauma: Dr. Keith Kraner, Room 336, telephone 301-496-7771.	Feb. 24-25	8:30 a.m.	Stouffer's National Center Hotel, Arlington, Va.
Surgery and Bioengineering: Dr. Joe W. Atkinson, Room 348, telephone 301-496-7506.	Feb. 24-25	8:30 a.m.	Stouffer's National Center Hotel, Arlington, Va.
Toxicology: Dr. Rob S. McCutcheon, Room 226, telephone 301-496-7570.	Mar. 10-12	8 a.m.	Sheraton Palace Hotel, San Francisco, Calif.
Tropical Medicine and Parasitology: Dr. Betty June Myers, Room 319, telephone 301-496-7494.	Mar. 2-4	8:30 a.m.	Kenwood Country Club, Bethesda, Md.
Virology: Dr. Claire H. Winestock, Room 309, telephone 301-496-7128.	Mar. 9-11	8:30 a.m.	Room 10, Building 31, Bethesda, Md.
Visual Sciences A: Dr. Orvil E. A. Bolduan, Room 2A-05, telephone 301-496-7189.	Mar. 6-9	9 a.m.	Holiday Inn, Georgetown, D.C.
Visual Sciences B: Dr. Luigi Giacometti, Room 325, telephone 301-496-7251.	Mar. 1-4	9 a.m.	Holiday Inn, Georgetown, D.C.

(Catalog of Federal Domestic Assistance Program Nos. 13.333, 13.337, 13.349, 13.393-13.396, 13.836-13.844, 13.846-13.871, 13.876, National Institutes of Health, HEW.)

Dated: January 6, 1978.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,*  
*National Institutes of Health.*

[FR Doc. 78-790 Filed 1-12-78; 8:45 am]

[4110-08]

ETHICS ADVISORY BOARD

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the initial meeting of the Ethics Advisory Board in Washington, D.C., on February 3-4, 1978. (This meeting was originally scheduled for November 18-19, 1977, but was subsequently cancelled.) Please contact Dr. Robert C. Backus (address and phone number below) for time and place of meeting. The entire meeting will be open to the public.

The mandate of the committee directs the Board to advise the Secretary with regard to ethical issues involving the programs and missions of the Department. This organizational meeting will be devoted to the development of plans for the accomplishment of this mandate. Attendance by the public will be limited to space available.

Dr. Robert C. Backus, Office for Protection from Research Risks, Westwood Building, Room 303, Bethesda, Md. 20034, phone 301-496-7005, will provide rosters of members, summaries of meetings, and substantive program information.

Dated: January 6, 1978.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,*  
*National Institutes of Health.*

[FR Doc. 78-789 Filed 1-12-78; 8:45 am]

[4110-08]

NATIONAL ADVISORY ALLERGY AND INFECTIOUS DISEASES COUNCIL

Amended Meeting

Notice is hereby given of changes in the meeting dates and times of the

"closed" and "open" portions of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, which was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65273).

The Council was to have convened on January 25 and adjourned on January 27, 1978, but has been changed to adjourn on January 26, 1978.

This meeting will be open to the public on January 25 from 9 a.m. until 3 p.m., and on January 26 from 8:30 a.m. until 2 p.m., and will be closed to the public on January 25 from 3 p.m. until recess, and on January 26 from 2 p.m. until adjournment.

Dated: January 6, 1978.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,*  
*National Institutes of Health.*  
[FR Doc. 78-793 Filed 1-12-78; 8:45 am]

[4110-08]

NATIONAL ADVISORY ENVIRONMENTAL HEALTH SCIENCES COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, National Institute of Environmental Health Sciences, February 6-7, 1978, in Building 18, Conference Room, National Institute of Environmental Health Sciences, Research Triangle Park, N.C.

This meeting will be open to the public on February 6, 1978, from 9 a.m. to approximately 12 noon to discuss program policies and issues, recent legislation, interagency activities, program planning, and other

items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, United States Code, and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 6, from 1 p.m. to adjournment on February 7, for review, discussion, and evaluation of individual grant applications.

Leota B. Staff, Committee Management Officer, NIEHS, Westwood Building, Room 340, Bethesda, Md. 20014, 301-496-7483, will provide summaries of the meetings and rosters of Council members.

Dr. Wilford L. Nusser, Associate Director for Extramural Program, National Institute of Environmental Health Sciences, Westwood Building, Room 340, Bethesda, Md. 20014, 301-496-7483, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.872, 13.873, 13.874, 13.875, National Institutes of Health.)

Dated: January 6, 1978.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,*  
*National Institutes of Health.*

[FR Doc. 78-794 Filed 1-12-78; 8:45 am]

[4110-08]

RECOMBINANT DNA MOLECULE PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Recombinant DNA Molecule Program Advisory Committee at the National



Institutes of Health, Building 1, Wilson Hall, 9000 Rockville Pike, Bethesda, Md. 20014, on February 13-14, 1978, from 9 a.m. to 5 p.m.

The entire meeting will be open to the public for discussion of proposed revisions of the NIH Guidelines for Research Involving Recombinant DNA Molecules, safer host-vector systems, alternative host-vector systems, status of risk assessment studies, and other matters requiring necessary action by the Committee. Attendance by the public will be limited to space available.

Dr. William J. Gartland, Executive Secretary, Recombinant DNA Molecule Program Advisory Committee, National Institutes of Health, Building 31, Room 4A52, telephone 301-496-6051, will provide materials to be discussed at the meeting, rosters of committee members, and substantive program information. A summary of the meeting will be available at a later date.

Dated: January 5, 1978.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc. 78-788 Filed 1-12-78; 8:45 am]

#### REVIEW OF CONTRACT PROPOSALS AND GRANT APPLICATIONS

##### Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual contract proposals and grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

Name of Committee: Carcinogenesis Program Scientific Review Committee.  
Dates: February 9-10, 1978; 8:30 a.m.  
Place: Landow Building, Room 4C18, 7910 Woodmont Avenue, Bethesda, Md. 20014.  
Times: Open—February 9, 8:30 a.m.-9 a.m.; open—February 10, 8:30 a.m.-9 a.m.; closed—February 9, 9 a.m.-5 p.m.; closed—February 10, 9 a.m.-adjournment.  
Closure reason: To review research contract proposals.

Executive Secretary: Dr. Carl E. Smith, Landow Building, Room 8C37, National Institutes of Health, phone 301-496-4141.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)

Name of Committee: Committee on Cancer Immunodiagnosis.

Dates: February 14, 1978; 1 p.m.  
Place: Building 10, Conference Room 4B14, National Institutes of Health.  
Times: Open—February 14, 1 p.m.-1:30 p.m.; closed—February 14, 1:30 p.m.-adjournment.  
Closure reason: To review research contract proposals.

Executive Secretary: Mrs. Judith M. Whalen, Building 10, Room 4B17, National Institutes of Health, phone 301-496-1791.

(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

Name of Committee: Developmental Therapeutics Committee.

Dates: February 14-15, 1978; 9 a.m.  
Place: Blair Building, Room 110, 8300 Colesville Road, Silver Spring, Md. 20910.  
Times: Open—February 14, 9 a.m.-9:45 a.m.; closed—February 14, 9:45 a.m.-5 p.m.; closed—February 15, 9 a.m.-adjournment.  
Closure reason: To review research contract proposals.

Executive Secretary: Dr. J. A. R. Mead, Blair Building, Room 5A03A, National Institutes of Health, phone 301-427-7263.

(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

Name of Committee: Combined Modality Committee.

Dates: February 21, 1978; 8:30 a.m.  
Place: Landow Building, Room 418C, 7910 Woodmont Avenue, Bethesda, Md. 20014.  
Times: Open—February 21, 8:30 a.m.-9 a.m.; closed—February 21, 9 a.m.-adjournment.  
Closure reason: To review research contract proposals.

Executive Secretary: Dr. Daniel L. Kisner, Landow Building, Room C808, National Institutes of Health, phone 301-496-2522.

(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

Name of Committee: Cancer Special Program Advisory Committee.

Dates: February 23-24, 1978; 9 a.m.  
Place: Building 31C, Conference Room 8, National Institutes of Health.  
Times: Open—February 23, 9 a.m.-10:30 a.m.; closed—February 23, 10:30 a.m.-5 p.m.; closed—February 24, 8:30 a.m.-adjournment.  
Closure reason: To review research grant applications.

Executive Secretary: Dr. William R. Sansone, Westwood Building, Room 805, National Institutes of Health, phone 301-496-7565.

(Catalog of Federal Domestic Assistance Number 13.392, National Institutes of Health.)

Name of Committee: Cancer Clinical Investigation Review Committee.  
Dates: February 27-28, 1978; 9 a.m.  
Place: Building 31C, Conference Room 6, National Institutes of Health.

Times: Open—February 27, 9 a.m.-5 p.m.; open—February 28, 2 p.m.-adjournment.  
Agenda/open portion: A discussion of review of cooperative group program; closed—February 28, 8:30 a.m.-2 p.m.

Closure reason: To review research grant applications.

Executive Secretary: Mr. C. W. White, Landow Building, Room 8C09, National Institutes of Health, phone 301-496-4471.

(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

Dated: January 3, 1978.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc. 78-792 Filed 1-12-78; 8:45 am]

#### [4110-08]

##### NATIONAL DIABETES ADVISORY BOARD

###### Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Diabetes Advisory Board on January 18, 1978, which was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61632).

The location of the meeting has been changed from the HEW-North Building of Health, Education, and Welfare, Conference Room 5051, at 330 Independence Avenue SW., Washington, D.C. to the Twin Bridges Marriott, Commonwealth II Room, U.S. 1 and 195, Washington, D.C. The time of the meeting remains as scheduled, 8:30 a.m. to 5 p.m.

Mr. Raymond M. Kuehne, Executive Director of the Board, P.O. Box 30174, Bethesda, Md. 20014, 301-496-6045, will provide summaries of the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

Dated: January 9, 1978.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc. 78-1062 Filed 1-12-78; 8:45 am]

#### [4110-02]

##### Office of Education

##### NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

###### Meetings of Committees and Task Forces

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of Public Meeting of Committees and Task Forces.

SUMMARY: This notice is an Amendment to Notice of Meeting dated December 16, 1977, for publication in the FEDERAL REGISTER as required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(1)). This document is intended to notify the general public of their opportunity to attend.

DATES: Task Force on Sex Equity in Vocational Education 1-3 p.m.; Task Force on the Administration and Operation of the Bureau of Occupational and Adult Education 3-5 p.m.; Technical Assistance Committee 7-8 p.m.; Chairmen of all Committees and Task Forces 8-10 p.m., all the above in the Olvera North Room of the Hyatt Regency Hotel, 711 South Hope Street, Los Angeles, California, on January 31, 1978. Task Force on the Handicapped, 3-5 p.m., Pico North, same date and location.

Signed at Washington, D.C., on January 9, 1978.

REGINALD E. PETTY,  
Executive Director, National Advisory Council on Vocational Education, 425 - 13th Street NW., Suite 412, Washington, D.C. 20004.

[FR Doc. 78-938 Filed 1-12-78; 8:45 am]

#### [4110-02]

##### NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION 1977 Report

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of 1977 Report (Section II).

SUMMARY: This notice announces the availability of the 1977 Report (Section II) of the National Advisory Council on Adult Education. Notice of the availability of this report is required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463). The report includes:

1. Results of Futures & Amendments Legislative Sessions.
2. Survey of State Support of Adult Education, Conclusions and Recommendations.
3. State Data (Overview, Governing Documents, State Adult Basic Education/Secondary Adult Education Descriptors, ABE/SAE Financial Resources, Economic Indicators).
4. State Education Agency Organization Charts.
5. Adult Education State Legislation and Regulations Examples.
6. State Allotment of Federal Funds.
7. The Adult Education Act.

ADDRESS: Requests for the report and further information may be directed to Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th Street

NW., Washington, D.C. 20004, 202-376-8892.

Signed at Washington, D.C. on January 6, 1978.

GARY A. EYRE,  
Executive Director, National Advisory Council on Adult Education.

[FR Doc. 78-969 Filed 1-12-78; 8:45 am]

#### [4110-02]

##### NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS Meeting

AGENCY: Office of Education, National Advisory Council on Women's Programs.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Women's Educational Programs and its Federal policy and practices, legislation, and program committees. It also describes the functions of the Council. Notice of the meeting is required pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). This document is intended to notify the general public of their opportunity to attend.

DATE: January 30, 1978, 8:30 to noon; January 31, 1978, 8:30 a.m. to 5 p.m.; February 1, 8:30 a.m. to 4 p.m.

ADDRESS: 1832 M Street NW., Suite 821, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Kathleen Maurer, National Advisory Council on Women's Educational Programs, 1832 M Street NW., Suite 821, Washington, D.C., 20036 202-653-5646.

The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380, section 408(f)(1). The council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to section 408 of Pub. L. 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; (d) make such reports to the President and the Congress on the activities of the council as it determines appropriate; (e) develop criteria for the establishment of program priorities; and (f) disseminate in-

formation concerning its activities under section 408 of Pub. L. 93-380.

The meeting of the Federal Policy and Practices Committee, the legislation committee and the program committee will take place on January 30 and 31 from 8:30 a.m. to 12 noon. The agenda for the Federal Policy and Practices Committee will include discussion of fiscal year 78 plans for Committee investigation of how Federal policies affect women. The agenda for the legislation committee will include discussion of Title IX, the Women's Educational Equity Act and pending legislation and regulations as they affect women. The agenda for the program committee will include discussion of monitoring and evaluation efforts directed toward the WEEA program.

The meeting of the National Advisory Council on Women's Educational Program will take place from 1:30 p.m. to 5 p.m. on January 31 and from 8:30 a.m. to 4 p.m. on February 1, 1978. The agenda will include: (1) report of the executive director; (2) report of the women's program staff; (3) discussion of the annual report; (4) action on committee reports; (5) discussion with HEW officials.

The meeting of the council and the committees will be open to the public. Records will be kept of the proceedings and will be available for public inspection.

Signed at Washington, D.C., on January 10, 1978.

Joy R. SIMONSON,  
Executive Director.  
[FR Doc. 78-986 Filed 1-12-78; 8:45 am]

#### [4310-84]

##### DEPARTMENT OF THE INTERIOR

###### Bureau of Land Management

(Proposed Oil and Gas Lease Sale No. 45)

##### OUTER CONTINENTAL SHELF, GULF OF MEXICO

###### Oil and Gas Leasing

In connection with oil and gas leasing on the Outer Continental Shelf, the Secretary of the Interior has established a new policy relating to sale notices to further and enhance consultation with the affected coastal States. That policy includes providing the affected States with the opportunity to review the draft proposed sale notice prior to its final publication in the FEDERAL REGISTER. The following is a draft sale notice for proposed Sale No. 45 in the offshore waters of the Gulf of Mexico area. This notice is hereby published as a matter of information to the public.

A decision has not been reached on the type of bidding system(s) to be used for this sale. The Secretary of



the Interior is considering the possibility of offering some of the tracts on a royalty bid or some other basis, with the remaining tracts to be offered on a cash bonus bid basis. If the royalty bid method is used, special stipulations will be applied which are included in the proposed notice of sale.

ARNOLD E. PETTY,  
Acting Director,  
Bureau of Land Management.

Approved: January 6, 1978.

CECIL D. ANDRUS,  
Secretary of the Interior.

DRAFT SALE NOTICE

1. *Authority.* This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343) and the regulations issued thereunder (43 CFR Part 3300).

2. *Filing of Bids.* Sealed bids will be received by the Manager, New Orleans Outer Continental Shelf (OCS) Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, La. 70130. Bids may be delivered, either by mail or in person, to the above address until 4:15 p.m. c.s.t., April —, 1978; or by personal delivery to (sale site in New Orleans, La. to be announced) between the hours of 8:30 a.m., c.s.t., and 9:30 a.m. c.s.t., April —, 1978. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., April —, 1978. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 42 FR 54881, October 11, 1977, as corrected in 42 FR 55280, October 14, 1977.

3. *Method of Bidding.* A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., c.s.t., April —, 1978," must be submitted for each tract. A suggested form appears in paragraph 17 of this notice. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams or leasing maps. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one fifth of the cash bonus in cash or by cashier's check, bank draft, certified check, or money order payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 13 will be considered. Bidders submitting joint bids must state on the bid form

the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is qualified under 43 CFR Part 3302. The suggested form for this statement to be used in joint bids appears in paragraph 18. Other documents may be required of bidders under 43 CFR 3302.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. *Royalty Bidding.* Bids on the following tracts must be submitted on a royalty bid basis with a fixed cash bonus as indicated. Leases which may be awarded on a royalty bid basis will provide for a yearly rental or minimum royalty payment of \$3 per acre or fraction thereof. All royalty bids must be expressed in a percent to a maximum of five decimal places. Although a percentage could be expressed in other ways, it is requested that it be written as it is in the following example: 21.75698 percent. A suggested royalty bid form is shown in paragraph 17(a).

(a) A fixed cash bonus of — per acre will be required on tracts 45—  
(Tracts and terms to be listed.)

(b) A fixed cash bonus of — per acre will be required on tracts 45—  
(Tracts and terms to be listed.)

(c) A fixed cash bonus of — per acre will be required on tracts 45—  
(Tracts and terms to be listed.)

(d) A fixed cash bonus of — per acre will be required on tracts 45—  
(Tracts and terms to be listed.)

5. *Bonus Bidding.* Bids on the remaining tracts to be offered at this sale must be on a cash bonus bid basis with a fixed royalty of 16% percent. Leases which may be issued will provide for a yearly rental payment or minimum royalty of \$3 per acre or fraction thereof. A suggested cash bonus bid form is shown in paragraph 17(b).

6. *Equal Opportunity.* Each bidder must have submitted by 9:30 a.m., c.s.t., April —, 1978, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

7. *Bid Opening.* Bids will be opened on April —, 1978, beginning at 10 a.m., c.s.t., in the sale site stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, April —, 1978, that bid will be returned unopened to the bidder as soon thereafter as possible.

8. *Deposit of Payments.* Any cash, cashier's checks, certified checks, bank drafts or money orders submitted with a bid may be

deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

9. *Withdrawal of Tracts.* The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

10. *Acceptance or Rejection of Bids.* The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid royalty bid on the designated royalty bid tracts or the highest valid cash bonus bid for the remaining tracts; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of \$25 or more per acre or fraction thereof on the tracts designated for cash bonus bidding and 12.50 percent or more royalty on the tracts designated for royalty bidding.

11. *Successful Bidders.* Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR 3304.1 within the time provided in 43 CFR 3302.5.

12. *Protraction Diagrams/Leasing Maps.* Tracts offered for lease may be located on the following official leasing maps/protraction diagrams which are available from the Manager, New Orleans Outer Continental Shelf Office at the address stated in paragraph 2.

(a) Outer Continental Shelf Official Leasing Maps—Texas Nos. 1 through No. 8. These maps are arranged in two sets, Nos. 1 through 4 (7 maps), which sell for \$5 per set, and Nos. 5 through 8 (9 maps), which sell for \$7 per set.

(b) Outer Continental Shelf Official Leasing Maps—Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for \$17.

(c) Outer Continental Shelf Official Protraction Diagrams: (1) NH 16-7, Viosca Knoll; (2) NH 16-10, Mississippi Canyon. These maps sell for \$2 each.

13. *Tract Descriptions.* The tracts offered for bid are as follows:

NOTE.—There are gaps in the sequence of the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement are not included in this notice.

OCS OFFICIAL LEASING MAP, MATAGORDA ISLAND AREA, TEXAS MAP NO. 4  
(Approved July 16, 1954)

Tract	Block	Description	Acres
45-12	487	1/	1015
45-13	634	A11	5760
45-14	657	1/	5071.18
45-15	666	A11	5760
45-16	679	A11	5760
45-17	703	A11	5760

OCS OFFICIAL LEASING MAP, BRAZOS AREA, TEXAS MAP NO. 5  
(Approved July 16, 1954)

Tract	Block	Description	Acres
45-18	488	1/	4090
45-19	A-29	A11	5760

OCS OFFICIAL LEASING MAP, BRAZOS AREA, SOUTH ADDITION, TEXAS MAP NO. 5B  
(Approved September 24, 1959)

Tract	Block	Description	Acres
45-20	A-77	A11	5760
45-21	A-104	A11	5760

OCS OFFICIAL LEASING MAP, GALVESTON AREA, TEXAS MAP NO. 6  
(Approved July 16, 1954)

Tract	Block	Description	Acres
45-22	212	A11	5760
45-23	223	A11	5760
45-24	224	A11	5760
45-25	225	A11	5760
45-26	256	A11	5760

OCS OFFICIAL LEASING MAP, SOUTH PADRE ISLAND AREA, TEXAS MAP NO. 1  
(Approved July 16, 1954)

Tract	Block	Description	Acres
45-1	1041	A11	5760
45-2	1051	A11	5760

OCS OFFICIAL LEASING MAP, NORTH PADRE ISLAND AREA, TEXAS MAP NO. 2  
(Approved July 16, 1954)

Tract	Block	Description	Acres
45-3	956	A11	5760

OCS OFFICIAL LEASING MAP, MUSTANG ISLAND AREA, TEXAS MAP NO. 3  
(Approved July 16, 1954; Revised October 30, 1961)

Tract	Block	Description	Acres
45-4	765	A11	5760
45-5	776	1/	5655
45-6	799	1/	5755
45-7	815	A11	5760
45-8	857	A11	5760
45-9	866	A11	5760
45-10	A-22	A11	5760

OCS OFFICIAL LEASING MAP, MUSTANG ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 3A  
(Approved January 23, 1967)

Tract	Block	Description	Acres
45-11	A-149	A11	5760



CALVESTON AREA (contd.)

Tract	Block	Description	Acreage
45-27	282	All	5760
45-28	327	All	5760
45-29	382	All	5760
45-30	391	All	5760
45-31	392	S½	2880
45-32	393	All	5760
45-33	420	All	5760

OCS OFFICIAL LEASING MAP, GALVESTON AREA, SOUTH ADDITION,  
TEXAS MAP NO. 6A  
(Approved September 24, 1959)

Tract	Block	Description	Acreage
45-34	A-129	All	5760
45-35	A-158	All	5760

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA, TEXAS MAP NO. 7  
(Approved July 16, 1954; Revised August 1955)

Tract	Block	Description	Acreage
45-36	71	NE¼; W½	4320
45-37	109	All	5760
45-38	196	All	5760
45-39	199	All	5760
45-40	207	All	5760
45-41	228	All	5760
45-42	231	All	5760
45-43	235	All	5760

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OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA, SOUTH ADDITION,  
TEXAS MAP NO. 7B  
(Approved September 24, 1959)

Tract	Block	Description	Acreage
45-44	A-262	All	5760
45-47	A-287	All	5760
45-48	A-300	All	5760
45-49	A-347	All	5760
45-50	A-374	All	5760
45-51	A-381	All	5760
45-52	A-395	All	5760

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA, EAST ADDITION,  
TEXAS MAP NO. 7A  
(Approved January 23, 1967)

Tract	Block	Description	Acreage
45-44	75	All	2880
45-45	76	All	2926.53

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA, EAST ADDITION,  
SOUTH EXTENSION, TEXAS MAP NO. 7C  
(Approved September 24, 1959)

Tract	Block	Description	Acreage
45-46	A-262	All	5760
45-47	A-287	All	5760
45-48	A-300	All	5760
45-49	A-347	All	5760
45-50	A-374	All	5760
45-51	A-381	All	5760
45-52	A-395	All	5760

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OCS OFFICIAL LEASING MAP, WEST CAMERON AREA,  
LOUISIANA MAP NO. 1  
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
45-59	21	E½ 2/	1338.22
45-60	70	All	5000
45-61	83	All	5000
45-62	137	All	5000
45-63	138	All	5000
45-64	275	All	5000
45-65	276	All	5000

OCS OFFICIAL LEASING MAP, WEST CAMERON AREA, WEST ADDITION,  
LOUISIANA MAP NO. 1A  
(Approved November 15, 1955; Revised January 30, 1957)

Tract	Block	Description	Acreage
45-66	359	All	5000
45-67	374	All	5000
45-68	376	All	4514.35
45-69	385	All	5000
45-70	428	All	5000

OCS OFFICIAL LEASING MAP, WEST CAMERON AREA, SOUTH ADDITION,  
LOUISIANA MAP NO. 1B  
(Approved September 8, 1959)

Tract	Block	Description	Acreage
45-71	510	All	5000
45-72	571	All	5000

OCS OFFICIAL LEASING MAP, EAST CAMERON AREA,  
LOUISIANA MAP NO. 2  
(Approved June 8, 1954; Revised August 1, 1973)

Tract	Block	Description	Acreage
45-73	13	All	5000
45-74	14	W½NW¼; NW¼SW¼; S½S½	2187.50
45-75	143	W½	2500

OCS OFFICIAL LEASING MAP, EAST CAMERON AREA, SOUTH ADDITION,  
LOUISIANA MAP NO. 2A  
(Approved September 8, 1959)

Tract	Block	Description	Acreage
45-76	258	All	5000
45-77	259	All	5000
45-78	267	All	5000

OCS OFFICIAL LEASING MAP, VERMILION AREA, LOUISIANA MAP NO. 3  
(Approved June 8, 1954; Revised June 25, 1954; July 22, 1954)

Tract	Block	Description	Acreage
45-79	18	2/	2413.71
45-80	37	All	5000

OCS OFFICIAL LEASING MAP, SOUTH MARSH ISLAND AREA,  
LOUISIANA MAP NO. 3A  
(Approved August 7, 1959)

Tract	Block	Description	Acreage
45-81	20	All	5000

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OCS OFFICIAL LEASING MAP, SHIP SHOAL AREA,  
LOUISIANA MAP NO. 5  
(Approved June 8, 1954)

Tract	Block	Description	Acreage
45-95	61	All	5000
45-96	62	2/	4,978.81
45-97	110	All	5000
45-98	118	S $\frac{1}{2}$	2500
45-99	136	All	5000
45-100	202	All	5000

OCS OFFICIAL LEASING MAP, SOUTH PELTO AREA, LOUISIANA MAP NO. 6  
(Approved June 8, 1954; Revised July 22, 1954; December 9, 1954)

Tract	Block	Description	Acreage
45-101	5	All	5000
45-102	15	All	5000
45-103	22	All	5000

OCS OFFICIAL LEASING MAP, SOUTH TIMBALIER AREA, LOUISIANA MAP NO. 6  
(Approved June 8, 1954; Revised July 22, 1954; December 9, 1954)

Tract	Block	Description	Acreage
45-104	11	2/	1337.45
45-105	104	All	3772.18

OCS OFFICIAL LEASING MAP, GRAND ISLE AREA, LOUISIANA MAP NO. 7  
(Approved June 8, 1954)

Tract	Block	Description	Acreage
45-106	83	All	5000

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OCS OFFICIAL LEASING MAP, EUGENE ISLAND AREA, SOUTH ADDITION,  
LOUISIANA MAP NO. 4A  
(Approved September 8, 1959)

Tract	Block	Description	Acreage
45-91	353	All	5000
45-92	363	All	5000
45-93	364	All	5000
45-94	372	All	5000

OCS OFFICIAL LEASING MAP, SOUTH MARCH ISLAND AREA, SOUTH ADDITION,  
LOUISIANA MAP NO. 3C  
(Approved September 8, 1959)

Tract	Block	Description	Acreage
45-82	165	All	5000
45-83	166	N $\frac{1}{2}$	2500
45-84	133	All	2500

OCS OFFICIAL LEASING MAP, EUGENE ISLAND AREA,  
LOUISIANA MAP NO. 4  
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
45-85	(9	2/	
	(25	2/	4668.94
45-86	11	2/	523.19
45-87	39	All	5000
45-88	56	All	5000
45-89	92	All	5000
45-90	174	All	5000

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OCS OFFICIAL LEASING MAP, GUARD ISLE AREA, SOUTH ADDITION,  
LOUISIANA MAP NO. 7A  
(Approved September 8, 1959; Revised March 7, 1961)

Tract	Block	Description	Acreage
45-107	92	All	5000

OCS OFFICIAL LEASING MAP, WEST DELTA AREA, LOUISIANA MAP NO. 8  
(Approved June 8, 1954)

Tract	Block	Description	Acreage
45-108	26	2/	3545.82
45-109	33	N $\frac{1}{2}$	2500
45-110	47	All	5000

OCS OFFICIAL LEASING MAP, SOUTH PASS AREA, LOUISIANA MAP NO. 9  
(Approved June 8, 1954; Revised July 22, 1954; May 11, 1973)

Tract	Block	Description	Acreage
45-111	29	2/	624.83

OCS OFFICIAL LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10  
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
45-114	60	All	4994.55
45-116	102	All	4994.55

OCS OFFICIAL LEASING MAP, VIOSEA KNOLL, NH 16-7  
(Approved October 10, 1972; revised February 15, 1973;  
August 1, 1973; December 2, 1976)

Tract	Block	Description	Acreage
45-117	943	All	5760
45-118	774	All	4239.60

OCS OFFICIAL LEASING MAP, MISSISSIPPI CANYON, NH 16-10  
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
45-119	267	All	2178.08

OCS OFFICIAL LEASING MAP, BRAZOS AREA, TEXAS MAP NO. 5  
(Approved July 16, 1954)

Tract	Block	Description	Acreage
45-121	A-2	All	5760
45-122	A-3	All	5760

OCS OFFICIAL LEASING MAP, GALVESTON AREA, TEXAS MAP NO. 6  
(Approved July 16, 1954)

Tract	Block	Description	Acreage
45-123	389	All	5760

OCS OFFICIAL LEASING MAP, WEST CAMERON AREA, LOUISIANA MAP NO. 1  
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
45-124	47	NE $\frac{1}{4}$ ; S $\frac{1}{2}$	3750

OCS OFFICIAL LEASING MAP, WEST CAMERON AREA, WEST ADDITION,  
LOUISIANA MAP NO. 1A  
(Approved November 15, 1955; Revised January 30, 1957)

Tract	Block	Description	Acreage
45-125	318	All	5000
45-126	328	All	5000
45-127	329	All	5000



OCS OFFICIAL LEASING MAP, WEST CANYON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 1<sup>h</sup> (Approved September 8, 1959)

Tract	Block	Description	Acreage
45-128	45-1	All	5000

OCS OFFICIAL LEASING MAP, EAST CANYON AREA, LOUISIANA MAP NO. 2 (Approved June 8, 1954; Revised August 1, 1973)

Tract	Block	Description	Acreage
45-129	8	2/	270.86
45-130	235	All	1384.67

OCS OFFICIAL LEASING MAP, EAST CANYON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 2A (Approved September 8, 1959)

Tract	Block	Description	Acreage
45-131	279	All	5000
45-132	365	All	5000

OCS OFFICIAL LEASING MAP, VERMILION AREA, LOUISIANA MAP NO. 3 (Approved June 8, 1954; Revised June 25, 1954; July 27, 1954)

Tract	Block	Description	Acreage
45-133	122	All	4699.91

OCS OFFICIAL LEASING MAP, SOUTH MARCH ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3C (Approved September 8, 1959)

Tract	Block	Description	Acreage
45-134	124	All	5000
45-135	201	All	5000

Tract	Block	Description	Acreage
45-136	80	All	5000
45-137	87	All	5000
45-138	107	All	5000
45-139	108	All	5000
45-140	156	All	5000

OCS OFFICIAL LEASING MAP, FUGERE ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 4A (Approved September 8, 1959)

Tract	Block	Description	Acreage
45-141	279	All	5000

OCS OFFICIAL LEASING MAP, SHIP SHODL AREA, LOUISIANA MAP NO. 5 (Approved June 8, 1954)

Tract	Block	Description	Acreage
45-142	73	All	5000
45-143	166	All	5000
45-144	184	All	5000

OCS OFFICIAL LEASING MAP, GRAND ISLE AREA, LOUISIANA MAP NO. 7 (Approved June 8, 1954)

Tract	Block	Description	Acreage
45-145	30	1/	4234
45-146	54	All	5000

OCS OFFICIAL PHOTOGRAPHIC DIAGRAM, MISSISSIPPI CANYON, NH 16-10 (Approved February 15, 1973; Revised January 15, 1976; December 2, 1976)

Tract	Block	Description	Acreage
45-147	280	All	5760
45-148	282	All	5760
45-149	325	All	5760
45-150	326	All	5760

1/ That portion seaward of the Three Marine League line.

2/ That portion of the lease block which is more than 3 geographical miles seaward from the line described in the supplemental decree of the U. S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13).

14. *Lease terms and stipulations.* Leases issued as a result of this sale will be on form 3300-1 (December 1976), available from the manager, New Orleans Outer Continental Shelf office, at the address stated in paragraph 2. Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale.

In the following stipulations the term supervisor refers to the Gulf of Mexico area oil and gas supervisor for operations of the Geological Survey and the term manager refers to the Manager of the New Orleans OCS office of the Bureau of Land Management.

STIPULATION NO. 1

If the supervisor, having reason to believe that a site, structure, or object of historical or archaeological significance, hereinafter referred to as "cultural resource", may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure of exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation", the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the supervisor and to the manager, Bureau of Land Management, Outer Continental Shelf office (manager) for review.

If such cultural resource indicators are present the lessee shall: (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the supervisor, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the supervisor, either that such operations will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the supervisor and the manager for their review. Should the Supervisor determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its disposition.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the

cultural resource from damage until the Supervisor has given directions as to its disposition.

STIPULATION NO. 2

(To be included in any leases resulting from this sale for the royalty bidding tracts listed in paragraph 4 of this notice.)

(a) The royalty rate on production saved, removed, or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.12(e)). The director, Geological Survey, any grant a reduction for only one year at a time. Reduction of royalty rates will not be approved unless production has been underway for one year or more.

(b) Although the royalty rate specified in section 3(b)(1) of the lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16% percent of the production saved, removed or sold from the leased area may be taken as royalty in amount, except as provided in section 6(c); the royalty on any portion of the production saved, removed or sold from the lease in excess of 16% percent may only be taken in value of the production saved, removed or sold from the leased area.

(c) Unless the lessee can demonstrate to the satisfaction of the supervisor that it would not be in the interests of conservation, all reservoirs underlying this lease which extend into one, or more other leases, as indicated by drilling and other information, shall be operated and produced only under a unit agreement including the other lease(s) and approved by the supervisor. Such a unit agreement shall provide for the fair and equitable allocation of production and costs. The supervisor shall prescribe the method of allocating production and costs in the event operators are unable to agree on a method acceptable to him.

STIPULATION NO. 3

(a) To be included only in the leases resulting from this proposed sale for tracts 45-106 and 45-107: Portions of these tracts may be subject to mass movement (slumping) of sediments. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for the production or storage of oil or gas will not be allowed on the portions of the tract which may be subject to mass movement of sediments unless or until the lessee has demonstrated to the Supervisor's satisfaction that the potential for mass movement of sediments does not exist or that exploratory drilling operations, structures (platforms), casing, and wellheads can be safely designed to withstand such mass movement at the proposed location of the structure.

(b) To be included only in the lease resulting from this proposed sale for tract 45-52: Portions of this tract may be subject to mass movement (slumping) of sediments and shallow gas. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for the production or storage of oil or gas will not be allowed on those portions of the tract which may be subject to mass movement of sediments or to shallow gas unless or until the lessee has demonstrated to the Supervisor's satisfaction that the potential for mass movement of sediments or for shallow gas does not exist or that exploratory drilling operations, structures (platforms), casing,

and wellheads can be safely designed to withstand such hazards at the proposed location of the structure.

(c) To be included only in the lease resulting from this proposed sale for tract 45-311: All of this tract may be subject to mass movement (slumping) of sediments. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas will not be allowed within the area of mass movement of sediments unless or until the lessee has demonstrated to the Supervisor's satisfaction that the potential for mass movement of sediments does not exist or that exploratory drilling operations, structures (platforms), casing, and wellheads can be safely designed to withstand such mass movement at the proposed location of the structure. This may necessitate all exploration and development of oil or gas be performed from locations off this tract and outside of the area of potential mass movement of sediments.

STIPULATION NO. 4

A. Stetson Bank. (To be included only in the lease resulting from this proposed sale for tract 45-55): Operations within the circle with a radius of 5600 meters around point A, located by X=3,514,656', Y=151,008' (Texas Lambert System) shall be restricted as follows: All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance but no more than 6 meters from the bottom.

This deep shunting requirement does not apply to mobile drilling units in the zone beyond the circle with a radius of 2000 meters around point A, provided that a monitoring program is implemented for disposals which are not shunted beyond 2000 meters and within 5600 meters of point A. If it is decided that the methods of disposing of the drill cuttings and fluids are not adequate, the Supervisor will require shunting within 5600 meters of point A. If it is decided by the Supervisor that the methods of disposal are adequate, no further monitoring will be required.

Coffee Lump. (To be included only in the lease resulting from this proposed sale for tract 45-51): Operations within the circle with a radius of 6800 meters around point B, located by X=3,646,382', Y=105,624' (Texas Lambert System) shall be restricted as follows: All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance but no more than 6 meters from the bottom.

This deep shunting requirement does not apply to mobile drilling units in the zone beyond the circle with a radius of 3100 meters around point B, provided that a monitoring program is implemented for disposals which are not shunted beyond 3100 meters and within 6800 meters of point B. If it is decided that the methods of disposing of the drill cuttings and fluids are not adequate, the Supervisor will require shunting within 6800 meters of point B. If it is decided by the Supervisor that the methods of disposal are adequate, no further monitoring will be required.

C. East Flower Garden Bank. (To be included only in the lease resulting from this proposed sale for tract 45-50): No structures, drilling rigs, or pipelines will be allowed within the aliquots established for the East Flower Garden Bank (Tract 45-50, High Island Area, East Addition, South Ex-



tension A-374; NW¼SW¼NW¼; S¼SW¼NW¼; W¼SW¼; SW¼NE¼SW¼; NW¼SE¼SW¼; S¼SE¼SW¼.

Outside the above allquots, exploration and development operations are permitted within the circle with a radius of 6,100 meters around point P, located by X=3,742,875, Y=71,280 (Texas Lambert System), with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom; however, if the shunting method is not adequate, as determined by the monitoring program proceedings outlined in this stipulation, to protect the unique character of the subject area, then the material must be transported a minimum of ten miles from any 50-meter isobath surrounding live reef-building coral before disposal. Disposal sites must be approved by the Oil and Gas Supervisor, United States Geological Survey (Supervisor).

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (work-boats, crew-boats, supply-boats, pipe-laying vessels) during exploration and development operations.

No drilling permits will be issued by the Supervisor until he has found that the lessee's exploration and development plan filed under 30 CFR 250.34 is adequate to insure that exploration and production operations in the leased area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks. As a part of the development plan, a reef monitoring program must be included.

The monitoring program will be designed to assess the effects of oil and gas exploration and development operations on the viability of the coral reefs and associated communities. The development plan should indicate that the monitoring program will be conducted by qualified independent scientific personnel and that program personnel and equipment will be available at the time of operations.

D. Parker Bank. (To be included only in the lease resulting from this sale for tract 45-135):

Operations within the circle with a radius of 8000 meters around point D, located by X=1,775,495, Y=-258,363 (Louisiana Lambert System) shall be restricted as follows: All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance but no more than 10 meters from the bottom.

This deep shunting requirement does not apply to mobile drilling units in the zone beyond the circle with a radius of 4300 meters around point D, provided that a monitoring program is implemented for disposals which are not shunted beyond 4300 meters and within 8000 meters of point D. If it is decided that the methods of disposing of the drill cuttings and fluids are not adequate, the Supervisor will require shunting within 8000 meters of point D. If it is decided by the Supervisor that the methods of disposal are adequate, no further monitoring will be required.

STIPULATION NO. 5

(To be included only in the lease resulting from this sale for Tract 45-146):

A portion of Tract No. 45-146 is situated in and covered by the Anchorage Area for

the deepwater port designated as Louisiana Offshore Oil Port, or LOOP, Inc. Said portion is described as follows:

Beginning at the southwest corner, the coordinates which refer to the Louisiana (Lambert) Coordinate System (South Zone) are X=2,442,901.85' and Y=82,229.11', thence N. to X=2,442,901.850' and Y=85,007.610', thence N. 29°35'22.4" E. to X=2,444,634.471' and Y=88,058.864', thence S. 60°24'37.5" E. to X=2,454,901.040' and Y=82,229.110', thence W. to the point of beginning. The portion as described contains 858.2 acres.

No fixed structures, artificial islands or any other installations or devices permanently or temporarily attached to the seabed will be permitted in the above described portion of said tract.

STIPULATION NO. 6

Lessees shall comply with regulations which affect activities under this lease and which are promulgated under applicable statutes by other Federal agencies, including the Department of Energy, the Department of Transportation, and the Environmental Protection Agency.

15. *Information to lessees.* The Department of the Interior will seek the advice of the States of Texas, Louisiana, Mississippi, and Alabama and other Federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas, and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the supervisor, in consultation with the Regional Director Fish and Wildlife Service (FWS), the manager, BLM and the States, will require the lessee to undertake any measures deemed economically, environmentally, and technically feasible to protect live bottom areas.

If a monitoring program is necessary under Stipulation No. 4, a monitoring team will consist of qualified independent personnel approved by the supervisor. This team will submit its findings to the regional director, U.S. Fish and Wildlife Service (director); Manager, New Orleans OCS office, Bureau of Land Management (manager); oil and gas supervisor, United States Geological Survey (supervisor). This report will be made annually, or immediately in case of imminent danger to the biological community resulting from drilling operations.

Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes. Corps of Engineers permits are required for construction of any fixed structures or artificial islands located on the Outer Continental Shelf in accordance with section 4(f) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 463; U.S.C. 1333 (f)).

Bidders are referred to the Department's proposed regulations on development phase environmental impact statements which were published in 42 FR 49478, September 27, 1977.

In applying safety, environmental and conservation laws and regulations, the Supervisor will require the use of the best available and safest technology which is determined to be economically achievable. To the extent practicable, the Supervisor will consult with the relevant Federal agencies and the affected States(s) in the execution of these responsibilities.

Bidders are advised that the Departments of the Interior and Transportation have en-

tered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

If nationally recommended routes for boat traffic lanes are established by the Coast Guard, lessees will be required to use them to transport supplies to the lease area.

16. *OCS orders.* Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico OCS orders, as of their effective date, and any other applicable OCS order as it becomes effective.

17. *Suggested bid form.* It is suggested that bidders submit their bids to the manager, New Orleans Outer Continental Shelf office, in the following form:

(a) For the royalty bid tracts as described in Paragraph 4:

OIL AND GAS BID—ROYALTY

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No. ....  
Percent royalty bid expressed to maximum of 5 decimals .....  
Amount of fixed cash bonus submitted with bid .....

Proportionate interest of company(s) submitting bid .....

Qualification No. ....  
Percent interest .....

Company .....

Address .....

Signature .....

(Please type signer's name under signature.)

(b) All tracts offered for cash bonus bidding:

OIL AND GAS BID

The following bid submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No. ....  
Total amount bid .....  
Amount per acre .....  
Amount of cash bonus submitted with bid .....

Proportionate interest of company(s) submitting bid .....

Qualification No. ....  
Percent interest .....

Company .....

Address .....

Signature .....

(Please type signer's name under signature.)

18. *Required Joint Bidders Statement.* In the case of joint bids, it is suggested that each joint bidder execute the following statement before a notary public and submit it with his bid:

JOINT BIDDER'S STATEMENT

I hereby certify that \_\_\_\_\_ (entity submitting bid) is eligible under 43 CFR 3302 to bid jointly with the other parties submitting this bid.

Signature \_\_\_\_\_  
(Please type signer's name under signature.)  
Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_  
State of \_\_\_\_\_  
County of \_\_\_\_\_

[FR Doc. 78-778 Filed 1-12-78; 8:45 am]

[4310-84]

[NM 32453, 32454]

NORTHWEST PIPELINE CORP.

Applications

JANUARY 6, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (67 Stat. 576), Northwest Pipeline Corp. has applied for two 4½-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 6 W.,

Sec. 24, NE¼NW¼, NW¼SE¼.

These pipelines will convey natural gas across 0.209 miles of public lands in Rio Arriba County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc. 78-909 Filed 1-12-78; 8:45 am]

[4310-84]

[NM 32456]

NORTHWEST PIPELINE CORP.

Application

JANUARY 6, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (67 Stat. 576), Northwest Pipeline Corp. has applied for a cathodic protection station right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 5 W.,

Sec. 22, NW¼NE¼.

This cathodic protection station will be used in connection with natural gas

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTER OF CONTROLLED SUBSTANCES

Notice of Registration

By Notice dated October 28, 1977, and published in the FEDERAL REGISTER on November 3, 1977 (42 FR 57518), Philadelphia Seed Co., Chemical and Gravers Roads, Plymouth Meeting, Pa. 19462, made application to the Drug Enforcement Administration to be registered as an importer of marihuana, a basic class of controlled substance listed in schedule I, for the importation of seed only, to be rendered non-viable for use in feed.

No comments or objections have been received. Also, the criteria of section 1002(a)(2)(B) of the CSA has been met in that there are no registered domestic manufacturers of marihuana seed. Therefore pursuant to section 1008, Title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and in accordance with 21 CFR 1311.42, the above firm is granted registration as an importer of marihuana, as specified above.

Dated: January 9, 1978.

PETER B. BENSINGER,  
Administrator, Drug  
Enforcement Administration.  
[FR Doc. 78-1010 Filed 1-12-78; 8:45 am]

[4410-01]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Registration

By Notice dated November 11, 1977, and published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59562), Hoffmann LaRoche Inc., Kingland Road and Bloomfield Avenue, Nutley, N.J. 07110, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the schedule II controlled substances alphaprodine and levorphanol.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: January 9, 1978.

PETER B. BENSINGER,  
Administrator, Drug  
Enforcement Administration.  
[FR Doc. 78-1011 Filed 1-12-78; 8:45 am]

operations across 0.081 miles of public lands in Rio Arriba County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc. 78-910 Filed 1-12-78; 8:45 am]

[4310-84]

DISTRICT MANAGERS, ARIZONA

Redelegation of Authority To Issue Free Use Permits and Material Sales

Under the provision of Bureau Order No. 701, as amended, authority is hereby redelegated to the District Managers, Arizona, to issue Free Use Permits and Material Sales for material other than forest products not exceeding \$5,000 unless authority to make sales in greater amounts is delegated by the State Director (B.O. 701, Part III, sec. 3.9(g)).

Dated January 6, 1978.

ROBERT O. BUFFINGTON,  
State Director.  
[FR Doc. 78-970 Filed 1-12-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-35]

CERTAIN MOLDED GOLF BALLS

Notice of Continuance

Notice is hereby given that the pre-hearing conference and hearing in this matter are continued for ten (10) days until January 20 and January 27, 1978, respectively, pending the presiding officer's consideration of the motion for summary determination. Notice of this investigation was published in the FEDERAL REGISTER on July 6, 1977 (42 FR 34558).

The Secretary shall serve a copy of this notice upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued January 9, 1978.

Judge, MYRON R. RENICK,  
Presiding Officer.  
[FR Doc. 78-1009 Filed 1-12-78; 8:45 am]



[4510-30]

## DEPARTMENT OF LABOR

Employment and Training Administration  
EMPLOYMENT TRANSFER AND BUSINESS  
COMPETITION DETERMINATIONS UNDER THE  
RURAL DEVELOPMENT ACT

## Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street NW, Washington, D.C. 20213

Signed at Washington, D.C. this Sixth day of January 1978.

ERNEST G. GREEN,  
Assistant Secretary for  
Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK  
ENDING JANUARY 6, 1978Name of applicant, location of enterprise,  
and principal product or activity

- A. B. Steuart Corp., Fredericksburg, Va., management, consulting and public relations services.
- Defender Chemical Co., Richland County, S.C., industrial chemical sales and industrial maintenance services.
- Life Care Center of South Pittsburg, South Pittsburg, Tenn., intermediate care nursing services.
- Mountain Stuff, Inc., Sneedville, Tenn., manufacture of Sycamore traveler.
- Strickland Custom Meat Processors, Marianna, Fla., retail meat sales, packing and processing custom slaughter.
- New Palmetto Marina, Palmetto, Fla., marina (water transportation services).
- Hunter Heath, M.D., West Onslow Beach, N.C., campground and recreation park.
- Caradon Industries, Inc., Chatsworth, Ga., processing of carpet yarn.
- Intermatic Inc., Spring Grove, Ill., manufacture of clocks and mechanisms.
- Markesan Herald, Markesan, Wis., newspaper publication.
- Woods Haven Senior Citizens Home, Inc., Pollock, La., nursing home care.
- Singleton Shrimp, Inc., Freeport, Tex., shrimp packing.
- MonArk Boat Co., Monticello, Ark., supplier of recreational and industrial marine products.
- McClintock's IGA Market, Inc., Neosho, Mo., grocery store.
- Consolidated Aluminum Corp., (Tenant of the City of Shelby), Shelby, Mo., drawn aluminum tube.
- Colonna of Colorado, Canon City, Colo., quarrying, crushing and distribution of decorative aggregate.
- Mountain Stuff, Inc., Sneedville, Tenn., manufacture of recreation equipment and wooden furniture.

[FR Doc. 78-848 Filed 1-12-78; 8:45 am]

[4510-26]

## Occupational Safety and Health Administration

[IRLG-1:003; FRL-842-2]

## INTERAGENCY REGULATORY LIAISON GROUP

Testing Standards and Guidelines Work Group;  
Request for Written Materials

CROSS REFERENCE: For a document announcing agreement of the Consumer Product Safety Commission, the Environmental Protection Agency, the Food and Drug Administration, Health, Education, and Welfare Department and the Occupational Safety and Health Administration, Labor Department to work together as the Interagency Regulatory Liaison Group to aid in the development of preliminary drafts of testing guidelines, see FR Doc. 78-901 appearing under Environmental Protection Agency in the notices section of this issue. Refer to the table of contents at the front of this issue under "Environmental Protection Agency" to find the correct page number.

[4510-26]

## NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH, SUBGROUPS I AND II

## Meeting

Notice is hereby given that subgroups I and II of the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet on January 30, 1978 in the New Department of Labor Building, 3d Street and Constitution Avenue NW., Washington, D.C. 20210. Subgroup I will meet in Room N-3437 A&B; Subgroup II will meet in Room N-3437 C&D. The meetings will begin at 9:00 a.m. The public is invited to attend.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 (Pub. L. 91-596) to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the act.

Subgroup I will develop recommendations concerning the protection of workers under section 11(c) of the act. It will also review the criteria currently in use for evaluating the effectiveness of State plans.

Subgroup II will examine the relationship between the education and training programs of OSHA and NIOSH, and the responsibilities the act assigns to each. It will also discuss the research activities of OSHA and NIOSH and develop recommendations for research priorities.

The two subgroups will hold a joint meeting in the afternoon to consider discriminatory practices in the hiring

and firing of women, older people, and the handicapped, due to occupational safety and health considerations. The two subgroups will also explore the impact of the Toxic Substances Control Act on the responsibilities of OSHA and NIOSH.

For additional information contact:

Stephen Kaffee, Division of Consumer Affairs, Occupational Safety and Health Administration, Department of Labor, Room N-3635, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone: 202-523-8024.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled date of the meetings, preferably with 20 copies, will be presented to the Subgroups and included in the official record of the proceedings.

Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the subgroup chairpersons, to the extent which time permits.

Official records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C., this 10th day of January 1978.

EULA BINGHAM,  
Assistant Secretary of Labor.

[FR Doc. 78-1088 Filed 1-12-78; 8:45 am]

[4510-28]

Office of the Secretary  
(TA-W-2194)

## PROFILE INDUSTRIES, INC., PASSAIC, N.J.

Notice of Negative Determination Regarding  
Application for Reconsideration

On November 23, 1977, the petitioner for workers and former workers of Profile Industries, Inc., of Passaic, N.J., requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for worker adjustment assistance. This determination was published in the FEDERAL REGISTER on October 25, 1977 (42 FR 56377).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

1. If it appears, on the basis of facts not previously considered, that the determination complained of was erroneous;
2. If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

3. If, in the opinion of the certifying officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The only issue of substance raised by the petitioner in this case is whether or not imports of printed fabric are "likely or directly competitive with" the engraved copper rollers produced by the workers at Profile Industries, Inc.

It is the Department of Labor's position that imports of printed fabric are not "like or directly competitive with" the articles produced by the workers' firm, within the meaning of section 222(3) of the Trade Act of 1974. The Department's determination in this case is consistent with the legislative history of the Trade Act of 1974, decisions of various U.S. courts, and administrative precedents of both the Department of Labor and the United States International Trade Commission.

## CONCLUSION

After review of the application and the investigative file I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is therefore denied.

Signed at Washington, D.C., this 14th day of December 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration and Planning.

[FR Doc. 78-1004 Filed 1-12-78; 8:45 am]

[7555-01]

## NATIONAL SCIENCE FOUNDATION

## SUBCOMMITTEE ON CELL BIOLOGY

## Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Cell Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and time: February 2, 3, and 4, 1978, 9 a.m. to 6 p.m.

Place: Room 421, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Gertrude Kasbekar, Assistant Program Director for Cell Biology, Room 334-C, National Science Foundation, Washington, D.C. 20550, telephone 202-634-4117.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in cell biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 19, 1977.

Dated: January 10, 1978.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

[FR Doc. 78-979 Filed 1-12-78; 8:45 am]

[7555-01]

## SUBCOMMITTEE ON MOLECULAR BIOLOGY

## Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Molecular Biology, Group A, of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and time: January 30 and 31, 1978, 9 a.m. to 5 p.m., each day.

Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Frederick I. Tsuji, Program Director, Biochemistry Program, Room 330, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550, telephone 202-632-4260.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Molecular Biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: January 10, 1978.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

[FR Doc. 78-977 Filed 1-12-78; 8:45 am]



## [7555-01]

## SUBCOMMITTEE ON PSYCHOBIOLOGY

## Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Psychobiology of the Advisory Committee for Behavioral and Neural Sciences.

Date and time: February 2 and 3, 1978, 9 a.m. to 5 p.m., each day.

Place: Room 321, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Fred Stollnitz, Program Director, Psychobiology Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4264.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in psychobiology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: January 10, 1978.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

[FR Doc. 78-978 Filed 1-12-78; 8:45 am]

## [7555-01]

## SUBCOMMITTEE ON SYSTEMATIC BIOLOGY

## Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Systematic Biology of the Advisory Committee for Environmental Biology.

Date and time: February 2 and 3, 1978, 8:30 a.m. to 5 p.m., each day.

Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Jason A. Lillegraven, Program Director, Systematic Biology Program, Room 336, National Science Foundation, Washington, D.C. 20550, telephone 202-632-5846.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in systematic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: January 10, 1978.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

[FR Doc. 78-980 Filed 1-12-78; 8:45 am]

## [7590-01]

NUCLEAR REGULATORY  
COMMISSION

[DOCKET NOS. STN 50-491, STN 50-492,  
STN 50-493]

DUKE POWER CO., CHEROKEE NUCLEAR  
STATION, UNITS 1, 2 AND 3

## Issuance of Construction Permits

Notice is hereby given that, pursuant to the Partial Initial Decision dated May 21, 1976, Amendment of Partial Initial Decision dated March 17, 1977, Supplemental Partial Initial Decision dated July 26, 1977, unpublished Order dated June 23, 1976, and Partial Initial Decision dated December 30, 1977, of the Atomic Safety and Licensing Board, the Nuclear Regulatory Commission (the Commission) has issued Construction Permits Nos. CPPR-167, CPPR-168, CPPR-169 to Duke Power Co., for construction of three pressurized water nuclear reactors at the applicant's site in eastern Cherokee County, S.C.

The proposed facility is known as the Cherokee Nuclear Station, Units 1, 2 and 3. Each unit is designed for a rated power of 3800 megawatts thermal with a net electrical output of 1280 megawatts.

The Initial Decisions are subject to review by an Atomic Safety and Licensing Appeal Board prior to their becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with these Decisions may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and

regulations in 10 CFR Chapter I, which are set forth in the construction permits. The application for the construction permits complies with the standards and requirements of the Act and the Commission's rules and regulations.

Each construction permit is effective on the date of issuance. The earliest date for completion of Unit 1 is February 28, 1983, and the latest date for completion is May 31, 1984. The earliest date for completion of Unit 2 is August 31, 1985, and the latest date for completion is November 30, 1986. The earliest date for completion of Unit 3 is February 29, 1988, and the latest date for completion is May 31, 1989. The permits shall expire on the latest date for completion of each unit.

A copy of (1) the Initial Decisions dated May 21, 1976, March 17, 1977, July 26, 1977, and December 30, 1977; (2) Construction Permits Nos. CPPR-167, CPPR-168, and CPPR-169, (3) the report of the Advisory Committee on Reactor Safeguards dated April 14, 1977; (4) the Office Nuclear Reactor Regulation's Safety Evaluation Report (NUREG-0189) dated March 1977, and Supplement 1 dated July 1977; (5) the Preliminary Safety analysis Report and amendments thereto; (6) the applicant's Environmental Report dated June 17, 1974 and amendments thereto; (7) the Draft Environmental Statement dated March 1975; (8) the Final Environmental Statement (NUREG-75/089) dated October 1975, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555, and at the Cherokee County Library, 300 E. Rutledge Avenue, Gaffney, S.C. 29340. A copy of the construction permits may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Copies of the Safety Evaluation Report and supplement, and the Final Environmental Statement may be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

Dated at Bethesda, Md., this 30th day of December 1977.

For the Nuclear Regulatory Commission.

HARLEY SILVER,  
Acting Chief, Light Water Reactors  
Branch No. 4, Division of  
Project Management.

[FR Doc. 78-933 Filed 1-12-78; 8:45 am]

## [7590-1]

[Docket No. 50-335]

## FLORIDA POWER &amp; LIGHT CO.

Issuance of Amendment to Facility Operating  
License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR-67, issued to Florida Power & Light Co. (the licensee), which revised the Technical Specifications for operation of the St. Lucie Plant Unit No. 1 (the facility) located in St. Lucie County, Fla. The amendment is effective as of its date of issuance.

The amendment revised the Technical Specifications to: (a) modify the Offsite Organizational Structure, (b) reduce from 3.3 seconds to 3.0 seconds the Control Element Assembly drop time, (c) modify the transition limit to extend the transition period from 15 minutes to one hour without either a reactor coolant pump or shutdown cooling pump running, and (d) delete conditions F and G of Enclosure 1 to the license since these items (relating to control of water flow in the ultimate heat sink and installation of erosion protection for part of the discharge canal) have been satisfactorily completed.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated June 30, 1977 (as supplemented by letter dated August 4); July 18, September 6 and 30, and October 25, 1977, (2) Amendment No. 18 to License No. DPR-67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Fla. 33450. A single copy of

items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 21th day of December, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,  
Acting Chief, Operating Reactors  
Branch No. 2, Division of  
Operating Reactors.

[FR Doc. 78-934 Filed 1-12-78; 8:45 am]

## [7590-01]

[Docket No. 50-321]

## GEORGIA POWER CO., ET AL.

Issuance of Amendment to Facility Operating  
License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-57 issued to Georgia Power Co., Oglethorpe Electric Membership Corp., Municipal Electric Association of Georgia and City of Dalton, Ga., which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, located in Appling County, Ga. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to convert the primary source of power to the Low Pressure Coolant Injection (LPCI) system injection valve operators from diesel generators 1A, 1C, or 1B to independent sets of 250 volt DC/600 volt AC inverters which are powered by the station batteries.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 9, 1977, as supplemented by letters dated July 11,

August 2, and October 11, 1977, (2) Amendment No. 48 to License No. DPR-57 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Ga. 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 4th day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors  
Branch No. 3, Division of  
Operating Reactors.

[FR Doc. 78-935 Filed 1-12-78; 8:45 am]

## [7590-01]

[Docket No. 27-39]

## NUCLEAR ENGINEERING CO., INC.

Establishment of Atomic Safety and Licensing  
Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

Nuclear Engineering Co., Inc. (Sheffield, Illinois Facility), License No. 12-10042-01.

This action is in reference to a notice published by the Commission on December 5, 1977, in the FEDERAL REGISTER (42 FR 61522) entitled "Availability of Applicant's Environmental Report; Consideration of Proposed Expansion of the Sheffield, Ill., Low-Level Waste Burial Site; and Opportunity for Hearing".

The Chairman of this Board and his address is as follows: Andrew C. Goodhope, Esq., 3320 Estelle Terrace, Wheaton, Md. 20906.

The other members of the Board and their addresses are as follows: Dr. Linda W. Little, Research Triangle Institute, P.O. Box 12194, Research Triangle Park, N.C. 27709. Dr. Forrest J. Remick, 305 E. Hamilton Avenue, State College, Pa. 16801.

Dated at Bethesda, Md., this 6th day of January 1978.

For the Atomic Safety and Licensing Board Panel.

JAMES R. YORE,  
Chairman.

[FR Doc. 78-936 Filed 1-12-78; 8:45 am]



## [7590-01]

[Docket Nos. 50-171/277/278]

## PHILADELPHIA ELECTRIC CO.

## Relocation of Local Public Document Room

Notice is hereby given that the Nuclear Regulatory Commission has relocated the Local Public Document Room for the Peach Bottom Nuclear Generating Station Units, 1, 2, and 3 from York, Pa. to Harrisburg, Pa. Members of the public can inspect documents and correspondence related to the operation and decommissioning of Peach Bottom Unit No. 1 and the operation of Units 2 and 3 at the State Library of Pennsylvania, Government Publications Section, Education Building, Commonwealth Avenue and Walnut Street, Harrisburg, Pa. 17126. The hours of operation of the State Library of Pennsylvania are as follows: Monday through Friday 8:30 a.m. to 5 p.m. and Saturday by appointment only.

Peach Bottom Units 1, 2, and 3 are owned by the Philadelphia Electric Co. Unit No. 1 is being decommissioned and Units 2 and 3 are operating. All three Units are located in Peach Bottom, York County, Pa.

Copies of documents and correspondence are also available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Dated at Bethesda, Md., this 3rd day of January, 1978.

For the Nuclear Regulatory Commission.

GEORGE E. LEAR,  
Chief, Operating Reactors  
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-937 Filed 1-12-78; 8:45 am]

## [7590-01]

[Docket No. 50-549]

## POWER AUTHORITY OF THE STATE OF NEW YORK, (GREENE COUNTY NUCLEAR POWER PLANT)

## Reconstitution of Board

John F. Wolf, Esq. was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr. Wolf is unable to continue his service on this Board.

Accordingly, Frederic J. Coufal, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 5th day of January 1978.

JAMES R. YORE,  
Chairman, Atomic Safety  
and Licensing Board Panel.  
[FR Doc. 78-912 Filed 1-12-78; 8:45 am]

## [7590-01]

## REGULATORY GUIDE

## Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series and a draft of a companion report. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.18, "Information Relevant to Ensuring That Occupational Radiation Exposures at Medical Institutions Will Be As Low As Reasonably Achievable," describes methods acceptable to the NRC staff for maintaining occupational exposures as low as reasonably achievable in medical institutions. NUREG-0267, "Principles and Practices for Keeping Occupational Radiation Exposures at Medical Institutions As Low As Reasonably Achievable," provides more detailed information for controlling exposures in these institutions.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 8.18 and NUREG-0267 will, however, be particularly useful in evaluating the need for an early revision if received by March 10, 1978.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides and NUREG reports are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Requests for single copies of NUREG-0267 or of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone re-

quests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 4th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director,  
Office of Standards Development.  
[FR Doc. 78-911 Filed 1-12-78; 8:45 am]

## [7590-01]

[Docket No. 50-206]

## SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

## Granting of Relief from ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Southern California Edison Co. and San Diego Gas and Electric Co. The relief relates to the inservice inspection (testing) program for the San Onofre Nuclear Generating Station (the facility) located in San Diego County, Calif. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

Relief is granted, on an interim basis, pending completion of a more detailed review, from compliance with certain inservice inspection and testing requirements determined to be impractical for the facility because compliance would result in hardships and unusual difficulties without a compensating increase in the level of quality of safety.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated September 28, 1977, (2) the Commission's letter to the licensee dated December 22, 1977.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Mission Viejo Branch Library, 27851 Chrisanta Drive, Mission Viejo, Calif. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 22nd day of December 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors  
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-913 Filed 1-12-78; 8:45 am]

## [7590-01]

[Docket Nos. 50-317 and 50-318]

## BALTIMORE GAS &amp; ELECTRIC CO.

## Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 27 and 12 to Facility Operating License No. DPR-53, and DPR-69, respectively, issued to Baltimore Gas & Electric Co. (the licensee), which revised the licenses and their appended Technical Specifications for operation of the Calvert Cliffs Nuclear Powerplant Unit Nos. 1 and 2 (the facilities) located in Calvert County, Md. The amendments are effective as of their date of issuance.

The amendments authorize replacement of the existing racks in each side of the two-section spent fuel pool of the facilities with racks of a design capable of accommodating up to 528 fuel assemblies per side. The Commission has determined that storage of either unit's fuel in either side of the shared fuel pool was authorized when the operating licenses were initially issued. The modification and subsequent use of the two-section pool permits a total of 1,056 fuel assemblies to be stored instead of the previously authorized total of 410 assemblies.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Consideration

of Proposed Modifications to Facilities Spent Fuel Storage Pool in connection with this action was published in the FEDERAL REGISTER on September 19, 1977 (42 FR 46963). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal of the action being authorized and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action significantly greater than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated April 1973, and the action will not significantly affect the quality of the human environment.

For further details with respect to this action, see (1) the applications for amendments dated August 5, 1977, September 7, 1977, October 7 and 19, 1977, November 1, 4, 16 and 17, 1977, and December 7, 1977, (2) Amendment No. 27 to License No. DPR-53, Amendment No. 12 to License No. DPR-69, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Md. 20678. A single copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this fourth day of January, 1978.

For the Nuclear Regulatory Commission.

DON K. DAVIS,  
Acting Chief, Operating Reactors  
Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-924 Filed 1-12-78; 8:45 am]

## [7590-01]

[Docket No. 50-324]

## CAROLINA POWER AND LIGHT CO.

## Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-62, issued to Carolina Power and Light Co. (the licensee), which revised Technical Specifications for operation of Brunswick Steam Electric Plant, Unit No. 2 (the facility) located in Brunswick County, N.C. The amendment is effective as of the date of issuance.

The amendment changes the Technical Specifications for the facility to establish revised safety and operating limits for operation in Cycle 2 with both 7 x 7 and new 8 x 8 fuel, and includes changes resulting from a reevaluation of Emergency Core Cooling System (ECCS) cooling performance submitted by CP&L on September 22, 1977, in compliance with the Commission's Order for Modification of License dated March 11, 1977. This reevaluation corrected the errors identified in the March 11, 1977 Order and included the effect of other recently approved model changes in the ECCS evaluation models. The CP&L submittal of September 22, 1977, satisfies the action required by the March 11, 1977 Order. Therefore, effective upon issuance of this amendment, the Commission's Order for Modification of License dated March 11, 1977, relative to Facility Operating License No. DPR-62, is terminated.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on September 26, 1977 (42 FR 48951) and on September 29, 1977 (42 FR 51676). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the applications for amendment dated August 3, August 22, and September 22, 1977, as supplemented on November 10 and 21, 1977, (2) Amendment No. 38 to License No. DPR-62, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, N.C. 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.



Dated at Bethesda, Md., this 23d day of November 1977.

For the Nuclear Regulatory Commission.

ALFRED BURGER,  
*Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc. 78-925 Filed 1-12-78; 8:45 am]

#### [7590-01]

[Docket No. 50-10]

#### COMMONWEALTH EDISON CO.

#### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-2, issued to Commonwealth Edison Co. (the licensee), which revised the license for operation of Dresden Station Unit No. 1 (the facility) located in Grundy County, Ill. The amendment is effective as of its date of issuance and exempts the facility from certain safety requirements.

The amendment: (1) extends by exemption from the requirements of 10 CFR 50.46 the date from December 31, 1977, to October 31, 1978, for the license to modify the Reactor Protection System and Fire Protection System, which was required by the Commission's Order for Modification of License dated June 23, 1976, (2) extends by exemption from the requirements of 10 CFR 50.46 the expiration date of the Commission's August 21, 1975, Emergency Core Cooling System (ECCS) Order from December 31, 1977, to October 31, 1978, (3) adds interim license conditions to the license deemed necessary by the Commission's staff to provide added assurance that the Emergency Core Cooling System will function as required, and (4) formally incorporates the remaining applicable provisions of the June 23, 1976, and August 21, 1975, Order in the license.

The requested exemption by the licensee was for a period ending December 31, 1978; however, the exemption has been issued to expire October 31, 1978, to coincide with the planned shutdown of the facility for decontamination.

The application for the amendment and exemption complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations to 10 CFR Chapter I, which are set forth in the license amendment. In connection with item (1) above, Notice of Proposed Issuance

of Amendment to Facility Operating License was published in the FEDERAL REGISTER on November 11, 1977 (42 FR 58801). For item (2) Notice of Request for Extension of ECCS Exemption was published in the FEDERAL REGISTER on November 30, 1977 (42 FR 60989). No requests for hearing or comments were received on items (1) and (2). Prior public notice of items (3) and (4) above was not required, since these actions do not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment and exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment and extension dated July 8, 1977, and supplements thereto dated November 11, 15, and 28, 1977, and December 14, 1977, (2) Amendment No. 23 to License No. DPR-2, and (3) the Commission's related Safety Evaluation. All of these items, including the referenced Orders, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this sixth day of January, 1978.

For the Nuclear Regulatory Commission.

DON K. DAVIS,  
*Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.*

[FR Doc. 78-926 Filed 1-12-78; 8:45 am]

#### [7590-01]

[Docket No. 50-295]

#### COMMONWEALTH EDISON CO.

#### Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Commonwealth Edison Co. The relief relates to the inservice inspection (testing) program for the Zion Unit 1 (the facility) located in Zion, Ill. The ASME Code requirements are incorporated by reference into the Commission's rules and

regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief consists of substitution of alternative inspection requirements where the inspection requirements of ASME Code, section XI have been determined to be impractical due to plant design, geometry, materials of construction and/or would result in high radiation exposure to operators or inspectors.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated May 22, 1977, and (2) the Commission's letter to the licensee dated December 7, 1977.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Waukegan Public Library, 128 North County Street, Waukegan, Ill. 60685. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 7th day of December 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
*Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc. 78-927 Filed 1-12-78; 8:45 am]

#### [7590-01]

[Docket No. 50-304]

#### COMMONWEALTH EDISON CO.

#### Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the

ASME Code, section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Commonwealth Edison Co. The relief relates to the inservice inspection (testing) program for the Zion Unit 2 (the facility) located in Zion, Ill. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief consists of substitution of alternative inspection requirements where the inspection requirements of ASME Code, section XI have been determined to be impractical due to plant design geometry, materials of construction and/or would result in high radiation exposure to operators or inspectors.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazard consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated June 29, 1977, and (2) the Commission's letter to the licensee dated December 7, 1977.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Waukegan Public Library, 128 North County Street, Waukegan, Ill. 60685. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 7th day of December 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
*Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc. 78-928 Filed 1-12-78; 8:45 am]

#### [7590-01]

[Docket No. 50-255]

#### CONSUMERS POWER CO.

#### Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Consumers Power Co. The relief relates to the inservice inspection (testing) program for the Palsades Plant (the facility) located in Covert Township, Van Buren County, Mich. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief consists of substitution of alternative inspection requirements where the inspection requirements of ASME Code, section XI have been determined to be impractical due to plant design, geometry, or materials of construction.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated March 1, 1977, and (2) the Commission's letter to the licensee dated December 7, 1977.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Mich. 49006. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 7th day of December 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
*Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc. 78-930 Filed 1-12-78; 8:45 am]

#### [7590-01]

[Docket Nos. 50-329 and 50-330]

#### CONSUMERS POWER CO.; (MIDLAND PLANT, UNITS NO. 1 AND NO. 2) CONSTRUCTION PERMIT NOS. CPPR-81 AND CPPR-82

#### Reconstitution of Board

Frederic J. Coufal, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Because of a schedule conflict, Mr. Coufal is unable to continue his service on this Board.

Accordingly, Marshall E. Miller, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 5th day of January 1978.

JAMES R. YORE,  
*Chairman, Atomic Safety and Licensing Board Panel.*

[FR Doc. 78-931 Filed 1-12-78; 8:45 am]

#### [7590-01]

[Docket Nos. 50-269, 50-270 and 50-287]

#### DUKE POWER CO.

#### Issuance of Amendments To Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 52, 52, and 49 to Facility Operating Licenses Nos. DPR-38, DPR-47, and DPR-55, respectively issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station Unit Nos. 1, 2, and 3, located in Oconee County, S.C. The amendments are effective as of their date of issuance.

The amendments revise the Technical Specifications to establish operating limits for Unit 3 Cycle 3 operation.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license



amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 6, 1977, (2) Amendment Nos. 52, 52, and 49 to Licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Oconee County Library, 201 South Spring, Walhalla, S.C. 29691. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 21st day of November 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors  
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-932 Filed 1-12-78; 8:45 am]

[7555-02]

#### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

##### WORKING GROUP ON BASIC RESEARCH IN THE DEPARTMENT OF ENERGY

###### Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Working Group on Basic Research in the Department of Energy.  
Date: February 2-3, 1978.  
Time: 9 a.m. to 4 p.m.  
Place: Room 2102, Urey Hall, Revelle Campus, University of California at San Diego, La Jolla, Calif.  
Type of meeting: Open.

Contact person: Mr. William J. Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-4692.

Summary minutes: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.  
Purpose of advisory committee: The Office of Science and Technology Policy is conducting a study which will lead to the formulation of policy governing the performance of basic research by or for the mission agencies. Under the guidance of the Steering Committee on Basic Research in Mission Agencies, the Working group on Basic Research in the DOE is to examine the policies and procedures and research programs of that agency for adequacy and balance between near-term and long-term technical objectives.

Agenda: 9 a.m. to 4 p.m. Meeting to discuss results of working subgroup analyses and review of preliminary reports. There also will be briefings on basic research in the DOE National Laboratories.

WILLIAM J. MONTGOMERY,  
Executive Officer.

[FR Doc. 78-1174 Filed 1-12-78; 8:45 am]

[8010-01]

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-10082]

##### VALUATION OF PORTFOLIO SECURITIES BY MONEY MARKET FUNDS

###### Public Meeting

The Commission announces that on January 26, 1978, at 2 p.m. in Room 825 at the Commission's offices, 500 North Capitol Street, Washington, D.C. 20549, it will hold a public meeting at which interested persons may express their views concerning the valuation of portfolio securities by money market funds.

On May 31, 1977, the Commission issued an interpretative release (Investment Company Act Release No. 9786) ("Release No. 9786") [42 FR 28999, June 7, 1977], expressing, generally, the view that money market funds should determine the fair value of short-term debt securities for which market quotations are not readily available by reference to current market factors. The release indicated that use of the amortized cost method of valuation did not ordinarily take such factors properly into account, and therefore could be inconsistent with the provisions of Rule 2a-4 [17 CFR 270.2a-4] under the Investment Company Act of 1940 (the "Act") [15 U.S.C. 80a-1 et seq.].

Subsequent to the issuance of Release No. 9786, nine applications were filed on behalf of money market funds seeking exemptions from appropriate provisions of the Act which, if granted, would permit the use of amortized cost valuation under specified circumstances and conditions. In addition, a

Notices of the filing of seven such applications have been published in the FEDERAL REGISTER giving interested persons an opportunity to request that hearings be held on them. Certain communications have been received by the Commission which raise questions as to whether hearings should be ordered on these applications.

number of persons have raised questions with regard to the interpretation set forth in Release No. 9786. Although the Commission continues to believe its position on this matter is correct, in view of the aforementioned developments, the Commission believes that it would be appropriate at this time to schedule a public meeting to enable interested persons to present their views orally on the issue of money market fund portfolio valuation to the Commission. The meeting will afford persons affected by the interpretation announced in Release No. 9786 an additional opportunity to bring their views directly to the Commission's attention.

Members of the public are invited to attend the meeting. All persons wishing to speak at the meeting should submit a request in writing by January 20, 1978, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, indicating the nature of their interest in the matter, a summary of the views they propose to present, and an estimate of how much time they would need to present their views. Written submissions on the subject will also be considered.

To obtain further information, contact Kenneth S. Gerstein at 202-755-0233 or Dianne E. O'Donnell at 202-755-0225.

By the Commission.

Dated: January 5, 1978.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-1008 Filed 1-12-78; 8:45 am]

[4810-22]

#### DEPARTMENT OF THE TREASURY

##### Customs Service

[520059/040518]

##### MEN'S OR BOYS' COTTON SUITS, NOT KNIT

###### Tariff Classification Under Doctrine of Entireties; Change of Practice Considered

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of proposed change of practice.

SUMMARY: This document gives notice that the Customs Service is reviewing the current uniform and established practice of classifying men's and boys' cotton suits, not knit, according to the separate components rather than as entireties. The current

Pending resolution of these matters, the Commission issued an order granting the exemptions requested in the seven applications on a temporary basis subject to certain specified conditions (Investment Company Act Release No. 10027, November 28, 1977).

practice appears to conflict with the principles announced in a recent court decision and with the uniform practice of classifying all other men's and boys' suits and all women's and girls' suits as entireties.

DATES: Comments must be received on or before February 13, 1978.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Philip L. Robins, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5865).

##### SUPPLEMENTARY INFORMATION:

###### BACKGROUND

Under a uniform and established practice, the Customs Service classifies importations of men's and boys' cotton suits, not knit, according to the tariff provisions for each separate component, rather than classifying the suits as entireties. However, importations of all other men's and boys' suits and importations of all women's and girls' suits are uniformly classified as entireties.

The United States Customs Court, in *J. C. Penney Purchasing Corp. v. United States*, C.D. 4671 (1976), held that certain women's wearing apparel sets are classifiable as entireties for tariff purposes. The court noted that the clothing sets were designed, purchased, imported, and invoiced as a unit. The component pieces of each set were coordinated or matched as to color and size, and were always advertised and sold as sets. The description of these sets appears to describe, for the purpose of classification as entireties, men's and boys' cotton suits, not knit.

In view of the decision in *J. C. Penney Corp.* and the uniform practice of classifying all other suits of clothing as entireties, the practice of classifying men's and boys' cotton suits, not knit, according to the tariff provisions for each separate component appears to be incorrect. The Customs Service proposes to change this practice.

###### DOCTRINE OF ENTIRETIES

For tariff classification purposes, the Customs Service considers certain articles as "entireties" even though the articles consist of several components for which there are separate provisions in the Tariff Schedules of the United States. If such an article is considered an entirety, the article (consisting of several components) is assessed duty at the time of importation as one complete article under the appropriate tariff classification.

In general, an article consisting of several components may be considered an entirety if all the components are imported together, designed for use together, and marketed as a unit, and if the article has a use or character different from that of the components as separate items. The fact that the components have commercial value as separate items does not preclude the application of the doctrine of entireties.

###### PROPOSED CHANGE OF PRACTICE

The Customs Service is considering a change in its practice of classifying men's and boys' cotton suits, not knit, according to the separate components because there is an apparent inconsistency between this practice and the principles announced by the court in *J. C. Penney Purchasing Corp.* The Customs Service proposes to classify men's and boys' cotton suits, not knit, as entireties, which is in accordance with the practice by which all other men's and boys' suits and all women's and girls' suits are classified.

###### AUTHORITY

Because the proposed change of practice may affect the assessed duties on men's and boys' cotton suits, not knit, the Customs Service is giving this notice and opportunity for comment in accordance with section 315(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1315(d)), and § 177.10(c)(1) of the Customs Regulations (19 CFR 177.10(c)(1)).

###### COMMENTS

Consideration will be given to any written comments submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C.

###### DRAFTING INFORMATION

The principal author of this notice was John L. Valentine, Regulations and Legal Publications Division of the Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the U.S. Customs Service participated in developing this notice, both on matters of substance and style.

R. E. CHASEN,  
Commissioner of Customs.

Approved: January 3, 1978.

BETTE B. ANDERSON,  
Under Secretary of the Treasury.  
[FR Doc. 78-981 Filed 1-12-78; 8:45 am]

[4510-29; 4830-01]

#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

##### DEPARTMENT OF LABOR

##### Pension and Welfare Benefit Programs

##### EMPLOYEE BENEFIT PLANS

Notice of a Proposal of Exemption Relating to a Transaction Involving the F. W. Harris, Inc. Employees Profit Sharing Trust (D-641)

AGENCIES: Department of the Treasury/Internal Revenue Service, Department of Labor.

ACTION: Proposal for an exemption.

SUMMARY: This notice contains a proposal for an exemption from the prohibited transaction provisions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code (the Code) which regulate employee benefit plans. This exemption, if granted, would permit the F. W. Harris, Inc. Profit Sharing Trust (the Plan) to sell a parcel of real property to F. W. Harris, Inc. (the Employer).

DATE: Written comments and requests for a public hearing must be received by the Internal Revenue Service (the Service) on or before February 13, 1978.

ADDRESS: Written comments and all requests for a hearing (preferably six copies) should be addressed to Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: E:EP:PT.

FOR FURTHER INFORMATION CONTACT:

Charles Humphrey of the Prohibited Transactions Staff of the Employee Plans Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: E:EP:PT) (202-566-3089). This is not a toll free number.

##### SUPPLEMENTARY INFORMATION:

###### REQUESTED EXEMPTION

Notice is hereby given of the pendency before the Department of Labor (the Department) and the Service (hereinafter "the Agencies") of an application filed by the Employer and the Plan for exemption from the restrictions of section 406(a)(1) and 406(b)(1) and (2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (E) of the Code. This application was filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

###### SUMMARY OF REPRESENTATIONS

The application contains representations with regard to the pending ex-



emption which are summarized below. Interested persons are referred to the application and supporting documents on file with the Agencies for a complete statement of the representations of the Applicants.

1. The Employer is a Virginia corporation located in Annandale, Virginia. It is engaged in the plumbing, heating, and air conditioning business. The Employer maintains the Plan which has approximately 29 participants. Floyd W. Harris and Murray A. Parrish are the trustees of the Plan and own 75 and 25 percent of the outstanding shares of the Employer, respectively.

2. The Plan owns a 1.13 acre parcel of property (the Parcel) which is the subject of this request and for which the Employer has agreed to pay \$60,000 in cash. The purchase price is equal to the highest appraised value of two independent appraisers. The Parcel is part of 4.52 acres of undeveloped, commercially zoned land located in Loudoun County, Va. The 4.52 acre tract (the Tract) was purchased by the Plan on May 21, 1974, for \$135,600. The Tract is identified as Parcel No. 3, Double Circle 4, Loudoun County Tax Assessment Map No. 94, and is recorded in Deed Book 597 at page 781. The nearly rectangular Tract borders on State Route 636, former State Route 634 and State Route 28. State Route 28 is the major north-south route in the Dulles International Airport, Herndon, Sterling Park area. It is approximately 3 miles to arterial highway Route 7, and 1 1/2 miles to the Dulles International Airport and the Dulles access road to the Washington area, and 6 1/4 miles to arterial highway Route 50.

3. Appraisals of the Tract by two independent appraisers have been submitted by the Applicants. Both appraisers valued the Tract on two occasions separated by approximately six months.

4. On October 25, 1978, Mr. William L. Bryant valued the Tract at \$183,000. His second appraisal, dated April 7, 1977, found the fair market value of the Tract to be \$200,000. This appraisal fixed the value of the Parcel at \$60,000 and the value of the remaining 3.39 acres (the Remainder) at \$140,000. Mr. Bryant assigned a greater value to the Parcel (\$1.20 per sq. ft.) than to the Remainder (\$0.95 per sq. ft.). The latter valuation rate is the same as that used by Mr. Bryant in his October valuation of the Tract.

5. On October 21, 1976, Mr. L. Weidlein valued the Tract at \$185,000. This appraisal fixed the value of the Parcel at \$55,000 and the value of the Remainder at \$130,000. On April 7, April 20, and May 23, 1977, Mr. Weidlein made additional representations concerning the Tract which, along with Mr. Bryant's are detailed below.

6. The Applicants assert that the proposed transaction would be in the

best interests of the Plan and its participants and beneficiaries for the following reasons:

(a) The Tract is unproductive. It constitutes 24 percent of the Plan's assets. The trustees believe the sale would be advantageous because the Plan will realize the appreciation in value of the property and will be able to convert a non-liquid asset into cash.

(b) Mr. Weidlein believes that the transaction would increase the value of the Remainder. In the Dulles Airport area, subdivision generally increases the value of undeveloped land because there is a greater demand for small parcels than for large ones.

(c) The Employer's planned construction on the Parcel of a building to house its business activities should enhance the value of the Remainder. Furthermore, Mr. Weidlein believes this activity will enhance all values in the immediate vicinity of the Parcel.

(d) Holders of closely situated undeveloped property have actively attempted to sell their property for more than a year and have not met with success. Mr. Weidlein represents that he has for the last 12 months actively attempted to sell, at \$30,000 an acre, 5 acres of property which are located on Route 28 across the street from the Plan's Tract. Currently, this property is not zoned "commercial" but it is on the County Master Plan for commercial and industrial use. According to county authorities it can be zoned "commercial" at any time. It is estimated 120 days would be necessary to accomplish such a change. In addition, the Dorothy K. Winston Company has held on the market for a year and has failed to sell 5 acre parcels of commercially zoned property at \$30,000 per acre. The property is located less than 1 mile north of the Parcel on Route 28. The asking price of these properties is \$0.70 per square foot, an amount which is \$0.50 per square foot less than the Employer is willing to pay for the Parcel.

(e) Mr. Weidlein believes that a willing buyer cannot be found to purchase the Parcel at as high a price as the Employer's offer. Taking into account brokerage commissions, a willing buyer would have to pay at least \$66,000 to the Plan to duplicate the Employer's offer of \$60,000.

#### NOTIFICATION OF INTERESTED PARTIES

Within 10 days after publication by the Service and the Department of this proposal for an exemption, participating employees, officers, directors and any 10 percent shareholders of the Employer will be notified by mailing a copy of this notice of a proposal to grant the exemption.

#### GENERAL INFORMATION

The attention of interested persons is directed to the following:

1. The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code and section 408(a) of the Act does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code and the Act, including any prohibited transaction provisions to which the exemption does not apply

and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; the proposed exemption does not affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

2. The proposed exemption contained herein does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

3. Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Service and the Department must find that the exemption is administratively feasible, in the interest of the plan and of its participants and beneficiaries, and protective of the rights of such participants and beneficiaries; and

4. The proposed exemption, if granted, is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

#### WRITTEN COMMENTS AND HEARING REQUEST

Pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, the Agencies are required to offer an opportunity for a public hearing where a proposal for an exemption relates to section 406(b) of the Act or section 4975(c)(1) (E) or (F) of the Code. Any interested person may submit a written request that a hearing be held relating to the proposal for an exemption. Such a written request must be received by the Service on or before February 13, 1978, and should state the reasons for such person's request for a hearing and the nature of such person's interest in the proposal for an exemption. All interested persons also are invited to submit written comments on the proposal for an exemption set forth herein. In order to receive consideration, such comments must be received by the Service on or before February 13, 1978. All written comments (preferably six copies) and all requests for a hearing should be addressed to the Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: EEP:PT. All such comments will be made part of the record, and will be

available for public inspection at the Internal Revenue Service National Office Reading Room, Room 1565, 1111 Constitution Avenue, NW., Washington, D.C. 20224, and at the Public Documents Room of the Pension and Welfare Benefit Programs, Room N-4677, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216.

#### PROPOSED EXEMPTION

Based on the representations set forth in the application, the Agencies are considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and section 408(a) of the Act and in accordance with procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code and the restrictions of section 406(a)(1) and 406(b) (1) and (2) of the Act shall not apply to the sale of the Parcel by the Plan to the Employer for \$60,000, provided that this amount is not less than the fair market value of the property.

This exemption, if granted, will be subject to the express conditions that material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 5th day of January, 1978.

FRED J. OCHS,  
Director, Employee Plans Division,  
Internal Revenue Service.

IAN D. LANOFF,  
Administrator for Pension and  
Welfare Benefit Programs,  
Labor Management Services  
Administration, U.S. Department  
of Labor.

(FR Doc. 78-728 Filed 1-12-78; 8:45 am)

[4810-22]

#### Office of the Secretary

#### WELDED STAINLESS STEEL PIPE AND TUBING FROM JAPAN

Antidumping; Withholding of Appraisalment  
Notice and Exclusion From Antidumping Investigation

AGENCY: U.S. Treasury Department.  
ACTION: Withholding of appraisalment.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a tentative determination that welded stainless steel

pipe and tubing from Japan are being sold at less than fair value under the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of merchandise sold for exportation to the United States are less than the prices in the home market. Appraisalment for the purpose of determining the proper duties applicable to entries of this merchandise, with the exception of one manufacturer, will be suspended for 6 months. Interested persons are invited to comment on this action.

EFFECTIVE DATE: January 13, 1978.  
FOR FURTHER INFORMATION CONTACT:

Richard Rimlinger, Operations Officer, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On March 2, 1977, the U.S. International Trade Commission ("Commission") notified the Secretary of the Treasury that pursuant to sections 334 and 337(b)(3), of the Tariff Act of 1930, as amended (19 U.S.C. 1334 and 1337(b)(3)), a complaint had been filed with the Commission on November 15, 1976, which might involve matters coming under the purview of the Antidumping Act, 1921, as amended (19 U.S.C. 160, *et seq.*) (referred to in this notice as "the Act"). This complaint, which formed the basis of an investigation instituted by the Commission under section 337 on February 1, 1977, concerned stainless steel pipe and tubing entering the U.S. under item 610.3720 of the Tariff Schedules of the United States Annotated. It was filed by counsel acting on behalf of Acme Tube Inc., Somerset, N.J.; Allegheny Ludlum Steel Corp., Pittsburgh, Pa.; Armco Steel Corp., Advanced Material Division, Baltimore, Md.; Bristol Metals, Inc., Bristol, Tenn.; Carpenter Technology Corp., Tube Division, Union, N.J.; Colt Industries, Inc., Trent Tube Division, East Troy, Wis.; Consolidated Metals Corp., Dover, N.J.; and Sharon Steel Corp., Damascus Tubular Products Division, Greenville, Pa.

A previous antidumping investigation concerning welded stainless steel pipe and tubing from Japan had resulted in a "Notice of Discontinuance of Antidumping Investigation" which was published in the FEDERAL REGISTER of November 22, 1972 (37 FR 24838). On the basis of the information supplied by the Commission, a "Notice of Reopening of Discontinued Investigation" was published in the FEDERAL REGISTER of March 30, 1977 (42 FR 16883), and an investigation has been conducted to enable the Secretary of the Treasury to determine whether there are reasonable grounds to believe or suspect that there are, or are

likely to be, sales to the United States at less than fair value, as required by section 153.33(g) of the Customs Regulations (19 CFR 153.33(g)).

The secretary concluded that a tentative determination could not reasonably be made within the usual six-month period and the investigatory period in this case was therefore extended to no more than nine months pursuant to a "Notice of Extension of Investigatory Period" published in the FEDERAL REGISTER on October 6, 1977 (42 FR 54491).

#### TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in Customs investigation and for the reasons noted below, pursuant to section 201(b) of the act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price or the exporter's sales price of welded stainless steel pipe and tubing from Japan, other than that produced by Toa Seiki Co., Ltd., for export to the United States, is less, or is likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise, or the constructed value of such imported merchandise.

#### STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

a. *Scope of the investigation.* It appears that 85 percent of imports of the subject merchandise from Japan was manufactured by: Stainless Pipe Industries Ltd., Toa Seiki Co., Ltd., Yamato Industries Co., Ltd., Brasimet Industries Corp., Ltd., Tokyo Nishimura Kogyo Co., Ltd., and Nisshin Steel Co., Ltd. Therefore, the investigation was limited to these six manufacturers.

b. *Basis of comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the home market price of such or similar merchandise on sales by Stainless Pipe Industries Ltd., Toa Seiki Co., Ltd., Brasimet Industries Corp., Ltd., Tokyo Nishimura Kogyo Co., Ltd., and Nisshin Steel Co., Ltd., and between purchase price or exporter's sales price and the constructed value of the imported merchandise on sales by Yamato Industries Co., Ltd. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used for five manufacturers since all export sales by those five companies appear to be made to non-related customers in the United States. Purchase price was also used for certain sales by Yamato Industries Co., Ltd., where the merchandise was purchased by a non-related Japanese trading firm for export to



the United States. Exporter's sales price as defined in section 204 of the Act (19 U.S.C. 163) was used for those sales in which a related importer acted as the seller of the merchandise.

Prices, in the country of exportation as defined in section 153.2, Customs Regulations (19 CFR 153.2), were used for fair value purposes with respect to Stainless Pipe Industries, Ltd., Toa Seiki Co., Ltd., Brasimet Industries Corp., Ltd., Tokyo Nishimura Kogyo Co., Ltd., and Nisshin Steel Co., Ltd., since such or similar merchandise appears to be sold in the home market in sufficient quantities at prices equal to or above the cost of production to provide an adequate basis of comparison. With regard to Yamato Industries Co., Ltd., information indicates that a significant number of sales in the home market are made at prices below the cost of production and that remaining sales, made at prices above the cost of production, provide an inadequate basis for fair value comparisons. Since there do not appear to be sales to third countries of such or similar merchandise, the fair value was based on constructed value as defined in section 206 of the act (19 U.S.C. 165).

In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing and cost of production information was obtained concerning export and appropriate home market sales of welded stainless steel pipe and tubing from Japan during the period October 1, 1976, through March 31, 1977.

c. *Purchase price.* For purposes of this tentative determination, purchase price has been calculated on the basis of the f.o.b. port, f.a.s. port, or ex-godown, packed price to the United States, or to the unrelated trading company as appropriate, with deductions for inland freight, insurance, and shipping charges as appropriate.

d. *Exporter's sales price.* For purposes of this Tentative Determination, exporter's sales price has been calculated on the basis of the c.i.f., duty paid, ex-dock, packed price to the unrelated United States customers, with deductions for Japanese shipping charges, ocean freight, insurance, brokerage, wharfage, United States import duties and selling expenses.

e. *Home market price.* For purposes of this Tentative Determination, home market price has been calculated on the weighted average delivered packed price to unrelated purchasers with deductions for inland freight, differences in payment terms, and differences in packing cost. Adjustments were also made for differences in merchandise as appropriate.

In the case of Nisshin Steel Co., Ltd., claims were made for deductions from home market prices for smaller lot sales shorter lead times differences in warranty cost and differences in mer-

chandise. All claims have been disallowed at this time due to insufficient supporting evidence.

f. *Constructed value.* For purposes of this Tentative Determination, constructed value for Yamato has been calculated on the basis of the sum of the cost of the materials and of fabrication of the merchandise, as provided by that manufacturer, a statutory minimum amount for general expenses and profit pursuant to section 206(a)(2)(A) and (B) of the act (19 U.S.C. 165(a)(2) (A) and (B)), and the cost of all containers and coverings used to pack the merchandise ready for shipment to the United States.

g. *Result of fair value comparisons.* Using the above criteria, preliminary analysis suggests that purchase price and/or exporter's sales price probably will be lower than the home market price of such or similar merchandise, and/or the constructed value of the imported merchandise. Comparisons were made on approximately 53 percent of the total sales of the subject merchandise to the United States by all manufacturers investigated for the period under consideration. Margins were tentatively found ranging from 0.5 to 20 percent for sales made by Yamato Industries Co., Ltd., on 72 percent of the sales compared, ranging from 0.4 to 17 percent for sales made by Nisshin Steel Co., Ltd., on 22 percent of the sales compared, ranging from 0.4 to 12 percent for sales made by Stainless Pipe Industries Ltd., on 29 percent of the sales compared, and ranging from 0.9 to 42 percent for sales made by Tokyo Nishimura Kogyo Co., Ltd., on 96 percent of the sales compared. Weighted-average margins for each firm's sales compared were approximately 4 percent for Yamato Industries Co., Ltd., 1 percent for Nisshin Steel Co., Ltd., 1 percent for Stainless Pipe Industries Ltd., and 12 percent for Tokyo Nishimura Kogyo Co., Ltd. Tentatively, no margins have been found on sales by Toa Seiki Co. Ltd., and Brasimet Industries Corp. Based upon the absence of margins on over 88 percent of its exports to the U.S. and the fact that Toa Seiki Co., Ltd. appears to be honoring the price assurances it gave in 1972, it has been determined that this firm should be excluded from this Withholding of Appraisalment under section 153.38, Customs Regulations (19 CFR 153.38). Insufficient information has been supplied by Brasimet Industries Corp. with regard to home market sales and sales to the U.S. to qualify for an exclusion at this stage in the proceedings.

It is not contemplated at this time that the merchandise subject to this investigation will be covered by the "trigger price mechanism" (TPM) established. The TPM is described in FEDERAL REGISTER notices published on

December 30, 1977 (42 FR 65214) and January 9, 1978 (43 FR 1464).

Accordingly, Customs officers are being directed to withhold appraisalment of welded stainless steel pipe and tubing from Japan, other than that produced for export to the United States by Toa Seiki Co., Ltd., in accordance with section 153.48, Customs Regulations (19 CFR 153.48).

In accordance with section 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than January 23, 1978. Such requests must be accompanied by a statement outlining the issues wished to be discussed, which issues may be discussed in greater detail in a written brief.

All written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received in his office no later than February 13, 1978. All persons submitting written views or arguments should avoid repetitious and merely cumulative material. Counsel for the petitioner and respondents are requested to serve all written submissions on all other counsel and to file their submissions with the Commissioner of Customs in ten copies.

This notice, which is published pursuant to section 153.35(b), Customs Regulations (19 CFR 153.35(b)), shall become effective January 13, 1978. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

ROBERT H. MUNDHEIM,  
General Counsel of the Treasury.  
JANUARY 6, 1978.

(FR Doc. 78-939 Filed 1-2-78; 8:45 am)

[4810-22]

Office of the Secretary

#### CARBON STEEL PLATE FROM JAPAN

Determination of Sales at Less Than Fair Value

AGENCY: U.S. Treasury Department.  
ACTION: Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that carbon steel plate from Japan is being sold at less than fair value. (Sales at less than fair value generally occur when the price of merchandise sold for exportation to the

United States is less than the price of such or similar merchandise sold in the home market or to third countries or the constructed value of the merchandise). This case is being referred to the United States International Trade Commission for a determination concerning possible injury to an industry in the United States.

EFFECTIVE DATE: January 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Ms. Mary S. Clapp or Mr. Stephen Nyschot, Operations Officers, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

#### SUPPLEMENTARY INFORMATION:

On March 8, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of Oregon Steel Mills, Division of Gilmore Steel Corporation, indicating a possibility that carbon steel plate from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). An "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of March 30, 1977 (42 FR 16883), indicating that there was evidence on record concerning injury to or likelihood of injury to, or prevention of establishment of, an industry in the United States. A "Withholding of Appraisalment Notice" was published in the FEDERAL REGISTER of October 6, 1977 (42 FR 54489).

For purposes of this notice, the term "carbon steel plate" means hot-rolled carbon steel plate, 0.1875 (3/16) inches or more in thickness, over 8 inches in width, not in coils, not pickled, not coated or plated with metal, not clad, and not cut, pressed or stamped to non-rectangular shape.

FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in the Customs Service investigation and for the reasons noted below, carbon steel plate from Japan, is being or is likely to be sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

#### STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the investigation.* It appears that during the period of investigation covering October 1, 1976 to March 31, 1977, over 70 percent of the imports of the sub-

ject merchandise from Japan were manufactured by Nippon Steel Corporation (Nippon Steel), Nippon Kokan K.K. (NKK), Sumitomo Metal Industries, Ltd. (Sumitomo), Kawasaki Steel Corporation (Kawasaki), and Kobe Steel, Ltd. (Kobe). Therefore, the investigation was limited to these five manufacturers.

b. *Basis of comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value, within the meaning of the Act, the proper basis of comparison appears to be between purchase price and home market price of such or similar merchandise on all sales by Nippon Steel, NKK, and Kobe, and on most sales by Sumitomo and Kawasaki. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used for most sales since those export sales were made to unrelated Japanese trading companies. On the remaining sales by Sumitomo and Kawasaki, the proper basis of comparison appears to be between exporter's sales price, as defined in section 204 of the Act (19 U.S.C. 163), and home market price, since those sales in the United States are made by importers who are related to those manufacturers. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold in the home market in sufficient quantities at not less than the cost of production to provide a basis of comparison for fair value purposes.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), home market pricing information was obtained for the period October 1, 1976, through March 31, 1977. Since the question of sales prices below cost was raised, cost information was requested with respect particularly to the period April 1, 1976, through March 31, 1977.

c. *Purchase price.* For the purpose of this tentative determination of sales at less than fair value, purchase price has been calculated on the basis of the f.o.b. or f.a.s. price to the unrelated trading company for export to the United States. A deduction has been made for inland transportation costs included in the price.

d. *Exporter's sales price.* For the purpose of this tentative determination of sales at less than fair value, exporter's sales price has been calculated on the basis of the price to the first unrelated purchaser in the United States. Deductions have been made for ocean freight and insurance, brokerage charges, import duties, and for expenses incurred in selling the merchandise in the United States.

e. *Home market price.* For the purpose of this determination of sales at less than fair value, the home market price has been calculated on the basis of the delivered, not, packed price. Adjustments have been made for interest costs, freight, reimbursements to customers for defective merchandise, and packing cost differentials, as appropriate, in accordance with § 153.10, Customs Regulations (19 CFR 153.10). Adjustments for interest costs relate to extended payment terms granted to customers in the home market.

Additional adjustments were claimed by counsel for differences in circumstances of sale in accordance with section 153.10, Customs Regulations (19 CFR 153.10), for warehousing costs for inventory purposes, salesmen's salaries and office expenses, higher computer costs involved in following orders in the home market, bad debts, and techni-

cal services. These expenses do not bear a direct relationship to the sales under consideration and no adjustment has been allowed for these expenses.

Where exporter's sales price was used as the basis of comparison, selling expenses incurred in the home market were deducted from the home market price, up to the amount incurred in the United States, in accordance with § 153.10, Customs Regulations (19 CFR 153.10).

Counsel for petitioner has claimed that sales of this merchandise for home consumption or to third countries have been made in substantial quantities over an extended period of time at prices which are less than the cost of production within the meaning of section 205(b) of the Act and which do not permit recovery of all costs within a reasonable period of time in the normal course of trade. Because some evidence was received indicating that such claims may have been well founded, it was determined that an investigation of respondents' costs of production was warranted.

Respondents sought a hearing to contest the substantiality of the petitioner's claims and to raise alleged conflicts between section 205(b) of the Act and the General Agreement on Tariffs and Trade and the International Anti-Dumping Code. No hearing was deemed necessary, however, since (1) the evidence of possible sales below cost of production was considered sufficiently reliable to warrant a further inquiry which would permit the respondents to provide such facts—as they were by far in the best position to do—to demonstrate their actual costs of production, and (2) the mere inquiry into whether sales in the home market or to third countries fell within the provisions of section 205(b) of the Act gave rise to no conflict with applicable provisions of the GATT or the International Anti-Dumping Code. There is no question that responding to requests for information concerning costs of production may be time-consuming and costly and that its delivery creates a possible risk of its release to competitors or other parties. However, neither of these factors can be an acceptable basis to the Secretary for declining to investigate allegations based upon a *prima facie* showing as made by the complainant in this case. In that connection, it is imperative to underscore, first, that the mere investigation of the facts does not in any way suggest that the outcome of the inquiry has been predetermined; on the contrary, an effort is made to obtain the most complete factual picture necessary to reach the required decisions within the time constraints of the law. Second, the respondents are generally best able to provide the type of information requested. However, their refusal to provide it cannot prevent the Secretary from applying the Act on the basis of whatever evidence he has



available, including that furnished solely by the complainant. And, third, serious effort is made by the Department to assure to all parties submitting information that may properly be considered confidential that its confidentiality is preserved.

The respondents in this case nevertheless declined to provide any information concerning their costs of production prior to the publication of the Tentative Determination. Under those circumstances, relying on § 153.31(a) of the Customs Regulations, the best evidence of costs of production was utilized in an effort to determine whether § 205(b) of the Act was applicable. Using the information described in that Determination, including the financial statements filed by the respondents with the Japanese Ministry of Finance, it was tentatively determined that virtually all sales in the home market during the period of investigation were below what appeared to be the cost of producing carbon steel plate. Accordingly, those sales were disregarded in establishing "fair value." No evidence of third country sales having been submitted, weighted average margins of 32 percent were then found between the constructed value of the merchandise and the applicable purchase or exporter's sale prices of the five respondents.

Following publication of the Tentative Determination, the respondents decided that they would furnish some information regarding their costs of production. Claiming the effort would be complex and time-consuming, they requested an extension of the date by which a Final Determination in this case would be made. The suggestion was made that, analogizing to § 201(b)(2) of the Act, dealing with investigations preceding the publication of a Tentative Determination, a three-month extension should also be possible in the making of the Final Determination. However, the applicable section 201(b)(3) is mandatory in fixing three months as the maximum time within which a Final Determination must be made following publication of a Tentative Determination. Accordingly, the request for an extension was denied.

The information furnished by the respondents concerning their costs of production was not identical in each case. Some have provided some data concerning costs of raw materials, labor and similar elements of costs of production, claimed to be drawn from the books and records of the companies that are maintained in the ordinary course of their business. However, due to the shortness of time between the submission of this data and the date by which a Final Determination was due, it has not been possible for Customs Service personnel to "verify" that data pursuant to standards

and procedures normally followed and developed over many years of experience both under the Antidumping Act and other customs laws. Such verification normally includes a comparison of the submissions made to the Customs Service with the actual books and records of the companies, a comparison of such books and records with underlying source documents (such as suppliers' invoices, payroll checks and delivery receipts), and a review of the accounting practices used to keep the company books for conformity with generally accepted accounting principles. However, it has not been the past practice of the Customs Service—nor, indeed, would it be possible in view of the time restrictions imposed by the law and the resources available for investigating antidumping complaints—to conduct what an accountant would regard as an "audit" of respondents' operations. And the Antidumping Act imposes no such obligation on the Treasury Department in implementing the law. However, it was not possible to follow even the normal procedures for verification in this case.

The complainant has urged that because of their belated submission and the lack of opportunity for normal verification, all of the respondents' submissions be totally disregarded. As the Treasury Department has no authority to require respondents to furnish information and to submit to verification, the Secretary has generally declined to consider incomplete or unverified information, since to do otherwise may discourage cooperation in the submission and verification of data considered essential in administering the law. However, it would be patently self-denying to disregard information not verified by the methods normally used by the Customs Service if other relevant evidence available to the Secretary tends to corroborate a respondent's submission. There are, in fact, instances in which the best "verification" of cost information may be available from sources external to the books and records of a particular respondent. Therefore, the complainant's suggestion has not been followed.

A further problem is presented by other data submitted which was even further removed from the facts, based on the books and records of the companies, normally used to calculate cost of production. This data was derived by using as a starting point a company's published financial statements, apparently audited by independent certified public accountants and submitted under local law to the Japanese Ministry of Finance, and applying a series of allocations to the aggregate cost data there reflected to arrive at a cost of production of the merchandise relevant to these proceedings. The use of this technique can, of course, lend itself to manipulation and abuse. Most

fundamentally, if a company, as a whole, is profitable as a result of the sale of all products and services, and cost allocations are based solely on sales revenues, then no single product will be shown as having been sold at a loss. A company deriving significant income from wholly unrelated activities, for example, the sale of securities held in portfolios, could thereby purport to demonstrate that no losses were experienced in steel plate operations even if more traditional cost accounting practices would clearly demonstrate a contrary result.

Nevertheless, as with "unverified" cost data submitted, the Secretary is not required to disregard information submitted in this form, if it can be corroborated from other sources. And, indeed, it would be anomalous to disregard it entirely and, at the same time, use the same financial statements submitted to the Ministry of Finance as the "best available evidence" of costs—as was done at the time of the Tentative Determination.

The present case is unique in that at the very time it has been under consideration, the Treasury Department has been establishing a "trigger price mechanism" (TPM) to monitor the prices of imported steel mill products. As reflected in FEDERAL REGISTER notices published on December 30, 1977 (42 FR 65214) and January 9, 1978 (43 FR 1464), this mechanism is based upon determinations of the costs of producing steel in Japan, including the carbon plate that is the subject of these proceedings. The cost of production has been calculated on the basis of submissions made by the six largest steel companies in Japan, including the five respondents in this case, to the Japanese Ministry of International Trade and Industry and transmitted, in aggregate form, to the U.S. Treasury Department. These cost figures were analyzed and corroborated by the staff of the Council on Wage and Price Stability.

It has been concluded that the information developed in the context of establishing the "trigger prices" for the TPM, appropriately adjusted for the time period under investigation in this case, constitutes the "best available evidence" of the cost of producing the subject merchandise by respondents. Information submitted by respondents has been examined and has also been taken into consideration to the extent it is not inconsistent with the information from which the "trigger prices" were calculated. The company data was used primarily in determining the appropriate relationship between the cost of producing finished steel products and the cost of producing the merchandise subject to this investigation by all the firms in the aggregate.

The cost of production thus established has been compared with the

home market prices of each of the five companies under investigation. Any sale made at a price less than such cost of production has been disregarded and the remaining sales, made at not less than the cost of production, have been utilized in determining the appropriate home market price for each company. In each instance, the remaining, above-cost sales representing at least 10% of all sales during the period, were deemed adequate for the purpose of establishing a foreign market value for that respondent.

Counsel for petitioner has claimed that possible additional dumping margins may have been created by sales below the cost of acquisition by trading companies which export carbon steel plate from Japan and also sell this merchandise to ultimate users and other home market purchasers. Information relevant to this claim was collected from trading companies accounting for more than 60 percent of the subject merchandise exported to the United States by the respondent manufacturers. Examination of this information indicated that in virtually all instances sales to unrelated United States buyers were made at prices equal to or greater than the cost of acquisition plus the relevant selling, shipping and other related expenses. It has therefore been determined that no basis exists to deviate from the normal practice of examining pricing behavior at the primary level of trade. Therefore for purposes of this determination, prices of the five respondent manufacturers in the home market and for export to the U.S. have been utilized for fair value comparison purposes.

**1. Result of Fair Value Comparisons.** Using the above criteria, purchase price or exporter's sales price was found to be lower than the home market price of such merchandise. Comparisons were made on a significant portion of the subject merchandise sold to the United States during the investigative period. Weighted average margins over the total sales compared for each firm were approximately 9.1 percent for Nippon Steel, 7.3 percent for NKK, 18.5 percent for Sumitomo, 5.4 percent for Kawasaki, and 13.9 percent for Kobe.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

The U.S. International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

ROBERT H. MUNDHEIM,  
General Counsel of the Treasury.

JANUARY 6, 1978.

[FR Doc. 78-973 Filed 1-12-78; 8:45 am]

[8320-01]

## VETERANS' ADMINISTRATION

### VETERANS EDUCATION

#### Policies and Procedures

AGENCY: Veterans' Administration.

ACTION: Request for Public Comment.

SUMMARY: The Veterans' Administration is publishing for public comment new and revised statements of policy and procedures which have been adopted by the Agency to implement the G.I. Bill Improvement Act of 1977. These policy and procedural Statements will better acquaint veterans, eligible persons, educational institutions, and the public at large with the way in which this Act will be administered.

DATES: Comments must be received on or before February 13, 1978.

ADDRESSES: Send written comments to: Administrator of Veterans' Affairs (271A), Veterans' Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. Comments will be available for inspection at the address shown above during normal business hours until February 21, 1978.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans' Benefits, Veterans' Administration, Washington, D.C. 20420, 202-389-2092.

**SUPPLEMENTARY INFORMATION:** This publication contains DVB Circular 20-77-97. This deals with the policy and procedures as to adjustments for increased educational allowance; revised requirements for offsetting institutional reporting fees against amounts for which the institution may be liable; the prohibition against requiring institutions of higher learning from keeping daily attendance records for students in courses leading to a standard college degree; limited relief from power-of-attorney and check negotiability restrictions; notification requirements to claimants when the Veterans' Administration discontinues educational benefits; State approving agency reimbursement; revised requirements for measuring courses not leading to a standard college degree; and the requirement that at least 15 percent of the students in a course be nonveterans. The circular also sets forth provisions of the Act for which more detailed policy and procedural statements will be published later. These provisions include an extension of the delimiting date for certain incapacitated veterans and spouses for using edu-

cational allowance; establishing eligibility for Veterans' Administration educational loans after the delimiting date; more extensive counseling services; eligibility of Women's Air Force Service Pilots for Veterans' Administration benefits; accelerated payment of educational allowance (loan forgiveness); revised criteria for obtaining a Veterans' Administration education loan; the requirement that a school have operated a course for a minimum of two years; modification of the prohibition of payments of educational allowance to an eligible person not making satisfactory progress toward his or her objective; and the requirement that catalogs and bulletins not in compliance with the standards of appropriate accrediting or licensing bodies be forwarded to those bodies. This circular has been implemented and has or will be distributed through normal channels to interested persons.

#### ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding this document to the Administrator of Veterans' Affairs (271A), Veterans' Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), until February 21, 1978. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to a VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and room number.

Approved: December 30, 1977.

By direction of the Administrator.

JOHN J. LEFFLER,  
Associate Deputy Administrator.

(DVB Circular 20-77-97)

NOVEMBER 30, 1977.

DEPARTMENT OF VETERANS' BENEFITS,  
VETERANS ADMINISTRATION,  
Washington, D.C. 20420.

PUBLIC LAW 95-202, GI BILL IMPROVEMENT  
ACT OF 1977

1. General. H.R. 8701 was enacted as Pub. L. 95-202 on November 23, 1977. Major provisions of this law are an increase in educational assistance benefits for all types of training under chapters 31, 34 and 35; creation of a limited program for accelerated payment of benefits; an increase in the maximum amount of education loans along with liberalized loan requirements; a delimiting date extension under limited conditions; a program for providing education loans after a veteran's or spouse's delimiting date if any unused entitlement remains; authorization to transfer VCIP (Veterans' Cost of Instruction Program) from OE



(Office of Education), DHEW (Department of Health, Education, and Welfare), to the VA (Veterans Administration); and other changes to existing programs. Provisions of the new law are arranged by their effective dates, except where otherwise noted. Those provisions for which more detailed instructions will be issued later are clearly indicated.

2. *Provisions Effective October 1, 1977—A. Rates.* Chapters 31, 34 and 35 benefit rates have been increased approximately 6.6 percent. The charge against entitlement for correspondence training will be at the rate of \$311 per month. The charge against entitlement for flight training will be at the rate of \$288 per month. The new rates are shown in paragraph 7 of this circular. The following sections of title 38, U.S.C. have been amended to reflect the new rates:

- (1) Section 1504(b)—chapter 31 rates.
- (2) Sections 1682(a), (b) and (c); 1787(b)—chapter 34 rates.
- (3) Section 1732 (a) and (b) and 1742(a)—chapter 35 rates.
- (4) Section 1696(b)—chapter 32 PREP (Predischarge Education Program) rates.
- (5) Section 1786(a)(2)—correspondence rates.

(6) Section 1677—flight rates.  
(b) *Other Provisions Effective October 1, 1977.* (1) Tutorial Assistance is increased to \$69 per month with a maximum of \$828. Payments for tutoring provided on or after October 1, 1977, will be computed at the higher rate (38 U.S.C. 1692(b)).

(2) The aggregate education loan amount is increased to \$311 multiplied by the number of months of remaining entitlement (38 U.S.C. 1798(b)(3)).

(3) 38 U.S.C. 1685 has been amended to set the work-study allowance equal to the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938, as amended, or \$2.50 per hour, whichever is higher. On January 1, 1978, the minimum wage will be raised to \$2.65 per hour, thus increasing the hourly rate of work-study allowance. Notwithstanding the fact that work-study hours have been contracted at a lower rate, any hours of work performed on or after the effective date of a minimum wage increase (January 1, 1978 in this instance) will be paid at the higher rate. Section 1685 was also amended to provide that once the veteran has been selected for the work-study program, and has signed and returned the work-study agreement, an advance payment of 40 percent of the total amount of the work-study allowance in the agreement shall be made.

(4) The reporting fee is increased from \$5 to \$7, and the fee for veterans and eligible persons receiving advance payment is increased from \$6 to \$11 (38 U.S.C. 1784(b)). This adjustment will be made automatically by DPC Hines; however, if a station makes an out-of-system payment to a school, the increase must be added by the station prior to payment.

3. *Provisions Effective May 31, 1976—A. Extended Delimiting Date.* Provision is made to extend delimiting dates for certain veterans and eligible spouses (38 U.S.C. 1662(a) and 1712(b)).

(1) The veteran or spouse must have been prevented from initiating or completing his or her chosen program of education within the original delimiting period because of a physical or mental disability not resulting from his or her own willful misconduct.

(2) Any extension will be for the length of time it is determined that the veteran or

spouse was prevented from initiating or completing the chosen program of education.

(3) Detailed instructions covering extended delimiting dates will be issued later.

b. *Loans After Delimiting Date.* Subject to certain limitations, veterans and eligible spouses are permitted to use any unused entitlement to benefits to establish eligibility for an education loan after their delimiting date has passed (38 U.S.C. 1662(a)(2) and 1712(f)).

(1) All loans requirements of 38 U.S.C. 1798, including the liberalizations described below in paragraph 5b, apply to applications for loans after a delimiting date.

(2) In addition, the veteran or spouse must have been pursuing an approved program of education full time when his or her delimiting date was reached, and be enrolled full time in that same program. The person will be considered enrolled on the delimiting date if the delimiting date occurs during a scheduled school break and he or she was enrolled full time in the term immediately preceding. Enrollment in a summer term is not required.

(3) Loan entitlement continues after the delimiting date until the earliest of the following occurrences:

(a) The amount of aggregate loan entitlement based on unused benefit entitlement is exhausted; or

(b) The expiration of 2 years after the date of enactment of this provision, November 23, 1977, or the expiration of 2 years after the individual's delimiting date, whichever is later; or

(c) The veteran or spouse completes the program of education in which he or she was enrolled when the delimiting date was reached.

(4) Further instructions regarding loans after delimiting dates will be issued later.

4. *Provisions Effective November 23, 1977, Date of Enactment of Pub. L. 95-202—A. Citation of Authority.* 38 U.S.C. 210(c)(1) is amended to require that any rule, regulation, guideline or published instruction issued by the VA contain the citation to the particular section of sections of statutory law, or other legal authority, upon which it is based. The requirement applies to any and all VA issuances, not solely to education matters. In addition, every rule, regulation, guideline, bulletin, or other published interpretation or order which amends a current VA issuance or publication shall include a citation for each substantive provision which is being amended.

b. *Counseling Services.* 38 U.S.C. 1663 is amended to provide more extensive VA counseling services to eligible veterans, including employment counseling. Counseling services shall be made available, upon request, to any eligible veteran. Vocational or educational counseling and testing will be provided to aid the veteran in selecting:

(1) An educational or training objective and an educational institution or training establishment appropriate for the attainment of the veteran's objective, or

(2) An employment objective likely to provide the veteran with satisfactory employment opportunities in light of his or her personal circumstances.

(3) The VA is required to carry out an effective outreach program, including individual notification where feasible, to acquaint all eligible veterans with the availability and advantages of VA counseling service.

(4) Further instructions will be issued on these counseling provisions.

c. *PREP Report Elimination.* The requirement that the Department of Defense submit a progress report on PREP to the Congressional Committee on Veterans' Affairs is eliminated (38 U.S.C. 1698(b)).

d. *Reporting Fees Offset.* 38 U.S.C. 1785 is amended to prohibit in general the VA from collecting any administratively determined institutional liability for overpayments by offsetting reporting fees to which the institution is entitled. Offset is permitted, however, in cases where the institution does not contest the liability or the liability has been upheld by a court of appropriate jurisdiction. Because of the present moratorium on school liability cases, no offset will be made for 1977.

e. *IHL Attendance Records.* 38 U.S.C. 1784 is amended to state that neither section 1984 nor any other provision of title 38 is to be construed as requiring IHL's to maintain daily attendance records for any course leading to a standard college degree. This provision does not diminish the responsibility of the institution to report in accordance with current instructions the enrollment, interruption or termination of any veteran or eligible person enrolled in the school.

f. *Limited Relief From Pub. L. 94-502 Power-of-Authority and Negotiability Restrictions.* The Administrator is provided the authority in Pub. L. 95-202 to grant equitable relief under specified conditions to certain schools which are holding VA educational assistance checks mailed to the schools under previous power-of-attorney arrangements. This authority is delegated to station Directors.

(1) Such relief may be granted to an educational institution if:

(a) The course(s) for which the checks were paid were offered outside of the United States or under the former chapter 34 PREP program; and

(b) The course was commenced by the veteran or eligible person before December 1, 1976, and completed no later than June 30, 1977; and

(c) The school holds a power of attorney signed before December 1, 1976, authorizing the school to negotiate the veteran's or eligible person's VA educational assistance checks; and

(d) It is found that undue financial hardship results for the school because it is prohibited from negotiating the checks under the provisions of 38 U.S.C. 3101(a).

(2) Relief may also be granted to accredited correspondence schools if:

(a) The checks in question were mailed to the school for lessons completed and serviced before January 1, 1977; and

(b) The veteran or eligible person taking the course for which the check is paid resided in the United States; and

(c) The same conditions found in subparagraphs (c) and (d) above are fulfilled.

(3) Schools desiring relief under this provision should apply to the appropriate regional office Director. The application must be a notarized statement including all of the following elements:

(a) The type of course(s) (i.e., PREP, foreign IHL, or correspondence) for which the checks in question were issued.

(b) A statement that in each case the training was begun before December 1, 1976, and in case of PREP or foreign IHL the checks are for training furnished no later than June 30, 1977. In case of correspondence courses, the statement must show that checks to be negotiated are for lessons serviced prior to January 1, 1977, and are

for students who were residing in a State at the time the training was furnished.

(c) A statement that a power of attorney agreement signed and valid before December 1, 1976, is held by the school authorizing it to negotiate each check in question.

(d) A statement that the veteran or eligible person owes the full proceeds of the check to the school for tuition or fees.

(e) A brief statement outlining the undue financial hardship the school will experience if unable to negotiate the checks.

(f) A certification that if authority to negotiate the checks is granted, that only checks covered by statements under subparagraphs (a), (b), (c) and (d) will be negotiated by the school.

(4) If the school's application contains all of the above elements, establishes undue financial hardship and it is properly certified as to the truth of all statements and notarized, the station Director is authorized to grant relief for negotiation of the checks. Relief will be granted in a letter to the school president or other appropriate school official. This letter must specify the type of courses and the periods for which relief is granted under the law, and that no other checks may be lawfully negotiated by the school.

(5) If relief is not granted to the school, the Director will state the reasons and inform the school it may request administrative review by Central Office. If such a request is received, it will be forwarded to the appropriate Field Director (225B) with all pertinent information available at the station.

g. *Notification Requirements.* 38 U.S.C. 1790 has been amended to add subsection (b) which requires that any action to discontinue (terminate or suspend) educational assistance shall be based upon evidence that there is no entitlement to such assistance, and that written notification shall be provided pursuant to any action to discontinue educational assistance.

(1) When benefits are terminated, veterans, or eligible persons must be notified of the specific reasons for the termination. They must also be provided a statement of procedural and appellate rights. These rights as they are printed on VA Form 1-4107 and on the reverse of computer letters are sufficient to meet this requirement.

(2) When benefits are suspended, veterans and eligible persons must be notified by dictated letter of the reason for the suspension. This notification must also inform the claimant as follows: "You have the right to present written evidence or meet with a VA representative to show why your benefits should not be suspended."

(a) If a meeting with a VA representative is requested, the Adjudication Officer will designate a person to review the case informally with the claimant. The designated VA representative should be prepared to explain the suspension action and answer the claimant's questions.

(b) After the meeting, the claimant will be informed as to the whether the suspension will be continued, lifted, or changed to a termination. If the suspension is continued, the claimant will be advised of the evidence or information required to lift the suspension. If benefits are terminated, full procedural and appellate rights will be furnished to the claimant.

(c) The substance of the meeting, including specifically the information imparted to the claimant under subparagraph (b) above, will be recorded on VA Form 119, Report of

Contact, and filed in the claims or chapter 35 folder. The claimant will be provided a copy of the completed VA Form 119.

h. *Vocational Rehabilitation Study.* Pub. L. 95-202 directs the Administrator to conduct a study in regard to the provisions of chapter 31. The study is to include recommendations for legislative or administrative changes, recommendations for utilizing other chapters of title 38 to help meet the needs of chapter 31 veterans, and recommendations with regard to the need for the services of vocational rehabilitation specialists to provide job development and job placement services. This study will also analyze and compare vocational rehabilitation assistance provided under chapter 31 with vocational rehabilitation services provided under the Rehabilitation Act of 1973 (29 U.S.C. 701). The report of the study is to be submitted to the President and Congress not later than March 1, 1978.

i. *Veterans Readjustment Appointments Report.* 38 U.S.C. 2014(b) is amended to require a report from the Chairman of the Civil Service Commission, due within 6 months, on the need for continuation after June 30, 1978, of the authority for veterans readjustment appointments under this section.

j. *Technical Amendments.* (1) 38 U.S.C. 101(29) is amended to reflect May 7, 1975 as the ending date of the Vietnam era.

(2) 38 U.S.C. 2007(c) is amended to delete "section 2001" from and add "section 2004" to requirements for the Secretary of Labor's annual report on job counseling, training and placement service for veterans.

k. *VCIP Transfer Authority.* Pub. L. 95-202, provides authority to transfer VCIP to the VA. The Administrator is granted the authority to administer VCIP pursuant to an interagency agreement which may be entered into between the Administrator and the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare. Effective the date of such transfer, 38 U.S.C., chapter 3, will be amended to incorporate all provisions concerning VCIP which are currently contained in section 420 of the Higher Education Act of 1965.

l. *Women's Air Forces Service Pilots.* Pub. L. 95-202 provides that service as a member of the Women's Air Forces Service Pilots (WASP) or service in any other similarly situated group may qualify that person to receive a discharge from active military service and thereby become eligible for veterans' benefits. The Secretary of Defense, pursuant to regulations the Secretary will provide, shall determine whether the service of such groups constitutes active duty service. In the case of affirmative determinations, a discharge under honorable conditions will be issued to those whose service warrants such a discharge. Further instructions concerning this provision will follow.

5. *Provisions Effective January 1, 1978—A. Accelerated Payment.* A new accelerated program is established by 38 U.S.C. 1682A for certain veterans and eligible persons enrolled in high cost educational institutions. An accelerated VA payment may be made only if it is matched dollar for dollar by the State (or local governmental unit) in which the institution is located. This matching payment would be combined with the accelerated VA payment to partially cancel any outstanding VA education loans under 38 U.S.C. 1798 upon satisfactory completion of the student's program of education. A general outline of the accelerated payment program is given below. Detailed instructions will be issued at a later date.

(1) *Eligibility.* A veteran or other eligible person may apply for accelerated payment at the end of his or her program of education if any entitlement is remaining. A student who applies for accelerated payment in connection with a particular school term shall be eligible if all of the following are met:

(a) The student was enrolled under the law full time throughout such school term;

(b) The student was entitled to educational assistance allowance during such school term;

(c) The student received a VA Education Loan after January 1, 1978, for such school term;

(d) The tuition and fees of the educational institution in which the student was enrolled exceed \$700 for such school term;

(e) The educational institution where the student last attended certifies that the student has satisfactorily completed his or her program of education;

(f) The application for accelerated payment is received within 180 days after the date on which the degree, diploma or certificate is awarded the student showing completion of the entire approved program, or on which the appropriate State or local governmental unit establishes a matching program as described in subparagraph (h) below, whichever date is later;

(g) The educational institution certifies for such school term that 35 percent or less of all students (computed separately for the main campus and any branch or extension) were receiving VA educational benefits under chapters 31, 32, 34, 35, and 36 of title 38 U.S.C.; and

(h) The State (or local governmental unit) in which the educational institution is located pays to the VA on the student's behalf an amount not to exceed the maximum accelerated payment which the VA is authorized to make. The State or local matching funds program must be established within five years of the enactment of this law.

(2) *Definition of "School Term."* As used in the accelerated payment program, the term "school term" means:

(a) Three consecutive quarters for institutions of higher learning (IHL's) operating on a quarter system;

(b) Two consecutive semesters for IHL's operating on a semester system;

(c) A time division to be determined by the Administrator for IHL's not operating on a semester or quarter system and for schools which are not institutions of higher learning.

(3) *Amount of Accelerated Payment.* The amount of accelerated payment for any school term will be the lesser of:

(a) An amount equal to the educational assistance allowance payable for such school term;

(b) An amount equal to 1/4 of the amount by which the expenses of tuition and fees exceed \$700 for such school term;

(c) An amount equal to 1/4 of the amount by which any outstanding VA Education Loan obligation exceeds \$700; or

(d) The amount which the State (or local governmental unit or both) pays to the VA to match the accelerated payment.

b. *Education Loans.* (1) The maximum amount of a loan for any one regular academic year is increased to \$2,500 (38 U.S.C. 1798(b)(3)).

(2) The Administrator is given the authority to waive the requirement that NCD and professional-objective students must be en-



rolled in a program requiring six months or more to complete in order for a loan to be granted. Such waivers may be granted in the interest of the eligible veteran and the Federal Government pursuant to regulations issued by the Administrator (38 U.S.C. 1798(c)(1)(B)). Pending the issuance of such regulations, no loans will be made for programs less than 6 months in length.

(3) The requirement that VA loan applicants seek and be unable to obtain HEW-guaranteed loans before receiving a VA education loan is deleted from the law (38 U.S.C. 1798(c)).

(4) Since the loan program is integral to the new provisions for accelerated payment of benefits, the Administrator's annual report on default experience and rates will be made separately for loans repaid by accelerated payment and other loans (38 U.S.C. 1798(a)(3)).

(5) Also in conjunction with accelerated payment, at the time of application for any education loan, the veteran or eligible person must assign any amount of accelerated payment which he or she may receive to the VA for repayment of the loan. Matching contributions from State and local governments must also be assigned to repayment of the loan (38 U.S.C. 1798(f)(1)).

(6) Payments of all education loans will be made out to the veteran or eligible person but mailed to the educational institution in which the student is enrolled. The institution must deliver the payment to the student as soon as possible and certify the delivery to the VA. For purposes of reporting fee payment, such a delivery will be considered as an advance payment (38 U.S.C. 1798(f)(2)). More detailed instructions on loan provisions will follow.

6. *Provisions Effective February 1, 1978.* (NOTE: Some portions of provisions under the following subject headings are effective on different dates. They are included here with the major subjects for clarity. Differing effective dates are clearly identified.)

a. *SAA Reimbursement.* (1) 38 U.S.C. 1774 has been amended to increase the allowance for administrative expenses paid to State approving agencies by 5 percent. The new allowances range from \$630 to \$13,608 base. The administrative allowances for expenses incurred on or after February 1, 1978, will be computed on the basis of the following rate chart:

Total salary cost reimbursable	Allowance for administrative expenses
\$5,000 or less.....	\$630
Over \$5,000 but not exceeding \$10,000.	\$1,134
Over \$10,000 but not exceeding \$35,000.	\$1,134 for the first \$10,000 plus \$1,050 for each additional \$5,000 or fraction thereof.
Over \$35,000 but not exceeding \$40,000.	\$6,862
Over \$40,000 but not exceeding \$75,000.	\$6,862 for the first \$40,000 plus \$908 for each additional \$5,000 or fraction thereof.
Over \$75,000 but not exceeding \$80,000.	\$13,808
Over \$80,000 .....	\$13,808 for the first \$80,000 plus \$793 for each additional \$5,000 or fraction thereof.

Note that SAA administrative expenses incurred before February 1, 1978, the effective date of this provision, will be paid according to the chart in DVB Circular 20-78-84, paragraph 2b(6).

(2) 38 U.S.C. 1774(c) has been added to require a report at least annually on approval

and supervision activities by each State and local agency with which the VA contracts or enters into an agreement.

(3) More detailed instructions concerning this reporting requirement and the allowance computations will be issued later.

b. *NCD Course Measurement.* (1) One change limits to 5 the number of hours of supervised study which nonaccredited institutional courses measured on a clock-hour basis are allowed to count in the hours per week required for full-time benefits. A ¾-time course may include no more than ¾ hours of supervised study; 2½ hours of supervised study may be included in half-time training; and 1½ hours may be included in less than half-time but greater than ¼-time training. No supervised study may be included in hours counted for ¼-time or less training (38 U.S.C. 1788(a)(1)).

(2) Also, the number of clock hours of attendance required for full-time training in accredited institutional trade or technical courses is reduced. When classroom or theoretical instruction predominates, the net hours of instruction required are reduced from 22 to 18 excluding supervised study; when shop practice predominates, the required hours of attendance are reduced from 27 to 22 excluding supervised study (38 U.S.C. 1788(a)). More detailed instructions covering revised course approvals and award adjustments will be issued later.

Training time	Accredited courses		Nonaccredited courses	
	Theory	Shop	Theory	Shop
Full time.....	18	22	25	30
¾ time.....	14-17	16-21	18-24	22-29
½ time.....	9-13	11-15	12-17	15-21
Less than ½, more than ¼.....	5-8	6-10	7-11	8-14
¼ or less.....	1-4	1-5	1-6	1-7

c. *Study of operation of chapter 34.* Pub. L. 95-202 requires the VA to conduct an independent study of the extent to which veterans have used their entitlement under the Post-Korean Conflict GI Bill. This study will examine the rates of successful completion of educational or vocational programs and the extent of veterans' successful readjustment to civilian life. The report of the results of this study is to be made to the President and the Congress by September 30, 1979.

d. *Waiver authority for two-year rule.* The Administrator is given the authority to waive the requirements of the 2-year rule in whole or in part, if in the interest of the veteran and the Federal Government, pursuant to VA regulations (38 U.S.C. 1789). The waiver provisions apply to:

(1) A course offered under contract with the Department of Defense on or adjacent to a military base, and open only to active duty military personnel and their dependents (38 U.S.C. 1789(b)(6)).

(2) A course offered by a branch or extension of:

(a) Public or tax-supported institutions located outside the institution's taxing jurisdiction, and

(b) Proprietary or nonprofit institutions where the branch or extension is located beyond normal commuting distance from the institution (38 U.S.C. 1789(c)).

(3) More detailed instructions on 2-year rule waivers will be published.

e. *Modified 85-15 percent ratio requirements.* (38 U.S.C. 1673(d)). (1) Language is

added to the law to show that waivers of 85-15 percent requirements will be granted pursuant to regulations which the Administrator shall prescribe.

(2) The general authority delegated to station Directors to waive 85-15 percent requirements for schools with 35 percent or less of their enrollment receiving VA educational assistance is now incorporated into the statute. The statutory language further provides that a limiting figure other than 35 percent may be prescribed by the Administrator in regulations. The VA may require an 85-15 percent computation for any individual course of study, even in a school generally exempt under the 35 percent waiver, if there is reason to believe that 85 percent or more of the students in the course receive VA benefits. No change in current instructions is required to apply this provision of the law.

(3) A study is ordered to determine the desirability of counting recipients of grants from the Federal Government into the 85 percent (supported) portion of the ratio. The study is to provide an adequate system for making such computations if they are needed. A report to Congress is due no later than September 30, 1978. Until the expiration of 6 months after this report is submitted, the VA may not count any Federal grants other than VA benefits for 85-15 percent purposes. This extends with statutory force the current waiver of counting BEOG (Basic Educational Opportunity Grant) and SEOG (Supplementary Educational Opportunity Grant) recipients; other Federal grant recipients were covered in a previous waiver. Provisions for the study and suspension of counting Federal grants are effective November 23, 1977, date of enactment of this law.

1. *Amended satisfactory progress provisions* (38 U.S.C. 1674 and 1724). (1) Pub. L. 94-502 tied satisfactory progress to graduation " . . . within the approved length of the course . . . ". The new law adds a provision allowing the VA to determine a reasonable alternate length of time for graduation exceeding the approved length of the course. Further instructions concerning this satisfactory progress provision will be published.

(2) The VA is directed to conduct a study for two purposes. This study provision is effective November 23, 1977, date of enactment of this law.

(a) One purpose of the study is to investigate the need for legislative or administrative action concerning satisfactory progress provisions of the law and regulations. A report on this portion of the study, including recommendations, is to be submitted to the President and Congress no later than September 30, 1978.

(b) Another purpose of the study is to investigate methods of improving the process of approving postsecondary institutions and courses for VA purposes. The report covering this portion of the study must be submitted to the President and Congress no later than September 30, 1979.

(3) Provision is made to suspend for certain schools the implementation of Pub. L. 94-502 satisfactory progress amendments, including the provision described above in subparagraph (1) above until September 30, 1978, when the first portion of the study is due. The suspension of Pub. L. 94-502 satisfactory progress requirements will be granted for accredited schools which submit to the VA a course catalog or bulletin with a certification that institution policies and

regulations regarding satisfactory progress and conduct are being enforced. Such a suspension will be withheld if the VA finds that institution policies are not fully and clearly stated in the catalog or bulletin. This provision is effective November 23, 1977, date of enactment of this law. Further instructions will follow concerning this suspension provision.

(4) The VA is directed to forward to COPA (Council on Post-secondary Accreditation) and other appropriate accrediting or licensing bodies, copies of catalogs, bulletins, or certifications submitted as described above which do not appear to be in compliance with the standards of such bodies. This provision is also effective November 23, 1977, date of enactment of this law, and will be explained in additional instructions.

## 7. Payment Tables

### a. New Monthly Rates - GI Bill

	No Deps.	1 Dep.	2 Deps.	Each Add. Dep.
<b>Institutional:</b>				
Full Time.....	\$311	\$370	\$422	\$26
Three-Quarter Time	233	277	317	19
Half Time.....	156	185	211	13
Cooperative.....	251	294	334	19
<b>Apprenticeship/OJT</b>				
1st 6 Months...	226	254	277	12
2nd 6 Months...	169	197	221	12
3rd 6 Months...	113	141	164	12
4th and Any....				
Succeeding 6 Mos.	56	84	108	12
<b>Farm Cooperative:</b>				
Full Time.....	251	294	334	19
Three-Quarter Time	188	221	251	15
Half Time.....	126	147	167	10
<b>Active Duty, Or Less Than Half Time....</b>	Tuition Cost, Not To Exceed Rate Of \$311 For Full Time, \$233 For 3/4 Time, \$156 For 1/2 Time Or Less But More Than 1/4 Time, \$78 For 1/4 Time Or Less.			
<b>Correspondence....</b>	Entitlement Charged At Rate Of 1 Month For Each \$311 Paid.			
<b>Flight.....</b>	Entitlement Charged At Rate Of 1 Month For Each \$288 Paid.			



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## NOTICES

## b. New Monthly Rates - Dependents Educational Assistance Program.

	FULL TIME	THREE QUARTER	HALF TIME
INSTITUTIONAL. . . .	\$311	\$233	\$156
LESS THAN HALF TIME	Tuition Cost, Not to Exceed Rate of \$156 for 1/2 Time and \$78 for 1/4 Time		
COOPERATIVE. . . . .	\$251	(Full Time Only)	
FARM COOPERATIVE. .	\$251	\$188	\$126
CORRESPONDENCE - Same Rates as Shown on Chart 7a.			
OJT/APP - Same as "No Deps." Rates Shown on Chart 7a.			

SPECIAL RESTORATIVE TRAINING....	\$311
(Full Time Only)	
ACCELERATED CHARGE Cost of Tuition and Fees in Excess of....	\$98 per mo.
Entitlement Reduced 1 Day for Each.....	\$10.40

## c. NEW MONTHLY RATES - VOCATIONAL REHABILITATION - CHAPTER 31

TYPE OF TRAINING	NO DEPS.	1 DEP.	2 DEPS.	EACH ADD. DEP.
INSTITUTIONAL: FULL TIME.....	\$241	\$298	\$351	\$26
THREE-QUARTER TIME.....	181	224	263	19
HALF TIME.....	120	149	176	13
SHELTERED WORKSHOP, TRAINING IN THE HOME, INDEPENDENT INSTRUCTOR (FULL TIME ONLY).....	241	298	351	26
ON-FARM, APPRENTICESHIP OR OTHER ON-THE-JOB TRAINING (FULL TIME ONLY).....	210	254	293	19
COMBINATION (INST. AND OJT) (FULL TIME ONLY)				
INST. 1/2 TIME OR MORE.....	241	298	351	26
INST. LESS THAN 1/2 TIME.....	210	254	293	19
COOPERATIVE (FULL TIME ONLY)				
INST. FULL TIME.....	241	298	351	26
BUSINESS/INDUSTRY FULL TIME.....	210	254	293	19

## NOTICES

8. Detailed instructions, as required, will follow in separate appendixes and circulars.

DOROTHY L. STARBUCK,  
Chief Benefits Director.  
[FR Doc. 78-796 Filed 1-2-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE  
COMMISSION

[No. 565]

## ASSIGNMENT OF HEARINGS

JANUARY 10, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F 13305, *Freightways Express, Inc. v. Dodds Truck Line, Inc.*, et al. and MC 79434 *Bennett Truck Line, Inc.*, now being assigned January 23, 1978 (1 week), for hearing at Little Rock, Ark., will be held in the Internal Revenue Service, Hearing Room 3406, 3rd Floor, 3700 West Capitol Avenue.

MC 121864 Sub-No. 23, G. A. Hornady, Cecil M. Hornady & B. C. Hornady, d.b.a. Hornady Brothers Truck Line now being assigned February 7, 1978, for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 95876 Sub-No. 206, Anderson Trucking Service, Inc., MC 59150 Sub-No. 109, Ploof Truck Lines, Inc., MC 109397 Sub-No. 373, Tri-State Motor Transit Co., MC 60014 Sub-No. 59, Aero Trucking, Inc., MC 139615 Sub-No. 9, D.R.S. Transport, Inc., MC 119552 Sub-No. 35, McLain Trucking, Inc., 61592 Sub-No. 407, Jenkins Truck Lines, Inc., MC 124947 Sub-No. 63, Machinery Transport, Inc., and MC 118915 Sub-No. 39, Eck Miller Transportation Corp. now being assigned January 31, 1978, for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC-F 13182, Newman Bros. Trucking Co.—Purchase—E. M. Keller and Co., Inc., and MC 120761 Sub-No. 21 Newman Bros. Trucking Co., now assigned January 23, 1978 at Dallas, Tex., is postponed indefinitely.

MC 138104 Sub-No. 49, Moore Transportation Co., Inc., now being assigned February 22, 1978 (1 day), for hearing at Dallas, Tex., in a hearing room to be later designated.

MC 135797 Sub-No. 76, J. B. Hunt Transport, Inc., now being assigned February 23, 1978 (1 day), for hearing at Dallas,

Tex., in a hearing room to be later designated.

H. G. HOMME, Jr.,  
Acting Secretary.  
[FR Doc. 78-892 Filed 1-12-78; 8:45 am]

[7035-01]

[Rule 19, Ex Parte No. 241, Exemption No. 121, Amdt. No. 5]

EXEMPTION UNDER PROVISION OF  
MANDATORY CAR SERVICE RULES

To: The Baltimore and Ohio Railroad Co., The Chesapeake and Ohio Railway Co., Norfolk and Western Railway Co., and Western Maryland Railway Co.

Upon Further consideration of Revised Exemption No. 121 issued November 23, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 121 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, is amended to continue in effect until further order of this Commission.

This amended shall become effective December 31, 1977.

Issued at Washington, D.C., December 27, 1977.

For the Interstate Commerce Commission.

JOEL E. BURNS,  
Agent.

[FR Doc. 78-988 Filed 1-12-78; 8:45 am]

[7035-01]

[Rule 19, Ex Parte No. 241, Exemption No. 127, Amdt. No. 7]

EXEMPTION UNDER PROVISION OF  
MANDATORY CAR SERVICE RULES

To: Bessemer and Lake Erie Railroad Co., The Baltimore and Ohio Railroad Co., The Chesapeake and Ohio Railway Co., and Western Maryland Railway Co.

Upon further consideration of Exemption No. 127 issued June 29, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 127 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to continue in effect until further order of this Commission.

This amendment shall become effective December 31, 1977.

Issued at Washington, D.C., December 27, 1977.

For the Interstate Commerce Commission.

JOEL E. BURNS,  
Agent.

[FR Doc. 78-989 Filed 1-12-78; 8:45 am]

[7035-01]

[Rule 19, Ex Parte No. 241, Exemption No. 95, Amdt. 12]

EXEMPTION UNDER PROVISION OF  
MANDATORY CAR SERVICE RULES

To: Bessemer and Lake Erie Railroad Co. and Norfolk and Western Railway Co.

Upon further consideration of Exemption No. 95 issued February 5, 1975.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 95 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, is amended to continue in effect until further order of this Commission.

This amendment shall become effective December 31, 1977.

Issued at Washington, D.C., December 27, 1977.

For the Interstate Commerce Commission.

JOEL E. BURNS,  
Agent.

[FR Doc. 78-987 Filed 1-12-78; 8:45 am]

[7035-01]

[Rule 19, Ex Parte No. 241, Revised Exemption No. 141]

EXEMPTION UNDER PROVISION OF  
MANDATORY CAR SERVICE RULES

To all railroads: It appearing, That the railroads named below own numerous plain gondola cars less than 61-ft.; that under present conditions there are surpluses of these cars on its lines; that return of these cars to the owner would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owner; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars, less than 61-ft. in length, described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 405, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GB," which are less than 61-ft. in length, and which bear the reporting marks listed below, may be used without regard to the requirements of Car Service Rules 1 and 2.

Chicago, West Pullman & Southern Railroad Co., Reporting Marks: CWP-CWP&S.  
Maryland and Delaware Railroad Reporting Marks: MDDE.

Effective January 1, 1978, and continuing in effect until further order of this Commission.

Addition.



Issued at Washington, D.C., December 20, 1977.

For the INTERSTATE COMMERCE COMMISSION.

JOEL E. BURNS,  
Agent.

[FR Doc. 78-990 Filed 1-12-78; 8:45 am]

[7035-01]

[Amendment No. 2 to I.C.C. Order No. 31  
Under Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: Upon further consideration of I.C.C. Order No. 31

(Western Maryland Railway Company) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 31 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1978, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 31, 1977, and that this order shall be served upon the Association of American Rail-

roads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that a summary be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 31, 1977.

For the INTERSTATE COMMERCE COMMISSION.

JOEL E. BURNS,  
Agent.

[FR Doc. 78-991 Filed 1-12-78; 8:45 am]

# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 2:30 p.m., January 9, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: "Home-Free" fares in 10 markets proposed by Braniff (Memo No. 7700 BFR).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

**SUPPLEMENTARY INFORMATION:** The tariffs in question were filed on December 12, 1977, for effect January 28, 1978. No complaints were filed. The Board's staff analyzed the tariff filings, and all other relevant matters, and submitted its recommendation to the Board on January 5, 1978. If the Board desires to suspend the tariff pending investigation, it must act by January 10, 1978, or lose the authority to do so under section 1002(g) of the Federal Aviation Act of 1958. This is the first filing under the new law which requires the Board to provide 15 days advance notice. Accordingly, the following Members have voted that agency business requires the consideration of "Home-Free" fares in 10 markets proposed by Braniff on January

9, 1978 and that no earlier announcement of this meeting was possible:

Chairman Alfred E. Kahn  
Acting Vice Chairman G. Joseph Minetti  
Member Richard J. O'Melia  
Member Lee R. West  
Member Elizabeth E. Bailey

[S-75-78 Filed 1-11-78; 9:27 am]

[6320-01]

2

CIVIL AERONAUTICS BOARD.

NOTICE OF ADDITION OF ITEMS TO THE JANUARY 11, 1978 MEETING AGENDA

TIME AND DATE: 10 a.m., January 11, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 3b. Amendment of Part 263 of the Board's Economic Regulations (Memo No. 7702, OGC).

3c. Docket 13959; Dallas-Fort Worth Regional Airport Investigation (Memo No. 4038-C, OGC).

3d. Restrictions on U.S. Air Taxicab Serving Northwest Ontario, Canada (Memo No. 7701, BIA).

8a. Dockets 21070 and 31462, Application of Eastern Air Lines, Inc. for renewal and modification of temporary suspension of service at Binghamton, N.Y.; application of Eastern Air Lines, Inc., for deletion of Binghamton, N.Y. (Memo No. 7703, BOR).

8b. Docket 29658, Application of ATC for prior Board approval of an agreement concerning interpretive opinions of ATC regulations affecting travel agents Agreement CAB 26066 (Memo No. 7245A, BOR, OGC).

8c. Docket 31014, Agreement CAB 26708, ATC Resolution providing for an intercarrier automated ticketing services agreement (Memo No. 7699, BOR, BFR).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

**SUPPLEMENTARY INFORMATION:** These items are now ready for Board consideration. The Chairman, who will not be able to meet with the Board between January 13 and 18 has expressed an interest in participating in the discussion of them. In order, therefore, to permit the Board to discuss them without unnecessary delay the following Members have voted

that agency business requires the addition of these items to the agenda of January 11, 1978 and that no earlier announcement of these items was possible:

Chairman Alfred E. Kahn  
Member G. Joseph Minetti  
Member Lee R. West  
Member Richard J. O'Melia  
Member Elizabeth E. Bailey

[S-74-78 Filed 1-11-78; 9:27 am]

[6320-01]

3

CIVIL AERONAUTICS BOARD.

NOTICE OF DELETION OF ITEMS FROM THE JANUARY 11, 1978 MEETING

TIME AND DATE: 10 a.m., January 11, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 7. Dockets 30693 and 30723, Standard and Transocean—Exemptions to engage in supplemental air transportation (Memo No. 7690, BOR, OGC).

10. Proposal to increase fares to/from within the Pacific Trust Territory by Continental/Air Micronesia (BFR).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

**SUPPLEMENTARY INFORMATION:** The Board's staff has requested some additional time to examine options that might be provided the applicants other than the broad exemption relief they request. This examination will take about three weeks. Rescheduling of the item is anticipated in about three weeks. Accordingly, the following Members have voted that agency business requires the deletion of Item 7 from the January 11, 1978 agenda and that no earlier announcement of this deletion was possible:

Chairman Alfred E. Kahn  
Member G. Joseph Minetti  
Member Lee R. West  
Member Elizabeth E. Bailey

After placing the item on the calendar, the Board's staff encountered a data deficiency in the carrier's justification and had to request additional information which took about one week to receive. In addition, a complaint was filed to which the answer is



not due until January 13. For these reasons the staff requested that Item 10 be deleted from the January 11, 1978 agenda. Accordingly, the following Members have voted that agency business requires the deletion of Item 10 from the January 11, 1978 agenda and that no earlier announcement of this deletion was possible:

Chairman Alfred E. Kahn  
Member G. Joseph Minetti  
Member Lee R. West  
Member Elizabeth E. Bailey,  
(S-73-78 Filed 1-11-78; 9:27 am)

## [6320-01]

## CIVIL AERONAUTICS BOARD.

NOTICE OF ADDITION OF ITEM TO THE  
JANUARY 11, 1978 MEETING

TIME AND DATE: 10 a.m., January 11, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 2a. Docket 30851, Discretionary Review on Board Initiative of the Initial Decision in *Patricia Kennedy v. Pan American World Airways, Inc., Enforcement Proceeding.*

STATUS: Open.

## PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary,  
202-673-5068.

**SUPPLEMENTARY INFORMATION:** This item involves discretionary review on Board initiative of the Initial Decision in *Patricia Kennedy v. Pan American World Airways, Inc., Enforcement Proceeding.* Unless the Board acts on January 11, under section 302.27 of the regulations, the initial decision becomes the order of the Board on January 12, nine days after the respondent could have sought review. So that the Board can discuss this item and reach a decision, the following Members have voted that agency business requires the addition of this item to the agenda of January 11, 1978 and that no earlier announcement of this addition was possible:

Chairman Alfred E. Kahn  
Member G. Joseph Minetti  
Member Lee R. West  
Member Richard J. O'Melia  
Member Elizabeth E. Bailey  
(S-72-78 Filed 1-11-78; 9:27 am)

## [6320-01]

## CIVIL AERONAUTICS BOARD.

NOTICE OF DELETION OF ITEM TO THE  
JANUARY 11, 1978 MEETING

TIME AND DATE: 10 a.m., January 11, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 13. General fare increase proposed by Alaska (BFR).

STATUS: Open.

## PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary,  
202-673-5068.

**SUPPLEMENTARY INFORMATION:** After placing the item on the calendar the Board's staff has had time to review the proposal and has determined that the justification submitted by Alaska does not satisfy the Board's tariff filing requirement in Part 221 of its Economic regulations. Accordingly, the proposal has been rejected by the staff and there is no need for the Board to consider it at this time. Accordingly, the following Members have voted that agency business requires the deletion of this item from the January 11, 1978 agenda and that no earlier announcement of this deletion was possible:

Chairman Alfred E. Kahn  
Member G. Joseph Minetti  
Member Lee R. West  
Member Richard J. O'Melia  
Member Elizabeth E. Bailey  
(S-71-78 Filed 1-11-78; 9:27 am)

## [6320-01]

## CIVIL AERONAUTICS BOARD.

NOTICE OF ADDITION OF ITEMS TO THE  
JANUARY 11, 1978 MEETING AGENDA

TIME AND DATE: 10 a.m., January 11, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1a. Docket 25908 Supplemental Opinion and Order in the Transatlantic Route Proceeding (Memo #7492-D, OGC). 15. Petition of Pan American World Airways for review and reversal of action taken under delegated authority by the Chief, Tariffs Section, Passenger and Cargo Rates Division, Bureau of Fares and Rates, regarding disapproval of an application for permission to furnish reduced-rate transportation (Memo No. 7572, BFR).

STATUS: Open.

## PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary,  
202-673-5068.

**SUPPLEMENTARY INFORMATION:** On December 21, 1977 the President returned the Board's decision of October 21, 1977 in the Transatlantic Route Proceeding and directed the Board to submit as expeditiously as possible a revised order. The staff submitted a revised order for the Board's

consideration on January 4, 1978 after the agenda for the January 11, 1978 meeting had been released. In order that the Board can consider expeditiously the staff's recommendation and so that the Board's decision could be transmitted to the President as soon as possible, the following Members have voted that agency business requires the addition of the Transatlantic Route Proceeding, Docket 25908, on less than seven days' notice and that no earlier announcement of the addition was possible:

Chairman Alfred E. Kahn  
Acting Vice Chairman G. Joseph Minetti  
Member Richard J. O'Melia  
Member Lee R. West  
Member Elizabeth E. Bailey

Because of a clerical error, item 15 was inadvertently omitted from the agenda for the January 11, 1978 meeting and the Chairman's office had indicated that this item should be on the January 11, 1978 meeting for consideration. Accordingly, the following Members have voted that agency business requires the addition of item 15 on the January 11, 1978 meeting on less than seven days' notice and that no earlier announcement of this addition was possible:

Chairman Alfred E. Kahn  
Acting Vice Chairman G. Joseph Minetti  
Member Richard J. O'Melia  
Member Lee R. West  
Member Elizabeth E. Bailey  
(S-70-78 Filed 1-11-78; 9:27 am)

## [6351-01]

COMMODITY FUTURES TRADING  
COMMISSION.

TIME AND DATE: 10 am, January 17, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Judicial.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.  
(S-80-78 Filed 1-11-78; 2:24 pm)

## [6351-01]

COMMODITY FUTURES TRADING  
COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: FR 43, p. 1431, January 9, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: January 12, 1978, 10 a.m.

CHANGES IN THE MEETING: Canceled.

(S-81-78 Filed 1-11-78; 2:24 pm)

## [6714-01]

FEDERAL DEPOSIT INSURANCE  
CORPORATION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENTS: 43 FR 1669 through 1670.

PREVIOUSLY ANNOUNCED TIMES AND DATE OF THE MEETINGS: 10:30 a.m. (closed) and 11 a.m. (open), January 11, 1978.

CHANGES IN THE MEETINGS: Notice is hereby given that the two meetings of the Federal Deposit Insurance Corporation's Board of Directors scheduled for 10:30 a.m. (closed) and 11 a.m. (open) have been scheduled to be reconvened on Friday, January 13, 1978 at 11 a.m. and 11:30 a.m. respectively. The agenda for each meeting shall remain the same.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary,  
202-389-4446.

(S-82-78 Filed 1-11-78; 2:32 pm)

## [6715-01]

## FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, January 18, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audit reports. Compliance matters. Personnel.

DATE AND TIME: Thursday, January 19, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED IN OPEN SESSION: (I) Future meetings. (II) Correction and approval of minutes. (III) Advisory opinions: AOR 1977-67. AOR status report. (IV) Appropriations and budget—budget execution report. (V) Pending legislation. (VI) Pending litigation—litigation status report. (VII) Classification actions. (VIII) Liaison with other Federal agencies. (IX) Routine administrative matters.

MATTERS TO BE CONSIDERED IN CLOSED SESSION: All matters not

concluded at the executive session of Wednesday, January 18, 1978.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, press officer, 202-523-4065.

MARJORIE W. EMMONS,  
Secretary to the Commission.  
(S-87-78 Filed 1-11-78; 3:53 pm)

## [6740-02]

FEDERAL ENERGY REGULATORY  
COMMISSION.

NOTICE OF MEETING.—JANUARY 11, 1978

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: January 18, 1978, 10 a.m.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda. (NOTE.—Items listed on the agenda may be deleted without notice.)

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Office of Public Information, room 1000.

POWER AGENDA, 48TH MEETING—JANUARY 18, 1978, REGULAR MEETING

## I. ELECTRIC RATE MATTERS

ER-1.—Docket Nos. ER77-590, 592, 597, 598, 602-606, 608-610, 625, and ER78-13, Northern States Power Co.  
ER-2.—Docket No. ER77-551, Carolina Power & Light Co.  
ER-3.—Docket No. ER77-264, Detroit Edison Co.

POWER AGENDA, 48TH MEETING—JANUARY 18, 1978, REGULAR MEETING

CAP-1.—Docket No. ER77-394, West Texas Utilities Co.  
CAP-2.—Docket No. ER77-424, Southwestern Public Service Co.  
CAP-3.—Docket No. ES-78-8, Montana-Dakota Utilities Co.  
CAP-4.—Docket No. ES78-12, El Paso Electric Co.  
CAP-5.—Docket No. ID-1849, David M. Monroe.  
CAP-6.—Docket No. DA-601—Idaho Bureau of Land Management, lands withdrawn in power site reserve No. 498 and project No. 406.  
CAP-7.—Docket No. DA-509—Colorado Federal Highway Administration lands

withdrawn in power site reserve Nos. 116, 244 and 253 and power site classification No. 89.

CAP-8.—Project No. 137—California Pacific Gas & Electric Co.

CAP-9.—Lands withdrawn in project Nos. 347 and 418—Colorado.

CAP-10.—Lands withdrawn in project No. 847—Oregon.

CAP-11.—Project No. 2334, Western Massachusetts Electric Co.

CAP-12.—Project No. 5, Montana Power Co.

MISCELLANEOUS AGENDA, 48TH MEETING—JANUARY 18, 1978, REGULAR MEETING

M-1 (A).—Docket No. RM78-15, regulation of small producers; (B) Docket No. CS77-767, Emon A. Mahony.

MISCELLANEOUS AGENDA, 48TH MEETING—JANUARY 18, 1978, REGULAR MEETING

CAM-1.—Interstate Power Co.

GAS AGENDA, 48TH MEETING—JANUARY 18, 1978, REGULAR MEETING

## I. PIPELINE RATE MATTERS

## A. Pipeline rates

RP-1.—Docket No. RP77-136-1, Southern Natural Gas Co.  
RP-2.—Docket No. RP78-3, Southern Natural Gas Co.; Docket No. RP78-4, East Tennessee Natural Gas Co.; Docket No. RP78-9, Tennessee Gas Pipeline Co.  
RP-3.—Docket No. RP76-99, Tennessee Natural Gas Lines, Inc.  
RP-4.—Docket No. RP73-97, Kentucky West Virginia Gas Co.

## II. PRODUCER MATTERS

## A. Offshore pipeline certificate

CI-1.—Docket No. CI77-329, Texaco Inc.; Docket No. CP77-304 and Docket No. CP64-97, Sabine Pipe Line Co.  
CI-2.—Reserved.  
CI-3.—Reserved.  
CI-4.—Reserved.

## B. Special relief

CI-5.—Docket No. RI77-106, Marine Contractors & Supply Inc.  
CI-6.—Docket No. RI77-115, Art Machin & Associates, Inc.

## III. PIPELINE CERTIFICATE MATTERS

## A. Pipeline certificates

CP-1.—Docket No. CP77-52, Trunkline Gas Co.  
CP-2.—Reserved.  
CP-3.—Reserved.  
CP-4.—Reserved.

## B. Pipeline storage

CP-5.—Docket No. CP77-313, Texas Eastern Transmission Corp.; Docket No. CP77-392, Texas Eastern Transmission Corp.; Transcontinental Gas Pipe Line Corp.; Docket No. RP78-28, Algonquin Gas Transmission Corp.  
CP-6.—Reserved.  
CP-7.—Reserved.  
CP-8.—Reserved.

## C. Order No. 533—Authorizations

CP-9.—Docket No. CP78-87, Tennessee Gas Pipeline Co., a division of Tenneco, Inc.

## IV. OIL PIPELINE MATTERS

OR-1.—Docket No. OR78-1, Trans Alaska Pipeline System: investigation and suspension.



GAS AGENDA, 48TH MEETING—JANUARY 18, 1978, REGULAR MEETING

CAG-1.—Docket No. RP72-134 (PGA No. 78-2), Eastern Shore Natural Gas Co.

CAG-2.—Docket No. RP72-149 (PGA Nos. 78-1a and 78-1b), Mississippi River Transmission Corp.

CAG-3.—Docket Nos. CI77-702 and CI77-703, Pennzoll Louisiana & Texas Offshore Co., Inc., et al.

CAG-4.—Docket No. CI77-408, McCulloch Oil & Gas Corp.

CAG-5.—Docket No. CP78-30, Columbia Gas Transmission Corp.; Docket No. CP78-74, Texas Gas Transmission Corp.

CAG-6.—Docket No. CP78-29, Kansas-Nebraska Natural Gas Co., Inc.

CAG-7.—Docket No. CP76-492, Natural Fuel Gas Supply Corp.

KENNETH F. PLUMB,  
Secretary.

[S-85-78 Filed 1-11-78; 3:53 pm]

#### [6720-01]

12

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, No. 5, page 1431, January 9, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., January 11, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open and closed meetings.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

CHANGES IN THE MEETING: The meetings previously scheduled for this date have been cancelled. All items will be rescheduled for a later date.

No. 123, January 10, 1978.

[S-69-78 Filed 1-11-78; 9:27 am]

#### [6730-01]

13

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., January 12, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open meeting.

MATTER TO BE CONSIDERED: Docket No. 77-22—Action to Adjust or Meet Conditions Unfavorable to Shipping in the Foreign Trade of the United States with Guatemala—Petition for Postponement of Effective Date.

CONTACT PERSON FOR MORE INFORMATION:

#### SUNSHINE ACT MEETINGS

Francis C. Hurney, Secretary, 202-523-5727.

[S-86-78 Filed 1-11-78; 3:58 pm]

#### [6210-01]

14

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

TIME AND DATE: 10 a.m., Wednesday, January 18, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Possible amendment to Regulation Y (Bank Holding Companies) to make underwriting and dealing in Federal Government securities and general obligations of States or their subdivisions (municipal securities) a permissible activity for bank holding companies (Proposed earlier for public comment; docket Nos. R-0001 and R-0090. Action was deferred on this proposal pending rule writing by the Municipal Securities Rulemaking Board).

2. The Board's 1978 Equal Employment Opportunity Affirmative Action Program.

3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

JANUARY 11, 1978.

[S-76-78 Filed 1-11-78; 10:16 am]

#### [6750-01]

15

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, January 17, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Tuesday, January 17, 1978, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message, 202-523-3806.

[S-78-78 Filed 1-11-78; 12:24 pm]

#### [6750-01]

16

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, January 18, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Wednesday, January 18, 1978, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message, 202-523-3806.

[S-79-78 Filed 1-11-78; 12:24 pm]

#### [7020-02]

17

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Friday, January 27, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20438.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary): (a) Electric slow cookers; (b) luggage.
5. C.B. transceivers (Inv. TA-201-29)—vote on remedy (if necessary).
6. Request by former Commissioner Will E. Leonard to enter his appearance in Investigation TA-201-31 (Unalloyed Unwrought Iron) (if necessary).
7. Generalized system of preferences (Inv. 332-89)—consideration of staff report.
8. Toy vehicles (Inv. 337-TA-31)—consideration of the procedures for post-hearing briefs and oral argument.
9. Any items left over from previous agenda.

#### SUNSHINE ACT MEETINGS

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary 202-523-0161.

[S-77-78 Filed 1-11-78; 10:18 am]

#### [7555-01]

18

NATIONAL SCIENCE BOARD.

TIME AND DATE: January 19, 1978—Open Session: 1 p.m. to 5 p.m. January 20, 1978—Closed Session: 8:30 a.m. to 4 p.m.

PLACE: Room 540, 1800 G Street NW., Washington, D.C. 20550.

STATUS: Change in Agenda.

MATTERS TO BE CONSIDERED: Portions open to the Public: Item Eight, Presentation by Ambassador Jean Wilkowski has been deleted.

CONTACT PERSON FOR MORE INFORMATION:

Miss Vernice Anderson, Executive Secretary, 202-632-5840.

[S-83-78 Filed 1-11-78; 2:32 pm]

#### [7600-01]

19

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., January 19, 1978.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson, 202-634-7970.

Dated: January 11, 1978.

[S-84-78 Filed 1-11-78; 3:52 pm]



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# **federal register**

FRIDAY, JANUARY 13, 1978  
PART II



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## **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Federal Insurance  
Administration**

■

### **APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Base Flood Elevation  
Determinations for  
Various Communities**



[4210-01]

Title 24—Housing and Urban Development  
CHAPTER X—FEDERAL INSURANCE  
ADMINISTRATION

SUBCHAPTER E—NATIONAL FLOOD INSURANCE PROGRAM  
[Docket No. FI-3374]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Corona, Riverside County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Corona, Riverside County, Calif.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Corona, Calif.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Corona, are available for review at City Hall, 815 West 6th Street, Corona, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 7th Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Corona, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Arlington Channel	Parkridge Ave.....	629
	Atchison, Topeka and Santa Fe RR	659
Main Street Channel.	McKinley St.....	667
	8th St.....	629
	Circle City Dr.....	653
	Rimpou Ave.....	675
	Fullerton Ave.....	737
	Kellogg Ave.....	801
	Garretson Ave.....	862
	Chase Ave.....	1,035
	Access Rd.....	1,120
	Access Rd.....	1,202
Mangular Channel.	Kroonen Ave.....	653
	Ontario Ave.....	887
North Norco Channel.	Country Club La.....	569
	Ontario Ave.....	879
Oak Street Channel.	Chase Dr.....	1,042
	Lincoln Ave. (Goodwin St.)	567
South Norco Channel.	River Rd.....	579
	Lincoln Ave. (Goodwin St.)	567
Temescal Wash .....	Cota St.....	576
	River Rd.....	591
	Main St.....	593
	Joy St.....	600
	Atchison, Topeka and Santa Fe RR	615
	Riverside Freeway.	616
	Quarry St.....	620
	Sixth St.....	626
	El Sobrante Ave...	629
	Compton Ave.....	639
Temescal Wash Breakout.	Pacific Electrical RR.	641
	Magnolia Ave.....	649
South Norco Channel Tributary A.	Cota St.....	583
	River Rd.....	679
West Norco Channel.	Parkridge Ave.....	582
	Hamner Ave.....	593
	River Rd.....	586

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-663 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3532]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Imperial Beach, San Diego County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Imperial Beach, San Diego County, Calif.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Imperial Beach, Calif.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Imperial Beach, are available for review at City Hall, Imperial Beach, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Imperial Beach, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tijuana River.....	Eastern Corporate Limits.	17
	Western Corporate Limits.	3

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-664 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3218]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Sunnyvale, Santa Clara County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Sunnyvale, Santa Clara County, Calif.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Sunnyvale, Calif.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Sunnyvale, are available for review at City Hall, 456 West Olive Street, Sunnyvale, Calif.

FOR FURTHER INFORMATION CONTACT:

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-685 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3125]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Aurora, Arapahoe County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Aurora, Arapahoe County, Colo.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Aurora, Arapahoe County, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of Aurora, are available for review at the Engineering Department, City Hall, Building 2, Second Floor, 1470 South Havana, Aurora, Colo. 80012.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Aurora, Arapahoe County, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Calabazas Creek....	Mountain View-Alviso Road.	8
	Bayshore Freeway.	18
	Central Expressway.	37
	Southern Pacific RR.	47
	Lochinvar Avenue	128
Sunnyvale East Channel.	Caribbean Drive...	8
	Mountain View-Alviso Road.	11
Sunnyvale West Channel.	Ahwanee Avenue.	25
	Wolfe Road.....	45
	Kifer Road.....	62
	Southern Pacific RR.	74
	Iris Avenue.....	109
	Dunholme Way....	163
	Caribbean Drive...	8
	Mathilda Avenue.	13
	Mountain View-Alviso Road.	24
	Bayshore Freeway.	26

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)



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period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sand Creek.....	At the downstream face of Peoria St.	5,310
	At the downstream face of I-225.	5,338
	150 ft upstream of Sable Blvd.	5,351
	Chambers Rd.....	5,371
	At the downstream face of Colfax Ave.	5,426
	3,000 ft upstream from Colfax Ave.	5,436
	8,000 ft upstream from Colfax Ave.	5,457
	At the corporate limit.	5,488
Toll Gate Creek ....	At the confluence with Sand Creek.	5,319
	At the confluence with Sable Ditch.	5,343
	At the downstream face of Potomac St.	5,360
	At the downstream face of Colfax Ave.	5,365
	At the downstream face of I-225.	5,380
	At the downstream face of 6th Ave.	5,400
	At the confluence with East and West Toll Gate Creeks.	5,408
West Toll Gate Creek.	At the downstream face of Chambers Rd.	5,424
	At the east branch Highline Canal.	5,449
	At the downstream face of Drop Structure, 2,250 ft downstream of East Mississippi Ave.	5,455
	At the upstream face of Drop Structure, 2,250 ft downstream of East Mississippi Ave.	5,460

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	At the downstream face of Drop Structure, 160 ft downstream of East Mississippi Ave.	5,466
	At the downstream face of East Mexico Ave.	5,498
	At the confluence with Cherry Creek.	5,508
	At the confluence with West Toll Gate Tributary.	5,522
	At the downstream face of Buckley Rd.	5,532
	At the downstream face of dirt road.	5,565
	3,600 ft upstream from dirt road.	5,588
	At the downstream face of East Hampden Ave.	5,606
	At the downstream face of East Quincy Ave.	5,653
East Toll Gate Creek.	1,600 ft upstream from confluence with West Toll Gate Creek.	5,410
	At the downstream face of Chambers Rd.	5,413
	50 ft downstream of Highline Canal.	5,446
	At the upstream side of East Branch Highline Canal.	5,449
	1,200 ft upstream from East Branch Highline Canal.	5,450
	1,350 ft upstream from East Branch Highline Canal.	5,454
	6,350 ft upstream from East Branch Highline Canal.	5,471
	3,000 ft downstream from the East Edge of sec. 16, T45, R86W.	5,497
West Toll Gate Tributary below Yale St.	East Mill St.....	5,536
	100 ft upstream....	5,571
	150 ft upstream from Hampton Ave.	5,647
	At the downstream face of dirt road.	5,657
	1,000 ft upstream from dirt road.	5,661
	At the downstream face of Quincy Ave.	5,704

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cherry Creek Spillway Drain.	500 ft upstream from confluence with West Toll Gate Creek.	5,510
	Downstream of the Drop Structure, 700 ft downstream of Mill Ave.	5,531
	Upstream of the Drop Structure, 700 ft downstream of Mill Ave.	5,536
	Downstream of the Drop Structure, 400 ft downstream of Mill Ave.	5,540
	Upstream of the Drop Structure, 400 ft downstream of Mill Ave.	5,545
	At the downstream face of Mill Ave.	5,555
	Upstream of the Drop Structure, 950 ft upstream of Mill Ave.	5,589
	Downstream of Drop Structure, 60 ft from Yale Ave.	5,604
Unnamed Creek ....	1,050 ft upstream from confluence with West Toll Gate Creek.	5,568
	2,500 ft upstream from confluence with West Toll Gate Creek.	5,578
	At the downstream face of Flanders extension.	5,620
	At the downstream face of culvert.	5,628
Westerly Creek below Lowry Air Force Base.	At the corporate limits.	5,306
	700 ft.....	5,306
	downstream..... from East Montview Blvd.	5,312
	60 ft downstream from East Montview Blvd.	5,316
	At the downstream face of 17th Ave.	5,323
	At the downstream face of Alton St.	5,325
	380 ft downstream from Colfax Ave.	5,334
	At the downstream face of 14th Ave.	5,435
Westerly Creek above Lowry Air Force Base.	At the downstream face of Havana St.	5,441
	340 ft upstream from Havana St.	5,449
	1,350 ft upstream from Havana St.	5,449

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-666 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-2876]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Hayden, Routt County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Hayden, Routt County, Colo.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Hayden, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Hayden, are available for review at Town Hall, Hayden, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 7th Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Hayden, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	260 ft downstream from Pond A-B Spillway.	5,460
	At the Pond A-B Spillway.	5,469
	260 ft downstream from Mississippi Ave.	5,469
Sable Ditch .....	520 ft upstream from I-225.	5,347
	60 ft downstream from Sable Blvd.	5,362
	At the downstream face of Eagle St.	5,376
	At the downstream face of Montview Blvd.	5,393
	420 ft upstream of Montview Blvd.	5,394
	At the downstream face of Chambers Rd.	5,404
	At the downstream face of Helena St.	5,409
	At the downstream face of 17th Ave.	5,413
	At the downstream face of Batavia Rd.	5,419
	At the downstream face of dirt road.	5,423
Granby Ditch .....	At the downstream face of Billings St.	5,347
	At the downstream face of Evergreen St.	5,361
	At the downstream face of Colfax Ave.	5,387
	At the downstream face of 13th St.	5,407
	110 ft downstream from Highline Canal.	5,432
	From Highline Canal to 60 ft downstream from Laredo St.	5,445
Sable Ditch Overflow.	At the confluence with Sand Creek.	5,340
	At the confluence with Sable Ditch.	5,346

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dry Creek.....	Highway 40 .....	6,334
	3d St .....	6,341
	County Road (South).	6,345

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-667 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-2822]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Stratford, Fairfield County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Stratford, Conn.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Stratford, Conn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Stratford, are available for review at Town Hall, 2725 Main Street, Stratford, Conn.



## FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Stratford, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bruce Branch .....	Hollister Ave.....	11
	I-95.....	11
	Stratford Ave.....	14
	Penn Central RR.....	22
	Barnum Ave. and Sage Ave.....	24
	Boston Ave.....	31
	Clover Ave.....	44
	Benjamin St.....	51
	Light St.....	60
	Broadbridge Ave.....	78
Long Branch .....	Andrew St.....	84
	Greenfield Ave.....	91
	Albright Ave.....	93
	Nichols Ave.....	95
	Quail St.....	96
	Spring St.....	99
	Broad St.....	11
	Ferry Blvd.....	11
	Pill Rd.....	13
	Penn Central RR.....	18
Tanners Branch .....	Longbrook Ave.....	19
	Hurd Ave.....	19
Pumpkin Ground Branch.....	Broadbridge Ave.....	20
	Catherine St.....	30
	Route 110.....	26
	Whippoorwill La.....	61
	Chapel St.....	76
	Merritt Parkway.....	80
	Circle Dr.....	102
	Beaver Dam Rd.....	178

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended

(42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: October 3, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-688 Filed 1-12-78; 8:45 am]

## [4210-01]

[Docket No. FI-3219]

## PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Belle Glade, Palm Beach County, Fla.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Belle Glade, Palm Beach County, Fla.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Belle Glade, Fla.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Belle Glade, are available for review at City Hall, 110 Southwest Avenue East, Belle Glade, Fla.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Belle Glade, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C.

4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Okeechobee..	Area west of Herbert Hoover Dike.	25

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-669 Filed 1-12-78; 8:45 am]

## [4210-01]

[Docket No. FI-3220]

## PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Briny Breezes, Palm Beach County, Fla.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the town of Briny Breezes, Palm Beach County, Fla.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood

elevations, for the town of Briny Breezes, Fla.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Briny Breezes, are available for review at Town Hall, 5000 North Ocean Boulevard, Boynton Beach, Fla.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Briny Breezes, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Intracoastal Waterway at coast.	Marine Way & Dock Dr.	7
	West end of North and South Heron Dr.	7
Inland .....	West end of Mallard Dr.	7
	Bayan Blvd. and Cardinal Dr.	7
	Bayan Blvd. and Flamingo Dr.	7
	Bayan Blvd. and Mallard Dr.	7
Atlantic Ocean .....	Shoreline north and south corporate limits.	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's dele-

gation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-670 Filed 1-12-78; 8:45 am]

## [4210-01]

[Docket No. FI-3277]

## PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Glen Ridge, Palm Beach County, Fla.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the town of Glen Ridge, Palm Beach County, Fla.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Glen Ridge, Fla.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Glen Ridge, are available for review at Town Hall, 1300 Glen Road, West Palm Beach, Fla.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Glen Ridge, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C.

4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Palm Beach Canal.	South end of Glen Rd.	12
Rainfall and ponding.	Intersection of Gem Lake Dr. to Island Rd.	12

(National Flood Insurance Act of 1968 (Title XIII of housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-671 Filed 1-12-78; 8:45 am]

## [4210-01]

[Docket No. FI-3261]

## PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Hacienda, Broward County, Fla.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Village of Hacienda, Broward County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood



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elevations, for the Village of Hacienda, Fla.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Hacienda, are available for review at Village Office, 3841 State Road 84, Fort Lauderdale, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Hacienda, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North New River Canal	Entire city	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.  
(FR Doc. 78-672 Filed 1-12-78; 8:45 am)

[4210-01]

[Docket No. FI-3222]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Hypoluxo, Palm Beach County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Hypoluxo, Palm Beach County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the town of Hypoluxo, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Hypoluxo, are available for review at Town Hall, 7450 South U.S. Highway 1, Hypoluxo, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Hypoluxo, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Worth at coast	East end of Park Lane East	7
Inland	Neptune Dr	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.  
(FR Doc. 78-673 Filed 1-12-78; 8:45 am)

[4210-01]

[Docket No. FI-3223]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Pahokee, Palm Beach County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Pahokee, Palm Beach County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Pahokee, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Pahokee, are available for review at City Hall, 171 North Lake Avenue, Pahokee, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll free line

800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Pahokee, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Okeechobee	Stuckey Rd.	23
	Rock Pit Rd.	23
	Kismet Ave.	23
	Juniper Ave.	23

<sup>1</sup> Extended.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.  
(FR Doc. 78-674 Filed 1-12-78; 8:45 am)

[4210-01]

[Docket No. FI-3280]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Tifton, Tift County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Tifton, Tift County, Ga. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Tifton, Ga.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Tifton, are available for review at City Hall, Central and Second Streets, Tifton, Ga.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Tifton, Ga. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

		Elevation in feet, national geodetic vertical datum
Channel A	Interstate 75	327
	Lake Dr	338
Channel B	Interstate 75	304
	Magnolia Dr	311
Channel B-1	2d St	327

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Channel C	4th St	328
	College Ave	331
	11th St	336
Channel D	Maple St	318
	13th St	327
Channel D-1	Seaboard Coast Line RR	327
	Main St	332
Channel E	Love Ave	350
	Hall Ave	361
Channel F	Pineview Ave	329
	U.S. 41 (downstream side)	336
	Love Ave	337
	U.S. 41 (upstream side)	338
Channel G	Lee Ave	332
	Tift Ave	339
New River	Elizabeth Circle	342

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.  
(FR Doc. 78-675 Filed 1-12-78; 8:45 am)

[4210-01]

[Docket No. FI-2675]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Bettendorf, Scott County, Iowa

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Bettendorf, Scott County, Iowa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Bettendorf, Scott County, Iowa.

ADDRESSES: Maps and other information showing the detailed outlines



of the flood-prone areas and the final elevations for the city of Bettendorf, Scott County, Iowa, are available for review at the City Hall in the Council Chambers, 16009 State Street, Bettendorf, Iowa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Bettendorf, Scott County, Iowa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mississippi River ...	8th St.(extended)	571
	U.S. Highway 6....	571
	23d St. (extended).	572
	35th St.(extended).	573
	Fenno Rd. (extended).	575
Duck Creek .....	Davenport, Rock Island and Northwestern RR.	578
	U.S. Route 87.....	581
	Devils Glen Rd.....	590
	23d St.....	601
	18th St.....	607
West Fork Pigeon Creek.	Middle Rd.....	612
	Interstate 74.....	617
	U.S. Highway 67....	583
	Valley Dr.....	598
	Crow Creek Rd.....	638
Crow Creek .....	Surrey Dr.....	663
	Davenport, Rock Island and Northwestern RR.	577
	U.S. Highway 67....	580
	Valley Dr.....	588
	Tanglewood Rd....	612
	Middle Rd .....	623

Source of flooding	Location	Elevation in feet above mean sea level
East Fork Pigeon Creek.	Devils Glen Rd.....	659
	Fleld Sike Ave .....	664
	U.S. Highway 67....	583
	Valley Dr.....	599
	Crow Creek Rd.....	608
East Branch West Fork Pigeon Creek.	Crow Creek Rd.....	637
	Briarwood Lane....	641

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-876 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3578]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Council Bluffs, Pottawattamie County, Iowa

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the city of Council Bluffs, Pottawattamie County, Iowa.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Council Bluffs, Pottawattamie County, Iowa.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of Council Bluffs are available for review at the Planning Department, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51501.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, 202-755-5581, or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Council Bluffs, Pottawattamie County, Iowa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River .....	700 ft downstream of confluence of Mosquito Creek.	975
	2,900 ft upstream of confluence of Indian Creek.	976
	U.S. Highways 92 and 275 Bridge.	979
	500 ft upstream of Interstate Highway 80 Bridge.	981
	At Interstate Highway 480 Bridge.	983
	At Illinois Central Gulf RR Bridge.	985
	7,000 ft upstream of Illinois Central RR Bridge.	987
Indian Creek .....	At confluence with Missouri River.	976
	1,800 ft downstream of U.S. Highway 275 Bridge.	976
	At intersection of South 19th St. and 8th Ave.	981
	At intersection of South 11th St. and 15th Ave.	982
	At intersection of North 16th and Avenue M.	984

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	At Broadway .....	990
	At intersection of Mynster St. and Main St.	1,008
	At North 2d St. ....	1,020
	At entrance to conduit, 300 ft upstream of Frank St.	1,029
	At Oak St. Bridge 1,100 ft upstream from Hunter Ave. Bridge.	1,038
	At Ivy Dr .....	1,041
	600 ft upstream from Orchard Ave.	1,044
	4 ft upstream of Sylvan Dr.	1,050
	At a driveway, 850 ft upstream from Sylvan Dr.	1,055
	At North Broadway.	1,061
Mosquito Creek .....	At confluence with Missouri River.	975
	1,800 ft upstream of the road to Iowa Power & Light Power Plant.	975
	200 ft south of intersection of Chicago, Burlington and Quincy RR and 35th Ave.	975
	800 ft north of intersection of Interstate 29 and Burlington and Quincy RR at corporate limits.	975
	200 ft west from intersection of Norfolk and Western RR and 29th Ave.	979
	100 ft upstream of Madison Ave. Bridge.	999
	200 ft downstream of College Rd.	1,006
	800 ft upstream of Yellow Pole Rd.	1,021

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-877 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3403]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Columbia, Caldwell Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the town of Columbia, Caldwell Parish, La.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Columbia, Caldwell Parish, La.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Columbia, Caldwell Parish, La., are available for review at City Hall, Columbia, La.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Columbia, Caldwell Parish, La.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ouachita River.....	Intersection of Kentucky St. (U.S. Highway 165) and the Northeastern corporate limits.	73
Lower sump.....	East Pearl St.....	57
Upper sump .....	West Pearl St .....	65
	Intersection of Boyd and Wall Sts.	65

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-678 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3283]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Sorrento, Ascension Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the town of Sorrento, Ascension Parish, La.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Sorrento, Ascension Parish, La.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Sorrento, Ascension Parish, La., are available for review at Town Hall, Sorrento, La.

**FOR FURTHER INFORMATION CONTACT:**



## RULES AND REGULATIONS

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Sorrento, Ascension Parish, La.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bayou Conway .....	Intersection of Wilfred St. and Conway St.	6
	Intersection of Brittany and Robert Sts.	7
Bayou Francois .....	Intersection of Vivyan and Amant Sts.	5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-679 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3408]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the City of Brewer, Penobscot County, Maine**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the city of Brewer, Penobscot County, Maine.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Brewer, Penobscot County, Maine.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of Brewer are available for review at the City Clerk's Office, City Hall, 80 North Main Street, Brewer, Maine 04412.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Brewer, Penobscot County, Maine.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Penobscot River .....	Downstream corporate limits.	14
	Downstream of State Route 1A.	17
	Downstream of State Route 9.	18
	Downstream of Bangor waterworks dam.	21
	Upstream of Bangor waterworks dam.	30
	Upstream corporate limits.	32
Felts Brook .....	317 ft upstream from confluence with Penobscot River.	21
	At State Route 9..	32
	2,720 ft upstream from State Route 9.	36
	80 ft downstream of Eastern Ave.	76
	200 ft upstream from Eastern Ave.	79
	5,300 ft upstream from Eastern Ave.	82
	Downstream of State Route 1A.	83
	Downstream of Maine Central RR.	84
Sedgeunkedunk Stream.	At State Route 15 culvert.	14
	55 ft downstream from Maine Central RR.	17
	50 ft upstream from Maine Central RR.	23
	Upstream of Elm St.	24
	Downstream of concrete dam.	27
	Upstream of concrete dam.	40
	At the upstream corporate limits.	41
Eaton Brook .....	At the confluence with Penobscot River.	31
	At State Route 9..	31
	2,244 ft upstream of State Route 9.	33

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-680 Filed 1-12-78; 8:45 am]

## RULES AND REGULATIONS

[4210-01]

[Docket No. FI-3170]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the County of Frederick, Unincorporated Areas, Md.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the County of Frederick, Unincorporated Areas, Md.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the County of Frederick, Unincorporated Areas, Md.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the County of Frederick, Unincorporated Areas, Md., are available for review at the Second Floor, West Wing, Winchester Hall, East Church Street, Frederick, Md.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the County of Frederick, Unincorporated Areas, Md.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with

24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Tributary No. 36: Sabillasville, Northwest Frederick County.	Harbaugh Valley Rd. Old Sabillasville Rd. Sabillasville Rd. Western Maryland RR. Fort Ritchie Rd. Sabillasville Rd. Downstream.....	1,036.0 1,100.0 1,107.0 1,143.0 1,155.0 1,107.0 1,142.0
Tributary No. 38: Sabillasville, Northwest Frederick County.	Western Maryland RR. Upstream.....	1,149.0
Tributary No. 40: Emmitsburg, Northeast Frederick County.	Confluence with Flat Run. Emmitsburg..... corporate limits do..... Irish Town Rd.....	395.0 399.0 407.0 410.0 391.0
Tributary No. 41: Emmitsburg, Northeast Frederick County.	Confluence with Flat Run. Route 15..... Limit of study.....	436.0 477.0
Flat Run: Emmitsburg, Northeast Frederick County.	Confluence with Toms Creek. Route 15..... Emmitsburg..... corporate limits Route 97.....	374.0 385.0 387.0 388.0 391.0
	Confluence with tributary 41. Route 15..... Emmitsburg corporate limits and confluence with tributary No. 40.	394.0 395.0
High Run: Thurmont, North Frederick County.	Confluence with Hunting Creek. Abandoned..... railroad..... Frederick Rd.....	417.0 424.0 506.0
Tributary No. 74: Thurmont, North Frederick County.	Confluence with Muddy Run. Downstream..... Route 806.....	469.0 510.0
Tributary No. 76: Thurmont, North Frederick County.	Confluence with Hunting Creek. Moser Rd..... Thurmont..... corporate limits.	362.0 395.0 467.0
Fishing Creek: Lewistown, North Frederick County.	Lewistown Rd..... Maryland Route... 806.....	365.0 377.0
Little Tuscarora Creek: Indian Springs, West Frederick County.	Starhill Dr..... Route 73..... Abandoned..... railroad bridge ..	396.0 419.0 434.0
Tributary No. 96: Shookstown, Southwest Frederick County.	Bowers Rd..... Lakeview Dr..... Oakmont Dr.....	408.0 558.0 580.0
Tributary No. 99 .....	Confluence with Monogacy River. Gashouse pike .....	271.0 271.0
Tuscarora Creek: Tuscarora, Central West Frederick County.	Confluence with Monogacy River. Penn Central RR. Maryland Route... 15..... Willowbrook Rd... Downstream Bloomfield Rd.	279.0 280.0 280.0 294.0 308.0

Source of flooding	Location	Elevation in feet above mean sea level
Glade Creek: Tuscarora, Central West Frederick County.	Confluence with Monogacy River. Fountain Rock .....	284.0 284.0
	Biggs Ford Rd..... Goldsboro Pl..... Confluence with Townbranch.	289.0 292.0 462.0
Tributary No. 102: Libertytown, Central East Frederick County.	Confluence with tributary No. 101..... Mill St..... South St..... Maryland Route 28.	469.0 469.0 473.0 475.0
Tributary No. 106: Unionville, East Frederick County.	Confluence with North Fork. Dirt road..... Confluence with tributary No. 107..... 107..... Unionville Rd..... Maryland Route 26.	419.0 431.0 436.0 437.0 448.0 436.0
Tributary No. 107: Unionville, East Frederick County.	Confluence with tributary No. 106. Woodville Rd..... Unionville Rd..... Route 65.....	439.0 441.0 247.0
Rocky Fourtain Run: Buckeystown, Southwest Frederick County.	Horsehead Run... Keller lime plant. Downstream B. & O. RR..... Upstream B. & O. RR.....	247.0 248.0 256.0 263.0
Tributary No. 126: Buckeystown, Southwest Frederick County.	Confluence with tributary No. 125.	269.6
Tributary No. 125: Buckeystown, Southwest Frederick County.	Confluence with Horsehead Run. Downstream B. & O. RR..... Upstream B. & O. RR.....	254.5 264.5 269.0
Horsehead Run: Buckeystown, Southwest Frederick County.	Confluence with Rocky Fountain Run. Downstream..... Route 80..... Upstream Route 80.	247.0 257.0 259.0
Tributary No. 124: Buckeystown, Southwest Frederick County.	Confluence with Horsehead Run. Downstream B. & O. RR..... Upstream B. & O. RR.....	261.4 275.5 279.3
Tributary No. 127: Buckeystown, Southwest Frederick County.	Pipe outlet .....	245.0
	Downstream dam..... Upstream dam.....	252.0 257.0
Tributary No. 129: Buckeystown, Southwest Frederick County.	Old Route 80 .....	247.0
	Downstream Old..	273.0
	Route 80..... Upstream Old..... Route 80.....	278.0
Bush Creek: Monrovia, Southeast Frederick County.	Route 75..... Confluence with tributary No. 113.....	400.0 401.0

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, February 27,



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1969), as amended (39 FR 2787, January 24, 1974.)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-681 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3265]

PART 1917—APPEALS FROM FLOOD  
ELEVATION DETERMINATIONS AND JUDICIAL  
REVIEW

Final Flood Elevation Determinations for the  
Town of Auburn, Worcester County, Mass.

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)  
flood elevations are listed below for se-  
lected locations in the town of  
Auburn, Worcester County, Mass.

These base (100-year) flood eleva-  
tions are the basis for the flood plain  
management measures that the com-  
munity is required to either adopt or  
show evidence of being already in  
effect in order to qualify or remain  
qualified for participation in the Na-  
tional Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issu-  
ance of the Flood Insurance Rate Map  
(FIRM), showing base (100-year) flood  
elevations, for the town of Auburn,  
Mass.

ADDRESS: Maps and other informa-  
tion showing the detailed outlines of  
the flood-prone areas and the final  
elevations for the town of Auburn, are  
available for review at Town Hall, 104  
Central Street, Auburn, Mass.

FOR FURTHER INFORMATION  
CONTACT:

Mr. Richard Krimm, Assistant Ad-  
ministrator, Office of Flood Insur-  
ance, 202-755-5581 or toll free line  
800-424-8872, Room 5270, 451 7th  
Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:  
The Federal Insurance Administrator  
gives notice of his final determinations  
of flood elevations for the town of  
Auburn, Mass.

This final rule is issued in accor-  
dance with section 110 of the Flood  
Disaster Protection Act of 1973 (Pub.  
L. 93-234), 87 Stat. 980, which added  
section 1363 to the National Flood In-  
surance Act of 1968 (Title XIII of the  
Housing and Urban Development Act  
of 1968 (Pub. L. 90-448), 42 U.S.C.  
4001-4128, and 24 CFR 1917.4(a)). An  
opportunity for the community or in-  
dividuals to appeal this determination  
to or through the community for a  
period of ninety (90) days has been  
provided. No appeals of the proposed

base flood elevations were received  
from the community or from individ-  
uals within the community.

The Administrator has developed  
criteria for flood plain management in  
flood-prone areas in accordance with  
24 CFR Part 1910.

The final base (100-year) flood eleva-  
tions for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kettle Brook.....	Rockland St. ....	497
	Sword St.' .....	488
Dark Brook (from Kettle Brook to Auburn Pond).	Southbridge St. Bridge'.	498
	Auburn St. Bridge'.	493
Dark Brook (Auburn Pond to Central St.).	Church St. Bridge.	518
	Auburn Mall .....	504
Stone Brook (Swanson Rd. to Washington St.).	Mill Terrace Bridge.	510
	Central St.- Massachusetts Turnpike I-90. South St. Bridge'.	503
Stone Brook (Pondville Pond to South St.).	Elm St. Bridge' ....	519
Unnamed tributary from Rockland St. to Leesville Pond.	Sword St. ....	496
Dark Brook (Stoneville Pond to Leicester St. Bridge).	Leicester St. Bridge.	607
	Inwood St. Bridge'.	580
	Rochdale St. Bridge'.	521

'Upstream.  
'Downstream.

(National Flood Insurance Act of 1968 (Title  
XIII of Housing and Urban Development  
Act of 1968), effective January 28, 1969 (33  
FR 17804, November 28, 1968), as amended  
(42 U.S.C. 4001-4128); and Secretary's dele-  
gation of authority to Federal Insurance  
Administrator, 34 FR 2680, February 27,  
1969, as amended (39 FR 2787, January 24,  
1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-682 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3543]

PART 1917—APPEALS FROM FLOOD ELEVATION  
DETERMINATIONS AND JUDICIAL  
REVIEW

Final Flood Elevation Determinations for the  
Town of Braintree, Norfolk County, Mass.

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)  
flood elevations are listed below for se-  
lected locations in the Town of Brain-  
tree, Norfolk County, Mass.

These base (100-year) flood eleva-  
tions are the basis for the flood plain  
management measures that the com-  
munity is required to either adopt or  
show evidence of being already in  
effect in order to qualify or remain  
qualified for participation in the Na-  
tional Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issu-  
ance of the Flood Insurance Rate Map  
(FIRM), showing base (100-year) flood  
elevations, for the Town of Braintree,  
Mass.

ADDRESS: Maps and other informa-  
tion showing the detailed outlines of  
the flood-prone areas and the final  
elevations for the Town of Braintree,  
are available for review at Town Hall,  
1 John F. Kennedy Memorial Drive,  
Braintree, Mass.

FOR FURTHER INFORMATION  
CONTACT:

Mr. Richard Krimm, Assistant Ad-  
ministrator, Office of Flood Insur-  
ance, 202-755-5581 or Toll Free Line  
800-424-8872, Room 5270, 451 Sev-  
enth Street SW., Washington, D.C.  
20410.

SUPPLEMENTARY INFORMATION:  
The Federal Insurance Administrator  
gives notice of his final determinations  
of flood elevations for the Town of  
Braintree, Mass.

This final rule is issued in accor-  
dance with section 110 of the Flood  
Disaster Protection Act of 1973 (Pub.  
L. 93-234), 87 Stat. 980, which added  
section 1363 to the National Flood In-  
surance Act of 1968 (Title XIII of the  
Housing and Urban Development Act  
of 1968 (Pub. L. 90-448), 42 U.S.C.  
4001-4128, and 24 CFR 1917.4(a)). An  
opportunity for the community or in-  
dividuals to appeal this determination  
to or through the community for a  
period of ninety (90) days has been  
provided. No appeals of the proposed  
base flood elevations were received  
from the community or from individ-  
uals within the community.

The Administrator has developed  
criteria for flood plain management in  
flood-prone areas in accordance with  
24 CFR Part 1910.

The final base (100-year) flood eleva-  
tions for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monatiquot River.	Jefferson St. ....	104
	Route 37-ConRail	102

SUMMARY: Final base (100-year)  
flood elevations are listed below for se-  
lected locations in the Town of  
Hadley, Hampshire County, Mass.

These base (100-year) flood eleva-  
tions are the basis for the flood plain  
management measures that the com-  
munity is required to either adopt or  
show evidence of being already in  
effect in order to qualify or remain  
qualified for participation in the Na-  
tional Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issu-  
ance of the Flood Insurance Rate Map  
(FIRM), showing base (100-year) flood  
elevations, for the Town of Hadley,  
Mass.

ADDRESSES: Maps and other infor-  
mation showing the detailed outlines  
of the flood-prone areas and the final  
elevations for the Town of Hadley, are  
available for review at Town Hall, 52  
Middle Street, Hadley, Mass.

FOR FURTHER INFORMATION  
CONTACT:

Mr. Richard Krimm, Assistant Ad-  
ministrator, Office of Flood Insur-  
ance, 202-755-5581 or Toll Free Line  
800-424-8872, Room 5270, 451 Sev-  
enth Street SW., Washington, D.C.  
20410.

SUPPLEMENTARY INFORMATION:  
The Federal Insurance Administrator  
gives notice of his final determinations  
of flood elevations for the Town of  
Hadley, Mass.

This final rule is issued in accor-  
dance with section 110 of the Flood  
Disaster Protection Act of 1973 (Pub.  
L. 93-234), 87 Stat. 980, which added  
section 1363 to the National Flood In-  
surance Act of 1968 (Title XIII of the  
Housing and Urban Development Act  
of 1968 (Pub. L. 90-448), 42 U.S.C.  
4001-4128, and 24 CFR 1917.4(a)). An  
opportunity for the community or in-  
dividuals to appeal this determination  
to or through the community for a  
period of ninety (90) days has been  
provided. No appeals of the proposed  
base flood elevations were received  
from the community or from individ-  
uals within the community.

The Administrator has developed  
criteria for flood plain management in  
flood-prone areas in accordance with  
24 CFR Part 1910.

The final base (100-year) flood eleva-  
tions for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	At confluence with Fort River.	123
	Route 9 and Penn Central RR.	125

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Plain St. ....	101
	ConRail	74
	(downstream of Lower Armstrong Dam).	
	Pearl St. ....	66
	Route 3 .....	65
	Union St. ....	65
	River St. ....	63
	ConRail (near River and Vine Sts.).	58
	Middle St. ....	55
	Upper Adams St. ...	53
	Lower Adams St. ...	50
	ConRail (near Commercial and Front Sts.).	39
	McCusker Dr. ....	30
	Pedestrian bridge.	25
	Commercial St. ....	15
	ConRail (near Shaw St.).	11
	Shaw St. ....	11
	Quincy Ave. ....	11
Farm River .....	West St. ....	121
	Upper Lundquist Dr.	120
	Lower Lundquist Dr.	119
	Granite St. ....	117
	Old Sluiceway. ....	118
	Pond St. ....	110
Cochato River .....	ConRail (both crossings of a river loop downstream of the confluence with Tumbling Brook).	108
	ConRail (upstream of Cranberry Brook).	107

(National Flood Insurance Act of 1968 (Title  
XIII of Housing and Urban Development  
Act of 1968), effective January 28, 1969 (33  
FR 17804, November 28, 1968), as amended  
(42 U.S.C. 4001-4128); and Secretary's dele-  
gation of authority to Federal Insurance  
Administrator, 34 FR 2680, February 27,  
1969, as amended (39 FR 2787, January 24,  
1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-683 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-2690]

PART 1917—APPEALS FROM FLOOD ELEVATION  
DETERMINATIONS AND JUDICIAL  
REVIEW

Final Flood Elevation Determinations for the  
Town of Hadley, Hampshire County, Mass.

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	At confluence with Mill River.	127

(National Flood Insurance Act of 1968 (Title  
XIII of Housing and Urban Development  
Act of 1968), effective January 28, 1969 (33  
FR 17804, November 28, 1968), as amended  
(42 U.S.C. 4001-4128); and Secretary's dele-  
gation of authority to Federal Insurance  
Administrator, 34 FR 2680, February 27,  
1969, as amended (39 FR 2787, January 24,  
1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-684 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3542]

PART 1917—APPEALS FROM FLOOD ELEVATION  
DETERMINATION AND JUDICIAL  
REVIEW

Final Flood Elevation Determination for the  
Town of Lexington, Middlesex County, Mass.

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)  
flood elevations are listed below for se-  
lected locations in the Town of Lex-  
ington, Middlesex County, Mass.  
These base (100-year) flood elevations  
are the basis for the flood plain man-  
agement measures that the communi-  
ty is required to either adopt or show  
evidence of being already in effect in  
order to qualify or remain qualified  
for participation in the national flood  
insurance program (NFIP).

EFFECTIVE DATE: The date of issu-  
ance of the flood insurance rate map  
(FIRM), showing base (100-year) flood  
elevations, for the town of Lexington,  
Middlesex County, Mass.

ADDRESSES: Maps and other infor-  
mation showing the detailed outlines  
of the flood prone areas and the final  
elevations for the Town of Lexington  
are available for review at Planning  
Office, Town Hall, 1625 Massachusetts  
Avenue, Lexington, Mass. 02173.

FOR FURTHER INFORMATION  
CONTACT:

Mr. Richard Krimm, Assistant Ad-  
ministrator, Office of Flood Insur-  
ance, 202-755-5581, or toll free line  
800-424-8872, Room 5270, 451 Sev-  
enth Street SW., Washington, D.C.  
20410.



**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Lexington, Middlesex County, Mass.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beaver Brook	Route 2	196
	Barrett Rd.	202
Kiln Brook	Route 128	120
Mill Brook	Bow St.	158
	Pottier Ave.	172
	Boston & Maine RR.	173
Munroe Brook	Lillian Rd.	185
	Bryant Rd.	168
North Lexington Brook	Hartwell Ave.	119
	Route 128 Interchange.	121
Vine Brook	North St.	180
	Emerson Rd.	183
	Brookwood Rd.	184

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-685 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3544]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the City of Newton, Middlesex County, Mass.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Newton, Middlesex County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Newton, Mass.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Newton, are available for review at City Hall, 1000 Commonwealth Avenue, Newton, Mass.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Newton, Mass.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Charles River	Nahanton St.	92
	Route 128 Bridge.	65
	Concord St.	40
	Bridge St.	18
	Corporate limits	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-686 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-2936]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the City of Benton Harbor, Berrien County, Mich.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the city of Benton Harbor, Berrien County, Mich.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Benton Harbor, Mich.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Benton Harbor, are available for review at City Hall, 200 Wall Street, Benton Harbor, Mich.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line

800-424-8872, Room 5270, 451 7th Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Benton Harbor, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Paw Paw River	ConRad near St. Joseph River.	584
	Klock Rd. to North Shore Dr.	585
	Paw Paw Ave.	587
St. Joseph River	Main St.	584
Ox Creek	Elighth St. to North Shore Dr.	585
	Just upstream of Water St.	588
	East Main St.	589
	Highland Ave.	589
	Britain Ave.	591
	Just upstream of Empire Ave.	597

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-687 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3547]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Township of Clay, St. Clair County, Mich.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Township of Clay, St. Clair County, Mich.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Clay, Michigan.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Clay, are available for review at Township Hall, 4710 Pointe Trembell Road, Algonac, Mich.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Clay, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake St. Clair	Strawberry Island Shoreline from northern corporate limits to Flamingo Rd.	578.5
		578.5
St. Clair River	Open water—Lake St. Clair.	578.5
	Northern corporate limits, at St. Clair River Rd.	579.5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-688 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3192]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Village of Michiana, Berrien County, Mich.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Village of Michiana, Berrien County, Mich.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Michiana, Mich.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Michiana, are available for review at Village Hall, 4000 Cherokee, New Buffalo, Mich.



FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Michiana, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
White Creek.....	Chickagami Trall.	599

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-689 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3021]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Township of Onekama, Manistee County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Onekama, Manistee County, Mich.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Onekama, Mich.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Onekama, are available for review at Township Office, 8547 Mill Street, Onekama, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Onekama Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Portage Lake .....	Lake Park Dr. south of its intersection with Seymour Ave., 2,400 feet east of the intersection with South Portage Point Dr. Flooding begins 270 feet south of Seymour Ave.—entire road south of that point is flooded.	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-690 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3284]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Pentwater, Oceana County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Pentwater, Oceana County, Mich.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Pentwater, Mich.

ADDRESS: Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the village of Pentwater, are available for review at Village Hall, 327 Hancock Street, Pentwater, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Pentwater, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pentwater Lake .....	One Lake Rd., starting 105 feet east of Bean Rd. and extending west to the lake.	584
	On Sixth St., starting at its intersection with Hancock extending to 150 feet east of Wythe St.	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-691 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3291]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Wyandotte, Wayne County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Wyandotte, Wayne County, Mich.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Wyandotte, Mich.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Wyandotte, are available for review at City Hall, 3131 Biddle Avenue, Wyandotte, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Wyandotte, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sexton-Kilfoil Drain.....	Emmons St.....	579.3
Ecorse Creek .....	Harrison St .....	581.0
	Jefferson Ave.....	577.0
	Detroit-Toledo Shoreline RR.	577.0

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-692 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3227]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Plymouth, Hennepin County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Plymouth, Hennepin County, Minn.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Plymouth, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Plymouth, are available for review at City Hall, 3025 Harbor Lane, Plymouth, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line



800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Plymouth, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bassett Creek .....	County and State Aid Highway 18.	887
	Exit ramp .....	888
	Minnesota Highway 55.	888
	Entrance ramp .....	888
	6th Ave .....	888
	Chicago & Northwestern RR.	889
	South Shore Dr....	889
Plymouth Creek....	Medicine Lake Rd	891
	26th Ave .....	928
	Xenium Ave .....	931
	Interstate Highway 494.	937
	Fernbrook Lane ...	949
	Field crossing (running east to west).	954
	Field crossing (running north to south).	957
	Vicksburg Lane ....	963
	Dunkirk Lane .....	980
	Minnesota Highway 55.	981

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

(FR Doc. 78-693 Filed 1-12-78; 8:45 am)

[4210-01]

(Docket No. FI-3168)

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

Final Flood Elevation Determinations for Wright County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in Wright County, Minn.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Wright County, Minn.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Wright County, are available for review at Wright County Courthouse, Buffalo, Minn.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Wright County, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River ...	Minnesota 101 .....	863
Crow River—main stem.	County and State Aid Highway 38.	858
	Minnesota 101 .....	869
	Interstate 94 .....	873
	County and State Aid Highway 116.	876
Crow River—North Fork.	Township Rd. 258	919
	Minnesota 25 .....	920
	Township Rd. 296	921
	County and State Aid Highway 12.	921
	County and State Aid Highway 9.	927
	Township Rd. 87 ..	934
	County and State Aid Highway 8.	937
	Old County and State Aid Highway 8.	940
Crow River—South Fork.	Township Rd. 258	922
	Township Rd. 278	931

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

(FR Doc. 78-694 Filed 1-12-78; 8:45 am)

[4210-01]

(Docket No. FI-3196)

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

Final Flood Elevation Determinations for the City of Drew, Sunflower County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the city of Drew, Sunflower County, Miss.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain

qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Drew, Miss.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Drew, are available for review at City Hall, 130 West Shaw Avenue, Drew, Miss.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Drew, Miss.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary 1.....	Upstream side U.S. Highway 49W.	138
	Downstream side U.S. Highway 49W.	137
	East Park Ave.....	136
	Bridge Ave.....	134
Lutken Bayou.....	West Park Ave.....	134
	South Blvd.....	134
Powell Bayou.....	Unnamed road.....	133

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance

Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

(FR Doc. 78-695 Filed 1-12-78; 8:45 am)

[4210-01]

(Docket No. FI-3286)

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

Final Flood Elevation Determination for City of Bragg City, Pemiscot County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Bragg City, Pemiscot County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Bragg City, Pemiscot County, Mo.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for City of Bragg City, are available for review at Napier Supermarket, Main Street, Bragg City, Mo.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Bragg City, Pemiscot County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a

period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ditch No. 72.....	At Main St. and Ditch No. 72.	257
	At intersection of St. Louis & San Francisco RR and Clay Roost Bayou.	260
Clay Roost Bayou.	At Cypress St. and Third St.	261
	At Main St. and Second St.	261

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

(FR Doc. 78-696 Filed 1-12-78; 8:45 am)

[4210-01]

(Docket No. FI-3287)

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

Final Flood Elevation Determination for the City of Commerce, Scott County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Commerce, Scott County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Commerce, Scott County, Mo.



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ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Commerce are available for review at the home of Mayor Ann Huck, Corner of St. Mary's and Tywapity, Commerce, Mo. 63742.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Commerce, Scott County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River...	State Highway E and Missouri St.	343
	Washington St. and Water St.	343
	At confluence of Commerce Creek.	343
Commerce Creek...	940 ft upstream of Water Street Bridge.	343
	At corporate limit	362

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-697 Filed 1-12-78; 8:45 am]

[4210-01]

[Docket No. FI-3229]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Holland, Pemiscot County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Holland, Pemiscot County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Holland, Pemiscot County, Mo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Holland are available for review at City Hall, Main Street, Holland, Mo. 63853.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Sev-

enth Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Holland, Pemiscot County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pemiscot Bayou....	At northeast corporate limit near intersection of 1st St. and St. Louis-San Francisco RR.	256
	At Field Access Rd.	256

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-698 Filed 1-12-78; 8:45 am]

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FRIDAY, JANUARY 13, 1978  
PART III



DEPARTMENT OF  
HEALTH,  
EDUCATION,  
AND WELFARE

Office of the Secretary

RESEARCH  
INVOLVING CHILDREN

Report and Recommendations  
of the National Commission  
for the Protection of  
Human Subjects of Biomedical  
and Behavioral Research



[4110-08]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

## PROTECTION OF HUMAN SUBJECTS

Research Involving Children: Report and Recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research

AGENCY: Department of Health, Education, and Welfare.

ACTION: Notice of report and recommendations for public comment.

SUMMARY: This report finds that research involving children is important for the health and well being of children but recommends that such research be conducted only if it is scientifically sound, will contribute significantly to generalizable knowledge, risks are minimized, and the research performed in connection with necessary diagnosis and treatment wherever possible. Adequate provisions must be made to obtain the assent of the child and the consent of the parents or guardians.

DATES: Written comments on the Commission's recommendations are requested and should be received on or before March 14, 1978 if they are to receive full consideration.

ADDRESSES: Send comments to: Office for Protection from Research Risks, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Additional copies of this Report and Recommendations may be obtained from the same address. All comments received will be available for inspection at Room 303, Westwood Building, 5333 Westbard Avenue, Bethesda, Md., weekdays (Federal holidays excepted) between the hours of 9 a.m. and 4:30 p.m.

## FOR FURTHER INFORMATION CONTACT:

D. T. Chalkley, Ph. D., Director, Office for Protection from Research Risks, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, 301-498-7005.

SUPPLEMENTARY INFORMATION: On July 12, 1974, the National Research Act (Pub. L. 93-348) was signed into law, thereby creating the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. One of the charges to the Commission was to study the nature of research involving children, the purposes of such research, the steps necessary to protect children as subjects, and the requirements for the informed consent of children, their parents or guardians, and to recommend to the Secretary of

Health, Education, and Welfare policies defining any circumstances under which research with and for children might be appropriate. The Secretary is required to publish any such recommendation of the Commission in the FEDERAL REGISTER, which he does herewith, and to provide an opportunity for interested persons to submit written comments, views, arguments, and data with respect to these recommendations. Comments should be identified by the number of the recommendation (1-10).

The Secretary is further required to consider the Commission's recommendations and any relevant comments or other matter submitted to him and, on or before (a date 180 days from publication of this notice), to (1) determine whether the administrative action proposed by such recommendation is appropriate to assure the protection of human subjects of biomedical and behavioral research conducted or sponsored under programs administered by him, and (2) if he determines that such action is not so appropriate, publish in the FEDERAL REGISTER such determination together with an adequate statement of the reasons for his determination. Since the Department has not yet completed its own review of this report, the views set forth in it are not necessarily those of the Department of Health, Education, and Welfare. The Department will be evaluating the report during the comment period.

Dated: December 6, 1977.

JULIUS B. RICHMOND,  
Assistant Secretary for Health.

Approved: December 29, 1977.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

## THE NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

### RESEARCH INVOLVING CHILDREN: REPORT AND RECOMMENDATIONS

#### Members of the Commission

Kenneth John Ryan, M.D., Chairman, Chief of Staff, Boston Hospital for Women.  
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#### INTRODUCTION

The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research was established in 1974 under Pub. L. 93-348 to develop ethical guidelines for the conduct of research involving human subjects and to make recommendations for the application of such guidelines to research conducted or supported by the Department of Health, Education, and Welfare (DHEW). The legislative mandate also directs the Commission to make recommendations to Congress regarding the protection of human subjects in research not subject to regulation by DHEW. Classes of subjects that must receive the Commission's particular attention include children, prisoners and the institutionalized mentally infirm.

The duties of the Commission with regard to research involving children are as follows:

"The Commission shall identify the requirements for informed consent to participation in biomedical and behavioral research by children . . . . The Commission shall investigate and study biomedical and behavioral research conducted or supported under programs administered by the Secretary [DHEW] and involving children . . . to determine the nature of the consent obtained from such persons or their legal representatives before such persons were involved in such research; the adequacy of the information given them respecting the nature and purpose of the re-

search, procedures to be used, risks and discomforts, anticipated benefits from the research, and other matters necessary for informed consent; and the competence and the freedom of the persons to make a choice for or against involvement in such research. On the basis of such investigation and study the Commission shall make such recommendations to the Secretary as it determines appropriate to assure that biomedical and behavioral research conducted or supported under programs administered by him meets the requirements respecting informed consent identified by the Commission."

This responsibility is broadened by the provision that the Commission make recommendations to Congress regarding the protection of subjects (including children) involved in research not subject to regulation by DHEW.

To discharge its duties under this mandate, the Commission studied the nature and extent of research involving children, the purposes for which such research is conducted, and the issues surrounding the participation of children in research. Representatives from professional societies, federal agencies and public interest groups, as well as parents and other members of the public, presented their views to the Commission at a public hearing. The National Minority Conference on Human Experimentation, convoked by the Commission to assure that viewpoints of minorities would be expressed, made recommendations to the Commission on research involving children. The Commission also reviewed papers and reports prepared under contract, including papers on informed consent and a survey of actual practices in research involving children. Finally, the Commission conducted extensive deliberations in public and developed recommendations on the participation of children in research.

The Commission's recommendations are set forth at the outset of this report, followed by chapters presenting background information, summaries of reports and views presented to the Commission, an analysis of the law with respect to research involving children, critiques of various ethical arguments, and statements of members of the Commission regarding the recommendations. An appendix to this report contains the text of reports and papers prepared under contract, other materials reviewed by the Commission in the course of its study and deliberations, and a selective bibliography.

Definitions. For the purpose of this report:

1. Children are persons who have not attained the legal age of consent to general medical care as determined under the applicable law of the jurisdiction in which the research will be conducted.

Comment: Pub. L. 93-348 defines children as "Individuals who have not attained the legal age of consent to participate in research as determined under the applicable law of the jurisdiction in which the research is to be conducted." The Commission notes that the legal age of consent to participate in research is not specifically defined in local jurisdictions. For the purposes of this report, therefore, the Commission has used the age of consent to general medical care (as distinguished from age of consent for treatment of specific conditions, such as pregnancy, drug addiction, or venereal disease).

2. Research is a formal investigation designed to develop or contribute to generalizable knowledge.

Comment: A research project generally is described in a protocol that sets forth explicit objectives and formal procedures designed to reach those objectives. The protocol may include therapeutic and other activities intended to benefit the subjects, as well as procedures to evaluate such activities. Research objectives range from understanding normal and abnormal physiological or psychological functions or social phenomena, to evaluating diagnostic, therapeutic, or preventive interventions and variations in services or practices. The activities or procedures involved in research may be invasive or noninvasive and include surgical interventions; removal of body tissues or fluids; administration of chemical substances or forms of energy; modification of diet, daily routine, or service delivery; alteration of environment; observation; administration of questionnaires or tests; randomization; review of records, etc.

3. Minimal risk is the probability and magnitude of physical or psychological harm that is normally encountered in the daily lives, or in the routine medical or psychological examination, of healthy children.

Comment: In any assessment of the degree of risk to children that is presented by proposed research activities, the age of the prospective research subjects should be taken into account. The possible effects of disruption of normal routine, separation from parents, or unusual discomfort should be considered, as well as more obvious physical or psychological harms. Examples of medical procedures presenting no more than minimal risk would include routine immunization, modest changes in diet or schedule, physical examination, obtaining blood and urine specimens, and developmental assessments. Similarly, many routine tools of behavioral research, such as most questionnaires, observational techniques, noninvasive physiological monitoring, psychological tests and puzzles, may be considered to present no more than minimal risk. Questions about some topics, however, may generate such anxiety or stress as to involve more than minimal risk. Research in which information is gathered that could be harmful if disclosed should not be considered of minimal risk unless adequate provisions are made to preserve confidentiality. Research in which information will be shared with persons or institutions that may use such information against the subjects should be considered to present more than minimal risk.

4. Institutional Review Board (IRB) is: (1) A committee required under Pub. L. 93-348 and approved by the Department of Health, Education, and Welfare to review research involving human subjects at an institution receiving support for such research under the Public Health Service Act, or (2) any substantially similar committee which reviews research involving human subjects that is conducted, supported, or regulated by a Federal agency or department.

#### RECOMMENDATIONS

The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research makes the following recommendations for research involving children to:

The Secretary of Health, Education, and Welfare, with respect to research that is subject to his regulation, i.e., research con-

ducted or supported under programs administered by him and research reported to him in fulfillment of regulatory requirements; and

The Congress, with respect to research that is not subject to regulation by the Secretary of Health, Education, and Welfare.

Recommendation (1). Since the Commission finds that research involving children is important for the health and well-being of all children and can be conducted in an ethical manner, the Commission recommends that such research be conducted and supported, subject to the conditions set forth in the following recommendations.

Comment: The Commission recognizes the importance of safeguarding and improving the health and well-being of children, because they deserve the best care that society can reasonably provide. It is necessary to learn more about normal development as well as disease states in order to develop methods of diagnosis, treatment and prevention of conditions that jeopardize the health of children, interfere with optimal development, or adversely affect well-being in later years. Accepted practices must be studied as well, for although infants cannot survive without continual support, the effects of many routine practices are unknown and some have been shown to be harmful.

Much research on childhood disorders or conditions necessarily involves children as subjects. The benefits of this research may accrue to the subjects directly or to children as a class. The Commission considers, therefore, that the participation of children in research related to their conditions should receive the encouragement and support of the Federal Government.

The Commission recognizes, however, that the vulnerability of children, which arises out of their dependence and immaturity, raises questions about the ethical acceptability of involving them in research. Such ethical problems can be offset, the Commission believes, by establishing conditions that research must satisfy to be appropriate for the involvement of children. Such conditions are set forth in the following recommendations.

Recommendation (2). Research involving children may be conducted or supported provided an institutional review board has determined that: (A) The research is scientifically sound and significant; (B) where appropriate, studies have been conducted first on animals and adult humans, then on older children, prior to involving infants; (C) risks are minimized by using the safest procedures consistent with sound research design and by using procedures performed for diagnostic or treatment purposes whenever feasible; (D) adequate provisions are made to protect the privacy of children and their parents, and to maintain confidentiality of data; (E) subjects will be selected in an equitable manner; and (F) the conditions of all applicable subsequent recommendations are met.

Comment: This recommendation sets forth general conditions that should apply to all research involving children. Such research must also satisfy the conditions of one or more of recommendations (3) through (6), as applicable; recommendation (7); recommendation (8), if permission of parents or guardians is not a reasonable requirement; recommendation (9), if the subjects are wards of the state; and recommendation (10), if the subjects are institutionalized.



Respect for human subjects requires the use of sound methodology appropriate to the discipline. The time and inconvenience requested of subjects should be justified by the soundness of the research and its design, even if no more than minimal risk is involved. In addition, research involving children should satisfy a standard of scientific significance, since these subjects are less capable than adults of determining for themselves whether to participate. If necessary, the IRB should obtain the advice of consultants to assist in determining scientific soundness and significance. (The Commission will consider problems related to the determination of scientific soundness and significance in a future report on the performance of IRBs.)

Whenever possible, research involving risk should be conducted first on animals and adult humans in order to ascertain the degree of risk and the likelihood of generating useful knowledge. Sometimes this is not relevant or possible, as when the research is designed to study disorders or functions that have no parallel in animals or adults. In such cases, studies involving risk should be initiated on older children to the extent feasible prior to including infants, because older children are less vulnerable and they are better able to understand and to assent to participation. In addition, they are more able to communicate about any physical or psychological effects of such participation.

In order to minimize risk, investigators should use the safest procedures consistent with good research design and should make use of information or materials obtained for diagnostic or treatment purposes whenever feasible. For example, if a blood sample is needed, it should be obtained from samples drawn for diagnostic purposes whenever it is consistent with research requirements to do so.

Adequate measures should be taken to protect the privacy of children and their families, and to maintain the confidentiality of data. The adequacy of procedures for protecting confidentiality should be considered in light of the sensitivity of the data to be collected (i.e., the extent to which disclosure could reasonably be expected to be harmful or embarrassing).

Subjects should be selected in an equitable manner, avoiding overutilization of any one group of children based solely upon administrative convenience or availability of a population living in conditions of social or economic deprivation. The burdens of participation in research should be equitably distributed among the segments of our society, no matter how large or small those burdens may be.

In addition to the foregoing requirements, research must satisfy the conditions of the following recommendations, as applicable.

**Recommendation (3).** Research that does not involve greater than minimal risk to children may be conducted or supported provided an institutional review board has determined that: (A) The conditions of recommendation (2) are met; and (B) adequate provisions are made for assent of the children and permission of their parents or guardians, as set forth in recommendations (7) and (8).

**Comment:** If the IRB determines that proposed research will present no more than minimal risk to children, the research may be conducted or supported provided the conditions of recommendation (2) are met and appropriate provisions are made for parental permission and the children's

assent, as described in recommendations (7) and (8) below. If the IRB is unable to determine that the proposed research will present no more than minimal risk to children, the research should be reviewed under recommendations (4), (5) and (6), as applicable.

**Recommendation (4).** Research in which more than minimal risk to children is presented by an intervention that holds out the prospect of direct benefit for the individual subjects, or by a monitoring procedure required for the well-being of the subjects, may be conducted or supported provided an institutional review board has determined that:

(A) Such risk is justified by the anticipated benefit to the subjects;

(B) The relation of anticipated benefit to such risk is at least as favorable to the subjects as that presented by available alternative approaches;

(C) The conditions of recommendation (2) are met; and

(D) Adequate provisions are made for assent of the children and permission of their parents or guardians, as set forth in recommendations (7) and (8).

**Comment:** The Commission emphasizes that the purely investigative procedures in research encompassed by recommendation (4) should entail no more than minimal risk to children. Greater risk is permissible under this recommendation only if it is presented by an intervention that holds out the prospect of direct benefit to the individual subjects or by a procedure necessary to monitor the effects of such intervention in order to maintain the well-being of these subjects (e.g., obtaining samples of blood or spinal fluid in order to determine drug levels that are safe and effective for the subjects). Such risk is acceptable, for example, when all available treatments for a serious illness or disability have been tried without success, and the remaining option is a new intervention under investigation. The expectation of success should be scientifically sound to justify undertaking whatever risk is involved. It is also appropriate to involve children in research when accepted therapeutic, diagnostic or preventive methods involve risk or are not entirely successful, and new biomedical or behavioral procedures under investigation present at least an equally favorable risk-benefit ratio. The IRB should evaluate research protocols of this sort in the same way that comparable decisions are made in clinical practice. It should compare the risk and anticipated benefit of the intervention under investigation (including the monitoring procedures necessary for care of the child) with those of available alternative methods for achieving the same goal, and should also consider the risk and possible benefit of attempting no intervention whatsoever.

To determine the overall acceptability of the research, the risk and anticipated benefit of activities described in a protocol must be evaluated individually as well as collectively, as is done in clinical practice. Research protocols meeting the criteria regarding risk and benefit may be conducted or supported provided the conditions of recommendation (2) are fulfilled and the requirements for assent of the children and for permission and participation of their parents or guardians, as set forth in recommendations (7) and (8), will be met. If the research also includes a purely investigative procedure presenting more than minimal risk, the research should be reviewed under Recommendation (5) with respect to such procedure.

**Recommendation (5).** Research in which more than minimal risk to children is presented by an intervention that does not hold out the prospect of direct benefit for the individual subjects, or by a monitoring procedure not required for the well-being of the subjects, may be conducted or supported provided an institutional review board has determined that:

(A) Such risk represents a minor increase over minimal risk;

(B) Such intervention or procedure presents experiences to subjects that are reasonably commensurate with those inherent in their actual or expected medical, psychological or social situations, and is likely to yield generalizable knowledge about the subjects' disorder or condition;

(C) The anticipated knowledge is of vital importance for understanding or amelioration of the subjects' disorder or condition;

(D) The conditions of recommendation (2) are met; and

(E) Adequate provisions are made for assent of the children and permission of their parents or guardians, as set forth in recommendations (7) and (8).

**Comment:** An IRB must determine that three special criteria are met in order to approve research presenting more than minimal risk but no direct benefit to the individual subjects. First, the increment in risk must be no more than a minor increase over minimal risk. The IRB should consider the degree of risk presented by the research from at least the following four perspectives: a common-sense estimation of the risk; an estimation based upon investigators' experience with similar interventions or procedures; any statistical information that is available regarding such interventions or procedures; and the situation of the proposed subjects. Second, the research activity must be commensurate with (i.e., reasonably similar to) procedures that the prospective subjects and others with the specific disorder or condition ordinarily experience (by virtue of having or being treated for that disorder or condition). Finally, the research must hold out the promise of significant benefit in the future to children suffering from or at risk for the disorder or condition (including, possibly, the subjects themselves). If necessary, the advice of scientific consultants should be obtained to assist in determining whether the research is likely to provide knowledge of vital importance to understanding the etiology or pathogenesis, or developing methods for the prevention, diagnosis or treatment, of the disorder or condition affecting the subjects.

The requirement of commensurability of experience should assist children who can assent to make a knowledgeable decision about their participation in research, based on some familiarity with the intervention or procedure and its effects. More generally, commensurability is intended to assure that participation in research will be closer to the ordinary experience of the subjects. The use of procedures that are familiar or similar to those used in treatment of the subjects should not, however, be used as a major justification for their participation in research, but rather as one of several criteria regarding the acceptability of such participation.

In addition to these special criteria, the IRB should assure that the conditions of recommendation (2) are fulfilled and the requirements for assent of the children and permission and participation of their parents or guardians, as set forth in recommen-

dations (7) and (8), will be met. If the proposed research includes an intervention or procedure from which the subjects may derive direct benefit, it should also be reviewed under recommendation (4) with respect to that intervention or procedure.

**Recommendation (6).** Research that cannot be approved by an institutional review board under recommendations (3), (4), and (5), as applicable, may be conducted or supported provided an institutional review board has determined that the research presents an opportunity to understand, prevent or alleviate a serious problem affecting the health or welfare of children and, in addition, a national ethical advisory board and, following opportunity for public review and comment, the secretary of the responsible Federal department (or highest official of the responsible Federal agency) have determined either: (A) That the research satisfies the conditions of recommendations (3), (4), and (5), as applicable, or (B) the following:

(I) The research presents an opportunity to understand, prevent or alleviate a serious problem affecting the health or welfare of children;

(II) The conduct of the research would not violate the principles of respect for persons, beneficence and justice;

(III) The conditions of recommendation (2) are met; and

(IV) Adequate provisions are made for assent of the children and permission of their parents or guardians, as set forth in recommendations (7) and (8).

**Comment:** If an IRB is unable for any reason to determine that proposed research satisfies the conditions of recommendations (3), (4), and (5), as applicable, the IRB may nevertheless certify the research for review and possible approval by a national ethical advisory board and the Secretary of the responsible department. Such review is contingent upon an IRB's determination that the research presents an opportunity to understand, prevent or alleviate a serious problem affecting the health or welfare of children. Thereafter, the research should be reviewed by the national board and Secretary, with opportunity for public comment, to determine whether the conditions of recommendations (3), (4), and (5), as applicable, are satisfied, or, alternatively, the research is justified by the importance of the knowledge sought and would not contravene principles of respect for persons, beneficence and justice that underlie these recommendations. In the latter instance, commencement of the research should be delayed pending Congressional notification and a reasonable opportunity for Congress to take action regarding the proposed research.

The provision for national review and approval under recommendations (3), (4), and (5) is intended to fit the situation where an IRB has difficulty in applying those recommendations but considers the research of sufficient importance to warrant national review. Such difficulty may be resolved by a determination on the national level pursuant to recommendation (6)(A) that the research does satisfy the conditions of the applicable earlier recommendations. Alternatively, the national review may determine either that the research satisfies the conditions of recommendation (6)(B) or that it should not be conducted.

The Commission believes that only research of major significance, in the presence of a serious health problem, would justify the approval of research under recommen-

dation (6)(B). The problem addressed must be a grave one, the expected benefit should be significant, the hypothesis regarding the expected benefit must be scientifically sound, and an equitable method should be used for selecting subjects who will be invited to participate. Finally, appropriate provisions should be made for assent of the subjects and permission and participation of parents or guardians.

**Recommendation (7).** In addition to the determinations required under the foregoing recommendations, as applicable, the institutional review board should determine that adequate provisions are made for: (A) Soliciting the assent of the children (when capable) and the permission of their parents or guardians; and, when appropriate, (B) monitoring the solicitation of assent and permission, and involving at least one parent or guardian in the conduct of the research. A child's objection to participation in research should be binding unless the intervention holds out a prospect of direct benefit that is important to the health or well-being of the child and is available only in the context of the research.

**Comment:** The Commission uses the term parental or guardian "permission," rather than "consent," in order to distinguish what a person may do autonomously (consent) from what one may do on behalf of another (grant permission). Parental permission normally will be required for the participation of children in research. In addition, assent of the children should be required when they are seven years of age or older. The Commission uses the term "assent" rather than "consent" in this context, to distinguish a child's agreement from a legally valid consent.

Parental or guardian permission, as used in this recommendation, refers to the permission of parents, legally appointed guardians, and others who care for a child in a reasonably normal family setting. The last category might include, for example, step-parents or relatives such as aunts, uncles or grandparents who have established a continuing, close relationship with the child. Recommendation (8) describes circumstances in which the IRB may determine that the permission of parents or guardians is not appropriate because of the nature of the subject under investigation (e.g., contraception, drug abuse) or because of a failure in the relationship with the child (e.g., child abuse, neglect).

Parental or guardian permission should reflect the collective judgment of the family that an infant or child may participate in research. There are some research projects for which documented permission of one parent or guardian should be sufficient, such as research involving no more than minimal risk (as described in recommendation (3)), or research in which risks or discomforts are related to a therapeutic, diagnostic, or preventive intervention (as described in recommendation (4)). In such cases, it may be assumed that the person giving formal permission is reflecting a family consensus. For research that is described in recommendations (5) and (6), the permission of both parents should be documented unless one parent is deceased, unknown, incompetent or not reasonably available, or the child has a guardian or belongs to a single-parent family (i.e., when only one person has legal responsibility for the care, custody and financial support of the child). The IRB should determine for each project whether permission of one or both parents

should be required, a substitute mechanism may be used, or the provision may be waived. In making such determination, the IRB should consider the nature of the activities described in the research protocol and the age, status and condition of the subjects.

The IRB should assure that children who will be asked to participate in research described in recommendation (5) are those with good relationships with their parents or guardians and their physician, and who are receiving care in supportive surroundings. Projects approved under recommendations (4) and (6) may also require scrutiny of this sort. The IRB may wish to appoint someone to assist in the selection of subjects and to review the quality of interaction between parents or guardian and child. A member of the board or a consultant such as the child's pediatrician, a psychologist, a social worker, a pediatric nurse, or other experienced and perceptive person would be appropriate. The IRB should be particularly sensitive to the difficulties surrounding permission when the investigator is the treating physician to whom the parents or guardian may feel an obligation.

Because of the dependence of infants, the traditional role of parents as protectors, and the general authority of parents to determine the care and upbringing of their children, the IRB may determine that small children should participate in certain research only if the parents or guardians participate themselves by being present during some or all of the conduct of the research. This role will vary according to the nature of the research, the risk involved, the extent to which the research entails possibly disturbing deviations from normal routine, and the age and condition of the children. As a general rule, when infants participate in research that may cause physical discomfort or emotional stress and involves a significant departure from normal routine, a parent or guardian should be present. However, if discomfort arises only as a result of therapeutic interventions that must continue over a considerable period of time, the continual presence of parents need not be required. Parental presence during the conduct of much behavioral research may not be feasible or warranted, especially with older children. Generally, parents or guardians should be sufficiently involved in the research to understand its effects on their children and be able to intervene, if necessary.

The Commission believes that children who are seven years of age or older are generally capable of understanding the procedures and general purpose of research and of indicating their wishes regarding participation. Their assent should be required in addition to parental permission. However, if any child over six years of age is incapacitated so that he or she cannot reasonably be consulted, then parental permission should be sufficient, as it is for infants. The objection of a child of any age to participation in research should be binding except as noted below.

If the research protocol includes an intervention from which the subjects might derive significant benefit to their health or welfare, and that intervention is available only in a research context, the objection of a small child may be overridden. Such would be the case, for example, with a new drug that is not approved by the Food and Drug Administration for general distribution until safety and efficacy have been



demonstrated in controlled clinical trials. Access to a drug under investigation generally requires participation in the research. Similar restrictions may be placed on other innovative therapies as a precaution. As children mature, their ability to perceive and act in their own best interest increases; thus, their wishes with respect to such research should carry increasingly more weight. When school-age children disagree with their parents regarding participation in such research, the IRB may wish to have a third party discuss the matter with all concerned and be present during the consent process. Although parents may legally override the objections of school-age children in such cases, the burden of that decision becomes heavier in relation to the maturity of the particular child.

Disclosure requirements for assent and permission are the same as those for informed consent. Similarly, children and parents or guardians should be free from duress. In order to assure understanding and freedom of choice, the IRB may determine that there is a need for an advocate to be present during the decision-making process. The need for third-party involvement in this process will vary according to the risk presented by the research and the autonomy of the subjects. The advocate should be an individual who has the experience and perceptiveness to fulfill such a role and who is not related in any way (except in the role as advocate or member of the IRB) to the research or the investigators.

Finally, the IRB should pay particular attention to the explanation and consent form, if any, to assure that appropriate language is used.

**Recommendation (8).** If the Institutional Review Board determines that a research protocol is designed for conditions or a subject population for which parental or guardian permission is not a reasonable requirement to protect the subjects, it may waive such requirement provided an appropriate mechanism for protecting the children who will participate as subjects in the research is substituted. The choice of an appropriate mechanism should depend upon the nature and purpose of the activities described in the protocol, the risk and anticipated benefit to the research subjects, and their age, status and condition.

**Comment:** Circumstances that would justify modification or waiver of the requirement for parental or guardian permission includes: (1) research designed to identify factors related to incidence or treatment of certain conditions in adolescents for which, in certain jurisdictions, they legally may receive treatment without parental consent; (2) research in which the subjects are "mature minors" and the procedures involved entail essentially no more than minimal risk that such individuals might reasonably assume on their own; (3) research designed to understand and meet the needs of neglected or abused children, or children designated by their parents as "in need of supervision"; and (4) research involving children whose parents are legally or functionally incompetent.

There is no single mechanism that can be substituted for parental permission in every instance. In some cases the consent of mature minors should be sufficient. In other cases court approval may be required. The mechanism invoked will vary with the research and the age, status and condition of the prospective subjects.

A number of states have specific legislation permitting minors to consent to treat-

ment for certain conditions (e.g., pregnancy, drug addiction, venereal diseases) without the permission (or knowledge) of their parents. If parental permission were required for research about such condition, it would be difficult to develop improved methods of prevention and therapy that meet the special needs of adolescents. Therefore, assent of such mature minors should be considered sufficient with respect to research about conditions for which they have legal authority to consent on their own to treatment. An appropriate mechanism for protecting such subjects might be to require that a clinic nurse or physician, unrelated to the research, explain the nature and the purpose of the research to prospective subjects, emphasizing that participation is unrelated to provision of care.

Another alternative might be to appoint a social worker, pediatric nurse, or physician to act as surrogate parent when the research is designed, for example, to study neglected or battered children. Such surrogate parents would be expected to participate not only in the process of soliciting the children's cooperation but also in the conduct of the research, in order to provide reassurance for the subjects and to intervene or support their desires to withdraw if participation becomes too stressful.

**Recommendation (9).** Children who are wards of the State should not be included in research approved under Recommendations (5) or (6) unless such research is: (A) related to their status as orphans, abandoned children, and the like; or (B) conducted in a school or similar group setting in which the majority of children involved as subjects are not wards of the state. If such research is approved, the Institutional Review Board should require that an advocate for each child be appointed, with an opportunity to intercede that would normally be provided by parents.

**Comment:** It is important to learn more about the effects of various settings in which children who are wards of the state may be placed, as well as about the circumstances surrounding child abuse and neglect, in order to improve the care that is provided for such children by the community. Also, it is important to avoid embarrassment or psychological harm that might result from excluding wards of the State from research projects in which their peers in a school, camp or other group setting will be participating. Provision must be made to permit the conduct of such studies in ways that will protect the children involved, even though no parents or guardians are available to act in their behalf.

To this end, the IRB reviewing such research should evaluate the reasons for including wards of the state as research subjects and assure that such children are not the sole participants in a research project unless the research is related to their status as orphans, abandoned children, and the like. The IRB should require, as a minimum, that an advocate for each child be appointed to intercede, when appropriate, on the child's behalf. The IRB may also require additional protections, such as prior court approval.

**Recommendation (10).** Children who reside in institutions for the mentally infirm or who are confined in correctional facilities should participate in research only if the conditions regarding research on the institutionalized mentally infirm or on prisoners (as applicable) are fulfilled in addition to the conditions set forth herein.

No. -The foregoing recommendations were adopted unanimously with the exception of Recommendation (5), from which Commissioners Cooke and Turtle dissented.

#### CHAPTER 1. WHY CHILDREN ARE INVOLVED AS RESEARCH SUBJECTS

The argument in favor of conducting research involving children rests on a combination of two factors: the absence, in numerous instances, of a suitable alternative population of research subjects, and the consequences of not conducting research involving children in those instances. Such consequences might include the perpetuation of harmful practices, the introduction of untested practices, and the failure to develop new treatments for diseases that affect children.

**The lack of an alternative population.** Possible alternative populations for research involving children are animals and adult humans, but there are limitations to both. No animal model has been found for a number of diseases that affect children or adults, such as cystic fibrosis and Down's syndrome. Furthermore, animal models are inappropriate for studying certain processes that are uniquely human, such as development of speech and cognitive functions. The amount of brain development that occurs in humans after birth has no parallel in the animal world, and studies of such development must be done in humans. Even normal biological measures or functions in animals, such as blood sugar levels or drug metabolism, are not consistent from one animal species to another and cannot be extrapolated to humans; thus, it eventually becomes necessary to examine the function in human subjects.

There are also no adult models for disorders that are unique to childhood, such as hyaline membrane disease, erythroblastosis fetalis, and infantile autism. Studies of normal development and of such phenomena as the "critical period" and child-parent interaction, by their very nature, can be conducted only in children. Research involving children is important, also, because both in sickness and in health, the child is not a small adult, and, consequently, results of studies on adults cannot be directly extrapolated to children. For example, administration of intravenous fluids to infants or children based on adult requirements would be disastrous, providing either too much or too little of various substances. It was only by studying normal constituents of body fluids and their metabolism in normal infants and children that requirements for specific age groups could be identified and intravenous fluid therapy could be utilized. A more obvious difference between children and adults is in their food requirements, not only in type and nutrients but in calories—an infant provided calories based on adult requirements would soon starve. An assumption that drugs which are useful and safe in adults are effective and safe in children, and that it is necessary only to adjust dosage on the basis of body weight or surface area, is likewise not only fallacious but also dangerous, as exemplified by the examples of chloramphenicol and sulfisoxazole cited below.

Just as children are not small adults, it is also erroneous to consider all children as a homogeneous category. A child is a developing and constantly changing organism: the newborn infant, in its body composition and metabolism as well as its response to drugs and stimuli, differs from the toddler; the

early school-age child differs from the pubertal adolescent. Growth imposes its own special set of constraints and challenges. Consequently there is a need not only for research on children, but across the full spectrum of childhood.

**The consequences of not involving children in research.** Prohibiting children's participation in research would impede innovative efforts to develop new treatments for diseases that affect children, while research to prevent or treat adult diseases would continue. Even research efforts on adult diseases would be hampered, as many of the most common and serious diseases that affect adults, such as atherosclerosis, probably have their origins in childhood. Many adults with cystic fibrosis or juvenile diabetes mellitus would not be alive today without the benefit of research that involve children.

Prohibiting children's participation in research would also result in the introduction of innovative practices without benefit of research or evaluation. The history of misadventures from such untested and unvalidated innovation argues as strongly for research as does the failure to innovate that would result from impeding research. For example, introduction of the practice of supplying oxygen in high concentrations to premature infants with hyaline membrane disease to enable them to survive was successful in many cases. However, the price paid for this course of action was the blinding of thousands of children due to retrolental fibroplasia before it was found that high oxygen levels had a toxic effect on the blood vessels supplying the retina in premature infants.

Another iatrogenic disease whose cause went undetected for years was the "gray-baby syndrome," which resulted in the death of many newborn infants until a research project (terminated early because the results were so clear) demonstrated that the drug chloramphenicol was responsible. This drug was an effective and generally safe antibiotic in adults, and it had been extended to use in children and infants without special study. The use of chloramphenicol for newborn infants was quickly abandoned when research demonstrated that poisoning occurred from the toxic levels of the drug that accumulated, because the enzyme system that metabolizes the drug is inadequately developed in the newborn. Another antibacterial agent, sulfisoxazole, was also abandoned for use in newborn infants after it was shown to cause severe neural injury (kernicterus) and cerebral palsy by binding to serum albumin so that bilirubin could not be bound and was free to damage nerve cells. Use of Vitamin K to prevent hemorrhagic disease of the newborn was a major advance, but its use in excessive doses also produced many cases of kernicterus due to its destruction of red blood cells with resultant increase in bilirubin levels, until research demonstrated this danger and established a safe and effective dose.

Even such a seemingly simple matter as feeding and hydrating a newborn infant has, without proper research, been subject to faddism and untested innovation. Because premature infants tend to look edematous, for years it was routine practice to give them no food or water for 48 to 72 hours after birth, with a high incidence of brain damage ensuing from an excessive amount of sodium in the blood of the few who survived the drying out procedure. Despite abandonment of such practices and

conduct of much research, there still exists no general agreement on when to begin feedings for premature infants and how much of what to give.

Another standard treatment, whose adverse effects continue to be manifested 20 to 30 years later in the form of radiation-induced thyroid cancer, was prophylactic radiation to the neck and chest, used in the 1940's to shrink an infant's thymus. This treatment was administered on the hypothesis that it would prevent the sudden infant death syndrome, with no basis in fact other than the observation that many victims of the syndrome had an enlarged thymus at autopsy.

Nonmedical practices also may have harmful effects, and be equally ill-founded but firmly entrenched, and modifiable only by research. For example, only when research was conducted were the ill effects of the routine practices of institutionalization on child development demonstrated, and changes in practices initiated.

There are other standard practices whose effects remain matters of speculation. For example, concern is currently being expressed over the practice of isolating premature infants from their parents in intensive care nurseries, based on evidence from research that shows the importance of very early physical contact between the mother and infant for the establishment of parental bonding, and the significantly higher incidence of child abuse of premature infants.

In sum, there is historical evidence of undesirable consequences resulting from the introduction of innovations in pediatric practice without adequate research, and there are many areas of inquiry that are important for improving the health and well-being of children (and adults), and for which there is no research population other than children.

#### CHAPTER 2. THE NATURE AND EXTENT OF RESEARCH INVOLVING CHILDREN

Children participate as subjects in a wide variety of research undertakings. A survey of government agencies' research activities involving children during fiscal year 1975 provides an indication of the diversity of these projects, and may be considered a reflection of nongovernment-supported research with children as well. This survey is based on reports provided to the Commission by components of DHEW and on information compiled by the Social Research Group of George Washington University. It should be noted that the definitions of "child" vary among agencies (sometimes including individuals through age 25); similarly, some agencies include conferences, literature searches and training projects as research involving children, while others use a narrower definition, referring only to projects involving children directly as subjects. Thus, the data are not compatible.

Of the numerous departments and agencies conducting or supporting research with children, DHEW supports the largest amount (see pages 38 and 39). Within DHEW, the largest dollar amount for biomedical research involving children is provided by the National Institutes of Health; the largest amount of nonbiomedical research supported by DHEW is funded by the Education Division. Although the National Institute of Child Health and Human Development (NICHD) is identified most closely with research on children, virtually all the institutes have research programs that directly involve them.

Much of the research conducted and supported by NICHD, in contrast to the categorical disease institutes, involves the study of normal and abnormal physical, cognitive, behavioral and social development. Examples of such research include studies of normal and abnormal development of cellular immunity, developmental pharmacology research to identify age-related changes in metabolism of endogenous substances and drugs by infants and children, evaluations of mental development of malnourished children, attempts to develop or improve methods for predicting mature stature from assessment of skeletal maturity at various ages, analyses of learning patterns of children and the impact of preschool educational experiences, intense studies of acquisition and development of language skills, and studies of the relation of parental authority style to development of responsibility and independence in children. Other research focuses on determining the causes and prevention of such conditions as mental retardation, the sudden infant death syndrome, low birth weight, and accidents. Research of this type supported by NICHD has included evaluation of the effects of differing types of intervention on mental retardation associated with malnutrition, attempts to prevent mental retardation in children of retarded mothers by infant stimulation and developmental programs, development of continuous positive airway pressure ventilation as treatment for newborns with respiratory distress syndrome, studies of the incidence of congenital infections in newborn infants and their role as a cause of low birth weight and mental retardation or death, and assessments of the relation of sleep disturbance or cardio-respiratory dysfunction as well as viral infection to the sudden infant death syndrome.

Research supported by the National Institute of Dental Research and involving children consists primarily of clinical trials, usually in schools, of techniques to reduce tooth decay. Such techniques include fluoride mouthrinses, mechanical plaque removal from teeth, and sealants. Other studies range from those involving children only as sources of biologic materials for study (saliva, plaque), or comparing behavioral responses to an initial visit to the dentist after various means of orientation and preparation, to developing new surgical and orthodontic rehabilitative procedures for cleft palate and other craniofacial birth defects.

Examples of child research supported by the National Institute of General Medical Sciences include follow-up studies of children given various drugs as newborns or whose mothers received certain drugs during pregnancy, developing new methods of instrumentation for procedures such as cardiac catheterization, devising noninvasive techniques of sampling or monitoring (salivary drug levels, skin oxygen electrode), and conducting eye exams and constructing pedigrees to ascertain the genetics of refractive errors.

The focus of research involving children that is conducted and supported by the National Institute of Neurological and Communicative Disorders and Stroke is on perinatal factors associated with cerebral palsy and mental retardation, discovering the enzymatic basis of hereditary disorders of the nervous system and in certain instances attempting enzyme replacement therapy, and determining the causes and evaluating treatments of such conditions as learning disability, dyslexia, stuttering and aphasia.



Children are also involved with adults in NINCDS studies of the etiology and treatment of the various epilepsies, investigations of slow virus infections of the central nervous system, management of spinal cord injuries, and development of improved sensory aids for the handicapped.

The National Cancer Institute does not target its programs toward children as a group, but many children are included in the research protocols for particular cancers. The research involves testing of various therapies to develop improved treatment, and evaluating new diagnostic methods.

The National Eye Institute conducts and supports a number of studies of eye disorders involving children. These include evaluation of medical and surgical treatments for congenital and juvenile glaucoma, development of improved diagnostic procedures for juvenile macular degeneration and retinitis pigmentosa, use of new techniques to evaluate eye movements, use of color TV for color vision screening, and research on the perceptual components of reading.

A large number of studies of the National Heart, Lung and Blood Institute involve children. Some involve minor intervention, such as studies of blood pressure and blood lipids in large populations of school children to obtain information on prevalence of hypertension and of certain risk factors (hyperlipidemia). Other noninterventional studies include evaluating risk factors in children whose parents have heart disease, obtaining longitudinal information on blood pressure determinations of children, and studying the long term natural history of congenital heart defects by following the status of children with the defects over many years. The Institute also supports studies of effective therapy for pediatric lung disorders, including respiratory distress syndrome, cystic fibrosis, and bronchiolitis. Blood disorder research involving children includes study of Factor VIII inhibitors in hemophilia (using a sample of the child's blood obtained at routine clinic visits), recording the incidence and source of infection in children with sickle cell disease, assessing the mental and emotional development of children with sickle cell disease, recording sexual maturation of sickle cell patients compared to their unaffected siblings, identifying the effects of a tutoring program on school attendance and performance of sickle cell patients, and evaluation of prophylactic penicillin to reduce the incidence of infection in patients with sickle cell disease.

Children's research programs supported by the National Institute of Allergy and Infectious Diseases focus on asthma and allergic conditions, immunodeficiency states, and infectious diseases. Included in the broad range of activities are studies designed to develop or improve tests to specifically diagnose allergy to various agents at different ages; a double-blind clinical trial of use of transfer factor as therapy for certain immunodeficiency states; development and clinical testing in infants and children of vaccines against Hemophilus influenza type B, meningococcus, pneumococcus, streptococcus, and several viruses; identification from stool samples of the virus responsible for a large portion of the cases of infant diarrhea; and epidemiologic studies of a wide variety of infections.

Children are usually involved with adults in studies of the National Institute of Arthritis, Metabolism, and Digestive Diseases,

although some of the disorders studied (such as juvenile rheumatoid arthritis or juvenile diabetes) strike first during childhood. Examples of the studies which include children are comparisons of new drugs or various schedules of administration in treating lupus nephritis, evaluation of dietary modification as therapy for certain genetic defects (such as galactosemia) or for uremia or deficiency diseases, comparison of growth and sexual development as well as psychosocial function with peritoneal dialysis as opposed to hemodialysis in chronic renal failure, and evaluation of the physical and behavioral effects of hypertransfusion to maintain hemoglobin level at 12 grams rather than 9 grams in patient with Cooley's anemia.

The National Institute of Environmental Health Sciences supports a variety of research on methods of diagnosing, treating and preventing lead poisoning in children, as well as the extent and consequences of the condition. Similar types of studies are supported for other environmental hazards, such as mercury, cadmium, sulfur dioxide, and various pollutants. These studies involve such procedures as developing assays to measure lead in one drop of blood or one hair and applying them in large screening programs, developing and studying the effects of various treatments to remove lead from the body, correlating lead levels in shed teeth with neuropsychologic test performance of children, or longitudinal testing of pulmonary function of school children in cities with different levels of pollutants. A number of epidemiologic studies have examined the relation of such factors as prenatal x-ray exposure to the development of childhood cancer, pesticide exposure to chromosome damage, or exposure to various known toxins to mental retardation.

The Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), through its three component institutes (NIMH, NIDA, NIAAA), serves as the focus of DHEW behavioral research, although many of its activities are biomedical as well. The National Institute of Mental Health conducts or supports studies of developmental processes of the children and the family, child abuse, early diagnosis of dysfunction, and intervention programs to promote healthy emotional and cognitive growth. Examples include longitudinal studies of mother-infant interactions, studies of the effect of obstetric medication on infant perceptual functioning, effects of maternal behavior on infant learning, behavioral identification of the hyperkinetic syndrome, effects of methylphenidate and amphetamine on hyperactive children and their influence on urinary dopamine metabolites, genetic studies of the offspring of schizophrenics, studies of the delivery of psychiatric screening and services to children, and investigation of factors contributing to juvenile delinquency.

The National Institute on Drug Abuse targets a significant portion of its research program toward children. Much of this research involves development and evaluation of education programs for children regarding drug abuse, with special attention to appealing to elementary school children and minorities. Other research involves study of attitudes among children toward drug use, investigation of the extent of drug use by children, and assessment of the effects of maternal narcotic addiction on the fetus and newborn infant. Studies comparing various treatment methods and the efficacy of

treatment for the young drug abuser are also supported.

The National Institute on Alcohol Abuse and Alcoholism supports some research involving children. These projects generally involve experimental education programs for children on alcohol use and abuse, study of the social and cultural antecedents of alcoholism, evaluation of treatment programs for the very young alcoholic, studies of the effects of maternal alcohol use during pregnancy on the newborn and on family health, and surveys of the nature and extent of alcohol use among children of various ages and socioeconomic groups.

Other agencies within the Public Health Service also conduct or support research involving children. Although its primary mission is providing health services, the Maternal and Child Health Service of the Bureau of Community Health Services, Health Services Administration, devotes considerable effort to research related to its programs. In addition to studies of pregnancy and childbirth, the MCHS supports studies of means of improving patient compliance with physicians' directions, the impact of improved health insurance coverage of maternity care on infant mortality, disability outcomes for childhood amputees, using a trained mother as therapist in cerebral palsy therapy, and numerous evaluation of MCHS programs and projects. The largest portion of research involving children that is conducted or supported by the Center for Disease Control is the development, testing, and evaluation of vaccines. Epidemiologic studies of the CDC often involve children, such as in studies of the incidence of childhood cancer in relation to arsenic levels near a smelter, or analysis of interpersonal contacts among patients with Hodgkin's disease as a possible factor in its epidemiology. Surveillance activities may involve children, as in the study indicating that an outbreak of Reye's syndrome closely followed an epidemic of influenza B virus infections, and in the birth defects monitoring program (which involves children only by utilizing newborn infants' hospital discharge summaries). Within the Food and Drug Administration, the Bureau of Biologics supports some research involving testing of vaccines in children; pharmaceutical testing in children is regulated but not conducted or supported by the FDA.

Some DHEW components outside the Public Health Service also conduct or support research involving children. Three divisions of the Office of Human Development (Office of Child Development, Office of Youth Development, and Rehabilitation Services Administration) have child research programs. Research in the OCD Head Start program includes studies of the effects of different ratios of caregivers to children in child care centers, evaluation of progress made by children in different types of Head Start programs, and analysis of a family oriented "Home Start" program in rural areas. OCD also supports studies related to determining causes of child abuse and neglect and developing intervention programs to assist parents of such children, studies of attempts to improve the interface of parents with schools and social institutions to assist the developing child, and research on the impact of residential institutional experiences on child development. The research supported by OYD focuses on analysis of causes and various support services for runaway youths. The RSA supports research on rehabilitative techniques for children with cerebral palsy, mental retardation, or other disabling conditions.

Another DHEW component, the Social and Rehabilitation Service, supports research with children related to child welfare services, child support, and health services. Studies involved developing methods to identify early warning signals of child abuse and neglect, assessing the cost-effectiveness of different types of day care, developing alternative approaches to foster care and adoptions, evaluation of income maintenance programs and their effect on children, assessing the impact of family planning services on reducing the number of unwanted births (especially to teenagers), and evaluating the cost-effectiveness of various methods of providing Early and Periodic Screening, Diagnosis and Treatment services. (In 1977 a departmental reorganization abolished the Social and Rehabilitation Service, and most of its programs have been transferred to the Office of Human Development or the Health Care Financing Administration.)

The largest amount of research involving children in DHEW, both in terms of funds and number of projects, is conducted and supported by the Office of Education and the National Institute of Education. This research is intended to improve the quality of education by developing and demonstrating the effectiveness of new approaches to education. To the extent that changes in education techniques or practices are considered behavior research, these activities fall within the mandate of the Commission. Examples of the types of research supported include studies of the multiunit school system as a means to reorganize elementary schools to provide more individual attention, evaluation of a program combining on-

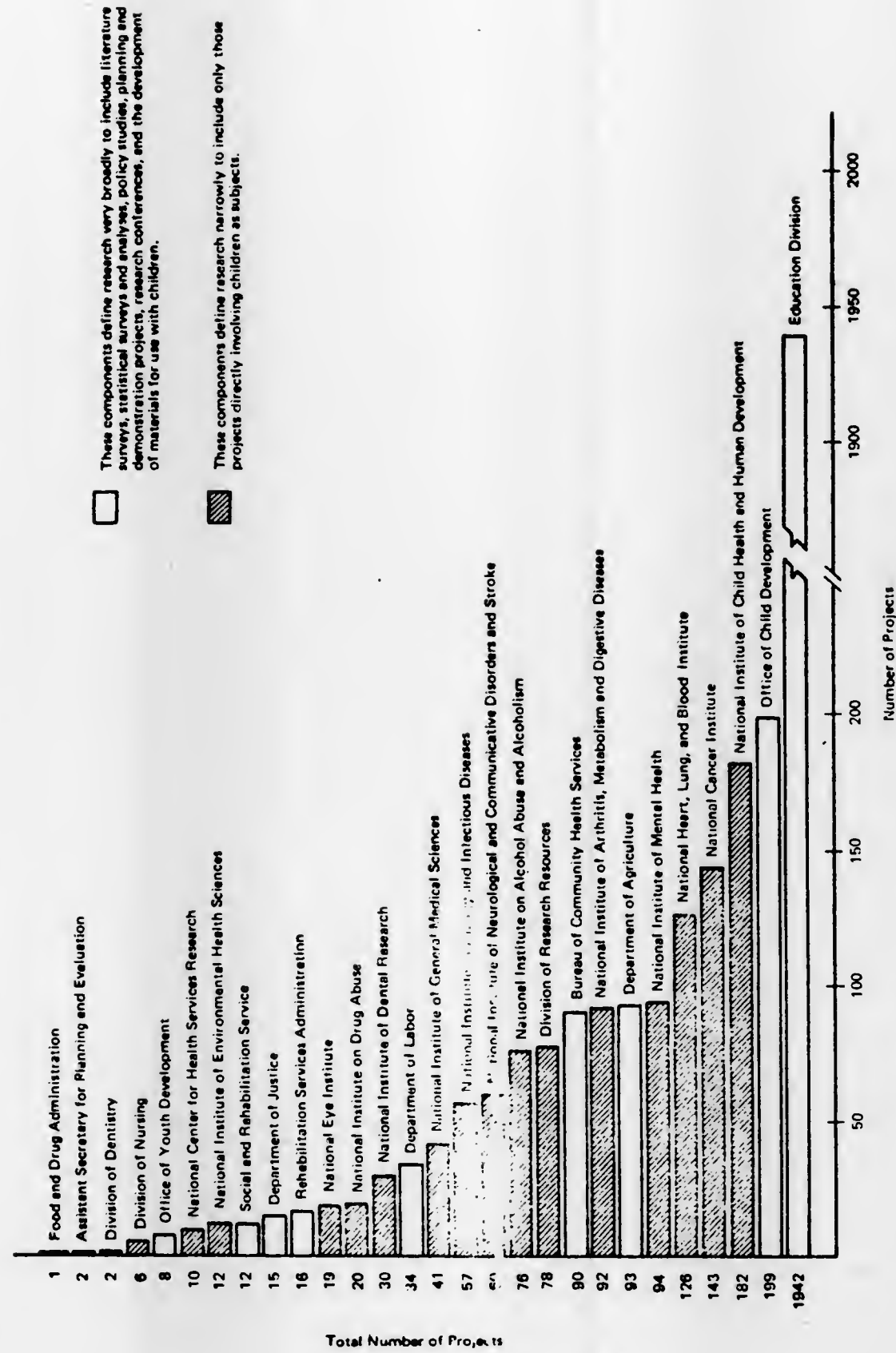
the-job experience with academic learning, developing improved methods for acquisition of basic skills as well as better means to assess achievement, evaluation of various primary education programs (Project Follow Through) for their ability to maintain gains achieved by children in Project Head Start, developing improved techniques for early childhood education and teaching handicapped children, and research in the Right-To-Read program designed to develop effective remediation procedures for children who are functionally illiterate.

Departments of the federal government other than DHEW also conduct or support research involving children. The Department of Agriculture supports research through land grant institutions and the Agriculture Extension Service on childhood nutrition and growth, education, and child development. The Department of Justice, through the Law Enforcement Assistance Administration and its Office of Juvenile Justice and Delinquency Prevention, conducts and supports research relating to juvenile delinquency and rehabilitation of young offenders. The Department of Labor supports experimental programs to improve vocational education and job opportunities for adolescents, with emphasis on minorities, the disadvantaged and the handicapped. Finally, physicians and other personnel in the military hospitals of the Department of Defense conduct a wide variety of biomedical and behavioral research involving children.

Figures 1 and 2 show the number and proportion of federally sponsored research projects supported by the various departments and agencies.

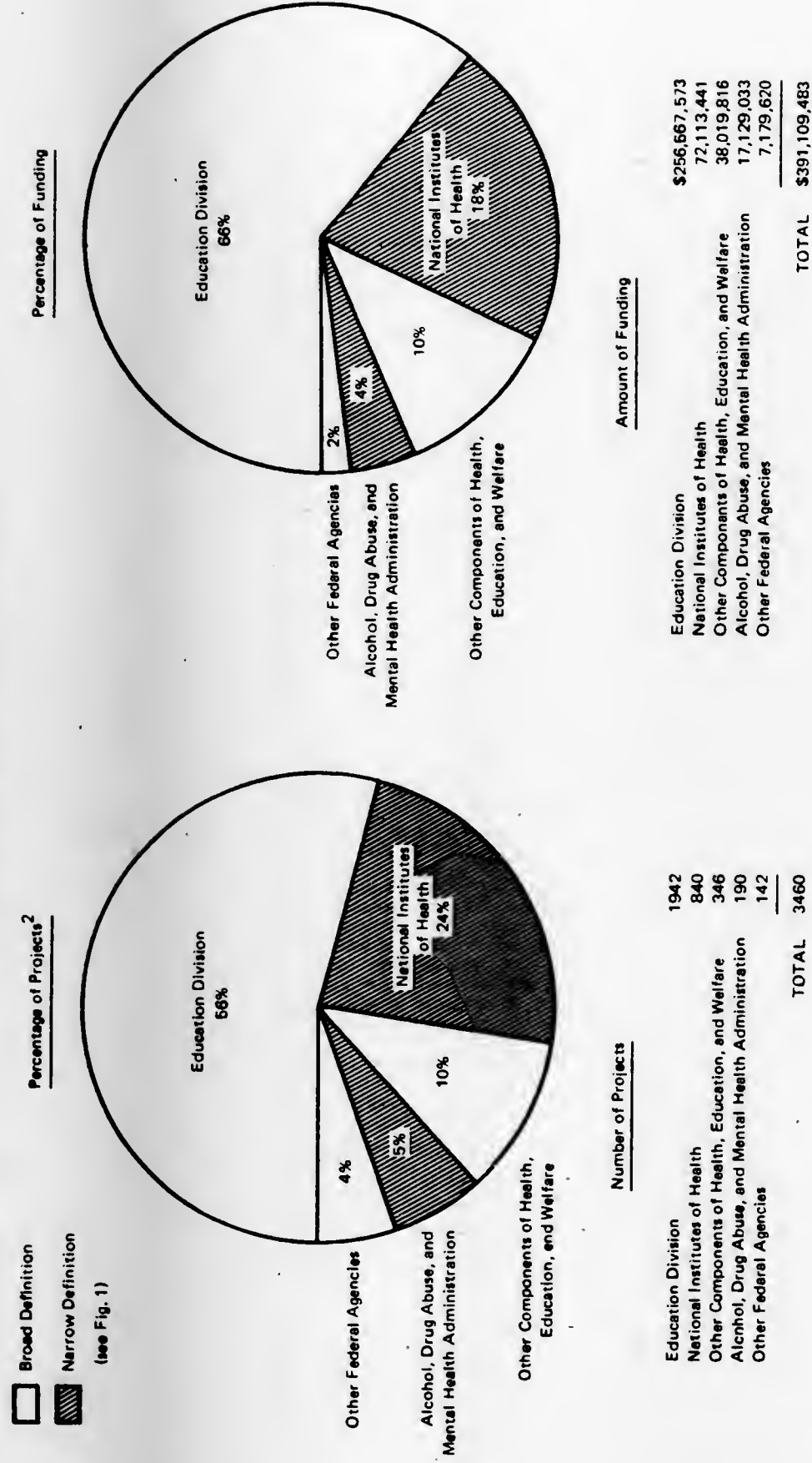


FISCAL 1975  
FEDERALLY SUPPORTED RESEARCH PROJECTS INVOLVING CHILDREN AS SUBJECTS  
AS REPORTED BY FEDERAL AGENCIES<sup>1</sup>



<sup>1</sup>Compiled from information supplied by the Chief, Research Documentation Branch, Division of Research Grants, NIH and by the Social Research Group, The George Washington University.

Fig. 2  
FISCAL 1975  
FEDERALLY SUPPORTED RESEARCH PROJECTS INVOLVING CHILDREN  
AS REPORTED BY FEDERAL AGENCIES<sup>1</sup>



<sup>1</sup>Compiled from information supplied by the Chief, Research Documentation Branch, Division of Research Grants, NIH and by the Social Research Group, The George Washington University.

<sup>2</sup>Percentages do not add up to 100% due to rounding.



## CHAPTER 3. SURVEY OF REVIEW AND CONSENT PROCEDURES

Information about informed consent, risks and benefits, and review procedures in research involving children was obtained in the Commission's larger survey of review and consent procedures for research involving human subjects. The survey, which was conducted under the direction of Robert A. Cooke, Ph.D., and Arnold S. Tannenbaum, Ph.D., of the Survey Research Center at the University of Michigan, focused on review procedures and research at a probability sample of 61 institutions drawn from the more than 420 institutions with Institutional Review Boards (IRBs) approved by DHEW.\* Research projects in which more than 25 percent of the subjects were children constituted more than one-fourth of all projects approved by sample IRBs during the period under study, July 1974 to June 1975. The Survey Research Center's report on research involving children was based primarily on interviews with 471 investigators whose research involved children, analyses of consent forms used in this research, and interviews with 144 subjects or third parties who consented on their behalf.

Research involving children was reviewed in many types of institutions, most frequently in medical schools (almost half of the research) and to a lesser extent in universities, hospitals, and institutions for the mentally retarded and mentally ill. Overall, slightly more biomedical than behavioral research involving children was conducted. In most of the biomedical research projects involving children, the subjects were identified by investigators as patients with diseases to which the research was related. The most common biomedical studies involved drug administration or examination of tissue or bodily fluids. Subjects in behavioral research were selected most frequently because of a behavioral or educational problem they were experiencing. Most of the behavioral research involved observation, testing, interviews or questionnaires; about one-fourth of the behavioral research involved the study of a behavioral intervention.

**Risks and benefits of research involving children.** Investigators provided assessments of the probability and magnitude of the risks and benefits of their research. Most risks to subjects were described as pertaining to minor psychological stress, embarrassment, or minor medical complications, and most risks were indicated to be of a "very low" probability. Higher probabilities of medical or psychological harm were reported in only about five percent of the studies involving children.

In analyzing investigators' responses to questions regarding risk, studies expected to benefit subjects were compared to studies not expected to benefit subjects. Projects expected to benefit subjects were defined as those which were reported (a) to be conducted for the primary purpose of benefiting subjects or (b) to have a medium or high probability of benefiting subjects. So defined, these "beneficial projects" made up 57 percent of the total.

Investigators' assessments of the probability of psychological stress or medical complications were substantially lower for research not expected to benefit subjects. For

example, in studies expected to benefit subjects, investigators reported a very low probability of "serious medical complications" in 18 percent of the studies, and a higher probability in an additional five percent of the studies. In studies not expected to benefit subjects, comparable figures for the risk of serious medical complications were six percent and zero percent. The only risks for which there was no difference between these types of studies were those in which a breach in confidentiality might result in embarrassment (a factor in about one-fourth of all studies involving children, usually at a "very low" probability) or in legal jeopardy (a factor in about 10 percent of all studies, usually at a "very low" probability).

**Informed consent.\*\*** IRBs showed considerable concern with informed consent in their review of proposed research involving children. About one-fourth of the investigators doing research with children reported that their IRB had requested changes in the way consent would be obtained in their studies. Almost all of these changes pertained to the content of consent forms rather than to the setting or circumstances under which consent would be obtained. Consent modifications were requested most frequently in projects that involved the secondary use of materials gathered for other purposes; the most common consent change in such research was the requirement that consent be documented in writing rather than obtained orally. Among other biomedical and behavioral projects, the most common consent change was the addition of materials to consent forms.

Oral or written consent was sought in almost all projects in which children participated, the exceptions being projects involving questionnaires (where the return of the questionnaire was seen as implying consent), routine treatment, or research presenting no risk. In almost all projects from children's hospitals and about two-thirds of the projects from other settings, investigators requested consent from third parties, usually from parents, relatives or legal guardians. Most investigators felt that such involvement of third parties protected subjects "very well" or "fairly well," but a small number indicated otherwise. The median age of subjects above which no consent was obtained from a third party was 18 years of age, while the median age below which consent was not obtained from subjects, in addition to third-party consent, was seven years of age.

Written consent forms were used in almost all research in children's hospitals and in about three-fourths of the projects in other institutions. Oral consent, without consent forms, occurred most frequently in behavioral research (18 percent), but also occurred in seven percent of biomedical studies. About 10 percent of the behavioral researchers and two percent of the biomedical researchers reported that consent forms were used in their studies, but that no oral explanation was provided.

**\*\*Because the terms "consent of children" and "third-party consent" were used in the survey, they appear in this section. As is explained in the Commission's recommendations, the Commission has generally referred to the "assent" of children in order to distinguish this from the legally effective informed consent that an adult can give, and to third-party "permission," which it believes to be a more accurate term than third-party "consent."**

The consent forms themselves were frequently incomplete in terms of six consent elements mentioned in DHEW regulations (45 CFR 46.103(c))—the purpose of the research, the procedures involved, the risks, the benefits, a statement that subjects are free to withdraw from the research, and an invitation to ask questions. Only 20 percent of the consent forms from children's hospitals and other biomedical institutions, and only five percent of the consent forms from other institutions, contained as many as five of these six elements. Descriptions by investigators of the topics covered in oral explanations added only negligibly to the report of information transmitted to subjects.

Some elements appeared much less frequently than others in consent forms. There was no description of the purpose of the research in 30 percent of the consent forms, and no description of the research procedures in 18 percent. Risks were not discussed in 54 percent of consent forms. Two-thirds of these cases were in studies described by investigators as entailing at least a very low probability of minor harm to subjects. The benefits of the research (or absence of benefits to the subjects) were not described in 64 percent of the consent forms; benefits to subjects were mentioned in only one-fourth of the forms in studies which investigators described as being expected to benefit subjects. A statement regarding withdrawal from the study was not present in 14 percent of the consent forms; however, many of these may have been from studies in which the active participation of subjects ended quickly. An offer to answer questions appeared in half of the consent forms. A description of alternative treatments might have been expected in projects designed primarily to benefit subjects. However, alternatives to participation in the research were not mentioned on more than 80 percent of the consent forms in these studies.

The survey also showed that consent forms tend to be written in language that may be difficult for the lay person to understand. A "reading ease score" was computed for each consent form, using a standard measure, the Flesch Readability Yardstick.\*\*\* In spite of the review and approval of these forms by IRBs, consent forms tended to be written in scientific language. Descriptions of the procedures to be used in the research tended to be somewhat more readable than descriptions of the purpose of the research. But, overall, fewer than 15 percent of the consent forms were written in language as simple as is found, e.g., in *Time* magazine. This raises doubt about whether many subjects would find these consent forms of substantial use to them in making decisions regarding participation in research. No information is available on the degree to which the difficult language of consent forms is mitigated by oral explanations in language more readily understood by the average lay person.

**Subjects' and third parties' perceptions of research.** A representative sample of subjects and third parties was not obtained, and data from these sources must therefore be interpreted with caution. Almost three-quarters of the respondents reported that they were given as much information as they wanted; 19 percent said that they were

\*\*\*Rudolph Flesch, *A New Readability Yardstick*, *Journal of Applied Psychology*, Vol. 18, No. 3, June 1948, pp. 221-233.

given less than they wanted. Almost all said the information was clear and understandable and that the researchers were willing to answer any questions, but 17 percent reported that they did not understand, prior to the subject's participation, that the subject "was to be involved in research." The most frequent reason given for participation in a research project was some anticipated medical or psychological benefit. Ninety-six percent of the respondents reported no unexpected difficulties, and the four percent who did report difficulties felt that they were not very serious. Sixty percent felt that the subject benefited from the research.

**IRB impact on proposals involving children.** IRBs requested modification in about 60 percent of the research proposals involving children, usually during the formal review process but occasionally through informal contacts prior to review. The most frequent modifications, occurring in about one-third of the proposals, were for clarification or additional information. As discussed above, modifications related to informed consent were required in one-fourth of the proposals. Changes pertaining to reduction of risk or discomfort were required in about five percent of the proposals.

Investigators' attitudes toward the IRBs were, for the most part, more favorable than unfavorable. Nonetheless, half of the investigators offered suggestions for improvement or expressed concern about such problems as the time-consuming nature of the review process and the failure of IRBs to discriminate between research involving high risk and research involving minimal or no risk. Their suggestions included elimination of parts of the review process (e.g., regarding research with minimal or no risk or research using previously gathered materials), elimination of written consent procedures for studies with minimal or no risk, changes in IRB composition (some want more lay representation, while others want less), and better information about the expectations of the IRB.

**Summary.** This survey indicated that IRBs give considerable attention to their review of research involving children and that significant risks, to the limited extent to which they are present in such research, are found in studies that are expected to be of benefit to the subjects. However, the survey also provided evidence of shortcomings in the obtaining of informed consent. Although oral or written consent was generally reported to have been obtained whenever appropriate, a small percentage of investigators indicated that no oral explanation had been provided, and consent forms were frequently incomplete and tended to be written in language that the lay person might find difficult to understand. Despite this, the survey provided no indication that there is widespread dissatisfaction among children or parents regarding their experience in research, although a significant minority of respondents indicated that they had not understood, prior to the subject's participation, that research was to be involved.

## CHAPTER 4. VIEWS PRESENTED BY THE NATIONAL MINORITY CONFERENCE ON HUMAN EXPERIMENTATION

In order to assure that minority viewpoints would be heard, the Commission contracted with the National Urban Coalition to organize a conference on human experimentation. The conference was held on Jan-

uary 6-8, 1976, at the Sheraton Conference Center, Reston, Va. Attended by over 200 representatives, it provided a format for presentations of papers and workshop discussions from which a set of recommendations emerged. Two sections of the Minority Conference focused on children as research subjects.

**Henry W. Foster, Jr., M.D.**, in a background paper, suggested that children not be excluded from participation in "nontherapeutic" research, since "there clearly exists the need to continue the search for better therapies and cures for the many childhood diseases that are so prevalent and devastating." However, he urged that a proper balance between risks and benefits be maintained, and that definitions of childhood take into account social and ethnic differences in age of maturation. He recommended that parental consent for the participation of children in research be accepted as legally and ethically valid, and that no socio-economic groups participate disproportionately as research subjects.

**Crystal A. Kuykendall, Ph.D.**, spoke about institutionalized children, emphasizing the disproportionate numbers of minority children who are labeled mentally retarded or mentally disabled and placed in institutions. She indicated that these children are most vulnerable to the effects of institutionalization. Citing a 1975 study on the Futures of Children, by Vanderbilt University, she noted that there are currently 200,000 individuals in public institutions who are diagnosed as mentally retarded, and thirty percent of these are children. She urged the development of alternatives to institutionalization for all but the most severely disabled individuals, better criteria for diagnosis, and better educational methods to develop the capacities of each person as fully as possible.

The Conference Workshops on Children submitted recommendations which included: (1) A prohibition of the exploitation of any one segment of the child population; (2) an exclusion of institutionalized children from research, except that which is designed to improve their conditions; (3) a prohibition of the use of psychosurgery on children; (4) the consent of a children's advocate in addition to that of parents; and (5) the consent of children over age seven when their participation in "nontherapeutic" research is solicited.

## CHAPTER 5. VIEWS PRESENTED AT PUBLIC HEARINGS

On April 9, 1976, the Commission conducted a public hearing on the issue of research involving children. Summaries of the testimony follow.

**William Charlesworth, Ph.D. and Julius Richmond, M.D.** (Society for Research in Child Development) presented the results of a survey in which a sample of the Society's members were polled regarding their research practices. The sample included investigators involved in a wide variety of pediatric research, although it is almost entirely behavioral rather than biomedical. A majority of the investigators were funded by DHEW or other federal agencies. All of the investigators reported that they followed a specific code of ethics, and 80 percent reported that their research is reviewed by an ethics committee. Ninety-six percent reported that they had worked at one time with normal subjects, 31 percent had worked with handicapped or retarded subjects, and 25 percent had worked with institutionalized persons.

A third of those studying preschoolers obtained consent from the children as well as from parents (or, in a very few cases, from school officials). From that age group on, there was a greater tendency to obtain consent from the subjects. Eighty-three percent mentioned that they informed the subjects that they may refuse to participate or withdraw from the study at any point without prejudice. Deception was employed by 23 percent of the investigators if they felt it necessary for research purposes, and approximately 40 percent reported that they used various kinds of inducements or compensation to persuade or reward subjects or parents to participate in the research. (The offer of compensation for participating is often viewed as an inducement to persuade.)

Respondents were asked to answer questions about risks involved in their own studies and to identify any occurrences of injury. Physical risks were a possibility in only four of the 3,400 studies represented in the sample, and psychological/social risks were reported in less than 2 percent of the sample (60 studies). None of the physical risks led to any known undesirable consequences, but in about 13 cases, subjects reportedly experienced some consequences of the psychological/social risks, most of which appeared to be short-term. Thus, in only ¼ of 1 percent of the 3,400 studies were children placed at any risk, and no serious or long-term injury was reported. The questionnaire also inquired about the risks posed by studies not conducted by the respondents but about which they had first-hand knowledge. The survey revealed that 9 respondents were familiar with a total of 16 studies involving some sort of physical risk and with 173 studies involving psychological/social risk. Dr. Charlesworth believes that this survey indicates that the overwhelming majority of investigators maintain a high level of research ethics. The Society recommends that the potential dangers involved in the use of deception (e.g., the child's losing trust in adults) be studied further, that there be increased education about the importance of research ethics, that review procedures be improved and that, if necessary, professional sanctions be invoked in cases of proven violations.

**Edward F. Zigler, Ph. D.** (Division of Development Psychology, American Psychological Association), suggested that investigators should educate the public about the nature and benefits of behavioral studies involving children in order to dispel suspicion and distrust. In addition, they should develop enlightened informed consent procedures which respect the child's wishes as much as possible, although Dr. Zigler acknowledged that it is difficult to determine when a child is possessed of sufficient understanding that he or she should be consulted. He urged that investigators turn their attention more frequently to applied science to enrich both the theoretical structure of their field and the quality of life in our society. He further suggested that the Commission develop guidelines which protect both the rights of subjects and the rights of behavioral scientists, so that the latter may continue their exploration of human behavior. Should the task of the behavioral scientist ever become impossible, the ultimate loser will be society. Dr. Zigler believes that increased parent involvement in the research process, especially in institutional settings, is a crucial step in resolving the problems of distrust which, he believes, threaten research activities.



Frank Oski, M.D. (Society for Pediatric Research), presenting the testimony of Frederick C. Battaglia, M.D., described a variety of major contributions arising from pediatric research. He urged the Commission not to try to distinguish, in all cases, between "therapeutic" and "nontherapeutic" research, but rather, to focus on evaluation of risks. He suggested that the proper protection of children involved in long-term studies of development, maturation and aging could be accomplished without a cumbersome review mechanism. In cases where child abuse is present or likely, however, as well as in adoption and juvenile delinquency programs, he suggested there may be a need for an advocacy system. Dr. Battaglia expressed concern that the government's continued diversion of training funds from research to primary care will further reduce the pool of investigators who may be best qualified to judge the merits of research involving children. He suggested two review mechanisms: (1) For "therapeutic" research protocols where "parenting" is adequate and parental consent appropriate, the review should be conducted by the IRB which should include experts in pediatrics and child psychiatry; (2) for all "nontherapeutic" research protocols and any "therapeutic" research where the question of adequate "parenting" is raised, an "Ethical Review Group" at NIH would be responsible for review and no local review would be required. In no case should the investigator also serve as the child's physician. Long-term studies requiring normal controls and involving procedures of minimal risk should be permitted without burdensome review.

Alvin M. Mauer, M.D. (St. Jude's Children's Research Hospital), testified primarily about research involving children with cancer. He emphasized the importance of random assignment of children to different treatment programs in order to evaluate the efficacy of the new therapies. Further, he views the random assignment of subjects as preferable to asking parents to choose which treatment their child should have. Dr. Mauer warned that if local protection committees are required to review each patient's consent form, committee review might become a rubber stamp operation. In addition, he prefers local review to national review since IRB members are closer to the issues and bureaucratic problems are avoided. The consent of both parents should not always be required for "therapeutic" research, nor should a child's formal consent be a prerequisite for all "therapeutic" research procedures. Dr. Mauer proposed that about five percent of the children and parents involved in a particular research protocol be questioned to determine whether they understood the consent forms.

Sheridan Nelmark, Esq. (National Society for Autistic Children), indicated that the Society is deeply concerned that federal legislation may inhibit research of potential benefit to children and severely impaired adults. They believe that existing regulations are sufficient and suggest that certain provisions be reconsidered (e.g., requiring incompetent children and both parents to consent to a research protocol). The consent of both parents should not be required if one parent has legal custody or if the other parent cannot be located after a reasonable effort has been made. While the Society does not approve of the use of patients as research subjects before appropriate or adequate animal studies have been conducted, it believes that careful and discriminating

investigators should be supported. Studies involving high-risk drugs should be permitted as long as there is strong evidence that they may benefit the patient. Parents should have the option of vetoing their child's participation in any research they feel would be detrimental. Information on the risks, benefits, and any known side effects of experimental programs should be provided whether or not the parents request such information; and parents should be free to refuse their child's participation in any experiments which are not an integral part of their overall treatment program without prejudice.

Bertrand G. Winsberg, M.D. (State of New York Department of Mental Hygiene), expressed his concern about two major issues: minority group participation in research and the appropriateness of obtaining informed consent from children. He stated that the assertion that the poor and ethnic minorities are being exploited by researchers has only partial validity. Much of the research data collected from these populations contributed significantly to their health care and, in many instances, only to theirs (e.g., nutrition studies). To inhibit research involving minorities will reduce the quality of resources and services available to them, and to restrict "nontherapeutic" research will handicap efforts to understand the nature of many disease processes. Dr. Winsberg sees no way in which to present research protocols to children so that meaningful consent can be obtained; in addition, he believes that subjecting children with physical or behavioral disabilities to such consent procedures may be harmful since it would expose them to requests which characterize them as abnormal. He further believes that the biomedical research establishment could be regulated effectively, like any other business, through federal and state agencies, although he would like to avoid a complex and unworkable bureaucracy. In the last analysis, he said, various responsible and knowledgeable agents of society must determine whether the risks and discomforts of any procedure are justified in the case of given children, taking into consideration the needs of both the research subject and the social system. Finally, Dr. Winsberg urged that a mechanism be incorporated in any new regulation to assess its effectiveness. In response to a question, Dr. Winsberg indicated that he viewed the problem of distinguishing between "therapeutic" and "nontherapeutic" research as insoluble.

Norman Kretchmer, M.D. Ph. D. (National Institute of Child Health and Human Development), stated that since any biological or behavioral event which occurs in children is intertwined with their growth and development, two conclusions follow: (1) Children must be studied in order to advance pediatric medicine, and (2) the long-term effects of any procedures which are performed on a child must be considered. Dr. Kretchmer offered the following recommendations: (1) Children with no natural or adoptive parents, children detained by court order in a residential facility, and institutionalized handicapped children should be excluded from participation in "nontherapeutic" research involving risk; (2) a list of clinical procedures deemed to be without risk (e.g., collecting blood, urine and stool samples) should be exempted from the review process, but not from the informed consent requirement; (3) minors should be given the opportunity to refuse to participate in "nontherapeutic" research, and such

a refusal should be honored (children might be more inclined to express their fears or objections to research if placed in a discussion group of three or four peers); and (4) panels reviewing protocols involving the use of children should include among their members a child advocate from outside the research community. It is extremely important, he added, that parents participate in the research process on a continuing basis.

Jean A. Cortner, M.D. (Association of Medical School Pediatric Chairmen), described many advances in pediatric care which have reduced infant mortality and profoundly affected child health. Dr. Cortner believes that basic and applied research are both necessary and should not compete with each other. A middle ground must be cultivated between children's right to a better tomorrow (through the acquisition of new knowledge) and their right to a safe today. Dr. Cortner believes that safety can be assured through proper peer review. Since young children cannot give informed consent, their parents or guardians, who bear responsibility for their welfare, must give consent. Research which will place children at unnecessary risk must not be allowed, but research which promises to improve the health of everyone should be encouraged.

Elizabeth J. Levinson, Ph. D. (Psychologist, Orono, Maine), expressed concern about three issues: (1) The "Buckley law" which places restrictions on the release of data from school records to outsiders, (2) the entry into these records of certain types of data, and (3) restrictions on the administration of tests to children without "fully informed" parental consent. These restrictions conflict with state laws requiring that children be evaluated to determine the presence or absence of certain handicaps and they interfere with the research aims of the Office of Child Development and the National Center on Child Abuse and Neglect. Dr. Levinson has found that parents who abuse their children, who are emotionally unstable or are mentally retarded, are least likely to consent to studies of family interactions, I.Q., or psychological status. By informing the parents, the children, or both, of the purpose of such studies, there is a real danger of introducing anxieties and other harmful effects. Hence, there is an urgent need to modify the disclosure requirements for such research projects. Dr. Levinson suggested obtaining informed consent from the parents but not necessarily providing them with a full description of the study. She suggested further that giving parents complete control over their children and an almost absolute right to privacy appears to be based on an assumption either that all parents are good and wise or that children have no rights. Dr. Levinson has discovered, however, that some parents are unwise and may invoke privacy to veil child abuse and neglect. She urged the Commission to resolve this conflict between the rights of parents and the rights of children.

Mr. Robert A. Bogorff (Candlelighters, South Florida Chapter), explained that the Candlelighters are especially interested in pediatric cancer research. They advocate careful monitoring of institutional review committees and suggest the IRB composition include more nonbiomedical members. Both the chairman and co-chairman of these committees should be required to demonstrate their knowledge of policies and laws regulating research. Further, since patients' advocates are essential and must be

free to devote as much time as necessary to their duties, the Candlelighters recommend that funding agencies provide salaries for them. They should be well read in medicine, law and ethics and be able to work on a professional, full-time basis. They believe further that it is unrealistic to assume that parents of young cancer patients will comprehend a full statement of research procedures after one reading, while surrounded by hospital personnel and by other family members under similar stress. Rather, they say "parents will sign anything when confronted with cancer." They question the prevailing practice of random assignment to treatment groups and urge the Commission to give careful consideration to this problem. Finally, they are concerned about the inherent conflict in the doctor's dual role of physician/investigator, and about the lack of provisions for compensation for injury.

Joseph A. Bellanti, M.D. (American Pediatric Society), stressed the importance of research involving children for improving pediatric medicine, the distinction between "therapeutic" and "nontherapeutic" research in children, the varying levels of potential risk in "nontherapeutic" research in children, the role of the child and the parent in the consent process, and the equitable allocation of the risks and benefits of research. Dr. Bellanti suggested that children should be involved as much as possible with the consent process depending upon their level of understanding. A child's refusal to participate in a "therapeutic" procedure need not be respected if the parents or the courts are in disagreement, but for "nontherapeutic" research, the child's wishes should govern. He recommended that a detailed description of the research protocol be given to the parents and that the results of investigations be made available to them unless they specifically request not to be told. To avoid conflicts of interest when the attending physician is part of the research team, someone else should be prepared to serve as the child's and parent's advocate.

George G. Graham, M.D. (American Institute of Nutrition), noted that our knowledge of pediatric nutrition is limited, and we lack even a definition of desirable growth rates for infants and children. Most of our knowledge about nutrition derives from research with animals; at some point, it must be confirmed in humans. Well over 50 percent of all nutritional research is conducted outside of the United States, primarily because in poor countries the question is one of survival. In this country, however, evidence is increasing that infant and child feeding practices may influence degenerative vascular disorders and other diseases which occur in adults. Longitudinal nutritional studies involving normal infants and children must be conducted if progress is to be made in determining proper levels of nutrients and ideal growth rates, or in developing alternative ways of meeting nutritional requirements which can be proven safe for children of varying ages, health status and heredity. Subjects of nutrition research should be followed for as long as one's resources permit; and nutritional supplements should not be withdrawn abruptly at the end of a research project. (This is a major source of concern when conducting research on food supplements in impoverished areas.) Dr. Graham was not aware of any experimental feeding programs for the institutionalized mentally retarded, though there have been studies correlating nutrient intakes

with the development of institutionalized children. Generally, institutions are not desirable sites for these studies. Negotiations for conducting research overseas generally involve community representatives.

Richard B. Stuart, D.S.W. (Association for Advancement of Behavior Therapy), spoke about behavior therapy and the development of innovative services for youth. Generally, these programs utilize the least intrusive technology available to enhance social functioning. According to Dr. Stuart, if research means monitoring the effect of an intervention, then behavioral research and therapy are indistinguishable. He identified three stages of research: (1) The evaluation of existing services; (2) the development of innovative methods; and (3) the large scale testing of methods which have withstood developmental evaluation. The omission of any stage, he said, would seriously hinder proper delivery of services. Dr. Stuart recommended that research, be founded upon an explicit contract between the investigator and the participant, and he took the view that parents have the right to offer informed consent on behalf of their children. The point at which children are able to act as their own agents is difficult to define. Requiring participants to give written answers to questions about the research is one method suggested for determining the adequacy of informed consent. Dr. Stuart urged the Commission to endorse the following principles: (1) That all children have the right to carefully evaluated programs; (2) that children must have the opportunity to participate in the development and evaluation of programs of which they are the beneficiaries; and (3) that the rights of children as research participants can be protected through the development of precise standards which are strengthened by the addition of behavioral tests of compliance.

Marvin Cornblath, M.D. (the Endocrine Society), stated that advances in pediatric endocrinology and metabolism depend upon knowledge of normal values; this requires the study of normal infants and children. The goal of research must include discovering the etiology of diseases in order to prevent them. Dr. Cornblath urged that a subcommittee of the IRB should monitor all research involving children and that it should include child advocates among its members. Further, he recommended that consent of one parent be deemed adequate, and suggested that review boards develop a sliding scale for consent based on the age of subjects and the procedures involved. He noted that the parents have the final say about their child's participation in research, but that the protocol should be fully explained to the child. Any effort to establish a specific age of discretion would be unnecessarily restrictive. He questioned the morality of depriving infants and children of the potential benefits of well supervised and controlled clinical research.

Sanford Cohen, M.D. (American Academy of Pediatrics), stated that reliance upon pharmacological data obtained in animal models and adults has been proven inadequate; further, infants and children must participate in the testing of drugs because adult counterparts to pediatric conditions do not always exist. The Academy believes that clinical investigations in pediatric pharmacology must continue, but under stringent requirements for review and monitoring. Studies should not be conducted, even if they entail minimal risk, if no benefits are

anticipated. If "nontherapeutic" investigations are to be conducted in children, only agents that are generally regarded as safe in the dose to be administered should be used; further, if such studies involve pain or discomfort in excess of that associated with usual hospital procedures or clinic visits, they should be done only in children mature enough to offer their own consent (in addition to that obtained from their parents or guardians). In general, when children are conscious and neurologically competent, consent should be obtained from those who have reached the age of thirteen; and assent should be obtained from children aged seven or older after their legal guardian has consented but before the child is enrolled in the study. Dr. Cohen supported the inclusion of patient advocates on the review committee.

James J. Gallagher, Ph. D. (Frank Porter Graham Child Development Center), highlighted three major research issues: confidentiality, informed consent and the protection from harm and exploitation. He urged the inclusion of child advocates along with members of the public on institutional review committees. IRBs should have unrestricted access to records and the power to approve or disapprove research on institutionalized children. In addition, parents should be continuously involved in the consent process, particularly if their child is institutionalized. Dr. Gallagher believes that observing normal procedures (e.g., observing interactions in a classroom) is not an intervention requiring informed consent. Dr. Gallagher emphasized the great risks in severely restricting research, urging that future generations have the right to a better chance for full growth and normal development.

Annina M. Mitchell, Esq. (Michigan Legal Services), charged that institutionalized children are exploited for research purposes (especially by drug companies) because they are cheap, accessible and out of the public's eye. Her position is that institutionalized minors cannot constitutionally be used as subjects in biomedical or behavioral experimentation because the politics of institutionalization preclude valid third party consent, and the children are in no position to give adequate consent because of the coerciveness of the institutional setting. Recently, she said, the Michigan State Department of Mental Health adopted administrative rules which prohibit the use of recipients of department services as subjects in medical research if they are under 18 years old. She urged the Commission to adopt a similar position. Ms. Mitchell is concerned that some experimentation in the name of mental health raises the spectre of increasing classification of children as deviant, and that such labeling will take its toll in later years. She asked the Commission to impose a moratorium on research involving children until it can determine whether, and under what conditions, such experimentation should be sanctioned.

Judson Van Wyk, M.D., and Maria New, M.D. (the Lawson Wilkins Pediatric Endocrine Society), stated that studies in adults or in experimental animals are not adequate to understand, diagnose and treat abnormalities which occur during childhood. Further, Dr. Van Wyk said, the subjects of research benefit from their participation by receiving more attention and consideration than those treated solely in a therapeutic context. He recommended that local committees have the primary responsibility for



continuing review of research, and that they be empowered to approve no-risk projects. In addition, a National Clinical Research Advisory Board should establish policy and review all questionable research. Restraint should be exercised before inflexible standards are imposed, for we should not exclude children, as a class, from the benefits of new knowledge. In some instances, he added, it is difficult to distinguish between "therapeutic" and "nontherapeutic" research; and often, there can be no "therapeutic" research without "nontherapeutic" research.

Donald F. Klein, M.D. (Long Island Jewish-Hillside Medical Center), suggested that the biomedical investigator cannot claim the privileges of the medical practitioner when research is aimed at generating new knowledge rather than providing service. Experimentation involving nonpatient: (1) Should entail low risk to the subject and society, (2) should be likely to benefit society, and (3) should be founded upon well established procedures for experimental intervention. In addition, the experimental effect should be easily reversed and temporary, and there should be no other alternative procedure which can yield the information. The subject or the subject's guardian should be able to comprehend the nature of the experiment. Dr. Klein believes that the protection necessary for "therapeutic" research has been exaggerated, especially since research often occurs under the rubric of professional services. He suggested that the social trust in researchers could be bolstered by certification of investigators. Institutional Review Boards should be composed of certified investigators, along with lay members and ethicists, with an opportunity for appeal to a board of biomedical research. Dr. Klein argued that to prohibit the use of sick children and the mentally ill as experimental subjects, when no feasible alternatives are available, is to condemn them to continued suffering. He suggested that instead of a contract model of consent, the IRB assist in determining the appropriate participation of children and the incompetent.

Robert Reichler, M.D. (American Academy of Child Psychiatry), believes that when the needs of suffering individuals conflict with community priorities, the individual should come first. However, this is not always the case. He described the diversity of pediatric mental health problems in this country to emphasize the enormity of the challenge to science, adding that the clinician is often characterized as warm and compassionate, while the investigator is viewed as cold and unfeeling. As a result, poor clinical treatment is more readily tolerated than good research because it is assumed that children in behavioral research projects are at a greater risk than those receiving no treatment, or poorly evaluated drugs. Dr. Reichler believes that obtaining fully informed consent from children is unrealistic and legally impossible, whether they participate in research or in treatment. Whenever parental protection is inadequate or unavailable, additional review mechanisms should be invoked. When normal controls are required for a study, and samples of substances have been obtained for some other appropriate purpose, the samples might be utilized in such studies if no additional burden or risk is placed on the child. The rights of children include the right to better, safer, and more adequate treatment as well as protection from unnecessary risks

and exploitation. While additional guidelines for review committees may be useful, Dr. Reichler urged that rigid barriers to research involving children not be imposed.

Robert L. Sprague, Ph. D. (Institute for Child Behavior and Development), urged the Commission to view research on children from the standpoint of social costs and benefits. The parents of handicapped children often expect the development of new information and new techniques to help them with their problems, and Dr. Sprague considers that expectation to be reasonable. He challenged the assumption that accepted clinical practice always involves less risk than an experimental procedure, citing several experimental programs for retarded and handicapped children which proved more beneficial than standard practice. He urged the Commission to weigh the cost, in humanitarian terms, of whatever regulations for human experimentation they may recommend.

Mrs. Gladys Kazyak (National Coalition for Children) is particularly concerned about behavior modification programs which are offered in schools under the guise of compulsory education. She views the school system as a form of involuntary institutionalization, and challenged both the methodology and objectives of behavior modification programs in such settings. In addition, she feels that any behavioral research involving deception is dishonest and should be eliminated. The consent of both parents should be required, and there should be no substitutions. All research protocols should include an evaluation of the potential effect they will have on the subjects, and investigators should accept responsibility for the outcome of their investigations. Unethical research should be eliminated by withdrawing public funding; ethically acceptable research should continue.

Marian R. Yarrow, Ph. D. (National Institute of Mental Health), emphasized the need for "nontherapeutic" behavioral research involving children. She made four comments about informed consent: (1) It has many levels of meaning for different kinds of children; (2) it is a continuing process and not a one time affair; (3) it is improper and meaningless to propose an age at which a child may give informed consent, since there can be no single criterion; (4) we must question the purpose of informed consent. Dr. Yarrow suggested that the issues of informed consent are different for medical studies involving risk than for behavioral studies without risk. Occasionally, fully informed consent may pose an additional hazard to the subject, or full disclosure may result in biased findings. Complete parental control of the consent process assumes that parents always act with both good will and good sense. Since this may not always be true, the child's wishes should be respected. In long-term studies, one should reinstate and reevaluate consent from time to time. When an investigator uncovers some potentially serious problems during the course of research, the investigator's responsibility is unclear, particularly with regard to confidentiality. The investigator should allay the fears and anxieties of the subjects after the study is completed, and provide additional information when necessary. To assure that scientific objectives do not overshadow an evaluation of the effects of a study on children, the investigator should be knowledgeable about their vulnerabilities and capacities, always attending to the social and psychological child as well as the biological child.

#### CHAPTER 6. PSYCHOLOGICAL PERSPECTIVE

Lucy Rau Ferguson, Ph. D., a developmental psychologist, wrote a paper for the Commission on "The Competence and Freedom of Children to Make Choices Regarding Participation in Biomedical and Behavioral Research." She emphasizes, first and foremost, that the child is a person and parental consent should therefore be a necessary, but not sufficient, condition for children's participation in research: "Investigators should conduct research so as not only to respect but to enhance the child's developing capacity for informed choice." An important aspect of research involving children, she suggests, is that they can learn from the experience that the generation of knowledge is, in itself, a good; in addition, the most legitimate motive for involving children in research is an appeal to their intrinsic curiosity and their developing sense of altruism.

Investigators should never offer incentives which are so great as to overcome a child's reluctance to participate, nor should pressure be brought to bear on peers, parents or others in authority. The child should be given as much information as he or she is capable of understanding; and this will vary with the nature of the research, and the maturity of the individual child. In general, according to Ferguson, informed consent of the parents should be sufficient for infants and toddlers; but pre-school and primary age children should be given explicit information about what participation in research will mean and about the purpose of the research, since children of this age can understand considerably more than they can articulate. (It is important to keep in mind that the investigators should have experience and competence in working with children.) For the pre-adolescent (school age) child, participation should be based upon the same principles of informed consent as apply to adult subjects (including, if appropriate, signing a consent form), although parental consent should be obtained as well. At this age, children are quite capable of understanding what is involved in most studies, if the problem is stated in nontechnical language. Investigators, according to Ferguson, should never underestimate the curiosity or the capacity of school-age children for making informed choices; and participation in research which is an informative and positive experience can have the function of strengthening a child's scientific curiosity. The adolescent should be treated as an adult so far as "nontherapeutic" research is concerned (although parental consent should be obtained as well for those who are still legal minors), for it is particularly important to adolescents that their autonomy and competence be respected.

Ferguson believes that children of all ages should be treated with honesty; therefore, research that involves deception should not be undertaken, for children will only learn from such experiences that scientists are not to be trusted. Incomplete disclosure is acceptable, in some instances, so long as the children are given a fair explanation of what their participation will involve. Privacy should be protected; and parents of young children should be informed of any conditions which warrant attention. Parents, and children who are old enough to understand, should be given reports of the findings of the research.

#### CHAPTER 7. LEGAL ISSUES

There is currently a legal trend toward emancipation and expansion of children's

rights. Considerable tension remains, however, between emerging rights of children to exercise self-determination, on the one hand, and the traditionally-held rights of parents and the state, on the other hand, to protect children from their own judgment and to insist that their behavior conform to what is determined to be in their own best interests, in the best interest of the family unit, or in the best interest of the state.

According to the common law, as in the philosophy of Hobbes, Locke and Mill, children are chattels of their parents and wards of the state, owing obedience in return for necessary care. Parents have the authority to control their children, to educate them, and generally to provide for them, with the state reserving the right, as *parens patriae*, to intervene when parents fail in their duty to provide and protect, or when discipline oversteps into the realm of cruelty. Children have no right to liberty, but only to custody; and the underlying presumption is that parents and society act in the best interests of the child.<sup>[1]</sup>

Children's rights as against their parents or the state have been enunciated recently in several broad areas: education, divorce and custody proceedings, juvenile delinquency and civil commitment. The notion that parent's interests always coincide with those of their children, or that the state will always act in the best interest of its ward, has been challenged and at times has yielded to a determination that the rights of children may not always be properly represented by their parents or the state.<sup>[2]</sup> In the area of consent to biomedical and behavioral research, however, there has been little development of a judicial or statutory body of law. Before examining these few articulated rules, it would be appropriate to review the capacity of children and the authority of parents to consent to related and other interventions.

The primary issue with respect to the applicability of the doctrine of informed consent is the capacity of the child to comprehend and weigh the benefits and risks of proposed research. Although a child may be conclusively presumed to lack the capacity to consent in certain contexts (e.g., to contract for non-necessary items or to make a will), there are other situations in which capacity is an issue of fact to be decided on a case-by-case basis.

For example, in certain circumstances a child may be precluded from recovering damages for negligent acts toward the child if the defendant can prove that the child "assumed the risk." The assumption of risk defense is a question of fact which depends on finding that the child was aware of, and appreciated, the known risks in his or her conduct and nevertheless engaged in it. Thus, in a suit by a 15-year-old high school student against his school system for severe injury (broken neck) sustained in a football game, the court stated that an athlete may be taken to consent to physical contact consistent with the understood rules of the game.<sup>[3]</sup> On the other hand, children at a very young age may be conclusively presumed to be unable to assume all types of risks.<sup>[4]</sup>

The area of law most pertinent to the issue of consent to research for the direct benefit of the minor is that involving consent to medical treatment. The issue of consent usually arises in one of three situations. First, in a suit by a minor against a physician for assault and battery, the physician will attempt to argue that the minor's

consent is a sufficient defense. Second, a state legislature may create exceptions to the general rule of incapacity of minors to consent to medical treatment by permitting consent to specific treatment without reference to parental consent. Third, a constitutional right of the minor may be violated where the state reinforces parental authority to consent to certain treatments of a minor without the latter's consent.

The area of law having relevance to issues of research not involving direct benefit to the minor concerns consent by a minor-donor to be involved in skin, kidney or bone marrow transplantation. Finally, there is one reported case specifically dealing with participation of minors in research.

**Direct Benefit to the Minor: Law of Treatment.** The law in most states is that parental consent is necessary and sufficient for treatment of persons under 18 years of age (see Table 1).<sup>[5]</sup> Three exceptions to this general rule have been incorporated to various degrees. First, courts have implied legally valid consent on behalf of the minor when there was an emergency condition threatening the child's life or serious bodily harm and the parents could not be reached quickly.<sup>[6]</sup> Legislatures in a number of states have expanded the definition of emergency to include immediate danger to the "health" or "mutual well-being" of a child.<sup>[7]</sup>

Second, courts and legislatures have found "emancipated minors" to be capable of giving legally valid consent to medical treatment. The definitions of emancipation have varied somewhat among the states, but usually refer to minors who are married or maintain their own residence and manage their financial affairs.<sup>[8]</sup>

Third, a minority of courts and legislatures have adopted the so-called "mature minor" rule. The rule originated in several decisions holding a doctor not liable for assault and battery where the consenting minor patient (between 17 and 19 years of age) was sufficiently intelligent to comprehend the nature and consequences of a proposed treatment.<sup>[9]</sup> A few legislatures have enacted such a rule, thereby making capacity to consent primarily an issue of fact.<sup>[10]</sup>

Another method for carving out exceptions to the general rule of exclusive parental authority to consent has been legislation of age limitations on an ad hoc basis. The conditions meriting the attention of the legislature have involved public health problems with high social costs (e.g., venereal disease and drug abuse) and other sex-related health care (e.g., contraception and pregnancy, excluding abortion). Some states have set a minimum age floor with respect to certain treatments while other statutes permit VD treatment to any consenting minor. (See Table 1.)

While many recent pronouncements of children's rights are articulated in an affirmative manner, several court decisions have expanded such rights by striking down statutory restrictions on the autonomy of children. In so doing the courts have limited the authority of parents to act as primary protector and judge of their children's best interest.

A leading case is *Planned Parenthood of Central Missouri v. Danforth*,<sup>[11]</sup> where the United States Supreme Court invalidated a state statute requiring parental consent to an abortion on a minor. Building upon Supreme Court cases which had found minors to possess protectible constitutional rights,<sup>[12]</sup> the court held, in a sharply di-

vided decision, that the statute, which reflected an interest in the safeguarding of the family unit and of parental authority, impermissibly infringed upon the "competent" minor's constitutional rights of privacy.<sup>[13]</sup> Vigorous dissents from this opinion supported the right of parents to guide their children and right of the state to protect the immature from imprudent decisions.

The *Planned Parenthood* decision, however, does not provide clear-cut answers for determining the scope of a minor's right of privacy with respect to other medical treatments. While the Court emphasized that not every minor, regardless of age or maturity, could legally consent to an abortion, it did not set out a test for "competency." Moreover, only an absolute parental veto over the abortion decision was invalidated. In a companion case the court left open the possibility that requiring parental consultation or a court order authorizing an abortion if in the minor's best interests may not "unduly burden" the minor's constitutional right.<sup>[14]</sup> Furthermore, the Court expressly reserved the issue of whether different consent requirements may be maintained for different medical procedures.<sup>[15]</sup>

In *Carey v. Population Services International*,<sup>[16]</sup> the Supreme Court recently struck down a statute banning the sale of nonprescription contraceptives to minors under the age of 16 years, but only four justices relied on the *Planned Parenthood* holding on abortion as the a fortiori rationale for extending minors' rights to the area of contraceptives.<sup>[17]</sup> Two justices joined the result, on the grounds inter alia that the statute prohibited parents from distributing contraceptives to their children, thereby infringing their constitutional interests in the rearing of their children.<sup>[18]</sup> Thus the issue of the unit of autonomy at stake (and also the standard of judicial review to be utilized in evaluating restrictions on a minor's access to treatments) remains to be decisively settled. Moreover, even the four-man plurality failed to elaborate upon the statement in *Planned Parenthood* that not all minors, "regardless of age or maturity, may give effective consent."<sup>[19]</sup>

With respect to treatment of mental illness, a three-judge federal district court has limited parental authority by striking down a statute permitting civil commitment of children to state mental institutions by virtue of parental consent. The court enunciated various due process rights to which a minor is entitled, including a hearing, right to counsel and to confront witnesses, and requiring the state to prove the need for institutionalization by clear and convincing evidence. (The case was appealed to the Supreme Court, which vacated the result and remanded the case for reconsideration by the three-judge court, on the grounds that the facts of the case had changed and required a new review.<sup>[20]</sup> The California Supreme Court has also invalidated procedures for admitting minors, if 14 years or older, to state mental hospitals upon parental consent where the minor has not voluntarily acquiesced in the decision and thereby waived his or her due process rights to a commitment hearing.<sup>[21]</sup>

The state may also limit parental authority in another sphere of medical treatment decision-making: the decision to refuse medical treatment. The state may override the parent's refusal to seek treatment by resort to its *parens patriae* authority, as



complemented by "neglect" statutes. When the child's life is in immediate danger, a court can clearly authorize treatment. The more difficult cases involve a state claimed need of a minor for elective surgery that is at odds with the parents' own system of values. Some decisions superimpose the state's interest in providing a more "normal" psychological environment over the parents' judgment.[22] Other courts, however, have upheld parental authority to refuse elective surgery,[23] especially where the child's desires have been taken into account.[24]

In conclusion, a reasonable inference from the law of consent to medical treatment is that consent to research holding out the prospect of direct benefit is probably similar enough to bring the same doctrines into play. Nevertheless, consent to research has been virtually unanalyzed by courts and legislatures. It is possible that age floors for consent to various types of research might be as uneven as age floors for various types of treatment. For example, state statutes authorizing minors to consent to venereal disease or drug abuse treatment are silent with respect to consent to behavioral research, e.g., survey questionnaires regarding minors' need for such treatment. It is reasonable for a court to construe such legislation as providing for an identical age limit with respect to research on such treatment; answers to such a survey questionnaire would enable state authorities to design better methods for effectuating the public health purposes embodied in the statutes. Thus, a national research policy must be flexible enough to allow for the varying consent standards among the states for biomedical and behavioral interventions that hold out the prospect of direct benefit to the child.

*No Direct Benefit to the Minor: Law of "Donation."* The only area of authority in a related context bearing upon the issue of consent to research interventions that are not for the direct benefit of minor subjects is that involving donation by minors of kidneys, skin grafts and bone marrow. In these cases, the donors are undergoing medical procedures that are not for their direct benefit but rather for the purpose of saving the lives of relatives. *Bonner v. Moran*[25] is the leading case on the necessity (but not necessarily the sufficiency) of parental consent for an intervention that involves risk and no direct benefit to the minor. Bonner was a 5-year-old who was persuaded by his aunt to donate skin for a graft to his seriously burned cousin. Bonner's mother did not know of the first operation beforehand. She was later advised that her son was returning to the hospital to be "fixed up," and she did not protest. Subsequently, an action for damages for assault and battery was brought. Evidence was presented that the mother had publicly expressed pride in her son's courage. At issue was whether parental consent was necessary and whether the mother had given consent by implication or ratification. The trial court instructed the

jurors that if they believed the boy was capable of understanding the nature and consequences of the operation and had actually consented, parental permission was not necessary. The jury so found. On appeal, the court held that the jury should have been instructed that parental consent was necessary, because the operation was not for the benefit of the child in question and involved "sacrifice on the part of the infant of fully two months of schooling, in addition to serious physical pain and possible results affecting his future life." [26] Thus, the trial court's reliance on a mature minor exception to the requirement for parental consent was rejected on the ground that such exceptions apply only when the procedures in question will provide direct benefit to the minor. The issue of whether concurrent consent on the part of the child was necessary was not decided.

A series of three Massachusetts cases that approved kidney donations by teen-age donors to their identical twins focused on the "grave emotional impact" that the healthy twins would suffer if they did not donate to save their brothers' lives.[27] In all three cases, consent was given by the parents as well as the minors (one was nineteen years old, two were fourteen years old), and the court found psychological benefit for the donors. A subsequent Connecticut case involving seven-year-old twins differed in that there was no possibility of consent by a mature minor, although the court found that the young donor had been informed of the operation and "insofar as she may be capable of understanding" desired to donate her kidney.[28] Noting that the proposed operation would be life-saving to the donee, "of some benefit to the donor," and of "negligible risk" to both, the court found that it would be inequitable to prohibit parental consent when such consent was favorably reviewed by a guardian ad litem and by community representatives including a court of equity.[29]

By contrast, a Louisiana court denied authority to a parent to permit a 17-year-old mentally retarded boy to donate a kidney to his 33-year-old sister.[30] There, the court reasoned that the closest analogy in Louisiana law was that of donation of a minor's property, and that:

"Since our law affords this unqualified protection against intrusion into a comparatively mere property right, it is inconceivable that it affords less protection to a minor's right to be free in his person from bodily intrusion to the extent of loss of an organ unless such loss be in the best interest of the minor."

The court found benefit to the donor to be "not only highly speculative but . . . highly unlikely," and concluded that the operation would be against his best interest.[31]

In a case more relevant to the research context, where the proposed procedure involved donation of bone marrow rather than permanent loss of an organ, a Massa-

chusetts court observed that the evidence did not permit a finding that the procedure would be of any benefit to the 6-year-old donor.[32] The court permitted the operation nonetheless, saying it did "not believe that a finding of benefit to the donor is essential, or that the absence of such a finding is fatal, to the allowance of such a transplant," and noting that risks to the donor were "minimal." The court found that the parents had authority to consent for the operation, but that their consent should be subject to court review because of the possibility of conflict between their responsibility for the care and custody of the donor, and their similar responsibility for the donee.

*Merriken v. Cressman*[33] is virtually the only relevant case involving consent for the participation of children in research (other than the bone marrow cases).[34] In *Merriken*, a suit brought by a junior high school student and his mother, a federal district court enjoined implementation of an experimental drug abuse prevention program. The program required students responses to questionnaires that asked highly sensitive questions concerning their home life, an area protected by Supreme Court decisions,[35] and also asked students to identify classmates whose behavior was unusual or inappropriate. On the basis of such information, compulsory remediation was the instituted by teachers who lacked proper training in psychological therapy. Further, the results of the questionnaires were to be made available to individuals not involved in the program, such as athletic coaches, administrators, and members of the PTA and school board. When the suit was filed, the defendants had planned what the court called a "book-of-the-month-club" approach to obtaining parental consent, in which silence would be construed as acquiescence. (They later offered to change that approach and require written parental consent, and also to give students notice that they were free to return a blank questionnaire.)

The court found that the program infringed on the child's constitutional right of privacy, and further that "there probably is no more private a relationship, excepting marriage, which the Constitution safeguards than that between parent and child." [36] Finding defects in the procedures for parental consent, which precluded knowledgeable waiver of their children's rights, the court raises but did not resolve the issue of a requirement for consent of the children. It did conclude, however, that the program would be administered "without the knowing, intelligent, voluntary and aware consent of parents or students." [37]

This case, then, supports the necessity (but not necessarily the sufficiency) of parental consent for participation of children in research, just as *Bonner* did with respect to medical interventions for the benefit of others. Whether courts would require the assent of children, in addition, remains unclear.

TABLE I  
CONDITIONS DEFINING ABILITY TO CONSENT TO MEDICAL CARE (BY STATE STATUTE)

Chart prepared by Commission staff in June 1976 (revised June 1977)

(Source: Hospital Law Manual)

STATE	Age	General Conditions Defining Ability to Consent			Specific Treatments Which May be Obtained by Minors without Parental Consent				
		Overriding Circumstances			V.D.	Addiction	Pregnancy	Contraception	Other
		Married or emancipated	Pregnant or parent	Other					
Ala.	14	X	X	high school graduates	X	X	X		emergency or any reportable disease
Alaska	19	X	X		X		X		
Ariz.	18	X			X	12			rape victim (over 12 yrs.)
Ark.	18	X*		"of sufficient intelligence"	X		X*		
Cal.	18	X		in armed services	12		X	X	reportable communicable disease (over 12 yrs.)
Colo.	18	X*			X	X		p or parent	
Conn.	18				X	X			
Del.	18	X			12		12*		communicable disease (over 12 yrs.)
D.C.	18				X	X	X	X	psychological disturbance
Fla.	18	X			X		X*	p or parent	blood donation (over 17 yrs.) or emergency
Ga.	18	X			X*	X	X	X	
Hawaii	18				14		14		
Idaho	18				14	16			infectious or communicable disease (over 14 yrs.)
Ill.	18	X	X		12		X	m, p or parent	emergency or referred for treatment by physician, clergy, or planned parenthood agency
Ind.	18	X			X	X			
Iowa	18	X			16				

X may consent at any age under such circumstances or for such treatment

a excise abortion  
m married  
p parent  
\* un. married, emancipated minors must be over 15 yrs.



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## CONDITIONS DEFINING ABILITY TO CONSENT TO MEDICAL CARE (BY STATE STATUTE)

STATE	General Conditions Defining Ability to Consent				Specific Treatments Which May Be Obtained by Minors without Parental Consent				
	Age	Overriding Circumstances			V.D.	Addiction	Pregnancy	Contraception	Other
		Married or emancipated	Pregnant or parent	Other					
Kan.	18			no parent or guardian available (over 16 yrs.)	X	X	X**		
Ky.	18	X	X		X	X	X		
La.	18				X	X			actual or believed illness including but not limited to V.D. and drug addiction
Me.	18				X	X			
Md.	18	X	X		X	X	X	X	emotional disorders (over 16 yrs.)
Mass.	18	X	X		X	12	X		emergency or disease "dangerous to the public health"
Mich.	18	X		in armed services	X	X			kidney donation to parent, sibling, or child w/court approval (over 14 yrs.)
Minn.	18	X	X		X	X	X		blood donation (over 17 yrs.)
Miss.	21	X		"of sufficient intelligence"	X		X		
Mo.	21				X	X	X <sup>a</sup>		
Mont.	18	X	X	high school graduate	X	X	X	X	acute psychological disturbance and no parent or guardian available
Neb.	19	X			X				
Nev.	18	X			X	X			
N.H.	18				14	12			
N.J.	18	X			X		X		
N.M.	18	X			X		X		

X may consent at any age under such circumstances or for such treatment

a except abortion  
m married  
p pregnant  
\*\* no parent or guardian available

## CONDITIONS DEFINING ABILITY TO CONSENT TO MEDICAL CARE (BY STATE STATUTE)

STATE	General Conditions Defining Ability to Consent				Specific Treatments Which May Be Obtained by Minors without Parental Consent				
	Age	Overriding Circumstances			V.D.	Addiction	Pregnancy	Contraception	Other
		Married or emancipated	Pregnant or parent	Other					
N.Y.	18	X		X	X		X		
N.C.	18	X			X				
N.D.	18				14	14			
Ohio	18				X	X			
Okla.	18	X <sup>a</sup>		X <sup>a</sup> in armed services <sup>a</sup>	X		X <sup>a</sup>		
Ore.	15	X			12	X		X	
Pa.	18	X		X high school graduate or professing competency	X		X		any reportable disease or emergency
R.I.	18				X				emergency (over 16 or m)
S.C.	16 <sup>o</sup>	X			X				"necessary services"
S.D.	18				X				
Tenn.	18				X			m, p, parent, or referred	
Texas	18	X		X in armed services	X	13	X <sup>a</sup>		any reportable communicable disease
Utah	18	X			X				
Vt.	18				12	12			
Va.	18				X	X	X	X	
Wash.	18	X <sup>s</sup>			14				
W.Va.	18				X	X			
Wisc.	18	X							
Wyo.	19				X				

X may consent at any age under such circumstances or for such treatment

a except abortion  
m married  
p pregnant  
o except operations  
s spouse must be of legal age



## REFERENCES

1. Kleinfeld, *The Balance of Power Among Infants, Their Parents and the State*, Parts II and III, 4 Fam. L.Q. 409 (1970), and 5 Fam. L.Q. 63 (1971); see also Rodham, *Children Under the Law*, 43 Harvard Educational Review 487 (1973).
2. See generally id.
3. See *Vendrell v. School District*, 233 Ore. 1, 376 P.2d 406 (1962).
4. E.g., *Greene v. Watts*, 210 Cal. App. 2d 103, 26 Cal. Rptr. 334 (1962) (3½ year old).
5. Some States set a lower standard, e.g., Alabama (14 years); South Carolina (16 years).
6. W. Prosser, *Torts* 103 (4th ed. 1971).
7. Ga. Code Ann. § 88-2905 (1971).
8. See, e.g., Colo. Rev. Statute § 13-22-103 (1973).
9. *Younts v. St. Francis Hospital*, 205 Kan. 292, 469 P.2d 330 (1970) (17 year old consent to skin transplant for damaged finger); *Lacey v. Laird*, 166 Ohio 12, 139 N.E.2d 25 (1956) (18 year old consent to plastic surgery on nose); *Bakker v. Welsh*, 144 Mich. 632, 108 N.W. 94 (1906) (17 year old consent to surgery to remove tumor).
10. E.g., Miss. Code Ann. § 41-41-3(h) (1972); see N.H. Rev. Stat. Ann. § 318-B, 12-a (Supp. 1975).
11. 428 U.S. 52 (1976).
12. *Goss v. Lopez*, 419 U.S. 565 (1975) (procedural due process in context of school discipline); *Tinker v. Des Moines School District*, 393 U.S. 503 (1969) (freedom of expression in school); *In re Gault*, 387 U.S. 1 (1967) (right to counsel at delinquency proceeding).
13. 428 U.S. at 72-75.
14. *Bellotti v. Baird*, 428 U.S. 132, 147-50 (1976).
15. Id. at 857; see Cal. Welf. & Inst'ns. Code § 5325 et seq. (prohibition of psycho-surgery on persons under 18 years of age); *Aden v. Younger*, 57 Cal. App. 3d 862, 129 Cal. Rptr. 535 (1976) (constitutional issues raised in regulation of experimental psycho-surgery; prohibition on minors not directly considered).
16. 52 L. Ed 2d 675 (1977).
17. Id. at 689-94 (Brennan, J.) (plurality opinion).
18. Id. at 699 (Powell, J., concurring); id. at 702-03 (Stevens, J., concurring).
19. Id. at 690 n. 16 (Brennan, J.) (plurality opinion).
20. *Bartley v. Kremens*, 402 F. Supp. 1039 (E.D. Pa. 1975), vacated and remanded, 45 U.S.L.W. 4451 (1977).
21. 19 Cal. 3d 655 (Crim. No. 19558, July 18, 1977).
22. E.g., *Matter of Sampson*, 65 Misc. 2d 658, 317 N.Y.S.2d 641 (1970), aff'd, 37 App. Div. 2d 668, 323 N.Y.S.2d 253 (1971), aff'd per curiam, 29 N.Y.2d 900, 328 N.Y.S.2d 686 (1972) (state imposed cosmetic surgery on face of 15-year-old boy).
23. *In re Hudson*, 13 Wash. 2d 673, 126 P.2d 765 (1942) (parental refusal to permit amputation of deformed arm of 11-year-old daughter upheld).
24. *Matter of Seiferth*, 309 N.Y. 80, 127 N.E.2d 820 (1955) (parental refusal to permit corrective surgery of 14-year-old boy's harelip and cleft palate upheld where minor in accord with parents' desires).
25. 126 F.2d 212 (D.C. Cir. 1941).
26. Id. at 123.
27. *Masden v. Harrison*, No. 68651 Eq. (Mass. Super. Ct., June 12, 1957); *Huskey v. Harrison*, No. 68666 Eq. (Mass. Super. Ct., August 20, 1957); *Foster v. Harrison*, No. 68674 Eq. (Mass. Super. Ct., November 20, 1957); discussed in Louisell and Williams, *Medical Malpractice* § 19.14 (1976).
28. *Hart v. Brown*, 29 Conn. Supp. 368, 289 A.2d 386 (1972).
29. Id. at 391.
30. *In re Richardson*, 284 So. 2d 185 (La. App. 1973).
31. Id. at 187.
32. *Nathan v. Farinelli*, Civ. No. 74-87 (Mass. Super. Ct., July 13, 1974).
33. 364 F. Supp. 913 (E.D. Pa. 1973).
34. *Nielsen v. The Regents of the University of California*, No. 665-049 (Cal. Super. Ct., County of San Francisco, filed Sept. 11, 1973).
35. See *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Meyer v. Nebraska*, 262 U.S. 390 (1923).
36. 364 F. Supp. at 918.
37. Id. at 922.

## CHAPTER 8. ETHICAL ISSUES

The general purpose of research involving children is to obtain scientific information about them. Often the research provides some direct benefit to the subjects involved in the research. However, some research may produce benefits only for other children, and frequently it is quite uncertain whether the subjects themselves will ultimately benefit from the research. In some cases benefits are long-range or unpredictable, and the major objective is to develop a body of knowledge. Ethical issues about the involvement of children arise because of competing answers to the following question: Under what conditions (if any) are these various types of research justified? When the objective of procedures is that of directly benefiting the subjects, the research is generally agreed to be justifiable, under certain limiting conditions, if there is a reasonable prospect that the subjects will benefit. However, research in which procedures present no prospect of direct benefit to the subjects raises a variety of ethical problems about the protection and the rights of children and about the authority of parents. Although only alluded to in classical ethical codes and regulations, these problems have received extensive attention in recent ethical literature.

**Codes and regulations.** The Nuremberg Code (1949) has seemed to some to preclude the participation of children in research. The first principle of that code states explicitly:

"The voluntary consent of the human subject is absolutely essential. This means that the person involved should have the legal capacity to give consent, . . . [1]"

The apparent clarity of this statement, however, is clouded by the written statements of two individuals who participated in the drafting of the Code. Leo Alexander, whose first draft of principles formed the basis of the Code, has written that the original draft contained provisions for consent by next of kin on behalf of incompetent patients, but that the judges omitted those provisions in the final version "probably because they did not apply in the specific cases under trial." [2] Similarly, Andrew Ivy, chief medical consultant to the War Crimes Trials, wrote (in the same year the Code was published) that:

"The ethical principles involved in the use of the mentally incompetent are the same as for mentally competent persons. The only difference involves the matter of consent. Since mental cases are likened to children in an ethical and legal sense, the consent of the guardian is required. [3]"

The record does not show whether the judges at Nuremberg disagreed with their medical consultants on this matter or whether, as Alexander suggests, they simply followed judicial custom by limiting their opinion to the facts of the case at bar.

The Medical Research Council of Great Britain took the position in 1963 that young children should not be subjects of "nontherapeutic" research if that research "may carry some risk of harm." [4] Their general rule is that if a child is under 12 years of age:

"Information requiring the performance of any procedure involving his body would need to be obtained incidentally to and without altering the nature of a procedure intended for his individual benefit. [5]"

If the child is over age 12, his or her consent should be obtained, and its validity would depend upon a showing that the child understood the implications of the procedures involved.

The Declaration of Helsinki, [6] published by the World Medical Association in 1964, provides, with respect to "nontherapeutic" research, that "if [the subject] is legally incompetent the consent of the legal guardian should be secured." The acceptance of this code by the American Society for Clinical Investigation, the American College of Physicians, the American College of Surgeons, and particularly the American Medical Association [7] resulted in the general acceptance throughout this country of third-party permission for research employing interventions that are not for an incompetent subject's direct benefit.

The 1971 Institutional Guide to DHEW Policy for the Protection of Human Subjects required the consent of a subject "or his authorized representative." It did not define "authorized representative," but cautioned that:

"The review committee should consider the validity of consent by next of kin, legal guardians, or by other qualified third parties representative of the subjects' interests. In such instances, careful consideration should be given by the committee not only to whether these third parties can be presumed to have the necessary depth of interest and concern with the subjects' rights and welfare, but also to whether these third parties will be legally authorized to expose the subjects to the risks involved. [8]"

DHEW invited comments in 1973 on the proposal that parental or guardian consent be supplemented both by the judgment of a consent committee and by requirements for the assent of the child or incompetent. [9] The following approach was taken regarding the refusal and consent of children:

"Although children might not have the capacity to consent on their own to participate in research activities, they must be given the opportunity (so far as they are able) to refuse to participate. The traditional requirement of parental consent for medical procedures is intended to be protective rather than coercive. Thus, while it was held to be unlawful to proceed merely with the consent of the child, but without consent of the parent or legal guardian, the reverse should also hold. [10]"

This proposal to require assent of the child was adopted for intramural research

\*The 1975 revision states, as a basic ethical principle, that: "When the subject is a minor, permission from the responsible relative replaces that of the subject in accordance with national legislation."

by the NIH Clinical Center on July 14, 1975. [11]

Current DHEW regulations provide that consent may be obtained from an individual's "legally authorized representative," which is defined as "an individual or judicial or other body authorized under applicable law to consent on behalf of a prospective subject to such subject's participation in the particular activity or procedure." [12] Strictly construed, this provision would permit third-party permission only in those jurisdictions which specifically authorize a third party to consent for another's participation in research. While parental authority to consent for medical care is clear, there is no statute or judicial decision granting such authority for nonbeneficial procedures. (See the discussion in Chapter 7 of this report.)

**Ethical positions in recent literature.** At least five different positions on the involvement of children in research can be found in recent literature.

(1) The most restrictive position is found in the writings of Paul Ramsey. He argues that research which does not directly benefit individual children is always ethically impermissible. His argument rests on the general viewpoint that "nontherapeutic" research should never be performed without the informed consent of the subject. Since young children are not capable of giving informed consent, it is a short step to the conclusion that no research ought to be performed on them unless the research holds out the possibility of direct benefit. In his book, *The Patient as Person*, Ramsey argues as follows:

"A parent's decisive concern is for the care and protection of the child, to whom he owes the highest fiduciary loyalty, even when he also appreciates the benefits to come to others from the investigation and might submit his own person to experiment in order to obtain them.

"This is simply the minimum claim of childhood upon the adult community, whose members may make themselves joint adventurers or partners in the enterprise of medical advancement at cost to themselves if they will. [13]"

Ramsey distinguishes "beneficial research," for which parental consent is a proper fulfillment of the fiduciary duty, from "nonbeneficial research," for which he considers third-party permission a breach of the fiduciary duty. It is not merely the exposure to possible risk that he finds unacceptable. Rather, it is the abrogation of "the right of each of us to determine for ourselves, not alone the extent to which we will share ourselves with others, but the timing and the nature of any such sharing." [14] It is thus a claimed violation of respect for persons (by treating others as a means to one's own end) which is morally unacceptable to Ramsey: "where there is no possible relation to the child's recovery, a child is not to be made a mere object in medical experimentation." [15] Still, Ramsey is concerned with the risk of harm as well as with the violation of autonomy. He argues that the imperative to avoid evil has a moral primacy in biomedical research over the imperative to do good, and he takes this priority as one more support for his general position. [16] Nonetheless, it is the alleged use of human beings merely as means to others' ends that most deeply informs Ramsey's polemic against "nontherapeutic" research.

Ramsey proposes to give ethical primacy to the protection of nonconsenting subjects

against wrongful treatment. While this general position must be commended, Ramsey's views are subject to a number of objections. First, it is important to distinguish those who refuse to consent to participation in research from those who are not fully qualified to consent to participation. It would be generally conceded that children who refuse to agree to participate in "nonbeneficial" research should not be involved. But it appears to be increasingly the case that most children are willingly involved in research and give their assent (when capable). Second, Ramsey neglects discussion of the low level of risk involved in most research involving children. His conclusions (though not his actual arguments) would be more supportable if there were a widespread risk of serious harm. In fact, however, much biomedical and behavioral research involves no more risk to children than those risks encountered in their daily lives. Ramsey's proposals for curbing research in general, if acted upon, would render impermissible research that is only observational, or merely uses questions, or involves only paper and pencil tests or procedures of a routine medical examination. While everyone would agree that the line specifying permissible risk must be drawn somewhere, Ramsey's absolute prohibition seems too restrictive. Ramsey's argument is internally consistent on these matters, in that he would prohibit all research without regard to risk or to the assent of children. It is his treatment of these relevant factors (risk and assent) as irrelevant which is unacceptable. [17]

Third, Ramsey's position rests on a false dichotomy between research intended to benefit subjects directly—which he concedes is permissible—and research intended to develop more knowledge. Much research does not fit neatly into either category, since the outcome is uncertain and the research may or may not benefit the subjects involved. Research on chronic diseases, for example, may or may not directly benefit those involved in the research, contingent upon the results of the research. Indeed, the possibility of (even remote) future benefits for the subjects can seldom be ruled out from the beginning. [18]

This problem introduces a further problem about the meaning and scope of the term "research," as Ramsey employs it. Research, by definition, is intended to develop general knowledge. Therapy, by definition, is for the benefit of an individual and therefore does not inherently involve any generalizable component. The term "therapeutic research" thus mixes together two quite different ingredients, and it remains unclear what "therapeutic research" could mean. There are dangers in this uncertainty. On the one hand, there is the danger that simply because a benefit (therapy) is included in a "therapeutic" research protocol, all sorts of additional interventions not germane to the therapeutic intervention but useful for general knowledge can be regarded as justified (under Ramsey's scheme). On the other hand, if a quite narrow but nonetheless reasonable interpretation of "research" is accepted, then one literally could never do any "research" at all, because the research itself (e.g., data analysis) is not therapeutic. Ramsey can perhaps introduce further distinctions to handle some of these problems—for example by arguing that "therapeutic research" is a certain kind of mixture of controlled studies of alternative therapies, when all treatments are thought to be equally efficacious. But as his work now

stands there remain conceptual unclearities which introduce needless confusion.

Ramsey at one point acknowledges that even if there were powerful moral reasons for doing "nontherapeutic research with uncomprehending subjects" such as children, "it is better to leave [this] research imperative in incorrigible conflict with the principle that protects the individual human person from being used for research purposes without either his expressed or correctly construed consent." [19] Ramsey argues that it would be "immoral" either to do or not to do the research, but he maintains that one should "sin bravely" in the face of this dilemma by sinning on the side of avoiding harm rather than attempting to promote welfare. But why must a calculation of benefits and harms always fall on the side of preventing research? In those cases where potentially great therapeutic benefits may well result from research and only minimal risk is involved, it may be reasonably argued that the calculus of morally right actions has shifted.

Ramsey attempts to support his view by appeal to the Kantian maxim that persons ought to be treated as ends only, and never merely as means. But what is it, in the context of research, to be treated merely as a means? When a soldier is conscripted, he is treated as a means (even against his will, in some cases). But he is not treated merely as a means, for none in the military hierarchy is free to do anything with a soldier he wishes. Similarly, a child involved in research may be used as a means, but not merely as a means; for no investigator is free to use a child in any way he wishes. The question remains whether the child is being used in such a way that the treatment qualifies as immoral treatment. And if the child is exposed only to minimal risk (with judicious parental permission and the child's agreement), while substantial benefit may accrue to others, it is far from obvious that any immoral treatment is present. If there were some reason for supposing that children would regard themselves as being violated or as being used as mere means, Ramsey's argument would be strengthened; but in a world where many adults feel themselves morally obliged to help those in need, there is no reason to attribute an unduly selfish attitude to children, as Ramsey's argument often seems to presuppose. Moreover, as Benjamin Freedman has argued, even if children occupy a dependent, morally different status from that of adults—as Ramsey contends—it does not follow that parents are derelict in their duty in consenting for children to participation in research. Even though children has some claims upon use for protection, participation in research does not seem to violate their rights unless such participation constitutes a harmful invasion. [20]

(2) The fact that some research on children involves minimal risk and holds out the prospect of benefit for the class of children (but presumably not direct benefit to the research subjects themselves) has been the decisive factor in motivating some writers to accept less stringent criteria than Ramsey's. One example is Richard McCormick, who has written in opposition to Ramsey from the perspective that children have obligations to participate in research. McCormick employs a natural law foundation for his arguments. He maintains that a child ought to do something if that action is expressive of basic values of human nature or purposes of human life. In the case of



therapy, for example, it is a reasonable presumption that the child would consent because (in light of the normative ideal of health) the child ought to promote his own health. Similarly in the "nontherapeutic" case, according to McCormick, it is a reasonable presumption that the child would consent because (in light of the normative ideal of contributing to the health of others) the child ought to choose to participate in research. There is a general moral obligation to help others when there is little cost to oneself. Because children (like all individuals in society) ought to benefit others by their actions and would so act if they had a proper moral perspective, it is legitimate to involve them in research (provided it is of no more than minimal risk). McCormick's presumption is not that someone would actually act in a certain way but only that another may validly presume consent because the act is right. Parental consent is said to be morally valid for both "therapeutic" and "nontherapeutic" contexts, because it is based on a reasonable presumption of the child's obligations:

"... there are things we ought to do for others simply because we are members of the human community.... If it can be argued that it is good for all of us to share in these experiments, and hence that we ought to do so (social justice), then a presumption of consent where children are involved is reasonable and proxy consent becomes legitimate.[21]"

In sum: the parent is the vehicle for choosing what the child should rightly choose if we were so situated that he knew what he ought to do.

McCormick's position is subject to a variety of objections. There are at least two possible problems with his claim that we can presume consent because a child ought to consent. First, natural law arguments have been subjected to sharp criticism in ethical theory. In particular, one common objection to natural law theory is that it does not follow from the wide or even universal sharing by human beings of certain values or purposes (e.g., health, happiness, etc.) that human beings ought to promote those values or purposes. For example, from the value human beings place on propagation of the species it does not follow that all persons ought to propagate at will or even that they should propagate at all. It does not follow even if such a value is basic to human nature. This apparent deficiency in McCormick's position is important, since if his natural law foundation is unsupportable, the entire position on children is groundless.

A second possible problem with McCormick's position resides in the claim that consent may validly be presumed where there is an underlying obligation. There are probably numerous activities in which adults ought to participate, but to which many would not consent. The whole point of obtaining a person's consent is to protect his autonomy. What one person will consent to may vary significantly from what another will consent to because of basic differences of value. To respect persons is to respect their right to their own evaluative choices, including their right not to perform certain actions which other persons believe, with some justification, that they ought to perform. While we have a moral right to demand that individuals fulfill their obligations, some obligations are created only by an individual's own commitments, and we often have no right to demand the commitment itself. Consent is such a commitment,

and absent the commitment no valid consent can be presumed (this must be true in Ramsey's position).

Accordingly, it seems certain that we could never validly presume consent on the part of a competent adult subject merely because the person ought to consent. How, then, can consent of the child be validly presumed? As Ramsey has argued, McCormick's position "amounts to the destruction of the protections consent-language was designed to afford." [22] Consent can rarely be presumed, and there seems no way it can be presumed on the part of a child. In short, perhaps the gravest deficiency in McCormick's position is its very core: the notion that the child's consent can be validly presumed.

Ramsey has generalized this conclusion in the following way: if McCormick's standard is used,

"... then anyone—and not only children—may legitimately be entered into human experimentation without his will or unwillingly.... If a child may be treated as an adult who would will what he should, then any other nonvolunteer may be treated simply as a child who.... would will what he should. Any nonvolunteer may be treated as a child who does not will as he ought. [23]"

Ramsey's point is that if consent can validly be presumed because of what persons ought to do, then: (1) It is hard to find a principled basis for the claim that there is any morally relevant difference between adults and children, and (2) it would follow that the general conscription of adults is permissible. Ramsey's argument does not constitute an objection to McCormick, from one perspective, since McCormick actually favors the conscription of adults. The pertinent point, however, is about consent, not about conscription. The form of McCormick's argument is: if one ought to do it, then consent may be validly assumed. But consent is precisely what may not be assumed even if one ought to do it. One reason why the requirement of informed consent has become so important in recent years is that the consent of some subjects was never solicited, because a prior judgment had been made that they ought to participate.

Moreover, it is not even clear, based on McCormick's arguments, that consent should be a relevant consideration. If a child ought to do something and the obligation justifies the child's doing that thing, then the consent of his parents could neither validate nor invalidate his participation. Parental consent is simply irrelevant to the justification for involving the child in research. To put this point another way, McCormick operates with two levels for the justification of involving children: natural law and consent by third parties. If the natural law justification is correct, it actually undermines the consent model by rendering it gratuitous.

A possible response by McCormick to some of these arguments is considered at the end of the next section (3). But it is worth mentioning at this point that an alternative interpretation of McCormick's arguments to the one presented above might be offered. In his later writings McCormick's major conclusions appear anchored in the argument that all members of society, including children, have minimal obligations to benefit other members of society. These obligations are created by social circumstances (rather than by some general

property of human nature). Among these obligations is that of participating in minimal risk biomedical or behavioral research. Because of these social obligations the child should be willing to participate in research; and parents may be empowered to consent for the child's participation whenever the child should be willing to be involved in the research if the child could comprehend and consent. On this alternative interpretation, "proxy consent" is merely a device to protect the child, and plays no more substantive role in the argument. That is, the obligations children have justify using them, and consent is merely a protective device that plays no role in the justification. McCormick's position is thus turned into a "presumed duty" rather than a "presumed consent" position. If this alternative reading of McCormick is preferable, then his position is perhaps closer to the one that is presented in section (5), below.

(3) A variant of McCormick's stance might be developed along lines proposed by Stephen Toulmin[24] in the course of considering the justification of fetal research. He suggests that instead of beginning with what children ought to do, we might ask whether it may be presumed that they could not reasonably object if they were capable of understanding what is at stake and of making a decision in their own right. This strategy is thought by Toulmin to free the theory of the objection of imputing obligations to children and to reconcile McCormick's approach with common public policy judgments about the validity of involving children in research. Toulmin's proposal is distinguishable from the two positions previously outlined by its philosophical basis. Rather than using a theory of informed consent or natural law, Toulmin makes an appeal to what the reasonable person would agree to choose—or, as he states it negatively—what the child could not reasonably object to.

A roughly parallel view, but with an emphasis on the problem of consent, has been advanced by Victor Worsfold.[25] As is common, he distinguishes between those children who have attained the age of reason and those who have not. For those who have not—the class discussed by Toulmin—Worsfold suggests that the absence of the ability to make judgments justifies decisions by others (parents), although these must "be guided by the individual's own settled preferences and interests insofar as they are not irrational or falling one's knowledge of these, by [some] theory of primary goods." [26] In judging the right course, he says, "We must be able to argue that with the development or the recovery of his rational powers the individual in question will accept our decision on his behalf and agree with us that we did the best thing for him." [27] This position is the positive side of the one proposed by Toulmin. Rather than holding that the child could not reasonably object, Worsfold's criterion is that the reasonable child would approve, in retrospect, an invitation to be involved in research. Additionally, Worsfold holds that children of sufficient understanding have the right to make their own decisions; and he proposes that younger children who are incapable of making judgments entirely on their own nevertheless should be listened to and their preferences taken into account by those who decide on their behalf.

Several possible responses to these theories may be mentioned. In a paper written

for the Commission on "Rights, Duties, and Experimentation on Children: A Critical Response to Worsfold and Bartholome," Stanley Hauerwas challenges the current preoccupation with the notion of children's rights. The language of "rights," Hauerwas suggests, is not entirely appropriate to, and in fact is misleading for, an ethical analysis of the place of children as research subjects, although such language may facilitate a formulation of appropriate policy. He argues that "rights language," as applied to the family, inclines us to conceptualize the family as a contractual society of individuals—which he believes it is not. As a substitute, Hauerwas proposes that the idea of parental duties and responsibilities toward their children (i.e., to love, protect and educate them) provides a better ethical framework on which to base such policy. He focuses on the historical view that being a parent involves an obligation to care for and to educate one's child in a manner appropriate to making the child a full participant in the community. His central argument is that the child ought to be conceptualized as a family member, and because of this special position the consent and guidance of parents is relevant to the participation of children. For Hauerwas, accordingly, making a case for children's "rights" as Worsfold does runs the risk of destroying what being a child means, by ignoring that a child's need is not for "rights," but rather for trust, love and care.

Whatever the merits of Hauerwas' arguments, perhaps the major problem with the reasonable consent theory resides in the flexible and ambiguous term "reasonable." The reasonableness of nonparticipation in an activity that is primarily charitable or for the benefit of others can be judged only by reference to a person's reasons for nonparticipation. In the case of children, possible reasons for nonparticipation must be projected by others, and a decision about the reasonableness of these reasons must be made by others. This judgment does not centrally involve inferring what a child would do if he could consent. It is a judgment of reasonableness based on a standard that is not the child's, and hence is external to the standard of what the child would do if he could choose. But what precisely is that standard? Is it reasonableness in light of the importance of the knowledge to be gained? Reasonableness in light of the values of the research community? Reasonableness in the eyes of the parents?

Even more problematic is the very justification of the use of children by appeal to reasonableness. Many things might be done to nonconsenting subjects which they cannot reasonably (in the eyes of most) object to, and yet we would not permit such actions to be performed. The mere lack of a reasonable objection does not justify appropriating others. It seems, moreover, that the reasonable consent position encounters some of the same problems as McCormick's position because it is too broad in scope. If lack of a reasonable objection or reasonable presumption of a later agreement justifies appropriation, then it justifies drafting adults as well as children.

Presumably Toulmin, McCormick and others would argue that the morally relevant difference between a competent adult and a child is that the adult can informedly consent and the child cannot. But why should refusals to consent by adults override drafting them if their refusal is not "natural" or reasonable? The answer must

be that we would be exhibiting a lack of respect for them by violating their autonomy and that this disrespect is not being exhibited toward the child, because he cannot express autonomy. While this reply is no doubt correct, it fails to exhibit why mere absence of a reasonable objection justifies any use of another person. Or, to put the point another way, it may be that the absence of a reasonable objection by another person is a necessary condition of using the other person for research, but it is not sufficient. And if it is an insufficient reason then the reasonable consent position only tells us one condition that must be satisfied if we are to do research on children. It does not tell us that we may do the research if there is an absence of a reasonable objection; yet this conclusion is what is primarily desired in a principled justification.

(4) Some writers have attempted to mediate between Ramsey's entire exclusion of the class of children and McCormick's (and others') apparent entire inclusion of the class. These writers have suggested that children old enough to be educated can be aided in their education by participation in research, but not at earlier ages. The justification for participation, then, is moral development; and if there can be no moral development through participation, the justification is lost. Perhaps the first to suggest this approach was Henry Beecher. In *Research and the Individual* he suggested, without further elaboration, that

"Parents have the obligation to inculcate into their children attitudes of unselfish service. One could hope that this might be extended to include participation in research for the public welfare, when it is important and there is no discernible risk.[28]"

This kind of position has been defended in a paper written for the Commission by William Bartholome.[29] He discusses the involvement of children from age five to seven through age 14 to 16 in research activities. He criticizes Ramsey's total exclusion of children from "nontherapeutic" research as harsh, and suggests that to focus exclusively on informed consent (as Ramsey does) as the moral basis for including subjects in research is to prejudge the answer to the question whether children may participate in "nontherapeutic" research. At the same time Bartholome agrees with Ramsey that interventions in the lives of children can be justified only if they are to benefit the child. These two authors largely differ over what shall count as a benefit. While Ramsey considers only therapy to be beneficial, Beecher and Bartholome consider improved moral character to be a benefit.

Bartholome criticizes McCormick for presuming that adults are able to know what a child should want and rejects McCormick's suggestion that there are certain things a child "ought to do." Children are not morally "transparent," he argues, and thus no adult can know what a particular child should choose. And since it cannot be asked what they would choose, only their needs should be considered in asking about their participation in research. Even if there are certain things that a child ought to want to do for others, Bartholome claims, no one has the right to determine how, when and in what manner such obligations should be fulfilled. Bartholome also disputes what he takes to be McCormick's argument that we owe to future generations the cure or prevention of certain diseases and that, in general, involvement in "nontherapeutic" re-

search is obligatory for everyone. Bartholome prefers to see such rewards for future generations as "gifts" rather than as obligations required by justice or by social need.

To resolve the conflict between the two polar positions exemplified by the writings of Ramsey and McCormick, Bartholome suggests that children may be assisted in their moral education by participating in "nontherapeutic" research, once (at age five to seven) they are able to appreciate the importance of helping others. As part of their general obligation to enhance the moral development of such children, parents should encourage them to take advantage of opportunities for moral growth; and Bartholome contends that involvement in research is one of many activities which parents might select to this end. He distinguishes between the parental duty to encourage such behavior and McCormick's notion that parents have a right to force children to engage in charitable acts. Bartholome disagrees both with Ramsey's position that "children are not capable by nature or grace of charitable acts" and with McCormick's position that parents have a right to see that their children undertake such acts. Instead, Bartholome considers the parental obligation to be one of moral instruction, which may include encouragement but also requires that the child be a willing participant. Assent by the child should be mandatory, he maintains, and parents should be involved in the process both by deciding whether or not participation in research would be a beneficial learning experience for their child and by participating with their child as "joint-subjects" when the experimental design provides an opportunity for such collaboration.

In an accompanying paper on "The Infant as Person," Bartholome takes the position that infants (i.e., children below the age of understanding) have a right to be treated as persons but, because they have no awareness even of themselves, do not have a moral obligation to the human community. For this reason he would reject "nontherapeutic" research involving infants below the age of five, at least where research requires serious invasive procedures.

In the aforementioned paper by Hauerwas, Bartholome's position is criticized in two respects: first, because informed consent is taken as a primary issue and a necessary ingredient in respect for persons, and second, because it is thought necessary that children be "persons" in order to have rights and to merit protection. Hauerwas argues that third-person consent, which Bartholome regards as an attempt to protect the child, might more correctly be viewed as an attempt to protect the integrity of the family unit by ensuring that whatever is done to a child is consistent with the moral convictions and traditions of the child's family. Hauerwas argues that children are deserving of care not because they are "persons," but because they are children with a special position in a family unit. Their rights, if they can be said to have rights, are claims against parents and society for the provision of such care. For Worsfold and Bartholome to insist that children be "persons" in order to participate in research, he contends, is to make the mistake of requiring them to be adults in order to be respected, which is to fail to treat them for what they are—children.

Hauerwas' argument, however, fails to appreciate either the merit or the central problem in the moral instruction position promoted by Beecher and Bartholome. The



merit of the position on moral instruction proposed by Bartholome is that it attempts a justification of research by appeal to an actual contribution made to children. It is not implausible to suppose that altruism can be cultivated in children by such "instruction," and these arguments are useful reminders that psychological and moral benefits may be derived from participation in research (a type of benefit apparently overlooked by Ramsey). On the other hand, these positions (Bartholome's, anyway) seem subject to the objection that whenever it could not reasonably be said that a child would be instructed, the research could not be justified. This position seems objectionable for some of the reasons already mentioned in discussing Ramsey, since the argument partially resembles Ramsey's highly restrictive position. Ramsey argues against allowing research unless there is "therapeutic" benefit, whereas this position stands against doing research unless there is moral benefit to the child. As Bartholome correctly points out, even his own position would exclude the entire class of "uninstructable" children. Unfortunately, his contentions leave unanswered why it would be immoral or otherwise wrong to involve uninstructable children such as infants. In short, while this position may have merit by providing at least a partial justification for certain research, it fails to show that some research on classes of children such as infants cannot be justified on a different basis.

(5) A position with a conclusion similar to the presumed consent and reasonable consent positions, but with a somewhat different theoretical foundation, is that some research on children is justified because of the beneficial consequences to the class of children in general. If this position were stated in extreme form, it would be the unqualified utilitarian position that such research ought to be done whenever it maximizes social welfare to do so (whether or not the subjects assent or dissent). While no writer seems to hold this unqualified position, two papers done for the Commission give weight to the consideration of benefit to others as the theoretical justification for research. The first paper was done by H. Tristram Engelhardt, Jr., [30] and the second by Robert Veatch. [31] (Neither paper, however, deals solely or even primarily with research involving children.)

Engelhardt recognizes the absolutely fundamental character of both the principle of respect for individual human subjects and the principle of beneficence (which involves the concern to maximize benefits for society in general), though he considers the protection of autonomy and promotion of individual self-determination to be primary. Accordingly, he rejects the involvement of unwilling subjects in research, even if the results of the research would be of considerable utility. [32] With respect to children clearly too young to consent, he argues that "infants, though often willful, have no free will and are not the object of respect as adults are." Since infants are nonautonomous, there is no obligation to respect autonomy; there is only an obligation to protect them from harm. He further contends that the function of third-party consent in such contexts is not to respect the child as an autonomous moral agent but to safeguard the child's best interest by preserving his or her physiological and psychological integrity. But he regards the notion of third-party consent to be less appropriate

than other substitute language might be, since the third-party feature contravenes the purpose of consent. The point of informed consent, he argues, is to respect the freedom of individuals by asking their permission before involving them in research, yet for many children such treatment is impossible and inappropriate.

Engelhardt advances two sorts of arguments bearing on the use of children in research. He first argues that research is nonallowable if it would leave a residual amount of damage to the child. This argument stakes out his restraining conditions on appeals to beneficial consequences. Although his argument justifies research by appeal to beneficial consequences, Engelhardt also advances one consequentialist argument which actually restricts research. He contends that investigators and parents should always act in the best interest of children in order to provide general support for social practices of attention and kindness to the defenseless and powerless (a larger class than the class of children). Nonetheless, Engelhardt concludes that experiments which may involve minor discomforts but which would not expose children to physical or psychological risks greater than "in the usual ambience," are justifiable "in terms of an appeal to the minimal duties that each of us owe(s) to society." [33] In this argument, his usually strong emphasis on individual self-determination does not apply, and his argument turns on the duties owed to society. These duties are grounded in beneficence rather than respect for persons. [34]

Veatch agrees that "for the most part, it is a mistake to speak of proxy consent for experiments in children"; [35] however, parents may approve a child's participation in "therapeutic" research because, as guardians, they rightly serve to protect the best interests of the child, and as parents they are given limited authority to exercise their own self-determination about their offspring, to the extent that their determination does not substantially deviate from the social consensus. [36] He argues that parents may also encourage their children to make minor contributions to the general welfare or to the welfare of specific others. He further maintains that if "the individual is seen as a member of the social community, then certain obligations to the common welfare may be presupposed even in cases where consent is not obtained." [37] This formulation expresses the common thread of argument from beneficence running through the positions of McCormick, Engelhardt and Veatch. This condition would apply, he says, only in very special cases where there would be no risk or only minimal risk to the subject and when the information to be obtained would be of great social value and could be obtained in no other way. The subject's participation in such research is justified, he contends, because of the substantial contribution to the general welfare which may be made—a contribution which, even without consent, the "reasonable person would find required." [38] (Veatch, however, adds that proceeding without consent is valid only in the case of very young children where self-determination is impossible. And he is always careful to add that his position does not entail that social benefits can be used to justify a cancellation of individual rights.) Veatch also argues in favor of retaining age 18 as the age of consent for medical treatment, and favors adjudicating on a case-by-

case basis when, in the case of "therapeutic" research, children and their parents disagree. Finally, he proposes that a national committee review all research protocols involving children, using the same review criteria applied by IRBs. [39]

The qualified beneficial consequences position taken by Veatch and Engelhardt would obviously be found deficient by Ramsey and Bartholome, for example, on grounds that it justifies too much. In particular they would argue that it fails to respect persons by subjecting them to risk without consent and without obvious beneficial consequences for the subjects. However, perhaps the largest potential deficit in the positions taken by Veatch and Engelhardt rests in the lack of specificity concerning the scope of research justified by their principles. For example, how much research (if any) which involves more than minimal risk is acceptable in "nontherapeutic" cases? It is hard to see how an answer could be derived from their theory. Without further argument minimal risk seems a purely arbitrary cut-off point when, in very special cases, substantial benefit for others is in prospect. Both Veatch and Engelhardt are appropriately engaged in the attempt to balance the obligation to protect individuals against the obligation to provide substantial social benefits. While this balancing must be done, it is doubtful that their theories satisfactorily show how and at what point the individual rights of children properly limit their social obligations. Relatedly, it is one thing to argue that some research on infants may be allowed, and another to develop the precise conditions under which it is justified. Neither Veatch nor Engelhardt delineates a rigorous set of such conditions.

Among the well known dangers of social benefit approaches is that they may justify so much on grounds of the principle of beneficence that the principle of respect for persons fails to be applied. [40] That is, the obligation to benefit others (perhaps by developing therapies which avoid harm to them) might be employed in such a way that the obligation to protect subjects is not fulfilled. Both Veatch and Engelhardt attempt to guard against this possibility, because, as Veatch puts it, there are such "great dangers" in unqualified appeals to the benefit of others. Accordingly, what must be said to be lacking in the Veatch and Engelhardt papers is not that they make no appeal to the principle of respect for persons. What seems in need of development is an explanation of the proper balance to be struck between the competing obligations to respect persons and to benefit those in need of help.

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40. This form of reply to the Veatch and Engelhardt type of approach is found in Hans Jonas' essay, *Philosophical Reflections on Experimenting with Human Subjects*, in Paul A. Freund, ed., *Experimentation with Human Subjects*, George Braziller, Inc., New York, 1970. He construes such research as a duty only in emergency situations.

CHAPTER 9. DELIBERATIONS AND CONCLUSIONS

The Commission's recommendations on research involving children were adopted unanimously with the exception of Recommendation (5), from which Commissioners Cooke and Turtle dissented. Various members of the Commission preferred different statements (or supported more than one statement) of the rationale for their recommendations, and three such statements are included below. Statements explaining the two dissents are also included.

STATEMENT OF COMMISSIONERS HEIGHT, KING, LOUISELL, RYAN AND SELDIN

The Commission has identified three ethical principles that should underlie the conduct of biomedical and behavioral research involving human subjects: beneficence, respect for persons and justice. In the case of research involving children, as in other difficult cases, the challenge is to find a proper balance in applying these principles and to establish priorities among the principles when they appear to be in conflict.

*Beneficence.* Beneficence requires both the provision of benefit and the avoidance of harm. This principle is applied to research involving children in several ways. The promotion of health, by improving methods to prevent or treat a disease or abnormal condition and to foster optimal growth and development, is a benefit that serves as a general justification of research. Similarly, the imperative to avoid harm may serve as a justification for research designed to evaluate the safety and efficacy of procedures in standard practice. Avoidance of harm also requires that risk to human subjects be reduced or eliminated in the actual conduct of research.

In order to promote the health of both children and adults, the participation of children in research is needed. In many cases, children are the only possible subjects for research designed to study the nature of childhood disorders, some precursors of adult disorders, and the normal physiological, psychological and social development of children. The benefits from such research may accrue to the individual research subjects or to children as a class.

Research also makes possible the avoidance of harm that may result from the application of routine practices. This benefit is illustrated dramatically in the case of infants, who cannot survive without the intervention of others and for whom some previously accepted procedures have been proven dangerous. Research has been required, for example, to learn the correct levels of oxygen, fluids and nutrients that are necessary to sustain the life of newborns without harming them. On grounds of beneficence, therefore, the Commission considers

the conduct of certain research involving children to have strong ethical justification (Recommendation (1)).

The conclusion that research involving children may generally be justified on the grounds of beneficence does not mean that all such research is therefore justifiable. The principle of beneficence also requires that those who conduct or sponsor such research protect children from harm by limiting the risk to which children may be exposed as research subjects. In Recommendation (2) the Commission applies the principle of beneficence by delineating general conditions that all research involving children should meet. In Recommendations (3), (4), (5) and (6), the Commission addresses the problem of determining the proper balance between the importance of conducting research in order to promote health and the imperative to avoid harm to the children who are subjects of that research. These considerations are reflected in provisions regarding the nature of anticipated benefit that may justify the involvement of children in research.

The Commission has concluded that problems related to two kinds of research are comparatively straightforward. Where the risk of harm presented to children by a research project is no more than minimal (Recommendation (3)), no particular problems are presented so long as general provisions are fulfilled (Recommendation (2)), and so long as appropriate provisions are made for soliciting and receiving both parental permission and the assent of the children who may be asked to participate (Recommendation (7)).

The second kind of research that presents relatively few ethical problems is that in which the risk is related to an intervention that holds out a reasonable promise of benefit for the individual subjects. The acceptability of the risk presented by such an intervention should be determined in the same way that the acceptability of risk is determined for interventions that are applied in standard practice. Risk may be justified by an avoidance of greater harm or by the provision of an important anticipated benefit to the individual exposed to risk. Thus, if the anticipated benefit to the children for whom the intervention is proposed is greater than the attendant risk, the intervention is justified; and if the risk-to-benefit ratio of the proposed intervention is at least as good as that of other available approaches (including refraining from any intervention), then the study of that intervention is ethically acceptable even if the risks are more than minimal (Recommendation (4)). The benefits that are expected to be derived from a therapeutic, diagnostic or preventive intervention, however, justify only the risk associated with that intervention (including such procedures as may be necessary, for reasons of safety, to monitor the effects of the intervention). Risk associated with other procedures, performed purely for the purpose of acquiring generalizable knowledge, cannot be justified merely by inclusion in a protocol that also includes procedures from which subjects may derive direct benefit.

The most difficult ethical issues for the Commission arose with respect to research presenting more than minimal risk but no immediate prospect of direct benefit to the individual children involved. Some members of the Commission urged that the limit for such research remain at the level of minimal risk; others pointed out that such a



limit might eliminate much research that has great scientific significance and the promise of substantial long-term benefit to children in general, while possibly avoiding only minor additional risk to the research subjects. Much of the Commission's later debate was focused on this class of research projects. The Commission was seeking to determine the circumstances (if any) under which such research might be ethically acceptable, and, if so, what review procedures would be appropriate to assure proper protection of the research subjects.

In their resolution of this question, the Commission relied largely upon two considerations. It noted, first, that the scope of parental authority routinely covers a child's participation in many activities in which risk is more than minimal, and yet benefit is questionable. (Involvement in skiing and contact sports are two examples among many.) The Commission was also impressed by reported examples of diagnostic, therapeutic and preventive measures that might well have been derived from research involving risk that, while minor, would be considered more than minimal.

Ultimately, the Commission decided (with two members dissenting) that if three additional conditions are satisfied, research in this most difficult class of cases could be justified (Recommendation (5)). First, the risk involved must be only a minor increment beyond minimal. In addition, the procedures to be used must be reasonably commensurate with (similar to) those with which prospective subjects have had experience. Further, the research must be likely to yield generalizable knowledge important for the understanding or amelioration of the subjects' specific disorder or condition. Thus, foreseeable benefit in the future to an identifiable class of children may justify a minor increment of risk to research subjects.

In exceptional situations, dangers to children or the community resulting from a failure to involve children in research might exceed whatever risk is presented by that research. For instance, the threat of an epidemic that could be offset by developing a safe and effective vaccine might justify research involving risk greater than otherwise acceptable to establish safety, efficacy and dosage levels for children of different ages. The outright prohibition of such research on grounds of risk might constitute an exception to the general rules enunciated above, however, the decision to permit its conduct should be made at the national level, with opportunity for public participation. In Recommendation (6), the Commission suggests procedures by which this goal may be accomplished. The same procedures should be invoked to review any research that cannot be approved by an IRB under the guidelines set forth in this document, whenever a review board considers that for urgent or unique reasons the research should be permitted.

**Respect for persons.** This principle requires that the choices of autonomous individuals be respected. It is applied in the conduct of research by asking permission of autonomous individuals before involving them as subjects of research. Problems arise, however, regarding individuals with diminished autonomy and thus diminished capacity to consent; and objections to the involvement of children in research have been based on children's incapacity, or less capacity, to give valid consent to their participation as subjects. Indeed, most of the

literature has focused on this problem, and the most restrictive position (exemplified by Ramsey) is that children should not be involved in any research unless it is reasonably expectable that they will derive some direct benefit from their participation.

The Commission considered seriously the arguments presented by those engaged in the current debate about the legitimacy of third-party consent (see Chapter 8 of this report). The Commission concluded that the incapacity of children to consent is one aspect of a more general condition of dependency on adults who are responsible for their care. The permission that parents give for children's participation in research can be accepted as an exercise of their general role, as caretakers, to guide decisions affecting their children's lives and activities. Although some critics have challenged the right of parents to make decisions for their children to participate in research, the Commission is persuaded that the practical need for parents to manage the details of the child's life legitimately extends to such decisions.

One consideration that does justify the placing of limits on parental or guardian authority is respect for the developing autonomy of children. The Commission has concluded that any child capable of some degree of understanding (generally, a child of seven or older) should participate in research only if the child assents. Even the objection of a very young child should be binding except for situations in which the research involves a therapeutic intervention that is unavailable outside the research context. This conclusion is consistent with a recent trend in both law and philosophy to respect the rights of children and to encourage their development toward assuming responsibility for their decisions. It is also consistent with the reported ability of children of school age to make decisions concerning their activities (see Chapter 6), and with the practice of investigators in pediatric research who commonly seek the assent of children at seven years of age and older before accepting them as research subjects (see Chapter 3).

Recognition of the capacity and the right of children to make their own determination regarding participation in research resolves important ethical problems about third-party consent. By respecting the developing autonomy and moral responsibility of children (as proposed by Worsfold and Bartholome and to some extent by Engelhardt and Veatch), the problem of involving children in research against (or without) their will is avoided. This conclusion does not resolve the considerable difficulties that may arise in determining how informed and responsible some children are, and thus is not to be construed as an unrealistic application of the principle of respect for persons. One unresolved area concerns the involvement of infants and children who are incapable of assenting or of objecting to their participation. For this class of children, the Commission believes (as anticipated by Veatch and Engelhardt) that benefits either to the subjects or to the class of children may justify the involvement of children who are unable to indicate willingness or unable to object, provided their parents (or some other appropriate third party) protect their physical and psychological integrity throughout the research project, and provided further that strict limitations are placed on the risk to be permitted.

It must be recognized that there may be occasions when parental or guardian inter-

ests are at odds with the best interests of their children. When parental permission cannot be relied upon as a protective mechanism (as in cases of child abuse, for example), alternative mechanisms should be set in place to protect the health and welfare of the children. In other instances (for example, when the research involves treatment of conditions such as venereal disease or drug abuse) a requirement for parental permission may actually jeopardize the health or welfare of a child. In the latter cases, the assent of the child should be sufficient as it now is in those jurisdictions where children may consent on their own to treatment of such conditions. (The Commission's conclusions regarding consent are reflected in Recommendations (7) and (8).)

There are several additional conditions that respect for persons requires in the conduct of research: e.g., that the time and inconvenience requested of subjects be justified by the importance of the research and by the soundness of its design, even if no more than minimal risk is involved; that the privacy of children and their families be protected; and that the confidentiality of data be maintained. (These conditions are set forth in Recommendation (2).)

**Justice.** Justice is a moral principle that requires a fair distribution of burdens and benefits in a given population. In research contexts this principle requires that the burdens of being involved in research should be fairly distributed and that the benefits produced by the research also should be fairly allocated. There are at least two dangers of injustice that might result from the involvement of children in research. First, certain groups of children may be overutilized as research subjects due to their ready availability. For example, there are manifest dangers that children living in orphanages or in special training facilities might be exploited for purposes of research. Given their dependent status and their diminished capacity to consent, it is important that children be protected against selection solely because of administrative convenience or because their illness or socioeconomic condition render them especially vulnerable. It does not follow that such groups of children can never be involved in research. The point is that since there is a relevant inequality in their situation, they should not be treated in the same way all other children are treated; rather, they should be afforded additional protection. However, it may be justified to involve that class of children in research concerning their specific condition. This conclusion is an application of the formal principle of justice that equals should be treated equally, while those unequal in morally relevant respects may be treated unequally.

Second, wherever appropriate, animal and adult studies should be conducted prior to the involvement of children in a research project. Studies on older children should also be conducted prior to the involvement of younger children and infants. This distributive principle is itself justified by certain conclusions already derived from the principles of respect for persons and beneficence. Respect for persons requires obtaining informed consent whenever possible. Since informed consent is far more likely to be obtained in a meaningful way from the adult population, and since older children can be more easily informed than younger ones, respect for persons dictates that adults and older children be respectively first and second in the order of persons se-

lected as subjects of research. Beneficence also plays a role because it is easier to avoid doing harm to adults and older children than to younger ones. Young children often do not accurately report their feelings or physiological responses, and investigators are thus not likely to know if something unusual occurs. Accordingly, infants might be at greater risk than adults participating in the same research. In short, beneficence and respect for persons provide a dual justification for the claim that, as a matter of distributive justice, research risks should be allocated to adults rather than to children whenever feasible. Justice also requires that special classes of children not be inequitably selected as research subjects—no matter how significant the research may be (Recommendations (2), (9) and (10)).

STATEMENT OF COMMISSIONERS BRADY, JONSEN, LEBACQZ, LOUISELL, RYAN AND STELLAR

During the course of its deliberations, the commission has recognized that biomedical and behavioral research brings about certain benefits for individuals and society. Discovery of new information, improved understanding of the human condition and the environment, better treatment of disease or other disorders: these are the obvious benefits to individual subjects and to society that have resulted and continue to result from research. Insofar as research is directed to these goods, it manifests the ethical principle of conferring benefit and avoiding harm. This is the first of the ethical principles that the commission has identified as underlying the conduct of research.

In the case of research with children, it is obvious that significant benefits for individual subjects and for society have been produced. Participation of children in research has led to many discoveries that have improved the health of children. Children are often the only possible subjects in those investigations studying the normal physiological, psychological and social development of children, the nature of diseases peculiar to children, and the childhood precursors of disorders that are manifest only during adult years. In addition, research uncovers, and makes it possible to prevent, harm that results from some common and routine practices of dealing with children. This benefit is dramatically illustrated in the care of infants, who cannot survive without the intervention of others and for whom some standard medical procedures have been proved dangerous. Research has been required, for example, to learn the correct levels of oxygen, fluids and nutrients that are necessary to sustain the life of newborns without harming them. In the light of such evidence, it is obvious that biomedical and behavioral research involving children conforms to one essential ethical principle: it contributes to the good of individuals and, consequently, to society while also contributing to the avoidance of harm.

However, it is also obvious that research involving children encounters major ethical objections, for, while much of such research involves nothing more than observing and recording the activities of children, some investigations seek information that can be obtained only by exposing the subjects to some risks that would not otherwise be part of their lives or their care. That same principle of conferring benefits also requires, not only that harmful current practices be avoided, but that harm to individuals be avoided. Thus, research with children, to the extent that it involves any exposure to

otherwise nonexistent risks, raises a serious ethical question and calls for particular ethical justification. In addition, some assert that even where harm is not an issue, the researcher breaks into the privacy of the child in a way that is not ethically justified. For example, one author asserts that "children can be wronged, without being harmed."

In the case of research with adults, the problem of risk and the problem of privacy, as a rule, can be answered by insisting on the free consent and informed consent of the participant in research. The practice of generally requiring free and informed consent of adult subjects, which is recognized by all recent codes of ethics of research, rests upon the second major principle that the Commission has identified as underlying the ethical conduct of research: the principle of respect for persons. This principle can be understood as the source of the obligation that all persons be allowed to select and follow those courses of action which they judge good for themselves, unless their activities cause harm to others. In accordance with this principle, research participation ought never to be imposed on individuals against or without their willingness, provided they are capable of expressing their willingness. However, the principle of respect for persons can be stated in a more fundamental manner. It established the obligation that each person be acknowledged as a unique being, and dealt with in terms of his or her own desires, needs and purposes. If the person is capable of communicating those unique desires, needs and purposes, that expression becomes the first and, in most cases, the final and deciding factor in how others ought to act toward them. Children are often absolutely incapable for such communication; when they can communicate, they may do so only imperfectly. Children's desires, needs and purposes are imperfectly developed, their self-understanding and understanding of the world is incipient, and their judgments, when formulated, are limited. Still, the ethical principle of respect extends to them: it demands respect for their reality as children. This respect requires protection of their evolving autonomy, a protection which should lead them toward maturity and, at the same time, shelter them from harm which they cannot themselves ward off.

Finally, whatever benefits issue from the research should be distributed throughout the society in ways that are fair, and the burdens of any research that is permitted should not fall unduly on certain persons or groups. Thus, the principle of justice, identified by the Commission as the third ethical principle, supplements the principles of respect and conferral of benefits.

The Commission considers that all of these principles must be taken together as the necessary and sufficient conditions for the ethical conduct of research regarding children. Unless research can be designed which reflects all three, it cannot be called ethical. However, the Commission admits that the production of benefit, the avoidance of harm, respect for persons, and justice are complex notions that must be refined in ways which, on the one hand, make them more specific and, on the other, remain true to their essential meaning. Its deliberations were directed toward an attempt to view research with children within the perspective of all these ethical considerations. Its conclusions reflect the difficult effort to interpret these principles and to

make appropriate distinctions in their application to the various general situations found in research involving children.

Recommendation (1) states the Commission's conclusion that the evidence bears out the social value of research with children. It also states that the Commission is satisfied that the benefits of research can be sought in ways that meet the ethical standards that ought to underlie the conduct of all research. Recommendation (2) proposes that reasonable and informed persons, in judging whether any proposal for research with children meets ethical standards, should invariably demand assurance on several points. Considerations of providing benefit and avoiding harm are reflected in the provisions that research be scientifically sound and significant and that its risks be minimized. Considerations of respect are reflected in the provisions about protection of privacy and confidentiality. Considerations of justice are reflected in the provisions to conduct studies first on animals or adults and to select subjects equitably.

Recommendation (3) applies the principle that harm should be avoided. It acknowledges that where no risk at all or no risk that departs from the risk normal to childhood (which the Commission calls "minimal risk") is evidenced, the research can ethically be offered and can ethically be accepted by parents and, at the appropriate age, by the children themselves. The Commission has taken this position because it has concluded that the scope of parental responsibility includes the right to choose activities and to define a manner of life for their children. It is inevitable that many activities and events of childhood involve some risks. No one suggests that parents must shield their children from all risks; some propose that permitting only those risks of activities likely to benefit the child lies within the parental prerogative. The Commission considers this position too stringent and artificial, since many of the experiences which parents generally allow to their children are somewhat risky and cannot be said, without forcing the case, to involve particular benefits. The Commission, then, has concluded that, when risks entailed in research are equivalent to normal risks of childhood, parents may properly permit these risks.

Recommendation (4) applies the principle of conferral of benefits to the situation in which a particular child is the intended beneficiary of an intervention which does entail risks "more than minimal." Whenever benefits and harm may accrue to the same person and when that person has some needs that require remedy, it has long been considered ethically appropriate to "balance" the risks and benefits and to proceed on the showing that "benefits outweigh the risks." The Commission has taken this concept a step further. It has decided that the justification of the contemplated course of action on the basis of the risks and anticipated benefits associated with it should be at least as strong as the justification on the basis of risks and anticipated benefits of any other course of action (or nonaction). Unquestionably, this sort of calculation is a matter of discretion. It cannot easily be expressed in quantitative terms, although in some cases statistical data about possible benefits and risks can be adduced as evidence. In the last analysis, the concerned parties, namely, the researchers, the reviewers, the parents and, if possible, the child, must attempt to form a judgment of acceptability.



Recommendations (5) and (6) represent the most difficult problem in reconciling all appropriate ethical principles. This problem arises when interventions dictated solely for research purposes, with no intention of benefiting the subject, present more than minimal risk. Some members of the Commission urged that the limit for risks of interventions not intended to benefit the subject be held to the conservative level of "minimal risk"; others pointed out that such a limit would proscribe much research that promises substantial future benefits to many children. Much of the Commission's later debate centered on this class of research projects.

Most of the Commissioners agreed that a minor increase in risk would be permissible in order to attain substantial future benefits to children other than the subject. "Minor increase" refers to a risk which, while it goes beyond the narrow boundaries of minimal risk determined by the Commission, poses no significant threat to the child's health or well-being. Moreover, the Commission requires that the research activities presenting such risks be similar to the experiences familiar to the children who would be the subjects of the research. Such activities, then, would be considered normal for these children. Given this conservative limit, the Commission concluded that promise of substantial benefit does justify research which goes beyond, but only slightly beyond, the minimal risk. The Commission considers that, as in the question of "no more than minimal risk," permission to allow such research lies within the scope of parental responsibility. In addition, children capable of more mature judgment may wish to volunteer for research of this sort.

Ultimately, the Commission decided (with two members dissenting) that if three conditions are satisfied, research in this most difficult class of cases could be justified (Recommendation (5)). First, the risk involved must be only a minor increment beyond minimal. In addition, the procedures to be used must be reasonably commensurate with (similar to) those with which prospective subjects have had experience. Finally, the research must be likely to yield knowledge important for the understanding or amelioration of the subject's specific disorder or condition from which the subject suffers, even though the subject may not actually benefit. Thus, foreseeable benefit to an identifiable class of children may justify a minor increment of risk to research subjects.

The Commission acknowledged that exceptional situations may arise in which considerable dangers to children or to the community at large might be avoided or prevented by exposing children to research attended by more than minimal risk. Some might offer the ethical argument that avoidance of great danger or disaster outweighs the injunction against exposing children to risk of more than minimal harm. For instance, they may say the threat of an epidemic that could be offset by developing a safe and effective vaccine might justify research involving risk greater than otherwise acceptable to establish safety, efficacy and dosage levels for children of different ages. The outright prohibition of such research on grounds of risk might have consequences which themselves appear unethical.

Faced with such a hypothetical situation, the Commission found itself confronted by a common dilemma: regardless of whatever course is chosen, some benefit may be fore-

gone and some harm may be done. Rather than attempt to resolve the dilemma in the abstract, the Commission has chosen to recommend that the ethical argument should be made, not over a hypothetical case, but over an actual situation, in which the real issues and the likely costs of any solution can be more clearly discerned. The ethical principles at stake are the moral obligation to protect the community or to come to the aid of certain sufferers within it and the moral prohibition against using unconsenting persons, at considerable risk to their well-being, for the promotion of the common good. These principles are of such moment and their observance so basic to a just and humane society that any debate about their application should be held at the most public level of discourse. Thus, Recommendation (6) urges that should such a situation occur, it be defined in the most stringent way and determined by those at high levels of public accountability.

The central point of contention in the debate over the ethics of research involving children is the question of consent. The codes of ethics of experimentation and almost all commentators agree that free and informed consent of the subject should be required for participation; however, as we have noted in Chapter 8, they are ambiguous regarding children. When they do admit the participation of children, they do so on condition that proxy consent is granted by parents or guardians. Proxy consent, of course, is not free and informed consent of the subject, but rather the permission of another.

Recommendations (7) and (8) deal with issues related to "informed consent." As noted above, the requirement to seek informed consent derives from the principle of respect for persons. This principle means both that the free choices of persons should be respected and that their individual needs, desires and life situations be acknowledged and honored. The Commission admits that infants are quite incapable of consent and that children exhibit in varying degrees the activities which can be recognized as understanding and consent. Since children are not autonomous, that is, fully capable of informed, reflective decisions, other aspects of their life situation besides autonomy are important in determining what "respect for persons" requires. The Commission decided that the dependence of children on adults, which is both the condition for their growth and the source of their vulnerability, is ethically relevant. Moreover, the Commission acknowledges and affirms the importance of the family in the child's life: to be a child is, generally, to be a member of a family. Respect, then, requires that children be protected from influence and circumstance that would (in the case of children, at least) impede their growth or compromise their health, safety or future well-being. In the case of children, this calls for an awareness of the limits and the potentiality of childhood, at varying steps in its development, as well as acknowledgement of the social milieu in which children live.

The Commission reached the conclusion that, as a rule, decisions about the participation of children in research should reflect a combination of respect for the general prerogatives of parents in protecting the health and safety of their children and respect for the maturing autonomy of the child. The Commission, therefore, recommends that the IRB assure adequate provisions are made for soliciting assent and permission

(Recommendation (7)). It also suggests that the objection of a child to an intervention imposed for research purposes alone should generally be binding. In so doing, it permits the child to protect itself from unpleasant experiences and respects the maturing autonomy of the child. In view of the presumption that very small children are especially vulnerable and that parents are generally the best protectors of their children, the Commission also recommends that the IRB consider whether parents should be intimately involved, sometimes even present, in research activities that may disturb very young children or infants.

The Commission also notes that childhood is a changing state and that children become progressively more capable of reflective choices. Empirical studies have revealed the maturation, at particular ages, of children's ability to make ethical judgments. While there is debate about precise ages, the Commission has selected age seven as the age that may be considered as the time when children become capable of some reflective judgment, for procedural purposes, it imposes this age as the suitable time to consult the child about research. Since some research bears no benefit to such child, the Commission has decided that, in such cases, the child's refusal to participate should be determinative. In those cases where investigational procedures are being done with specific therapeutic intent and hold out the prospect of benefit that is available to the child only in the context of research, the Commission, recognizing the imperfect nature of a child's assessment of circumstances, allows the parental judgment to be final.

The Commission notes that the growing autonomy and privacy of children is recognized by some jurisdictions, where older children are permitted to give consent for specific medical interventions. Moreover, Commissioners were aware that informing some parents of proposed research involving their children might jeopardize rather than contribute to the child's welfare (e.g., in cases of venereal disease or child abuse). Thus, the Commission recommends that whenever parental permission is not a reasonable requirement to protect the well-being of the child, alternatives should be required by the IRB (Recommendation (8)). Here, it operates under the general moral principle to avoid harm as well as to respect the autonomy of older children. In addition, the Commission recognizes that some parents are unsuited to care well for their children, and that some children are without caring parents. In these situations, the Commission requires an advocate for the child, to take the place of a parent (Recommendation (9)).

Finally, Recommendation (10) requires that additional special protections be invoked where children are institutionalized.

#### STATEMENT OF COMMISSIONER LOUISELL

I hope that the alternative ethical rationalizations of the Commission's recommendations will not produce confusion. Each I think is an acceptable position paper so far as it goes. The assumed need for both reflects, I believe, the grave and inherent difficulty occasioned by Recommendation (5), which deals with potentially nontherapeutic experimentation involving more than minimal risks. Such experimentation on children can be morally justified, if ever, only to fulfill an essential social need analogous to that involved in the drafting of youth for

national security purposes. Resolution of this kind of a moral dilemma in a democracy at a minimum requires decision by society's highest political voice, and that is why I have insisted upon Congressional review as a condition of this type of experimentation.

Caution respecting experimentation on children can hardly be excessive, especially in an era when new inhibitions on the power of government to protect children are surprisingly found in the Constitution itself. *Carey v. Population Services International*, 97 Sup. Ct. 2010 (1977).

#### DISSENTING STATEMENT OF COMMISSIONER COOKE

Recommendation (5) permits the involvement of infants and children who are unable to consent in research which is highly important to reduce harm to other individuals with similar conditions at some subsequent time, but which offers no prospect of immediate or delayed benefit to the subjects despite the confusing implication of section (C) that the subjects' disorder might be ameliorated. If the subjects were truly able to volunteer rather than parents volunteering them, such a recommendation would be acceptable even though the risk exceeds minimal. Further, if the risk were no more than what is commonly understood to be "minimal"—that is, only a slight additional risk beyond that of everyday life—parental permission would be acceptable if the parents (one or both) also participated in the research and could withdraw the infant or child if discomfort seemed excessive.

By the designation of acceptable risk as that beyond minimal even to a "minor" degree, the Commission transfers to each Institutional Review Board the decision regarding the limits of "minor." Although a process is provided for judging "minor," no traditional guidelines exist nor are any examples provided. Considerable disparity can then be expected in such determinations by one IRB or another.

This recommendation does avoid the cumbersome transfer of much research approval to a National Ethical Advisory Board, but because of the differences in IRB performance it is likely that ethical review will be carried out by the NIH study sections, which will be forced to operate as a surrogate National Ethical Advisory Board, but without public debate or exposure as required in Recommendation (6).

In the ethical justification of its recommendation the Commission can invoke only the principle of utility. This in itself does not constitute any breach of ethics, but it does indicate the perilous nature of the recommendation and the ethical uncertainty of the Commission.

#### DISSENTING STATEMENT OF COMMISSIONER TURLE

##### Preliminary Statement

Throughout the Commission's deliberations, I have expressed many reservations about the involvement of children as research subjects. My fellow Commissioners have heard me out in each instance and accommodations have been reached in all areas\* except one—the special status, if any,

\*My problems with "proxy consent" have been dealt with by obtaining parental permission and children's assent and in recognizing that a child's objection at any stage of the project is determinative. This protection is similarly afforded to infants through

to be accorded sick children with regard to their potential involvement as research subjects where no foreseeable benefit will accrue to the subject.

I believe that the substantial majority of the Commission (9-2) has committed clear error in approving Recommendation (5), potentially subjecting sick children to greater risks than other children without regard to foreseeable benefit, and thus, I must register this dissent to that Commission recommendation.

#### Conclusions

1. Sick children cannot be deemed to be a morally relevant separate class for purposes of relaxing protective measures and mechanisms.

2. Sick children, if capable of being placed into a morally relevant separate class, would require even greater protection than that afforded to children in general.

3. The distinctions attempted in both sets of deliberations are shams and there is no legal, ethical or social basis for subjecting sick children to more than minimal risks merely because a foreseeable benefit might accrue to an identifiable class of children in the future.

#### Argument

1. Sick Children Cannot be Deemed to be a Morally Relevant Separate Class for Purposes of Relaxing Protective Measures.

Only one set of deliberations presents any argument for affording less protection to

encouragement of the participation of a parent in those situations in which the child is clearly dependent (Recommendation (7)). The problem of an Executive "kiddie draft" for more than minimal risk research in response to another "swine flu" scare is ameliorated by the requirement for Congressional notification and real opportunity for debate and action (Recommendation (6), Comments).

The Commissioners have presented two sets of deliberations, the rationale for the majority position on Recommendation (5) is found at pages 126 through 127 and 138 through 140 of this report.

Children, who through no fault or choice of their own, are subjected to greater risks incident to their condition or necessary treatment, cannot ethically be assumed to qualify for additional increments of risk. To do so, is to add to the potential burdens that result, directly or indirectly, from the child's illness. This is especially true when the Commission places more restrictive limits on the involvement of normal children (Recommendation (3)). The natural and intended consequences of providing restrictive limits on one subject group, and relaxing limits on another, is a direction to researchers to involve more sick children as research subjects. Nowhere is such a direction countered by any requirement that research projects not involve sick children if normal children would likewise be scientifically appropriate subjects.

Taken as a whole the Commission's recommendations mandate that research involving more than minimal risk will be carried out on sick children, simply because they already are subject to similar or greater risks. The aggregate impact of risks is ignored and the burdens of research "fall unduly" on the sick child in clear violation of the Commission's own formulation of the principle of "justice."

sick children than to all other children. It posits that sick children are by the very nature of their condition subject to certain unique risks and experiences, and relies on the limitation that added research "risks be similar to the risks and experiences familiar to certain classes of children" to conclude that the added research risks "are normal for these children." This rationale is a perversion of the Commission's attempt to define "minimal risks" as relating to the ordinary everyday risks of childhood.

The aggregation of risks concept and the impact of sickness on other protective mechanisms would, if properly assessed, require that sick children be segregated from others for purposes of special protection as described below.

2. Sick Children, if Capable of Being Placed into a Morally Relevant Separate Class, Would Require Even Greater Protection Than Others.

a. *The Principle of Beneficence Must be Applied.* The Commission has adopted as one of its basic ethical principles the principle of beneficence. This principle which directs, at the least, that we do no harm requires that those who, by virtue of their condition already experience greater than normal risks, should be protected against any increment of risks, no matter how slight. Thus, in assessing risks to a subject in both a legal and ethical sense, it is necessary to take into account the known fragility of the subject as a result of his existing conditions before creating a situation in which any increment of risk, no matter how minimal, can be added. There are some societies which do not grant equal value to the sick and the healthy. It has always been my assumption that our society was not among them and that we considered that we had a special need to protect and assist those, who through no fault of their own, might be at a disadvantage or most vulnerable. The Commission's Recommendation (5) is directly contrary to my understanding of the principle of beneficence as it is applied in our society.

b. *Other Protective Mechanisms Which Generally Supplement the IRB May be Adversely Affected in the Case of a Sick Child.* The Commission has recognized that IRB review is not the only protective mechanism which is available to children. Specifically, we have required parental permission, children's consent and have given the child a veto with regard to involvement in a research project.

The Commission did not specifically assess how well these other protective mechanisms would work with sick, as opposed to normal children. However, evidence in the record tends to support the general proposition that such protective mechanisms are not enhanced, but rather are diminished, when the prospective subject is a sick child.

First with regard to the child, the illness itself may be such as to interfere with normal cognitive and physical functions involved in the ability to assent meaningfully and even more important the ability to object at any stage of the project. This is especially true of children who are suffering from some form of mental retardation or are under the influence of some drug or sedative necessary to their therapy at the time that their participation is both solicited and effected.

Second, children who suffer long bouts with illness develop a special relationship with their therapist and the medical staff.



To a certain extent because of their separation from their normal parents, the therapists and staff themselves often become surrogates for parental authority. When those therapists and medical staff are involved in a research project, the child's assent or failure to object may be influenced by the surrogate parent relationship.

With regard to parents there are certain obvious impacts on both the family unit and the parent that result from a child's illness. First, the emotional impact of a serious illness in the family may lead to a breakdown of the judgmental and perceptive relationships within the normal family unit. To a certain extent, the sick child becomes a burden that parents may not be capable of assuming without some diminishing of normal parental judgment and discretion. This is especially true in situations in which the child must be confined to an institution in order to obtain therapy or treatment. It is also true of those situations in which therapy or treatment at home is especially difficult and disruptive. Second, the parent of the sick child will in most instances have a long, intimate, and even emotional involvement with those who provide therapy for the child. As amply demonstrated in some of the filmed informed consent sequences presented to the Commission, that emotional involvement with the therapist may well have a severe and in fact even overriding impact on the parents' judgment with regard to granting permission for the participation of their child in a research project.

In conclusion then both the principle of beneficence, and the adverse impact on the other protective mechanisms require that this Commission afford sick children greater protection than that afforded to children at large.

3. *The Distinctions Attempted in Both Sets of Deliberations are Shams and There is No Legal, Ethical or Social Basis for Subjecting Sick Children to More Than Minimal Risk Merely Because a Foreseeable Benefit Might Accrue to an Identifiable Class of Children in the Future.*

In its two sets of deliberations, the Commission has attempted to present a shopping list of reasons in support of Recommendation (5). Each of these shall be dealt with separately, below.

First, the Commission notes that "the scope of parental authority routinely covers a child's participation in many activities in

which risk is more than minimal, and yet benefit is questionable (involvement in skiing and contact sports are two examples among many)." Without concurring in the judgment of the Commission that benefit in skiing and contact sports is questionable, it is clear to me that this same rationale holds true for normal children as well as sick children. Thus, I perceive no basis for making any distinction between the two classes of children on the basis of that statement.

Second, the Commission notes that it was "impressed by reported examples of diagnostic therapeutic and preventive measures that might well have been derived from research involving risks that, while minor, would be considered more than minimal." Again, that rationale provides no basis for segregating children into separate classes. The rationale is strictly utilitarian and is not specifically supported in the record. Moreover, at no point does the Commission require that such research be carried out only if normal children would not be scientifically appropriate subjects. In the absence of such a limitation, I do not believe a strictly utilitarian rationale can provide adequate justification for a policy creating a doubly disadvantaged class of children.

Third, the Commission suggests that more than minimal risk is a condition that is "normal" for sick children. My problems with that characterization have been expressed above and will not be repeated here.

Finally, both sets of Commission deliberations conclude that "foreseeable benefits in the future to an identifiable class of children may justify a minor increment of risk to research subjects." That statement can be used to justify large quantities of applied research utilizing sick as opposed to normal children. The statement itself is without legal, ethical or social justification. If such justification did exist, it could be applied equally as well to normal children. In a situation in which "conservative" limits are placed on the participation of normal children, relaxation of those limits for sick children constitutes a specific mandate and direction to shift the risks and burdens of research from children in general to those who, by nature of their illness, are least, and not most, appropriate research subjects.

*Comment by Dr. Ryan, Chairman of the Commission*

In spite of the diversity of views reflected in the foregoing statements, our recommen-

dations were adopted almost unanimously. The dissenting statement of Commissioner Turtle reflects a sharp disagreement, however, and requires some comment since it is based, I believe, on a misunderstanding of Recommendation (5).

The Commission has adopted a conservative definition of "minimal risk," i.e., the risk of harm that is normally encountered in the daily lives, or in the routine medical or psychological examination, of healthy children. Virtually the entire Commission is in agreement that a "minor" or "slight" additional risk over that normally encountered may ethically be presented in very limited circumstances by research not intended to benefit directly the children who are subjects. These limited circumstances are commensurability of experience, likelihood of yielding generalizable knowledge about the subjects' disorder, and importance of that knowledge for understanding or treating such disorder. Further, provision must be made when appropriate, for the participation of parents in such research involving their children.

Recommendation (5) contemplates research into the nature and treatment of disorders that specifically afflict children. The limited circumstances under which such research may be approved under Recommendation (5) clearly indicate that the research must be related to the disorder or condition affecting those subjects who are involved. Such research cannot by its very nature be conducted on normal subjects. Accordingly, Mr. Turtle's statement that the Commission's recommendations require research presenting more than minimal risk to be carried out on sick children merely because they are already subject to such risk, and his contention that the recommendation would shift involvement in such research from normal to sick children, are both incorrect. The Commission's intention in Recommendation (5), and the likely effect of this recommendation, are clearly not to encourage any unnecessary involvement of sick children in research, but rather to permit the conduct of research intended to develop important knowledge of disease states from which certain children suffer and for which research they are the only appropriate subjects.

[FR Doc. 78-657 Filed 1-12-78; 8:45 am]

FRIDAY, JANUARY 13, 1978  
PART IV



## DEPARTMENT OF LABOR

### Employment Standards Administration

## MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage  
Determination Decisions



[4510-27]

## DEPARTMENT OF LABOR

Employment Standards Administration  
MINIMUM WAGES FOR FEDERAL AND  
FEDERALLY ASSISTED CONSTRUCTION

## General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision to-

gether with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

## MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Stan-

dards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

## MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:  
AL77-1025..... Mar. 4, 1977.  
AL77-1040..... Apr. 1, 1977.  
Arkansas:  
AR77-4173..... Aug. 19, 1977.  
AR77-4285; AR77-4288; Sept. 30, 1977.  
AR77-4287; AR77-4288  
AL77-4290..... Nov. 11, 1977.  
Idaho  
ID77-5088..... Oct. 7, 1977.  
Mississippi:  
MS76-1004..... Jan. 9, 1976.  
MS77-1069..... May 20, 1977.  
MS77-1078..... June 17, 1977.  
Nevada:  
NV77-5072..... July 8, 1977.  
NV77-5077; NV77-5085; Sept. 30, 1977.  
NV77-5089  
Oklahoma:  
OK77-4273; OK77-4274..... Sept. 30, 1977.  
Texas:  
TX76-4039..... Feb. 13, 1976.  
TX77-4193; TX77-4197..... Aug. 19, 1977.  
TX77-4221..... Sept. 23, 1977.  
TX77-4236; TX77-4237; Sept. 30, 1977.  
TX77-4238; TX77-4239;  
TX77-4240; TX77-4241;  
TX77-4242; TX77-4243;  
TX77-4244; TX77-4245;  
TX77-4246; TX77-4247;  
TX77-4248; TX77-4249;  
TX77-4250; TX77-4251;  
TX77-4252; TX77-4254;  
TX77-4256; TX77-4257;  
TX77-4258; TX77-4259;  
TX77-4260; TX77-4261;  
TX77-4262; TX77-4263;  
TX77-4264; TX77-4265;  
TX77-4280  
TX77-4289..... Oct. 21, 1977.  
Utah:  
UT77-5075..... Aug. 5, 1977.  
Wisconsin:  
WI77-2102..... July 15, 1977.  
WI77-2126..... Aug. 26, 1977.

## SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Texas:  
TX77-4201 (TX77-4004)..... Aug. 19, 1977.  
TX77-4222 (TX77-4003)..... Sept. 23, 1977.  
TX77-4253 (TX77-4002)..... Sept. 30, 1977.

Signed at Washington, D.C., this 6th day of January 1978.

RAY J. DOLAN,  
Assistant Administrator,  
Wage and Hour Division.

MODIFICATIONS P. 2

DECISION NO. AR77-4173 - Mod. #4 (42 FR 42063 - August 19, 1977) Jefferson County, Arkansas	Fringe Benefits Payments				Basic Hourly Rates	Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.		
CHANGE: ASBESTOS WORKERS PLASTERERS	.50	.70			\$10.70 9.25	.02 .02
DECISION NO. AR77-4285 - Mod. #3 (42 FR 52598 - September 30, 1977) Garland, Hot Springs and Clark Counties, Arkansas	.50	.70			10.70 9.25 8.40	.02 .02 .04
CHANGE: ASBESTOS WORKERS PLASTERERS BRICKLAYERS	.40	.35				
DECISION NO. AR77-4286 - Mod. #2 (42 FR 52900 - September 30, 1977) Union and Ouachita Counties, Arkansas	.50	.70			10.70 9.25 8.40	.02 .02 .04
CHANGE: ASBESTOS WORKERS PLASTERERS BRICKLAYERS	.40	.35				
DECISION NO. AR77-4287 - Mod. #5 (42 FR 52903 - September 30, 1977) Pulaski County, Arkansas	.50	.70			10.70 9.25	.02 .02
CHANGE: ASBESTOS WORKERS PLASTERERS	.50	.70				
DECISION NO. AR77-4288 - Mod. #3 (42 FR 52901 - September 30, 1977) Sebastian, Crawford and Washington Counties, Arkansas					9.25 6.60	.02
CHANGE: PLASTERERS GLAZIERS (Washington County)						
DECISION NO. AR77-4290 - Mod. #2 (42 FR 58924 - November 11, 1977) Conway, Van Buren, Perry and Cleburne Counties, Arkansas	.50	.70			10.70 9.25	.02 .02
CHANGE: ASBESTOS WORKERS PLASTERERS						

MODIFICATIONS P. 1

DECISION # AL77-1025 - Mod. #3 (42 FR-15277 - March 4, 1977) Lawrence, Limestone and Morgan Counties, Alabama	Fringe Benefits Payments				Basic Hourly Rates	Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.		
CHANGE: Plumbers, pipefitters, steamfitters; Lawrence County (Eastern Portion of Co., North from intersection of State Rt. 33 and Rt. 20 to Wheeler Lake including Moulton and Wren, excluding Bankhead National Park) Limestone Co. & Morgan Co.,	.50	.55			\$10.50	.10
DECISION # AL77-1040 - Mod. #5 (42 FR-17352 - April 1, 1977) Madison County, Alabama	.50	.55			\$10.50	.10
CHANGE: Plumbers & pipefitters Power Equipment Operators: Group A Group B Group C	.40 .40 .40	.40 .40 .40			9.98 8.64 7.92	



MODIFICATIONS P. 4

DECISION #1077-5088 - Mod. #3 (42 FR 54709 - October 7, 1977) Statewide Idaho	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Change: Asbestos Workers: Benevah, Bonner, Boundary, Kootenai, Shoshone Counties Add: Terrazzo Workers & Tile Setters: Benevah, Bonner, Boundary, Kootenai, Shoshone Counties	\$11.21	.84	\$1.20			
Change: Terrazzo Workers & Tile Setters: Clearwater, Idaho, Latah, Lewis, Nez Perce Counties Add: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	12.00				.70	
Change: Terrazzo Workers & Tile Setters: Clearwater, Idaho, Latah, Lewis, Nez Perce Counties Add: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	11.15	.75	1.10		1.10	
Change: Terrazzo Workers & Tile Setters: Clearwater, Idaho, Latah, Lewis, Nez Perce Counties Add: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	9.53	.40	.35	b		
Change: Terrazzo Workers & Tile Setters: Clearwater, Idaho, Latah, Lewis, Nez Perce Counties Add: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	10.00	.35	.30			.10
Change: Terrazzo Workers & Tile Setters: Clearwater, Idaho, Latah, Lewis, Nez Perce Counties Add: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	12.00					
Change: Terrazzo Workers & Tile Setters: Clearwater, Idaho, Latah, Lewis, Nez Perce Counties Add: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	11.15	.75	1.10			
Change: Terrazzo Workers & Tile Setters: Clearwater, Idaho, Latah, Lewis, Nez Perce Counties Add: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	9.25	.60	.30	.50		
Change: Terrazzo Workers & Tile Setters: Clearwater, Idaho, Latah, Lewis, Nez Perce Counties Add: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	11.25	.60	.30	.50		

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 9—FRIDAY, JANUARY 13, 1978

MODIFICATIONS P. 5

DECISION #1077-5072 - Mod. #6 (42 FR 35362 - July 8, 1977) Nevada Test Site including Tonopah Test Range in Clark and Nye Counties, Nevada	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Change: Asbestos Workers: Elko, Eureka, White Pine Counties	\$13.87	.85	\$1.20			
Change: Asbestos Workers: Elko, Eureka, White Pine Counties	10.02	.66	1.35			
Change: Asbestos Workers: Elko, Eureka, White Pine Counties	10.02	.66	1.35			
Change: Asbestos Workers: Elko, Eureka, White Pine Counties	\$11.21	.84	\$1.20			
Change: Asbestos Workers: Elko, Eureka, White Pine Counties	9.60	.50	.90			.05
Change: Asbestos Workers: Elko, Eureka, White Pine Counties	10.50	.50	.90			.05
Change: Asbestos Workers: Elko, Eureka, White Pine Counties	10.02	.66	1.35			
Change: Asbestos Workers: Elko, Eureka, White Pine Counties	12.27	.70	.60			.06
Change: Asbestos Workers: Elko, Eureka, White Pine Counties	11.45	.50	.60			.01

MODIFICATIONS P. 6

DECISION #1077-5077 (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Change: Marble, Terrazzo, Tile Helpers: Clark, Esmeralda, Lincoln, Nye County (south half) Remaining Counties and Nye County (north half)	\$9.65	.70	.60			.01
Change: Marble, Terrazzo, Tile Helpers: Clark, Esmeralda, Lincoln, Nye County (south half) Remaining Counties and Nye County (north half)	6.87	.50	.60			
Change: Marble, Terrazzo, Tile Helpers: Clark, Esmeralda, Lincoln, Nye County (south half) Remaining Counties and Nye County (north half)	10.02	.66	1.35			
Change: Marble, Terrazzo, Tile Helpers: Clark, Esmeralda, Lincoln, Nye County (south half) Remaining Counties and Nye County (north half)	10.75	.50	.90			
Change: Marble, Terrazzo, Tile Helpers: Clark, Esmeralda, Lincoln, Nye County (south half) Remaining Counties and Nye County (north half)	11.35	.50	.90			
Change: Marble, Terrazzo, Tile Helpers: Clark, Esmeralda, Lincoln, Nye County (south half) Remaining Counties and Nye County (north half)	11.12	.66	1.35			
Change: Marble, Terrazzo, Tile Helpers: Clark, Esmeralda, Lincoln, Nye County (south half) Remaining Counties and Nye County (north half)	11.12	.66	1.35			
Change: Marble, Terrazzo, Tile Helpers: Clark, Esmeralda, Lincoln, Nye County (south half) Remaining Counties and Nye County (north half)	10.75	.50	.90			
Change: Marble, Terrazzo, Tile Helpers: Clark, Esmeralda, Lincoln, Nye County (south half) Remaining Counties and Nye County (north half)	11.35	.50	.90			
Change: Marble, Terrazzo, Tile Helpers: Clark, Esmeralda, Lincoln, Nye County (south half) Remaining Counties and Nye County (north half)	13.07	.65				.15
Change: Marble, Terrazzo, Tile Helpers: Clark, Esmeralda, Lincoln, Nye County (south half) Remaining Counties and Nye County (north half)	12.27	.70	.60			.06

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MODIFICATIONS P. 7

DECISION NO. 42 FR 4079 - September 21, 1977 (42 FR 4079 - September 21, 1977) Clark County (does not include the Nevada Test Site), Nevada	Basic Hourly Rates	Fringe Benefits Payments			Education Appr. Tr.
		H & W	Pensions	Vacation	
Omit: Brick Tenders	\$10.02	.66	\$1.35		.06
Change: Bricklayers; Stonemasons	12.27	.70	.60		.06
Marble Masons	12.27	.70	.60		
Add: Marble, Terrazzo, Tile Helpers	9.65	.70	.60		
Mason Tenders	10.02	.66	1.35		
Plaster Tenders	11.12	.66	1.35		
Omit: Plasterers' Tenders	11.12	.66	1.35		
Change: Soft Floor Layers	13.07	.65			.15
Terrazzo Workers; Tile Satters	12.27	.70	.60		.06
DECISION #NVT7-5089 - Mod. #4 (42 FR 48605 - September 23, 1977) Washoe County, Nevada					
Add: Brick Rod Carriers:					
Zone 1: 0-35 miles from Court-					
house in Reno, Nevada	\$9.60	.50	.90		.05
Zone 2: 35-75 miles from Court-					
house in Reno, Nevada	10.50	.50	.90		.05
Omit: Brick Tenders:					
Zone 1: 0-35 miles from Court-	9.60	.50	.90		.05
house in Reno, Nevada					
Zone 2: 35-75 miles from Court-	10.50	.50	.90		.05
house in Reno, Nevada					
Add: Marble, Terrazzo, Tile Helpers	6.87	.50	.60		.01
Plaster Rod Carriers:					
Plaster Rod Carrier serving	10.75	.50	.90		
Plasterers					
Plaster Rod Carrier working	11.35	.50	.90		
on any type of gun					
Omit: Plasterer Tenders:					
Plasterer Tender serving	10.75	.50	.90		
Plasterers					
Plasterer Tender working on	11.35	.50	.90		
any type of gun					

MODIFICATIONS P. 8

DECISION NO. 42 FR 5091 - September 30, 1977 (42 FR 5091 - September 30, 1977) Oklahoma, Cleveland, Caddo, Grady, Canadian, Kingfisher, Logan, Lincoln, McClain, Seminole and Pottawatomie Counties, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			Education Appr. Tr.
		H & W	Pensions	Vacation	
CHANGE: SHEET METAL WORKERS	\$10.82	.50	.84		.07
ELECTRICIANS:					
Zone I	10.35	.50	37+-.70		1%
Zone II	10.60	.50	37+-.70		1%
Zone III	10.85	.50	37+-.70		1%
CABLE SPLICERS:					
Zone I	10.60	.50	37+-.70		1%
Zone II	10.85	.50	37+-.70		1%
Zone III	11.10	.50	37+-.70		1%
BRICKLAYERS-STONEMASONS:					
Oklahoma, Cleveland, Canadian and McClain Counties	10.27	.50	.50		.05
Lincoln, Pottawatomie and Seminole Counties	9.85	.50	.30		.05
Logan County	10.27	.50	.50		.10
Caddo and Grady Counties	9.50	.50	.30		
OMIT FROM MODIFICATION #3 ISSUED IN FEDERAL REGISTER, PUBLISHED DECEMBER 9, 1977: BRICKLAYERS					
DECISION NO. 42 FR 53094 - September 30, 1977 (42 FR 53094 - September 30, 1977) Garfield County, Oklahoma	\$10.27	.50	.50		.05
CHANGE: SHEET METAL WORKERS	10.82	.40	.84		.07
ELECTRICIANS:					
Zone I	10.35	.50	37+-.70		1%
Zone II	10.60	.50	37+-.70		1%
Zone III	10.85	.50	37+-.70		1%
CABLE SPLICERS:					
Zone I	10.60	.50	37+-.70		1%
Zone II	10.85	.50	37+-.70		1%
Zone III	11.10	.50	37+-.70		1%

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MODIFICATIONS P. 9

DECISION #NVT7-4193 - Mod. #4 (42 FR 42121 - August 19, 1977) - Bexar County, Texas  
DECISION #NVT7-4221 - Mod. #7 (42 FR 48772 - September 23, 1977) - Travis County, Texas  
DECISION #NVT7-4252 - Mod. #6 (42 FR 53142 - September 30, 1977) - Armstrong, Carson, Castro, Childress, Collingsworth, Dallas, Deaf Smith, Donley, Gray, Hamford, Hartley, Haskell, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas  
DECISION #NVT7-4254 - Mod. #6 (42 FR 53150 - September 30, 1977) - Bex, Kieberg & Nueces Cos., Texas  
DECISION #NVT7-4256 - Mod. #8 (42 FR 53154 - September 30, 1977) - Brazos County, Texas  
DECISION #NVT7-4258 - Mod. #8 (42 FR 53158 - September 30, 1977) - Galveston & Harris Cos., Texas  
DECISION #NVT7-4259 - Mod. #3 (42 FR 53161 - September 30, 1977) - Gregg County, Texas  
DECISION #NVT7-4261 - Mod. #5 (42 FR 53165 - September 30, 1977) - Lubbock County, Texas  
DECISION #NVT7-4262 - Mod. #2 (42 FR 53167 - September 30, 1977) - Smith County, Texas  
DECISION #NVT7-4263 - Mod. #3 (42 FR 53167 - September 30, 1977) - Taylor County, Texas  
DECISION #NVT7-4264 - Mod. #3 (42 FR 53168 - September 30, 1977) - Tom Green County, Texas  
DECISION #NVT7-4265 - Mod. #5 (42 FR 53169 - September 30, 1977) - Wichita County, Texas  
DECISION #NVT7-4280 - Mod. #3 (42 FR 53171 - September 30, 1977) - Cameron, Hidalgo, Starr & Willacy Counties, Texas  
DECISION #NVT7-4289 - Mod. #2 (42 FR 56311 - October 21, 1977) - Harrison County, Texas

Change Description of Work to Read as Follows:  
Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

DECISION #NVT6-4039 - Mod. #3 (41 FR 7014 - February 13, 1976) - Dimmit, Jim Hogg, LaSalle, Haverick, Webb, Zavala & Zavala Counties, Texas  
DECISION #NVT7-4250 - Mod. #6 (42 FR 53162 - September 30, 1977) - Jefferson & Orange Counties, Texas

Change Description of Work to Read as Follows:  
Buildings (Including Residential) Construction

DECISION #NVT7-4197 - Mod. #5 (42 FR 42127 - August 19, 1977) - Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas

Change Description of Work to Read as Follows:  
Building Construction (does not include single family homes & garden type apartments up to & including 4 stories) & also does not include Dallas-Fort Worth Regional Airport. (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

DECISION #NVT7-4257 - Mod. #4 (42 FR 53156 - September 30, 1977) - El Paso County, Texas  
Change Description of Work to Read as Follows:  
Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). (See current heavy & highway general wage determination for Paving Incidental to Building Construction).

MODIFICATIONS P. 10

DECISION #NVT7-4236 - Mod. #1 (42 PR 53118 - September 30, 1977) - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallas, Deaf Smith, Donley, Gray, Hall, Hamford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Palmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Cos., Texas  
DECISION #NVT7-4237 - Mod. #1 (42 PR 53120 - September 30, 1977) - Bailey, Borden, Cochran, Gottle, Groby, Dawson, Dickens, Fisher, Floyd, Fuad, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Cos., Texas  
DECISION #NVT7-4238 - Mod. #1 (42 PR 53122 - September 30, 1977) - Andrews, Brown, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Co., Texas  
DECISION #NVT7-4240 - Mod. #2 (42 PR 53126 - September 30, 1977) - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Haverick, McMillen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Cos., Texas  
DECISION #NVT7-4243 - Mod. #1 (42 PR 53132 - September 30, 1977) - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Willamson Cos., Texas  
DECISION #NVT7-4247 - Mod. #1 (42 PR 53140 - September 30, 1977) - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rock, Smith, Titus, Unshur, Van Zandt & Wood Counties, Texas  
DECISION #NVT7-4249 - Mod. #1 (42 PR 53143 - September 30, 1977) - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Cos., Texas

Change Description of Work to Read as Follows:  
Heavy (does not include tunnels & dams) & Highway (does not include building structures in rest area projects) Construction & Paving & Utilities Incidental to General Building Construction (not to be used for Utilities Incidental to General Building Construction in El Paso Co.). This wage determination does not apply to any residential construction (single family homes & garden type apartments up to & including 4 stories).

DECISION #NVT7-4239 - Mod. #2 (42 PR 53124 - September 30, 1977) - Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Cos., Texas

Change Description of Work to Read as Follows:  
Heavy (does not include tunnels & dams) & Highway (does not include building structures in rest area projects) Construction & Paving & Utilities Incidental to General Building Construction (not to be used for Utilities Incidental to General Building Construction in El Paso Co.). This wage determination does not apply to any residential construction (single family homes & garden type apartments up to & including 4 stories).

DECISION #NVT7-4261 - Mod. #1 (42 FR 53128 - September 30, 1977) - Brooks, Cameron, David, Hidalgo, Jim Hogg, Kennedy, Starr, Webb, Willacy & Zavala Cos., Texas  
DECISION #NVT7-4262 - Mod. #2 (42 PR 53130 - September 30, 1977) - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Cos., Texas  
DECISION #NVT7-4268 - Mod. #1 - (42 PR 53142 - September 30, 1977) - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Jacksonoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Cos., Texas

Change Description of Work to Read as Follows:  
Heavy (does not include tunnels & dams) & Highway (does not include building structures in rest area projects) Construction & Incidental Shore Work & Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes & garden type apartments up to & including 4 stories).



MODIFICATIONS P. 11

DECISION #TX77-4246 - Mod. #1 (42 FR 53136 - September 30, 1977) - Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Llano, Lampasas, McLennan & Navarro Cos., Texas

Change Description of Work to Read as Follows:  
Heavy (does not include tunnels, dams & highway) (does not include building structures in rest area projects) Construction & Paving & Utilities Incidental to General Building Construction (not to be used for Paving & Utilities Incidental to General Building Construction in Bull & Coryell Cos.). This wage determination does not apply to any residential construction (single family homes & garden type apartments up to & including 4 stories).

DECISION #TX77-4245 - Mod. #1 (42 FR 53136 - September 30, 1977) - Cooke, Denton, Bond, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant (does not include Dallas-Fort Worth Regional Airport) & Wise Cos., Texas

Change Description of Work to Read as Follows:  
Heavy (does not include tunnels, dams & work performed on the site of water or sewage treatment facilities) & Highway (does not include building structures in rest area projects) Construction & Paving & Utilities Incidental to General Building Construction (not to be used for Paving & Utilities Incidental to General Building Construction in Tarrant Co.). This wage determination does not apply to any residential construction (single family homes & garden type apartments up to & including 4 stories).

DECISION #TX77-4246 - Mod. #1 (42 FR 53138 - September 30, 1977) - Collins, Dallas (does not include Dallas-Fort Worth Regional Airport), Ellis, Grayson & Rockwall Cos., Texas

Change Description of Work to Read as Follows:  
Heavy (does not include tunnels, dams & work performed on the site of water or sewage treatment facilities) & Highway (does not include building structures in rest area projects) Construction & Paving & Utilities Incidental to General Building Construction (not to be used for Paving & Utilities Incidental to General Building Construction). This wage determination does not apply to any residential construction (single family homes & garden type apartments up to & including 4 stories).

DECISION #TX77-4250 - Mod. #2 (42 FR 53144 - September 30, 1977) - Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller & Wharton Cos., Texas

Change Description of Work to Read as Follows:  
Highway (does not include building structures in rest area projects) Construction, & Paving & Utilities Incidental to General Building Construction (not to be used for Paving & Utilities Incidental to General Building Construction on Galveston Island). This wage determination does not apply to any residential construction (single family homes & garden type apartments up to & including 4 stories).

DECISION #TX77-4251 - Mod. #1 (42 FR 53146 - September 30, 1977) - Chambers, Hardin, Jefferson, Liberty & Orange Cos., Texas

Change Description of Work to Read as Follows:  
Heavy (does not include tunnels, dams & not to be used for Heavy Construction in Jefferson & Orange Cos.) & Highway (does not include building structures in rest area projects) Construction, Incidental Shore Work (not to be used for Incidental Shore Work in Jefferson & Orange Cos.) & Paving & Utilities Incidental to General Building Construction (not to be used for Paving & Utilities Incidental to General Building Construction in Jefferson & Orange Cos.). This wage determination does not apply to any residential construction (single family homes & garden type apartments up to & including 4 stories).

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MODIFICATIONS P. 12

DECISION #TX77-5075 - Mod. #5 (42 FR 10684 - August 3, 1977) - Statewide Utah

Change:  
Asbestos Workers  
Painters:  
Remaining part of Stare:  
Brush (swing stage); Brush  
(steel and bridge); Spray  
Sandblaster; Steeljack  
Spray (swing stage); Spray  
(steel and bridge); Sand-  
blaster (swing stage); Sand-  
blasting (swing stage)

DECISION #TX77-2112 - MOD. #3 (42 FR 30781 - July 15, 1977) - Statewide, Wisconsin

Change:  
Wicklayers:  
Zone 1 - Barron, Buffalo, Burnett, Chippewa, Dunn, Eau Claire, Pepin, Polk, Rusk, St. Croix, and Sawyer Counties

Zone 4 - Green, Lafayette, and Rock Counties  
Zone 7 - Dane, Grant Iowa, and Richland Counties  
Zone 9 - Columbia and Sauk Counties  
Zone 10 - Kenosha and Racine Counties  
Zone 11 - Sheboygan County  
Zone 14 - Adams, Clark, Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Portage, Price, Taylor, Vilas, and Wood Counties

Carpenters:  
Zone 1 - Ashland County  
Carpenters  
Piledrivermen  
Zone 4 - Green, Jefferson and Rock Counties  
Carpenters  
Piledrivermen  
Zone 5 - Kenosha County  
Carpenters  
Piledrivermen  
Zone 10 - Racine County  
Carpenters  
Piledrivermen  
Zone 11 - Sheboygan County  
Carpenters  
Piledrivermen

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.21	.84	\$1.20			
9.70	.51	.30			.02
10.00	.51	.30			.02
10.25	.51	.30			.02
9.45	.51	.30			.02
9.75	.65	.25			.05
10.38	.65	.30			
9.29	.65	.60	.50		
10.10	.65	.30			
10.55	.69	.60	.50		.05
9.20	.65	.40			.05
9.30	.65	.35			
8.59	.50	.30	.15		
8.79	.50	.30	.15		
10.28	.50	.50	.07		
10.43	.50	.50	.07		
10.30	.40	.85			.05
10.38	.40	.85			.05
10.10	.60	.85			.05
10.18	.60	.85			.05
9.35	.75	.30			
10.39	.75	.30			

MODIFICATIONS P. 13

DECISION NO. W177-2102 Continued

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
10.28	.50	.50			.07
10.43	.50	.50			.07
9.75	.65	.25			.05
8.80	.65	.30			.04
9.75	.65	.25			.05
9.85	.65	.40			.05
9.93	.60	.60	.50		
10.92	.54	.34			1/84
10.93	.60	.34			.54
11.06	.40	.34	.25		.754
12.07	.51	.34			
10.92	.55	.34	.74		.44
10.70	.45	.34			
10.45	.74	.34	.84		

MODIFICATIONS P. 14

DECISION NO. W177-2102 - MOD. #3

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
9.83	.92	.34+.35	.104		.44
9.83	.92	.34+.35	.104		.44
10.72	.65	.375			.055
12.60	.65	.375			.10
9.97	.54	.74			.54
8.97	.54	.74			.54
7.98	.54	.74			.54
6.98	.54	.74			.54
6.48	.54	.74			.54
5.48	.54	.74			.54
8.43	.45	.45			
9.12	.45	.45			
9.325	.40	.40			
10.07	.40	.40			
8.25					
8.75					
8.80	.70	.10			.03
9.30	.70	.10			.03
9.20	.55	.60			.05
9.95	.55	.60			.05
10.08	.40	.40			.09
10.68	.40	.40			.09

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INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or Appr. Tr.
Power Equipment Operators (Cont'd):				
Crane, Climahel, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	\$ 5.05			
Crusher or Screening Plant Op. (Crawler Mounted)	4.95			
Foundation Drill Operator (Truck Mounted)	5.35			
Foundation Drill Op. Helper	5.85			
Front End Loader (2 1/2 CY & Less)	4.00			
Mixer (Over 16 CP)	4.20			
Motor Grader Op., Fine Grade	4.90			
Motor Grader Operator	4.65			
Roller, Steel Wheel (Plant-Mix Pavements)	5.00			
Roller, Steel Wheel (Other-Plant Wheel or Tamping)	3.50			
Roller, Pneumatic (Self-Propelled)	3.90			
Scrapers (17 CY and Less)	3.85			
Scrapers (Over 17 CY)	4.35			
Side Boom	4.80			
Tractor (Crawler Type) 150 HP and Less	4.00			
Tractor (Crawler Type) over 150 HP	3.80			
Tractor (Pneumatic) 80 HP and Less	4.30			
Tractor (Pneumatic) over 80 HP	3.75			
Traveling Mixer	4.30			
Trenching Machine, Light	4.35			
Trenching Machine, Heavy	4.00			
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.00			
Truck Drivers:				
Single Axle, Light	3.00			
Single Axle, Heavy	3.75			
Tandem Axle or Semitrailer	3.45			
Leaseboy-Float	3.55			
Tramit-Mix	3.50			
Vibrator Man (Hand Type)	3.05			
Wegman (Truck Scale)	3.25			
Welder	5.50			

STATE: Texas

SUPERSEDES DECISION

COURTES: Bell, Bosque, Coryell, Falls, Hill & McLennan  
DATE: Date of Publication  
Supersede Decision No. TX77-4222, dated September 23, 1977, in 42 FR 48725.  
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction in Bosque, Falls, Hill & McLennan Counties).

BUILDING CONSTRUCTION	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or Appr. Tr.
ASBESTOS WORKERS:				
ZONE 1 - Bell, Coryell & Falls	\$10.35	.60	.60	.08
ZONE 2 - Bosque, Hill & McLennan	10.03	.40	.76	.025
BOTTLERMAKERS	10.00	.50	1.00	.02
BRICKLAYERS	9.60		.55	.03
CARPENTERS:				
ZONE 1 - Bell & Coryell Cos.:				
Carpenters	8.70			
Millwrights	8.95			
ZONE 2 - Bosque, Falls, Hill & McLennan:				
Carpenters	8.95			
Millwrights	9.35			
CEMENT MASONS	8.69	.40	.30	
ELECTRICIANS:				
ZONE 1 - Bell (that part which is nearer to Waco than Austin but excluding that part of Ft. Hood, the boundary which presently is located approx. 2 miles inside the Bell Co. line & the City of Killeen), Bosque, Coryell (except that part of Ft. Hood south of Codhouse Creek), Falls, Hill & McLennan Cos.	9.40	.60	3%	1 1/2%
ZONE 2 - Bell (that part which is nearer to Austin than Waco & not to extend more than 2 miles into Bell Co. from the southeast boundary line of Coryell Co., Gray Field & the City of Killeen) & Coryell (that part south of Codhouse Creek) Counties	10.70		8%	1 1/2%
ELEVATOR CONSTRUCTORS:				
Mechanics	9.91	.745	.35	4 1/2%+b
Helpers	702JR	.745	.35	4 1/2%+b
GLAZIERS	7.00			.02
IRONWORKERS	9.45	.55	1.00	.12
LABORERS:				
Unskilled	2.97			
Mason tenders & mortar mixers	3.55			
LATHERS	9.30			.05
LINE CONSTRUCTION:				
Linemen: Linemen operators	11.52		3%	1 1/2%
Cable splicers	12.67		3%	1 1/2%
Groundman, 1st 6 months	6.91		3%	1 1/2%
Groundman, 2nd 6 months	7.49		3%	1 1/2%
Groundman, 1 year & over	8.06		3%	1 1/2%
PAINTERS:				
GROUP 1 - Brush	7.60			.04
GROUP 2 - Boiler pipes & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatwain chair	8.10			.04

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BUILDING CONSTRUCTION	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or Appr. Tr.
GROUP 3 - Ames tools for dry wall	\$ 8.20			.04
GROUP 4 - Spray work & self feeding rollers	8.35			.04
GROUP 5 - Steam cleaning, sand-blasting & hazardous work	8.70	.45	.50	.04
PLASTERERS & PIPEFITTERS:	9.54			.01
PLUMBERS & PIPEFITTERS:				
ZONE 1 - Area within a 35 mile radius of Waco including Temple, Marlin, Clifton & Hillsboro	8.70	.30	.33	.03
ZONE 2 - All other areas	9.10	.30	.33	.03
ROOFERS:				
GROUP 1 - Slate, tile, asbestos, roofing & siding	6.95			.03
GROUP 2 - Composition, built-up, damp & waterproofing	6.80			.03
GROUP 3 - Kettlemen	5.10			.03
SHEET METAL WORKERS:				
ZONE 1 - Within a radius of 20 miles from the McLennan Co. Court House, Waco	9.26		.39	.05
ZONE 2 - Over 20 miles but less than 45 miles including the towns of Hillsboro, Temple, Marlin, Gatesville & Clifton	9.76		.39	.05
ZONE 3 - Over 45 miles	10.26		.39	.05
SPRINKLER FITTERS	11.15	.55	.95	.08
TRUCK DRIVERS	2.80			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.				
FOOTNOTES FOR ELEVATOR CONSTRUCTORS:				
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate				
b - Paid Holidays A thru G				
PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS:				
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; F-Christmas Day				

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BUILDING CONSTRUCTION	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or Appr. Tr.
GROUP 1	\$ 8.63		.40	
GROUP 2	7.56		.40	
GROUP 3	6.34		.40	
GROUP 4	6.23		.40	
POWER EQUIPMENT OPERATORS				
GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Lay; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor-Driven, two drums or more; Mix Mobile; High-Lifts & Loaders, over 1 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scrapers; Trenching Machine (all sizes); Grapple; Foundation Piling Machine; Rock Crusher; Shovel, power operated; Pump Grate Machine; Glam Shell Operator; Rock Crusher Operated on Job; Welding Machine, 6 to 12; Two 125 cu. ft. Compressors; Bell Poles, including installations				
GROUP 2 - Blade Grader, Tractor; Flex Plow; Form Grader; Mixer, less than 14 cu. ft.; Trencher; Truck Grate Driver & Oilier; Combination saw; Gasoline or Diesel Driven Siding Machine, 3 to 6; Hoist, Single Drum; Pump, 2 1/2 in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attendances operating on a 125 cu. ft. compressor, a light equipment operator shall be employed, One 125 cu. ft. air compressor and one welding machine requires no operator, One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator				
GROUP 3 - Fireman				
GROUP 4 - Oilier				

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS  
GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Lay; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor-Driven, two drums or more; Mix Mobile; High-Lifts & Loaders, over 1 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scrapers; Trenching Machine (all sizes); Grapple; Foundation Piling Machine; Rock Crusher; Shovel, power operated; Pump Grate Machine; Glam Shell Operator; Rock Crusher Operated on Job; Welding Machine, 6 to 12; Two 125 cu. ft. Compressors; Bell Poles, including installations  
GROUP 2 - Blade Grader, Tractor; Flex Plow; Form Grader; Mixer, less than 14 cu. ft.; Trencher; Truck Grate Driver & Oilier; Combination saw; Gasoline or Diesel Driven Siding Machine, 3 to 6; Hoist, Single Drum; Pump, 2 1/2 in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attendances operating on a 125 cu. ft. compressor, a light equipment operator shall be employed, One 125 cu. ft. air compressor and one welding machine requires no operator, One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator  
GROUP 3 - Fireman  
GROUP 4 - Oilier

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INCIDENTAL PAVING & UTILITIES (BELL & CORVELL COUNTIES)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Air Tool Man	\$ 3.00				
Asphalt Heacerman	3.55				
Asphalt Raker	4.00				
Batching Plant Scaleman	4.25				
Carpenter	4.35				
Concrete Finisher (Paving)	3.55				
Concrete Finisher Helper (Paving)	4.75				
Concrete Finisher (Structures)	3.75				
Concrete Finisher Helper (Structures)	4.50				
Concrete Rubber	3.50				
Electrician	3.35				
Electrician Helper	6.50				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	4.00				
Form Setter (Paving & Curb)	3.50				
Form Setter (Structures)	4.20				
Form Setter Helper (Structures)	4.25				
Laborer, Common	3.55				
Laborer, Utility Man	3.00				
Mechanic	3.00				
Mechanic Helper	4.60				
Oilier	3.80				
Service Man	3.25				
Painter (Structures)	3.50				
Pipelayer (Concrete & Clay)	4.00				
Pipelayer Helper (Concrete & Clay)	4.50				
Plumbers	3.00				
Zone 1 - 35 miles from Waco, Texas including town of Temple	8.70	.30	.33		.03
Zone 2 - all area not included in Zone 1	9.10	.30	.33		.03
Powderman	4.35				
Reinforcing Steel Setter (Structures)	4.50				
Reinforcing Steel Setter Helper	3.00				
Sign Erector	4.50				
Sign Erector Helper	3.00				
Spreader Box Man	4.10				
Swamp	4.05				
Power Equipment Operators:					
Asphalt Distributor	4.00				
Asphalt Paving Machine	4.10				
Broom or Sweeper Operator	4.10				
Bulldozer, 150 HP and Less	3.90				
Bulldozer, over 150 HP	3.75				
Concrete Paving Guring Machine	4.50				
Concrete Paving Saw	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1 1/2 CY)	4.75				
	4.00				

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INCIDENTAL PAVING & UTILITIES (BELL & CORVELL COUNTIES)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Power Equipment Operators (Cont'd.):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1p CY and Over)	\$ 4.75				
Crusher or Screening Plant Op. (Truck Mounted)	4.15				
Foundation Drill Operator	5.40				
Foundation Drill Operator Helper	4.25				
Front End Loader (2 1/2 CY & Less)	4.00				
Front End Loader (Over 2 1/2 CY)	4.40				
Motor Grader Op., Fine Grade	5.00				
Motor Grader Operator	4.50				
Roller, Steel Wheel (Plant-Mix Pavements)	3.85				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.65				
Roller, Pneumatic (Self-Propelled)	3.40				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.35				
Tractor (Crawler Type) over 150 HP	3.75				
Tractor (Pneumatic) 80 HP & Less	3.40				
Tractor (Pneumatic) over 80 HP	4.00				
Traveling Mixer	4.25				
Trenching Machine, Light	4.00				
Trenching Machine, Heavy	4.65				
Wagon Drill Boring Machine or Post Hole Driller Operator	3.80				
Tuck Drivers:					
Single Axle, Light	3.65				
Tandem Axle or Semitrailer	3.55				
Lowboy-Float	4.15				
Welder	4.50				
Welder Helper	3.25				

SUPERSEDES DECISION

STATE: Texas

DECISION NO.: TX78-4004

COUNTY: Howard

DATE: Date of Publication

Supersedes Decision No. TX77-4201, dated August 19, 1977, in 42 FR 42136.

DESCRIPTION OF WORK: Building (Including Residential) Construction. (See current Heavy & Highway general wage determination for Paving & Utilities Incidental to Building Construction).

BRICKLAYERS CARPENTERS CEMENT MASONS ELECTRICIANS IRONWORKERS, STRUCTURAL & ORNAMENTAL LABORERS: Laborers Mason Tenders PAINTERS PLUMBERS ROOFERS SHEET METAL WORKERS TILE SETTERS TRUCK DRIVERS WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
	\$ 7.00				
	6.10				
	5.00				
	7.40	.30	1%		1/10%
	8.83	.55	1.00		.10
	3.06				
	3.50				
	4.50				
	4.26				
	4.00				
	5.25				
	4.00				
	2.65				

DECISION NO. TX78-4004

Page 2

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION (RESIDENTIAL CONSTRUCTION ONLY)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Air Tool Man	\$ 3.00				
Asphalt Heacerman	3.25				
Asphalt Raker	3.60				
Asphalt Shovel	3.50				
Batching Plant Scaleman	4.25				
Batching Plant Setter	3.65				
Carpenter	4.40				
Concrete Finisher (Paving)	3.30				
Concrete Finisher Helper (Paving)	4.50				
Concrete Finisher (Structures)	3.25				
Concrete Finisher Helper (Structures)	4.40				
Electrician	3.50				
Form Builder (Structures)	6.30				
Form Builder Helper (Structures)	4.50				
Form Setter (Paving & Curb)	3.15				
Form Setter Helper (Paving & Curb)	4.65				
Form Setter (Structures)	4.00				
Form Setter Helper (Structures)	4.75				
Laborer, Common	3.70				
Laborer, Utility Man	3.00				
Machole Builder, Brick	3.50				
Mechanic	3.00				
Mechanic Helper	4.00				
Oilier	3.75				
Painter (Structures)	3.50				
Pipelayer	3.50				
Pipelayer Helper	3.60				
Powderman	3.50				
Powderman Helper	4.00				
Reinforcing Steel Setter (Structures)	3.10				
Reinforcing Steel Setter Helper	3.75				
Steel Worker (Structural)	3.25				
Sign Erector	3.75				
Sign Erector Helper	4.15				
Spreader Box Man	3.25				
Power Equipment Operators:					
Asphalt Distributor	3.85				
Asphalt Paving Machine	4.10				
Broom or Sweeper Operator	4.00				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.50				
Concrete Paving Saw	4.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1 1/2 CY)	4.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	5.00				



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DECISION NO. TX7R-4004 INCIDENTAL PAVING & UTILITIES & SITE PREPARATION (RESIDENTIAL CONSTRUCTION ONLY)	Page 3			
	Basic Hourly Rates	H & W	Pensions	Vocation and/or App. Tr.
Power Equipment Operators (Cont'd):				
Crusher or Screening Plant Op.	\$ 4.05			
Elevating Grader	4.10			
Foundation Drill Operator (Graviter Mounted)	4.60			
Foundation Drill Operator (Truck Mounted)	5.50			
Front End Loader (2½ CY & Less)	3.75			
Front End Loader (Over 2½ CY)	4.45			
Motor Grader Op., Fine Grade	5.00			
Motor Grader Operator	4.40			
Roller, Steel Wheel (Plant-Mix Pavements)	3.50			
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.45			
Roller, Pneumatic (Self-Pro- pelled)	3.75			
Scrapers (17 CY and Less)	3.70			
Scrapers (Over 17 CY)	4.00			
Self-Propelled Hammer	3.50			
Side Boom	3.50			
Tractor (Crawler Type) 150 HP and Less	3.45			
Tractor (Crawler Type) over 150 HP	3.85			
Tractor (Pneumatic) 80 HP & Less	3.25			
Tractor (Pneumatic) over 80 HP	3.75			
Traveling Mixer	3.00			
Trenching Machine, Light	4.05			
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50			
Truck Drivers:				
Single Axle, Light	3.25			
Single Axle, Heavy	3.25			
Tandem Axle, Heavy	3.40			
Lobby-Float	3.95			
Winch	3.50			
Weightman (Truck Scales)	3.50			
Welder	4.00			

[FR Doc. 78-732 Filed 1-12-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 9—FRIDAY, JANUARY 13, 1978

federal
register

FRIDAY, JANUARY 13, 1978  
PART V



DEPARTMENT OF  
HEALTH,  
EDUCATION,  
AND WELFARE

Office of the Secretary

IMPLEMENTATION OF  
EXECUTIVE ORDER 11914

Nondiscrimination on the  
Basis of Handicap in  
Federally Assisted Programs



[4110-12]

## Title 45—Public Welfare

## SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

## PART 85—IMPLEMENTATION OF EXECUTIVE ORDER 11914, NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

## Coordination of Federal Agency Enforcement of Section 504 of the Rehabilitation Act of 1973

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: This rule implements Executive Order 11914, "Nondiscrimination With Respect to the Handicapped in Federally Assisted Programs," under which the Department of Health, Education, and Welfare is required to coordinate governmentwide enforcement of section 504 of the Rehabilitation Act of 1973, as amended. In particular, the rule sets forth enforcement procedures, standards for determining which persons are handicapped, and guidelines for determining what practices are discriminatory. These procedures, standards, and guidelines are to be followed by each federal agency that provides federal financial assistance in issuing regulations implementing section 504.

EFFECTIVE DATE: January 13, 1978.  
FOR FURTHER INFORMATION, CONTACT:

Anne Beckman, Office for Civil Rights, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, 202-245-6118.

## SUPPLEMENTARY INFORMATION:

## BACKGROUND

As part of the Rehabilitation Act of 1973 (Pub. L. 93-112), Congress enacted section 504, which provides that "no otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The definition of "handicapped individual" applicable to section 504 is contained in section 111(a) of the Rehabilitation Act Amendments of 1974 (Pub. L. 93-516). On April 28, 1976, the President issued Executive Order 11914 (41 FR 17871) to provide for consistent governmentwide enforcement of section 504; the executive order is reprinted at Appendix A to this rule. The order directs the Secretary of Health, Educa-

tion, and Welfare to coordinate the implementation of section 504 by all Federal departments and agencies that extend financial assistance to any program or activity. Specifically, section 1 directs the Secretary to establish standards for determining who are handicapped individuals and to establish guidelines for determining what are discriminatory practices under section 504 and to assist other agencies as necessary to assure the coordinated and consistent implementation of section 504. Sections 2 and 3 also contemplate that this Department will establish procedures to guide other Federal departments and agencies in implementing section 504.

In addition to setting forth the responsibilities of this Department, the executive order directs other agencies to issue regulations consistent with HEW standards and procedures, to furnish the Secretary with reports and information upon request, and to cooperate with this Department in their implementation of section 504.

Finally, the executive order, in section 3, contains general procedures and sanctions for securing compliance with section 504 and, in section 5, requires the consistent implementation of all of Title V of the Rehabilitation Act of 1973 as well as the Architectural Barriers Act of 1968 (Pub. L. 90-480).

On May 4, 1977, this Department issued its final regulation implementing section 504 as to recipients of financial assistance from HEW.

On June 24, 1977, the Department issued a proposed rule to carry out its responsibilities under the executive order by specifying procedures for the promulgation and enforcement of section 504 regulations by all agencies providing financial assistance, standards for determining who are handicapped individuals, and guidelines for determining what practices are discriminatory under section 504. Fifty comments were received during the 30-day public comment period. The Secretary's response to these comments and the explanation for changes in the proposed rule are set forth below in the summary of the final regulation.

## SUMMARY OF RULE AND ANALYSIS OF COMMENTS

Subpart A of this regulation sets forth general definitions and uniform procedures for the enforcement of section 504.

Section 85.3(e) defines the term "federal financial assistance." Several commenters objected to the exclusion of contracts of insurance and guaranty from that definition because programs whose only federal assistance is in the form of federal loan guarantees, such as the Federal Deposit Insurance Corporation (FDIC) and Federal Housing

Administration (FHA) programs, are thereby exempt from coverage. In light of this concern, the Department asked the Department of Justice for an opinion as to whether contracts of insurance and guaranty are covered by section 504. The Department of Justice has advised this Department, on the basis of its analysis of the legislative history of section 504, that Congress intended the reach of section 504 to be "co-extensive with that of (titles VI and IX), thus excluding programs of guarantee and insurance." The final regulation reflects that determination.

Despite some difference in the wording of the definitions of federal financial assistance in the regulations implementing section 504 and title VI, the substance of the two definitions does not differ. Several commenters misunderstood the exclusion of "ultimate beneficiaries" in § 85.3(d); an ultimate beneficiary is not the final "recipient," but the student, patient, or other individual who participates in the assisted program.

One comment asked whether the definition of facility in § 85.3(f) applies only to land-based facilities. Although the definition is not so limited, the Department agrees with the observation that different standards may be needed for vessels than for other facilities. The appropriate mechanism for the recognition of such differences, however, is in the regulations of the agencies that provide assistance to programs involving vessels.

Section 85.4 contains procedures for the promulgation of agency regulations. In accordance with section 2 of the executive order, such regulations are required to be consistent with the standards and guidelines contained in this regulation. Agencies are encouraged to examine Subparts A, B, and C of the HEW section 504 regulation to determine whether their regulations should include any of the more detailed provisions to be found there. In addition, each agency should examine the programs and activities to which it provides assistance to determine whether detailed requirements concerning any such program or activity should be included in its regulation, similar to those contained in Subparts D, E, and F of the HEW section 504 regulation.

A number of recipients objected to the requirement in paragraph (a) that each agency issue a separate section 504 regulation and would have preferred implementation through one regulation enforced by one agency—the system used for section 503. Although the provision for interagency cooperation set forth in § 85.6 should take care of many of the problems foreseen by these commenters, there are admitted advantages to the single agency system. This approach is precluded here, however, because section

504, unlike section 503, does not place rulemaking authority in a single agency and the executive order itself directs each federal agency to issue its own regulation. Furthermore, because section 504 covers the provision of services as well as employment, it does not lend itself as readily to a single regulation as does section 503: While employment presents fairly uniform issues from agency to agency, the problems that arise in various service programs differ widely.

Section 85.4(b) sets forth the schedule for issuing agency regulations. In response to comment, the time for preparation of a proposed rule has been extended to 90 days. Three agencies commented that more than 90 days would be required for this purpose. While the Department recognizes that the problems to be resolved by these agencies are complex, it believes that every effort should be made to meet this schedule.

As stated in the proposed regulation, the Secretary believes that the provision for review of each agency's draft final regulation by the Director of the HEW Office for Civil Rights before it is finally issued is an effective and appropriate method of promoting consistency of regulation under section 504 throughout the government. Although a few commenters suggested the need for some additional, formal mechanism for determining whether an agency regulation conforms to this regulation, we believe that public comment, together with review by the Office for Civil Rights, will suffice.

One change has been made in paragraph 4(c). The phrase "aid, benefits, or services" has been substituted for the word "services" so as to describe more adequately the nonemployment elements of various assisted programs and activities.

One comment requested a statement by the Department that this regulation creates no judicially enforceable rights. Such a statement, we believe, is inappropriate and unnecessary. Whether any legally enforceable rights are created by this regulation is a matter for courts to decide. We would only observe that the regulation applies to Federal agencies, not to recipients, and that it has no retroactive reach.

Comments led to three changes in section 85.5 (Enforcement). Adoption of title VI enforcement procedures is not a required element of the enforcement system; even those commenters who do not entirely support the title VI procedures favored their inclusion because of the advantages of a single complaint mechanism. The language of the consultation requirement has been made consistent with the corresponding language of the HEW section 504 regulation. A requirement that recipients conduct self-evaluations has

also been added because of the benefits to be gained by agencies, recipients, and handicapped persons of a mechanism for effecting compliance without Federal intervention. More specific guidance for conducting an evaluation, as well as a specific time for its completion, should be provided in each agency's regulation.

Despite these additions, § 85.5 is still not intended to be exhaustive. Agencies may wish to consider other additions from the HEW section 504 regulation, such as the designation by a recipient of an employee to coordinate 504 enforcement. Although § 85.5 has not been amended to require agencies to conduct pre-grant compliance reviews, as suggested, the Department does agree that they are an effective means of ensuring compliance and therefore encourages agencies to conduct such reviews as a routine matter, especially with respect to major grants.

Section 85.6 contains provisions concerning interagency cooperation. Although commenters were pleased that the issue of coordination of enforcement among the various Federal agencies had been addressed, many felt that this section failed to resolve adequately problems of the recipient who receives grants from more than one agency: Multiple assurance forms, inconsistent regulations or enforcement procedures, multiple investigations. Several commenters also suggested that the final regulation incorporate some method for determining the primary enforcement agency (such as the agency that provides the largest grants). While the Department is sympathetic with recipients' concerns, it believes that these problems can be resolved by the agencies themselves without further regulation. As noted in the proposed regulation, agencies are encouraged to extend existing title VI delegations to section 504. Ensuring consistent regulations should alleviate the problem as well. If, however, these mechanisms prove to be inadequate, the Department will issue further rules on the subject.

One comment suggested the need for standardized referral procedures when complainants appeal to the wrong agency. Although no change has been made in the regulation, the Department feels the issue is an important one. Each agency should adopt internal procedures to ensure that misdirected complaints are referred to the proper agency, rather than being returned to complainants, and to ensure that complainants are promptly notified of the referral.

Section 85.7 contains provisions for coordination with sections 502 and 503 of the Rehabilitation Act; two minor clarifying changes have been made.

One commenter inquired as to the precise meaning of "consult" and "co-

ordinate" as used in this section. The terms are not meant to specify any explicit procedures. The requirement for consultation with the Architectural and Transportation Barriers Compliance Board (ATBCB) in developing requirements for the accessibility of new construction and alteration is based simply on the Department's belief that agencies should take advantage of the Board's expertise in this area.

The coordination requirement is designed to avoid inconsistent or duplicative enforcement where the jurisdiction of sections 502 or 503 overlaps with that of section 504. The ATBCB itself suggested that each agency be required to enter into a memorandum of understanding with the Board. Requiring formal agreements for this purpose, we believe, is neither necessary nor advisable.

Two agencies suggested that all matters of employment discrimination against handicapped persons be coordinated by the Department of Labor (DOL) to avoid inconsistent requirements being imposed upon entities that are both federal recipients and federal contractors. We believe that the requirements of the two regulations are not inconsistent despite some variance in language. There must, of course, be close coordination of enforcement with DOL when a recipient is also a contractor. A general rule that DOL should be the primary enforcement agency in this situation would not, however, be appropriate. Where a corporation that is a federal contractor gets minimal assistance from another agency, DOL would be the natural lead agency. But where, for example, a university with a major HEW grant is also a federal contractor, HEW would more appropriately take the primary enforcement role, even with respect to employment.

Several suggestions were received concerning consultation and coordination with other agencies in areas of potential overlap. The Department is reluctant to build in any more of these requirements. The opportunity that each agency will have to comment on the regulation proposed by each of the other agencies should suffice to handle any other similar situations.

As noted in the proposal, the Department will, on a continuing basis, fulfill its responsibilities under the executive order to assist and consult with other agencies in their implementation of section 504 and to monitor compliance with the executive order.

Subpart B of this regulation contains the standards for determining who are "handicapped persons" and "qualified handicapped persons" within the meaning of section 504. Except for the addition noted below, the definition of handicapped person (§ 85.31) is identical to the one contained in § 84.3(j) of HEW's section 504



regulation. Further discussion of its provisions may be found in paragraph 3 of Appendix A of that regulation (42 FR at 22685-6). A final sentence has been added to the definition listing, for illustrative purposes, some of the diseases and impairments that are included in the term "physical or mental impairment." It should be noted that this definition of handicapped person does not supersede or interfere with the narrower definitions of the term established by statute for specific purposes, such as reduced transportation fares or eligibility for vocational rehabilitation services. Agencies using such definitions may not, however, substitute them for the definition prescribe in this regulation in connection with their implementation of section 504.

It is again noted that drug addiction and alcoholism are included in the list of diseases and impairments. As stated in the proposal, the question of section 504's application to drug addicts and alcoholics was a difficult one on which the Secretary of HEW sought the advice of the Attorney General. In an opinion dated April 12, 1977, the Attorney General concluded that drug addiction and alcoholism are physical or mental impairments and are thus handicaps for the purpose of section 504 if they result in a substantial limitation of a "major life activity."

A detailed analysis of the implications of the inclusion of drug addicts and alcoholics within the scope of section 504 is set forth in paragraph 4 of Appendix A of the HEW regulation (42 FR at 22686). In response to concern again expressed in a number of comments, we emphasize that the fact that drug addiction and alcoholism may be handicaps does not mean that the behavioral manifestations of these conditions must be ignored in determining whether a person is qualified for services or employment. The statute applies only to qualified handicapped persons.

The definition of qualified handicapped person in §85.32 has been adapted from §84.3(k) of the HEW section 504 regulation. Other agencies may wish to supplement its provisions with additional guidance concerning qualifications for specific programs, as was done in §84.3(k) (2) and (3) of the HEW section 504 regulation. Several comments objected to the difference in wording between §85.32(a) of this regulation and section 60-741.2 of the Department of Labor section 503 regulation. No difference in substance is thereby intended; this Department believes that its definition more adequately emphasizes the prohibition against deeming a handicapped person to be unqualified on the basis of functions that are not necessary to the successful performance of the job in question.

A number of comments from the transportation field raised the ques-

tion of whether such factors as safety may be considered in determining whether a handicapped person, especially one who is or has been alcoholic or emotionally ill, is qualified for a job. The Secretary again wishes to reassure recipients that such considerations are appropriate and are not considered a violation of section 504, so long as they are based on facts relating to the individual applicant's qualifications, rather than on assumptions or stereotypes.

Subpart C of this regulation, sets forth guidelines for determining discriminatory practices; these are, in general, minimum requirements. Except where obvious discrepancies in implementation would result, other agencies may exceed these standards if they wish. The subpart is divided into three parts: General, based on §84.4 of the HEW section 504 regulation; Employment, based on Subpart B of the HEW section 504 regulation; and Program Accessibility, based on Subpart C of the HEW section 504 regulation. A more detailed discussion of these subparts than is contained below may be found in Appendix A of the HEW regulation.

The general prohibitions against discrimination on the basis of handicap set forth in §85.51 incorporate basic principles that the Department determined, in developing its own regulation, to be inherent in section 504. First, section 504, like other nondiscrimination statutes, prohibits not only those practices that are overtly discriminatory but also those that have the effect of discriminating. And it is equal opportunity, not merely equal treatment, that is essential to the elimination of discrimination on the basis of handicap. Thus, in some situations, identical treatment of handicapped and nonhandicapped persons is not only insufficient but is itself discriminatory. On the other hand, separate or different treatment can be permitted only where necessary to ensure equal opportunity and truly effective benefits and services. Federally assisted programs and activities must thus be provided in the most integrated setting appropriate to the needs of participating handicapped persons.

Several commenters asked about the effect of §85.51 on the previously issued regulation of the Department of Transportation (DOT) implementing the Urban Mass Transportation Act (UMTA Act) with respect to handicapped persons. This Department has not reviewed the UMTA regulation because it was issued before the promulgation of these guidelines. In the course of developing its regulation to implement section 504, DOT will undoubtedly examine its prior regulations with a view toward incorporating or revising their underlying concepts in its 504 regulation. The DOT section

504 regulation will be subject to public comment and to review by this Department.

Furthermore, the Department's interpretation of §85.51 on matters of physical accessibility is set forth in §§85.56-58; it is these sections that, in general, should be looked to for guidance on this subject. This observation is also relevant to the many questions raised by commenters concerning the application of various provisions of §85.51 to specific transportation situations. In response to comment, the Department wishes to make clear that it does not construe this section, nor §§85.56-58, to preclude in all circumstances the provision of specialized services as a substitute for, or supplement to, totally accessible services, nor do these sections require door-to-door transportation service. Neither does paragraph (b)(4) of this section require buses to move their regular route stops to the doors of handicapped riders.

Section 85.51 (b)(3) prohibits recipients from utilizing criteria or methods of administration that would have the effect of subjecting handicapped persons to discrimination on the basis of handicap. The main application of this provision is to state agencies that receive federal funds and then distribute the funds to other entities. These state agencies are obligated to develop methods of administering the distribution of federal funds so as to ensure that handicapped persons are not subjected to discrimination on the basis of handicap either by the second-tier recipients or by the manner in which the funds are distributed. The prohibitions of this paragraph, as well as of paragraph (b)(1), apply not only to direct actions of a recipient but also to actions committed through contractual agreements or similar arrangements. This provision is based on the premise that a recipient should not be able to do indirectly that which it cannot do directly.

Sections 85.52-55 contain the basic requirements for the elimination of discrimination on the basis of handicap in employment. These sections should be augmented, where possible, with provisions appropriate to the programs assisted by each agency. Specifically, §85.53 could be supplemented, as is the corresponding §84.12 of the HEW section 504 regulation, with examples of actions constituting reasonable accommodation and with factors to be considered in determining undue hardship; and §85.54, with provisions adapted from the more specific requirements of the parallel §84.13 of the HEW section 504 regulation.

One comment raised an issue of interest to those agencies that decide to augment §85.53 with examples of reasonable accommodation. Because of the tendency of some readers to

equate this requirement with physical accommodations, any list of examples should include other types of actions, such as job restructuring and modified work schedules.

One comment to §85.52, raised in the context of the transportation industry but of general applicability, inquired about the effect of this section on local, state, and federal laws that govern, in the interest of safety, driver eligibility. Local and state laws affecting the eligibility of handicapped persons for employment may continue to be applied, but only if they set standards that are job related and that do not unjustifiably disqualify such persons for particular jobs. Federal regulations as well should be reviewed to determine whether they meet this standard.

In response to comment, a new paragraph (b), taken from the HEW section 504 regulation, has been added to this section. It is designed to emphasize the prohibition on such practices as classifying certain jobs as being for handicapped persons.

In §85.54, the word "nonjob-related" has been deleted as redundant. A test or other selection criterion "discriminates" if it screens out or tends to screen out handicapped persons but is not job related.

Although §85.55, like §84.14 of the HEW section 504 regulation, generally bans preemployment medical examinations and inquiries concerning handicap, certain qualifications to this general prohibition, found in §84.14 and cross-referenced in §85.55, should be noted. First, while employers may not, during the application process, inquire about the existence of a specific handicap (for example, epilepsy), they may ask about the applicant's ability to perform duties necessary to the job in question. Second, they may make voluntary inquiries as to handicap if they are subject to remedial or affirmative action obligations or if they are undertaking voluntary action to increase their employment of handicapped persons. Third, they may condition an offer of employment on the successful completion of a medical examination: *Provided*, That the examination follows the requirements of §84.14(c) and that no offer is withdrawn on the basis of medical conditions that are not job related.

Several comments objected to the difference between the positions taken in the section 503 regulation and §85.55 of this regulation on the question of preemployment inquiries and medical examinations. As discussed above, §85.55 requires physical examinations and inquiries as to handicap to be postponed until after the hiring decision (which, again, may be conditioned on the result of the examination), whereas the section 503 regulation allows such examinations and inquiries

to be made before an offer of employment.

The issuance of the DOL section 503 regulation preceded that of the HEW section 504 regulation by several years. During that time, the Department received extensive comment on the need to limit inquiries as to handicap in order to reduce the potential for discrimination, especially with respect to persons with nonvisible handicaps. We believe that the standard outlined above, although different from that of the DOL section 503 regulation, is necessary to achieve that objective; one virtue of this standard is that it makes it possible to determine whether the reason for not hiring a handicapped person is because of handicap. We also believe that legitimate purposes for obtaining such information are fulfilled as well at this later stage in the hiring process.

The misunderstanding of this section apparent in many comments makes it important to emphasize again that this provision does not prohibit taking job-related conditions into account in making employment decisions, nor does it preclude a recipient from obtaining information as to such conditions. It merely affects the time at which and the manner in which the information may be obtained.

Sections 85.56-58 concern "program accessibility," a term that summarizes the concept of prohibiting the exclusion of handicapped persons from programs by virtue of architectural barriers to such facilities as buildings, vehicles, and walks, while not requiring that existing facilities be completely barrier-free. Although new facilities are to be designed and constructed so as to be physically accessible to handicapped persons, structural modifications of existing facilities need be undertaken only where other methods are inadequate to assure that a program is available to handicapped persons. This final regulation has been amended to take into account the special problems of making various modes of transportation "program accessible," and the Department recognizes that the implementation of the concept of program accessibility will necessarily vary in other programs. As stated in the proposal, however, the Department believes that the basic principles contained in §§85.56-58, as amended, are appropriate governmentwide and are essential to the effective and consistent implementation of section 504.

Section 85.56 establishes the general standard for nondiscriminatory physical access to federally assisted programs and activities under section 504. It does not prohibit architectural barriers; it does prohibit exclusion of handicapped people from federally assisted programs and activities by virtue of such barriers. Sections 85.57-

8 describe the means by which this standard is to be reached.

Section 85.57 has been amended and divided into three paragraphs. A new sentence has been added to paragraph (a) to rectify the misunderstanding, evident in some comments, that each existing facility must be altered.

Agencies are urged to set forth in their regulations illustrative types of actions that recipients may use as alternatives to structural changes to existing facilities. If they do so, agencies should also include the requirement, intrinsic to section 504, that priority be given to methods that offer programs and activities to handicapped persons in the most integrated setting appropriate. (See §84.22(b) of the HEW section 504 regulation.) Agencies may also wish to consider supplementing §85.57 with other details from section 84.22 of the HEW section 504 regulation.

In response to comment, the Department wishes to make clear that §85.57 does not preclude other agencies from allowing recipients to choose among appropriate alternative methods of achieving program accessibility, so long as the agency itself sets an acceptable standard for what constitutes program accessibility.

Several transportation comments proposed that the word "program," for purposes of program accessibility, be interpreted to mean the entire transportation system of a certain geographic area, as opposed to particular modes of transportation (bus, rail) in the area. The Department rejects this concept as a general matter.

We recognize, however, that there are special problems to achieving program accessibility with the three-year time period for certain modes of transportation. Paragraph (b) has, therefore, been amended to allow more than three years for compliance for any mode of transportation in which program accessibility can be achieved within that period only through extensive alterations entailing extraordinary costs. Such exceptions may be allowed only where alternate, accessible modes of transportation are available. The specific period of time for compliance is to be established by the federal agency administering the transportation program (the Department of Transportation, in practically all cases); it may vary from mode to mode. The Department believes that this departure from the general scheme is justified by the lack of acceptable alternatives to extremely expensive alterations in the provision of some transportation services.

The Department recognizes that special problems may also be encountered in achieving program accessibility in existing public housing projects within the three-year schedule. Because the program accessibility stan-



dard itself requires only that a small percentage of units be accessible (and that there be access to the project itself), the Department believes that the standard can be met within the prescribed schedule. We are prepared to consult with the Department of Housing and Urban Development as compliance progresses and will reexamine the situation if circumstances so warrant.

Another issue raised during the comment period is the question of the effect of § 85.57 upon the requirements of the Architectural Barriers Act of 1968, Pub. L. 90-480. The relevant portion of that Act requires that, after 1968, all new construction and alteration receiving direct Federal financial assistance be accessible. One commenter feared that recipients who had undertaken construction subject to the Architectural Barriers Act but who had failed to comply with the Act might feel that compliance with the Architectural Barriers Act would be excused if its program, on the whole, were accessible and thus in compliance with § 85.57. Such is not the case. The Department does not intend, and has no authority, to interfere in any way with the requirements of the Architectural Barriers Act.

Two comments requested that an exception be added to § 85.57 for modifications of historic structures. While we agree that it is important to preserve historical structures, we believe that the flexibility of the program accessibility standard will permit recipients, with appropriate technical assistance and advice, to make their programs accessible without impairing the integrity of historic buildings.

Paragraph (c), added in response to comment, requires that transition plans be developed in cases where structural modifications are necessary to achieve program accessibility. The schedule for completion of these plans, as well as any further requirements deemed appropriate, is left to the determination of each regulating agency. The plan is to be developed with the aid of handicapped persons or their organizations.

Section 85.58 requires new facilities and, to the maximum extent feasible, alterations in existing facilities to be readily accessible. No accessibility standards have been specified here, but agencies should note that the HEW section 504 regulation requires HEW recipients either to meet the standards developed by the American National Standards Institute, Inc. (ANSI), or to provide equivalent accessibility. Each agency should, in the interest of governmentwide consistency, carefully consider adoption of the ANSI standards or their equivalent for any of its programs to which the standards are applicable.

A difficult problem that has arisen during the comment period with re-

spect to § 85.58 is its effect upon buses ordered in the interval between the final issuance of individual agency 504 regulations and the effective date of the Department of Transportation's ruling concerning Transbus. (That ruling requires that all buses acquired with the assistance of the Urban Mass Transportation Administration (UMTA), ordered after September 30, 1979, meet the specifications for Transbus—a low-floor, ramped bus.) Because of the complexity of the bus accessibility issue, the final regulation has been amended to allow the Department of Transportation (DOT) to defer the effective date for requiring all new buses to be accessible if DOT concludes during its section 504 rule-making process that it is not possible to do so by the effective date of its own section 504 regulation and if comparable, accessible services are available to handicapped persons in the meantime. The date may not, however, be deferred beyond the present effective date of the Transbus decision—October 1, 1979.

Because this Department agrees that Transbus is the most effective means of providing handicapped persons with accessible bus transportation, it encourages the Department of Transportation to take all possible steps to expedite the purchase of Transbus by its recipients.

The effective date of this regulation is January 13, 1978. Because the regulation applies only to other federal agencies rather than to the public and because the governmentwide implementation of section 504 should proceed without further delay, the Department believes that this departure from the normal 30-day waiting period is warranted.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an economic impact analysis (EIA) statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

In consideration of the foregoing, Part 85 is hereby added to Title 45 of the Code of Federal Regulations to read as set forth below.

Dated: January 3, 1978.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

Subpart A—Federal Agency Responsibilities

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85.2 Application.  
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- 85.56 General requirement concerning program accessibility.  
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Appendix A—Executive Order 11914.

AUTHORITY: Executive Order 11914, 41 FR 17871; sec. 504, Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 394 (29 U.S.C. 794); sec. 111(a), Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 88 Stat. 1619 (29 U.S.C. 706).

Subpart A—Federal Agency Responsibilities

§ 85.1 Purpose.

The purpose of this part is to implement Executive Order 11914, which requires the Department of Health, Education, and Welfare to coordinate the implementation of section 504 of the Rehabilitation Act of 1973.

§ 85.2 Application.

This part applies to each Federal department and agency that is empowered to extend Federal financial assistance.

§ 85.3 Definitions.

As used in this regulation, the term: (a) "Executive order" means Executive Order 11914, titled "Nondiscrimination with respect to the Handicapped in Federally Assisted Programs," issued on April 28, 1976.

(b) "Section 504" means section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 29 U.S.C. 794.

(c) "Agency" means a Federal department or agency that is empowered to extend financial assistance.

(d) "Recipient" means any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

(e) "Federal financial assistance" means any grant, loan, contract (other than a procurement contract or a con-

tract of insurance or guaranty), or any other arrangement by which the agency provides or otherwise makes available assistance in the form of:

- (1) Funds;  
(2) Services of Federal personnel; or  
(3) Real and personal property or any interest in or use of such property, including:  
(i) Transfers or leases of such property for less than fair market value or for reduced consideration; and  
(ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(f) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

§ 85.4 Issuance of agency regulations.

(a) Each agency shall issue, after notice and opportunity for comment, a regulation to implement section 504 with respect to the programs and activities to which it provides assistance. The regulation shall be consistent with this part.

(b) Each agency shall issue a notice of proposed rulemaking no later than 90 days after the effective date of this part. Each agency shall issue a final regulation no later than 135 days after the end of the period for comment on its proposed regulation: *Provided*, That the agency shall submit its proposed final regulation to the Director of the Office for Civil Rights, HEW, for review at least 45 days before it is to be issued.

(c) Each such agency regulation shall: (1) Define appropriate terms, consistent with the definitions set forth in § 85.3 and with the standards for determining who are handicapped persons set forth in Subpart B of this Part; and (2) prohibit discriminatory practices against qualified handicapped persons in employment and in the provision of aid, benefits, or services, consistent with the guidelines set forth in Subpart C of this Part. The regulation shall include, where appropriate, specific provisions adapted to the particular programs and activities receiving financial assistance from the agency.

§ 85.5 Enforcement.

(a) Each agency shall establish a system for the enforcement of section 504 and its implementing regulation with respect to the programs and activities to which it provides assistance. The system shall include: (1) The enforcement and hearing procedures that the agency has adopted for the enforcement of title VI of the Civil Rights Act of 1964, and (2) a requirement that recipients sign assurances of compliance with section 504.

(b) Each agency regulation shall also include requirements that recipients: (1) Notify employees and beneficiaries of their rights under section 504, (2) conduct a self-evaluation of their compliance with section 504, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, and (3) otherwise consult with interested persons, including handicapped persons or organizations representing handicapped persons, in achieving compliance with section 504.

§ 85.6 Interagency cooperation.

(a) Where each of a substantial number of recipients is receiving assistance for similar or related purposes from two or more agencies or where two or more agencies cooperate in administering assistance for a given class of recipients, the agencies shall: (1) Coordinate compliance with section 504, and (2) designate one of the agencies as the primary agency for section 504 compliance purposes.

(b) Any agency conducting a compliance review or investigating a complaint of an alleged section 504 violation shall notify any other affected agency upon discovery of its jurisdiction and shall inform it of the findings made. Reviews or investigations may be made on a joint basis.

§ 85.7 Coordination with sections 502 and 503.

(a) Agencies shall consult with the Architectural and Transportation Barriers Compliance Board in developing requirements for the accessibility of new facilities and alterations, as required in § 85.58, and shall coordinate with the Board in enforcing such requirements with respect to facilities that are subject to section 502 of the Rehabilitation Act of 1973, as amended, as well as to section 504.

(b) Agencies shall coordinate with the Department of Labor in enforcing requirements concerning employment discrimination with respect to recipients that are also federal contractors subject to section 503 of the Rehabilitation Act of 1973, as amended.

§§ 85.8-85.30 [Reserved]

Subpart B—Standards for Determining Who are Handicapped Persons

§ 85.31 Handicapped person.

(a) "Handicapped person" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

(b) As used in paragraph (a) of this section, the phrase:

(1) "Physical or mental impairment" means (i) any physiological disorder or

condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism.

(2) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) "Is regarded as having an impairment" means (i) has a physical or mental impairment that does not substantially limit major life activities but is treated by a recipient as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (iii) has none of the impairments defined in paragraph (b)(1) of this section but is treated by a recipient as having such an impairment.

§ 85.32 Qualified handicapped person.

"Qualified handicapped person" means (a) with respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question and (b) with respect to services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

§§ 85.33-85.50 [Reserved]

Subpart C—Guidelines for Determining Discriminatory Practices

GENERAL

§ 85.51 General prohibitions against discrimination.

(a) No qualified handicapped person, shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.



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(b)(1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons than is provided to others unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program;

(vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) A recipient may not deny a qualified handicapped person the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons, or (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same state.

(4) A recipient may not, in determining the site or location of a facility, make selections (i) that have the effect of excluding handicapped per-

sons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from federal financial assistance or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by federal statute or executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by federal statute or executive order to a different class of handicapped persons is not prohibited by this part.

(d) Recipients shall administer programs and activities in the most integrated setting appropriate to the needs of qualified handicapped persons.

(e) Recipients shall take appropriate steps to ensure that communications with their applicants, employees, and beneficiaries are available to persons with impaired vision and hearing.

#### EMPLOYMENT

##### § 85.52 General prohibitions against employment discrimination.

(a) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity that receives or benefits from federal financial assistance.

(b) A recipient shall make all decisions concerning employment under any program or activity to which this part applies in a manner which ensures that discrimination on the basis of handicap does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(c) The prohibition against discrimination in employment applies to the following activities:

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for training, including apprenticeship,

professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(d) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this paragraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

##### § 85.53 Reasonable accommodation.

A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

##### § 85.54 Employment criteria.

A recipient may not use employment tests or criteria that discriminate against handicapped persons and shall ensure that employment tests are adapted for use by persons who have handicaps that impair sensory, manual, or speaking skills.

##### § 85.55 Preemployment inquiries.

A recipient may not conduct a preemployment medical examination or make a preemployment inquiry as to whether an applicant is a handicapped person or as to the nature or severity of a handicap except under the circumstances described in 45 CFR 84.14.

#### PROGRAM ACCESSIBILITY

##### § 85.56 General requirement concerning program accessibility.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

##### § 85.57 Existing facilities.

(a) A recipient shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not necessarily require

a recipient to make each of its existing facilities or every part of an existing facility accessible to and usable by handicapped persons.

(b) Where structural changes are necessary to make programs or activities in existing facilities accessible, such changes shall be made as soon as practicable, but in no event later than three years after the effective date of the agency regulation: *Provided*, That, if the program is a particular mode of transportation (e.g., a subway system) that can be made accessible only through extraordinarily expensive structural changes to, or replacement of, existing facilities and if other accessible modes of transportation are available, the federal agency responsible for enforcing section 504 with respect to that program may extend this period of time, but only for a reasonable and definite period, such period to be set forth in the agency's regulation.

(c) In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section, a recipient shall develop, within a definite period to be established in each agency's regulation, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons.

##### § 85.58 New construction.

(a) Except as provided in paragraph (b) of this section, new facilities shall be designed and constructed to be readily accessible to and usable by handicapped persons. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by handicapped persons.

(b) The Department of Transportation may defer the effective date for requiring all new buses to be accessible if it concludes on the basis of its section 504 rulemaking process that it is not feasible to require compliance on the effective date of its regulation: *Provided*, That comparable, accessible services are available to handicapped persons in the interim and that the date is not deferred later than October 1, 1979.

##### §§ 85.59-85.99 [Reserved]

#### APPENDIX A.—NONDISCRIMINATION WITH RESPECT TO THE HANDICAPPED IN FEDERALLY ASSISTED PROGRAMS

##### EXECUTIVE ORDER 11914. APRIL 28, 1976

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including section 301 of title 3 of the United States Code, and as President of the United States, and in order to provide for consistent implementation within the Federal Government of section

504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it is hereby ordered as follows:

SECTION 1. The Secretary of Health, Education, and Welfare shall coordinate the implementation of section 504 of the Rehabilitation Act of 1973, as amended, hereinafter referred to as section 504, by all Federal departments and agencies empowered to extend Federal financial assistance to any program or activity. The Secretary shall establish standards for determining who are handicapped individuals and guidelines for determining what are discriminatory practices, within the meaning of section 504. The Secretary shall assist Federal departments and agencies to coordinate their programs and activities and shall consult with such departments and agencies, as necessary, so that consistent policies, practices, and procedures are adopted with respect to the enforcement of section 504.

SEC. 2. In order to implement the provisions of section 504, each Federal department and agency empowered to provide Federal financial assistance shall issue rules, regulations, and directives, consistent with the standards and procedures established by the Secretary of Health, Education, and Welfare.

SEC. 3. (a) Whenever the appropriate department or agency determines, upon all the information available to it, that any recipient of, or applicant for, Federal financial assistance is in noncompliance with the requirements adopted pursuant to this order, steps to secure voluntary compliance shall be carried out in accordance with standards and procedures established pursuant to this order.

(b) If voluntary compliance cannot be secured by informal means, compliance with section 504 may be effected by the suspension or termination of, or refusal to award or continue, Federal financial assistance or by other appropriate means authorized by law, in accordance with standards and procedures established pursuant to this order.

(c) No such suspension or termination of, or refusal to award or continue, Federal financial assistance shall become effective unless there has been an express finding, after opportunity for a hearing, of a failure by the recipient of, or applicant for, Federal financial assistance to comply with the requirements adopted pursuant to this order; however, such suspension or termination of, or refusal to award or continue, Federal financial assistance shall be limited in its effect to the particular program or activity or part thereof with respect to which there has been such a finding of noncompliance.

SEC. 4. Each Federal department and agency shall furnish the Secretary of Health, Education, and Welfare such reports and information as the Secretary requests and shall cooperate with the Secretary in the implementation of section 504.

SEC. 5. The Secretary of Health, Education, and Welfare may adopt rules and regulations and issue orders which he deems necessary to carry out his responsibilities under this order. The Secretary shall ensure that such rules, regulations, and orders are not inconsistent with, or duplicative of, other Federal Government policies relating to the handicapped, including those policies adopted in accordance with sections 501, 502, and 503 of the Rehabilitation Act of 1973, as amended, or the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.).

GERALD R. FORD

The White House,  
April 28, 1976.

[FR Doc. 78-929 Filed 1-12-78; 8:45 am]



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FRIDAY, JANUARY 13, 1978  
PART VI



## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug  
Administration

■

## BLOOD AND BLOOD PRODUCTS

Donor Classification  
Labeling Requirements



[4110-03]

## Title 21—Food and Drugs

## CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER F—BIOLOGICS  
(Docket No. 75N-0316)

## PART 606—CURRENT GOOD MANUFACTURING PRACTICES FOR BLOOD AND BLOOD COMPONENTS

## PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

Whole Blood and Components of Whole Blood  
Intended for Transfusion; Donor Classification Labeling Requirements

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** This rule amends the Food and Drug Administration (FDA) biologics regulations by requiring that each container of whole blood and blood components (red blood cells, cryoprecipitated antihemophilic factor, platelet concentrate, and single donor plasma) intended for transfusion bear the label statement "paid donor" or "volunteer donor," as applicable. The regulation is designed to reduce the risk of hepatitis associated with transfusion therapy.

EFFECTIVE DATE: May 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Joe K. Holloway or Al Rothschild, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-4626.

**SUPPLEMENTARY INFORMATION:** In two separate notices published in the FEDERAL REGISTER of November 14, 1975 (40 FR 53040), and February 25, 1977 (42 FR 11018), the Commissioner of Food and Drugs proposed to amend the biologics regulations to require that the labels of blood products distinguish between blood collected from volunteer donors and paid donors. In the initial proposal, the Commissioner also required that the labels for paid-donor blood contain a warning that such blood is associated with a higher risk of transmitting hepatitis than blood from volunteer donors.

The Commissioner concluded that the proposed labeling requirements would promote the use of blood from donors who are from sectors of society in which transmissible viral hepatitis, type B, is less prevalent and would thereby reduce the risk of hepatitis associated with transfusion therapy. In support of this conclusion, the Commissioner discussed published data re-

garding the incidence of posttransfusion hepatitis from use of blood which had and had not been tested for hepatitis B surface antigen (HB<sub>s</sub>Ag), the prevalence of HB<sub>s</sub>Ag in the blood of paid donors, and the reduced incidence of posttransfusion hepatitis after elimination of use of paid-donor blood. The Commissioner concluded that the published data demonstrate that blood collected from paid donors is distinguishable from blood collected from volunteer donors in terms of the potential hazard, and that the decreased use of blood from paid donors would have a greater impact in reducing the incidence of posttransfusion hepatitis than any other measure, including HB<sub>s</sub>Ag testing.

The Commissioner stated his belief that the proposed requirement for label disclosure identifying the source of whole blood and its components (1) is necessary in order to provide physicians who prescribe blood with this important information, (2) is consistent with the National Blood Policy objective to encourage, foster, and support efforts to establish an all-voluntary blood donation system, (3) will not interrupt blood services now provided, (4) will significantly increase the demand for blood from volunteer donors or blood from paid donors collected by blood banks having evidence that their donor population is as safe as volunteer donor populations, and (5) will reduce the risk of transmitting hepatitis via transfusion therapy.

The Commissioner also discussed in detail the statutory authority for proposing the labeling requirements.

Interested persons were given until January 13, 1976, to submit written comments to the first proposal. In response, 342 letters were received. A majority of the comments recommended that the proposal be reissued to include a proposed definition for the terms "paid donor" and "volunteer donor".

The Commissioner agreed that "paid donor" and "volunteer donor" should be defined in the regulations. Accordingly, he issued a notice, published in the FEDERAL REGISTER of February 3, 1976 (41 FR 4955), requesting interested persons to submit data and information for use in formulating a definition for "paid donor" and "volunteer donor". In response, 331 additional letters were received.

Because of the intense, widespread interest in and the public importance of the proposed labeling requirements, the Commissioner, in a notice published in the FEDERAL REGISTER of February 27, 1976 (41 FR 8523), announced and later convened a public meeting on March 18, 1976, to discuss the following subjects:

1. Data documenting the risk of posttransfusion hepatitis associated with blood collected from volunteer and paid donors.

2. Summary of comments received in response to the FEDERAL REGISTER proposal of November 14, 1975.

3. Recommendations for a reproposal, including definitions for "volunteer" and "paid" donors and other suggestions recommended in the comments on the November 1975 proposal.

4. General discussion of various viewpoints on the proposal.

In response to the comments received on the November 1975 proposal, on the February 3, 1976, notice, and at the March 1976 public meeting, the Commissioner published another proposal in the FEDERAL REGISTER of February 25, 1977, to require that each container of whole blood and blood components (red blood cells, cryoprecipitated antihemophilic factor, platelet concentrate, and single donor plasma) intended for transfusion bear the label statement "Paid Donor" or "Volunteer Donor", as applicable. In addition, the Commissioner proposed definitions for paid and volunteer donors.

The February 1977 proposal differed from the November 1975 proposal in that it made the labeling requirements applicable to all blood components intended for transfusion rather than to only whole blood and red blood cells. The February 1977 proposal did not, however, repropose the warning statement concerning the increased risks of hepatitis from blood collected from paid donors. The reasons for the deletion were discussed in detail in the February 1977 proposal.

In response to the February 1977 proposal, 165 letters, containing varying numbers of comments, were received. Approximately 103 letters favored and 62 opposed the proposal.

In general, the comments addressed three aspects of the proposal: (1) the definitions and interpretations of paid and volunteer donors and the mechanics of labeling, (2) the effect of labeling on safety, and (3) the effect of labeling on supply and cost of blood and blood products.

## DEFINITIONS AND MECHANICS OF LABELING

1. Four comments agreeing with the proposed definitions noted that the definitions are equivalent or identical to those already established by the American Association of Blood Banks. One comment, although supporting the proposed definitions in principle, suggested that the adjectives "paid" and "volunteer" should be replaced with "reimbursed" and "nonreimbursed," respectively. One other comment suggested that a code be used on the label to identify the "paid" or "volunteer" donor.

The Commissioner is aware that various other words and phrases or even a code might be used to convey the desired information. However, they provide no more clarification than do the terms "paid" and "volunteer," which

terms "paid" and "volunteer," which are currently being used by the States of Illinois, California, Georgia, and Florida under their blood labeling laws. In addition, the American Red Cross, which collects only from volunteer donors, identifies its blood as "volunteer donor" blood. Accordingly, the substitute terminology is rejected.

2. Nineteen comments suggested that the term "paid" donor include a person who receives: (1) a large amount of time off from work, (2) additional vacation time, (3) rewards generally used as a motivation for donation, such as lotteries, giveaways, a chance interest in a prize with significant dollar value, or nonmonetary rewards associated with product promotion, (4) reduction or cancellation of hospital charges that are unrelated to the transfusion, and (5) the cancellation or refund of nonreplacement fees and blood assurance/insurance benefits.

As stated in the preambles of both the 1975 and 1977 proposals, the high risk of posttransfusion hepatitis associated with blood from paid donors primarily reflects the fact that direct monetary payment attracts and motivates donations from individuals in unfortunate socioeconomic circumstances in whom transmissible hepatitis is particularly prevalent, including drug addicts who are in desperate need of money to purchase drugs. Benefits which are not readily convertible to cash, such as those identified in the comments, are not likely to attract those groups in which transmissible hepatitis is prevalent. For this reason, the Commissioner concludes that donors receiving such benefits should not be classified as paid donors. Accordingly, the comments are rejected.

The Commissioner notes that in amended § 606.120, paragraph (b) (2)(iii) provides that benefits not readily convertible to cash do not constitute monetary payment for purposes of this labeling regulation. The basic definitions of "paid" and "volunteer" donors turn on the direct, clear, and thus enforceable distinction between the exchange or absence of exchange of money.

3. Nine comments suggested that the proposed labeling also distinguish between safe and unsafe paid donors. Some large institutional blood banks, such as hospitals and community blood banks, screen paid donors so that they have a lower incidence of HB<sub>s</sub>Ag than do some volunteer donor populations. The comments suggested that paid donors be categorized as either "paid noncommercial" or "paid commercial" as a shorthand way to distinguish between safe (low-risk) and unsafe (high-risk) donors. One of the comments also suggested that a distinction be made on the label between low-risk and high-risk volunteers.

As these comments demonstrate, a number of categories and distinguishing characteristics could be applied to blood donors. The definitions proposed by the Commissioner for "paid donor" and "volunteer donor" are widely recognized in the blood community and provide basic information without the confusion that might arise from the addition of new donor categories as they are identified. The subcategories suggested by the comment are not as generally recognized or understood as are the "paid" and "volunteer" donor categories. Accordingly, the comments are rejected.

4. Twelve comments suggested that the Commissioner require the donor classification statement to be changed to "first time donor" or "repeat donor" instead of "paid donor" or "volunteer donor" because the risk of hepatitis in blood from first time donors, whether paid or volunteer, is greater than the risk from repeat donors, whose blood has already been biologically tested, i.e., followup monitoring of the recipient has shown no hepatitis transmission. It was argued that if blood from screened and tested repeat paid donors must be labeled "paid", it would be unnecessarily avoided by doctors, because of an implied but unsubstantiated risk, in favor of "volunteer" blood collected from high-risk urban ghetto or State prison populations.

The Commissioner recognizes that a small proportion of "paid donor" blood is being obtained from biologically tested donors whose hepatitis risk is as low as or lower than that from random volunteer donors. In those few situations, mechanisms are available for informing hospital administrators, physicians, and patients. The mechanisms include information in the package circular accompanying the blood unit and agreements between the blood bank and the purchasing hospitals and physicians. The Commissioner notes that no first-donation blood is biologically tested, and that, therefore, for these units of blood, the volunteer/paid labeling would continue to be necessary. Accordingly, the comments are rejected.

5. Thirteen comments stated that the proposed labeling requirements present an undue expense and hardship to most blood banks since 95 percent of all blood collected is from volunteer donors. The comments suggested that only blood from paid donors need be identified on the label.

The Commissioner believes that the absence of the term "volunteer donor" from blood units may raise questions of accountability. For example, the inadvertent failure to place the "paid donor" label on a unit will result in the assumption, possibly unwarranted and incorrect, by physicians and patients that the unit was collected from

a volunteer donor. If identification of donor source is required for both paid and volunteer donors, an unlabeled unit will not result in unjustified reliance, and the recipient will be on notice to check with the collecting facility. In addition, the affirmative disclosure of the donor source on blood labeling will serve to inform patient consumers, who are not as likely as hospital administrators and physicians to be current on Federal labeling laws for blood and blood products.

The Commissioner reiterates his belief, stated in the preamble to the February 25, 1977 proposal, that any cost increase resulting from the proposed labeling requirement will be minimal. All whole blood products for transfusion must bear a label with significant information. The donor classification can be included on the labels along with the currently required information and incorporated as new labels are printed. The effective date of this regulation should permit an orderly transition to the new labels. Accordingly, the comments are rejected.

6. Four comments stated that the proposed labeling requirement should be applicable to Source Plasma (Human) since the incidence of HB<sub>s</sub>Ag positive units is greater in this product than in whole blood or single donor components intended for transfusion. On the other hand, six comments requested that proposed § 606.120(b)(2) be amended to exempt Source Plasma (Human) from the proposed labeling requirement.

As stated in the February 1977 proposal, the Commissioner is not aware of any data to support the use of the proposed labeling requirements for Source Plasma (Human) or plasma derivatives. Although data have been published demonstrating a higher prevalence of HB<sub>s</sub>Ag in plasma from paid donors than in plasma from volunteer donors, no available data demonstrate that final plasma derivative products manufactured from volunteer donor plasma carry a lower risk of transmitting hepatitis to recipients than do similar products manufactured from paid donor plasma. Most types of derivative products are processed in a manner which destroys or removes the hepatitis virus. Accordingly, no established public health benefit can derive from requiring donor labeling on Source Plasma (Human); and such information, therefore, is not a material fact. Therefore, the Commissioner is amending § 606.120(b)(2) to exempt Source Plasma (Human).

7 a. One comment stated that blood is not a drug and therefore should not be subject to the proposed labeling requirements.

b. Three related comments stated that the proposed labeling represents an unauthorized attempt by FDA to



implement the National Blood Policy calling for an all-volunteer blood supply since the labeling is not sanctioned by statute and the policy is being implemented by an ad hoc coalition of government and private institutions.

These issues were thoroughly answered in the preamble of the November 1975 proposal. A summary of that discussion, and the legal basis for the blood good manufacturing practice regulations, of which the drug classification labeling is a part, is repeated here.

a. Blood and blood components are drugs as defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) since they are used to treat disease, they affect bodily functions, and whole blood is recognized in the United States Pharmacopoeia. As drugs, they must meet all statutory requirements of the Federal Food, Drug, and Cosmetic Act and are subject to regulation pursuant to all provisions of the act.

The donor classification labeling constitutes important information about the blood quality and gives notice of the potential adverse consequences from its use, namely, the documented increased risk of transmitting hepatitis from use of blood from paid donors. Failure to reveal this material fact renders blood labeling to be misleading (21 U.S.C. 321(n)) and results in the blood being misbranded (21 U.S.C. 352(a)) within the meaning of the act. The act also requires adequate warnings in drug labeling (21 U.S.C. 352(f)). In addition, a drug is adulterated (21 U.S.C. 351(a)(2)(B)) if it has not been manufactured in conformity with current good manufacturing practice. Pursuant to these statutory provisions, the Commissioner may promulgate regulations for essential information on blood labeling.

Jurisdiction under the act is not limited to situations where the blood itself has been, or is to be, introduced into interstate commerce. If one of the essential components of blood, such as the anticoagulant solution, has moved in interstate commerce, the blood is subject to the requirements of the act and FDA may regulate the final drug product (21 U.S.C. 321(g)(1)(D)). The Federal courts have uniformly upheld this scope of authority.

All blood and blood components offered for sale in interstate commerce are also biological products and are therefore also subject to the Public Health Service Act (42 U.S.C. 262). All manufacturers must have a license that has been issued upon a showing that the manufacturing establishment and its products meet all applicable standards prescribed in the biologics regulations. Regulations may be promulgated to assure proper labeling for any biological product (42 U.S.C.

262(d)), and the Public Health Service Act prohibits the false labeling or marking of any package or container of any biological product (42 U.S.C. 262(b)). Moreover, the prohibition against false labeling in this act contains no interstate commerce requirement; it applies to all blood, whether or not it has moved or is offered for sale in interstate commerce. When blood labels do not affirmatively reveal the donor source, they are false by reason of omission. Finally, the Commissioner is authorized to promulgate regulations, pursuant to 42 U.S.C. 264, which may be necessary to prevent the transmission of such blood-related communicable diseases as hepatitis. Thus, the Public Health Service Act equally and independently supports the donor classification labeling requirement.

b. There is nothing unlawful or improper with the Commissioner promulgating a regulation incorporating a policy advocated by any citizen or group, including members of regulated industry. The Commissioner routinely receives and considers the views of industry and individuals in the private sector. The Commissioner also gathers information by corresponding and meeting with interested persons outside FDA regarding any matter within the jurisdiction of the laws administered by him. All interested persons are afforded the opportunity to have their comments, favorable or otherwise, considered in the development of final rules that may have resulted from the meetings with the private sector or with representatives of industry. Even if the National Blood Policy were solely the product of the private sector, which it is not (see *FEDERAL REGISTER* of September 10, 1974 (39 FR 32702)) the two proposals and the public meeting on the donor classification labeling have provided every opportunity for comment by any interested person. Accordingly, the suggestion that the regulation is deficient because it will enhance one of the goals of the National Blood Policy is erroneous.

8. Four comments advocated retention of the warning statement, "blood collected from paid donors is associated with a higher risk of transmitting hepatitis than blood from voluntary donors," as originally proposed in November 1975.

The Commissioner reaffirms his decision, announced in the preamble to the February 1977 proposal, not to require the warning statement initially included in the November 1975 proposal. The designation of blood as to its source, paid or volunteer, is concise and adequate notification to physicians of the relative risk of hepatitis associated with the blood. The evidence of the association between paid donors and increased risk of hepatitis,

delineated in the November 1975 proposal, was mailed directly to all blood banks registered with FDA. A brief synopsis of the proposal, emphasizing the high risk of hepatitis associated with blood from paid donors, was published in the *FDA Drug Bulletin* of April-May 1976, which is mailed to all physicians in the United States.

The American Blood Commission, an association within the private sector working towards implementation of the National Blood Policy, has urged the creation of an all-voluntary blood donor system because of the statistical association between paid donors and the transmission of hepatitis in blood therapy. The work of the Commission and its policies and publications are well known throughout the entire blood processing community. Also, the question of designating blood as being "paid" or "volunteer" has been aired not only in the medical literature but frequently in the lay press and on radio and television.

Four States with effective blood labeling laws—Illinois, California, Georgia, and Florida—do not require an additional warning statement. The experiences in these States, particularly in Illinois where this law has been in effect for several years, support the necessity for only a brief descriptive term without an explicit warning of the probability of infection.

Notwithstanding these data given to physicians, the Commissioner will propose a warning statement if it appears that responsible heads of blood banks, administrators, and purchasing agents of hospitals, physicians, or consumers are not adequately apprised of the facts.

9. One comment questioned whether the labeling of the donor source would continue in an all-volunteer system.

The Commissioner anticipates that in an all-volunteer system there would be no need for labeling to distinguish paid donors from volunteer donors.

10. One comment suggested that the donor source need not appear with the same prominence as the proper name. The comment noted that the American Red Cross labeling includes the donor source in smaller, less prominent type and away from the proper name.

The Commissioner has concluded that the donor source is of such importance that it must be stated conspicuously with the same prominence as the proper name of the product. (See 21 U.S.C. 352(c).) Accordingly, the comment is rejected.

#### EFFECT OF LABELING ON SAFETY OF THE PRODUCT

11. Twenty-nine comments suggested that the proposed labeling is unnecessary and should be withdrawn since (1) no scientific data have been presented to support the fact that a label

will insure the safety of transfused blood, (2) no information has been presented to show that the labeling will significantly reduce the number of blood units which transmit disease, and (3) the rule is a superficial answer to a serious medical problem and therefore will not contribute to the solution. The comments suggested that the time and effort spent in putting an additional label on a unit of blood and/or component would only further clutter the label and will have no impact on the clinician who will transfuse it.

The Commissioner disagrees with these comments. As a result of the 1973 Illinois law that all blood collected in or transported into the State must prominently display whether it was collected from paid or volunteer donors, the number of units of purchased blood infused decreased by 35.2 percent despite a 15 percent increase in the number of transfusions (fiscal 1974 to fiscal 1975). Furthermore, the percentage of outdated blood fell from 15.4 percent to 12.9 percent in the same period.

In a study conducted at the Hines Veterans' Administration Hospital, Chicago, Ill., 20.8 percent of transfused patients developed posttransfusion hepatitis from 1968-70, when 92 percent of the hospital blood supply was obtained from paid donors. However, the incidence of hepatitis decreased by 62 percent, to a rate of 7.9 percent of transfused patients, when 96 percent of the hospital's blood supply was obtained from volunteer donors. Similarly, in New Jersey, during a period in which the proportion of blood obtained from paid donors decreased from 31 percent (1970) to 9 percent (1973), the number of overt cases of posttransfusion hepatitis decreased from 424 (1 per 117 transfused patients) (1970) to 159 (1 per 284 transfused patients) (1973). In addition, during 1961-70 and 1971-73, the rate of fatalities resulting from posttransfusion hepatitis decreased from 12.9 percent to 7.2 percent, respectively. The Commissioner believes that these experiences, reported in November 1975, demonstrate that the paid and volunteer labeling significantly aids in reducing the incidence of posttransfusion hepatitis, and that it also promotes blood therapy safety and is therefore a valid, albeit partial, answer to the problem. Accordingly, the comments are rejected.

12. Nine comments suggested that FDA develop a program to enhance effective screening by the blood or component collection facility, including the improvement of donor selection procedures, by such means as the taking of medical histories from prospective donors.

The good manufacturing practice regulations for blood products,

§ 606.100 Standard operating procedures (21 CFR 606.100), require that each blood bank have written procedures establishing criteria for donor suitability, including acceptable medical history criteria. The requisite standard operating procedures manual should describe the best current techniques and procedures and policies developed by blood banking practitioners. These procedures, together with FDA inspections, have stimulated and enhanced good blood banking practices. In addition, the Bureau of Biologics is revising new donor selection procedures that will update the donor suitability requirements. These procedures will be published in a separate proposal.

13. Four comments suggested that the data presented in the November 1975 proposal, which were relied upon to classify certain categories of donors as high-risk, are not persuasive. It was argued that the distinction between donors in some of the referenced studies was imprecise because the methods of hepatitis testing were less sensitive than the third generation test, and that other studies revealed persistent posttransfusion hepatitis associated with blood despite third generation HB<sub>Ag</sub> testing. Accordingly, the comments suggested that conclusions drawn from these studies were not reliable.

The Commissioner disagrees. Data establishing certain categories of donors as high risk transmitters of hepatitis were supported by numerous studies conducted after the nationwide HB<sub>Ag</sub>-testing requirements became effective, including the use of methods of third generation sensitivity (radioimmuno assay procedures (RIA)).

As stated in the preamble to the November 1975 proposal, there has been a continuing evolution of more sensitive methods for detecting the HB<sub>Ag</sub>. However, the most sensitive methods presently available and required by FDA regulations, methods of third generation sensitivity, are expected to detect only about 40 to 60 percent of the units of blood containing the hepatitis B virus. For this reason, the risk of transmitting viral hepatitis type B has been reduced but not eliminated by the testing requirements. Indeed, studies conducted by the New Jersey Department of health of recipients of blood prescreened by RIA found the rate of hepatitis B virus infection in recipients of blood from volunteer donors to be 1.1 percent compared to 4.2 percent in recipients of blood from paid donors. (Ref. "An epidemiological study of transfusion-associated hepatitis" conducted November 17, 1975 through December 31, 1976). Further, the National Heart, Lung and Blood Institute of the National Institutes of Health found that elevated liver-specific enzymes, indicating hepa-

titis of all varieties, were seen in about 10 percent of prospectively followed recipients of blood from volunteer donors as compared to about 40 percent of similarly followed recipients of blood from paid donors. (Ref. "The transfusion transmitted virus" study conducted July 1, 1974 through December 31, 1975).

These recent studies demonstrate that the high posttransfusion hepatitis risk associated with blood from paid donors persists despite third generation testing. The Commissioner concludes that the available data support a need for the donor classification labeling. Accordingly, the comments are rejected.

14. Ten comments expressed concern that the labeling requirements did not apply to blood imported into this country and that the country of origin is not required to be identified. The comments suggested that such provisions are necessary to ensure that blood will be from populations with no greater risk of hepatitis, or other diseases transmissible by blood, than for blood or components obtained from donors in the United States. The comments suggested that though most imports today are from Western Europe and from volunteers who may be low hepatitis-risk donors, there are no means to prevent importation of voluntary blood from Japan, Mexico, and Greece. The nutrition, sanitation, and general health in countries other than the United States vary widely, as does the understanding of what a "volunteer" is and the effectiveness of donor screening. The comments suggested that labeling a unit of blood with the country of origin will provide both physicians and patients some valuable information and thus assist in informed decisions as to blood use. The comments suggest there is no known import commodity that does not contain a legend as to its country of origin and that blood should conform to this general practice.

In the February 1977 proposal, the Commissioner advised that the proposed labeling requirements are applicable to blood and blood components shipped into this country from overseas. Blood and blood components intended for transfusion may be imported into this country only if the establishment and the product(s) are licensed. (See § 601.30 (21 CFR 601.30).) Licensed biological products, whether from a foreign or domestic establishment, must meet the same standards of safety, purity, potency, and effectiveness and must be labeled in compliance with the law. Therefore, biologics regulations governing donor suitability and screening also apply to foreign licenses. Any new foreign sources of blood or blood components will have to meet these requirements. Products from countries in which disease trans-



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missible by blood transfusions are endemic in frequencies that exceed to any significant degree that of the U.S. have not, and will not, be licensed for U.S. distribution. Accordingly, there is no need to label blood to identify the country of origin and the comments are therefore rejected.

15. Five comments suggested it would be simpler if FDA did not license blood banks that collect from high-incidence populations, such as the centers that regularly draw donors from skid-row areas, irrespective of whether the donors are paid or volunteer.

Establishments licensed pursuant to the Public Health Service Act (42 U.S.C. 262) to operate in interstate commerce are inspected prior to licensure and annually thereafter. Blood banks operating intrastate must be registered pursuant to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and are inspected at least biannually. All blood banks must conform to blood GMP's (21 CFR Part 606), including the provisions governing donor suitability. Licensed banks violating these regulations are subject to having their licenses revoked (21 CFR 601.5); registered banks are subject to injunction action and Federal seizure of any adulterated or misbranded blood products. The Commissioner believes these safeguards are adequate. The Food and Drug Administration will continue to monitor closely the product obtained at all blood banks. Accordingly, the comments are rejected.

16. Eight comments objected to a statement in the February 1977 preamble suggesting that the proposed label would significantly increase the demand for blood from volunteer donors and from paid donors with no higher risk than volunteer donors. The objections were based on the fact that the Commissioner has not established definitive criteria, such as procedures for followup of posttransfusion hepatitis episodes, for determining when a paid donor population is as safe as a volunteer donor population. Three other comments, however, suggested that in addition to the labeling requirement, blood banks that rely on paid donors should be required to demonstrate the safety of the blood. The comments added that these requirements would encourage blood banks that continue to rely on paid donors to provide continuing evidence that their donor populations are comparable to the volunteer donor population.

The Commissioner agrees that Federal standards for biological testing of paid donors to demonstrate the safety of their blood are desirable. However, several important variables compound the task:

(1) Whether a donor population will transmit hepatitis can only be estab-

lished once it is biologically tested. However, the population will always be a mixture of tested individuals who have donated previously and untested first-time donors. Also, donors may get hepatitis after the initial biological testing, altering their prior status.

(2) Establishing rates of posttransfusion hepatitis in transfused patients is seriously complicated by the infusion of whole blood components and derivatives from many sources into one patient; thus identifying the hepatitis source and reporting cases of posttransfusion hepatitis present formidable obstacles.

(3) The present reporting system identifies only overt cases that come to a physician's attention and are correctly diagnosed. It is well recognized that these overt cases of posttransfusion hepatitis are a very small proportion of the total posttransfusion hepatitis problem. In order to obtain maximum incidence rates, it would be necessary for all blood banks to evaluate recipients prospectively after transfusion. The evaluation of over 2-million patients, receiving over 9-million units of blood distributed annually by more than 6,000 blood banks, would be very expensive. Therefore, although the Commissioner concurs with the desirability of maintaining records of cases of posttransfusion hepatitis, and periodically reviewing the hepatitis B antigen positive rates of blood banks, these procedures contribute more as performance measurements of testing proficiency and to ascertaining hepatitis rates than they do to pedigree (biologically testing) donor populations to ensure the safety of collected blood.

For these reasons, the Commissioner is not now prepared to establish procedures for all blood banks. The Bureau will review circulars and other materials in which blood banks describe their procedures to monitor the safety of paid donor blood.

17. Four comments criticized as factually arbitrary and legally improper the implication of the proposed labeling that paid blood is inherently stigmatized as a health risk since FDA has not provided mechanisms by which a commercial or hospital blood bank that pays donors yet supplies low-risk blood can avoid such a stigma. The comments characterized the labeling as unprecedented because it allows two classes of products to be licensed—one good and one bad—and therefore is inconsistent with FDA policy as applied to other classes of drugs and violates FDA's statutory mandate.

The Commissioner disagrees with the comments. A stigma is a mark of disgrace, which this regulation does not affix either to the product or to its producers merely by identifying the source of the product.

Whole blood and its components carry an undefined but documented

risk of hepatitis, and this risk is known to be increased in paid donors. Each unit of blood donated, with or without monetary compensation, must have been collected in compliance with such legal provisions as the blood GMP's. The risks of using it may vary depending upon the donor who, if acceptable by medical criteria, is now considered suitable. Every drug approved by FDA has known side-effects and almost all drugs have acceptable ranges of characteristics, the recognition of which is not inconsistent with FDA's public charge.

18. One comment suggested that labeling blood or components according to donor classification will neither add to the awareness that paid donor blood carries a higher risk of transmitting hepatitis nor decrease the demand for blood from paid donors. For example, hospital administrators are aware of the use of paid donors when they contract with proprietary blood banks to meet hospital needs.

The Commissioner believes that the donor classification labeling is one of several means to increase physician awareness that blood from paid donors statistically carries a higher risk and is a major source of information for patients. The Commissioner recognizes that the demand for blood from paid donors may not immediately decrease but the data discussed in item 11 of this preamble strongly suggest that a marked impact will occur in a relatively short time. While hospital administrators or purchasing agents must regularly consider blood source, the labeling requirement may encourage physicians and users to review this matter more closely. Accordingly, the comment is rejected.

#### EFFECT OF LABELING ON SUPPLY AND COST

19. Seven comments suggested that the proposed rules, if adopted, would make it more difficult to maintain adequate supplies of blood. This concern is based on the following assertions: (1) the 1973 Illinois blood labeling law forced that State to import volunteer blood while sending paid blood collected in Illinois to other States, (2) the General Accounting Office has reported (MWD-82) that the proposed labeling "could cause blood shortages," and (3) in Los Angeles, Calif., where a similar blood labeling law is in effect, hospitals in affluent areas meet their needs exclusively with volunteer blood, at the expense of hospitals serving areas of lower socio-economic status, which are forced to rely heavily on blood from less desirable sources. The comments postulated that in the absence of sufficient voluntary blood to replace the paid blood sources, hospitals will be faced with critical blood shortages and not be able to meet the total blood needs of

the disadvantaged sections of society they serve. Conversely, 11 comments suggested the proposed labeling will not increase the cost of blood or create blood shortages because (1) similar programs by the American Red Cross in collaboration with blood banks have operated successfully, (2) similar labeling laws in Illinois, California, and Georgia have not created blood shortages and have quickly eliminated the use of blood that is most likely to cause hepatitis, and (3) any impact on cost or supply will be negligible compared to potential benefits.

The Commissioner reiterates his belief, stated in the preamble of the November proposal, that the proposed labeling requirement will not interrupt blood services now provided and will help to achieve the National Blood Policy objective to encourage, foster, and support efforts to establish an all-voluntary blood donation system.

The Commissioner emphasizes that the proposed donor classification labeling does not prohibit monetary payment for blood donation. Indeed, monetary payment to selected donors, especially those with rare blood groups or with a long history of blood donation without adverse posttransfusion reactions in recipients, is expected to continue as long as the need exists.

Donor classification legislation is now effective in the states of Illinois, California, Florida, and Georgia. The longest experience with such legislation, in Illinois, does not support the contention that shortages in the blood supply will result because of the donor classification requirement. Indeed, the number of units collected from voluntary donors in Illinois increased sufficiently after the enactment of the donor classification legislation to provide adequately for all needs for blood within the State.

The cost-to-benefit balance of this regulation seems beyond serious question. For example, in one Illinois hospital where carefully monitored studies were conducted, the number of cases of posttransfusion hepatitis decreased significantly following the change from the use of predominantly paid donor blood to volunteer donor blood.

The Commissioner is not aware of any data, nor were any presented by the comments, to substantiate the speculations made by the comments concerning the blood use experiences in Illinois and Los Angeles, California. Accordingly, the comments are rejected.

20. Seventeen comments suggested that the proposed labeling requirements are inflationary because (1) an additional label must be applied to the millions of units collected from volunteer blood donors, (2) physicians who use blood from paid donors will need to increase their medical malpractice

insurance premiums, (3) additional expenses will be required to mount effective recruitment efforts to replace the paid donor, and (4) the demand for volunteer blood will increase, raising the price and making it available only to people who can afford to pay more for it.

As stated repeatedly, the costs will be minimal because the information will be included on labels, along with the currently required information, by various means. It is not necessary to use an additional label. The Commissioner notes that the American Red Cross, which collects from volunteer donors approximately one-half of the blood supply in this country, already uses labels that identify the donor as a volunteer.

The Commissioner is not aware of any data, nor were any presented to substantiate the contention made in the comments, that (1) physicians' malpractice insurance will increase, (2) the labeling requirements will create ongoing expenses associated with mounting recruitment efforts used to motivate donors to donate blood, and (3) the price of volunteer donor blood will increase because of the demand for it. More importantly, this argument fails to consider the human and economic costs of blood recipients contracting hepatitis from blood transfusion. Even if the required labeling results in small increased expenses for the blood facility, these costs are exceeded by the benefits of reduced morbidity and mortality from posttransfusion hepatitis.

As the Commissioner noted in the proposed regulations, the inflationary aspect of the labeling requirements has been thoroughly considered, and no inflationary impact was noted. Accordingly, the comments are rejected.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 502, 52 Stat. 1040-1042 as amended, 1049-1051 as amended (21 U.S.C. 321, 351, 352)) and the Public Health Service Act (secs. 351, 361, 58 Stat. 702-703 as amended (42 U.S.C. 262, 264)) and under authority delegated to him (21 CFR 5.1), the Commissioner is amending Chapter I of Title 21 of the Code of Federal Regulations as follows:

1. In Part 606 by amending § 606.120 by redesignating existing paragraphs (b)(2) through (b)(13) as paragraphs (b)(3) through (b)(14), and adding a new paragraph (b)(2) to read as follows:

#### § 606.120 Labeling.

(b) \* \* \*

(2) The appropriate donor classification statement, "paid donor," or "volunteer donor," in no less prominence than the proper name of the product

(except that these requirements shall not apply to Source Plasma (Human) or plasma derivatives).

(i) A paid donor is a person who receives monetary payment for a blood donation.

(ii) A volunteer donor is a person who does not receive monetary payment for a blood donation.

(iii) Benefits, such as time off from work, membership in blood assurance programs, and cancellation of nonreplacement fees that are not readily convertible to cash, do not constitute monetary payment within the meaning of this paragraph (b)(2).

\* \* \*

2. In Part 640:

a. By revising § 640.2(f)(3) to read as follows:

#### § 640.2 General requirements.

\* \* \*

(f) \* \* \* (3) the label of each container of such blood bears the information required by § 640.7(f), \* \* \*

b. By amending § 640.7 by revising the introductory paragraph, by redesignating existing paragraphs (a) through (f) as paragraphs (b) through (g), respectively, and by adding a new paragraph (a), and revising the redesignated paragraph (f) to read as follows:

#### § 640.7 Labeling.

In addition to all other applicable labeling requirements, the following, except as prescribed in paragraphs (f) and (g) of this section, shall appear on the label of each container:

(a) *Donor classification.* The appropriate donor classification statement prescribed in § 606.120(b)(2) of this chapter.

\* \* \*

(f) *Issue prior to determination of test results.* The label on each container of blood that is issued pursuant to the provisions of § 640.2(f) shall bear the following information and instructions in lieu of the information specified in paragraphs (c), (d), and (e) of this section.

\* \* \*

c. By amending § 640.18 by revising paragraph (a) to read as follows:

#### § 640.18 Labeling.

\* \* \*

(a) The information required by § 640.7 (a), (b)(2), (c), and (d) for Whole Blood (Human), except the proper name.

\* \* \*

d. By amending § 640.26 by redesignating existing paragraphs (b)



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through (n) as paragraphs (c) through (o), respectively, and by adding a new paragraph (b) to read as follows:

§ 640.26 Labeling.

• • • • •  
(b) The appropriate donor classification statement prescribed in § 606.120(b)(2) of this chapter.

• • • • •  
e. By amending § 640.35 by redesignating existing paragraphs (b) through (r) as paragraphs (c) through (s), respectively, and by adding a new paragraph (b) to read as follows:

§ 640.35 Labeling.

• • • • •  
(b) The appropriate donor classification statement prescribed in § 606.120(b)(2) of this chapter.

f. By amending § 640.57 by redesignating existing paragraphs (b) through (o) as paragraphs (c) through (p), respectively, and adding a new paragraph (b) to read as follows:

§ 640.57 Labeling.

• • • • •  
(b) The appropriate donor classification statement prescribed in § 606.120(b)(2) of this chapter.

• • • • •  
Effective date: This regulation becomes effective May 15, 1978.

(Secs. 201, 501, 502, Pub. L. 717, 52 Stat. 1040-1042 as amended, 1049-1051 as amended (21 U.S.C. 321, 351, 352); secs. 351, 361, Pub. L. 410, 58 Stat. 702 as amended, 703 as amended (42 U.S.C. 262, 264).)

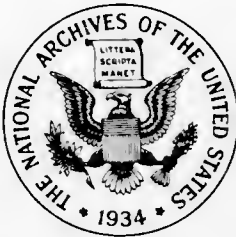
Dated: January 6, 1978.

DONALD KENNEDY,  
Commissioner of  
Food and Drugs.

[FR Doc. 78-917 Filed 1-10-78; 10:33 am]

Registered  
Proprietary

FRIDAY, JANUARY 13, 1978  
PART VII



DEPARTMENT OF  
LABOR  
Office of the Secretary

COMPREHENSIVE  
EMPLOYMENT  
TRAINING ACT

Youth Programs for Members  
of Migrant and Other  
Seasonally Employed  
Farmworker Families



[4510-30]

Title 29—Labor

## SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

## PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

## PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Youth Programs for Members of Migrant and Other Seasonally Employed Farmworker Families Under the Comprehensive Employment and Training Act

AGENCY: Department of Labor.

ACTION: Final rule.

**SUMMARY:** These rules are for the purpose of implementing youth community conservation and improvement projects (YCCIP) and youth employment and training programs (YETP) for eligible youths who are members of migrant and seasonal farmworker families as provided in the Youth Employment and Demonstration Projects Act of 1977 (YEDPA). The purpose of these programs is to employ and enhance the employability of youths who are members of migrant and seasonal farmworker families; to help coordinate and improve existing career development, employment and training programs; and to test different approaches to solving the employment problems of youths who are members of migrant and seasonal farmworker families.

**DATES:** Effective date: February 13, 1978. Comments must be received on or before February 13, 1978.

**ADDRESS:** Send comments to: Paul A. Mayrand, Director, Office of Farmworker Programs, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Room 7122, Washington, D.C. 20213.

## FOR FURTHER INFORMATION CONTACT:

Paul A. Mayrand at the address in the preceding paragraph, 202-376-7288.

**SUPPLEMENTARY INFORMATION.** With high unemployment among youths in migrant and seasonal farmworker families, it is necessary to move as rapidly as possible to implement the programs described in the summary. To achieve this end, the Department finds it in the public interest to publish these regulations in final form. This finding constitutes a waiver of the Department's regulation 29 CFR 2.7. Nevertheless, in keeping with the spirit of 29 CFR 2.7, comments may be submitted during the 30-day period following this publication date.

Comments must be in writing and submitted to Paul A. Mayrand at the

address previously cited. Although section 702(a) of the Comprehensive Employment and Training Act requires that these rules may not become effective until 30 days after publication, eligible grantees under section 303 of the Act which are interested in applying for YCCIP and YETP funds should plan programs that will comply with these rules when they become effective.

## REQUIREMENTS COMMON TO YCCIP AND YETP FOR MEMBERS OF MIGRANT AND SEASONAL FARMWORKER FAMILIES

## ELIGIBLE APPLICANTS

Sections 333(b) and 343(a)(4) of CETA provide funds for programs for youths who are members of migrant and seasonal farmworker families, and sections 332(1) and 344 state that sponsors of migrant and seasonal farmworker programs qualified as grantees under section 303 of the Act are eligible applicants for YCCIP and YETP funds. Consequently, only section 303 grantees funded under 29 CFR 97.205 or 29 CFR 97.233(c)(5) may be eligible applicants for funds under section 333(b), YCCIP, and 343(a)(4), YETP.

## ELIGIBILITY FOR PARTICIPATION

Youths participating in YCCIP must meet the eligibility requirements described in 29 CFR 97.623, and youths participating in YETP must meet the eligibility requirements described in 29 CFR 97.714. In addition, youths participating in YCCIP or YETP programs operated by section 303 grantees must meet the requirements of 29 CFR 97.232(a) (1) and (2) which define farmworkers and their dependents.

## PROGRAM FUNDING—COMPETITIVE GRANTS

Section 333(b) of CETA provides that 2 percent of the funds available for youth community conservation and improvement projects (YCCIP) shall be available for projects for eligible youths who are members of migrant and seasonal farmworker families; and section 343(a)(4) of CETA provides that 2 percent of the funds available for part C of title III shall be available for programs for eligible youths who are members of migrant and seasonal farmworker families, minus such amounts as are made available under section 333(b) of the Act.

To establish a variety of demonstration programs and to test the relative efficacy of different methods of dealing with unemployment problems of youths, the Secretary has decided to allocate YCCIP and YETP funds to those section 303 grantees selected as a result of a special competitive process for those funds. Taking into consideration the recommendations of a review panel, the Office of Farm-

worker Programs (OFP) will select those section 303 grantees to be awarded a YCCIP or a YETP grant, or both.

Grants for YCCIP or YETP will be not less than \$150,000 and not more than \$1,000,000; however, the Secretary, in exceptional circumstances, may allocate more than \$1,000,000 to a single grant.

## REQUIREMENTS FOR YCCIP FOR SECTION 303 MIGRANT AND SEASONAL FARMWORKER PROGRAM GRANTEES

## LIMITS ON USE OF FUNDS

Because section 335 of CETA requires that YCCIP programs be labor intensive, no less than 65 percent of funds available to an eligible applicant must be spent on wages and fringe benefits for participants. No more than a total of 20 percent of YCCIP funds available to an eligible applicant may be spent on administration, including administrative costs at the grantee and subgrantee level.

## REQUIREMENTS FOR YETP FOR SECTION 303 MIGRANT AND SEASONAL FARMWORKER PROGRAM GRANTEES

## LOCAL EDUCATIONAL AGENCY AGREEMENTS

Section 303 grantees are not required by the Act to set aside YETP funds for services to in-school youths. However, if a YETP proposal includes an in-school component, the section 303 grantee is encouraged to seek financial and nonfinancial agreements with local education agencies. If such agreements are not feasible, a section 303 grantee may use other service deliverers to provide the most effective types of activities to serve youths who are members of migrant and seasonal farmworker families.

## YOUTHS OF ALL ECONOMIC BACKGROUNDS

Section 345(a)(2) of CETA permits the Department to allow program sponsors to spend 10 percent of their YETP funds on behalf of youths from families with incomes above 85 percent of the lower living standard income level. The Department, however, does not consider it practical or desirable at this time to allow section 303 sponsors to include such noneconomically disadvantaged youth in their YETP programs. The Department believes that, since the section 303 program is limited by statute to serving the economically disadvantaged, it is administratively more consistent, and more advantageous to the migrant and seasonal farmworker population, to insure that all YETP funds are used for poorer youths. These regulations, therefore, do not allow program sponsors to spend YETP funds on youths who are members of families whose incomes are above 85 percent of the lower living standard income level.

This document has been prepared under the direction of Paul A. Mayrand, Director, Office of Farmworker Programs.

Accordingly, title 29 of the Code of Federal Regulations is amended as follows:

## § 94.3 [Amended]

1. In § 94.3, *Consolidated table of contents of §§ 94-99*, the tables of contents for Part 97, Subparts J and K are added to read as follows:

## Subpart J—Youth Community Conservation and Improvement Projects for Section 303 Grantees

## GENERAL

- Sec.  
97.900 Scope and purpose.  
97.901 Definitions.  
97.902 Eligibility for funds.  
97.903 Allocation of funds.  
97.904 Award of funds.  
97.905 Reallocation procedures.

## GRANT PLANNING, APPLICATION, AND MODIFICATION PROCEDURES

- 97.906 Eligible applicant planning process.  
97.907 Preapplication for Federal assistance (Standard Form 424).  
97.908 Project application content.  
97.909 Project prioritization.  
97.910 Submission of YCCIP grant application.  
97.911 Special assurances and certifications.  
97.912 Review of YCCIP grant applications.  
97.913 Notification of selection.  
97.914 Negotiation of a final grant.  
97.915 Grant award.  
97.916 Modifying the grant.

## ADMINISTRATIVE PROVISIONS

- 97.917 Administrative provisions.

## PROGRAM OPERATIONS

- 97.918 Eligibility for participation.  
97.919 Participant benefits.  
97.920 Substitution for title I or title III, section 303 programs.  
97.921 Limitation on use of funds.  
97.922 Complaint procedure.

## Subpart K—Youth Employment and Training Programs for Section 303 Grantees

## GENERAL

- 97.1000 Scope and purpose.  
97.1001 Definitions.  
97.1002 Eligibility for funds.  
97.1003 Allocation of funds.  
97.1004 Award of funds.  
97.1005 Reallocation procedures.

## GRANT PLANNING, APPLICATION, AND MODIFICATION PROCEDURES

- 97.1006 Eligible applicant planning process.  
97.1007 Preapplication for Federal assistance (Standard Form 424).  
97.1008 Submission of YETP grant application.  
97.1009 Narrative description, program and planning forms, additional documentation.  
97.1010 Special assurances and certifications.  
97.1011 Youth plan.  
97.1012 Review of YETP grant applications.

- 97.1013 Notification of selection.  
97.1014 Negotiation of a final grant.  
97.1015 Grant award.  
97.1016 Modifying the grant.

## ADMINISTRATIVE PROVISIONS

- 97.1017 Administrative provisions.

## PROGRAM OPERATIONS

- 97.1018 Eligibility for participation.  
97.1019 Eligibility for participation (extraordinary).  
97.1020 Allowable activities and services.  
97.1021 In-school programs.  
97.1022 Payments to participants.  
97.1023 Substitution for title I or title III, section 303 programs.  
97.1024 Complaint procedure.

2. Part 97 is amended by adding the following new subparts.

## Subpart J—Youth Community Conservation and Improvement Projects for Section 303 Grantees

## GENERAL

- 97.900 Scope and purpose.  
97.901 Definitions.  
97.902 Eligibility for funds.  
97.903 Allocation of funds.  
97.904 Award of funds.  
97.905 Reallocation procedures.

## GRANT PLANNING, APPLICATION AND MODIFICATION PROCEDURES

- 97.906 Eligible applicant planning process.  
97.907 Preapplication for Federal assistance (Standard Form 424).  
97.908 Project application content.  
97.909 Project prioritization.  
97.910 Submission of YCCIP grant application.  
97.911 Special assurances and certifications.  
97.912 Review of YCCIP grant applications.  
97.913 Notification of selection.  
97.914 Negotiation of a final grant.  
97.915 Grant award.  
97.916 Modifying the grant.

## ADMINISTRATIVE PROVISIONS

- 97.917 Administrative provisions.

## PROGRAM OPERATIONS

- 97.918 Eligibility for participation.  
97.919 Participant benefits.  
97.920 Substitution for title I or title III, section 303 programs.  
97.921 Limitation on use of funds.  
97.922 Complaint procedure.

## Subpart K—Youth Employment and Training Programs for Section 303 Grantees

## GENERAL

- 97.1000 Scope and purpose.  
97.1001 Definitions.  
97.1002 Eligibility for funds.  
97.1003 Allocation of funds.  
97.1004 Award of funds.  
97.1005 Reallocation procedures.

## GRANT PLANNING, APPLICATION AND MODIFICATION PROCEDURES

- 97.1006 Eligible applicant planning process.  
97.1007 Preapplication for Federal assistance (Standard Form 424).  
97.1008 Submission of YETP grant application.

- 97.1009 Narrative description, program and planning forms, additional documentation.  
97.1010 Special assurances and certifications.  
97.1011 Youth plan.  
97.1012 Review of YETP grant applications.  
97.1013 Notification of selection.  
97.1014 Negotiation of a final grant.  
97.1015 Grant award.  
97.1016 Modifying the grant.

## ADMINISTRATIVE PROVISIONS

- 97.1017 Administrative procedures.

## PROGRAM OPERATIONS

- 97.1018 Eligibility for participation.  
97.1019 Eligibility for participation (extraordinary).  
97.1020 Allowable activities and services.  
97.1021 In-school programs.  
97.1022 Payments to participants.  
97.1023 Substitution for title I or title III, section 303 programs.  
97.1024 Complaint procedure.

**AUTHORITY:** Section 702(a) of the Comprehensive Employment and Training Act of 1973, as amended, unless otherwise noted.

## Subpart J—Youth Community Conservation and Improvement Projects for Section 303 Grantees

## GENERAL

- § 97.900 Scope and purpose.

(a) This subpart contains the Department of Labor's regulations for the Youth Community Conservation and Improvement Projects (YCCIP) authorized by title III, part C, subpart 2 of the Act for eligible youths who are members of migrant and seasonal farmworker families. This subpart does not contain all regulations under the Act necessary to the operation of a YCCIP component by a section 303 grantee and is, therefore, designed to be used in conjunction with Subpart G—Youth Community Conservation and Improvement Projects (YCCIP). All provisions of the regulations of subpart G of this part shall be incorporated except where the provisions of this subpart conflict with the provisions of the regulations of subpart G. All provisions of subpart C of this part also apply to YCCIP operated by section 303 grantees, except to the extent that they may conflict with this subpart.

(b) When the regulations of this subpart conflict with other regulations promulgated under the Act in 29 CFR Parts 94 through 99, the regulations contained in this subpart shall prevail. Part 98 of this title does not apply to programs under this subpart, except where noted.

(c) The Department of Labor will provide allocations of YCCIP funds to those section 303 grantees selected to receive these funds for fiscal year 1978, or subsequent years, if funds are made available by the Congress, as a result of a special competitive process.



Eligible section 303 applicants are expected to submit quality project applications selected through an objective process at the local level as described in section 335 of the Act. The Department will review these YCCIP project applications and will fund those projects which best fulfill the requirements of the program.

(d) Because of the special nature of problems faced by eligible youths who are members of migrant and seasonal farmworker families, programs developed and implemented under section 333(b) of the Act shall be administered by the Employment and Training Administration (ETA), Office of National Programs (ONP), Director, Office of Farmworker Programs (OFF) at the national level.

(e) Statutory authority for regulations in this subpart may be found in sections 303, 333(b), 354(b) and 702(a) of the Act, as amended, as well as in other sections of the Act.

#### § 97.901 Definitions.

Definitions for abbreviations and major terms used in this subpart are contained in § 94.4, of this title, and §§ 97.602 and 97.203 of this part.

#### § 97.902 Eligibility for funds.

Only section 303 grantees funded under § 97.205 or paragraph (c)(5) of § 97.233 are eligible to compete for YCCIP funds.

#### § 97.903 Allocation of funds.

(a) Two percent of the funds available for Youth Community Conservation and Improvement Projects (YCCIP) shall be made available for projects for eligible migrant and seasonal farmworker youths.

(b) Allocations shall be provided to those section 303 grantees selected as a result of a special competitive process for YCCIP funds. Section 303 grantees shall be allocated no more than \$1,000,000 and no less than \$150,000 for each YCCIP grant. In exceptional circumstances the secretary may allocate more than \$1,000,000 for a single YCCIP grant.

#### § 97.904 Award of funds.

The Director, Office of Farmworker Programs (OFF), shall award to selected section 303 grant applicants, funds in accordance with the provisions of § 97.218 except for paragraph (b)(3) of § 97.218.

#### § 97.905 Reallocation procedures.

(a) The Director, Office of Farmworker Programs (OFF), may reallocate any amount of any allocation made to a section 303 grantee under subpart 2 of part C of title III of the Act to the extent that a grantee will not be able to use all or any part of YCCIP funds granted. Any reallocation of YCCIP funds shall be in accordance with the procedure established in section 354(b) of the Act.

(b) Priority shall be given to reallocating within the same State consistent with providing the most effective service to the maximum number of youths who are members of migrant and seasonal farmworker families.

#### GRANT PLANNING, APPLICATION AND MODIFICATION PROCEDURES

##### § 97.906 Eligible applicant planning process.

Each eligible section 303 grant applicant which desires YCCIP funds shall submit a preapplication pursuant to § 97.907 and a plan pursuant to § 97.1006 and §§ 97.616 through 97.619.

##### § 97.907 Preapplication for Federal assistance (Standard Form 424).

An eligible section 303 grant applicant interested in applying for YCCIP funds shall submit a Standard Form 424 to the appropriate Regional Administrator, Director, OFF, and to areawide A-95 clearinghouses by a date to be announced by the Director, OFF, and published in the FEDERAL REGISTER.

##### § 97.908 Project application content.

In addition to information required in § 97.611, except paragraph (f)(1), project applications must include:

(a) Direct and indirect program costs as defined in paragraphs (a) (1) and (2) of § 97.255, and

(b) Administrative costs as defined in paragraphs (e)(6) of § 97.255.

##### § 97.909 Project prioritization.

(a) Each section 303 eligible applicant shall rank, in terms of their relative priority, approvable project applications.

(b) Eligible applicants shall document the rationale used for ranking the approvable project applications.

##### § 97.910 Submission of YCCIP grant application.

(a) Each eligible applicant must submit three copies of the proposed YCCIP plan by a date to be set by the Director, Office of Farmworker Programs, and published in the FEDERAL REGISTER, to the address listed below:

U.S. Department of Labor, Employment and Training Administration, 601 D Street NW., Room 7122, Washington, D.C. 20213. Attn: Director, Office of Farmworker Programs (OFF).

(b) Two copies of the proposed YCCIP plan shall also be submitted directly to the appropriate Regional Administrator for Employment and Training at the same time the three copies are submitted to the above address and labeled: YCCIP Plan for CETA 303 Farmworker Program.

##### § 97.911 Special assurances and certifications.

In addition to the assurances and certifications noted in § 97.619, the proposed YCCIP plan must also comply with the assurances and certifications required in paragraph (b)(4) of § 97.213.

##### § 97.912 Review of YCCIP grant applications.

Proposed YCCIP plans submitted by eligible applicants shall be reviewed and evaluated by the Director, Office of Farmworker Programs, to determine those judged to be most qualified to receive YCCIP grants.

(a) The Director, OFF, shall review the documentation described in § 97.611 and § 97.614 to determine whether a proposed YCCIP plan meets the requirements of the Act, regulations of this subpart and other applicable laws.

(b) The Director, OFF, shall use the factors and assurances set forth in paragraphs (b) and (c) of § 97.613 and review the criteria for ranking projects. In addition, the provisions of paragraphs (a), (b) (1), (2), (3), (4), (5), (6), (9), (10), and (11) of § 95.17 and paragraph (c)(6)(i) of § 97.255 shall be followed by the Director, OFF, in reviewing YCCIP proposals.

##### § 97.913 Notification of selection.

(a) Potential YCCIP grantees selected as a result of the procedures set forth in § 97.912 shall be so notified by the Director, OFF. The notification shall invite each potential YCCIP grantee to negotiate the final terms and conditions of the grant, shall establish the time and place of the negotiation, and shall indicate the State or area to be covered by the grant.

(b) A section 303 grantee whose proposed YCCIP plan is not selected by the Secretary to receive YCCIP funds shall be notified in writing and shall be provided the names and addresses of potential YCCIP grantees.

##### § 97.914 Negotiation of a final grant.

The procedures detailed in § 97.217 of this part shall apply.

##### § 97.915 Grant award.

The approval of the proposed YCCIP plan will be in accordance with § 97.218 of this part.

##### § 97.916 Modifying the grant.

Any modification to the YCCIP plan will be in accordance with provisions of § 97.220 of this part.

#### ADMINISTRATIVE PROVISIONS

##### § 97.917 Administrative provisions.

Eligible section 303 grant applicants shall comply with the administrative provisions of § 97.250 of this part in operating programs pursuant to this subpart.

#### PROGRAM OPERATIONS

##### § 97.918 Eligibility for participation.

In addition to the criteria detailed in § 97.623, participating youths must also meet the criteria for farmworker or dependent of a farmworker detailed in paragraphs (a) (1) and (2) of § 97.232.

##### § 97.919 Participant benefits.

(a) Participants shall be paid wages as described in paragraph (c) of § 97.718 of this part, except that the Director, OFF, will negotiate any wage disputes as described in paragraphs (c) (3) (ii), (iii), and (4) of § 97.718.

(b) Each participant shall be provided the benefits and working conditions as provided in § 97.259 of this part.

##### § 97.920 Substitution for title I or title III, section 303 programs.

Programs funded under YCCIP shall be supplementary to, and shall not replace programs and activities for youth available under title I or title III, section 303 of the Act.

##### § 97.921 Limitation on use of funds.

Because section 335 of the Act requires that this program be labor intensive, no less than 65 percent of funds available to an eligible applicant shall be used for wage and fringe benefits for participants. Section 303 YCCIP projects will comply with paragraph (f)(6)(1) of § 97.255. Administrative costs shall not exceed 20 percent of planned costs for the entire YCCIP grant unless such additional costs have been approved in writing by the Secretary.

##### § 97.922 Complaint procedure.

An eligible applicant shall have the right to appeal a decision not to fund a YCCIP proposal in accordance with procedures described in § 97.292.

#### Subpart K—Youth Employment and Training Programs for Section 303 Grantees

#### GENERAL

##### § 97.1000 Scope and purpose.

(a) This subpart contains the Department of Labor's regulations for the Youth Employment and Training Programs (YETP) authorized by subpart 3 of part C of title III of the Act for eligible youths who are members of migrant and seasonal farmworker families. This subpart does not contain all regulations under the Act necessary to the operation of a YETP component by a section 303 grantee and is, therefore, designed to be used in conjunction with subpart H—Youth Employment and Training Programs. All provisions of the regulations of subpart H of this part shall be incorporated except where the provisions of this

subpart conflict with the provisions of subpart H. All provisions of subpart C of this part also apply to YETP operated by section 303 grantees, except to the extent that they may conflict with this subpart.

(b) When the regulations of this subpart conflict with other regulations promulgated under the Act, in 29 CFR parts 94 through 99, the regulations contained in this subpart shall prevail. Part 98 of this title does not apply to programs under this subpart, except where noted.

(c) Because of the special nature of problems faced by eligible youths who are members of migrant and seasonal farmworker families, programs developed and implemented under section 343(a)(4) of the Act shall be administered by the Employment and Training Administration (ETA), Office of National Programs (ONP), Director, Office of Farmworker Programs (OFF) at the national level.

(d) Statutory authority for regulations in this subpart may be found in sections 303, 343(a)(4), 354(b) and 702(a) of the Act, as amended, as well as in other parts of the Act.

##### § 97.1001 Definitions.

Definitions for abbreviations and major terms used in this subpart are contained in § 94.4 of this title and §§ 97.702 and 97.203 of this part.

##### § 97.1002 Eligibility for funds.

Only section 303 grantees funded under § 97.205 or paragraph (c)(5) of § 97.233 are eligible to compete for YETP funds.

##### § 97.1003 Allocation of funds.

(a) Two percent of funds available for part C of title III of the Act shall be made available (after deducting the amount available under section 333(b) of the Act) for programs for eligible youths who are members of migrant and seasonal farmworker families.

(b) Allocations shall be provided to those section 303 grantees selected as a result of a special competitive process for YETP funds. Section 303 grantees shall be allocated no more than \$1,000,000 and no less than \$150,000 for each YETP grant. In exceptional circumstances the Secretary may allocate more than \$1,000,000 for a single YETP grant.

##### § 97.1004 Award of funds.

The Director, Office of Farmworker Programs, shall award to selected section 303 grant applicants funds in accordance with the provisions of § 97.218 except for paragraph (b)(3).

##### § 97.1005 Reallocation procedures.

(a) The Director, Office of Farmworker Programs, may reallocate any amount of any allocation made to a section 303 grantee under subpart 3 of

part C of title III of the Act to the extent that a grantee will not be able to use all or any part of YETP funds granted. Any reallocation of YETP funds shall be in accordance with the procedure established in section 354(b) of the Act.

(b) Priority shall be given to reallocating within the same State consistent with providing the most effective service to the maximum number of youths who are members of migrant and seasonal farmworker families.

#### GRANT PLANNING, APPLICATION AND MODIFICATION PROCEDURES

##### § 97.1006 Eligible applicant planning process.

(a) *Youth plan.* In developing a plan for activities under part C of title III, an eligible section 303 applicant shall:

(1) Take into account the eligible section 303 grantee's section 303 program and, where applicable, title I and title III summer youth employment programs.

(2) Use the planning process and board or advisory council referenced in paragraph (b)(3)(i)(C)(1) of § 97.213 of this part, including participation of youths who are members of migrant and seasonal farmworker families as described in paragraph (b) of this section.

(b) *Youth participation in planning.* Where boards or advisory councils of private, nonprofit organizations have youth participation or youth advisory groups, the youth representatives shall, as a minimum, make recommendations to the board or council with respect to the planning and review of all activities proposed under part C of title III of the Act. Where the eligible applicant is a prime sponsor under section 102 of the Act, youth participation in planning shall be in accordance with paragraph (b) of § 97.705.

(c) *Community Based Organizations.* (1) The section 303 grantee will submit the proposed plan and responses from community based organizations in the section 303 grantee's service area which have reviewed the plan to the Director, Office of Farmworker Programs.

(2) An eligible section 303 grantee may directly perform program activities described in § 97.233 of this part.

(d) *Application.* Each eligible section 303 grant applicant which desires funds for YETP shall submit a preapplication pursuant to § 97.1007 and a youth plan pursuant to paragraphs (a) and (b) (1), (2), (5), (6), (8), and (9) of § 97.709 and § 97.1009. The eligible applicant's YETP plan shall use the planning process and the board or advisory council described in paragraphs (b)(3)(i)(B) (1), (2), and (3) and (b)(3)(i)(C) (1), (2), (3), (4), (5), (6), (8), (9), and (10) of § 97.213 and paragraph (b) of this section. The compliant pro-



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**RULES AND REGULATIONS**

cedure for program participants shall be as described in § 97.291.

**§ 97.1007 Preapplication for Federal assistance (Standard Form 424).**

An eligible section 303 grant applicant interested in applying for YETP funds shall submit a Standard Form 424 to the appropriate Regional Administrator; to Director, OFP, and to areawide A-95 clearinghouses by a date to be set by the Director, OFP, and published in the **FEDERAL REGISTER**.

**§ 97.1008 Submission of YETP grant application.**

(a) Each applicant must submit three copies of the proposed YETP plan by a date to be set by the Director, Office of Farmworker Programs, and published in the **FEDERAL REGISTER**, to the address listed below:

U.S. Department of Labor, Employment and Training Administration, 601 D Street, NW., Room 7122, Washington, D.C. 20213.  
Attn: Director, Office of Farmworker Programs.

(b) Two copies of the proposed YETP plan shall be submitted to the appropriate Regional Administrator at the time the three copies are submitted to the Director, Office of Farmworker Programs, and label: YETP Plan for CETA 303 Farmworker Program.

**§ 97.1009 Narrative description, program and planning forms, additional documentation.**

Section 303 applicants will not be required to include agreements described in paragraph (b) of § 97.717 in the narrative description if no in-school activity is planned or if no local educational agency agreement has been completed.

**§ 97.1010 Special assurances and certifications.**

In addition to requirements of § 97.710, the youth plan shall comply with assurances and certifications required in paragraph (b)(4) of § 97.213.

**§ 97.1011 Youth plan.**

The procedures of paragraphs (a) and (b) of § 97.711 shall apply except that the YETP plan will be submitted to the Director, Office of Farmworker Programs.

**§ 97.1012 Review of YETP grant applications.**

(a) Proposed YETP plans submitted by eligible applicants shall be reviewed and evaluated by the Director, Office of Farmworker Programs (OFP), to

determine those judged to be most qualified to receive YETP grants.

(b) The Director, OFP, shall review this documentation described in paragraphs (a) and (b) of § 97.711 to determine whether the proposed YETP plan meets requirements of the Act, regulations of this subpart and other applicable laws. In addition, the provisions of paragraphs (a) and (b) (1), (2), (3), (4), (5), (6), (9), (10), and (11) of § 95.17 and paragraph (f)(6)(i) of § 97.255 shall be followed by the Director in reviewing YETP proposals.

**§ 97.1013 Notification of selection.**

Potential YETP grantees selected as a result of procedures set forth in § 97.1012 shall be notified in the manner described in § 97.913.

**§ 97.1014 Negotiation of a final grant.**

The procedures detailed in § 97.217 of this part shall apply.

**§ 97.1015 Grant award.**

The approval of the proposed YETP plan will be in accordance with provisions of § 97.218 of this part.

**§ 97.1016 Modifying the grant.**

Any modification of the YETP plan will be in accordance with provisions of § 97.220 of this part.

**ADMINISTRATIVE PROVISIONS**

**§ 97.1017 Administrative provisions.**

Eligible section 303 grantee applicants shall comply with the administrative procedures of § 97.250 in operating YETP programs.

**PROGRAM OPERATIONS**

**§ 97.1018 Eligibility for participation.**

In addition to criteria established in § 97.714, participating youths must also meet criteria for farmworker or dependent of a farmworker established in paragraphs (a) (1) and (2) of § 97.232.

**§ 97.1019 Eligibility for participation (extraordinary).**

Youths who are in school and are 14 or 15 years old may participate in YETP, provided they meet other conditions described in § 97.1018.

**§ 97.1020 Allowable activities and services.**

(a) Programs may include any type of employment and training activity described in § 97.233 of this part. For the YETP component, grantees are encouraged but not required to con-

duct OJT training on a "hire first, train later" basis.

(b) Each participant in on-the-job training, work experience or career employment experience shall be assured of the general benefits and working conditions for program participants provided in § 97.259.

(c) Eligible section 303 applicants shall not design a special component using up to 10 percent of YETP funds to serve a mixture of youth from families above and below the income level specified in paragraph (a)(3) of § 97.714. All YETP funds going to section 303 grantees will be used for youths who are members of migrant and seasonal farmworker families.

**§ 97.1021 In-school programs.**

Eligible section 303 grant applicants are not required by the Act to set aside any specific amount of YETP funds to serve in-school youth. However, section 303 grantees serving in-school youth in programs designed to enhance career opportunities and job prospects are encouraged to seek written agreements with local education agencies.

**§ 97.1022 Payments to participants.**

(a) *Allowances.* Participants shall be paid allowances in accordance with the criteria and process in § 97.256.

(b) *Wages.* Participants shall be paid wages as described in paragraph (c) of § 97.718, except that the Director, OFP, will resolve wage disputes described in paragraphs (c)(3) (ii), (iii), and (4) of § 97.718.

**§ 97.1023 Substitution for title I or title III, section 303 programs.**

Programs funded under YETP shall be supplementary to and shall not replace programs and activities for youths available under title I or title III, section 303 of the Act.

**§ 97.1024 Complaint procedure.**

Section 303 grant applicants shall have the right to appeal decision not to fund YETP programs in accordance with procedures described in § 97.292.

Signed this 10th day of January, 1978, in Washington, D.C.

RAY MARSHALL,  
*Secretary of Labor.*

[FR Doc. 78-1018 Filed 1-12-78; 8:45 am]

FRIDAY, JANUARY 13, 1978  
PART VIII



**OFFICE OF  
MANAGEMENT  
AND BUDGET**

**BUDGET RESCISSIONS  
AND DEFERRALS**

Reports

Revised  
1978



[3110-01]

OFFICE OF MANAGEMENT AND  
BUDGET

CUMULATIVE REPORT ON RESCISSIONS AND  
DEFERRALS

January 1978

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of January 1, 1978, of four rescissions contained in the fourteenth, fifteenth, and seventeenth special messages of FY 1977 and one rescission and 50 deferrals contained in the first four special messages for fiscal year 1978. These messages were transmitted to the Congress on July 19 (both the fourteenth and fifteenth messages), July 26, September 23, October 3, November 10, and December 15, 1977.

RESCISSIONS (ATTACHMENT A)

Attachment A lists four rescission proposals totalling \$643.4 million made in FY 1977 but carried into FY

1978 and a single rescission proposal for \$2.7 million made this fiscal year. The history and status of each rescission proposal are shown on the attachment.

DEFERRALS (ATTACHMENT B)

As of January 1, 1978, \$3,134.7 million in budget authority was being deferred from obligation and another \$1.7 million in 1978 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral proposed during fiscal year 1978.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTER of:

Friday, July 22, 1977 (Vol. 42, No. 141, Part V) (both the fourteenth and fifteenth 1977 special messages).  
Friday, July 29, 1977 (Vol. 42, No. 146, Part VIII) (seventeenth 1977 special message).  
Thursday, September 29, 1977 (Vol. 42, No. 189, Part IX).  
Friday, October 7, 1977 (Vol. 42, No. 195, Part IV).  
Thursday, November 15, 1977 (Vol. 42, No. 220, Part IV).  
Wednesday, December 21, 1977 (Vol. 42, No. 245, Part IV).

JAMES T. MCINTYRE, Jr.,  
Acting Director.

ATTACHMENT A

STATUS OF RESCISSIONS

FISCAL YEAR 1978  
(Amounts in thousands of dollars)

As of January 1, 1978

Agency/Bureau/Account	Rescission Number	Amount Proposed		Date Special Message Transmitted to Congress	Amount Rescinded	Amount Made Available		Date Made Available
		Previously Considered by the Congress	Currently Before the Congress			Previously Available	Currently Available	

Department of Defense -  
Military  
Aircraft procurement,  
Air Force...  
Missile procurement,  
Air Force...  
Air Force...  
Missile procurement,  
Air Force...

Department of Justice  
Law Enforcement  
Assistance  
Administration:  
Salaries and  
expenses...  
General Service  
Administration:  
Federal Buildings  
Fund...

TOTAL:

- 1/ On January 1, 1978, proposals to rescind these funds were included in the Senate-passed version of H.R. 9375, the Supplemental Appropriations Act, 1978.
- 2/ This rescission proposal is related to a request for transfer (contained in H.R. 9375, the Supplemental Appropriations Act, 1978) of the same funds within the Department of Justice. It is anticipated that a deferral will be submitted to report the extension of this withholding pending final Congressional action on the transfer request.
- 3/ An opinion issued by the Comptroller General on October 26, 1977, holds that this proposal should have been classified as a deferral.
- 4/ Public Law 95-166.
- 5/ This amount was proposed for rescission in FY 1977.



STATUS OF DEFERRALS  
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message Original Request	Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments 01-01-78
AGENCY: FUNDS APPROPRIATED TO THE PRESIDENT							
International Security Assistance Military assistance..	D78-47	131,200		12-15-77			131,200
International military education and training..	D78-48	2,000		12-15-77			2,000
Foreign military credit sales.....	D78-49	673,250		12-15-77	-10,870		662,380
Emergency refugee and migration assistance fund.....	D78-43 D78-43A	2,000	+5,800	11-10-77 12-15-77			7,800
TOTAL:		808,450	5,800		-10,870		803,380

NOTICES

\*\*\*\*\*

AGENCY: DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service Salaries and expenses (special foreign currency program)...	D78-1	988		10-03-77			988
Agricultural Stabilization and Conservation Service Commodity credit corporation....	D78-2	2,871		10-03-77	-2,871		0
Forest Service Permanent appropriations, Expenses, brush disposal.....	D78-3	31,312		10-03-77			31,312
Permanent appropriations, Licensee programs.....	D78-4	141		10-03-77			141
TOTAL:		35,312			-2,871		32,441

TOTAL:

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STATUS OF DEFERRALS  
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message Original Request	Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Amount Deferred as of 01-01-78
AGENCY: DEPARTMENT OF COMMERCE							
Economic Development Administration Local public works..	D78-5	4,000		10-03-77			4,000
Financial and technical assistance..	D78-6	3,500		10-03-77			3,500
National Oceanic and Atmospheric Administration Operations, research, and facilities.....	D78-7	3,750		10-03-77	-3,750		0
Promote and develop fishery products and research pertaining to American fisheries...	D78-8	5,425		10-03-77			5,425
Fisheries loan fund..	D78-9	6,177		10-03-77			6,177
Fishermen's guaranty fund..	D78-10	710		10-03-77	-38		672
TOTAL:		23,572			-3,750		20,104

TOTAL:

\*\*\*\*\*

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STATUS OF DEFERRALS  
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message Request	Date Special Message Transmitted	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 01-01-78
AGENCY: DEPARTMENT OF DEFENSE-MILITARY						
Shipbuilding and conversion, Navy	D70-44	671,125	11-10-77			671,125
Military construction, all services.....	D70-11	430,439	10-03-77	-36,120		402,319
TOTAL:		1,309,564		-36,120		1,273,444
*****						

AGENCY: DEPARTMENT OF DEFENSE-CIVIL

Miscellaneous accounts, wildlife conservation, etc. military reservations.....

	D70-12	430	10-03-77	-12		446
TOTAL:		430		-12		446
*****						

AGENCY: DEPARTMENT OF ENERGY 1/

Energy (Plenum Fuel experiment)...

	D70-31 D70-31A	1,300	10-03-77 11-10-77			2,300
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Energy (Clean boiler fuel from coal project)...

	D70-32 D70-32A	40,000	10-03-77 11-10-77			40,000
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Energy (Norton salt breeder reactor project)...

	D70-30 D70-30A	1,300	10-03-77 11-10-77			1,300
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STATUS OF DEFERRALS  
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message Request	Date Special Message Transmitted	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 01-01-78
AGENCY: DEPARTMENT OF ENERGY 1/ - Continued						
Energy (10 kw Central receiver solar thermal power plant)...	D70-45	31,000	11-10-77			31,000
TOTAL:		80,000				81,460
1/ See also Energy Research and Development Administration. 2/ The supplementary report changed the deferral from the Energy Research and Development Administration to the Department of Energy.						
*****						

AGENCY: DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education Higher Education...

	D70-13	3,740	10-03-77			3,740
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Social Security Administration Limitation on construction...

	D70-14	13,865	10-03-77			13,865
TOTAL:		17,605				17,605
*****						

AGENCY: DEPARTMENT OF THE INTERIOR

Bureau of Land Management Oregon and California grant lands.

	D70-15	31,200	10-03-77			31,200
--	--------	--------	----------	--	--	--------

Bureau of Outdoor Recreation Land and water conservation lands...

	D70-16	30,000	10-03-77			30,000
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STATUS OF DEFERRALS  
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message-Original Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 01-01-78
AGENCY: DEPARTMENT OF THE INTERIOR - Continued							
Geological Survey							
Payment from proceeds, sale of water.....	D70-17	34	10-03-77				34
Bureau of Mines							
Miscellaneous appropriations							
Drainage of anthracite mines..	D70-10	3,500	10-03-77				3,500
Office of Territorial Affairs							
Trust territory of the Pacific Islands....	D70-19	12,000	10-03-77				12,000
TOTAL:		70,734					76,734
*****							
AGENCY: DEPARTMENT OF JUSTICE							
Federal Prison System							
Buildings and facilities.....	D70-20	42,245	10-03-77				42,245
TOTAL:		42,245					42,245
*****							
AGENCY: DEPARTMENT OF TRANSPORTATION							
Coast Guard							
Acquisition, construction, and improvements..	D70-21	13,031	10-03-77	-13,031	1/		0
FEDERAL REGISTER, VOL 43, NO. 9--FRIDAY, JANUARY 13, 1978							

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STATUS OF DEFERRALS  
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message-Original Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 01-01-78
AGENCY: DEPARTMENT OF TRANSPORTATION - Continued							
Federal Aviation Administration							
Construction, Metropolitan Washington Airports..	D70-22	1,010	10-03-77				1,010
Civil Supersonic aircraft development termination.....	D70-23	134	10-03-77				134
Facilities and equipment (Airport and airway trust fund.	D70-24	320,650	10-03-77				320,650
Federal Highway Administration							
Trust fund share of other highway programs.....	D70-25	74,880	10-03-77				74,880
TOTAL:		409,705		-13,031			396,674
1/ Impoundment resolution, S. Res. 282, passed the Senate on November 1, 1977, rejecting this deferral. The funds, however, were made available for obligation on October 31, 1977.							
*****							
AGENCY: DEPARTMENT OF THE TREASURY							
Office of the Secretary							
Antirecession financial assistance fund.....	D70-26 D70-26A D70-26B	8,184 +2,425 +100	10-03-77 11-10-77 12-15-77				10,709
Antirecession financial assistance fund.....	D70-30	3,406 1/	12-15-77	-3,406 1/			0
State and local government fiscal assistance fund..	D70-27 D70-27A D70-27B	45,956 +23,505 +11,831	10-03-77 11-10-77 12-15-77				81,732
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STATUS OF DEFERRALS  
FISCAL YEAR 1976

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message Original Request	Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Amount Deferred as of 01-01-78
AGENCY: DEPARTMENT OF THE TREASURY - Continued							
State and local government fiscal assistance fund..	D70-28 D70-20A	391 1/	+1,360 1/	10-03-77 12-15-77	-40 1/		1,711 1/
Bureau of the Mint Construction of mint facilities..	D70-29	5,730		10-03-77			5,730
TOTAL: BA		59,910	38,261				98,171
O		3,797	1,360		-3,446		1,771
1/ Outlays only							
*****							

NOTICES

AGENCY: ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION 1/

Operating expenses (gas cooled reactors)...							
	D70-30	15,000		10-03-77	-15,000 2/		0
Plant and capital equipment (fusion material test facility)...							
	D70-33	7,500		10-03-77	-7,500 3/		0
Plant and capital equipment (intense neutron source facility)...							
	D70-34	11,300		10-03-77	-11,300 4/		0

STATUS OF DEFERRALS  
FISCAL YEAR 1976

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message Original Request	Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congress- sionally Required Releases	Cumulative Adjustments	Amount Deferred as of 01-01-76
AGENCY: ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION - Continued								
Plant and capital equipment (Intersecting storage ring accelerator) . . . . .	D70-35	5,000		10-03-77		-5,000 5/		0
TOTAL:		36,800				-36,800		0
1/ See also Department of Energy.								
2/ Impoundment resolution H. res. 851 passed the House on November 2, 1977, rejecting this deferral.								
3/ Impoundment resolution H. res. 852 passed the House on November 2, 1977, rejecting this deferral.								
4/ Impoundment resolution H. res. 853 passed the House on November 2, 1977, rejecting this deferral.								
5/ Impoundment resolution H. res. 854 passed the House on November 2, 1977, rejecting this deferral.								
*****								
AGENCY: GENERAL SERVICES ADMINISTRATION								
Rare silver dollar program . . . . .	D70-37	1,710		10-03-77				1,710
Federal Preparedness Agency								
State and local preparedness . . . . .	D70-38	80		10-03-77				80
TOTAL:		1,790						1,790
*****								
AGENCY: OTHER INDEPENDENT AGENCIES								
Foreign Claims Settlement Commission								
Payment of Vietnam prisoner of war claims								
	D70-39	10,736		10-03-77				10,736



STATUS OF DEFERRALS  
FISCAL YEAR 1978  
(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message Original Subsequent Request	Date Special Message Transmitted	Congress- sionally Required Releases	Cumulative Onu/Agency Releases	Amount Deferred as of 01-01-78
AGENCY: OTHER INDEPENDENT AGENCIES - Continued						
Interstate Commerce Commission Payment of directu rail service..	070-40	13,700	10-03-77			13,700
National Science Foundation Research, and related activities..	070-40	4,500	11-10-77			4,500
United States Information Agency Salaries and expenses (special foreign currency program)..	070-41	1,153	10-03-77			1,153
United States Railway Association Payment for purchase of Conrail securities..	070-42	200,000 290,051	10-03-77			260,000 290,051
TOTAL:		3,195,250 3,797		-66,692 -3,446		3,134,665 1,711

[FR Doc. 78-1098 Filed 1-11-78; 3:58 pm]



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Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
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	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The following three positions are excepted from the competitive service under Schedule C because they are confidential in nature: one Special Assistant to the Deputy Assistant Secretary for Regulatory Functions, one Special Assistant for Neighborhood Concerns, and one Special Assistant to the Deputy Assistant Secretary for Neighborhood and Consumer Affairs.

EFFECTIVE DATE: January 16, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3384 (1), (5), (6), and (7) are added as set out below:

§ 213.3384 Department of Housing and Urban Development.

(1) Office of the Assistant Secretary for Neighborhood Organizations, Voluntary Associations, and Consumer Protection. \* \* \*

(5) One Special Assistant to the Deputy Assistant Secretary for Regulatory Functions.

(6) One Special Assistant for Neighborhood Concerns.

(7) One Special Assistant to the Deputy Assistant Secretary for Neighborhood and Consumer Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-1307 Filed 1-13-78; 8:45 am]

[1505-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Caution Signs, Labels, Signals, and Controls

Correction

In FR Doc. 77-36867 appearing at page 64619 in the issue for Tuesday, December 27, 1977, in the 11th line of § 20.203(c)(6)(i) on page 64620, the word "impossible" should have read "possible".

[7590-01]

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

Group Licensing for Certain Medical Uses

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to add a new reagent kit to its lists of authorized radioactive drugs, reagent kits, and procedures. The amendment adds to these lists a kit for preparation of technetium-99m labeled human serum albumin. This radiopharmaceutical may be used for heart blood pool imaging.

EFFECTIVE DATE: January 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia C. Vacca, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone: 301-427-4232.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the amendment of the Nuclear Regulatory Commission's Regulation, "Human Uses of Byproduct Material," 10 CFR Part 35.

Section 35.100 of 10 CFR Part 35 lists groups of medical uses of radioisotopes that have similar requirements for user training and experience, fa-

cilities and equipment, and radiation safety procedures.

The notice of proposed rule making that was published in the FEDERAL REGISTER on January 21, 1974 (39 FR 2384) stated that the groups of licensed uses would be amended from time to time to add new radiopharmaceuticals, sources, devices and uses as they are developed. The Food and Drug Administration (FDA) has recently approved a "New Drug Application" for technetium-99m as human serum albumin for heart blood pool imaging and this procedure is hereby added to Group III.

Because these amendments relate solely to procedural matters, the Commission has found that good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary. Since the amendment relieves licensees from restrictions under regulations currently in effect, it may become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 35 are published as a document subject to codification.

1. Paragraph (c)(3) of § 35.100 is amended by changing the period at the end of paragraph (ix) to a semicolon, and adding a new paragraph (c)(3)(x) to read as follows:

§ 35.100 Schedule A—Groups of Medical Uses of Byproduct Material.

(c) Group III. Use of generators and reagent kits for the preparation and use of radiopharmaceuticals containing byproduct material for certain diagnostic uses.

(3) Reagent kits for preparation of technetium-99m labeled;

(x) Human serum albumin for heart blood pool imaging.

Effective date: These amendments become effective on January 16, 1978.

(Secs. 81, 161b, Pub. L. 83-703, as amended, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201).)



(Sec. 201, Pub. L. 93-438, as amended, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 6th day of January 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK  
Executive Director  
for Operations.

[FR Doc. 78-1227 Filed 1-13-78; 8:45 am]

#### [4910-13]

##### Title 14—Aeronautics and Space

#### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17540; Amdt. 39-3125]

##### PART 39—AIRWORTHINESS DIRECTIVES

##### Mitsubishi Heavy Industries Model MU-2B Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment amends an existing airworthiness directive (AD) applicable to Mitsubishi Heavy Industries Model MU-2B airplanes by changing the applicability section to relieve operators of certain modified airplanes from compliance with the AD. Compliance is not necessary for airplanes incorporating the specified modification.

**EFFECTIVE DATE:** January 30, 1978. Compliance schedule—As prescribed in body of AD.

**ADDRESSES:** The applicable service recommendation may be obtained from: Mitsubishi Heavy Industries, Ltd., 5-1, Marunouchi 2-chrome, Chiyoda-ku, Tokyo 100, Japan.

A copy of the service recommendation is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:**

G. Nakagawa, Chief, Engineering and Manufacturing District Office, Pacific-Asia Region, P.O. Box 4009, Honolulu, Hawaii 96813, telephone 808-546-8650.

**SUPPLEMENTARY INFORMATION:** This amendment amends Amendment 39-1844 (39 FR 16876), AD 74-11-01, as amended by Amendment 39-1859 (39 FR 19203), which requires repetitive checks prior to the first takeoff each day for cracks and distortions in the front windshields on Mitsubishi MU-2B airplanes. The FAA has determined that if the modification covered in Mitsubishi Service Recommendation No. 027, dated September 12, 1974, is incorporated, compliance with the AD

#### RULES AND REGULATIONS

is unnecessary. Therefore, the AD is being amended to relieve operators of airplanes modified in accordance with the service recommendation from compliance with the AD.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

##### DRAFTING INFORMATION

The principal authors of this document are G. Nakagawa, Pacific-Asia Region, F. Kelley, Flight Standards Service, and S. Podberesky, Office of the Chief Counsel.

##### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-1844 (39 FR 16876), AD 74-11-01, as amended by amendment 39-1859 (39 FR 19203) by revising the applicability statement to read as follows:

MITSUBISHI HEAVY INDUSTRIES, LTD. Applies to Mitsubishi Models MU-2B, MU-2B-10, MU-2B-15, MU-2B-20, MU-2B-25, MU-2B-30, and MU-2B-35 airplanes except those airplanes modified in accordance with Mitsubishi Service Recommendation No. 027 dated September 12, 1974, or an FAA-approved equivalent.

This amendment becomes effective January 30, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

**NOTE:**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on January 5, 1978.

J. A. FERRARESE,  
Acting Director,  
Flight Standards Service.

[FR Doc. 78-943 Filed 1-13-78; 8:45 am]

#### [4910-13]

[Docket No. 77-EA-67; Amdt. 39-3124]

##### PART 39—AIRWORTHINESS DIRECTIVES

##### Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This rule (AD) is applicable to Piper PA-31T type airplanes. The rule requires an inspection of the

main landing gear actuating cylinder rod end bearing assembly and replacement of hollow shank rods, if found, with solid shank rods. The hollow rods, due to quality control error, had been installed contrary to the aircraft type design.

**EFFECTIVE DATE:** January 18, 1978.

**ADDRESSES:** Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corp., 820 East Bald Eagle Street, Lock Haven, Pa. 1745. A copy of the service bulletin is contained in the docket in the Office of Regional Counsel, FAA, Eastern Region, Jamaica, N.Y.

**FOR FURTHER INFORMATION CONTACT:**

K. Tunjian, Systems and Equipment Section, AEA-213, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3372.

**SUPPLEMENTARY INFORMATION:** There have been reports of the inadvertent substitution of hollow shank rods in lieu of solid rods by the supplier of the rod end bearing assemblies. Since this defect can exist in other aircraft of similar type and the defect can cause failure of the assembly when subjected to retraction or extension loads, a rule (AD) is being issued requiring an inspection and replacement of the part when necessary. In view of the effect on air safety, notice or public procedure hereon are impractical and good cause exists for making the rule (AD) effective in less than 30 days.

##### DRAFTING INFORMATION

The principal authors of this document are K. Tunjian, Flight Standards Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

##### ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive as follows:

PIPER AIRCRAFT CORP. Applies to model PA-31T airplanes, serial numbers 31T-7400002 through 31T-7720040, certificated in all categories. Compliance required within the next fifty hours in service, after the effective date of this AD, unless already accomplished.

(a) To preclude possible failure of the main landing gear actuating cylinder rod end bearing assemblies, accomplish the inspection and replacement where required, described in the "Instruction" portion of Piper Aircraft Corp. Service Bulletin No. 570, dated June 22, 1977.

#### RULES AND REGULATIONS

isolation and Regulations Division, Office of Chief Counsel, Internal Revenue Service.

##### CORRECTION OF FINAL REGULATIONS

Accordingly, FR Doc. 77-36813 (42 FR 64690) is amended as follows:

1. In Par. 3 on page 64694, "§ 1.801-2" is deleted and "§ 1.804-2" is inserted in lieu thereof, and the words "taxable years beginning before January 1, 1975)" are inserted immediately after the word "for" in the last line of paragraph (d)(1)(iv) of § 1.804-2 on page 64694.

2. The word "transcumbstances" in lines 13 and 14 of paragraph (b) of § 1.1561-1A on page 64698 is deleted and the phrase "transferred to such corporation under the circumstances" is inserted in lieu thereof.

Dated: January 6, 1978.

ROBERT A. BLEY,  
Director, Legislation and Regulations Division.

[FR Doc. 78-1172 Filed 1-13-78; 8:45 am]

#### [3810-71]

##### Title 32—National Defense

#### CHAPTER VI—DEPARTMENT OF THE NAVY

##### PART 723—BOARD FOR CORRECTION OF NAVAL RECORDS

##### Miscellaneous Amendments

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

**SUMMARY:** The Procedures of the Board for Correction of Naval Records are amended pursuant to commitments made in a recent District Court case. These amendments specify the location and mailing address of the reading room where Board decisions and documents are available for public inspection and copying.

**EFFECTIVE DATE:** November 28, 1977.

**ADDRESS:** Applications for correction of naval records, written comments, or any other correspondence with the Board should be addressed to: Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370.

**FOR FURTHER INFORMATION CONTACT:**

John E. Corcoran, Jr., Executive Secretary, Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370, Telephone number 202-694-1671.

**SUPPLEMENTARY INFORMATION:** Under the authority of 10 U.S.C. 1552, the Secretary of the Navy amends 32 CFR Part 723. Part 723 is the codification of the Department of the Navy's

(b) Equivalent alterations or methods of compliance must be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) Upon submission of substantiating data by an owner or operator, through an FAA maintenance inspector, the compliance time specified in this AD may be adjusted by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

**Effective Date:** This amendment is effective January 18, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); and 14 CFR 11.89.)

**NOTE:**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, N.Y., on January 4, 1978.

L. J. CARDINALI,  
Acting Director,  
Eastern Region.

[FR Doc. 78-944 Filed 1-13-78; 8:45 am]

#### [1505-01]

##### Title 15—Commerce and Foreign Trade

#### CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

##### PART 303—WATCHES AND WATCH MOVEMENTS

##### Codification of Watch Quota Rules; Correction

In FR Doc. 77-37302 appearing at page 65141 in the issue for Friday, December 30, 1977, under the "Supplementary Information" paragraph, the item marked "3," should have read as follows: "Section 303.8(b) (page 62910) should be changed by substituting a comma for the period after "year" (line 8) and by inserting a comma after "ownership" (line 8)."

#### [1505-01]

##### CHAPTER VIII—BUREAU OF ECONOMIC ANALYSIS

##### PART 806—DIRECT INVESTMENT SURVEYS

##### Correction

In FR Doc. 77-36367 appearing at page 64314 in the issue for Thursday, December 22, 1977, make the following changes:

**Editorial Note:** Chapter III will be formally renamed at a future date to "Industry and Trade Administration, Department of Commerce".

(1) On page 64318, first column, in § 806.14(b), the line appearing 4 lines from the top of the first column should have read "..." in the same country when the following conditions apply:".

(2) On the same page, column three, in the 5th and 6th lines of § 806.14(g)(1)(iii), "... filed for 1978 ..." should have read "... filed for 1977 ...".

(3) On page 64319, first column, in the 5th and 6th lines of § 806.15(d)(2), the words "The number and title of each report form, its ex-" should be deleted.

#### [4830-01]

##### Title 26—Internal Revenue

#### CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

##### SUBCHAPTER A—INCOME TAX [T.D. 7528]

##### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

##### Certain controlled corporations; correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction.

**SUMMARY:** This document contains corrections to a previously published Treasury decision in order to correct a number in a section heading and to complete the text of two sentences that were only partially printed.

**EFFECTIVE DATE:** The regulations are effective for taxable years which include December 31, 1974 and certain other taxable years ending after December 31, 1974.

**FOR FURTHER INFORMATION CONTACT:**

Robert Waltuch of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224. Attention: CC:LR:T, 202-566-3328 (not a toll-free call).

##### BACKGROUND

On December 28, 1977, the FEDERAL REGISTER published (42 FR 64690) T.D. 7528 entitled Certain Controlled Corporations (26 CFR Part 1). The amendments were made necessary by statutory changes.

##### NEED FOR CORRECTION

The full text of T.D. 7528 appears at 42 FR 64690. The text contains errors in Par. 3 in the second column on page 64694 and in paragraph (b) of § 1.1561-1A on page 64698.

##### DRAFTING INFORMATION

The principal author of these corrections was Robert Waltuch of the Leg-



"Procedures of the Board of Correction of Naval Records" (NAVSO P-473), which was established to review naval records pursuant to 10 U.S.C. 1552. These amendments reflect changes to the NAVSO P-473 adopted on November 28, 1977, which basically set forth in greater detail the location and mailing address of the reading room where Board decisions and documents are available for public inspection and copying. Since these minor changes were adopted to more fully comply with the Stipulation of Dismissal in the case of *Urban Law Institute of Antioch College, Inc., et al., v. Secretary of Defense, et al.*, Civil Action No. 76-0530 (U.S.D.C., D.C., approved January 31, 1977), it has been determined by the Department of the Navy that invitation for public comment on these amendments prior to adoption would be unnecessary and impracticable, and is therefore not required under the public rulemaking provisions in parts 296 and 701 of 32 CFR. However, interested persons are invited, on a continuing basis, to comment in writing on these amendments and any other provisions contained in part 723. All written material received will be considered before taking action on any future amendments or revisions of this part or the regulations upon which it is based, and they may be changed in light of comments received.

Accordingly, Part 723 of 32 CFR is amended as follows:

§ 723.3 [Amended]

1. In paragraph (e)(7) of § 723.3 the phrase "a designated reading room in the Washington, D.C. metropolitan area" is changed to "the Armed Forces Discharge Review/Correction Boards Reading Room, located on the Concourse of The Pentagon Building, Washington, D.C."

2. In paragraph (e)(1) of § 723.11, the phrase, "a reading room within the Washington, D.C. metropolitan area" is changed to "the Armed Forces Discharge Review/Correction Boards Reading Room located on the Concourse of The Pentagon Building, Washington, D.C."

3. Section 723.11 is further amended by revising paragraph (e)(2) as follows:

§ 723.11 Miscellaneous.

• • • • •

(e) • • •

(2) All documents made available for public inspection and copying shall be indexed in a usable and concise form so as to enable the public to identify those case similar in issue together with the circumstances under and/or reasons for which the Board and/or Secretary of the Navy have granted or denied relief. The index shall be published quarterly and shall be available

for public inspection and distribution by sale at the reading room located on the Concourse of The Pentagon Building, Washington, D.C. Inquiries concerning the index or the reading room may be addressed to the Armed Forces Discharge Review/Correction Boards Reading Room, The Pentagon Concourse, Washington, D.C. 20301.

(10 U.S.C. 1552.)

Dated: January 10, 1978.

K. D. LAWRENCE,  
Captain, JAGC, U.S. Navy,  
Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 78-1027 Filed 1-13-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-281]

PART 128—REGULATED NAVIGATION AREAS

Apra Outer Harbor, Guam; Amendment;  
Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: This document corrects the effective date of CGD 74-281. (FR Doc. 77-36151 published at 42 FR 63641, December 19, 1977.)

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street S.W., Washington, D.C. 20590, (202-426-1477).

The following correction is made: 1. On page 63642, first column, of the FEDERAL REGISTER dated December 19, 1977 the effective date should read "January 18, 1978".

Dated January 9, 1978.

G. H. PATRICK BURSLEY,  
Rear Admiral, U.S. Coast Guard,  
Chairman, Marine Safety Council.

[FR Doc. 78-1195 Filed 1-13-78; 8:45 am]

[4910-14]

[CGD 75-205]

PART 165—SAFETY ZONES

Procedures for Establishing Safety Zones,  
Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: This document corrects the effective date of CGD 75-205. (FR Doc. 77-35759 published at 42 FR 63368, December 15, 1977.)

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street S.W., Washington, D.C. 20590, (202-426-1477).

The following correction is made: 1. On page 63368, first column, of the FEDERAL REGISTER dated December 15, 1977 the effective date should read "January 16, 1978".

Dated: January 9, 1978.

G. H. PATRICK BURSLEY,  
Rear Admiral U.S. Coast Guard,  
Chairman, Marine Safety Council.

[FR Doc. 78-1197 Filed 1-13-78; 8:45 am]

[4110-07]

Title 45—Public Welfare

CHAPTER II—ASSISTANCE PROGRAMS, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 232—SPECIAL PROVISIONS APPLICABLE TO TITLE IV-A OF THE SOCIAL SECURITY ACT

Good Cause for Refusing to Cooperate

AGENCY: Social Security Administration, HEW.

ACTION: Final regulation with comment period.

SUMMARY: These amendments implement a statutory requirement that the secretary specify standards under which State and local welfare agencies shall determine whether an applicant or recipient of Aid to Families with Dependent Children (AFDC) has good cause for refusing to cooperate in establishing paternity and securing child support.

Although cooperation is required as a condition of eligibility for AFDC, these amendments provide for waiver of that condition when such cooperation would not be in the best interests of the child unless the welfare agency determines that child support enforcement activities can be safely conducted without the cooperation of applicants or recipients of assistance.

DATES: Effective date. This amendment becomes effective on March 17, 1978.

Comment period. Consideration will be given to written comments or suggestions received on or before June 15, 1978.

Agencies and organizations are requested to submit their comments in duplicate.

Comments will be available for public inspection, in room 2323 of the Department's offices at 330 C Street S.W., Washington, D.C. 20201, on Monday through Friday of each week

from 8:30 a.m. to 5:00 p.m. (Telephone 202-472-4510).

ADDRESS: Address comments to: Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 23256, Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT:

Steve Henigson, 202-472-4510.

SUPPLEMENTARY INFORMATION: *Statutory basis.* Section 208 of Pub. L. 94-88, enacted August 1, 1975, amended section 402(a)(26) of the Social Security Act, which requires that each applicant or recipient must cooperate in establishing paternity and securing support as a condition for eligibility for assistance under the AFDC program (title IV-A). Section 402(a)(26) as amended reads as follows (amendatory language underlined):

402(a)(26) "(B) to cooperate with the State (i) in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, and (ii) in obtaining support payments for such applicant and for a child with respect to whom such aid is claimed, or in obtaining any other payments or property due such applicant or such child, unless (in either case) such applicant or recipient is found to have good cause for refusing to cooperate as determined by the State agency in accordance with standards prescribed by the Secretary, which standards shall take into consideration the best interests of the child on whose behalf aid is claimed; \* \* \*

In addition, section 208 of Pub. L. 94-88 amended the title IV-D State plan requirements that the State establish paternity and secure support to provide for the good cause exception. Those requirements, as amended, read as follows (amendatory language underlined):

454(4) "(A) in the case of a child born out of wedlock with respect to whom an assignment under section 402(a)(26) of this title is effective, to establish the paternity of such child unless the agency administering the plan of the State under Part A of this title determines in accordance with the standards prescribed by the Secretary pursuant to section 402(a)(26) that it is against the best interests of the child to do so, and

"(B) in the case of any child with respect to whom such assignment is effective, to secure support for such child from his parent (or from any other person legally liable for such support) \* \* \* (unless the agency administering the plan of the State under part A of this title determines in accordance with the standards prescribed by the Secretary pursuant to section 402(a)(26)(B) that it is against the best interests of the child to do so) \* \* \*

Public participation. Interested persons were afforded an opportunity to participate in the development of these amendments by a Notice of Proposed Rulemaking published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34299), and due consideration

has been given to all comments received in response to the Notice.

We received approximately 1,700 responses to the Notice from private citizens, State and local welfare and child support agencies, District Attorneys, Friends of the Court, legal services organizations, advocate groups and others.

Approximately 1,500 comments were from private citizens who responded primarily to various newspaper accounts of the proposed rule change. Over 90 percent of these objected to the proposed change. The most common reasons given were that the proposal would create a loophole in the Child Support Enforcement program; that it would tend to encourage irresponsibility on the part of both parents; and that it would result in an increased burden on the taxpayer. Of those who commented in support of the proposal, many were mothers currently receiving AFDC who did not want to participate in the child support enforcement process. Several comments came from social workers in the welfare system who felt that mothers should never be forced to cooperate in establishing paternity and obtaining child support, especially in cases where the mother has been threatened with harm.

The remainder of the comments presented a wide divergence of opinion regarding the proposed regulations. In general the State and local welfare and child support agencies, District Attorneys, and Friends of the Court—the agencies directly involved in the enforcement of support—criticized the proposal as placing an unreasonable burden on the child support enforcement process. On the other hand, the legal services organization and advocate groups criticized the proposed regulation as not going far enough to insure that harm to the child or caretaker would not result from the child support enforcement process.

The Center on Social Welfare Policy and Law representing the National Welfare Right Organization (NWRO) submitted an extensive comment critical of the proposal. At their request, the Department met with representatives of the Center and NWRO on November 11. At that meeting their objections to the proposal were amplified and discussed.

One of the very few comments that supported the regulation as it was proposed was in the form of a resolution adopted by the House of Delegates of the American Bar Association (ABA) upon the recommendation of the Section of Family Law. The Section's purpose is "To promote the object of the American Bar Association by improving the administration of justice in the field of family law \* \* \*." The ABA urged HEW to adopt "regulations substantially similar to those proposed \* \* \*"

As a result of comments received the Department has made a number of substantive changes in the final regulation. These changes and the basis for them are discussed in detail below. Other substantive comments that did not result in changes are also discussed.

*Definition of good cause.* The statutory language requires the good cause determination to be made in accordance with standards the Secretary is to adopt which "shall take into consideration the best interests of the child on whose behalf aid is claimed." From this language it is clear that the Secretary's standards for determining good cause must, as a minimum, take into consideration the best interests of the child.

The Department also considered whether other factors, not directly related to the child's best interest, should also be included in the standards to be considered in making the good cause determination. The position adopted by the Department, as most closely reflecting the statutory language, is that the "best interests of the child" is the only statutorily authorized basis for excusing cooperation, and that each standard will be based solely on that consideration. Therefore each standard adopted by the Department reflects the "best interests of the child." The Department did not adopt any standard that was the result of weighing the "best interests of the child" and then rejecting those interests in favor of stronger competing considerations. However, it is also clear that many different and competing considerations may be in the child's best interests.

*Best interests of the child.* The NWRO comment argued that the phrase "best interests of the child" has a "commonly understood legal meaning in this country," and is also a technical term of art. The Department can find no legal support for the proposition that Congress used the phrase "best interests of the child" in any special technical or legal sense; or, in fact, that, in Federal law the phrase is a legal term with a commonly understood legal meaning. "Best interests of the child" is widely used to express criteria which form the basis upon which State courts make decisions concerning questions of child custody and adoption. In these situations, a court weighs several competing considerations and bases its decision regarding placement of the child on the court's perception of the "child's best interests." As used by Congress, the phrase does not express a standard, but rather is provided as an overriding consideration for the Secretary's standards for determining whether good cause exists.

It is the Department's position that "best interests of the child" refers to



all factors which affect the child's well-being. The primary "best interests" considerations, and the ones considered by the Department in developing standards for determining good cause, are the child's physical, emotional and financial well-being. The Secretary's standards consider these interests and would excuse cooperation where the physical or emotional harm resulting from activities necessary to establish paternity or enforce support surpass the physical, emotional and financial benefits derived from those activities.

It is the Department's position, as we believe it was Congress' intent, that, in the vast majority of cases involving paternity establishment and support enforcement under title IV-D, the benefits that the child derives from such activities insure that they are in his best interests. When Congress enacted title IV-D and established the requirement for cooperating, it considered the benefits to the child from receiving support from his non-custodial parent, and the benefits of having his paternity established. These benefits include, among others, the rights to inheritance, Social Security and Veteran's benefits. The legislative history of the good cause exception to the cooperation requirement makes it clear that Congress intended that cooperation be excused only in those relatively few cases where potential harm exceeds those benefits.

**Best interests of the caretaker relative.** The standards adopted by the Department are concerned solely with the child's best interests. However, it is clear that the best interests of the parent or caretaker relative are relevant to the child's best interest determination when an adverse impact on the parent or caretaker will have an adverse impact upon the child. Clearly, the physical safety and well-being of the parent or caretaker relative is in the best interests of the child. The final regulation provides that if cooperation by the mother in establishing paternity or securing support would subject her to physical or emotional harm, such cooperation would be against the child's best interests if such harm to the mother is sufficiently severe to affect her ability to care for the child adequately.

**Case-by-case determination.** The Department's standards require that the State determine the best interests of the individual child in every case where good cause is asserted. The standards do not excuse whole classes or groups where cooperation potentially might not be in the child's best interests. Several comments questioned this position, especially as it applies to the establishment of paternity in cases of rape and incest. The comments indicated that the establishment of paternity in cases of rape or incest should

be *per se* against the best interests of every child and should always be good cause for the caretaker's non-cooperation. The Department's position is based on the legislative history of section 208. It clearly requires that the Secretary's standards excuse cooperation when it would not be in the best interests of a specific child in a particular situation.

The final regulation at § 232.13(e)(1) provides that when the State or local agency finds that establishing paternity or securing support is likely to result in physical or emotional harm to the particular child for whom support is sought, or his mother or caretaker relative to the extent that it affects her ability to care for the child adequately, such activities would be against that child's best interests and a good cause determination must be made.

The regulation at § 232.13(e)(2) provides that the State or local agency may also make a determination that good cause exists if one of the enumerated circumstances (rape, incest, adoption, etc.) is shown to exist, and the State or local agency finds that because of the existence of that circumstance, in a particular case, requiring cooperation would not be in the particular child's best interests. The Department recognizes that the existence of the circumstance will, in most cases, probably be against the best interests of the child. However, a case-by-case evaluation of the impact of the circumstance on the particular child is necessary to fulfill Congress' intent that the good cause exception be applied on an individual basis. In a few cases it can be anticipated that the activities associated with establishing the child's paternity and securing support will not result in any additional adverse impact on the child.

**Non-denial or delay of aid pending a good cause determination.** The NPRM contained a provision that the State or local agency would not deny, delay, or discontinue assistance pending the agency's final good cause determination if the applicant or recipient had complied with the requirement to provide evidence or information. One comment from a State agency objected to that "aid pending" provision. That comment indicated a belief that an applicant or recipient would make a frivolous claim of good cause and then delay or prolong the State's investigation and determination processes in an effort to continue receiving a full AFDC grant for as long as possible. Four legal service organizations, on the other hand, objected to the proposed "aid pending" provision as being too restrictive.

Under the proposed regulation, to receive "aid pending" the applicant must either provide the evidence required to establish the good cause cir-

cumstance or provide sufficient information to enable the State agency to investigate the good cause claim. The legal aid organizations argued that an applicant or recipient may need considerable time to obtain the evidence required, and ought not be forced to provide information to the State agency (in lieu of evidence) in order to obtain the aid pending.

The Department believes that, under the title IV-A fair hearing regulations (45 CFR 205.10) and the *Goldberg v. Kelly* decision, the provision of assistance, until a final "good cause" determination is made, is legally required with respect to those already receiving assistance. If an AFDC recipient claims to have good cause for refusing to cooperate, she would be entitled to a fair hearing before her needs are removed from the grant. (See 45 CFR 205.10(a)(5).) Therefore, with respect to recipients, this regulation merely applies existing legal requirements to the specific non-cooperation situation.

With respect to applicants for AFDC, the regulation reflects HEW's long standing policy requiring States to furnish assistance promptly and without any appreciable delay attributable to the State agency's administrative processes (See 45 CFR 206.10). Except where the State title IV-A plan provides for presumptive eligibility, each applicant must establish that he or she has met the minimum eligibility conditions prior to the granting of aid.

The National Welfare Rights Organization (NWRO) pointed out that the proposed regulation contained no requirement that the State agency assist the applicant to obtain the needed documentary evidence. They recommended "that applicants be provided (a) assistance in learning the procedures to be used to obtain the required document from each relevant agency or institution; (b) the necessary fees and other cost attendant upon requesting documents; and (c) assistance of agency staff in procuring documents for the claimant, when such assistance is requested." NWRO was concerned that the applicant be able to obtain assistance in obtaining the required documentary evidence without disclosing the identifying information about the absent parent. The final regulation has been amended (§ 232.13(f)) to require that the agency assist the applicant upon request in obtaining the needed evidence.

**Applicability of the "Good Cause" exception.** Many comments evidence a misunderstanding of the applicability of the good cause exception to the cooperation requirement. They understood the policy to apply only to children born out of wedlock and either commented from that premise or recommended that it be extended to le-

gitimate children who are abandoned or deserted. The requirement that the caretaker must cooperate and the good cause exception apply equally to cases where paternity must be established and cases that require only child support collection services. The regulation at 45 CFR 232.13(a) provides that "An applicant for, or recipient of, AFDC will have the opportunity to claim good cause for refusing to cooperate as required by § 232.12." The regulation at § 232.12(a) makes clear that the cooperation requirement extends to identifying and locating absent parents, establishing paternity and obtaining support.

**Assignment and prompt notice.** The good cause exception applies only to excuse the cooperation requirement. The requirement that the applicant or recipient assign support rights to the State as a condition for AFDC eligibility cannot be waived or excused based on a good cause determination. The assignment requirement is independent from the cooperation requirement and is not affected by a good cause determination.

Several Legal Service Organizations and NWRO pointed out that if the prompt notice was provided by the IV-A agency prior to the applicant or recipient's claim of good cause, the IV-D agency could be proceeding against the absent parent at the same time the IV-A agency is making a good cause determination. To avoid this situation, the final regulation contains a provision (§ 232.13(d)(1)) which requires the IV-A agency to promptly notify the IV-D agency when good cause is claimed in any case for which prompt notice has already been furnished. The final regulation also adds a new requirement that IV-A promptly notify the IV-D agency of a final determination that good cause does not exist. The corresponding Title IV-D regulation (45 CFR 302.31(b)) prohibits the IV-D agency from proceeding with enforcement until notified by IV-A of the final determination.

**Responsibility for determination.** The regulation places the responsibility for investigating and making determinations on good cause upon the title IV-A (Cash Assistance) agency rather than the title IV-D (Child Support Enforcement) agency.

This aspect of the regulation was widely criticized by the State and local welfare agencies and the IV-D agencies that commented. The State and local welfare agencies were concerned with the added burden that making good cause determinations would place on their limited staff. They felt this activity ought to be subject to the higher rate of Federal financial participation available for the title IV-D program activities.

The comments from those responsible for carrying out the child support

enforcement activities were concerned that the AFDC worker was not the proper person to conduct the required investigations and make the complex and often difficult decisions involved in a good cause determination.

The Department had no discretion in placing responsibility for this function. The statute makes the requirement that an applicant or recipient cooperate in establishing paternity and collecting child support a title IV-A eligibility condition. Therefore, the determination of whether or not good cause exists for refusing to cooperate must be made by the title IV-A agency. However, HEW regulations do not prohibit the IV-A agency from involving the IV-D agency in the good cause determination process. For example, the IV-A agency could utilize the IV-D agency to conduct investigations of good cause claims. However, in such a case, the IV-D agency could only report the results of its investigation and make a recommendation to the IV-A agency. The ultimate good cause determination must be the responsibility of the IV-A agency.

It should also be noted that since this activity is a title IV-A activity, costs incurred by the IV-D agency on behalf of the IV-A agency would be reimbursable at the 50 percent rate under the State's title IV-A plan.

Due to the concern expressed by many commenters, the final regulations add a provision (§ 232.12(h)) which requires the IV-A agency to provide the IV-D agency opportunity: (1) to review and make recommendations on the IV-A agency's findings and basis for good cause determination; and (2) to participate in any fair hearing that results from the good cause determination. The hearing regulations (45 CFR 205.10) are being recodified and will include a conforming amendment.

**Enforcement without the caretaker's cooperation.** The proposed rule required that after making a determination that the caretaker had good cause for not cooperating, the IV-A agency must also make a determination of whether support enforcement activities could be safely conducted by the IV-D agency without the caretaker's cooperation. Several comments suggested that enforcement activities never should be undertaken without the caretaker's cooperation. Concern was expressed that this provision would jeopardize the protection that the law and regulations intended to provide. This view was based on the belief that the putative or absent parent would not distinguish between an action brought with the caretaker's cooperation and one brought solely on the initiative of IV-D agency.

Other comments expressed the contrasting view, and argued that even if the caretaker is required to cooperate,

the absent parent would direct any blame or hostility at the court, District Attorney or welfare agencies rather than the caretaker. The ABA Resolution recommended that the regulations permit state agencies "to enforce support duties and determine paternity of a child without the cooperation of the caretaker relative where such cooperation is excused, when it would still be in the long range best interests of the child, and the child's welfare would not be endangered."

After careful consideration the Department decided to retain this provision. The requirement that the IV-A agency make a determination whether enforcement activities can be undertaken without the caretaker's cooperation is based on the Department's belief that there could be circumstances where cooperation is determined to be against the child's best interest, and yet enforcement activities are possible without the caretaker's cooperation and without endangering the child's best interests. The determination to allow the IV-D agency to proceed without caretaker cooperation must be made by the IV-A agency. The fact that this determination must be made by the same agency that determined that the caretaker's cooperation might endanger the child provides a safeguard against any capricious decision that enforcement can be undertaken without endangering the child.

**Substantial danger and undue harassment.** The proposed rule provided that it is against the child's best interests if "the applicant or recipient's cooperation in establishing paternity and securing support is likely to result in substantial danger, physical harm, or undue harassment to the child or the caretaker relative with whom the child is living." Many comments pointed out that "substantial danger" and "undue harassment" required very specific definition. Several comments recommended that they be deleted entirely as being too vague.

These terms are not used in the final regulation. The circumstances which they were intended to cover are adequately covered by physical harm and the addition of emotional harm as a good cause circumstance. The final regulation requires an examination of the probable consequences (i.e., physical or emotional harm) and avoids the necessity of trying to make general rules defining how much harassment is acceptable.

**"Likely to result in."** Several comments objected to use of the standard, "likely to result in". Some felt that this meant there must be a high probability that the harm would occur. Others felt that only a 51 percent chance was required. The Department in the NPRM did not use this phrase as a technical burden of proof but



rather as a largely subjective test to be applied by the State or local IV-A agency in light of the circumstances in the individual case. The final regulation clarifies this by deleting "likely" and substituting the test of whether physical or emotional harm is "reasonably anticipated to result" from enforcement activities.

**Evidence requirement.** The evidence requirement (§ 232.13(f)) elicited many comments and was the most frequently attacked by the legal services organizations. Objection was made to the fact that oral or written testimony of the caretaker and substantiating testimony of friends and neighbors is not allowed. Several comments recommended that a finding of good cause based on rape or incest not be dependent on documentary evidence, because of likelihood that these events were not reported to law enforcement authorities. Others recommended that the regulations allow or require the IV-A agency to consider any pertinent and trustworthy evidence.

After reviewing the comments, the Department believes that the proposed evidence requirements provide the required balance between the goal of establishing paternity and securing support and the need to assure that the best interests of the child are protected when necessary. Congress' clear intent was that the good cause exemption from cooperation be reserved for the relatively few cases where cooperation could clearly be shown not to be in the child's best interests. Under the regulation, the IV-A agency may make a good cause determination without conducting an investigation only if the caretaker relative meets the relatively difficult burden of establishing the existence of good cause by presenting the types of documentary evidence listed at § 232.13(f). However, the regulation allows the IV-A agency to make such a determination, after investigating the circumstances surrounding the claim of good cause, on the basis of confirming information which the agency obtains. That information could include interviews with or statements from the caretaker or friends or neighbors of the caretaker. The regulation leaves the nature and scope of its investigation to agency discretion and merely requires that the good cause circumstances be confirmed by that investigation. In brief, without agency investigation the caretaker must meet the strict evidence requirements. With investigation by IV-A agency, any reasonable evidence that substantiates the claim of good cause may be considered. In cases of rape or incest that cannot be documented in accord with the strict evidence requirements, the claim must be investigated by the IV-A agency and a determination made based on that investigation. The Department believes that

this requirement is both reasonable and necessary to prevent spurious good cause determinations.

Several legal services organizations recommended that final regulations preclude the IV-A agency from contacting the absent parent directly as part of their investigation process. They believe that such contact will subject the caretaker or child to the very harm that the good cause exception is designed to prevent. The Department believes that, in limited circumstances, the absent parent may be a valid source in the State's investigation but the final regulations prohibit contact with the absent parent unless the State or local agency determines that such contact is necessary for a good cause determination. Also, prior to contacting the absent parent, the agency must notify the applicant or recipient and allow her the opportunity to present additional evidence or other information to establish good cause or to withdraw her application.

Commenters also objected to the provision that authorizes the Department to determine that other evidence is acceptable (45 CFR 232.13(f)(1)(vi)). Fear was expressed that the Department would authorize other evidence on a case-by-case basis or impose a new requirement after the fact. In the final regulation this section has been amended to make clear that a determination of additional acceptable evidence will be made only by formal issuances from the Department to all States. The Department believes that this section provides the needed flexibility to respond if, in practice, the evidentiary requirements prove inadequate.

The final regulation (45 CFR 232.13(f)(1)(vi)) has also been amended to permit the introduction of medical and other records to establish the criterion of emotional harm.

**Termination of rights and relinquishment.** There were several objections to the inclusion of termination of parental rights and relinquishment of, or plans to relinquish the child, as circumstances against the best interests of the child. The comments pointed out that: (1) planning to relinquish is too vague and open-ended and; (2) a parent who has relinquished rights to the child, or has had his rights terminated by a court, would not be eligible for AFDC and the question of cooperating would not arise.

The Department agrees that the proposed provisions were in error. The parent would either be ineligible for assistance, or if eligibility were based on another child, the parent could not be required to cooperate with respect to a child for whom the parent is not requesting or receiving assistance. Legitimate cases of "planning to relinquish" are covered by the language "currently being assisted by a public

or licensed private social agency to resolve the issue of whether to keep the child or relinquish him for adoption." All references to these circumstances have been deleted from the final regulations.

**Prima facie case.** Several comments questioned the provision in the NPRM which would excuse cooperation if the evidence supplied by the applicant or recipient established a prima facie case. Questions were raised as to the legal definition of "prima facie" and whether the regulations intended that the welfare agency make its decision according to legal definition of that term. In order to avoid confusion over legal terminology, the phrase "prima facie case" has been deleted. It is the intent of the regulation that the State or local agency have authority to determine whether, in its opinion, the evidence provided by the caretaker supports a determination of good cause on the basis of one or more of the circumstances listed in § 232.13(e). If the agency is satisfied that the evidence establishes good cause, it may make its determination without further inquiry. If the agency is not satisfied, it must conduct an investigation and base its decision either solely on the results of the investigation or on a combination of the investigation and the evidence supplied by the applicant or recipient.

**Emotional harm.** The Department is concerned that States administer this program so that physical injury does not result to any child or caretaker. This was clearly the overriding concern of Congress when it provided that cooperation may be excused when there is a finding of good cause, as determined by the State, in accordance with standards promulgated by the Secretary, which standards shall take into consideration the best interests of the child. Congress expected that cooperation would be excused in relatively few cases, and it is expected that most of these cases will involve the threat of physical harm. However, Congress and the Department recognize that good cause might be found for reasons other than physical harm. For this reason, the Notice specifically requested comment on whether there were other circumstances in which it would be against the best interests of the child to require cooperation. Several commenters recommended that danger of emotional, psychological, or mental harm be included as a good cause circumstance. A comment from the President of the American Academy of Child Psychiatry also urged that an emotional harm standard be adopted.

To assist the Department in deciding whether to add a standard relating to emotional harm, a panel of experts on child welfare and child and adult mental health from within the De-

partment was convened. Represented were the Public Services Administration and the Office of Planning, Research and Evaluation of the Social and Rehabilitation Service; the Center for Studies of Child and Family Mental Health and the Assistant Director for Children and Youth of the National Institute of Mental Health; the National Institute of Child Health and Human Development of the National Institute of Health; and the Office of Child Development of the Office of Human Development.

The panel was asked to address two major issues: (1) under what circumstances would the mother's cooperation result in emotional or psychological harm to the child to the extent it would be against the best interests of the child; and (2) under what circumstances would the caretaker's cooperation result in emotional or psychological harm to her to the extent it would be against the best interests of the child. After much discussion, the general conclusion was that due to the purely subjective nature of emotional harm no definitive answers could be given. However, an approach for dealing with emotional harm was suggested, and that approach has been adopted in the final regulations.

Basically the regulation recognizes that the ultimate decision of whether emotional harm may result from the applicant or recipient's cooperation in a particular case, just as in the case of physical harm, must be placed upon the State or local agency responsible for the good cause determinations.

To make a good cause determination based on physical harm, the agency must make an assessment of the character and behavior of the father. In cases of emotional harm the determination is even more subjective since it is as much dependent upon the emotional make up and character of the child or mother as on the behavior of the father. Because of this added complexity, the panel suggested several relevant factors that should be taken into consideration in making good cause determinations based on emotional harm. The regulation at § 232.13(g) specifies that the agency must document that it considered the present emotional state and emotional health history of the individual, intensity and probable duration of the emotional upset, the degree of cooperation to be required, and the extent of the child's involvement in the activities to be undertaken by the State. These factors are not intended to limit or control the agency's consideration; they are merely elements that must be examined in making the good cause determination. The panel generally considered the age of the child not to be a particularly relevant factor, since emotional harm may occur regardless of age.

The panel was deeply concerned with the qualifications of the agency staff to undertake determination based on likelihood of emotional harm. Many States commented that they lacked adequately trained staff to undertake good cause determinations under the proposed rule. The Department recognizes that the addition of the emotional harm standard will magnify this problem. The only solution offered was that, whenever possible, claims of good cause based on emotional harm be evaluated by a mental health professional. If possible, referral to a mental health clinic would be appropriate. Note that the evidence requirement provides for the acceptance of written mental health diagnoses and prognoses.

The NWRO comment identified several other types of harm such as "impairment of stable relationship with 'psychological' parent" and "shielding the child from knowledge of the father." After a careful analysis of the situations and examples presented by NWRO, the Department believes that these types of harm are adequately covered by the emotional harm standard. The harm that could result to a particular child from learning the identity of his father or that he is illegitimate would be emotional harm. The same is true in the case of harm resulting from the "impairment of a stable relationship with a 'psychological' parent."

NWRO contends that it may frequently be inimical to the best interests of the child or the mother to recreate "ties" with the absent parent. The Department finds little or no basis for the proposition that cooperation by the caretaker is likely to establish a continuing relationship or "ties" with the absent parent. If such a situation should arise, any harm that might occur would be again emotional harm to the child or mother and could be considered in relation to the emotional harm standard.

The Department believes that the impact on the child resulting from paternity establishment and support enforcement activities will be minimal or nonexistent. In many cases these activities will be conducted while the child is an infant. Even if the child is older, the mother or caretaker will, with rare exceptions, be able to keep the identity of the father from the child.

It is the expectation of the Department that in most cases where cooperation is excused, it will be because of the potential of physical harm to the child or caretaker relative. However, in view of the legislative history and comments received, this final regulation provides an emotional harm standard. The Department expects that States will use this exception only in those few cases where it is clearly warranted.

**Notice requirement.** Three State agencies objected to the requirement that an applicant be given notice of her right to assert good cause prior to the agency's attempt to obtain her cooperation. These agencies felt that this would merely encourage an applicant to put forth a spurious claim of good cause to avoid cooperation. On the other hand, five legal services organizations approved of the notice requirement but recommended that it be broadened to include specific notice on extent of the cooperation to be required, the types of circumstances that will have to be shown, and the kinds of evidence necessary to establish a claim of good cause.

The final regulation at § 232.13(b) specifies that the State or local agency must, prior to requiring cooperation, provide notice that the applicant or recipient's cooperation will be excused if she is determined to have good cause for not cooperating. Further, the State is required to give the applicant or recipient information as to what will be required of her to support a good cause determination, the circumstances that must be shown and the allowable evidence.

The Department believes that this notice will insure that every child is afforded the protection the good cause exception is intended to provide. It will prevent a situation where the child might be harmed because his mother did not know she could be excused from the cooperation requirement under certain circumstances or did not have enough information to make an informed decision whether to claim good cause.

**Application.** The NWRO comment raises the issue of whether HEW can require the mother to make a formal claim that she should be excused from cooperating or whether the State agency must make that determination in each case, even without such a formal application, based on its own determination that good cause does or does not exist. The final regulations require that the process for determining good cause be initiated by the applicant or recipient.

The Department believes that the parent or caretaker relative, after being given the notice required by the regulation, is in the best position to raise any questions as to whether her cooperation would be in the best interests of the child. To require the State to make a good cause determination in every case would necessitate the expenditure of substantial amounts of its limited resources and would greatly increase the administrative costs of the program. To place such a requirement on the States would be unreasonable, especially since the legislative history is clear that Congress envisioned that most applicants and recipients would cooperate in establishing paternity



and securing support, and that cooperation should be excused in only a small minority of cases.

Several comments recommended that the Department require that a written application for exemption from cooperation be obtained from the caretaker so that misrepresentation or willful withholding could be treated like other welfare fraud. Others recommended that a sworn statement under penalty of perjury be taken from the caretaker specifying why cooperation would not be in the child's best interests. The Department decided not to mandate such procedures. The cooperation requirement is an AFDC eligibility condition, and the States are free to include an assertion that cooperation would not be in the child's best interests as part of the written application required by 45 CFR 206.10(a)(1)(ii). Further, States are free to accept an affidavit from the caretaker as part of their investigation or determination process.

**Infringement on duties imposed by State law.** Several District Attorneys expressed concern that the welfare agency, by making a finding that the caretaker has good cause for not cooperating, will be able to effectively prevent them from meeting their responsibility, under State law, to establish the paternity of children born out-of-wedlock and to enforce court ordered support obligations. The Department does not believe that the statute nor these regulations preempt or obstruct the discretion of a public law enforcement official in carrying out his statutorily mandated functions. The preamble to the companion title IV-D regulation discusses this point further.

**Recordkeeping.** Several State and county agencies objected to the recordkeeping required by the proposed regulation. It was suggested that the Department limit reporting to the number of cases claiming good cause, and the number determined to have good cause. The Department believes that it has a duty to monitor and document the action taken under this regulation. Requiring the States to keep records insures that the Department will be able to obtain the accurate information necessary to evaluate the effectiveness of the good cause exceptions established by this regulation and make changes if necessary.

**Non-substantive amendments.** The final regulations contain many editorial, technical and clarifying changes in organization and language. This was done to conform with the Departmental goal of clear, readable regulations. This preamble meets with the new FEDERAL REGISTER format requirements.

**Companion regulation.** A companion regulation published today (43 FR 2178) by the Office of Child Support Enforcement (OCSE) amends 45 CFR

302.31 to require that the title IV-D agency not attempt to establish paternity or secure support in any case in which the IV-A agency has determined that the caretaker has good cause for refusing to cooperate unless the IV-A agency also determines that child support enforcement by the IV-D agency may proceed because these activities can be safely conducted by the IV-D agency without the caretaker's cooperation.

**Comments.** This regulation is final, but comments will be accepted for a period of 90 days after its effective date.

The Department believes such an additional comment period is advisable for several reasons. (1) The NPRM generated much public interest and many comments. (2) Although the final regulation is responsive to many of those comments and suggestions, there has been no opportunity for public input regarding the changes from NPRM. (3) The additional comment period will provide the Department with the opportunity to evaluate the effect of the implementation of this regulation and to amend it if necessary.

**Effective Date.** Section 208(d) of Pub. L. 94-88 requires these regulations to be submitted to Congress 60 days prior to their effective date. Therefore, this regulation becomes effective March 17, 1978. States are free to implement them sooner if they so desire.

Accordingly, after considering all the comments, the proposed regulations, as modified, are adopted.

45 CFR Part 232 is amended by revising § 232.12 and adding a new § 232.13 to read as follows:

- Sec.  
232.1 Scope.  
232.2 Child support program; State plan requirements.  
232.10 Furnishing of social security numbers.  
232.11 Assignment of rights to support.  
232.12 Cooperation in obtaining support.  
232.13 Good cause for refusing to cooperate.  
232.20 Treatment of child support collections made in the Child Support Enforcement Program as income and resources in the Title IV-A Program.  
232.30 Cost allocation; joint staff and service staff.

§ 232.12 Cooperation in obtaining support.

The State plan must meet all requirements of this section.

(a) The plan shall provide that as a condition of eligibility for assistance, each applicant for or recipient of AFDC will be required to cooperate (unless good cause for refusing to do so is determined to exist in accordance with § 232.13 of this chapter) with the State in:

- (1) Identifying and locating the parent of a child for whom aid is claimed;

- (2) Establishing the paternity of a child born out of wedlock for whom aid is claimed;

- (3) Obtaining support payments for the applicant or recipient and for a child for whom aid is claimed; and

- (4) Obtaining any other payments or property due the applicant or recipient or the child.

(b) The plan shall specify that cooperation includes any of the following actions that are relevant to, or necessary for, the achievement of the objectives specified in paragraph (a) of this section.

- (1) Appearing at an office of the State or local agency or the child support agency as necessary to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by the applicant or recipient;

- (2) Appearing as a witness at judicial or other hearings or proceedings;

- (3) Providing information, or attesting to the lack of information, under penalty of perjury; and

- (4) Paying to the child support agency any child support payments received from the absent parent after an assignment under § 232.11 has been made.

(c) The plan shall provide that, if the child support agency notifies the State or local agency of evidence of failure to cooperate, the State or local agency will act upon that information to enforce the eligibility requirements of this section.

(d) The plan shall provide that, if the caretaker relative fails to cooperate as required by paragraphs (a) and (b) of this section, the State or local agency will:

- (1) Deny assistance to the caretaker relative without regard to other eligibility factors; and

- (2) Provide assistance to the eligible child in the form of protective payments as described in § 234.60 of this chapter. Such assistance will be determined without regard to the needs of the caretaker relative.

§ 232.13 Good cause for refusing to cooperate.

The State plan must meet all requirements of this section.

(a) **Opportunity to claim good cause.** The plan shall provide that an applicant for, or recipient of, AFDC will have the opportunity to claim good cause for refusing to cooperate as required by § 232.12 of this chapter.

(b) **Notice to applicant or recipient.** The plan shall provide that, prior to requiring cooperation under § 232.12 of this chapter, the State or local agency will notify the applicant or recipient of the right to claim good cause as an exception to the cooperation requirement and of all the requirements applicable to a good cause determination. The notice shall:

- (1) Inform the applicant or recipient that good cause for refusal to cooperate may be claimed;

- (2) Inform the applicant or recipient that, unless the State or local agency determines, in accordance with this section, that there is good cause for refusal to cooperate, the applicant or recipient is required, as a condition of eligibility to cooperate under § 232.12 of this chapter;

- (3) Indicate that the applicant or recipient must provide evidence of a good cause circumstance or must furnish sufficient information to permit the State or local agency to investigate the circumstances (see paragraph (c) of this section);

- (4) Inform the applicant or recipient that upon request, the State or local agency will assist in obtaining the required evidence (see paragraph (f)(2) of this section);

- (5) Inform the applicant or recipient that on the basis of the evidence supplied, its investigation of the information provided, or, a combination of both evidence and investigation, the State or local agency will determine whether cooperation would be against the best interests of the child for whom support would be sought (see paragraph (d) of this section);

- (6) List the circumstances, (as specified in paragraph (e) of this section) under which cooperation may be determined to be against the best interests of the child;

- (7) List the documents acceptable as evidence (as specified in paragraph (f) of this section) upon which the State or local agency may base a determination of good cause without further agency investigation; and

- (8) Inform the applicant or recipient that the State Child Support Enforcement agency may review the State or local agency's findings and basis for a good cause determination and may participate in any hearings concerning the issue of good cause (see paragraph (h) of this section).

- (9) Inform the applicant or recipient that the State Child Support Enforcement agency may attempt to establish paternity and collect support in those cases where the State or local agency determines that this can be done without risk to the applicant or recipient if done without their participation (see paragraph (m) of this section).

(c) **Requirements upon applicant or recipient.** The plan shall provide that an applicant for, or recipient of, AFDC who claims to have good cause for refusing to cooperate will be required to:

- (1) Provide evidence, as defined in paragraph (f) of this section of the existence of at least one of the circumstances specified in paragraph (e) of this section; or

- (2) Provide sufficient information (such as the putative father or the absent parent's name and address) to

permit an investigation to determine the existence of any of the circumstances specified in paragraph (e) of this section;

(d) **Determination of good cause for refusal to cooperate.** (1) The plan shall provide that, for each applicant for, or recipient of AFDC who claims to have good cause, the State or local agency will determine whether good cause exists.

- (2) The plan shall provide that the State or local agency will make a determination that good cause exists only if it finds, in accordance with paragraphs (e), (f), and (g) of this section, that:

- (i) The evidence supplied by the applicant or recipient establishes that cooperation would be against the best interests of the child; or

- (ii) The agency's investigation of the circumstances of the case confirms the applicant's or recipient's claim that cooperating would be against the best interests of the child; or

- (iii) The evidence supplied and the investigation of the circumstances of the case establish that cooperation would be against the best interests of the child;

- (3) The plan shall provide that the State or local agency's final determination that good cause does, or does not exist will:

- (i) Be in writing;
- (ii) Contain the agency's findings and basis for determination; and
- (iii) Be entered into the AFDC case record.

(e) **Circumstances under which cooperation may be "against the best interests of the child."** The plan shall provide that the State or local agency will determine that cooperation in establishing paternity and securing support is against the best interests of the child only if:

- (1) The applicant's or recipient's cooperation in establishing paternity or securing support is reasonably anticipated to result in:

- (i) Physical harm to the child for whom support is to be sought;
- (ii) Emotional harm to the child for whom support is to be sought;

- (iii) Physical harm to the mother or caretaker relative with whom the child is living which reduces her capacity to care for the child adequately;

- (iv) Emotional harm to the mother or caretaker relative with whom the child is living, of such nature or degree that it reduces her capacity to care for the child adequately; or

- (2) At least one of the following circumstances exists, and the State or local agency believes that because of the existence of that circumstance, in the particular case, proceeding to establish paternity or secure support would be detrimental to the child for whom support would be sought.

- (i) The child for whom support is sought was conceived as a result of incest or forcible rape;

- (ii) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction; or

- (iii) The applicant or recipient is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or relinquish him for adoption, and the discussions have not gone on for more than 3 months.

(f) **Evidence.** (1) The plan shall provide that acceptable evidence upon which the State or local agency will base a determination of good cause, without further agency investigation, is limited to the following specified documents:

- (i) Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;

- (ii) Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;

- (iii) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the putative father or absent parent might inflict physical or emotional harm on the child or caretaker relative;

- (iv) Medical records which indicate emotional health history and present emotional health status of the caretaker relative or the child for whom support would be sought; or, written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the caretaker relative or the child for whom support would be sought;

- (v) A written statement from a public or licensed private social agency that the applicant or recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish him for adoption; and

- (vi) Such other elements as HEW may by appropriate issuance determine constitute acceptable evidence;

(2) The plan shall provide that, upon request, the State or local agency will assist the applicant or recipient in obtaining the required evidence.

(3) The plan shall provide that if the State or local agency investigates the circumstances of the good cause claim, a determination that good cause exists may be based on any verifying information acceptable to the State or local agency.

(4) The plan shall provide that, in conducting its investigation of a good cause claim, the State or local agency will:

- (i) Not contact the absent parent or putative father from whom support would be sought unless such contact is determined to be necessary to establish the good cause claim; and

- (ii) Prior to making such necessary contact, the State or local agency will



notify the applicant or recipient to enable the applicant or recipient to:

(A) Present additional evidence or information so that contact with the absent parent or putative father becomes unnecessary, or

(B) Withdraw the application for assistance.

(g) *Special consideration related to emotional harm.* (1) The plan shall provide that, for every good cause determination which is based in whole or part upon the anticipation of emotional harm to the child, the mother or the caretaker relative, as provided for in paragraphs (e)(1) (ii) and (iv), the State or local agency will consider the following:

(i) The present emotional state of the individual subject to emotional harm;

(ii) The emotional health history of the individual subject to emotional harm;

(iii) Intensity and probable duration of the emotional upset;

(iv) The degree of cooperation to be required; and

(v) The extent of involvement of the child in the paternity establishment or support enforcement activity to be undertaken.

(2) The plan shall provide that the State or local agency will document its findings with respect to factors listed above.

(h) *Participation by the State IV-D agency.* The plan shall provide that:

(1) In the process of making a final determination of good cause for refusal to cooperate, the State or local agency will:

(i) Afford the IV-D agency the opportunity to review and comment on the findings and basis for the proposed determination; and

(ii) Consider any recommendation from the IV-D agency.

(2) The State or local agency will give the IV-D agency the opportunity to participate in any hearing (under § 205.10) that results from an applicant's or recipient's appeal of any agency action under this section.

(i) *Notice to the IV-D agency.* The plan shall provide that:

(1) If the notice, required by § 235.70 of this chapter, has previously been provided to the IV-D agency, the State or local agency will promptly report to the IV-D agency all cases in which good cause has been claimed and a determination is pending;

(2) The State or local agency will promptly report to the IV-D agency all cases in which it has determined that there is good cause for refusal to cooperate and its determination pursuant to paragraph (m) of this section whether of not child support enforcement may proceed without the participation of the caretaker relative; and

(3) The State and local agency will promptly report to the IV-D agency

all cases in which it has determined that there is not good cause for refusal to cooperate.

(j) *Granting or continuation of assistance.* The plan shall provide that the State or local agency will not deny, delay, or discontinue assistance pending a determination of good cause for refusal to cooperate if the applicant or recipient has complied with the requirements of paragraph (c) of this section to furnish evidence or information.

(k) *Periodic review of good cause determination.* The plan shall provide that the State or local agency will:

(1) Periodically review, not less frequently than at each redetermination of eligibility required by § 206.10(a)(9) of this chapter, all cases in which a finding of good cause has been made under this section; and

(2) If it determines that circumstances have changed such that good cause no longer exists, it will rescind its findings and proceed to enforce the requirements of § 232.12 of this chapter.

(l) *Record keeping.* The plan shall provide that the State will maintain records of the activities under this section that will make it possible to submit to the Department, upon request, data concerning:

(1) The number of cases in which the applicant or recipient claimed to have good cause for refusing to cooperate;

(2) The number of cases in which the applicant or recipient was found to have good cause for refusing to cooperate;

(3) The number of cases in which the applicant or recipient was found not to have good cause for refusing to cooperate;

(4) The number of cases in which the applicant or recipient was found to have good cause for refusing to cooperate but there was a determination pursuant to paragraph (m) of this section that child support enforcement may proceed without the participation of the caretaker relative; and

(5) For those cases in which good cause was found:

(i) Which of the circumstances specified in paragraph (e) of this section was found to exist; and

(ii) Whether the finding of good cause was based upon evidence supplied by the applicant or recipient, upon the agency's investigation of information furnished by the applicant or recipient, or upon both.

(m) *Enforcement without the caretaker's cooperation.* The State plan shall provide that:

(1) If the State or local agency makes a determination of good cause on the basis of the circumstances specified in this section, it shall also make a determination of whether or not child support enforcement could

proceed without risk of harm (as stated in paragraph (e) of this section) to the child or caretaker relative if the enforcement or collection activities did not involve their participation.

(2) This determination shall be in writing, contain the agency's findings and basis for determination, and be entered into the AFDC case record.

(3) If the IV-A agency excuses cooperation but determines that the IV-D agency may proceed to establish paternity or enforce support, it shall notify the applicant or recipient to enable such individual to withdraw their application for assistance.

(4) In the process of making a determination under this paragraph, the State or local agency will afford the IV-D agency an opportunity to review and comment on the findings and basis for the proposed determination, and consider any recommendation from the IV-D agency.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalogue of Federal Domestic Assistance Program No. 13.761, Public Assistance-Maintenance Assistance (State Aid).)

NOTE.—The Social Security Administration has determined that this document does not require preparation of an Economic Impact Statement under Executive Order 11821 and amended by Executive Order 11949, and OMB Circular A-107.

Dated: August 4, 1977.

J. B. CARDWELL,  
Commissioner of Social Security.  
Approved: December 30, 1977.

JOSEPH A CALIFANO, Jr.,  
Secretary.  
[FR Doc. 78-655 Filed 1-11-78; 3:18 pm]

#### [4110-07]

#### CHAPTER III—OFFICE OF CHILD SUPPORT ENFORCEMENT (CHILD SUPPORT ENFORCEMENT PROGRAM), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### PART 302—STATE PLAN REQUIREMENTS

##### Good Cause for Refusing to Cooperate

AGENCY: Office of Child Support Enforcement (OCSE), HEW.

ACTION: Final regulations.

SUMMARY: Companion regulations (published today at 43 FR 2170) amend 45 CFR Part 232 to specify standards under which State and local welfare agencies will determine whether an applicant or recipient of Aid to Families with Dependent Children (AFDC) has good cause for refusing to cooperate in establishing paternity and securing child support.

This amendment provides that the agency that administers the State's Child Support Enforcement Program (IV-D) Agency will not attempt to es-

#### PUBLIC PARTICIPATION

Interested persons have been afforded an opportunity to participate in the development of this amendment. A Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34298), and due consideration has been given to all comments received in response to the Notice. Specifics about the extent of the input from public participation are detailed in the preamble to the companion regulation published today at 43 FR. The substantive comments relevant to this regulation are discussed below.

#### ENFORCEMENT WITHOUT THE CARETAKER'S COOPERATION

The proposed regulation provided that under certain circumstances the IV-D agency could undertake enforcement activities after the caretaker has been determined by the IV-A agency to have good cause for not cooperating. Enforcement could proceed without the caretaker's cooperation when the IV-A agency determined that such enforcement would not endanger the child's best interests.

This provision was widely debated by responses to the NPRM. The Department has decided to retain the requirement that the IV-A agency make a determination whether support enforcement activities could be safely conducted without the caretaker's cooperation (45 CFR 232.13). Correspondingly, the authorization for the IV-D agency to proceed under such circumstances has been retained in this regulation. (See the preamble to the companion IV-A regulation for further discussion.)

#### NOTICE THAT DETERMINATION IS PENDING

The comment from the National Welfare Rights Organization (NWRO) pointed out that under the proposed rules and applicable AFDC regulations it would have been possible for the IV-D agency to be proceeding to establish paternity or enforce a support obligation in a case at the same time the IV-A agency was in the process of making a good cause determination. This result could occur if a recipient claimed to have good cause after the IV-A agency had notified the IV-D agency of the case. Regulations at 45 CFR 235.70 require the IV-A agency to provide prompt notice to IV-D upon the granting of AFDC. That regulation also authorizes such notice upon application.

The final regulations avoid this possibility by prohibiting the IV-D agency from conducting any enforcement activities after receiving notice from the IV-A agency that a good cause determination is pending. The final IV-A regulation requires the IV-

A agency to provide such notice if good cause is claimed in any case which has previously been reported to IV-D under the provisions of 45 CFR 235.70.

#### IMPLEMENTATION OF SECTION 454(4)

The regulations at § 232.13, adopted today, require the IV-A agency to promptly report to the IV-D agency cases in which they have determined there is good cause; this amendment provides that the IV-D agency "will not undertake to establish paternity or secure child support if there has been a finding of good cause . . ." Thus, IV-D enforcement activities are prohibited only when the caretaker has claimed good cause for refusing to cooperate and a good cause finding is made by the IV-A agency.

The NWRO comment contends that by linking the good cause determination to the cooperation requirement the Department has failed to fully implement the statutory requirement. They argue that:

"Part 232 must be amended to provide that the IV-A agency must determine, in each case, whether or not child support enforcement would be against the best interests of the child, and if so, to so notify the IV-D agency. Section 302.31 should be amended to conform to such a requirement, namely to provide that the IV-D agency shall not undertake support enforcement if notified that the IV-A agency determined such enforcement would be against the best interest of the child.

NWRO reads Section 454(4) of the Act as requiring the IV-A agency to make an independent determination of whether the support enforcement activities would be against the child's best interest in every case, separate and apart from their determination of good cause for refusing to cooperate.

The Department cannot agree with this interpretation of the statute. Section 454(4) is a Title IV-D State plan provision; it imposes requirements and prohibitions on the State IV-D agency in the conduct of the State's child support enforcement program. This section cannot, by inference, impose an additional requirement upon the State IV-A agency's conduct of the AFDC program. The only requirement imposed upon the IV-A agency is to determine whether good cause for refusal to cooperate exists. The prohibition against the IV-D agency's pursuit of paternity or support is inexorably linked with and dependent upon the caretaker's refusal to cooperate and the IV-A agency's determination that, based on the best interests of the child, good cause for such refusal exists.

#### INFRINGEMENT ON DUTIES IMPOSED BY STATE LAW

Several District Attorneys commented that the proposal would operate to



invade the traditional prerogatives of the prosecuting attorney to make the decision to pursue a particular case. They fear that the welfare agency, by making a finding of good cause, will be able to effectively prevent the law enforcement officials from meeting their responsibility, under State law, to establish paternity and to enforce court ordered support obligations. The ABA House of Delegates resolution adopted as a principle that "cooperation by the caretaker relative and the discretion traditionally exercised by local officials in proceedings to enforce child support or to establish paternity which are brought without the scope of title IV-D of the Social Security Act, should not be compromised or stifled by the proposed regulations."

Absent clear statutory authorization, the Department has no authority to preempt or obstruct the discretion of a public law enforcement official in carrying out his statutorily mandated functions. A finding of "good cause" excuses the IV-A eligibility requirement of cooperation and allows the applicant or recipient to receive AFDC. Such a finding prevents the State from attempting to establish paternity or secure support pursuant to its State IV-D plan. However, activities to establish paternity or to secure support carried out by a law enforcement official in furtherance of an independent duty under State law are not prohibited. Cooperation of the caretaker, if necessary, would have to be obtained by processes outside of the public welfare system, and such activities by a law enforcement official would not be title IV-D activities. Therefore, they would not be subject to Federal financial participation, nor would incentives be paid.

#### EFFECTIVE DATE

This regulation becomes effective March 17, 1978, or upon implementation of the companion title IV-A regulations published today (43 FR 2170), whichever is earlier.

#### COMMENTS

This regulation is final, but comments will be accepted for a period of 90 days after its effective date. This comment period corresponds to the comment period provided for the companion regulation amending 45 CFR Chapter II.

Accordingly, after considering all the comments, the proposed regulations, as modified, are adopted.

Part 302, Chapter III, Title 45 of the Code of Federal Regulations is amended by revising § 302.31 to read as follows:

§ 302.31 Establishing paternity and securing support.

The State plan shall provide that:

(a) The IV-D agency will undertake:

(1) In the case of a child born out of wedlock with respect to whom an assignment under § 232.11 of this title is effective, to establish the paternity of such child; and

(2) In the case of any child with respect to whom such assignment is effective, to secure support for such child from any person who is legally liable for such support, utilizing reciprocal arrangements adopted with other States when appropriate; and

(b)(1) The IV-D agency will not undertake to establish paternity or secure child support in any case for which it has received notice from the IV-A agency that there has been a finding of good cause under 45 CFR 232.13, except as provided in paragraph (c) of this section.

(2) Upon receiving notice from the IV-A agency that an applicant or recipient has claimed good cause, the IV-D agency will suspend all activities to establish paternity or secure child support until notified of a final determination by the IV-A agency.

(c) The IV-D agency will not undertake to establish paternity or secure child support if there has been a finding of good cause pursuant to 45 CFR 232.13 unless there has been a determination by the State or local IV-A agency that child support enforcement may proceed without the participation of the caretaker relative. If there has been such a determination, the IV-D agency will undertake to establish paternity or secure child support but may not involve the caretaker relative in such undertaking.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)  
(Catalogue of Federal Domestic Assistance Program No. 13.679, Child Support Enforcement Program.)

NOTE.—The Office of Child Support Enforcement has determined that this document does not require preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: August 4, 1977.

J. B. CARDWELL,  
Director, Office of Child  
Support Enforcement.

Approved: December 30, 1977.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

[FR Doc. 78-656 Filed 1-11-78; 3:18 pm]

#### [4910-60]

##### Title 49—Transportation

##### CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-144; Amdt. No. 179-19]

##### PART 179—SPECIFICATIONS FOR TANK CARS

Shippers: Specification for Pressure Tank Car Tanks

AGENCY: Materials Transportation Bureau (the Bureau), DOT.

#### ACTION: Final rule.

**SUMMARY:** In response to five petitions for reconsideration of amendments issued under Docket HM-144 concerning specifications for pressure tank car tanks (42 FR 46306; September 15, 1977), the Bureau is making several additional changes which may be summarized as follows: Correction of a reference concerning safety relief valve specifications, deletion of an inappropriate sentence allowing a reduction in relief valve flow capacity, announcement (see supplementary information) of a correction in the designation of a previously approved thermal coating intended for use on tank cars, and an editorial change. These amendments clarify the previously published rule and eliminate an undesirable reduction in relief valve flow capacity requirements. Those petitions seeking special consideration for small 112 and 114 tank cars are denied.

**EFFECTIVE DATE:** As revised, 49 CFR 179.105-7 is effective January 16, 1978.

**ADDRESSES:** All written comments received in this proceeding are available for examination during regular business hours in Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

#### FOR FURTHER INFORMATION CONTACT:

William F. Black, Office of Safety,  
Federal Railroad Administration,  
202-426-2748.

**SUPPLEMENTARY INFORMATION:** Amendments 173-106 and 179-19 published under Docket HM-144 prescribed new and revised specifications for 112 and 114 tank cars. Pursuant to 49 CFR 102.35, five petitioners submitted petitions for reconsideration. Also, a thermal protection system manufacturer requested correction of an error in the list of thermal protection systems recognized as meeting the new thermal protection requirements.

The Association of American Railroads and the Compressed Gas Association, Inc., requested reconsideration of § 179.105-7 pertaining to the sizing of safety relief valves. Stating that the relieving capacity of the safety relief valves specified in this section resulted in capacities that are too large for some non-jacketed thermally protected cars and also too small for some jacketed thermally protected cars, each petitioner argued that it was wrong to relate relief valve sizing to metal temperature.

The Bureau does not agree that adoption of the "uninsulated" capacity formula prescribed in § 179.105-7 for use on thermally protected tank cars will result in too great a capacity. The Bureau has reviewed the data obtained from its tests and believes that since railroad tank cars can overturn

in accident conditions, the safety relief valve must be capable of stabilizing the internal tank pressure under both vapor and liquid flow conditions. Section 179.105-7 also permits existing uninsulated 112 and 114 tank cars to retain existing safety relief valves when these cars are equipped with thermal protection.

The Bureau does agree with the petitioners that the last sentence of § 179.105-7 could be misconstrued with respect to the safety relief valve capacity necessary for a tank car equipped with a given thermal protection system. Accordingly, in order to avoid any misunderstanding which, in some operating and derailment situations, could lead to tank ruptures due to insufficient safety relief valve capacity, the last sentence of § 179.105-7 has been deleted.

The reference to § A8.01 in the second sentence of § 179.105-7 has been corrected to § A8.02. It should be noted that while § 171.7(d)(2) incorporates by reference the 1970 edition of the AAR Specifications for Tank Cars, § 179.105-7 has been amended to specifically refer to the 1976 edition.

Two petitioners, Phillips Petroleum Co. and Pacific States Railcar Co., owners of small 112A400W tank cars, requested an additional 120 days in which to present a petition in response to HM-144. The Bureau believes adequate time has already been provided for these petitioners to express their views on HM-144, and that safety improvements of these cars must proceed without further delay. Therefore, their requests are denied.

Vistron Corp., petitioned for a four-

month delay in fitting shelf couplers to 112 and 114 tank cars, based apparently on its belief that shelf coupler application would occur during times that tank cars are cleaned and purged. The Bureau notes that no welding or other "hot work" on the tank is required when replacing "E" and "F" couplers with counterpart shelf couplers. Moreover, these replacements can be readily accomplished in most rail carrier repair shops. Accordingly, this petition is denied.

Avco Systems Division, manufacturer of Chartek 59 thermal coating, noted an error in the topcoat specified for use with its product in the listing of thermal protection systems that do not require test verifications under § 179.105-4. The Bureau agrees that the topcoat tested and specified for use with Chartek 59 is Amercoat 383 (manufacturer, Ameron) rather than Ambercoat 75 and the list of excepted thermal protection systems maintained in Docket HM-144 is so amended.

In addition, there was an error in the name of the manufacturer of the Deltaboard thermal protection system. The correct name is Rock Wool Manufacturing Co., and the list of excepted thermal protection systems has been changed accordingly.

Since the amendment adopted herein makes editorial changes in requirements currently in effect and, in the case of the deletion of the last sentence of § 179.105-7, removes a potentially unsafe condition with respect to safety relief valve capacity, I find that public procedure and notice thereon are unnecessary, and that it is in the

public interest to make the amendment effective January 16, 1978.

In consideration of the foregoing, part 179 of Title 49, Code of Federal Regulations, is amended as follows:

1. Section 179.105-7 is revised to read as follows:

§ 179.105-7 Safety relief valves.

(a) Notwithstanding the provisions of § 179.105-4, each 112 and 114 tank car shall be equipped with safety relief valves that meet the requirements of Appendix A of the AAR Specifications for Tank Cars. However, the relieving or discharge capacity shall be calculated in accordance with the formula prescribed in § A8.02 of Appendix A applicable to compressed gases in non-insulated tanks.

(b) The references in paragraph (a) of this section to Appendix A of the AAR Specifications for Tank Cars are to the 1976 edition of that publication.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

NOTE.—The materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107 or an environmental impact statement under the national Environmental Policy Act (42 U.S.C. 4321 et seq.).

Issued in Washington, D.C., on January 5, 1978.

L. D. SANTMAN,  
Acting Director,  
Materials Transportation Bureau.

[FR Doc. 78-1043 Filed 1-13-78; 8:45 am]



# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 993]

### HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Amendment of Administrative Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

**SUMMARY:** This proposal would revise some of the district boundaries for independent producer membership positions of the Prune Administrative Committee. The marketing order for California dried prunes requires that these districts be as equal as practicable in terms of the number of independent producers and their collective prune production.

**DATE:** Written comments to this proposal must be received by January 31, 1978.

**ADDRESS:** Written comments should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

#### FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

**SUPPLEMENTARY INFORMATION:** This proposal would revise paragraph (a) of § 993.128 of Subpart—Administrative Rules and Regulations (7 CFR 993.101-993.174). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal was recommended by the Prune Administrative Committee and would revise some of the bound-

aries of the seven independent producer election districts in § 993.128(a). The districts are for the purpose of obtaining nominations for producer members to represent independent producers on the Committee. The proposal would shift: Butte and Yuba Counties from their current districts (Districts 2 and 6, respectively) to District 5; Monterey, San Benito and part of Santa Clara Counties from District 5 to District 4; and Stanislaus County from District 4 to District 6. By making these realignments, the seven districts will have, insofar as practicable, equal representation by number of independent producers and production of dried prunes by such producers, as required by § 993.28.

The proposal would amend § 993.128(a) to read as follows:

§ 993.128 Nominations for membership.

(a) *Districts.* In accordance with the provisions of § 993.28, the districts referred to therein are described as follows:

- District No. 1.* That portion of Sutter County south of a line extending along Nuestro Road easterly to the Yuba County line and westerly to the Colusa County line.
- District No. 2.* That portion of Sutter County not included in District No. 1.
- District No. 3.* The counties of Del Norte, Humboldt, Lake, Marin, Mendocino, Siskiyou, Sonoma, and Trinity.
- District No. 4.* The counties of Alameda, Contra Costa, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz and Solano.
- District No. 5.* The counties of Butte and Yuba.
- District No. 6.* The counties of Amador, Fresno, Merced, Placer, Sacramento, San Joaquin, San Luis Obispo, Stanislaus, Tulare, and all the counties in the area not included in Districts No. 1 through 5, inclusive, and in District No. 7.
- District No. 7.* The counties of Colusa, Glenn, Shasta, Tehama, and Yolo.

Dated: January 10, 1978.

CHARLES R. BRADER,  
Acting Director, Fruit  
and Vegetable Division.

[FR Doc. 78-1055 Filed 1-13-78; 8:45 am]

[4910-13]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77-SW-56]

### TRANSITION AREA

Proposed Designation; Withdrawal of Notice of Proposed Rule Making

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rule making.

**SUMMARY:** The notice of proposed rule making (42 FR 56956, October 31, 1977) concerning designation of the Socorro, N. Mex., transition area to provide controlled airspace for aircraft executing new instrument approach procedures to the Socorro Municipal Airport is withdrawn.

DATES: Effective: January 16, 1978.

#### FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101; telephone: 817-624-4911, extension 302.

**SUPPLEMENTARY INFORMATION:** On October 31, 1977, the FAA published for comment a proposal to designate the Socorro, N. Mex., transition area to provide controlled airspace from 700 feet AGL for aircraft executing proposed instrument approach procedures to the Socorro Municipal Airport. Subsequent to the notice issuance, a flight inspection was conducted with a determination that the initially planned instrument approach had to be revised. Existing controlled airspace with a floor 1200 feet AGL provides adequate protection to arriving aircraft executing the newly proposed instrument approach procedure. Designation of additional controlled airspace is unnecessary. Therefore, Airspace Docket No. 77-SW-56 is being withdrawn.

#### DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

#### WITHDRAWAL OF THE PROPOSAL

Accordingly; pursuant to the authority delegated to me by the Administrator, Airspace Docket No. 77-SW-56, notice of proposed rule making, (42 FR 56956), is hereby withdrawn.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

**NOTE.**—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on January 3, 1978.

HENRY L. NEWMAN,  
Director, Southwest Region.  
[FR Doc. 78-945 Filed 1-13-78; 8:45 am]

[4910-13]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 77-WE-28]

### PROPOSED TEMPORARY RESTRICTED AREAS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

**SUMMARY:** This notice proposes to designate temporary restricted areas identified as R-2535A, B, C, D, E, F, G, and R-4818A, B, C, D, E, F, G, and H in the vicinity of Edwards AFB, Calif., and Nellis AFB, Nev., to contain military joint readiness exercise called "BRAVE SHIELD 17." These proposed actions will provide for the safe and efficient use of the navigable airspace by prohibiting unauthorized flight operations of nonparticipating aircraft within the area during the proposed designation period.

**DATES:** Comments must be received on or before February 12, 1978.

**ADDRESSES:** Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 77-WE-28, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

Send comments on the environmental aspects to: Department of the Air Force, Attention: Major Stuart A. Hodgeman, Langley Air Force Base, Va. 23665.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

## PROPOSED RULES

### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-3715.

### SUPPLEMENTARY INFORMATION:

#### COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before February 12, 1978 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

#### AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

#### THE PROPOSAL

The FAA is considering amendments to Subpart D of Part 71 and Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary restricted areas identified as R-2535A, R-2535B, R-2535C, R-2535D, R-2535E, R-2535F, R-2535G, and R-4818A, R-4818B, R-4818C, R-4818D, R-4818E, R-4818F, R-4818G, and R-4818H in the vicinity of Edwards AFB, Calif., and Nellis AFB, Nev., to contain military joint readiness exercise called "BRAVE SHIELD 17." These restricted areas would also be included in the continental control area for the duration of their time of designation. This training exercise "BRAVE SHIELD 17" will involve close air support, interdiction,

electronic warfare, reconnaissance, Air combat tactics, tactical airlift, airborne drops, air-to-air refueling and airborne command center operations. Total air traffic associated with this exercise is expected to exceed 400 sorties per day. Leased lines of communications will be installed with appropriate FAA facilities in order to accomplish the orderly and safe ingress/egress of both exercise air traffic and coordinate movement of nonexercise air traffic proceeding in and out of the exercise area. Wide area telecommunications system (WATS) (reverse charge telephone) numbers will be obtained and published to accommodate nonexercise air traffic coordination. The using agency (U.S. Air Force Tactical Air Command/USAF Readiness Command) will serve as lead agency for purposes of compliance with the National Environmental Policy Act. The proposed restricted areas would be designated as joint use and IFR/VFR operations in the areas may be authorized by the controlling agency when they are not being utilized by the using agency. The controlling agency for the proposed restricted areas would be the FAA Los Angeles ARTCC.

#### DRAFTING INFORMATION

The principal authors of this document are Mr. Richard Huff, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

#### THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (43 FR 344, 667 and 690) as follows:

§ 71.151 [Amended].

In § 71.151 the following temporary restricted areas would be added for the duration of their times of designation from 0001 April 6, 1978, through 2400 hours, local time April 16, 1978:

R-2535A, R-2535B, R-2535C, R-2535D, R-2535E, R-2535F, R-2535G, R-4818A, R-4818B, R-4818C, R-4818E, R-4818F, R-4818G, and R-4818H.

§ 73.25 [Amended].

In § 73.25 the following temporary restricted areas would be added:

R-2535A BRAVE SHIELD XVII, CALIF.

Boundaries. Beginning at Lat. 36°30' N., Long. 116°55' W.; clockwise to Lat. 36°30' N., Long. 116°47' W.; to Lat. 35°39' N., Long. 115°53' W.; to Lat. 35°19' N., Long. 116°19' W.; thence along the eastern boundaries of R-2502E, R-2502N, and R-2508 to point of beginning. Designated altitudes. 3,000 feet AGL up to FL 500. Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.







quirements appear to be necessary to eliminate or reduce the unreasonable risk of injury associated with miniature Christmas tree lights and therefore should be included in a proposed standard, so that interested persons may submit comments on this aspect of the standard.

Therefore, in accordance with the provisions of section 7(f)(2) of the CPSA, 15 U.S.C. 2056(f)(2), the Commission hereby extends until April 3, 1978, the time in which it must either publish a proposed consumer product safety standard applicable to miniature Christmas tree lights or withdraw the notice of proceeding. This period may be further extended by a notice published in the *FEDERAL REGISTER* stating good cause.

Dated: January 11, 1978.

SADYE DUNN,  
Deputy Secretary, Consumer  
Product Safety Commission.  
[FR Doc. 78-1268 Filed 1-13-78; 8:45 am]

#### [4810-31]

##### DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

[27 CFR Parts 4, 5, and 7]

[Notice No. 316]

##### WARNING LABELS ON CONTAINERS OF ALCOHOLIC BEVERAGES

###### Proposed Rulemaking

AGENCY: Bureau of Alcohol, Tobacco, and Firearms.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, and Firearms is issuing this advance notice to obtain information enabling it to decide whether the current regulations should be amended to require a warning label on alcoholic beverage containers, regarding the consumption of alcohol by pregnant women. The Bureau is particularly interested in comments from consumers, industry, women's organizations and medical experts concerning the business impact and technical aspects, scientific and legal aspects, and the possible overall value and benefits of the proposal.

DATES: Comments must be received on or before March 17, 1978.

ADDRESS: Comments must be submitted, in duplicate, to the Director, Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C. 20226, Attn.: Regulations and Procedures Division.

##### FOR FURTHER INFORMATION CONTACT:

Roberta K. Kulina, Research and Regulations Branch, Bureau of Alco-

hol, Tobacco, and Firearms, Washington, D.C. 20226, 202-566-7626.

**SUPPLEMENTARY INFORMATION:** ATF has decided to invite interested parties to participate early in the rulemaking process. This early participation will enable ATF to decide whether a notice of proposed rulemaking should be issued. An advance notice of proposed rulemaking is issued when it is felt that the resources of ATF do not provide sufficient information to identify the best course of action, or where it would be helpful to receive public participation in identifying the best course of action. Following is a discussion of the medical research conducted concerning fetal alcohol syndrome and a list of specific questions regarding the proposal.

##### BACKGROUND

Medical research on the impact on human infants of maternal alcohol consumption during pregnancy has demonstrated that fetal alcohol syndrome (FAS) is clinically observable. This condition is most often characterized by: (1) Prenatal growth deficiency in length and postnatal growth deficiency in both length and weight; (2) microcephaly (the condition of having an abnormally small head); (3) small palpebral fissures (the space between the margins of the eyelids); and (4) mental retardation. Along with these characteristics, however, other patterns of dysmorphism, deficient motor functions, and impaired neurological development have also been identified. Damage to the fetus can occur at the early stages of prenatal development, even before the woman is aware she is pregnant. In this respect, all women of child-bearing age should be aware of the possibility of FAS in potential offspring. Often times, the FAS pattern is identified first, and the maternal alcohol intake is documented later.

Much of the research conducted suggests that a high blood alcohol level during critical periods of embryonic development is probably a prerequisite for producing FAS. The average alcohol consumption may not be as important as the maximum concentration obtained during "binge drinking," or one-time heavy drinking during critical periods. Evidence from both animal and human studies indicates that consumption of 3 ounces of 100 percent alcohol or above (an equivalent of six drinks) produces a risk to fetal outcome. As to the risk for consumption of lower quantities of alcohol, the National Institute on Alcohol Abuse and Alcoholism has determined that further animal and human studies are needed.

Other research has been conducted linking alcoholism with FAS. In studies comparing alcoholic couples to couples where only the wife was alcoholic, maternal alcoholism was considered to

be essential to produce adverse consequences to the fetus. It is important to note that heavy drinking can often be associated with heavy nicotine and caffeine ingestion; however, in clinical observations the effects produced by maternal alcoholism appeared even without nicotine and caffeine ingestion. Studies show that smoking one pack of cigarettes a day by a pregnant woman reduces her baby's birth weight. However, no malformations have been observed. No human malformations have been attributed to caffeine intake either. Malnutrition is another factor often associated with impairment to fetal growth and development. However, the fetal alcohol syndrome, as described, is characterized by a greater deficiency in prenatal growth, with an even greater deficiency in length than weight. In studies conducted of non-alcoholic malnourished women, neither this pattern of growth deficiency nor the pattern of malformation described was observed.

In summary, the research on the impact of maternal alcohol consumption on human infants has clearly identified the morphological characteristics of fetal alcohol syndrome. Over 58 published cases reported from 16 different medical centers have confirmed the existence of this syndrome. Currently three major studies on maternal alcohol consumption and infant outcome are being funded by the National Institute on Alcohol Abuse and Alcoholism and are taking place in three major U.S. cities. Early findings of these studies have already confirmed the presence of morphological characteristics of FAS in some of the infants. There are of course instances where only part of the syndrome is found. These may be cases of single malformations, retarded growth and development, or behavioral patterns such as jitteriness. Observations of alcohol intake affecting physiological and metabolic development clearly indicate that alcohol exposure to the placenta may impair nervous system development, specifically morphological and neurological fetal development.

##### QUESTIONS

To assist ATF in identifying the best course of action, written comments and supporting data are specifically requested on the following topics:

1. What type of specific warning label, if any, should be placed on containers of alcoholic beverages?
2. What would be the impact on consumers, primarily women, as a result of such a warning?
- (a) Would the warning be effective in preventing pregnant women from consuming alcohol in amounts that might prove detrimental to their unborn infants?
3. What other possible alternatives are available to disseminate informa-

tion to the public on possible health hazards resulting from alcoholic intake?

(a) Should these alternatives be in place of or in addition to a warning label?

4. What other medical research is available documenting or refuting the existence of fetal alcohol syndrome?

##### DRAFTING INFORMATION

The principal author of this document is Roberta K. Kulina of the Research and Regulations Branch, Bureau of Alcohol, Tobacco, and Firearms. However, personnel from other offices of the Bureau and from the Treasury Department participated in developing the document, both on matters of substance and style.

##### AUTHORITY

This advance notice of proposed rulemaking is issued under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205).

Signed: December 23, 1977.

MILES N. KEATHLEY,  
Acting Director.

Approved: January 3, 1978.

BETTE B. ANDERSON,  
Under Secretary  
of the Treasury.  
[FR Doc. 78-1042 Filed 1-13-78; 8:45 am]

#### [7910-01]

##### RENEGOTIATION BOARD

[32 CFR Parts 1460 and 1469]

##### ANALYSIS OF RENEGOTIABLE BUSINESS BY SEGMENTS

###### Proposed Rulemaking

AGENCY: The Renegotiation Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Renegotiation Board is publishing proposed regulations which provide for the analysis by segments of renegotiable receipts or accruals realized by contractors subject to the Renegotiation Act of 1951, as amended. The Board believes that it may be necessary to examine a contractor's renegotiable business by segments in order to properly determine excessive profits as defined in the Act. The proposed regulations are intended to establish standards for the conduct of such examination.

DATES: Comments must be received on or before March 15, 1978.

ADDRESSES: Comments should be sent to the General Counsel, Renegotiation Board, 2000 M Street NW., Washington, D.C. 20446.

##### FOR FURTHER INFORMATION CONTACT:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, telephone 202-254-8277.

**SUPPLEMENTARY INFORMATION:** In determining whether contractors have realized excessive profits under the Renegotiation Act of 1951, as amended (50 U.S.C. App. 1211 et seq.) (the "Act"); the Renegotiation Board has, when appropriate, analyzed a contractor's renegotiable business by segments. This analysis has been conducted under the Board's administrative letter No. 75-15 since it was issued on November 17, 1975. The Board's regulations also provide for separate consideration of different types of contracts under which a contractor performs renegotiable business. See § 1460.2(b).

The proposed regulations are intended to establish new standards for the identification of segments of a contractor's renegotiable business and for the analysis of such segments to determine the amount of excessive profits, if any. In a separate action published in the *FEDERAL REGISTER* today, the Board announces its revocation of administrative letter No. 75-15. By this notice, the Board proposes to amend § 1460.2(b) to provide a statement of the principle that a contractor's renegotiable business will be analyzed by segments, and to establish a new Part 1469 setting forth standards for the identification of segments and their analysis.

Section 1469.1 establishes a definition of the term "segment" which includes those portions of a contractor's renegotiable business which may be separately analyzed and which permit consistent and relevant evaluation under the statutory factors. See § 103(e) of the Act (50 U.S.C. App. 1213(e)).

Sections 1469.2 and 1469.3 set forth criteria for the identification of segments. Segmentation of all contractors is made in accordance with the general definition, taking into consideration the particular contractor's cost accounting system and the availability of relevant data. The business of larger contractors is required to be segmented by product or service.

Under § 1469.4 each contract-type group within a segment will be separately analyzed in order to properly evaluate the special characteristics of each such group.

In § 1469.5 standards are established for the application of the statutory factors to each identified segment.

Section 1469.6 sets forth the method by which the Board will consider "start-up" costs incurred by a contractor in a year or years prior to the year under review. This paragraph is intended to amplify the Board's existing regulations concerning "start-up" costs. See §§ 1460.10(b)(5) and 1499.1-44.

The treatment of losses realized in any segment is set forth in § 1469.7. Except in certain circumstances set forth in § 1469.7(c), losses in any segment will be applied ratably over a contractor's profitable segments. Loss carryforwards will similarly be allowed as a cost, ratably against all profitable segments. Any losses resulting from the contractor's gross inefficiency will not be recognized.

Finally, § 1469.8 provides for the aggregation of identified segments in reaching a final determination of excessive profits, if any. Provision is made for application on an aggregate basis of those statutory factors which have not been applied within each segment.

The Board invites interested persons to comment in writing on the proposed regulations. Such comments should be addressed to the General Counsel, Renegotiation Board, 2000 M Street, NW., Washington, D.C. 20446. To be considered by the Board, comments must be received on or before March 15, 1978. All comments will be made available for public inspection during regular business hours in the Public Information Office of the Board, 4th Floor, 2000 M Street, NW., Washington, D.C. 20446.

In consideration of the forgoing, it is proposed to amend Chapter XIV of 32 CFR as set forth below.

Dated: January 10, 1978.

GOODWIN CHASE,  
Chairman.

1. 32 CFR 1460.2(b) is revised to read as follows:

§ 1460.2 Specific Consideration.

\* \* \* \* \*

(b) *Separate consideration of segments.* While renegotiation will be conducted with respect to the aggregate of the contractor's renegotiable business for the fiscal year, separate consideration will be given to segments of the contractor's renegotiable business as provided in Part 1469 of this subchapter.

2. A new Part 1469 of Chapter XIV of Title 32 of the Code of Federal Regulations is hereby established, reading as follows:

##### PART 1469—SEGMENTATION

- Sec.
- 1469.1 Definition.
  - 1469.2 Segmentation applied to all filings.
  - 1469.3 Segmentation by product or service.
  - 1469.4 Analysis of segments by contract types.
  - 1469.5 Statutory factor consideration.
  - 1469.6 Start-up costs in prior year(s).
  - 1469.7 Losses in the review year.
  - 1469.8 Aggregation.

AUTHORITY: Sec. 109, 65 Stat. 22; 50 U.S.C. App. 1219.



## § 1469.1 Definition.

The word "segment" means any part of a contractor's renegotiable business which will permit:

- (a) Thorough analysis and
- (b) The application of all the statutory factors in a consistent and relevant manner.

All of a contractor's renegotiable business may, when appropriate, be a segment.

## § 1469.2 Segmentation applied to all filings.

(a) *In general.* All filings shall be segmented in accordance with the above definition. Filings for which segmentation by product or service is performed shall be segmented in accordance with § 1469.3.

(b) *Identification of segments.* Identification of the segments to be analyzed must be done with full knowledge of the nature of the particular contractor's cost accounting system and the availability of financial and other data.

(c) *Other renegotiable business.* Having identified significant segments, the remaining renegotiable business, if any, must be placed into a separate grouping which may not be homogeneous, but by the application of reasonable judgment is an insignificant part of a contractor's renegotiable business.

## § 1469.3 Segmentation by product or service.

(a) *In general.* Segmentation by product or service must be performed for all filings when the sum of the renegotiable sales in the review year for the contractor and all entities controlled by, controlling, or under common control with the contractor is \$10 million or more. When such sum is less than \$10 million, segmentation by product or service may be performed at the Board's discretion.

(b) *Like or closely similar products or services.* When segmentation by product or service is performed, divisions, subsidiaries, or other business units producing like or closely similar products or performing like or closely similar services may be combined to form a single segment, providing such combination is sufficiently homogeneous to permit factor evaluation as discussed in § 1469.5.

## § 1469.4 Analysis of segments by contract types.

A contractor's renegotiable business shall be analyzed to identify "contract-type groups" in which the same types of contract (fixed-price, cost-plus-fixed-fee, etc.) within each segment must be further examined in light of the analyses to be applied in renegotiation. Where there is within any contract-type group a lack of uniformity that impedes such analyses,

subgroups of the contract-type group, possessing greater homogeneity, will be further established. For example, there may be within the fixed-price renegotiable business of a segment a substantial amount of sales produced at facilities wholly or substantially owned by the contractor as well as a substantial amount produced at or with Government-furnished facilities or equipment. Clearly, there is a marked difference between the two subgroups with respect to the capital-employed factor. Similarly, differences may result from the character of the business, such as the use of purchased materials versus customer-furnished material.

## § 1469.5 Statutory factor consideration.

If, at any stage of the segmentation and analysis required in preceding sections of this part, the likelihood arises that one or more significant segments may have excessive profits, each significant segment shall be analyzed by application of the statutory factors set out in Section 103(e) of the Renegotiation Act of 1951. Any resulting positive or negative factor consideration shall be quantified for each segment.

## § 1469.6 Start-up costs in prior year(s).

Where a contractor experienced minimal profits or losses in a year or years prior to the year under review, and to the extent that those minimal profits or losses resulted from non-recurring costs which directly relate to the production in the same segment in the review year, then in accordance §§ 1560.10(b)(5) and 1499.1-44 of this Chapter: (a) the Board will transfer the appropriate amount of such costs to the review year if those costs can be identified in a specific amount or, (b) if these costs cannot be specifically identified, the Board will give consideration in the review year to the presence of such costs; Provided, such transfer of costs or consideration may not affect the results of renegotiation proceedings of such prior year or years.

## § 1469.7 Losses in the review year.

(a) *In General.* Notwithstanding any factor consideration which may have been accorded as required herein, contractors are entitled to full benefit for any losses in the review year, except for losses resulting from gross inefficiency. Consequently, when appropriate the analysis set forth in this section shall be performed.

(b) *Proration of losses.* If any segment shows a loss for the year, that loss shall be applied ratably against all profitable segments in the ratio of the profits earned by each profitable segment to the total profits of all profitable segments.

(c) *Direct application of losses.* If, however, the contractor demonstrates

to the satisfaction of the Board that a significant part of a loss in a particular segment resulted from (1) causes clearly not attributable to the omission to act, fault or negligence of the contractor or (2) acts of God or of the public enemy, including fires, floods, epidemics and quarantine restrictions, then the loss in question, to the extent not compensated by insurance, shall be applied first to any segments where excessive profits exist. If such losses are greater than the sum of such excessive profits, then the remaining balance of the loss will be applied against all profitable segments ratably as indicated in the preceding paragraph.

(d) *Renegotiation loss carryforward.* In any year when the sum of the losses is greater than the sum of all profits, the difference will be treated as a loss carryforward. A loss carried forward from any prior year shall be regarded as a cost of the year to which it is carried forward and consequently applied against all profitable segments in that year in accordance with paragraph (b) of this section. For a full description of the renegotiation loss carryforward, see §§ 1457.8 and 1457.9 of this Chapter.

(e) *Gross inefficiency.* Losses must be examined to make sure they are not the result of gross inefficiency, in which case they will not be recognized.

## § 1469.8 Aggregation.

When all of the analysis and the application of the statutory factors to the significant segments have been completed in accordance with this Part, the renegotiable sales, costs and profits (or losses), of those segments and of any remaining segment will be brought together—aggregated. To the extent that one or more statutory factors have not already been applied to any one of the individual segments, that factor or factors shall be applied to the aggregate of renegotiable business. Any positive or negative factor consideration which may be due as a result of this application shall be quantified and shall be allowed as a reduction of or addition to the excessive profits, if any.

[FR Doc. 78-1044 Filed 1-13-78; 8:45 am]

[4310-70]

## DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 9]

## MINERALS MANAGEMENT

Comprehensive Regulations; Extension of Time

AGENCY: National Park Service, USDI.

ACTION: Proposed rule, extension of comment period.

SUMMARY: Notice is hereby given that due to printing difficulties the

time period has been extended for receipt of comments on the proposed revision of the National Park Service regulations for Minerals Management (published in the FEDERAL REGISTER, Vol. 42, No. 240, Wednesday, December 14, 1977, pages 63058 through 63064), and the accompanying environmental assessment released the week of January 1, 1978.

DATES: The due date for receipt of comments, January 20, 1978, for both the proposed revision of the regulations and accompanying environmental assessment, is extended to February 10, 1978.

ADDRESS: Mail comments to Director, Attn: Natural Resources Management Division (550), National Park Service, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Neal G. Guse, Jr., Chief, Natural Resources Management Division, Room 3310, Interior Building, 18th and C Streets NW., Washington, D.C., telephone 202-343-3919.

Dated: January 5, 1978.

DANIEL J. TOBIN, Jr.,  
Associate Director,  
Management and Operations.

[FR Doc. 78-1056 Filed 1-12-78; 8:45 am]

[78-1052]

## DEPARTMENT OF TRANSPORTATION

[49 CFR Part 571]

[Docket No. 1-22; Notice 4]

## FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Extension of Applicability

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Standard No. 115, vehicle identification number, to extend its applicability to additional classes of motor vehicles and to specify its content and format. The proposed action was undertaken because of the increased use of vehicle identification numbers by the safety community and is intended to extend and simplify its use.

PROPOSED EFFECTIVE DATE: January 1, 1980, for passenger cars; September 1, 1981, for other vehicles.

COMMENT CLOSING DATE: April 17, 1978.

ADDRESSES: Comments should refer to the docket number and be submitted to: Room 5108—Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

## FOR FURTHER INFORMATION CONTACT:

Mr. Nelson Erickson, Office of Crash Avoidance, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0854.

On September 6, 1976, the National Highway Traffic Safety Administration (NHTSA) published an advance notice of proposed rulemaking (41 FR 38189) which stated the agency's intent to upgrade Federal Motor Vehicle Safety Standard No. 115 dealing with vehicle identification numbers (49 CFR 571.115). The comments to the notice have confirmed NHTSA's belief that a uniform, expanded and more efficient vehicle identification numbering system offers significant benefits to a large community of vehicle identification number (VIN) users as well as to the NHTSA.

## USERS AND USES OF THE VEHICLE IDENTIFICATION NUMBER

Standard No. 115 currently requires manufacturers to assign a VIN to each of its passenger cars. The VIN assigned by a manufacturer to one of its cars must not duplicate that assigned to any other of its cars during any 10-year period. Thus, the VIN serves as a unique identifier for passenger cars in much the same way as a social security number uniquely identifies participants in the social security program.

Even with its applicability limited to cars, the VIN has proved of great benefit in many ways. Some of the VIN users and uses are:

Manufacturers use the VIN for internal production controls and defect recall campaigns.

State Motor vehicle administrators use the VIN for registration, titling and inspection purposes.

Insurance companies use the VIN to identify cars they insure.

Law enforcement officers use the VIN to aid in the recovery of stolen vehicles.

The NHTSA uses the VIN for accident investigation and other safety research purposes.

It is clear from these examples that the VIN has filled specific needs for those who deal with passenger cars, and that the ever-increasing use of the VIN argues strongly for the optimization of the system which spawns them.

## EFFORTS AT STANDARDIZATION

Realizing the need to make the VIN system more efficient and to extend its applicability beyond the narrow confines of passenger cars, both the International Standards Organization (ISO) and the Vehicle Equipment Safety Commission (VESC) have separately undertaken over a number of years to develop a standardized VIN

format and extend its applicability. A difficulty arose in their efforts, however, as each of these groups had focused on the needs of different groups of VIN users rather than developing a system which met the basic needs of all users. As a result, inconsistent VIN schemes were developed. The adoption by these organizations of their schemes would require manufacturers to maintain two separate VIN systems. This would destroy all hope for international comity, as the VESC jurisdiction extends, after varying degrees of approval, to 42 States and the District of Columbia and the ISO jurisdiction extends, in essence, to the rest of the world.

Finding it impossible to satisfy both the ISO and VESC requirements simultaneously, several manufacturers petitioned the NHTSA to resolve the matter by issuing a comprehensive standard in this area. The NHTSA was prepared to act expeditiously on these petitions as it had also been examining the potential of upgrading the VIN standard in connection with its participation in the International Standards Organization, the Vehicle Identification Numbers Committee of the Society of Automotive Engineers, and the U.S. Interagency Committee on Automobile Theft Prevention. Further, the increased use of the VIN in NHTSA's own activities and the requirement that recall campaigns be carried out utilizing names and addresses from State motor vehicle records made action to upgrade the VIN standard a matter of importance to the NHTSA.

The NHTSA effort at revising the VIN standard was hastened by the incompatibility of the proposals of the ISO and VESC and the preemptive responsibilities resulting from the issuance of Federal Motor Vehicle Safety Standard No. 115, Vehicle identification number. Since the issuance of this standard preempted nonidentical State standards relating to the same aspect of performance (§103(d) of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392 (d)), NHTSA rulemaking would be necessary for any VIN format to become mandatory in the United States.

In reviewing the initial schemes of the ISO and VESC (both were later modified by these groups to eliminate some of the disparities), the NHTSA found that elements of each could be combined and strengthened to create a system serving all users—particularly the safety community—yet allowing for flexibility and future informational needs. Thus, the NHTSA's rationale for initiating rulemaking was to maximize the benefits of the VIN for all users with minimal detriment for any particular user.

The proposal reflects a mixture of ideas from the VESC scheme, the ISO scheme, and the NHTSA. While the



NHTSA is aware that any effort at international standardization is complex, the basic premise of the NHTSA in arriving at its proposal was technical effectiveness in meeting the needs of safety and other users. The NHTSA believes its proposal has technical advantage over the other schemes, and solicits comments relating to the technical sufficiency of the proposal. Fortunately, the organizations most involved with the VIN—the ISO, the SAE and the VESC—are also the major repositories of engineering judgment and technical capability concerning this area.

For the convenience of those wishing an overview of the NHTSA proposal as compared to the VESC and ISO schemes, the most important aspects of each are summarized below.

#### APPLICABILITY

NHTSA—Passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles.

ISO—Passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles (except mopeds).

VESC—Passenger cars, non-motive powered recreational vehicles.

#### NUMBER OF CHARACTERS

NHTSA—16 plus a check digit.

ISO—17.

VESC—16.

#### RESPONSIBILITY FOR ASSIGNING MAKER IDENTIFIER

NHTSA—Manufacturer or an agent of manufacturer.

ISO—Society of Automotive Engineers as agent of ISO.

VESC—Society of Automotive Engineers as agent of VESC.

#### SECTION I OF VIN

NHTSA—3 characters identifying manufacturer, make and class of vehicle (production level 500 or more annually).

ISO—3 characters identifying geographic area, country and manufacturer (production level 500 or more annually).

VESC—3 characters identifying make.

#### SECTION II OF VIN

NHTSA—6 characters decipherable into a number of specific vehicle attributes; no alpha or numeric restrictions.

ISO—6 characters representing attributes to be determined by the manufacturer; no alpha or numeric restrictions.

VESC—5 characters with the first four decipherable into car line, series and body type and the fifth decipherable into engine type; four of five characters specified either alpha or numeric.

#### SECTION III OF VIN

NHTSA—7 characters representing the model/calendar year, the sequence in which the vehicle was produced, and where the production level is less than 500 vehicles annually, the manufacturer, make and class when combined with Section I.

ISO—8 characters representing at the manufacturer's option either the model year and/or assembly plant or other data, the

sequence in which the vehicle was produced, and, where the production level is less than 500 vehicles annually, the geographic area, country and manufacturer when combined with Section I.

VESC—8 characters representing, in order, the model year, plant of origin, and sequence in which the vehicle was produced.

#### CHECK DIGIT

NHTSA—A digit appended to but not a part of the VIN used to discover error in the transcription of the VIN.

ISO—None.

VESC—None.

#### VEHICLE IDENTIFICATION NUMBER FORMAT

The proposal would require that each motor vehicle have a VIN assigned by the manufacturer which must not be identical to any other VIN issued by any manufacturer during a 30-year period. This proposed requirement is identical to the requirement of the ISO and VESC schemes.

As currently required for passenger cars, a permanent VIN is proposed to be located in the passenger compartment of passenger cars and trucks of less than 10,000 pounds GVWR. The VIN would have to be readable from outside the vehicle under prescribed conditions which are essentially unchanged from previous requirements.

To determine how best to avoid error in reading and transcribing the VIN, the NHTSA funded research (DOT-HS-7-01541) by Planning and Human Systems, Inc., into legibility criteria for the VIN. Based on this research, the NHTSA proposes specific criteria for the size, type face, and luminance contrast of the VIN, as well as its character grouping when located in the passenger compartment.

The VIN is divided into three sections which are described below.

#### SECTION I—MAKER IDENTIFIER

The ISO and VESC schemes for identifying the maker of the motor vehicle each utilize three characters. Under the scheme proposed by the ISO, each manufacturer would be assigned a world manufacturer identifier (WMI). The WMI would be determined by a highly structured formula where the first character represents the geographic area or continent in which the manufacturer is located, the second represents the specific country within that geographic area, and the third character represents the specific manufacturer within that country.

The VESC proposal is less stringent in the structuring of the maker identifier, but more specific in that it requires the make of the motor vehicle rather than the manufacturer. Since the make of a motor vehicle is generally

In the NHTSA proposal, plant information must be decipherable from the VIN, but no specific location is required.

ly the first corporate division of a manufacturer, e.g., Chevrolet is a make manufactured by General Motors, this scheme would require some manufacturers to have more than one maker identifier.

Both the ISO and the VESC designated the Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, Pa. 15096, U.S.A. as the repository of their maker identifiers. This choice proved fortuitous, as the SAE was able to develop an assignment pattern which conformed to both ISO and VESC requirements.

The NHTSA, in determining the appropriate maker identifier to propose, accepted the basic premise of a 3 character identifier and focused on utilizing the informational capacity of the three characters to their fullest extent. In this way, the information needed to be carried by subsequent sections could be reduced. A review of the informational capacity of the three character section showed that along with ISO-required manufacturer and VESC-required make information, the vehicle class could also be accommodated by assigning to each manufacturer a separate identifier for each class of vehicle within the same make. Even with this additional requirement, all current and projected manufacturers of more than 500 vehicles annually can be accommodated.

It is clear that to develop an identification scheme for all manufacturers, makes and classes which would be unique over a 30-30 year period requires more informational capacity than is available in a three character section. The NHTSA is therefore proposing that manufacturers which produce less than 500 vehicles in a class annually utilize the excess space in the six character vehicle production sequence number contained in the third section of the VIN for manufacturer, make, and class identification. In this case, the first two characters of the first section would be designated by the manufacturer and the third character would be the number 9. That first section, in conjunction with the second, third, and fourth characters of the third section, would represent the maker identifier. This procedure parallels that contained in the ISO scheme.

#### SECTION II—VEHICLE ATTRIBUTES

The agency proposes that the second section of the VIN would consist of six characters which describe a number of attributes for each specific class of vehicle. Under the ISO scheme, the manufacturer would be free to determine which attributes it wished to describe. The VESC, however, specified the attributes required and the specific location within the section of the characters which represent that information.

The NHTSA is proposing what it considers to be a system drawing upon the best qualities of the ISO and VESC schemes. Like the ISO scheme, the NHTSA proposal gives the manufacturer flexibility to determine how it desires to structure the informational content of this section. However, the coding must be decipherable, in a unique fashion, into not only the information required by the VESC scheme, but also additional information which the NHTSA believes important in carrying out its mission. While the NHTSA proposal requires a decoding process, it concludes that the flexibility of its proposal coupled with its adaptability to future informational needs far outweighs the disadvantage of not representing the information directly. In establishing the decoding requirement, the NHTSA took note that the VESC system also required a decoding effort and that enormous strides have been made and are projected in data processing equipment and techniques.

#### SECTION III—VEHICLE IDENTIFIER

The NHTSA proposes that the third section of the VIN consist of seven characters and identify the actual vehicle. The first character must either represent the vehicle model year, as is the custom of American manufacturers, or the actual calendar year of production, as is the custom of European manufacturers. In either event, a one-character year code is proposed. In the case of a vehicle whose manufacturer produces 500 or more vehicles annually in the class of that vehicle, the final six characters of the third section must indicate the sequence in which the vehicle was produced. If the manufacturer produced less than 500 vehicles annually in that class, the last three characters are required to indicate the sequence in which the vehicle was produced and the three characters immediately preceding them along with the three characters making up the first section identify the manufacturer, make and class of the vehicle.

Both the ISO and VESC specified eight rather than seven characters in the third section, the additional character representing the plant of manufacture. The NHTSA has concluded, however, that this information is decipherable from the VIN itself in a number of instances, such as when a specific model is produced only in one plant (e.g., Mercedes-Benz) or when blocks of sequential numbers are assigned to plants. To the extent a specific character representing the plant is considered necessary by a manufacturer, the NHTSA concludes that the last character of the second section can be utilized. (While the use of that character does reduce the number of unique, second section codes which can be derived from approximately 1.3

billion to approximately 39 million, the NHTSA believes the informational capacity will be sufficient over the prescribed thirty year period.)

#### CHECK DIGIT

The NHTSA is proposing that manufacturers be required and other users encouraged to use a check digit to combat the serious error rate in the transcription of the VIN. Since manufacturers are required to utilize State motor vehicle records in defect recall campaigns, erroneous VIN transcription results in a number of vehicles being excluded from the campaign. Thus safety problems and others make some type of error reduction process essential. Under the NHTSA proposal, which is a variant of the scheme currently used in Germany and recommended by Mercedes-Benz, a check digit would be appended to each VIN. This digit would not be a part of the VIN itself, but would appear at the end of the VIN and on transfer documents prepared by the manufacturer for the first purchaser of the vehicle for purposes other than resale. The NHTSA anticipates that other users, over whom the NHTSA does not exercise jurisdiction, will also utilize the check digit methodology to detect errors in transcription.

The check digit itself is the product of a mathematical computation utilizing the VIN. If there is an error in transcribing the VIN, it is unlikely that the mathematical computation utilizing the erroneous VIN will result in the proper check digit.

The check digit is not meant to be stored with the VIN in the data processing files of the user. Rather, it is meant to be a data entry operation to ensure that the correct VIN has been recorded. Once the correctness of the VIN has been determined, it is of no use. Further, it may be regenerated by the data processing equipment for inclusion on such subsequent documentation as titles. While the check digit process does require minimal data processing capabilities on the part of users, it is a more effective substitute for the edit routine process cited by the VESC in support of designating whether characters in the VIN should be alphabetic or numerical.

The proposed standard also establishes the reporting requirements for the information required to be submitted to the NHTSA.

#### COST OF THE PROPOSAL

In estimating the cost of the proposal, the NHTSA accepted as a given that the VIN format would be standardized, if not by the NHTSA, then by either the ISO, the VESC or both. This would occur either through the NHTSA specifically relinquishing its preemptive authority to stipulate a VIN format, or by the manufacturers

adopting the ISO scheme which would be mandated outside the United States. Consequently, the NHTSA has determined that the incremental costs of this rulemaking are negligible. While it might be argued that adoption of either the ISO or VESC scheme would result in decreased implementation costs for a particular user, these costs tend to balance out over the universe of users. Data regarding the cost of implementing the NHTSA proposal, particularly those elements such as the check digit which are not contained in either the ISO or VESC schemes, is requested to ensure that this evaluation is correct.

A January 1, 1980 effective date is proposed for passenger cars as they already utilize a VIN system. A September 1, 1981 effective date is proposed for other vehicles.

In consideration of the foregoing, it is proposed that § 571.115 of Title 49, Code of Federal Regulations, be amended to read:

§ 571.115 Standard No. 115; Vehicle identification number.

S1. *Purpose and Scope.* This standard specifies requirements for a vehicle identification system to simplify vehicle certification and information retrieval and to reduce the incidence of accidents by increasing the accuracy and efficiency of vehicle defect recall campaigns.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles.

S3. *Definitions.* "Axle and drive arrangement" means the number of powered and nonpowered axles on a vehicle.

"Body Type" means the general configuration or shape of a vehicle distinguished by such characteristics as the number of doors or windows, cargo-carrying features and the roofline (e.g., sedan, fastback, hatchback).

"Check digit" means a single number or the letter X that is placed at the end of the vehicle identification number to verify the accuracy of the transcription of the vehicle identification number.

"Class" means a type of vehicle distinguished by common traits. Passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles are separate classes.

"Engine Type" means a power source with specifically defined characteristics such as fuel utilized, number of cylinders, displacement, horsepower.

"Length of trailer" means the overall extreme longitudinal dimension.

"Line" means a name which a manufacturer applies to a family of vehicles within a make which have a degree of commonality in construction, such as body, chassis, or cab type.



"Make" means a name which a manufacturer applies to a group of vehicles.

"Model" means the term applied to a family of vehicles of the same class, make, line, series, and body type.

"Model Year" means the year used to designate a discrete vehicle model irrespective of the calendar year in which the vehicle was actually produced.

"Plant of manufacture" means the plant where the completed vehicle is assembled.

"Series" means a name which a manufacturer applies to a subdivision of a "line" denoting price, size or weight identification, and which is utilized by the manufacturer for marketing purposes (e.g., Fury I, Fury II, Fury III).

"Vehicle identification number" means a series of arabic numbers and roman letters which is assigned to a motor vehicle for identification purposes.

S4. Requirements. S4.1 Each vehicle shall have a vehicle identification number that is assigned by the manufacturer and a check digit which meets the requirements of this standard.

S4.2 The vehicle identification numbers of any two vehicles manufactured within a 30 year period shall not be identical.

S4.3 The vehicle identification number and check digit of each vehicle shall be sunk into or embossed upon either a part of the vehicle other than the glazing that is not designed to be removed except for repair or upon a separate plate which is permanently affixed to such a part.

S4.3.1 The type face utilized for the vehicle identification number and check digit shall be one specified in Military Specifications MIL-M-18012 B, and shall have a luminance of 20 ft. L and luminance contrast of 10:1. Each character shall have a minimum height of 7 mm and a width of between 75 percent and 100 percent of the character height. The space between the characters in the same grouping shall be between 22 percent and 30 percent of the character height, and the space between groupings shall be twice that between characters.

S4.4 The vehicle identification number and check digit for passenger cars and trucks of less than 10,000 pounds GVWR shall be located inside the passenger compartment. They shall be readable, without moving any part of the vehicle, through the vehicle glazing under daylight lighting conditions by an observer having 20/20 vision (Snellen) whose eye-point is located outside the vehicle adjacent to the left windshield pillar.

S4.4.1 The vehicle identification number and check digit required by S4.4 shall be set forth in two lines with the first and second section of

the vehicle identification number appearing on the top line and the third section and check digit appearing on the bottom line. The first line shall consist of three groupings of three characters each and the second line of two groupings of four characters each as indicated in figure I.

Figure I  
XXX XXX XXX  
XXXX XXXX

S4.5 VIN basic content. The VIN shall consist of three sections of characters and shall be grouped accordingly except for the vehicle identification number located in the passenger compartment as required by S4.4.

S4.5.1 The first section shall consist of three characters which uniquely identify the manufacturer, make and class of the motor vehicle if its manufacturer produces 500 or more motor vehicles of its class annually. If the manufacturer produces less than 500 motor vehicles of its class annually, the first and second characters may be determined by the manufacturer, the third character shall be the number 9, and the manufacturer, make and class of the motor vehicle shall be identified under the procedures in S4.5.3.2.

S4.5.2 The second section shall consist of six characters which shall uniquely identify the attributes of the vehicle as specified in table I. The characters utilized and their placement within the group may be determined by the manufacturer, but the following attributes must be decipherable with information supplied by the manufacturer under the procedures specified in S5.

TABLE I

Class of vehicle	Information decipherable
Passenger car.....	Model, line, series, body type, engine type, gross vehicle weight rating, transmission class, restraint system type.
Multipurpose passenger vehicle.	Line, series or size, body type, engine type, gross vehicle weight rating, transmission class, brake system.
Truck.....	Model or line, series, chassis, cab and body type, engine type, transmission class, brake system, axle and drive arrangement, gross vehicle weight rating.
Bus.....	Model or line, series, body type, engine type, seating capacity, axle and drive arrangement, width, gross vehicle weight rating.
Trailer.....	Type, series, body type, length, axle and drive arrangement, engine type, width, gross vehicle weight rating.
Motorcycle.....	Type, line, engine type, number of wheels, brake horsepower.

S4.5.3 The third section shall consist of seven characters, of which the fourth through the seventh shall be numerical.

S4.5.3.1 The first character of the third section shall represent either the calendar year during which the vehicle is completed

or the vehicle model year. The year shall be designated as indicated in Table II.

TABLE II

Year	Code
1980.....	A
1981.....	B
1982.....	C
1983.....	D
1984.....	E
1985.....	F
1986.....	G
1987.....	H
1988.....	I
1989.....	J
1990.....	K
1991.....	L
1992.....	M
1993.....	N
1994.....	P
1995.....	R
1996.....	S
1997.....	T
1998.....	V
1999.....	W
2000.....	X
2001.....	Y
2002.....	1
2003.....	2
2004.....	3
2005.....	4
2006.....	5
2007.....	6
2008.....	7
2009.....	8
2010.....	9
2011.....	A
2012.....	B

S4.5.3.2 The second through the seventh characters of the third section shall represent the sequence in which the motor vehicle was produced if its manufacturer produces 500 or more vehicles in its class annually. If the manufacturer produces less than 500 motor vehicles in its class annually, the second, third, and fourth characters of the third section, combined with the three characters of the first section, shall uniquely identify the manufacturer, make and class of the motor vehicle and the fifth, sixth, and seventh character of the third section shall represent the sequence in which the motor vehicle was produced.

S4.5.4 The plant of manufacturer shall be decipherable from the vehicle identification number with information supplied by the manufacturer under the procedures specified in S6.

S4.6 Characters. Each character used in a vehicle identification number shall be one of the arabic numbers or roman letters set forth in table III.

Table III

Numbers: 1 2 3 4 5 6 7 8 9 0  
Letters: A B C D E F G H J K L M N P R S T U V W X Y Z

All spaces provided for in the vehicle identification number must be occupied by a character specified in table III.

S5 Check digit.  
S5.1 A check digit shall be provided with each vehicle identification number. The check digit shall immediately follow the vehicle identification number required by S4 and appear on any transfer documents containing the vehicle identification number and pre-

pared by the manufacturer to be given to the first owner for purposes other than resale.

S5.3 The check digit is determined by carrying out the following mathematical computation.

S5.3.1 Assign to each number in the Vehicle Identification number its actual mathematical value and assign to each letter the value specified for it in Table IV:

Table IV

A=1, B=2, C=3, D=4, E=5, F=6, G=7, H=8, J=9, K=1, L=2, M=3, N=4, P=5, R=6, S=7, T=8, U=9, V=1, W=2, X=3, Y=4, Z=5.

S5.3.2 Multiply the assigned value for each character in the vehicle identification number by the weight factor specified for it in Table V.

EXAMPLE:

Vehicle Identification Number	Character	1	G	4	A	H	E	9	H	5	G	1	1	8	3	4	1
Assigned Value		1	7	4	1	8	5	9	8	5	7	1	1	8	3	4	1
Multiply by Weight Factor		8	7	6	5	4	3	2	10	9	8	7	6	5	4	3	2
Add Products		8+	49+	24+	5+	32+	15+	18+	80+	45+	56+	7+	6+	40+	12+	12+	2=411
Divide by 11		411/11	=	37	4/11												
Check Digit		4															

S6. Reporting requirements.

S6.1 Manufacturers of motor vehicles subject to this standard shall submit, either directly or through an agent, the unique identifier for each make and class of vehicle it manufactures by January 1, 1979.

S6.2 Manufacturers which begin production of motor vehicles subsequent to January 1, 1979, shall submit, either directly or through an agent, the unique identifier for each make and class of vehicle it manufactures at least 30 days before affixing the first vehicle identification number. Manufacturers whose unique identifier appears in the third section of the vehicle identification number shall also submit the three characters of the first section which constitute a part of their identifier.

S6.3 Each manufacturer shall submit at least 60 days before the effective date of this standard the information necessary to decipher the characters contained in the second section of its vehicle identification numbers as required by S4.5.2, and to determine whether the year designation required by S4.5.3.1 represents the calendar year or the model year. Any amendments to this information shall be submitted at least 60 days before affixing a vehicle identification number utiliz-

TABLE V

Character	Weight factor
1st.....	8
2d.....	7
3d.....	6
4th.....	5
5th.....	4
6th.....	3
7th.....	2
8th.....	10
9th.....	9
10th.....	8
11th.....	7
12th.....	6
13th.....	5
14th.....	4
15th.....	3
16th.....	2

S5.3.3 Add the resulting products and divide the total by 11.

S5.3.4 The remainder is the check digit. If the remainder is 10, the check digit is X.

ered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

The principal authors of this proposal are Nelson Erickson of the Office of Crash Avoidance and Frederic Schwartz, Jr., of the Office of Chief Counsel.

(Sec. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on January 10, 1978.

ELWOOD T. DRIVER,  
Acting Associate Administrator  
for Rulemaking.

[FR Doc. 78-1052 Filed 1-13-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Threatened Status for the African Elephant

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list the African elephant (*Lorodonta africana*) as a Threatened species. Also proposed are four options regarding regulation of the importation and utilization of this species in the United States (based mainly on concern for the effects of the ivory trade). A review of the status of the African elephant has shown that it is declining seriously in many parts of its range, and that illegal poaching for ivory is a major factor in the decline. This rule, including the particular regulations on utilization that are adopted, would provide additional protection to the species.

DATES: Comments from the public must be received by March 20, 1978.

ADDRESS: Submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:



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Mr. Keith M. Schreiner, Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, telephone 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

For the last several years the Service has been concerned about various reports that the African elephant is declining in many areas, largely because of intensified killing for ivory. On August 18, 1977, the Service was petitioned by the Fund for Animals (1765 P Street NW., Washington, D.C. 20036) to "protect the African elephant as an endangered species." The Service decided that this petition presented insufficient data on which to base a proposed rulemaking. The Service did, however, expand its own status review, and also, on November 23, 1977, telegraphed Dr. Iain Douglas-Hamilton, Chairman of the Elephant Specialist Group of the International Union for the Conservation of Nature and Natural Resources (IUCN). Dr. Douglas-Hamilton has completed two years of a three-year survey of the African elephant, sponsored by the IUCN and World Wildlife Fund. Douglas-Hamilton cabled a summary of his data to the Service on December 8, 1977, and, at the expense of the U.S. Government, he personally traveled to Washington, D.C., to present information to the House Merchant Marine and Fisheries Committee, and to the staff of the Service's Office of Endangered Species. On the basis of this and other available information, the Service considers that the African elephant should be proposed for listing as Threatened, under provisions of the Endangered Species Act of 1973.

The Service also recognizes that the conservation of the elephant is intimately associated with the ivory trade. It would be advisable to carefully control commercial activity for the welfare of the species, and quite possibly for the ultimate benefit of the trade itself. Nevertheless, it may not be advisable to completely stop commerce or, insofar as can be accomplished by the Service, importation into the United States. Substantial amounts of ivory are collected from elephants that die of natural causes or are killed legally to protect human life or property. A limited number of elephants can be killed each year, and their ivory used, without detriment to overall populations. The sale of such ivory could result in extra funds for conservation programs, or at least could provide an economic incentive for such programs. On the other hand, legal sales may stimulate poaching, and it may be impossible to determine how a particular product was obtained. The Service acknowledges that it has no

ready answer to the problem, and so, for the first time in a proposal of this kind, is issuing a series of options that may be considered by the public, scientific community, government officials, and commercial interests. The Service will evaluate comments received from these sources, as well as other information that is obtained, in deciding which option to utilize in any final rulemaking.

Under each option the African elephant would be listed as Threatened. Considering the history of exploitation of the species, its considerable loss of habitat and range, and its recent drastic declines in some areas, there is little doubt that such a classification is warranted. Nonetheless, the species does not seem to fall in the more restrictive category of Endangered, as there are still certain very large populations, some of which are stable and carefully protected.

Option I would simply apply all the standard prohibitions for Threatened species to the African elephant, and essentially would end legal commercial import of ivory and other elephant products into the United States. Permits for exceptions, however, would be available, and would include economic hardship permits that could allow some otherwise prohibited commercial activity for a limited period.

Option II would allow importation and other utilization of elephant products from nations that had ratified the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The African elephant is on Appendix II of the Convention, which means that import into the United States is allowed if the nation of origin issues an export permit. An export permit is only to be issued if the item involved was taken legally, and if export will not be detrimental to the species. The United States has ratified the Convention, and under this option would be accepting the judgment of its fellow members.

Option III would allow importation only from nations that could provide satisfactory certification and evidence that exports to the United States would be consistent with the conservation of the African elephant. This option would give the United States a basis for evaluating the conservation programs of exporting countries in which the species is present.

Option IV would provide for importation from countries that may not have elephant populations, if such countries could demonstrate that the product involved originated in a nation meeting the criteria in Options II or III. Such an arrangement could be important, as most ivory that enters the United States probably first goes through a transient country where the raw material is made into a finished product.

In any final rulemaking, the Service may issue some variation of one or more of these options, but does not presently contemplate issuing a measure that is more restrictive than those proposed. The Service will consider comments and suggestions that call for regulations other than the specific choices set forth below.

SUMMARY OF FACTORS AFFECTING THE SPECIES

Section 4(a) of the Act states that the Secretary of the Interior may determine a species to be Endangered or Threatened because of any of five factors. These factors, and their application to the African elephant, are listed below.

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The African elephant originally occupied all of Africa, except for extremely dry areas, and it probably inhabited the territory of every existing nation on the continent. Its range once included the Mediterranean coast, the lower Nile Valley, and possibly parts of southwestern Asia, but it probably had been exterminated in these areas by about 2,000 years ago. More recently, the species has disappeared in the countries of Afars and Issas, Gambia, Guinea-Bissau, Lesotho, Swaziland, and Western Sahara. The elephant still occurs in all other African countries to the south of the Sahara Desert, but its range has been restricted considerably in most of them. This is especially true in western and southern Africa, where the species has held out only in remote border areas or in small, isolated patches of suitable habitat. Throughout nearly its entire remaining range, however, the elephant is progressively losing habitat to the expanding human population and associated agricultural development. Many elephants are killed directly because they are considered a threat to man and his crops and settlements, and others die because remaining habitat cannot support them. Certain elephant "population explosions" have received much publicity, but these often are associated with forced crowding imposed by man, and, in any case, represent only a small percentage of the overall range of the species.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Because of its ivory, the African elephant is among the world's most commercially valuable animals. The species has been hunted for this purpose since ancient times, but exploitation greatly increased as Africa was opened to the outside world in the nineteenth and twentieth centuries. Within the last few years illegal killing has increased along with a ten-fold rise in the price of ivory, and this factor has become of major concern in the conservation of the elephant. For example, poaching appears to have been largely responsible for a drastic reduction of elephants in Uganda, and for eliminating nearly half of the elephants in Kenya, since the early 1970's. The still substantial populations in eastern and central Africa are threatened with further reduction, and the remnant populations in western Africa could be entirely wiped out, if large-scale poaching continues.

3. *Disease or predation.* Not major factors in current situation.

4. *The inadequacy of existing regulatory mechanisms.* It always has been difficult for most African nations to enforce wildlife laws, because of a lack of funds and trained personnel, and because of the vast, remote areas that are involved. Nonetheless, while elephant poaching has long been a problem, protective regulations were somewhat effective until the early 1970's. At that time, partly in response to the world monetary situation, there began an intensified demand for ivory as a hedge against inflation, and the price rose sharply. There thus was a greater incentive for many more people to carry out illegal hunting and trade, and local enforcement measures became ineffective in some areas. In addition, there seems to be little regulation of international commerce. Large quantities of illegally taken ivory apparently is being sent out of African countries, and is being purchased overseas. If means could be found to insure that only lawfully taken ivory could be imported by other countries, the incentive for

poaching would be greatly reduced.

5. *Other natural or manmade factors affecting its continued existence.* None now known to be significant.

EFFECT OF THE RULEMAKING

If finalized, this rulemaking would designate the African elephant as a Threatened species, and would include a special regulation that would apply the provisions of 50 CFR 17.31, and possibly additional provisions relative to utilization of elephant products. The prohibitions of 50 CFR 17.31, with respect to foreign species, are essentially the same as those for Endangered species, as set forth in Section 9(a)(1) of the Act and implemented by 50 CFR 17.21. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce this species (except as may be provided in the regulation). It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. In accordance with 50 CFR 17.32, permits for Threatened wildlife are available for scientific purposes, enhancement of propagation or survival, economic hardship, zoological exhibitions, educational purposes, or special purposes consistent with the purposes of the Act.

Other effects of this rulemaking would depend upon what particular option was adopted with respect to utilization of elephant products. In the case of Option I the import, export, and interstate or foreign sale or transportation of elephants, or their parts and products, would be restricted considerably, and would be allowed only if the criteria specified for permits (including economic hardship permits) were met. In the case of the other options, commerce in ivory and other products, as well as sport hunting, would be affected to a lesser extent provided the products involved were derived from countries meeting the designated conditions.

NATIONAL ENVIRONMENTAL POLICY ACT

An environmental assessment is being prepared in conjunction with this proposal. A draft thereof is presently on file in the Service's Office of Endangered Species, 1612 K Street NW., Washington, D.C. 20240, and may be examined during regular business hours or can be obtained by mail. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted be as effective as possible in the conservation of the African elephant, without causing undue hardship to any persons. The Director, therefore, desires to obtain the comments and suggestions of the public, other concerned governmental agencies, the scientific community, or any other interested party, on the options proposed below, or on any other reasonable measures that are in accord with the intentions of this proposal. Final promulgation of regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

The primary author of this document is Ronald M. Nowak, Office of Endangered Species, 202-343-7814.

REGULATIONS PROMULGATION

Accordingly, it is hereby proposed to amend Part 17, Subparts B and D, Title 50 of the Code of Federal Regulations as set forth below:

1. It is proposed to amend § 17.11 by adding, in alphabetical order, the following to the List of Endangered and Threatened Wildlife and Plants:

§ 17.11 Endangered and threatened wildlife.

SPECIES			RANGE					
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules	
Mammals:								
Elephant, African	<i>Loxodonta africana</i>	N/A	Africa	Entire	T		17.40(e)	



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2. It is proposed to amend § 17.40 by adding the following paragraph (e):

§ 17.40 Special Rules—Mammals.

(e) African elephant (*Loxodonta africana*). (1) Except as provided in paragraph (e)(2) below, the prohibitions referred to in § 17.31(a) shall apply to any African elephant, alive or dead, including any part, product, or offspring thereof. (With respect to exceptions, the following options are proposed. One of these options, not necessarily with the same wording that follows, would be included in any final rulemaking.)

OPTION I

(2) The provisions of § 17.32 shall apply to the above wildlife.

OPTION II

(2) The prohibitions of paragraph

(e)(1) do not apply to the above wildlife when imported into the United States from a nation that has ratified or acceded to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, if such importation complies with Article IV of the Convention.

OPTION III

(2) the prohibitions of paragraph (e)(1) do not apply to the above wildlife when imported into the United States from a nation that has provided to the Service satisfactory certification and evidence that it has an effective conservation program for the African elephant and that exportation to the United States is consistent with such conservation.

OPTION IV

(2) The prohibitions of paragraph (e)(1) do not apply to the above wildlife imported into the United States

from a nation that has provided to the Service satisfactory certification and evidence that: (1) such wildlife originated from a nation that has ratified or acceded to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and was exported from that nation in accordance with article IV of the Convention; or (2) that such wildlife originated from a nation that has an effective conservation program for the African elephant and that the exportation of such wildlife from that nation is consistent with such conservation.

NOTE.—The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: January 10, 1978.

F. EUGENE HESTER,

Acting Director,  
Fish and Wildlife Service.

[FR Doc. 78-1073 Filed 1-13-78; 8:45 am]

## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[4310-10]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Meeting

Notice is hereby given in accordance with the Council's Procedures for the Protection of Historic and Cultural Properties (36 CFR Part 800) that the regular meeting of the Advisory Council on Historic Preservation will be held on February 1-2, 1978, in Washington, D.C. The entire meeting is open to the public.

The Council was established by the National Historic Preservation Act of 1966 (Pub. L. 89-665, as amended, Pub. L. 94-422) to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally assisted and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Secretaries of the Interior; Housing and Urban Development; Commerce; Treasury; Agriculture; Transportation; State; Defense; Health, Education and Welfare; and Smithsonian Institution; the Attorney General; the Administrator, General Services Administration; Chairman of the Council on Environmental Quality; Chairman of the Federal Council on the Arts and Humanities; Architect of the Capitol; Chairman of the National Trust for Historic Preservation; President of the National Conference of State Historic Preservation Officers; and twelve non-Federal members appointed by the President.

The meeting will begin at 9 a.m. on Wednesday and Thursday, February 1-2, 1978, at the Cash Room, Department of the Treasury, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

A major item of business will be a discussion of the proposed National Heritage Program.

The agenda for the meeting includes the following:

- I. Report of the Executive Director.
- II. Report of the General Counsel.
- III. Report of the Director of Intergovernmental Programs and Planning.
- IV. Report of the Office of Review and Compliance.
- V. Report of the Director, Office of Special Studies.

VI. Other business.

For reasons of security in Federal buildings, those wishing to attend must have a Government Identification Card, or notify the Council prior to the meeting of their name, address, and social security number. Notify the Council in writing at Suite 530, 1522 K Street NW., Washington, D.C. 20005, or call 202-634-4153.

Additional information concerning either the meeting agenda or the submission of oral and written statements to the Council is available from the Executive Director, Advisory Council on Historic Preservation, Suite 530, 1522 K Street NW., Washington, D.C. 20005, 202-254-3974.

Dated: January 10, 1978.

ROBERT R. GARVEY, Jr.,  
Executive Director.

[FR Doc. 78-1061 Filed 1-13-78; 8:45 am]

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A550]

KENTUCKY

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Harlan County, Ky., as a result of heavy rains, winds, and flooding November 6 and 7, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Gov. Julian M. Carroll that such designation be made.

Applications for emergency loans must be received by this Department no later than June 28, 1978, for physical losses and January 2, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 6th day of January 1978.

GORDON CAVANAUGH,  
Administrator,  
Farmers Home Administration.  
[FR Doc. 78-1046 Filed 1-13-78; 8:45 am]

[3410-07]

[Notice of Designation Number A551]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Alleghany County, N.C., as a result of drought April 1 through July 31, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Gov. James B. Hunt, Jr. that such designation be made.

Applications for emergency loans must be received by this Department no later than June 28, 1978, for physical losses and January 2, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 6th day of January 1978.

GORDON CAVANAUGH,  
Administrator,  
Farmers Home Administration.  
[FR Doc. 78-1047 Filed 1-13-78; 8:45 am]

[3410-16]

Soil Conservation Service

ADA MUNICIPAL AIRPORT CRITICAL AREA TREATMENT, RC&D MEASURE, OKLAHOMA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of



1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Ada Municipal Airport Critical Area Treatment RC&D Measure, Pontotoc County, Okla.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project measure concerns a plan for critical area treatment. The planned works of improvement include shaping and vegetation of waterways and other disturbed areas, installation of concrete channel liners in selected locations in the waterways, grade stabilization structures, and diversion terraces.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, Farm Road and Brumley Street, Stillwater, Okla. 74074. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until February 15, 1978.

Dated: January 10, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590a-f, q).)

EDWARD E. THOMAS,  
Assistant Administrator for  
Land Resources, Soil Conservation Service.

[FR Doc. 78-1074 Filed 1-13-78; 8:45 am]

#### [3410-16]

##### CITY OF EAST JORDAN HARBOR RC&D MEASURE, MICHIGAN

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service

Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the City of East Jordan Harbor RC&D Measure, Charlevoix County, Mich.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include approximately 910 feet of rock riprap to control shoreline erosion on land owned by the City of East Jordan and the Michigan Department of State Highways and Transportation. Total construction costs are approximately \$105,400; \$79,050 RC&D funds and \$26,350 local funds.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, 1405 South Harrison Road, East Lansing, Mich. 48823. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until February 15, 1978.

Dated: January 10, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590a-f, q).)

EDWARD E. THOMAS,  
Assistant Administrator for  
Land Resources, Soil Conservation Service.

[FR Doc. 78-1075 Filed 1-13-78; 8:45 am]

#### [3410-16]

##### HUNGRY HALL RC&D MEASURE, SOUTH CAROLINA

Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the

Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Hungry Hall RC&D Measure, Clarendon and Sumter Counties, S.C.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. However, in compliance with published Soil Conservation Service Guidelines, Mr. George E. Huey, State Conservationist, has determined that an environmental impact statement will be prepared for this measure.

The measure concerns a plan to reduce flooding and provide drainage outlets in this 1,680-acre agricultural watershed. The planned works of improvement include approximately 3.7 miles of multiple purpose channel work on ephemeral and intermittent streams with bottom widths ranging from 3 to 8 feet.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. George E. Huey, State Conservationist, Soil Conservation Service, One Greystone West, 240 Stoneridge Drive, Columbia, S.C. 29210.

Dated: January 10, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590a-f, q).)

EDWARD E. THOMAS,  
Assistant Administrator for  
Land Resources, Soil Conservation Service.

[FR Doc. 78-1076 Filed 1-13-78; 8:45 am]

#### [3410-16]

##### OLIVER RECREATION FACILITIES, PUBLIC WATER-BASED RECREATION RC&D MEASURE, NEBRASKA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Oliver Recreation Facilities, Public Water-Based Recreation RC&D Measure, Kimball County, Nebr.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Benhy Martin, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project measure concerns a plan for providing public recreation facilities on the 272 surface acre Oliver Reservoir. The planned works of improvement include picnic tables, camping facilities, sanitary facilities, boat ramp and dock, nature trails, and beach swimming facilities.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, Federal Building, U.S. Courthouse, Room 343, Lincoln, Nebr. 68508. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until February 15, 1978.

Dated: January 10, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590a-f, q).)

EDWARD E. THOMAS,  
Assistant Administrator for  
Land Resources, Soil Conservation Service.

[FR Doc. 78-1077 Filed 1-13-78; 8:45 am]

#### [3410-16]

##### ONAWAY AREA COMMUNITY SCHOOLS RC&D MEASURE, MICHIGAN

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Onaway Area Community Schools RC&D Measure, Presque Isle County, Mich.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national im-

acts on the environment. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include three grade stabilization structures and 4 acres of seeding and mulching for critical area treatment. Three recreation walkways, 700 feet of fencing, and 900 feet of a tree and shrub barrier will direct student traffic to proper access points. Total construction costs are approximately \$17,100; \$12,300 RC&D funds and \$4,800 local funds.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, 1405 South Harrison Road, East Lansing, Mich. 48823. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until February 15, 1978.

Dated: January 10, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590a-f, q).)

EDWARD E. THOMAS,  
Assistant Administrator for  
Land Resources, Soil Conservation Service.

[FR Doc. 78-1078 Filed 1-13-78; 8:45 am]

#### [3410-16]

##### SUNSET COFFEE MILL FLOOD PREVENTION RC&D MEASURE, HAWAII

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Sunset Coffee Mill Flood Prevention RC&D Measure, Hawaii County, Hawaii.

The environmental assessment of this Federally assisted action indicates that the project will not cause signifi-

cant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jack P. Kanalz, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for flood prevention in the general area of the Sunset Coffee Mill. The planned works of improvement include construction of a diversion which will begin above the mill, cross Napoopoo Road, and outlet onto the aa lava beds on the Ka'u side of the mill. Construction can be accomplished within 1 year. The diversion will be approximately 830 feet long and 40 feet wide, with two 8 x 15 feet box culverts carrying floodwaters under the Napoopoo Road.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, Room 4316, Prince Kuhio Federal Building, 300 Ala Moana Boulevard, P.O. Box 50004, Honolulu, Hawaii 96850. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until February 15, 1978.

Dated: January 10, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590a-f, q).)

EDWARD E. THOMAS,  
Assistant Administrator for  
Land Resources, Soil Conservation Service.

[FR Doc. 78-1079 Filed 1-13-78; 8:45 am]

#### [6320-01]

##### CIVIL AERONAUTICS BOARD

[Docket Nos. 31561; 31672; Order 78-1-15]

##### PAN AMERICAN WORLD AIRWAYS, INC.

Order Dismissing Complaints Regarding North/Central and South Pacific Budget Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of January 1978.

By tariff revisions effective on November 18, 1977, December 9, 1977, and February 5, 1978, Pan American World Airways, Inc. (Pan American) proposes to establish new Budget fares between Honolulu and points in the continental United States, on the one



hand, and various points in the Far East and South Pacific, on the other hand. The proposed budget fares represent discounts of 40 to 50 percent from normal economy fares, would be available throughout the year, and would apply to one-way as well as roundtrip travel. The conditions applying to the fares are similar to those which apply to the New York-London Budget fare: the passenger selects the week of departure, and must purchase the ticket at least 21 days before the beginning of that week; the carrier assigns the passenger a specific flight and date on the basis of seat availability, and provides written notification seven to 14 days before the week of departure; voluntary cancellations are subject to penalty of 50 percent of the fare paid; and no stopovers are permitted. The proposed fares would also be subject to various weekly capacity limitations; in the U.S.-Japan market, for example, approximately 15 percent of Pan American's economy-class seats per week would be allocated to the Budget fare.<sup>1</sup> These are maximum capacity restrictions; i.e., the carrier may assign fewer Budget-fare seats during weeks when normal-fare demand is high.

Pan American contends that the proposed fares will benefit the public as well as the carrier, generate a substantial increase in U.S.-Asia travel, and introduce an entire new market of American tourists to the Orient; these are fill-up fares, which will improve

utilization of existing scheduled capacity without reducing the availability of seats for normal-fare passengers or affecting overall capacity levels; even during a sample peak-season week with fairly high average load factors, ample space was available on certain days; Budget-fare traffic is expected to represent about five percent of Pan American's total scheduled U.S.-North/Central and South Pacific revenue passenger-miles (RPM's); at least 50 percent of Budget-fare RPM's would represent newly generated traffic; little diversion from charter carriers is likely since present charter fares are lower, and charters offer the convenience of firm departure and return dates in contrast to the uncertainties associated with the Budget fare; diversion from normal-fare scheduled service would also be limited since the conditions of the Budget fare would discourage or prevent its use by business travelers with short stays and definite time commitments, tourists with limited and specific vacation periods, and other travelers whose plans are relatively inflexible; Pan American has noted no significant diversion from higher fares to the Budget fare in the New York-London market; the proposed fares will produce a net profit improvement for Pan American even if the generation/diversion ratio falls far short of expectations; no serious handling problems have developed in connection with the New York-London Budget fare; and the additional expense resulting from the novel reservation procedure has been minimal in the New York-London market and is decreasing rapidly as travel agents and the public become more familiar with the concept.

In complaints filed October 25 and November 14, 1977, Trans International Airlines, Inc. (TIA), requests the board to suspend and investigate these fares, on the ground that they are predatory both in intent and in level. Answers to TIA's complaints have been filed by Pan American and by the Department of Justice (DOJ), which supports Pan American's position. The arguments raised by the various parties are presented in detail in the attached appendix.

The Board has determined that TIA's complaints do not provide sufficient grounds for suspension and investigation of the proposed transpacific Budget fares. We have repeatedly expressed our commitment to greater fare competition and to reductions for scheduled service wherever economically feasible. In the North/Central and South Pacific, such innovative proposals are long overdue. Charter competition in these markets has been severely restricted by foreign governments, and, as DOJ notes, scheduled service has been characterized by high normal fares. In this context, the

Budget fares represent a major innovation, offering the public a significantly wider range of price/quality options as well as the immediate benefit of reductions on scheduled service. In light of the capacity now available in these markets and the low breakeven generation ratio required, the proposed fares should also improve the economics of Pan American's scheduled Pacific service. They cover noncapacity costs, partially offset capacity costs, and are subject to capacity controls. Insofar as the Budget fares generate new traffic to utilize existing capacity, they will improve the carrier's financial position. Moreover, the factors which led us to give only conditional approval to the New York-London Budget fare do not appear to be problems here. One central concern in that case was the low level at which it was set, in relation to the cost and quality of the service offered. The proposed transpacific fares do not constitute as deep a discount and are substantially higher than the New York-London fare on a per-mile basis.<sup>2</sup> Furthermore, while the threat to charter competition was a primary concern in the transatlantic market, no comparable risk exists here. The U.S.-Hong Kong charter market, the only one which might be immediately affected, represents only five percent of TIA's system RPM's. Even the total loss of this market to the Budget fare (an unlikely outcome) would not endanger TIA's survival.

We do not consider Pan American's 3-week delay in filing its South Pacific proposal after its North/Central Pacific persuasive evidence of predatory intent in the latter areas, as charged by TIA. Both the North/Central and South Pacific proposals would introduce the Budget fare in a wide range of markets, including monopoly and near-monopoly markets as well as those in which Pan American faces significant scheduled or charter competition. Under these circumstances, it is not at all clear that the Budget fare represents a predatory response to TIA's transpacific charter operations or to TIA's application for U.S.-Tokyo/Hong Kong scheduled route authority.<sup>3</sup> It seems highly unlikely

<sup>1</sup>The New York-London Budget fare is 3.7¢/mile, while the Los Angeles-Tokyo fare, for example, would be 4.73¢/mile.

<sup>2</sup>On August 19, 1977, TIA filed an application in Docket 31297 for a certificate of public convenience and necessity to provide scheduled low-fare service with 376-seat DC-10 equipment in the Los Angeles/San Francisco/Seattle/New York/Chicago-Tokyo/Hong Kong markets. TIA states that it plans to offer west coast-Hong Kong service at \$299 one-way, and New York-Hong Kong service at \$349 one-way, as compared with Pan American's proposed one-way Budget fares of \$349 and \$429, respectively, for these routes. TIA's request for expedited

that any carrier would propose discounts of this magnitude in fifteen major markets—including monopoly markets—simply to disguise its predatory intent with regard to a single carrier's competitive charter service in a single market or the possibility of scheduled low-fare competition in two markets. Moreover, the proposed round-trip Budget fares exceed those charged by TIA for charter and proposed for scheduled service by a considerable margin in every case, and insofar as travelers in these markets continue to require firm departure and return dates—a convenience not available with the Budget service—TIA's services have a competitive advantage.

Significant diversion from TIA's present operations seems unlikely, unless, as it claims, a large portion of the U.S.-Hong Kong charter market consists of one-way or extended stay travelers, who would find the flexibility and lower cost of the one-way Budget fare preferable to the rigid travel requirements of advance-booking charters. Such a market characteristic could undermine TIA's round-trip price and service advantage and lead to a greater disruption of charter services than might otherwise occur. TIA has, however, provided no data documenting the extent of this one-way traffic, and we find its assertions highly speculative in this long-haul market. Nor are we persuaded that TIA will be unable to adjust to new scheduled fares by making suitable competitive responses, particularly in view of our recent liberalization of charter rules. We will, therefore, continue to follow our policy of permitting scheduled carriers wide latitude in developing innovative, low-fare services.

Accordingly, it is ordered, That: The complaints of Trans International Airlines, Inc., in Dockets 31561 and 31672 be dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

#### POSITIONS OF THE PARTIES

In its complaints, TIA argues that Pan American has proposed these fares in direct response to TIA's successful U.S.-Hong Kong charter program and TIA's application for scheduled low-fare route authority between U.S. points and Tokyo/Hong Kong; Pan American's predatory intent is clear from the fact that the carrier originally filed Budget fares only over the North/Central Pacific, where charter competition exists, and not on the South Pacific, where Pan American faces little or no competition;

consideration of its application for scheduled route authority will be dealt with in a subsequent order.

<sup>3</sup>All Members concurred.

Pan American submitted its South Pacific proposal only after TIA had filed its complaint against the North/Central Pacific fares, and only in a "transparent attempt" to disguise the predatory intent behind the original filing; contrary to Pan American's contention, these Budget fares would be particularly attractive to TIA's transpacific charter passengers, many of whom travel on advance-booking charters (ABC's) for extended visits to the Far East and fail to use their return ABC tickets; these passengers would clearly find the flexibility and one-way transportation offered by the Budget fare preferable to the rigid round-trip group-travel requirements of the ABC; the proposed capacity limit of 400 seats/week in each direction in the U.S.-Hong Kong market would be sufficient to accommodate TIA's entire Hong Kong charter program; the level of the Budget fare is far below Pan American's experienced cost of scheduled operations in both the North/Central and the South Pacific markets; the Board has found normal fares in the Pacific to be in excess of costs by a considerable margin, and Pan American is relying upon these excessively high normal fares to cross-subsidize the proposed Budget fares; the 50/50 generation/diversion ratio forecast by Pan American seriously underestimates the amount of diversion likely to occur, and is based on an invalid and unsupported comparison with the New York-New York-London Budget fare; should the Board suspend the proposed Pacific fares as TIA requests, there is no legal basis for the President to reverse that decision on grounds of "foreign economic policy," since the matter involves two competing U.S. carriers and thus falls entirely within the jurisdiction of the Board; and, if these fares are not suspended, to preserve any meaningful level of charter competition in the Pacific, the Board must take immediate action to authorize one-way ABC's and to assure that liberalized country-of-origin charter rules will be accepted by each country to which the Budget fare would be available. TIA also requests the Board to expedite its consider-

<sup>1</sup>TIA notes that Pan American forecasts an average Budget-fare yield of 5.03 cents/RPM, compared to an average cost of 7.56 cents/RPM, for North/Central Pacific scheduled operations, and an average yield of 5.30 cents/RPM, compared to an average cost of 7.13 cents/RPM, in the South Pacific.

<sup>2</sup>TIA states that a comparison of the proposed fares with the New York-London Budget fare is questionable in any event, since: (a) the transatlantic market has three new discount fares, whereas only the Budget fare will be available in the Pacific, and any estimate of diversion in the New York-London market should therefore include diversion to all three low fares, not simply to the Budget fare; (b) the proposed fares constitute a much greater reduction from existing discount fares in the Pacific than is the case with the Budget fare in the New York-London market, where APEX fares were already widely available; (c) Pan American has provided no data to support its claim that diversion to the New York-London Budget fare has been insignificant; and (d) the transatlantic Budget fare has been filed only for the off-peak season, whereas the Pacific fares would apply throughout the year.

ation of TIA's certificate application for low-fare scheduled route authority, and/or to grant the carrier interim authority to offer its proposed U.S.-Tokyo/Hong Kong scheduled service, pending disposition of that application.

In response to TIA's complaints, Pan American argues that even if the proposed Budget fare were likely to eliminate TIA's U.S.-Hong Kong charter program, there is no basis for suspending Budget fares in other Pacific markets, since TIA is not entitled to protection in markets where it has no presence; the U.S.-Hong Kong market accounts for less than five percent of TIA's system traffic, and thus even the complete diversion of TIA's U.S.-Hong Kong traffic to the Budget fare would not jeopardize TIA's survival; few of TIA's U.S.-Hong Kong passengers would in fact be diverted, given the higher price and greater uncertainty of the Budget fare; TIA's claim that much of its charter traffic consists of one-way or extended-stay passengers who would find the Budget fare attractive is not only unsupported, but inconsistent with the demonstrated seasonality of the U.S.-Hong Kong market; if a significant amount of one-way traffic does exist, Pan American's one-way Budget fare is clearly in the public interest, and there is no economic or public-policy justification for continuing to require such one-way passengers to pay the higher roundtrip charter fare.

Pan American contends further that TIA's complaint is "inaccurate and misleading" in characterizing the fact that Pan American initially filed Budget fares only in the North/Central Pacific as clear evidence of predatory intent; TIA's allegation that the Budget fare is uneconomic based on a comparison of Budget-fare yields and average costs, is invalid since the proposed fares are fill-up fares, designed to utilize existing excess capacity, and capacity costs must therefore be excluded from the analysis; the appropriate cost measure for comparison is load and revenue-related passenger expense, which is amply covered by Budget-fare yields; the Budget fares will not be cross-subsidized by normal economy fares, since the cost of carrying an economy-fare passenger exceeds average cost "by a substantial margin"; Pan American's estimated 50/50 generation/diversion ratio is well above the breakeven level; in any event, the generation/diversion question can only be resolved by actual experience with the proposed fares; there is no basis for denying the public benefit of the Budget fare pending disposition of TIA's certificate application for U.S.-Tokyo/Hong Kong scheduled authority or the liberalization of charter rules in the Pacific, since TIA is not entitled to protection from competition for scheduled or charter services which it does not yet have the authority to operate; and TIA's proposed scheduled service, if approved, would have a distinct competitive advantage over the higher-priced, more restrictive Budget fares in the U.S.-Tokyo/Hong Kong markets, and would not be entitled to special protection from competition in any case.

<sup>3</sup>Pan American states that its forecast Budget-fare yield of 5.03 cents/RPM on the North/Central Pacific would cover not only load and revenue-related passenger expense (0.95 cents/RPM), but the cost of the capacity actually used by Budget-fare passengers as well (1.74 cents/ASM).

<sup>1</sup>Revisions to Tariff CAB No. 67, issued by Air Tariffs Corporation, Agent. The proposed North/Central Pacific fares would become effective for travel on January 15, 1978, and the South Pacific fares on February 5, 1978 (with the exception of the Pago Pago fare, which became available for travel on December 30, 1977).

<sup>2</sup>Continental U.S. points include New York and west coast gateways (Los Angeles, Portland, San Francisco, Seattle); North/Central Pacific points include Bangkok, Guam, Hong Kong, Manila, Okinawa, Osaka, Singapore, Taipei, and Tokyo; South Pacific points include Auckland, Melbourne, Nadi, Pago Pago, Papeete, and Sydney.

<sup>3</sup>Pan American proposes the following maximum Budget-fare capacity limitations, in each direction:

	Seats per week
North/Central Pacific:	
United States to Bangkok.....	100
United States to Guam.....	300
United States to Hong Kong.....	400
United States to Japan.....	1,300
United States to Manila.....	250
United States to Singapore.....	100
United States to Taipei.....	100
Total.....	2,550
South Pacific:	
United States to Australia.....	250
United States to Fiji Islands.....	50
United States to New Zealand.....	125
United States to Samoa.....	125
United States to Tahiti.....	50
Total.....	600



In support of the proposed fares, DOJ states that entry restrictions and collusive IATA fare-setting have led to excessive fares for scheduled service, wasteful excess service competition, and unnecessarily high carrier costs; this protective arrangement is especially undesirable in the Pacific, where restrictive charter rules imposed by foreign governments largely preclude low-fare charter competition; because charter operations in the Pacific are so limited, the proposed Budget fares pose no threat to the survival of TIA or other supplemental carriers; the proposed fares could nevertheless threaten TIA's U.S.-Hong Kong charter program, and would compete with TIA's proposed low-fare U.S.-Tokyo/Hong Kong scheduled service; there is no basis, however, for suspending the Budget fare to destinations other than Tokyo and Hong Kong; measures short of suspension would be sufficient to protect TIA's interest in the U.S.-Hong Kong charter market;\* and there is no reason to deny the public the benefits of the Budget fare in the Tokyo and Hong Kong markets pending possible inauguration of scheduled service by TIA, particularly since the acceptability of TIA's proposed service to the foreign governments concerned is still uncertain. DOJ strongly supports low-fare innovations in scheduled service, and recommends that the Board allow Pan American's proposed Budget fares to take effect.\*

[FR Doc. 78-1105 Filed 1-13-78; 8:45 am]

## [6320-01]

[Docket No. 31550]

**PRIMERAS LINEAS URUGUAYAS DE NAVEGACION AEREA**

**Postponement of Prehearing Conference**

Notice is hereby given that the prehearing conference in the above-entitled matter, now assigned to be held on January 16, 1978 (42 FR 63805, December 20, 1977), is postponed indefinitely.

Dated at Washington, D.C. January 10, 1978.

**BURTON S. KOLKO,**  
Administrative Law Judge.

[FR Doc. 78-1104 Filed 1-13-78; 8:45 am]

\*DOJ notes that, to support the preservation of U.S.-Hong Kong charter service, the Board could (a) obtain an agreement with the British Government allowing the Board to suspend the U.S.-Hong Kong Budget fare after it becomes effective, should the fare prove to be predatory, and/or (b) increase competitive opportunities in the U.S.-Hong Kong market by liberalizing charter rules (provided such rules are acceptable to the British Government as well).

\*DOJ also urges the Board to act favorably and expeditiously on TIA's certificate application for scheduled U.S.-Tokyo/Hong Kong route authority.

## [6320-01]

[Docket No. 28866; Order 78-1-34]

**SINGAPORE AIRLINES LTD.**

**Order to Show Cause Regarding Foreign Air Carrier Permit**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of January 1978.

On February 12, 1976, Singapore Airlines Ltd. (SIA), a carrier wholly owned by the Government of Singapore, applied for a foreign air carrier permit authorizing the transportation of property and mail between a point or points in the Republic of Singapore, the intermediate points Hong Kong, Guam, and Honolulu, Hawaii, and the terminal point Los Angeles, California.\*

On July 1, 1976, following a public hearing, Administrative Law Judge Janet D. Saxon issued her decision recommending, on principles of comity and reciprocity, that a permit be granted to SIA, subject to certain conditions, for a period of one year.\*

By Order 76-12-142, December 27, 1976, the Board deferred further action on SIA's application (as well as on an application by Garuda Indonesian Airways), citing the unsettled state of bilateral relations between the U.S. and Singapore, Indonesia, the U.K. (over Hong Kong), and the Philippines, and the desirability of waiting until route rights could be exchanged with those countries in negotiations then underway. The Board nevertheless stated that,

We will, of course, be prepared to act, promptly on the SIA or GIA applications for route authority which is the product of a bilateral air transport agreement between their governments and the United States.

During the period September 19-23, 1977, civil aviation negotiations between Singapore and the United States were held in Washington, D.C., and resulted in a series of ad referendum agreements recorded in a Memorandum of Consultation signed on September 23, 1977. This Memorandum provides new authority for SIA and U.S. carriers, recognizes country-of-origin charterworthiness rules,\* and commits both governments to encouraging their respective designated carriers

\*The application was subsequently amended to prohibit transportation of commercial traffic on westbound flights from the United States points to Hong Kong.

\*Exceptions were filed by the Bureau of Operating Rights, Flying Tiger and SIA.

\*These rules govern the restrictions with which a charter operator must comply to distinguish the operation from scheduled service. Examples include requirements of advanced purchase of tickets and minimum duration of the trip.

ers to provide services at the lowest possible rate that can be justified economically. We anticipate that these provisions will enable carriers to develop innovative consumer-oriented low-rate services between the United States and Singapore; services that will benefit the carriers, travelers and shippers of both countries.

The Memorandum of Consultation establishes a route for both combination and all-cargo operations by the designated carriers of Singapore:

between Singapore, on the one hand, and Guam, Honolulu, and San Francisco, on the other via Hong Kong.

It imposes no frequency restrictions on Third and Fourth Freedom traffic but does impose a frequency limitation on Fifth Freedom traffic that is applicable equally to the carriers of both countries.\*

On November 23, 1977, SIA filed an amendment to its application to conform it to the new bilateral agreement, by substituting San Francisco for Los Angeles as the West Coast gateway on flights to Singapore.\* In all other respects its application is identical to the one considered by Judge Saxon. In a motion filed on December 1, 1977, SIA suggests that in these circumstances there is no need for a further hearing and that the Board should issue a tentative Opinion and Order to Show Cause authorizing the all-cargo service contemplated by the Memorandum of Consultation. Flying Tiger and Pan American have both filed answers supporting SIA's motion.

In view of the foregoing and all the facts of record, the Board tentatively finds that:

1. The concerns which led to the Board's order of deferral have been resolved and prompt action on the SIA application, as amended in conformity with the Memorandum of Consultation, is warranted;

2. Singapore Airlines Limited is wholly owned by the Government of Singapore and effectively controlled by nationals of Singapore;

3. It is in the public interest to issue a foreign air carrier permit to Singapore Airlines Ltd. authorizing it to engage in foreign air transportation of property and mail in scheduled service over a route between a point or points in Singapore, the intermediate points Hong Kong, a British Crown Colony, Guam, and Honolulu, Hawaii, and the terminal point San Francisco, Calif.

\*The frequency condition for both combination and all-cargo service is: 3 frequencies per week at inauguration; 4 frequencies per week from April, 1979; 5 frequencies per week from April, 1980.

\*Also, its application for Fifth Freedom authority at Hong Kong was expanded to conform to the bilateral.

4. The public interest requires that the exercise of the privileges granted by the permit shall be subject to the terms, conditions, and limitations contained in the specimen permit attached to this Show-Cause Order, and to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board;

5. Singapore Airlines Limited is fit, willing, and able properly to perform the foreign air transportation described in paragraph 3 and to conform to the provisions of the Act and the rules, regulations, and requirements thereunder;

6. Except to the extent granted here, the application of Singapore Airlines Limited and all other requests in this proceeding should be denied; and

7. An evidentiary hearing is not required in the public interest.\*

Accordingly, it is ordered, That: 1. All interested persons are directed to show cause why the Board should not make final the tentative findings and conclusions set forth here, and why a foreign air carrier permit in the form of the specimen permit attached should not, subject to the approval of the President pursuant to section 801 of the Act, be issued to Singapore Airlines Ltd.;

2. The exercise of the privileges granted by the permit shall be subject to the conditions that:

(a) From the effective date of this order until March 31, 1979, the holder shall not operate via Hong Kong service in excess of three flights per week; from April 1, 1979 through March 31, 1980, in excess of four flights per week; and from April 1, 1980, in excess of five flights per week.

(b) If the holder does not obtain rights to Hong Kong, another point may be substituted upon execution of an appropriate agreement between the Government of the United States and the Government of Singapore.

3. Any interested person having objection to the issuance of an order making final the tentative findings and conclusions here shall, within 10 days after the adoption of this order, file with the Board and serve upon all parties to this proceeding, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data and such evidence expected to be relied upon in support of the state-

\*We also tentatively find that our proposed action will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 or constitute a "major regulatory action" under the Energy Policy and Conservation Act as defined in § 313.4(a)(1) of the Board's regulations.

ment of objections. If any evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

4. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; provided, that the Board may proceed to enter an order in accordance with the tentative findings and conclusions here if it determines that there are no factual issues present that warrant the holding of an evidentiary hearing.\*

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with these tentative findings and conclusions.

This Order will be published in the FEDERAL REGISTER and a copy will be transmitted to the President.

By the Civil Aeronautics Board.

**PHYLLIS T. KAYLOR,\***  
Secretary.

**SPECIMEN PERMIT**

**CIVIL AERONAUTICS BOARD**

**PERMIT TO FOREIGN AIR CARRIER**

Singapore Airlines Limited is hereby authorized, subject to the provisions herein-after set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to property and mail, as follows: Between a point or points in the Republic of Singapore; the intermediate points Hong Kong, Guam, Honolulu, Hawaii; and the terminal point San Francisco, Calif.

The holder shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Singapore for Singaporean international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the Republic of Singapore shall be parties.

This permit shall be subject to the condition that in the event any practice develops which the Board regards as inimical to sound economic conditions, the holder and the Board will consult with respect thereto and will use their best efforts to agree upon

\*Since provision is made for the filing of objections to this Order, petitions for reconsideration will not be entertained.

\*All Members concurred.

modifications thereof satisfactory to the Board and the holder.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of \$1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and (2) unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

The holder shall not commence service authorized herein except pursuant to an initial tariff setting forth rates, fares and charges no lower than rates, fares or charges that are then in effect for any U.S. air carrier engaged in the same foreign air transportation.

The exercise of the privileges granted hereby shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on \_\_\_\_\_, and shall terminate five years thereafter: Provided, however, That if during said period the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and the Republic of Singapore are or shall become parties, then and in that event this permit is continued in effect during the period provided in such treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the \_\_\_\_\_ day of \_\_\_\_\_.

**PHYLLIS T. KAYLOR,**  
Secretary.

Issuance of this permit to the holder approved by the President of the United States on \_\_\_\_\_ in Order \_\_\_\_\_.

[FR Doc. 78-1106 Filed 1-13-78; 8:45 am]

## [3510-24]

**DEPARTMENT OF COMMERCE**

**Economic Development Administration**

**AIR BABY, INC., ET AL.**

**Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance**

Petitions have been accepted for filing from three firms: (1) Air Baby, Inc., 160 LeGrand Avenue, Northvale, N.J. 07647, a producer of mittens and slippers (accepted on December 27, 1977); (2) Kraus Originals, Inc., 1240 South Figueroa Street, Los Angeles,



Calif. 90015, a producer of women's footwear (accepted on December 30, 1977); and (3) Selva & Sons, Inc., 47-25 34th Street, Long Island City, N.Y. 11101, a producer of footwear for men, women and children (accepted on January 6, 1978). The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business January 26, 1978.

JACK W. OSBURN, JR.,  
Chief, Trade Act Certification  
Division, Office of Planning  
and Program Support.

[FR Doc. 78-1033 Filed 1-13-78; 8:45 am]

### [3510-22]

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### Issuance of Permit to Take Marine Mammals

On November 9, 1977, notice was published in the FEDERAL REGISTER (42 FR 58420), that an application had been filed with the National Marine Fisheries Service by Minnesota Zoological Garden, 12101 Johnny Cake Road, Apple Valley, Minn. 55124, for a permit to take three (3) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for public display.

Notice is hereby given that on December 29, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit to Minnesota Zoological Garden, subject to certain conditions set forth therein. The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.  
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Mass. 01930.  
Regional Director, National Marine Fisheries Service, Southeast Region, Duval

Building, 9450 Gandy Boulevard, St. Petersburg, Fla. 33702.

Dated: December 29, 1977.

JACK W. GEHRINGER,  
Deputy Director, National  
Marine Fisheries Service.

[FR Doc. 78-1031 Filed 1-13-78; 8:45 am]

### [3510-22]

#### ISSUANCE OF MARINE MAMMAL AND ENDANGERED SPECIES PERMIT

On June 21, 1977, notice was published in the FEDERAL REGISTER (42 FR 31480), as amended on August 2, 1977, (42 FR 39130) that an application had been filed with the National Marine Fisheries Service by Ocean Research and Education Society, Inc., 51 Commercial Wharf 6, Boston, Mass. 02110, for a permit to take by radio-marking 25 Baird's beaked whales (*Berardius bairdii*); and the following endangered species: up to 50 humpback whales (*Megaptera novaeangliae*); 25 sperm whales (*Physeter catodon*); 25 blue whales (*Balaenoptera musculus*); and 25 fin whales (*Balaenoptera physalus*) for the purpose of scientific research under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543).

Notice is hereby given that on December 23, 1977, the National Marine Fisheries Service issued a Scientific Research Permit, as authorized by the provisions of the Marine Mammal Protection Act of 1972, and the Endangered Species Act of 1973 to the Ocean Research and Education Society, Inc., subject to certain conditions set forth therein.

The Permit differs from that of the Permit Holder's original request in that the species and numbers to be taken by radio-marking have been reduced to allow the taking of ten (10) humpback whales until June 1, 1979. The photographic activities and the taking of stranded dead animals as described in the application were granted.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of this Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1972. This Permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit is available for review by interested persons in the following offices.

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.  
Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Gloucester, Mass. 01930.  
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.  
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Wash. 98109.  
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: December 23, 1977.

WINFRED H. MEIBOHM,  
Associate Director, National  
Marine Fisheries Service.

[FR Doc. 78-1032 Filed 1-13-78; 8:45 am]

### [3510-13]

#### Office of the Secretary

#### VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM (CPILP)

##### Meeting

A one-day Consumer Seminar will be held between 9 a.m. and 5 p.m. on January 23, 1978 in room 6802, Main Commerce Building, 14th and Constitution Avenue NW., to review certain aspects of the Consumer Product Information Labeling Program with consumer representatives. The Seminar is being arranged for the Department of Commerce by the National Consumers League which has invited participation in the Seminar by local and Washington-based consumer organizations and several consumer-oriented technical experts.

The Consumer Product Information Labeling Program (CPILP) is a voluntary program administered by the Department of Commerce. The National Bureau of Standards is providing technical support. The objective of the program is to make available to consumers at the point of sale information on consumer product performance in an understandable and useful form. Procedures for the program were published in the FEDERAL REGISTER on May 25, 1977 (42 FR 26647).

During the morning session of the seminar, plans will be reviewed for the development of a performance information labeling specification for thermal insulation. The Department of Commerce announced in the December 14, 1977 FEDERAL REGISTER (42 FR 62946) a finding of need to label thermal insulation for homes, and announced that a proposed performance information labeling specification is being developed for thermal insulation. Performance information labeling specifications contain: (a) a description of the performance characteristics to be included in CPILP labels, (b) an identification of the test methods to be used in measuring these performance characteristics, (c) a prototype label and directions for displaying the label, and (d) conditions for participation in CPILP. Proposed label specifications will be published in the FEDERAL REGISTER for public comment in accordance with section 16.5 of the CPILP procedures.

During the afternoon session of the seminar, the possibility of labeling smoke detectors will be discussed, although a finding of need to label these devices has not been published. Questions to be discussed include the evidence of a need to label smoke detectors, the performance characteristics that could be included on such labels, the test methods that could be used to measure these performance characteristics, and a label design that would present information about smoke detectors in an understandable form.

A limited number of seats will be available to interested observers at the Seminar. Persons desiring to obtain further information about this Seminar should contact Mr. Robert Mills, Room 3876, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone 202-377-4562.

Issued: January 10, 1978.

JORDAN J. BARUCH,  
Assistant Secretary for  
Science and Technology.

[FR Doc. 78-1080 Filed 1-13-78; 8:45 am]

### [3810-71]

#### DEPARTMENT OF DEFENSE

##### Department of the Navy

#### CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

##### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Strategic Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on February 1-2, 1978, at the Pentagon, Washington, D.C. Sessions of the meeting will commence at 8:30 a.m. and terminate at 5:30 p.m. on both days. All sessions will be closed to the public.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive Order, including a comprehensive discussion of the Navy's strategic force structure as well as related intelligence items. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to

the public because they will be concerned with matters listed in Section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Commander William A. Armbruster, USN, Executive Secretary of the CNO Executive Panel Advisory Committee, 1401 Wilson Boulevard, Room 405, Arlington, Va. 22209. Phone: (202) OX4-3191.

Dated: January 11, 1978.

K. D. LAWRENCE,  
Captain, JAGC, U.S. Navy,  
Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 78-1029 Filed 1-13-78; 8:45 am]

### [3810-70]

#### Office of the Secretary

#### PRESIDENT'S COMMISSION ON MILITARY COMPENSATION

##### Meeting

Pursuant to Pub. L. 92-463 notice is hereby given of a public meeting of the President's Commission on Military Compensation to be held Thursday, February 2, 1978, in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C. The public meeting will be convened from 9 a.m. until 12 noon, and will reconvene for an afternoon session (if necessary) at 1:30 p.m. until 4:30 p.m.

The subject of the meeting will be proposed recommendations for changes in the system of military compensation. The meeting is open to the public, but observers may not participate in the discussion.

Questions or further inquiry should be directed to the President's Commission on Military Compensation, 666 11th Street NW., Suite 520, Washington, D.C. 20001.

JANUARY 11, 1978.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, Washington Headquarters Services, Department  
of Defense.

[FR Doc. 78-1037 Filed 1-13-78; 8:45 am]

### [3810-70]

#### PRESIDENT'S COMMISSION ON MILITARY COMPENSATION

##### Meeting

Pursuant to Pub. L. 92-463 notice is hereby given of a public meeting of the President's Commission on Military Compensation that will be held Thursday, February 16, 1978, in Conference Room B, Departmental Auditorium, Constitution Avenue between

12th and 14th Streets NW., Washington, D.C. The public meeting will be convened from 9 a.m. until 12 noon, and will reconvene for an afternoon session (if necessary) at 1:30 p.m. until 4:30 p.m.

The subject of the meeting will be proposed recommendations for changes in the system of military compensation. The meeting will be open to the public, but observers may not participate in the discussion.

Questions or further inquiry should be directed to the President's Commission on Military Compensation, 666 11th Street NW., Washington, D.C. 20001.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, Washington Headquarters Services, Department  
of Defense.

JANUARY 11, 1978.

[FR Doc. 78-1038 Filed 1-13-78; 8:45 am]

### [3810-70]

#### PRESIDENT'S COMMISSION ON MILITARY COMPENSATION

##### Meeting

Pursuant to Pub. L. 92-463 notice is hereby given of a public meeting of the President's Commission on Military Compensation. The meeting will be held Thursday, March 2, 1978, in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C. The meeting will be convened from 9 a.m. until 12 noon, and will reconvene for an afternoon session (if necessary) at 1:30 p.m. until 4:30 p.m.

The subject of the meeting is proposed recommendations for changes in the system of military compensation. The meeting will be open to the public, but observers may not participate in the discussion.

Questions or further inquiry in this regard should be directed to the President's Commission on Military Compensation, 666 11th Street NW., Suite 520, Washington, D.C. 20001.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, Washington Headquarters Services, Department  
of Defense.

JANUARY 11, 1978.

[FR Doc. 78-1039 Filed 1-13-78; 8:45 am]



[3128-01]

## DEPARTMENT OF ENERGY

Economic Regulatory Administration

(ERA Docket No. SEPA 78-11)

## LAUREL PROJECT, SOUTHEASTERN POWER ADMINISTRATION

Amendment to Notice of Intent to Act on Proposal for Short Term Rates and Charges

On December 20, 1977, the Department of Energy issued a Notice of Intent to Act on Proposal for Short Term Rates and Charges for the Laurel Project, Southeastern Power Administration, 42 FR 64406 (December 23, 1977). The Notice invited interested parties to submit comments relevant to the proposed short term rates by January 23, 1978.

Section 501(c)(1) of the Department of Energy Organization Act, Pub. L. 95-91, requires that an opportunity for the oral presentation of views, data, and arguments be provided if the Secretary of Energy "determines that a substantial issue of fact or law exists or that such rule, regulation, or order is likely to have a substantial impact on the Nation's economy or large numbers of individuals or business \* \* \*." While there has not been such a Secretarial determination, DOE wishes to afford interested parties the opportunity to make oral presentations relevant to the proposed short term rates.

The DOE, therefore, hereby amends the December 20, 1977, Notice, 42 FR 64406 (December 23, 1977), by advising the public that an opportunity for an oral presentation will be afforded upon request. Any person who has an interest in this matter or is a representative of a group or class of persons that has an interest in it, may make a written request for an opportunity to make an oral presentation at a public hearing. Such a request can be mailed or hand delivered to: Office of Regulations Management, Department of Energy, Room 2214, 2000 M St., NW., Box QQ, Washington, D.C., 20461, and must be received before 4:30 p.m., e.s.t., January 23, 1978. The request shall state the name of the person making the request, identify the interest and if appropriate, state why he or she is a proper representative of a group or class of persons that has such an interest, give a concise summary of the proposed oral presentation, and give a telephone number where the person may be contacted.

DOE reserves the right to select the persons to be heard and to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited based on the number of persons requesting to be heard.

It is not contemplated that the public hearing, if any, will be adjudicative in nature. A DOE official will be designated to preside at the hearing and any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding official. Interested persons, if any, will be directly notified and a notice published in the FEDERAL REGISTER concerning the time, date and location of the public hearing.

Information relevant to this matter, including the hearing record, if any, will be available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Issued in Washington, D.C., January 10, 1978

DOUGLAS C. BAUER,  
Assistant Administrator for  
Utility Systems.

(FR Doc. 78-1139 Filed 1-13-78; 8:45 am)

[3128-01]

Economic Regulatory Administration

(ERA Docket No. BPA 78-11)

## SPECIAL RATE FOR SALE OF THERMAL POWER FROM HANFORD GENERATING PROJECT

Interim Confirmation and Approval, and Intent To Act on Proposal

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Approval of Interim Rates and Intent to Act on Special Rate for the Sale of Thermal Power from the Hanford Generating Project. ERA Docket No. BPA 78-1.

SUMMARY: On December 23, 1977, the Bonneville Power Administration, Resource Applications, Department of Energy, requested the Administrator of the Economic Regulatory Administration to confirm and approve a special rate for the sale of thermal power from the Hanford Generating Project. The purpose of this Notice is to advise the public that: (1) The Administrator has conditionally confirmed and approved the special rate for the period of January 1, 1978, through June 30, 1978, and (2) The Administrator intends to exercise final confirmation and approval authority with respect to the special rate request and to invite interested parties to submit written comments. An opportunity for an oral presentation will be afforded upon request.

DATES: Effective date of interim rate—upon being issued.

Written comments are due on or before February 15, 1978.

Requests for an oral presentation are due on or before January 30, 1978.

ADDRESSES: Requests for an oral presentation and/or ten copies of written comments by interested parties shall be submitted to: Office of Federal Regulations Management, Box RE, Department of Energy, 2000 M Street NW., Room 2214, Washington, D.C. 20461.

## FOR FURTHER INFORMATION CONTACT:

Grey Staples, Office of Utility Systems, Economic Regulatory Administration, 1111 20th Street NW., Room 538, Washington, D.C. 20461, (202) 254-9782.

Richard S. Ugelow, Office of the General Counsel, 12th and Pennsylvania Avenue NW., Room 6144, Washington, D.C. 20461, (202) 566-9296.

SUPPLEMENTARY INFORMATION: Pursuant to section 302(a)(1) and 402(a) of the Department of Energy Organization Act (Pub. L. 95-91) the function to confirm and approve rates for the Federal power marketing agencies was automatically transferred to and vested in the Secretary of Energy on October 1, 1977. By Delegation Order No. 0204-4, effective October 1, 1977, the Secretary of Energy delegated his confirmation and approval authority to the Administrator of the Economic Regulatory Administration.

The Bonneville Power Administration (BPA), Resource Applications, has requested the Economic Regulatory Administration (ERA) to confirm and approve a special rate for the sale of thermal energy from the Hanford Generating Project (Hanford) for the period January 1, 1978, through June 30, 1978.

BPA has advised ERA that the generation of electrical energy at the Federal hydroelectric plants for which BPA serves as marketing agent was curtailed during the 14-month period which preceded the filing of the request by the reason of reduced water flows. Since it appeared that the amount of energy generated during that period might not be sufficient to meet its firm power commitments, BPA retained entitlement to thermal energy from Hanford to satisfy the anticipated deficiency in its electric supply resources and to reduce the drawdown of the reservoirs of the Federal plants. BPA now anticipates that water flows will increase so that the Federal plants will generate sufficient amounts of energy to supply the requirements of its electric system and the Federal reservoirs likely will refill, thereby making unnecessary the retention of additional Hanford thermal energy. BPA intends to include in its contracts for sale of the Hanford energy, a provision that would enable it to recall the energy if needed by BPA to serve its firm loads in the event reservoirs do not refill by July

31, 1978, or the reservoirs have not been operated for flood control purposes.

In order to recover its costs for the retained Hanford energy, BPA proposes to sell energy from the Federal Columbia River Power System, whenever available, at a special rate which will be equivalent to such costs. The total amount of energy to be so sold will not exceed the approximately 1.3 billion kilowatt hours of Hanford energy which was retained by BPA. The sale price will be 10.0 mills per kilowatt-hour. The energy will be offered first to Pacific Northwest Utilities and BPA industrial customers, with electric utilities operating in California being given an opportunity to buy the energy not taken by the Pacific Northwest customers. It is expected that these sales of energy to Pacific Northwest customers and to the California utilities under the proposed special rate will help to alleviate potential energy shortages.

ERA has determined that the public interest will be best served by the approval of BPA's request as an interim special rate. The interim rate of 10.0 mills per kilowatt-hour will remain in effect through June 30, 1978, or until amended by further decision of the Administrator of ERA, which ever occurs first.

The public is invited to submit comments, as set forth in this Notice, relative to the request of BPA. At the conclusion of the comment procedure the Administrator will take final action on the BPA request. If the special rate as finally confirmed and approved by the Administrator is less than 10.0 mills per kilowatt-hour, the overcharges, plus simple interest at the rate of 7 percent per annum, shall be refunded by BPA.

## COMMENT PROCEDURES

Interested persons are invited to submit comments with respect to the subject matter set forth in this Notice to: Office of Regulations Management, Box RE, Room 2214, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461. Such written comments may be mailed or hand delivered and should be received by 4:30 p.m., e.s.t. February 15, 1978.

Any person who has an interest in this matter or is a representative of a group or class or persons that has an interest in it, may make a written request for an opportunity to make an oral presentation at a public hearing. Such a request can be mailed or hand delivered to: Office of Regulations Management, Box RE, Department of Energy, Room 2214, 2000 M Street NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t. January 30, 1978. The request shall state the name of the person making the request, identify the interest rep-

resented and if appropriate, state why he or she is a proper representative of a group or class of persons that has such an interest, give a concise summary of the proposed oral presentation, give a telephone number where the person may be contacted. DOE reserves the right to select the persons to be heard and to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited based on the number of persons requesting to be heard.

It is not contemplated that the public hearing, if any, will be adjudicative in nature. A DOE official will be designated to preside at the hearing, if one is requested, and any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding official.

Interested persons, if any, will be directly notified and a Notice published in the FEDERAL REGISTER concerning the time, date and location of the public hearing.

Information relevant to this matter, including public comments, if any, and the hearing record, if any, will be available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Issued in Washington, D.C., January 10, 1978.

DOUGLAS C. BAUER,  
Assistant Administrator for  
Utility Systems.

(FR Doc. 78-1060 Filed 1-11-78; 2:26 am)

[6740-02]

Federal Energy Regulatory Commission

(Project No. 618)

ALABAMA POWER CO.

Application for Approval of Change in Land Rights

DECEMBER 30, 1977.

Public notice is hereby given that an application was filed on April 26, 1976, and amended on November 11, 1976, under the Federal Power Act, 16 U.S.C. 791a-825r, by Alabama Power Co. (applicant) (correspondence to: Mr. F. L. Clayton, Jr., Vice President, Alabama Power Co., P.O. Box 2641, Birmingham, Ala. 35291) for approval of a change in land rights at project No. 618, known as the Jordan Dam project, Project No. 618 is located on the Coosa River in Elmore, Chilton, and Coosa Counties, Ala.

Applicant seeks approval of the conveyance to the Wallsboro-Santuck Water and Fire Protection Authority

of an easement over project lands for the purpose of installing and maintaining a water distribution system in sections 6, 8, 9, 10, 14, 15, and 16, T. 19 N., R. 18 E., Elmore County, Ala. The proposed distribution system would include 7.27 miles of 3-inch-diameter plastic pipeline. The lines would be laid a minimum of 30 inches below the ground surface. The proposed system would serve approximately 500 families, and would replace existing lake water systems and individual wells, drawing water instead from the City of Montgomery, Alabama's 20 mgd water treatment plant.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 27, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR §1.8 or §1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB  
Secretary.

(FR Doc. 78-1065 Filed 1-13-78; 8:45 am)

[6740-02]

(Docket No. ER76-7811)

MICHIGAN POWER CO.

Order Approving Electric Rates Settlement Agreement

JANUARY 9, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission



within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On September 9, 1977, the Presiding Administrative Law Judge in this proceeding certified to the Federal Power Commission the proposed Settlement Agreement between Michigan Power Co. (Michigan) and the city of Dowagiac, Mich. and the village of Paw Paw, Mich. (hereinafter collectively referred to as the Cities). The Commission finds that the Settlement Agreement is in the public interest and accepts and approves it as herein after ordered and conditioned.

On May 28, 1976, Indiana Michigan Electric Co. (I&M) filed with the Federal Power Commission a rate increase with respect to electric service to Michigan, its wholly-owned subsidiary, in Docket No. ER76-714. The increase amounted to about \$7,254,000 (84.9 percent) based upon Period II 1976 estimated billings. By order issued on June 25, 1976, the Federal Power Commission accepted the proposed increase and suspended it for one month to become effective on July 27, 1976, subject to refund.

On July 14, 1976, Michigan then filed a proposed two-step rate increase to the Cities, its two full requirements municipal customers. The first step of the proposed increase was intended to recover increased purchase power costs occasioned by the I&M filing in docket No. ER76-714<sup>1</sup> and was proposed to become effective on July 27, 1976, the effective date permitted in docket No. ER76-714. The second step of the proposed increase was designed to recover other increases in costs as well as those resulting from I&M's

<sup>1</sup>97.8 percent of Michigan's total system energy requirements are purchased from I&M.

filing and was proposed to become effective on August 13, 1976. The second step increase, based on 1975 test year billing, would have resulted in an annual increase of about \$825,000 (100.5 percent). Michigan also tendered a modification of its fuel clause to conform to the Commission's Regulations, and an increase in the minimum monthly billing demand.

By order dated August 12, 1976, the Federal Power Commission denied waiver of its notice requirements with respect to the first step of the increase. The Commission accepted for filing the second step of the increase and the fuel clause revisions and suspended them for two months, to become effective on October 13, 1976, subject to refund. The Commission also granted interventions.

As a result of settlement negotiations, Michigan and the Cities filed a joint motion on August 25, 1977 requesting approval of a proposed settlement agreement between the parties. Notice of the Presiding Judge's certification of the agreement to the Commission was issued on September 19, 1977, with comments due by September 30, 1977. On November 10, 1977, Staff filed a motion out of time in support of the proposed settlement. No other comments have been received.

The proposed settlement would reduce the increase of operating revenues from the approximate \$825,000 for which the original filing was made to \$606,546 (73.9 percent), based upon 1975 test year billings, and assuming that the settlement agreement between I&M and Michigan, as filed on January 27, 1977 in Docket No. ER76-714, was accepted without change.<sup>2</sup> Based on Staff's analysis, the earned rate of return under the proposed settlement will not exceed Staff's recommended rate of return and return on common equity.

Based on our review of the record in this proceeding including the Settlement Agreement itself, the Commission finds that the proposed Settlement Agreement represents a reasonable resolution of all issues in this docket, and that such settlement is in the public interest. Accordingly, the Settlement Agreement should be accepted for filing and made effective as of October 13, 1976.

The Commission finds: The proposed Settlement Agreement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders: (A) The Settlement Agreement certified to the

<sup>2</sup>The January 27, 1977 proposal in Docket No. ER76-714 was approved by this Commission on October 26, 1977. Provisions were made in the Settlement Agreement proposed herein for adjustments to its rates if I&M's January 27, 1977 proposal in ER76-714 had been accepted by the Commission with change.

Commission in this proceeding on September 9, 1977, is hereby accepted, incorporated herein by reference, and approved subject to the following conditions.

(B) The rates which accompanied the Settlement Agreement in this proceeding are hereby approved and accepted for filing as designated in Attachment A hereto.

(C) Within 30 days after the date of this order, Michigan shall refund amounts collected in excess of the settlement rates with the interest computed at 9 percent per annum.

(D) Within 15 days after refunds have been made, Michigan shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates; the monthly rate increase; the monthly rate refund; and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each wholesale customer and to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) This order is without prejudice to any finding or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Michigan or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

#### ATTACHMENT A.—DESIGNATION OF SETTLEMENT RATES

Michigan Power Co., 3d Revised Sheet No. 6 Under FPC Electric Tariff Original Volume No. 1 (supersedes 2d Revised Sheet No. 6).

[FR Doc. 78-1069 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Project No. 2082]

#### PACIFIC POWER & LIGHT CO.

#### Application for Amendment of License

JANUARY 4, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory

responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the Federal Power Commission on the date the DOE Act takes effect shall not be affected, and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued, and further actions shall be taken by the appropriate component of DOE now responsible for the functions under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary of Energy and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC" 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Public notice is hereby given that an application was filed On March 2, 1977, under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Power & Light Co. (Applicant) (Correspondence to: Mr. Elwood B. Hedburg, Vice President, Pacific Power & Light Co., 920 S.W. Sixth Avenue, Portland, Ore. 97204; and Mr. Lee S. Sherline, Leighton and Sherline, 1701 K Street NW., Washington, D.C. 20006) for an amendment of the license for its Klamath River Project, FERC No. 2082. The project is located on the Klamath River in Jackson County, Ore., and Siskiyou County, Calif.

Applicant requests that the license for Project No. 2082 be amended to include, as part of the project, two single-circuit 230 kV transmission lines, which would extend northward from a new non-project substation near Copco No. 2 powerplant, located in California, to a connection on Line 59, Line 59, which is part of Project No. 2082, is located between the Klamath Falls Substation and the Lone Pine Substation near Medford, Ore. The proposed lines would each be 3.07 miles long and would consist of H-frame, wood pole structures. Essentially, the lines would be of the same type of construction as the existing Line 59.

Applicant reports that, during the Summer and Fall, power is imported over a 115 kV line into the Yreka District area in California from the Medford District area in Oregon. During this type of power transfer, any fault on the 115 kV line would cause a

major deficiency of power to the Yreka District, and thereby trigger a load curtailment or a blackout. Applicant states that the proposed transmission lines are necessary to facilitate the transfer of power from the Medford District to the Yreka District.

Lands of the United States administered by the Bureau of Land Management would be affected by the transmission lines.

Any person desiring to be heard or to make protest with reference to said application should, on or before February 28, 1978 file with the Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR §1.8 or §1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1066 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. CP78-106]

#### STANDARD PACIFIC GAS LINE INC.

#### Application

JANUARY 6, 1978.

Take notice that on December 1, 1977<sup>1</sup>, Standard Pacific Gas Line Inc. (Applicant), 77 Beale Street, San Francisco, Calif. 94106, filed in Docket No. CP78-106 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a segment of its transmission pipeline, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks approval to abandon in place approximately 3.5 miles of its existing Stanpac 1 pipeline between Kettleman Hills Area and Kettleman Compressor Station in California. Applicant indicates that Stanpac 1 was originally installed in 1930 to collect gas from the Kettleman Hills Area to

<sup>1</sup>The application was initially tendered for filing on December 1, 1977; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until December 5, 1977, thus, filing was not completed until the latter date.

the Kettleman Compressor Station and then via Stanpac 2 to the Panoche Junction to the San Pablo Station. Applicant further indicates that the subject line consists of approximately 3½ mile of pipe, most of which is the original 22-inch line laid down in 1930. Presently Stanpac 1 receives gas from Pacific Gas and Electric Co. (Pacific) and transports it to the Kettleman Station. Prior to 1972, Stanpac 1 transported small volumes of gas, in addition to Pacific gas, for Standard Oil Co. of California (Standard) northward via Stanpac 2 where the gas was delivered back to Standard for use in its own facilities in and near the Coalinga Nose Petroleum Field. It is indicated that on July 13, 1972, the Federal Power Commission, in Docket No. CP72-7, authorized abandonment of approximately 40 miles of Stanpac 2 pipe located between Kettleman Compressor Station and Panoche Junction, and that since this abandonment Stanpac 1 has not carried any gas for Standard. It is stated that Standard has utilized a small pipeline of its own to transport its gas from the Kettleman Area northward to Coalinga. At the present time the only function of Stanpac 1 is to transport gas for Pacific from the Kettleman Hills area to the Kettleman Compressor Station.

Accordingly, Applicant proposes to abandon and sell to Pacific this small portion of line, which, since the abandonment in July of 1972, has not been physically connected to the rest of the Stanpac System.

Applicant also seeks approval to abandon two scrubbers measurement facilities, and miscellaneous valves.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this



application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1067 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. ER77-59]

#### SUPERIOR WATER, LIGHT & POWER CO. Order Approving Electric Rates Settlement Agreement

JANUARY 9, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On September 29, 1977, Superior Water, Light and Power Co. (Superior) filed a Motion to Approve Offer of

Settlement in conjunction with its Motion to Sever Proceedings. By Commission order issued on November 23, 1977, the proceedings in the docket herein were severed from the proceedings in Docket No. ER76-827. The Commission finds that the proposed Settlement Offer is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

These proceedings were initiated on November 15, 1976 when Superior tendered for filing with the Federal Power Commission a \$154,659 increase in wholesale electric rates to Dahlberg Light and Power Co. (Dahlberg), Superior's only jurisdictional customer, based on the 12-month period ending June 30, 1976. No interventions were filed. The purpose of Superior's filing was to reflect the increase in Superior's cost of purchased power from Minnesota Power and Light Co. (MP&L). Superior is a wholly-owned subsidiary of MP&L from which Superior purchases approximately 84 percent of its kilowatt-hour requirements. By FPC order in Docket No. ER76-827, issued on August 27, 1976, MP&L's proposed rate increase had been suspended for 30 days to become effective on September 30, 1976. By FPC order issued on December 15, 1976, Superior's proposed increase in Docket No. ER77-59 was suspended for three months until March 16, 1977, and the two proceedings were consolidated.

After a series of settlement conferences relating only to the proceedings in Docket No. ER77-59 and pursuant to the Presiding Judge's July 14, 1977 order authorizing Superior to submit its offer of settlement directly to the Federal power Commission together with a motion to sever the two proceedings, Superior filed its September 29, 1977 Motion. The Motion was noticed on October 7, 1977 with comments due on or before November 1, 1977. Staff filed comments in support of the Settlement Offer on October 17, 1977. No other comments have been received.

Under the proposed Offer of Settlement, Superior is to increase its base rates to Dahlberg by \$9,500 over the level of Superior's settlement rates in Docket No. ER76-20,\* plus the annualized increase in the cost of power purchased by Superior from MP&L under the rates to be approved by the Commission in its final order in Docket No. ER76-827. The Offer provides for Superior to refund to Dahlberg all

\*On February 1, 1977, the Federal Power Commission denied Superior's Motion for Reconsideration of the December 15, 1976 order. Superior had requested a shorter suspension period.

\*See: Order Approving Settlement, issued July 6, 1977 by the Federal Power Commission in Docket No. ER76-20.

amounts collected subject to refund which are in excess of the rates determined in accordance with this order. Superior also agrees to refund to Dahlberg all amounts collected from Dahlberg under the cost of power adjustment clause in Rate Schedule W-5, as initially filed in these proceedings, which are in excess of the amounts which would have been collected under the fuel adjustment clause made effective in ER76-20.

Based on Staff's analysis, the earned rate of return under the proposed Offer of Settlement will not exceed Staff's recommended 8.94 percent, including 12.50 percent on common equity, with a 46.20 percent common equity ratio.

Based on our review of the record in these proceedings, we conclude that the Offer of Settlement represents a reasonable resolution of the issues and that, accordingly, the settlement offer should be conditionally approved, effective March 16, 1977, pending Commission decision on exceptions in ER76-827. Additionally, the settlement requests deferral of refunds until 30 days after a final decision in the proceedings herein or after a final and nonappealable rate level is established in ER76-827, whichever is later. We believe that compliance with these requests is in the public interest.

The Commission finds: The proposed Offer of Settlement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders: (A) The Offer of Settlement proposed to the Commission in these proceedings is hereby accepted, incorporated herein by reference and approved subject to the following conditions.

(B) Within 30 days from the date of the Commission's final order in the proceedings herein or from the final order in Docket No. ER76-827, whichever is later, Superior shall refund the amounts collected in excess of the settlement rates with interest computed at 9 percent per annum.

(C) Within 15 days after refunds have been made, Superior shall file with the Commission a compliance report. Such report shall show monthly billing determinants and revenues under prior, present and settlement revenues. The report shall also show the monthly settlement rate increase, the rate of refund, and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each wholesale customer and to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(D) This order is without prejudice to any finding or orders which have been made or which will hereafter be

made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Superior or any person or party.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1070 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. CP76-241]

#### TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition to Amend

JANUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC or Commission) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled: "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —; *Provided*, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on December 23, 1977, Transcontinental Gas Pipe Line Corp. (petitioner), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP76-241 a petition to amend the order of May 24, 1978 (55 FPC —), as amended June 6, 1977 (57 FPC —),

issued in the instant docket pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's general policy and interpretations (18 CFR 2.79) so as to authorize the transportation of up to 1,125 Mcf of natural gas per day for a period through June 23, 1978, to Natural Gas Pipeline Co. of America (Natural) for ultimate delivery to Nabisco, Inc. (Nabisco), for use in its Chicago plant, all as more fully set forth in the petition to amend which is on file with the FERC and open to public inspection.

By order issued May 24, 1976, petitioner was authorized to transport gas for the account of Nabisco. Petitioner states that on January 27, 1977, it filed a petition to amend in Docket No. CP76-241 requesting authorization to deliver to Natural for the account of Nabisco certain Nabisco volumes of gas served from the 1,125 Mcf per day authorized by order of May 24, 1976, and to continue the service throughout the remaining term of the May 24, 1976, authorization. It is asserted that Natural in its application for authority to transport gas from petitioner to Nabisco's Chicago facility requested a limited service of 500 Mcf per day for 60 days. Hence, petitioner was authorized by order issued June 6, 1977, to deliver up to 500 Mcf of gas per day for 60 days to Natural for ultimate delivery to Nabisco's Chicago plant.

Petitioner herein proposes to extend the service for Nabisco's Chicago bakery to June 23, 1978 (the remaining term of the May 24, 1976, authorization), and to increase the volume delivered to 1,125 Mcf per day.

Petitioner states that delivery to Natural will be made at existing points of interconnection.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1068 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. RP76-153]

#### BACA GAS GATHERING SYSTEM, INC.

Filing of Rate Settlement Agreement

JANUARY 10, 1978.

Public notice is hereby given that a stipulation and settlement agreement was filed on December 20, 1977, which, if approved, would resolve all issues in this proceeding. The settlement, if approved, would provide for refunds to Panhandle Eastern Pipe Line Co. by Baca Gas Gathering System, Inc. in the amount of \$23,087.65.

Any person desiring to do so may file comments in writing concerning the settlement proposal with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. All comments should be filed on or before January 27, 1978. The settlement proposal is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1152 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. CP78-126]

#### BLUE DOLPHIN PIPE LINE CO.

Pipeline Application

JANUARY 10, 1978.

Take notice that on December 16, 1977, Blue Dolphin Pipe Line Co. (Applicant), P.O. Box 2099, Houston, Tex. 77001, filed in Docket No. CP78-126 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and section 157.7(c) of the Regulations thereunder, for authorization to make unspecified miscellaneous rearrangements of Applicant's existing transportation facilities during the twelve-month period beginning January 1, 1978, and to operate such facilities, all as more fully set out in the application with the Commission and open to public inspection.

Applicant requests authorization to expend not more than \$10,000 for unspecified minor rearrangements to its facilities extending from the offshore Texas area to delivery points at the plant of Dow Chemical Co. in Freeport, Tex.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 27, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed



with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1153 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-173]

**CONNECTICUT LIGHT & POWER CO.**

**Proposed Transmission Agreement**

JANUARY 10, 1978.

Take notice that on January 3, 1978, the Connecticut Light & Power Co. (CL&P) tendered for filing a proposed rate schedule with respect to the Transmission Agreement dated November 1, 1977 between (1) CL&P, the Hartford Electric Light Co. (HELCO) and Western Massachusetts Electric Co. (WMECO), and (2) Holden Municipal Light Department (Holden).

CL&P states that the Transmission Agreement provides for a transmission service to Holden during the period from November 1, 1977 to April 30, 1978.

CL&P indicates that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utility system determined in accordance with section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by

the number of kilowatts which Holden is entitled to receive.

CL&P requests an effective date of November 1, 1977 for the Transmission Agreement, and therefore requests waiver of the Commission's notice requirements.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Conn., WMECO, West Springfield, Mass., and Holden, Holden, Mass.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1154 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-172]

**CONNECTICUT LIGHT & POWER CO.**

**Transmission Agreement**

JANUARY 10, 1978.

Take notice that on January 3, 1978, the Connecticut Light & Power Co. (CL&P) tendered for filing a proposed rate schedule with respect to the Transmission Agreement dated November 1, 1977 between (1) CL&P, the Hartford Electric Light Co. (HELCO) and Western Massachusetts Electric Co. (WMECO), and (2) Mansfield Municipal Electric Department (Mansfield).

CL&P states that the Transmission Agreement provides for a transmission service to Mansfield during the period from November 1, 1977 to October 31, 1978.

CL&P indicates that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL

Executive Committee, multiplied by the number of kilowatts which Mansfield is entitled to receive.

CL&P requests an effective date of November 1, 1977 for the Transmission Agreement, and therefore requests waiver of the Commission's notice requirements.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Conn., WMECO, West Springfield, Mass., and Mansfield, Mansfield, Mass.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1155 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP78-260]

**CONSOLIDATED GAS SUPPLY CORP.**

**Petition To Amend**

JANUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission with the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations

promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceedings would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on December 23, 1977, Consolidated Gas Supply Corp. (Petitioner), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP76-260 a petition to amend the order of October 4, 1976 (56 FPC —), issued in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the continued transportation of certain volumes of natural gas for use by Pittsburgh Tube Co. (Tube Company) as boiler fuel, all as more fully set forth in the petition to amend which is on file with the FERC and open to public inspection.

Petitioner states that it is presently authorized to transport up to 460 Mcf of natural gas per day for Tube Company for use in an annealing furnace and as boiler fuel in Tube Company's plant located near Jane Lew, Lewis County, W. Va. The order issued October 4, 1976, required the conversion of Tube Company's boiler to an alternate fuel within one year.

Petitioner states that Tube Company has not converted the boiler at its Jane Lew facility to an alternate fuel by October 4, 1977, and requests an extension of the time limitation to October 4, 1978. It is asserted that Tube Company has completed a study of alternate fuels for its Jane Lew boiler and has selected No. 2 fuel oil therefor, and that Tube Company developed four sources for fuel oil supply in the Jane Lew area. It is further stated that Tube Company has also completed engineering specifications for a storage tank, lines, pumps and boiler conversion equipment, and according to Tube Company, the contemplated conversion would require a capital investment of approximately \$25,000 and fuel expense 90 percent higher than with Tube Company's own natural gas. Tube Company further advises that adverse subsurface soil conditions may be encountered in the construction of its fuel oil storage tank and, for that reason, the cost of conversion may be greater than anticipated. Petitioner asserts that Tube Company's boiler is used to generate steam for use in a chemical cleaning and lubricating process, which is the initial step in fabrication at the plant, and if the boiler is without fuel, the entire plant

must be shut down, resulting in the layoff of approximately 40 employees.

It is stated that Tube Company's gas requirements at its Jane Lew plant have substantially under-run the levels originally anticipated, with the result that significantly more gas produced by Tube Company has been made available to the interstate market than was originally estimated.

Petitioner further points out that at current levels of consumption, Tube Company's entire gas usage would qualify for classification as small volume firm industrial requirements in Priority 2 category under the sales restrictions and curtailment rules contained in the effective tariff of Petitioner's Hope Natural Gas Co., distribution division and of Standard Gas Co., the two gas distribution companies serving the Jane Lew area.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the FERC's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the FERC will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the FERC's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1156 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP76-260]

**CONSOLIDATED GAS SUPPLY CORP.**

**Petition To Amend**

JANUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission with the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC

on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on December 23, 1977, Consolidated Gas Supply Corp. (Petitioner), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP76-260 a petition to amend the order of October 4, 1976 (56 FPC —), issued in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the continued transportation of certain volumes of natural gas for use by Pittsburgh Tube Co. (Tube Company) as boiler fuel, all as more fully set forth in the petition to amend which is on file with the FERC and open to public inspection.

Petitioner states that it is presently authorized to transport up to 460 Mcf of natural gas per day for Tube Company for use in an annealing furnace and as boiler fuel in Tube Company's plant located near Jane Lew, Lewis County, W. Va. The order issued October 4, 1976, required the conversion of Tube Company's boiler to an alternate fuel within one year.

Petitioner states that Tube Company has not converted the boiler at its Jane Lew facility to an alternate fuel by October 4, 1977, and requests an extension of the time limitation to October 4, 1978. It is asserted that Tube Company has completed a study of alternate fuels for its Jane Lew boiler and has selected No. 2 fuel oil therefor, and that Tube Company developed four sources for fuel oil supply in the Jane Lew area. It is further stated that Tube Company has also completed engineering specifications for a storage tank, lines, pumps and boiler conversion equipment, and according to Tube Company, the contemplated conversion would require a capital investment of approximately \$25,000 and fuel expense 90 percent higher than with Tube Company's own natural gas. Tube Company further advises that adverse subsurface soil conditions may be encountered in the construc-



tion of its fuel oil storage tank and, for that reason, the cost of conversion may be greater than anticipated. Petitioner asserts that Tube Company's boiler is used to generate steam for use in a chemical cleaning and lubricating process, which is the initial step in fabrication at the plant, and if the boiler is without fuel, the entire plant must be shut down, resulting in the layoff of approximately 40 employees.

It is stated that Tube Company's gas requirements at its Jane Lew plant have substantially underrun the levels originally anticipated, with the result that significantly more gas produced by Tube Company has been made available to the interstate market than was originally estimated.

Petitioner further points out that at current levels of consumption, Tube Company's entire gas usage would qualify for classification as small volume firm industrial requirements in Priority 2 category under the sales restrictions and curtailment rules contained in the effective tariff of Petitioner's Hope Natural Gas Co., distribution division and of Standard Gas Co., the two gas distribution companies serving the Jane Lew area.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the FERC's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the FERC will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the FERC's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1143 Filed 1-13-78; 8:45 am]

[6740-02]

[Project No. 362]

FORD MOTOR CO.

Application for New Major License for  
Constructed Project

JANUARY 10, 1978.

Public notice is hereby given that an application for a new major license has been filed under the Federal Power Act (16 U.S.C. §§ 791(a)-825(r) (1970)) by the Ford Motor Co. (applicant) (correspondence to: Mr. Sidney Kelly, Secretary, Ford Motor Co., The American Road, Dearborn, Mich.

48121) for its constructed Twin Cities Project, FERC Project No. 362, located on the Mississippi River, in Ramsey and Hennepin Counties, Minn., between St. Paul and Minneapolis. The project affects lands of the United States.

The existing Twin Cities Project consists of: (1) A powerhouse 160 feet long, 74 feet wide, and 51 feet high, located on a substructure at the east end of, and integral with, the United States Lock and Dam, known as "Twin City Lock and Dam," and containing four 4,480 kW generators each connected to a turbine rated at 4,500 hp operating under a head of 34 feet; (2) two-foot-high hinged, automatic release flashboards on the top of the spillway; and (3) all other facilities and interests appurtenant to the operation of the project. The project was constructed in 1923-1924 and has a capacity of 17,900 kW. Power generated by the project is used primarily by applicant in its nearby assembly plant; the surplus is sold to Northern States Power Co. Applicant also furnishes 60,000 kWh each year, without charge, to the U.S. Army Corps of Engineers for use in the operation of its locks and dams.

According to the application: (1) The estimated net investment is zero, which is less than the estimated fair value of \$250,000; (2) the estimated severance damages in the event of "takeover" are \$750,000; and (3) the annual taxes paid to state and local governments are \$36,902.

The boundaries of the project are limited. The dam, locks, and impoundment, including flowage rights, are owned and controlled by the Corps of Engineers. About four acres of land located adjacent to the powerhouse are fenced to protect the project and adjacent Federal property and also to protect the public from headlock and tailrace hazards.

Almost all of the preserved gorge above the dam is owned by the Minneapolis and St. Paul Park Boards. They maintain it as a natural valley called Riverside Park. Recreation is available in the tailrace area and around the impoundment, which is known as Pool No. 1. In addition, an intermittent bike and walking trail parallels the river between a scenic drive and the valley; there are plans for achieving continuity for this trail and possible connection of it with other city trail systems.

Any person desiring to be heard or to make protest with reference to the subject application should, on or before March 29, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.10 or § 1.8 (1977)). All protests filed with the Commission will be

considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and available for public inspection.

The public should take further notice that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46467 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1144 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP78-134]

MICHIGAN WISCONSIN PIPE LINE CO.

Pipeline Application

JANUARY 10, 1978.

Take notice that on December 23, 1977, Michigan Wisconsin Pipe Line Co. (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP78-134 an application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate

of public convenience and necessity authorizing the construction and operation of gas measurement and related facilities to be located in Cameron Parish, La., and to perform at cost certain related services for High Island Offshore System (HIOS), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that by Transportation Agreements, all dated February 15, 1976, between HIOS and each of Applicant, Texas Gas Transmission Corp. (Texas Gas), United Gas Pipe Line Co. (United), Transcontinental Gas Pipe Line Corp. (Transco), and Natural Gas Pipeline Co. of America (Natural), (collectively called "the shippers"), HIOS agreed to receive, transport, and redeliver a Contract Demand of 197,600 Mcf per day for each of the shippers. With respect to the measuring equipment necessary for HIOS to take receipt of the shippers' gas supplies, section 3.6 of article III of each of the transportation agreements provides that the individual shipper will be responsible to cause to be provided, maintained, and operated, the necessary offshore platforms, measuring and regulating stations, dehydration and other necessary equipment by which the volumes of gas delivered to HIOS for the shipper's account shall be determined. With respect to the measuring equipment necessary for HIOS to make redeliveries of the shippers' gas supplies, Section 3.6 further provides that HIOS shall cause to be installed, operated, and maintained at its expense, a measuring and regulating station or stations equipped with flow meters and other necessary measuring equipment for the measurement of gas redelivered to or for the account of each shipper; such measuring and regulating stations shall be installed at the northern terminus of the system (block 167) or such stations shall be installed at each of two mutually agreeable points onshore in the vicinity of Johnson's Bayou and Lower Mud Lake, La., respectively, whereby measurement would be provided on a compatible basis. Applicant states that the purpose of the instant application is to provide the required facilities at Lower Mud Lake.

The application indicates that to provide for the necessary measurement and regulating facilities at Lower Mud Lake, HIOS and Applicant have entered into a service agreement dated August 4, 1977. The service agreement provides that Applicant shall design, construct, operate and maintain a facility at Lower Mud Lake (the Grand Chenier Station) which shall separate, dehydrate, and accurately measure the volumes of gas delivered by HIOS to Applicant's facilities for further transportation. The service agreement

further provides that the Grand Chenier Station shall be capable of handling 500,000 Mcf per day for the account of HIOS and 250,000 Mcf per day for gas supplies presently being transported in Applicant's existing offshore pipeline system and gas which Applicant anticipates will become available for transportation. Applicant states that as consideration for providing the service, the Agreement provides that HIOS will pay it an amount in monthly installments equal to 66% percent of the full cost of service attributable to the construction and operation of the Grand Chenier Station.

The application indicates the measurement facilities at the Grand Chenier Station will consist of five (5) 16" diameter orifice meter runs, high pressure gas piping, flow control, instrumentation, and associated appurtenances, which Applicant estimates will cost \$1,381,620. In addition to the measurement facilities and incident thereto, Applicant states that it will also construct and operate pursuant to the Service Agreement with HIOS and in accordance with the provisions of section 2.55 of the Commission's General Policy and Interpretations, separation, dehydration and other facilities necessary to permit HIOS to meet the gas quality redelivery specifications also set forth in such Transportation Agreements.

The application further indicates that Texas Gas has requested that a portion of its gas supplies being transported by Applicant be redelivered to it at the Grand Chenier Station. To effectuate redeliveries to Texas Gas at the Grand Chenier Station, Applicant states that it further proposes to construct and operate two (2) 10" diameter orifice meter runs, high pressure gas piping, flow control, instrumentation, and associated appurtenances which it estimates to cost \$273,620.

Applicant further states that it presently purchases all of the gas reserves underlying West Cameron Block 171, offshore Louisiana, and under its present operations of its existing pipeline system, the gas supplies so purchased are transported onshore and delivered for processing to an existing onshore processing plant which is located adjacent to, but upstream of, the Grand Chenier Station. Upon commencement of gas deliveries from the HIOS system to Applicant's connecting pipeline facilities in block 167, Applicant indicates that the block 171 reserves will be commingled with gas produced in the High Island Area necessitating the allocation and proration of deliveries and redeliveries to and from said processing plant. Accordingly, Applicant states that it further proposes to construct and operate measurement facilities on both the inlet and outlet sides of said plant, the measurement facilities comprising six (6) 6" turbine

meter runs (3 inlet and 3 outlet), high pressure gas piping, flow control, instrumentation, and associated appurtenances which Applicant estimates to cost \$461,410. In total, Applicant estimates the cost of the measurement facilities proposed in the instant application to be \$2,214,620, which Applicant indicates will be financed with funds on hand, funds generated internally, borrowings under revolving credit or short term financing.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice, that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1157 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-174]

MISSOURI EDISON CO.

Proposed Tariff and Rate Schedule Changes

JANUARY 10, 1978.

Take notice that Missouri Edison Co. (Missouri) on January 4, 1978, tendered for filing a new increased FPC Electric Service Tariff to replace its current Electric Service Tariff No. 2. Missouri states that the proposed changes would increase revenues from



its Wholesale Municipal Customer by \$14,996 based on the 12-month period ended September 30, 1977. Missouri proposes an effective date of March 28, 1978.

Missouri further states that the proposed increase in rates is due primarily to wholesale power cost increases incurred by the Company.

According to Missouri copies of this filing were served upon the city of Clarksville and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1158 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. CP73-731]

#### NATURAL GAS PIPELINE CO. OF AMERICA

##### Tariff Filing

JANUARY 10, 1978.

Take notice that on December 22, 1977, Natural Gas Pipeline Company of America (Natural) tendered for filing tariff sheets to Second Revised Volume No. 2 of its FERC Gas Tariff, consisting of the following:

First Revised Sheet No. 265  
First Revised Sheet No. 289

The purpose of this filing is to amend Natural's Rate Schedule X-35, transportation of gas for Columbia Gas Transmission Corp., to include an additional "Point of Receipt." This amendment is the subject of Natural's "Petition to Amend" in Docket No. CP73-73 filed with this Commission on December 2, 1977 and noticed on December 19, 1977.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be consid-

ered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1145 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. CP77-5571]

#### Northern Natural Gas Co.

##### Tariff Filing

JANUARY 10, 1978.

Take notice that on December 13, 1977, Northern Natural Gas Co. filed rate schedule X-66 consisting of original sheet Nos. 1064 through 1084 to its FERC gas tariff, original volume No. 2.

Rate schedule X-66 contains a gas transportation and sales agreement between Panhandle Eastern Pipe Line Co. (Panhandle), Trunkline Gas Co. (Trunkline), and Northern dated July 19, 1977. Northern received certificate authority to provide this service at Docket No. CP77-557.

Pursuant to this agreement Panhandle has a continuing option to purchase up to twenty percent (20%) of Northern's block 332 and block 617 gas received by Trunkline for transportation, as partial consideration for transportation by Trunkline and Panhandle to Northern's system at Mullinville, Kans. The gas to be sold to Panhandle will be sold on a monthly cost of service basis. The estimated cost for the first year of operations is \$2.15/Mcf for block 332 gas and \$2.07/Mcf for block 617 gas.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1146 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. CP75-140 et al.]

#### PACIFIC ALASKA LNG CO.

##### Order Granting Interventions and Consolidating Proceedings

JANUARY 10, 1978.

Before Commissioners: Charles B. Curtis, Chairman; Don S. Smith, Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

In the matter of Pacific Alaska LNG Co., Docket No. CP75-140; Western LNG Terminal Co., Docket No. CP75-83-3; Atlantic Richfield Co., Docket Nos. CI77-756 and CI77-757; Shell Oil Co., Docket No. CI77-798; Chevron U.S.A., Inc., Docket Nos. CI77-809 and CI77-814.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

This proceeding is considering a proposed project designed to transport liquefied natural gas (LNG) from Cook Inlet, Alaska, to Los Angeles, Calif. Several procedural matters pending before the Commission are disposed of in this order.

On October 13, 1977, Hollister Ranch Owners' Association and the Santa Barbara Citizens for Environmental Defense, jointly filed a petition for leave to intervene out of time. Ac-

cording to the petition, the Hollister Ranch is a 14,000 acre property located along the coastline in Santa Barbara County, Calif., in the vicinity of Point Conception, Calif. It is divided into 135 parcels, each of a minimum of 100 acres, which have been and are being sold exclusively as residential sites. The petition also alleges that the Santa Barbara Citizens for Environmental Defense is a California non-profit corporation, formed in August 1969 by a number of concerned citizens of Santa Barbara County to actively participate in and promote environmentally sound county planning and development.

On October 19, 1977, Bixby Ranch Co. filed a petition for leave to intervene. According to the petition, Bixby Ranch Co. owns approximately 23,000 acres of undeveloped land located in Santa Barbara County, Calif., near Point Conception. The land is said to adjoin a 980 acre parcel owned by Southern California Edison Co., a portion of which was proposed as the site for a liquid natural gas terminal for the El Paso Alaska project previously considered by Federal Power Commission in its recommendation to the President on Alaska Natural Gas Transportation System, issued May 1, 1977.

On November 15, 1977, General Motors Corp. filed a petition to intervene asserting an interest in this proceeding from the fact that four of its plants are served either by Southern California Gas Co. or Pacific Gas & Electric Co. which would be benefited through additional gas deliveries from this project. General Motors also asserts an interest from its broader concern for the development and implementation of national policy on the transportation and sale of LNG supplies.

All petitions for leave to intervene are filed after the deadlines established by notice. The petitioners allege substantial interests not represented by any other party, and further allege that their participation will not delay consideration of any amended proposal which the applicant may file for a Point Conception terminal site. All petitions state sufficient interest in the proceeding and adequate reasons for lateness of the petitions to warrant granting of intervention, which is ordered below.

On September 7, 1977, the Organization for Management of Alaska's Resources (OMAR) also filed a late petition for leave to intervene. OMAR alleges that its goal is promotion of the management of Alaska resources so that they can be used for the benefit of Alaskans as well as consumers who reside in the lower forty-eight, and that its goal has been approval of a trans-Alaska project for Prudhoe Bay gas. Inasmuch as the President has re-

cently announced selection of a trans-Canadian pipeline for Prudhoe Bay gas, the OMAR declares that Prudhoe Bay gas will no longer be transported to the Cook Inlet area, and that its interest in this Cook Inlet project and reserves in that area is not represented by any other party. Based upon the allegations in the petition this late intervention will also be granted.

On August 24, 1977, Shell Oil Co. (Shell) filed a motion for consolidation of its producer application in docket No. CI77-798 with the present proceeding. Shell alleges that the contract which it has recently entered into for the sale of natural gas in Cook Inlet, Alaska, to Pacific Alaska LNG Associates is important evidence for judging the viability of the Pacific Alaska project. Shell further asserts that this proceeding is the proper forum for resolution of whether a certificate for its sale of gas to Pacific Alaska should issue. Shell's point is well taken, and consolidation will be ordered below. In addition to the application of Shell, applications for the sale of Cook Inlet gas have been received from Atlantic Richfield Co., Docket Nos. CI77-756 and 757, and from Chevron U.S.A., Inc., Docket Nos. CI77-809 and 814. These applications also present common questions of law and fact within the meaning of section 1.20(b) of the rules of practice and procedure, and should be consolidated herein.

The Commission finds: (1) Participation by the above-named petitioners to intervene in the dockets in which they filed may be in the public interest.

(2) The above applications of Shell Oil Co., Docket No. CI77-798; Atlantic Richfield Co., Docket Nos. CI77-756 and 757; and Chevron U.S.A., Inc., Docket Nos. CI77-809 and 814, involve common questions of law and fact and should be consolidated for hearing and decision.

The Commission orders: (A) The above-named petitioners are permitted to intervene in these consolidated proceedings, subject to the rules; and regulations of the Commission; *Provided, however*, That the participation of the interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further*, That the admission of such interveners shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding; *Provided, further*, That such interveners shall accept the evidentiary record as it has been established in the proceeding to date.

(B) The applications of Shell Oil Co., Docket No. CI77-798; Atlantic Richfield Co., Docket Nos. CI77-756 and 757; and Chevron U.S.A., Inc., Docket Nos. CI77-809 and 814 are consolidated with this proceeding for the purposes of hearing and decision.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1159 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. CP77-396]

#### SEA ROBIN PIPELINE CO.

##### Filing of Original Tariff Sheets

JANUARY 10, 1978.

Take notice that on December 19, 1977, Sea Robin Pipeline Co. (Sea Robin) tendered for filing original sheet Nos. 354 through 359 to its FERC gas tariff, original volume No. 2, being a transportation agreement between Sea Robin and Amoco Production Co. It is proposed that these tariff sheets become effective on December 1, 1977.

Sea Robin states that copies of these tariff sheets have been mailed to Amoco Production Co.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1147 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. CP77-606]

#### SEA ROBIN PIPELINE CO.

##### Filing of Original Tariff Sheets

JANUARY 10, 1978.

Take notice that on December 15, 1977, Sea Robin Pipeline Co. (Sea Robin) tendered for filing original sheet Nos. 360 through 384 to its FERC gas tariff, original volume No. 2, being a transportation agreement between Sea Robin and Natural Gas Pipeline Co. of America. It is proposed that these tariff sheets become effective on December 1, 1977.

Sea Robin states that copies of these tariff sheets have been mailed to Natural Gas Pipeline Co. of America.

Any person desiring to be heard or to protest said filing should file a peti-



tion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 31, 1978. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1148 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. RP77-120]

#### STINGRAY PIPELINE CO.

#### Certification of Proposed Settlement and Record

JANUARY 10, 1978.

Public notice is hereby given that a proposed settlement and the record related thereto was certified to the Commission by the Presiding Administrative Law Judge on December 13, 1977. The proposed settlement, if approved, would resolve all issues in this proceeding.

Any person wishing to do so may file comments in writing concerning the proposed settlement with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. All comments should be filed on or before January 27, 1978. The settlement proposal is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1160 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. CI77-298]

#### TENNECO, INC.

#### Proceeding Affecting Certain Natural Gas Producers

JANUARY 10, 1978.

Take note that on February 28, 1977, Tenneco Inc. (Tenneco), filed a petition with the Federal Power Commission (now Federal Energy Regulatory Commission) for a declaratory order under the Natural Gas Act, in order to resolve present uncertainties as to whether or not all necessary filings under the Natural Gas Act have been

made, and all necessary authority thereunder obtained, in connection with release of natural gas from acreage or reservoirs under contract to Tennessee Gas Pipeline Co. (Tennessee) for sale by independent producers to Channel Industries Gas Co. (Channel).

Tenneco states that these uncertainties have arisen as a result of an investigation by counsel for Tenneco in preparation for the defense of pending litigation against Tenneco, Channel, and certain other affiliates of Tenneco in which certain customers of Channel claim, among other things, that in early 1975 Channel improperly released a claim against Tennessee for volumes of natural gas then owing to Channel as a result of certain balancing transactions between the two parties which had previously terminated. In the course of this investigation, Tenneco determined that since the inception of Channel's operations in 1965, Channel has purchased certain volumes of natural gas produced from acreage or reservoirs which are, or at one time had been, under contracts to Tennessee. Tenneco states that, for the most part, the contracts, or amendments thereto, whereby the natural gas in question was released from Tennessee were filed by the producers with the Federal Power Commission. Tenneco also states that, in certain of the transactions reviewed to date, however, it is unclear from the information presently available to Tenneco as to whether additional filings were necessary under the then prevailing circumstances, or indeed, whether additional filings, presently unknown to Tenneco, were in fact made.

The Federal Power Commission instituted a formal investigation into the matters raised by Tenneco and that proceeding is continuing before the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, under the above-stated docket number. Any person having a current or past interest in the sale of natural gas to Channel from the following fields is hereby notified of the pendency and nature of this proceeding, and invited to intervene in this proceeding pursuant to 18 CFR 1.8.

#### Natural gas field and county (Texas)

Seeligson field, Jim Wells.  
Stratton-Agua Dulce field, Jim Wells, Kleburg, and Nuecus.  
Riverside-O'Neil field, Nuecus.  
Brayton field, Nuecus.  
Southwest Pheasant field, Matagorda.  
Bay City field, Matagorda.  
Chesterfield field, Colorado.  
North Garwood field, Colorado.  
Edinburg field, Hidalgo.  
Cold Springs field, San Jacinto.  
Decker's Prairie field, Harris.  
Agua Dulce field, Nuecus.  
Flores field, Starr.

Stedman Island field, Nuecus.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 70-1162 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. CP77-387]

#### TENNESSEE GAS PIPELINE CO.

#### Application To Amend Order

JANUARY 10, 1978.

Take notice that on December 22, 1977, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP77-387 an application to amend the order issued in said docket on November 29, 1977, by requesting temporary and permanent authorization for the transportation of daily volumes of natural gas up to 70,000 Mcf for Northern Natural Gas Co. (Northern). The gas will be produced from offshore areas, and Tennessee requests the right to accept additional volumes which Northern may tender for transportation.

Northern has advised Tennessee that volumes of gas available to Northern from the offshore area have significantly increased and has requested that Tennessee transport up to 70,000 Mcf instead of 50,000 Mcf of natural gas per day. Tennessee states, therefore, that it has entered into an amendment with Northern dated December 7, 1977, to an existing Agreement, dated March 7, 1977. Tennessee states that the proposed service will not affect Tennessee's ability to serve its existing customers.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene

is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1163 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. CP77-31]

#### TENNESSEE GAS PIPELINE CO.,

#### Tariff Filing

JANUARY 10, 1978.

Take notice that on December 14, 1977, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), tendered for filing the following tariff sheets to its FERC Gas Tariff, Sixth Revised Volume No. 2:

Original Sheet Nos. 271 through 271U. A Sheet Reserving Original Sheet Nos. 272 through 299 for future use.

Tennessee states that the sole purpose of these tariff sheets is to institute its Rate Schedule T-50 in accord with the Commission orders of May 2, 1977, and July 27, 1977, in Docket Nos. CP77-31 and CP65-393, et al.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1161 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. CP75-127]

#### TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

#### Tariff Filing

JANUARY 10, 1978.

Take notice that on December 14, 1977, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee) tendered for filing tariff sheets to Sixth Revised Volume No. 2 of its FERC Gas Tariff, consisting of the following:

First Revised Sheet Nos. 635 through 651  
Original Sheet Nos. 652 through 654.

Tennessee states that these tariff sheets constitute revisions to its Rate Schedule X-47, to be effective September 22, 1977, pursuant to the Commission's order in Docket No. CP75-127, issued September 22, 1977.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1149 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket No. CP78-135]

#### TEXAS EASTERN TRANSMISSION CORP.

#### Pipeline Application

JANUARY 10, 1978.

Take notice that on December 23, 1977, Texas Eastern Transmission Corp. (Applicant) filed in Docket No. CP78-135 an application pursuant to Section 7(c) of the Natural Gas Act and section 175.7(b) of the Regulations thereunder for a certificate of public convenience and necessity authorizing the transportation of natural gas for Chevron U.S.A., Inc. (Chevron), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Under the terms of an agreement between Texas Eastern and Chevron, Texas Eastern will receive up to 25,000

Mcf of natural gas per day at existing points of receipt on production platforms located in East Cameron 160 and 245, Offshore Louisiana and redeliver such volumes, less fuel cost to an existing interconnection between United Gas Pipeline Company and Texas Eastern near Gillis, Beauregard Parish, La., for ultimate redelivery to Chevron Chemical Co. Chevron has agreed to pay Texas Eastern a rate of 19.93¢ per Mcf for the transportation service provided for herein.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1164 Filed 1-13-78; 8:45 am]

#### [6740-02]

[Docket Nos. CP77-418 and CP71-290]

#### TEXAS EASTERN TRANSMISSION CORP. ET AL.

#### Presiding Administrative Law Judge's Certification of Settlement to the Commission

JANUARY 9, 1978.

In the matter of Texas Eastern Transmission Corporation, Consolidated System LNG Company, and Consolidated System LNG Company.



On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FERC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR — provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on December 15, 1977, Presiding Administrative Law Judge Isaac D. Benkin certified the record in the above-captioned dockets and a proposed Stipulation and Agreement to the Commission.

In this case, Consolidated System LNG Company filed a petition to amend the certificate issued to it in Docket No. CP71-290. The certificate authorizes, inter alia, construction of approximately 190 miles of pipeline from Loudon County, Va., to a point in Clinton County, Pa. The pipeline construction project is part of a larger project for the importation of Algerian LNG and its movement to Consolidated Gas Supply Corporation's (Consolidated) system in the vicinity of Consolidated's Leidy storage field. The planned pipeline crosses the existing line of Texas Eastern Transmission Corp. (Texas Eastern) at two points. In Docket No. CP77-418, Consolidated, through its subsidiary, Consolidated System LNG Co., and Texas Eastern seek the Commission's approval for an arrangement under which Consolidated would deliver LNG to Texas Eastern at the southern crossing point and would receive at the northern point Btu equivalent volumes from Texas Eastern, thereby eliminating the need

to construct some 80 miles of pipeline. Texas Eastern would receive a \$150,000 per month charge from Consolidated for participating in the exchange arrangement.

The proposal gave rise to a number of issues which are disposed of in the proposed Stipulation and Agreement for settlement. The proposed settlement provides that, with the Commission's approval, Texas Eastern and Consolidated will operate their facilities in a manner that will result in an average heating value throughout the year of 1,035 Btu (wet basis) in the blended stream flowing eastward into Texas Eastern's Zone D market area from the points of delivery of the vaporized LNG. The agreement further provides that the exchange charge will be flowed through to Texas Eastern's Zone D customers by way of a reduction in their monthly demand charge in order to compensate for the higher Btu content of the gas to be delivered to them. Approval of the proposed Stipulation and Agreement, to which all active parties including Staff have concurred, will result in a cost savings to Consolidated customers of approximately \$5,501,000 in the first year due to the elimination of the cost of 80 miles of new pipeline from Consolidated's rate base.

Copies of the proposed Stipulation and Agreement are on file with the Commission and are available for public inspection. In view of the imminent arrival of the ships carrying the imported LNG, good cause exists to shorten the period for the submission of comments in order to hasten the disposition of the settlement proposal. Therefore, any person, including the parties, desiring to comment on the matters contained in the proposed Stipulation and Agreement should file their comments with the Federal Energy Regulation Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before January 23, 1978.

KENNETH F. PLUMB,  
Secretary

(FR Doc. 78-1150 Filed 1-13-78; 8:45 am)

#### [6740-02]

[Docket No. CI72-674 et al.]

#### TEXAS GAS EXPLORATION CORP.

##### Petition for Declaratory Order

JANUARY 10, 1978.

*Texas Gas Exploration Corp., Gulf Oil Corp., Southern Natural Gas Co., United Gas Pipe Line Co. v. Humble Oil & Refining Co. and Isaac Arnold, et al., and Chevron U.S.A., Inc.,* Docket Nos. CI72-674, CI62-965, CP73-72, CP73-123 and CI75-420.

Take notice that on December 14, 1977, United Gas Pipe Line Co.

(United), P.O. Box 1478, Houston, Tex. 77001, and the Columbia Gas Transmission Corp. (Columbia), P.O. Box 1273, Charleston, W. Va. 25325, jointly filed in Docket Nos. CI72-674, et al., pursuant to Section 4 of the Natural Gas Act and section 1.7(c) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), a petition for a declaratory order determining the price which United is obligated to pay Columbia for gas being delivered under the payback arrangement previously ordered by the Commission in the subject dockets.

United and Columbia state that the instant petition involves the payback by Columbia to United of a volume of gas in accordance with a Commission order previously issued in these proceedings, 52 FPC 940 (1974), aff'd, 530 F.2d 1056 (D.C. Cir. 1976). United and Columbia have agreed that under a letter order issued by the Commission in this docket the total volume delivered to Columbia during the period May 2, 1971 to October 15, 1974, which now must be paid back to United is 12,962,454 Mcf. United and Columbia state that in accordance with the Commission's letter order, Columbia has agreed to deliver to United approximately 10,263 Mcf per day for the 1,236-day payback period, subject to balancing to account for day-to-day conditions. Such deliveries will commence on January 15, 1978. However, United and Columbia state that they have been unable to agree upon the appropriate price for the payback volumes. United contends that the appropriate price is the volume-weighted average price which United would have paid to the producers had such gas been delivered to United pursuant to its contract from May 2, 1971 to October 15, 1974. Columbia asserts that it is entitled to be paid for the payback gas on the basis of the average cost of all gas purchased by Columbia in Louisiana (onshore and offshore) during the payback period.

Columbia and United state that the questions presented to this Commission are solely questions of law which can be fully developed through submission of briefs.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 31, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the

proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary

(FR Doc. 78-1165 Filed 1-13-78; 8:45 am)

#### [6740-02]

[Project No. 488]

#### THERMALITO AND TABLE MOUNTAIN IRRIGATION DISTRICTS

##### Application for New Minor License for Constructed Project

JANUARY 10, 1978.

Public notice is hereby given that an application for a new minor license has been filed under the Federal Power Act (16 U.S.C. §§ 791(a)-825(r) (1970)) by the Thermalito and Table Mountain Irrigation Districts (applicants) for their constructed Concow Dam Project, FERC Project No. 488, located on Concow Creek in Butte County, Calif., in the vicinity of the Town of Paradise and the City of Oroville. The project affects lands of the United States in Lassen National Forest. Correspondence regarding the application should be sent to: (1) Thermalito Irrigation District, 410 Grand Avenue, Oroville, Calif. 95965 (Attention: Elden J. Brown, President, Board of Directors); (2) Table Mountain Irrigation District, Route 1, Box 153, Oroville, Calif. 95965 (Attention: Margaret B. Chaffin, Chairman, Board of Directors); and (3) Minasian, Minasian, Minasian and Spruance, 1681 Bird Street, Oroville, Calif. 95965 (Attention: William Spruance, Esq.).

The project, which has no power-producing facilities, consists of: (1) Lake Wilenor, a 300-acre reservoir at elevation 1,970 feet, with approximately 8,200 acre-feet of storage available through a drawdown of approximately 90 feet, impounded by Concow Dam, a 90-foot-high concrete arch dam, with a 300-foot-long crest; (2) a low concrete diversion dam, approximately 1,000 feet downstream of Concow Dam, which diverts part of the releases from Wilenor Reservoir into; (3) Spring Valley Ditch, a 12-mile-long canal leading to; (4) Wilenor Siphon, a 24-inch-diameter, 4,000-foot-long pipe, crossing the West Branch, North Fork, of the Feather River, which discharges into the Miocene Canal of Pacific Gas and Electric Co.'s (PG&E) unlicensed Lime Saddle-Coal Canyon Project.

Applicants use the water impounded by the project for agricultural and domestic purposes. Table Mountain Irrigation District allows PG&E to use its share of the water to generate power

in PG&E's Lime Saddle-Coal Canyon Project while Thermalito Irrigation District's share of the water flows through natural channels to Lake Oroville and eventually through the power facilities of Project No. 2100. Applicants are reimbursed for the use of this water.

Any person desiring to be heard or to make protest with reference to the subject application should, on or before March 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.10 or 1.18 (1977)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding, or to participate as a party in any hearing therein, must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

The public should take further notice that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulations adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in ac-

cordance with the above-mentioned authorities.

KENNETH F. PLUMB,  
Secretary

(FR Doc. 78-1151 Filed 1-13-78; 8:45 am)

#### [6740-02]

[Docket No. CP78-136]

#### TRANSCONTINENTAL GAS PIPE LINE CORP.

##### Pipeline Application

JANUARY 10, 1978.

Take notice that on December 23, 1977, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-136 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for Amoco Production Co. (Amoco), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Amoco will produce and deliver into Applicant's existing facilities in Block 10, South Pelto Area, Offshore Louisiana, a maximum daily quantity equal to the greater of the MMBtu equivalent of 12,000 Mcf of South Pelto Block 10 gas or 40 percent of the capacity of Applicant's lateral connecting Block 10 to adjacent Block 11, and that Applicant will redeliver a thermally equivalent quantity, less 1.2 percent initially for compressor fuel and less gas lost and unaccount for and fuel and shrinkage if the gas is processed, to Florida Gas Transmission Co. (Florida) at an existing point of interconnection in St. Helena Parish, La.

Applicant further states that no additional facilities are required to render this transportation service, for which Amoco will pay Applicant for 40 percent of the actual cost of constructing the Block 10 lateral as a grant in aid, together with its share of operating and maintenance costs, plus an initial charge of 10.25¢ per MMBtu delivered to Applicant net of compressor fuel and gas lost and unaccounted for.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hear-



ing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR DOC. 70-1166 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP78-50]

TRUNKLINE GAS CO.

Amendment to Pipeline Application

JANUARY 10, 1978.

Take notice that on December 19, 1977, Trunkline Gas Co. (Applicant), P.O. Box 1642, Houston, Tex. 77001, filed in Docket No. CP78-50 an Amendment to its Application for Temporary and Permanent Certificates of Public Convenience and Necessity authorizing the transportation of natural gas on behalf of Panhandle Eastern Pipe Line Co. (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant's Amendment provides for reimbursement by Panhandle of a portion of Trunkline's measurements and related facilities costs and annual operating and maintenance charges, as agreed by the parties.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing

to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1167 Filed 1-13-78; 8:45 am]

[6740-02]

[Project No. 2459]

WEST PENN POWER CO.

Application for Change in Land Rights

JANUARY 11, 1978.

Public notice is hereby given that an application was filed on August 21, 1975, under the Federal Power Act, 16 U.S.C. 791(a)-825(r) (1970), by West Penn Power Co. (applicant) (correspondence to: David T. Cofer, Esq., West Penn Power Co., Cabin Hill, Greensburg, Pa. 15601) for a change in land rights at the Lake Lynn Project, FERC Project No. 2459. Project No. 2459 is located on the Cheat River in Monongalia County, W. Va., and Fayette County, Pa.

Applicant seeks Commission approval of its July 11, 1973, conveyance of lands within the boundary of the project in Monongalia County, W. Va., to the West Virginia Highway Department for the operation and maintenance of an existing bridge across the project reservoir. Construction of the bridge was commenced shortly after the conveyance in 1973. The bridge, an extension of U.S. Highway 48, is of steel deck truss construction and is 1,962 feet long and 87.5 feet wide with two lanes in each direction.

The property interests conveyed consist of: a fee simple interest in 0.87 acre and a permanent easement over 4.32 acres. The lands were conveyed and the bridge was constructed without prior Commission approval.

Any person desiring to be heard or to make protest with reference to said application should on or before March 1, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.10 or 1.8 (1977)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

The public is further advised that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1168 Filed 1-13-78; 8:45 am]

[6560-01]

# ENVIRONMENTAL PROTECTION AGENCY

[FRL 843-11]

## ENVIRONMENTAL PROTECTION CRITERIA FOR RADIOACTIVE WASTES

### Announcement of Public Forum

AGENCY: Environmental Protection Agency.

ACTION: Announcement of Public Forum.

SUMMARY: The Environmental Protection Agency (EPA) will hold a Public Forum on Environmental Protection Criteria for Radioactive Wastes at the Stouffer's Denver Inn, Denver, Colo., March 30 to April 1, 1978. The purpose is to provide for extensive public review of a background report, available February 1, which includes the Office of Radiation Programs' initial formulation of proposed guidance for all types of radioactive wastes.

FOR FURTHER INFORMATION CONTACT:

Project Leader for Environmental Criteria, Waste Environmental Standards Program (AW-460), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone 703-557-8927.

SUPPLEMENTARY INFORMATION: Notice has been given (41 FR 53363) that EPA intends to develop environmental radiation protection standards for high-level radioactive waste to assure protection of the public health and the general environment. This development will focus initially on two major outputs: General environmental protection criteria for all radioactive wastes, which are the subject of the Forum announced here, and numerical standards for high-level radioactive waste. These criteria and standards will be developed under the broad authorities transferred to the Agency from the former Atomic Energy Commission and the former Federal Radiation Council by Reorganization Plan No. 3 of 1970.

Prior to developing its initial formulation of proposed guidance, the Agency has sought broad public input through two open workshops: at Reston, Va., on February 3-5, 1977, and at Albuquerque, N. Mex., on April 12-14, 1977. The purposes were to define key terms related to the radioactive waste problem, and to examine basic concepts concerning both the risks associated with wastes and the long term implications of their management, including disposal. Participants were free to advise EPA on any matter they consider appropriate.

EPA has now developed an initial formulation of proposed guidance for

radioactive waste storage and disposal, using the inputs received from these workshops to the extent feasible. Before finalizing this formulation into formal proposed guidance, the Agency feels it is desirable to have further public review and discussion, since many of the concepts involve new precedents in radiation protection. The initial formulation will be the basis for discussion at the Forum, and will be available as a source document by February 1, 1978.

The Forum will take place in Denver, Colo., at the Stouffer's Denver Inn on March 30 to April 1, 1978. Following brief presentations by EPA staff on how and why its recommendations were developed, working groups will be set up according to the topics the background report covers. Participants will be expected to direct their attention specifically to EPA's initial formulation of proposed guidance and to develop comments accordingly, rather than to explore the issues in general.

The Forum is free, but, to assist EPA in planning sufficient meeting arrangements, people who wish to participate are asked to pre-register with the Manager, EPA Workshop, Ecological Analysts, 257 Broad Hollow Road, Melville, N.Y. 11746. Anyone who attended either of the two previous workshops will automatically receive an invitation and a copy of the background document containing the Agency's initial formulation of proposed guidance. Those who would like to provide written comments instead of attending the Forum may request the same information from EPA at the above address. All comments received by either process will be considered in preparing the criteria for formal proposal in the FEDERAL REGISTER.

Dated: January 8, 1978.

DAVID HAWKINS,  
Assistant Administrator for Air  
and Waste Management.

[FR Doc. 78-1176 Filed 1-13-78; 8:45 am]

[6712-01]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 21516-21518, File Nos. BP-19846 etc.; FCC 77-868]

ANDROMEDA BROADCASTING SYSTEM, INC.  
ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 21, 1977.

Released: January 13, 1978.

In re applications of Andromeda Broadcasting System, Inc., Roswell, N. Mex., Docket No. 21516, File No. BP-

19846, Requests: 1430 kHz, 1kw Day, 5kw Night, for construction permit; Gordon L. Gay, trustee in bankruptcy, station KKAT, Roswell, N. Mex., Docket No. 21517, File No. BR-118, for renewal of license; Gordon L. Gay, trustee in bankruptcy (Assignor) and Rosendo Casarez, Jr. (Assignee), Docket No. 21518, File No. BAL-8580, for assignment of license.

I. The Commission has before it: (i) The above-captioned untimely filed 1974 license renewal application of Station KKAT, Roswell, N. Mex., filed September 25, 1974 and supplemented on May 17, 1977; (ii) a petition to deny the 1974 application, timely filed by Andromeda Broadcasting System, Inc. (Andromeda, petitioner or applicant); (iii) late-filed responsive pleadings thereto; (iv) Andromeda's mutually exclusive application, as amended, filed November 25, 1974, seeking the silent facilities of KKAT; (v) informal objections to Andromeda's application, filed by John H. King, vice president and general manager of KBIM Radio, Roswell, N. Mex., and Walter E. Whitmore, Jr.; (vi) an amendment to Andromeda's application replying, inter alia, to King's objection; and (vii) an application for assignment of license of KKAT to Rosendo Casarez, Jr. from William L. Shaner, then trustee in bankruptcy of KKAT.

2. Background. On January 12, 1972, the Commission granted Pecos Valley Entertainment, Inc. an assignment of its license application for KKAT from Southwestern Broadcasting, Inc. That license was to expire October 1, 1974. On February 11, 1974, the Commission granted a voluntary assignment of KKAT's license from Pecos to Andromeda (BAL-8050). An appropriate showing of unavailability of capital was evidenced, and, accordingly, an exception to the hearing requirements enumerated in section 1.597 of the Commission's rules (the "three year rule") was granted. Further, on March 11, 1974, Pecos filed for and, on May 6, 1975, was granted bankruptcy status in the United States District Court for the District of New Mexico. William L. Shaner subsequently was appointed

Andromeda since has filed a pleading entitled "supplemental information to petition to deny or to hold evidentiary hearing" which is unsupported by affidavits. The supplement contains, inter alia, a lengthy chronological account of Andromeda's negotiations to purchase KKAT. Because the supplement contains unsupported allegations previously known to petitioner and was not specifically requested by the Commission, §§ 1.580(j) and 1.45 of the rules, 47 CFR 1.580(j) and 1.45, we will dismiss this pleading as unauthorized.

By letter filed with the Commission December 29, 1976, Gordon L. Gay apprised the Commission that he had been appointed trustee in bankruptcy to succeed Mr. Shaner. He, too, seeks assignment of the license and facilities to Casarez.



trustee in bankruptcy by order of that Court (Cause No. B-74-229). On April 3, 1974, the Commission granted an involuntary assignment of KKAT's facilities from Pecos Valley Entertainment, Inc., debtor-in-possession (BAL-8112). On April 18, 1974, KKAT went off the air and the Commission subsequently granted authority to remain silent until September 1, 1976. Due to these and other circumstances, Andromeda advised the Commission that its assignment would not be consummated. Then, on January 16, 1976, an application for assignment of license (BAL-8580) from William L. Shaner, then trustee, to Rosendo Casarez, Jr. was accepted for filing by the Commission. Finally, on September 20, 1977, the Commission granted an involuntary assignment of KKAT's facilities (BAL-9098) from former trustee Shaner to the present trustee, Gordon L. Gay (see n. 2, supra).

3. *Andromeda's Petition to Deny.* Initially, Andromeda contends the license renewal application is procedurally defective in that Pecos failed to submit to the Commission its annual license fee for 1973 and 1974; the application was filed more than two months late; and Pecos "ignored" the newspaper publication requirements set forth at Rule 1.580. Petitioner also maintains Pecos substantively violated the Commission's rules by effecting a transfer of negative control to Rosendo Casarez, Jr., through redemption of the stock of one of its principals, E. Ray Phelps, to the corporate treasury without filing an application with the Commission. In opposition, Shaner, then trustee, states, inter alia, he applied to the United States District Court for the District of New Mexico for authority to sell the station's assets and license; and at a meeting of Pecos' creditors, including Andromeda, held July 30, 1975, Casarez offered to purchase KKAT's license subject to Commission approval of assignment of the license. Shaner further maintains Andromeda did not object to this proposal and subsequently the sale was approved by the Court. On November 4, 1975, an order transferring the assets from Pecos, the bankrupt, to the trustee was effectuated. Shaner then filed an application

with the Commission to assign the station's license to Casarez (see para. 2, supra). Finally, Shaner claims to have no personal knowledge of the allegations contained in Andromeda's pleading because the complained-of matters allegedly occurred prior to the bankruptcy. In reply, petitioner alleges trustee's opposition was untimely filed,<sup>3</sup> and it vigorously opposed in court Shaner's request to assign the station's license to Casarez, a former officer and stockholder of KKAT (Appendix B, reply).

4. Initially, it does not appear that license has made the required notification of the filing of the station's 1974 renewal application as well as the 1977 supplement thereto as required by § 1.580 of our rules. Accordingly, we will require licensee to provide such notice. Because the station is silent and, therefore, is not an "operating broadcast station," § 1.580(c) of the rules (pertaining to newspaper publication) is applicable.<sup>4</sup> In this regard, we note that the publication procedures set forth in §§ 1.580(c) and 1.594 (the latter requires newspaper publication by renewal applicants designated for hearing) virtually are identical. Accordingly, we shall allow licensee to make one publication series to satisfy the requirements of both sections. Such notice shall contain language consonant with the provisions of § 1.580(d)(2) and 1.594(e)(1). George E. Cameron, Jr. Communications, 56 FCC 2d 752 (1975), vacated; 58 FCC 2d 622 (1976), reinstated, FCC 77-449, released June 24, 1977. Further, since Rule 1.594 provides that members of the public may write the Commission and give evidence concerning the designated issues within thirty days of the release date of the Commission's order specifying the time and place of the hearing, id. at 756, and Rule 1.223 provides that persons may intervene in hearing proceedings by filing a petition to intervene not later than thirty days after publication of the issues in the FEDERAL REGISTER, we believe that the right of the public to participate in the instant proceeding is preserved despite the fact that KKAT failed to make the requisite publication. Therefore, we need not extend the time for filing petitions to deny or other renew-

al objections. Rather, we believe that the public interest would best be served by speedy resolution of the applications and issues now under consideration.<sup>5</sup>

5. We turn now to Andromeda's remaining allegations concerning Pecos' failure to pay its 1973 and 1974 annual license fees as required by suspended Rule 1.1111, failure to return the station to full broadcast operation pursuant to Rule 73.71, and failure to submit a 1973 ownership report as required by Rule 1.615. First, regarding license fees, in response to an action of the United States Court of Appeals in *National Association of Broadcasters, et al. v. FCC*, 554 F. 2d 118 (D.C. Cir. 1976),<sup>6</sup> in which the court remanded the Commission's orders relating to its schedule of fees, we determined the appropriate, immediate response would be to suspend any further collection of fees effective January 1, 1977 and to undertake a study of the legal and administrative implications of refunding fees. Suspension of Subpart G of Part 1 of the Commission's rules, FCC 76-1197, 39 RR 2d 442 (1976). Accordingly, since the Commission no longer requires payment of such fees and considering the financial status of the applicant during this period, we do not believe that this matter is of such significance as to warrant exploration in hearing. Second, regarding the station's silence, because of KKAT's bankrupt status and the present trustee's lack of intent to operate the station—in fact, he seeks to assign the station's facilities—we shall grant authority to KKAT to continue to remain silent (see para. 13, infra). Thus, we perceive no need to resolve this matter in hearing. Finally, we note Pecos has cured its failure to submit a 1973 ownership report by

<sup>3</sup>We note in this regard that the failure to comply with pre-filing and post-filing publication requirements cannot, by its own terms, be construed as allowing the filing of additional mutually exclusive applications. The notice required by Rule 1.580—notification of filing renewal applications—is designed to alert the public to the filing of renewal applications and the dates for filing objections thereto; whereas Rule 1.516(e)(1)—filing of mutually exclusive applications—gives prospective applicants the precise dates for filing competing applications. Thus, Rule 1.580 is tied to timely notice to the public by the applicant but Rule 1.516 is tied to the filing of the renewal application. Hence, the failure of a licensee to make the required pre-filing and post-filing announcements does not in our view automatically extend the time for filing mutually exclusive applications. However, this does not preclude a compelling and persuasive showing for waiver of Rule 1.516. See Cameron, supra at 760-61.

<sup>4</sup>See also *National Cable Television Association, Inc., et al. v. FCC*, 554 F. 2d 1094 (D.C. Cir. 1976); *Electronics Industries Association, et al. v. FCC*, 554 F. 2d 1109 (D.C. Cir. 1976).

<sup>3</sup>We do not purport to set forth fully every detail of the pleadings before us. We believe, however, that the allegations stated infra adequately describe the substance of the pleadings and provide sufficient basis for our conclusions. 47 U.S.C. 309(d)(2).

<sup>4</sup>Section 1.539 requires a license renewal applicant to file its application no later than the first day of the fourth month prior to the expiration date of its license. However, Pecos filed its application almost three months late—September 25, 1974.

<sup>5</sup>By staff letter dated February 2, 1976, Shaner was apprised no opposition to Andromeda's pleading had been filed by Pecos and was afforded 30 days to respond; he did so on February 28, 1976—approximately 15 months after the opposition was due.

<sup>6</sup>Section 1.580(c) states in pertinent part that notice of filing of a renewal application shall be published in a daily newspaper at least twice a week for two consecutive weeks within the three-week period immediately following the tendering for filing of the application.

subsequently filing ownership reports on September 10, 1974, December 29, 1975 and May 19, 1977. Accordingly, these three matters raise no substantial and material questions of fact to warrant further exploration at an evidentiary hearing.

6. Our review of Pecos' ownership report, FCC Form 323, filed September 10, 1974, indicates Rosendo Casarez, Jr., former officer and shareholder, who previously owned 49 percent of the corporate stock, acquired negative control by virtue of the redemption of Phelps' stock to Pecos' treasury (see para. 3, supra), which resulted in his acquisition of 50 percent of the total (3068 of 6076 outstanding corporate shares). In this instance, prior consent should have been obtained by the filing of FCC Form 316, Clay Broadcasters, Inc., 21 RR 2d 442 (1971). We are concerned about this matter and believe that the facts and circumstances surrounding this apparent unauthorized transfer of control should be fully explored in hearing. Normally the licensee should be made to defend such allegations in the evidentiary hearing. Here, however, we are confronted with a unique situation where the present licensee is a trustee in bankruptcy with no knowledge of the facts involved in the alleged wrongdoing. Furthermore, the station is no longer in operation and the trustee does not intend to operate the station but rather seeks to assign the station to Casarez. Since Casarez allegedly was involved in the unauthorized transfer as a former 49 percent stockholder of Pecos, the prior licensee, and now is seeking to purchase the station's remaining assets through assignment of license, we believe under these circumstances that the public interest would best be served by making Casarez come forth at the hearing and explain these charges. Accordingly, we will specify an unauthorized transfer of control issue against Casarez in his capacity as the proposed assignee of KKAT. Furthermore, since it is Casarez and not Gordon L. Gay as trustee of KKAT who will be competing with Andromeda to operate the facilities of KKAT, the renewal application and assignment application will be "taken in conjunction with" the competing application of Andromeda, discussed *infra*. See Bronco Broadcasting Corp., 50 FCC 2d 529, 536 (1974), recon. den., 52 FCC 2d 836 (1975).

#### THE COMPETING APPLICATION

7. As noted at para. 1, supra, informal objections were filed against Andromeda's application for KKAT's facilities. We turn first to King's objection. King contends seven of Andromeda's initial 46 alleged community leader interviews never took place and supports this allegation with sworn corroborating statements of these seven individuals. He also claims An-

dromeda's survey falsely stated that half of the leaders contacted are Mexican-American. On April 22, 1976, the Commission asked Andromeda to respond to these allegations. Thereupon, Andromeda amended its application on June 4, 1976, claiming John L. Wardy, its president, personally had conducted the disputed interviews in October 1973, and had contacted eight Mexican-American community leaders during a supplemental survey conducted in May and June, 1976. Andromeda also submitted five affidavits (Appendices I-K), viz.: (1) Three affidavits from alleged community leaders contradicting their earlier affidavits and now claiming they had been contacted by the applicant, and also citing Wardy's 1973 leader survey questionnaires which they aver correctly reflect their responses; (2) the affidavit of Tim Scott, a former King employee, claiming "gross misunderstanding" occurred during the process of his securing an unspecified number of the seven King affidavits; and (3) Wardy's affidavit averring he was unable to obtain counteraffidavits from the four other King affiliates—Paul J. Kelly, Jr., Joyce B. Walker, Barbara Kelly and Tom M. Thornton, Jr.

8. The Commission hence is unable to determine the bona fides of four of Andromeda's community leader interviews and the validity of its claim that half of the original interviewees are Mexican-American. Further, we note the Wardy affidavit is based on speculation and surmise regarding the reasons those community leaders retracted the alleged 1973 survey questionnaires, and the Scott affidavit does not define the "gross misunderstanding." Thus, the Commission is confronted with conflicting affidavits raising serious questions of misrepresentation concerning certain aspects of Andromeda's community leader survey. These questions are best resolved on the basis of an evidentiary record, and an appropriate issue therefore will be specified. See, "e.g., Folkways Broadcasting Co., Inc.," 27 FCC 2d 619, 621 (Rev. Bd. 1971). While we note factors which arguably make such an inquiry unnecessary—i.e., some of the challenged interviewees may not be classifiable as community leaders, and Andromeda's submission of its amended list of community leaders, which omits the disputed four interviewees and satisfies the requirements of the "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650 (1971)—the issue nonetheless is appropriate. This is so because the fact of concealment may be more significant than the fact concealed, and the willingness to deceive a regulatory body may be reflected by immaterial deceptions as well as by material ones. *FCC v. WOKO, Inc.*, 329 U.S. 222 (1946).

9. Whitmore's informal objection presents another basis for designation of a misrepresentation issue. In its June 4, 1976 amendment, Andromeda presents a completely revised financial showing. It maintains it will reduce equipment costs because Whitmore, the apparent owner of KKAT's antenna site, will make available the use of the station's antenna system as part of Andromeda's \$1,500-per-year leasing arrangement with Whitmore for land. Andromeda states it will file Whitmore's forthcoming letter confirming the lease as an amendment to its application. Instead, however, the Commission has been apprised in Whitmore's objection that he repudiates the alleged lease, that Wardy's letter to him (Appendix E, amendment) purports to substantiate conversation which never occurred, and that Whitmore never made any leasing arrangements with Wardy. Whitmore also submitted a letter from his attorney to Andromeda's counsel in Albuquerque and Las Vegas, charging Wardy fabricated the content of his letter and demanding the Commission be so advised. This situation again raises a question of misrepresentation, and also casts doubt upon Andromeda's financial ability to construct and operate as proposed. Entirely apart from the Whitmore allegations, Andromeda's most recently filed balance sheet is dated October 31, 1973. Consequently, the Commission cannot determine the applicant's current financial condition and thus a financial issue will be specified.

10. Moreover, Andromeda's amendment to its application of October 28, 1976, raises additional financial questions. New cost data submitted with the amendment indicates Andromeda would require \$103,185 to construct the station and operate it for one year without revenues. This figure is itemized as follows:

Down payment on equipment valued at \$50,014.....	\$12,504
14 additional payments on equipment balance.....	8,750
14 mos. interest on unpaid balance at 8 percent.....	3,501
Miscellaneous.....	11,000
Items not covered by manufacturer's letter of credit in the amount of \$50,014, dated May 3, 1976 (\$97,004 estimated equipment costs minus \$50,014).....	46,990
Working capital requirement.....	20,440
Total.....	\$103,185

To meet this requirement, applicant proposes to rely upon \$84,000 in capital available to ABS Records, wholly owned by Andromeda's president Wardy, and upon the proceeds of the sale of Wardy's house, projected as being between \$70,000 and \$75,000. Doubt as to availability of the \$84,000 is created by the ABS Records balance sheet which reflects the unusual situation of no liabilities despite the com-



pany's doing an annual business volume exceeding \$300,000. As to Wardy's house, the proceeds of its sale may not be considered available to Andromeda because Wardy has not filed a personal balance sheet showing whether there are liens against the property, as required by Section III, page 3, para. 4(b) of the application form (FCC Form 301). In the absence of any information on liens (e.g., mortgages) or the costs of sale (e.g., commissions), the Commission cannot determine how much of the proceeds would be available for Andromeda's use. In light of these considerations, applicant has failed to demonstrate it is financially capable of carrying out its proposal, and we think these matters also must be explored at hearing.

# CONCLUSION

11. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, and in light of the substantial and material questions with respect to both applicants discussed supra, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

12. *Accordingly, it is ordered:* (a) That the petition to deny renewal of Pecos' license, filed by Andromeda Broadcasting System, Inc., is granted only to the extent indicated herein and is denied in all other respects; (b) That the informal objections to grant of Andromeda's application, filed by John H. King and Walter E. Whitmore, Jr., are granted only to the extent indicated herein and are otherwise denied; and (c) That Andromeda Broadcasting System, Inc., John H. King, Walter E. Whitmore, Jr. and Rosendo Casarez, Jr., are made parties to the hearing ordered herein.

13. *It is further ordered,* That, no motion of the Commission, Station KKAT's authorization to remain silent is granted until the matters raised in the instant Order have been resolved.

14. *It is further ordered,* That, the public is given thirty (30) days from the release date of the Commission order setting the time and place for the hearing in which to file evidence concerning the issues raised at para. 15, infra.

15. *It is further ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) With respect to the mutually exclusive application for the facilities of Station KKAT filed by Andromeda Broadcasting System, Inc.:

(a) To determine whether Andromeda misrepresented facts to the Commission or was lacking in candor in connection with its community leader consultations;

(b) To determine whether Andromeda misrepresented to the Commission that half its community leader interviews were with Mexican-Americans;

(c) To determine whether Andromeda misrepresented facts to the Commission or was lacking in candor concerning its alleged agreement with Walter E. Whitmore, Jr. regarding the availability to Andromeda of the KKAT antenna system;

(d) To determine whether Andromeda is financially qualified to construct the proposed facility and operate it for one year without revenues; and

(e) To determine the effects of the evidence adduced pursuant to (a), (b), (c), and (d) above on the basic and/or comparative qualifications of Andromeda to be a Commission licensee.

(2) With respect to the application for assignment (BAL-8580) of KKAT's facilities to Rosendo Casarez, Jr.:

(a) To determine the facts and circumstances surrounding the transfer of control of Pecos Valley Entertainment, Inc., debtor-in-possession, to Rosendo Casarez, Jr.;

(b) To determine the effects of the evidence adduced pursuant to (a) above on the basic and/or comparative qualifications of Rosendo Casarez, Jr. to be a Commission licensee.

(3) In the event it is determined that both applicants have the requisite qualifications to be Commission licensees pursuant to the evidence adduced under the foregoing issues, to determine which of the proposals would, on a comparative basis, better serve the public interest.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

16. *It is further ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence under issues 1 (a) and (b) shall be upon John H. King; under issue 1(c), upon Walter E. Whitmore, Jr.; and under issues 1(d) and 2(a), upon Andromeda Broadcasting System, Inc., since with the exception of issue 1(d), the issues were raised by petitioner or objectors herein, and such information regarding the financial, character and operational qualifications at issue is peculiarly within the above parties' knowledge; and that the burden of proof under issues 1(a)-(e) shall be upon Andromeda Broadcasting System, Inc.; and, under issues 2(a) and 2(b), upon Rosendo Casarez, Jr.

17. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and present evidence on the issues specified in this order.

18. *It is further ordered,* That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rules (as modified at para. 4, supra), and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

19. *It is further ordered,* That the Secretary of the Commission shall send, by Certified Mail-Return Receipt Requested, a copy of this Memorandum Opinion and Order to each of the parties to this proceeding.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Secretary.

[FR Doc. 77-1100 Filed 1-13-78; 8:45 am]

[6712-01]

[Report No. I-426]

## COMMON CARRIER SERVICES INFORMATION International and Satellite Radio Applications Accepted for Filing

JANUARY 11, 1978.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

For the Federal Communications Commission.

WILLIAM J. TRICARICO,  
Secretary.

SATELLITE COMMUNICATIONS SERVICES:  
CA-220-DSE-ML-78 Satellite Transmission & Receiving Co. (STARCO) Hayward, Calif. Modification of license to convert this facility to a common carrier, non-profit, cost-sharing basis.  
[FR Doc. 78-1103 Filed 1-13-78; 8:45 am]

[6712-01]

## TV BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: January 6, 1978.

Released: January 10, 1978.

Notice is hereby given, pursuant to § 1.572(c) of the Commission's Rules, that on February 24, 1978, the TV broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on February 23, 1978 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on February 23, 1978.

The attention of any party in interest desiring to file pleadings concerning any pending TV broadcast application, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(l) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

For the Federal Communications Commission,

WILLIAM J. TRICARICO,  
Secretary.

BPCT-5088 (new), Cocoa, Fla., Astro Enterprises, Inc. Channel 20. ERP: 194 kW, HAAT: 220 ft.

BPCT-5107 (new), Salt Lake City, Utah, Springfield Television of Utah, Inc. Channel. ERP: 507 kW, HAAT: 3691 ft.

BPCT-5108 (new), Jacksonville, Fla., Malrite of Jackson, Inc. Channel. ERP: 4091 kW, HAAT: 976 ft.

BPCT-5109 (new), Atlantic City, N.J., Atlantic City Television Corp. Channel. ERP: 1832 kW, HAAT: 465 ft.

BPCT-5121 (new), Harlingen, Tex., Texas Consumer Education and Communications Development Committee. Channel 80. ERP: 599 kW, HAAT: 1407.5 ft.

BPET-587 (new), Conway, S.C., South Carolina Educational TV Commission. Channel. ERP: 873 kW, HAAT: 822 ft.

BPET-592 (new), Spartanburg, S.C., South Carolina Educational TV Commission. Channel. ERP: 838 kW, HAAT: 957 ft.

BPET-593 (new), Los Angeles, Calif., Quality Broadcasting Corp. Channel 68. ERP: 1925 kW, HAAT: 2870 ft.

[FR Doc. 78-971 Filed 1-13-78; 8:45 am]

[6730-01]

## FEDERAL MARITIME COMMISSION [Amendment No. 4 to Commission Order No. 1 (Revised)]

### ORGANIZATION AND FUNCTIONS Section 7. Specific Authorities Delegated to Managing Director

Subsection 7.21 is added to the Revised Order to give the Managing Director authority to carry out certain provisions of 46 CFR Part 507. The new subsection is added to read:

7.21 Authority pursuant to section 19 of the Merchant Marine Act of 1920 and 46 CFR Part 507 to (1) issue orders of the Commission requiring a "favored carrier" to show cause why such carrier is not in violation of 46 CFR Part 507 and why it should not be ordered to cease and desist such violations whenever the Commission receives notification from the U.S. Customs Service or is otherwise aware that a vessel owned, operated, controlled by, or carrying cargo for such "favored carrier" has departed a U.S. port while carrying cargo destined for Guatemala and such carrier does not have an Equalization Fee Payment Guarantee on file with the Commission or such carrier does not file an Equalization Fee or Summary Report of Cargo Carrying within four days of his departure from the last U.S. port of call; (2) to reject any Surety Bond (FMC Form 128), Equalization Fee Payment Guarantee (FMC Form 129) or Summary Report of Cargo Carrying (FMC Form 147) whenever such forms are incomplete, inaccurate or incorrectly filed or completed as required by 46 CFR Part 507; (3) receive any payment of money due under 46 CFR Part 507; (4) to return any Equalization Fee on cargo not subject to the duty free or other benefits of the Guatemalan industrial development laws or Central American Agreement on Tax Incentives for Industrial Development; and (5) return any amount received as a guarantee for the payment of Equalization Fees upon a showing that the carrier has withdrawn from the U.S./Guatemalan trade and that all Equalization Fees and Summary Reports have been filed.

RICHARD J. DASCHBACH,  
Chairman.

JANUARY 13, 1978.

[FR Doc. 78-1107 Filed 1-13-78; 8:45 am]

[6210-01]

## FEDERAL RESERVE SYSTEM

### BANKSHARES OF NEBRASKA, INC. AND HASTINGS STATE CO. Proposed Acquisition of First Savings Company of Hastings

Bankshares of Nebraska, Inc., Grand Island, Nebr., and Hastings State Co., Hastings, Nebr., have applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to form a joint venture by acquiring voting shares of First Savings Co. of Hastings, Hastings, Nebr., a de novo corporation. Notice of the application was published on November 21, 1977, in The Hastings Daily Tribune, a newspaper circulated in Adams County, Nebr.

Applicants state that the proposed subsidiary would engage de novo in the activities of operating an industrial loan and investment company pursuant to the laws of the State of Nebraska, and also of acting as insurance agent for the sale of credit life insurance that is directly related to extensions of credit by First Savings Co. of

Hastings. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 5, 1978.

Board of Governors of the Federal Reserve System, January 9, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 78-1049 Filed 1-13-78; 8:45 am]

[6210-01]

## FIRST STATE HOLDING CO. OF ELKHART

### Formation of Bank Holding Company

The First State Holding Co. of Elkhart, Elkhart, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 81.33 percent of the voting shares of the First State Bank of Elkhart, Elkhart, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 8, 1978.

Board of Governors of the Federal Reserve System, January 10, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[FR Doc. 78-1050 Filed 1-13-78; 8:45 am]



## [6210-01]

## SEBEKA BANCSHARES, INC.

## Formation of Bank Holding Company

Sebek Bankshares, Inc., Sebek Bank, Minn., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91.7 percent of the voting shares of Security State Bank of Sebek, Sebek, Minn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 1, 1978.

Board of Governors of the Federal Reserve System, January 10, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

(FR Doc. 78-1051 Filed 1-13-78; 8:45 am)

## [4110-35]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

## Health Care Financing Administration

## PHYSICIANS IN ARIZONA

Designation of Professional Standards Review  
Organization for PSRO Area II

On August 19, 1977, I published a notice announcing the Secretary's intent to enter into an agreement with the Greater Southern Arizona PSRO, Inc., designating it as the Professional Standards Review Organization for PSRO Area II of Arizona. That notice was also published in three consecutive issues of the Arizona Daily Star, Tucson Daily Citizen, and the Yuma Daily Sun on August 19, 20, and 22, 1977.

In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the Area. Those organizations and facilities were asked to inform actively practicing member doctors as to the contents of the notice.

The notice provided that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area II who objected to the proposed agreement on the grounds that the Greater Southern Arizona PSRO, Inc., is not representative of doctors in that Area, mail a written objection to the Secretary on or before September 19, 1977.

The Secretary has determined that not more than 10 percent of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area II of Arizona have expressed timely objection. Therefore, the Secretary has entered into an agreement with the Greater Southern Arizona PSRO, Inc., designating it as the Professional Standards Review Organization for PSRO Area II of the State of Arizona.

Dated: January 6, 1978.

ROBERT A. DERZON,  
Administrator, Health Care  
Financing Administration.

(FR Doc. 78-948 Filed 1-13-78; 8:45 am)

## [4110-35]

## PHYSICIANS IN NORTH CAROLINA

Designation of Professional Standards Review  
Organization for PSRO Area VII

On August 19, 1977, I published a notice announcing the Secretary's intent to enter into an agreement with the Metrolina Medical Foundation Peer Review, Inc., designating it as the Professional Standards Review Organization for PSRO Area VII of North Carolina. That notice was also published in three consecutive issues of the Observer, News, and Gazette on August 19, 20, and 22, 1977.

In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the Area. Those organizations and facilities were asked to inform actively practicing member doctors as to the contents of the notice.

The notice provided that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VII who objected to the proposed agreement on the grounds that the Metrolina Medical Foundation Peer Review, Inc., is not representative of doctors in that Area, mail written objection to the Secretary on or before September 19, 1977.

The Secretary has determined that not more than 10 percent of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area VII of North Carolina have expressed timely objection. Therefore, the Secretary has entered into an agreement with the Metrolina Medical Foundation Peer Review, Inc., designating it as the Professional Standards Review Organization for PSRO Area VII of the State of North Carolina.

Dated: January 6, 1978.

ROBERT A. DERZON,  
Administrator, Health Care  
Financing Administration.

(FR Doc. 78-949 Filed 1-13-78; 8:45 am)

## [4110-35]

## PHYSICIANS IN OHIO

Designation of Professional Standards Review  
Organization for PSRO Area VI

On August 25, 1977, I published a notice announcing the Secretary's intent to enter into an agreement with the Region Six Peer Review Organization, designating it as the Professional Standards Review Organization for PSRO Area VI of Ohio. That notice was also published in three consecutive issues of the Akron Beacon Journal and The Record Courier on August 25, 26, and 27, 1977.

In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the Area. Those organizations and facilities were asked to inform actively practicing member doctors as to the contents of the notice.

The notice provided that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VI who objected to the proposed agreement on the grounds that the Region Six Peer Review Organization is not representative of doctors in that Area, mail a written objection to the Secretary on or before September 24, 1977.

The Secretary has determined that not more than 10 percent of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area VI of Ohio have expressed timely objection. Therefore, the Secretary has entered into an agreement with the Region Six Peer Review Organization, designating it as the Professional Standards Review Organization for PSRO Area VI of the State of Ohio.

Dated: January 6, 1978.

ROBERT A. DERZON,  
Administrator, Health Care  
Financing Administration.

(FR Doc. 78-950 Filed 1-13-78; 8:45 am)

## [4110-35]

## PHYSICIANS IN PENNSYLVANIA

Designation of Professional Standards Review  
Organization for PSRO Area V

On August 19, 1977, I published a notice announcing the Secretary's intent to enter into an agreement with the Midwestern Pennsylvania PSRO, designating it as the Professional Standards Review Organization for PSRO Area V of Pennsylvania. That notice was also published in three consecutive issues of the Butler Eagle, New Castle News, The News Herald, The Derrick, Indiana Evening Gazette, Sharon Herald, Leader-Times, The

Courier-Express, and Progress on August 19, 20, and 22, 1977.

In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the Area. Those organizations and facilities were asked to inform actively practicing member doctors as to the contents of the notice.

The notice provided that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area V who objected to the proposed agreement on the grounds that the Midwestern Pennsylvania PSRO is not representative of doctors in that Area, mail a written objection to the Secretary on or before September 19, 1977.

The Secretary has determined that not more than 10 percent of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area V of Pennsylvania have expressed timely objection. Therefore, the Secretary has entered into an agreement with the Midwestern Pennsylvania PSRO designating it as the Professional Standards Review Organization for PSRO Area V of the State of Pennsylvania.

Dated: January 6, 1978.

ROBERT A. DERZON,  
Administrator, Health Care  
Financing Administration.

(FR Doc. 78-951 Filed 1-13-78; 8:45 am)

## [4110-35]

## PHYSICIANS IN VIRGINIA

Designation of Professional Standards Review  
Organization for PSRO Area I

On August 19, 1977, I published a notice announcing the Secretary's intent to enter into an agreement with the Shenandoah PSR Foundation, designating it as the Professional Standards Review Organization for PSRO Area I of Virginia. That notice was also published in three consecutive issues of the Winchester Evening Star, Progress Staunton News Leader, and The Free Lance-Star on August 19, 20, and 22, 1977.

In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the Area. Those organizations and facilities were asked to inform actively practicing member doctors as to the contents of the notice.

The notice provided that any licensed doctor of medicine or osteop-

athy engaged in active practice in PSRO Area I who objected to the proposed agreement on the grounds that the Shenandoah PSR Foundation is not representative of doctors in that Area, mail written objection to the Secretary on or before September 19, 1977.

The Secretary has determined that not more than 10 percent of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area I of Virginia have expressed timely objection. Therefore, the Secretary has entered into an agreement with the Shenandoah PSR Foundation designating it as the Professional Standards Review Organization for PSRO Area I of the State of Virginia.

Dated: January 6, 1978.

ROBERT A. DERZON,  
Administrator, Health Care  
Financing Administration.

(FR Doc. 78-952 Filed 1-13-78; 8:45 am)

## [4110-12]

## Office of the Secretary

HEALTH AND ENVIRONMENTAL EFFECTS OF  
INCREASED USE OF COAL UTILIZATION

## Advisory Committee Report

AGENCY: Department of Health, Education, and Welfare.

ACTION: Notice of Advisory Committee Report for public comment.

SUMMARY: At the request of the Department of Energy, the Secretary of Health, Education, and Welfare appointed an advisory committee to study the health and environmental effects of increased coal production and use, including coal mining and the construction of new coal-burning facilities. An increase in the production and utilization of coal as an energy source is anticipated in the National Energy Plan (NEP).

The Advisory Committee Report concludes that it is safe to proceed with significantly increased use of coal in the U.S. to generate energy, as proposed in the National Energy Plan through 1985 if strong environmental and safety policies are followed. The Committee identified six major areas of uncertainty and concern requiring further investigation and finally strongly recommended establishment of an improved national environmental data collection, modeling and monitoring system.

The Committee's Report will be transmitted to the President, together with the summary of the public comments received.

DATES: Written comments on the Advisory Committee's recommendations are requested and should be received on or before (90 days from the date of

publication of this Notice) if they are to receive full consideration.

ADDRESSES: Send comments to: Frederick M. Bohen, Executive Secretary, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Dr. Phil E. Schambra, Associate Director for Interagency Programs, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, N.C. 27709, 919-541-3467.

SUPPLEMENTARY INFORMATION: The National Energy Plan announced that the President would appoint a special committee to study the health effects of increased coal production and use and the environmental constraints on coal mining and on the construction of new coal burning facilities. The Plan indicated that the Committee would report to the President late in 1977, and the Committee Report reprinted here fulfills that commitment.

The Committee was chartered by the Department of Health, Education, and Welfare in October and was directed by David Rall, Director, National Institute of Environmental Health Sciences. Its members are:

Auerbach, Stanley L., Prof., Director, Environmental Sciences Division, Oak Ridge National Laboratory, Oak Ridge, Tenn. 37830.

Friedlander, Sheldon Kay, Dr., Department of Environmental Science and Engineering, California Tech, Pasadena, Calif. 91107.

Key, Marcus M., Prof., Professor of Occupational Medicine, School of Public Health, University of Texas Health Science Center at Houston, Room N210, P.O. Box 20186, Houston, Tex.

Nelson, Norton, Prof., Director, Institute of Environmental Medicine, New York University Medical Center, New York, N.Y. 10016.

Newman, Monroe, Prof., Professor of Economics, Pennsylvania State University, University Park, Pa. 16802.

Orians, Gordon H., Prof., Director, Institute for Environmental Studies, University of Washington, Seattle, Wash. 98195.

Rasmussen, Donald L., Director, Appalachian Pulmonary Laboratory, Inc., 3064 Stanford Road, Beckley, W. Va. 25801.

Sarofim Adel F., Prof., Professor of Chemical Engineering, Massachusetts Institute of Technology, Cambridge, Mass. 02139.

Shy, Carl, Prof., Director, Institute for Environmental Studies, University of North Carolina, Chapel Hill, N.C. 27514.

Neither the Department of Health, Education, and Welfare, the Department of Energy, nor the Environmental Protection Agency has yet completed review of the Committee's Report, and the views set forth in the Report are solely those of the Committee.



Dated: January 4, 1978.

JOSEPH A. CALIFANO, Jr.,  
Secretary of Health, Education,  
and Welfare.  
DECEMBER 23, 1977.

MEMORANDUM FOR THE SECRETARY

SUBJECT: REPORT OF THE COMMITTEE ON  
HEALTH AND ENVIRONMENTAL EFFECTS OF IN-  
CREASED COAL UTILIZATION

I am pleased to transmit this report on  
behalf of the Committee. This memoran-  
dum summarizes the major results of this  
review.

The National Energy Plan (NEP) pro-  
posed a significant increase in the use of  
coal in the U.S. In view of the potential for  
adverse effects, the Administration indicat-  
ed its support for strong environmental and  
safety policies. The NEP acknowledged that  
some uncertainty will continue over the en-  
vironmental impacts of increased coal utili-  
zation, and recommended appointment of  
this special Committee to review these im-  
pacts.

The Committee has dealt with only con-  
ventional coal combustion and looked at the  
effects anticipated through 1985. We have,  
however, considered important longer term  
problems. This report is not intended to be  
the "final word" on these issues, rather, the  
Committee sought to determine whether it  
was safe to proceed with the NEP and to  
identify areas of uncertainty and concern.  
Separate studies are underway on the other  
important issues such as water availability,  
coal transportation and socio-economic im-  
pacts of energy development.

The Committee's basic finding is that it is  
safe to proceed with NEP through 1985 if  
strong environmental and safety policies are  
followed. The Committee identified six  
major areas of uncertainty and concern re-  
quiring further investigation and finally  
strongly recommends establishment of an  
improved national environmental data col-  
lection, modeling and monitoring system.

At the outset, it must be realized that—  
given the present state-of-the-art in envi-  
ronmental forecasting and the quality of  
available data—it is very difficult to discern  
significant differences in environmental or  
public health effects between the business-  
as-usual (BAU) and NEP coal consumption  
levels. The Committee concludes that, even  
with the best mitigation policies, there will  
be some adverse health and environmental  
effects from the dramatic increase in coal  
use. However, these will not impact all re-  
gions and individuals uniformly. Singly and  
collectively, these effects should not be of  
sufficient magnitude by 1985 to require  
modification of the NEP if the following  
policies are adhered to rigorously:

Compliance with Federal and State air,  
water and solid waste regulations;  
Universal adoption and successful operation  
of best available control of technology on  
new facilities;  
Compliance with reclamation standards;  
Compliance with mine health and safety  
standards;  
Judicious siting of coal-fired facilities.

The minimization of adverse health or en-  
vironmental effects from the 1985 coal pro-  
duction and use levels in either the NEP or  
BAU scenarios requires that the following  
be recognized.

While increased health and environmen-  
tal problems resulting from either the BAU

or NEP probably will be modest and local-  
ized, this conclusion is dependent upon ad-  
herence to all of the five policies listed  
above. Industry, government, and the public  
need to realize that increased costs for pol-  
lution control and environmental protection  
is a part of the price tag of NEP, or any  
other plan resulting in increased use of coal.

The NEP forecasts an annual increase of  
177 million tons of coal by non-utility indus-  
tries by 1985. Unlike large power plants,  
most of these smaller facilities will be locat-  
ed near high density population areas.  
Emissions from these smaller industrial  
plants will be difficult to control. DOE and  
EPA should pay attention to the siting and  
control of these sources.

There are a number of uncertainties that  
impair the confidence in which potential ad-  
verse health and environmental effects can  
be assessed.

The Committee has identified a number  
of issues. The following six issues urgently  
need attention if the Nation is to minimize  
undesirable consequences of increased coal  
utilization now, and in the future:

There are two critical health issues:

**Air pollution health effects.** Current stan-  
dards may not provide adequate health pro-  
tection from all coal combustion products.  
The evidence that some acid particles have  
greater impact on public health than other  
particles increases our need to resolve the  
critical problems related to the transport,  
transformation and health effects of these  
atmospheric pollutants.

**Coal mine worker health and safety.** Strict  
enforcement of the Federal Coal Mine  
Safety and Health Act of 1977 should fur-  
ther reduce the risks to workers in the coal  
industry. Even with strict enforcement, in  
order to be certain that present standards  
provide adequate protection, effective  
health monitoring and assessment will be  
necessary. Continued improvement in  
miner's safety will require increased educa-  
tion, especially for new miners. New devel-  
opments, such as use of Diesel powered un-  
derground equipment, require further study  
of potentially deleterious health effects.

There are two critical environmental  
issues:

**Global effects of carbon dioxide in the at-  
mosphere.** Combustion of fossil fuels (espe-  
cially coal) is increasing global atmospheric  
CO<sub>2</sub>. This could induce climatic changes  
with the potential for generating global  
socio-political disruption within fifty years.  
It is urgent that we continue a strong re-  
search program to provide a sound basis for  
action no later than 1985. Because of its  
global character, the U.S. should immedi-  
ately initiate a continuing international dia-  
logue on this problem.

**Acid fallout.** Emissions of SO<sub>2</sub> and NO<sub>x</sub>  
have increased the acidity of precipitation  
in the northeast U.S. sufficiently to have  
affected fish populations in many lakes, and  
may already be reducing forest and agricul-  
tural productivity, since both BAU and NEP  
are projected to increase emissions of SO<sub>2</sub>  
and NO<sub>x</sub>, a major effort is needed to  
verify causal relationships and project  
future effects.

There are two additional important issues:

**Trace elements.** Increased use of coal re-  
sults in wastes that contain trace elements,  
many of which are toxic. These elements  
can leach and migrate into water or enter  
food chains in quantities which could  
impact public health and environmental  
quality. Better data are needed to assess the  
extent to which these elements enter into  
the biosphere.

**Reclamation of arid land.** Enforcement of  
the Surface Control and Reclamation Act of  
1977 will mitigate many adverse environ-  
mental effects of surface mining. However,  
it is not certain that some arid areas can be  
restored, even following full compliance  
with standards. Prudence dictates that sur-  
face mining be deferred in these arid areas  
when information about their reclaimability  
is incomplete.

This has been an exercise in environmen-  
tal forecasting, an exercise which the Com-  
mittee feels must be performed on a recur-  
ring basis. However, the Committee mem-  
bers unanimously expressed reservations  
about the data and tools available for effec-  
tive forecasting. Data on future coal con-  
sumption, on emission inventories, and on  
current and future ambient air quality are  
often incomplete, discontinuous, conflicting,  
or unavailable for specific pollutants and  
for specific locations. Methods for convert-  
ing emissions into concentrations of sub-  
stances in air and water (modeling) are con-  
troversial and sensitive to initial assump-  
tions. Monitoring systems, which could gen-  
erate data and verify modeling forecasts,  
are inadequate as to number, location, uni-  
formity and reliability. Often, these systems  
measure the wrong pollutants at the wrong  
time. Current public and private expendi-  
ture for air pollution control alone are es-  
timated to exceed \$13 billion per year. The  
new requirements for best available control  
technology and for nondegradation will add  
to these already substantial sums. Thus, a  
more effective data collection, modeling and  
monitoring program appears to be a highly  
cost-effective Federal investment, such a  
program, with adequate research on health  
and environmental effects, would result in  
more precise answers and yield better public  
policy decisions. The Committee is con-  
vinced that an improved national monitor-  
ing system is a prerequisite for making good  
public policy choices, reducing levels of un-  
certainty and controversy, and providing a  
basis for a cost-effective evaluation of stan-  
dards.

Our attached report discusses these issues  
in more detail.

The Committee members wish to express  
their thanks for the opportunity to partici-  
pate in the discussion of this important  
public policy issue.

DAVID P. RALL, M.D., PH. D.,  
Chairman, Committee on Health and  
Environmental Effects of Increased  
Coal Utilization; Director, Nation-  
al Institute of Environmental  
Health Sciences.

REPORT OF THE COMMITTEE ON HEALTH AND  
ENVIRONMENTAL EFFECTS OF INCREASED  
COAL UTILIZATION

INTRODUCTION

Coal is harder to handle and is dirtier in  
combustion than either oil or natural gas.  
Yet, because coal is the most abundant do-  
mestic fossil fuel, economics, national secu-  
rity and common sense provide parallel and  
strong incentives to use more coal. By care-  
ful control of all aspects of the mining,  
transport and use of coal, these adverse ef-  
fects can be reduced, but not eliminated,  
and they form part of the social costs of  
coal utilization. Some of the potentially se-  
rious health and environmental effects of  
increased coal utilization are:

Underground mining of coal is associated  
with a high rate of worker accidents and  
chronic debilitating lung disease, particu-  
lar-

ly coal worker's pneumoconiosis (black  
lung).

Surface mining causes disruption of natu-  
ral landscapes and aquifers, and drainage  
from mine tailings and abandoned mines  
may impact natural waters and their inhabi-  
tants.

Coal combustion releases carbon dioxide  
to the atmosphere and at elevated levels  
this could cause climate modifications with  
potential for serious social disruption.

Coal contains sulfur, nitrogen and trace  
elements; during combustion sulfur dioxide,  
oxides of nitrogen, trace elements and par-  
ticulate matter are released in stack gases  
and become airborne.

These pollutants are irritants of the respi-  
ratory system. Both sulfur dioxide and ni-  
trogen dioxide can react in the atmosphere  
to become even more toxic. Exposure to ele-  
vated levels of these pollutants can increase  
the number and severity of attacks in per-  
sons with existing bronchial disorders, and  
can contribute to chronic respiratory dis-  
eases.

These airborne pollutants contribute to  
the formation of acid rain which is already  
decreasing fish populations and may  
damage crops and reduce agricultural and  
forest productivity.

Even very low levels of air pollution can  
have visibility effects and many individuals  
are vehemently opposed to degradation of  
esthetic values, particularly in the less de-  
veloped areas in the West.

Unburned residues, either coal ash, sludge  
from desulfurization systems or particles  
trapped by other control systems, contain  
trace elements such as heavy metals and ra-  
dionuclides.

CHART I.—Coal consumption forecasts  
(Millions of tons)

	Utility	Industrial	Metallurgical	Export	Other	Totals
1978 base case .....	4444	65	85	65	6	665
1985 estimates:						
BAU .....	763	101	105	90	7	1,066
NEP .....	779	278	105	90	13	1,265
House/Senate Conference .....	779	198	105	90	13	1,185
National Coal Association .....	820-850	130-160	80-110	80-110	7	1,117-1,237
American Gas Association .....	680-705	170-375		(*)	(*)	850-1,080

\*Combines Industrial and Metallurgical consumption.

\*No estimates.

Sources: BAU and NEP case are from official DOE estimates. House/Senate Conference case is an  
informal guesstimate by DOE staff (December 1977). NCA case is most current staff estimate supplied to the  
committee. AGA case is based on very restrictive interpretations of Clean Air Act Amendments (Pub. L. 95-  
95).

Even with the best mitigation policies,  
there will be some adverse health and envi-  
ronmental effects from the dramatic in-  
crease in coal use, which will not affect all  
regions and individuals uniformly. Singly  
and collectively, these effects should not be  
of sufficient magnitude by 1985 to require  
modification of the NEP if the following  
policies are adhered to rigorously:

1. Compliance with Federal and State air,  
water, and solid waste regulations;
2. Universal adoption and successful oper-  
ation of best available control technology on  
new facilities;
3. Compliance with reclamation standards;

These solid wastes are retained in land  
disposal systems. If toxic trace elements  
leach into drinking water supplies or soils,  
they can become incorporated into living or-  
ganisms, and, perhaps, concentrated in food  
chains, potentially causing a series of chron-  
ic toxic effects on human and other organ-  
isms.

Although much is known about the rela-  
tionship between coal and its health and en-  
vironmental effects, important uncertainties  
remain. The primary objective of the Com-  
mittee was to address these uncertainties  
and to determine whether the coal utiliza-  
tion goals of the National Energy Plan  
(NEP) are compatible with health and en-  
vironmental goals established by the Con-  
gress.

FINDINGS

The National Energy Plan (NEP) pro-  
posed a significant increase in the use of  
coal, our most abundant fossil fuel, to  
reduce U.S. reliance on foreign oil. Total  
U.S. coal consumption in 1976 was 665 mil-  
lion tons. Under NEP, coal consumption  
would reach 1,265 million tons by 1985; even  
without the plan, coal consumption is ex-  
pected to increase to 1,066 million tons by  
1985—according to a "business-as-usual"  
(BAU) energy scenario (see Chart I on fol-  
lowing page). In view of the potential for  
adverse effects, the Administration indicat-  
ed its support for strong environmental and  
safety policies concerning ambient air qual-  
ity standards, continuous emission control  
technology, non-degradation, reclamation,  
and coal mine health and safety to mitigate  
adverse effects associated with this increase  
in coal production and utilization.

the five policies listed above. Industry, gov-  
ernment, and the public need to realize that  
a part of the price tag on NEP, or any other  
plan resulting in increased burning of coal,  
is the cost of a pollution control program  
administered to achieve congressionally  
mandated environmental goals.

Second, most of the incremental consump-  
tion of coal under NEP would be by non-  
utility industries. Unlike large power plants,  
most of these smaller facilities are likely to  
be located near high density population  
areas, and emissions from these smaller in-  
dustrial plants are more difficult to control.  
DoE and EPA should pay attention to the  
siting and control of these sources.

In addition, there are a number of uncer-  
tainties that impair the confidence with  
which we assess potential adverse health  
and environmental effects. The Committee  
identified six issues which urgently need  
resolution if we are to minimize undesirable  
consequences of increased coal utilization  
now, and in the future. These are as follow:

Two Critical Health Issues:

**Air pollution health effects.** Current stan-  
dards may not provide adequate health pro-  
tection from all coal combustion products.  
The evidence that some acidic particles  
have greater impact on public health than  
other particles increases our need to resolve  
the critical problems related to the trans-  
port, transformation and health effects of  
the gas-aerosol complex.

**Coal mine worker health and safety.** Strict  
enforcement of the Federal Coal Mine  
Safety and Health Act of 1977 should fur-  
ther reduce the risk to workers in the coal  
industry. Even with strict enforcement, in  
order to be certain that present standards  
provide adequate protection, effective  
health monitoring and assessment will be  
necessary. Continued improvement in  
miners safety will require increased educa-  
tion, especially for new miners. New devel-  
opments, such as use of Diesel powered un-  
derground equipment, require further study  
of potential deleterious health effects.

Two Critical Environmental Issues:

**Global effects of carbon dioxide in the at-  
mosphere.** Combustion of fossil fuels, and  
especially coal, is increasing global atmo-  
spheric CO<sub>2</sub>. This could induce climatic  
changes with potential for generating global  
socio-political disruption after 2025. It is  
urgent that we continue a strong research  
program to provide a sound basis for action  
no later than 1985. Because this problem is  
global in character, the U.S. should initiate  
a continuing international dialogue immedi-  
ately.

**Acid fallout.** Emission of SO<sub>2</sub>, particularly  
from coal, and NO<sub>x</sub> from all fossil fuel com-  
bustion have increased the acidity of pre-  
cipitation in northeastern U.S. This has de-  
creased fish populations in many lakes, and  
may already be reducing forest and agricul-  
tural productivity. Since both BAU and  
NEP are projected to increase emissions of  
SO<sub>2</sub> and NO<sub>x</sub>, a major study is needed to  
verify causal relationships and project  
future effects.

Two Additional Important Issues:

**Trace elements.** Increased use of coal re-  
sults in wastes that contain trace elements,  
many of which are toxic. These elements  
can leach and migrate into water or enter  
food chains in quantities which could  
impact public health and environmental  
quality. More data are needed to assess the  
extent to which these elements enter into  
the biosphere.

**Reclamation of arid lands.** Enforcement  
of the Surface Control and Reclamation Act



after mining operations. Problems, arising from abandoned mines, are primarily environmental. Both surface and underground mines often are a source of acid that drains into surrounding watersheds. Technology is inadequate to control this problem and we can look forward to increased acid loadings, particularly from underground mines, as their useful life is exhausted. Subsidence of the ground above mines can be avoided by leaving larger amounts of coal underground. However, coordinated planning of surface and sub-surface activities is probably the most efficient control mechanism. Siting of mines and controlling industrial and residential growth above mines will mitigate the effects of future subsidence.

The recently passed Surface Control and Reclamation Act of 1977 requires that surface mined areas be restored. The requirements and costs of restoration will preclude mining at some locations, particularly on steep slopes where erosion problems would be severe. However, reclamation of most surface mines is feasible and relatively inexpensive in those areas with reasonable annual rainfall. Problems are more acute in

gained with workers exposed to the new lower dust levels, the extent of the reduction in disease will not be known. More comprehensive surveillance techniques using indices of lung function must be developed, and studies must continue to monitor the effectiveness of these new standards in protecting human health. Underground coal mining accidents continue to be a serious problem. Control technology and worker training (particularly of new workers) must be emphasized to minimize these problems. The introduction of underground Diesel engines is claimed to increase worker productivity, but may create new health problems. Research must proceed to identify the extent of any problems associated with Diesel exhaust. Surface or strip mining is less hazardous for miners—the primary problem being accidents. Training, particularly of new workers, in safety procedures is important.

**PROBLEMS OF DISPOSITION OF MINED LAND**

Coal mining, whether underground, surface or augur, has the potential to disrupt natural terrestrial systems both during and

ability, coal transportation and socio-economic impacts of energy development. The eleven papers prepared by authors from EPA, DOE, NIOSH, NIEHS, and several universities provide additional background information and are in a separate appendix which is available upon request. Brief issue summaries of each of these papers prepared by the Committee are included as a part of this report. The most critical problems are summarized below in five major categories:

**Hazards of Mining Coal.**

Problems of Disposition of Mined Land. Combustion Effluents and their Disposal. Human Health Effects of Effluents. Environmental Effects of Effluents.

**HAZARDS OF MINING COAL**

Underground mining is associated with chronic disabling lung diseases, particularly coal worker's pneumoconiosis (black lung). The incidence and severity of these diseases are related to the concentration of coal dust. Recent legislation, in 1969 and 1977, properly enforced, has and will significantly reduce this hazard. Until more experience is

of 1977 will mitigate many adverse environmental effects of surface mining. However, it is not certain that some arid areas can be restored, even following full compliance. Prudence dictates that surface mining be deferred in these arid areas when information about their reclamation is incomplete.

An important element of the Committee's review involved environmental forecasting, a task which should be done systematically on a recurring basis. However, the Committee members unanimously expressed reservations about the tools available for effective forecasting. Data on future coal consumption, on emission inventories, and on current and future ambient air quality are often incomplete, discontinuous, conflicting, or unavailable for specific pollutants and for specific locations. Methods for converting emissions into concentrations of substances in air and water (modeling) are controversial and sensitive to their initial assumptions. Monitoring systems, which could generate data and verify modeling forecasts, are inadequate as to number, location, uniformity and reliability. Often, these systems measure the wrong pollutants at the wrong time. Current public and private expenditures for air pollution control alone are estimated to exceed \$13 billion per year. The new requirements for BACT and for nondegradation will add to these, already substantial sums.

**Committee Recommendation.**

An improved data collection, modeling, and monitoring program appears to be a very cost-effective Federal investment. Such a program, with input on health and environmental effects, would result in more precise answers and yield better public policy decisions. The Committee is convinced that an improved national monitoring system is a prerequisite for making good public policy choices, reducing levels of controversy and providing a basis for a cost-effective evaluation of the standards enforced.

The Committee has traced known or anticipated health environmental effects of increased coal utilization through the entire coal fuel cycle (see Figure 1), from mining to the effluents of combustion and their disposition, and the disposition of the spent mine itself. We have dealt with conventional coal combustion and looked at the effects anticipated through 1985. We have, however, considered certain important longer term problems. Separate studies are underway on other important issues, such as water avail-

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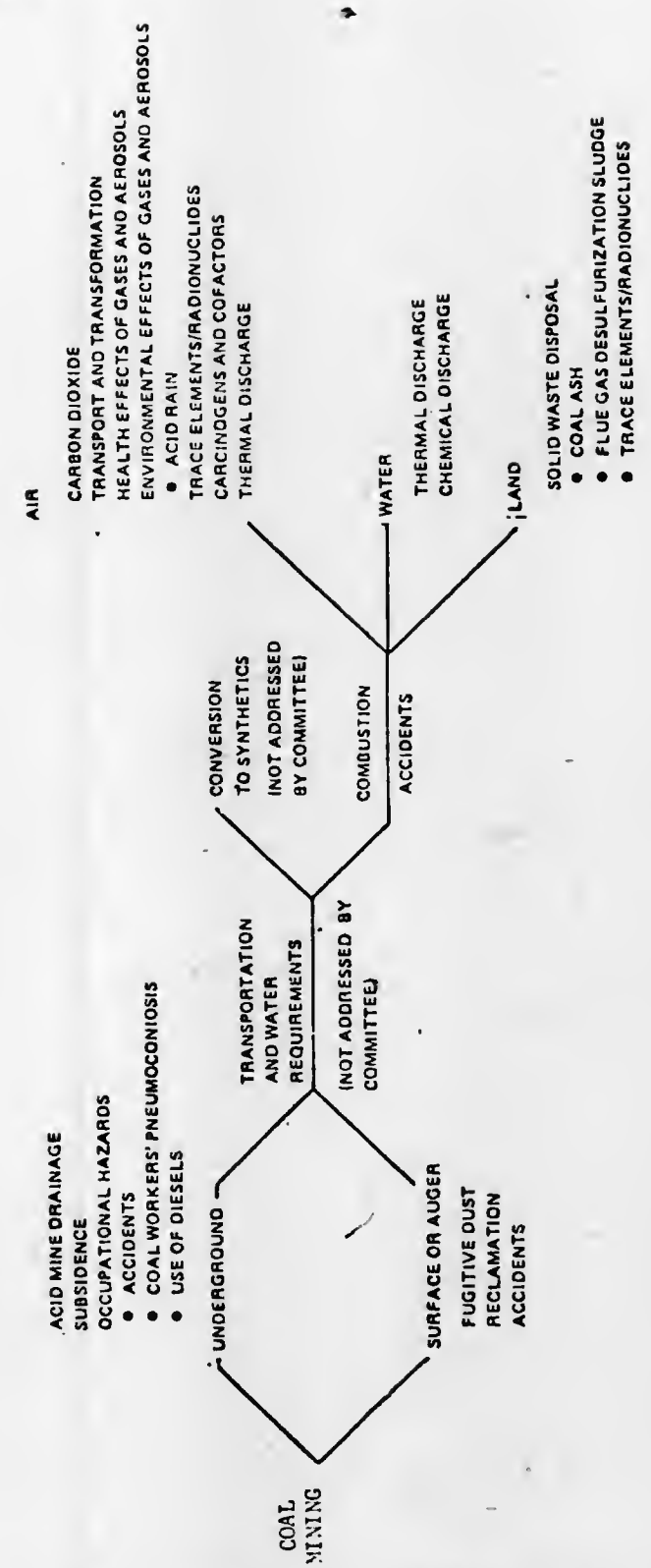


Figure 1. The Coal-Fuel Cycle.

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particularly arid regions, and we do not yet know whether arid region rangeland can be restored. Consequently, surface mining should be avoided in areas with limited rainfall until we have better empirical evidence of reclamation feasibility.

COMBUSTION EFFLUENTS AND THEIR DISPOSITION

The effluents of coal combustion appear to pose the most significant problems, both with respect to human health and to the environment. Combustion of all fossil fuels produces emissions of carbon dioxide (CO<sub>2</sub>). However, for identical energy outputs, coal generates 1.8 times as much CO<sub>2</sub> as does natural gas and 1.2 as much as fuel oil. Very large increases in atmospheric concentrations of CO<sub>2</sub> could produce significant climatic changes primarily through the "greenhouse" effect. The CO<sub>2</sub> increase resulting from the NEP coal scenario by 1985 is of minor consequence, but may pose serious future problems. Furthermore, if the rate of fossil fuel, and of coal in particular, consumption were to continue increasing, both in the U.S. and elsewhere, then the amounts of CO<sub>2</sub> could have severe impacts by the year 2025. By 1985, the nation must have better information concerning future rates of fossil fuel use, the rates and movement of CO<sub>2</sub> from all man-made sources to their ultimate sinks or reservoirs, the factors which drive global climate, and the impact of climatic changes on agricultural and other socio-biological systems. Certain projections indicate that after 1985 the relative contribution of U.S. CO<sub>2</sub> production will be proportionally lower on a global scale. Thus international cooperation is vital to resolving this potential problem.

The other major effluents of coal combustion are 1) SO<sub>2</sub>, formed by the oxidation of sulfur in the coal, 2) NO<sub>x</sub>, formed by the oxidation of both the nitrogen in the coal, and, at high temperature, from nitrogen in the air and 3) particles which are the result of unburned materials, as well as the resolidification of materials volatilized during burning. Some trace elements, such as mercury, may be volatilized and discharged as gaseous effluents; others remain as particles.

Flue gas desulfurization (FGD) and particulate control equipment attempt to capture certain toxic gaseous elements, particularly sulfur, and particles, before their dissemination into the atmosphere and deposition locally or regionally. The BACT policy requires installation of continuous FGD systems on all coal-fired plants above 25 megawatts in an effort to reduce SO<sub>2</sub> emissions below current requirements for new sources. The resulting retained solid wastes can then be disposed of in a more controlled and less hazardous manner than nationwide atmospheric dispersal.

Gaseous effluents, SO<sub>2</sub> and NO<sub>x</sub>, and particles can interact chemically in the atmosphere to yield new chemicals that are more toxic. SO<sub>2</sub> is converted to the more acidic, more toxic sulfate ion; NO<sub>x</sub> to nitrate ion. This can occur up to hundreds of miles away from the coal burning plant. Particles, ultraviolet light from the sun, humidity and natural or man-made hydrocarbons can influence the nature and speed of these reactions. Sulfate ions, and possibly nitrate ions, play major roles in the lung irritation that results in those pulmonary diseases associated with or aggravated by air pollution, e.g., acute and chronic respiratory disease including asthma. In addition, these pollut-

ants may, in association with polycyclic organic material (POM), such as benzo(a)pyrene, contribute to lung cancer.

Sulfate and nitrate ions are the predominant cause of the acid fallout that has lowered the pH (increased the acidity) of lakes and soils, and lowered productivity in many areas impacted by emissions from fossil fired plants.

Benzo(a)pyrene and similar POM can be produced by coal burning. In the past, often as a result of incomplete combustion, these carcinogenic agents were an important effluent, particularly of coal burned in home furnaces or other small boilers. Modern coal burning utility plants are highly efficient and little POM is discharged. Smaller industrial plants may, however, be less efficient and the emissions of POM may increase. Unlike large central station power plants, most smaller coal-fired industrial facilities would be located in or near high density population areas. These facilities would have lower stacks than utilities and there would be many separate point sources to maintain, monitor and evaluate. The percentage of emission reductions required by small scale facilities has often been less than for large facilities. There are reasons to believe that these smaller facilities are less likely to attain consistently emissions reduction goals. It is crucial that both DOE and EPA proceed cautiously with the industrial coal use program.

There is inadequate understanding of the atmospheric chemistry that explains 1) how acid sulfates and nitrates are formed, 2) which are the most toxic sulfates and nitrates, and 3) the extent to which photochemical oxidants—a major cause of eye and lung irritation, as well as damage to vegetation, from air pollution—may be formed in the plumes of coal-fired plants. Further, meteorological models that can trace toxic effluents as they are moved by air currents across regions or the entire country, or which can predict what happens when effluents are concentrated in local areas as a result of air stagnation, are inadequate.

Therefore, it is impossible to predict with comfortable precision ambient air levels of toxic compounds even when the locations of the sources and the quantities of emissions are known. This has introduced an unsatisfactory degree of uncertainty to all such estimations.

The solid waste effluents consist of coal ash collected by various control techniques and sludge from flue gas desulfurization. Although large quantities of these effluents will be produced, they should not pose major disposal problems solely because of their volume, if proper planning has occurred. Toxic and potentially toxic trace elements, many of which had previously been widely dispersed and sealed in underground coal deposits far removed from contact with the biosphere are concentrated in these effluents.

Sulfur and its by-products—as a solid waste—are not particularly toxic. Certain other elements, including heavy metals, radioactive thorium and uranium in coal ash and sludge, can, however, cause deleterious human health and environmental effects. Preliminary evidence indicates that radioactive material in coal is primarily trapped in solid wastes. However, further study is needed to determine the quantities of radioactivity emitted to the atmosphere as a result of coal combustion. Problems could arise if trace elements leach from disposal sites and contaminate water supplies and

aquatic and terrestrial organisms. Generally, disposal sites are designed to prevent such leaching. There is, however, little experience with disposal on such a large scale, and little evidence to indicate the leaching and migration rates of toxic trace elements.

Finally, the cooling systems of coal-fired plants can discharge large quantities of hot water, this thermal pollution can pose local problems, but it does not appear to be important on a regional or national scale.

HUMAN HEALTH EFFECTS OF EFFLUENTS

The Committee provisionally accepts the current EPA standards for the so-called criteria pollutants, with the full understanding that information and insights developed in the future may engender changes in these standards. TSP and SO<sub>2</sub> have been, and are today, used as one index of the severity of air pollution from stationary sources. No separate standards exist for the fine respirable portion of TSP or for sulfates originating from SO<sub>2</sub>. Yet, it is widely accepted that TSP, and SO<sub>2</sub>, are much less toxic than sulfates that are formed as these pollutants mix in the atmosphere. Even less is known about NO<sub>x</sub> and nitrates.

The primary health problems of these air pollutants relate to the lung. It is not anticipated that air pollutants will increase to levels that will cause the striking increase in acute mortality, seen in Donora in 1948 or London in 1952, rather, we can anticipate an increase in the number of asthma attacks in susceptible individuals, increased incidence or exacerbation of acute and chronic respiratory disorders.

The Annual Environmental Analysis Report of DOE projected very small differences between BAU and NEP by 1985 for total national emissions of TSP, SO<sub>2</sub>, and NO<sub>x</sub>. For the year 2000, total emissions for all pollutants would be lower using the NEP rather than the BAU scenario. However, SO<sub>2</sub> and NO<sub>x</sub> emission levels using either the NEP or BAU scenarios would exceed 1975 emission in 1985 and in 2000.

NATIONAL ANNUAL POLLUTION PROJECTIONS

Annual Environmental Analysis Report—DOE, June, 1977.

	(Emissions in millions of tons)				
	1975	1985	2000	1975	1985
	Base case	BAU	NEP	BAU	NEP
TSP.....	15.5	9.4	9.5	14.0	12.5
SO <sub>2</sub> .....	26.4	28.9	28.5	33.7	29.3
NO <sub>x</sub> .....	17.4	22.1	21.8	29.1	28.0

These are, however, national averages and we must look to local or regional areas to estimate with greater confidence human health effects. For example, in Federal Region VI, the Southwest, significant increases in SO<sub>2</sub> emissions would result as coal replaces natural gas and fuel oil used by utilities and industry. In Federal Region V, the Midwest, SO<sub>2</sub> emissions would remain almost constant at today's high levels.

Many areas now enjoy very good quality air, with respect to the criteria air pollutants. NEP (or BAU) induced deterioration in air quality, even if it does not exceed current standards, may affect susceptible individuals, such as the elderly and those with existing pulmonary diseases, under these circumstances. In other areas with poorer quality air, where pollutant levels already

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are at or near standards, increased use of coal may have to be constrained. Forecasts received by the Committee indicated that many adverse health effects could be avoided by careful siting of new coal-fired facilities. However, if the standards are significantly violated, there inevitably will be deleterious public health impacts. The Committee is also concerned about those other pollutants, not covered by EPA criteria standards, such as sulfates, POM, etc., for which emission forecasts are not available. We need more information.

These considerations emphasize the need for strict compliance with Federal and State anti-pollution regulations, adoption and successful operation of BACT and judicious siting of coal-fired facilities. While there has been great progress since passage of the Clean Air Act of 1970, the number of areas remaining in violation is disappointingly large. As more coal is used, especially as a substitute for cleaner natural gas, extensive use of BACT becomes more critical. As an example, BACT will require flue gas desulfurization systems on all coal-fired power plants. These systems are designed to remove 90% of the sulfur 90% of the time, resulting in 81% average removal of all sulfur. If either removal efficiency or reliability should drop to 50% then only 45% of the sulfur would be captured. The key point is that environmental protection requires successful operation and maintenance of controls once they are installed. Every single failure of pollution control equipment, or failure to follow control procedures, would produce an increment of pollution and the cumulative effect could pose severe risks.

A second health issue concerns evidence that air pollution has in the past been implicated as the cause of an increased incidence of lung cancer in polluted urban areas, although clearly cigarette smoke is the predominant cause. Since the concentrations of benzo(a)pyrene and other POM in urban air have been decreasing significantly, and there will only be small increases in other pollutants, NEP should not exacerbate this problem. Monitoring for POM, particularly around smaller, less efficient industrial plants, is important.

A third health problem may develop if toxic trace elements, including radioactive compounds, leach from the disposal sites of coal ash and flue gas desulfurization sludge. Because of the lack of experience and uncertainties involved, it is difficult to estimate the extent of leaching and the associated risks. If this ultimately does become a problem, it will develop slowly. Careful monitoring of aquatic systems and vegetation near such sites will allow for the early detection of the problem in time to develop and institute measures to prevent leaching and the development of serious contamination.

#### ENVIRONMENTAL EFFECTS OF EFFLUENTS

Concentrations of sulfur oxides sufficient to cause extensive damage to plants are likely to occur only in the immediate vicinity of coal-fired facilities. The generation of increased acid fallout will probably be the most serious environmental effect of an increase in the use of coal. Even at current levels the pH of precipitation has been lowered over large areas of North America and this area is steadily expanding. Though these adverse effects will be less if the best available control technology is employed, increases in SO<sub>2</sub> and NO<sub>x</sub> will occur under

both BAU and NEP scenarios. If so, agricultural and forest production may decrease in large regions of the country and fish populations will disappear or be seriously reduced in certain lakes. The total energy losses to society cannot as yet be estimated accurately, but they may be large enough to significantly reduce the net energetic gain from coal burning. Damage to materials and losses of visibility due to increased coal consumption should impose further economic and esthetic costs in direct proportion to the increment in emissions. Visibility loss occurs at relatively low pollution levels and will be particularly troublesome in the West.

#### COMMITTEE PROCEDURE

The NEP recognized that some uncertainty will continue over the health and environmental impacts of increased coal utilization. This Committee was appointed to address these uncertainties, and report its findings to the President before the end of 1977. The Committee was not requested to and did not contrast coal with nuclear, solar or any other energy system, and we make no recommendations relating to preferences for any system. The National Academy of Sciences, through its Committee on Nuclear and Alternative Energy Systems, has underway a study which will address comparative fuel technologies. Because of time constraints and because other studies are already underway, several areas of possible investigation were eliminated. Transportation impacts associated with coal are being studied by the Department of Transportation. Water availability for energy development is being assessed by the Department of Interior. A task-force chaired by OMB is considering the socio-economic impacts of increased coal development. An interagency committee is reviewing the health and environmental effects of advanced technologies for conversion of coal to synthetic liquid or gaseous fuels.

In view of the limited time available, the Committee focused attention on impacts in the 1985 time frame, yet whenever practical, looked beyond to the year 2000. The Committee has made some recommendations concerning environmental research, but time limitations have precluded any review of existing programs. The Administration should immediately initiate such a review.

The full Committee met for seven working days in November and December. All meetings were announced in the Federal Register and were open to the public. Observers from DOE, EPA, NIOSH, OMB and CEQ attended every session. The Committee commissioned preparation of eleven papers on the following subjects:

Carbon Dioxide Effects of Increased Coal Utilization.

Transport and Transformation of Gases and Aerosols.

Health Impacts of Gases and Aerosols.

Environmental Effects of Gases and Aerosols.

Trace Elements and Radionuclides.

Occupational Hazards of Increased Coal Utilization.

Carcinogens and Cofactors.

Acid Mine Drainage and Subsidence.

Reclamation.

Solid Wastes from Coal Combustion.

Thermal Consequences of Increased Coal Utilization.

The Committee held a two-day public hearing (November 21 and 22) during which the authors summarized their papers, and

the public and Committee members discussed both the subject papers and other issues related to the production and use of coal. The public was invited to present their views directly to the Committee on any relevant matter, either orally and/or in written form. In addition, the Committee invited knowledgeable individuals from the government and the private sector to meet and discuss emission data, pollution control technology, health damage functional relationships and additional complexities not covered in the papers.

Individual Committee members were assigned lead responsibility for each of eleven subject areas covered by the assigned papers. Each member prepared an issue synopsis based on the assigned paper, and led the full Committee in a discussion of the subject. These issue summaries are attached to this report. In evaluating and comparing discrete issues, the Committee assessed the relative severity of the hazard, i.e., the potential adverse health or environmental effect; the probability of its occurrence; the degree of certainty we currently have regarding that probability; the time frame in which the hazard was expected to occur; and the spatial impact of the hazard (i.e., whether the effects were local, regional, national or global in scope). Our ability to mitigate the hazard or its relative irreversibility was also taken into consideration.

#### RECOMMENDATIONS

Establish an improved national environmental data collection and monitoring system.

Require rigorous adherence to the following policies:

1. Strict compliance with Federal and State air, water and solid waste regulation.
2. Universal adoption and successful operation of best available control technology.
3. Compliance with reclamation standards.
4. Compliance with mine health and safety standards.
5. Judicious siting of coal-fired facilities.

Expand research programs necessary to resolve uncertainties regarding the transport, transformation and health effects of the gas-aerosol complex (fine particles, sulfates, nitrates and organics).

Develop a health monitoring and assessment program to evaluate effectiveness of underground coal mining standards.

Monitor training and safety programs for new coal workers.

Support a continuing comprehensive research program on atmospheric effects of CO.

Initiate an international forum for addressing global CO<sub>2</sub> problems on a continuing basis.

Initiate a major study to verify causal relationships between SO<sub>2</sub>/NO<sub>x</sub> emissions, acid fallout, and decreased biomass productivity.

Establish a system to assess the extent and rate with which toxic trace elements migrate from waste depositories into the biosphere.

Conduct small scale demonstrations to determine the feasibility of reclamation of arid areas.

#### PARTIAL LIST OF THE OTHER DOCUMENTS REVIEWED BY THE COMMITTEE

"Air Pollution and Cancer: Risk Assessment Methodology and Epidemiological Evidence." Report from an International Symposium at the Karolinska Institute, Stockholm, March 8-11, 1977.

#### SUMMARY OF ISSUES: THE CO<sub>2</sub> PROBLEM

The concentration of atmospheric CO<sub>2</sub> has been reported to have steadily increased from about 295 ppm by volume in 1860 (prior to the industrial era) to the current value of 331 ppm. It is projected that the concentration of CO<sub>2</sub> in the atmosphere could reach two to three times its present value within the next 100 years. Estimates of the anticipated effects of this increase range from possibly acceptable to catastrophic. Of primary concern is the warming ("greenhouse") effect which could be produced near the ground. Man-produced particulates in the atmosphere are not likely to have as great an effect on climate as the increased CO<sub>2</sub>, and could result in either warming or cooling. The Energy panel of the November 1976 meeting on "Living with Climatic Change" (MITRE Corporation, 1977) reached a consensus that particulates as well as waste heat probably constitute a risk of a lower order of magnitude than the risks related directly or indirectly to CO<sub>2</sub>. Although the exact amount of warming produced by a given CO<sub>2</sub> concentration increase is still uncertain, it is the change in the global circulation pattern associated with the warming which is of greatest concern. The regular pattern of seasonal rainfall, as well as the earth's reflective power, can be altered substantially and affect a wide variety of biological and social activities.

The emission of CO<sub>2</sub> by the United States, and by the rest of the world, is strongly related to energy consumption for industrial, domestic, and transportation uses, and has been increasing rapidly. Moreover, there is strong evidence that the fossil carbon flux (from combustion of fossil fuels) is primarily responsible for the observed secular increase in atmospheric CO<sub>2</sub>. This evidence is not contradicted by the growing recognition that nonfossil fires (wood fuels, forest burning) and shifts in biological oxidation have a share in the man-made inputs of CO<sub>2</sub> to the atmosphere. Furthermore, as more coal replaces natural gas and oil as fuel, more CO<sub>2</sub> will be produced and emitted to the atmosphere. For a given energy output (not taking into consideration end-use efficiency), about 1.8 times as much CO<sub>2</sub> is generated by the combustion of coal than by the combustion of natural gas, and about 1.2 times as much as when fuel oil is burned.

Increases in the atmospheric concentrations of CO<sub>2</sub> cause concern mainly because the commitment to much higher releases will be difficult or impossible to reverse, if recognition of the need for doing this is postponed until the observed atmospheric excess quantities become large: i.e., several hundred billion tons of additional carbon. The direct contribution from the U.S. based on additional coal use under NEP through 1985 is of minor consequence, but the global implications of such a policy can be profound. If such a policy continues into the next century, or if it serves as a model for the rest of the world, then the quantity of CO<sub>2</sub> could have serious consequences early in the next century. The following issues and uncertainties need to be resolved between now and 1985.

1. Rates of fuel are critical; a better understanding of the future energy requirements are both essential in determining and possibly controlling rates of fossil fuel use. Potential and actual use of wood burning (and other kinds of fires occurring in different ecosystems) need to be considered also.
2. The redistribution of CO<sub>2</sub>, produced from fossil fuel combustion and from other

anthropogenic sources among the several reservoirs in the carbon cycle must be known. We must better understand the roles of both the biosphere and the oceans in the carbon cycle.

3. Given the ability to predict the levels of CO<sub>2</sub> in the atmosphere at some future time, there is considerable uncertainty as to the effects on climate. We must develop a better understanding of the factors which drive global climate in general, and develop refined and reliable climate models sensitive to CO<sub>2</sub> variations, in particular.

4. There is little conception of how the world might manage a substantial climate change without drastic social dislocation. There is need to initiate studies of the ecological zones which might respond quite differently to given climatic shifts from the present pattern and to conduct analyses of possible global responses in the social-political and economical areas to such an eventuality.

To develop answers or plan definitive policies necessary for decisions before their turn of the century will require an international commitment of considerable scale. Only with a major aggressive effort will results be forthcoming sufficiently credible to induce what changes might be required in our global use of fossil energy.

#### SUMMARY OF ISSUES: TRANSPORT AND TRANSFORMATION OF GASES AND AEROSOLS

##### Nature of the Problem

Increased use of coal can have effects on the local scale because of the fallout of aerosol particles or because of meteorological conditions causing plumes carrying the pollutants to reach ground near the source. Other meteorological conditions may result in the movement of the plumes aloft over longer distances. Depending on the time interval and atmospheric conditions, the pollutants originally emitted may be converted to other gases or aerosols with increased potential for adverse effects. Examples are the conversion of sulfur dioxide to sulfuric acid and other sulfates or the conversion of nitric oxide to nitrogen dioxide and to nitrates. The use of tall stacks should reduce local effects, but will contribute to effects on a regional scale because of long range transport and transformation of pollutants.

Finely divided sulfates are formed during combustion of sulfur-containing fuels. Atmospheric chemical reactions are even more important sources of finely divided sulfates. The finely divided sulfates can be transported for long distances because these particles are much less readily removed from the atmosphere than sulfur dioxide or nitrogen dioxide. Similar considerations probably apply also to nitrates. Sulfates and nitrates are of particular concern in health effects, acid precipitation and corrosion effects when present as acid sulfates and nitric acid. Finely divided sulfates in all chemical forms can contribute significantly to visibility degradation and turbidity. This latter effect is of particular concern in the western U.S. where large coal-fired sources can cause visibility to be reduced substantially. These effects are well established; some are important on the short (daily) and others on the long (over years) time scales.

##### Emissions

Estimates have been made of the effect of the NEP on the magnitude and locations of emissions from steam electric and industrial plants in the eastern U.S. The estimates are based on assumptions concerning the effi-

"An Analysis of the Constraints on Converting Large Industrial and Utility Boilers from Natural Gas to Coal." American Gas Association, November 23, 1977.

"Annual Environmental Analysis Report," DOE (ERDA), September 1977.

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ciency of the best available control technology (BACT). If BACT is implemented, total emissions of particulate matter in 1985 will be reduced to about 60 percent of the 1975 value; emissions of sulfur oxides in 1985 will be about 10 percent greater than the 1975 value and emissions of nitrogen oxides about 25 percent greater than 1975. This represents an improvement over several realistic plans alternative to NEP. If BACT is not successfully implemented—and this is a real possibility—significantly greater emission levels may result than projected depending on the level of non-attainment. Thus a strong program of research and development in the control technology field and careful monitoring of the performance of newly installed devices are necessary to the successful implementation of NEP. In the control of particulate matter, there is a danger that emission standards can be met by controlling coarse particulates at the expense of the fine particulate component which contains many chemical species on public health concern. This problem requires further examination.

#### Effects on Environmental Quality

If NEP control technology estimates are accepted, source controls will keep the short range impacts of gaseous and aerosol pollution below the levels of ambient air quality standards. Likewise sulfate emissions from individual sources will not by themselves create an air quality problem. Problems of short range impacts can be avoided by judicious local controls that can be justified on the basis of ambient air quality standards.

Sulfates formed in the emissions from sources can be transported hundreds of kilometers. Sulfates originating from diverse sources as a result of long range transport and transformation can be superimposed on each other to create episodes of air pollution far from the sources. However, existing monitoring data are inadequate to provide a base line from which future changes in regional air quality resulting from long range transport and transformation can be evaluated.

Emissions from large coal-fired facilities present the risk of degrading visibility particularly in relatively clean areas in the west. However, the effects of the NEP on the western U.S. have not been analyzed.

Increased emissions of sulfates and nitrates could, depending upon as yet undetermined chemistry and meteorology of the atmosphere, increase the problem of acidity in rainfall in selected areas of the country.

The large increases in nitrogen oxide emissions projected under the energy development plans, including NEP, cause concern for further increases in ozone levels as a result of chemical reactions in rural areas. This problem requires further examination. Along with sulfate and nitrate formation, it calls for careful monitoring of air quality throughout affected areas.

#### SUMMARY OF ISSUES: HEALTH IMPACT OF GASES AND AEROSOLS

The Committee in its evaluation of the possible health impact of gases and aerosols relating to increased coal utilization starts with several considerations. These are: (a) The gas/aerosol complex arising from the combustion of fossil fuels is clearly associated with acute and chronic respiratory disease and less clearly associated with lung cancer; (b) there is evidence that some of these effects may be occurring at or around current ambient levels; (c) there is no firm

evidence of a threshold for effects. Accordingly prudence requires the presumption that increase in air pollution toward or above current ambient levels will be associated with health costs. It is, however, not possible to be firmly quantitative as to these costs. These considerations are discussed below in somewhat more detail.

1. It is imperative that the extent to which increased coal use will alter current ambient pollution levels be reliably predicted and carefully monitored. The information should be based on a realistic assumption of the implementation of control technology. These projections should consider industrial use of coal (including low stacks) and should consider the impact in different areas, particularly those with currently relatively high pollution levels.

2. (a) At this time, levels of criteria pollutants (SO<sub>2</sub>, TSP, NO<sub>x</sub>) are at or somewhat below air quality standards in various areas of the country.

(b) Increases in pollutant levels to the air quality standard in areas which presently have somewhat cleaner air would risk health impairments to more sensitive members of those populations. Any increase in pollutant levels above the standard are likely to cause adverse health effects to a larger population and should be viewed with grave concern.

3. Long term exposure to coal combustion products associated with SO<sub>2</sub> and TSP concentrations approaching the present standards is a causal factor in chronic respiratory diseases. Cigarette smoking, an overwhelming cause of these disorders, appears to exacerbate these effects. Short-term peaking of pollutants may pose greater health problems than uniform concentrations.

4. (a) A major impact of coal combustion products is on the local area surrounding the local point sources. Long range atmospheric processes are important on a regional basis and have health significance.

(b) The siting of coal use is a major factor in the extent to which coal combustion products will produce adverse health effects. Two major considerations are the number of individuals at risk and the baseline levels of pollution.

5. The measurements of both SO<sub>2</sub> and TSP are indirect means of representing the total effects of the gas/aerosol complex. NO<sub>x</sub> may also be an indirect measure of health effect. Sulfur dioxide is clearly a precursor of toxic compounds, but also acts in conjunction with other agents (e.g., respirable particulates, ozone) to produce effects. The process by which sulfur dioxide is converted to other toxic compounds (e.g., sulfates) are complex and varied. It is unlikely that control of the atmospheric oxidation process is feasible. Rather, prevention of toxicity due to sulfur oxides should be based on control of sulfur emissions. The toxicity of TSP is essentially due to the respirable fraction. One implication is that control measures which remove only the larger non-respirable particulates may cosmetically lower the level of TSP without having any impact on health effects. In fact, it is conceivable that reliance on such control measures (e.g., electrostatic precipitation) could lead to an unrecognized increase in respirable particulates and hence more of an adverse effect. Respirable particulates (e.g., sulfates, nitrates) are also formed from gases in the atmosphere after leaving the stack and are not directly controlled by particulate emission technology.

Relatively less is known about the conversion of NO<sub>x</sub> to atmospheric products (e.g., nitrates) and the potential toxicity of these derivatives.

In summary, it is the conclusion of the Committee that elevation of gases and aerosols near or above current ambient levels may be associated with increased respiratory disease, acute and chronic, including lung cancer.

Thus, on these assumptions, the relative impact of increased utilization of coal should be regarded as proportional to the extent of any changes in the pollution levels and the population base exposed. Estimates of change in exposure levels and in the population at risk should be approximately derivable from realistic projections of emission levels.

Finally, it will be extremely important in connection with this major national effort to answer two urgent questions: (1) Identification of the chemical species in the acid particulate complex chiefly responsible for the health effects, and (2) quantification of the actual health impacts of defined ambient levels of air pollution.

#### SUMMARY OF ISSUES: ECOLOGICAL EFFECTS OF GASEOUS EMISSIONS FROM COAL COMBUSTION

Though sulfur oxides are toxic to animals, effects have not been produced experimentally at concentrations other than those occurring very close to coal-fired facilities. Direct foliar injury to plants, however, occurs at much lower concentrations and significant reductions in rate of photosynthesis by crops and forest plants may accompany increased emissions. But the dosage of relations of these effects are as yet very poorly known. Annual plants are, of course, affected only by emissions during the year of their growth, but recovery even of long-lived perennials is likely to take place within a few years if the insult is terminated. Microorganisms may be very susceptible to sulfur oxides, but we are largely ignorant of these relationships.

Nitrogen oxides are not known to be directly toxic to animals at concentrations likely to occur even close to coal burning facilities and vegetation is less susceptible to nitrogen oxides than to sulfur oxides. The major effects of nitrogen oxides are indirect ones resulting from the production of atmospheric oxidants and acid precipitation. Their effects on microorganisms are unknown.

The fine particles emitted by coal-fired power plants can remain airborne for long periods and the vast majority are not deposited within 20 kilometers of the plants. Particles containing heavy metals and polycyclic organic compounds have adverse effects on terrestrial and aquatic organisms, but the magnitude of these effects cannot be estimated accurately because of a very inadequate data base.

Photochemical oxidants, particularly ozone and peroxyacyl nitrates (PANs) are the most damaging air pollutants affecting agriculture and forestry. Already they are causing millions of dollars of damage to crops and forests in the United States. Most of current damage is due to mobile sources, but increases in gaseous emissions from coal-fired facilities are likely to add to this effect. Photochemical oxidants are not known to directly affect animals, but they do predispose plants to attacks by herbivores whose outbreaks may kill plants over wide areas.

As a result of increased concentrations of sulfur and nitrogen containing compounds,

most of which derives from combustion of fossil fuels, the pH of rain and snow falling on much of eastern U.S. has been lowered to between 3 and 5 and the area affected is steadily expanding. The resultant acidification of lakes, particularly those occurring in areas of carbonate-poor granitic rocks is having major detrimental effects on the fauna of those lakes. Results have been most striking in Scandinavia where thousands of lakes have lost their fish populations, but similar effects are now occurring in eastern Canada and northeastern United States. In addition, algal communities of acidified lakes contain fewer species, the growth of rooted plants is reduced, fewer invertebrates are present in the water column and in sediments, and the rate of decomposition of organic matter is reduced. Fungi become more important relative to bacteria and the development of submerged mats of fungi and mosses reduce nutrient cycling from the sediments and, as a consequence, also reduce overall productivity.

Rates of forest growth have also declined in southern Scandinavia and northeastern United States, but this cannot as yet be unequivocally related to acid precipitation. However, it is known that acid precipitation does damage foliage, affects germination of conifer seeds and establishment of seedlings, reduces availability of soil nitrogen, decreased soil respiration and increases leaching of nutrient ions. These effects are likely to increase in importance and may cause changes in ecosystems from which they will recover only slowly, if at all.

Living organisms do not encounter pollutants singly, but rather in complex mixtures. Unfortunately, because most laboratory studies are focused on the effects of single pollutants, existing knowledge of the effects of complex emissions is very scant. However, there is evidence that pollutants released by coal burning make plants more susceptible to insect attacks, perhaps by changing their defensive chemistry. Evidence suggests that herbaceous vegetation is more vulnerable than woody vegetation and that reproductively active plants are more susceptible than non-reproductive ones.

Reliable estimates of the incremental economic impacts on materials resulting from increased emissions of gaseous pollutants are not yet possible, but a 10 percent overall increase in levels of urban air pollution would probably increase economic material loss by 20-30 percent and 25 percent increase would probably more than double these losses.

Emissions from coal burning plants affect visibility at concentrations lower than those required to cause direct and indirect toxic effects on living organisms. In many parts of the West where scenery is especially beautiful and highly valued, reduced visibility is likely to be a serious consequence of increased burning of coal.

#### Concise Summary of Most Important Issues

Concentrations of sulfur oxides sufficient to cause extensive direct foliar damage to plants are likely to occur in the immediate vicinity of coal-fired facilities, but indirect effects of emissions from these facilities, through their influence on generation of acid precipitation, are likely to be the most serious ecological effects of an increase in the use of coal. Even at current levels of emissions the pH of precipitation has been lowered over large areas of North America and the area affected is steadily expanding. Though these adverse effects will be less if the best available control technology is em-

ployed, increases in SO<sub>2</sub> and NO<sub>x</sub> will occur under both BAU and NEP scenarios. If so, agricultural and forest production will decrease in large regions of the country and fish populations will decrease in large regions of the country and fish populations will disappear or be seriously reduced in lakes in regions with granitic rocks. The total energy losses to society cannot as yet be estimated accurately, but they may be large enough to significantly reduce the net energetic gain from coal burning. Significantly, these losses occur in the most important renewable supply we have, the capture of solar energy through photosynthesis.

Damage to materials and losses of visibility due to increased coal consumption will impose further economic and esthetic costs in direct proportion to the increment in emissions. In addition, there may be important non-linear effects on ecosystems processes involving especially microorganisms and synergistic interactions, the paucity of knowledge prevents even crude estimates of their probable nature and magnitude. There is reason, however, for caution because what we don't know may well hurt us.

#### SUMMARY OF ISSUES: TRACE ELEMENTS AND RADIONUCLIDES

A. Major Areas of Consensus. 1. Occurrence in coal and potential for environmental contamination. Trace elements and radionuclides potentially hazardous to human health and ecosystems are present in coal. The trace elements of concern are, among others, arsenic, cadmium, mercury, lead, fluorine, beryllium. Concentrations of these elements vary considerably among different coal types. Radionuclides in coal include uranium 235 and 238, thorium 232, and associated decay products; concentrations of radionuclides in coal are generally less variable, with values of 1 ppm for uranium and 2 ppm for thorium being reasonable national averages. Extraction and combustion of coal effectively introduces these toxic, or potentially toxic, elements into the biosphere in a more concentrated form than they would appear as a result of natural weathering.

Trace contaminants can enter the environment prior to coal combustion by runoff from coal mines and coal storage piles; during combustion, in atmospheric emissions of particles and volatile elements; and after combustion by runoff from slag, bottom ash, fly ash and scrubber sludge deposited in settling ponds and landfills.

2. Biotransformation and accumulation of trace contaminants. At nearly every point along physical transport pathways in aquatic and terrestrial environments, opportunities exist for interactions of trace elements with life forms. Organisms, especially microorganisms in aquatic environments, can absorb, concentrate and transform trace elements into more concentrated forms or into more toxic compounds. Biotransformation of trace elements is particularly important in determining effects on man and other organisms because the molecular form of these contaminants often determines their persistence, bioaccumulation and toxicity.

Trace elements may enter food chains and undergo bioaccumulation in passage through higher forms of life. Of particular concern in this regard are concentrations of mercury, cadmium and lead because current intake levels for these substances are near tolerable human health limits.

3. Ecological effects of coal extraction, combustion, and waste disposal. The acidic

nature of mine drainage from eastern coal fields tends to hold metal ions in solution and promotes transport to surface and ground waters. Acid mine drainage from inactive mines in the eastern U.S. is the greatest single source of drainage and transport to aquatic environments, and is very difficult to control.

Western coal generally lacks acid-forming substances, although increased salinity of surface and ground waters in western coal regions could become a problem due to soluble salts in mine spoils. During overburden removal for strip mining, ground water aquifers are commonly intercepted; hazardous elements may enter these disturbed aquifers.

Concentrations of trace contaminants in atmospheric emissions from coal-fired power plants do not appear to be a significant ecological hazard. Trace element concentrations in soils fall rapidly with distance from power plants and tend to be at average levels at distances of 3 km from the plant. With installation of efficient precipitators, atmospheric emissions of trace elements should not be acutely harmful to vegetation and other biota, especially beyond a 3 km radius. Likewise, the potential for chronic toxicity to ecosystems is relatively low, except in local areas already enriched with a particular element. However, sublethal, chronic or synergistic effects of trace elements on ecosystems have received little attention.

About 92 percent of particulate materials produced in utility boilers is removed by electrostatic precipitators. Fly ash, bottom ash and scrubber sludge all contain trace elements. These are generally released to ground water at low concentrations, with attenuation occurring very close to the disposal site. Very little information is available on the chemical form, bioavailability and toxicity of these contaminants. By 1985, 60 million tons of fly ash with elevated levels of trace elements will be annually discharged into settling basins situated in close proximity to coal-fired power plants. Elements such as arsenic, cadmium, cobalt, nickel, lead, selenium, uranium and zinc all exhibit potential mobilization rates from these deposits that are larger than 10 percent of the natural weathering rates. These elements have a definitive potential for runoff to surface waters and leachate intrusion into ground water.

4. Health effects of trace elements. There is reasonable concurrence that some trace contaminants in coal may constitute health problems from either direct toxicity or risk of cancer. Among those most toxic to man are mercury, cadmium and lead; intake levels of these substances are already near tolerable health limits. Concentrations of trace contaminants in atmospheric emissions from coal-fired power plants do not add significantly to the total body stores of these substances, since their intake through food and water is largely relative to inhalation. However, some atmospheric trace elements are active in the catalysis of sulfur dioxide to acid sulfates and, in this way, may contribute to the respiratory irritant effects of these other coal combustion products. Other trace elements in coal can combine with sulfate ions to form biologically reactive and harmful compounds in the atmosphere. Three elements—arsenic (III), chromium, (VI) and nickel—are accepted as having high carcinogenic importance to man. All three of these elements can appear in fly ash leachate, but their magnitude is unknown.



There is little or no teratogenic potential from cadmium, selenium or mercury compounds at concentrations in coal emissions or fly ash leachate.

The potential for contamination of drinking water supplies by leachates from settling ponds and disposal sites is very real and needs to be evaluated. As previously noted, a large number of these disposal sites will be created, amounting to 60 million tons of wastes annually by 1985.

5. Health effects of radionuclides. Estimated annual release rates for radionuclides from a 1000 MWe coal-fired power plant amount to 0.04 to 0.35 mrem/yr whole body dose, as a maximal annual dose commitment to the most exposed individuals. To compare the magnitude of radiation from coal combustion emissions, it is useful to use average dose equivalent rates for natural background and coal emissions. The average coal combustion radiation rate is different under the NEP or BAU scenarios. On this basis, radiation from increased coal combustion does not represent a significant public health problem.

B. Major Areas of Uncertainty. 1. The chemical form of trace elements is very important as a determinant of transport through the environment and of toxic effects on health and eco-systems. Most studies of coal emissions and leachates focus on simple elemental analysis. Lack of knowledge of chemical species of trace elements precludes making a confident and adequate assessment of the potential health ecological effects of trace elements from coal utilization.

2. Potential contamination of drinking water supplies by several toxic elements in leachates from waste disposal presents a real public health problem. The chemical form of each element may be significantly altered by microorganisms in the physical transport process, and these chemical forms will determine the rate of environmental transport, the bioaccumulation and toxicity of these elements. Too little is known about these processes.

3. Given that several trace elements in leachate could potentially be mobilized at rates that are larger than 10 percent of natural weathering rates, do these elements effectively remain in settling basins or are they injected into waterways and into food chains? Unquestionably, the movement of trace elements from coal combustion disposal sites should be regarded as a potentially significant health problem and bears intensive monitoring in some sites.

4. While the ambient atmospheric loading of trace elements does not appear to be as great a potential problem as intrusion into waterways from leachates, they do constitute a health hazard insofar as they catalyze the atmospheric formation of sulfates and react with sulfates to form a pulmonary irritant. There is a need, therefore, to monitor atmospheric concentrations of trace elements at selected sites. Little data exist on trace element ambient concentrations, fall-out and re-entrainment from disposal sites. Atmospheric and environment levels of cadmium, mercury, lead, arsenic (III), chromium (VI), and nickel should be particularly monitored at these selected sites.

#### SUMMARY OF ISSUES: OCCUPATIONAL HEALTH AND SAFETY IMPACT

Greatly increased production of coal in the United States will expose larger numbers of workers to the safety and health hazards of coal mining and processing. Such

hazards have been very great in this country with many mine related accidental deaths and disabling injuries. Disability and death from chronic lung disease have also been excessive and recent evidence suggests other possible occupationally related diseases.

Legislation, enacted in 1969, aimed at reducing the dangers from accidents, and for the first time in this country, mandated environmental controls in the work place to reduce the risks of chronic lung disease. Although conditions in the mining industry have improved as a result of the implementation of these reforms, considerable doubt exists about the achievement of maximum compliance. Efforts to characterize the nature of coal miners' lung diseases have been incomplete and to date no adequate health monitoring program has been implemented.

Estimates of the potential health effects among an augmented mining work force are predicated not only on the above uncertainties, but also on the question of the surface/underground ratios and the potential impact of an anticipated expansion of long-wall mining methods and the use of Diesel powered underground mining equipment. Long-wall mining may subject miners to excessive dust levels and Diesel exhausts may present additional, as yet, incompletely understood hazards.

It is essential, even with no increase in the mining work force, to fully implement the provisions of the Coal Mine Health and Safety Act, including achievement of total compliance with dust and safety standards. The nature of lung disorders of coal miners must be more carefully defined. Tests to detect early impairment in respiratory function must be developed and pre-employment and meaningful periodic health examinations must be instituted. Investigations into potential future hazards must be continued or increased.

The risks to safety and health of workers in the coal mining industry must not be underestimated. The nations requirements for increased coal production must not be allowed to induce a relaxation of established health and safety standards for coal mining. Expanding the work force in the mining and processing of coal will require an increased effort to provide a safe and healthy work place for these vital workers.

#### SUMMARY OF ISSUES: CARCINOGENS AND COFACTORS

Assuming that best available control technology will be applied to the incremental use of coal in combustion processes, it is unlikely that there will be an increase in the present problem of environmental cancer. It is generally recognized that there is an air pollution factor resulting from fossil fuel combustion which, when added to cigarette smoking, explains the differential rates of lung cancer between urban and rural environments. However, the carcinogenic risk implied by these combustion products is relatively minor when compared to cigarette smoking.

There are a number of uncertainties regarding: the development of cancer including the interrelationships of polynuclear aromatics, co-carcinogens, promoters, and fine particulates; adequacy of standards for surrogate contaminants; and environmental indicators of carcinogenicity. Filling some of these gaps in our knowledge is obviously important to an environmental monitoring and control program. The following data

gaps are of considerable significance in this regard:

1. Investigation of suspected roles of sulfur dioxide as a co-carcinogen and of fine particulates as vehicles for carrying carcinogens to target lung tissues.

2. Identification and measurement of the various carcinogens produced by coal combustion as well as characterization of operating processes and conditions producing them.

3. Development of other indicators of carcinogenicity besides BaP occurring in the emissions.

Although small amounts of radioactive substances are released by the combustion of fossil fuels, the dose received by the population from this source is so small in comparison with that received from natural background sources that the potential number of cases of lung cancer produced by it is negligible. However, western coal (especially low grade bituminous and lignite) contains 10 to 100 times more radionuclides than eastern coal and this potential problem will have to be closely monitored.

Three trace element contaminants occurring in emissions from coal combustion are of special concern in carcinogenesis. Arsenic (III) is volatilized on combustion and condenses or absorbs on the fly ash on cooling. Chromium (VI) and nickel may be volatilized and condensed or may form a melt that becomes both fly ash and slag. These three are generally accepted as having high carcinogenic importance to man. As with radionuclides this may not be a problem, but the movement and buildup of these elements certainly should be monitored.

Occupational cancer is not generally regarded as a problem in coal mining although an excess of stomach cancer has been reported in some groups of coal miners. However, environmental and ethnic factors may also be operative especially when the wives of miners develop the same cancer. Increased lung cancer associated with underground coal mining is not believed to be a problem with current coal mining methods. The influence of Diesel exhaust in regard to lung cancer is difficult to evaluate with present data. Diesel engine exhaust products contain chemicals which are known to be mutagenic and carcinogenic in some test systems. There is one U.S. mortality study of underground Diesel workers who have been employed for periods of time approaching the latency period for carcinogenicity and these are essentially negative. Should a lung cancer factor (from Diesel exhaust) be demonstrated it will probably play a minor role as compared to the influence of cigarette smoking.

Coking, coal gasification and coal liquifaction are acknowledged to be associated with significant occupational cancer problems and will require close attention, especially in the development of coal conversion processes. However, these problems are not considered to be within the purview of this Committee.

#### SUMMARY OF ISSUES: ACID MINE DRAINAGE AND SUBSIDENCE

1. Acid Mine Drainage. Acid mine drainage discharges occur from surface mines, mine waste, and underground mines. During active mining, the control of point discharges afforded under Pub. L. 92-500 and surface mines and mine waste under Pub. L. 95-87 should result in essentially no further discharges of acid to streams. In fact, as the enforcement of these acts becomes better,

acid discharges from current discharges should be eliminated. In addition, nonpoint source acid discharges from surface mines and mine waste should be controlled under the regulations provided under Pub. L. 95-87. Thus, only underground mine acid discharges that occur after the mine is closed will increase between 1977 and 1985 and beyond, because technology to control this problem is not available. By 1985, the level of acid discharges will be a result of the closing of mines currently active, and not new mines, since the lag time to open an underground mine and the mine life will place its closure after 1985. The full impact of the new mines will not be felt until their closure.

II. Subsidence. Health and environmental impacts from unforeseen subsidence into underground mines stem largely from (1) the disruption of man-made structures and (2) the effects on (a) surface and sub-surface waters from alteration of flow and increase in sediment and silt and (b) possibilities of increased slides and erosion. The magnitudes of these effects at present and the changes likely to occur with NEP are not known.

Three basic approaches to controlling these effects exist:

1. Control mining practices, which requires that a considerable (roughly 50 percent) of the coal be left in place to support the surface;

2. Hasten subsidence after mining so that surface effects are known before surface development occurs;

3. Plan and coordinated surface use with a knowledge of past, present and potential mining and the related probable surface effects.

Neither the Federal law nor state laws are presently designed to require or encourage the selection of any of these three options as a given situation requires. Estimates are that as a result, the incidence of health and environmental effects will grow, particularly as the Nation attempts to utilize the preponderance of reserves that are suited only to deep mining, given present technologies.

#### SUMMARY OF ISSUES: RECLAMATION

The problems centering about the extent of environmental disturbance due to coal mining both pre-NEP and NEP and consequently the extent of reclamation required will depend considerably upon recent legislation. These include the Clean Air Amendment of 1977, the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95-87) and NEP. The former and NEP (if enacted) are aimed at promoting underground mining, especially in the Eastern United States. Pub. L. 95-87 has resulted in the establishment of a new Office of Surface Mining in the Department of Interior. This office is responsible for establishing environmental performance standards and a federal regulatory program for controlling the surface effects of coal mining operations.

Due to the recent enactment of Pub. L. 95-87 it is difficult to perceive the extent of its effectiveness and its impact on future coal production. Currently it is alleged by small eastern mine operators that the costs of reclamation as required under federal control will result in the closing of many small surface mines, especially in the Appalachian region. Other constraints may become operative in the west and in the agricultural/coal lands of the Midwest. However, the additional cost of reclamation per

ton of coal capable of being mined from these areas is sufficiently low so as to pose no economic hindrance. Nevertheless, there may be an adverse effect on short-term production goals. At least four problem areas related to the adequacy of coal mine reclamation could arise as a result of the new federal programs under Pub. L. 95-87. These are:

1. Improper permitting and site inspection because of poorly trained personnel.

2. The emergence of new reclamation problems because of the promotion of underground and eastern versus western extraction.

3. The occurrence of local post-mining land-use conflicts. The new programs should strive for coordination of reclamation with local development objectives.

4. Issuance of weakened reclamation standards under pressures for higher coal production—particularly in situations where information is insufficient to understand the consequences of mining reclamation operations.

Increased coal production under NEP will create additional impacts to water resources in the East and Midwest. Research is needed to evaluate the effectiveness of various mining and reclamation techniques to minimize water resource problems in mined areas during and after reclamation. Runoff rates and erosion on reclaimed mine areas have not been well documented. The ability of different reclamation techniques to minimize long-term erosion and sediment transport to streams has not been specifically investigated. The extent and magnitude of future problems will be determined primarily by the effectiveness of new legislation.

Reclamation-water resource problems in the West are those associated with erosion and increased sediment loading in streams. Site-specific impacts on local groundwater tables, especially in alluvial valleys, are another important problem. Alluvial valley floors are important for agricultural purposes and research is needed on reclamation of these valley floors and adjacent uplands before long-term impacts on agricultural and groundwater hydrology and water quality can be evaluated.

The approximate contour regulation of the new Federal Surface Mining Act presents a problem for restoration of both surface mining and the surface effects of underground mining in Appalachia. Returning a surface mine to original contour creates long uninterrupted slopes which promotes erosion and slope instability.

Surface mining for coal in the Midwest has encroached on valuable prime agricultural lands. Projected estimates for the Midwest indicated that land disturbance by surface mining will possibly double to meet the NEP 1985 goals. The major concern of mining prime agricultural lands is whether the technology or knowledge exists which will allow for the successful reestablishment of those soil factors conducive to successful crop production.

#### SUMMARY OF ISSUES: INCREASED GENERATION OF COAL ASH AND FGD SLUDGES

Implementation of the NEP will result in an increase in coal ash production in proportion to the increase in coal utilization and the amount of flue-gas desulfurization (FGD) sludges in proportion to the incremental amount of SO<sub>2</sub> removed from stack gases. It is estimated that by 1985 coal ash production will increase by 9 percent over pre-NEP projections and that the corre-

sponding increase in FGD sludge production will be 26 percent. Local regions, particularly those in which little coal has been used traditionally, are expected to experience larger percentage increases. The largest impact, however, will be in areas of light population density and high coal usage which are expected to experience difficulty in siting disposal areas for the wastes generated by new coal-burning industrial boilers, and by existing utility boilers shifting to coal from other fuels.

The composition of the wastes generated will be dependent upon coal source, boiler design and operating conditions, and the system selected for FGD. Although regenerable FGD systems are under development, it is expected that for the period through 1985 FGD processes will be predominantly of a throw away design generating a mixture of calcium sulfite and sulfate, the exact composition of which will be determined by the particular coal type and FGD process in question.

Regardless of the NEP initiatives, the generation of solid wastes will increase rapidly and it is estimated that by 1985 coal ash will be generated at a rate of  $92 \times 10^6$  tons/year and FGD sludges at a rate of  $33 \times 10^6$  tons/year, on a dry basis. The most common disposal methods for both ash and FGD sludges are by settling in ponds and landfill; limited amounts of ash, currently about 15 percent, are used for the production of cement, as a filler, and other industrial applications. Ocean and mine disposal under carefully controlled conditions offer potential future alternative disposal options. Selection of the method of disposal depends upon the availability of suitable sites and on the ability to satisfy Federal and local regulations. It is estimated that under the NEP the solid waste to be disposed of in the decade up to 1985 will be 350,000 acre-ft. The land committed to disposal sites will be large, ranging from 0.4 to 0.7 acres per MW of installed boiler capacity.

Potential adverse consequences of disposal are the diversion of land from other uses, the contamination of ground and surface waters, and fugitive dust emissions from landfill sites. Additional problems are provided by the difficulty of dewatering sulfite-rich FGD sludges and the poor compaction characteristics of untreated sludges. These problems have been identified and technical solutions are either available or are under development.

In view of the limited experience with the disposal of sludges, and the long lag between the times of disposal and the observation of potential adverse effects, it is imperative that disposal sites be carefully evaluated prior to approval and that legislation expected to restrict contamination from disposal sites be rigorously enforced. Continued priority should be given to the reduction of wastes by the development of processes for the utilization of solid wastes and by the development of regenerable FGD systems. The impact on the terrestrial environment should be minimized by the assurance that the sludges disposed are stabilized in order to permit reclamation of landfill sites. Discharges from ponds, where contaminated, should be either treated or recycled to the power plant for reuse. Uncertainty exists on the potential for leaching of trace metals, radionuclides and other contaminants from ash and sludge, as a consequence of which the movement of leachate at disposal sites should be closely monitored. The above potential problems have



been stressed because the degree to which existing legislation will be implemented and enforced at the state level is presently unknown.

#### SUMMARY OF ISSUES: THERMAL CONSEQUENCES

The thermal consequences of coal utilization are most meaningfully assessed in comparison with the form of power generation replaced by coal. If coal replaces oil or gas, there are no significant thermal differences. However, light water nuclear power plants discharge approximately 50 percent more waste heat to the atmosphere through cooling towers or to a water body than coal-fired plants. Coal-fired plants require about 1/2 as much water as nuclear power plants. Therefore, for comparable siting, the effects, if linear, are only 1/2 those of nuclear plants. The different effects are influenced by siting decisions and the intrinsic thermal efficiencies of the two fuel systems.

Nearly every property of water is affected non-linearly by temperature, and biological effects may amplify these changes because protein denaturation takes place more rapidly above 30° C and these high temperatures affect bacterioidal and viruscidal activity of chlorine compounds. Usually algal populations change from a dominance of diatoms and green algae to dominance by blue-green algae. All organisms experience elevated metabolic rates at higher temperatures which may affect total energy needs, foraging ability, reproduction, migration and susceptibility to disease.

Intake structures inevitably draw many organisms into the cooling system of a power plant, but the number and kind are influenced by its location, configuration, and mode of operation. Use of water recirculation systems reduces water use and with it, the number of organisms entrained. Damage in the cooling system to very small organisms may be small, but fish and their larvae and eggs may be seriously damaged. The effects will determine rate of reproduction, percent of flow withdrawn, mortality rate, and the life span of the organisms.

Discharge effects in water may also be severe but are generally local. The near field, where there are strong shear velocities and rapid temperature changes are particularly stressful to fish, and stringent limitations on the timing and strength of discharges may be required to reduce these stresses to non-damaging levels.

Off stream cooling systems may transfer the harmful effects to the atmosphere and increase cloudiness, ground fog, precipitation, temperature and local winds, but these effects generally extend no further than 1000 meters even in winter.

There is considerable potential for using condenser cooling water for agricultural and aquacultural purposes, such as irrigation, frost protection, undersoil heating, greenhouse heating and climate control. However, over the next few decades little of this waste heat is likely to be used creatively.

#### Summary

The thermal consequences of implementing NEP are locally serious but do not pose regional problems. Creative use of the waste heat for aquaculture, agriculture, cogeneration, and power for energy intensive industries can be a powerful means of mitigating undesirable effects.

[FR Doc. 78-1016 Filed 1-13-78; 8:45 am]

[4310-70]

#### DEPARTMENT OF THE INTERIOR

##### National Park Service APPALACHIAN NATIONAL SCENIC TRAIL ADVISORY COUNCIL Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southern Region of the Appalachian National Scenic Trail Advisory Council will be held at 9:30 a.m., e.s.t., on February 4, 1978, at the Patrick Henry Hotel in Roanoke, Va.

The purpose of the Council is to provide for the free exchange of ideas between the National Park Service and the public, and to encourage suggestions and ideas from members of the public on problems and programs pertinent to the Appalachian National Scenic Trail. The purpose of this meeting is as follows: (1) To discuss the progress of Trail protection programs; (2) to review highway construction and other intrusions affecting the Trail; (3) to discuss the role of volunteers in maintaining the Trail; and (4) to review draft management principles.

The meeting will be open to the public. Any person may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements, may contact David A. Richie, Project Manager, Appalachian Trail Project Office, Harpers Ferry Center, Harpers Ferry, W. Va. 25425 at area code 304-535-6371.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the above address, and at the Headquarters of the Appalachian Trail Conference, Washington and Jackson Streets, Harpers Ferry, W. Va. 25425. Copies of the minutes may be obtained by writing to the Appalachian Trail Project Office in Harpers Ferry.

DAVID A. RICHIE,  
Project Manager, Appalachian  
Trail, National Park Service.

JANUARY 6, 1978.

[FR Doc. 78-1058 Filed 1-13-78; 8:45 am]

[4310-70]

#### EVERGLADES NATIONAL PARK, FLORIDA; DRAFT GENERAL MANAGEMENT PLAN AND ENVIRONMENTAL STATEMENT

##### Public Meeting

A draft Environmental Statement relating to the proposed General Management Plan for Everglades National Park, which was released for public

review on September 23, 1977, continues to be available for review at the Southeast Regional Office of the National Park Service, 1895 Phoenix Boulevard, Atlanta, Ga. 30349, or the Office of the Superintendent, Everglades National Park, P.O. Box 279, Homestead, Fla. 33030.

A public meeting to provide for citizen participation is planned for Tuesday, January 24, 1978, at 7 p.m. at the:

Dade County Agricultural Center, 18710 Southwest 288th Street (Biscayne Drive at Redlands Road), Homestead, Fla.

Questions regarding the conduct and format of the meeting may be directed to the designated meeting coordinator—Paul C. Swartz—at the above Regional Office address or by calling 404-996-2520, extension 253.

All persons wishing to submit written and/or oral comments will have an opportunity to do so at the meeting. Time limitations may make it necessary to limit the length of oral presentations and to restrict oral comments made in behalf of an organization to one person. Informed National Park Service personnel will also be available to respond to questions, following the presentation of more formal public statements and comment.

In addition, written comments will be received for consideration at the above listed offices for 45 days following the meeting.

Dated: December 7, 1977.

JOE BROWN,  
Regional Director,  
Southeast Region.

[FR Doc. 78-1077 Filed 1-13-78; 8:45 am]

[4310-70]

#### INDIANA DUNES NATIONAL LAKESHORE

##### Boundary Description

Section 3 of Pub L. 89-761, 80 Stat. 1309, as amended by section 1(2) of Pub. L. 94-549, 90 Stat. 2529 (16 U.S.C. § 460u-2) provides that the Secretary of the Interior shall publish in the FEDERAL REGISTER a detailed description of the boundaries of Indiana Dunes National Lakeshore.

Notice is hereby given that the boundaries of Indiana Dunes National Lakeshore have been established in accordance with the detailed description set forth below.

Dated: December 2, 1977.

RANDALL R. POPE,  
Acting Regional Director, Mid-  
west Region, National Park  
Service.

#### DESCRIPTION OF THE BOUNDARY OF INDIANA DUNES NATIONAL LAKESHORE

##### PARCEL 1

Beginning at a point on the north right-of-way line of the Northern Indiana Public Service Co. 132 kV power line in Section 30, Township 38 North, Range 4 West, Second Principal Meridian, LaPorte County, Ind., said point being 2,750.00 feet northeasterly of the intersection of said north right-of-way line with the south line of said Section 30; thence southwesterly along said north right-of-way line to the LaPorte-Porter County line; thence continuing southwesterly along said north right-of-way line to the intersection of said north right-of-way line with the south line of Section 22, Township 37 North, Range 6 West, Second Principal Meridian, Porter County, Ind.; thence west along said south line of said Section 22 to the west line of the east one-half of the east one-half of the southwest quarter of the southwest quarter of said Section 22; thence, north along said west line to the south line of the northwest quarter of the southwest quarter of the southwest quarter of Section 21, Township 37 North, Range 6 West, Second Principal Meridian, Porter County, Ind.; thence north along the west line of the east one-half of the west one-half of said Section 21 to the intersection of said west line with a line that is 300.00 feet distant northerly and parallel to the shoreline of Lake Michigan; thence northeasterly along said line that is parallel to said shoreline and is 300.00 feet offshore to a point, said point being the intersection of said parallel line and a north-south line that is 1,100.00 feet west of the east line of Section 30, Township 38 North, Range 4 West, Second Principal Meridian, LaPorte County, Ind.; thence southeasterly 520 feet, more or less, to the point of beginning; excepting therefrom an area within the corporate limits of Beverly Shores, Ind., said area being within the following described perimeter: Beginning at the intersection of the centerline of Lake Shore Drive and the centerline of Derby Avenue; thence northwesterly along the centerline of Derby Avenue to the centerline of Lake Front Drive; thence northeasterly along the centerline of Lake Front Drive to the centerline of Drake Avenue; thence southerly along the centerline of Drake Avenue to the intersection of Drake Avenue, Wilson Avenue, and Montana Avenue; thence southerly along the centerline of Montana Avenue to the centerline of Lake Shore Drive, a.k.a. Beverly Drive; thence southerly along the centerline of Lake Shore Drive, a.k.a. Beverly Drive, to the point of beginning; also excepting an area that is partly in the Town of Porter, Ind., and partly in the Town of Dune Acres, Ind., said area described as follows: Beginning at the northeast corner of the southeast quarter of the southwest quarter of Section 14, Township 37 North, Range 8 West, Second Principal Meridian, Porter County, Ind.; thence south along the east line of said southeast quarter of the southwest quarter to the south line of said Section 14; thence west along said south line

1,640 feet, more or less; thence south 840 feet, more or less; thence west 3,830 feet, more or less; thence south 500 feet, more or less, to the northeast corner of the southeast quarter of the northwest quarter of Section 22, Township 37 North, Range 6 West, Second Principal Meridian, Porter County, Ind.; thence west 2,000 feet, more or less; thence north to the "toe of the dunes"; thence northeasterly along the "toe of the dunes" to the centerline of Wabash Avenue in the town of Porter, Ind.; thence south along the centerline of said Wabash Avenue to the south line of the northeast quarter of the southeast quarter of Section 14, Township 37 North, Range 6 West, Second Principal Meridian, Porter County, Ind.; thence west to the point of beginning.

##### PARCEL 2

Beginning at the northeast corner of the west half of Lot 3, Block 212, in Frederick H. Bartlett's Beverly Shores, Unit "K", being a subdivision of part of the southeast quarter and the southwest quarter of Section 9, Township 37 North, Range 5 West, Second Principal Meridian, Porter County, Ind., said point of beginning being on the south right-of-way line of the Chicago, South Shore & South Bend Railroad; thence southeasterly along the east line of the west half of said Lot 3 to the north line of Dunes Highway; thence southwesterly along said north line 40 feet; thence southerly along the west line of Sheffield Avenue to a point, said point being 350 feet by perpendicular measure north of the north edge of Highway U.S. 20; thence southwesterly parallel to and 350 feet north of the north edge of U.S. 20 to the west line of County Road 300 East; thence south 350 feet; thence east 280 feet; thence southwesterly 550 feet; thence northeasterly 370 feet to the southeast corner of Section 17, Township 37 North, Range 5 West, Second Principal Meridian; thence, west along the south line of said Section 17, 1,230 feet, more or less; thence north 250 feet; thence west 300 feet; thence south 250 feet; thence, east 200 feet; thence south along the centerline of Bowser Road to the north edge of Highway U.S. 20; thence southwesterly along said north edge to the south line of the northwest quarter of Section 20, Township 37 North, Range 5 West, Second Principal Meridian; thence west to the east line of the southwest quarter of the northwest quarter of said Section 20; thence north along said east line to the north line of said southwest quarter of the northwest quarter of Section 20; thence west along said north line to the west line of said southwest quarter of the northwest quarter of Section 20; thence south along said west line to the southeast corner of the northeast quarter of Section 19, Township 37 North, Range 5 West, Second Principal Meridian; thence west along the south line of said northeast quarter of said Section 19 to the Southwest corner of said quarter section; thence south 825 feet, more or less; thence west 1,320 feet; thence north 90 feet, more or less, to the centerline of Hawleywood Road; thence west along said centerline to the centerline of County Road 100 East; thence south along said County Road centerline 1,000 feet, more or less; thence west 1970 feet, more or less; thence north 420 feet, more or less; thence west to the southeast corner of the northwest quarter of the southwest quarter of Section 24, Township 37 North, Range 6 West, Second Principal Meridian; thence continuing west 890 feet, more or

less; thence southwesterly along a line that is 850 feet distant southeasterly and parallel to the south right-of-way line of the Chicago, South Shore & South Bend Railroad to a point where the last described line intersects the north line of North Triangle Street in Dune Forest Subdivision; thence continuing southwesterly along said north line to a point where it intersects the north line of a street known as Dune Forest Trail; thence southwesterly along the north line of Dune Forest Trail to a point where last mentioned north line intersects a line, said line being 850 feet distant southeasterly and parallel to the south right-of-way line of the Chicago, South Shore & South Bend Railroad; thence continuing southwesterly along the last described line to a point, said point being 935 feet South and 330 feet east of the northeast corner of Section 27, Township 37 North, Range 6 West, Second Principal Meridian; thence 330 feet west to the centerline of County Road 100 West; thence south along said centerline to the centerline of Oak Hill Road; thence east along said centerline of Oak Hill Road to the centerline of County Road 50 West, a.k.a. Wagner Road; thence south along the centerline of County Road 50 West to the north right-of-way line of Highway U.S. 20; thence southwesterly along said north right-of-way line to the Old Indian Treaty boundary line; thence west along said Old Indian Treaty boundary line to the east line of Section 33, Township 37 North, Range 6 West; thence south along said east line 34 feet, more or less, to the north right-of-way line of the New York Central Railroad; thence northwesterly along said north right-of-way line to a point, said point being the intersection of said north right-of-way line with a line 330 feet east of, and parallel to, the north-south centerline of said Section 33; thence south to the north edge of Wennerstrom Road, a road shown in the plat book of Westchester Township, Porter County, Ind., in the north half of Section 33, Township 37 North, Range 6 West, Second Principal Meridian; thence southwesterly and westerly along said north edge of Wennerstrom Road to the west line of the east half of the northwest quarter of said Section 33; thence north to the Indian Treaty boundary line; thence east along said Indian Treaty boundary line 252.5 feet; thence north 220 feet, more or less, to the centerline of the Little Calumet River; thence westerly along said river centerline to a point thereon 12 feet west of the west line of the east half of the northwest quarter of said Section 33; thence south parallel to said west line 290 feet, more or less, to the Indian Treaty boundary line; thence west along said Indian Treaty boundary line 620 feet; thence north 204 feet; thence west to the centerline of the Little Calumet River; thence westerly along said river centerline to a point thereon that is 300 feet east of the west line of said Section 33; thence, south 600 feet, more or less, to the north edge of Wennerstrom Road; thence west along said north edge to the east line of Section 32, Township 37 North, Range 6 West, 2nd Principal Meridian; thence westerly to the intersection of the west line of relocated State Route 149 with the north line of Indian Springs Subdivision; thence westerly along the north line of Indian Spring Subdivision to the intersection of said north line with a line that is parallel to and 440 feet west of the east line of said Section 32; thence south 40' west 510 feet; thence west 280 feet; thence north 70 feet; thence southwesterly along a line that



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is parallel to and 50 feet distant southeasterly from the centerline of the Little Calumet River 220 feet; thence south 90 feet; thence west 440 feet; thence south 340 feet; thence west 1,140 feet; thence south 380 feet; thence west 890 feet; thence south 58' West 1,540 feet; thence west 250 feet, more or less to the west line of said Section 32; thence continuing west 200 feet; thence north 750 feet; thence east 200 feet to the west line of said Section 32; thence north along said west line 1,000 feet, more or less, to the south line of a platted road; thence easterly and northeasterly along said south line to a point on said south line that is 800 feet east of the west line of said Section 32; thence south 200 feet; thence east 300 feet, more or less, to the centerline of the Little Calumet River; thence northerly, northeasterly, and easterly along said river centerline to a point, said point being 9.4 feet southeasterly of the most westerly part of a parcel of land described in Porter County Deed Record 278, page 143, said point also being 700 feet, more or less, south of the Indian Treaty boundary line and 1,100 feet, more or less, west of the north-south centerline of said Section 32; thence northwesterly 9.4 feet along the boundary of said parcel of land; thence northeasterly 732.33 feet along the boundary of said parcel of land; thence northwesterly 560 feet, more or less, to the intersection of the north-south centerline of said Section 32 with the Indian Treaty boundary line; thence easterly along said Indian Treaty boundary line 620 feet; thence north 40' east 220 feet; thence east 530 feet, more or less, to the west line of the east half of the east half of said Section 32; thence continuing east 80 feet; thence south 840 feet, more or less, to a point, said point being 50 feet distant northwesterly from the centerline of the Little Calumet River; thence northeasterly, parallel to and 50 feet distant northwesterly from the centerline of said river 220 feet; thence north to the Indian Treaty boundary line; thence north 68' east 2,060 feet; thence east 450 feet; thence south 79' east 490 feet; thence south 100 feet; thence east 260 feet, more or less, to a point, said point being 50 feet distant northwesterly from the Little Calumet River; thence northeasterly, along a line that is parallel to and 50 feet distant northwesterly from said river centerline, 300 feet; thence north 120 feet; thence north 46' east 1,550 feet, more or less, to the southeast corner of the west half of the southeast quarter of Section 28, Township 37 North, Range 6 West, 2nd Principal Meridian; thence east along the south line of said Section 28, 1,980 feet, more or less, to the southwest corner of said Section 28; thence North along said east line 1,815 feet; thence north 67' east 510 feet; thence east 860 feet; thence south 30 feet; thence east 1,320 feet to the west line of the east half of section 27, Township 37 North, Range 6 West, Second Principal Meridian; thence north along said west line of said east half of Section 27 to the south right-of-way line of the Chicago, South Shore & South Bend Railroad; thence northeasterly along said south right-of-way line to the point of beginning.

PARCEL 3

Beginning at a point on the south line of Section 25, Township 37 North, Range 7 West, Second Principal Meridian, Porter County, Ind., said point being 300 feet east of the southwest corner of said Section 25; thence southwesterly to a point on the east

line of Section 35, Township 37 North, Range 7 West, Second Principal Meridian, said point being 1,800 feet north of the Old Indian Treaty boundary line; thence south along said east line of Section 35 to the south right-of-way line of the Indiana Harbor Belt Railroad; thence westerly along said south right-of-way line to the east line of the west 350 feet of the east half north-east quarter of said Section 35; thence south along said east line to the north right-of-way line of U.S. 12; thence southwesterly along said north right-of-way line 780 feet, more or less, to a point opposite the west line of an existing dirt road on the south side of U.S. 12; thence southwesterly to a point, said point lying on the south right-of-way line of U.S. 12, 50 feet southwesterly of the intersection of the east line of that parcel of land described in deed dated December 12, 1967, and recorded December 20, 1967, in Volume 225, Page 176, as Document No. 47003 of the records of Porter County, Ind., and said south right-of-way line; thence southwesterly to a point, said point lying 550 feet north of the east-west centerline and 510 feet east of the north-south centerline of said Section 35, thence west 160 feet; thence south 700 feet; thence east 260 feet; thence south 1,710 feet; thence west 100 feet; thence south 240 feet, more or less, to the north right-of-way line of the Northern Indiana Public Service Co. power line; thence southwesterly along said north right-of-way line 2,500 feet; thence, north 545 feet, more or less, to the Township line between Township 36 North and 37 North, Range 7 West, Second Principal Meridian; thence west along said township line to a point that is 3,985 feet east of the northwest corner of Section 3, Township 36 North, Range 7 West, Second Principal Meridian; thence southwesterly 3,622 feet, more or less to a point, said point being 1,150 feet south and 550 feet east of the northwest corner of said Section 3; thence west 550 feet to the west line of said Section 3; thence north along said west line 1,150 feet to the northwest corner of said Section 3; thence continuing north along the east line of Section 33, Township 37 North, Range 7 West, Second Principal Meridian, 820 feet, more or less; thence westerly and southwesterly along the northerly line of a street known as Oak Ridge Drive to a point that is directly north of the lot line between Lots 17 and 18, in Block "R" of Inland Manor Fifth Addition in the City of Gary, Lake County, Ind.; thence south 285 feet, more or less, to the south line of said Section 33; thence west along said south line to the north-south centerline of said Section 33; thence continuing west 30 feet; thence south 165 feet to the intersection of the west line of Union Street and the north line of Alley No. 1-A South in Inland Manor Fourth Addition in the City of Gary, Ind.; thence westerly along said alley north line to the west line of Alley No. 84 East extended northerly; thence south along said alley west line to the lot line between Lots 3 and 4, Block "L" in said Inland Manor Fourth Addition; thence east 1,146 feet, more or less, to the west line of Union Street; thence south 505 feet to the north line of the southwest quarter, Section 4, Township 36 North, Range 7 West, Second Principal Meridian; thence west 70 feet; thence south on a line parallel to and 100 feet west of the east line of said southwest quarter, Section 4, to the north line of the Baltimore & Ohio Railroad right-of-way; thence westerly along said north line to the

east line of the southwest quarter of Section 5, Township 36 North, Range 7 West, Second Principal Meridian; thence north along said east line to the northeast corner of said southwest quarter of Section 5; thence west along the north line of said southwest quarter of Section 5 to a point 2,060 feet east of the west line of said Section 5; thence north parallel to said west line to the north line of the Penn Central Railroad right-of-way; thence west along said railroad right-of-way north line to the east line of Section 1, Township 36 North, Range 8 West, Second Principal Meridian; thence south along the east line of said Section 1 to a point, said point being 200 feet northerly by perpendicular measure from the north line of the Baltimore & Ohio Railroad right-of-way; thence westerly and parallel to said railroad right-of-way north line to a point, said point being 1,356.88 feet east by perpendicular measure from the west line of said Section 1; thence north and parallel to said west line of said Section 1 to the north line of said Section 1; thence east along the north line of said Section 1 to a point 990 feet west of the southeast corner of section 36, Township 37 North, Range 8 West, Second Principal Meridian; thence north along a line, said line being parallel to and 990 feet west of the east line of said Section 36 to the Old Indian Treaty boundary line; thence west along said Old Indian Treaty boundary line 1,750 feet, more or less, to a point, said point being the intersection of the Old Indian Treaty boundary line with a north-south line, said north-south line being the east edge of the U.S. Steel Corp. landfill breakwater prolonged southward; thence north along said north-south line to a point 300 feet north of the south shore of Lake Michigan; thence easterly parallel to and 300 feet north of the south shore of Lake Michigan to the west line of the east half of Section 31, Township 37 North, Range 7 West, Second Principal Meridian extended northerly; thence south along said west line of said east half of said Section 31 to the south line of said Section 31; thence east along said south line to the southeast corner of said Section 31; thence continuing east along the south line of Section 32, Township 37 North, Range 7 West, Second Principal Meridian, to the southwest corner of the southeast quarter of said Section 32; thence north 162 feet; thence east on a line parallel to and 162 feet north of the south line of said Section 32 to a point, said point being the intersection of said parallel line and the north right-of-way line of the Indiana Harbor Belt Railroad Co.; thence northeasterly along said north right-of-way line to the west line of Section 33, Township 37 North, Range 7 West, Second Principal Meridian; thence north along said west line to a point that is 890 feet south of the northwest corner of said southwest quarter of said Section 33; thence easterly 720.50 feet; thence southerly 31.00 feet; thence easterly along the south line of Lakewood Hills Fourth Subdivision 179.50 feet; thence northerly on a line parallel to and 900 feet east of the west line of said Section 33 to a point that is 600 feet south of the north line of the southwest quarter of said Section 33; thence easterly along a line that is parallel to and 600 feet south of the north line of said southwest quarter of said Section 33, 590 feet; thence northerly 300 feet; thence easterly on a line that is parallel to and 300 feet south of the north line of said southwest quarter 828.51 feet to the west line of the east 330 feet of said

southwest quarter; thence southerly on said west line 748.11 feet to the north line of the Indiana Harbor Railroad Co. right-of-way; thence northeasterly along said north line to the west line of Government Lot 3, in the southeast quarter of said Section 33; thence north along said west line 409.87 feet, more or less, to the north line of said southeast quarter; thence easterly on said north line 700 feet, more or less, to the south edge of Wells Place, a street in Young's Dunelands Subdivision; thence northeasterly along the east edge of Wells Place to the northwest corner of Lot 25, Block 10, Young's Dunelands Subdivision; thence northerly to the southwest corner of Lot 13, Block 4, Young's Dunelands Subdivision, said corner being on the east edge of Wells Place; thence north along the east edge of Wells Place to the south edge of Indian Boundary Avenue; thence east along the south edge of Indian Boundary Avenue to the west line of Section 34, Township 37 North, Range 7 West, Second Principal Meridian, said west line being the county line between Lake County and Porter County, Ind.; thence north along said west line to the northwest corner of said Section 34; thence continuing north along the west line of Section 27, Township 37 North, Range 7 West, Second Principal Meridian and along said west line prolonged northward to a point in Lake Michigan, said point being 300 feet north of the south shore of Lake Michigan; thence easterly parallel to and 300 feet north of the south shore of Lake Michigan to a point 3,600 feet west of the east line of Section 25, Township 37 North, Range 7 West, Second Principal Meridian; thence southerly to the point where the south shore of Lake Michigan meets the west edge of Burns Waterway; thence continuing southerly along said west edge of Burns Waterway to the south line of said Section 25; thence westerly along said south line to the point of beginning; excepting an area within the corporate limits of Ogden Dunes described as follows: Beginning at the northeast corner of Section 35, Township 37 North, Range 7 West, Second Principal Meridian; thence west along the north line of said Section 35 to the west line of the east half of said Section 35; thence south along said west line to a line that is parallel to and 100 feet distant northerly by perpendicular measure from the northerly right-of-way line of the New York Central Railroad, as said northerly right-of-way line lies in the west half of the east half of said Section 35; thence southwesterly along said parallel line 970 feet; thence southerly making a right angle with last mentioned line 23.8 feet; thence west 355 feet, more or less, to the west line of the east one-half of said Section 35; thence south 50 feet, more or less, to the Old Indian Treaty boundary line; thence west along said boundary line to the west line of said Section 35; thence north along said west line to a point that is 44 feet south of the northwest corner of said Section 35; thence, 30 feet east to the southwest corner of Lot 47 of Ogden Dunes Sixth Subdivision; thence southeasterly, northeasterly, and southwesterly along the south line of Lots 47, 48, 51, 35, and 16 of said Ogden Dunes Sixth Subdivision to the west line of Diana Road in said subdivision; thence northeasterly to the northeast corner of Lot 1 in said subdivision; thence northwesterly along the north line of Lots 1 and 2 and part of Lot 3 to the southerly extension of the west line of a lane that lies

adjacent to the west side of Lot 225 in Ogden Dunes Third Subdivision; thence northerly along said west line of said lane and along the west line of Parcel B in said subdivision and along the west line of an alley that is platted West of Lot 239 in said Ogden Dunes Third Subdivision to a point, said point being the intersection of the last described line and the north line of said Lot 239 extended southwesterly; thence northeasterly along a line, said line described as being 150 feet northwesterly of and parallel to the north edge of Shore Drive in Ogden Dunes, to the east line of Section 26, Township 37 North, Range 7 West, Second Principal Meridian; thence south along said east line to the point of beginning.

PARCEL 4

Commencing at the northeast corner of Section 35, Township 37 North, Range 4 West, Second Principal Meridian, LaPorte County, Ind., thence north 89°10'25" west along the north line of said Section 35, 528 feet to the point beginning; thence south 02°28' west, 216 feet; thence north 89°10'25" west, 47.09 feet; thence south 02°28' west, 550.00 feet; thence south 22°58'09" west, 200.15 feet; thence easterly parallel with the north line of the south half northeast quarter of said Section 35 to a point that is 600 feet west of the east line of said Section 35; thence south parallel with said east line, 231 feet; thence east parallel with the north line of the south half northeast quarter of Section 35, 300 feet; thence south 220 feet; thence east 300 feet to the east line of said Section 35; thence south 300 feet; thence west 300 feet; thence south 225 feet; thence east to the east line of said Section 35; thence southerly along said east line to a point on said east line that is 500 feet north of the northeast corner of the southeast quarter of said Section 35; thence west 220 feet; thence south 250 feet; thence east 220 feet to the east line of said Section 35; thence south along said east line 720 feet, more or less, to the northwesterly right-of-way line of the Indiana East-West Toll Road; thence southwesterly along said right-of-way line 183 feet, more or less, to a point, said point being 150 feet northwesterly, measured at right angles, from the centerline of said Toll Road at Station 2455+20; thence north 22°24'31" west, 40 feet; thence south 67°35'29" west, 20 feet; thence south 22°24'31" east, 40 feet; thence continuing southwesterly along said northwesterly right-of-way line of said Toll Road to the centerline of Wozniak Road; thence northerly along the centerline of Wozniak Road to a point, said point being 900 feet south of the north line of the northwest quarter southwest quarter of Section 35; thence westerly parallel to said north line to the west line of said Section 35; thence northerly along said west line to a point, said point being 550 feet south of the Old Indian Treaty boundary line; thence east, parallel to the east-west centerline of said Section 35, to the centerline of Wozniak Road; thence northerly along the centerline of said Wozniak Road to the north line of said Section 35; thence easterly along said north line to a point, said point being 468.89 feet west of the southeast corner southwest quarter southeast quarter of Section 26, Township 37 North, Range 4 West, Second Principal Meridian, LaPorte County, Ind.; thence north 01°06' east, 698.71 feet; thence south 89°10'25" east, 485 feet; thence north 89°44'10" east, 440.11 feet; thence south

PARCEL 5

The following described parcels of land in Sections 26 and 27, Township 37 North, Range 5 West, Second Principal Meridian, Porter County, Ind.: The north 1,150 feet of the southeast quarter of said Section 26 lying west of the west line of County Road 600 East; all of the southwest quarter of said Section 26; all of the southeast quarter of said Section 27 lying east of the east line of County Road 450 East.

PARCEL 6

Beginning at a point on the north line of Section 3, Township 35 North, Range 9 West, Second Principal Meridian, Lake County, Ind., said point being 100 feet west of the northeast corner of the northwest quarter of said Section 3; thence south parallel to the east line of said northwest quarter to a point, said point being 326 feet north of the south line of the north half of said northwest quarter; thence west parallel to said south line to the west line of said northwest quarter; thence continuing west 60 feet; thence south parallel to the east line of the northeast quarter of Section 4, Township 35 North, Range 9 West, Second Principal Meridian, to the south line of said northeast quarter; thence west along said south line to the east edge of Kennedy Avenue; thence north along the east edge of Kennedy Avenue to a point that is 396 feet south of the north line of the southwest quarter of the northeast quarter of said Section 4; thence east parallel to said north line to the east line of the west half of the northeast quarter of said Section 4; thence north along said east line to a point that is 1,030.22 feet south of the north line of said Section 4; thence west to the east edge of Kennedy Avenue; thence north along said east edge of Kennedy Avenue to the north line of said Section 4; thence east along said north line to a point, said point being the intersection of said north line and the southerly extension of the east line of Kennedy Avenue as said Kennedy Avenue exists in Section 33, Township 36 North, Range 9 West, Second Principal Meridian, in Lake County, Ind.; thence north along said east line of Kennedy Avenue to the north line of the south half of the southeast quarter of said Section 33; thence east along said north line, 2,020 feet, more or less, to the southwesterly line of the Northern Indiana Public Service Co. right-of-way; thence southeasterly along said southwesterly line 3,256.4 feet, more or less, to a point, said point being 190 feet west and 282.0 feet north of the southeast corner of the southwest quarter of Section 34, Township 36 North, Range 9 West, Second Principal Meridian; thence south parallel to the east line of said southwest quarter 282.0 feet to the south line of said Section 34; thence east along said south line to the point of beginning.

[FR Doc. 78-1059 Filed 1-13-78; 8:45 am]



[7020-02]

## INTERNATIONAL TRADE COMMISSION

[332-87]

## CONDITIONS OF COMPETITION IN WESTERN U.S. STEEL MARKET BETWEEN CERTAIN DOMESTIC AND FOREIGN STEEL PRODUCTS

Time and Place of Portland, Oreg., Hearing

Notice is hereby given that the public hearing in connection with the above noted investigation scheduled for Portland, Oreg., will be held beginning at 10 a.m., p.s.t., Tuesday, January 24, 1978, in Room 223 of the New Federal Building, 1220 Southwest Third Street, Portland.

Requests for appearances at the hearing should be received, in writing, by the Secretary of the Commission in his office in the United States International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, not later than noon, Thursday, January 19, 1978.

Notice of the times and places of the Denver and Los Angeles hearings was published in the FEDERAL REGISTER of October 31, 1977 (42 FR 56988), and notice of the investigation and public hearings was published in the FEDERAL REGISTER of June 15, 1977 (42 FR 30555).

By order of the Commission.

Issued: January 11, 1978.

KENNETH R. MASON,  
Secretary.

[FR Doc. 78-1169 Filed 1-13-78; 8:45 am]

[7020-02]

[332-91]

## UNITED STATES EXPORTS TO SOVIET UNION: PAST TRENDS, RECENT DEVELOPMENTS, AND FUTURE PROSPECTS

Investigation

Pursuant to its authority in section 332(b) of the Tariff Act of 1930 to investigate "conditions, causes, and effects relating to competition of foreign industries with those of the United States" (19 U.S.C. 1332(b)), the United States International Trade Commission has instituted an investigation of "United States Exports to the Soviet Union: Past Trends, Recent Developments, and Future Prospects." The Commission has instituted this investigation in light of indications in recent data that (1) growth in United States exports to the Soviet Union has begun to level off following a period of relatively rapid growth, and (2) the favorable balance of trade which the United States has enjoyed with the Soviet Union has begun to slip.

In approaching the subject matter of the investigation, the Commission

will consider the history of the U.S. export trade with the Soviet Union from 1917 to the present and will focus upon developments during the past five years (1972-1977). Product composition of U.S. exports to the Soviet Union will be discussed in comparison with exports of other western industrialized countries to the Soviet Union.

The range of variables to be considered by the Commission which may have had an effect upon U.S. exports to the Soviet Union for the 1972-1977 period will include: (1) The availability or nonavailability of U.S. Export-Import Bank credits, whether in the form of "loans, guarantees, insurance, or any combination thereof;" (2) the impact of state planning in the context of the Soviet 5-year plans and recent trends in Soviet foreign trade; (3) Soviet agriculture, with analysis of Soviet cyclical grain output, import demands for grain, and Soviet-American grain agreements; (4) the Soviet balance of payments; and (5) export control mechanisms established by U.S. law, such as the Export Administration Act of 1969, as amended.

## METHODOLOGY

In addition to information and source materials presently at its disposal, the Commission will collect data for the investigation by the following means:

1. *Questionnaires.* The Commission will collect information and requisite economic data for its investigation by questionnaire addressed to approximately 400 selected companies.

2. *Written submissions.* Interested persons, having information pertinent to the subject matter of the Commission's investigation or desiring to be heard on any point with respect thereto, are invited to submit written statements or comments to the Commission. In the event that such written submissions contain business information which a submitter desires the Commission to treat as confidential, the confidential material must be submitted on separate sheets, each of which must be clearly marked at the top "Confidential Business Data." In addition, all submissions of confidential business information must comply with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements should be submitted at the earliest practicable date, but not later than March 1, 1978. All written submissions should be addressed to the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436.

Issued: January 11, 1978.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc. 78-1170 Filed 1-13-78; 8:45 am]

[4410-01]

## DEPARTMENT OF JUSTICE

Bureau of Prisons

## NATIONAL INSTITUTE OF CORRECTIONS ADVISORY BOARD

Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Sunday, February 5, 1978, starting at 5 p.m. and on Monday, February 6, 1978, starting at 8 a.m., in the Conference Room of the Federal Bureau of Prisons Regional Office, K.C.I. Bank Building, 8800 N.W. 112th Street, Kansas City, Mo.

This meeting is one of the regularly scheduled triannual meetings of the Advisory Board.

Signed at Washington, D.C. this 9th day of January, 1978.

JOHN A. WALLACE,  
Acting Director.

[FR Doc. 78-1020 Filed 1-13-78; 8:45 am]

[1505-01]

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-271]

## VERMONT YANKEE NUCLEAR POWER CORP.

Proposed Issuance of Amendment to Facility Operating License

Correction

In FR Doc. 77-37340, appearing at page 47 in the issue for Tuesday, January 3, 1978, on page 47, in the third column, the date in the first line of the third paragraph should read "February 2, 1978".

[7590-01]

[Docket Nos. 50-317 and 50-318]

## BALTIMORE GAS &amp; ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 28 and 13 to Facility Operating License Nos. DPR-53 and DPR-69 (respectively), issued to Baltimore Gas & Electric Co. (the licens-

ee), which revised the licenses and their appended technical specifications for operation of the Calvert Cliffs Nuclear Power Plant Unit Nos. 1 and 2 (the facilities) located in Calvert County, Md. The amendments are effective as of their date of issuance.

The amendments change the technical specifications by modifying the Limiting Conditions for Operation (LCO) on Control Element Assembly (CEA) positions for reactor operation. The change authorizes the insertion of all CEAs a nominal 3 inches from their present position. Deeper insertion of the CEAs will provide a new wearing surface for the CEA guide tubes. This interim action is being taken pending completion of the program to address the long term guide tube wear problem under development.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 23, 1977, and supplements thereto dated January 4, and 6, 1978, (2) amendment No. 28 to license No. DPR-53 and amendment No. 13 to license No. DPR-69, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's public document room, 1717 H Street NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Md., 20678. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this sixth day of January, 1978.

For the Nuclear Regulatory Commission.

DON K. DAVIS,  
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-1112 Filed 1-13-78; 8:45 am]

[7590-01]

[Docket Nos. 50-325 and 50-324]

## CAROLINA POWER &amp; LIGHT CO.

Issuance of Safety Evaluation Relating to Brunswick Steam Electric Plant Program for Seismic Monitoring

Notice is hereby given that the Office of Nuclear Reactor Regulation has issued a Safety Evaluation for the Brunswick Steam Electric Plant, Unit Nos. 1 and 2, approving the termination of the seismic portion of the seismic monitoring program as provided for in license condition 2.C.(3). The leveling portion of the program will continue for about 2 years ending about July 1979.

The Safety Evaluation dated December 28, 1977, is available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, N.C. for inspection and copying.

Dated at Bethesda, Md., this 28th day of December 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-1113 Filed 1-13-78; 8:45 am]

[7590-01]

[Docket No. 50-155]

## CONSUMERS POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-6, issued to the Consumers Power Co. (the licensee), which revised the license and its appended Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Mich. The amendment is effective as of its date of issuance.

The amendment consists of administrative changes to the technical specifications for the facility to:

1. Delete the requirement for an annual operating report, while retaining the specific requirement for an annual report of occupational exposure;

2. Modify the submittal date for the monthly operating report to the 15th (vice 10th) of the month following the calendar month covered by the report;

3. Incorporate minimum qualifications for the radiation protection supervisor to meet the minimum qualifications of Regulatory Guide 1.8 issued September 1975; and

4. Delete reference to respiratory protection equipment since this item is now covered by 10 CFR 20.103 of Part 20 of the Commission's regulations.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated May 17, 1977 and November 11, 1977, (2) Amendment No. 16 to License No. DPR-6, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Mich. 49720.

A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this tenth day of January 1978.

For the Nuclear Regulatory Commission.

DON K. DAVIS,  
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-1114 Filed 1-13-78; 8:45 am]

[7590-01]

[Docket No. 50-409]

## DAIRYLAND POWER COOPERATIVE

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Provisional Operating License No. DPR-45, issued to Dairyland Power Cooperative (the licensee), which revised Technical Specifications for operation of the La Crosse Boiling Water Reactor



(LACBWR) located in Vernon County, Wis. The amendment is effective as of its date of issuance.

The amendment eliminates the requirement for an Annual Operating Report while retaining the requirement to report personnel occupational exposure data.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 19, 1977, (2) Amendment No. 9 to License No. DPR-45, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the La Crosse Public Library, 800 Main Street, La Crosse, Wis. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 29th day of December 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of Operating Reactors.

(FR Doc. 78-1115 Filed 1-13-78; 8:45 am)

#### [7590-01]

(Docket No. 50-335)

#### FLORIDA POWER & LIGHT CO.

#### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-87, issued to Florida Power & Light Co. (the licensee), which revised the license and its

appended Technical Specifications for operation of St. Lucie Plant Unit No. 1 (the facility) located in St. Lucie County, Fla. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications by modifying the Limiting Conditions for Operation (LCO) on Control Element Assembly (CEA) positions for reactor operation. The change authorizes the insertion of all CEAs a nominal 3 inches from their present position. Deeper insertion of the CEAs will provide a new wearing surface for the CEA guide tubes. This interim action is being taken pending completion of the program to address the long term guide tube wear problem under development.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 4, 1978, (2) Amendment No. 20 to License No. DPR-87, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Fla. 33450. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 6th day of January 1978.

DON K. DAVIS,  
Acting Chief, Operating Reactors  
Branch No. 2, Division of Operating Reactors.

(FR Doc. 78-1116 Filed 1-13-78; 8:45 am)

#### [7590-01]

(Docket No. 50-321)

#### GEORGIA POWER CO., ET AL.

#### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-57 issued to Georgia Power Co., Oglethorpe Electric Membership Corp., Municipal Electric Association of Georgia and City of Dalton, Ga., which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, located in Appling County, Ga. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications which will delete the requirement for an Annual Operating Report in order to be consistent with Commission guidance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 10, 1977, (2) Amendment No. 49 to License No. DPR-57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Ga. 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 5th day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors  
Branch No. 3, Division of Operating Reactors.

(FR Doc. 78-1117 Filed 1-13-78; 8:45 am)

#### [7590-01]

(Docket No. 50-309)

#### MAINE YANKEE ATOMIC POWER CO.

#### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR-38, issued to Maine Yankee Atomic Power Co. (the licensee), which revised technical specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment changes the technical specifications by modifying the limiting conditions for operation on control element assembly (CEA) positions for reactor operation. The change authorizes the insertion of all CEAs a nominal 3 inches from their present position. Deeper insertion of the CEAs will provide a new wearing surface for the CEA guide tubes. This interim action is being taken pending completion of the program to address the long-term guide tube wear problem under development.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 5, 1978, (2) Amendment No. 33 to License No. DPR-38, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW.,

Washington, D.C., and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 6th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of Operating Reactors.

(FR Doc. 78-1118 Filed 1-13-78; 8:45 am)

#### [7590-01]

(Docket No. 50-285)

#### OMAHA PUBLIC POWER DISTRICT

#### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-40 issued to Omaha Public Power District which revised technical specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebr. The amendment is effective as of its date of issuance.

The amendment adds an Interim Special Technical Specification 6.4 which limits control element assembly (CEA) insertion. The change authorizes the insertion of all CEAs a nominal 3 inches from their present position. Deeper insertion of the CEAs will provide a new wearing surface for the CEA guide tubes.

This interim action is being taken pending completion of a long-term program to address guide tube wear that is under development.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 23, 1977, as revised on January 4, 1978, (2) Amendment No. 34 to License No. DPR-40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebr. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 6th day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors  
Branch No. 3, Division of Operating Reactors.

(FR Doc. 78-1119 Filed 1-13-78; 8:45 am)

#### [7509-01]

(Docket No. 50-344)

#### PORTLAND GENERAL ELECTRIC CO., ET AL.

#### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. NPF-1 issued to Portland General Electric Co., the city of Eugene, Oreg., and Pacific Power & Light Co. which revised technical specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oreg. The amendment is effective 30 days from its date of issuance.

This amendment incorporates technical specifications for existing fire protection equipment and systems, and incorporates additional administrative controls into the technical specifications for the fire protection program at the Trojan Nuclear Plant. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.



The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 11 and August 22, 1977, (2) Amendment No. 18 to License No. NPF-1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Columbia County Courthouse, Law Library, Circuit Courtroom, St. Helens, Oreg. 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 5th day of December 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors  
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-1120 Filed 1-13-78; 8:45 am]

#### [7590-01]

##### REGULATORY GUIDE

###### Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.40, Revision 1, "Design Basis Floods for Fuel Reprocessing Plants and for Plutonium Processing and Fuel Fabrication Plants," describes methods of determining the design basis floods that fuel reprocessing plants and plutonium processing and fuel fabrication plants should be designed to withstand without loss of safety-related functions. This revision was made to reflect changes made to Revision 2 of Regulatory Guide 1.59, "Design Basis Floods for Nuclear Power Plants." This guide endorses

ANSI Standard N170-1976, "Standards for Determining Design Basis Flooding at Power Reactor Sites."

Release of this guide is not considered inconsistent with the President's announced policy on reprocessing plants. He focused on limiting or stopping plutonium reprocessing and recycle but encouraged research into other fuel cycles and associated reprocessing plants, which do not involve direct access to materials usable in nuclear weapons. In addition, the application of this guide is not limited to reprocessing plants and plutonium processing and fuel fabrication plants. The recommendations can be applied for the most part to other fuel cycle facilities.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 9th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director, Office of Standards Development.

[FR Doc. 78-1111 Filed 1-13-78; 8:45 am]

#### [7590-01]

[NUREG-75/087]

##### REVISION TO STANDARD REVIEW PLAN

###### Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to section No. 4.5.2 of the SRP for the NRC staff's

safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis reports for Nuclear Powerplants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for Revision No. 1 to section 4.5.2 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 9th day of January 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,  
Director, Division of Systems Safety, Office of Nuclear Reactor Regulation.

[FR Doc. 78-1110 Filed 1-13-78; 8:45 am]

#### [7590-01]

[Docket No. 50-395-OL; Construction Permit No. CPFR-94]

**SOUTH CAROLINA ELECTRIC & GAS CO., AND SOUTH CAROLINA PUBLIC SERVICE AUTHORITY; (VIRGIL C. SUMMER NUCLEAR STATION)**

##### Reconstitution of Board

Frederic J. Coufal, Esq., was Chairman of the Atomic Safety and Licensing Board established to rule on petitions in the above matter. Because of a schedule conflict, Mr. Coufal is unable to continue his service on this Board.

Accordingly, Ivan W. Smith, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of

this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 9th day of January, 1978.

JAMES R. YORE,  
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 78-1122 Filed 1-13-78; 8:45 am]

#### [7590-01]

[Docket No. 50-208]

**SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.**

##### Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Provisional Operating License No. DPR-13, issued to Southern California Edison Co. and San Diego Gas and Electric Co. (the licensee), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (SO-1) located in San Diego County, Calif. The amendment is effective as of its date of issuance.

On October 6, 1977, the Commission issued an Order for Modification of License which required the licensee to reevaluate past eddy current test data on steam generator tube degradation, imposed a limitation on primary-to-secondary leakage and required that SO-1 be brought to cold shutdown condition after two and one-half equivalent months of operation unless otherwise authorized by the NRC. This amendment incorporates provisions in the Technical Specifications relating to reactor coolant and secondary coolant activity, for assurance of acceptable consequences in the event of a steam line or steam generator tube failure. The amendment also adds license conditions for other steam generator inspections. Concurrently, the amendment authorizes operation of San Onofre, Unit 1 to continue beyond December 20, 1977.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant

to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated September 30, 1977 and December 7, 1977, and submittals dated November 18, 1977 and December 5, 1977, (2) Amendment No. 29 to License No. DPR-13, (3) the Commission's Order for Modification of License dated October 6, 1977, and (4) the Commission's letter to the licensee dated December 20, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, Calif. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 20th day of December 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors  
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-1121 Filed 1-13-78; 8:45 am]

#### [7590-01]

[Docket No. 50-513]

**WASHINGTON PUBLIC POWER SUPPLY SYSTEM; WPPSS NUCLEAR PROJECT NO. 4**

##### Issuance of Amendment to Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Washington Public Power Supply System to conduct certain site activities in connection with the WPPSS Nuclear Project No. 4 prior to a decision regarding the issuance of a construction permit. Notice of the Limited Work Authorization was published in the FEDERAL REGISTER on August 11, 1975 (40 FR 3374).

Since that time, the Director of Nuclear Reactor Regulation has determined that additional activities may be authorized under the Limited Work Authorization. The additional activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1) and include construction (above grade) of the cooling towers and installation of the reactor coolant bleed hold-up tanks, reactor distillate storage tanks, and the laundry and hot shower drain tank.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Washington Public Power Supply System and the grant of the authorization has no bearing on the issuance of construction permits with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders of the Commission promulgated pursuant thereto.

A copy of (1) the Atomic Safety and Licensing Board (Board) Partial Initial Decision dated July 30, 1975, and the Board's Order of September 30, 1975; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report and amendments thereto; (4) the staff's Final Environmental Statement dated March 1975; and (5) the Commission's letters of authorization dated August 1, 1975, October 3, 1975, March 28, 1977, and January 6, 1978, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and the Richland Public Library, Swift and Northgate Streets, Richland, Wash. 99352. The Final Environmental Statement (Document No. NUREG-75/012) may be purchased at current rates from the National Technical Information Service, Springfield, Va. 22161.

Dated at Bethesda, Md., this 6th day of January 1978.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,  
Chief, Environmental Projects  
Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc. 78-1123 Filed 1-13-78; 8:45 am]

#### [7590-01]

[Docket No. 50-305]

**WISCONSIN PUBLIC SERVICE CORP. ET AL.**

##### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR-43 issued to Wisconsin Public Service Corp., Wisconsin Power and Light Co., and Madison Gas and Electric Co. which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant located in Kewaunee, Wis. The amendment will become effective as of January 1, 1978.

The amendment revises the Technical Specifications to modify heatup and cooldown pressure-temperature limitations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act



of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 8, 1977, (2) Amendment No. 17 to Facility Operating License No. DPR-43, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wis. 54216. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 14th day of December 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors  
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-1124 Filed 1-13-78; 8:45 am]

#### [7590-01]

##### EUROPEAN ATOMIC ENERGY COMMUNITY Solicitation of Public Comments; Correction

In FR Doc. 77-36919 appearing at page 64938 in the FEDERAL REGISTER of Thursday, December 29, 1977, the following correction should be made: The word "high" before "enriched uranium" in the first paragraph of the notice should be corrected to read "low".

Dated at Washington, D.C. this 11th day of January, 1978.

For the Commission.

SAMAUUEL J. CHILK,  
Secretary.

[FR Doc. 78-1207 Filed 1-13-78; 8:45 am]

#### [7590-01]

##### AMERICAN NATIONAL STANDARDS INSTITUTE, DRAFT ANSI STANDARD N18.10, "GENERIC REQUIREMENTS FOR LIGHT WATER NUCLEAR POWERPLANT FIRE PROTECTION"

###### Public Meeting

The Nuclear Regulatory Commission staff will meet publicly with representatives of the ANSI-N18.10 Work Group to discuss staff comments on the Draft ANSI Standard N18.10, "Generic Requirements for Light Water Nuclear Powerplant Fire Protection."

The meeting will be held on January 26, 1978, in Room 6507 of the Commission's offices at 7735 Old Georgetown Road, Bethesda, Md., beginning at 9 a.m.

Interested persons are invited to attend. Persons desiring additional information regarding the meeting should contact Mr. Eugene V. Imbro, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-443-5420.

(5 U.S.C. 552(a).)

Dated at Rockville, Md. this 11th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director, Office of  
Standards Development.

[FR Doc. 78-1206 Filed 1-13-78; 8:45 am]

#### [7910-01]

##### RENEGOTIATION BOARD

###### ADMINISTRATIVE LETTER NO. 75-15

###### Revocation

At its meeting of December 15, 1977, the Renegotiation Board revoked Administrative Letter No. 75-15: Segmentation Analysis, dated November 17, 1975. In a separate action published in the FEDERAL REGISTER today, the Board is proposing regulations on Analysis of Renegotiable Business by Segments.

Dated: January 10, 1978.

GOODWIN CHASE,  
Chairman.

[FR Doc. 78-1040 Filed 1-13-78; 8:45 am]

#### [8025-01]

##### SMALL BUSINESS ADMINISTRATION

[License No. 03/04-0096]

###### FIRST WASHINGTON CAPITAL CORP.

###### Proposed Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant

to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1977)), under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) for the transfer of control of First Washington Capital Corp. (FWCC), 7735 Old Georgetown Road, Bethesda, Md. 20014.

FWCC was licensed on April 23, 1964, with paid-in capital of \$165,000. In 1969, the Licensee entered into a voluntary settlement agreement to repay its indebtedness to SBA. At that time, its obligation to SBA was \$289,840 and has since been reduced to \$41,508 plus accrued interest. Currently, there are 31,730 shares issued and outstanding which are held by 13 shareholders. Of this amount, 19,920 shares are owned by the President and 11,810 shares are owned by 12 other shareholders.

Under the proposal for the transfer of control the President, Mr. Gus Levathes will surrender 9,920 shares to FWCC to be held as treasury stock and place 7,500 shares in escrow which would be released to Mr. Levathes at the rate of 200 shares per month, as long as he is employed by the Licensee. The remaining 11,810 shares outstanding will be purchased by Mr. Richard E. Binet, Jr. for \$10,000.

The proposed officers and directors of the applicant are as follows:

Chairman of the board, treasurer & secretary, Richard E. Binet, Jr., 148 Nancy Lane, St. Joseph, Ill. 61873.

President & asst secretary & director, Gus Levathes, 5316 Moorland Lane, Bethesda, Md. 20014.

Director, Stanley R. Jacobs, 12014 Devildwood Drive, Potomac, Md. 20854.

The applicant proposes to increase the private capital of the Licensee by the sale of 50,000 shares at \$10.00 per share through a private placement, a portion of which will be used to repay SBA, and ultimately sell an additional 450,000 shares to private and institutional investors. Those participating in the initial sale of the \$10 par value stock are:

\*R. E. Binet Company, No. 1 Tahoe Place, Rantoul, Ill. 61866, 7,800 shares.

\*The Elgin National Bank, 24 East Chicago Street, Elgin, Ill. 61020, 18,700 shares.

\*Edwardsville National Bank & Trust Co., 100 St. Louis Street, Edwardsville, Ill. 62025, 23,500 shares.

The proposed transfer of control is subject to and contingent upon the approval of SBA.

Matters involved in SBA's consideration of the application include the

\*Mr. Binet is President of this company.

\*Mr. Binet is a member of the Board of Directors and holder of 10 or more percent of the stock.

\*Mr. Binet, through his ownership of stock and a member of the Board of Directors of the subscribing banks will also represent their (Bank) interest on the Licensee's Board of Directors.

general business reputation and character of the proposed owner and management and the profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than January 31, 1978, submit to SBA in writing, comments on the proposed transfer of control. Any such communications should be addressed to the Deputy Associate Administrator for Investment, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Bethesda, Md., and the cities of Elgin and Edwardsville Ill.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: January 9, 1978.

PETER F. MCNEISH,  
Deputy Associate Administrator  
for Investment.

[FR Doc. 78-1071 Filed 1-13-78; 8:45 am]

#### [8025-01]

[Declaration of Disaster Loan Area No. 1411  
Amdt. No. 1]

##### WASHINGTON

###### Declaration of Disaster Loan Area

The above numbered declaration (See 42 FR 84657) is amended in accordance with the President's declaration of December 10, 1977 to include the City of Richland (located in Benton County), the City of Benton, and the Counties of Clark, Garfield, Pacific, Skamania, Thurston, Wahkiakum and Whatcom, and adjacent counties within the State of Washington, and extends the time for filing applications for physical damage until close of business on February 20, 1978, and for economic injury until close of business on September 20, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: December 30, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc. 78-1072 Filed 1-13-78; 8:45 am]

#### [4710-02]

##### DEPARTMENT OF STATE

###### Agency for International Development

[Redelegation of Authority No. 99.1.7,  
Amendment No. 1]

###### MISSION DIRECTOR, USAID/AFGHANISTAN

###### Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Author-

ity No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.7 dated September 28, 1973 (38 FR 27628) as follows:

1. The first paragraph is hereby amended to reflect the following changes:

(a) The last two words in the first paragraph are deleted, i.e. "or approve."

(b) Subhead 1 is revised to read as follows: "1. U.S. Government contracts, grants, and amendments thereto: *Provided*, That the aggregate amount of each individual contract or grant does not exceed \$50,000 or local currency equivalent."

(c) Subhead 2 is revised to read as follows: "2. Contracts with individuals for the services of the individual alone: *Provided*, That the aggregate amount of each individual contract does not exceed \$100,000 or local currency equivalent."

2. The third paragraph is revised to read as follows: "The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated."

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Dated: January 4, 1978.

HUGH L. DWELLEY,  
Director,  
Office of Contract Management.  
[FR Doc. 78-1081 Filed 1-13-78; 8:45 am]

#### [4710-02]

[Redelegation of Authority No. 99.1.67,  
Amdt. No. 1]

##### AID REPRESENTATIVE, U.S. EMBASSY TO THE SYRIAN ARAB REPUBLIC

###### Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.67 dated February 21, 1975 (38 FR 27628) as follows:

1. The first paragraph is hereby amended to reflect the following changes:

(a) The last two words in the first paragraph are deleted, i.e. "and approve."

(b) Subhead 1 is revised to read as follows: "1. U.S. Government contracts, grants, and amendments thereto: *Provided*, That the aggregate amount of each individual contract or grant does not exceed \$50,000 or local currency equivalent."

(c) Subhead 2 is revised to read as follows: "2. Contracts with individuals for the services of the individual alone: *Provided*, That the aggregate amount of each individual contract does not exceed \$100,000 or local currency equivalent."

2. The third paragraph is revised to read as follows: "The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated."

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Dated: January 4, 1978.

HUGH L. DWELLEY,  
Director,  
Office of Contract Management.  
[FR Doc. 78-1083 Filed 1-13-78; 8:45 am]

#### [4710-02]

[Redelegation of Authority No. 99.1.26,  
Amdt. No. 1]

##### MISSION DIRECTOR, USAID/TUNISIA

###### Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.26 dated September 21, 1973 (38 FR 27628) as follows:

1. The first paragraph is hereby amended to reflect the following changes:

(a) The last two words in the first paragraph are deleted, i.e. "and approve."

(b) Subhead 1 is revised to read as follows: "1. U.S. Government contracts, grants, and amendments thereto: *Provided*, That the aggregate amount of each individual contract or grant does not exceed \$50,000 or local currency equivalent."

(c) Subhead 2 is revised to read as follows: "2. Contracts with individuals for the services of the individual alone: *Provided*, That the aggregate amount of each individual contract does not exceed \$100,000 or local currency equivalent."



## NOTICES

2. The third paragraph is revised to read as follows: "The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated."

Except as provided, herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Dated: January 4, 1978.

HUGH L. DWELLEY,  
Director,  
Office of Contract Management.  
[FR Doc. 78-1084 Filed 1-13-78; 8:45 am]

## [4710-02]

[Redelegation of Authority No. 99.1.51,  
Amdt. No. 1]

AI D REPRESENTATIVE, U.S. EMBASSY TO  
JORDAN

Redelegation of Authority Regarding  
Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.51 dated September 21, 1973 (38 FR 27628) as follows:

The first paragraph is hereby amended to reflect the following changes:

(a) The last two words in the first paragraph are deleted, i.e. "and approve:".

(b) Subhead 1 is revised to read as follows: "1. U.S. Government contracts, grants, and amendments thereto: *Provided*, That the aggregate amount of each individual contract or grant does not exceed \$50,000 or local currency equivalent."

(c) Subhead 2 is revised to read as follows: "2. Contracts with individuals for the services of the individual alone: *Provided*, That the aggregate amount of each individual contract does not exceed \$100,000 or local currency equivalent."

2. The third paragraph is revised to read as follows: "The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated."

Except as provided herein, the Redelegation of Authority remains un-

changed and continues in full force and effect.

This amendment is effective on the date of signature.

Dated: January 4, 1978.

HUGH L. DWELLEY,  
Director,  
Office of Contract Management.  
[FR Doc. 78-1085 Filed 1-13-78; 8:45 am]

## [4710-02]

[Redelegation of Authority No. 99.1.53,  
Amdt. No. 1]

MISSION DIRECTOR, USAID/MOROCCO

Redelegation of Authority Regarding  
Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.53 dated September 21, 1973 (38 FR 27628) as follows:

The first paragraph is hereby amended to reflect the following changes:

(a) The last two words in the first paragraph are deleted, i.e. "and approve:".

(b) Subhead 1 is revised to read as follows: "1. U.S. Government contracts, grants, and amendments thereto: *Provided*, That the aggregate amount of each individual contract or grant does not exceed \$50,000 or local currency equivalent."

(c) Subhead 2 is revised to read as follows: "2. Contracts with individuals for the services of the individual alone: *Provided*, That the aggregate amount of each individual contract does not exceed \$100,000 or local currency equivalent."

2. The third paragraph is revised to read as follows: "The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated."

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Dated: January 4, 1978.

HUGH L. DWELLEY,  
Director,  
Office of Contract Management.  
[FR Doc. 78-1087 Filed 1-13-78; 8:45 am]

## [4710-02]

[Redelegation of Authority No. 99.1.83,  
Amd. No. 1]

MISSION DIRECTOR, USAID/EGYPT

Redelegation of Authority Regarding  
Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.83 dated January 26, 1977 (38 FR 27628) as follows:

The first paragraph is hereby amended to reflect the following changes:

(a) The last two words in the first paragraph are deleted, i.e. "and approve:".

(b) Subhead (1) is revised to read as follows: "(1) U.S. Government contracts, grants, and amendments thereto: *Provided*, That the aggregate amount of each individual contract or grant does not exceed \$100,000 or local currency equivalent."

(c) Subhead (2) is deleted in its entirety.

(d) Subhead (3) is renumbered (2) and revised to read as follows: "2. Contracts with individuals for the services of the individual alone: *Provided*, That the aggregate amount of each individual contract does not exceed \$100,000 or local currency equivalent."

2. The second paragraph is hereby amended to reflect the following changes:

(a) Subhead (1) is revised to delete "\$25,000" and substitute "\$50,000" in lieu thereof.

(b) Subhead (2) is revised to delete "\$25,000" and substitute "\$50,000" in lieu thereof.

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Dated: January 4, 1978.

HUGH L. DWELLEY,  
Director,  
Office of Contract Management.  
[FR Doc. 78-1088 Filed 1-13-78; 8:45 am]

## [4710-02]

[Redelegation of Authority No. 99.1.70,  
Amdt. No. 1]

MISSION DIRECTOR, USAID/YEMEN ARAB  
REPUBLIC

Redelegation of Authority Regarding  
Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the As-

sistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.70 dated April 30, 1975 (38 FR 27628) as follows:

1. The first paragraph is hereby amended to reflect the following changes:

(a) The last two words in the first paragraph are deleted, i.e. "or approve:".

(b) Subhead 1 is revised to read as follows: "1 U.S. Government contracts, grants, and amendments thereto: *Provided*, That the aggregate amount of each individual contract or grant does not exceed \$50,000 or local currency equivalent."

(c) Subhead 2 is revised to read as follows: "2. Contracts with individuals for the services of the individual alone: *Provided*, That the aggregate amount of each individual contract does not exceed \$100,000 or local currency equivalent."

2. The third paragraph is revised to read as follows: "The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated."

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Dated: January 4, 1978.

HUGH L. DWELLEY,  
Director,  
Office of Contract Management.  
[FR Doc. 78-1089 Filed 1-13-78; 8:45 am]

## [4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard  
[CGD 77-247]

RULES OF THE ROAD ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. D), notice is hereby given of a meeting of the Rules of the Road Advisory Committee to be held Wednesday and Thursday, February 15-16, 1978, beginning at 9 a.m. each day in the French Room of the International Hotel, 300 Canal Street, New Orleans, La.

The agenda for the meeting is as follows:

1. Welcome.
2. Adoption of agenda.

## NOTICES

3. Adoption of the minutes of the June 8-9, 1977, meeting.

4. Consideration of proposed Coast Guard amendments to the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to be presented to the July 1978 meeting of the Intergovernmental Maritime Consultative Organization's Subcommittee on the Safety of Navigation in London.

5. Consideration of the draft rules for U.S. waters being developed to unify the present Inland, Western Rivers, Great Lakes and Pilot Rules.

6. Consideration of lighting requirements for small craft under the 72 COLREGS being developed by the Coast Guard.

7. Consideration of the use of strobe lights for navigational purposes.

8. Any other business.

Attendance is open to the public. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify Captain R. A. Bauman, Executive Director, Rules of the Road Advisory Committee, c/o Commandant (G-WLE-4/73), U.S. Coast Guard, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4958, not later than the day before the meeting. Information about the meeting may be obtained from the above address. A member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C.

A. F. FUGARO,  
Rear Admiral, U.S. Coast Guard;  
Chief, Office of Marine Environment and Systems.

JANUARY 9, 1978.

[FR Doc. 78-1097 Filed 1-13-78; 8:45 am]

## [4810-22]

DEPARTMENT OF THE TREASURY

Customs Service  
[T.D. 78-19]

INSTRUMENTS OF INTERNATIONAL TRAFFIC

Certain Plastic Tray Units and Plastic Pad Units  
Used for Transportation of Bobbins Containing Nylon

JANUARY 11, 1978.

It has been established that plastic pad units, composed of plastic pads and reusable plastic strips to secure the pads, and plastic tray units, composed of plastic trays and a tray pack shroud for securing trays to wooden pallet, in various sizes ranging from 20 inches by 21½ inches to 36 inches by 48 inches, and used for the transportation of bobbins containing Nylon, are substantial, suitable for and capable of repeated use, and are used in significant numbers in international traffic. The trays and pads are permanently marked with the word "Du Pont" and other identifying marks.

Under the authority of § 10.41(a)(1), Customs Regulations (19 CFR 10.41a(a)(1)), I hereby designate the above described plastic pad units and plastic tray units as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended (19 U.S.C. 1322(a)). These articles may be released under the procedures set forth in § 10.41a, Customs Regulations (19 CFR 10.41a) (103073) (BOR-7-07).

J. P. TEBEAU,  
Director, Carriers, Drawback  
and Bonds Division.  
[FR Doc. 78-1175 Filed 1-13-78; 8:45 am]

## [4830-01]

Internal Revenue Service

[Delegation Order No. 106 (Rev. 2)]

DIRECTOR, FACILITIES MANAGEMENT  
DIVISION, ET AL

Delegation of Authority

AGENCY: Internal Revenue Service.

ACTION: Delegation of Authority.

SUMMARY: Delegates authority to responsible officials of Internal Revenue Service to procure property and services consistent with title III of the Federal Property and Administrative Services Act of 1949 (Act), as amended (41 U.S.C. 251-260), except as precluded by section 307 (41 U.S.C. 257) of the Act. The authority delegated to these responsible officials may be redelegated to qualified subordinate officers or employees. The text of the delegation order appears below.

EFFECTIVE DATE: February 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas R. Blankenship, 1111 Constitution Avenue NW., Room 1320, Washington, D.C. 20224, 202-566-2604 (not toll free).

LEO C. INGLESBY,  
Director, Facilities  
Management Division.

Date of issue: January 12, 1978.

Effective Date: February 13, 1978.

USE OF TITLE III OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, as Amended, When Procuring Property and Nonpersonal Services

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 208-1, and subject to the limitations contained therein, the following officials are hereby delegated authority to procure property and services consistent with title III of the Federal Property and Administrative Services Act of 1949, as amended, (41 U.S.C. 251-260) except as precluded by section 307 (41 U.S.C. 257) of the Act:



(a) Director, Facilities Management Division, and Chief, Contract and Procurement Section, National Office.

(b) Regional Commissioner, all Regions, and Chief, Facilities Management Branch, all Regions. The Regional authority for procurement of automatic data processing equipment (ADPE) is limited to the issuance of delivery orders against IRS National Office contracts and General Services Administration contracts entered into solely for the use of IRS, and subject to the terms, conditions, and maximum order limitations of the applicable contract, for lease or maintenance of installed equipment. Regional Commissioners may redelegate the authority to District Directors and Service Center Directors for open-market purchases not to exceed \$10,000; for execution of delivery orders for automatic data processing equipment within the limitations described above; and for execution of delivery orders for all other property and services, against Federal Supply Schedule Contracts, Department of the Treasury and other Federal agency contracts, subject to the terms, conditions and maximum order limitations of the applicable contracts.

(c) Director, National Computer Center, and Director, Data Center, for open-market purchases not to exceed \$10,000.00. This authority also allows the execution of delivery orders against Federal Supply Schedule Contracts, Department of the Treasury and other Federal agency contracts, subject to the terms, conditions, and maximum order limitations of the applicable contract, but does not include the procurement by either purchase or lease, of automatic data processing equipment, maintenance, and software.

The authority herein delegated to the above designated officials, and any procurement authority redelegated to District Directors and Service Center Directors, may be redelegated only to those Grade GS-7 or above employees under their control and supervision who, by virtue of experience, specialized training and knowledge of applicable laws, Executive Orders and regulations, are qualified to act as contracting officers for the United States. This authority may not be further redelegated. Redelegation of this authority shall be made by letter to procurement personnel who have been duly designated to act as a Contracting Officer for the United States. All letters of redelegation shall specifically set forth the extent of authority redelegated and/or limitations imposed under the redelegation. This delegated authority shall be exercised in accordance with the applicable limitations and requirements of the Federal Property and Administrative Services Act of 1949, as amended, particularly sections 304 and 307; the Federal Procurement Regulations (FPR), 41 CFR Chapter 1; the applicable portions of the Federal Property Management Regulations (FPMR), 41 CFR Chapter 101; as well as regulations and directives issued by the Department of the Treasury which implement and supplement the FPR and FPMR, including but not limited to 41 CFR, Chapter 10 and Treasury Directives Manual, Chapter 70-06, "Treasury Procurement Regulations."

This Order supersedes Delegation Order No. 106 (Rev. 1), issued September 1, 1972.

Date of issue: January 12, 1978.

WILLIAM E. WILLIAMS  
Acting Commissioner.

JANUARY 5, 1978.

(FR Doc. 78-1171 Filed 1-13-78; 8:45 am)

[4810-22]

#### Office of the Secretary

#### ANTIDUMPING; POLYVINYL CHLORIDE SHEET AND FILM FROM REPUBLIC OF CHINA

Determination of Sales at Less than Fair Value; Exclusion From and Final Discontinuance of Antidumping Investigation

AGENCY: U.S. Treasury Department.

ACTION: Determination of sales at less than fair value; exclusion from, and final discontinuance of antidumping investigation.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that certain polyvinyl chloride sheet and film from the Republic of China is being sold at less than fair value. Sales at less than fair value generally occur when the price of merchandise for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries. This case is being referred to the United States International Trade Commission for a determination whether such sales have caused or are likely to cause injury to an industry in the United States.

EFFECTIVE DATE: January 16, 1978.

FOR FURTHER INFORMATION CONTACT:

David R. Chapman or Richard Rimlinger, Operations Officers, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On February 24, 1977, information was received in proper form pursuant to §§153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.37), from counsel acting on behalf of Plastic Imports Action Committee (PIAC), alleging that polyvinyl chloride sheet and film from the Republic of China are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the act"). The PIAC is an ad hoc group consisting of the following United States producers of the subject merchandise: The Goodyear Tire and Rubber Co.; Harte and Co., Inc., a subsidiary of the Diamond Shamrock Corp.; Tenneco Chemicals,

Inc., a subsidiary of Tenneco; Pantasote Co. of New York, Inc.; W. R. Grace and Co., Hatco Plastics Division; and Hooker Chemicals and Plastic Corp., Ruco Division. An "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of April 1, 1977 (42 FR 17558). A "Withholding of Appraisalment Notice" was published in the FEDERAL REGISTER of October 6, 1977 (42 FR 54490).

For purposes of this notice, the term "polyvinyl chloride sheet and film" means unsupported flexible, calendared polyvinyl chloride sheet, film and strips over 6 inches in width and over 18 inches in length, and at least 0.002 inches, but not over 0.020 inches in thickness. This product, which is classifiable under item number 771.42 of the Tariff Schedules of the United States, is currently eligible for duty-free treatment under the Generalized System of Preferences of the Trade Act of 1974.

#### DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in the investigation conducted by the Customs Service and for the reasons noted below, I hereby determine that polyvinyl chloride sheet and film from the Republic of China, other than that produced by Ocean Plastics Co., Ltd., and China Gulf Plastics Corp., are being sold at less than fair value within the meaning of section 201(a) of the act (19 U.S.C. 160(a)). In the case of polyvinyl chloride sheet and film from the Republic of China produced by Ocean Plastics, I hereby exclude such merchandise from this determination. In the case of such merchandise produced by China Gulf, I hereby discontinue the antidumping investigation.

a. *Scope of the investigation.* Over 90 percent of the imports of the subject merchandise from the Republic of China is sold for export to the United States by Nan Ya Plastics (Nan Ya), China Gulf Plastics Corp. (China Gulf), Cathay Plastic Industry Ltd. (Cathay Plastic), and Ocean Plastics Co., Ltd. (Ocean Plastics), all of Taipei, Republic of China. The investigation therefore was limited to sales by these four exporters.

b. *Basis of comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the act, the proper basis of comparison is between the purchase price and the home market price of such or similar merchandise on all sales by China Gulf, Cathay Plastic, and Ocean Plastics, and between purchase price or exporter's sales price and the home market price of such or similar merchandise on sales made by Nan Ya. Purchase price as defined in section 203 of the

act (19 U.S.C. 162), was used for three manufacturers since all export sales by those three companies were made to nonrelated customers in the United States. Exporter's sales price as defined in section 204 of the act (19 U.S.C. 163) was used for those sales in which a related importer acted as the seller of the merchandise.

Home market price, as defined in section 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold by the manufacturers in the home market in sufficient quantities to provide a basis for fair value comparisons.

In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning exports and home market sales during the period October 1, 1976, through March 31, 1977.

c. *Purchase price.* For purposes of this determination, purchase price has been calculated on the basis of the c.i.f. U.S. port, C&F U.S. port, or f.o.b. foreign port price to the unrelated United States purchaser, with deductions for ocean freight, insurance, selling commission and inland freight, as appropriate.

Additions were made, where appropriate, for the amount of the commodity, business, education, and stamp taxes incurred with respect to home market sales but rebated, or not collected, upon exportation. Additionally, Chinese harbor dues and customs duties on imported raw materials rebated upon exportation were added where appropriate.

d. *Exporter's sales price.* For purposes of this determination, exporter's sales price has been calculated on the basis of the c.i.f. U.S. port price to unrelated United States customers, with deductions for credit expenses incurred on sales to the United States, selling commissions where appropriate, Chinese inland freight, ocean freight, marine insurance, brokerage, and expenses incurred in selling the merchandise to the United States.

Additions were made, where appropriate, for the amount of the commodity, business, education, and stamp taxes incurred with respect to home market sales but rebated, or not collected, upon exportation. Additionally, Chinese harbor dues and customs duties on imported raw materials rebated upon exportation were added.

e. *Home market price.* For purposes of this determination, the home market price has been calculated on the basis of the weighted-average, delivered packed price to unrelated purchasers with deductions for inland freight, differences in payment terms, differences in packing costs, quantity discounts (for Nan Ya and China Gulf only), prompt payment discounts (for Nan Ya and China Gulf only), differences in returns and allowances on de-

fective merchandise, a partial offset to U.S. selling expenses deducted from exporter's sales price (for certain sales by Nan Ya only), and an offset to U.S. selling commission (for certain sales by China Gulf).

Additions were made for the following costs associated with export sales: export license fees, currency exchange costs, postage charges and a contribution to an export-promotion fund.

Deductions claimed for the following adjustments to home market price were not allowed: smaller order size, bad debts, distributor discounts, a greater offset to U.S. selling expenses deducted from exporter's sales price, and technical assistance (for Cathay Plastic only).

Smaller order size adjustments were not allowed because it has not been established to the satisfaction of the Secretary that the amount of any price differential is wholly or partly due to differences in the costs of production stemming from differences in order sizes. Claims for distributor discounts were not allowed on home market sales by Nan Ya, China Gulf, and Ocean Plastics because evidence indicated that all three firms sold to end-users in the United States and because sales to both distributors and end users in the home market were generally made at the same initial price. Accordingly, to have allowed the claim for distributor discounts would have resulted in comparisons at different levels of trade.

Claims for technical assistance and bad debts were not supported by adequate factual data and evidence. The claim for a greater offset for selling and administrative expenses deducted in the calculation of exporter's sales price was not allowed because certain selling and administrative expenses claimed in the home market could not be allocated either to the product or to the applicable market.

f. *Result of fair value comparisons.* Using the above criteria, the purchase price and exporter's sales price were found to be lower than the home market price of such or similar merchandise. Comparisons were made on approximately 80 percent of the total sales of the subject merchandise to the United States by all manufacturers investigated for the period under investigation. Margins were found ranging from 2.1 to 46.7 percent on sale made by Nan Ya on 36.2 percent of the sales compared, from 2.1 to 40.1 percent on sales made by Cathay Plastic on 97.7 percent of the sales compared, from 0.12 to 11.5 percent on sales made by China Gulf on 10.8 percent of the sales compared, and from 0.9 to 1.4 percent on sales made by Ocean Plastics on 3.8 percent of the sales compared. Weighted-average margins of each firm's sales compared were 4.4 percent for Nan Ya, 10.7 per-

cent for Cathay Plastic, 0.22 percent for China Gulf, and 0.04 percent for Ocean Plastics.

In the case of Ocean Plastics, the weighted-average margin is considered to be de minimis.

In the case of China Gulf, the weighted-average margin is considered to be minimal in relation to the total volume of sales. In addition, formal assurances have been received from that producer that it would make no future sales at less than fair value within the meaning of the act.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

The U.S. International Trade Commission is being advised of this determination.

The order issued October 6, 1977, to withhold appraisalment on the subject merchandise from the Republic of China, the notice of which is cited above, is hereby terminated with respect to China Gulf and Ocean Plastics, effective upon publication of this notice.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

ROBERT H. MUNDHEIM,  
General Counsel of the Treasury.

JANUARY 10, 1978.

(FR Doc. 78-1036 Filed 1-13-78; 8:45 am)

[7035-01]

#### INTERSTATE COMMERCE COMMISSION

[Docket Nos. AB-37 and AB-7 (Sub-Nos. 5 and 30)]

OREGON-WASHINGTON RAILROAD & NAVIGATION CO. AND CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.—ABANDONMENT OF LINE—AND ABANDONMENT OF OPERATIONS—JOINTLY BY UNION PACIFIC RAILROAD CO. AND CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO. BETWEEN SOUTH MONTESANO AND MONTESANO IN GRAYS HARBOR COUNTY, WASH.

#### Findings

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on November 14, 1977, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 I.C.C. (1977), the present and future public convenience and necessity permit the abandonment by the Oregon-Washington Railroad and



Navigation Co. and Chicago, Milwaukee, St. Paul and Pacific Railroad Co. of the line of railroad extending between milepost 0.0 near South Montezano and milepost 1.60 at Montezano, a distance of 1.6 miles, in Grays Harbor County, Wash., and Milwaukee and the Union Pacific Railroad Co. seek authority to abandon operations over the same line. A certificate of abandonment will be issued to the Oregon-Washington Railroad and Navigation Co. and Chicago, Milwaukee, St. Paul and Pacific Railroad Co. based on the above described finding of abandonment, January 31, 1978, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the *FEDERAL REGISTER* on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-1129 Filed 1-13-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 10—MONDAY, JANUARY 16, 1978

#### [7035-01]

[Finance Docket No. 28499 (Sub-No. 1)]

**NORFOLK & WESTERN RAILROAD CO. AND BALTIMORE & OHIO RAILROAD CO.—CONTROL—DETROIT, TOLEDO & IRONTON RAILROAD CO.**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of informal meeting.

SUMMARY: Public notice regarding the above-entitled proceeding.

FOR FURTHER INFORMATION CONTACT:

G. Marvin Bober, Assistant Deputy Director, Section of Finance, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7564.

**SUPPLEMENTARY INFORMATION:** On January 16, 1978, at 1 p.m., Commission staff personnel and representatives of applicants and Grand Trunk Western Railroad will hold an informal meeting at the Commission's offices in Washington, D.C. The purpose of the meeting is to discuss information needs of Grand Trunk if it decides to file an inconsistent application or a petition for inclusion.

Please note that this will not be a meeting to discuss the merger procedures or the proceeding itself. It will be a meeting between applicants and Grand Trunk. No open discussion is contemplated.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-1128 Filed 1-13-78; 8:45 am]

#### [7035-01]

[Notice No. 281]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before February 15, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77265, filed December 19, 1977. Transferee: LONNIE BRAMLETTE, Jr., d.b.a. J&R TOWING, 12658 So. Winchester, Calumet Park, Ill. 60643. Transferor: Lee's Towing Service, Inc., 500 W. 35th Street, Chicago, Ill. 60616. Applicant's representative: Kenneth Franson, P.O. Box 187, Homewood, Ill. 60430. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 116906 (Sub-No. 1 and 3) issued January 19, 1970 and June 10, 1975 respectively as follows: Automobiles, trucks, truck tractors, and buses, for replacement purposes only, in wrecker type service only from Chicago, Ill. to points in Indiana, Michigan, Missouri, and Wisconsin and from points in those States to Chicago, Ill. when the vehicles noted above are disabled or wrecked, and tractors and trailers (to be used as a replacement for disabled vehicles) and disabled tractors, trucks, automobiles, buses, and trailers (other than those designed to be drawn by passenger automobiles) in wrecker type service between points in Illinois, Iowa, Indiana, Michigan, and Wisconsin (except points in Milwaukee County, Wis.). Transferee holds no Commission authority and does not seek Section 210a(b) temporary authority.

No. MC-FC-77395, filed November 8, 1977. Transferee: Darrell Eugene Rice, d.b.a. RICE TRUCKING, Route 1, Box 164 (Panorama Point Road), Cottonwood, Calif. 96022. Transferor: Marion L. Pond, d.b.a. Pond Trucking, 1710 West Eighth Street, Long Beach, Calif. 90813. Applicant's representative: R. Y. Schureman, Esq., 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 142184 (Sub-No. 2) issued June 6, 1977 as follows: Wooden utility poles, crossarms, and crossarm affixtures from the facilities of J. H. Baxter & Co. near Long Beach, Redding, and Weed, Calif. to points in Arizona and return. Transferee holds no

Commission authority and does not seek Section 210a(b) temporary authority.

No. MC-FC-77452, filed December 8, 1977. Transferee: VAN ZEE EXPRESS, LTD., a corporation, Box 125, West Highway 10, Orange City, Iowa 51041. Transferor: William Ball, d.b.a. Bill Ball Trucking, 131 West 18th Street, Sioux Falls, S. Dak. 57105. Applicant's representative: Nancy R. Beiter, 910 17th Street NW., Suite 828, Washington, D.C. 20006. Authority sought for purchase by transferee of the operating rights of transferor, set forth in Permit No. MC-140277 (Sub-No. 1, 3, 4, 6, and 8) issued July 22, 1975; January 14, 1976; February 20, 1976; December 6, 1976; and August 22, 1977 respectively as follows: Commodity bags, envelopes, packets, pouches, and wrappers from the facilities of American Western Corp. at or near Sioux Falls, S. Dak. and Placencia, Calif. to points in Arkansas, California, Colorado, Idaho, Louisiana, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Utah, Texas, and Washington. Transferee holds no Commission authority and does not seek Section 210a(b) temporary authority.

No. MC-FC-77486, filed December 31, 1977. Transferee: X-TRAN CORP., 75-11 Ditmars Blvd., Jackson Heights, N.Y. 11370. Transferor: Jersey Coast Freight Lines, Inc., 830 Old Corlies Avenue, Neptune, N.J. 07753. Applicant's representatives: Edward M. Alfano and Roy A. Jacobs, Attorneys at Law, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought for purchase by transferee of the operating rights of transferor, set forth in Certificates No. MC-107417 and (Sub-No. 6), issued September 13, 1950, and December 14, 1965, respectively, as follows: *General commodities*, except those of unusual value, and except dangerous explosives, households goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment, between New York, N.Y., on the one hand, and, on the other, points and places in Mercer, Monmouth, Ocean, Atlantic, Camden and Burlington Counties, and those in Middlesex and Somerset Counties, N.J., south of the Raritan River. *Petroleum and petroleum products*, in tank vehicles, from Carteret, N.J., to Port Jervis, N.Y., with no transportation for compensation on return. *General commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, and commodities in bulk, between points and places in Hudson and Essex Counties, N.J., on the one

#### MOTOR CARRIERS OF PROPERTY

hand, and, on the other, points and places in Middlesex, Monmouth, Atlantic, and Ocean Counties, N.J. *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from New York, N.Y., to points in Cape May, Cumberland, Gloucester, and Salem Counties, N.J., with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-1130 Filed 1-13-78; 8:45 am]

#### [7035-01]

[Notice No. 4TA]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 10, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the *FEDERAL REGISTER* publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the *FEDERAL REGISTER*. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information. Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

No. MC 9291 (Sub-No. 4TA), filed December 19, 1977. Applicant: CARROL BALL, 312 East Market, Box 53, Centerville, Kans. 66014. Applicant's representative: Clyde N. Chisley, 514 Capitol Federal Bldg., 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant-site and/or storage facilities of Brown-Strauss Corp., a division of Azcon, located at or near Kansas City, Kans., to points in Colorado east of the Continental Divide, for 180 days. Applicant states it does not intend to tack or interline. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

Supporting shipper: Brown-Strauss Corp., a Division of Azcon, 14th & Osage Avenue, Kansas City, Kans. 66105. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Building & U.S. Courthouse, 444 S. E. Quincy, Topeka, Kans. 66683.

No. MC 19311 (Sub-No. 38TA), filed December 19, 1977. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, Mich. 48077. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48033. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of Dow Chemical U.S.A., an operating division of the Dow Chemical Co., at Ludington, Mich., as an off-route point in connection with otherwise authorized service. Proposed authority will be tacked with existing regular routes to perform direct service from Ludington to Detroit. Containers will be delivered to water carriers at Detroit for movement to Europe or to rail carriers at Detroit for movement to the east coast and thence by water to Europe. Applicant has extensive regular route operations under MC 19311 including regular routes, from Muskegon, Mich., to Detroit, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dow Chemical U.S.A., An Operating Division of the Dow Chemical Co., 14955 Sprague Road, P.O. Box 36000, Strongsville, Ohio 44136. (Edward G. Huller, Supervisor, International Operations). Send protests to: Erma W. Gray, Secretary, Interstate Commerce Commission, Bureau of Operations, 604 Federal

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Building & U.S. Courthouse, 231 West Lafayette Blvd., Detroit, Mich. 48226.

NO. MC 29910 (Sub-No. 181TA), filed December 15, 1977. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, Ark. 72901. Applicant's representative: Robert R. Durden, 301 South Eleventh Street, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, equipment, supplies and building materials*, from the plantsite of Arkansas Log Homes, Inc., located in Polk County, Ark., to points in the United States in and east of Montana, Wyoming, Colorado and New Mexico, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arkansas Log Homes, Inc., P.O. Box 959, Mena, Ark. 71953. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 37490 (Sub-No. 6TA) (correction), filed October 5, 1977, published in the FEDERAL REGISTER issue of November 11, 1977, and republished as corrected this issue. Applicant: DUNCAN TRUCK SERVICE, INC., 100 East Park, Flandreau, S. Dak. 57028. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulation material, bagged cellulose fiber*, and (2) *scrap paper and materials* used in the manufacturing of this product from the plantsite and/or storage facilities of J. J. Garcon Manufacturing Co., Inc., located at Flandreau, S. Dak., to points within the States of Iowa, Minnesota, Nebraska, North Dakota, and Wisconsin; and (2) from points within the States of Iowa, Minnesota, Nebraska, North Dakota, and Wisconsin, to the plantsite of J. J. Garcon Manufacturing Co., Inc., at Flandreau, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): J. J. Garcon Manufacturing Co., Inc., Box 112, Flandreau, S. Dak. 57028; John Hertzfeld, President. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501. The purpose of this republication is to indicate the correct spelling of J. J. Garcon Manufacturing Co., Inc., in lieu of J. J. Carbon Manufacturing Co., Inc., which was previously published in the November 11, 1977, FEDERAL REGISTER, in error.

No. MC 50307 (Sub-No. 92TA), filed December 14, 1977. Applicant: INTER-

STATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Arthur Liberstein, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, materials, supplies, and equipment*, used in the manufacture thereof, between points in New York, New Jersey, and Pennsylvania, on the one hand, and, on the other, Cleveland, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately six statements of support attached to the application, which may be examined at the field office named below. Send protests to: Maria B. Keiss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 55896 (Sub-No. 60TA), filed December 21, 1977. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile body insulation* having a density of less than 4 pounds per square foot, from Herrin, Ill. to Bryan, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bryan Custom Plastics Division of United Screw & Bolt Corp., P.O. Box 568, Bryan, Ohio 43506 (Bard Ell, Customer Service Manager). Send protests to: Erma W. Gray, Secretary, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 66886 (Sub-No. 61TA), filed December 7, 1977. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation board*, from the facilities utilized by Johns-Manville Sales Corp. at or near Natchez, Miss., to points in Texas, Oklahoma, and Arkansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Johns-Manville Sales Corp., Ken-Caryl Ranch, Denver, Colo. 80217. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal

Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115841 (Sub-No. 573TA) (correction), filed November 16, 1977, published in the FEDERAL REGISTER issue of December 14, 1977, and republished as corrected this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, Tenn. 37919. Applicant's representative: Chester G. Groebel, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantside and warehouse facilities of Kraft, Inc., at Springfield, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, restricted to traffic originating at the above-named origin point and destined to the above named destination points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kraft, Inc., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operation, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203. The purpose of this republication is to add the State of Mississippi, in lieu of Missouri, which was previously published in error.

No. MC 118989 (Sub-No. 171TA), filed December 21, 1977. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Roland K. Draves (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soap cleaning compound and toilet preparations* (except in bulk), from Kansas to Sioux Falls, S. Dak., and St. Paul, Minn., for 180 days. Supporting shipper(s): Colgate Palmolive Co., 1805 Kansas Avenue, Kansas City, Kans. 66105 (Ralph Stingo). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 119789 (Sub-No. 386TA) (correction), filed November 14, 1977, published in the FEDERAL REGISTER issue of December 20, 1977, and republished as corrected this issue. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas,

Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from New Milford, Conn., to Milwaukee, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Nestle Co., Inc., 100 Bloomingdale Road, White Plains, N.Y. 10605. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242. The purpose of this republication is to indicate the county of New Milford, Conn., in lieu of Milford, Conn., which was previously published in error before.

No. MC 124230 (Sub-No. 33TA), filed December 21, 1977. Applicant: C.B. JOHNSON, INC., P.O. Drawer S, Cortez, Colo. 81321. Applicant's representative: David E. Driggers, 1660 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores and concentrates*, in dump vehicles, from points in Pima and Yavapai Counties, Ariz., to points in Valencia County, N. Mex., located north of U.S. Highway 66 (Interstate 40), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): UOCO, Inc., a Utah corporation, 304 First Security Building, Salt Lake City, Utah, 84111. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 125708 (Sub-No. 143TA), filed December 21, 1977. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 West 152d Street, East Chicago, Ind. 46312. Applicant's representative: Thomas P. Cullen, 109 Velma, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from the plantsite of Beall Manufacturing, Division Balen at or near Cordele, Ga., to points in the United States (except Alaska and Hawaii), and (2) *steel*, from points in the United States (except Alaska and Hawaii), to the plantsite of Beall Manufacturing, Division Balen at or near Cordele, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beall Manufacturing, P.O. Box 70, East Alton, Ill. Send protests to: Beverly J. Williams Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 127187 (Sub-No. 31TA), filed December 20, 1977. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Blvd., Fergus Falls, Minn. 56537. Applicant's representative: James B. Hovland, 414 Gate City Bldg., P.O. Box 1637, Fargo N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals* (except in bulk), from Mason City, Iowa, to points in Minnesota and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Land O'Lakes, Agricultural Services Division, 2827 8th Avenue South, Fort Dodge, Iowa 50501. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Building and U.S. Post Office, 657 2d Avenue North, Fargo, N. Dak. 58102.

No. MC 134477 (Sub-No. 206TA), filed December 23, 1977. Applicant: SCHANNO TRANSPORTATION, INC., P.O. Box 3496, St. Paul, Minn. 55165. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority requested is to operate as a *common carrier*, over irregular routes, in the transportation of: 1. *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at Sioux Falls, S. Dak. to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and 2. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at Estherville, Iowa to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 135082 (Sub-No. 61TA), filed December 16, 1977. Applicant: BURSCH TRUCKING INC., d.b.a. ROADRUNNER TRUCKING, INC., Box 26748, 415 Rankin Road, Albuquerque, N. Mex. 87125. Applicant's representative: Randall R. Sain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solar heating plants, parts, and accessories thereto*, restricted against articles requiring special equipment, from Alamosa, Colo., to all points in the United States on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Endless Solar Energy, Inc., 6678 Comanche, Alamosa, Colo. 81101. Send protests to: D. W. Hammons, District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 136711 (Sub-No. 31TA), filed December 21, 1977. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 95181, 2840 South High Street, Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry rendered tankage*, from Laketon and Wichita Falls, Tex., to the facilities of Broadway Exchange at Henryetta, Okla., and (2) *meat meal and bone meal*, from the facilities of Broadway Exchange at Henryetta, Okla., to Danville, Fort Smith, and Springdale, Ark., Girard, Kans., Southwest City, Mo., Dallas, Houston, Pampa, and Wichita Falls, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Broadway Exchange, P.O. Box 555, Henryetta, Okla. 74437. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 NW. 3rd, Oklahoma City, Okla. 73102.

No. MC 136774 (Sub-No. 9TA), filed December 21, 1977. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, Wis. 53586. Applicant's representative: Donald B. Levine, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor



vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from the facilities of Cargill, Inc., in Chicago, Ill., to points in Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440. Send protests to: Ronald A. Morken, District Supervisor, 139 West Wilson Street, Madison, Wis. 53589.

No. MC 138073 (Sub-No. 3TA), filed December 9, 1977. Applicant: BUF-AIR FREIGHT, INC., 160 Sugg Road, Cheektowaga, N.Y. 14225. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to individual articles not exceeding 100 pounds in weight, moving as shipments not exceeding 500 pounds in weight, from one consignor to one consignee in a single day, on bills of lading of surface, interstate freight forwarders, between points in (1) Niagara, Erie, Chautauqua, Orleans, Genesee, Wyoming, Cattaraugus, Monroe, Livingston, Allegany, Wayne, Ontario, Steuben, Cayuga, Seneca, Yates, Schuyler, Chemung, Oswego, Onondaga, Cortland, Tompkins, Tioga, and Broome Counties, N.Y., and (2) Erie, Crawford, Mercer, and Venango Counties, Pa., and (3) Geauga, Ashtabula, Trumbull, Portage, Mahoning, Cuyahoga, and Lake Counties, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Delivery Systems, Inc., 300 East Seven Mile Road, Detroit, Mich. 48203. Send protests to: Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 138157 (Sub-No. 50TA) (correction), filed November 22, 1977, published in the FEDERAL REGISTER issue of December 28, 1977, and republished as corrected this issue. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, Tenn. 37412. Applicant's representative: Patrick E. Quinn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radio receiving sets, phonographs, record players, tape recorders, separate or combined, sewing machines and sewing machine cabinets, loudspeakers* (dynamic or electro-magnetic), *TV games, stands, and parts thereof*, from the facilities of Morse Electro Products Corp., at Brooklyn, N.Y., restricted to traffic originating at and des-

tined to the facilities of Morse Electro Products at Doraville, Ga., for 180 days. Supporting shipper(s): Morse Electro Products Corp., 101-10 Foster Avenue, Brooklyn, N.Y. 11236. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203. The purpose of this republication is to add Brooklyn, N.Y., as a destination point.

No. MC 138256 (Sub-No. 7TA), filed December 15, 1977. Applicant: INTERIOR TRANSPORT, INC., 2141 Waterworks Way, P.O. Box 3347, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boat trailers, knocked down and set up, and boat trailer parts and related accessories*, from points in Illinois, Indiana, Iowa, Maryland, Michigan, Ohio, Wisconsin, Minnesota and Washington, to E-Z Loader facilities in Washington, California, Illinois, New York, Maryland, Kansas, and Florida, under a continuing contract, or contracts, with E-Z Loader Trailer Co., for 180 days. Supporting shipper(s): E-Z Loader Trailer Co., North 717 Hamilton, Spokane, Wash. 99220. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174.

No. MC 138413 (Sub-No. 9TA), filed December 21, 1977. Applicant: JOHN TOWNROW, d.b.a. JOHN TOWNROW TRUCKING, 4290 Elton Street, Baldwin Park, Calif. 91706. Applicant's representative: Kim G. Meyer, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys, games, and electronic parts*, from Long Beach, Calif., to Amsterdam and Gloversville, N.Y., under a continuing contract, or contracts, with Coleco Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Coleco Industries, Inc., 500 Park Street, Amsterdam, N.Y. 12010. Send protests to: Edward P. Henry, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 138875 (Sub-No. 68TA), filed December 21, 1977. Applicant: SHOE-MAKER TRUCKING CO., 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: Frank Sigloh, 11900 Franklin Road, Boise, Idaho 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, trans-

porting: *Roofing and roofing materials and materials and supplies* used in the installation thereof, from Camden, Ark., to Boise, Idaho, for 180 days. Applicant does not intend to tack or interline authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Western Wholesale & Supply Corp., 2717 Fletcher Street, Boise, Idaho 83706. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, Idaho 83706.

No. MC 140635 (Sub-No. 6TA), filed December 15, 1977. Applicant: COATS FREIGHTLINES, INC., P.O. Box 415, 601-32nd Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Dubuque Packing Co., at or near Omaha, Nebr., to points in Connecticut, District of Columbia, Maryland, Massachusetts, New Jersey, New York and Pennsylvania, restricted to the transportation of shipments originating at the named plantsite and storage facilities and destined to the named destination States (except traffic moving in foreign commerce), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ralph McGee, Transportation Manager, Dubuque Packing Co., 4003 Dahlman Avenue, Omaha, Nebr. 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 142573 (Sub-No. 2TA), filed December 19, 1977. Applicant: CRAIG JONES, d.b.a. CREW TRANSPORTERS, P.O. Box 2136, Garner Lake Route No. 94, Gillette, Wyo. 82718. Applicant's representative: Ward A. White, Guy, Williams & White, P.O. Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *Contract carrier*, by motor vehicle, over irregular routes, transporting: *Railroad employees and their baggage* in the same vehicles, between points and places in Campbell, Crook, Weston, Natrona, Converse, Platte and Goshen Counties, Wyo.; Lawrence, Pennington, Custer, and Fall River Counties, S. Dak.; and Sioux, Dawes, Box Butte, Sheridan, Grant, Hooker, Thomas,

Blaine, Custer, Sherman, Buffalo, Scottsbluff, Morrill, and Cheyenne Counties, Nebr., under a continuing contract, or contracts, with Burlington Northern, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Burlington Northern, Inc., P.O. Box 597, Alliance, Nebr. 69301. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 105 Federal Building and Courthouse, 111 South Wolcott, Casper, Wyo. 82601.

No. MC 143264 (Sub-No. 3TA), filed December 21, 1977. Applicant: DAIRY LEASING SERVICE, INC., 803 Her-ring Avenue, Wilson, N.C. 27893. Applicant's representative: Thomas N. Willess, 1000 Sixteenth Street NW, Washington, D.C. 20036. Authority sought to operate as a *Contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Cottage cheese and cultured dairy products*, from Chambersburg, Pa., to points in Virginia, and Florida, and (b) *citrus juice*, from Lakeland and Bradenton, Fla., to points in Pennsylvania, Maryland, West Virginia, Virginia, and North Carolina, and (c) *dairy products, ice cream, frozen yogurt, ice milk, and frozen dessert novelties*, from Winston-Salem, N.C., to points in Florida, under a continuing contract, or contracts, with Kraft, Inc., Dairy Group, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kraft, Inc., Dairy Group, 2221 Patterson Avenue, P.O. Box 4151, Winston-Salem, N.C. 27105. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 144063 (Sub-No. 1TA), filed December 19, 1977. Applicant: MCQUADE HEAVY HAULING, INC., Route 1, Sergeant Bluff, Iowa 51055. Applicant's representative: George L. Hirschbach, 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, road construction machinery and equipment, boilers, circuit breakers and switches, and commodities* which because of size or weight require the use of special equipment, (1) between points in Iowa, Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Illinois, Missouri, and Kansas; and (2) from Sioux City, Iowa, to points and places in the United States (except Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are ap-

proximately (8) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 144097TA, filed December 15, 1977. Applicant: PATRICK D. BEAVER, d.b.a. P.I.B. TRUCKING, 14 Longview Drive, Beverly, Maine 01915. Applicant's representative: Francis P. Barrett, Barrett and Barrett, 60 Adams Street, P.O. Box 238, Milton, Maine 02187. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural wood, structural wood products, and commercial and fabricated metal hardware* when moving as a part of a shipment of structural wood or structural wood products, from North Billerica, Maine, to points in the United States in and east of Wisconsin, Illinois, Tennessee, Kentucky and Mississippi, under a continuing contract or contracts with Wood Fabricators, Inc., for 180 days. Supporting shipper(s): Wood Fabricators, Inc., Iron Horse Park, N. Billerica, Maine 01862. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, Mass. 02114.

No. MC 144105 (Sub-No. 1TA), filed December 21, 1977. Applicant: OVERLAND EXPRESS, INC., 6440 N. Broadway, P.O. Box 4138, Wichita, Kans. 67204. Applicant's representative: R. Edward Brausa, 900 O. W. Garvey Bldg., 200 W. Douglas, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients, sanitation and health commodities* used in raising animals and poultry, when in mixed loads with animal and poultry feeds, from Wichita, Kans., to all points and places within the States of Oklahoma, Texas, and New Mexico, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Cargill, Inc., P.O. 2696, Wichita, Kans. 67201. (2) Ralston-Purina Co., 835 S. 8th, St. Louis, Mo. 64501. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-1132 Filed 1-13-78; 8:45 am]

[7035-01]

[Notice No. 3TA]

**MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

JANUARY 6, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

**MOTOR CARRIERS OF PROPERTY**

No. MC 2017 (Sub-No. 6TA), filed November 25, 1977. Applicant: ALTO'S EXPRESS, INC., 2301 Gary Road, Cinnaminson, N.J. Applicant's representative: Michael J. Wyngaard, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials, equipment and supplies* used or useful in the manufacture, sale, or distribution of foodstuffs (except in bulk, in tank vehicles), from Moosic, Pa. to New York City, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mass Feeding Corp., 2241 Pratt Boulevard, Elk Grove Village, Ill. 60007. Send protests to: District Supervisor, Interstate Commerce



Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 12748 (Sub-No. 5TA), filed December 15, 1977. Applicant: WILLIAM M. HAYES, d.b.a. HAYES TRUCKING CO., P.O. Box 38, Winterville, Ga. 30685. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* from the plantsite of Kitchens of Sara Lee at New Hampton, Iowa to Atlanta, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, Ill. 60015. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, Ga. 30309.

No. MC 24784 (Sub-No. 11TA), filed December 12, 1977. Applicant: BARRY, INC., 463 South Water Street, Olathe, Kans. 66061. Applicant's representative: Arthur J. Cerra, P.O. Box 19251, Ten Main Center, Kansas City, Mo. 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vermiculite and cellulose products and manufacturing and application equipment*, and (2) *chemicals, paper, ore, manufacturing equipment, materials, and supplies* utilized in the manufacture of vermiculite and cellulose products, (1) from the plantsite and storage facilities of Diversified Insulation, Inc. at or near Wellsville, Kans., to points in Arkansas, Illinois, Iowa, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and (2) from points in the States of Arkansas, Illinois, Iowa, Missouri, Nebraska, Oklahoma, South Dakota and Texas, to the plantsite of Diversified Insulation, Inc. at or near Wellsville, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Diversified Insulation, Inc., P.O. Box 582, Wellsville, Kans. 66092. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 25869 (Sub-No. 137TA), filed December 9, 1977. Applicant: NOLTE BROS. TRUCK LINE, INC., 4800 Colorado Boulevard, Denver, Colo. 80216. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is used or distributed by wholesale,

retail, chain grocery, and food business houses (except commodities in bulk, in tank vehicles), from the plantsites and storage facilities used by Lever Bros. Co. within the Chicago commercial zone to Grand Island, Norfolk, and Lincoln, Nebr., and Denver, Colo., restricted to transportation of traffic originating at the named plantsites and storage facilities, for 180 days. Supporting shipper(s): Philip J. Lenza Manager-Central Region, Lever Bros. Co., Lever House, 390 Park Avenue, New York, N.Y. 10022. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 51146 (Sub-No. 551TA), filed December 12, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Paynette, Wis., to all points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Oconomowoc Canning Co., P.O. Box 248, Oconomowoc, Wis. 53066. (Patrick F. Muller). Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 61825 (Sub-No. 73TA), filed December 15, 1977. Applicant: ROY STONE TRANSFER CORP., V.C. Drive, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: John D. Stone, P.O. Box 385, Collinsville, Va. 240

78. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, except in bulk, from St. Clair, Mich., to points in Connecticut and New Jersey and points in New York on, south and east of Highway 7 and points in Pennsylvania on and east of I-81, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Diamond Crystal Salt Co., 916 South Riverside Avenue, St. Clair, Mich. 48079. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 67156 (Sub-No. 2TA), filed December 9, 1977. Applicant: CONTAINER TRANSPORT CO., 55 Fran-

cisco Street, San Francisco, Calif. 94133. Applicant's representative: Patrick W. Pollock, 55 Francisco Street, San Francisco, Calif. 94133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles* via Piggyback Plan II½ or ocean carriage, in containers, from the plant of Pacific Paperboard Products, Inc., at Stockton, Calif., to Oakland and San Francisco, Calif., for subsequent transportation via Piggyback Plan II½ or ocean carriage, under a continuing contract, or contracts, with Pacific Paperboard Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pacific Paperboard Products, Inc., West Church Street, Stockton, Calif. 95203. Send protests to: Michael M. Butler, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 82226 (Sub-No. 2TA), filed December 5, 1977. Applicant: CENTRAL MOVING & STORAGE CORP., 3526 West Kiehnau Avenue, Milwaukee, Wis. 53209. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage*, between Milwaukee, Wis., on the one hand, and, on the other, points in Adams, Brown, Calumet, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, Lacrosse, Lafayette, Land-lane, Lincoln, Manitowoc, Marathon, Marquette, Menominee, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Trempe-leau, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood Counties, Wis., and return of Government-owned containers, restricted to the transportation of shipments having a prior or subsequent movement beyond the above points, for 180 days. Supporting shipper(s): Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. (Dellon E. Coker.) Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 94265 (Sub-No. 254TA), filed December 13, 1977. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, Va. 23487. Ap-

plicant's representative: Wilmer B. Hill, 668 11th Street NW., Suite 805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board, pulp board and paper*, from the facilities of Union Camp Corp. at or near Franklin, Va., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia, West Virginia, Wisconsin, and Minnesota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Union Camp Corp., George L. Wright, Jr., Area Traffic Manager, Franklin, Va. 23851. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 10-502, Federal Building, 400 North 8th Street, Richmond, Va. 23240.

No. MC 94350 (Sub-No. 405TA), filed December 6, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except travel trailers, and camping trailers), in initial movements, and buildings, in sections, mounted on wheeled undercarriages, from Loveland, Colo., to points in Idaho, Kansas, Nebraska, South Dakota, and Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Continental Manufacturing Co., Inc., 999 Van Buren, Loveland, Colo. 80537. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 100449 (Sub-No. 79TA), filed December 6, 1977. Applicant: MAL-LINGER TRUCK LINE, INC., Rural Route No. 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sheets, moldings, and materials*, between Mansfield, Tex., on the one hand, and, Forest City and Britt, Iowa, and New London, Wis., on the other, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Paragon Plastics Co., 1500 Dallas Street, Mansfield, Tex. 76063. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 100449 (Sub-No. 80TA), filed December 12, 1977. Applicant: MAL-LINGER TRUCK LINE, INC., Rural Route No. 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat suspended*, from Fargo, N. Dak., to Howard, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Flavorland Industries, Inc., P.O. Box 337, Fargo, N. Dak. 58078. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 103993 (Sub-No. 913TA), filed December 6, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46515. Applicant's representative: Paul D. Borghesani, 28651 U.S. 20 West, Elkhart, Ind. 46515. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in secondary movements, in truckaway service, from the plantsites and storage facilities of Holiday Rambler Corp. in Elkhart County, Ind., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Holiday Rambler Corp., 65528 State Road 29, Wakarusa, Ind. 46573. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 104149 (Sub-No. 198TA), filed November 25, 1977. Applicant: OSBORNE TRUCK LINE, INC., 516 North 31st Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Jacksonville, Fla., and points within its commercial zone, to points in Ala., for 180 days. Supporting shipper(s): (1) Bama Beverage Co., Inc., P.O. Box 1601, Anniston, Ala. 36202. (2) Coosa Valley Budweiser Co., Inc., P.O. Box 1141, Sylacauga, Ala. 35150. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 106398 (Sub-No. 791TA), filed December 12, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, P.O. Box 3329, Tulsa, Okla. 74103. Applicant's repre-

sentative: Irvin Tull, 525 South Main, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling and accessories*, from Jacksonville, Fla., to all points in Alabama, Georgia, Illinois, Indiana, Kansas, Maryland, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pan American Gyro-Tex, Inc., 520 Cedar Bay Road, Jacksonville, Fla. 32218. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 106398 (Sub-No. 792TA), filed December 15, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, P.O. Box 3329, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull, 525 South Main, Tulsa, Okla. 74101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts and materials, accessories and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Co. located at or near Annville, Pa. to points in Colorado, North Dakota, Oklahoma, and Texas, for 180 days. Supporting shipper: Butler Manufacturing Co., 1020 South Henderson Street, Galesburg, Ill. 61401. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office Building and Courthouse, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 107515 (Sub-No. 1117TA), filed December 12, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road SE., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Bettendorf, Iowa, to points in the States of Indiana, Illinois, Kentucky, Michigan, Ohio, and that part of Pennsylvania, on and west of a line beginning at the Pennsylvania-Maryland State line (near Hancock, Md.) thence along U.S. Highway 552 to junction U.S. Highway 322 (near Lewiston, Pa.), thence along U.S. Highway 322 to junction Pennsylvania Highway 144 (at Potters Mills), thence along Pennsylvania Highway 144 to U.S. Highway 6, thence along U.S. Highway 6 to Pennsylvania High-



way 449, thence along Pennsylvania Highway 449 to the Pennsylvania-New York State line (near Genesee, Pa.), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): General Foods Corp., 250 North Street, White Plains, N.Y. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

No. MC 109397 (Sub-No. 378 TA), filed December 12, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113 (Business I-44), Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 223 Ciudad Building, 3000 United Founders Boulevard, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive materials*, from Highland Mine near Douglas, Wyo., to Sequoyah facilities of Kerr McGee near Gore, Okla., for 180 days. Supporting shipper(s): Exxon Minerals Co., U.S.A., an operating division of Exxon Co., U.S.A., a division of Exxon Corp., P.O. Box 2180, Houston, Tex. 77001. Send protest to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 110098 (Sub-No. 159TA), filed December 12, 1977. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, 1400 Ackerman Road, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles, from the plant and warehouse facilities of Kraft, Inc., at or near Springfield, Mo., to points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraft, Inc., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400 Federal Building, 727 East Durango, San Antonio, Tex. 78206.

No. MC 111729 (Sub-No. 722TA), filed December 15, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Hensch, Assistant Vice President, 3333 New Hyde Park

Road, New Hyde Park, N.Y. 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, narcotics, pharmaceuticals, toiletries, sundries, proprietaries and other items related to drug stores and hospitals, restricted against the transportation of commodities in bulk*, between Nashville, Tenn., on the one hand, and, on the other, Addison, Arlington Heights, Chicago, Chicago Heights, Collinsville, Fairview Heights, Fern Park, Highland Park, Hinsdale, Lombard, Naperville, New Lenox, Palatine, Pedra, Quincy, Sycamore, Waukegan, Wheeling, and Wood River, Ill., for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tennessee Wholesale Drug Co., 160 2nd Avenue North, Nashville, Tenn. Send protests to: Maria B. Keiss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113106 (Sub-No. 49 TA), filed December 9, 1977. Applicant: THE BLUE DIAMOND CO., 4401 E. Fairmount Avenue, Baltimore, Md. 21224. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of Union Camp Corp., at Franklin, Va., to points in Maryland, New Jersey, Connecticut, Delaware, the District of Columbia and New York, N.Y., commercial zone, and Nassau and Suffolk Counties, N.Y., for 180 days. Supporting shipper: William F. Worrell, Manager, Traffic Analysis, Union Camp Corp., 1600 Valley Road, Wayne, N.J. 07470. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 113410 (Sub-No. 96TA), filed December 13, 1977. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr., 1680 Fourth Avenue, Newport, Minn. 55055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk in tank vehicles, from Alexandria, Minn., to points in North Dakota and South Dakota, for 180 days. Supporting shipper: Agrico Chemical Co., Box 3166, Tulsa, Okla. 74101. Send protests to: Marion L. Cheney, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 113651 (Sub-No. 245 TA), filed December 12, 1977. Applicant:

INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggan Road, Muncie, Ind. 47305. Applicant's representative: Paul R. Bergant, Singer & Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides); and (2) *foodstuffs*, from Madison, Wis., to points in Va., restricted to traffic originating at the plantsite and storage facilities of Oscar Mayer & Co., located at or near Madison, Wis., and destined to points in Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, Wis. 53707. Send protest to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 113908 (Sub-No. 423TA), filed December 7, 1977. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, wine and fruit juice concentrates*, in bulk, from Delano, Calif., to Montgomery, Ala.; Alexandria, Baton Rouge, and Church Point, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Delano Growers Co-operative Winery, Route 1, Box 283, Delano, Calif. 93215. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115496 (Sub-No. 75TA), filed December 15, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Highway 23 South, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl chloride, plastic pipe and fittings*, from the plantsite of Tridyn Industries, Inc. at or near Colfax, N.C. to points in Alabama, Georgia, Florida, Mississippi, Texas, Oklahoma, Louisi-

ana, Arkansas, Tennessee, Kentucky, Indiana, Ohio, Illinois, West Virginia, South Carolina, Virginia, Maryland, and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tridyn Industries, Inc., P.O. Box 156, Colfax, N.C. 27235. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, Ga. 30309.

No. MC 117686 (Sub-No. 196TA), filed December 9, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in section A and C of appendix I to the report in descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Estherville, Iowa, Worthington and St. Paul, Minn., to points and places in California, restricted to the transportation of traffic originating at the above-named origins and destined to the named states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Curt Y. Hopkins, Transportation Manager, John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 118159 (Sub-No. 236TA), filed December 12, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor, P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic plumbing fixtures and materials, supplies and equipment used in the manufacture and distribution thereof*, from Walden (Bibb County), Ga., to points in Arkansas, Connecticut, Delaware, Kansas, Louisiana, Maine, Massachusetts, Maryland, Michigan, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, West Virginia, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Bruns-

wick, N.J. 08903. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Courthouse Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 11943 (Sub-No. 175TA), filed December 8, 1977. Applicant: MINKEM CO., INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel, P.O. Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal feed and ingredients thereof*, from Rolla, Mo., to points in the United States (except Alaska, Hawaii, Arkansas, Illinois, Iowa, Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, Tennessee), and *materials and supplies used in the manufacture of prepared animal feed*, from destination States named to Rolla, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bow Wow Co., Inc., P.O. Box 938, Rolla, Mo. 65401. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119864 (Sub-No. 70TA), filed December 6, 1977. Applicant: GRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from New Baltimore, Mich., to points in Ohio, restricted to shipments originating at the plantsites or warehouses of Safie Brothers Farm Pickle Co., Inc., for 180 days. Supporting shipper(s): Safie Bros. Farm Pickle Co., Inc., Gratiot Road, New Baltimore, Mich. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 120782 (Sub-No. 3TA), filed December 13, 1977. Applicant: HARDING'S FREIGHT SERVICE, a corporation, 1249 West Washington Avenue, Escondido, Calif. 92025. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between San Diego and Escondido, Calif., on the one hand, and, on the other, Anza, Calif., for 180 days. Applicant has also

filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Anza Electric Cooperative, Inc., P.O. Box 96, Anza, Calif. 92306. Send protests to: Edward P. Henry, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 121499 (Sub-No. 8TA), filed December 15, 1977. Applicant: WILLIAM HAYES LINES, INC., P.O. Box 610, Hartmann Drive, Lebanon, Tenn. 37087. Applicant's representative: Walter Harwood, attorney, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, except those of unusual value, classes A and B explosives, Household goods, commodities in bulk, and those requiring special equipment serving the site of Kmart Corp. Distribution Center in Coweta County, Ga.*, as an off-route point in connection with carrier's authorized regular routes. Applicant intends to tack the authority sought herein to its authority in MC 121499 and subs. at Atlanta, Ga. Applicant plans to interline at Lebanon and Nashville, Tenn., and Louisville, Ky., for 180 days. Supporting shipper: Kmart Corp., Troy, Mich. 48084. Send protests to: District Supervisor Joe J. Tate, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 123048 (Sub-No. 380TA), filed December 12, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by manufacturers of air and water pollution equipment, wastewater purification equipment and irrigation equipment*, from Knoxville, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Carborundum Co., Pollution Control Division, P.O. Box 1269, Knoxville, Tenn. 37901 (James H. Scott, Jr.). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, Wis. 53202.

No. MC 123233 (Sub-No. 81TA), filed December 13, 1977. Applicant: PRO-VOST CARTAGE INC., 7887 Grenache Street, Ville d'Anjou, Quebec,



Canada. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry sodium chlorate*, in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and Canada located at Highgate Springs and Derby Line, Vt., to Hinckley, Maine, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Quenord Chemicals Ltd., 1155 Metcalf Street, Sun Life Building, Suite 2056, Montreal, Quebec, Canada. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

No. MC 123407 (Sub-No. 421TA), filed December 6, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: William J. Malsh (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Material fibreboard, wood fibreboard, gypsum board and acoustical materials*, from the plant-site and warehouse facilities of Acoustiflex Corp. at Plainfield, Ill., to Denver, Colo.; Davenport and Des Moines, Iowa; Kansas City and Wichita, Kans.; Beltsville and Prince Frederick, Md.; Boston and Newton Highland, Mass.; Lincoln and Omaha, Nebr.; Union, N.J.; Buffalo, Massapequa, New York City, and Stony Brook, N.Y.; Cincinnati, Cleveland, Columbus, and Solon, Ohio; Morton, Pa.; Sioux Falls, S. Dak.; Dallas, Tex.; and Washington, D.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Acoustiflex Corp., R. W. Capaul, President, 811 Center Street, Plainfield, Ill. 60544. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 127187 (Sub-No. 30TA), filed December 7, 1977. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Boulevard, Fergus Falls, Minn. 56537. Applicant's representative: Greg C. Johnson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds, and animal and poultry feed ingredients*, from Culbertson, Mont., to points in Colorado, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Continental Grain

Co., 277 Park Avenue, New York, N.Y. 10017. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 2d Avenue, North Fargo, N. Dak. 58102.

No. MC 133119 (Sub-No. 129TA), filed December 13, 1977. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ready-to-eat dry cereals*, in boxes, from Omaha, Nebr., to Seattle, Wash.; Portland, Oreg.; Los Angeles, Calif.; Phoenix, Ariz.; and Denver, Colo., for 180 days. Supporting shipper(s): John M. McGowan, President, U.S. Mills, Inc., 4200 North 28th Avenue, Omaha, Nebr. 68111. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 133689 (Sub-No. 159TA), filed December 5, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as are dealt in by retail department stores*, (except foodstuffs, those of unusual value, classes A and B explosives, household goods, commodities in bulk and those requiring special equipment), (1) from points in Maine, New Hampshire, Vermont, New York, Pennsylvania, Massachusetts, Rhode Island, Connecticut, Delaware, New Jersey, Maryland, West Virginia, Virginia, and the District of Columbia, to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota and North Dakota, and; (2) from points in Michigan, Ohio, Indiana, and Illinois, to points in Minnesota, North Dakota, South Dakota, Nebraska and Kansas, restricted in (1) and (2) above, to traffic originating at the above named origins and destined to the facilities of Gamble Skogmo, Inc., and its divisions and subsidiaries at the above named destination points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gamble Skogmo, Inc. (Gambles) 5100 Gamble Drive, Minneapolis, Minn. 55416. Send protests to: Marion L. Cheney, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 134387 (Sub-No. 52TA), filed December 13, 1977. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: Lucy Kennard Bell, Knapp, Stevens, Grossman & Marsh, 707 Wilshire Boulevard, Suite 1800, Los Angeles, Calif. 90017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from points in Alameda and Los Angeles Counties, Calif., to points in Oregon and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Latchford Glass Company, P.O. Box 71707, Los Angeles, Calif. 90001. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134574 (Sub-No. 25TA), filed December 12, 1977. Applicant: FIGOL DISTRIBUTORS LTD., 11233, 156 Street, Edmonton, Alberta, Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Beer and malt liquor*, in containers, from the facilities of Pearl Brewing Co., at San Antonio, Tex., to points in Montana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ray M. Waters, President, Waters Distributing Co., Inc., 1101 River Drive South, Great Falls, Mont. 59405. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 135082 (Sub-No. 60TA), filed December 5, 1977. Applicant: BURSCH TRUCKING INC., d.b.a., ROADRUNNER TRUCKING INC., P.O. Box 26748, 415 Rankin Road NE., Albuquerque, N. Mex. 87125. Applicant's representative: Randall R. Sain (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Baled waste paper*, from points in Arizona, California, Colorado, Oklahoma, Nevada, Texas and Utah, to Albuquerque, N. Mex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thermal-Safe Insulation, Inc., 523 Rankin Road, Albuquerque, N. Mex. 87125. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 136008 (Sub-No. 91TA), filed December 15, 1977. Applicant: JOE BROWN CO., INC., 8005 South L-35, Suite 102, Oklahoma City, Okla. 73149. Applicant's representative: G. Timothy Armstrong, 6181 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum coke (in bulk, in dump vehicles)* from El Dorado, Kans., to points in Arkansas, Colorado, Missouri, Nebraska, Oklahoma (except the facilities of Midwest Carbide Corp., near Pryor, Okla.) and Texas, for 180 days. Supporting shipper: Great Lakes Carbon Corp., 299 Park Avenue, New York, N.Y. 10017. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Courthouse Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 136220 (Sub-No. 49TA), filed December 15, 1977. Applicant: ROY SULLIVAN, d.b.a., SULLIVAN TRUCKING CO., P.O. Box 2164, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 6181 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets and alfalfa meal (in bulk, in dump vehicles)* from the facilities of Western Alfalfa Corp., at Wellington, Belle Plaine, Oxford and Douglass, Kans., to points in Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Western Alfalfa Corp., P.O. Box 69, Shawnee Mission, Kans. 66201. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Courthouse Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 136478 (Sub-No. 7TA), filed December 13, 1977. Applicant: TRANSPORT WEST, INC., 2115 Birchwood, Eugene, Oreg. 97401. Applicant's representative: Nick I. Goyak, O'Connell, Goyak & Haugh, 555 Benjamin Franklin Plaza, 1 Southwest Columbia, Portland, Oreg. 97258. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from Douglas, Josephine, Polk, Marion, Linn, Benton, Multnomah, Clackamas, Lane, and Yamhill Counties, Oreg., to Santa Clara, San Mateo, Alameda, Contra Costa, San Francisco, Kern, Fresno, Merced, Sacramento, San Joaquin, Stanislaus, Monterey, and Orange Counties, Calif.; El Paso, Denver, Pueblo, Boulder, and Larimer Counties, Colo., and Maricopa County, Ariz., under a continuing contract, or contracts, with Strong Tie Structures, for 180 days. Applicant has also filed

an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Strong Tie Structures, P.O. Box 5592, Eugene, Oreg. 97405. Send protests to: A. E. Odoms, District supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, Oreg. 97204.

No. MC 136919 (Sub-No. 19TA), filed December 12, 1977. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, LaFayette, N.J. 07848. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Perth Amboy, N.J., to points in Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Watkins Salt Co., P.O. Box 150, Watkins Glen, N.Y. 14891. Cargill, Inc., Ludlowville, N.Y. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 138841 (Sub-No. 9TA), filed December 12, 1977. Applicant: BLACK HILLS TRUCKING CO., P.O. Box 2130, Rapid City, S. Dak. 57701. Applicant's representative: James W. Olson, P.O. Box 1552, Rapid City, S. Dak. 57709. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meat*, and (2) *bones, tallow, and meat scraps*, refrigerated, in less than truckload quantities, (1) from Rapid City, S. Dak., to Wyoming, Utah, Maine, Connecticut, and Ohio, and (2) from Douglas, Wyo., to Rapid City, S. Dak., for 180 days. Supporting shipper(s): (1) Black Hills Packing Co., P.O. Box 2130, Rapid City, S. Dak. 57709. Richard Sletten, Traffic Manager. (2) Ranchers Meats, Box 547, Douglas, Wyo. 82633. Robert Cator, Owner and General Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501.

No. MC 138882 (Sub-No. 26TA), filed November 25, 1977. Applicant: WILEY SANDERS, INC., P.O. Drawer 621, Henderson Road, Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Construction materials, displays, and literature* (except in bulk), from points in Pike County, Ala., to

points located in the United States in and east of North Dakota, South Dakota, Nebraska, Oklahoma, Kansas, and Texas, and *lumber*, from points in Arizona, Washington, and Oregon, to Pike County, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Henderson, Black & Greene, Inc., Troy Ala. 36081. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 139434 (Sub-No. 4TA), filed December 14, 1977. Applicant: MID-AMERICA EXPRESS, INC., P.O. Box 9, Nebraska City, Nebr. 69138. Applicant's representative: Gailyn L. Larsen, Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plant-site and warehouse facilities of Armour and Co., at or near Omaha, Nebr., to Calhoun, Ga., and Charlotte, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Donald A. Chute, Manager Transportation and Distribution, Armour Food Co., Fresh Meats Division, 111 West Claredon, Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 139587 (Sub-No. 8TA), filed December 6, 1977. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, 21st and Sidney Streets, Fort Scott, Kans. 66701. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Rails, cots and frames, upholstered day beds, bed frames, springs and assemblies, metal sleeper fixtures, and materials*, used in the manufacture thereof, from Carthage, Mo., to Portland, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Leggett & Platt, Inc., 600 West Mound Street, Carthage, Mo. 64836. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 139727 (Sub-No. 4TA), filed December 12, 1977. Applicant: MADEWELL METALS, INC. 301 East Shawnee, Muskogee, Okla. 74401. Applicant's representative: George F.



Olsen, 1130 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lead, lead alloy, lead oxide, and lead byproducts*, in bulk, and ingot form, between Schuykill Metals Corp., plant in Canon Hollow, Mo., and Hot Springs, Ark.; Lonoke, Ark.; Denver, Colo.; Chicago, Ill.; East Alton, Ill.; Attica, Ind.; Frankfort, Ind.; Hammond, Ind.; Indianapolis, Ind.; Logansport, Ind.; Muncie, Ind.; Vincennes, Ind.; Warsaw, Ind.; Burlington, Iowa; Manchester, Iowa; Olathe, Kans.; Salina, Kans.; Louisville, Ky.; Shreveport, La.; Minneapolis, Minn.; Kansas City, Mo.; St. Joseph, Mo.; St. Louis, Mo.; Oklahoma City, Okla.; Dallas, Tex.; Farmers Branch, Tex.; Milwaukee, Wis.; under a continuing contract, or contracts, with Schuykill Metals Corp., for 180 days. Supporting shipper(s): Schuykill Metals Corp., P.O. Box 73916, Baton Rouge, La. 70807. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 140409 (Sub-No. 3TA), filed November 25, 1977. Applicant: MINN-CAL, INC., P.O. Box E, 104 Third Avenue SW., Mandan, N. Dak. 58554. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour, cereals, and bakery goods and supplies*, from the facilities of Roman Meal Milling Co. located at Fargo, N. Dak., to points in the United States situated in and west of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper(s): (1) Roman Meal Co., 2101 South Tacoma Way, Tacoma, Wash. 98409. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, N. Dak. 58102.

No. MC 140452 (Sub-No. 9TA), filed December 9, 1977. Applicant: ROSE BROTHERS TRUCKING, INC., Rural Route 31, Box 9, Terre Haute, Ind. 47803. Applicant's representative: John J. Thar, 5101 Madison Avenue, Indianapolis, Ind. 46227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal*, in dump vehicles, between points and places in Illinois, Indiana, and Kentucky, and (2) *salt, cullett, and fertilizer*, in bulk, in dump vehicles, from the Owensboro Riverport Authority at Owensboro, Ky., to points and places in Indiana, Illinois, and Kentucky, for 180 days. Applicant has also filed an underlying

ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) AMAX Coal Co., a division of AMAX, Inc., 105 South Meridian Street, Indianapolis, Ind. 46225; (2) Southern Indiana Gas Electric, 20-24 Northwest Fourth Street, Evansville, Ind. 47741; (3) Public Service Co. of Indiana, 100 East Main Street, Plainfield, Ind. 46168; (4) Winslow Coal Co., Inc., P.O. Box 97, Winslow, Ind. 57598; (5) Vigo Coal Co., Inc., Suite 49, Permanent Savings Building, Evansville, Ind. 47708, c/o Mr. Joseph Harrison, attorney-at-law; (6) Domtar, Inc., Sifto Salt Division, 9950 West Lawrence Avenue, Schiller Park, Ill. 60176; (7) Owensboro Riverport Authority, P.O. Box 711, Owensboro, Ky. 42301. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 140581 (Sub-No. 17TA), filed November 25, 1977. Applicant: TOMMY HAGWOOD, d.b.a. HAGWOOD ENTERPRISES, Route 1, Box 222-A Trafford, Ala. 36172. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, in truckaway service, from Flint, Mich., to points in California, for 180 days. Supporting shipper(s): Car Co., 2730 Richfield Road, Flint, Mich. 48506. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 141084 (Sub-No. 9TA), filed December 6, 1977. Applicant: NATIONAL FREIGHT LINES, INC., 6069 Maywood Avenue, Huntington Park, Calif. 90058. Applicant's representative: Paul R. Bergant, Singer & Sullivan, 10 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk), from Supreme, La., to the facilities of Shurfine-Central Corp. located at Little Rock, Ark.; Miami, Ocala, and Tampa, Fla.; College Park and Macon, Ga.; Broussard and Baton Rouge, La.; Charlotte, N.C.; Tulsa, Okla.; Amarillo and El Paso, Tex.; Grand Rapids, Plymouth, Lansing, and Muskegon, Mich.; Kansas City and Springfield, Mo., under a continuing contract, or contracts, with Shurfine-Central Corp., for 180 days. Supporting shipper(s): Shurfine-Central Corp., 2100 North Mannheim Road, Northlake, Ill. 60164. Send protests to: Edward Henry, District Supervisor, Interstate Commerce Commission, Room 1321, Federal

Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 141773 (Sub-No. 4TA), filed December 13, 1977. Applicant: THERMO TRANSPORT, INC., 156 East Market Street, Indianapolis, Ind. 46204. Applicant's representative: Donald W. Smith, 9000 Keystone Crossing, Suite 945, Indianapolis, Ind. 46240. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft machinegun links and 20 millimeter projectal metal parts*, from the plantsite of Wells Marine, Inc., at Costa Mesa, Calif., to Marion, Ill., restricted to traffic moving in vehicles equipped with mechanical temperature controlled equipment, under a continuing contract, or contracts, with Wells Marine, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wells Marine, Inc., 3190 Pulman Lane, Costa Mesa, Calif. 92626. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 141776 (Sub-No. 17TA), filed November 28, 1977. Applicant: FOOD-TRAIN, INC., Spring and South Center Streets, Ringtown, Pa. 17967. Applicant's representative: Richard Rueda, 135 North 4th Street, Philadelphia, Pa. 19106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candies and confectioneries, candy cough drops, and hollow mold chocolate candy, NOI*, from the plantsite and warehouses of Luden's Inc., in Reading, Pa., to Melrose Park, Ill.; Detroit and Grand Rapids, Mich.; Indianapolis, Ind.; Cincinnati and Cleveland, Ohio; and Milwaukee, Wis., in vehicles equipped with mechanical refrigeration, and return shipments of refused, exchanged, rejected, or damaged merchandise, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Luden's, Inc., Reading, Pa. 19603. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 142177 (Sub-No. 8TA), filed December 6, 1977. Applicant: B. W. C. S., INC., 14 Park Avenue, Salem, N.H. 03079. Applicant's representative: Welley S. Chusdd, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Computer tapes and microfilm*, between Wakefield, Mass., on the one hand, and, on the other, Concord, Durham, Manchester, and Nashua, N.H., restricted against the

transportation of any package or article weighing more than 70 pounds, or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment, and restricted against the transportation of packages or articles weighing in the aggregate more than 150 pounds, from one consignor at one location to one consignee at one location on any one day, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Synergraphics, Inc., 607 North Avenue, Wakefield, Mass. 01880 (Attn.: Phillip S. Rutledge, Marketing Representative). Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 425 Federal Building, 55 Pleasant Street, Concord, N.H. 03301.

No. MC 142330 (Sub-No. 8TA), filed December 13, 1977. Applicant: PONY EXPRESS COURIER CORP., P.O. 4313, Atlanta, Ga. 30302. Applicant's representative: Francis J. Mulcahy, P.O. Box 4313, Atlanta, Ga. 30302, and John Guandolo, 1000 18th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising media, copy sources of documents and related items*, between Birmingham, Ala., and points and places in Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sun Newspapers, Inc., Division of Cook Publications, 3700 Old Cahaba Beach Road, P.O. Box 10567, Birmingham, Ala. 35202. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street N.W., Room 300, Atlanta, Ga. 30309.

No. MC 142676 (Sub-No. 2TA), filed December 12, 1977. Applicant: DONNIE D. MOOREFIELD, Drawer G, Shady Spring, W. Va. 25918. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and poultry feed*, in bags and in bulk, by means of specialized pneumatic unloading equipment, from Rockwell, Ky., and Harrisonburg, Va., to points in Garrett and Allegheny Counties, Md., under a continuing contract, or contracts, with Southern States Cooperative, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): L. R. Wright, Director of Transportation, Southern States Cooperative, Inc., P.O. Box 1656, Richmond, Va. 23213. Send protests to:

Frances A. Ciccarello, Secretary, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 142891 (Sub-No. 1TA), filed December 15, 1977. Applicant: A AND H, INC., Box 346, Footville, Wis. 53537. Applicant's representative: Charles W. Beinhauer, Suite 4959, Trade World Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk) from the facilities of George A. Hormel and Co. at or near Beloit, Wis., to points in Ohio, New York, Pennsylvania, New Jersey, Delaware, Virginia, Kentucky, Michigan, Maine, Indiana, and Massachusetts. Restricted to products originating at the named origin and destined to the named points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): George A. Hormel and Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Ronald A. Morken, District Supervisor, 139 West Wilson Street, Room 202, Madison Wis. 53703.

No. MC 143236 (Sub-No. 7TA), filed December 12, 1977. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus Avenue, Kearny, N.J. 07032. Applicant's representative: George Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air pollution equipment* consisting of aluminum tubes, sheeting and extrusion, used to prevent evaporation losses of volatile organic compounds, between the facilities of Mayflower Vapor Seal Corp., Little Ferry, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mayflower Vapor Seal Corp., 20 Industrial Avenue, Little Ferry, N.J. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 143640 (Sub-No. 2TA), filed December 12, 1977. Applicant: CAIRO SALT TERMINAL, INC., 2100 Macivor Drive, Cairo, Ga. 31728. Applicant's representative: Frank D. Hall, 3384 Peachtree Road, N.E., Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Cairo, Ga., to points in Alabama, Florida and South Carolina, for 180 days. Supporting shipper(s): (1) Morton Salt Co. P.O. Box 1227, New Iberia, La. 70560. (2) Diamond Crystal

Salt Co., 916 S. Riverside Avenue, St. Clair, Mich. 48079. (3) Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440. (4) International Salt Co., 1600 Tullie Circle, Suite 133, Atlanta, Ga. 30029. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 143796TA, filed December 8, 1977. Applicant: CURTIS VINCENT, 910 North Madison, Bloomington, Ill. 61701. Applicant's representative: Robert T. Lawley, 300 Reich Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, and supplies* used by drive-in restaurants, in containers, in vehicles equipped with mechanical refrigeration, from Bloomington and East Peoria, Ill. to Tampa, Fla.; Norcross, Ga., and Houston, Tex., for the account of Steak N Shake, Inc., under a continuing contract or contracts with Steak N Shake, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Gerald Traylor, Plant Manager and Assistant Vice President, Steak N Shake, Inc., 1704 West Washington Street, Bloomington, Ill. 61701. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 143871 (Sub-No. 1TA), filed December 12, 1977. Applicant: MS & SONS CORP., P.O. Box 334, Humboldt, Iowa 50548. Applicant's representative: Scott E. Daniel, P.O. Box 82028, 500 The Atrium, 1200 N. Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, from Humboldt, Iowa to points in Colorado, Wisconsin, Illinois, Kansas, and points in Minnesota north of U.S. Highway 12, for 180 days. Supporting shipper(s): Frit Industries, Inc., P.O. Box 850, Ozark, Ala. 36360. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, 518 Federal Building, Interstate Commerce Commission, Des Moines, Iowa. 50309.

No. MC 144018 (Sub-No. 1TA), filed November 25, 1977. Applicant: ROBERT L. DRINKARD, 625 Van Duyn Road, Coburg, Oreg. 97401. Applicant's representative: Robert W. Sellars (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone crushed*, in sacks, from the plantsite of Standard Industrial Minerals near Bishop, Calif.; Pfizer Plant



near Lucerne Valley, Calif.; Cypress Mines near Fernley, Nev.; to Woodinville, Wash. and Eugene and Salem, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): VMC Corp., 13929 N.E., 190th Ave., Woodinville, Wash. 98072. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, Oreg. 97204.

No. MC 144070 (Sub-No. 1TA), filed December 12, 1977. Applicant: PORT TERMINAL TRANSPORTATION, INC., 37-39 George Street, Newark, N.J. 07105. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by electronic equipment and supply stores, between the facilities of Lafayette Radio Electronics Corp., at Syosset and Hauppauge, N.Y. on the one hand and, on the other, points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Missouri, New Jersey, Ohio, Pennsylvania, Virginia, Wisconsin, Minnesota, and Rhode Island, under a continuing contract or contracts with Lafayette Radion Electronics Corp., for 180 days. Applicant will be returning unusable merchandise. Applicant will also be returning with exempt commodities. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lafayette Radion Electronics Corp., Director of Transportation, 111 Jericho Turnpike, Syosset, N.Y. 11791. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.*

No. MC 144075 (Sub-No. 1TA), filed December 12, 1977. Applicant: INDUSTRIAL TRANSPORT, INC., 2301 East 65 Street, Cleveland, Ohio 44104. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sheet metal products* used in the manufacture and installation of heating and air conditioning systems, and (2) *coil steel*, (a) between the facilities of L. B. Cleveland, Inc., at Cleveland and Mt. Vernon, Ohio, and; (b) between the said facilities on the one hand and, on the other, points in Alabama, California, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, West Virginia, Wisconsin, Vermont, Virginia, and the

District of Columbia, restricted to a transportation service, performed under a continuing contract or contracts with L. B. Cleveland, Inc., of Cleveland, Ohio, for 180 days. Supporting shipper(s): L. B. Cleveland, Inc., 2363 East 69 Street, Cleveland, Ohio. 44104. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 144077 (Sub-No. 1TA), filed November 18, 1977. Applicant: MINI TRUCK LINES, INC., Route 3, Lawrenceberg, Tenn. 38464. Applicant's representative: James Parker, Route 1, Waynesboro, Tenn. 38485. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unrated mini cars which are replicas, (toys) of the regular cars designed for off-street use, and weighting less than 300 pounds apiece. These require transport equipment other than regular designed transport equipment used by other companies in the hauling of regular sized cars. (These are in no way mini street cars, but toys.)* (1) From Mansfield, Ohio, to points in Tennessee, Alabama, Georgia, Mississippi, Arkansas and Missouri, and (2) from Phoenix, Ariz., to points in the United States, (except Alaska and Hawaii), under a continuing contract, or contracts, with Mid-Town Motors Mini Cars & Vans, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mid-Town Motors Mini Cars & Vans, Inc., 327 Highway 51, North Covington, Tenn. 38019. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 144080TA, filed December 8, 1977. Applicant: ROBERT VERN PONTIUS, d.b.a. (1) Pontius Trucking, and (2) Washington Coal Distributors, 11640 Seola Beach Drive SW., Seattle, Wash. 98146. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (a) from points in Wyoming, Montana, and Utah to points in Washington, and (b) from points in Lewis, Thurston, Snohomish, Skagit, Kittitas, and King Counties, Wash., to points in Oregon, (excluding shipments originating at Black Diamond, Wash.; and (c) from points in Washington, to points in Washington and Oregon, restricted to shipments having a prior or subsequent movement by rail or by water, for 180 days. Supporting shipper(s): Leonard J. Campbell, d.b.a. Lenny's

Fuel Co., 9010 Delridge Way SW., Seattle, Wash. 98106. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174.

No. MC 144081TA, filed December 8, 1977. Applicant: D. W. STACY CO., INC., Route 7, Box 619X, Gaffney, S.C. 29340. Applicant's representative: Fred C. Thompson, Jr., Grier, Parker, Poe, Thompson, Bernstein, Gage & Preston, 1100 Cameron-Brown Building, 201 South McDowell Street, Charlotte, N.C. 28204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cotton turkish and terry towels, bolts of blended cotton, and synthetic cloth, between Charlotte, Gastonia, Monroe, Greensboro, Wagram, Kannapolis, Albermarle, and Stokesdale, N.C.; Phoenix City and Fairfax, Ala.; Rock Hill and Gaffney, S.C.; and Lebanon, Pa., under a continuing contract, or contracts, with Barth & Dreyfuss of California, Inc., for 180 days. Supporting shipper(s): Barth & Dreyfuss of California, Inc., 100 North Bivens Road, Monroe, N.C. 28110. Send protests to: E. E. Strotheld, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.*

No. MC 144082TA, filed December 9, 1977. Applicant: DIST-TRANS MULTI-SERVICES, d.b.a. TAH-WHEELALEN EXPRESS, INC., P.O. Box 7191, Charlotte, N.C. 28217. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in, distributed, or used by retail department stores and mail order merchandisers, from Charlotte, N.C. to Wauwatosa, Wis., restricted to service performed, under a continuing contract, or contracts, with J. C. Penney Co., Inc., of New York, N.Y., for 180 days. Supporting shipper(s): J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, N.C. 28205.*

No. MC 144089TA, filed December 13, 1977. Applicant: C.D.F. TRUCK RENTAL CORP., 43 Camille Road, Revere, Maine 02151. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation panels*, from Sanford, Maine to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland,

Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract, or contracts, with NRG Barriers, Inc., for 180 days. Supporting shipper(s): NRG Barriers, Inc., 61 Emery Street, P.O. Box 30, Sanford, Maine 04073. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, Mass. 02114.

No. MC 144091TA, filed December 13, 1977. Applicant: TERRY T. KERR AND LANA L. KERR, d.b.a. DIVISION I, P.O. Box 884, Hamilton, Mont. 59840. Applicant's representative: Terry F. Kerr, P.O. Box 884, Hamilton, Mont. 59840. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precut, knocked down log homes and components, from*

Ravalli County, Mont. to points and places in the United States (except Hawaii), for 180 days. Supporting shippers(s): (1) Ned Smartt, Comptroller, Montana Sundown, Inc., d.b.a. Rocky Mountain Log Homes, Route 1, Box 1255, Hamilton, Mont. 59840. (2) John C. Brewer, Manager, Western Valley Log Homes, P.O. Box 254, Victor, Mont. 59875. (3) Lew Wilkinson Sales Coordinator, Mountain Logs, Inc., P.O. Box 1128, Hamilton, Mont. 59840. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 144096TA, filed December 15, 1977. Applicant: ROBERT J. SAVAGE, d.b.a. BOB SAVAGE TRUCKING, P.O. Box 2653, Missoula, Mont. 59806. Applicant's representative: Robert J. Savage, P.O. Box 2653, Missoula, Mont. 59806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *wood products including but not limited to cedar*

*posts and rails, cedar shakes, lumber of all sizes and dimensions, plywood, and fiberboard*, from Lincoln and Flathead Counties, Mont. to points in North Dakota, South Dakota, Nebraska, Iowa, Missouri, Minnesota, Illinois, Indiana, Wisconsin, Michigan, Ohio, Wyoming, Colorado, and Kansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): There are approximately (4) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor, Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-1131 Filed 1-13-78; 8:45 am]



# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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### [6320-01]

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[M-94; 1/11/78]

#### CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10:30 a.m., January 12, 1978.

PLACE: Room 1011, 1025 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: BIA briefing on ongoing consultations with United Kingdom and proposed charter talks with other European countries.

STATUS: Closed.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

**SUPPLEMENTARY INFORMATION:** The Board met to discuss this item January 11, 1968. The time available to discuss this item did not permit the Board to conclude its consideration. Accordingly, the following Members have voted that agency business requires that the Board meet on less than seven days' notice and that earlier announcement of the meeting was not possible:

Chairman, Alfred E. Kahn  
Member, G. Joseph Minetti  
Member, Lee R. West  
Member, Richard J. O'Melia  
Member, Elizabeth E. Bailey

This meeting will concern the Board's views about proposed U.S. action in European Charter talks. Public disclosure, particularly to foreign governments with whom the United States is or will be negotiating, of the opinions, evaluations, and strategies of the Board and its staff could

seriously compromise the ability of the United States Delegations to achieve agreements which would be in the best interests of the United States. Accordingly, the following Members have voted that public observation of this item would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B) and that the meeting on this item will be closed:

Chairman, Alfred E. Kahn  
Member, G. Joseph Minetti  
Member, Lee R. West  
Member, Elizabeth E. Bailey

#### PERSONS EXPECTED TO ATTEND

Board members: Chairman, Alfred E. Kahn; Member, G. Joseph Minetti; Member, Lee R. West; and Member, Elizabeth E. Bailey. Assistant to board members: Mr. Mike Roach, Mr. Elias C. Rodriguez, Mr. Ford Cole, Mr. James Casey, Mr. John Golden, and Ms. Barbara Clark.

Office of the managing director: Mr. Dennis Rapp, and Mr. John Hancock.

Office of the general counsel: Mr. Philip Bakes, Mr. Gary Edles, Mr. Simon Ellenberg, Mr. Dick Dyson, and Mr. Bob Kneisley.

Bureau of international aviation: Mr. Don Farmer, Ms. Mary Pett, Mr. Joe Chesen, Mr. Tony Largay, and Mr. Rosario Scibilia.

Office of economic analysis: Mr. Darius Gaskins.

Bureau of pricing and domestic aviation: Michael E. Levine.

Office of the secretary: Ms. Phyllis T. Kaylor, and Ms. Deborah A. Lee.  
State Department: Mr. Joel Biller.  
Reporter: North American Reporting.

#### GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B).

PHILIP J. BAKES, Jr.,  
General Counsel.

[S-98-78 Filed 1-12-78; 3:37 pm]

### [6320-01]

2

[M-92 amdt. 8; 1/10/78]

#### CIVIL AERONAUTICS BOARD.

ADDITION OF CLOSURE OF ITEM TO THE JANUARY 11, 1978, MEETING AGENDA

TIME AND DATE: 11:30 a.m., January 11, 1978.

PLACE: Room 1011, 1825 Connecticut Avenue, NW. Washington, D.C. 20428.

SUBJECT: BIA briefing on ongoing consultations with United Kingdom and proposed charter talks with other European countries.

STATUS: Closed.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

#### SUPPLEMENTARY INFORMATION:

On Friday, January 6, 1978, the State Department orally requested the views of the CAB and other agencies on the next steps which the U.S. should take in European charter talks. The Board's staff prepared its presentation to the Board and requested a Board meeting on this matter on Tuesday, January 10, 1978, so that the Board could respond to the State Department by the required date of Friday, January 13, 1978. Accordingly, the following Members have voted that agency business requires that the Board meet on less than seven days' notice and that earlier announcement of the meeting was not possible:

Chairman, Alfred E. Kahn  
Member, G. Joseph Minetti  
Member, Lee R. West  
Member, Richard J. O'Melia  
Member, Elizabeth E. Bailey

This meeting will concern the Board's views about proposed U.S. action in European Charter talks. Public disclosure, particularly to foreign governments with whom the United States is or will be negotiating, of the opinions, evaluations, and strategies of the Board and its staff could seriously compromise the ability of the United States Delegations to achieve agreements which would be in the best interests of the United States. Accordingly, the following Members have voted that public observation of this item would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B) and that the meeting on this item will be closed:

Chairman, Alfred E. Kahn  
Member, G. Joseph Minetti  
Member, Lee R. West  
Member, Elizabeth E. Bailey

## SUNSHINE ACT MEETINGS

### PERSONS EXPECTED TO ATTEND

Board members: Chairman, Alfred E. Kahn; Member, G. Joseph Minetti; Member, Lee R. West; and Member, Elizabeth E. Bailey. Assistant to board members: Mr. Mike Roach, Mr. Elias C. Rodriguez, Mr. Ford Cole, Mr. James Casey, Mr. John Golden, and Ms. Barbara Clark.

Office of the managing director: Mr. Dennis Rapp, and Mr. John Hancock.

Office of the general counsel: Mr. Philip Bakes, Mr. Gary Edles, Mr. Simon Ellenberg, Mr. Dick Dyson, and Mr. Bob Kneisley.

Bureau of international aviation: Mr. Don Farmer, Ms. Mary Pett, Mr. Joe Chesen, and Mr. Tony Largay.

Office of economic analysis: Mr. Darius Gaskins.

Bureau of pricing and domestic aviation: Michael E. Levine.

Office of the secretary: Ms. Phyllis T. Kaylor, and Ms. Deborah A. Lee.  
Reporter: North American Reporting.

#### GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B).

PHILIP J. BAKES, Jr.,  
General Counsel.

[S-99-78 Filed 1-12-78; 3:37 pm]

### [6320-01]

3

#### CIVIL AERONAUTICS BOARD

[M-92, Amdt. 7; 1/10/78]

ADDITION OF ITEM TO THE JANUARY 11, 1978 MEETING AGENDA

TIME AND DATE: 10 a.m., January 11, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue N.W., Washington, D.C. 20428.

SUBJECT: 2b. Docket 29637, Discretionary Review on Board Initiative of the Initial Decision in *Patricia Kennedy v. American Airlines, Inc., et al., Enforcement Proceeding*, (OGC).

STATUS: Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

**SUPPLEMENTARY INFORMATION:** This item involves discretionary review on Board initiative of the Initial Decision in *Patricia Kennedy v. American Airlines, Inc., et al., Enforcement Proceeding*. It is related to Item 2a Docket 30851, Discretionary Review on Board Initiative of the Initial Decision in *Patricia Kennedy v. Pan American World Airways, Inc., Enforcement Proceeding*. Unless the Board acts on January 17, under section 302.27 of the regulations, the initial decision becomes the order of the Board on January 18, nine days after the respondents could have sought review. So that the Board can discuss

this item at the same time as the related case in Item 2a, and reach a decision, the following Members have voted that agency business requires the addition of this item to the agenda of January 11, 1978 and that no earlier announcement of this addition was possible:

Chairman Alfred E. Kahn  
Member G. Joseph Minetti  
Member Lee R. West  
Member Richard J. O'Melia  
Member Elizabeth E. Bailey

[S-100-78 Filed 1-12-78; 3:37 pm]

### [6351-01]

4

#### COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., January 25, 1978.

PLACE: 2033 K Street, NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

**MATTERS TO BE CONSIDERED:** Options regulations: Review of comments; identification of policy issues; discussion and review of time frames and implementation plans.

#### CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-90-78 Filed 1-12-78; 10:02 am]

### [6712-01]

5

#### FEDERAL COMMUNICATIONS COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, page 1581, January 10, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Follows 9:30 a.m., Open Commission Meeting, Thursday, January 12, 1978.

STATUS: Closed Commission Meeting.

**CHANGES IN THE MEETING:** Time has been changed to 10 a.m. the prompt and orderly conduct of Commission business requires that less than 7 days notice be given.

#### CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, 202-632-7260.

Issued: January 12, 1978.

[S-94-78 Filed 1-12-78; 3:37 pm]

### [6712-01]

6

#### FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2 p.m., Special Open Meeting, Wednesday, January 18, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

#### MATTERS TO BE CONSIDERED:

Agenda, Item No. and Subject

Common carrier—1—Petitions to suspend AT&T's Transmittal No. 12841, Telpak end link tariff changes.

Common carrier—2—Petition to suspend American Television Relay's tariff revisions, ATR Transmittal No. 78.

Common carrier—3—Proposed revisions to Tariff FCC No. 4, establishing charges for certain leased channel services between San Francisco, California and Honolulu, Hawaii; Western Union International, Inc., Transmittal No. 1192.

Common carrier—4—Modification of depreciation rates for General Telephone Company of the Southeast, New York Telephone Co., Northwestern Bell, et al.

#### CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, 202-632-7260.

Issued: January 11, 1978.

[S-95-78 Filed 1-12-78; 3:37 pm]

### [6712-01]

7

#### FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows oral argument scheduled for 9:30 a.m., Wednesday, January 18, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting.

**MATTERS TO BE CONSIDERED:** Issuing instructions to the staff following oral argument on renewal application of WPIX(TV), New York, N.Y., Docket Nos. 18711-2 (see News Release of December 19, 1977, Report No. 13598).

#### CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, 202-632-7260.

Issued: January 11, 1978.

[S-96-78 Filed 1-12-78; 3:37 pm]

### [6712-01]

8

#### FEDERAL COMMUNICATIONS COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, Page 1582, January 10, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Follows



9:30 a.m., Special Open Meeting, Wednesday, January 11, 1978.  
 STATUS: Open Commission Meeting.  
 CHANGES IN THE MEETING: The following items have been deleted:

*Agenda, Item No., and Subject*

General—1(83835)—Amendment of part 15 of the Commission's rules to prohibit manufacture of UHF receivers, after May 1, 1979, with noise figures in excess of 14 dB (Docket No. 21010).  
 General—2(84022)—Inquiry from Microwave Associates, Burlington, Mass.: Does sale of earth satellite receivers to private individuals for reception of broadcast satellite signals violate section 605 of the Communications Act?  
 Common carrier—4(84028)—Modification of Depreciation rates for General Telephone Co. of The Southeast, New York Telephone Co., Northwestern Bell, et al.  
 Cable television—1(83824)—Petitions for stay of the Commission decision in Vanhu, Inc. (Seattle, Wash.) filed by United Community Antenna Systems, Inc., and TeleVue Systems, Inc. and KIRO, Inc.'s objections  
 Cable television—3(84060)—Reconsideration of report and order dealing with use of predicted field strength contours for cable television regulation, and expanding carriage of UHF stations on cable systems (Docket No. 20496).  
 Cable television—4(84062)—Petition for special relief, filed by CPI, operator of a cable television system serving North Little Rock, and Sherwood, Ark. and opposition pleadings filed by Combined Communications Corp., (KARK-TV), and Leake TV, Inc., (KATV), both of Little Rock, Ark.  
 Cable television—5(84064)—Petition for partial reconsideration, filed by Clearview TV Cable of Enumclaw, Inc., Enumclaw, Wash., (CSR-948).  
 Cable television—8(84079)—Petition for reconsideration filed by Blytheville TV Cable Co., Blytheville, Ark. and opposition pleading filed by KAIT-TV, Jonesboro, Ark.  
 Cable television—9(84081)—Petition, filed by Texas Community Antennas, Inc., (Nacogdoches Cable TV), directed against the Commission's decision in Texas Community Antennas, Inc. FCC 77-131, 63 FCC 2d 339 (1977).  
 Complaints and compliance—1(83888)—Request for a declaratory ruling clarifying the phrase "program or any part thereof" in section 325(a) of the Communications Act.  
 CONTACT PERSON FOR MORE INFORMATION:  
 Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.  
 Issued: January 11, 1978.

[S-97-78 Filed 1-12-78; 3:37 pm]

[6720-01]

9

FEDERAL HOME LOAN BANK BOARD.  
 TIME AND DATE: 9:30 a.m. January 18, 1978.

**SUNSHINE ACT MEETINGS**

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.  
 STATUS: Open meeting.  
 CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

**MATTERS TO BE CONSIDERED:**

Official naming of Federal Home Loan Bank Board new building plaza.  
 Application for insurance of accounts—Polinsett County Savings and Loan Association, Trumann, Ark.  
 Branch office application—Eureka Federal Savings and Loan Association of San Francisco, San Francisco, Calif.  
 Consideration of assessments of Federal home loan banks.  
 Consideration of FSLIC assessments for fiscal year 1978.  
 Applications for bank membership and insurance of accounts—California Women's Savings and Loan Association, Los Angeles, Calif.  
 Branch office application—Pulaski Federal Savings and Loan Association, Little Rock, Ark.

JANUARY 11, 1978.

[S-89-78 Filed 1-12-78; 10:02 am]

[7545-01]

10

NATIONAL LABOR RELATIONS BOARD.  
 TIME AND DATE: 10 a.m. Monday, January 23, 1978.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.  
 STATUS: Closed to public observation.

**MATTERS TO BE CONSIDERED:**  
 Selection of executive secretary. Personnel action relating to deputy executive secretary.

**CONTACT PERSON FOR MORE INFORMATION:**

Robert Volger, Acting Executive Secretary, Washington, D.C. 20570, telephone number, 202-254-9430.

Dated: Washington, D.C., January 11, 1978.

By direction of the Board.

GEORGE A. LEET,  
 Associate Executive Secretary.

[S-88-78 Filed 1-12-78; 10:02 am]

[7590-01]

11

NUCLEAR REGULATORY COMMISSION.  
 DATE: Wednesday, January 18, and Thursday, January 19.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open and closed.

**MATTERS TO BE CONSIDERED:**

WEDNESDAY, JANUARY 18

9:30 A.M.

General Safeguards Briefing (Approx. 2 hrs.) (public meeting).

2 P.M.

1. Final disposition of NRDC petition for reconsideration in S-3 rulemaking proceeding (approx. ¼ hr.) (public meeting).
2. Briefing on MBO on decommissioning (approx. 1 hr.) (public meeting).
3. Affirmation items: (approx. 5 min.) (public meeting): (a) Appeal from Initial Privacy Act/FOIA Decision; (b) FOIA Appeal for 10 CFR 73.55 records; and (c) Proposed publication of final Export-Import Regulations, part 110.
4. Discussion of personnel matter (approx. 1½ hrs.) (closed—exemption 6).

THURSDAY, JANUARY 19

2 P.M.

Meeting requested by industry representatives (Fluor-Pioneer, Ebasco, Gibbs, and Hill, Gilbert Assoc., B&W, Westinghouse, S&W, CE) on standard reference plant matters (approx. 1 hr.) (public meeting).

**CONTACT PERSON FOR MORE INFORMATION:**

Walter Magee, 202-634-1410.

WALTER MAGEE  
 Office of the Secretary.

JANUARY 11, 1978.

[S-56-78 Filed 1-12-78; 11:28 am]

[4410-01]

12

**PAROLE COMMISSION.**

DATE AND TIME: Wednesday, January 25, 1978, at 9 a.m.

PLACE: Room 338, 320 First Street NW., Washington, D.C.

STATUS: Closed.

**MATTERS TO BE CONSIDERED:**  
 Appeals to the Commission of approximately 10 cases decided by National Commissioners pursuant to a reference under 28 CFR § 2.17 and appealed pursuant to 28 CFR § 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

**CONTACT PERSON FOR MORE INFORMATION:**

Lee H. Chait, National Appeals Board Analyst, 202-724-3094.

[S-91-78 Filed 1-12-78; 11:46 am]

**SUNSHINE ACT MEETINGS**

[4410-01]

13

**PAROLE COMMISSION.**

DATE AND TIME: Tuesday, January 24, 1978, 9 a.m. to 5:30 p.m.

PLACE: Room 500, Federal Home Loan Bank Board (formerly HOLC) Building, 320 First Street NW., Washington, D.C.

STATUS: Open.

**MATTERS TO BE CONSIDERED:**

1. Chairman's remarks concerning the Parole Commission.
2. Approval of minutes of open meeting held November 29, 1978.
3. Status reports from each Regional Commissioner, Chairman of National Appeals Board and National Commissioners, and others.
4. Consideration of a Final Rule concerning Committees of the Commission which deletes 28 CFR § 2.59 from the Code of Federal Regulations.
5. Consideration of disclosure by Probation Officers of facts indicating reasonably foreseeable danger in supervision cases.
6. Consideration of a review of all policies and functions of the Commission as to compliance with the Parole Commission and Reorganization Act.
7. Legal Report.
8. Statistical Report.
9. *Guideline Application:* (a) Valuation of goods or items which affect amount categories.  
 (b) Discussion of how more than four prior commitments should affect the length of incarceration.  
 (c) Multiple Separate Offenses—Discussion of a mandatory raising of the

severity level and other related factors.

(d) Guideline Changes—Possible retroactive application of changes reducing period of incarceration.

10. Consider allowing Regional Commissioner in region where there is maximum public interest to vote in certain Original Jurisdiction cases.

11. Consideration of using a combination notice disclosure form in place of several separate forms prior to hearings.

12. Use of letter to require filing of documents in advance of Original Jurisdiction Appeal hearing dates.

13. Expunging material from files.

14. Examiners' training.

15. Survey of Hearing Examiner needs.

16. Examiner's Summaries—Deletion of reasons.

17. Issuance of Parole Certificates under certain conditions.

18. Conducting a hearing or record review prior to presumptive release date for inmates in CTC's.

19. Review of file by inmate on hearing date.

20. Need for separate Code of Ethics.

21. Filing in Case Folders.

**CONTACT PERSONS FOR MORE INFORMATION:**

M. E. Malin Fochrkolb, 202-724-3117.

[S-92-78 Filed 1-12-78; 11:46 am]

[7910-01]

14

**RENEGOTIATION BOARD.**

DATE AND TIME: Tuesday, January 24, 1978, 10 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 through 3 are open to the public, Matter 4 is closed to public observation. Status is not applicable to matters 5 and 6.

**MATTERS TO BE CONSIDERED:**

1. Approval of Minutes of meeting held January 18, 1978, and other Board meetings, if any.

2. Principles and Concepts for the Application of the Statutory Factors.

3. Rulemaking: Foreign Military Sales.

4. Freedom of Information Act Appeal: Miller and Chevalier.

5. Approval of agenda for meeting to be held February 7, 1978.

6. Approval of agenda for other meetings, if any.

**CONTACT PERSON FOR MORE INFORMATION:**

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: January 11, 1978.

GOODWIN CHASE,  
 Chairman.

[S-93-78 Filed 1-12-78; 2:30 pm]



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MONDAY, JANUARY 16, 1978  
PART II



## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care  
Financing Administration

■

## PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Confidentiality and  
Disclosure of Information



[4110-35]

Title 42—Public Health

## CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## SUBCHAPTER D—PROFESSIONAL STANDARDS REVIEW

## PART 476—CONFIDENTIALITY AND DISCLOSURE OF INFORMATION BY PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

**SUMMARY:** This rule sets forth policies for disclosure of information acquired by Professional Standards Review Organizations (PSROs). Section 1166(a) of the Social Security Act requires regulations for the release of PSRO information for other than the purposes of the PSRO statute. The intent is that PSRO information which was previously published or is in aggregate statistical form be provided to parties who need it, without violating the privacy rights of patients and health care practitioners, and without undue burden. Observance of the rule is intended also to protect PSROs against the risk of penalties under section 1166(b) of the Act.

**EFFECTIVE DATE:** These regulations are effective on January 16, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Lois Eberhard, 301-443-2808.

## SUPPLEMENTARY INFORMATION:

## BACKGROUND

PSROs review Medicare, Medicaid and Maternal and Child Health and Crippled Children's services. Some of the information acquired by PSROs in carrying out the review functions are of a sensitive or personal nature, requiring stringent safeguards. Other information is public in nature prior to receipt by the PSRO or in the form of statistical summaries that do not identify individuals. PSRO information can be useful to other parties. These regulations are necessary to provide for the release of information without subjecting PSRO personnel to the risk of penalties under section 1166(b) of the Act.

The notice of proposed rulemaking published on December 3, 1976 (41 FR 53215), codified these policies under Subpart Q of Part 101 of Title 42, of the Code of Federal Regulations.

Regulations effective October 1, 1977 established a new Chapter IV in Title 42 of the CFR and transferred all Health Care Financing Administration regulations to that new chapter. Accordingly, these final regulations are codified under 42 CFR Part 476.

## DISCUSSION OF COMMENTS

Comments, suggestions and objections received in response to the December proposal were considered and are summarized below along with our responses thereto and the changes in the proposed rule.

1. *Proposal is too narrow.* Several comments objected to the publication of an interim regulation providing only for limited disclosure and advocated the immediate development and issuance of a comprehensive regulation. The majority of these comments recommended much broader disclosure to meet the needs of the public for more information on health providers and services, but still protect the privacy rights of patients. However, regulations that permit the disclosure of comparatively nonsensitive and public information can be published sooner. It takes time to resolve the broader, more complex issues that underlie a comprehensive regulation. Suggestions that are pertinent to these issues are currently being considered in developing the comprehensive regulation.

2. *Additional disclosure under the interim regulation.* It was recommended that the proposed rule be expanded to include the disclosure of the norms, criteria and standards used by the PSRO and data collected solely for PSRO purposes, such as the number of days certified and Medical Care Evaluation Studies. The Secretary has determined that disclosure of PSRO norms, criteria and standards is permissible under section 1166(a)(1) of the act without regulations. Data collected solely for PSRO purposes is beyond the scope of the interim rule. However, the comprehensive regulation under development will reflect this recommendation.

3. *Disclosure on PSRO's own initiative.* The proposed rule required PSROs to disclose specified types of data or information only upon receipt of a request. Several comments suggested that PSROs also be permitted to disclose the same data or information on their own initiative, when appropriate. This suggestion has been accepted and included in the final rule.

4. *Burden on PSROs.* Several comments expressed concern that the implementation of this interim regulation would place an excessive burden on PSROs to provide data services. It is recognized that the provision of data by PSROs will place a burden on some PSROs. Nevertheless it is considered important that such data, heretofore inaccessible in many geographic areas, be readily available to health agencies and the public. This approach will make it unnecessary for those agencies to duplicate the collection and processing efforts of the PSRO. Moreover, by requiring that requests clearly define the data or infor-

mation desired and by permitting the PSRO to charge a fee for data or information not routinely compiled for PSRO use, it is expected that the burden will be eased somewhat.

The interim regulation does not require a PSRO to automatically meet all requests for data or information; rather it requires the PSRO to exercise judgment regarding the conditions of disclosure. These conditions involve matters such as the assurance that individuals are not indirectly identified in the data or information to be disclosed. However, in recognition of the need to establish a procedure for review of a PSRO decision to deny a request for data or information, the interim regulation has been amended to provide for Secretarial review of such denials.

5. *Confidentiality determined by source of information.* A number of respondents understood that § 476.2 would permit the source of public information to determine that such information was confidential, even after it had been published, and thus prevent its disclosure by the PSROs. Since it was not the intent of the provision to permit sources to so control the data, the rule has been clarified. The purpose of the rule is to require disclosure of data or information which was published prior to receipt by the PSRO. Examples of this type of data or information are newspaper articles and annual reports of health care institutions which are publicly distributed by the institutions.

6. *Statistics identify health care institutions.* The proposed rule provided for the disclosure of summary statistics as long as neither patients nor health care practitioners could be identified through these summaries. A number of comments objected to this rule, because it permits the disclosure of data or information which identify health care institutions. It is the intention of the Department to make such institutional data available to meet a variety of needs for health data, including identification of problem areas, health planning and the funding of health services. The disclosure of data about identifiable institutions is also consistent with court decisions that have held that institutions have no right of privacy under the Constitution, *U.S. v. Morton Salt*, 338 U.S. 632, 70 S.Ct. 357 (1950) and with section 1106(d) of the Act, which requires that various Medicare contractor performance reports, provider evaluation reports and provider survey reports be available for public inspection.

On the other hand, the Secretary is mindful that such institutional information may be misinterpreted in the absence of an appropriate context. Accordingly, the proposed regulation provides institutions with an opportu-

nity to comment and requires PSROs to forward those comments to the recipient of the data or information in order to correct errors or inaccurate impressions.

7. *Use of computer tape.* Several comments suggested that PSROs be permitted to provide UHDDS data or information on computer tape as well as in the form of aggregate statistics. The Department recognizes that the disclosure of UHDDS computer tapes with personal identifiers deleted may make the data more useful to some users and reduce the burden on PSROs. However, techniques do not exist for determining if an individual could be identified from the data on the tape. Therefore, the Department has rejected the suggestion until such techniques for assuring the privacy of individuals are available.

8. *Disclosure on basis of need to know.* It was suggested that the rule be revised to permit a PSRO to disclose information if the PSRO determines that the requesting party has an appropriate need to know the data. This approach would be broader than the criteria for disclosure set out under section 1166 of the Act, which permits disclosure of PSRO data only if it is necessary to carry out the purposes of title XI, part B of the act or if such disclosure has been determined by the Secretary to be appropriate and is specified in regulations.

9. *Availability to State Governments.* A number of States urged that all PSRO data or information be available to State Governments. It is the position of the Department that a great deal of PSRO data is available to State Medicaid agencies presently, even in the absence of regulations. The States are now authorized by the Secretary to monitor PSRO activities and may obtain certain data to do so. PSRO data necessary to make Medicaid payments must be disclosed to State Medicaid agencies under section 1158 of the act. Also, data or information for other activities necessary for a State Medicaid agency to carry out the purposes of title XI, part B of the act can be disclosed to States under section 1166(a) without regulations. Finally, the comprehensive regulations under development are expected to provide for further disclosure of PSRO data or information to State agencies.

10. *Waiver of NOI.* Several commenters objected to the publication of a Notice of Proposed Rulemaking without publishing a Notice of Intent beforehand, and maintained that the regulatory policies of the Department (40 FR 34811) were not followed. While the regulatory policies of the Department encourage the use of the NOI, they do not require the Publication of an NOI in every case. As stated in the preamble to the proposed rule,

the proposed rule was published without the use of a Notice of Intent (NOI) "because there is an urgent requirement for these regulations and over an extended period of time there has been significant interaction between the Department and medical and consumer organizations and interested individuals in the development of the approach contained in the NPRM which has satisfied the spirit and intent of the NOI."

11. *Publicize existence of PSRO data.* It was urged that the public should be informed of the existence of the PSRO data system. No revision in the present regulation was needed since each PSRO is required, under its contract with the Department, to publish a notice of the existence, scope and purposes of the PSRO data system.

12. *Obtain public information from original source.* Comment was received suggesting that PSROs refer requests for public information to the source of the information, rather than furnish it themselves. This suggestion was rejected because such referrals might often be time consuming and onerous, thereby making it more difficult for persons to obtain a large variety of useful public data.

13. *Applicability of the Privacy Act.* Comments were received suggesting that the "Privacy Act of 1974" (5 U.S.C. 552a) was applicable to PSROs and the provisions of that Act should be reflected in PSRO confidentiality regulations. It is the Department's view that section (m) of 5 U.S.C. 552(a), which makes the Privacy Act applicable to government contractors whose contract provides for the operation of a system of records on behalf of a government agency, does not apply to PSRO contractors. PSROs collect data primarily to carry out purposes specified by statute as PSRO responsibilities, not the responsibility of the Secretary, and each PSRO directly manages its own review operations and the records collected for such purposes.

14. *Time limit on interim regulations.* It was proposed by some commenters that a limit be set on the length of time that the interim regulations are in effect, to assure that comprehensive regulations are published as quickly as possible. It is the intention of the Department to publish comprehensive regulations on PSRO confidentiality as quickly as the outstanding policy issues are resolved and the procedures necessary for publication of regulations are completed. However, since this time period is very difficult to predict, it was decided that the interim regulations should not have a limit on the time for which they are effective.

15. *Determining whether data identifies individuals.* Comments asked what particular method would be used

in determining whether individual patients or practitioners were "identifiable" from the PSRO data to be disclosed. Of particular concern is the indirect identification of individuals through a combination of attributes such as sex, age, dates of admission or discharge, diagnosis or procedures. Such "identifiable" data would not be required to be disclosed under the interim regulations. Since statistical techniques for implicit identification of individuals from statistical information are highly technical in nature and vary with the type of data involved, it was not feasible to specify such methods in the regulations. HEW will issue guidelines which will be provided to PSROs on this subject to suggest methods whereby statistical data can be displayed to avoid the identification of individuals.

16. *No regulation until all PSROs are in full operation.* One comment suggested that the proposed regulation be withdrawn until all PSROs are fully operational. To restrict the use of data or information acquired by PSROs until such time as all PSROs are fully operational would conflict with the intent of the Department to meet the current needs of many users of health data.

17. *Information on existence and classification of data.* Some comments asked that the regulation establish a practical procedure to inform individuals of the types of information available and the manner in which the information is labeled by the PSRO. Since the disclosures, except for previously published information, required under the interim regulation are limited to data available only from the UHDDS, there should be little confusion over the specific data available from this source. In addition, the Secretary believes it would be too great a burden on PSROs to require all PSROs to publish regularly a description of all the previously published data which it has acquired. 42 CFR Chapter IV, Subchapter D, is amended by adding a new Part 476 to read as follows:

Sec.

476.1 Applicability.

476.2 Disclosure of public information acquired by PSROs.

476.3 Disclosure of Uniform Hospital Discharge Data Set acquired by a PSRO.

476.4 Secretarial Review.

Authority: Sec. 1166, Social Security Act, 86 Stat. 1443 (42 U.S.C. 1320C-15); section 1102 of the Social Security Act, 49 Stat. 647, as amended (42 U.S.C. 1302).

§ 476.1 Applicability.

The provisions of this part are applicable to the disclosure of information acquired by a PSRO in the exercise of its duties and functions under the Social Security Act in accordance with section 1166 of the Act.



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§ 476.2 Disclosure of public information acquired by PSROs.

(a) A PSRO shall, upon receipt of a request for specific information in its possession, provide to the person making the request a copy of that information if:

(1) The information had, prior to the request, been published or otherwise disclosed to the public by any individual or entity other than the PSRO or its employees, members or directors, and

(2) The disclosure of the information is not prohibited by Federal or State law.

(b) A PSRO may, on its own initiative, provide to a person whom it determines to have an appropriate need for such information, a copy of any information described in paragraph (a) of this section.

(c) Information provided under this section shall be in the form in which it is received by the PSRO or in the form in which it is maintained for PSRO use.

(d) The PSRO may require the payment of a fee, for furnishing information under this section, not to exceed the reasonable cost of doing so.

§ 476.3 Disclosure of Uniform Hospital Discharge Data Set (UHDDS) acquired by a PSRO.

(a) A PSRO shall, upon receipt of a request that clearly defines the specif-

ic information desired, provide to the person making the request, summary statistics derived from the Uniform Hospital Discharge Data Set (the multi-purpose, basic data set containing information on a hospital discharge approved by the Secretary for use in Federal health programs, including the PSRO program) which does not directly or indirectly identify a particular patient or health care practitioner.

(b) A PSRO may provide to a person whom it determines to have an appropriate need for it, summary statistics acquired by the PSRO from the UHDDS which does not directly or indirectly identify a particular patient or health care practitioner.

(c) Information described in paragraphs (a) and (b) of this section, if routinely compiled for PSRO use, shall be provided without charge.

(d) The PSRO may require the payment of a fee for furnishing information under this section, not to exceed the reasonable cost of doing so.

(e) If information provided under this section identifies a particular health care institution, the PSRO shall notify the institution, at least 15 days before disclosing the information, of its intention to do so. The identified health care institution may submit to the PSRO comments concerning the information to be disclosed, which shall be attached by the PSRO to such

information if received prior to its disclosure or forwarded separately by the PSRO to the recipient, if the comments are received after the information was disclosed.

(f) The PSRO may attach a statement of comment to any disclosure made under this section.

§ 476.4 Secretarial review.

Any person whose request for information is denied by the PSRO may request that the Secretary review the decision of the PSRO. If the Secretary determines that the PSRO has improperly denied the request, he shall direct the PSRO to provide the requested information and it shall do so.

NOTE.—The Health Care Financing Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949, and OMB Circular A-107.

Dated: November 4, 1977.

ROBERT A. DERZON,  
*Administrator, Health Care  
Financing Administration.*

Approved: January 3, 1978.

JOSEPH A. CALIFANO, Jr.,  
*Secretary.*  
(FR Doc. 78-661 Filed 1-13-78; 8:45 am)

MONDAY, JANUARY 16, 1978  
PART III



DEPARTMENT OF  
HOUSING  
AND URBAN  
DEVELOPMENT

Federal Insurance  
Administration

NATIONAL FLOOD  
INSURANCE PROGRAM



## RULES AND REGULATIONS

## [4210-01]

## Title 24—Housing and Urban Development

## CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3289]

## PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

## Final Flood Elevation Determinations for Town of Northmoor, Platte County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Northmoor, Platte County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Northmoor, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Northmoor, are available for review at Town Hall, 2022 Northwest 49th Street, Northmoor, Mo.

## FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Northmoor, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed

base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Line Creek.....	50th Terrace <sup>1</sup> .....	768
	50th Street <sup>1</sup> .....	768
	49th Terrace <sup>1</sup> .....	766
	49th Street <sup>1</sup> .....	767
East Creek.....	U.S. 69 & 169.....	766
	U.S. 69 & 169.....	772

<sup>1</sup>Extended.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-699 Filed 1-13-78; 8:45 am]

## [4210-01]

[Docket No. FI-3411]

## PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

## Final Flood Elevation Determinations for City of Pagedale, St. Louis County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Pagedale, St. Louis County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Pagedale, St. Louis County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of Pagedale are

available for review at City Hall, 1404 Ferguson Avenue, Pagedale, Mo.

## FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Pagedale, St. Louis County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Northeast Branch, River Des Peres.	250 ft upstream from Pennsylvania Ave.	520
	Upstream side, St. Louis Belt and Terminal Railway.	543
Engelholm Creek..	Norfolk & Western RR.	523
	210 ft upstream from Kingsland Ave.	533
	130 ft downstream from North Market Bridge.	543

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-700 Filed 1-13-78; 8:45 am]

## RULES AND REGULATIONS

## [4210-01]

[Docket No. FI-3146]

## PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

## Final Flood Elevation Determinations for City of University City, St. Louis County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of University City, St. Louis County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of University City, St. Louis County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of University City, are available for review at Planning and Development Department, City Hall, 4th Floor, 6801 Delmar, University City, Mo. 63130.

## FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of University City.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
River Des Peres.....	Downstream face of Pennsylvania Ave.	502
	Downstream face of Vernon Ave.	507
	Downstream face of foot bridge.	508
	Downstream face of Purdue Ave.	511
	Downstream face of Midland Blvd.	515
	Downstream face of Shaftesbury Bridge.	520
	Downstream face of Hanley Rd.	521
	Downstream face of North and South Blvd.	524
	Downstream face of Olive Blvd.	534
	At the confluence with southwest branch.	538
	At the downstream face of 82d Blvd.	540
	At the downstream face of Appleton Dr.	545
	At the downstream face of Kempland Pl.	549
	At the downstream face of Kingsland Ave.	502
Northeast branch of River Des Peres.	At the downstream face of Julian Ave.	507
	At the downstream face of Raymond Ave.	512
Northwest branch of River Des Peres.	At the downstream face of Canton Ave.	534
	At the downstream face of foot bridge at Wayne Ave.	537
Southwest branch of River Des Peres.	At downstream face of culvert outlet.	551
	At the culvert inlet.	539
	600 ft upstream from the culvert inlet.	540
	At the downstream face of McKnight Rd.	553
	At the upstream face of McKnight Rd.	559
	Downstream face of Spoon Dr.	565
	Upstream face of Spoon Dr.	573

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-701 Filed 1-13-77; 8:45 am]

## [4210-01]

[Docket No. FI-3522]

## PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

## Final Flood Elevation Determinations for Township of Branchburg, Somerset County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Branchburg, Somerset County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Branchburg, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Branchburg, are available for review at Township Hall, 27 Cedar Grove Road, Branchburg, N.J.

## FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Branchburg, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.



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The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South branch Raritan River.	Woodfern Rd.....	85
	Elm St.....	77
	County Bridge 91 (Opie Rd).	69
Pleasant Run.....	Studdiford Dr.....	63
	Pleasant Rd.....	82
	South branch road (Route 567).	74
Holland Brook.....	U.S. Route 202.....	70
	South branch road (Route 567).	63
North branch Raritan River.	Burnt mill Rd (abandoned).	88
	N.J. 28.....	76
	U.S. Route 202.....	64
Lamington River...	Old York Rd (Route 567).	62
	Lamington Rd.....	95
Chambers Brook...	Burnt mill Rd.....	89
	Readington Rd.....	79
	Upstream Central RR of New Jersey.	78
	Downstream Central RR of New Jersey.	72

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-702 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-35201]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Borough of Rutherford, Bergen County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the borough of Rutherford, Bergen County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in

order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the borough of Rutherford, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the borough of Rutherford, are available for review at Borough Hall, 176 Park Avenue, Rutherford, N.J.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the borough of Rutherford, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Passaic River.....	Upstream of Route 3.	14
	West of Insley Ave.	15
	Union Ave.....	15

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-703 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-32941]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Ellicottville, Cattaraugus County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Ellicottville, Cattaraugus County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Ellicottville, Cattaraugus County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Ellicottville, Cattaraugus County, N.Y., are available for review at the Town Hall, 1 West Washington Street, Ellicottville, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Ellicottville, Cattaraugus County, N.Y. This final rule is issued in accordance with section 110 of the Flood disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the com-

munity or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Great Valley Creek.	Downstream Ellicottville town boundary.	1,510
	Chessie System....	1,528
	Downstream Ellicottville Village boundary.	1,529
	Upstream Ellicottville Village boundary.	1,540
	Private road.....	1,544
	Chessie system.....	1,554

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-704 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-29581]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Endicott, Broome County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Endicott, Broome County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Endicott, Broome County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of

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the flood-prone areas and the final elevations for the village of Endicott, Broome County, N.Y., are available for review at the Village Hall on the Bulletin Board, 1009 East Main Street, Endicott, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Endicott, Broome County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128), and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-pror : areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Southwest corporate limits.	827
	Exchange Ave. (extended).	830
	Madison Ave. (extended).	831
	Northeast corporate limits.	832
Nanticoke Creek...	Disposal plant road.	829
	Duane Ave.....	829

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-705 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-32331]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Ontario, Wayne County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Ontario, Wayne County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Ontario, Wayne County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the town of Ontario are available for review at the Ontario Town Hall, 1850 Ridge Road, Ontario, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Ontario, Wayne County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:



Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mill Creek .....	Downstream of Driveway Bridge.	254
	Downstream of Ginna access road.	257
	Downstream of Farm Bridge.	261
	Upstream of Lake Rd.	268
	400 ft downstream from the Farm Bridge.	268
	100 ft downstream from Farm Bridge.	273
	Downstream of Slocum Rd.	296
	5,150 ft upstream from Slocum Rd.	332
	1,100 ft downstream from confluence with tributary.	348
	Downstream of Willits Rd.	362
	Downstream of Farm Bridge.	378
	Downstream of lake side.	384
	Downstream of Berg Rd.	388
	Downstream of ConRail.	421
	Upstream of the dam.	435
	Upstream of Ridge Rd.	440
	Downstream of Clevenger Rd.	456
	Downstream of Whitney Rd.	469
Bear Creek .....	100 ft downstream of Lake Rd.	249
	3,300 ft upstream of Lake Rd.	271
	Downstream of Driveway Bridge.	312
	Upstream of Bear Creek Dr.	330
	550 ft downstream of Furnaceville Rd.	346
	Kenyon Rd.....	388
	50 ft downstream of ConRail.	406
	250 ft downstream of Ridge Rd.	430
	20 ft downstream of Paddy Lane.	448
Dennison Creek.....	Upstream of Slocum Rd.	366
	Downstream of ConRail.	419
	50 ft downstream of Paddy Lane.	458
	Downstream of Whitney Rd.	476
Dennison Creek tributary.	Downstream of Slocum Rd.	411
	Downstream of ConRail.	416
	Downstream of Ridge Rd.	430
	2,440 ft upstream of Ridge Rd.	448
Fourmile Creek.....	Downstream of Farm Bridge.	405
	Downstream of county line road.	419

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-706 Filed 1-13-78; 8:45 am]

#### [4210-01]

[Docket No. FI-3297]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Final Flood Elevation Determination for City of Port Jervis, Orange County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Port Jervis, Orange County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Port Jervis, Orange County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Port Jervis, Orange County, N.Y., are available for review at the City Hall, 1418 Hammond Street, Port Jervis, N.Y.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Port Jervis, Orange County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act

of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, National Geodetic Vertical Datum
Delaware River.....	Downstream corporate limits.	431
	Interstate 84 .....	531
	Pike St .....	442
	Upstream corporate limits.	451
Neversink River ....	Downstream corporate limits.	431
	Main St. (Tristates Bridge).	432
	ConRail .....	436
	Confluence of Cold Brook.	439
	Upstream corporate limits.	439
Cold Brook.....	Confluence w/ Neversink River.	439
	Beach Rd.....	440
	Hamilton St.....	440
	Confluence of tributary A.	440
	Abandoned RR Bridge.	440
	Kingston Ave.....	441
	Corporate limits...	441
Tributary A.....	Confluence with Cold Brook.	440
	Abandoned RR Bridge.	440
	Kingston Ave.....	444
	Glass St .....	454
	Canal St .....	464
	Brooklyn St .....	472
	Orange St .....	485
	Hudson St .....	504
	Cedar St .....	517
	Reservoir Bridge..	540
	Access Rd. Bridge	561
	Corporate limits...	571
Tributary B.....	Driveway Bridge (downstream).	513
	Driveway Bridge (upstream).	544
	Corporate limits...	574

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-707 Filed 1-13-78; 8:45 am]

#### [4210-01]

[Docket No. FI-2808]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Final Flood Elevation Determination for Town of Somerset, Niagara County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Somerset, Niagara County, N.Y.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Somerset, Niagara County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Somerset, Niagara County, N.Y., are available for review at the Town Clerk's Office, 1693 Quaker Road, Barber, N.Y.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Somerset, Niagara County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individual to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Golden Hill Creek.	Downstream corporate limits.	263
	Carmen Rd., 1st crossing.	272
	Lower Lake Rd.....	275
	Carmen Rd., 2d Crossing.	277
	Carmen Rd., 3d Crossing.	300
	Lake Rd .....	316
	Johnson Creek Rd.	324
	Haight Rd .....	324
	Barker corporate limits	325
	downstream.	
	Barker corporate limits upstream.	328
	ConRail .....	331
	1st tributary downstream of Harland Rd.	333
	Harland Rd. (downstream side).	337
	Harland Rd. (upstream side).	339
	W. Somerset Rd ...	340
	Hosmer Rd .....	354
Fish Creek.....	At Lake Ontario...	250
	800 ft upstream of mouth.	252
	100 ft downstream of Lower Lake Rd.	257
	Lower Lake Rd.....	265
Lake Ontario .....	From west corporate limit, distance 18,700 ft.	254
	From 18,700 ft to 37,000 ft from west corporate limits.	253
	From 37,000 ft to east corporate limit.	254

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-708 Filed 1-13-78; 8:45 am]

#### [4210-01]

[Docket No. FI-3301]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

##### Final Flood Elevation Determinations for the Town of Marshall, Madison County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Marshall, Madison County, N.C.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Marshall, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Marshall, are available for review at Town Hall, Marshall, N.C.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Marshall, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
French Broad River.	Capitola Dam <sup>1</sup> .....	1,652
	Capitola Dam <sup>2</sup> .....	1,648
	Redmon Dam <sup>1</sup> .....	1,629
	Redmon Dam <sup>2</sup> .....	1,601

<sup>1</sup> Upstream.  
<sup>2</sup> Downstream.



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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-709 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3384]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Newport, Carteret County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Newport, Carteret County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Newport, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Newport, are available for review at Town Hall, Newport, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Newport, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Newport River.....	State Road 1247... U.S. 70.....	7
Blakes Branch (Newport River).	State Road 1140...	7
Cedar Swamp Creek (Newport River).	do .....	7
Little Deep Creek (Newport River).	At extra-territorial boundary.	7
Deep Creek (Newport River).	State Road 1154...	7
Snows Swamp Branch (Newport River).	State Road 1137... 100 ft downstream of Atlantic and East Carolina RR.	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-710 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3424]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Niles, Trumbull County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Niles, Trumbull County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in

order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Niles, Ohio.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Niles, are available for review at City Hall, 34 West State Street, Niles, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Niles, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mahoning River ....	South Main St.....	861
	ConRall .....	861
	Belmont Ave.....	860
	McDonald Highway (Olive St.)	859
Meander Creek.....	Chessie System ....	861
	Route 46 .....	861
Mosquito Creek.....	Route 422 .....	868
	Federal St .....	868
	Robbins Ave.....	863
	ConRall (near Mahoning and Robbins Ave.)	863
	Private bridge.....	863
	Chessie System ....	861
	East Park Ave.....	861
	ConRall (near mouth of Mosquito Creek).	861

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-711 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3157]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Manzanita, Tillamook County, Ore.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Manzanita, Tillamook County, Ore. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Manzanita, Ore.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Manzanita, are available for review at City Hall, 543 Laneda Avenue, Manzanita, Ore.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Manzanita, Ore.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pacific Ocean.....	Ocean Rd. at Washington Ave.	29
	Beach St. at Halley Lane.	27
	Beach St. at Beeswax Lane.	26

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-712 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3159]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Tillamook, Tillamook County, Ore.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Tillamook, Tillamook County, Ore. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Tillamook, Ore.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Tillamook, are available for review at City Hall, Third Street, Tillamook, Ore.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Tillamook, Ore.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hoquarton Slough	Hoquarton Slough Bridge (Highway 101).	11
Trask River .....	Tone Bridge.....	16
	11th St (east of Highway 101).	16
	Miller Ave .....	16

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-713 Filed 1-13-78; 8:45 am]



[4210-01]

(Docket No. FI-3274)

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for Township of Sewickley, Westmoreland County, Pa.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Township of Sewickley, Westmoreland County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Sewickley, Westmoreland County, Pa.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Sewickley, Westmoreland County, Pa., are available for review at the Lobby Bulletin Board, Sewickley Township Municipal Building, Mars Hill Road, Herminie, Pa.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Sewickley, Westmoreland County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR part 1910. The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Youghiogheny River.	Guffy Hollow Rd tributary.	759
	Across from Buena Vista.	761
	At Scott Haven....	764
	Across from Blythedale upstream corporate limits.	765
	Along L. R. 64258.	769
Sewickley Creek....	From Youghiogheny River to 2,000 ft above Speer St.	769
	State Route 153 (downstream crossing).	907
	ConRail Bridge (downstream crossing).	912
	State Route 153 (upstream crossing).	914
	ConRail Bridge (upstream crossing).	916
	I-70.....	918
	State Route 100 ...	922
	State Route 113 ...	865
	Greenhills Rd.....	878
	Irwin-Hermine Rd.	883
Tributary No. 1 to Little Sewickley Creek in Northern Sewickley Township.	Township Route 398.	901
	ConRail (1st crossing).	911
	ConRail (2d crossing).	918
	ConRail (3d crossing).	930
	Upstream corporate limits.	935
	1,200 ft downstream of Township Route 345.	951
	700 ft downstream of Township Route 345.	956
	Just downstream of Township Route 345.	962
	Just upstream of Township Route 345.	964
	1,000 ft upstream of Township Route 345.	970
	At private drive crossing stream 1,800 ft upstream of Township Route 345.	976
	300 ft above private drive.	978

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

FR Doc. 78-714 Filed 1-13-78; 8:45 am]

(Docket No. FI-2998)

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Town of Atlantic Beach, Horry County, S.C.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Town of Atlantic Beach, Horry County, S.C.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Atlantic Beach, Horry County, S.C.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Atlantic Beach, Horry County, South Carolina, are available for review at the Atlantic Beach Town Hall, 301 30th Drive, South, North Myrtle Beach, S. Carolina.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Atlantic Beach, Horry County, S.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Atlantic Ocean .....	South of 1st Ave. .	13
	Part of area between 1st and 2d Ave.	13

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

(FR Doc. 78-715 Filed 1-13-78; 8:45 am]

[4210-01]

(Docket No. FI-3242)

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for City of Allen, Collin County, Tex.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the city of Allen, Collin County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Allen, Collin County, Tex.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Allen, Collin County, Tex., are available for review at City Hall, Allen, Tex.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line

800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Allen, Collin County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rowlett Creek .....	Upstream of Greenville Ave. (State Highway 5).	576
	Upstream of Rowlett Dr.	622
Cottonwood Creek.	Downstream of Jupiter Rd.	603
	Upstream of Main St. (Farm Rd. 2170).	611
Stream 2G1.....	Upstream of Stacey Rd.	655
	Upstream of Allen Heights Dr.	622
Stream 2G2.....	Upstream of Main St. (Farm Rd. 2170).	649
	Jupiter Rd.....	602
Stream 2G3.....	Upstream of Greenville Ave. (State Highway 5).	628
	Upstream of Southern Pacific RR.	645
Stream 2D15.....	Allen Dr.....	652
	Upstream of Chapparral Rd.	598
Stream 2D16.....	Approximately 0.8 mi south of Bethany Rd. at the crossing of an unnamed road.	601
	Upstream of Main St. (Farm Road 2170).	617
Watters Branch.....	Upstream of Rowlett Dr.	649
	Downstream of State Highway 121.	693
Stream 2F1.....	Upstream of Main St. (Farm Road 2170).	646

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Rowlett Creek.	Downstream of State Highway 121.	641
Russell Creek .....	Downstream of Custer Rd.	655

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

(FR Doc. 78-716 Filed 1-13-78; 8:14 am]

[4210-01]

(Docket No. FI-3391)

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Village of Morrisville, Lamoille County, Vt.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the village of Morrisville, Lamoille County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Morrisville, Vt.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Morrisville, are available for review at Village Hall, Morrisville, Vt.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations



of flood elevations for the village of Morrisville, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Boardman Brook...	Wards Pond Dam. Cottage St. .... Vermont Route 100.	630 613 613
Lamoille River.....	Vermont Northern RR. Bridge St. .... Morrisville Dam ...	639 637 635

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

(FR Doc. 78-717 Filed 1-13-77; 8:45 am)

[4210-01]

[Docket No. FI-3389]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Village of Northfield, Washington County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Northfield, Washington County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show

evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Northfield, Vt.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Northfield, are available for review at Municipal Building, Main Street, Northfield, Vt.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Northfield, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dog River .....	Wall St. .... Central Vermont RR.	728 724
Union Brook .....	Main St. .... Pleasant St. .... Water St. ....	722 733 728

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27,

1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

(FR Doc. 78-718 Filed 1-13-78; 8:45 am)

[4210-01]

[Docket No. FI-3002]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Waitsfield, Washington County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Waitsfield, Washington County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Waitsfield, Washington County, Vt.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Town of Waitsfield, are available for review at Town Clerk's Office, Joslin Library, Waitsfield, Vt.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Waitsfield, Washington County, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been

provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mad River .....	Town highway No. 8. Town highway No. 15. Town highway No. 22. Vermont Route 100. Town highway No. 29.	645 672 695 721 767
Shepard Brook .....	Vermont Route 100.	639
Mill Brook .....	do .....	717
Folsom Brook .....	do .....	765

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

(FR Doc. 78-719 Filed 1-13-78; 8:45 am)

[4210-01]

[Docket No. FI-2914]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Fincastle, Botetourt County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Fincastle, Botetourt County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Fincastle, Botetourt County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Fincastle, Botetourt County, Va., are available for review at the Town Office, Fincastle, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Fincastle, Botetourt County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Town Branch.....	Main St. .... Murray St. .... (extended). South corporate limits.	1,199 1,202 1,203

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

(FR Doc. 78-720 Filed 1-13-78; 8:45 am)

[4210-01]

[Docket No. FI-3248]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Henderson, Mason County, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Henderson, Mason County, W. Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Henderson, W. Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Henderson, are available for review at Town Hall, Henderson, W. Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Henderson, W. Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:



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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River .....	Silver Memorial Highway.	570
Kanawha River .....	New York Central RR.	570
	West Virginia State Route 2.	570

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-721 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3313]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Point Pleasant, Mason County, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Point Pleasant, Mason County, W. Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Point Pleasant, W. Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Point Pleasant, available for review at Municipal Building, 400 Viand Street, Point Pleasant, W. Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Point Pleasant, W. Va. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River .....	New York Central RR.	570
Kanawha River .....	do .....	570
	West Virginia State Route 2.	570

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-722 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3315]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Village of Butler, Waukesha County, Wisc.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Butler, Waukesha County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is

required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Butler, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Butler, are available for review at Village Hall, 12621 West Hampton Avenue, Butler, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Butler, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Menominee River..	North 12th St.....	710
	West Silver Spring Rd.	723
	Silver Spring Rd..	724

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-723 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3316]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Village of Campbellsport, Fond du Lac County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Campbellsport, Fond du Lac County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Campbellsport, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Campbellsport, are available for review at Village Hall, 177 Main Street, Campbellsport, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Campbellsport, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been

provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Upper Milwaukee River.	Dam.....	998
	Main St.....	990
	New Cassel St.....	986

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-724 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3317]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Greenfield, Milwaukee County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Greenfield, Milwaukee County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Greenfield, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Greenfield, are available for review at City Hall, 7325 West Forest Home Avenue, Greenfield, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Greenfield, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Root River.....	Morgan Ave .....	730
	Beloit Rd.....	727
	108th St. (State Trunk Highway 100).	726
	Cold Spring Rd ....	724
	State Trunk Highway 15 South (U.S. Highway 45).	723
	State Trunk Highway 15 North (U.S. Highway 45).	723
	Layton Ave. (County Trunk Highway "Y").	722
	Abandoned railroad bridge.	722
	Forest Home Ave. (State Trunk Highway 34).	721

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)



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RULES AND REGULATIONS

Issued: November 29, 1977.  
PATRICIA ROBERTS HARRIS,  
Secretary.  
[FR Doc. 78-725 Filed 1-13-78; 8:45 am]

[4210-01]  
[Docket No. FI-3319]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Gillette, Campbell County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Gillette, Campbell County, Wyo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Gillette, Wyo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Gillette, are available for review at City Hall, 400 South Gillette Avenue, Gillette, Wyo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determination of flood elevations for the City of Gillette, Wyo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C.

4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stone Pile Creek ...	U.S. Highways 14 and 16 (upstream side).	4,576
	Burlington Northern RR Bridge (river mile 5.62).	4,583
	Burlington Northern RR Bridge (river mile 3.73).	4,537
	Interstate 90 .....	4,505
East Branch .....	Upstream limit .....	4,533
	Downstream limit .....	4,528
West Branch .....	Upstream limit .....	4,574
	Downstream limit .....	4,559
Donkey Creek tributary.	36-in concrete pipe (4-J Rd).	4,540
	Twin 48-in concrete pipe (Douglas Ave).	4,525
	Twin 48-in concrete pipe (river mile 0.23).	4,524
	Twin 48-in concrete pipe (river mile 0.14).	4,523
	Twin 48-in concrete pipe (Lakeway County Rd).	4,522
	Twin 48-in concrete pipe (river mile 0.04).	4,521

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.  
PATRICIA ROBERTS HARRIS,  
Secretary.  
[FR Doc. 78-726 Filed 1-13-78; 8:45 am]

MONDAY, JANUARY 16, 1978  
PART IV



DEPARTMENT OF  
TRANSPORTATION

Federal Aviation  
Administration

AIRWORTHINESS  
REVIEW PROGRAM

Flight Amendments

Registered  
Proprietor



## [ 4910-13 ]

## Title 14—Aeronautics and Space

## CHAPTER 1—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket Nos. 14684 and 14324; Amendment Nos. 1-29; 21-46; 23-21; 25-42; 27-14; 29-15; 91-145 and 121-1381]

## AIRWORTHINESS REVIEW PROGRAM

## Amendment No. 6: Flight Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments to the Federal Aviation Regulations is to update and improve—(1) the airworthiness standards applicable to aircraft performance, flight characteristics, flight manuals, and operating limitations; (2) the operating rules containing related airworthiness standards; and (3) the rules governing holders of type certificates. These amendments are part of the Airworthiness Review Program.

EFFECTIVE DATE: MARCH 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Adolfo O. Astorga, Airworthiness Review Branch (AFS-910), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 755-8714.

SUPPLEMENTARY INFORMATION: These amendments are the sixth in a series of amendments to be issued as part of the Airworthiness Review Program. The following series of amendments have previously been issued as part of this Airworthiness Review Program:

Title	FR citation
Form number and clarifying revisions.	(40 FR 2576; Jan. 14, 1975).
Rotorcraft anticollision light standards.	(41 FR 5290; Feb. 5, 1976).
Miscellaneous amendments.	(41 FR 55454; Dec. 20, 1976).
Powerplant amendments.	(42 FR 15034; March 17, 1977).
Equipment and systems amendments.	(42 FR 36960; July 18, 1977).

These amendments are based on two Notices of Proposed Rule Making—Notice 75-10 published in the FEDERAL REGISTER on March 7, 1975 (40 FR 10802); and Notice 75-25 published in the FEDERAL REGISTER on June 9, 1975 (40 FR 24664). The amendments based on Notice 75-10 were deferred in the series of amendments titled "Miscellaneous Amendments" so that they could be considered with the final disposition of certain proposals in Notice 75-25. The discussions of the comments received for the deferred proposals are included under the heading of the related Notice 75-25 proposals.

Interested persons have been afforded an opportunity to participate in the making of these amendments and due con-

sideration has been given to all matter presented. A number of substantive changes and changes of an editorial and clarifying nature have been made to the proposed rules based upon relevant comments received and upon further review within the FAA. Except for minor editorial and clarifying changes and the substantive changes discussed below, these amendments and the reasons for them are the same as those contained in Notices 75-10 and 75-25.

## DISCUSSION OF COMMENTS

The following discussion is keyed to the like-numbered proposals contained in Notice 75-25.

Proposal 6-1. No unfavorable comments were received on the proposal to amend § 1.1 by deleting the term "Accelerate-stop distance" and its definition. Accordingly, the proposal is adopted without substantive change.

Proposal 6-2. For a comment related to the proposal to amend § 1.2, see Proposal 6-34.

Proposal 6-3. One commentator suggested that proposed new § 21.5 concerning Airplane and Rotorcraft Flight Manuals be revised to make clear that other titles for the required Flight Manual, such as Pilot's Operating Handbook, will continue to be approved. The FAA has no objection to the use of the term Pilot's Operating Handbook as the main title. However, if an applicant chooses to use the title Pilot's Operating Handbook, he must include a statement on the title page indicating that the document is the FAA-required Airplane or Rotorcraft Flight Manual.

The same commentator pointed out that on airplanes of types for which Flight Manuals were not furnished in the past, much of the required information was furnished on placards and markings, and that, if this proposal is adopted, some of the placards would no longer be needed but would still be part of the airplane's certification basis. The FAA agrees that some placards may not be necessary after the information is furnished in a Flight Manual. However, application may be made to change the type design if the applicable regulations only require that the material be in either a Flight Manual or in any combination of approved manual materials, markings, and placards.

The same commentator also stated that proposed § 21.5(b) would penalize airplanes that were designed and tested to temperatures higher than the hot day condition prescribed in § 23.1043(b)(1). The FAA does not agree because the temperature for which cooling was demonstrated would be furnished in the Flight Manual as information, not as a limitation. It should be noted that, in response to Proposal 6-29, this commentator stated that there is no objection to furnishing the test temperature if it is not a limitation.

Two commentators stated that it should be made clear that, for rotorcraft originally certificated with a flight manual, the manual originally approved need

not be revised to include the new requirements of this proposal. The FAA does not believe a revision is necessary since proposed § 21.5(b), in conjunction with proposed § 21.5(a), refers only to airplanes or rotorcraft that were not type certificated with an Airplane or Rotorcraft Flight Manual.

Another commentator said that requiring Flight Manuals to be furnished for aircraft previously type certificated without a Flight Manual places too large a burden on the holders of these type certificates. The FAA does not agree since the information to be included in the Flight Manual has already been furnished in other forms. In addition, a Flight Manual would provide the operator with essential information in a consolidated, organized form suitable for study and reference. The FAA believes that these benefits outweigh the burden of preparing and printing the Manual.

One commentator, who concurred with the proposal, recommended that the turbulent air penetration speed, least angle of glide speed, and least rate of descent speed (power off) be added to the required information. These are specific requirements which are not applicable to all categories of aircraft and the FAA does not believe they should be included in the rule.

The phrase "maximum anticipated air temperature" in proposed § 21.5(b)(2) is deleted and the phrase "maximum ambient atmospheric temperature" is inserted in its place to be consistent with Proposal 6-20 to amend § 23.1043 and the corresponding proposals for the other certification parts, which are being adopted in this series of amendments.

The proposal to add a new § 21.5 is adopted with the revision discussed above.

Proposal 6-4. For comments related to the proposal to amend § 23.25(b), see Proposal 6-5. The proposal to amend § 23.25(b) is adopted without substantive change.

Proposal 6-5. One commentator objected to the proposal to amend § 23.29, which would require the empty weight to be determined with "full" operating fluids, on the ground that this procedure would eliminate the option of "off loading" oil in order to maintain weight and center of gravity limits. The FAA does not agree. This option would not be eliminated by proposed § 23.29 since it merely establishes a new reference basis for empty weight. The same commentator stated that since this proposed rule is not retroactive, confusion will result because some aircraft will have oil included in the weight and balance and others will not. This commentator also suggested that the use of the same definition of empty weight by the FAA and the military would eliminate the difficulties encountered by pilots operating both military and civil aircraft. The FAA does not believe that the proposed change will cause confusion or difficulty in either situation cited by the commentator since

the weight and balance data accompanying each airplane will specify whether oil is included in the empty weight. Further, this procedure should simplify weight and balance computations since fluids normally included will be accounted for without further additions to the empty weight.

One commentator objected to the proposals to amend §§ 27.29 and 29.29 on the ground that there is no benefit to be gained by changing the definition of empty weight. The FAA does not agree with this comment for the reasons stated in the Notice for these proposals. This commentator further objected to the proposal to amend § 27.29 on the ground that it would create a problem for helicopters that have a larger oil tank capacity than is required under all conditions, such as helicopters designed to accept auxiliary fuel tanks. The option of off-loading oil would not be eliminated by proposed § 27.29. In addition, the FAA believes that the change will accomplish its purpose of simplifying weight and balance computations for the great majority of helicopters.

Several commentators on the proposal to amend § 25.29 noted that the proposed rule would require certain fluids which, in transport category airplanes, are variable as a function of individual operator or mission requirements and of passenger seating density (such as potable water and lavatory pre-charge fluids) to be included in the empty weight. It was suggested that an exception be provided for those fluids that vary with operation or mission as well as those that are expendable in flight such as water intended for injection in the engines. The FAA believes that exceptions for the specific fluids noted are warranted for airplanes, but the FAA does not believe that an exception is appropriate for potable water or lavatory pre-charge water for rotorcraft. The proposals to amend §§ 23.29 and 25.29 are revised accordingly.

Proposal 6-6. A commentator objected to the proposed change to § 23.45, stating that a requirement to correct the performance to 80 percent relative humidity is not necessary, that it would increase the cost and complexity of certification without any increase in safety, and that it will create a new standard atmosphere that will result in confusion as to the basis for engine performance data. The power loss that is associated with changing from dry air to air at 80 percent relative humidity would cause a significant reduction in the climb performance of a reciprocating-engine powered airplane and should be considered. This reduction would be most evident where performance is marginal, e.g., during one-engine-inoperative climb. With regard to turbine engines, the FAA believes that the effect of humidity may be negligible on some types of engines, in which case no performance correction would be necessary. However, for some other types of turbine engines, a correc-

tion for humidity will increase the accuracy of the performance data. The FAA believes that the data required for making the corrections can be obtained simply and with inexpensive instrumentation. Further, the FAA does not believe that requiring a correction for humidity in the performance data for newly type-certificated airplanes will result in confusion. A transition period may exist during which the performance data for newly type-certificated airplanes will be corrected for humidity and that for other airplanes may not be. Such transition periods inevitably occur with the adoption of new regulatory provisions and the FAA does not believe that the transition in this case will present a significant problem.

The commentator further stated that present performance measurement accuracy is within the range of uncontrolled airplane-to-airplane variations, atmospheric variations other than humidity, and piloting variations, and that eliminating one variable whose effect is within the spread of other variables is not justifiable on a simple cost-benefit analysis. The FAA does not agree that the humidity correction should be omitted on the basis of conjecture that other variables may mask its effect. Certification flight testing is not allowed when atmospheric variables would affect data accuracy, and tests must be repeated as necessary to establish confidence in data accuracy.

In regard to the burden of correcting for humidity in type certification, the FAA believes that it should in many cases humidity is not significant or that it is covered by a conservative correction factor. Correction of performance data to standard atmospheric conditions of temperature and pressure is required in any case, and an additional correction for humidity should be a relatively small burden.

The proposal for § 23.45 is adopted without substantive change.

Proposal 6-7. No unfavorable comments were received on the proposal to amend § 23.49. Accordingly, the proposal is adopted without substantive change.

Proposal 6-8. One commentator suggested that, for consistency with certain foreign requirements, proposed §§ 23.51(c)(1)(ii) and (c)(2)(i) should be revised to read 1.2 Vs., instead of 1.3 Vs.. The FAA does not believe that the recommended change is necessary. Proposed §§ 23.51(c)(1)(ii) and (c)(2)(i) already provide for a speed less than 1.3 Vs..

The first commentator also stated that proposed § 23.51(c)(1)(ii) should be revised so that it refers to the complete failure of a single engine (on multi-engine airplanes) instead of complete engine failure which would introduce a double failure concept not inherent in these rules. The FAA does not agree. Proposed § 23.51(c)(1)(ii), which is consistent with current § 23.51(a)(2)(ii) in this regard, only requires that "complete engine failure" be investigated if a speed

of less than 1.3 Vs. is demonstrated at a height of 50 feet. In addition, current § 23.51(a)(2)(ii) has been consistently interpreted to require that for multi-engine airplanes which meet the powerplant isolation requirements of § 23.903(c) in the takeoff configuration, only one engine need be made inoperative in the specified investigations.

One commentator objected to the extension of takeoff performance determination requirements to airplanes of 6,000 pounds and less maximum weight, for reasons stated in his comments on Proposal 6-3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6-3.

Another commentator recommended that those provisions of the existing rule which relate to nosewheel and tailwheel liftoff speeds be retained and that their applicability be extended to all airplanes. These provisions were originally imposed in lieu of a requirement for approved takeoff performance data for airplanes of 6,000 pounds and less maximum weight. In view of the requirements which are being adopted, and in view of satisfactory service history for airplanes of more than 6,000 pounds maximum weight, the FAA does not believe these provisions should be retained or that their applicability should be extended to all airplanes.

The proposal to revise § 23.51 is adopted without substantive change.

Proposal 6-9. One commentator objected to the application of proposed § 23.65, concerning all-engines operating climb requirements, to airplanes of 6,000 pounds or less maximum weight for reasons stated in his comments on Proposal 6-3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6-3.

Another commentator stated that use of a reduced propeller pitch under proposed § 23.65(b) is not consistent with safety requirements, because it would either deny the pilot performance in actual operation or the protection of limiting the engine to a safe speed. The FAA does not agree. Present § 23.33 defines the pitch and speed limitations for propellers which are to be used in service. Proposed § 23.65(b), which is identical to the present § 23.65(a)(2), merely authorizes the use of a special test propeller pitch setting if it is necessary to obtain rated engine r.p.m. at V.

In proposed § 23.65(c), reference to the airplane configuration was inadvertently omitted. The configuration should be the same as that specified in proposed § 23.65(a), and proposed § 23.65(c) is therefore revised to state that the climb gradient is to be met with the airplane in the configuration prescribed in paragraph (a). In addition, § 23.65(a)(4) is revised to cover means other than cowl flaps for controlling the engine cooling air supply. This change is necessary to provide for turbine engines. The proposal to revise § 23.65 is adopted with the revisions discussed above.

Proposal 6-10. One commentator suggested that a speed to be used in calcu-



lating the climb gradients should be specified in proposed § 23.67(c) for purposes of uniformity, but did not make a specific proposal. The FAA believes that the applicant should be allowed to select a climb speed if the airplane meets the minimum gradient and rate of climb at that speed. The proposal to amend § 23.67 is adopted without substantive change.

**Proposal 6-11.** One commentator objected to the application of proposed § 23.75, concerning landing distance requirements, to airplanes of 6,000 pounds or less maximum weight for reasons stated in his comments on Proposal 6-3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6-3. This commentator also stated that proposed § 23.75(e), concerning wheel brake pressures, is a design requirement and should therefore be placed in Subpart D of Part 23. The FAA does not agree because proposed § 23.75(e) refers to the pressures used in determining the landing performance. The commentator further suggested that the FAA should consider issuing advisory material as to what is considered safe and reliable under proposed § 23.75(f). The wording of proposed § 23.75(f) is the same as that of present § 25.75(b)(3), and this wording has been administered without difficulty for many years. However, the FAA will consider issuing advisory material at a future date if the need is shown.

Another commentator stated that he would not support the inclusion of reverse thrust as an acceptable "other means" of retarding the airplane in determining the landing distance under proposed § 23.75(f), because the landing distance is demonstrated on a dry runway with no provision for a field length factor. The FAA agrees that the effect of wet runways would have to be taken into account in any determination that a means of retarding the airplane is safe and reliable and that consistent results can be expected in service use. It should be noted that proposed § 23.1587(a)(6) (Proposal 6-31), as adopted, requires that the kind of surface used in the landing distance tests be described in the Airplane Flight Manual. The proposal to revise § 23.75 is adopted without substantive change.

**Proposal 6-12.** One commentator objected to the application of proposed § 23.77, concerning balked landing performance, to airplanes of 6,000 pounds or less maximum weight for reasons stated in his comments on Proposal 6-3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6-3. Proposed § 23.77 is adopted without substantive change.

**Proposals 6-13 and 2-6.** One commentator stated that the option in proposed (and current) § 23.149(a) for the applicant to choose zero yaw or an angle of bank is inconsistent because straight flight with zero yaw (zero sideslip) can only be achieved with some degree of bank. The FAA agrees that bank may be needed to establish straight flight with zero yaw following the failure of a

powerplant at low airspeed. The proposed language is the same as that of the current rule and an angle of bank of up to 5 degrees to maintain straight flight has been allowed under the current rule. The directional controllability that must be provided for compliance with §§ 23.147 and 23.205 ensures that bank angles up to 5 degrees under these flight conditions will not be accompanied by excessive yaw angles. Certain design or control features may influence the use of roll control immediately following the failure of a powerplant. Therefore, the proposal (as well as the current rule) allows reference to a zero yaw angle, without bank, for determining the Vmc of airplanes which incorporate such features.

Section 23.149(a) is revised in accordance with the discussion of Proposal 6-41 with respect to the modes of failure which must be simulated in demonstrating Vmc. The revision requires that the method used to simulate critical engine failure must represent the most critical mode of powerplant failure with respect to controllability that is expected in service, rather than (all) modes of powerplant failure expected in service.

**Proposal 2-6 to amend § 23.149(b)** (Notice 75-10) was repropoed in Proposal 6-13 for the purpose of clarity. No unfavorable comments were received on proposed §§ 23.149 (b), (c), and (d), and they are adopted without substantive change.

**Proposal 6-14.** One commentator objected to the application of proposed § 23.161 to airplanes of 6,000 pounds and less maximum weight for reasons stated in his comments on Proposal 6-3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6-3.

Since § 23.21(a) requires that each requirement of this subpart must be met at each appropriate combination of weight and center of gravity within the range of loading conditions for which certification is requested, proposed § 23.161(c)(2) (ii) is revised by deleting the reference to center of gravity and proposed § 23.161(c)(2)(iii) is withdrawn.

**Proposal 6-15.** No unfavorable comments were received on the proposal to amend § 23.177. Accordingly, the proposal is adopted without substantive change. For comments related to the proposal to amend § 23.177, see Proposal 6-16.

**Proposal 6-16.** One commentator objected to proposed § 23.181(b), which would require that short period lateral or directional oscillations and combined lateral-directional oscillations ("Dutch roll") be damped to  $\frac{1}{10}$  amplitude in 7 cycles. The commentator stated that this proposal is more stringent with regard to combined lateral-directional oscillations than proposed § 25.181 (Proposal 6-43) and that proposed § 25.181 retains certain necessary requirements for other short period oscillations that are not contained in proposed § 23.181. Proposed § 25.181(a) would require that oscillations other than combined lateral-directional oscillations be heavily damped,

and proposed § 25.181(b) would require combined lateral-directional oscillations to be positively (but not heavily) damped. The FAA agrees that a similar distinction should be made in § 23.181 between combined lateral-directional ("Dutch roll") oscillations and other longitudinal, lateral, and directional oscillations.

Current §§ 23.177 (a)(4) and (b)(3) (which are deleted by Proposal 6-15) require any short period lateral or directional oscillation to be heavily damped. After considering the comment and after further review, the FAA believes that the current requirement for heavy damping should be retained for short period lateral and directional oscillations other than "Dutch roll" (combined lateral-directional) oscillations. With respect to combined lateral-directional oscillations, the FAA believes that these oscillations do not need to be heavily damped and that the proposed requirement for Part 23 airplanes would provide a satisfactory damping ratio.

The FAA believes the difference between Part 23 and Part 25 requirements with respect to combined lateral-directional oscillations is justified since airplanes certificated under Part 25 have very large variations in size, weight, and moment of inertia, which affect the lateral-directional characteristics and pilot reaction to these characteristics. The FAA therefore believes that it is appropriate that the damping requirement in § 25.181(b) be stated in general terms, as reflected in Proposal 6-43.

The proposal to amend § 23.181 is adopted with the revisions discussed above.

**Proposal 6-17.** Proposed new § 23.183 would establish a limit on the rate of spiral divergence by requiring that the angle of bank may not increase to more than 40 degrees in less than 12 seconds after the controls are released in a 20-degree banked turn under specified conditions. One commentator objected to the proposal stating that no need had been shown for the proposal and that the tests referred to in the notice were not definitive. After comparing available data on the subject of spiral divergence, the FAA believes that rulemaking on this subject is premature. Accordingly, the proposal to add a new § 23.183 is withdrawn.

**Proposal 6-18.** Many comments were received on the proposal to amend § 23-221. In view of the conflicting views expressed in these comments, and after further consideration by the FAA, the FAA believes that the proposal to amend § 23.221 is premature, and it is withdrawn.

**Proposal 6-19.** One commentator stated that the proposal to amend § 23-729(f)(1) is redundant and that the requirement proposed is already in effect. The FAA does not agree with the comment for the reasons stated in the notice.

The proposal to amend § 23.729(f)(1) is adopted as proposed except that the last three words, "the aural warning", of the proposed sentence are replaced with

the words "the warning device" so that the wording of the sentence is consistent with the remainder of § 23.729(f).

For other comments related to the proposal to amend § 23.729, see Proposal 6-51.

**Proposal 6-20.** For comments related to the proposal to revise § 23.1043(b), see Proposal 6-23.

**Proposal 6-21.** One commentator objected to the proposal to amend § 23.1047 for reasons stated in his comments on Proposal 6-3, concerning Flight Manuals. For a discussion of these comments, see Proposal 6-3. The proposal to amend § 23.1047 is adopted without substantive change.

[For discussion concerning new § 23-1353(g), see Proposals 6-57 and 2-87.]

**Proposal 6-22.** No unfavorable comments were received on the proposal to revise § 23.1501. Accordingly, the proposal is adopted without substantive change.

**Proposal 6-23.** The proposal to revise § 23.1521(e) is one proposal in a series of proposals on powerplant cooling requirements and ambient temperature operating limitations and information for Parts 23, 25, 27, and 29 aircraft. This series consists of proposals 6-20, 6-23, 6-29, 6-52, 6-54, 6-56, 6-68, 6-71, 6-74, 6-82, 6-85, and 6-88.

Proposed § 23.1521(e) in conjunction with proposed § 23.1043(b) (Proposal 6-20) would require that an ambient temperature operating limitation be established as the maximum atmospheric temperature at which compliance with the powerplant cooling requirements is shown. In response to these proposals, one commentator stated that no justification for safety or other reasons has been presented for establishing the proposed operating limitations, and that he believes that no safety justification exists. The commentator also stated that the FAA cooling tests and correction factors are very conservative, that it would be necessary to correct cooling tests to at least the equivalent of 125 degrees F at sea level to avoid restrictive operating limitations, and that this would result in increased cooling drag and poorer performance. Another commentator, in regard to proposed § 27.1521 (i) (Proposal 6-71), also stated that an ambient temperature limitation has not been shown to be necessary.

After considering these comments, and after further review, the FAA believes that it does not now have enough information to justify the proposed requirements for reciprocating engines in Part 23 airplanes and Part 27 rotocraft. However, because of the differences between reciprocating and turbine engine installations, particularly in regard to engine components and accessories, and because of the effects of high temperature operation on turbines, Part 23 already requires the establishment of ambient temperature limitations for turbine engines, and for the same reasons the FAA believes that ambient temperature limitations for turbine engines should also be established for Part 27 helicopters. Parts

25 and 29 already require temperature limitations for reciprocating engines (as well as turbine engines) because the reciprocating engines in these aircraft are generally more complex than those used in Part 23 and Part 27 aircraft.

Accordingly, proposed §§ 23.1521(e) and 27.1521(f) are revised to require the establishment of ambient atmospheric temperature limitations for turbine but not for reciprocating engines and proposed §§ 25.1521(e) and 29.1521(e) are adopted without substantive change. In addition, proposed §§ 23.1043(b), 25.1043(b), 27.1043(b), and 29.1043(b), as adopted, are revised to omit the reference to a limitation on the operation of the aircraft, since the establishment of ambient temperature operating limitations is prescribed in proposed §§ 23.1521(e), 25.1521(e), 27.1521(f), and 29.1521(e). For reciprocating engines, §§ 23.1587 and 27.1587 are revised to require that the maximum ambient air temperature for which compliance with the engine cooling requirements was shown must be included in the performance information section of the Flight Manual.

One commentator recommended that the 100-degrees F minimum in proposed § 25.1043(b) be deleted, since the ambient temperature at which compliance with the cooling requirements is shown becomes an operating limitation on the airplane and airworthiness is not affected as long as the limitation is followed. The FAA believes that the 100-degree F minimum is appropriate since a lower temperature would be impractical and unrealistic considering summer operations in the United States. It should be noted that an exception to the minimum is provided for winterization installations.

This commentator also stated that the explanation for proposed § 25.1043(b) implies that only a test demonstration at 100 degrees F or higher is acceptable. This is incorrect. Section 23.1043(a)(1) and corresponding provisions in Parts 25, 27, and 29 clearly indicate that tests may be conducted under other conditions and corrected to the prescribed conditions.

One commentator recommended the deletion of the requirements in proposed §§ 27.1583(b) and 29.1583(b) for an explanation of the powerplant limitations in the Airplane Flight Manual, since such explanations would be redundant. A similar comment was received in response to proposed § 25.1583(b). The intent of the proposals was not to require an explanation of each limitation. A separate explanation would not be necessary for a limitation that is self-explanatory. For clarification, proposed §§ 23.1583(b)(2), 25.1583(b)(2), 27.1583(b)(2), and 29.1583(b)(2) are revised to require an explanation of limitations "when appropriate."

In regard to proposed § 23.1583(b), one commentator stated that contrary to the FAA statement in the notice, the establishment of the test temperature as a limitation has not been required in the past and should not be a

limitation. The FAA disagrees. Current § 23.1583(j) requires that, for turbine engines, the temperatures used in the climb test prescribed in § 23.1043(b)(2), be furnished as operating limitations in the Airplane Flight Manual. Proposed § 23.1583(b) merely makes it clear that any operating limitations that are established under § 23.1521 must be furnished in the Airplane Flight Manual. In view of the adoption of proposed § 23.1583(b) as revised, § 23.1583(j) is deleted and marked "Reserved."

With regard to the proposal to amend § 25.1583 (Proposal 6-56), one commentator recommended the deletion of proposed paragraph (b)(3) concerning powerplant limitations, and paragraph (i) concerning maneuvering load factors. The commentator stated that if the engine instrument markings have to be changed, it should be handled by a service bulletin. The FAA does not agree. The relation between the powerplant limitations and the instrument markings should be explained in the Manual. The commentator also stated that the load factor (number) is meaningless to the pilot as he cannot determine what it is during a pull-up maneuver. He stated that correlation with bank angle is acceptable, but that transport aircraft do not exceed 60 degree bank angles. The FAA believes that the maneuvering load factor should be retained in the Flight Manual because it is established as an operating limitation under § 25.1531, and the correlation with bank angle provides useful information to the pilot concerning the strength limitations of the airplane.

The proposals to amend §§ 23.1583, 25.1583, 27.1583 and 29.1583 are adopted with the revision discussed above.

For consistency in the terminology used in the cooling tests requirements, a nonsubstantive change is being made to §§ 23.1043(a)(1), 23.1043(d), 27.1043(a)(1), 27.1043(d), 29.1043(a)(1), and 29.1043(d) by deleting the words "maximum anticipated air temperature" and inserting in their place the words "maximum ambient atmospheric temperature".

**Proposal 6-24.** One commentator objected to proposed § 23.1523, which concerns the establishment of the minimum flight crew, stating that it is not necessary to make all aircraft conform to the requirements of Part 25. The FAA believes that proposed § 23.1523 specifies the appropriate requirement that should be considered in determining the minimum flight crew for Part 23 airplanes.

Another commentator said that specification of minimum crew is an operational item that may vary with the type of operation, e.g., for compensation or hire which by law must be conducted in accordance with the highest standards. He concluded that rules specifying the number of crew members for specific operations should be in the operating regulations. The FAA agrees that certain rules concerning the number of crew members properly belong in the operat-



ing rules, and this is done, for example, in Subpart M of Part 121. However, under current § 23.1523, the minimum crew is established for VFR only, without requiring consideration of the additional crew duties that arise when IFR operations are authorized. These duties may be imposed by the design and operating characteristics of the aircraft and by its installed equipment. The FAA believes that they must therefore be evaluated during the type-certification process. The proposal to revise § 23.1523 is adopted without substantive change.

**Proposal 6-25.** One commentator objected to proposed § 23.1541 concerning placards in airplanes of 6,000 pounds or less maximum weight for reasons stated in his comments on Proposal 6-3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6-3. Proposed § 23.1541 is adopted without substantive change.

**Proposal 6-26.** One commentator objected to proposed § 23.1559 concerning placards in airplanes of 6,000 pounds or less maximum weight for reasons stated in his comments on Proposal 6-3 concerning Flight Manuals. For a discussion of those comments, see Proposal 6-3. Proposed § 23.1559 is adopted without substantive change.

**Proposal 6-27.** Proposed § 23.1567(b) (2) would require that utility category airplanes that do not meet the spin requirements for acrobatic category airplanes have a placard in clear view of the pilot stating "Spins prohibited." One commentator said that the proposal is redundant and would add to the already confusing proliferation of cockpit placards. The FAA does not agree since the proposal would prevent any possible confusion as to whether a particular utility category airplane has been approved for spins. The proposal is adopted without substantive change.

**Proposals 6-28, 2-39, 2-43, and 2-45.** Proposed § 23.1581(a) is revised in accordance with the discussion of the proposal to amend § 25.1581 (Proposal 6-55). For another comment related to Proposal 6-28, see Proposal 6-3.

Disposition of Proposal 2-39 to add a new § 23.1353(f) (Notice 75-10) was deferred so that it could be considered in connection with Proposal 6-28. For comments related to proposed § 23.1353(f), see the discussion of Proposal 2-87 under Proposal 6-57. Disposition of Proposal 2-45 to revise § 23.1581(b) and to add a new § 23.1581(d) (Notice 75-10) was deferred so that it could be considered in connection with Proposal 6-28.

One commentator, who agreed in general with proposed § 23.1581(b), recommended several clarifications. He indicated that the title "Pilot's Operating Handbook" should be allowed as an alternative to "Airplane Flight Manual." The FAA has no objection to the title "Pilot's Operating Handbook" if the title page also includes a statement indicating that the document is an FAA-required Airplane or Rotorcraft Flight Manual.

The commentator also indicated that the FAA should delete any requirement for individual page approval for operating limitations in Handbooks that meet a specification acceptable to the Administrator. Proposed § 23.1581(b) (1) would require approval of each page containing the prescribed operating limitations whereas current § 23.1581(b) requires that each part of the Airplane Flight Manual containing information presented in §§ 23.1583 through 23.1589 be approved.

The intent of proposed §§ 23.1581(b) (1) and (b) (2) was to require that the presentation of operating limitations be approved by the FAA and be clearly identified as such while at the same time providing an option for the presentation of the other required information. This option would have provided that each page containing the information prescribed in §§ 23.1585 through 23.1589 had to be determined in accordance with the applicable requirements of this part and had to be approved or the information presented in its entirety in a manner acceptable to the Administrator.

In light of the comments received and after further review, the FAA believes that this intent will be accomplished in a simpler manner, and will be more consistent with Parts 25, 27, and 29 flight manual requirements, by retaining the current requirements and providing an alternative to the current requirements in a separate paragraph which provides that each part containing operating limitations must be approved and limited to such information, and the information prescribed in §§ 23.1585 through 23.1589 must be determined in accordance with the applicable requirements of this part and presented in a manner acceptable to the Administrator. Proposed §§ 23.1581(b) (1) and (b) (2) are revised to reflect the changes discussed above.

The references in proposed §§ 23.1581(b) (1) and (b) (2) to the information prescribed in §§ 23.1581(c) (paragraph (a) (2) as adopted) have been deleted to be consistent with the flight manual requirements of Parts 25, 27, and 29.

One commentator objected to Proposal 2-45 on the grounds that procedures, performance data, and loading information for any airplane certificated under Part 23 would not have to be approved by the FAA. This comment evidently refers to proposed § 23.1581(b) (2) (i) (which is incorporated into paragraph (b) (2) as adopted), under which the information prescribed in §§ 23.1585 through 23.1589 would not be identified as FAA-approved, if this information in its entirety is presented in a manner acceptable to the Administrator. The FAA does not agree with the comment. Under the proposal, the information would have to be determined in accordance with the applicable requirements of Part 23. In finding that a manual is acceptable, the FAA would review the manual to determine that the required information is complete and accurate. The manual would also be reviewed to ensure that any additional

information provided by the applicant is not in conflict with required information or contrary to the applicable airworthiness requirements. The FAA believes that § 23.1581(b) (2) will provide an adequate method of review of the information prescribed in §§ 23.1585 through 23.1589.

The proposals to amend § 23.1581 are adopted with the revisions discussed above.

Disposition of Proposal 2-43 to amend § 23.1555 (Notice 75-10) was deferred so that it could be considered in connection with Proposal 6-28. No unfavorable comments were received on Proposal 2-43, however, proposed § 23.1555(c) (3) is revised by deleting the words "and in the Airplane Flight Manual" in view of the requirements of §§ 23.1581 and 23.1587(a) (2), as adopted.

**Proposal 6-29.** For comments related to the proposal to revise § 23.1583(b), see Proposal 6-23.

**Proposal 6-30.** One commentator objected to the application of proposed § 23.1585, concerning operating procedures, to airplanes of 6,000 pounds or less maximum weight for reasons stated in his comments on Proposal 6-3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6-3.

The proposal to amend § 23.1585 is adopted without substantive change.

[For discussion concerning new § 23.1585(e), see Proposals 6-57 and 2-87.]

**Proposals 6-31 and 2-46.** One commentator objected to the application of proposed § 23.1587, concerning performance information, to airplanes of 6,000 pounds or less maximum weight for reasons stated in his comments on Proposal 6-3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6-3.

Another commentator stated, in response to proposed § 23.1587(a) (7), which would require information on the steady rate or gradient of climb, that if gradient data are presented, conversion charts should be included, and that ideally each determination should be available; however, he concluded that the option of one or the other should be deleted and a definite requirement adopted. The commentator misinterpreted the proposed requirement. Section 23.65(c), as adopted by this amendment, requires the determination of a gradient of climb for turbine engine powered airplanes. Proposed § 23.1587(a) (7) is worded so as to take into account the requirement of § 23.65(c), not to provide an option for the applicant, i.e., whether gradient of climb or rate of climb is furnished under § 23.1587(a) (7) will be determined by the applicable requirement of §§ 23.65 and 23.77.

Section 23.1587 is adopted as proposed, except that a new § 23.1587(a) (9) has been added to include information on the maximum ambient temperature at which compliance with the cooling requirements is shown for reciprocating engines. This addition is explained in the discussion of the comments on Proposal 6-23.

Disposition of Proposal 2-46 (Notice 75-10), which proposed to delete the second sentence of present § 23.1587(a) (2), was deferred so it could be considered with Proposal 6-31. No unfavorable comments were received on Proposal 2-46. Proposal 2-46 was repropounded in Proposal 6-31, and is adopted without substantive change with the adoption of Proposal 6-31.

**Proposal 6-32.** Proposed new § 25.21(f) would require that when surface winds must be considered, the wind velocity must be measured at or corrected to a height of 10 meters above the surface, because the National Weather Service is standardizing on a height of 10 meters for reporting winds at airports. One commentator said that since the purpose of the proposal is standardization of Airplane Flight Manual performance information with respect to reported winds for takeoff or landing in service operations, the requirement should be placed in the flight manual requirements under § 25.1587(c) (1) (i) instead of in § 25.21. The FAA agrees that this is one purpose of the proposal but there are flight requirements other than those concerning performance information that require consideration of surface winds. Therefore, the FAA believes that it is more appropriate to include the proposed requirement in § 25.21. However, proposed § 25.21(f) is revised to clarify its applicability.

The proposed change to § 25.21(d), which deals with tolerances for variables in flight testing, would delete the requirement that the tolerance on wind during takeoff and landing tests must be based on the wind measured at a height of 6 feet above the runway. The commentator said that performance analysis is usually based on winds at the height of the mean aerodynamic center of the airplane above the runway surface, and that the data in the Airplane Flight Manual is then corrected to the currently used height of 50 feet. The commentator recommended that this procedure be continued, except that the wind velocities in the Flight Manual should be based on a height of 10 meters instead of 50 feet. The FAA believes that the proposed deletion of the 6-foot height from § 25.21(d), together with proposed § 25.21(f), as revised, would allow continued use of the procedure recommended by the applicant.

The commentator also suggested that the correction chart in Civil Aeronautics Manual 4b Appendix A, Figure 2, be considered for inclusion in Part 25. The FAA does not believe that it is necessary to include this information in the rules.

The proposal to amend § 25.21 is adopted with the revisions discussed above.

**Proposal 6-33.** For comments related to the proposal to amend § 25.29, see Proposal 6-5.

**Proposal 6-34.** Several commentators objected to the method of computing  $V_1$  (takeoff decision speed) in proposed § 25.107(a) on the grounds that—(1) the

speed increment between  $V_{EF}$  (engine failure speed) and  $V_1$  should not be determined with all engines operating because the accelerate-stop distance determined under proposed § 25.109(a) would then be unnecessarily large for the critical engine failure condition (especially for twin-engine airplanes); and (2) placing the 2.0-second time delay between  $V_{EF}$  and  $V_1$  in proposed § 25.107(a) (2) (ii) does not adequately provide for those instances in which the pilot may have to analyze and react to an event that occurs immediately before reaching  $V_1$ .

It was recommended that proposed § 25.107(a) be revised so that  $V_1$  is determined by adding to  $V_{EF}$  the speed gained with the critical engine inoperative during the time interval between the instant at which the critical engine is failed and the instant at which the test pilot recognizes and reacts to the engine failure, as indicated by the pilot's application of the first retarding means during accelerate-stop tests (the 2.0-second minimum time delay that was proposed to be included between  $V_{EF}$  and  $V_1$  would be deleted). It was further recommended that proposed § 25.109(a) be revised so that a 2.0-second time delay following  $V_1$  is incorporated into the determination of accelerate-stop distances, as follows: (1) for the engine failure case, the acceleration of the airplane from  $V_{EF}$  would be with the critical engine inoperative and would continue for 2.0 seconds after reaching  $V_1$ ; and (2) for the other event case, the acceleration of the airplane would be with all engines operating and would continue for 2.0 seconds after reaching  $V_1$ .

After considering all of the comments on these proposals and after further review, the FAA agrees with these comments and the recommendations. The FAA believes that the recommended revisions would provide for events other than engine failure, even though the speed increment between  $V_{EF}$  and  $V_1$  would be determined with the critical engine inoperative instead of all engines operating, because the accelerate-stop distance for the other event case would be determined with all engines operating from the start of takeoff until 2.0 seconds after  $V_1$  is reached. Further, the FAA believes that deleting the 2.0 second minimum time delay from the determination of  $V_1$  and inserting a 2.0-second delay after  $V_1$  in the determination of the accelerate-stop distance would be more appropriate for most rejected takeoff situations, since stopping requires a positive decision and action by the pilot. Proposed §§ 25.107(a) and 25.109(a) are revised accordingly.

Several commentators objected to the 2.0-second (minimum) time delay used in computing  $V_1$  under proposed § 25.107(a) (2) (ii) on the grounds that it would increase the required take-off runway lengths, particularly in the engine failure case, and that such increases are not justified. One commentator recommended that the time delay be reduced to 1.0

second. The revisions discussed above significantly reduce the effect of the 2.0-second time delay on the required accelerate-stop distance in the engine failure case. Under § 25.107(a) as proposed, the airplane would be accelerated to a  $V_1$  speed equal to  $V_{EF}$  (engine failure speed) plus the speed gained with all engines operating during a total time interval of about 3 seconds (i.e., during the time required for the test pilot to recognize and react to an engine failure in accelerate-stop tests, plus a 2.0-second time delay for service operations). Under proposed § 25.109(a), the accelerate-stop distance for the engine failure case would be determined by accelerating the airplane from  $V_{EF}$  to the  $V_1$  speed determined under proposed § 25.107(a), but with the critical engine inoperative instead of with all engines operating. As pointed out by one of the commentators, the total time interval between engine failure and application of the first retarding means could then become about 6 seconds for a twin-engine airplane in the engine failure case, and the distance traversed during the additional 3 seconds (beyond the time interval prescribed in § 25.107(a)) would be included in the accelerate-stop distance. However, under the revisions incorporated in §§ 25.107(a) and 25.109(a) as adopted, the revised  $V_1$  speed is equal to  $V_{EF}$  plus the speed gained with the critical engine inoperative during the test pilot's recognition-reaction time interval with no further time delay. The accelerate-stop distance for the engine failure case is then determined by accelerating the airplane with one engine inoperative from  $V_{EF}$  to the revised  $V_1$  speed and then for an additional 2.0 seconds, before the first retarding means is applied. Under these revisions, a 2.0-second allowance for time delays in service operation is retained, but the total time interval between  $V_{EF}$  and application of the first retarding means in the engine failure case would be significantly reduced (for example the reduction could be from about 6 seconds to about 3 seconds for a twin engine airplane). The accelerate-stop distance for the engine failure case would be reduced accordingly. The FAA does not believe that any further revision is warranted because the 2.0-second delay (incorporated into § 25.109 as adopted rather than § 25.107) is necessary to allow for a surprise element and other operational factors not covered in accelerate-stop tests.

One commentator proposed that  $V_1$  speeds be established as recognition speeds for both engine failure and other event cases. However, it is not clear how a recognition time for "other events" would be determined since there is a large variety of possible events that could lead to a rejected takeoff.

Another commentator, in addition to suggesting changes similar to those already made as discussed above, recommended that  $V_1$  be established as a failure recognition speed which would be determined by adding to the speed at which the initial failure is assumed to



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occur, the time between the failure and the pilot's recognition of the failure (assumed to be 2.0 seconds before his reaction to the failure), and the time, not less than 2.0 seconds, to allow for time delays in service under reasonably unfavorable operating conditions. The FAA does not agree that there should be a 2.0-second minimum delay, regardless of the pilot's actual reaction time, in determining  $V_i$  under § 25.107(a), because proposed § 25.109(a) as revised will require that the accelerate-stop distance computations include acceleration of the airplane for 2.0 seconds after  $V_i$  is reached.

This commentator further proposed that closing of the throttles be specified in proposed § 25.109 as the first action to be taken in stopping the airplane, with subsequent actions at intervals of not less than one second. Current § 25.101(h) already requires that the procedures used in determining the accelerate-stop distance must be able to be consistently executed in service by crews of average skill, and must include allowance for any time delays in the execution of the procedures that may be reasonably expected in service. The order in which the retarding devices are applied and the subsequent time delays will be established during type certification under the general provisions of § 25.101(h).

One commentator objected to the requirement in proposed § 25.107(a) that  $V_{EF}$  may not be less than  $V_{MCO}$  (minimum control speed on the ground) determined under (proposed) § 25.149(e). The commentator stated that it should only be required that  $V_i$  not be less than  $V_{MCO}$  because if an engine failure is recognized between  $V_{EF}$  and  $V_i$ , the takeoff should be aborted. However, under proposed § 25.107(a) and 25.109(a), as revised  $V_i$  will be placed at the speed at which the test pilot recognizes and reacts to an engine failure during accelerate-stop tests and the 2.0-second time delay will be inserted after  $V_i$ , instead of between  $V_{EF}$  and  $V_i$ , as proposed. This revision allows  $V_i$  to be very close to  $V_{EF}$ . Therefore, the effect on takeoff and accelerate-stop distances of requiring that  $V_{EF}$  not be less than  $V_{MCO}$  has been significantly reduced because of the deletion of the minimum 2.0-second delay between  $V_{EF}$  and  $V_i$ . In addition, the FAA believes that  $V_{EF}$  should not be less than  $V_{MCO}$  so that there will be at least a small margin between  $V_{MCO}$  and  $V_i$  to ensure controllability of the airplane at  $V_i$ .

One commentator recommended that the proposals containing  $V_i$  and accelerate-stop distances be made retroactive to existing transport category airplanes one year after the date of their adoption. Current § 25.101(h) already provides that the procedures used in determining accelerate-stop distances include allowance for time delays reasonably expected in service. The purpose of the present proposals is to clarify and standardize the method of including an appropriate time delay in the accelerate-stop performance determination for airplanes type certificated in the future.

In regard to proposal 6-2, which would change the definition of  $V_i$  in § 1.2 from "critical engine failure speed" to "takeoff decision speed," one commentator considered the proposed definition to be inadequate because "decision" is an undefined quantity. The commentator recommended that the proposal be revised to state that  $V_i$  means the speed at which the flight crew has recognized an engine failure or other event and takes action either to reject or continue the takeoff. The significance of  $V_i$  with respect to accelerate-stop distance, takeoff distance, and the related operating procedures is explained in the Airplane Flight Manual and the FAA believes it is too complex to be completely described in a brief definition in § 1.2. Accordingly, the proposed amendment of § 1.2 is adopted without substantive change.

The proposals to revise §§ 25.107(a) and 25.109(a) are adopted with the revisions discussed above.

Proposal 6-35. One commentator stated that if the intent of proposed §§ 25.107(d) and (e)(1)(iv) with respect to the engine-out  $V_{MU}$  is to ensure controllability, the  $V_R$ -5 tests required by § 25.107(e)(3) should be expanded to require the test over the full range of certification conditions and all references to one-engine-inoperative  $V_{MU}$  should be deleted from §§ 25.107(d) and (e). The FAA does not agree with this recommendation because it would ignore the performance aspects (thrust-to-weight ratio) of the one-engine-inoperative  $V_{MU}$  demonstration.

Another commentator stated that flight test experience has shown that trim and control drag is accounted for with the thrust/weight ratio corresponding to the one-engine-inoperative condition used in the test, and that actual engine-out  $V_{MU}$  tests result in the same  $V_{MU}$  as tests conducted at the simulated engine-out thrust-to-weight ratio. The FAA agrees, and the last sentence of proposed § 25.107(e)(iv) is deleted. The proposal to amend § 25.107 is adopted with the revision discussed above.

Proposal 6-36. For comments related to proposed § 25.109(a), see Proposal 6-34.

Proposal 6-37. One commentator agreed with the proposed change to § 25.111(a)(2), which would delete the reference to  $V_i$  and substitute  $V_{EF}$  in its place to make § 25.111(a) consistent with proposed § 25.107(a) (Proposal 6-34). However, this commentator did not agree with making the same change to § 25.111(a)(3), and said that the present reference to  $V_i$  in that paragraph is correct for the new definition of  $V_i$  (i.e., as defined in proposed §§ 1.2 and 25.107(a)). The FAA does not agree with the comment on proposed § 25.111(a)(3) because it would leave a gap in the requirements for the speed range between  $V_{EF}$  and  $V_i$ .

Accordingly, the proposal to amend §§ 25.111(a)(2) and (a)(3) is adopted without substantive change.

Proposal 6-38. Proposed § 25.121(e) would require the determination of the

vertical distance required to make a transition from a 3-degree descent path in the landing configuration with the critical engine inoperative to a stabilized climb condition. Several commentators stated that the vertical distance determined in this manner should not be considered a minimum decision height for approaches. The FAA agrees, since the establishment of decision height requires consideration of many operational factors. Some commentators stated that the landing configuration in the proposal is not appropriate for one-engine-inoperative approaches. One commentator recommended that the horizontal as well as the vertical distance for transition to approach climb be determined, and referred to the work of the ICAO Obstacle Clearance Panel on this subject. Another commentator recommended that the required determination take into account the minimum control speed,  $V_{MC}$ . In light of the comments received, and after further review, the FAA believes that proposal 6-38 should be withdrawn.

Proposal 6-39. Several commentators objected to the proposal to amend § 25.123(a) on the ground that current § 25.123(a) is conservative and has the advantage of greater simplicity. The FAA agrees and the proposal to amend § 25.123(a) is therefore withdrawn.

Proposal 6-40. One commentator recommended that proposed § 25.143(b) be withdrawn and that current § 25.143(b) be retained on the ground that there are areas within the flight envelope from takeoff to landing where the failure of a second engine cannot be handled smoothly and safely. The commentator also stated that the proposed amendment is vague and could produce confusion with respect to time between failures, and that it could be interpreted to require a combination of double engine failure and configuration changes. The FAA agrees that the proposed rule requires some clarification, but does not believe that the current § 25.143(b) should be retained. With respect to failure of a second engine on airplanes with three or more engines, the FAA believes that failure of a second engine can be reasonably expected in the enroute, approach, and landing stages of flight after failure of one engine earlier in the flight.

Therefore, proposed § 25.143(b) is revised to require consideration of the sudden failure of the second critical engine when the airplane is in a trimmed condition with one engine inoperative in the enroute, approach, and landing configurations. This revision also clarifies the requirement with respect to time between engine failures by providing that the airplane is in a trimmed condition with one engine inoperative when the second engine is failed. In regard to combination of engine failure and configuration changes, it should be noted that the introductory sentence of proposed § 25.143(b) refers to "probable operating conditions," and that some change of configuration may be desirable after engine failure, e.g., retracting the landing gear for a go-around after engine failure in the landing configuration.

information at this time to justify the suggested requirement.

Proposed § 25.149(e) would require the determination of a minimum control speed on the ground,  $V_{MCO}$ , for use in establishing takeoff speeds under proposed § 25.107 (see Proposal 6-34). One commentator recommended that the second sentence of proposed § 25.149(e) be revised to read "During this demonstration, the permissible lateral deviation of the path of the airplane would be limited to 30 feet." He said that the revision would eliminate the possibility of misinterpretation. The FAA believes that the language of the proposal is clear; however, it may be too restrictive in requiring the ground track to be parallel to or converging toward the centerline of the runway when the airplane is rotated for takeoff, and thereby unnecessarily delay rotation in determining takeoff performance under §§ 25.107(e) and 25.111.

Section 25.149(e) is therefore revised to state that the airplane's path, from the point at which the critical engine is made inoperative to the point at which recovery to a direction parallel to the runway centerline is completed, may not deviate more than 30 feet laterally from the centerline. The adopted rule would allow the airplane to be rotated for takeoff before recovery to a direction parallel to the runway centerline is completed; however, it should be noted that it requires that  $V_{M3}$  must be determined to enable the takeoff to be safely continued using normal piloting skill. The commentator also recommended that proposed §§ 25.149(e)(3) and (e)(5) be deleted because flight tests have proven that gross weight and center of gravity have no effect on  $V_{MCO}$ . The FAA does not agree. The airplane's acceleration varies with its weight, and this may affect directional control and lateral deviation. The center-of-gravity location may also affect directional stability and control on the ground.

One commentator stated that proposed § 25.149(e) would allow a lateral deviation of 30 feet during the determination of  $V_{MCO}$ , whereas the current FAA Flight Test Handbook recommends 25 feet and the Air Force requires 25 feet. The commentator recommended that 25 feet be specified in the adopted rule. The FAA believes that the 30-foot deviation limit will assist in international standardization in this area. In addition it should be noted that § 25.107(a)(1) as adopted (see discussion of Proposal 6-34) requires  $V_{EF}$  to be not less than  $V_{MCO}$  and  $V_i$  to be greater than  $V_{EF}$ , thus providing a small controllability margin at  $V_i$ .

Several commentators recommended that the proposal be revised to allow the use of nose wheel steering in the determination of  $V_{MCO}$  under § 25.149(e), if control is through the rudder pedals and the demonstration is made on a wet runway. The FAA does not agree. The effectiveness of nose wheel steering depends to a large degree on runway friction characteristics and the load on the nose wheel. Certification tests on a wet runway would not cover the more ex-

treme slippery runway conditions or all possible variations in takeoff conditions and techniques likely to occur in service. The FAA therefore believes that  $V_{MCO}$  should be determined without the use of nose wheel steering, as stated in proposed § 25.149(e).

In regard to the airplane configuration used in determining  $V_{MCO}$ , one commentator recommended that proposed § 25.149(e)(1) be revised to specify each takeoff configuration instead of the most critical takeoff configuration, to allow a separate  $V_{MC}$  for different flap settings. The FAA agrees that an applicant should be allowed to determine a separate  $V_{MCO}$  for different takeoff configurations but believes that the applicant should also have the option of determining a  $V_{MCO}$  value for only the most critical takeoff configuration. Proposed § 25.149(e)(1) is revised accordingly.

Proposed § 25.149(e)(2) would require that  $V_{MCO}$  be determined with maximum permissible takeoff power or thrust on the operating engines; however, the word "permissible," in relation to power or thrust, is not defined or used elsewhere in the performance and flight characteristics requirements. For consistency with §§ 25.101(c) and 25.149(c)(1), the word "permissible" is replaced by "available" in § 25.149(e)(2) as adopted. It should be noted that § 25.101(c) refers to the propulsive thrust available under the particular flight condition and thus provides for any difference between the takeoff thrust set during takeoff and the thrust available in flight for a go-around.

Proposed §§ 25.149(f), (g), and (h) would require the determination of two new minimum control speeds,  $V_{MC}$  and  $V_{MC1}$ , associated with an engine failure during landing approaches that are initiated with all engines operating and with one engine inoperative, respectively. One commentator said that these proposals are inconsistent with the  $V_{MCO}$  definitions being considered in the development of wet runway landing performance rules. The commentator recommended that these proposals be deleted until an acceptable rational landing rule is established. Another commentator stated that  $V_{MC}$  and  $V_{MC1}$  would serve no useful purpose and may confuse flight crews. The FAA does not agree with these comments. These proposals are intended to cover the controllability aspects of an engine failure during landing approach. Proposed § 25.149(f) as revised is intended to determine a minimum control speed for the situation where an engine fails after power or thrust has been increased to make a go-around from an approach with all engines operating. For airplanes with three or more engines, proposed §§ 25.149(g) and (h) as revised are intended to determine a minimum speed for maintaining safe control during the power or thrust changes that are likely to be made following the failure of a second engine during an approach initiated with one engine inoperative. The



FAA believes that these proposals, with revisions discussed, should be adopted at this time to provide information for use in pilot training and service operations.

One commentator noted that proposed §§ 25.149(f)(5), (g)(5), and (h)(2) specify "maximum permissible power" in the determination of  $V_{MC_L}$  and  $V_{MC_{L-2}}$ . The commentator recommended that this be changed to "takeoff or maximum permissible power" as used in present § 25.149. Another commentator said that it is not clear whether "maximum permissible thrust" in proposed §§ 25.149(f), (g), and (h) means maximum takeoff (or contingency) thrust, or whether a lower thrust can be scheduled. This commentator also stated that takeoff (or contingency) thrust would represent an increase in severity with respect to both the British Civil Air Regulations and present § 25.149(d), and that the thrust to be associated with recovering control following a sudden engine failure in §§ 25.149(f) and (g) should be the power required for a 3-degree approach, and the thrust range to be associated with maintaining straight flight thereafter should be from minimum power to power for level flight or maximum power, whichever occurs first.

As explained in the preceding discussion of § 25.149(e)(2), current § 25.149(c)(1) uses the words "maximum available takeoff power or thrust". The FAA believes that, for  $V_{MC_L}$ , the power or thrust condition at the time of engine failure should be the thrust associated with a go-around and therefore believes that maximum available takeoff power or thrust should be prescribed in § 25.149(f) since the approach climb requirements in § 25.121(d) allow use of available takeoff power or thrust. Proposed § 25.149(f) is revised accordingly.

However, since there are no performance requirements for a go-around with two engines inoperative, the FAA believes that the initial power condition at the time of failure of the second engine in § 25.149(g) for  $V_{MC_{L-2}}$  should be that for a 3-degree approach with one engine inoperative. This is one of the initial power conditions prescribed in proposed § 25.149(h). In regard to the maximum power or thrust to be applied after the second engine is made inoperative, the FAA believes that the value of  $V_{MC_{L-2}}$  to be furnished as information to the pilot should be based on the power or thrust that provides the maximum performance capability of the airplane without exceeding the powerplant limitations, i.e., maximum available takeoff power or thrust at the upper end of the range, and minimum available power or thrust at the lower end of the range. Proposed § 25.149(g) is revised accordingly.

Since  $V_{MC_L}$  will be determined with maximum available takeoff power, proposed § 25.149(h) is revised so that the requirement of changing the power on the operating engines after failure of the critical engine only applies to  $V_{MC_{L-2}}$ .

One commentator said that the critical weight for  $V_{MC_L}$  can be the lowest weight, when a 5-degree bank angle is used, and he therefore recommended that proposed §§ 25.149(f)(4) and (g)(4) be revised to specify the most unfavorable weight in the range of landing weights, instead of the maximum sea level landing weight (or any lesser weight necessary to show  $V_{MC_L}$ ). The FAA agrees that light weight may be critical for  $V_{MC_L}$  or  $V_{MC_{L-2}}$  but does not believe that the recommended wording change is necessary. The proposal is consistent with current § 25.149(c)(4), and light weight conditions are considered under the current rule.

One commentator stated that the proposal requires determination of  $V_{MC_L}$  and  $V_{MC_{L-2}}$  but does not appear to require that this information be made available to flight crews or that it be used in determining the approach speed. The commentator recommended that the proposal be changed to require that  $V_{MC_L}$  and  $V_{MC_{L-2}}$  be included in the Airplane Flight Manual and also that the landing performance requirements in § 25.125 be amended to take account of  $V_{MC_L}$ . The FAA does not have sufficient information to justify changing the landing performance requirements in the manner recommended by the commentator. However, information regarding  $V_{MC_L}$  and  $V_{MC_{L-2}}$  would be required to be furnished in the Airplane Flight Manual pursuant to the provisions of § 25.1585(a)(1).

For a comment related to the clause "either with zero yaw or with an angle of bank of not more than 5 degrees", which is contained in proposed §§ 25.149(e), 25.149(f), and 25.149(g), see Proposal 6-13.

The proposal to amend § 25.149 is adopted with the revisions discussed above.

**Proposal 6-42.** One commentator stated that the exception in proposed § 25.177(b)(2) for the speed range from  $V_{MO}/M_{MO}$  to  $V_{FC}/M_{FC}$  should also be applicable to the speed range from 1.2  $V_S$  to  $V_{MO}/M_{MO}$ . The FAA does not agree.  $V_{MO}/M_{MO}$  is the maximum operating limit speed. Gradual divergence that is easily recognizable and controllable by the pilot is allowed in the speed range above  $V_{MO}/M_{MO}$  because it is expected that operation at speeds above  $V_{MO}/M_{MO}$  will occur only for brief periods and that flight control demands will in general be limited to the restoration of flight at speeds below  $V_{MO}/M_{MO}$ .

Accordingly, the proposal to revise § 25.177(b) is adopted as proposed except that a provision for maximum flap extended speed and maximum landing gear extended speed has been added for clarification and consistency with the present rule.

**Proposal 6-43.** Proposed § 25.181(b) would require that combined lateral-directional ("Dutch roll") oscillations be positively damped, i.e., diminish after a disturbance, but it does not specify the degree of damping. One commentator

recommended that the proposal be revised to state that lateral-directional oscillations should be damped but that neutral damping or mild divergence would be acceptable if it is easily controllable by the pilot. The commentator said the proposal is unnecessarily restrictive following the failure of a stability augmentation device, since the device must be designed to meet § 25.21(e), and that the damping required should be related to the frequency and amplitude of the oscillation, the pilot tasks, and environmental effects. The commentator also said that, if unsatisfactory damping following a failure is confined to an avoidable flight area or configuration and is controllable to return the aircraft to a satisfactory condition for safe flight, the lack of appreciable positive damping may be acceptable. The FAA does not agree with this recommendation. Current § 25.181 requires any short period oscillation to be heavily damped, and the proposal would require that combined lateral-directional oscillations be positively damped instead of heavily damped. The change recommended by the commentator would increase the pilot's tasks and could result in an unsafe situation when operating in rough air. Section 25.672(c) already allows degradation of stability and other flight characteristics after any single failure in a stability augmentation system if the airplane is safely controllable and the resulting stability characteristics allow continued safe flight and landing.

Another commentator recommended that the proposal should be changed to raise the lower limit of the speed range for positive stability from the stalling speed to 1.2  $V_S$ . The proposal is the same as the current rule with respect to the lower speed limit of the speed range for positive stability and the FAA does not have sufficient information at the present time to justify raising the lower speed limit to 1.2  $V_S$ .

The proposal to revise § 25.181 is adopted without substantive change.

**Proposal 6-44.** One commentator recommended that the proposal to amend § 25.201 and the proposal to amend § 25.207 (Proposal 6-45) be withdrawn in light of current FAA studies on landing distances which may result in a new stall requirement. The FAA does not agree with this recommendation because the proposals for §§ 25.201 and 25.207 deal with stall demonstration and stall warning, and current studies for the landing distance rules do not include changes to §§ 25.201 or 25.207.

Another commentator stated that many modern airplanes are accepted as having correct stalling characteristics even though these occur before reaching the angle of attack for maximum lift, and suggested that the phrase "at an angle of attack measurably greater than that for maximum lift" be deleted from proposed § 25.201(d)(1). Proposed § 25.201(d)(2) sets forth an exception to the requirements of proposed § 25.201(d)(1)

(this would be a relaxation of the requirement in current § 25.201(c)(2) with respect to those instances in which the airplane may be considered to be stalled). The FAA does not believe any further relaxation would be justified.

One commentator expressed concern that proposed § 25.201 might result in unwarranted increases in operational speeds and runway length requirements; however, no explanation of this comment was provided. Some operating speeds are affected by stalling speeds which are determined under §§ 25.103, 25.203, and 25.201. Proposed § 25.201(d)(2) provides that for an airplane demonstrating an unmistakable inherent aerodynamic warning in a particular configuration of a magnitude and severity that is a strong and effective deterrent to further speed reduction, the airplane may be considered stalled when it reaches the speed at which the effective deterrent is clearly manifested. (This exception is present in the current rule but is only applicable to those airplanes demonstrating the required degree of warning in all required configurations). The FAA believes that it is necessary that an applicant be allowed to limit the stall demonstration to the speed where a strong and effective deterrent (such as severe buffeting) is clearly manifested because operation of the airplane at any lower airspeed may be hazardous. Therefore, the FAA believes that any increase in an operating airspeed because a stall demonstration was limited to the airspeed at which there exists an effective deterrent, as provided in proposed § 25.201(d)(2), is justified.

Accordingly, the proposal to amend § 25.201 is adopted as proposed, except that a nonsubstantive change is made to proposed § 25.201(d)(2) to clarify its intent. The proposal to amend § 25.207 is adopted without substantive change.

**Proposal 6-45.** For comments related to the proposal to amend § 25.207, see Proposal 6-44.

**Proposal 6-46.** Proposed § 25.233(a) would change the requirements concerning ground looping tendency in cross winds by substituting "25 knots" in place of "0.2  $V_S$ " for the prescribed wind velocity. Several commentators objected to the use of 25 knots for the required wind velocity, stating that the present requirement corresponds to about 20 knots for most airplanes, and that standardizing on a height of 10 meters above the surface for airport wind velocities (see Proposal 6-32 for § 25.21(f)) would also increase the required cross wind component (as compared with the present practice of correcting wind velocity to a height of 50 feet). The FAA agrees that 20 knots would be an appropriate minimum value for the cross wind component; however, this would be less severe than the present rule for airplanes with a stalling speed ( $V_S$ ) greater than 100 knots. Therefore, § 25.233(a) is revised to replace "0.2  $V_S$ " with "20 knots or 0.2  $V_S$ , whichever is greater, except that the wind velocity need not exceed 25 knots."

One commentator suggested that the rule be written to allow the use of

analysis to show acceptable ground handling characteristics for cross wind components greater than 20 knots. The FAA does not agree that analytic methods are reliable for this purpose. (See discussion of Proposal 6-47).

**Proposal 6-47.** Proposed § 25.237(a)(1) would establish 25 knots as the minimum cross wind component for landplanes, to be demonstrated on dry runways. Several commentators objected to the use of 25 knots for the required minimum wind velocity. For reasons explained in the discussion of Proposal 6-46, proposed §§ 25.237(a) and (b) are revised, consistent with § 25.233 as adopted, by replacing "25 knots" with "20 knots or 0.2  $V_S$ , whichever is greater, except that it need not exceed 25 knots."

Proposed § 25.237(a)(2) would require that a safe cross wind component be established for wet runways, but would allow this to be determined by analysis in lieu of demonstration. Two commentators recommended that the proposal concerning wet runways be deleted, since there is no definition of "wet," and they considered the current rules for cross wind operation to be adequate for either wet or dry cases. Two other commentators doubted the validity of analytic methods for establishing a safe cross wind component for wet runways. In light of the comments received, and after further review, the FAA believes that proposed § 25.237(a)(2) is premature and it is withdrawn.

**Proposal 6-48.** Two commentators recommended that proposed § 25.251(e) be revised to prescribe an acceleration of  $\pm 0.1 g$ , instead of  $\pm 0.05 g$ , in defining the onset of buffet. One of the commentators stated that this change would ensure a level of buffet that would be distinguishable under turbulent air conditions. The commentator stated that contrary to the explanation in the notice, test pilots have signified the onset of buffet when the buffet level at a flight station was greater than  $\pm 0.1 g$ , and that defining buffet onset in § 25.251(e) as  $\pm 0.05 g$  would unnecessarily limit the altitude-payload capability of the airplane. After considering the comments received, and after further review, the FAA does not believe it has enough information at this time to specify an acceleration value for the onset of perceptible buffeting which would be applicable to all airplanes. Accordingly, the proposal is withdrawn.

**Proposal 6-49.** Proposed new § 25.255 would establish requirements for maneuvering and dive recovery characteristics with the airplane out of trim by the amount resulting from a three-second movement of the primary longitudinal trim system at its normal rate with no aerodynamic load, or the maximum mistrim that can be sustained by the autopilot while maintaining level flight in the high speed cruising condition, whichever is greater. One commentator said that the requirement would appear not to apply to a manual trim system, and that this should be made clear. The intent of the proposal is to provide a basic maneu-

vering stability and dive recovery requirement regardless of the type of trim system used in the airplane.

To make this intent clear, the first sentence of the lead-in of proposed § 25.255 is revised by inserting the parenthetical "(or an equivalent degree of trim for airplanes that do not have a power operated trim system)". In addition, current § 25.655(b) requires that if an adjustable stabilizer is used, it must have stops that will limit the range of travel to the maximum for which the airplane is shown to meet the trim requirements of § 25.161. Therefore, the first sentence of the lead-in of proposed § 25.255 is also revised by inserting an exception indicating that the trim movement need not exceed the range established by stops in the trim system, including those required by § 25.655(b) for adjustable stabilizers. It should be noted that the word "primary" in the first sentence of the lead-in of proposed § 25.255 is being deleted since its usage in this context is inappropriate. The same commentator also said that he does not understand the phrase relating to the autopilot, but believes there is a need for an analysis to show whether greater mistrim can result from autopilot or other system malfunction, or from normal autopilot functioning such as when flying on altitude hold through updrafts. The phrase in the proposal relating to autopilots is intended to provide for circumstances in which the trim system is actuated, either by a runaway or by the pilot, while the autopilot is engaged, and the autopilot is then disengaged when the degree of mistrim reaches the point where the autopilot can no longer hold level flight. The FAA believes that this is an appropriate test criterion. In addition, it should be noted that autopilot malfunctions are covered under § 25.1329.

One commentator recommended that the proposed wording "at its normal rate with no aerodynamic load" in the lead-in of proposed § 25.255 be replaced by "at the rate existing for the specified flight condition." The FAA agrees that where the trim system is designed to vary the rate of trim movement according to the flight condition (e.g., as a function of the dynamic pressure), this variation may be taken into account; however, the effects of aerodynamic loads on trim movement may vary in a complex manner, e.g., with center of gravity, airspeed, and system friction. As stated in the notice, the proposal is intended to simulate a typical out-of-trim condition. The FAA believes that the requirement should be specified so that the required trim change can be determined by a relatively simple and uniform procedure. Accordingly, § 25.255 as adopted is revised to specify a three-second movement of the trim system at the normal rate for the particular flight condition with no aerodynamic load.

One commentator recommended that § 25.255(a) be changed to read: "The slope of the stick force vs.  $g$  (curve) for load factors between  $-1g$  and  $+2.5g$



must be positive at speeds up to  $V_{rc}/M_{rc}$  or aural warning (speed) except that a "flattening" of the stick force gradient or a reduction in stick force is permissible if it does not result in the tendency to overcontrol. Lesser acceleration values may be used at altitudes where buffet envelopes are established in accordance with § 25.251(e). The FAA disagrees with the recommendation. Current § 25.253(b) already allows  $M_{rc}$  to be the same as the Mach number at which effective speed warning occurs for altitudes where Mach number is the limiting factor. At lower altitudes where airspeed is the limiting factor,  $V_{rc}$  under § 25.253(b) must be higher than the aural warning speed under § 25.1303(c)(1). Recoveries from severe upsets or evasive maneuvers are likely to be made in this altitude range at speeds above the aural warning speed. Therefore, the FAA believes that the proposed requirement should be met at speeds up to  $V_{rc}/M_{rc}$ . In addition, to minimize the possibility of over-control and overstressing the airplane structure, the FAA believes that a reduction in stick force (negative slope of the stick force per g curve) should not be allowed at speeds up to  $V_{rc}/M_{rc}$ . However, it should be noted that flattening of the stick force gradient would be allowed under the proposal as long as the slope is positive.

The changes to proposed § 25.255(a) recommended by this commentator include deleting the proposed requirement for the speed range between  $V_{rc}/M_{rc}$  and  $V_{br}/M_{br}$  (the demonstrated flight dive speed). For this speed range, the proposal states that there may not be reversal of the primary longitudinal control force. Speeds above  $V_{rc}/M_{rc}$  have been reached during recovery from upsets in severe turbulence. The FAA believes that reversal of the direction of the control force (as shown on the stick force per g diagram) should not be allowed at speeds up to  $V_{br}/M_{br}$ , because force reversal on the primary control could be confusing to the pilots and contribute to hazardous over-control in severe turbulence.

Proposed § 25.255(a) provides that acceleration values less than those prescribed may be used at altitudes and speeds where buffet envelopes are established in accordance with § 25.251(e). One commentator objected to this provision and suggested that the proposal be revised to state that, at speeds up to  $V_{rc}/M_{rc}$ , the stick force curve must have a positive slope, and at speeds up to  $V_{br}/M_{br}$  there may not be a reversal of the primary longitudinal control force for normal acceleration values between -1 g and the lesser of 2.5 g and a normal acceleration corresponding, in the particular circumstances of weight, altitude, and air speed or Mach number, to buffet-ing or other phenomena, of such intensity as to be a strong deterrent to further application of primary longitudinal control force. The FAA does not believe that the buffet criteria suggested by the commentator would be appropriate, since severe buffeting could mask the normal stick force gradient characteristics.

Another commentator suggested that the proposal be revised to state that "where buffet envelopes are established in accordance with § 25.251(e), the corresponding lesser acceleration values may be used." The FAA disagrees with the recommendation. The suggested wording would indicate that the requirement for positive maneuvering stability (stick force per g) is limited to the load factors within the buffet onset envelopes (i.e., perceptible buffeting) determined under § 25.251(e). However, § 25.251(e) also requires that probable inadvertent excursions beyond the boundaries of the buffet onset envelopes may not result in unsafe conditions. The FAA believes that positive maneuvering stability should be required for inadvertent excursions beyond the buffet onset boundaries, since a pilot is likely to exceed these boundaries in recovering from an upset.

Accordingly, § 25.255 is clarified by deleting the specific acceleration (g) values and exception clause in paragraph (a), and by setting forth a revised exception clause in a paragraph (e) which states that the accelerations need not exceed the maneuvering load factors associated with probable inadvertent excursions beyond the boundaries of the buffet onset envelopes determined under § 25.251(e). For consistency with the structural strength requirements, § 25.255(e) as adopted also states that the accelerations need not exceed the limit maneuvering load factors prescribed in §§ 25.333(b) and 25.337.

In addition, the other paragraphs of proposed § 25.255 have been restructured and redesignated for clarity. The second sentence of proposed § 25.255(d) would provide for the use of longitudinal trim to assist in producing the required 1.5 g for recovery. One commentator suggested that a clause be inserted to require that it be possible to produce at least 1.2 g without use of the longitudinal trim system and without exceeding a longitudinal control force of 125 lbs. The FAA believes that the recommended change is unnecessary because proposed § 25.255(d) already provides that longitudinal trim can only be used to assist in producing 1.5 g if it meets certain requirements.

Proposed § 25.255(d) requires that if the longitudinal trim is used to assist in the dive recovery, it must be shown that the trim can be actuated in the nose up direction with the primary surface (e.g., elevators) loaded to produce the least of the nose up control forces specified in paragraphs (d)(1), (d)(2), and (d)(3). One commentator recommended that proposed paragraph (d)(1) be deleted and that paragraph (d)(2) be changed to "125 pounds." The FAA does not agree. In an upset, the initial attempt at recovery is likely to be made with the primary pitch control, and on some airplane designs the airloads on the horizontal tail surfaces tend to prevent movement of the trim system at high speeds. The change recommended by the commentator assumes, in effect, that the pilots will

actuate the trim in time to obtain recovery before they apply more than 125 pounds on the primary control. This may not be a valid assumption in extreme upset conditions.

One commentator stated that it is impracticable to demonstrate 1.5g, and less than 1 g, at  $V_{br}/M_{br}$  in a flight test without exceeding  $V_{br}/M_{br}$ , and that some alleviation should be provided to cover this. Proposed § 25.255(d), which states that it must be possible from an overspeed condition at  $V_{br}/M_{br}$  to produce at least 1.5 g for recovery by applying not more than 125 pounds of control force, would only require that the test be started at  $V_{br}/M_{br}$ . With regard to accelerations less than 1 g, the commentator has apparently misinterpreted the requirement of proposed § 25.255(f). The intent of the requirement in proposed § 25.255(f) is that the entry speeds for flight test investigations at acceleration values less than 1 g should be limited to the extent necessary to accomplish a recovery without exceeding  $V_{br}/M_{br}$ . To clarify this intent, proposed § 25.255(f) is revised and incorporated into § 25.255(e).

Another commentator recommended certain changes in the arrangement of paragraphs in § 25.255 along with other changes already discussed above. The FAA believes, however, that the paragraphs of proposed § 25.255, as revised, are in the most appropriate order for clarity.

One commentator stated that proposed § 25.255 should be changed to be consistent with the manner in which the out-of-trim special condition has been applied in certification tests since 1965. The wording of the special conditions for various airplanes, and of related regulations §§ 25.251 and 25.253, has changed between 1965 and the present time. The proposal in the notice is based on the wording of recent special conditions.

Proposal 6-50. Proposed § 25.703 would require a takeoff warning system to warn the pilots during the initial portion of the takeoff roll if the airplane is in a configuration that would prevent successful completion of the takeoff. One commentator recommended that the proposed requirement for both aural and visual warnings be changed to require either an aural or visual warning. Another commentator questioned the desirability of a visual warning, particularly at night, citing the time that may be lost in searching for a visual warning. The FAA agrees with the latter comment. Accordingly, the requirement for an aural warning is retained and the requirement for a visual warning is withdrawn.

One commentator recommended that the words "including any of the following" (configurations) in proposed § 25.703(a) be changed to "consisting of the following" (configurations). The FAA does not agree since a particular airplane design may incorporate some other variable geometry device that would not allow a safe takeoff when in the wrong position.

The same commentator stated that proposed § 25.703(c), which would re-

quire that the means used to activate the system function properly throughout the ranges of takeoff weights, altitudes, and temperatures for which certification is requested, is superfluous and should be deleted. The FAA believes that this paragraph should be retained to clearly define the scope of the requirements.

This commentator also recommended deletion of proposed § 25.703(d) which would require that the system be designed to provide reliable sensing of an unsafe position of each critical aerodynamic surface. The commentator stated that such a system would be unworkable, over-sophisticated, and could degrade flight safety through numerous nuisance warnings. He pointed out that critical aerodynamic surfaces would include ailerons, rudder, and spoilers, and that "proper" position of such surfaces during takeoff would be affected by cross winds, engine failure, etc. The FAA agrees that the requirements in proposed § 25.703(d) could result in a warning system so complex that its effectiveness may be impaired. Proposed paragraph (d) is therefore withdrawn.

In regard to proposed § 25.703(b), one commentator recommended that consideration be given to a system cutoff at some significant airspeed, e.g., 100 knots. It was stated that any valid warning would probably have sounded by the time that speed is reached and the cutoff would preclude unwarranted aborts due to warning system malfunction at high speeds. Proposed § 25.703(b) would require the warning to continue until the configuration is changed to allow a safe takeoff, the takeoff roll is terminated, or the warning is manually deactivated by the pilot. The FAA agrees that a system cutoff at high speeds should be permitted, but believes that the cutoff should not be set below the  $V_1$  speed, since the takeoff can be rejected within the established accelerate-stop distance from any speed up to  $V_1$ . Since the next speed above  $V_1$  that can be sensed by a simple means is  $V_R$  (e.g., by nose gear switches), the FAA believes that deactivation of the takeoff warning system should be allowed when the airplane is rotated for takeoff. Proposed § 25.703 is revised accordingly.

Proposal 6-52. For comments related to the proposal to revise § 25.1043(b), see Proposal 6-23.

Proposal 6-53. No unfavorable comments were received on the proposal to revise § 25.1501. Accordingly, the proposal is adopted without substantive change.

Proposal 6-54. For comments related to the proposal to revise § 25.1521(e), see Proposal 6-23.

Proposals 6-55 and 2-96. One commentator recommended that proposed § 25.1581(a)(2), which would require that the Airplane Flight Manual contain "Other information necessary for safety," be deleted. He stated that the proposed requirement would be far too broad, and could include all information now provided in the crew operating manual. The FAA agrees that the proposed wording may be too broad, but does not agree that all requirements for additional information should be eliminated. Section 25.1581(a)(2) as adopted requires other information that is necessary for safe operation because of design, operating, or handling characteristics. This wording is the same as current § 25.1581(c), except that the word "unusual" is deleted for the reasons stated in notice.

The same commentator also recommended deletion of proposed § 25.1581(b), which would require that each part of the manual containing required information be approved, segregated, identified, and clearly distinguished from each unapproved part of the manual. The commentator stated that he is not aware of any unapproved sections of the Airplane Flight Manual, and that the proposal implies a crew manual with the FAA limitation data so marked. The FAA does not agree with the recommended deletion of this requirement. The proposed paragraph is the same as current § 25.1581(b), and is intended to cover cases where the applicant desires to include information in the manual that is not required by the FAA.

Proposal 6-56. For comments related to the proposal to amend § 25.1583, see Proposal 6-23.

Proposals 6-57 and 2-87. No unfavorable comments were received on the proposal to amend § 25.1585. Accordingly, the proposal is adopted without substantive change.

Disposition of Proposal 2-87 to amend § 25.1353 (Notice 75-10) was deferred so that it could be considered in connection with Proposal 6-57. Proposals 2-39, 2-131, and 2-186 to amend §§ 23.1353, 27.1353, and 29.1353, respectively (Notice 75-10), are substantively identical to Proposal 2-87 and all of these proposals are discussed below.

Commentators suggested that proposed §§ 25.1353(c)(5) and 29.1353(c)(5) be revised by adding the word "or" between paragraphs (c)(5)(i) and (c)(5)(ii) to allow an alternative design. The commentators misinterpreted the proposal. The sections as adopted provide for three alternatives with an "or" understood between paragraphs (c)(5)(i) and (c)(5)(ii) and with an "or" understood between paragraphs (c)(5)(i) and (c)(5)(ii).

One commentator suggested that the proposals should be broadened to include nickel cadmium battery installations other than those capable of being used to start an engine or an auxiliary power unit. The proposals apply only to nickel cadmium batteries that are subject to a rapid drain because they are used to start an engine or auxiliary power unit. The FAA does not have enough information to indicate that in other installations the drain on nickel cadmium batteries is sufficiently rapid to require compliance with the proposed provisions.

One commentator objected to proposed §§ 27.1353(f) and 29.1353(c)(5) on the basis that the requirement should be limited to nickel cadmium batteries other than 20-cell batteries and to only certain battery locations. The commentator also stated that the requirement for helicopters should be different from that for airplanes since helicopters are

ruptured or the takeoff is delayed. The commentator stated that the additional aural warning system would add to the problem of cockpit confusion caused by the multitude of aural warning requirements. The FAA does not agree since the takeoff warning would occur during the initial portion of the takeoff roll and therefore should not be confused with flight over-speed warning, stall warning, or landing gear warning during approach. The commentator added that it is doubtful if a reliable, practical, safe system can be designed, much less for a cost that would approximate the possible benefits. The FAA does not agree since such systems have been developed and used on relatively complex airplanes. The warning systems can be simpler on airplanes having fewer or less critical variable geometry devices.

One commentator recommended that consideration be given to including unreleased brakes in the takeoff warning system in view of the serious consequences of failing to release brakes fully before takeoff. The FAA does not now have sufficient information to justify adopting the suggestion made by this commentator.

The proposed new § 25.703 is adopted with the revisions discussed above and a nonsubstantive revision for clarity.

Proposal 6-51. One commentator suggested the use of the word "suspended" rather than "silenced" in proposed § 25.729(e)(3). The FAA agrees with this suggestion, since it would result in consistency of wording between this section and proposed § 23.729(f)(1). Section 25.729(e)(3) is revised accordingly.

Proposal 6-52. For comments related to the proposal to revise § 25.1043(b), see Proposal 6-23.

Proposal 6-53. No unfavorable comments were received on the proposal to revise § 25.1501. Accordingly, the proposal is adopted without substantive change.

Proposal 6-54. For comments related to the proposal to revise § 25.1521(e), see Proposal 6-23.

Proposals 6-55 and 2-96. One commentator recommended that proposed § 25.1581(a)(2), which would require that the Airplane Flight Manual contain "Other information necessary for safety," be deleted. He stated that the proposed requirement would be far too broad, and could include all information now provided in the crew operating manual. The FAA agrees that the proposed wording may be too broad, but does not agree that all requirements for additional information should be eliminated. Section 25.1581(a)(2) as adopted requires other information that is necessary for safe operation because of design, operating, or handling characteristics. This wording is the same as current § 25.1581(c), except that the word "unusual" is deleted for the reasons stated in notice.

The same commentator also recommended deletion of proposed § 25.1581(b), which would require that each part of the manual containing required information be approved, segregated, identified, and clearly distinguished from each unapproved part of the manual. The commentator stated that he is not aware of any unapproved sections of the Airplane Flight Manual, and that the proposal implies a crew manual with the FAA limitation data so marked. The FAA does not agree with the recommended deletion of this requirement. The proposed paragraph is the same as current § 25.1581(b), and is intended to cover cases where the applicant desires to include information in the manual that is not required by the FAA.

Proposal 6-56. For comments related to the proposal to amend § 25.1583, see Proposal 6-23.

Proposals 6-57 and 2-87. No unfavorable comments were received on the proposal to amend § 25.1585. Accordingly, the proposal is adopted without substantive change.

Disposition of Proposal 2-87 to amend § 25.1353 (Notice 75-10) was deferred so that it could be considered in connection with Proposal 6-57. Proposals 2-39, 2-131, and 2-186 to amend §§ 23.1353, 27.1353, and 29.1353, respectively (Notice 75-10), are substantively identical to Proposal 2-87 and all of these proposals are discussed below.

Commentators suggested that proposed §§ 25.1353(c)(5) and 29.1353(c)(5) be revised by adding the word "or" between paragraphs (c)(5)(i) and (c)(5)(ii) to allow an alternative design. The commentators misinterpreted the proposal. The sections as adopted provide for three alternatives with an "or" understood between paragraphs (c)(5)(i) and (c)(5)(ii) and with an "or" understood between paragraphs (c)(5)(i) and (c)(5)(ii).

One commentator suggested that the proposals should be broadened to include nickel cadmium battery installations other than those capable of being used to start an engine or an auxiliary power unit. The proposals apply only to nickel cadmium batteries that are subject to a rapid drain because they are used to start an engine or auxiliary power unit. The FAA does not have enough information to indicate that in other installations the drain on nickel cadmium batteries is sufficiently rapid to require compliance with the proposed provisions.

One commentator objected to proposed §§ 27.1353(f) and 29.1353(c)(5) on the basis that the requirement should be limited to nickel cadmium batteries other than 20-cell batteries and to only certain battery locations. The commentator also stated that the requirement for helicopters should be different from that for airplanes since helicopters are



able to execute an emergency landing much quicker than airplanes. The FAA has insufficient information at the present time to warrant any of the distinctions suggested by the commentator.

The FAA believes that the requirement in proposed § 25.1353(c)(5) concerning operating procedures in the Airplane Flight Manual should be transferred to § 25.1585(a), since that section pertains to operating procedures. The proposal for § 25.1353(c)(5) is revised and § 25.1585(a) amended accordingly. The remainder of proposed § 25.1353(c)(5) is redesignated § 25.1353(c)(6) in view of the adoption of a new § 25.1353(c)(5) in Amendment No. 5. The same revisions are also made to proposed §§ 23.1353(f), 27.1353(f), and 29.1353(c)(5), designated as §§ 23.1353(g), 27.1353(g), and 29.1353(c)(6), respectively, and to §§ 23.1585, 27.1585, and 29.1585.

Proposals 6-58 and 2-98. Proposed §§ 25.1587(c)(5) and (c)(6), which would add requirements for information on the vertical distance for transition to approach climb determined under proposed § 25.121(e) (Proposal 6-38), and on the en route net flight path data determined under proposed § 25.123 (Proposal 6-39), are withdrawn in view of the withdrawal of Proposals 6-38 and 6-39.

Disposition of Proposal 2-98 to revise § 25.1587 (Notice 75-10) was deferred so that it could be considered in connection with Proposal 6-58. No unfavorable comments were received on Proposal 2-98 and it is adopted as proposed except that the reference in proposed § 25.1587(b)(4) to § 25.101(c) is changed to reference §§ 25.101(f), (g), and (h). Current § 25.1587(c)(3), on which proposed § 25.1587(b)(4) is based, was adopted as part of the recodification of Part 4b of the Civil Air Regulations, effective February 1, 1965 (29 FR 18289). Specifically, § 25.1587 replaced § 4b.743 of the CARs and § 4T.743 of Special Civil Air Regulation 422B. Section 4T.743(c), which was replaced by § 25.1587(c)(3), referenced § 4T.111(c) and the requirements of § 4T.111(c) are now contained in §§ 25.101(f), (g), and (h), not § 25.101(c) as the current rule indicates. The purpose of the recodification program was simply to clarify the regulations. No substantive changes, other than relaxatory ones that were completely noncontroversial, were intended. The FAA believes that the change being made is a nonsubstantive editorial change since § 25.1587(c)(3) has been consistently interpreted in accordance with the rule as originally set forth in § 4T.743(c) of Special Civil Air Regulation 422B.

Proposal 6-59. For comments related to the proposal to amend § 27.25(b), see Proposal 6-5. The proposal to amend § 27.25(b) is adopted without substantive change.

Proposal 6-60. For comments related to the proposal to amend § 27.29, see Proposal 6-5.

Proposal 6-61. Proposed new §§ 27.33(e) and 29.33(e) (Proposal 6-77 would require a main rotor low-speed warning for each single engine helicopter

and each multiengine helicopter that does not have an approved device that automatically increases power on the operating engines when one engine fails. Several commentators stated that operating experience does not indicate the need for a main rotor low-speed warning and that the instruments furnished the pilot are adequate to monitor rotor r.p.m. safely. One of these commentators also stated that if the warning is set high enough to be effective, the pilot will rely on it in lieu of monitoring rotor r.p.m. as he should and that the warning will activate during low r.p.m. transients which are entirely safe and this may cause pilot action that is unsafe. The commentator stated that since the National Transportation Safety Board (NTSB) has recommended an engine failure warning device on all turbine engines, this proposal should be withdrawn or deferred until action has been taken on the NTSB recommendations. The FAA does not agree. In regard to the comments concerning monitoring of instruments and rotor r.p.m. by the pilot, it should be noted that one of the main reasons for providing rotor low-speed warning is to assist the pilot in maintaining safe rotor speed after an engine failure when his attention is directed to flight path control and emergency procedures. With respect to activation of the warning during low-rotor r.p.m. transients, the FAA believes that the warning can be set to avoid nuisance warnings in normal maneuvers and still meet the requirements of this section. The NTSB Release for Safety Recommendations A-75-72 and 73, issued September 2, 1975, recommended that Parts 27 and 29 be amended to require that all turbine engine-powered helicopters be equipped with a prominent engine-out visual warning system and an aural warning system which can be heard with or without the use of a headset. The FAA believes, as stated in its response to the NTSB, that the proposed requirement for rotor low-speed warning is more desirable than an engine-out warning since a rotor low-speed warning would warn the pilot of an unsafe low rotor speed due to any cause, including engine failure, and will continue the warning function during power-off descent and landing.

One commentator noted that the FAA has imposed special conditions requiring engine-out warnings on certain turbine engine-powered helicopters, and stated that engine-out warnings should not be required in addition to rotor low-speed warning. The FAA does not believe it will be necessary to issue a special condition requiring installation of an engine-out warning on those helicopters with a rotor low-speed warning.

One commentator objected to the deletion of §§ 27.33(b)(3) and 29.33(b)(3). Current §§ 27.33(b)(1), (b)(2), and (b)(3) and §§ 29.33(b)(1), (b)(2), (b)(3) provide, for all rotorcraft, three alternative methods for showing that main rotor speeds substantially less than the minimum approved main rotor

speed will not occur under any sustained flight condition with power on. One of the alternatives, paragraph (b)(3), is to provide adequate means to warn the pilot of unsafe main rotor speeds, but the proposal would delete this paragraph, thus requiring all rotorcraft to comply with paragraph (b)(1) or (b)(2). This was not the intent of the proposal. Accordingly, §§ 27.33(b)(3) and 29.33(b)(3) are retained. In addition, for clarification, the lead-in of §§ 27.33(b) and 29.33(b) are revised so that they are only applicable to rotorcraft that are not required to have a main rotor low-speed warning under § 27.33(e) or § 29.33(e), respectively.

Proposal 6-62. Two commentators objected to the proposals for §§ 27.45 and 29.45, stating that the basis for humidity levels has not been determined and varies between engines. These commentators further stated that there is no industry agreement on the effect of humidity on power or that humidity has a significant effect on power. The effects of humidity on the power of reciprocating engines are well understood and are generally the same between engine types. The effects of humidity on the power or thrust of turbine engines may differ between engine types. The proposal, however, establishes a reference humidity structure for the development of rotorcraft performance data. It does not prejudice the nature of the corrections, if any, which may be required. Each turbine engine must be evaluated to determine the effect of humidity on thrust or power, and, where rotorcraft performance is affected, it must be based on the humidity reference condition.

One commentator objected to the proposals on the basis that the humidity reference for turbine engine-powered rotorcraft may not be representative of average humidity conditions encountered in service. No safety problem has been identified with the use of the proposed humidity reference in the type certification of transport category airplanes, and the reference is considered equally valid for the type certification of rotorcraft.

One commentator questioned why a reciprocating engine-powered rotorcraft would be required to use a humidity correction different from that for turbine engine-powered rotorcraft. The humidity correction proposed for reciprocating engine-powered rotorcraft is similar to the current requirements for reciprocating engine-powered transport category airplanes and the proposed humidity correction for turbine engine-powered rotorcraft is similar to the current requirements for turbine engine-powered transport category airplanes, and the requirements for transport category airplanes have been administered without difficulty. In addition, the humidity correction requirements for turbine engine-powered rotorcraft are based on the fact that the power or thrust of turbine engines diminishes significantly as the ambient atmospheric temperature is increased. Power or thrust variations related to humidity could therefore have

an adverse effect upon safety at temperatures above standard.

The proposal to revise § 27.45 and the proposal to amend § 29.45 are adopted without substantive change.

Proposals 6-63 and 2-100. Under proposed § 27.65(b)(2), if the never-exceed speed  $V_{NE}$  is less than the best rate-of-climb speed  $V_r$  at any altitude within the range for which certification is requested, the steady rate of climb must be determined over the entire range of weights, temperatures, and altitudes for which certification is requested. One commentator recommended that the rate of climb information be required only for the range of altitudes where  $V_{NE}$  is less than  $V_r$ , instead of the entire range of altitudes. The FAA disagrees. The climb performance and speed of a helicopter may change significantly below, as well as above, the altitude at which  $V_{NE}$  is less than  $V_r$ . However, after further review, the FAA believes that it is only necessary that climb data be determined over the range of altitudes from 2,000 feet below the altitude at which  $V_{NE}$  is equal to  $V_r$  up to the maximum altitude for which certification is requested. The proposal to amend § 27.65 is revised accordingly.

In addition, proposed § 27.65(b)(2)(i) is revised to allow the rate-of-climb to be determined at the climb speed selected by the applicant (instead of the most favorable climb speed) at or below  $V_{NE}$ . The FAA believes that the proposed paragraph (b)(2)(i) would impose an unnecessary burden on the applicant and result in complex operating information, since the most favorable climb speed may be a function of several variables.

Disposition of Proposal 2-100 to amend § 27.65(a)(2) (Notice 75-10) was deferred so that it could be considered in connection with Proposal 6-63. No unfavorable comments were received on the proposal to amend § 27.65(a)(2). Accordingly, the proposal is adopted without substantive change.

Proposal 6-64. Proposed § 27.67(c) would require the determination of the one-engine-inoperative steady rate of climb with maximum continuous power on the operating engines, and (for helicopters for which certification for the use of 30-minute power is requested) at 30-minute power. One commentator said that there is no need to show the climb performance data for both the maximum continuous and 30-minute power levels and, therefore, the word "and" preceding the parenthetical expression should be changed to "or". The FAA does not agree. Even though an applicant may request certification for the use of 30-minute power, climb performance data for maximum continuous power should be furnished to the pilot for use in operations that may require more than 30 minutes to reach a safe landing area after failure of one engine, e.g., over-water operations. Accordingly, § 27.67(c) is adopted without substantive change.

Proposal 6-65. No unfavorable comments were received on the proposal to revise § 27.75(a)(2)(ii). Accordingly, the proposal is adopted without substantive change.

Proposal 6-66. No unfavorable comments were received on the proposal to amend § 27.143. Accordingly, the proposal is adopted without substantive change.

Proposal 6-67. No unfavorable comments were received on the proposal to revise § 27.175(c). Accordingly, the proposal is adopted without substantive change.

Proposal 6-68. For comments related to the proposal to revise § 27.104(b), see Proposal 6-23.

In addition, a nonsubstantive editorial change is being made to the lead-in of § 27.1043(a) to reference § 27.1041(b) instead of § 27.104(b).

Proposal 6-69. No unfavorable comments were received on the proposal to revise § 27.1501. Accordingly, the proposal is adopted without substantive change.

Proposals 6-70 and 2-135. Disposition of Proposal 2-135 to amend § 27.1545 (Notice 75-10) was deferred so it could be considered in connection with Proposal 6-70 to amend § 27.1505. No unfavorable comment was received on Proposal 2-135. Accordingly, the proposal is adopted without substantive change.

Proposed §§ 27.1505(c) and 29.1505(c) (Proposals 6-70 and 6-84, respectively) would allow the establishment of a never exceed speed,  $V_{NE}$  (power-off), that is less than  $V_{NE}$  with power on, if  $V_{NE}$  (power-off) is not less than a speed midway between the power-on  $V_{NE}$  and the speed for maximum range in autorotation at maximum weight. One commentator recommended that " $V_r$  or the climb speed selected by the applicant in demonstrating compliance with the climb requirements" be inserted in proposed § 27.1505(c) in place of the speed for maximum range in autorotation. The commentator stated that since determination of the speed for maximum range in autorotation is not presently required, the substitution of the climb speed (which is determined under the climb requirements in §§ 27.65 or 27.67) would accomplish the intent of placing a lower limit on  $V_{NE}$  (power-off) without unnecessary additional demonstration requirements.

After further consideration, the FAA believes that the speed used in determining climb performance (one-engine-inoperative climb performance, if applicable) should be used in establishing a  $V_{NE}$  (power-off) for both Part 27 and 29 helicopters, instead of the speed for maximum range in autorotation at maximum weight. The speed midway between power-on  $V_{NE}$  and the appropriate climb speed is expected to be high enough to provide the pilot with an adequate range of speeds and glide angles during autorotation. In addition, the determination of  $V_{NE}$  (power-off) will be based on information already required to be furnished by the applicant which would not be the case if the speed for maximum range in autorotation were prescribed since it is only required to be determined for certain Part 29 Category B helicopters. The proposals to amend §§ 27.1505 and 29.1505 are revised accordingly.

Proposal 6-71. For comments related to the proposal to add a new § 27.1521(f), see Proposal 6-23.

Proposal 6-72. No unfavorable comments were received on the proposal to add a new § 27.1527. Accordingly, the proposal is adopted without substantive change.

[For discussion concerning the amendment of § 27.1545, see Proposals 6-70 and 2-135.]

Proposals 6-73, 2-139 and 2-140. No unfavorable comments were received on Proposal 6-73 to amend § 27.1581. The proposal is adopted without substantive change, except that proposed § 27.1581(a)(2) is revised in accordance with the discussion of the proposal to amend § 25.1581 (Proposal 6-55).

Disposition of Proposals 2-139 to amend § 27.1581 and 2-140 to amend § 27.1587 was deferred so that these proposals could be considered in connection with Proposal 6-73. No unfavorable comments were received on Proposal 2-139 or Proposal 2-140. Proposal 2-139 to amend § 27.1581 is adopted without substantive change. For reasons that are stated in the discussion of Proposal 6-23 for § 23.1521(e), Proposal 2-140 to amend § 27.1587 is revised by adding a new § 27.1587(a)(2)(iii) requiring information on the maximum ambient atmospheric temperature at which compliance with the cooling requirements was shown. Additionally, the parenthetical phrase "(if provided)" is deleted from § 27.1587(b) since the amendment to § 27.1581 requires that a Rotorcraft Flight Manual be furnished for each rotorcraft. The proposal to amend § 27.1587 is adopted with the changes discussed above.

Proposal 6-74. For comments related to the proposal to amend § 27.1583, see Proposal 6-23.

Proposals 6-75 and 2-131. Proposed §§ 27.1585(c) and 29.1585(c) would require the operating procedures section of the Rotorcraft Flight Manual to contain information on the procedures for reducing airspeed to  $V_{NE}$  (power-off) for helicopters for which a  $V_{NE}$  (power-off) is established under §§ 27.1505(c) and 29.1501(c), respectively. One commentator stated that he did not favor systematically placing explicit engine, altitude, and  $V_{NE}$  (power-off) limitations in the "limitations" chapter of the Flight Manual. The commentator apparently misinterpreted the proposal, as it would affect only the operating procedures section, not the limitations section. The commentator also stated that these explanations should only be required when they bring significant information to the pilot and when the limitation results from an indirect and not an obvious cause. The FAA believes that in view of the surprise element that may be associated with engine failure in service operations, the procedure for reducing airspeed to not more than  $V_{NE}$  (power-off) should be furnished for each helicopter for which a  $V_{NE}$  (power-off) is established. Accordingly, the proposals for §§ 27.1585(c) and 29.1585(c) are adopted without substantive change.



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Disposition of Proposal 2-131 to amend § 27.1353 (Notice 75-10) was deferred so that it could be considered in connection with Proposal 6-73. For comments related to proposed § 27.1353(f) and for an explanation of the revision to proposed § 27.1353(f), see the discussion of Proposal 2-87 under Proposal 6-57.

Proposal 6-76. For comments related to the proposal to amend § 29.29, see Proposal 6-5.

Proposal 6-77. For comments related to the proposed amendment of § 29.33, see Proposal 6-61 for § 27.33.

Proposal 6-78. For comments related to proposed § 29.45, see Proposal 6-62.

Proposal 6-79. One commentator recommended that proposed § 29.65(c) be revised to require climb data only for those altitudes where  $V_{NE}$  is less than  $V_y$  at sea level. For a discussion of this comment and the explanation for the revisions to proposed § 29.65(c), see Proposal 6-63. This commentator also stated that proposed § 29.65(c) is superfluous for Category B rotorcraft since its duplicates the requirement of proposed § 29.65(a)(4). The FAA agrees that some clarification is needed and proposed § 29.65(a) and (c) are revised to list all of the Category B requirements in paragraph (a) and to make paragraph (c) applicable only to Category A helicopters. For an explanation of the revisions to proposed § 29.65(c)(1), see the discussion of the revision to proposed § 27.65(b)(2)(i) under Proposal 6-63. Accordingly, the proposal is adopted with the revisions discussed above and under Proposal 6-63.

Proposal 6-80. No unfavorable comments were received on the proposal to amend § 29.143. Accordingly, the proposal is adopted without substantive change.

Proposal 6-81. No unfavorable comments were received on the proposal to revise § 29.175(c). Accordingly, the proposal is adopted without substantive change.

Proposal 6-82. For comments related to the proposal to revise § 29.1043(b), see Proposal 6-23.

Proposal 6-83. No unfavorable comments were received on the proposal to revise § 29.1501. Accordingly, the proposal is adopted without substantive change.

Proposals 6-84 and 2-188. For comments related to Proposal 6-84 to amend § 29.1505, and for an explanation of the revisions to proposed § 29.1505(c), see Proposal 6-70.

Disposition of Proposal 2-188 to amend § 29.1545 (Notice 75-10) was deferred so that it could be considered in connection with Proposal 6-84 to amend § 29.1505. No unfavorable comments were received on Proposal 2-188. Accordingly, the proposal is adopted without substantive change.

Proposal 6-85. For comments related to the proposal to revise § 29.1521(e), see Proposal 6-23.

Proposal 6-86. No unfavorable comments were received on the proposal to add a new § 29.1527. Accordingly, the

proposal is adopted without substantive change.

[For discussion concerning the amendment of § 29.1545, see Proposals 6-84 and 2-188.]

Proposals 6-87 and 2-192. Proposal 6-87 proposed to revise § 29.1581(a) and (b) and to delete § 29.1581(c) and mark it "[Reserved]." Disposition of Proposal 2-192 to add a new § 29.1581(d) (Notice 75-10) was deferred so that it could be considered in connection with Proposal 6-87.

No unfavorable comment was received on Proposals 6-87 or 2-192. These proposals to amend § 29.1581 are adopted without substantive change except that proposed § 29.1581(a)(2) is revised in accordance with the discussion of the proposal to amend § 25.1581 (Proposal 6-55).

Proposal 6-88. For comments related to the proposal to amend § 29.1583, see Proposal 6-23.

Proposals 6-89 and 2-186. For comments related to Proposal 6-89 to add a new § 29.1585(c), see Proposal 6-75.

Disposition of Proposal 2-186 to amend § 29.1353 (Notice 75-10) was deferred so that it could be considered in connection with Proposal 6-89. For comments related to proposed § 29.1353(c), see the discussion of Proposal 2-87 under Proposal 6-57.

Proposal 6-90. No unfavorable comments were received on the proposal to amend § 91.31. Accordingly, the proposal to amend § 91.31 is adopted without substantive change.

Proposal 6-91. The proposal to amend § 91.37 was made to implement Proposals 2-49, 2-51, 2-52, and 2-93 to amend §§ 25.105, 25.125, 25.241 and 25.1533, respectively, contained in Airworthiness Review Notice No. 2 (Notice 75-10). Since the proposed amendments to Part 25 have been withdrawn (41 FR 55454), Proposal 6-91 is also withdrawn.

Proposal 6-92. Proposed § 121.141(b) would authorize an air carrier to revise the operating procedures and the format of the performance data for the applicable Airplane or Rotorcraft Flight Manual and include the revised information in the operator's manual required by § 121.133, if the revised procedures and performance data presentation are approved by the Administrator and are clearly identified as flight manual requirements. One commentator said that there was no need for the identification of the flight manual material. This requirement is in the current rule and the FAA does not have sufficient information at the present time to justify deleting it, especially with regard to the operating limitations.

The commentator also suggested that the second sentence of proposed § 121.141(b) would be clarified by inserting a clause indicating that if the certificate holder elects to carry the manual required by § 121.133, he must retain all of the limitations section (of the flight manual) as written, unless deviations are

specifically authorized by the Administrator. The FAA does not believe that the suggested change is necessary or appropriate. Proposed § 121.141(b) would not authorize a change in the substance or presentation of the operating limitations required for the applicable flight manual. Accordingly, the proposal to revise § 121.141(b) is adopted without substantive change.

**DRAFTING INFORMATION**

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**ADOPTION OF THE AMENDMENT**

Accordingly, Parts 1, 21, 23, 25, 27, 29, 91, and 121 of the Federal Aviation Regulations are amended as follows, effective March 1, 1978:

**PART 1—DEFINITIONS AND ABBREVIATIONS**

**§ 1.1 [Amended]**

1. By amending § 1.1 by deleting the term "Accelerate-stop distance" and its definition.

**§ 1.2 [Amended]**

2. By amending § 1.2 by revising the definition of  $V_i$  to read as follows:

$V_i$  means takeoff decision speed (formerly denoted as critical engine failure speed).

**PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS**

3. By adding a new § 21.5 following § 21.3 to read as follows:

**§ 21.5 Airplane or Rotorcraft Flight Manual.**

(a) With each airplane or rotorcraft that was not type certificated with an Airplane or Rotorcraft Flight Manual and that has had no flight time prior to March 1, 1979, the holder of a Type Certificate (including a Supplemental Type Certificate) or the licensee of a Type Certificate shall make available to the owner at the time of delivery of the aircraft a current approved Airplane or Rotorcraft Flight Manual.

(b) The Airplane or Rotorcraft Flight Manual required by paragraph (a) of this section must contain the following information:

(1) The operating limitations and information required to be furnished in an Airplane or Rotorcraft Flight Manual or in manual material, markings, and placards, by the applicable regulations under which the airplane or rotorcraft was type certificated.

(2) The maximum ambient atmospheric temperature for which engine cooling was demonstrated must be stated in the performance information section of the Flight Manual, if the applicable regulations under which the aircraft was type certificated do not require ambient temperature or engine cooling operating limitations in the Flight Manual.

**PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES**

**§ 23.25 [Amended]**

4. By adding at the end of § 23.25(b) the word "and", by deleting § 23.25(b)(3), and by redesignating § 23.25(b)(4) as § 23.25(b)(3).

5. By amending § 23.29 by deleting paragraphs (a)(4) and (a)(5); by adding the word "and" after (a)(2); and by revising paragraph (a)(3) to read as follows:

**§ 23.29 Empty weight and corresponding center of gravity.**

(a) . . . . .

(3) Full operating fluids, including—

(i) Oil;

(ii) Hydraulic fluid; and

(iii) Other fluids required for normal operation of airplane systems, except potable water, lavatory precharge water, and water intended for injection in the engines.

6. By revising § 23.45 to read as follows:

**§ 23.45 General.**

(a) Unless otherwise prescribed, the performance requirements of this subpart must be met for still air and a standard atmosphere.

(b) The performance must correspond to the propulsive thrust available under the particular ambient atmospheric conditions, the particular flight condition, and the relative humidity specified in paragraphs (d) or (e) of this section, as appropriate.

(c) The available propulsive thrust must correspond to engine power or thrust, not exceeding the approved power or thrust, less—

(1) Installation losses; and

(2) The power or equivalent thrust absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

(d) For reciprocating engine-powered airplanes, the performance, as affected by engine power, must be based on a relative humidity of 80 percent in a standard atmosphere.

(e) For turbine engine-powered airplanes, the performance, as affected by engine power or thrust, must be based on a relative humidity of—

(1) 80 percent, at and below standard temperature; and

(2) 34 percent, at and above standard temperature plus 50 degrees F.

Between these two temperatures, the relative humidity must vary linearly.

7. By revising §§ 23.49 (a)(1) and (c)(1), and by adding a new § 23.49(e) to read as follows:

**§ 23.49 Stalling speed.**

(a)  $V_{S_0}$  is the stalling speed, if obtainable, or the minimum steady speed, in knots (CAS), at which the airplane is controllable, with the—

(1) Applicable power or thrust condition set forth in paragraph (e) of this section;

(c)  $V_{S_1}$  is the calibrated stalling speed, if obtainable, or the minimum steady speed, in knots, at which the airplane is controllable with the—

(1) Applicable power or thrust condition set forth in paragraph (e) of this section;

(e) The following power or thrust conditions must be used to meet the requirements of this section:

(1) For reciprocating engine-powered airplanes, engines idling, throttles closed or at not more than the power necessary for zero thrust at a speed not more than 110 percent of the stalling speed.

(2) For turbine engine-powered airplanes, the propulsive thrust may not be greater than zero at the stalling speed, or, if the resultant thrust has no appreciable effect on the stalling speed, with engines idling and throttles closed.

8. By revising § 23.51 to read as follows:

**§ 23.51 Takeoff.**

(a) For each airplane (except a ski-plane for which landplane takeoff data has been determined under this paragraph and furnished in the Airplane Flight Manual) the distance required to takeoff and climb over a 50-foot obstacle must be determined with—

(1) The engines operating within approved operating limitations; and

(2) The cowl flaps in the normal takeoff position.

(b) For multiengine airplanes, the lift-off speed,  $V_{LOF}$ , may not be less than  $V_{MC}$  determined in accordance with § 23.149.

(c) Upon reaching a height of 50 feet above the takeoff surface level, the airplane must have reached a speed of not less than the following:

(1) For multiengine airplanes, the higher of—

(i) 1.1  $V_{MC}$ ; or

(ii) 1.3  $V_{S_1}$ , or any lesser speed, not less than  $V_x$  plus 4 knots, that is shown to be safe under all conditions, including turbulence and complete engine failure.

(2) For single engine airplanes—

(i) 1.3  $V_{S_1}$ ; or

(ii) Any lesser speed, not less than  $V_x$  plus 4 knots, that is shown to be safe under all conditions, including turbulence and complete engine failure.

(d) The starting point for measuring seaplane and amphibian takeoff distance may be the point at which a speed of not more than three knots is reached.

(e) Takeoffs made to determine the data required by this section may not require exceptional piloting skill or exceptionally favorable conditions.

9. By revising § 23.65 to read as follows:

**§ 23.65 Climb: All engines operating.**

(a) Each airplane must have a steady rate of climb at sea level of at least 300 feet per minute and a steady angle of climb of at least 1:12 for landplanes or 1:15 for seaplanes and amphibians with—

(1) Not more than maximum continuous power on each engine;

(2) The landing gear retracted;

(3) The wing flaps in the takeoff position; and

(4) The cowl flaps or other means for controlling the engine cooling air supply in the position used in the cooling tests required by §§ 23.1041 through 23.1047.

(b) Each airplane with engines for which the takeoff and maximum continuous power ratings are identical and that has fixed-pitch, two-position, or similar propellers, may use a lower propeller pitch setting than that allowed by § 23.33 to obtain rated engine r.p.m. at  $V_x$ , if—

(1) The airplane shows marginal performance (such as when it can meet the rate of climb requirements of paragraph (a) of this section but has difficulty in meeting the angle of climb requirements of paragraph (a) of this section or of § 23.77); and

(2) Acceptable engine cooling is shown at the lower speed associated with the best angle of climb.

(c) Each turbine engine-powered airplane must be able to maintain a steady gradient of climb of at least 4 percent at a pressure altitude of 5,000 feet and a temperature of 81 degrees F (standard temperature plus 40 degree F) with the airplane in the configuration prescribed in paragraph (a) of this section.

10. By amending § 23.67 as follows:

1. By inserting the words "reciprocating engine-powered" after the first word "Each" in the lead-in sentence of § 23.67 (a).

2. By inserting the words "reciprocating engine-powered" after the first word "For" in the lead-in sentence of § 23.67 (b).

3. By adding new §§ 23.67 (c) and (d) to read as follows:

**§ 23.67 Climb: One engine inoperative.**

(c) For turbine-powered multiengine airplanes the following apply:

(1) The steady gradient of climb must be determined at each weight, altitude, and ambient temperature within the operational limits established by the applicant, with the—

(i) Critical engine inoperative, and its propeller in the minimum drag position;

(ii) Remaining engines at not more than maximum continuous power or thrust;

(iii) Landing gear retracted;

(iv) Wing flaps in the most favorable position; and

(v) The means for controlling the engine cooling air supply in the position used in the engine cooling tests required by §§ 23.1041 through 23.1047.



(2) Each airplane must be able to maintain the following climb gradients with the airplane in the configuration prescribed in paragraph (c)(1) of this section:

(i) 1.2 percent (or, if greater, a gradient equivalent to a rate of climb of 0.027 Vs.) at a pressure altitude of 5,000 feet and standard temperature (41 degrees F).

(ii) 0.6 percent (or, if greater, a gradient equivalent to a rate of climb of 0.014 Vs.) at a pressure altitude of 5,000 feet and 81 degrees F (standard temperature plus 40 degrees F).

(3) The minimum climb gradient specified in paragraphs (c)(2)(i) and (ii) of this section must vary linearly between 41 degrees F and 81 degrees F and must change at the same rate up to the maximum operating temperature approved for the airplane.

(4) In paragraphs (c)(2)(i) and (ii) of this section, rate of climb is expressed in feet per minute and Vs. is expressed in knots.

(d) For all multiengine airplanes, the speed for best rate of climb with one engine inoperative must be determined.

11. By revising § 23.75 to read as follows:

**§ 23.75 Landing.**

For airplanes (except skiplanes for which landing data have been determined under this section and furnished in the Airplane Flight Manual), the horizontal distance necessary to land and come to a complete stop (or to a speed of approximately 3 knots for water landings of seaplanes and amphibians) from a point 50 feet above the landing surface must be determined as follows:

(a) A steady gliding approach with a calibrated airspeed of at least 1.3 Vs. must be maintained down to the 50-foot height.

(b) The landing may not require exceptional piloting skill or exceptionally favorable conditions.

(c) The landing must be made without excessive vertical acceleration or tendency to bounce, nose over, ground loop, porpoise, or water loop.

(d) It must be shown that a safe transition to the balked landing conditions of § 23.77 can be made from the conditions that exist at the 50-foot height.

(e) The pressures on the wheel braking system may not exceed those specified by the brake manufacturer.

(f) Means other than wheel brakes may be used if that means—

(1) Is safe and reliable;

(2) Is used so that consistent results can be expected in service; and

(3) Is such that exceptional skill is not required to control the airplane.

12. By revising § 23.77 to read as follows:

**§ 23.77 Balked landing.**

(a) For balked landings, each airplane must be able to maintain a steady angle of climb at sea level of at least 1:30 with—

(1) Takeoff power on each engine;

(2) The landing gear extended; and

(3) The wing flaps in the landing position, except that if the flaps may safely be retracted in two seconds or less without loss of altitude and without sudden changes of angle of attack or exceptional piloting skill, they may be retracted.

(b) Each turbine engine-powered airplane must be able to maintain a steady rate of climb of at least zero at a pressure altitude of 5,000 feet at 81 degrees F (standard temperature plus 40 degrees F), with the airplane in the configuration prescribed in paragraph (a) of this section.

13. By revising § 23.149 to read as follows:

**§ 23.149 Minimum control speed.**

(a) V<sub>MC</sub> is the calibrated airspeed, at which, when the critical engine is suddenly made inoperative, it is possible to recover control of the airplane with that engine still inoperative, and maintain straight flight either with zero yaw or, at the option of the applicant, with an angle of bank of not more than five degrees. The method used to simulate critical engine failure must represent the most critical mode of powerplant failure with respect to controllability expected in service.

(b) For reciprocating engine-powered airplanes, V<sub>MC</sub> may not exceed 1.2 Vs. (where Vs. is determined at the maximum takeoff weight) with—

(1) Takeoff or maximum available power on the engines;

(2) The most unfavorable center of gravity;

(3) The airplane trimmed for takeoff;

(4) The maximum sea level takeoff weight (or any lesser weight necessary to show V<sub>MC</sub>);

(5) Flaps in the takeoff position;

(6) Landing gear retracted;

(7) Cowl flaps in the normal takeoff position;

(8) The propeller of the inoperative engine—

(i) Windmilling;

(ii) In the most probable position for the specific design of the propeller control; or

(iii) Feathered, if the airplane has an automatic feathering device; and

(9) The airplane airborne and the ground effect negligible.

(c) For turbine engine-powered airplanes, V<sub>MC</sub> may not exceed 1.2 Vs. (where Vs. is determined at the maximum takeoff weight) with—

(1) Maximum available takeoff power or thrust on the engines;

(2) The most unfavorable center of gravity;

(3) The airplane trimmed for takeoff;

(4) The maximum sea level takeoff weight (or any lesser weight necessary to show V<sub>MC</sub>);

(5) The airplane in the most critical takeoff configuration, except with the landing gear retracted; and

(6) The airplane airborne and the ground effect negligible.

(d) At V<sub>MC</sub>, the rudder pedal force required to maintain control may not exceed 150 pounds, and it may not be necessary to reduce power or thrust of the operative engines. During recovery, the airplane may not assume any dangerous attitude and it must be possible to prevent a heading change of more than 20 degrees.

14. By revising § 23.161(c) to read as follows:

**§ 23.161 Trim.**

(c) *Longitudinal trim.* The airplane must maintain longitudinal trim under each of the following conditions:

(1) A climb with maximum continuous power at a speed between V<sub>X</sub> and 1.4 Vs., with—

(i) The landing gear and wing flaps retracted; and

(ii) The landing gear retracted and the wing flaps in the takeoff position.

(2) A power approach with a 3 degree angle of descent, the landing gear extended, and with—

(i) The wing flaps retracted and at a speed of 1.4 Vs.; and

(ii) The applicable airspeed and flap position used in showing compliance with § 23.75.

(3) Level flight at any speed from 0.9 V<sub>X</sub> to either V<sub>X</sub> or 1.4 Vs., with the landing gear and wing flaps retracted.

• • • • •

**§ 23.177 [Amended]**

15. By deleting §§ 23.177(a)(4) and (b)(3) and revising the heading of the section to read "Static directional and lateral stability."

16. By revising § 23.181 and its heading to read as follows:

**§ 23.181 Dynamic stability.**

(a) Any short period oscillation not including combined lateral-directional oscillations occurring between the stalling speed and the maximum allowable speed appropriate to the configuration of the airplane must be heavily damped with the primary controls—

(1) Free; and

(2) In a fixed position.

(b) Any combined lateral-directional oscillations ("Dutch roll") occurring between the stalling speed and the maximum allowable speed appropriate to the configuration of the airplane must be damped to 1/10 amplitude in 7 cycles with the primary controls—

(1) Free; and

(2) In a fixed position.

17. By amending § 23.729(f)(1) by revising the last sentence to read as follows:

**§ 23.729 Retracting mechanism.**

(1) • • • If there is a manual shut-off for the warning device prescribed in this paragraph, the warning system must be designed so that, when the warning has been suspended after one or more

throttles are closed, subsequent retardation of any throttle to or beyond the position for normal landing approach will activate the warning device.

• • • • •

18. By amending §§ 23.1043(a)(1) and (d) by deleting the words "maximum anticipated air temperature" and inserting in their place the words "maximum ambient atmospheric temperature" and by revising § 23.1043(b) to read as follows:

**§ 23.1043 Cooling tests.**

(b) *Maximum ambient atmospheric temperature.* A maximum ambient atmospheric temperature corresponding to sea level conditions of at least 100 degrees F must be established. The assumed temperature lapse rate is 3.6 degrees F per thousand feet of altitude above sea level until a temperature of -69.7 degrees F is reached, above which altitude the temperature is considered constant at -69.7 degrees F. However, for winterization installations, the applicant may select a maximum ambient atmospheric temperature corresponding to sea level conditions of less than 100 degrees F.

• • • • •

**§ 23.1047 [Amended]**

19. By amending § 23.1047 by striking the reference to "§ 23.65(a)(1)" in § 23.1047(b)(1) and by inserting "§ 23.65" in its place.

20. By adding a new § 23.1353(g) to read as follows:

**§ 23.1353 Storage battery design and installation.**

(g) Nickel cadmium battery installations capable of being used to start an engine or auxiliary power unit must have—

(1) A system to control the charging rate of the battery automatically so as to prevent battery overheating;

(2) A battery temperature sensing and over-temperature warning system with a means for disconnecting the battery from its charging source in the event of an over-temperature condition; or

(3) A battery failure sensing and warning system with a means for disconnecting the battery from its charging source in the event of battery failure.

21. By revising § 23.1501 to read as follows:

**§ 23.1501 General.**

(a) Each operating limitation specified in §§ 23.1505 through 23.1527 and other limitations and information necessary for safe operation must be established.

(b) The operating limitations and other information necessary for safe operation must be made available to the crewmembers as prescribed in §§ 23.1541 through 23.1589.

22. By adding a new § 23.1521(e) to read as follows:

**§ 23.1521 Powerplant limitations.**

(e) *Ambient temperature.* For turbine engines, ambient temperature limitations (including limitations for winterization installations if applicable) must be established as the maximum ambient atmospheric temperature at which compliance with the cooling provisions of §§ 23.1041 through 23.1047 is shown.

23. By revising § 23.1523 to read as follows:

**§ 23.1523 Minimum flight crew.**

The minimum flight crew must be established so that it is sufficient for safe operation considering—

(a) The workload on individual crewmembers;

(b) The accessibility and ease of operation of necessary controls by the appropriate crewmember; and

(c) The kinds of operation authorized under § 23.1525.

24. By deleting § 23.1541(d) and by revising § 23.1541(c) to read as follows:

**§ 23.1541 General.**

(c) For airplanes which are to be certificated in more than one category—

(1) The applicant must select one category upon which the placards and markings are to be based; and

(2) The placards and marking information for all categories in which the airplane is to be certificated must be furnished in the Airplane Flight Manual.

25. By striking the word "and" from § 23.1555(c)(2), redesignating § 23.1555(c)(3) as (c)(4), and by adding a new (c)(3), and amending § 23.1555(d) to read as follows:

**§ 23.1555 Control markings.**

(c) • • •

(3) The conditions under which the full amount of usable fuel in any restricted usage fuel tank can safely be used must be stated on a placard adjacent to the selector valve for that tank; and

(d) Usable fuel capacity must be marked as follows:

(1) For fuel systems having no selector controls, the usable fuel capacity of the system must be indicated at the fuel quantity indicator.

(2) For fuel systems having selector controls, the usable fuel capacity available at each selector control position must be indicated near the selector control.

• • • • •

26. By deleting § 23.1559(a)(3), by striking the words "of more than 6,000 pounds maximum weight" from the first sentence of § 23.1559(a)(2), and by revising § 23.1559(a)(1) to read as follows:

**§ 23.1559 Operations limitations placard.**

(a) • • •

(1) For airplanes certificated in one category: The markings and placards installed in this airplane contain operating limitations which must be complied with when operating this airplane in the ----- category. (Insert category.) Other operating limitations which must be complied with when operating this airplane in this category are contained in the Airplane Flight Manual.

• • • • •

27. By revising § 23.1567(b) to read as follows:

**§ 23.1567 Flight maneuver placard.**

(b) For utility category airplanes, there must be—

(1) A placard in clear view of the pilot stating: "Acrobatic maneuvers are limited to the following -----" (list approved maneuvers and the recommended entry speed for each); and

(2) For those airplanes that do not meet the spin requirements for acrobatic category airplanes, an additional placard in clear view of the pilot stating: "Spins Prohibited."

• • • • •

28. By deleting § 23.1581(c) and marking it "[Reserved]", by revising §§ 23.1581(a) and (b), and by adding a new § 23.1581(d) to read as follows:

**§ 23.1581 General.**

(a) *Furnishing information.* An Airplane Flight Manual must be furnished with each airplane, and it must contain the following:

(1) Information required by §§ 23.1583 through 23.1589.

(2) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

(b) *Approved information.* (1) Except as provided in paragraph (b)(2) of this section, each part of the Airplane Flight Manual containing information prescribed in §§ 23.1583 through 23.1589 must be approved, segregated, identified and clearly distinguished from each unapproved part of that Airplane Flight Manual.

(2) The requirements of paragraph (b)(1) of this section do not apply if the following is met:

(i) Each part of the Airplane Flight Manual containing information prescribed in § 23.1583 must be limited to such information, and must be approved, identified, and clearly distinguished from each other part of the Airplane Flight Manual.

(ii) The information prescribed in §§ 23.1585 through 23.1589 must be determined in accordance with the applicable requirements of this part and presented in its entirety in a manner acceptable to the Administrator.

(3) Each page of the Airplane Flight Manual containing information pre-



scribed in this section must be of a type that is not easily erased, disfigured, or misplaced, and is capable of being inserted in a manual provided by the applicant, or in a folder, or in any other permanent binder.

(c) [Reserved]

(d) *Table of contents.* Each Airplane Flight Manual must include a table of contents if the complexity of the manual indicates a need for it.

29. By deleting § 23.1583(j) and marking it "[Reserved]", and by revising § 23.1583(b) to read as follows:

§ 23.1583 Operating limitations.

(b) *Powerplant limitations.* The following information must be furnished:

(1) Limitations required by § 23.1521.

(2) Explanation of the limitations, when appropriate.

(3) Information necessary for marking the instruments required by §§ 23.1549 through 23.1553.

30. By deleting § 23.1585(b) and marking it "[Reserved]", and by revising § 23.1585(a) and adding new §§ 23.1585(c) (4) and (e) to read as follows:

§ 23.1585 Operating procedures.

(a) For each airplane, information concerning normal and emergency procedures and other pertinent information necessary to safe operation must be furnished, including—

(1) The demonstrated crosswind velocity and procedures and information pertinent to operation of the airplane in crosswinds; and

(2) The airspeeds, procedures, and information pertinent to the use of the following airspeeds:

(i) The recommended climb speed and any variation with altitude.

(ii)  $V_x$  and any variation with altitude.

(iii) The approach speeds, including speeds for transition to the balked landing condition.

(b) [Reserved]

(c) [Reserved]

(4) Procedures for takeoff determined in accordance with § 23.51.

(e) For each airplane showing compliance with §§ 23.1353 (g) (2) or (g) (3), the operating procedures for disconnecting the battery from its charging source must be furnished.

31. By revising § 23.1587 to read as follows:

§ 23.1587 Performance information.

(a) *General.* For each airplane, the following information must be furnished:

(1) Any loss of altitude more than 100 feet, or any pitch more than 30 degrees below flight level, occurring during the recovery part of the maneuver prescribed in § 23.201(b).

(2) The conditions under which the full amount of usable fuel in each tank can safely be used.

(3) The stalling speed,  $V_s$ , at maximum weight.

(4) The stalling speed,  $V_s$ , at maximum weight and with landing gear and wing flaps retracted, and the effect upon this stalling speed of angles of bank up to 60 degrees.

(5) The takeoff distance determined under § 23.51, the airspeed at the 50-foot height, the airplane configuration (if pertinent), the kind of surface in the tests, and the pertinent information with respect to cowl flap position, use of flight path control devices, and use of the landing gear retraction system.

(6) The landing distance determined under § 23.75, the airplane configuration (if pertinent), the kind of surface used in the tests, and the pertinent information with respect to flap position and the use of flight path control devices.

(7) The steady rate or gradient of climb determined under §§ 23.65 and 23.77, the airspeed, power, and the airplane configuration.

(8) The calculated approximate effect on takeoff distance (paragraph (a) (5) of this section), landing distance (paragraph (a) (6) of this section), and steady rates of climb (paragraph (a) (7) of this section), of variations in—

(i) Altitude from sea level to 8,000 feet; and

(ii) Temperature at these altitudes from 60 degrees F below standard to 40 degrees F above standard.

(9) For reciprocating engine-powered airplanes, the maximum atmospheric temperature at which compliance with the cooling provisions of §§ 23.1041 through 23.1047 is shown.

(b) *Skiplanes.* For skiplanes, a statement of the approximate reduction in climb performance may be used instead of complete new data for skiplane configuration, if—

(1) The landing gear is fixed in both landplane and skiplane configurations;

(2) The climb requirements are not critical; and

(3) The climb reduction in the skiplane configurations is small (30 to 50 feet per minute).

(c) *Multiengine airplanes.* For multiengine airplanes, the following information must be furnished:

(1) The loss of altitude during the one-engine-inoperative stall shown under § 23.205 (as measured from the altitude at which the airplane starts to pitch uncontrollably to the altitude at which level flight is regained) and the pitch angle during that maneuver.

(2) The best rate of climb speed or the minimum rate of descent speed with one engine inoperative.

(3) The speed used in showing compliance with the cooling and climb requirements of § 23.1047(d) (5), if this speed is greater than the best rate of climb speed with one engine inoperative.

(4) The steady rate or gradient of climb determined under § 23.67 and the airspeed, power, and airplane configuration.

(5) The calculated approximate effect on the climb performance determined under § 23.67 of variations in—

(i) Altitude from sea level to 8,000 feet in a standard atmosphere and cruise configuration; and

(ii) Temperature, at those altitudes, from 60 degrees F below standard to 40 degrees F above standard.

#### PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

32. By deleting "—measured at a height of six feet above the runway." in the last phrase of § 25.21(d) and by adding a period in its place, and by adding a new § 25.21(f) to read as follows:

§ 25.21 Proof of compliance.

(f) In meeting the requirements of §§ 25.105(d), 25.125, 25.233, and 25.237, the wind velocity must be measured at a height of 10 meters above the surface, or corrected for the difference between the height at which the wind velocity is measured and the 10-meter height.

33. By amending § 25.29 by adding the word "and" at the end of paragraph (a) (2); by deleting paragraph (a) (4); and by revising paragraph (a) (3) to read as follows:

§ 25.29 Empty weight and corresponding center of gravity.

(a) . . .

(3) Full operating fluids, including—

(i) Oil;

(ii) Hydraulic fluid; and

(iii) Other fluids required for normal operation of airplane systems, except potable water, lavatory precharge water, and water intended for injection in the engines.

34. By revising § 25.107(a), (d), and (e) (1) (iv) to read as follows:

§ 25.107 Takeoff speeds.

(a)  $V_1$  must be established in relation to  $V_{EF}$  as follows:

(1)  $V_{EF}$  is the calibrated airspeed at which the critical engine is assumed to fail.  $V_{EF}$  must be selected by the applicant, but may not be less than  $V_{MC0}$  determined under § 25.149(e).

(2)  $V_1$ , in terms of calibrated airspeed, is the takeoff decision speed selected by the applicant; however,  $V_1$  may not be less than  $V_{EF}$  plus the speed gained with the critical engine inoperative during the time interval between the instant at which the critical engine is failed, and the instant at which the pilot recognizes and reacts to the engine failure, as indicated by the pilot's application of the first retarding means during accelerate-stop tests.

(d)  $V_{MU}$  is the calibrated airspeed at and above which the airplane can safely lift off the ground, and continue the takeoff.  $V_{MU}$  speeds must be selected by the applicant throughout the range of thrust-to-weight ratios to be certificated. These speeds may be established from free air data if these data are verified by ground takeoff tests.

(e) . . .

(1) . . .

(iv) A speed that, if the airplane is rotated at its maximum practicable rate, will result in a  $V_{LOF}$  of not less than 110 percent of  $V_{MU}$  in the all-engines-operating condition and not less than 105 percent of  $V_{MU}$  determined at the thrust-to-weight ratio corresponding to the one-engine-inoperative condition.

35. By revising § 25.109(a) to read as follows:

§ 25.109 Accelerate-stop distance.

(a) The accelerate-stop distance is the greater of the following distances:

(1) The sum of the distances necessary to—

(i) Accelerate the airplane from a standing start to  $V_{EF}$  with all engines operating;

(ii) Accelerate the airplane from  $V_{EF}$  to  $V_1$  and continue the acceleration for 2.0 seconds after  $V_1$  is reached, assuming the critical engine fails at  $V_{EF}$ ; and

(iii) Come to a full stop from the point reached at the end of the acceleration period prescribed in paragraph (a) (1) (i) of this section, assuming that the pilot does not apply any means of retarding the airplane until that point is reached and that the critical engine is still inoperative.

(2) The sum of the distances necessary to—

(i) Accelerate the airplane from a standing start to  $V_1$  and continue the acceleration for 2.0 seconds after  $V_1$  is reached with all engines operating; and

(ii) Come to a full stop from the point reached at the end of the acceleration period prescribed in paragraph (a) (2) (i) of this section, assuming that the pilot does not apply any means of retarding the airplane until that point is reached and that all engines are still operating.

§ 25.111 [Amended]

36. By amending §§ 25.111(a) (2) and (a) (3) by deleting the symbol " $V_1$ " and substituting in both places the symbol " $V_{EF}$ ".

37. By amending § 25.143 by deleting the value "180" under the column heading "Yaw" in the table of § 25.143(c) and inserting the value "150" in its place, and by revising § 25.143(b) to read as follows:

§ 25.143 General.

(b) It must be possible to make a smooth transition from one flight condition to any other flight condition without exceptional piloting skill, alertness, or strength, and without danger of exceeding the airplane limit-load factor under any probable operating conditions, including—

(1) The sudden failure of the critical engine;

(2) For airplanes with three or more engines, the sudden failure of the second critical engine when the airplane is in the en route, approach, or landing con-

figuration and is trimmed with the critical engine inoperative; and

(3) Configuration changes, including deployment or retraction of deceleration devices.

§ 25.147 [Amended]

38. By amending § 25.147 by deleting the number "180" in paragraph (a) and inserting in its place the number "150".

39. By amending § 25.149 by—

1. Deleting paragraph (b) and redesignating paragraph (a) as paragraph (b);

2. Deleting the number "180" in paragraph (d) and inserting in its place the number "150"; and

3. By deleting the word "and" after (c) (5); by deleting the period at the end of (c) (6) and inserting in its place a semicolon and the word "and"; and by revising the paragraph (c) lead-in and adding new paragraphs (a), (c) (7), (e), (f), (g), and (h) to read as follows:

§ 25.149 Minimum control speed.

(a) In establishing the minimum control speeds required by this section, the method used to simulate critical engine failure must represent the most critical mode of powerplant failure with respect to controllability expected in service.

(c)  $V_{MC}$  may not exceed 1.2  $V_s$  with—

(7) If applicable, the propeller of the inoperative engine—

(i) Windmilling;

(ii) In the most probable position for the specific design of the propeller control; or

(iii) Feathered, if the airplane has an automatic feathering device acceptable for showing compliance with the climb requirements of § 25.121.

(e)  $V_{MC0}$ , the minimum control speed on the ground, is the calibrated airspeed during the takeoff run, at which, when the critical engine is suddenly made inoperative, it is possible to recover control of the airplane with the use of primary aerodynamic controls alone (without the use of nose-wheel steering) to enable the takeoff to be safely continued using normal piloting skill and rudder control forces not exceeding 150 pounds. In the determination of  $V_{MC0}$ , assuming that the path of the airplane accelerating with all engines operating is along the centerline of the runway, its path from the point at which the critical engine is made inoperative to the point at which recovery to a direction parallel to the centerline is completed may not deviate more than 30 feet laterally from the centerline at any point.  $V_{MC0}$  must be established with—

(1) The airplane in each takeoff configuration or, at the option of the applicant, in the most critical takeoff configuration;

(2) Maximum available takeoff power or thrust on the operating engines;

(3) The most unfavorable center of gravity;

(4) The airplane trimmed for takeoff; and

(5) The most unfavorable weight in the range of takeoff weights.

(f)  $V_{MC1}$ , the minimum control speed during landing approach with all engines operating, is the calibrated airspeed at which, when the critical engine is suddenly made inoperative, it is possible to recover control of the airplane with that engine still inoperative, and maintain straight flight either with zero yaw or, at the option of the applicant, with an angle of bank of not more than 5 degrees.  $V_{MC1}$  must be established with—

(1) The airplane in the most critical configuration for approach with all engines operating;

(2) The most unfavorable center of gravity;

(3) The airplane trimmed for approach with all engines operating;

(4) The maximum sea level landing weight (or any lesser weight necessary to show  $V_{MC1}$ ); and

(5) Maximum available takeoff power or thrust on the operating engines.

(g) For airplanes with three or more engines,  $V_{MC1.2}$ , the minimum control speed during landing approach with one critical engine inoperative, is the calibrated airspeed at which, when a second critical engine is suddenly made inoperative, it is possible to recover control of the airplane with both engines still inoperative and maintain straight flight either with zero yaw or, at the option of the applicant, with an angle of bank of not more than 5 degrees.  $V_{MC1.2}$  must be established with—

(1) The airplane in the most critical configuration for approach with the critical engine inoperative;

(2) The most unfavorable center of gravity;

(3) The airplane trimmed for approach with the critical engine inoperative;

(4) The maximum sea level landing weight (or any lesser weight necessary to show  $V_{MC1.2}$ );

(5) The power or thrust on the operating engines required to maintain an approach path angle of 3 degrees when one critical engine is inoperative; and

(6) The power or thrust on the operating engines rapidly changed, immediately after the second critical engine is made inoperative, from the power or thrust prescribed in paragraph (g) (5) of this section to—

(i) Minimum available power or thrust; and

(ii) Maximum available takeoff power or thrust.

(h) The rudder control forces required to maintain control at  $V_{MC1}$  and  $V_{MC1.2}$  may not exceed 150 pounds, nor may it be necessary to reduce the power or thrust of the operating engines. In addition, the airplane may not assume any dangerous attitudes or require exceptional piloting skill, alertness, or



strength to prevent a divergence in the approach flight path that would jeopardize continued safe approach when—

(1) The critical engine is suddenly made inoperative; and

(2) For the determination of  $V_{MC}$ , the power or thrust on the operating engines is changed in accordance with paragraph (g) (6) of this section.

40. By revising § 25.177(b) to read as follows:

§ 25.177 Static directional and lateral stability.

(b) The static lateral stability (as shown by the tendency to raise the low wing in a sideslip with the aileron controls free and for any landing gear and flap position and symmetrical power condition) may not be negative at any airspeed (except speeds higher than  $V_{RX}$  or  $V_{LE}$ , when appropriate) in the following airspeed ranges:

(1) From 1.2  $V_s$  to  $V_{MO}/M_{MO}$ .

(2) From  $V_{MO}/M_{MO}$  to  $V_{RC}/M_{RC}$  unless the Administrator finds that the divergence is—

(i) Gradual;

(ii) Easily recognizable by the pilot; and

(iii) Easily controllable by the pilot.

41. By revising § 25.181 and its heading to read as follows:

§ 25.181 Dynamic stability.

(a) Any short period oscillation, not including combined lateral-directional oscillations, occurring between stalling speed and maximum allowable speed appropriate to the configuration of the airplane must be heavily damped with the primary controls—

(1) Free; and

(2) In a fixed position.

(b) Any combined lateral-directional oscillations ("Dutch roll") occurring between stalling speed and maximum allowable speed appropriate to the configuration of the airplane must be positively damped with controls free, and must be controllable with normal use of the primary controls without requiring exceptional pilot skill.

42. By deleting § 25.201(c) (2), redesignating § 25.201 (c) (3) as (c) (2), and by adding a new § 25.201(d) to read as follows:

§ 25.201 Stall demonstration.

(d) Occurrence of stall is defined as follows:

(1) The airplane may be considered stalled when, at an angle of attack measurably greater than that for maximum lift, the inherent flight characteristics give a clear and distinctive indication to the pilot that the airplane is stalled. Typical indications of a stall, occurring either individually or in combination, are—

(i) A nose-down pitch that cannot be readily arrested;

(ii) A roll that cannot be readily arrested; or

(iii) If clear enough, a loss of control effectiveness, an abrupt change in control force or motion, or a distinctive shaking of the pilot's controls.

(2) For any configuration in which the airplane demonstrates an unmistakable inherent aerodynamic warning of a magnitude and severity that is a strong and effective deterrent to further speed reduction, the airplane may be considered stalled when it reaches the speed at which the effective deterrent is clearly manifested.

43. By deleting the term "§ 25.201(c) (2)" in § 25.207(c) and inserting in its place the term "§ 25.201(d)", and by adding a sentence at the end of § 25.207 (b) to read as follows:

§ 25.207 Stall warning.

(b) . . . If a warning device is used, it must provide a warning in each of the airplane configurations prescribed in paragraph (a) of this section at the speed prescribed in paragraph (c) of this section.

§ 25.233 [Amended]

44. By amending § 25.233(a) by deleting "0.2  $V_{se}$ " and substituting "20 knots or 0.2  $V_{se}$ , whichever is greater, except that the wind velocity need not exceed 25 knots."

45. By revising § 25.237 to read as follows:

§ 25.237 Wind velocities.

(a) For landplanes and amphibians, a 90-degree cross component of wind velocity, demonstrated to be safe for takeoff and landing, must be established for dry runways and must be at least 20 knots or 0.2  $V_{se}$ , whichever is greater, except that it need not exceed 25 knots.

(b) For seaplanes and amphibians, the following applies:

(1) A 90-degree cross component of wind velocity, up to which takeoff and landing is safe under all water conditions that may reasonably be expected in normal operation, must be established and must be at least 20 knots or 0.2  $V_{se}$ , whichever is greater, except that it need not exceed 25 knots.

(2) A wind velocity, for which taxiing is safe in any direction under all water conditions that may reasonably be expected in normal operation, must be established and must be at least 20 knots or 0.2  $V_{se}$ , whichever is greater, except that it need not exceed 25 knots.

46. By adding a new § 25.255 following § 25.253 to read as follows:

§ 25.255 Out-of-trim characteristics.

(a) From an initial condition with the airplane trimmed at cruise speeds up to  $V_{MO}/M_{MO}$ , the airplane must have satisfactory maneuvering stability and controllability with the degree of out-of-trim in both the airplane nose-up and nose-down directions, which results from the greater of—

(1) A three-second movement of the longitudinal trim system at its normal rate for the particular flight condition

with no aerodynamic load (or an equivalent degree of trim for airplanes that do not have a power-operated trim system), except as limited by stops in the trim system, including those required by § 25.655(b) for adjustable stabilizers; or

(2) The maximum mistrim that can be sustained by the autopilot while maintaining level flight in the high speed cruising condition.

(b) In the out-of-trim condition specified in paragraph (a) of this section, when the normal acceleration is varied from +1 g to the positive and negative values specified in paragraph (c) of this section—

(1) The stick force vs. g curve must have a positive slope at any speed up to and including  $V_{FC}/M_{FC}$ ; and

(2) At speeds between  $V_{FC}/M_{FC}$  and  $V_{DF}/M_{DF}$  the direction of the primary longitudinal control force may not reverse.

(c) Except as provided in paragraphs (d) and (e) of this section, compliance with the provisions of paragraph (a) of this section must be demonstrated in flight over the acceleration range—

(1) -1 g to +2.5 g; or

(2) 0 g to 2.0 g, and extrapolating by an acceptable method to -1 g and +2.5 g.

(d) If the procedure set forth in paragraph (c) (2) of this section is used to demonstrate compliance and marginal conditions exist during flight test with regard to reversal of primary longitudinal control force, flight tests must be accomplished from the normal acceleration at which a marginal condition is found to exist to the applicable limit specified in paragraph (b) (1) of this section.

(e) During flight tests required by paragraph (a) of this section, the limit maneuvering load factors prescribed in §§ 25.333(b) and 25.337, and the maneuvering load factors associated with probable inadvertent excursions beyond the boundaries of the buffet onset envelopes determined under § 25.251(e), need not be exceeded. In addition, the entry speeds for flight test demonstrations at normal acceleration values less than 1 g must be limited to the extent necessary to accomplish a recovery without exceeding  $V_{DF}/M_{DF}$ .

(f) In the out-of-trim condition specified in paragraph (a) of this section, it must be possible from an overspeed condition at  $V_{DF}/M_{DF}$  to produce at least 1.5 g for recovery by applying not more than 125 pounds of longitudinal control force using either the primary longitudinal control alone or the primary longitudinal control and the longitudinal trim system. If the longitudinal trim is used to assist in producing the required load factor, it must be shown at  $V_{DF}/M_{DF}$  that the longitudinal trim can be actuated in the airplane nose-up direction with the primary surface loaded to correspond to the least of the following airplane nose-up control forces:

(1) The maximum control forces expected in service as specified in §§ 25.301 and 25.397.

(2) The control force required to produce 1.5 g.

(3) The control force corresponding to buffeting or other phenomena of such intensity that it is a strong deterrent to further application of primary longitudinal control force.

47. By adding a new § 25.703 following § 25.701 to read as follows:

§ 25.703 Takeoff warning system.

A takeoff warning system must be installed and must meet the following requirements:

(a) The system must provide to the pilots an aural warning that is automatically activated during the initial portion of the takeoff roll if the airplane is in a configuration, including any of the following, that would not allow a safe takeoff:

(1) The wing flaps or leading edge devices are not within the approved range of takeoff positions.

(2) Wing spoilers (except lateral control spoilers meeting the requirements of § 25.671), speed brakes, or longitudinal trim devices are in a position that would not allow a safe takeoff.

(b) The warning required by paragraph (a) of this section must continue until—

(1) The configuration is changed to allow a safe takeoff;

(2) Action is taken by the pilot to terminate the takeoff roll;

(3) The airplane is rotated for takeoff; or

(4) The warning is manually deactivated by the pilot.

(c) The means used to activate the system must function properly throughout the ranges of takeoff weights, altitudes, and temperatures for which certification is requested.

48. By revising § 25.729(e) (3) to read as follows:

§ 25.729 Retracting mechanism.

(e) . . .

(3) If there is a manual shutoff for the aural warning device prescribed in paragraph (e) (2) of this section, the warning system must be designed so that, when the warning has been suspended after one or more throttles are closed, subsequent retardation of any throttle to or beyond the position for a normal landing approach will activate the aural warning.

49. By revising § 25.1043(b) to read as follows:

§ 25.1043 Cooling tests.

(b) *Maximum ambient atmospheric temperature.* A maximum ambient atmospheric temperature corresponding to sea level conditions of at least 100 degrees F must be established. The assumed temperature lapse rate is 3.6 degrees F per thousand feet of altitude above sea level until a temperature of -69.7 degrees F is reached, above which altitude the temperature is considered

constant at -69.7 degrees F. However, for winterization installations, the applicant may select a maximum ambient atmospheric temperature corresponding to sea level conditions of less than 100 degrees F.

50. By adding a new § 25.1353(c) (6) to read as follows:

§ 25.1353 Electrical equipment and installations.

(c) . . .

(6) Nickel cadmium battery installations capable of being used to start an engine or auxiliary power unit must have—

(i) A system to control the charging rate of the battery automatically so as to prevent battery overheating;

(ii) A battery temperature sensing and over-temperature warning system with a means for disconnecting the battery from its charging source in the event of an over-temperature condition; or

(iii) A battery failure sensing and warning system with a means for disconnecting the battery from its charging source in the event of battery failure.

51. By revising § 25.1501 to read as follows:

§ 25.1501 General.

(a) Each operating limitation specified in §§ 25.1503 through 25.1533 and other limitations and information necessary for safe operation must be established.

(b) The operating limitations and other information necessary for safe operation must be made available to the crewmembers as prescribed in §§ 25.1541 through 25.1587.

52. By revising § 25.1521(e) to read as follows:

§ 25.1521 Powerplant limitations.

(e) *Ambient temperature.* Ambient temperature limitations (including limitations for winterization installations if applicable) must be established as the maximum ambient atmospheric temperature at which compliance with the cooling provisions of §§ 25.1041 through 25.1045 is shown.

53. By deleting § 25.1581(c) and marking it "[Reserved]"; and by revising § 25.1581 (a) and (b) and adding a new § 25.1581(d) to read as follows:

§ 25.1581 General.

(a) *Furnishing information.* An Airplane Flight Manual must be furnished with each airplane, and it must contain the following:

(1) Information required by §§ 25.1583 through 25.1587.

(2) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

(b) *Approved information.* Each part of the manual listed in §§ 25.1583 through 25.1587, that is appropriate to the airplane, must be furnished, verified, and approved, and must be segregated,

identified, and clearly distinguished from each unapproved part of that manual.

(c) [Reserved]

(d) Each Airplane Flight Manual must include a table of contents if the complexity of the manual indicates a need for it.

54. By revising § 25.1583 (b) and (c) and by adding a new § 25.1583(d) to read as follows:

§ 25.1583 Operating limitations.

(b) *Powerplant limitations.* The following information must be furnished:

(1) Limitations required by § 25.1521.

(2) Explanation of the limitations, when appropriate.

(3) Information necessary for marking the instruments required by §§ 25.1549 through 25.1553.

(c) *Weight and loading distribution.* The weight and center of gravity limits required by §§ 25.25 and 25.27 must be furnished in the Airplane Flight Manual. All of the following information must be presented either in the Airplane Flight Manual or in a separate weight and balance control and loading document which is incorporated by reference in the Airplane Flight Manual:

(1) The condition of the airplane and the items included in the empty weight as defined in accordance with § 25.29.

(2) Loading instructions necessary to ensure loading of the airplane within the weight and center of gravity limits, and to maintain the loading within these limits in flight.

(3) If certification for more than one center of gravity range is requested, the appropriate limitations, with regard to weight and loading procedures, for each separate center of gravity range.

(i) *Maneuvering flight load factors.* The positive maneuvering limit load factors for which the structure is proven, described in terms of accelerations, and a statement that these accelerations limit the angle of bank in turns and limit the severity of pull-up maneuvers, must be furnished.

55. By deleting the word "and" from the end of §§ 25.1585(a) (6) and (a) (9); by adding a semicolon and the word "and" at the end of § 25.1585(a) (9); and by revising §§ 25.1595(a) (7) and (c) and adding a new § 25.1585(a) (10) to read as follows.

§ 25.1585 Operating procedures.

(a) . . .

(7) Use of fuel jettisoning equipment, including any operating precautions relevant to the use of the system;

(10) Disconnecting the battery from its charging source, if compliance is shown with § 25.1353(c) (6) (ii) or (c) (6) (iii).

(c) The buffet onset envelopes determined under § 25.251 must be furnished. The buffet onset envelopes presented may reflect the center of gravity at which the airplane is normally loaded



during cruise if corrections for the effect of different center of gravity locations are furnished.

56. By revising § 25.1587 to read as follows:

**§ 25.1587 Performance information.**

(a) Each Airplane Flight Manual must contain information to permit conversion of the indicated temperature to free air temperature if other than a free air temperature indicator is used to comply with the requirements of § 25.1303(a)(1).

(b) Each Airplane Flight Manual must contain the performance information computed under the applicable provisions of this Part (including §§ 25.115, 25.123, and 25.125 for the weights, altitudes, temperatures, wind components, and runway gradients, as applicable) within the operational limits of the airplane, and must contain the following:

(1) The conditions under which the performance information was obtained, including the speeds associated with the performance information.

(2)  $V_a$  determined in accordance with § 25.103.

(3) The following performance information (determined by extrapolation and computed for the range of weights between the maximum landing and maximum takeoff weights):

(i) Climb in the landing configuration.

(ii) Climb in the approach configuration.

(iii) Landing distance.

(4) Procedures established under §§ 25.101 (f), (g), and (h) that are related to the limitations and information required by § 25.1533 and by this paragraph. These procedures must be in the form of guidance material, including any relevant limitations or information.

(5) An explanation of significant or unusual flight or ground handling characteristics of the airplane.

**PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT**

**§ 27.25 [Amended]**

57. By deleting § 27.25(b)(1)(iii) and adding the word "and" at the end of § 27.25(b)(1)(i).

58. By amending § 27.29 by adding the word "and" at the end of paragraph (a)(2); by deleting paragraphs (a)(4) and (a)(5) and by revising paragraph (a)(3) to read as follows:

**§ 27.29 Empty weight and corresponding center of gravity.**

(a) . . . . .

(3) Full operating fluids, including—

(i) Oil;

(ii) Hydraulic fluid; and

(iii) Other fluids required for normal operation of rotorcraft systems, except water intended for injection in the engines.

59. By revising the lead in of § 27.33 (b) and by adding a new § 27.33(e) to read as follows:

**§ 27.33 Main rotor speed and pitch limits.**

(b) *Normal main rotor high pitch limits (power-on).* For rotorcraft, except helicopters required to have a main rotor low speed warning under paragraph (e) of this section, it must be shown with power on and without exceeding approved engine maximum limitations, that main rotor speeds substantially less than the minimum approved main rotor speed will not occur under any sustained flight condition. This must be met by—

(e) *Main rotor low speed warning for helicopters.* For each single engine helicopter, and each multiengine helicopter that does not have an approved device that automatically increases power on the operating engines when one engine fails, there must be a main rotor low speed warning which meets the following requirements:

(1) The warning must be furnished to the pilot in all flight conditions, including power-on and power-off flight, when the speed of a main rotor approaches a value that can jeopardize safe flight.

(2) The warning may be furnished either through the inherent aerodynamic qualities of the helicopter or by a device.

(3) The warning must be clear and distinct under all conditions, and must be clearly distinguishable from all other warnings. A visual device that requires the attention of the crew within the cockpit is not acceptable by itself.

(4) If a warning device is used, the device must automatically deactivate and reset when the low-speed condition is corrected. If the device has an audible warning, it must also be equipped with a means for the pilot to manually silence the audible warning before the low-speed condition is corrected.

60. By revising § 27.45 including the heading to read as follows:

**§ 27.45 General.**

(a) Unless otherwise prescribed, the performance requirements of this subpart must be met for still air and a standard atmosphere.

(b) The performance must correspond to the engine power available under the particular ambient atmospheric conditions, the particular flight condition, and the relative humidity specified in paragraphs (d) or (e) of this section, as appropriate.

(c) The available power must correspond to engine power, not exceeding the approved power, less—

(1) Installation losses; and

(2) The power absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

(d) For reciprocating engine-powered rotorcraft, the performance, as affected by engine power, must be based on a relative humidity of 80 percent in a standard atmosphere.

(e) For turbine engine-powered rotorcraft, the performance, as affected by engine power, must be based on a relative humidity of—

(1) 80 percent, at and below standard temperature; and

(2) 34 percent, at and above standard temperature plus 50 degrees F. Between these two temperatures, the relative humidity must vary linearly.

61. By changing the heading of § 27.65 and by revising §§ 27.65 (a) (2) and (b) to read as follows:

**§ 27.65 Climb: All engines operating.**

(a) . . . . .

(2) The climb gradient, at the rate of climb determined in accordance with paragraph (a)(1) of this section, must be either—

(i) At least 1:10 if the horizontal distance required to take off and climb over a 50-foot obstacle is determined for each weight, altitude, and temperature within the range for which certification is requested; or

(ii) At least 1:6 under standard sea level conditions.

(b) Each helicopter must meet the following requirements:

(1)  $V_r$  must be determined—

(i) For standard sea level conditions;

(ii) At maximum weight; and

(iii) With maximum continuous power on each engine.

(2) If at any altitude within the range for which certification is requested,  $V_{NE}$  is less than  $V_r$ , the steady rate of climb must be determined—

(i) At the climb speed selected by the applicant at or below  $V_{NE}$ ;

(ii) Within the range from 2,000 feet below the altitude at which  $V_{NE}$  is equal to  $V_r$  up to the maximum altitude for which certification is requested;

(iii) For the weights and temperatures that correspond to the altitude range set forth in paragraph (b)(2)(ii) of this section and for which certification is requested; and

(iv) With maximum continuous power on each engine.

62. By revising § 27.67(c) to read as follows:

**§ 27.67 Climb: one engine inoperative.**

(a) . . . . .

(c) Maximum continuous power on the other engines and (for helicopters for which certification for the use of 30-minute power is requested) at 30-minute power.

63. By revising § 27.75(a)(2)(ii) to read as follows:

**§ 27.75 Landing.**

(a) . . . . .

(2) . . . . .

(ii) For multiengine rotorcraft, one engine inoperative and with each operating engine within approved operating limitations; and

64. By revising § 27.143(b) and adding a new § 27.143(e) to read as follows:

**§ 27.143 Controllability and maneuverability.**

(b) The margin of cyclic control must allow satisfactory roll and pitch control at  $V_{NE}$  with—

(1) Critical weight;

(2) Critical center of gravity;

(3) Critical rotor r.p.m.; and

(4) Power off (except for helicopters demonstrating compliance with paragraph (e) of this section) and power on.

(e) For helicopters for which a  $V_{NE}$  (power-off) is established under § 27.1505 (c), compliance must be demonstrated with the following requirements with critical weight, critical center of gravity, and critical rotor r.p.m.:

(1) The helicopter must be safely slowed to  $V_{NE}$  (power-off), without exceptional pilot skill, after the last operating engine is made inoperative at power-on  $V_{NE}$ .

(2) At a speed of 1.1  $V_{NE}$  (power-off), the margin of cyclic control must allow satisfactory roll and pitch control with power off.

65. By revising § 27.175(c) to read as follows:

**§ 27.175 Demonstration of static longitudinal stability.**

(a) . . . . .

(c) *Autorotation.* Static longitudinal stability must be shown in autorotation at airspeeds from 0.5 times the speed for minimum rate of descent to  $V_{NE}$ , or to 1.1  $V_{NE}$  (power-off) if  $V_{NE}$  (power-off) is established under § 27.1505(c), and with—

(1) Critical weight;

(2) Critical center of gravity;

(3) Power off;

(4) The landing gear—

(i) Retracted; and

(ii) Extended; and

(5) The rotorcraft trimmed at appropriate speeds found necessary by the Administrator to demonstrate stability throughout the prescribed speed range.

66. By amending §§ 27.1043 (a) (1) and (d) by deleting the words "maximum anticipated air temperature" and inserting in their place the words "maximum ambient atmospheric temperature", and by revising the lead-in of § 27.1043 (a) and revising § 27.1043 (b) to read as follows:

**§ 27.1043 Cooling tests.**

(a) *General.* For the tests prescribed in § 27.1041(b), the following apply:

(b) *Maximum ambient atmospheric temperature.* A maximum ambient atmospheric temperature corresponding to sea level conditions of at least 100 degrees F must be established. The assumed temperature lapse rate is 3.6 degrees F per thousand feet of altitude above sea level until a temperature of -69.7 degrees F is reached, above which altitude the temperature is considered constant at -69.7 degrees F. However, for winterization installations, the applicant may select a maximum ambient atmospheric temperature corresponding to sea level conditions of less than 100 degrees F.

67. By adding a new § 27.1353(g) to read as follows:

**§ 27.1353 Storage battery design and installation.**

(g) Nickel cadmium battery installations capable of being used to start an engine or auxiliary power unit must have—

(1) A system to control the charging rate of the battery automatically so as to prevent battery overheating;

(2) A battery temperature sensing and over-temperature warning system with a means for disconnecting the battery from its charging source in the event of an over-temperature condition; or

(3) A battery failure sensing and warning system with a means for disconnecting the battery from its charging source in the event of battery failure.

68. By revising § 27.1501 to read as follows:

**§ 27.1501 General.**

(a) Each operating limitation specified in §§ 27.1503 through 27.1525 and other limitations and information necessary for safe operation must be established.

(b) The operating limitations and other information necessary for safe operation must be made available to the crewmembers as prescribed in §§ 27.1541 through 27.1589.

69. By revising § 27.1505(a) and adding a new § 27.1505(c) to read as follows:

**§ 27.1505 Never-exceed speed.**

(a) The never-exceed speed,  $V_{NE}$ , must be established so that it is—

(1) Not less than 40 knots (CAS); and

(2) Not more than the lesser of—

(i) 0.9 times the maximum forward speeds established under § 27.309; or

(ii) 0.9 times the maximum speed shown under §§ 27.251 and 27.629.

(c) For helicopters, a stabilized power-off  $V_{NE}$  denoted as  $V_{NE}$  (power-off) may be established at a speed less than  $V_{NE}$  established pursuant to paragraph (a) of this section, if the following conditions are met:

(1)  $V_{NE}$  (power-off) is not less than a speed midway between the power-on  $V_{NE}$  and the speed used in meeting the requirements of—

(i) § 27.65(b) for single engine helicopters; and

(ii) § 27.67 for multiengine helicopters.

(2)  $V_{NE}$  (power-off) is—

(i) A constant airspeed;

(ii) A constant amount less than power-on  $V_{NE}$ ; or

(iii) A constant airspeed for a portion of the altitude range for which certification is requested, and a constant amount less than power-on  $V_{NE}$  for the remainder of the altitude range.

70. By adding a new § 27.1521(f) to read as follows:

**§ 27.1521 Powerplant limitations.**

(f) *Ambient temperature.* For turbine engines, ambient temperature limitations (including limitations for winterization installations, if applicable) must be established as the maximum ambient atmospheric temperature at which compliance with the cooling provisions of §§ 27.1041 through 27.1045 is shown.

71. By adding a new § 27.1527 to read as follows:

**§ 27.1527 Maximum operating altitude.**

The maximum altitude up to which operation is allowed, as limited by flight, structural, powerplant, functional, or equipment characteristics, must be established.

72. By redesignating §§ 27.1545(b) (2) and (3) as (b) (3) and (4), respectively, by revising § 27.1545(b) (1), and adding a new § 27.1545(b) (2), to read as follows:

**§ 27.1545 Airspeed indicator.**

(b) . . . . .

(1) A red radial line—

(i) For rotorcraft other than helicopters, at  $V_{NE}$ ; and

(ii) For helicopters, at  $V_{NE}$  (power-on)

(2) A red, cross-hatched radial line at  $V_{NE}$  (power-off) for helicopters, if  $V_{NE}$  (power-off) is less than  $V_{NE}$  (power-on).

73. By deleting § 27.1581(c) and marking it "[Reserved]"; and by revising §§ 27.1581 (a) and (b) and by adding a new § 27.1581(d) to read as follows:

**§ 27.1581 General.**

(a) *Furnishing information.* A Rotorcraft Flight Manual must be furnished with each rotorcraft, and it must contain the following:

(1) Information required by §§ 27.1583 through 27.1589.

(2) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

(b) *Approved information.* Each part of the manual listed in §§ 27.1583 through 27.1589, that is appropriate to the rotorcraft, must be furnished, verified, and approved, and must be segregated, identified, and clearly distinguished from each unapproved part of that manual.

(c) [Reserved]

(d) *Table of contents.* Each Rotorcraft Flight Manual must include a table of contents if the complexity of the manual indicates a need for it.

74. By revising § 27.1583(b) and adding a new § 27.1583(g) to read as follows:

**§ 27.1583 Operating limitations.**

(b) *Powerplant limitations.* The following information must be furnished:

(1) Limitations required by § 27.1521.

(2) Explanation of the limitations, when appropriate.



(3) Information necessary for marking the instruments required by §§ 27.1549 through 27.1553.

(g) *Altitude.* The altitude established under § 27.1527 and an explanation of the limiting factors must be furnished.

75. By adding new §§ 27.1585(c) and (d) to read as follows:

§ 27.1585 Operating procedures.

(c) For helicopters for which a V<sub>NE</sub> (power-off) is established under § 27.1505(c), information must be furnished to explain the V<sub>NE</sub> (power-off) and the procedures for reducing airspeed to not more than the V<sub>NE</sub> (power-off) following failure of all engines.

(d) For each rotorcraft showing compliance with § 27.1353 (g) (2) or (g) (3), the operating procedures for disconnecting the battery from its charging source must be furnished.

76. By striking the parenthetical expression "(if provided)" after "Manual" in the lead-in of § 27.1587(b); by striking the word "and" following the semicolon at the end of § 27.1587(b) (1); by striking the period at the end of § 27.1587(b) (2) (ii) and inserting in its place a semicolon followed by the word "and"; and by revising § 27.1587(a) and adding a new § 27.1587(b) (3) to read as follows:

§ 27.1587 Performance information.

(a) The rotorcraft must be furnished with the following information, determined in accordance with §§ 27.51 through 27.79 and 27.143(c):

(1) Enough information to determine the limiting height-speed envelope.

(2) Information relative to—

(i) The hovering ceilings and the steady rates of climb and descent, as affected by any pertinent factors such as airspeed, temperature, and altitude;

(ii) The maximum safe wind for operation near the ground; and

(iii) For reciprocating engine-powered rotorcraft, the maximum atmospheric temperature at which compliance with the cooling provisions of §§ 27.1041 through 27.1045 is shown.

(3) The horizontal takeoff distance determined in accordance with § 27.65(a) (2) (i).

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

77. By amending § 29.29 by adding the word "and" at the end of paragraph (a) (2); by deleting paragraphs (a) (4) and (a) (5); and by revising paragraph (a) (3) to read as follows:

§ 29.29 Empty weight and corresponding center of gravity.

(a) . . . . .  
(3) Full operating fluids, including—  
(i) Oil;  
(ii) Hydraulic fluid; and  
(iii) Other fluids required for normal operation of rotorcraft systems, except water intended for injection in the engines

78. By revising the lead-in of § 29.33 (b) and by adding a new § 29.33(e) to read as follows:

§ 29.33 Main rotor speed and pitch limits.

(b) *Normal main rotor high pitch limits (power-on).* For rotorcraft, except helicopters required to have a main rotor low speed warning under paragraph (e) of this section, it must be shown with power on and without exceeding approved engine maximum limitations, that main rotor speeds substantially less than the minimum approved main rotor speed will not occur under any sustained flight condition. This must be met by—

(e) *Main rotor low speed warning for helicopters.* For each single engine helicopter, and each multiengine helicopter that does not have an approved device that automatically increases power on the operating engines when one engine fails, there must be a main rotor low speed warning which meets the following requirements:

(1) The warning must be furnished to the pilot in all flight conditions, including power-on and power-off flight, when the speed of a main rotor approaches a value that can jeopardize safe flight.

(2) The warning may be furnished either through the inherent aerodynamic qualities of the helicopter or by a device.

(3) The warning must be clear and distinct under all conditions, and must be clearly distinguishable from all other warnings. A visual device that requires the attention of the crew within the cockpit is not acceptable by itself.

(4) If a warning device is used, the device must automatically deactivate and reset when the low-speed condition is corrected. If the device has an audible warning, it must also be equipped with a means for the pilot to manually silence the audible warning before the low-speed condition is corrected.

79. By amending § 29.45 as follows:

1. By deleting paragraphs (a) (3) and (b) (3).

2. By deleting the semicolon and the word "and" at the end of paragraphs (a) (2) and (b) (2) and by adding periods in place thereof.

3. By adding the word "and" at the end of paragraphs (a) (1) and (b) (1).

4. By adding new paragraphs (c), (d), and (e) to read as follows:

§ 29.45 General.

(c) The available power must correspond to engine power, not exceeding the approved power, less—

(1) Installation losses; and  
(2) The power absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

(d) For reciprocating engine-powered rotorcraft, the performance, as affected by engine power, must be based on a rel-

ative humidity of 80 percent in a standard atmosphere.

(e) For turbine engine-powered rotorcraft, the performance, as affected by engine power, must be based on a relative humidity of—

(1) 80 percent, at and below standard temperature; and

(2) 34 percent, at and above standard temperature plus 50 degrees F.

Between these two temperatures, the relative humidity must vary linearly.

80. By changing the heading of § 29.65, by revising § 29.65(a) and by adding a new § 29.65(c) to read as follows:

§ 29.65 Climb: All engines operating.

(a) The steady rate of climb must be determined for each Category B rotorcraft—

(1) With maximum continuous power on each engine;

(2) With the landing gear retracted;

(3) For the weights, altitudes, and temperatures for which certification is requested; and

(4) At V<sub>Y</sub> for standard sea level conditions at maximum weight and at speeds selected by the applicant at or below V<sub>NE</sub> for other conditions.

(c) For Category A helicopters, if V<sub>NE</sub> at any altitude within the range for which certification is requested is less than V<sub>Y</sub> at sea level standard conditions, with maximum weight and maximum continuous power, the steady rate of climb must be determined—

(1) At the climb speed selected by the applicant at or below V<sub>NE</sub>;

(2) Within the range from 2,000 feet below the altitude at which V<sub>NE</sub> is equal to V<sub>Y</sub> up to the maximum altitude for which certification is requested;

(3) For the weights and temperatures that correspond to the altitude range set forth in paragraph (c) (2) of this section and for which certification is requested;

(4) With maximum continuous power on each engine; and

(5) With the landing gear retracted.

81. By revising § 29.143(b) and adding a new § 29.143(e) to read as follows:

§ 29.143 Controllability and maneuverability.

(b) The margin of cyclic control must allow satisfactory roll and pitch control at V<sub>NE</sub> with—

(1) Critical weight;

(2) Critical center of gravity;

(3) Critical rotor r.p.m.; and

(4) Power off (except for helicopters demonstrating compliance with paragraph (e) of this section) and power on.

(e) For helicopters for which a V<sub>NE</sub> (power-off) is established under § 29.1505(c), compliance must be demonstrated with the following requirements with critical weight, critical center of gravity, and critical rotor r.p.m.:

(1) The helicopter must be safely slowed to V<sub>NE</sub> (power-off), without ex-

ceptional pilot skill after the last operating engine is made inoperative at power-on V<sub>NE</sub>.

(2) At a speed of 1.1 V<sub>NE</sub> (power-off), the margin of cyclic control must allow satisfactory roll and pitch control with power off.

82. By revising § 29.175(c) to read as follows:

§ 29.175 Demonstration of static longitudinal stability.

(c) *Autorotation.* Static longitudinal stability must be shown in autorotation at airspeeds from 0.5 times the speed for minimum rate of descent to V<sub>NE</sub>, or to 1.1 V<sub>NE</sub> (power-off) if V<sub>NE</sub> (power-off) is established under § 29.1505(c), and with—

(1) Critical weight;

(2) Critical center of gravity;

(3) Power off;

(4) The landing gear—

(i) Retracted; and

(ii) Extended; and

(5) The rotorcraft trimmed at appropriate speeds found necessary by the Administrator to demonstrate stability throughout the prescribed speed range.

83. By amending §§ 29.1043(a) (1) and (d) by deleting the words "maximum anticipated air temperature" and inserting in their place the words "maximum ambient atmospheric temperature" and by revising § 29.1043(b) to read as follows:

§ 29.1043 Cooling tests.

(b) *Maximum ambient atmospheric temperature.* A maximum ambient atmospheric temperature corresponding to sea level conditions of at least 100 degrees F must be established. The assumed temperature lapse rate is 3.6 degrees F per thousand feet of altitude above sea level until a temperature of -69.7 degrees F is reached, above which altitude the temperature is considered constant at -69.7 degrees F. However, for winterization installations, the applicant may select a maximum ambient atmospheric temperature corresponding to sea level conditions of less than 100 degrees F.

84. By adding a new § 29.1353(c) (6) to read as follows:

§ 29.1353 Electrical equipment and installation.

(c) . . . . .

(6) Nickel cadmium battery installations capable of being used to start an engine or auxiliary power unit must have—

(i) A system to control the charging rate of the battery automatically so as to prevent battery overheating;

(ii) A battery temperature sensing and over-temperature warning system with a means for disconnecting the battery

from its charging source in the event of an over-temperature condition; or

(iii) A battery failure sensing and warning system with a means for disconnecting the battery from its charging source in the event of battery failure.

85. By revising § 29.1501 to read as follows:

§ 29.1501 General.

(a) Each operating limitation specified in §§ 29.1503 through 29.1525 and other limitations and information necessary for safe operation must be established.

(b) The operating limitations and other information necessary for safe operation must be made available to the crewmembers as prescribed in §§ 29.1541 through 29.1589.

86. By revising § 29.1505(a) and adding a new § 29.1505(c) to read as follows:

§ 29.1505 Never-exceed speed.

(a) The never-exceed speed, V<sub>NE</sub>, must be established so that it is—

(1) Not less than 40 knots (CAS); and

(2) Not more than the lesser of—

(i) 0.9 times the maximum forward speeds established under § 29.309; or

(ii) 0.9 times the maximum speed shown under §§ 29.251 and 29.629.

(c) For helicopters, a stabilized power-off V<sub>NE</sub> denoted as V<sub>NE</sub> (power-off) may be established at a speed less than V<sub>NE</sub> established pursuant to paragraph (a) of this section, if the following conditions are met:

(1) V<sub>NE</sub> (power-off) is not less than a speed midway between the power-on V<sub>NE</sub> and the speed used in meeting the requirements of—

(i) § 29.67(a) (3) for Category A helicopters;

(ii) § 29.65(a) for Category B helicopters, except multi-engine helicopters meeting the requirements of § 29.67(b); and

(iii) § 29.67(b) for multi-engine Category B helicopters meeting the requirements of § 29.67(b).

(2) V<sub>NE</sub> (power-off) is—

(i) A constant airspeed;

(ii) A constant amount less than power-on V<sub>NE</sub>; or

(iii) A constant airspeed for a portion of the altitude range for which certification is requested, and a constant amount less than power-on V<sub>NE</sub> for the remainder of the altitude range.

87. By revising § 29.1521(e) to read as follows:

§ 29.1521 Powerplant limitations.

(e) *Ambient temperature.* Ambient temperature limitations (including limitations for winterization installations if applicable) must be established as the maximum ambient atmospheric temperature at which compliance with the cooling provisions of §§ 29.1041 through 29.1049 is shown.

88. By adding a new § 29.1527 following § 29.1525 to read as follows:

§ 29.1527 Maximum operating altitude.

The maximum altitude up to which operation is allowed, as limited by flight, structural, powerplant, functional, or equipment characteristics, must be established.

89. By redesignating §§ 29.1545(b) (2) and (3) as (b) (3) and (4), respectively, by revising § 29.1545(b) (1), and adding a new § 29.1545(b) (2), to read as follows:

§ 29.1545 Airspeed indicator.

(b) . . . . .

(1) A red radial line—

(i) For rotorcraft other than helicopters, at V<sub>NE</sub>; and

(ii) For helicopters, at V<sub>NE</sub>; (power-on).

(2) A red, cross-hatched radial line at V<sub>NE</sub> (power-off) for helicopters, if V<sub>NE</sub> (power-off) is less than V<sub>NE</sub> (power-on).

90. By deleting § 29.1581(c) and marking it "(Reserved)", and by revising §§ 29.1581(a) and (b) and adding a new § 29.1581(d) to read as follows:

§ 29.1581 General.

(a) *Furnishing information.* A Rotorcraft Flight Manual must be furnished with each rotorcraft, and it must contain the following:

(1) Information required by §§ 29.1583 through 29.1589.

(2) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

(b) *Approved information.* Each part of the manual listed in §§ 29.1583 through 29.1589 that is appropriate to the rotorcraft, must be furnished, verified, and approved, and must be segregated, identified, and clearly distinguished from each unapproved part of that manual.

(c) [Reserved]

(d) *Table of contents.* Each Rotorcraft Flight Manual must include a table of contents if the complexity of the manual indicates a need for it.

91. By revising § 29.1583(b) and by adding a new § 29.1583(h) to read as follows:

§ 29.1583 Operating limitations.

(b) *Powerplant limitations.* The following information must be furnished:

(1) Limitations required by § 29.1521.

(2) Explanation of the limitations, when appropriate.

(3) Information necessary for marking the instruments required by §§ 29.1549 through 29.1553.

(h) *Altitude.* The altitude established under § 29.1527 and an explanation of the limiting factors must be furnished

92. By adding new §§ 29.1585(c) and (d) to read as follows:



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§ 29.1585 Operating procedures.

(c) For helicopters for which a  $V_{NE}$  (power-off) is established under § 29.1505(c), information must be furnished to explain the  $V_{NE}$  (power-off) and the procedures for reducing airspeed to not more than the  $V_{NE}$  (power-off) following failure of all engines.

(d) For each rotorcraft showing compliance with § 29.1353 (c) (6) (ii) or (c) (6) (iii), the operating procedures for disconnecting the battery from its charging source must be furnished.

PART 91—GENERAL OPERATING AND FLIGHT RULES

93. By revising § 91.31(b) and adding a new § 91.31(e) to read as follows:

§ 91.31 Civil aircraft operating limitations and marking requirements.

(b) No person may operate a U.S. registered civil aircraft—

(1) For which an Airplane or Rotorcraft Flight Manual is required by § 21.5 unless there is available in the aircraft a current approved Airplane or Rotorcraft Flight Manual or the manual provided for in § 121.141(b); and

(2) For which an Airplane or Rotorcraft Flight Manual is not required by § 21.5, unless there is available in the aircraft a current approved Airplane or Rotorcraft Flight Manual, approved

manual material, markings, and placards, or any combination thereof.

(e) The Airplane or Rotorcraft Flight Manual, or manual material, markings and placards required by paragraph (b) of this section must contain each operating limitation prescribed for that aircraft by the Administrator, including the following:

(1) Powerplant (e.g., r.p.m., manifold pressure, gas temperature, etc.).

(2) Airspeeds (e.g., normal operating speed, flaps extended speed, etc.).

(3) Aircraft weight, center of gravity, and weight distribution, including the composition of the useful load in those combinations and ranges intended to ensure that the weight and center of gravity position will remain within approved limits (e.g., combinations and ranges of crew, oil, fuel, and baggage).

(4) Minimum flight crew.

(5) Kinds of operation.

(6) Maximum operating altitude.

(7) Maneuvering flight load factors.

(8) Rotor speed (for rotorcraft).

(9) Limiting height-speed envelope (for rotorcraft).

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

94. By revising § 121.141(b) to read as follows:

§ 121.141 Airplane or rotorcraft flight manual.

(b) In each transport-category aircraft, the certificate holder shall carry

either the manual required by § 121.133, if it contains the information required for the applicable flight manual and this information is clearly identified as flight manual requirements, or an approved Airplane or Rotorcraft Flight Manual. If the certificate holder elects to carry the manual required by § 121.133, he may revise the operating procedures sections and modify the presentation of performance data from the applicable flight manual if the revised operating procedures and modified performance data presentation are—

(1) Approved by the Administrator; and

(2) Clearly identified as airplane or rotorcraft flight manual requirements.

(Secs. 313(a), 601, 603, 604, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a), 1421, 1423, 1424, and 1425); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on January 9, 1978.

LANGHORNE BOND,  
Administrator.

[FR Doc.78-1034 Filed 1-13-78; 8:45 am]

MONDAY, JANUARY 16, 1978

PART V



DEPARTMENT OF  
TRANSPORTATION

Federal Aviation  
Administration

ADVISORY CIRCULAR  
CHECKLIST  
[AND STATUS OF  
FEDERAL AVIATION  
REGULATIONS]

registered  
federal  
property



# DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration  
[AC 00-2MM Effective Nov. 15, 1977]

## ADVISORY CIRCULAR CHECKLIST [AND STATUS OF FEDERAL AVIATION REGULATIONS]

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars (and the status of Federal Aviation Regulations) as of Nov. 15, 1977.

2. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas of the Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually to list all current advisory circulars and also includes a checklist showing the status of the Federal Aviation Regulations.

### 3. The Circular Numbering System.

a. *General.* The advisory circular numbers relate to the FAR subchapter titles and correspond to the Parts, and when appropriate, to the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's. A general subject number is used only when a circular covers more than one Part.

b. *General subject numbers.* The general subject matter areas and related numbers are as follows:

#### General Subject Number and Subject Matter

00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

Within the General Subject Number Areas, specific selectivity in advisory circular mail lists is available corresponding to the applicable FAR Parts. For example: under the 60 general subject area, separate mail lists for advisory circulars issued in the 61, 63, 65, or 67 series are available.

c. *Breakdown of subject numbers.* When the volume of circulars in a series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150 series, Airports, is issued under the following subsubjects:

#### Number and Subject

150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.

## NOTICES

- 150/5150 Surplus Airport Property Conveyance Programs.
- 150/5190 Airport Compliance Program.
- 150/5200 Airport Safety—General.
- 150/5210 Airport Safety Operations (Recommended Training, Standards, Manning).
- 150/5220 Airport Safety Equipment and Facilities.
- 150/5230 Airport Ground Safety System.
- 150/5240 Civil Airports Emergency Preparedness.
- 150/5300 Design, Construction, and Maintenance—General.
- 150/5320 Airport Design.
- 150/5325 Influence of Aircraft Performance on Aircraft Design.
- 150/5335 Runway, Taxiway, and Apron Characteristics.
- 150/5340 Airport Visual Aids.
- 150/5345 Airport Lighting Equipment.
- 150/5360 Airport Buildings.
- 150/5370 Airport Construction.
- 150/5380 Airport Maintenance.
- 150/5390 Heliports.
- 150/5900 Planning Grant for Airports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

### 4. The Advisory Circular Checklist.

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series, sequential numbers are missing. These numbers were assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

c. *Free and sales circulars.* This checklist contains advisory circulars that are for sale as well as those distributed free of charge by the Federal Aviation Administration. A list of circulars sold by the Superintendent of Documents is shown at the end of the numerical list of AC's. Please use care when ordering circulars to ensure that they are ordered from the proper source.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

### 5. How to get circulars.

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription

basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA.

b. Request free advisory circulars shown without an indicated price from:

U.S. Department of Transportation, Publications Section TAD 443.1, Washington, D.C. 20590.

c. Persons who want to be placed on FAA's mailing list for future circulars should write to:

U.S. Department of Transportation, Distribution Requirements Section, TAD 482.3, Washington, D.C. 20590.

NOTE: Be sure to identify the subject matter numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the General series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's will automatically receive related circulars.

d. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402;

or from any of the following Government bookstores located throughout the United States:

GPO Bookstore, Room 102A, 2121 Building, 2121 Eighth Avenue North, Birmingham, AL 35203.

GPO Bookstore, Federal Building, Room 1015, 300 North Los Angeles Street, Los Angeles, CA 90012.

GPO Bookstore, Federal Building, Room 1023, 450 Golden Gate Avenue, San Francisco, CA 94102.

GPO Bookstore, Federal Building, U.S. Courthouse, Room 1421, 1961 Stout Street, Denver, CO 80202.

GPO Bookstore, P.O. Box 713, Pueblo, CO 81002.

GPO Bookstore, Federal Building, Room 158, 400 West Bay Street, Jacksonville, FLA 32202.

GPO Bookstore, Room 100, Federal Building, 275 Peachtree Street NE., Atlanta, GA 30303.

GPO Bookstore, Everett McKinley Dirksen Building, Room 1463, 14th Floor, 219 South Dearborn Street, Chicago, IL 60604.

GPO Bookstore, Room G25, John F. Kennedy Federal Building, Sudbury Street, Boston, MA 02203.

GPO Bookstore, Federal Office Building, Room 229, 231 W. Lafayette Blvd., Detroit, MI 48226.

GPO Bookstore, Federal Building, Room 144, 601 East 12th Street, Kansas City, MO 64106.

GPO Bookstore, Room 1356, 26 Federal Plaza, New York, NY 10007.

GPO Bookstore, Room 207, Federal Office Bldg., 200 N. High St., Columbus, OH 43215.

GPO Bookstore, Federal Office Building, Room 171, 1240 East Ninth Street, Cleveland, OH 44199.

GPO Bookstore, Federal Office Bldg., Room 1214, 600 Arch St. Philadelphia, PA 19106.

## NOTICES

GPO Bookstore, 45 College Center, 9319 Gulf Freeway, Houston, TX 77017.

GPO Bookstore, Room 1046, Federal Building, U.S. Courthouse, 1100 Commerce Street, Dallas, TX 75202.

GPO Bookstore, Federal Building, Room 190, 915 Second Ave., Seattle, WA 98174.

GPO Bookstore, Federal Building, Room 190, 517 E. Wisconsin Avenue, Milwaukee, WI 53202.

GPO Bookstore, 710 North Capitol Street NW., Washington, D.C. 20402.

### Special Notice

Orders for subscription items can no longer be accepted by the bookstores. These orders must be placed directly with the Superintendent of Documents, Washington, D.C. 20402.

Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Orders for mailing to foreign countries should include an additional 25 percent of the total price to cover handling. No c.o.d. orders are accepted.

6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00-2 LL Advisory Circular Checklist, 7-15-77. Canceled by AC 00-2MM Advisory Circular Checklist, 11-15-77.

AC 00-44G Status of Federal Aviation Regulations, 5-1-77. Canceled by AC 00-44H Status of Federal Aviation Regulations, 9-30-77.

AC 20-6BB U.S. Civil Aircraft Register, Dec. 1976. Canceled by AC 20-6CC U.S. Civil Aircraft Register, July 1977.

AC 20-7N General Aviation Inspection Aids, Aug. 1976. Canceled by AC 20-7P General Aviation Inspection Aids, Aug. 1977.

AC 20-34A Prevention of Retractable Landing Gear Failures, 4-21-69. Canceled by AC 20-34B Prevention of Retractable Landing Gear Failures, 7-13-77.

AC 20-51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certified Products, 4-12-67. Canceled.

AC 21-25-1 Use of Restricted Category Airplanes for Glider Towing, 4-20-65. Canceled.

AC 21-303-2 Availability of Listing, "Parts Manufacturer Approvals"—1975, 3-31-76. Canceled by AC 21-303-2A Availability of Listing, "Parts Manufacturer Approvals"—1977, 10-1-77.

AC 43-9 Maintenance Records: General Aviation Aircraft, 2-19-75. Canceled by AC 43-9A Maintenance Records: General Aviation Aircraft, 9-9-77.

AC 61-1E Aircraft Type Ratings, 3-22-76. Canceled by AC 61-86 Pilot Type Rating Certificate Information, 6-30-77.

AC 61-2A Private Pilot (Airplane) Flight Training Guide, 9-1-64. Canceled.

AC 61-74 Flight Instructor—Rotorcraft—Helicopter—Written Test Guide, 5-8-74. Canceled by AC 61-74A Flight Instructor—Rotorcraft—Helicopter—Written Test Guide, 5-27-77.

AC 65-13B FAA Inspection Authorization Directory, 11-26-76. Canceled by AC 65-13C FAA Inspection Authorization Directory, 10-19-77.

AC 70-2A Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation and Deactivation of Airports, 10-26-76. Canceled by AC 70-2B Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation, and Deactivation of Airports, 9-23-77.

AC 90-12B Severe Weather Avoidance, 6-18-76. Canceled.

AC 90-43C Operations Reservations for High-Density Traffic Airports, 11-14-71. Canceled by AC 90-43D Operations Reservations for High-Density Traffic Airports, 7-20-77.

AC 90-54A Cruise Clearances, 11-27-73. Canceled.

AC 91-39 Recommended Noise Abatement Takeoff and Departure Procedure for Civil Turbojet Powered Airplanes, 1-18-74. Canceled.

AC 91-40 Terminal Control Area (TCA) Radar Outage, 1-17-74. Canceled.

AC 97-1 Runway Visual Range (RVR), 11-4-78. Canceled by AC 97-1A Runway Visual Range (RVR), 9-28-77.

AC 103-2 Information Guide for Air Carrier Handling of Radioactive Materials, 7-23-70. Canceled.

AC 140-1H Consolidated Listing of FAA Certified Repair Stations, 2-9-76. Canceled by AC 140-1J Consolidated Listing of FAA Certified Repair Stations, 7-27-77.

AC 150/5000-3C Address List for Regional Airports Divisions and Airport District Offices, 12-9-75. Canceled by AC 150/5000-3D Address List for Regional Airports Divisions and Airport District/Field Offices, 10-18-77.

AC 150/5050-2 Compatible Land Use Planning in the Vicinity of Airports, 4-13-67. Canceled.

AC 150/5190-3A Model Airport Hazard Zoning Ordinance, 9-19-72. Canceled by AC 150/5190-4 A Model Zoning Ordinance to Limit Height of Objects Around Airports, 8-23-77.

AC 150/5345-12A Specification for L-801 Beacon, 5-12-67. Canceled by AC 150/5345-12B Specification for L-801 Beacons, 9-8-77.

AC 150/5360-4 Guidelines for Federal Inspection Services Facilities at International Airports of Entry and Landing Rights Airports, 5-20-76. Canceled by AC 150/5360-4A Announcement of Availability—Guidelines for Federal Inspection Services Facilities at International Airports of Entry and at Landing Rights Airports, 10-7-77.

AC 150/5390-1A Heliport Design Guide, 11-5-69. Canceled by AC 150/5390-1B Heliport Design Guide, 9-22-77.

AC 183-29-1J Designated Engineering Representatives, 7-1-76. Canceled by AC 183-29-1K Designated Engineering Representatives, 7-1-77.

8. *Additions.* The following advisory circulars are added to the list.

AC 00-2MM Advisory Circular Checklist, 11-15-77.

AC 00-44H Status of Federal Aviation Regulations, 9-30-77.

AC 00-52 Ozone Irritation During High Altitude Flight, 7-21-77.

AC 20-6CC U.S. Civil Aircraft Register, July 1977.

AC 20-7P General Aviation Inspection Aids, August 1977.

Supplement 1 September 1977.

Supplement 2 October 1977.

AC 20-34B Prevention of Retractable Landing Gear Failures, 7-13-77.

AC 20-100 General Guidelines for Measuring Fire-Extinguishing Agent Concentrations in Powerplant Compartments, 9-21-77.

AC 20-101 Omega and Omega/VLF Navigation System Installation Approval in the Conterminous United States and Alaska, 10-14-77.

AC 21-303-2A Availability of Listing, "Parts Manufacturer Approvals"—1977, 10-1-77.

AC 43-9A Maintenance Records: General Aviation Aircraft, 9-9-77.

AC 43-15 Recommended Guidelines for Instrument Shops, 8-15-77.

AC 61-74A Flight Instructor Rotorcraft Helicopter Written Test Guide, 5-27-77.

AC 61-86 Pilot Type Rating Certificate Information, 6-30-77.

AC 65-13C FAA Inspection Authorization Directory, 10-19-77.

AC 70-2B Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation and Deactivation of Airports, 9-23-77.

AC 90-43D Operations Reservations for High-Density Traffic Airports, 7-20-77.

AC 91-23A Pilots Weight and Balance Handbook, 6-9-77.

AC 91-48 Acrobatics—Precision Flying With a Purpose, 6-29-77.

AC 91-49 General Aviation Procedures for Flight in North Atlantic Minimum Navigation Performance Specifications Airspace, 8-23-77.

AC 91-50 Importance of Transponder Operation and Altitude Reporting, 8-24-77.

AC 91-51 Airplane Deice and Anti-Ice Systems, 9-15-77.

AC 97-1A Runway Visual Range (RVR), 9-28-77.

AC 120-33 Operational Approval of Airborne Long-Range Navigation Systems for Flight Within the North Atlantic Minimum Navigation Performance Specifications Airspace, 6-24-77.

AC 120-34 Air Transportation of Mental Patients, 6-29-77.

AC 121-24 Passenger Safety Information Briefing and Briefing Cards, 6-23-77.

AC 121-25 Additional Weather Information: Domestic and Flag Air Carriers, 9-16-77.

AC 133-1 Rotorcraft External-Load Operations in Accordance with Federal Aviation Regulations Part 133, 7-15-77.

AC 140-1J Consolidated Listing of FAA Certified Repair Stations, 7-22-77.

AC 150/5000-3D Address List for Regional Airports Divisions and Airport District/Field Offices, 10-18-77.

AC 150/5190-4 A Model Zoning Ordinance to Limit Height of Objects Around Airports, 8-23-77.

AC 150/5325-4 CH 12 Runway Length Requirements for Airport Design, 7-27-77.

AC 150/5340-27 Air-to-Ground Radio Control of Airport Lighting Systems, 8-10-77.

AC 150/5345-1E CH 2 Approved Airport Lighting Equipment, 8-8-77.

AC 150/5345-12B Specification for L-801 Beacons, 8-8-77.

AC 150/5360-4A Announcement of Availability—Guidelines for Federal Inspection Services Facilities at International Airports of Entry and at Landing Rights Airports, 10-7-77.

AC 150/5390-1B Heliport Design Guide, 8-22-77.

AC 183-29-1K Designated Engineering Representatives, 7-1-77.

AC 210-5 Military Flying Activities, 9-23-77.

### ADVISORY CIRCULAR CHECKLIST

#### Notice

Superintendent of Documents stock numbers have been included to aid Superintendent of Documents personnel in processing orders.



Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents. Be sure your name and address appears on each list.

## NOTICE

Prices shown are those in effect as of Nov. 15, 1977. Prices are subject to change without notice and the price that will be charged on your order will be those in effect as of the date your order is processed.

## General

## SUBJECT NO. 00

## 00-1 The Advisory Circular System (12-4-62).

Describes the FAA Advisory Circular System.

## 00-2MM Advisory Circular Checklist (11-15-77).

Transmits the revised checklist of current FAA advisory circulars (and the status of the Federal Aviation Regulations) as of 11-15-77.

## 00-6A Aviation Weather (3-3-75).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. (\$4.55 Supt. Docs.) SN 050-007-00283-1.

## 00-7A State and Regional Disaster Airlift (SARDA) Planning (6-3-74).

Provides guidance for the development and implementation of State and Regional Disaster Airlift plans governing the use of general aviation aircraft during national emergencies and natural disasters.

## 00-7A CH 1 Transmits revised material consisting of procedural changes for insertion in the basic.

## 00-21 Shoulder Harness (10-5-66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

## 00-24 Thunderstorms (6-12-68).

Contains information concerning flights in or near thunderstorms.

## 00-25 Forming and Operating a Flying Club (3-24-69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club (\$0.75 Supt. Docs.) SN 050-007-00065-1.

## 00-26 Definitions of "U.S. National Aviation Standards" (1-22-69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

## 00-28 Communications Interference Caused by Sticking Microphone Buttons (8-6-69).

Alerts the industry of communications interference from undesired radiofrequency transmissions.

## 00-30 Rules of Thumb for Avoiding or Minimizing Encounters with Clear Air Turbulence (3-5-70).

Brings to the attention of pilots and other interested personnel, the "Rule of Thumb" for avoiding or minimizing encounters with clear air turbulence (CAT).

## 00-31 U.S. National Aviation Standard for the VORTAC System (6-10-70).

Informs the aviation community of the establishment and content of the U.S. National Aviation Standard for the VORTAC (VOR-TACAN-DME) System.

## 00-32 Civil Air Patrol and State and Regional Defense Airlift Relationships (7-2-70).

Advises interested persons of the Memorandum of Understanding between CAP and FAA, and provides additional guidance to further improve the use of non-air carrier aircraft in time of national emergency.

## 00-33A Nickel-Cadmium Battery Operational, Maintenance, and Overhaul Practices (2-14-73).

Provides guidelines for more reliable nickel-cadmium battery operation through proper operational and maintenance practices, and has been reissued to include reconditioning information.

## 00-34A Aircraft Ground Handling and Servicing (7-29-74).

Contains information and guidance for the servicing and ground handling of aircraft.

## 00-41A FAA Quality Control System Certification Program (11-3-75).

Describes the FAA Quality Control System Certification Program and the mechanics of implementation. It is intended for guidance and information only.

## 00-44H Status of the Federal Aviation Regulations (9-30-77).

Summarizes the current status of the conversion program, lists FAR prices, and provides ordering instructions for purchasing the regulations.

## 00-45A Aviation Weather Services (4-28-77).

Supplements AC 00-6A, Aviation Weather, in that it explains the weather service in general and the use and interpretation of reports, forecasts, weather maps, and prognostic charts in detail. Is an excellent source of study for pilot certification examinations. (\$3.00 Supt. Docs.) SN 050-007-00392-7.

## 00-46A Aviation Safety Reporting Program (3-31-76).

Advises that the FAA will modify the Aviation Safety Reporting Program, effective April 15, 1976, by utilizing NASA

as a third party to receive and analyze the aviation safety reports. This study invites pilots, controllers, and other users of the airspace or any other person to report to NASA actual or potential discrepancies and deficiencies involving the safety of aircraft operations.

## 00-50 Low Level Wind Shear (4-8-76).

Provides guidance for recognizing the meteorological situations that produce the phenomenon widely known as low level wind shear.

## 00-52 Ozone Irritation During High Altitude Flight (7-21-77).

Defines ozone irritation, discusses its causes and symptoms, and describes a means of dealing with the problem should it occur in flight.

## Procedural

## SUBJECT NO. 10

## 11-1A Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (12-21-72).

Emphasizes the need for the early submission of proposal involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

## 11-2 Notice of Proposed Rulemaking Distribution System (12-17-75).

Provides the public with information relative to participation in the FAA rulemaking process and explains the availability of the Notices.

## Aircraft

## SUBJECT NO. 20

## 20-3C Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (6-1-73).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA, Navy and Air Force.

## 20-5D Plane Sense (2-11-76).

Provides general aviation information for the private aircraft owner and outlines requirements of owning and operating a personal type airplane.

## AC 20-6CC U.S. Civil Aircraft Register (3-Vol. set) (July 1977).

Lists all active U.S. civil aircraft by registration number. (\$26.00 Supt. Docs.) SN 050-007-00381-1.

## 20-7P General Aviation Inspection Aids, Summary (Aug. 1977).

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft general. (\$9.00; \$11.25 foreign—Sub. Supt. Docs.) SN 050-011-90058-6.

## 20-7P Supplement 1 Sept. 1977.

## 20-7P Supplement 2 Oct. 1977.

## 20-9 Personal Aircraft Inspection Handbook (12-2-64).

(Out of print. Being revised.)

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1972. (\$1.90 Supt. Docs.) SN 050-011-00001-1.

## 20-17B Surplus Aircraft of the Armed Forces (10-11-72).

Sets forth the method of obtaining copies of Federal Aviation Regulations which might be required for certification of surplus military aircraft.

## 20-18A Qualification Testing of Turbojet Engine Thrust Reversers (3-16-66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 33, when run under nonstandard ambient air conditions.

## 20-23D Interchange of Service Experience—Mechanical Difficulties (2-12-71).

Provides information on the voluntary exchange service experience data used in improving durability and safety of aeronautical products.

## 20-24A Qualification of Fuels, Lubricants, and Additives (4-1-67).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

## 20-27B Certification and Operation of Amateur-Built Aircraft (4-20-72).

Provides information and guidance concerning certification and operation of amateur-built aircraft, including gliders, free balloons, helicopters, and gyroplanes, and sets forth an acceptable means, not the sole means, of compliance with FAR Part 21 and FAR Part 91.

## 20-28A Nationally Advertised Construction Kits, Amateur-Built Aircraft (12-29-72).

Advises persons contemplating the use of nationally advertised kits for the construction of an aircraft, that certain kits when used could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

## 20-29B Use of Aircraft Fuel Anti-icing additives (1-18-72).

Provides information on the use of anti-icing additives PFA-55MB and MIL-I-27686 as an acceptable means of compliance with the FARs that require assurance of continuous fuel flow under conditions where ice may occur in turbine aircraft fuel systems.

## 20-30A Airplane Position Lights and Supplementary Lights (4-18-68).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

## 20-32B Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (11-24-72).

Provides information on the potential dangers of carbon monoxide contamination from faulty engine exhaust systems or cabin heaters of the exhaust gas heat exchanger type.

## 20-33B Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 13 and 14 (5-1-75).

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

## 20-34B Prevention of Retractable Landing Gear Failures (7-13-77).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

## 20-35B Tie-Down Sense (4-19-71).

Provides information of general use on aircraft tie-down techniques and procedures.

## 20-36F Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—July 1, 1976 (9-9-76).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of July 1, 1976. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

## 20-37B Aircraft Metal Propeller Blade Failure (9-12-74).

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

## 20-38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2-8-66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

## 20-40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8-11-65).

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

## 20-41A Substitute Technical Standard Order (TSO) Aircraft Equipment (4-5-77).

Sets forth an acceptable means for complying with rules governing aircraft equipment installations in cases involving the substitution of technical standard order or equipment for functionally similar TSO approved equipment.

## 20-42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9-1-65).

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

## AC 20-43C Aircraft Fuel Control (10-20-76).

Alerts the aviation community to the potential hazards of inadvertent mixing or contamination of turbine and piston fuels, and provides recommended fuel control and servicing procedures.

## 20-44 Glass Fiber Fabric for Aircraft Covering (9-3-65).

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

## 20-45 Saftey of Turnbuckles on Civil Aircraft (9-17-65).

Provides information on turnbuckle saftey methods that have been found acceptable by the FAA during past aircraft type certification programs.

## 20-46 Suggested Equipment for Gliders Operating Under IFR (9-23-65).

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

## 20-47 Exterior Colored Band Around Exits on Transport Airplanes (2-8-66).

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

## 20-48 Practice Guide for Decontaminating Aircraft (5-5-66).

The title is self-explanatory.

## 20-52 Maintenance Inspection Notes for Douglas DC-6/7 Series Aircraft (8-24-67). (Consolidated Reprint—January 1974, includes Change 1.)

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC-6/7 series aircraft.

## 20-53 Protection of Aircraft Fuel System Against Lightning (10-6-67).

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

## 20-54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10-24-67).

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).



**20-55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1-22-68).**

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

**20-56A Marking of TSO-C72b Individual Flotation Devices (4-1-75).**

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

**20-57A Automatic Landing Systems (ALS) (1-12-71).**

Sets forth an acceptable means of compliance, but not the only means, for the installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations. Approval of these aircraft for use under such conditions will permit the accumulation of data for systems which may be approved for Category IIIA in the future.

**20-59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2-19-68).**

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

**20-59 CH 1 (8-24-72).**

Provides additional material for Convair Models 240 and 600/240D; Models 340/440 and 640/340D/440D series aircraft Maintenance inspection programs.

**20-60 Accessibility to Excess Emergency Exits (7-18-68).**

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

**20-62C Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (8-26-76).**

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

**20-63 Airborne Automatic Direction Finder Installations (Low and Medium Frequency) (7-7-69).**

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne automatic direction finders. It does not pertain to installations previously approved.

**20-64 Maintenance Inspection Notes for Lockheed L-188 Series Aircraft (8-1-69).**

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Lockheed L-188 series aircraft.

**20-64 CH 1 (10-26-73).**

**20-65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8-11-69).**

Provides general information and guidance concerning issuance of airworthiness certificates for U.S. registered aircraft, and issuance of special flight authorizations for operation in the United States of foreign aircraft not having standard airworthiness certificates issued by the country of registry.

**20-66 Vibration Evaluation of Aircraft Propellers (1-29-70).**

Outlines acceptable means, but not the sole means, for showing compliance with the requirements of the FARs concerning propeller vibration.

**20-67A Airborne VHF Communication System Installations (10-17-72).**

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne VHF communication systems.

**20-68A Recommended Radiation Safety Precautions for Airborne Weather Radar (4-11-75).**

Sets forth recommended radiation safety precautions for ground operation of airborne weather radar.

**20-69 Conspicuity of Aircraft Instrument Malfunction Indicators (5-14-70).**

Provides design guidance information on methods of improving conspicuity of malfunction indication devices.

**20-71 Dual Locking Devices on Fasteners (12-8-70).**

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the requirements for dual locking devices on removable fasteners installed in rotorcraft and transport category airplanes.

**20-73 Aircraft Ice Protection (4-21-71).**

Provides information relating to the substantiation of ice protection systems on aircraft.

**20-74 Aircraft Position and Anticollision Light Measurements (7-29-71).**

Contains useful information concerning measurements for intensity, covering, and color of aircraft position and anticollision lights.

**20-76 Maintenance Inspection Notes for Boeing B-707/720 Series Aircraft (10-21-71).**

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B-707/720 series aircraft.

**20-77 Use of Manufacturers' Maintenance Manuals (3-22-72).**

Inform owners and operators about the usefulness of manufacturers' manuals, and maintaining aircraft, engines, tenance manuals for servicing, repair and propellers.

**20-78 Maintenance Inspection Notes for McDonnell Douglas DC-8 Series Aircraft (7-11-72).**

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the DC-8 series aircraft.

**20-81 Accidental or Unauthorized Activation of Emergency Locator Transmitters (ELT) (10-10-72).**

Alerts the general aviation community to the harmful effects of accidental or unauthorized activation of emergency locator transmitters.

**20-82 Maintenance Inspection Notes for Fairchild Hiller F-27/FH-227 Series Aircraft (12-5-72).**

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of Fairchild Hiller F-27/FH-227 series aircraft.

**20-82 CH 1 (7-12-73).**

Provides additional material for subject advisory circular.

**20-83 Maintenance Inspection Notes for Boeing B-737 Series Aircraft (1-17-73).**

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B-737 series aircraft.

**20-83 CH 1 (8-8-74).**

Provides updating of material for the B-737 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of B-737 series aircraft are presented supplementing information currently in AC 20-83.

**20-83 CH 2 (1-31-75).**

**20-84 Maintenance Inspection Notes for Boeing B-727 Series Aircraft (1-22-73).**

Provides inspection notes which can be used for the maintenance support program for certain structural parts of the B-727 series aircraft.

**20-84 CH 1 (8-8-74).**

Updates material for the B-727 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of the B-727 series aircraft are presented supplementing information currently available in AC 20-84.

**20-84 CH 2 (1-31-75).**

**20-85 Emergency Locator Transmitters and Receivers (3-16-73).**

Provides information concerning the design, installation, and utilization of emergency locator transmitters.

**20-86 Aviation Education through Building an Airplane (5-11-73).**

Provides information to high schools about the available assistance, resources, methods, and opportunities for attaining basic educational goals by building an airplane.

**20-87 Airborne Homing and Alerting Equipment for use with Emergency Locator Transmitters (5-7-73).**

Sets forth the availability of recommended basic characteristics for airborne homing and alerting equipment for use with emergency locator transmitters (ELT).

**20-88 Guidelines on the Marking of Power-Plant Instruments (12-11-73).**

Provides guidelines on the marking of aircraft powerplant instruments.

**20-89 Communication Interference Caused by Unintentional Radio Transmissions (3-22-74).**

Alerts the aviation community to the potential hazards created by unintentional radio transmissions from airborne, mobile, and ground based radio transmitters and gives guidance on alleviating ensuing hazards.

**20-90B Address List for Engineering and Manufacturing District Offices (12-3-76).**

Transmits the address list for all Engineering and Manufacturing District Offices.

**20-91 Lithium Batteries Used in Emergency Locator Transmitters (4-11-75).**

Warns of potential hazards associated with accidental release of sulfur-dioxide gas from lithium-sulfur batteries.

**20-92 Anti-Icing Additives to Reduce Icing Problems in Aviation Gasoline (1-12-76).**

Title is self explanatory.

**20-93 Flutter Due to Ice or Foreign Substance on or in Aircraft Control Surfaces (1-29-76).**

Provides information concerning the potential hazard associated with aircraft control surface flutter caused by imbalance.

**20-94 Digital Clock Installation in Aircraft (3-4-76).**

Provides guidelines for operating and installing digital clocks in aircraft.

**20-95 Fatigue Evaluation of Rotorcraft Structure (5-18-76).**

Sets forth acceptable means, not the only means, of compliance with the provisions of FAR sections 27.571 and 29.571 dealing with the fatigue evaluation of rotorcraft structure.

**20-96 Surplus Military Aircraft—A Briefing for Prospective Buyers (12-2-76).**

Provides many answers to questions regarding the purchasing of surplus military aircraft (type certification, is the aircraft flyable, is it for spare parts, scrap?).

**20-97 High-Speed Tire Maintenance and Operational Practices (1-28-77).**

Provides information on the causes of aircraft tire failures and methods of increasing tire reliability.

**20-98 Auxiliary Two-Way Airborne Radio System Installations (5-23-77).**

Provides guidance concerning installation and operation of two-way radio communication systems which are not used for controlling an aircraft in flight (i.e., mobile telephone, amateur radio, etc.).

**20-99 Antiskid and Associated Systems (5-27-77).**

Provides an acceptable means, but not the only means, of complying with the requirement that antiskid and associated systems must be designed so that no probable malfunction will result in a hazardous loss of braking or directional control of an airplane.

**20-100 General Guidelines for Measuring Fire-Extinguishing Agent Concentrations in Powerplant Compartments (9-21-77).**

Describes the installation and use of a model GA-2A fire extinguisher agent concentration recorder in determining the distribution and concentration of fire-extinguishing agents when discharged in an aircraft powerplant compartment.

**20-101 Omega and Omega/VLF Navigation System Installation Approval in the Conterminous U.S. and Alaska (10-14-77).**

Presents criteria and an acceptable means, but not the sole means, of compliance for the installation approval of Omega and Omega/VLF Navigation Airborne Equipment as a means of VFR/IFR RNAV en route navigation within the conterminous U.S. and Alaska.

**21-1B Production Certificates (5-10-76).**

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

**21-2C Export Airworthiness Approval Procedures (5-7-76).**

This advisory circular provides general information and guidance concerning issuance of export approvals under Federal Aviation Regulations (FAR) Part 21, Subpart L.

**21-3 Basic Glider Criteria Handbook (1962).**

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1973. (\$2.05 Supt. Docs.) SN 050-011-00004-6.

**21-4B Special Flight Permits for Operation of Overweight Aircraft (7-30-69).**

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

**21-5D Summary of Supplemental Type Certificates (Announcement of Availability) (4-7-76).**

Announces the availability to the public of the new Summary of Supplemental Type Certificates (SSTC), dated January 1976. (See back of this checklist under "Internal Directives" for further information.)

**21-6 Production Under Type Certificate Only (5-26-67).**

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

**21-7A Certification and Approval of Import Products (11-21-69).**

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines and propellers that are manufactured in a foreign country with which the United States has an agreement for the acceptance of those products for export and import.

**21-8 Aircraft Airworthiness; Restricted Category; Certification of Aircraft With Uncertificated or Altered Engines or Propellers (5-21-69).**

Sets forth acceptable means of substantiating that uncertificated or altered engines and propellers have no unsafe features for type certification of aircraft in the restricted category.

**21-9 Manufacturers Reporting Failures, Malfunctions, or Defects (12-30-70).**

Provides information to assist manufacturers of aeronautical products (aircraft, aircraft engines, propellers, appliances, and parts) in notifying the Federal Aviation Administration of certain failures, malfunctions, or defects, resulting from design or quality control problems, in the products which they manufacture.

**21-10 Flight Recorder Underwater Locating Device (5-20-71).**

Provides one acceptable means (not the only means) of showing compliance with the underwater locating device requirements of FAR 25.1459 and FAR 121.343.

**21-11 Quality Assurance Systems Analysis Review (QASAR) Program Manufacturers/Suppliers (5-26-72).**

Explains the objectives and concept of the FAA's subject program.

**21-12 Application for U.S. Airworthiness Certificate, FAA Form 8130-6 (OMB 01-R0058) (1-17-73).**

Provides instructions on the preparation and submittal of subject form.

**21-13 Standard Airworthiness Certification of Surplus Military Aircraft and Aircraft Built from Spare and Surplus Parts (4-5-73).**

Provides guidance and instructions on establishing eligibility and submitting application for civil airworthiness certification of surplus military aircraft and



aircraft assembled from spare and surplus parts, under FAR 21.183(d) when an FAA Type Certificate has been issued under FAR 21.21 or FAR 21.27.

#### 21-14 The Role of Simulation in the Aircraft Certification Process (6-12-75).

Inform the aviation industry that the FAA intends to conduct an exploratory program to determine the degree to which simulation can support the aircraft certification process.

#### 21-15 New Issuance System for "Aircraft Type Certificate Data Sheets and Specifications" and "Aircraft Engine and Propeller Type Certificate Data Sheets and Specifications" (4-5-77).

Provides information concerning a change in the issuance system for the subject Type Certificates and Data Sheets.

#### 21.303-1A Certification Procedures for Products and Parts (8-10-72).

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and to set forth examples, as necessary, of acceptable means of compliance with its requirements.

#### 21.303-2A Availability of Listing, "Parts Manufacturer Approvals"—1977 (10-1-77).

Announces the availability of the parts listing from the Superintendent of Documents at a price of \$8.50. Stock No. 050-007-00401-0.

#### 25-2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7-9-64).

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR-422B.

#### 25-4 Inertial Navigation Systems (INS) (2-18-66).

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

#### 25-5 Installation Approval on Transport Category Airplanes of Cargo Unit Load Devices Approved as Meeting the Criteria in NAS 3610 (6-3-70).

Sets forth an acceptable means, but not the sole means, of complying with the requirements of the Federal Aviation Regulations (FAR's) applicable to the installation on transport category airplanes of cargo unit load devices approved as meeting the criteria in NAS 3610.

#### 25-6 Ground Proximity Warning Systems (GPWS) (12-31-74).

Outlines acceptable ground proximity warning system performance. System performance, other than that described, may also be acceptable when adequately substantiated.

#### 25.253-1A High-Speed Characteristics (12-27-76).

Sets forth an acceptable means, but not the only means, by which compliance may be shown with FAR 25.253 during certification flight tests.

#### 25.981-1A Guidelines for Substantiating Compliance With the Fuel Tank Temperature Requirements (1-20-71).

Sets forth some general guidelines for substantiating compliance with fuel tank temperature airworthiness standards section 25.981.

#### 25.1329-1A Automatic Pilot System Approval (7-8-68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

#### 25.1457-1A Cockpit Voice Recorder Installations (11-3-69).

Sets forth one acceptable means of compliance with provisions of FAR 25.1457 (b), (e), and (f) pertaining to area microphones, cockpit voice recorder location, and erasure features.

#### 29-1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12-26-63).

Gives means for compliance with flight requirements in various CAR's.

#### 29-1 CH 1 (3-26-64).

Transmits revised information about the time delay of automatic stabilization equipment.

#### 29.773-1 Pilot Compartment View (1-19-66).

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a)(1), may be shown.

#### 33-1B Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (4-22-70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements, of Part 33 of the Federal Aviation Regulations.

#### 33-2A Aircraft Engine Type Certification Handbook (6-5-72).

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

#### 33-3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9-9-68).

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

#### 36-1A Certificated Airplane Noise Levels (7-21-75).

Provides noise level data for airplanes certificated under FAR Part 36 since its publication on Nov. 18, 1969.

#### 36-2 Estimated (Uncertificated) Noise Levels of Aircraft (9-21-76).

Provides estimates of noise levels from airplanes not certificated to FAR Part 36 standards.

#### 37-2A Test Procedures for Maximum Allowable Airspeed Indicators (10-22-74).

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO-C46a).

#### 37-3A Radio Technical Commission for Aeronautics Document DO-160 (3-20-75).

This circular announces RTCA Document DO-160 and discusses how it may be used in connection with technical standard order authorizations.

#### 39-1A Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC-3 Series Aircraft Airworthiness Directive 66-18-2 (3-5-70).

Describes methods of determining that jig fixtures used in the replacement of the subject attached angles and doublers meet the requirements of Airworthiness Directive 66-18-2.

#### 39-6E Summary of Airworthiness Directives (2-11-76).

Announces the availability of Summary of Airworthiness Directives dated January 1, 1976 from the FAA in Oklahoma City and how to obtain them.

#### 43-2A Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (8-22-74).

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents information concerning the general operation, calibration, and maintenance of such barometers.

#### 43-3 Nondestructive Testing in Aircraft (5-11-73).

Reviews the basic principles underlying nondestructive testing. (\$0.75 Supt. Docs.) SN 5007-00208.

#### 43-4 Corrosion Control for Aircraft (5-15-73).

Summarizes current available data regarding identification and treatment of corrosive attack on aircraft structure and engine materials.

#### 43-4 CH 1 (3-1-74).

Provides additional information on identification and treatment of corrosion attack on aircraft structures. Adds a new Chapter 14—Corrosion control of aircraft used in agricultural cropdusting operations.

#### 43-4 CH 2 (10-8-74).

Clarifies the discussion on the removal of corrosion and treatment of corroded areas.

#### 43-5 Airworthiness Directives for General Aviation Aircraft (8-13-74).

Points areas of misunderstanding regarding: (1) Aircraft owners and operators' responsibility for complying with AD's; (2) maintenance personnel responsibilities with regards to performance of AD's, and (3) maintenance records entries for AD's required by FAR 91.173(a)(2)(v) and FAR 43.9.

#### 43-6 Automatic Pressure Altitude Encoding Systems and Transponder Maintenance and Inspection Practices (9-19-74).

Provides information on the installation of encoding altimeters based upon recently acquired operating experience and on the maintenance of ATC transponders.

#### 43-7 Ultrasonic Testing for Aircraft (9-24-74).

Describes methods used in ultrasonic nondestructive testing, discusses the many advantages, and points out the simplicity of the tests. Contains many illustrations. (\$1 Supt. Docs.) SN 050-007-00282-3.

#### 43-8 Maintaining Hot Air Balloons in an Airworthy Condition (1-2-75).

Contains information designed to assist balloon owners and operators in maintaining hot air balloons in an airworthy condition. Advises how the responsibility under FAR Section 43.9.

#### 43-9A Maintenance Records: General Aviation Aircraft (9-9-77).

Provides information to assist maintenance personnel in fulfilling their responsibility under FAR Section 43.9.

#### 43-10 Mechanical Work Performed on U.S. and Canadian Registered Aircraft (1-26-76).

Provides information and guidance to aircraft owners/operators and maintenance personnel concerning mechanical work performed on U.S. registered aircraft by Canadian maintenance personnel and on Canadian registered aircraft by U.S. maintenance personnel.

#### 43-11 Reciprocating Engine Overhaul Terminology and Standards (4-7-76).

Discusses engine overhaul terminology and standards that are used by the aviation industry.

#### 43-12 Preventive Maintenance (7-16-76).

Provides information concerning preventive maintenance and who may perform it.

#### 43-14 Maintenance of Weather Radar Radomes (2-24-77).

Provides guidance material useful to repair facilities in the maintenance of weather radomes.

#### Airmen

##### SUBJECT No. 60

#### 60-2M Annual Aviation Mechanic Safety Awards Program (2-6-75).

Provides the details of the annual Aviation Mechanic Safety Awards Program.

#### 60-4 Pilot's Spatial Disorientation (2-9-65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

#### 60-6A Airplane Flight Manuals (AFM), Approved Manual Materials, Markings, and Placards—Airplanes (2-9-76).

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with these requirements.

#### 60-9 Induction Icing—Pilot Precautions and Procedures (2-28-73).

Provides the pilot with information on the causes and results of induction icing in reciprocating aircraft engines, and the precautions he should take to reduce the likelihood of icing, and the means available to him in controlling icing when it is encountered.

#### 60-10 Recommended Safety Parameters for Operation of Hang Gliders (5-16-74).

Suggests safety parameters for the operation of "hang gliders" and to present the current FAA intent with respect to the regulation and operation of those vehicles.

#### 60-11 Aids Authorized for Use by Airman Written Test Applicants (8-27-74).

Clarifies FAA policy concerning aids that applicants may use when taking airman written tests.

#### 60-12 Availability of Industry-Developed Guidelines for the Conduct of the Biennial Flight Review (2-11-76).

Inform all FAA certificated flight instructors of the availability of, and how to obtain, the industry-developed guidelines for the conduct of the Biennial Flight Review.

#### 60-13 The Accident Prevention Counselor Program (4-27-76).

Provides information to acquaint the general aviation community with the accident prevention counselor program and outlines the ways the accident prevention counselor force enhances aviation safety.

#### 60-14 Aviation Instructor's Handbook (7-7-76).

Provides the aviation instructor with comprehensive, accurate, and easily understood information on learning and teaching and to relate this information to students. Cancels AC 61-16A. (\$2.75 Supt. Docs.) SN 050-011-00072-1.

#### 43-15 Recommended Guidelines for Instrument Shops (8-15-77).

Provides guidelines concerning environmental conditions for instrument repair and overhaul shops and information on calibration of test equipment.

#### 43-19C Instruction for Completion of FAA Form 337 (12-20-73).

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance).

#### 43.13-1A Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (4-17-72).

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1973. (\$3.70—Supt. Docs.) SN 050-011-00058-5.

#### 43.13-1A CHG 1 (5-12-75).

Transmits new and revised material for basic advisory circular. (\$0.65—Supt. Docs.) SN 050-007-00294-7.

#### 43.13-1A Ch 2 (12-22-76).

Transmits revised material concerning aircraft instrument adjustments. (\$0.35 Supt. Docs.) SN 050-007-00368-4.

#### 43.13-2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4-19-66).

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. (\$3.60-\$4.50 foreign Sub.—Supt. Docs.)

Subscription now includes: Changes 1 thru 14 Consolidated Reprint in 1973. Change 15 dated 1-15-74, and Change 16 dated 8-12-74.

#### 43-203A Altimeter and Static System Tests and Inspections (6-6-67).

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

#### 45-2 Identification and Registration Marking (7-7-72).

Provides guidance and information concerning the identification and marking requirements of Federal Aviation Regulations (FAR) Parts 21 and 45, and where considered helpful, to provide an acceptable means, but not the sole means, of compliance with the regulations.

#### 47-1A Aircraft Registration, Eligibility, Identification and Activity Report (6-7-73).

Advises owners and operators of U.S. civil aircraft of requirement for annual submission of current information related to aircraft registration eligibility, requests similar submission of information related to identification and activity of aircraft; and to call attention to the availability of the reporting form to be used.



**60-15A Publication of New Written Test Study Guides (6-9-77).**

Announces the revision of the written test study guides for selected testing areas which will contain representative questions and responses used in the current FAA certification tests.

**61-8C—Instrument Rating (Airplane) Written Test Guide (5-31-72).**

Reflects the current operating procedures and techniques in a background setting appropriate for applicants preparing for the subject test. (\$1.45 Supt. Docs.) SN 050-007-00183-5.

**61-9B Pilot Transition Courses for Complex Single-Engine and Light, Twin-engine Airplanes (1-15-74).**

A guide to the procedures and standards to be followed for a thorough and comprehensive checkout in modern single- and twin-engine aircraft. (\$0.45 Supt. Docs.) SN 050-007-00228-2.

**61-10A Private and Commercial Pilots Refresher Courses (9-27-72).**

Provides a syllabus of study requirements and describes the areas of training that should be emphasized. (\$0.55 Supt. Docs.) SN 050-011-00060-5.

**61-12H Student Pilot Guide (2-14-77).**

Provides guidance for student pilots and those already in primary flight training. Updated to include requirements covered in Part 61. (\$1.50 Supt. Docs.) SN 050-007-00377-3.

**61-13A Basic Helicopter Handbook (4-5-73).**

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. (\$2.50 Supt. Docs.) SN 050-011-00064-4.

**61-18D Airline Transport Pilot (Airplane) Written Test Guide (2-14-75).**

Reflects current operating procedures and techniques in a background setting appropriate for applicants preparing for the Airline Transport Pilot (Airplane) Written Test. (\$2.05 Supt. Docs.) SN 050-007-00301-3.

**61-19 Safety Hazard Associated With Simulated Instrument Flights (12-4-64).**

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

**61-21 Flight Training Handbook (1-11-66).**

Provide information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors.

Reprinted in 1969. (\$2.15 Supt. Docs.) SN 050-007-00008-1.

**61-23A Pilot's Handbook of Aeronautical Knowledge (7-10-70).**

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. (\$5.30 Supt. Docs.) SN 050-011-00051-8.

**61-27B Instrument Flying Handbook (9-22-70).**

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Pilot's Handbook of Aeronautical Knowledge." (\$3.35 Supt. Docs.) SN 050-007-00087-7.

**61-31B Gyroplane Pilot Written Test Guide, Private and Commercial (4-14-76).**

Provides guidance and assistance to applicants who are preparing for the Private or Commercial Pilot Certificate with a Rotorcraft-Gyroplane Rating under the provisions of FAR Part 61.

**61-31B Chg 1 (5-13-77).**

**61-32B Private Pilot—Airplane—Written Test Guide (5-2-77).**

Provides information, guidelines, and sample test items to assist applicants for the Private Pilot Certificate in attaining necessary aeronautical knowledge (\$2.30 Supt. Docs.) SN 050-011-00073-9.

**61-34B Federal Aviation Regulations Written Test Guide for Private, Commercial and Military Pilots (2-10-75).**

Outlines the scope of the basic knowledge required of civilian or military pilots who are studying FARs as they pertain to the Regulations terminology; to the certification of private and commercial pilots; to the operation of aircraft in the national airspace; and to the requirements of the National Transportation Safety Board. For use as a guide in preparing for the FAR Written Test. (\$0.70 Supt. Docs.) SN 050-007-00288-2.

**61-42A Airline Transport Pilot (Helicopter) Written Test Guide (1-20-72).**

Describes the type and scope of required aeronautical knowledge covered in the written tests, lists reference materials available from GPO bookstores, and presents sample test items with answers and explanations. (\$0.70 Supt. Docs.) SN 050-011-00057-7.

**61-43A Glider Pilot Written Test Guide—Private and Commercial (1-12-72).**

Provides information, guidelines, and sample test items, to assist applicants for the Glider Pilot certificate in attaining necessary aeronautical knowledge.

**61-45 Instrument Rating (Helicopter) Written Test Guide (1-24-68).**

Assists applicants who are preparing for the helicopter instrument rating.

Presents a study outline, study materials and a sample test with answers.

**61-47 Use of Approach Slope Indicators for Pilot Training (9-16-70).**

Informs pilot schools, flight instructors and student pilots of the recommendation of the Federal Aviation Administration on the use of approach slope indicator systems for pilot training.

**61-51 Reporting Flight Time on Pilot Applications, FAA Form 8420-3 (6-26-72).**

Advises applicants of the importance of entering their pilot flight time on subject form. (OBM No. 04-R0064.)

**61-52B Flight Instructor of the Year Award Program (1-5-74).**

Provides the details of the Flight Instructor of the Year Award Program.

**61-54A Private Pilot Airplane... Flight Test Guide (4-18-75).**

Contains information and guidance concerning the pilot operations, procedures, and maneuvers relevant to the airplane category with a single-engine land/sea or multiengine land/sea rating. (\$1.35 Supt. Docs.) SN 050-007-00300-5.

**61-55A Commercial Pilot Airplane... Flight Test Guide (4-25-75).**

Assists the applicant and the instructor in preparing for the flight test for certification as a commercial pilot with single engine land or sea rating and for multiengine land or sea ratings. (\$1.10 Supt. Docs.) SN 050-007-00295-5.

**61-56A Flight Test Guide, Instrument Pilot Airplane (5-7-76).**

Assists the applicant and the instructor in preparing for the flight test for the Instrument Pilot Airplane Rating. (\$0.55 Supt. Docs.) SN 050-007-00343-9.

**61-57A Type Rating, Airplane, Flight Test Guide (5-1-75).**

Contains information and guidance concerning the pilot operations, procedures, and maneuvers relevant to the flight test required for an Airplane Type Rating. (\$0.70 Supt. Docs.) SN 050-007-00299-8.

**61-58 Flight Instructor Practical Test Guide (5-1-73).**

Outlines new requirements based on changes to FAR Part 61, Certification of Pilots and Flight Instructors. (\$0.50 Supt. Docs.) SN 050-011-00067-4.

**61-59A Private and Commercial Pilot—Helicopter—Flight Test Guide (3-3-77).**

Assists applicants for the Private or Commercial Pilot Rotorcraft Certificate with Helicopter Rating in preparing for their certification flight test. (\$1.60 Supt. Docs.) SN 050-007-00384-8.

**61-60 Private and Commercial Pilot Gyroplane, Flight Test Guide (May 1973).**

Outlines appropriate pilot operations and the minimum standards for the performance of each procedure or maneuver which will be accepted by the examiner as evidence of the pilot's competency, under Part 61 (revised). (\$0.65 Supt. Docs.) SN 050-011-00066-6.

**61-61A Private and Commercial Pilot—Glider—Flight Test Guide (12-3-76).**

Prepared to assist the applicant and the instructor in preparing for the flight test for the Private and the Commercial Pilot certificate with Glider Rating. Contains information concerning pilot operations, procedures and maneuvers relevant to the flight test. (\$1.50 Supt. Docs.) SN 050-011-00071-2.

**61-62A Private and Commercial Pilot—Free Balloon—Flight Test Guide (12-17-76).**

Prepared to assist the applicant in preparing for the flight test for the Private or Commercial Pilot Certificate with a lighter-than-air category and free balloon class. Contains information concerning the operations, procedures, and maneuvers relevant to the flight test. (\$1.10 Supt. Docs.) SN 050-007-00375-7.

**61-63 Flight Test Guide, Private and Commercial Pilot—Lighter-Than-Air Airship (5-23-74).**

Establishes a new concept of pilot training and certification requirements. To provide a transition to these revised requirements, Part 61 (revised) permits the applicant, for a period of 1 year after the effective date, to meet either the previous requirements for the Private Pilot Certificate as outlined in Part 61, prior to November 1, 1973.

**61-64 Flight Test Guide—Instrument Pilot Helicopter (7-23-73).**

Assists the applicant and his instructor in preparing for the flight test for the instrument Pilot Helicopter Rating under the revised Part 61 (\$0.55 Supt. Docs.) SN 050-007-00215-7.

**61-65 Part 61 (Revised) Certification: Pilot and Flight Instructors (9-5-73).**

Informs pilots and flight instructors of the changes in Part 61, revised January 23, 1973, their effects, and the standards and procedures which will be used in implementing them.

**61-66 Annual Pilot in Command Proficiency Checks (11-2-73).**

Presents material relating to annual proficiency checks required for pilots-in-command of civil aircraft type certificated for more than one required pilot crewmember, other than those operating under Parts 121, 123, 127, 133, 135, and 137.

**61-67 Hazards Associated with Spins in Airplanes Prohibited from Intentional Spinning (2-1-74).**

Informs pilots of the airworthiness standards for the type certification of small airplanes prescribed in Section 23.221 of the Federal Aviation Regulations concerning spin maneuvers.

**61-68 Flight Instructor Refresher Clinics—Scheduling, Attendance, Facilities, and Equipment (2-27-74).**

Provides guidance to sponsors regarding scheduling, required facilities and equipment, and attendance control at Flight Instructor Refresher Clinics in which the Flight Instructor Refresher Unit (FIRU) participates.

**61-70 Flight Instructor Instrument—Airplane—Written Test Guide (3-29-74).**

Provides guidance for the applicant by outlining the scope of knowledge required for the Flight Instructor Certificate with an Instrument Airplane Rating. (\$1.65 Supt. Docs.) SN 050-007-00252-1.

**61-71A Commercial Pilot Airplane Written Test Guide (3-24-77).**

Outlines the aeronautical knowledge requirements for a commercial pilot rating, outlines source material for study, and includes representative test items and illustrations used in the FAA written test. (\$2.30 Supt. Docs.) SN 050-007-00385-4.

**61-72A Flight Instructor—Airplane—Written Test Guide (3-24-77).**

Outlines the aeronautical knowledge requirements for certification as an airplane flight instructor, outlines source material for study, and provides representative test questions for the FAA written test. (\$2.70 Supt. Docs.) SN 050-007-00386-2.

**61-73 Private and Commercial Pilot Rotorcraft—Helicopter Written Test Guide (8-8-74).**

Assists applicants who are preparing for the Private or Commercial Pilot certificate with a Rotorcraft—Helicopter rating under the provisions of FAR Part 61 (revised). (\$1.20 Supt. Docs.) SN 050-007-00265-3.

**AC 61-74A Flight Instructor Rotorcraft—Helicopter Written Test Guide (5-27-77).**

Assists applicants who are preparing for the Flight Instructor Certificate with a Rotorcraft—Helicopter Rating. (\$2.30 Supt. Docs.) SN 050-007-00400-1.

**AC 61-75 Flight Instructor—Glider—Written Test Guide (9-18-74).**

Assists applicants who are preparing for the Flight Instructor—Glider Written Test. (\$1.50 Supt. Docs.) SN 050-007-00271-8.

**61-77 Airline Transport Pilot Airplane Practical Test Guide (Part 61 Revised) (4-23-74).**

Designed to assist the applicant and his instructor in preparing for the Airline Transport Pilot Certificate with an Airplane Rating under FAR Part 61 (revised). (\$0.50 Supt. Docs.) SN 050-007-00257-2.

**61-81 Private and Commercial Pilot—Glider—Written Test Guide (4-27-76).**

Contains a comprehensive study outline and a list of recommended study

materials. Sample study questions and illustrations pertinent to the subject of glider flying are included. (\$1.60 Supt. Docs.) SN 050-007-00339-1.

**61-82 Airline Transport Pilot—Helicopter—Flight Test Guide (8-25-76).**

Describes procedures and maneuvers relevant to the ATP Certificate—Helicopter—that is limited to VFR and that which is not limited to VFR. Includes a suggested flight test checklist. (\$0.80 Supt. Docs.) SN 050-007-00358-7.

**61-83 Nationally Scheduled Federal Aviation Administration (FAA)—Approved, Industry-Conducted Flight Instructor Refresher Clinics (9-3-76).**

Announces a concept pertaining to FAA-approved, industry-conducted Flight Instructor Refresher Clinics, outlines procedures for approval, and invites participation by interested industry groups.

**61-84 Role of Preflight Preparation (4-11-77).**

Provides guidance information on some elements of flight planning that should be considered in planning and conducting a safe, efficient flight.

**61-86 Pilot Type Rating Certificate Information (6-30-77).**

Provides pilot certificate designations adopted by the FAA for aircraft type ratings issued with pilot certificates.

**63-1B Flight Engineer Written Test Guide (10-22-70).**

Provides information to prospective flight engineers and others interested in this certification area. Contains information about certification requirements and describes the type and scope of the written test. Lists appropriate study and reference material and presents sample questions similar to those found in the official written tests. (\$0.85 Supt. Docs.) SN 050-007-00164-9.

**63-2A Flight Navigator Written Test Guide (4-4-69).**

Defines the scope and narrows the field of study to the basic knowledge required for the Flight Navigator Certificate. Published in 1969. (\$0.70 Supt. Docs.) SN 050-007-00064-2.

**65-2D Airframe and Powerplant Mechanics Certification Guide (1-30-76).**

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. (\$1.30 Supt. Docs.) SN 050-007-00331-5.

**65-4B Aircraft Dispatcher Written Test Guide (7-25-72).**

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. (\$1.40 Supt. Docs.) SN 050-007-00190-8.



**65-5A Parachute Rigger—Senior/Master—Certification Guide (12-20-74).**

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. (\$0.75 Supt. Docs.) SN 050-007-00287-4.

**65-9A Airframe and Powerplant Mechanics—General Handbook (4-12-76).**

Designed as a study manual for persons preparing for a mechanic certificate with airframe or powerplant ratings. Emphasis in this volume is on theory and methods of application, and is intended to provide basic information on principles, fundamentals, and airframe and powerplant ratings. (\$6.75 Supt. Docs.) SN 050-007-00379-0.

**65-11A Airframe and Powerplant Mechanics Certification Information (4-21-71).**

Provides answers to questions most frequently asked about Federal Aviation Administration certification of aviation mechanics. (\$0.40 Supt. Docs.) SN 050-007-00171-1.

**65-12A Airframe and Powerplant Mechanics Powerplant Handbook (4-12-76).**

Designed to familiarize student mechanics with the construction, theory of operation, and maintenance of aircraft powerplants. (\$6.50 Supt. Docs.) SN 050-007-00373-1.

**65-13C FAA Inspection Authorization Directory (10-19-77).**

Provides a new directory of all FAA certificated mechanics who hold an inspection authorization as of Aug. 31, 1977.

**65-15A Airframe and Powerplant Mechanics Airframe Handbook (4-12-76).**

Designed to familiarize student mechanics with airframe construction, repair, and the operating theory of airframe systems. (\$6.00 Supt. Docs.) SN 050-007-00391-9.

**65-18 Report Availability of a Survey of the Aviation Mechanics Occupation (9-4-74).**

Announces the public availability of the 1974 report on a Survey of the Aviation Mechanics Occupation.

**65-19A Inspection Authorization Study Guide (11-17-76).**

Provides guidance for persons who conduct annual and progressive inspections and approve major repairs and/or alternations of aircraft. It stresses the importance that certificated mechanics, holding IA's, have in air safety. Primarily intended for mechanics who hold or are preparing to take the test for an inspection authorization. (\$0.65 Supt. Docs.) SN 050-007-00332-3.

**67-1 Medical Information for Air Ambulance Operators (3-4-74).**

Provides persons or groups interested or involved in civil air ambulance activities with information governing the transport of patients by air.

**67-2 Medical Handbook for Pilots (5-15-74).**

An aviation medicine handbook written in pilots language that provides guidance on when, and when not, to fly. Emphasizes the fact that, to be a good pilot, you must be physically fit, psychologically sound, and well trained. Designed to complement the Pilots Handbook of Aeronautical Knowledge. (\$1.45 Supt. Docs.) SN 050-007-00254-8.

**Airspace  
SUBJECT NO. 70**

**70-2B Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation and Deactivation of Airports (9-23-77).**

Advises those persons proposing to construct, alter, activate or deactivate a civil or joint-use (civil/military) airport, for which Federal aid has not been requested of the Federal Aviation Administration.

**70/7460-1E Obstruction Marking and Lighting (11-1-76).**

Describes FAA standards on obstruction marking and lighting and establishes the methods, procedures, and equipment types for both aviation red and high-intensity white obstruction lights.

**70/7460-2E Proposed Construction or Alteration of Objects that may Affect the Navigable Airspace (7-5-73).**

Advises those persons proposing to erect or alter an object that may affect the navigable airspace of the requirement to submit a notice to the Administrator of the Federal Aviation Administration (FAA).

**70/7460-3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8-8-68).**

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

**73-1 Establishment of Alert Areas (3-11-68).**

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

**Air Traffic Control and General Operations  
SUBJECT NO. 90**

**90-1A Civil Use of U.S. Government Produced Instrument Approach Charts (4-10-68).**

Clarifies landing minimums requirements and revises instrument approach charts.

**90-5 Coordination of Air Traffic Control Procedures and Criteria (6-13-63).**

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

**90-14A Altitude—Temperature Effect on Aircraft Performance (1-26-68).**

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

**90-23D Wake Turbulence (12-15-72).**

Alerts pilots to the hazards of aircraft trailing vortex wake turbulence and recommends related operational procedures.

**90-34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2-27-68).**

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

**90-42A Traffic Advisory Practices at Nontower Airports (8-16-72).**

Establishes, as good operating practices, procedures for pilots to be apprised of or exchange traffic information, when approaching or departing uncontrolled airports.

**90-43D Operations Reservations for High-Density Traffic Airports (7-20-77).**

Advises the aviation community of the means for all aircraft operators, except helicopters, scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

**AC 90-45A Approval of Area Navigation Systems for Use in the U.S. National Airspace System (2-21-75).**

Provides guidelines for implementation of two-dimensional area navigation (2D RNAV) within the U.S. National Airspace System (NAS). Provides for both VOR/DME dependent systems and self-contained systems such as Inertial Navigation Systems (INS).

**90-45A Ch 1 (9-15-75).**

**90-45A Ch 2 (7-22-76).**

**90-48 Pilots' Role in Collision Avoidance (3-20-70).**

Alerts all pilots to the midair collision and near midair collision hazard and to emphasize those basic problem areas of concern, as related to the human casual factors, where improvements in pilot education, operating practices, procedures, and techniques are needed to reduce midair conflicts.

**AC 90-50A VHF Radio Frequency Assignment Plan for Aeronautical Operations (2-7-75).**

Describes the civil air traffic control assignment of frequencies in the very high frequency (118-136 MHz) band.

**90-58C VOR Course Errors Resulting from 50 kHz Channel Mis-Selection (4-7-75).**

Provides information concerning a potentially hazardous situation when a 200 channel VOR receiver is inadvertently mistuned by 50 kHz from the frequency of a 100 kHz ground station.

**90-60 Weather Observation Reporting Obscured or Partially Obscured Sky Condition (3-31-72).**

Provides pilots with information concerning weather conditions reported by weather observers as obscuration or partial obscuration.

**90-62 Flying DME Arcs (1-23-73).**

Describes the procedures and techniques for intercepting DME arcs from radials, maintaining DME arcs, and intercepting radials and localizers from DME arcs.

**90-64 Automated Radar Terminal System (ARTS) III (6-22-73).**

Advises the aviation community of the capabilities of the Automated Radar Terminal System and the associated services provided by ARTS III equipped air traffic control facilities.

**90-65 Air Traffic Fuel Economy Program (1-18-74).**

Advises the aviation community of flow control procedures that will be utilized to conserve aviation fuel during periods when the normal movement of aircraft is disrupted. Also describes actions required of user groups to ensure efficient flow control planning.

**AC 90-66 Recommended Standard Traffic Patterns for Airplane Operations at Uncontrolled Airports (2-27-75).**

Calls attention to regulatory requirements for the operations of airplanes at uncontrolled airports. Recommends voluntary use of standard traffic pattern flight procedures.

**90-67 Light Signals from the Control Tower for Ground Vehicles, Equipment, and Personnel (8-15-75).**

Provides the aviation community with the meaning of the light signals used when communicating with ground vehicles, equipment, and personnel on the airport movement area from the control tower.

**90-70 Straight-In Nonprecision Instrument Approach Procedures Visual Descent Point (VDP) (7-7-76).**

Describes the concept, purpose, and use of a designated and published VDP to be provided on some straight-in nonprecision instrument approach procedures.

**90-72 Minimum Safe Altitude Warning (MSAW) (11-30-76).**

Describes the capabilities and limitations of the MSAW function being implemented at terminal facilities equipped with ARTS III.

**90-73 Local Flow Traffic Management (1-13-77).**

Describes new arrival procedures for ATC handling of high-performance aircraft.

**90-74 Announcing the Availability of United States Terminal Instrument Procedures (TERPS) (2-1-77).**

Announces the availability to the public of the Third Edition of the U.S. Standard for Terminal Instrument Procedures which is available from the Supt. of Docs. for \$2.80. SN 050-007-00345-5.

**90-75 Strobe Light System Inspection Practices (2-10-77).**

Advises the general aviation community of the importance of proper maintenance of capacitive discharge strobe light systems which are installed within or near fuel systems.

**90-76 Flight Operations in Oceanic Airspace (4-15-77).**

Describes the basic requirements, limitations, and considerations applicable to flight proposed into oceanic airspace under U.S. ATC jurisdiction.

**91-5B Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (1-28-72).**

Provides information concerning the submission of applications for and the issuance of waivers of Subpart B, FAR Part 91.

**91-6 Water, Slush, and Snow on the Runway (1-21-65).**

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

**91-8A Use of Oxygen by General Aviation Pilots/Passengers (8-11-70).**

Provides general aviation personnel with information concerning the use of oxygen.

**91-9 Potential Hazards Associated With Turbojet Ground Operations (6-19-65).**

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

**91-11A Annual Inspection Reminder (12-3-69).**

Provides the aviation community with a uniform visual reminder of the date an annual inspection becomes due. (Reference section 91.169(a) (1) of the FAR's.)

**91.11-1 Guide to Drug Hazards in Aviation Medicine (7-19-63).**

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Reprinted 1970. (\$1.15 Supt. Docs.) SN 050-009-00001-7.

**91-13A Cold weather Operation of Aircraft (1-2-70).**

Provides background and guidelines relating to operation of aircraft in the colder climates where wide temperature changes may occur.

**91-14B Altitude Setting Sources (10-1-71).**

Provides the aviation public, industry, and FAA filed personnel with guidelines for setting up reliable altitude setting sources.

**91-15 Terrain Flying (2-2-67).**

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. (\$1.40 Supt. Docs.) SN 050-007-00147-9.

**91-16 Category II Operations—General Aviation Airplanes (8-7-67).**

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97, and 135.

**91-17 The Use of View Limiting Devices on Aircraft (2-20-68).**

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

**91-22A Altitude Alerting Devices/Systems (12-23-71).**

Provides guidelines for designing, installing, and evaluating altitude alerting systems.

**91-23A Pilot's Weight and Balance Handbook (6-9-77).**

Provides an easily understood text on aircraft weight and balance for pilots who need to appreciate the importance of weight and balance control for safety of flight. Progresses from an explanation of basic fundamentals to the complete application of weight and balance principles in large aircraft operations. (\$2.30 Supt. Docs.) SN 050-007-00405-2.

**91-24 Aircraft Hydroplaning or Aquaplaning on Wet Runways (9-4-69).**

Provides information to the problem of aircraft tires hydroplaning on wet runways.

**91-25A Loss of Visual Cues During Low Visibility Landings (6-22-72).**

Provides information concerning the importance of maintaining adequate visual cues during the descent below MDA or DA.

**91-26 Maintenance and Handling of Air-Driven Gyroscopic Instruments (10-29-69).**

Advises operators of general aviation aircraft of the need for proper maintenance of air-driven gyroscopic instruments and associated air filters.

**91-28 Unexpected Opening of Cabin Doors (12-23-69).**

Outlines the importance of assuring that cabin doors are properly closed prior to takeoff.

**91-32 Safety in and Around Helicopters (5-7-71).**

Provides suggestions to improve helicopter safety by means of acquainting



nonflight crew personnel and passengers with the precautions and procedures necessary to avoid undue hazards.

**91-33 Use of Alternate Grades of Aviation Gasoline for Grade 80/87 (10-6-71).**

Provides information relating to the use of alternate grades of aviation gasoline when grade 80/87 is not available, and the resultant effects of the use of the alternate fuels which may have higher TEL (tetraethyl lead) content.

**91-34 Model Aircraft Operating Standards (7-1-72).**

Outlines safety standards for operators of model aircraft, and encourages voluntary compliance with these standards.

**91-35 Noise, Hearing Damage, and Fatigue in General Aviation Pilots (3-28-72).**

Aquaints pilots with the hazards of regular exposure to cockpit noise. Especially pertinent are piston-engine, fixed-wing, and rotary-wing aircraft.

**91-36A VFR Flight Near Noise-Sensitive Areas (7-9-74).**

Encourages pilots making VFR flights near noise-sensitive areas to fly at altitudes higher than the minimum permitted by regulation. National Park areas now included.

**91-37 Truth in Leasing (11-9-72).**

Provides information and guidance for lessees and conditional buyers of U.S. registered large civil aircraft.

**91-38 Large and Turbine-Powered Multiengine Airplanes, Part 91, Subpart D (12-13-72).**

Sets forth guidelines and procedures to assist operators of large and turbine-powered multiengine airplanes in meeting the safety requirements of FAR, Part 91, Subpart D.

**91-41 Ground Operational Procedures for Aircraft Engine Emission Reduction and Fuel Conservation (3-12-74).**

Recommends ground operational procedures that will minimize air pollution from aircraft ground operations and conserve fuel.

**AC 91-42A Hazards of Rotating Propellers and Helicopter Rotor Blades (10-19-76).**

Provides information on propeller- and rotor-to-person accidents and offers suggestions to reduce the frequency of their occurrence.

**AC 91-43 Unreliable Airspeed Indications (6-26-75).**

Alerts pilots to the possibility of erroneous airspeed/Mach indications that may be caused by blocking or freezing of the pitot system and advises of corrective action that can be taken.

**91-44 Emergency Locator Transmitters Operational and Maintenance Practices (2-20-76).**

Provides guidelines relative to the installation, maintenance, and operation of emergency locator transmitters.

**91-45A Airshow Waivers (5-16-77).**

The purpose of this advisory circular is to provide prospective airshow sponsors with the information necessary to plan for and conduct safe, effective airshows. It is also intended to provide information pertaining to the procedures and requirements for issuance of airshow waivers.

**91-46 Gyroscopic Instruments—Good Operating Practices (2-4-77).**

Issued to re-emphasize to general aviation instrument-rated pilots the need to determine the proper operation of gyroscopic instruments, the importance of instrument cross-checks and proficiency in partial-panel operations.

**91-47 Use of Portable Electronic Devices—Radio Receivers (3-23-77).**

Intended to remind air carrier or commercial operators of the requirements of FAR 91.19 as they apply to pocket size radio receivers capable of reception in the 110-140 MHz band.

**91-48 Aerobatics—Precision Flying With a Purpose (6-29-77).**

Provides information to persons who are interested in acrobatic flying to improve their piloting skills as recreation, sport, or as a competitive activity.

**91-49 General Aviation Procedures for Flight in North Atlantic Minimum Navigation Performance Specifications Airspace (8-23-77).**

Sets forth acceptable means, but not the only means, of obtaining authorization to operate within specified airspace over the North Atlantic, designated as the NAT (North Atlantic) MNPS (Minimum Navigation Performance Specifications) airspace, after 0001 Greenwich Mean Time, Dec. 29, 1977. This requirement applies to persons operating under FAR Part 91 and for FAR Part 135 certificate holders, except those operating under Section 135.2.

**91-50 Importance of Transponder Operation and Altitude Reporting (8-24-77).**

Provides information and guidance concerning the importance of transponder operation and altitude reporting in the National Airspace System.

**91-51 Airplane Deice and Anti-Ice Systems (9-15-77).**

Provides information to pilots regarding ice protection system approval and the results of in-flight icing.

**91-29-1 Special Structural Inspections (1-8-68).**

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

**91.79-1 Waivers of Section 91.79 of the Federal Aviation Regulations (4-21-76).**

Announces the availability of waivers relating to FAR 91.79 and requests that interested persons contact any General Aviation District Office or Flight Standards District Office for specific information.

**91.83-1A Canceling or Closing Flight Plans (3-25-75).**

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

**91.83-2 IFR Flight Plan Route Information (2-16-66).**

Clarifies the air traffic control needs for the filing of route information in an IFR (Instrument Flight Rules) flight plan.

**95-1 Airway and Route Obstruction Clearance (6-17-65).**

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEA's) for publication in FAR Part 95.

**97-1A Runway Visual Range (RVR) (9-28-77).**

Describes RVR measuring equipment and its operating use.

**99-1 Security Control of Air Traffic (1-12-72).**

Provides civil aviation with recommended practices for operating aircraft within or penetrating an Air Defense Identification Zone (ADIZ).

**101-1 Waivers of Part 101, Federal Aviation Regulations (1-13-64).**

Provides information on submission of applications and issuances of waivers to FAR Part 101.

**103-4 Hazard Associated with Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft (5-1-74).**

Discusses the potential hazard associated with the sublimation of dry ice aboard aircraft. Precautionary measures and simple rules of thumb are indicated in order to preclude environmentally hazardous conditions affecting crews and passengers aboard aircraft.

**105-2 Sport Parachute Jumping (9-6-68).**

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

**107-1 Aviation Security—Airports (5-19-72).**

Furnishes guidance to those individuals and organizations having responsibilities under Part 107 of the Federal

Aviation Regulations. It also provides recommendations for establishing and improving security for restricted or critical facilities and areas the security of which is not dealt with in Part 107.

**Air Carrier and Commercial Operators and Helicopters**

**SUBJECT NO. 120**

**120-2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8-20-63).**

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

**120-5 High Altitude Operations in Areas of Turbulence (8-26-63).**

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

**120-7A Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (7-27-70).**

Issued to emphasize to all air carriers and other operators of large aircraft the necessity for establishing minimum altitudes above the terrain or water when conducting certain simulated emergency flight training maneuvers.

**120-12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6-24-64).**

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

**120-16A Continuous Airworthiness Program (9-11-69).**

Provides air carriers and commercial operators with guidance and information pertinent to certain provisions of Federal Aviation Regulations Parts 121 and 127.

**120-17 Handbook for Maintenance Control by Reliability Methods (12-31-64).**

Provides information and guidance materials which may be used to design or develop maintenance reliability programs which include a standard for determining the time limitations.

**120-17 CH1 (6-24-66).**

**120-17 CH2 (5-6-68).**

**120-26D Civil Aircraft Operator Designators (11-11-76).**

Revises the criteria and states the procedures for the assignment of International Civil Aviation Organization two-letter and FAA three-letter aircraft company designators.

**120-27 Aircraft Weight and Balance Control (10-15-68).**

Provides a method and procedures for weight and balance control.

**120-27 CH1 (11-20-73).**

Adds Part 123 to subject circular.

**120-28A Criteria for Approval of Category IIIa Landing Weather Minima (12-14-71).**

States an acceptable means, not the only means, for obtaining approval of Category IIIa minima and the installation approval of the associated airborne systems.

**120-28A CH1 (1-18-73).**

Revises the CAT IIIa Landing Weather Minima maintenance requirements of paragraph 8 to make them consistent with the requirements for CAT IIa.

**120-29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (9-25-70).**

Sets forth criteria used by FAA in approving turbojet landing minima of less than 300-3/4 or RVR 4,000 (Category I) and Category II minima for all aircraft.

**120-29 CH1 (12-15-71).**

Revises Appendix 1 and deletes statement in Appendix 2 regarding 19-foot criteria (does not apply when using an approved automatic landing system).

**120-29 CH2 (7-26-72).**

Clarifies the airborne system evaluation by stressing the necessity for meeting maintenance program requirements.

**120-29 CH3 (12-3-74).**

Outlines the recent change in FAR Part 121 wherein both initial and recurrent pilot qualification for both Category I and II proficiency checks may be performed in a visual simulator.

**120-30A Reporting Requirements of Air Carriers, Commercial Operators, Travel Clubs, and Air Taxi Operators of Large and Small Aircraft (9-8-76).**

This advisory circular is issued to clarify the mechanical reliability reporting requirements contained in Parts 121, 127, and 135 of the Federal Aviation Regulations (FAR) and the accident and incident reporting requirements of Part 830 (old Part 430) of the National Transportation Safety Board (NTSB), Safety Investigation Regulations.

**120-31A Operational and Airworthiness Approval of Airborne Omega Radio Navigation Systems as a Means of Updating Self-Contained Navigation Systems (4-21-77).**

Sets forth an acceptable means, but not the only means, of obtaining airworthiness and operational approval of airborne OMEGA navigation systems used in updating self-contained navigation systems such as Doppler Radar and Inertial for operations outside the United States under FAR Part 121.

**120-32 Air Transportation of Handicapped Persons (3-25-77).**

Identifies some of the problems handicapped air travelers face and provides some guidelines to airline personnel to help alleviate these problems.

**120-33 Operational Approval of Airborne Long-Range Navigation Systems for Flight Within the North Atlantic Minimum Navigation Performance Specifications Airspace (6-24-77).**

Sets forth acceptable means, but not the only means, for operators certificated under FAR Parts 121 or 123 and operators utilizing large aircraft under FAR 135.2, to obtain approval to operate within a specific airspace over the NAT (North Atlantic) MNPS (Minimum Navigation Performance Specifications) airspace after 0001 Greenwich Mean Time, Dec. 29, 1977.

**120-34 Air Transportation of Mental Patients (6-29-77).**

Provides guidelines to organizations and persons responsible for transportation of mental patients and outlines the responsibilities of those escorting such persons.

**121-1 Standard Operations Specifications—Aircraft Maintenance Handbook (6-26-73).**

Provides procedures acceptable to the Federal Aviation Administration which may be used by operators when establishing inspection intervals and overhaul times.

**121-1A CH1 (1-23-75).**

Updates the overhaul and inspection/check period of selected airframes, powerplants, propellers, and appliances in relation to current industry standards.

**121-1A CH2 (8-19-76).**

**121-1A CH3 (2-18-77).**

**121-3Q Maintenance Review Board Reports (9-3-76).**

Revises the list of Maintenance Review Board Reports that are currently in effect.

**121-6 Portable Battery-Powered Megaphones (1-5-66).**

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

**121-12 Wet or Slippery Runways (8-17-67).**

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121.

**121-13 Self-Contained Navigation Systems (Long Range) (10-14-69).**

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Parts 121 or 123 who desire approval of Doppler RADAR navigation systems or Inertial Navigation Systems (INS) for use in their operations.



## 121-13 CH 1 (7-31-70).

Assures standardization of the Minimum Equipment List (MEL) with respect to Inertial Navigation Systems (INS) through the appropriate Flight Operations Evaluation Board (FOEB).

## 121-13 CH 2 (12-21-70).

Permits all flight training for Doppler and INS qualification, to be completed in a simulator or training device approved for conducting the required pilot training and qualifications in the use of these systems.

## 121-14A Aircraft Simulator Evaluation and Approval (2-9-76).

Sets forth one means that would be acceptable to the Administrator for approval of aircraft simulators or other training devices requiring approval under FAR 121.407.

## 121-16 Maintenance Certification Procedures (11-9-70).

Provides guidance for the preparation of an Operations Specification—Preface Page which will afford nominal and reasonable relief from approved service and overhaul time limits when a part is borrowed from another operator.

## 121-17 Aviation Security: Certain Air Carriers and Commercial Operators—Security Programs and Other Requirements (3-14-72).

Provides general information regarding the requirements of FAR Amdt. 121-85.

## 121-18 Aviation Security—Carriage of Weapons and Escorted Persons (7-15-75).

Provides information and guidance for the implementation of amendments to FAR Part 121 regarding the carriage of weapons on aircraft and for the carriage of persons in the custody of law enforcement officers.

## 121-19 Aviation Security—Property Acceptance and Handling Procedures—Indirect Air Carriers (3-17-76).

Provides information and guidance which may be used by "indirect air carriers" when providing property to be carried by "direct air carriers" or by the operator of any civil aircraft for transportation in air commerce.

## 121-20 Aviation Security: Supplemental Air Carriers (3-17-76).

Provides supplemental air carriers with information concerning recommended general security measures applicable to charter operations that should minimize the effects of crimes directed against air transportation.

## 121-21 Information Guide for Training Programs and Manual Requirements in the Air Transportation of Hazardous Materials (7-30-76).

Provides certificate holders under Parts 121 and 135 of the FARs with information relevant to recent amendment Docket HM-112 that incorporated FAR Part 103 into Title 49 of the CFR as Part

175. Outlines some of the substantive changes in the requirements for air transportation of hazardous materials.

## 121-22 Maintenance Review Board (MRB) (1-12-77).

Provides guidelines for establishing and conducting a MRB on newly manufactured aircraft, powerplant, or appliance to be used in air carrier service.

## 121-23 Preparation and Loading of Magnetron Tubes and Magnetic Materials for Air Shipments (2-10-77).

Provides information regarding the preparation and loading of magnetron tubes and magnetic materials for shipment in civil aircraft.

## 121-24 Passenger Safety Information Briefing and Briefing Cards (6-23-77).

Contains information and guidance material for use by air carriers in the preparation of passenger safety information briefings.

## 121-25 Additional Weather Information: Domestic and Flag Air Carriers (9-16-77).

Provides guidance and standards to domestic and flag air carriers for approval of a system for obtaining forecasts and reports of adverse weather phenomena.

## 121.195(d)-1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11-19-65).

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

## 123-1 Air Travel Clubs (10-17-68).

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

## 129-1 Foreign Air Carriers—Security Programs and Other Requirements—FAR Part 129 (9-25-75).

Provides guidance to foreign air carriers concerning the requirements of FAR Part 129, Sections 129.25 and 129.27.

## 133-1 Rotorcraft External-Load Operations in Accordance with FAR Part 133 (7-15-77).

Provides information for persons interested in applying for a Rotorcraft External-Load Operator Certificate.

## 135.144-1 Small Propeller-Driven Air Taxi Airplanes That Meet Section 135.144 (4-13-72).

Provides a summary of and information on small propeller-driven air taxi airplanes that comply with section 135.144 and may continue operations under FAR Part 135 after May 31, 1972, with 10 or more passenger seats.

## 135.155-1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators. (2-16-65).

Sets forth an acceptable means of compliance with provision in FAR Part

135 and Part 23 dealing with alternate static sources.

## 135-1C Air Taxi Aircraft Weight and Balance Control (2-10-77).

Provides the procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

## 135-2A Air Taxi Operators of Large Aircraft (11-16-73).

Provides guidelines for use by air taxi operators or applicants who desire to obtain authorization to operate large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in air taxi operations.

## 135-3A Air Taxi Operators and Commercial Operators of Small Aircraft (1-16-75).

Sets forth guidelines and procedures to assist persons in complying with the requirements of Federal Aviation Regulations, Part 135.

## 135-4A Aviation Security: Air Taxi Commercial Operators (ATCO) 4-15-76).

Provides recommended security measures applicable to ATCO operations that should minimize the effects of crimes directed against air transportation.

## 135-5A Maintenance Program Approval for Carry-On Oxygen Equipment for Medical Purposes (11-23-76).

Provides a means whereby air taxi operators may submit a maintenance program to comply with FAR Part 135, Section 135.114.

## 137-1 Agricultural Aircraft Operations (11-29-65).

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulatory in nature, which will assist interested persons in understanding the operating privileges and limitations of this Part.

## 139.12-1 Airport Operations Specifications (2-3-75).

Presents guidelines to assist airport operators in developing airport operations specifications in compliance with the requirements of amended FAR Part 139.

## 139.49-1 Programs for Training of Fire Fighting and Rescue Personnel (11-12-74).

Outlines suggested training programs for airport fire fighting and rescue personnel involved in operating airport fire fighting and rescue equipment and the principles of aircraft fire fighting and rescue techniques.

## Schools and Other Certificated Agencies SUBJECT NO. 140

## 140-1J Consolidated Listing of FAA Certificated Repair Stations (7-27-77).

Provides a revised directory of all FAA certificated repair stations as of May 31, 1977.

## 140-2K List of Certificated Pilot Schools (4-25-77).

Provides a list of FAA certificated pilot flight and ground schools as of Nov. 1976.

## 140-3B Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (1-8-70).

The title is self-explanatory.

## 140-5 Radio Maintenance Technician School Curriculum (8-11-71).

Provides information on curriculum subjects for persons desiring to establish radio maintenance technician training courses.

## 141-1 Pilot School Certification (8-29-74).

Sets forth guidelines to assist persons in obtaining a pilot school certificate and associated ratings under FAR Part 141 (revised).

## 141-2A Written Tests Prepared by Pilot Schools With Examining Authority Under Part 141 (Revised) of the Federal Aviation Regulations (10-3-75).

Provides guidance to FAR Part 141 Pilot Schools with examining authority in developing final written tests for FAA certificates and ratings which are equal in scope, depth, and difficulty to comparable written tests prescribed by the Administrator. Also prescribes procedures for administering, maintaining security of, and replacing those tests.

## 143-1E Ground Instructor Written Test Guide—Basic &amp; Advanced (1-24-77).

Outlines the scope of basic knowledge requirements for a ground instructor; outlines source material to obtain this knowledge; presents a sample test with answers and explanations. (\$2.00 Supt. Docs.) SN 050-007-00382-0.

## 143-2C Ground Instructor—Instrument—Written Test Guide (1-30-76).

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. (\$1.40 Supt. Docs.) SN 050-007-00376-5.

## 145-2 Repair Station Limited Ratings Beech 18 Series Aircraft (4-21-76).

Advises of a required limited repair station rating to perform X-ray inspection of the Beech 18 wing and center section spar, and of the procedures for application.

## 145.101-1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3-10-69).

Explains how to obtain a repair station certificate.

## 147-2R Directory of FAA Certificated Aviation Maintenance Technician Schools (4-12-77).

Provides a revised directory of all FAA certificated aviation maintenance technician schools as of Nov. 1976.

## 147-3 Phase III, A National Study of the Aviation Mechanics Occupation (3-22-71).

Announces the availability for purchase by the public of a reprint of a report of Phase III, A National Study of the Aviation Mechanics Occupation.

## 147-4 Reports Availability of a Survey of Text Materials Used in Aviation Maintenance Technician Schools (9-3-74).

Announces the public availability of the 1974 report on A Survey of Text Materials Used in Aviation Maintenance Technician Schools.

## 149-2H Listing of Federal Aviation Administration Certificated Parachute Lofts (5-10-76).

Provides a revised listing of all FAA certificated parachute lofts as of Jan. 31, 1976.

## Airports

SUBJECT NO. 150

AIRPORT PLANNING

## 150/5000-1 Cancellation of Obsolete Publications Issued by Standards Division, Airports Service (4-17-70).

Cancels outstanding airport engineering data sheets, technical standard orders, airport engineering bulletins, and miscellaneous publications that are no longer current and to direct the reader to a new source of information, where applicable.

## 150/5000-3D Address List for Regional Airports Divisions and Airport District Offices (10-18-77).

Transmits the address list for all regional Airports Divisions and Airport District Offices.

## 150/5050-3A Planning the State Airport System (June 1972).

Provides general guidance in preparing a State airport system plan. (\$2.50 Supt. Docs.) SN 050-007-00184-3.

## 150/5050-4 Citizen Participation in Airport Planning (9-26-75).

Provides guidance for citizen involvement in airport planning. Although not mandatory for airport grant programs, it demonstrates the need for early citizen participation.

## 150/5050-5 The Continuous Airport System Planning Process (11-28-75).

The purpose of this advisory circular is to provide guidance on the Continuous Airport System Planning Process (CASPP). This process is utilized in establishing a planning capability to monitor and assess the effects of changes in the many variables and issues influencing a plan with the objective of maintaining a plan responsive to current and forecast conditions. In addition to describing the components of a CASPP, sponsor organizational structures and Federal financial participation in continuous planning activities are discussed.

## 150/5060-1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7-8-68).

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

## 150/5060-3A Airport Capacity Criteria Used in Long-Range Planning (12-24-69).

Describes the method used by the Federal Aviation Administration for determining the approximate practical hourly and practical annual capacities of various airport runway configurations and is used in long-range (10 years or more) planning for expansion of existing airports and construction of new airports to accommodate forecast demand.

## 150/5060-4 Announcement of Availability—Federal Aviation Administration Technical Reports on Airport Capacity and Aircraft Delay (4-29-77).

Announces the availability of Federal Aviation Administration technical reports and computer programs describing techniques for determining airport capacity and aircraft delay. Provides ordering information.

## 150/5070-3 Planning the Airport Industrial Park (9-30-65).

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

## 150/5070-5 Planning the Metropolitan Airport System (5-22-70).

Gives guidance in developing airport-system plans for large metropolitan areas. It may be used by metropolitan planning agencies and their consultants in preparing such system plans and by the FAA in reviewing same. (\$1.65 Supt. Docs.) SN 050-008-00003-7.

## 150/5070-6 Airport Master Plans (2-5-71).

Provides guidance for the preparation of individual airport master plans as provided for under the Airport Airway Development Act of 1970. (\$3.00 Supt. Docs.) SN 050-008-00004-5.

## 150/5090-2 National Airport Classification System (Airport System Planning) (6-25-71).

Sets forth the new national airport classification system. The system is designed for use in the identification and classification of airports within the National System of Airports and for use as a planning tool in long-range airport system planning.



## FEDERAL-AID AIRPORT PROGRAMS

**150/5100-3A Federal-aid Airport Program-Procedures Guide for Sponsors (9-20-68).**

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

**150/5100-3A CH 1 (11-28-69).**

Transmits revised pages to subject advisory circular.

**150/5100-6A Labor Requirements for Airport Development Aid Program (ADAP) Contracts (1-31-73).**

Covers the basic labor requirements for the Airport Development Aid Program.

**150/5100-6A CH 1 (3-16-73).**

Transmits a revision to delete page 3-1 from subject Advisory Circular.

**150/5100-7A Requirement for Public Hearing in the Airport Development Aid Program (2-25-72).**

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program (ADAP) on the necessity for and conduct of public hearings.

**150/5100-8 Request for Aid; Displaced Persons; Public Hearings; Environmental Considerations; Opposition to the Project (1-19-71).**

Provides general guidance on the information and coordination required in support of a request for aid for an airport development project under the Airport and Airway Development Act of 1970.

**150/5100-9 Engineering Services Under the Airport Development Aid Program (ADAP) (7-1-72).** Consolidated reprint March 1977 includes Change 1.

Provides guidance for airport sponsors and Federal Aviation Administration offices in the definition, selection, review, and approval of engineering services used under subject program.

**150/5100-10A Accounting Records Guide for Airport Aid Program Sponsors (4-13-76).**

This advisory circular sets forth recordkeeping requirements imposed on sponsors of Airport Development Aid Program (ADAP) and the Planning Grant Program (PGP) projects by the Airport and Airway Development Act of 1970, as amended. In addition, the Federal Aviation Regulations (FARs) require a sponsor to establish and maintain a financial management system that meets the standards set forth in FAR 152, Appendix K. This circular provides detailed explanations of these requirements.

**150/5100-11 Land Acquisition and Relocation Assistance Under the Airport Development Aid Program (2-10-75).**

Provides guidance to sponsors of airport development projects under the

Airport Development Aid Program to meet the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (Public Law 91-646).

**150/5100-12 Electronic Navigational Aids Approved for Funding Under the Airport Development Aid Program (9-20-76).**

Provides a list of the electronic navigational aids equipment which are approved for funding under the ADAP.

**150/5100-13 Development of State Standards for General Aviation Airports (3-1-77).**

Provides guidelines and programming procedures for the development of state standards for general aviation airports as provided for in the Airport and Airway Development Act Amendments of 1976.

**SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS**

**150/5150-2A Federal Surplus Personal Property for Public Airport Purposes (8-3-73).**

Acquaints public airport owners and other interested parties with the Federal Surplus Personal Property Program for public airports and to outline procedures to be used in applying for and acquiring surplus personal property for this purpose.

**150/5150-2A CH 1 (2-21-74).**

Adds material to paragraph 24, Chapter 6, which was inadvertently omitted in the Advisory Circular during preparation.

## AIRPORT COMPLIANCE PROGRAM

**150/5190-1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8-18-66).**

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

**150/5190-2A Exclusive Rights at Airports (4-4-72).**

Makes available to public airport owners, and to other interested persons, basic information and guidance on FAA's policy regarding exclusive rights at public airports on which Federal funds, administered by FAA, have been expended.

**150/5190-2A CH 1 (10-2-72).**

Deletes the reference to the sale of aeronautical charts by the National Ocean Survey (formerly the U.S. Coast and Geodetic Survey) and to encourage airport owners to obtain UNICOM license in their own names and make these facilities available to all fixed base operators.

**150/5190-4 A Model Zoning Ordinance to Limit Height of Objects Around Airports (8-23-77).**

Provides a model zoning ordinance to be used as a guide to control the height of objects around airports.

## AIRPORT SAFETY—GENERAL

**150/5200-3A Bird Hazards to Aircraft (3-2-72).**

Transmits to the aviation public the latest published information concerning the reduction of bird strike hazards to aircraft in flight and in the vicinity of airports.

**150/5200-4 Foaming of Runways (12-21-66).**

Discusses runway foaming and suggests procedures for providing this service.

**150/5200-5 Considerations for the Improvement of Airport Safety (2-2-67).**

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

**150/5200-6A Security of Aircraft at Airports (6-28-68).**

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

**150/5200-7 Safety on Airports During Maintenance of Runway Lighting (1-24-68).**

Points out the possibility of an accident occurring to airport employees caused by electrocution.

**150/5200-8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5-2-68).**

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

**150/5200-9 Bird Reactions and Scaring Devices (6-26-68).**

Transmits a report on bird species and their responses and reactions to scaring devices.

**150/5200-11 Airport Terminals and the Physically Handicapped (11-27-68).**

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

**150/5200-12 Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident (8-7-69).**

Furnishes general guidance for employees of airport management and other personnel responsible for firefighting and rescue operations, at the scene of an aircraft accident, on the proper presentation of evidence.

**150/5200-13 Removal of Disabled Aircraft (8-27-70).**

Discusses the responsibility for disabled aircraft removal and emphasizes the need for prearranged agreements, plans, equipment, and improved coordination for the expeditious removal of disabled aircraft from airport operating

areas. It also illustrates some of the various methods used, equipment employed, equipment available, and concepts for aircraft recovery.

**150/5200-14 Results of 90-Day Trial Exercise on Fire Department Activity (9-8-70).**

Transmits statistical data collected during a 90-day trial exercise conducted to determine the relationship between aircraft fire and rescue service activities and airport aeronautical operations.

**150/5200-15A Availability of the International Fire Service Training Association's (IFSTA) Aircraft Fire Protection and Rescue Procedures Manual (5-4-77).**

Announces the availability of the subject manual.

**150/5200-16 Announcement of Report AS-71-1 "Minimum Needs for Airport Fire Fighting and Rescue Services" Dated January 1971 (4-13-71).**

Announces the availability of the subject report and describes how to get it.

**150/5200-17 Emergency Plan (2-5-72).**

Contains guidance material for airport management to use in developing an emergency plan at civil airports.

**150/5200-17 CH-1 (6-28-74).**

Provides additional guidance on care and services for uninjured aircraft passengers.

**150/5200-18 Airport Safety Self-Inspection (2-5-72).**

Suggests functional responsibility, procedures, a checklist, and schedule for an airport safety self-inspection.

**150/5200-19 Availability of Report No. FAA-RD-71-20 "An Analysis of Airport Snow Removal and Ice Control" dated March 1971 (11-23-71).**

Announces the availability of subject report.

**150/5200-21 Announcing the Availability of U.S. Air Force Technical Order (T.O. 00-105-9) Aircraft Emergency Rescue Information (5-23-73).**

Explains the nature of the Technical Order and tells how it can be obtained by airport fire departments which are under the Airport Certification Program.

**150/5200-22 Announcing the Availability of the International Civil Aviation Organization Airport Services Manual, DOC-9137-AN/898, Part 3, Bird Control and Reduction (3-16-76).**

Announces the availability of the manual, explains its purpose, and tells how to obtain copies.

**150/5200-23 Airport Snow and Ice Control (11-1-76).**

Provides guidance to assist airport owners/operators to establish or improve airport snow and ice control programs.

**150/5210-2 Airport Emergency Medical Facilities and Services (9-3-64).**

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

**150/5210-5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8-31-66).**

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

**150/5210-6B Aircraft Fire and Rescue Facilities and Extinguishing Agents (1-26-73).**

Outlines scales of protection considered as the recommended level compared with the minimum level in Federal Aviation Regulation Part 139.49 and tells how these levels were established from test and experience data.

**150/5210-6B CH 1 (8-22-73).**

Issues new guidance under paragraph 9, and paragraph 12 of subject advisory circular.

**150/5210-6B CH 2 (5-21-74).**

Includes details on the basic purpose, care, and cleaning of proximity suits. Adds a new chapter 5—contains criteria intended for use in purchasing off-the-shelf design proximity suits.

**150/5210-7A Aircraft Fire and Rescue Communications (3-16-72).**

Provides guidance information for use by airport management in establishing communication and alarm facilities by which personnel required to respond to and function at aircraft ground emergencies may be alerted and supplied with necessary information.

**150/5210-8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1-13-67).**

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

**150/5210-9 Airport Fire Department Operating Procedures During Periods of Low Visibility (10-27-67).**

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

**150/5210-10 Airport Fire and Rescue Equipment Building Guide (12-7-67).**

This title is self-explanatory.

**150/5210-11 Response to Aircraft Emergencies (4-15-69).**

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a

uniform response time goal of 2 minutes within aircraft operational areas on airports.

**150/5210-12 Fire and Rescue Service for Certificated Airports (3-2-72).**

Furnishes guidance and explains to Federal Aviation Administration (FAA) airport inspectors and airport management the minimum criteria to be applied when evaluating the aircraft fire and rescue service required at an airport for its compliance with the requirements of FAR Part 139.

**150/5210-13 Water Rescue Plans, Facilities, and Equipment (5-4-72).**

Suggests planning procedures facilities, and equipment to effectively perform rescue operations when an aircraft lands in a body of water, swamp, or tidal area where normal aircraft firefighting and rescue service vehicles are unable to reach the accident scene.

**150/5220-1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7-24-64).**

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

**150/5220-4 Water Supply Systems for Aircraft Fire and Rescue Protection (12-7-67).**

The title is self-explanatory.

**150/5220-6 Guide Specification for 1,000-Gallon Tank Truck (4-10-68).**

Assists airport management in the development of local procurement specifications.

**150/5220-9 Aircraft Arresting System for Joint Civil/Military Airports (4-6-70).**

Updates existing policy and describes and illustrates the various types of military aircraft emergency arresting systems that are now installed at various joint civil/military airports. It also informs users of criteria concerning installations of such systems at joint civil/military airports.

**150/5220-10 Guide Specification for Water/Foam Type Aircraft Fire and Rescue Trucks (5-26-72).**

Assists airport management in the development of local procurement specifications.

**150/5220-10 CH 1 (12-4-72).**

Replaces information on weight distribution and fire pump engines which was omitted when the subject circular was developed, consolidating information from four other circulars.

**150/5220-10 CH 2 (8-22-73).**

Expands the guidance under paragraph 14 of subject AC to permit the design of engine systems to operate in freezing temperatures for prolonged periods and to provide devices insulation materials, etc., to prevent the truck fire fighting system from freezing.



150/5230-3 Fire Prevention During Aircraft Fueling Operations (4-8-69).

This advisory circular provides information on fire preventive measures which aircraft servicing personnel should observe during fueling operations.

150/5240-7 A Fuel/Energy Conservation Guide for Airport Operators (2-19-74).

Identifies potential areas where fuel and energy usage can be conserved to assist airport operators in their voluntary actions in reducing fuel and energy consumption.

150/5280-1 Airport Operations Manual (6-16-72).

Sets forth guidelines to assist airport operators in developing an Airport Operations Manual in compliance with the requirements of FAR Part 139.

150/5280-3 Fire Fighting Exemptions Under the 1976 Amendment to the Federal Aviation Act (2-4-77).

Outlines the type of information that may be used as justification in supporting petitions for exemption from a portion or all of the fire fighting and rescue requirements of Part 139.

#### DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300-2C Airport Design Standards—Site Requirements for Terminal Navigational Facilities (9-21-73). Consolidated reprint 1976 includes Change 1.

Provides information regarding the relative location and siting requirements for the terminal navigation facilities located on or close to an airport.

150/5300-4B Utility Airports—Air Access to National Transportation (6-24-75).

Establishes design standards for utility airports which are constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

150/5300-4B CH 1 (8-24-76).

150/5300-5 Airport Reference Point (9-26-68).

Defines and presents the method for calculating an airport reference point.

150/5300-6 Airport Design Standards, General Aviation Airports, Basic and General Transport (7-14-69). Consolidated Reprint August 1975 incorporates Changes 1 and 2.

Provides recommended design criteria for the development of larger than general utility airports.

150/5300-7B FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (11-8-72).

Reaffirms the aviation community of the FAA policy governing responsibility for funding relocation, replacement and modification to air traffic control and air navigation facilities that are made necessary by improvements or changes to the airport.

150/5300-8 Planning and Design Criteria for Metropolitan STOL Ports (11-5-70).

Provides the criteria recommended for the planning and design of STOL ports in metropolitan areas.

150/5300-8 CH 1 (4-3-75).

Transmits revised requirements for color coding of threshold and runway end lights on STOL runways.

150/5300-9 Predesign and Preconstruction Conferences (ADAP) Projects (9-10-73).

Emphasizes the need for, and encourages the use of, predesign and preconstruction conferences as valuable tools in the administration of construction contracts funded under the ADAP.

150/5300-10 Federal Aviation Administration Funded Study—Analysis of General Aviation Airports Developed With and Without Federal Financial Assistance (7-21-75).

Transmits the recommendations and conclusions of a study conducted for the FAA. Advises the public as to how they may obtain the reports.

150/5320-5B Airport Drainage (7-1-70).

Provides guidance for engineers, airport managers, and the public in the design and maintenance of airport drainage systems. (\$1.30 Supt. Docs.) SN 050-007-00149-5.

150/5320-6B Airport Pavement Design and Evaluation (5-28-74). Consolidated reprint 1976 includes change 1.

Provides guidance to the public for the design and evaluation of pavements at civil airports.

150/5320-10 Environmental Enhancement at Airports—Industrial Waste Treatment (4-16-73).

Provides basic information on the nature and treatment of industrial wastes produced at airports.

150/5320-10 CH 1 (11-18-74).

150/5320-11 Runway Categorization—Aeronautical Studies—Airport Owners' Responsibilities (9-21-73).

Emphasizes the need for airport owners to maintain runway and approach zone categories and locations on file with FAA so they may be given consideration under the regulations of FAR Part 77.

150/5320-12 Methods for the Design, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces (6-30-75).

Provides guidance on methods that can be used to provide and maintain airport pavement surface friction characteristics.

150/5325-2C Airport Design Standards—Airports Served by Air Carriers—Surface Gradient and Line-of-Sight (2-6-75). Consolidated reprint 1975 includes Change 1.

Establishes design standards for airports served by certificated air carriers to assist engineers in (1) designing the

gradients of airports surface areas used to accommodate the landing, takeoff, and other ground movement requirement of airplanes while (2) providing adequate line of sight between airplanes operating on airports.

150/5325-3 Background Information on the Aircraft Performance Curves for Large Airplanes (1-26-65). Consolidated Reprint May 1974. Includes Change 1.

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325-4 Runway Length Requirements for Airport Design (4-5-65). Consolidated Reprint 1977 Includes Changes 1 through 11.

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-Aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325-4 CH 12 (7-27-77).

150/5325-5B Aircraft Data (7-30-75). Consolidated reprint 1976 includes Change 1.

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in airport development.

150/5325-6A Airport Design Standards—Effects and Treatment of Jet Blast (7-13-72).

Presents criteria on the jet engine blast velocities associated with aircraft in common use in air carrier service, the effects of these blast velocities during ground operations, and suggested means to counteract or minimize these effects.

150/5325-8 Compass Calibration Pad (5-8-69).

Provides guidelines for the design, location on the airport, and construction of a compass calibration pad, and basic information concerning its use in determining the deviation error in an aircraft magnetic compass.

150/5335-1A Airport Design Standards—Airports Served by Air Carriers—Taxiways (5-15-70). Consolidated reprint 1976 includes Change 1.

Provides criteria on taxiway design for airports served by certificated route air carriers with present airplanes and those anticipated in the near future.

150/5335-1A CH 2 (12-29-76).

Transmits revised pages to the subject advisory circular.

150/5335-2 Airport Aprons (1-27-65).

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-Aid Airport Program.

150/5335-3 Airport Design Standards—Airports Served by Air Carriers—Bridges and Tunnels on Airports (4-19-71). Consolidated reprint June 1977 includes Change 1.

Provides general guidance to those contemplating the construction of a bridge-type structure to allow aircraft to cross over an essential surface transportation mode.

150/5335-4 Airport Design Standards—Airports Served by Air Carriers—Runway Geometrics (7-21-75).

Provides criteria on runway geometric design for airports served by certificated route air carriers.

150/5335-4 CH 1 (6-14-76).

150/5340-1D Marking of Paved Areas on Airports (1-19-73).

Describes standards for marking serviceable runways and taxiways as well as deceptive, closed, and hazardous areas on airports.

150/5340-4C Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5-6-75). Consolidated March 1977 includes Change 1.

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

150/5340-5A Segmented Circle Airport Marker System (9-10-71).

Sets forth standards for a system of airport marking consisting of certain pilot aids and traffic control devices.

150/5340-14B Economy Approach Lighting Aids (6-19-70). Consolidated reprint March 1977 includes Changes 1 and 2.

Describes standards for the design, selection, siting, and maintenance of economy approach lighting aids.

150/5340-17A Standby Power for Non-FAA Airport Lighting Systems (3-19-71).

Describes standards for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System (NAS).

150/5340-18 Taxiway Guidance System (9-27-68).

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

150/5340-19 Taxiway Centerline Lighting System (11-14-68).

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

150/5340-20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2-17-69).

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

150/5340-21 Airport Miscellaneous Lighting Visual Aids (3-25-71).

Describes standards for the system design, installation, inspection, testing, and maintenance of airport miscellaneous visual aids; i.e., airport beacons, beacon towers, wind cones, wind tees, and obstruction lights.

150/5340-22 Maintenance Guide for Determining Degradation and Cleaning of Centerline and Touchdown Zone Lights (4-20-71). Consolidated reprint August 1977 includes Change 1.

Contains maintenance recommendations for determining degradation and cleaning of centerline and touchdown zone lights installed in airport pavement.

150/5340-23A Supplemental Wind Cones (6-24-75).

Describes standards for the performance and location of supplemental wind cones.

150/5340-24 Runway and Taxiway Edge Lighting System (9-3-75).

Describes standards for the design, installation, and maintenance of runway and taxiway edge lighting.

150/5340-25 Visual Approach Slope Indicator (VASI) Systems (9-24-76).

Describes standards for the design, installation, and maintenance of visual approach slope indicator systems.

150/5340-25 CH 1 (5-3-77).

Transmits page changes to subject advisory circular.

150/5340-27 AIR-to-Ground Radio Control of Airport Lighting Systems (8-10-77).

Describes operating criteria for air-to-ground radio control of airport lighting systems.

150/5345-1E Approved Airport Lighting Equipment (9-9-76).

Contains lists of approved airport lighting equipment and manufacturers qualified to supply their product in accordance with the indicated specification requirements.

150/5345-1E CH 1 (3-23-77).

Adds additional equipment and manufacturers to the approved list.

150/5345-1E CH 2 (9-8-77).

150/5345-2 Specification for L-810 Obstruction Light (11-4-63). Consolidated reprint June 1977 includes change 1.

Required for FAAP project activity.

150/5345-3C Specification for L-821 Panels for Remote Control of Airport Lighting (3-30-77).

Describes the specification requirements for an airport lighting control panel for the remote control of airport lighting circuits and is published by the Federal Aviation Administration for the guidance of the public.

150/5345-4 Specification for L-829 Internally Lighted Airport Taxi Guidance Sign (10-15-63). Consolidated reprint June 1977 includes Change 1.

Required for FAAP project activity.

150/5345-5 Specification for L-847 Circuit Selector Switch, 5,000 Volt 20 Ampere (9-3-63).

Required for FAAP project activity.

150/5345-7C Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits (2-4-76).

Describes the specification requirements for underground electrical cables for airport lighting circuits. Published by the FAA for the guidance of the public.

150/5345-10C Specification for L-828 Constant Current Regulators (10-22-71).

Describes the subject specification requirements and is published by the Federal Aviation Administration for the guidance of the public.

150/5345-11 Specification for L-812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operations (3-2-64).

Required for FAAP project activity.

150/5345-12B Specification for L-801 Beacon (9-8-77).

Describes the subject specification requirements.

150/5345-13 Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1-6-64).

Required for FAAP project activity.

150/5345-18 Specification for L-811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3-3-64). Consolidated reprint Sept. 1974 includes Change 1.

Required for FAAP project activity.

150/5345-21 Specification for L813 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7-28-64).

Describes the subject specification requirements.

150/5345-26A Specification for L-823 Plug and Receptacle, Cable Connectors (5-4-71). Consolidated reprint June 1977 includes change 1.

Describes the subject specification requirements.

150/5345-27A Specification for L-807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6-16-69).

Describes the subject specification requirement for a hinged steel pole support, an anodized tapered aluminum hinged base pole support, and an "A" frame fixed support with a pivoted center pipe support.



150/5345-28C Specification for L-851 Visual Approach Slope Indicators and Accessories (3-23-77).

Describes the specification requirements for visual approach slope indicator (VASI) and simple abbreviated visual approach slope indicator (SAVASI) equipment and accessories.

150/5345-36 Specification for L-808 Lighted Wind Tee (2-3-65).

Describes the subject specification requirements.

150/5345-39A FAA Specification L-853, Runway and Taxiway Centerline Retroreflective Markers (9-17-71).

Describes specification requirements for L-853 Runway and Taxiway Retroreflective markers, for the guidance of the public.

150/5345-12A FAA Specification L-857, Airport Light Bases, Transformer Housings and Junction Boxes (10-1-73).

Describes specification requirements for airport light bases, transformer housing and junction boxes for the guidance of the public.

150/5345-42A Ch 1 (11-14-75).

150/5345-43B FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems (11-1-73).

Contains equipment specifications for high intensity obstruction lighting systems.

150/5345-44A Specification for L-858 Retroreflective Taxiway Guidance Signs (7-20-71).

Describes the specification for retroreflective taxiway guidance signs.

150/5345-45 Lightweight Approach Light Structure (5-10-73).

Presents the specifications for lightweight structures for supporting lights as used in visual navigational aid systems.

150/5345-46 Specification for Semiflush Airport Lights (7-11-75).

Establishes the performance requirements and pertinent construction details for omnidirectional, unidirectional, and bidirectional semiflush inset light assemblies to be used for lighting airport runways and taxiways.

150/5345-46 Ch 1 (9-9-75).

AC 150/5345-46 Ch 1 Errata Sheet (11-20-75).

150/5345-47 Isolation Transformers for Airport Lighting Systems (7-28-75).

Contains the specifications requirements for series-to-series isolation transformers for use in airport lighting systems.

150/5345-48 Specification for Runway and Taxiway Edge Lights (8-1-75).

Contains the specification requirements for airport runway and taxiway edge lights for the guidance of the public.

150/5345-48 Ch 1 (7-13-76).

150/5345-49 Specification L-854, Radio Control Equipment (5-20-77).

Contains the specification for radio control equipment to be used for controlling airport lighting facilities.

150/5355-1A International Signs to Facilitate Passengers Using Airports (11-3-71).

Inform airport authorities of the desirability to provide international signs and diagrammatic maps within terminal buildings and of the need for clearly marked road signs for airports.

150/5355-2 Fallout Shelters in Terminal Buildings (4-1-69).

Furnishes guidance for the planning and design of fallout shelters in airport terminal buildings.

150/5360-2 Airport Cargo Facilities (4-6-64).

Provides guidance material on air cargo facilities.

150/5360-4A Guidelines for Federal Inspection Services Facilities at International Airports of Entry and at Landing Rights Airports (10-7-77).

Announces the availability of a booklet containing more current information on the requirements for Federal Inspection Services at airports of entry and at landing rights airports.

150/5360-5 Announcement of Availability of the International Civil Aviation Organization (ICAO) Computer Data Bank Material (8-13-76).

Announces the availability of computer data bank material on airports shown in the International Civil Aviation Organization (ICAO) Regional Air Navigation Plans and how it can be obtained.

150/5360-6 Airport Terminal Building Development with Federal Participation (10-5-76).

Provides guidance pertaining to Federal participation in airport terminal building construction under the provisions of the Airport and Airway Development Act, as amended.

150/5360-7 Planning and Design Consideration for Airport Terminal Building Development (9-5-76).

Presents planning and design procedures to be considered in airport terminal building development funded under the Airport and Airway Development Act, as amended.

150/5360-8 Announcement of Availability of Information on Foreign Airport Planning, Design, Construction, and Trade Opportunities (9-24-76).

Provides information on the availability of the U.S. Dept. of Commerce Foreign Trade Opportunities Program and on publications issued on foreign airport planning, design, construction, and trade opportunities.

150/5370-2A Operational Safety on Airports With Emphasis on Safety During Construction (6-20-75).

Presents guidelines concerning operational safety on airports with special emphasis on safety during periods of construction activity.

150/5370-2A CH 1 (8-2-76).

150/5370-4 Procedures Guide for Using the Standard Specifications for Construction of Airports (5-29-69).

Provides guidance to the public in the use and application of the Standard Specifications for Construction of Airports.

150/5370-5A Offshore Airports (2-21-75).

Announces to the public the availability of a two-volume report on offshore airport planning and construction methods and how to obtain the report.

150/5370-6 Construction Progress and Inspection Report—Federal-Aid Airport Program (3-16-70).

Provides for a report on construction progress and inspection of Federal-aid Airport Program (FAAP) projects, suggests a form for the report, and recommends use of the form unless other arrangements exist to obtain the type of information provided by the form.

150/5370-7 Airport Construction Controls To Prevent Air and Water Pollution (4-26-71).

Supplies guidance material on compliance with air and water standards during construction of airports developed under the Airport and Airway Development Act of 1970.

150/5370-9 Slip-Form Paving—Portland Cement Concrete (6-7-73).

Transmits guidance for the construction of Portland Cement Concrete pavements by the slip-form method.

150/5370-10 Standards for Specifying Construction of Airports (10-24-74).

Provides construction standards usually used to specify grading, drainage, paving, lighting, fencing, and turfing items of work on civil airports. (\$7.25 Supt. Docs.) SN 050-007-00264-5.

150/5370-10 CH 1 (5-31-77).

150/5370-11 Use of Nondestructive Testing Devices in the Evaluation of Airport Pavements (6-4-76).

Provides guidance to the public on the use of nondestructive testing devices as aids in the evaluation of the load-carrying capacity of airport pavements.

150/5380-4 Ramp Operations During Periods of Snow and Ice Accumulation (9-11-68).

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

150/5380-5 Debris Hazards at Civil Airports (3-8-71).

Discusses problems of debris at airports, gives information on foreign objects, and tells how to eliminate such objects from operational areas.

150/5390-1B Heliport Design Guide (8-22-77).

Contains design guidance material for the development of heliports, both surface and elevated.

#### PLANNING GRANT PROGRAM

150/5900-1A The Planning Grant Program for Airports (9-26-74).

Offers guidance to the sponsors of airport system plans and airport master plans on how to participate in the FAA's Planning Grant Program. It describes the application process and the administrative procedures to be followed in performing planning projects.

#### Air Navigational Facilities

##### SUBJECT NO. 170

170-3B Distance Measuring Equipment (DME) (11-8-65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

170-6A Use of Radio Navigation Test Generators (3-30-66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radio navigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

170-8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11-7-66).

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

170-9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11-26-68).

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

170-10 FAA Recommendations to FCC on Licensing of Non-Federal Radio Navigation Aids (10-17-69).

Gives background information and describes the basis for recommendations to be made by the FAA to the Federal Communications Commission (FCC) regarding licensing of radio navigation aids.

170-11 Amendment of Federal Aviation Regulation Part 171 (FAR-171)—Cost of Flight and Ground Inspections (9-17-70).

Alerts the public to the amendment to FAR Part 171 pertaining to the payment of ground and flight inspection charges prior to the issuance of an approved IFR procedure.

170-12 Implementation of 50 KHz/Y Channels for ILS/VOR/DME (10-7-70).

Advises aircraft owners, operators and radio equipment manufacturers of plans for future implementation of split channel assignments in the aeronautical radio navigation bands.

#### Administrative

##### SUBJECT NO. 180

183-30B FAA Designated Mechanic Examiners Directory (5-10-76).

Provides a revised directory of all FAA designated mechanic examiners as of Jan. 31, 1976.

183-31C FAA Designated Parachute Rigger Examiner Directory (5-10-76).

Provides a new directory of all FAA designated parachute rigger examiners as of Jan. 31, 1976.

183.29-1K Designated Engineering Representatives (7-1-77).

Lists FAA-approved Designated Engineering Representatives who are available for consulting work.

#### Flight Information

##### SUBJECT NO. 210

210-1A National Notice to Airmen System (12-10-75).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

210-3 National Notice to Airmen System—Elimination of NOTAM Code (5-22-70).

Announces changes in criteria and procedures for the Notice to Airmen System required to accommodate the transmission of all domestic Notice to Airmen data in clear contracted language and eliminate use of the NOTAM code on the domestic service A circuits.

210-4 National Notice to Airmen (NOTAM) System Handbook (3-3-77).

Announces the establishment of criteria for originating, preparing, and disseminating changes to essential flight information to pilots and other aviation interests as established by FAA Order 7930.1A.

210-4 National Notice to Airmen (NOTAM) System Handbook ADDENDUM.

Corrects contents pages.

210-5 Military Flying Activities (9-23-77).

Presents information about military flying activities in the National Airspace

System, describes the various types of routes and areas allocated for this purpose, and explains how information on the location and status of these routes and areas can be obtained.

211-2 Recommended Standards for IFR Aeronautical Charts (3-20-67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR aeronautical charts for use in the National Airspace System (NAS).

#### Advisory Circulars For Sale

This List contains those circulars that are sold by the Superintendent of Documents. (See numerical index for appropriate price, sequential lettering, if any, and date, etc.)

Acceptable Methods, Techniques, and Practices—Aircraft Alterations, AC 43.13-2. Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair, AC 43.13-1.

Aircraft Dispatcher Written Test Guide, AC 65-4.

Airframe and Powerplant Mechanics Airframe Handbook, AC 65-15.

Airframe and Powerplant Mechanics Certification Guide, AC 65-2.

Airframe and Powerplant Mechanics Certification Information, AC 65-11.

Airframe and Powerplant Mechanics—General Handbook, AC 65-9.

Airframe and Powerplant Mechanics Powerplant Handbook, AC 65-12.

Airline Transport Pilot—Airplane—Practical Test Guide (Part 61 Revised), AC 61-77.

Airline Transport Pilot (Airplane) Written Test Guide, AC 61-18.

Airline Transport Pilot (Helicopter) Written Test Guide, AC 61-42.

Airport Drainage, AC 150/5320-5.

Airport Master Plans, AC 150/5070-6.

Aviation Instructors Handbook, AC 60-14.

Aviation Weather, AC 00-6.

Aviation Weather Services, AC 00-45.

Basic Glider Criteria Handbook, AC 21-3.

Basic Helicopter Handbook, AC 61-13.

Commercial Pilot Airplane Flight Test Guide, AC 61-55.

Commercial Pilot Airplane Written Test Guide, AC 61-71.

Federal Aviation Regulations Written Test Guide for Private, Commercial, and Military Pilots, AC 61-34.

Flight Engineer Written Test Guide, AC 63-1.

Flight Instructor Instrument—Airplane—Written Test Guide, AC 61-70.

Flight Instructor Practical Test Guide, AC 61-58.

Flight Instructor Airplane Written Test Guide, AC 61-72.

Flight Test Guide—Gyroplane, Private and Commercial, AC 61-30.

Flight Test Guide—Helicopter, Private and Commercial Pilot, AC 61-25.

Flight Test Guide (Part 61 revised)—Instrument Pilot Airplane, AC 61-56.

Flight Test Guide—Instrument Pilot Helicopter, AC 61-64.

Flight Test Guide (Part 61 revised)—Private Airplane, AC 61-64.

Flight Navigator Written Test Guide, AC 63-2.

Flight Training Handbook, AC 61-21.

Forming and Operating a Flying Club, AC 00-25.

General Aviation Inspection Aids, Summary, AC 20-7.

Ground Instructor—Instrument—Written Test Guide, AC 143-2.

Ground Instructor Written Test Guide—Basic and Advanced, AC 143-1.



Guide to Drug Hazards in Aviation Medicine, AC 91-11-1.  
 Heliport Design Guide, AC 150/5390-1.  
 Instrument Flying Handbook, AC 61-27.  
 Instrument Rating (Airplane) Written Test Guide, AC 61-8.  
 Inspection Authorization Study Guide, AC 65-19.  
 Medical Handbook for Pilots, AC 67-2.  
 Multiengine Airplane Class and Type Rating, AC 61-57.  
 Nondestructive Testing in Aircraft, AC 43-3.  
 Parachute Rigger Certification Guide, AC 65-5.  
 Personal Aircraft Inspection Handbook, AC 20-9.  
 Pilot Transition Courses for Complex Single-engine and Light, Twin-engine Airplanes, AC 61-9.  
 Pilot's Handbook of Aeronautical Knowledge, AC 61-23.  
 Pilot's Weight and Balance Handbook, AC 91-23.  
 Planning the Metropolitan Airport System, AC 150/5070-5.  
 Planning the State Airport System, AC 150/5050-3.  
 Private and Commercial Pilot, Flight Test Guide, AC 61-59.  
 Private and Commercial Pilot Glider, Flight Test Guide, AC 61-61.  
 Private and Commercial Pilot Gyroplane, Flight Test Guide, AC 61-60.  
 Private and Commercial Pilots Refresher Courses, AC 61-10.  
 Private and Commercial Pilot—Rotorcraft/Helicopter—Written Test Guide, AC 61-73.  
 Private Pilot (Airplane) Flight Training Guide, AC 61-2.  
 Private Pilot Written Test Guide, AC 61-32.  
 Standards for Specifying Construction of Airports, AC 150/5370-10.  
 Student Pilot Guide, AC 61-12.  
 Terrain Flying, AC 91-15.  
 Ultrasonic Nondestructive Testing for Aircraft, AC 43-7.  
 U.S. Civil Aircraft Register, AC 20-6.  
 Written Test Guide, Flight Instructor—Glider, AC 61-75.  
 Written Test Guide, Flight Instructor—Rotorcraft-Helicopter, AC 61-74.  
 Written Test Guide—Airplane—Flight Instructor, AC 61-72.  
 Written Test Guide—Airplane—Commercial Pilot, AC 61-71.

#### Internal Publications

Contractions Handbook, 7340.1E (10-1-75).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting, and associated services. (Sub. \$18.00—\$23.00 foreign—Supt. Docs.) TD 4.308: C76/975.

Location Identifiers, 7350.4L (1-26-78).

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. (Sub. \$18.00—\$23.00 foreign—Supt. Docs.) TD 4.310.

Air Traffic Control Handbook, 7110.65A (1-1-78).

Prescribes air traffic control procedures and phraseology for use by personnel providing air traffic control services. Controllers are required to be familiar with the provisions of this handbook which pertain to their operational responsibility and to exercise their best judgment if they encounter situations not

covered by it. (Sub. \$16.00—\$20.00 foreign—Supt. Docs.) TD 4.308 AI 7 3:978.

Flight Services, 7110.10D (1-1-77).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the continuous U.S. Service A Weather Schedules. (Sub. \$18.30—\$22.90 foreign—Supt. Docs.) TD 4.308: F 64/977.

United States Standard for Terminal Instrument Procedures (TERPS), 8260.3B (July 1976).

Contains criteria which shall be used to formulate, review, approve, and publish procedures for instrument approach and departure of aircraft to and from civil and military airports. These criteria are for application at any location over which an appropriate U.S. agency exercises jurisdiction. (\$2.80 single copy. Supt. Docs.) Changes sold separately as issued.) SN 050-007-00345-5.

International Flight Information Manual, Vol. 25 (April 1977).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. (Annual Sub. \$9.00; \$11.25 foreign—Supt. Docs.) TD 4.309: 24/976.

#### International Notams.

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices." Acts as a notice-to-airmen service only. Published weekly. (Annual Sub. \$28.10 domestic—\$35.15 foreign—Supt. Docs.) TD 4.11.

#### Airman's Information Manual:

Part 1—Basic Flight Information and ATC Procedures.

This part is issued semiannually and contains basic fundamentals required to fly in the U.S. National Airspace System; Among other data it also contains adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations and procedures; a Pilot/Controller Glossary; Air Defense Identification Zones (ADIZ); Designated Mountainous Areas; and Emergency Procedures. (Annual Sub. \$5.00, foreign \$6.25. Supt. Docs.) TD 4.12: pt. 1/.

#### Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplane Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for civil use. It includes all of their services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3. Also included in Part 2 are U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; and a listing of Flight Service Station and National Weather Service Telephone Numbers. (Annual Sub. \$7, foreign \$8.75. Supt. Docs.) TD 4.12: pt. 2/.

#### Part 3—Operational Data and Special Notices.

Part 3 is issued every 56 days and contains an Airport-Facility Directory of all major airports in the conterminous U.S., Puerto Rico, and the Virgin Islands with control towers and/or instrument landing systems; a tabulation of Air Navigation Radio Aids including Restrictions to En Route Navigation Aids; Special, General, & Area Notices; a tabulation of New and Permanently Closed Airports (which updates Part 2); Locations of VOR Receiver Check Points (both ground and airborne); a tabulation of North Atlantic Routes; Preferred Routes; Area Navigation Routes, and Sectional Chart Bulletins. (Annual subscription \$30.50; \$38.15 foreign. Supt. Docs.) TD 4.12: pt. 3.

#### Part 3A—Notices to Airmen.

Part 3A is issued every 14 days and contains current Notices to Airmen considered essential to the safety of flight as well as supplemental data to all Parts of AIM. (Annual subscription \$20.55; \$25.70 foreign. Supt. Docs.) TD 4.12: pt. 3A.

#### Part 4—Graphic Notices and Supplemental Data.

Part 4 is issued quarterly and contains abbreviations used in all parts of AIM; Parachute Jump Areas; Special Notice—Area Graphics; Terminal Area Graphics; Terminal Radar Service Area Graphics; Olive Branch Routes and other data not requiring frequent change. (Annual Sub. \$14.40, foreign \$18.00. Supt. Docs.) TD 4.12: pt. 4/.

#### NOTICE

The FAA has changed the issuance system for the Aircraft Type Certificate Data Sheets and Specifications and the Aircraft Engine and Propeller Type Certificate Data Sheets and Specifications in an effort to reduce the cost to users. All subscriptions to these two volumes terminated on Dec. 31, 1976.

Beginning with the January 1977 editions the two titles will change to a new basic series title—Type Certificate Data Sheets and Specifications—and

will be grouped into six volumes with subtitles as follows:

Vol. I Single-Engine Airplanes.  
 Vol. II Small Multiengine Airplanes.  
 Vol. III Large Multiengine Airplanes.  
 Vol. IV Rotorcraft, Gliders, and Balloons.  
 Vol. V Aircraft Engines and Propellers.  
 Vol. VI Aircraft Listing and Aircraft Engine Listing.

#### Type Certificate Data Sheets and Specifications

Vol. I Single Engine Airplanes (TCDS 1) (Sub. \$38.00, foreign \$47.50. Supt. Docs.).  
 Vol. II Small Multiengine Airplanes (TCDS 2) (Sub. \$28.00, foreign \$35.00. Supt. Docs.).  
 Vol. III Large Multiengine Airplanes (TCDS 3) (Sub. \$32.00, foreign \$40.00. Supt. Docs.).  
 Vol. IV Rotorcraft, Gliders, and Balloons (TCDS 4) (Sub. \$16.50, foreign \$20.75. Supt. Docs.).  
 Vol. V Aircraft Engines and Propellers (TCDS 5) (Sub. \$27.00, foreign \$33.75. Supt. Docs.).  
 Vol. VI Aircraft Listing and Aircraft Engine and Propeller Listing (SN 050-007-00360-9) (Single Copy \$4.15, foreign \$5.20. Supt. Docs.).

Volumes I, II, III, IV, and V will be sold on a subscription basis and monthly supplementary service is included in the sales price.

Volume VI will be sold on a single-sales basis and will be issued as a revised edition when sufficient changes warrant.

#### Summary of Supplemental Type Certificates, January 1976.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. (\$43.00—Sub., foreign \$54.00. Supt. Docs.) TD 4.36:976.

#### NOTICE

The January 1976 issues of the Summary of Airworthiness Directives—Volumes I and II, will be sold and distributed for the Superintendent of Documents by the Federal Aviation Administration from Oklahoma City, Oklahoma. Requests for subscriptions to either of these publications should be sent to:

U.S. Department of Transportation, Federal Aviation Administration, P.O. Box 25461, Attn: ACC-23, Oklahoma City, Okla. 73125.

Subscription service will consist of the summary and automatic biweekly updates to each summary for a 2-year period. Make certified checks or money orders payable to Federal Aviation Administration.

#### Summary of Airworthiness Directives for Small Aircraft (1-1-76) Volume I.

Presents, in volume form, all the Airworthiness Directives for small aircraft issued through December 31, 1975. AD's for engines, propeller, and equipment are

Included in each volume. Each volume is arranged alphabetically by product manufacturer. (\$14.00 plus \$3.50 additional for foreign handling.) SN 050-007-00306-4.

#### Summary of Airworthiness Directives for Large Aircraft (1-1-76) Volume II.

Presents, in volume form, all the Airworthiness Directives for large aircraft (over 12,500 pounds maximum certificated takeoff weight) issued through December 31, 1975. AD's for engines, propellers, and equipment are included in each volume. (\$13.00 plus \$3.25 additional for foreign handling.) SN 050-007-00307-2.

#### STATUS OF THE FEDERAL AVIATION REGULATION AS OF NOVEMBER 15, 1977

The FAA publishes the Federal Aviation Regulations to make readily available to the aviation community the regulatory requirements placed upon them. These Regulations are sold as individual Parts by the Superintendent of Documents.

The more frequently amended Parts are sold on subscription service (that

is, subscribers will receive Changes automatically as issued), while the less active Parts are sold on a single-sale basis. Changes to single-sale Parts will be sold separately as issued. Information concerning these Changes will be furnished by FAA through its "Status of the Federal Aviation Regulations, AC 00-44." Instructions for ordering this free status list are given in the front of each single-sale Part.

#### NOTE

The Special Federal Aviation Regulations (SFAR) which are presently in effect are now being included in their related FAR Part.

The following list indicates the breakdown of the single-sale Parts and the subscription Parts. Check or money order made payable to the Superintendent of Documents should be included with each order. Submit orders for single-sales and subscription Parts on different order forms. No COD orders are accepted. All FAR Parts should be ordered from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

#### Parts sold on subscription service

Part	Title	Publication date	Catalog No.	Price		
				Domestic	Additional for foreign handling	Changes issued to date
1	Definitions and Abbreviations	June 1974	TD 4.6:1	\$3.00	\$0.75	5
21	Certification Procedures for Products and Parts	May 1974	TD 4.6:21	3.75	.95	8
23	Airworthiness Standards: Normal, Utility, and Acrobatic Category Airplanes	June 1974	TD 4.6:23	3.55	.90	7
25	Airworthiness Standards: Transport Category Airplanes	do.	TD 4.6:25	6.60	1.65	6
33	Airworthiness Standards: Aircraft Engines	August 1974	TD 4.6:33	3.00	.75	3
36	Noise Standards: Aircraft Type and Airworthiness Certification	June 1974	TD 4.6:36	3.00	.75	7
37	Technical Standard Order Authorizations	May 1974	TD 4.6:37	5.65	1.45	6
63	Certification: Flight Crewmembers Other Than Pilots	September 1974	TD 4.6:63	3.00	.75	2
91	General Operating and Flight Rules	March 1974	TD 4.6:91	11.30	2.85	22
93	Special Air Traffic Rules and Airport Traffic Patterns	do.	TD 4.6:93	2.45	.65	6
103	Part Revoked as July 1, 1976.	do.	do.	do.	do.	do.
121	Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft	April 1974	TD 4.6:121	19.00	4.75	25
123	Certification and Operations: Air Travel Clubs Using Large Airplanes	do.	TD 4.6:123	2.00	.50	4
139	Certification and Operations: Land Airports Serving CAB-Certificated Scheduled Air Carriers Operating Large Aircraft (Other Than Helicopters)	December 1974	TD 4.6:139	3.00	.75	4

<sup>1</sup> The regulations for the transportation of hazardous material by air is set forth in Part 175—Carriage by Aircraft, effective July 1, 1976, published in 41 FR 16106, April 15, 1976. This part is issued by the Materials Transportation Bureau, Department of Transportation. For information concerning hazardous material regulations, contact the Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

#### Parts sold on single-sales basis

Part	Title	Publication Date	Stock Number	Price <sup>1</sup>
11	General Rule-Making Procedures	May 1974	SN 050-007-00286-0	\$1.30
	Change 1	Feb. 1, 1974	SN 050-007-00286-6	.45
	Change 2	Mar. 18, 1976	SN 050-007-00325-1	.40
	Change 3	Jan. 1, 1976	SN 050-007-00340-4	.40
	Change 4	Sept. 6, 1977	SN 050-007-00390-1	.80
13	Enforcement Procedures	May 1974	SN 050-007-00230-1	.70
	Change 1	Aug. 2, 1976	SN 050-007-00334-0	.40
	Change 2	Dec. 13, 1976	SN 050-007-00357-9	.40
27	Airworthiness Standards: Normal Category Rotorcraft	August 1974	SN 050-007-00244-1	2.10
	Change 1	Oct. 31, 1974	SN 050-007-00255-6	.75
	Change 2	Feb. 5, 1976	SN 050-007-00309-9	.35
	Change 3	Feb. 1, 1977	SN 050-007-00362-5	1.30
	Change 4	May 2, 1977	SN 050-007-00370-6	1.40
	Change 5	Sept. 1, 1977	SN 050-007-00393-5	1.40



## NOTICES

Part	Title	Publication Date	Stock Number	Price <sup>1</sup>
29	Airworthiness Standards: Transport Category Rotorcraft	August 1974	SN 050-007-00245-9	1.70
	Change 1	Oct. 31, 1974	SN 050-007-00256-4	.70
	Change 2	Feb. 5, 1976	SN 050-007-00310-2	.35
	Change 3	Jan. 14, 1975	SN 050-007-00331-0	.40
	Change 4	Dec. 31, 1975	SN 050-007-00367-6	1.45
	Change 5	Feb. 1, 1977	SN 050-007-00371-4	1.60
	Change 6	May 2, 1977	SN 050-007-00394-3	1.40
31	Airworthiness Standards: Manned Free Balloons	August 1974	SN 050-007-00246-7	.40
	Change 1	Feb. 1, 1977	SN 050-007-00361-7	.65
35	Airworthiness Standards: Propellers	August 1974	SN 050-007-00247-5	.35
	Change 1	Feb. 1, 1977	SN 050-007-00363-3	.65
	Change 2	May 2, 1977	SN 050-007-00369-2	1.10
39	Airworthiness Directives <sup>1</sup>	May 1974	SN 050-007-00229-7	.35
43	Maintenance, Preventive Maintenance, Rebuilding and Alteration	January 1974	SN 050-007-00311-1	1.80
45	Identification and Registration Marking	May 1974	SN 050-007-00231-9	.65
	Change 1	Sept. 14, 1977	SN 050-007-00395-1	.80
47	Aircraft Registration	May 1974	SN 050-007-00312-9	.85
	Change 1	Sept. 8, 1978	SN 050-007-00333-8	.40
49	Recording of Aircraft Titles and Security Documents	May 1974	SN 050-007-00232-7	.50
	Change 1	Sept. 8, 1976	SN 050-007-00336-6	.40
61	Certification: Pilots and Flight Instructors	November 1974	SN 050-007-00313-7	2.80
	Change 1	Dec. 22, 1978	SN 050-007-00353-6	.50
	Change 2	May 9, 1977	SN 050-007-00372-2	.80
65	Certification: Airmen Other Than Flight Crewmembers	September 1974	SN 050-007-00314-5	1.25
	Change 1	Oct. 17, 1977	SN 050-007-00399-4	.80
67	Medical Standards and Certification	September 1974	SN 050-007-00248-3	.50
	Change 1	Dec. 21, 1976	SN 050-007-00341-2	.40
71	Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points <sup>2</sup>	January 1975	SN 050-007-00273-4	.85
	Change 1	July 28, 1975	SN 050-007-00290-4	.35
73	Special Use Airspace <sup>3</sup>	January 1975	SN 050-007-00274-2	.40
	Change 1	July 28, 1975	SN 050-007-00291-2	.35
75	Establishment of Jet Routes and Area High Routes <sup>4</sup>	January 1975	SN 050-007-00275-1	.40
	Change 1	Apr. 26, 1976	SN 050-007-00326-9	.40
77	Objects Affecting Navigable Airspace	January 1975	SN 050-007-00276-9	1.10
95	IFR Altitudes <sup>5</sup>	Feb. 13, 1975	SN 050-007-00285-8	.35
	Change 1	January 1975	SN 050-007-00278-5	.45
97	Standard Instrument Approach Procedures <sup>6</sup>	March 1974	SN 050-007-00224-6	.70
99	Security Control of Air Traffic	Mar. 11, 1976	SN 050-007-00324-2	.40
	Change 1	March 1974	SN 050-007-00223-8	.65
101	Moored Balloons, Kites, Unmanned Rockets, and Unmanned Free Balloons	Aug. 20, 1974	SN 050-007-00242-4	.50
	Change 1	March 1974	SN 050-007-00315-3	.55
105	Parachute Jumping	Nov. 29, 1976	SN 050-007-00344-7	.40
	Change 1	March 1974	SN 050-007-00225-4	.40
107	Airport Security	Dec. 9, 1976	SN 050-007-00346-1	.40
	Change 1	April 1974	SN 050-007-00316-1	1.80
127	Certification and Operations of Scheduled Air Carriers with Helicopters	Sept. 14, 1974	SN 050-007-00317-0	.35
	Change 1	Feb. 1, 1977	SN 050-007-00364-1	.65
	Change 2	April 1974	SN 050-007-00228-9	.45
129	Operations of Foreign Air Carriers	Oct. 9, 1975	SN 050-007-00293-9	.35
	Change 1	Aug. 23, 1976	SN 050-007-00333-1	.40
	Change 2	Nov. 29, 1976	SN 050-007-00347-1	.35
	Change 3	November 1974	SN 050-007-00318-8	.55
133	Rotorcraft External-Load Operations	Feb. 1, 1977	SN 050-007-00365-0	.65
	Change 1	Aug. 10, 1977	SN 050-007-00380-3	.90
	Change 2	June 25, 1977	SN 050-007-00389-7	.90
	Change 3	November 1974	SN 050-007-00319-6	2.50
135	Air Taxi Operations and Commercial Operators of Small Aircraft	Nov. 15, 1974	SN 050-007-00320-0	.35
	Change 1	Dec. 9, 1974	SN 050-007-00321-8	.35
	Change 2	May 15, 1975	SN 050-007-00348-3	.45
	Change 3	Nov. 29, 1976	SN 050-007-00366-8	.65
	Change 4	Feb. 1, 1977	SN 050-007-00374-0	.90
	Change 5	May 16, 1977	SN 050-007-00378-1	1.50
	Change 6	Dec. 24, 1965	SN 050-007-00378-1	1.50
	Change 7	Jan. 1, 1977	SN 050-007-00397-8	.70
	Change 8	Dec. 22, 1976	SN 050-007-00398-1	.50
137	Agricultural Aircraft Operations	Sept. 21, 1977	SN 050-007-00398-1	.50
	Change 1	November 1974	SN 050-007-00327-7	.35
	Change 2	May 24, 1976	SN 050-007-00337-4	.40
141	Pilot Schools	Sept. 20, 1976	SN 050-007-00322-6	1.15
143	Ground Instructors	November 1974	SN 050-007-00249-1	.45
145	Repair Stations	September 1974	SN 050-007-00220-3	.85
	Change 1	January 1974	SN 050-007-00349-8	.40
147	Aviation Maintenance Technician Schools	Nov. 29, 1976	SN 050-007-00250-5	.65
	Change 1	September 1974	SN 050-007-00330-1	.40
149	Parachute Lofts	Nov. 29, 1976	SN 050-007-00221-1	.50
151	Federal Aid to Airports	December 1974	SN 050-007-00261-1	1.55
152	Airport Aid Program	do	SN 050-007-00323-4	1.35
	Change 1	Sept. 26, 1976	SN 050-007-00338-2	.40
	Change 2	Oct. 21, 1976	SN 050-007-00342-1	.45
	Change 3	June 27, 1977	SN 050-007-00387-1	.70
	Change 4	Aug. 25, 1977	SN 050-007-00396-0	.90
153	Acquisition of U.S. Land for Public Airports	December 1974	SN 050-007-00262-9	.50
154	Acquisition of U.S. Land for Public Airports Under the Airports and Airway Act of 1970	do	SN 050-007-00269-6	.40
	Change 1	June 27, 1977	SN 050-007-00388-9	.70
155	Release of Airport Property from Surplus Property Disposal Restrictions	December 1974	SN 050-007-00270-0	.40
157	Notice of Construction, Alteration, Activation, and Deactivation of Airports	January 1975	SN 050-007-00279-3	.40
159	National Capital Airports	December 1974	SN 050-007-00268-8	1.00
	Change 1	June 13, 1976	SN 050-007-00330-7	.35

See footnotes at end of table.

FEDERAL REGISTER, VOL. 43, NO. 10—MONDAY, JANUARY 16, 1978

## NOTICES

Part	Title	Publication Date	Stock Number	Price <sup>1</sup>
169	Expenditure of Federal Funds for Nonmilitary Airports on Air Navigational Facilities Thereon	January 1975	SN 050-007-00280-7	.35
171	Non-Federal Navigation Facilities	do	SN 050-007-00281-5	1.10
	Change 1	Aug. 19, 1975	SN 050-007-00297-1	.65
183	Representatives of the Administrator	May 1974	SN 050-007-00283-5	.45
	Change 1	Jan. 9, 1976	SN 050-007-00332-8	.35
185	Testimony by Employees and Production of Records in Legal Proceedings and Service of Legal Process and Pleadings	Aug. 30, 1977	SN 050-007-00398-6	.70
	Change 1	May 1974	SN 050-007-00287-8	.80
187	Fees	do	SN 050-007-00234-3	.40
189	Use of Federal Aviation Administration Communication System	do	SN 050-007-00235-1	.40
191	Withholding Security Information From Disclosure Under the Air Transportation Security Act of 1974	November 1976	SN 050-007-00339-5	.40

<sup>1</sup> Add 25% for foreign handling.  
<sup>2</sup> Due to their length, complexity, and frequency of issuance, individual Airworthiness Directives are published separately in the FEDERAL REGISTER. Copies of Airworthiness Directives that have been issued are for sale in summary form by DOT, FAA Aeronautical Center (Consigned agent for Superintendent of Documents), P.O. Box 25461, Oklahoma City, Okla. 73125, Attn: AAC-23.  
<sup>3</sup> Due to their length, complexity, and frequency of issuance, individual airspace designations, airways descriptions, restricted areas, jet route descriptions, and en route IFR altitudes are not included in the publication of these basic parts. Such descriptions are published in the FEDERAL REGISTER and depicted on appropriate aeronautical charts. Aeronautical charts can be obtained from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Distribution Division (C-44), National Ocean Survey, Riverdale, Md. 20840.  
<sup>4</sup> Standard instrument approach procedures are published in the FEDERAL REGISTER by reference to FAA documents which are available for examination in the Rules Docket (AGC-24) and the National Flight Data Center, FAA Headquarters, Washington, D.C., and at the appropriate FAA Regional Offices and Flight Inspection District Offices. These approach procedures can be obtained from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Distribution Division (C-44), National Ocean Survey, Riverdale, Md. 20840.

BROOKS C. GOLDMAN,  
 Director, Office of  
 Management Systems.

[FR Doc.78-922 Filed 1-13-78;8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 10—MONDAY, JANUARY 16, 1978



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MONDAY, JANUARY 16, 1978  
PART VI



DEPARTMENT OF  
HOUSING  
AND URBAN  
DEVELOPMENT

■  
AREAWIDE HOUSING  
OPPORTUNITY PLANS

Approval and Special  
Allocations, Availability  
of Community Development  
Block Grant and  
Comprehensive Planning  
Assistance (701)  
Program Funds,  
Closing Date for  
Submission of Requests



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## [4210-01]

Title 24—Housing and Urban Development

## CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-388]

## PART 891—REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE; ALLOCATION OF HOUSING ASSISTANCE FUNDS

## Subpart E—Approval of Areawide Housing Opportunity Plans

## Subpart F—Special Allocations Based Upon Areawide Housing Opportunity Plans

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: An Areawide Housing Opportunity Plan (Plan) is a strategy for a program of implementation activities developed by an Areawide Planning Organization (APO) which addresses areawide housing assistance needs and goals in accordance with the program objective of providing for a broader geographical choice of housing opportunities for lower income households outside areas and jurisdictions containing undue concentrations of low-income and minority households.

This rule sets forth requirements and procedures for the approval by HUD of Areawide Housing Opportunity Plans and for the award by HUD of special allocations of contract authority on the basis of Approved Plans.

The intended effect of the rule is: (1) To make the objectives of the Plan effort more explicit (2) to clarify and to revise the requirements for selection of Plans to serve as the basis for award of supplemental allocations of contract authority and (3) to provide for Plans approved by HUD to serve to the extent practicable, as the basis for the distribution of contract authority allocated by HUD within the Approved Plan area.

EFFECTIVE DATE: February 15, 1978.

## FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: On January 27, 1977, the Department of Housing and Urban Development (HUD) published proposed amendments (42 FR 5099) to Subparts A,

"Definitions", and E, "Review of Applications for Housing Assistance; Allocation of Housing Assistance Funds," of 24 CFR Part 891. Subpart E of Part 891 currently contains the policies and procedures governing special allocations to jurisdictions participating in an Area-wide Housing Opportunity Plan (Plan) selected by HUD.

HUD received over 30 responses to the January 27, 1977, publication. All of these comments were carefully considered, and a number of changes have been made to the proposed regulations as a result. Each significant change is discussed below.

## BACKGROUND

An Areawide Housing Opportunity Plan (Plan) is a strategy for a program of implementation activities developed by an Areawide Planning Organization (APO) which addresses areawide housing assistance needs and goals in accordance with the program objective of providing for a broader geographical choice of housing opportunities for lower income households outside areas and jurisdictions containing undue concentrations of low-income and minority households.

These Plans represent a cooperative effort between an APO and local jurisdictions (including counties, municipalities, and townships) within the Plan area for the development and implementation of a common areawide strategy which will meet existing housing needs as well as promote the deconcentration of lower income households from areas of undue concentration, including central cities.

A Plan approved by the Secretary in accordance with § 891, Subpart E, is to serve as the basis for the distribution of housing assistance within the Plan area. As such, an Approved Plan will constitute the assisted housing portion of the Section 701 Comprehensive Planning Program housing element pursuant to 24 CFR 600.70. An Approved Plan includes an areawide assessment of housing assistance needs; a procedure for distributing housing assistance to each jurisdiction in the Plan area in a manner which promotes the program objective; percentage goals for housing assistance for each jurisdiction in the Plan area; goals for outreach activities; and implementation activities for the APO and Participating Jurisdictions.

These regulations establish two potential uses for Plans by HUD. First, a Plan determined by HUD to have met the criteria in Subpart E would be designated by the Secretary as an "Approved Areawide Housing Opportunity Plan" (Approved Plan) and the aggregate amount of contract authority allocated in accordance with Subpart D of Part 891 to jurisdictions within the Plan area would be distributed, to the

extent practicable, in accordance with the Approved Plan. The total amount of contract authority allocated to jurisdictions in the Plan area will be determined in accordance with Subpart D, and no additional contract authority would be available beyond that provided through that subpart. However, the geographical distribution of contract authority by program would be decided jointly by the HUD Field Office Director and the APO and would reflect the Approved Plan, to the extent practicable. Second, Plans which also meet the criteria in Subpart F would be considered by the Secretary for selection as the basis for special allocations of contract and budget authority to jurisdictions in the Plan area. Additional criteria contained in § 891.606 of Subpart F would identify plans for priority consideration for this purpose from among Approved Plans.

Because the Plans make an areawide assessment of housing needs and establish goals for each jurisdiction in the Plan area, they should provide an areawide framework for Housing Assistance Plans developed by local jurisdictions in the Plan area. For local jurisdictions not covered by a HAP, the Plan should also provide data comparable to that required in a HAP to ensure total coverage of the APO's jurisdiction. Development of the Plan will require a cooperative effort on the part of the APO and area jurisdictions in assessing housing needs, establishing goals, and determining appropriate implementation activities. Thus, the Plans will provide an areawide overview of housing needs, goals and implementation activities, and the HAPs will provide a more detailed assessment and general locations for assisted housing within jurisdictions. Although the goals in the Plans and those in approved HAPs must be generally consistent, in Fiscal Year 1978 the goals in previously approved HAPs may not meet this requirement. In this case all HAPs submitted to HUD subsequent to Plan approval shall be consistent with the Plan(s) and Participating Jurisdictions shall so certify at the time application is made to HUD for Plan approval.

## DISCUSSION OF MAJOR COMMENTS AND REVISIONS

## REORGANIZATION

Subpart E has been divided into two Subparts, E and F, to clarify the distinction between (a) approval of Plans to serve, to the extent practicable, as the basis for the distribution of housing assistance provided by HUD (Subpart E) and (b) procedures for awarding special housing assistance allocations on the basis of such Plans (Subpart F). This reorganization does not constitute a substantive change in the regulations.

The provisions in former § 891.501 relating to the calculation and distribution of the contract authority made available for special allocations have been moved to § 891.605. (All references in this preamble to "former" sections are to the January 27, 1977, proposed rule.)

Former § 891.502 ("General criteria for acceptable plans") has been divided into two sections, now designated as §§ 891.503 and 891.504, to provide a clearer distinction between the basic required contents of approvable Plans and additional requirements for approval.

The discussion of implementation activities in former § 891.502(b)(3) has been expanded and moved to § 891.503(f). Implementation activities must as a minimum include activities necessary to facilitate the delivery of housing assistance resources, use of the APO's A-95 review powers to support the program objective, activities to ensure the cooperation of PHAs, and coordination of outreach activities for matching eligible families with suitable and available housing assistance resources.

The procedures for HUD review and approval of Plans in § 891.506 have been clarified through reorganization and expansion. This material formerly appeared in greatly abbreviated form in §§ 891.505(a) and 891.506(a).

Section 891.605 (formerly § 891.505) has been reorganized and modified slightly to clarify the factors to be used in determining (a) which Approved Plans will be selected as the basis for special allocations and (b) the amount of each special allocation.

## DEFINITIONS

Section 891.102 has been expanded to include definitions of several additional key terms. The newly defined terms are "Plan area", "housing assistance", "program objective", "Recipient Jurisdiction" and "special allocation." All references to "supplemental allocations" have been changed to "special allocations" to clearly distinguish the allocations under Subpart F from any other allocations which might be made subsequent to the initial allocation under § 891.404 of Subpart D. The existing definitions of "Areawide Housing Opportunity Plan" and "Approved Areawide Housing Opportunity Plan" have been modified slightly. The definition of "Areawide Planning Organization" (APO) has been expanded to include agencies authorized to undertake planning for a single county whose boundaries are continuous with a designated Standard Metropolitan Statistical Area (SMSA).

One comment requested that the definition of APO in § 891.102 be expanded to permit State planning agencies and the Commonwealths of

Puerto Rico and the Virgin Islands to qualify as APOs. Plans developed by these entities by their nature are more comprehensive in scope and address different objectives. Consequently, this recommendation has not been accepted. However, the Department is considering ways to encourage the efforts of State planning agencies in the area of housing allocation.

One commenter noted the introduction of the undefined term "acceptable Plan" in former §§ 891.502(a), 891.503(a), and 891.505(a). All such references have been deleted or have been revised to conform with defined terms.

## PURPOSE AND ROLES

Sections 891.501 and 891.601 (Applicability and Scope) have been expanded to further clarify the purpose of the Areawide Housing Opportunity Plan effort.

Sections 891.502 and 891.602 have been added to clarify and highlight the respective roles and responsibilities of the APO, Participating Jurisdictions, and Recipient Jurisdictions.

## RELATIONSHIP OF THE PLAN TO THE APO'S JURISDICTION

Several commenters inquired whether a formal coordinative device would be required in cases where a Plan assigns goals to jurisdictions which are outside the area served by the APO but are within an SMSA or other identifiable planning area. In such instances, the applicant APO shall submit either a memorandum of understanding, a cooperation agreement, or other evidence acceptable to the Secretary which demonstrates that the goals assigned to those jurisdictions by the applicant APO are acceptable to any neighboring APO(s) and/or jurisdictions covered by the Plan.

## NEEDS ASSESSMENT

One commenter noted that, despite the deletion of the requirement for a detailed needs assessment for each jurisdiction, such analysis obviously would be required in order to establish percentage goals. In view of this comment and the new provision for identification of outreach goals (§ 891.503(d)), this requirement has been reinstated (§ 891.503(a)). However, to be consistent with the level of detail required in establishing percentage goals, needs need only be identified for each county and for jurisdictions of over 25,000 population by household type and by housing tenure.

## FEMALE-HEADED HOUSEHOLDS

One commenter questioned the need for an analysis of the housing assistance needs of lower income female-headed households (§ 891.503(a)). This

requirement has been maintained. It is important that Plans address the special needs of all appropriate identifiable segments of the total group of lower income households in the community.

## PERCENTAGE GOALS

Numerous comments addressed the degree of specificity required for the percentage goals in § 891.503(c). The Department considers this an important component of the agreement between the APO and Participating Jurisdictions, as the goals must address the identified needs. However, this section has been revised considerably in response to several of the specific problems raised in the comments. The relationship between the goals assigned under the Plan to those contained in the HAPs of Participating Jurisdictions has been clarified. To address concerns regarding the difficulty in establishing detailed goals by housing type and by household type for jurisdictions which are very small or which have low percentage goals relative to other jurisdictions, this section now provides that, at a minimum, goals shall be established only for each county and for jurisdictions of over 25,000 population. Percentage goals (or zero goals, as appropriate) must be identified for each jurisdiction within this category regardless of the size of the projected apportionment.

Several comments noted that future program resources from HUD or from other sources of assistance usually are not known at the time the Plan is developed. The requirement that goals be stated as percentages of housing assistance becoming available has been instituted to address this potential problem. However, because of the difficulty in predicting future funding sources, the requirement in former § 891.502(a)(3) that goals be established by source of funds has been modified; § 891.503(c) now requires only that all potential sources of funding be considered in establishing goals.

In response to one inquiry, it should be noted that the percentage goals contained in the Plan are to cover all housing assistance, and are not to be limited to a prospective special allocation under Subpart F.

Another comment suggested that an APO be allowed flexibility to consider separately other State, local or private sources of funding which would be inappropriate to distribute through the distribution procedure in determining a jurisdiction's overall responsibilities under its agreement with the APO. Although nothing in the proposed regulations precluded this, § 891.503(c) has been revised by deleting the former language which suggested that all housing assistance (whether provided by HUD or not) had to be distributed



through the allocation procedure in establishing goals.

Section 891.505(b)(7) has been added to require a statement of the APO's strategy in establishing goals by housing type and by household type for each jurisdiction or identifiable category of jurisdiction.

#### INTERJURISDICTIONAL OUTREACH GOALS

Section 891.503(d) has been added to emphasize the importance of interjurisdictional outreach activities to the successful implementation of the Plan. This section requires the APO to identify jurisdictions which will be targeted for outreach activities and specific outreach goals, by household type, for certain jurisdictions. These outreach goals are to be addressed in the outreach activities required under §891.503(f)(1)(iv). Specific outreach goals must be developed by June 30, 1978.

#### RELATIONSHIP TO HAPS

One commenter noted that the required areawide needs assessment in §891.503(a) in many respects resembled a HAP, and suggested that the APO be allowed additional flexibility in developing a need assessment technique. This comment has not been accepted. The prescribed format is designed to ensure a reasonable degree of uniformity among Plans in assessing needs and will provide an essential common standard on which to evaluate the Plans.

Several commenters requested clarification as to whether currently approved HAPs containing goals that are less than or inconsistent with the goals identified in the Plan had to be amended prior to submission of the Plan to HUD in order to meet the requirement in §891.503(c). This section has been amended to require general consistency between the Plan and the HAPs of Participating Jurisdictions by household type and housing type. However, in accordance with §891.503(f), a letter of intent from the Chief Executive Officer on behalf of the governing body of the Participating Jurisdiction assuring that future HAPs submitted to HUD for approval will be consistent with the Plan will meet this requirement.

One commenter questioned the reason for the deletion of the explicit provision in §891.503(f) (formerly §891.502(a)(4)) for satisfactory evidence of agreement to include consistency between the goals in the HAP and the goals in the Plan. This provision has been reinstated, as this conformity is essential to the implementation of the Plan. However, this evidence of consistency must be accompanied by evidence of agreement on the specific implementation activities contained in the Plan. This section has been revised substantially to clarify this policy.

One commenter noted that there is a potential conflict in §891.505(b)(10) (formerly §891.504(a)(12)) between locations proposed for assisted housing in the Plan and those identified in HAPs. Though HAPs govern the general locations for assisted housing within individual jurisdictions, they may not address the issue of reducing concentrations of low income or minority households among jurisdictions on an areawide basis. To address any potential inconsistency, this section has been revised to require a discussion of whether the proposed locations identified in approved HAPs applicable to Participating Jurisdictions are consistent with the program objective and, if not, what actions are planned to correct these inconsistencies.

#### DISTRIBUTION PROCEDURE

Section 891.503(b) (formerly §891.502(a)(2)) has been clarified and has been expanded considerably to provide additional factors which must be considered by the APO in developing its distribution procedure. Several commenters noted that these factors might hinder local flexibility in developing the procedure for their areas. The intent is not to dictate local policy, or to limit factors which might be incorporated into the procedure, but to identify minimum considerations that will ensure (a) that the percentage goals arrived at by the APO and Participating Jurisdictions reflect the program objective and (b) that there is a reasonable and uniform standard for all Plans. However, to avoid confusion, this section has been revised to remove the reference to the need for the procedure to "explicitly" take the designated factors into account. It should be noted that §891.505(b)(3) (formerly §891.504b(a)(4)) requires the APO to describe how the procedure and the percentage goals derived from the procedure reflect these considerations.

#### ANALYSIS OF BARRIERS TO PLAN IMPLEMENTATION

As further evidence that the APO has fully considered potential barriers to Plan implementation, §§891.503(e) and (f)(1) have been added to require as part of the Plan (a) an analysis of specific legal or administrative barriers to the ability of lower income households to take advantage of available or potentially available housing opportunities outside areas and jurisdictions of low income or minority concentration and (b) a program or strategy for removing them.

In addition, to ensure the Plan's implementation, §891.503(f) has been revised by making certain activities mandatory.

#### FUTURE EMPLOYMENT OPPORTUNITIES

One commenter questioned the availability of reliable data on future

employment opportunities for lower income persons (§891.503(b)(3)). Consideration of such data is mandatory in identifying future housing needs. The APO should use the best available data, including relevant data which may be contained in approved HAPs prepared by or applicable to Participating Jurisdictions.

HUD is considering amending its regulations on "expected-to-reside" needs (24 CFR 570.303) to consider deconcentration needs in addition to needs based on employment. APOs would be permitted to develop alternative methodologies which would be certified by the Department for use by Participating Jurisdictions in preparing their HAPs. Until these regulations are amended, the current HUD methodology shall continue to be used.

#### RELATIONSHIP OF PLAN TO OTHER ALLOCATION PLANS

One commenter suggested that the goals contained in other areawide housing allocation plans developed by an APO be considered in developing a Plan. This is based on a misunderstanding that the Plan is necessarily different from an areawide housing allocation plan developed by the APO under other programs or for other purposes. For example, as noted previously, an Approved Plan will satisfy the assisted housing portion of the housing element required of APOs under the Section 701 Comprehensive Planning Program. However, where an agency other than the APO has developed a housing allocation plan that affects the Plan area, the APO is encouraged to consider it and coordinate it with the Plan.

#### METHOD FOR COUNTING PARTICIPATING JURISDICTIONS

There was considerable confusion over the method provided in §891.504(a) (formerly §891.502(b)(1)) for counting jurisdictions of over 50,000 population within a county which is a Participating Jurisdiction. The intent of the original language was to minimize the number of individual agreements required with the APO and to facilitate obtaining the necessary support. To avoid confusion, the limitation of 50,000 population has been deleted, so that any jurisdiction, regardless of size, can be counted as a Participating Jurisdiction if it meets the requirements of this section. In response to other comments, acceptable evidence of agreement must include agreement on specific implementation activities. No jurisdiction, whether an urban county with an approved HAP or a jurisdiction within a participating urban county, can be "automatically counted" as a Participating Jurisdiction unless this requirement is met. It should be noted that percentage goals

still must be assigned to individual jurisdictions in accordance with §891.503(c), regardless of the method used in determining participation.

In response to one comment, in counting Participating Jurisdictions to meet the requirement of §891.504(a) that the Plan apply to fifty percent of the jurisdictions in the Plan area, a county would be counted as one Participating Jurisdiction, regardless of the number of jurisdictions within its boundaries. Each jurisdiction with which that county had reached agreement on goals and implementation activities would be counted as one Participating Jurisdiction. Thus, for example, a county which had reached agreement on goals with five of twelve jurisdictions within its boundaries would be considered a total of six Participating Jurisdictions in determining the areawide total of Participating Jurisdictions. To continue the example, the remaining seven jurisdictions would have to have individual agreements with the APO to be considered Participating Jurisdictions.

Several commenters suggested lower percentages for Participating Jurisdictions than those required in §891.504(a). The Department considers the existing percentages the minimum required to ensure that the Plan can and will have an impact in accordance with the program objective.

#### COORDINATION WITH OTHER AGENCIES

Section 891.504(d) has been added to ensure the necessary coordination and consistency of Plans with State and other areawide agencies.

Section 891.505(b)(14) has been added to require that the APO submit with its request for Plan approval copies of comments submitted by other areawide clearinghouses or a statement of other coordination activities undertaken in accordance with §891.504(d).

Several commenters requested clarification of an APO's entitlement to submit requests under Subpart E where its jurisdiction is circumscribed by and is included in that of an APO with a larger geographic area of coverage. Section 891.505(d) has been added to clarify that such agencies are entitled to submit requests for Plan approval provided they otherwise meet all applicable requirements. However, in accordance with §891.504(d), APOs in such situations will be required to coordinate their Plans with any state or other regional housing and housing-related plans applicable to all or part of the Plan area.

#### USE IN A-95 REVIEW

One commenter suggested revising §891.504(e) (formerly §891.502(a)(5)) to specifically require use of the Plan in A-95 review of applications for federally-assisted transportation and

water and sewer programs. The Department does not have the authority to require use of the Plan in the review of programs that are not administered by HUD. This section has been revised, however, to require that the Approved Plan be used in the A-95 review of all activities that are subject to APO review under HUD's A-95 regulations.

#### DATA ON AREAS AND JURISDICTIONS WITH UNDUE CONCENTRATIONS OF LOW INCOME AND MINORITY HOUSEHOLDS

It was suggested that §891.505(b)(5) (formerly §891.504(a)(9)) also require identification of areas without undue concentrations of low income or minority households. This recommendation has been accepted. This section has been revised to require a statement of the relative degree of concentration for each jurisdiction in the Plan area.

One commenter noted that the issue of undue concentration of low income households within jurisdictions would be addressed through HUD site and neighborhood standards at the time of review of individual project proposals, and that it should be unnecessary to identify areas of concentration by jurisdiction. This section has been amended to clarify that areas of concentration within individual jurisdictions need be identified only to the extent that such information is readily available.

#### SUMMARY OF RECENT EXPERIENCE

One commenter indicated the need to clarify §891.505(b)(11) (formerly §891.504(a)(13)). This section is not intended to require an APO to become involved in housing development or delivery per se. It is essential, however, that the APO know the status of housing assistance in order to develop and monitor a Plan and to evaluate progress in reaching goals. This section has been amended to provide that either the amount of housing assistance or the number of units can be described.

#### CITIZEN PARTICIPATION

One commenter suggested revising §891.505(b)(13) (formerly §891.504(a)(15)) to require that citizen participation in the development of Plans be equivalent to that for applications for Community Development Block Grants. After careful consideration, this recommendation has not been accepted, since HAPS and Plans developed with Section 701 comprehensive planning assistance have had citizen input.

#### SUBMISSION REQUIREMENTS

One commenter suggested that the information required by §§891.505(b)(4) through (14) (formerly

§§891.504(a)(9) through (16)) is not essential for HUD review and should be deleted. This recommendation was not accepted. These requirements were expressly designed to provide evidence that Plans are current, that the percentage goals represent genuine local commitment to the Plan, and that Participating Jurisdictions have or are capable of obtaining sufficient program experience to implement the Plan. Obtaining information on the current status of available housing assistance and of other implementation activities should not require substantial additional research on the part of the APO.

#### SUBMISSION PERIOD

Several commenters recommended that the proposed thirty day minimum period for submission of requests for Plan approval and requests for special allocations after publication of the Notice in the FEDERAL REGISTER be extended to allow additional time for preparation of such requests and to obtain the required approval by the governing body of the APO. Section §891.603(a) (formerly §891.501(c)) has been revised to provide for a minimum of 60 days for submission of requests for special allocations to HUD. Section §891.505(a) permits an APO to submit a request for Plan approval at any time.

#### ADDITIONAL SUBMISSION REQUIREMENTS

Section 891.505(b)(8) has been added to require a narrative explanation of the process or procedures to be used to determine the geographic distribution of contract authority that the APO will recommend to the Field Office Director in the event the available contract or budget authority during any fiscal year is insufficient to accommodate all of the goals in the Plan or in the event unanticipated resources from other sources become available. This will ensure that the APO can adequately respond to varying levels of housing assistance resources. Section §891.505(b)(9) has been added to require a discussion of the respective responsibilities of the Participating Jurisdictions for the proposed implementation activities.

Section §891.604(b)(6) has been added to require the APO to give its view as to whether the special allocation it requests can be committed within a reasonable time in the proposed Recipient Jurisdiction(s). This section complements the requirement in §891.505(b)(11).

#### USE OF APPROVED PLANS; COORDINATION BETWEEN HUD REGIONAL AND FIELD OFFICES

The discussion of the use of Approved Plans by HUD has been placed in a new §891.507. Virtually all of the



comments with respect to § 891.507 (formerly § 891.506) were favorable. Clarification was requested regarding the Department's policy with respect to (a) coordination of the use of the Plan by the Field Office Director and the APO; (b) explanation of any deviation from the Plan by the Field Office Director; (c) coordination of set-asides for special purpose programs; and (d) applicability to HUD-assisted housing allocated by Housing Finance and Development Agencies (HFDAs). All of these comments were well taken, and this section has been considerably expanded to address these concerns. Section 891.507(a) requires the APO to make its recommendations for distribution of contract authority within fifteen days and in such a way that the recommended distribution will result in economically feasible projects or programs. With regard to HFDAs which sponsor HUD-assisted housing, § 891.506(c) provides that an Approved Plan shall serve, to the extent practicable, as the basis for the distribution of any contract authority allocated by HUD pursuant to Subpart D. This means that HFDAs will be required to recognize Approved Plans in distributing Section 8 housing assistance within Approved Plan areas.

Several commenters asked when Approved Plans would begin to be used by HUD. Section 891.507(c) has been added to provide that an Approved Plan will be recognized by HUD at the time the first allocation is made to jurisdictions within the Approved Plan area after notification to the APO of Plan approval.

One commenter noted the possibility of difficulties in developing a Plan and submitting requests for Plan approval to HUD where the jurisdiction of the APO extends beyond that of a single HUD Field Office, and that use of Approved Plans by HUD in accordance with Subpart E would be hindered in such situations. Plans should be tailored to the jurisdiction of the APO, and not that of the HUD field organization. Sections 891.506(c) and 891.605(h) provide that review of requests for Plan approval and for special allocations will be coordinated by the appropriate HUD Regional Administrator(s) if necessary.

Section 891.506(d) has been added to indicate that approval is subject to an annual HUD review of performance.

Section 891.506(e) has been added to allow the Secretary to suspend or withdraw Plan approval at any time.

#### REMOVAL OF LIMITATION ON USE OF SPECIAL ALLOCATIONS TO JURISDICTIONS COVERED BY HAPS

One commenter questioned the desirability of restricting special allocations awarded pursuant to Subpart F to Participating Jurisdictions that are covered by a HAP. It was noted that

this limitation would require the preparation of many unnecessary HAPs in order to generate suitable locations for housing proposed in accordance with the Plan and the program objective, and might create barriers to the provision of expanded housing opportunities in jurisdictions which previously have not participated in housing assistance programs. In view of these considerations, two important changes have been made. First, special allocations are no longer restricted to Participating Jurisdictions, as non-Participating Jurisdictions may be the most suitable recipients of housing assistance in accordance with the program objective. However § 891.601(a) provides that use of special allocations may be limited to Participating Jurisdictions at the APO's option. Second, jurisdictions designated to receive a special allocation are no longer required to be covered by an approved HAP.

#### DETERMINATION OF THE AMOUNT OF THE SPECIAL ALLOCATION

Several comments recommended that § 891.605(c) (formerly § 891.501(e)(1)) be revised to provide for a minimum allocation in those instances in which 50 percent of the initial allocation would be insufficient to provide at least one feasible project. Other comments noted that the initial allocation for the current fiscal year might be too small to provide meaningful incentives to local jurisdictions to participate. This section has been revised to indicate that the base amount on which the special allocation is to be calculated is the total amount of contract authority made available for the applicable program within the Approved Plan area during that fiscal year in accordance with Subpart D as of the date of the announcement of the availability of the special allocations. If no contract authority was made available, the amount of the special allocation will be based on the most recent fiscal year in which contract authority was made available. In addition, in response to the comments urging that the special allocation provide at least one project, § 891.605(c) now provides that where 50 percent of the contract authority made available would provide less than that required for a feasible project or program, the amount of the special allocation shall be sufficient to provide an economically feasible project or program in the opinion of the Field Office Director.

Several commenters suggested that the maximum of two-thirds of the total available contract authority for Plans previously selected (§ 891.605(e), formerly § 891.501(e)(3)) be reduced to allow greater opportunity for other APOs to receive supplemental allocations. This recommendation has not been accepted. This percentage is only

a ceiling, not a reservation for Plans previously selected as the basis for special allocations.

#### EVIDENCE THAT SPECIAL ALLOCATION CAN BE COMMITTED

Several commenters requested clarification of the provision in § 891.605(f)(5) (formerly § 891.502(b)(3)) that evidence be provided that contract authority can be committed within a "reasonable time." As the examples already provided in this section suggest, recent past performance (in the judgment of the Field Office Director) generally will be considered in determining whether a Recipient Jurisdiction can absorb additional housing assistance.

#### PRIORITY CRITERIA FOR SPECIAL ALLOCATIONS

One commenter suggested that APOs which had previously received special allocations be required to meet at least three more priority criteria than were met in the previous year in order to be considered for additional special allocations (§ 891.606(a)). This suggestion has not been accepted, since, in accordance with § 891.605(b)(3), all Approved Plans will be evaluated with respect to the number of priority criteria met.

Several comments suggested revisions to former § 891.503 (a)(1) and (a)(2). One comment suggested that these two subparagraphs be combined, since an APO which met (a)(1) generally also would meet (a)(2). This recommendation was accepted (§ 891.606(a)(1)). Another comment suggested that HUD recognize APOs which provide assistance to existing housing counseling agencies, but do not directly fund or administer such programs. After careful consideration, this suggestion has been adopted, and § 891.606(a)(1) has been revised to recognize assistance by APOs to counseling programs. Another comment suggested that these criteria be deleted, on a mistaken impression that APOs are precluded from using Section 701 comprehensive planning grants to develop or initiate implementation of such programs. One commenter recommended that "participation" be defined. This section has been clarified by indicating that participation is considered active assistance through funding or other means, but not mere endorsement or "moral support".

Several commenters recommended that § 891.606(a)(4) (formerly § 891.503(a)(5)) be revised to require greater participation by the APO in the development or implementation of voluntary areawide affirmative fair housing marketing agreements in order to receive priority consideration. This section has been revised accordingly. In addition, this section has been clarified by specifying that these

activities must be designed to combat discrimination on the basis of race, color, religion, sex, or national origin in the private housing market.

One commenter suggested that § 891.606(a)(5) (formerly § 891.503(a)(6)) be amended to reflect population as well as the number of Participating Jurisdictions. After careful consideration, the existing provision has been retained. The intent of this criterion is to recognize exceptional achievements in regional cooperation among jurisdictions which enhance the likelihood for achievement of the program objective.

In response to one comment, § 891.606(b) has been added to clarify that each of the priority criteria in § 891.606 (a)(1) through (a)(5) will be considered equally in the evaluation of Approved Plans for special allocations. The consideration given to any activity or activities identified by the APO in accordance with § 891.604(a)(6) will be at the discretion of the Secretary and will be determined on a case-by-case basis.

#### MISCELLANEOUS COMMENTS AND REVISIONS

Section 891.505(b)(12) (formerly § 891.504(a)(16)) has been revised to require the APO to discuss the impact of the Plan on the distribution of housing assistance and success in addressing the program objective since approval of the Plan by the governing body of the APO.

One commenter suggested that the Federal Register Notice in § 891.603 (formerly § 891.501(c)) specify the availability of any other incentives such as Community Development Block Grant funds or Section 701 comprehensive planning grants to be awarded on the basis of selected Plans. Although the Notice in § 891.603 will apply only to special housing assistance allocations, the Department will attempt to issue Notices announcing the availability of funds from other programs at the same time, when appropriate.

One commenter suggested that the contents of the report required in § 891.607 (formerly § 891.507) be limited to use of the special allocations and subsequent upgrading of the Plan. This recommendation was not accepted, since the special allocations are intended to support the overall Plan.

Another commenter objected to the overall concept of the Areawide Housing Opportunity Plan effort because of a belief that the APO would fail to address the needs of those jurisdictions in the Plan area that individually were not members of the APO. The requirements for (1) an areawide needs assessment (§ 891.503(a)), (2) general consistency between the goals in the Plan and those contained in local HAPs (§ 891.503(c)), and (3) par-

ticipation by 50 percent of area jurisdictions representing 75 percent of the population (§ 891.504(a)) were expressly designed to address this potential problem. Jurisdictions that are not members of the APO or which feel they are inadequately represented by a larger unit of local government are encouraged to work with the APO in developing the Plan.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 was made in connection with the proposed rule and is applicable to this final rule. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

This rule is issued under the authority of Section (7)(d) of the Department of HUD Act (42 U.S.C. 3535(d)).

Accordingly, 24 CFR, Chapter VIII, Part 891, Subparts A and E are amended and Subpart F is added as follows:

1. Section 891.102 of Subpart A is amended by amending paragraphs (d), (e), and (m) (formerly paragraphs (c), (d), and (k)), by adding paragraphs (i), (n), (o), (p), and (t), and by renumbering paragraphs (c) through (o) as (d) through (u) to read as follows:

§ 891.102 Definitions.

(c) *Approved Areawide Housing Opportunity Plan (Approved Plan).* An Areawide Housing Opportunity Plan approved by the Secretary in accordance with Subpart E of this part to serve, to the extent practicable, as the basis for distribution of all contract authority allocated by HUD within the Plan area pursuant to Subpart D of this part.

(d) *Areawide Housing Opportunity Plan (Plan).* A strategy for a program of implementation activities developed by an APO and Participating Jurisdictions which specifically address areawide housing assistance needs and goals in accordance with the program objective.

(e) *Areawide Planning Organization (APO).* An organization authorized by law or local agreement to undertake planning under Section 701 of the Housing Act of 1954 (40 U.S.C. 461) and/or OMB Circular A-95 either for a multi-county area (including county-municipality combinations) or for a single county whose boundaries are coterminous with a designated Standard Metropolitan Statistical Area.

(i) *Housing assistance.* Assistance provided by HUD under the United

States Housing Act of 1937 (42 U.S.C. 1437), sections 235 and 236 of the National Housing Act (12 U.S.C. 1715z, 1715z-1), section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

(m) *Participating Jurisdiction.* A jurisdiction (including a county or other local government) within the Plan area, with which the APO (or a county, in accordance with § 891.504(a)) has reached agreement on percentage goals for the distribution of housing assistance and on activities for the implementation of the Plan.

(n) *Plan area.* The entire jurisdiction of an APO which has prepared a Plan.

(o) *Program objective.* To encourage, facilitate, and provide for a broader geographical choice of housing opportunities for lower income households (with particular attention to families and large families) outside areas and jurisdictions containing undue concentrations of low income or minority households.

(p) *Recipient Jurisdiction.* Any jurisdiction (whether or not it is a Participating Jurisdiction) recommended by the APO in accordance with § 891.605(h) and designated by the Field Office Director to receive contract authority made available by a special allocation.

(t) *Special allocation.* An allocation of contract and budget authority for housing assistance made available pursuant to Subpart F of this part (for F.Y. '76 only, a supplemental allocation under former Subpart E of this part (41 FR 35667-68)).

(2) Subpart E is revised to read as follows:

#### Subpart E—Approval of Areawide Housing Opportunity Plans

Sec.  
891.501 Applicability and scope.  
891.502 Role of the APO and participating jurisdictions.  
891.503 Required contents of approvable plans.  
891.504 Additional requirements for approvable plans.  
891.505 Procedures for submission of requests for plan approval.  
891.506 Review and approval of plans.  
891.507 Use of approved plans by HUD.

AUTHORITY.—Sec. (7)(d), Dept. of HUD Act (42 U.S.C. 3535(d)).

#### Subpart E—Approval of Areawide Housing Opportunity Plans

§ 891.501 Applicability and scope.

(a) This Subpart describes the policies and procedures governing the ap-



proval of Areawide Housing Opportunity Plans, as defined in § 891.102(d). These Plans are a cooperative effort between an APO and Participating Jurisdictions within the Plan area for the development and implementation of a coordinated areawide strategy for the distribution of housing assistance in such a manner as to promote the program objective of increasing housing opportunities outside areas and jurisdictions containing undue concentrations of low income or minority households. The Plan is to serve as a comprehensive and consistent guide for the geographic distribution of housing assistance within the Plan area. If approved by HUD, the Plan will serve, to the extent practicable, as the basis for the distribution of all contract authority allocated by HUD pursuant to Subpart D of this Part within the Approved Plan area.

(b) In order to be approved, a Plan must meet each of the requirements set forth in §§ 891.503 and 891.504.

#### § 891.502 Role of the APO and Participating Jurisdictions.

(a) The role of the APO under this subpart shall include, but need not be limited to the following:

(1) Developing the Plan, including the needs assessment, distribution procedure, implementation strategies and other components of the Plan described in § 891.503;

(2) Consulting with Participating Jurisdictions in the development of needs assessments and housing assistance goals to ensure that the HAPs and the Plan are generally consistent;

(3) Submitting requests to the Secretary for approval of the Plan in accordance with § 891.505;

(4) Participating in the determination by HUD of the annual distribution of housing assistance among all jurisdictions (whether or not they are Participating Jurisdictions) within the Approved Plan area in accordance with § 891.507;

(5) Coordinating the Plan with the State A-95 clearinghouse(s) and other affected areawide clearinghouses, if any, in accordance with § 891.504(d);

(6) Providing the data used in the assessment of housing assistance needs under § 891.503(a) to local jurisdictions for use in preparing their HAPs;

(7) For jurisdictions with HAPs, coordinating the exchange of data developed at the areawide level with local data sources and development of common definitions of terms to be used in the HAPs;

(8) For jurisdictions without approved HAPs, developing an assessment comparable to that required in a HAP of housing assistance needs, annual and three year housing assistance goals, and general locations for proposed housing; and

(9) Securing agreements with Participating Jurisdictions on housing as-

sistance goals and implementation activities.

(b) The role of Participating Jurisdictions under this Subpart shall include, but need not be limited to the following:

(1) Administering all relevant programs affecting housing and community development so as to further the program objective;

(2) Cooperating with the APO in developing, adopting, and assisting in the implementation of a program or strategy to implement the Plan. For those Participating Jurisdictions with HAPs, this shall include establishing goals in their HAPs greater than those needed to meet existing and expected-to-reside needs in accordance with HUD requirements if such action is necessary to meet the program objective; and

(3) For Participating Jurisdictions with HAPs, cooperating with the APO in developing and using mutually agreed upon (i) sources of data, (ii) assessments of housing assistance needs and goals, and (iii) common definitions of terms in developing their HAPs.

#### § 891.503 Required contents of approvable plans.

(a) An areawide assessment, based upon reliable and uniform data using consistent definitions and sources, of the housing assistance needs of lower income households (including households displaced or to be displaced by governmental action). This assessment shall, as a minimum, indicate housing assistance needs by (1) household type (elderly and/or handicapped; family; large family), (2) housing tenure (owner and renter), (3) female heads of household and (4) minority households. In addition, the assessment shall indicate needs by household type and by housing tenure for each county and for each jurisdiction of over 25,000 population.

(b) A procedure for distributing housing assistance among all jurisdictions (including non-Participating Jurisdictions) within the Plan area in accordance with the program objective. The procedure shall reflect:

(1) The assessments of current needs developed in accordance with § 891.503(a);

(2) Current and projected (for at least three years) changes in the regional population and its distribution among jurisdictions in the Plan area, with particular emphasis on population data and trends applicable to lower income persons;

(3) An assessment of the number of those lower income households which could be expected to reside in each jurisdiction in the Plan area on the basis of current location of employment or future (for at least three years) employment opportunities and the need for spatial deconcentration in accor-

dance with the program objective (taking into account present and potential areas of undue concentration of low income and minority households within the Plan area).

(4) The present locations of assisted housing and jurisdictions with undue concentrations of such housing;

(5) For jurisdictions with HAPs, other pertinent data and factors identified in the HAPs of jurisdictions in the Plan area, such as rehabilitation resources, vacancies and those items identified in the HAPs as "limiting factors";

(6) The present or potential capacity of each jurisdiction in the area to accommodate assisted housing, based on appropriate factors such as land availability, actual and relative fiscal capacity among jurisdictions to provide necessary community facilities and services, etc.;

(7) Areawide policies for community development, economic development, growth, land use, transportation, and environmental protection which have been adopted or are being developed by the APO.

(c) Annual and three year percentage goals for the distribution of housing assistance which have been derived from the distribution procedure and which can be translated into numerical goals. Percentage goals shall be established as a minimum for each county and for each jurisdiction of over 25,000 population (whether or not it is a Participating Jurisdiction) within the Plan area. The goals shall address the needs identified in § 891.503(a). As a minimum, the three year goals shall be specific as to household type (elderly and/or handicapped, family, large family) and housing tenure (owner, renter). The annual and the three-year goals shall be specific as to housing type (new, rehabilitated, existing). The goals shall take into account all lower income housing assistance which is currently or potentially available through Federal, State, local or private programs. The goals identified in the Plan and those identified in the HAPs covering Participating Jurisdictions are to be generally consistent in terms of the annual and three-year goals by housing type and for the three year goals by household type.

(d) Identification of target jurisdictions for outreach activities based on interjurisdictional outreach goals.

(1) The Plan must identify jurisdictions (whether or not they are Participating Jurisdictions) within the Plan area to which the outreach activities required under § 891.503(f)(1)(iv) will be directed. As a minimum, the APO shall include as target areas each county and each jurisdiction over 25,000 population which have interjurisdictional outreach goals (by household type) based on the following calculation:

(i) The difference between the jurisdiction's three year percentage goal (§ 891.503(c)) and its relative percentage of the areawide housing assistance need (§ 891.503(a)) divided by (ii) the jurisdiction's three year percentage goal. For example, Community X has 10 percent of the areawide need for large families, and its percentage goal is fifteen percent of the housing assistance becoming available which might address this need. The outreach goal is determined by subtracting the needs percentage (10 percent) from the goals percentage (15 percent). The difference of five percent is divided by the goals percentage (15 percent). The result, 33 1/3 percent, is the outreach goal. If the jurisdiction's percentage of the areawide need is equal to or greater than its three year percentage goal, there need not be an outreach goal. However, such jurisdictions will be expected to affirmatively further fair housing on a general basis. If the three year percentage goal is higher than the jurisdiction's percentage of areawide need, then an outreach goal is indicated. In addition, the Plan may designate additional jurisdictions which should have outreach goals and activities to increase opportunities for non-residents.

(2) The Plan also shall establish outreach goals for each target jurisdiction. These goals may be determined by employing the calculation in paragraph (d)(1) of this section, or another methodology acceptable to HUD which establishes goals for outreach activities designed to provide access to housing opportunities for residents or jurisdictions with undue concentrations of low income or minority households.

(e) Identification and analysis of all known legal, administrative or other barriers (e.g., residency preferences or requirements, exclusionary zoning, etc.) which restrict the choice or otherwise hinder the fair and equal access of lower income households, particularly large families and minority, and female-headed households, to take advantage of available or potentially available housing opportunities (whether assisted or not) outside areas and jurisdictions which contain undue concentrations of low-income or minority households in the Plan area.

(f) Activities to implement the Plan.

(1) Implementation activities shall, at a minimum, include the following:

(i) Activities designed to remove legal, administrative or other barriers which limit housing opportunities identified in accordance with paragraph (e) of this section, such as the elimination of exclusionary zoning, removal of restrictive building codes or site plan requirements, development of areawide affirmative fair housing marketing goals and strategies, implementation of measures to increase the

efficiency of administrative processing of applications for building permits, etc.

(ii) Use of the APO's A-95 review powers to ensure that not only housing but other local and areawide activities which are subject to APO review under HUD regulations implementing OMB Circular A-95 support the program objective;

(iii) Activities to enlist the cooperation of existing PHAs (and/or efforts to create an areawide PHA or other entity) to operate programs designed to achieve the program objective;

(iv) Outreach activities to achieve the program objective for matching eligible families with suitable and available housing assistance resources, such as through an areawide housing information, referral, and counseling service. These outreach activities shall be directed towards achieving for each jurisdiction the outreach goal identified in accordance with § 891.503(d) in the occupancy of newly-available assisted housing distributed pursuant to the Plan.

(2) Other implementation activities may include, but need not be limited to, the following:

(i) Coordinating the use of supportive resources such as Community Development Block Grants or other Federal, State, or local funds for activities which will help implement the Plan, such as site acquisition and preparation, development of community facilities and supportive services, support of outreach to households in areas and jurisdictions of undue concentration to advise them of available housing opportunities, etc.;

(ii) Provision of technical assistance to PHAs or prospective developers and sponsors in identifying sites, obtaining financing, etc.;

(iii) Preparation and dissemination of areawide guides which identify housing opportunities for lower income households.

(iv) Development of programs involving the private sector (financial institutions, developers, realtors, local fair housing and civil rights groups, etc.) in activities to implement the Plan, such as affirmative marketing, expansion of loan or credit availability, etc.

(g) Evidence of agreement between the APO and each Participating Jurisdiction (or with a county on behalf of certain Participating Jurisdictions, as provided in § 891.504(a)) on the housing assistance goals established under paragraph (c) of this section and of agreement on implementation activities in accordance with paragraph (f) of this section.

(1) For Participating Jurisdictions with approved HAPs, this evidence shall include (i) general consistency of the goals in the HAP with the goals in the Plan (or a commitment to achieve

consistency as evidenced by a letter from the Chief Executive Officer on behalf of the governing body of the Participating Jurisdiction indicating the jurisdiction's intent to amend its HAP to be generally consistent with the Plan) and (ii) evidence of supportive community development or other implementation activities. In addition to the above, this evidence may include a narrative statement in Table III of the HAPs of Participating Jurisdictions requesting that a State or agency thereof (including HFDAs) submit applications for assistance for local government review and comment in accordance with § 891.201 of Subpart B of this part.

(2) For Participating Jurisdictions without approved HAPs, this evidence shall include (i) an individual written agreement from the Chief Executive Officer on behalf of the governing body of the Participating Jurisdiction or (ii) an equivalent demonstration of commitment to the program objective and implementation activities by the Participating Jurisdiction which is acceptable to the Secretary (e.g., through commitment of funds in support of implementation activities, removal of barriers to housing opportunities or the provision of lower income housing, or cooperation in efforts to meet the criteria for priority Approved Plans in § 891.606.)

#### § 891.504 Additional requirements for approvable Plans.

(a) The Plan shall apply to and include as Participating Jurisdictions at least fifty percent of the jurisdictions in the Plan area, and Participating Jurisdictions shall represent at least seventy five percent of the population of the Plan area. For the purposes of counting Participating Jurisdictions, in lieu of separate evidence of agreement with the APO required under § 891.503(g), any jurisdiction within a county which is a Participating Jurisdiction may be counted as a Participating Jurisdiction if (1) the county's agreement with the APO on percentage goals applies to that jurisdiction and there is a county-wide PHA, or the county has reached agreement on percentage goals and implementation activities with that jurisdiction and the Plan provides written evidence thereof; and (2) the agreement between the county and the APO specifies general locations for assisted housing within that jurisdiction if it is not covered by an approved HAP.

(b) The Plan shall have been approved by the governing body of the APO.

(c) The Plan must be accompanied by satisfactory evidence that it can be implemented. This evidence should include, but is not limited to, (1) the availability of sites for new construction or substantial rehabilitation,



where applicable, which are consistent with the program objective and which can meet the applicable housing program standards in those jurisdictions in which the Plan proposes the use of newly-constructed or rehabilitated housing; (2) developer/sponsor interest in programs for lower income housing (e.g., as evidenced by proposals in response to recent Notifications of Fund Availability or invitations for housing applications); (3) the willingness and ability of established PHAs to administer or otherwise participate where goals have been assigned for a program which requires the participation of a PHA, or actions taken by jurisdictions to establish PHAs or to negotiate agreements with existing PHAs to perform this function; (4) commitment of, or satisfactory progress in committing contract authority currently allocated to the Plan area (for the Section 8 Existing Housing Program, consideration shall be given to the occupancy status of approved programs in order to assess the absorption capacity of the Participating Jurisdiction); (5) where the Plan proposes use of the Section 8 Existing Housing Program, sufficient vacancies with adequate rents to support a feasible program consistent with the program objective; and (6) cooperation by Participating Jurisdictions in removing impediments to the provision of lower income housing which have been imposed by local governments.

(d) The Plan shall include evidence that it has been and will be coordinated with appropriate State and areawide agencies, including A-95 clearinghouses and HFDAs, to ensure general consistency of data on areawide needs between the Plan and any State or other areawide housing and housing-related plans applicable to all or part of the Plan area.

(e) The Plan shall include evidence that it has been and will be used in the A-95 review of all applications for community development, housing assistance and all other programs or activities which are subject to APO review under HUD regulations implementing OMB Circular A-95.

#### § 891.505 Procedures for submission of requests for Plan approval.

(a) Requests for Plan approval may be submitted to HUD at any time. The original copy of each request shall be submitted to the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development, 451 Seventh Street SW., Room 9100, Washington, D.C. 20410. In addition, two copies shall be addressed to the Regional Administrator serving the Plan area. In the event the Plan area is served by more than one Regional Office, the request shall be submitted to the Regional Office which serves the largest

geographical portion of the Plan area. All requests shall be submitted to each required addressee at the same time.

(b) Each request for Plan approval shall consist of:

(1) A letter of transmittal signed by the chief executive of the APO submitting the request;

(2) An index of all documents and materials submitted with the request;

(3) A statement which addresses the Plan's conformity to each of the requirements contained in §§ 891.503 and 891.504 and discusses how the Plan, including implementation activities, meets the program objective;

(4) A list of all jurisdictions within the Plan area, identification of Participating Jurisdictions; identification of jurisdictions covered by approved HAPs; and, identification of jurisdictions targeted for outreach activities with their specific outreach goals, determined in accordance with § 891.503(d). Specific outreach goals need not accompany requests for Plan approval submitted before June 30, 1978. However, all Requests submitted before that date must include a schedule for establishing such goals by June 30, 1978. Any Plans submitted after June 30, 1978 must contain outreach goals for each target jurisdiction;

(5) Identification of the relative degree of concentration of low income households and of minority households for each jurisdiction in the Plan area, and, if information is readily available, identification of areas of undue concentration within individual jurisdictions;

(6) A discussion of the methodology and sources of data used in assessing areawide housing assistance needs under § 891.503(a);

(7) A statement of the factors and overall strategy used to determine the household type and the suitability of housing type in establishing and assigning the percentage goals for each jurisdiction (or identifiable category of jurisdiction) in accordance with § 891.503(c);

(8) A narrative explanation of the process or procedures to be used by the APO to determine the geographic distribution that it will recommend be provided in accordance with the housing assistance goals identified in the Plan (i) in the event the amount of contract or budget authority made available within the Plan area is insufficient to accommodate the areawide goals in any fiscal year or (ii) in the event unanticipated resources from other sources become available.

(9) A discussion of the respective responsibilities of the Participating Jurisdictions for the implementation activities, including activities to be undertaken by the State and private agencies or organizations, as appropriate;

(10) For Participating Jurisdictions that are not covered by a HAP, the

general locations (by census tract or other appropriate subjurisdictional delineation) proposed for assisted housing in accordance with the percentage goals in § 891.503(c); for Participating Jurisdictions covered by approved HAPs, a discussion of whether the proposed locations identified in the HAP are consistent with the program objective and if not, what actions are planned to correct these inconsistencies in accordance with the program objective;

(11) A summary of the recent experience of jurisdictions within the Plan area with federally or non-federally assisted housing programs, including the status and amount of housing assistance (or the number of units provided with such assistance) received by each jurisdiction during the current federal fiscal year and each of the previous two fiscal years (broken down by housing type and by household type to the extent this level of detail is available);

(12) Where the Plan has been in effect for twelve or more months, the impact of the Plan on the distribution of housing assistance and its success in addressing the program objective within the Plan area since approval of the Plan, or an earlier version of the Plan, by the governing body of the APO;

(13) A description of the citizen participation process used in the development of the Plan, either in accordance with requirements under section 701 of the Housing Act of 1954 as amended or in accordance with State or local requirements, including a description of the opportunities for and the methods of participation that were available to public and private agencies and organizations;

(14) Copies of comments submitted by other areawide clearinghouses or a statement describing coordination activities undertaken in accordance with § 891.504(d).

(c) In lieu of a separate and distinct discussion of any or all of items required in subparagraphs (4) through (14) of this paragraph, the APO may, at its option, provide an index which refers to any other portion of the Plan or the request which specifically responds to these items.

(d) If a portion of the area served by an APO is also served by another APO and both submit a request in the same federal fiscal year, the area served by the APO with the smaller geographic area of coverage may be included in that of the APO with the larger geographic area of coverage for the purpose of submitting requests or for counting Participating Jurisdictions in accordance with § 891.504(a) if the Plan covering the area meets all applicable requirements under this Subpart. However, each Plan must meet all applicable requirements in order to

be considered independently for approval.

(e) Copies of approved HAPs need not be submitted with the request.

#### § 891.506 Review and approval of Plans.

(a) The Secretary shall review all Plans submitted to identify Approved Plans. Field Office Directors and Regional Administrators shall participate in this evaluation.

(b) The following factors shall be used to select Approved Plans:

(1) The conformity and overall quality of the Plan with respect to each of the requirements set forth in §§ 891.503 and 891.504.

(2) The extent to which the request is responsive to each of the submission requirements outlined in § 891.505.

(c) An Approved Plan shall serve, to the extent practicable, as the basis for the distribution of any contract authority allocated pursuant to Subpart D of this Part within the Approved Plan area. This approval shall be effective immediately and shall remain effective (1) until a subsequent or amended version of an Approved Plan has been approved by HUD in accordance with the procedures under this subpart or (2) for three federal fiscal years after the fiscal year in which the Plan is approved, or (3) until approval is withdrawn pursuant to § 891.506(e), whichever occurs first. Geographic distribution of housing assistance shall be made in consultation with the APO. The appropriate Regional Administrator(s) will assist in facilitating the determination of this distribution where an Approved Plan overlaps HUD Field Office Jurisdictions.

(d) Approval is subject to an annual HUD review of performance. This shall include, but need not be limited to, progress in implementing the Plan within available resources and the cooperation of Participating Jurisdictions in making necessary amendments to their HAPs and Community Development Block Grant programs to reflect the Approved Plan and the program objective.

(e) The Secretary reserves the right to suspend or withdraw approval of any Approved Plan at any time.

#### § 891.507 Use of Approved Plans by HUD.

(a) The Field Office Director shall (1) notify the APO of the total amount of contract and budget authority by program (as determined in accordance with Subpart D of this part) available to jurisdictions within the Plan area; (2) identify any statutory constraints on the use or distribution of the funds (e.g., metropolitan vs. non-metropolitan distribution, etc.); and (3) request that the APO submit recommendations for the distribution of this authority among jurisdictions in accordance with the goals in the Approved Plan within fif-

teen days of this notification. Recommendations shall be by county and for each jurisdiction of over 25,000 population. Any recommended distribution shall be of sufficient size to result in at least one economically feasible project or program.

(b) The Field Office Director shall consider the recommendations of the APO in distributing the initial and all subsequent allocations or reallocations of contract authority among Jurisdictions within the Approved Plan area during the term of approval. Selection and approval of specific projects or sites shall continue to be made by HUD in accordance with existing procedures for the applicable program.

(c) An Approved Plan shall be used in accordance with the above procedures at the time the first allocation is made to jurisdictions within the Approved Plan area, pursuant to Subpart D of this Part, after notification to the APO of Plan approval.

(d) The one and three-year goals in the Approved Plan may be used by any area jurisdiction in preparing its HAP pursuant to 24 CFR 570.303(c)(1).

3. Subpart F is added to read as follows:

#### SUBPART F—SPECIAL ALLOCATIONS BASED UPON APPROVED AREAWIDE HOUSING OPPORTUNITY PLANS

Sec.

891.601 Applicability and Scope.

891.602 Role of the APO and Recipient Jurisdictions.

891.603 FEDERAL REGISTER Notice.

891.604 Submission of Requests for Special Allocations.

891.605 Review and Selection Procedures.

891.607 Reporting Requirements.

AUTHORITY: Sec. (7)(d), Dept. of HUD Act (42 U.S.C. 3535(d)).

#### SUBPART F—SPECIAL ALLOCATIONS BASED UPON APPROVED AREAWIDE HOUSING OPPORTUNITY PLANS

##### § 891.601 Applicability and scope.

(a) This subpart describes the policies and procedures governing the review and selection by HUD of those Approved Plans (as defined in § 891.102(c) of subpart A of this part) which will serve as the basis for special allocations of contract and budget authority for use in the Approved Plan area. At the option of the APO, the special allocations may be limited to participating Jurisdictions.

(b) The Secretary, after considering all the pertinent factors under section 213 (d) of the Act, including such adjustments as may be necessary to assist in carrying out activities designed to meet lower income housing needs as described in approved HAPs, will determine the aggregate amount of contract authority by program to be used for special allocations.

(c) Priority shall be given to those Approved Plans which meet the great-

est number of the priority criteria set forth in § 891.606.

#### § 891.602 Role of the APO and Recipient Jurisdictions.

(a) The role of the APO under this Subpart includes, but need not be limited to (1) submitting requests on behalf of the APO and jurisdictions in the Plan area to the Secretary for special allocations in accordance with § 891.604; and (2) participating in the determination of the distribution of any special allocation among jurisdictions in the Approved Plan area.

(b) The role of the recipient Jurisdictions under this Subpart includes (1) working with the APO in developing and implementing activities to facilitate the implementation of the Approved Plan and the program objective and (2) facilitating construction or occupancy of housing provided with the special allocation.

#### § 891.603 Federal Register Notice.

(a) The Secretary shall publish a Notice in the FEDERAL REGISTER announcing (1) the amount of contract authority by program to be made available for special allocations during any fiscal year; and (2) the time, closing date, and address for submission of requests for the special allocations. The closing date for submission of requests shall not be sooner than 60 calendar days after publication of the Notice in the FEDERAL REGISTER.

(b) Each request shall be submitted in the number of copies and to the address required in the Notice and shall include the information required by § 891.604(b).

#### § 891.604 Submission of requests for special allocations.

(a) Requests for special allocations may be submitted at the same time as requests for approval of Plans under Subpart E (§ 891.505) and any materials required under paragraph (b) of this section which are being submitted simultaneously may be referenced.

(b) Each request for special allocation shall consist of:

(1) A letter of transmittal signed by the chief executive of the APO submitting the request;

(2) An index of any materials submitted with the request;

(3) Specific references to the Approved Plan (or a Plan submitted for approval under Subpart E) and other documentation, where appropriate, which respond to each of the priority criteria contained in § 891.606 and which provide examples of or discuss the Plan's conformity or lack of conformity with these criteria (in the case of §§ 891.606(a)(1), (a)(4), and if applicable, (a)(6), the specific activities, staff and dollar resources, achievements and, in the case of a counseling and referral program or a voluntary



agreement, whether there is a program to monitor or evaluate its success);

(4) The amount of special allocation requested and from which program(s) cited in the Notice under § 891.603;

(5) A statement as to how the APO would propose to use a special allocation of ten, thirty, and fifty percent of the contract authority made available within the Approved Plan area in accordance with Subpart D of this part during that same fiscal year as of the date of the FEDERAL REGISTER Notice (§ 891.603(a)) (or, if no contract authority has been made available, the most recent year in which contract authority was made available); the statement shall also indicate proposed Recipient Jurisdictions, type of households to be assisted (elderly and/or handicapped, family, large family) and type of housing (new, rehabilitated, existing);

(6) A discussion of the APO's view as to how a special allocation of contract authority can be committed within a reasonable time in proposed Recipient Jurisdictions in a manner consistent with the program objective. If a proposed special allocation includes Section 8 Existing Housing, this discussion shall include a statement as to the ability of PHAs in the proposed Recipient Jurisdiction(s) to achieve occupancy for these and any other uncommitted units within 12 months of execution of the Annual Contributions Contract in a manner consistent with the Plan and the program objective.

(7) If special allocations have been awarded in any previous fiscal year on the basis of the Plan or an earlier version of the Plan, a report on the distribution and status of these special allocations; recent activities undertaken in support of the Plan; and success in achieving the program objective.

(8) A narrative statement which describes how the APO will evaluate (i) the impact of the Plan and (ii) the effect of any special allocations received in achieving the program objective (including the number of households assisted or estimated to be assisted, if this information is readily available).

#### § 891.605 Review and selection procedures.

(a) The Secretary shall review all requests submitted in accordance with § 891.604 in consultation with Regional Administrators and Field Office Directors.

(b) Approved Plans to be selected as the basis for special allocations shall be determined by the Secretary on the basis of the following factors:

(1) The overall quality of the Plan with respect to each of the requirements for approvable Plans set forth in §§ 891.503 and 891.504 and the degree to which the Plan addresses the program objective.

(2) The extent to which the request is responsive to each of the requirements set forth in § 891.604(b).

(3) The number of priority criteria for special allocations met (§ 891.606).

(4) The amount of contract authority made available for special allocations.

(5) In the case of Plans or earlier versions of Plans previously selected as the basis for special allocations during any previous fiscal year, the impact of the Plan and prior special allocations and the progress made by the APO and Participating Jurisdictions in meeting additional priority criteria as indicated in the Report required in § 891.607, in the request, or from other information available to HUD.

(c) The amount of the special allocation provided on the basis of a single Approved Plan in any federal fiscal year shall not be less than 10 percent nor more than fifty percent of the contract authority made available for the applicable program within the Approved Plan area during that fiscal year in accordance with Subpart D of this part at the time of the announcement of the availability of special allocations in the Notice published in accordance with § 891.603 or, if no contract authority was made available, the most recent fiscal year in which contract authority was made available. Notwithstanding the fifty percent limitation stated above, the amount under any one program shall not be less than that required for an economically feasible project or program, as determined by the Field Office Director.

(d) The total amount of the special allocation of contract authority which may be awarded on the basis of any single Approved Plan shall not exceed twenty percent of the total amount of the special allocation by program available in that fiscal year in accordance with § 891.601(b).

(e) The total amount of the special allocation of contract authority awarded on the basis of Approved Plans (or an earlier version of a selected Approved Plan) which have been selected during any previous federal fiscal year as the basis for a special allocation shall not exceed two-thirds of the total amount of the special contract authority for the applicable housing assistance program unless the Secretary determines that there are no other Approved Plans which meet at least two of the priority criteria for special allocations set forth in § 891.606(a).

(f) Within the limitations of paragraphs (c), (d), and (e) of this section, the amount of the special allocation to be awarded on the basis of each selected Approved Plan shall be determined by the Secretary on the basis of the following factors:

(1) The overall quality of the Plan relative to the other Approved Plans selected in accordance with paragraph (b) of this section with respect to each of the requirements in §§ 891.503 and 891.504, and those 0priority criteria met under § 891.606(a) and the degree to which the Plan addresses the program objective;

(2) The number of Approved Plans selected as the basis for award of special allocations;

(3) The amount of housing assistance available for special allocations;

(4) The type of lower income households (elderly and/or handicapped, family, large family) and type of housing (new, rehabilitated, or existing) proposed to be assisted with the special allocation, its relation to the needs identified in § 891.503(a), and the proposed use of the special allocation as indicated in § 891.604(a)(5).

(5) The assessment of the ability of Recipient Jurisdictions to absorb additional housing assistance within a reasonable period of time.

(g) If contract authority from more than one housing assistance program is made available by the Secretary in any fiscal year in accordance with § 891.601(b), and the APO requests a special allocation from more than one program, the Secretary shall determine the program(s) from which the special allocation will be provided.

(h) After the total amount of the special allocation on the basis of each of the selected Approved Plans has been determined, each APO shall be advised of its selection or rejection. Selected APOs shall be advised of the amount of the special allocation which is to be made available on the basis authority can be expected to assist. Concurrently with or subsequent to this notification, the special allocation will be assigned to the Regional Administrators, who, in turn, will subassign it to those Field Offices with jurisdiction over the Approved Plan areas for distribution to Recipient Jurisdictions. The Field Office Director shall consult with the APO on the actual geographical distribution and program mix of units on the basis of the Approved Plan and other applicable administrative, regulatory or statutory requirements prior to inviting applications and proposals. To the extent practicable, the distribution and program mix shall be in accordance with the Approved Plan and the recommendations of the APO. If necessary, the appropriate Regional Administrator(s) will assist in facilitating this determination where an Approved Plan overlaps HUD Field Office jurisdictions.

#### § 891.606 Priority Criteria for Special Allocations.

(a) An Approved Plan must meet one or more of the following criteria to qualify for priority consideration for

special allocations. An APO whose Plan has previously been selected as the basis for the award of special allocations must meet or must demonstrate significant progress in meeting at least three of the following criteria to be considered for subsequent special allocation:

(1) The APO has established a program, has provided initial funding for the administration of a program, or is otherwise significantly participating or assisting a program which provides housing information, referrals, counseling, and related assistance to lower income and minority households desiring housing assistance outside areas and jurisdictions which contain undue concentrations of low income or minority households.

(2) To the extent that the Section 8 Existing Housing Program is used by Participating Jurisdictions, eligible families currently are permitted to use and are assisted in using their Section 8 Certificates of Family Participation in two or more Participating Jurisdictions (half of which do not have undue concentrations of low income households) representing at least 50 percent of the area population (e.g., through use of an area wide, regional or state public housing agency; through cooperation or other local administrative agreements which provide for inter-jurisdictional use of Section 8 Certificates of Family Participation among Participating Jurisdictions; through elimination of residency preferences or requirements for issuance of Section 8 Existing Certificates in Participating Jurisdictions which participate in the Section 8 Existing Housing Program; or through other administrative mechanisms acceptable to the Secretary which facilitate interjurisdictional moves under this program, etc.).

(3) Residency preferences or requirements for admission to Low-Income Housing have been eliminated in all Participating Jurisdictions by all PHAs administering a Low-Income Housing Program.

(4) The APO has taken an active role in combating discrimination on the basis of race, color, sex, religion, or national origin in the private housing market within the Plan area (e.g., through participating in the development or implementation of a currently operative voluntary areawide affirmative fair housing marketing agreement with HUD or a similar areawide fair housing marketing program.)

(5) The Plan includes as Participating Jurisdictions 75 to 100 percent of the jurisdictions in the Plan area.

(6) Any other activity or activities, as developed or administered by the APO and acceptable to the Secretary, that address the program objective.

(b) The criteria contained in paragraphs (a)(1) through (a)(5) of this section will be given equal consider-

ation in selecting Approved Plans to serve as the basis for award of special allocations. Consideration of any activity or activities identified by the APO in accordance with paragraph (a)(6) of this section will be at the discretion of the Secretary and will be determined on a case-by-case basis.

#### § 891.607 Reporting requirements.

(a) Each APO whose Approved Plan has been selected as the basis for a special allocation during or subsequent to federal fiscal 1977 shall submit to HUD a report which contains the following information:

(1) The actual distribution of the special allocation among jurisdictions by program and the number of households assisted or to be assisted as a result of the special allocation (for the Section 8 Existing Housing Program, by household type, by race and sex of head of household, and by previous jurisdiction of residence, if known);

(2) Any refinements, amendments, or upgrading or any of the elements of the Approved Plan;

(3) Actions taken by Participating Jurisdictions to implement or to support the implementation of the Plan (e.g., encouragement of developers-sponsors; zoning amendments; tax abatement programs; coordination of outreach to eligible families and owners of properties which qualify for the Section 8 Existing Housing Program; facilitation of interjurisdictional moves; reservation of water and sewer capacity for assisted housing; development and implementation of complementary Community Development Block Grant or other activities, etc.);

(4) Any increases or decreases in the total number of Participating Jurisdictions or in the number of Participating Jurisdictions covered by HAPs; and

(5) Action(s) taken to meet additional priority criteria contained in § 891.606.

(b) The report shall be submitted to the Field Office Director within eighteen months after the final determination by the Field Office Director and the APO of the geographic distribution of the special allocation in accordance with § 891.603(f) and shall, as a minimum, cover the first 12 months after this determination.

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C., December 27, 1977.

LAWRENCE B. SIMONS,  
Assistant Secretary for Housing,  
Federal Housing Commissioner.

[FR Doc. 78-1133 Filed 1-13-78; 8:45 am]



## NOTICES

[4210-01]

DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENTOffice of Assistant Secretary for Housing—  
Federal Housing Commissioner

[Docket No. N-77-834]

SPECIAL ALLOCATIONS BASED UPON AP-  
PROVED AREAWIDE HOUSING OPPORTUNI-  
TY PLANS

## Closing Date for Submission of Requests

Notice is hereby given that in accordance with 24 CFR Part 891, Subpart F, requests are being accepted from Areawide Planning Organizations (APOs) for special allocations of contract authority to be awarded to jurisdictions within their plan areas on the basis of Approved Areawide Housing Opportunity Plans (24 CFR Part 891, Subpart E). Subparts E and F of Part 891 are being published concurrently with this Notice.

The total amount of all special allocations shall not exceed \$30 million of contract authority under section 8 (including newly constructed, substantially rehabilitated, and existing housing) of the United States Housing Act of 1937 (42 U.S.C. 1437). The amount of the special allocation which may be provided on the basis of a selected Approved Plan shall not be less than 10 percent nor more than 50 percent of the section 8 contract authority made available within the approved plan area during the current fiscal year, or, if no contract authority has been made available, during the most recent fiscal year in which contract authority was made available. However, this amount shall not be less than that required for an economically feasible project or program in the opinion of the appropriate HUD Field Office Director. HUD will review and select approved plans in accordance with 24 CFR 891.605.

Requests for special allocations shall be submitted in accordance with the procedures set forth in 24 CFR 891.604. To receive consideration, the original of each request shall be submitted to:

Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development, 451 Seventh Street SW., Room 9100, Attn: HOP, Washington, D.C. 20410.

In addition, two copies of the request shall be addressed to the HUD Regional Office serving the APO's jurisdiction. If the APO is served by more than one regional office, the request shall be submitted to the office which serves the largest geographic portion of the Plan area.

All requests shall be postmarked by March 31, 1978, to receive consideration.

Issued at Washington, D.C., December 27, 1977.

LAWRENCE B. SIMONS,  
Assistant Secretary for Housing—  
Federal Housing Commissioner.  
[FR Doc. 78-1134 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. N-77-833]

SPECIAL ALLOCATIONS BASED UPON AP-  
PROVED AREAWIDE HOUSING OPPORTUNI-  
TY PLANSAvailability of Community Development Block  
Grant and Comprehensive Planning Assis-  
tance (701) Program Funds

Notice is hereby given that in order to further the implementation of approved areawide housing opportunity plans (approved plans) selected as the basis for special allocations of housing assistance pursuant to 24 CFR 891.605, special grants are being made available under the comprehensive planning assistance (701) program and the community development block grant areawide program.

In accordance with 24 CFR 570.404(b), community development block grants will be made to units of general local government which are participating jurisdictions in an approved housing opportunity plan. The total amount of these special allocations shall not exceed \$16,800,000, and will be available for eligible community development activities which facilitate the provision of occupancy of housing provided with housing assistance special allocations of contract authority made available pursuant to 24 CFR Part 891, Subpart F.

For those areawide planning organizations whose approved housing opportunity plans are selected as a basis for special allocations of housing assistance under subpart F, a total of \$800,000 in comprehensive planning assistance will be available for planning activities which will assist in the implementation of the approved housing opportunity plan.

Submission deadlines and procedures for participating jurisdictions' applications for community development block grants and for APOs' applications for comprehensive planning assistance to further implement these approved plans will be announced in a separate notice at a later date following the selection of the approved areawide housing opportunity plans.

Issued at Washington, D.C., January 6, 1978.

ROBERT EMBRY,  
Assistant Secretary for Commu-  
nity Planning and Develop-  
ment.

[FR Doc. 78-1135 Filed 1-13-78; 8:45 am]

MONDAY, JANUARY 16, 1978  
PART VIIDEPARTMENT OF  
TRANSPORTATION

## Coast Guard

DISTRICT BOUNDARIES  
REALIGNMENT, SECOND  
AND EIGHTH COAST  
GUARD DISTRICTS

## Description

Federal Register

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## [4910-14]

Title 33—Navigation and Navigable Waters  
CHAPTER I—COAST GUARD, DEPARTMENT OF  
TRANSPORTATION  
[CGD 77-167]

PART 3—COAST GUARD AREAS, DISTRICTS,  
MARINE INSPECTION ZONES, AND CAPTAIN  
OF THE PORT AREAS

District Boundaries Realignment, Second and  
Eighth Coast Guard Districts

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

**SUMMARY:** These amendments revise the description of the boundary between the Second and Eighth Coast Guard Districts and the descriptions of certain Marine Inspection Zones and Captain of the Port Areas in those Districts. This action is being taken so that the jurisdiction of the major portion of the proposed Tennessee-Tombigbee Waterway falls under the direct control of the Eighth District Commander. It is intended that this realignment will facilitate the management of aids to navigation, commercial vessel safety, bridge administration, marine environmental protection, and port safety programs.

**EFFECTIVE DATE:** These amendments are effective on February 1, 1978.

FOR FURTHER INFORMATION  
CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1477.

**SUPPLEMENTARY INFORMATION:** Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b), and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(d)(2).

DRAFTING INFORMATION

The principal persons involved in the drafting of these regulations are: Ensign George W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

Accordingly, Part 3 of Title 33 of the Code of Federal Regulations is amended:

1. By revising § 3.10-1(b) to read as follows:

§ 3.10-1 Second district.

(b) The Second Coast Guard District is comprised of Arkansas, West Virginia, Kentucky, Tennessee, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Wyoming, Colorado, Iowa, and Missouri; that part of Pennsylvania south of 41° N. latitude and west of 79° W. longitude; those parts of Ohio and Indiana south of 41° N. latitude; Illinois, except that part north of 41° N. latitude and east of 90° W. longitude; that part of Wisconsin south of 46°20' N. latitude and west of 90° W. longitude; that part of Minnesota south of 46°20' N. latitude; that part of Alabama north of 34° N. latitude; that part of Mississippi north of the southern boundaries of Washington, Sunflower, Leflore, Grenada, Calhoun, Chickasaw, Lee, Prentiss, and Tishomingo Counties, except that portion of the Tennessee-Tombigbee Waterway south of the Bay Springs Lock and Dam.

2. By revising § 3.10-40 to read as follows:

§ 3.10-40 Memphis Marine Inspection Zone.

(a) The Memphis Marine Inspection Office is in Memphis, Tenn.

(b) The Memphis marine inspection zone boundary starts at 38°30' N. latitude, 109° W. longitude; thence easterly to, but not including, LaCrosse, Kans.; thence easterly to, but not including, McPherson, Kans.; thence southeasterly to, but not including, Greenfield, Mo.; thence southeasterly to, but not including, Springfield, Mo.; thence easterly to, but not including, Cabool, Mo.; thence northeasterly to, but not including, Licking, Mo.; thence easterly to, but not including, Oak Ridge, Mo.; thence southeasterly to and including Benton, Mo.; thence southerly to and including Sikeston, Mo.; thence easterly to and including Bardwell, Ky.; thence southeasterly to 34° N. latitude, 88° W. longitude; thence westerly to the Alabama-Mississippi boundary at 34° N. latitude; thence northerly along the Alabama-Mississippi boundary to the southern boundary of Tishomingo County, Miss.; thence westerly and southerly along the southern boundaries of Tishomingo, Prentiss, Lee, Chickasaw, Calhoun, Grenada, Leflore, Sunflower, and Washington Counties, Miss.; thence westerly along the Arkansas-Louisiana boundary to the intersection of the Arkansas-Louisiana-Texas boundary; thence northerly along the Arkansas-Texas boundary to the north bank of the Red River; thence westerly along the north bank of the Red River to 100° W. longitude; thence northwesterly along the Texas-Oklahoma boundary to the intersection of the Texas-Oklahoma-New Mexico boundary; thence northerly along the Oklahoma-New Mexico boundary to the intersection of the Oklahoma-New Mexico-Colorado boundary; thence westerly along the Colorado-Utah boundary to 38°30' N. latitude.

boundary; thence westerly along the New Mexico-Colorado boundary to the intersection of the New Mexico-Colorado-Utah-Arizona boundary; thence northerly along the Colorado-Utah boundary to 38°30' N. latitude.

3. By revising § 3.10-80(b) to read as follows:

§ 3.10-80 Memphis Captain of the Port.

(b) The Memphis Captain of the Port area comprises all navigable waters of the United States and contiguous land areas with the following boundaries: Starting at 38°30' N. latitude, 109° W. longitude; thence easterly to, but not including, LaCrosse, Kans.; thence easterly to, but not including, McPherson, Kans.; thence southeasterly to, but not including, Greenfield, Mo.; thence southeasterly to, but not including, Springfield, Mo.; thence easterly to, but not including, Cabool, Mo.; thence northeasterly to, but not including, Licking, Mo.; thence easterly to, but not including, Oak Ridge, Mo.; thence southeasterly to and including Benton, Mo.; thence southerly to and including Sikeston, Mo.; thence easterly to and including Bardwell, Ky.; thence southeasterly to 34° N. latitude, 88° W. longitude; thence westerly to the Alabama-Mississippi boundary at 34° N. latitude; thence northerly along the Alabama-Mississippi boundary to the southern boundary of Tishomingo County, Miss.; thence westerly and southerly along the southern boundaries of Tishomingo, Prentiss, Lee, Chickasaw, Calhoun, Grenada, Leflore, Sunflower, and Washington Counties, Miss.; thence westerly along the Arkansas-Louisiana boundary to the intersection of the Arkansas-Louisiana-Texas boundary; thence northerly along the Arkansas-Texas boundary to the north bank of the Red River; thence westerly along the north bank of the Red River to 100° W. longitude; thence northwesterly along the Texas-Oklahoma boundary to the intersection of the Texas-Oklahoma-New Mexico boundary; thence northerly along the Oklahoma-New Mexico boundary to the intersection of the Oklahoma-New Mexico-Colorado boundary; thence westerly along the Colorado-Utah boundary to 38°30' N. latitude.

4. By revising § 3.40-1(b) to read as follows:

§ 3.40-1 Eighth district.

(b) The Eighth Coast Guard District is comprised of: New Mexico, Texas,

and Louisiana; that part of Mississippi south of the southern boundaries of Washington, Sunflower, Leflore, Grenada, Calhoun, Chickasaw, Lee, Prentiss and Tishomingo counties; the Tennessee-Tombigbee Waterway south of the Bay Springs Lock and Dam; that part of Alabama south of 34° N. latitude; those parts of Florida and Georgia west of a line starting at the Florida coast at 83°50' W. longitude; thence northerly to 30°15' N. latitude, 83°50' W. longitude; thence due west to 30°15' N. latitude, 84°45' W. longitude; thence due north to the southern bank of the Jim Woodruff Reservoir at 84°45' W. longitude; thence northeasterly along the eastern bank of the Jim Woodruff Reservoir and northerly along the eastern bank of the Flint River to Montezuma, Ga.; thence northwesterly to West Point, Ga.; and the Gulf of Mexico area west of a line bearing 199° T from the intersection of the Florida coast at 83°50' W. longitude (the coastal end of the Seventh and Eighth Coast Guard District land boundary).

5. By revising § 3.40-10(b) to read as follows:

§ 3.40-10 The Mobile Marine Inspection Zone and Captain of the Port.

(b) The boundary of the Mobile Marine Inspection Zone and Captain of the Port area starts at the Florida coast at 83°50' W. longitude; thence due north to 30°15' N. latitude, 83°50' W. longitude; thence due west to 30°15' N. latitude, 84°45' W. longitude; thence due north to the southern bank of the Jim Woodruff Reservoir at 84°45' W.

longitude; thence northeasterly along the eastern bank of Jim Woodruff Reservoir and northerly along the eastern bank of the Flint River to 32°20' N. latitude, 84°02' W. longitude; thence northwesterly to the intersection of the Georgia-Alabama boundary at 32°53' N. latitude; thence northerly along the Georgia-Alabama boundary to 34° N. latitude; thence due west to the Alabama-Mississippi boundary at 34° N. latitude; thence northerly along the Alabama-Mississippi boundary to the southern boundary of Tishomingo County, Miss.; thence westerly and southerly along the southern boundaries of Tishomingo, Prentiss, Lee, and Chickasaw Counties, Miss. to 89° W. longitude; thence due south to the southeastern bank of the Pearl River at 89° W. longitude; thence southwesterly along the southeastern bank of the Pearl River; thence southwesterly along the eastern bank of the Ross Barnett Reservoir; thence southerly along the eastern bank of the Pearl River to the sea.

(80 Stat. 383 (5 U.S.C. 552); sec. 1, 63 Stat. 503 (14 U.S.C. 92); sec. 1, 63 Stat. 545 (14 U.S.C. 632 and 633); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: January 6, 1978.

O. W. SILER,  
Admiral, U.S. Coast Guard  
Commandant.

[FR Doc. 78-1137 Filed 1-13-78; 8:45 am]



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